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Federal Register
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Tuesday, March 3, 1992

Presidential Documents

Title 3—

The President

Memorandum of February 18, 1992

Delegation Reporting Obligations Pursuant to Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991

Memorandum for the Secretary of Commerce

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the functions vested in me by section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25, 105 Stat. 111) relating to periodic reports to the Congress with respect to contracting for the rebuilding of Kuwait.

The functions delegated by this memorandum shall be exercised in coordination with the Secretary of State, the Army Corps of Engineers, and such other executive departments and agencies as you may deem appropriate.

You are authorized and directed to publish this memorandum in the **Federal Register.**

George Bush

THE WHITE HOUSE,
Washington, February 18, 1992.

[FR Doc. 92-5052
Filed 2-28-92; 2:43 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 57, No. 42
Tuesday, March 3, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: FINAL RULE.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule defining Pembina County, North Dakota, as an area of application to the Grand Forks, North Dakota, nonappropriated fund (NAF) Federal Wage System wage area. This will provide the basis for setting the pay for three new nonappropriated fund crafts and trades positions recently established at Cavalier Air Force Station in Pembina County.

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848 or (FTS) 266–2848.

SUPPLEMENTARY INFORMATION: On April 16, 1991, OPM published an interim rule to define Pembina County, North Dakota, as an area of application to the Grand Forks, North Dakota, NAF Federal Wage System wage area (56 FR 15274). The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. The interim rule is being adopted as a final rule.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

Accordingly, the interim regulations published on April 26, 1991 (56 FR 15274), are adopted as final without change.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92–4544 Filed 3–2–92; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF ENERGY

10 CFR Part 708

Criteria and Procedures for DOE Contractor Employee Protection Program

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: This rule establishes criteria and procedures for the investigation, hearing, and review of allegations from DOE contractor employees of employer reprisal resulting from (1) employee disclosure of information to the DOE, to members of Congress, or to the contractor, (2) employee participation in proceedings before Congress or pursuant to this rule, or (3) employee refusal to engage in illegal or dangerous activities, when such disclosure, participation, or refusal pertains to employer practices which the employee believes to be unsafe, to violate laws, rules, or regulations, or to involve fraud, mismanagement, waste, or abuse. This part is applicable to employees of DOE contractors and subcontractors performing work directly related to the activities of the DOE at DOE-owned or -leased sites. Contractors found to have discriminated against an employee in reprisal for such disclosure, participation, or refusal will be directed by the DOE to provide relief to the complainant.

EFFECTIVE DATE: This final rule is effective April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Juanita E. Smith or Armin Behr, Office of Contractor Human Resource Management, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9032 or (FTS) 896–9032, or Sandra L. Schneider, Deputy Assistant General Counsel for General Law, or June Davis, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8618 or (FTS) 896–8618.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

In the control and management of its production plants, research and development laboratories, test sites, and other Government-owned or -leased facilities, the DOE is responsible for safeguarding public and employee health and safety; ensuring compliance with applicable laws, rules, and regulations; and preventing fraud, mismanagement, waste, and abuse. To this end, the Secretary of Energy has taken vigorous action to assure that all such DOE facilities are well-managed and efficient, while at the same time operated in a manner that does not expose the workers or the public to needless risks or threats to health and safety. The DOE is endeavoring to involve both DOE and contractor employees in an aggressive partnership to identify problems and seek their resolution. In that regard, employees of DOE contractors are encouraged to come forward with information that in good faith they believe evidences unsafe, unlawful, fraudulent, or wasteful practices. Employees providing such information are entitled to protection from consequent discrimination by their employers with respect to compensation, terms, conditions, or privileges of employment.

Currently, there are certain statutory proscriptions against employer reprisal. For example, section 11(c) of the Occupational Safety and Health Act of 1970 (OSHA), Public Law 91–596, prohibits employers from discharging or in any manner discriminating against an employee because the employee has filed a complaint or caused to be instituted a proceeding under the Act relating to occupational safety and health. 29 U.S.C. 660(c). As a general rule, the Department of Labor (DOL) enforces the provisions of the occupational safety and health laws. However, in a 1974 agreement between DOL and DOE's predecessor agency, the Atomic Energy Commission (AEC), the AEC was recognized as possessing

express statutory authority to prescribe enforceable regulations and orders to provide health and safety protection in connection with any authorized AEC activities. (This would include the activities of DOE contractors at nuclear facilities owned or leased by the Government and operated by contractors.) As set forth in the agreement, section 4(b)(1) of OSHA (29 U.S.C. 653(b)(1)) and sections 161b. and 161i.(3) of the Atomic Energy Act of 1954 (42 U.S.C. 2201b. and 2201i.(3)) make the provisions of OSHA inapplicable to the working conditions of AEC contractor employees working in Government-owned or -leased, contractor-operated (GOCO) facilities. The agreement recognized that "AEC issues safety and health standards and enforces those standards under its contractual authority pursuant to the AEC statute." (These provisions would not be applicable to the non-nuclear facilities subsequently transferred to, or statutorily established in, DOE.)

There also exists in current law a "whistleblower" protection provision specifically applicable to Nuclear Regulatory Commission (NRC) licensees. Section 210 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) affords reprisal protection to employees of licensees of the NRC who testify, assist, or otherwise participate in proceedings designed to carry out the purposes of the Atomic Energy Act or the Energy Reorganization Act. The Department of Labor performs the adjudicative functions in section 210 proceedings. In that regard, an issue has arisen as to whether reprisal complaints made by DOE contractor employees and subcontractor employees are cognizable under the procedures set forth in section 210. In connection with several complaints of reprisal filed by employees of DOE contractors, the jurisdictional issue has prompted administrative litigation resulting in a determination by the Secretary of Labor that DOL lacks jurisdiction over DOE contractor-operated facilities, and that section 210 applies to NRC licensees only.

In view of its recognized jurisdiction over complaints of reprisal from employees of its contractors at facilities formerly operated by the AEC and the Energy Research and Development Administration, the DOE established an administrative mechanism to deal with complaints of reprisal by such employees. Under the existing procedure (which has been in effect since shortly after the inception of the DOE), a contractor employee who believes that he or she has been the object of reprisal by his or her employer with regard to disclosures involving health and safety issues in the workplace may file a complaint with the cognizant manager or head of the DOE facility involved (Head of Field Element), who is authorized to investigate and resolve the complaint. The current procedure, however, does not identify specific fact-finding procedures and makes no provision for an on-the-record hearing or review of the Head of Field Element's decision.

Accordingly, in order to assure workplace conditions at DOE facilities that are harmonious with safety and good management, the DOE intends to improve the current procedures for resolving complaints of reprisal by establishing procedures for independent fact-finding and hearing before a Hearing Officer at the affected DOE field installation, followed by an opportunity for review by the Secretary or designee. These new procedures are intended to be available to those contractor employees who allege health and safety violations, but are not covered by the DOL procedures. In addition, contractor employees who allege employment reprisal resulting from the disclosure of information relating to waste, fraud, or mismanagement, or from the participation in proceedings conducted before Congress or pursuant to this rule, or from the refusal to engage in illegal or dangerous activities, may also utilize these procedures regardless of whether they are covered by the health and safety protection procedures of DOL. This rule is not intended to cover complaints of reprisal stemming from or relating to other types of discrimination by contractors, such as discrimination on the basis of race, color, religion, sex, age, national origin, or other similar basis.

The procedures set forth in this notice resemble the procedures currently utilized by DOL in adjudicating complaints of reprisal filed under section 210 of the Energy Reorganization Act, but are tailored to the unique needs of DOE and its relationship with the contractors to which the rule will apply. The rule enlarges and clarifies current DOE policy by specifically providing that the reprisal protections apply to contractor and subcontractor employees who report what they, in good faith, believe to be a violation of law, rule, or regulation; a substantial and specific danger to public health or safety; or fraud, mismanagement, gross waste of funds, or abuse of authority. In addition, the rule protects employees who (1) participate in proceedings before Congress, (2) participate in proceedings conducted pursuant to the rule, or (3) refuse to engage in illegal or dangerous activities. The rule is designed to provide an appropriate administrative remedy if a prohibited reprisal is found to have occurred.

II. Organization

The proposed rule (published in the **Federal Register** (55 FR 9326) on March 13, 1990) was organized chronologically, from the filing of the complaint to the eventual implementation by the Head of Field Element of the final decision of the DOE.

Section 708.5 lists the types of activities for which employees are to be protected from employer reprisal. Section 708.6 sets forth the procedures to be followed for filing complaints of reprisal, and specifies the requisite contents of a complaint. Section 708.7 sets forth a 30-day time period in which the Head of Field Element or designee shall attempt an informal resolution of a complaint filed under § 708.6. Section 708.7 also sets forth the procedure for forwarding the complaint to the Director of a newly created office, the Office of Contractor Employee Protection (Director), for a preliminary determination of whether it should be summarily dismissed.

Section 708.8 sets forth the responsibility of the Director to track complaints and notify parties of their rights under the rule. It allows for dismissal of a complaint for stated reasons under certain procedures and permits any party to apply to the Secretary or designee for review of an order of dismissal. Section 708.8 also sets forth the procedures for an independent investigation, delineates the authority of the investigator to conduct the investigation, and specifies the required content of the Report of Investigation.

Section 708.9 describes the procedures for an on-the-record hearing at the DOE field installation. The rule permits a party, within 15 days of receipt of the Report of Investigation, to request a hearing on the complaint. Upon receipt of a request for a hearing, the Director is required to transmit the file to the DOE Office of Hearings and Appeals for appointment of a Hearing Officer.

Section 708.10 provides that the Director will issue the initial agency decision in cases where no hearing is requested. If a hearing is held, § 708.10 requires the Hearing Officer to issue the initial agency decision. In making initial agency decisions, the Director and Hearing Officer may rely upon, but are not bound by, the Report of Investigation. Initial agency decisions may be appeale_ to the Secretary or designee.

Section 708.11 establishes the responsibility of the Secretary or designee for conducting a review of the entire record at the request of any party, and for issuing a final decision, including an order for appropriate remedy if violations are found to have occurred. The liability for costs incurred by the contractor in implementing the order issued by the Secretary or designee will be consistent with the provisions of the Department of Energy Acquisition Regulations (DEAR) and the Federal Acquisition Regulations. In this regard, a Final Rule, published in the **Federal Register** on June 19, 1991 (56 FR 28099), and amended on August 12, 1991 (56 FR 38174) and on August 26, 1991 (56 FR 41962), modified the DEAR with respect to certain contracting practices relating to cost allowability for some profit-making management and operation contractors.

Under the provisions of the DOE's contracts with the contractors to which this rule will apply, the Head of Field Element is required by § 708.12 to implement the final decision of the DOE under the rule. The original § 708.13 providing protections against conflicts of interest by the Head of Field Element when participating in a complaint under this rule has been eliminated in view of the new provisions assigning the decision-making responsibility to the Director or the Hearing Officer. Section 708.13 (former § 708.14) requires contractors to inform their employees of the Contractor Employee Protection Program set forth in this rule. Proposed § 708.15 (now § 708.14) has been modified to provide that the Secretary of Energy may, if he deems it in the public interest, refer any complaints filed pursuant to this rule to other Federal agencies for investigation and factual determination. Proposed § 708.16 (now § 708.15) has been modified to permit the Secretary or designee to extend the time frames set forth in the rule. Conforming amendments to the DEAR, as necessary, will be proposed by a separate rulemaking.

III. Public Comment

The proposed rule was published in the **Federal Register** (55 FR 9326) on March 13, 1990. Interested persons were invited to submit written comments and a public hearing was held in Washington, DC, on May 4, 1990. The DOE received 19 pieces of correspondence: 7 from contractor employees and employee interest groups; 7 from contractors and contractor associations; and 5 from members of Congress. One individual appeared in person to speak at the public hearing. The comments addressed the following areas of concern:

A. Authority

Comments received questioned the DOE's authority to promulgate this rule. This rule is issued pursuant to the broad authority granted the agency by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2201), the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5814 and 5815), and the Department of Energy Organization Act, as amended (42 U.S.C. 7251, 7254, 7255, and 7256) to prescribe such rules and regulations as necessary or appropriate to protect health, life, and property and the otherwise administer and manage the responsibilities and functions of the agency. Subpoena authority is specifically vested in the Secretary (and may be delegated to his duly authorized agents) by section 645 of the Department of Energy Organization Act, as amended (42 U.S.C. 7255).

B. Scope of the Rule

Comments received respecting the scope of the rule fell into the following categories: (1) Extension of the rule's applicability to all subcontractors; (2) expansion of the rule's protection to cover disclosures made to contractors, labor unions, citizen groups, the press, State and Federal regulatory officials, and members of Congress; (3) extension of the rule to protect employees who are subject to disciplinary action for refusal to engage in illegal or dangerous activities; (4) clarification of whether the rule is applicable to disclosures of security violations; and (5) clarification of the rule's coverage of employees who have "participated" in proceedings under this part 708.

1. Extension of the Rule to Cover Employees of all Subcontractors

Correspondence received in response to the request for comment on extension of the rule to cover employees of subcontractors at all tiers tended to support such an extension on grounds that the interests protected under the rule are equally valid for employees of all subcontractors. Comments stating that the rule should not be extended to all tiers of subcontractors reasoned that such a rule would be difficult to administer, that it would result in reluctance on the part of subcontractors to do work under DOE prime contracts, and that it would make it difficult to meet DOE goals of placing a fair proportion of acquisitions with small businesses and small disadvantaged businesses. The DOE believes that the health and safety of all contractor employees is of utmost importance and overrides enforcement and administrative difficulties that could be incurred in extending the rule to second- and lower-tier subcontractors. In consideration of these comments, § 708.4 has been amended to make the rule applicable to contractors at all tiers, and the exclusion for contracts not exceeding $25,000 has been deleted.

2. Disclosures Made to Parties Other than DOE

Comments were received advocating expansion of the rule's protection to cover, in addition to disclosures made to DOE, in-house disclosures made to the complainant's employer, and disclosures made to labor unions, citizen groups, the press, State and Federal regulatory officials, and members of Congress.

The DOE encourages cooperation between employees and management to achieve the goals of safe and efficient operations of DOE facilities, and views such cooperation as imperative. This is reflected in the requirement of § 708.6 that an employee exhaust internal company remedies to the extent possible prior to filing a complaint under this part. Internal company remedies include procedures provided for in negotiated collective bargaining agreements.

The DOE has determined to afford protection to employees who have made disclosures to contractors. Disclosures to contractors will include quality assurance reports and other similar reports made in the course an employee's job responsibilities. Due to the responsibility of the Congress for oversight of the Executive Branch, § 708.5(a)(1) also has been amended to include disclosures made to members of Congress within the scope of the rule's protection.

A fundamental purpose of this rule is to encourage individuals to feel free to disclose to the DOE information relative to health and safety problems or mismanagement at DOE-owned or -leased facilities so that the DOE can take corrective action. The DOE does not believe that disclosures to other parties fosters this objective. Additionally, the DOE believes that extension of this rule to employees making disclosures to other parties could unduly complicate these procedures with evidentiary problems respecting whether a disclosure had actually been made. A factual issue of this sort could allow the rule to be used as a vehicle by disgruntled employees to shield themselves from adverse

personnel action merely by alleging that a disclosure had been made. Consequently, for the reasons stated, the DOE is reluctant to extend protection under this part to disclosures made to other parties.

Thus, with the exception of disclosures made to members of Congress and disclosures to contractors, the DOE believes it is inappropriate to expand the rule as suggested. Employees who wish to be protected against contractor reprisal for calling attention to problems regarding health and safety, fraud, mismanagement, waste, and abuse, or any other matter covered by this rule, must disclose the problem to DOE, to a member of Congress, or to the contractor. A disclosure to any higher tier contractor will also satisfy the disclosure requirement of the rule. Disclosures to DOE can be accomplished by contacting, telephonically, in writing, or otherwise, the responsible health and safety officer at DOE field offices, the DOE Headquarters Office of Environment, Safety and Health, the DOE Headquarters Office of Nuclear Safety, or the DOE Office of Inspector General. Employees making protected disclosures to DOE may request confidentiality.

The DOE believes that circumstances may occasionally arise whereby a disclosure does not fall within the scope of the rule, but the DOE, for equitable reasons, may wish to extend coverage of the rule. Accordingly, at the discretion of the Director, complaints of reprisal which do not fall within the scope of the rule may be accepted if, after careful consideration of the circumstances surrounding such a complaint, the DOE determines that acceptance of the complaint is equitable and furthers the purpose of the rule. However, in no event will coverage under the rule be extended to employees of contractors over whom DOE does not exercise enforcement authority with respect to the requirements of this rule. The determination to accept a complaint for equitable reasons will be made on a case by case basis. A decision by the Director to reject such a complaint may be appealed to the Secretary or designee.

3. Protection of Employees Refusing to Participate in Illegal or Dangerous Activities

Comment was received stating that the rule should be extended to protect employees who refuse to participate in illegal or extremely dangerous activities. The DOE agrees, and § 708.5 has been amended to extend the protection of the rule to employees who refuse to participate in illegal activities or in activities which a reasonable person would believe pose a serious danger to the employee, other employees, or the public (provided such dangerous activity is not within the scope of the employee's employment responsibilities). Before refusing to participate in the illegal or dangerous activity, the employee must attempt through the contractor to correct the violation or eliminate the danger. If such attempt is unsuccessful and the employee refuses to participate in the illegal or dangerous activity, the employee, within 30 days following such refusal, must report the violation or dangerous activity to DOE, a member of Congress, or the contractor, and must explain the reasons why the employee believed the activity to be illegal or dangerous and thus justified a refusal to participate in the activity.

4. Disclosures Regarding Security Violations

Comment was received inquiring whether the protections afforded by the rule would extend to employees disclosing information respecting improper adherence to security requirements. Since the rule protects employees disclosing information pertaining to violations of laws, rules, or regulations, an employee disclosing a security matter evidencing a violation of law, rule, or regulation would be covered by the rule. The DOE believes the rule does not require amendment in this regard.

5. Protection of Employees Who Have "Participated" in Proceedings

Comment was received stating that § 708.5(a)(2), which affords protection to employees who have "participated" in proceedings under this part 708, should be expanded to also include those who "initiate" or "assist" in proceedings under part 708. It was not the DOE's intention to exclude from the protection of this rule employees who initiate or assist in proceedings under this part. In fact, the DOE intends that the term "participated," as used in § 708.5(a)(2), be liberally construed to include those who have initiated, assisted, or in any other manner "participated" in proceedings under part 708. The term "participated" should not, however, be construed to include those employees who, without taking some overt action toward that end, have merely demonstrated an intent to participate in such proceedings. Whether an employee has "participated" in a proceeding under part 708 shall be determined on a case-by-case basis, taking into consideration all of the facts and circumstances involved.

Comment was also received stating that the protection afforded employees who have "participated" in proceedings under part 708 should be extended to include employees who testify in court, or before Congress or other Federal agencies. As discussed above, the DOE is reluctant to offer protection to employees for disclosures made to parties other than DOE, members of Congress, or contractors. For reasons paralleling those discussed above, and with the exception of testimony before Congress, the DOE believes it inappropriate to expand the rule as suggested. Section 708.5(a) has been amended to extend the rule to cover employees who have participated in proceedings before Congress.

C. Implementation and Review

Comments were also received addressing the internal nature of the procedures set forth for the investigation, hearing, and review of complaints. It was suggested by commenters representing employees, as well as commenters representing contractors, that the Head of Field Element, the Secretary, and the DOE are not impartial parties with respect to contractor-employee matters. With respect to this issue, commenters have suggested that (1) DOE be removed from involvement with the administration and enforcement of the contractor employee protection rule and such responsibility be transferred to DOL; (2) an independent investigator be appointed and the Head of Field Element be removed from involvement; (3) administrative law judges be utilized in lieu of Hearing Officers; and (4) the final decision of the DOE be subject to judicial review.

1. DOE's Involvement

The DOE is intimately involved with and is ultimately responsible for operations at its facilities, and deems conditions that jeopardize health and safety, violate any laws, rules or regulations, or involve fraud, mismanagement, waste, or abuse to be directly counterproductive to such operations. The DOE, therefore, is highly interested in all matters pertaining to operations at its facilities, and believes that it is the appropriate agency to administer the Contractor Employee Protection Program set forth in this rule. The DOE does not agree that it lacks the impartiality necessary to assure that both the employee and the contractor are afforded a fair investigation and hearing.

Although DOL oversees the "whistleblower" protection program for

employees of licensees of NRC facilities, the relationship between the NRC and its licensees is far less direct than the relationship between DOE and its contractors. The NRC is merely a regulatory agency not responsible for the daily supervision of the operations of its licensees, and the work of licensees is not conducted at Federal facilities under contract with the Government. DOE contractors, on the other hand, are performing services for DOE, at DOE-owned or -leased facilities, and at DOE expense. Thus, DOE has a proprietary responsibility with respect to services performed by its contractors. It is reasonable, therefore, that the NRC should refer complaints of employment discrimination made by licensee employees to DOL, and that DOE should retain jurisdiction over such complaints when brought against a DOE contractor. Moreover, it is highly questionable whether DOE, in the absence of specific statutory authority, may legally transfer such responsibility to another Federal agency. For those cases where deemed appropriate, the rule allows the Secretary to request that other Federal agencies investigate the complaint and make the factual determinations upon which the Secretary's final decision will be based.

2. Involvement of the Head of Field Element

The DOE has adopted, in part, the suggestion that the Head of Field Element be removed from involvement in the processing of complaints under this rule. The final rule transfers the responsibilities previously delegated by the proposed rule to the Head of Field Element to the Director of a newly created Office of Contractor Employee Protection but preserves the Head of Field Element's involvement in attempts at informal settlement. This change removes decision making responsibilities from the Head of Field Element and delegates them to a DOE Headquarters office responsible directly to the Secretary or designee. DOE believes all parties will be better served by this amendment by removing any real or perceived conflict of interest existing under the proposed rule. The newly created Office of Contractor Employee Protection will also be responsible for assigning an investigator to review allegations of reprisal.

The DOE believes that the Head of Field Element can play an important role in the informal resolution of employee complaints of reprisal. DOE views precautions that ensure health and safety of employees and the public and that safeguard against mismanagement, waste or abuse, as well as compliance with applicable laws, rules, and regulations, to be the direct responsibility of line management. Consequently, DOE looks to the Head of Field Element to be accountable for acts of reprisal stemming from such matters and believes such person's direct involvement in the informal resolution of allegations of reprisal to be both necessary and appropriate.

3. Hearing Officer

Comment was received stating that Administrative Law Judges (ALJs) should be used in lieu of Hearing Officers. Although not required, the rule does not preclude the appointment of an ALJ or other Federal official to perform the duties of the Hearing Officer. As an administrative detail, the rule has been revised to allow utilization of Hearing Officers appointed by the Director of the DOE Office of Hearings and Appeals. The Office of Hearings and Appeals is a DOE Headquarters office with a staff of professional hearing officers experienced in the conduct of complex adjudicatory proceedings. For cases adjudicated before a Hearing Officer, the Hearing Officer will issue the initial agency decision.

4. Judicial Review

Comments were received stating that the provision of § 708.12(b) exempting final orders from judicial review under the Contract Disputes Act is improper and in violation of the Wunderlich Act. Disagreements regarding issues arising under a complaint and respecting whether discrimination in violation of § 708.5 has occurred, and decisions issued pursuant to this part, will not constitute disputes or claims arising under or relating to a contract and, therefore, will not give rise to a claim under the Contract Disputes Act. However, circumstances could arise whereby matters involving implementation of final decisions issued pursuant to the rule become involved in a claim under the Contract Disputes Act. For example, a contractor's disagreement, and refusal to comply, with a final decision under the rule, could result in a contracting officer's decision to disallow certain costs or terminate the contract for default. In such case, the contractor could file a claim under the disputes procedures of the contract respecting the decision to disallow or terminate. Section 708.12(b) has been amended to clarify this point.

Other comments objected to the lack of access to judicial review by claimants dissatisfied by the outcome of a proceeding under this part. Jurisdiction over such matters, however, cannot be established by a rulemaking.

D. Time Frames

Comments were received stating that the 30-day period provided in proposed § 708.6(c) (§ 708.6(d) of the final rule), within which a complaint must be filed, should be extended to 180 days because employees are often unaware of the remedies available to them and may not fully appreciate the ramifications of an employer's actions until several months have passed. The DOE has considered this comment, and agrees in part and disagrees in part. The proposed rule provided that the 30-day limitation period begins to run from the day the alleged discriminatory act occurred *"or was discovered"* (emphasis added). Thus, under some circumstances, the discovery of the negative impact of a personnel action not blatantly discriminatory, might reasonably not arise until several months (or more) subsequent to the action itself and could delay the running of the limitations period so that the limitations period could extend well beyond 180 days from the occurrence of the discriminatory act. Additionally, the limitations period is tolled for any period during which the employee is attempting resolution of his complaint through an internal company grievance procedure.

The date on which a discriminatory act occurred and the date on which it was discovered are factual issues to be determined on a case-by-case basis at the time a complaint is filed. The DOE believes that a 180-day limitations period running from the time an employee knew, or should have known, of the discriminatory act is excessive and would make the investigation of complaints more difficult as memories grow dimmer with the passage of time. Nevertheless, the DOE believes that a 30-day limitations period may in some circumstances be unduly short. In light of these considerations, proposed § 708.6(c) (§ 708.6(d) of the final rule) has been amended to require that complaints be filed within 60 days after the alleged discriminatory act occurs, or within 60 days after the employee knew, or reasonably should have known, that the alleged discriminatory act occurred, whichever is later.

E. Procedural Matters

1. Rules of Evidence

Comment was received stating that formal rules of evidence should be used, and suggesting that the modified Federal Rules of Evidence set forth at 29 CFR part 18 be followed. The DOE disagrees.

These proceedings are intended to be administrative in form and nature and are not intended to emulate formal trial proceedings. The DOE believes it would be unfair and overly burdensome to those not represented by counsel to require compliance with any formal rules of evidence, including the modified Federal Rules of Evidence. In the interest of achieving justice both expeditiously and without undue expense, the regulation states that formal rules of evidence shall not apply. It is intended, however, that formal rules of evidence be used as a guide, and language has been added to proposed § 708.9(d) (§ 708.9(c) of the final rule) to reflect this.

2. Post-Hearing Briefs

Comment was received stating that the rights of the parties to submit post-hearing briefs should not be subject to the discretion of the Hearing Officer. The DOE disagrees. The parties may submit written closing arguments for inclusion in the administrative record and all briefs or statements filed before or during the proceeding will be included in the record. The DOE believes that an expeditious resolution of a complaint benefits both the employee and the contractor. This can best be accomplished by allowing post-hearing briefs only when, in the discretion of the Hearing Officer, circumstances warrant the submission of additional material.

3. Burden of Proof

Comment was received suggesting that the complainant's burden of proof should be clarified. The DOE agrees and a new § 708.9(d) has been added to provide that the employee's burden is to demonstrate that the employee in fact did one of the acts described in § 708.5 (*i.e.*, disclosed information relating to a violation of law or regulation, evidencing a health or safety danger, or evidencing matters involving mismanagement, gross waste of funds, or abuse of authority; participated in a Congressional proceeding or a proceeding under this part; or refused to engage in an illegal or dangerous activity) and that such act was a contributing factor in a discriminatory act taken or intended to be taken against the employee. The burden then shifts to the contractor to demonstrate by clear and convincing evidence that the same personnel action would have been taken absent the employee's protected activity.

4. Security Measures

Comment was received suggesting that the rule be clarified to indicate that appropriate safeguards will be implemented to address circumstances involving Restricted Data or national security information. The DOE agrees and § 708.6(f) has been added for that purpose. Comment was also received criticizing the language of § 708.5(b) which limits protection of the rule to those disclosures that are not specifically prohibited by law or specifically required by Executive Order to be kept secret. In response to this comment, § 708.5(b) has been reworded to clarify that the rule is not intended to override provisions of any regulations pertaining to classified or sensitive information, and protections will not be available to persons who, in the course of making disclosures otherwise protected under the rule, make improper disclosures of Restricted Data, national security information, or any other classified or sensitive information protected by Executive Order, statute, or regulation.

F. Interaction With Other Systems of Dispute Resolution

Comments were received suggesting that the rule in effect would interpose the DOE in all contractor-employee disciplinary and performance based actions, and that the rule could be used by disgruntled employees as a shield against disciplinary action stemming from substandard performance. Comments were also received urging that the rule be made inapplicable to those contractors with internal company "whistleblower" protection programs in existence. In contrast, comments were received urging deletion of proposed § 708.6(b) (§ 708.6(c) of the final rule) which would require employees to certify that internal company grievance procedures have been exhausted, are ineffectual, or do not exist.

The DOE believes that contractors should have the managerial discretion to deal with employee disciplinary matters as they deem appropriate, and that contractors with effective employee protection programs should have the opportunity to address and resolve complaints of reprisal internally. The DOE recognizes, however, that in certain instances company procedures are not a substitute for Federal administrative procedures. Accordingly, the DOE believes that § 708.6(c) appropriately requires that internal company procedures be utilized when available, and that the rule as a whole does not excessively encroach upon the contractor's right to exercise managerial discretion. The DOE believes that the affirmation requirement of § 708.6(c) strikes a proper balance in protecting the rights of both the contractor and the employee. It ensures that contractors desiring to address such complaints internally can secure that opportunity by implementing appropriate internal procedures. At the same time, the rule protects the employee by allowing for an exception where pursuit of internal remedies would be futile or would expose the employee to additional employer reprisals. The affirmation requirement is intended to encourage employees and contractors to work together, when possible, to resolve their concerns. Further, although the complainant is required to include a statement respecting the employee's use of internal company procedures, as well as other specific information, the affirmation requirement should not be interpreted to require that the complaint itself be in any specific form. The language of § 708.6(c) has been amended for clarification.

Comment was received inquiring into the use of information gleaned through internal investigations or other proceedings by the contractor in its attempt to resolve the complaint internally. The DOE intends that investigations and other proceedings conducted pursuant to this part be *de novo*. However, any information collected or documents prepared by the contractor pursuant to internal resolution attempts shall be subject to the same inspection by the investigating officer as any other evidence probative of whether a violation of § 708.5 has occurred.

Additionally, some commenters inquired as to the interaction of the proposed rule with "whistleblower" programs implemented pursuant to State or other applicable law. It is not the DOE's intention that this rule should in any way limit an employee's right to pursue remedies available under State or other applicable law. However, it is also not the DOE's intention to give employees a forum in which to relitigate complaints that have been resolved after investigation and a full evidentiary hearing. Therefore, a new § 708.6(a) has been added to require that in those circumstances when redress is available under State or other applicable law, the employee must make an exclusive election of remedies. If an employee files a complaint pursuant to State or other applicable law before or concurrently with the filing of a complaint with DOE, the DOE shall not accept jurisdiction over the complaint. If, subsequent to the filing of a complaint with DOE, an employee, pursuant to State or other applicable law, files a complaint with respect to the same subject matter, the limitations

period for the filing of a complaint as set forth in § 708.6(d) will be suspended and the complaint pursuant to this part shall be immediately dismissed. If, however, an employee elects to pursue a remedy available under State or other applicable law, and it is later determined that the State or other tribunal has no jurisdiction, the employee may reinstitute or initially file a timely complaint with DOE. The pursuit of a remedy under a negotiated collective bargaining statement will not be considered the pursuit of a remedy under State or other applicable law and will not foreclose the employee's right to file a complaint under this part. Proposed § 709.6(a)–(d) has been modified accordingly and redesignated § 708.6(b)–(e).

G. Remedies

Comments were received addressing the remedies available to an employee under the proposed rule. It was suggested that, in addition to the remedies listed, the rule should allow a transfer preference, an option to retire for employees meeting certain age requirements, and interim relief (such as temporary reinstatement) pending final resolution of the complaint. For those cases in which discrimination against an employee in reprisal for a protected disclosure is found to have occurred, the rule aims to make the employee whole by restoring such employee to the position in which he or she would otherwise have been, absent the act(s) of reprisal, in a manner similar to other "whistleblower" protection rules. It is not the intention of the DOE to make available to the employee options which would not otherwise have been available to that employee. The DOE believes that to require certain employees be granted the option of early retirement would be an overly intrusive interference in management prerogatives. On the other hand, the DOE believes that there are circumstances for which a transfer preference or the granting of interim relief may be reasonable and appropriate, and § 708.10(c)(3) has been added and § 708.11(c) has been amended to allow for the inclusion of these remedies.

Comment was also received questioning whether the DOE would require the contractor to take action against employees found to have been involved in the discriminatory action. As stated above, the purpose of this rule is to restore employees subject to acts of reprisal to the position in which they would otherwise have been absent such discriminatory action. The DOE believes that it is within the contractor's managerial responsibility and discretion to address disciplinary matters associated with employees found to have participated in discriminatory conduct.

H. Allowability of Costs

Comment was received suggesting that the rule address whether, and to what extent, the costs of relief awarded a complainant, including attorney and expert-witness fees, as well as the contractor's costs of defending against a complaint, should be allowable costs under a Management and Operating contract. The DOE disagrees. Allowability of costs incurred as a result of this part is a procurement issue and will be determined in accordance with the Federal Acquisition Regulations, the DOE's Acquisition Regulation (DEAR), and contract provisions. Certain issues relating to allowability of costs were the subject of a Final Rule amending the DEAR, published in the **Federal Register** on June 19, 1991 (56 FR 28099), and amended on August 12, 1991 (56 FR 38174) and on August 26, 1991 (56 FR 41962). That rule could affect the reimbursability of costs incurred by contractors in complying with this part.

I. Frivolous Complaints

Comment was received criticizing the provisions of proposed § 708.8 which allow the Head of Field Element and the DOE to decline to accept complaints for processing under this rule. The DOE believes that, if early in the administrative process complaints are determined to be frivolous or without merit, they should be dismissed. To require full implementation of all protections and proceedings provided by the rule when a case is clearly frivolous would be an unwarranted waste of taxpayer money. However, the DOE has amended the rule to remove the authority of the Head of Field Element to dismiss a complaint. Thus, if the Head of Field Element, based on his review of the complaint, believes that a complaint should be summarily dismissed under any of the criteria set forth in § 708.8, he must forward the complaint to the Director who will make that determination. This amendment has been adopted in order to promote administrative efficiency and fairness. On the other hand, because the DOE also believes that an employee who has filed a complaint should be given the benefit of any doubt as to the validity of the matters alleged therein, and that a complaint should not be dismissed as frivolous unless it is blatantly so on its face, all orders declining to process or dismissing complaints are subject to review by the Secretary. Proposed § 708.8(b)–(e) has been redesignated § 708.8(c)–(f). Proposed § 708.8(b) (§ 708.8(c) of the final rule) has also been amended to clarify that the complainant may file a written request for review by the Secretary or designee of the Director's decision to dismiss a complaint.

Comment was also received advocating the imposition of penalties or sanctions for submission of malicious or false complaints. The DOE believes that exposing the employee to potential penalties and sanctions would operate to discourage employees from coming forward with information pertaining to unsafe, unlawful, fraudulent, or wasteful practices, without fear of retribution. Consequently, the DOE finds the imposition of administrative penalties to be contrary to the purpose of the Contractor Employee Protection Program. This rule does not, however, affect the applicability of criminal penalties under 18 U.S.C. 1001 and 1621 for knowingly and willfully making false, fictitious or fraudulent statements or representations.

J. Other Comments

1. Duplication of Existing Procedures

Comment was received stating that the rule duplicates existing DOE procedures. The DOE disagrees. Although the DOE Inspector General has authority to investigate allegations of waste, fraud, and abuse, that oversight authority is not a substitute for a program designed to protect employees who conscientiously bring such matters to the DOE's attention.

2. Mandatory Training Sessions

Comment was received stating that contractors covered by the rule should be required to conduct training sessions to familiarize employees with the Contractor Employee Protection Program. The DOE disagrees. Although the DOE encourages such training, the DOE believes that this is a matter appropriately left to managerial discretion. The rule requires that information pertaining to this program be visibly posted in conspicuous places, and the DOE believes that this strikes a balance between the need to communicate information regarding this program to employees and the contractor's right to manage its business.

3. Applicability to Owners, Officers, and Employees of the Contractor

Comment was received inquiring whether the rule applied to a contractor as a business entity, or to the owners, officers or employees of a contractor.

The final rule defines "contractor" as "a seller of goods or services who is a party to a procurement contract * * *." Since the contractor is typically the business entity itself, whether it be a corporation, partnership, or other form of business, which is "party to a procurement contract," the DOE intends by this definition that the rule will be applicable to the business entity, and that it will be the business entity that is a party to any proceedings under the rule.

4. Definition of "Discrimination"

Comment was received stating that the rule should be modified to contain a more precise definition of the term "discrimination." The DOE disagrees. In defining the term "discrimination," the DOE relied upon other employee protection regulations and statutes and listed those types of adverse personnel actions commonly encountered. As the definition indicates by the phrase "or other similar negative actions taken," the adverse actions listed is not intended to be an exclusive listing.

IV. Provisions of the Final Rule

The DOE is adopting the provisions set forth in the Notice of Proposed Rulemaking with the changes noted above. In addition, the following amendments have been made:

1. Section 708.2 has been amended to reflect that the rule is applicable as of its effective date to complaints of reprisal filed after that date which stem from disclosures, participations, or refusals involving health and safety matters, provided the underlying procurement contract described in § 708.4 contains a clause requiring compliance with all applicable safety and health regulations and requirements of DOE (48 CFR 970.5204–2). For all other complaints, the rule is applicable to acts of reprisal occurring after the effective date if the underlying procurement contract described in § 708.4 contains a clause requiring compliance with this part. The DOE intends to amend the Department of Energy Acquisition Regulation to require that all DOE contracts and subcontracts contain a provision requiring compliance with this part.

Section 708.2 has also been amended to clarify that the rule does not cover complaints of reprisal stemming from, or relating to, other types of discriminat on by contractors such as discrimination on the basis of race, color, religion, sex, age, national origin, or such other similar basis.

2. Definitions have been revised or added to § 708.4 for "contractor," "Director," "day," "employee," "Head of Field Element," "party," and "work performed on-site."

3. Section 708.6(c) has been changed to clarify the fact that a complaint need not be in any specific form as long as it sets forth the specific information required.

4. Section 708.8 (a) and (b) has been amended to require that upon the Director's decision to refuse or dismiss a complaint, written notification to the Secretary must occur within 15 days of the Director's receipt of the file and a copy of the notice must be provided to the complainant. Section 708.8(a) of the final rule also contains language, previously found in § 708.7(c), requiring the Director, rather than the Head of Field Element, to notify parties of their right to an investigation and a hearing with respect to complaints which have not been dismissed or settled. Proposed § 706.8(b) (§ 708.8(c) of the final rule) has been amended to allow for automatic reinstatement of a complaint if there is a determination that the matter cannot be resolved under State or other applicable law due to a lack of jurisdiction.

5. Proposed § 708.8(c) (§ 708.8(d) of the final rule) has been amended to clarify that the authority granted the investigator to review documents and places, question persons, and require the production of other evidence, is for the specific purpose of determining whether a violation of § 708.5 has occurred.

6. Proposed § 708.9(b) has been redesignated § 708.10(a), and has been amended to require the Director to issue the initial agency decision in cases where no hearing is requested. The content of the initial agency decision is also specified.

7. Section 708.9(i) has been amended to allow the Hearing Officer to make adverse findings upon the failure of a party to attend a hearing or to comply with a lawful order of the Hearing Officer.

8. Section 708.9(j) has been amended to clarify that a Hearing Officer's order to dismiss a claim, defense, or party may be appealed to the Director for reconsideration.

9. Proposed § 708.10(a) and (b) has been redesignated § 708.10(b) and (c).

10. For purposes of clarification, the phrase "DOE-owned or -leased facilities" has been substituted for the phrase "DOE-owned or -controlled facilities," and the phrase "Head of Field Element" has been substituted for the term "Manager."

V. Procedural Requirements

A. Executive Order 12291

Under Executive Order 12291, agencies are required to determine whether regulations are "major" as defined in the Order and therefore subject to the requirement of a Regulatory Impact Analysis. DOE has reviewed this rule and has determined that it is not a major rule for the following reasons: This rule will not have an annual effect of $100 million or more on the economy; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. DOE submitted this notice to the Office of Management and Budget (OMB) for review. OMB has concluded its review.

B. Regulatory Flexibility Act

In accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, DOE finds that sections 603 and 604 of the said Act do not apply to this rule because, if promulgated, the rule will affect only DOE contractors and subcontractors performing on-site at Government-owned or -leased facilities, and will not have a significant economic impact on a substantial number of small entities.

C. National Environmental Policy Act

There is no impact on the human environment under this proposed rule. It is an employee-relations mechanism and deals only with administrative procedures regarding reprisal protection for employees of DOE contractors and subcontractors. Accordingly, DOE has determined that this is not a major Federal action with significant impact upon the quality of the human environment and, therefore, preparation of an environmental assessment or an environmental impact statement is not required.

D. Paperwork Reduction Act

Any paperwork burden imposed by the proposed regulation will be minor and will be within the authority granted by OMB Control Number 1910–0600.

E. Federalism

The principal impact of this regulation will be on government contractors and their employees. The regulation is unlikely to have a substantial direct effect on the States, the relationship between the States and the Federal government, or the distribution of power and responsibilities among various levels of government. No Federalism assessment under E.O. 12612 is required.

List of Subjects in 10 CFR Part 708

Energy, Government contracts; Health and Safety; Reprisal; Waste, Fraud, and Mismanagement; Whistleblower.

Issued in Washington, DC, on February 25, 1992.

Berton J. Roth,

Acting Director, Office of Procurement, Assistance and Program Management.

For the reasons cited above, part 708 is added to chapter III of title 10 of the Code of Federal Regulations as set forth below:

PART 708—DOE CONTRACTOR EMPLOYEE PROTECTION PROGRAM

Subpart A—General Provisions

Sec.

708.1 Purpose.
708.2 Scope.
708.3 Policy.
708.4 Definitions.

Subpart B—Procedures

708.5 Prohibition against reprisals.
708.6 Filing a complaint.
708.7 Attempt at informal resolution.
708.8 Acceptance of complaint and investigation.
708.9 Hearing.
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Authority: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254 7255, and 7256.

Subpart A—General Provisions

§ 708.1 Purpose.

This part establishes procedures for timely and effective processing of complaints by employees of contractors performing work at sites owned or leased by the Department of Energy (DOE), concerning alleged discriminatory actions taken by their employers in retaliation for the disclosure of information relative to health and safety, mismanagement, and other matters as provided in § 708.5(a), for the participation in proceedings before Congress or pursuant to this part, or for the refusal to engage in illegal or dangerous activities.

§ 708.2 Scope.

(a) This part is applicable to complaints of reprisal filed after the effective date of this part that stem from disclosures, participations, or refusals involving health and safety matters, if the underlying procurement contract described in § 708.4 contains a clause requiring compliance with all applicable safety and health regulations and requirements of DOE (48 CFR 970.5204–2). For all other complaints, this part is applicable to acts of reprisal occurring after the effective date of this part if the underlying procurement contract described in § 708.4 contains a clause requiring compliance with this part.

(b) This part is applicable to employees (defined in § 708.4) of contractors (defined in § 708.4) performing work on-site at DOE-owned or -leased facilities, unless the procedures contained in 29 CFR part 24, "Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes," are applicable. The procedures of this part 708 do not apply to contractor employees at government-owned, government-operated facilities, or to complaints of reprisal stemming from, or relating to, discrimination by contractors on a basis such as race, color, religion, sex, age, national origin, or other similar basis not specifically discussed herein. The protections afforded by this part are not applicable to any employee who, acting without direction from his or her employer, deliberately causes, or knowingly participates in the commission of, any misconduct set forth in § 708.5 that is the subject of the disclosure.

(c) For complaints not covered by § 708.5(a), the Director, at his discretion and for good cause shown, may accept a complaint for processing under this part. However, in no event will coverage under the rule be extended to employees of contractors over whom DOE does not exercise enforcement authority with respect to the requirements of this part. A determination by the Director not to accept a complaint pursuant to this subsection may be appealed to the Secretary of designee.

§ 708.3 Policy.

It is the policy of DOE that employees of contractors at DOE facilities should be able to provide information to DOE, to Congress, or to their contractors concerning violations of law, danger to health and safety, or matters involving mismanagement, gross waste of funds, or abuse of authority, to participate in proceedings conducted before Congress or pursuant to this part, and to refuse to engage in illegal or dangerous activities without fear of employer reprisal. Contractor employees who believe they have been subject to such reprisal may submit their complaints to DOE for review and appropriate administrative remedy as provided in §§ 708.6 through 708.11 of this part.

§ 708.4 Definitions.

For purposes of this part—

Contractor means a seller of goods or services who is a party to a procurement contract as follows:

(1) A Management and Operating Contract;

(2) Other types of procurement contracts; but this part shall apply to such contracts only with respect to work performed on-site at a DOE-owned or -leased facility; or

(3) Subcontracts under paragraphs (1) or (2) of this definition; but this part shall apply to such subcontracts only with respect to work performed on-site at a DOE-owned or -leased facility.

Day or *days* mean(s) calendar day(s).

Director means, unless otherwise indicated, the Director, Office of Contractor for Employee Protection.

Discrimination or *discriminatory acts* mean(s) discharge, demotion, reduction in pay, coercion, restraint, threats, intimidation, or other similar negative action taken against a contractor employee by a contractor, as a result of the employee's disclosure of information, participation in proceedings, or refusal to engage in illegal or dangerous activities, as set forth in § 708.5(a) of this part.

Employee or *employees* mean(s) any person(s) employed by a contractor, and any person(s) previously employed by a contractor if such prior employee's complaint alleges that employment was terminated in violation of § 708.5. The determination of whether a person has standing as an employee shall be made without regard to the on- or off-site locale of the person's work performance.

Field organization means a DOE field-based office that is responsible for the management, coordination, and administration of operations under its purview.

Head of Field Element means an individual who is the manager or head of a DOE operations office, other field office, or field organization.

Hearing Officer means an individual appointed by the Director, Office of Hearings and Appeals, pursuant to § 708.9.

Management and Operating Contract means an agreement under which DOE contracts for the operation, maintenance, or support, on its behalf, of a Government-owned or -leased research, development, special production, or testing establishment

wholly or principally devoted to one or more of the programs of DOE.

Official of DOE means any officer or employee of DOE whose duties include program management or the investigation or enforcement of any law, rule, or regulation relating to Government contractors or the subject matter of a contract.

Party or *parties* mean(s) any employee, contractor, or other party named in a proceeding under this part.

Work performed on-site means work performed within the boundaries of a DOE-owned or -leased facility. However, work will not be considered to be performed "on-site" when pursuant to the contract it is the only work performed within the boundaries of a DOE-owned or -leased facility, and it is ancillary to the primary purpose of the contract (*e.g.*, on-site delivery of goods produced off-site).

Subpart B—Procedures

§ 708.5 Prohibition against reprisals.

(a) A DOE contractor covered by this part may not discharge or in any manner demote, reduce in pay, coerce, restrain, threaten, intimidate, or otherwise discriminate against any employee because the employee (or any person acting pursuant to a request of the employee) has—

(1) Disclosed to an official of DOE, to a member of Congress, or to the contractor (including any higher tier contractor), information that the employee in good faith believes evidences—

(i) A violation of any law, rule, or regulation;

(ii) A substantial and specific danger to employees or public health or safety; or

(iii) Fraud, mismanagement, gross waste of funds, or abuse of authority;

(2) Participated in a Congressional proceeding or in a proceeding conducted pursuant to this part; or

(3) Refused to participate in an activity, policy, or practice when—

(i) Such participation—

(A) Constitutes a violation of a Federal health or safety law; or

(B) Causes the employee to have a reasonable apprehension of serious injury to the employee, other employees, or the public due to such participation, and the activity, policy, or practice causing the employee's apprehension of such injury—

(*1*) Is of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude there is a *bona fide* danger of an accident, injury, or serious impairment of health or safety resulting from participation in the activity, policy, or practice; and

(*2*) The employee is not required to participate in such dangerous activity, policy, or practice because of the nature of his or her employment responsibilities;

(ii) The employee, before refusing to participate in an activity, policy, or practice has sought from the contractor and has been unable to obtain a correction of the violation or dangerous activity, policy, or practice; and

(iii) The employee, within 30 days following such refusal, discloses to an official of DOE, a member of Congress, or the contractor, information regarding the violation or dangerous activity, policy, or practice, and explaining why he has refused to participate in the activity.

(b) An employee disclosure, participation, or refusal described in § 708.5(a) (1), (2), or (3) shall be subject to this part only if it relates to activities alleged to have occurred under work performed by the contractor for DOE. This part is not intended to override any other provision or requirement of any regulation pertaining to Restricted Data, national security information, or any other classified or sensitive information, and the protections of this part shall not apply to any person who, in the course of making a disclosure described in § 708.5(a) (1) or (3), or in the course of participating in a proceeding described in § 708.5(a)(2), improperly discloses Restricted Data, national security information, or any other classified or sensitive information in violation of any Executive Order, statute, or regulation.

§ 708.6 Filing a complaint.

(a) An employee who believes that he or she has been discriminated against in violation of this part, and who has not, with respect to the same facts, pursued a remedy available under State or other applicable law, may file a complaint with DOE through the Head of Field Element at the field organization. For purposes of this part, a complaint shall be deemed to have been pursued under State or other applicable law if the employee has, pursuant to proceedings established or mandated by State or other applicable law, at any time prior to, or concurrently with, the filing of a complaint with DOE, or at any time during the processing of a complaint filed with DOE, filed or submitted any complaint, action, grievance, or other pleading with respect to that same matter. The pursuit of a remedy under a negotiated collective bargaining agreement will be considered the pursuit of a remedy through internal company grievance procedures and not the pursuit of a remedy under State or other applicable law. The limitations period specified in § 708.6(d) shall be suspended upon the filing of a complaint pursuant to State or other applicable law, and the mere filing of a complaint pursuant to State or other applicable law shall not bar the employee from re-instituting or filing a complaint with DOE if the matter cannot be resolved under State or other applicable law due to a lack of jurisdiction.

(b) The Head of Field Element may designate an individual to serve as point of contact for processing the complaint and for undertaking the responsibilities under § 708.7.

(c) A complaint filed under paragraph (a) of this section need not be in any specific form provided it is signed by the complainant and contains the following: A statement setting forth specifically the nature of the alleged discriminatory act, and the disclosure, participation or refusal giving rise to such act; a statement that the complainant has not, as described in paragraph (a) of this section, pursued a remedy available under State or other applicable law; and an affirmation that all facts contained in the complaint are true and correct to the best of the complainant's knowledge and belief. Additionally, the complaint must contain a statement affirming that:

(1) All attempts at resolution through an internal company grievance procedure have been exhausted;

(2) The company grievance procedure is ineffectual or exposes the complainant to employer reprisals; or

(3) The company has no such procedure.

The complaint must state the factual basis for such affirmation; and, if applicable, the date on which internal company grievance procedures were terminated and the reasons for termination.

(d) A complaint filed pursuant to paragraph (a) of this section must be filed within 60 days after the alleged discriminatory act occurred or within 60 days after the complainant knew, or reasonably should have known, of the alleged discriminatory act, whichever is later. In cases where the employee has attempted resolution through internal company grievance procedures as set forth in paragraph (c) of this section, the 60-day period for filing a complaint shall be tolled during such resolution period and shall not again begin to run until the day following termination of such dispute-resolution efforts.

(e) Within 15 days of receipt of a complaint filed pursuant to paragraph (a) of this section, the Head of Field Element or designee shall notify:

(1) The contractor, person, or persons named in the complaint, and

(2) The Director, of the filing of the complaint.

A copy of the complaint shall be forwarded to the Director.

(f) Any person or party responsible for the conduct of any investigation or proceeding pursuant to this part shall ensure that appropriate safeguards are implemented to accommodate circumstances involving Restricted Data, national security information, or any other classified or sensitive information protected by Executive Order, statute, or regulation.

§ 708.7 Attempt at informal resolution.

(a) The Head of Field Element or designee shall have 30 days from the date of receipt of a complaint in which to attempt an informal resolution of the complaint, prior to the initiation of a formal investigation. To this end, the Head of Field Element or designee may attempt to resolve the complaint through consultation and negotiation with the parties involved. If the Head of Field Element or designee has cause to believe the complaint might not meet the requirements of this part, within 5 days from the date of receipt of the complaint, the Head of Field Element or designee shall forward the complaint to the Director, without comment and without notice to any party, for a determination of whether attempts at informal resolution should be continued or the complaint should be dismissed summarily under any of the criteria set forth in § 708.8. If the Director determines to dismiss the complaint summarily, the complaint shall be dismissed and the parties notified pursuant to the procedures set forth in § 708.8. If the Director determines not to dismiss the complaint summarily, he shall, within 15 days from the date he received it, so advise the Head of Field Element or designee and return the complaint to the Head of Field Element or designee, who shall thereupon have 30 days to attempt informal resolution of the complaint.

(b) If informal resolution is reached, the Head of Field Element or designee shall enter into a settlement agreement which terminates the complaint. The terms of such agreement shall be reduced to writing and made part of the complaint file, with a copy provided to all parties. Any such agreement shall be binding on the parties.

(c) If informal resolution cannot be reached, the Head of Field Element or designee shall immediately notify the Director and provide the file to the Director with a brief summary of the attempts at resolution.

§ 708.8 Acceptance of complaint and investigation.

(a) Unless the Director determines that:

(1) The complaint has been settled under § 708.7,

(2) The complaint is untimely,

(3) The complaint or disclosure is frivolous or on its face without merit,

(4) The complainant has pursued a remedy available under State or other applicable law, or

(5) The complaint, for other good cause shown, should not be processed under this part, the Director, within 5 days of receipt of the file from the Head of Field Element or designee, shall notify the parties in writing that an investigation will be conducted under § 708.8 and of their right to a subsequent hearing under § 708.9.

Within 15 days of receipt of the file from the Head of Field Element or designee, the Director shall appoint an investigator and order an investigation of the complaint. If the Director declines to process a complaint for investigation, the Director shall notify the Secretary or designee within 15 days of receipt of the file from the Head of Field Element or designee. The notification shall be in writing and shall set forth the specific reasons for such refusal. A copy of such notice shall be sent to the Head of Field Element and shall be delivered by certified mail to the complainant and the contractor.

(b) If based upon information acquired during investigation of a complaint, the Director determines the existence of grounds for dismissal of the complaint, as set forth in § 708.8(a), the Director, within 15 days of receipt of the file from the investigator, shall dismiss the complaint and notify the Secretary or designee. The notification shall be in writing and shall set forth the specific reasons for such dismissal. A copy of such notice shall be sent to the Head of Field Element, and shall be delivered by certified mail to the complainant and the contractor.

(c) If the Director dismisses a complaint pursuant to paragraph (a) or (b) of this section, the administrative process is terminated unless within 5 calendar days of receipt of the notice required under paragraph (a) or (b) of this section, the complainant files a written request with the Director for review by the Secretary or designee. Copies of any request for review shall be served by the complainant on all parties by certified mail, and the Director shall promptly send a copy to the Secretary. If the Secretary or designee determines that the complaint should be considered further, the Secretary or designee shall order the Director to reinstate the complaint and resume the administrative process. If, pursuant to either paragraph (a) or (b) of this section, a complaint has been dismissed because the complainant has pursued a remedy available under State or other applicable law, the complaint, upon written request by the complainant, will be subject to automatic reinstatement if the matter cannot be resolved under State or other applicable law due to a lack of jurisdiction.

(d) In conducting an investigation under this part, the investigator, for the purpose of determining whether a violation of § 708.5 has occurred, may enter and inspect places and records (and make copies thereof), may question persons alleged to have been involved in discriminatory acts and other employees of the charged contractor, and may require the production of any documentary or other evidence deemed necessary. The contractor shall cooperate fully with the investigator in making available employees and all pertinent evidence, including records.

(e) To the extent practicable, investigations under this part shall be conducted in a manner that protects the confidentiality of any person (other than the complainant) who requests leave to provide information on a confidential basis. Confidentiality shall not be extended to any persons who in the course of their employment, or due to the nature of their position, are required to provide such information, and all grants of confidentiality shall be subject to waiver by the Hearing Officer if the Hearing Officer determines that waiver is necessary to achieve a fair adjudication of the case. The investigator shall advise all persons to whom confidentiality is granted that such grant of confidentiality is conditional, not absolute.

(f) The investigator, within 60 days of appointment, shall submit a Report of Investigation to the Director. The Report of Investigation shall become a part of the record and shall state specifically a finding, and the factual basis for such finding, with respect to each alleged discriminatory act. Within 10 days of receipt of the Report of Investigation, the Director shall serve it on the parties involved by certified mail.

§ 708.9 Hearing.

(a) Unless a complaint has been dismissed pursuant to § 708.8, within 15 days of receipt of the Report of Investigation, a party may, in writing, request a hearing on the complaint. Upon the request of one of the parties

for a hearing, the Director shall transmit the complaint file to the Office of Hearings and Appeals.

(b) Upon receipt of the complaint file from the Director, the Director, Office of Hearings and Appeals shall appoint, as soon as practicable, a Hearing Officer to conduct a hearing and shall transmit to the Hearing Officer a copy of the file, including the Report of Investigation. The Hearing Office shall, within seven days following receipt of the complaint file, notify the parties of a day, time, and place for the hearing. Hearings will normally be held at or near the appropriate DOE field organization, within 60 days from the date the complaint file is received by the Hearing Officer unless the Hearing Officer determines that another location would be more appropriate, or unless the complaint is earlier settled by the parties.

(c) In all proceedings under this part, the parties shall have the right to be represented by a person of their own choosing. Formal rules of evidence shall not apply, but shall be used as a guide for application of procedures and principles designed to assure production of the most probative evidence available. The Hearing Officer may exclude evidence which is immaterial, irrelevant, or unduly repetitious. The Hearing Officer is specifically prohibited from initiating or otherwise engaging in *ex parte* discussions on a complaint matter at any time during the pendency of the complaint proceeding under this part.

(d) The complainant shall have the burden of establishing by a preponderance of the evidence that there was a disclosure, participation, or refusal described under § 708.5, and that such act was a contributing factor in a personnel action taken or intended to be taken against the complainant. Once the complainant has met this burden, the burden shall shift to the contractor to prove by clear and convincing evidence that it would have taken the same personnel action absent the complainant's disclosure, participation, or refusal.

(e) Testimony of witnesses shall be given under oath or affirmation, and the witnesses shall be subject to cross-examination. Witnesses shall be advised of the applicability of 18 U.S.C. 1001 and 1621, dealing with the criminal penalties associated with false statements and perjury.

(f) At his or her discretion, the Hearing Officer may arrange for the issuance of subpoenas for witnesses to attend the Hearing on behalf of either party, or for the production of specific documents or other physical evidence, provided a showing of the necessity for such witness or evidence has been made to the satisfaction of the Hearing Officer.

(g) All hearings shall be mechanically or stenographically reported. All evidence upon which the Hearing Officer relies for the recommended decision under § 708.10(b) shall be contained in the transcript of testimony, either directly or by appropriate reference. All exhibits and other pertinent documents or records, either in whole or in material part, introduced as evidence, shall be marked for identification and incorporated into the record.

(h) Any party, upon request, may be allowed a reasonable time to file with the Hearing Officer a brief or statement of fact or law. A copy of any such brief or statement shall be filed with the Hearing Officer before or during the proceeding and shall be served by the submitting party upon each other party by certified mail. The parties may make oral closing arguments, but post-hearing briefs will only be permitted at the direction of the Hearing Officer. When permitted, any such brief shall be limited to the issue or issues specified by the Hearing Officer and shall be due within the time prescribed by the Hearing Officer.

(i) At the request of any party, the Hearing Officer may, at his or her discretion, extend the time for any hearing held pursuant to this § 708.9. Additionally, the Hearing Officer may, at the request of any party, or on his or her own motion, dismiss a claim, defense, or party and make adverse findings—

(1) Upon the failure without good cause of any party or his or her representative to attend a hearing; or

(2) Upon the failure of any party to comply with a lawful order of the Hearing Officer.

(j) In any case where a dismissal of a claim, defense, or party is sought, the Hearing Officer shall issue an order to show cause why the dismissal should not be granted and afford all parties a reasonable time to respond to such order. After the time for response has expired, the Hearing Officer shall take such action as is appropriate to rule on the dismissal, which may include an order dismissing the claim, defense, or party. An order dismissing a claim, defense, or party may be appealed to the Director for reconsideration.

§ 708.10 Initial agency decision.

(a) If a hearing is not requested, the Director, within 30 days of expiration of the time set forth in § 708.9(a) for request of a hearing, shall issue an initial agency decision based upon the record, which decision shall be served upon the parties by certified mail. The initial agency decision shall contain appropriate findings, conclusions, and an order, and shall set forth the factual basis for each and every finding with respect to each alleged discriminatory act. In making such findings, the Director may rely upon, but shall not be bound by, the findings contained in the Report of Investigation.

(b) If a hearing has been held, the Hearing Officer shall issue an initial agency decision within 30 days after the receipt of the transcript from the proceeding at which evidence was submitted or within 30 days after receipt of any post-hearing briefs permitted under § 708.9(h), whichever is later. The initial agency decision shall contain appropriate findings, conclusions, and an order, and shall set forth the factual basis for each and every finding with respect to each alleged discriminatcry act. In making such findings, the Hearing Officer may rely upon, but shall not be bound by, the findings contained in the Report of Investigation. The Hearing Officer shall send the initial agency decision, together with the entire record, to the Director who shall promptly serve the initial agency decision upon all parties to the proceeding by certified mail.

(c) The initial agency decision may include an award of reinstatement, transfer preference, back pay, and reimbursement to the complainant up to the aggregate amount of all reasonable costs and expenses (including attorney and expert-witness fees) reasonably incurred by the complainant in bringing the complaint upon which the decision was issued.

(1) If the initial agency decision contains a determination that the complaint is without merit, it shall also include a notice stating that the decision shall become the final decision of DOE denying the complaint unless, within five calendar days of its receipt, a written request is filed with the Director for review by the Secretary or designee. Copies of any request for review shall be served by the requesting party upon all parties by certified mail.

(2) If the initial agency decision contains a determination that a violation of § 708.5 has occurred, it shall also include an appropriate order to the contractor to abate the violation and to provide the complainant with relief, as well as notice to the parties that the decision shall become the final decision of DOE unless, within five calendar days of its receipt, a written request is filed with the Director for review by the Secretary or designee. Copies of any request for review shall be served by the requesting party upon all parties by certified mail.

(3) Notwithstanding the provisions of paragraph (c)(2) of this section, if the agency decision contains a determination that a violation of § 708.5 has occurred, it may contain an order requiring the contractor to provide the complainant with interim relief, including but not limited to reinstatement, pending the outcome of any request for review. This paragraph shall not be construed to require the payment of any award of back pay or attorney fees before the DOE decision is final.

§ 708.11 Final decision and order.

(a) Upon receipt of a request for review of an initial agency decision by the Secretary or designee, the Director shall forward the request, along with the entire record, to the Secretary or designee.

(b) Within 60 days after the Director receives a request for Secretarial review of an initial agency decision, the Secretary or designee shall either direct further processing of the complaint or pursuant to paragraph (c) or (d) of this section, issue a final decision, based on the record, including the Report of Investigation. The final decision shall be forwarded by the Secretary or designee to the Director who shall serve it upon all parties by certified mail.

(1) If the Secretary or designee determines that further processing of the complaint is necessary, the Secretary or designee will return the case to the Director, who will forward it with specific instructions to the Office of Hearings and Appeals and/or the investigator as appropriate.

(2) Except to the extent prohibited by law, regulation, or Executive Order, all parties will be provided copies of any information compiled as a result of actions taken under paragraph (b)(1) of this section.

(c) If the Secretary or designee determines that a violation of § 708.5 has occurred, the Secretary or designee shall issue a final decision and shall instruct the Director to take appropriate action to implement that decision. Relief ordered by the Secretary or designee may include reinstatement, transfer preference, back pay, and reimbursement to the complainant up to the aggregate amount of all reasonable costs and expenses (including attorney and expert-witness fees) reasonably incurred by the complainant in bringing the complaint upon which the decision was issued or such other relief as is necessary to abate the violation and provide the complainant with relief.

(d) If the Secretary or designee determines that the party charged has not committed a discriminatory act in violation of § 708.5, the Secretary or designee shall so notify the Director and issue a final decision dismissing the complaint. If the Secretary or designee determines that there has been no discrimination, the complainant shall not receive reimbursement for the costs and expenses provided in paragraph (c) of this section.

§ 708.12 Implementation of decision.

(a) Upon receipt of the final decision of the Secretary or designee under § 708.11, or if the initial agency decision becomes the final decision pursuant to § 708.10(c) (1) or (2), the Director shall serve the final decision upon all parties by certified mail, and upon the Head of Field Element at the affected DOE field organization. The Head of Field Element shall take all necessary steps to implement the final decision.

(b) For purposes of sections 6 and 7 of the Contract Disputes Act (41 U.S.C. 605 and 606), a decision implemented by the Head of Field Element pursuant to this part shall not be considered a "claim by the government against a contractor" or "a decision by the contracting officer." However, a contractor's disagreement, and refusal to comply, with a final decision under this part could result in the contracting officer's decision to disallow certain costs or terminate the contract for default. In such case, the contractor could file a claim under the disputes procedures of the contract.

§ 708.13 Communication of program to contractor employees.

(a) All contractors covered by this part shall inform their employees of the applicability of the DOE Contractor Employee Protection Program, including identification of the DOE offices to which a protected disclosure can be made and identification of appropriate points of contact for initiating employment-reprisal complaints.

(b) The information required in paragraph (a) of this section shall be prominently posted in conspicuous places at the contractor worksite, in all places where notices are customarily posted. Such notices shall not be altered, defaced, or covered by other material.

§ 708.14 Alternative means of resolution.

Notwithstanding the provisions of this part, the Secretary retains the right to request that complaints filed pursuant to this part be accepted by other Federal agencies for investigation and factual determinations, when the Secretary deems such referral to be in the public interest.

§ 708.15 Time frames.

The time frames set forth in this part may be extended with the approval of the Secretary or designee.

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DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8398]

RIN 1545-AN47

Sale of Seized Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulation.

SUMMARY: This document contains final regulations that provide guidance relating to requests for the sale of seized property under section 6335(f) of the Internal Revenue Code (the "Code"). Section 6236(g) of the Technical and Miscellaneous Revenue Act of 1988 amended section 6335 of the Code by inserting subsection (f), which allows the owner of any property seized by levy to request that the Service sell the property within 60 days, or within any longer period specified by the owner. The regulations set forth the person to whom a request for sale of property should be addressed and what information should be included in a request.

DATES: These regulations are effective April 2, 1992 and apply to requests made on or after April 2, 1992. However, any reasonable request for the sale of seized property made on or after January 1, 1989, and before the effective date of these regulations will be honored by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 535-9682 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations amending the Procedure and Administration Regulations (26 CFR part 301) pursuant to section 6335 of the Code. The regulations reflect the amendment of section 6335 by section 6236(g) of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. No. 100-647, 102 Stat. 3342).

Explanation of Provisions

The Internal Revenue Service published a notice of proposed rulemaking in the **Federal Register** on October 9, 1991 (56 FR 50831). Prior to publication of the notice, the Internal Revenue Service gave the Small Business Administration the opportunity to comment.

The Internal Revenue Service received public comments on the proposed regulation from just one party. The issues raised by that party were considered prior to the publication of the notice of proposed rulemaking and are noted below. No changes have been made to the final regulations.

Section 6236(g) of the Technical and Miscellaneous Revenue Act of 1988 amended section 6335 of the Internal Revenue Code by inserting new subsection (f), which allows the owner of any property seized by levy to request that the Service sell the property within 60 days, or within any longer period specified by the owner. The Secretary must comply with such a request unless a determination is made that compliance would not be in the best interests of the United States, and the owner of the property is notified within the 60-day period (or longer period, as specified by the owner) that such a determination has been made.

The regulations provide that a request for the sale of property must be made in writing to the group manager of the revenue officer whose signature is on Levy Form 668–B. Often, the taxpayer will know this information through prior communication with the Internal Revenue Service. If the owner does not know the group manager's name or address, the owner may send the request to the revenue officer, marked for the attention of his or her group manager. The request must include: (1) The name, current address, current home and work telephone numbers and any convenient times to be contacted, and the taxpayer identification number of the owner making the request; (2) a description of the seized property that is the subject of the request; (3) a copy of the notice of seizure, if available; (4) the period within which the owner is requesting that the property be sold; and (5) the signature of the owner or duly authorized representative.

The regulations also provide that the group manager shall respond in writing to a request for the sale of seized property as soon as practicable after receipt of such request and in any event within 60 days after receipt of the request or, if later, the date specified by the owner for the sale.

The party who submitted public comments has suggested that the period within which the Internal Revenue Service must respond to a request for sale of seized property should be shortened so that if the group manager determines that it would not be in the Internal Revenue Service's best interests to comply with the owner's request, the owner will have sufficient time to appeal the group manager's decision prior to the date by which the owner has requested the sale.

Section 6335 provides that if the Secretary determines that compliance with an owner's request for sale of seized property would not be in the best interests of the United States, the owner must be notified of such determination within the period within which the owner has requested sale, *i.e.*, 60 days or any longer period specified by the owner. The regulations simply implement the language of the statute with the added provision that the group manager should respond to the owner's request as soon as practicable after receipt of the request.

The commenter also has suggested that the regulation should provide formal appeal procedures for the owner in the event the group manager denies the owner's request. The group manager and the revenue officer are in the best position to determine whether complying with a taxpayer's request to sell seized property within 60 days or any longer period specified by the taxpayer would not be in the best interests of the taxpayer. Because of their general duties seizing and selling property as well as their involvement in specific cases, the group manager and the revenue officer are most familiar with the various factors, such as market conditions, that must be considered by the person responsible for determining whether compliance with a request to sell property is not in the Service's best interest. In essence, the determination of whether to comply with a taxpayer's request is just an extension of the group manager's and the revenue officer's current duties. An appeal of the group manager's decision to an independent office outside of the collection function, *e.g.*, the Office of Appeals, would give someone with one expertise in the area the job of second guessing the person with the most expertise in the area. In addition, a formal appeal to another function in Collection is unnecessary because a taxpayer always has the right to ask a revenue officer's or group manager's supervisor to review a decision. A formal appeal process would just prolong the final decision.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. It also has been determined that Section 553(b) of the Administrative Procedures Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Kevin B. Connelly, Office of the Assistant Chief Counsel (General Litigation), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Alimony, Bankruptcy, Child support, Continental shelf, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Oil pollution, Penalties, Pensions, Reporting and recordkeeping requirements, Statistics, Taxes.

Adoption of Amendment to the Regulations

Accordingly, title 26, part 301 of the Code of Federal Regulations is amended as follows:

Paragraph 1. The authority citation for part 301 continued to read in part:

Authority: Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805 * * *

Par. 2. Section 301.6335–1 is amended by adding a new paragraph (d) to read as follows:

§ 301.6335–1 Sale of seized property.

* * * * *

(d) *Right to request the sale of seized property*—(1) *In general.* The owner of any property seized by levy may request that the district director sell such property within 60 days after such request, or within any longer period specified by the owner. The district director must comply with such a request unless the district director determines that compliance with the request is not in the best interests of the Internal Revenue Service and notifies the owner of such determination within the 60 day period, or any longer period specified by the owner.

(2) *Procedures to request the sale of seized property*—(i) *Manner.* A request for the sale of seized property shall be made in writing to the group manager of the revenue officer whose signature is on Levy Form 668–B. If the owner does not know the group manager's name or address, the owner may send the request to the revenue officer, marked for the attention of his or her group manager.

(ii) *Form.* The request for sale of seized property within 60 days, or such longer period specified by the owner, shall include:

(A) The name, current address, current home and work telephone numbers and any convenient times to be contacted, and taxpayer identification number of the owner making the request;

(B) A description of the seized property that is the subject of the request;

(C) A copy of the notice of seizure, if available;

(D) The period within which the owner is requesting that the property be sold; and

(E) The signature of the owner or duly authorized representative. For purposes of these regulations, a duly authorized representative is any attorney, certified public accountant, enrolled actuary, or any other person permitted to represent the owner before the Internal Revenue Service who is not disbarred or suspended from practice before the Internal Revenue Service and who has written power of attorney executed by the owner.

(3) *Notification to owner.* The group manager shall respond in writing to a request for sale of seized property as soon as practicable after receipt of such request and in no event later than 60 days after receipt of the request, or, if later, the date specified by the owner for the sale.

Michael J. Murphy,

Acting, Commissioner of Internal Revenue.

Approved: January 17, 1992.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 92–4615 Filed 3–2–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

32 CFR Part 350

[DoD Directive 5137.1]

Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C31))

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This document revises 32 CFR part 350 to update the responsibilities, functions, relationships and authorities of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C31)) and informs persons concerned.

EFFECTIVE DATE: February 12, 1992.

FOR FURTHER INFORMATION CONTACT: Dale Clark, telephone (703) 695–4281.

SUPPLEMENTARY INFORMATION: Significant revisions include the following:

(a) Requires the ASD(C31) to report directly to the Secretary and Deputy Secretary of Defense.

(b) Assigns ASD(C31) responsibility for implementing the Defense information management program and the Defense corporate information management initiative throughout the Department of Defense.

(c) Assigns counterintelligence and security countermeasures functions to the ASD(C31).

(d) Places the following organizations under the direction, authority, and control of the ASD(C31): Defense Information Systems Agency, Defense Intelligence Agency, Defense Mapping Agency, Defense Investigative Service, Defense Support Project Office, Intelligence Program Support Group, Defense Polygraph Institute, DoD Security Institute, and Defense Personnel Security Research Center.

List of Subjects in 32 CFR Part 350

Organization and functions (Government agencies).

Accordingly, title 32 of the Code of Federal Regulations, chapter 1, subchapter R, part 350, is revised to read as follows:

PART 350—ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE (ASD(C31))

Sec.

350.1 Purpose.
350.2 Applicability.
350.3 Responsibilities.
350.4 Functions.
350.5 Relationships.
350.6 Authorities.

Authority: 10 U.S.C. 136 and 44 U.S.C. 3506(c)(4), and E.O. 12356, 3 CFR, 1982 Comp., p. 166.

§ 350.1 Purpose.

Under the authority vested in the Secretary of Defense by title 10, United States Code, this part reissues DoD Directive 5137.1[1] to update the responsibilities, functions, relationships, and authorities of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C31)).

§ 350.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

§ 350.3 Responsibilities.

The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall have as his principal duty the overall supervision of C31 affairs of the Department of Defense. The ASD(C31) is the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for C31, information management (IM), counter-intelligence (CI), and security countermeasures (SCM) matters, including warning, reconnaissance, and intelligence and intelligence-related activities conducted by the Department of Defense.

§ 350.4 Functions.

In the exercise of assigned responsibilities, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

(a) Serve as principal staff assistant in carrying out the responsibilities of the Secretary of Defense as Executive Agent for the National Communications System.

(b) Serve as the Department's senior IM official pursuant to section 3506(b) of 44 U.S.C.; implement the Defense IM program, the Defense corporate IM initiative, and the principles of corporate IM throughout the Department of Defense; and ensure the proper integration of DoD computing, systems security, telecommunications, and IM activities.

(c) Conduct and account for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act (40 U.S.C. 759), in accordance with section 3506(c)(4) of 44 U.S.C.

(d) Serve as the Department's senior information security official pursuant to section 5.3(a) of E.O. 12356.

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[1] Copies may be obtained, at cost, from the National Technical Information Service, US Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(e) Serve as the principal DoD official responsible for establishing software policy and practices, but shall not be responsible for computer resources, both hardware and software, that are:

(1) Physically part of, dedicated to, or essential in real time to the mission performance of weapon systems.

(2) Used for weapon system specialized training, simulation, diagnostic test and maintenance, or calibration.

(3) Used for research and development of weapon systems.

(f) Establish and implement IM policy, processes, programs, and standards to govern the development, acquisition, and operation of automated data processing (ADP) equipment by the Department of Defense, but shall not be responsible for ADP equipment that is an integral part of a weapon or weapon system, test support for a weapon or weapon system, or information technology basic research and development.

(g) Chair the Major Automated Information System Review Council (MAISRC). The ASD(C3I) shall operate the MAISRC in a manner consistent with the acquisition policies in DoD Directive 5000.1 [2] and, for automated information system programs below the Defense Acquisition Board thresholds, independently of the Defense Acquisition Board (DAB).

(h) Provide program management for the General Defense Intelligence Program, the Foreign Counterintelligence Program, and the Security and Investigative Activities Program.

(i) Serve as the principal DoD official responsible for preparing and defending the Department's C3I, CI, SCM, and IM programs before the Congress.

(j) Review and advise the Secretary of Defense on C3I, CI, SCM, and IM plans and programs; review and recommend requirements and priorities to ensure that DoD requirements are fully considered in the development of these plans and programs; monitor and evaluate the responsiveness of such programs to DoD requirements, particularly their readiness to support military operations.

(K) Provide guidance, and management and technical oversight for all C3I, CI, SCM, and IM projects, programs, and systems being acquired by, or for the use of, the Department of Defense and its Components.

(l) Oversee applicable training and career development programs to ensure that trained manpower is available to support DoD C3I, CI, SCM, and IM mission needs, including manpower requirements for projected systems.

(m) Recommend, advise, and provide assistance to other OSD staff elements on C3I, CI, SCM, and IM matters relevant to the execution of their assigned responsibilities, including the execution of DoD-wide programs to improve standards of performance, economy, and efficiency.

(n) Assess the responsiveness of intelligence products to DoD requirements.

(o) Promote coordination, cooperation, and cross-Service management of joint C3I, IM, CI, and SCM programs to ensure essential interoperability is achieved within the Department of Defense and between the Department of Defense and other Federal Agencies and the civilian community.

(p) Participate, as appropriate, in the DoD planning, programming, and budgeting system for C3I, IM, CI, and SCM activities by reviewing proposed DoD resource programs, formulating budget estimates, recommending resource allocations and priorities, and monitoring the implementation of approved programs.

(q) Establish policy and provide direction to the DoD Components on all matters concerning the assigned functional areas in paragraphs (q)(1) through (q)(26) of this section; serve as the primary focal point for staff coordination on these matters within the Department of Defense, with other Government Departments and Agencies, and with foreign governments and international organizations to which the United States is party; and provide DoD representation to foreign governments and intergovernmental and international organizations when dealing with these matters.

(1) Strategic, theater, and tactical nuclear and conventional command and control.

(2) Information networks.

(3) C3I-related space systems.

(4) Special technology and systems.

(5) Telecommunications.

(6) Identification, navigation, and position fixing systems.

(7) Strategic C3 countermeasures.

(8) Air traffic control and airspace management.

(9) Surveillance, warning, and reconnaissance architectures.

(10) North Atlantic Treaty Organization C3I architectures and systems.

(11) Information systems security.

(12) Intelligence programs, systems, and equipment.

(13) National Communications System activities.

(14) Radio frequency policy and management.

(15) Mapping, charting, and geodesy.

(16) Integration and/or interface of national and tactical C3I systems and programs.

(17) C3I, IM, CI, and SCM career development, including DoD foreign language training.

(18) Information management activities.

(19) Counter-narcotics C3I activities.

(20) C3I, IM, CI, and SCM technology programs and activities.

(21) Counterintelligence operations and investigations policy and programs.

(22) Defense investigative activities, to include personnel security investigations, unauthorized disclosures of classified information, and polygraph examinations.

(23) Security countermeasures activities, to include physical security, personnel security, industrial security, and security classification and safeguards policy and programs.

(24) Operations security and counterimagery security.

(25) Security-related research, including personnel security and polygraph activities.

(26) Data and information systems standardization programs, including DoD-wide data administration.

(r) Perform such other duties as the Secretary of Defense may assign.

§ 350.5 Relationships.

(a) In the performance of all assigned duties, the ASD(C3I) shall:

(1) Report directly to the Secretary and Deputy Secretary of Defense.

(2) Exercise direction, authority, and control over:

(i) Defense Information Systems Agency.

(ii) Defense Intelligence Agency.

(iii) Defense Mapping Agency.

(iv) Defense Investigative Service.

(v) Defense Support Project Office.

(vi) Intelligence Program Support Group.

(vii) Defense Polygraph Institute.

(viii) DoD Security Institute.

(ix) Defense Personnel Security Research Center.

(3) Exercise staff supervision over:

(i) National Security Agency/Central Security Service.

(ii) Air Force and Navy Special Intelligence Programs.

(iii) Electromagnetic Compatibility Analysis Center.

(iv) Defense Courier Service.

(4) Coordinate and exchange information with other OSD officials and heads of DoD Components exercising collateral or related functions.

(5) Use existing facilities and services of the Department of Defense and other Federal Agencies, when practicable, to avoid duplication and to achieve maximum readiness, sustainability, efficiency, and economy.

(6) Work closely with the Director of Central Intelligence to ensure effective complementarity and mutual support between DoD intelligence programs, including DoD programs in the National Foreign Intelligence Program, and non-DoD intelligence programs.

(b) ASD(C3I) acquisition-related activities shall be subject to review by the DAB in accordance with DoD Directive 5000.1 and DoD Directive 5000.49,[3] and shall be subject to the authority of the USD(A) delegated by the Secretary or Deputy Secretary of Defense.

(c) Other OSD officials and heads of the DoD Components shall coordinate with the ASD (C3I) on all matters related to the functions cited in this section.

§ 350.6 Authorities.

(a) The ASD(C3I) is hereby delegated authority to:

(1) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M,[4] that implement policies approved by the Secretary of Defense in assigned fields of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of those Departments. Instructions to Unified or Specified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(2) Obtain reports, information, advice, and assistance, consistent with DoD Directive 7750.5,[5] as necessary, in carrying out assigned functions.

(3) Communicate directly with heads of the DoD Components. Communications to the Commanders in Chief of the Unified and Specified Combatant Commands shall be transmitted through the Chairman of the Joint Chiefs of Staff.

(4) Communicate with other Government Agencies, the Executive Office of the President, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

(5) Establish arrangements and appoint representation for DoD participation in non-defense governmental programs for which the ASD(C3I) is assigned DoD cognizance, to include national-level committees.

(6) Waive Federal Information Processing Standards, granted by the Secretary of Commerce Memorandum. The ASD(C3I) may redelegate this authority to the senior officials of the Military Departments designated pursuant to 44 U.S.C. 3506(b). This authority is subject to the conditions specified in the procedures of Secretary of Commerce Memorandum, "Procedures for Waivers for the Federal Information Processing Standards."

(7) Make original security classification determinations at the Top Secret level in accordance with E.O. 12356. This authority may be redelegated, as appropriate, and in writing, pursuant to section 1.2(d)(2) of E.O. 12356.

(b) The ASD(C3I) also is hereby delegated the authorities contained in enclosure 3 of DoD Directive 5105.19,[6] enclosure 1 of DoD Directive 5105.21,[7] enclosure 2 of DoD Directive 5105.40,[8] and enclosure 2 of DoD Directive 5105.42.[9] The ASD(C31) may modify, terminate, or redelegate these authorities, in whole or in part, as appropriate, and in writing, except as otherwise provided by law or regulation.

Dated: February 27, 1992.

L.M. Bynum,

Office of the Secretary of Defense, Alternate Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-4676 Filed 3-2-92; 8:45 am]

BILLING CODE 3810-01-M

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[2] See footnote 1 to § 350.1.

[3] See footnote 1 to § 350.1.

[4] See footnote 1 to § 350.1.

[5] See footnote 1 to § 350.1.

[6] See footnote 1 to § 350.1.

[7] See footnote 1 to § 350.1.

[8] See footnote 1 to § 350.1.

[9] See footnote 1 to § 350.1.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[IL12-15-5346; FRL-4098-5]

Reconsideration of Certain Federal RACT Rules for Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of partial stay and reconsideration.

SUMMARY: On July 23, 1991 (56 FR 33712), USEPA announced a three-month partial stay and reconsideration of certain federal rules requiring reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions in the Illinois portion of the Chicago ozone nonattainment area. That action was taken pursuant to Clean Air Act (CAA) section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which authorizes the Administrator to stay the effectiveness of a rule during reconsideration. Elsewhere in the July 23, 1991 Federal Register (at 56 FR 33738) USEPA proposed to extend the stay beyond the three-month period, if and as necessary to complete reconsideration of the subject rules (including any appropriate regulatory action), pursuant to CAA sections 110(c) and 301(a)(1), 42 U.S.C. sections 7410(c) and 7601(a)(1). Public comment was solicited on USEPA's proposed extension of the stay and an opportunity for requesting a public hearing was provided.

No public comments were received in response to USEPA's proposed rulemaking. Today's rulemaking announces USEPA's final rule imposing a stay for the rules under reconsideration, but only if and as necessary to complete reconsideration of these rules.

EFFECTIVE DATE: January 22, 1992.

ADDRESSES: The docket for this action (Docket No. 5AR92-1) is located for public inspection and copying at the following addresses. We recommend that you contact Randolph O. Cano before visiting the Chicago location and Gloris Butler before visiting the Washington, DC location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Region V, Regulation Development Branch, Twenty Sixth Floor, Northeast, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036

U.S. Environmental Protection Agency, Docket No. 5A-91-1, Public Information Reference Unit (pm-211D) Room 2904, Waterside Mall, 401 M Street SW., Washington, DC 20460, (202) 245-3639

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulation Development Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: On July 23, 1991 (56 FR 33738) USEPA proposed to extend a three-month stay imposed on July 23, 1991 (56 FR 33712) for the following RACT rules, including the applicable compliance dates being reconsidered: (1) The emission limitations and standards for miscellaneous metal parts and products coating operations only as applied to Duo-Fast Corporation's (Duo-Fast) "power driven metal fastener" manufacturing facility in Franklin Park, Illinois (55 FR at 26868-9, codified at 40

CFR 52.741(e)(1)(i)(j)), as well as the July 1, 1991, compliance date (55 FR at 26872) codified at 40 CFR 52.741(e)(5)); and (2) the emission limitations and standards for miscellaneous organic chemical manufacturing processes only as applied to Stepan Company's (Stepan) manufacturing facility near Millsdale, Illinois (55 FR at 26884, codified at 40 CFR 52.741(w)(3)), as well as the July 1, 1991, compliance date (55 FR at 26884, codified at 40 CFR 52.741(w)(4)).

In the proposed rulemaking, USEPA inadvertently omitted the recordkeeping and reporting requirements, 40 CFR 52.741(y) and 52.741(e)(6), from the list of rules stayed in regard to Stepan and Duofast respectively. Since the recordkeeping and reporting requirements have no meaning independent of the underlying RACT regulations, Duofast and Stepan would not be harmed if those regulations were not stayed as to their facilities. However, USEPA believes it should clarify that these two sources are not subject to the recordkeeping and reporting requirements during the period for which the specified rules have been stayed for those two facilities. Since it is not a substantive change, but merely a clarification, USEPA has specified in the final regulation by which the stay is being granted for Stepan and Duofast that these two companies are not subject to § 52.741(y) and 52.741(e)(6), respectively, during the period of the stay.[1]

The proposed temporary stay beyond the three months expressly provided in section 307(d)(7)(B) was to remain in effect until withdrawn by a subsequent rule, but only if and as necessary to complete USEPA's rulemaking on the reconsidered actions. The July 23, 1991, notice proposed to issue the stay pursuant to CAA sections 100(c) and 301(a)(1), 42 U.S.C. 7410(c) and 7601(a)(1).

Final Rulemaking Action

Because no public comments were received concerning USEPA's proposed rulemaking action to extend the stay beyond the three months provided in section 307(d)(7)(B) of the CAA, USEPA announces an extension of the stay, but only if and as long as necessary to complete reconsideration of the rules identified in the proposal. At that time, USEPA will publish a rule in the **Federal Register** notifying the public of the withdrawal of this stay.

USEPA intends to complete its reconsideration of the rules and, following the notice and comment procedures of section 307(d) of the CAA, take appropriate action. If the reconsideration results in emission limitations and standards which are stricter than the existing and applicable Illinois rules, USEPA will propose a compliance period of one year from the date of final action on reconsideration. Note that a one year compliance period was the general compliance period provided in the federal RACT rules (55 FR at 26814). Like the rules themselves, any USEPA proposal regarding the appropriate compliance period would be subject to the notice and comment procedures of CAA section 307(d).

USEPA recognizes the interests of the State of Wisconsin in this matter. The regulatory requirements that are affected by today's proposal were undertaken in the context of a settlement agreement between USEPA and the States of Wisconsin and Illinois. In recognition of those obligations, USEPA will reconsider the rules in question as expeditiously as practicable.

This stay will be effective immediately upon signature of the Administrator pursuant to the Administrative Procedure Act, 5 U.S.C. 533(d) (1) and (3) for good cause and because it relieves a restriction.

Under Executive Order 12291, this action is not "Major". It has been submitted to the Office of Management for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone.

Dated: January 22, 1992.

William K. Reilly,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS SUBPART O—ILLINOIS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.741, is amended by revising paragraph (z)(3) to read as follows:

§ 52.741 Control Strategy: Ozone Control Measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.

* * * * *

(z) * * *

(3) The following rules are stayed from July 23, 1991 until USEPA completes its reconsideration as indicated:

(i) 40 CFR 52.741(e) only as it applies to Duo-Fast Corporation's Franklin Park, Illinois "power-driven metal fastener" manufacturing facility, and

(ii) 40 CFR 52.741 (w) and (y) only as it applies to Stepan Company's miscellaneous organic chemical manufacturing processes at its manufacturing facility located near Millsdale, Illinois.

When USEPA concludes its reconsideration, it will publish its decision and any actions required to effectuate that decision in the **Federal Register.**

[FR Doc. 92-2423 Filed 3-2-92; 8:45 am]

BILLING CODE 6560-50-M

[1] Although USEPA must typically provide notice and opportunity for comment on rulemaking actions, section 553(a)(B) of the Administrative Procedure Act allows an agency to forego notice and comment if the agency finds for good cause that it is "impracticable, unnecessary or contrary to the public interest." Since USEPA provided notice that the underlying substantive regulations were being stayed and no comment was received, it is impracticable and unnecessary for the Agency to provide notice and take comment on this nonsubstantive clarification that the recordkeeping and reporting requirements will also be stayed.

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40 CFR Part 52

[FL-030-5317; FRL-4085-7]

Approval and Promulgation of Implementation Plans; Florida: Inspection/Maintenance

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Final rule.

SUMMARY: EPA is today approving revisions to the Florida State Implementation Plan (SIP) which will incorporate regulations for a centralized vehicle Inspection/Maintenance (I/M) program. These revisions were submitted by the State of Florida, through the Florida Department of Environmental Regulation (FDER) on March 20, 1989. Vehicles in Florida ozone and carbon monoxide nonattainment areas would be required to participate in this program in order to renew registration. This plan has been submitted by the FDER in anticipation of continued nonattainment of the National Ambient Air Quality Standard (NAAQS) for ozone. FDER analysis indicated that since the majority of the volatile organic compound (VOC) inventory in Florida results from vehicular emissions, an I/M program is an effective method of controlling these emissions. These regulations meet all EPA requirements and therefore EPA is approving the SIP revisions.

EFFECTIVE DATE: This action will be effective April 2, 1992.

ADDRESSES: Copies of the materials submitted by Florida may be inspected at the following locations during normal business hours:

EPA Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

FOR FURTHER INFORMATION CONTACT: Dale Aspy of the Region IV Air Programs Branch, at the above address or (404) 347–2864 (FTS) 257–2864.

SUPPLEMENTARY INFORMATION:

Background

On June 5, 1987, the Florida Legislature created the Motor Vehicle Emissions Study Commission. This was in response to two key issues: (1) Continued ozone nonattainment in various Florida counties; and (2) a Florida Department of Environmental Regulation study that demonstrated that over 70% of the emission of VOC's in Florida resulted from mobile sources.

The Motor Vehicle Emission Study Commission was charged with the responsibility of making a recommendation on an I/M program design that would be effective at both reducing vehicular emissions and protecting the health of the citizens of Florida.

The commission members visited various I/M programs throughout the country to evaluate alternative program designs. Public hearings were also conducted in the nonattainment counties to solicit citizen input. The Florida Motor Vehicle Study Commission delivered its report to Governor Bob Martinez on March 1, 1988. The report concluded that "A centralized, contractor-operator I and M program is best suited to Florida's needs." The report also addressed enforcement, compliance, fleets, waivers, and public education elements.

Following the study, the 1988 Florida Legislature passed Chapter 88–129, Laws of Florida, entitled the Clean Outdoor Air Law (COAL). The law was amended by the 1989 Florida Legislature and is codified in chapter 325, Florida Statutes (F.S.), and § 316.2935, F.S. The Florida Department of Environmental Regulation was charged by COAL to develop test procedures, regulations, and emission standards. This was done in two phases: Phase I involved the implementation of an I/M program in nonattainment counties pursuant to chapter 325, F.S.; and phase II included regulations adopted by the Florida Department of Environmental Regulation pursuant to § 316.2935 of the F.S. to address the tampering and visible emission problem in Florida (Chapters 17–243 and 244). Phase II is being handled in a separate rulemaking package.

After a series of public hearings, the Florida Environmental Regulation Commission, on December 7, 1988, approved Florida Administrative Code, chapter 17–242, Mobile Source—Motor Vehicle Emission Standards and Test Procedures Rule. This rule was adopted by the FDER by filing with the Florida Secretary of State on January 31, 1989. The Florida I/M program was scheduled to begin operation by March 1990, or as soon thereafter as possible. Due to the required one year public information phase, that was conducted by the Florida Department of Motor Vehicles, the program began operation on April 1, 1991.

All counties that are nonattainment for ozone or carbon monoxide will require the program. Currently, Dade, Broward, Palm Beach, Hillsborough, Pinellas, and Duval counties are designated as nonattainment for ozone. There are no counties designated as nonattainment for CO.

The centralized, contractor run program will operate using an annual registration denial enforcement mechanism. Virtually all gas or diesel vehicles, 1975 and newer, that have a net vehicle weight less than 5,000 pounds, or a gross vehicle weight less than 10,000 pounds, must be tested yearly to renew registration. A three point anti-tampering check and "fast pass" idle emissions test will be conducted on each vehicle except those randomly selected for nitrogen oxides (NO_x) testing. The three components of the anti-tampering check are the catalytic converter, unvented fuel cap, and the fuel inlet restrictor. The "fast pass" test consists of measuring the exhaust emissions of a vehicle at idle with no load applied to the dynamometer. See Table 1 for the emission standards. Vehicles failing the idle test will be preconditioned in the loaded mode on a dynamometer, in which a specified resistance will be applied against the driving wheels. The vehicles will be immediately retested at idle. Passing this test and the anti-tampering check allows a vehicle owner to renew registration. Vehicles failing either portion of the I/M test can be retested at either the centralized testing location or at an approved decentralized retesting facility. These retesting facilities must meet all the requirements, including dynamometers, as the centralized facilities.

A full tampering check, including underhood components, must be conducted if the vehicle fails the initial three point tampering test.

The Florida program also requires that NO_x emissions data be gathered for informational purposes only. Approximately one percent of all vehicles tested will be randomly selected for loaded mode and NO_x testing. The data that is collected will be shared with EPA to develop NO_x emission standards.

TABLE 1.—FLORIDA MOTOR VEHICLE EXHAUST EMISSIONS STANDARDS

Groups / Model Year	Maximum emission concentrations HC (ppm)	CO (percent)
Light duty vehicles:		
1975–1977	500	5.0
1978–1979	400	4.0
1980	300	3.0
1981+	220	1.2
Light duty trucks (GVWR of 6,000 pounds or less):		
1975–1977	500	6.0
1978–1979	450	5.0
1980	300	3.0
1981–1984	250	2.0
1985+	220	1.2
Light duty trucks (GVWR of 6,001 pounds to 10,000 pounds):		
1975–1977	750	6.5
1978–1979	600	5.5
1980	400	4.5
1981–1984	300	3.0
1985+	220	1.2

Final Action

EPA is today approving revisions to the Florida SIP incorporating an Inspection/Maintenance (I/M) program. All of the revisions being approved are consistent with Agency policy.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Today's action makes final the action proposed at 55 FR 39017, September 24, 1990. EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from table 1 to table 2 under the processing procedures established at 54 FR 2214, January 19, 1989.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 4, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements.

The Agency has reviewed this request for revision of the federally approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Amendments require the implementation of an I/M program in all moderate classified ozone nonattainment areas. The southeast area of the State of Florida (Broward, Dade, and Palm Beach Counties) has been designated as a moderate ozone nonattainment area and is therefore required to have an I/M program. As a result of the Agency's review of the program's design, it has been determined that this action conforms with the requirements of the Act irrespective of the fact that the submittal preceded the date of enactment.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Note: Incorporation by reference of the Florida State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 5, 1991.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(73) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(73) Regulations for a centralized vehicle Inspection/Maintenance (I/M) program. These revisions were submitted by the State of Florida, through the Florida Department of Environmental Regulation (FDER) on March 20, 1989.

(i) Incorporated by reference.

(A) Florida Administrative Code, Chapter 17-242, Mobile Source—Vehicle Emission Standards and Test Procedures Rule which were adopted on January 31, 1989.

(ii) Other material.

(A) Letter of March 20, 1989, from the Florida Department of Regulation (FDER).

[FR Doc. 92-4804 Filed 3-2-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4110-3]

Michigan: Schedule of Compliance for Modification of Michigan's Hazardous Waste Program

AGENCY: Environmental Protection Agency, Region V.

ACTION: Notice of Michigan's compliance schedule to adopt program modifications.

SUMMARY: On September 22, 1986, U.S. EPA promulgated amendments to the deadlines for State program modifications and published requirements for States to be placed on a compliance schedule to adopt necessary program modifications. EPA is today publishing a compliance schedule for Michigan to modify its program in accordance with § 271.21(g) to adopt Federal program modifications.

EFFECTIVE DATE: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Judy Greenberg, Michigan Regulatory Specialist, RCRA Program Management Branch, U.S. Environmental Protection Agency, Region V, HRM-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4179 (FTS: 8-886-4179)

SUPPLEMENTARY INFORMATION:

A. Background

Final authorization to implement the Michigan hazardous waste program within the State in lieu of the Federal hazardous waste program is granted by EPA if the Agency finds the State program: (1) is "equivalent" to the Federal program; (2) is "consistent" with the Federal program and other State programs; and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6926(b)). EPA regulations for final authorization appear at 40 CFR 271.1–271.25. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines and procedures specified in 40 CFR § 271.21. See 51 Federal Register (FR) 33712, September 22, 1986, for a complete discusssion of these procedures and deadlines.

B. Michigan

Michigan received final authorization of its hazardous waste program on October 30, 1986 (see 51 FR 36804, October 16, 1986), and subsequent revisions on January 23, 1990 (see 54 FR 48608, November 24, 1989), and June 24, 1991 (see 56 FR 18517, April 23, 1991). On December 5, 1991, Michigan submitted a request under the provisions of 40 CFR 271.21(e)(3) and (g)(1) for an extension of time to obtain necessary program revisions. Today U.S. EPA is publishing a compliance schedule for Michigan to complete program revisions for the following Federal regulations:

1. California List Waste Restrictions; Technical Corrections, 52 FR 41295, October 27, 1987;
2. Exception Reporting for Small Quantity Generators of Hazardous Waste, 52 FR 35894, September 23, 1987;
3. HSWA Codification Rule; Permit Modification 52 FR 45788, December 1, 1987;
4. HSWA Codification Rule; Permit as a Shield Provision, 52 FR 45788, December 1, 1987;
5. HSWA Codification Rule; Permit Conditions to Protect Human Health and the Environment, 52 FR 45788, December 1, 1987;
6. HSWA Codification Rule; Post-Closure Permits, 52 FR 45788, December 1, 1987;
7. Identification and Listing of Hazardous Waste; Technical Correction, 53 FR 27162, July 19, 1988;
8. Farmer Exemptions; Technical Corrections, 53 FR 27164, July 19, 1988;
9. Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, August 17, 1988;
10. Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988;
11. Land Disposal Restriction Amendment to First Third Scheduled Wastes, 54 FR 9264, February 27, 1989;
12. Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 18836, May 2, 1989;
13. Land Disposal Restriction Amendments to First Third Scheduled Wastes, 54 FR 26594, June 23, 1989;
14. Mining Waste Exclusion I, 54 FR 36592, August 14, 1989;
15. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, 54 FR 36967, September 6, 1989;
16. Testing and Monitoring Activities, 54 FR 40260, September 29, 1989;
17. Reportable Quantity Adjustment Methyl Bromide Production Wastes, 54 FR 41402, October 6, 1989;
18. Reportable Quantity Adjustment, 54 FR 50968, December 11, 1989;
19. Mining Waste Exclusion II, 55 FR 2322, January 23, 1990;
20. Modification of F019 Listing, 55 FR 5340, February 14, 1990;
21. Testing and Monitoring Activities; Technical Corrections, 55 FR 8948, March 9, 1990;
22. Toxicity Characteristics Revisions, 55 FR 11798, March 29, 1990;
23. Listing of 1,1-Dimethylhydrazine Production Wastes, 55 FR 18496, May 2, 1990;
24. Criteria for Listing Toxic Wastes; Technical Amendment, 55 FR 18726, May 4, 1990;
25. HSWA Codification Rule, Double Liners; Correction, 55 FR 19262, May 9, 1990;
26. Land Disposal Restrictions for Third Scheduled Wastes, 55 FR 22520, June 1, 1990;
27. Organic Air Emission Standards for Process Vents and Equipment Leaks, 55 FR 25454, June 21, 1990; and
28. Amendments to the Toxicity Characteristics Revisions, 55 FR 26986, June 29, 1990;

The deadline under 40 CFR 271.21 for Michigan to adopt these Federal regulations was July 1, 1991. However, the State's rulemaking has been delayed due to the delay in obtaining statutory amendments for certain key provisions found in the State's rules package.

The State has agreed to complete the needed program revisions to its authorized program according to the following schedule:

1. The Department of Natural Resources will open public comment on the draft rules package by July 1, 1992. The comment period will end on August 1, 1992.
2. Once the proposed rule package is approved by the Legislative Service Bureau, the Attorney General and the Joint Committee on Administrative Rules, the rules will be submitted to the Michigan Secretary of State for codification in the Act 64 administrative rules. The State expects to complete this process and finally adopt the rules by October 1, 1992.
3. Michigan expects to submit an application to U.S. EPA requesting authorization for the Federal regulations listed above by December 1, 1992.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: February 12, 1992.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 92-4773 Filed 3-2-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4108-7]

Guam; Final Authorization of Territorial Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The Territory of Guam has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. EPA has reviewed Guam's application and has made a decision, subject to public review and comment, that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Guam's hazardous waste program revisions. Guam's application for program revision is available for public review and comment.

DATES: Final authorization for Guam shall be effective May 4, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Guam's program revision application must be received by the close of business April 2, 1992.

ADDRESSES: Copies of Guam's program revision application are available during the business hours of 9 a.m. to 5 p.m. at the following addresses for inspection and copying:

Guam Environmental Protection Agency, Solid and Hazardous Waste Management, Harmon Plaza, Complex Unit D-107, 103 Rojas Street, Harmon, Guam 96911. Phone: (671) 646-8863/4/5.

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 94105. Phone: (415) 744-1510.

Writen comments should be sent to April Katsura, U.S. EPA Region IX (H-2-2), 75 Hawthorne Street, San Francisco, California 94105. Phone: 415/744-2026.

FOR FURTHER INFORMATION CONTACT: April Katsura at the above address and phone number.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Guam

Guam initially received final authorization on January 27, 1986. Guam received authorizations for revisions to its program on May 22, 1989 and August 11, 1989. On December 20, 1991, Guam submitted a program revision application for additional program approvals. Today, Guam is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Guam's application, and has made an immediate final decision that Guam's hazardous waste program revision satisfies all of the requirments necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Guam. The public may submit written comments on EPA's immediate final decision up until April 2, 1992. Copies of Guam's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Guam's program revision shall become effective in 60 days unless an adverse comment pertaining to the Territory's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Guam is applying for authorization for the following Federal hazardous waste regulations:

Federal requirement	Territory authority
Dioxin Waste Listing and Management Standards (50 FR 1978, July 14, 1985)	10 Guam Code Annotated (GCA) 51103 (a)(8)+(11); Hazardous Waste Management Regulations (HWMR) parts III.A,B+E, VI.A+E, VII.A+E, and X.A+B.
Paint Filter Test (50 FR 18370, April 30, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts VIII.A+B.
Small Quantity Generators (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts VIII.A+B.
Household Waste (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Waste Minimization (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts IV.A;B+G and X.A+B.
Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves (50 FR 28702, July 15, 1985).	10 GCA 51103(a)(8)+(11); HWMR parts VI.A+B.
Liquids in Landfills (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts VI.A+B, VII.A+B and X.A+B.
Dust Suppression (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR part VIII.A.
Double Liners (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts VI.A+B and VII.A+B.
Ground-Water Monitoring (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts VI.A+B.
Cement Kilns (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B and VIII.B.
Fuel Labeling (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR part VIII.A.
Pre-Construction Ban (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.B+F.
Permit Life (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.A, B+T.
Omnibus Provision (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.B+J.
Interim Status (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.A+B.
Research and Development (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.B+D.
Hazardous Waste Exports (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts IV.A+B.
Exposure Information (50 FR 28702, July 15, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts X.A+B.
Listing of TDI, DNT, and TDA Wastes (50 FR 42936, October 23, 1985)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces (50 FR 49164, November 29, 1985, as amended on November 19, 1986 at 51 FR 41900 and April 13, 1987 at 52 FR 11819).	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B, VI.A+B, VII.A+B and VIII.A+B.
Listing of Spent Solvents (50 FR 53315, December 31, 1985, as amended on January 21, 1986).	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Listing of EDB Wastes (51 FR 5330, February 13, 1986)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Listing of Four Spent Solvents (51 FR 6541, February 25, 1986)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Generators of 100 to 1000 kg Hazardous Waste (51 FR 10174, March 24, 1986, as amended on July 19, 1986).	10 GCA 51103(a)(8)+(11); HWMR parts II.D.7, III.A,B,C,D,E,+F,IV.A,B,E,F+I,V.C and X.A,B+E.
Codification Rule, Technical Correction (51 FR 19176, May 28, 1986)	10 GCA 51103(a)(8)+(11); HWMR parts VII.A+B.
Biennial Report Correction (51 FR 28556, August 8, 1986)	10 GCA 51103(a)(8)+(11); HWMR parts VI.B,C+G and VII.B,C+G.
Exports of Hazardous Waste (51 FR 28664, August 8, 1986, as amended on July 19, 1988).	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B, IV.A,B,G,J+K and V.A.
Standards for Generators—Waste Minimization Certifications (51 FR 35190, October 1, 1986).	10 GCA 51103(a)(8)+(11); HWMR parts IV.A+B.
Listing of EBDC (51 FR 37725, October 24,1986)	10 GCA 51103(a)(8)+(11); HWMR parts III.A+B.
Standards for Hazardous Waste Storage and Treatment Tank Systems (51 FR 25470, July 14, 1986, as amended on August 15, 1986).	10 GCA 51103(a)(8)+(11); HWMR parts II.A,B,C,20+D7, III.A+B, IV.A+B, VI.A B+G; VII.A,B, + G-M; and IX.A+B.

In its application, Guam has not requested approval of authorization for corrective action or the land disposal restrictions. Therefore, at this time the Territory is not being authorized for those provisions.

On May 9, 1989, Guam submitted a revision application which included the standards for hazardous waste storage and treatment tank systems (51 FR 25470, July 14, 1986, as amended on August 15, 1986). On August 11, 1989, Guam received authorization for that provision as well as the others in the application. Refer to 54 FR 32973. However, the August 15, 1986 amendement was inadvertently omitted from the Federal/Territory regulatory crosswalk in the **Federal Register** notice. Therefore, the amendment has been included in the crosswalk for this current notice.

Guam will not have issued any Territorial hazardous waste permits prior to being authorized for the above program revisions. The Territorial program does not include jurisdiction over Indian Lands; there are no Indian Lands in Guam.

C. Decision

I conclude that Guam's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Guam is granted final authorization to operate its hazardous waste program as revised. Guam has responsibility for permitting treatment, storage, and disposal facilities within its boarders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984. Guam also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 and RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291: The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Guam's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the Territory. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), and 6926, 6974(b).

Dated: February 6, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92-4898 Filed 3-2-92; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 513

[APD 2800.12A CHGE 34]

General Services Administration Acquisition Regulation; Revision of GSA Form 3186

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), is amended to revise paragraph (c) of section 513.505–2 to prescribe the GSA forms used when making purchases or placing delivery orders against established contracts through the FSS–19 system. This regulation is effective March 1, 1992. However, the April 1987 edition of GSA Form 3186 may continue to be used until reprogramming of the FSS–19 system is complete. Copies of the forms may be obtained from the Director of the Office of GSA Acquisition Policy (VP), 18th and F Streets NW., Washington, DC 20405. The intended effect is to provide guidance to GSA contracting activities and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: March 1, 1992.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy (VP), (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it is not a significant revision as defined in FAR 1.501–1.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule was not required to be published in the **Federal Register** for public comment.

D. Paperwork Reduction Act

The rule does not contain information collection requirements that are subject to OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Part 513

Government procurement.

Accordingly, 48 CFR part 513 is amended to read as follows:

PART 513—SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

1. The authority citation for 48 CFR part 513 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Paragraph (c) of section 513.505–2 is revised to read as follows:

513.505–2 Agency order forms in lieu of Optional Forms 347 and 348.

* * * * *

(c) The GSA Form 3186, Order for Supplies or Services, GSA Form 3186A, Order for Supplies or Services (Small Purchase), or GSA Form 3186B, Order for Supplies or Services (EDI), must be used instead of the OF 347, Order for Supplies or Services, when making small purchases or placing delivery orders against established contracts through the FSS–19 system. The GSA Form 3186 must be used when generating orders against established contracts that will be mailed to contractors. The GSA Form 3186A must be used when orders, utilizing small purchase procedures, will be mailed to the contractors. The GSA Form 3186B must be generated and placed in the file to document delivery orders and purchase orders transmitted to contractors electronically using Electronic Data Interchange (EDI) procedures. The GSA Form 3186C, Purchase Order Notice, or electronic equivalent, simultaneously will be generated by FSS–19 to provide summary data from the order to the consignee and the freight forwarder (if designated).

* * * * *

Dated: February 21, 1992.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92-4846 Filed 3-2-92; 8:45 am]

BILLING CODE 6820-61-M

48 CFR Part 522

[APD 2800.12A CHGE 35]

General Services Administration Acquisition Regulation; Designation of Agency Labor Advisor

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) is amended to revise various sections in part 522 to designate the Director of the Office of GSA Acquisition Policy as the agency labor advisor and to outline the responsibilities of the agency labor advisor and other agency officials.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it does not have significant effects beyond the internal operations of the agency, and does not have a significant cost or administrative impact on offerors or contractors.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because it was not required to be published for public comment.

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

List of Subjects in 48 CFR Part 522

Government procurement.

48 CFR part 522 is amended as set forth below:

PART 522—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

1. The authority citation for 48 CFR continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 522.000 and 522.001 are added to read as follows:

522.000 Scope of part.

This part provides agency policies regarding contractor labor relations as they relate to the acquisition process; procedures for implementing requirements for FAR part 22; and it also precribes contract clauses for use in certain contracts.

522.001 Definition.

"Agency labor advisor" as used in this part means the Director of the Office of GSA Acquisition Policy.

Subpart 522.1—Basic Labor Policies

3. Section 522.101–1 is revised to read as follows:

522.101–1 General.

(a) In conjunction with the Office of General Counsel (OIG), the agency labor advisor:

(1) Serves as the focal point on matters that relate to contractor labor relations;

(2) Is responsible for initiating contact on labor relations matters with national offices of labor organizations, Government departments, agencies or other governmental organizations;

(3) Serves as a clearinghouse for information on labor laws applicable to Government acquisitions; and

(4) Responds to questions involving FAR part 22, GSAR part 522 or other contractor labor relations matters that arise in connection with GSA acquisition programs. OGC is responsible for determining the agency's legal position with respect to these matters.

(b) GSA personnel in discharge of their duties and consistent with FAR 22.101–1(b), shall refrain from involvement in or expressing a position on, labor negotiations between contractors and unions or on the merits of any dispute between labor and a contractor's management.

4. Section 522.101–3 is added to read as follows:

522.101–3 Reporting labor disputes.

Reports required by FAR 22.101–3 must be submitted to the agency labor advisor.

5. Section 522.103–5 is added to read as follows:

522.103–5 Contract clause.

The contracting officer shall include the clause at FAR 52.222–1, Notice to the Government of Labor Disputes, in solicitations and contracts for items on the DoD Master Urgency List.

6. Section 522.406–13 is revised to read as follows:

522.406–13 Semiannual enforcement reports.

Contracting activities shall submit semiannual enforcement reports to the agency labor advisor (See 522.001) for consolidation and submission to the Department of Labor. The reports should be submitted within 15 calendar days after the end of the reporting period.

7. Section 522.807 is revised to read as follows.

522.807 Exemptions.

Requests for exemption under FAR 22.807(c) must be submitted to OFCCP through the agency labor advisor.

522.1001 [Removed]

8. Section 522.1001 is removed.

9. Section 522.1003–4 is revised to read as follows:

522.1003–4 Administrative limitations, variations, tolerances, and exemptions.

Requests for limitations, variations, tolerances, and exemptions from the Service Contract Act under FAR 22.1003–4(a) must be submitted to the Administrator, Wage and Hour Division, through the agency labor advisor. The contracting officer shall coordinate requests with assigned legal counsel and the contracting director before forwarding to the agency labor advisor.

10. Section 522.1003–7 is revised to read as follows:

522.1003–7 Questions concerning applicability of the Act.

Questions under FAR 22.1003–7 regarding the applicability of the Act may also be directed to assigned legal counsel. Unresolved questions shall be submitted to the Administrator, Wage and Hour Division through the agency labor advisor.

11. Section 522.1013 is added to read as follows:

522.1013 Review of wage determination.

In addition to contacting the agency labor advisor under FAR 22.1013, the contracting officer shall consult with assigned legal counsel when considering instituting a request for a substantial variance hearing under FAR 22.1021.

12. Section 522.1014 is added to read as follows:

522.1014 Delay of acquisition dates over 60 days.

Requests under FAR 22.1014 to determine whether the wage determinations issued under the initial submission are still current may be made by the contracting officer.

13. Section 522.1021 is revised to read as follows:

522.1021 Substantial variance hearings.

The contracting officer shall submit, after coordinating with assigned legal counsel, any request for a hearing under FAR 22.1013(a) through the agency labor advisor to the Administrator, Wage and Hour Division.

14. Section 522.1303 is revised to read as follows:

522.1303 Waivers.

Requests for waivers under FAR 22.1303(c) must be submitted to the Administrator through the agency labor advisor.

15. Section 522.1403 is revised to read as follows:

522.1403 Waivers.

Request for waivers under FAR 22.1403(c) must be submitted to the Administrator through the agency labor advisor.

Dated: February 25, 1992.

Richard H. Hopf, III,

Associated Administrator for Acquisition Policy.

[FR Doc. 92–4847 Filed 3–2–92; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 587

[Docket No. 88–06; Notice 16]

RIN 2127–AE05

Federal Motor Vehicle Safety Standards; Side Impact Protection

AGENCY National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Technical amendments.

SUMMARY: On October 30, 1990, NHTSA published in the **Federal Register** a final rule adding dynamic test procedures and performance requirements to Standard No. 214 (55 FR 45722). The dynamic test requirements of Standard No. 214 are phased in over a three-year period, beginning on September 1, 1993. At the same time, NHTSA also published final rules (1) establishing the specifications for the side impact dummy to be used in the dynamic crash test (55 FR 45757), (2) establishing the attributes of the moving deformable barrier (MDB) to be used in the dynamic crash test (55 FR 45770), and (3) establishing the reporting and recordkeeping requirements necessary for NHTSA to enforce the phase-in of the new requirements (55 FR 45768).

This notice makes technical amendments to the rule concerning the specifications of the MDB. The technical amendments concern the axle length of the MDB in the crabbed mode and the wheel hub specified in the MDB drawings incorporated by reference in the rule. The amendments result from petitions for reconsideration of the October 1990 rule. The petitions were denied by NHTSA except with respect to the issues addressed in this notice.

DATES: The amendments made by this rule to the text of the Code of Federal Regulations are effective April 2, 1992. The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of April 2, 1992. Petition for reconsideration of this final rule must be filed by April 2, 1992.

ADDRESSES: Petitions for reconsideration should refer to the above docket and notice numbers and be submitted to the following: Administrator, room 5220, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. It is requested that 10 copies be submitted.

FOR FURTHER INFORMATION CONTACT: Dr. Joseph Kanianthra, Chief, Side and Rollover Crash Protection Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (202–366–4924).

SUPPLEMENTARY INFORMATION NHTSA's safety standard for side impact protection is Federal Motor Vehicle Safety Standard No. 214. On October 30, 1990, NHTSA published in the **Federal Register** a final rule adding dynamic test procedures and performance requirements to Standard No. 214 (55 FR 45722). The dynamic test requirements of Standard No. 214 are applicable to passenger cars and are phased in over a three-year period, beginning on September 1, 1993. At the same time, NHTSA also published final rules (1) establishing the specifications for the side impact dummy to be used in the dynamic crash test (55 FR 45757), (2) establishing the attributes of the moving deformable barrier to be used in the dynamic crash test (55 FR 45770), and (3) establishing the reporting and recordkeeping requirements necessary for NHTSA to enforce the phasing-in of the new dynamic test procedure (55 FR 45768).

NHTSA received petitions for reconsideration of these final rules from (1) the Motor Vehicle Manufacturers Association (MVMA), (2) Ford Motor Company, (3) the Association of International Automobile Manufacturers, and (4) the International Standards Organization. The agency denied the petitions except with respect to requests for certain changes in specifications concerning the axle length of the MDB in the crabbed mode and the wheel hub of the MDB. The agency indicated that it planned to issue a separate final rule concerning those issues shortly.

In its petition, MVMA noted that the regulatory text of the final side impact rules specify the MDB track width as 63 inches. MVMA asserted that drawing DSL–1287, which is incorporated by reference in the final rules, specifies 61.44 inches for the crabbed axle. MVMA stated that the addition of 6.6 inches for the wheel mounting plate and wheel produces a crabbed track width of 68.04 inches. MVMA requested that this discrepancy be corrected. MVMA also stated that the MDB drawings specify old American Motors Corporation (AMC) wheel hubs. MVMA requested that more readily available components be specified to facilitate maintenance and repair.

NHTSA agrees with MVMA that the specification of 63 inches for the MDB track width is incorrect. The 63 inch dimension is for the MDB with a fixed axle. However, the side impact test procedure uses the MDB with a crabbable axle. The track width for the MDB with a crabbable axle is 74 inches. This specification can be derived from the MDB drawings as follows. The axle length for the crabbable barrier is 67.49 inches. Adding the wheel hub and tires increases the track width to 74.0 inches. NHTSA notes that the specification for the MDB track width appears in both figure 2 of Standard No. 214 and part 587. The agency corrected the MDB track width specification in figure 2 of Standard No. 214 in a notice published in the **Federal Register** (56 FR 47007) on September 17, 1991. The agency is correcting the Part 587 MDB track width specification in this notice.

NHTSA notes that the 61.44 inch dimension cited by MVMA for the crabbed axle is incorrect and does not appear in drawing DS1–1287. That organization may have used the barrier track width of 63.0 inches for the straight configuration to calculate the axle length for the crabbed configuration. This mistake is understandable since the axle length for the crabbed configuration can be obtained only by adding several other dimensions in different parts of the MDB drawings. Therefore, NHTSA is also amending the rule concerning the MDB to incorporate by reference one additional drawing. This drawing, DSL–1290, will alleviate confusion concerning barrier specifications.

In additon, NHTSA is amending the same rule to delete the specifications of the AMC wheel hubs that are not readily available. NHTSA is doing this by incorporating by reference an amended drawing DSL–1283 to replace the one that specified the AMC parts. The amended drawing provides generic specifications for the MDB wheel hubs. Conforming amendments are being made in other drawings. NHTSA is also incorporating by reference an amended drawing DSL–1285 to delete any reference to a particular manufacturer's barrier face. Since another company intends to manufacture barrier faces that meet the specifications of the side impact rules, NHTSA believes that this change is appropriate. The reference to a particular company in the earlier version of the drawing was inadvertent.

These amendments make minor technical changes to the final rule concerning the MDB and their early adoption is necessary to avoid difficulty and confusion. One amendment provides additional clarification to avoid confusion concerning barrier axle length in the crabbed configuration. Another amendment provides relief by deleting reference to wheel hubs for the MDB that are difficult to obtain. Therefore, NHTSA finds good cause to make these amendments effective 30 days after publication of this notice.

Rulemaking Analyses

A. Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

NHTSA has analyzed this final rule and determined that it is not "major" within the meaning of Executive Order 12291. While the October 1990 side impact rule was "significant" within the meaning of Department of Transportation regulatory policies and procedures, this final rule only makes minor technical changes to the rule concerning the MDB for the dynamic side impact test procedure. The changes will not result in any quantifiable impacts, and the Final Regulatory Impact Analysis done in connection with the October 1990 final side impact rules is still valid.

B. Regulatory Flexibility Act

NHTSA has also considered the effects of this rulemaking action under the Regulatory Flexibility Act. Based upon the agency's evaluation, I certify that this final rule would not have a significant economic impact on a substantial number of small entities. The final rule makes only minor technical changes to the current rule concerning the MDB for the dynamic side impact test procedure. The analysis contained in the Final Regulatory Impact Analysis for the final side impact rules is still valid.

C. Executive Order 12612 (Federalism)

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that the final rule has no Federalism implications that warrants the

preparation of a Federalism report. The final rule makes only minor technical changes to the current rule concerning the MDB for the dynamic side impact test procedure.

D. National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of this final rule. The agency has determined that this final rule does not have a significant impact on the quality of the human environment. As discussed above, the final rule makes only minor technical changes to the current rule concerning the MDB for the dynamic side impact test procedure.

List of Subjects in 49 CFR Part 587

Incorporation by reference, Motor vehicle safety, Motor vehicles.

Part 587—[AMENDED]

In consideration of the foregoing, 49 CFR part 587 is amended as follows:

1. The authority citation for Part 587 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. Section 587.6 is amended by revising paragraphs (b) introductory text, (b)(1), (b)(3), (b)(5), (b)(7), (c), and adding paragraph (b)(8) to read as follows:

§ 587.6 General Description.

* * * * *

(b) The moving deformable barrier specifications are provided in the drawings shown in DSL–1278 through DSL–1287, except DSL–1282, and the drawing shown in DSL–1290 (DSL–1278 through DSL–1287, except for DSL–1282, and DSL–1290 are incorporated by reference; see § 587.5).

(1) The specifications for the final assembly of the moving deformable barrier are provided in the drawings shown in DSL–1278, dated October 1991.

* * * * *

(3) The specifications for the face of the moving deformable barrier are provided in the drawings shown in DSL–1285, dated October 1991, and DSL–1286, dated August 20, 1980.

* * * * *

(5) The specifications for the hub assembly and details concerning the brake are provided in drawings shown in DSL–1283, dated October 1991.

* * * * *

(7) The specifications for the research axle assembly are provided in drawings shown in DSL–1287, dated October 1991.

(8) The specifications for the compliance axle assembly are provided in drawings shown in DSL–1290, dated October 1991.

(c) In configuration 2 (with two cameras and camera mounts, a light trap vane, and ballast reduced), the moving deformable barrier (crabbable axle), including the impact surface, supporting structure, and carriage, weighs 3,015 pounds, has a track width of 74 inches, and has a wheelbase of 102 inches.

* * * * *

Issued on February 26, 1992.

Jerry Ralph Curry,

Administrator.

[FR Doc. 92–4812 Filed 3–2–92; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 57, No. 42
Tuesday, March 3, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–CE–10–AD]

Airworthiness Directives; Beech 33 and 36 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would supersede AD 91–23–07, which currently requires initial and repetitive inspections of the rudder forward spar for cracks on certain Beech 33 and 36 series airplanes, replacement if found cracked, and an extension of the repetitive inspections if a Space Machine Products (SMP) reinforcement bracket is installed. The proposed action would retain the requirements of AD 91–23–07, but would require accomplishment in accordance with new service information and would also eliminate the need for the repetitive inspections if one of three modifications to the rudder spar is accomplished. The actions specified by this AD are intended to prevent the rudder from separating from the airplane.

DATES: Comments must be received on or before May 13, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201–0085. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–10–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Engler, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4122; Facsimile (316) 936–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92–CE–10–AD." The postcard will be date stamped and returned to the commenter.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 92–CE–10–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92–CE–10–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 91–23–07, Amendment 39–8076 (56 FR 56149, November 1, 1991), currently requires initial and repetitive inspections of the rudder forward spar for cracks on certain Beech 33 and 36 series airplanes, replacement if found cracked, and an extension of the repetitive inspections if a Space Machine Products (SMP) reinforcement bracket is installed. The inspections and possible replacement required by AD 91–23–07 are accomplished in accordance with the instructions in Beech Service Bulletin No. 2333, dated October 1989.

The Federal Aviation Administration has continued to examine information that is pertinent to the actions required by AD 91–23–07 and has determined that a modification to the rudder forward spar on certain Beech 33 and 36 series airplanes would eliminate the need for the repetitive inspections currently required. This modification consists of one of the following:

1. Replacement of the rudder assembly with part number 33–630000 –137, –139, –141, –167, or –169, whichever is applicable;

2. Installation of Kit 33–6001–1 S; or

3. Installation of a Spacecraft Machine Products (SMP) reinforcement bracket in accordance with Supplemental Type Certificate (STC) SA4899NM.

The manufacturer, Beech, has issued Service Bulletin (SB) No. 2333, dated November 1991. This service bulletin specifies procedures for inspecting and replacing the rudder forward spar, and references a rudder forward spar reinforcement kit and part numbers for replacement forward spars.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that further AD action should be taken to prevent the rudder from separating from the airplane.

Since the condition described is likely to exist or develop in other Beech 33 and 36 series airplanes of the same type design, the proposed AD would retain the requirements of AD 91–23–07, but would require accomplishment in accordance with new service

information and would also eliminate the need for the repetitive inspections if one of three modifications to the rudder forward is accomplished. The proposed actions would be accomplished in accordance with the instructions in Beech SB No. 2333, Revision I, dated November 1991.

The FAA estimates that 5,900 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 2 hours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $649,000. AD 91-23-07, which would be superseded by the proposed action, required the same actions as is proposed, except for a revision in the service information and the option of eliminating repetitive inspections by accomplishing one of three modifications. Therefore, there would be no additional cost impact of the proposed AD on U.S. operators than that which is already required by AD 91-23-07.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 91-23-07, Amendment 39-8076 (56 FR 56149, November 1, 1991), and adding the following new AD:

Beech: Docket No. 92-CE-10-AD.

Applicability: The following Beech model and serial numbered airplanes, certificated in any category.

Models	Serial No.
35-33, 35-A33, 35-B33, 35-C33, E33, F33, G33	CD-1 through CE-1304.
35-C33A, E33A, F33A	CE-1 through CE-1425.
E33C, F33C	CJ-1 through CJ-179.
36, A36	E-1 through E-2518.
A36TC, B36TC	EA-1 through EA-500.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished (superseded AD 91-23-07).

To prevent separation of the rudder on the affected airplanes, accomplish the following:

(a) Upon the accumulation of 1,000 hours time-in-service (TIS) or within the next 100 hours TIS, whichever occurs later, inspect the rudder forward spar for cracks in accordance with the instructions in Beech Service Bulletin (SB) No. 2333, Revision 1, dated November 1991.

(b) If no cracks are found per the inspection required in paragraph (a) of this AD, accomplish one of the following:

(1) Reinspect the rudder forward spar for cracks in accordance with the instructions in Beech Service Bulletin (SB) No. 2333, Revision 1, dated November 1991, at intervals not to exceed 500 hours TIS until either paragraph (b)(1), (b)(2), or (b)(3) of this AD is accomplished;

(2) Install Kit No. 33-60001-1 S in accordance with Beech SB No. 2333, Revision 1, dated November 1991;

(3) Install a Spacecraft Machine Products (SMP) reinforcement bracket in accordance with Supplemental Type Certificate (STC) SA4899NM; or

(4) Replace the rudder assembly with either part number 33-630000-137, -139, -141, -167, or -169, whichever is applicable, in accordance with the instructions in Beech SB No. 2333, Revision 1, dated November 1991;

(c) If cracks are found per the inspection required by paragraph (a) of this AD, prior to further flight, accomplish one of the following:

(1) Replace the rudder assembly with either part number 33-630000-137, -139, -141, -167, or -169, whichever is applicable, in accordance with the instructions in Beech SB No. 2333, Revision 1, dated November 1991;

(2) Install Kit No. 33-60001-1 S in accordance with Beech SB No. 2333, Revision 1, dated November 1991; or

(3) If the cracks are only in the area of the upper hinge around the rivets and fasteners as specified in Beech SB No. 2333, Revision 1, dated November 1991, then a SMP reinforcement bracket may be installed in accordance with SA4899NM after the cracks are stop drilled.

(d) If a modification or replacement has been accomplished in accordance with either paragraph (b)(2), (b)(3), (b)(4), (c)(1), (c)(2), or (c)(3) of this AD, then no repetitive inspections nor further action is required by this AD.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(g) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 92-4836 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-CE-97-AD]

Airworthiness Directives; Piper Aircraft Corporation Models PA-36-300 and PA-36-375 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain Piper Aircraft Corporation (Piper) PA-36-300 and PA-36-375 airplanes. The proposed action would require repetitive inspections of the engine mount structure for cracks at the engine mount attach points until gusset attachments are installed, and the mandatory installation of gusset attachments if cracks are found. The Federal Aviation Administration (FAA) has received several reports of cracking at the weld clusters that join the tubing of the engine mount on the affected airplanes. The actions specified by this AD are intended to prevent separation of the engine from the airplane because of a cracked engine mount structure.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Piper Service Bulletin No. 828, dated April 7, 1986, may be obtained from the Piper Aircraft Corporation, Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-97-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Perry, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, Suite 210C, Atlanta, Georgia 30349; Telephone (404) 991-2910; Facsimile (404) 991-3606.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91-CE-97-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-97-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received several Malfunction or Defect (M or D) reports of certain Piper Models PA-36-300 and PA-36-375 airplanes with cracks discovered at the weld clusters that join the tubing of the engine mount structure. This condition, if not detected and corrected, could result in the engine separating from the fuselage on the affected airplanes.

The manufacturer (Piper Aircraft Corporation) has issued Piper Service Bulletin (SB) No. 828, dated April 7, 1986, which specifies procedures for inspecting and repairing the areas adjacent to and including the welds at the engine mount attach areas on certain Piper Models PA-36-300 and PA-36-375 airplanes.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent separation of the engine from the airplane because of a cracked engine mount structure.

Since the condition described is likely to exist or develop in other Piper Models PA-36-300 and PA-36-375 airplanes of the same type design, the proposed AD would require repetitive inspections of the engine mount structure for cracks at the engine mount attach points until gusset attachments are installed, and the mandatory installation of gusset attachments if cracks are found. The actions would be done in accordance with Piper SB No. 828, dated April 7, 1986.

The FAA estimates that 308 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 16 hours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $271,040.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows.

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Piper Aircraft Corporation: Docket No. 91-CE-97-AD.

Applicability: Model PA-36-300 airplanes (serial numbers 36-7760001 through 36-8160023) and Model PA-36-375 airplanes (serial numbers 36-7802001 through 36-8302025), certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent separation of the engine from the airplane because of a cracked engine mount structure, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, inspect the welds and areas adjacent to the welds at each engine mount attachment point for cracks in accordance with the Instructions: Inspection, in Piper Service Bulletin (SB) No. 828, dated April 7, 1986.

(1) If cracks are found, prior to further flight, install gusset attachments in accordance with the Instructions: Repair, in Piper SB No. 828, dated April 7, 1986.

(2) If cracks are not found, reinstall the forward side panels and reinspect at intervals not to exceed 100 hours TIS.

Note: The compliance times referenced in this AD take precedence over those cited in the reference service information.

(b) The installation described in paragraph (a)(1) of this AD may be accomplished at any time as terminating action for the repetitive inspections required by this AD.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4839 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-CE-14-AD]

Airworthiness Directives: SOCATA Groupe AEROSPATIALE TBM 700 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain SOCATA Groupe AEROSPATIALE TBM 700 airplanes. The proposed action would require the installation of a static discharger on the left hand anti-ice windshield. The Federal Aviation Administration (FAA) has received four reports of punctures in the windshields of the affected airplanes because of electrostatic precipitation buildup on the windshield. This condition could lead to a cracked or broken anti-ice windshield. The actions specified in the proposed AD are intended to prevent punctured windshields caused by electrostatic precipitation buildup, which could lead to decompression injuries.

DATES: Comments must be received on or before May 18, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; Telephone 62.41.74.26; Facsimile 62.41.74.32; or the Product Support Manager, U.S. AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; Telephone (214) 641-3614; Facsimile (214) 641-3527. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-14-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30; Facsimile (322) 230.68.99; or Mr. Richard Yotter, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-14-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-14-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain SOCATA Groupe AEROSPATIALE TBM 700 airplanes. The DGAC reports four cases of punctured windshields on the affected airplanes because of electrostatic precipitation buildup on the windshield. This condition could lead to a cracked or broken anti-ice windshield.

The manufacturer (SOCATA Groupe AEROSPATIALE) issued Socata Technical Instruction OPT70 K004, dated November 1991, which specifies procedures for installing a static discharger on the left hand anti-ice windshield of certain Socata TBM 700 airplanes. The DGAC classified this service information as mandatory and issued DGAC AD 92-001(B), dated January 18, 1992, in order to assure the airworthiness of these airplanes in France. This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above.

The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States. Since the condition described is likely to exist or develop in other SOCATA Group AEROSPATIALE TBM 700 airplanes of the same type design, the proposed AD would require the installation of a static discharger on the left hand anti-ice windshield in accordance with the instructions in Socata Technical Instruction OPT70 K004, dated November 1991.

The FAA estimates that 2 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 hours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $/,00.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory FlexibilityAct. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Socata Groupe Aerospatiale: Docket No. 92-CE-14-AD.

Applicability: TBM 700 airplane (serial numbers 1 and 5), certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent punctured windshields caused by electrostatic precipitation buildup, which could lead to decompression injuries, accomplish the following:

(a) Install a static discharger on the left hand anti-ice windshield in accordance with the instructions in Socata Technical Instruction OPT70 K004, dated November 1991.

Note: The parts required by paragraph (a) of this AD are included in Kit No. OPT70 K004. This kit may be obtained at no cost by contacting the manufacturer at the address referenced in paragraph (d) of this AD.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(d) Copies of the service information and Kit No. OPT70 K004 that are applicable to this AD may be obtained from SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France, or may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4835 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY
Internal Revenue Service

26 CFR Part 1

[CO-111-90]

RIN 1545-AQ05

Revision of Section 338 Consistency Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (CO-111-90), which was published on Tuesday, January 14, 1992, (57 FR 1409). The proposed regulations replace the stock and asset consistency rules of §§ 1.338-4T and 1.338-5T of the temporary Income Tax Regulations.

FOR FURTHER INFORMATION CONTACT: Michael B. Fulton at telephone (202) 566-2454 (not a toll-free number) for domestic issues and Kenneth D. Allison at telephone (202) 566-6442 (not a toll-free number) for international issues.

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections is proposed regulations under sections 304 and 338 of the Internal Revenue Code.

Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (CO-111-90), which was the subject of FR Doc. 92-718, is corrected as follows:

Paragraph 1. On page 1410, column 1, in the preamble, under the heading "1. The Current Consistency Rules", second full paragraph, lines one and two, the language "The stock consistency rules of § 1.338-4T(e), require the P group to treat", is corrected to read "The stock consistency rules of § 1.338-4T(e) require the P group to treat".

Paragraph 2. On page 1416, in § 1.336-0, column 1, the entry for § 1.338(b)-1(c)(3) is corrected to read "Sample AGUB formula.".

Paragraph 3. On page 1426, in § 1.336-3(d)(5) *Example 8*(a), in the table, line one, the language—

	Class	Basis	FMV
1. Cash	I	$10,000	

is corrected to read—

	Class	Basis	FMV
1. Cash	I		$10,000

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-4902 Filed 3-2-92; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Subchapter A

Financial Management Service; Written Comments on Regulations

AGENCY: Financial Management Service.

ACTION: Notice for written comments on regulations in 31 Code of Federal Regulations (CFR) parts 200 through 290.

SUMMARY: In response to the President's announcement of a Federal regulatory review, this notice invites written suggestions from interested persons on 31 CFR parts 200–290. The Financial Management Service is conducting an internal evaluation of all regulations in its jurisdiction. The purpose is to examine the interactive relationship between the regulations and the economy. Regulations that are identified to be cumbersome will be eliminated, revised, or reduced. It is FMS's goal to promote economic growth and to minimize burdens imposed by regulations.

DATES: While earlier responses would be appreciated, written comments should be received by close of business, March 20, 1992.

ADDRESSES: Send written comments to: The Financial Management Service, Room 206, 401 14th Street, SW., Washington, DC 20227, Attention: Regulatory Review.

FOR FURTHER INFORMATION CONTACT: John Scott, Administrative Contact, room 206, Financial Management Service, 401 14th Street, SW., Washington, DC 20227, (202) 874–6960.

SUPPLEMENTARY INFORMATION: The Financial Management Service Department of Treasury, has responsibility for over $2 trillion annually in collections and disbursements as well as program responsibilities for cash management, credit administration, and debt collection activities throughout the Government. The FMS is soliciting comments from private sector groups, the financial community, and the general public as guidance to foster economic growth and minimize regulatory burdens. Commenters are asked to make their suggestions as specifc as possible and, if applicable, identify the statutory changes that are needed to reduce impediments to economic growth or eliminated unnessarily burdensome or costly requirements. The FMS will then forward appropriate legislative changes to Congress. A breakdown of chapter II of the CFR is listed below.

Dated: February 27, 1992.

Russel D. Morris,

Commissioner.

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—FINANCIAL MANAGEMENT SERVICE

Part	Description
202	Depositaries and financial agents of the Government.
203	Treasury tax and loan depositaries.
204	Responsibilities and liabilities under Letter of Credit—Treasury Financial Communications System (LOC–TFCS).
205	Withdrawal of cash from the Treasury for advances under Federal grant and other programs.
206	Management of Federal Agency Receipts and Operations of the Cash Management Improvements Fund.
209	Payment to financial institutions for credit to accounts of employees and beneficiaries.
210	Federal payments through Financial institutions by Automated Clearing House Method.
211	Delivery of checks and warrants to addresses outside the United States, its territories and possessions.
214	Depositaries for Federal taxes.
215	Withholding of District of Columbia, State, city and county income or employment taxes by Federal Agencies.
223	Surety companies doing business with the United States.
224	Federal process agents of surety companies.
225	Acceptance of bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds.
226	Recognition of insurance covering Treasury tax and loan depositaries.
235	Issuance of settlement checks for forged checks drawn on designated depositaries.
240	Indorsement and payment of checks drawn on the United States Treasury.
245	Claims on account of Treasury checks.
248	Issue of substitutes of lost, stolen, destroyed, mutilated and defaced checks of the United States drawn on accounts maintained in depositary banks in foreign countries or United States territories or possessions.
250	Payment on account of awards of the Foreign Claims Settlement Commission of the United States.
251	Payment of unclaimed interest on certain awards of the Mixed Claims Commission, United States and Germany.
253	Payments under the Act of Congress approved August 30, 1962, on unpaid balances of awards of Philippine War Damage Commission.
254	Payments on accounts of awards and appraisals in favor of nationals of the United States on claims against the Government of Mexico.
256	Payments under judgments and private relief acts.
257	Payment on account of deposits in the Postal Savings System.
270	Availability of records.
281	Foreign exchange operations.
290	Loans to public or private agencies under Refugee Relief Act of 1953.

[FR Doc. 92-4910 Filed 3-2-92; 8:45 am]

BILLING CODE: 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL-4111-8]

Ninety Day Economic Review of Regulations

AGENCY: Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: This document requests public comments that will assist the Environmental Protection Agency (EPA) in responding to a directive from President Bush. The directive requests the Agency to undertake a 90-day review to identify any unnecessary and burdensome regulations which impose needless costs on consumers and substantially impede economic growth, and to accelerate actions which will promote economic growth. EPA invites the public to make written comments and/or to attend several open meetings.

DATES: EPA invites members of the public to make written comments by March 20, 1992. Because the 90-day period will conclude on April 27, 1992, comments received later than March 20, 1992, will still be welcome, but EPA may not be able to consider them fully in this 90-day review. EPA will also include discussion of possible regulatory changes at several meetings open to the public (see **SUPPLEMENTARY INFORMATION** below). At these meetings EPA hopes to consider any written comments that have been received on the areas being discussed; thus it would be helpful (although not required) if written comments on issues that might be discussed at these meetings are received at least several days before the meetings. There will also be time set aside at these meetings for members of the public to speak.

ADDRESSES: Five copies of each set of written comments should be sent to: Assistant Administrator for Policy, Planning and Evaluation (PM–219), Attention: 90-Day Review, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Comments should include the docket number FRL–4111–8. The public docket will include copies of all written comments received in response to this notice. The docket will be available for public review at EPA Headquarters during normal business hours. To review the docket please contact Mark Goldman at EPA Headquarters, (202)260–4454.

FOR FURTHER INFORMATION CONTACT: For general information contact: Mark Goldman, (202)260–4454, Office of Communications, Education and Public Affairs (A–107), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. For specific information about one of the public meetings or particular EPA programs, see **SUPPLEMENTARY INFORMATION** below.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, President Bush requested the Administrator of the Environmental Protection Agency, along with the heads of other Federal regulatory departments and agencies to "set aside a 90-day period * * * to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth." The President asked the Agency to identify those regulations which impose substantial costs on the economy and to determine whether each such regulation adheres to a set of five standards or criteria which he set out in his memorandum. He further requested the Agency to work closely with the public and other agencies on this effort and to make a report to him at the end of the 90-day period. (See Weekly Compilation of Presidential Documents, February 17, 1992, Vol. 28 No. 7, pg. 232, "Reducing the Burden of Government Regulation," Memorandum from President George Bush, January 28, 1992, and "Regulatory Coordination," Memorandum from President George Bush, January 28, 1992.)

In response to this directive, EPA has initiated a review of its regulations and related activities. In a memorandum to key Agency staff, EPA Administrator William K. Reilly stated that the President's request "presents EPA with an opportunity to accelerate the use of innovative, cost-minimizing regulatory approaches and to speed pro-growth activities. It also provides an opportunity to reconsider regulations that unnecessarily impede economic growth." (See Appendix 1 "90-Day Economic Review of Regulations," Memorandum from Administrator William K. Reilly, February 5, 1992.)

Administrator Reilly's memorandum stated that to fulfill the President's request, EPA will undertake "a 90-day effort to identify specific steps we could take in each of these areas, and to provide an assessment of the economic effects of suggested actions * * *. All of these actions must be consistent with our statutory mandates and environmental objectives." The memorandum further stated that, "In fact these initiatives promise to advance environmental interests, which is the President's objective, by better integrating our efforts with national economic priorities of promoting jobs, investment and growth." Administrator Reilly's memorandum made it clear that the intent of EPA's review is not to slow down environmental progress, but rather to find ways to achieve this progress in protecting public health and the environment in a more economically efficient manner.

In order to make this 90-day review as meaningful as possible, EPA plans to select a limited number of specific regulations and related activities which appear to present special opportunities to promote the President's goals and to focus its analysis on them. Although EPA will be preparing a report for the President on the review at the end of 90 days, some of the analyses may continue past that time.

For its review, EPA will select the topics for focussed analysis from existing and proposed individual regulations, groups of regulations, non-regulatory programs and policies and procedures that implement those regulations and programs. The Administrator's memorandum and the section of this notice entitled "Program Office Reviews and Public Meetings" list several topics that are already being considered for this review and on which EPA would especially appreciate comments.

Public comments on regulations under development will continue to proceed through the normal notice and comment process, and this notice does not extend those comment periods. Further, any revisions to regulations initiated as a result of this review will be made only after full notice and comment.

Thus, the purpose of this request for public comment is to invite interested members of the public to identify regulations and related activities for EPA's review and to provide information that would be useful to EPA in its review.

Guidelines for Comments

In light of the short time available for this review, the Agency makes the following requests concerning any comments that members of the public choose to submit:

1. Each regulation or related activity that a commenter suggests for review should meet the President's criteria as well as meet the following tests:

(a) Any suggested changes that might be made as a result of the review must be within EPA's statutory authority.

(b) Significant economic savings would be possible if changes are made.

(c) Proposed changes will not compromise environmental protection goals.

2. Because EPA intends to focus its review on a limited number of regulations and related activities, commenters who suggest more than one regulation or related activity for review should also suggest which one(s) should receive EPA's priority attention.

3. Each regulation or related activity that is suggested for review should be accompanied by a short (1–2 page) summary of why it meets the President's criteria and any factual material or analysis that would assist EPA in the review. Supporting materials may be appended. EPA is particularly interested in information concerning economic and environmental effects.

4. The comments most useful to EPA would be those that both (1) identify a specific regulatory burden that can be shown to be unnecessary, for instance, due to changes in the regulatory context or new data or analysis, and (2) include suggestions for achieving the same environmental goal(s) in a less burdensome or more efficient manner.

Program Office Reviews and Public Meetings

The four EPA program offices are at various stages in reviews of several topics. They have also scheduled some meetings to which members of the public are invited. Formal advisory committee meetings listed below also have been or will be announced separately in the **Federal Register**. These

meetings will focus in whole or in part on the review effort.

As mentioned above, at these meetings EPA hopes to consider any written comments that have been received on the areas being discussed; thus it would be helpful (although not required) if written comments on issues that might be discussed at these meetings are received at least several days before the meetings. There will also be time set aside at these meetings for members of the public to speak.

1. *Office of Air and Radiation.* The Clean Air Act Advisory Committee will meet on Tuesday, March 31, 1992, from 10:30 a.m. to 4 p.m., at the J.W. Marriott Hotel, Pennsylvania Ave. and 14th Street N.W., Washington, DC. For further information contact: Paul Rasmussen (202) 260–7430.

2. *Office of Water.* The Management Advisory Group to the Assistant Administrator for Water will meet on March 9, 10, and 11, 1992, at the Holiday Inn, Interstate 80, Grand island, Nebraska. On March 11, at 10 a.m., a portion of the agenda will be dedicated to two particular topics of discussion under the moratorium: stormwater control and trading discharge allocations between point and nonpoint sources. For further information contact: Michelle Hiller, (202) 260–5554.

3. *Office of Solid Waste and Emergency Response.* The Office has recently received extensive public comment as it conducted reviews of Superfund and Resource Conservation and Recovery Act (RCRA) Implementation. These reviews have suggested a series of areas for reform. In addition, the Office has recently conducted a series of public outreach activities involving affected environmental groups and citizens, regulated industries, states and local governments, research institutions, and other Federal Agencies. Based on these efforts, the Office is focussing during the Spring of 1992 on two areas of reform: Redirecting RCRA towards waste presenting significant risks; and revitalization of Superfund. The Office plans to publish a **Federal Register** notice inviting comment on the first area for reform in April. A public meeting on the second area for reform is planned for late March (details will be announced when they are available). In addition, the Office will hold public meetings and have additional opportunities for public comment as other areas are targeted for reform in the near future. For further information contact: Margaret Schneider (202) 260–4617.

4. *Office of Pesticides, Prevention and Toxic Substances.* The Office plans to take advantage of upcoming meetings of interested groups to solicit public input on actions the Agency is taking and might take to improve its programs. In particular, officials will attend the Pesticide Users Advisory Committee meeting on March 24–25, 1992, and the meeting of the American Association of Pesticide Control Officials on March 16–18, 1992, both in Washington, DC. At these meetings, EPA plans to discuss, among other current issues, incentives to encourage the development and registration of pesticides that may present lower overall risks to human health and the environment than those currently on the market. The Office is also already considering several specific issues in the context of this review: How best to address the risks of lawn care pesticides, chemical inventory exemptions and EPA's Section 6(e) policy on environmental releases under the Toxic Substances Control Act. For further information contact: Judith Nelson (202) 260–2890.

Dated: February 27, 1992.

Richard D. Morgenstern,

Acting Assistant Administrator for Policy, Planning and Evaluation.

Appendix

1. "90-Day Economic Review of Regulations," Memorandum from Administrator William K. Reilly, February 5, 1992.

February 5, 1992.

Memorandum

To: Assistant Administrators, General Counsel, Inspector General, Regional Administrators, Associate Administrators

Subject: 90-Day Economic Review of Regulations

President Bush has asked each federal agency to review its regulations over the next 90 days. I fully support this initiative, for I believe it presents EPA with an opportunity to accelerate the use of innovative, cost-minimizing regulatory approaches and to speed pro-growth activities. It also provides an opportunity to reconsider regulations that unnecessarily impede economic growth. I have directed Dick Morgenstern to lead a 90-day effort to identify specific steps we could take in each of these areas, and to provide an assessment of the economic effects of suggested actions. Your participation and support are critical. All of these actions must be consistent with our statutory mandates and environmental objectives.

While many of EPA's regulations are exempt from the moratorium because of statutory or judicial deadlines (including, I am assured by both Michael Boskin and Boyden Gray, proposals necessary to meet such deadlines), the review should cover the full range of EPA activities. We should first identify those rules or proposals necessary to meet deadlines to ensure they are put into the review process as early as possible. Moreover, we should scrutinize every regulation to assure that expected costs do not exceed expected benefits, and must continue to pursue vigorously the most cost-effective strategies in all our regulatory actions. At the White House meeting on the review, I proposed the following areas in which I expect EPA can implement more cost-effective approaches to achieving environmental objectives:

- Reduce regulatory burdens for small communities and small businesses;
- Increase incentives for the use of clean fuels such as natural gas;
- Reform RCRA (through legislation or regulation—the mixture and derived from rule offers a near-term opportunity);
- Expand market-based approaches to regulations;
- Accelerate inclusionary rulemaking (particularly negotiated rulemakings, or "reg. negs");
- Accelerate rules that reduce the regulatory burden on the economy; and
- Strengthen innovative technology development and export promotion efforts.

In addition, we should explore ways to speed biotechnology reforms.

Nothing I have proposed is inconsistent with EPA priorities. In fact, these initiatives promise to advance environmental interests, which is the President's objective, by better integrating our efforts with national economic priorities of promoting jobs, investment and growth. We have already made substantial progress toward furthering economic objectives through instituting regulatory reforms and developing programs that benefit both the economy and the environment, often while increasing energy efficiency. Enduring public support for environmental protection depends on continued efforts to develop and implement the most economically efficient environmental programs.

Dick will develop a strategy for the review in consultation with you. He will follow up with each of you shortly. Given your commitment to developing environmental programs sensitive to economic concerns, I am confident the review will be productive. I have attached, for your review, a memorandum on this subject issued by the President on January 28, 1992.

William K. Reilly.

[FR Doc. 92–5008 Filed 2–28–92; 1:09 pm]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 57, No. 42
Tuesday, March 3, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: Current Industrial Reports (Wave II Mandatory).
Form Number(s): Various.
Agency Approval Number: 0607–0395.
Type of Request: Revision of a currently approved collection.
Burden: 22,952 hours.
Number of Respondents: 17,205.
Avg Hours Per Response: 43 minutes.
Needs and Uses: The Current Industrial Reports (CIR) program is a series of monthly, quarterly, and annual surveys which provide key measures of production, shipments, and/or inventories on a national basis for selected manufactured products. Government agencies, business firms, trade associations, and private research and consulting organizations use these data to make trade policy, production, and investment decisions.

This submission uses an abbreviated Supporting Statement to request a revision to one of the surveys in the Wave II Mandatory clearance, as follows, with no change in the current expiration date of the clearance:

MQ35W, "Metalworking Machinery" – We are changing the number of classifications from 191 to 105 and the number of unique reporting cells from 765 to 556 to reduce costs. The changes will also reduce respondent burden to a minor extent.

Affected Public: Businesses or other for–profit organizations.
Frequency: Quarterly.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Agency: Bureau of the Census.
Title: 1992 Economic Censuses – Report of Organization.
Form Number(s): NC–9901.
Agency Approval Number: None.
Type of Request: New collection.
Burden: 48,750 hours.
Number of Respondents: 65,000.
Avg Hours Per Response: 45 minutes.
Needs and Uses: The Census Bureau conducts the report of organization in years ending in 2 and 7 as part of the economic censuses to update and maintain the Standard Statistical Establishment List (SSEL). The SSEL is a computerized list of companies containing such information as name, address, physical location, Standard Industrial Classification (SIC) code, employment size code, and company affiliation. It provides a single universe for the selection and maintenance of statistical samples of establishments, legal entities, or enterprises; provides a standard basis for assigning SIC codes; and provides establishment level data from multi–establishment companies that are summarized and published in the annual County Business Patterns series of reports. The updated SSEL provides a current directory of business locations for use in economic current surveys and economic censuses. The 1992 Economic Censuses – Report of Organization will be used only to obtain basic company affiliation information from establishments not within the scope of the economic censuses (e.g., railroad transportation, colleges, universities, labor unions, and political organizations). In non–census years, the SSEL is updated through the Company Organization Survey (OMB approval number 0607–0444).

Affected Public: Businesses or other for–profit organizations, non–profit institutions, and small businesses or organizations.
Frequency: Every five years.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 27, 1991.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–4920 Filed 3–2–92; 8:45 am]

BILLING CODE 3510–07–F

International Trade Administration

[Docket No. A–533–803]

Preliminary Determination of Sales at Less Than Fair Value: Bulk Ibuprofen From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hager or Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–5055 or (202) 377–5050, respectively.

Preliminary Determination

We preliminarily determine that bulk ibuprofen ("ibuprofen") from India is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b). The estimated margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the publication of the notice of initiation in the **Federal Register** (56 FR 42026, August 26, 1991), the following events have occurred.

On September 16, 1991, the U.S. International Trade Commission ("ITC") preliminarily determined that there is a reasonable indication that the ibuprofen industry in the United States is materially injured, or threatened with material injury, by reason of imports of ibuprofen from India.

On September 17, 1991, the Department presented its questionnaire to Cheminor Drugs Limited ("Cheminor"), whose sales comprised all imports of ibuprofen from India during the period of investigation

("POI"). The Department received Cheminor's responses to Section A and Sections B and C of the questionnaire on October 11, and November 1, 1991, respectively.

On November 25, 1991, petitioner requested that the Department initiate a cost of production ("COP") investigation. The Department, however, rejected petitioner's COP allegation on December 16, 1991 because it was based on respondent's financial statements, which include figures on products in addition to the subject merchandise.

The petitioner requested an extension of the deadline for the preliminary determination on December 11, 1991. Accordingly, the Department published a notice of postponement on December 27, 1991 (56 FR 67059).

On December 30, 1991, counsel for Cheminor informed the Department that Cheminor would not participate in the antidumping verification.

Petitioner resubmitted its COP allegation on January 13, 1992 (see discussion, below). On February 11, 1992, petitioner submitted additional factual information for purposes of determining the best information available ("BIA").

Scope of Investigation

The product covered by this investigation is bulk ibuprofen from India. Ibuprofen, a white power, is a non-steroidal anti-inflammatory agent which also has analgesic and antipyretic activity. It is used in the symptomatic treatment of acute and chronic rheumatoid arthritis, osteoarthritis, primary dysmenorrhea and for the relief of mild to moderate pain. The chemical description of ibuprofen is 2-(4-isobutylphenyl) propionic acid, $C_{13}H_{18}O_2$. The product covered by this investigation does not include ibuprofen sold in tablet, capsule or similar forms for direct human consumption. Ibuprofen is provided for in the Harmonized Tariff Schedule (HTS) subheading 2916.39.15. Although the HTS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The POI is February 1, 1991, through July 31, 1991.

Best Information Available

We have determined, in accordance with section 776(c) of the Act, that the use of BIA is appropriate for Cheminor because it refused verification of its questionnaire responses.

The Department determines what constitutes BIA on a case-specific basis, taking into consideration the information on the record together with the facts and circumstances of each case. Final Determination of Sales at Less Than Fair Value, Personal Word Processors from Japan, ("PWPs from Japan") 56 FR 31103, July 9, 1991. According to 19 CFR 353.37(a), the Department will use BIA when it is unable to verify the accuracy and completeness of the factual information submitted.

In applying BIA, it is customary for the Department to turn to data submitted by the petitioner for an applicable dumping margin. In this investigation, we have turned to the petition for United States price ("USP"), adjusted for U.S. credit, as described in our notice of initiation (56 FR 42026, August 26, 1991). In accordance with the Department's findings in the preliminary determination in the countervailing duty investigation of bulk ibuprofen from India, we added the non-excessive portion of duty exemptions to USP pursuant to section 722(d)(1)(B).

As stated above, the petitioner resubmitted a CPO allegation on January 13, 1992. This allegation was based on an acceptable methodology for showing that home market sales were made below the cost of production. Therefore, because the Department has a reasonable basis to believe that the foreign market value ("FMV") provided in the petition is not accurate, the Department is using the COP alleged in the petitioner's January 13, 1992 submission, inclusive of Indian import duties and the statutory minimum eight percent profit, as the basis for FMV. We are adding the statutory eight percent profit to the COP as BIA instead of the profit alleged by the petitioner in its February 11, 1992 submission. Given that all home market prices in the petition are below the COP, we have no reason to believe that Cheminor's prices are in excess of the statutory minimum.

Based on a comparison of USP and FMV, we calculated an estimated dumping margin of 115.94 percent as BIA.

The above-stated methodology is fully consistent with both lines of Departmental precedent with respect to the use and selection of BIA, i.e., it is both a reasonable estimate of the margin of dumping and an adverse inference. PWPs from Japan, 56 FR 31103, July 9, 1991. The Department is making an adverse inference in this investigation in light of respondent's refusal of verification of its questionnaire responses. Furthermore, we believe that our methodology results in a reasonable estimate of the margin of dumping because, instead of the information which respondent refused to have verified, the Department is relying on the petition and information in support of the petition in accordance with 19 CFR 353.37(b).

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of ibuprofen, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of ibuprofen exceeds the United States price as shown below. The cash deposit rate will be reduced to account for any export subsidies found in the companion countervailing duty investigation. This suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/Producer/Exporter	Margin percentage
Cheminor drugs limited	115.94
All others	115.94

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring or threaten material injury to a U.S. industry before the later of 120 days after the date of the preliminary determination or 45 days after our final determination.

Public Comment

In accordance with 19 CFR 353.38(c), case briefs or other written comments must be submitted to the Assistant Secretary for Import Administration no later than April 7, 1992, and rebuttal briefs no later than April 13, 1992. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held on April 16, 1992, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to the issues raised in the briefs.

This determination is published pursuant to section 733(f) of the Act and 19 CFR 353.15.

Dated: February 26, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-4921 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Promotion Resources Product User Fees

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The U.S. and Foreign Commercial Service (US&FCS), U.S. Department of Commerce, is extending to May 31, 1992, existing user-fee rates for its Comparison Shopping Service (CSS).

EFFECTIVE DATE: March 3, 1992.

SUPPLEMENTARY INFORMATION: The Comparison Shopping Service provides a custom market survey for a U.S. firm's specific product in a selected country market. A CSS survey covers a single product in a single country market and answers basic questions relating to the marketability of the product, key competitors, comparative prices, customary distribution and promotion practices, trade barriers and other factors. The following current user-fee schedule will remain in effect until May 31, 1992, when an updated user-fee schedule will be published in the **Federal Register.**

USER FEE SCHEDULE FOR THE COMPARISON SHOPPING SERVICE

Algeria	$500
Argentina	1250
Australia	1250
Austria	1500
Belgium	1250
Brazil	750
Canada	1500
Chile	1250
China	1500
Columbia	500
Costa Rica	750
Czech & Slovak Fed. Rep.	1250
Denmark	1250
Dominican Republic	500
Ecuador	750
Egypt	1250
Finland	1500
France	1500
Germany	3000
Greece	1250
Guatemala	750
Honduras	500
Hong Kong	2000
Hungary*	1250
India	1000
Indonesia	500
Ireland	1500
Israel	1000
Italy	2000
Ivory Coast	500
Jamaica	500
Japan	3500
Kenya	1000
Korea	1500
Malaysia	750
Mexico	2000
Morocco	500
Netherlands	1000
New Zealand	1250
Nigeria	750
Norway	1250
Panama	500
Peru	500
Philippines	500
Poland*	1000
Portugal	750
Romania*	750
Saudi Arabia	500
Singapore	1250
South Africa	500
Spain	1000
Sweden	1250
Switzerland	1750
Thailand	1750
Taiwan	1750
Trinidad & Tobago	1000
Turkey	750
United Arab Emirates	500
United Kingdom	1500
C.I.S.* (depending on Republic; excludes The Baltic Republics)	500-4000
Venezuela	1500
Yugoslavia*	1250

*Special conditions apply in some countries. Please check with CSS Product Manager: 202-377-8972.

FOR FURTHER INFORMATION CONTACT: Catherine Mahoney, Manager for Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Telephone (202) 377-8220.

Notice: These prices will remain in effect until May 31, 1992.

Note: Other countries may be added to this list at a later date.

Although the Department of Commerce is not legally required to issue this notice under 15 U.S.C. 1525, this notice is being issued as a matter of general policy.

Authority: 15 U.S.C. 175 and 15 U.S.C. 1525.

Dated: February 25, 1992.

Susan C. Schwab,

Assistant Secretary and Director General of the U.S. and Foreign Commercial Service.

[FR Doc. 92-4833 Filed 3-2-92; 8:45 am]

BILLING CODE 3510-FP-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Comprehensive Data Gathering Committee (Committee) will hold a public meeting on March 3, 1992; from 11 a.m. to 5 p.m. and reconvene on March 4, 1992, from 8 a.m. to 4 p.m. The meeting will be held in the conference room of the Pacific States Marine Fisheries Commission, 2501 SW. First Avenue, Portland, Oregon.

The Committee will draft a report on the need for a program to gather fishery data from vessels at sea as well as data that can be obtained when vessels return to port. The Committee will also prepare a draft of potential alternative programs for the Council to consider along with costs and funding sources. The report will be reviewed by industry and management agency representatives prior to submission to the Council at its upcoming April 6-10 meeting in San Francisco, California.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201; telephone: (503) 326-6352.

Dated: February 26, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conversation and Management, National Marine Fisheries Service.

[FR Doc. 92-4831 Filed 3-2-92; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council (Council) will hold its 76th public meeting on March 13-17, 1992. The Council's Standing Committee on Fishery Rights of Indigenous People will meet on March 13 at 2:30 p.m., in the Hawaii Department of Land and Natural Resources Boardroom (DLNRB). The rest of the Council's Standing Committees

will meet on March 14 beginning at 9 a.m., in the Hawaii DLNRB.

The full Council will meet on March 16–17, beginning at 9 a.m., each day, in the Ala Mona Hotel, Hibiscus Ballrooms, 410 Atkinson Drive, Honolulu, HI.

Draft Agenda

Reports from the islands, fishery agencies and organizations, on domestic and foreign fishing enforcement; and on fishery management plans. Committees will consider the following items.

Crustaceans

(1) Discussion of recommendations regarding alteration of management strategy; (2) including opening Laysan Island to fishing; (3) individual quotas, separate species quotas; and (4) if appropriate, decision-making.

Bottomfish

(1) Status reports of Federal permits.

Pelagics

(1) Discussion of longline permits and reporting; (2) longline moratorium and 3 year data plan; (3) allowing vessels fishing exclusively outside the EEZ to land fish in Hawaii; (4) longline area closures, including possible modifications of area closures; Note: the public comment period for this topic will constitute the public hearing portion of the rulemaking process); (5) request for moratorium/limited entry program in tuna handline fishery; and (6) decision-making, if appropriate.

Program Planning

(1) Discussion of mandatory reporting of catch and effort by all user groups catching Pelagic Management Unit Species and (2) decision-making, if appropriate.

FISHERY RIGHTS OF INDIGENOUS PEOPLE

(1) Discussion of indigenous rights Amendment to Pelagics Fishery Management Plan.

Other

(1) Administrative matters, (2) other business. For more information contact Kitty M. Simonds, Executive Director, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: February 28, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Services.

[FR Doc. 92–4830 Filed 3–2–92; 8:45 am]

BILLING CODE 3510–22–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange: Proposed Amendments Relating to the Calculation of the Cash Settlement Price for the Feeder Cattle Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange ("CME") has submitted proposed amendments to its feeder cattle futures contract that would: (1) Reduce the size of the geographic region from which cash prices are collected for purposes of calculating the cash settlement price; (2) reduce the weight range of feeder steers for which the cash prices underlying the cash settlement price are collected; (3) specify the frame and muscling characteristics of those feeder steers for which cash prices are eligible to be used in calculating the cash settlement price; (4) change the cash settlement price's calculation procedures to privide for a fully weighted average cash settlement price with the price of each transaction being weighted by the weight of the feeder steers included the transaction; (5) replace Cattle Fax, Inc. with the Agricultural Marketing Service of the U.S. Department of Agriculture (USDA–AMS) as the organization responsible for collecting the cash prices underlying the cash settlement price; and (6) increase to 50,000 from 44,000 pounds the futures contract's trading unit. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposed amendments are of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before April 2, 1992.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the proposed amendments to the cash settlement provisions of the CME feeder cattle futures contract.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The existing cash settlement provisions of the feeder cattle futures contract provide that at the expiration of trading in a contract month all open positions in that month shall be cash settled based on the Cattle Fax U.S. Feeder Steer Price (USFSP) for 600 to 800 pound steers which would be expected to grade USDA choice when fed to slaughter. The feeder cattle futures contract currently specifies that the Cattle Fax USFSP is an average of the cash prices reported to Cattle Fax from all auction and direct sale transactions occurring over a seven-day period in 27 specified states, which consist of all contiguous states west of the Mississippi River except Minnesota, plus six southern and Gulf Coast states east of the Mississippi River.

The Cattle Fax USFSP currently is determined by initially calculating for each state a seven-day state auction price and a seven-day state direct sale price.[1] The seven-day state auction price is obtained by calculating for each auction the simple average of the midpoints of the mostly price ranges for 600 to 700 pound steers and 700 to 800 pound steers.[2] An average auction price for each state is then calculated from these simple average prices, with each auction's simple average price weighted by that auction's share of the respective state's 600 to 800 polund steer trade volume.

The seven-day state direct sale price is determined by first calculating for each state a weighted average direct sale price for steers weighing between 600 and 700 pounds and a weighted average direct sale price for steers weighing between 700 and 800 pounds, with the price of each direct sale transaction being weighted by that transaction's share of the state's direct sale volume for the 600 to 700 and 700 to 800 pound weight categories. The seven-day state direct sale price is then found by calculating a simple average of these weighted average direct sale prices for the 600 to 700 pound and 700 to 800 pound catiegories.

Following completion of the above calculation steps, a seven-day state auction/direct sale price is computed for each state by calculating a volume-weighted average of the seven-day auction price and the seven-day direct sale price, using the relative shares of total steer volume in each state attributable to auction and direct sales volumes, respectively, as weights. Next, regional prices are calculated for each of four regions by computing a simple average of the seven-day state auction/direct sale prices for all states included in a particular region.[3] In the final step, the Cattle Fax USFSP is calculated by summing each of the regional prices weighted by the region's share of the total beef cow inventory reported by the USDA for January 1 of each year for all 27 states combined.

Under the proposed amendments, the Cattle Fax USFSP would be replaced by the CME Composite Weighted Average Price as the cash settlement price for the feeder cattle futures contract. The CME Composite Weighted Average Price would be based on a sample of auction, direct sale and video transactions reported by the Federal-State Market News Service of the USDA–AMS. The sample would be selected from transactions reported on the USDA wire for 700 to 799 pound Medium Frame #1 and Medium and Large Frame #1 feeder steers in 12 contiguous states primarily located in the western and southwestern areas of the U.S.[4] The sample of transactions would be limited to those transactions for which the Federal Market News Service reports the number of head, the weighted average weight and the weighted average price.

The calculation procedures for the proposed cash settlement price would use cash prices quoted for four weight/frame score categories: 700 to 749 pound Medium frame #1 feeder steers; 750 to 799 pound Medium frame #1 feeder steers; 700 to 749 pound Medium and Large frame #1 feeder steers; and 750 to 799 pound Medium and Large frame #1 steers. In the first step, the total number of pounds of feeder steers sold and the total dollar value of the feeder steers sold would be calculated for each of the four weight/frame score categories in each auction, direct trade, or video sale report of the Federal-State Market News Service/[5] The second step of the calculation process would sum the weights and dollar values derived in step one for each weight/frame score category to determine the total number of pounds and the total dollar value of feeder steers sold in all of the four weight/frame score categories combined for each auction, direct trade, or video sale report. In the third step, the results of step two would be used to calculate the total number of pounds and the total dollar value of the feeder steers sold in all of the weight/frame score categories for all Federal-State Market News Service Reports occurring within the 12-state region during the seven-day period. In the final step, the proposed cash settlement price is computed by dividing the total dollar value of feeder steers sold in the 12-state region during the seven-day period by the total number of pounds of feeder steers sold in the 12-state region during the seven-day period.

The proposed amendments also will increase to 50,000 from 44,000 pounds the size of the feeder cattle futures contract.

The CME proposed to apply the proposed amendments to all newly listed contract months following its receipt of Commission approval.

According to the CME, the proposed amendments are needed because they will make the terms of the contract more consistent with current cash market practices. The CME believes that the proposals also will lead to a more accurate, more representative and less manipulable cash settlement index which is based on a more homogeneous pool of feeder cattle. In this respect, the CME submits that narrowing the weight range of feeder steers will base the cash settlement price on a more uniform type of cattle and reduce the weight-related price variation in the cash settlement price. The CME also believes that the proposal to reduce the area from which cash prices are drawn to the above-noted 12 states will provide a more uniform and representative sample of the feeder cattle sold through normal cash market channels in an area where most of the nation's cash feeder cattle are traded.

In addition, the CME believes that, by using as the cash settlement price an easily verifiable weighted average price calculated from publicly reported cash market data, there will be increased public confidence in the cash settlement index and the feeder cattle futures contract. The CME further submits that the proposal to use a true weighted average price for cash settlement purposes will result in a more equitable and economically valid cash settlement price that will better reflect the actual numbers, weights and prices of feeder cattle sold during cash settlement periods.

Finally, the CME said that the proposal to increase the contract's size will better reflect the lot size of typical cash market transactions and improve the hedging utility of the contract.

The Commission is specifically requesting comments with respect to whether the proposed amendments will continue to provide for a cash settlement price which reflects the underlying feeder cattle cash market and which will not be conducive to price manipulation or distortion. In addition, the Commission is seeking comment on the extent to which the revised cash settlement price will be a reliable and acceptable measure of the cash market value of feeder cattle.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the CME in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at

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[1] Certain of the twenty-seven states are grouped together for data collection purposes (see footnote 3 below).

[2] The mostly price range is defined as the price range in which the majority of the cattle within the specified weight range were sold. In addition, each sale day at an auction is considered to be a separate auction.

[3] The calculation procedures for the existing cash settlement price divide the 27 states included in Cattle Fax's survey into four regional groupings: The West (Arizona/New Mexico, Nevada/Utah/California, Washington, Oregon and Idaho); the North (Iowa, Montana, Wyoming, and North Dakota/South Dakota); Central (Nebraska, Colorado, Kansas, Oklahoma, Texas and Missouri); and the Southeast (Tennessee/Kentucky, Louisiana/Mississippi, Arkansas, Alabama/Florida and Georgia). The auction and direct sale prices for those states cited above that are joined by slash marks (/) are combined and treated as a single state under existing Cattle Fax USFSP calculation procedures for purposes of computing the seven-day state auction and direct sale prices.

[4] The proposed cash settlement price will be calculated from feeder steer cash prices reported for transactions occurring in Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming. The proposed amendments also stipulate that feeder steers identified as having excessive flesh or fill, or otherwise differing from the norm, are excluded from the sample of transactions used to compute the proposed cash settlement price. In addition, direct sales and video transactions must be quoted on an FOB basis, with a three percent standing shrink or equivalent allowance, and with pickup within 14 days.

[5] Under the proposed calculation procedures, the number of head and the corresponding weighted average weight stated in a particular Federal-State Market News Service report are multiplied together to derive the total number of pounds of feeder steers sold in a particular weight/frame score category for that report. The total dollar value of feeder steers sold for a given weight/frame score category for a particular Federal-State Market News Service report would be calculated by multiplying the total number of pounds of feeder steers sold, as derived above, by the corresponding weighted average price for that weight/frame score category for that report.

the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on February 27, 1992.

Gerald Gay,

Director

[FR Doc. 92-4904 Filed 3-2-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Secretary of Defense

Ada Board; Meeting

ACTION: Notice of meeting.

SUMMARY: A meeting of the Ada Board will be held Monday and Tuesday, March 23-24, 1992 from 9 a.m. to 5 p.m. at the Institute for Defense Analyses, 2001 N. Beauregard St., Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Carlson, Ada Information Clearinghouse c/o IIT Research Institute, 4600 Forbes Boulevard, Lanham, Maryland 20706, (703) 685-1477.

Dated: February 27, 1992.

L.M. Bynum,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

[FR Doc. 92-4672 Filed 3-2-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Military Traffic Management; Approval Procedures for Use of Foreign Flag Ocean and/or Air Carriers to Move International Household Goods and Unaccompanied Baggage Shipments

AGENCY: Military Traffic Management Command, DoD.

ACTION: Advance notice of proposed modification of procedures concerning approval for use of foreign flag ocean and/or air carriers to move international household goods and unaccompanied baggage shipments.

SUMMARY: The Military Traffic Management Command (MTMC) proposes to modify the procedures established in DoD Regulations 4500.34-R, Personal Property Traffic Management Regulation dated October 1991, by which carriers request approval to use foreign flag ocean or air service and process foreign flag certifications. This modification will require carriers to prepare electronic submissions (message or facsimile) and require the Military Airlift Command (MAC) (will become the Air Mobility Command (AMC) on 1 June 1992) or the Military Sealift Command (MSC) to respond via similar electronic means within an established time frame. Upon implementation of this modification, corresponding changes will be made to the International Personal Property Rate Solicitation, I-2.

DATES: Comments must be received on or before 31 March 1992.

ADDRESSES: Mail comments to: Commander, Military Traffic Management Command, ATTN: MTPP-CI, (Ms. Collier), 5611 Columbia Pike, Falls Church, VA 22041-5050.

FOR FURTHER INFORMATION CONTACT: Ms. Gail Collier, (703) 756-2397 or the address above.

SUPPLEMENTARY INFORMATION: a. The purpose of this change is to ensure compliance with the statutory requirements concerning the use of foreign flag vessels and aircraft for the movement of DoD sponsored personnel property shipments. These changes will require that carriers obtain a justification certificate as described above if any segment of the routing involves a foreign flag carrier prior to booking shipments. This will also ensure that appropriate documentation is available for paying finance centers to process carrier payment vouchers. The AMC and MSC have reviewed and concur in the proposed procedures.

b. Pursuant to the authority of DOD Directive 4500.34, the following are proposed changes to the Personal Property Traffic Management Regulation, DOD 4500.34-R, appendix A, Tender of Service:

1. Part II B International Paragraph 33a. No change.

2. Paragraph 33b will read: "Request permission from Headquarters, Air Mobility Command (AMC), ATTN: XON, Scott AFB, IL 62225-50001, to use aircraft of foreign registry when I determine that the use of an air carrier of United States registry is not available and I have fully complied with provisions of the Fly American Act. If any segment of the intended routing involves use of a foreign flag carrier, a justification certificate is required, and approval will be obtained prior to booking of shipment with the air carrier. The request for authorization to use a foreign flag carrier will be accomplished and submitted to HQ AMC by electronic means (message of FAX) within no more than 10 calendar days of pickup, but, in any case, no later than 2 full working days prior to booking of the shipment with the foreign flag carrier. The electronic transmission will consist of the following: Justification Certificate for use of Foreign Flag Carrier (figure A-5) and a copy of the personal property Government Bill of Lading (PPGBL) for shipments to or from controlled rate areas; or Justification Certificate for use of Foreign Flag Carrier and a copy of the MTMC award message if shipment is for a one-time-only (OTO) movement to or from an uncontrolled rate area. Upon review and concurrence/nonconcurrence, HQ AMC will respond by similar electronic means to the carrier within 2 full working days of the receipt of the carrier's request. A copy of this authorization will be provided to HQ MTMC, ATTN: MTPP-CI."

3. Paragraph 33c. No change.

4. Paragraph 33d will read: "Request permission from the cognizant Military Sealift Command (MSC) area/sub-area command to use a vessel of foreign registry when I determine that the use of a vessel of United States registry will not provide the required service. If any segment of the intended routing involves use of a foreign flag vessel, a justification certificate is required, and approval will be obtained prior to booking of shipment with the ocean carrier. The request for authorization to use a foreign flag carrier will be accomplished and submitted to HQ MSC area/sub-area command by electronic means (message or FAX) within no more than 10 calendar days of pickup, but in any case, no later than 2 full working days prior to booking of the shipment with the foreign flag carrier. The electronic transmission will consist of the following: Justification Certificate for use of Foreign Flag Carrier (figure A-6) and a copy of the PPGBL for shipments to or from controlled rate areas; or Justification Certificate for use of Foreign Flag Carrier and a copy of the MTMC award message if shipment is for OTO movement. Upon review and concurrence/nonconcurrence, HQ MSC will respond by similar electronic means to the carrier within 2 full working days of the receipt of the carrier's request. A copy of this concurrence/nonconcurrence will be provided to HQ MTMC, ATTN: MTPP-CI."

c. Figures A-5 and A-6 to Appendix A have been modified to accommodate these requirements and to establish control numbers for monitoring foreign flag certifications. Copies of the modified formats can be obtained by contacting Ms. Gail Collier at HQ MTMC, (703) 756-2397.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-4805 Filed 3-2-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE AND TIME: March 12, 1992, 9 a.m.-4 p.m. and March 13, 1992, 9 a.m.-Noon.

ADDRESSES: 555 New Jersey Avenue, NW., room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Suellen Mauchamer, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, room 400E, Washington, DC 20208-7575, telephone: (202) 219-1839.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics (ACES) is established under section 406(c)(1) of the Education Amendments of 1974, Public Law 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. The meeting of the Council is open to the public.

The proposed agenda includes the following:

- Swearing in new members
- Role of the Advisory Council
- Alternatives for Leveraging NCES Resources
- Integrated Longitudinal Studies Program
- Council Business.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW, room 400E, Washington, DC 20208-7575.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92-4906 Filed 3-2-92; 8:45 am]

BILLING CODE 4000-01-M

Recognition of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on agencies applying to the Secretary for initial recognition or renewal of recognition.

DATES: Commenters should submit their written comments by March 20, 1992 at the address below.

FOR FURTHER INFORMATION CONTACT: Karen Kershenstein, Chief, Accrediting Agency Evaluation Branch, Higher Education Management Services, U.S. Department of Education, 400 Maryland Avenue, SW. (room 3036 ROB-3), Washington, DC 20202-5171, Telephone: (202) 708-7417.

SUBMISSION OF THIRD-PARTY COMMENTS: The Secretary of Education recognizes accredting agencies and State approval agencies for public postsecondary vocational eduction and nurse education that are reliable authorities as to the quality of training or education offered by institutions within their scope of operation. The purpose of this notice is to invite interested third parties to present written comments on the agencies listed in this notice that have petitioned for initial or continued recognition or that have submitted interim reports in response to the Secretary's request.

Written comments will be considered by the Secretary and by the National Advisory Committee on Accreditation and Institutional Eligibility, which advises the Secretary of Education on the recognition of accrediting agencies, during its meeting May 4-6, 1992.

The following agencies have applied:

Nationally Recognized Accrediting Agencies and Associations

Petition for Initial Recognition

1. Association of Collegiate Business Schools and Programs (baccalaureate and master's degree programs in business administratrion and management, and baccalaureate and master's degree programs in accounting).

Petitions for Renewal of Recognition

1. Accrediting Council for Continuing Education and Training, Accrediting Commission (non-collegiate continuing education institutions and programs).

2. American Academy of Microbiology, Committee on Postdoctoral Educational Programs (postdoctoral programs in medical and public laboratory microbiology).

3. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar (professional schools).

4. American Optometric Association, Council on Optometric Education (professional degree programs, residency programs, and optometric technician programs).

5. American Psychological Association, Committee on Accreditation (doctoral programs in clinical, counseling, school and combined professional-scientific psychology, and predoctoral internship programs in professional psychology).

6. American Veterinary Medical Association, Council on Education (colleges of veterinary medicine offering programs leading to a professional degree, and two-year collegiate programs for veterinary technicians).

7. American Veterinary Medical Association, Committee on Veterinary Technician Activities and Training (associate degree and programs of at least two years in basic education for veterinary technicians).

8. Commission on Opticianry Accreditation (two-year programs for the ophthalmic dispenser and one-year programs for the ophthalmic laboratory technician).

9. Society of American Foresters (programs leading to a bachelor's or higher first professional degree).

10. New England Association of Schools and Colleges (postsecondary institutions located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

11. North Central Association of Colleges and Schools, Commission on Institutions of Higher Education (postsecondary institutions located in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missiouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming).

12. North Central Association of Colleges and Schools, Commission on Schools (institutions offering postsecondary adult vocational education programs located in Arizona, Arkansas, Colorado, Illinois, Indiana,

Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, Wyoming).

13. Northwest Association of Schools and Colleges, Commission on Colleges (postsecondary institutions located in Alaska, Idaho, Montana, Nevada, Oregon, Utah, Washington).

14. Western Association of Schools and Colleges, Accrediting Commission for Community and Junior Colleges (community and junior colleges located in California, Hawaii, American Samoa, Guam, and the Commonwealth of the Northern Marianas).

Interim Reports

1. American Council for Construction Education.

2. Middle States Association of Colleges and Schools, Commission on Secondary Schools.

State Approval Agencies for Vocational Education

Petitions for Renewal of Recognition

1. Kansas State Board of Eduction.

2. Puerto Rico State Agency for the Approval of Public Postsecondary Vocational Technical Education Institutions and Programs.

Interim Reports

1. Minnesota State Board of Vocational Technical Education.

2. Washington State Board for Community and Technical Colleges.

State Approval Agency for Nurse Education

Petition for Renewal of Recognition

1. Montana State Board of Nursing.

PUBLIC INSPECTION OF PETITIONS AND THIRD PARTY COMMENTS: All petitions and interim reports, and those third party comments received in advance of the meeting, will be available for public inspection at the U.S. Department of Education, ROB–3, room 3036, 7th and D Streets, SW., Washington, DC 20202–5171. Telephone (202) 708–7417 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, Eastern time. Deaf and hearing impaired individuals may call: The Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: February 25, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92–4892 Filed 3–2–92, 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Petroleum Supply Reporting System (PSRS) Forms

AGENCY: Energy Information Administration (EIA), Department of Energy.

ACTION: Solicitation of comments concerning proposed changes to the Petroleum Supply Reporting System (PSRS) Forms.

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. § 3501 et seq.), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The purpose of this notice is to inform interested parties of the proposed changes to the PSRS froms and to solicit comments. These changes are designed to meet the revised Clean Air Act of 1990 requirements and to reflect current and regional petroleum supply activity.

DATES: Written comments must be submitted on or before April 2, 1992. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to: Ms. Susan Harris (EI–421), Energy Information Administration, U.S. Department of Energy, Mail Stop: 2H–058, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–8384, FAX: (202) 586–5846.

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORMS AND INSTRUCTIONS: Requests for additional information or copies of the form(s) and instructions should be directed to Ms. Harris at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. No 93–275) and the Department of Energy Organization Act (Pub. L. 95–91), the EIA is obliged to carry out a central, comprehensive, and unified energy data and information program. Under this program, EIA will collect, evaluate, assemble, analyze, and disseminate data and information related to energy resource reserves, production, demand, and technology, as well as, related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The EIA is obliged to publish and otherwise make available to the public, high-quality statistical data that reflect current and regional petroleum supply activity. The Clean Air Act (CAA), as amended (42 U.S.C. 7410 et seq.), has been further amended by Public Law 101–549, enacted on November 15, 1990. Section 219 of the 1990 amendment adds subsection (k) to section 211 of the CAA. Subsection (k) provides in 6(B) thereunder, that the Environmental Protection Agency Administrator, after consultation with the Secretary of Energy, will determine if there is sufficient domestic capacity to produce certified motor gasoline to meet the CAA requirement and act in accordance with that determination as the law allows. To help the EIA Administrator meet these responsibilities, as well as internal Department of Energy requirements that are dependent on accurate data, the EIA conducts statistical surveys that encompass each significant primary petroleum supply activity in the United States.

II. Current Actions

In keeping with the DOE's mandated responsibilities, the EIA proposes changes in the following data collection forms. These changes are designed to accommodate the revisions to the Clean Air Act of 1990, and to reflect current and upcoming changes in the petroleum industry.

1. Forms EIA–800 (Weekly Refinery Report), EIA–801 (Weekly Bulk Terminal Stocks Report), EIA–802 (Weekly Product Pipeline Report), EIA–804 (Weekly Imports Report):

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (>2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

c. On the Form EIA–800, kerosene-type jet fuel has been split into two categories (military and commerical). Only net production data will be collected.

2. Form EIA–803 (Weekly Crude Oil Stocks Report): Data elements and instructions are unchanged.

3. Form EIA–806 (Weekly Crude Watch Telephone Report): Data elements and instructions are unchanged.

4. Form EIA–807 (Propane Telephone Report): Data elements and instructions are unchanged.

5. Form EIA–810 (Monthly Refinery Report):

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

c. Other hydrocarbons, hydrogen, and alcohol (Code 090) has been renamed "Other hydrocarbons, hydrogen, and oxygenates."

d. A new line has been added to report Other hydrocarbons and hydrogen separately.

e. Data on inputs and end-of-month stocks of oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

f. Reporting of "inputs" from natural gas processing plants for ethane (code 110) and propane (code 231) will be eliminated since most refiners do not receive these products from natural gas processing plants.

g. Inputs and production of Isobutylene (Code 634) as a sub-category to Isobutane (Code 615) will be collected.

h. Inputs of unfinished oils sub-categories (i.e., naphthas and lighter, kerosene and light gas oils, heavy gas oils, and residuum) will be collected.

i. Data on inputs and production of military kerosene-type jet fuel and commercial kerosene-type jet fuel will be collected.

6. Form EIA–811 (Monthly Bulk Terminal Report):

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

c. Data on end-of-month stocks of oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

d. Liquefied Petroleum and Refinery Gases headings for Ethane, Propane, Normal Butane, and Isobutane have been revised to include olefins (e.g., Ethane/Ethylene etc.)

7. Form EIA–812 (Monthly Product Pipeline Report):

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

c. Data on end-of-month stocks of oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

8. Form EIA–813 (Monthly Crude Oil Stocks Report): Data elements and instructions are unchanged.

9. Form EIA–814 (Monthly Imports Report):

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories for both domestic and bonded to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

c. Data on oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

d. Data on olefins will be collected separately from liquefied petroleum gases (i.e., ethylene, propylene, butylene, and isobutylene).

10. Form EIA–816 (Monthly Natural Gas Liquids Report): Data elements and instructions are unchanged.

11. Form EIA–817 (Monthly Tanker and Barge Movement Report)

a. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

b. Distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

12. Form EIA–818 (Monthly International Energy Agency Imports/Stocks-At-Sea Report):

a. Schedules B and C have been consolidated.

b. Motor gasoline categories have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (> 2.0% spec.), and conventional gasoline.

c. Distillate Fuel Oil has been split into two sulfur categories for both domestic and bonded to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

d. Data on oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

e. Data on olefins will be collected separately from liquefied petroleum gases (i.e., ethylene, propylene, butylene, and isobutylene).

13. Form EIA–819M (Monthly Oxygenate Telephone Report): The form designation has been changed from EIA–819. Data elements and instructions are unchanged.

14. Form EIA–819A (Annual Oxygenate Report): This is a new annual data collection proposed to collect production capacity and storage capacity of oxygenates.

15. Form EIA–820 (Annual Refinery Report):

a. Barrels per calendar day downstream charge capacity will be collected for fluid coking, delayed coking, fresh feed catalytic cracking, and catalytic hydrocracking.

b. Motor gasoline categories for stoage capacity have been revised to reflect the change in the type of fuels produced. The new categories are: Reformulated gasoline, oxygenated gasoline (>2.0% spec.), and conventional gasoline.

c. Storage capacity data on oxygenates (i.e., fuel ethanol, ETBE, Methanol, MTBE, TAME, TBA, and other oxygenates) will be collected.

d. Storage capacity data for distillate Fuel Oil has been split into two sulfur categories to meet EPA requirements effective in October 1993. The new categories are: 0.05% sulfur and under, and greater than 0.05% sulfur.

16. Form EIA–822A–D (Oxygenate Operations Identification Survey): This is a frame identifier survey to provide frames maintenance for the Form EIA–819M.

17. Form EIA–825 (Petroleum Operator Identification Survey): Data elements and instructions are unchanged.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed changes. The following general guidelines are provided to assist in the preparation of responses. Please indicate to which form(s) your comments apply.

As a potential respondent:

1. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

2. Can the data be submitted using the definitions included in the instructions?

3. Can the data be submitted in accordance with the response time specified in the instructions?

4. Public reporting burden for this collection is estimated to average per submission: EIA–800—1 hour; EIA–801—30 minutes; EIA–802—30 minutes; EIA–803—30 minutes; EIA–804—1 hour; EIA–807—30 minutes; EIA–810—3 hours 15 minutes; EIA–811—1 hours 30 minutes; EIA–812—2 hours; EIA–813—1 hour 30 minutes; EIA–814—2 hours; EIA–816—45 minutes; EIA–817—1 hour 30 minutes; EIA–818—3 hours; EIA–819M—30 minutes; EIA–819A—30 minutes; EIA–820—2 hours: EIA–822A–D—4 hours; EIA–825—30 minutes. How many hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, will it take your firm to change from current reporting procedures to the proposed procedures?

5. Estimate the initial cost of modifying your systems to be able to respond to the revised forms, including direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

6. Do you agree with each of the proposed changes? Are there additional changes that you would recommend?

7. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

As a data user:

1. Do you need data at the levels of aggregation that would be available using the modified (new) forms; that is do the products, frequency, market categories and geography reflect your needs?

2. Do you need any of the elements of information that would be eliminated by this proposal?

3. How could the forms be improved to better meet your specific data needs?

4. For what purpose would you use the date? Be specific.

5. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained in the PSRS collections.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the forms and will become a matter of public record.

Statutory Authority: Sections 5(a), 5(b), 13(b), and 52 of Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. subsection 764(1), 764(b), and 790a.

Issued in Washington, DC, February 25, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–4916 Filed 3–2–92; 8:45 am]

BILLING CODE 6450–01–M

American Statistical Association Committee on Energy Statistics; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meetings:

NAME: American Statistical Association's Committee on Energy Statistics, a utilized Federal Advisory Committee.

DATE AND TIME: Thursday, March 19, 9:30 a.m.–5:30 p.m. Friday, March 20, 9 a.m.–12:30 p.m.

PLACE: Holiday Inn-Capitol, 550 C Street SW., Washington, DC.

CONTACT: Ms. Renee Miller, EIA Committee Liaison, U.S. Department of Energy, Energy Information Administration, EI–72, Washington, DC 20585. Telephone: (202) 254–5507.

PURPOSE OF COMMITTEE: To advise the Department of Energy, Energy Information Administration (EIA), on EIA technical statistical issues and to enable the EIA to benefit from the Committee's expertise concerning other energy statistical matters.

Tentative Agenda

Thursday, March 19, 1992

A. Opening Remarks
B. Major Topics
1. A Case Study of the Applicability of Latin Hypercube Design Principles
2. U.S. Oil and Gas Upstream Indices
3. Training at EIA (Public Comment)

Friday, March 20, 1992

4. Demand Side Management
5. Defining Efficiency
6. Followup on Sampling Issues (Public Comments)

C. Topics for Future Meetings

PUBLIC PARTICIPATION: The meeting is open to the public. The chairperson of the committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Written statements may be filed with the committee either before or after the meeting. If there are any questions, please contact Ms. Renee Miller, EIA Committee Liaison, at the address or telephone number listed above or Ms. April Young at (202) 254–5380.

TRANSCRIPTS: Available for public review and copying at the Public Reading Room, (Room 1E–290), 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6025, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Issued at Washington, DC., on February 26, 1992.

Marcia L. Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 92–4915 Filed 3–2–92; 8:45 am]

BILLING CODE 6455–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER92–308–000, et al.]

Philadelphia Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Philadelphia Electric Company

[Docket No. ER92–308–000]

February 20, 1992.

Take notice that on February 3, 1992, the Signatories to the Extra High Voltage Transmission System (EHV) Agreement tendered for filing a request for authority to designate the Philadelphia Electric Company representative on the EHV Administrative Committee to file the EHV Agreement or changes thereto on behalf of the Signatories.

Comment date: March 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Montaup Electric Company

[Docket No. ER91–300–001]

February 20, 1992.

Take notice that on January 22, 1992, Montaup Electric Company (Montaup) tendered for filing its refund report in the above-referenced docket.

Comment date: March 5, 1992, in accordance with Standard Paragraph E end of this notice.

3. Appalachian Power Company

[Docket No. ER92–324–000]

February 20, 1992.

Take notice that Appalachian Power Company (APCo) on February 14, 1992 tendered for filing proposed changes in its Electric Service Rate Schedule FPC No. 23 for service to Kingsport Power Company (Kingsport). The proposed rate changes would increase annual revenues from Kingsport by $3,933,170, over rates currently being collected by APCo, subject to refund, based upon the twelve-month period ending December 31, 1992. APCo purposes that the rates and charges which are revised by this filing become effective April 15, 1992.

The proposed rate schedule changes are designed to reflect general increases in the costs of providing electric service.

Copies of the filing were served upon Kingsport Power Company and the Tennessee Public Service Commission.

Comment date: March 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Appalachian Power Company

[Docket No. ER92–323–000]

February 20, 1992.

Take notice that Appalachian Power Company (APCo) on February 14, 1992 tendered for filing proposed changes in its F.E.R.C. Rate Schedules for service to its twenty-four wholesale customers in the States of Virginia and West Virginia. The proposed rate changes would increase annual revenues from those twenty-four jurisdictional customers by $4,758,768, over rates currently being collected by APCo, subject to refund, based upon the twelve-month period ending December 31, 1992. APCo propose that the rates and charges which are revised by this filing become effective April 15, 1992.

The proposed rate schedule changes are designed to reflect general increases in the cost of providing electric service.

Copies of the filing were served upon APCo's jurisdictional customers, the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

Comment date: March 5, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. BIT Manufacturing, Inc.

[Docket No. QF92–48–000]

February 20, 1992.

On February 11, 1992, BIT Manufacturing, Inc. (Applicant), of State Highway 68, Copperhill, Tennessee 37317, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility is located in Polk County, Tennessee, and consists of an extraction steam turbine generator. Thermal energy recovered from the facility is used for chemical process use. The primary energy source is the burning of elemental sulfur to produce sulfuric acid and liquid sulfur dioxide. The electric power production capacity of the facility is 24 MW. The facility was installed in 1971 with new commercial operation scheduled for March, 1992.

Comment date: On or before April 2, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Electric Company

[Docket No. ER92–197–000]

February 24, 1992.

Take notice that on February 14, 1992, Commonwealth Electric Company submitted additional information in support of its November 21, 1991, filing of a change to Supplement No. 18 of its currently effective Rate Schedule FERC No. 6. The Commission noticed the filing on December 5, 1991. The additional information concerns the status of the 115 KV wheeling service included in Rate Schedule FERC No. 6, which has never been implemented.

Comment date: March 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Iowa Public Service Company

[Docket No. ER91–684–000]

February 24, 1992.

Take notice that on February 14, 1992, Iowa Public Service Company (IPS) tendered for filing a third amendment to the filing of an executed Transmission Interconnection and Interchange Agreement between IPS and Nebraska Public Power District (NPPD).

IPS indicates that the Interconnection and Interchanged Agreement reflects the establishment of a transmission interconnection between the two systems. NPPD will pay IPS a facilities charge based on transmission line investment. This third amendment provides additional cost support for the transmission facilities charge.

IPS respectfully requests a waiver of the Commission's rules so that the Interconnection and Interchange Agreement may be approved retroactive to December 29, 1986.

IPS states that copies of this filing were served on NPPD and the Iowa Utilities Board.

Comment date: March 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Buck Mickel

[Docket No. ID–2075–000]

February 24, 1992.

Take notice that on February 14, 1992, Buck Mickel filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director—Duke Power Company
Director—NationsBank Corporation

Comment date: March 11, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Public Works Commission of the City of Fayetteville, North Carolina v. Carolina Power & Light Company

[Docket No. EL92–19–000]

February 24, 1992.

Take notice that on February 14, 1992, the Public Works Commission of the City of Fayetteville, North Carolina (Fayetteville) tendered for filing a Complaint against Carolina Power & Light Company (CP&L), requesting the Commission to determine whether CP&L has correctly totalized billing units for Fayetteville under CP&L's of its Service Agreement with Fayetteville and its applicable Resale Service Schedule. Fayetteville seeks a refund of a claimed overcharge together with accrued interest in connection with CP&L's alleged failure to totalize billing correctly under formerly effective Resale Service Schedule RS87–3B. Fayetteville claims CP&L's failure to totalize billing demand units was contrary to the Service Agreements CP&L's applicable Resale Service Schedule, and CP&L's applicable Terms and Conditions of Service, was contrary to the intent of the parties in entering into and amending their Service Agreement, was an unauthorized change in practice by CP&L and was unjust and unreasonable. In addition, Fayetteville seeks an order from the Commission requiring CP&L to totalize billing units for electricity of all Fayetteville's present and future delivery points.

Comment date: March 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Central Vermont Public Service Corporation

[Docket No. ER91-584-000]

February 24, 1992.

Take notice that Central Vermont Public Service Corporation (CVPS) on February 14, 1992, tendered for filing an amendment to its August 9, 1992 filing in this docket.

CVPS requests the Commission to waive its notice of filing requirements to permit the rte schedule to become effective according to the terms of the Agreements.

Comment date: March 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. MDU Resources Group, Inc.

[Docket No. ER92-30-000]

February 24, 1992.

Take notice that on February 14, 1992, MDU Resources Group, Inc. (MDU) filed an application with the Federal Energy Regulatory Commission under 204 of the Federal Power Act Requesting authority to issue not more than $150 million of one or more series of its First Mortgage Bonds and/or of secured medium term notes. MDU also requests exemption from the Commission's competitive bidding regulations.

Comment date: March 13, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Maine Electric Power Company

[Docket No. ER92-325-000]

February 24, 1992.

Take notice that on February 18, 1992, Maine Electric Power Company (MEPCO) tendered for filing the following: Transmission Service Agreement between Maine Electric Power Company and Main Public Service Company, dated Februry 4, 1992.

MEPCO has requested wajver of the Commission's notice and filing requirements to the extent necessary to permit the Transmission Service Agreement to become effective April 22, 1992, which is more than 120-days prior to the date on which electric service is to commence.

MEPCO has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 10, 1992, in accordance with Standard Paragraph E end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Strteet, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4819 Filed 3-2-92, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-117-000]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 25, 1992.

Take notice that Northern Natural Gas Company (Northern) on February 21, 1992, tendered for filing to become part of Northern's F.E.R.C. Gas Tariff Third Revised Volume 1, the following tariff sheets, to be effective June 1, 1992.

Twenty-Fourth Revised Sheet No. 4H
Third Revised Sheet No. 52G
Fourth Revised Sheet No. 52G.2
Fourth Revised Sheet No. 52G.3
Third Revised Sheet No. 52G.4
Fourth Revised Sheet No. 52G.5
Third Revised Sheet No. 52G.6
Third Revised Sheet No. 52G.7
Fourth Revised Sheet No. 52G.8
Third Revised Sheet No. 52H.4
Third Revised Sheet No. 85Q.1
Third Revised Sheet No. 85Q.4

Northern states that such tariff sheets are being filed (1) in compliance with the order issued October 31, 1991 in Docket No. RP92-1, to implement the rates and certain provisions for Northern's storage-equivalent firm deferred delivery service (FDD-1) and interruptible deferred delivery service (IDD-1); and (2) to modify the FDD operating parameters as a result of Northern's annual evaluation of its capability to provide increased flexibility for FDD service pursuant to Section 3 of Rate Schedule FDD-1. Such modifications would be effective at the beginning of the next storage cycle, to commence June 1, 1992.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such petitions or protests must be filed on or before March 3, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4823 Filed 3-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-119-000]

Pacific Interstate Offshore Co.; Change in Rate

February 25, 1992.

Take notice that on February 21, 1992, Pacific Interstate Offshore Company ("PIOC") tendered for filing a Cost and Revenue Study and Rate Redetermination for natural gas service rendered pursuant to Rate Schedules G-10, FT-1, and IT-1 of its FERC Gas Tariff. The Rate Redetermination reflects a decrease in the currently authorized transportation rate.

As part of this filing, in compliance with the Commission's electronic filing requirements, PIOC is submitting First Rvised Volume No. 1 of its Gas Tariff to supersede Original Volume No. 1.

PIOC has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary to implement the notice of change effective April 1, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211. All such motions or protests should be filed on or before March 3, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4821 Filed 3-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-120-000]

Panhandle Eastern Pipe Line Co., Proposed Changes in FERC Gas Tariff

February 25, 1992.

Take notice that Panhandle Eastern Pipe line Company (Panhandle) on February 21, 1992 tendered for filing new and revised tariff sheets and supportive schedules and workpapers.

Panhandle requests an effective date of April 1, 1992.

Panhandle states that the tariff sheets are intended to implement rates which are applicable to transportation performed by Panhandle on its Wattenberg System. The Wattenberg System is a discrete segment of pipeline facilities which is not physically connected to Panhandle's mainline system and entirely located in Adams, Arapahoe, Boulder, Larimer and Weid Counties, Colorado. This system aggregates gas in the Denver-Julesburg area of Colorado and ultimately interconnects with the Wattenberg Processing Plant owned by Amoco Production Company. The Wattenberg System was certificated originally in 1973. 49 FPC 823 (1973). The revised tariff sheets submitted herewith will implement a separate charge for utilization of the Wattenberg System. The new rates reflect only the Panhandle costs associated with its ownership and operation of the Wattenberg System.

The costs of the Wattenberg System are not now reflected in the jurisdictional rates charged by Panhandle and have not been included in rates since 1969. Panhandle filed a general rate case in Docket No. RP88-262-000 which eliminated the costs of the Wattenberg System from Panhandle's cost of service for ratemaking purposes. The rates authorized by the Commission in that docket took effect on April 1, 1989 and continue in effect. Those rates do not reflect costs associated with the Wattenberg System. In addition, on September 30, 1991, Panhandle filed a general rate case in Docket No. RP91-229-000 and the rates reflected therein also exclude costs associated with Panhandle's Wattenberg System in Colorado.

The tariff sheets and rates included in this filing are limited solely to service provided by Panhandle on the Wattenberg System. The tariff sheets are proposed to become effective concomitantly with the effective date of new rates filed in Panhandle's most recent general rate proceeding, Docket No. RP91-229-000. By implementation of the proposed rates, shippers on the Wattenberg System will pay rates that reflect the cost of service for the facilities of Panhandle they actually utilize. No otehr existing rates of Panhandle are proposed to change and transportation via the Wattenberg System will continue under Panhandle's open access blanket-type certificate. Shippers utilizing the Wattenberg System no longer will be required to pay generally applicable rates associated with transportation on Panhandle unless their transportation also includes the main Panhandle System. Thus, Shippers only utilizing the Wattenberg System will pay the proposed rates applicable specifically to Wattenberg service.

Panhandle states that copies of the rate filing are being served on all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 3, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4820 Filed 3-2-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-118-000]

Panhandle Eastern Pipe Line Co. Proposed Changes in FERC Gas Tariff

February 25, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 21, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2 as reflected on Appendix A attached to the filing. Panhandle states that the subject tariff sheets bear an issue date of February 21, 1992, and a proposed effective date of April 1, 1992.

Panhandle states that the proposed tariff sheets reflect a volumetric surcharge to effectuate the recovery of 75% of approximately $6.5 million for take-or-pay settlement and contract reformation costs related to gas purchase arrangements with various producers suppliers. Panhandle states that it proposes to recover these amounts over a three year period commencing April 1, 1992 and terminating on March 31, 1995. Panhandle further states that the volumetric surcharge shall be based on one third (1/3) of the take-or-pay settlement and contract reformation costs including a component for carrying charges divided by total throughput underlying Panhandle's currently effective rates.

Panhandle states that the proposed volumetric take-or-pay surcharge will be billed in addition to Panhandle's cufrently effective rates, including the fixed take-or-pay charges and volumetric surcharge aproved by Commission Orders dated August 2, 1991 and September 25, 1991, in Docket Nos. RP91-52-000 and RP91-53-000.

Panhandle states that copies of the filing were served upon Panhandle's jurisdictional customers, interested state commissions, and on all parties in Docket No. RP91-229-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 3, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4822 Filed 3-2-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-10-NG]

Enserch Gas Co.; Application for Blanket Authorization to Import and Export Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of Application for Blanket Authorization to Import and Export Natural Gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 3, 1992, of an application filed by Enserch Gas Company (EGC) requesting blanket authorization to import up to 100 Bcf of natural gas per year and to export up to 100 Bcf per year of natural gas from and to Canada and Mexico, over a two-year period beginning on the date of first import of first export. EGC intends to use existing pipelines for the importation and exportation of gas supplies, and states that it will advise DOE of the date of first import or export and submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 2, 1992.

ADDRESS: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, room 3F–056, FE–50, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW, Washington, DC 20585 (202) 586–7751.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–0503.

SUPPLEMENTARY INFORMATION: EGC, a corporation organized under the laws of the State of Texas, is a marketer of natural gas and has its principal place of business in Dallas, Texas. EGC is a division of Lone Star Energy Company, which is a wholly owned subsidiary of Enserch Corporation. EGC requests authorization to import and export natural gas on a short-term or spot-market basis for its own account, as well as for the accounts of others for which EGC may agree to act as an agent.

EGC requests authorization to import gas for sale on a short-term, spot-market basis to U.S. purchasers, including local distribution companies, pipelines, municipalities, and end-users. The proposed export authority would enable EGC to sell U.S. gas it has purchased to Canadian and/or Mexican spot-market purchasers, including local distribution companies, pipelines, municipalities and end-users. In support of its application, EGC states that the terms of each import or export transaction will be the product of arms length negotiations and determined by competitive factors in the natural gas market.

The decision on the application for the import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing the proposed export application, domestic need for the gas will be considered, and any other issue determined to be appropriate. Parties that may oppose this application should comment in their responses on the issues of competitiveness as set forth in the policy guidelines for the requested import authority, and on the domestic need for gas the applicant proposes to export. The applicant asserts the proposed imports would be competitive and there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing the arrangement bear the burden of overcoming these assertions. All parties should be aware that FE, in order to allow EGC the maximum amount of flexibility, will treat EGC's application as a request for authorization to import and export up to 200 Bcf of natural gas, respectively, over a two-year term, and will not set annual limitations on any authorization that may be issued.

NEPA Compliance. The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures. In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of EGC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on February 26, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–4911 Filed 3–2–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 92–17–NG]

Mountain Gas Resources, Inc., Application for Blanket Authorization to Import and Export Natural Gas From and to Canada and Mexico

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of Application for Blanket Authorization to Import and Export Natural Gas from and to Canada and Mexico.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 10, 1992, of an application filed by Mountain Gas Resources, Inc. (MGR) requesting blanket authorization to import up to 50 Bcf of natural gas from Canada and Mexico and to export up to 50 Bcf of natural gas to Canada and Mexico. The application requests that the authorization be approved for a period of two years commencing in the date of first import or export. MGR intends to use existing U.S. pipeline facilities which interconnect with Canadian and Mexican pipeline facilities at various points on the U.S./Canadian and U.S./Mexican borders. MGR states that it will submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATA: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 2, 1992.

ADDRESS: Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–7751.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585. (202) 586–0503.

SUPPLEMENTARY INFORMATION: MGR, a Delaware coporation with its principal place of business in Englewood, Colorado, is a marketer of natural gas and natural gas liquids throughout the Rocky Mountain, Pacific Northwest, and Mid-continent regions of the United States. MGR also owns and operates natural gas gathering and processing facilities, primarily located in southwestern Wyoming.

MGR proposes to import the requested volumes from Canadian or Mexican suppliers and, also, to import gas as agent for other parties, who desire either to sell or purchase Canadian or Mexican natural gas under short-term or spot market sales arrangements. MGR proposes to export the requested volumes from various U.S. suppliers and, also, to export gas as an agent for others parties that desire to sell natural gas under short-term or spot market sales arrangements. The specific terms of each import and export contract will be the product of arms-length negotiations with an emphasis on competitive prices and contract flexibility.

The decision of MGR's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest [49 FR 6684, February 22, 1984]. In reviewing MGR's application for export authority, the domestic need for the natural gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on the considerations discussed above that relate to the requested import/export authority. The applicant asserts that this import/export arrangement would be in the public interest. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decison will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to itnervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Potests, motions to intervene, notices of intervention, requests for additonal procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any requests for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issurs genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additonal procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinon and order maybe issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of MGR's application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open

between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on February 26, 1991.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4912 Filed 3-2-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-08-NG]

National Gas Resources Limited Partnership; Application for Blanket Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 3, 1992, of an application filed by National Gas Resources Limited Partnership (NGR) requesting blanket authorization to import up to 73 Bcf of natural gas from Canada over a two-year period commencing with the first date of delivery. NGR intends to use existing facilities and submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time April 2, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9482.

FOR FURTHER INFORMATION CONTACT:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7751.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503.

SUPPLEMENTARY INFORMATION: NGR, a natural gas marketing, management, and consulting company, is an Illinois Limited Partnership, 80% owned by National Material L.P., itself an Illinois Limited Partnership and 20% owned by Glasgow, Inc. incorporated in the State of Texas. NGR maintains an office at 1965 Pratt Boulevard, Elk Grove Village, Illinois.

NGR requests authority to import gas on its own behalf as well as on behalf of suppliers and purchasers for whom NGR may act as an agent. The terms of each spot or short-term transaction will be determined by competitive factors in the natural gas marketplace.

The decision on this application for import authority will be made consistent with DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts imports made under the proposed arrangement will be competitive and otherwise consistent with DOE import policy. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of NGR's application is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Firday, except Federal holidays.

Issued in Washington, DC on February 26, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4913 Filed 3-2-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-03-NG]

Unigas Energy, Inc; Application to Export Natural Gas, Including LNG, to Canada, Mexico, and Other Countries

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas, including LNG, to Canada, Mexico and Other Countries.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 17, 1992, of an application filed by Unigas Energy, Inc. (Unigas) requesting blanket authorization to export up to a maximum of 200 Bcf of natural gas, including liquefied natural gas (LNG), to Canada, Mexico, and other countries, over a two-year period beginning with the first export after March 12, 1992, the date Unigas' current authorization expires. Unigas states it would use existing pipeline and LNG facilities to implement the proposed exports, and would submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 2, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

FOR FURTHER INFORMATION CONTACT:

C. Frank Duchaine, Jr., Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3G–087, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8233.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Unigas, a Delaware corporation with its principal place of business in Traverse City, Michigan, requests authority to export gas for its own account, as well as for the accounts of others. The specific terms of each export, including price and volume, would be negotiated at arms length in response to market conditions.

The export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204–111 and 0204–127. In deciding whether the proposed export is in the public interest, domestic need for the natural gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentaton should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Unigas' application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 27, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-4914 Filed 3-2-92; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement for the Fort Peck-Wolf Point 230-kilovolt (kV) Transmission Line Rebuild Project; Valley, McCone, Roosevelt Counties, MT

AGENCY: Western Area Power Administration, DOE.

ACTION: Floodplain/Wetlands involvement and opportunity to comment.

SUMMARY: The Department of Energy (DOE), Western Area Power Administration (Western), is proposing to rebuild the existing 115-kV Fort Peck-Wolf Point Transmission Line. The line would be rebuilt in Valley, McCone, and Roosevelt Counties, Montana, and is approximately 36-miles long and extends from the Fort Peck Dam Switchyard to the Wolf Point

Substation. Pursuant to DOE's "Compliance with Floodplain/Wetlands Environmental Review Requirements," 10 CFR 1022, Western has determined that this proposed project would involve activities within a floodplain area. Approximately 85 percent of the proposed project area (Valley and Roosevelt Counties) has been mapped by the Federal Emergency Management Agency (FEMA). McCone County has not been mapped. According to FEMA maps, about 20 percent of the existing transmission line in the mapped area lies within identified 100-year floodplains. Western will prepare a floodplain/wetland assessment in accordance with Executive Order 11988–Floodplain Management, and Executive Order 11990–Protection of Wetlands. The floodplain/wetlands assessment will be part of the environmental documentation which Western is preparing for the subject proposed project. The existing transmission line carries power to the local electrical cooperatives in the area. The existing line was put in service in 1945. The existing line will be rebuilt to 230-kV standards and operated at 115-kV until the system would require energizing at 230-kV. Investigation of the existing line disclosed that the age and condition of the line has deteriorated to the point where safety and reliability has been affected.

DATES: Public comments or suggestions concerning the floodplain involvement of Western's proposed action are invited. Any comments are due no later than March 23, 1992.

ADDRESSES: Comments or suggestions should be sent to:

Mr. Jim Davies, Area Manager, Billings Area Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800,(406) 657–6532;

Mr. Bill Karsell, Director of Environmental Affairs, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231–1527

FOR FURTHER INFORMATION CONTACT: Mr. Ted Anderson, Environmental Specialist, Billings Area Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800, (406) 657–6575.

Issued at Golden, Colorado, February 4, 1992.

William H. Clagett,

Administrator.

[FR Doc. 92–4917 Filed 3–2–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4110–8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where approprate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Recordkeeping and Reporting Requirements for Compliance with the 40 CFR part 258 Solid Waste Disposal Facility Criteria (ICR No. 1381.03). This ICR requests approval for a new collection.

Abstract: The ICR details the information collection activities associated with the revised solid waste diposal facility criteria promulgated on October 9, 1991, as provided in 40 CFR part 258. The revised criteria established minimum federal standards for owners and operators of municipal solid waste landfills (MSWLFs) to ensure that such facilities are designed and operated in manner that is protective of human health and the environment, as well as recordkeeping and notification requirements for MSWLF owners and operators to ensure compliance with the revised criteria.

Specifically, MSWLF owners/operators must record and maintain in an operating record, and make available to the States upon request: Location restriction demonstrations; inspection records, training and notification procedures; gas monitoring results and remediation plans; unit design documentation for leachate & gas condensate recirculation; monitoring, testing or analytical data; closure/post-closure care plans; and cost estimates and financial assurance documentation.

Notification requirements for MSWLF owners/operators include notifying the State when: A regulated hazardous waste or PCB waste is discovered at the facility; methane gas concentrations exceed specified limits; and when ground-water contamination is detected.

The information collected will be used to regulate and insure that MSWLFs are complying with the part 258 Criteria. The program is administered by the States and all information is submitted to the States. State burden consists of MSWLF notifications, MSWLFs demonstrations review, and requirements certification. EPA has enforcement authority in States where EPA has made a determination that the State is not approved and may request information for the MSWLFs owner or operator.

Burden Statement: The public reporting burden for this collection is estimated to average 123 hours per response and includes all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Owners and Operators of Municipal Solid Waste Landfills, States.

Estimated number of Respondents: 4,050.

Estimated number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 499,266 hours.

Frequency of Collection: On occasion, annually.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460
and
Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 25, 1992.

Paul Lapsley,

Director, Regulatory Management Divison.

[FR Doc. 92–4898 Filed 3–2–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4111–2]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to El Paso Natural Gas Company, Dilkon Compressor Station (AZP 90–03), Navajo Compressor Station (AZP 90–02), and Window Rock Compressor Station (AZP 90–01)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on October 18, 1991, the Environmental Protection Agency issued PSD permits for major modifications of existing major stationary sources under EPA's federal regulation 40 CFR 52.21 to the applicant named above. The PSD permits grant approval for the addition of gas turbine compressors for natural gas transmission within the Navajo Indian Reservation. A GE Frame 3 gas turbine AZP 90–03, will be located 1 miles north of the town of Dilkon, Navajo County, Arizona (½ section 34, Township 23 North, Range 19 East). The permit is subject to certain conditions, including an allowable emission rates as follows: NOx at 225.6 ppmvd at 15% O2 and 3 hour rolling average, CO at 60 ppmvd at 15% O2 and 3 hour rolling average. AZP 90–02 and AZP 90–01 allow the addition of one Solar Centaur H in the following locations: AZP 90–02 to be located 7 miles northeast of the Indian community of Greasewood, Apache County, Arizona (½ section 24, Township 25 North, Range 24 East) and AZP 90–01 to be located 5 miles southwest of the community of Window Rock, Apache County, Arizona (west ½ northeast ¼ of section 34, Township 26 North, Range 30 East). Both permits are subject to certain conditions, including allowable emission rates as follows: NOx at 85 ppmv dry at 15% O2 and 3 hour rolling average, and CO at 10.5 ppmv dry at 15% O2 and 3 hour rolling average. In 1994, all three turbines will have to comply with a NOx limit of 42 ppmv dry at 15% O2 and 3 hour rolling average.

DATES: The PSD permits are reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeal. A petition for review must be filed by May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Copies of the permits are available for public inspection upon request; address request to: Linda Barajas (A–5–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (414) 744–1244, FTS 484–1244.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include CEMS for NO2, CO, and O2, and retrofit of a Dry Low NOx Combustor in 1994.

Dated: February 18, 1992.

Carl C. Kohnert,

Acting Director Air and Toxics Division, Region 9.

[FR Doc. 92–4899 Filed 3–2–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4105–9]

Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Delano Energy Co., Inc. & Delano Biomass Energy Co., Inc. (EPA Project Number SJ 90–01)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on July 10, 1991, the Environmental Protection Agency issued a PSD permit for a major stationary source under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The PSD permit grants approval for two Biomass fired bed boilers, gross output of 48.8 MW, to be located in Kern County at 31500 Pond Road, Delano, CA 93215 (section 25, Township 25S, Range 25E). The permit is subject to certain conditions, including an allowable emission rate as follows: (1). 315 mmBTU/hr boiler, NOx at 44 ppm at 12% CO2 and 3 hour rolling average, CO at 127 ppm at 12% CO2 and 3 hour rolling average, SO2 at 13.07 ppm at 12% CO2 and 3 hour rolling average, and PM10 at 0.01 gr/dscf at 12% CO2 and 3 hour rolling average, (2). 400 mmBTU/hr boiler, NOx at 63.67 ppmd at 3% O2 and 3 hour rolling average, CO at 183 ppmd at 3% O2 and 3 hour rolling average, SO2 at 19 ppmd at 3% O2 and 3 hour rolling average, and PM10 at .01 gr/dscf at 3% O2 an 3 hour rolling average.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon reqest; address request to: Linda Barajas (A–5–1), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA, 94105, (415) 744–1244, FTS 484–1244.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the following: 1). Thermal DeNox with ammonia injection for Nox control; 2). Limestone injection for SO2 contro; 3). Baghouse for Particulate Matter control; 4). Fluidized bed with staged combustion for control of CO; 5). CEMS for NOx, CO, CO2, SO2, O2, and visible emissions; 6). funding of a photography station at the Domeland Wilderness for five years to be coordinated by the U.S. Forest Service. The PSD permit is reviewable under section 307 (b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeal. A petition for review must be filed by 60 days after publication in the **Federal Register**.

Dated: February 20, 1992.

David P. Howekamp,

Director, Air and Toxics Division, Region 9.

[FR Doc. 92–4900 Filed 3–2–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4111–4]

Gulf of Mexico Program Technical Steering Committee Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of meeting of the Technical Steering Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program Technical Steering Committee will hold a meeting on March 12–13, 1992 at the Pensacola Hilton, 200 East Gregory St., Pensacola, FL.

FOR FURTHER INFORMATION CONTACT: Mr. William Whitson, Gulf of Mexico Program Office, Stennis Space Center, MS 39529 at (601) 688–3726, FTS 494–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Technical Steering Committee of the Gulf of Mexico Program will be held on March 12–13, 1992 at the Pensacola Hilton in Pensacola, FL. Agenda items will include status reports to the Committee on the current Action Plans status, Oil Spill Task Force report, Strategic Planning and Comparative Risk, the Gulf Program's FY92, 93 and 94 budget, Year of the Gulf activities, 1992 Symposium status report, legislation update and a discussion of the Gulf of Mexico as the Nonpoint Source Laboratory for the Nation. The meeting is open to the public.

Martha Prothro,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 92–4897 Filed 3–2–92; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS-51788; FRL 4050-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of 34 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 92-461, April 28, 1992.
P 92-471, April 29, 1992.
P 92-472, 92-473, 92-474, 92-475, 92-476, 92-477, 92-478, 92-479, 92-480, 92-481, 92-482, 92-483, 92-484, 92-485, 92-486, 92-487, May 2, 1992.
P 92-488, 92-489, May 3, 1992.
P 92-490, 92-491, 92-493, 92-494, 92-495, 92-496, 92-497, 92-498, 92-499, May 4, 1992.
P 92-500, May 5, 1992.
P 92-501, May 9, 1992.
P 92-502, 92-503, 92-504, May 6, 1992.

Written comments by:

P 92-461, March 27, 1992.
P 92-471, March 30, 1992.
P 92-472, 92-473, 92-474, 92-475, 92-476, 92-477, 92-478, 92-479, 92-480, 92-481, 92-482, 92-483, 92-484, 92-485, 92-486, 92-487, April 2, 1992.
P 92-488, 92-489, April 3, 1992.
P 92-490, 92-491, 92-493, 92-494, 92-495, 92-496, 92-497, 92-498, 92-499, April 4, 1992.
P 92-500, April 5, 1992.
P 92-501, April 9, 1992.
P 92-502, 92-503, 92-504, April 6, 1992.

ADDRESSES: Written comments, identified by the document control number "(OPPTS-51788)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC, 20460, (202) 260-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 92-461

Manufacturer. Rohm Tech Inc.
Chemical. (G) Formaldehyde.
Use/Production. (S) Textile coating/finishing. Prod. range: Confidential.

P 92-471

Manufacturer. Shell Oil Company.
Chemical. (G) Epoxy resin.
Use/Production. (S) Other industrial. Prod. range: Confidential.
Toxicity Data. Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit). Skin sensitization: negative species (guinea pig).

P 92-472

Manufacturer. Futura Coatings, Inc.
Chemical. (S) Reaction product of an alkyl carbmonocyclic diisocyanate and a substituted alkyl, heteromonocycle.
Use/Production. (G) Coating addition. Prod. range: Confidential.

P 92-473

Manufacturer. Futura Coatings, Inc.
Chemical. (G) Reaction product of an alkyl-carbomonocyclic diisocyanate and a substituted alkyl hetermonocycle.
Use/Production. (G) Coating additive. Prod. range: Confidential.

P 92-474

Manufacturer. Futura Coatings, Inc.
Chemical. (G) Reaction product of modified polyalkene, polyalkylenepolyol and alkyl carbomonocyclic diisocyanate.
Use/Production. (G) Coating component. Prod. range: Confidential.

P 92-475

Manufacturer. Futura Coatings, Inc.
Chemical. (G) Reaction product of polyalkylene polyols methyenbis(carbomonocyclic isocyanate) and xoheleromonocycle.
Use/Production. (G) Coating component. Prod. range: Confidential.

P 92-476

Manufacturer. Futura Coating, Inc.
Chemical. (G) Reaction product of polyalkylenepolyol, carbomonocyclic diisocyanate, and modified polyalkene.
Use/Production. (G) Coating component. Prod. range: Confidential.

P 92-477

Manufacturer. Texaco Chemical Company.
Chemical. (S) Poly(oxy(methyl-1,2-ethanediyl)alpha, alpha'-1,2,3-propanetriyltris-(omrga-(2-aminomethylethoxy)-, reaction product with benzene, 1,3-bis(1-disocyanato-1-methylethyl)- (1:3).
Use/Production. (S) Polyurethane. Prod. range: Confidential.

P 92-478

Manufacturer. Texaco Chemical Company.
Chemical. (S) Poly(oxy(methyl-1,2-ethanediyl)alpha, alpha'-1,2,3-propanetriyltris-(omega-(2-aminoethoxy)-, reactoon product with benzen.1,3-bis(1-isocyanato-1-methylethyl)-(2:3).
Use/Production. (S) Polyurethane. Prod. range: Confidential.

P 92-479

Importer. Confidential.
Chemical. (G) Formaldehyde polymer.
Use/Import. (G) Coating for electronic parts. Import range: Confidential.

P 92-480

Manufacturer. Confidential.
Chemical. (G) Aromatic isocyanate-polyester-polyether-based urethane prepolymer.
Use/Production. (G) Laminating adhesive. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,200 mg/kg species (mouse). Acute dermal toxicity: LD50 > 9,400 mg/kg species (rabbit). -Inhalation toxicity: LC50 178 mg/m3.

P 92-481

Importer. Confidential.
Chemical. (S) Furan, tetrahydro-3-methyl, polymer with tetrahydroxyethyl acrylate; isophorone diisocyanate.
Use/Import. (S) Radiation curable coating. Import range: Confidential.

P 92-482

Manufacturer. Olin Corporation.
Chemical. (G) Mixture of polyalkylene glycol phosphate esters.
Use/Production. (S) Metal working fluid lubricants. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Acute dermal toxicity: LD50 > 2g/kg species (rabbit). Static acute toxicity: time EC50 96h100 mg/l species (freshwater algal). Eye irritation: strong species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative. Skin sensitization: positive species (guinea pig).

P 92-483

Importer. Enthone-OMI, Inc.
Chemical. (G) *N*-Alkyl-nitrogen heterocycle.
Use/Import. (G) Chemical additive. Import range: Confidential.

P 92-484

Importer. Dic Trading (U.S.A.), Inc.
Chemical. (G) Polyester polyurethane.
Use/Import. (G) Polyurethane for adhesive. Import range: Confidential.

P 92-485

Importer. Confidential.
Chemical. (G) Poly-*B*-fluoroalkylethyl acrylate alkyl acrylate.
Use/Import. (G) Textile coating. Import range: Confidential.
Toxicity Data. Mutagenicity: negative.

P 92-486

Importer. Confidential.
Chemical. (G) Poly-*B*-fluoroalkyl acrylate and alkyl acrylate.
Use/Import. (G) Textile coating. Import range: Confidential.
Toxicity Data. Mutagenicity: negative.

P 92-487

Importer. Central Glass International Inc.
Chemical. (G) Vinyl ester, polymer with halogenated alkene and a substituted alkanol.
Use/Import. (G) Paint component. Import range: 5,000-20,000 kg/yr.

P 92-488

Manufacturer. Confidential.
Chemical. (G) Amine terminated polyether.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-489

Manufacturer. Confidential.
Chemical. (G) Polyoxymethylene.
Use/Production. (G) Adhesive nondispersive. Prod. range: Confidential.

P 92-490

Manufacturer. Inx International Ink, Co.
Chemical. (G) Chain-stopped alkyd resin.
Use/Production. (G) Open, nondispersive. Prod. range: 12,000-160,000 kg/yr.

P 92-491

Manufacturer. M-I Drilling Fluids Company.
Chemical. (G) Polyaminopolyacid.
Use/Production. (S) Material used to drill oil/gas wells. Prod. range: 100,000-1,000,000 kg/yr.
Toxicity Data. Static acute toxicity: time LC50 96h588,364 ppm species (mysidopsis bahia).

P 92-493

Manufacturer. E.I. Du Pont De Nemours & Comapny, Inc.
Chemical. (G) Methacrylic acid copolymer.
Use/Production. (G) Pressure substance. Prod. range: Confidential.

P 92-494

Manufacturer. E.I. Du Pont De Nemours & Company, Inc.
Chemical. (G) Methacrylic acid copolymer salt.
Use/Production. (G) Open, nondiapersive. Prod. range: Confidential.

P 92-495

Manufacturer. E.I. Du Pont De Nemours & Company, Inc.
Chemical. (G) Methacrylic acid copolymer salt.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-496

Manufacturer. E.I. Du Pont De Nomours Company, Inc.
Chemical. (G) Azonapthalene sulfonate dye.
Use/Production. (G) Dye for printing material. Prod. range: Confidential.

P 92-497

Importer. Confidential.
Chemical. (G) Blocked polyurethane.
Use/Import. (S) Adhesive promoter for automobile coating. Import range: 14,000-32,000 kg/yr.

P 92-498

Manufacturer. Confidential.
Chemical. (G) Isocyanate reaction products.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-499

Manufacturer. Confidential.
Chemical. (G) Isocyanate reaction products.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-500

Manufacturer. Ciba-Geigy Corporation.
Chemical. (G) A copolymer of diallylbisphenol *A* with an aliphatic polyether polyurethane.
Use/Production. (S) Toughener for epoxy adhesive. Prod. range: 10,000-60,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 92-501

Manufacturer. Angus Chemical Company.
Chemical. (S) 4-Ethyl-2-methyl-2-(3-methylbutyl)-1,3-oxazolidine.
Use/Production. (S) Moisture scavenger for urethane coatings. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 2.5-3.6 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Mutagenicity: negative.

P 92-502

Manufacturer. Safety-Kleen Corporation.
Chemical. (S) Lubricanting oils, used residuas.
Use/Production. (S) Asphalt extender. Prod. range: 80 mm.
Toxicity Data. Mutagenicity: negative.

P 92-503

Manufacturer. The Dow Chemical Company.
Chemical. (G) *B*-stage unsaturated organic disubstituted ketone.
Use/Production. (S) Intermediate for high performance composites. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 < 2,000 mg/kg species (rat). Eye irritation: moderate species (rabbit). Skin irritation: negligible species (rabbit). Mutagenicity: negative.

P 92-504

Importer. Ciba-Geigy Corporation.
Chemical. (G) Substituted azo triazine.
Use/Import. (G) Textile dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 species (rat). Acute dermal toxicity: LD50 > 2,000 species (rabbit). Eye irritation: none species (rabbit). Mutagenicity: negative. Skin irritation: negligible species (rabbit). Skin sensitization: negative species (guinea pig).

Dated: February 25, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-4919 Filed 3-2-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-59288A; FRL-4051-2]

Certain Chemical; Approval of Modifications to a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modifications to test marketing manufacture sites and number of customers for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing application as TME–90–19. The test marketing conditions are described below.

EFFECTIVE DATES: February 21, 1992.

FOR FURTHER INFORMATION CONTACT: Mark Howard, New Chemicals Branch, Chemical Control Division (TS–794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, room E–611, 401 M St. SW., Washington, DC 20460, (202) 260–4143.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the modification to add an additional site of manufacture and additional customer for TME–90–19. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application and modification request, will not present any unreasonable risk of injury to health or the environment. The number of sites of manufacture and number of customers must not exceed those specified in the application and modification request. All other conditions and restrictions described in the original Notice of Approval of Test Marketing Application must be met.

T–90–19

Notice of Approval of Original Application: October 19, 1990 (55 FR 42473).

Modified Number of Sites of Manufacture: Add one site of manufacture. Total number of sites is confidential.

Modified Number of Customers: Add one customer. Total number of customers is confidential.

Test Marketing Period: Confidential. Period commences on first day of commercial manufacture.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: February 21, 1992.

Linda Vlier Moos,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–4918 Filed 3–2–92; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Columbia Bancorp; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 30, 1992.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Columbia Bancorp, Columbia, Maryland; to acquire Fairview Savings and Loan Association, Ellicott City, Maryland, and thereby engage in owning and operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4857 Filed 3–2–92; 8:45 am]

BILLING CODE 6210–01–F

Community Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 30, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Community Group, Inc., Chattanooga, Tennessee; to acquire an additional 68.5 of the voting shares of Consolidated Bancorporation, Inc., Chattanooga, Tennessee, for a total of 100 percent, and thereby indirectly acquire Volunteer Bank and Trust, Chattanooga, Tennessee.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. KSAD, Inc., Council Bluffs, Iowa; to merge with Navada National Company, Omaha, Nebraska, and thereby indirectly acquire Navada National Bank, Navada, Iowa; and Williamsburg Holding Company, Omaha, Nebraska, and thereby indirectly acquire Security Savings Bank, Williamsburg, Iowa. Applicant has also applied to acquire 100 percent of the voting shares of Rainwood Corporation, Omaha, Nebraska, and thereby indirectly acquire Valley State Bank, Rock Valley, Iowa.

2. Midlothian State Bank ESOP, Midlothian, Illinois; to acquire 7.06 percent of the voting shares of Midlothian State Bank, Midlothian, Illinois.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Bancshares Corporation, Gladstone, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank, Upper Michigan, N.A., Gladstone, Michigan.

D. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. First Capital Bancorp, Inc., Guthrie, Oklahoma; to become a bank holding company by acquiring 98 percent of the voting shares of First Capital Bank, Guthrie, Oklahoma.

Board of Governors of the Federal Reserve System, February 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4858 Filed 3–2–92; 8:45 am]

BILLING CODE 6210–01–F

Marcia Bieber, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 24, 1992.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Marcia Bieber, Los Altos, California; and Patricia Maino, Carmel, California; to each acquire an additional 3.76 percent of the voting shares of Comban Shares, Inc., Oklahoma City, Oklahoma, for individual totals of 30.56 percent, and thereby indirectly acquire Community Bank and Trust Company, Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, February 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4856 Filed 3–2–92; 8:45 am]

BILLING CODE 6210–01–F

Moxham Bank Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 30, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Moxham Bank Corporation, Johnstown, Pennsylvania; to engage *de novo* through its subsidiary, Moxham Community Development Corporation, Johnstown, Pennsylvania, in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in Pennsylvania and Maryland.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. The Dai-Ichi Kangyo Bank, Limited, Tokyo, Japan; to engage *de novo* through its subsidiary, The CIT Group Holdings, Inc., New York, New York, in operating a collection agency for the collection of accounts receivable, either retail or commercial, pursuant to § 225.25(b)(23) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–4859 Filed 3–2–92; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL TRADE COMMISSION

[Dkt. C–3370]

Elexis Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Miami-based manufacturer from calling

its ultrasonic dog and cat collars by names such as Flea Relief, Pet Shield, Flea Buster, Flea and Tick Collar, and from representing that such collars will eliminate or repel fleas or repel ticks without the use of chemicals.

DATES: Complaint and Order issued February 6, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Timothy Hughes, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., suite 1437, Chicago, IL 60603. (312) 353–4423.

SUPPLEMENTARY INFORMATION: On Tuesday, November 19, 1991, there was published in the **Federal Register**, 56 FR 58384, a proposed consent agreement with analysis In the Matter of Elexis Corporation, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92–4890 Filed 3–2–92; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3369]

The Money Store Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New Jersey-based company and its subsidiaries to pay injured consumers redress totalling more than $1 million, and prohibits them from violating certain provisions of the Truth in Lending Act.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DATES: Complaint and Order issued February 6, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Chris Couillou, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree Street, NW., room 1000, Atlanta, GA 30367. (404) 347–4836.

SUPPLEMENTARY INFORMATION: On Tuesday, November 26, 1991, there was published in the **Federal Register**, 56 FR 59942, a proposed consent agreement with analysis In the Matter of The Money Store Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (12 CFR 226) of the Truth in Lending Act; Pub. L. 90–321, 15 U.S.C. 45, 1601, *et seq.*)

Donald S. Clark,

Secretary.

[FR Doc. 92–4891 Filed 3–2–92; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 179; 2–GR–NY–590E]

Federal Property Resources Service; Mobile Street Portion (Parcel B), Sayville International Flight Service Transmitter Facility, Islip, NY; Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667b–d), notice is hereby given that:

1. By letter from the General Service Administration dated January 27, 1992, the property, consisting of 25.947 acres of unimproved land, known as a portion of Sayville International Flight Service Transmitter Facility, Islip, New York, has been transferred to the Fish and Wildlife Service, Department of the Interior.

2. The above described property was transferred for wildlife conservation in accordance with the provisions of section 1 of said Public Law 80–537 (16 U.S.C. 667b), as amended, by Public Law 92–432.

Dated: February 21, 1992.

Earl E. Jones,

Commissioner, Federal Property Resources Service.

[FR Doc. 92–4845 Filed 3–2–92; 8:45 am]

BILLING CODE 6820–96–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N–0090]

Drug Export; Doxorubicin Hydrochloride Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Lyphomed, Div. of Fujisawa has filed an application requesting approval for the export of the human drug Doxorubicin Hydrochloride Injection to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 820(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Lyphomed, Div. of Fujisawa, 2045 N. Cornell Ave., Melrose Park, IL 60160–1002, has filed an application requesting approval for the export of the drug Doxorubicin Hydrochloride Injection to Canada. This drug is indicated for use as an antineoplastic agent. The application was received and filed in the Center for Drug Evaluation and Research on December 3, 1991, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992 and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4862 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92N–0091]

Drug Export; Prepulsid™ (Cisapride Monohydrate) Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Janssen Research Foundation has filed an application requesting approval for the export of the human drug Prepulsid™ (cisapride monohydrate) Tablets to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Janssen Research Foundation, 40 Kingsbridge Rd., Piscataway, NJ 08855–3998, has filed an application requesting approval for the export of the human drug Prepulsid™ (cisapride monohydrate) Tablets to Canada. This drug is indicated for use as a treatment of gastroesophageal reflux disorders. The application was received and filed in the Center for Drug Evaluation and Research on January 21, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4863 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–01–M

Food and Drug Administration

[Docket No. 92N–0092]

Drug Export; Corgard Tablets 40mg

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Corgard Tablets 40 mg to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public

participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co. P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the drug Corgard tablets 40 mg to Canada. This drug is indicated for use as an antianginal and antihypertensive agent. The application was received and filed in the Center for Drug Evaluation and Research on January 17, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4864 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–01–M

Food and Drug Administration

[Docket No. 92N–0093]

Drug Export; Hydrea Capsules 500 mg

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Hydrea Capsules 500 mg to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Admendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug and Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the drug Hydrea Capsules 500 mg to Canada. This drug is indicated for concomitant use with irradiation therapy in the local control of primary squamous cell carcinomas of the head and neck. The application was received and filed in the Center for Drug Evaluation and Research on January 2, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Managment Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992, and to provide an additional copy of the submission directly to the contact person identifed above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4865 Filed 3–2–92; 8:45 a.m.]

BILLING CODE 4160–01–M

[Docket No. 92N–0094]

Drug Export; Corzide Tablets (40mg/5mg, 80mg/5mg)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Corzide Tablets to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Secton 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** wihtin 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the drug Corzide Tablets to Canada. This drug is indicated for use as a maintenance therapy of patients with hypertension. The application was received and filed in the Center for Drug Evaluation and Research on November 6, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44)

Dated: February 24, 1992.

Daniel L. Michels,

Directror, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4866 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92N–0095]

Drug Export; Pravachol Tablets 10mg and 20mg

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Pravachol Tablets to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendement Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provided that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Secton 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** wihtin 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the drug Pravachol Tablets to Canada. This drug is indicated for use as a cholesterol-lowering agent. The application was received and filed in the Center for Drug Evaluation and Research on November 26, 1991, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 13, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–4867 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Hearing; Reconsideration of Disapproval of Georgia State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 15, 1992; 10 a.m.; 9th floor; room 905; 101 Marietta Street; Atlanta, Georgia to reconsider our decision to disapprove Georgia SPA 90–29.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, 1849 Gwynn Oak Avenue, Meadowwood East Building, Ground Floor, Woodlawn, Maryland 21207, Telephone: (410) 597–3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Georgia State plan amendment (SPA) number 90–29.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health Care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Georgia submitted SPA 90–29 on September 13, 1990 and additional information on August 26, 1991. The SPA is to exclude infrequent or irregular income in the Medicaid posteligibility process (i.e., the process for determining the amount of an institutionalized patient's income that can be contributed toward the cost of care, reducing the amount that the Medicaid program would otherwise pay).

The issues in this matter are whether: (1) By excluding irregular or infrequent income in the posteligibility process, the amendment violates section 1902(a)(17) of the Act as implemented by the regulations at 42 CFR 435.725 and 435.832; and, (2) irregular or infrequent income is available income which must be considered in the posteligibility process.

In determining a State's payment to an institution, Medicaid regulations at 42 CFR 435.725 and 42 CFR 435.832 require that the payment be reduced by the amount of the patient's income that can be contributed toward the cost of care. The patient's contribution is his or her total income, less specified allowances to meet needs not met by the institution. In determining a patient's total income, the State proposed to disregard income that is received infrequently or irregularly. Under agency policy in State Medicaid manual section 3701.2, total income includes all available amounts that meet the definition of income used to determine Medicaid eligibility and certain other types of payments which are not considered to be income in the eligibility determination. In determining eligibility for the aged, blind, and disabled, Georgia follows the definition of income used in the Supplemental Security Income (SSI) program. The SSI definition of income does not exclude amounts based on frequency or regularity of receipt. Therefore, infrequent or irregular income must be counted in the posteligibility determination for aged, blind, and disabled individuals. HCFA concluded that the State's proposal to exclude this income for its SSI-related institutionalized population in the posteligibility process would violate the regulations and, thus, violate the requirement in 42 USC 1396a(a)(17) for States' standards to be in accordance with standards prescribed by the Secretary. (While the nursing home reform provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87) provide for protecting patients' funds, they do not provide a basis for disregarding interest income in the posteligibility process, as the State indicated.)

With respect to the program of Aid to Families with Dependent Children (AFDC), most irregular and infrequent income is counted as income although certain irregular income may be averaged. Because the State also proposes to exclude irregular and infrequent income for its AFDC-related institutionalized population in the post-eligibility process, HCFA concluded the proposal would violate Medicaid regulations in AFDC-related cases and, thus, not comply with the standards prescribed by the Secretary.

The notice to Georgia announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. Russell B. Toal,
Commissioner, Department of Medical Assistance, Floyd Veterans Memorial Building, West Tower, 2 Martin Luther King, Jr. Drive, SE., Atlanta, Georgia 30334

Dear Mr. Toal: I am responding to your request for reconsideration of the decision to disapprove Georgia State Plan Amendment (SPA) 90–29.

Georgia submitted SPA 90–29 on September 13, 1990 and additional information on August 26, 1991. The SPA is to exclude infrequent or irregular income in the Medicaid posteligibility process (i.e., the process for determing the amount of an institutionalized patient's income that can be contributed toward the cost of care, reducing the amount that the Medicad program would otherwise pay).

The issues in this matter are whether: (1) By excluding irregular or infrequent income in the posteligibility process, the amendment violates section 1902(a)(17) of the Act as implemented by the regulations at 42 CFR 435.725 and 435.832; and, (2) irregular or infrequent income is available income which must be considered in the posteligibility process.

I am scheduling a hearing on your request for reconsideration to be held on April 15, 1992; 10 a.m.; 9th floor; room 905; 101 Marietta Street; Atlanta, Georgia. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, part 430.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597–3013.

Sincerely,

Gail R. Wilensky, Ph.D.,
Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: February 26, 1992.

Gail R. Wilensky, Ph.D.

Administrator, Health Care Financing Administration.

[FR Doc. 92–4934 Filed 3–2–92; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Final Funding Priorities for Grants for Graduate Training in Family Medicine

The Health Resources and Services Administration (HRSA) announces the final funding priorities for fiscal year (FY) 1992 Grants for Graduate Training in Family Medicine, authorized under the authority of section 786(a), title VII of the Public Health Service Act, extended by the Health Professions Reauthorization Act of 1988, Public Law 100–607, title VI.

This authority expired on September 30, 1991. This program announcement is subject to reauthorization of this legislative authority.

Approximately $19.4 million is available for this program in FY 1992. Of this amount, $9.3 million is committed to previously approved continuation awards. Approximately 78 competing awards will be made averaging $130,000 each.

Proposed funding priorities were published in the **Federal Register** dated July 16, 1991, at 56 FR 32438 for public comment. No comments were received during the 30–day comment period.

Funding priorities nos. 1 and 3 will be retained as proposed. Funding priority No. 2 has been revised to revert back to the funding priority established in fiscal year 1989 for Grants for Faculty Development in Family Medicine after public comment, dated December 12, 1988, 53 FR 49929. The Department has determined that this is a more appropriate means to achieve program goals.

The final funding priorities are as follows:

Final Funding Priorities

In addition, funding priorities will be given to:

1. Applications that propose to provide educational experiences to demonstrate to residents the provision of primary care services to underserved populations. These experiences must include substantial training involving one or more of the following eligible entities: (1) Inpatient or outpatient health care facilities located in a Health Professional Shortage Area (HPSA), PHS Act, section 332 or in a Medically Underserved Area (MUA) designated under provisions of PHS Act, section 330(b)(3), (2) Community Health Centers currently supported under PHS Act, section 330, Migrant Health Centers currently supported under PHS Act, section 329, Homeless Health Centers supported under PHS Act, section 340, facilities that have formal arrangements to provide primary health services to public housing communities, or hospitals and/or health care facilities of the Indian Health Service, or (3) health care facilities, that draw at least 50 percent of their teaching program patients from areas or populations designated as HPSAs or MUAs.

Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas. Section 330(b) establishes Medically Underserved Areas which are areas designated by the PHS, based on four criteria:

(1) infant mortality rate;

(2) percentage of the population below the poverty level;

(3) percentage of the population over age 65; and

(4) number of practicing primary care physicians per 1,000 population.

Section 330 authorizes support for community health care services to medically underserved populations. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. Section 340 authorizes Health Care for the Homeless Program, as used here, means a community-based program of comprehensive primary health care and substance abuse services brought to the homeless population. At a minimum, this program of care and services must be fully integrated and must assure that care, coordination and case management are rigorously employed. A full description of the program may be found in the **Federal Register** dated August 1, 1990, at 55 FR 31233.

Public Housing Communities means the residents of low income public housing projects that receive Federal assistance, usually through a local public housing agency, under the provisions of the U.S. Housing Act of 1937.

To meet this priority 20 percent of each resident's training time over the course of the training program must occur in an eligible facility or facilities as described above. All continuity of care and block training experience in eligible ambulatory and/or inpatient settings may be counted toward this provision.

2. Projects which satisfactorily demonstrate a net increase in enrollment of underrepresented minorities in proportion or more to their numbers in the general population or can document extent to which applicant attracts, retains and assures program completion of underrepresented minorities (i.e. Black, Hispanic and American Indian/Alaskan Native minority trainees).

3. Applications that demonstrate that curricular time and educational offerings will be devoted to demonstrating and achieving better preventive/primary care services for underserved communities, areas or populations.

Additional Information

If additional programmatic information is needed, please contact: Mr. Donald Buysse, Chief, Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 4C–04, Rockville, Maryland 20857. Telephone: (301) 443–6820.

The program, Grants for Graduate Training in Family Medicine, is listed at 93.379 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: October 21, 1991.

Robert G. Harmon,

Administrator.

[FR Doc. 92–4861 Filed 3–2–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Meeting of the Genome Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Genome Research Review Committee, National Center for Human Genome Research, March 11, 1992, at the Embassy Suites Hotel at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC.

This meeting will be open to the public on March 11 from 8:30 a.m. to 9 a.m. to discuss administrative details or other issues relating to committee activities as indicated in the notice. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 522b(c)(4) and 552(b)(6), title 5, U.S.C. and sec 10(d) of Public Law 92–463, the meeting will be closed to the public on March 11, 1992 from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Linda Engel, Chief, Office of Scientifc Review, National Center for Human Genome Research, Building 38A, room 604, Bethesda, Maryland 20892, (301) 402–0838, will furnish the meeting agenda, rosters of Committee members and consultants, and substantive program information upon request.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: February 24, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5019 Filed 2–28–92; 2:00 p.m.]

BILLING CODE 4140–01–M

National Center for Nursing Research; Nursing Science Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Nursing Science Review Committee, National Center for Nursing Research, March 11–13, 1992, Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20892.

This meeting will be open to the public on March 11 from 8:30 a.m. to 10 a.m. Agenda items to be discussed will include a Report from the Director, NCNR; an Administrative Report by the Scientific Review Administrator, Nursing Science Review Section; a discussion of a new NCNR Program Announcement titled "Nursing Research Interface with Biological Sciences—A 1992 Initiative for NCNR in Research Training and Career Development," Acute and Chronic Illness Branch; and a presentation by the Chairman of the Nursing Science Review Section on the NIH Director's Chairpersons meeting.

Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 11 from 10 a.m. to adjournment on March 13 for the review, discussion, and evaluation of individual grant

applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Mary Stephens, Scientific Review Administrator, Nursing Science Review Section, National Center for Nursing Research, National Institutes of Health, Building 31, room 5B10, Bethesda, Maryland 20892, (301) 496-0472, will provide a summary of the meeting, and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health)

Dated: February 24, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-5018 Filed 2-28-92; 2:00 pm]

BILLING CODE 4140-01-M

National Institute of General Medical Sciences; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the committees of the National Institute of General Medical Sciences for March 1992.

These meetings will be open to the public to discuss administrative details relating to committee business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed thereafter in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, for the review, discussion, and evaluation of individual research training grant and research center grant applications. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The notice for the March 3 meeting and the March 5-6 meeting is being published less than 15 days prior to the meeting due to the difficulty in coordinating conflicting schedules of members.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, room 4A52, Bethesda, Maryland 20892 (Telephone: 301-496-7301), will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each scientific review administrator whose name, room number, and telephone number are listed below each committee.

Name of Committee: Cellular and Molecular Basis of Disease Review Committee
Scientific Review Administrator: Dr. Carole Latker, room 9A10, Westwood Building, Telephone: 301-496-7125
Dates of Meeting: March 3, 1992
Place of Meeting: Building 31, Conference Room 7, National Institutes of Health
Open: March 3, 8:30 a.m.-9:30 a.m.
Closed: March 3, 9:30 a.m.-adjournment

Name of Committee: Minority Access to Research Careers Review Subcommittee
Scientific Review Administrator: Dr. Helen Sunshine, Room 9A10, Westwood Building, Telephone: 301-496-7125
Dates of Meeting: March 5-6, 1992
Place of Meeting: Building 31C, Conference Room 9, National Institutes of Health
Open: March 5, 8:30 a.m.-9:30 a.m.
Closed: March 5, 9:30 a.m.-5 p.m.; March 6, 8:30 a.m.-adjournment

Name of Committee: Minority Biomedical Research Support Review Subcommittee
Scientific Review Administrator: Dr. Ernie Marquez, Room 9A13, Westwood Building, Telephone: 301-402-0635
Dates of Meeting: March 30-31, 1992
Place of Meeting: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815
Open: March 30, 8:30 a.m.-9:30 a.m.
Closed: March 30, 9:30 a.m.-5 p.m.; March 31, 8:30 a.m.-adjournment

Name of Committee: Pharmacological Sciences Review Committee
Scientific Review Administrator: Dr. Irene Glowinski, Room 9A10, Westwood Building, Telephone: 301-496-7125
Dates of Meeting: March 31, 1992
Place of Meeting: Newark Airport Marriott Hotel, Newark International Airport, Newark, New Jersey
Open: March 31, 8:30 a.m.-9:30 a.m.
Closed: March 31, 9:30 a.m.-adjournment

(Catalog of Federal Domestic Assistance Program No. 93-859, 93-862, 93-863, 93-880, National Institute of General Medical Sciences, National Institutes of Health)

Dated: February 24, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-5020 Filed 2-28-92; 2:00 pm]

BILLING CODE 4140-01-M

Social Security Administration

[Social Security Ruling SSR 92-2a]

Disability Insurance Benefits—Reduction to Zero Due to Receipt of State Disability Payments

AGENCY: Social Security Administration, HHS.

ACTION: Notice of social security ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 92-2a. This Ruling is based on a 1985 administrative law judge (ALJ) decision that reduced the claimant's Social Security disability insurance benefits to zero because he was receiving State disability payments which, along with the Social Security disability benefits, exceeded 80 percent of his average current earnings prior to the onset of disability. The ALJ decided that the claimant's wages from the State of Colorado were not covered under Social Security and, therefore, could not be included in the calculation of his "average current earnings." The ALJ also decided that Colorado law did not provide for a "reverse offset" for the Public Employees' Retirement Association disability payment because there was no reduction in the State disability payment due to the person's receipt of Social Security disability benefits. And, finally, the ALJ decided that the State disability payment received by the plaintiff is paid pursuant to the laws of the State of Colorado and is, therefore, a public, not private, disability payment subject to offset. The ALJ's decision was affirmed by a judgment of the U.S. District Court for the District of Colorado on October 8, 1986, which, in turn, was affirmed by a *per curiam* opinion of the U.S. Court of Appeals for the Tenth Circuit on November 4, 1987.

EFFECTIVE DATE: March 3, 1992

FOR FURTHER INFORMATION CONTACT: Joanne K. Castello, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1711.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance; 93.806 Special Benefits for Disabled Coal Miners)

Dated: February 18, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Sections 210(a)(7), 218(b), (c)(4), and 224 of the Social Security Act (42 U.S.C. 410(a)(7), 418(b), (c)(4), and 424a) Disability Insurance Benefits—Reduction to Zero Due to Receipt of State Disability Payments

20 CFR 404.211(b), 404.221(b), 404.408, 404.1020 and 404.1214

The claimant applied for Social Security disability benefits and was found disabled beginning August 20, 1984. However, his Social Security disability benefits were offset and reduced to zero because he also received a public disability payment from the Colorado Public Employees' Retirement Association. The offset was made because the amount he received in Social Security disability benefits and payments from the Public Employees' Retirement Association exceeded 80 percent of his "average current earnings" as defined in the Social Security Act.

The claimant appealed this reduction in his benefit and argued that noncovered wages from his employment with the state of Colorado should be used to calculate his "average current earnings." He also argued that the State disability payments were not subject to offset because Colorado law provided for a "reverse offset" (offset of the State payment due to the receipt of Social Security disability benefits that precludes offset of the Social Security benefit) and because his State disability payment was a private, not public, disability payment.

The ALJ decided that the claimant's wages from the State of Colorado were not covered under Social Security and, therefore, could not be included in the calculation of his "average current earnings." The ALJ also held that Colorado law did not provide for a "reverse offset" for the Public Employees' Retirement Association disability payment because there was no reduction in the State disability payments due to the receipt of Social Security disability benefits. (The ALJ recognized that the State of Colorado does not have a "reverse offset" plan for its workers' compensation payments, which are completely separate from the disability payment the plaintiff received.) And, finally, ALJ decided that the State disability payment received by the claimant is paid pursuant to the laws of the State of Colorado and is, therefore, a public, not private, disability payment subject to offset.

The sole issue here is whether Social Security disability benefits were properly reduced or offset.

On August 31, 1984, the claimant applied for disability insurance benefits. On October 17, 1984, the claimant was found "disabled" with an onset date of August 21, 1984. The claimant's Social Security award letter stated that after a 5-month waiting period his monthly benefit was $568.60. His total family benefit amount was $852.90. Effective October 1984, the claimant began receiving $873.63 in disability payments from the State of Colorado because he had worked as a tax auditor for the State from March 1977 to August 21, 1984.

"A hearing was held on August 20, 1985. The claimant testified that he was employed as a public employee in a political subdivision of the State of Colorado until August 20, 1984, and had stopped paying into Social Security around 1976-1977. He believed that 42 U.S.C. 424a(d) prohibited the Social Security Administration from making a offset from any benefits received from the State of Colorado. The claimant also argued that his "average current monthly earnings" were improperly calculated because his 1983 earnings from the State of Colorado should have been the basis of which to calculate his "average current earnings."

The 1981 Omnibus Budget Reconciliation Act, as incorporated in section 224 of the Social Security Act, provided for the reduction, but not below zero, of Social Security disability benefits payable after August 1981 to individuals who are also receiving disability benefits provided by Federal, State, or local governments (with certain exceptions). The reduction or offset is made in the Social Security disability benefit in the event the total benefits paid under the two disability programs exceed 80 percent of the worker's average monthly earnings (called "average current earnings") prior to the onset of disability. The purpose of this legislative change was to eliminate duplicate benefits that overcompensate some disabled workers, thereby discouraging them from attempting to return to work. Some disabled individuals in the past had more after-tax income as the result of public disability programs than they earned when they were working.

The claimant's average monthly earnings were calculated using the claimant's monthly earnings in his highest consecutive 5 years of earnings covered by Social Security (years 1972 through 1976). The result of the calculation, with the 80 percent limit impose, was $852.00.

The claimant asserted that the calculation of his average monthly earnings was incorrect. He argued that his State of Colorado employment prior to his determination of disability should have been used. 20 CFR 404.408(c)(3) defines "average current earnings" and directs how the same will be derived for purposes of applying a reduction in benefits.[1] More specifically, 20 CFR 404.211(b) and 404.221(b) provide that the methods to either determine average indexed monthly earnings or average monthly wages for purposes of computing a Social Security disability benefit will use earnings creditable to the claimant for Social Security purposes after 1950. Since the claimant's earnings while he was employed with the State of Colorado were not creditable to his Social Security earnings record, his earnings from his State employment could not be used.

Service in the employ of a State, or any political subdivision thereof, or any instrumentality that is wholly owned by

[1] Section 224(a) of the Act, which 20 CFR 404.408(c)(3) implements, provides that "average current earnings" are computed by reference to average monthly wage under section 215(b) of the Act or to wage and self-employment income totals referencing sections 209(a)(1) and 211(b)(1) of the Act. These statutory provisions are concerned strictly with wages and self-employment income derived from employment and self-employment covered by Social Security.

one or more States or political subdivisions, is excluded from Social Security coverage. However, section 218(a) of the Social Security Act (the Act) provides for voluntary agreements for coverage of most employees of State and local governments.[2] All the States have entered into agreements, some having provided coverage for most employees and some having provided coverage for only a few employees. The claimant's specific employment for the State of Colorado was not a part of a "coverage group" as provided in sections 218(b) and (c)(4) of the Act.

In his second argument, the claimant cited 42 U.S.C. 424a(d) as authority that no offset would apply to the disability payments provided by the State of Colorado. That section provides that an offset shall not apply if a State law or plan provided on February 18, 1981, for a reduction in the amount of the State disability payment if the claimant also receives a Social Security disability benefit (called a "reserve offset" law or plan). Colorado does not have such a "reserve offset" law or plan applying to State disability payments. Therefore, the exception in 42 U.S.C. 424a(d) does not apply in this case. And, finally, since the State disability payment received by the claimant is paid pursuant to the laws of the State of Colorado, it is a public, not private, disability payment subject to offset.

In applying applicable law to the claimant's case, the maximum monthly limit for his combined Social Security disability benefit and State disability payment, for purposes of computing the reduction in his Social Security benefit, is 80 percent of his average monthly earnings under covered employment, or $852.00. Since the total of his State disability payment ($873.63) and unreduced Social Security disability benefit ($852.90) equals $1,726.53, his family Social Security disability benefit must be reduced by $852.90 to a benefit amount of zero. That leaves the claimant with the receipt of $873.63 in State disability payments per month. The application of an offset or reduction fulfills the intent of the new law that the claimant not be overcompensated.

However, should the claimant's State disability payments even stop, his Social Security disability benefit would resume. Moreover, if and when the claimant reaches age 65, the calculation of his Social Security retirement benefit will take into account his period of disability granted since August 21, 1984, even though benefits actually received were reduced to zero. At that time, his retirement benefit will be substantially higher than if he had not been found disabled and was able to continue in his noncovered employment with the State of Colorado.

Accordingly, the reduction or offset of benefits in this case is found to have been justified and correct.[3]

[FR Doc. 92-4810 Filed 3-2-92; 8:45 am]

BILLING CODE 4190-25-M

[2] Effective for services performed after July 1, 1991, with a few exceptions, service in the employ of a State, any political subdivision thereof, or any instrumentality of the State or political subdivision wholly owned thereby, by an individual who is not a member of a retirement system of such State, political subdivision, or instrumentality is mandatorily covered for Social Security purposes under section 210(a)(7)(F) of the Act.

[3] The claimant subsequently sought review of the Secretary's final decision in the United States District Court for the District of Colorado. On October 8, 1986, that court upheld the Secretary's decision. The claimant appealed the district court's decision to the United States Court of Appeals for the Tenth Circuit which, on November 4, 1987, affirmed the district court's decision in favor of the Secretary.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-040-4111-08]

Draft Egan Resource Management Plan Oil and Gas Leasing Amendment and Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Notice of availability of the Draft Egan Resource Management Plan Oil and Gas Leasing Amendment and Supplemental Environmental Impact Statement.

SUMMARY: Notice is given that the Bureau of Land Management (BLM) has released, for a 90-day public review and comment period, the Draft Egan Oil and Gas Leasing Amendment and Supplemental Environmental Impact Statement (DRMPA/SEIS). The DRMPA/SEIS was prepared to bring the approved Egan Resource Management Plan (RMP) into conformance with the Supplemental Program Guidance (SPG) for Oil and Gas Resources (BLM Manual 1624). This plan amendment describes and analyzes the options for management of oil and gas leasing on 3,841,633 acres of public lands in Nye, Lincoln and White Pine counties, Nevada.

DATES: Written comments on the DRMPA/SEIS must be submitted and postmarked no later than June 5, 1992. Oral and/or written comments may also be presented at two public meetings to be held at the following times and locations:

April 21, 1992, 7 p.m., Ely District Office, 702 N. Industrial Way, Ely, Nevada 89301-9408

April 22, 1992, 7 p.m., Holiday Inn, 1000 E. 6th St., Reno Nevada 89510

ADDRESSES: Written comments should be addressed to: Gene L. Drais, Area Manager, Egan Resource Area, Bureau of Land Management, Ely District, HC 33, Box 33500, Ely, NV 89301-9408.

FOR FURTHER INFORMATION CONTACT: Brian C. Amme, Team Leader, Ely District Office, HC 33, Box 33500, Ely, NV 89301-9408; (702) 289-4865.

SUPPLEMENTARY INFORMATION: The DRMPA/SEIS analyzes three alternatives for oil and gas leasing in the Egan Resource Area. The three alternatives are the Continuation of Present Management (No Action) Alternative, the BLM's Preferred Alternative and the Standard Terms and Conditions Alternative. The BLM's Preferred Alternative focuses on balanced management of exploration and development of oil and gas resources while affording appropriate protection of other natural resources to maintain or enhance resource condition objectives as outlined in the Approved Egan RMP Record of Decision. The DRMPA/SEIS also addresses the impacts that oil and gas exploration and development may contribute cumulatively in addition to other actions projected to occur on the public lands within the Egan Resource Area.

Copies of the DRMPA/SEIS are available for review at the following BLM Offices:

Ely District Office, 702 N. Industrial Way, HC 33, Box 33500, Ely, NV 89301-9408.

Nevada State Office, P.O. Box 12000, 850 Harvard Way, Reno, NV 89520-0006.

Copies of the DRMPA/SEIS can also be examined at public libraries in Clark, Elko, Lincoln, Nye, Washoe and White Pine counties, the State Library in Carson City, Nevada and the libraries at the University of Nevada, Las Vegas and the University of Nevada, Reno.

Dated: February 26, 1992.

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 92-4837 Filed 3-2-92; 8:45 am]

BILLING CODE 4310-HC-M

[CA-060-4214-11; R 01051, R 0252, CA-7073, CA-7074, CA-7101, CA-7103, CA-7231, CA-7232, CA-7234, CA-7236, CA-7238, CA-7239, R 077520]

Proposed Continuation of Withdrawals; CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that certain withdrawals affecting 133,712.39 acres for the All American Canal, Boulder Canyon, Colorado River Storage, Senator Wash Pump Storage, and Yuma Reclamation Projects continue for an additional 20 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing. This notice provides a public comment period.

DATES: Comments should be received by June 1, 1992.

ADDRESSES: Comments should be sent to Area Manager, EL Centro Resource Area Office, 333 South Waterman Avenue, El Centro, California 92243-2298, 619-352-5842.

FOR FURTHER INFORMATION CONTACT: Thomas F. Zale, BLM El Centro Resource Area Office, 619-352-5842.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation proposes that the existing withdrawals made by Secretarial Orders of October 24, 1944; October 16, 1931; July 2, 1902; February 19, 1929; January 31, 1903 as modified April 9, 1909 and April 5, 1910; April 12, 1909 as modified April 5, 1910 and February 11, 1920; February 28, 1918; October 19, 1920; July 26, 1929; and June 4, 1930; and Public Land Orders of October 29, 1963; February 10, 1964; September 15, 1969; and Bureau of Land Management Order of July 23, 1947 be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The lands are described as follows:

R 01051

Public Land Order 3282 of October 29, 1963.

San Bernardino Meridian

T. 14 S., R.23 E.;
Sec. 36, SE¼SE¼SE¼.
T. 14½ S., R. 23 E.,
Sec. 1, N½NE¼NE¼, NE¼NW¼NE¼.

R 02052

Public Land Order 3330 of February 10, 1964.

San Bernardino Meridan

T. 6 S., R. 6 E.,
Sec. 34, lot 4, W½, SW¼SE¼.

CA-7073

Bureau of Land Management Order of July 23, 1947.

San Bernardino Meridian

T. 7 S., R. 10 E.,
Sec. 34, E½SW¼.

CA-7074

Secretarial Order of October 24, 1944.

San Bernardino Meridian

T. 8 N., R. 22 E.,
Sec. 18, lots 1, 2, 3, 4, E½W½, E½.

CA-7101

Secretarial Order of October 16, 1931.

San Bernardino Meridian

T. 10 N., R. 22 E.,
Sec. 7, lots 1, 2, 3, 4, E½W½, E½.
T. 3 S., R. 23 E.,
Sec. 15, all;
Sec. 22, all.
T. 9 N., R. 23 E.,
Sec. 30, lot 2, NE¼SW¼SE¼SW¼, NW¼SE¼SE¼SW¼;
Sec. 31, N½NE¼NE¼, NW¼NE¼.

CA-7103

Secretarial Order of February 19, 1929.

San Bernardino Meridian

T. 5 S., R. 23 E.,
Sec. 14, E½;
Sec. 27, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 28, lots 1, 2, 3, 4, W½E½, W½;
Sec. 33, lots 1, 2, 3, 4, 5;
Sec. 34, NW¼NW¼.

CA-7231

Secretarial Order of January 31, 1903 as modified by Secretarial Orders of April 9, 1909 and April 5, 1910.

San Bernardino Meridian

T. 13 S., R. 16 E.,
Sec. 1, lots 2, 3, 6, 7, 10, 15, 16, 17, 24;
Sec. 5, lots 15, 25;
Sec. 9, W½NW¼, SE¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 34, SE¼NE¼;
Sec. 35, SW¼SW¼.
T. 14 S., R. 16 E.,
Sec. 2, lot 4, SE¼SW¼;
Sec. 11, lot 3;
Sec. 23, E½SW¼, W½SE¼;
Sec. 26, E½W½;
Sec. 35, E½W½.
T. 15 S., R. 16 E.,
Sec. 2, lot 3, SE¼NW¼, E½SW¼;
Sec. 11, lot 6, NE¼NW¼;
Sec. 23, SE¼SE¼;
Sec. 25, SW¼SW¼SW¼;
Sec. 26, E½NE¼.
T. 16 S., R. 16 E.,
Sec. 1, lot 11;
Sec. 12, E½NW¼, SW¼, SE¼;
Sec. 13, lots 1, 14, SW¼SE¼;
Sec. 24, W½W½NE¼;
Sec. 25, NE¼NW¼.
T. 17 S., R. 16 E.,
Sec. 1, SE¼;
Sec. 11, lot 17;
Sec. 12, lots 1, 2, 3, 4, N½, N½S½;
Sec. 13, lot 1;
Sec. 14, lot 1.
T. 14 S., R. 17 E.,
Sec. 1, SW¼, S½NW¼, SW¼SE¼;
Sec. 2, lots 3, 4, S½NE¼, NE¼SE¼;
Sec. 12, E½NW¼, NE¼, N½SE¼, SE¼SE¼.
T. 16 S., R. 17 E.,
Sec. 31, S½SE¼, SE¼SW¼;
Sec. 32, S½S½, S½N½SW¼.
T. 17 S., R. 17 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, lots 5, 6, E½SW¼, E½;
Sec. 7, lots 3, 4, 5, 6, 7, 8, 9, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 8, lots 1, 2, 3, 4, N½S½, N½;
Sec. 9, lots 1, 2, 3, 4, N½;
Sec. 10, lots 1, 2, 3, 4, N½;
Sec. 11, lots 1, 2, 3, 4, N½;
Sec. 12, lots 1, 2, 3, 4, N½N½.
T. 15 S., R. 18 E.,
Sec. 3, lots 5, 6, SE¼, SW¼NE¼, NE¼SW¼, S½NW¼;
Sec. 4, lot 3;
Sec. 10, N½NE¼, SE¼NE¼;
Sec. 11, SW¼SE¼, SW¼, SW¼NW¼, W½SE¼NW¼, S½NW¼NW¼;
Sec. 13, W½SW¼, SE¼SW¼;
Sec. 14, N½SE¼, SE¼SE¼, NE¼, NE¼NW¼;
Sec. 24, E½SE¼SE¼, N½SE¼, S½NE¼, NW¼NE¼, N½NW¼, SE¼NW¼.
T. 17 S., R. 18 E.,
Sec. 1, lots 3, 4, 5, N½, N½S½, SW¼SW¼;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, lots 3, 4, 5, 6, E½, E½W½;
Sec. 7, lots 3, 4, 5, 6, 7, N½NE¼, NE¼NW¼;
Sec. 8, lots 1, 2, 3, 4, N½N½;
Sec. 9, lots 1, 2, 3, 4;
Sec. 10, lots 1, 2, 3, 4;
Sec. 11, lots 1, 2, 3, 4;
Sec. 12, lots 1 and 2.
T. 16 S., R. 19 E.,
Sec. 3, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 3, 4, 5, SE¼NE¼;
Sec. 10, NE¼NE¼;
Sec. 11, all;
Sec. 13, SW¼, SW¼NW¼;
Sec. 14, E½NE¼, NE¼NW¼NE¼;
Sec. 24, E½, E½NW¼;
Sec. 25, NE¼NE¼NE¼, S½;
Sec. 26, SE¼;
Sec. 31, E½;
Sec. 32, all;
Sec. 35, E½.
T. 17 S., R. 19 E.,
Sec. 1, lots 1, 2, 3, 4, N¼N½, S½NW¼;
Sec. 2, lots 1, 2, 3, 4, N½;
Sec. 3, lots 1, 2, 3, 4, N½;
Sec. 4, lots 1, 2, 3, 4, N½;
Sec. 5, lots 1, 2, 3, 4, N½; N½S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼.

CA-7232

Secretarial Order of April 12, 1909 as modified by Secretarial Orders of April 5, 1910 and February 11, 1920.

San Bernardino Meridian

T. 9 S., R. 12 E.,
Sec. 30, portions of lots 1 and 2 of NW¼ south and west of State Highway 111, lots 1 and 2 of SW¼, portions of N½ SE¼ south and west of State Highway 111, S½SE¼;
Sec. 32, all;
Sec. 34, all.
T. 10 S., R. 12 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all.
T. 12 S., R. 15 E.,
Sec. 2, SW¼SW¼.

CA–7234

Secretarial Order of February 28, 1918.

San Bernardino Meridian

T. 15 S., R. 19 E.,
Sec. 19, lots 3, 4, SE¼SW, SW¼SW¼SE¼;
Sec. 29, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 30, NE¼SE¼, NE¼, NE¼NW¼;
Sec. 32, NE¼NW¼, N½NE¼, SE¼NE¼, NE¼SW¼NE¼;
Sec. 33, SW¼NW¼, N½SW¼, SE¼SW¼, W½NW¼SE¼, S½SE¼.

CA–7235

Secretarial Order of March 15, 1919.

San Bernardino Meridian

T. 16 S., R. 20 E.,
Sec. 19, SW¼SW¼;
Sec. 30, NW¼NW¼, S½NW¼, SW¼, W½SW¼SE¼;
Sec. 31, all;
Sec. 32, all;
Sec. 36, all;
Sec. 52, all;
Sec. 54, all;
Sec. 55, all;
Sec. 60, lots 1, 2, 3, 4, N½N½.
T. 17 S., R. 20 E.,
Sec. 5, lots 1, 2, 3, 4, N½NW¼;
Sec. 6, lots 1, 2, 3, 4, N½N½.
T. 16 S., R. 21 E.,
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, lots 3, 4, 5, 6, 7, 8, 9, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 34, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20;
Sec. 34, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

CA–7236

Secretarial Order of November 19, 1920.

San Bernardino Meridian

T. 5 S., R. 7 E.,
Sec. 2, N½SW¼, SE¼SW¼, SE¼.
T. 6 S., R. 7 E.,
Sec. 20, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, W½W½, SE¼SW¼.
T. 5 S., R. 8 E.,
Sec. 18, E½SE¼.
T. 6 S., R. 8 E.,
Sec. 2, E½NW¼SE¼, NE¼SE¼, E½SE¼SE¼;
Sec. 12, W½.
T. 7 S., R. 8 E.,
Sec. 32, NE¼NE¼, E½NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼.
T. 6 S., R. 9 E.,
Sec. 18, lots 3, 4;
Sec. 28, SW¼SW¼;
Sec. 34, SW¼SW¼.
T. 7 S., R. 9 E.,
Sec. 20, SE¼;
Sec. 32, S½NE¼, SE¼.
T. 8 S., R. 9 E.,
Sec. 16, all;
Sec. 36, all.
T. 9 S., R. 9 E.
Sec. 10, NE¼.
T. 8 S., R. 10 E.,
Sec. 2, portions of unnumbered lots of NW¼ south and west of State Highway 111, portions of SW¼ south and west of State Highway 111, portions of SE¼ south and west of State Highway 111;
Sec. 4, all;
Sec. 6, lots 1 and 2 of SW¼, SE¼, N½;
Sec. 8, all;
Sec. 10, all;
Sec. 12, portions of W½NW¼ south and west of State Highway 111, portions of W½SW¼ south and west of State Highway 111, portions of NE¼SW¼ south and west of State Highway 111;
Sec. 14, W½NE¼, SE¼NE¼, W½NW¼, SE¼NW¼, S½;
Sec. 16, E½, W½NW¼, SE¼NW¼, SW¼;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 32, lots 1 and 2 of SE¼, N½, SW¼, N½SE¼;
Sec. 34, lots 1, 2, 3, 4, N½, N½S½;
Sec. 36, lots 1, 2, 3, 4, N½, N½S½.
T. 9 S., R. 10 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, lots 1 and 2 or NW¼, lots 1 and 2 of SW¼, E½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, N½;
Sec. 16, all;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 32, all;
Sec. 34, all;
Sec. 36, all.
T. 10 S., R. 10 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 24, all.
T. 8 S., R. 11 E.,
Sec. 18, portions of S½ of lot 2 south and west of State Highway 111;
Sec. 20, portions of W½SW¼ south and west of State Highway 111;
Sec. 28, W½, SE¼;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 32, all.
T. 9 S., R. 11 E.,
Sec. 4, SW¼SW¼;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, SE¼;
Sec. 7, SW¼;
Sec. 8, all;
Sec. 10, portions of SW¼NE¼ south and west of State Highway 111, S½NW¼, SW¼, portions of N½SE¼ south and west of State Highway 111, S½SE¼;
Sec. 14, portions of N½NW¼ south and west of State Highway 111, S½NW¼, SW¼, portions of the SE¼ south and west of State Highway 111;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 22, all;
Sec. 24, portions of SW¼NW¼NW¼ south and west of State Highway 111, portions of S½NW¼ south and west of State Highway 111, portions of SW¼ south and west of State Highway 111, portions of W½SE¼ south and west of State Highway 111, portions of SE¼SE¼ south and west of State Highway 111;
Sec. 26, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all.
T. 10 S., R. 11 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 16, all;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 32, all;
Sec. 34, all;
Sec. 36, all.

T. 11 S., R. 11 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW, lots 1 and 2 of SW¼, SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 16, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 32, all;
Sec. 34, all.
T. 12 S., R. 11 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, N½SW¼, SW¼SW¼;
Sec. 12, all.
T. 11 S., R. 12 E.,
Sec. 2, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 16, all;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, E½;
Sec. 20, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, all;
Sec. 30, lots 1 and 2 of NW¼, lots 1 and 2, E½;
Sec. 32, all;
Sec. 34, all.
T. 12 S., R. 12 E.,
Sec. 2, lots 3, 4, 5, 6, S½N½, SW¼;
Sec. 4, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, S½;
Sec. 6, lots 1 and 2 of NE¼, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, SE¼.
T. 15 S., R. 12 E.,
Sec. 31, N½N½SE¼, S½S½NE¼.
T. 16 S., R. 12 E.,
Sec. 29, S½SE;
Sec. 33, SW¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 34, NW¼SW¼.
T. 14 S., R. 13 E.,
Sec. 7, NE¼SE¼;
Sec. 32, lot 1, SE¼SE¼;
Sec. 33, N½SW¼, NW¼NW¼, SE¼NW¼.
T. 17 S., R. 13 E.,
Sec. 17, SW¼NW¼.

CA–7238

Secretarial Order of July 26, 1929.

San Bernardino Meridian

T. 15 S., R. 23 E.,
Sec. 21, all;
Sec. 22, S½.

CA–7239

Secretarial Order of June 4, 1930.

San Bernardino Meridian

T. 1 S., R. 24 E.,
Sec. 32, lots 12, 14, 15, 18, W½NW¼.
T. 7 S., R. 10 E.,
Sec. 32, S½N½, S½;
Sec. 34, W½SW¼.
T. 11 S., R. 15 E.,
Sec. 6, lot 3;
Sec. 8, N½NE¼;
Sec. 18, SE¼SE¼;
Sec. 20, SW¼NW¼;
Sec. 22, all;
Sec. 26, all;
Sec. 28, SW¼NW¼.
T. 12 S., R. 16 E.,
Sec. 6, lots 9, 14, 15, 16, 17, 18;
Sec. 18 E½;
Sec. 20, all;
Sec. 21 SW¼SW¼;
Sec. 27, S½SW¼, NW¼SW¼;
Sec. 28, S½, S½NE¼, SW¼NW¼NE¼, NW¼;
Sec. 29, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 30, lots 7, 11, 12, 13, 14, E½SW¼;
Sec. 31, lots 3, 4, 5, 6, E½NW¼;
Sec. 34, E½NW¼, SE¼NW¼;
Sec. 35, lots SW¼.
T. 13 S., R. 17 E.,
Sec. 5, lots SW¼SW¼;
Sec. 6, lots 14, 15, 16, 21, 22, 23, 24, 25, 27, 28, 29, N½SE¼, SE¼SE¼;
Sec. 7, NE¼NE¼;
Sec. 8, SW¼SW¼NE¼, NW¼, NE¼SW¼, NE¼SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 17, N½NE¼, SE¼NE¼;
Sec. 21, NE¼, NE¼NW¼, E½SE¼, NE¼NW¼SE¼;
Sec. 22, S½SW¼, NW¼SW¼;
Sec. 28, SW¼SW¼SW¼;
Sec. 27, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 34, NE¼NE¼, E½SE¼NE¼;
Sec. 35, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, SE¼.
T. 14 S., R. 18 E.,
Sec. 7, lots 2, 3, 4, SE¼SW¼;
Sec. 17, SW¼SW¼SW¼;
Sec. 18, lot 1, SE¼, NE¼NE¼SW¼, SW¼NE¼, E½NW¼;
Sec. 19, E½SE¼NE¼, NE¼NE¼;
Sec. 20, SE¼SW¼, N½SW¼, W½NW¼ SE¼, SW¼SE¼, S½NW¼, NW¼NW¼;
Sec. 28, SW¼, SW¼NW¼;
Sec. 29, NE¼SE¼, NE¼;
Sec. 33, SE¼SE¼, N½SE, S½NE¼, NW¼NE¼, E½NW¼;
Sec. 34, SW¼SW¼, W½NW¼SW¼.

R 07752

Public Land Order 4000 of September 15, 1969.

San Bernardino Meridian

T. 7 S., R. 7 E.,
Sec. 10, NE¼NE¼, NE¼NW¼NE¼, E½SE¼NE¼, E½NE¼SE¼.

The areas described contain 133,712.39 acres in Imperial, Riverside and San Bernardino Counties.

The purpose of the withdrawals are to protect the All American Canal, Boulder Canyon, Colorado River Storage, Senator Wash Pump Storage, and Yuma Reclamation Projects. The withdrawals segregate the land from settlement, sale, location, and entry, including location and entry under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed continuation of the withdrawals may present their views in writing to the Area Manager in the El Centro Resource Area Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued, and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: February 26, 1992.

Ron Fox,

Acting State Director.

[FR Doc. 92–4838 Filed 3–2–92; 8:45 am]

BILLING CODE 4310–40–M

Fish and Wildlife Service

North American Wetlands Conservation Council; Availability of Document

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a final document, U.S. Grant Application Instructions Package For Funding Consideration Through the North American Wetlands Conservation Council Under Authority of North American Wetlands Conservation Act is available.

DATES: Proposals may be submitted at any time. FY 1993 proposals will be accepted through August 1, 1992.

SUPPLEMENTARY INFORMATION: This document provides the schedules, review criteria, definitions, description of information required in the proposal, and a format for proposals submitted for Fiscal Year 1993 funding. This document was prepared to comply with the "North American Wetlands Conservation Act." The Act established a North American Wetlands Council. This Federal-State-Private body annually recommends wetland conservation projects to the Migratory Bird Conservation Commission. These project recommendations will be selected from proposals made in accordance with this document. Proposals from State and private sponsors require a minimum of 50 percent non-Federal matching funds.

ADDRESSES: Copies of this document can be obtained by contacting the U.S. Fish and Wildlife Service, room 130, 4401 N. Fairfax Drive, Arlington, Virginia 22203 during normal business hours (7:45 a.m.–4:15 p.m.) in writing or by phone.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Streeter, Coordinator, North American Wetlands Conservation Council, Arlington Square Building, room 340, U.S. Fish and Wildlife Service, Department of the Interior, Arlington, VA 22203, telephone (703) 358–1784.

Dated: February 13, 1992.

Richard N. Smith,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 92–4922 Filed 3–2–92; 8:45 am]

BILLING CODE 4310–55–M

Klamath Fishery Management Council, Meeting

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 12 noon to 5:30 p.m. on Tuesday, March 3; from 8 a.m. to 5:30 p.m. on Wednesday, March 4; and from 8 a.m. to 3 p.m. on Thursday, March 5, 1992.

PLACE: The meeting will be held at the Red Lion Inn, 1929 4th Street, Eureka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main, suite 212), Yreka, California 9609–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Management Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). On March 3, the Council will hear technical reports on 1991 spring and fall run chinook salmon escapements and projections for 1992 stock abundance. The 1992 environmental conditions and 1992 harvest rates for fall chinook salmon will also be discussed by the Council.

On the morning of March 4, the Council will discuss the Pacific Fisheries Management Council's (PFMC) management plan Issue 2, for modification of the Klamath fall chinook salmon escapement goal. The Council will also discuss the Klamath Fishery Management Council's long-term harvest management plan in an attempt to reach consensus on the final version and the ensuring publication process. The Council will discuss development of a long-term harvest allocation agreement during the afternoon session. On March 5, the Council will hear a technical report on the application of Genetic Stock Identification techniques to Klamath stocks and hear reports from the ad hoc committees for ocean and in-river sport harvesters. The Council will make recommendations to the PFMC for 1992 ocean salmon management and management of other ocean fisheries incidentally taking salmon. The council will make recommendations to Tribes and the State of California for in-river salmon management options for 1992. Public comment will be received during the morning and afternoon sessions each day of the meeting.

Dated: February 21, 1992.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 92–4843 Filed 3–2–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 19, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by March 18, 1992.

Carol D. Shull,

Chief of Registration, National Register.

Georgia

Camden County

McIntosh, John Houstoun, Sugarhouse, Ga. Spur 40, 6 mi. N of St. Mary's, St. Marys, 92000167

Kentucky

Estill County

Riverview Hotel, Main St., Irvine, 92000171

Jefferson County

Belleview [Louisville and Jefferson County MRA], 6600 Upper River Rd., Harrods Creek, 92000158

Logan County

Longview Farm House, Bores Rd., Adairville vicinity, 92000170

Michigan

Houghton County

Redridge Steel and Log Dams, N of Co. Rt. 557 at Salmon Trout R., Stanton Township, Redridge, 92000166

Oakland County

Pleasant Ridge Historic District, Roughly bounded by Willington Rd., Woodward Ave., Ferndale and Ridge Rd., Pleasant Ridge, 92000165

Mississippi

Lee County

Goodlett, R. F., House [Tupelo MPS], 219 Broadway, Tupelo, 92000162

Lee County Courthouse [Tupelo MPS], Court St. between Spring and Broadway, Tupelo, 92000161

Mill Village Historic District [Tupelo MPS], Roughly bounded by the Illinois Central RR and St. Louis—San Francisco RR tracks, Chestnut and Green Sts., Tupelo, 92000159

North Church Primary School [Tupelo MPS], Jct. of Church and Jackson St., SW corner, Tupelo, 92000164

South Church Street Historic District [Tupelo MPS], 602—713 S. Church St., Tupelo, 92000160

Spight, F. L., House [Tupelo MPS], 363 N. Broadway, Tupelo, 92000163

North Carolina

Guilford County

Bennett College Historic District [Greensboro MPS], Roughly bounded by E. Washington, Bennett and Gorrell Sts., Greensboro, 92000179

Lyndon Street Townhouses [Greensboro MPS], 195—201 Lyndon St., Greensboro, 92000178

McIver, Charles D., School, Former [Greensboro MPS], 617 W. Lee St., Greensboro, 92000177

Richard, L., Memorial Hospital, Former [Greensboro MPS], 603 S. Benbow Rd., Greensboro, 92000180

White Oak New Town Historic District [Greensboro MPS], 2400—2418 N. Church, 2312—2509 Spruce, 2310—2503 Hubbard and 2401—2503 Cypress Sts., Greensboro, 92000176

Moore County

Carthage Historic District, Roughly, McReynolds St. between Barrett St. and Glendons Rd. and parts of Barrett, Ray Pinecrest and Brooklyn Sts., Carthage, 92000182

Pitt County

College View Historic District, Roughly bounded by Holly, Eastern, E. First and E. Fifth Sts., Greenville, 92000161

Richmond County

Main Street Commercial Historic District, 2—105 Main St., Hamlet, 92000169

Ohio

Cuyahoga County

Annis, John M., House, 9271 State Rd., North Royalton, 92000174

Franklin County

Columbus Gallery of Fine Arts, 480 E. Broad St., Columbus, 92000173

Ottawa County

Foster—Gram House, Langrum Rd., South Bass Island, Put-In-Bay vicinity, 92000175

Tuscarawas County

Pershing, Christian, Barn, Off OH 39 W of Dover, Dover vicinity, 92000172

Wisconsin

Green Lake County

Wisconsin Power and Light Berlin Power Plant, 142 Water St., Berlin, 92000157

Walworth County

Bradley Knitting Company, 902 Wisconsin St., Delavan, 92000168

[FR Doc. 92–4854 Filed 3–2–92; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–293 (Sub-No. 2X)]

Detroit & Mackinac Railway Co.—Abandonment Exemption—in Otsego and Cheboygan Counties, MI

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts Detroit & Mackinac Railway Company from the prior approval requirements of 49 U.S.C. 10903–10904 to abandon its 47-mile rail line between milepost 121.0, near Gaylord, in Otsego County, MI, and milepost 168.0, near Cheboygan, in Cheboygan County, MI, and the Cheboygan Yard tracks, subject to environmental, public use, trail use/rail banking, and standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, the exemption will be effective on April 2, 1992. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) msut be filed by March 13, 1992, petitions to stay must be filed by March 18, 1992, and petitions for reopening must be filed by March 30, 1992. Requests for a public use condition must be filed by March 13, 1992.

ADDRESSES: Send pleadings referring to Docket No. AB–293 (Sub-No. 2X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representatives: Christopher Eric Hagerup, Weiner, McCaffrey, Brodsky, Kaplan & Levin, P.C., Suite 800, 1350 New York Avenue, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660, (TDD for hearing impaired: (202) 927–5721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for hearing impared is available through TDD services (202) 927–5721.)

Decided: February 25, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners, Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–4888 Filed 3–2–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9622(d)(2), notice is hereby given that on February 12, 1992 a proposed Consent Decree in *United States* v. *Colorado & Eastern Railroad Company, Inc.*, Civil Action No. 89–C–1186, was lodged with the United States District Court for the District of Colorado. The Consent Decree requires defendant Colorado & Eastern Railroad Company, Inc. ("CERC") to pay $100,000 in past costs incurred by the United States in remediating the "Woodbury Chemical" Superfund Site in Commerce City, Colorado.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Colorado & Eastern Railroad Company, Inc.*, DOJ Ref. 90–11–2–503.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 633 17th Street, suite 1600, Denver, Colorado 80202 and at the Region VIII office of the United States Enviromental Protection Agency, 999 18th Street, Denver, Colorado 80202. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street NW., suite 600, Washington, DC 20004, (202) 347–7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $2.50 (25 cents per page reproduction costs) payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–4840 Filed 3–2–92; 8:45 am]

BILLING CODE 4410–01–M

[1] *See Exempt. of Rail Line Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92–16]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee.

DATES: March 24, 1992, 8:30 a.m. to 4:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, Federal Building 10B, room 625, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–2367.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee (SSTAC) was established to provide overall guidance and direction to the space research and technology activities in the Office of Aeronautics and Space Technology (OAST). The Committee, chaired by Dr. Joseph F. Shea, is composed of 17 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Committee members and other participants).

TYPE OF MEETING: Open.

AGENDA:

March 24, 1992

8:30 a.m.—Welcome.
8:45 a.m.—Review of Planned Discussion.
9 a.m.—Budget Review.
9:30 a.m.—Status of Fiscal Year 1993 Space Research & Technology Program.
10:45 a.m.—Preliminary Fiscal Year 1994 Planning for the Space Research & Technology Program.
11:45 a.m.—General Discussion.
1 p.m.—Status of Ad Hoc Studies.
2 p.m.—Reorganization of the Aerospace Research & Technology Subcommittee.
3:15 p.m.—Space Technology Interdependency Group Status and Plans.
4:15 p.m.—Review SSTAC Schedule & Status of SSTAC Chair.
4:30 p.m.—Adjourn.

Dated: February 26, 1992.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 92–4860 Filed 3–2–92; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 41st meeting on Thursday and Friday, March 12 and 13, 1992, 8:30 a.m.–5 p.m., room P–110, 7920 Norfolk Avenue, Bethesda, MD. The entire meeting will be open to public attendance. Notice of this meeting was previously published in the **Federal Register** on Monday, February 24, 1992 (57 FR 6337).

The agenda for the subject meeting shall be as follows:

A. Continue deliberations to investigate the feasibility of applying a systems approach to the analysis of the short and mid-range high-level waste program technical milestones.

B. Consider comments from a representative of Virginia Power Company on a systems approach to high-level waste disposal.

C. Presentation by representatives of the NRC's Office of Nuclear Regulatory Research and other interested parties on the High-Level Radioactive Waste Program Plan.

D. Consider lessons learned from the decommissioning of the Pathfinder nuclear power plant (tentative).

E. Consider results of a special review of NRC regulations to determine whether regulatory burdens can be reduced without in any way reducing the protection for public health and safety and the common defense and security.

F. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate.

Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on June 6, 1988 (53 FR 20699). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. The office of the ACRS is providing staff support for the ACNW. Persons desiring to make oral statements should notify the Executive Director of the Office of the ACRS as far in advance as practical so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the Executive Director of the Office of the ACRS, Mr. Raymond F. Fraley (telephone 301/492–4516), prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director or call the recording (301/492–4600) for the current schedule if such rescheduling would result in major inconvenience.

Dated: February 28, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92–4861 Filed 3–2–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–458]

Gulf States Utilities Co.; River Bend Station, Unit 1, Exemption

I.

On November 20, 1985, the Commission issued Facility Operating License No. NPF–47 to Gulf States Utilities Company (the licensee) for River Bend Station, Unit 1. This license provided, among other things, that the facility is subject to all rules, regulations, and orders of the Commission.

II.

Section 26.29(b) of title 10 of the Code of Federal Regulations restricts the disclosure of personal information collected and maintained as required by the other sections of part 26, Fitness for Duty Programs.

By letter dated January 28, 1992, the licensee requested an exemption from the requirements of 10 CFR 26.29(b) in order to provide, in a confidential manner, information concerning the results of a former employee's drug test results to the Louisiana Office of Employment Security.

III.

The NRC staff has reviewed the licensee's request for a one-time exemption from 10 CFR 26.29(b) in order to facilitate appeals before the Louisiana Office of Employment Security. The information provided to the State agency would be proffered as confidential. This exemption would also encompass the possible testimony of licensee personnel before the Louisiana Office of Employment Security concerning the specific case addressed by the letter dated January 28, 1992.

Based upon its review, the staff finds that the licensee has shown good cause for the requested one-time exemption from 10 CFR 26.29(b). Therfore, the exemption to allow the licensee to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Sercurity is acceptable.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 26.6, this exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Accordingly, the Commission hereby grants an exemption as described in Section III above the 10 CFR 26.29(b) to allow the licensee to provide, in a confidential manner, information concerning a former employee's drug test results to the Louisiana Office of Employment Security.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the Exemption will have no significant impact on the environment (57 FR 6336).

This Exemption is effective upon issuance.

Dated at Rockville, Maryland this 28th day of February 1992.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Director, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92–4880 Filed 3–2–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee Cancellation of Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the meeting of the Federal Prevailing Rate Advisory Committee scheduled for Thursday, March 12, 1992, has been canceled.

Information on other meetings can be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, room 1340, 1900 E Street, NW., Washington, DC 20415, (202) 606–1500.

Dated: February 25, 1992.

Anthony F. Ingrassia,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR DOC. 92–4808 Filed 3–2–92; 8:45 am]

BILLING CODE 6325–01–M

PENSION BENEFIT GUARANTY CORPORATION

Assessment of Penalties for Failure to Provide Required Information

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Statement of policy.

SUMMARY: Section 4071 of the Employee Retirement Income Security Act of 1974 authorizes the Pension Benefit Guaranty Corporation ("PBGC") to assess a penalty against any person that fails to provide a notice or other material information required under various statutory provisions, or regulations prescribed thereunder, within the applicable, specified time limit. The penalty, which is payable to the PBGC, may not exceed $1,000 for each day the failure continues. The PBGC is publishing this statement of policy to advise the public of the manner in which the agency intends to exercise its authority, pursuant to section 4071, to assess penalties for failures to comply with requirements to provide the agency with material information. This statement informs the public of the types of factors and circumstances that the PBGC will consider in penalty assessment decisionmaking. It also describes the informal processes that agency staff will be utilizing in determining to assess penalties for certain failures and in reviewing the amounts assessed.

DATES: The policy set forth herein takes effect on March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Israel Goldowitz, Assistant General Counsel, Office of the General Counsel, at 202–778–8888 (202–778–8859 for TTY and TDD). For a copy of material included in an agency manual, contact the Disclosure Officer, Communications and Public Affairs Department, the Pension Benefit Guaranty Corporation, room 7104, 2020 K Street, NW., Washington, DC 20006; 202–778–8839 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation ("PBGC") administers the pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA") (29 U.S.C. 1001 *et seq.*). In 1986 and 1987, Congress significantly modified ERISA by enacting amendments aimed at improving the protection of pension benefits and controlling the costs of the insurance program. These reform measures included new and revised information requirements. They also enhanced the agency's enforcement authority.

Among other things, in section 9314(c) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100–203) (as subsequently clarified by section 7881(i)(3)(B) of the Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101–239)), Congress added section 4071 to Title IV of ERISA (29 U.S.C. 1371). Section 4071, "Penalty for Failure to Timely Provide Required Information," authorizes the PBGC to assess penalties, as follows:

> The corporation may assess a penalty payable to the corporation against any person who fails to provide any notice or other material information required under this subtitle [D], subtitle A, B, or C, [or] section 302(f)(4) or 307(e), or any regulations prescribed under any such subtitle or such section within the applicable time limit specified therein. Such penalty shall not exceed $1,000 for each day for which such failure continues.

Implementation of the 1986 and 1987 amendments to Title IV of ERISA necessitated major programmatic changes. In instituting those changes, the PBGC has been considering various enforcement issues. That process has resulted in (among other things) the initial formulation of agency policy on assessing penalties against persons that fail to comply with information submission requirements, other than those prescribed with respect to the payment of premiums.

In this area, the objectives of the agency's policy are to deter violations of and secure compliance with regulatory requirements (in both specific matters and generally), as well as to recover at least some of the administrative and other costs of not receiving, in a timely manner, information to which the agency is entitled. In essence, by increasing the potential costs of noncompliance to persons required to provide the PBGC with information, the agency hopes to reduce the incidence and length of compliance failures and, hence, the adverse effects of such failures on the agency's effectiveness in carrying out the purposes of Title IV of ERISA, as set forth in section 4002(a) (29 U.S.C. 1302(a)).

The PBGC emphasizes that the policy stated herein is the first effort at exercising the discretionary authority provided by section 4071 to achieve this goal with respect to failures to comply with certain regulatory requirements. The agency anticipates that, as it gains experience with penalty assessment, its policy will evolve. Moreover, while persons subject to ERISA and PBGC regulations are presumed to know their

provisions, the PBGC also is furthering its deterrence objective by indicating, where appropriate, the potential for penalty assessment in its instructions for filing notices and in other communications with persons responsible for submitting material information. Finally, the agency notes that a decision to assess a penalty pursuant to section 4071 does not preclude other enforcement or remedial action by the PBGC.

To assist its staff in applying agency policy to particular failures to provide the PBGC with material information (including any notice), the PBGC has added "Assessment of Penalties for Failure to Timely Provide Required Information" (the "operating policy issuance") to the PBGC Operating Policy Manual (included as Chapter 8, Section 1).[1] When a person does not comply with a requirement to submit such information within a time limit that ends on or after publication of this statement in the **Federal Register**, the operating policy issuance will guide case-by-case staff determinations about the amount of any penalty, including whether the penalty should continue to accrue and whether, upon review at the request of a person against which a penalty is assessed, the amount assessed should be reduced.[2]

The agency still is considering policy issues in the premium area. Therefore, the operating policy issuance does not, at the current time, apply to matters addressed under section 4007 of ERISA (29 U.S.C. 1307) and part 2610 of the regulations (29 CFR part 2610). The PBGC also may assess a penalty, after considering the factors set forth below, in other situations to which the operating policy issuance does not apply. In particular, the PBGC may decide that a penalty should be assessed for an ongoing failure that began before today's publication.

Agency policy is to structure penalties to encourage compliance with regulatory requirements. Therefore, when the receipt of overdue material information still would assist the agency in carry out the purposes of Title IV, the PBGC will consider making the penalty a charge that continues to accrue, but it will consider reducting the penalty upon review if prompt action has been taken to end the failure. The agency also notes that the objective of deterring violations of regulatory requirements and the fact that the PBGC incurs losses due to delays and omissions in providing information (including administrative costs) may make assessment of a penalty appropriate even when the PBGC no longer needs to obtain such information from the person that committed the violation or when the information is submitted after the applicable time limit has passed.

Factors and Circumstances To Be Considered

The agency believes that the following factors are relevant in determining the amount of a penalty to be assessed pursuant to section 4071 of ERISA:

(1) The extent of the failure,

(2) The financial or administrative harm to the PBGC's program,

(3) The willfulness of the failure, and

(4) The likelihood that the penalty will be paid.

These factors are to be considered in the context of the facts and circumstances of a particular case. Thus, for example, in evaluating the extent of a failure to notify the PBGC of a reportable event in accordance with section 4043 of ERISA (29 U.S.C. 1343) as implemented by part 2615 of the regulations (29 CFR part 2615), the PBGC will consider whether or not a plan administrator submitted any notice within the 30-day time period and, if so, what required information was and was not included in that notice (see, *e.g.*, § 2615.3 of the regulations). In addition, as regards harm to the program, the PBGC has developed guidelines for determining the amount of a penalty to be assessed for failure to file a notice certifying distribution of plan assets in a standard termination (see subsection (b)(3)(B) of section 4041 of ERISA (29 U.S.C. 1341)) or a notice of a reportable event,[3] and the agency may revise these guidelines as it gains experience with assessing penalties for various compliance failures.

The PBGC believes that a person assessed a penalty should have an opportunity to provide the agency with information which tends to show that, in view of the facts and circumstances of the case, the amount assessed on the basis of the above factors should be reduced. Therefore, the agency will provide an opportunity for administrative review of the amount of a penalty. If and to the extent the agency concludes, upon such review, that mitigating facts and circumstances warrant such action, PBGC policy is to reduce the amount initially assessed (including possible elimination of any penalty). The agency views information tending to show that events outside a person's control that could not reasonably have been anticipated prevented compliance as well as action to end the failure as particularly relevant in determining whether to affirm or reduce the amount of a penalty.

Assessment Process

The PBGC has decided to channel the penalty assessment function (including review of the amounts initially assessed) according to applicable assignments of responsibilities, while also taking into account administrative efficiency and effectiveness and seeking to assess penalties consistently. These assignments are set forth in the mission and functions statements issued by the Executive Director and included (along with organization charts) in the PBGC Directives Manual as Section 30–1 of Part GA (General Administration).

Until recently, this policy decision meant that the organizational unit with primary responsibility generally would have been the Case Operations and Assistance Division ("COAD") of the Insurance Operations Department ("IOD").[4] However, the PBGC currently is reorganizing certain agency responsibilities.

At the end of 1990, the PBGC established the Corporate Finance and Negotiations Department ("CFND") in order, among other things, to provide the PBGC's Chief Negotiator with staff support in the analysis of significant potential demands on the pension insurance program and to coordinate policy, legal, and operational elements of the PBGC's responses to major financial events. The agency has decided that when the submission involves a matter with respect to which CFND is responsible for providing staff support, that department will have primary responsibility for the penalty assessment function.[5]

In addition, as of July 1991, COAD has become the nucleus of a new department, the Case Operations and Compliance Department ("COCD"). The PBGC anticipates that further structural refinements will be made to strengthen agency management, and it is in the process of reviewing PBGC directives to ensure that they reflect organizational realignments. In the interim and with exceptions not relevant here, COCD is continuing to fulfill the mission and functions previously assigned to COAD.[6]

Under the reorganized agency structure, the COCD unit with primary responsibility for the penalty assessment function will be the Administrative Review and Technical Assistance Division ("ARTAD", formerly COAD's Coverage and Inquiries Branch). ARTAD will obtain information from and consult with staff in other divisions of COCD, IOD, and the Office of the General Counsel ("OGC") as appropriate.

Finally, as indicated above, the agency still is considering policy issues in the premium area. If the PBGC decides to apply the operating policy issuance to failures in the premium area, it expects that primary responsibility for such matters will be within the Financial Operations Department.

COCD, IOD, and CFND have developed procedural materials for implementing the agency's policy, consistent with the guidance provided in the operating policy issuance. (These materials include "Penalty Assessment Procedures—COCD" (currently Chapter 3, Section M of Part 4—Case Operations and Assistance Division—of the IOD Operations Manual), additions to Part 2—Case Processing Division—of the IOD Operations Manual (currently found in Chapter 2, CPD Administrative Procedures, and Chapter 6, Reportable Events), and "Penalty Assessment Procedure, Corporate Finance and Negotiation Department (CFND)".) When PBGC staff assigned to particular matters or otherwise responsible for assuring compliance with submission requirements believe that material information has not been provided to the PBGC within the applicable time limit, they will review available records and attempt to resolve factual issues. If it then appears that a penalty should be assessed, PBGC staff will submit the matter to the appropriate assessing official.

If the assessing official determines that a penalty should be assessed, he or she will notify the person or persons responsible, in writing, of the factual and legal basis for the penalty and how to obtain review of the amount assessed. Review of the amount assessed will be conducted by a reviewing official (an official of at least the same level of authority as the assessing official) if requested in writing within 30 days of the date of the notice of initial penalty assessment. Upon completion of his or her review, the reviewing official (or if review has not been requested, the assessing official) will notify the person or persons responsible, in writing, of the penalty owed, including (if there has been review) a brief statement of the reason(s) why the amount assessed has or has not been changed, and will request payment within 14 days. (If review is requested after the 30-day period but before the assessing official has notified the person(s) responsible of the penalty owed, the reviewing official may decide there is good cause to review the amount assessed.) If a penalty is not paid when due, the matter is to be referred for collection.[7]

Issued in Washington, DC this 27th day of February, 1992.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 92-4909 Filed 3-2-92; 8:45 am]

BILLING CODE 7708-01-M

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[1] As provided in Part 2603 of the PBGC's regulations (29 CFR part 2603), this issuance (as well as other organizational and administrative staff manual materials referred to below) is available to the public. Anyone desiring a copy of such material should contact the agency's Disclosure Officer, at the address or phone number listed at the beginning of this document.

[2] These determinations are not subject to part 2800 of the PBGC's regulations (29 CFR part 2800).

[3] These guidelines, which are appended to the operating policy issuance, are as follows:

1. Failure to file a post-distribution certification in a standard termination. Within 30 days after the final distribution of assets is completed in a standard termination, the plan administrator must send a notice to the PBGC certifying that plan assets have been distributed in accordance with the law (see PBGC Form 501). Not receiving these certifications causes the PBGC to expend both clerical and professional time determining if a distribution has occurred and obtaining the required documentation. The total penalty assessed should not exceed the lesser of $50 a day until the certification is submitted or $200 times the number of participants entitled to a distribution in the termination.

2. Failure to file a notice of a reportable event. Except where expressly waived by 29 CFR part 2615, the plan administrator must file a notice of a reportable event in accordance with 29 CFR part 2615 within 30 days of the date the plan administrator knows or has reason to know of the occurrence of the event. Deterring violations of 29 CFR part 2615 is very important because when information is obtained can greatly affect the PBGC's ability to minimize its losses and those of participants. Consequently, the PBGC must encourage compliance by exercising its authority to assess penalties at up to the statutory maximum level (*i.e.*, up to and including $1000 a day for each day the failure continues after the 30-day time limit). However, unless theres are indications that the PBGC's or participants' potential losses attributable to the failure exceed the total of any daily penalty, the amount of this penalty should not exceed $10,000.

(Note: This guidance only applies when there is no submission within the 30-day time limit.)

[4] IOD's mission has included (among other things) discharging the PBGC's responsibilities for processing plan terminations, withdrawals of substantial employers from plans to which more than one employer contributes, and notices of reportable events; and conducting PBGC compliance activities.

[5] Where CFND is exercising responsibility, consultation with the PBGC's Chief Negotiator will precede a decision to pursue penalty assessment.

[6] COAD's mission has included (among other things) management of the PBGC's program of processing standard termination filings, identifying noncompliance and related problems; conducting a program of technical assistance related to potential reportable events and terminations; monitoring plan administrator adherence to filing requirements; and controlling, screening, and conducting initial processing of cases.

[7] The PBGC is in the process of developing staff instructions for the recovery of certain benefit overpayments. If the agency extends its management procedures to the recovery of other debts, they will apply to collection of penalties assessed pursuant to section 4071 of ERISA.

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of the Addition of a New Routine Use and Amendment of an Existing Routine Use in System of Records.

SUMMARY: The purpose of this document is to provide information for public comment concerning the Postal Service's proposal to add a new routine use to and to amend an existing routine use in system USPS 050.020, Finance Records—Payroll System. The new routine use will permit disclosure of limited information to the Health Care Financing Administration (HDFA) about group health provider coverage for career and certain temporary postal employees who have been identified by HCFA as Medicare-eligible. Existing routine use No. 9 is amended to clarify language and correct the names of agencies and programs that have changed since adoption of the routine use.

DATES: This proposal will become effective without further notice 30 days from the date of this publication (April 2, 1992) unless comments are received on or before that date which result in a contrary determination.

ADDRESSES: Comments may be mailed to the Records Office, US Postal Service, 475 L'Enfant Plaza SW, RM 8141, Washington, DC 20260–5010, or delivered to room 8141 at the above address between 8:15 a.m. and 4:45 p.m. Comments received also may be inspected during the above hours in Room 8141.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, Records Office (202) 268–5158.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration (HCFA) is responsible for administering the federal health insurance "Medicare" program. A recent amendment (42 USC 1395y(b)(5)) of the Social Security Act requires the HCFA, Internal Revenue Service, and Social Security Administration to share information that identifies workers (or spouses) who are Medicare beneficiaries, the workers'

employers, and those beneficiaries for whom employer coverage, if available, is likely to be primary to Medicare. The law further requires HCFA to contact employers to obtain Group Health Plan (GHP) coverage information for its employees so identified. The information helps HCFA to identify situations where another insurer may be primary to Medicare, to recover mistaken Medicare primary payments from the appropriate GHP, and to prevent mistaken Medicare payments in the future.

HCFA has asked the Postal Service to provide information about postal employees identified by HCFA as being Medicare-eligible including name of the employee's GHP, dates of coverage, and type of coverage elected. Proposed routine use No. 28 will permit such disclosure. Because the Postal Service is a large employer, HFCA has encouraged it to report by electronic media rather than through completion of a paper questionnaire.

USPS 050.020 collects information needed to handle necessary payroll and personnel functions. One of those functions is to provide information about health benefits, including election of group health plan coverage. In performing that function, it becomes necessary to release relevant and necessary information needed by carriers and agencies administering programs to make determinations concerning claims for benefits. Consequently, disclosure under proposed routine use No. 28 is compatible with the purposes for which the information in USPS 050.020 is collected.

Amendments to the language of existing routine use No. 9 merely clarify coverage and update the names of benefit programs and agencies administering them. For example, the current text of the routine use references the "Medicare Program" under "Social Security" and that program is now under HCFA. The scope of the routine use has not been expanded.

Accordingly, the Postal Service is amending routine use No. 9 and adding routine use No. 28 to system USPS 050.020, Finance Records, Payroll System, as shown below. USPS 050.020 last appeared in 54 FR 43667, dated October 26, 1989, amended at 55 FR 20554 dated May 17, 1990 and 56 FR 13505 dated April 2, 1991.

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

9. Records or information from the record of an individual may be disclosed to the following agencies for the named programs, when requested by that individual agency or program, in connection with determining an individual's claim for benefits under such program: The Department of Labor for the Office of Workers' Compensation Program; the Social Security Administration for Social Security Benefits programs (including retirement, survivors, and disability insurance); the Department of Veterans Affairs for the Pension Benefits Program; the Health Care Financing Administration for the Medicare Program; a branch of the Armed Services under military retired pay programs; and federal civilian employee retirement systems including, but not limited to, the Civil Service Retirement System or the Federal Employees' Retirement System.

* * * * *

28. Records or information about group health plan coverage for career and certain temporary employees who have been identified by Health Care Financing Administration (HCRA) as being eligible for Medicare benefits will be disclosed to HCRA, but disclosure will be limited to that necessary to confirm coverage and determine whether Medicare is the primary or secondary payer.

* * * * *

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc 92-4089 Filed 3-2-92; 8:45 am]

BILLING CODE 7710-12

RESOLUTION TRUST CORPORATION

Coastal Barrier Improvement Act; Property Availability; Queen Creek Property, Pinal County, AZ

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the Queen Creek, located in Florence, Pinal County, Arizona, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until June 1, 1992.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: E. Ted Hine, Resolution Trust Corporation, Costa Mesa Consolidated Field Office, 4000 MacArthur Boulevard, Second Floor, East Tower, Newport Beach, CA 92660-2516, (714) 263-4648, Fax (714) 852-7623.

SUPPLEMENTARY INFORMATION: The property is located near the town of Queen Creek approximately five miles south of Hunt Highway on Ellsworth Avenue, Pinal County, Arizona. The property consists of fifteen legal parcels that form nine non-contiguous parcels comprising a total of 2,979 acres of undeveloped land. The property has cultural value and borders the San Tan Mountains Regional Park. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Characteristics of the property include: The property is approximately 2,979 acres of Sonoran desert with topography ranging from level to fairly steep. Both petroglypys and ancient American Indian agricultural fields have been reported on the property. The property has cultural value and borders the San Tan Mountains Regional Park.

Property size: Approximately 2,979 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before June 1, 1992, by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government; and
3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by June 1, 1992, to Ted Hine at the above ADDRESSES and in the following form:

Notice of Serious Interest, RE: Queen Creek Property, Federal Register Publication Date: _____

1. Entity name.
2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101-591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)).
3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).
4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.
5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: February 26, 1992.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 92-4825 Filed 3-2-92; 8:45 am]

BILLING CODE 6714-01-M

Coastal Barrier Improvement Act; Property Availability; Monte Ne Beaver Lake Campground, Benton County, AR

AGENCY: Resolution Trust Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the Monte Ne Beaver Lake Campground, located near the City of Rogers, Benton County, Arkansas, is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written notices of serious interest to purchase or effect other transfer of the property may be mailed or faxed to the RTC until June 1, 1992.

ADDRESSES: Copies of detailed descriptions of the property, including maps, can be obtained from or are available for inspection by contacting the following person: Joseph Milano, Asset Specialist, Resolution Trust Corporation, Somerset Consolidated Field Office, 300 Davidson Avenue, Somerset, NJ 08873, (908) 805-5943, Fax (908) 805-6284.

SUPPLEMENTARY INFORMATION: The property is located in the Ozark Mountains at Route 1 and Highway 94 in Rogers, Benton County, Arkansas. The property is unimproved, has recreational value, and is adjacent to Beaver Lake which is managed by the Army Corps of Engineers. The property is covered property within the meaning of section 10 of the Coastal Barrier Improvement Act of 1990, Public Law 101-591 (12 U.S.C. 1441a-3).

Characteristics of the property include: The property is a 69.7 acre recreational vehicle campground with 94 campsites and their associated support facilities. The property is adjacent to Beaver Lake and about one-half of the tract (35 acres) is wooded open space.

Property size: Approximately 69.7 acres.

Written notice of serious interest in the purchase or other transfer of the property must be received on or before June 1, 1992, by the Resolution Trust Corporation at the address stated above.

Those entities eligible to submit written notices of serious interest are:

1. Agencies or entities of the Federal government;
2. Agencies or entities of State or local government; and
3. "Qualified organizations" pursuant to section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)).

Written notices of serious interest to purchase or effect other transfer of the property must be submitted by June 1, 1992, to Joseph Milano at the above ADDRESSES and in the following form:

Notice of Serious Interest RE: Monte Ne Beaver Lake Campground Federal Register Publication Date:_____

1. Entity name.
2. Declaration of eligibility to submit Notice under criteria set forth in Coastal Barrier Improvement Act of 1990, Public Law 101-591, section 10(b)(2), (12 U.S.C. 1441a-3(b)(2)).
3. Brief description of proposed terms of purchase or other offer (e.g., price and method of financing).
4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural, or natural resource conservation purposes.
5. Authorized Representative (Name/Address/Telephone/Fax).

Dated: February 26, 1992.

Resolution Trust Corporation.

William J. Tricarico,

Assistant Secretary.

[FR Doc. 92-4826 Filed 3-2-92; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

February 26, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Latin America Equity Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-8019)

Nutmeg Industries, Inc.
Common Stock, $.01 Par Value (File No. 7-8020)

Oceaneering International, Inc.
Common Stock, No Par Value (File No. 7-8021)

Blackstone 1998 Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7-8022)

Frederick's of Hollywood, Inc.
Common Stock, $1.00 Par Value (File No. 7-8023)

Martech USA, Inc.
Common Stock, $.01 Par Value (File No. 7-8024)

Electrocom Automation, Inc.
Common Stock, $.05 Par Value (File No. 7-8025)

Living Centers of America, Inc.
Common Stock, $.01 Par Value (File No. 7-8026)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 18, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-4882 Filed 3-2-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30404; File No. SR-MCC-92-01]

Self-Regulatory Organizations; Midwest Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Which Clarifies Certain Uses of the Participants Fund

February 25, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on

[1] 15 U.S.C. 78s(b)(1).

February 5, 1992, Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

MCC proposes to amend Article IX, rule 2, section 6 of its rules to clarify the use of MCC's Participants Fund in situations where a loss occurs due to the fault of MCC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MCC includes statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. MCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change clarifies the use of MCC's Participants Fund in situations where a loss occurs due to MCC's fault. While the existing rules could be interpreted to permit the use of the Participant Fund to satisfy any loss suffered by MCC, including a loss due to the fault of MCC (*e.g.*, a loss resulting from the failure of MCC to follow its own rules), this clearly is not MCC's policy or the intent of the rules regarding the uses of a clearing fund.

MCC currently has indemnification rules which apply to Participants under certain circumstances where MCC is without fault.[2] Interpreting MCC's Participants Fund rules as covering losses which result from MCC's fault would be inconsistent with the policies intended by these existing indemnification rules. MCC, therefore, believes that it is in the best interest of MCC and its Participants to clarify immediately the rules regarding the use of the Participants Fund.

[2] *E.g.*, MCC Rules, Article I, rule 3, section 3.

MCC believes that the proposed rule change is consistent with section 17A(b)(3) of the Act in that it provides for the prompt, accurate, and efficient clearance and settlement of securities transactions and assures the safeguarding of securities and funds which are in the custody or control of MCC or for which MCC is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 thereunder because the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room at the address above. Copies of such filing will also be available for inspection and copying at the principal office of MCC.

All submissions should refer to the file Number SR-MCC-92-01 and should be submitted by March 24, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4814 Filed 3-2-92; 8:45 am]

BILLING CODE 8010-01-M

[3] 17 CFR 200.30-3(a)(12).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

February 26, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Electrocom Automation, Inc.
Common Stock, $.05 Par Value (File No. 7-8027)
Federated Department Stores, Inc.
Common Stock, $.01 Par Value (File No. 7-8028)
Intertape Polymer Group, Inc.
Common Stock, Without Par Value (File No. 7-8029)
Comptek Research, Inc.
Common Stock, $.02 Par Value (File No. 7-8030)
GIM High Yield Securities
Shares of Beneficial Interest, $.01 Par Value (File No. 7-8031)
Dataram Corporation
Common Stock, $1.00 Par Value (File No. 7-8032)
First Republic Bancorp, Inc.
Common Stock, $.01 Par Value (File No. 7-8033)
First Empire State Corporation
Common Stock, $5.00 Par Value (File No. 7-8034)
Guardian Bancorp
Common Stock, No Par Value (File No. 7-8035)
Ketema, Incorporated
Common Stock, $1.00 Par Value (File No. 7-8036)
Medical Properties, Inc.
Common Stock, $.01 Par Value (File No. 7-8037)
MSR Exploration LTD
Common Stock, No Par Value (File No. 7-8038)
Polyphase Corporation
Common Stock, No Par Value (File No. 7-8039)
Tasty Baking Company
Common Stock, $.50 Par Value (File No. 7-8040)
Westair Holding, Inc.
Common Stock, $.01 Par Value (File No. 7-8041)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 18, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-4815 Filed 3-2-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

February 26, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

General Motor
Depositary Shares Preferred (File No. 7-8042)
Van Kampen Merritt Trust for Investment Grade Municipal
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7-8043)
Van Kampen Merritt Trust for Insured Municipals
Common Shares of Beneficial Interest $.01 Par Value (File No. 7-8044)
Brown & Sharpe Manufacturing Co.
Common Stock, $1 Par Value (File No. 7-8045)
Granada Biosciences, Inc.
Common Stock, $.01 Par Value (File No. 7-8046)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 18, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-4816 Filed 3-2-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review.

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted by April 2, 1992. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATON CONTACT:

Agency Clearance Officer: Cleo Verbillis, Small Business Administration, 409 3RD Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205-6629.

OMB Reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Function of Failure Survey.

SBA Form No.: SBA Temp Form 1822.

Frequency: One-time.

Description of Respondents: Small Business Owners.

Annual Responses: 100.

Annual Burden 33.

Dated: February 19, 1992.

Cleo Verbillis,

Acting Chief, Administrative Informaton Branch.

[FR Doc. 92-4848 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2552]

Republic of the Marshall Islands; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on February 7, 1992, I find that the Island of Kili and the Atolls of Arno, Jaluit, Majuro, and Mili in the Republic of the Marshall Islands constitute a disaster area as a result of damages caused by Trophical Storm Axel which occurred on January 6, 1992. Applications for loans for physical damage may be filed until the close of business on April 9, 1992, and for loans for economic injury until the close of business on November 9, 1992, at the address listed below:

Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853-4795.

or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.500
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	8.500
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 255206 and for economic injury the number is 755900.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 18, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4853 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area # 2545; Amendment # 3]

Texas; Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with amendments dated January 30 and February 5, 1992, to the President's major disaster declaration of December 26, to include the counties of Austin, Comal, Gonzales, Henderson, and Somervell in the State of Texas as a disaster area as a result of damages caused by severe thunderstorms and flooding beginning on December 20, 1991 and continuing through January 14, 1992.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Bexar, Smith, Van Zandt, and Wilson in the State of Texas may be filed until the specified date at the previously designated location.

All other information remains the same, i.e., the termination date for filing applications for physical damage is February 24, 1992, and for economic injury until the close of business on September 28, 1992.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 20, 1992.

Alfred E. Judd,

Acting Assistant Administrator for Disaster Assistance.

[FR Doc. 92-4851 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, will hold a public meeting at 9:30 a.m. on Thursday, March 26, 1992, at the North Meridian Inn, 1530 North Meridian Street, Indianapolis, Indiana, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Robert D. General, District Director, U.S. Small Business Administration, 429 North Pennsylvania Street, suite 100, Indianapolis, Indiana 46204-1873, (317) 226-7275.

Dated: February 12, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-4852 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Hartford, will hold a public meeting at 8:30 a.m. on Monday, March 9, 1992 at the Days Inn, 900 East Main Street, Meriden, Connecticut, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Ms. Carol A. White, District Director, U.S. Small Business Administration, 429 North Pennsylvania Street, Hartford, Connecticut 06106, (203) 240-4670.

Dated: February 12, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-4849 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jacksonville, will hold a public meeting from 10 a.m. to 2:30 p.m., on Thursday, March 19, 1992, Sun Bank, N.A. (Park Building, in the Sun Room on the 3d floor), 200 S. Orange Avenue, Orlando, Florida, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Thomas M. Short, District Director, Jacksonville District Office, U.S. Small Business Administration, 7825 Baymeadows Way, Suite 100-B, Jacksonville, Florida 32256-7504, (904) 443-1900.

Dated: February 18, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-4850 Filed 3-2-92; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1578]

Proposed Modification to Transportation Procurement Procedures for the International Shipment of Household Effects

AGENCY: Department of State;

ACTION: Notice of intent.

SUMMARY: The Department of State plans to modify the manner in which it procures transportation and related services for the surface movement of household effects from the greater Washington, DC Metropolitan Area to selected overseas destinations. Notice addresses the international, door to door movement of containerized shipments of household effects transported via common-user ocean carrier (Code 4) using single factor rates. Interested parties are invited to comment.

DATES: Comments must be received on or before March 31, 1992.

ADDRESSES: Inquiries or comments may be mailed to Office of Supply and Transportation, Transportaiton Division, U.S. Department of State, Attn: OPR/ST/TD, Washington, DC 20520-1244.

FOR FURTHER INFORMATION CONTACT: Noreen Toy-Sneddon, Office of Supply and Transportation, Transportation Division, U.S. Deaprtment of State, Attn: OPR/ST/TD, Washington, DC 20520-1244, (202) 647-4140 or FAX (202) 647-4956.

SUPPLEMENTARY INFORMATION: Department of State (DOS) plans to initiate an International Through Government Bill of Lading Program for the surface shipment of household effects to selected overseas destinations using single factor rates. This program will supplement the existing Direct Procurement Method (DPM) Program which is currently used by DOS to obtain transportation and related services for the international shipment of household effects. Although rates for DOS will be solicited by the Military Traffic Management Command (MTMC) simultaneously with their semi-annual International Personal Property Rate Solicitation for DoD, the ITGBL Program for DOS is completely separate and distinct, having its own Terms, Conditions, and Rules as well as a DOS unique Tender of Service. The initiation of this pilot ITGBL Program is a part of a larger overall program to improve service, reduce costs and to facilitate the transportation and traffic management of household effects within the Department of State. Initial service under the DOS ITGBL Program is scheduled to begin on October 1, 1992 and run through March 31, 1993. Copies of the historical volume, DOS Tender of Service and the associated Terms, Conditions and Rules may be obtained from the Office of Supply and Transportation, Transportation Division, U.S. Department of State, ATTN: OPR/ST/TD, Washington, DC, 20520-1244 or by telephoning Noreen Toy-Sneddon (202) 647-4140 or FAX (202) 647-4956.

Dated: February 24, 1992.

Steven G. Hartman,

Chief, Transportation Division.

[FR Doc. 92-4844 Filed 3-2-92; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 21, 1992

The Following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47990.
Date Filed: February 18, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 539 (TC23 UMRAH Fares to Jeddah, Medina).
Proposed Effective Date: February 16, 1992.

Docket Number: 47991.
Date Filed: February 18, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 538 (Amend Mileage Manual).
Proposed Effective Date: March 1, 1992.

Docket Number: 47994.
Date Filed: February 20, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC2 Reso/P 1175 dated December 20, 1992, Europe-Middle East Resos R-1 to R-41.
Proposed Effective Date: April 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-4828 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 21, 1992

The following applictions for certificates of public convenience necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedureal Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming applications, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expeditied procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47995.
Date filed: February 21, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 20, 1992.
Description: Application of Alaska Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, requests that the Department of Transportation grant it a certificate of public convenience and necessity to operate scheduled service in foreign air transportation for passengers, property and mail between Los Angeles, California and Toronto, Ontario, Montreal and Quebec, Canada.

Docket Number: 47996.
Dated filed: February 21, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 20, 1992.
Description: Application of Tower Air, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for amendment of its certificate of public convenience and necessity for Route 401 to provide scheduled combination service between points in the United States and points in the Republic of Ireland.

Docket Number: 47999.
Date filed: February 21, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 5, 1992 Re—Notice Served February 24, 1992.
Description: Joint Application of Trump Shuttle, Inc., a New York corporation, and Shuttle, Inc., a to-be-formed Delaware corporation, pursuant to section 401(h) of the Act and subpart Q of the Regulations, apply for approval of the transfer of the interstate and overseas authority currently held by TSI to "Shuttle, Inc. d/b/a USAir Shuttle," that will technically occur when TSI merges into Shuttle, its wholly-owned subsidiary. Shuttle will retain TSI's key personnel—and pursuant to a ten year management agreement with USAir, Inc. and will operate as the "USAir Shuttle." The USAir Shuttle will continue to operate in the traditional air shuttle markets between New York and Washington and New York and Boston and in the charter markets currently served by TSI.

Docket Number: 45723.
Date filed: February 21, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 20, 1992.
Description: Application of Transportes Aereos Ejecutivos, S.A. de C.V., pursuant to section 402 of the Act and subpart Q of the Regulations, applies for an Amendment of its foreign air carrier permit to engage in the scheduled air transportation of property and mail on the route: Mexico City (MEX-Benito Juarez) and/or Toluca (TLC-Morelos), Mexico, on the one hand, and Laredo, Texas (LRD), on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Divisons.

[FR Doc. 92-4827 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. 92-10; Notice 1]

Notice of Receipt of Petition for Determination That Nonconforming 1991 BMW 850i Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1991 BMW 850i passenger cars are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1991 BMW 850i passenger car that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is April 12, 1992.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

(I) the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 (of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

Wallace Environmental Testing Laboratories, Inc. of Houston, Texas ("WETL") (Registered Importer No. R–90–005) has petitioned NHTSA to determine whether 1991 BMW 850i passenger cars are eligible for importation into the United States. The vehicle which WETL believes is substantially similar is the 1991 BMW 850i that was manufactured for importation into and sale in the United States and that was certified by its manufacturer, Bayerische Motoren-Werke A.G., as complying with all applicable Federal motor vehicle safety standards.

The petitioner stated that it performed a careful evaluation of the non-U.S. certified 1991 model 850i, and determined that it is substantially similar to its U.S. counterpart. As described by the petitioner, this evaluation included an exhaustive review of the factory parts manual for both vehicles, as well as a visual inspection of individual parts. Based on this evaluation, the petitioner contends that the non-U.S. certified 1991 model 850i, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. counterpart, or is capable of being readily modified to conform to those standards. Specifically, the petitioner claims that the two models are identical with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 112 *Headlamp Concealment Devices*, 113 *Hood Latch Systems*,116 *Brake Fluid*, 118 *Power Window Systems*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials* 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Door Strength*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, 301 *Fuel System Integrity*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 105 *Hydraulic Brake Systems*: Replacement of the master cylinder cap with one containing a brake fluid level warning switch that activates the brake failure indicator lamp when the ignition switch is turned to the "on" position.

Standard No. 108 *Lamps, Reflecting Devices and Associated Equipment*: (a) Installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model taillamp lenses; (c) addition of amber reflectors to the front parking lamps; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 11 *Rearview Mirrors*: Replacement of the passenger's outside rearview mirror with one bearing the required warning statement.

Standard No. 114 *Theft Protection* : Installation of a buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupation Crash Protection*: (a) Installation of a belt webbing-actuated microswitch in the driver's seat belt retractor or replacement of the seat belt latch with one containing a microswitch to activate the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer; (c) replacement of driver's side airbag, impact sensors and wiring harness with U.S.-model components in vehicles that are equipped with an airbag or installation of those components in vehicles that are not so equipped.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 2, 1992.

Authority: 15 U.S.C. 1397(c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Dated: February 27, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92–4686 Filed 3–2–92; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 92–09; Notice 1]

Receipt of Petition for Determination That Nonconforming 1988 Mitsubishi Galant VX Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Adminstration, DOT.

ACTION: Request for comments on petition for determination that nonconforming 1988 Mitsubishi Galant VX passenger cars are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1988 Mitsubishi Galant VX that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is April 2, 1992.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR ADDITIONAL INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 (of the Act), and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. AS specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to determine whether 1988 Mitsubishi Galant VX passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1988 Mitsubishi Sigma that Mitsubishi Motors Corporation offered for sale in the United States and certified as conforming to all applicable Federal motor vehicle safety standards.

The petitioner states that it has carefully compared the Galant VX with the Sigma, and found that they are substantially similar with respect to most applicable Federal motor vehicle safety standards. According to the petitioner, the two vehicles are structurally the same and differ mainly with respect to engine size. The petitioner observed that manufacturers generally design only a few basic body shells, which they then equip with a multitude of engine size and cosmetic or comfort options. The petitioner expressed the opinion that every model does not find its way into every market, however, owing to salability considerations or yearly changes in restrictions such as emission control requirements. The petitioner asserts that the 1988 Galant VX, as originally manufactured, conforms to many of the Federal motor vehicle safety standards in the same manner as its U.S. counterpart, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1988 Galant VX is identical to its U.S.-companion model with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence* * * *, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 105 *Hydraulic Brake Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 206 *Door Locks and Door Retention Components*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 214 *Side Door Strength*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp assemblies which incorporate rear sidemarkers; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Relacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch in the retractor for that belt; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1988 Galant VX must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested

but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 2, 1992.

Authority: 15 U.S.C. 1397(c)(3) (A)(i) (II) and (C)(iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 7, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-4887 Filed 3-2-92; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

February 26, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Engraving and Printing

OMB Number: 1520-0001.
Form Number: BEP 5283.
Type of Review: Extension.
Title: Owner's Affidavit of Partial Destruction of Mutilated Currency.
Description: Office of Currency Standards, Bureau of Engraving and Printing, requests owners of partially destroyed U.S. currency to complete notarized affidavit (Form BEP 5283) for each claim submitted when substantial portions of notes are missing.
Respondents: Individuals or households, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 300.
Estimated Burden Hours Per Response: 35 minutes.
Frequency of Responses: On occasion.
Estimated Total Reporting Burden: 180 hours.
Clearance Officer: Pamela Grayson (202) 447-0853, Bureau of Engraving and Printing, Room 317A, Engraving and Printing Annex, 14th and C Streets, SW., Washington, DC 20228.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-4870 Filed 3-2-92; 8:45 am]

BILLING CODE 4845-01-M

Public Information Collection Requirements Submitted to OMB for Review

February 26, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0135.
Form Number: IRS Form 1138.
Type of Review: Extension.
Title: Extension of Time for Payment of Taxes by a Corporation Expecting a Net Operating Loss Carryback.
Description: Form 1138 is filed by corporations to request an extension of time to pay their income taxes, including estimated taxes. Corporation may only file for an extension when they expect a net operating loss in the tax year and want to delay the payment of taxes from a prior tax year.
Respondents: Businesses or other for-profit.
Estimated Number of Respondents/Recordkeepers: 2,033.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—3 hours, 21 minutes.
Learning about the law or the form—35 minutes.
Copying, assembling, and sending the form to IRS—41 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting/Recordkeeping Burden: 9,392 hours.
OMB Number: 1545-1130.
Form Number: IRS Form 8816.
Type of Review: Extension.
Title: Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.
Description: Form 8816 is used by insurance companies claiming an additional deduction under Internal Revenue Code (IRC) section 847, to reconcile their special loss discount, and special estimated tax payments, and to determine their tax benefit associated with the deduction. The information is needed by the IRS to determine that the proper additional deduction was claimed and to insure the proper amount of special estimated tax was computed and deposited.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 2,500.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—6 hours, 42 minutes.
Learning about the law or the form—47 minutes.
Preparing, copying, assembling, and sending the form to IRS—56 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/Reporting Burden: 21,075 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-4871 Filed 3-2-92; 8:45 am]

BILLING CODE 4830-01-M

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to section 10 of Public Law 92-463, that a meeting will be held at the Federal Reserve Bank of New York on March 11, 1992, of the following debt management advisory committee:

Public Securities Association Treasury Borrowing Advisory Committee

The agenda for the Public Securities Association Treasury Borrowing Advisory Committee meeting provides for a working session on March 11. A written report will be submitted to the Secretary of the Treasury following the meeting.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Public Law 92-463, and vested in me by Treasury Department Order 101-05, I hereby determine that this meeting is concerned with information exempt from disclosure under section 552(c) (4) and (9)(A) of title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Public Law 92-463. The advise provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of title 5 of the United States Code for matter which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final decisions may not reflect the recommendations provided in reports of an advisory committee, the nature and content of the discussion and recommendations are such that their premature disclosure would lead to significant speculation in the securities market. Thus, the meeting also falls within the exemption covered by section 552b(c)(9)(A) of title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of section 552b of Title 5 of the United States Code.

Dated: February 28, 1992.

Jerome H. Powell,

Assistant Secretary (Domestic Finance).

[FR Doc. 92-4834 Filed 3-2-92; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities.

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a competitive grants program for private, non-profit organizations to develop educational and training programs in the areas of (1) local government public administration, (2) business administration, and (3) independent media development. These projects should link the organization's international exchange interests with counterpart institutions/groups, particularly in Poland, Hungary, Czechoslovakia, Romania, Bulgaria, and Albania. Proposals of the same nature will also be considered for exchange programs with Estonia, Latvia, and Lithuania. This Request for Proposals is in response to a Congressional mandate "to provide training for educators, government officials, business leaders, and scholars in the emerging democracies of Eastern Europe." All communications concerning this announcement should refer to the:

Central and Eastern European Training Program (CEETP-2)

Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from the publication date of this notice through April 24, 1992, for projects whose activities commence after September 15, 1992.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 24, 1992. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents postmarked April 24, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline.

ADDRESSES: The original and 15 copies of the completed application and required forms, should be submitted by the deadline to: U.S. Information Agency, Grants Management Office (E/XE), ATTN: Citizen Exchanges, The Central and Eastern European Training Program (CEETP-2) room 357, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street, SW., Washington DC 20547. Only written requests for this solicitation will receive a response.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency announces a program to encourage, through limitd awards to non-profit institutions, increased commitment to and involvement in international exchanges. Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. Awarding of any and all grants is contingent upon the availability of funds.

The Office of Citizen Exchanges works with U.S. non-profit organizations on cooperative international group projects.

The Office of Citizen Exchanges strongly encourages the coordination of these activities with respected universities, professional associations, and major cultural, educational and political institutions in the U.S. and abroad. Each private sector activity must maintain a non-political character and should maintain its scholarly integrity and meet the highest professional and/or academic standards.

The themes addressed in these exchange programs must be of long-term importance rather than focused exclusively on current events or short-term issues. In every case, a substantial rationale for the development and execution of an exchange program must be presented as part of the proposal, one that clearly indicates the distinctive and important contribution of the overall project and its enduring impact.

The Office does not support proposals limited to conferences or seminars (i.e., one- to fourteen-day programs with plenary sessions, main speakers, panels, and a passive audience). It will support conferences only insofar as they are part of a larger project in duration and

scope which is receiving USIA funding from this competition. USIA-supported projects may include internships; study tours; short-term, non-technical training; consultations; and extended, intensive workshops taking place in the United States or overseas.

Projects that duplicate what is routinely carried out by private sector and/or public sector operations will not be considered. USIS post consultation by applicant, prior to submission of proposals, is strongly recommended for all programs.

Objectives of the Central and Eastern European Training Program (CEETP–2)

Overview: USIA will accord highest priority in this competition to proposals for projects that encourage the growth of democratic institutions and political and economic pluralism. The Office is interested in supporting programs that will lay the groundwork for new international linkages between American and Central/Eastern European professional organizations. Proposals which are overly ambitious and general will not be competitive. Rather, institutions should provide strong evidence of their ability to accomplish a few tasks exceptionally well. They should also strive to accomplish many of the structural objectives outlined below:

—the advancement of mutual understanding through targeted programs for Central/Eastern European leaders and potential leaders in state, local and municipal government administration; economics and business development; media development in a free press; and related sub-topics;
—the development of culturally sensitive and relevant study tours in the United States for small groups of key senior leaders in each of these disciplines so that they can observe first-hand theories and concepts at work in the United States.
—the development of institutional linkages in the private or independent sectors that live beyond the duration of USIA funding support;
—coordination, in the design of these programs, with U.S. Information Agency officers overseas and with foreign government officials and private sector leaders who have direct experience in determining needs and in developing feasible approaches to respond to them;
—the identification and enhancement of Central and Eastern European counterpart non-governmental institutions as magnet centers to insure logistical coordination of programs taking place overseas and to increase the probability that these programs will endure;
—the development of durable consortia, associations, and information networks both in the United States and in Central/Eastern Europe;
—the transfer, at minimal cost, of relevant information through short courses and intensive workshops (each of at least two weeks in duration or longer) conducted in Central/Eastern Europe;
—the provision of carefully crafted internships in the U.S. and extended learning programs (from six weeks to three months with considerable in-country cost-sharing);
—the extension of American academic expertise and professional know-how through consultations in Central/Eastern Europe for periods of not less than one month, with particular emphasis on finding Americans who can reach the widest possible audience through their foreign language fluency;
—focused attention not only on reaching leaders and potential leaders but also on developing specialized materials for secondary and post-secondary teachers, and providing special training workshops for such teachers;
—the development and distribution of written, audio, and video instructional materials in Polish, Czech, Slovak, Hungarian, Romanian, Bulgarian, Albanian, Estonian, Latvian, and Lithuanian to complement and enhance educational and training programs;
—the stimulation of alternative funding sources in the U.S. and internationally to enhance and expand the size and scope of USIA assisted programs.

Programmatic Recommendations: Local Government Administration

In each of these countries there is a preponderance of newly elected officials at all government levels. Many have little if any experience in city, regional, state or national government administration. They have not been responsible for day-to-day governance and probably are not performing as well as they might. This requires enhanced grass-roots communication, clear and concise presentation of information, and programs encouraging voluntary and other private sector involvement. In particular, the CEETP program places emphasis on public administration at the municipal and regional levels.

Program topics in public administration might include financial management, accounting, raising tax revenues, election practices and protections, etc. Carefully constructed internships in the U.S. with city, county and state governments for some of the best and most promising "students" (i.e., professional leaders or emerging leaders) from these countries would enhance their learning experience. Ideally, development of these programs should be linked with development of relevant outreach or extension program capabilities in a suitable university in the country in which the program takes place.

Programs may also further the development of information and library systems, committee and staff structures, research capability, legislation drafting capability and other structural and procedural needs.

Programmatic Recommendations: Business Administration

This topic is very broad, and ranges across several disciplines but should focus primarily on management training and exposure to market economy concepts.

Included could be the provision of intensive courses and workshops in these countries on topics in macro- and micro-economics that are important to developing strong private businesses in a market economy environment. Other areas of primary importance include banking, accounting practices, financial management, marketing research and management, production management, entrepreneurship and small business development, industrial relations, and privatization as relevant to each nation's needs.

The development of new curricula and instructional materials in each language should be encouraged, with distribution of USIA-funded materials limited to these countries as prescribed by law.

Program design should clearly differentiate target audiences—professors and instructor of economics, senior business leaders, government officials, or promising practitioners. Intensive workshops and short-courses may also examine thematic areas of business development to include programs on agribusiness and family farming; service and industrial sector development; and related topics. Particular emphasis should be paid to development of business structures and the creation of jobs in non-urban areas.

Grantee institutions should try to maximize cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support. Carefully designed internships in each of these subject areas would enhance training programs in Central and Eastern Europe—but the first priority is for the sharing of information overseas. Again, it is especially desirable to develop these programs in such a way that they contribute to the development of relevant outreach and extension capability in local universities.

Programmatic Recommendations: Independent Media Development

The focus of these proposals should be directed toward the establishment of independent media since this is a sector of the society that has benefitted least from the new wave of democratization. Programs in this topic area fall under two sub-categories: journalist training and institutional development. Short-term courses and intensive workshops (each of at least two weeks in duration) in Central/Eastern Europe should provide insights for journalists at all professional levels and in all sub-disciplines (business, foreign affairs, domestic politics, agriculture, the environment, the arts, etc.) Training in basic skills, preferably for journalists outside of capital cities, should be emphasized such as effective writing, investigative reporting, objectivity, clear labelling of editorials and opinion pieces, copyright laws, and ethics. Curriculum reform and development in schools of journalism should be emphasized. Longer programs with more lasting impact are preferred.

Separate training modules for all forms of media management (television, radio, magazines and newspapers) may also be of assistance as privatization and decentralization of media expands. The media can be viewed as a profit-making business venture realized through advertising and circulation revenues. Topics for discussion might include business management techniques, desk top publishing, advertising, marketing, distribution, public relations, and the pitfalls of journalistic advocacy, among others. Components of program should include internships in the U.S. of at least one month in duration.

Programs for publishers and editors are also of interest, particularly if they include carefully-developed follow-on internships with prominent publishing and broadcasting companies in the United States, with those companies providing major cost-sharing. Internship programs in the United States might include a three-day orientation program on U.S. journalism practices, a six to ten week internship with a follow-on workshop comparing intern experiences, and a one-week trip to another part of the United States to examine American journalism practices and cultural traditions.

Scope: Proposals may describe programs in one or more of the above countries but should focus almost exclusively on one of the three major topics: public administration, business administration, or independent media development. A program that is too broad in scope is less likely to receive Agency support because of the immediacy of needs in Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Albania, Estonia, Latvia, and Lithuania and concerns over program superficiality.

Other Logistical Considerations:

Program monitoring and oversight will be provided by appropriate Agency elements. Per Diem support from host institutions during an internship component is strongly encouraged. However, for all programs which include internships, a non-profit grantee institution which receives funds from corporate or other cosponsors will then use those monies to provide food, lodging, and pocket money for the participant. In no case could the intern receive a wage or "be hired" by the sponsoring institution. Internships should also have an American studies/values orientation component at the beginning of the exchange program in the U.S. Grantee institutions should try to maximize cost-sharing in all facets of their program design, and to stimulate U.S. private sector (foundation and corporate) support.

In the selection of all foreign participants, USIA and USIS posts retain the right to nominate participants and to accept or deny participants recommended by the program institution. The grantee institution should provide the names of American participants and brief biographical data to the Office of Citizen Exchanges for information purposes.

The Government reserves the right to reject any or all applications received. Applications are submitted at the risk of the applicant; should circumstances prevent award of a grant, all preparation and submission costs are at the applicant's expense.

Funding and Budget Requirements for all Submissions

Since USIA grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Grant applications should demonstrate substantial financial and in-kind support.

Funding assistance is primarily limited to project costs as defined in the Project Proposal Information Requirements (OMB #3116–0175, provided in application packet). USIA-funded administrative costs are limited to 22 (twenty-two) per cent of the total funds requested. Higher administrative requests will be entertained if prospective grantees can show that program complexities overseas require additional overseas support and administrative oversight. The application must clearly differentiate between costs required for strictly overseas activities and those incurred in the United States for U.S.-based activities. Failure to make these distinctions clearly in the budget presentation (including distinct categories of expenses) will result in all administrative costs restricted under the 22 per cent rule.

Universities and other institutions applying for USIA support are encouraged to cost-share indirect costs and to pay the salaries of their faculty or professionals while they are providing instruction in Central/Eastern Europe. Given the fact that USIA posts overseas are in many cases over-extended, it is necessary for the grantee applicant to provide evidence of institutional cosponsorship in Central/Eastern Europe and, in some cases, on-site presence to insure the logistical success of all programs.

Organizations with less than four year's experience in conducting international exchange programs are limited to $60,000 of USIA support. In most cases, total grant proposals will be considered in the general range between $125,000 and $250,000 in the amount requested from USIA, although USIA reserves the right to award grants for amounts outside this range. Awarding of any and all grants is contingent upon the availability of funds. USIA anticipates funding activities for one year, although applications should be structured so that a one-year renewal is an option.

Additional Guidelines and Restrictions

Proposals for all programs are subject to review and comment by USIS posts.

Bilateral programs should clearly identify the counterpart organization and provide evidence of the organization's participation. Similarly, programs in support of internships in the U.S. should include letters tentatively committing host institutions to support this effort.

Bureau grants are not given to support projects whose focus is limited to technical issues, or for research projects, for youth or youth-related activities (participants' age under 25), for publications funding for dissemination in the United States, for individual student exchanges, for film festivals and exhibits. Nor does this office provide scholarships or support for long-term (a

semester or more) academic studies. Competitions sponsored by other Bureau offices are also announced in the **Federal Register**.

Application Requirements

Application materials may be obtained by writing to: The Office of Citizen Exchanges (E/P), United States Information Agency, Attn: CEETP-2, room 216, 301 4th Street, SW., Washington, DC 20547.

Inquiries concerning technical requirements are welcome.

For purposes of review, proposals must be identified by the country or countries of focus and the proposed thematic area of interest it is addressing.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement (15 pages or less) of what the project is designed to accomplish; how it is consistent with the purposes of the USIA grant program; and how it relates to USIA's mission—to further U.S. foreign policy objectives, explain U.S. policies and actions overseas, to present American society to citizens of other countries, to create and strengthen personal and institutional ties between the U.S. and other Nations, to increase mutual understanding, and to correct misperceptions about the United States.

2. A concise description of the project's work plan and its intellectual rationale, spelling out complete program schedules, thematic agenda, and proposed itineraries, who the participants will be, where they will come from, and how they will be selected. Resumes should not exceed two pages in length and should be tailored for this specific program.

3. A statement of what follow-up activities are proposed; how the project will be evaluated; and what groups, beyond the direct participants, will benefit from the project and how they will benefit.

4. A detailed three-column budget.

Note: All application forms will be provided with the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's appropriate geographic area office and the contracts office. Funding decisions are at the descretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contacting officer.

Review Criteria

USIA will consider proposals based on the following criteria;

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, rigor, and relevance to Agency mission. They should demonstrate the matching of U.S. resources to a clearly defined need.

2. *Institution Reputation/Ability/Evaluations:* Institutional grant recipients should demonstrate potential for program excellence and/or track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Relevant evaluation results of previous projects are part of this assessment.

3. *Project Personnel:* Personnel's thematic and logistical expertise should be relevant to the proposed program. Resumes or C.V.s should be summaries relevant to the specific proposal and no longer than two pages each.

4. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. *Thematic Expertise:* Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.

6. *Cross-Cultural Sensitivity/Area Expertise:* Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.

7. *Ability to Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the grantee institution will meet the program's objectives.

8. *Multiplier Effect:* Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. *Cost-Effectiveness:* The overhead and administrative components should be kept as low as possible. All other items should be necessary and appropriate to achieve the program's objectives.

10. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as institution direct funding contributions.

11. *Follow-on Activities:* Proposals should provide a plan for continued exchange activity (without USIA support) which insures that USIA supported programs are not isolated events.

12. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 21, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: February 24, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-4855 Filed 3-2-92; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 42
Tuesday, March 3, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, March 9, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5035 Filed 2-28-92; 1:17 pm]

BILLING CODE 92-4035-M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10 a.m., Tuesday, March 10, 1992.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Finance Docket No. 29802, *Delaware and Hudson Railway Company* v. *Consolidated Rail Corporation—Reciprocal Switching Agreement.*

Docket No. MC-C-30129, *Pittsburgh-Johnstown-Altoona Express, Inc.—Petition for Declaratory Order.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927-5350, TDD: (202) 927-5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-4996 Filed 2-28-92; 10:35 am]

BILLING CODE 7035-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Reauthorization Committee Meeting

Changes

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 24, 1992; 57 FR 6350.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 9, 1992, scheduled to commence at 8:30 a.m.

PREVIOUSLY ANNOUNCED LOCATION OF MEETING: The Washington Marriott Hotel, 1221 22nd Street, NW., The DuPont Ballroom, Washington, DC. 20037.

CHANGES IN THE MEETING:

DATE AND TIME: The meeting of the Board of Directors Reauthorization Committee has been rescheduled to April 5, 1992. The meeting is tentatively scheduled to commence at 2:00 p.m.

PLACE: The Hilton Palacio Del Rio Hotel, 200 South Alamo, San Antonio, Texas 78205, (512) 222-1400.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: (To Be Announced.).

CONTACT PERSON FOR INFORMATION: Patricia Batie at (202) 863-1839.

Date Issued: February 28, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92-5006 Filed 2-28-92; 11:01 am]

BILLING CODE 7010-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 2, 9, 16, and 23, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 2

Wednesday, March 4

10:00 a.m.
Briefing by NARUC on Economic Issues Associated with Nuclear Power Plant Operations and HLW Programs (Public Meeting)

Thursday, March 5

2:00 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Ohio Edison Company's Motion for Reconsideration of CLI-91-15 (Tentative)
b. NRC Staff's Motion to Vacate the Licensing Board's Initial Decision, LBP-91-29, Fewell Geotechnical Engineering, Ltd (Thomas E. Murray, Radiographer) (Tentative)
c. Commission Reconsideration of Standards Covering Combined License Hearing for Louisiana Energy Services Uranium Enrichment Plant (Tentative) (Postponed from February 26)

Week of March 9—Tentative

Tuesday, March 10

1:00 p.m.
Briefing on Pending Investigations (Closed—Ex. 5 and 7)

2:00 p.m.
Briefing on Risk-Based Regulations Transition Strategy (Public Meeting)

Wednesday, March 11

9:00 a.m.
Briefing on Rulemaking Process for Developing Residual Radioactivity Standards for Decommissioning (Public Meeting)

10:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

1:30 p.m.
Briefing on Requirements for Integral System Testing of Westinghouse AP-600 (Public Meeting)

Week of March 16—Tentative

Tuesday, March 17

8:30 a.m.
Discussion of Readiness to Restart of the General Atomics—Sequoyah Fuels Facility (Public Meeting)

2:00 p.m.
Briefing on Actvities of the Center for Nuclear Waste Regulatory analysis (CNWRA) (Public Meeting)

3:30 p.m.
Discussion of Internal Commission Procedures (Public Meeting)

Thursday, March 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 23—Tentative

Wednesday, March 25

10:00 a.m.

Annual Briefing on Medical Use Byproduct Material (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: By a vote of 4–0 (Commissioner de Planque not participating) on February 25, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Affirmation of Commission Order on Shoreham" (Public Meeting) be held on February 28 and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(303) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: February 28, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–5053 Filed 2–28–92; 2:16 am]

BILLING CODE 7590–01–M

federal register

Tuesday
March 3, 1992

Part II

Department of the Interior

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

February 13, 1992.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Nanticoke Lenni-Lenape Indians, c/o Mark M. Gould, P.O. Box 544, 18 East Commerce Street, Bridgeton, New Jersey 08302, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on January 3, 1992, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, room 1362–MIB, 1849 C Street NW., Washington, DC 20240, Phone: (202) 208–3592.

William D. Bettenberg,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 92–4806 Filed 3–2–92; 8:45 am].

BILLING CODE 4310–02–M

federal register

Tuesday
March 3, 1992

Part III

Department of the Interior

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

February 13, 1992.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that the Lake Superior Chippewa of Marquette, Inc., c/o Daniel Bressette, P.O. Box 1071, Marquette, Michigan 49855, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on December 13, 1991, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly § 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, room 1362–MIB, 1849 C Street NW., Washington, DC 20240, Phone: (202) 208–3592.

William D. Bettenberg,

Acting Assistant Secretary—Indian Affairs

[FR Doc. 92–4807 Filed 3–2–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Tuesday
March 3, 1992

Part IV

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules; Interim Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-4108-9]

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules

AGENCY: Environmental Protection Agency.

ACTION: Response to court remand: interim final rule.

SUMMARY: On May 19, 1980 (45 FR 33066), EPA promulgated regulations to govern the management of hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA). As part of these rules, EPA defined "hazardous waste" to include, among other things, mixing hazardous waste with other solid waste or otherwise managing hazardous waste (40 CFR 261.3). These rules are known, respectively, as the "mixture" and "derived-from" rules. The Agency promulgated these rules to close a potentially major loophole in the hazardous waste management system. Without a "mixture" rule, generators of hazardous waste could perhaps evade regulatory requirements by mixing hazardous waste with non-hazardous waste and claiming that the mixture was no longer hazardous, even though it poses environmental hazards. Without a "derived-from" rule, owners and operators of treatment, storage, and disposal facilities could perhaps evade regulation by minimally processing a hazardous waste and claiming that the residue was no longer hazardous.

On December 6, 1991, a panel of the United States Court of Appeals for the District of Columbia Circuit ruled that EPA had failed to give sufficient notice and opportunity for comment in promulgating the "mixture" and "derived-from" rules. The court therefore vacated the rules and remanded them to the Agency. On January 21, 1992, EPA filed a petition for rehearing with the court. This petition was denied on February 12, 1992. At the invitation of the court, EPA is today simultaneously removing and reissuing 40 CFR 261.3, including the "mixture" and "derived-from" rules, on an interim basis under section 553(b)(3)(B) of the Administrative Procedure Act (APA). Elsewhere in today's **Federal Register**, the Agency is soliciting comment on these rules and on other ways to regulate waste mixtures and residues.

DATES: *Effective date:* This rule is effective on February 18, 1992.

Expiration date: Paragraphs (a)(2)(iv) and (c)(2)(i) of 40 CFR 261.3 shall expire on April 28, 1993.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 or (703) 920-9810. For technical information contact Ms. Marilyn Goode, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 260-8551.

SUPPLEMENTARY INFORMATION:

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I. Authority

These regulations are promulgated under the authority of sections 1006, 2002(a), and 3001-3005 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6905, 6912(a), and 6921-6925.

II. Background

A. Statutory Framework

Subtitle C of RCRA required EPA to establish a comprehensive national program for safely treating, storing, and disposing of hazardous waste. The statute defined "hazardous waste," in part, as a "solid waste" which may "pose a substantial present or potential hazard to human health and the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." Pursuant to subtitle C, the Agency was required to develop and promulgate criteria for identifying characteristics of hazardous waste and to list particular wastes as hazardous. Subtitle C also required EPA to promulgate regulations governing the management practices of generators, transporters and those who own or operate hazardous waste treatment, storage, or disposal facilities.

B. EPA's Definition of "Hazardous Waste"

On May 19, 1980 (45 FR 33066), the Agency published final rules governing the management of hazardous waste. Under the final rules, the definition of hazardous waste included characteristic hazardous wastes, listed hazardous wastes, and mixtures of solid waste and one or more listed hazardous wastes. Wastes are characteristically hazardous if they exhibit any of four characteristics: Ignitability, corrosivity, reactivity, or toxicity. Wastes are listed as hazardous if they exhibit any of the four characteristics, if they meet toxicity criteria, or if they contain certain toxic constituents (see 40 CFR 261.10-24.)

The provision governing mixtures of solid waste and listed hazardous waste is known as the "mixture rule" (currently 40 CFR 261.3(a)(2)(iv)). As promulgated in May 1980, it required that a waste be managed as hazardous if it is a mixture of solid waste and one or more listed hazardous wastes and has not been delisted. "Delisting" is a procedure whereby a person may file a petition with EPA to remove a specific waste from the hazardous waste listing by demonstrating that the waste in question does not pose a hazard (see 40 CFR 260.22).

In addition, the May 19, 1980 final rules included the "derived-from" rule (currently 40 CFR 261.3(c)(2)(i) and (d)(2)). It states that any solid waste generated from the treatment, storage, or disposal of a listed hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate, remains a hazardous waste unless and until delisted. Under these rules, the person who manages the wastes has the burden of proving that they are no longer hazardous.

The Agency promulgated the "mixture" and "derived-from" rules to close potentially major loopholes in the subtitle C management system. Without a "mixture" rule, generators of hazardous waste could potentially evade regulatory requirements by mixing listed hazardous waste with non-hazardous solid waste to create a waste that arguably no longer meets the listing description but continues to pose a serious hazard and does not exhibit any of the four characteristics. Likewise, without a "derived-from" rule, owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDFs) could potentially evade regulation by minimally processing or managing a hazardous waste and claiming that the resulting residue was no longer the listed waste, despite the continued hazards that could be posed by the residue even though it does not exhibit a characteristic.

EPA promulgated the "mixture" and "derived-from" rules in interim final form, while requesting comment on them. The Agency received many comments on the rules, and also participated in settlement discussions with all of the petitioners who challenged the rules. As a result of the comments and discussions, EPA amended the rules in 1981 to exempt certain wastewater management practices from the "mixture" rule and to make certain other changes (see CFR 261.3(a)(2) (iii) and (iv), 46 FR 56588, November 17, 1981). The Agency has also amended these rules several times since 1981 to create other exceptions to the "mixture" and "derived-from" rules (see 40 CFR 261.2(c)(ii)).

C. Court Decision

Numerous petitions for judicial review were brought to challenge the May 19, 1980 final rules. One of the challenges alleged that the definition of hazardous waste proposed on December 18, 1978 did not adequately discuss the "mixture" and "derived-from" rules promulgated in the final regulations. The petitioners thus argued that they were deprived of adequate notice and opportunity to comment as required by the Administrative Procedure Act (APA) (5 U.S.C. 553(b)).

On December 6, 1991, the court ruled that the 1978 proposal did not adequately provide notice of either rule and that the petitioners thus did not have sufficient opportunity to comment (*Shell Oil Co.* v. *EPA*, no. 80-1532 *et al.* (D.C. Cir., December 6, 1991)). The court vacated the rules and remanded them to the Agency because of procedural defects. However, the court did not address any of the substantive issues raised by the petitioners concerning the rules. On January 21, 1992, EPA filed a petition requesting that the court reconsider its decision. The court denied this petition on February 12, 1992.

In its December 6, 1991 decision, the court recognized the dangers that may be posed by a discontinuity in the regulation of hazardous waste, and suggested that the Agency could reinstate the rules in whole or in part on an emergency basis under the "good cause" exemption of the APA. Such a reinstatement would prevent disruption in ongoing implementation of the hazardous waste program while allowing EPA to request comment on the rules and cure the procedural defect.

III. EPA's Response to the Court Decision: Reasons for Reinstatement

Today's rule responds to the court's suggestion that EPA reinstate the rules on an interim basis pending full notice and comment. EPA is aware of concerns that have arisen about the rules since they were first promulgated in 1980. Nevertheless, EPA believes that interim reinstatement is important because human health and the environment could be harmed and the national hazardous waste program significantly disrupted if the rules were allowed to lapse. The total effect of a disappearance of the "mixture" and "derived-from" rules is difficult to foresee, but it is clear that the consequences could be serious. Following are some possible effects of a lapse in the rules.

Environmental Effects

If the rules were not in effect, the federal regulations would still apply to listed hazardous wastes when the wastes were generated, but the status of these wastes under subtitle C after they were managed or mixed would be thrown into question. The Agency has acknowledged that, in some cases, these wastes may present little risk. Nevertheless, many wastes are still toxic after they are managed or mixed, often presenting the same hazard as when the waste was generated. EPA notes that some hazardous waste listings were based on information about environmental damage caused in the mixed or derived-from state of the waste. For example, leachate from hazardous waste which has been disposed of is produced by liquid percolating through the waste; it sometimes contains heavy metals and organic materials which render it highly toxic. Treatment residues, by definition, contain waste constituents which were removed during treatment or which were not completely destroyed by treatment. Wastewaters from facilities that treat hazardous waste may contain significant amounts of the toxic substances that were in the wastes. Ash from incinerating hazardous wastes often contains heavy metals and, if combustion is not complete, undestroyed toxic organic materials. EPA has placed in the docket for this notice data indicating that "mixture" and "derived-from" wastes can contain high concentrations of hazardous constituents.

The Agency acknowledges that some "mixture" and "derived-from" wastes would still be covered under existing regulations. An interpretation of the regulations under which the slightest mixing or management rendered a listed waste non-hazardous would clearly be unreasonable. Nevertheless, if the rules were no longer in effect, the possibility of confusion and erroneous waste classifications would surely increase, resulting in greater potential for harm to human health and the environment.

For example, if the "mixture" and "derived-from" rules were not in effect, some wastes might be mistakenly classified as non-hazardous and disposed of in a municipal landfill or unregulated industrial landfill. EPA could find it extremely difficult to track these disposals, so that any environmental problems they caused might be exacerbated by delay and could ultimately require more costly cleanups. It is true that the current land disposal restrictions (LDR) program would require treatment and tracking of certain mixed and derived-from wastes, since the LDR restrictions apply at the point of a waste's generation (see 55 FR at 22651-52, June 1, 1990). Likewise, the prohibition on dilution as a substitute for adequate treatment likewise normally applies at the point of generation (see 40 CFR 268.3(a)). As a result, those wastes restricted from land disposal which clearly meet the listing description at the point of generation would still be subject to the treatment standards of RCRA at 40 CFR part 268 (as well as the waste analysis, tracking and recordkeeping requirements associated with that program) even if the wastes were later mixed with other wastes, or, in some cases, even if subsequently managed (see 55 FR 22661).

However, wastes may be mixed with other wastes at the point of generation, so that they arguably would not meet the listing description at that point and so would not be subject to LDRs. In addition, the Agency's interpretation that the LDR program applies to wastes which are hazardous as generated, even if they are later rendered "non-hazardous" (i.e., they no longer meet the listing description) is subject of litigation in the D.C. Circuit Court of Appeals (see *Chemical Waste Management* v. *EPA*, No. 90-1230 (D.C. Cir.)). Some members of the regulated community will argue that their "derived-from" wastes no longer meet the listing description and thus would no longer be subject to LDRs. Moreover, the treatment process itself would not be regulated if only the LDRs applied to the waste. And finally, even if some wastes would be tracked under the LDR program, that program was not designed as a manifest system and would provide limited information. For example, LDR tracking does not require discrepancy reports, so that wastes which have allegedly been sent to a disposal facility but which do not arrive would not be accounted for.

Similarly, many mixed and derived-from wastes are not restricted from land disposal and thus are not subject to LDRs. If they were not hazardous

wastes, mixed wastes could be burned as fuel in schools and homes, and processed into consumer and commercial products, all without any federal controls. Some surface impoundments receiving mixed or derived-from waste might no longer be subject to groundwater monitoring and corrective action. In addition, if the "mixture" and "derived-from" rules were no longer in effect, many facilities that currently require RCRA permits would no longer need them; consequently, hazardous waste management facilities would no longer need to clean up any contamination at their sites as a condition of their RCRA permits. Waste derived from managing the original waste (e.g., leachate, residues from storage, and concentrated treatment reisdues such as distillation bottoms) many likewise go unregulated.

If the "mixture" and "derived-from" rules were not in effect, the Agency's RCRA enforcement program would also be damaged, with potential danger to human health and the environment. EPA has preliminarily identified over 100 federal administrative, civil, and criminal enforcement cases based in whole or in part on the mixture and derived from rules currently pending or recently concluded. Many of these cases involved the possibility of contaminated groundwater, soil, or air from wastes defined as hazardous under the "mixture" and "derived-from" rules. Further, in most of the latter cases, the wastes could cause potential harm to humans due to the possibility of immediate direct exposure or off-site migration leading to subsequent exposure. In addition, the "mixture" and "derived-from" rules play a major part in facilitating the Agency's enforcement actions. Without these rules, extensive waste sampling and analysis would be needed in many enforcement cases. These procedures would require significant reallocation of Agency enforcement resources and would often impede prompt enforcement action, leading to environmental hazards in cases where prompt action was necessary.

Implementation of RCRA requirements is, in large part, carried out by authorized State hazardous waste management programs, many of which currently have "mixture" and "derived-from" rules as a matter of independent State law. However, many of the wastes lost to the national program might not be captured by State hazardous waste programs. Many of the State "mixture" and "derived-from" rules may be tied to or refer to the scope of the federal rules. For example, many States simply incorporate the federal rules by reference. Some forms of incorporation by reference might be adversely affected by the removal of the federal rules. Other States are prohibited from providing requirements more stringent than the federal government. Changes in the scope of the federal program could cause contractions in the scope of many State programs. Such a contraction has already occurred in at least one State where a court has invalidated the "mixture" and "derived-from" rules. These changes could cause some persons to shift disposal of hazardous waste to States with less stringent rules. Even where States' independent authorities were not directly undermined by removal of the rules, confusion among the regulated community could undermine compliance with State laws.

The Agency also believes that removal of the "mixture" and "derived-from" rules could undermine incentives to prevent pollution and minimize the generation of hazardous waste. Some firms currently segregate highly toxic waste from their wastewater streams to minimize the generation of hazardous waste, or to make resource recovery easier. Without these rules, the incentives to segregate these wastes will be changed, even in cases where segregation would facilitate more cost-effective treatment or reduction in the generation of hazardous wastewaters.

Program Disruption

The absence of clear federal rules governing the status of mixed and derived-from wastes over the interim could disrupt existing programs, presenting the regulators, the regulated community, and the public with considerable uncertainty about the scope and effect of Subtitle C regulation. In support of this view, several interested parties have urged the Agency to reinstate the rules as quickly as possible. Thirty-eight State Attorneys General and many State solid waste management officials have stated that if the rules are allowed to lapse, the regulatory structure would be thrown into chaos. As the Agency responsible for carrying out the national hazardous waste program, EPA believes that allowing the sudden and extreme disruption of the program would not be justified. Instead, EPA agrees with the State officials that the best course of action under the circumstances is to reinstate the rules on an interim basis, while seeking comment on future regulatory changes.

For all of the above reasons, the Agency has decided to reinstate the "mixture" and "derived-from" rules on an interim basis under the "good cause" exemption of 5 U.S.C. 553(b)(3)(B), pending full notice and opportunity for comment. EPA is soliciting comment on these rules and on other ways to regulate waste mixtures and residues elsewhere in today's **Federal Register**. This reinstatement will give the Agency the time to sort through more fully the implications of alternative regulatory approaches and understand the scope and effect of current subtitle C rules.

While today's reinstatement is based on the importance of the "mixture" and "derived-from" rules and the need to avoid sudden disruption in the RCRA regulatory framework, the Agency recognized that the court has ruled that these extremely important rules did not receive adequate notice and comment. As noted earlier, the Agency is already considering modifications to the rules and will also examine comments received on today's notices. Therefore, EPA has determined that this interim final reinstatement should not remain in effect indefinitely. Because EPA anticipates that it may take until late April 1993 to reconsider these rules, it has added a termination date of April 28, 1993 to this reinstatement. However, the Agency will make every effort to expedite this rulemaking. By April 28, 1992, EPA will publish a **Federal Register** notice further explaining options it is considering and seeking public comment on those options. The unmodified "mixture" and "derived-from" rules will expire April 28, 1993 unless EPA, after considering comments, makes a final determination to retain these rules in their current form.

IV. Retroactive Effect of Court Decision

Since the issuance of the *Shell Oil* decision, EPA has received many questions about whether the court's vacature of the rules is retroactive, thus nullifying the "mixture" and "derived-from" rules as of 1980. As explained below, the Agency believes that the *Shell Oil* decision is not intended to be retroactive. As a result, today's decision to retain action to reinstate the "mixture" and "derived-from" rules maintains without interruption the legal framework for the regulation of hazardous waste originally established under RCRA in 1980. EPA is also maintaining the Agency's past policy interpretations of these rules.

The Agency has interpreted the court's decision in this manner for several reasons. The court's opinion suggests that it was not intended to void the rules from the date of their 1980 promulgation. The court was fully aware that the rules had remained in effect during the lengthy litigation (*Shell Oil* v. *EPA*, no. 80–1532 *et al.* (D.C. Cir., December 6, 1991) (slip op. at 7)). In remanding the rules to the Agency, the court suggested that they be immediately reenacted by EPA on an interim basis to avoid dangers from any discontinuity in the regulation of hazardous wastes. Slip op. at 20–21. EPA believes that the court's concern about regulatory discontinuity would be inconsistent with a decision that retroactively voided the rules. If the rules have been void since 1980, their reinstatement would greatly change, rather than preserve, the current program.

Moreover, the Agency believes that its interpretation of the court's decision is consistent both with relevant case law concerning the retroactivity of judicial decisions (see *Chevron Oil Co.* v. *Huson*, 404 U.S. 97 (1971), and with the general practice of the D.C. Circuit (see, e.g., *American Gas Association* v. *FERC*, 888 F. 2d 136, 150 (D.C. Cir. 1989)). EPA's action today to reinstate the rule and cure any procedural defect through notice and comment thus maintains the legal definition of "hazardous waste," along with the Agency's past interpretations of that definition.

V. Solite Decision

On December 31, 1991, the U.S. Court of Appeals for the D.C. Circuit issued a decision concerning mixtures of hazardous waste and wastes subject to the "Bevill" exclusion for mineral processing wastes (see *Solite Corp.* v. *EPA*, No. 89–1629 (D.C. Cir., December 31, 1991)). Following is the background of the *Solite* decision and EPA's interpretation of how the decision is related to today's rule.

On September 1, 1989 (54 FR 36592), EPA issued rules defining the scope of the "Bevill" exclusion for mineral processing wastes. In the context of that rulemaking, EPA announced that the "mixture rule" would apply to mixtures of listed hazardous wastes and Bevill-exempt solid wastes from mining and mineral processing, just as the rule applies to mixtures of listed wastes and any other non-hazardous solid waste. The Agency explained that its interpretation was consistent with the rationale for the "mixture rule," and would ensure that hazardous wastes would not be improperly excluded from subtitle C regulation merely by being mixed with a Bevill-exempt waste.

EPA also confirmed that the hazardous wastes characteristics also apply to mixtures of characteristically hazardous wastes and Bevill-exempt wastes from mining and mineral processing, unless the resulting mixture did not exhibit a characteristic or exhibited a characteristic imparted to the mixture solely from the Bevill-exempt wastes (see 40 CFR 261.3(a)(2)(i) and (iii)). The Agency was concerned that facilities would improperly dilute their non-exempt hazardous wastes under the protection of the Bevill amendment. EPA did, however, allow the mixing of characteristic wastes and Bevill-exempt wastes where the resulting mixture no longer exhibits the characteristic of the unmixed waste, giving some relief for Bevill facilities which manage exempt and non-exempt wastes together.

Several industry petitioners challenged the September 1, 1989 rules. Among the issues raised were the application of the "mixture rule" to Bevill-exempt mining and mineral processing wastes and the status of mixtures of characteristic wastes and Bevill-exempt wastes. On December 31, 1991, the U.S. Court of Appeals for the D.C. Circuit issued the *Solite* decision, which upheld the September 1, 1989 rules in nearly all respects. With respect to the "mixture rule," however, the court remanded the issue to the Agency without opinion. The court noted that—

> (I)n extending the Subtitle C mixture rule to the Bevill context, EPA assumed the validity of that rule. . . . Were the Subtitle C mixture rule still in place, the Bevill mixture rule might well constitute a reasonable extension of it. . . . If the EPA desires to and successfully does repromulgate the Subtitle C rule, it will similarly be able to repromulgate the Bevill rule, and attempt to justify the latter by reference to the former. Alternatively, the Agency may wish to justify the Bevill rule on independent grounds.

(slip op. at 38–39).

The court's opinion did not explicitly address the status of EPA's rule change regarding the application of the hazardous waste characteristics to mixtures of Bevill-exempt wastes. The court in *Shell Oil* vacated the "mixture rule" of 40 CFR § 261.3(a)(2)(iv), which addresses mixtures of listed wastes and other solid wastes. Thus, to the extent that the *Solite* court addressed mixtures involving listed and Bevill wastes, today's action will reinstate the affected rules. However, since the *Shell Oil* court did not address mixtures of characteristic and Bevill wastes, that part of the decision by the *Solite* court appears to be in error. EPA is considering requesting clarification of this issue from the *Solite* court.

VI. Compliance With Other Requirements

A. Administrative Procedure Act (APA)

Section 553 of the APA generally requires federal agencies to provide notice in the **Federal Register** and opportunity for public comment before promulgating a rule. However, section 553(b)(3)(B) provides that the agency may promulgate a rule without prior notice and opportunity for public comment if the agency finds that such procedures would be "impracticable, unnecessary, or contrary to the public interest" with respect to the rule at issue. The finding of "good cause" and the reasons for the finding must be published with the rule.

EPA has ample "good cause" to repromulgate the RCRA "mixture" and "derived-from" rules without prior notice and comment. The court in *Shell Oil* specifically suggested that to avoid potential disruption of the hazardous waste management program from the remand, EPA should immediately reinstate the rules on an interim basis under the "good cause" exemption of the APA. *Shell Oil* v. *EPA*, No. 80–1532 *et al.* (D.C. Cir., December 6, 1991), slip op. at 21. This immediate reinstatement thus allows EPA to maintain the *status quo* until the Agency can cure the procedural defect identified by the court through notice and comment.

As discussed in detail earlier in today's notice, EPA believes that reinstating these rules on an interim basis is essential to prevent serious harm to human health and the environment and to avoid substantial confusion for the regulated community. As noted above, many States which implement the RCRA hazardous waste program support the Agency's assessment of the need for reinstatement. The Agency also believes that the need for reinstatement is immediate. The court's mandate vacating the rules may take effect seven days after denial of EPA's request for rehearing. Therefore, prior notice and opportunity for comment on the remanded rules is impracticable. If the Agency employed the full notice and comment procedures of section 553 of the APA before reinstatement, a lapse in the "mixture" and "derived-from" rules would be inevitable, with subsequent potential for serious damage to the environment. This would be contrary to the public interest. In addition, EPA believes that the necessity for prior notice and comment is significantly lessened by the fact that the rules in question have been implemented for over a decade, they are reinstated on an interim basis, and today's notice requests comment on the "mixture" and "derived-from" rules. Moreover, the Agency has already received a great deal of comment on these rules over the past 11 years. As noted above, much of

this comment was in response to the 1980 rules themselves, and has resulted in several amendments to the mixture rule. In addition, EPA had several meetings with interested parties before promulgation of this reinstatement to discuss the Agency's response to the court decision and received extensive comment on reinstatement. The substantial body of existing comments provides a further reason for finding "good cause." For the reasons noted above, EPA also believes that it has good cause to make these rules immediately effective. See 5 U.S.C. 553(d)(3).

B. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis (RIA). This rule reinstates on an interim basis rules that were first promulgated in 1980, before the enactment of Executive Order 12291. Thus, EPA did not perform and does not now have reliable estimates of the potential costs and benefits expected to have resulted from these rules. While EPA does not believe an RIA is needed for this reinstatement given that it imposes no new costs beyond what has been in place for some time, the Office of Management and Budget has declared modifications to the "mixture" and "derived-from" rule to be major rules. Thus, EPA will complete a regulatory Impact Assessment for the modifications.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare an initial regulatory flexibility analysis for all proposed regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because today's rule merely reinstates existing requirements on an interim basis, I hereby certify, pursuant to 5 U.S.C. 605(b), that this regulation will not have a significant impact on a substantial number of small entities.

D. Paperwork Reduction Act

This rule contains no information collection requirements which need approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: February 18, 1992.

William K. Reilly,

Administrator.

40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6933.

2. Section 261.3 is revised to read as follows:

§ 261.3 Definition of hazardous waste.

(a) A solid waste, as defined in § 261.2, is a hazardous waste if:

(1) It is not excluded from regulation as a hazardous waste under § 261.4(b); and

(2) It meets any of the following criteria:

(i) It exhibits any of the characteristics of hazardous waste identified in subpart C except that any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under § 261.4(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under subpart C of this part only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the Extraction Procedure Toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in table I to § 261.24 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

(ii) It is listed in subpart D of this part and has not been excluded from the lists in subpart D of this part under §§ 260.20 and 260.22 of this chapter.

(iii) It is a mixture of a solid waste and a hazardous waste that is listed in subpart D of this part solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C of this part, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in subpart C of this part or unless the solid waste is excluded from regulation under § 261.4(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in subpart C of this part for which the hazardous waste listed in subpart D of this part was listed.

(iv) It is a mixture of solid waste and one or more hazardous wastes listed in subpart D of this part and has not been excluded from paragraph (a)(2) of this section under §§ 260.20 and 260.22 of this chapter; however, the following mixtures of solid wastes and hazardous wastes listed in subpart D of this part are not hazardous wastes (except by application of paragraph (a)(2) (i) or (ii) of this section) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater) and:

(A) One or more of the following solvents listed in § 261.31—carbon tetrachloride, tetrachloroethylene, trichloroethylene—*Provided*, That the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

(B) One or more of the following spent solvents listed in § 261.31—methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents—provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

(C) One of the following wastes listed in § 261.32—heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste No. K050); or

(D) A discarded commercial chemical product, or chemical intermediate listed in § 261.33, arising from *de minimis* losses of these materials from manufacturing operations in which these materials are used as raw materials or

are produced in the manufacturing process. For purposes of this paragraph (a)(2)(iv)(D), "*de minimis*" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinstate from empty containers or from containers that are rendered empty by that rinsing; or

(E) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this part, *Provided*, That the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

(b) A solid waste which is not excluded from regulation under paragraph (a)(1) of this section becomes a hazardous waste when any of the following events occur:

(1) In the case of a waste listed in Subpart D of this part, when the waste first meets the listing description set forth in subpart D of this part.

(2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in subpart D is first added to the solid waste.

(3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in subpart C of this part.

(c) Unless and until it meets the criteria of paragraph (d) of this section:

(1) A hazardous waste will remain a hazardous waste.

(2)(i) Except as otherwise provided in paragraph (c)(2)(ii) of this section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

(A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

(B) Waste from burning any of the materials exempted from regulation by § 261.6(a)(3)(v) through (ix).

(d) Any solid waste described in paragraph (c) of this section is not a hazardous waste if it meets the following criteria:

(1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in subpart C of this part.

(2) In the case of a waste which is a listed waste under subpart D of this part, contains a waste listed under subpart D of this part or is derived from a waste listed in subpart D of this part, it also has been excluded from paragraph (c) of this section under §§ 260.20 and 260.22 of this chapter.

(e) *Sunset provision.* Paragraphs (a)(2)(iv) and (c)(2)(i) of this section shall remain in effect only until April 28, 1993.

[FR Doc. 91-4255 Filed 3-2-91; 8:45 am]

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Part V

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived From" Rules; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-4109-1]

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived From" Rules

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: On May 19, 1980 (45 FR 33066), EPA promulgated regulations to govern the management of hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA). As part of these rules, EPA defined "hazardous waste" to include, among other things, mixing hazardous waste with other solid waste or otherwise managing hazardous waste (40 CFR 261.3). These rules are known, respectively, as the "mixture" and "derived-from" rules.

On December 6, 1991, a panel of the United States Court of Appeals for the District of Columbia Circuit ruled that EPA had failed to give sufficient notice and opportunity for comment in promulgating the "mixture" and "derived-from" rules. The court therefore vacated the rules and remanded them to the Agency. On January 21, 1992, EPA filed a petition with the court requesting reconsideration of its decision. The court has denied this petition. At the invitation of the court, EPA is simultaneously removing and reissuing 40 CFR 261.3, including the "mixture" and "derived-from" rules, on an interim basis under section 553(b)(3)(B) of the Administrative Procedure Act (APA). The interim final rule which removes and reissues 40 CFR 261.3 is published elsewhere in today's **Federal Register**.

Today's notice of proposed rulemaking solicits comment on the "mixture" and "derived-from" rules and on other approaches to regulating waste mixtures and residues.

DATES: EPA will accept public comments on this proposed rule until April 2, 1992. Comments postmarked after this date may not be considered.

ADDRESSES: The public must send an original and two copies of all comments to: EPA RCRA Docket (OS-305), 401 M St., SW., Washington, DC 20460. The comments must be marked with the docket number F-92-MDFP-FFFFF. The Office of Solid Waste (OSW) docket is located in room 2427 at the above address, and is open from 9 a.m. to 4 p.m. Mondays through Fridays, except Federal holidays. The public must make an appointment to view docket materials by calling (202) 260-9327. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 or (703) 920-9810. For technical information contact Ms. Marilyn Goode, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 260-8551.

SUPPLEMENTARY INFORMATION:

OUTLINE

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I. Authority

These regulations are proposed under the authority of sections 1006, 2002(a), and 3001-3005 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6905, 6912(a), and 6921-25.

II. Background

For the background to this proposed rule and a discussion of the remanded "mixture" and "derived-from" rules, see the Response to Court Remand: Interim Final Rule published elsewhere in today's **Federal Register**.

III. Solicitation of Comments

The Agency solicits comment on the appropriateness of the "mixture" and "derived-from" rules, and invites the public to suggest alternative approaches for regulating waste mixtures and residues. In the preamble to the final rules, EPA acknowledged that the "mixture" and "derived-from" rules would result in the regulation under subtitle C of some mixtures and residues with low concentrations of hazardous constituents. However, EPA concluded that the waste-specific delisting process would allow the removal of many such wastes from the hazardous waste system. In its 1990 RCRA Implementation Study (RIS), EPA acknowledged that there is a subset of wastes in the subtitle C system that can be managed just as effectively in a less restrictive fashion. The Agency still believes that to be the case, and has been considering several ways to address these concerns.

EPA believes that the decision in *Shell Oil* v. *EPA* (no. 80-1532 *et al.* (D.C. Cir., December 6, 1991)) provides a timely and appropriate opportunity to re-examine the scope of the "mixture" and "derived-from" rules. The Agency is therefore requesting comment in this notice on the impacts of the rules and on alternative ways to revise them. Specifically, EPA invites comment on which wastes are brought into the subtitle C system by the "mixture" and "derived-from" rules, and which of these wastes are not appropriately regulated under subtitle C. EPA welcomes comment on the risks these wastes present, the extent to which the "mixture" and "derived-from" rules reduce these risks, and the extent to which the wastes are already covered by other RCRA management requirements. The Agency also solicits comments on the costs of the "mixture" and "derived-from" rules. EPA anticipates that commenters will have both anecdotal and quantitative information. The Agency is particularly interested in information that reflects actual situations and the effects of the current regulatory regime.

EPA is considering alternative ways of addressing the problems posed by waste mixtures and by the wastestreams and residual materials associated with treating hazardous waste. One option would be a rule which would establish concentrations of hazardous constituents (measured either in leachate or in the waste itself) below which a waste, a mixture, or a residue would no longer be considered hazardous. The Agency believes that such concentrations should preferably be based upon an assessment of the health and environmental risks posed at varying concentrations. Concentration levels could also be based on attributes of particular wastes or materials.

EPA will consider options similar to that discussed in the December 18, 1978 proposal (43 FR 58947). Under that proposal, a listed waste would be delisted from subtitle C, and thus no longer subject to regulation, if a regulated party demonstrated that the waste did not exhibit any of the hazardous waste characteristics (i.e., ignitability, corrosivity, reactivity, and toxicity). In the 1978 notice, EPA solicited comment on four characteristics in addition to the four that have since been promulgated. Then, in the preamble to the May 19, 1980 final rules, the Agency noted that it had listed certain wastes because they pose hazards that were not reflected by any of the four characteristics promulgated in 1980 (e.g. the listed waste contained

carcinogens not covered by the then Extraction Procedure characteristic nor the subsequent toxicity characteristic). Further, in 1984, Congress added the statutory requirement in 3001(f) of RCRA that, when evaluating delisting petitions, "the Administrator shall consider factors (including additional constituents) other than those for which the waste was listed in the Administrator has a reasonable basis to believe that such additional factors could cause the waste to be a hazardous waste." The Agency solicits comment on options that are similar to the 1978 proposal, but address the issue noted by EPA in 1980 and the statutory amendments added in 1984.

EPA welcomes comment on all of the options discussed above and on any others that would achieve the statutory goal of protecting human health and the environment. Meanwhile, EPA has been discussing these issues with interested parties and considering possible modifications to these rules. By April 28, 1992, EPA will publish a **Federal Register** notice further explaining options the Agency is considering and seeking public comments on those options.

IV. Executive Order 12291

Under Executive Order No. 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis (RIA). The "mixture" and "derived-from" rules were first promulgated in 1980, before the enactment of Executive Order No. 12291. Thus, EPA did not perform and does not now have reliable estimates of the potential costs and benefits expected to have resulted from these rules. The Office of Management and Budget has declared the "mixture" and "derived-from" rules to be major rules under Executive Order No. 12291. Therefore, EPA will conduct an RIA before final promulgation.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires EPA and other agencies to prepare an initial regulatory flexibility analysis for all proposed regulations that have a significant impact on a substantial number of small entities. No regulatory flexibility analysis is required, however, where the head of the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because this proposal, if promulgated, would result in fewer wastes being regulated as hazardous wastes under subtitle C, it would impose no new costs or economic impacts on small entities. I hereby certify, pursuant to 5 U.S.C. 605(b), that this regulation will not have a significant impact on a substantial number of small entities.

VI. Paperwork Reduction Act

This proposal contains no information collection requirements which need approval by the Office Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated February 18, 1992.

William K. Reilly,

Administrator.

[FR Doc. 92-4256 Filed 3-2-92; 8:45 am]

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Part VI

Department of Transportation

Coast Guard

46 CFR Part 68

Vessel Documentation and Measurement; Oil Spill Cleanup Vessels; Final Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 68

[CGD 90-055]

RIN 2115-AD65

Documentation of Certain Vessels for Purposes of Oil Spill Cleanup

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is issuing procedures for documenting certain vessels with a limited coastwise endorsement. This final rule implements provisions of the Oil Pollution Act of 1990 under which the United States citizenship requirements for vessel documentation are relaxed for vessels which are used to clean up and transport oil discharged into the navigable waters of the United States or the Exclusive Economic Zone. These regulations will improve oil spill cleanup resources.

EFFECTIVE DATE: These regulations are effective April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation and Tonnage Survey Branch, (202) 267-1492.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Mr. Ray L. Bunnell, Project Manager, and Pamela M. Pelcovits, Project Counsel, Oil Pollution Act of 1990 (OPA 90) Staff.

Background and Purpose

Federal documentation of vessels serves as a type of national registry, establishing a vessel's qualification for specific uses. Endorsements on a Certificate of Documentation specify how a vessel may be employed. The Coast Guard has the authority to regulate and issue Certificates of Documentation and endorsements to qualified vessels. Documentation is a complex subject, covered by many statutory requirements.

On August 18, 1990, the President signed the Oil Pollution Act of 1990 (Pub. L. 101-380) (OPA 90). Section 4205 of OPA 90 amends 46 U.S.C. 12106, which contains the requirements for coastwise endorsements, to add a new paragraph (d). The effect of the amendment is to remove the requirements of 46 U.S.C. App. 802 for certain vessels used for oil spill cleanup.

Under this amendment, a vessel owned by a not-for-profit oil spill response cooperative (coop) or by members of such a coop (and dedicated to the coop) may be issued a Certificate of Documentation with a coastwise endorsement if the vessel is at least 50 percent owned by an entity which meets the usual citizenship requirements established under 46 U.S.C. 12102(a). However, the use of the vessel under this limited endorsement is restricted to training for oil spill cleanup; deploying equipment, supplies and personnel for cleanup operations; and recovering and transporting oil discharged in a spill.

A detailed description of the regulations developed to implement this amendment can be found in the Notice of Proposed Rulemaking (NPRM) which was published in the **Federal Register** on September 11, 1991 (56 FR 46268). The regulations implement the OPA 90 amendment to 46 U.S.C. 12106 by setting out the procedures for this special use documentation of vessels under the relaxed citizenship requirements in a new subpart 68.05 to title 46 of the Code of Federal Regulations. The Coast Guard received six responses to its request for written comments.

Discussion of Comments and Changes

One response, submitted by the California Department of Fish and Game, supported the NPRM as providing the potential for more vessels to be available for oil spill cleanup.

The comment of ABS Americas, a division of the American Bureau of Shipping, noted that the proposed regulations did not include technical standards for oil recovery vessels and requested that reference to such standards be included in the regulations. Technical standards for recovery vessels are outside the scope of these regulations which provide citizen ownership requirements and documentation procedures. The Coast Guard has not changed its proposal in response to this comment.

The response of the Marine Industry Response Group (MIRG) addressed several issues. First, MIRG asserted that § 68.05-5(b) of the proposed regulations does not provide for the limited coastwise endorsement to be available to a coop organized as an association, trust, or joint venture which has members that are not United States citizens. MIRG stated that this result is contrary to the language of 46 U.S.C. 12106(d) which expressly states that a Certificate of Documentation for the limited purposes of oil spill cleanup is available to a vessel owned by a coop or its members.

This comment does not describe properly the statutory basis for the limited coastwise endorsement provided by OPA 90. The amendment authorizes issuance of a Certificate of Documentation with a limited coastwise endorsement if a vessel meets all of the following four requirements: (1) Ownership by a coop or by a member or members who dedicate the vessel to coop use; (2) at least 50 percent ownership by persons or entities who meet the usual citizenship requirements for documentation; (3) qualification under all other requirements for coastwise trade; and (4) usage under the endorsement is restricted to cleanup and support activities. Accordingly, no change to the proposed regulations has been made.

MIRG also responded to the request for comments on how the not-for-profit status of a coop should be determined and suggested that state laws should be applied. The Coast Guard intends to rely on self-certification of coops, and no change to the regulations is made. However, the Coast Guard agrees that application of state laws, as well as Federal law (e.g., the Internal Revenue Code), would be appropriate in investigating individual cases where the Coast Guard has questions about the not-for-profit status of a coop.

MIRG also commented that the definition of a coop, as set out in the proposed regulations, adequately addresses its organizational status. The definition of "cooperative" in § 68.05-3 provides flexibility in recognizing any not-for-profit entity established under the laws of the United States or of a State. Accordingly, no change to the regulations has been made.

Finally, MIRG commented that § 68.05-9(a) of the proposed regulations appears to limit vessels, documented under subpart 68.05, to operating only on the navigable waters of the U.S. and in the Exclusive Economic Zone. In fact, the section sets out the limits to the coastwise endorsement provided by OPA 90 (i.e., limits on legal operation within U.S. jurisdiction) but does not address or limit the vessel's ability to operate in waters outside U.S. jurisdiction.

The comments of the Marine Spill Response Corporation (MSRC) requested that the Coast Guard expand the definition of a coop and the privileges conferred by a limited coastwise endorsement to make specific reference to oil spill-related research and development. While there is no indication that research or development was the intent of the OPA 90 amendment, the Coast Guard does not intend to prohibit research activities that do not fall within the definition of coastwise trade. Section 68.05-9 has been revised to make it clear that vessels documented under this subpart are permitted to engage in activities for which endorsements are not required. The definition of "cooperative" in § 68.05-3 also has been changed to refer to research activities.

The Offshore Marine Service Association (OMSA) submitted several comments. First, OMSA commented on how the not-for-profit status of a coop could be established. The Coast Guard has responded to that comment above.

The Coast Guard agrees with OMSA's comment that an individual cannot meet the definition of a coop. OMSA has correctly determined that the reference to an individual in § 68.05-5 is included to apply to members of a coop who might document a vessel under this subpart.

OMSA also commented on the other categories of ownership—i.e., corporation, partnership and trust, set out in § 68.05-5. With respect to corporations and partnerships, OMSA believes that additional provisos are needed to ensure that U.S. ownership requirements are not reduced to "insignificant levels." Moreover, OMSA stated that such changes are necessary to achieve "parity" with the standard for individual ownership of a vessel. The OPA 90 amendment which authorizes this limited coastwise endorsement specifically refers to the ownership requirements of 46 U.S.C. 12102(a). Thus, it is inaccurate to speak of "parity" between individuals and corporations with respect to documentation. In the case of ownership by individuals, a non-citizen owning even one percent of the interest in a vessel forecloses the possibility of documentation for any purpose. In the case of corporate ownership, a vessel is eligible for documentation for coastwise trade if up to 25 percent of the stock of the corporation is owned by a non-citizen. Furthermore, a vessel is eligible for documentation with a registry endorsement even if all the stock in the corporation is owned by non-citizens.

With respect to OMSA's comment that the category of trust should be revised to delete the reference to enforceable interest, the Coast Guard has determined that the proposed language is consistent with its interpretation that a vessel owned in a trust arrangement is not barred from documentation solely because a non-citizen with a non-enforceable interest as a beneficiary participates in the trust. Accordingly, no change is necessary.

OMSA's comments that §§ 68.05-5(d) and 68.05-7(b) of the regulations should be deleted are not accepted because these sections are drawn directly from the statutory language (46 U.S.C. 12106(d)(2)).

OMSA also requested that § 68.05-9(a)(2) and (a)(4) be revised to restrict vessels operating under the limited coastwise endorsement extended by OPA 90 from transferring personnel, supplies and equipment to vessels, facilities and other locations. The Coast Guard's position is that the restrictions suggested by OMSA would be contrary to the purpose of OPA 90 which is to improve oil spill cleanup resources. Such transfers are inherent in the concept of deployment of equipment, supplies, and personnel provided by OPA 90. Moreover, the number of vessels affected by this endorsement is too limited to produce the effect suggested by OMSA. However, § 68.05-9(a) has been reworded to remove repetitive language.

Finally, OMSA suggested that § 68.05-9(b) be deleted because it expands the privileges accorded by the limited coastwise endorsement provided by OPA 90. The Coast Guard does not agree. This section only provides that a vessel documented under the new subpart 68.05 is not precluded from obtaining other endorsements if it meets all the additional requirements for such endorsements. No change to the regulations is necessary.

Comments were received after the close of the comment period in a joint filing by the Association of Petroleum Industry Cooperative Managers and Clean Sound Cooperative, Inc. (referred to here as the joint comment). This comment repeated many of the points addressed by the other commenters.

The joint comment suggested that not-for-profit status is best determined by reference to state law but did not necessarily advocate any change to the regulation. This issue has been addressed above.

The joint comment endorsed the MSRC's comment on specifically addressing research and development in the regulations. The Coast Guard has discussed this point and the change to the regulations above.

In addition, the joint comment suggested that the wording of § 68.05-5(a) was confusing and needed a more specific description of "dedication." The Coast Guard had also identified this provision as needing clarification. Accordingly, the Coast Guard has revised § 68.05-5(a). The change makes clear that a vessel owned by a coop must meet the citizen owner requirements and be dedicated to the coop by its owners. While this change does not use the language suggested by the joint comment, it conforms better to the pattern of other citizenship requirements in part 67. Moreover, the Coast Guard finds that additional requirements on what constitutes "dedication" are not necessary in the regulations.

Next, the joint comment suggested substitute language for § 68.05-9 to "streamline" the regulations and emphasize the role of research and development activities. The Coast Guard has reworded the section to remove repetitive language and to make clear that research activities which may be outside the scope of any other endorsements are not prohibited.

Finally, the Coast Guard has made some minor technical changes to the wording and format of the regulations and the appendices to improve clarity and application.

Accordingly, the Coast Guard is issuing these final regulations as proposed, except for the changes discussed above.

Regulatory Evaluation

The Coast Guard has determined that this rulemaking is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Further, the Coast Guard finds the economic impact of these regulations to be so minimal that a Regulatory Evaluation is unnecessary.

This finding is based on the fact that the Coast Guard expects fewer than 10 applications annually in response to these regulations. Moreover, the sole cost associated with these regulations is in the small, additional paperwork required to receive documentation to operate, on a strictly limited basis, in the coastwise trade.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. The definition of small entities under this act includes not-for-profit enterprises, such as the coops covered by these regulations. The impact of these regulations on coops and their members is intended to be beneficial by relaxing documentation citizenship requirements.

Because it expects the impact of these regulations to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3502 *et seq.*), the Office of Management and Budget (OMB) has approved the Coast Guard's information collection requirements for documentation of vessels under OMB Control Number 2115–0110. These regulations require a coop. and/or its members, to submit additional certifications as part of the documentation process. Accordingly, the information collection requirements of these regulations are included under OMB Control Number 2115–0110. While it is expected that a small number of entities may incur a slight increase in burden hours as a result of these regulations, the Coast Guard will account for the increased burden in its periodic reports to OMB under the Paperwork Reduction Act.

Federalism

The Coast Guard has analyzed these regulations in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environmental

The Coast Guard has considered the environmental impact of this rule and has concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. Section 2.B.2(1) of the Instruction excludes administrative actions or procedural regulations which clearly do not have any environmental impact. While these regulations allow documentation, for limited purposes, of vessels used in oil spill cleanup, they are not expected to affect the numbers or availability of those vessels. Therefore, this rulemaking is included appropriately in this category. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 46 CFR Part 68

Vessels.

For the reasons set out in the preamble, the Coast Guard amends 46 CFR part 68 as follows:

PART 68—DOCUMENTATION OF VESSELS PURSUANT TO EXTRAORDINARY LEGISLATIVE GRANTS

1. The authority citation for part 68 is revised to read as follows:

Authority: 46 U.S.C. 2103; 49 CFR 1.46. Subpart 68.01 also issued under 46 U.S.C. App. 876; subpart 68.05 also issued under 46 U.S.C. 12106(d).

2. Subpart 68.05 is added to read as follows:

Subpart 68.05—Documentation of Certain Vessels for Oil Spill Cleanup

Sec.

68.05–1 Purpose and scope.
68.05–3 Definitions for purposes of this subpart.
68.05–5 Citizenship requirements for limited coastwise endorsement.
68.05–7 Vessel eligibility requirements for limited coastwise endorsement.
68.05–9 Privileges of a limited coastwise endorsement.
68.05–11 Application to document a vessel under this subpart.
68.05–13 Cessation of qualifications.

Appendix A to Subpart 68.05—Oath for Qualification of a Not-For-Profit Oil Spill Response Cooperative

Appendix B to Subpart 68.05—Oath for Documentation of Vessels for Use by a Not-for-Profit Oil Spill Response Cooperative

Subpart 68.05—Documentation of Certain Vessels for Oil Spill Cleanup

§ 68.05–1 Purpose and scope.

This Subpart contains citizen ownership requirements and procedures to allow documentation of vessels which do not meet the requirements of part 67 of this chapter. The requirements are for the limited purposes of training for, implementing, and supporting oil spill cleanup operations.

§ 68.05–3 Definitions for purposes of this subpart.

Certificate of Documentation means form CG–1270.

Citizen means a citizen as described in part 67 of this chapter.

Exclusive Economic Zone or *EEZ* means the exclusive economic zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

Not-for-profit oil spill response cooperative means a corporation, partnership, association, trust, joint venture, or other entity established under the laws of the United States, or of a State, with a not-for-profit status and for the limited purposes of training for, carrying out, and supporting oil spill cleanup operations or related research activities.

§ 68.05–5 Citizenship requirements for limited coastwise endorsement.

(a) Notwithstanding the citizenship requirements set out in part 67 of this chapter, a Certificate of Documentation with a coastwise endorsement for the limited purposes provided in § 68.05–9 may be issued to a vessel owned by—

(1) A not-for-profit oil spill response cooperative if the vessel meets the requirements of paragraph (b) of this section; or

(2) A member or members of a not-for-profit oil spill response cooperative if the vessel meets the requirements of paragraphs (b) and (c) of this section.

(b) The vessel must be at least 50 percent owned by one or more of the following entities:

(1) An individual who is a native-born, naturalized or derivative citizen of the United States or otherwise qualifies as a United States citizen.

(2) A corporation incorporated under the laws of the United States or of a State where—

(i) The president and, if the president is not the chief executive officer, the chief executive officer, by whatever title, is a citizen;

(ii) The chairman of the board of directors is a citizen; and

(iii) No more of the directors are non-citizens than a minority of the number necessary to constitute a quorum.

(3) A partnership where all the general partners are citizens and at least 50 percent of the equity interest is owned by citizens.

(4) An association or joint venture where all the members are citizens.

(5) A trust where all the trustees and all the beneficiaries with an enforceable interest in the trust are citizens.

(c) The vessel must be owned by a member or members of a not-for-profit oil spill response cooperative who dedicate the vessel to the use of a not-for-profit oil spill response cooperative.

(d) A vessel which meets the criteria of this section is considered to be owned exclusively by citizens of the United States for the purposes of subsequent transfer and documentation under part 67 of this chapter.

§ 68.05–7 Vessel eligibility requirements for limited coastwise endorsement.

(a) A vessel must comply with all the requirements of part 67 of this chapter, other than citizenship requirements, in order to be eligible for documentation under this subpart.

(b) Notwithstanding 46 U.S.C. App. 883, a vessel remains eligible for documentation under this subpart even if the vessel was formerly owned by a not-for-profit oil spill response cooperative or by one or more members of a not-for-profit oil spill response cooperative and the vessel meets the criteria of § 68.05–5.

§ 68.05–9 Privileges of a limited coastwise endorsement.

(a) A vessel which is documented and issued a limited coastwise endorsement under this subpart may operate on the navigable waters of the United States or in the EEZ in coastwise trade only for the following purposes:

(1) To recover oil discharged into the water.

(2) To transport oil discharged into the water.

(3) To transport and deploy equipment, supplies, and personnel for recovering and transporting oil discharged into the water.

(4) To conduct training exercises to prepare for performing the functions in paragraphs (a)(1) through (a)(3) of this section.

(b) This limited coastwise endorsement also entitles the vessel to any other employment for which a registry, fishery, or Great Lakes license is not required.

(c) A vessel which is documented and issued a limited coastwise endorsement under this subpart may qualify to operate for other purposes by meeting the applicable requirements of part 67 of this chapter.

§ 68.05–11 Application to document a vessel under this subpart.

(a) To qualify to document a vessel or to accept the dedication of a vessel by a member or members under this subpart, a not-for-profit oil spill response cooperative shall file with the Commandant the certificate under oath as set forth in Appendix A to this subpart.

(b) Upon the filing of the certificate under paragraph (a) of this section, the Commandant will furnish the not-for-profit oil spill response cooperative with a letter of qualification. The letter of qualification is valid for a period of three years from the date of its issuance, unless there is a change in membership or structure of the not-for-profit oil spill response cooperative or a change in the citizenship status of any of its members requiring a report under § 68.05–13. In order to renew the letter of qualification, a new certificate under oath must be filed with the Commandant at least 30 days before the date of expiration of the letter of qualification.

(c) A not-for-profit oil spill response cooperative seeking to document a vessel for a limited coastwise endorsement under this subpart, in addition to complying with the requirements of § 68.05–7(a), shall supply to the documentation officer where application is made, a copy of the letter of qualification issued under paragraph (b) of this section.

(d) A member or members of a not-for-profit oil spill response cooperative seeking to document a vessel under this subpart shall supply to the documentation officer where application is made, a copy of the letter of qualification issued under paragraph (b) of this section to the not-for-profit oil spill response cooperative to which the vessel is dedicated. In addition, the not-for-profit oil spill response cooperative and the vessel owners shall all certify under oath that the vessel for which application is made is dedicated to use by the not-for-profit oil spill response cooperative. This certification must use the format and content described in appendix B to this subpart. If there is a change in the dedicated status of the vessel or its ownership, a report under § 68.05–13 must be filed.

(e) The application for a Certificate of Documentation shall be filed with the documentation officer at the documentation office at the vessel's home port or the port of documentation nearest to where the vessel is located.

§ 68.05–13 Cessation of qualifications.

(a) If the vessel is owned by a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by § 68.05–11(a), or the ownership of the vessel changes so that it no longer meets the criteria of § 68.05–5, the qualification for the privileges enumerated in § 68.05–9 is terminated effective as of the date and time of the change. The not-for-profit oil spill response cooperative shall report the change in writing to the Commandant.

(b) If the vessel is owned by a member or members of a not-for-profit oil spill response cooperative and a change occurs which affects the validity of the certificate required by § 68.05–11(a), or the ownership of the vessel changes so that it no longer meets the criteria of § 68.05–5, the qualification of the member or members for the privileges enumerated in § 68.05–9 is terminated effective as of the date and time of the change. The member or members shall report the change in writing to the Commandant.

(c) When qualifications are terminated under this section, the certificate of documentation issued under this subpart must be surrendered or exchanged in accordance with part 67 of this chapter.

Appendix A to Subpart 68.05—Oath for Qualification of a Not-For-Profit Oil Spill Response Cooperative

Department of Transportation, U.S. Coast Guard

Oath for Qualification of a Not-For-Profit Oil Spill Response Cooperative [46 U.S.C. 12106(d)]

Cooperative:
Name _____
Address _____
Jurisdiction where incorporated or organized _____

Affiant:
Name _____
Address _____
Cooperative _____
Title or Capacity _____

I, the affiant, swear that I am legally authorized to make this oath and hold the capacity so bestowed upon me as _____ on behalf of the _____ cooperative and its members, that it is a not-for-profit cooperative, and that it is engaged in training for, carrying out, or supporting oil spill cleanup operations or related research activities.

That all members of the cooperative who may use the letter of qualification issued to this cooperative are truly and correctly named, including home address and citizenship of each on the attached listing incorporated in and made a part of this oath.

Signature _____

Subscribed and sworn to before me on the day and year shown.

_____
(Notary Public)
Date _____

Appendix B to Subpart 68.05—Oath for Documentation of Vessels for Use by a Not-For-Profit Oil Spill Response Cooperative

Department of Transportation, U.S. Coast Guard

Oath for Documentation of Vessels For Use by a Not-For-Profit Oil Spill Response Cooperative [46 U.S.C. 12106(d)]

Cooperative:
Name _____
Address _____
Jurisdiction where incorporated or organized _____

I, the undersigned officer of _____, a not-for-profit oil spill response cooperative, swear that I am legally authorized to make this oath on behalf of the cooperative, and its members and that the cooperative has accepted the vessel _____.

I/we _____, am/are the owner(s) of the vessel. I/we further swear that the vessel has been dedicated to the exclusive use of the cooperative for the purpose of training for, carrying out, or supporting oil spill cleanup operations or related research activities for discharges of oil into the navigable waters of the United States and the Exclusive Economic Zone and that the cooperative has accepted the vessel.

For the Cooperative:
Name _____
Address _____

Cooperative _____
Title or Capacity _____
For Each Vessel Owner:
Name _____
Cooperative _____
Title or Capacity _____
Subscribed and sworn to before me on the day and year shown.

_____
(Notary Public)
Date _____

Dated: January 17, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection

[FR Doc. 92-4906 Filed 3-2-92; 8:45 am]

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Federal Register
Vol. 57, No. 42
Tuesday, March 3, 1992

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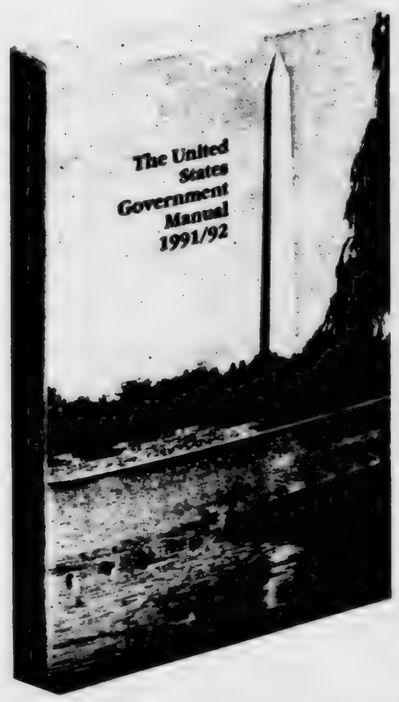

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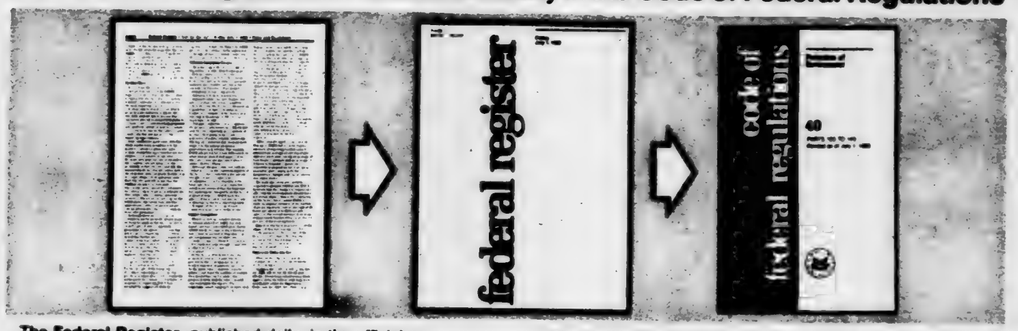

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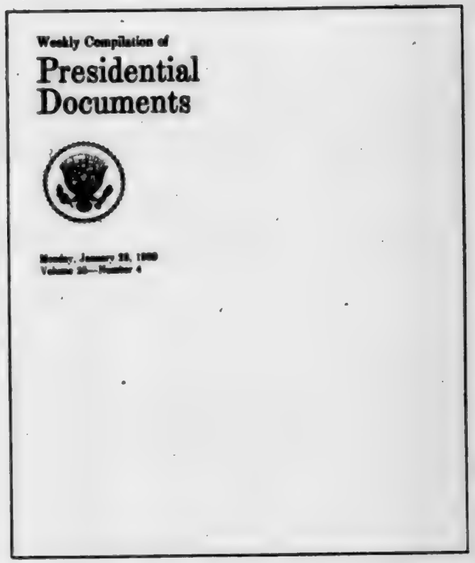

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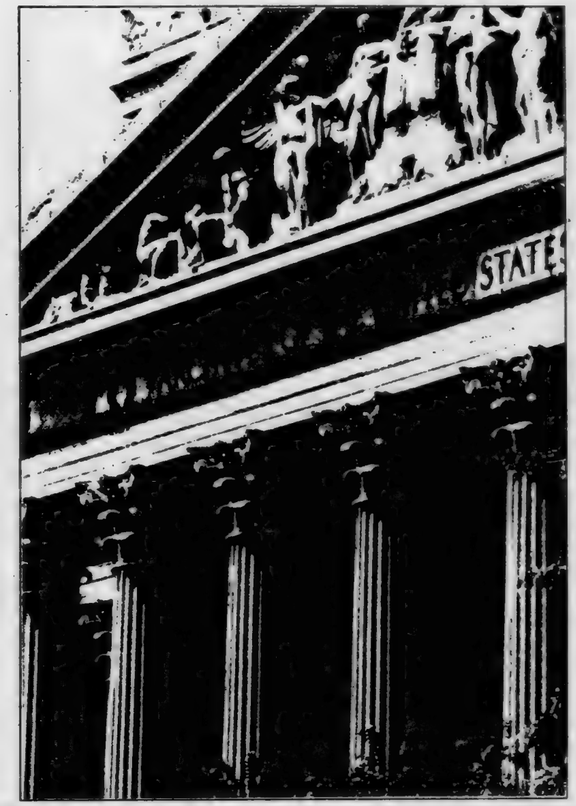

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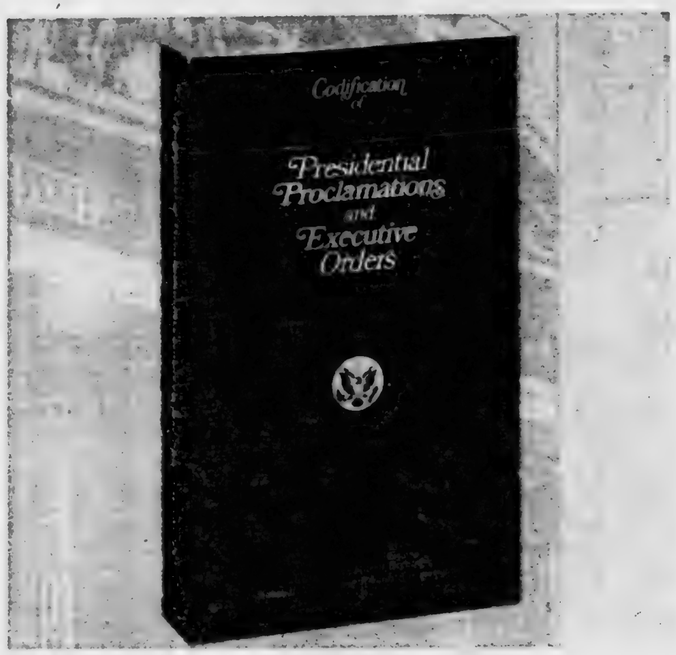

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Wednesday
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Rules and Regulations

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

RIN 3150-AE19

Fingerprint Cards: Resubmittal Procedure Change

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect an administrative change pertaining to the resubmittal of rejected fingerprint cards associated with granting access to Safeguards Information or for granting unescorted access to an operating nuclear power plant as required by Public Law 93-399. This amendment is necessary to conform to new procedures adopted by the Federal Bureau of Investigation (FBI).

EFFECTIVE DATE: April 3, 1992.

FOR FURTHER INFORMATION CONTACT: C.H. Hendren, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 504-3209.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 1991, the FBI's Identification Division notified the Nuclear Regulatory Commission of a change in the procedures for submitting replacement fingerprint cards when a prior fingerprint card is rejected.

Previously, replacement fingerprint cards could be submitted any number of times when prior sets were rejected. If the rejected card was attached to the replacement fingerprint card, the FBI did not charge an additional fee.

However, effective January 2, 1992, the FBI will allow only one free resubmission of a fingerprint card for each processing fee payment. If the first set cannot be classified, then that set will be returned with notations as to the reason(s), plus resubmittal instructions for the one free resubmission. The rejected card must be attached to the second submission. If the second submission cannot be classified, then both the first and second submissions will be returned. The contributor must then decide to accept the negative name-check response or, alternately, submit a third set of fingerprints and pay the processing fee again. Payment of a new processing fee would entitle the submitter to one more free resubmission. If previously rejected fingerprint cards are attached to the third submission, then the third submission will be rejected immediately by the FBI based on their interpretation that this indicates the contributor does not realize a processing fee must be paid again. If submissions cannot be classified, the FBI recommends that a qualified fingerprint technician be used to ensure that high quality fingerprint impressions are taken. The FBI also notes that it is difficult to get classifiable fingerprints from some people.

Because this amendment pertains only to a processing change imposed by the FBI, the notice and comment provisions of the Administrative Procedure Act are impractical and unnecessary. This amendment is effective 30 days after publication in the Federal Register.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget under control number 3150-0002.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to the action taken in this final rulemaking and therefore, that a backfit analysis is not required for this final rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 73

Criminal penalties, Hazardous materials-transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendment to 10 CFR Part 73.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for part 73 continues to read in part as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) * * *.

2. In § 73.57, paragraph (d)(2) is revised to read as follows:

§ 73.57 Requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or access to Safeguards information by power reactor licensees.

* * * * *

(d) * * *

(2) The Commission will review applications for criminal history checks for completeness. Any Form FD-258 containing omissions or evident errors will be returned to the licensee for corrections. The fee for processing fingerprint checks includes one free resubmission if the initial submission is returned by the FBI because the fingerprint impressions cannot be classified. The one free resubmission must have the initial (rejected) fingerprint cards attached. If additional submissions are necessary, they will be treated as an initial submittal and require a second payment of the processing fee. The payment of a new processing fee entitles the submitter to an additional free resubmittal, if necessary. Previously rejected submissions may not be included with

the third submission because the submittal will be rejected automatically.

* * * * *

Dated at Rockville, Maryland this 14th day of February 1992.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 92-5025 Filed 3-3-92; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 325

RIN 3064-AB04

Capital Maintenance

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") directed the FDIC to prescribe the maximum amount of purchased mortgage servicing rights that insured savings associations can recognize for regulatory capital purposes. Pursuant to FIRREA, the FDIC amended its capital regulations effective January 28, 1991 to, *inter alia*, prescribe that maximum amount for insured savings associations. The Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA") was enacted into law on December 19, 1991. Section 475 of FDICIA provides that each appropriate Federal banking agency shall determine, for the institutions for which it is the appropriate Federal regulator, the maximum amount of purchased mortgage servicing rights that may be included in calculating tangible capital, risk-based capital or the leverage limit. Accordingly, the FDIC is now amending its regulations so that they apply only to insured institutions for which the FDIC is the appropriate Federal banking agency.

EFFECTIVE DATE: February 18, 1992.

FOR FURTHER INFORMATION CONTACT: Robert F. Miailovich, Assistant Director, Division of Supervision (202-898-6918), Stephen G. Pfeifer, Examination Specialist, Accounting Section (202-898-8904), or Claude A. Rollin, Counsel, Legal Division (202-898-3985).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act,

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in this notice. Consequently, no information has been submitted to the Office of Management and Budget for review.

Administrative Procedure Act

The FDIC finds, in accordance with 5 U.S.C. 553(b), that notice and comment on this rule is impracticable and unnecessary since the changes being made are mandated by the Federal Deposit Insurance Corporation Improvement Act of 1991 and those changes are required by that Act to become effective 60 days after the law's enactment. In addition, since this is a substantive rule which relieves a restriction and is required to become effective 60 days after enactment of the Act, a 30-day delayed effective date is not required pursuant to 5 U.S.C. 553(d).

I. Background on Mortgage Servicing Rights

Mortgage servicing rights represent the right to service mortgage loans owned by others. In return for undertaking the contractual obligation to process and pass through principal and interest payments from borrowers to investors, maintain escrow accounts for the payment of taxes and insurance, collect delinquent payments, initiate foreclosure actions where appropriate, and perform related servicing functions, the mortgage servicer receives a servicing fee. This fee is generally based on a percentage of the remaining outstanding principal amount of the mortgages being serviced. These servicing rights can be internally generated or purchased from others. When mortgage servicing rights are purchased, the price paid is based on the present value of the expected future stream of net cash flows, computed by using a market discount rate that appropriately reflects the risks associated with the investment in the servicing rights, including credit risk, interest rate/prepayment risk, operational risk, and market risk. The purchase price paid for the servicing rights is reflected on the balance sheet as an intangible asset and amortized as an expense in proportion to, and over the period of, estimated net servicing income.

II. Amendments Made Pursuant to FIRREA

The Financial Instructions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") was enacted into law on August 9, 1989. Section 301 of FIRREA added a new section 5(t) to the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. 1464(t). Section 5(t)(4)(C)(ii) of HOLA, as added by FIRREA, provided that the FDIC "shall prescribe a maximum percentage of the tangible capital requirement that savings associations may satisfy by including purchased mortgage servicing rights in calculating such capital." 12 U.S.C. 1464(t)(4)(C)(ii). Pursuant to that section, the FDIC Board of Directors adopted revisions to its capital regulations, in December 1990, that restrict the amount of purchased mortgage servicing rights that savings associations can recognize when calculating the amount of tangible capital under the OTS capital regulation. 55 FR 53137 (December 27, 1990)

III. Requirements of the FDIC Improvement Act of 1991

The Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA") was enacted into law on December 19, 1991. Section 475 provides, *inter alia*, as follows:

Notwithstanding section 5(t)(4) of the Home Owners' Loan Act, each appropriate Federal banking agency shall determine, with respect to insured depository institutions for which it is the appropriate Federal regulator, the amount of readily marketable purchased mortgage servicing rights that may be included in calculating such institution's tangible capital, risk-based capital, or leverage limit, if—

(1) Such servicing rights are valued at not more than 90 percent of their fair market value; and

(2) The fair market value of such servicing rights is determined not less often than quarterly.

Pursuant to this provision, the FDIC is amending its regulations so that the purchased mortgage servicing rights provisions apply only to those insured institutions for which the FDIC is the appropriate Federal banking agency, namely, insured state-chartered nonmember banks. The authority to prescribe the maximum amount of purchased mortgage servicing rights that can be recognized for regulatory capital purposes by insured savings associations now rests with the Office of Thrift Supervision ("OTS").

Regulatory Flexibility Act Statement

The Board of Directors of the FDIC hereby certifies that these amendments to part 325 will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In light of this certification, the Regulatory Flexibility Act requirements (at 5 U.S.C. 603, 604) to prepare initial and final regulatory flexibility analklyses do not apply

List of Subjects in 12 CFR Part 325

Bank deposit insurance, Banks, Banking, Capital adequacy, Reporting and recordkeeping requirements, State nonmember banks, Savings associations.

The Board of Directors of the Federal Deposit Insurance Corporation hereby amends part 325 of title 12 of the Code of Federal Regulations as follows:

PART 325—[AMENDED]

1. The authority citation for part 325 is revised to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819 (Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 3907, 3909; Pub. L. No. 102-242, 105 Stat. 2236, 2386 (12 U.S.C. 1828 note).

§ 325.1 [Amended]

2. Section 325.1 is amended by removing the next to last sentence of that section.

§ 325.5 [Amended]

3. Section 325.5 is amended by removing paragraphs (f)(5) and (f)(6), redesignating paragraphs (f)(6) and (f)(7) as new paragraphs (f)(5) and (f)(6), removing from newly designated paragraph (f)(5) the words "and tangible capital limitations described in paragraphs (f)(4) and f(5)" and adding "limitations described in paragraph (f)(4)" in lieu thereof each time they appear, and removing the last sentence of the concluding text of newly designated paragraph (f)(6).

By order of the Board of Directors.

Dated at Washington, DC, this 25th day of February, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-4790 Filed 3-3-92; 8:45 am]

BILLING CODE 6714-01-M

12 CFR Part 337

RIN 3064-AB00

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations limiting extensions of credit by insured nonmember banks to their executive officers. The amendment conforms the FDIC's regulations to recent statutory changes that bring loans by insured nonmember banks to their executive officers within the restrictions of section 22(g) of the Federal Reserve Act.

EFFECTIVE DATE: May 18, 1992.

If regulations adopted by the Board of Governors of the Federal Reserve System ("Federal Reserve Board") pursuant to section 306(m) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No. 102-242, 105 Stat. 2236) become effective earlier than May 18, 1992, the Federal Deposit Insurance Corporation will publish a document in the **Federal Register** changing the effective date.

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Counsel (202) 898-3730, Legal Division, FDIC, 550 17th Street NW., Washington, DC 20429 or Michael D. Jenkins, Examination Specialist, (202) 898-6896, Division of Supervision, FDIC, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this rule has been submitted to the Office of Management and Budget for review pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Comments on the collection of information should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Deposit Insurance Corporation, with copies of such comments to be sent to Steven F. Hanft, Office of the Executive Secretary, room F-453, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. The collection of information in this regulation is found in § 337.3(a) and takes the form of (1) a requirement that executive officers of insured nonmember banks file a report with the board of directors of their bank within 10 days of incurring any indebtedness to any other bank in an amount in excess of the amount the insured nonmember bank could lend to the officer, and (2) a requirement that insured nonmember banks include with their report of condition filed with the FDIC a report of any extensions of credit made by the bank to its executive officers since the bank filed its last report of condition. The information collection is required by statute, will enable the FDIC to determine if an insured nonmember bank is complying with the statutory restrictions on lending to its executive officers to which it is subject pursuant to section 18(j)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(2)), and will aid insured nonmember banks in complying with the limits and restrictions contained therein.

The estimated annual reporting burden for the collection of information requirement in the regulation is summarized as follows:

Report of Condition Reporting Requirement

Number of Respondents: 4,210.
Number of Responses Per Respondent: 3.
Total Annual Responses: 12,630.
Hours Per Response: ¼.
Total Annual Burden Hours: 3,157.5.
Report to Institution's Board of Directors
Number of Respondents: 4,000.
Number of Responses: 2.
Total Annual Responses: 8,000.
Hours per Response: 2.
Total Annual Burden Hours: 16,000.

Background and Description of Amendment

On December 19, 1991 President Bush signed into law the Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA", Pub. L. No. 102-242, 105 Stat. 2236, "Act"). Section 306 of that Act, among other things, amended section 18(j)(2) of the Federal Deposit Insurance Corporation Act ("FDI Act", 12 U.S.C. 1828(j)(2)) to provide that section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) "shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank". The amendments made by section 306 of FDICIA do not become effective until the earlier of the day regulations adopted by the Federal Reserve Board implementing section 306 become effective or 150 days from the enactment of section 306 (May 18, 1992). If the regulations adopted by the Federal Reserve Board become effective earlier than May 18, 1992, the FDIC will publish a document in the **Federal Register** changing the effective date of this final rule. A description of section 22(g) follows.

Section 22(g) of the Federal Reserve Act prohibits member banks from making extensions of credit to their executive officers except to the extent authorized therein. It requires that extensions of credit by a member bank to its executive officers be promptly reported to the bank's board of directors and that extensions of credit to executive officers only be made if the bank would be authorized to make the extension to borrowers other than its executive officers, the extension of credit is on terms not more favorable than those afforded other borrowers, the

executive officer has submitted a detailed current financial statement, and the extension of credit is made on the condition that it becomes due and payable on demand at the option of the bank if the executive officer becomes indebted to any other bank or banks in an amount that could not be extended to such officer by his/her own bank. It requires exective officers to make a report to the bank's board of directors if the executive officer becomes indebted to another bank in the amount in excess of that which the member bank could extend to the officer and requires member banks to include along with their report of condition a report of all loans made by the bank to its executive officers since the submission of its last call report. The report to the board of directors must indicate the date and amount of each extension of credit, the security therefor, and the purposes for which the proceeds were used. With the exception noted below, the Federal Reserve Board is given the authority to write regulations implementing section 22(g).

Section 22(g) specifically provides that member banks may extend credit to an executive officer of the bank with the specific prior approval of its board of directors if the loan is secured by a first lien on a dwelling to be owned by the executive officer and used as the executive officer's residence provided that no other such mortgage loan is outstanding to the executive officer. Member banks may also extend credit to an executive officer for the purpose of financing the education of the officer's children. Other types of loans may be made to the extent permitted by regulation. Section 22(g)(4) provides that extensions of credit to an executive officer not otherwise specifically authorized by section 22(g) may be made "in an amount prescribed in a regulation of the member bank's appropriate Federal banking agency". Loans may be made to a partnership in which one or more of the bank's executive officers are partners and have either individually or together a majority interest provided that the loans do not exceed the limit set by the appropriate agency pursuant to section 22(g)(4). The total amount of credit extended by a member bank to such partnership is considered to be extended to each executive officer of the member bank who is a member of the partnership. (See section 22(g)(5)).

It is the opinion of the FDIC's Board of Directors that insured nonmember banks are not only subject to section 22(g) of the Federal Reserve Act but that they are equally subject to lawfully promulgated regulations of the Federal Reserve Board implementing the provisions of section 22(g) other than section 22(g)(4) which, as noted above, provides that the appropriate federal regulatory agency shall set the limit on extensions of credit relevant for that section. Sections 215.5(a), 215.5(c)(1) and (c)(2), 215.5(d), 215.8, and 215.9 of the Federal Reserve Board's regulations (12 CFR 215.5(a), (c)(1), (c)(2), (d), 215.8, 215.9) set forth the Federal Reserve Board's regulations governing those portions of section 22(g) with regard to which that agency has rulemaking authority. The majority of the remainder of Part 215 of the Federal Reserve Board's regulations (commonly referred to as Regulation O) implements section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) which governs extensions of credit to directors, executive officers, and principal shareholders of member banks. Like section 22(g), section 22(h) is applicable to insured nonmember banks in the same manner and to the same extent as though they were member banks. (See section 18(j)(2) of the FDI Act, 12 U.S.C. 1828). Section 215.10 of Regulation O (12 CFR 215.10) sets forth reporting requirements applicable to loans made by member banks to their executive officers and principal shareholders. That section was adopted by the Federal Reserve Board pursuant to the authority of section 7(k) of the FDI Act which directs the appropriate agency to adopt regulations governing such reports. (12 U.S.C. 1817(k)). Regulations setting forth similar requirements applicable to nonmember banks are found at part 349 of the FDIC's regulations. (12 CFR part 349).

The FDIC's Board of Directors determined when section 22(h) was enacted and Regulation O was adopted that both the statutory provisions and the Federal Reserve Board's regulation implementing those provisions were applicable to insured nonmember banks. Section 337.3(a) of the FDIC's regulations (12 CFR 337.3) which specifically provides that insured nonmember banks are subject to the restrictions contained in subpart A of Regulation O with the exception of certain provisions (namely those implementing section 22(g) and the reporting requirement described immediately above) was subsequently adopted. The FDIC is amending § 337.3 in order to conform that section of the FDIC's regulations with the statutory changes enacted as part of FDICIA.

As a result of the changes made hereby, insured nonmember banks will be subject to §§ 215.5(a), (c)(1), (c)(2), (d), 215.8, and 215.9 of Regulation O. Those provisions are described below. Section 215.5(b) and 215.5(c)(3) are not being made applicable to insured nonmember banks as part of this amendment. Those provisions implement section 22(g)(4) and section 22(g)(5) of the Federal Reserve Act, *i.e.*, provide authority for loans other than education loans and mortgage loans and set the maximum limit on such loans. The FDIC is proposing for comment elsewhere in today's **Federal Register** an amendment to section 337.3 that will authorize by regulation loans other than education loans and mortgage loans, will establish the ceiling for such loans, and provide a schedule for bringing outstanding loans into compliance.

Section 215.5(a) provides that no member bank may extend credit to any of its executive officers, and no executive officer of a member bank may become indebted to the bank, except in the amounts and for the purposes provided in section 215.5 (c) and (d). Section 215.5(c)(1) provides that a member bank is authorized to extend credit to an executive officer of the bank in any amount to finance the education of the officer's children and in any amount to finance the purchase, construction, maintenance or improvement of the officer's residence if the extension of credit is secured by a first lien on the residence and the residence is owned or expected to be owned by the officer. Section 215.5(d) requires that any extension of credit by a member bank to any of its executive officers shall be promptly reported to the bank's board of directors; must comply with the requirements of § 215.4(a) (must be on terms and conditions substantially the same as for comparable transactions with persons not employed by the bank and cannot involve more than a normal risk of repayment); must be preceded by the submission of a current financial statement; and must be subject to the condition that the extension of credit will become due and payable at the bank's option if the executive officer becomes indebted to any other bank or banks in an aggregate amount greater than the amount specified for a category of loans described in § 215.5(c). Section 215.8 requires executive officers of member banks that become indebted to any other bank or banks in an aggregate amount greater than the amount specified in § 215.5(c) to make a written report to the board of directors of the member bank within 10 days of the date that the indebtedness exceeds that amount. The report must indicate the amount of each extension of credit, the security for the extension of credit and the purpose for which the proceeds have or will be used. Section 215.9 requires member banks to include along with (but not as part of) their report of condition a report of all extensions of credit made by the member bank to its executive officers since the submission of the bank's last report of condition.

Effect of Amendment on Outstanding Extensions of Credit

Any extensions of credit outstanding as of the effective date of the amendment to section 337.3 that do not conform to the regulation will not be considered to be in violation thereof. Such loans may continue to be held by the bank until their maturity, however, no renewal or extension of any such loan may be made other than in conformance with section 337.3.

Adoption of Amendment Without Opportunity for Public Comment

The amendments are being adopted in final form without opportunity for public comment on the authority of section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)) which provides that public comment may be dispensed with in regard to a substantive rule if public comment is impracticable, unnecessary, or contrary to the public interest. The Board of Directors has determined that in this instance public comment is unnecessary as the amendment merely conforms the FDIC's regulations to changes made in the law by statute.

Regulatory Flexibility Analysis

As the amendment to part 337 is not required to be published for public comment, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

In addition, pursuant to the FDIC's statement of policy on drafting of regulations, it has been determined that a cost-benefit analysis, including a small bank impact statement, is not required inasmuch as the amendments to the FDIC's regulations are required by statute. The FDIC does note, however, that any reporting or recordkeeping requirement imposed under the statute and/or regulation will be less burdensome for small banks as such banks typically have fewer executive officers and thus will probably have fewer transactions to report.

List of Subjects in 12 CFR Part 337

Banks, banking, Reporting and recordkeeping requirements, Securities.

In consideration of the foregoing, the FDIC hereby amends part 337 of title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for part 337 is revised to read as follows:

Authority: 12 U.S.C. 375a, 375b, 1816, 1818(a), 1819, 1828(j)(2), 1831f.

§ 337.3 [Amended]

2. Section 337.3(a) is amended by removing the words "With the exception of §§ 215.5, 215.8, 215.9, and 215.10" and substituting therefor "With the exception of §§ 215.5(b), 215.5(c)(3), and 215.10".

Dated at Washington, DC this 25th day of February, 1992.

By Order of the Board of Directors.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 92-4888 Filed 3-3-92; 8:45 am]
BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-78-AD; Amdt. 39-8191; AD 92-06-11]

Airworthiness Directives; Beech Models B200, 300, B300, B300C, and 1900C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Beech Models B200, 300, B300, B300C, and 1900C airplanes equipped with the Collins EFIS-85/86B (14) system. This AD action requires wiring changes to the airplane autopilot/flight director system and hardware modifications to the Collins DPU-85N Display Processor Units (DPU) and Collins MPU-85N Multifunction Processor Units (MPU) in the EFIS-85/86B (14) system. The pilot of one of the affected airplanes received an erroneous attitude display without the appropriate warning flag being displayed on the EFIS-85/86B (14) system. The actions specified by this AD are intended to prevent incorrect pilot decisions based on incorrect attitude information displayed without a warning flag by the Collins EFIS-85/86B (14) system, and possible loss of control of the airplane if the autopilot is engaged.

DATES: Effective March 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 30, 1992. Comments for inclusion in the Rules Docket must be received on or before May 11, 1992.

ADDRESSES: Collins Service Bulletin (SB) DPU-85N-34-51 and SB MPU-85N-34-51, both dated June 6, 1991, may be obtained from Rockwell International, Collins General Aviation Division, 400 Collins Road, NE.; Cedar Rapids, Iowa 52498. Beech SB No. 2423, dated December 1991, may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This service information may be examined at the Rules Docket at the address below. Send comments on this AD in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 91-CE-78-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Roger A. Souter, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4134; Facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION: The pilot of a Beech Model B300 airplane with a certain current production Collins EFIS-85/86B (14) system installation received an erroneous attitude display without the appropriate warning flag being displayed. This may occur when a single vertical gyro is connected in an aircraft to a two-tube or three-tube electronic flight instrument system (EFIS) and the 400-hertz reference signal is interrupted to the EFIS; i.e., pulling the 26 volts alternating current (VAC) circuit breaker, while the excitation signal to the gyro remains valid. This situation could result in incorrect pilot decisions based on erroneous attitude information displayed without a warning flag by the Collins EFIS-85/86B (14) system, and possible loss of control of the airplane if the autopilot is engaged.

Beech has issued Service Bulletin (SB) No. 2423, dated December 1991, which specifies modifications to the airplane autopilot/flight director system wiring on certain Beech Models B200, 300, B300, B300C, and 1900C airplanes. In addition, Collins has issued SB MPU-85N-34-51 and SB DPU-85N-34-51, both dated June 6, 1991, which specify hardware modifications to the Display Processor Units (DPU) and Multifunction Processor Units (MPU) that are installed on the Collins EFIS-85/86B (14) system on certain Beech Models B200, 300, B300, B300C, and 1900C airplanes.

After careful review of the above information, the FAA has determined that AD action should be taken in order to prevent incorrect pilot decisions based on erroneous attitude information displayed without a warning flag by the Collins EFIS–85/86B (14) system, and possible loss of control of the airplane if the autopilot is engaged.

Since an unsafe condition has been identified that is likely to exist or develop in other Beech Models B200, 300, B300, B300C, and 1900C airplanes of the same type design that are equipped with the Collins EFIS–85/86B (14) system, this AD action requires wiring changes to the airplane autopilot/flight director system and hardware modifications to the Collins DPU–85N DPUs or Collins MPU–85N MPUs in the EFIS–85/86B (14) system. The actions are to be done in accordance with the instructions in Beech SB No. 2423, dated December 1991, and Collins SB DPU–85N–34–51 and SB MPU–85N–34–51, both dated June 6, 1991, whichever are applicable.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket at the address given above. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 91–CE–78–AD." The postcard will be date stamped and returned to the commenter.

Paragraph (b) of this AD is presented in calendar time instead of hours time-in-service (TIS) in order to allow the operator ample time to accomplish the modification. Airplanes could be grounded if the compliance time in paragraph (b) were in hours TIS because the utilization rate of the affected airplanes varies throughout the fleet. For example, one operator may utilize the airplane 50 hours TIS in one week, while another operator may not operate the airplane 50 hours TIS in one month. Therefore, to avoid inadvertent grounding of the affected airplanes because of insufficient time to accomplish the modification, calendar time is used in paragraph (b) of this AD. The wiring modification required by paragraph (a) of this AD is presented in hours TIS because of the simplicity and little time needed to complete the action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92–06–11 **Beech:** Amendment 39–8191; Docket 91–CE–78–AD.

Applicability: The following Beech model airplanes that are equipped with Collins DPU–85N Display Processor Units (DPU) and Collins MPU–85N Multifunction Processor Units (MPU), certificated in any category:

Model	Serial numbers
B200	BB–1349 through BB–1409.
300	FA–205 through FA–217.
B300	FL–1 through FL–60.
B300C	FM–1 through FM–3.
1900C	UC–73, UC–139 and UC–147.

Compliance: Required as indicated, unless already accomplished.

To prevent incorrect pilot decisions based on undetected erroneous attitude information displayed by the Collins EFIS–85/86B (14) system or undesired autopilot movement of the airplane, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, modify the airplane autopilot/flight director system wiring in accordance with the instructions in Beech Service Bulletin (SB) No. 2423, dated December 1991.

(b) Within the next 6 calendar months after the effective date of this AD, modify the hardware of the Collins EFIS–85/86B (14) system, Collins DPU–85N Display Processor Unit, and Collins MPU–85N Multifunction Processor Unit in accordance with the instructions in Collins SB DPU–85N–34–51 and SB MPU–85N–34–51, both dated June 6, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(e) The modifications required by this AD shall be done in accordance with Beech Service Bulletin No. 2423, dated December 1991, and Collins Service Bulletin DPU–85N–34–51 and Collins Service Bulletin MPU–85N–34–51, both dated June 6, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085; or Rockwell International, Collins General Aviation Division, 400 Collins Road, NE.; Cedar Rapids, Iowa 52498. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(f) This amendment (39–8191) becomes effective on March 30, 1992.

Issued in Kansas City, Missouri, on February 21, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–4976 Filed 3–3–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 546

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for a new animal drug application (NADA) from Pfizer, Inc., to Wade Jones Co., Inc.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8646.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, has informed FDA that it has transferred ownership of, and all rights and interests in, approved NADA 65–140 (tetracycline soluble powder) to Wade Jones Co., Inc., 409 North Bloomington, Lowell, AR 72745. Accordingly, FDA is amending the regulations in 21 CFR 510.600 and 546.180d to reflect the change of sponsor.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 546

Animal drugs, Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 546 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding a new entry for "Wade Jones Co., Inc.," and in the table in paragraph (c)(2) by numerically adding a new entry for "047864" to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Wade Jones Co., Inc., 409 North Bloomington, Lowell, AR 72745	047864
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
047864	Wade Jones Co., Inc., 409 North Bloomington, Lowell, AR 72745.
* * * * *	

PART 546—TETRACYCLINE ANTIBIOTIC DRUGS FOR ANIMAL USE

3. The authority citation for 21 CFR part 546 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 546.60d [Amended]

4. Section 546.180d *Tetracycline soluble powder* is amended in paragraphs (c)(6)(i)(*a*)(*3*), (c)(6)(i)(*b*)(*3*), (c)(6)(ii)(*d*), (c)(6)(iii)(*a*)(*3*), (c)(6)(iii)(*b*)(*3*), (c)(6)(iii)(*c*)(*3*), (c)(6)(iv)(*a*)(*3*), and (c)(6)(iv)(*b*)(*3*), by removing "000069" and adding in its place "047864".

Dated: February 26, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92–4926 Filed 3–3–92; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Parts 520, 524, and 558

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for three new animal drug applications (NADA's) from American Cyanamid Co. to Pitman-Moore, Inc.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8646.

SUPPLEMENTARY INFORMATION: American Cyanamid, Inc., One Cyanamid Plaza, Wayne, NJ 07470, has informed FDA that it has transferred ownership of, and all rights and interests in, approved NADA's 34–266, 34–697, and 139–858 to Pitman-Moore, Inc., Mundelein, IL 60060. Accordingly, FDA is amending the regulations in 21 CFR 520.1242g, 524.900, and 558.254 to reflect the change of sponsor.

List of Subjects

21 CFR Part 520

Animal drugs.

21 CFR Part 524

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 520, 524, and 558 are amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.1242g [Amended]

2. Section 520.1242g *Levamisole resinate and famphur paste* is amended in paragraph (c) by removing "010042" and adding in its place "011716".

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. The authority citation for 21 CFR Part 524 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 524.900 [Amended]

4. Section 524.900 *Famphur* is amended in paragraph (c) by removing "010042" and adding in its place "011716".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

5. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Sec. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.254 [Amended]

6. Section 558.254 *Famphur* is amended in paragraph (a) by removing "010042" and adding in its place "011716".

Dated: February 28, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center of Veterinary Medicine.

[FR Doc. 92-4925 Filed 3-3-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 548 and 558

Bacitracin Zinc et al.; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for eight new animal drug applications (NADA's) from Pitman-Moore, Inc., to American Cyanamid Co.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8646.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., 421 East Hawley St., Mundelein, IL 60062, has informed FDA that it has transferred to American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470, ownership of, and all rights and interests in, the following approved NADA's:

NADA No.	Product No.	Ingredients
46-920	BACIFERM 10, 25, 40, 50.	Bacitracin zinc.
65-313	BACIFERM Soluble 50.	Bacitracin zinc.
105-758	BACIFERM + AMPROL HI-E + 3-NITRO.	Bacitracin zinc, Amprolium, Ethopabate, Roxarsone.
114-794	BACIFERM + AMPROL HI-E Mix.	Bacitracin zinc, Amprolium, Ethopabate.
123-154	BACIFERM + 3-NITRO + COBAN.	Bacitracin zinc, Roxarsone, Monensin.
136-484	BACIFERM + CARB-O-SEPT.	Bacitracin zinc, Carbasone.
139-190	BACIFERM + BIO-COX + 3-NITRO.	Bacitracin zinc, Salinomycin, Roxarsone.
139-235	BACIFERM + BIO-COX.	Bacitracin zinc, Salinomycin, Roxarsone.

The agency is amending the regulations in 21 CFR parts 548 and 558 to reflect this change of sponsor.

List of Subjects

21 CFR Part 548

Animal drugs, Antibiotics.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 548 and 558 are amended as follows:

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

1. The authority citation for 21 CFR part 548 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 548.114 [Amended]

2. Section 548.114 *Bacitracin zinc soluble powder* is amended in paragraph (c)(2) by removing the number "011716" and adding in its place "010042".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.58 [Amended]

4. Section 558.58 *Amprolium and ethopabate* is amended in the table in paragraph (d)(1), in entry (iii), in the 3d, 4th, 5th, and 7th entries under the "Limitations" column, and in the 4th and 7th entries under the "Sponsor" column by removing the number "011716" and adding in its place "010042".

§ 558.78 [Amended]

5. Section 558.78 *Bacitracin zinc* is amended in paragraph (a)(2), in the table in paragraph (d)(1), in entries (i), (ii), (v), (vi) under the "Sponsor" column, and in paragraph (d)(2)(ii) by removing the number "011716" and adding in its place "010042".

§ 558.120 [Amended]

6. Section 558.120 *Carbarsone (not U.S.P.)* is amended in paragraph (c)(1)(iii)(*b*) by removing the number "011716" and adding in its place "010042".

§ 558.355 [Amended]

7. Section 558.355 *Monensin* is amended in paragraphs (b)(9), (f)(1)(iv)(*b*), (f)(1)(v)(*b*), (f)(1)(xv)(*b*), and (f)(1)(xvi)(*b*) by removing the number "011716" and adding in its place "010042".

§ 558.550 [Amended]

8. Section 558.550 *Salinomycin* is amended in paragraphs (b)(1)(vii)(*c*) and (b)(1)(ix)(*c*) by removing the number "011716" and adding in its place "010042".

Dated: February 28, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-4927 Filed 3-3-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[T.D. 8399]

RIN 1545-AO59

Regulations Amending the Gasohol Regulations to Modify the Gasohol Tolerance and the Later Blending Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides amendments to the regulations under section 4081(c) of the Internal Revenue Code of 1986 ("Code"). The amendments modify the gasohol tolerance rule that permits gasohol containing less than 10 percent alcohol to qualify for a reduced rate of tax. The amendments also eliminate the later blending rule, except where later blending is for the purpose of producing a mixture that contains less than 10 percent alcohol. These regulations respond to comments on the existing rules and affect gasohol blenders and retailers.

EFFECTIVE DATE: The amendments to the gasohol tolerance rule and the gasohol later blending rule are effective January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Edward B. Madden, Jr., 202-535-9758 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The Manufacturers and Retailers Excise Tax Regulations (26 CFR part 48) under section 4081 of the Code contain rules relating to the excise tax on gasohol (a mixture of gasoline and at least 10 percent alcohol). On Monday, February 25, 1991, the **Federal Register** published a Notice of Proposed Rulemaking (56 FR 7627) proposing amendments to those rules. Written comments responding to the notice were received and a public hearing was held on August 16, 1991. This document adopts the proposed amendments with the changes discussed below.

Explanation of Provisions

The proposed regulations contain amendments to the rules concerning allowable tolerances in the production of gasohol and the later blending of motor fuel with gasohol. The final regulations adopt the proposed gasohol tolerance rule, with the changes discussed below, and adopt the proposed later blending rule without significant change.

Under the proposed regulations, the determination of whether gasohol qualifies for a reduced rate of tax would be made on a batch-by-batch basis. Any batch containing at least 9.8 percent alcohol (without rounding) immediately after blending would qualify for the reduced rate. Commentators expressed concern that the proposed regulations would allow mixtures to qualify as gasohol even though the blender intends that the mixture contain less than 10 percent alcohol.

The final regulations generally provide that, for purposes of determining if the alcohol requirement has been met, a batch is considered to be gasohol only if it contains at least 9.8 percent alcohol by volume, without rounding. If a batch of mixture contains less than 10 percent alcohol but at least 9.8 percent alcohol, only a portion of the batch is considered to be gasohol. That portion equals the number of gallons of alcohol in the mixture multiplied by 10. Any excess liquid in the mixture is considered to be gasoline with respect to which there is a failure to blend into gasohol within the meaning of § 48.4081-2(g) of the regulations. Under that provision, a person who fails to blend gasoline taxed at the reduced rate for gasoline used in the production of gasohol is subject to tax on the removal or sale of the gasoline at a rate of tax equal to the difference between the rate of tax for gasoline and the gasohol production tax rate.

The proposed regulations provide that, if a blender adds metered gallons of gasoline and alcohol into a tank already containing more than a de minimis amount of liquid (other than gasohol), the determination of whether a batch satisfies the alcohol requirement will be made by taking into account the amount of alcohol and non-alcohol fuel contained in the liquid already in the tank. The Internal Revenue Service requested comments concerning the quantity of liquid (other than gasohol) that should be considered de minimis for these purposes given the commercial and operating realities associated with the blending process. The only comment received suggested that amounts not in excess of 2 percent of tank capacity should be de minimis. The Service understands, however, that the oil industry norm for acceptable residual amounts in transport tanks is 0.5 percent. Therefore, the final regulations provide that ordinarily any amount in excess of 0.5 percent of tank capacity will not be considered de minimis.

Effective Date

The proposed modifications to the gasohol tolerance rule and the gasohol later blending rule were to be effective for gasoline sold or removed on or after January 1, 1991. The final regulations concerning the gasohol tolerance rule are generally effective for sales or removals on or after January 1, 1991. However, for sales or removals occurring on or after January 1, 1991, and before April 1, 1992, the entire batch is treated as gasohol if the batch contains at least 9.8 percent alcohol. The amendments to the later blending rule adopted by the final regulations are effective for sales or removals occurring on or after January 1, 1991. Retroactive application of the regulations would not increase the supply of gasohol, but effectively would benefit taxpayers who violated regulations that were in force at the time they blended gasohol.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of the proposed rulemaking for the regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Edward B. Madden, Jr., Office of Assistant Chief Counsel (Passthroughs & Special Industries), Internal Revenue Service, but other personnel from the Service and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 48

Agriculture, Arms and ammunition, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Reporting

and recordkeeping requirements, Sporting goods, Tires.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 48 is amended as follows:

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Par. 1. The authority citation for part 48 is amended by adding the following citation:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805 * * *. Section 48.4081–2 also issued under 26 U.S.C. 4081(c)(1); * * *

Par. 2. Section 48.4081–2 is amended by revising paragraphs (a)(5) and (e)(3) to read as follows:

§ 48.4081–2 Gasoline mixed with alcohol.

(a) * * *

(5) *Qualifying gasohol*—(i) *In general.* Qualifying gasohol ("gasohol") is a blend of gasoline and alcohol in a mixture that satisfies the alcohol-content requirement immediately after the mixture is blended. The determination of whether a particular mixture satisfies the alcohol-content requirement is made on a batch-by-batch basis. Except to the extent provided in paragraph (a)(5)(ii) of this section, a batch satisfies the alcohol-content requirement if and only if it contains at least 9.8 percent alcohol by volume, without rounding. A batch of gasohol is a discrete mixture of gasoline and alcohol. If a batch is splash blended, a batch typically corresponds to a gasoline meter delivery ticket and an alcohol meter delivery ticket, each of which shows the number of gallons of liquid delivered into the mixture. In such case, the volume of each component in a batch (without adjustment for temperature) ordinarily is determined by the number of metered gallons shown on the delivery tickets for the gasoline and alcohol delivered. However, if a blender adds metered gallons of gasoline and alcohol to a tank already containing more than a de minimis amount of liquid (other than gasohol), the determination of whether a batch satisfies the alcohol-content requirement will be made by taking into account the amount of alcohol and non-alcohol fuel contained in the liquid already in the tank. Ordinarily, any amount in excess of 0.5 percent of the capacity of the tank will not be considered de minimis.

(ii) *Batches containing less than 10 percent but at least 9.8 percent alcohol.* Where a batch of mixture contains less than 10 percent alcohol but at least 9.8 percent alcohol, only a portion of the batch is considered to be gasohol. That portion equals the number of gallons of alcohol in the batch multiplied by 10. Any excess liquid in the batch is considered to be gasoline with respect to which there is a failure to blend into gasohol for purposes of paragraph (g) of this section and is considered to be removed prior to the removal of the gasohol portion.

(iii) *Examples.* The provisions of this paragraph (a)(5) are illustrated by the following examples:

Example 1. A gasohol blender blends a batch of gasohol in a tank holding approximately 8000 gallons of mixture. The applicable delivery tickets show that the mixture is blended by first pumping 7200 metered gallons of gasoline into the empty tank, and then pumping 800 metered gallons of alcohol into the tank. Accordingly, the mixture contains 10 percent alcohol (as determined based on the delivery tickets provided to the blender) and qualifies as gasohol.

Example 2. The facts are the same as in *Example 1* except that the applicable delivery tickets show that a mixture is blended by first pumping 7220 metered gallons of gasoline into the empty tank, and then pumping 780 metered gallons of alcohol into the tank. Because the mixture contains only 9.75 percent alcohol (as determined based on the delivery tickets provided to the blender), the mixture does not qualify as gasohol.

Example 3. The facts are the same as in *Example 1* except that the applicable delivery tickets show that a mixture is blended by first pumping 7205 metered gallons of gasoline into the empty tank, and then pumping 795 metered gallons of alcohol into the tank. Because the mixture contains less than 10 percent alcohol, but more than 9.8 percent alcohol, (as determined based on the delivery tickets provided to the blender), only 7950 gallons of the mixture qualify as gasohol. The remaining 50 gallons of the mixture are treated as gasoline with respect to which there was a failure to blend into gasohol for purposes of paragraph (g) of this section.

(iv) *Effective date and transition rule.* This paragraph (a)(5) generally applies to sales or removals of gasoline or gasohol made on or after January 1, 1991, except that paragraph (a)(5)(ii) of this section applies only to sales or removals of gasoline or gasohol made on or after April 1, 1992.

* * * * *

(e) * * *

(3) *Later blending*—(i) *In general.* Section 4081(b) imposes a tax on the sale or removal of a mixture by the blender thereof if—

(A) The blender produced the mixture by blending gasohol and additional motor fuel (other than gasohol) for the purpose of producing fuel that contains a specific percentage of alcohol that is less than 10 percent;

(B) Tax was imposed with respect to the gasohol at the reduced rate prescribed in section 4081(c) (or tax was imposed with respect to the gasohol at the rate prescribed in section 4081(a) for gasoline and a refund or credit is claimed pursuant to section 6427(f)); and

(C) Immediately after blending, the mixture contains less than 10 percent alcohol.

(ii) *Amount of tax.* The amount of tax imposed under this paragraph (e)(3) is the difference between—

(A) The number of gallons in the mixture times the rate prescribed under section 4081(a) for gasoline; and

(B) The total amount of tax previously imposed under section 4081(a) (and not refunded or credited) with respect to the components of the mixture.

(iii) *Liability for tax.* The blender of the mixture is liable for the tax imposed under this paragraph (e)(3).

(iv) *Examples.* The provisions of this paragraph (e)(3) are illustrated by the following examples.

Example 1. A retailer advertises fuel containing 5 percent alcohol. To produce the mixture, the retailer purchases 5,000 gallons of gasohol on which tax has been imposed at the reduced rate prescribed in section 4081(c). The blender then blends the gasohol with 5,000 gallons of gasoline. Because the retailer blends the gasoline and gasohol for the purpose of producing a mixture that contains only 5 percent alcohol, this paragraph (e)(3) applies and tax is imposed on the sale or removal of the mixture under section 4081(b). Under paragraph (e)(3)(ii) of this section, the amount of tax imposed is the difference between (i) 10,000 gallons times the rate prescribed under section 4081(a) for gasoline, and (ii) the total amount of tax previously imposed under section 4081(a) with respect to components of the mixture. The retailer may be entitled to claim a credit under section 40(b) for the amount of alcohol contained in the mixture.

Example 2. A retailer who has been selling gasoline decides to begin selling gasohol. The retailer purchases 5,000 gallons of gasohol on which tax has been imposed at the reduced rate prescribed in section 4081(c). The retailer pumps the gasohol into a gasoline storage tank that had not been emptied prior to the conversion to gasohol sales. Because the retailer did not blend the gasohol purchased and the gasoline already in the storage tank for the purpose of producing a mixture containing a specific percentage of alcohol that is less than 10 percent, this paragraph (e)(3) does not apply and tax is not imposed under section 4081(b) even if the resulting mixture contains less than 10 percent alcohol. Similarly, this paragraph (e)(3) would not apply and tax would not be imposed under section 4081(b) if, several months later, the retailer decides to switch back to gasoline sales because of a shortage in the supply of gasohol and pumps gasoline into the storage tank, which still contains some gasohol.

(v) *Effective date.* This paragraph (e)(3) applies to sales or removals of gasoline made on or after January 1, 1991.

* * * * *

January 24, 1992.

David G. Blattner,

Acting Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 92–4811 Filed 3–3–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGDS–92–002]

Drawbridge Operation Regulations; Roanoke Sound, Manteo, NC

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment removes the regulations for the bridge across Roanoke Sound, mile 2.8, in Manteo, North Carolina, because the swing bridge has been removed. A notice of proposed rulemaking has not been issued for this regulation because removal of the bridge eliminates all need for regulations.

DATES: This final rule becomes effective on March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Linda L. Gilliam, Project Officer, and LT Monica L. Lombardi, Project Attorney.

Discussion of Final Rule

The swing bridge across the Roanoke Sound, mile 2.8, in Manteo, North Carolina, was replaced by a high level fixed bridge along the same alignment. The existing bridge has been removed making it necessary to revoke 33 CFR 117.838. This action has no economic consequences. It merely revokes regulations for a swing bridge that no longer exists.

Regulatory Evaluation

This action is considered non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether final rules will have a significant economic impact; on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). Nevertheless, the Coast Guard certifies that this action will not have a significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

§ 117.838 [Removed]

2. Section 117.838 is removed.

Dated: February 14, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 92–5004 Filed 3–3–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

Increase in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Department of Veterans Affairs.

ACTION: Final regulations.

SUMMARY: The Department of Veterans Affairs (VA) is increasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also increased. These increases are necessary because previous rates were not competitive enough to induce lenders to make guaranteed or insured home loans without substantial discounts, or to make manufactured home loans. The increase in the interest rates will assure a continuing supply of funds for home mortgages, home improvement and manufactured home loans.

EFFECTIVE DATE: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Judy Caden, Loan Guaranty Service (264), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3042.

SUPPLEMENTARY INFORMATION: The Secretary is required by section 3712(f) (formerly 1812(f)), title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by VA as he/she finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general increase in interest rates charged on conventional manufactured home loans, and the increase in other short-term and long-term interest rates—have shown that the manufactured home capital markets have become more restrictive. It is now necessary to increase the interest rates

on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans in order to assure an adequate supply of funds from lenders and investors to make these types of VA loans.

The Secretary is also required by section 3703(c) (formerly 1803(c), title 38, United States Code, to establish maximum interest rates for home and condominium loans, including graduated payment mortgage loans, and loans for home improvement purposes. Recent market indicators—including the rate of discount charged by lenders on VA loans and the general increase in interest rates charged by lenders on conventional loans, have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in VA maximum interest rates for VA guaranteed, insured, and direct home and condominium loans, loans for energy conservation and other home improvement purposes, and loans for manufactured home purposes would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119.)

These regulations are adopted under authority granted to the Secretary by sections 210(c), 3703(c)(1), 3711(d)(1) and 3712 (f) and (g) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These increases are accomplished by amending sections 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c), and 36.4503(a), title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: February 21, 1992.

Anthony J. Principi,

Deputy Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 36 is amended as set forth below:

PART 36—LOAN GUARANTY

1. The authority citation for §§ 36.4201 through 36.4287 continues to read as follows:

Authority: Sections 36.4201 through 36.4287 issued under 72 Stat. 1114, 84 Stat. 1110 (38 U.S.C. 210, 3712).

§ 36.4212 [Amended]

2. In § 36.4212, remove the date "December 20, 1991", wherever it appears, and add, in its place, the date "February 24, 1992".

3. In § 36.4212, paragraph (a)(1), remove the number "10½", wherever it appears, and add, in its place, the number "11"; in paragraphs (a)(2) and (a)(3), remove the number "10", wherever it appears, and add, in its place, the number "10½".

4. The authority citation for §§ 36.4300 through 36.4375 continues to read as follows:

Authority: Sections 36.4300 through 36.4375 issued under 72 Stat. 1114 (38 U.S.C. 210).

§ 36.4311 [Amended]

5. In § 36.4311, remove the date "December 20, 1991", wherever it appears, and add, in its place, the date "February 24, 1992".

6. In § 36.4311, paragraph (a), remove the number "8", wherever it appears, and add, in its place, the number "8½"; in paragraph (b), remove the number "8¼", wherever it appears, and add, in its place, the number "8¾"; in paragraph (c), remove the number "9½", wherever it appears, and add, in its place, the number "10".

7. The authority citation for §§ 36.4500 through 36.4600 continues to read as follows:

Authority: Sections 36.4500 to 36.4600 issued under 72 Stat. 1114 (38 U.S.C. 210).

§ 36.4503 [Amended]

8. In § 36.4503, paragraph (a), remove the numbers "8" and "9½", wherever they appear, and add in their place, the numbers "8½" and "10", respectively.

[FR Doc. 92–4991 Filed 3–3–92; 8:45 am]

BILLING CODE 6320–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42146A; FRL 3998–1]

40 CFR Part 799

Testing Consent Order For Acrylic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document announces that EPA has signed an enforceable testing Consent Order with BASF Corporation, Dow Chemical U.S.A., Hoechst Celanese Chemical Group, Rohm and Haas Company, and Union Carbide Chemicals and Plastics, Inc., hereinafter referred to as "the Companies." The Companies have agreed to perform certain health effects tests on acrylic acid (CAS No. 79–10–7). Acrylic acid is added to the list of testing Consent Orders in 40 CFR 799.5000 for which export notification requirements of 40 CFR part 707 apply. This rule constitutes EPA's response to the Interagency Testing Committee's (ITC) designation of acrylic acid for testing consideration.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR part 790, the Companies have entered into a testing Consent Order with EPA in which they have agreed to perform certain health effects tests for acrylic acid. This rule amends 40 CFR 799.5000 by adding acrylic acid to the list of chemical substances and mixtures subject to testing Consent Orders and export notification requirements.

I. ITC Designation

In its Twenty-seventh Report to the Administrator of the Environmental Protection Agency, published in the **Federal Register** on March 6, 1991 (56 FR 9534), the ITC designated acrylic acid for priority testing consideration for certain chemical fate and health effects testing. The rationale for the original designation appeared in that Report.

II. Testing Consent Order Negotiations

In accordance with 40 CFR 790.28, EPA issued a **Federal Register** notice on August 20, 1991 (56 FR 41353), announcing a public meeting and EPA's intent to develop a testing Consent Order for acrylic acid. EPA requested persons interested in participating in or monitoring testing negotiations on acrylic acid to contact EPA by September 5, 1991. BASF Corporation, Dow Chemical U.S.A., Hoechst Celanese Corporation, Rohm and Haas Company, and Union Carbide Chemicals Plastics Company Inc. identified themselves through their agent, the Basic Acrylic Monomer Manufacturers (BAMM), as interested parties. On September 12, 1991, EPA convened a public meeting attended by representatives of the interested parties. At the public meeting BAMM, on behalf of its member companies, presented a proposed testing plan and provided test protocols. Protocols were presented for an inhalation developmental toxicity study, an oral (drinking water) two-generation reproductive and fertility study and a bioavailability study.

The ITC report also recommended testing for mutagenicity, neurotoxicity, inhalation oncogenicity, and river die-away biodegradation. After consideration of BAMM's proposed testing plan and review of new studies submitted to EPA by BAMM in response to the ITC report, EPA has determined that these tests are not needed at this time.

The ITC report stated that *in vivo* mutagenicity data may be needed for acrylic acid. A number of mutagenicity studies were identified by BAMM as missing from the EPA's database for acrylic acid. These studies were supplied in BAMM's response to the ITC list (Ref. 1). EPA identified three principal studies (Refs. 2, 3, and 4) and reviewed the data. The *in vivo* cytogenetics and the *Drosophila* sex-linked recessive lethal tests were negative; the dominant lethal study is still under review. EPA may require additional mutagenicity testing (e.g., heritable translocation study or another dominant lethal test), if the existing dominant lethal study is not negative. Any additional testing would be done under either a separate Consent Order or a test rule under section 4 of TSCA. The relative priority for future testing will be developed after considering the range of potential testing needs as identified by the Master Testing List (MTL) process (56 FR 42055; August 26, 1991).

EPA considered neurotoxicity testing for acrylic acid but decided not to require these tests because it is unlikely that neurotoxic effects would be observed in inhalation studies at concentrations lower than those producing irritation to the nasal mucosa and/or olfactory epithelium (Ref. 5). EPA's reference dose for inhalation (concentration) exposure (RfC) for acrylic acid is 0.0003 mg/m^3. This RfC is calculated from data demonstrating that the critical effects of exposure to acrylic acid by the inhalation route are effects on the nasal mucosa (Ref. 25). Based on these data, the EPA does not believe that neurotoxicity testing is necessary at this time.

The ITC members recommended an inhalation bioassay on acrylic acid. The ITC member from the National Cancer Institute (NCI) reviewed a draft drinking water chronic study conducted by BASF in Germany and submitted by BAMM as reported in the 27th ITC Report. The NCI was concerned that the study may have been run at doses below what would be considered a maximum tolerated dose and, based on data on the monofunctional esters of acrylic acid, questioned how such rapidly hydrolyzing compounds could cause forestomach tumors by the oral route, unless a release of acrylic acid served as the active gastric irritant (Ref. 6). Based on the available data the ITC concluded that there was insufficient data to reasonably predict the potential carcinogenic effects of inhalation exposure to acrylic acid.

In response to the ITC Report, BAMM submitted studies on acrylic acid relevant to its potential oncogenicity (Refs. 7 through 11) and referenced negative inhalation studies conducted on the methyl, ethyl, and *n*-butyl esters of acrylic acid (Refs. 1, and 12 through 16). Scientists from NCI, EPA and the National Toxicology Program met with industry representatives to discuss these data (Ref. 17). At this meeting, BAMM also presented plans to do additional testing on acrylic acid including bioavailability testing. Subsequent to this meeting, both NCI and EPA scientists reviewed the entire data set on acrylic acid. The available data suggests that acrylic acid, like other nasal irritants tested, should lead to some metaplasia (change in tissue type) of the respiratory epithelium. This is a common finding with many inhalation studies (Ref. 18). NCI believes that, based on the available oral data on acrylic acid and inhalation data on acrylic acid esters, it can be assumed that the acrylic acid monomer will behave in a similar manner to the esters and, if administered by the inhalation route, will act as an olfactory irritant, but should not be carcinogenic. Thus, it was concluded by NCI that the drinking water and dermal chronic studies showed that toxicity of acrylic acid was limited to the site of exposure. In the inhalation studies on acrylate esters, the nasal lesions produced were very minimal irritant effects and were not associated with neoplastic changes at this site (Refs. 18 and 19). Having reviewed these data, EPA concurs with NCI and concludes that these data and the data that will be developed pursuant to this Consent Order will be sufficient and that additional chronic inhalation bioassay testing on acrylic acid is not warranted at this time.

The Companies have consented to conduct bioavailability studies on acrylic acid to aid in developing pharmacokinetic models that will be helpful in understanding the mechanisms of action for observed toxicity of acrylic acid and its esters. These data may explain the responses seen in the forestomach with the esters and help resolve other issues associated with exposure to acrylic acid by other routes of exposure.

The 27th ITC Report, considering the chemical fate of acrylic acid, stated that "available persistence data are probably inadequate to predict the biodegradation rate of acrylic acid in the environment, because the data were not generated in test systems that simulated *in situ* biodegradation." Therefore, the ITC recommended "chemical fate testing because there are insufficient data to reasonably determine or predict the persistence of acrylic acid and because there are potentially substantial environmental releases." Studies on anaerobic biodegradation and aerobic aquatic biodegradation were identified and supplied by BAMM (Refs. 1 and 20). In a recent BAMM 28-day Ready Biodegradability study using the "closed bottle" method, 81 percent of acrylic acid biodegraded within 28 days. This assay uses low concentrations of the test substance and low microbial concentrations in order to simulate natural conditions (Ref. 20). EPA believes that available data indicates that acrylic acid biodegrades in the environment. In addition, 95 percent of the acrylic acid released is disposed of by underground injection according to information provided by the Toxics Release Inventory (TRI) (Ref. 21). This type of disposal method combined with new information provided by BAMM on acrylic acid mitigates EPA's concerns about potential risk due to environmental release. EPA decided that existing data are sufficient and that additional chemical fate testing is not necessary at this time.

The Companies agreed to perform an inhalation developmental toxicity study, an oral (drinking water) two generation reproductive and fertility study and a bioavailability study by specified dates according to test standards included in the Order.

III. Production, Use and Exposure

Acrylic acid is a liquid at room temperature and miscible in water. EPA estimates a U.S. annual production of acrylic acid for 1989 of over 1 billion pounds by four manufacturers at four sites (Ref. 22). The estimated U.S. annual consumption for 1989 is 977 million lbs. (Ref. 22). The National Occupational Exposure Survey indicates that 56,512 workers are potentially exposed to acrylic acid (Ref. 23).

The following uses for acrylic acid were given in the 27th ITC Report: surface coatings (25 percent); polyacrylic acid and salts, including superabsorbant polymers, detergents, water treatment and dispersants (20 percent); textiles and nonwovens (23 percent); exports (12 percent); adhesives and sealants (9 percent); leather and polishes (4 percent); paper coating (3 percent); miscellaneous acid and ester uses, including specialty acrylates (8 percent).

IV. Testing Program

The Companies have agreed to complete the testing program in the following Table 1:

TABLE 1.— TESTING REQUIRED FOR ACRYLIC ACID

Test	Test standard	Start date[1]	Final report date[2]
Developmental Toxicity Test:[3]	40 CFR 798.4350[4]	7	15
Reproductive effects Test:[5]	40 CFR 798.4700[6]	3	30
Bioavailability:[7]	Reference 24	6	18

[1] Number of months after the effective date of the Consent Order.
[2] Number of months after the effective date of the Consent Order. Interim (6-month) progress reports shall be submitted to EPA for all tests having final report dates greater than 9 months, starting 6 months after the start date.
[3] The test shall be conducted in rabbits by the inhalation route.
[4] Amendments to this study are attached to the Consent Order as Appendix 2.
[5] The test shall be conducted in rats by the drinking water route.
[6] Amendments to this study are attached to the Consent Order as Appendix 1.
[7] This test shall be conducted in rats and mice by the intravenous, oral and dermal routes.

V. Test Substance

The test substance, acrylic acid (CAS No. 79-10-7), shall be as pure a technical grade as can be reasonably attained, but shall be at least 98.0 percent pure.

VI. Export Notification

The issuance of the testing Consent Order subjects any person who exports or intends to export the chemical substance, acrylic acid (CAS No. 79-10-7), of any purity, to the export notification requirements of section 12(b) of TSCA. The specific requirements are listed at 40 CFR part 707. Chemicals subject to testing Consent Orders are listed at 40 CFR 799.5000. This listing serves as a notification to persons who export or intend to export the chemical substance which is the subject of this testing Consent Order that 40 CFR part 707 applies.

VII. Rulemaking Record

A. Supporting Documentation

EPA has established a record for this Consent Order under TSCA section 4, docket number OPTS-42146A, which is available for inspection Monday through Friday, excluding legal holidays, in Rm. NE-G004, 401 M St., SW., Washington, DC., 20460 from 8 a.m. to 12 noon and from 1 p.m. to 4 p.m. Confidential Business Information (CBI) while part of the record, is not available for public review. This record includes basic information considered by EPA in developing this Consent Order. This record includes the following information:

(1) Testing Consent Order for acrylic acid and associated testing protocols.

(2) **Federal Register** notices pertaining to this notice and consent order consisting of:

(a) 27th Report of the ITC (March 6, 1991, 56 FR 9534).

(b) Notice soliciting interested parties for developing a consent order for acrylic acid (August 20, 1991, 56 FR 41353).

(3) Communications consisting of:

(a) Written letters.

(b) Contact reports of telephone summaries.

(c) Meeting summaries.

(4) Reports - published and unpublished factual materials.

B. References

(1) BAMM. Letter and appendices from Louise Noell, BAMM Chair to Andrea Blaschka, EPA Project Manager. Comments on ITC designation of acrylic acid. April 5, 1991.

(2) Celanese Corporation. Cytogenicity study - Rat bone marrow *in vivo*; test article CJP-60 (Acrylic Acid). Testing Laboratory: Microbiological Associates, Inc. July 28, 1986.

(3) Celanese Corporation. *Drosophila* sex-linked recessive lethal assay of acrylic acid (CJP-60). Testing Laboratory: Zoology Department, University of Wisconsin. April 15, 1987.

(4) Putman, D.L. Dominant lethal mutations in mice. Study number T5618.112004. Testing Laboratory: Microbiological Associates, Inc. May 16, 1991.

(5) EPA memorandum from Robert C. MacPhail, Chief Neurobehavioral Toxicology Branch/NTD to Letty Tahan, Existing Chemical Assessment Division, concerning neurotoxicity testing of acrylic acid. September 19, 1991.

(6) Letter from Thomas Cameron, Special Assistant on Environmental Cancer, National Cancer Institute to William Eastin, Chemical Carcinogenesis Branch, National Institute of Environmental Health Sciences concerning the review of studies pertinent to the oncogenicity of acrylic acid and comments resulting from the May 29, 1990 meeting of NCI's Chemical Selection Planning Group. June 12, 1990.

(7) BASF. Report on the study of the toxicity of acrylic acid in rats after 3-month administration by gavage. Project No. 35C0380/8250; report date: April 28, 1987. Submitted by Louise Noell of BASF on April 2, 1991.

(8) De Pass, L.R., M.D. Woodside, R.H. Garman, and C.S. Weil. Subchronic and reproductive toxicology studies on acrylic acid in the drinking water. Drug Chemical Toxicology (6)(1): 1-20. 1983.

(9) Hoechst Celanese Corporation. Chronic dermal oncogenicity study with acrylic acid in [C3H/HeN Hsd BR] and [Hsd (ICR) BR] mice; Report date: Dec. 5, 1990. Attachment to submission by Louise Noell of BASF (Ref.1); submitted April 5, 1991.

(10) BASF. Report-Study of a potential carcinogenic effect of acrylic acid in rats after long-term administration in the drinking water. Project No. 72C0380/8240; report date: March 30, 1989. Submitted by Louise Noell of BASF April 2, 1991.

(11) BASF. Report on the study of the toxicity of acrylic acid in rats after 12-month administration in the drinking water. Project No. 74C380/8239; report date: December 11, 1987. Submitted by Louise Noell April 2, 1991.

(12) Rohm and Haas Company. 2-Year inhalation study with methyl acrylate in rats; Report A 0135/1530; FYI OTS 1087-0367. March 5, 1985.

(13) Miller, R.R., J.T. Young, J.A. Ayres and C.N. Park. Ethyl acrylate: 27-month vapor inhalation study in rats. Sponsored by Dow Chemical U.S.A.; final report date: January 31, 1983. EPA submission: 8EHQ-0383-0250; fiche # OTS 0204492. Submitted by George Rodenhausen of Celanese Corp. on March 23, 1991.

(14) Miller, R.R., R.J. Kociba, D.G. Keyes, J.A. Ayres and K.M. Bodner. Ethyl acrylate: 27-month vapor inhalation study in mice. Sponsored by Dow Chemical U.S.A.; final report date: April 4, 1983. EPA submission: 8EHQ-0383-0250; fiche # OTS 0204492. Submitted by George Rodenhausen of Celanese Corp. on April 29, 1983.

(15) NTP. Carcinogenesis studies of ethyl acrylate (CAS No. 140-88-5) in F344/N Rats and B6C3F1 Mice (Gavage Studies). Technical Report Series No. 259. December 1986.

(16) Rohm and Haas Company. 2-Year inhalation study with *n*-butyl acrylate in rats with a 6-month follow-up period. Report A0135/1531; FYI-OTS-0787-0367; report date March 1, 1985. Submitted by Gelbke Hildebrand of BASF (Germany) on May 21, 1986.

(17) Letter from Louise Noell, BAMM Chair to Andrea Blaschka, Project Manager, EPA conveying a meeting summary of the June 6, 1991 meeting and a copy of materials used in the presentation. June 24, 1991.

(18) Letter from Harold E. Seifried, Program Director, Chemical and Physical Carcinogenesis Branch, National Cancer Institute, NIH to Victor Fung, Chemical Selection Coordinator, National Toxicology Program, concerning the evaluation of oncogenicity data for acrylic acid and acrylic acid esters. August 16, 1991.

(19) Letter from William C. Eastin, Head Study Priority, Chemical Carcinogenesis Branch, NIEHS to Charles M. Auer, Director, Existing Chemicals Assessment Division, USEPA on the status of acrylic acid oncogenicity studies. August 9, 1991.

(20) Letter from Louise Noell, BAMM Chair to Andrea Blaschka, EPA project manager, submitting additional comments on the environmental fate of acrylic acid. The submission contains the following attachments: reference list and background information concerning the river die-away study, draft #3 of study entitled "adsorption and desorption of acrylic acid to soils" by M. K. Horvath, and a March 27, 1991 draft of a study entitled "Assessment of ready biodegradability of acrylic acid". September 25, 1991.

(21) EPA Memorandum from Mark Pederson, Chemical Engineering Branch to John Schaeffer, Chemical Testing Branch providing chemical release data for IRIS chemicals. September 19, 1991.

(22) Note from Pat Szarek, Regulatory Impact Branch to Andrea Blaschka, Chemical Testing Branch concerning preliminary production and use information for IRIS chemicals test rule. April 22, 1991.

(23) National Institute for Occupational Safety and Health (NIOSH). National Occupational Exposure Survey (NOES). 1990.

(24) BAMM. Protocol entitled: 14^{C}-Acrylic acid comparative bioavailability study in mice and rats. Protocol prepared on September 16, 1991.

(25) IRIS database. Printout for acrylic acid from EPA's Integrated Risk Information System database. Retrieved June 1991.

VIII. Other Regulatory Requirements

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the Consent Order under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and has assigned OMB control number 2070-0033.

Public reporting burden for this collection of information is estimated to be 40 hours per response. The estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to OMB, Paperwork Reduction Project (2070-0033), Washington, DC 20503.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, and Testing.

Dated: February 18, 1992.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding acrylic acid to the table in CAS Number order, to read as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

CAS Number	Substance or mixture name	Testing	FR citation
79-10-7	Acrylic Acid	Health effects	[FR date]

[FR Doc. 92-5009 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-532; RM-7199, RM-7597]

Radio Broadcasting Services; Sheldon, Iowa, and Jackson and Springfield, MN

AGENCY: Federal Communications Commission.

ACTION Final rule.

SUMMARY: The commission, at the request of Sheldon Broadcasting Company, Inc., substitutes Channel 287C2 for Channel 286A at Sheldon, Iowa, and modifies its license for Station KIWA–FM to specify the higher class channel. At the Request of Jackson Broadcasting Co., the Commission substitutes Channel 289C3 for Channel 287A at Jackson, Minnesota, and modifies its license for Station KRAQ to specify the higher class channel. To accommodate the upgrades at Sheldon and Jackson, Channel 234A is substituted for Channel 289A at Springfield, Minnesota, and the construction permit of James Ingstad Broadcasting, Inc., for Station KLPR is modified to specify the alternate Class A channel. Channel 287C2 can be allotted to Sheldon in compliance with the Commission's minimum distance separation requirements at Station KIWA–FM's transmitter site, at coordinates North Latitude 43–11–00 and West Longitude 95–52–05. Channel 289C3 can be allotted to Jackson at the site specified in Station KRAQ's outstanding application (BMPH–900823IC) at coordinates 43–36–54 and 94–57–48. Channel 234A can be allotted to Springfield at the transmitter site specified in Station KLPR's construction permit, at coordinates 44–14–13 and 95–06–20. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–532, adopted February 12, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Stret, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 288A and adding Channel 287C2 at Sheldon.

3. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 287A and adding Channel 289C3 at Jackson, and by removing Channel 289A and adding Channel 234A at Springfield.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch Policy and Rules Division Mass Media Bureau.

[FR Doc. 92–4928 Filed 3–3–92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-218; RM-7752 and RM-7816]

Radio Broadcasting Services; Charleston and Marble Hill, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 291C2 for Channel 291A at Charleston, Missouri, and modifies the construction permit for Station KWKZ to specify operation on the higher class channel in response to a petition filed by Dianne Anderson. See 56 FR 33739, July 23, 1991. The coordinates for Channel 291C2 are 36–56–30 and 89–33–00. In response to a counterproposal filed by CLC Broadcasting Company, we shall allot Channel 247A to Marble Hill, Missouri, as that community's first local service. Channel 247A can be allotted to Marble Hill without a site restriction at coordinates 37–18–24 and 89–58–12. With this action, this proceeding is terminated.

DATES: Effective April 13, 1992. The window period for filing applications for Channel 247A, Marble Hill, Missouri, will open on April 14, 1992, and close on May 14, 1992.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91–218, adopted February 13, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street NW., Washington, DC 20036, (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 291A and adding Channel 291C2 at Charleston and by adding Marble Hill, Channel 247A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–4933 Filed 3–3–92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-610; RM-7547, RM-7642]

Radio Broadcasting Services; Stamford and Whitesboro, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Craig L. Fox, allots Channel 250A to Whitesboro, New York, as the community's first local aural transmission service (RM–7642). See 55 FR 52186, December 20, 1990. Channel 250A can be allotted to Whitesboro in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 250A at Whitesboro are North Latitude 43–07–19 and West Longitude 75–17–31. Canadian concurrence has been received since Whitesboro is located within 320 kilometers (200 miles) of the U.S.-Canadian border. The mutually exclusive proposal of Carmine M. Iannace to allot Channel 250A at Stamford, New York, is denied (RM–7547). With this action, this proceeding is terminated.

DATES: April 13, 1992. The window period for filing applications will open on April 14, 1992, and close on May 14, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–610, adopted February 18, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Whitesboro, Channel 250A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–4929 Filed 3–3–92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-545; RM-7504]

Radio Broadcasting Services, Copperas Cove, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule

SUMMARY: The Commission, at the request of Centroplex Communications, Inc., licensee of Station KOOV–FM, Channel 276A, Copperas Cove, Texas, substitutes Channel 276C3 for Channel 276A at Copperas Cove, and modifies KOOV–FM's license to specify operation on the higher powered channel. See 55 FR 48258, November 11, 1990. Channel 276C3 can be allotted to Copperas Cove in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.8 kilometers (9.2 miles) southwest to avoid a short-spacing to a construction permit (BPH–910404IC) for Station KWOW–FM, Channel 277C3, Clifton, Texas. The coordinates for Channel 276C3 are 31–03–19 and 98–02–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–545, adopted February 12, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 276A and adding Channel 276C3 at Copperas Cove.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–4932 Filed 3–3–92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 911175-2029]

RIN 0648-AE24

Pelagic Fisheries of the Western Pacific Region

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 5 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (FMP). The rule prohibits longline fishing within 75 nautical miles (nm) of the islands of Oahu, Kauai, Niihau, and Kaula, and within 50 nm of the islands of Hawaii, Maui, Kahoolawe, Lanai, and Molokai. A longline closure of approximately 50 nm also is implemented around Guam and its offshore banks. Framework procedures authorize rulemaking to adjust the size of the areas and to modify the criteria for exemptions to vessel owners suffering economic hardship. This action is necessary to prevent gear conflicts between longline vessels and troll/handline vessels engaged in the pelagic fisheries.

DATES: This action becomes effective at 0000 hours local time March 2, 1992.

ADDRESSES: Copies of Amendment 5 and the environmental assessment may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813.

Send comments on the collection of information to the Director, Southwest Region, NMFS, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213, and to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), ATTN: Paperwork Reduction Project: 0648–0214, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213, (310) 980–4034; or Alvin Katekaru, Pacific Area Office, Southwest Region, NMFS, Honolulu, Hawaii (808) 955–8831.

SUPPLEMENTARY INFORMATION: As summarized in the proposed rule (56 FR 60961, November 29, 1991), interactions between the approximately 150 longline vessels and the 2,400 vessels of the troll/handline fleet based in Hawaii have led

to physical confrontations and destruction of gear. A voluntary informal agreement coordinated by the State of Hawaii whereby longline fishermen agreed to stay at least 20 nm from shore failed; therefore, an emergency rule (56 FR 28116, June 19, 1991) implemented the 75/50-nm area closures. The emergency rule was subsequently extended for a second 90-day period (56 FR 47701, September 20, 1991). Amendment 5 implements the area closures permanently with procedures to modify the closures as more information becomes available.

Comments Received and Responses

No comments were received on the closure of the longline fishery around the Territory of Guam.

Thirty-three comments were received opposing the closures around Hawaii, plus petitions bearing 86 signatures protesting the closures. Those supporting the closures have submitted 20 comments, plus petitions bearing 454 signatures and hundreds of form letters addressed to the Secretary of Commerce. The following discussion of issues raised, especially those related to interactions between fleets, is based on limited data, because the Federal program requiring longline vessels to submit logbook information has only been in effect since mid November 1990, and reporting of commercial landings under State of Hawaii regulations has been incomplete. The troll/handling vessels are largely limited to near-shore areas. About 99 percent of the trips are made within 20 nm of shore.

A summary of the comments received on the proposed regulations and responses to them follow.

Comment 1: Since the 75/50-nm closures have been in effect, there has been a substantial decline in the amount of pelagic species brought to auction by longliners.

Response: The harvest of pelagic species is highly variable from year to year, and attributing a decline in catches to the area closures is premature. Preliminary figures do show a decline in yellowfin tuna caught by longline in 1991 following increasing harvests since 1987; however, troll- and handline-caught yellowfin tuna dropped precipitously from 1988 to 1990 without any change in the management regime. There is a possibility that the catch of some species may decline for some segments of the industry, such as for loneline vessels of certain size categories, but total longline catches are up in 1991, mainly due to catches of swordfish by vessels fishing beyond the closures. In the absence of clear evidence of harm, the Council decided that maintaining closures to prevent conflicts was the best approach, and took into consideration the possibility of detrimental effects of some segments of the industry by establishing a framework system to modify the area closures based on additional information, and by appointing a special advisory panel to work out a compromise approach on area closures that will still prevent gear conflicts.

Comment 2: Amendment 5 frustrates the achievement of optimum yield in the western Pacific pelagics fishery because the area closures will result in the reduction of landings.

Response: The area closures will not necessarily lead to a reduction of harvest, although some adjustment to the new conditions may be required to maintain landings of certain species. The migratory nature of the species involved suggests that these adjustments can be made, and the Councils commitment to adjust the areas based on collected data ensures the consideration of any detrimental effects on harvest. Also, optimum yield is not permised on the maximum harvest of every species in the pelagic fisheries; relevant social factors such as gear conflicts are to be considered during implementation of the FMP.

Comment 3: Amendment 5 is not based on the best scientific information available, because the data do not show that there have been gear conflict problems throughout the proposed 75/50-nm closed areas. The Scientific and Statistical Committee reported in February 1991 that 95 percent of troll/handline fishery occurs inside 55 nm.

Response: The Council has faced increasing controversy on gear conflicts since 1987. Conflicts between longliners, many of which had arrived from the Gulf of Mexico, and troll/handline fishermen became serious. Some of the interactions led to physical confrontations and destruction of gear. A "gentlemen's agreement" between the opposing groups coordinated by the State of Hawaii established a 20-nm closed area but the agreement failed when longliners did not comply with the closure. Tensions continued to mount and the Council was concerned that continued gear conflicts might lead to violent confrontations. Virtually every comment received, from longline operators as well as those from the troll/handline fleet, accept some kind of area closures, and suggestions have been made for smaller and larger closures than the Council adopted. After examining available data, recommendations of the Pelagic Task Force appointed by the Council, and public input, the Council concluded that a 75-nm closure around Kauai County and Honolulu County and a 50-nm closure around Maui County and Hawaii County are warranted. Examination of State of Hawaii catch reports shows that, while the majority of commercial trolling trips are taken within 20 nm of shore, an increasing number of trips are reported at distances of 50 to 60 nm off Kauai, Oahu and the west coast of Hawaii, and 40 nm off Maui, Molokai and Lanai. Although some adverse consequences on longline vessels and on markets might result, the Council decided to adopt closures that prevent the possibility of conflicts rather than accept smaller closures that would run the risk of continuing conflicts.

Comment 4: Longline vessels threaten the troll/handline fleet by affecting its harvest.

Response: Only general conclusions can be drawn from the data at this time. When yellowfin tuna were more abundant, they also were more abundant for longliners and for the small boat fishermen. This pattern of species abundance also holds for blue marlin, striped marlin, and bigeye tuna. If longline harvest are affecting the troll/handline fleet, this probably has been caused by longline harvest in all areas and is not related to the specific areas under consideration for preventing gear conflicts. The only goal of the rule is to prevent gear conflicts and to set up a system by which adverse impacts can be reduced.

Comment 5: Amendment 5 improperly allocates fishing privileges, because it assigns specific areas to groups of fishermen to further purposes not rationally connected with a legitimate objective of the FMP. Smaller closures would achieve the same goal.

Response: Reduction of gear conflicts is an objective of the FMP. The potential for violence between longline vessels and the troll/handline vessels has moved the Council to prevent conflicts. Smaller closures would not achieve that goal. Many comments from the troll/handline vessels say that longline vessels are severely affecting the resource and are threatening their livelihood. The closures are not intended to allocate fishing privileges, as is made clear by the simplified rulemaking procedure by which the Regional Director and/or the Council may modify the closed areas, if needed, by the authority to grant exemptions in the case of longline vessels that have traditionally fished off Hawaii, and by the Council's appointment of a special advisory panel to seek an agreement on area closures that prevent vessel conflicts while reducing detrimental effects on the industry.

Comment 6: Amendment 5 does not promote efficiency in the utilization of fishery resources, because the excessive closures increase expenses, reduce fish quality, and force longliners out of the fishery.

Response: At this time there is no clear evidence of increased expenses, reduced catch, or reduced fish quality. From logbook data since mid November 1990, longliners caught 18.4 percent of the fleet's tuna and 11.8 percent of other pelagics within the 50/75-nm closure area. The fleet caught 81.6 percent of its tuna and 88.2 percent of other pelagics beyond the 50/75-nm closure area.

From January 1990 through June 1991, 29.1 percent of the reported longline trips occurred within 20 nm of the main Hawaiian Islands, 16.8 percent between 20 nm and the outer boundary of the 50/75-nm closure area, and 54.1 percent beyond the 50/75-nm closure area. However, only 17.3 percent of the total number of longline sets were within the 50/75-nm closure area. Similarly, only 18.6 percent of the total number of hooks fished were within the 50/75-nm closure area. The percent of total longline fishing effort made in the 50/75-nm zone, measured in the number of sets made and number of hooks deployed, is substantially lower than the percent of fishing effort measured in terms of trips. Large longliners with a higher fishing power, many of which target swordfish, fish much farther from the main Hawaiian islands than vessels with smaller fishing power, which target mostly tuna.

From the above limited information, it appears that larger longline vessels may be able to make up lost catch outside the closed areas; however, smaller longline vessels may suffer adverse economic effects by the closures. Because many uncertainties remain concerning the effect of the closures, the Council has developed two framework procedures that are contained in this rule. One requires an annual review of the closures and permits changing the size of the areas based on data obtained subsequent to implementation of the closures. The second authorizes the Council and the Regional Director to initiate rulemaking to allow exemptions from the closed areas to longliner operators who can demonstrate financial hardship as a result of the closures around Hawaii.

Comment 7: The proposed exemptions to the longline closures are arbitrary and unreasonably restrictive.

Response: Exemptions were considered by the Council when the possibility arose that owners of vessels that had been active in the fishery for many years may not be able to comply with the area closures and still remain in the fishery. The Council was willing to consider exemptions as long as the goal of preventing conflicts could be achieved. The initial criteria were designed to be restrictive, because exemptions were to apply only in cases of extreme financial hardship and were not intended to apply to all vessels that had to adjust to the new fishing areas. The Council's Pelagic Advisory Review Board is to assess whether exemptions under Amendment 5 should continue and, if so, review the qualifying criteria on which to base additional exemptions. Three exemptions were granted under the authority of the emergency rule.

Changes From the Proposed Rule

Only technical changes were made in the final rule. These changes are contained in 50 CFR 685.24 (a)(2) and (a)(3), and in 50 CFR 685.25 (b) and (f).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that Amendment 5 to the FMP and its implementing regulations are necessary for the conservation and management of the pelagic fishery resources of the western Pacific region and are consistent with the Magnuson Act and other applicable law. Consequently, on January 22, 1992, the Assistant Administrator approved the Amendment.

The Council prepared an environmental assessment (EA) for the emergency interim rule that established area closures around the main Hawaiian Islands. The Assistant Administrator concluded that there would be a no significant effect on the human environment. In preparation for Amendment 5, a supplemental EA was prepared analyzing the longline closures around Guam. The Assistant Administrator concluded that there would be no significant effect on the human environment because of this rule.

The Assistant Administrator for Fisheries has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small businesses.

Section 685.25 of this rule contains a collection-of-information requirement that is subject to the Paperwork Reduction Act. This information collection has been approved by the Office of Management and Budget (OMB), under OMB control number 0648-0214. The estimated information collection burden is 4 hours per exemption application to review instructions, compile the necessary information, and submit it to NMFS. Comments on the collection of information and/or suggestions on how to reduce the burden can be sent to the Director, Southwest Region, NMFS, and to the OIRA OMB (see **ADDRESSES**).

The Council has determined that the action is consistent to the maximum extent practicable with the approved coastal management programs of the State of Hawaii and the Territory of Guam. The State of Hawaii and the Territory of Guam have agreed with the determination.

An informal consultation was conducted under section 7 of the Endangered Species Act (ESA) and it was determined that this action is not likely to adversely affect any endangered or threatened species listed under the ESA, nor will it adversely affect any critical habitat of any listed species.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

To afford maximum opportunity for public comment and participation, the Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule, implementing Amendment 5 to the FMP, makes permanent with few changes certain management measures that were promulgated, with a request for comments, by emergency rule (56 FR 28116, June 19, 1991) and subsequently extended for a second 90-day period (56 FR 47701, Sept. 20, 1991). The emergency rule was modified on November 26, 1991 (56 FR 59896) to allow persons with a long history of participation in and dependence on the longline fishery in nearshore waters to continue operations in those waters that were otherwise closed to longline fishing. The public has had opportunities to comment on that emergency rule as well as to participate in the development of Amendment 5 and to comment on the proposed rule to implement Amendment 5. The emergency rule was effective until December 16, 1991. The Assistant Administrator has determined that the

potential for gear conflicts in the absence of this rule constitutes good cause to waive the 30-day delayed-effectiveness period and make this rule effective at 0000 hours local time 3 days from date of filing with the Office of the Federal Register. The rule is not made effective immediately so that longline vessels currently in the closed areas are able to retrieve their gear and relocate.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 27, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 685 is amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 685.2, the new definitions for "Guam longline fishing prohibited area", "Hawaii longline fishing prohibited area" and "Main Hawaiian Islands" are added, in alphabetical order, to read as follows:

§ 685.2 Definitions.

* * * * *

Guam longline fishing prohibited area means the waters around Guam bounded by straight lines connecting the following coordinates in the order listed:

(1) 14° 25′ 00″ N, 144° 00′ 00″ E
(2) 14° 00′ 00″ N, 143° 36′ 00″ E
(3) 13° 41′ 00″ N, 143° 33′ 30″ E
(4) 13° 00′ 00″ N, 143° 25′ 30″ E
(5) 12° 20′ 00″ N, 143° 37′ 00″ E
(6) 11° 40′ 00″ N, 144° 09′ 00″ E
(7) 12° 00′ 00″ N, 145° 00′ 00″ E
(8) 13° 00′ 00″ N, 145° 42′ 00″ E
(9) 13° 27′ 00″ N, 145° 51′ 00″ E

* * * * *

Hawaii longline fishing prohibited area means the waters within 75 nm of the Islands of Oahu, Kauai, Niihau, and Kaula, and the waters within 50 nm of the islands of Hawaii, Maui, Kahoolawe, Lanai, and Molokai, as measured from the baseline from which the seaward boundary of the State of Hawaii is defined.

* * * * *

Main Hawaiian Islands means the EEZ of the Hawaiian Islands Archipelago lying to the east of 161° West longitude.

* * * * *

3. In § 685.5, a new paragraph (t) is added to read as follows:

§ 685.5 Prohibitions.

* * * * *

(t) Fish with longline gear within the Guam longline fishing prohibited area or the Hawaii longline fishing prohibited area, except pursuant to an exemption provided under § 685.25.

4. In subpart B, a new § 685.24 is added, to read as follows:

§ 685.24 Changes to longline fishing prohibited areas; procedures.

(a) *Annual adjustment.* (1) Each year the Council shall review the annual pelagics fisheries report prepared by the plan monitoring team, and consider recommendations of the Pelagic Review Board, Advisory Panel, Scientific and Statistical Committee, and public comments, to assess the need for changing the size of the Hawaii or Guam longline fishing prohibited areas.

(2) If changes are needed, the Council shall advise the Regional Director in writing of its recommendation, and provide the supporting rationale, and an analysis of the impacts of proposed changes.

(3) Following a review of the Council's recommendation, the rationale for the changes and the analysis, the Regional Director may:

(i) Reject the Council's recommendation, in which case written reasons for the rejection will be provided by the Regional Director to the Council; or

(ii) Concur with the Council's recommendation and, after finding that it is consistent with the goals and objectives of the FMP, the national standards, and other applicable law, initiate rulemaking to implement the recommended changes.

(b) *In-season adjustment.* (1) The Council or Regional Director may consider at any time a change in size of the Hawaii or Guam longline fishing prohibited areas if information becomes available that indicates a change is warranted.

(2) If the Council determines that a change is needed, it shall hold a public meeting at a time and place of the Council's choosing to discuss the new information. The Council may convene the Pelagic Advisory Review Board and Advisory Panel to provide advice prior to taking action. If changes are needed, the Council will advise the Regional Director in writing of its recommendation, including whether to implement the changes by an amendment to the plan or by rulemaking, and provide the rationale for the changes and an analysis of the impacts of those changes.

(3) If the Council decides against amending the plan and recommends that the Regional Director take action to implement its recommendations, the Regional Director will determine if a change is needed and, after concurrence by the Council, will initiate rulemaking to implement the changes.

5. In subpart B, a new § 685.25 is added, to read as follows:

§ 685.25 Exemptions for longline fishing prohibited areas; procedures.

(a) An exemption permitting a person to use longline gear to fish in a portion(s) of the Hawaii longline fishing prohibited area will be issued to a person who can document that he or she:

(1) Currently holds a limited entry permit under § 685.15;

(2) Before 1970, was the owner or operator of a vessel when that vessel landed management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area;

(3) Was the owner or operator of a vessel that landed management unit species taken on longline gear in an area that is now within the Hawaii longline fishing prohibited area, in at least 5 calendar years after 1969, which need not be consecutive; and

(4) In any one of the 5 calendar years, was the owner or operator of a vessel that harvested at least 80 percent of its total landings, by weight, of longline-caught management unit species in an area that is now in the Hawaii longline fishing prohibited area.

(b) Each exemption shall specify the portion(s) of the Hawaii longline fishing prohibited area, bounded by longitudinal and latitudinal lines drawn to include each statistical area, as appearing on Hawaii State Commercial Fisheries Charts, in which the exemption holder made the harvest documented for the exemption application under paragraph (a)(4) of this section.

(c) Each exemption is valid only within the portion(s) of the Hawaii longline fishing prohibited area specified on the exemption.

(d) A person seeking an exemption under this section must submit an application and supporting documentation to the Pacific Area Office at least 15 days before the desired effective date of the exemption.

(e) If the Regional Director determines that a gear conflict has occurred and is likely to occur again in the Hawaii longline fishing prohibited area between a vessel used by a person holding an exemption under this section and a non-longline vessel, the Regional Director may prohibit all longline fishing in the Hawaii longline fishing prohibited area around the island where the conflict occurred, or in portions thereof, upon notice to each holder of an exemption who would be affected by such a prohibition.

(f) The Council will consider information provided by persons with limited entry permits issued under § 685.15, who believe they have experienced extreme financial hardship resulting from the Hawaii longline area closure, and will consider recommendations of the Pelagic Advisory Review Board to assess whether exemptions under this section should continue to be allowed, and, if appropriate, revise the qualifying criteria in paragraph (a) of this section to permit additional exemptions.

(1) If additional exemptions are needed, the Council will advise the Regional Director in writing of its recommendation, including criteria by which financial hardships will be mitigated, while retaining the effectiveness of the longline fishing prohibited area.

(2) Following a review of the Council's recommendation and supporting rationale, the Regional Director may:

(i) Reject the Council's recommendation, in which case written reasons will be provided by the Regional Director to the Council for the rejection; or

(ii) Concur with the Council's recommendation and, after finding that it is consistent with the goals and objectives of the FMP, the national standards, and other applicable law, initiate rulemaking to implement the Council's recommendations.

[FR Doc. 92-5040 Filed 2-28-92; 2:26 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 842 and 843

RIN 3206-AE70

Spousal Survivor Benefits Under the Federal Employees Retirement System

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations concerning survivor benefits under the Federal Employees Retirement System (FERS). The proposed regulations would provide for partial survivor annuities and make editorial and other minor changes to clarify the current regulations. The regulations are needed to implement statutory changes that permit partial survivor annuities and to incorporate improvements in the corresponding Civil Service Retirement System regulations into the FERS regulations.

DATES: Comments must be received on or before May 4, 1992.

ADDRESSES: Send comments to Andrea S. Minniear, Assistant Director for Retirement and Insurance Policy; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 606-0299.

SUPPLEMENTARY INFORMATION: Section 131 of Public Law 100-238, enacted January 8, 1988, amended the Federal Employees Retirement System (FERS) Act, Public Law 99-335, enacted June 6, 1986, to allow retiring employees, and retirees who marry after retirement, the option of electing to provide one-half the maximum survivor annuity. The proposed amendments to the section headings for §§ 842.603, 842.604, 842.606, 842.611, and 842.612, and to the regulatory text in §§ 842.602, 842.603, 842.604 (a), (b) and (e), 842.605 (b), (c), (g), (h), and (k)(1), 842.606(a), 842.610, 842.611(a) and (e), and 842.612 (a) and (b) would change the current regulations to reflect the change in statute permitting the election of a one-half reduced annuity.

On March 12, 1990, we published (at 55 FR 9093), interim regulations amending the survivor benefits regulations governing the Civil Service Retirement System (CSRS). Those amendments included a new section concerning eligibility for more than one survivor annuity. The FERS law contains similar provisions with respect to receipt of multiple benefits. The proposed § 843.313 would apply these CSRS standards to FERS cases. The CSRS interim regulations also included improved language to clarify several existing survivor benefit provisions. The proposed regulations would conform the FERS regulations with the improved provisions of the CSRS regulations.

On April 22, 1991, we published (at 56 FR 16261) final CSRS regulations adopting our interim survivor benefit regulations with additional clarifying amendments. The proposed amendments to §§ 842.604 (c) and (d), 842.605(c), (h), and (k), 842.606(d), 842.607, 842.611 (b) and (d) and 842.612 (c) through (f) would conform the FERS regulations with the improved provisions of the CSRS regulations.

The amendment to § 843.311(c)(2)(ii) corrects an erroneous reference to a paragraph that does not exist.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees, spouses, and former spouses.

List of Subjects in 5 CFR Parts 842 and 843

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM proposes to amend title 5, Code of Federal Regulations, as follows:

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

1. The authority citation for part 842 continues to read as follows:

Authority: 5 U.S.C. 8461(g); §§ 842.104 and 842.106 also issued under U.S.C. 8461(n); §842.105 also issued under 5 U.S.C. 8402(c)(1); § 842.106 also issued under section 7202(m)(2) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; §§ 842.604 and 842.611 also issued under 5 U.S.C. 8417; § 842.607 also issued under 5 U.S.C. 8416 and 8417; § 842.614 also issued under 5 U.S.C. 8419; § 842.615 also issued under 5 U.S.C. 8418; § 842.703 also issued under sec. 7001(a)(4) of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; § 842.707 also issued under section 6001 of the Omnibus Budget Reconciliation Act of 1987, Pub. L. 100-203; § 842.708 also issued under section 4005 of the Omnibus Budget Reconciliation Act of 1989, Pub. L. 101-239 and section 7001 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508; subpart H also issued under 5 U.S.C. 1104.

Subpart F—Survivor Elections

2. Section 842.602 is amended by removing the definition of the term, "reduced annuity" and adding in alphabetical order new definitions of the terms, "fully reduced annuity" and "one-half reduced annuity," to read as follows:

§ 842.602 Definitions.

* * * * *

Fully reduced annuity means the recurring payments under FERS received by a retiree who has elected the maximum reduction in his or her annuity to provide a current spouse annuity and/or a former spouse annuity or annuities.

* * * * *

One-half reduced annuity means the recurring payments under FERS received by a retiree who has elected one-half of the full reduction in his or her annuity to provide a partial current spouse annuity or a partial former spouse annuity or annuities.

* * * * *

3. In § 842.603, the section heading and paragraphs (a) and (c) are revised to read as follows:

§ 842.603 Election at time of retirement of a fully reduced annuity to provide a current spouse annuity.

(a) A married employee or Member retiring under FERS will receive a fully reduced annuity to provide a current spouse annuity unless—

(1) The employee or Member, with the consent of the current spouse, elects a self-only annuity, a one-half reduced annuity to provide a current spouse annuity, or a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity, in accordance with §842.604 or §842.606; or

(2) The employee or Member elects a self-only annuity or a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity, and current spousal consent is waived in accordance with § 842.607.

* * * * *

(c) The amount of the reduction to provide a current spouse annuity under this section is 10 percent of the retiree's annuity.

4. In § 842.604, the section heading, paragraphs (a), (b) and (e), and the introductory text of paragraphs (c) and (d) are revised to read as follows:

§ 842.604 Election at time of retirement of a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity.

(a) An unmarried employee or Member retiring under FERS may elect a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity or annuities.

(b) A married employee or Member retiring under FERS may elect a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity or annuities instead of a fully reduced annuity to provide a current spouse annuity, if the current spouse consents to the election in accordance with § 842.606 or spousal consent is waived in accordance with § 842.607.

(c) An election under paragraph (a) or (b) of this section is void to the extent that it—

* * * * *

(d) Any reduction in an annuity to provide a former spouse annuity will terminate on the first day of the month after the former spouse remarries before age 55 or dies, or the former spouse's eligibility for a former spouse annuity terminates under the terms of a qualifying court order, unless—

* * * * *

(e) Except as provided in § 842.614, the amount of the reduction to provide a former spouse annuity equals—

(1) Ten percent of the employee's or Member's annuity if the employee or Member elects a fully reduced annuity; or

(2) Five percent of the employee's or Member's annuity if the employee or Member elects a one-half reduced annuity.

5. In § 842.605, paragraphs (c)(4), (c)(5) and (k)(3) are added and paragraphs (b), (c)(2)(iii), (c)(3), (g)(1), (h)(1), (h)(3), and (k)(1) are revised, to read as follows:

§ 842.605 Election of insurable interest rate.

* * * * *

(b) An insurable interest rate may be elected by an employee or Member electing a fully reduced annuity or a one-half reduced annuity to provide a current spouse annuity or a former spouse annuity or annuities.

(c) * * *

(2) * * *

(iii) The retiree elects a fully reduced annuity to provide a current spouse annuity under § 842.610.

(3) An election of a one-half reduced annuity under § 842.610(b) to provide a current spouse annuity for a current spouse who is the beneficiary of an insurable interest rate is void unless the spouse consents to the election.

(4) If a retiree who had elected an insurable interest rate to benefit a current spouse elects a fully reduced annuity to provide a current spouse annuity (or with the consent of the spouse, a one-half reduced annuity to provide a current spouse annuity) under § 842.610(b), the election of the insurable interest rate is cancelled.

(5)(i) A retiring employee or Member may not elect a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity and an insurable interest rate to benefit the same former spouse.

(ii) If a retiring employee or Member who is required by court order to provide a former spouse annuity elects an insurable interest rate to benefit the former spouse with the court-ordered entitlement—

(A) If the benefit based on the election is greater than or equal to the benefit based on the court order, the election of the insurable interest rate will satisfy the requirements of the court order as long as the insurable interest rate continues.

(B) If the benefit based on the election is less than the benefit based on the court order, the election of the insurable interest rate is void.

(iii) An election under § 842.611 of a fully reduced annuity or a one-half reduced annuity to benefit a former spouse by a retiree who elected and continues to receive an insurable interest rate to benefit that former spouse is void.

* * * * *

(g)(1) When an employee or Member elects both an insurable interest rate, and a fully reduced annuity or a one-half reduced annuity, the combined reduction may exceed the maximum 40 percent reduction in the retired employee's or Member's annuity permitted under section 8420 of title 5, United States Code, applicable to insurable interest annuities.

* * * * *

(h)(1) Except as provided in § 842.604(d), if a retiree who is receiving a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity has also elected an insurable interest rate to benefit a current spouse and if the eligible former spouse remarries before age 55, dies, or loses eligibility under the terms of the court order, and no other former spouse is entitled to a survivor annuity based on an election made in accordance with § 842.611 or a qualifying court order, the retiree may elect, within 2 years after the former spouse's remarriage, death, or loss of eligibility under the terms of the court order, to convert the insurable interest rate to a fully reduced annuity to provide a current spouse annuity, effective on the first day of the month following the event causing the former spouse to lose eligibility.

* * * * *

(3) When a former spouse receiving an annuity under section 8445 of title 5, United States Code, loses eligibility to that annuity, a beneficiary of an insurable interest rate who was the current spouse at both the time of the retiree's retirement and death may, within 2 years after the former spouse's death, remarriage, or loss of eligibility under the terms of the court order, elect to receive a current spouse annuity instead of the annuity he or she had been receiving. The election is effective on the first day of the month following the event causing the former spouse to lose eligibility.

* * * * *

(k)(1) An election under this section is prospectively voided by an election of a fully reduced annuity to provide a current spouse annuity under § 842.612 that would benefit the same person.

* * * * *

(3) An annuity reduction under this section terminates on the first day of the

month after the beneficiary of the insurable interest rate dies.

6. In § 842.606, paragraph (d) is redesignated paragraph (e), the section heading and paragraph (a) are revised, and paragraphs (d) and (f) are added to read as follows:

§ 842.606 Election of a self-only annuity or a one-half reduced annuity by married employees and Members.

(a) A married employee may not elect a self-only annuity or a one-half reduced annuity to provide a current spouse annuity without the consent of the current spouse or a waiver of spousal consent by OPM in accordance with § 842.607.

* * * * *

(d) The form described in paragraph (c) of this section may be executed before a notary public, an official authorized by the law of the jurisdiction where executed to administer oaths, or an OPM employee designated for that purpose by the Associate Director.

* * * * *

(f) The amount of the reduction in the retiree's annuity for a one-half reduced annuity to provide a current spouse annuity is 5 percent of the retiree's annuity.

7. In § 842.607, paragraph (b) is revised to read as follows:

§ 842.607 Waiver of spousal consent requirement.

* * * * *

(b) The spousal consent requirement will be waived based on exceptional circumstances if the employee or Member presents a judicial determination finding that—

(1) The case before the court involves a Federal employee who is in the process of retiring from Federal employment and the spouse of that employee;

(2) The nonemployee spouse has been given notice and an opportunity to be heard concerning this order;

(3) The court has considered sections 8416(a) of title 5, United States Code, and this section as they relate to waiver of the spousal consent requirement for a married Federal employee to elect an annuity without a reduction to provide a survivor benefit to a spouse at retirement; and

(4) The court finds that exceptional circumstances exist justifying waiver of the nonemployee spouse's consent.

8. Section 842.610 is amended by revising paragraphs (b)(1) and (b)(3) and by adding paragraph (b)(7) to read as follows:

§ 842.610 Changes of election after final adjudication.

* * * * *

(b)(1) Except as provided in § 842.605 and paragraphs (b)(2) and (b)(3) of this section, a retiree who was married at the time of retirement and has elected a self-only annuity, a one-half reduced annuity to provide a current spouse annuity, a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity, or an insurable interest rate may elect, no later than 18 months after the time of retirement, an annuity reduction or an increased annuity reduction to provide a current spouse annuity.

* * * * *

(3) To make an election under paragraph (b)(1) of this section, the retiree must pay, in full no later than 18 months after the time of retirement, a deposit equal to the sum of the monthly differences between the annuity paid to the retiree and the annuity that would have been paid if the additional annuity reduction elected under paragraph (b)(1) of this section had been in effect since the time of retirement, plus—

(i) If the election under paragraph (b)(1) of this section changes the annuity from a self only annuity to a fully reduced annuity, 24.5 percent of the retiree's annual annuity, plus 6 percent interest on both; or

(ii) If the election under paragraph (b)(1) of this section changes the annuity from a self only annuity to a one-half reduced annuity or from a one-half reduced annuity to a fully reduced annuity, 12.25 percent of the retiree's annual annuity, plus 6 percent interest on both.

* * * * *

(7) If a retiree who had elected a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity (or annuities) makes an election under paragraph (b)(1) of this section which would cause the combined current spouse annuity and former spouse annuity (or annuities) to exceed the maximum allowed under § 842.613, the former spouse annuity (or annuities) must be reduced to not exceed the maximum allowable under § 842.613.

9. In § 842.611, the section heading and paragraphs (a), (b), and (d) are revised and paragraph (e) is added to read as follows:

§ 842.611 Post-retirement election of a fully reduced annuity or one-half reduced annuity to provide a former spouse annuity.

(a) Except as provided in paragraphs (b) and (c) of this section, when a retiree's marriage terminates after retirement, the retiree may elect in writing a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity. Such an election must be filed with OPM within 2 years after the retiree's marriage to the former spouse terminates.

(b)(1) Qualifying court orders prevent payment of former spouse annuities to the extent necessary to comply with the court order and § 842.613.

(2) A retiree who elects a fully reduced annuity or a one-half reduced annuity to provide a former spouse annuity may not elect to provide a former spouse annuity in an amount that either—

(i) Is smaller than the amount required by a qualifying court order; or

(ii) Would cause the sum of all current and former spouse annuities based on a retiree's elections under § 842.603, § 842.604, § 842.612 and this section to exceed the maximum allowed under § 842.613.

(3) An election under this section is void—

(i) In the case of a married retiree, if the current spouse does not consent to the election on a form as described in § 842.606(c) and spousal consent is not waived by OPM in accordance with § 842.607; or

(ii) To the extent that it provides a former spouse annuity for the spouse who was married to the retiree at the time of retirement in an amount that is inconsistent with any joint designation or waiver made at the time of retirement under § 842.603(a)(1) or (a)(2).

* * * * *

(d) Any reduction in an annuity to provide a former spouse annuity will terminate on the first day of the month after the former spouse remarries before age 55 or dies, or the former spouse's eligibility for a former spouse annuity terminates under the terms of a qualifying court order, unless—

(1) The retiree elects, within 2 years after the event causing the former spouse to lose eligibility, to continue the reduction to provide or increase a former spouse annuity for another former spouse, or to provide or increase a current spouse annuity; or

(2) A qualifying court order requires the retiree to provide another former spouse annuity.

(e) The amount of the reduction to provide one or more former spouse annuities or a combination of a current spouse annuity and one or more former spouse annuities under this section equals—

(1) Ten percent of the employee's or Member's annuity if the employee or Member elects a fully reduced annuity; or

(2) Five percent of the employee's or Member's annuity if the employee or Member elects a one-half reduced annuity.

10. Section 842.612 is revised to read as follows:

§ 842.612 Post-retirement election of a fully reduced annuity or one-half reduced annuity to provide a current spouse annuity.

(a) Except as provided in paragraph (c) of this section, a retiree who was unmarried at the time of retirement may elect, within 2 years after a post-retirement marriage, a fully reduced annuity or a one-half reduced annuity to provide a current spouse annuity.

(b) Except as provided in paragraph (c) of this section, a retiree who was married at the time of retirement may elect, within 2 years after a post-retirement marriage—

(1) A fully reduced annuity or a one-half reduced annuity to provide a current spouse annuity if—

(i) The retiree was awarded a fully reduced annuity under § 842.603 at the time of retirement; or

(ii) The election at the time of retirement was made with a waiver of spousal consent in accordance with § 842.607; or

(iii) The marriage at the time of retirement was to a person other than the spouse who would receive a current spouse annuity based on the post-retirement election; or

(2) A one-half reduced annuity to provide a current spouse annuity if—

(i) The retiree elected a one-half reduced annuity under § 842.606 at the time of retirement;

(ii) The election at the time of retirement was made with spousal consent in accordance with § 842.606; and

(iii) The marriage at the time of retirement was to the same person who would receive a current spouse annuity based on the post-retirement election.

(c)(1) Qualifying court orders prevent payment of current spouse annuities to the extent necessary to comply with the court order and § 842.613.

(2) If an election under this section causes the total of all current and former spouse annuities provided by a qualifying court order or elected under § 842.604, § 842.611, or this section to exceed the maximum survivor annuity permitted under § 842.613, OPM will accept the election but will pay the portion in excess of the maximum only when permitted by § 842.613(c).

(d)(1) Except as provided in paragraph (d)(2) or (e)(3) of this section, a retiree making an election under this section must deposit an amount equal to the difference between the amount of annuity actually paid to the retiree and the amount of annuity that would have been paid if the reduction elected under paragraphs (a) or (b) of this section had been in effect continuously since the time of retirement, plus 6 percent annual interest, computed under § 842.608 of this chapter, from the date when each difference occurred.

(2) An election under this section may be made without deposit, if that election prospectively voids an election of an insurable interest annuity.

(e)(1) An election under this section is irrevocable when received by OPM.

(2) An election under this section is effective when the marriage duration requirements of § 843.303 of this chapter are satisfied.

(3) If an election under paragraph (a) or (b) of this section does not become effective, no deposit under paragraph (d) of this section is required.

(4) If payment of the deposit under paragraph (d) of this section is not required because the election never became effective and if some or all of the deposit has been paid, the amount paid will be returned to the retiree, or, if the retiree has died, to the person who would be entitled to any lump-sum benefits under the order of precedence in section 8424 of title 5, United States Code.

(f) Any reduction in an annuity to provide a current spouse annuity will terminate effective on the first day of the month after the marriage to the current spouse ends, unless—

(1) The retiree elects, within 2 years after a divorce terminates the marriage, to continue the reduction to provide for a former spouse annuity; or

(2) A qualifying court order requires the retiree to provide a former spouse annuity.

(g) The amount of the reduction to provide a current spouse annuity under this section equals—

(1) Ten percent of the employee's or Member's annuity if the employee or Member elects a fully reduced annuity; or

(2) Five percent of the employee's or Member's annuity if the employee or Member elects a one-half reduced annuity.

PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

11. The authority citation for part 843 continues to read as follows:

Authority: 5 U.S.C. 8461; §§ 843.205, 843.208, and § 843.209 also issued under 5 U.S.C. 8424; § 843.308 also issued under 5 U.S.C. 8442; § 843.406 also issued under 5 U.S.C. 8441.

Subpart C—Current and Former Spouse Benefits

12. In § 843.311(c)(2)(ii), the "(1)" following "paragraph (b)" is removed.

13. Section 843.313 is added to read as follows:

§ 843.313 Elections between survivor annuities.

(a) A current spouse annuity cannot be reinstated under § 843.305 unless—

(1) The surviving spouse elects to receive the reinstated current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees, by reason of the remarriage; and

(2) Any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(b) A current spouse is entitled to a current spouse annuity based on an election under § 842.612 only upon electing this current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(c) A former spouse who marries a retiree is entitled to a former spouse annuity based on an election by that retiree under § 842.611, or a qualifying court order terminating that marriage to that retiree only upon electing this former spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(d) As used in this section, "any other retirement system for Government employees" does not include Survivor Benefit Payments from a military retirement system or social security benefits.

[FR Doc. 92-4070 Filed 3-3-92; 8:45 am]
BILLING CODE 6325-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 337

RIN 3064-AB00

Unsafe and Unsound Banking Practices

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Proposed rule.

SUMMARY: As a result of a recent statutory amendment, insured nonmember banks are prohibited from making extensions of credit to their executive officers for purposes other than financing the education of the officers' children or financing the purchase, construction, maintenance or improvement of the officers' homes except to the extent authorized by regulation of the FDIC. The FDIC is proposing to amend its regulations to allow an insured nonmember bank to make extensions of credit to its executive officers for any purpose other than education or to finance a residence if the aggregate outstanding balance on such loans (*i.e.*, loans others than education or home finance loans) to the executive officer do not exceed the higher of 2.5 per cent of the bank's capital and unimpaired surplus or $25,000; provided, however that in no event may such extensions of credit exceed more than $100,000.

DATES: Comments must be received by April 3, 1992.

ADDRESSES: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand delivered to room F–402, 1776 F Street, NW., Wahsington, DC 20429 on business days between 8:30 a.m. and 5 p.m. Comments may also be inspected in room F–402 between 8:30 a.m. and 5 p.m. on business days. [FAX number: (202) 898–3838.]

FOR FURTHER INFORMATION CONTACT: Pamela E.F. LeCren, Counsel, (202) 898–3730, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429 or Michael D. Jenkins, Examination Specialist, (202) 898–6896, Division of Supervision, FDIC, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1991 President Bush signed into law the Federal Deposit Insurance Corporation Improvement Act of 1991 ("FDICIA", Pub. L. No. 102–242, 105 Stat. 2236, "Act"). Section 306 of that Act, among other things, amended section 18(j)(2) of the Federal Deposit Insurance Corporation Act ("FDI Act", 12 U.S.C. 1828(j)(2)) to provide that section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) "shall apply with respect to every nonmember insured bank in the same manner and to the same extent as if the nonmember insured bank were a member bank". The amendments made by section 306 of FDICIA become effective May 18, 1992. If regulations adopted by the Board of Governors of the Federal Reserve System ("Federal Reserve Board") implementing section 306 become effective earlier than May 18, 1992, the Federal Deposit Insurance Corporation will publish a document in the Federal Register changing the effective date. Section 306(m)(2) of FDICIA directs the FDIC to adopt regulations no later than 120 days after December 19, 1991 implementing section 22(g)(4) which, as more fully described below, allows the FDIC to set by regulation the maximum amount of loans other than education and mortgage loans that an insured nonmember bank may make to its executive officers. A description of section 22(g) follows.

Section 22(g) of the Federal Reserve Act prohibits member banks from making extensions of credit to their executive officers except to the extent authorized therein. It requires that extensions of credit by a member bank to its executive officers be promptly reported to the bank's board of directors and that extensions of credit to executive officers only be made if the bank would be authorized to make the extension to other borrowers, the extension of credit is on terms not more favorable than those afforded other borrowers, the executive officer has submitted a detailed current financial statement, and the extension of credit is made on the condition that it becomes due and payable on demand at the option of the bank if the executive officer becomes indebted to any other bank or banks in an amount that could not be extended to such officer by his/her own bank. It requires executive officers to make a report to the bank's board of directors if the executive officer becomes indebted to another bank in an amount in excess of that which the member bank could extend to the officer and requires member banks to include along with their report of condition a report of all loans made by the bank to its executive officers since the submission of its last call report. The report to the board of directors must indicate the date and amount of each extension of credit, the security therefor, and the purposes for which the proceeds were used. With the exception noted below, the Federal Reserve Board is given the authority to write regulations implementing section 22(g).

Section 22(g) specifically provides that member banks may extend credit to an executive officer of the bank if the loan is secured by a first lien on a dwelling to be owned by the executive officer and used as the executive officer's residence provided that no other such mortgage loan is outstanding to the executive officer. Member banks may also extend credit to an executive officer for the purpose of financing the education of the officer's children. Other types of loans may be made to the extent permitted by regulation. Section 22(g)(4) provides that extensions of credit to an executive officer not otherwise specifically authorized by section 22(g) may be made "in an amount prescribed in a regulation of the member bank's appropriate Federal banking agency". Loans may be made to a partnership in which one or more of the bank's executive officers are partners and have either individually or together a majority interest provided that the loans do not exceed the limit set by the appropriate agency pursuant to section 22(g)(4). The total amount of credit extended by a member bank to such partnership is considered to be extended to each executive officer of the member bank who is a member of the partnership. (See section 22(g)(5)).

It is the opinion of the FDIC's Board of Directors that insured nonmember banks are not only subject to section 22(g) of the Federal Reserve Act but that they are equally subject to lawfully promulgated regulations of the Federal Reserve Board implementing the provisions of section 22(g) other than section 22(g)(4) which, as noted above, provides that the appropriate federal regulatory agency shall set the limit on extensions of credit relevant for that section. Sections 215.5(a), 215.5(c)(1) and (c)(2), 215.5(d), 215.8, and 215.9 of the Federal Reserve Board's regulations (12 CFR 215.5(a), (c)(1), (c)(2), (d), 215.8, 215.9) set forth the Federal Board's regulations governing those portions of section 22(g) with regard to which that agency has exclusive rulemaking authority. The majority of the remainder of part 215 of the Federal Reserve Board's regulations (commonly referred to as Regulation O) implements section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) which governs extensions of credit to directors, executive officers, and principal shareholders of member banks. Like section 22(g), section 22(h) is applicable to insured nonmember banks in the same manner and to the same extent as though they were member banks. (See section 18(j)(2) of the FDI Act, 12 U.S.C. 1828). Section 215.10 of Regulation O (12 CFR 215.10) sets forth reporting requirements applicable to loans made by member banks to their executive officers and principal shareholders. That section was adopted by the Federal Reserve Board pursuant to the authority of section 7(k) of the FDI Act which directs the appropriate agency to adopt regulations governing such reports. (12 U.S.C. 1817(k)). Regulations setting forth similar requirements applicable to nonmember banks are found at part 349 of the FDIC's regulations. (12 CFR part 349).

The FDIC's Board of Directors determined when section 22(h) was enacted and Regulation O was adopted that both the statutory provisions and the Federal Reserve Board's regulation implementing those provisions were applicable to insured nonmember banks. Section 337.3(a) of the FDIC's regulations (12 CFR 337.3) which specifically provides that insured nonmember banks are subject to the restrictions contained in subpart A of Regulation O with the exception of certain provisions (namely those provisions implementing section 22(g) and the reporting requirement described immediately above) was subsequently adopted. An amendment conforming section 337.3 of the FDIC's regulations to the statutory changes pertaining to section 22(g) other than section 22(g)(4) and (5) enacted as part of FDICIA is published elsewhere in today's **Federal Register**. The amendment simply deletes the "except for" language in section 337.3 which references the portions of the Federal Reserve Board regulation that are now applicable to insured nonmember banks as a result of the statutory amendment. The purpose of this rulemaking is to adopt a regulation setting the loan limit in accordance with section 22(g)(4) and to prescribe the time frame within which all extension of credit outstanding on the effective date of the proposed amendment shall be brought into compliance with the requirements of section 22(g)(4).

Description of Proposal

As set forth above, the FDIC is authorized to establish by regulation the amount of loans an insured nonmember bank may make to its executive officers under section 22(g)(4) of the Federal Reserve Act. Member banks have been subject to the limitations of section 22(g)(4) for several years. The relevant limit as to member banks regarding loans to executive officers for purposes other than education and home mortgages is set out in section 215.5(c)(3) of the Federal Reserve Board's regulations. Section 215.5(b) contains a cross reference to section 215.5(c)(3) and indicates that a member bank may not extend credit to a partnership in which one or more of its executive officers are partners in an aggregate amount greater than that permitted by section 215.5(c)(3). Section 215.5(b) implements section 22(g)(5) of the Federal Reserve Act which, like the remainder of section 22(g), is now applicable to insured nonmember banks.

Section 215.5(c)(3) of the Federal Reserve Board's regulation provides that the total amount of any loans made to an executive officer (other than for the purpose of educating the officer's children or financing the purchase, construction, maintenance, or improvement of the officer's residence) may not exceed the higher of 2.5 per cent of the bank's unimpaired capital and surplus or $25,000, but in no event may such loans exceed $100,000. Inasmuch as state member banks and national banks are subject to the limits on loans as set forth in 215.5(c)(3) and the FDIC can see little purpose to be served by adopting a different limit for insured nonmember banks now that section 22(g) has been made applicable to such institutions, the FDIC is proposing to subject insured nonmember banks to the same limit. To do so will avoid creating any disparity of treatment among banks based upon their membership, or lack of membership, in the Federal Reserve System.

Interaction of Proposed Regulation With Other Lending Limits Under Section 22(h) of Federal Reserve Act

Pursuant to section 22(h) of the Federal Reserve Act and section 18(j)(2) of the FDI Act, an insured nonmember bank is prohibited from making extensions of credit to any of its executive officers in an amount in excess of the limit on loans to a signle borrower established by section 5200 of the Revised Statutes. (12 U.S.C. 84). That limit is generally 15 per cent of the bank's capital and unimpaired surplus in the case of loans that are not fully secured, with an additional 10 per cent allowable in the case of loans that are fully secured by readily marketable collateral having a market value determined by reliable and continuously available price quotations. As a result of the statutory changes enacted by FDICIA and the regulatory amendment proposed herein, insured nonmember banks will be further limited when lending to their executive officers if the loans are for a purpose other than the education of the officers' children or the financing of the officers' home. In no event may such "other" purpose loans exceed an aggregate amount of $100,000. Therefore, even though section 22(h) and the FDIC's regulations would allow an insured nonmember bank to extend credit to an executive officer in an amount equal to 15 per cent of the bank's capital and unimpaired surplus, if such amount is greater than $100,000 and the loan in question is for a purpose other than the education of the officer's children or the financing of the officer's residence, the loan may not exceed a maximum of $100,000. If the higher of 2.5 per cent of the bank's capital and unimpaired surplus or $25,000 is lower than $100,000, the figure that is lower than $100,000 becomes the ceiling on the loan amount. Insured nonmember banks should keep in mind that the $100,000 limit (or whatever lower figure that may be applicable) is an aggregate limit for all "other" purpose loans.

Effect of Proposal, if Finalized, on Outstanding Extensions of Credit

Under the proposed amendment, any outstanding extension of credit to an executive officer that, if made after the effective date of the regulation, would have been in violation of the lending limit established under the proposal is treated in one of two ways. If the extension of credit has a specific maturity date one year or later from the effective date of the amendment, the extension of credit must be repaid according to the payment schedule that was in existence prior to the date the amendment become effective. If the extension of credit does not have a specific maturity date one year or later from the effective date of the regulation, any renewal or extension of the extension of credit must be made on terms that will bring the extension of credit into compliance with the lending limit contained in § 337.3 (c)(1) and (c)(2) by no later than one year from the date the amendment becomes effective. The proposal thus provides an insured nonmember bank one year to bring into compliance outstanding extensions of credit that fall within the second category which exceed the limits of § 337.3 (c)(1) and (c)(2). Thus, an extension of credit that is due before the end of the one year period beginning on the effective date of the amendment may be renewed or extended during the first year after the effective date regardless of the limit contained in § 337.3(c) so long as the extension of credit is brought into compliance within one year. If an insured nonmember bank is unable to bring all extensions of credit outstanding on the effective date of the regulation into compliance as required, the compliance date may be

extended for good cause shown for not more than two additional one-year periods.

The compliance period provided for under the proposal is essentially the same that was given insured nonmember banks to bring outstanding extensions of credit into compliance with section 22(h) and Regulation O when it was originally adopted (See 12 CFR 215.6, 1979).

Regulatory Flexibility Act

It is the opinion of the Board of Directors that the proposal, if adopted, will not have a differential adverse impact on small banks. Compliance will not necessitate the development of sophisticated recordkeeping or reporting systems by small institutions nor the expertise of specialized staff accountants, lawyers, or managers who would have to be retained by small institutions. In fact, small institutions may find compliance easier and less costly than larger institutions as small institutions can be expected to have fewer executive officers. The Board of Directors therefore hereby certifies, pursuant to section 605 of the Regulatory Flexibility Act (12 U.S.C. 605), that the proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 12 CFR Part 337

Banks, banking, Reporting and recordkeeping requirements, Securities.

In consideration of the foregoing, the FDIC hereby proposes to amend part 337 of title 12 of the Code of Federal Regulations as follows:

PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

1. The authority citation for Part 337 is revised to read as follows:

Authority: 12 U.S.C. 375a(4), 375b, 1816, 1818(a), 1819, 1828(j)(2), 1831f.

2. Section 337.3 is amended by adding a new paragraph (c) to read as follows:

§ 337.3 Limits on extensions of credit to executive officers, directors, and principal shareholders of insured nonmember banks.

* * * * *

(c)(1) No insured nonmember bank may extend credit in an aggregate amount greater than the amount permitted in paragraph (c)(2) of this section to a partnership in which one or more of the bank's executive officers are partners and, either individually or together, hold a majority interest. For the purposes of paragraph (c)(2) of this section, the total amount of credit extended by an insured nonmember bank to such partnership is considered to be extended to each executive officer of the insured nonmember bank who is a member of the partnership.

(2) An insured nonmember bank is authorized to extend credit to any executive officer of the bank for any other purpose not specified in § 215.5(c)(1) and (2) of Federal Reserve Board Regulation O if the aggregate amount of such other extensions of credit does not exceed at any one time the higher of 2.5 per cent of the bank's capital and unimpaired surplus or $25,000, but in no event more than $100,000.

(3) Any extension of credit that was outstanding on [insert effective date of the final rule] and that would if made on or after that date violate paragraph (c)(1) or paragraph (c)(2) of this section shall be reduced in amount by [insert date one year from the effective date of the final rule] so that the extension of credit is in compliance with the lending limit set forth in paragraphs (c)(1) and (c) (2) of this section. Any renewal or extension of such an extension of credit on or after [insert effective date of the final rule] shall be made only on terms that will bring the extension of credit into compliance with the lending limit of paragraphs (c)(1) and (c)(2) of this section by [insert date one year from the effective date of the final rule], however, any extension of credit made before [insert effective date of the final rule] that bears a specific maturity date of [insert date one year from effective date of the final rule] or later shall be repaid in accordance with its repayment schedule in existence on or before [insert effective date of the final rule].

(4) If an insured nonmember bank is unable to bring all extensions of credit outstanding as of [insert effective date of the final rule] into compliance as required by paragraph (c)(3) of this section, the bank may at the discretion of the appropriate FDIC regional director (Division of Supervision) obtain, for good cause shown, not more than two additional one-year periods to come into compliance.

(5) For the purposes of this paragraph (c) the definitions of the terms used in Federal Reserve Board Regulation O shall apply.

By Order of the Board of Directors.

Dated at Washington, DC this 25th day of February, 1992.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-4889 Filed 3-3-92; 8:45 am]

BILLING CODE 6714-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 615

RIN 3052-AB25

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Management of Investments; Liquidity; Interest Rate Risk; Eligible Investments

AGENCY: Farm Credit Administration.

ACTION: Proposed rule; comment period extension.

SUMMARY: On December 18, 1991, the Farm Credit Administration (FCA) published for comment proposed regulations that would govern the investment activities, liquidity reserve requirements, and interest rate risk management practices at Farm Credit System (FCS or System) banks. See 56 FR 65691 (Dec. 18, 1991). The comment period expired on February 18, 1992. In order to allow affected organizations additional time to respond, the FCA extends the comment period until May 1, 1992, and invites public comment on the impact of the proposed regulations on economic growth.

DATES: Comments should be received on or before May 1, 1992.

ADDRESSES: Comments may be mailed or delivered (in triplicate) to Jean Noonan, General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of General Counsel, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Michael J. LaVerghetta, Senior Financial Analyst, Technical Support Division, Office of Examination, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4231, TDD (703) 883-4444,

or

Richard Katz, Senior Attorney, Regulatory and Legislative Law Branch, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090 (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: On December 18, 1991, the FCA published proposed regulations in the **Federal Register** that would allow each System bank to hold specified eligible investments, in an amount not to exceed 20 percent of its total outstanding loans for: (1) Maintaining a liquidity reserve; (2) investing short-term surplus funds; and (3) reducing interest rate risk. The FCA also proposed to strengthen existing regulations that require each board of directors to adopt investment policies and procedures that ensure that the bank conducts its investment activities in a safe and sound manner. Furthermore, proposed § 615.5134 would establish a liquidity reserve requirement for all FCS banks, while proposed § 615.5135 would require System banks to follow certain procedures for measuring and managing interest rate risk. Section 615.5140 of the proposed regulations would expand the list of eligible investments and require System banks to diversify their investment portfolios. Finally, § 615.5142 of the proposed regulations would require System banks to divest of investments that do not comply with proposed § 615.5140 within a certain period of time. The comment period for these proposed regulations expired on February 18, 1992.

On January 30, 1992, the President of the United States unveiled an initiative for economic growth. The President's initiative requires Federal agencies to review their regulations during a 90-day period in order to: (1) Identify those regulations which impede economic growth; and (2) accelerate action on those regulations that promote growth. The President's initiative establishes five criteria for evaluating the impact of a regulation upon economic growth. First, the expected benefits of the regulation to society should clearly outweigh its costs. Second, the regulation should be fashioned to maximize the net benefits to society. Third, the regulation should rely, to the maximum extent possible, on performance standards instead of prescriptive command-and-control requirements. Fourth, the regulation should, to the maximum extent possible, rely upon market mechanisms. Finally, the regulation should be expressed with clarity and certainty to guide regulated entities, and it should be designed to avoid needless litigation.

The FCA, as an independent agency in the executive branch of the United States government, is not required to comply with the President's initiative. Nevertheless, the FCA will voluntarily conduct a review of pending regulations. The FCA solicits public comment on the impact of proposed §§ 615.5131 through 615.5142 in light of the President's initiative, and accordingly, the agency extends the comment period until May 1, 1992. The FCA requests that commenters specifically discuss the above-listed five criteria in the President's initiative as they evaluate the impact of the proposed regulations on economic growth.

Dated: February 27, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-4924 Filed 3-3-92; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-02-AD]

Airworthiness Directives; Beech 99 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would supersede AD 90-04-04, which currently requires inspection of the wing front spar lower cap and associated structure for fatigue cracking on Beech 99 series airplanes, and replacement if found cracked. AD 90-04-04 also establishes a service life limit on the wing front spar lower caps that have reinforcing straps installed. This action would maintain the requirements of AD 90-04-04, but would correct the compliance times and other incorrect information contained in that AD. The actions specified by this AD are intended to prevent fatigue failure of the wing front spar lower cap and associated structure.

DATES: Comments must be received on or before May 15, 1992.

EFFECTIVE DATE: The Beech Structural Inspection and Repair Manual (SIRM), part number (P/N) 98-39006, Revision A4, dated May 1, 1987, may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 676-7111. This information discusses the Beech kits and repair procedures that are referenced in the AD. Aerocon California, Inc. Engineering Order No. E.O. B-9975-2, dated November 14, 1975, and Aerocon California Service Letter, dated May 25, 1976, may be obtained from Western Aircraft Maintenance, 4444 Aeronca Street, Boise, Idaho 83705. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-02-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Airframe Branch, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing data for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-02-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-02-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive 90-04-04, Amendment 39-6487 (55 FR 3581, February 2, 1990), currently requires inspections of the wing front spar lower cap and associated structure for fatigue cracking on Beech 99 series airplanes, and replacement if found cracked. This

AD also establishes a service life limit on the wing front spar lower caps that have reinforcing straps installed in accordance with Supplemental Type Certificate (STC) No. SA1178CE. The FAA has determined that AD 90-04-04 contains incorrect compliance times and other information, which were inadvertently included.

Paragraph (b)(3) of AD 90-04-04 currently requires repetitive inspections at intervals of 2,000 hours time-in-service (TIS). The FAA has determined that, in order to be consistent with the Beech Structural Inspection and Repair Manual (SIRM) and paragraph (a)(2) of AD 90-04-04, this inspection interval should be 1,000 hours TIS.

Paragraphs (a)(2) and (b)(3) of AD 90-04-04 contain the phrase "Upon the accumulation of 10,000 hours TIS on the wing structure,". The FAA has determined that this should be phrased "Upon the accumulation of 10,000 hours TIS on the nacelle splice plates".

Paragraphs (a)(3) and (b)(4) of AD 90-04-04 contain references to spar replacement after 10,000 hours TIS, which allude to the manufacturer's spar life program. The program no longer exists and all references were intended to have been deleted from the AD by superseding AD 77-05-01 R3. The FAA has determined that all references to this spar life extension in AD 90-04-04, which were retained inadvertently in paragraphs (a)(3) and (b)(4), should be deleted.

The purpose of AD 90-04-04 was not only to require inspections different from that required in AD 77-05-01 R3, which was superseded by AD 90-04-04, but to maintain the same inspection intervals set up by superseded AD 77-05-01 R3. The FAA has determined that these inspection intervals should be maintained.

After reviewing the circumstances described above and all available information, the FAA has determined that AD action should be taken to continue to prevent fatigue failure of the wing front spar lower cap and associated structure on Beech 99 series airplanes.

Since the conditions that AD 90-04-04 were based upon are still likely to exist or develop in other Beech 99 series airplanes of the same type design, the proposed AD would retain the requirements of AD 90-04-04, but would change certain compliance times and delete information that is not pertinent. It would also maintain the inspection intervals established by either AD 77-05-01 R3 or AD 90-04-04. The proposed action would supersede AD 90-04-04.

The FAA estimates that 85 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 4 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $37,400. Since AD 90-04-04, which would be superseded by the proposed action, required the same actions (except for a change in repetitive compliance times, the deletion of impertinent information, and the incorporation of established inspection intervals), there is no additional cost impact of the proposed AD on U.S. operators. The $10,200 cost difference between the proposed AD (estimated $37,400) and AD 90-04-04 (estimated $27,200) is a result of inflationary costs used in determining the cost of labor ($55 per hour as opposed to $40 per hour).

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 90-04-04, Amendment 39-6487 (55 FR 3581, February 2, 1990), and adding the following new AD:

Beech: Docket No. 92-CE-02-AD.

Applicability: 99 series airplanes (serial numbers U-1 through U-49, and serial numbers U-41 through U-164) that have 3,000 hours or more time-in-service (TIS), except those airplanes that have Beech Wing Modification Kit No. 99-4023-1S installed, certificated in any category.

Compliance: Required as indicated in the body of the AD, unless already accomplished.

To prevent fatigue failure of the wing front spar lower cap and associated structure, accomplish the following:

(a) For airplanes that do not have a spar reinforcing strap installed in accordance with the instructions in STC SA1178CE, accomplish the actions specified in paragraphs (a)(1) through (a)(4) of this AD using the criteria in the Beech Structural Inspection and Repair Manual (SIRM).

(1) Upon the accumulation of 3,000 hours TIS on the front spar lower cap or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished within the last 500 hours TIS (the inspection interval established by either superseded AD 77-05-01 R3 or superseded AD 90-04-04), and thereafter at intervals not to exceed 500 hours TIS, inspect the areas of structure defined by Index Number 1 (lower forward fitting only) and Index Number 2 through 7 on Page 202, Section 57-15-00, of the Beech SIRM, using the visual, fluorescent penetrant, and eddy current methods as specified in the Beech SIRM. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(2) Upon the accumulation of 10,000 hours TIS on the nacelle splice plates, or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished (superseded AD 90-04-04), and thereafter at intervals not to exceed 1,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on Page 202, section 57-15-00, of the Beech SIRM, using visual methods as specified in the Beech SIRM. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(3) Upon the accumulation of 10,000 hours TIS on the wing structure or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished within the last 500 hours TIS (the inspection interval established by either superseded AD 77-05-01 R3 or superseded AD 90-04-04), and thereafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined in paragraph (d) of this AD using visual and dye penetrant methods as indicated. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(4) Upon the accumulation of 10,000 hours TIS on the front spar lower cap or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished (superseded AD 90-04-04), and thereafter at intervals not to exceed 10,000 hours TIS, replace the structural components set forth on Page 203, Section 57-15-00, of the Beech SIRM, and summarized below:

(i) Lower cap of the front spar, with attachment fitting, in each outer wing panel.

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(b) For airplanes that have a spar reinforcing strap installed in accordance with Supplemental Type Certificate (STC) SA1178CE, accomplish the actions specified in paragraphs (b)(1) through (b)(5) using the Beech SIRM and Aerocon California, Inc., Engineering Order No. E.O. B-9975-02, dated November 14, 1975. Strap tension is to be adjusted in accordance with the instructions in Aerocon California Service Letter, dated May 25, 1976.

(1) If the strap was installed before 1,000 hours TIS On the front spar lower cap, within the next 2,000 hours TIS after the effective date of this AD, unless previously accomplished within the last 2,000 hours TIS (the inspection interval established by either superseded AD 77-05-01 R3 or superseded AD 90-04-04), and thereafter at intervals not to exceed 2,000 hours TIS:

(i) Remove and inspect the STC SA1178CE strap in accordance with the instructions in Aerocon California, Inc. Engineering Order No. E.O. B-9975-2, dated November 14, 1975. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace in accordance with the instructions in Aerocon California, Inc. Engineering Order No. E.O. B-9975-2.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the Beech SIRM. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(A) Areas defined by Index Number 1 (lower forward fitting only) and Index Numbers 2 through 7 on Page 202, Section 57-15-00, of the Beech SIRM.

(B) Areas defined by paragraphs (d)(5) and (d)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension in accordance with the instructions in Aerocon California Service Letter, dated May 25, 1976.

(2) If the strap was installed at or after 1,000 hours TIS on the front spar lower cap, within the next 1,000 hours TIS after the effective date of this AD, unless previously accomplished within the last 1,000 hours TIS (the inspection interval established by either superseded AD 77-05-01 R3 or superseded AD 90-04-04), and thereafter at intervals not to exceed 1,000 hours TIS, accomplish the following:

(i) Remove and inspect the STC SA1178CE strap in accordance with the instructions in Aerocon California, Inc. Engineering Order No. E.O. B-9975-2, dated November 14, 1975. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace in accordance with the instructions in Aerocon California, Inc. Engineering Order No. E.O. B-9975-2.

(ii) Inspect the following areas of structure using the visual, fluorescent penetrant, and eddy current methods as specified in the Beech SIRM. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(A) Areas defined by Index Number 1 (lower forward fitting only) and Index Numbers 2 through 7 on Page 202, Section 57-15-00, of the Beech SIRM.

(B) Areas defined by paragraphs (d)(5) and (d)(8) of this AD.

(iii) Reinstall the STC SA1178CE strap and adjust its tension in accordance with the instructions in Aerocon California Service Letter, dated May 25, 1976.

(3) Upon the accumulation of 10,000 hours TIS on the nacelle splice plates or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished (superseded AD90-04-04), and thereafter at intervals not to exceed 1,000 hours TIS, inspect the nacelle splice plates as defined by Index Number 9 on Page 202, section 57-15-00, of the Beech SIRM, using the visual methods as specified in the Beech SIRM. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(4) Upon the accumulation of 10,000 hours TIS on the wing structure or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished within the last 500 hours TIS (the inspection interval established by either superseded AD 77-05-01 R3 or superseded AD 90-04-04), and therafter at intervals not to exceed 500 hours TIS, inspect the wing structure components defined in paragraph (d) of this AD using visual and dye penetrant methods as indicated; compliance is not required with paragraphs (d)(5), (d)(8), and that portion of paragraph (d)(12) of this AD that refers to the lower spar cap and hinge. If a crack, loose fastener, or corrosion is found, prior to further flight, repair or replace as specified in the Beech SIRM.

(5) Replace the structural components that are set forth on Page 203, section 57-15-00, of the Beech SIRM (summarized in paragraphs (b)(5)(i) and (b)(5)(ii) of this AD) upon the accumulation of the front spar's allowable service life. Determine the allowable service life by substracting the front spar lower cap hours TIS at which the strap was installed from 48,000 hours TIS.

Note: For example, if the spar cap had been in service 5,000 hours TIS when the strap was installed, then the spar cap's allowable service life becomes 43,000 hours TIS (48,000 minus 5,000).

(i) Lower cap of the front spar, with attachment fitting, in each outer wing panel.

(ii) Lower cap of the front spar, with left and right attachment fittings, in the center section.

(c) The inspection intervals established by superseded AD 77-05-01 R3 and superseded AD 90-04-04 may be substituted for the "unless already accomplished" statement in paragraphs (a)(1), (a)(3), (b)(1), (b)(2), and (b)(4) of this AD.

(d) The items specified in paragraphs (d)(1) through (d)(13) of this AD define the additional structural items to be inspected as referenced by paragraphs (a)(3) and (b)(4) of this AD.

(1) Inspect the lower fuselage skin at the attachment to the main spar for possible cracks or loose rivets.

(2) Inspect the lower left hand (LH) and right hand (RH) nacelle skins for cracks or loose rivets.

(3) Remove the aft fabric covers in the wheel wells and inspect for possible cracks in the center section skin under the top nacelle fairing. Check around the nacelle attach flange on the top side for possible loose rivets or cracks in the top skin.

(4) Inspect the structure and attaching fasteners of both keel beam assemblies at Butt Line (BL) 68 inboard, BL 88 outboard, at the center section rear spar, Nacelle Station 160.50.

(5) Inspect for possible cracks or loose rivets in the LH and RH dimpled skin attachment holes on the forward side of the main spar at the four countersunk screws and at all rivets between the fuselage and the nacelles.

(6) Inspect for possible cracks or loose rivets along the top skin attachment to the aft spar.

(7) Inspect for possible loose fastener in the lower aft spar cap and skin.

(8) Inspect for possible cracks or loose fasteners in the lower strap on the main spar at Wing Station 68.5.

(9) Inspect the lower stringers running forward and aft between the main spar and the aft spar for possible cracks or loose fastenerss to the lower fuselage skin. This area is to be checked from the center aisle and through access panels inside of the airplane.

(10) Inspect for possible cracks or loose fasteners in frames and angle clips of the center wing/fuselage at Fuselage Stations 188, 197, and 207.

(11) Using dye penetrant procedures outlined in AC 43.13-1A, inspect the four upper forward wing to center section fittings and the eight aft wing to center section fittings for possible cracks. Do not remove the wing attachment bolts unless cracks are indicated.

(12) Inspect the outer wing upper and lower spar cap and hinge for possible cracks, loose rivets, or wear of hinge.

(13) Lower the flaps and remove the lower aft access covers of the outer and center wing to inspect the aft spar and ribs for possible cracks near the inboard flaps.

(e) Airplane maintenance record entries must be made and notification in writing sent to the Manager, Wichita Aircraft Certification Office FAA, 1801 Airport Road, room 100, Wichita, Kansas 67209, stating the location and length of any cracks found during inspections required by this AD and also the total hours TIS of the component at the time the crack was discovered. Reports may be submitted by letter or through M or D

(Malfunction or Defect) or MRR (Maintenance Reliability Reports) procedures. (Reporting approved by the Office of Management and Budget under OMB No. 2120-0056).

(f) The eddy current inspections required by this AD must be performed by personnel who have received training and are qualified in the operation of eddy current equipment that has been calibrated using a specimen obtained from the airplane manufacturer and simulates cracking of the spar cap.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(h) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(i) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(j) This amendment supersedes AD 90-04-04, Amendment 39-6487.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4981 Filed 3-3-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-10-AD]

Airworthiness Directives; Boeing Model 707/720, 727, and 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to Boeing Model 707/720, 727, and 737 series airplanes, which currently requires inspection of the E-F window post for cracks, and repair, if necessary. This action would require inspections of the E-N area of the window post for cracks; visual inspections to determine sufficient edge margin of the reinforcement straps at all of the strap fastener holes; and repair, if necessary. This proposal is prompted by reports of window post cracks found in the E-N window post area, which is located above the E-F area. The actions specified by the proposed AD are intended to prevent rapid depressurization of the cabin.

DATES: Comments must be received by April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-10-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2772; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-10-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-10-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On April 6, 1982, the FAA issued AD 82-08-09, Amendment 39-4364 (47 FR 17276, April 22, 1982), to require inspection to detect cracks of the window post structure on Boeing Model 707/720, 727, and 737 series airplanes, and repair, if necessary. That action was prompted by reports of cracks in the window post structure between points "E" and "F." The post is located in the window area of the control cabin. The requirements of that AD are intended to prevent rapid depressurization of the cabin.

Since the issuance of that AD, there have been numerous reports of cracks found in the area of the window post structure between points "E" and "N," which is located above the E-F area. Additonally, there have been reports of cracking found in the E-F area in airplanes on which certain reinforcement straps had been installed previously in the window post structure; the reinforcement straps do not have the correct edge margin for the rivet pattern of the window post (i.e., the strap is too short). The FAA has determined that cracks in these areas, if allowed to grow to their critical length, will weaken the window post structure and may consequently result in loss of cabin pressure. This presents the same unsafe condition as addressed by the existing AD.

The FAA has reviewed and approved Boeing Service Bulletin 2983, Revision 5, dated January 31, 1991 (for Model 707/720 series airplanes); Boeing Service Bulletin 727-53-0086, Revision 11, dated August 8, 1991 (for Model 727 series airplanes); and Boeing Service Bulletin 737-53-1023, Revision 11, dated May 16, 1991 (for Model 737 series airplanes). Each of these service documents describe procedures for inspections to detect cracks of the E-N and E-F window post area; visual inspections to determine if sufficient edge margin of the reinforcement straps exists at all of the strap fastener holes on certain repaired or modified E-F window posts; and repair, if necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, the proposed AD would supersede AD 82-08-09 to expand the area for inspection for cracks to include the E-N area of the window post; to require visual inspections to determine if sufficient edge margin of the reinforcement straps exists at all of the strap fastener holes; and repair, if necessary. The actions would be required to be accomplished in accordance with the service bulletins previously described.

There are approximately 1,800 Model 707/720, 727, and 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,183 airplanes of U.S. registry would be affected by this AD, that it would take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor cost would be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $520,520.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-4364 (47 FR 17276, April 22, 1982), and by adding the following new airworthiness directive:

Boeing: Docket No. 92-NM-10-AD. Supersedes AD 82-08-09, Amendment 39-4364.

Applicability: Applies to Model 707/720, series airplanes, listed in Boeing Service Bulletin 2983, Revision 5, dated January 31, 1991; Model 727 series airplanes listed in Boeing Service Bulletin 727-53-0086, Revision 11, dated August 8, 1991; and Model 737 series airplanes listed in Boeing Service Bulletin 737-53-1023, Revision 11, dated May 16, 1991; certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent depressurization as a result of failure of the control cabin window post structure, accomplish the following:

(a) Inspect the E-F window posts for cracks in accordance with the schedule set forth in Table 1, 2, or 3 of this AD, as applicable:

TABLE 1.—MODEL 707/720 E-F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 2983]

Airplane condition	Inspection required in accordance with revision 4 or 5 of the service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin Not accomplished	X-ray E-F window post	1,650 after May 21, 1982 (effective date of AD 82-08-09), or prior to accumulation of 11,650, whichever occurs later.	3,300
2. Repaired or modified per Original Issue of Service Bulletin.	X-ray E-F window post	1,650 after May 21, 1982, or prior to accumulating 10,000 after repair or modification, whichever occurs later.	3,300
3. Repaired or modified per Revision 1, 2, 3, 4, or 5 of Service Bulletin. (Modification was accomplished without using eddy current inspection to verify structure was free of cracks.).	Close visual for cracks of external doubler and the exposed portion of the E-F window post with the #2 sliding window open.	1,650 after May 21, 1982; or prior to accumulating 16,650 after repair or modification; whichever occurs later.	3,300
4. Repaired or modified per Revision 1 of the Service Bulletin.	Visual inspection for sufficient edge margin of all of the strap fastener holes.	1,650 after the effective date of this AD	None
5. Modification per Revision 2, 3, 4, or 5 of the Service Bulletin (verified no cracks in structure by use of eddy current inspection described in Revision 4 or 5 of the Service Bulletin.).	No further action required		

TABLE 2. — MODEL 727 E–F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 727–53–0086]

Airplane condition	Inspection required in accordance with revision 6, 7, 8, 9, 10, or 11 of the service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin not accomplished	X-ray E–F window post	1,650 after May 21, 1982 (effective date of AD 82–08–09), or prior to accumulating 11,650, whichever occurs later.	3,300
2. Repaired or modified per Original Issue or Revision 1 of the Service Bulletin.	X-ray E–F window post	1,650 after May 21, 1982, or prior to accumulating 10,000 after repair or modification, whichever occurs later.	3,300
3. Repaired or modified per Revision 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 of the Service Bulletin. (Modification was accomplished without using eddy current inspection to verify structure was free of cracks.).	Close visual for cracks of external doubler and the exposed portion of the E–F window post with the #2 sliding window open.	1,650 after May 21, 1982, or prior to accumulating 16,650 after repair or modification, whichever occurs later.	3,300
4. Repaired or modified per Revision 9 or 10 of the Service Bulletin.	Visual inspection for sufficient edge margin of all of the strap fastener holes.	1,650 after effective date of this AD	None
5. Modified per Revision 2, 3, 5, 6, 7, 8, or 11 of the Service Bulletin (verified no cracks in structure by use of eddy current inspection described in Revision 6, 7, 8, 9, 10, or 11).	No further action required.		

TABLE 3.—MODEL 737 E–F WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 737–53–1023]

Airplane condition	Inspection required in accordance with revision 6, 7, 8, 9, 10, or 11 of the service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin not accomplished	X-ray E–F window post	2,750 after May 21, 1982 (effective date of AD 82–08–09), prior to the accumulation of 12,750, whichever occurs later.	5,500
2. Repair or modification in per Original Issue or Revision 1 or 2 of the Service Bulletin.	X-ray E–F window post	2,750 after May 21, 1982, or prior to accumulating 10,000 after repair of modification, whichever occurs later.	5,500
3. Repair or modification per Revision 3, 4, 5, 6, 7, 8, 9, 10, 11 of the Service Bulletin. (Modification was accomplished without using eddy current inspection to verify structure was free of cracks).	Close visual for cracks of external doubler and the exposed portion of the E–F window post with the #2 sliding window open.	2,750 after May 21, 1982, or prior to accumulating 17,750 after repair or modification, whichever occurs later.	5,500
4. Repair or modification per Revision 9 or 10 of the Service Bulletin.	Visual inspection for sufficient edge margin of all the strap fasterner holes.	2,750 after effective date of this AD	None
5. Modification per Revision 3, 4, 5, 6, 7, 8, 9, 10, or 11 of the Service Bulletin (verified no cracks in structure by use of eddy current inspection described in Revision 6, 7, 8, 9, 10, or 11.).	No further action required.		

(b) Inspect the E–N window post for cracks in accordance with the schedule set forth in Table 4, 5, or 6 of this AD, as applicable:

TABLE 4.—MODEL 707/720 E–N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 2983]

Airplane condition	Inspection required in accordance with revision 5 of the service bulletin	Intial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin not accomplished; or repair or modification per Original Issue or Revision 1, 2, 3, or 4 of the Service Bulletin.	X-ray E–N window post	1,650 after the effective date of the AD or prior to the accumulation of 11,650, whichever occurs later.	3,300
2. Repaired per Revision 5 of the Service Bulletin (cracks in structure.	X-ray E–N window post	1,650 after effective date of the AD or prior to accumulating 16,650 after repair, whichever occurs later.	3,300
3. Modified per Revision 5 of the Service Bulletin (no cracks in structure).	No further action required.		

TABLE 5.—MODEL 727 E–N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 727–53–0086]

Airplane condition	Inspection required in accordance with revision 9, 10, or 11 of the service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin not accomplished; or repair or modification per Original Issue, or Revision 1, 2, 3, 4, 5, 6, 7, or 8 of the Service Bulletin.	X-ray E–N window post	1,650 after effective date of this AD or prior to the accumulation of 11,650, whichever occurs later.	3,300
2. Repaired per Revision 9, 10, or 11 of the Service Bulletin (cracks in structure).	X-ray E–N window post	1,650 after effective date of the AD or prior to accumulating 16,650 after repair whichever occurs later.	3,300
3. Modified per Revision 9, 10, or 11 of the Service Bulletin (no cracks in structure).	No further action required.		

TABLE 6.—MODEL 737 E–N WINDOW POST INSPECTION

[Applicable Boeing Service Bulletin 737–53–1023]

Airplane condition	Inspection required in accordance with revision 9, 10, 11 of the service bulletin	Initial inspection not to exceed (flight cycles)	Repeat inspection interval not to exceed (flight cycles)
1. Service Bulletin not accomplished; or repaired or modified per Original Issue, Revision 1, 2, 3, 4, 5, 6, 7, or 8 of the Service Bulletin.	X-ray E–N window post	2,750 after the effective date of this AD or prior to the accumulation of 12,750, whichever occurs later.	5,500
2. Repaired per Revision 9 or 10 of the Service Bulletin (cracks in structure).	X-ray E–N window post	2,750 after the effective date of this AD or prior to accumulating 17,750 after repair, whichever occurs later.	5,500
3. Modified per Revision 9 or 10 of the Service Bulletin (no cracks in structure).	No further action required.		

(c) Reinspect the affected areas for cracks at intervals not to exceed those specified in the "Repeat Inspection Interval" column of the Tables of paragraphs (a) and (b) of this AD.

(d) Cracks and short edge margins must be repaired, prior to further flight, in accordance with the "Accomplishment Instructions" of the following service bulletins. After such repair, inspections must continue in accordance with the Tables of paragraphs (a) and (b) of this AD.

(1) For Boeing Model 707/720 series airplanes: Boeing Service Bulletin 2983, Revision 5, dated January 31, 1991.

(2) For Boeing Model 727 series airplanes: Boeing Service Bulletin No. 727–53–0086, Revision 11, dated August 8, 1991.

(3) For Boeing Model 737 series airplanes: Boeing Service Bulletin No. 737–53–1023, Revision 11, dated May 16, 1991.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–4984 Filed 3–3–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 92–NM–11–AD]

Airworthiness Directives; Boeing Model 737–400 and 737–500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 737–400 and 737–500 series airplanes. This proposal would require inspection of certain side-of-body floor panels, and repair or replacement, if necessary. This proposal is prompted by reports of disbonded one-piece inserts found in certain side-of-body floor panels. The actions specified by the proposed AD are intended to prevent floor panels from breaking away under certain loads.

DATES: Comments must be received by April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–11–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2779; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–11–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–11–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

Inspections have revealed disbonding of the one-piece inserts used in certain floor panels installed on Boeing Model 737–400 and 737–500 series airplanes. Test results indicate that side-of-body floor panels with disbonded one-piece inserts have a shear strength below what is necessary to withstand a 9g forward load event. A 9g load transmitted by the seat tracks to these floor panels could cause the floor panels to break away.

The FAA has reviewed and approved Boeing Service Bulletin 737–53A1152, Revision 1, dated October 24, 1991, which describes procedures for inspection for, and reinforcement of, disbonded one-piece inserts installed on floor panels manufactured by Hexcel prior to a certain date. (The subject panels were manufactured by Hexcel prior to January 7, 1991; panels manufactured after that date are not subject to the disbonding problem.) The reinforcement procedure will increase the strength of those floor panels so that they will carry a 9g forward load. The service bulletin also provides procedures for replacing the panel in lieu of reinforcing the insert.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require a one-time inspection of the side-of-body floor panels to determine the manufacturer and the date of manufacture. Panels manufactured by Hexcel prior to January 7, 1991, would be required to be replaced or the insert repaired. These actions would be required to be accomplished in accordance with the service bulletin previously described.

There are approximately 231 Model 737–400 and 737–500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 71 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 7 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $27,335.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92–NM–11–AD.

Applicability: Model 737–400 and 737–500 series airplanes; as listed in Boeing Service Bulletin 737–53A1152, Revision 1, dated October 24, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent floor panels from breaking away under certain loads, accomplish the following:

(a) Within 18 months after the effective date of this AD, inspect the side-of-body floor panels forward of Body Station 867 to determine if the panels were manufactured by Hexcel and the date of their manufacture; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53A1152, Revision 1, dated October 24, 1991.

(1) If the floor panels were not manufactured by Hexcel; or if the floor panels were manufactured by Hexcel on or after January 7, 1991; no further action is necessary.

(2) If the floor panels were manufactured by Hexcel before January 7, 1991, prior to further flight, either replace the floor panels, or repair all one piece inserts in the panels, in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–4983 Filed 3–3–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 92–NM–12–AD]

Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD) that is applicable to certain Boeing Model 747 and Model 767 series airplanes. The existing AD currenly requires modification of the Model 747 off-wing escape slide compartment door opening thrusters and the Model 767 off-wing escape slide compartment door opening/snubbing actuator, by replacing certain O-rings. This action would require inspection of the door opening thrusters and door opening/snubbing actuators for proper oil quantity, and modification of the off-wing compartment latching assemblies. This proposal is prompted by reports of the off-wing escape slide system failing to deploy when commanded. The actions specified by the proposed AD are intended to prevent failure of the escape slide to deploy, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

DATES: Comments must be received by April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–12–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from OEA, Inc., P.O. Box 10488, Denver, Colorado 80210; or Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Jayson Claar, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601, Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2784; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–12–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–12–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On July 29, 1988, the FAA issued AD 88–18–04, amendment 39–5992 (53 FR 29652, August 8, 1988), to require modification of the off-wing slide compartment door opening thrusters installed on Model 747 series airplanes equipped with a two-piece off-wing escape ramp and slide; and modification of the off-wing escape slide compartment door opening/snubbing actuators installed on Model 767 series airplanes. The modification in both cases consists of replacement of certain O-rings. That action was prompted by reports of actuator and thruster malfunctions that were the result of insufficient oil in the thruster or actuator, due to leakage of oil past defective or contaminated O-rings. The requirements of that AD are intended to prevent failure of the escape slide to deploy, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

Since the issuance of that AD, the FAA has received numerous reports of malfunctions of the off-wing systems on Model 747 and Model 767 series airplanes. Subsequent investigation has revealed that one of the causes of the malfunctions was insufficient oil in the thruster or actuator due to leakage past defective or contaminated O-rings (similar to the condition that was addressed in AD 88–18–04). Another cause of these malfunctions was attributed to improper operation of the latch release mechanism of the escape system compartment door. These conditions, if not corrected, could result in the failure of the off-wing escape slide to deploy, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

The FAA has reviewed and approved the following service bulletins:

a. OEA Service Bulletin 2174200–25–013, dated July 29, 1991, which describes procedures for inspection of the escape system door opening/snubbing actuators on Model 747 series airplanes equipped with two piece off-wing escape ramp and slide. (OEA is the manufacturer of the actuators.)

b. OEA Service Bulletin 3092100–25–002, dated July 26, 1991, which describes procedures for inspection of the off-wing escape slide door opening/snubbing actuators on certain Model 767 series airplanes.

c. Boeing Service Bulletin 747–25–2951, dated August 15, 1991, which describes procedures for replacement of latch assemblies on Model 747 series airplanes equipped with two piece off-wing escape ramp and slide.

d. Boeing Alert Service Bulletin 767–25A0174, dated August 15, 1991, which describes procedures for replacement of latch assemblies on off-wing escape slides on certain Model 767 series airplanes.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 88–18–04 to require repetitive inspections of the escape slide door opening/snubbing actuators for proper oil quantity, and replacement of escape slide compartment door latching mechanism. The actions would be required to be accomplished in accordance with the service bulletins previously described.

There are approximately 400 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 125 Model 747 series airplanes of U.S. registry would be

affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $510 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $146,250 for Model 747 series airplanes.

There are approximately 400 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 200 Model 767 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $1,380 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $408,000 for Model 767 series airplanes.

Based on the figures discussed above, the total cost impact of the proposed AD on U.S. operators of Model 747 and Model 767 series airplanes is estimated to be $554,250.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, **Safety.**

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-5992 (53 FR 29652, August 8, 1988), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-12-AD. Supersedes AD 88-18-04, Amendment 39-5992.

Applicability: Model 747 series airplanes equipped with two-piece off-wing escape ramp and slides; and Model 767 series airplanes equipped with off-wing escape slides; certificated in any category.

Compliance: Required as indicated, unless acccomplished previously.

To prevent failure of the escape slide to deploy, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane, accomplish the following:

(a) For Model 747 series airplanes equipped with two-piece off-wing escape slide, accomplish the requirements specified in paragraphs (a)(1) and (a)(2) of this AD:

(1) Within 12 months after the effective date of this AD, perform an inspection of the escape system door opening/snubbing actuators in accordance with OEA Service Bulletin 2174200-25-013, dated July 29, 1991. Repeat this inspection thereafter at intervals not to exceed 20 months.

(2) Within 12 months after the effective date of this AD, inspect and modify the escape slide compartment door latching mechanism in accordance with Boeing Service Bulletin 747-25-2951, dated August 15, 1991.

(b) For Model 767 series airplanes equipped with off-wing escape slides, accomplish the requirements specified in paragraphs (b)(1) and (b)(2) of this AD:

(1) Within 12 months after the effective date of this AD, inspect the off-wing escape slide door opening/snubbing actuators in accordance with OEA Service Bulletin 3092100-25-002, dated July 26, 1991. Repeat this inspection thereafter at intervals not to exceed 20 months.

(2) Within 12 months after the effective date of this AD, inspect and modify the escape slide compartment door latching mechanism in accordance with Boeing Alert Service Bulletin 767-25A0174, dated August 15, 1991.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4988 Filed 3-3-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-09-AD]

Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1125 Westwind Astra Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to all Israel Aircraft Industries (IAI) Model 1125 Westwind Astra series airplanes, that currently requires repetitive visual inspections to detect cracks in the outer lugs of the horizontal stabilizer hinge fittings, and replacement of any cracked fittings. This action would expand the area originally specified for inspection. This proposal is prompted by a report of cracks found around the hinge pin head and nut of lugs located outside the inspection area specified in the existing AD. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the horizontal stabilizer assembly.

DATES: Comments must be received by April 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-09-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Astra Jet Corporation, Technical Publications, 77 McCullough Drive, suite 11, New Castle, Delaware 19720. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 29-NM-09-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-09-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On May 1, 1990, the FAA issued AD 90-10-08, Amendment 39-6597 (55 FR 19060, May 8, 1990), to require repetitive visual inspections to detect cracks in the outer lugs of the horizontal stabilizer hinge fittings, and replacement of any cracked fittings. That action was prompted by a damage tolerance analysis conducted by the manufacturer, which revealed that cracks may develop in the horizontal stabilizer hinge fitting lugs. The requirements of that AD are intended to prevent reduced structural integrity of the horizontal stabilizer assembly.

Since the issuance of that AD, there has been a report of cracks found around the hinge pin head and nut of lugs, which is an area located outside the area originally specified for inspection. This condition, if not corrected, could result in reduced structural integrity of the horizontal stabilizer assembly.

Astra Jet Corporation has issued Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991, that describes procedures for repetitive visual inspections of the horizontal stabilizer hinge fitting to detect cracks in the outer lug root radius and fore and aft surfaces, and around the hinge pin head and nut of the lugs; and replacement of any cracked fittings. The Civil Aviation Administration of Israel (CAAI), which is the airworthiness authority for Israel, classified this service bulletin as mandatory.

This airplane model is manufactured in Israel and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAAI has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAAI, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 90-10-08 to require repetitive visual inspections of the horizontal stabilizer hinge fitting to detect cracks in the outer lug root radius and fore and aft surfaces, and around the hinge pin head and nut of the lugs; and replacement of any cracked fittings. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 40 airplanes of U.S. Registry would be affected by this proposed AD, which includes 28 airplanes that were affected by AD 90-10-08, and 12 additional airplanes that would be affected by this proposed AD. The FAA estimates that it would take approximately 0.5 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the cost impact of AD 90-10-08 on U.S. operators (28 airplanes) was $770. This proposed AD would add $330 for the 12 additional airplanes to accomplish the actions required by this proposal. Based on these figures, the total cost impact of this proposed AD on U.S. operators is estimated to be $1,100 (or $27.50 per airplane).

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follws:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6597 (55 FR 19060, May 8, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Israel Aircraft Industries (IAI), Ltd.: Docket 92-NM-09-AD. Supersedes AD 90-10-08, Amendment 39-6597.

Applicability: Model 1125 Westwind Astra series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the horizontal stabilizer assembly, accomplish the following:

(a) Within the next 50 hours time-in-service after June 15, 1990 (the effective date of AD 90-10-08, Amendment 39-6597), unless previously accomplished within the last 150 hours time-in-service prior to June 15, 1990, perform a visual inspection to detect cracks in the outer lugs of the horizontal stabilizer hinge fitting, in accordance with Astra Service Bulletin 1125-55-017, dated October 16, 1989.

(b) If no cracks are found, repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 200 hours time-in-service.

(c) If cracks are found, prior to further flight, replace the hinge fitting, in accordance with Astra Service Bulletin 1125-55-017, dated October 16, 1989, or Revision 1, dated April 24, 1991.

(d) Within the next 50 hours time-in-service after the effective date of this AD, unless previously accomplished within the last 150 hours time-in-service, perform a visual inspection of the horizontal stabilizer hinge fitting to detect cracks in the outer lug root radius and fore and aft surfaces, and around the hinge pin head and nut of the lugs, in accordance with Astra Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991. Accomplishment of this inspection terminates the requirements of paragraphs (a), (b), and (c) of this AD.

(e) If no cracks are found, repeat the inspection required by paragraph (d) of this AD at intervals not to exceed 200 hours time-in-service.

(f) If cracks are found, prior to further flight, replace the hinge fitting, in accordance with Astra Service Bulletin 1125-55-017, Revision 1, dated April 24, 1991. After replacement, repeat the inspection required by paragraph (d) of this AD at intervals not to exceed 200 hours time-in-service.

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(h) Special flight permits may be used in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR DOC. 92-4986 Filed 3-3-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-07-AD]

Airworthiness Directives; SAAB-SCANIA Models SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain SAAB-SCANIA Models SAAB SF349A and SAAB 340B series airplanes. This proposal would require inspections of the lower drag strut assembly to detect loose, damaged, or worn parts, and repair of discrepant parts. This proposal is prompted by recent field experience, which has revealed that the bolts and collars attaching the lower drag strut fitting have been losing their torque. The actions specified by the proposed AD are intended to prevent loss of structural integrity of the powerplant installation and subsequent damage to the engine forward frame.

DATES: Comments must be received by April 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-07-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, Except Federal holidays.

The service information referenced in the proposed rule may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; Telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-07-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-07-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain SAAB-SCANIA Models SAAB SF340A and SAAB 340B series airplanes. The LFV advises that recent field experience has revealed that the bolts and collars attaching the lower drag strut fitting have been losing their torque. This condition, if not corrected, could result in loss of structural integrity of the powerplant installation and subsequent damage to the engine forward frame.

In December 1989, SAAB-SCANIA issued Service Bulletin 340-54-026 to address procedures to perform an inspection of the drag strut bolts, lower fittings, and attaching bolts to verify the type of nuts/collars installed; and to change the collars to MS21042 L3 nuts on the attaching Hi-Loks or Eddie Bolts. (The FAA addressed these actions in AD 90-05-10, Amendment 39-6530 (55 FR 7702, March 5, 1990).) Subsequently, SAAB-SCANIA has advised the FAA that, after accomplishment of the procedures specified in that service bulletin, a more comprehensive inspection of the attaching holes on the upper and lower drag strut attaching points, upper longeron and inner side beam skins, and attaching frame and angle, is necessary; and that corrective action for possible abnormal wear or damage may be required.

Consequently, SAAB-SCANIA has issued Service Bulletin 340-54-027, Revision 1, dated July 4, 1991, which describes procedures for inspections of the lower drag strut assembly to detect loose, damaged, or worn parts, and repair of discrepant parts. The LFV classified this service bulletin as mandatory and issued Swedish Airworthiness Directive SAD No. 1-049, Revision A, in order to assure the continued airworthiness of these airplanes in Sweden.

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require inspections of the lower drag strut assembly to detect loose, damaged, or worn parts, and repair of discrepant parts. The actions would be required to be accomplished in accordance with SAAB Service Bulletin 340-54-027, Revision 1, dated July 4, 1991.

The FAA estimates that 139 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5.5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $42,048.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB-SCANIA: Docket 92-NM-07-AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers 004 through 159; and Model SAAB 340B series airplanes, serial numbers 160 through 166; certificated in any category.

Compliance: Required as indicated unless accomplished previously. To prevent loss of structural integrity of the powerplant installation and subsequent damage to the engine forward frame, accomplish the following:

(a) If, when accomplishing the inspections required by AD 90-05-10, Amendment 39-6530 (reference SAAB Service Bulletin 340-54-026), it was determined that MS21042 nuts had already been installed, and no change from collars to nuts had taken place, then accomplishment of this AD is not required.

(b) Except as provided in paragraph (a) of this AD, within 1,500 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 1,500 hours time-in-service; accomplish a visual inspection of the upper and lower drag strut attachment fittings and the adjacent skin area, the upper longeron and attaching frame, and the angle attaching the frame to the side wall to detect loose fasteners, loose fittings, and cracks; and accomplish a torque inspection of the MS21042 nuts, in accordance with section 1.B(i) or SAAB Service Bulletin 340-54-027, Revision 1, dated July 4, 1991.

(1) If loose fasteners or fittings are found, prior to further flight, perform the detailed inspection required by paragraph (c) of this AD.

(2) If the installed MS21042 nuts are not loose, check the torque; and retorque, prior to further flight, if nuts are out of torque tolerance.

(3) If cracks are found, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(c) Except as provided in paragraph (a) of this AD, within 3,000 hours time-in-service after the effective date of this AD; and thereafter at intervals not to exceed 3,000 hours time-in-service; inspect the drag strut attaching holes at each end of the drag strut (one upper and one lower attached fitting) to detect elongation, damage, and abnormal wear, in accordance with section 2.B.(ii) of SAAB Service Bulletin 340-54-027, Revision 1, dated July 4, 1991.

(1) If any holes are elongated or outside the specified tolerance, prior to further flight, repair in accordance with sections E. and F. of the service bulletin, as appropriate.

(2) If any damage found exceeds the limits of the modifications described in the service bulletin, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(d) Except as provided in paragraph (a) of this AD, prior to the total accumulation of 22,000 landings, or within 500 landings after the effective date of this AD, whichever occurs later, accomplish a detailed inspection of the lower drag strut attachment holes (Eddy Bolt/Hi-Lok) of the lower drag strut fitting, the inner side beam skin and the upper longerons, and the drag strut attachment holes in the upper and lower fittings, in accordance with section 2.D. of SAAB Service Bulletin 340-54-027, Revision 1, dated July 4, 1991.

(1) If the attaching holes are elongated or out of the specified tolerance, prior to further flight, repair in accordance with sections E. and F. of the service bulletin, as appropriate.

(2) If defects such as gouges, nicks, cracks, and creases are found, or if the damage found exceeds the limits of the modifications described in the service bulletin, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(e) Accomplishment of paragraph (d) of this AD constitutes terminating action for the requirements of paragraphs (b) and (c) of this AD.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4967 Filed 3-3-92; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Revision of Costs Chargeable in Connection With Relabeling and Reconditioning Inadmissible Imports

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission is proposing to amend its regulation providing for reimbursing the government for the costs of reconditioning noncomplying imported hazardous substances.

DATES: Comments must be received on or before April 3, 1992. The amended regulation is proposed to become effective 30 days following final publication.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Submitted comments may be seen at 5401 Westbard Avenue, Bethesda, Maryland between the hours of 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Elizabeth Gomilla, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, DC 20207; Telephone (301) 504-0400.

SUPPLEMENTARY INFORMATION: Section 1500.272 of title 16 of the Code of Federal Regulations is based on section 14(c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. section 1273(c). That section provides for reimbursing the government for the costs of supervising the reconditioning of noncomplying imported hazardous substances. The reimbursement is made by the owner or consignee of the imported hazardous substances who requests such action. The regulation establishes a flat rate of $8 per hour for the supervising officer and a flat rate of $10 per hour for the analyst (which shall include the use of the chemical laboratories and equipment of the Consumer Product Safety Commission). These rates have remained the same for over 18 years. See **Federal Register** notice 38 FR 27012, published on September 27, 1973.

The revision of the costs for relabeling and reconditioning of inadmissible imported products is necessitated by the face that the present amounts do not adequately reimburse the government for its costs incurred. The present amounts were established by the Food and Drug Administration of the Department of Health, Education and Welfare, the predecessor agency of the Consumer Product Safety Commission. When the Consumer Product Safety Commission was established in 1973, the rates were not changed. Because of inflation, the rates are not in line with the actual cost to the government.

The revised rates are proposed to be based upon the starting salary of a GS 11 investigator and the starting salary of a GS 12 analyst. Since the rates would be based on GS (government service) salary grades than specific dollar amounts, there would be no need, in the future, to revise this provision to account for inflation.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Reporting and recordkeeping requirements, and Toys.

For the reasons stated above, title 16, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

1. The authority citation for part 1500 continues to read as follows:

Authority: 15 U.S.C. 2079(a).

2. Section 1500.272 is amended by revising paragraphs (c) and (d) to read as follows:

§ 1500.272 Costs chargeable in connection with relabeling and reconditioning inadmissible imports.

* * * * *

(c) Services of the supervising officer, to be calculated at the rate of a GS 11, step 1 employee, except that such services performed by a customs officer and subject to the provisions of the Act of February 13, 1911, as amended (sec. 5, 36 Stat. 901 as amended; 19 U.S.C. section 267), shall be calculated as provided in that act.

(d) Services of the analyst, to be calculated at the rate of a GS 12, step 1 employee (which shall include the use of the chemical laboratories and equipment of the Consumer Product Safety Commission).

* * * * *

Dated: February 20, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92-4809 Filed 3-3-92; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

United States Mint

31 CFR Parts 91, 92, and 100

Solicitation of Views of the Public Concerning Regulations and Programs of the Mint

AGENCY: United States Mint, Department of the Treasury

ACTION: Solicitation of views of the public concerning regulations and programs of the Mint.

SUMMARY: In connection with the President's initiative on regulatory reform, the United States Mint invites the public to comment on the regulations and programs of the Mint. We seek information on how our requirements or methods of operation adversely impact on the public. Comments are invited both as to our numismatic and bullion coin programs, and our mission of providing circulating coins for the nation's commerce. While special emphasis is placed on those regulations and programs that impose a substantial burden on the economy, we also welcome constructive suggestions on changes we should make in our operations.

DATES: Comments will be most helpful if received by March 18, 1992. Comments received before March 31, 1992 may also be considered.

ADDRESSES: Send comments to: Chief Counsel's Office, United States Mint, 633 3rd Street, NW., Washington DC 20220.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Gubin, Chief Counsel, United States Mint, 633 3rd Street, NW., Washington, DC 20220; telephone (202) 874-6040.

Brenda Gatling,

Chief, Executive Secretariat, U.S. Mint.

[FR Doc. 92-4075 Filed 3-3-92; 8:45 am]

BILLING CODE 4810-37-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD-FRL-4099-6]

Ambient Air Quality Surveillance

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice proposes to revise the ambient air quality surveillance regulations (40 CFR part 58) to include provisions for enhanced monitoring of ozone and oxides of nitrogen, and for additional monitoring of volatile organic compounds (including aldehydes) and meteorological parameters. These revisions are being proposed in accordance with title I, section 182 of the 1990 Clean Air Act Amendments. The revisions would require States to establish photochemical assessment monitoring stations (PAMS) as part of their State Implementation Plan (SIP) monitoring network in ozone nonattainment areas classified as serious, severe, or extreme. Included in the proposal are minimum criteria for network design, monitor siting, monitoring methods, operating schedule, quality assurance, and data submittal.

DATES: Comments must be received on or before April 3, 1992.

ADDRESSES: Submit comments to (duplicate copies are preferred) to: Central Docket Section, U.S. Environmental Protection Agency, Attn. Docket No. A-91-22, 401 M Street, SW., Washington, DC 20460. Docket No. A-91-22 is located in the Central Docket Section of the U.S. Environmental Protection Agency, West Tower Lobby Gallery I, 401 M St., SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Gerladine J. Dorosz, Technical Support Division (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, phone: 919-541-5492 or (FTS) 629-5651.

SUPPLEMENTARY INFORMATION:

Background

Section 110(a)(2)(C) of the Clean Air Act requires ambient air quality monitoring for purposes of the State Implementation Plan (SIP) and reporting of the data to EPA. Uniform criteria for measuring air quality and provisions for the reporting of a daily air pollution index are required by section 319 of the Act. To satisfy these requirements, on May 10, 1979 (44 FR 27571), EPA established 40 CFR part 58 which provided detailed requirements for air quality surveillance and data reporting for all the pollutants except lead for which ambient air quality standards (criteria pollutants) has been established. On September 3, 1981 (46 FR 44164) similar rules were promulgated for lead and on July 1, 1987 (52 FR 24740) for particulate matter (PM_{10}).

The intent of the enchanced ozone monitoring revisions being proposed today is to provide an air quality data base that will assist air pollution control agencies in evaluating, tracking the progress of, and, if necessary, refining control strategies for attaining the ozone National Ambient Air Quality Standards (NAAQS). Ambient concentrations of ozone (O_3), oxides of nitrogen (NO_x, NO_2, and NO), and speciated volatile organic compounds (VOC) including aldehydes (or their surrogates) and meteorological data collected by the PAMS will be used to make attainment/nonattainment decisions, aid in tracking VOC and NO_x emission inventory reductions, better characterize the nature and extent of the ozone problem, and prepare air quality trends. In addition, data from the PAMS will provide an improved data base for evaluating model performance, especially for future control strategy mid-course corrections as part of the continuing air quality management process. The data will be particularly useful to states in ensuring the implementation of the most cost effective, socially acceptable regulatory controls.

The regulations proposed in this notice address the minimum requirements for the enhancement of ambient air monitoring for ozone and nitrogen oxides as well as monitoring for speciated VOC and meteorological parameters. Title I, section 182 of the 1990 Clean Air Act Amendments requires enchanced monitoring for ozone and its precursors. Also, section 184(d) requires that the best available air quality monitoring and modeling techniques be used in making determinations concerning the contribution of sources in one area to concentrations of ozone in another area which is a nonattainment area for ozone. In the process of developing proposed regulations to address this requirement, the EPA sought the assistance of the Standard Air Monitoring Work Group (SAMWG). SAMWG members represent State and local air pollution control agencies and EPA program and regional offices. SAMWG members were an active partner in developing and reviewing the 1979 part 58 rulemaking package which formally established the existing framework of the ambient air quality surveillance and data reporting regulations. They also played a prominent role in all subsequent revisions to part 58.

Accordingly, the Agency is soliciting comment on all aspects of the proposed rules and particularly on the general scope and adequacy of the proposal, the necessity and/or adequacy of the individual components of the monitoring approach, and the Agency's estimated monitoring costs.

Proposed Revisions to Part 58—Ambient Air Quality Surveillance

Section 58.1 Definitions

The revisions proposed today would add definitions of the terms "PAMS" (photochemical assessment monitoring stations), "NO_2" (nitrogen dioxide), "NO" (nitrogen oxide), "NO_x" (oxides of nitrogen), "VOC" (volatile organic compounds), and meteorological measurements.

Section 58.2 Purpose

Currently, part 58 contains a provision to establish a national ambient air quality monitoring network for the purpose of providing timely air quality data upon which to base national ambient air assessments and policy decisions. This national network is a subset of the State and Local Air Monitoring Stations (SLAMS), and these stations in the network are designated as National Air Monitoring Stations (NAMS). The NAMS are subject to monitoring and reporting requirements contained in subpart D of part 58. The proposed revision to this section adds a revised paragraph (d) which explains that part 58 acts to establish a network of PAMS which are also subsets to SLAMS but subject to monitoring and reporting requirements contained in the redesignated and revised subpart E of this part.

Section 58.13 Operating Schedule

The current operating schedule for SLAMS continuous analyzers is given in paragraph (a) of this section and requires collecting consecutive hourly averages except during periods of routine maintenance, instrument calibration, and periods or seasons exempted by the Regional Administrator. This same operating schedule also applies to the proposed PAMS continuous O_3 and NO_x analyzers and automated gas chromatographs. For manual methods except for lead, the

current requirements are specified in paragraph (b) and require States to obtain at least one 24-hour sample every 6 days except during periods or seasons exempted by the Regional Administrator. Paragraph (b) is being revised to also exempt manual VOC samples. In addition, a new paragraph (c) is proposed which presents the operating schedule for manual speciated VOC measurements. Changes to operating schedules for PAMS must be approved by the Administrator. The existing paragraph (c) is redesignated as paragraph (d). The Agency seeks comment on the proposed operating schedule for PAMS and the sampling frequencies for VOC and aldehydes.

Section 58.20 Air quality surveillance: Plan content

This section originally required States by January 1, 1980 to submit a SIP revision which included provisions for establishing and operating the SLAMS network to measure ambient concentrations of those pollutants for which standards have been established in part 50 of title 40 (criteria pollutants). The section included provisions to apply to criteria of part 58 of title 40, appendices A (quality assurance), C (monitoring methods), D (network design), and E (probe siting) to designing and implementing the SLAMS network. It also provided for an annual network review and monitoring during all stanges of air pollution episodes. Currently, § 58.20 does not require States to include in their SIP a provision for monitoring non-criteria pollutants. Because enhanced ozone monitoring will require monitoring of non-criteria pollutants (NO_x, NO, and speciated VOC) and meteorology, paragraph (a) of this section is revised to include a provision that SLAMS designated as PAMS will obtain these additional measurements. It is likely that due to the multiple monitoring objective for PAMS, that the site locations will, in some cases, coincide with existing SLAMS (or NAMS) monitoring sites. In these cases, the sites only need to be supplemented with those instruments necessary to comply with PAMS monitoring requirements. To establish the PAMS, a new paragraph (f) provides that States with ozone nonattainment areas designated as serious, severe, or extreme will be required to submit a SIP revision which includes additional provisions for monitoring these non-criteria pollutants and obtaining meteorological data. These revisions would be due 6 months after the effective date of promulgation or redesignation and reclassification of any area to serious, severe, or extreme ozone nonattainment. The Agency seeks comment regarding the adequacy of the 6-month period for preparation and promulgation of SIP revisions to accommodate PAMS.

This revision is in accord with section 182 of title I of the 1990 Clean Air Act Amendments. Other revisions to § 58.20 include a change to paragraph (c) which adds the word "criteria" before the words "pollutant except Pb". This change is being proposed since the proposed revisions in paragraph (a) include monitoring non-criteria pollutants while the requirement for monitoring during an emergency episode was only intended to apply to criteria pollutants.

Subpart E—Air Quality Index—Redesignation as Photochemical Assessment Monitoring Stations

For purposes of continuity in Subpart Headings and Content (subpart C addresses SLAMS, subpart D addresses NAMS) the existing subpart E—Air Quality Index Reporting, and subpart F—Federal Monitoring are proposed to be redesignated as subparts F and G, respectively. In addition to being redesignated, subpart F would be renumbered starting with § 58.50 and subpart G would be renumbered starting with § 58.60. The newly designated subpart E would start with § 58.40 and address PAMS network establishment.

Section 58.40 PAMS Network Establishment

This section would require that a description of the PAMS network and a schedule for implementation be submitted to the Administrator within 6 months of the effective date of promulgation of the regulations or redesignation and reclassification of any area to serious, severe, or extreme ozone nonattainment. The network description is not a part of the SLAMS SIP revision required by § 58.20 and need not be submitted with the SLAMS SIP revision which also has the same submittal date. The Agency requests comment concerning the adequacy of the 6-month period to prepare the PAMS network description. Also included in this section is a requirement that the network design criteria in appendix D be followed in the process of designing the PAMS network. In cases where the ozone nonattainment areas extend beyond State or EPA Regional boundaries, the affected States are encouraged to collectively design and submit a combined PAMS network for the adjoining areas and to cooperate in establishing PAMS sites in areas which fall outside of a nonattainment area, if necessary. If States choose to submit individual network descriptions for each affected nonattainment area irrespective of its proximity to other affected areas, those networks must fulfill the requirements for isolated areas as described in section 4 of appendix D. In all cases, network descriptions are to be submitted to the Administrator through the appropriate Regional office(s). Provisions are included which allow the submittal of alternative network designs, but those designs must include a demonstration that they satisfy the monitoring data uses and fulfill the PAMS monitoring objectives described in sections 4.1 and 4.2 of appendix D. Certain alternative plans must be published in the **Federal Register**, subjected to public comment, and subsequently approved by the Administrator. The Agency seeks comment on what criteria should be used to determine whether such alternative monitoring plans are "equivalent" to the proposed statutory minimum, given the intended uses for the PAMS data.

Section 58.41 PAMS Network Description

In order for the Administrator to approve individual or combined State PAMS network descriptions certain information pertaining to the stations such as station location, AIRS site identification codes, methodology, operating schedule and schedule for implementation are needed at the national level. This section describes the information to be included in the network description submittal required by § 58.40.

Section 58.42 PAMS Approval

Ambient air data from the PAMS are intended for diverse multiple uses including supporting NAAQS attainment decisions and demonstrations, corroborating VOC and NO_x emission inventories and tracking emission reductions, evaluating the effectiveness of control strategies, providing input for future photochemical grid modeling exercises and evaluating model performance, characterizing population exposure, preparing national air quality trends, and developing national policies. Users of the data collected from the PAMS will include State and local air pollution control agencies and EPA regions. EPA offices at the national level will likewise be a major user of the data particularly for preparing national trends, evaluating national control strategies, and developing national policy. Because of these latter uses, the need for national consistency, the concern for uniformity of methods and

operating schedule, and the recognized need for flexibility, the PAMS networks will be subject to the approval of the Administrator. More detailed information regarding the uses of PAMS data may be found in appendix D of the proposal. The Agency seeks comment on the appropriateness of the intended PAMS data uses and probable data users.

Section 58.43 PAMS Methodology

This section would require that all PAMS meet the PAMS monitoring methodology requirements specified in appendix C. Existing stations would be required to meet the method requirements at the time of network description submittal. Future stations would need to meet those requirements upon their establishment.

Section 58.44 PAMS Network Completion

The completion date for the establishment of the PAMS network would be 5 years after the effective date of the promulgation of the regulations or redesignation and reclassification of the area to serious, severe, or extreme ozone nonattainment. A five-year phase-in period was proposed to follow a reasonable buildup of resources at the State and local agency level, to accommodate the expected evolution of the sampling technology, and to allow a "gearing-up" period to develop the necessary expertise and infrastructure to conduct this complex mointoring effort. Full details of the proposed 5-year transition process are provided in appendix D.

In light of the importance of the PAMS data to the development and evaluation of alternative State Implementation Plan (SIP) strategies, the Agency seeks comment on the pros and cons of shorter or longer phase-in periods, especially as they relate to modelling demonstrations required of the affected areas. The Agency therefore seeks comment on periods of 1, 2, 3 years or longer.

Section 58.45 PAMS Data Submittal

This section would establish the reporting requirements for the PAMS data. The data from O_3, and NO_x (including NO and NO_2 data) monitors would be required to be submitted to EPA's Aerometric Information Retrieval System (AIRS)—Air Quality Subsystem (AQS) within 60 days following the end of each quarterly reporting period. Meteorological data and speciated VOC data must be submitted within 6 months after the end of the quarterly reporting period. Inasmuch as meteorological data will often be used to interpret ozone precursor ambient data and how they relate to ozone precursor emissions, it also is required to be submitted within the 6-month time frame specified for speciated VOC data. Given the complexity and interpretive expertise required to analyze speciated VOC data and especially given the rapid evolution of the monitoring technology, 6 months was established as a reasonable time period for speciated VOC data submittal. The Agency seeks comment on the reasonableness of this time peirod.

Section 58.46 System Modification

This section would include a requirement that any changes in the PAMS network be evaluated during the annual SLAMS review specified in § 58.20. Changes that are proposed by the State would be evaluated by the EPA Regional Office and must be approved by the Administrator. An implementation time of 1 year would be granted to complete the approved changes. This procedure would also apply to changes to the PAMS network which resulted from a redesignation of the area to attainment.

Revisions to Appendix A–Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

Appendix A is being revised to include a provision that refers to Agency guidance on quality assurance criteria for VOC measurements. Monitoring techniques for speciated VOC are emerging technologies, and quality assurance criteria equivalent to that in part 58 for the criteria pollutants are currently not available for VOC. EPA is, however, preparing guidance on VOC mointoring technology and this document will address quality assurance for VOC as well as for meteorological measurements.

Appendix C—Monitoring Methodology

The requirements in appendix C were promulgated to provide limitations on the allowance of methods to be used in the SLAMS and NAMS network. The purpose of the limitations are to restrict allowable methods to those which have been tested and proven to be reliable or to those which show significant probability of being reliable.

The proposed revisions to appendix C would include a similar but less restrictive limitation on PAMS measurements. The revisions would require that PAMS O_3 and NO_x monitoring methods be automated reference or equivalent methods. However, reference or equivalent methods for meteorological measurements or speciated VOC measurements are not available since reference or equivalent requirements or specifications for these methods are not currently included in EPA regulations. In the absence of such specifications and because of EPA concerns about the need for minimum uniform criteria concerning measurement methodology, EPA has prepared a document which provides Agency guidance on methods for conducting meteorological measurements and measurements for VOC. Appendix C would require States to use this guideline document in selecting and conducting such measurements at PAMS. Should States prefer to propose alternative methods for conducting VOC measurements, the methods must be detailed in the network description required by § 58.40. Such proposed alternative methodology must be published in the **Federal Register**, subjected to public comment, and subsequently approved by the Administrator.

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS)

Appendix D currently contains criteria to be used in designing networks to meet the monitoring objectives for SLAMS and NAMS. The design criteria are intended to provide uniformity in locating air monitoring stations for the SLAMS and NAMS networks. A new section 4 of appendix D is being proposed to provide a similar concept of minimum criteria for designing a PAMS network. Section 4 contains a description of the major uses of data from the PAMS. These uses include ozone attainment/nonattainment decisions, preparation of control strategies for ozone nonattainment areas, tracking of VOC, NO_x, and toxic air pollutant emission inventory reductions, providing future input to photochemical models and data for model evaluation, preparation of air quality trends, and characterization of population exposure to ozone and urban air toxic pollutants. Specific objectives that must be addressed include assessing ambient trends in VOC and its species, determining spatial and diurnal variability of VOC species and assessing changes in the species profiles that occur over time, particularly those occurring due to the reformulation of fuels. Note that data from stations which operate NO_2 monitors year round can also be utilized to determine attainment or nonattainment with the NO_2 National Ambient Air Quality Standard which is

expressed as an annual arithmetic mean.

Designing and implementing a network to adequately satisfy all of these data uses would require extraordinary resources; consequently, a practical compromise on the minimum number of stations in a PAMS network is proposed. The proposal identifies five types of PAMS, which have different monitoring objectives or functions relative to the MSA/CMSA nonattainment area. The number and types of stations vary depending on the size of the MSA/CMSA or nonattainment area, whichever is larger. For a larger MSA/CMSA, as many as five sites would be needed to provide a data base sufficient to consider spatial variations and to develop trends for VOC and its species within that MSA/CMSA. By utilizing population as a surrogate for total MSA/CMSA (or nonattainment area) emissions density, the requirements for numbers of sites is stratified from two to five sites per area. Such differing criteria are required to accomodate the impact of transport on the smaller MSA's/CMSA's, to account for the spatial variations inherent in large areas, and to satisfy the differing data needs of large versus small areas due to the intractability of the ozone nonattainment problem. Given these assumptions, the Agency seeks comment on the extent to which the aforesaid "practical compromise" network requirements would provide sufficient data to fulfill the data uses described in appendix D, section 4.1 and 4.2, and summarized in Table 1. Additionally, comment is sought regarding the cost and content of substitute mechanisms for establishing the minimum monitoring requirements which would also fulfill the proposed objectives and data uses. In particular, the Agency seeks information on substitute sampling regimes (both frequency and duration), the use of statistical approaches to supplement (or in lieu of) sampling, and other sampling methods.

The Agency recognizes that other proxies for emissions density, and therefore requirements for numbers of sampling sites, could have been tendered. The Agency also seeks comment on whether more complex mechanisms which include factors such as precursor emissions, geography, meteorology, other demographical indicators, etc., should be utilized.

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TABLE 1. MEASUREMENTS NECESSARY TO MEET MONITORING OBJECTIVES

MONITORING OBJECTIVES			NECESSARY MEASUREMENTS — SITE TYPE (1)					(2)					(3)					(4)					(5)				
			OZN	VOC	NOX	TOX	MET	OZN	VOC	NOX	TOX	MET	OZN	VOC	NOX	TOX	MET	OZN	VOC	NOX	TOX	MET	OZN	VOC	NOX	TOX	MET
NAAQS ATTAINMENT & CONTROL STRATEGY DEVELPMNT	OVERWHELMING TRANSPORT		*	*	*		*	**	**	**		**															
	PHOTOCHEMICAL GRID MODELS	BOUNDARY CONDITIONS	*	*	*		*						**	**	**		**	*	*	*		*	*	*	*		*
		MODEL INPUT REQUIREMENT	*	*	*		*	*	*	*		*	*	*	*		*	*	*	*		*	*	*	*		*
		MODEL PERFORMANCE	*	*	*		*	*	*	*		*	*	*	*		*	*	*	*		*	*	*	*		*
	ATTAINMENT DECISIONS		**		**		**	*		**		**	*		*		**	*		*		**	*		*		**
SIP CONTROL STRATEGY EVALUATION	EVALUATE EFFECTIVENESS OVER LONG-TERM		*	*	*		*	*	*	*		*	**	**	**		**	*	*	*		*	*	*	*		*
EMISSIONS TRACKING	CORROBORATE NOX AND VOC EMISSION INVENTORIES		**	*	*		*	**	*	*		*	**	*	*		*	**	*	*		*	**	*	*		*
	TRACK NOX AND VOC EMISSION INVENTORY REDUCTIONS			*	*	*	*		*	*	*	*		*	*	**	*		**	**	**	*		**	**	**	*
TRENDS			*	*	*	*	*	**	*	**	*	*	*	*	*	*	*	*	**	**	**	*	*	**	**	**	*
EXPOSURE ASSESSMENT			**	***	**	**	**	*	**	**	*	*	*	**	**	*	*	*	**	**	**	*	*	**	**	**	*

LEGEND
VOC – VOLATILE ORGANIC COMPOUNDS
NOX – OXIDES OF NITROGEN (NO, NO2, & NOX)
TOX – TOXIC AIR POLLUTANTS ALSO MEASURED AS VOC
OZN – OZONE

* – PRIMARY OBJECTIVE
** – SECONDARY OBJECTIVE

BILLING CODE 6560-50-C

Type (1) PAMS sites would characterize the upwind background and transported precursor concentrations entering the nonattainment area. Type (2) sites would be intended to monitor areas of maximum precursor (VOC and NO_x) emissions, be ideally suited for the monitoring of urban air toxic pollutants, and might typically be located near the predominantly downwind edge of the central business district or other area of maximum precursor emissions such as from a large industrial area or major traffic area. Type (2) sites, however, should not be unduly influenced by single emission sources. The Agency seeks comment on the reasonableness of the view that this one site would suffice for the purpose of reporting on urban air toxics and assessing exposure. Type (3) sites would monitor changes in precursor concentrations and ratios downwind of the emission sources and would be located between sites (2) and (4) typically at the population fringe of the urbanized area. Type (4) and Type (5) sites would be sites located to measure the maximum ozone concentrations. Site (4) would be located in the predominant downwind direction during the ozone period and site (5) would be located in the second most predominant downwind direction. Given the large variability in emissions, meteorology, geography, etc., from area to area, the Agency recognizes that situations may occur where the minimum monitoring system required by the proposed rule is inadequate. The Agency also seeks comment on the criteria for determining such inadequacy and on a process for resolving the issue.

Because of the relatively large resource requirements to conduct PAMS monitoring, 3 months is being proposed as the minimum annual precursor monitoring period for the PAMS; however, EPA encourages the establishment of a monitoring period for the entire ozone season in order to provide a more comprehensive air quality data base and increase the possibility of actually conducting monitoring during most of the worst ozone episodes. PAMS ozone monitors must adhere to the ozone monitoring season specified in section 2.5 of appendix D.

Also included in appendix D are ciriteria for establishing ground level meteorological stations and a recommendation for obtaining upper air meteorological data. Ground level stations would be required to be operational upon establishment of the station. The Agency requests comment on the general need for meteorological stations and the adequacy of the proposed on-site measurements. Based on comments received during the Streamlined review process, the Agency recognizes that in rare cases it may not be possible to site a 10-meter meteorological monitoring tower at a particular PAMS site. The Agency, therefore, seeks comments on the criteria to determine how meteorological data collected at a nearby site could be used to represent the meteorology at a PAMS site where the tower and the air monitoring equipment cannot be collocated.

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

This appendix currently contains detailed provisions for specifically locating the sampler or analyzer probe inlet after the general location of the SLAMS or NAMS sampler or monitor has been selected.

Overall, the siting criteria for the PAMS monitors are similar to the NAMS/SLAMS criteria for such items as the minimum distance of the inlet probe from obstructions, vertical and horizontal probe placement, minimum distances from trees and spacing from roadways. The intent is that nearby roadways should not provide a local ozone sink for site Types (2) and (3), nor serve as precursor sources for site Types (1), (4), and (5).

Waiver provisions are revised to indicate that written requests for PAMS waivers must be forwarded to the Administrator for consideration.

In addition to seeking comment on the issues previously mentioned, the Agency solicits comment on adding the following requirements: Monitoring upper air meteorology in each area; adding more PAMS sites; increasing the monitoring frequency at those sites operating less than everyday, e.g., to daily; requiring shorter sampling averaging times, e.g., hourly samples, at all sites; elevated (altitude) sampling for all parameters; monitoring for other nitrogen and oxygen containing compounds which participate in ozone formation (e.g., peroxyacetylnitrate, nitric acid, etc.), often termed NOy; and ozone-season long monitoring for all precursor and meteorological parameters.

Estimated Cost of Proposal

The regulations proposed in this notice affect only those MSA/CMSAs which are located in ozone nonattainment areas designated as serious, severe, or extreme; therefore, the economic impact will be focused on the State and local air pollution control agencies having jurisdiction in those areas. These affected areas have been formally designated by amendments to 40 CFR part 81, published in the **Federal Register** on Wednesday, November 6, 1991. The specific MSA/CMSAs affected by this notice, and therefore subject to the enhanced ozone monitoring requirements, are lsited in Table 2. Each of the involved State and local air pollution control agencies have previously been sent a detailed compendium of the monitoring requirements and expected costs associated with the PAMS program. The primary responsibility for implementing the program with its associated costs rests with the States. EPA expects to supplement the funds provided by the States with grant monies pursuant to section 105 of the Clean Air Act.

TABLE 2. ESTIMATED REQUIREMENTS FOR PAMS

[Jan. 6, 1992]

CMSA/MSA	Number of new sites					Estimated cumulative cost FY-93 to FY-97
	03	NO2	Meteor.	Aldehyde	VOC	
Los Angeles-Anaheim-Riverside, CA	0	0	5	2	5	$2,050,000
Houston-Galveston-Brazoria, TX	0	0	5	2	5	2,050,000
New York-Northern New Jersey-Long Island, NY-NJ-CT	0	0	5	2	5	2,050,000
Baltimore, MD	0	2	5	2	5	2,117,900
Chicago-Lake County (IL), IL-IN-WI	0	0	5	2	5	2,050,000
San Diego, CA	0	0	5	2	5	2,050,000
Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD	0	0	5	2	5	2,050,000
Milwaukee-Racine, WI	0	2	4	2	4	1,973,820
Muskegon, MI	1	2	2	1	2	1,383,520

TABLE 2. ESTIMATED REQUIREMENTS FOR PAMS—Continued

[Jan. 6, 1992]

CMSA/MSA	Number of new sites					Estimated cumulative cost FY-93 to FY-97
	03	NO2	Meteor.	Aldehyde	VOC	
Sheboygan, WI	1	2	2	1	2	1,383,520
Hartford-New Britain-Middletown, CT	1	3	4	2	4	2,072,420
Fresno, CA	0	0	3	1	3	1,590,160
El Paso, TX	0	2	3	1	3	1,729,560
Bakersfield, CA	0	0	3	1	3	1,590,160
Springfield, MA	1	2	3	1	3	1,742,060
Boston-Lawrence-Salem, MA-NH	0	1	5	2	5	2,080,000
Washington, DC-MD-VA	0	0	5	2	5	2,050,000
Portsmouth-Dover-Rochester, NH-ME	1	2	2	1	2	1,383,520
Baton Rouge, LA	0	1	3	1	3	1,553,060
Atlanta, GA	1	3	5	2	5	2,217,000
Providence-Pawtucket-Fall River, RI-MA	2	3	4	2	4	2,124,820
Sacramento, CA	0	0	4	2	4	1,890,120
Beaumont-Port Arthur, TX	0	0	2	1	2	1,206,320
Totals	8	25	89	37	89	42,489,960

Table 2 also delineates the estimated increases in monitoring costs (above the present national ambient air monitoring network) associated with the establishment of PAMS sites in the affected areas. For the purpose of these estimates, EPA has assumed that 84 ozone monitors and 66 NO_x monitors which are currently in operation will be converted to PAMS components. The cost estimates, therefore, do not include any provision for these monitors since operation and sample analysis costs are already included in the current national ambient air monitoring program. The cost estimates for each MSA/CMSA do include new capital expenditures, operational costs, and labor costs associated with the hiring of new senior environmental chemists/chromatographers and statisticians/data analysts. The PAMS costs are expressed as 5-year cumulative costs, from initiation of the network through required completion (based on the phase-in schedule proposed in appendix D) which amounts to a total of approximately $45 million nationally. Continuing annual costs for the operation and maintenance of the PAMS system, including an allowance for equipment replacement, are about $11.6 million. By comparison, current national costs for routine ozone-related monitoring programs involve the operation of 826 ozone monitors for $13.8 million and 329 NO_x monitors at $6.9 million per year. Current total criteria monitoring capital and operating costs amount to $57 million annually. Further detail on the bases for these cost estimates is provided in Table 3.

TABLE 3. COST PER ENHANCED OZONE MONITORING STATION

Item	Yearly operational cost	Capital cost
Establish Monitoring Station (1st year only)	$900	$8,700
Ozone (03)		20,300
7-month	7,500	
9-month	9,600	
12-month	12,800	
Nitrogen Dioxide (NO_2)		22,100
7-month	7,900	
9-month	10,200	
12-month	13,600	
Volatile Organic Compounds (VOC)		
Frequency "A" (Canister)	90,300	47,700
Frequency "B" (GC & Canister)	57,300	85,400
Frequency "C" (GC & Canister)	41,500	80,800
Aldehydes		
Frequency "D"	15,400	2,800
Frequency "E"	41,600	6,000
Meteorology	2,400	9,000
Data Analysis & Trends	12,500	

During the first year of operation, the PAMS network is likely to cost approximately $5.2 million. Additionally, present ozone control cost estimates amount to $8–10 billion on an annual basis compared to a continuing investment of less than $12 million to operate PAMS (only 0.2 percent). PAMS are designed to ensure that the most cost-effective ozone control strategies are devised in implemented and provide the basis to track their success.

Impact on Small Entities

The Regulatory Flexibility Act requires that all Federal Agencies consider the impacts of final regulations on small entities, which are defined to be small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601 et seq.). EPA's consideration pursuant to this Act indicates that no small entity group would be significantly affected in an adverse way by the proposal. Therefore, pursuant to 5 U.S.C. 605(b), the Administrator certifies that these proposed amendments would not have a significant economic impact on a substantial number of small entities

Other Reviews

Since this revision is classified as minor, no additional reviews are required. The proposed revisions to part 58 were submitted to the Office of Management and Budget (OMB) for review (under Executive Order 122291). This is not a "major" rule under E.O. 12291 because it does not meet any of the criteria defined in the Executive Order.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements for Ambient Air Quality Networks under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0084. The information collection requirements in this proposed rule, which will amend the Information Collection Request (ICR) for Ambient Air Quality Networks, have been submitted for approval to the OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An ICR has been prepared by EPA (ICR No. 940.09) and a copy may be obtained from Sandy Farmer, Information Policy Branch (PM–223Y); U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or by calling (202) 260–2740.

This proposed rule is estimated to increase the annual burden of affected control agencies by 99,840 hours for the

first full year of operation. This burden would increase to 287,495 hours in the fifth year of implementation when all required sampling is operational. This estimate includes the time for site installation, sampler operation, data reduction, data reporting, and data analysis.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch (PM–223Y); U. S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Part 58

Air pollution control, Intergovernmental relations, Air quality surveillance and data reporting, Pollutant standard index, Quality assurance program, Ambient air quality monitoring network design and siting.

Dated: January 22, 1992.

William K. Reilly,

Administrator.

For the reasons set forth in the Preamble, part 58 of chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 58—AMBIENT AIR QUALITY SURVEILLANCE

1. Authority citation for 40 part 58 is revised to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7613, and 7619.

2. Section 58.1 is amended by revising paragraph (f) and by adding paragraphs (w), (x), and (y) to read as follows:

§ 58.1 Definitions.

* * * * *

(f) NO_2 means nitrogen dioxide. *NO* means nitrogen oxide. NO_x means oxides of nitrogen and is defined as the sum of the concentrations of NO_2 and NO.

* * * * *

(w) *PAMS* means Photochemical Assessment Monitoring Stations.

(x) *VOC* means volatile organic compounds.

(y) *Meteorological* measurements means continuous measurements of wind speed, wind direction, barometric pressure, temperature, relative humidity, and solar radiation.

3. Section 58.2 is amended by redesignating paragraph (d) as paragraph (e) and by adding a new paragraph (d) to read as follows:

§ 58.2 Purpose.

* * * * *

(d) This section also acts to establish a Photochemical Assessment Monitoring Stations (PAMS) network as a subset of the State's SLAMS network for the purpose of enhanced monitoring in ozone nonattainment areas listed as serious, severe, or extreme. The PAMS network will be subject to the data reporting and monitoring methodology requirements as contained in subpart E of this part.

4. Section 58.13 is amended by revising paragraph (b); redesignating paragraph (c) as paragraph (d); and adding a new paragraph (c) to read as follows:

§ 58.13 Operating schedule.

* * * * *

(b) For manual methods (excluding PM_{10} samplers and PAMS VOC samplers), at least one 24-hour sample must be obtained every sixth day except during periods or seasons exempted by the Regional Administrator.

(c) For PAMS VOC samplers, samples must be obtained as specified in section 4.4 of appendix D to this part. PAMS operating schedules must be included as part of the network description required by § 58.40 and must be approved by the Administrator.

* * * * *

5. Section 58.20 is amended by revising paragraphs (a) and (c) and adding paragraph (f) to read as follows:

§ 58.20 Air quality surveillance: Plan content.

* * * * *

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in part 50 of this chapter. SLAMS (including NAMS) designated as PAMS will also obtain ambient concentrations of speciated VOC and NO_x, and meteorological measurements. PAMS may therefore be located at existing SLAMS or NAMS sites when appropriate.

* * * * *

(c) Provide for the operation of at least one SLAMS per criteria pollutant except Pb during any stage of an air pollution episode as defined in the plan.

* * * * *

(f) Within 6 months after the effective date of promulgation or date of nonattainment designation (whichever is later), States with ozone nonattainment areas designated as serious, severe, or extreme shall adopt and submit a plan revision to the Administrator. The plan revision will provide for the establishment and maintenance of PAMS. Each PAMS site will provide for the monitoring of ambient concentrations of criteria pollutant (O_3, NO_2,), and non-criteria pollutant (NO_x, NO, and speciated VOC) as stipulated in section 4.2 of appendix D to this part, and meteorological measurements. The PAMS network is part of the SLAMS (including NAMS) network and the plan provisions in paragraphs (a) through (e) of this section will apply to the revision.

Subpart E (§ 58.40) [Redesignated as Subpart F (§ 58.50)]

Subpart F (§§ 58.50, 58.51) [Redesignated as Subpart G (§§ 58.60, 58.61)]

6. Subparts E (§ 58.40) and F (§§ 58.50 and 58.51) are redesignated as subparts F (§ 58.50) and G (§§ 58.60 and 58.61), respectively. Subpart E is added to read as follows:

Subpart E—Photochemical Assessment Monitoring Stations (PAMS)

Sec.

58.40 PAMS network establishment.
58.41 PAMS network description.
58.42 PAMS approval.
58.43 PAMS methodology.
58.44 PAMS network completion.
58.45 PAMS data submittal.
58.46 System modification.

Subpart E—Photochemical Assessment Monitoring Stations (PAMS)

§ 58.40 PAMS network establishment.

(a) In addition to the plan revision, the State shall submit a photochemical assessment monitoring network description including a schedule for implementation to the Administrator within 6 months after the effective date of promulgation or redesignation and reclassification of the area to serious, severe, or extreme ozone nonattainment. The newtwork description will apply to all serious, severe, and extreme ozone nonattainment areas within the State. Some ozone nonattainment areas may extend beyond State or Regional boundaries. In instances where PAMS network design criteria as defined in appendix D to this part require monitoring stations located in different States and/or Regions, the network description and implementation schedule may be submitted jointly by the States involved. Network descriptions shall be submitted through the appropriate Regional Office(s). Alternative networks may be submitted, but they must include a demonstration that they satisfy the monitoring data uses and fulfill the PAMS monitoring objectives described in sections 4.1 and 4.2 of appendix D to this part. Certain alternative plans described in section 4.2 of appendix D to this part must be published in the **Federal Register**, subjected to public comment, and subsequently approved by the Administrator.

(b) For purposes of plan development and approval, the stations in the PAMS network must be stations from the SLAMS network required by § 58.20.

(c) The requirements of appendix D to this part applicable to PAMS must be met when designing the PAMS network.

§ 58.41 PAMS network description.

The PAMS network description required by § 58.40 must contain the following:

(a) Identification of the monitoring area represented.

(b) The AIRS site identification form for existing stations.

(c) The proposed location for scheduled stations.

(d) Identification of the site type and location within the PAMS network design for each station as defined in appendix D to this part.

(e) The sampling and analysis method for each of the measurements.

(f) The operating schedule for each of the measurements.

(g) A schedule for implementation. This schedule should include the following:

(1) A timetable for locating, and submitting the AIRS site identification form for each scheduled PAMS that is not located at the time of submittal of the network description,

(2) A timetable for phasing-in operation of the required number and type of sites as defined in appendix D to this part, and

(3) A schedule for implementing the quality assurance procedures of appendix A to this part for each PAMS.

§ 58.42 PAMS approval.

The PAMS network required by § 58.40 is subject to that approval of the Administrator. Such approval will be contingent upon completion of the network description as outlined in § 58.41 and upon conformance to the PAMS network design criteria contained in appendix D to this part.

§ 58.43 PAMS methodology.

PAMS monitors must meet the monitoring methodology requirements of appendix C to this part applicable to PAMS.

§ 58.44 PAMS network completion.

(a) The complete, operational PAMS network will be phased in as described in appendix D to this part over a period of 5 years after the effective date of promulgation or redesignation and reclassification of any area to serious, severe, or extreme ozone nonattainment.

(b) The quality assurance criteria of appendix A to this part must be implemented for all PAMS.

§ 58.45 PAMS data submittal.

(a) The requirements of this section apply only to those stations designated as PAMS by the network description required by § 58.40.

(b) All data shall be submitted to the Administrator in accordance with the format and for the reporting periods specified in § 58.35.

(c) The State shall report O_3, NO, NO_2, and NO_x data within 60 days following the end of each quarterly reporting period.

(d) The State shall report speciated VOC data and meteorological data within 6 months following the end of each quarterly reporting period.

§ 58.46 System modification.

(a) Any proposed changes to the PAMS network description will be evaluated during the annual SLAMS Network Review specified in § 58.20. Changes proposed by the State must be approved by the Administrator. The State will be allowed 1 year (until the next annual evaluation) to implement the appropriate changes to the PAMS network.

(b) PAMS network requirements are mandatory only for serious, severe, and extreme ozone nonattainment areas. When such area is redesignated to attainment, the State may revise its PAMS monitoring program subject to approval by the Administrator.

7. A new sentence is added before the last sentence in the first paragraph of section 2.2 of appendix A to read as follows:

Appendix A—Quality Assurance Requirements for State and Local Air Monitoring Stations (SLAMS)

* * * * *

2.2 * * * Quality assurance guidance for VOC and meteorological measurements at PAMS is contained in reference 5. * * *

* * * * *

8. References 5, 6, and 7, of Appendix A are redesignated as references 6, 7, and 8 repectively and new reference 5 is added to read as follows:

References

* * * * *

5. Technical Guidance for Monitoring Ozone Precursor Compounds. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC. Draft May 1991.

* * * * *

9. Sections 4.0, 5.0 and 5.1 of appendix C are redesignated as sections 5.0, 6.0, and 1, respectively (reference 5.1 therefore will become reference 1 of section 6.0), sections 4.0, 2, and 3 are added and newly redesignated Section 6.0 is revised to read as follows:

Appendix C—Ambient Air Quality Methodology

* * * * *

4.0 Photochemical Assessment Monitoring Stations (PAMS)

4.1 Methods used for O_3 monitoring at PAMS must be automated reference or equivalent methods as defined in § 50.1 of this chapter.

4.2 Methods used for NO and NO_x monitoring at PAMS must be automated reference or equivalent methods as defined for NO_2 in § 50.1 of this chapter.

4.3 Methods for meteorological measurements and speciated VOC monitoring are included in the guidance provided in references 2. and 3. If alternative VOC monitoring methodology, which is not included in the guidance, is proposed, it must be detailed in the network description required by § 58.40 and must be published in the **Federal Register**, subject to public comment, and subsequently approved by the Administrator.

* * * * *

6.0 References

1. Pelton, D.J. Guideline for Particulate Episode Monitoring Methods. GEOMET Technologies, Inc., Rockville, MD. Prepared for U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA Contract No. 68–02–3584. EPA 450/4–83–005. February 1983.

2. Technical Guidance for Monitoring Ozone Precursor Compounds. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Draft May 1991.

3. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–82–060. February 1983.

10. The heading of Appendix D is revised to read as follows:

Appendix D—Network Design for State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS)

11. The second sentence of the first paragraph of Section 1 of Appendix D is revised to read as follows:

1. * * * It also describes criteria for determining the number and location of National Air Monitoring Stations (NAMS) and Photochemical Assessment Monitoring Stations (PAMS). These criteria will also be used by EPA in evaluating the adequacy of the SLAMS/NAMS/PAMS networks. * * *

* * * * *

12. Section 4 and section 5 of appendix D are redesignated as section 5 and section 6, respectively. A new section 4 is added to read as follows:

4 Network Design for Photochemical Assessment Monitoring Stations (PAMS)

In order to obtain more comprehensive and representative data on ozone air pollution, the 1990 Clean Air Act Amendments require enhanced monitoring for ozone (O_3),oxides of nitrogen (NO_x), and volatile organic compounds (VOC) in ozone nonattainment areas classified as serious, severe, or extreme. This will be accomplished through the establishment of a network of photochemical assessment monitoring stations (PAMS).

4.1 PAMS data uses.—Data from the PAMS are intended to satisfy several coincident needs related to attainment of the National Ambient Air Quality Standards (NAAQS), SIP control strategy development and evaluation, corroboration of emissions tracking, preparation, of trends appraisals, and exposure assessment.

(a) *NAAQS attainment and control strategy development.* Like SLAMS and NAMS data, PAMS data will be used for monitoring ozone exceedances and providing input for attainment/nonattainment decisions. In addition, PAMS data will help resolve the roles of transported and locally emitted ozone precursors in producing an observed exceedance and may be utilized to identify specific sources contributing to observed exceedances and excessive concentrations of ozone precursors. PAMS data will also assist in characterizing the concentrations of ozone and precursors occurring on days when high ozone levels are measured and therefore extend the data base available for future attainment demonstrations. These demonstrations will be based on photochemical grid modeling and other approved analytical methods and will provide a basis for prospective mid-course control strategy corrections. PAMS data will provide (1) information concerning which areas and episodes to model to develop appropriate control strategies; (2) boundary conditions required by the models to produce quantifiable estimates of needed emissions reductions; and (3) a means to evaluate the predictive capability of the models used.

(b) *SIP control strategy evaluation.* The PAMS will provide data for SIP control strategy evaluation. Long-term PAMS data will be used to evaluate the effectiveness of these control strategies. Data could be used to validate the impact of VOC and NO_x emission reductions on air quality levels for ozone if retrieved at the end of a time period during which control measures were implemented. Additionally, ambient monitoring data will be used to determine in what portion of the day, the VOC emissions reductions occur. Speciation of measured VOC data will allow determination of which organic species are most affected by the emissions reductions and assist in developing cost effective selective VOC reductions and control strategies. A State or local air pollution control agency can therefore ensure that strategies which are implemented in their particular nonattainment area, are those which are best suited for that area and achieve the greatest VOC and NO_x emissions reductions (and therefore largest impact) at the least cost.

(c) *Emissions tracking.* PAMS data will be used to corroborate the quality of VOC and NO_x emission inventories. Although a perfect mathematical relationship between emission inventories and ambient measurements does not yet exist, a qualitative assessment of the relative contributions of various compounds to the ambient air could be roughly compared to current emission inventory estimates to judge the accuracy of the emission inventories. In addition, PAMS data which is gathered year round will allow tracking of VOC and NO_x emission reductions, provide additional information necessary to demonstrate Reasonable Further Progress (RFP) toward the specific reductions required to achieve the ozone NAAQS, and corroborate emissions trends analyses. While the regulatory assessments of progress will be made in terms of emission inventory estimates, the ambient data can provide independent trends analyses and corroboration of these assessments which either verify or highlight possible errors in emissions trends indicated by inventories. The ambient assessments, using speciated data, can gage the accuracy of estimated changes in emissions. The speciated data can also be used to assess the quality of the VOC speciated and NO_x emission inventories for input during photochemical grid modeling exercises and identify urban air toxic pollutant problems which deserve closer scrutiny.

The speciated VOC data will be used to determine changes in the species profile, resulting from the emission control program, particulary those resulting from the reformulation of fuels.

(d) *Trends.* Long-term PAMS data will be used to establish speciated VOC, NO_x, and toxic air pollutant trends, and supplement the O_3 trends data base. Multiple statistical indicators will be tracked, including ozone and its precursors on the ten days during each year with the highest ozone concentration, the seasonal means for these pollutants, and the annual means at representative locations.

The more PAMS that are established in and near nonattainment areas, the more effective the trends data will become. As the spatial distribution and number of ozone and ozone precursor monitors improves, trends analyses will be less influenced by instrument or site location anomalies. The requirement that surface meteorological monitoring be established at each PAMS, will help maximize the utility of these trends analyses by comparisons with meteorological trends, and transport influences. The meteorological data will also help interpret the ambient air pollution trends.

(e) *Exposure assessment.* PAMS data will be used to better characterize ozone and toxic air pollutant exposure to populations living in serious, severe, or extreme areas. Annual mean toxic air pollutant concentrations will be calculated to determine the risk to the population associated with individual VOC species in urban environment.

4.2 *PAMS monitoring objectives.*—Unlike the SLAMS and NAMS design criteria which are pollutant specific, PAMS design criteria are specific to site location. Concurrent measurements of O_3, NO_x, speciated VOC, and meteorology are obtained at PAMS. Design criteria for the PAMS network are based on selection of an array of site locations relative to ozone precursor source areas and predominant wind directions associated with high ozone events. Specific monitoring objectives are associated with each location. The overall design should enable characterization of precursor emission sources within the area, transport of ozone and its precursors into and out from the area, and the photochemical processes related to ozone nonattainment, as well as developing an initial urban air toxic pollutant data base. Specific objectives that must be addressed include assessing ambient trends in O_3, NO, NO_2, NO_x, VOC, and VOC species, determining spatial and diurnal variability of O_3, NO, NO_2, NO_x, and VOC species and assessing changes in the VOC species profiles that occur over time, particularly those occurring due to the reformulation of fuels. A maximum of five PAMS sites are required in an affected nonattainment area depending on the population of the Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area (MSA/CMSA) or nonattainment area, whichever is larger. Specific monitoring objectives associated with each of these sites result in five distinct site types.

Type (1) sites are established to characterize upwind background and transported ozone and its precursor concentrations entering the area and will identify those areas which are subjected to overwhelming transport. Type (1) sites are located in the predominant upwind direction from the local area of maximum precursor emissions during the ozone season and at a distance sufficient to ensure urban scale measurements are obtained as defined elsewhere in this Appendix. Typically, the (1) sites will be located 10–30 miles in the predominant upwind direction from the city limits or fringe of the urbanized area. Data measured at site type (1) will be used principally for the following purposes:

- Future development and evaluation of control strategies,
- Identification of incoming emissions,
- Corroboration of NO_x and VOC emission inventories,
- Establishment of boundary conditions for future photochemical grid modeling and mid-course control strategy changes,
- Analysis of pollutant trends.

Type (2) sites are established to monitor the magnitude and type of precursor emissions in the area where maximum emissions are expected to impact and are ideally suited for the monitoring of urban air toxic pollutants. Type (2) sites are located immediately downwind of the area of maximum precursor emissions and are typically placed near the downwind boundary of the central business district to ensure neighborhood scale measurements are obtained. Data measured at site type (2) will be used principally for the following purposes:

- Development and evaluation of imminent and future control strategies,
- Corroboration of NO_x and VOC emission inventories,
- Augmentation of RFP tracking,
- Verification of photochemical grid model performance,
- Characterization of ozone and toxic air pollutant exposures (maximum site for toxic emissions impact),
- Analysis of pollutant trends, particularly toxic air pollutants and annual ambient speciated VOC trends to compare with trends in annual VOC emission estimates,
- Determination of attainment with the NAAQS for NO_2 and O_3

Type (3) sites monitor changes in precursor concentrations and ratios downwind of the emissions source. Type (3) sites should be located in an intermediate position between the area of maximum precursor emissions and the downwind area where maximum ozone concentrations would be expected to ensure neighborhood scale measurements are obtained (between sites (2) and (4)). Typically, type (3) sites are 10–20 miles from the central business district or at the fringe of the urbanized area in the predominant downwind direction during the ozone season. Data measured at site type (3) will be used principally for the following purposes:

- Determination of attainment with the NAAQS, for NO_2 and O_3 (this site may coincide with an existing maximum NO_2 NAMS monitoring site),
- Measurement of transport and reactivity of precursors,
- Verification of photochemical grid model performance,
- Characterization of air pollutant exposures,
- Corroboration of NO_x and VOC emission inventories,
- Augmentation of RFP tracking,
- Analysis of pollutant trends.

Type (4) and (5) sites are intended to monitor maximum ozone concentrations occurring downwind from the area of maximum precursor emissions in the first and second most frequently occurring wind directions, respectively. Locations for type (4) and (5) sites should be chosen so that urban scale measurements are obtained. Typically, type (4) and (5) sites will be located 10–30 miles downwind from the fringe of the urban area or from site type (3). Data measured at site types (4) and (5) will be used principally for the following purposes:

- Determination of attainment with the NAAQS for ozone and NO_2 (this site may coincide with an existing maximum concentration ozone or a population exposure NO_2 NAMS monitoring site),
- Establishment of boundary conditions for photochemical grid modeling,
- Future development and evaluation of control strategies,
- Analysis of pollutant trends,
- Characterization of ozone pollutant exposures.

States choosing to submit individual network descriptions for each affected nonattainment area irrespective of its proximity to other affected areas, must fulfill the requirements for isolated areas as described in section 4 of appendix D and illustrated by Figure 1. States containing areas which experience significant impact from long-range transport or are proximate to other nonattainment areas (even in other States) may collectively submit a network description which contains alternative sites to those that would be required for an isolated area. Such a submittal should, as a guide, be based on the example provided in Figure 2, but must include a demonstration that it satisfies the monitoring data uses and fulfills the PAMS monitoring objectives described in sections 4.1 and 4.2 of this Appendix D. EPA recognizes that specific monitoring sites identified for one area may serve to fulfill the monitoring objectives for different site in another area; for example, a downwind site for one area may suffice as an upwind site for another. These alternative network designs must be reviewed and approved by the Administrator.

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Figure 1 - Isolated Area Network Design

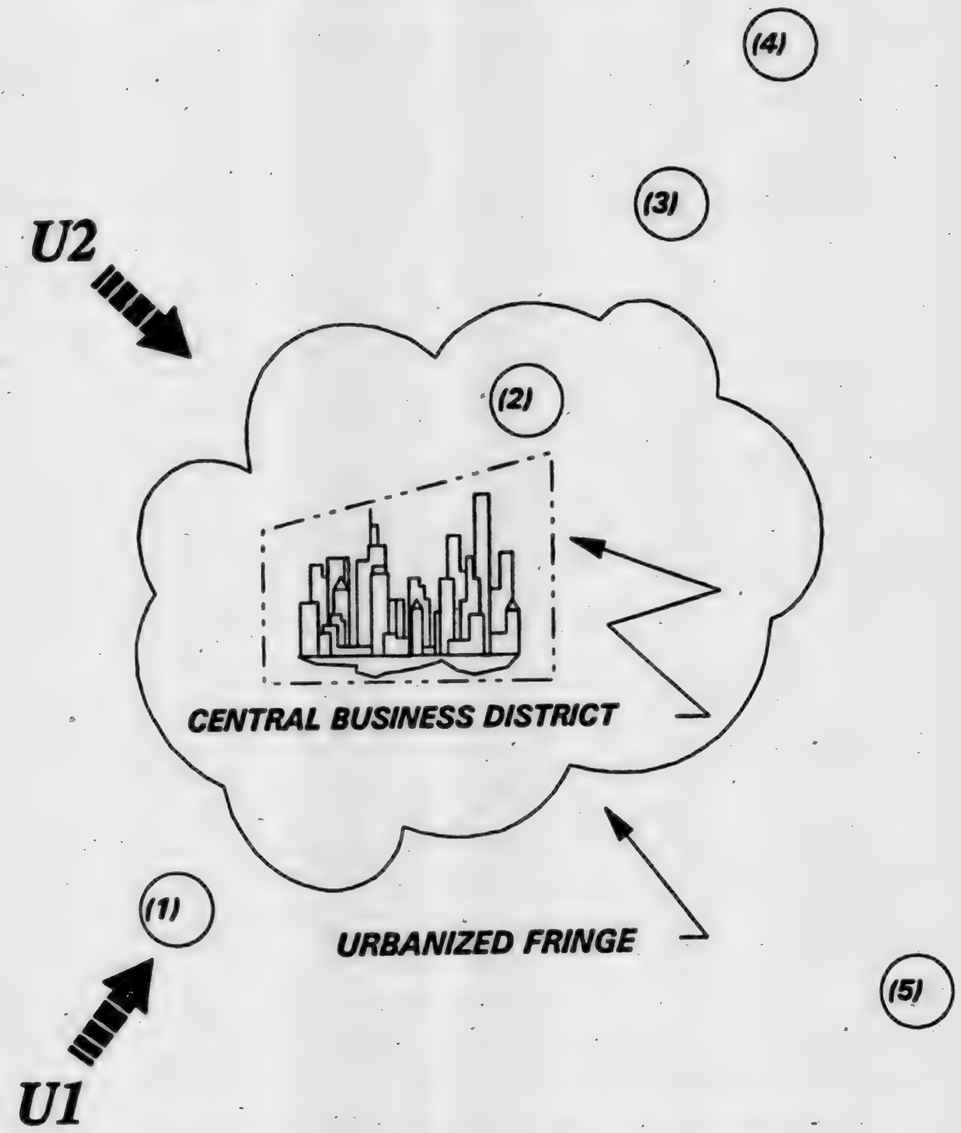

Note: U1 and U2 represent the first and second most predominant wind direction during the ozone season.

Figure 2 - Multi-Area/Transport Network Design

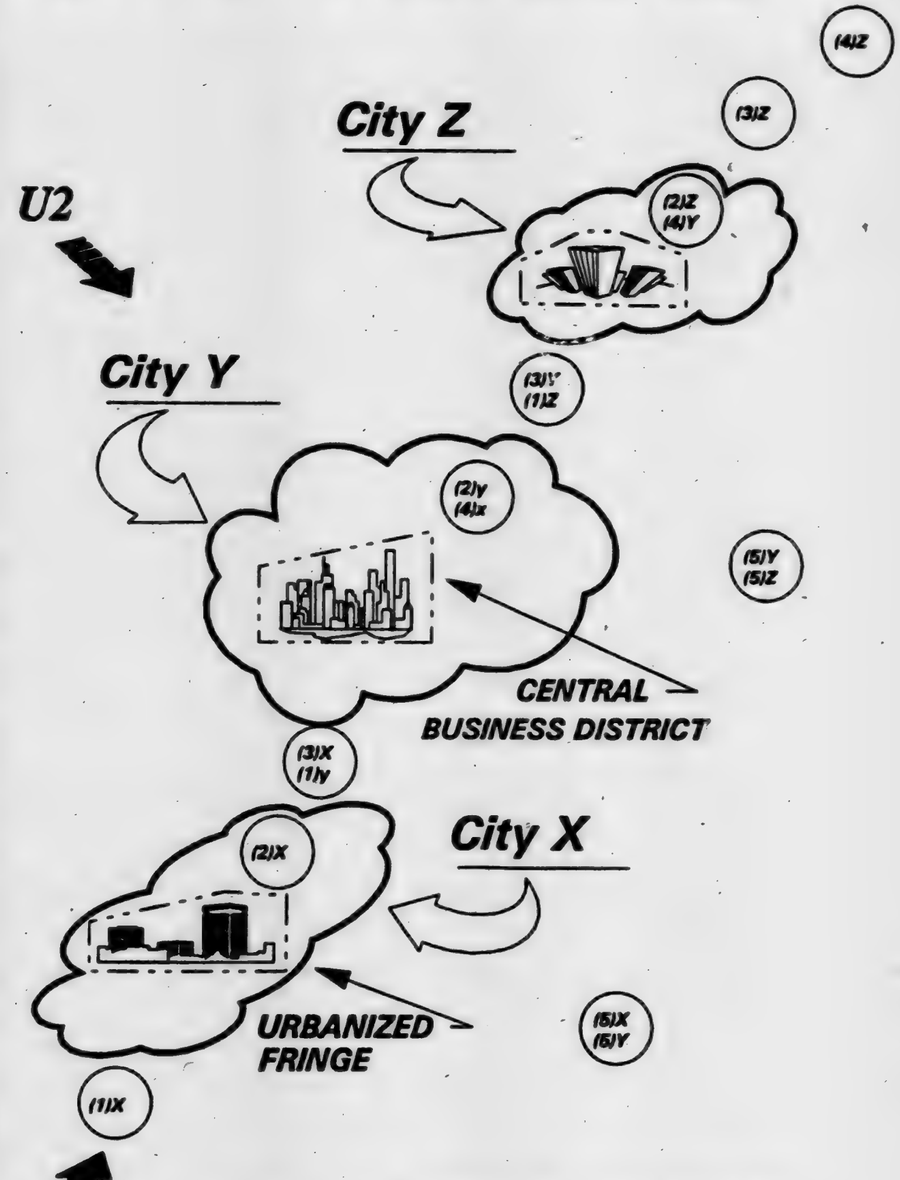

Note: U1 and U2 represent the first and second most predominant wind direction during the ozone season.

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Alternative plans which propose different or reduced frequencies of sampling or reduced spatial coverage must also be proposed for approval by the Administrator in the **Federal Register**, subjected to public comment, and subsequently considered by the Administrator for final approval or disapproval based on the comments received. Site locations are submitted as part of the network description required by § 58.40 and are subject to approval by the Administrator.

4.3 Monitoring period.—PAMS precursor monitoring will be conducted annually throughout the months of June, July and August (as a minimum) when peak ozone values are expected in each area; however, precursor monitoring during the entire ozone season for the area is preferred. Alternate precursor monitoring periods may be submitted for approval as a part of the PAMS network description required by § 58.40. Changes to the PAMS monitoring period must be identified during the annual SLAMS Network Review specified in § 58.20. PAMS ozone monitors must adhere to the ozone monitoring season specified in Section 2.5 of this Appendix D.

4.4 Minimum network requirements.—The minimum required number and type of monitoring sites and sampling requirements are based on the population of the affected MSA/CMSA or nonattainment area (whichever is larger). The MSA/CMSA basis for monitoring network requirements was chosen because it typically is the most representative of the area which encompasses the emissions sources contributing to nonattainment. The MSA/CMSA emissions density can also be effectively and conveniently portrayed by the surrogate of population. Additionally, a network which is adequate to characterize the ambient air of an MSA/CMSA often must extend beyond the boundaries of such an area (especially for ozone and its precursors); therefore, the use of smaller geographical units (such as counties or nonattainment areas which are smaller than the MSA/CMSA) for monitoring network design purposes is inappropriate. Various sampling requirements are imposed according to the size of the area to accommodate the impact of transport on the smaller MSA's/CMSA's, to account for the spatial variations inherent in large areas, to satisfy the differing data needs of large versus small areas due to the intractability of the ozone nonattainment problem, and to recognize the potential economic impact of implementation on State and local government. Population figures must reflect the most recent decennial U.S. census population report. Specific guidance on determining network requirements is provided in reference 19. Minimum network requirements are outlined below:

Population of MSA/CMSA or nonattainment area [1]	Required site type [2]	Minimum VOC sampling frequency [3]	Minimum aldehyde sampling frequency [3]
Less than 500,000	(1)	A	—
	(2)	A	D
500,000 to 1,000,000	(1)	A	—
	(2)	B	E
	(4)	A	—
1,000,000 to 2,000,000	(1)	A	—
	(2)	B	E
	(3)	C	E
	(4)	A	—
More than 2,000,000	(1)	A	—
	(2)	B	E
	(3)	C	E
	(4)	A	—
	(5)	A	—

[1] Whichever area is larger.
[2] See figure 1.
[3] Frequency requirements are as follows: A—Eight 3-hour samples every third day and one 24-hour sample every sixth day during the monitoring period; B—Eight 3-hour samples, everyday during the monitoring period and one 24-hour sample every sixth day year-round; C—Eight 3-hour samples, everyday and one 24-hour sample every sixth day during the monitoring period; D—Four 6-hour samples, every third day during the monitoring period; E—Four 6-hour samples, everyday during the monitoring period.

Note that for purposes of network implementation and transition only, priority has been given to the particular monitoring sites as follows:

- Site type (2) which provides the most comprehensive data concerning ozone precursor emissions and toxic air pollutants,
- Site type (1) which delineates the effect of incoming precursor emissions and concentrations of ozone,
- Site type (4) which provides a maximum ozone measurement and total conversion of ozone precursors,
- Site type (3) which depicts the changes in concentrations of ozone and precursors as the pollutants travel across an area, and
- Site type (5) which serves a similar purpose as site type (4) in the second most predominant wind direction.

4.5 *Transition period.*—A variable period of time is proposed for phasing in the operation of all required PAMS. Within 1 year after the effective date of promulgation or redesignation and reclassification of the area to serious, severe, or extreme ozone nonattainment (whichever is later), a minimum of one type (2) site must be operating. Operation of the remaining sites must, at a minimum, be phased in over the subsequent 4 years as outlined below:

Years after promulgation/designation	No. of sites operating	Operating site type [1]
1	1	(2)
2	2	(1),(2)
3	3	(1),(2),(4)
4	4	(1),(2),(3),(4)
5	5	(1),(2),(3),(4),(5)

[1] See figure 1

Note that given the need to differentiate the monitoring network requirements due to the spatial and emissions characteristics of the various sizes of MSA/CMSA or nonattainment areas, the criteria and priorities given in Section 4.4 were applied. These criteria and priorities result in networks of varying proportions, providing reasonable data coverage, and stratified monitoring requirements.

4.6 *Meteorological monitoring.*—In order to support monitoring objectives associated with the need for various air quality analyses and model inputs and performance evaluations, meteorological monitoring at 10 meters above ground is required at each PAMS site. Monitoring should begin with site establishment. In addition, upper air meteorological monitoring should be initiated as warranted in areas where such data is not available. The upper air station may be located separately from sites (1) through (5). The location should be representative of the upper air data in the nonattainment area. Upper air meteorological data should be collected for approximately 10 to 20 key days per year corresponding to model input requirements. Specific guidance on monitoring methods and siting is provided in reference 20 and 21.

5 Summary

* * * * *

13. In appendix D references 19 through 23 are added to section 6 to read as follows:

6 References

* * * * *

19. Enhanced Ozone Monitoring Network Design and Siting Criteria Guideline Document. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC. Draft May 1991.

20. Technical Guidance for Monitoring Ozone Precursor Compounds. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC. Draft May 1991.

21. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–82–060. February 1983.

22. Criteria for Assessing the Role of Transported Ozone/Precursors in Ozone Non-Attainment Areas. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC. EPA–450/4–91–015. May 1991.

23. Guidelines for Regulatory Application of the Urban Airshed Model. Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC. Draft, March 1991.

14. Appendix E is amended by adding a new paragraph after the first paragraph in section 9, by redesignating sections 10, 11, and 12 as sections 11, 12, and 13, redesignating Table 5 as Table 6, adding a new Table 5, adding a new section 10, amending the last sentence in newly redesignated section 11 to add reference to PAMS, and amending newly redesignated section 12 by adding an entry to the bottom of Table 6 for VOC to read as follows:

Appendix E—Probe Siting Criteria for Ambient Air Quality Monitoring

* * * * *

9 * * *

For VOC monitoring at those SLAMS designated as PAMS, FEP teflon is unacceptable as the probe material because of VOC adsorption and desorption reactions on the FEP teflon. Borosilicate glass, stainless steel, or its equivalent are the acceptable probe materials for VOC and aldehyde sampling. Care must be taken to ensure that the sample residence time is 20 seconds or less.

* * * * *

10 Photochemical Assessment Monitoring Stations (PAMS)

10.1 *Horizontal and Vertical Probe Placement.*—The height of the probe inlet must be located 3 to 15 meters above ground level. This range provides a practical compromise for finding suitable sites for the multi-pollutant PAMS. The probe inlet must also be located more than 1 meter vertically or horizontally away from any supporting structure.

10.2 *Spacing From Obstructions.*—The probe must be located away from obstacles and buildings such that the distance between the obstacles and the probe inlet is at least twice the height that the obstacle protrudes above the sampler. There must be unrestricted airflow in an arc of at least 270° around the probe inlet and the predominant wind direction for the season of greatest pollutant concentration must be included in the 270° arc. If the probe is located on the side of the building, 180° clearance is required.

10.3 *Spacing From Roads.*—It is important in the probe siting process to minimize destructive interferences from sources of nitrogen oxide (NO) since NO readily reacts with ozone. Table 5 below provides the required minimum separation distances between roadways and PAMS (excluding upper air measuring stations):

TABLE 5.—SEPARATION DISTANCE BETWEEN PAMS AND ROADWAYS

(Edge of nearest traffic lane)

Roadway average daily traffic	Minimum separation distance between roadways and stations in meters
Vehicles per day:	
<10,000	[1] >10
15,000	20
20,000	30
40,000	50
70,000	100
>110,000	>250

[1] Distances should be interpolated based on traffic flow.

Sites types (1), (4) and (5) are intended to be regionally representative and should not be unduly influenced by an NO_x source from a nearby roadway. Similarly, a nearby roadway should not act as a local ozone sink for site types (2) and (3).

10.4 *Spacing From Trees.*—Trees can provide surfaces for adsorption and/or reactions to occur and can obstruct normal wind flow patterns. To minimize these effects at PAMS, the probe inlet should be placed at least 20 meters from the drip line of trees. Since the scavenging effect of trees is greater for ozone than for the other criteria pollutants, strong consideration of this effect must be given in locating the PAMS probe inlet to avoid this problem. Therefore, the samplers must be at least 10 meters from the drip line of trees that are located between the urban city core area and the sampler along the predominant summer daytime wind direction.

10.5 *Meteorological Measurements.*—The 10-meter meteorological tower at each PAMS site should be located so that measurements can be obtained that are not immediately influenced by surrounding structures and trees. It is important that the meteorological data reflect the origins of, and the conditions within, the air mass containing the pollutants collected at the probe. Specific guidance on siting of meteorological towers is provided in references 31 and 32.

11 Waiver Provisions

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For those SLAMS also designated as NAMS or PAMS, the request will be forwarded to the Administrator.

12 Discussion and Summary

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TABLE 6.— SUMMARY OF PROBE SITING CRITERIA

Pollutant	Scale	Height above ground, meters	Distance from supporting structure, meters		Other spacing criteria
			Vertical	Horizontal [4]	
* * *					
VOC	—	3–15	>1	>1	1. Should be >20 meters from the dripline and must be 10 meters from the dripline when the tree(s) act as an obstruction. 2. Distance from probe inlet to obstacle must be at least twice the height the obstacle protrudes above the inlet probe. 3. Must have unrestricted air flow in an arc of at least 270° around the probe inlet and the predominant wind direction for the season of greatest pollutant concentration must be included in the 270° arc. If probe located on the side of a building unrestricted air flow must be 180°. 4. Spacing from roadways (see Table 5).

[4] When probe is located on rooftop, this separation distance is in reference to walls, parapets, or penthouses located on the roof.

* * * * *

15. References number 31 and 32 are added to newly redesignated section 13 of appendix E to read as follows:

13 References

* * * * *

31. Technical Guidance for Monitoring Ozone Precursor Compounds. Atmospheric Research and Exposure Assessment Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC. Draft May 1991.

32. Quality Assurance Handbook for Air Pollution Measurement Systems: Volume IV. Meteorological Measurements. Environmental Monitoring Systems Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. EPA 600/4–82–060. February 1983.

[FR Doc. 92–2535 Filed 3–3–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[OPP–300239; FRL–3946–9]

RIN 2070 AC–18

Acetic Acid; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a

tolerance be established for residues of acetic acid (CAS Registry No. 64-19-7) when used as an inert ingredient (catalyst) in pesticide formulations applied to animals. This proposed regulation was requested by the Hoechst-Roussel Agri-Vet Co.

DATES: Comments, identified by the document control number [OPP-300239] must be received on or before April 3, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: At the request of Hoechst-Roussel Agri-Vet Co., Route 202-206 North, Somerville, NJ 08876, the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), proposes to amend 40 CFR 180.1001(e) by establishing an exemption from the requirement of a tolerance for the chemical acetic acid when used as an inert ingredient (catalyst) in pesticide formulations applied to animals.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The information submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will not present an unreasonable risk of injury to health or the environment. The Agency has decided that the data normally required to support the proposed tolerance exemption for acetic acid will not need to be submitted. The rationale for this decision is described below.

1. Residues of acetic acid are already exempt from the requirement of a tolerance when used in accordance with good agricultural practices, as inert (or occasionally active) ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest under 40 CFR 180.1001(c).

2. Acetic acid is affirmed as generally recognized as safe (GRAS) when added directly to human food by the Food and Drug Administration under 21 CFR 184.1005.

3. Acetic acid is approved by the Food and Drug Administration for use in animal food or feed under 21 CFR 582.1005. It is generally recognized as safe (GRAS) when used in accordance with good manufacturing or feeding practice.

4. Acetic acid is approved for use as an ingredient in sanitizing solution for food processing equipment under 21 CFR 178.1010.

The Food and Drug Administration conducted a comprehensive safety review of those chemicals classified as generally recognized as safe (GRAS) and those subject to prior sanctions (proposed rule, 44 FR 19430; final rule, 47 FR 27813). Under this review, the safety of acetic acid was evaluated according to the data available in the scientific literature. Based on a review of this data, the Select Committee on GRAS Substances (chosen by the Life Sciences Research Office of the Federation of American Society for Experimental Biology) and the Food and Drug Administration have determined that there is no evidence demonstrating or suggesting that acetic acid is a hazard to the public.

Under the EPA review procedures for tolerance exemptions for inert ingredients, the Agency conducts a review of the data base supporting any prior clearances, the data available in the scientific literature, and any other relevant data. Based on a review of such data, the Agency has determined that no additional test data will be required to support this regulation.

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a risk to human health or the environment. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300239]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub.L. 96-354 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements

Dated: February 8, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(e) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(e) * * *

Inert ingredients	Limits	Uses
Acetic acid (CAS Reg. No. 64-19-7).	Not more than 0.5 % of pesticide formulation.	Catalyst

* * * * * *

[FR Doc. 92-4778 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[OPP-300244; FRL-4048-3]

RIN 2070-AC18

Acrylic Acid-Stearyl Methacrylate Copolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of acrylic acid-stearyl methacrylate copolymer (CAS Reg. No. 27756-15-6) when used as an inert ingredient (drift control agent) in pesticide formulations applied to growing crops only. This proposed regulation was requested by the B. F. Goodrich Co.

DATES: Comments, identified by the document control number [OPP-300244], must be received on or before April 3, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Connie Welch, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711I, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7252.

SUPPLEMENTARY INFORMATION: At the request of BF Goodrich, 3925 Embassy Parkway, Akron, OH 44313-1799, the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), proposes to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of acrylic acid-stearyl methacrylate copolymer (CAS Reg. No. 27756-15-6) when used as an inert ingredient (drift control agent) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk. The Agency has decided that the data normally required to support the proposed tolerance exemption for acrylic acid-stearyl methacrylate copolymer will not need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances which are defined as "polymers" the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) limit potential risks by identifying polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. Acrylic acid-stearyl methacrylate copolymer conforms to the definition of a polymer given in 40 CFR 723.250(b)(11) and meets the following criteria which are used to identify low-risk polymers:

1. The minimum average molecular weight acrylic acid-stearyl methacrylate copolymer is 1,250,000. Substances with molecular weights greater than 400 are generally not readily absorbed through the intact skin, and substances with molecular weights greater than 1,000 are generally not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract are generally incapable of eliciting a toxic response.

2. Acrylic acid-stearyl methacrylate copolymer is not a cationic polymer, nor is it reasonably expected to become a cationic polymer in a natural aquatic environment.

3. Acrylic acid-stearyl methacrylate copolymer does not contain less than 32.0 percent by weight of the atomic element carbon.

4. Acrylic acid-stearyl methacrylate copolymer contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. Acrylic acid-stearyl methacrylate copolymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(3)(ii).

6. Acrylic acid-stearyl methacrylate copolymer is not a biopolymer, a synthetic equivalent of a biopolymer, or a derivative or modification of a biopolymer that is substantially intact.

7. Acrylic acid-stearyl methacrylate copolymer is not manufactured from reactants containing, other than as impurities, halogen atoms or cyano groups.

8. Acrylic acid-stearyl methacrylate copolymer does not contain reactive functional groups that are intended or reasonably anticipated to undergo further reaction.

9. Acrylic acid-stearyl methacrylate copolymer is not designed or reasonably expected to substantially degrade, decompose, or depolymerize.

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a risk to human health or the environment. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300244]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: February 10, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, new § 180.1109 is added, to read as follows:

§ 180.1109 Acrylic acid-stearyl methacrylate copolymer; exemption from the requirement of a tolerance.

Acrylic acid-stearyl methacrylate copolymer (CAS Reg. No. 27756-15-6), minimum molecular weight 1,250,000, is exempted from the requirement of a tolerance when used as an inert ingredient (drift control agent) in pesticide formulations applied to growing crops only. The inert will constitute no more than 0.5 percent by weight of any pesticide formulation. Registration of each new pesticide formulation incorporating this drift control agent must be supported by residue data for the active ingredient(s).

[FR Doc. 92-4779 Filed 3-3-92; 8:45 am]

BILLING CODE 6565-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-230; RM-7753]

Radio Broadcasting Services; Graham, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: The Commission denies the petition for rule making filed by Brian J. Lord, d/b/a Skywave Broadcasting Company, requesting the allotment of Channel 285A at Graham, Washington, as its first local aural transmission service. See 56 FR 40592, August 15, 1991. We find that there is insufficient factual basis to conclude that Graham is a "community" for allotment purposes. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-230, adopted February 18, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-4930 Filed 3-3-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-29, RM-7774]

Radio Broadcasting Services; Washington, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Dee Broadcasting Corporation seeking the substitution of Channel 284C3 for Channel 284A at Washington, Louisiana, and the modification of its license for Station KNEK-FM to specify operation on the higher powered channel. Channel 284C3 can be allotted to Washington in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.0 kilometers (13.0 miles) southwest to accommodate Dee's desired site. The coordinates for Channel 284C3 at Washington are 30-26-45 and 92-09-24.

In accordance with section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 284C3 at Washington or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 20, 1992, and reply comments on or before May 5, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Peter Gutmann, Esq., Pepper & Corazzini, 1776 K Street, NW., Washington, DC 20006 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-29, adopted February 13, 1992, and released February 27, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-4931 Filed 3-3-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 198

[Docket No. PS-119, Notice 2]

RIN 2137-AC 12

Allocation Formula for State Grants

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes revisions to the allocation formula for distributing Federal pipeline safety grants to states beginning in Calendar Year (CY) 1992. The notice also summarizes comments received in response to a February 25, 1991 Advance Notice of Proposed Rulemaking (ANPRM) soliciting ideas on revising the allocation formula. The Department of Transportation is modifying the formula to focus attention on program performance. Formula revisions would be phased in over a 2-year period to allow states time to reassess their programs from a performance perspective and take steps to meet performance criteria. The intent is to encourage states to further enhance pipeline safety, improve the effectiveness of their programs, and assume jurisdictional responsiblity over all intrastate pipeline operators.

DATES: Interested persons are invited to submit written comments in duplicate by April 3, 1992. Late filed comments will be considered to the extent practicable. Interested persons should submit as part of their written comments all the material that is considered relevant to any statement of fact or argument made.

ADDRESSES: Send comments to the Dockets Unit, room 8417, Office of Pipeline Safety (OPS), Research and Special Programs Administration (RSPA), U.S. Department of Transporation (DOT), 400 Seventh Street SW., Washington, DC 20590. Identify the docket and notice number stated in the heading of this notice. All comments and materials cited in this document will be available in the docket for inspection and copying in room 8421, between 8 a.m. and 4 p.m., each working day. Non-federal employee visitors are admitted to the DOT headquarters building through the southwest quadrant at Seventh and E Streets.

FOR FURTHER INFORMATION CONTACT: G. Tom Fortner (202) 366-4564, or Karen Sagett (202) 366-4577, regarding the subject matter of this NPRM, or the Dockets Unit (202) 366-4453 for copies of this documentation or other materials in the docket.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the Federal pipeline safety grants is to encourage states to adopt and enforce minimum Federal pipeline safety regulations. RSPA is proposing to revise the allocation formula used to distribute the grants to reflect the evolution of the program over the years. Initially, in distributing grants, emphasis was placed on assisting states in establishing their pipeline safety programs. Now that this objective has largely been accomplished, attention is shifting to assiting states in enhancing program performance. Accordingly, the intent is to revise the formula to parallel this shift in program emphasis.

Emphasis on performance will lead to a more uniform, consistent pipeline safety program across the country. States which have below average programs will be encouraged to upgrade their operations. States which have not yet assumed full jurisdiction over all intrastate pipeline operators will have incentive to do so. By tying Federal funds to performance, RSPA anticipates that states will pay more attention to the adequacy of their operating and recordkeeping practices; the quality of their inspections, investigations, and enforcement actions; and the caliber of their personnel.

Currently, the formula allocates funds on a 75/25 percent split, with 75 percent based on program size and 25 percent based on program performance. The 75 percent portion is calculated by multiplying the state request by a percentage factor inversely related to the level of the request. The 25 percent portion reflects the number of points a state received for achieving a specific level of performance (extent of state jurisdiction over pipeline operators, inspector qualifications, number of inspectors, number of inspection person days, compliance with underground utility damage program requirements, and attendance at Federal/state meetings). The current formula results in states with smaller programs receiving a greater percent of their request than states with larger programs, which receive more funding but a small percentage of the cost of running their programs. A detailed description of the current formula used for distributing CY 1991 funds and the actual state-by-state grant allocations can be obtained through the docket or by writing the information contacts listed above.

Revision of the formula should be considered in the context of two other related actions—an effort to attain 50 percent funding and development of a staffing formula.

The Natural Gas Pipeline Safety Act and the Hazardous Liquid Pipeline Safety Act both authorize grant funding of up to 50 percent of the cost of personnel, equipment, and activities reasonably required by a state agency to carry out its safety program. Since 1981, state request for funds have exceeded appropriations. RSPA is committed to moving toward full 50 percent funding on a phased basis tied to state assumption of jurisdictional responsiblity over all intrastate pipeline operators and the transition to a performance-based formula for distributing grant funds. Increased grant funding would provide a more cost-effective approach to an increased inspection capability since states provide matching or greater funding.

In a related area, the National Association of Pipeline Safety Representatives (NAPSR) Staffing Formula Committee is working on a staffing formula which will define a reasonable number of inspectors necessary for an adequate state pipeline safety program. The formula would include factors such as miles of pipeline and number of inspection units—factors that also might be taken into account in the allocation formula for distributing state grants. The intent is to fund state programs at a baseline level regarded appropriate to achieve pipeline safety objectives, provided the states also meet performance criteria. While RSPA encourages states to go beyond the baseline level to assure public safety, RSPA does not intend to fund any state activities over and above the baseline level.

In December 1990, RSPA staff met with NAPSR's Grant Formula Committee which NAPSR established expressly to develop state views related to revising the formula. The Committee, composed of seven state pipeline safety representatives from across the country, discussed options for revising the formula. In addition, RSPA published an ANPRM February 25, 1991, soliciting ideas on revising the allocation formula and specifically requested comments on the best mix of formula allocation factors and appropriate weights to be assigned to each. In June 1991, RSPA staff met again with members of the NAPSR Grant Formula Committee to discuss responses to the ANPRM and to present the proposed approach for revising the formula that is described in this NPRM. In July 1991, RSPA reviewed the proposed approach with members of the National Association of Regulatory Utility Commissioners (NARUC) Gas Committee/Subcommittee on Pipeline Safety. Additionally, the proposed approach was discussed at the five NAPSR regional meetings held during the fall of 1991 involving all state pipeline safety representatives.

Summary of ANPRM Comments

The February 25, 1991 ANPRM soliciting ideas on revising the allocation formula specifically requested comments on the best mix of formula allocation factors and appropriate weights to be assigned to each. Ten factors were included for consideration (most of the factors in the current formula plus a number of new ones). Additionally, the ANPRM sought reaction to seven issues related to revising the formula (minimum level of performance, protection from abrupt drop in funding, phasing in the revised formula, incentives, annual aberrations, state monitoring of program performance, and set asides for special projects).

Fourteen comments were received in response to the ANPRM. Thirteen of the 14 were from state agencies and one was from a trade association. Eleven of the 14 commenters were generally supportive of revising the allocation formula. Of the remaining three commenters, two said the current system of allocating 25 percent of the funds based on performance seems reasonable and should be continued. The other commenter wanted to return to a formula similar to the one used in 1981, the first year a formula was used to allocate funds (each state requesting less than $75,000 was allocated its full request; states with larger expenses were allocated $75,000 plus an amount based on proportionate sharing of the remaining funds).

On average, only five states commented on each of the ten proposed factors for inclusion in the revised formula. One of these states ranked the importance of each factor on a scale of high-medium-low. Another said criteria would have to be developed on full, partial, or inadequate performance. Two states said they supported all the proposed factors but did not make any specific comments on the individual factors. Another state said the factors give a good picture of state performance but it was difficult to assign weights. The comments made by those responding specifically to the ten proposed allocation factors are summarized below:

1. The Extent to Which a State Inspects all Pipeline Operators and Enforces Minimum Federal Pipeline Safety Standards

Five states responded. Two states said the formula should recognize the extent of state jurisdiction. One of these states went on to say, however, that states not having full jurisdiction should not be precluded from receiving full funding for efforts performed. One state not having full jurisdiction felt strongly that there should not be a penalty for lack of full jurisdiction. Another state said this factor should be ranked medium to low on a high-medium-low scale.

2. The Frequency, Quality, and Type of State Inpsections and Incident Investigations Conducted.

Seven states commented. One state said this factor should be considered and that the annual monitoring visit was a good starting point. Another state said recognition should be given to the number of inspection units, size of units (miles of lines and number of customers), and inspection frequency intervals. Yet another state said this factor should be ranked high. One other state said its inspection program always exceeded requirements. Three states had some concerns: one state questioned whether frequency would be determined by the state's ability to inspect or by a RSPA data base; another state said this was a very difficult factor to judge and therefore should be dropped. The third state said states should not be penalized for noncompliance with arbitrary RSPA goals.

3. The Number of State Inspectors and Support Staff Available

Four states commented. One said the minimum staffing requirement being proposed by the NAPSR Staffing Formula Committee should be considered for this factor. Another said this factor should be ranked high. One other said its personnel numbers paralleled Federal expectations. The remaining state commenting said the number of inspectors should not be linked to funding; that number depends upon state funding and any reduction in Federal funds because a state cannot meet the recommended number would only add to budget problems.

4. The Percent of Staff Time Spent on Inspections

Five states commented. One proposed ranking this factor high. Another proposed consideration of the number of inspection person days, not percent of staff time. One other mentioned that inspection time already exceeds Federal minimums. Another questioned whether this factor meant actual field time or if it included report writing, follow-up, and travel time. The remaining state said the current level of 85 inspection person days seems reasonable and that funding should not be reduced if a state cannot meet the required level for a valid reason (illness, maternity leave, etc.).

5. State Inspector Qualifications, Including Compliance With Training Requirements

Six states commented. Five of the six generally thought state inspector qualifications should be included in the formula; one said a point system should favor registered engineers rather than inspectors without recognized credentials. One other said all of its inspectors exceed qualifications requirements now and that the Federal requirements should be increased or maintained. Another said inspector qualifications should be ranked high in the formula. With respect to training, two states said they should not be penalized if they were unable to meet the training requirements. One state said RSPA should fund 100 percent of new inspector training, allocating each state up to two training courses per year for each new inspector.

6. State Adoption of Applicable Federal Regulations

Four states commented. Three of the four wanted state adoption of Federal Regulations in the formula; one of these said it should be ranked high. The fourth state said state adoption of Federal regulations is time consuming. It could take 2–3 years to process rule changes. If a state is taking steps to adopt, its funds should not be penalized.

7. State Adoption of Damage Prevention Program

Four states and the one trade association that responded to the ANPRM commented. Three of the four states said state adoption of damage prevention programs should be included in the formula, with one ranking it low as a factor. The fourth state merely said that RSPA should not withhold funds due to lack of complete compliance. The trade association, in its only comments on the contents of the ANPRM, thought state adoption/enforcement of effective damage prevention requirements should be weighed heavily in the formula, citing that over 63 percent of all gas pipeline incidents during the last 16 years resulted from third-party damage.

8. State Enforcement of Regulations Including Assessment of Penalties

Five states commented. Two states thought enforcement should be included in the formula; one of these states said it should be ranked high. Three states were wary of including assessment of penalties in the formula. One was not aware of a uniform system for assessing penalties or formal RSPA policy on enforcement in relation to fines; another said funding should have nothing to do with assessment of penalties because states use different methods to achieve compliance and the method used should be left to the discretion of the states.

9. State Attendance at Federal/State Pipeline Safety Meetings

Six states commented. Five of the six said meeting attendance should be included in the formula. Three of these five commenters said RSPA should continue the current practice of funding State travel to attend these meetings. One state objected to including this proposed factor, saying the purpose of the pipeline safety program is to inspect pipelines and all funding should be based on that purpose.

10. Adequacy of State Recordkeeping Procedures and Ability to Retrieve Data

All four states commenting on this factor believe that recordkeeping should be reflected in the formula.

In addition to the ten allocation factors proposed in the ANPRM, several states surfaced other factors such as level of safety achieved (based on 5 year average of accidents per mile of pipeline and per number of services), number of inspection units, size of units (miles of lines and number of customers), and construction activity.

With respect to the seven issues related to revising the formula, states made more comments on these issues than they did on the ten proposed allocation factors. On average, 11 or 12 states commented on each issue. A summary of these comments follows:

1. Should the Formula Address Funding of State Pipeline Safety Programs at Only a Base (or "Minimum") Level of Performance?

Eleven states made comments. Ten of the 11 states thought the formula should provide funding at a base level; one state believed the formula should provide funding for performance over and above the base level. Additionally, four states thought the formula should provide incentives, but only if funds were available after all states were minimally funded.

2. How can Relatively Smaller State Programs and Marginal Programs Be Protected From an Abrupt Drop in Funding Level if the Formula is revised?

Thirteen states responded. Eleven think smaller state programs should be protected from a drop in funding if more weight is given in the formula to performance. Two states disagreed; one said funds should not be allocated just because a safety program is in place.

3. Should the Revised Formula Be Phased in Over a Several Year Period or Should it be Introduced Immediately Without any Transition?

Thirteen states responded. Twelve thought the formula should be phased in, with most feeling a 2–3 year period would be appropriate. One state felt the new formula should apply right away.

4. What Incentives Might Be Used to Convince States Currently not in the Program To Participate?

Ten states suggested a number of incentives that might be used to keep states in the program. Seven said that increased (50 percent) funding would be a major incentive. Two said minimizing red tape and retaining the Federal/State Partnership (equal status) would help. Other incentives mentioned included developing video material and showing tolerance to different methods of achieving compliance.

5. Should the Formula Take Into Account Annual Aberrations a State may Experience but Over Which it has Little Control That Could Adversely Affect its Funding Level?

Twelve states responded. Eleven felt some provision should be made for annual aberrations. One state thought it might be difficult, given the difference in Federal/state fiscal years and the disconnect between the state budget cycle and certification time frame. Proposed approaches included using: The greater of the annual evaluation and a 3-year evaluation; a straight 3-year average; a 2–3 year smoothing function; and a 5-year averaging basis.

6. Should Results of the State Monitoring Visit by the RSPA Office of Pipeline Safety Staff be Factored Into the Formula?

Eleven states responded. Eight thought the state monitoring visit should be used to assess performance for purposes of the formula. Two states disagreed. The remaining state questioned the purpose of the monitoring visit, wondering if it was to verify the state certification or review the program. That state noted that the

monitoring form has a lot of duplication with the certification form.

7. Should a Portion of the Grant Funds be set Aside for Special Projects and Initiatives That may Come up From Year to Year?

Twelve states responded. Eight said that funds should be used for special projects but five of these states said only if funds were left over after the base-level allocations were made. Three states do not want funds used for special projects. The remaining state said if it is done, funding should be at 100 percent.

Based on the comments received in response to the ANPRM and the comments received at NAPSR and NARUC meetings, most states believe the allocation formula should be revised to put greater emphasis on program performance. Additionally, most states are in general agreement that the revised formula should be phased in over several years, and that no state should receive less funding under the revised formula than it does under the current formula. There is no clear consensus among states, however, with respect to what allocation factors (or performance criteria) should be included in the formula nor what weight should be assigned to each factor. RSPA, therefore, proposes to select factors and assign weights that reflect overall program priorities and national concerns.

Proposed Approach

Given the desirability of an increasingly performance-based formula, the effort to attain full 50 percent grant funding, the emphasis upon state assumption of jurisdictional responsibility for all intrastate pipeline operators, and the comments received on the ANPRM and in subsequent discussions with state pipeline safety representatives, RSPA is proposing a phased approach toward revising the grant allocation formula. This approach would use the existing formula for distributing grants in CY 1991 as a point of departure. CY 1992 and 1993 would be transition years, to assure some stability while the states assess their programs from a performance perspective and take steps to meet performance criteria. No state would receive less funding than it did in CY 1991, provided its request is at the CY 1991 level or higher and appropriated funds are at the CY 1991 level or higher. In CY 1994, RSPA would re-evaluate continuation of funding states at the CY 1991 level.

CY 1992

The following changes are proposed to the CY 1991 formula:

—Adjust the current primary/secondary allocation split from 75/25 percent to 50/50 percent. The primary allocation, reflecting program size, is currently calculated by multiplying the state request by a percentage factor inversely related to the level of the request (e.g., a state requesting $45,000 would have a percentage factor of 82; while a state requesting $245,000 would have a percentage factor of 42). The secondary allocation, reflecting program performance, is calculated by totaling the number of points a state receives for achieving specific program objectives. (This change would put increased emphasis on performance.)

—Modify the existing table used for the primary allocation percentage factors so that state requests of $200,001 and over would all have a percentage factor of "50," instead of the sliding scale from 50 to 35. (This change would allow larger programs to receive a somewhat greater percentage of the cost of running their programs than they currently receive, resulting in greater equity among the states.)

Tentative state allocations for the natural gas and hazardous liquid programs based on the proposed CY 1992 formula revisions (50/50 split; modified percentage factor) appear in an Appendix to this NPRM, along with state allocations based on the CY 1991 formula (75/25 split). These two breakouts show on a state-by-state basis the differences in funding levels resulting from the proposed formula revisions for CY 1992. They are based on CY 1991 state request levels and Federal funding in CY 1992 of $7 million.

CY 1993

The following additional changes are proposed to the CY 1991/92 formula:

—Adjust the primary/secondary allocation split from 50/50 percent to 25/75 percent.

—Revise the state point criteria used in the secondary allocation for assessing state program performance to take into account the results of the annual state monitoring visit as well as information provided in the annual pipeline safety program certification/agreement packages. A maximum of 100 performance points would be assigned (50 from the state monitoring visit and 50 from the certification/agreement package).

Both the monitoring form and certification/agreement packages would be revised so the monitoring form is used primarily to assess state field performance (e.g., operating practices: quality of state inspections, investigations, and enforcement actions; adequacy of recordkeeping) and the certification/agreement packages are used primarily to assess state program compliance (e.g., extent of jurisdiction, inspector qualifications, number of inspectors, number of inspection person days, state adoption of applicable Federal regulations including one-call notification system requirements, attendance at Federal/state meetings). These revisions would also eliminate existing duplication between the monitoring form and certifications/agreements. The information provided by a state on the certifications/agreements would be validated during the annual monitoring visit.

By CY 1994, RSPA intends that the formula would be performance based. In anticipation of this objective, RSPA would undertake a wholesale re-examination of the formula along with a reassessment of what constitutes adequate state performance at a baseline program level. Consideration would be given to program size/need, level of state request, actual state program costs for the prior year, number of pipeline miles, number of services, or some combination of factors. An objective would be for larger programs to receive funding in proportion to their need and not be penalized as in the past due to insufficient Federal grant funds. Actual funding levels would, of course, always depend upon the annual grant fund appropriation. In the event state requests exceed the grant funds available, each states's allocation would be prorated accordingly. Larger programs would not take a disproportionate reduction.

While this preamble describes the proposed allocation formula for use in CY 1992 and CY 1993 in some detail, proposed language to be included in the regulations is general to allow RSPA the discretion of making annual adjustments in the formula without having to revise the regulation each time a change is made. As the pipeline safety program continues to evolve, safety priorities and national concerns will change. RSPA needs flexibility in distributing funds to target specific areas that may require state attention (e.g., aging infrastructure, environmental protection). Any proposed changes would be discussed with states in various NAPSR and NARUC meetings as well as other appropriate forums prior to implementation. State agencies would also be notified in writing of any proposed changes to the formula at least 6 months prior to allocating funds for the following year. RSPA is also considering extablishing a joint RSPA/state committee that would meet annually to provide advice on specific formula revisions.

Accordingly, the proposed regulations, §§ 198.5 and 198.7, establish that a performance-based formula will be used to distribute grants to states but the regulations do not specify all factors nor weights assigned to each factor that will be considered in allocating grants.

Impact Assessment

This proposal is considered to be nonmajor under Executive Order 12291 and is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Also, based on the facts available concerning the impact of this proposal, I certify under section 605 of the Regulatory Flexibility Act that it would not, if adopted as final, have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

As part of a state's assumption of responsibility for adopting minimum Federal pipeline safety regulations, routinely inspecting pipeline operators for compliance with those regulations, investigating accidents and complaints, and in many cases taking appropriate enforcement actions in the event of violations or noncompliance, the state must enter into an annual certification/agreement with RSPA indicating the scope of its activities. As part of this process, the state must provide RSPA information on the extent to which it is fulfilling basic program requirements. That information is used in the allocation formula for distributing grants to states.

Inasmuch as this information collection imposes a reporting burden on the states, it has been submitted to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Persons desiring to comment on the information collection requirements should submit their comments to: Desk Officer, Research and Special Programs Administration, Office of Regulatory Policy, Office of Managemnt and Budget, 728 Jackson Place, NW., Washington, DC 20503. Persons submitting comments to OMB are requested to send a copy of their comments to RSPA as indicated above under **ADDRESSEE.**

Federalism

This action has been analyzed under the criteria of E.O. 12612 and found not to warrant preparation of a Federalism Assessment. The action, in fact, supports the intent of the fundamental principles in the Executive Order. The Federal government through grant allocations is seeking to strengthen the Federal-State Partnership for pipeline safety.

List of Subjects in 49 CFR Part 198

Grant programs, Formula, Pipeline safety.

In consideration of the foregoing, RSPA proposes to amend 49 CFR part 198 as follows:

PART 198—REGULATIONS FOR GRANTS TO AID STATE PIPELINE SAFETY PROGRAMS

1. The authority citation for part 198 continues to read as follows:

Authority: 49 App. U.S.C. 1674, 1687, and 2004; 49 CFR 1.53.

2. New §§ 198.5 and 198.7 would be added in subpart A to read as follows:

§ 198.5 Grant authority.

Section 5(d)(1) of the Natural Gas Pipeline Safety Act and Section 205(d)(1) of the Hazardous Liquid Pipeline Safety Act authorize the Administrator to pay out of funds appropriated or otherwise made available up to 50 percent of the cost of the personnel, equipment, and activities reasonably required for each state agency to carry out a safety program for intrastate pipeline facilities under a certification or agreement with the Administrator or to act as an agent of the Administrator with respect to interstate pipeline facilities.

§ 198.7 Grant allocation formula.

(a) Beginning in calendar year 1992, the Administrator places increasing emphasis on program performance in allocating state agenacy funds under § 198.5. The percent of each state agency allocation that is based on performance follows: 1992–50 percent; 1993–75 percent; 1994 and subsequent years—100 percent.

(b) The Administrator assigns weights to various performance factors reflecting program compliance, safety priorities, and national concerns identified by the Administrator and communicated to each State ageancy. At a minimum, the Administrator considers the following performance factors in allocating funds:

(1) Adequacy of state operating practices;

(2) Quality of state inspections, investigations, and enforcement actions;

(3) Adequacy of recordkeeping;

(4) Extent of state safety regulatory jurisdiction over pipeline facilities;

(5) Qualifications of state inspectors;

(6) Number of state inspection person-days;

(7) State adoption of applicable Federal pipeline safety standards;

(8) Any other factor the Administrator deems necessary to measure performance.

(c) Notwithstanding these performance factors, the Administrator may, in 1992 and subsequent years, continue funding any state at the 1991 level, provided its request is at the 1991 level or higher and appropriated funds are at the 1991 level or higher.

(d) The Administrator notifies each state agency in writing of the performance factors to be used each year at least 6 months prior to allocating funds.

(e) Grants are limited to the appropriated funds available. If total state agency requests for grants exceed the funds available, the Administrator prorates each state agency's allocation.

(Approved by the Office of Management and Budget under Control number 2137–xxx)

Issued in Washington, D.C., on February 27, 1992.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety.

Note: This Appendix will not appear in the Code of Federal Regulations

APPENDIX

PROPOSED 1992 ALLOCATION BASED ON 1991 REQUESTS 50/50 (GAS) [1]

State	Request	Percent	Primary	Secondary	Final allocation	Percent of fund
Alabama	301,074.00	50	90,025	109,346	119,371	33
Arizona	327,352.00	50	97,883	118,094	215,977	33
Arkansas	103,230.00	70	51,513	47,886	99,399	48
California	749,592.00	50	224,138	87,477	311,615	21

PROPOSED 1992 ALLOCATION BASED ON 1991 REQUESTS 50/50 (GAS) [1]—Continued

State	Request	Percent	Primary	Secondary	Final allocation	Percent of fund
Colorado	132,356.00	64	58,107	66,001	124,108	47
Connecticut	248,375.00	50	74,268	113,720	187,988	38
Georgia	174,349.00	56	62,594	107,616	170,210	49
Illinois	199,185.00	51	61,551	109,346	170,897	43
Indiana	107,287.00	69	52,465	50,761	103,226	48
Iowa	130,218.00	64	57,168	64,934	122,102	47
Kansas	279,406.00	50	83,546	100,599	184,145	33
Kentucky	182,550.00	54	61,887	83,103	144,990	40
Louisiana	563,000.00	50	166,345	104,972	273,317	24
Massachusetts	309,000.00	50	92,395	91,851	184,246	30
Michigan	177,300.00	55	61,680	115,420	177,300	50
Minnesota	455,899.00	50	133,330	113,720	247,050	28
Mississippi	110,457.00	68	52,910	55,415	108,325	49
Missouri	209,060.00	50	62,512	100,599	163,111	39
Nevada	82,889.00	74	44,678	38,211	82,889	50
New Jersey	226,124.00	50	67,614	96,225	163,839	36
New Mexico	150,780.00	60	60,163	90,617	150,780	50
New York	911,696.00	50	272,609	113,720	386,329	21
North Carolina	132,106.00	64	57,996	71,365	129,361	49
Ohio	321,038.00	50	95,995	109,346	205,341	32
Oklahoma	150,692.00	60	60,128	87,210	147,338	49
Pennsylvania	234,328.00	50	70,067	74,355	144,422	31
Rhode Island	58,469.00	79	34,439	24,030	58,469	50
Tennessee	222,320.00	50	66,477	118,094	184,571	42
Texas	723,578.00	50	216,360	109,346	325,706	23
Utah	89,730.00	73	47,468	42,262	89,730	50
Virginia	208,370.00	50	62,305	83,103	145,408	35
West Virginia	159,668.00	59	62,113	90,329	152,442	48
Wisconsin	112,499.00	68	53,888	39,074	92,962	41
Wyoming	102,750.00	70	51,274	41,944	93,218	45
Totals	8,636,729.00		2,870,091	2,870,091	5,740,182	
Hold Harmless						
Delaware	15,992.00	87	12,409	3,451	15,860	49
Florida	61,972.00	78	42,508	16,580	59,088	48
Hawaii	25,177.00	85	16,165	7,009	23,174	47
Maine	10,743.00	88	8,443	1,959	10,402	48
Maryland	82,926.00	72	58,164	27,491	85,655	46
Montana	25,518.00	85	19,290	5,306	24,596	48
Nebraska	81,451.00	74	52,611	22,431	75,042	46
New Hampshire	46,653.00	81	33,543	8,366	42,909	46
North Dakota	33,024.00	84	24,633	7,458	32,091	49
Oregon	77,100.00	75	50,572	25,546	76,118	49
Puerto Rico	27,752.00	85	20,978	4,516	25,494	46
Vermont	47,356.00	81	33,900	12,955	46,858	49
Dist. of Col.	42,321.00	82	30,722	11,170	41,892	49
Totals	588,185.00		403,941	154,238	559,179	
Totals	9,224,914.00		3,274,032	3,024,329	6,299,361	

[1] Revised formula.

PROPOSED 1992 ALLOCATION BASED ON 1991 REQUESTS 50/50 (LIQUID) [1]

State	Request	Percent	Primary	Secondary	Final allocation	Percent of fund
Arizona	33,247.00	84	18,714	14,533	33,247	50
California	749,760.00	50	167,109	121,895	289,104	19
Louisiana	137,600.00	63	48,557	78,568	127,125	46
Oklahoma	66,947.00	77	32,997	33,950	66,947	50
Texas	127,690.00	65	47,614	65,945	113,559	44
Totals	1,115,244.00		314,991	314,991	629,982	
Hold Harmless						
Alabama	17,897.00	87	12,621	4,656	17,277	48
Iowa	13,400.00	88	9,584	3,367	12,951	48
Minn	4,504.00	90	3,311	1,123	4,434	49
Miss	10,924.00	88	7,813	2,745	10,558	48
WVA	25,752.00	85	17,645	7,153	24,798	48
Totals	72,477.00		50,974	19,044	70,018	
Totals	1,187,721.00		365,965	334,035	700,000	

[1] Revised formula.

1992 PROPOSED NATURAL GAS GRANT ALLOCATION—7 MILLION 75/25 [1]

State	Request	Percent	Primary allocation	State points	Second allocation	Final allocation	Percent of fund
Alabama	301,074.00	38	126,839	25	55,021	181,860	30
Arizona	327,352.00	38	137,910	27	59,423	197,333	30
Arkansas	103,230.00	70	76,523	25	24,728	101,251	49
California	749,592.00	36	300,803	20	44,017	344,820	23
Colorado	132,358.00	64	90,174	24	37,497	127,671	48
Connecticut	248,375.00	41	112,089	26	57,222	169,311	34
Delaware	15,992.00	87	14,573	26	1,366	15,939	49
Florida	61,972.00	78	50,897	23	9,434	60,331	49
Georgia	174,349.00	56	104,834	26	57,222	162,056	46
Hawaii	25,177.00	85	22,440	21	2,129	24,569	49
Illinois	199,185.00	51	109,806	25	55,021	164,829	41
Indiana	107,287.00	69	78,458	25	26,694	105,152	49
Iowa	130,218.00	64	88,716	24	36,891	125,607	48
Kansas	279,406.00	40	123,299	23	50,620	173,919	31
Kentucky	182,550.00	54	106,114	19	41,816	147,930	41
Louisiana	563,000.00	36	225,926	24	52,820	278,746	25
Maine	10,743.00	86	9,897	23	720	10,617	49
Maryland	82,926.00	72	70,744	22	18,075	88,819	48
Massachusetts	309,000.00	38	130,178	21	46,218	176,396	29
Michigan	177,300.00	55	104,836	27	59,423	164,259	46
Minnesota	445,899.00	36	178,934	26	57,222	236,156	26
Mississippi	110,457.00	68	79,671	26	29,645	109,316	49
Missouri	209,060.00	49	111,071	23	50,619	161,690	39
Montana	25,518.00	85	22,744	23	2,363	25,107	49
Nebraska	81,451.00	74	63,637	21	13,856	77,493	48
Nevada	82,889.00	74	64,760	27	18,129	82,889	50
New Hampshire	46,653.00	81	39,885	19	4,903	44,788	48
New Jersey	226,124.00	45	111,092	22	48,419	159,511	35
New Mexico	150,780.00	60	96,694	27	54,086	150,780	50
New York	911,696.00	35	356,737	26	57,222	413,959	23
North Carolina	132,106.00	64	90,002	26	40,544	130,546	49
North Dakota	33,024.00	84	29,104	24	3,485	32,589	49
Ohio	321,038.00	38	135,250	25	55,021	190,271	30
Oklahoma	150,692.00	60	96,637	26	52,053	148,690	48
Oregon	77,100.00	75	61,008	26	15,496	76,504	49
Pennsylvania	234,328.00	44	112,779	17	37,414	150,193	32
Puerto Rico	27,752.00	85	24,735	18	2,011	26,746	48
Rhode Island	58,469.00	79	48,605	27	9,864	58,469	50
Tennessee	222,320.00	46	111,447	27	59,423	170,870	36
Texas	723,578.00	36	290,364	25	55,021	345,385	24
Utah	89,730.00	73	69,208	27	20,522	89,730	50
Vermont	47,356.00	81	40,314	26	6,782	47,096	49
Virginia	208,370.00	49	110,705	19	41,816	152,521	37
District of Columbia	42,321.00	82	35,451	26	5,653	42,104	49
West Virginia	159,668.00	59	100,797	25	54,511	155,308	45
Wisconsin	112,499.00	68	81,144	18	20,903	102,047	45
Wyoming	102,750.00	70	76,167	22	21,660	97,827	48
Total	9,224,914.00		4,725,000		1,575,000	6,300,000	34

Note: The 'request' represents 50% of the state's estimated budget. The '% of fund' is the percentage of the budget represented by the allocation.

Alabama	17,897.00	87	14,712	15	2,811	17,523	49
Arizona	33,247.00	84	26,332	17	6,915	33,247	50
California	749,760.00	36	233,935	16	48,591	283,526	19
Iowa	13,400.00	88	11,149	15	1,986	13,135	49
Louisiana	137,600.00	63	80,065	15	46,491	126,576	46
Minnesota	4,504.00	90	3,837	16	627	4,464	49
Mississippi	10,924.00	88	9,089	15	1,619	10,708	49
Oklahoma	66,947.00	77	48,337	17	18,610	66,947	50
Texas	127,690.00	65	76,871	14	41,851	118,722	45
West Virginia	25,752.00	85	20,653	15	4,499	25,152	49
Total	1,187,721.00		525,000		175,000	700,000	29

Note: The 'request' represents 50% of the state's estimated budget. The '% of fund' is the percentage of the budget represented by the allocation.

[1] Existing formula.

[FR Doc. 92-4969 Filed 3-3-92; 8:45 am]
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National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91-16; Notice 2]

RIN 2127-AD97

Federal Motor Vehicle Safety Standards; Tire Selection and Rims; Vehicles Other Than Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking.

SUMMARY: This notice terminates a rulemaking proceeding in which the agency issued a notice proposing to amend the labeling requirements of Standard No. 120 to specify that manufacturers list the "vehicle capacity weight" and "designated seating capacity" of the vehicle. After reviewing the comments, the agency has determined that there are insufficient demonstrated safety benefits to warrant further rulemaking on this matter. Accordingly, the agency has decided to terminate this rulemaking proceeding.

FOR FURTHER INFORMATION CONTACT: Mr. George Soodoo, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington DC, 20590 (202) 366-5892.

SUPPLEMENTARY INFORMATION:

Background

Three of this agency's regulations require manufacturers to affix labels to each of their vehicles containing certain information, including information about the vehicle's weight and carrying capacity. First, part 567, Certification (49 CFR part 567), requires motor vehicle manufacturers to affix a certification label to each vehicle containing information including: the Gross Vehicle Weight Rating (GVWR, i.e., the sum of the unloaded vehicle weight, rated cargo load, and 150 pounds times the number of designated seating positions), and the Gross Axle Weight Rating for each axle (GAWR, i.e., the value specified by the vehicle manufacturer as the load carrying capacity of a single axle system).

Second, Standard No. 120, Tire selection and rims for vehicles other than passenger cars (49 CFR 571.120), requires manufactures of multipurpose passenger vehicles (MPV's), trucks, buses, trailers and motorcycles to include certain additional information either on the part 567 certification label described above, or, at the manufacturer's option, on a tire information label affixed to the vehicle. Specifically, Standard No. 120 requires manufacturers to provide information including: an appropriate GVWR-GAWR-tire combination; the size designation of tires appropriate for the GAWR; the size and, if applicable, type designation of rims appropriate for the recommended tires; and the cold inflation pressure for the recommended tires. Standard No. 120's labeling requirements are intended to promote safe performance by ensuring that vehicles are equipped with tires of adequate size and load rating, and with rims of appropriate size and type designation.

Third, Standard No. 110, Tire selection and rims, requires manufacturers of passenger cars to affix a placard to each vehicle's glove compartment door (or an equally accessible location), containing information that is also intended to promote the passenger car's safe performance by preventing overloading of the tires or the vehicle itself. Standard No. 110 requires the placard to list the "vehicle capacity weight" (the rated cargo load and luggage load plus 150 pounds times the number of designated seating positions) and the designated seating capacity, as well as the manufacturer's recommended tire size designation and tire cold inflation pressure for the maximum vehicle weight.

Petition for Rulemaking

On May 22, 1990, Mr. Durkovich submitted a petition to NHTSA requesting the agency to amend the certification label requirements of part 567 to require manufacturers to list the "rated cargo load" which a vehicle has been designed to carry and control safely. The petitioner requested that the rated cargo load and its definition appear on the label with the vehicle's GVWR, printed in larger text and contrasting color. The petitioner did not submit any data demonstrating the existence of a safety problem due to vehicle overloading. Instead, the petitioner based his request on the general assertion that operators frequently load their vehicles beyond the load capacity of the vehicles' braking, steering, suspension and other components, and beyond the manufacturer's design intent. The petitioner further claimed that excessive overloading of a vehicle can cause loss of vehicle control and lead to accidents, thus creating an unreasonable safety risk to the public. Accordingly, the petitioner stated his belief that providing consumers with information about the safe carrying capacity of their vehicles would decrease the incidence of overloading, thus reducing this safety risk.

Notice of Proposed Rulemaking

NHTSA granted Mr. Durkovich's petition on August 22, 1990, although the agency decided to propose a slightly different information requirement than one he requested. On April 16, 1991 (56 FR 15315), the agency published a notice containing proposals responding to Mr. Durkovich's petition, as well as several proposals to update Standard No. 120.

Instead of proposing to require "rated cargo load" to be listed on a vehicle's part 567 certification label, NHTSA proposed to amend the labeling requirements of Standard No. 120 to specify that manufacturers list the "vehicle capacity weight" and "designated seating capacity" of the vehicle. The agency further proposed to modify the definition of "vehicle capacity weight" to clarify that the "rated cargo load" includes luggage.

The agency proposed to require manufacturers to provide information about vehicle capacity weight and designated seating capacity for several reasons. First, since Standard No. 110 currently requires manufacturers to label passenger cars with information about vehicle capacity weight, the agency had believed that adoption of the proposal would have resulted in uniform provisions requireing the same loading information to be provided for all vehicles. Second, the agency believed that the term "vehicle capacity weight," a constant amount for a particualar vehicle which refers to the vehicle's total carrying capacity, was less confusing than the term "rated cargo load". The rated cargo load does not include passengers and luggage and thus changes depending on the number of passengers. Further, rated cargo load is often confused with a vehicle's "payload", which sometimes does include the weight of passengers. Finnally, NHTSA noted that the vehicle's rated cargo load could be easily calculated based on the vehicle's GVWR and vehicle capacity weight.

NHTSA's proposal to amend Standard No. 120 was based on the agency's tentative conclusion that providing consumers with information about vehicle capacity weight and designated seating capacity would assist them in determining the safe carrying capacity of their vehicles, thus reducing the likelihood of overloading. NHTSA believed that this information could be of particular use to those who purchase

MPVs and light trucks for passenger carrying purposes, but also use those vehicles to transport cargo such as lumber, furniture, and various bulk materials. Further, the agency was aware of the general argument that an overloaded vehicle is less safe due to the strain on the tires, brakes, and suspensions system.

The agency did not, however, have any quantitative data, engineering analysis, or other evidence demonstrating the actual existence of a safety problem related to vehicle overloading. As stated above, the petitioner did not submit any such data to substantiate the existence of the safety problem he alleged. Consequently, in the NPRM the agency requested comments about whether vehicle overloading poses a safety problem and if so, whether the proposed labeling requirements would significantly reduce that problem. The agency also requested that commenters indicate whether any other labeling requirements would reduce the likelihood of vehicle overloading.

Finally, the agency also proposed to amend Standard No. 120 to upadate one provision, and delete two other outdated provisions.

Public Comments and Agency Decision

NHTSA received twelve comments on the NPRM. Commenters included manufacturers of MPV's, light trucks, medium and heavy trucks, truck trailers, and buses. The commenters did not address the proposals to update Standard No. 120. However, all of the commenters opposed the proposal to require labeling of vehicle capacity weight and designated seating capacity, primarily because they did not see a safety need for the amendment.

After reviewing the comments, NHTSA has decided not to adopt its proposal to require the labeling of vehicle capacity weight and designated seating capacity. The agency's reasoning for this decision is discussed in more detail below. The agency has decided to address the proposals for updating Standard No. 120 in a separate rulemaking.

Decision not To Amend Standard No. 120 Labeling Requirements To Include Vehicle Capcity Weight and Designated Seating Capacity

As stated above, all commenters on the NPRM opposed the proposal to amend Standard No. 120 to require the labeling of vehicle capacity weight and designated seating capacity. Although commenters raised a number of objections to the proposed requirements, most focused their comments on the lack of a demonstrated safety need.

Manufacturers of medium and heavy trucks, trailers and buses argued that there is no safety problem related to overloading and further, that information on vehicle capacity weight and designated seating capactiy would be of little use to operators of such vehicles, which are often used for commercial applications. The commenters stated that the operators of these vehicles are already aware of the vehicles' safe carrying capacity, largely because such vehicles are typically selected to handle an expected load. These vehicles are also weighed by state enforcement agencies to determine compliance with the vehicle's GAWR/GVWR, as well as highway limits. Accordingly, these commenters argued that the proposed amendments were unnecessary.

Manufacturers of MPV's and light trucks (with a GVWR less than 10,000 pounds) also opposed the proposed labeling requirements. These commenters primarily focused their objections on the lack of a safety need for information about vehicle capacity weight and designated seating capacity. Commenters noted that the proposal was not supported by any statistics or analysis substantiating the assertion that a safety problem exists due to vehicle overloading. Thus, commenters argued that the agency failed to show that the proposed requirements are necessary for safety.

Additionally, commenters claimed that providing information about vehicle capacity weight and designated seating capacity would not be useful to consumers. Commenters explained that a user who bases determination of a vehicle's load carrying capacity on these criteria, instead of the vehicle's GAWR's and GVWR, risks overloading one of the vehicle's axles through improper cargo distribution. This is because the user could overload one of the vehicle's axles, and still not exceed the vehicle capacity weight. Consequently, commenters suggested that providing information about vehicle capacity weight could be adverse to safety because it could mislead consumers into ignoring the vehicle's axle limitations.

Acknowledging that Standard No. 110 currently requires passenger cars to be labeled with vehicle capacity weight and designated seating capacity, these commenters explained that such information is appropriate for users of passenger cars because the distribution of loading for these vehicles is restricted by the seat and truck configurations. For MPVs and light trucks, however, the versatile and convertible seating and cargo configurations of these vehicles make the possibility of axle overloading due to improper cargo distribution the greatest safety risk. In this regard, commenters stated that current labeling requirements already ensure that manufacturers will provide the information necessary to prevent such axle overloading.

Upon review of these comments, the agency has decided not to adopt the proposed labeling requirements because it does not have sufficient data demonstrating the existence of an actual safety problem due to vehicle overloading. Further, the agency is persuaded by commenters that, even if a safety problem existed, the proposed labeling requirements would not address that problem because they could detract consumers' attention away from the vehicle's axle limitations and the importance of proper cargo distribution. The agency also agrees with commenters that the information about vehicle load capacities which part 567 and Standard No. 120 currently require manufacturers to provide is sufficient to inform consumers of the safe carrying capacities of their vehicles, and alert them to the consequences of overloading the vehicle and the individual axles.

For the reasons set forth above, the agency has decided to terminate this rulemaking action.

Issued on: February 26, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-4982 Filed 3-3-92; 8:45 am]
BILLING CODE 4910-59

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Foreign Proposals To Amend Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention) regulates international trade in certain animals and plants. Species for which such trade is controlled are listed in appendices I, II, and III to the Convention. Any country that is a Party to the Convention may

propose amendements to appendix I or II for consideration by the other Parties.

This notice announces decisions by the Fish and Wildlife Service (Service) on negotiating positions to be taken by the United States delegation with regard to proposals submitted by Parties other than the United States. The proposals will be considered in March 1992 at the eighth regular meeting of the Conference of the Parties in Kyoto, Japan.

DATES: Proposals mentioned in this notice are scheduled to be discussed along with a preliminary vote by Party nations in committee on the weekdays from March 5 to 11, 1992. A final vote in plenary sessions is presently scheduled for March 12 and 13, 1992, without discussion unless one-third of the Parties support the reopening of discussion on specific proposals. Any of these proposals that are adopted will enter into effect 90 days afterwards (i.e., on June 10, 1992).

ADDRESSES: Please send correspondence concerning this notice to the Office of Scientific Authority; Mail Stop 725, Arlington Square; U.S. Fish and Wildlife Service; Department of the Interior; Washington, DC 20240. The fax number is (703) 358–2276. Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; 4401 North Fairfax Drive, room 750; Arlington, Virginia 22203. Comments and other information received are available for public inspection by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC telephone: (703) 358–1708.

SUPPLEMENTARY INFORMATION:

Background

The convention regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in one of three appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade. Appendix II includes species that, although not necessarily threatened with extinction, may become so unless such trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those other species). Appendix III includes species that any Party country identifies as being subject to regulation within its juridiction for purposes of preventing or restricting exploitation, and for which it needs the coorperation of other Parties in controlling trade.

Any Party nation may propose amendments to appendices I and II for consideration at meetings of the Conference of the Parties. The proposal must be communicated to the Convention's Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate their reponses to all Parties no later than 30 days before the meeting. Amendments are adopted by a two-thirds majority of the Parties present and voting.

Decisions

This notice announces the negotiating positions to be taken by the United States delegation with regard to proposals submitted by Parties other than the United States for consideration at the forthcoming meeting of the Parties. The Service announced the proposals and invited comments on tentative negotiating positions in the January 3, 1992, **Federal Register** (57 FR 262).

It is neither practical nor in the best interests of the United States to establish inflexible negotiating positions. However, decisions announced in this notice represent formal guidance to the delegation, which will seek to obtain agreement of the Conference of the Parties with these positions. Such positions will only be modified if the U.S. delegation finds it necessary to do so in response to new information presented or obtained during the meeting in Japan.

Comments Received

During the comment period, the Service received substantive written comments from nine organizations with endorsements of selected comments from two other organizations on species other than the African elephant, bluefin tuna captive bred psittacines, and plants. One additional organization commented at the public meeting. In addition, during the comment period the Service received written comments on the African elephant from 12 organizations with endorsement of certain comments from two additional organizations, 1 foreign government, and 215 individuals. One additional organization offered comments at the public meeting. On the bluefin tuna proposal, the Service received comments from 15 organizations, including 2 that commented at the public meeting (some of the comments were endorsed by 2 additional organizations), 1 foreign government, and 1 individual. One individual and 12 organizations with the endorsement of selected comments from 2 other organizations provided comments on the proposals to register commercial captive-breeding facilities for psittacine species. Written comments on plant species were received from 13 organizations, 2 commercial businesses, 3 foreign governments, 4 federal agencies, and 6 individuals. Biological and trade information, especially on plants, was received from individuals and organizations outside the comment period and may have been considered.

In addition, 10 persons expressed support or opposition for various proposals at a public hearing on January 8, 1992, including representatives of four nongovernmental organizations that did not provide written comments. These comments, along with other information received by the Service, were considered in the development of the final U.S. negotiating positions. Several of the tentative positions were modified or reversed. The rationale for these changes and modifications has been provided to those that submitted substantive comments and to other interested persons. The development of this separate "Assessment of Comments on Species Listing Proposals" represents a continuation of the Service's past procedures and allows for more timely and less expensive publication in the **Federal Register**. This "Assessment of Comments on Species Listing Proposals" is available from the Office of Scientific Authority.

Summary of Positions

Additional information has been obtained on several species other than those on which formal comments were received. However, unless revised below and commented upon in the "Assessment of Comments on Species Listing Proposals," the position remains the same as indicated also in the January 3, 1992, **Federal Register** notice. Final negotiating positions of the U.S. delegation on proposals by Parties other than the United States are summarized in the following table; clarification of the U.S. position on selected proposals is indicated by numbers which refer to footnotes after the table.

Species	Proposed amendment	Proponent	Final U.S. position
Mammals:			
Order Primates:			
Tarsius syrichta (Philippine tarsier)	Transfer from II to I	Philippines	Support [2].
Order Edentata:			
Tamandua tetradactyla chapadensis (Tamandua, Collared anteater).	Remove from II (Ten Year Review)	Germany	Support [2, 10].
Order Pholidota:			
Manis temminckii (Common African ground pangolin).	Remove from I	Botswana, Malawi, Namibia, and Zimbabwe.	Oppose [4, 20].
Order Carnivora:			
Acinonyx jubatus (Cheetah)	Transfer from I to II (Botswana, Malawi, Namibia, Zambia, and Zimbabwe populations with quotas).	Namibia, Zimbabwe	Oppose [1].
Dusicyon (=Cardocyon) thous (Crab-eating fox).	Add to II	Argentina	Support [2, 9].
Conepatus spp. (Hog-nosed skunks).	do	do	Support [2, 7, 27].
Felis geoffroyi (Geoffroy's cat)	Transfer from II to I	Brazil	Support [2].
Hyaena brunnea (Brown hyaena)	Remove from I	Botswana, Malawi, Namibia, Zambia, and Zimbabwe.	Support [11, 26].
Panthera pardus (Leopard)	Transfer from I to II (Sub-Sahara population with quotas).	Botswana, Malawi, Namibia, Zambia, and Zimbabwe.	Oppose [17].
Panthera tigris altaica (Siberian tiger).	Transfer from I to II (captive breeding)	China	Oppose [16].
Ursidae spp. (Bear spp.)	Add to II (USSR and Baltic States populations) [for look-alike reasons—Article II, 2(b)].	Denmark	Support [7].
Ursus arctos	Add to I (populations of China and Mongolia.	do	Support [3, 25].
Ursus americanus (American black bear).	Add to II [for look-alike reasons—Article II, 2(b)].	do	Oppose [9].
Order Tubulidentata:			
Orycteropus afer (Aardvark)	Remove from II	Botswana, Malawi, Namibia, and Zimbabwe.	Support [11].
Order Proboscidea:			
Loxodonta africana (African elephant).	Transfer from I to II (Botswana, Malawi, Namibia, Zambia, and Zimbabwe populations).	Botswana, Malawi, Namibia, and Zimbabwe.	See discussion in footnote [18].
Loxodonta africana (African elephant).	Transfer from I to II (Botswana population).	Botswana	[18] and [19].
Loxodonta africana, (African elephant).	Transfer from I to II (South Africa population).	South Africa	See discussion in footnote [18].
Order Perissodactyla:			
Ceratotherium simum simum (Southern white rhino).	Transfer from I to II	South Africa	Oppose [22].
Ceratotherium simum (Southern white rhino).	Transfer from I to II (Zimbabwe population).	Zimbabwe	Oppose [4, 23].
Diceros bicornis (Black rhino)	Transfer from I to II (Zimbabwe population).	do	Oppose [4, 23].
Diceros bicornis (Black rhino)	Transfer from I to II	do	Oppose [18, 22].
Order Artiodactyla:			
Capra falconeri falconeri (Astor markhor).	Transfer from II to I	United Kingdom	Support [2, 29].
Capra falconeri heptneri (Bukhara markhor.	do	do	Support [2, 6].
Hippotragus equinus (Roan antelope).	Remove from II	Botswana, Malawi, Namibia, Zambia, and Zimbabwe.	Support [26].
Birds:			
Order Rheiformes:			
Rhea americana (Greater rhea)	Add to II	Argentina	Support [28].
Order Anseriformes:			
Anas formosa (Baikal teal)	Add to II	United Kingdom	Support [8].
Cygnus columbianus jankowskii (Jankowski's swan).	Remove from II (Ten Year Review)	Germany	Support [10].
Order Galliformes:			
Polyplectron emphanum (Palawan peacock).	Transfer from I to II	Philippines	Oppose [16].
Order Columbiformes:			
Caloenus nicobarica (Nicobar pigeon both subspecies).	Transfer from I to II (captive breeding)	Philippines	Oppose [16].
Goura spp. (Crowned pigeons)	Transfer from II to I	Netherlands	Oppose [5].
Order Psittaciformes:			
Amazona leucocephala (Cuban Amazon).	Transfer from I to II (captive breeding)	Germany	See discussion in footnote [24].
Amazona leucocephala Cuban amazon).	Transfer from I to II (captive breeding)	Philippines	Oppose [16].
Anodorhynchus hyacinthinus (Hyacinth macaw).	do	do	Do.
Ara ambiqua (Buffon's macaw)	do	do	Do.
Ara macao (Scarlet macaw)	do	do	Do.
Ara maracana (Illiger's macaw)	do	do	Do.

Species	Proposed amendment	Proponent	Final U.S. position
Ara militaris (Military macaw)	....do	....do	Do.
Ara rubrogenys (Red-fronted macaw).	....do	....do	Do.
Cacatua haematuropygia (Red-vented cockatoo).	Transfer from II to I	Philippines	Support [3].
Cacatua moluccensis (Moluccan cockatoo).	Transfer from I to II (captive breeding)	....do	See discussion in footnote [30].
Probosiger aterrimus (Palm-cockatoo).	....do	....do	Oppose [18].
Order Coraciiformes:			
Aceros spp. (Hornbills)	Add to II (8 spp.)	Netherlands	Support [7].
Aceros (=Berenicornis) *comatus* (Hornbill).	Add to I	Thailand	Oppose [4, 9].
Aceros corrugatus (hornbill)	....do	....do	Do.
Aceros nipalensis (Rufous-necked hornbill).	....do	....do	DO.
Aceros subruficollis (Hornbill)	....do	....do	Oppose [4, 9, 31].
Aceros undulatus (Hornbill)	Add to II	....do	Support [3].
Anorrhinus spp. (Hornbills)	....do	Netherlands	Support [7].
Anorrhinus austeni (Hornbill)	....do	Thailand	Support [3, 31].
Anorrhinus galeritus (Hornbill)	....do	....do	Do.
Anthracoceros spp. (Hornbills)	....do	Netherlands	Oppose [34].
Anthracoceros coronatus convexus (Malabar pied hornbill).	....do	Thailand	Oppose [31, 32].
Anthracoceros albirostris (=malabaricus) (oriental pied hornbill).	....do	....do	Support [3].
Athracoceros malayanus (black hornbill).	Add to I	....do	Oppose [4, 5, 9].
Buceros spp. (Giant hornbills)	Add to II	Netherlands	Support [7].
Buceros bicornis (Great Indian hornbill).	Transfer from II to I	Thailand	Oppose [4, 5, 32].
Buceros bicornis homrai (Great pied hornbill).	Transfer from I to II	Netherlands	Oppose [4, 5, 32].
Buceros rhinoceros (Rhinoceros hornbill).	Transfer from II to I	Thailand	Oppose [4, 5].
Penelopides spp. (Hornbills)	Add to II	Netherlands	Oppose [34].
Ptilolaemus spp. (Hornbills)	....do	....do	Oppose [34].
Order Piciformes:			
Ramphastos spp.	Add to II	Paraguay	Support [3, 7, 34].
Pteroglosus spp. (Toucans)	....do	....do	Do.
Order Passeriformes:			
Pittidae spp. (Pittas)	....do (24–26 spp.)	Malaysia	Oppose [21].
Reptiles:			
Order Crocodylia:			
Alligator sinensis (Chinese alligator).	Transfer from I to II (captive breeding)	China	Oppose [18].
Crocodylus cataphractus (African slender-snouted crocodile.	Transfer from II to I (Congo population)	Switzerland	Support [14].
Crocodylus niloticus (Nile crocodile).	Transfer Ethiopia population from I to II, pursuant to Resolution Conf. 3.15 on ranching.	Ethiopia	Support [13].
Crocodylus niloticus (Nile crocodile).	....do	Kenya	Support [13].
Crocodylus niloticus (Nile crocodile).	Kenya population	Madagascar	Oppose [27].
Crocodylus niloticus (Nile crocodile).	....do	Tanzania	Support [13].
Crocodylus niloticus (Nile crocodile).	Madagascar population	Sudan	Oppose [4, 13, 14, 28].
Crocodylus niloticus (Nile crocodile).	Tanzania population	South Africa	Support [33].
Crocodilus niloticus (Nile crocodile)	Maintain Sudanese population in II, subject to an export quota.	Uganda and Zimbabwe	Support [13].
Crocodilus niloticus (Nile crocodile)	Transfer from I to II (South Africa population).	Switzerland	Support [14].
Crocodylus porosus (Saltwater crocodile).	Transfer from II to I (Uganda population subject to an export quota pursuant to resolution Conf. 7.14).	Indonesia	Oppose [35].
Crocodylus porosus (Saltwater crocodile).	Transfer from II to I (Cameroon, Congo, Kenya, Madagascar, Sudan, and Tanzania populations).	Switzerland	Support [14].
Osteolaemus tetraspis (Dwarf crocodile).	Transfer Indonesia population from I to II, pursuant to resolution Conf. 3.15 on ranching.	....do	Support [14].
Order Squamata:			
Corucia zebrata (Prehensile-tailed skink).	Transfer from II to I (Indonesia population).	Germany	Support [3].
Vipera wagneri (Wagner's viper)	Transfer from II to I (Congo population)	Sweden	Support [3].
Amphibians:			
Rana artaki (Frog)	Add to II	Germany	Support [7, 29].
Rana blythii (Frog)	....do	....do	Do.

Species	Proposed amendment	Proponent	Final U.S. position
Rana cancrivora (Frog)	....do	....do	Do.
Rana crassa (Frog)	....do	....do	Do.
Rana cyanophlyctis (Frog)	....do	....do	Do.
Rana grunniens (Frog)	....do	....do	Do.
Rana ibanorum (Frog)	....do	....do	Do.
Rana ingeri (Frog)	....do	....do	Do.
Rana kuhlii (Frog)	....do	....do	Do.
Rana limnocharis (Frog)	....do	....do	Do.
Rana macrodon (including *R. microtympanum.*	....do	....do	Do.
Rana magna (Frog)	....do	....do	Do.
Rana malesiana (Frog)	....do	....do	Do.
Rana modesta (Frog)	....do	....do	Do.
Rana paramacrodon (Frog)	....do	....do	Do.
Rana rugulosa (Frog)	....do	....do	Do.
Bony Fishes:			
Order Clupeiformes:			
Clupea harengus	Add to I	Botswana, Malawi, Namibia, and Zimbabwe.	Oppose [4].
Order Cypriniformes:			
Gymnocharacinus bergi (Characin)	....do	Argentina	Support [3, 6].
Order Atheriniformes:			
Cynolebius constanciae (Killifish)	Remove from II (Ten Year Review)	Switzerland	Support [10].
Cynolebius marmoratus (Killifish)	....do	....do	Do.
Cynolebius minimus (Killifish)	....do	....do	Support [10]
Cynolebius opalescens (Killifish)	....do	....do	Do.
Cynolebius splendens (Killifish)	....do	....do	Do.
Order Perciformes:			
Thunnus thynnus (Bluefin tuna)	Add to I (Western Atlantic population)	Sweden	Oppose [24].
Thunnus thynnus (Bluefin tuna)	Add to II (Eastern Atlantic population)	....do	Oppose [24].
Plants:			
Family Anacardiaceae:			
Schinopsis spp. (quebrachos)	Add to II (3–7) spp.)	Argentina	Oppose [3, 4, 26].
Family Araceae:			
Alocasia sanderiana (Sander's alocasia).	Remove from I (Ten Year Review)	Philippines; Switzerland	Support [3, 16].
Family Bromeliaceae:			
Tillandsia spp. (tillandsias)	Add to II [400-500+ spp.]	Austria; Germany	Oppose [4, 23].
Family Cactaceae:			
Ariocarpus spp. (living-rock cacti)	Transfer from II to I (3+ spp.)	Netherlands	Support [3, 7].
Discocactus spp. (discocacti)	Transfer from II to I (8+ spp.)	Brazil	Do.
Melocactus conoideus (conelike Turk's-cap cactus).	Transfer from II to I	Do.	Support [3].
Melocactus deinacanthus (wonderfully bristled Turk's-cap cactus).	....do	....do	Do.
Melocactus glaucescens (grayish blue-green, wooly Turk's-cap cactus).	....do	....do	Do.
Melocactus paucispinus (few-spined Turk's-cap cactus).	....do	....do	Do.
Uebelmannia spp. (Uebelmann cacti).	....do (4+ spp.)	....do	Do.
Family Caryocaraceae			
Caryocar costaricense (ajo; garlic tree).	Remove from II (Ten Year Review)	Switzerland	Oppose [4, 16].
Family Fagaceae:			
Quercus copeyensis (copey oak)	....do	....do	Support [3, 16].
Family Humiriaceae:			
Vantanea barbourii (ira chiricana)	....do	....do	Oppose [4, 16].
Family Juglandaceae:			
Oreomunnea pterocarpa (gavilan)	Remove from I (Ten Year Review)	....do	Oppose [4, 8, 15].
Family Leguminosae (= Fabaceae):			
Cynometra hemitomophylla (guapinol negro).	Remove from II (Ten Year Review)	....do	Oppose [4, 16].
Dalbergia nigra (Brazilian rosewood).	Add to I	Brazil	Support [3].
Intsia spp. (merbau, Borneo-teak)	Add to II (3 spp.)	Denmark & Netherlands	Oppose [4, 20, 43].
Pericopsis elata (afrormosia)	Add to II	Denmark & United Kingdom	Support [3].
Platymiscium pleiostachyum (cristobal, granadillo).	Remove from II (Ten Year Review)	Switzerland	Oppose [4, 16].
Tachigali versicolor (cana fistula)	....do	....do	Oppose [4, 16].
Family Meliaceae			
Swietenia spp. (American mahoganies).	Add to II (2 spp.)	Costa Rica; [also U.S.A.]	Support [3, 7, 45].
Family Moraceae:			
Batocarpus costaricensis (ojoche macho).	Remove from II (Ten Year Review)	Switzerland	Support [3, 5, 16].
Family Orchidaceae:			
Didiciea cunninghamii (didiciea)	Remove from I (Ten Year Review)	....do	Oppose [3, 5, 16, 36].
Family Palmae (=Arecaceae):			
Areca ipot	Remove from II (Ten Year Review)	do	Oppose [5, 16]

Species	Proposed amendment	Proponent	Final U.S. position
Family Thymelaeaceae: *Gonystylus bancanus* (ramin)	Add to II	Denmark & Netherlands	Support (3, 7, 29).
Family Zingiberaceae: *Hedychium philippinense* (Philippine garland flower).	Remove from I	Switzerland	Support (3, 6, 10, 24).

The bases for the final U.S. negotiating positions on the proposals are:

(1) While this amendment to the appendices has been proposed, the Service has not received any supporting statement from the CITES Secretariat, as of February 18, 1992, and does not believe that documentation received at this late date can be properly considered.

(2) The orginal proposal is in French or Spanish. The Service will provide an English translation upon request.

(3) The listing or delisting of the taxon or taxa, as proposed, appears to be justified by the information in the proposal or currently available to the Service. In terms of some of the timber proposals, however, the Service will support some of the timber proposals only if they are amended to exclude certain parts and/or derivatives of the taxon.

(4) The population status (i.e., the degree of threat of extinction) of the entire species or taxon does not appear to warrant the listing, downlisting, or delisting as proposed.

(5) Available information suggests that there is little likelihood that there has been or will be any significant international trade in this species.

(6) The Service would support listing or retention of this taxon in appendix I on the basis of resolution Conf. 2.19 (i.e., due to the taxon's rarity, and because any trade in this taxon would likely be detrimental), and because trade has been documented and may increase.

(7) Listing of this species (including population) or higher taxon appears justified because of its similarity of appearance to a species or taxa that are at risk of detrimental trade.

(8) This listing has been proposed because of the perceived need to regulate this species in order that trade in Asian bear species listed in appendix I and II may be brought under effective control due to similarity of appearance, particularly for the gall bladder trade (article II, paragraph 2b). The Service believes that the necessary regulation has been achieved with the recent listing of this species in appendix III by Canada. However, the Service is consulting with the principal importing for bear parts to determine whether the appendix III listing of the American black bear provides appropriate protection for the Asian bears.

(9) Biological and trade information presented in this proposal does not appear to support listing in appendix I. However, other information is available or may become available to support listing the species or taxon in Appendix II.

(10) This proposal was submitted under the 10-year review resolution for downlisting or removal of the species and other taxa from the appendices. The Service either supports the proposal because it is believed that the information presented is an accurate interpretation of the likely effect of trade and the lack of risk to the species; or opposes the proposal for removal because it is believed that the lack of reported international trade for the species may be due to rarity or the lack of proper documentation of actual trade.

(11) This downlisting has been proposed under the provisions of resolution Conf. 2.23, which provided for downlisting or removal of species or other taxa that were included in appendix I or II prior to application of the Berne criteria for addition of species to the appendices. The proposal does not present information sufficient to meet the downlisting criteria under Conf. 1.2, but in most instances it appears that international trade is non-existent or extremely restricted, and therefore, would have been considered for downlisting or delisting under the "10-year review" process (Conf. 3.20) or periodic review process (Conf. 6.1) established subsequent to Conf. 2.23. The Service has consulted with Switzerland (previous chair of the 10-year review committee) and Germany (chair of the periodic review group of the Animals Committee) and has maintained its position while indicating that it would consider a downlisting rather than delisting of some species.

(12) The transfer of certain Nile and saltwater crocodile populations from appendix I to appendix II was proposed pursuant to resolution Conf. 3.15 on ranching, at least one population subject to annual export quotas for wild harvested specimens. The Service's support of these proposals is contingent upon assurance that annual reports are being regularly filed with the CITES Secretariat by the proponent and (1) adequate management programs exist to monitor the wild population, or (2) animals will be returned to the wild in numbers greater than would have survived naturally, thereby benefitting the wild population as per the original concept of Conf. 3.15. In addition, with regard to the proposal by Tanzania, the Service will seek to confirm that the rearing operations have the demonstrated ability to successfully raise crocodiles, and with regard to the proposed off take of wild specimens, will need assurance that proper population monitoring programs have been implemented.

(13) The transfer of certain populations from appendix I to II was proposed pursuant to resolution Conf. 5.21 subject to an annual export quota.

(14) Switzerland, as depositary government, proposed the transfer from appendix II to I those species that were downlisted from appendix I to II under the provisions of Conf. 5.21. This transfer was called for under the provisions of Conf. 7.14 unless regular downlisting or ranching proposals were submitted for consideration and adopted at the upcoming meeting of the Parties. If the ranching proposals for crocodile populations in Indonesia, Kenya, Madagascar, and Tanzania are adopted by the Parties, Switzerland will presumably withdraw its proposal for those populations. However, the effect of the revised proposal, if all other crocodilian proposals were adopted, would be to return the population of the dwarf and a slender-snouted crocodile in the Congo, and the Nile crocodile in the Cameroon and Congo, and possibly the Sudan and at least a portion of the saltwater crocodile population in Indonesia to appendix I. Furthermore the Service notes that the Congo belatedly requested a quota of 800 skins of *Crocodylus Cataphractus* and 200 skins of *Osteolarynus tetrapsis* for 1992 without any supporting statement. The Parties had accepted an export quota of 600 skins of *C. cataphratus* for 1992, but a zero quota for *Osteolaemus tetraspis*. The Service has no basis to assess such a request, but does believe that the Congo is entitled to the previously adopted quota of 600 skins of *C. cataphractus* to export during 1992.

(15) Present information supports the proposal to register this appendix I animals species as bred-in-captivity for commercial purposes under the provisions of resolution Conf. 7.10 (i.e., criteria for a proposal to register the first commercial captive-breeding operation for an appendix I animal species).

(16) Information presented does not indicate that the breeding program meets the criteria stipulated in resolution Conf. 7.10 for registration of the first commercial captive-breeding operation for an appendix I animal. In most instances, either second-generation stock has not been produced or has not been reliably produced. For the Chinese alligator, the management program has not been presented in a manner to ensure that the collection will be managed in a way to minimize inbreeding. The proposals on the Palawan peacock (*Polyplectron emphanum*) and Nicobar pigeon (*Caloenus nicobarica*) were not identified in the January 3, 1992, FEDERAL REGISTER.

(17) The Service recognizes the difficult, if not impossible, requirements imposed by the provisions of Conf. 1.2 that expects a showing of improvement in population trends when no adequate surveys were available at the time of the listing. However, until this issue is further clarified, the Service cannot support this proposal under the provision of Conf. 1.2. The proponent recognized this situation, and the proposal to transfer the leopard from appendix I to appendix II with export quotas adopted by the Parties was submitted under the provisions of resolution Conf. 7.14. The appears to represent an appropriate application of this resolution although such a downlisting can remain in effect for only two intervals between meetings of the conference of the Parties. However, Conf. 7.14 requires, among other things, "sufficient evidence from a well-documented scientific report on population size and geographical range of the species based on at least a single survey to establish that the species should be included in the appendix II rather than appendix I, according to the criteria of Conf. 1.1." Population estimates are provided in the proposal, but this information does not appear to meet the standard stipulated in the resolution. The Service supports continuation of the export quotas system for trophies and skins for tourists as previously provided for in resolution Conf. 7.7.

(18) The Service beleves that in order for the African countries to maintain substantial populations of African elephants the people in those countries must realize both consumptive and nonconsumptive benefits from this natural resource. The African elephant was listed in appendix I at COP7 for a number of reasons, including to control illegal trade in ivory. A resolution (Conf. 7.9) adopted with this listing acknowledged that some elephant populations may not have met the Berne criteria and set up special criteria for consideration of future downlisting proposals. The Service will consider support for downlisting to appendix II of some of the proposed populations in accordance with the Conf. 7.9 criteria, if it is convinced that these populations are not threatened with extinction, and that trade in illegal ivory will not be stimulated to the detriment of wild populations. However, the Service is persuaded by arguments supporting a continued moratorium on ivory trade until such time as an international ivory marketing system that demonstrably excludes illegally taken ivory is developed and instituted. Therefore, should downlisting occur, the Service will only support trade in non-ivory parts at this time. The challenge to CITES is to assist in the establishment of a regulated marketplace for elephant products from those countries that have abundant and well-managed populations without adversely impacting populations in those countries that do not. This necessitates a marketing system which demonstrably excludes illegally taken ivory. Several Southern African countries are now working towards this end by developing a Southern African Center for Ivory Marketing (SACIM). CITES should supplement this effort by developing an international system for monitoring the trade of ivory once it has left the SACIM Trade Center for consumer countries, such as allowing only one-time trade from country of harvest to consumer country with no further trade permitted, including no trade in worked ivory.

(19) If the previous proposal is adopted this proposal becomes redundant, and presumably will be withdrawn.

(20) The addition of this species was recommended by the CITES Significant Trade Working Group, in large part because of the concern that large numbers of specimens of the subspecies listed in appendix II were being illegally traded as specimens of the unlisted subspecies.

(21) Biological and/or trade information presented on this taxon seems insufficient to meet the Berne criteria. However, the Service recognizes that sufficient information may exist and/or become available to support the addition of certain of these species to appendix II. The issue then would be whether those not meeting Article II, Paragraph 2(a) criteria could be practically and effectively distinguished from those included in appendix II because of the potential for detrimental trade.

(22) All proposed amendments for rhinoceros were submitted to enable commercial trade in horns with the belief that properly controlled harvest (often involving removal of horns without harm to the animal) would support conservation of the species. The black rhinoceros population in Zimbabwe continue to be under significant poaching pressure, the white rhinoceros population in Zimbabwe is extremely small (about 400 animals), but the white rhinoceros population in South Africa appears to be relatively secure. Nevertheless, the Service believes that allowing legal trade in rhinoceros horn will, because of the extreme demand for this part, impose sufficient enforcement problems so as to contribute to additional illegal take of wild rhinoceros. However, the Service is concerned that current trade restrictions have not been effective in halting the illegal trade in rhinoceros horn and the Parties should pursue innovative strategies for addressing this problem at COP8. Perspectives of the affected Range States should weigh heavily in the selection of these strategies.

(23) The Service has supported interim downlistings of crocodile species provided conservative export quotas were established based on population status information. Furthermore, the Service has supported downlisting of crocodilians pursuant to ranching provisions when the wild adult breeding population is adequately protected. Harvest of adult stock has and can quickly result in overharvesting. However, the Service believes that South Africa has the strong management programs and enforcement capabilities necessary to preserve the wild populations.

(24) The Service opposes this proposal for the following reasons: (1) The 1991 population assessment indicates that current management by the International Commission for the Conservation of Atlantic Tunas (ICCAT) may have arrested the past decline in number of immature western Atlantic bluefin tuna; (2) ICCAT has agreed to accelerate recovery of the western Atlantic population by reducing quotas over the next two years and evaluating further reductions early in 1992; and (3) ICCAT has convened a working group to control trade in western Atlantic bluefin tuna by non-members and to better document trade among members of ICCAT. The Service intends to reevaluate its position if ICCAT does not implement these measures or if future assessments show a need for additional measures.

(25) At COP7, Sudan requested a one-time quota to dispose of 5,040 Nile crocodile skins. Furthermore, Sudan reported that they had instituted a ban on hunting for 3 years, from January 1, 1989, to the end of December 1991. Sudan also agreed to inventory and tag all skins. The present proposal notes that an additional 11,960 skins have been stockpiled, of which 8,000 have been adequately preserved. All were reportedly legally taken in 1990. Sudan announces that hunting of wild crocodiles ended completely in 1991 and requests an export quota for 8,000 skins.

(26) The Service will consider accepting the downlisting of this species to appendix II.

(27) The Service will seek to have the proponent stipulate and the minutes reflect that this proposal includes only two species of this genus as listed in "Mammal Species of the World" by Honacki *et al* and does not include *Conspatus leuconotus*, *C. mesoleucus*, and *C. semistriatus*. Furthermore, the Service will seek confirmation that this proposal is based only on the similarity of appearance provision in Article II.2.(b) of the Convention.

(28) On the presumption that this proposal would, among other things, result in the uplisting of *Ursus arctos* populations in the northeast portion of the People's Republic of China and because insufficient population information is presented in the proposal on this population, the Service will seek such information from the range State.

(29) The Service will seek comments from the range State on the population status and the effect of such a listing on management programs for this species.

(30) While the Service tends to support this proposal, several questions warranting clarification have been raised. Therefore, the Service has solicited further information to support the contention that these birds are reliably producing second-generation offspring and being managed in a manner designed to maintain the breeding stock indefinitely.

(31) The species proposed by Thailand (i.e., *Aceros subruficollis*), is presumed to be a subspecies of *Aceros plicatus*, as listed in Reference List of the Birds of the World of Morony Jr., et al. The species *Anorrhinus austeni* is presumed to be a subspecies of *Ptilolaemus tickelli*. *Anthracoceros albirostris convexus* is considered to be included in *Anthracoceros malabaricus* in the Reference List of the Birds of the World, and included in *A. coronatus* by Wells and Medway (1976).

(32) Inasmuch as the *genus* has been proposed for inclusion in appendix II, if accepted, this proposal becomes moot. However, if the generic proposal is not adopted, the Service would support a geographical listing as opposed to the subspecies listing proposed.

(33) While the Service recognizes the desirability of the species and subspecies being on the same appendix, the information presented for *Buceros bicornis* is not sufficient to meet the Berne criteria for appendix I, and the downlisting of the subspecies does not appear justified. Perhaps the proponent could modify the proposals so that those populations in the principal country(s) within which *Buceros bicornis homrai* occurs would be included in appendix I.

(34) Information presented in the proposal may not meet or barely meets the Berne criteria for inclusion of these species in appendix II, and the Service will strongly consider the position of the range States, and the similarity of appearance concepts.

(35) While the Service tends to oppose this proposal because of questions as to whether birds are reliably producing second-generation offspring, the Service has solicited further information that may clarify this concern.

(36) The Service recognizes that populations in southern Africa are reduced and will take into consideration comments from the range States.

(37) The Service does not see adequate evidence that past overharvest of wild specimens has been resolved nor that reliable population surveys or that an appropriate reintroduction scheme has been developed.

(38) The Service is concerned that the take of wild specimens will occur without adequate population surveys and enforcement of illegal offtake. The Service would consider support of an export program for only ranched specimens in Irian Jaye, contingent upon recommendations from Australia.

(39) The Service understands that some of the proposed *Rana* species may not be in trade and also recognizes the identification problem posed by listing only certain species. Nevertheless, there does appear to be substantial trade that may be affecting some species. The Service will consider the appropriateness of listing populations on a geographical basis.

(40) The need for appendix II regulation is not demonstrated, in particular because of the strict legislative controls enacted in recent years in Argentina on the production and extract of tannin. Four species in the genus are not discussed in the proposal's supporting statement.

(41) Biological and/or trade information presented on this taxon is insufficient to meet the Berne criteria. However, the Service recognizes that sufficient information may exist and/or become available to support the addition of a few of these species, or tree populations, to appendix II.

(42) The Service continues to support the listing of *Swietenia mahogani*, and will strongly consider the position of the range States particularly on *S. macrophylla*.

Future Actions

The Nomenclature Committee, in conjunction with the Wildlife Trade Monitoring Unit, has been working to review and resolve numerous ambiguities in the appendices that arose from the listing of taxa at the plenipotentiary and first meetings of the Conference of the Parties. Supporting documents were not a matter of record at these meetings, and either similar names may have had more than one interpretation or the scientific name used may not have been the preferred or commonly accepted name. The Service anticipates that the Nonmenclature Committee will be submitting a list of over 50 such clarifications to the CITIES Secretariat, and this information has just become available to the Service. Presumably only about a dozen of these clarifications will involve more than technical name changes.

Final negotiating positions given in this table are based upon the best available biological and trade information, taking into account comments received from the public and the criteria for listing species in the appendices (resolutions Conf. 1.1 and 1.2 of the first meeting of the Conference of Parties to the Convention) and other provisions for listing species, including Conf. 2.19 on extremely rare species, Conf. 2.23 and Conf. 3.20 on delistings under special 10-year review procedures, Conf. 3.15 on ranching, Conf. 5.14 on uplisting plant species, and Conf. 5.21 and 7.14 on special criteria for the transfer of taxa from appendix I to appendix II with concurrent establishment of export quotas, and Conf. 2.12, 6.21, and 7.10 on captive-breeding facilities. If further information is presented at the meeting in Kyoto, the U.S. delegation will take it into account in determining whether these positions remain appropriate. As indicated above, support or opposition to particular proposals may depend on whether questions about them are satisfactorily answered at the meeting. Furthermore, while the United States may not fully support a proposal, partial support has been discussed in the "Assessment of Comments on Species Listing Proposals" and noted in the footnotes to this table summarizing the U.S. negotiating positions.

The notice was prepared by Drs. Charles W. Dane and Bruce MacBryde, Office of Scientific Authority, under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Dated: February 25, 1992.

Richard N. Smith,

Acting Director.

[FR Doc. 92-5045 Filed 3-3-92; 8:45 am]

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50 CFR Part 23

Proposed Changes in Appendices to the Endangered Species Convention

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or Convention) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in appendices I, II, and III to CITES. The United States as a Party to the Convention may propose amendments to the appendices for consideration by the other Parties.

In this notice, the U.S. Fish and Wildlife Service (Service) announces the decisions on proposals submitted by the United States to amend appendices I and II, and discusses any changes in its negotiating position from the time that the proposals were submitted. These proposals will be considered at the eighth regular meeting of the Conferences of the Parties. The meeting is scheduled for March 2–13, 1992, in Kyoto, Japan.

DATES: Proposed amendments to the Appendices adopted by the Parties will become effective June 10, 1992, unless the United States enters a reservation before that time.

ADDRESSES: Please send correspondence concerning this notice to Chief, Officed of Scientific Authority; room 725, Arlington Square Building; U.S. Fish and Wildlife Service; Washington, DC 20240. The fax number is 703–358–2276. Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; 4401 North Fairfax Drive, room 750; Arlington, Virginia 22203. Comments and other information received are available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, at the above address, telephone 703–358–1708 (or FTS 921–1708).

SUPPLEMENTARY INFORMATION:

Background

In previous **Federal Register** notices on this subject (56 FR 4965, February 7, 1991; and 56 FR 33894, July 24, 1991), the U.S. Fish and Wildlife Service (Service) first requested information on plant or animal species that might lead it to prepare species listing amendments for the Convention, and then described tentative U.S. proposals and sought additional comments, requesting specific information for each of the tentative proposals. The proposals announced in this notice were submitted by the Service and received by the Convention's Secretariat on October 4, 1991, in order to be considered at the next biennial meeting of the parties in Kyoto, Japan.

Public Comments

Decisions about suggested U.S. proposals discussed in the previous notice of July 24, 1991, are as follows:

1. Painted Stork (*Mycteria leucocephala*). In response to the February 7, 1991 **Federal Register** notice requesting information on species that should be considered for listing changes, the American Association of Zoological Parks and Aquariums (AAZPA) proposed that the painted stork be listed in appendix II under criteria of Article II, paragraph 2(b), i.e., for reasons of similarity of appearance. The intent of this listing is to protect the milky stork (*M. cinera*), which is already listed in appendix I, by regulating trade in *M. leucocephala*. There is an apparent inability of wildlife and customs officials to distinguish between the immatures of these two species. In the past, juveniles of *M. cineria* have been imported into Europe and the United States ostensively as *M. leucocephala*.

Two comments were received in response to the July 24, 1991, notice inviting public comment and seeking information on species that had been identified as candidates for U.S. proposals to amend the appendices. Dr. Koen Brouwer, Co-chairman of the World Conservation Union (IUCN) Specialist Group on Storks, Ibises, and Spoonbills agrees that measures should be taken to prevent misidentification of *M. cinerea* and *M. leucocephala* and that the status of the painted stork in the wild fully justifies adding it to appendix II. TRAFFIC USA appreciates the need to strengthen protection for the milky stork, but does not believe that listing the painted stork in appendix II will necessarily acheive this aim.

Due to similarity of appearance of the juvenile forms of *M. cinerea* and *M leucocephala* and the apparent inability of wildlife and customs officials to distinguish between the immatures of the two species, the protection of *M. cinerea*, which is listed in apendix I, would be further enhanced by placing *M. leucocephala* in appendix II under provisions of Article II, paragraph 2b (for reasons of similarity of appearance).

In submitting this proposal, the United States proposes to interpret the CITES permitting requirements in a manner designed to protect the species that the proposed listing is intended to protect. Thus, this proposal to include the painted stork in appendix II is being put forward solely for look-alike reasons to protect the endangered milky stork. Therefore, when reviewing permit applications for the export of painted storks, Scientific Authority advices and Management Authority considerations should be carried out in a manner to ensure protection of the milky stork rather than the painted stork.

2. Psittacines (Parrots, Parakeets, Macaws, and Lories). The International Wildlife Coalition requested that the Service propose transferring Goffin's cockatoo (*Cacatua goffini*) and the blue-streaked lory (*Eos reticulata*) from appendix II to apendix I. This request was accompanied by complete species proposals. The Humane Society of the United States requested that the United States support proposals to place Goffin's cockatoo (*C. goffini*) and the blue-fronted amazon (*Amazona aestiva*), in appendix I of CITES.

In 1987, the blue-fronted amazon, Goffin's cockatoo, and the blue-streaked lory were identified by the CITES Parties as species for which the volume of trade may be detrimental to the survival of the species. Although CITES-supported studies have not been conducted as yet to determine whether the trade is detrimental, trade has remained high and other information indicated that these species should be considered for transfer from appendix II to appendix I.

In response to the July 24, 1991 **Federal Register** document, four comments were received. Traffic USA recommends that the Service consider the information recently provided through the CITES Significant Trade Project to the CITES Animals Committee on *A. aestiva, C. goffini,* and *E. reticulata.* Of the three species, TRAFFIC USA believes that only *C. goffini* meets the Berne Criteria for listing on appendix I. Regarding *A. aestiva,* TRAFFIC USA reported that two studies are currently being conducted in Argentina, both of which have the support of the CITES Secretariat and Argentina's Management Authority.

In comments supplied by TRAFFIC INTERNATIONAL, they report that seven psittacine species were reviewed by the Significant Trade Project and they feel that only *Cacatua goffini* and *C. haematuropygia* would qualify for transfer to appendix I. TRAFFIC INTERNATIONAL feels strongly that an appendix I listing for *Amazon aestiva* would be counterproductive for conservation in Argentina, but that Argentina should clarify the classification of this species as a pest and re-evaluate the current export quota demonstrating that trade is sustainable.

The American Federation of Aviculture stated that unlike Goffin's cockatoo and the blue-streaked lory, which are insular species having a restricted geographic range (less than 300 sq. miles); the blue-fronted amazon is a mainland species with an extensive geographic range (at least 1,500,000 sq. miles), and it is estimated that there are at least 1 million birds in the wild. In their opinion, placing *A. aestiva* on Appendix I would only serve to undermine Argentina's conservation effort. As for *C. goffini* and *E. reticulata,* they felt that Indonesia should be encouraged to place a 2-3 year moratorium on the capture and export to allow time for population recovery.

Safari Club International does not support the transfer of the blue-fronted amazon to apendix I. It is a species for which the sustainable use of the wild population is likely to benefit the conservation of the species, and Safari Club recommends that the Service consult with Argentina before considering any listing proposal.

The Service submitted and continues to support § proposals to tranfer the Goffin's cockatoo and blue-streaked lory to appendix I. Although the § Service submitted the blue-fronted amazon proposal to the CITES Secretariat for an appedix I listing, § the Service understands that Argentina may have established an export ban for this species as the population status studies continue. The Service is seeking confirmation of this information and would view such steps as responsible actions to ensure the proper management of this species. Consequently, the Service is considering withdrawing this proposal.

Goliath frog (*Conraua goliath*). The Service received a proposal from Dr. Christina M. Richards and Dr. Victor H. Hutchison to list the Goliath frog in apendix I of CITES. The species is reported to be sparsely distributed in coastal rain forests in the Republic of Cameroon, Equatorial Guinea, and Gabon. It is also reported that its habitat is rapidly being destroyed by the clearing of rain forests and construction of dams. The species is extremely difficult to maintain in captivity, but being the world's largest frog, has generated interest by animal dealers. The species is listed as vulnerable in the "1988 World Checklist of Threatened Amphibians and Reptiles," published by the Nature Conservancy Council, United Kingdom.

In response to this proposal, the Service received two comments. Based on available information, TRAFFIC USA does not believe that the Goliath frog qualifies for an appendix I listing. However, because of the Goliath frog's biological uniqueness, restricted range, specific habitat requirements, and the potential trade threat, TRAFFIC recommends that the Service consider proposing the species for an appendix II listing.

The Lincoln Park Zoological Gardens provided extensive comments based upon information gathered from museum records, from conversations with persons who had physically collected Goliath frogs in Cameroon, and from staff who visited Cameron and collected frogs at two different sites. To their knowledge, there has never been any attempt at a systematic survey of either the distribution or abundance of *C. goliath* in Cameroon. It is also their impression that Goliath frogs are seasonally and locally abundant in suitable habitats throughout its described range.

On September 12, 1991, the Service published a proposed rule to list this species as "threatened" under the Endangered Species Act of 1973. 56 FR 46397. However, the Service does not believe that information exists to support an appendix I listing, but feels that trade should be carefully monitored until surveys are conducted to provide better data on populations and habitats. Therefore, the Service has proposed the inclusion of this species in appendix II.

4. Testudines (Turtles). In response to the February 7, 1991, **Federal Register** notice, the New York Zoological Society submitted proposals to add the genus *Terrapene* to appendix II while retaining *T. coahuila* (aquatic box turtle) in appendix I; to add *Clemmys insculpta* (wood turtle) to appendix II; and to transfer *Clemmys muhlenbergii* (bog turtle) from appendix II to Appendix I.

In response to the July 24, 1991, **Federal Register** notice, the Service received comments during two time periods: first, those comments received within the comment period (September 6, 1991, deadline) and secondly, additional comments received after the close of the comment period.

Information received during the comment period will be acknowledged in this document, and the additional biological and trade information received after September 6, 1991, has been used in the completion of the proposals.

The genus *Terrapene* is comprised of four species (*T. carolina, T. cochuila, T. nelsoni,* and *T. ornata*) with 11 recognized subspecies, of which *T. coahuila* is already listed in appendix I. *Terropene nelsoni* has a very small and fragmented range. It has been reported from widely disjunct, high-altitude localities on the west coast of Mexico. *Terrapene ornata* ranges over large sections of the midwestern United States and the Great Plains, from Texas north to southern South Dakota and eastward to Indiana. The most widely distributed species, *T. carolina,* is found from Canada to Mexico. Several studies document declines in *T.* carolina in various locations, but it is especially widespread and other populations may now be threatened.

A total of 17 comments were received by the September 6, 1991, deadline: 12 from professional herpetologists; three from State wildlife agencies (Connecticut, Kansas, and Wisconsin); one from a governmental agency (U.S. Forest Service); and TRAFFIC USA. All favored listing the genus *Terrapene* in appendix II of CITES because of long-term population declines, habitat fragmentation and reports that *Terrepene* species are among the most common North American turtles in trade, both domestically and internationally. However, TRAFFIC USA noted their support was contingent upon confirmation of substantial international trade.

Box turtles (*Terrapene* spp.) are widely distributed and the comments furnished little additional population or trade information. The Service was unable to substantiate the reports of large volumes of international trade, but has expanded its record keeping efforts to monitor the export of this species. Therefore, the Service decided not to submit a proposal to list the box turtles.

The wood turtle (*Clemmys insculpta*) ranges from Nova Scotia west to Minnesota and Iowa, and south to Virginia. They appear to be largely restricted to river and stream bottoms and associated shore-lines and floodplain habitats. Habitat loss and fragmentation are the most serious threats to this species. There are some reports that wood turtles are becoming scarce or are not extirpated in many places where stable populations once existed, but additional quantitative information would be desirable.

Written comments were received from four State agencies (Connecticut, Minnesota, Virginia and Wisconsin); one governmental agency (U.S. Forest Service); one conservation organization (TRAFFIC USA) and 11 professional herpetologists. All those commenting supported the listing of *Clemmys insculpta* in appendix II.

The Minnesota Department of Natural Resources has funded two research projects in an attempt to derive population estimates and distribution. The Society for the Study of Amphibians and Reptiles adopted a resolution at its 1991 annual meeting calling for greater protection of this species. Dr. James H. Harding of Michigan State University has been engaged in field studies of *C. insulpta* in Michigan, and stated that compared to several other eastern North American turtles, wood turtles exist in relatively low population densities.

Over-collecting, coupled with habitat loss and fragmentation has resulted in a long-term decline of this species. Adult breeding populations are very vulnerable to depletion. Wood turtles are desired in the pet trade which has

led to a considerable demand for the species. Wood turtles frequently appear on reptile dealer price lists, and prices paid for adult specimens vary from $35 to as much as $95 apiece. The species is protected by State laws in several States within its range, and stronger enforcement in the United States seems appropriate. The Service has proposed the inclusion of this species in appendix II.

Clemmys muhlenbergii has a fragmented and localized range in the eastern United States, with northern and southern populations. The northern population ranges from southeastern New York and Massachusetts, south to Maryland, west to Pennsylvania, with disjunct populations in western Pennsylvania. The southern population ranges in the Appalachian Mountains from southern Virginia to Georgia, and west to Tennessee. The range of the bog turtle is rapidly contracting, especially in the southern Appalachians and New England, and several disjunct populations are now thought to be extinct.

Thirteen comments were received in response to the July 24, 1991, notice: 11 from professional herpetologists, one from a State agency (Connecticut), and TRAFFIC USA. All recommended the transfer to *C. muhlenbergii* from appendix II to Appendix I.

The Society for the Study of Amphibians and Reptiles, at their 1991 annual meeting, proposed a resolution calling for the prohibition of commercial and private collection of this species. Dennis W. Herman, Assistanct Curator of Herpetology, Atlanta Zoo, has researched the distribution and population status of the bog turtle in the Southern United States since 1976. He states that it is well-documented that this rare species is under constant threat due to habitat loss and alteration and commercial exploitation.

Over the past 5 years, an increasing number of bog turtles have been advertised for sale on reptile dealers' lists, ranging from a low of $250 for a single male to over $850 for a breeding pair. This species has been listed in appendix II since 1975, and only very limited international trade as reported to CITES has been documented. Although international trade in *Clemmys muhlenbergi* is largely unsubstantiated, this rare and reclusive species has declined drastically throughout its restricted range due to over-collecting and loss of wetland habitat. The Berne criteria for appendix I listings provide that "when the biological data show a species to be declining seriously, there need only be a probability of trade." Therefore, the Service has proposed transferring the bog turtle from appendix II to appendix I.

5. Paddlefish (*Polyodon spathula*). The north central regional office (Region 6) of the U.S. Fish and Wildlife Service prepared a proposal to add the paddlefish to appendix I of CITES. Paddlefish were historically abundant in most of the large rivers of the Mississippi River drainage; specifically noted were such rivers as the Missouri, the Ohio, the Tennessee, the Cumberland, the White, the Arkansas, and the Red. Paddlefish also were considered abundant in many of the Gulf slope river drainages in Texas, Louisiana, Mississippi, and Alabama. Around the turn of the century, relict populations occurred in Lake Erie and other Great Lakes, and paddlefish were known to exist in Ontario, Canada. They have been extirpated from Canada, the Great Lakes, and some of the peripheral range States such as New York, Pennsylvania, Maryland, and North Carolina. The peripheral range of the species has continued to decline since the turn of the century. Today, even though paddlefish still occur in 22 States, only remnant populations remain in many of the major river systems and their tributaries where the species once was considered to be abundant.

Of the 11 States that responded, eight States (Arkansas, Illinois, Kansas, Louisiana, Nebraska, North Dakota, Texas, and Wisconsin) recommended an appendix I listing; 1 State (South Dakota) recommended an appendix II listing; 1 State (Oklahoma) opposed any listing because the State had prohibited commercial harvest, and Virginia furnished information on their population status within the State, but made no recommendation. The Tennessee fishery coordinator opposed listing the species on either appendix, principally because of a potential aquaculture program. Two additional comments were received (the John G. Shedd Aquarium, Chicago and TRAFFIC USA). The Shedd Aquarium supports an appendix II listing, while TRAFFIC USA urged the Service to list the paddlefish in appendix I.

Alteration and contamination of paddlefish habitats have been major factors contributing to significant population declines. Dam and reservoir construction have altered most of the original paddlefish habitat in the United States. The commerical catch of paddlefish has fluctuated since the late 1800's varying with the demand for roe and smoked flesh, which are often substituted for sturgeon caviar and smoked sturgeon. The current volume of caviar entering European markets is unknown, but processed paddlefish caviar is reported to be selling for $100 per pound in western Europe as opposed to $40 per pound in the United States. There is the possibility that heavy demands for premium quality paddlefish roe could further impact existing populations.

Paddlefish are protected (no sport or commerical havest) in Alabama, Louisiana, Minnesota, Texas (listed as endangered), and Wisconsin (listed as threatened). Ohio lists the paddlefish as "threatened," but allows harvest by hook and line only. The paddlefish also is listed as "threatened" in West Virginia, but is also classified as a "sport fish" (to hook and line fisherman). Virginia is now considering placing the paddlefish on its threatened list.

Although the Service has submitted the paddlefish proposal to the CITES Secretariat for inclusion in appendix I, the Service did so with a notation that it was seeking additional information relevant to this proposal and might ultimately propose an appendix II listing. Subsequently, the Service has received information on limited commercial aquaculture export programs as well as comments on a small State-approved roe collection program involving the export of roe from sport fishing activities in Montana. An appendix I listing would prohibit any export of paddlefish, their parts or products for primarily commercial purposes. Therefore, inasmuch as an appendix II listing would impose the same penalties for violations of export requirements from the United States and establish the same trade reporting conditions as an appendix I listing, and yet allow for legitimate exports determined not to be detrimental to the survival of the species the Service will propose that the paddlefish be considered for inclusion in appendix II instead of appendix I.

6. Bluefin tuna (*Thunnas thynnus*). In response to the Service's February 7, 1991, **Federal Register** notice inviting information and comments from the public on animal or plant species that should be considered as candidates for U.S. proposals, the National Audubon Society submitted a proposal to list the western Atlantic population of bluefin tuna is appendix I of CITES.

The species is found on both sides of the Atlantic Ocean and in the eastern Pacific Ocean. In the western Atlantic, it ranges from Labrador to Brazil, and in the eastern Atlantic, from the North Sea to western North Africa. In the eastern Pacific, it occurs from Shelikof Strait, Alaska to southern Baja California.

Mexico. Bluefins attain sizes well over 1,000 pounds and may live to 20 or more years. Western Atlantic bluefins spawn in the Gulf of Mexico, the Caribbean and off the straits of Florida; eastern Atlantic bluefins spawn in the mediterranean.

Management of the Atlantic bluefin tuna falls under the responsibility of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The mean annual catch from the western Atlantic averaged about 9,190 metric tons in the early 1960's. The harvest quota for the western Atlantic population has been set at 2,660 metric tons since 1983. According to the proposal, catches in the eastern Atlantic averaged 20,900 metric tons between 1960 and 1962, and 5,400 in 1987 to 1989.

The National Marine Fisheries Service (NMFS) published a final rule (January 6, 1992; 56 FR 365) to prevent the development of a directed fishery for adult bluefin tuna in the Gulf of Mexico. NMFS has also proposed reducing the bag limit in the recreational fishery for the 1992 year. These two measures will help ensure that the United States fulfills its obligations under the ICCAT agreement. Since establishment of earlier ICCAT quotas, there is evidence that school fish and medium-sized fish have stabilized in recent years.

Since the National Marine Fisheries Service (NMFS) generally has management responsibility for pelagic species, which include the bluefin tuna, the Service requested their assistance in reviewing comments and existing data on the bluefin tuna. The NMFS initially recommended requesting comments on a proposal to list western Atlantic population in appendix II rather than on appendix I as proposed by the National Audubon Society. In the July 24, 1991, **Federal Register** notice, the Service announced that it was considering submitting a proposal to list the entire species in appendix II including the western Atlantic population, and listing the other populations for look-alike reasons under Article II, paragraph 2(b). The U.S. Fish and Wildlife Service (Service) recognized that CITES Article XIV limits the effectiveness of a listing in appendix II. Nevertheless, the Service initially perceived a benefit from the limited additional reporting and documentation required by CITES.

The Service has received and reviewed a total of 83 comments from the general public, commercial and recreational fishermen, conservation organizations, U.S. governmental agencies, Congress, foreign governments, and international organizations. Of the 83 comments, 60 were in favor of an appendix I listing for the western Atlantic bluefin tuna, 22 were opposed, and the NMFS recommended that the United States not forward this proposal for consideration by the CITES Parties at this biennial meeting of the Parties.

Many of those in support of an appendix I listing referred to information that indicated that giant bluefins had declined an estimated 95 percent since 1970, fishing pressure has increased 2200 percent, and that the decline is due primarily to fishing pressure on the giant tuna or breeding stock for the export market to Japan. They contend that the International Commission for the Conservation of Atlantic Tunas (ICCAT) has failed to take appropriate action to prevent the further decline of giant tunas (8+ years).

The National Coalition for Marine Conservation, in their extensive comments, contend that there has been serious mismanagement of the resource, that the spawning population is in serious danger, and that economic sanctions are needed. World Wildlife Fund stated that, by all standards, the bluefin tuna is in serious trouble. The extremely high prices (up to $40 per pound) paid by the Japanese have contributed to the rapid decline of bluefin populations. Also, the ICCAT has failed to stem the decline of this species. They believe that an appendix II listing would not provide effective conservation for the western Atlantic population. Safari Club International supports the proposal to list the Atlantic bluefin tuna based upon information received from the Sport Fishing Institute, which indicates that the species have been overfished and the breeding stock needs protection. The American Fisheries Society originally supported an appendix I listing, but later withdrew their support for the proposal.

The majority of those opposed to either an appendix II or I listing stated that CITES is an organization that handles trade issues of endangered species and that the Atlantic bluefin tuna is not an endangered species, and that CITES involement with the management of the bluefin tuna is inappropriate, counter-productive, and would undermine the effectiveness of the ICCAT.

The Federation of Japan Tuna Fisheries Cooperative Associations contend that: bluefin tunas are neither endangered nor threatened; Atlantic bluefin tuna are managed effectively; U.S. recreational fishing, not trade, may be the problem; National Audubon Society's data are flawed; and that adoption of the proposal would usurp ICCAT's authority and undermine international conservation treaties. The National Fisheries Institute states that the ICCAT Commission should have been consulted, that the criteria of CITES Article II (as well as the Berne Criteria) are not met, and further that consideration of this proposal would divert efforts from higher priority needs. The East Coast Tuna Association believes that their analysis represents the best and most recent scientific information available on the status of the bluefin tuna. That Association contended that the 1990 bluefin assessment cited by the proponent was seriously flawed due to the inclusion and reliance on a severely biased rod and reel abundance index.

Five members of the House of Representative's Committee on Merchant Marine and Fisheries commented that they believe the proper arena for conservation and management of bluefin tunas is the ICCAT and that a CITES listing is inappropriate and will undermine current international efforts to manage this highly migratory species. The Fisheries Agency of Japan contended that recent data suggest that recovery has taken place in the resource and that the bluefin tuna is already being managed as a resource, and that this species has been properly managed by the ICCAT for more than 20 years. The Governments of Portugal and Spain, both members of the ICCAT, feel that the bluefin tuna should not be listed and that the Atlantic bluefin tuna is being properly managed by the ICCAT.

The National Marine Fisheries Service (NMFS) collected and reviewed comments by the general public, commercial and recreational fishermen, other agencies, and international orgainzations regarding the proposal to list bluefin tuna. Based upon these comments and a review by NMFS scientists, they recommended that the U.S. government defer forwarding this proposal for consideration at the next meeting of the Parties to the Convention. The Fish and Wildlife Service also reviewed the data and believes (1) that the information on small and medium-sized fish indicates that these populations are beginning to recover, (2) the 1991 population assessment indicates that current management by ICCAT may have arrested the past decline in numbers of immature western Atlantic bluefin tuna, and (3) that harvest limits proposed by NMFS, if implemented, may lead to more rapid recovery of the giant tunas. Therefore, while further quota reductions by ICCAT would speed the recovery of the bluefin tuna, the Service does not believe an appendix I listing of the

bluefin tuna is warranted. For an appendix II listing in addition to the limitation in reporting requirements involved under Article XIV, harvest and consumption within a country's territorial waters would not be documented through the CITES reporting system. Furthermore, Japan (the principal importer of giant tunas) could reportedly document imports from non-CITES Parties. Because the Service considered that improved reporting requirements, if imposed by ICCAT, could be more complete than allowed under CITES, and for the other reasons mentioned above, the service did not propose listing the bluefin tuna on either appendix.

7. Freshwater or Pearly Mussels (Family Unionidae). At the Sixth Meeting of the Conference of the Parties in 1987, the Ten-Year Review Committee Chairman withdrew a proposal to remove several species of Unionidae from the CITES appendices, with the understanding that the United States would review the need for the listings. The Service contracted with the World Conservation Union (IUCN) Trade Specialist Group through the Center for Maring Conservation to assist in defining the geographical distribution and extent of harvest of listed species (both under CITES and the Endangered Species Act) and in assessing trade in native freshwater mussels.

The bivalve family Unionidae (pearly mussels or naiads) is one of the most diverse mollusc families in North America. Their geographic distribution is widespread; naiads are found in most of the major river drainages in the Southeast and Midwest, including the Upper Mississippi drainage system, and as far west as Oklahoma and Texas.

The IUCN Trade Specialist Group recommended that the Service propose listing the family Unionidae in appendix II, coupled with the transfer from appendix I to appendix II of the 28 taxa presently in appendix I. Of the 297 North American Unionid taxa currently recognized, 13 are believed to be extinct; 35 are listed as endangered under the Act, an additional 68 are candidates for listing, and 32 are presently included in the CITES appendices.

A total of 21 comments were received in response to the proposed listing of the family Unionidae (freshwater pearly mussels) in appendix II of CITES: 14 from the freshwater mussel and cultured pearl industries; 5 form State Widlife Resource agencies; 1 from the Government of Japan (Fisheries Agency); and 1 from a conservation organization (TRAFFIC USA).

Four State agencies (Kansas, Minnesota, Tennessee, and Wisconsin) supported the proposal to list all Unionids in appendix II, while the fifth State agency (Virginia) did not make a recommendation, but furnished information on the status of freshwater mussels within the State.

The Tennessee Wildlife Resources Agency supports the monitoring of international trade in freshwater mussels. The Wisconsin Department of Natural Resources feels that the listing of Unionids is long overdue. Virginia lists at least 10 taxa of freshwater mussels as threatened or endangered and it is illegal to harvest freshwater mussels within the State.

The freshwater mussel and cultured pearl industry (14 comments) opposed the listing since they contend that there is insufficient information available to justify listing all freshwater mussels in appendix II and because the listing would put an unnecessary burden on the exporters of mussel shells and importers of cultured pearls. The Japan Fisheries Agency considers the proposal unreasonable since lonly a few species are desired and harvested as material for nuclei of the cultured pearls. The species of commercial significance are characterized by larger size, thick shells, and a white inner color.

TRAFFIC USA indicated that listing the entire family (some 297 taxa) in appendix II would not at this time resolve any of the problems associated with the potential trade in federally-protected species. TRAFFIC suggested that the Service defer any decision on this issue until field data are available, and that the Service should hire a malacologist possessing expertise in freshwater mussel identification to monitor export shipments in order to quantify incidental take of listed species.

At this time, the Service feels that additional studies are needed which will focus on the impact of trade on commercially harvested species of Unionids. Therefore, the Service decided not to submit a proposal to list the family Unionidae in appendix II of CITES in order to better understand the impact that trade has on freshwater mussels and whether there is incidental take of species listed under the Endangered Species Act of 1973.

8. Queen conch (*Strombus gigas*). Certain species are being considered for listing on CITES appendix II in order that obligations of the United States under the Protocol for Specially Protected Areas and Wildlife (SPAW) of the Cartagena Convention can be met. The Cartagena Convention was created through the impetus of the Regional Seas Programme of the United Nations Environment Programme. The Convention is a regional agreement for the protection and development of the marine environment. Obligations to protect or manage species on the Annexes include the ability to regulate trade. The Parties at the SPAW Meeting of Plenipotentiaries in June 1991 agreed to regulate international trade through implementation of CITES. There are certain species included in the SPAW annexes for which there exist adequate protection and management provisions in the United States, but for which trade involving the United States may exist but is not regulated.

In the **Federal Register** of March 21, 1991 (56 FR 12026), the Service issued a notice identifying plant and animal species proposed for protection or management under the SPAW Protocol. These species were included in the initial Annexes by the Parties at the SPAW Meeting of Plenipotentiaries. For these, international cooperation in regulating trade is expected.

In the July 24, 1991, **Federal Register** notice, the Service announced that it was considering preparing a proposal in conjunction with the National Marine Fisheries Service to list the Queen conch (listed on Annex III of SPAW) in appendix II of CITES. Currently, this species is listed in the IUCN's Invertebrate Red Data Book as a commercially threatened species. Although it is not threatened with extinction, most or all of its populations are threatened as a sustainable commercial resource, or may become so, unless their harvest is regulated.

The Service did not receive any comments in response to this proposal. In all Caribbean countries, heavy fishing pressure for local use and the export market has severely depleted stocks. In 1990, the United States imported approximately 472 metric tons of conch from the wider Caribbean region. If efforts to recover stocks to former levels are to succeed, a formal mechanism for monitoring and controlling international trade, as provided by a CITES Appendix II listing, will be necessary. Therefore, the Service submitted a proposal to include the Queen conch in appendix II.

9. Ten-Year Review Species of Animals. At past CITES Animals Committee meetings, the chairman requested information from the Service on certain CITES species occurring both in Mexico and the United States. The species of particular interest are as follows: (1) Harlequin or Montezuma quail (*Cyrtonyx montezumae montezumae* and *C. m. mearnsi*); (2) the San Diego horned lizard (*Phrynosoma coronatum blainvillii*); (3) pronghorn antelope (*Antilocapra americana*); and

(4) the Mexican bobcat (*Felis rufa escuinapae*). The Service was asked to determine whether these species should continue to merit inclusion in the appendices, based on the extent that these species enter trade as well as the taxonomic validity of these species. The National Marine Fisheries Service also requested that the Service propose removing the northern elephant seal (*Mirounga angustirostis*) from appendix II.

The Service consulted with the Government of Mexico on several of the above issues. The Service, in making its decisions, was also to determine whether a nomenclatural or geographical listing would provide the most appropriate listing for these species of concern. The European countries were especially concerned that their port inspectors cannot correctly identify the various subspecies that are entering trade.

Harlequin quail (*Cyrtonyx montezumae*) are widespread, occurring throughout east and central Arizona, central New Mexico, west Texas and across the south-central uplands of Mexico from Guerrero to Veracruz. The ranges of the subspecies (*C.m. mearnsi*) are somewhat demarcated on a north-south axis, with *mearnsi* north of the Sierra Madre Occidental and *montezumae* occupying the southern slopes in Jalisco, but extending to Atlantic drainages in Pueblo and Veracruz. There is a question as to whether they are valid subspecies, and also it appears that there is little documented trade in the species.

There are five recognized subspecies of coastal horned lizards (*Phrynosoma coronatum*) occurring in California and Mexico, and only the San Diego horned lizard (*P. c. blainvillii*) is presently listed in appendix II of CITES. While there has been no recorded trade in this subspecies, specimens of this species are often sought by collectors. The taking of specimens of this species is prohibited under California law, and the Government of Mexico expressed concern about horned lizards and requested that the entire species be included in appendix II.

At the Animals Committee meeting held in Australia (November 1990), it was recommended that the United States consider listing all pronghorns (*Antilocapra americana*) in the appendices since it is difficult to distinguish between the subspecies (*A. a. mexicana*, listed on appendix II; *A. a. peninsularis* and *A. a. sonoriensis*, both in appendix I; and the unlisted subspecies (*A. a. americana* and *A. a. oregona*). Both *A. a. peninsularis* and *A. a. sonoriensis* are protected under the U.S. Endangered Species Act, but the principal range of these endangered species is in Mexico. Although there is some possibility that the listed subspecies might enter trade, there is no evidence that they have been traded in the past.

Presently, all subspecies of bobcats [*Felis* (=*Lynx*) *rufus*] are listed in appendix II of CITES as look-alikes, except for the Mexican bobcat (*Felis rufus escuinapae*) which is listed in appendix I. The number of subspecies of bobcats described to date comprise few realistically distinguishable taxa. Several subspecies of bobcats are recognized as existing in Mexico and their characters and ranges overlap with *escuinapae*.

The National Marine Fisheries Service has requested that the Service propose removing the northern elephant seal (*Mirounga angustirostis*) from appendix II. The northern elephant seal has reoccupied almost all of its historic breeding range. Utilization is restricted to a very few specimens taken under scientific or display permits issued pursuant to the Marine Mammal Protection Act, and a few are incidentally taken in fisheries activities. The species is also protected under recently adopted Mexican law.

TRAFFIC USA firmly believes that the CITES ten-year review process is essential to the credibility and effective implementation of CITES. Species no longer eligible for listing under CITES criteria should be deleted from the CITES appendices. TRAFFIC urges the Service to be more actively involved in this process, and, in particular, to take decisive action on native species that qualify for removal from the CITES appendices. Therefore, since there is virtually no documented trade and little apparent trade threat to the Harlequin quail (*Cyrtonyx montezumae*) TRAFFIC USA supports its removal from the CITES appendices. TRAFFIC USA also supports deletion of the subspecies *P. c. blainvillii* and the Northern elephant seal from appendix II.

Safari Club International supports the removal of the Harlequin quail, the U.S. populations of the pronghorn, and the Mexican bobcat from the appendices. The Herpetologists' League (in a resolution—Joseph C. Mitchell, *in litt.*) realize the difficulty in identifying subspecies of *Phrynosoma coronatum* and in their view, it seems most appropriate to protect all the subspecies, rather than removing *P. c. blainvillii* from the CITES lists.

In accordance with the Ten-Year Review process, the Service is submitting proposals for the (1) removal of two harlequin quail subspecies (*Cyrtonyx m. montezumae* and *C. m. mearnsi*) from appendix II, (2) the transfer of the Mexican bobcat (*Felis rufa escuinapae*) from appendix I to appendix II, (3) the change of the coastal horned lizard subspecies (*Phrynosoma coronatum blainvillii*) to include the full species (*P. coronatum*) in appendix II, and (4) the change of the various subspecies listings of pronghorns (*Antilocapra americana* spp.) to geographical listings with those populations of *Antilocapra americana* in Mexico all being included in appendix I, and those populations in the United States being removed from the appendices. In each of the aforementioned situations, the taxa affected occur partially or totally in Mexico, and the Government of Mexico has indicated its support for these proposed changes.

Plants

10. American mahogany (*Swietenia* spp.). At the April 1991, fourth meeting of the CITES Plants Committee, the Natural Resources Defense Council (NRDC) provided information on *Swietenia* species and the participants inquired whether the United States would consider proposing for appendix II those species of the genus that are not already in appendix II. TRAFFIC USA subsequently requested that the Service consider submitting such a proposal. The three known species in the genus are all native to the Neotropics. *Swietenia humilis* (Pacific Coast mahogany) occurs in Mexico and Central America and is listed in appendix II, and no exclusion of parts and derivatives has been proposed. The unlisted species are *S. macrophylla* (bigleaf mahogany), which occurs from South America to Mexico; and *S. mahagoni* (Caribbean mahogany), which occurs in the Caribbean, extending to southern Florida. The following are considered as natural hybrids: in the Caribbean, *S. aubrevilleana* (seemingly *S. mahagoni* crossed with *S. macrophylla*) and in Costa Rica, *S.* macrophylla crossed with *S. humilis*. *Swietenia* species and hybrids also are in cultivation (and may be locally naturalized); some are grown ornamentally and/or for silviculture. *Swietenia macrophylla* and *S. mahagoni* are cultivated with limited success in plantations throughout the tropics both in the New and Old World.

In response to the July 24, 1991, notice 15 responses were received within the comment period; 14 favored the proposed listing and one was opposed. The NRDC furnished extensive information on trade and the

conservation status of *Swietenia*, their rationale for listing, and the benefits of such a listing to the species involved; they addressed the issue of which parts and derivatives should be covered by the listing. The International Hardwood Products Association (IHPA) opposed listing the entire taxa based upon the opinion that the two species are not threatened by the continuance of trade and that the proposed action would only result in unnecessarily severe damage to an entire industry. Recently, IHPA stated that listing *S. mahagoni*, the Caribbean species is probably warranted. They urge the Service to seek out and to heed the advice of experts in the field before making a final decision as to whether *S. macrophylla* should be recommended for inclusion in appendix II of CITES.

Six conservation organizations (Rainforest Action Network, Rettet den Reganwald (Save the Rainforest), North Carolina Chapter of the Sierra Club, TRAFFIC USA, the Nature Conservancy, and the Rainforest Connection) believe the proposal to list *Swietenia* spp. in appendix II of CITES is warranted due to the significant genetic erosion of various species due to overexploitation for the timber trade. Lawrence S. Hamilton, Research Associated, East-West Center has worked the past 11 years in the area of tropical forest land use in the Asia Pacific region. He is concerned about the conservation of mahoganies world-wide and feels that an appendix II listing is appropriate. The Service submitted to the CITES Secretariat a proposal to include the genus *Swietenia* in appendix II with several exemptions for specified parts and products.

The Service recognizes that Costa Rica has also submitted a proposal to list *Swietenia* spp. in appendix II, but without the exemptions for certain parts and products identified in the U.S. proposal and without including the natural hybirds. Comments on this Costa Rican proposal were requested by the Service in the January 3, 1992, **Federal Register** (57 FR 262).

The Service has and will continue to make a sincere effort to obtain information as to the appropriate listing to ensure the conservation of the species. The Service specifically believes that *S. mahagoni* should be included in appendix II, and the Service will seek information and opinions from the range States of *S. macrophylla*, recognizing that the Central American populations could be listed differently from the South American populations.

11. Venus fly-trap (*Dionaea muscipula*). At the recent meeting of the Plants Committee, participants from the United Kingdom in particular requested that the United States consider listing *Dionaea muscipula* in appendix II. The species occurs chiefly in North Carolina, and also in South Carolina, and is extensively available through the nursery trade. Throughout the past decade, it is believed that the species has declined significantly. The State of North Carolina is presently conducting a thorough field survey of the Venus fly-trap, and TRAFFIC USA had recently completed a study to determine the extent of the trade in specimens of wild origin compared with those that are artificially propagated. The full results of these two studies are not available as yet. Only TRAFFIC USA commented on this proposal during the comment period. They stated that they were assessing the volume of trade in wild and propagated speciments of *Dionaea muscipula*, and would submit a report by the end of September. Material from that report is included in the U.S. proposal.

Since the proposal to include the Venus fly-trap in appendix II was submitted to the CITES Secretariat, the Service has received a comment from the Plant Industry Division of the North Carolina Department of Agriculture. This letter expressed concerns about the proposal and noted that a 2-year survey was underway to determine the status of the remaining wild populations of the Venus fly-trap while acknowledging that their preliminary, incomplete results indicate a substantial decline. Furthermore, the Division stated that additional harvest restrictions and stronger enforcement measures and penalties were established last year. The Service recognizes the importance of precise population estimates, but considering the extensive trade in wild specimens, believes that an appendix II listing will assist the State in its efforts to ensure that any collection of this remarkable species is sustainable.

12. *Turbinicarpus* spp. In 1983, the six recognized species of the Mexican cactus *Turbinicarpus* were transferred from appendix II to appendix I. Although the genus was mentioned in the proposal, the COP4 Annex listed only six species. Although it seems that the intent of the original proposal was to transfer the entire genus to appendix I, some might contend that newly described species are not included in that listing.

The Service submitted a proposal on *Turbinicarpus* spp. to the CITES Secretariat to clarify the present listing so that all species in the genus are included in appendix I. Doing so will ease identification problems and help to protect the rare species. This listing would include recently described taxa (which are rare) as well as new taxa that may be discovered and described in the future. No comments were received on this proposal during the comment period.

13. Commoner lignum vitae (*Guaiacum officinale*). *Guaiacum officinale* (commoner lignum vitae) also has been listed in Annex III of the SPAW Protocol. The Service has proposed this species for inclusion in appendix II of CITES, in part so that the United States can meet its obligations under the SPAW Protocol to regulate trade. The species is native in the Bahamas, Greater Antilles and Lesser Antilles (including Puerto Rico and the U.S. Virgin Islands), and in Venezuela and Colombia. The species is cultivated to a limited extent, and it is considered to be heavily depleted because of past exploitation. *Guaiacum sanctum* (holywood lignum vitae) is presently listed in appendix II of CITES. No comments were received in response to this proposed listing during the comment period.

Reservations

Article XV of CITES enables any party to exempt itself from implementing CITES for any particular species if it enters a reservation with respect to that species. In the case of a nation that is a Party at the time an amendment is adopted, a reservation may be entered only during the period of 90 days after the meeting at which the Parties voted to place the species in appendix I or II. After the meetings of the Parties the Service will solicit comments with regard to entering a reservation. If the United States enters any reservation, this action would be announced in the same **Federal Register** notice that incorporates the listing decisions of the parties into the Code of Federal Regulations (50 CFR part 23).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Transportation, and Treaties.

This document is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884, as amended). It was prepared by Drs. Charles W. Dane, Richard M. Mitchell and Bruce MacBryde, Office of Scientific Authority.

Dated: February 25, 1992.

Richard N. Smith,

Acting Director.

[FR Doc. 92-5046 Filed 3-3-92; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 28, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the informnation; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Revision

- Agricultural Marking Service
  Reporting and Recordkeeping Requiremennts for 7 CFR Part 29
  Forms TB-87 & TB-92
  Recordkeeping; On occasion
  Businesses or other for-profit; 11,416 responses; 4,985 hours
  Larry L. Crabtree (202) 205-0489

Extension

- 7 CFR part 7 and title 5 U.S.C. 1104, Application for County Employment and Supplemental Qualifications Statement
  ASCS-650 and ASCS-675
  On occasion
  Individual or households; Federal agencies or employees; 15,000 responses; 16,000 hours
  Don Samuels (202) 720-7517
- National Agricultural Statistics Service
  Agricultural Prices
  Monthly; Quarterly Semi-annually; Annually
  Farms; Businesses or other for-profit; 109,796 responses; 18,623 hours
  Larry Gambrell (202) 720-7737

New Collection

- Office of Information Resources Management
  Easy Access—Pilot Project Evaluation
  One time only
  Farms; Small businesses or organizations; 3,200 responses; 352 hours
  Charles W. Lowe (202) 720-8019

Reinstatement

- Food and Nutrition Service
  Destination Data for Delivery of Donated Food
  FNS-7
  On Occasion
  State or local governments; 1,260 responses; 630 hours
  Robert DeLorenzo (702) 756-3660

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92-5044 Filed 3-3-92; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held March 24 & 25, 1992, in the Herbert C. Hoover Building, room 1617M, 14th & Pennsylvania Avenue, NW., Washington, DC. On March 24, the Executive Session will convene at 9 a.m. and adjourn at 10 a.m. The General Session will convene at 10 a.m. and adjourn at 11 a.m. The Executive Session will then convene at 1 p.m. and adjourn at 4 p.m. On March 25, the Executive Session will convene at 9 a.m. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to computer systems/peripherals or technology.

Agenda

Executive Session March 24, 1992, 9 a.m.-10 a.m.

1. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

General Session March 24, 1992, 10 a.m.-11 a.m.

2. Opening remarks by the Chairman.
3. Presentation of papers or comments by the public.
4. Updates on Composite Theoretical Performance and Supercomputers.

Executive Session March 24, 1992, 1 p.m.-4 p.m., March 25, 1992, 9 a.m. onward.

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining

series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377–2583.

Dated: February 28, 1992.

Betty Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 92–5056 Filed 3–3–92; 8:45 am]

BILLING CODE 3150–DT–M

Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held March 24, 1992, 11 a.m., in the Herbert C. Hoover Building, 14th & Pennsylvania Avenue, NW., Washington, DC. From 11 a.m. to 12 p.m., the Subcommittee will meet in room 1617M. From 1 p.m. to 4 p.m., the Subcommittee will meet in room 1092. The Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Agenda

1. Opening remarks by the Chairwoman.
2. Open forum for exporters on licensing and procedural questions/issues regarding the CCL.
3. Upates on SED, ELAIN III, EMS, and others.
4. Updates on pending and new regulations.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff-ODAS-BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377–2583.

Dated: February 28, 1992.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 92–5057 Filed 3–3–92; 8:45 a.m.]

BILLING CODE 3510–DT–M

Sensors Technical Advisory Committee Partially Closed Meeting

A meeting of the Sensors Technical Advisory Committee will be held March 31, 1992, 9 a.m., in the Herbert C. Hoover Building, room 1617M, 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to sensors and related equipment and technology.

Agenda:

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of COCOM Core List 6 (Sensors) export controls.
4. Discussion of nuclear nonproliferation and missile tech controls relating to Core List 6.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff/BXA/rm. 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (2)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377–2583.

Dated: February 28, 1992.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 92–5058 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–588–405]

Cellular Mobile Telephones and Subassemblies From Japan; Final Results of Antidumping Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative reviews.

SUMMARY: On December 3, 1991, the Department of Commerce published the preliminary results of two administrative reviews of the antidumping duty order on cellular mobile telephones and subassemblies from Japan (56 FR 61400). We have now completed those reviews and determine the margin to be 0.44 percent for Mitsubishi Electric Corporation (MELCO) during the period December 1, 1988 through November 30, 1989. We determine the margin to be 5.30 percent for Murata Manufacturing Company, Ltd. (MMC) during the period December 1, 1989 through November 30, 1990.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 61400) the preliminary results of its administrative reviews of the antidumping duty order on cellular mobile telephones and subassemblies from Japan (50 FR 51724, December 19, 1985) covering the periods December 1, 1988 through November 30, 1989 and December 1, 1989 through November 30, 1990. The Department has now completed those administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by these reviews are cellular mobile telephones (CMTs), CMT transceivers, CMT control units, and certain subassemblies thereof, which meet the tests set forth below. CMTs are radio-telephone equipment designed to operate in a cellular radio-telephone system, i.e., a system that permits mobile telephones to communicate with traditional land-line telephones via a base station, and that permits multiple simultaneous use of particular radio frequencies through the division of the system into independent cells, each of which has its own transceiving base station. Each CMT generally consists of (1) a transceiver, i.e., a box of electronic subassemblies which receives and transmits calls; and (2) a control unit, i.e., a handset and cradle resembling a modern telephone, which permits a motor-vehicle driver or passenger to dial, speak, and hear a call. They are designed to use motor vehicle power sources. Cellular transportable telephones, which are designed to use either motor vehicle power sources or, alternatively, portable power sources, are included in this antidumping duty order.

Subassemblies are any complete or partially completed circuit modules, the value of which is equal to or greater than five dollars and which are dedicated exclusively for use in CMT transceivers or control units. The term "dedicated exclusively for use" only encompasses those subassemblies that are specifically designed for use in CMTs, and could not be used, absent alteration, in a non-CMT device. The Department selected the five dollar value for defining the scope since this is a value that it has determined is equivalent to a "major" subassembly. The Department feels that a dollar cutoff point is a more workable standard than a subjective determination such as whether a circuit module is "substantially complete." Examples of subassemblies which may fall within this definition are circuit modules containing any of the following circuitry or combinations therof: audio processing, signal processing (logic), RF, IF, synthesizer, duplexer, power supply, power amplification, transmitter and exciter. The presumption is that CMT subassemblies are covered by the order unless an importer can prove otherwise. An importer will have to file a declaration with the Customs Service to the effect that a particular CMT subassembly is not dedicated exclusively for use in CMTs or that the dollar value is less than five dollars, if he wishes it to be excluded from the order.

The following merchandise has been excluded from this order: pocket-size self-contained portable cellular telephones, cellular base stations or base station apparatus, cellular switches, and mobile telephones designed for operation on other, non-cellular, mobile telephone systems.

Through 1988, cellular mobile telephones and subassemblies were classified under item numbers 685.28 and 685.33 of the *Tariff Schedules of the United States* (TSUS); they are currently classified under item numbers 8525.20.60, 8525.10.89, 8527.90.80, 8529.10.60, 8529.90.50, 8542.20.00 and 8542.80.00 of the *Harmonized Tariff Schedule* (HTS). The TSUS and HTS item numbers are provided for convenience and Customs purposes. The written product description remains dispositive.

The review for the period December 1, 1988 through November 30, 1989 covers one manufacturer/exporter, MELCO, of cellular mobile telephones and subassemblies to the United States. For the review of the December 1, 1989 through November 30, 1990 period, one manufacturer/exporter, MMC, is covered.

Analysis of Comments Received

We gave interested parties on opportunity to comment on the preliminary results. We received written comments from a respondent, MMC, and from the petitioner, Motorola, Inc. At the request of MMC, we held a hearing on January 22, 1992.

Comment 1: MMC asserts that in creating the computer program to calculate a monthly weighted-average foreign market value for each subassembly for each month in the period of review, the Department failed to take into account that sales of a part could occur in the same month of two different years. The Department should make a correction to the program to ensure that the weighted-average foreign market values are calculated by month and by year, so that sales occurring in two different years, but during the same month, will not be combined into a single monthly weighted average.

Department's Position: We agree with the respondent. The Department's methodology requires calculating one weighted-average foreign market value per month per year. As a result, the appropriate changes have been made in the computer program.

Comment 2: MMC states that a flaw in the computer program prevented the search for sales of similar models made in the home market during the 90/60-day window period from being properly executed.

Department's Position: We agree with the respondent. The computer program has been reset to begin each 90/60-day search for sales of similar home market models from the date of sale rather than from the month where the last search ended.

Comment 3: MMC maintains that the cost of U.S. packing was reported in yen. In attempting to adjust the foreign market value by adding the U.S. packing, the Department failed to convert the yen figure to dollars.

Department's Position: We agree and have changed our calculations to reflect a dollar amount for U.S. packing.

Comment 4: MMC claims that certain U.S. sales with both sale dates and entry dates prior to the period of review were inadvertently included in the data base. These sales should be excluded from the analysis in the final results.

Department's Position: We agree with the respondent. The U.S. sales with sale and entry dates prior to the period of review have been disregarded in the final results.

Comment 5: MMC argues that certain home market sales of paired filters were sales of samples and should not be used for comparison with paired filters sold in the United States. These sales may be identified as sample sales by virtue of the fact that the transactions involve substantially smaller quantities and significantly higher prices than commercial transactions made in the ordinary course of trade. In addition, these home market sales should not be used because in no instance where they were selected as the match for U.S. sales of paired filters was such match based upon "sales of comparable quantities of merchandise". The disparities between home market and export quantities involved render these comparisons inappropriate. The respondent suggests another home

market model that should be used for comparison.

The petitioner states that the alleged sample sales were made in the course of business and were paid for by the customer. MMC initially presented these sales as the basis for comparison, and the Department should not now allow MMC to change its position because it does not like the results. The Department considered the overall volume of sales in the home market to be an adequate basis for comparison previously, and that volume has not changed. The volmes of many reported sales in the U.S. market were also quite low. The Department should reject MMC's request to use home market sales of another product because of low-volume sales.

Department's Position: We disagree with the respondent. There is no evidence on the record prior to the issuance of our preliminary results that supports MMC's allegations of certain home market sales being samples. The Department cannot accept that sales are necessarily samples based solely on the presence of low quantities with high prices.

Also, the Department disagrees with MMC's position that the alleged home market sample sales should not be used because they did not produce matches based upon "sales of comparable quantities of merchandise." According to the Department's antidumping regulations at 19 CFR 353.55(a), "[t]he Secretary will make a reasonable allowance for any difference in quantities, to the extent that the Secretary is satisfied that the amount of any price differential is wholly or partly due to that difference in quantities." MMC has not demonstrated that the high prices of the alleged sample sales are a function of the small quantities sold. Therefore, we determine that the home market sales of paired filters, originally suggested by MMC, are apropriate for use in comparison with U.S. sales of paired filters.

Final Results of the Reviews

As a result of the comments received, we have revised our preliminarily results, and determine that the following margins exists for the review periods:

Manufacturer/ exporter	Review period	Margin (percent)
Mitsubishi Electric Corporation (MELCO)	12/1/88–11/30/89	0.44
Murata Manufacturing Company, Ltd. (MMC)	12/1/89–11/30/90	5.30

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company(ies) will be as outlined above: (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 5.30 percent. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 26, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-5048 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-008]

Color Television Receivers From Korea; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration/ Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by the petitioners, a domestic interested party, and certain respondents, the Department of Commerce is conducting an administrative review of the antidumping duty order on color television receivers from Korea. The review covers seven manufacturers and/or exporters for the period April 1, 1990, through March 31, 1991. As a result of the review, the Department has preliminarily determined that dumping margins exist.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: David S. Levy or Melissa G. Skinner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 1991, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (56 FR 14927) of the antidumping duty order on color television receivers, complete or incomplete, from Korea (49 FR 18336, April 30, 1984). The United Electrical Workers of America, Independent, International Brotherhood of Electrical Workers, International Union of Electronic, Electrical, Salaried, Machine and Furniture workers, AFL-CIO, and Industrial Union Department, AFL-CIO (the Unions), petitioners in this proceeding, Zenith Electronics Corporation (Zenith), a domestic interested party, and two respondents, Samsung Electronics Co., Ltd. (Samsung), and Goldstar Co., Ltd. (Goldstar), requested an administrative review in accordance with 19 CFR 353.22(a)(1). On May 21, 1991, the Department published a notice of initiation of this review (56 FR 23271), which covers seven manufacturers/ exporters for the period April 1, 1990, through March 31, 1991. The Department is now conducting this review pursuant to section 751 of the Tariff Act of 1930,

as amended (the Tariff Act). The final results of the most recently completed administrative review of this order, covering four manufacturers/exporters for the period April 1, 1987, through March 31, 1988, were published in the **Federal Register** on March 27, 1991, and April 22, 1991 (56 FR 12701, and 16295).

Scope of Review

Imports covered by the review are shipments of color television receivers, complete or incomplete, from Korea. The order covers all color television receivers regardless of tariff classification. The merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) items 8528.10.80, 8529.90.15, 8529.90.20, and 8540.11.00. The HTS item numbers are provided for convenience and Customs purposes only. The written descriptions remain dispostitive.

The review covers seven manufacturers/exporters for the period April 1, 1990, through March 31, 1991. We received questionnaire responses from Samsung, Goldstar, and Daewoo Electronics Co., Ltd. (Daewoo). One company, Quantronics Manufacturing Korea, Ltd., stated for the record that it had no sales or shipments of the subject merchandise during the period of review. Three other companies, Cosmos Electronics Co., Ltd., Tongkook General Electornics Co., Ltd., and Samwon Electronics, Inc., did not respond to our requests for information. When a company fails to provide the information requested in a timely manner, the Department considers the company uncooperative and generally assigns to that company the higher of (a) the highest rate assigned to any company in any previous review, including the less-than-fair-value investigation, or (b) the highest rate for a responding company with shipments during the review period. Therefore, we have used the highest rate from the less-than-fair-value investigation or any prior review as the best information available (BIA) in determining the margins for these three companies for this review, because this rate is higher than the highest rate in the current review.

United States Price

In calculating United States price, we used purchase price or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act. Purchase price and ESP were based on the packed f.o.b., c.i.f., or delivered prices to the first unrelated purchaser in the United States.

For those sales made directly to unrelated parties prior to importation into the United States, we based the United States price on purchase price, in accordance with section 772(b) of the Tariff Act. In those cases where sales were made through a related sales agent in the United States to an unrelated purchaser prior to the date of importation, we also used purchase price as the basis for determining United States price. For these sales, we preliminarily determine that purchase price is the most appropriate determinant of United States price because:

1. The merchandise in question was shipped directly from the manufacturers to the unrelated buyers, without being introduced into the inventory of the related selling agent;
2. Direct shipment from the manufacturers to the unrelated buyers was the customary commercial channel for sales of this merchandise betwen the parties involved; and
3. The related selling agent in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyers.

Where all of the above elements are met, we regard the routine selling functions of the exporter as merely having been relocated from the country of exportation to the United States, where the sales agent performs them. Whether these functions take place in the United States or abroad does not change the substance of the transactions or the functions themselves.

For those sales to the first unrelated purchaser that took place after importation into the United States, we based United States price on ESP_i in accordance with section 772(c) of the Tariff Act.

We made deductions, where applicable, for foreign inland freight, Electronics Industry Association of Korea export license fees, Korean customs clearance fees, wharfage, ocean freight, marine insurance, U.S. and Korean brokerage and handling charges, U.S. import duties and customs fees, U.S. forwarding and handling charges, freight out to the first unrelated customer, discounts, rebates, royalties, commissions to unrelated parties, warranty, advertising and sales promotion, warehousing, expenses incurred in Korea on behalf of U.S. subsidiaries, and U.S. subsidiaries' selling expenses. Where applicable, we made an addition for import duties collected and rebated on imported raw materials used in merchandise exported to the United States.

We accounted for taxes imposed in Korea, but rebated or not collected by reason of exportation of the merchandise to the United States. We added to the U.S. price the amount of taxes that the Korean government would have assessed against the exported merchandise had such merchandise been subject to the taxes. In Korea, the taxes in question are assessed on the net dealer delivered price. Since the net dealer delivered price in Korea is the price to the first unrelated party, we used the price to the first unrelated party in the United States as the U.S. tax base. We determined that this tax base is most comparable to the tax base used by Korean tax authorities. We applied the tax rates in effect in Korea during the review period to the U.S. tax base to calculate the amount of hypothetical taxes added to the U.S. price. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), we used home market prices to unrelated purchasers or constructed value as defined in section 773 of the Tariff Act.

Petitioners alleged that Samsung sold color televisions in the home market at prices below its costs of production. We considered the allegation sufficient to warrant an investigation of possible home market sales below cost. As a result of our investigation, we found below-cost sales. When more than 10 percent of the sales of a particular model were determined to be below cost, we excluded those sales from our calculation of FMV. When more than 90 percent of the sales of a particular model were determined to be below cost, we excluded all sales of that model from our analysis. If we were unable to find contemporaneous sales of the identical or most similar home market merchandise as a result of our exclusion of below-cost sales from our analysis, we used the constructed value of the merchandise as FMV.

Home market price was based on the packed delivered price to unrelated purchasers in the home market. Constructed value consists of the sum of the costs of materials, fabrication, general expenses, profit, and export packing. We used the actual amounts of general expenses, because these exceeded the statutory minimum of 10 percent of the cost of materials and fabrication, as specified in section 773(e) of the Tariff Act. Where the actual profit was less than the statutory minimum of eight percent of the sum of materials, fabrication, and general expenses, we

added the statutory minimum, as specified in section 773 of the Tariff Act.

Where applicable, we made adjustments for inland freight, forwarding charges, discounts, rebates, commissions, warranty, advertising and sales promotion, royalties, credit expenses, differences in the physical characteristics of the merchandise, and differences in packing costs. We disallowed certain portions of respondents' warranty expense claims as direct selling expenses, and have treated the disallowed portions as indirect selling expenses. In making the adjustment for differences in the physical characteristics of the merchandise, we used the original information submitted by respondents. However, we have requested certain additional information that we may use in making this adjustment in the final results of this review. We also made adjustments, where applicable, for direct selling expenses to offset U.S. commissions and U.S. selling expenses deducted in ESP calculations, but not exceeding the amount of those U.S. expenses. Finally, we made adjustments for differences between Korean and hypothetical U.S. taxes, where appropriate. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our comparison of United States price with foreign market value, we preliminarily determine the dumping margins to be:

Manufacturer/ exporter	Period	Margin (percent)
Cosmos Electronics Manufacturing Korea, Ltd.	04/01/90–03/31/91	16.57
Daewoo Electronics Co., Ltd.	04/01/90–03/31/91	4.25
Goldstar Co., Ltd.	04/01/90–03/31/91	0.85
Quantronics Manufacturing Korea, Ltd.	04/01/90–03/31/91	*3.63
Samsung Electronics Co., Ltd.	01/09/90–03/31/91	1.09
Samwon Electronics, Inc.	04/01/90–03/31/91	16.57
Tongkook General Electronics, Inc.	04/01/90–03/31/91	16.57

No shipments; rate from previous review.

Interested parties may submit written comments on these preliminary results within 30 days of date of publication of this notice and may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as is convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs from interested parties may be sumitted not later than 14 days before the date of the hearing or the first workday thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 7 days after the submission of the case briefs. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 26, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5049 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-601]

Certain Fresh Cut Flowers From Mexico; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration/ Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by the Floral Trade Council (the petitioner) and three respondents, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain fresh cut flowers from Mexico. The review covers five producers and/or exporters for the period April 1, 1990, through March 31, 191. As a result of the review, the Department has preliminarily determined that dumping margins exist.

Interested parties are invited to comment on these preliminary results.

EFFECTED DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Martha Butwin, Zev Primor, or Melissa Skinner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4851.

SUPPLEMENTARY INFORMATION:

Scope of Review

Certain fresh cut flowers are defined as standard carnations, standard chrysanthemums, and pompom chrysanthemums. During the period of the review, such merchandise was classifiable under Harmonized Tariff Schedules (HTS) items 0603.10.7010 (pompom chrysanthemums), 0603.10.7020 (standard chrysanthemums), and 0603.10.7030 (standard corrections). The HTS item numbers are provided for convenience and Customs purposes only. The written descriptions remain dispositive.

Background

On April 12, 1991, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (56 FR 14927) of the antidumping duty order on certain fresh cut flowers from Mexico (52 FR 13491, April 23, 1987). In accordance with 19 CFR 353.22(a)(1), the petitioner requested an administrative review for Rancho del Pacifico, Rancho Daisy and Rancho Mision el Descanso (Rancho Mision). In addition, the following producers requested that the Department conduct an administrative review of this order: Rancho Quacatay, Rancho el Toro, Ranch el Aquaje, Tzitzic Tareta, S. de R.L., Florex S.P.R. and Visaflor S. de P.R. (Visaflor). On May 21, 1991, the Department published a notice of initiation of this review (56 FR 23271), which covers nine producers/ exporters for the period April 1, 1990, through March 31, 1991. On July 1, 1991, Rancho el Aquaje, Rancho el Toro and Tzitzic Tareta, S. de R.L., withdrew from the administrative review. On August 19, 1991, Florex, S.A. withdrew from the administrative review. The Department is now conducting a review of five respondents pursuant to section 751 of theTariff Act of 1930 (the Tariff Act). The final results of the most recently completed administrative review of this order, covering six manufacturers/ exporters for the period April 1, 1989, through March 31, 1990, were published in the **Federal Register** on June 28, 1991, (56 FR 29621).

The review covers five producers/ exporters for the period April 1, 1990, through March 31, 1991. We received questionnaire responses from all five respondents. We accepted petitioner's allegations of sales below cost of production (COP) and, on November 14, 1991, we issued COP questionnaires to Rancho Mision and Rancho Daisy. We rejected petitioner's COP allegations against Visaflor as untimely.

From January 8, 1992, through January 14, 1992, the Department conducted verification of the questionnaire responses submitted by Visaflor and Rancho Mision.

United States Price

As in the original fair value investigation and in all prior administrative reviews, all United States prices were weight-averaged on a monthly basis to account for the perishability of the product. In accordance with the third administrative review's methodology, we also calculated United States price by flower type, without regard to specific grades. See Certain Fresh Cut Flowers from Mexico, 56 FR 29621 (June 28, 1991). In calculating United States price, we used purchase price (PP) or exporter's sales price (ESPO), both as defined in section 772 of the Tariff Act. PP and ESP were based, where applicable, on the packed f.o.b., or delivered prices to the first unrelated purchaser in the United States.

For sales made directly to unrelated parties prior to importation into the United States, we based the United States price on PP, in accordance with 772(b) of the Tariff Act. For sales to the first unrelated purchaser that took place after importation into the United States, we based United States price on ESP. Where sales were made through a related or unrelated consignment sales agent in the United States to an unrelated customer, after the date of importation, we also used ESPA as the basis for determining United States price, in accordance with section 772(c) of the Tariff Act. We made deductions, where applicable, for foreign and U.S. inland freight, Mexican Customs clearance fees, U.S. and Mexican brokerage and handling charges, discounts, rebates, commissions to unrelated and related parties (after determining that they involved arm's length transactions), credit and sales promotion expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), we used home market prices to unrelated purchasers or constructed value (CV) as defined in section 773 of the Tariff Act.

Petitioners alleged that Rancho Mision and Rancho Daisy sold fresh cut flowers in the home market at prices below their COP. We considered the allegation sufficient to warrant an investigation of possible home market sales below the COP. As a result of our investigation, we found below-cost sales. Consistent with our past practice concerning perishable products, we included all below-cost sales in the home market if less than 50 percent of respondent's sales were below the COP because we determined that the below-cost sales were not made in substantial quantities over an extended period of time. If between 50 and 90 percent of respondent's sales were below the COP, we disregarded only the below-cost sales. In such cases, we determined that the respondent's below-cost sales were made in substantial quantities over an extended period of time. Therefore, we based FMV on CV, in accordance with section 773(e) of the Tariff Act.

Where applicable, home market price was based on the packed delivered price to unrelated purchasers in the home market. When CV was used, it consisted of the sum of the costs of materials, fabrication, general expenses, and profit. Where the actual cost for general expenses was below the statutory minimum of 10 percent of the cost of materials and fabrication, we added the statutory minimum amount in accordance with section 773(e) of th Tariff Act. Where the actual profit was less than the statutory minimum of eight percent of the sum of materials, fabrication, and general expenses, we added the statutory minimum. Where the actual amounts of general expenses and profit were above the statutory minimum amounts, we added the actual amounts.

Where applicable, we made adjustments for inland freight, discounts, rebates, commissions, credit expenses, and differences in packing costs. No other adjustments were claimed or allowed.

Preliminary Results of Review

As a result of our review, we preliminarily determine the dumping margins to be:

Manufacturer/ exporter	Period	Margin (percent)
Rancho Daisy	04/01/90–03/31/91	0.00
Rahcno del Pacifico	04/01/90–03/31/91	0.00
Rancho Mision el Descanso	04/01/90–03/31/91	0.06
Rancho Quacatay	04/01/90–03/31/91	0.00
Visaflor	04/01/90–03/31/91	0.00

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as is convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs from interested parties may be submitted not

later than 14 days before the date of the hearing or the first workday thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 7 days after the submission of these case briefs. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any written comments or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The case deposit rates for the reviewed companies will be those rates established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the case deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibilitiy under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 27, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5050 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-559-802]

Industrial Belts and Components and Parts Thereof From Singapore; Preliminary Results of Antidumping Duty Adminstrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by both the petitioner and respondent, the Department of Commerce is now conducting an administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured (hereinafter referred to as "industrial belts"), from Singapore. The review covers one exporter during the period June 1, 1990 through May 31, 1991.

As a result of the review, the Department has preliminarily determined to assess antidumping duties based on the best information available.

Interested parties are invited to comment on the preliminary results on the administrative review.

EFFECTIVE DATE: March 4, 1992.

FOR FURTHER INFORMATION CONTACT: Millie Mack or Art Stern, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 25315) the antidumping duty order on industrial belts from Singapore. On June 28, 1991, both the petitioner and respondent requested that we conduct an administrative review of the period June 1, 1990 through May 31, 1991. We published a notice of initiation of the antidumping administrative review on July 19, 1991 (56 FR 33251). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act), as amended.

Scope of Review

Imports covered by the review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Singapore. The merchandise covered by this review includes certain industrial V-belts used for power transmission. These include V-belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (i.e., closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including trucks, tractors, buses, and lift trucks.

During the period of review, the merchandise was classifiable under Harmonized Tariff System (HTS) item numbers 3926.90.55, 4010.10.10, 4010.10.50, 5910.00.10, 5910.00.90, and 7326.20.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer and exporter of industrial belts from Singapore to the United States, Mitsuboshi Belting (Singapore) Pte., Ltd. (MBS), and the period June 1, 1990 through May 31, 1991.

Preliminary Results of the Review

Because MBS did not respond to the Department's questionnaire, the Department has preliminarily determined to use the best information available. The best information available is the rate from the investigation of sales at less-than-fair-value. This rate is 31.73 percent (June 14, 1989, 54 FR 25315).

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested parties may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this preliminary notice or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for MBS will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: February 27, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-5051 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team (Team) and Advisory Subpanel will hold a public meeting on March 17, 1992, beginning at 9 a.m. The meeting will be held in the California Department of Fish and Game office, 330 Golden Shore, suite 50, Long Beach, California.

The purpose of the meeting is to review the Team's preparation for presenting portions of the Coastal Pelagic species plan to the Council in April 1992, and to discuss the plan's goals and objectives and review options for limited entry.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 S.W. First Avenue, Portland, Oregon 97201; telephone (503) 326-6352.

Dated: February 27, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5028 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service.

ACTION: Issuance of a Scientific Research Permit (P70E).

On November 27, 1991, notice was published in the **Federal Register** (56 FR 60097) that an application had been filed by Dr. William A. Watkins, Senior Research Specialist, Woods Hole Oceanographic Institution, Woods Hole, MA 02543, for a Permit to harass up to 25 sperm whales (*Physeter macrocephalus*) annually of which five (5) will be tagged with HF, sonic and/or satellite tags during scientific research activities in the Carribean.

Notice is hereby given that on February 25, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that the Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Act. This Permit was also issued in accordance with and is subject to parts 220-222 of title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit and associated documents are available for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, MD 20910 (301-713-2289);

Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 (508-281-9200); and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702 (813-893-3141).

Dated: February 25, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-4937 Filed 3-3-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Issuance of a scientific research permit (P263B).

On December 23, 1992, notice was published in the **Federal Register** (56 FR 66435) that an application had been filed by Ms. Janice M. Straley, P.O. Box 273, Sitka, Alaska 99835 for a Permit to inadvertently harass annually, over a five year period, up to 500 humpback whales (*Megaptera novaeangliae*), some of which may be inadvertently harrassed more than one time, during observational/photo-identification studies, and feeding behavior/prey distribution studies using a remotely-operated vehicle (ROV); and up to 200 killer whales (*Orcinus orca*) and 20 minke whales (*Balaenoptera acutorostrata*) during opportunistic observation/photo-identification

studies. Authorization was also requested to import and export, on an opportunistic basis, specimen material from dead, stranded or beached humpback, killer, and/or minke whales for biological, chemical, and/or genetic analysis. The purpose of the proposed research is to document individual humpback whales and associated feeding behaviors and prey distribution in Alaska waters, and to enhance the body of knowledge with respect to killer and minke whales.

Location of Activity: The proposed activities will be conducted year-round in southeastern Alaska waters.

Notice is hereby given that on February 25, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit to the above applicant to inadvertently harass the species/numbers described above subject to certain conditions set forth therein. To provide a standard, quantifiable measure of approach effort, approaches <100 yards and those animals showing signs of being disturbed no matter the distance are considered "taken" by harassment and counted against the number of animals authorized in the Permit. Authorization for import/export of specimen material has been deferred pending receipt of additional information on the number and specific parts, tissues, and/or bones which may be imported/exported and the party(s) from/to which they may be obtained/sent.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on the finding that the Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) is consistent with the purposes and policies set forth in Section 2 of the Act. This Permit was also issued in accordance with and is subject to parts 220–222 of title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit and associated documents are avilable for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, AK 99802 (907/586–7221); and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150).

Dated: February 25, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–4938 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

AGENCY: National Marine Fisheries Service, Commerce.

ACTION: Modification of Scientific Research Permit No. 665 (P77 #32).

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Scientific Research Permit No. 665 (P77 #32) issued to NMFS, Southwest Fisheries Center, P.O. Box 271, La Jolla, CA 92038, on 3/21/89 is modified to allow the collection and importation of samples of marine mammals taken legally by foreign tuna purseseine fisheries, in addition to the previously authorized collection and importation of samples taken by the domestic fleet.

This modification becomes effective March 4, 1992.

Documents pertaining to this Modification and Permit are available for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, MD 20910 (301–713–2289); and

Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802 (310–980–4016).

Dated: February 26, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–4939 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals

AGENCY: National Marine Fisheries Service.

ACTION: Modification of Scientific Research Permit (711).

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the regulations governing endangered species permits (50 CFR parts 217–222), and the Conditions hereinafter set out, Scientific Research Permit No. 711, issued to The Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, on October 5, 1990, is modified to extend the effective date through December 31, 1993.

This modification becomes effective upon publication in the **Federal Register**.

Documents pertaining to this Modification and Permit are available for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

Marine Mammal Coodinator, Pacific Area Office, National Marine Fisheries Service, 2570 Dole Street, room 106, Honolulu, HI 96822 (808/955–8831).

Dated: February 25, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–4940 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–23–M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Issuance of Import Permit (P6M).

On November 29, 1991, Notice was published in the **Federal Register** (56 FR 60973) that an application had been filed by the National Zoological Park, Smithsonian Institution, Washington, DC 20008–2598, for a permit to import blood and tissue samples and skin and bone specimens of Juan Fernandez fur seals (*Arctocephalus philippii*) and subantarctic fur seals (*Arctocephalus tropicalis*) taken on the Alejandro Selkirk Island and Desventurada Islands, Santiago, Chile. Samples will be used to conduct comparative genetic analysis of seals with abnormal pelage color with those of normal color to determine hybridization and to conduct "ancient DNA" analysis on the skin and bone samples which will yield measurements of genetic variability prior to the period of intense hunting of this species.

Notice is hereby given that on February 25, 1992, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking to certain conditions set forth therein.

The Permit is available for review in the following offices:

By appointment: Permit Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Blvd., St. Petersburg, FL 33702 (813/893–3141); and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–6150).

Dated: February 25, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–4941 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–22–M

[Modification No. 1 to Permit No. 574]

Marine Mammals; Modification of Permit; Sea World, Inc. (P2Q)

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 574 issued to Sea World, Inc., 7007 Sea World Drive, Orlando, FL 32821–8097, on December 3, 1986 (51 FR 44326) is modified as follows:

Section B.8, first sentence is changed to read:

"8. The authority to acquire these marine mammals shall extend from the date of issuance through June 30, 1992."

All conditions currently contained in the Permit remain in effect.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, Room 7324, Silver Spring, MD 20910 (301/713–2289);

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702 (813/893–3141);

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281–9200); and

Director, Southwest Region, National Marine Fisheries Service, 510 West Ocean Boulevard, Long Beach, CA 90802 (213/514–6196).

Dated: February 26, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–4942 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Extension of Comment Period on a Proposal for a New Outward Processing Program

February 28, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Extension of comment period on a proposal for a new outward processing program.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On January 27, 1992, a notice was published in the **Federal Register** (57 FR 3042) requesting public comments on a proposal for a new outward processing program for U.S. textiles which would be made into apparel in certain foreign countries.

The purpose of this notice is to notify the public that the period for public comments is being extended for an additional 30-day period in order to give interested parties adequate time to review the proposal. Comments will be accepted for a period of 30 days from the publication date of this notice.

Anyone who wishes to comment or provide information regarding this issue is invited to submit such comments or information in 10 copies to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC, 20230; ATTN: Helen L. LeGrande. Determinations regarding specific aspects of the program will be made in the context of our trade relations with other nations.

Comments or information submitted in response to the notice published on January 27, 1992 will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC. Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the program or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.92–5054 Filed 3–3–92; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Availability of DoD 5025.1–I, "DoD Directives System Annual Index"

AGENCY: Office of the Secretary, DoD.

ACTION: Notice.

SUMMARY: The document is to inform the public and Government Agencies of the availability of DoD 5025.1–I, "DoD Directives System Annual Index," dated January 1992. It is available, at cost, from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone (703) 487–4650. The NTIS accession number for the Index is PB92–959509.

FOR FURTHER INFORMATION CONTACT: Ms. P. Toppings, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, Washington, DC 20301–1155, telephone (202) 697–4111.

Dated: February 27, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–4948 Filed 3–3–92; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Availability of the Final Environmental Impact Statement for Development of the Armed Forces Recreation Center; Fort DeRussy, Waikiki, HI

AGENCY: Department of the Army, Department of Defense.

BACKGROUND: The Army proponent for the proposed action is the U.S. Army Community and Family Support Center, Alexandria, VA, which directs the

operation of the Hale Koa Hotel at Fort DeRussy. Full authority and responsibility for overall development of Fort DeRussy as an installation lies with U.S. Army Support Command, Hawaii.

At the direction of Congress, the Secretary of the Army prepared, in March 1988, a Master Plan for the Armed Forces Recreation Center at Fort DeRussy. The Plan recommended the relocation of non-headquarters type U.S. Army Reserve units to Fort Shafter and the construction of new hotel and recreation facilities at Fort DeRussy. Studies showed a large, unmet demand for hotel accommodations in addition to the existing Hale Koa Hotel. To enhance the morale and recreation needs of the active and retired military community and to maximize recreational open space for shared use by the military and civilian communities, the Plan recommended a Proposed Action.

The Army published a Notice of Intent to prepare a Draft Environmental Impact Statement (EIS) in the **Federal Register** on 23 January 1989. Scoping meetings were held for governmental agencies on 16 February 1989 and for the public on 22 February 1989. Notice of Availability of the Draft Environmental Impact Statement was published by the U.S. Environmental Protection Agency in the **Federal Register** on 19 January 1990. A public hearing was held on 5 February 1990. Comments at the public hearing and in letters commenting on the Draft EIS have been considered in preparing the Final EIS.

ACTION: The Department of the Army announces the Final (EIS) for Development of the Armed Forces Recreation Center—Fort DeRussy, Waikiki, Hawaii, is available for public review and comment.

The recommended action would demolish selected facilities; construct a hotel tower with up to 400 rooms to augment the existing Hale Koa Hotel; construct a hotel parking structure of 1300 stalls in two stories (3 levels); relocate utilities; and provide extensive landscaping and recreational facilities. Kalia Road, which crosses the Army post, would be realigned, but its intersection with Saratoga Road would be retained, and it would remain a two lane road. In contrast to the recommended plan in the Draft EIS, most of the present Saratoga parking lot would be retained. It would be landscaped and its parking stalls re-striped to accommodate about 540–570 vehicles. With other parking stalls to support specific buildings, the total parking capacity would be about 1900 vehicles.

To provide space for construction of the new hotel tower and other facilities, some buildings now used by U.S. Army Reserve units will be demolished. The impact of these buildings being demolished and the U.S. Army Reserve Units leaving Fort DeRussy are addressed in the Final EIS. Construction of new U.S. Army Reserve facilities at Fort Shafter has been addressed in a separate Environmental Assessment.

In addition to the recommended action, four primary alternatives are assessed: Alternative A, No Action; Alternative B, the recommended plan with three options for Kalia Road alignment consisting of Option B1—Kalia Road remaining two lanes, but meeting Saratoga Road at a new intersection; Option B2—Kalia Road being widened to four lanes, but retaining its existing Saratoga Road intersection; and Option B3—Kalia Road being eliminated between the Hale Koa Hotel and Saratoga Road; Alternative C, a series of low rise hotel buildings along a realigned Kalia Road; and Alternative D, the recommended plan with three separate options for parking structures, Option D1—two multistory 1200- and 1400-stall parking structures, Option D2—three, one-story bermed-over structures with a total capacity of a minimum of 1650 stalls, and Option D3—a multistory 1300 stall parking structure and a bermed over, 350 stall parking structure.

The selection of a recommended action in the final EIS does not constitute a final decision. The Final EIS does not constitute a final decision. The Final EIS will be used by the Army in reaching a final decision, as documented in a Record of Decision, and developing a final array of measures to avoid, reduce or mitigate adverse impacts. The Record of Decision will be approved at least 30 days after publication of the Final EIS to allow for public review of and comment on the final EIS.

Supplemental NEPA documents may be prepared after contract award to address any significant changes from the recommended action or significant changes in environmental impacts.

Comments on the Final EIS should be submitted to: Mr. David G. Sox, EIS Technical Manager (CEPOD–ED–ME), U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, HI 96858–5440.

Comments on the Final EIS can be received no more than 30 days after publication in the **Federal Register** to be considered in the Record of Decision. Copies of the document may be obtained by writing to the above address or by calling: (808) 438–5030/1776.

A Notice of Availability of the Final Environmental Impact Statement will also be published by the U.S. Environmental Protection Agency in the **Federal Register**, and by the local Army command in the publicly circulated Bulletin of the State of Hawaii Office of Environmental Quality Control.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (IL&E).

[FR Doc. 92–5029 Filed 3–3–92; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Reauthorization of Elementary and Secondary Education Programs

AGENCY: Department of Education.

ACTION: Notice of public hearings on the reauthorization of elementary and secondary education programs.

SUMMARY: The Secretary of Education announces public hearings on the reauthorization of programs under the Elementary and Secondary Education Act of 1965; Public Law 81–874 (Impact Aid Maintenance and Operations); Public Law 81–815 (Impact Aid Construction); section 372 of the Adult Education Act; the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (including the Indian Education Act of 1988); the Education and Training for a Competitive America Act (title VI of the Omnibus Trade and Competitiveness Act of 1988); the Education for Economic Security Act; Title VII of the Stewart B. McKinney Homeless Assistance Act (Pub.L. 100–77); and the Education Council Act of 1991 (Pub.L. 102–62).

The hearings will provide an opportunity for interested persons to present their views on key issues and programs for consideration in the development of the Department's reauthorization proposals.

DATES AND ADDRESSES: Public hearings are scheduled for two days from 8:30 a.m. to 4:30 p.m. at each of the locations on the dates listed. Written requests to make a presentation at the hearings should be filed not later than March 12, 1992. The request should contain the participant's name, address, telephone number, organizational affiliation (if appropriate), and the topic of presentation. To ensure timely handling of the request, the envelope should be clearly marked with the code in the brackets found next to the addresses for the hearings. The request should be addressed to: Genevieve W. Cornelius (Code: _____), Office of the Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 2189, FOB–6, Washington, DC 20202–6100. No advance notice is needed for attendance at a hearing. The dates and locations of the hearings follow:

March 19–20: Stouffer Concourse Hotel (Code: CA–1), 5400 West Century Boulevard, Los Angeles, California, (310) 216–5858

March 19–20: Red Lion Hotel Bellevue (Code: WA–2), 3000 112th Avenue Southeast, Bellevue, Washington, (206) 455–1300

March 26–27: The Adolphus Hotel (Code: TX–3), 1321 Commerce Street, Dallas, Texas, (214) 742–8200

March 30–31: Hilton at University Place (Code: NC–4), 8629 J.M. Keyes Drive, Charlotte, North Carolina, (704) 547–7444

March 30–31: Guest Quarters Suites Hotel (Code: IL–5), 198 East Delaware, Chicago Illinois, (312) 664–1100

April 2–3: U.S. Department of Health (Code: DC–6) and Human Services, The Cohen Building, 300 Independence Avenue, SW., Washington, DC

SUPPLEMENTARY INFORMATION: The Secretary will hold public hearings on the reauthorization of more than 50 elementary and secondary education programs funded at over $10 billion in fiscal year 1992. These programs include Chapters 1 and 2 of title I of the Elementary and Secondary Education Act of 1965, Eisenhower Mathematics and Science Education, Magnet Schools Assistance, the Fund for Innovation in Education, Drug-Free Schools and Communities, Dropout prevention Demonstrations, Bilingual Education, Impact Aid, the Fund for the Improvement and Reform of Schools and Teaching, Indian Education, and Education for Homeless Children and Youth.

The Secretary has also requested written comments from the public on the reauthorization of elementary and secondary education programs in a **Federal Register** notice published on February 4, 1992 (57 FR 4320).

The Secretary is holding these hearings to provide interested persons the opportunity to present their views on current elementary and secondary education programs, to suggest modifications and alternatives to these programs, and to recommend new and innovative program initiatives that support the President's AMERICA 2000 stratgegy for achieving the six National Education Goals.

The Secretary is especially interested in public views on the five general principles as well as on the specific program issues discussed in the February 4, 1992, **Federal Register** notice. Persons interested in participating in the hearings are urged to review that **Federal Register** notice to become familiar with the issues and programs that should be addressed. The following is a proposed schedule, including some of the major topics for comments:

Day One

Session I (8:30 a.m.–11:30 a.m.)

General Principles

- Promoting world class standards for all students.
- Giving more authority and flexibility to States and communities.
- Promoting increased family responsibility and choice, including parental choice of schools.
- More accountability in each school and more accountability in Federal programs.
- Supporting "break the mold" innovation.

Issues that Cut Across Programs

- Discretionary grants.
- Funding formulas.
- State per-pupil expenditures.
- Technical assistance and staff development.
- Transfers to the Bureau of Indian Affairs.

Issues Relating to Specific Programs

- Indian Education.
- Impact Aid.

Session II (12:30 p.m.–4:30 p.m.)

Issues Relating to Specific Programs (continued)

- Chapter 1
  - LEA Grants
  - Even Start
  - Migrant Education
  - State Agency Program for Children with Disabilities
  - Neglected or Delinquent Children
- McKinney Homeless Education Assistance Programs
- Fund for the Improvement and Reform of Schools and Teaching

Day Two

Session III (8:30 a.m.–12:30 p.m.)

Issues Relating to Specific Programs (Continued)

- Chapter 2 State Grants:
- National Diffusion Network.
- Law-Related Education:
- Eisenhower Mathematics and Science Education.
- Magnet Schools Assistance.
- Javits Gifted and Talented Students Education.
- Dropout Prevention Demonstrations.

Session IV (1:30 p.m.–4:30 p.m.)

Issues Relating to Specific Programs (Continued)

- Drug-Free Schools and Communities.
- Bilingual Education.
- Adult Education Section 372.
- Other Programs.

Need for Reauthorization

The authorization for the above programs expires September 30, 1993. In order to contribute in a timely manner to congressional reauthorization discussions, the Secretary is beginning a review of these programs. To ensure public participation in the reauthorization, the Secretary has requested written comments and is holding these hearings. The Secretary intends to submit the Department's proposals to reauthorize these programs in January 1993, in conjunction with the President's fiscal year 1994 budget.

Hearing Procedures

The presiding officer for each hearing will be a senior Department official. The presiding officer will be accompanied by a panel of Department employees. Persons who wish to make a presentation are requested to file written notice with the Department's Office of Elementary and Secondary Education by March 12, 1992. The Secretary encourages Members of Congress, Governors, State legislators, educators (including public and private school teachers and administrators), members of associations, parents, and business and community leaders to participate in the hearings. Participants who are selected to testify will be notified of the time of their presentation. The Department will generally select people to testify on a first-come, first-served basis but will also attempt to ensure that testimony is received on all programs and from diverse constituencies. If time permits, persons not scheduled to make presentations will be allowed to do so at the conclusion of the hearing. Participants may comment on any issue or program relating to the reauthorization. However, time will be limited to five minutes for an oral presentation and five minutes for responding to questions from the panel.

More extensive discussion of the issues can be included in the written comments to be submitted on the day of the hearings.

Hotel accommodations are available at group rates at the hotels hosting the

hearings. Reservations should be made directly with the hotels. Any persons with disabilities needing special accommodations at the hearings should make those needs known in writing.

Presenters are requested to submit two copies of their written comments and recommendations for the record on the day they appear at the hearing.

FOR FURTHER INFORMATION CONTACT: Mrs. Genevieve W. Cornelius, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202–6100; Telephone: (202) 401–3104. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, D.C. 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: February 24, 1992.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 92–5187 Filed 3–3–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Floodplain/Wetland Involvement; Characterization Activities at the Department of Energy's Mound Plant

AGENCY: Department of Energy (DOE).

ACTION: Notice of Floodplain/Wetland Involvement.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain/wetland in order to ensure consideration of protection of the floodplain/wetland in decision-making. As soon as practicable after a determination that a floodplain/wetland may be involved, the regulations require that public notice shall be published in the **Federal Register**, including a description of the proposed action and its location. DOE proposes projects at the Mound Facility in Miamisburg, Ohio, that may impact wetlands and/or 100-year floodplains. One proposed project would entail the installation of monitoring wells and piezometers in order to obtain sufficient groundwater data to scope and develop remedial actions to clean up a source of contamination. The other proposed project would involve limited soil and sediment sampling in a section of the Miami-Erie Canal in order to determine whether chemical contamination above background levels is present. The alternatives considered will, to the extent possible, avoid or minimize impacts to the floodplain/wetland. A map showing locations of proposed well installations and sample points is available upon request from DOE at the first address shown below.

DATES: Any comments on the proposed action must be received by March 19, 1992.

ADDRESSES: Send comments to: Wetlands/Flood Plains Comments, Arthur Kleinrath, Dayton Area Office, U.S. Department of Energy, Post Office Box 66, Miamisburg, Ohio 45343, (513) 847–3597. Fax comments to: (513) 847–4489.

For further information on DOE's floodplain/wetland environmental review process, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight, EH–25, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202)586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: The piezometer network would be designed to monitor water levels at multiple depths within the unconsolidated deposits of the Buried Valley Aquifer. Most of the Piezometer boreholes (located offsite between the Miami-Erie Canal and the railroad tracks) would serve as pilot holes for the subsequent installation of monitoring wells. The number of monitoring wells to be installed and the well depths and well completion intervals would be based on information derived from adjacent piezometer pilot holes. The monitoring well network would be designed to characterize the horizontal extent of contamination and potential vertically discrete zones of contamination in the saturated zone within the source area, the downgradient area, and the upgradient tributary valley area.

Identification of multiple "hot spots" within a piezometer borehole may facilitate the installation of monitoring well clusters in a single location. Estimated well completion depths would range from 25 to 105 feet below grade.

Because the Miami-Erie Canal has historically been a point of discharge for liquid effluent from the Mound Plant site drainage ditch, it is one of the most likely locations for the presence of both chemical and radiological contamination being investigated in Mound's Environmental Restoration Program. Results of previous studies indicate the presence of both tritium and plutonium-238 in canal soil/sediment. Because the presence of waste containing both hazardous chemicals and radionuclides (mixed waste) in the canal would greatly impact the remedial action alternatives and process options for the Miami-Erie Canal, reconnaissance sampling of the canal has been proposed. Samples would be taken from a maximum of 15 3-foot boreholes along the 1.5 mile length of this section of the canal, with each 1-foot interval being collected and composited. Sampling would be performed mainly in the center region of the canal, based on the premise that hazardous chemicals would be expected to deposit in similar locations to plutonium-238 and tritium deposits. The samples would be taken with a hammer-driven, stainless steel, split-spoon sampler. Large quantities of waste soil are not expected to be generated; however, any waste generated from either sampling or decontamination activities would be collected and managed by Mound personnel according to applicable, relevant, and appropriate laws, procedures, and policies of the DOE.

Other assessment activities may occur within the wetland/floodplain based upon results of the above work. These activities may include, but not be limited to, the following:

a. Additional sampling based on positive finding within the current sample plan.

b. Additional monitoring well installations.

c. Wetlands delineation activities, such as sampling and characterization.

d. Magnetic surveys.

e. Soil gas surveys.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–5031 Filed 3–3–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 1403–004 California]

Pacific Gas and Electric Co.; Availability of Environmental Assessment

February 26, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the existing Phoenix Project, located near the town of Sonora on the South Fork of the Stanislaus River, Tuolumne County, California, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the project and has concluded that relicensing the project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–4986 Filed 3–3–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–330–000, et al.]

Southern Natural Gas Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Southern Natural Gas Co.

[Docket No. CP92–330–000]

February 19, 1992.

Take notice that on February 4, 1992, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563 filed in Docket No. CP92–330–000, a request pursuant to section 7(b) of the Natural Gas Act and § 157.5 of the Commission's Regulations for permission and approval to abandon a certain segment of pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Southern requests authority to abandon a certain portion of its 2.1333 percent interest in the Project Central Texas Loop Line (PCTL Line) consisting of (1) approximately 30.15 miles of 30-inch diameter pipeline loop extending from a platform in Brazos Block A–76, offshore Texas, to a subsea tie-in located in Brazos Block 538, offshore Texas and appurtenant and related facilities and (2) approximately 79.04 miles of 36-inch diameter pipeline loop extending from a subsea tie-in located in Brazos Block 538 to the suction header at Transcontinental Gas Pipe Line Corporation's (Transco) Compressor Station No. 30 in Wharton County, Texas and appurtenant and related facilities. Southern owns a 2.1333 percent interest in the PCTL Line. The other interest owners in the line that was constructed in two phases beginning in 1982 are Transco, Tennessee Gas Pipe Line Company, Columbia Gulf Transmission Company, Michigan Wisconsin Pipeline Company, and Northern Natural Gas Company (Northern). Authorization for the PCTL Line was issued to these owners in Docket Nos. CP82–158–000 and CP82–158–004.

Southern requests authority to abandon a portion of its interest in the PCTL Line in order to implement the terms of a purchase and sale agreement between Southern and Northern dated December 31, 1991 (agreement). The agreement provides that, subject to regulatory approval, Southern will transfer and assign to Northern such percentage of Southern's 2.1333 percent interest in the PCTL Line as equivalent to 100 percent of the book value as shown on Northern's books thirty days after receipt of the requested abandonment authorization of Northern's 24.02596 percent ownership interest in the Cognac Line. The Cognac Line consists of approximately 39.7 miles of 16-inch diameter pipeline and 18-inch diameter pipeline and all appurtenant and related facilities extending from Shell Offshore Inc.'s platform in Mississippi Canyon Block 194, offshore Louisiana to a point of interconnection onshore with Southern's Romere Pass Pipeline located in Plaquemines Parish, Louisiana, and one 8-inch diameter and two 10-inch diameter orifice meter runs and appurtenant facilities located on the Shell Platform.

In exchange for the transfer and assignment of the interest in the PCTL Line, the agreement provides that Northern will transfer and assign 100 percent of its interest in the Cognac Line to Southern. Southern plans to acquire Northern's interest in the Cognac Line under Southern's blanket certificate issued under subpart F of part 157 of the Commission's Regulations. Southern understands that Northern likewise plans to acquire its interest in the PCTL Line under Northern's blanket certificate and to also abandon its interest in the Cognac Line pursuant to blanket authority.

Southern and Northern desire to exchange the above-described portions of the Cognac Line and the PCTL Line and related separation and dehydration facilities in order to remedy and alleviate capacity constraints the companies are each experiencing on the respective portions of the lines that they will be acquiring following receipt of the requested abandonment authorization. Southern has more requests for transportation on the Cognac Line than it has capacity at present. However, Southern has excess capacity on the PCTL Line. Northern has a reciprocal situation and desires to acquire additional capacity in the PCTL in exchange for its unused capacity in the Cognac Line. Southern and Northern have agreed upon the subject exchange to eliminate these constraints without economic burden to themselves or to their sales and transportation service customers. Southern's present capacity in the PCTL Line is approximately 16 MMcf per day of natural gas. Depending on the actual amount assigned to Northern, Southern should retain capacity in the PCTL Line of approximately 11 MMcf per day of natural gas, which is more than sufficient to accommodate the quantity of gas being tendered to Southern from Brazos Block A–47. The contemplated exchange will increase Southern's present capacity of 30 MMcf per day on the Cognac Line to 60 MMcf per day. No change in existing sales service will occur as Southern will retain sufficient capacity in the PCTL to continue to purchase and take delivery of gas under its one gas purchase contract that provides for Southern to take gas on the PCTL Line.

Comment date: March 11, 1992, in accordance with Standard Paragraph F at the end of this notice.

2. Tennessee Gas Pipeline Co.

[Docket No. CP92–344–00]

February 19, 1992.

Take notice that on February 12, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92–344–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon three interruptible transportation services for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that by orders issued in Dockets Nos. CP84–28–000, CP84–416–000 and CP84–622–000, certificates of public convenience and necessity were granted to Tennessee authorizing Tennessee to transport natural gas for Transco from points of receipt which are located offshore and onshore Louisiana to various onshore and offshore Louisiana points of delivery.

Tennessee indicates that it filed the gas transportation agreements dated April 8, 1982, March 22, 1982, and March 14, 1983, providing for such transportation services by Tennessee. Tennessee further indicates that the agreements have been designated as Rate Schedules T–138, T–141 and T–158 of Tennessee's FERC Gas Tariff, Original Volume No. 2. Tennessee states that by letter dated November 27, 1991, Transco indicated that the transportation services proposed to be abandoned are no longer needed and may be abandoned. Tennessee further

states that no facilities would be abandoned.

Comment date: March 11, 1992, in accordance with Standard Paragraph F at the end of this notice.

3. Transok Gas Co. (Successor-in-interest to TEX/CON Gas Marketing Co.)

[Docket No. CI87-826-003]

February 20, 1992.

Take notice that on February 14, 1992, Transok Gas Company (Transok) of P.O. Box 3008, Tulsa, Oklahoma 74101-3008, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regualtory Commission's (Commission) regulations thereunder to amend the blanket certificate previously issued to TEX-CON Gas Marketing Company in Docket No. CI-187-826-002 to reflect Transok Gas Company as the certificate holder, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 10, 1992, in accordance with Standard Paragraph J at the end of this notice.

4. Transcontinental Gas Pipe Line Corp.

[Docket No. CP89-7-020]

February 20, 1992.

Take notice that on February 6, 1992, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston Texas 77251, filed to futher amend the certificate authority granted by the Commission in an Order issued September 13, 1990 in Docket No. CP88-171-000 *et al.* By this amendment, Transco is seeking to modify its earlier petitions to amend made in this proceeding in order to reflect a small increase in the level of service to one customer and the addition of one new customer to the service list, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Transco proposes to: (1) Provide a firm transportation service of up to 15,495 Mcf per day on behalf of the Elizabethtown Gas Company (Elizabethtown); and (2) provide a firm transportation service of up to 24,505 Mcf per day on behalf of Piedmont Natural Gas Company (Piedmont). The firm service now proposed for Elizabethtown represents an increase of 495 Mcf per day from the level of service authorized in the above-mentioned September 13, 1990 Order and is 5,495 Mcf per day more than the 10,000 Mcf per day level of service for Elizabethtown proposed by Transco in its December 11, 1990 amendment as well as in its subsequent amendment filed September 6, 1991.

Transco states that firm capacity in the necessary amount to provide the increased service to Elizabethtown as well as the new service to Piedment is available because of the withdrawal of Long Isalnd Cogeneration Limited Partnership from the authorized service and because of the existence of uncommitted capacity on the system originally reserved for the UGI Corporation.

Comment date: March 12, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Texas Gas Transmission Corp.

[Docket No. CP92-349-000]

February 21, 1992.

Take notice that on February 13, 1992, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP92-349-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) to add a delivery point to serve Indiana Gas Company, Inc. (Indiana Gas), an existing customer, and to abandon certain pipeline, measurement and related facilities, under Texas Gas' blanket certificate issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, Texas Gas proposes to add a delivery point for service to Indiana Gas on its Slaughters—Montezuma 12-inch pipeline near Terre Haute, Indiana. Texas Gas proposes to abandon by sale to Indiana Gas its "Martinsville System," consisting of 8 segments of pipeline and 6 measurement stations, all located in Central Indiana. It is explained that the pipeline segments add up to 88.47 miles in length and are of various diameters. It is asserted that the new delivery point would act as a "Master Meter" and would replace the 6 meters proposed for abandonment. It is asserted that the new delivery point would be used for the delivery of 20,000 MMBtu equivalent of gas on a peak day and 2,100,000 MMBtu equivalent on an annual basis. It is further asserted that the deliveries would be within Indiana Gas' currently effective entitlement from Texas Gas and that the proposal would have no material effect on Texas Gas' peak day and annual requirements. It is stated that the gas delivered at the new delivery point would be utilized by Indiana Gas to serve the same end-use customers previously served by the facilities proposed for abandonment.

Comment date: April 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Pipe Line Co.

[Docket No. CP92-350-000]

February 21, 1992.

Take notice that on February 14, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-350-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to modify an existing sales tap and related facilities to serve B & A Pipeline Company (B &A) in Rusk County, Texas, under its blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to modify an existing delivery tap and related facilities in order to transport 2,400 Mcf of natural gas per day for B & A for futher delivery to the Hydrocarbon Transfer Company in Rusk County, Texas. It is stated that United proposes to do so by increasing the size of the existing metering facilities from 4-inch to 6-inch on United's Old Mill Creek Compressor Station also in Rusk County, Texas. It is stated that the cost of the proposed project will be $2,600 and that B & A will reimburse United for all costs relating to the modification of these facilities.

Comment date: April 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

7. Northwest Pipeline Corp.

[Docket No. ER92-352-000]

February 21, 1992.

Take notice that on February 14, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP92-352-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new delivery meter to provide deliveries to Willamette Industries, Inc. (Santiam), under Northwest's blanket certificate issued in Docket No. CP82-433-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest states that Santiam has requested Northwest to construct and operate a new delivery meter, in Linn County, Oregon, capable of delivering up to 28,000 MMBtus per day to a new 10-inch pipeline to be constructed and owned by Santiam, which will deliver the gas to its facilities. Northwest further states that the transportation to the new delivery meter would be provided initially pursuant to Northwest's existing interruptible transportation agreements with Grand Valley Gas Company and Willamette Industries, Inc.

It is stated that Santiam has agreed to reimburse Northwest for all actual costs incurred by Northwest in constructing the proposed delivery meter plus the grossed up income tax liability which Northwest would incur.

It is said that Northwest estimates the cost of the meter to be approximately $313.577 with an additional income tax liability of $92,202, for a total of $405,799.

Northwest avers that the requested Santiam Meter Station and proposed new pipeline would provide Santiam an economic alternative to the transportation service currently provided by Northwest to its facilities.

Comment date: April 6, 1992, in accordance with Standard Paragraph G at the end of this notice.

8. Williams Natural Gas Co.

[Docket No. CP92-351-000]

February 21, 1992.

Take notice that on February 14, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-351-000 an application pursuant to section 7(b) of the Natural Gas Act for an order permitting and approving (1) the abandonment by sale of the Rodman gathering system, the MacKellar gathering system and approximately 18 miles of the Rodman-Enid 8-inch lateral pipeline to Trident NGL, Inc. (Trident) and Oryx Energy Company, for Sun Operating Limited Partnership (Oryx), its managing general partner; (2) the assignment and abandonment of the sales obligation of producers under contract to WNG to Trident/Oryx; and (3) the assignment and abandonment of all of WNG's pipeline rights to Trident/Oryx, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG states that in order to compete for the purchase of new gas supplies, WNG (formerly Cities Service Gas Company) contracted with the Rodman Corporation, the gas seller, in 1967 to install and own gathering facilities from the wellhead to the Rodman Processing Plant (Rodman Plant). It is stated that the seller reserved processing rights and the title to gas was transferred at the plant tailgate. In addition, WNG states that the seller was to construct, own and operate all compressors, cooling, processing and dehydration equipment and to operate and maintain all of the gathering facilities.

It is stated that the Rodman Corporation was also granted the right to attach any gathering line delivering gas for processing in its plant with the gathering pipelines and appurtenant facilities owned by WNG's predecessor. Subsequently, WNG states that the 1967 contract was amended to cover residue gas attributable to production from new wells on leases under new contracts with various producers.

According to WNG, the Rodman Plant and producing properties under the major contracts have passed through several owners, and the plant is now owned by Trident and Oryx. Over the years, WNG states that its predecessor entered into additional gas purchase agreements with other producers who also entered into processing agreements with the Rodman Plant. It is further stated that the Rodman system was developed to connect these additional supplies as well as other supplies purchased by the owner of the plant.

As long as it purchased all of the gas moving through the facilities, WNG states that the split ownership did not create unmanageable problems. However, WNG submits that it owns no field compression and therefore a shipper's gas cannot move through WNG's gathering facilities unless the shipper makes arrangements for compression. Also, WNG avers that it owns no facilities connecting its gathering facilities to its main transmission system. Instead, it stated that as the system is presently configured, gas flows through WNG's gathering system into Trident/Oryx's Rodman Plant and then into WNG's main transmission system. In addition, WNG states that most of the gas attached to its gathering system must be processed to meet the quality standards in WNG's tariff before entering WNG's mainline.

WNG states that, currently, its gathering system consists of approximately 750 miles of pipe located in Kingfisher, Garfield, Major and Blaine Counties, Oklahoma, and feeds the Rodman Plant located in Garfield County. It is stated that the plant is connected to WNG's transmission system by a 16-inch line running northwest to the Transwestern Pipeline Company line and two parallel 8-inch lines running northeast to the Enid compressor station. Presently, WNG states that it owns approximately 647 miles of pipeline and Trident/Oryx owns the remainder.

It is stated that Trident/Oryx operates the WNG gathering system, which supplies the field compression that boosts the typical well delivery pressure of 20-30 psig to approximately 300 psig. WNG states that the Rodman Plant receives gas at two inlet levels, approximately 40 and 300 psig. The plant then compresses, processes and then recompresses the residue gas for delivery into WNG's 8 or 16-inch transmission lines.

WNG states that the MacKellar gathering system is composed of approximately 18 miles of 4-inch plastic pipe which "overlays" by is not connected to WNG's Rodman gathering system. Approximately nineteen receipt points feed gas to the Phillips Kingfisher Plant where it is processed and then delivered to WNG at the plant tailgate.

WNG submits that the current configuration of the Rodman gathering system presents a very complex and confusing arrangement. Currently, WNG and Trident/Oryx both own a portion of the system, while Oryx provides all the compression, processing, operation and maintenance of the system. It is stated that producers must contract with the plant for processing and shippers must contract with WNG for gathering and transportation services.

According to WNG, it is more practical that the owners of the Rodman Plant should also own, operate and maintain the gathering facilities connected to the plant. Therefore, WNG states that it has entered into various agreements for the sale of the Rodman facilities to Trident/Oryx.

WNG states that it has agreed to sell the Rodman gathering system, the MacKellar gathering system and the Rodman-Enid 8-inch line to Trident/Oryx for a purchase price of $4,815,000. Upon Commission approval of the sale, WNG states that it and Trident will enter into a new gas purchase agreement at the plant tailgate. WNG states that it will assign gas purchase contracts upstream of the Rodman plant to Trident/Oryx in order to support the new tailgate purchase contract. Further, it is stated that the new tailgate agreement will maintain the current deliverability committed to WNG on the Rodman system for system supply requirements.

WNG submits that it will fulfill all existing and future obligations under any agreements that are not terminated or transferred to and fully assumed by Trident/Oryx at closing due to circumstances beyond the reasonable control of WNG and Trident/Oryx. WNG states that it will enter into agreement with Trident/Oryx for the use of the facilities as necessary for WNG's performance. It is averred that Trident/Oryx will charge WNG no greater price than the lowest price charged by Trident/Oryx for similar services to similarly situated third partries. WNG states that Trident/Oryx intends to operate the acquired facilities as non-jurisdictional gathering facilities on the inlet side of the Rodman Plant, and will file for non-jurisdictional status.

Comment date: March 13, 1992, in accordance with Standard Paragraph F at the end of this notice.

9. Transco Energy Marketing Co., et al.

[Docket No. CI86-27-011,[1] *et al.*]

February 20, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 10, 1992, in accordance with Standard Paragraph J at the end of the notice.

APPENDIX

Docket No.	Date Filed	Applicant
CI86-27-011	2/13/92	Transco Energy Marketing Company, P.O. Box 1047, Houston, Texas 77251-1047.
CI886-377-077 & CI86-378-006 [1]	2/14/92	Arkla Energy Marketing Company, 525 Milam Street, P.O. Box 21734, Shreveport, Louisiana 71151.
CI86-419-006 [2]	2/13/92	ANR Supply Company, 9 Greenway Plaza, Houston, Texas 77046.
CI87-786-007	2/14/92	Val Gas, L.P., c/o Val Gas Company, 530 McCullough Avenue, San Antonio, Texas 78215.
CI87-825-009 [3]	2/14/92	Valero Gas Marketing, L.P. (formerly V.H.C. Gas Systems, L.P.), c/o V.H.C. Gas Systems Company, 530 McCullough Avenue, San Antonio, Texas 78215.
CI88-274-004 [3] [4]	2/13/92	Coastal States Gas Transmission Company, 9 Greenway Plaza, Houston, Texas 77046
CI89-194-006 [5]	2/13/92	Coastal Gas Marketing Company, 9 Greenway Plaza, Houston, Texas 77046.
CI89-312-003	2/14/92	LIDO-Atlantic Trading Company, 1625 Broadway, Suite 2200, Denver, Colorado 80202.
CI89-361-005 [6]	2/13/92	Equitable Resources Marketing Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219.
CI81-15-003	2/12/92	CanStates Petroleum Marketing, c/o CanStates Gas Marketing, 1220 SunLife Plaza, 144 Fourth Avenue, SW., Calgary, Alberta, Canada T2P 3N4.

[1] Applicant also requests amendment of its certificate to include sales for resale of all gas purchased from first sellers and non-first sellers to the full extent of the sales authorization granted to other marketers.

[2] Applicant also requests (1) amendment of its certificate to include sales for resale in interstate commerce of interruptible system suppy (ISS) gas, imported natural gas including liquified natural gas and gas purchased from non-first sellers including but not limited to intrastate pipelines and local distribution companies; (2) removal of the pricing restrictions on sales for resale of ISS gas purchased from affiliated pipelines; and (3) removal of the condition that the certificate is subject to the outcome of the proceedings in Docket No. RM87-5.

[3] Applicant also requests amendment of its certificate to reflect the name change from V.H.C. Gas Systems, L.P. to Valero Gas Marketing, L.P.

[4] Applicant is an intrastate pipeline company.

[5] Applicant also requests (1) amendment of its certificate to include sales for resale in interstate commerce of gas purchased from non-first sellers including but not limited to intrastate pipelines and local distribution companies; (2) removal of the pricing restrictions on sales for resale of ISS gas purchased from affiliated pipelines; and (3) removal of the condition that the certificate is subject to the outcome of the proceedings in Docket No. RM87-5.

[6] Applicant also requests removal of the pricing restrictions on sales for resale of ISS gas purchased from affiliated pipelines.

10. Boston Gas Co.

[Docket No. CP92-188-000]

February 24, 1992.

Take notice that on November 18, 1991, Boston Gas Company (Applicant), One Beacon Street, Boston, Massachusetts 02108, filed in Docket No. CP92-188-000 an application pursuant to § 284.224 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas, or, in the alternative an application pursuant to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity authorizing construction and operation of facilities and transportation of natural gas for Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant requests a blanket certificate pursuant to § 284.224 of the Commission's Regulations authorizing Applicant to engage in transportation of natural gas or, in the alternative, a traditional section 7(c) certificate authorizing construction and operation of facilities and transportation of natural gas to Distrigas and DOMAC. Applicant also requests pregranted abandonment authority for the transportation service provided under either certificate requested herein. In addition, Applicant requests that whether the Commission issues a blanket certificate or a traditional certificate, the Commission limit its jurisdiction to the operation of the facilities and the activities and service described and not subject Applicant to regulation as a natural gas company with the meaning of the NGA except to the extent necessary to enforce the terms and conditions of the certificate.

Applicant states that this filing is being made in compliance with the Commission's October 16, 1991 Declaratory Order, Order to Show Cause, and Order Issuing Limited-Term Certificate in Docket No. CP91-2315-000. Applicant further states that Applicant has provided transportation service on its local gas distribution system of regasified liquefied natural gas (LNG) for DOMAC. Applicant submits that Applicant is currently providing firm transportation service to DOMAC pursuant to an agreement betweeen the parties executed June 24, 1988 for a primary term of 10 years, renewable from year-to-year thereafter. Applicant indicates that Applicant provides firm transportation of 140,000 MMBtu equivalent per day (off-peak season) to 240,000 MMBtu equivalent per day (peak-season) of vaporized LNG for DOMAC on Applicant's distribution system from a receipt point at Everett, Massachusetts to delivery points at Applicant's city gate interconnections with the facilities of Algonquin Gas Transmission Company (Algonquin) and Tennessee Gas Pipeline Company.

Applicant indicates that Applicant is applying for a § 284.224 blanket certificate, or in the alternative, a traditional section 7(c) certificate under part 157, in order for Applicant to continue to provide transportation service to DOMAC under existing agreement order to allow DOMAC to have continued access to the interstate pipeline system and to the markets served by that system. Applicant further indicates that Applicant agrees to comply with the terms and conditions set forth in § 157.103 of the regulations for traditional certificates and in § 284.224(e) for blanket certificates.

Applicant states that the facility for which Applicant requests a certificate of public convenience and necessity is a 24-inch, 637 foot gas pipeline in Everett, Massachusetts that provides physical connection between DOMAC's Everett LNG terminal and Algonquin's Everett metering station and J-lateral pipeline system. Applicant further states the facility was constructed in October 1990 and completed on November 2, 1990, with service commencing on December 5, 1990. Applicant indicates that the facility is being used to provide transportation service for DOMAC.

Applicant states that the proposed service would be rendered pursuant to Applicant's city gate transportation rates set forth in tariffs filed with the Massachusetts Department of Public Utilities (MDPU) and subject to the approval of that state regulatory agency under Massachusetts General Laws Chapter 164. Applicant submits, that, although the transportation rate would be capped at the maximum indicated in that tariff, Applicant would seek authority to offer transportation service at a rate below the maximum rate where competitive market conditions warrant. Applicant proposes a minimum rate for transportation service equal to Applicant's variable cost of providing the service as is required by the order of the MDPU.

Comment date: March 16, 1992, in accordance with Standard Paragraph F at the end of this notice.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

11. Northern Natural Gas Co.

[Docket No. CP92-342-000]

February 24, 1992.

Take notice that on February 10, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-100, filed in Docket No. CP92-342-000, a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authority to, operate and maintain existing delivery facilities, originally installed to serve single end-users through local distribution companies, to provide service to multiple end-users, under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that it installed these facilities to provide service to single end-users through local distribution companies (LDCs). Northern advises that proper authorizations were obtained when these facilities were constructed, but subsequent events have resulted in the operation of these facilities in a manner different than originally intended.

Northern states that it was recently brought to Northern's attention that certain LDCs and landowners have installed additional distribution lines and meters downstream of Northern's farm tap facilities to provide natural gas service to customers, other than those Northern had installed the farm taps to serve. Northern advises that once informed of this situation, an investigation was conducted to identify locations on its system where facilities had been installed by others downstream of Northern's facilities to provide service to additional customers, as more fully described in its application.

Northern advises that it has since notified responsible officials of the distribution companies involved that the attachment of new customers to delivery facilities intended for service to single end-users requires a filing by Northern with the Commission for authorization to operate its facilities to serve multiple end-users.

Northern states that it does not believe it is in the public interest to interrupt service to these farms, farming communities or domestic residential customers because proper authorization was not obtained to operate Northern's facilities for service to multiple end-users prior to the installation of the downstream facilities by other parties. Therefore, in this application Northern requests authorization to operate and maintain these existing delivery facilities to provide service to multiple end-users.

Comment date: April 9, 1992, in accordance with Standard Paragraph G at the end of this notice.

12. TPC Transmission, Inc., TPC Services, Inc., and Tejas Power Corp

[Docket No. CP92-354-000]

February 24, 1992.

Take notice that on February 14, 1992, TPC Transmission, Inc. (TPC Transmission), TPC Services, Inc. (TPC Services), and Tejas Power Corporation (Tejas), collectively referred as Petitioners, filed a petition in Docket No. CP92-354-000 requesting that the Commission disclaim jurisdiction over certain natural gas gathering facilities under section 1(b) of the Natural Gas Act (NGA), and also requesting that, to the extent its facilities are determined to be non-jurisdictional, the Commission vacate or rescind, under section 1(b) of the NGA, the section 7(c) certificate and approval of rates and charges issued to it as a Hinshaw pipeline under section 1(c) of the NGA, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners state that the facilities which are the subject of the petition (known as the Galveston Island Gathering System) were constructed to gather, separate and dehydrate production from leases covering lands within Galveston Island Area Blocks 364, 363, 362, 343, 332, and 333 offshore Texas. Petitioners state that the Galveston Island Gathering System is comprised of: (1) An offshore and onshore gathering system, owned by TPC Services, which connects with an onshore separation and dehydration facility near Surfside, Brazoria County, Texas; (2) the separation facility, owned by Tejas; and (3) an onshore pipeline known as the Stratton Ridge Pipeline, owned by TPC Transmission, which extends from the tailgate of the separation facility to points of interconnection with a Texas intrastate pipeline owned by Dow Pipeline Company and a Texas Hinshaw pipeline owned by Amoco Gas Corporation. Petitioners note that until the construction of the Galveston Island Gathering System was completed in 1990 and 1991, no other facility existed offshore Texas that could gather production from these leases.

Petitioners assert that the Commission and courts have reexamined, modified, and more clearly delineated the requirements for determining whether a

facility qualifies for a gathering exemption from Commission jurisdiction under section 1(b) of the NGA. It is indicated that the result of these recent actions was the development and implementation of the "modified primary function" test as set forth in Amerada Hess Corp. et al., 52 FERC ¶ 61,268 (1990) and more recently in Blue Dolphin Pipe Line Company, Docket Nos. CP92-232-000 and MG88-18-005, order issued February 5, 1992. Petitioners contend that the facilities comprising the Galveston Island Gathering System, including TPC Transmission's Stratton Ridge Pipeline, meet the "modified primary function" test that these facilities are not subject to Commission jurisdiction under section 1(b) of the NGA. Moreover, petitioners state that disclaiming jurisdiction over the Galveston Island Gathering System would further the Commission's regulatory and statutory objective under the NGA, the Natural Gas Policy Act of 1978, and the Wellhead Decontrol Act of 1989.

Petitioners request that the Commission issue an order disclaiming jurisdiction over the facilities comprising the Galveston Island Gathering System under section 1(b) of the NGA. In addition, TPC Transmission requests that, to the extent its facilities are determined to be non-jurisdictional, the Commission vacate or rescind, under section 1(b) of the NGA, the section 7(c) certificate and approval of rates and charges issued to it as a Hinshaw pipeline under section 1(c) of the NGA.

Comment date: March 16, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

13. Columbia Gas Transmission Corp.

[Docket No. CP92-353-000]

February 24, 1992.

Take notice that on February 14, 1992, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP92-353-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to establish an additional point of delivery on existing receipt point for transportation service for Energy Marketing Services, Inc. (EMS) under the blanket certificate issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Columbia states that it would transport up to 500 dth/d on an average day and 182,500 dth/d annually. Columbia also states that the estimated cost to establish this point of the delivery will be approximately $2,100 and will be reimbursed by EMS.

Comment date: April 9, 1992, in accordance with Standard Paragraph G at the end of this notice.

14. Tenngasco Corp., Tenngasco Exchange Corporation and Tenngasco Marketing Corp.

[Docket No. CI86-168-011]

February 24, 1992.

Take notice that on February 20, 1992, Tenngasco Corporation, Tenngasco Exchange Corporation and Tenngasco Marketing Corporation (Tenngasco) of P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring in March 31, 1992, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 12, 1992, in accordance with Standard Paragraph J at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4967 Filed 3-3-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OR92-6-000 (Formerly Docket No. OT92-92-000)]

Interstate Oil Pipeline Industry; Revised Notice of Technical Conference To Correct and Replace Notice Previously Issued on February 26, 1992

February 27, 1992.

In order to consider generic market-based rates for oil pipelines, and to examine the potential for streamlining its regulation of the interstate oil pipeline industry, the staff of the Commission will convene a technical conference. This conference will provide the opportunity for an open discussion of regulatory issues among the oil pipeline industry, the public, and the Commission staff.

The Commission's staff believes continued and significant improvements in oil pipeline rate regulation may be possible. In particular, the Commission staff's experience in recent oil pipeline rate proceedings indicates that "light-handed" regulation is, in many circumstances, a practical alternative to traditional cost-based ratemaking. This conclusion is buttressed by the 1986 Department of Justice report: "Oil Pipeline Deregulation." Parties are invited to provide comments on possible approaches to market-oriented regulation of oil pipelines.

The Commission's procedural regulations applicable to the oil pipeline industry have not been substantially modified in many years. The Commission's staff believes significant improvements may be possible in this area as well.

The Appendix to this notice sets forth questions that should be addressed by interested persons. Other matters may be discussed as well.

The conference will be held Thursday, March 26, 1992, at 10 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426, in a Hearing Room to be announced.

Any interested person can submit information prior to the meeting for consideration at the conference by addressing such information to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426. Any such information should reference Docket No. OR92-6-000 and be filed no later than March 13, 1992. Persons wishing to participate should notify the Commission of their intention no later than March 20, 1992.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

Appendix—Questions for Consideration at Technical Conference

A. Implementation of market-based rate regulation.

1. Should the Commission implement market-based rate regulation on a generic basis? Why or why not?

2. Does the 1986 Department of Justice report: "Oil Pipeline Deregulation," provide sufficient information to be implemented administratively?

3. What factors (such as market concentration) should the Commission consider in moving towards market-based rates?

4. In *Buckeye*,[1] the Commission adopted a light-handed regulatory approach.

a. Should this approach be applied to other oil pipelines?

b. What alternative methods could the Commission examine to evaluate competitive markets?

c. Should rate increases in noncompetitive markets be capped by rate increases in competitive markets similar to the approach taken in *Buckeye*? If not, what alternatives are available in noncompetitive markets?

5. Have any market centers developed where pipelines interconnect (or where storage facilities are located) in oil transportation markets? Should the Commission's ratemaking practices ensure that their development is not hindered by anticompetitive transportation tariffs that may make it costly to gain access to a market center?

6. What other areas of the Commission's oil pipeline regulation can be eliminated or revised to remove unwarranted and uneconomic regulations under current law?

B. Procedural modifications.

1. What filing requirements should the Commission establish for oil tariff rate change filings to streamline the regulatory process and provide certainty and flexibility to all segments of the industry?

2. Is public notice of the filing of an oil tariff necessary and, if so, how best can it be provided?

3. Would an electronic tariff filing system benefit the public and the oil pipeline industry? What would be the costs involved?

[FR Doc. 92-4963 Filed 3-3-92; 8:45 am]

BILLING CODE 6717-01-M

[1] *Buckeye Pipeline Company, L.P.*, 53 FERC ¶ 61,473 (1990); Rehearing Granted in Part and Denied in Part, 55 FERC ¶ 61,084 (1991).

[Docket No. CP91-1925-000]

Southwestern Glass Company, Inc. v. Arkla Energy Resources, a Divison of Arkla, Inc.; Technical Conference

February 26, 1992.

Take notice that on Wednesday, March 18, 1992, the Staff of the Federal Energy Regulatory Commisison will convene a technical conference in the captioned proceeding to examine certain issues as they relate to the pending complaint of Southwestern Glass Company.

Attendance at the technical conference will be limited to parties to the proceeding and the Commission staff. The conference will be held at 10 a.m. at 810 First Street, NE., Washington, DC. The room number where the conference will be held will be posted on the first floor of that building on the day of the conference. For further information, contact Robert Steinberg at (202) 207-1032.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4964 Filed 3-3-92; 8:45 am]

BILLING CODE 6717-01-M

Transwestern Pipeline Co.; Site Visit

[Docket No. CP90-2294-000 and CP90-2294-001]

February 26, 1992.

This is to inform all parties to the proceeding in the above docket that the staff of the Federal Energy Regulatory Commission will conduct a site vist of Transwestern's mainline expansion in Mohave and Yavapai Counties, Arizona, March 11 and 12, 1992. The purpose of the staff's inspection is to review compliance with the environmental mitigation measures specified in Transwestern's certificate, issued on August 1, 1991.

All parties to the proceeding are welcome to attend. Anyone interested must provide their own transportation. For more information contact Mr. Michael Boyle at (202) 208-1003.

Lois D. Cashell,

Secretary.

[FR Doc. 92-4965 Filed 3-3-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of January 17 Through January 24, 1992

During the Week of January 17 through January 24, 1992, the appeals and applications for exception or other relief listed in the appendix to this

notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: February 27, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 17 through Jan. 24, 1992]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 23, 1992	Pacific Gas & Electric Co., et al., Philadelphia, Pennsylvania.	LER-0007	Request for modification/rescission. If granted: The December 24, 1991 Decision and Order (Case Nos. HER-0050, HER-0106 & KEZ-0096) issued to The 341 Tract Unit of the Citronelle Field would be modified regarding the motion of Pacific Gas & Electric Co., et al. for rescission of the Decision and Order of December 24, 1991.
Jan. 23, 1992	Texaco/Grocers Baking Company, Washington, DC	RR321-105	Request for modification/rescission in the Texaco refund proceeding. If granted: The March 5, 1991 Decision and Order (Case No. RF321-4754) issued to Grocers Baking Company would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding.
Jan. 24, 1992	ARCO/Abco Oil Corporation, Washington, DC	RR304-30	Request for modification/rescission in the ARCO refund proceeding. If granted: The May 9, 1989 Decision and Order (Case No. RF304-2584) issued to Oil Corporation would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	ARCO/Fred D. Wickoff Co., Inc., Washington, DC	RR304-27	Request for modification/rescission in the ARCO refund proceeding. If granted: The March 15, 1990 Decision and Order (Case No. RF304-8943) issued to Fred D. Wickoff Co., Inc. would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	Texaco/Alec Texaco, Daly City, California	RR321-107	Request for modification/rescission in the Texaco proceeding. If granted: The October 25, 1991 Decision and Order (Case No. RF321-8635) issued to Alec Texaco would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding.
Jan. 24, 1992	Texaco/Pottawattamie County, Washington, DC	RR321-106	Request for modification/rescission in the Texaco refund proceeding. If granted: The October 12, 1990 Decision and Order (Case No. RF321-3245) issued to Pottawattamine County would be modified regarding the firm's application for refund submitted in the Texaco refund proceeding.
Jan. 24, 1992	ARCO/Fuel Distributors, Inc., Washington, DC	RR304-29	Request for modification/rescission in the ARCO refund proceeding. If granted: The August 28, 1989 Decision and Order (Case No. RF304-7385) issued to Fuel Distributors, Inc. would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	ARCO/Heat Gas Company, Inc., Washington, DC	RR304-25	Request for modification/rescission in the ARCO refund proceeding. If granted: The April 19, 1989 Decision and Order (Case No. RF304-2151) issued to Heat Gas Company, Inc. would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	ARCO/Tompkins Oil Company, Washington, DC	RR304-24	Request for modification/rescission in the ARCO refund proceeding. If granted: The June 5, 1989 Decision and Order (Case No. RF304-3080) issued to Tompkins Oil Company would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	ARCO/Petroleum Products Corporation, Washington, DC.	RR304-28	Request for modification/rescission in the ARCO refund proceeding. If granted: The August 18, 1989 Decision and Order (Case No. RF304-7202) issued to Petroleum Products Corporation would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.
Jan. 24, 1992	ARCO/Western Petroleum, Inc., Washington, DC	RR304-26	Request for modification/rescission in the ARCO refund proceeding. If granted: The November 16, 1990 Decision and Order (Case No. RF304-9284) issued to Western Petroleum, Inc. would be modified regarding the firm's application for refund submitted in the ARCO refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week of Jan. 17 to Jan. 24, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No. 8
1/21/92	Superiorgas	RF340-51.
1/21/92	Service Gas, Inc	RF340-52.
1/21/92	Stone's Propane & Appliance.	RF340-53.
1/21/92	Patrick Egan	RF342-124.
1/21/92	Tom's Clark Super 100.	RF342-125.
1/21/92	Harry Carsey	RF342-126.
1/21/92	Beisler-Weidmann Company.	RF341-18.
1/22/92	Frank's Clark	RF342-127.
1/22/92	Bill's Clark Super 100.	RF342-128.
1/22/92	Larry's Valley Clark.	RF342-129.
1/22/92	Chucks Owens Service.	RF342-130.
1/22/92	State Escrow	RF303-12.
1/22/92	Shenandoah Oil Company.	RF313-331.
1/22/92	Shenandoah Oil Company.	RF313-332.
1/22/92	Franko Oil Company.	RF304-12702.
1/22/92	Frank's Clark	RF342-127.
1/22/92	Bill's Clark Super 100.	RF342-128.
1/22/92	Larry's Valley Clark.	RF342-129.
1/22/92	Chucks Owens Service.	RF342-130.
1/23/92	Chas A. Walls Arco.	RF304-12703.
1/23/92	Ray's Mill Street Arco.	RF304-12704.
1/23/92	Ray's Arco	RF304-12705.
1/23/92	Edie & Al's	RF304-12706.
1/23/92	Al's Arco of Milford.	RF304-12707.
1/23/92	Mosby Gas Service.	RF304-12708.
1/23/92	Pointville Arco	RF304-12709.
1/23/92	D-D'S Clark Gas Station.	RF342-131.
1/23/92	Moran Oil Company.	RF324-54.
1/24/92	Alvin Simpson, Inc.	RF307-102212.
1/24/92	Boyd's Texaco	RF321-18413.
1/17/92 thru 1/24/92.	Texaco Refund Applications Received.	RF321-18389 thru RE321-18413.
1/17/92 thru 1/24/92.	Crude Oil Applications Received.	RF272-91436 thru RF272-91479.
1/17/92 thru 1/24/92.	Gulf Oil Refund Applications Received.	RF300-19418 thru RF300-19447.

[FR Doc. 92-5030 Filed 3-3-92; 8:45 am]

BILLING CODE 6450-01-M

Southeastern Power Administration

Selection of Financial Sponsor

AGENCY: Department of Energy, Southeastern Power Administration.

ACTION: Notice of selection of a financial sponsor for the proposed Bluestone Hydropower Project, Hinton, WV.

SUMMARY: 1. On September 3, 1991, the Southeastern Power Administration and the U.S. Army Corps of Engineers announced in the **Federal Register** (56 FR 43591) their joint intent to select a non-federal sponsor to provide financing in the study and construction of generating facilities at the Bluestone Dam, located in the City of Hinton, Summers County, West Virginia. The announcement provided background information regarding the proposed addition of generation at the dam, the expression of interest by the Hinton-White Sulphur Springs-Philippi Power Authority of West Virginia in providing funds for preliminary studies and future construction and the criteria to be utilized by Southeastern and the Corps of Engineers in selecting such a sponsor. The announcement was also mailed to 59 potential interested parties located with approximately 150 miles of the Bluestone Project, generation and transmission organizations in the area, and representatives of other interested parties. Southeastern requested that potential sponsors make application or proposals for sponsorship prior to November 4, 1991, to be considered for final selection.

2. Although several inquiries seeking further information were received, the only application for selection as financial sponsor for the Bluestone Hydropower Project was from the Hinton-White Sulphur Springs-Philippi Power Authority.

3. The Southeastern Power Administration and the Corps of Engineers have reviewed the Authority's application for sponsorship in accordance with its sponsor selection process and announced criteria and determined that the Hinton-White Sulphur Springs-Philippi Authority meets or exceeds such criteria. Consequently, notice is hereby given that the Authority is selected as the financial sponsor for the Bluestone Hydropower Project, Hinton, West Virginia.

FOR FURTHER INFORMATION ABOUT THE PROPOSED PROJECT, CONTACT: Allan Elberfeld, Chief, Plan Formulation Branch, Huntington District Corps of Engineers, 502 Eighth Street, Huntington, WV 25701-2070.

FOR FURTHER INFORMATION ABOUT THE PROPOSED MARKETING OF THE POWER AND ENERGY FROM THE PROPOSED PROJECT, CONTACT: Leon Jourolmon, Jr., Director, Power Marketing, Southeastern Power Administration, Samuel Elbert Building, Elberton, GA 30635.

Issued at Elberton, Georgia, February 5, 1992.

John A. McAllister, Jr.,

Administrator, Southeastern Power Administration.

[FR Doc. 92-5032 Filed 2-28-92; 2:42 pm]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4111-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden

DATE: Comments must be submitted on or before April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Reporting and Recordkeeping Requirements for the New Source Performance Standards (NSPS) for Storage Vessels for Petroleum Liquids, Subpart Ka (No. 1050.04, OMB No. 2060-0121).

Abstract: This ICR is for an extension of an existing information collection in support of the Clean Air Act, as described under the general NSPS at 40 CFR part 60.7-60.8 and the specific NSPS, regulating volatile emissions from petroleum liquid storage vessels, at 40 CFR part 60.110a-60.115a. The information will be used by the EPA to direct monitoring, inspection, and enforcement efforts, thereby ensuring compliance with the NSPS.

Owners and operators of all affected facilities must report to EPA: (1) Any physical or operational change to their facility which may result in an increase in the regulated pollutant emission rate. All facilities must also maintain records on the facility operation that document: (1) The occurrence and duration of any start-ups, shutdowns, and malfunctions; (2) measurements of maximum true

vapor pressure for each storage vessel; (3) period of storage for the petroleum liquid; (4) emissions data; (5) design specifications; and (6) an operation and maintenance plan for any vapor recovery and return or disposal system.

In addition, owners and operators of facilities that use a floating roof system must report any excessive gaps in tank seals, and notify the EPA when the seal gaps will be measured. These facilities must also maintain records of seal gap measurements.

All subject facilities must maintain records related to compliance for two years.

Burden Statement: Public reporting burden for facilities subject to this collection of information is estimated to average 5 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 113 hours annually.

Respondents: Owners or operators of petroleum storage vessels with a storage capacity exceeding 40,000 gallons and which commenced construction, reconstruction, or modification after May 18, 1978 and prior to July 23, 1984.

Estimated Number of Respondents: 183.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 21,502 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC, 20503.

Dated: February 27, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-5010 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4111-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Section 12(b) Notification of Chemical Exports (EPA ICR No.: 0795.06; OMB No.: 2070-0030). This is an extension of the expiration date of a previously approved collection.

Abstract: Under section 12(b)(2) of the Toxic Substances Control Act (TSCA), those who export or intend to export federally regulated chemical substances (or mixtures) must notify the EPA Administrator annually of the export or intent to export. EPA will then notify the government of the importing country of the Agency's action concerning the regulated chemical. Respondents submit to EPA one annual notice per chemical, or list of chemicals, for each country to which they are intending to export. A notice consists of: The name and the address of the exporter, the name (or list) of the chemical(s) to be exported, the country of import, the date of export, and the citation of the TSCA section (4, 5, 6, or 7) requiring the chemicals to be reviewed for export.

Burden Statement: The estimated public reporting burden for this collection of information is 38 hours per respondent annually. On average a respondent will prepare 74 export notices each requiring 0.5 hour. This estimate includes the time to read the instructions, gather existing information, prepare the chemical lists and submit the annual notice.

Respondents: Exporters of TSCA 12(b) chemicals.

Estimated no. of Respondents: 162.

Estimated no. of Responses per Respondent: 74.

Estimated Total Annual Burden on Respondents: 6,162 hours.

Frequency of Collection: Annually and on occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM 223Y), 401 M Street, SW., Washington, DC 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503.

Dated: February 27, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-5011 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4110-8]

Pollution Prevention Education Committee (PPEC) of the National Advisory Council for Environmental Policy and Technology (NACEPT); Open Meeting

Under Public Law 92463 (The Federal Advisory Committee Act), EPA gives notice of a meeting of the Industry Working Group of the Pollution Prevention Education Committee (PPEC). PPEC is a standing committee of the National Advisory Council for Enviornmental Policy and Technology (NACEPT), and advisory committee to the Administrator of the EPA. The Industry Focus Group is meeting to discuss pollution prevention education and training needs.

The meeting will convene March 4, 1992, from 9 a.m. to 4 p.m., at the Ramada Renaissance at Tech World, 999 Ninth Street, NW., Washington, DC. The site was chosen for its proximity to participants and relevance to the subject matter to be discussed.

The meeting will be attended by a small group of corporate and non-profit executives with expertise in environmental issues. Under the general topic of education and training, the meeting will focus on how the EPA can help promote pollution prevention within industry. There will be three roundtable discussions dealing with voluntary partnerships, collaborative initiatives, and the regulatory process. The session will conclude with a presentation and discussion of conclusions.

The **Federal Register** Notice announcing this meeting was submitted late due to scheduling difficulties with both the volunteer industry representative and the hired facilitator. Rather than submit incorrect information, the notice was delayed.

Dated: February 21, 1992.

Gordon Schisler,

Acting, NACEPT Designated Federal Official.

[FR Doc. 92-4895 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4111-5]

Ecological Processes and Effects Committee; Dioxin Ecotox Subcommittee; Ecorisk Subcommittee; Open Meetings

Under Public Law 92-463, notice is hereby given that two meetings of Subcommittees of the Ecological Processes and Effects Committee (EPEC) of the Science Advisory Board (SAB) will be held in March, 1992. Both meetings are open to the public.

The Dioxin Ecotox Subcommittee will meet March 19-20, 1992 at the Raddison Plaza Hotel at Mark Center, 5000 Seminary Road, Alexandria, Virginia. The meeting will start at 8:30 a.m. on March 19 and will adjourn no later than 5 p.m. on March 20. The main purpose of this meeting is to review a Dioxin Research plan and the rationale for development of ambient aquatic life water quality criteria for 2,3,7,8-tetrachlorodibenzo-p-dioxin. Based on the tentative charge, the SAB has been asked to review the plan to determine: 1. Whether the test species and endpoints are appropriate; 2. whether the research will provide data needed to fill data gaps for this criterion; 3. to identify other tests which should be included; and 4. evaluate the consistency of the proposed tests with those required by the National Water Quality Criteria Guidelines. Copies of background documents for this review are available from Ms. Maria Gomez-Taylor, U.S. EPA, Office of Science and Technology (WH-586), 401 M Street SW., Washington, DC 20460. Phone: (202) 260-1639.

The Ecoriak Subcommittee will meet on March 26-27, 1992 at the Capitol Hill Hotel, 200 C Street SE., Washington, DC 20003. This meeting will begin at 9 a.m. on March 26, 1992 and will adjourn no later than 5 p.m. on March 27. The main purpose of this meeting is to review "A Plan for Developing Ecological Risk Assessment Guidelines". The plan builds on elements and terminology proposed in a recent report by the Risk Assessment Forum, "Framework for Ecological Risk Assessment" and proposes to organize future guidelines around the phases of the eocrisk assessment process described in the Framework Report. The Subcommittee will also receive briefings on plans for issue papers and peer reviews of case studies. Based on the tentative charge, the Subcommittee review will focus on the following issues: 1. Are the phases of ecorisk assessment suitable to structure the guideline?; 2. Are the proposed issue papers appropriate?; 3. Are the case studies (1991 and 1992) appropriate to evaluate the ecorisk assessment process? Copies of background documents for this review will be available in early March from Dr. William van der Schalie, EPA, Risk Assessment Forum (RD-689), Office of Research and Development, 401 M Street SW., Washington, DC 20460. Phone: (202) 260-6743.

For additional information concerning either meeting or to obtain an agenda, please contact Dr. Edward Bender, Designated Federal Official, or Mrs. Jolly, Staff Secretary, Ecological Processes and Effects Committee (EPEC), Science Advisory Board (A-101-F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Phone: (202) 260-6552; Fax: (202) 260-7118. Anyone wishing to make a presentation at the meeting should forward a written statement to Dr. Bender no later than March 10, 1992 for the Dioxin Ecotox review or no later than March 17, 1992 for the review of the Ecorisk framework and strategy. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of seven minutes. Seating at the meeting will be on a first come basis.

Dated: February 21, 1992.

Donald Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92-5012 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-M

[OPP-42029B; FRL-3944-1]

New Mexico; Intent to Approve Revised New Mexico Plan for Certification of Pesticide Applicators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve revised State Certification Plan.

SUMMARY: New Mexico has submitted to EPA a revised plan for the certification of pesticide applicators. This revised plan consolidates the existing New Mexico Plan and approved plan amendments. In addition the revised plan adopts a program for certification of Compound 1080 Livestock Protection Collar applicators. Notice is hereby given of the intention of the Regional Administrator, EPA Region VI, to approve this plan. A summary of the plan's new program for certification of Compound 1080 Livestock Protection Collar applicators appears below. Interested persons are invited to comment.

DATES: Written comments must be submitted on or before April 3, 1992.

ADDRESSES: Address comments identified by the docket control number OPP-42029B, to Jerry Oglesby, Pesticides and Toxic Substances Branch, Region VI, U. S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, TX 75202-2733.

FOR FURTHER INFORMATION CONTACT: Jerry Oglesby (214-655-7239).

SUPPLEMENTARY INFORMATION: In accordance with the provision of section 11(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and 40 CFR part 171, the New Mexico Department of Agriculture has submitted to EPA a revised New Mexico Certification Plan. This revised plan consolidates the existing plan with amendments and adopts a new program to permit certification of applicators of the Compound 1080 Livestock Protection Collar.

I. Summary of Plan

Prior to July 11, 1985, all predator control uses of Compound 1080 were canceled. On July 11, 1985, EPA granted the initial registration of Compound 1080 Livestock Protection Collars for predator control. The registration of Compound 1080 Livestock Protection Collars imposed additional reporting and recordkeeping requirements beyond that required of other restricted use pesticides. Further, the registration required that Compound 1080 Livestock Protection Collar applicators receive specific training and a distinct certification. This addition to the New Mexico Certification Plan that was published in the **Federal Register** of November 9, 1976 (41 FR 49514), meets the requirements of the Compound 1080 Livestock Protection Collar registration.

Compound 1080 Livestock Protection Collar Certification Plans were approved for Wyoming on July 2, 1986, Montana on June 17, 1987, and Texas on April 8, 1988. Under the proposed New Mexico program, the New Mexico Department of Agriculture will monitor the distribution and use of each collar. Certified applicators may request Compound 1080 Livestock Protection collars only on an approved State order form. New Mexico Department of Agriculture maintains the authority to

approve/disapprove the use of Compound 1080 Livestock Protection Collars in New Mexico. The New Mexico Department of Agriculture will also conduct use inspections and issue a notice of violation which outlines the appropriate enforcement action if violations are discovered.

New Mexico estimates that 87 private applicators and an additional 15 public applicators will seek certification under the plan. Public applicators under the New Mexico Pesticide Control Act cannot apply pesticides for hire or receive compensation for these pesticide applications. The New Mexico public applicator category is the category of certification available to employees of a Federal or State agency. It is anticipated that selected employees in the Animal Damage Control Program of the United States Department of Agriculture, Animal and Plant Health Inspection Services (USDA-APHIS) will seek New Mexico certification as Compound 1080 Livestock Protection Collar applicators. USDA-APHIS has an approved registration for Compound 1080 Livestock Protection Collars and will provide collars to these certified employees. New Mexico will provide the collars through designated distributors to all other certified public and private applicators. To coordinate their activities, New Mexico and USDA-APHIS have entered into a Memorandum of Understanding, which is included as part of the New Mexico certification plan. Both public and private applicators of Compound 1080 Livestock Protection Collars will be required to meet the standards of competency established for commercial applicators under 40 CFR 171.4(b). In addition, all Compound 1080 Livestock Protection Collar applicators must attend specialized training and pass a written examination prior to being certified as a Compound 1080 Livestock Protection Collar applicator. A separate license will be issued to designate certification as a Compound 1080 Livestock Protection Collar applicator.

Compound 1080 Livestock Protection Collar applicators will be issued licenses annually and must be recertified every 5 years. To be recertified an applicator must attend an approved training program and take and pass an examination approved by the New Mexico Department of Agriculture.

The regulations contained in the plan were passed on May 10, 1991 and became effective on July 1, 1991.

II. Public Comments

Copies of the amendment are available for review at the following locations during normal business hours:

1. New Mexico Department of Agriculture, Box 30005, Dept. 3189, Corner of Gregg and Espina, Las Cruces, NM 88003–0005, Telephone: (505) 646–3007.
2. Environmental Protection Agency, Region VI, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202, Telephone: 214–655–7239.

Interested persons are invited to submit written comments on the proposed State Plan.

Dated: February 12, 1992.

Joe D. Winkle,

Acting Regional Administrator, Region VI.

[FR Doc. 92–4787 Filed 3–3–92; 8:45 am]

BILLING CODE 6560–50–F

[OPP–66156; FRL 4000–5]

Notice of Receipt of Requests for Amendments to Delete uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions, and the deletions will become effective on June 2, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (H7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: room 216, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–5761

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 56 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product name, and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before June 2, 1992 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to Agency approval of the deletion approval.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Registration No.	Product Name	Delete Use On
000016–00019	Dragon 50% Malathion Insect Spray	Broccoli, Brussel Sprouts, Cabbage, Cauliflower, Kale, Beans, Peas, Potatoes, Apples, Pears, Dogs and Cats
000100–00501	Supracide 2E	Alfalfa, Pure Stands/Stands containing Clover or Grass
000100–00719	Supracide	Alfalfa, Pure Stands/Stands Containing Clover or Grass, Pure Stands of Timothy Grass
000264–00267	Ethrel Plant Regulator	Boysenberries
000264–00447	Asulox Herbicide	Ditchbanks
000264–00457	Mocap Brand 15% Granular Nematicide-Insecticide	Soybeans
000264–00458	Mocap Brand EC Nematicide-Insecticide	Soybeans
000264–00465	Mocap Brand 10% Granular Nematicide	Soybeans

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

Registration No.	Product Name	Delete Use On
000279–01421	Methyl Parathion 5.0 Miscible Insecticide	Artichoke, Peppers, Tomatoes
000279–02149	Methyl Parathion 2 Thiodan 3 EC	Peppers, Tomatoes
000279–02609	Methyl Parathion 1.0 Thiodan 2.0 C.O.EC Insecticde	Artichoke, Peppers, Tomatoes
000279–02669	Methyl Parathion 25 WP	Artichoke, Peppers, Tomatoes
000352–00270	Du Pont Lorox Weak Killer WP	Cotton
000352–00317	Du Pont Sinbar Herbicide	Citrus, Strawberries
000352–00342	Du Pont Lannate Insecticide	Watercress
000352–00361	Du Pont Methomyl Composition	Watercress
000352–00366	Du Pont Methomyl Technical	Watercress
000352–00370	Du Pont Lannate L Insecticide	Watercress
000352–00384	Du Pont Lannate LV Insecticide	Watercress
000352–00391	Du Pont Lorox L Herbicide	Cotton
000352–00394	Du Pont Lorox DF Herbicide	Cotton
000400–00049	Alanap-L	Soybeans, Peanuts
001270–00085	Zep 50% Malathion Emulsifiable Concentrate	Around agricultural premises
001339–00184	Cotton States 6 Lb. Methyl Parathion	Peaches, Plums, Prunes
004170–00043	Betco Indoor/Outdoor Insect Killer	Ornamental plants
005204–00086	TPTH Technical	Carrots
005481–00175	Methyl Parathion 5	Gooseberries, Apples, Pears, Apricots, Cherries, Peaches, Plums, Prunes, Peppers, Tomatoes
005905–00055	4 Lb. Methyl Parathion	Gooseberries, Grapes, Strawberries, Almonds, Apples, Pears, Apricots, Cherries, Peaches, Plums, Prunes, Hops, Cucumbers, Peppers, Tomatoes, Artichoke, Tobacco, Safflower
007401–00155	Hi-Yield 4 Lb. Methyl Parathion	Tobacco
007467–00059	Methyl Parathion 4-EC	Cucumbers, Peppers, Tomatoes
007467–00061	Methyl Parathion 7.5-EC	Cucumbers, Peppers, Tomatoes
008340–00015	Brastan H47, 5-WP	Carrots
008340–00017	TPTH Technical	Carrots
009779–00034	Methyl Parathion 4	Peppers, Tobacco, Tomatoes
010163–00002	Prokil Methyl Parathion 4	Peppers, Tomatoes
010163–00021	Prokil Malathion 8E	Rhubarb
010182–00173	Imidan 50-WP	Citrus, Grapes, Alfalfa, Corn, Cotton, Peas (fresh & dry), Potatoes
010182–00205	Devrinol 50-WP Selective Herbicide	Curbits
010182–00224	Imidan 70-WP	Alfalfa, Grapes
010182–00258	Devrinol 50-DF Selective Herbicide	Cucurbits
019713–00037	Drexel Methyl Parathion 4E	Gooseberries, Grapes, Strawberries, Apples, Pears, Apricots, Plums, Cherries, Peaches, Prunes, Cucumbers, Peppers, Tomatoes, Artichoke, Safflower, Hops
019713–00234	Drexel Methyl Parathion 6E	Grapes, Strawberries, Apples, Peaches, Plums, Prunes, Hops, Peppers, Cucumbers, Tomatoes, Artichoke, Safflower
019713–00256	Drexel 7-1/2 Lb. Methyl Parathion	Peaches, Plums, Prunes
019713–00281	Drexel Methyl Parathion 4	Gooseberries, Grapes, Strawberry, Apples, Pears, Apricots, Cherries, Peaches, Plums, Prunes, Hops, Peppers, Tomatoes, Artichoke, Safflower
033660–00003	Trifluralin Technical	Spearmint, Peppermint
034704–00072	Clean Crop Methyl Parathion 7.5	Gooseberries, Grapes, Strawberries, Apples, Pears, Apricots, Plums, Cherries, Prunes, Hops, Cucumbers, Peppers, Tomatoes, Safflower
034704–00094	Metaspray 5E	Pears, Plums, Prunes, Peppers, Tomatoes, Artichoke, Safflower
034704–00183	Grower Service Methyl Parathion 1.5 Thiodan 3EC	Tobacco
034704–00497	Methyl Parathion 25 WP	Peppers, Tomatoes
051036–00042	Methyl Parathion 4EC	Tobacco, Apples, Grapes, Peaches, Strawberries, Safflower, Peppers, Artichoke, Tomatoes, Cucumbers
051036–00087	Methyl Parathion 7.5-EC	Grapes, Strawberries, Apples, Pears, Apricots, Cherries, Peaches, Plums, Prunes, Hops, Cucumbers, Peppers, Tomatoes, Artichoke, Tobacco, Safflower, Peanuts
051036–00088	Methyl Parathion 6EC	Grapes, Strawberries, Apples, Peaches, Plums, Prunes, Hops, Artichoke, Tobacco, Safflower
055947–00097	Pentac Aquaflow Miticide	Shadehouses, Outdoors, Nursery Stock, Exterior Landscapes

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

Registration No.	Product Name	Delete Use On
062719-00093	Treflan E.C.	Peppermint, Spearmint
062719-00116	Treflan M.T.F.	Peppermint, Spearmint
062719-00118	Treflan 5	Peppermint, Spearmint

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company No.	Company Name and Address
000016	Dragon Corp., Box 7311, Roanoke, VA 24019.
000100	Ciba-Geigy Corp., Box 18300, Greensboro, NC 27419.
000264	Rhone-Poulenc Ag Co., Box 12014, Research Triangle Park, NC 27709.
000279	Fmc Corp., Agricultural Chemical Group, 1735 Market Street, Philadelphia, PA 19103.
000352	E.I. Du Pont Denemours & Co., Inc., Agricultural Products Department, Box 80038, Wilmington, DE 19880
000400	Uniroyal Chemical Co. Inc., 74 Amity Rd, Bethany, CT 06524.
001270	Zep Mfg. Co., Box 2015, Atlanta, GA 30301.
001339	Cotton States Chem Co Inc., P O Drawer 157, W Monroe, LA 71291.
004170	Betco Corp., Box 3127, Toledo, OH 43607.
005204	Atochem North America, Inc., 3 Benjamin Franklin Parkway, Philadelphia, PA 19102.
005481	Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, CA 90023.
005905	Helena Chemical Co., 6075 Popular Ave - Suite 500, Memphis, TN 38119.
007401	Voluntary Purchasing Group, Inc., Box 460, Bonham, TX 75418.
007467	Valley Co-Op Oil Mill, Box 1310, Harlingen, TX 78550.
008340	Hoechst Celanese Corp., Rt 202-206, Box 2500, Somerville, NJ 08876.
009779	Riverside/terra Corp., Box 171376, Memphis, TN 38187.
010163	Gowan Co., Box 5569, Yuma, AZ 85366.
010182	ICI Americas Inc., Agricultural Products, New Murphy Rd. & Concord Pike, Wilmington, DE 19897
019713	Drexel Chemical Co., Box 9306, Memphis, TN 38109.
033660	Pazianos Assoc., Agent For: Industria Prodotti Chimici S., 1338 G St SE, Washington, DC 20003
034704	Platte Chemical Co., 419 18th St. (80632) Box 667, Greeley, CO 80632.
051036	Micro-Flo Co., Box 5948, Lakeland, FL 33807.
055947	Sandoz Crop Protection Corp., 1300 E. Touhy Ave., Des Plaines, IL 60018.
062719	Dowelanco, Quad IV 9002 Purdue Rd., Indianapolis, IN 46268.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute all existing stocks with the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

Dated: January 27, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92-4783 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-34023; FRL 4010-8]

Notice of Receipt of Requests for Amendments to Delete uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions, and the deletions will become effective on June 2, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (H7502C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: room 216, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305-5761

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pecticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register.** Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 10 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before June 2, 1992 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Registration no.	Product Name	Delete Use On
000352-00354	Du Pont Benlate Fungicide	Roses, Flowers, Ornamentals, Bulbs, Shade Trees, Greenhouse [Hydroponic/Chemigation Uses], Dip Treatment for Sugarcane, Drench Treatment for Strawberry Transplants
000352-00357	Du Pont Tersan 1991 Turf Fungicide	Roses, Flowers, Ornamentals, Shade Trees, Bulbs, Chemigation Greenhouses
000352-00447	Du Pont Benlate 50 DF Fungicide	Dip Treatment for Sugarcane, Drench Treatment for Strawberry Transplants, Chemigation Greenhouses
000352-00507	Du Pont Benlate 1991 DF Turf/Ornamental Fungicide	Roses, Flowers, Ornamentals, Shade Trees, Bulbs,Chemigation Greenhouses
000400-00423	Terrazole 4 Flowable	Avocado, Strawberries
007969-00060	Dazomet Technical	Once Through Cooling Systems
010182-00205	DEVRINOL 50WP Selective Herbicide	Mint
010182-00253	DEVRINOL 10G Selective Herbicide	Mint
055947-00095	Pentac WP Miticide	All Shadehouses, Outdoors, Nursery Stock, Exterior Landscapes
055947-00105	SPUR 22EW Insecticide	Tobacco

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company no.	Company Name and Address
000352	E.I. Du Pont Denemours & Co., Inc., Agricultural Products Department, Box 80038, Wilmington, DE 19880.
000400	Uniroyal Chemical Co. Inc., 74 Amity Rd, Bethany, CT 06524.
007969	BASF Corp., Agricultural Chemicals Group, Box 13528, Research Triangle Park, NC 27709.
010182	ICI Americas Inc., Agricultural Products, New Murphy Rd. & Concord Pike, Wilmington, DE 19897.
055947	Sandoz Crop Protection Corp., 1300 E. Touhy Ave., Des Plaines, IL 60018.

II. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute all existing stocks with the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

Dated: January 29, 1992.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

[FR Doc. 92-4784 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-66155; FRL 3949-7]

Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn, all cancellations will be effective June 2, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (H7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Rm. 210, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-5761

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the Federal Register before acting on the request.

II. Intent to Cancel

This Notice announces receipt by the Agency of requests to cancel some 65 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration no.	Product Name	Chemical Name
000100 GA-90-0007	Larvadex 2 SL	*N*-Cyclopropyl-1,3,5-triazine-2,4,6-triamine
000100 IN-90-0002	Larvadex 2 SL	*N*-Cyclopropyl-1,3,5-triazine-2,4,6-triamine
000264 PR-91-0003	Temik 15 G Aldicarb Pesticide	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime
000829-00129	SA-50 Brand 2,4-D Amine Weed Killer	Alkanol* amine 2,4-dichlorophenoxyacetate *(salts of the ethanol and isopropanol series)
001021-00252	Pyrethrum Powder	Pyrethrins
001021-01216	Pyrethrum Powder	Pyrethrins
001021-01536	Evercide Concentrate 2383	4-Chloro-alpha-(1-methylethyl)benzeneacetic acid, - cyano(3-phenoxyphenyl)methyl ester
003125 FL-88-0022	Nemacur 3	Ethyl 4-(methylthio)-*m*-tolyl isopropylphosphoramidate
003125 MI-90-0004	Bayleton 50% Wettable Powder Fungicide	1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone
004581 TX-78-0011	Accelerate A Harvest Aid for Cotton	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid, compd with *N,N*-dimethyl-1-Tridecanamine
004822-00164	Off! Insect Repellent IV	2-Ethyl-1,3-hexanediol
004822-00191	6100 Formula 2 Fly and Mosquito Repellent Gel	2-Ethyl-1,3-hexanediol *N,N*-Diethyl-meta-toluamide and other isomers
004822-00203	Johnson Wax 6017 Formula 10 Insect Repellent	2-Ethyl-1,3-hexanediol *N,N*-Diethyl-meta-toluamide and other isomers
005481-00056	Alco Stump Killer	Ammonium sulfamate
005887-00071	Black Leaf Lawn Weed Killer Spray Can	Dimethylamine 3,6-dichloro-o-anisate Alkanol* amine 2,4-dichlorophenoxyacetate *(salts of the ethanol and isopropanol series)
006718-00009	Pursue Disinfectant Spray	Isopropanol *o*-Phenylphenol
007276-00008	RMC Soluble Prolin Kills Rats and Mice	*N*-(2-Quinoxalinyl)sulfanilamide Warfarin sodium salt
008186-00001	Carboline Polyclad Tropical Anti-Fouling Red 1240-3	Copper (metallic) Cuprous oxide
008186-00004	Carboline Polyclad Tropical Anti-Fouling Red 1240-2	Copper (metallic) Cuprous oxide
008186-00015	Imperial C-Flex 121 Vinyl Copper Anti Fouling Black	Cuprous oxide
008580-00001	Endo Rat Improved Killer Kakes	3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin
008848-00054	707 Flea & Tick Powder for Dogs and Cats	1-Napthyl-*N*-methylcarbamate (Butylcarbityl)(6-propylpiperonyl) ether 60% and related compounds 20% Pyrethrins
009779-00026	Riverside Parathion 4	*O,O*-Diethyl *O*-*p*-nitrophenyl phosphorothioate
009779-00125	Riverside Dithon 60	*O,O*-Dimethyl *O*-*p*-nitrophenyl phosphorothioate *O,O*-Diethyl *O*-*p*-nitrophenyl phosphorothioate
009779 AL-84-0002	Riverside DSMA Liquid Herbicide	Disodium methanearsonate
035488-20204	Doc Edmonds' Roach Powder	Boric acid
037100-00017	Dimilin ODC	1-(4-Chlorophenyl)-3-(2,6-difluorobenzoyl)urea
045639-00106	Botran 6% Dust	2,6-Dichloro-4-nitroaniline
045639-00109	Botran 6% Dust	2,6-Dichloro-4-nitroaniline
045639-00110	Botran 75 W	2,6-Dichloro-4-nitroaniline
045639-00112	Botran 12% Dust Fungicide	2,6-Dichloro-4-nitroaniline
045639-00113	Botran 15% Dust Fungicide	2,6-Dichloro-4-nitroaniline
045639-00114	Botran 10% Dust	2,6-Dichloro-4-nitroaniline
045639-00115	Botran 4% Dust Fungicide	2,6-Dichloro-4-nitroaniline
045639-00121	Botec Peanut Seed Protectant	2,6-Dichloro-4-nitroaniline cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
045639-00128	Botran Technical	2,6-Dichloro-4-nitroaniline
048301-00002	NEPD 2-Nitro-2-Ethyl-1,3-Propanediol	2-Nitro-2-ethyl-1,3-propanediol
049592-00001	Spariffic	Calcium hypochlorite 2,3-Dichloro-1,4-napthoquinone
051036-00065	Thiram 65 WP	Tetramethyl thiuramdisulfide
056644-00049	Security Clip & Dip Rooting Compound	Indole-3-butyric acid
056644-00059	Security Brand Rose & Flower Dust	*O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate Sulfur Tetrachloroisophthalonitrile
056644-00061	Security Start-Rite	Indole-3-butyric acid

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product Name	Chemical Name
059639 CA-85-0070	Fumitoxin New Coated Tablets-R	Aluminum phosphide
059639-00016	Ortho Dibrom-Sulfur 4-20 Dust	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate Sulfur
059639-00049	Ortho Dibrom Sevin Sulfur 4-5-40 Dust	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate 1-Napthyl-*N*-methylcarbamate Sulfur
059639 LA-91-0004	Ortho Bolero 8EC	*S*-((4-Chlorophenyl)methyl) *N,N*-diethylthiocarbamate
062499-00014	Ortho Dibrom Technical	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate
062499-00023	Orthene Technical	*O,S*-Dimethyl acetylphosphoramidothioate
062499-00026	Orthene MFG	*O,S*-Dimethyl acetylphosphoramidothioate
062499-00027	Chevron Monitor 60% Concentrate	*O,S*-Dimethyl phosphoramidothioate
062499-00036	Chevron Ag Base Lite Neutral	Aliphatic petroleum hydrocarbons
062499-00037	Chevron Premium Ag 100	Aliphatic petroleum hydrocarbons
062499-00038	Chevron Naled Technical	1,2-Dibromo-2,2-dichloroethyl dimethyl phosphate
062499 AR-82-0008	Ortho Bolero 8EC	*S*-((4-Chlorophenyl)methyl) *N,N*-diethylthiocarbamate
062499 LA-82-0005	Ortho Bolero 8EC	*S*-((4-Chlorophenyl)methyl) *N,N*-diethylthiocarbamate
062499 MS-82-0004	Ortho Bolero 8EC	*S*-((4-Chlorophenyl)methyl) *N,N*-diethylthiocarbamate
062499 MS-83-0011	Ortho Bolero 8EC	*S*-((4-Chlorophenyl)methyl) *N,N*-diethylthiocarbamate
064069 PR-89-0001	Temik 10% Granular Aldicarb Pesticide for Agric. Use	2-Methyl-2-(methylthio)propionaldehyde *O*-(methylcarbamoyl)oxime

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued cancelling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 90-day period.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company no.	Company Name and Address
000100	Ciba-Geigy Corp., Box 18300, Greensboro, NC 27419.
000264	Rhone-Poulenc Ag Co., Box 12014, Research Triangle Park, NC 27709.
000829	Southern Agricultural Insecticides, Inc., Box 218, Palmetto, FL 34220.
001021	McLaughlin Gormley King Co., 8810 Tenth Ave. North, Minneapolis, MN 55427.
003125	Mobay Corp., Agricultural Chemicals Division, Box 4913, Kansas City, MO 64120.
004581	Agchem Division-Pennwalt Corp., Three Parkway, Room 619, Philadelphia, PA 19102.
004822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
005481	Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, CA 90023.
005887	Wilbur-Ellis Co., Box 9518, Fresno, CA 93792.
006718	Amway Corp., Technical Services, R & D, 7575 E Fulton Rd., Ada, MI 49335.
007276	RMC Prod Co., Box 848, Ft Dodge, IA 50501.
008186	Carboline Co., 350 Hanley Industrial Ct., St. Louis, MO 63144.
008580	Hilliard Products Inc., 1453 Division Hwy, New Holland, PA 17557.
008848	Safeguard Chemical Corp., 806 E. 144 St., Bronx, NY 10454.
009779	Riverside/terra Corp., Box 171376, Memphis, TN 38187.
035488	J.M.W. App & Co., Inc., 330 Club Drive, Gastonia, NC 28054.
037100	John W. Kennedy Consultants Inc., Agent For: Duphar B. V., 9101 Cherry Ln Suite 113, Laurel, MD 20708.
045639	Nor-Am Chemical Co., 3509 Silverside Rd., Wilmington, DE 19803.
048301	John W. Kennedy, Agent For: Angus Chemical Co, 9101 Cherry Ln Suite 113, Laurel, MD 20708.
049592	Applied Methods Enterprises Inc., 100 Sweaney Blvd., Eastchester, NY 10707.
051036	Micro-Flo Co., Box 5948, Lakeland, FL 33807.
056644	Security Products Co. of Delaware, Inc., D.B.A. Security Products Co., 485 Oak Place Suite 370, Atlanta, GA 30349.
059820	Calif. Dept. of Food & Agri., 1220 N St, Sacramento, CA 95814.
059639	Valent U.S.A. Corp., 1333 North California Blvd. Box 8025, Walnut Creek, CA 94596.
062499	Chevron Chemical Co., Agricultural Chemicals Division, 15049 San Pablo Ave. Box 4010, Richmond, CA 94804.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company no.	Company Name and Address
064068	Ochoa Fertilizer Co., Inc., GPO 3128, San Juan, PR 00936.

III. Procedures for Withdrawal of Request

Registrants who chose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before June 2, 1992. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

IV. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit registrants to continue to sell and distribute existing stocks of the cancelled products for 1 year after the date of this notice. Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

Dated: January 27, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92-4923 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-30325; FRL 3944-7]

Certain Companies; Applications to Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Written comments must be submitted by April 3, 1992.

ADDRESSES: By mail submit comments identified by the document control number [OPP-30325] and the registration/file number, attention Product Manager (PM) named in each application at the following address: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Attn: (Product Manager (PM) named in each registration), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product Manager	Office location/ telephone number	Address
PM10 Richard Mountfort	Rm. 261, CM #2 (703-557-0502).	Environmental Protection Agency 1921 Jefferson Davis Hwy Arlington, VA 22202
PM 21 Susan Lewis	Rm. 227, CM #2 (703-557-1900).	-Do-

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 45639-RLU. Applicant: NOR-AM Chemical Company, PO Box 7495, 3509 Silverside Road, Wilmington, DE 19803. Product name: Flutolanil Technical. Fungicide. Active ingredient: Flutolanil *N*-[3-(1-methylethoxy)phenyl]-2-trifluoromethyl)benzamide 98.3 percent. Proposed classification/Use: General. For formulating use only. (PM 21)

2. File Symbol: 45639-RLG. Applicant: NOR-AM Chemical Company, PO Box 7495, 3509 Silverside Road, Wilmington, DE 19803. Product name: ProStar 50 WP. Fungicide. Active ingredient: Flutolanil *N*-[3-(1-methylethoxy)phenyl]-2-trifluoromethyl)benzamide 50.3 percent. Proposed classification/Use: General. To control disease on turf. (PM 21)

3. File Symbol: 352-LLR. Applicant: E. I. Du Pont de Nemours and Co, Inc., Agricultural Products Department, PO Box 80038, Wilmington, DE 19880-0038. Product name: Technical A0159. Insecticide. Active ingredient: [2*H*-1,3-Thiazine, tetrahydro-2-(nitromethylene) 97 percent. Proposed classification/Use: General. For formulating use only. (PM 10)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Public Response and Program Resources Branch, Fields Operation Division office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the FOD office (703-557-2805), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: February 8, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-4785 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180862; FRL 4048-1]

Receipt of Application for Emergency Exemption to use Methyl Anthranilate Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Washington Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide methyl anthranilate (CAS 134-20-3) on up to 1,500 acres of cherries and up to 500 acres of highbush blueberries as a bird repellant. The Applicant proposes the use of a new chemical; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 19, 1992.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180862," should be submitted by mail to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Office location and telephone number: rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-7690).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue specific exemptions for the use of methyl anthranilate on cherries and highbush blueberries as a bird repellant. Information in accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant claims that birds such as robins (*Turdus migratorius*), starlings (*Sturnus vulgaris*), finches (*Carpodacus spp.*), sparrows (*Spizella spp.*), crows and ravens (*Corvus spp.*), and waxwings (*Bombycilla spp.*) are primary pests of cherries and highbush blueberries in Washington. Birds attack the crop just as the fruit begins to mature and continue their feeding throughout the harvest period (generally 4-6 weeks). The Applicant claims that a good degree of control was previously achieved using the chemical methiocarb. However, the product was withdrawn from the market in 1989, and various forms of scare tactics used since then have proven ineffective. The Applicant states that tactics such as propane cannons, "avalarms", balloons, scarecrows, reflecting tape, and pyrotechnics lose their effectiveness within a few hours or days. Additionally, the Applicant claims that while no data exists in Washington documenting the increase or decrease in pest bird species, mild winters and warm springs during the last 2 years have contributed to their increased abundance. Capture rates of starlings by USDA Animal and Plant Health Inspection Services', Animal Damage Control agents in Washington have increased more than four-fold during the last year.

Methyl anthranilate is the chief chemical constituent of concord grapes, and gives the variety its distinctive odor and flavor. It is also found in several other cultivars of grapes, and all of these cultivars suffer little bird damage. Concentrated methyl anthranilate has been used for years as a flavor additive for drugs, candies, bubble gum, and soft drinks. At low concentrations, it imparts a rather pleasant flavor when tasted by humans. At elevated concentrations, it begins to taste bitter. Birds, however, have been found to reject methyl anthranilate at almost every concentration level. In tests, the birds will begin to feed upon treated fruit only when alternative food sources are not available and the birds have not eaten for several hours. Methyl anthranilate is also characterized by its distinctive odor. Tests have shown that when the odor is associated with the taste, the odor alone will be sufficient to discourage the birds' feeding.

The Applicant states that, depending upon the number of birds using the field as a primary feeding area, 20 – 50 percent of the cherry crop can be lost. The applicant claims that a conservative estimate of 18 percent yield loss in cherries due to bird damage translates to total annual losses of about $1,680 per acre. Various estimates are given for estimated loss in blueberries. The applicant states that economic conditions in the blueberry industry have been extremely difficult in recent years as growers struggle with low prices, increased labor costs, and heavy bird damage. Estimates of yield loss in blueberries due to bird damage range from about 20 – 80 percent if the crop is left unprotected. The applicant claims that an estimate of 20 percent yield loss in blueberries due to bird damage translates to total annual losses of about $1,849 per acre.

The Applicant requests to treat up to 1,500 acres of cherries, using up to 52,500

gallons of product (120,225 lb. a.i.). The use period would be May 1 through July 31, 1992, and a maximum of 7 applications would be made with a minimum of 6 days between applications. The product would be mixed at a rate of 1 gallon product per 100 gallons of water, and applications would be made with ground equipment only, at a rate of 300 – 500 gallons of finished spray solution (3 – 5 gallons product) per acre. A 6-day pre-harvest interval would be observed. The Applicant requests to treat up to 500 acres of highbush blueberries, using up to 2,800 gallons of product (6,412 lbs. a.i.). The use period would be June 15 through August 30, 1992, and a maximum of 7 applications would be made with a minimum of 6 days between applications. The product would be mixed at a rate of 1 gallon product per 100 gallons of water, and applications would be made with ground equipment only, at a rate of 50 – 100 gallons of finished spray solution (0.5 – 1 gallon product) per acre. A 6-day pre-harvest interval would be observed.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Washington Department of Agriculture.

Dated: February 10, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-4782 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

[PP OG3819/T617; FRL 4047-3]

Chloroethoxyphos; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for the combined residues of the insecticide chloroethoxyphos in or on certain raw agricultural commodities.

DATES: These temporary tolerances expire January 16, 1993.

FOR FURTHER INFORMATION CONTACT By mail: Dennis Edwards, Product Manager (PM) 19, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-6386.

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of June 19, 1991 (56 FR 28153), announcing the extension of temporary tolerances for the combined residues of the insecticide chloroethoxyphos (phosphorothioic acid, *O,O*-diethyl *O*-(1,2,2,2,-tetrachloroethyl) ester) in or on the raw agricultural commodities field corn, grain, forage and fodder at 0.02 part per million (ppm). These tolerances were issued in response to pesticide petition (PP) OG3819, submitted by E. I. du Pont de Nemours and Co., Inc., Agricultural Products, Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038.

These temporary tolerances have been extended to permit the continued marketing of the raw agricultural commodities named above when treated in accordance with the provisions of experimental use permit 352-EUP-152, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of these temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Du Pont must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire January 16, 1993. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: February 6, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-4786 Filed 3-3-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Lykes Bros. Steamship Co., Inc., et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011367-001.

Title: Colombia Discussion Agreement.

Parties:

Lykes Bros. Steamship Co., Inc., Flota Mercante Grancolombiana S.A. (F.M.G.), Frontier Liner Services.

Synopsis: The proposed amendment would add Compania Sud Americana De Vapores as a party to the Agreement.

Dated: February 28, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-5016 Filed 3-3-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 28, 1992.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR § 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be submitted on or before March 19, 1992.

ADDRESS: Comments, which should refer to the OMB Docket number, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR § 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

Proposal to approve under OMB delegated authority the extension with revision of the following reports:

1. *Report title:* Report of Commercial Paper Outstanding Placed by Brokers and Dealers; Report of Commercial Paper Outstanding Placed Directly by Issuers; Daily Report of Offering Rates on Commercial Paper.

Agency form number: FR 2957a, FR 2957b, and FR 2957d.
OMB Docket number: 7100-0002.
Frequency: Monthly, Weekly, and Daily.
Reporters: Brokers, Dealers, and Direct Issuers of Commercial Paper.
Annual reporting hours: 1457.
Estimated average hours per response: .2 to .7.
Number of respondents: 67.
Small businesses are not affected.
General description of report: This information collection is voluntary and is authorized by law [12 U.S.C. 263, 353 et seq., and 461] and is given confidential treatment [5 U.S.C. 552(b)(4)].
Abstract: These reports provide information on the amounts outstanding and selected offering rates on commercial paper, which is used by the Federal Reserve to gauge the aggregate flow of funds and to determine the composition of short-term financing components in credit markets.

Proposal to approve under OMB delegated authority the implementation of the following reports:

1. *Report title:* Report on Total Foreign Exchange Turnover.

Agency form number: FR 3036a and FR 3036c.
OMB Docket number: 7100-0252.
Frequency: One-time survey.
Reporters: Principals and brokers that are active in the U.S. foreign exchange market.
Annual reporting hours: 13,120.
Estimated average hours per response: 64.
Number of respondents: Approximately 205.
Small businesses are not affected.
General description of report: This information collection is voluntary and is authorized by law [12 U.S.C. 248(a), 353-359, and 3105(b)] and is given confidential treatment [5 U.S.C. 552(b)].
Abstract: This survey will gather information as of April 1992 on turnover volume in the U.S. foreign exchange market from approximately 190 bank and nonbank financial institutions and approximately 15 brokers. The information will assist the Federal Reserve in assessing market structure and in implementing monetary policy. Aggregated survey data will be compiled with information from similar surveys conducted simultaneously in about 25 foreign countries and made available to the public. This information will enhance public awareness of the size and structure of the global foreign exchange market.

2. *Report title:* 1992 Survey of Consumer Finances.

Agency form number: FR 3059.
OMB Docket number: 7100-0254.
Frequency: One-time survey.
Reporters: U.S. families.
Annual reporting hours: 6,000 hours.
Estimated average hours per response: 1.3 hours.
Number of respondents: Approximately 4,500 families.
Small businesses are not affected.
General description of report: This information collection is voluntary and is authorized by law [12 U.S.C. 225a., 1828(c), 1842 and 1843, Pub. L. No. 102-242.] The names and other characteristics that would permit personal identification of respondents will be retained by the Board's contractor and not made available to the Board or other Federal Reserve Staff. Accordingly, the Board believes that such data are not records subject to the Freedom of Information Act. If these data be deemed records, however, the Board believes that they are exempt from disclosure pursuant to exemption 6 in the FOIA, 5 U.S.C. 552(b)(6).
Abstract: The survey, to be conducted between April and October 1992, will collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. families. The survey is the only source of

representative information on the structure of finances of U.S. families.

Board of Governors of the Federal Reserve System, February 28, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5036 Filed 3-3-92; 8:45 am]

BILLING CODE 6210-01-M

Banc One Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 30, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Banc One Corporation, Columbus, Ohio, and Banc One Ohio Corporation, Columbus, Ohio; to merge with First Security Corporation of Kentucky, Lexington, Kentucky, and thereby indirectly acquire First Security Bank and Trust Company of Lexington, Lexington, Kentucky; and First Security Affiliates, Inc., Lexington, Kentucky, and thereby indirectly acquire First Security Bank and Trust Company of Clark County, Winchester, Kentucky; First Security Bank and Trust Company of Danville, N.A., Danville, Kentucky; and First Security Bank and Trust Company of Madison County, Richmond, Kentucky.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Community Bancorp of Louisiana, Inc., Raceland, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of Lafourche, Raceland, Louisiana.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. The Peoples Bancshares, Inc., Sardis, Tennessee; to beocme a bank holding company by acquiring 100 percent of the voting shares of The Peoples Bank, Sardis, Tennessee.

Board of Governors of the Federal Reserve System, February 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4989 Filed 3-3-92; 8:45 am]

BILLING CODE 6210-01-F

The First National Company; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 30, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. The First National Company, Storm Lake, Iowa; to engage *de novo* through its subsidiary, The First Leasing Company, Storm Lake, Iowa, in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 27, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-4990 Filed 3-3-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Current List of Laboratories Which Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, ADAMHA, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

FOR FURTHER INFORMATION CONTACT: Denise L. Goss, Program Assistant, Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, Room 9-A-53, 5600 Fishers Lane, Rockville, Maryland 20857; tel.: (301)443-6014.

SUPPLEMENTARY INFORMATION: Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, onsite inspections.

Laboratories which claim to be in the applicant stage of NIDA certification are not to be considered as meeting the minimum requirements expressed in the NIDA Guidelines. A laboratory must have its letter of certification from HHS/NIDA which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

AccuTox Analytical Laboratories, 427 Fifth Avenue, NW., Attalla, AL 35954-0770, 205-538-0012

Aegis Analytical Laboratories, Inc., 624 Grassmere Park Road, suite 21, Nashville, TN 37211, 615-331-5300

Alabama Reference Laboratories, Inc., 543 South Hull Street, Montgomery, AL 36103, 800-541-4931/205-263-5745

Alletess Medical Laboratory, Inc., 529 Beacon Parkway West #102, Birmingham, AL 35209, 800-221-0335

Allied Clinical Laboratories, 201 Plaza Boulevard, Hurst, TX 76053, 817-282-2257

American Medical Laboratories, Inc., 11091 Main Street, P.O. Box 188, Fairfax, VA 22030, 703-691-9100

Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, suite 250, Las Vegas, NV 89119-5412, 702-733-7866

Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801-583-2787

Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414-355-4444/800-877-7016

Bellin Hospital-Toxicology Laboratory, 2789 Allied Street, Green Bay, WI 54304, 414-496-2487

Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617-547-8900

Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305-325-5810

Center for Human Toxicology, 417 Wakara Way-Room 290, University Research Park, Salt Lake City, UT 84108, 801-581-5117

Columbia Biomedical Laboratory, Inc., 4700 Forest Drive, Suite 200, Columbia, SC 29206, 800-848-4245/803-782-2700

Clinical Pathology Facility, Inc., 711 Bingham Street, Pittsburgh, PA 15203, 412-488-7500

Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800-445-6917

CompuChem Laboratories, Inc., 3308 Chapel Hill/Nelson Hwy., P.O. Box 12652, Research Triangle Park, NC 27709, 919-549-8263/800-833-3984

Continental Bio-Clinical Laboratory Service, Inc., A MetPath Laboratory, 2740 28th Street, SW, Grand Rapids, MI 49509, 800-777-0706/616-538-6700

Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Avenue, Springfield, MO 65802, 800-876-3652/417-836-3093

Damon Clinical Laboratories, 140 East Ryan Road, Oak Creek, WI 53154, 800-365-3840 (name changed: formerly Chem-Bio Corporation; CBC Clinilab)

Damon Clinical Laboratories, 8300 Esters Blvd., suite 900, Irving, TX 75063, 214-929-0535

Doctors & Physicians Laboratory, 801 East Dixie Avenue, Leesburg, FL 32748, 904-787-9006

Drug Labs of Texas, 15201 I 10 East, suite 125, Channelview, TX 77530, 713-457-3784

DrugScan, Inc., P. O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310

Eagle Forensic Laboratory, Inc., 950 North Federal Highway, suite 308, Pompano Beach, FL 33062, 305-946-4324

Eastern Laboratories, Ltd., 95 Seaview Boulevard, Port Washington, NY 11050, 516-625-9800

ElSohly Laboratories, Inc., 1215-1/2 Jackson Ave., Oxford, MS 38655, 601-236-2609

Employee Health Assurance Group, 405 Alderson Street, Schofield, WI 54476, 800-627-8200 (name change: formerly Alpha Medical Laboratory, Inc.)

General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608-267-6267

Harris Medical Laboratory, 7606 Pebble Drive, Fort Worth, TX 76118, 817-595-0294

HealthCare/Preferred Laboratories, 24451 Telegraph Road, Southfield, MI 48034, 800-328-4142 (inside MI)/800-225-0414 (outside MI)

Laboratory of Pathology of Seattle, Inc., 1229 Madison St., suite 500, Nordstrom Medical Tower, Seattle, WA 98104; 206-386-2672

Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504-392-7961

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 800-533-1710/507-284-3631

Med-Chek Laboratories, Inc., 4900 Perry Highway, Pittsburgh, PA 15229, 412-931-7200

MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901-795-1515

MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 9176 Independence Avenue, Chatsworth, CA 91311, 818-718-0115/800-331-8670 (outside CA)/800-464-7081 (inside CA) (name changed: formerly Laboratory Specialists, Inc., Abused Drug, Laboratories)

MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc., 2356 North Lincoln Avenue, Chicago, IL 60614, 312-880-6900 (name changed: formerly Bio-Analytical Technologies)

MedTox Laboratories, Inc., 402 W. County Road D, St Paul, MN 55112, 612-636-7466/800-832-3244

Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 North Senate Boulevard, Indianapolis, IN 46202, 317-929-3587

Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800-752-1835/309-671-5199

MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708-595-3888

MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201-393-5000

MetWest-BPL Toxicology Laboratory, 18700 Oxnard Street, Tarzana, CA 91356, 800-492-0800/818-343-8191,

National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 410-536-1485 (name changed: formerly Maryland Medical Laboratory, Inc.)

National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800-749-3784 (name changed: formerly Med Arts Lab)

National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703-742-3100/800-572-3734 (inside VA)/800-336-0391 (outside VA)

National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, Suite A-15, Nashville, TN 37217, 615-360-3992/800-800-4522

National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103-6710, 919-

760-4620/800-334-8627 (outside NC)/ 800-642-0894 (inside NC)
National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800-251-9492
National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805-322-4250
Nichols Institute Substance Abuse Testing (NISAT), 8985 Balboa Avenue, San Diego, CA 92123, 800-446-4728/ 619-694-5050 (name changed: formerly Nichols Institute)
Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800-322-3361
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440-0972, 503-687-2134
Parke DeWatt Laboratories, Division of Comprehensive Medical Systems, Inc., 1810 Frontage Rd., Northbrook, IL 60062, 708-480-4080
Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509-926-2400
PDLA, Inc. (Precision), 5 Industrial Park Drive, Oxford, MS 38655, 601-236-5600/800-237-7352
PDLA, Inc. (Princeton), 100 Corporate Court, So. Plainfield, NJ 07080, 908-769-8500/800-237-7352
PharmChem Laboratories, Inc., 1505-A O'Brien Drive, Menlo Park, CA 94025, 415-328-6200/800-446-5177
Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619-279-2600
Precision Analytical Laboratories, Inc., 13300 Blanco Road, Suite #150, San Antonio, TX 78216, 512-493-3211
Puckett Laboratory, 4200 Mamie Street, Hattiesburgh, MS 39402, 601-264-3856/800-844-8378
Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206-882-3400
Roche Biomedical Laboratories, 1801 First Avenue South, Birmingham, AL 35233, 205-581-4170
Roche Biomedical Laboratories, 1957 Lakeside Parkway, Suite 542, Tucker, GA 30084, 404-939-4811
Roche Biomedical Laboratories, Inc., 1912 Alexander Drive, P.O. Box 13973, Research Triangle Park, NC 27709, 919-361-7770
Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800-437-4986
Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601-342-1286
Scott & White Drug Testing Laboratory, 600 South 25th Street, Temple, TX 76504, 800-749-3788
S.E.D. Medical Laboratories, 500 Walter NE Suite 500, Albuquerque, NM 87102, 505-848-8800
Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800-648-5472
SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818-376-2520
SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404-934-9205 (name changed: formerly SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708-885-2010 (name changed: formerly International Toxicology Laboratories)
SmithKline Beecham Clinical Laboratories, 11636 Administration Drive, St. Louis, MO 63146, 314-567-3905
SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800-523-5447 (name changed: formerly SmithKline Bio-Science Laboratories)
SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214-638-1301 (name changed: formerly SmithKline Bio-Science Laboratories)
South Bend Medical Foundation, Inc., 530 North Lafayette Boulevard, South Bend, IN 46601, 219-234-4176
Southgate Medical Services, Inc., 21100 Southgate Park Boulevard, Cleveland, OH 44137-3054, 800-338-0166 (outside OH)/800-362-8913 (inside OH) (name changed: formerly Southgate Medical Laboratory)
St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 North Lee Street, Oklahoma City, OK 73102, 405-272-7052
St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314-577-8628
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 314-882-1273
Toxicology Testing Service, Inc., 5426 N.W. 79th Avenue, Miami, FL 33166, 305-593-2260

Richard A. Millstein,
Acting Director, National Institute on Drug Abuse.
[FR Doc. 92-5146 Filed 3-3-92; 8:45 am]
BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 92N-0102]

Drug Export: RETRO-TEK™ HIV-1 WESTERN BLOT Test Kit

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Cellular Products, Inc., has filed an application requesting approval for the export of the RETRO-TEK™ HIV-1 WESTERN BLOT Test Kits to Italy.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Cellular Products, Inc., 872 Main St., Buffalo, NY 14202, has filed an application requesting approval for the export of RETRO-TEK™ HIV-1 WESTERN BLOT Test Kits to Italy. The RETO-TEK™ HIV-1 WESTERN BLOT Test Kit is an in vitro qualitative assay for the detection and identification of specific immunoreactivities to the human immunodeficiency virus type 1 (HIV-1). The test is intended to provide more specific analysis of immunoreactivities to HIV-1 in specimens scored as repeatably reactive for antibodies to HIV-1 using blood screening assays such as the enzyme linked immunosorbent assay (ELISA). The application was received and filed in the Center for Biologics Evaluation and Research on February 14, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 16, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: February 24, 1992.

Thomas S. Bozzo,
Director, Office of Compliance, Center for Biologics Evaluation and Research.
[FR Doc. 92-5055 Filed 3-3-92; 8:45 am]
BILLING CODE 4160-01-M

Health Care Financing Administration

Statement of Organization, Functions and Delegations of Authority

Part F. of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), FR, Vol. 56, No. 57, pag. 12375, dated, Monday, March 25, 1991) is amended to reflect a change within the Office of the Associate Administrator for Operations. The specific change will establish a new Office of Planning and Support.

The specific amendments to Part F. are described below:

- Section FP. 10, The Office of the Associate Administrator for Operations is amended to include a new organizational component to read as follows:

F. Office of Planning and Support (FP-2)

- Develops and manages systems for integrating and focusing Operations' efforts, resources and capabilities toward achieving initiatives of the HCFA Administrator and the Associate Administrator for Operations (AAO).
- Establishes and implements the integrated and coordinated AAO-wide management planning, workplanning, and performance monitoring processes.
- Formulates policies and positions on management programs having AAO-wide impact, including financial management; budget preparation and execution; resource utilization; and management and organizational analysis. Coordinates the preparation and execution of the AAO-wide budget. Furnishes financial management advice to AAO and provides liaison on AAO fiscal matters with HCFA's Office of Budget and Administration.
- Coordinates and monitors the development of AAO-wide ADP plans and information strategies. Designs, develops, and manages AAO-wide management information systems.
- Develops and implements AAO program and administrative delegations of authority.
- Ensures regional office input to the development, review and clearance of program policies, procedures, and instructions.

Dated: February 25, 1992.

Gail R. Wilensky,
Administrator, Health Care Financing Administration.
[FR Doc. 92-4935 Filed 3-3-92; 8:45 am]
BILLING CODE 4120-03-M

Privacy Act of 1974; Report of New System

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, "Evaluation of the United Mine Workers of America Health and Retirement Funds Medicare Part B Capitation Demonstration, HHS/HCFA/ ORD No. 09-70-0054." We have provided background information about the proposed system in the "Supplementary Information" section below. Although the Privacy Act requires only that the "routine uses" portion of the system be published for comment, HCFA invites comments on all portions of this notice. See "Dates" section for comment period.

DATES: HCFA filed a new system report with the Chairman of the Committee on Government Operations of the House of Representatives, the Chairman of the Committee on Governmental Affairs of the Senate, and the Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, on February 28, 1992. The new system of record will become effective April 28, 1992, unless HCFA receives comments which require alteration to the system.

ADDRESS: The public should address comment to Richard A. DeMeo, HCFA Privacy Act Officer, Office of Budget and Administration, Health Care Financing Administration, Room 2-H-4 East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Ronald Lambert, Division of Health Systems and Special Studies, Office of Demonstrations and Evaluations, Office of Research and Demonstrations, Health Care Financing Administration, Room 2306 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone (301) 966-6624.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records collecting data under the authority of section 1875 of the Social Security Act. The purpose of this system of records is to provide data necessary to evaluate the United Mine Workers of America (UMWA) Health and Retirement Funds' Medicare Part B Capitation Demonstration. This demonstration will determine the cost effectiveness of the capitation arrangement with UMWA, and will assess the changes in access to care and beneficiary satisfaction resulting from the demonstration. The evaluation will analyze data over a 6-year period (July 1987 through June 1993) and will include all UMWA beneficiaries over that period. The UMWA Health and Retirement Funds' beneficiaries are distributed throughout the U.S. but are heavily concentrated in the coal fields of Appalachia. States with the heaviest concentration are West Virginia, Pennsylvania, Kentucky, Alabama, Ohio, and Tennessee. Other States include Indiana, Illinois, California, Oklahoma, Washington, Colorado, and Wyoming. The system of records is expected to include data collected from HCFA Medicare files, including Health Insurance Skeleton Eligibility Writeoff (HISKEW), Medicare Provider Analysis and Review (MEDPAR) data, Part B Medicare Analysis Data (BMAD), and National Claims History data, as well as Department of Labor (DOL) claims data, and UMWA claims data. It will also include data from a survey if one is conducted. Information will be collected on approximately 103,000 UMWA

beneficiaries. This information will be collected by Abt Associates, Inc., the contractor that will conduct an independent evaluation of the demonstration. In order to fulfill the objectives and complete the tasks of this contract, Abt must have individually identifiable records. Since we are proposing to establish this system of records in accordance with the requirements and principles of the Privacy Act (5 U.S.C. 552a), it will not have an unfavorable effect on the privacy or other personal rights of individuals

The Privacy Act permits us to disclose information, without the consent of the individual, for "routine use"—that is, disclosure for purposes that are compatible with the purposes for which we collected the information. The proposed routine uses in the new system meet the compatibility criteria since the information is collected for the purpose of adminstering the Medicare program for which we are responsible.

The disclosures under the routing uses provision will not result in any unwarranted adverse effects on personal privacy.

Dated: February 20, 1992.

Gail R. Wilensky,

Adminstrator, Health Care Financing Administration.

09-70-0054

SYSTEM NAME:

Evaluation of the United Mine Workers of America Health and Retirement Funds Medicare Part B Capitation Demonstration.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The evaluation contractor is Abt Associates, Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retirees of the United Mine Workers of America (UMWA) who are Medicare eligible

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain information concerning a patient's name, Health Insurance Claim Number, demographic characteristics (for example, age and sex), medical diagnoses and conditions, receipt of services and amounts billed and allowed for services, the facilities and practitioners providing services, and responses to survey questions concerning access to health care and satisfaction with health care services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act.

PURPOSE(S):

To provide data necessary to evaluate the United Mine Workers of America Health and Retirement Funds Medicare Part B Capitation Demonstration, including the impact on beneficiary cost, utilization, access and satisfaction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

1. A congressional office, from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. The Department of Justice, to a court or other tribunal, or to another party before such tribunal, when:

a. The Department of Health and Human Services (HHS), or any component therof;

b. Any HHS employee in his or her official capacity;

c. Any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

d. The United States or any agency thereof (when HHS determines that the litigation is likely to affect HHS or any of its components);

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that each disclosure is compatible with the purpose for which the records were collected.

3. To a contractor for the purpose of collating, analyzing, aggregating or otherwise refining or processing records in this system for development, modifying and/or manipulating ADP software. Data would also be disclosed to contractors incidental to consultation, programming, operation, user assistance, or maintenance for an ADP or telecommunications system containing or supporting records in the system.

4. To an individual or organization for a research, demonstration, evaluation, or epidemiologic project related to the prevention of disease or disability or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the research purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form;

(2) Is of sufficient importance to warrant the effect or risk on the privacy of the individual that additional exposure of the record might bring; and

(3) There is reasonable probability that the objective for the use would be accomplished.

c. Requires the recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record;

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient presents an adequate justification of a research or health nature for retaining such information; and

(3) Make no further use or disclosure of the record except:

(a) In emergency circumstances affecting the health or safety of any individual;

(b) For use in another research project, under these same conditions, and with the written authorization of HCFA;

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit; or

(d) When required by law.

d. Secures a written statement attesting to the recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and magnetic media.

RETRIEVABILITY:

Information will be retrieved by beneficiary's name and health insurance claim number.

SAFEGUARDS:

The contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records, the contractor will initiate automated data processing (ADP) system security procedures required by HHS Information Resources Manual (for example, use of passwords) and the National Bureau of Standards Federal Information Processing Standards. Similar safeguards will be provided if any records are transferred to HCFA central office.

RETENTION AND DISPOSAL:

Hardcopy data collection forms and magnetic tapes (or equivalent media) with identifiers will be retained in secure storage areas. Records will be retained for 1 year after the termination of the evaluation contract. The disposal techniques of degaussing will be used to strip magnetic tape (or equivalent media) of identifying names and numbers. Hardcopy records will be destroyed at this time.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research and Demonstrations, Health Care Financing Administration, 2230 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the system manager at the address indicated above. The requestor must specify the name, address, and health insurance number.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should reasonably specify the record contents being sought. These procedures are in accordance with Department Regulations 45 CFR 5b.5(a)(2).

CONTESTING RECORD PROCEDURE:

Contact the system manager named above and reasonably identify the record and specify the information to be contested. State the reason for contesting it (for example, why it is inaccurate, irrelevant, incomplete, or not current). These procedures are in accordance with Department Regulations, 45 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Sources of information contained in this records system are expected to include: Data collected from the HISKEW files: Data collected from the National Claims History; MEDPAR data; BMAD data; UMWA claims data; DOL claims data from DOL system of records DOL-ESA-9, entitled "Office of Workman's Compensation Programs, Black Lung Medical Treatment Records File"; and survey data.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 92-4841 Filed 3-3-92; 8:45 am]

BILLING CODE 4120-03-M

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS).

ACTION: Notice of New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 we are proposing to establish a new system of records, "The Medicare/ Medicaid Multi-State Case-Mix and Quality Data Base for Nursing Home Residents," HHS/HCFA/ORD, No. 09-70-0050.

We have provided background information about the proposed system in the "Supplementary Information" section below. Although the Privacy Act requires only that the "routine use" portion of the system be published for comment, HCFA invites comments on all portions of this notice. See "Dates" section for comment period.

DATES: HCFA filed a new system report with the Chairman of the Committee on Government Operations of the House of Representatives, the Chairman of the Committee on Governmental Affairs of the Senate, and the Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), on February 28, 1992. The new system of records will become effective April 28, 1992 unless HCFA receives comments which require alteration to the system.

ADDRESS: The public should address comments to Richard A. DeMeo, HCFA Privacy Act Officer, Office of Budget and Administration, HCFA, Room 2-H-4, East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Elizabeth S. Cornelius, Project Officer, Division of Long Term Care Experimentation, Office of Research and Demonstrations, HCFA, 2-F-4 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Telephone 410-966-6655.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records under its demonstration authority of section 402(a) of the Social Security Amendments of 1967, Public Law No. 90-248, as amended by section 222(b) of the Social Security Amendments of 1972, Public Law No. 92-603, to provide for retrieval of individually identifiable resident assessment information necessary to support evaluation of the "Medicare/ Medicaid Nursing Home Case-Mix and Quality Demonstration."

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act since they are consistent with the purpose of analyzing data on the physical, mental, functional, and psychosocial status of nursing facility residents living in the States covered by this HCFA demonstration. HCFA will use these analyses to evaluate the quality of nursing facility care and to improve the methods by which the Medicare and Medicaid programs pay for such care. Disclosure of information under these routine uses will not result in any unwarranted adverse effects on personal privacy.

Dated: February 20, 1992.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

09-70-0050

SYSTEM NAME:

The Medicare/Medicaid Multistate Case-Mix and Quality Data Base for Nursing Home Residents.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration (HCFA), Office of Research and Demonstrations (ORD), 6325 Security Boulevard, Baltimore, Maryland 21207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons living in nursing facilities participating in the Medicare and/or Medicaid programs in Kanasa, Maine, Mississippi, New York, South Dakota, and Texas. These States are participating voluntarily in the HCFA

sponsored demonstration and have agreed to transmit data to HCFA to support the routine uses described herein.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system shall contain the information found in the comprehensive assessments of persons residing in Medicare—participating skilled nursing facilities, and Medicaid—participating facilities in the above States. This information is found in the Minimum Data Set Plus (MDS+) which these six States use to meet the requirements of sections 1819(b)(3) and 1919(b)(3) of the Social Security Act. Sections 1819(b)(3) and 1919(b)(3) require that States specify a nursing facility resident assessment instrument that the Secretary of the Department of Health and Human Services reviews and then approves. These six States have elected to use the MDS+ to meet this requirement. It is the information contained in the MDS+ that forms the system's records. The MDS+ includes standard demographic data for identification such as resident name, social security number, gender, race/ethnicity, and date of birth. Additional information includes a resident's:

Customary routines prior to nursing facility admission
Cognitive status
Communication/hearing status
Vision status
Status in performing activities of daily living
Continence status
Psychosocial well-being status
Mood and behavior status
Activity pursuit patterns
Disease diagnoses, health conditions, and symptoms
Nutritional status
Oral health status
Skin condition
Medications use
Special treatments and assistive devices needed, and received

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402(a) of the Social Security Amendments of 1967, Public Law No. 90–248, as amended by section 222(b) of the Social Security Amendments of 1972, Public Law No. 92–603.

PURPOSE(S):

To provide data necessary to monitor implementation, and to evaluate the results of the Medicare/Medicaid Multistate Case-Mix and Quality Demonstration, including assessing the impact of a nursing facility case-mix payment system on the quality of nursing facility care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure may be made:

1. To the prime contractors, and their subcontractors for the purpose of assisting State Medicaid and Survey and Certification agencies in Kansas, Maine, Mississippi, New York, South Dakota, and Texas, and HCFA in designing, implementing, and monitoring Medicare/Medicaid nursing facility prospective payment systems using the information contained in the system. These contractors and their employees shall be required to maintain Privacy Act safeguards with respect to such records.

2. To HCFA contractors and subcontractors to evaluate the Medicare/Medicaid Multistate Case-Mix and Quality Demonstration. These contractors and their employees shall be required to maintain Privacy Act safeguards with respect to such records.

3. To a congressional office of an individual from the record, in response to an inquiry from the congressional office made at the request of that individual.

4. To the Department of Justice, to a court or other tribunal, or to another party before such a tribunal, when:

a. The Department of Health and Human Service (HHS), or any component thereof; or

b. Any HHS employee in his or her official capacity; or

c. Any HHS employee in his or her individual capacity when the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

d. The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components; is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the tribunal, or the other party is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

5. To an individual or organization for a research, evaluation, or epidemiological project related to the prevention of disease or disability or the restoration or maintenance of health if HCFA:

a. Determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. Determines that the purpose for which the disclosure is to be made:

(1) Cannot be reasonably accomplished unless the record is provided in individually identifiable form.

(2) Is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. Requires the information recipient to:

(1) Establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) Remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) Make no further use of disclosure of the record except:

(a) In emergency circumstances affecting the health and safety of any individual, or

(b) For use in another research project, under these same conditions and with written authorization of HCFA, or

(c) For disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) When required by law;

d. Secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, magnetic tape, and direct access storage device.

RETRIEVABILITY:

Records may be retrieved by the resident's name, social security number, health insurance claim number, or Medicaid identification number.

SAFEGUARDS:

a. Authorized Users: only HHS personnel or HHS contract personnel whose duties require the use of the system may access the data. In addition, such HHS personnel or contractors are advised that the information is confidential and that criminal sanctions for unauthorized disclosure of private information may be applied.

b. Physical Safeguards: HCFA and its contractors maintain strict physical security of information through systems of password security. HCFA will maintain no paper copies of information. Once MDS+ information is edited, contractors will strip all paper copies of unique resident identifiers and will store these data in a secure location to protect against unauthorized use.

c. Procedural Safeguards: Employees who maintain records in the system are instructed to grant regular access only to authorized users. Data stored in computers are accessed through the use of passwords known only to authorized personnel. Contractors who maintain records in this system are instructed to make no further disclosure of the records except as authorized by the system manager and permitted by the Privacy Act.

d. Implementation Guidelines: Safeguards are implemented in accordance with all guidelines required by HHS. Safeguards for automated records have been established in accordance with the HHS' Automated Data Processing Manual, Part 6 "ADP System Security". This includes maintaining the records in a secure enclosure.

RETENTION AND DISPOSAL:

Records will be retained until January 1, 2000; 5 years after the end of the demonstration.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Long Term Care Experimentation, Office of Research and Demonstrations, Health Care Financing Administration, 2–F–5 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the system manager at the address indicated above and specify the State, facility or State identification number of the facility, date of birth, and your social security number.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors must reasonably specify the information being sought. (These procedures are in accordance with HHS Regulations at 45 CFR 5b.5(a)(2)).

CONTESTING RECORD PROCEDURES:

Contact the system manager named above, reasonably identify the record (provide State or facility identifier number, date of birth, and social security number), and specify the information to be contested. State the reason for contesting the record; e.g., why the information is inaccurate, incomplete, or not current. (The procedures are in accordance with HHS Regulations at 45 CFR 5b.70).

RECORDS SOURCE CATEGORIES:

The source categories are the medical records of individuals residing in nursing facilities participating in the Medicare and Medicaid programs.

[FR Doc. 92–4842 Filed 3–3–92; 8:45 am]
BILLING CODE 4120–03–M

National Institutes of Health

Consolidation and Relocation of National Institutes of Health Management and Staff; Environmental Impact Statement

AGENCY: National Institutes of Health.

ACTION: Notice of intent.

SUMMARY: The National Institutes of Health (NIH) is issuing this notice to inform the public that an environmental impact statement (EIS), in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., will be prepared for the proposed consolidation and relocation of NIH management and staff. The proposed action involves the construction of a suitable building on the NIH campus located in Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. William Fedyna, Office of Communications, National Institutes of Health, Building 1, room 350, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone (301) 496–1776—This is not a toll-free number.

SUPPLEMENTARY INFORMATION: NIH has contracted with consultants to prepare an EIS to assess the environmental impacts of the proposed action that involves consolidation and relocation of NIH management and staff through the construction of a suitable building on the NIH Bethesda campus. A portion of the NIH staff now located on campus and in six leased buildings off campus would relocate to the new facility. The proposed facility would provide approximately 539,000 gross square feet of administrative offices, support, and special-purpose space. Special purpose space may include, but may not be limited to, a cafeteria, mail room, health unit, and loading dock. The proposed building would provide parking for some of the occupants and be within walking distance of the metro station and bus stop.

Alternative actions to be considered in preparing the EIS include: (1) No action (maintain the status quo), (2) consolidation to a single existing facility off the NIH campus, (3) consolidation to a single new facility on the NIH campus.

A scoping meeting will be held at the Walter Johnson High School on March 16, 1992, at 7:30 p.m. Advertisements with details concerning the meeting will be posted in local newspapers. Individuals and representatives of business, community, and citizen groups are encouraged to present their views and concerns or information relating to pertinent environmental issues at the meeting.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, a list of contents is being prepared. Contacts on the list will participate in addressing and resolving issues throughout the EIS process. The list will include individuals from government agencies, business interests, and citizen and community action groups. Comments or questions concerning this proposed action and the EIS are welcome and should be directed to the address and/or telephone number provided above.

Dated: February 27, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92–5022 Filed 3–3–92; 8:45 am]
BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Meeting; Basic Sciences II Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Basic Sciences II Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases, on March 20, 1992 at the Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Bethesda, Maryland 20815.

The meeting will be open to the public from 8:30 a.m. to 9 a.m. on March 20 to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–

463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 9 a.m. until adjournment on March 20. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning indivduals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Rsponses, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institute of Health, Bethesda, Maryland 20892, telephone 301–496–5717, will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Allen Stoolmiller, Scientific Review Officer, Acquired Immunodeficiency Syndrome Research Review Committee, NIAID, NIH, Solar Building, room 4C21, Rockville, Maryland 20892, telephone 301–496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: February 24, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5021 Filed 3–3–92; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–92–3403]

Submission of Proposed Information Collection to OMB

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management ad Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Joan Campion, Rules Docket Clerk, Department of HUD, 451 7th Street, SW., Room 10276, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708–0055. This is not a toll–free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for expedited processing, an information collection package with respect to a Notice of Fund Availability (NOFA) for the Public Housing Resident Management Program. HUD is requesting a 10-day OMB review of this information collection.

The funds for this technical assistance were appropriated by the Housing and Community Development Act of 1987 (Pub. L. 100–42, approved February 5, 1988).

HUD intends to provide $4,425,201 million under this NOFA to resident councils/resident management corporations, and Indian resident organizations, for the development of resident management entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

The NOFA describes: (1) The nature and scope of eligible and technical assistance activities; (2) the application process and the factors that HUD will use in evaluating all applications; and (3) the selection and approval procedures.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35):

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the informaiton and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submission will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: February 28, 1992.

Michael B. Janis,

General Deputy, Assistant Secretary for Public and Indian Housing.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Funding Availability for 1992—Public Housing Resident Management Program (FR–3151)

Office: Office of Resident Initiatives.

Description of the Need for the Information and its Proposed Use: This information collection is required in connection with the issuance of a Notice of Fund Availability, which announces the availability of $5 million for the Public Housing Resident Management Program for Fiscal Year 1992. The Program will provide technical assistance funding to promote "formation and development of resident management entities."

Form Number: None.

Respondents: Non-Profit Organizations.

Frequency of Submission: One Time Only.

Reporting Burden:

	Number of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development	150		1		16		2,400

Total Estimated Burden Hours: 2,400.

Status: Extension.

Contact: Sharron Lipscomb, HUD (202) 708–3611, Jennifer Main, OMB (202) 395–6880.

Supporting Statement for Information Collection

A. Justification

1. This information collection is required in connection with the issuance of a Notice of Fund Availability (NOFA) which announces the availability of $5 million for the Public Housing Resident Management Program for Fiscal Year 1992. The Program will provide technical assistance funding to promote "formation and development of resident management entities." The items in the NOFA that impose information collection requirements are as follows:

—Section II.B., Application Development and Submission, requires Resident Councils/Resident Management Corporations (RMCs)/ Resident Organizations (ROs) to submit an application if they are interested in being considered for funding opportunities.

RCs/RMCs/ROs that are interested in participating in the program will use an application kit.

A copy of the proposed NOFA is attached.

2. The information provided by the applicants will be reviewed and evaluated against the selection criteria contained in the NOFA for possible funding. The applicants will be notified of their selection/rejection. The information is necessary so that the applicants can apply and compete for funding opportunities.

3. We have not considered the use of improved technology since there is no other way to obtain the information except directly from the resident groups.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for this purpose.

6. We've attempted to minimize the burden on the resident groups by using an application kit which includes all of the necessary documents for application purposes and contains detailed instructions for completing the information.

7. The information will be collected on a one-time basis.

8. There are no special circumstances that require the collection to be conducted in a manner which is inconsistent with the guidelines in 5 CFR 1320.6.

9. There has been no outside consulation on this information collection.

10. No assurances of confidentiality is provided.

11. No sensitive questions are asked.

12. We do not estimate that there will be any additional cost to the Federal Government. The applications will be reviewed in accordance with HUD's existing review and monitoring requirements. Annual cost to the respondent is estimated to be minimal since the application submission may be prepared by the resident groups.

13. We estimate that the information requirements of the proposed NOFA will have the following reporting burdens.

	Number of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application development	150		1		16		2,400

Total Reporting Burden: 2,400.

14. N/A

15. The collection of this information will not be published for statistical use.

Exhibit

Note: The following is an excerpt from an unpublished NOFA, illustrating the nature of the information collection requirements to which this notice pertains:

PHA/IHA Notification

HUD will send a notification to PHAs/IHAs associated with the applications selected for funding.

II. Application Process

Actions Preceding Application Submission

Consistent with this NOFA, HUD may direct a PHA/IHA to notify its existing RC(s)/RMC(s)/RO(s) of this funding opportunity. It is important for residents to be advised that even in the absence of a RC/RMC/RO, the opportunity exists to establish a RC/RMC/RO. If no RC/RMC/RO exists for any of the projects, HUD encourages a PHA/IHA to post this NOFA in a prominent location within the PHA's/IHA's main office, as well as in each project office.

Application Development and Submission

(1) An application kit is required as the formal submission to apply for funding. The kit includes information on the preparation of a Work Plan and Budget for activities proposed by the applicant. An application may be obtained by writing the Resident Initiatives Clearinghouse, Post Office Box 6091, Rockville, MD 20805, or by calling the toll free number 1–800–955–2232. Applications are available from *(DATE) to (DATE).*

An RC/RMC/RO shall prepare and submit the application to the local HUD field office or, in the case of IHAs, to the appropriate HUD Office of Indian Programs (together with its request for a waiver), listed in the Appendix to this NOFA.

(2) *Preparation.* The application must contain the following information:

(a) Name and address of the RC/RMC/RO. Name and title of the board members of the RC/RMC/RO and date of the last election. A copy of the RC's/RMC's/RO's organizational documents, i.e., charter, articles of incorporation (if incorporated), and by-laws. Name and phone number of contact person (in the event further information or clarification is needed during the application review process);

(b) Name, address and phone number of the Public Housing Agency (PHA)/ Indian Housing Authority (IHA) responsible for the project(s) to which inquiries may be addressed concerning the application;

(c) A narrative statement of the proposed activities, addressing the following issues:

(i) A discussion of the need for the project(s) and overall group objectives

for resident management, and how the proposed activities will meet the needs of the RC/RMC/RO;

(ii) Amount of funds requested and an explanation of how the funds will be used, if approved, to determine feasibility of resident management and promote the information and development, or implementation and operation, of resident management entities. Time frames for completion of proposed activities must be included;

(iii) A discussion of the experience of the RC/RMC/RO and individual board members in community activities, and actions taken in meeting the needs of the project residents;

(iv) A description of the project financial accounting procedures that are available, or plans to develop these procedures, to ensure that funds are properly spent;

(v) An explanation of how the proposed activities will enhance the management effectiveness or the scope of functions managed by a RC/RMC/RO, if applicable, along with a description of staffing plans;

(vi) An explanation of the RC's/RMC's/RO's progress in carrying out any Work Plan previously approved by HUD (applicable to RCs/RMCs/ROs funded in FYs 1988, 1989, 1990, and 1991);

(vii) A description of other funding the RC/RMC/RO has received for activities related to resident management, and, if appropriate, how the requested funding will complement ongoing activities;

(viii) A discussion of the extent to which the State/local government, PHA/IHA, community organizations, and private sector support the activities outlined in the proposal, including through provision of financial resources, technical assistance, or other support;

(ix) A description of the extent to which the residents of a project support the proposed activities; and

(x) A discussion of how the proposal specifically meets the Ranking Factors listed in this NOFA;

(d) The name of the project(s) for which the funds are proposed to be used, the number of units, a brief description of the project occupancy type (family or elderly), the number of buildings, housing type (high-rise, low-rise, walk-up, etc.), and the physical condition of the project (interior/exterior);

(e) A budget, with supporting justification and documentation; Work Plan; and Implementation Schedule. The schedule for completion of all activities shall not exceed two years;

(f) The application must be signed by an authorized member of the board of the RC/RMC/RO and must include a resolution from the RC/RMC/RO stating that it agrees to comply with the terms and conditions established under this program and under 24 CFR part 964 (for Public Housing) and 24 CFR 905.355 (for Indian Housing);

(g) Assurances that the RC/RMC/RO will comply with all applicable Federal laws, Executive Orders, regulations, and policies governing this program, including all applicable civil rights laws, regulations, and program requirements.

(3) *Supplementing Applications.* (a) HUD is in full support of a cooperative relationship between a resident organization and its PHA/IHA. A resident organization is urged to involve its PHA/IHA in the application planning and submission process. This can be achieved through meetings to discuss resident concerns and objectives, and how best to transfer these objectives into activities in the application. The RC/RMC/RO is also encouraged to obtain a letter of support from the PHA/IHA indicating to what extent it supports the proposed activities and would provide technical assistance. An applicant may receive the maximum point value, as appropriate under Ranking Factor 2(d) in subheading I.M of this NOFA, where there is evidence of a strong partnership between the RC/RMC/RO and PHA/IHA and a commitment by the PHA/IHA to provide technical assistance, on-the-job training, or in-kind services to the resident organization. (b) A RC/RMC/RO is encouraged to include an indication of support by project residents (e.g., RC/RMC/RO Board resolution, copies of minutes, letters, petition, etc.); the neighboring community; and local public or private organizations, including State and local government entities responsible for activities relating to resident management or economic development initiatives. A RC/RMC/RO should also include evidence of the extent of support committed to the program. HUD will give the maximum point value, as appropriate under Ranking Factor 2(c) in subheading I.M of this NOFA, to an applicant that obtains commitments of support from these organizations, including financial assistance, technical assistance, or other tangible support. Copies of letters of support or other evidence of support should be included with the application.

(4) *Submission.* The original and 2 copies of the Application must be submitted to HUD.

[FR Doc. 92-5057 Filed 3-3-92; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-020-02-4212-11; AZA-25624]

Realty Action Recreation and Public Purposes (R&PP) Act Classification Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Recreation and Public Purpose Lease Conveyance.

SUMMARY: The following public lands in Mohave County, Arizona have been examined and found suitable for classification for lease or conveyance to the Golden Valley Fire Department under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The Golden Valley Fire Department proposes to use the lands for a fire station.

Gila and Salt River Base and Meridian, Mohave County, Arizona

Township 21 North, Range 19 West
Sec. 10, SE¼SE¼SE¼NE¼.
Comprising 2½ acres, more or less.

The lands are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purpose Act and to all applicable regulations of the Secretary of the Interior.
2. A right-of-way for ditches and canals constructed by the authority of the United States.
3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.
4. Those rights for road purposes granted to the Mohave County Board of Supervisors by Permit No. AZA-24305.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Kingman Resource Area, 2475 Beverly Avenue, Kingman, Arizona.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purpose Act and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated: February 24, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-4992 Filed 3-3-92; 8:45 am]

BILLING CODE 4212-11-M

[NV-930-02-4212-11; N-55116]

Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Nevada

The following public lands in Churchill County, Nevada have been examined and found suitable for classification for lease or conveyance to Churchill County under the provisions of the Recreation and Public Purposes Act as amended (43 U.S.C. 869 et seq.). Churchill County proposes to use the lands for a motor racing complex.

Mount Diablo Meridian

T. 16 N., R. 28 E.,
sec. 12, SE¼.
T. 16 N., R. 29 E.,
sec. 7, Lots 3 and 4, E½SW¼, W½SE¼.
(Containing 399.95 acres, more or less).

The subject lands were withdrawn for reclamation purposes in association with the Newlands Reclamation Project, and are under Bureau of Reclamation jurisdiction. The Bureau of Reclamation has approved of the determination that the lands are not needed for reclamation or other Federal purposes. Lease or conveyance would be in the public interest.

The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

A right-of-way for ditches and canals constructed by the authority of the United States.

All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

and, any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

And will be subject to:

Rights-of-way for highway purposes and a material site access road issued to the Nevada Department of Transportation by Right-of-Way Grants Nev-058985 and CC-018410.

Detailed information concerning this action, including an environmental assessment, is available for review at the office of the Bureau of Land Management, Carson City District.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Lahontan Resource Area Manager, Carson City District Office, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706. Any adverse comments will be reviewed by the District Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Dated this 10th day of February, 1992.

James M. Phillips,

Area Manager, Lahontan Resource Area.

[FR Doc. 92-4946 Filed 3-3-92; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-4214-10; N-219]

Cancellation of Proposed Withdrawal; Nevada

February 12, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Mineral withdrawal application N-219 for the Desert National Wildlife Range has been canceled by the U.S. Fish and Wildlife Service (FWS). The land remains closed to surface entry and mining under FWS mineral withdrawal application, N-54955. The land has been and remains open to mineral leasing.

EFFECTIVE DATE: February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702-785-6526.

SUPPLEMENTARY INFORMATION: A notice terminating the segregative effect of a pre-Federal Land Policy and Management Act (FLPMA) withdrawal application, N-219, was published in the **Federal Register** as Document No. 91-23867 on page 50345 on October 4, 1991. That document provided a legal description of the lands and indicated that the application would be processed unless it was canceled or denied. FWS has canceled the application.

The land remains closed to surface entry and mining under post-FLPMA mineral withdrawal application, N-54955.

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 92-4945 Filed 3-3-92; 8:45 am]

BILLING CODE 4310-HC-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 681220

Applicant: Harry O. Thomas, Sarasota, FL.

The applicant requests a permit to export and reimport one female white tiger (*Panthera tigris*) captive-bred at the facilities of Adriatic Animal Attractions, Inc., Deland, Florida, for the purposes of exhibition and conservation education. The applicant anticipates multiple shipments for these purposes.

PRT 680013

Applicant: Wayne C. Young, Nicholson, PA.

The applicant requests a permit to export and reimport one captive-bred female leopard (*Panthera pardus*) and two captive-bred male tigers (*Panthera tigris*) for exhibition and conservation education.

PRT 765763

Applicant: Jackson Wilkinson, Salinas, CA.

The applicant requests a permit to import the sport-hunted trophy of a male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. J.L. Kock, Richmond, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT 765509

Applicant: New York Zoological Society, Bronx, NY.

The applicant request a permit to import blood samples collected from captive-held (includes removed from the wild and hatched in captivity) St. Vincent Amazon parrots (*Amazona guildingii*) which are in the possession

of private individuals and institutions world-wide. The blood samples are to be used in DNA analysis for enhancement of propagation and survival of the species.

PRT 760403

Applicant: Hawthorn Corporation, Graylake, IL.

The applicant requests a permit to reexport and reimport one female Asian elephant (*Elephas maximus*) for enhancement of propagation through conservation education.

PRT 766106

Applicant: Franklin Gress, Davis, CA.

The applicant requests a permit to collect up to 15 brown pelican (*Pelecanus occidentalis*) eggs from nests on Anacapa Island, Channel Islands National Park, California, for scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281)

Dated: February 27, 1992.

Margaret Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92–4968 Filed 3–3–92; 8:45 am]

BILLING CODE 4310–55–M

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Eighth Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice sets forth summaries of the United States negotiating positions for the eighth regular meeting of the Conference of the Parties (COP8) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

FOR FURTHER INFORMATION CONTACT: Marshall P. Jones, Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, room 432, Arlington, VA 22203, Telephone 703/358–2093.

SUPPLEMENTARY INFORMATION:

Background

The convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in Appendices to the treaty. Currently, 113 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties which review its implementation, make provisions enabling the CITES Secretariat (in Switzerland) to carry out its functions, consider amending the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention. The eighth regular meeting of the Conference of the Parties to CITES (COP8) will be held in Kyoto, Japan, March 2–13, 1992.

The Fish and Wildlife Service (Service) hereby publishes summaries of the United States' negotiating positions of COP8. This is part of a series of notices which, together with public meetings, allow the public to participate in the development of the U.S. positions for COP8. A **Federal Register** notice published on February 7, 1991 (56 FR 4965) requested information from the public on animal or plant species proposals that should be considered by the United States. A **Federal Register** notice published on June 11, 1991 (56 FR 26832) announced the time and place of the meeting of COP8 and the provisional agenda, requested information and comments on the provisional agenda, announced procedures for those applying for observer status at the COP, and announced a public meeting on June 25, 1991. A **Federal Register** notice published on July 24, 1991 (56 FR 33894) invited comments and information on those proposals for amending the Convention's appendices that the United States was considering. A **Federal Register** notice published on December 31, 1991 (56 FR 67627) summarized and invited public comments on the proposed U.S. negotiating positions on all agenda items for COP8 except for proposals to amend the CITES Appendices, and announced a public meeting that was held on January 8, 1992. A **Federal Register** notice published on January 3, 1992 (57 FR 262) summarized and invited public comments on the proposed U.S. negotiating positions on proposals to amend the CITES Appendices that were submitted by countries other than the United States. The Service's regulations governing this public process are found in title 50 of the Code of Federal Regulations §§ 23.31–23.39.

What follows is: a summary of U.S. negotiating positions on most of the items on the provisional agenda of COP8; a summary of written information and comments received in response to the **Federal Register** notice of December 31, 1991 and the record of the public meeting of January 8, 1992; a summary of decisions pertaining to COP8 made at the 24th CITES Standing Committee Meeting in Lausanne, Switzerland, January 20–21, 1992, which the United States attended as an observer; and summaries of the rationales for the negotiating positions which included responses to the information and comments received, when necessary. The words "change" used in parentheses at the beginning of the description of negotiating positions and rationales indicates there has been a substantial change from what was proposed in the **Federal Register** of December 31, 1991. Numbers and titles next to each item are the same as those used in the December 31, 1991 notice, and correspond to the provisional agenda for COP8 received from the CITES Secretariat; document numbers are those assigned by the CITES Secretariat. Those documents that have not yet been received from the CITES Secretariat will not be available until COP8 in Japan.

Comments were received from 41 organizations and 34 private individuals or companies, and covered virtually all of the agenda items. Comments were received from the following organizations on a number of issues: African Wildlife Foundation (AWF), American Humane Association (AHA), Animal Legal Defense Fund (ALDF), Animal Welfare Institute (AWI), Cactus and Succulent Society of America (CSSA), Center for International Environmental Law (CIEL), Defenders of Wildlife, Fur Information Council of America (FICA), Earth Island Institute, Earth Trust, Environmental Investigation Agency (EIA), Greenpeace International, Greenpeace USA, Humane Society of the United States (HSUS), International Council for Bird Preservation (ICBP), International Fund for Animal Welfare (IFAW), International Primate Protection League (IPPL), International Wildlife Coalition (IWC), National Rifle

Association (NRA), New York Zoological Society (NYZS), Performing Animal Welfare Society (PAWS), Pet Industry Joint Advisory Council (PIJAC), Rainforest Action Network (RAN), Safari Club International (SCI), Sierra Club, Society for Animal Protective Legislation (SAPL), and WWF/TRAFFIC. Comments were received from the following organizations on bird trade issues only: American Federation of Aviculture (AFA), National Audubon Society (Audubon), Pet Educational and Trade Society of Connecticut (PETS), Pionus Breeders Association, and World Parrot Trust. Comments were received from the following on plant trade issues only: American Association of Botanical Gardens and Arboreta (AABG), American Orchid Society (AOS), California Cactus Growers Association (CCGA), Commercial Orchid Growers Guild (COGG; signed by 136 individuals), Fauna and Flora Preservation Society (FFPS), International Organization for Succulent Plant Study (IOS), Natural Resources Defense Council (NRDC), Orchids Limited, Pleurothallid Alliance, Inc. (PA), University of California at Irvine Arboretum (UCI), and 7 private companies of individuals. In the following discussion, if a commenter supported the U.S. position but did not offer any comments or information, they are listed as such without further discussion.

Negotiating Positions: Summaries

I. Opening Ceremony by the Authorities of Japan (Doc. 8.1)

Negotiating position: No position necessary.

Information and comments: None received.

Rationale: Not an issue for negotiation.

II. Welcoming Address (Doc. 8.1)

Negotiating position: No position necessary.

Information and comments: None received.

Rationale: Not an issue for negotiation.

III. Adoption of the rules of procedure (Doc. 8.3)

Negotiating position (changed): Support the use of electronic voting in the future if it can be made available. Support the 21 January decision of the Standing Committee not to change the current rules of procedure to make it easier to obtain a secret vote unless a new proposal not previously considered is presented to COP8; in that case, the U.S. position about whether to oppose or support such a proposal will be based on whether it would facilitate a very limited use of secret votes without opening the door to abuse or unduly disrupting the conduct of the meeting. Oppose any attempt to define criteria by which Parties determine the eligibility for observer status of a national non-governmental organization (NGO). Support the decision of the Standing Committee to add the Budget Committee chair to be a member of the Bureau.

Information and comments: Comments were received on this issue from AAZPA, AHA, ALDF, Defenders (on behalf of AWF, AWI, IWC, RAN, and Sierra Club), Greenpeace (on behalf of CIEL, Earth Trust, EIA, IFAW, IPPL, PAWS, and SAPL), HSUS, NRA, and SCI. Defenders et al, FICA, HSUS, NRA, and SCI support the use of electronic voting. NRA, SCI and FICA advocate making secret votes easier to obtain, in order to allow countries to cast their votes without undue pressure from some NGOs, although FICA is concerned that it not be abused and result in excessive loss of time. AAZPA agrees with allowing secret votes for sensitive issues only. AHA, ALDF, Defenders et al., Greenpeace et al., and HUSU oppose the proposed U.S. position to support a procedure that makes it easier to obtain a secret vote. AHA, Defenders, et al., and HSUS maintain that open votes are necessary in international rulemaking bodies so that delegates can be accountable to their home governments and citizenry. Greenpeace et al. argue that voting at a COP is analogous to voting in Congress, where public accountability by voting representatives is used to ensure that responsibilities are not abused. Defenders et al., and Greenpeace et al. also suggest that the delegates to the COP should be accountable to the international community, both governmental and non-governmental, because CITES makes trade and wildlife protection a matter of international concern. ALDF and Defenders et al. prefer that secret ballots be allowed in unusual circumstances only, and never for amendments to the Appendices. Defenders et al. recommend that the rules be amended to forbid secret votes except for the election of officers and the selection of host countries; any threats of retaliation for votes should be investigated by UNEP. AAZPA, FICA, HSUS, NRA and SCI agree with the U.S. position opposing any criteria at the COP for observer status. AAZPA strongly endorses the addition of the Budget Committee to the Conference Bureau.

Rationale (changed): Electronic voting is a faster and more accurate method of voting; however, Japan will not be able to provide electronic voting at COP8. The United States proposed supporting a rules change making it easier to obtain a secret vote, as CITES rules allowed prior to the sixth Conference (Ottawa, 1987), because current procedures make a truly secret vote virtually impossible; the roll vote on whether to conduct a secret vote is perceived as a signal of how parties would cast their secret vote on the substantive issue. However, the Standing Committee at its 21 January meeting was unable to agree on any proposal to make secret votes easier which would not also disrupt the orderly conduct of the meeting and/or open the door to abuse of the voting process. If this issue is brought up again at COP8, the United States will oppose any change to the rules unless there is consensus among parties that the procedure would severely restrict the number of secret votes and allow the decision about whether to have a secret ballot to be made fairly and efficiently. Regardless of any secret ballots which may be taken, all U.S. positions and votes will be publicly disclosed. In terms of observer eligibility, the United States has always interpreted the phrase in the treaty "technically qualified in protection, conservation or management of wild fauna and flora" liberally, and will oppose any attempt to further define this language. The Standing Committee decided to approve the addition of the Budget Committee Chair to the Conference Bureau to increase the stature of the committee and enable the Conference to have a better geopolitical balance in leadership positions.

IV. Election of Chair and Vice-Chair of the Meeting and of Committees I and II (Doc. 8.1, 8.2)

Negotiating position (change): Support the Standing Committee's decisions to nominate a senior Japanese diplomat to chair the Conference; the Executive Director of the World Conservation Union (IUCN), to chair Committee I; a senior member of the U.S. delegation to chair Committee II; and a senior member of the New Zealand delegation to chair the Budget Committee. Support consideration of representatives of Latin America and Europe to serve as vice chairs.

Information and comments: AAZPA and NYZS support the proposed U.S. position.

Rationale (change): It is traditional for the parties to approve the host government's candidate to chair the meeting; the Japanese nominee, Ambassador Nobutoshi Akao, has extensive experience with international

environmental issues. The Standing Committee nominated Dr. Martin Holdgate of the IUCN to Chair Committee I because he has the experience and chairmanship skills necessary for the controversial species listing issues to be taken up by this Committee. The United States consented to the Standing Committee's request that Mr. Marshall P. Jones be made available as a candidate to chair Committee II, which will also have to deal with a number of important and controversial issues, and supports Mr. Murray Hoskings of New Zealand to chair the Budget Committee because of his extensive management and budget experience.

V. Adoption of the Agenda and Working Programme (Doc. 8.1, 8.2)

Negotiating position (change): Support the Standing Committee's decision to grant requests by Southern African countries to have the following resolutions considered at the beginning of the meeting: Recognition of the Benefits of Trade, Criteria for Amendments to the Appendices, Support of Range States for Amendments of Appendices I and II. This does not imply that the United States support the resolutions themselves; see discussions of individual resolutions under agenda item XIII. Support consideration of the Uruguay resolution on wild animal trade under agenda item 12.

Information and Comments: AAZPA, AHA, FICA, HSUS, NRA, NYZS, and SCI commented on this issue. AAZPA supports the proposed U.S. position to consider some of these resolutions early in the COP, while not supporting the resolutions themselves. AHA agrees, while contending that those resolutions are divisive and in contravention of the treaty. FICA, NRA and SCI also support early consideration of the resolutions, because they raise serious issues about the meaning of CITES. HSUS is the only commenter opposing early consideration of the Zimbabwe et al resolutions, claiming that early consideration would give them prominence and change the atmosphere of the meeting. AAZPA and HSUS hope that single issues will not dominate COP8, in order to give more time to implementation issues and all species proposals. AHA suggests that the resolution submitted by Uruguay on wildlife trade be discussed under agenda item 12 (trade in wild-caught animals) rather than under item 11 (wild bird trade).

Rationale (change): It is logical to consider some of the Zimbabwe resolutions early in the meeting as they have relevance to several other agenda items. Moving them to early consideration in no way gives them greater prominence, but rather will serve to deal with the serious issues they raise and allow the balance of the meeting to proceed smoothly. The Uruguay resolution relates more to agenda item 12 since it deals with all animals in trade, not just birds.

VI. Establishment of the Credentials Committee and Committees I and II (Doc. 8.1, 8.2)

Negotiating position: Support the establishment of the Credentials Committee and Committees I and II.

Information and comments: AAZPA, HSUS, and NYZS support the proposed U.S. position.

Rationale: Establishment of the Credentials Committee is a pro forma matter. The United States supports the establishment of Committees I and II, provided most participating Parties have been able to send at least two delegates, or that the rules governing debate of the Committees ensure that most delegations will have an opportunity to debate recommendations before a final decision is made.

VII. Report of the Credentials Committee (No document)

Negotiating position: Support adoption of the report of the Credentials Committee if it does not recommend the exclusion of legitimate representatives of party nations. Representatives whose credentials are not in order should be afforded observer status as provided for under Article XI. If credentials have been delayed, representatives should be allowed to vote on a provisional basis. A liberal interpretation of the rules of procedure on credentials should be adhered to in order to ensure maximum party participation.

Information and comments: AAZPA, HSUS, and NYZS support the proposed U.S. position.

Rationale: Adoption of the report is generally pro forma. Exclusion of Party representatives whose credentials are not in order could undermine essential cooperation among parties.

VIII. Admission of Observers (Doc. 8.4)

Negotiating position: Support admission to the meeting of all technically qualified NGOs and oppose unreasonable limitations on their full participation at COP8. Support Standing Committee's decision to endorse a leaflet, "Helpful Hints for Participants", being developed for COP8 by the United Kingdom's Management Authority.

Information and comments: AAZPA, AHA, ALDF, Defenders (on behalf of AWF, AWI, IWC, NRA, RAN, SAPL, and Sierra Club), FICA, HSUS, NRA, SCI and NYZS support the proposed U.S. position. AHA notes that the strength of CITES is the participation of a broad range of NGOs in debates, negotiations, discussions, and working groups. Defenders et al. add that open NGO participation has helped make CITES a model for future international cooperation. FICA, NRA and SCI note that actions of some NGOs at COP7 in Switzerland in 1989 were inappropriate, and that the behavior of some NGOs and not their views has been the problem in the past.

Rationale: NGOs play an important role in CITES activities and have much to offer to the debates and negotiations at a COP. Their participation is specifically provided by Article XI of CITES. The United States supports the opportunity for all technically qualified observers to fully participate at COPs. A leaflet describing Conference protocol and acceptable behavior will be helpful to NGOs and delegates alike.

IX. Matters related to the Standing Committee (Doc. 8.5 not yet received)

Negotiating position: Stress the leadership role of the Standing Committee in the oversight of the Secretariat's activities. Encourage selection of new members from regions whose current members are due to rotate off the Committee (Africa, Asia, and Latin America and the Caribbean) who will also take an active role in Standing Committee activities. Encourage a country with a commitment to active involvement in CITES affairs to seek election as the new Standing Committee chair.

Information and comments: AAZPA, AHA, HSUS and NYZS support the proposed U.S. position. AHA further supports continued involvement of the United States in the Standing Committee as an observer.

Rationale: The Standing Committee is the governing body of CITES between meetings of the COP. Members of the Standing Committee are: Malawi, the chair (Africa); Peru (Latin America and the Caribbean); Nepal (Asia); Canada, vice chair (North America); New Zealand (Oceania); Sweden (Europe); Switzerland (depositary government); and Japan (next Conference host). The terms of the first three of the regional representatives expire at COP8. In order for the Standing Committee to continue in the strengthened oversight role the United States advocated when it chaired the Committee (1987–1989), countries with a commitment to active participation are needed for Committee membership. The new Committee will need a capable and experienced chair to guide its activities during the 1992–1993 biennium.

X. Report of the Secretariat (Doc. 8.6 not yet received)

Negotiating position: When received at COP8, the Service will carefully review issues pertaining to: the relationship of CITES to the United Nations Environment Programme (UNEP); success of the new procedures for Parties to set budgetary and work priorities; setting of new short term objectives for the Secretariat; evaluation of the performance of the Secretary General; and progress in assisting Parties to more forcefully implement the Convention.

Information and comments: AHA urges the United States to continue to support the vital work of the Secretariat.

Rationale: The biennial report provides the major way for the Secretariat, and the Secretary General, to report priorities, accomplishments, and problems to the Parties. These are critical management issues facing CITES which need to be addressed in the Secretariat's report.

XI. Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

1. Financial Report for 1989–1990–1991 (Doc. 8.7)

Negotiating position: This document will not be received until COP8; no position is possible at this time.

2. Anticipated Expenditure for 1992 (Doc. 8.8 not yet received)

Negotiating position: This document has not yet been received from the CITES Secretariat; no position is possible at this time.

3. Budget for 1993–1995 and Medium Term Plan for 1993–1998 (Doc. 8.9)

Negotiating position (changed): Given the current international economic situation, it is considered unrealistic to expect the parties to greatly increase their contributions to CITES. Carefully consider priorities and determine a realistic list of tasks and projects for the Secretariat for the next triennium. Support budget increases requested by the Secretariat in cases where the growing membership is placing increasing burdens on staff, without any commitment to an increased U.S. contribution. Support the permanent budgeting of enforcement and plants officers. Oppose the establishment of Regional officers as a lower priority. Support efforts to get parties to pay their annual assessments early in the year to eliminate chronic budget shortfalls.

Information and comments: NYZS supports the proposed U.S. position, AAZPA supports funding Enforcement, Plants, and Trade Analysis Officers out of the core budget of the Secretariat, noting in particular that enforcement is a key to the effectiveness of CITES. FICA, NRA and SCI understand but consider inadequate the U.S. opposition to substantial increases in the Secretariat's budget, urging that the Parties adopt measures of fiscal restraint and accountability. They recommend fiscal analyses for proposals and resolutions, and greater emphasis on building a solid and reliable network of Management and Scientific Authorities. Defenders et al. support permanent budgeting for an enforcement officer; they also suggest that budget information and proposed work be provided to Parties and NGOs sooner.

Rationele (changed): The budget increases requested by the Secretariat are justified and reasonable in cases where the growing membership is placing increasing burdens on the staff, although the United States cannot at present commit to a larger contribution to the CITES budget. The proposal for Regional CITES officers should be deferred to reduce budgetary needs. Parties need to pay their annual assessments as early as possible each year, or else the parties need to help the Secretariat develop a cash reserve which can serve as a buffer to prevent chronic cash shortfalls early each year.

4. External Funding (Doc. 8.10 not yet received)

Negotiating position: This document will not be received until CPO8; no position is possible at this time.

Information and comments: Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) recommend continuation of the controls in the budget amendment of 1989 so that government funded projects are subject to Standing Committee review. The urge continued review and approval of the use of outside funds for specific projects. FICA notes that the trade is often willing to finance necessary projects, but that other NGOs with differing views discourage such funding; they urge financial support for CITES projects by "protectionist" NGOs.

XII. Committee Reports and Recommendations

1. Animals Committee (Doc. 8.12 not yet received)

Negotiating position: The United States supports the active role of the Animals Committee in scientific and management issues pertaining to animal species. Efforts should be made to secure a budget for the Animals Committee consistent with its increasing role.

Information and comments: AAZPA, AHA, HSUS and NYZS support the proposed U.S. position. AHA further urges the United States to support an increase in the Animals Committee budget, and to seek greater leadership on behalf of the Committee, due to the increase in Animals Committee tasks. They also urge the appointment of specific panels of experts to report back to Animals Committee, dealing with issues such as bird trade, significant trade, and marking. AAZPA further encourages full participation by the United States in the Animals Committee. FICA, NRA and SCI consider the U.S. support for an Animals Committee budget to be inconsistent with the U.S. position opposing substantial Secretariat budget increases; because the Secretariat's function is to support the activities of any committees of the COP, they prefer that any necessary budget should go to the Secretariat directly.

Rationel: The Animals Committee report may contain information or recommendations dealing with Appendix II species subject to significant trade, breeding facilities for Appendix I species, marking techniques, and other issues. The United States will continue to be an active participant in Animals Committee functions. The United States supports a realistic budget for the Animals Committee that will allow for meetings between the meetings of the COP that enable the Committee to fulfill its ever-increasing role.

2. Plants Committee (Doc. 8.13)

Negotiating position: The United States supports the continued activities of the Plants Committee to improve the effectiveness of CITES for plants, with a focus on the following: publication of identification guides and checklists; significant trade in orchids, succulents, and other species; review of the timber trade; trade in artifically propogated plants. Efforts should be made to secure a budget for the Plants Committee consistent with its diverse role.

Information and comments: HSUS and NYZS support the proposed U.S. position. CSSA supports continued United States involvement with and chairmanship of the Plants Committee.

Rationale: The United States has chaired the Plant Working Group and Plants Committee since 1983, and will

continue to actively support Plants Committee functions.

3. Identification Manual Committee (Doc. 8.14 not yet received)

Negotiation position: Continue to support the Identification Manual Committee and development of animal and plant identification manuals for use by port and border enforcement officers, in providing a standard reference for the identification of CITES species. Endeavor to ensure that membership in the committee will be adequate to handle the enormous problems involved in fulfilling the needs of the Parties. Consider transferring Identification manual responsibilities to the Secretariat.

Information and comments: AAZPA, HSUS and NYZS support the proposed U.S. position. AAZPA notes that port and border personnel must be equipped with the necessary tools for identification in order to increase enforcement accuracy and frequency. CSSA recommends contracting with technical specialists to produce the Identification Manual. AHA agrees with the intent of the Identification Manual, but questions the need for an independent committee; they urge the production of a new Identification Manual that will be easier to update and make available around the world, and that will be more of a practical enforcement tool and less weighted towards scientific identification. They prefer the establishment of an Identification and Enforcement Working Group of the Standing Committee.

Rationale: The enforcement officers of the Parties must be equipped with guides which are accurate, realistic, and helpful in the identification of the many CITES species and products found in trade throughout the world.

4. Nomenclature Committee (Doc. 8.15 not yet received)

Negotiating position: Encourage and support the development and adoption of checklists for all taxa. Support the reprinting and necessary revisions of existing checklists for fauna prior to development of new ones. Because of the expense in developing checklists for taxa, the United States supports recognition of existing checklists for remaining taxa when suitable. Efforts should be made to secure a budget for the Nomenclature Committee consistent with its role, including possible consideration of partial funding for a checklist coordinator.

Information and comments: AAZPA, CCCA, and HSUS and NYZA support the proposed U.S. position. AHA does not support the funding of a checklist coordinator, due to current restrictions in the CITIES budget; they see this as the lowest priority for funding of all of the CITES committees. CSSA supports adoption of all checklists, provided they include synonyms, obsolete names, and invalid manuscript and nursery names.

Rationale: Implementation of the Convention is strengthened by the use of uniform names of listed species.

XIII. Interpretation and Implementation of the Convention

1. Terms of Reference for the Administration of the Secretariat by UNEP (Doc. 8.16 not yet received

Negotiating position: Support continuing efforts by a Standing Committee working group to develop a proposal to UNEP to clarify its role in CITES, as that of providing administrative support for the Secretariat, with the Secretariat answering to the Standing Committee and the Parties for general policy direction.

Information and comments: AAZPA, ALDF, HSUS and NYZS support the proposed U.S. position. ALDF and Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) recommended that the Parties and the Standing Committee obtain control of the administration of their own treaty, noting that CITES is not a United Nations treaty. Defenders et al. suggests a memorandum of understanding between the Standing Committee or the COP and UNEP, and that the Parties regain control over funding and staff appointments. ALDF recommends a severance of ties with UNEP. AHA disagrees somewhat, noting the special relationship of CITES with the United Nations, through its administration by UNEP, and that CITES has greater clout in the Third World by virtue of this special relationship.

Rationale: Clarification of the relationship between the CITES Secretariat and UNEP will help the administration of the Secretariat, including financial, personnel, and policy matters. CITES is not a United Nations organization; UNEP provides for the administration of the Secretariat, but no policy direction, which is the function of the Parties. It is critical that the Standing committee reach an accord with UNEP on this issue. At the same time, CITES has been periodically dependent on advances of funds from the UNEP trust fund, due to chronic annual delays in parties paying their CITES assessments.

2. Report on national Reports Under article VIII, Paragraph 7, of the Convention (Doc. 8.17 not yet received

Negotiating position: Support efforts to encourage all Parties to submit annual reports, consistent with their domestic legislation.

Information and comments: AAZPA, AHA, HSUS and NYZS support the proposed U.S. position. AHA supports trade restrictions or other censure for countries that do not submit annual reports, unless submission would be inconsistent with domestic legislation. Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) recommends that Parties refuse to recognize permits from countries that do not submit complete annual reports for more than two years, since by inference the tracking required by the treaty is not taking place; they also recommend that under the authority of the Endangered Species Act, the United States cut off wildlife trade with countries not complying with the CITES treaty.

Rationale: Each Party is required by the Convention to submit an annual report containing a summary of the permits it has granted, and the types and numbers of specimens of species in the CITES Appendices that it has imported and exported. Accurate report data are essential to measure the impact of international trade on species, and can be a useful enforcement tool.

3. Review of Alleged Infractions (Doc. 8.19)

Negotiating position: Support the Secretariat's review of alleged infractions by the Parties, and necessary and appropriate recommendations to obtain wider compliance with the terms of the Convention. Support an open discussion at COP8 of major infractions, a greater emphasis by the Parties on the enforcement of the laws and regulations implementing the Convention, and reasonable recommendations to enhance implementation.

Information and comments: AAZPA, AHA, HSUS and NYZS support the proposed U.S. position. Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) agree with the United States, but are disappointed that more has not been done. AHA supports trade restrictions for key countries mentioned in the Infractions Report and censure of countries that repeatedly undermine the effectiveness of CITES; Italy is cited specifically. They further suggest that any country either not having a Scientific Authority or not making the required non-detriment findings be considered in violation of the treaty and subject to trade restrictions. FICA, NRA and SCI generally agree with the U.S. position, but are opposed to trade sanctions to force Parties into compliance with the Convention; they prefer a more consultative method to work out problems.

Rationale: Article XIII provides for COP review of alleged infractions. The Secretariat prepares an Infractions Report for each COP, which details instances that the Convention is not being effectively implemented, or where trade is adversely affecting a species. The Infractions Report sent to the parties on 2 December 1991 included 138 alleged infractions. The United States was mentioned in 17 of the alleged infractions. On 15 January 1992 the United States responded; with the exception of one or two minor cases of omission, all of the alleged U.S. infractions were completely explained. A review of the other alleged infractions indicates a great difference in the depth of the reporting on infractions over previous reports. A large number of infractions are caused by lack of training, lack of personnel, or lack of knowledge on the workings of CITES; however, the majority of the alleged infractions should be a major cause of concern to the Parties.

4. Implementation of the Convention in the European Economic Community

Negotiating position (changed): Support a tightening of controls on trade with those members of the EEC highlighted in the Secretariat's Infractions Report as posing particular problems for CITES enforcement and implementation. Support a report by the Secretariat on CITES implementation in those countries, but not a new major study on the implementation of CITES within the EEC. Support close monitoring of progress by Italy to correct deficiencies in its CITES implementation, as promised at the January Standing Committee Meeting. The United States does not support ratification of the Gaborone amendment at this time.

Information and comments: AAZPA, AHA, Defenders et al., HSUS and NYZS support the proposed U.S. position. AAZPA recommends asking the EEC to adopt a system of tracking for species which enter the EEC. AHA supports ratification of the Gaborone Amendment if it can be modified to refer to the EEC only. TRAFFIC notes passage of new CITES legislation by the Italian Parliament, and urges the United States to continue to monitor the situation.

Rationale (changed): Some EEC countries are mentioned several times in the Secretariat's Infractions Report for COP8. The United States supports recommendations requiring more effective implementation or even restricting trade with those countries that may be undermining the effectiveness of CITES, while encouraging EEC countries which are effectively implementing the Convention. A focus needs to be placed on those EEC countries with implementation problems, along with informing the Parties of anticipated changes in the EEC that will become effective in 1993. In 1983, the "Gaborone" amendment to Article XXI was adopted by the Conference of the Parties to permit the accession to the Convention of any Regional Economic Integration Organization (REIO) constituted by sovereign States, such as EEC (and other REIO's). Only 27 of the required 54 Parties have ratified the amendment; the United States has not. There are problems with the implementation and enforcement of CITES within some of the countries of the EEC and concerns that the changes in Europe in 1993 will undermine CITES and increase illegal trade; these need to be addressed before the EEC becomes a CITES party. At the January Standing Committee meeting, the new chief of the Italian Management Authority promised major changes in Italy's CITES legislation and implementation, and the United States has been closely monitoring progress through the U.S. Embassy in Rome. The United States is cautiously optimistic that the situation in Italy is improving; a further report is to be made by Italy at COP8.

5. Illegal Trade of Singapore (Doc. 8.19)

Negotiating position (change): Support urging all importing countries to reject export permits or re-export certificates issued by Singapore for trade in any crocodilian product, since it cannot be guaranteed that such products come from legally acquired skins from the producer countries. Evaluate the decisions taken by CITES parties at COP8, and then determine whether additional United States action is necessary.

Information and comments: AAZPA, AHA, ALDF, HSUS, NYZS and TRAFFIC support the proposed U.S. position. AHA recommends that the United States initiate Pelly Amendment certification against Singapore for undermining the effectiveness of CITES. Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) recommends that, as with Thailand, the United States end wildlife trade with Singapore.

Rationale (change): The illegal trade in crocodilian parts and products is one of the serious wildlife problems for the United States and the rest of the world. Every effort should be made to close any loophole in achieving the adequate protection of these species, to prevent illegal exports from the range states to the consumer states. This illegal trade undermines the Convention and should not be allowed to continue. The IUCN Crocodile Specialist Group adopted a resolution in November 1991 recommending that all CITES Parties ban caiman trade with Singapore until it drops its reservation to *Caiman crocodilus* and conducts an inventory of all stockpiles of crocodilian skins.

6. Recognition of the Benefits of Trade in Wildlife (Doc. 8.48)

Negotiating position (change): Support the concept that commercial trade can provide conservation benefits to species and ecosystems, although economic values are of no greater weight than scientific, aesthetic, cultural and recreational values, as stated in the CITES preamble. Support enumerating conditions under which trade may provide conservation benefits to Appendix II species. Support the principle that ranching and breeding/propagation operations can be desirable if they are established and maintained in a manner which reduces detrimental pressure on wild populations, while still recognizing that they are not inherently superior to other types of management, provided these other management regimes are also conducted in a non-detrimental manner.

Information and Comments: PIJAC supports the U.S. position regarding the conservation benefits that can be derived by regulated trade, recommending that no preference be given to one management technique over another, such as wild harvest vs. ranching or captive breeding. Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) and ALDF support the proposed U.S. position, but contend that the dominant goal of CITES is not trade in wildlife. NYZS supports the U.S. position with the caveat that the burden of proof regarding conservation benefits of trade must be with the proponent. AAZPA opposes the resolution submitted by Zimbabwe et al., although it supports the concept that commercial trade can provide conservation benefits; they concur that the burden of proof must be with the proponent, and that there are insufficient safeguards to implement this resolution. FICA, NRA and SCI agree with the majority of the proposed U.S.

position, but urge the United States to take a more open view regarding ranching and captive breeding; they consider this resolution to be a reaction to "protectionist" views within CITES. AHA considers the proposed U.S. position to be too weak, noting that the resolution as submitted is designed to allow trade in Appendix I species, and the U.S. position minimizes the effects of a dangerous resolution by amending it to apply to Appendix II species only. AHA opposes the U.S. objection to the encouragement of captive breeding and ranching, recommending that parties encourage responsibly managed ranching and captive breeding programs that reduce taking of animals from the wild. HSUS opposes the resolution, maintaining that CITES should be used as a tool to regulate and manage wildlife trade, not enhance it; they oppose encouraging ranching and captive breeding over other management regimes. Greenpeace et al. (on behalf of CIEL, Earth Trust, EIA, IFAW, IPPL, PAWS, and SAPL) opposes the U.S. support for aspects of the proposed resolution, arguing that the CITES treaty presumes that trade in Appendix I specimens is not beneficial, and that the United States claim that the conservation benefits of trade are recognized in the CITES preamble is false. They claim that CITES presumes that trade is detrimental to a species' survival, differentiating between net benefit to a species versus some benefit from a single import or export of a specimen; they contend that the resolution provides a mechanism whereby detrimental trade could occur because some trade was beneficial. They oppose the requirement that trade revenue be returned to developing countries, since a positive benefit is not thereby guaranteed. They also critique the difficulties with maintaining truly sustainable use of wildlife in developing nations.

Rationale (changed): A statement that commercial trade can provide conservation benefits to a species acknowledges one of the sources of the economic values of species recognized in the CITES preamble, while not contradicting the fact that there are other kinds of economic and other values. CITES does not require a finding of a conservation benefit to the species, but the concept of beneficial commercial trade may be useful to exporting countries in making non-detriment findings for Appendix II species, provided it is also balanced with consideration of the effects on the biological status of the species. Ranching or captive breeding/ propagation programs can contribute to the conservation of a species, but are not necessarily superior to other types of management; this is a decision which must be made by parties on a case-by-case basis, depending on the biology of the species and the management goals of the country.

7. Reconsideration of "Primarily Commercial Purposes" (Doc. 8.49)

Negotiating position: Oppose a resolution which effectively would amend Resolution Conf. 5.10 by calling for a finding of noncommercial use by the Management Authority of an importing country if an Appendix I species were to benefit from its commercial trade. Oppose efforts to effectively amend the treaty by allowing primarily commercial trade in Appendix I species.

Information and comments: AAZPA and AHA support the U.S. position, urging vigorous opposition to the resolution, as changing the entire foundation of CITES. ALDF and Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) oppose the proposed resolution, as counter to the language of the treaty; they note that any commercial trade in Appendix I species creates a shadow illegal market that creates a risk to the species; they support an improvement upon Resolution Conf. 5.10, but consider this resolution to be a step backwards. AAZPA and NYZS urge the United States to vigorously oppose any changes which would promote or allow commercial trade in any endangered species. Greenpeace (on behalf of CIEL, Earth Trust, EIA, IFAW, IPPL, PAWS, and SAPL) and HSUS support the U.S. position to oppose this resolution, noting that the resolution contravenes the text of the treaty, and not only the text of Conf. 5.10 (as stated in the proposed U.S. position). They concur with the U.S. position that conservation benefit is independent of a finding of primarily commercial purposes to which a specimen will be put; they note that Article III creates two separate findings: "Commerce" and "No detriment", which cannot be linked. Greenpeace et al., AHA and HSUS note that this resolution contravenes the text of CITES, and its measures could only be incorporated through the formal amendment process (which they oppose).

SCI supports the U.S. position insofar as the treaty prohibits trade for primarily commercial purposes; they disagree with the U.S. opposition to the resolution as a whole. SCI supports controlled trade in even truly endangered species. SCI suggests that the solution is to review those species listings that cause a problem, or find some other way to allow a limited trade in products of certain species from certain populations, such as was done with the vicuna.

Rationale: Conservation benefit to the species is relevant to the Scientific Authority finding of "nondetriment" under Article III, paragraph 3(a). It is not however relevant to the Management Authority finding of whether an Appendix I specimen is to be used for primarily commercial purposes, as per Article III, paragraph 3(c). Since the "primarily commercial purposes" finding is made by the importing country, conservation benefits which normally occur in the exporting country are not relevant to that finding. This resolution is contrary to the Convention; if accepted, it would substantially increase the amount of commercial trade in endangered species.

8. Exports of Leopard Hunting Trophies and Skins (Doc. 8.20 not yet received

Negotiating position: No document will be received on this topic until COP8. However, the United States opposes any increases in quotas without adequate supporting data.

Information and Comments: FICA supports the proposed U.S. position not to increase the quotas without supporting data, but believes the information supplied by the range states, especially during COP6, provides the supporting data to either increase the quotas or downlist the species to Appendix II. SCI supports the current system of export quotas, and defers its position to that of the range states. AAZPA and NYZS concur with the United States that any proposed changes in the quota without supporting documentation should be opposed. Defenders et al. oppose any relaxation in controls and limits on leopards, in part because of the lack of time to review proposals.

Rationale: The Service has supported previous resolutions (e.g. Conf. 7.7) allowing for the importation of leopard skins, including hunting trophies, under a quota system approved by the COP. Trade in leopard skins for noncommercial purposes is allowed under CITES Resolution Conf. 7.7, which recognizes range state laws sanctioning killing of leopards in defense of life and property and to enhance the survival of the species.

9. Exports of Cheetah Hunting Trophies and Skins (Doc. 8.22)

Negotiating position: No document has been received on this topic. No position is possible at this time.

Information and comments: AAZPA and NYZS urge the United States to oppose this proposal unless there is strong supporting documentation. Defenders et al. oppose any relaxation in controls and limits on cheetahs, in part because of the lack of time to review proposals.

10. Trade in Specimens of Species Transferred to Appendix II Subject to Annual Export Quotas (Doc. 8.21 not yet received)

Negotiating position: No document has been received on this topic, and no position is possible at this time.

Information and comments: Defenders et al. oppose any relaxation in controls and limits on these species, in part because of the lack of time to review proposals.

11. Trade in Birds

a. Significant trade species (Doc. 8.23, 8.23.1, 8.23.2).

Negotiating position: Advocate adoption of the resolution submitted by the United States to: Suspend commercial trade in wild bird species listed in appendix II that are identified as "significant trade" species for which either there is insufficient information on which to base a nondetriment finding, or for which remedial measures have been recommended but not implemented; allow the Standing Committee to recommend the removal of a species from the list of those suspended from trade, based on consultations with the Animals Committee on the Secretariat. Support (as proposed by Honduras) urging countries not to export animal species that do not meet the criteria in Article IV. Oppose (as submitted by Uruguay) spending all commercial shipments of live animals until the Standing Committee can confirm that the requirements of Article IV have been satisfied.

Information and comments: The following commented in support of the U.S.—submitted bird trade resolution: AAZPA, AHA, ALDF, Audubon, ICBP, NYZS, Pionus Breeders Association, World Parrot Trust, and 18 private individuals. The following organizations commented in support of the U.S.-submitted resolution, yet prefer that the U.S. position be closer to that proposed by Honduras in its resolution: AWI, Defenders et al. (on behalf of AWF, AWI, IWC, RAN, and Sierra Club), EIA et al. (on behalf of AWI, CIEL, Earth Island, Greenpeace USA, IFAW, IPPL, and SAPL) and HSUS. The following organizations specifically support development of a joint U.S.-Honduras proposal: HSUS, ICBP, NYZS. The following oppose the proposed U.S. position, in that they oppose the bird trade resolutions submitted by the United States (and Honduras): AFA, PETS, PIJAC, SCI, TRAFFIC, and 9 private individuals. Comments received on this issue are very extensive (hundreds of pages, often with references and annexes), and are available from the Service on request; comments on bird trade in general are discussed under this agenda item, while comments specific to transport and mortalities are discussed under agenda item XIII.11.b.

Audubon believes that bird trade resolutions will stop irresponsible trade in bird species for which there is little or no population information. Pionus Breeders Association supports the U.S. resolution as representing positive steps that will result in beneficial regulation of the wild bird trade. AAZPA and AHA urge approval of the U.S. resolution as a start to stopping the large scale commercial trade which is decimating many species. AHA, ICBP, NYZS, and AAZPA support the U.S. resolution, with the full list of 46 species from the Significant Trade Study. NYZS recommends that the United States and Honduras resolutions add a clear definition of "commercial purposes". Defenders et al., note that the necessary projects for these species are not being undertaken and recommendations implemented at a rate that would allay serious concerns of irreparable harm to species.

Defenders et al. and EIA et al. provide extensive reviews of the international wild bird trade and CITES attempts to deal with the issue. Defenders et al., EIA et al., and HSUS discuss the lack of implementation of CITES Article IV by many CITES Parties for birds in particular, and the large number of heavily traded bird species either now on Appendix I or proposed for transfer to Appendix I at COP8. HSUS notes that more than 45 countries, including Honduras (once one of the major exporters of wild birds), have banned the export of birds. Defenders et al. note that none of the 5 countries now exporting the most birds internationally have a Scientific Authority which monitors trade levels; they list violations of export quotas or bans for particular species in seven countries.

Defenders et al. discuss scientific reports that estimate at least 50,000 parrots exported illegally from a particular country during one season, and the export of large numbers of parrot species from a country in which the species are not native. Defenders et al., and EIA et al. discuss in detail patterns in the international wild bird trade, and extensive smuggling and laundering through fraudulent documentation, and demonstrate that many species are traded in violation of the requirements of both domestic laws and the Convention.

EIA et al. detail specific cases of improper or lacking implementation of Article IV, use of forged documents, illegal exports, and unsustainable trade in wild birds. They note the lack of scientific justification for existing capture or export quotas, which are often set based on consumer demand and not Scientific Authority recommendations. EIA recommends specific Wild Bird Trade Control Procedures for exporting and importing Parties.

Noel Snyder suggests that if trade in captive-bred members of the listed appendix II species is allowed, laundering of wild-caught individuals as captive-bred will continue, along with the overexploitation of vulnerable species.

Defenders et al., EIA et al., and HSUS strongly support the implementation of Resolution Conf. 1.6, which called for restricting the collection of wild animals for the pet trade and eventually limiting the keeping of pets to those species which can be bred in captivity. Defenders et al., EIA et al., and HSUS prefer the Honduras resolution, which calls for suspension of shipments of any bird species in appendix II if trade is known to be, suspected to be, or probably threatening the survival of the taxon on a local or global level, or where there is insufficient information to make a non-detriment finding. They prefer a trade suspension in a larger list of species than that submitted by the United States, to include categories A–D* of the 1991 IUCN Significant Trade Study, the species in the U.S. resolution, and the ICBP World Checklist of Threatened species. PIJAC considers the Significant Trade Data from IUCN to be out of date and not subjected to peer review. EIA prefers a suspension of trade in all birds unless trade is known to be sustainable, as the trade will easily shift to other species. They recommend that since the United States supports sustainable utilization, it should support suspension of trade in all bird species until trade is shown to be sustainable.

HSUS supports the provisions in the United States and Honduras resolutions directing the Secretariat, Animals Committee, and Standing Committee to monitor the resolution's implementation and survey stricter domestic measures throughout the world. They support the provision in the Honduras resolution for

the development of a system to analyze the adequacy of countries' non-detriment findings. They urge the United States to support calling on the Parties to provide financial support for independent scientific studies on bird species subject to significant international trade.

AFA opposes a suspension of trade in significantly traded species until it has been scientifically proven that trade is detrimental to wild populations; they are particularly concerned that aviculturists may not be able to obtain birds. They oppose requiring exporting countries to collect basic biological data. AFA and PIJAC are concerned that smuggling will increase. PETS recommends scientific investigations to ascertain which species are being detrimentally affected by trade and implementation of relevant remedial measures before any limitations on trade are implemented. SCI agrees with the U.S. position opposing a suspension of all commercial shipments of live animals pending Standing Committee findings, as proposed by Uruguay. TRAFFIC considers the United States and Honduras resolutions to circumvent provisions of CITES, and is opposed to the establishment of trade moratoria for appendix II species. TRAFFIC is opposed to forcing compliance with CITES Article IV; they note that countries should not be subject to trade moratoria because they are incapable of complying with Article IV (noting that they may be interested in complying); they prefer that moratoria or quotas be implemented unilaterally by individual exporting and importing Parties. PIJAC, SCI and TRAFFIC are concerned that trade moratoria could become permanent bans or indirect Appendix I listings. PIJAC prefers that remedial measures be required for specific countries or species. PIJAC and TRAFFIC are concerned that countries will not have the funds nor the capability to undertake the studies and measures necessary to gather sufficient data on the species.

PIJAC and TRAFFIC consider the Animals Committee resolution (see agenda item XIII.12) to be an alternative to this resolution, rather than an adjunct; they are opposed to focusing specifically on the wild bird trade. Defenders et al., EIA et al., and HSUS strongly support consideration of the wild bird trade at COP8 separately from a discussion of appendix II animals trade in general, noting that the well-documented problems of the wild bird trade are of sufficient scope and uniqueness to warrant adoption of a separate resolution by the COP.

Rationale: The trade in live wild-caught birds is an issue of great concern to both the United States and the CITES Parties, in that the trade in many species of birds listed in appendix II may be detrimental to their survival. The COP will address issues relating to the trade in species identified by previous COPs as subject to significant trade and for which insufficient information exists to assess the effects of trade on their populations (see also agenda item XIII.16). The United States supports the sustainable utilization of wildlife, including wild-caught birds, but is opposed to utilization that is not known to be sustainable, particularly when these species have been identified as potential problems for over five years. It is time for the CITES Parties to take decisive action on significantly traded species.

b. Trade in species sensitive to high mortality rates (Doc. 8.24, 8.24.1).

Negotiating position: Advocate a suspension of commercial trade in species that experience high mortalities during transport, based on criteria adopted by the CITES Transport Working Group (TWG) (resolution submitted by the United States), for all forms of international transport. Support reducing shipment sizes for species that warrant further study of their sensitivity to transport, also based on criteria adopted by the TWG; provide for review and lifting of restrictions when shown to be justified by improved transport practices.

Information and comments: The following commented in support of the U.S. position and U.S. resolution: AAZPA, AHA, ALDF, Audubon, AWI, Defenders et al. (on behalf of AWF, AWI, IWC, RAN, and Sierra Club), EIA et al. (on behalf of AWI, CIEL, Earth Island, Greenpeace USA, IFAW, IPPL, and SAPL), HSUS, ICBP, NYZS, Pionus Breeders Association, and 9 private individuals. TRAFFIC supports the U.S. resolution, but suggests that the lists of species need revision before the resolution is adopted. The following oppose the proposed U.S. position and the resolution: PETS, PIJAC, SCI, and 1 private individual. Comments received on this issue are very extensive (hundreds of pages), often with references and annexes), and are available from the Service on request.

Audubon notes that birds suffer one of the highest transit-related mortality rates of all animals. AHA urges the United States to work with other CITES Parties to help ensure the implementation of the International Air Transport Association (IATA) Live Animals Regulations (LAR).

Defenders et al., EIA et al., and HSUS strongly oppose that aspect of the U.S. position, to exclude species from the annex that have more than 15 percent mortality in quarantine but less than 2 percent mortality on arrival, noting that the TWG agreed that high mortality during quarantine can be an indicator of improper treatment. EIA et al. and HSUS urge the United States to include hummingbirds in the list of species suspended from trade, rather than in the list with reduced shipment sizes, as they experience high mortality that is not necessarily in the data or that fit into the formula agreed upon by the TWG. Defenders et al. also prefer that the limit of 50 birds per shipment apply to all species in trade, to help minimize the number of deaths from overcrowding.

EIA et al. provide a review of the lack of implementation of the Article IV paragraph 2(c) humane transport requirements, the causes of mortality in transit, and CITES attempts to deal with this issue. They also cite specific cases of inhumane transport and preparation for shipment.

The following specifically suggest that Israel and the United States work to pursue a joint resolution: Defenders et al., HSUS, ICBP, NYZS. Defenders et al. and HSUS prefer the aspect of Israel's resolution that directs the TWG to submit information to the Standing Committee for future inclusion of species in the annex to the resolution. PETS recommends that any transport resolution not include bird species that are traded as captive-bred individuals. AHA notes that transport conditions are often deplorable even for birds that are bred in captivity.

SCI is concerned that trade moratoria could become permanent bans or indirect Appendix I listings; they support a reduction of shipment sizes if it is correct from a veterinary science point of view. They note that the two bird trade resolutions incorrectly establish CITES as a regulatory body. PETS notes that unacceptably high mortality rates are morally reprehensible and anti-business, but recommends a new investigation that considers shipping and transit times, seasonal differences, airline differences, and country differences when analyzing transport and quarantine mortality prior to any further action.

PIJAC is opposed to both the Israel and U.S. resolutions. They recommend a statistical analysis to identify anomalies and remove extremes prior to any trade restrictions; they also recommend an analysis of causes of mortality to determine remedial measures to be employed. They question whether the proposed trade suspensions would apply to non-air transport. PIJAC is opposed to limiting shipments to 50 birds, and recommends involving the Animals Committee in testing new transport procedures and determining remedial measures for certain species. They submitted a 119 page analysis of avian import data for the species in the U.S. resolution, which the Service is in the process of fully evaluating. PIJAC recommends that the TWG, in cooperation with the Animals Committee, analyze the data on mortalities and then list species warranting specific remedial measures.

AHA recommends the establishment of an International Bird Panel of Experts or Bird Working Group made up of individual scientists and experts.

Rationale: Article IV, paragraph 2(c) requires that prior to the issuance of an Appendix II export permit, a Management Authority must be "satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health, or cruel treatment". Many Management Authorities in exporting countries are unable to make such a finding, but continue to export the shipments. The transport of live specimens has been an issue at every COP. The Parties have charged the TWG (and not the Animals Committee), as a permanent working group of the Standing Committee, with addressing these issues. The TWG found that for many bird species, mortality in transport remains unacceptably high and compliance with Article IV paragraph 2(c) is inadequate.

For those species that experience high mortalities during transport, implementation of Article IV is particularly difficult or impossible, and those species should not be traded for commercial purposes. More extensive data collection on transport-related mortalities is needed. Preliminary studies indicate that higher transport mortalities result from larger shipment sizes, due to a number of factors. Therefore, the United States supports a reduction in shipment sizes for sensitive species requiring further study.

12. Trade in Wild-Caught Animal Specimens (Doc. 8.35)

Negotiating position: Advocate adoption of the resolution prepared by the Animals Committee (and submitted by the United States) dealing with wild-caught significant trade animal species, whereby the Animals Committee will (in consultation with the Secretariat): Identify problems with the implementation of Article IV, which may be operating to the detriment of species; recommend appropriate remedial measures; recommend a consultative process with the exporting Party, and recommend the suspension of trade from countries not implementing the recommended remedial measures. This resolution supplements the other U.S. proposal (Doc. 8.23) regarding the wild bird trade.

Information and comments: AAZPA, ALDF, HSUS, NYZS, PIJAC and TRAFFIC support the adoption of the Animals Committee resolution; AHA and Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL and Sierra Club) support this resolution, but not as a substitute for the bird trade resolutions (see agenda items 11 and 12). AAZPA and NYZS support full implementation of Article IV of the Convention. HSUS and AHA urge the consideration at COP8 of the resolution submitted by Uruguay (see agenda item 11) on live wild-caught animals at the same time as the Animals Committee resolution; HSUS supports all aspects of the Uruguay resolution. AHA supports this resolution as a more long term effort to deal with significant trade species on a country-by-country basis, and see it as functioning in addition to the wild bird resolution. PIJAC and TRAFFIC consider this resolution to be more comprehensive that the bird trade resolution (agenda item 11), which they oppose, although they do not support their implied assumption that the two resolutions are mutually exclusive. TRAFFIC recommends that the provision "requiring that a country demonstrate a substantial commitment to implementing the recommendations of the Animals Committee" be strengthened. PIJAC contends that this resolution is more flexible and diplomatic.

Rationale: Article IV paragraph 2(a) requires that a Scientific Authority of the State of export advise that an export will not be detrimental to the survival of that species, prior to the issuance of an export permit for specimens of a species listed in appendix II. Many Parties have not been able to conduct properly designed surveys and necessary biological studies, so as to identify scientifically-based quotas and to implement effective management plans for species listed in appendix II. There is cause for serious concern that the international commercial trade in wild-caught specimens is contributing to the decline in the wild of some species listed in Appendix II. This resolution supplements the U.S. proposal specifically dealing with the wild bird trade (Doc. 8.23); the two are not mutually exclusive but are designed to operate in parallel.

13. Detrimental Trade in Sea Turtles (no document)

Negotiating position: There is no document on this topic. The U.S. position is to continue the certification of Japan under the Pelly Amendment to the Fishermen's Protective Act until Japan ends all trade in sea turtles and removes its CITES reservations.

Information and Comments: HSUS strongly supports the U.S. position to continue the certification of Japan under the Pelly Amendment until Japan ends all trade in sea turtles and removes its CITES reservations. AHA considers the U.S. position on this agenda item to be too weak, urging the United States to condemn Japan for continuing to trade in both hawksbill sea turtles and other appendix I species. Several private citizens also have asked the United States to urge Japan to stop trading in sea turtles immediately, and to remove their reservations. Greenpeace et al. also request that the CITES parties undertake a full inventory of stockpiles of bekko (hawksbill sea turtle shells).

Rationale: On March 20, 1991, the Departments of Interior and Commerce certified Japan under the Pelly Amendment for diminishing the effectiveness of CITES, by its continued trade in endangered sea turtles. Japan announced on June 19, 1991 that it will sharply limit hawksbill sea turtle (*Eretmochelys imbricata*) imports between now and December 1992, at which time it will end all sea turtle trade, and it will withdraw its hawksbill sea turtle reservation by 1994. Japan's Pelly certification will remain in effect until it removes its CITES reservations and ceases trade in sea turtles.

14. Trade in Crocodilian Products (Doc. 8.26)

Negotiating position: Advocate adoption of the resolution submitted by the United States and Australia to require the skins of all crocodilian species to be tagged before being allowed to be traded by CITES Parties (whether or not a reservation has been entered by a Party).

Information and Comments: AAZPA, HSUS and NYZS support the proposed U.S. position. AAZPA and NYZS support the institution of a system for marking crocodilian products in trade.

Rationale: This refers to a resolution submitted by both the United States and Australia to institute a system of universal marking for all crocodilian skins in trade, as a response to serious problems of illegal trade in crocodilian skins, parts, and products.

15. Trade in Plant Specimens

a. Trade in flasked seedlings (Doc. 8.27).

Negotiating position: (Change) Oppose an exemption from CITES document requirements for artificially propagated appendix I flasked orchid seedlings on the grounds that they are not readily recognizable; encourage efforts to expedite document issuance for these specimens; continue to explore this issue with other Parties. Oppose any change in the definition of artificially propagated that would remove the requirement to maintain the parental stock indefinitely.

Information and comments: CSSA, FFPS, HSUS, NRDC and an individual orchid scientist support the U.S. position. CSSA and NRDC oppose any exemptions for appendix I specimens; they are concerned that the arguments used for exempting flasked seedlings as "not readily recognizable" would be a dangerous precedent that could be applied to other taxa. FFPS disagrees with the assumption in the resolution that wild-collected orchid fruits will never be used to produce flasked seedlings, noting that such may be possible in the future. Kerry Walter (an orchid scientist) is concerned that in very small populations, taking capsules from the wild can in fact be damaging. FFPS considers this provision to be a potential loophole in allowing uncontrollable appendix I trade, and is opposed to any exemption from permit requirements for parts or derivatives of appendix I species. FFPS objects to the provision in the resolution excluding appendix II species from a number of the presently stipulated requirements. Kerry Walter supports the U.S. position, noting that the goal should be to make the permitting process more efficient, not to remove the need for permits completely; he notes further that flasked seedlings should not be ignored by the Convention but should be passed more easily through CITES; he provides comments on specifics of the resolution relating to culture methods.

AABG, AOS, PA, UCI and 4 private individuals, scientists, and growers oppose the U.S. position, in favor of exemptions for flasked orchid seedlings. Several private individuals support exemptions for all plants in flasks. AABG, AOS, PA, UCI and a private company note minimal or nonexistent potential damage to wild populations, and the potential that propagation has for reducing pressures on wild populations. AABG also recommends exemptions for meristem tissue/propagules. UCI considers the time and money needed to obtain CITES documents to create unwarranted hardships. AOS and a private individual feel that such an exemption would allow freer movement of plants; AOS recommends that artificially propagated status be confirmed by the intact seal on the flask opening, noting that flasks under aseptic conditions cannot be tampered with. A private individual is opposed to exempting flasks from appendix I species or hybrids if either parent is of wild origin. AOS notes that such an exemption would reduce the international traffic in adult orchid plants, advocating the establishment of flasking laboratories in countries of origin of wild-collected orchids; PA notes the increase in such laboratories. COGG notes that it is difficult to determine whether a division of an Appendix I orchid species is artificially propagated or not, except in sterile flasks, which are unambiguous. They encourage educational programs that would explain CITES regulations for plants. UCI notes that the United States is a prime producer of flasked plants for international trade, and as such should remove restrictions in order to facilitate artificial propagation.

PA recommends that only the issue of flasked seedlings be dealt with at COP8, with all other plant issues in Documents 8.27 and 8.28 deferred to a detailed treatment of CITES and plants issues at a future COP. They recommend that flasked orchid seedlings be exempt from CITES document requirements as an extension of existing plant exemptions. They contend that flasked orchid seedlings are already exempt from CITES requirements, since under Article VII(4) they are "deemed to be specimens of species in appendix II", and under Resolution Conf. 6.18 flasked seedling cultures are standard exemptions for appendix II. PA notes that such an exemption would ease administrative and financial constraints on underfinanced and overburdened staffs administering CITES in the United States and abroad. They provide a discussion of the role of artificial propagation in conservation of endangered plants, and are concerned that if such an exemption is not adopted, some will abandon efforts to flask rare orchids.

Rationale: This refers to seedlings of Appendix I orchids still in aseptic flasks, which are artificially propagated and therefore deemed to be specimens of appendix II species. The proposed resolution would deregulate such flasked seedlings, arguing that because they cannot be distinguished from hybrid seedlings of the appendix I species, they are not readily recognizable, and should be exempted from the treaty's requirements. The United States is strongly opposed to categorical assumptions on what may or may not be readily recognizable. Additionally, even though trade in such specimens may not be detrimental to wild populations, the treaty does not provide for an exemption from permit requirements for parts or derivatives of appendix I plant species. The Service will encourage efforts to expedite issuance of permits (if commercial) or certificates (if noncommercial) for these specimens, and will continue to explore this issue with other Parties. Products of appendix II operations that cannot maintain their parental stock indefinitely may still be traded under Article IV.

b. Nursery registration for artificially propagated Appendix I species (Doc. 8.28).

Negotiating position: Oppose the resolution establishing stringent registration criteria for operations and shipping, with defined inspection of nurseries that produce artificially propagated specimens of appendix I plants and hybrids for commercial purposes. Support sound conservation practices in nurseries by cooperative development of international guidelines within Resolution Conf. 5.15.

Information and comments: AABG, HSUS, CCGA, COGG, CSSA, NRDC, an individual orchid scientist (Kerry Walter), and two private individuals support the U.S. position. CCGA, COGG, CSSA, IOS and NRDC specifically oppose nursery registration in that they feel that such registration would be too time-consuming, burdensome (on growers, the Secretariat, and/or the Management Authorities), complex, and expensive. Kerry Walter considers the registration as proposed to be impossible to implement or control. NRDC is concerned that some Management and Scientific Authorities would not exercise the necessary care in certifying nurseries, thereby re-opening trade in wild-collected appendix I species incorrectly identified as artificially propagated. FFPS support nursery registration, but is concerned with the expense of the presented system and the ability of Management Authorities of exporting countries to implement it. FFPS is concerned that the criteria proposed could allow for collection of wild material to replenish parental stock that could be detrimental to wild populations or lead to fraudulent documentation of "artificially propagated"; they suggest that the CITES Secretariat be satisfied first that specimens are not available from existing stock. AABG is concerned that the presented system would be so cumbersome as to shut down legal trade, and stimulate graft and corruption. COGG is concerned that the requirements of this resolution would lead to monumental paperwork and be counterproductive to the goals of CITES; they also have many concerns with the specific nursery registration guidelines in the resolution.

Rationale: The proposed system is overly strict and inflexible, and would be counterproductive and well as prohibitively expensive to implement. Resolution Conf. 5.15 provides an adequate basis for developing registration.

c. Artificial Propagation and Trade in Appendix I Hybrids (Doc. 8.27).

Negotiating position: Support efforts to refine and clarify the meaning of artificially propagated and the trade in such Appendix I hybrids, but oppose repeal of Conf. 2.12(c) and 6.19.

Information and comments: CSSA, HSUS, IOS, NRDC and a private company support the proposed U.S. position. NRDC notes that this resolution would allow countries to issue "artificial propagation" certificates to wild-collected plants which had been held in a nursery for only a few weeks, by dropping all restrictions defining propagation for plants on Appendix II. COGG encourages efforts to allow a freer flow of artificially propagated plants between exporting and importing countries, and a clarification of CITES paperwork requirements. COGG provides a detailed discussion of the potential contributions of artificial propagation of orchids and other plants to plant conservation, and problems they perceive with increased regulation; they also think that hybrids should not be regulated by CITIES. PA recommends deferring this issue until a definitive proposal for CITES implementation for plants can be prepared for a future COP. A private individual provides a detailed critique of what he considers to be the Service's interpretation of Resolution Conf. 2.12 for plants, with a recommended re-interpretation.

Rationale: (Change) The need for replacement of prior resolutions of the COP on artificially propagated plants is not considered necessary, and is not established in the supporting document, which is also confusing and therefore premature for adoption. The Secretariat's Plants Officer, with the Plants Committee, may need to develop training and implementation materials or guidelines on artificial propagation before or for COP9.

d. Plant nomenclature (Doc. 8.29).

Negotiating position: (Change) Support: the adoption of the checklist of names of Cactaceae; the use of certain texts as generic standards; the preparation of an orchid checklist; and the issuance of CITES documents utilizing these standard names. Support the adoption of a more recent checklist of cycads as a guideline but not a standard. Support cooperative assignment of priorities for checklist development on orchid taxa subject to significant trade. Consider the allocation of some funds from the CITIES Trust Fund for the preparation of the orchid checklist, but as a low priority.

Information and comments: CSSA, HSUS, IOS and a private company support the proposed U.S. position. CSSA and IOS support adoption of the checklists, provided that they are regularly updated by the Nomenclature Committee. FFPS supports preparation of an orchid checklist, but questions the expenditure of $40,000 per year from the Trust Fund for this purpose. AABG prefers appending the cycad checklist, as simpler than the development of an orchid checklist, noting that Cactacea and Orchidaceae nomenclatural problems are greater than for Cycadaceae. UCI is opposed to the U.S. position on an orchid checklist, and opposes the cooperative assignment of checklist development and the attempt by CITES to produce a standard list of scientific names; they consider such an effort for orchids to be a waste of money and outside the purview of CITES. An orchid scientist (Kerry Walter) makes specific suggestions as to references for generic names, and the role of the World Conservation Monitoring Center (WCMC); he notes their species database for Orchidaceae, recommending that WCMC's database of more than 4,000 orchid taxa should be a starting point for a standard CITES orchid nomenclatural reference; he supports the funding proposes for the checklist coordinator. Another scientist, Gustavo Romero, recommends checklist preparation by Kew Gardens for Old World orchid species, and the Mexican Orchid Society for New World species. A private individual recommends that all shippers be required to identify their reference for the names used.

Rationale: (Change) Implementation of the Convention is strengthened by the consistent use of names of listed species. The checklist of Cactaceae will be complete, but the more recent checklist for cycads is without synonyms and thus somewhat unsuitable, because of the potential misuse and misinterpretation of names.

16. Significant trade in Appendix II Species (Doc. 8.30 not yet received)

Negotiating position: This document will be received at COP8. Support the continued focus of the Parties on Appendix II species identified as subject to significant trade and the proper implementation of Article IV, as critical to the implementation of the treaty and species conservation. Support the provisions of funding for the coordination and implementation of significant trade study projects, with oversight by the Animals, Plants, and Standing Committees.

Information and comments: AAZPA, PIJAC, and NYZS recommend that the United States take an active leadership role in the Significant Trade Project, and in seeking full compliance with Article IV. AHA and HSUS support continued focus on compliance with Article IV and support funding for significant trade projects. PIJAC recommends that the United States take a leadership role in revitalizing the Significant Trade process and making remedial measures a reality. PIJAC supports reevaluating the Significant Trade Study to ensure that it produces the best available data in adequate time for review by the scientific and trade communities and the Parties, and to ensure credibility and viability of the process; they consider the data antiquated and accepted without adequate time for review by other authorities. PIJAC urges adoption by the Parties of a long-range plan for this study, including funding mechanisms, review processes, work programs; they prefer species data sheets that are easily updated to the large "tome" produced every two years. PIJAC suggests a new process to evaluate, recommend, and implement remedial measures; they suggest that too much is being asked of the Secretariat, Animals Committee, and the Parties. PIJAC suggests that IUCN should be implored to become more involved in this process. AAZPA and NYZS recommend that if a Party fails to comply with Article IV for more than two species, other Parties should impose trade sanctions. AHA suggests combining this agenda item with agenda item 12. AABG recommends greater funding for studies of significant trade plants, including research in propagation and reintroduction.

Rationale: This topic refers to the trade in those Appendix II species identified as subject to significant trade, for which insufficient biological information exists to warrant trade at current levels. Many of these species may have been traded at levels

detrimental to their survival. The CITES Parties have provided funds to the World Conservation Union (IUCN) and the Conservation Monitoring Centre to assess priorities in studying these species.

17. Trade with States not Parties to the Convention (Doc. 8.54)

Negotiating position: Support a procedure leading to refusal of documentation from non-Parties that have not identified Management and Scientific Authorities, provided the same procedure applies to Parties that have not identified such Authorities. Oppose an unqualified ban on trade in wild-origin Appendix I specimens with non-Parties. The United States does not support the cumbersome process of requiring approval by the Animals or Plants Committees of imports of captive-bred or artificially propagated appendix I specimens from non-Parties.

Information and comments: Defenders et al. support the proposed U.S. position, as long as the requirements of the treaty are enforced for Parties and non-Parties alike, with presumptions against trade with non-Parties. AAZPA, HSUS and NYZS support the proposed U.S. position with regards to refusal of documentation from both Parties and non-Parties not identifying Management and Scientific Authorities. HSUS supports a ban on trade in wild-origin Appendix I specimens with non-Parties, and supports a requirement of approval by Animals or Plants Committee for imports of captive-bred or artificially propagated Appendix I specimens from non-Parties; AAZPA and NYZS agree with the United States in opposing this provision, as being unwarranted and creating more bureaucracy and paperwork. AHA agrees with the HSUS position, but prefers an unqualified ban on trade with non-Parties, in order to give preference in trade to Parties and a disincentive to non-Party statute. AHA further urges the United States to support restrictions on imports from non-Parties, since the United States supports trade moratoria when there is no Scientific Authority advice, and non-Parties cannot have a Scientific Authority advice.

Rationale: The United States supports recommendations on trade moratoria when it is shown that trade is continuing without Scientific Authority advices, to the detriment of species, whether from Parties or non-Parties. Issuance of export permits without Scientific Authority determinations of nondetriment is not allowed under the treaty. For wild-origin appendix I specimens, the resolution submitted would ban such trade regardless of whether the non-Party had identified relevant Authorities, and regardless of whether those Authorities oversee functioning in accordance with Article X and Resolution Conf. 3.6. In the case of captive-bred or artificially propagated Appendix I specimens, the advice of the Animals and Plants Committee would be useful. However, decisions on trade moratoria should be made in accordance with functions and procedures set forth in Articles XII and XIII.

18. Existence of Hair, Wool and Cloth of Vicuna in the European Economic Community, Japan and Hong Kong (Doc. 8.55)

Negotiating position: Oppose additional controls over stockpiles of vicuna (*Vicugna vicugna*) wool and cloth legally traded and held by certain nonrange States. Oppose placing a time limit on legally traded stockpiles. Support instead calling on the Parties to accept only cloth with certain registered marks exported only from those CITES Parties that are members of the Vicuna Convention.

Information and comments: No comments received.

Rationale: The vicuna has been listed in appendix I since 1975 and certain populations in Chile and Peru in appendix II since 1987, in order to export wool and cloth. The cloth must be marked according to CITES requirements, and a properly executed Appendix II export permit from either Chile or Peru is required. Under the Vicuna Convention Chile and Peru must have the cloth identified by a registered mark, and it must be made from wool sheared from live animals.

This resolution would create a precedent whereby the Parties disallow the trade in items already legally found in trade and could be used to sanction trade in illegally traded specimens. The vicuna cloth has been traded legally as Appendix II items and has been placed in stockpiles. This resolution would give the countries with stockpiles one year to identify and liquidate these stockpiles. This would cause an unnecessary burden upon the Parties which allowed legal import of the Appendix II products in good faith with the proper CITES documents. If the vicuna range states are having a problem with illegal vicuna exports, the solution is not found in such an ex post facto requirement on legal appendix II vicuna wool.

19. Return to the wild of confiscated live animals of species included in Appendices II and III (Doc. 8.56)

Negotiating position: Oppose requiring Scientific Authority advice on the return of confiscated appendix II and III specimens to the State of export. Oppose requiring a postal vote of the Parties requesting advice on reintroduction to the wild of specimens that are returned to their State of origin. The United States supports the return to the wild of confiscated live animals, when biologically and ecologically appropriate, and encourages interested scientific organizations, such an IUCN, to develop a list of considerations to be assessed before introducing or reintroducing animals to the wild, to be consulted by interested Parties.

Information and comments: NYZS supports the U.S. position; AAZPA and HSUS support the return to the wild of confiscated live animals when appropriate, and supports the development of a list of factors to be considered prior to such returns. AHA supports requiring Scientific Authority advices prior to returns to the exporting country, in order to obtain scientific input as to whether there is any potential harm to wild populations of such reintroductions. HSUS opposes requiring Scientific Authority advices, but suggests the establishment of a CITES Working Group dealing with rehabilitating and releasing captured animals to the wild.

Rationale: Interest in what Parties should do with confiscated specimens, both live and dead and their products goes back to the drafting of the Convention. The re-export of appendix II specimens does not require a Scientific Authority finding. The Parties have spoken quite clearly on the issue of return of confiscated specimens to the country of origin and have consistently left the management of native wild specimens in the hands of each sovereign State when trade is not involved. This resolution goes beyond the Convention as discussed in Article VIII, paragraph 4(b), and attempts to impose upon what a State can do with the wildlife within its borders. The United States supports the return to the wild of confiscated live animals, when biologically and ecologically appropriate, but considers such determinations beyond the scope of CITES. The United States encourages the development by scientists of a list of considerations to be assessed before introducing or reintroducing animals to the wild, to be consulted by interested Parties, and would encourage IUCN or other international scientific organizations to pursue such an effort.

20. Export of Confiscated Specimens (Doc. 8.32)

Negotiating position: Advocate the adoption of the resolution proposed by the Untied States to clarify eligibility for export permits (under certain conditions) of illegally obtained specimens that have been subsequently confiscated.

Information and comments: AAZPA and NYZS support the proposed U.S. position. Defenders (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club) opposes any action that would expedite trade in confiscated specimens, and thus oppose the proposed U.S. position. They claim that the return of ill gotten goods to trade rewards the trade. AHA opposes the resolution, and considers it unnecessary. AHA and Defenders et al. recommend that confiscated goods only be sold as part of law enforcement operations. HSUS strongly opposes this resolution and the U.S. position, claiming that it promotes illegal trade and may increase corruption of government officials; they support a prohibition against the export of illegally-obtained specimens.

Rationale: While illegally imported specimens have been deemed eligible for reexport certificates under Conf. 4.17, no similar clarification has been made for specimens illegally obtained in the country of export. The prohibition against export of illegally obtained specimens was obviously meant to prevent those who illegally obtained the specimens from getting permits to export them. Export of confiscated specimens should also not be allowed if the individuals from whom the specimens were seized received any financial compensation for the specimens. The Scientific Authority would still have to make its "no detriment" finding before the permit could be issued, and appendix I specimens could not be traded for primarily commercial purposes.

21. Marking of Specimens (Doc. 8.33)

Negotiating position: Support a resolution requiring the use of coded microchip implants for marking live appendix I captive bred animals in trade and those which form part of a travelling exhibition or circus.

Information and comments: AAZPA, AHA, HSUS, and NYZS support the proposed U.S. position. AAZPA and NYZS recommend that the marking be first shown to be not harmful to the specimens involved; they recommend that microchips meet uniform standards and be properly implanted and registered; they recommend that CITES adopt the IUCN CBSG microchip standards. AHA recommends that microchip or other marking be required for all appendix I live animals in trade, with the number registered with the CITES Secretariat.

Rationale: In Conf. 7.12 the Parties recommended that coded microchip implanted be tried on a trial basis and that the Animals Committee further explore the issue. The Animals Committee looked at the issue in its forth and fifth meetings in Australia in 1990 and Canada in 1991, and recognized the value of microchip technology in the marking of high value captive bred specimens. This resolution is a direct result of those two meetings. The United States has long supported efforts to develop practical and effective methods of marking CITES specimens, particularly of high value appendix I species. The IUCN/SSC Captive Breeding Specialist Group has studied microchip technology, availability, and reliability, and recommended standards for microchip use throughout the world. Efforts should be made to ensure that microchips meet uniform standards and are properly controlled and registered.

22. Standardization of CITES Permits and Certificates (Doc. 8.34 not yet received)

Negotiating position: This document will not be received until COP8; no position is possible at this time.

Information and comments: AAZPA, NRA, NYZS, and SCI urge the United States to support efforts to standardize CITES permits and certificates used by all Parties.

23. Transport of Live Specimens (Doc. 8.36)

Negotiating position: Support the adoption by the COP of the report of the Chairman of the Transport Working Group (TWG). The United States will remain actively involved with the TWG, and with all aspects of the transport of live wild animals.

Information and comments: AHA, AAZPA, HSUS and NYZS support the TWG report and the increased attention by the United States to the humane transport of live wild animals. AHA urges the United States to work with CITES and IATA to improve the conditions under which live wild animals are transported; they also encourage the United States to chair the TWG and seek greater participation in the TWG of representatives from Africa, Latin America, and Asia. AAZPA and NYZS note that the humane shipment of animals needs international standards and coordination with input from knowledgeable animal handlers, keepers, curators and biologists.

Rationale: The humane transport of live wild animals remains a significant concern of the United States. The TWG's Terms of Reference with the Standing Committee include working to improve implementation of the Convention and relevant resolutions, training, improvement of international standards, coordination with the International Air Transport Association Live Animals Board, and the transport of live wild birds.

24. Role of the Scientific Authority (Doc. 8.37)

Negotiating position: Advocate adoption of the resolution submitted by the United States outlining the responsibilities of Scientific Authorities, and the process for the issuance of nondetriment findings by the Scientific Authority, which are required by the CITES treaty.

Information and comments: AAZPA, AHA, HSUS and NYZS support the U.S. position, and the resolution submitted by the United States. AAZPA and NYZS note that CITES must assist all Parties to establish a Scientific Authority. AHA urges the United States to go further, by requiring Parties to identify a Scientific Authority, and recommending not trading with countries that have not done so; they also recommend that Animals Committee request copies of the required non-detriment finding from an exporting Party for species of particular concern, with the absence of such a finding as grounds for non-acceptance of shipments from that Party. ALDF and Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club) note that Scientific Authorities around the world, when they exist, are seldom utilized in the manner foreseen by CITES; they recommend that Parties deny the validity of permits issued by Management Authorities when a Scientific Authority has not been a participant in the permit process. FICA and SCI opposes the U.S. position and the resolution on the role of Scientific Authorities. They object to the resolution's section on trade in hunting trophies of Appendix I animals because they oppose incorporation of provisions in Conf. 2.11 that recommend that Scientific Authority findings by an importing country be made based, among other things, on biological information on the status of the species. SCI is opposed to incorporating the provisions of Doc. 3.27 relating to the Scientific Authority finding on imports of Appendix I species. They are also opposed to any special attention to Appendix II significant trade species. They consider this proposed resolution

to be contrary to the provisions of the treaty.

Rationale: The Animals Committee agreed that such a resolution was necessary, and asked the United States to help develop it. It is critical that a country consult with the Scientific Authority and involve the scientific community in providing the best available biological information on decisions to conserve wildlife and plant resources. The effectiveness of the Convention is seriously undermined when a country does not have an active Scientific Authority.

25. Proposals to Register the First Commercial Captive-breeding Operation for an Appendix I Animal Species (Doc. 8.38)

Negotiating position: (Change) Support the proposed resolution to return the major responsibility for approving commercial breeding operations for appendix I species to each Management Authority, while strengthening the role of the Secretariat in accepting or refusing such registrations; support the establishment of new, consolidated criteria for approval of such facilities. In terms of the first such breeding operation for an Appendix I species, continue to explore this issue with other Parties and with Animals Committee at COP8.

Information and comments: AAZPA, AHA, ALDF, Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club) and NYZS oppose the proposed U.S. position and oppose the adoption of the resolution; HSUS supports it, if it is strengthened. AAZPA and Defenders et al. are opposed to each Management Authority's being in control of the registration of a commercial captive-breeding facility for appendix I species; they consider it essential for review of proposals by the COP. Defenders et al. consider the oversight and control by the Parties to be critical, as the potential for abuse of this system is too great. AAZPA and NYZS note that some proposals submitted for consideration at COP8 do not meet several existing requirements; they recommend more scrutiny of breeding stock origin and legal origin of specimens. AAZPA, AHA, ALDF, Defenders et al., and NYZS are concerned that captive breeding facilities will become a conduit for wild-caught specimens. AHA is concerned that once a Management Authority designates a species, hundreds of individuals of endangered species could be laundered through a facility, even if the Secretariat were to later recommend action. ALDF notes that a number of private breeding facilities misrepresent their captive breeding capabilities, and the scientific experts present at a COP should be available to advise the Parties as to the credibility of an application. ALDF further notes that this resolution delegates too much substantive power to the Secretariat. AAZPA supports consolidation of existing resolutions on this subject, but believes that all CITES Parties at a COP should continue to approve the first commercial facility for each species. AHA recommends COP approval for all such facilities, and not just the first for a given species. HSUS supports the resolution and the proposed U.S. position, if the role of the Secretariat is strengthened in accepting or refusing such registrations; they also support strengthened criteria for approval of such facilities.

Rationale: This resolution replaces Resolutions Conf. 6.21 and 7.10, which allow for the registration of the first commercial captive-breeding operation for an appendix I animal species, upon a two-thirds majority vote of the Parties. On the recommendation of the Animals Committee, this resolution establishes standards by which each Party's Management Authority could determine which facilities are registered as captive-breeding an Appendix I animal species for commercial purposes. The Secretariat is delegated authority to approve and register facilities put forward by a Party, after consultation with all Parties and appropriate experts.

26. Guidelines for Evaluating Marine Turtle Ranching Proposals (no document)

Negotiating position: None necessary; guidelines will not be discussed at COP8.

Information and comments: No comments received.

Rationale: The Secretariat has stated that no discussion of guidelines for evaluating marine turtle ranching proposals (none of which were submitted by Parties) can occur at COP8. IUCN has informed the Secretariat that it is not able to follow up on the proposed Guidelines.

27. Exemption for Blood and Tissue Samples for DNA Studies from CITES Permit Requirements (Doc. 8.41)

Negotiating position: Oppose exemptions from permit requirements for blood and tissue samples for DNA studies.

Information and comments: AHA and HSUS support the U.S. position. AHA notes that potential exists for such samples to be taken from animals in the wild in ways that may be detrimental to their populations. AAZPA and NYZS oppose the U.S. position, and urge the United States to support the resolution. They believe that small samples of blood and tissue for DNA studies should be exempt from permit requirements, at least when studies are conducted in conjunction with a country's Management Authority to verify the origin or taxonomy of specimens. They are concerned by the amount of time required to process permits.

Rationale: Such exemptions go beyond those specified in the treaty. The United States supports encouraging efficient and timely issuance of permits for perishable samples, as was suggested by the Secretariat at COP7.

28. Criteria for Amendments to the Appendices (Doc. 8.50)

Negotiating position: The Service supports the need to reevaluate the Berne Criteria for listing species in the appendices, but opposes consideration at COP8 of the complex and extensive document revising the Berne Criteria. The Service supports the establishment of a separate working group reporting to the Standing Committee to address these important issues, accompanied by a workshop involving a diverse group of scientists and experts, and to revise the criteria for consideration at COP9.

Information and comments: AAZPA, AHA, ALDF, Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club), FICA, NRA, NYZS, SCI and TRAFFIC support the U.S. position that the Berne Criteria need to be reevaluated, for which there is insufficient time at COP8, and that a separate working group or committee should be established to address these issues after COP8. NRA and SCI urge the United States to assure that such a working group is open to NGO input; along with FICA, they claim that for some popular species, a rational and scientific approach to Appendix I has been abandoned. Greenpeace et al. (on behalf of AWF, AWI, CIEL, IWC, RAN, SAPL, and Sierra Club) also oppose adoption of the "Kyoto Criteria" resolution, without commenting on the need for revision of the Berne Criteria. Greenpeace et al. claim that the recommendation in the resolution to avoid split listings is inconsistent with the CITES definition of species, which supports protecting subspecies and geographically distinct populations; they oppose that part of the proposed resolution that requires far more supporting evidence to delist than to list a species, which contradicts the Mace-Lande criteria cited in the resolution. HSUS opposes a reevaluation of the Berne Criteria at COP8 or any other COP, and opposes the establishment of a working group. AHA notes that criteria for transferring species onto or within the CITES Appendices should not be confused with purely scientific determinations of the status of species in the wild; CITES criteria must take into consideration management, trade, and law enforcement information. AHA considers the criteria proposed by Zimbabwe et al. to be insufficient and inadequate for all but a few species of large mammals; ALDF considers the criteria to be defective. AAZPA considers the Mace-Lande criteria inappropriate for use in CITES listings, in part because they require census data which are typically not available. AAZPA and NYZS state that the conservation of species should take priority over commercial or economic consideration, and that commercial activities should be restricted to those which result in significant conservation of the species and its habitat. AHA urges the United States to sponsor a special scientific workshop to consider the Berne criteria. TRAFFIC notes that a special IUCN workshop was recently held in Cambridge, U.K. (which the Service did not participate in) on this topic; their comments include a summary of that meeting. The workshop recommended that IUCN: review all mammals, birds, and crocodiles on Appendix I to test the applicability of the Mace-Lane Criteria; develop further criteria; recommend which species should remain on Appendix I; and develop additional sets of criteria for plants, invertebrates, amphibians, and marine vertebrates.

Rationale: The Berne Criteria need to be reviewed and adapted to address a broader array of taxa and to be more descriptive and definitive, to the extent possible. The diverse scientific and management issues addressed in the proposed resolution and background statement are too complex to deal with at a COP without detailed scientific and technical deliberations completed in advance.

29. Review of Procedures and Criteria for the Transfer of Crocodilians From Appendix I to Appendix II (Doc. 8.25)

Negotiating position: (Change) Support adoption of the resolution recommending that commercial captive-breeding operations only be established using wild-caught specimens if captive-bred specimens are not available, and only it if can be established that use of wild-caught stock does not result in the depletion of breeding stock in the wild. Support adoption of certain ranching proposal considerations, including limiting the harvest of wild specimens to programs described in the proposal and not allowing later initiation of new cropping programs. Support more rigorous review of proposals involving cropping of wild specimens.

Information and comments: AAZPA, HSUS and NYZS support the U.S. position, particularly the rationale that emphasis should be placed on not harvesting wild adults. HSUS opposes the collection of wild adult crocodilians for direct trade or to stock breeding operations.

Rationale: Ranching programs for crocodilians based on controlled egg or hatchling collection can be a positive force for conservation. Crocodilian species have been (and can again be) overharvested quickly unless strong management programs exist; emphasis should be placed on not harvesting wild adults.

30. Support of Range States for Amendments to Appendices I and II (Doc. 8.51)

Negotiating position: Support a recommendation that a Party proposing to amend the Appendices notify and consult with the range States concerned, and include any range State opinions in the proposal. The United States supports recommending submission of the full text of the proposal to range States 60 days prior to submission to the Secretariat. The United States opposes an amendment to the Rules of Procedure requiring withdrawal of an appendix I listing proposal upon a ⅔ vote of the range States, as contrary to the text of the Convention. However, the United States supports suggestions that range States consider and, if they desire, vote on species proposals in their respective COP regional meetings, and be given a specific opportunity to present their recommendations to Committee I.

Information and comments: AAZPA, FICA, HSUS, NRA and NYZS support the U.S. position. AAZPA, FICA, HSUS and NYZS particularly support the United States opposition to amending the Rules of Procedure (as stated above). ALDF, Defenders et al. (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club), and Greenpeace et al. (on behalf of CIEL, Earth Trust, EIA, IFAW, IPPL, PAWS, and SAPL) also support the U.S. position, noting further that ranges states should not be given full veto power over any species listing or delisting, which is in direct contradiction of the language, spirit and experience of the treaty. AHA supports the U.S. position, but feels it does not go far enough. AHA, Greenpeace et al., and HSUS oppose the requirement that proposals be circulated to range States 60 days prior to submission to the Secretariat and that range States' opinions be included in any proposal, as being overly burdensome; they note that this would require proposals to be prepared 210 days prior to the COP, which for financial and staff reasons would bar many countries from submitting proposals. Greenpeace et al. agree that range States should have a more formal process for commenting on proposals. HSUS opposes suggestions that range States vote on species proposals in their regional meetings at COPs, because this could discourage independent actions and encourage range States to act in a block rather than individually. AHA notes that non-range States have a sovereign right to submit any legiitimate proposal, as the United States has done several times, and that range States do not need a specific opportunity to address a COP, since all Parties have such an opportunity already. SCI disagrees with the U.S. opposition to amending the Rules of Procedure on withdrawal of a proposal if it is not supported by at least one third of the range States, and does not consider such a requirement to be contrary to the treaty; they support giving range States a stronger voice in listings. SCI notes that this resolution stems from a lack of implementation by many Parties of Resolution Conf. 6.7, which called for consultation with range states prior to imposition of stricter domestic measures.

Rationale: The United States supports the exchange of information with the range States, and the full participation and democratic decisions of all Parties on species to be included in appendices I and II.

31. Review of Appendix III (Doc. 8.42)

Negotiating position: Oppose the proposed resolution urging more judicious use of appendix III, including direct consultation with the Animals or Plants Committee and a review of existing appendix III listings.

Information and comments: AAZPA, HSUS, NYZS and TRAFFIC support the U.S. position and rationale on this issue. TRAFFIC recommends that the use and implementation of appendix III be reviewed by the Standing Committee, with recommendations to be presented for discussion at COP9.

Rationale: The CITES Secretariat has been working to screen appendix III proposals and consult with the submitting Party. The Service supports the need for judicious use of appendix III, but not the need for a resolution at this time. The Service supports urging all Parties to carry out their responsibilities in implementing and enforcing appendix III listings.

32. "Stricter Domestic Measures" (Doc. 8.52)

Negotiating position: The United States opposes a recommendation that would limit a State's right to take any stricter domestic measures with regard to its own or other countries' species, but could support a recommendation that such State consult with range States before taking stricter measures. The United States supports a recommendation that range States and all Parties have laws that adequately implement CITES (including means to minimize illegal trade), but opposes a recommendation that range States promote sustainable use.

Information and comments: AAZPA, AHA, ALDF, Defenders et al. (on behalf of (on behalf of AWF, AWI, IWC, RAN, SAPL, and Sierra Club), Greenpeace et al. (on behalf of CIEL, Earth Trust, EIA, IFAW, IPPL, PAWS, and SAPL), HSUS and NYZS support the U.S. position opposing the resolution limiting a country's right to take stricter domestic measures. ALDF and Defenders et al. consider wildlife as a resource for all the people of the world, and not just the economic property of a range State; they consider the U.S. position to be both legally and ethically correct. HSUS supports the U.S. position, but also opposes that States consult with range States before taking stricter measures. AAZPA and NYZS urge the United States to work to make other countries aware of the consequences of this resolution. AHA prefers that the U.S. opposition be stronger, noting that any country has the sovereign right under the treaty to impose any trade restrictions it chooses. AHA and HSUS support the United States in its opposition to a recommendation that range States promote sustainable use; AHA notes that such a decision is up to each country individually. Greenpeace et al. note that while the United States cites its sovereign right to impose any domestic measures it chooses, in the case of CITES, the Parties specifically included this right in Article XIV; they contend that the right of Parties to take stricter domestic measures is more firmly rested upon the treaty itself than upon sovereignty grounds. They recommend that the U.S. position state that it opposes this proposal because it is inconsistent with CITES. SCI opposes the U.S. position; while recognizing that the treaty allows Parties to take stricter domestic measures, they contend that the treaty refers principally to stricter controls over a range States' exports of listed species.

Rationale: The Convention provides that nothing shall "affect the right of a party to adopt * * * stricter domestic measures regarding the conditions for trade * * * or the complete prohibition thereof * * *" The United States endorses consultations with range States prior to adopting stricter domestic measures, and full consideration of their views, but it will not limit itself to adopting only those measures supported by range States. The United States reserves its sole authority to make final decisions under the Endangered Species Act, Marine Mammal Protection Act, Lacey Act, etc., and supports the similar right of all other countries regarding their stricter domestic laws. The United States has been a leader in efforts to see that all Parties have laws that adequately implement CITES. The United States also supports the principles of sustainable use, and the utilization of natural resources, including wildlife, on a sustainable basis. In recognizing the sovereign rights of individual countries, however, it is not the business of CITES to promote sustainable use of wildlife over other conservation regimes; rather, it is up to each Party to decide the basis of its conservation programs. CITES does provide that if a CITES-controlled species is traded internationally, its trade shall not be detrimental to that species' survival.

XV. Conclusion of the Meeting

1. Determination of the Time and Venue of the Next Regular Meeting of the Conference of the Parties (no document)

Negotiating position: No documents have been received regarding possible host governments. Favor holding COP9 in a country where all Parties and observers will be admitted without political difficulties. Support the holding of COPs on a biennial basis, or, as in the case of COP8, after an interval of 2½ years.

Information and comments: HSUS supports holding COP9 after 2 or 2½ years anywhere that all Parties and NGOs will be admitted without difficulties. AHA supports not holding COP9 any later than 2½ years after COP8, preferably in the Third World.

Rationale: COP meetings energize governmental and nongovernmental organizations concerned with CITES issues to examine its implementation, and species that need it. Stretching out intervals between meetings to 3 years is not in the interest of conservation; the cost savings that might result from a 3-year interval would be partially reduced by an increase in committee meetings in the interim.

Author: This notice was prepared by Dr. Susan S. Lieberman, Office of Management Authority, U.S. Fish and Wildlife Service (703/358–2095).

Dated: February 25, 1992.

Richard N. Smith,

Acting Director.

[FR Doc. 92–5047 Filed 3–3–92; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Invs. Nos. 701–TA–309 and 731–TA–528 and 529 (Final)]

Notice of Institution and Rescheduling of Investigation; Magnesium from Canada and Norway

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of final antidumping investigations and rescheduling of the ongoing countervailing duty investigation regarding imports of pure and alloy magnesium from Canada.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigations Nos. 731–TA–528 and 529 (Final) under section 735(b) of the Tariff Act of 1930 (the act) [1] to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada and Norway of pure and alloy magnesium,[2] that have been found by the U.S. Department of Commerce (Commerce), in preliminary determinations, to be sold in the United States at less than fair value (LTFV).

The Commission also gives notice of the schedule to be followed in these antidumping investigations and the rescheduling of the ongoing countervailing duty (CVD) investigation regarding imports of pure and alloy magnesium from Canada (inv. No. 701–TA–309 (Final)), which the Commission instituted effective December 4, 1992.[3]

[1] 19 U.S.C. 1673d(b).

[2] The products covered by these investigations are pure and alloy magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Alloy magnesium contains less than 99.8 percent magnesium by weight, with magnesium being the largest metallic element in the alloy by weight. Granular and secondary magnesium are excluded from the scope of these investigations. Pure and alloy magnesium are provided for in subheadings 8104.11.00 and 8104.19.00, respectively, of the Harmonized Tariff Schedule of the United States (HTS).

[3] 56 F.R. 60875, Dec. 30, 1991.

The schedules for the subject investigations will be identical, pursuant to Commerce's alignment of its final subsidy and dumping determinations. Unless these investigations are extended, Commerce will make its final CVD and LTFV determinations on or before April 27, 1992, and the Commission will make its final injury determinations on or before June 16, 1992.[4]

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E,[5] and part 207, subparts A and C.[6]

EFFECTIVE DATE: February 18, 1992.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

The antidumping investigations are being instituted as a result of affirmative preliminary antidumping determinations by Commerce that imports of pure and alloy magnesium from Canada and Norway are being sold in the United States at less than fair value within the meaning of section 733 of the act.[7] The antidumping investigations were requested in a petition filed on September 5, 1991, by Magnesium Corp. of America (Magcorp), Salt Lake City, UT.

Participation in the Investigations and Public Service List

Persons wishing to participate in the antidumping investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final antidumping investigations available to authorized applicants under the APO issued in these investigations, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in these investigations will be placed in the nonpublic record on April 21, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing

The Commission will hold a hearing in connection with all of the subject investigations beginning at 9:30 a.m. on May 6, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 28, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 1, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 601.13(f), and 207.23(b) of the Commission's rules.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is April 30, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is May 13, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 13, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: February 28, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–5132 Filed 3–3–92; 8:45 am]

BILLING CODE 7020–02–M

[4] 19 U.S.C. 1673d(e) and § 1673d(b).

[5] 19 CFR part 201.

[6] 19 CFR part 207.

[7] 19 U.S.C. § 1673b.

INTERSTATE COMMERCE COMMISSION

Agency Information Collection Under OMB Review

The following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) are being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Kathleen King, (202) 927–5493. Comments regarding this information collection should be addressed to Kathleen King, Interstate Commerce Commission, room 1312, Washington, DC 20423 and to Ed Clark, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503. When submitting comments, refer to the OMB number or the Title of the Form.

Type of Clearance: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Bureau/Office: Office of Economics.

Title of Form: Quarterly Report of Revenues, Expenses and Income.

OMB Form Number: 3120–0027.
Agency Form Number: RE&I.
Frequency: Quarterly.
Respondents: Class I Railroads.
No. of Respondents: 17.
Total Burden Hours: 408.

Type of Clearance: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.
Bureau/Office: Office of Economics.
Title of Form: Records Retention.
OMB Form Number: 3120–0121.
Agency Form Number: None.
Frequency: Annual.
Respondents: Class I and II Motor Carriers of Property, Class I Motor Carriers of Passenger and Class I Railroads.
No. of Respondents: 2092.
Total Burden Hours: 20,920.

Sidney L. Strickland, Jr.,
Secretary.
[FR Doc. 92–4995 Filed 3–3–92; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CRRCLA)

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 25, 1992, a proposed Consent Decree in *United States* v. *E.I. du Pont de Nemours & Company*, Civil Action No. 3–92–CV–10028, was lodged with the United States District Court for the Southern District of Iowa, Central Division. The proposed Consent Decree resolves the liability of the Settling Defendant under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 U.S.C. 9606 and 9607, at the County Road X23 Superfund Site ("Site") located near the towns of West Point and Fort Madison, Iowa in Lee County. Under the terms of the Consent Decree, the Settling Defendant has agreed to conduct a remedial action at the Site, to reimburse EPA for past costs of $422,176.00, and to reimburse the United States for all oversight and future costs incurred at the Site.

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *E.I. du Pont de Nemours & Company*, D.J. Ref. No. 90–11–2–555.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Iowa, 115 U.S. Courthouse, East 1st and Walnut Sts., Des Moines, Iowa 50309, the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66106, and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004, 202–347–2072. A copy of the proposed Consent Decree can be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $18.50 (25 cents per page reproduction charge) payable to the Consent Decree Library.

Barry M. Hartman,
Acting Assistant Attorney General, Environment and Natural Resources Division.
[FR Doc. 92–4993 Filed 3–3–92; 8:45 am]
BILLING CODE 4410–01–M

Lodging of Consent Decree

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 26, 1992, a proposed Amended Consent Decree in *United States* v. *Virgin Islands Housing Authority*, Civil No. 86–112, was lodged with the United States District Court for the District of the Virgin Islands. The proposed Amended Consent Decree concerns defendant's compliance with a Consent Decree that was entered by the District of the Virgin Islands on January 20, 1989. The original Consent Decree settled the United States' claims that the Virgin Islands Housing Authority had violated various provisions of the Safe Drinking Water Act.

Under the terms of the Consent Decree the settling defendant will pay $15,000 in stipulated penalties, complete various capital improvements, and adhere to the operation, maintenance, monitoring, reporting and recordkeeping requirements of the Amended Consent Decree. This will settle the United States' claims for stipulated penalties and injunctive relief based on the United States' assertion that the Virgin Islands Housing Authority violated certain terms of the original Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Virgin Islands Housing Authority*, D.O.J. Ref. 90–5–1–1–2550A.

The proposed Consent Decree may be examined at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, NY. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20044, (202–347–2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Box 1097, Washington, DC 20044. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $8.25 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Barry M. Hartman,
Acting Assistant Attorney General, Environment and Natural Resources Division.
[FR Doc. 92–4994 Filed 3–3–92; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and/or Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 523–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Extension

Employment and Training Administration

Attestation by Employer for Off-Campus Work Authorization for F–1 Students, ETA 9034, As Needed, Individuals or households; State or local governments; Business of other for profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations, 40,000 respondents; 40,040 total hours; 1 hr. per response; 1 form.

The information provided on this form by employers seeking to use aliens admitted as students on F–1 visas in off-campus work will permit DOL to meet Federal responsibilities for program administration, management and oversight.

Veterans Employment and Training

Eligibility Data Form for Requesting Assistance in Obtaining Veterans' Reemployment Rights, 1293–0002, Other, Individuals or households, 2,500 respondents; 625 hours; .25 hours per response.

The information is needed to determine eligibility of veteran complainants for reemployment rights they are seeking as well as to state alleged violations by employers of the pertinent statutes and request assistance in obtaining appropriate reemployment benefits.

Annual Report from Federal Contractors, 1293–0005, VETS 100, Annually, Businesses or other for-profit; small businesses or organizations, 158,150 respondents; 75,075 total burden hours; 30 minutes average per response.

The annual report is required by 38 U.S.C. 2012(d) from entities with contracts of $10,000 or more with Federal departments or agencies covering (a) numbers of special disabled and Vietnam-era veterans in the workforce by job category and hiring location and (b) number of employees hired and of those, the number of special disabled and Vietnam-era veterans.

Signed at Washington, DC, this 25th day of February 1992.

Kenneth A. Mills,
Departmental Clearance Officer.
[FR Doc. 92–4997 Filed 3–3–92; 8:45 am]
BILLING CODE 4510–22–M

Employment and Training Administration

[TA–W–26,658]

Atlas Wireline Services, Broussard, LA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 16, 1991 in response to a worker petition which was filed on December 16, 1991 on behalf of workers at Atlas Wireline Services, a Division of Western Atlas International, Incorporated, Broussard, Louisiana. The workers are engaged in activities related to exploration and drilling for unaffiliated firms in the oil and gas industry.

The petitioning group of workers is subject to an ongoing investigation for which a determination has not yet been issued (TA–W–26,588). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 21st day of February 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.
[FR Doc. 92–4998 Filed 3–3–92; 8:45 am]
BILLING CODE 4510–30–M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of February 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–26,625; Intrex Corp., Harrison, NJ
TA–W–26,614; Sequent Computer Systems, Beaverton, OR
TA–W–26,595; Dynac Corp., St. Joseph, MI
TA–W–26,487; General Motors Corp., Powertrain Div., Ypsilanti, MI
TA–W–26,649; Massillon Stainless Steel Works, Inc., Massillon, OH
TA–W–26,685; DuBois Chemical, East Rutherford, NJ
TA–W–26,699; Fashions by Anna, Inc., Orange, NJ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,663; Compaq Computer Corp., Printed Circuit Board Dept., Houston, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,761; Vulcan Materials Co., Jacksonville, FL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,691; Apache Corp., Denver, CO

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,694 & TA-W-26,695; Black Hills Trucking, Inc., Watford City and Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,670; Lermer Corp., Eatontown, NJ

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,633; Summit Timber Co., Darrington, WA

U.S. imports of softwood lumber decreased both absolutely and relative to U.S. shipment in 1990 compared with 1989 and decreased absolutely in Jan-Sept 1991 compared with the same period in 1990.

TA-W-26,652 & TA-W-26,653; Tex/Con Oil and Gas Co., Houston, TX and Crescent, OK

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,654 & TA-W-26,655; Tex/Con Oil and Gas Co., Gorham, KS and Portland, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,662; Brunswick Defense, Brunswick Corp., Willard, OH

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-26,690; Wiman Apparel, St. Gaylord, MN

A certification was issued covering all workers separated on or after December 16, 1990.

TA-W-26,643 & TA-W-26,644; Duxbak, Inc., Cambridge, MD & Willards, MD

A certification was issued covering all workers separated on or after December 1, 1990.

TA-W-26,786; Nanci Andrews, Altoona, PA

A certification was issued covering all workers separated on or after Jan. 16, 1991.

TA-W-26,621; Chevron Chemical Co., Kennewick, WA

A certification was issued covering all workers separated on or after November 15, 1990.

TA-W-26,718; Potomac Sportswear, Martinsburg, WV

A certification was issued covering all workers separated on or after December 27, 1990.

TA-W-26,496; United Technologies Automotive, Boyne City, MI

A certification was issued covering all workers separated on or after October 18, 1990.

TA-W-26,475; Arbor Foods, Inc., Toledo, OH

A certification was issued covering all workers separated on or after October 21, 1990 and before September 30, 1991.

TA-W-26,628; Nikki Lee Fashions, Inc., Duryea, PA

A certification was issued covering all workers separated on or after November 21, 1990.

TA-W-26,661; Bridgeport Machines, Inc., Bridgeport, CT

A certification was issued covering all workers separated on or after December 2, 1990.

TA-W-26,700; Halliburton Services, Rankin, TX

A certification was issued covering all workers separated on or after January 1, 1991 and before February 1, 1992.

TA-W-26,798; Exxon Co U.S.A., Eastern Div. Production Dept, New Orleans, LA

A certification was issued covering all workers separated on or after January 21, 1991.

TA-W-26,772; Exxon Co U.S.A., Midland Office, Midland, TX

A certification was issued covering all workers separated on or after December 31, 1990.

TA-W-26,666; Exxon Co U.S.A., Onshore Exploration Div., Denver, CO

A certification was issued covering all workers separated on or after December 4, 1990.

TA-W-26,758; Harwood Companies, Inc., Marion, VA

A certification was issued covering all workers separated on or after January 13, 1991.

TA-W-26,668; Scientific Drilling International, Inc., Mills, WY

A certification was issued covering all workers separated on or after January 1, 1991.

TA-W-26,675; Par Directional Drilling, Inc., Lafayette, LA

A certification was issued covering all workers separated on or after January 1, 1991 and before January 1, 1992.

TA-W-26,680; Val Mode, Inc., Prichard, AL

A certification was issued covering all workers separated on or after November 12, 1990.

TA-W-26,786, TA-W-26,767, & TA-W-26,768; Brown Shoe Co., Union, MO, Owensville, MO & Dixon, MO

A certification was issued covering all workers separated on or after January 13, 1991.

TA-W-26,687; Muskogee Inspection Co (MICO), Muskogee, OK

A certification was issued covering all workers separated on or after December 23, 1990.

TA-W-26,689; Tubular Corp., of America (TCA), Muskogee, OK

A certification was issued covering all workers separated on or after December 23, 1990.

TA-W-26,476 & TA-W-26,476A; Arco Oil and Gas Co., Bakersfield, CA & Operating at Various Other Locations in the State of CA

A certification was issued covering all workers separated on or after October 17, 1990.

TA-W-26,657 & TA-W-26,657A Arco Oil and Gas Co., Houston, TX & Operating at Various Other Locations in Southern TX

A certification was issued covering all workers separated on or after November 21, 1990.

TA-W-26,722; Arco Oil and Gas Co., Midland, TX & Operating at Various Locations in The Following States:

A; CO, B; KS, C; MI, D; NM, E; OK, F; TX (excluding Southern & Southeastern), G; WY

A certification was issued covering all workers in the above cited states separated on or after January 6, 1991.

TA-W-26,723 & TA-W-26,723A; Arco Oil and Gas Co. Dallas, TX and Plano Technical Services Center, Plano, TX

A certification was issued covering all workers separated on or after January 6, 1991.

TA-W-26,724; Arco Oil and Gas Co., Lafayette, LA & Operating at Various Locations in The Following States:

A; AR, B; AL, C; LA, D; TX (excluding Southern & Central)

A certification was issued covering all workers in the above cited states separated on or after January 6, 1991.

I hereby certify that the aforementioned determinations were issued during the month of February 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: February 24, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-4999 Filed 3-3-92; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law pertaining to unemployment insurance as part of the fulfillment of its role in administration of the Federal-State unemployment insurance system. There interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to State Employment Security Agencies (SESAs). The UIPLs described below are published in the **Federal Register** in order to inform the public.

Unemployment Insurance Program Letter No. 11-92

This UIPL advises State agencies of the Department of Labor's position on the payment of interest from a State unemployment fund. It specifically addresses the question of whether refunds of contributions or retroactive payments of unemployment compensation may also include payments of interest from a State's unemployment fund.

Unemployment Insurance Program Letter No. 15-92

This UIPL addresses two amendments made to the Federal Unemployment Tax Act (FUTA) by the enactment of the Emergency Unemployment Compensation Act (EUC) of 1991, Public Law 102-164. The first amendment made the between and within terms denial provisions of section 3304(a)(6)(A), FUTA, a State option with respect to services performed by "non-professionals." The second amendment extended the 0.2 percent FUTA surtax (section 3301, FUTA) for one additional year. The last year for the tax is now calendar year 1996.

Dated: February 21, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. Department of Labor

Employment and Training Administration, Washington, DC 20110

CLASSIFICATION—UI

CORRESPONDENCE SYMBOL—TEU

Date: December 30, 1991.

Directive: Unemployment Insurance Program Letter No. 11-92

To: All State Employment Security Agencies

From: Donald J. Kulick, Administrator for Regional Management

Subject: Payment of Interest from a State Unemployment Fund

1. **Purpose.** To advise State agencies of the Department of Labor's position on payment of interest from a State unemployment fund.

2. **References.** Sections 303(a)(1), (4) and (5) of the Social Security Act (SSA); sections 3304(a)(3) and (4), and 3306(f) and (h) of the Federal Unemployment Tax Act (FUTA); and UIPL 25-89.

3. **Background.** Over the years, questions have arisen concerning whether refunds of contributions or retroactive payments of unemployment benefits may also include payments of interest from a State unemployment fund. This UIPL is issued to advise States of the Department of Labor's position on the payment of interest from the unemployment fund. Because this matter also involves a determination as to whether such interest could be considered to be "sums erroneously paid" into the unemployment fund, the term "sums erroneously paid" is also interpreted.

As part of the development of this UIPL, the Department reviewed the advice it had provided States concerning interest payments from the unemployment fund. The Department found that in the majority of cases, the States had been advised that any payment of interest would conflict with Federal law requirements. However, in several cases involving court orders requiring payment of interest on late benefit payments to claimants, the Department took the opposite position. In these cases, the Department advised that interest could be paid from the Unemployment fund as long as the interest payment did not exceed the amount of interest earned in the fund. This UIPL resolves these conflicting positions and hereafter restricts payment of interest from a State unemployment fund solely to a refund of interest "erroneously paid into such fund." This UIPL does not address whether interest may be paid from funds granted under Title III, SSA, for the administration of a State's unemployment compensation law.

4. **Federal Law Requirements.** The relevant Federal law requirements are as follows:

a. Section 3304(a)(3), FUTA, requires, as a condition of employers in a State receiving credit against the Federal unemployment tax, that an approved State law shall provide that:

All money received in the unemployment fund shall (except for refunds of sums erroneously paid into such fund . . .) immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund * * *.

Section 303(a)(4), SSA, contains the same requirement as a condition for receiving administrative grants.

b. Section 3304(a)(4), FUTA, requires, as a condition of employers in a State receiving credit against the Federal unemployment tax, that an approved State law shall provide that:

All money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund * * * *

Section 303(a)(5), SSA, contains the same requirement as a condition for receiving administrative grants.

c. Section 3306(f), FUTA, defines "unemployment fund," in pertinent part, as:

A special fund, established under a State law and administered by a State agency, for the payment of compensation * * * An unemployment fund shall be deemed to be maintained during a taxable year only if throughout such year * * * no part of the moneys of such fund was expended for any purpose other than the payment of compensation (exclusive of expenses of administration) and for refunds of sums erroneously paid into such fund * * * *

d. Section 3306(h), FUTA, defines the term "compensation" as "cash benefits payable to individuals with respect to their unemployment."

e. Section 303(a)(1), SSA, requires, as a condition for receiving administrative grants, that a State law include provision for:

Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

5. **Discussion.** Since the inception of the unemployment insurance program, the Department and its predecessor agencies have interpreted the above provisions as requiring that withdrawals from the unemployment fund must be limited to payments of compensation, i.e., cash benefits payable to individuals with respect to their unemployment. A withdrawal may fail to meet the definition of compensation for one of several reasons: It is not a cash benefit; it is not payable to an individual; or it is not paid with respect to the individual's unemployment. Regardless of the reason, an exception to this requirement is allowed only as permitted or required under Federal law.

In a December 16, 1988, decision in a conformity proceeding involving the State of Minnesota, the Secretary of Labor affirmed the Department's position on an issue concerning withdrawals from a State's

unemployment fund. (See UIPL 25–89, dated April 5, 1989 (54 FR 22973 (May 30, 1989)). In that decision, the Secretary adopted the Administrative Law Judge's Recommended Decision. In discussing section 303(a)(5), SSA, and section 3304(a)(4), FUTA, the Administrative Law Judge noted that:

Congress itself has defined the only exceptions to the fundamental requirements of the legislation. SSA and FUTA neither explicitly nor implicitly authorize either the Secretary or the individual States to modify or augment those exceptions. The pertinent legislative history buttresses this restrictive view * * * *

In sum, States may neither withdraw amounts for payments which are not "compensation," nor may States restrict withdrawals so that an individual does not receive the full amount of compensation to which he or she is entitled, unless a clear and unambiguous exception is found in the Federal law. Of the several exceptions in Federal law to the requirement that withdrawals from the unemployment fund be used solely for the payment of "compensation," only one is relevant to whether amounts may be withdrawn for the payment of interest. This exception pertains to amounts erroneously paid into the unemployment fund and is discussed below.

a. *Payment of interest on benefits.* Although the payment of interest on benefits may be intended to make whole the claimant, such payment is not a payment of compensation. The payment is not made with respect to the individual's unemployment, but instead with respect to a delay in the payment of compensation. Therefore, interest on late payments of compensation may not be paid from the fund. This interpretation is consistent with the restrictive nature of the Federal law provisions discussed above; if there is to be an exception, it must be clearly specified in Federal law.

In addition, the payment of interest is a cost of administration related to the proper determination of a claim for benefits. The Federal law provisions cited above expressly prohibit payments from the fund for "expenses of administration."

b. *Payment of interest on refunds.* Federal law provides for the "refund of sums erroneously paid into" a State's unemployment fund. (Sections 3304(a) (3) and (4), FUTA, section 3306(f), FUTA, and sections 303(a) (4) and (5), SSA.) The term "erroneously paid" means that some error has been made, either by the employer or his agent (e.g., a miscalculation in amount due) or the agency (e.g., an incorrect rate assignment) which results in money being paid into the fund which was not required by law to be paid. Any amount properly paid into the fund under the law in effect at the time of the payment is not an erroneous payment because no error was made.

This exception applies only to "sums erroneously paid into" the fund. This means no amount in excess of the sum actually paid in error into the fund may be refunded. Therefore, interest on an erroneous payment may not be paid from the unemployment fund under this exception.

It should be noted that, if interest is erroneously paid into the unemployment fund, the interest erroneously paid into the fund may be refunded. This might occur in those few States which require penalty and interest to be paid into the unemployment fund. However, the amount that may be refunded is limited solely to the amount actually paid into the unemployment fund in error.

6. **Interpretation.** Provisions of Federal law relating to the withdrawal of money from the unemployment fund are interpreted as follows concerning the payment of interest from the fund and refunds of sums erroneously paid into the fund:

a. *Payments of Interest on Benefits.* Moneys may be withdrawn from the fund only for cash payments to individuals with respect to their unemployment except as specifically provided for in section 303, SSA, or section 3304(a), FUTA. Interest on benefit payments to claimants is not "compensation" but is an administrative expense, and therefore may not be paid from the fund.

b. *Payments of Interest on Refunds.* Amounts may be withdrawn from a State unemployment fund to refund sums erroneously paid into the fund. Sums are "erroneously paid" into the fund only if an error is made by the employer, his agent or the State agency which results in an amount being paid into the fund which was not required by the State law in effect at the time the payment was made. Interest on an erroneous payment does not represent a sum "erroneously paid into" the fund. However, an amount equal to any interest erroneously paid into the unemployment fund may be refunded; interest erroneously paid into another State fund may under no circumstances be refunded from the unemployment fund.

7. **Action.** State agency administrators are requested to review existing State law provisions involving the payment of interest to ensure that Federal law requirements as set forth in this program letter are met. Prompt action, including corrective legislation, should be taken to assure Federal requirements are met.

8. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

U.S. Department of Labor

Employment and Training Administration, Washington, DC 20210

CLASSIFICATION—UI

CORREPONDENCE SYMBOL—TEURI.

DATE: January 27, 1992.

DIRECTIVE: Unemployment Insurance Program Letter No. 15–92

TO: All State Employment Security Agencies

FROM: Donald J. Kulick, Administrator for Regional Management

SUBJECT: The Emergency Unemployment Compensation Act of 1991 (Pub. L. 102–164)—Provisions Amending the Federal Unemployment Tax Act

1. **Purpose.** To advise State employment security agencies (SESAs) of the provisions of the Emergency Unemployment Compensation Act of 1991, Public Law 102–164, which amend the Federal Unemployment Tax Act (FUTA).

2. **References.** Sections 302 and 402 of Public Law 102–164; the Federal Unemployment Tax Act (sections 3301–3311 of the Internal Revenue Code of 1986); UIPL 18–78, dated March 6, 1978; UIPL 4–83, dated November 15, 1982; UIPL 41–83, dated September 13, 1983; UIPL 30–85, dated July 12, 1985 (50 FR 48274, 48280); UIPL 11–86, dated January 31, 1986; the Draft Legislation to Implement the Employment Security Amendments of 1970 . . . H.R. 14705 ("1970 Draft Language"); the Draft Language and Commentary to Implement the Unemployment Compensation Amendments of 1976—P.L. 94–566 ("1976 Draft Language"); and Supplements 1 through 5 to the 1976 Draft Language.

3. **Background.** On November 15, 1991, the President signed into law the Emergency Unemployment Compensation Act of 1991, Public Law 102–164. Public Law 102–164 created a temporary emergency unemployment compensation (UC) program, amended the law pertaining to UC for ex-servicemembers, and made other changes affecting the Federal-State UC program. This issuance is limited to the two amendments made to the FUTA which affect the Federal-State UC program.

The first amendment makes the "between and within terms denial" provisions optional with respect to "nonprofessional" services. The second amendment extends the 0.2 percent temporary tax under FUTA for one year. The last year for this tax is now calendar year 1996.

Only the first amendment may require changes in State laws.

4. **Between and Within Terms Denial.**

a. *Text of Amendment.*

Sec. 302. Optional Benefits for Certain School Employees

(a) **In General.**—

(1) Subclause (I) of section 3304(a)(6)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking "shall be denied" and inserting "may be denied".

(2) Subparagraph (A) of section 3304(a)(6) of such Code is amended by striking "and" at the end of clauses (iii) and (iv) and by inserting after clause (v) the following new clause:

"(vi) with respect to services described in clause (ii), clauses (iii) and (iv) shall be applied by substituting 'may be denied' for 'shall be denied', and".

(b) **Effective Date.**—The amendments made by this section shall apply in the case of compensation paid for weeks beginning on or after the date of the enactment of this Act.

b. *Discussion.*

(1) Between and Within Terms Denial—Situation Prior to Enactment of Public Law 102–164 with Additional Background Information. Section 3304(a)(6)(A), FUTA, (a part of the Internal Revenue Code of 1986) requires each State to pay UC based on services performed for certain governmental entities and nonprofit organizations on the same terms and conditions as are applicable to other services covered by the State law. Exceptions to this requirement were found in five distinct clauses of section 3304(a)(6)(A). The exceptions in clauses (i) through (iii) provided that an employee of an educational institution was ineligible to receive UC (based on such services) between academic years or terms and during vacation periods and holiday recesses within terms if the employee had a "reasonable assurance" or performing services in such educational employment in the following academic year, term, or remainder of a term. Clause (iv) provided for the same denials for an employee of an educational service agency (ESA) who performed services in an educational institution. Clause (v) provided for the same denials based on services provided to or on behalf of an educational institution. These clauses are referred to as the "between and within terms denial" provisions.

The between and within terms denial provisions are applicable to services commonly called "professional" and "nonprofessional" services. "Professional" is the name given to the services described in clause (i) of section 3304(a)(6)(A) as services performed in an "instructional, research, or principal administrative capacity." "Nonprofessional" is the name given to services described in clause (ii) as services performed in "any other capacity." Although clauses (i) and (ii) apply only to services performed for an educational institution, the distinction between professional and nonprofessional services also applies to the services performed for an entity to which clauses (iv) and (v) apply. Individuals who might normally be considered professional employees (e.g., librarians) may be "nonprofessionals" for purposes of the between and within terms denial if the services are not performed in an instructional, research, or principal administrative capacity.

Prior to the enactment of Public Law 102–164, clauses (i) through (iv) were mandatory for both professional and nonprofessional services. Clause (v) was optional. However, if State law contained a provision implementing clause (v), it was required to apply equally to all services described in section 3304(a)(6)(A)(i)–(iv). (See UIPL 41–83, Attachment I, page 4.)

(2) Between and Within Terms Denial—Effect of Public Law 102–164. The amendments made by section 302 of Public Law 102–164 substitute the phrase "may be denied" for "shall be denied" in clause (ii)(I) of section 3304(a)(6)(A), FUTA, which pertains to the between terms denial based on services performed by "nonprofessional" employees. The amendments also add new clause (vi), which provides that, with respect to the nonprofessional services described in clause (ii), the phrase "shall be denied" shall be applied by substituting "may be denied" for purposes of clause (iii) and clause (iv). Clause (iii) addresses the within terms denial, and clause (iv) addresses both the between and within terms denials based on services performed in an educational institution while in the employ of an ESA.

The sole effect of these amendments is to make the between and within terms denial provisions of clauses (ii), (iii), and (iv) optional for all services performed in a "nonprofessional" capacity. No State legislative amendments are required for purposes of conformity/compliance. However, if the State chooses to no longer apply a between and within terms denial provision to nonprofessional services, then the State law must be amended to remove the disqualifying language.

(3) Application of Amendments made by Public Law 102–164. A State may not apply the optional denial to some nonprofessional services while excluding other nonprofessional services. For example, a State may not exempt janitorial services from the between terms denial while applying the between terms denial to other nonprofessional services. This reinstates the position taken by the Department prior to clauses (ii), (iii), and (iv) being made mandatory by the 1983 enactment of Public Law 98–21. (See Supplement 5 to the 1976 Draft Language at pages 20–21, UIPL 18–78 at page 3, and UIPL 4–83, Attachment II, page 14.) Similarly, a State electing to deny nonprofessionals between terms under clause (ii)(I), must incorporate the entire clause, including clause (ii)(II) pertaining to retroactive payment of compensation. (See UIPL 4–83, Attachment II, page 14.)

States do have the option of adopting a more restrictive test than the "reasonable assurance" test for nonprofessional services. For example, instead of requiring the reasonable assurance requirement as specified under clause (ii), the State law may include a provision requiring a contract to return to work in the next year or term. (See UIPL 41–83, Attachment I, at page 7.) States may not introduce a less restrictive test than the reasonable assurance test which would result in the denial of compensation in circumstances to which section 3304(a)(6)(A) applies.

Finally, because the clauses of section 3304(a)(6)(A) are distinct from one another, a State may choose to adopt any one or more of the clauses in regard to "nonprofessional" employees. For example, a State may deny benefits within terms based on services performed by nonprofessionals, but permit payment between years and terms based on these same services. (See Supplement 3 to the 1976 Draft Language at page 7.)

(4) Draft Language. Two versions of draft language are provided in the Attachment to this program letter. The first applies the between and within terms denial provisions to all services performed by professional and nonprofessional employees. The second implements the new amendments by applying the between and within terms denial provisions only to professional employees.

(5) Conforming State Laws. Conformity and compliance with the requirements of section 3304(a)(6)(A) is a condition for employers in a State receiving credit against the Federal unemployment tax. As such, it is important that State law provisions be consistent with Federal law provisions. Since the Department continues to find technical problems in State law provisions implementing the between and within terms denial clauses, States are encouraged to compare their provisions with the draft language to assure consistency with these Federal law requirements.

(6) Effective Date. Under section 302(b) of Public Law 102–164, the amendments are effective for UC paid for weeks of unemployment beginning on or after the date of enactment. Since the date of enactment was November 15, 1991, States are no longer required to apply the between and within terms denial provisions to nonprofessional services for weeks of unemployment beginning on or after November 17, 1991. No question will be raised with any State that construes its law as authorizing it to give effect to these amendments prior to the enactment of conforming amendments to the State law.

5. **Extension of Temporary 0.2 Percent FUTA Tax.**

a. *Text of Amendment.*

Sec. 402. Extension of FUTA Surtax

Section 3301 of the Internal Revenue Code of 1986 (relating to rate of unemployment tax) is amended—

(1) By striking "1995" in paragraph (1) and inserting "1996", and

(2) By striking "1996" in paragraph (2) and inserting "1997".

b. *Discussion.* Section 11333 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) amended section 3301, FUTA, to extend the 0.2 percent temporary tax through 1995. Section 402 of Public Law 102–164 extends the tax for one additional year through 1996. No change was made in the distribution of the tax among the various accounts in the Unemployment Trust Fund.

6. Action Required. SESAs are requested to notify appropriate staff of these amendments. SESAs are encouraged to review State laws pertaining to the between and within terms denial provisions to assure consistency with Federal law requirements.

7. Inquiries. Inquiries should be directed to your Regional Office.

8. Attachment. Draft Language to Implement the Between and Within Terms Denial Provisions.

Attachment To UIPL NO. 15–92

Draft Language for State Laws

I. The following language is intended for States choosing to require the between and within terms denial based on both professional and nonprofessional services. It consolidates and replaces the draft language provided in UIPLs 41–83 and 4–83 and in the 1976 Draft Language. Section citations follow those used in the Manual of State Employment Security Legislation (Revised September 1950) and subsequent issuances of draft language. The draft language pertaining to the optional denial in clause (v) of section 3304(a)(6)(A), FUTA, has been revised to accord more closely with the actual language of clause (v). (The "Commentary" provided in the 1970 Draft Language and the 1976 Draft Language is not updated by this UIPL. States needing additional information are advised to refer to the issuances found in the "References" section of the UIPL. The Department plans on consolidating these issuances into a single UIPL addressing the requirements of section 3304(a)(6)(A), FUTA.)

To avoid creating the crossover problems described in UIPL 30–85, State law should not intertwine professional or nonprofessional services in the same provision. To emphasize this point, in subparagraphs (C) and (D) the reference to "(A) and (B)" is changed to "(A) or (B)." This revision also tracks more closely to the language in FUTA. Similarly, States

should not intertwine services performed for different types of employers (educational institutions, educational service agencies, or other employers who provide services to or on behalf of an educational institution); instead a distinct provision should address each type of employer.

The draft language provided below applies only to the services required to be covered by section 3304(a)(6)(A), FUTA (e.g., State and local governmental entities and certain nonprofit organizations). As a result, the draft language does not apply the between and within terms denial to services performed in Federal or other schools. A State wishing to apply the denial clauses to services performed for these Federal and other schools should fashion its law to apply to services performed for all educational institutions, and not just those to which section 3304(a)(6)(A) pertains. This may be done by separating the "equal treatment" requirement of paragraph (3) of the draft language given below, which pertains only to services to which section 3304(a)(6)(A) applies, from the between and within terms denial provisions. (See UIPL 11-86.)

Section 4(a)(3)

(3) Benefits based on service in employment defined in section 2(k)(1)(B) [1] and (C) [2] shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other services subject to this Act; except that—

(A) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms (or when an agreement provides instead for a similar period between two regular but not successive terms, during such period) or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(B) With respect to services performed in any other capacity for an educational institution, benefits shall not be payable on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years on terms; except that, if compensation is denied to any individual under this subparagraph and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of this subparagraph.

(C) With respect to any services described in subparagraph (A) and (B), benefits shall not be payable on the basis of services in any such capacity to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess;

(D) With respect to any services described in subparagraph (A) or (B), benefits shall not be payable on the basis of services in any such capacity as specified in subparagraphs (A), (B), and (C) to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this subparagraph the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions; and

(E) With respect to services to which sections 2(k)(1)(B) and (C) apply, if such services are provided to or on behalf of an educational institution, benefits shall be denied under the same circumstances as described in subparagraphs (A), (B), (C), and (D).

II. The following language is intended for use by States choosing to not apply the between and within terms denial provisions to any nonprofessional services. It includes language implementing optional clause (v) of section 3304(a)(6)(A), FUTA, pertaining to services provided to or on behalf of an educational institution, but limits its application to professional services. States are referred to the discussion in Section I above, concerning intertwining services performed for different types of employers and treatment of services performed in Federal or other schools.

Section 4(a)(3)

(3) Benefits based on service in employment defined in section 2(k)(1)(B) [1] and (C) [2] shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this Act; except that—

(A) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(B) With respect to any services described in subparagraph (A), benefits shall not be payable on the basis of services in any such capacity to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period following such vacation period or holiday recess;

(C) With respect to any services described in subparagraph (A), benefits shall not be payable on the basis of services in any such capacity as specified in subparagraphs (A) and (B) to any individual who performed such services in an educational institutition while in the employ of an educational service agency. For purposes of this subparagraph the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institution; and

(D) with respect to services to which sections 2(k)(1)(B) and (C) apply, if such

[1] Coverage of State of local government employment.

[2] Coverage of 501(c)(3) nonprofit organizations.

[1] Coverage of State and local government employment.

[2] Coverage of 501(c)(3) nonprofit organizations.

services are provided to or on behalf of an educational institution, benefits shall be denied under the same circumstances as described in subparagraphs (A), (B), and (C).

[FR Doc. 92-5001 Filed 3-3-92; 8:45 am]
BILLING CODE 4510-30-M

Job Training Partnership Act; Immigrant Demonstration Project

AGENCY: Employment and Training Administration.

ACTION: Notice of availability of funds and of Solicitation for Grant Applications (SGA).

SUMMARY: The Employment and Training Administration, U.S. Department of Labor, is soliciting proposals on a competitive basis for the conduct of projects to demonstrate innovative methods and techniques for serving the training and employment needs of the immigrant population. Eligible participants will be Private Industry Councils (PIC) or other entities designated to develop and administer the job training plan for service delivery areas under the Job Training Partnership Act (JTPA) which have cooperative working relationships with community organizations that have demonstrated effectiveness in serving and working with immigrant populations.

PIC means an organization described under section 102 of JTPA which is established for each service delivery area in the JTPA system and which has the responsibilities enumerated under section 103 of JTPA, including providing the policy guidance for and exercising oversight with respect to, activities under the job training plan for its service delivery area.

The term "or other entities designated to develop and administer the job training plan for JTPA service delivery area" means an organization that has been selected under the provisions of section 103(b)(1) and may be a unit of general local government in its service delivery area (or an agency thereof), a nonprofit private organization or corporation, or any other agreed upon entity or entities.

DATES: The application will be available March 19, 1992. The requests must be made in writing to the address below. Telephone and telefacsimile (FAX) will not be honored. The request must cite SFA/DAA 92-004 and must include two (2) self-addressed labels. Requests will be honored on a first come, first served basis until the supply of 300 is exhausted. The closing date for receipt of proposals will be April 20, 1992, 2 p.m. eastern time. Any application not meeting the designated place, date, and time of delivery will not be considered.

ADDRESSES: Mail your request to obtain Solicitation for Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Acquisition and Assistance, 200 Constitution Avenue, NW., room C-4305, Washington, DC 20210, Attention: Willie E. Harris, Reference SGA/DAA 92-004.

FOR FURTHER INFORMATION CONTACT: Willie E. Harris, Telephone: (202) 535-8706 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award approximately four (4) to six (6) grants and the maximum grant award will be $190,000. Pending availability of funds, effective program operation and the needs of the Department, the grants may be extended up to two additional years (one year at a time). The period of performance will be 15 months from date of execution by the Government. ETA is interested in demonstrating innovative, replicable and effective approaches to meeting the needs of immigrants which are: (1) To attain necessary basic education and occupational skills, (2) to attain employment having long-term prospects, and (3) to attain necessary supportive services for enhancing resolution of the first two needs.

The final decision on the award will be based on what is most advantageous to the Federal Government as determined by the ETA Grant Officer.

Signed at Washington, DC on February 19, 1992.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 92-5000 Filed 3-3-92; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Consolidation Coal Co.

[Docket No. M-92-09-C]

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Loveridge No. 22 Mine (I.D. No. 46-01433) located in Monongalie County, West Virginia. Due to deteriorating roof conditions, certain areas of the mine cannot be safely traveled. The petitioner proposes to establish airway monitoring stations to measure the quality and quantity of air entering and leaving the affected area.

2. AMAX Coal Co.

[Docket No. M-92-10-C]

Amax Coal Company, R.R. 12, Box 455, Brazil, Indiana 47834-9796 has filed a petition to modify the application of 30 CFR 77.216-3 (water, sediment, or slurry impoundments and impounding structures; inspection requirements; correction of hazards; program requirements) to its Chinook Mine (I.D. No. 12-00322) located in Clay County, Indiana. The petitioner proposes to examine impoundment numbers 1211 IN08-00322-01 (Basin 5A); 1211 IN08-00322-03 (Basin 5C); and 1211 IN08-00322-05 (Basin 017) at intervals not to exceed 14 days.

3. Amax Coal Co.

[Docket No. M-92-11-C]

Amax Coal Company, One Riverfront Place, 20 NW. First Street, Evansville, Indiana 47708-1258 has filed a petition to modify the application of 30 CFR 75.901(a) (protection of low- and medium-voltage three-phase circuits used underground) to its Wabash Mine (I.D. No. 11-00677) located in Wabash County, Illinois. The petitioner proposes to use a portable generator to supply electrical power to mobile mining equipment when such mining equipment is being moved form one area of the mine to another. The generator would be operated without grounding the neutral to a low resistance ground field.

4. Kerr-McGee Coal Corp.

[Docket No. M-92-12-C]

Kerr-McGee Coal Corporation, P.O. Box 727, Harrisburg, Illinois 62946 has filed an amended petition to modify the application of 30 CFR 75.326 to its Galatia Mine (I.D. No. 11-02752) located in Saline County, Illinois. The petitioner requests that MSHA's Decision and Order, granted October 21, 1991, for docket number M-91-54-C be amended as follow: Allow the use of the MSHA approved fire resistant styrene-butadiene rubber (SBR) conveyor belt within the two 450 feet rock tunnels currently installed in the mechanized mining unit. The area will be monitored by both a low-level carbon monoxide system and a methane monitoring system as required under the earlier petition.

5. National Cement Co., Inc.

[Docket No. M-92-01-M]

National Cement Company, Inc., P.O. Box 460, Ragland, Alabama 35131 has filed a petition to modify the application of 30 CFR 56.13020 (use of compressed air) to its Ragland Plant (I.D. No. 01-00027) located in St. Clair County, Alabama. The petitioner proposes to use low pressure air up to 30 PSI for personal cleaning of dust from clothing.

6. ASARCO Inc.

[Docket No. M-92-02-M]

ASARCO Incorporated, P.O. Box 8, Hayden, Arizona 85235 has filed a petition to modify the application of 30 CFR 56.14109(a) (unguarded conveyors with adjacent travelways) to its Ray Mine (I.D. No. 02-00150) and its Ray Concentrator (I.D. No. 02-00826) both located in Pinal County, Arizona. The petitioner requests that the emergency stop device along the conveyor belt system remain in its present position. The conveyor belt in one mine is approximately 5½ feet, and in the other mine 4½ feet, above the ground. The stop cord runs parallel to the conveyor between the top (load) and bottom (return) belts and is readily accessible in the event of an unlikely fall.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4050 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 3, 1992. Copies of these petitions are available for inspection at that address.

Dated: 27 February 1992.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc: 92-5002 Filed 3-3-92; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Shipyard Employment Standards Advisory Committee; Meeting

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Shipyard Employment Standards Advisory Committee, established under the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. app. I) and section 7(b) of the Occupational Safety and Health Act, 29 U.S.C. 656(b)), will convene on April 1, 1992, at 8:30 a.m., at the Loews Annapolis Hotel, 126 West Street, Annapolis, Maryland 21401. The meeting will adjourn on April 2, 1992, at approximately 4 p.m. The public is encouraged to attend.

The agenda is as follows:

I. Call to Order.

II. Review the transcripts of February 4 & 5, 1992, meeting.

III. Discussion of the following standards:

(a) Report on 29 CFR part 1915, subpart G, Materials Handling and Storage (Final Review).

(b) Report on 29 CFR part 1915, subpart P, Fire Protection (Final Review).

(c) Report on 29 CFR part 1915, subpart Q, Hazardous Materials (Final Review).

(d) Subpart L, Electrical.

(1). 1926 subpart K (Temporary Service).

(2). 1910 subpart S (Electrical).

(e) 29 CFR part 1915, subpart F, General Working Conditions (Final Review).

(f) AD-HOC Committee Report on 29 CFR 1915, subpart Z, Lead.

IV. New Business. Discussion of the following standards, as time permits.

(a) Proposed 1915 subpart U, Surface Preparation and Preservation.

Time permitting, the Committee will consider oral presentations relating to agenda items. Persons wishing to address the Committee should submit a written request to Mr. Thomas Hall (address below) by the close of business, March 27, 1992. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and an estimate of the amount of time needed.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8617.

Signed at Washington, DC, this 26th day of February, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

[FR Doc. 92-4947 Filed 3-3-92; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 92-10; Exemption Application No. D-8819, et al.]

Grant of Individual Exemptions; Pilgrim's Pride Retirement Savings Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Pilgrim's Pride Retirement Savings Plan (the Plan) Located in Pittsburg, Texas

[Prohibited Transaction Exemption 92-10; Exemption Application No. D-8819]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the cash sale of two parcels of improved and unimproved real property (herein identified as Parcels #10 and #11) by the Plan to Pilgrim's Pride Corporation (the Employer), a party in interest with respect to the Plan; and (2) the cash sale of nine other parcels (herein identified as Parcels #1 through #9) of improved and unimproved real property by the Plan to the Employer; provided the following terms and conditions are met: (a) the terms of the sales are not less favorable to the Plan than similar terms negotiated at arm's length between unrelated third parties; (b) the aggregate sales price of Parcels #10 through #11, is the greater of $14,308, the total cost to the Plan in acquiring such parcels, or the sum of the fair market values of Parcels #10 through #11, as determined by an independent, qualified appraiser, on the date of the sale; and (c) the aggregate sales price of Parcels #1 and #9 is the greater of $559,900 or the sum of the fair market values of Parcels #1 and #9, as determined by an independent, qualified appraiser, on the date of the sale.

Written Comments

The Department received no requests for hearing and one written comment from the applicant with respect to the notice of proposed exemption (the Notice). In that letter, the applicant informed the Department that they wished to correct certain information published in the Notice. Accordingly, the following information is incorporated into the granted exemption, as corrected: (a) the correct street address of the Employer is 110 S. Texas Avenue, rather than 1105 Texas Avenue as indicated in paragraph number 1 of the Notice; and (b) Netex Poultry Company (Netex) is not the predecessor of the Employer as indicated in paragraph number 2 of the Notice, rather Netex was an unrelated corporation which was, on December 3, 1973, merged into the Employer. The predecessor of the Employer was Pilgrim Industries, Inc., which originally adopted the Plan on June 30, 1969, as the Pilgrim Industries, Inc. Profit Sharing Retirement Plan and Trust.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on December 24, 1991, at 56 FR 66651 and to the correction of that Notice published on January 8, 1992, at 57 FR 699.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

Wells Fargo Bank, N.A. (Wells Fargo) Located in San Francisco, California

[Prohibited Transaction Exemption 92-11; Exemption Application Nos. T-7492, D-7568 and D-7679]

Exemption

Part I—Exemption for Cross-Trading Between Certain Funds

Effective February 5, 1988, the restrictions of sections 406(a)(1)(A) and 406(b)(2) of the Act, section 8477(c)(2)(B) of the Federal Employees' Retirement System Act (FERSA) and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) of the Code, shall not apply to (1) the purchase and sale of stocks (including the common stock of Wells Fargo & Co. (WFC)) between Index Funds and/or Model-Driven Funds (collectively, Funds); and (2) the purchase and sale of stocks (including the common stock of WFC) between Index or Model-Driven Funds and various large pension plans (the large Plans) pursuant to portfolio restructuring programs of the Large Plans if the following conditions and the general Conditions of Part III are met:

(a) The Index or Model-Driven Fund is based on an index which represents the investment performance of a specific segment of the public market for equity securities in the United States and/or foreign countries. The organization creating and maintaining the index must be (1) engaged in the business of providing financial information, evaluations, advice or securities brokerage services to institutional clients, (2) a publisher of financial news or information, or (3) a public stock exchange or association of securities dealers. The index must be created and maintained by an organization independent of Wells Fargo and its affiliates. The index must be a generally accepted standardized index of securities which is not specifically tailored for the use of Wells Fargo or its affiliates.

(b) The price for the stock is set at the closing price for that stock on the day of trading; unless the stock was added to or deleted from an index underlying a Fund or Fund(s) after the close of trading, in which case the price will be the opening price for that stock on the next business day after the announcement of the addition or deletion.

(c) The transaction takes place within three business days of the "triggering event" giving rise to the cross-trade opportunity. A *triggering event* is defined as:

(1) A change in the composition or weighting of the index and/or model underlying a Fund;

(2) A change in the overall level of investment in a Fund as a result of investments and withdrawals made on the Fund's regularly scheduled "opening date"; or

(3) A declaration by Wells Fargo (recorded on Wells Fargo's records) that a "triggering event" has occurred which will be made upon an accumulation of cash in a Fund attributable to dividends on and/or tender offers for portfolio securities equal to not less than .05 percent and not more than .5 percent of the Fund's total value;

(d) With respect to transactions involving a Large Plan:

(1) It has assets in excess of $50 million;

(2) Fiduciaries of the Large Plan who are independent of Wells Fargo are, prior to any cross-trade transactions, fully informed of the cross-trade technique and provide advance written approval of such transactions. Within 45 days of the completion of the Large Plans's portfolio restructuring program such fiduciaries shall be fully apprised in writing of the transactions results. However, if such program takes longer than three months to complete, interim reports of the transaction results will be made within 30 days of the end of each three month period;

(3) Such Large Plan transactions occur only in situations where Wells Fargo has been authorized to restructure all or a portion of the Large Plan's portfolio into an Index or Model-Driven Fund (including a separate account based on an index or computer model) or to act as a "trading adviser" in carrying out a Large Plan-initiated liquidation or restructuring of its equity portfolio; and

(e) Wells Fargo receives no additional direct or indirect compensation as a result of the cross-trade transaction.

Part II—exemption for the Acquisition, Holding and Disposition of Wells Fargo & Co. Stock

The restrictions of sections 406(a)(1)(D), 406(b)(1) and 406(b)(2) of the Act, and section 8477(c)(2)(A) and (B) of FERSA and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(D) and (E) of the Code, shall not apply to the acquisition, holding and disposition of the common stock of WFC by Index and Mode-Driven Funds, if the following conditions of Part III are met:

(a) The acquisition or disposition of the WFC stock is for the sole purpose of maintaining strict quantitative conformity with the relevant index upon which the Index or Model-Driven Fund is based;

(b) All acquisition and dispositions, other than through cross-trade transactions meeting the conditions of Part I, will comply with Rule 10b-18 of the Securities and Exchange Commission including the limitations regarding the price paid or received for such stock;

(c) Aggregate daily purchases of WFC stock, other than cross-trade purchases meeting the conditions of Part I, will constitute no more than the greater of: (1) 10 percent of the stock's average daily trading volume for the previous five days; or (2) 10 percent of the stock's trading volume on the date of the transaction;

(d) If the necessary number of shares of WFC stock cannot be acquired within 10 business days from the date of the event which causes the particular Index or Model-Driven Fund(s) to require WFC stock, Wells Fargo will appoint a fiduciary which is independent of Wells Fargo and its affiliates to design acquisition procedure and monitor Wells Fargo's compliance with such procedures;

(e) All purchases and sales of WFC stock, other than cross-trades meeting the conditions of Part I, will be executed on the national exchange on which WFC stock is primarily traded;

(f) No transactions will involve purchases from or sales to Wells Fargo, or any affiliate, officer, director, or employee of Wells Fargo or any party in interest with respect to a plan which has invested in the Index or Model-Driven Fund. This requirement does not preclude purchases and sales of WFC stock in cross-trade transactions meeting the conditions of Part I;

(g) No more than five (5) percent of the total amount of WFC stock issued and outstanding at any time shall be held in the aggregate by Index and Model-Driven Funds managed by Wells Fargo;

(h) WFC stock shall constitute more than two (2) percent of any independent third party index on which the investments of an Index or Model-Driven Fund are based;

(i) A plan fiduciary independent of Wells Fargo authorizes the investment of such plan's assets in an Index or Model-Driven Fund which purchases and/or holds WFC stock; and

(j) A fiduciary independent of Wells Fargo and its affiliates will direct the voting of the WFC stock held by an Index or Model-Driven Fund on any matter in which shareholders of WFC are required or permitted to vote.

Part III—General Conditions

(a) Wells Fargo maintains or causes to be maintained for a period of six years from the date of the transaction the records necessary to enable the persons described in paragraph (b) of this Part to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of Wells Fargo or its affiliates, the records are lost or destroyed prior to the end of the six-year period.

(b)(1) Except as provided in paragraph (2) of this subsection (b) and notwithstanding any provisions of subsection (a)(2) and (b) of section 504 of the Act, the records referred to in subsection (a) of this Part are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(B) Any fiduciary of a plan participating in an Index or Model-Driven Fund who has authority to acquire or dispose of the interests of the plan, or any duly authorized employee or representative of such fiduciary,

(C) Any contributing employer to any plan participating in an Index or Model-Driven Fund or any duly authorized employee or representative of such employer, and

(D) Any participant or beneficiary of any plan participating in an Index or Model-Driven Fund, or any duly authorized employee or representative of such participant of beneficiary.

(2) None of the persons described in subparagraphs (B) through (D) of this subsection (b) shall be authorized to examine trade secrets of Wells Fargo, any of its affiliates, or commercial or financial information which is privileged or confidential.

Part IV—Definitions

(1) Index Fund—Any investment fund, account or portfolio sponsored, maintained and/or trusteed by Wells Fargo or an affiliate in which one or more investors invest which is designed to replicate the capitalization-weighted composition of a stock index which satisfies the conditions of part I(a) and part II(h).

(2) Model-Driven Fund—Any investment fund, account or portfolio sponsored, maintained and/or trusteed by Wells Fargo or an affiliate in which one or more investors invest which is based on computer models using prescribed objective criteria to transform an independent third-party stock index which satisfies the conditions of part I(a) and part II(h).

(3) Opening date—The regularly-scheduled date on which investments in or withdrawals from an Index or Model-Driven Fund may be made.

(4) Trading adviser—A person whose role is limited to arranging a Large Plan-initiated liquidation or equity restructuring within a stated time so as to minimize transaction costs.

EFFECTIVE DATE: The effective date with respect to part I of this exemption is February 5, 1988.

Revocation of Existing Exemption

The Department hereby revokes PTE 87–51, effective [insert date 30 days after date of publication in the **Federal Register**].

The exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published November 1, 1991 at 56 FR 56246.

WRITTEN COMMENTS: The Department received four comments with respect to the proposed exemption and no requests for a hearing. These comments are discussed below.

The applicant submitted a comment concerning the scope of relief that was proposed in part I (relating to cross-trades). The applicant noted that, in the event that a plan which invests in an Index or Model-Driven Fund is a party in interest with respect to a plan which invests in a different Index or Model-Drive Fund (for example, if the first plan provides services to the second plan), a cross-trade between the two Funds would appear to constitute a sale or exchange between a plan and a party in interest with respect to the plan which would be prohibited by section 406(a)(1)(A) of the Act. The applicant thus requests that part I of the exemption be amended to provide additional relief from the prohibitions of section 406(a)(1)(A) of the Act and section 4975(c)(1)(A) of the Internal Revenue Code of 1986.

The applicant also commented that paragraph (f) of part II of the exemption (which precludes transactions involving acquisitions and dispositions of WFC stock with a number of specified persons including, among others, any party in interest with respect to a plan which has invested in the index or Model-Driven Fund) may prohibit cross-trades involving WFC stock between two Funds if a plan invested in one of the Funds is a party in interest with respect to a plan invested in the other Fund. The applicant is also concerned that paragraph (f) of Part II might be interpreted to require Wells Fargo to determine if any party buying or selling WFC stock on the national exchange on which WFC stock is primarily traded at the same time that an Index or Model-Driven Fund is selling or buying WFC stock on such exchange is a party in interest with respect to a plan participating in the Fund.

The applicant has requested that the Department clarify that paragraph (f) of part II of the exemption does not apply to cross-trades of WFC stock between Funds in which a plan invested in one Fund is a party in interest with respect to a plan invested in the other Fund. The applicant also requests that the Department clarify whether a prohibited transaction is deemed to occur, and whether the condition of paragraph (f) of part II is deemed to be violated, in the event that a Fund and a party in interest with respect to a plan participating in the Fund engage in "blind" transactions in WFC stock on the national exchange on which WFC stock is primarily traded.

Based on the representations of the applicant and the safeguards and conditions applicable to cross-trades and transactions involving WFC stock, the Department has decided to modify part I of the exemption to provide relief from the prohibitions of section 406(a)(1)(A) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) of the Code for cross-trade transactions described in part I.

With respect to transactions involving the purchase or sale of WFC stock on a national exchange, the Department notes that, generally, pursuant to the Conference Report accompanying ERISA [1] a transaction will not be considered a prohibited transaction if the transaction is an ordinary "blind" purchase or sale of securities through an exchange where neither buyer or seller (nor the agent of either) knows the identity of the other party involved.

Furthermore, the Department notes that purchases and sales of WFC stock in cross-trades are subject to part I of the exemption. The conditions of part II of the exemption which are applicable to individual transactions in WFC stock (such as paragraphs (b), (c) and (e) of part II) are not applicable to cross-trades involving WFC stock which meet the conditions of part I. In this regard, the Department has determined to modify paragraph (f) of part II to clarify that the condition imposed therein also does not apply to cross-trades of WFC stock that otherwise also meet the conditions of part I.

Two of the commentators were in favor of granting the exemption as proposed. One commentator stated that the exemption would enable the Funds to track the underlying Indices more accurately and reduce transaction costs. He also stated that the conditions contained in the exemption provided adequate protection of investors. The other commentator indicated support for the proposal based on the reduction in transaction costs that would be achieved through the use of cross-trades.

The third commentator objected to the proposal. This comment was subsequently withdrawn.

After consideration of the entire record, the Department has determined to grant the exemption, as modified herein.

FOR FURTHER INFORMATION CONTACT: David Lurie of the Department, telephone (20) 523–7901. (This is not a toll-free number.)

Surgical Group, P.S.C. Profit Sharing Plan and Retirement Plan Located in Paducah, KY 42001

[Prohibited Transaction 92–12; Exemption Application No. D–8665]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchase of Paducah Bankshares Inc. common stock (the Stock) by the individually directed accounts (the Accounts) of Dr. Wally O. Montgomery in the Surgical Group, P.S.C. Profit Sharing Plan and in the Surgical Group, P.S.C. Retirement Plan (the Plans) from Dr. Wally O. Montgomery and his wife Geraldine, joint owners of the Stock and parties in interest with respect to the Plans, provided that: (a) The purchase of the Stock will be a one-time transaction for cash; (b) the Accounts will purchase the Stock at a price no greater than the fair market value of the Stock; (c) the Accounts will not pay any expense in connection with the proposed transaction; and (d) Dr. Montgomery will be the only participant affected by the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 8, 1992 at 57 FR 706.

Clarification: The notice of proposed exemption inadvertently omitted relief from sections 406(a), 406 (b)(1) and (b)(2) of the Act. Accordingly, the Department is hereby providing such relief in this exemption.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Berger of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Otologic Medical Services, P.C. Profit Sharing Plan (the Plan) Located in Iowa City, Iowa

[Prohibited Transaction Exemption 92–13; Exemption Application No. D–8769]

Exemption

The restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchase, by the account of Dr. Guy E. McFarland under the Plan, of a 50 percent undivided interest (the Interest) in a parcel of undeveloped real property from Dr. Guy E. McFarland and his wife Bonita, joint owners of the Interest and parties in interest with respect to the Plan, provided the purchase price does not exceed the fair market value of the Interest on the date of the purchase.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 24, 1991 at 56 FR 66649.

Clarification: The notice of proposed exemption inadvertently omitted relief from sections 406(a), 406 (b)(1) and (b)(2) of the Act. Accordingly, the Department

[1] H. Rpt. 93–1280, August 12, 1974, p. 307.

is hereby providing such relief in this exemption.

FOR FURTHER INFORMATION CONTACT:

Mr. Eric Berger of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

McPheters and Richardson, P.C. Profit Sharing Plan (the Plan) Located in New York, NY

[Prohibited Transaction Exemption 92–14; Exemption Application No. D–8760]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) shall not apply to a proposed series of loans (the Loans) over a five year period to McPheters and Richardson, P.C. (the Employer) by the individually-directed accounts (the Accounts) in the Plan of Messrs. R. Douglas McPheters and Ambrose M. Richardson in the cumulative amount of: (1) The lesser of $50,000 of each Account; or (2) 25 percent of the assets of each Account. The proposed exemption is conditioned on the following requirements: (a) the terms and conditions of the Loans are not less favorable to the Accounts than those obtainable in arm's length transactions with an unrelated party; (b) the Loans are secured by first lien interests in all of the accounts receivable (the Receivables) of the Employer; (c) for purposes of securing each individual Loan, only those Receivables that are less than 120 days old are utilized as actual collateral; (d) the interest rate for the Loans is two percentage points greater than the rate charged the Employer by Citibank, N.A. for a similar lending arrangement; (e) before a Loan is made from their respective Account, Messrs. McPheters or Richardson approves the disbursement; (f) at all times, the fair market value of the Receivables represents at least 200 percent of the outstanding balance of the Loans made by each Account or Messrs. McPheters or Richardson require that the Employer pledge additional collateral or prepay the Loans; and (g) the only accounts in the Plan that are affected by the Loans are those of Messrs. McPheters and Richardson.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published in the **Federal Register** on January 27, 1992 at 57 FR 3072.

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary in nature and will expire five years from the date of the grant. Subsequent to the expiration of the exemption, the Accounts may continue to hold any Loan provided such Loan is made during the five year period of the exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C. this 28th day of February, 1992.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 92–5026 Filed 3–3–92; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Division of Atmospheric Sciences Special Emphasis Panel; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C., 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Atmospheric Sciences.

Date: March 16 and 17, 1992.

Time: 9 a.m. to 5 p.m. each day.

Place: Room 500W, National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluation of Coupling, Energetics, and Dynamics of Atmospheric Regions (CEDAR) Applications.

Contact: Dr. Richard A. Behnke, Program Manager, Upper Atmospheric Facilities, Division of Atmospheric Sciences, National Science Foundation, Washington, DC (202) 357–7390; or Dr. Fred Roesler, Program Director, Aeronomy, Division of Atmospheric Sciences, National Science Foundation, Washington, DC, (202) 357–7618.

Reason for Late Notice: Difficulty in arranging meeting date for all members.

Dated: February 28, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5037 Filed 3–3–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological and Critical Systems.

Date and Time: March 18–19, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500B, NSF, 1110 Vermont Avenue, NW., Washington, DC

Type of Meeting: Closed.

Contact Person: Dr. Shih-Chi Liu, Program Director, Earthquake Hazard Mitigation Program, rm 1132, NSF, Washington, DC 20550, (202) 357–0780.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Biological and Critical Systems.

Agenda: To review and evaluate proposals submitted under the Structural Control Research for Performance, Safety and Hazard Mitigation Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 28, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5034 Filed 3–3–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panels; Meetings

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting(s) to be held at 1800 G Street, NW., Washington, DC 20550 (except where otherwise indicated).

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to provide advice and recommendations to the National Science Foundation concerning the support of research, in the Molecular Biosciences Division. The agenda is to review and evaluate proposals as part of the selection process of awards. The entire meeting is closed to the public because the panels are reviewing proposals that include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: February 28, 1992.

M. Rebecca Winkler,

Committee Management Officer.

SPECIAL EMPHASIS PANELS: NOTICE OF MEETINGS

Committee name	Review agenda	Date(s)	Times	Room
Special Emphasis Panel for Molecular Biosciences	NYI Proposals. Contact: Ms. Brenda Flam, (202) 357–9400.	April 9–10, 1992	8:30–5	* 500D
Special Emphasis Panel for Molecular Biosciences	RPG & CAA proposals. Contact: Dr. Eleanor McGowan, (202) 357–7474.	March 26–27, 1992	8:30–5	** 1243

* At 1110 Vermont Avenue, NW., Washington, DC.
** At 1800 G Street, NW., Washington, DC.

[FR Doc. 92–5033 Filed 3–3–92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–344]

Portland General Electric Co., Trojan Nuclear Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption to Facility Operating License No. NPF–1 issued to Portland General Electric Company, et al., (the licensee), for operation of Trojan Nuclear Plant located in Columbia County, Oregon.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant relief from the provisions of title 10, Code of Federal Regulations, part 50, appendix R, section III.J, "Emergency Lighting." This exemption would permit use of the portable emergency battery lighting in areas needed for operations of safe shutdown equipment and in access and egress routes thereto.

The proposed action is in accordance with the licensee's application for amendment dated December 30, 1988, and supplemented by letters dated April 15, 1991, October 15, 1991, and February 11, 1992.

The Need for the Proposed Action

The proposed exemption is required in order to provide the licensee the opportunity to use portable emergency battery lighting units at outdoor locations which lack readily available power supplies and are difficult to protect against harsh weather.

Environmental Impact of the Proposed Action

The Commission has completed its evaluation of the proposed exemption and concludes that portable emergency battery lighting is an acceptable means of achieving emergency lighting in safe shutdown areas which are located outdoors.

The proposed exemption does not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed exemption involves portable emergency battery lighting only. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of the Trojan Nuclear Plant, dated August 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the licensee's application for exemption dated December 30, 1988, and supplemented by letters dated April 15, 1991, October 15, 1991, and February 11, 1992, which are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room at the Branford Price Millar Library, Portland State University, 934 SW. Harrison Street, P.O. Box 1151, Portland, Oregon 97207.

Dated at Rockville, Maryland, this 24th day of February, 1992.

For the Nuclear Regulatory Commission.

Theodore R. Quay,

Director, Project Directorate V, Division of Reactor Project III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5023 Filed 3-3-92; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 7, 1992 thru February 21, 1992. The last biweekly notice was published on February 19, 1992 (57 FR 6033).

Notice Of Consideration Of Issuance Of Amendment To Facility Operating License And Proposed No Significant Hazards Consideration Determination And Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 3, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (Project Director): petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: December 6, 1991

Description of amendment request: The proposed amendment would revise Section 3/4.9, Auxiliary Electrical System, to incorporate a surveillance for the inverters associated with the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) Systems. Several minor editorial changes are also included to improve the clarity of the Technical Specifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change adds a surveillance to Technical Specifications concerning the electrical inverters associated with the HPCI and RCIC systems. These inverters provide power to the flow control mechanisms of these systems. Loss of the RCIC inverter results in a minimum flow condition. Loss of the HPCI inverter results in HPCI going to zero flow. The inverters have an automatic reset. After the inverters reset, RCIC flow returns to normal and HPCI restarts. The operation of PNPS in accordance with the proposed surveillance will not alter the function or configuration of the subject inverters or the HPCI and RCIC Systems. The surveillance will be performed during the verification of operability of the auxiliary electrical system and will not be performed during power operation. Hence, this new surveillance will be performed when the HPCI and RCIC systems are not required and it will not involve an increase in the probability or consequences of an accident previously evaluated.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change does not change the configuration or function of PNPS and involves surveillance activities to be performed when the associated systems are not required. Therefore, operating PNPS in accordance with the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change does not involve a significant reduction in a margin of safety. The proposed change adds a surveillance intended to ensure the operability of existing equipment (i.e., the inverters associated with the HPCI and RCIC Systems). The proposed change does not modify the configuration, function, or setpoint of the inverters or the associated systems. Hence, operating PNPS in accordance with the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199, attorney for the licensee.

NRC (Acting)Project Director: Anthony J. Mendiola

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of amendment request: February 7, 1992

Description of amendment request: The proposed changes extend Reactor Protection System (RPS) instrumentation surveillance test intervals (STI) from one month to three months, provide for 12- and 6-hour allowable out-of-service times (AOT) for repairs and tests, and delete the water level perturbation requirement. Changes to Control Rod Block and Primary Containment

Isolation Systems (PCIS) instrumentation common to RPS are also proposed, as well as appropriate bases changes.

Administrative changes to clarify nomenclature, correct a typographical error and provide information to operators are also proposed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not increase the probability of occurrence of a malfunction of equipment important to safety previously evaluated in the safety analysis report. NRC-accepted studies by GE (NEDC-30851P-A, "Technical Specification Improvement Analyses for BWR Reactor Protection System," including Supplements 1 and 2, instruments common to Control Rod Block and PCIS functions) indicate that RPS failure frequency will increase by a small amount by increasing RPS instrument surveillance frequency from one to three months. The increase in core damage frequency due to less frequent testing is less than one percent. However, a decrease in core damage frequency due to the estimated reduction in scram frequency and the effect of reducing unnecessary cycles on RPS equipment due to less frequent testing more than offsets the small increase in RPS failure frequency. Since the Control Rod Block System functions to anticipate and prevent inadvertent rod withdrawals and attendant scrams, less frequent testing can potentially increase scram frequency. Supplement 1, for control rod block, estimates an increase of 0.06% which can be considered negligible. Supplement 2, for PCIS functions, indicates a net increase in the probability of an isolation failure on the order of 0.3% to 1% for increased STIs and 2% for increased AOTs. Again, this is considered insignificant. Therefore, overall core damage frequency is unaffected by this change.

Sensitivity studies were also performed to measure the effects of changes in component failure rates, changes in common cause failure rates, reduced redundancy during testing, human error rates during testing, component wear out rates caused by testing, and changes in test intervals and allowable out-of-service times. These studies indicate common cause failure of the scram contactors are the most significant contributors to RPS failure frequency. Because scram contactors are cycled during testing of each RPS instrument channel, the scram contactors are most susceptible to testing-related wear out. Consequently the frequency of testing the RPS channel test switch function is changed from once every refuel outage to weekly while other functions are increased to three months. This assures the scram contactors are regularly checked for common mode failure while also reducing the total number of scram contactor tests. All other factors have an insignificant effect on RPS failure frequency over the ranges analyzed.

Because RPS failure frequency is not strongly sensitive to surveillance test intervals and allowable out-of-service times, the current requirements for test intervals and out-of-service times can be extended to the period specified to allow reasonable test/repair times without placing undue stress on plant personnel that can contribute to human error. The 12-hour and 6-hour allowable out-of-service times were selected consistent with NEDC-30851P-A and its supplements and are considered reasonable for performing repairs and tests. Increasing the surveillance test interval for high reactor pressure, high drywell pressure, reactor low level, and condenser low vacuum instruments to three months results in an increased calibration interval of three months for the associated analog trip units. Setpoint calculations for these devices assume a drift over a six-month period; therefore, setpoint changes to account for drift are not necessary.

Plant-specific analyses for the Pilgrim Nuclear Power Station (PNPS) were performed to evaluate effects on analysis conclusions of RPS design configuration, Technical Specification test method, and component differences between the generic plant and PNPS. The plant specific GE Report MDE-31-0286, documents these differences and concludes the generic study conclusions are applicable to PNPS. Difference in component failure rates are within the ranges used in the sensitivity analyses. Other differences (i.e., PNPS does not have a high reactor level scram, PNPS uses HFA vs. Potter and Brumfield relays in the RPS logic, PNPS has a scram on low condenser vacuum, PNPS has an air dump system, etc.) have been evaluated and have negligible impact on RPS failure frequency.

Although calibration frequency of the average power range monitor (APRM) flow bias is not addressed in the GE Topical Report, the calibration frequency is changed from monthly to quarterly to be consistent with the APRM functional test frequency. This test consists of a calibration of the flow control trip reference. A three month calibration frequency will not significantly increase the likelihood of signal drift. The devices involved with the flow bias signal have required recalibration once in approximately three years for each channel, indicating exceptional circuit stability. These devices are located in an environmentally controlled area thereby assuring continued stability.

Note 7 of Table 4.1.1 is rewritten to reflect 3-month APRM testing and to more clearly specify the APRM testing requirements when entering the RUN mode. Because mode switch interlocks prevent simple functional testing of APRM trips until the RUN mode is entered, this testing will continue to be done after entering RUN mode. A 24 hour limit is imposed to replace the phrase "as soon as practicable" to make the surveillance requirement more definitive.

The flow bias signal calibration requirement, "Internal Power and Flow Test," is reworded to more clearly define the required testing. Also, a new column is added to each of the Tables 3.1.1, 3.2.A, and 3.1.C-1 to inform the operators of the number of available instrument channels for each function. A typographical error is corrected in Table 3.2.F. Plant records list an instrument as RI 1001-609 but Table 3.2.F has it numbered as 1001-607. These changes are not technical changes but, rather, are clarifications to be more consistent with plant nomenclature and to provide aids to the operators.

Note 6 of Table 4.1.1 is deleted because reactor water level perturbations are no longer required after the functional testing of reactor water level instruments. Instrument checks verify the response of these sensors. Instrument checks are performed daily per Note 7 of Table 4.1.2. Purposely perturbing reactor water level is an undesirable test due to the potential for initiating an inadvertent transient. Use of instrument checks is consistent with Standard Technical Specifications, acceptable IEEE-279 on-line sensor check methods, and PNPS design. This change represents a plant safety enhancement by reducing potential plant transients.

Using the above analysis, the following determinations are made:

1. The operation of PNPS in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not affect the design response of plant safety systems to an accident scenario. Since the functions of mitigative systems are not affected, accident analysis results and conclusions are, therefore, not affected by the proposed changes.

2. The operation of PNPS in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

These changes do not result in any physical modifications, changes of instrument setpoints, or changes of PNPS design bases. Therefore, they cannot create the possibility for a new or different accident, transient, or other event.

3. The operation of PNPS in accordance with the proposed amendment will not involve a significant reduction in the margin of safety.

The only margin of safety affected by the proposed changes is related to their impact on the potential to increase the RPS or isolation failure frequency. Changes in RPS or isolation failure frequency and core damage frequency have been demonstrated to be insignificant.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199, attorney for the licensee.

NRC Acting Project Director: Anthony J. Mendiola

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 18, 1991 as revised February 17, 1992

Description of amendment request: This amendment reflects a reorganization of the Duke Power Company (DPC). The reorganization essentially decentralizes the corporate management of nuclear activities to each of DPC's three nuclear site facilities, including the Catawba Site. The revisions to the Technical Specifications (TS) also reflect and are complementary to revisions to the DPC Quality Assurance Topical Report. The review of this report, based upon the guidance of Standard Review Plan 17.3 as issued in August 1990, is being addressed as a separate action from the revision of the TS.

The proposed changes throughout TS Section 6.0, "Administrative Controls," reflect the creation of several new positions and the retitling of other positions. Previously, the Vice President of Nuclear Production oversaw activities at all three DPC nuclear facilities (Catawba 1 and 2, McGuire 1 and 2, and Oconee 1, 2 and 3). The reorganization now places a Vice President at each site, including the Vice President of the Catawba Nuclear Site. The Senior Corporate Nuclear Executive will be the Senior Vice President-Nuclear Generation Department for all three nuclear sites.

The Vice President of Nuclear Production is now titled Vice President Catawba Nuclear Site. Other position title changes include: health physics to radiation protection; unit to station; auxiliary operators to non-licensed operators; operating engineer to shift operations manager; shift technical advisor to shift manager; Catawba Safety Review Group (CSRG) to Safety Review Group (SRG); Manager, Station Training Services to Training Manager; and changes to TS 6.5.1.3, 6.5.1.5 and 6.6.1 to reflect the revised position titles for the Operations Superintendent, the Mechanical Superintendent, the I&E Superintendent and the Work Control Superintendent; etc.

Certain functions, for example, in TS 6.5.1.4, 6.5.1.6, 6.5.1.7, 6.5.1.10, 6.5.1.11, and 6.5.1.12, have been reassigned to the newly created positions of Vice President-Catawba Site or Manager, Safety Assurance.

Certain functions, for example, in TS 6.5.2.1, 6.5.2.2, 6.5.2.9.M, 6.5.2.10a and c have been reassigned from the former position of Vice President-Nuclear Production to the Executive Vice President-Power Generation or to the Senior Vice President-Nuclear Generation Department.

The Manager, Human Resources, has been added to TS 6.5.1.12 to reflect the assigned responsibility for the fire protection program.

Other changes, from example, in TS 6.5.1.8, 6.5.1.9, 6.5.2.9, 6.8.1, 6.8.2, 6.8.3 and 6.15.1 are made to reflect the DPC's revisions of its Quality Assurance (QA) Topical Report in accordance with the guidance in Standard Review Plan (SRP) Section 17.3, "Quality Assurance Program Description," that was issued in August 1990. SRP 17.3 provides guidance for the licensee to put a performance-oriented quality assurance program into place. The NRC staff's review of the DPC QA Topical Report is being addressed as a separate review activity from the review of amendments to the Administrative Controls section of the TS.

Other revisions have been made to TS 6.2.3 for the Safety Review Group and to TS 6.5.2 for the Nuclear Safety Review Board regarding the composition and member qualifications required for these groups and also to reflect revised position titles and nomenclature.

Other miscellaneous changes in titles, terms, and footnotes are made throughout TS 6.0 to reflect the major changes discussed above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendments would not involve a significant increase in the probability or consequences of a previously evaluated accident. Nor would they create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not have any impact upon the design or operation of plant equipment; therefore, they cannot serve to initiate a new type of accident.

The proposed amendments would not involve a reduction in a margin of safety. The changes would not impact the design or operation of any plant systems or components.

Based upon the preceding analysis, Duke Power Company concludes that the proposed amendments do not involve a Significant Hazards Consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Duke Power Company, et al., Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 8, 1992, as revised February 13, 1992

Description of amendment request: This amendment reflects a reorganization of the Duke Power Company (DPC). The reorganization essentially decentralizes the corporate management of nuclear activities to each of DPC's three nuclear site facilities, including the McGuire Site. The revisions to the Technical Specifications (TS) also reflect and are complementary to revisions to the DPC Quality Assurance Topical Report. The review of this report, based upon the guidance of Standard Review Plan 17.3 as issued in August 1990, is being addressed as a separate action from the revision of the TS.

The proposed changes throughout TS Section 6.0, "Administrative Controls," reflect the creation of several new positions and the retitling of other positions. Previously, the Vice President of Nuclear Production oversaw activities at all three DPC nuclear facilities (Catawba 1 and 2, McGuire 1 and 2, and Oconee 1, 2 and 3). The reorganization now places a Vice President at each site, including the Vice President of the McGuire Nuclear Site. The Senior Corporate Nuclear Executive will be the Senior Vice President-Nuclear Generation Department for all three nuclear sites. TS 6.2.1 is augmented by the definitions of the requirements, authority, and lines of responsibility of the offsite and onsite organizations. This provides consistency with the TS for the other two DPC facilities, Catawba and Oconee.

The Vice President of Nuclear Production is now titled Vice President McGuire Nuclear Site. Other position title changes include: health physics to radiation protection; unit to site or station; auxiliary operators to non-

licensed operators; shift technical advisor to shift manager; McGuire Safety Review Group (MSRG) to Safety Review Group (SRG); Station Manager to Training Manager in TS 6.4; and changes to TS 6.5.1.3, 6.5.1.5, and 6.6.1 to reflect the revised position titles for the Mechanical Superintendent, the Operations Superintendent, the I&E Superintendent and the Work Control Superintendent; etc.

Certain functions, for example, in TS 6.5.1.4, 6.5.1.6, 6.5.1.7, 6.5.1.10, 6.5.1.11, and 6.5.1.12, have been reassigned to the newly created positions of Vice President-McGuire Site or Manager, Safety Assurance.

Certain functions, for example, in TS 6.5.2.2, 6.5.2.9.M, 6.5.2.10, and 6.5.2.11 have been reassigned from the former position of Vice President-Nuclear Production to the Executive Vice President-Power Generation or to the Senior Vice President-Nuclear Generation Department.

The Manager, Human Resources has been added to TS 6.5.1.12 to reflect the assigned responsibility for the fire protection program.

Other changes, for example, in TS 6.5.1.8, 6.5.1.9, 6.5.2.9, 6.8.1, 6.8.2, 6.8.3, and 6.15.1 are made to reflect the DPC's revisions of its Quality Assurance (QA) Topical Report in accordance with the guidance in Standard Review Plan (SRP) Section 17.3, "Quality Assurance Program Description," that was issued in August 1990. SRP 17.3 provides guidance for the licensee to put a performance-oriented quality assurance program into place. The NRC staff's review of the DPC QA Topical Report is being addressed as a separate review activity from the review of amendments to the Administrative Controls section of the TS.

Other revisions have been made to TS 6.2.3 for the Safety Review Group and to TS 6.5.2 for the Nuclear Safety Review Board regarding the composition and member qualifications required for these groups and also to reflect revised position titles and nomenclature.

Other miscellaneous changes in titles, terms, and footnotes are made throughout TS 6.0 to reflect the major changes discussed above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendments would not involve a significant increase in the probability or consequences of a previously evaluated accident. Nor would they create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not have any impact upon the design or operation of plant equipment; therefore, they cannot serve to initiate a new type of accident.

The proposed amendments would not involve a reduction in a margin of safety. The changes would not impact the design or operation of any plant systems or components.

Based upon the preceding analysis, Duke Power Company concludes that the proposed amendments do not involve a Significant Hazards Consideration. The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: David B. Matthews

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2 (ANO-1&2), Pope County, Arkansas

Date of amendment request: January 21, 1992

Description of amendment request: The proposed amendment would revise ANO-1 Technical Specification (TS) 3.5.1.13 to include measurement ranges for the seismic monitors and would revise the Channel Description, Item 42.b.1 in Table 4.1-1, to correct the component nomenclature. Additionally, Item 2a in Table 3.3-7 of ANO-2 TS 3/4.3.3.3 would be revised to correct a typographical error in the measurement range for seismic equipment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below: 1*Criterion 1 - Does Not Involve A Significant Increase in the Probability or Consequences of An Accident Previously Evaluated*

Accident mitigation features of ANO-1 or ANO-2 do not involve seismic monitoring instrumentation. Furthermore, this proposed change does not affect the design or operability requirements of this instrumentation. Therefore, this [sic] proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. 1*Criterion 2 - Does Not Create the Possibility of a New or Different Kind of Accident from Any Previously Evaluated*

The proposed changes correct an editorial deficiency and does [sic] not involve any design changes, plant modifications, changes in acceptance criteria or changes in plant operation. Seismic monitoring instrumentation is not identified as an initiator of any event, nor is it identified as a mitigator in any event, and therefore, can not [sic] create the possibility of a new or different kind of accident from any previously evaluated. 1*Criterion 3 - Does not Involve A Significant Reduction in the Margin of Safety*

The design, function, and operability requirements for the seismic monitoring instrumentation remains [sic] unaffected by these proposed changes. Additionally, this instrumentation does not provide any protective function and is not associated with any "margin of safety." Therefore, these proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: February 7, 1992

Description of amendment request: The proposed amendment would authorize the termination of the Cooling Tower Drift Program and change references to the program to reflect the program's termination.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

a. No significant increase in the probability or consequences of an accident previously evaluated results from this change.

The intent of the Cooling Tower Drift Program is to measure the deposition of drift containing dissolved minerals from the cooling tower to determine the effect on the ecosystem. The deposition was measured prior to plant startup and monitored during at least three years of operation in accordance with the requirements of the EPP [Environmental Protection Plan]. Operational monitoring observations and prestartup reference monitoring observations were compared. No statistically significant difference in the amounts of the analyzed components were [sic] detected. Additionally, the program does not affect the performance, integrity or reliability of any system in any way that could lead to an accident.

Thus, the probability or consequences of previously analyzed accidents are not increased.

b. The change would not create the possibility of a new or different kind of accident from any previously analyzed.

The termination of the Cooling Tower Drift Program has been anticipated. The EPP states that the program "will be continued for three years of operation" and "if no statistically significant amounts of the analyzed components are detected during this time period, then a proposal can be made to NRC to terminate the program." The scope of the change is limited to termination of the program as described in the EPP. There are no new or different surveillance tests or actions implemented by the revision. There is no addition, deletion, or modification to any system or component.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from those previously analyzed.

c. The change would not involve a significant reduction in the margin of safety.

The termination of the Cooling Tower Drift Program has previously been anticipated in the EPP. The required three years of operation with the program in place has been exceeded. No assumption, methods, or results of applicable safety analyses are changed.

The additional deposition of minerals into the ecosystem has been shown to be statistically insignificant when compared to preexisting levels.

These changes thus do not involve a significant reduction in the margin of safety.

Based on the above evaluation, Entergy Operations has concluded that operation in accordance with the proposed amendment involves no significant hazards considerations.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: January 6, 1992

Description of amendment request: The proposed amendment would revise the Technical Specification to modify the snubbler surveillance requirements in accordance with Generic Letter 90-09 dated December 11, 1991.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change will incorporate the NRC Staff recommendations of Generic Letter 90-09 regarding snubber inspections into the snubber inspection program defined by Waterford 3 Technical Specification 3/4.7.8. Entergy concurs with the NRC's evaluation that the recommended changes in the Generic Letter will maintain the required level of confidence in snubber operability. Therefore, since the confidence level is adequately maintained, this change will not increase the probability or consequence of an accident previously evaluated.

The proposed change does not change the design nor the design bases of plant systems or equipment at Waterford 3. Therefore, the current plant safety analyses remain complete and accurate in addressing the licensing basis events and analyzing plant response and consequences. As such, the plant conditions for which the design basis accident analyses have been performed are still valid. Therefore, the proposed change can not create the possibility of a new or different kind of accident than previously evaluated.

Plant safety margins are established throughout the Waterford 3 Technical Specifications. The required level of confidence in the operability (i.e. reliability) of Waterford 3 snubbers is not affected by this change, in that snubber operability is still determined by visual inspection. Since there will be no change to any of the existing safety margins, the proposed amendment will not involve a reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: N.S. Reynods, Esq., Winston & Strawn 1400 L Street N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Entergy Operations Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: January 30, 1992

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) to raise the average electrolyte temperature of a sample of battery cells from 60 degrees F to 70 degrees F and adjust the limits for specific gravity accordingly.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Previously analyzed accidents that are potentially affected by this change are those that require operation of the station batteries. This would include all accidents that postulate the loss of offsite power (LOOP) concurrent with the accident (e.g., a loss of coolant accident with a LOOP). For these accidents, the batteries provide field flash and power to the control system to start the EDGs [Emergency Diesel Generators]. Additionally, the station batteries are needed for the station blackout event to carry essential loads. This proposal requests changes to Waterford 3 specifications that increase the minimum amount of stored energy that can be contained in the batteries. These changes have no negative impact on the reliability or performance of the station batteries and, therefore, have no actual impact on any previously analyzed accident in the Final Safety Analysis Report. As such, the operation of Waterford 3 in accordance with the proposed changes does not involve a significant increase in the probability or consequence of any accident previously evaluated.

To create a new or different kind of accident, these changes will have to introduce a new failure path. Only surveillances for the station batteries are affected. No design requirements for the station batteries or power distribution systems are altered. Because the proposed amendment would not change the design, configuration or method of operation of the plant, it would not create the possibility of a new or different kind of accident.

Increasing the minimum average electrolyte temperature and specific gravity allowed by the TSs means the minimum stored energy that can be contained in the batteries is increased. This represents a general improvement in safety. The modification does not change the design basis for any equipment in the plant. Since existing TS operability and surveillance requirements are not reduced by the proposed changes, the operation of Waterford 3 in accordance with these changes does not involve a reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122

Attorney for licensee: N.S. Reynods, Esq., Winston & Strawn 1400 L Street N.W., Washington, D.C. 20005-3502

NRC Project Director: John T. Larkins

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: October 30, 1991

Description of amendment request: The proposed changes would revise the Updated Final Safety Analysis Report (UFSAR) to reflect the use of longer fuel cycles at the South Texas Project, Units 1 and 2. The licensee proposes changing the cycle length from 11,900 MWD/MTU to 20,000 MWD/MTU, the core average burnup from 23,700 MWD/MTU to 40,000 MWD/MTU and the average burnup limit from 23,740 MWD/MTU to 45,000 MWD/MTU. As a result of the changes, the source term values will change. The changes were submitted to the staff because a review by the licensee identified them as an unreviewed safety question.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated. *Equipment Qualification*

Based upon SER [Safety Evaluation Report] Supplement 4 which presents the NRC acceptance criteria, the proposed changes to UFSAR Table 3.11-1 for equipment doses inside containment (1.5E+8 rads) exceeds the previously reviewed and accepted NRC acceptance criteria of 1.4E+8 rads.

HL&P has evaluated the increased doses against the present equipment qualification documentation. This evaluation concludes that the increases in radiation doses due to the proposed change are still enveloped by the qualification data with sufficient margin as required by 10CFR50.49 and other qualification standards. Therefore, the changes to equipment doses do not involve a significant increase in the probability or consequences of an accident previously evaluated. *Other Radiological Analyses*

Extended burnup fuel has been approved by the NRC in NUREG/CR-5009, "Assessment of the Use of Extended Burnup Fuel in Light Water Power Reactors." This document was referenced in SER Supplement 6 to approve the extension of Cycle 1 of Unit 2 to 400 EFPD [effective full-power day].

NUREG/CR-5009 states that for Chapter 15 accidents, except for the fuel handling accident, "the factors of increases in the radioactive sources are less than the uncertainty involved in determining the overall risk to the public."

A 20 percent increase in the thyroid dose due to a fuel handling accident would increase the STPEGS dose value from 24.6 rem to 29.5. This is still below the NRC acceptance limit of "less than or equal to 25 percent of the 10CFR100, Paragraph 11 exposure guideline values, i.e., less than or equal to 75 rem to the thyroid".

Therefore, based on the NRC's findings in NUREG/CR-5009 and in the STPEGS SER Supplement 6, the effects of the proposed changes on the radiological consequences of postulated accidents do not significantly impact the results of these analyses as presented in the UFSAR and does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated. *Equipment Qualification*

Since the equipment in the impacted areas has been qualified for dose levels greater than the revised dose projections, the probability for equipment failure has not been increased. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. *Other Radiological Analyses*

The proposed change involves increasing the cycle length and, therefore, the burnups assumed in developing the radiological source terms. NUREG/CR-5009 states that the effect on the source terms is small. This proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed changes do not involve a significant reduction in a margin of safety. *Equipment Qualification*

HL&P has evaluated the increased doses against the present equipment qualification documentation. This evaluation concludes that the increases in radiation doses due to the proposed change are still enveloped by the qualification data with sufficient margin as required by 10CFR50.49 and other qualification standards. Therefore, the changes to equipment doses do not involve a significant reduction in a margin of safety. *Other Radiological Analyses*

NUREG/CR-5009 states that for Chapter 15 accidents, except for the fuel handling accident, "the factors of increases in the radioactive sources are less than the uncertainty involved in determining the overall risk to the public."

For the fuel handling accident, a 20 percent increase in the thyroid dose due to a fuel handling accident would increase the STPEGS dose value from 24.6 rem to 29.5. This is still below the NRC acceptance limit of less than or equal to 25 percent of the 10CFR100, Paragraph 11 exposure guideline values.

The effects of the proposed changes on plant system radioisotopic inventories, plant shielding, normal radioisotope releases, normal offsite doses, worker occupational doses, and on the radiological consequences of postulated accidents do not significantly impact the results of these analyses as presented in the UFSAR and do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: February 7, 1992

Description of amendment request: The proposed amendment would revise the Technical Specifications by extending the surveillance requirements of Technical Specification 4.6.1.2.a to allow the second Type A Containment Integrated Leakage Rate test, within the second 10 year service period, to be conducted during the Cycle 11 refueling outage scheduled to commence in May 1992. The proposed Technical Specification change is a one time extension for Cycle 11 only.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed technical specification change has been reviewed against the criteria of 10 CFR 50.92, and it has been determined not to involve a significant hazards consideration. Specifically, the proposed change does not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed. The leakage condition of the containment extrapolated from the

ILRT of February 8, 1988, was 36.8 percent of the conservative limit of 0.75 La. No operations are known to have occurred which would suggest a significant degradation of this estimate. There are no design basis accidents adversely affected due to this change.

2. Create the possibility of a new or different kind of accident from any previously analyzed. Containment isolation features limit the consequences of an accident. The proposed extension to the test schedule will have no impact on this. Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created. The change meets the requirements of 10 CFR 50, Appendix J, Subsection III.D.1.(a) since the surveillance interval extension will allow three Type A tests to be completed at approximately equal intervals within the 10-year period.

3. Involve a reduction in the margin of safety. The change does not impact or reduce the margin of safety of the containment or other protective boundaries, nor does it challenge the safety limits or their boundaries. Also, since the change does not affect the consequences of any accident previously analyzed, there is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Pacific Gas and Electric Company, Docket No. 50-133, Humboldt Bay Power Plant, Unit 3, Eureka, California.

Date of Amendment Request: August 7, 1991, supplemented November 22, 1991 (Reference LAR 91-01)

Description of Amendment Request: The proposed amendments would revise the Technical Specifications (TS) for the Humboldt Bay Power Plant, Unit 3 (HBPP) to incorporate editorial and administrative changes into Section VII, "Administrative Controls." The proposed TS changes would: (1) change the title of the General Office Nuclear Plant Review and Audit Committee (GONPRAC) to Nuclear Safety Oversight Committee (NSOC); (2) revise GONPRAC (to become NSOC) membership requirements by not specifying the occupants of 9 various positions as mandatory members, specifying a minimum composition of a chairman and 4 members, and specifying minimum qualifications for GONPRAC members; (3) delete language allowing alternate GONPRAC members; (4) redefine a quorum to be one half or more of GONPRAC members; and (5) replace the title of Vice President, Nuclear Power Generation, with Senior Vice President and General Manager, Nuclear Power Generation. The specific TS changes proposed are as follows:

(1) TS VII.B, "Organization," TS VII.D, "Review and Audit," and TS VII.I, "Record Retention," would be revised to change all references from GONPRAC to NSOC.

(2) TS VII.D.2.b, "Composition," would be revised to functionally describe the committee composition, appointment of members, and qualification requirements.

(3) TS VII.D.2.c, "Alternates," would be deleted.

(4) TS VII.D.2.f, "Quorum," would be revised to eliminate reference to alternates and to redefine the requirements for a quorum.

(5) TS VII.B, "Organization," and TS VII.D, "Review and Audit," would be revised to change all references from Vice President, Nuclear Power Generation, to Senior Vice President and General Manager, Nuclear Power Generation.

Basis for proposed no significant hazards consideration determination: As required by 10 C.F.R. 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

a. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed TS changes are administrative in nature and specify requirements to ensure that committee members have a high degree of experience and technical capability, and change a management title to reflect the current organization. The proposed changes do not affect accident evaluations.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed TS changes are administrative in nature and do not affect any plant systems, plant operations, or the type of accidents that might occur at HBPP.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Does the change involve a significant reduction in a margin of safety?

The proposed changes are administrative in nature and do not affect the margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the proposed changes: (1) do not involve a significant increase in the probability or consequences of an accident previously evaluated; (2) do not create the possibility of a new or different kind of accident from any accident previously evaluated; and (3) do not involve a significant reduction in a margin of safety. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room Location: Eureka-Humboldt County Library, 421 I Street (County Court House), Eureka, California 95501.

Attorney for Licensee: Richard F. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7441, San Francisco, California 94210.

NRC Branch Chief: John H. Austin.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: January 8, 1992, as supplemented February 4, 1992

Description of amendment request: The licensee requests an amendment to the Technical Specifications to revise Section 3.11 (Moveable Incore Instrumentation). This section would be revised to specify 38 as the minimum number of detectors required operable. The current Technical Specification requirement is that 75 percent of the installed detectors must be operable. There are 50 installed detectors, and the 38 results from 75 percent of the 50 detectors. Therefore, the proposed operability requirement is effectively the same operability requirement that currently exists. This change is being requested since the licensee intends performing a plant modification to install eight (8) additional detectors making 58 the total number of installed detectors. These additional detectors are intended to improve the capability and reliability of the Moveable Incore Instrumentation System. The amendment also corrects administrative and typographical errors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed changes do not involve an increase in the probability of a previously analyzed accident because they do not involve a change in the current operability requirements of the movable detector guide thimbles. The technical specification changes allow supplemental thimbles to be used along with the original thimbles and correct some administrative and typographical errors. The changes will allow for improved reliability of the Movable Incore Instrumentation System. The administrative technical specification changes will provide for clarification and consistency of the text in section 3.11.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because they do not affect any current technical specification requirements. The proposed changes allow for an increase in the number of movable detector guide thimbles available for reactor flux monitoring and correct some administrative errors. The operability requirements of the movable detector guide thimbles will not be affected.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed technical specification changes do not involve a significant reduction in a margin of safety because they do not involve a change in current operability requirements. The changes will allow for improved reliability of the Movable Incore Instrumentation System. The administrative technical specification changes will provide for clarification and consistency of the text in section 3.11.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: January 13, 1992

Description of amendment request: The licensee intends to begin a 24-month operating cycle starting with cycle nine (scheduled to start in May 1992). In order to accommodate operation on a 24-month cycle, the licensee requests an amendment to the Technical Specification (TS) to incorporate the changes listed below:

(1) The licensee requests to change the frequency of snubber functional testing (specified in Section 4.11.B.1) and reviews of snubber maintenance records (specified in Section 4.11.C.2) to accommodate operation with a 24-month cycle.

(2) The licensee requests to change all the applicable TS pages to replace the wording "every refueling outage," or similar words, with "once per 18 months." These clarifications are intended to prepare the TS for future submittals. They are intended to avoid confusion between the existing surveillance intervals and those surveillance intervals which, in the future, receive approval to be extended to once per 24 months. Each specific 24-month surveillance interval will be requested in future submittals. In addition, the requested change also clearly delineates those surveillance items which are only refueling outage related regardless of the length of the operating cycle. The applicable pages are; 4.1-3, 4.4-3, 4.4-6, 4.5-1 through 4.5-5, 4.5-7, 4.5-8, 4.6-1 through 4.6-3, 4.7-1, 4.8-1, 4.10-4, 4.13-1, Table 4.1-1, and Table 4.1-3.

(3) The licensee requests to change the check valve gross leakage testing (specified in Section 4.5.B.2.d) to be consistent with the guidance of the NRC letter to all licensees dated February 23, 1980, and the requirement of the NRC letter to the licensee dated February 11, 1980. The proposed change increases the frequency of testing to require a check valve leakage check whenever a plant shutdown and depressurization occurs.

(4) The proposed amendment also corrects typographical errors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Consistent with the requirements of 10 CFR 50.92, the enclosed application is judged to involve no significant hazards based on the following information:

(1) Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Respónse:

The proposed changes do not involve a significant increase in the probability or consequences of a previously-analyzed accident. The changes for snubber testing do not involve any physical changes to the plant, nor do they alter the way the snubbers function. The type of testing performed, and the actions taken if a snubber were to fail its functional test, remain unchanged. The punitive and self-corrective nature of the Technical Specification would force a more frequent test interval if the snubber failure rate rose. The review of snubber maintenance records will continue to ensure that the indicated snubber service life will not be exceeded prior to the next scheduled review. ... Changing the wording of existing specifications from "every refueling outage," or similar words to "once per 18 months," will avoid confusion between existing surveillance intervals and those surveillance intervals that receive approval to be extended to once per 24 months. [Other than snubber functional testing, the actual extensions to 24-month surveillance intervals will be requested in future submittals.] The change in the check valve leakage check is consistent with the guidance of the NRC's letter to licensees dated February 23, 1980, and the requirement of the NRC's letter to the Power Authority dated February 11, 1980.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed changes do not create the possibility of a new or different kind of accident. The changes for snubber testing do not involve any physical changes to the plant, nor do they alter the way the snubbers function. The ability of the snubbers to provide dynamic load support during a design basis event remains as is. The type of testing performed, and the actions taken if a snubber were to fail its functional test, remain unchanged. The punitive and self-corrective nature of the Technical Specification would force a more frequent test interval if the snubber failure rate rose. The review of snubber maintenance records will continue to ensure that the indicated snubber service life will not be exceeded prior to the next scheduled review. ... Changing the wording of existing specifications from "every refueling outage," or similar words, to "once per 18 months," will avoid confusion between existing surveillance intervals and those surveillance intervals that receive approval to be extended to once per 24 months. [Other than snubber functional testing, the actual extensions to 24-month surveillance intervals will be requested in future submittals.] The change in the check valve leakage check is consistent with the guidance of the NRC's letter to licensees dated February 23, 1980, and the requirement of the NRCs letter to the Power Authority dated February 11, 1980.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

The proposed changes do not involve a significant reduction in a margin of safety. Past operating experience indicates that the snubber program successfully minimizes snubber failures. The type of testing performed and the actions taken if a snubber were to fail its functional test, remain unchanged. The punitive and self-corrective nature of the Technical Specification would force a more frequent test interval if the snubber failure rate rose. The review of snubber maintenance records will continue to ensure that the indicated snubber service life will not be exceeded prior to the next scheduled review. ... Changing the wording of existing specifications from "every refueling outage," or similar words, to "once per 18 months," will avoid confusion between existing surveillance intervals and those surveillance intervals that receive approval to be extended to once per 24 months. [Other than snubber functional testing, the actual extensions to 24-month surveillance intervals will be requested in future submittals.] The change in the check valve leakage check is consistent with the guidance of the NRC's letter to licensees dated February 23, 1980, and the requirement of the NRC's letter to the Power Authority dated February 11, 1980.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. The NRC staff also notes that the editorial changes proposed are similar to example (i) of the Commission's Examples of Amendments That Are Considered Not Likely to Involve Significant Hazards Consideration published in the **Federal Register** on March 6, 1986 (51 FR 7744) in that these proposed changes would be purely administrative changes and therefore do not involve a significant hazards consideration. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Company of New Hampshire, Docket No. 50-443, Seabrook Station, Rockingham County, New Hampshire

Date of amendment request: October 16, 1991

Description of amendment request: The proposed amendment would make changes to Seabrook Station Technical Specifications (TS) implementing the guidance of NRC Generic Letter 90-06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valve and Block Valve Reliability,' and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection for Light-Water Reactors,' pursuant to 10 CFR 50.54(f)." The proposed amendment would revise Seabrook Station TS to increase the availability of the pressurizer Power Operated Relief Valves (PORVs) and the Overpressure Protection Systems to mitigate Reactor Coolant System (RCS) pressure transients. The TS revision requires that power be maintained to in-line block valves which are closed to isolate leaking pressurizer PORVs so that the block valves can be readily opened to allow the pressurizer PORVs to be used in mitigating RCS pressure transients. The TS revision also provides adequate measures to assure that a pressurizer PORV will not become stuck open when a block valve is inoperable yet maintains the ability to use the pressurizer PORVs for RCS pressure transient mitigation. In addition, the TS revision also provides enhanced operational flexibility by using a pressurizer PORV in combination with a Residual Heat Removal (RHR) System suction relief valve for low temperature overpressure protection. This TS revision also increases the availability of the Overpressure Protection Systems devices by reducing the allowed outage time for one of the two required Overpressure Protection Systems devices from 7 days to 24 hours when in MODE 5 or 6.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.92(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to Technical Specification 3/4.4.4 are intended to increase the availability of the PORVs to mitigate RCS pressure transients. The proposed changes will not increase the probability of occurence of an inadvertent opening of a pressurizer safety or relief valve which are analysed in the Updated Final Safety Analysis Report (FSAR) Section 15.6.1. There is no change proposed to the PORV actuation circuitry or to the PORV or block valve power supply configuration.

The proposed changes to Technical Specification 3/4.4.9.3 are intended to increase the availability of equipment which is utilized to mitigate low temperature overpressure transients, by reducing the allowed outage time for such equipment in MODE 5 and 6.

Design Basis low temperature overpressure transients are initiated by inadvertent mass additions (e.g. a charging pump or Safety Injection (SI) pump) with no letdown, or by heat additions caused by the starting of an idle RCP with the secondary side more than 50° F warmer than the primary. The proposed changes to Technical Specification 3/4.4.9.3 will have no affect on the probability of occurrence of low temperature overpressure transient. The changes will improve the availability of equipment utilized to mitigate such a transient.

There is no increase in the consequences of an accident previously evaluated in the FSAR. The only accident analysis which take credit for the PORVs in mitigating the accident and its consequences is the Steam Generator Tube Rupture (SGTR) Accident. The FSAR description of this accident has been superseded by the SGTR analysis submitted to the NRC on April 16, 1991. In this analysis the PORVs are assumed to be utilized by the operators as required by Emergency Response Procedure E-3 to reduce RCS pressure and thus terminate flow to the faulted Steam Generator. The proposed changes to Technical Specification 3/4.4.4 which improve the availability of the PORVs, will not increase the consequences of an accident previously evaluated (i.e. the SGTR accident).

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes to Technical Specifications 3/4.4.4 and 3/4.4.9.3 do not affect the functions of the PORVs in MODE 1, 2 or 3 or the Overpressure Protection System functions required in MODE 4 below 329° F, MODE 5 and MODE 6. There is no change proposed to the PORV actuation circuitry or to the PORV or block valve power supply configuration. There is no reduction in surveillance testing of the PORVs or Overpressure Protection Systems.

The proposed changes will result in an improvement in the availability of the PORVs and Overpressure Protection Systems to mitigate RCS pressure transients.

(3) The proposed changes do not result in a significant reduction in the margin of safety.

The margin of safety associated with the PORVs or the Overpressure Protection Systems is defined in the Bases for their corresponding Technical Specifications.

The Bases for Technical Specification 3/4.4.4 reads as follows: *3/4.4.4. RELIEF VALVES*

The power-operated relief valves (PORVs) and steam bubble function to relieve RCS pressure during all design transients up to and including the design step load decrease with steam dump. Operation of the PORVs minimizes the undesirable opening of the spring-loaded pressurizer Code safety valves. Each PORV has a remotely operated block valve to provide a positive shutoff capability should a relief valve become inoperable. The PORVs and their associated block valves are powered from Class 1E power busses.

The proposed changes to Technical Specification 3/4.4.4 do not reduce the margin of safety defined in its Bases. The function of the PORVs and their block valves is not changed. The Bases for Technical Specification 3/4.4.4 is proposed to be

clarified by specifying that automatic operation of the PORVs is not credited in any MODE 1, 2 or 3 transient and, therefore, the PORVs can be considered operable in either the automatic or manual mode.

The Bases for Technical Specification 3/4.4.9 in pertinent part reads as follows: *3/4.4.9 PRESSURE/TEMPERATURE LIMITS COLD OVERPRESSURE PROTECTION*

The OPERABILITY of two PORVs, or two RHR suction relief valves, or an RCS vent opening of at least 1.58 square inches ensures that the RCS will be protected from pressure transients which could exceed the limits of Appendix G to 10 CFR Part 50 when one or more of the RCS cold legs are less than or equal to 329° F. Either PORV or either RHR suction relief valve has adequate relieving capability to protect the RCS from overpressurization when the transient is limited to either: (1) the start of an idle RCP with the secondary water temperature of the steam generator less than or equal to 50° F above the RCS cold leg temperature, or (2) the start of a centrifugal charging pump and its injection into a water-solid RCS.

The proposed changes to Technical Specification 3/4.4.9.3 do not reduce the margin of safety defined in its Bases. The changes will enhance the availability of the Overpressure Protection System devices by reducing the current allowed outage time in MODE 5 or 6 from 7 days to 24 hours, thereby providing a greater level of safety. The Bases for Technical Specification 3/4.4.9.3 will be clarified by stating that a PORV in combination with a RHR suction relief valve is an acceptable configuration for cold overpressure protection. This combination is acceptable because, as indicated in the current Bases, "Either PORV or either RHR suction relief valve has adequate relieving capability to protect the RCS from overpressurization..."

In view of the preceding, NHY has determined that the Technical Specification changes proposed in License Amendment Request 91-08 do not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833

Attorney for licensee: Thomas Dignan, Esquire, Ropes & Gray, One International Place, Boston, Massachusetts 02110-2624

Acting NRC Project Director: Anthony J. Mendiola

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: August 16, 1991, supplemented February 3, 1992.

Description of amendment request: The proposed amendment would revise Technical Specification 3/4.4.5, "Steam Generators," and its bases to allow sleeving of steam generator tubes to effect repairs of defective steam generator tubes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Toledo Edison has reviewed the proposed change and determined that a significant hazards consideration does not exist because operation of the Davis-Besse Nuclear Power Station, Unit Number 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because, as discussed in Topical Report BAW-2120P, the OTSG [once-through-steam-generator] tube sleeve has been analyzed and tested to operating and design conditions which bound the original tube; the structural integrity of the OTSG tubes is maintained by the sleeving process; the sleeve is less susceptible to the identified corrosion failure mechanisms of the original tube because of the use of an improved material, Alloy 690 Inconel; and the continued integrity of the sleeve will be verified by the TS OTSG inspection requirements. Therefore, there is no significant increase in the probability of the steam generator tube rupture accident which is associated with the proposed changes.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because, as discussed in Topical Report BAW-2120P, the OTSG tube sleeve has been analyzed and tested to operating and design conditions which bound the original tube, the steam generator tube rupture accident and its consequences are associated with these proposed changes. The structural integrity of the OTSG tubes for containing fission products is maintained by the sleeving method. In addition, the sleeve is less susceptible to the identified corrosion failure mechanisms of the original tube because of the use of an improved material, Alloy 690 Inconel. The continued integrity of the sleeve will be verified by the TS OTSG inspection requirements and plugging of a defective sleeve will be available Accordingly, there is no significant increase in radiological consequences of an accident previously evaluated.

2a. Not create the possibility of a new kind of accident from any accident previously evaluated because the OTSG tube sleeve functions is essentially the same manner as the original tube. The purpose of sleeve repair is to repair a degraded OTSG tube in order to maintain the function and integrity of the tube. The sleeve repair method has been analyzed and tested and meets OTSG design conditions. Continued tube sleeve integrity is verified by TS inspections. Repairing the tube to a serviceable condition utilizing this sleeving method does not create the possibility of a new kind of accident.

2b. Not create the possibility of a different kind of accident from any accident previously evaluated because the OTSG tube sleeve functions is essentially the same manner as the original tube. The purpose of the sleeve repair is to repair a degraded OTSG tube in order to maintain the function and integrity of the tube. The repaired sleeve has been analyzed and tested and meets OTSG design conditions. Continued tube sleeve integrity is verified by TS inspections. Repairing the tube to a serviceable condition utilizing this sleeving method does not create the possibility of a different kind of accident.

3. Not involve a significant reduction in a margin of safety because the reactor pressure boundary of the tube is maintained by the installation of the sleeve. The sleeve plugging limit has been calculated to be a 70 percent through-wall defect which is the same plugging limit as the unsleeved OTSG tube. Defects are detectable at 40 percent in the tube sleeve. Therefore, there is no significant reduction in a margin of safety. The thermal output effect of installing tube sleeves has been analyzed (as described in Topical Report BAW-2120P) with a slight reduction in RCS flow and full-power steam superheat shown to result. However, this reduction is significantly less than that of a tube that has been plugged. Therefore, there is no significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: November 27, 1991

Description of amendment request: The proposed amendment would revise Technical Specification Table 6.2-1 to allow an individual with a valid Senior Reactor Operator ("SRO") license and who is qualified as a Shift Technical Advisor ("STA") to assume the control room command function during any absence of the Shift Supervisor from the control room.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The change does not affect accident initiators or assumptions. The proposed change simply provides flexibility in meeting an administrative requirement and does not involve any modifications or changes in the plant. The Shift Supervisor will remain on site and available to resume the control room command function. Shift personnel will continue to have the expertise to recognize and effectively respond to plant transients or other abnormal events. The radiological consequences of any accident previously evaluated remain unchanged.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not create any new accident initiators nor involve any modifications or changes in the plant. The proposed change simply provides flexibility in meeting an administrative requirement and does not involve any modifications or changes in the plant. The Shift Supervisor will remain on site and available to resume the control room command function. The STA or SRO/STA will continue to provide engineering and accident assessment expertise on shift. The training, experience, and expertise on shift to analyze, assess, and evaluate plant transients and accidents will not be diminished.

3. Involve a significant reduction in a margin of safety.

The proposed change will not affect any safety limits, boundary performance, or system performance. The proposed change simply provides flexibility in meeting an administrative requirement and does not involve any modifications or changes in the plant. The Shift Supervisor will remain on site and available to resume the control room command function. The STA or SRO/STA will continue to provide engineering and accident assessment expertise on shift. The training, experience, and expertise on shift to analyze, assess, and evaluate plant transients and accidents will not be diminished.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: December 6, 1991

Description of amendment request: The proposed amendment would revise the Technical Specifications to increase the maximum room temperature for the Electric Penetration Rooms from 101° F to 106° F.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed change to Technical Specification 3.7.12, Table 3.7-4, and Bases 3/4.7.12 does not involve an unreviewed safety question because operation of Callaway Plant with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

This change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This amendment ensures that a Technical Specification compliance situation does not arise. Since the safety-related equipment contained in the Electrical Penetration Rooms will not be adversely affected, no accidents will be affected.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The change does not create the possibility of a new or different kind of accident from any previously evaluated. There is no new type of accident or malfunction being created and the method and manner of plant operation remains the same. This change is based upon engineering calculations which show the net changes has [sic] a negligible affect on the plant.

(3) Involve a significant reduction in a margin of safety.

This change does not involve a significant reduction in a margin of safety. The margin of safety is unaffected since no design change is required and no accident has been affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: John N. Hannon

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: January 21, 1992

Description of amendment request: The proposed amendment revises the operability requirements for the source range monitors to provide flexibility for a complete core offload and to incorporate a more conservative signal to noise ratio as recommended by General Electric for this system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The Supply System has evaluated these requested changes per 10 CFR 50.92 and determined that they do not represent a significant hazards consideration because they do not:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated. These changes do not result in any hardware modifications. The SRM instrumentation is not assumed to be an initiator of any analyzed event. The SRM instrumentation, in OPERATIONAL CONDITION 5, provides monitoring of neutron flux levels to give the control room operator early indication of unexpected subcritical multiplication that could be indicative of an approach to criticality. As such, action could be taken on the indication to avert or minimize the consequences of the event. However, the SRM function is not relied upon in any design bases or transient analysis. Rod motion interlocks and other instrumentation are relied on in the accident analysis to avert the event. The change allows assemblies to be loaded such that an adequate count rate is obtained yet assures, by analysis, that shutdown margin requirements are met and criticality does not occur. The change in acceptable count rate and signal-to-noise ratio preserves the confidence level of the General Electric design. As a result, the consequences of any analyzed events are unaffected because the change does not alter any system or component design assumption or operation. Therefore, no significant increase in the probability or consequences of an accident previously evaluated will be involved.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change allowing a core offload and subsequent reload has been analyzed to show that reloading the four fuel assemblies with the highest reactivity into a square array will not cause an inadvertent criticality yet will allow the SRMs to monitor criticality thereafter. Hence the offload and subsequent reload do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The change in SRM count rate and S/N ratio values does not create the possibility of a new or different kind of accident from any previously evaluated because it does not change modes of plant operation or require physical modifications. It preserves the original General Electric design confidence level. No new or different kind of accident is therefore credible.

3) Involve a significant reduction in a margin of safety. No significant reduction in a margin of safety is involved because this change still provides assurance, by analysis, that shutdown margin is maintained and inadvertent criticality does not occur.

The change in SRM count rate and S/N ratio values does not affect a margin of safety because the values preserve the original General Electric design confidence level. Therefore, no margin of safety is impacted by either of these changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Attorney for licensee: Nicholas S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: January 23, 1991

Description of amendment request: The proposed amendment revises the technical specifications to allow either the Plant Operations Manager or the Assistant Operations Manager to hold a senior reactor operator license.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The Supply System has evaluated this amendment per 10 CFR 50.92 and determined that it does not represent a significant hazard because it does not:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated since the change is administrative in nature. Additionally, the day-to-day conduct of operations will not be impacted. This change will enhance the operation of the plant because the potential for the Operations Manager's attention to be diverted by an intense effort to maintain an SRO qualification that has little significant contribution towards his overall responsibilities will be eliminated. He will be more able to devote his efforts toward the effective operation of the plant. As such, this change does not represent a significant increase in the probability or consequences of an accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated because operation of the plant remains unaffected. This administrative change introduces no new modes of operation of any equipment. Nor does it require physical modification to the plant. No decrease in the attention to plant operations is represented by this change. To the contrary, the Plant Operations Manager will be more able to concentrate his attention on the operation of the plant. Therefore this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) Involve a significant reduction in a margin of safety. This change is administrative in nature, therefore no reduction in a margin of safety is involved. Additionally, as discussed above, the Operations Manager will be able to concentrate his attention on the operation of the plant rather than being potentially distracted by the efforts of maintaining the SRO license. Compliance to technical specification section 6.3 and ANSI/ANS N18.1-1971 is still in effect. As a result no margin of safety is affected and the overall management of the unit staff is enhanced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Attorney for licensee: Nicholas S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: Theodore R. Quay

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: December 27, 1991

Description of amendment request: This amendment would revise the Technical Specifications (TS) in Section 3.1.d, "Leakage of Reactor Coolant," and in Section 4.2.b, "Steam Generator Tubes." The proposed amendment would add alternative plugging criteria (APC) for steam generator tubes specifically for the tube support plate (TSP) intersection outside diameter stress corrosion cracking (ODSCC) occurring in the Kewaunee steam generators (SGs). These criteria involve a correlation between non-destructive test indications and tube integrity, and consider tube burst margins and the potential for tube leakage under postulated accident conditions. Administrative changes are also being proposed dealing with format and typographical inconsistencies and deletion of fixed-term specifications which have expired.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1). The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated. The probability of an accident previously evaluated will not be significantly increased by this proposed TS change to incorporate an APC. The APC will be limited to ODSCC occurring within the thickness of the TSPs. A tube integrity assessment performed in accordance with the criteria of RG [Regulatory Guide] 1.121 demonstrated that the tubes in the Kewaunee SGs maintain a safety factor of three times normal operating pressure differential for crack indications with voltages up to 5.6 volts with no credit taken for potential constraint of the TSP under normal and postulated accident condition loadings. The potential for a tube rupture event has been shown to be negligible upon implementation of the APC.

The consequences of an accident previously evaluated will not be significantly increased by application of an APC. Although tubes are not expected to burst under accident conditions, it cannot be assured that the cracks will not leak during postulated accident condition loadings as discussed in the USAR [Updated Safety Analysis Report]. Of the accidents that are affected by primary-to-secondary leakage and steam release to the environment, SLB [steam line break] is most limiting relative to the potential for off-site doses. Upon implementation of the APC, it will be verified that the predicted leak rate from ODSCC at TSPs for the tubes left in service would be less than 260 gpm for the faulted loop during a postulated SLB event. This level of tube leakage results in radiological consequences that are within a small fraction of the 10 CFR 100 limit at the site boundary.

(2). The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated. Implementation of an APC for ODSCC in the SG at the support plates is not expected to reduce the overall safety and functional requirements of the SG tube bundles. The SG tube bundles will continue to sustain, within the guidelines of RG 1.121, the loads during normal operation and the various postulated accident conditions without loss of safety function. There are no tubes that need to be excluded from application of the APC for reasons of tube collapse and deformation resulting from combined LOCA [loss of coolant accident] and SSE [safe shutdown earthquake] loadings. Therefore, the proposed change does not create the possibility of a new or different kind of accident.

(3). The proposed change will not involve a significant reduction in the margin of safety. Application of the APC for the Kewaunee SGs has been demonstrated to maintain tube integrity commensurate with the RG 1.121 criteria and hence, meets GDCs [General Design Criteria] 14, 15, 31 and 32. Also, GDC 2 is met in that the SGs will continue to perform their intended safety function upon implementation of the APC. Even under the worst case conditions, the occurrence of ODSCC at the TSPs is not expected to lead to a SG tube rupture event during normal or faulted plant conditions. The most limiting effect would be a possible increase in leakage during a SLB event. Excessive leakage during a SLB event is precluded by verifying that the expected distribution of crack indications would result in less than 260 gpm primary-to-secondary leakage. With this level of leakage, the radiological consequences from tubes remaining in service is a small fraction of the 10 CFR 100 limits.

In conjunction with the APC, requirements will be incorporated into the TSs to limit operating leakage to 150 gpd per SG and to perform a predicted SLB leak rate due to ODSCC at TSPs for the tubes left in service. The operating leakage limit of 150 gpd per SG will be established to provide for detection of a rogue crack which could leak at much higher SLB leak rates than used in the criteria limits. The requirement to perform a predicted SLB leakage assessment is to ensure that the tubes left in service result in combined leakage less than 260 gpm for each SG including considerations for uncertainties and ODSCC growth rates over an operating cycle. If it is found that the potential SLB leakage for degraded intersections planned to be left in service exceeds 260 gpm, then additional tubes will be plugged to reduce SLB leakage potential to below 260 gpm.

Additionally, the combined effects of the LOCA and SSE loadings on the SG components was assessed. Based on this analysis, no tubes need to be excluded from the APC for reasons of deformation resulting from the combined LOCA and SSE loadings.

Therefore, the proposed change will not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: David Baker, Esq., Foley and Lardner, P. O. Box 2193 Orlando, Florida 31082.

NRC Project Director: John N. Hannon.

Previously Published Notices of Consideration of Issuance of Amendments to Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: November 11, 1991, as supplemented January 23, 1992

Description of amendment request: The amendments would change surveillance requirements in Technical Specifications 3/4.7.6, 3/4.7.7, 3/4.9.12, and associated TS Bases, to revise the minimum heater capacity, and the relative humidity testing requirements for the control room emergency filtration system (CREFS), the piping penetration area filtration and exhaust systems (PPAFES), and the fuel handling building post accident filter system (FHBPAFS).

Date of publication of individual notice in **Federal Register:** February 11, 1992 (57 FR 5026)

Expiration date of individual notice: March 12, 1992

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830

Virginia Electric and Power Company, Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: January 28, 1992

Brief description of amendment request: The amendment would limit maximum reactor power to 95% of rated thermal power for the interim period of operation until steam generator replacement. In addition, the amendment would impose more restrictive equipment operability requirements for the emergency core cooling system.

Date of individual notice: February 5, 1992 (57 FR 4503)

Expiration date of individual notice: March 6, 1992

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: January 21, 1992

Brief description of amendment request: The proposed amendment would revise the technical specifications to more accurately define the acceptance criteria for the capacity of the blowers in the main steam isolation valve leakage control system.

Date of individual notice in **Federal Register:** February 11, 1992 (57 FR 5028)

Expiration date of individual notice: March 12, 1992

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington, 99352

Notice of Issuance of Amendment to Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: November 27, 1991

Brief description of amendments: The amendments reduce the combined allowable leakage rate limit for Type B and C local leak rate tests (LLRT). The new combined allowable leakage rate is 0.50 L_a. The surveillance interval for performing the Type B and C LLRT on containment penetrations and isolation valves, respectively, has been increased to maximum intervals of 30 months. This increase takes into account the current 24-month operating cycles at the Calvert Cliffs facility. Administrative changes have been made which delete outdated footnotes and change action statement wording to be consistent with current NRC guidance.

Date of issuance: February 19, 1992

Effective date: February 19, 1992

Amendment Nos.: 168 and 147

Facility Operating License Nos. DPR-53 and DPR-69: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 26, 1991 (56 FR 66917) The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated February 19, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Commonwealth Edison Company, Docket No. STN 50-455, Byron Station, Unit No. 2, Ogle County, Illinois, Docket No. STN 50-457, Braidwood Station, Unit No. 2, Will County, Illinois

Date of application for amendments: June 28, 1991.

Brief description of amendments: The proposed amendment would revise Technical Specification Tables 2.2-1 and 3.3-4 for Model D-5 steam generator (SG) low-low and high-high level instrumentation trip setpoints. The changes are in accordance with a plant modification to be performed during the next refueling outage for each unit. The modification relocates the lower SG level instrument tap from 436 inches to 333 inches as measured from the top of the SG tube sheet.

Date of issuance: February 12, 1992

Effective date: for Byron, February 12, 1992 to be implemented by April 20, 1992; for Braidwood, February 12, 1992

Amendment Nos.: 45 and 34

Facility Operating License Nos. NPF-66 and NPF-77: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57692) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 12, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison Company, Docket Nos. 50-254 and 50-265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of application for amendments: October 11, 1991, supplemented December 13, 1991. The December 13, 1991 letter withdrew the request to revise a position title and revise approval authority (57 FR 2795).

Brief description of amendments: Revision of Technical Specification to add two new sections: Radiation Protection Program and High Radiation Area.

Date of issuance: February 14, 1992

Effective date: February 14, 1992

Amendment Nos.: 134 and 129

Facility Operating License Nos. DPR-29 and DPR-30. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57693) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 14, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: February 20, 1991, as supplemented October 11, 1991.

Brief description of amendment: The amendment to the Arkansas Nuclear One, Unit 2 Technical Specification (TS) revised Tables 3.3-6 and 4.3-3 to require the process monitors for gaseous activity for purge and exhaust isolation to be operable when the monitors are actually in use rather than during all modes. The amendment also required that the purge system be secured during fuel movement and containment purge operations and provided actions for continuous ventilation with an inoperable process monitor.

Date of issuance: February 11, 1992

Effective date: 30 days from date of issuance.

Amendment No.: 130

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 709) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 11, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: September 25, 1991

Brief description of amendment: The amendment revised the Grand Gulf Nuclear Station Technical Specifications to allow use of a new main hoist grapple on the refueling platform.

Date of issuance: January 30, 1992

Effective date: January 30, 1992

Amendment No: 68

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55946) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: August 15, 1991

Brief description of amendment: This amendment relocates the negative moderator temperature coefficient limit from the Technical Specifications to the Core Operating Limits Report (COLR).

Date of issuance: February 12, 1992

Effective date: February 12, 1992

Amendment No.: 139

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49917) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 12, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32629

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: September 17, 1991

Brief description of amendments: These amendments make line-item improvements to the Turkey Point, Unit 3 and Unit 4 Technical Specifications in accordance with Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions." In accordance with Note 1 of Table 4.7-1, the results from the previous inspection performed under the old Technical Specification can be used to determine the next inspection interval.

Date of issuance: February 7, 1992

Effective date: February 7, 1992

Amendment Nos. 151 & 146

Facility Operating Licenses Nos. DPR-31 and DPR-41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55947) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 1992.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: January 8, 1991, as supplemented by letters dated October 3, 1991, and January 24, 1992.

Brief description of amendments: The amendments removed certain outdated references regarding the requirements for licensee's retraining and replacement training program. The requirements were superseded by NRC Generic Letter 87-07 and the April 1987 revision to 10 CFR Part 55.

Date of issuance: February 13, 1992

Effective date: February 13, 1992, to be implemented within 7 days of issuance.

Amendment Nos.: Amendment Nos. 32 and 23

Facility Operating License Nos. NPF-76 and NPF-80. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 17, 1991 (56 FR 15642) The October 3, 1991, letter provided additional clarifying information and did not change the initial no significant hazards determination. The January 24, 1992, letter provided an implementation date. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: October 17, 1989

Brief description of amendments: The Technical Specifications relating to reactor coolant pump seal injection flow controlled leakage were revised to ensure conformance with accident analysis conditions. The operational modes affected by the Technical Specifications were revised to permit entry into modes 3 and 4 before completion of the associated surveillance test. Also, a cross reference to a previously removed reporting requirement superceeded by the LER Rule was deleted.

Date of issuance: February 13, 1992

Effective date: February 13, 1992

Amendment Nos.: 162 and 146

Facility Operating License Nos. DPR-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 18, 1990 (55 FR 14509). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station Unit No. 1, Oswego County, New York

Date of application for amendment: May 13, 1991, as supplemented August 30, 1991 and September 27, 1991.

Brief description of amendment: The amendment revises the reactor vessel pressure/temperature limits specified in Technical Specifications 3.2.2/4.2.2 and the withdrawal schedule of reactor vessel material surveillance capsules specified in TS 4.2.2.b. The revised pressure/temperature limits are valid for operation of NMP-1 through 18 EFPY. The revised limits also satisfy NRC Generic Letter 88-11 since the revised limits were calculated using the method in NRC Regulatory Guide 1.99, Revision 2. The revised capsule withdrawal schedule specifies withdrawal of capsules in terms of EFPY rather than in terms of service life.

Date of issuance: February 10, 1992

Effective date: February 10, 1992

Amendment No.: 127

Facility Operating License No. DPR-63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 711) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: October 9, 1991, as supplemented November 26, 1991.

Brief description of amendment: The amendment changes the Index of the Technical Specifications and the Technical Specifications Sections 3.1.3.6, 3.9.16, 3.9.20 and the Bases Sections 3/4.9.17, 3/4.9.18, 3/4.9.19, and 3/4.9.20 to correct miscellaneous editorial and typographical errors. Also the bases for the Thermal Margin/Low Pressure trip limiting safety system setting (Bases page B 2-7) is revised to account for the reevaluation of the pressurizer pressure instrument uncertainty.

Date of issuance: February 14, 1992

Effective date: February 14, 1992

Amendment No.: 153

Facility Operating License No. DPR-65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 712) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 14, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: August 7, 1991 (Reference LAR 91-07), as supplemented by letter dated November 22, 1991.

Brief description of amendments: The amendments revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant Unit Nos. 1 and 2 to change Section 6.0 regarding the offsite review committee. The amendment includes changing the committee name from General Office Nuclear Plant Review and Audit Committee (GONPRAC) to Nuclear Safety Oversight Committee (NSOC), changing the committee composition, and eliminating the use of alternates on the committee.

Date of issuance: February 6, 1992

Effective date: February 6, 1992

Amendment Nos.: 68 and 67

Facility Operating License Nos. DPR-80 and DPR-82: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51927) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 6, 1992. The November 22, 1991, letter provided additional requirements regarding the experience of the NSOC members and chairman. The additional requirement to the TS did not change the initial proposed no significant hazards consideration determination.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: June 28, 1991

Brief description of amendment: The amendment revises the Trojan Technical Specifications for the Reactor Coolant System (RCS) safety and relief valves, Overpressure Protection System, Emergency Core Cooling Subsystems (T_{avg} less than 350° F) and associated Technical Specifications to incorporate the changes committed to in Portland General Electric Company's response to Generic Letter 90-06, "Resolution of Generic Issue 70, 'Power-Operated Relief Valve and Block Valve Reliability', and Generic Issue 94, 'Additional Low-Temperature Overpressure Protection for Light-Water Reactors', Pursuant to 10 CFR 50.54(f)".

Date of issuance: February 13, 1992

Effective date: February 13, 1992

Amendment No.: 179

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 26, 1991 (56 FR 66924) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 13, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: December 19, 1991

Brief description of amendment: The amendment provides a one-time extension to the fire barrier penetration surveillance interval required by Technical Specification (TS) 4.12.F.1. Specifically, TS 4.12.F.1 requires that fire barrier penetration seals be visually inspected once every 18 months. This amendment provides a one-time extension of 3 months until May 15, 1992, to complete these fire barrier penetration seal visual inspections.

Date of issuance: February 10, 1992

Effective date: February 10, 1992

Amendment No.: 177

Facility Operating License No. DPR-59: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 715) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of Oswego, Oswego, New York 13126.

Public Service Company of New Hampshire, Docket No. 50-443, Seabrook Station, Rockingham County, New Hampshire

Date of application for amendment: September 4, 1991

Brief description of amendment: The proposed amendment revises the technical specifications (TS) by relocating several cycle-specific core operating limits from the TS to the Core Operating Limits Report (COLR). This implements the guidance of Generic Letter 88-16, "Removal of Cycle-Specific Parameter Limits from Technical Specifications."

Date of issuance: February 18, 1992

Effective date: February 18, 1992

Amendment No.: 9

Facility Operating License No. NPF-86: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57701) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 18, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Exeter Public Library, 47 Front Street, Exeter, New Hampshire 03833.

TU Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit 1, Somervell County, Texas

Date of amendment request: March 27, 1991

Brief description of amendment: The amendment proposes the addition of Technical Specification 3/4.7.12 and Bases 3/4.7.12. This provides a limiting condition of operation (LCO) and surveillance requirements for the safety chilled water system.

Date of Issuance: February 11, 1992

Effective date: February 11, 1992, to be implemented within 7 days of issuance.

Amendment No.: Amendment No. 8

Facility Operating License No. NPF-87. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 15, 1991 (56 FR 22478) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 11, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: December 19, 1991

Brief description of amendments: These amendments delete the operability requirements for the station records vault Halon fire suppression system. In addition, operability requirements for the Halon fire suppression system for the emergency switchgear rooms are added.

Date of issuance: February 7, 1992

Effective date: February 7, 1992

Amendment Nos. 166 & 165

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 716) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Dated at Rockville, Maryland, this 20th day of February 1992.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[FR Doc. 92-4884 Filed 3-3-92; 8:45 am]

BILLING CODE 7590-01-D

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Sherry Turpenoff, (202) 606-0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR 213 on February 7, 1992 (56 FR 4779). Individual authorities established or revoked under Schedules A and B and established under Schedule C between January 1 and January 31, 1992, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30, 1991.

Schedule A

The following exception was established:

Securities and Exchange Commission

Not to exceed four positions of accountant, GS-14/15, when filled by persons selected as SEC Accounting Fellows for the Capital Markets Risk Assessment Program. Employment under this authority may not exceed 2 years. Effective January 28, 1992.

Schedule B

No Schedule B authorities were established or revoked during January.

Schedule C

Department of Agriculture

One Assistant Deputy Administrator for Program Operations to the Deputy Administrator, Farmers Home Administration. Effective January 2, 1992.

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 3, 1992.

Agency for International Development

One Public Affairs Specialist to the Deputy Director, Office of External Affairs. Effective January 29, 1992.

Department of Commerce

One Congressional Liaison Specialist to the Director, Congressional Affairs Staff, Bureau of Export Administration. Effective January 16, 1992.

Department of Defense

One Confidential Assistant to the Under Secretary of the Army. Effective January 27, 1992.

One Secretary (Typing) to the Assistant Secretary of the Army for Financial Management. Effective January 27, 1992.

Department of Education

One Confidential Assistant to the Chief of Staff. Effective January 9, 1992.

One Confidential Assistant to the Director of Scheduling and Briefing Staff, Office of the Secretary. Effective January 9, 1992.

One Confidential Assistant to the Special Advisor to the Secretary on America 2000. Effective January 9, 1992.

One Special Assistant to the Assistant Secretary for Legislation and Congressional Affairs. Effective January 9, 1992.

One Confidential Assistant to the Director, Scheduling and Briefing Staff. Effective January 15, 1992.

One Special Assistant to the Assistant Secretary for Human Resources and Administration. Effective January 24, 1992.

One Special Assistant to the Assistant Secretary for Legislation and Congressional Affairs. Effective January 29, 1992.

Department of Energy

One Special Assistant to the Assistant Secretary for Nuclear Energy. Effective January 2, 1992.

Environmental Protection Agency

One Special Assistant to the Deputy Associate Administrator, Office of Regional Operations and State/Local Relations. Effective January 29, 1992.

Farm Credit Administration

One Special Assistant to a Member. Effective January 15, 1992.

General Services Administration

One Confidential Assistant to the Commissioner, Information Resource

Management Service. Effective January 10, 1992.

One Special Assistant to the Commissioner, Public Buildings Service. Effective January 29, 1992.

Department of Health and Human Services

One Director, Office of Communications Technology, to the Associate Commissioner, Office of Public Affairs, Social Security Administration. Effective January 28, 1992.

Department of Housing and Urban Development

One Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations. Effective January 29, 1992.

International Trade Commission

One Staff Assistant to a Commissioner. Effective January 8, 1992.

One Executive Assistant to a Commissioner. Effective January 16, 1992.

Office of National Drug Control Policy

One Confidential Assistant to the Associate Director, Bureau of State and Local Affairs. Effective January 29, 1992.

Office of Science and Technology Policy

One Secretary (Typing) to the Director. Effective January 29, 1992.

Small Business Administration

One Special Assistant to the Director of International Trade. Effective January 29, 1992.

One Special Assistant to the Deputy to the Associate Deputy Administrator for Management and Administration. Effective January 29, 1992.

Securities and Exchange Commission

One Public Affairs Specialist to the Director of Public Affairs. Effective January 27, 1992.

One Confidential Assistant to the Director of Public Affairs. Effective January 29, 1992.

Department of State

One Staff Assistant to the Deputy Assistant Secretary for Policy Planning and Program Evaluation, Bureau of International Narcotics Matters. Effective January 8, 1992.

One Special Assistant to the Chief of Protocol. Effective January 17, 1992.

One Senior Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs. Effective January 24, 1992.

One Associate Coordinator to the Coordinator for Counter Terrorism (Ambassador). Effective January 24, 1992.

Department of the Treasury

One Director, Legislative Affairs, to the Executive Director, U.S. Savings Bond Division. Effective January 7, 1992.

One Deputy for Administration to the Assistant Secretary (Management). Effective January 9, 1992.

One Special Assistant to the Deputy Assistant Secretary for Departmental Finance and Management. Effective January 13, 1992.

One Special Assistant to the Deputy Assistant Secretary for Administration. Effective January 24, 1992.

United States Information Agency

One Senior Advisor to the Associate Director, Bureau of Programs. Effective January 15, 1992.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P. 218.

Office of Personnel Management

Constance Berry Newman,

Director.

[FR Doc. 92–4971 Filed 3–3–92; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–85]

Section 304 Determinations: Intellectual Property and Market Access Acts, Policies and Practices of the Government of India

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations under section 304 of the Trade Act of 1974, as amended (Trade Act).

SUMMARY: The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that the Government of India's denial of adequate and effective protection of patents is unreasonable and burdens or restricts U.S. commerce. The USTR has further determined, pursuant to section 304(a)(1)(B) of the Trade Act that, while no responsive action is appropriate at this time, action may be necessary and has instructed the Trade Policy Staff Committee to develop appropriate options. Finally, the USTR has terminated the investigation initiated pursuant to section 302 of the Trade Act.

DATES: This investigation was terminated effective February 26, 1992.

FOR FURTHER INFORMATION CONTACT: Peter Collins, Director, Southeast Asian and Indian Affairs (202) 395–6813, or Catherine Field, Associate General Counsel (202) 395–3432, Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: On May 26, 1991, the USTR initiated an investigation of the Government of India's acts, policies and practices concerning the protection and enforcement of intellectual property rights under section 302(b)(2)(A) of the Trade Act of 1974, as amended (19 U.S.C. 2412). The investigation covered the issues that are the basis for India's identification as a priority foreign country under Section 182(a) of the Trade Act (19 U.S.C. 2242): (1) Deficiencies in the Indian patent law, in particular the lack of product patent protection for pharmaceuticals and other technologies, an inadequate term of protection, and overly broad involuntary licensing provisions; (2) lack of protection for service marks and restrictions on use of foreign trademarks; (3) copyright law and enforcement deficiencies; and (4) severe restraints placed on market access for motion pictures.

USTR held several rounds of bilateral consultations with the Government of India, and India participated actively in the Uruguay Round negotiations on trade-related aspects of intellectual property rights (TRIPs). During the TRIPs negotiations, however, India has opposed U.S. objectives on key patent issues.

With respect to copyright and trademark protection, the Government of India has announced the results of an internal review of protection and enforcement of intellectual property rights and has decided to take several steps to improve the level of protection and enforcement of copyrights and trademarks. In the copyright area, these steps include the decision to submit legislation to (1) provide for rental rights for video cassettes, (2) explicitly include communication of works through satellite, cable or other means of simultaneous communication under the copyright law, (3) narrow the residential use exemption from public performance of sound recordings, (4) provide for collective administration of rights, and (5) limit judicial discretion with respect to the level of penalties imposed.

With respect to copyright enforcement, the Indian Government has formed a Copyright Advisory Council that will advise on and coordinate copyright policy and enforcement efforts between the Central and State Governments. The Indian Government has initiated a program to increase training and awareness of copyright issues among police officers, prosecutors and others responsible for the enforcement of copyrights.

In the area of trademark protection, the Government of India will accord national treatment for the use of trademarks owned by foreigners. Moreover, the Government will introduce legislation to provide for protection of service marks, clarify that non-use of a mark for reasons arising from restrictions imposed by Indian laws and regulations will not result in cancellation of the mark, and amend the registered user provisions.

With respect to market access for motion pictures, on April 1, 1992, the Government of India will implement important changes in its policy on market access for motion pictures and videos. After an agreement expires on March 31, 1992, foreign motion picture companies or their trade associations will not be required to enter into an agreement with the National Film Development Corporation for import and distribution of their products in India. The Government of India will no longer subject imports of motion pictures and video cassettes to canalization fees. The Government will eliminate import quotas that have applied to these products, and the number of prints that may be imported will not be restricted. The prohibition against dubbing into local languages will be abolished and foreign motion picture companies will be permitted to establish offices in India for the purpose of importing and distributing motion pictures and video cassetts. While the ceiling on remittances will be increased to $6 million, the ceiling will be maintained on an interim basis for balance of payment reasons.

Section 304(a)(3)(A) of the Trade Act requires USTR to detemrine by February 26, 1992, whether the Government of India's acts, policies and practices under investigation are unreasonable and are a burden or restriction on U.S. commerce. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to that unreasonable act, policy or practice.

Reasons for Determinations

(1) India's Acts, Policies and Practices

On the basis of the investigation pursuant to section 302 of the Trade Act, and consultations with the Government of India and affected U.S. industries, the USTR determined that the Government of India's denial of adequate and effective patent protection is unreasonable and is a burden or restriction on U.S. commerce. The Government of India has not agreed to address the numerous deficiencies that exist in its current patent law and that are part of the basis for identifying India as a priority foreign country under the special 301 provisions of the Trade Act. The serious deficiencies in the Indian patent law have adversely affected U.S. owners of patents and trade in products protected by patents.

(2) U.S. Action

The USTR has determined that immediate trade action under section 301 is not appropriate at this time, but has instructed an interagency group to prepare options for possible implementation. This determination is based on the U.S. Government's continued efforts to secure changes in the Indian position in bilateral and multilateral negotiations.

Jeanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92–4944 Filed 3–3–92; 8:45 am]

BILLING CODE 3190–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30419; File No. SR–AMEX–92–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc., Relating to the Debit Put Spread Pilot Program

February 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 10, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On November 28, 1991, the Commission approved proposals submitted by the Chicago Board Options Exchange, Inc. ("CBOE") and the Amex which established one year pilot programs allowing approved public customers with qualified portfolios of stock to effect and maintain in cash accounts debit put spread transactions in broad-based index options with European-style exercise.[1] The Amex now proposes to clarify the definition of a qualified debit put spread by specifying that the strike price of the long leg of the spread must exceed the strick price of the short leg. The proposed amendment is identical to a CBOE amendment already approved by the Commission.[2] The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organizations's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

In November 1991, the Commission approved proposals submitted by the CBOE and Amex which established one year pilot programs allowing approved public customers with qualified portfolios of stock to effect and maintain in cash accounts debit put spread transactions in broad-based index options with European-style exercise.[3] The Debit Put Spread Approval Order defined a debit put spread as a long put position coupled with a short put position overlying the same broad-based index and having an equivalent underlying aggregate index value, where the short put(s) expires with the long put(s), and the strike price of the long put(s) equals or exceeds the strike price of the short put(s). The Amex now proposes to clarify the definition of a debit put spread under Amex rule 462, Commentary .07(F) to provide that the

[1] See Securities Exchange Act Release No. 29892 (November 20, 1991), 56 FR 63528 (order approving File Nos. SR–Amex–91–14 and SR–CBOE–91–17) ("Debit Put Spread Approval Order.")

[2] See Securities Exchange Act Release No. 30267 (January 21, 1992), 57 FR 3234 (order approving File No SR–CBOE–91–50).

[3] See Debit Put Spread Approval Order, *supra* note 1.

strike price of the long leg of the spread must exceed, not equal, the strike price of the short leg.

(2) Basis

The Amex believes that the proposal is consistent with section 6 of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a stated policy, practice or interpretation with respect to the meaning of an existing Amex rule in that it clarifies the Amex's policy with respect to the eligibility to participate in the debit put spread pilot program. In addition, by clarifying the requirements applicable to eligible debit put spreads, the proposal will facilitate the orderly administration of the pilot program. Accordingly, the proposal has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed reule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5014 Filed 3–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30410; File No. SR–DTC–92–01]

Self-Regulatory Organizations; The Depository Trust Company; Filing of Proposed Rule Change Relating to DTC Eligibility of Commercial Paper

February 25, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 10, 1992, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change being filed by DTC consists of the addition of commercial paper ("CP") to DTC's Same-Day Funds Settlement ("SDFS") service. The Commission has previously approved the proposed rule change on a temporary basis through April 30, 1992.[1] DTC requests approval of its CP Program on a permanent basis.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Bcsis for, the Proposed Rule Change

DTC's CP Program began on October 5, 1990 and has expanded subject to the limitations of implementation schedules agreed to by DTC and the Federal Reserve Bank of New York. The purpose of the proposed rule change is to obtain Commission approval of the CP Program on a permanent basis. DTC believes the proposed rule change is consistent with section 17A of the Act, and 17A(b)(3)(F) of the Act in particular,[2] because the proposed rule change promotes the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organizations' Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change, Received from Members, Participants, or Others

The depository included the subject of CP in its Program Agenda proposals sent to users for comment in May 1988 and released detailed proposals on this subject in October 1988 and July 1989. Copies of these documents and the written comments from Participants, industry associations, and others were attached as an exhibit to DTC's filing (File No. SR–DTC–90–08).

The Money Market Committee of the Public Securities Association had formed a CP Task Force, consisting of representatives of CP broker-dealers, New York Clearing House banks, banks headquartered outside New York, and CP issuers, to work with DTC in developing the CP Program. The CP Task Force has continued to meet regularly with DTC to discuss how the CP Program is operating. The CP Task Force strongly supports permanent approval.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–92–01 and should be submitted by March 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4951 Filed 3–3–92; 8:45 am]

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[1] Securities Exchange Act Release No. 28518 (October 5, 1990), 55 FR 42114.

[2] 15 U.S.C. 78q–1(b)(3)(F).

[Release No. 34–30411; File No. SR–MSE–92–02]

Self-Regulatory Organization; Filing and Order Granting Accelerated Approval to Proposed Rule Change by Midwest Stock Exchange, Inc., Relating to New Listing Guidelines—Article XXVIII, Rule 10

February 25, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1992, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XXVIII of its Rules (Listed Securities) by adding a new rule (proposed Rule 10) to accommodate the trading securities, pursuant to listing or unlisted trading privileges ("UTP"), not otherwise covered under the Exchange's existing listing rules.

II Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

(a) *Listing guidelines.* The MSE has undertaken from time to time to revise its listing criteria to accommodate securities that could not be readily categorized under the Exchange's traditional listing criteria. For example, the Exchange has most recently set out rules for the listing of Index Warrants and Contingent Value Rights ("CVRs").[2] In keeping with this initiative, the Exchange recently has promulgated a new rule applicable to securities that are not otherwise covered by its current listing criteria.

Issuers and underwriters are currently seeking to list new types of securities. These securities often contain features borrowed from more than one category of currently listed securities (for example, fixed face amount debt securities incorporating an opportunity for equity appreciation and fixed payment certificates based upon the price level of the issuer's equity securities). Such securities are often designed to achieve more than one objective in conjunction with a specific corporate transaction and occasionally have involved assets or categories of assets that traditionally may not have been segregated or used as collateral for a particular issue. As a consequence, such securities may take a variety of forms depending upon the particular objectives being sought, as well as general market conditions.

The Exchange believes it necessary to provide added flexibility in its listing rules to accommodate such issues without having to continually add new provisions to its listing criteria. The proposed Rule 10 in Article XXVIII is intended to allow the MSE added flexibility to consider the listing of, and ability to trade pursuant to unlisted trading privileges, new securities on a case-by-case basis, in light of the suitability of the issue for auction market trading. Notwithstanding this fact, the purposed new Rule 10 criteria are not intended to accommodate the listing of securities that raise significant new regulatory issues (*e.g.*, unit investment trusts) [3] which may require a separate filing with the Commission pursuant to Rule 19b–4 of the Act.[4]

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[1] The MSE has requested that the Commission approve this proposed rule change on an accelerated basis (*see* File No. SR–MSE–92–02).

[2] See Securities Exchange Act Release No. 28143 (June 25, 1990), 55 FR 27317 (order granting accelerated approval to the MSE's proposal to list CVRs).

[3] See File Nos. SR–Amex–00–06 and SR–CBOE–90–13.

[4] The Commission notes that additional securities that have raised significant new regulatory issues in the past include currency warrants (*see* Securities Exchange Act Release No. 24555 (June 5, 1987), 52 FR 22570 (June 12, 1987) (File No SR–Amex–87–15) (proposal to list warrants on foreign currencies)); index warrants (*see* Securities Exchange Act Release No. 26152 (October 3, 1988), 53 FR 39832 (October 12, 1988) (order approving File No. SR–Amex–87–27) (listing guidelines for foreign currency and index warrants) and Securities Exchange Act Release No. 27565 (December 22, 1989), 55 FR 376

Continued

The listing criteria in proposed Rule 10 are intended to accommodate major issuers with assets of $100 million and stockholders' equity of $10 million. The requirements of proposed Rule 10 substantially exceed the MSE's Article XXVIII, Rule 7 standard listing criteria.[5] Such issuers will be expected to meet the earnings criteria set forth in Rule 7(G).[6] Issuers not meeting these criteria will be required to have assets in excess of $200 million and stockholders' equity of $10 million, or, alternatively, assets in excess of $100 million and stockholders' equity of $20 million.

The distribution criteria for equity securities, as set forth in proposed Rule 10, will be somewhat comparable to those currently existing in Rule 7 (C) and (D) [7] for equity issues except that when trading is expected to occur in larger than average trading units (*e.g.*, a $1,000 principal amount), a minimum of 100 holders will be expected. The aggregate market value of issues listed under proposed Rule 10 will be expected to be at least $20 million.

Where such an instrument contains cash settlement provisions, settlement will be required to be made in U.S. dollars. And, where the instrument contains mandatory redemption provisions, the redemption price must be at least $3 per unit.

In addition, the Exchange will apply the guidelines for continued listing contained in Article XXVIII as appropriate in light of the specific nature of the securities (*e.g.*, debt/equity characeristics).

(b) *Membership circular.* Securities listed for trading under proposed Rule 10 are likely to possess characteristics common to both debt, equity, and derivative instruments. For this reason, prior to trading an issue which qualifies under proposed Rule 10, the Exchange will evaluate the nature and complexity of the issue and, if appropriate, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities particular to handling transactions in such securities. In determining whether such a membership circular is necessary, the Exchange will consider such characteristics of the issue as: unit size and term; cash-settlement; exercise or call provisions; characteristics that may affect payment of dividends and/or appreciation potential; whether the securities are primarily of retail or institutional interest; and such other features of the issue that might entail special risks not normally associated with securities currently listed on the Exchange.

(2) Statutory Basis

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issues, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR-MSE-92-02 and should be submitted by March 25, 1992.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the MSE's proposal to amend Article XXVIII, in order to provide listing guidelines to accommodate certain new types of securities which cannot be readily categorized under the MSE's existing listing guidelines, is consistent with the requirements of the Act and the rules and regulataions thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) of the Act.[8] Specifically, the Commission believes the proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission believes that the proposed guidelines applicable to the listing of new, innovative securities will provide the flexibility desired by the MSE, while helping to ensure that only the more financially substantial companies are eligible to have their new products listed on the Exchange. Proposed Rule 10, therefore, should provide a more efficient and expedient process for listing new securities, and should protect investors and the public interest by ensuring that the financial products listed (or traded via UTP) on the Exchange have met predetermined financial criteria set forth by the Exchange,[9] an important consideration due to the additional or contingent financial obligations created by these instruments.

In addition, the Commission believes that the portion of proposed rule 10 relating to the membership circular addresses the additional regulatory concerns raised by these products. These novel products, by combining features of debt, equity, and securities derivative products, may be more risky and complex than straight stock, bond, or equity warrants. The Commission believes, therefore, that the portion of the proposed rule change requiring the Exchange to evaluate the nature and complexity of each issue in order to determine whether to distribute a membership circular indicating member firm compliance responsibilities will provide the MSE with the ability to address, in a flexible manner, any potential sales practice problems and questions that may arise in connection with these new issues. Moreover, the Commission believes that the distribution of this circular should help to ensure that only customers with an understanding of the specific risks attendant to the trading of particular securities products trade these products on their brokers' recommendations. As a result, the membership circular requirement will help to ensure that investors and the public interest are protected when the new products are traded on the Exchange.

Finally, the Commission believes that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act because it relates only to those securities which are similar to products currently listed for trading on the Exchange. If a new product raises novel or significant regulatory issues, the MSE must file a proposed rule change so that the Commission would have an opportunity to review the regulatory structure for the product.[10]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission has approved substantially similar proposed rule changes submitted by the American Stock Exchange, Inc. ("Amex"), the New York Stock Exchange, Inc. ("NYSE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE"), all of which adopted listing criteria for hybrid securities.[11] In addition, the Commission recently approved proposals submitted by the PSE, the NYSE, and the MSE to adopt listing criteria to trade CVRs, which are akin to the type of hybrid products the MSE proposal herein would include.[12] The Commission did not receive any comments on those proposals, or on the Amex, NYSE, CSE, PSE, BSE or CBOE hybrid products filings. In light of the lack of new regulatory issues raised by the MSE proposal, the Commission believes it is in the public interest to approve it on an accelerated basis so that the MSE will be able to compete with the other exchanges for hybrid securities.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act [13] that the proposed rule change is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4852 Filed 3-3-92; 8:45 am]

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(January 4, 1990) (File No. SR-Amex-89-22) (proposal to list index warrants based on the Nikkei Stock Average)]; and unbundled stock units ("USUs") [*see* File Nos. SR-NYSE-88-39 and 88-40 (proposals to list USUs and constituent securities, subsequently withdrawn by the NYSE)].

[5] In general, the standard listing criteria contained in MSE Rule 7 require a minimum of $2 million in net tangible assets, and that the issuer be actively engaged in business and have been so operating for at least three consecutive years.

[6] Rule 7(C) states that in order for an application to be considered for listing, the Exchange must be satisfied (a) as to the adequacy of the company's working capital; (b) that the management enjoys a reputation of good character, competence and integrity; (c) as to its ability to show net earnings of at least $100,000 annually; and (d) that the company has agreed to publish periodic reports.

[7] Rule 7(C) states that the company shall have outstanding 250,000 or more shares of the security to be listed, exclusive of the holdings of officers, directors, controlling stockholders, and other concentrated or family holdings. Further, Rule 7(D) sells at less than $15 per share, the outstanding shares should be held by approximately 1,000 shareholders; (2) if the stock price ranges from $15 to $50 per share, there should exist approximately 1,500 holders; and (3) if the stock price exceeds $100 per share, there should exist a minimum of 3,000 shareholders. These amounts will be weighed by the Exchange in light of the type of issue, current activity over-the-counter, and in consideration of near future secondary distributions, stock splits and/or new underwritings.

[8] 15 U.S.C. 78f (1988).

[9] This standard, however, would not preclude the MSE from submitting specific standards for other companies to have similar securities traded on the Exchange.

[10] See note 4, *supra.*

[11] See Securities Exchange Act Release Nos. 27753 (March 1, 1990), 55 FR 8624 (March 8, 1990) (order approving File No. SR-Amex-89-29); 28217 (July 18, 1990), 55 FR 30056 (order granting accelerated approval to File No. SR-NYSE-90-30); 28528 (October 11, 1990), 55 FR 42112 (order approving File No. SR-CSE-90-11); 28682 (November 30, 1990), 55 FR 50428 (order approving File No. SR-CBOE-90-29); 30067 (December 17, 1991), 56 FR 66485 (order granting accelerated approval to File No. SR-PSE-91-46); and 30294 (January 27, 1992), 57 FR 4224 (order granting accelerated approval to File No. SR-BSE-91-07).

[12] See note 2, *supra,* and Securities Exchange Act Release Nos. 28558 (October 22, 1990), 55 FR 43238 (order approving File No. SR-PSE-90-34); and 28072 (May 30, 1990), 55 FR 23166 (order approving the NYSE proposal to list CVRs on the Exchange).

[13] 15 U.S.C. 78s(b)(2) (1988).

[14] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30415; File No. SR-NASD-92-5]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Addition of non-Nasdaq Securities, Internalized Trades and Qualified Special Representative Trades to the Automated Confirmation Transaction Service

February 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing amendments to the Rules of Practice and Procedure for the Automated Confirmation Transaction Service ("ACT Rules") adding non-Nasdaq securities, internalized trades [1] and qualified special representative trades for ACT processing for trade reporting and/or comparison function.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The ACT service is designed to facilitate comparison and clearing of inter-dealer negotiated trades by requiring input of trade reports within specific time frames, comparing that trade data, and submitting matched "locked-in" trades to clearing. ACT began operations in September 1989, when the Commission approved the service for self-clearing firms,[2] and in 1990 the NASD began phasing in clearing firms and their correspondents following SEC approval of rules for ACT risk management functions.[3] The NASD also added Consolidated Quotation Service ("CQS" or "Listed") issues to those eligible for ACT processing in December 1990,[4] and now proposes to implement the next stage of ACT which will add non-Nasdaq securities that are eligible for clearing to the securities eligible for ACT processing. Additionally, because the ACT service also accommodates all trade reporting functions for the Nasdaq market, the NASD will require the submission of members' internalized transactions and transactions occurring in members'

[1] Internalized trades are trades between a dealer, acting as principal, and its customers.

[2] See Release No. 34-27229 (September 7, 1989).

[3] See Release No. 34-28583 (October 26, 1990).

[4] See Release No. 34-28702 (December 19, 1990).

proprietary execution systems that are transmitted as locked-in trades directly to clearing (so called Qualified Special Representative or "QSR" trades) into ACT for trade reporting purposes.

In its approval order for the ACT service, the Commission requested that the NASD submit rule proposals, such as this filing, when additional phases for ACT-eligible securities were to be undertaken.[6] NASD members will be expected to begin submitting trade reports in non-Nasdaq securities (such as those quoted in the NASD's OTC Bulletin Board service) and for internalized and QSR transactions as operational considerations warrant, commencing in late February 1992, following appropriate publication to members. Consistent with the SEC's Automation Review Policy, the NASD will submit for Commission review the results of system tests prior to the implementation of the enhancements to the Act service.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market." The ACT service is designed to facilitate trade reporting, comparison, and risk management for transactions in negotiated trades in Nasdaq, exchange-listed, and non-Nasdaq securities in the Nasdaq market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder because the proposal is "a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule." At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4953 Filed 3–3–92; 8:45 am]

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[6] See Release No. 34–28583, note 7.

[Release No. 34–30413; File No. SR–OCC–91–09]

Self-Regulatory Organization; The Options Clearing Corporation; Order Approving Proposed Rule Change Relating to Establishing a Cross-Margining Program With the Kansas City Board of Trade Clearing Corporation

February 26, 1992.

On May 20, 1991, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR–CC–91–09) under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] to establish procedures for cross-margining certain options issued and cleared by OCC with certain futures cleared by the Kansas City Board of Trade Clearing Corporation ("KCC").[2] On October 23, and December 10, 1991, OCC amended the proposal.[3] On December 18, 1991, the Commission published the proposal in the **Federal Register** to solicit comments.[4] None were received. On February 24, 1992, subsequent to the publication of the proposal in the **Federal Register**, OCC again amended the proposal.[5] This order approves OCC's proposed rule change, as amended, permitting proprietary cross-margining of specific futures and options contracts.

I. Description

OCC's proposal would allow cross-margining of positions in eligible products that qualify as "proprietary" positions under the rules of the CFTC [6] and as "non-customer" positions under the Act.[7] The proposal is modelled after the proprietary cross-margining program that OCC established with the Chicago Mercantile Exchange ("CME").[8] Because the proposed OCC–KCC cross-margining program is patterned after the OCC–CME proprietary cross-margining program, this order will describe briefly the proposed OCC–KCC cross-margining program and will focus only on those areas where there are major differences between the OCC–CME and the proposed OCC–KCC proprietary cross-margining programs.

To implement the proposal, OCC and KCC have entered into a Cross-Margining Agreement ("OCC–KCC Agreement"). Under the OCC–KCC Agreement, the firms eligible for cross-margining include: (1) A firm that is a clearing member of both OCC and KCC ("Joint Clearing Member") and (2) an OCC clearing member and a KCC clearing member that are non-customers of one another ("Affiliated Clearing Members"). In order to participate in cross-margining, each eligible Joint OCC–KCC clearing member and each pair of Affiliated Clearing Members must establish a proprietary cross-margining account ("x-m account") at each clearing organization. Each Joint Clearing Member and each pair of Affiliated Clearing Members must designated either OCC or KCC as its Designated Clearing Organization ("DCO"). Pursuant to the OCC–KCC Agreement, OCC and KCC may jointly determine the margin requirements for each pair of x-m accounts or may use the margin calculation produced by the other.[9] The margin requirements for x-m accounts will be calculated on a daily basis. OCC and KCC will use similar procedures to determine the tentative margin requirements. OCC will use its Non-Equity Options ("NEO") margin system to calculate the premium and additional margin requirement for x-m account positions.[10] OCC and KCC also will collect "super-margin" if the risk margin portion of the total margin requirement of a pair of x-m accounts exceed certain levels.[11] OCC and KCC will retain authority to make intraday margin calls for additional margin when necessary. Settlement will occur on a daily basis through a joint OCC–KCC settlement account.[12]

In the event of a clearing member default, OCC and KCC will work together to resolve the situation and, as discussed below, have established procedures in the OCC–KCC Agreement to provide a framework for taking the appropriate actions.[13] The primary protection against losses arising from defaults in x-m accounts is OCC's and KCC's liens on and security interests in all positions in the x-m accounts, all funds and securities deposited to satisfy cross-margin margin requirements, and all proceeds resulting from the liquidations of such positions or property held as cross-margin margin.

The OCC–KCC Agreement provides that either OCC or KCC may suspend a member in accordance with their respective rules (*e.g.*, OCC may suspend an OCC member who defaults on a cross-margining settlement obligation or margin payment obligation). Should OCC or KCC suspend a member, the clearing organization initiating the suspension will notify the other clearing organization of the suspension. Both OCC and KCC will liquidate the contracts in the suspended member's x-m accounts unless both clearing organizations agree to delay liquidation of some or all of those contracts. OCC and KCC will coordinate the liquidation of the contracts so that both sides of spread or hedged positions can be closed out simultaneously to the fullest extent possible. Both OCC and KCC may use the proceeds from the liquidation of the contracts to offset liquidation expenses, and any remaining funds will be deposited in a cross-margining liquidating account that is to be established at a bank jointly in both OCC's and KCC's names. The two clearing organizations also will convert to cash all non-cash margin deposits supporting positions in the x-m accounts and will deposit the funds in the liquidating account.[14]

Consistent with the requirements of the CFTC, the OCC–KCC Agreement does not allow clearing members to designate their paired cross-margin accounts as cross-margin pledge accounts as contemplated by Section 3 of the OCC–CME Amended agreement.[15] Section 3 of the OCC–KCC Agreement, therefore, is intentionally left blank, and other references to cross-margin pledge accounts are omitted from the OCC–KCC Agreement.

OCC and KCC have agreed to provide each other with information concerning their members participating in crossmargining. The information sharing provisions of the OCC–KCC Agreement mirror the counterpart provisions of the OCC–CME Amended Agreement except that the OCC–KCC Agreement requires each organization to notify the other upon receipt of information causing it significant concerns about the financial or operational capabilities of a clearing member. In contrast, the OCC–CME

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Eligible options include OCC-cleared put and call options on the Value Line Index. Eligible futures contracts include KCC-cleared futures on the Value Line Index. Any change to this list would require submission of a proposed rule change by OCC in accordance with section 19(b)(1) of the Act.

[3] In Amendment No. 1, filed October 23, 1991, OCC requested that the Commission defer consideration of the portion of the original filing pertaining to non-proprietary cross-margining until regulatory approval is obtained from the Commission and the Commodity Futures Trading Commission ("CFTC"). Letter from Jean M. Cawley, Staff Counsel, OCC, to Jerry W. Carpenter, Branch Chief, Division of Market Regulation ("Division"), Commission (October 22, 1991).

In Amendment No. 2, filed December 10, 1991, OCC stated that because OCC and KCC had agreed to implement the portions of the original filing pertaining to non-proprietary cross-margining, OCC requested that the Commission review all portions of the proposed rule change. Letter from Jean M. Cawley, Staff Counsel, OCC to Jerry W. Carpenter, Branch Chief, Division, Commission (December 9, 1991).

[4] Securities Exchange Act Release No. 30064 (December 11, 1991), 56 FR 65769.

[5] In Amendment No. 3, filed February 24, 1992, OCC requested that the Commission defer consideration of the portion of the amended filing pertaining to non-proprietary cross-margining until regulatory approval is obtained from the Commission and CFTC. Letter from James C. Yong, Deputy General Counsel, OCC, to Jerry W. Carpenter, Branch Chief, Division, Commission, (February 21, 1992).

[6] 17 CFR 1.3(y) (1991).

[7] 17 CFR 240.15c3–3 (1991).

[8] For a detailed discussion of the various legal, regulatory, and operational issues involved in the OCC–CME proprietary cross-margining program and of the OCC–CME Cross-Margining Agreement ("OCC–CME Agreement"), which is the contractual basis for such program, refer to Securities Exchange Act Release No. 27298 (September 26 1989), 54 FR

Continued

41195 [File No. SR–OCC–89–01] (order approving OCC–CME Cross-Margining Program limited to proprietary positions). The OCC–CME Cross-Margining Program was recently expanded to include certain options, futures, and options on futures of market professionals (non-proprietary cross-margining program). In accordance with this expansion, the original OCC–CME Agreement was amended ("OCC–CME Amended Agreement"). Securities Exchange Act Release No. 29991 (November 26, 1991), 56 FR 61404.

[9] OCC and KCC have determined that initially OCC will serve as the DCO for each Joint Clearing Member and each pair of Affiliated Clearing Members and that initially both OCC and KCC will use OCC's margin system to determine the margin requirements for the x-m accounts. Telephone conversation between James C. Yong, Deputy General Counsel, OCC, and Jerry W. Carpenter, Branch Chief, Division, Commission (February 12, 1992).

[10] For a detailed description of how OCC computes NEO margin, refer to Securities Exchange Act Release No. 23167 (April 22, 1986), 51 FR 16127 (File No. SR–OCC–85–21) (order approving OCC's NEO margin system).

[11] The super margin requirement is based on the amount of a Joint Clearing Member's or a pair of Affiliated Clearing Members' additional, or risk, margin requirement. If the additional, or risk, margin requirement exceeds certain levels, then a super margin requirement amount will be calculated by multiplying the incremental factor for that level of risk margin requirement by the risk margin requirement. OCC originally developed the super margin requirement to discourage clearing members from maintaining positions in their x-m accounts that would generate large margin requirements (*i.e.*, maintaining large unhedged positions). As the amount of risk margin required for such positions increases above a threshold level, the super margin requirement increases.

[12] For a detailed account of how settlement will occur, refer to Securities Exchange Act Release Nos. 27298 and 29991, *supra* note 8.

[13] In the event of a default by a Joint Clearing Member or a pair of Affiliated Clearing Members that participates in multiple cross-margining programs with OCC (such as OCC–CME cross-margining and OCC–KCC cross-margining), the liquidation of the OCC–CME x-m accounts and OCC–KCC x-m accounts would be conducted separately, and the proceeds or the shortfall would be allocated in accordance with the applicable agreement. For example, if after liquidating the Clearing Member's x-m accounts, there is a shortfall, OCC would share in the loss with the appropriate cross-margining partner as agreed to in its agreement with the clearing organization (in KCC's case, on an equal basis as contained in Section 8(e) of the OCC–KCC Agreement). OCC's losses from both x-m accounts would be a charge against OCC's clearing fund in accordance with OCC rules to the extent necessary to satisfy those losses. Similarly, if there was a surplus in any of the relevant x-m accounts, OCC would share that surplus with the appropriate cross-margining partner as agreed to in its agreement with that clearing organization (in KCC's case, under Section 8(d) of the OCC–KCC Agreement). In the event of a surplus in the OCC–KCC x-m accounts of a suspended Clearing Member, OCC would be entitled to apply 50% of the surplus to a deficit in that Clearing Member's other OCC accounts. If KCC suffered no net loss from the suspended Clearing Member's defaults on other obligations, OCC may be entitled to as much as 100% of the surplus in the OCC–KCC x-m accounts to offset deficits in other obligations of the suspended Clearing Member.

[14] For a detailed description of the actions to be taken and the method of account proceeds distribution upon a Clearing Member default, refer to Securities Exchange Act Release Nos. 27298 and 29991, *supra* note 8.

[15] *See* also letter from Don L. Horwitz, General Counsel, OCC, to Jonathan Kallman, Assistant Director, Division, Commission, (September 5, 1989) respecting the proprietary cross-margining program between OCC and CME (File No. SR–OCC–89–01).

Amended Agreement requires that notification be given if either OCC or CME applies certain special surveillance procedures to a clearing member.[16] CME must notify OCC if CME places one of its participating clearing members on its "high risk" list.[17] KCC does not have an equivalent listing.

Section 9 of the OCC–KCC Agreement generally requires each clearing organization to maintain the confidentiality of all information obtained in connection with the OCC–KCC Agreement and cross-margining program.[18] The OCC–KCC Agreement provides that both clearing organizations have the obligation to promptly notify the other if required by subpoena, court order, law, or regulation to disclose confidential information. The OCC–CME Amended Agreement provides that in the event one clearing organization is required to disclose confidential information and the other determines to seek a protective order against disclosure, the clearing organization subject to the disclosure requirement is obligated to cooperate to a reasonable extent with the other. The OCC–KCC Agreement does not contain this obligation.

Section 16 of the OCC–KCC Agreement concerns the arbitration of disputes arising from the OCC–KCC Agreement. In contrast to the OCC–CME Amended Agreement, which sets Chicago as the sole location for arbitration proceedings, the location of arbitration proceedings between OCC and KCC will alternate between Chicago and Kansas City.

II. Discussion

The Commission believes that the proposal is consistent with section 17A of the Act.[19] The Commission believes that the OCC–KCC cross-margining system will enhance the safe and efficient operation of the national system for the clearance and settlement of securities transactions.[20]

The Commission believes that the proposal will improve clearing member and systemic liquidity during normal market conditions and, particularly, during periods of market stress. In normal market conditions, lower initial margin deposits will benefit clearing members by increasing the amount of available cash to be used for other purposes. During times of market stress or price volatility, the lower initial margin deposits could be important for maintaining clearing member liquidity. For example, during the market volatility experienced on October 13 and 16, 1989, the two firms participating in the OCC–CME proprietary cross-margining program paid $164 million less initial margin for their cross-margined positions than they would have been required to pay otherwise.[21] The Commission expects that the proposed OCC–KCC proprietary cross-margin program will have similar results. Furthermore, the Commission believes OCC's proposal possibly could enhance the safety of the clearance and settlement system by decreasing the potential for loss by the clearing organizations in the event of clearing member default. For many years, commodity clearing organizations have reduced clearing member margin requirments on the basis of options positions at OCC even though those clearing organizations had no rights (*i.e.*, liens or perfected security interests) in the options positions and would not realize any benefit from the options positions in the event of a clearing member default. In many respects, the OCC–KCC cross-margining program should provide greater safety for commodity clearing organizations' existing margin policies and practices because it will provide KCC with perfected security interests in clearing member's OCC options held in x-m accounts.

III. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[22] that the proposed rule change, as amended, (File No. SR–OCC–91–09) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4954 Filed 3–3–92; 8:45 am]

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[16] The OCC–KCC Agreement also requires that OCC provide notice if it applies certain special surveillance procedures to a participating clearing member.

[17] For a detailed account of the information sharing and notification obligations of the clearing organizations, refer to Securities Exchange Act Release Nos. 27298 and 29991, *supra* note 8.

[18] The OCC–KCC Agreement specifically provides that it does not prohibit either OCC or KCC from furnishing confidential information to the Commission, CFTC, and self-regulatory organization, or any foreign government or regulatory body pursuant to any surveillance agreement to which OCC or KCC is a party.

[19] 15 U.S.C. 78q–1.

[20] For a general discussion of the benefits of cross-margining, refer to Securities Exchange Act Release Nos. 27298 and 29991, *supra* note 8.

[21] Division of Market Regulation, U.S. Securities and Exchange Commission, *Market Analysis of October 13 and 16, 1989*, at 146 (December 1990).

[22] 15 U.S.C. 78s(B)(2).

[23] 17 CFR 200.30–3(a)(12).

[Release No. 34–30410; File No. SR–PSE–92–11]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Notice of Filing of and Order Granting Accelerated Approval to Proposed Rule Change Extending Effectiveness of the PSE's Ten-Up Pilot Program

February 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and rule 19b–4 thereunder,[2] the Pacific Stock Exchange, Inc. ("PSE" or "Exchange"), on February 18, 1992, filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to extend the Exchange's Trading Crowd Firm Disseminated Market Quote ("ten-up Rule") pilot program through May 14, 1992.[3] The text of the proposed rule change is available at the Compliance Department of the PSE, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries,

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1991).

[3] The Exchange's ten-up Rule requires PSE trading crowds to provide a depth of ten contracts for all non-broker/dealer customers orders, at the disseminated market quote at the time such orders are announced or displayed at a trading post. See Securities Exchange Act Release No. 28021 (May 10, 1990), 55 FR 21131 (Ten-up Approval Order).

set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In May 1990, the Commission approved the Exchange's ten-up Rule on a one-year basis.[4] The Exchange has subsequently obtained Commission aproval to extend the ten-up pilot program through February 14, 1992.[5] The PSE is now requesting a three-month extension of the current program through May 14, 1992, in order to complete its evaluation of the effectiveness of the program. In particular, the PSE states that the extension of the ten-up pilot program will enable the Exchange: (1) To complete its evaluation of the program and its effect on the public and member organizations and (2) to continue the benefits to the public resulting from the implementation of the ten-up rule during the evaluation process. Upon completion of its evaluation, the PSE will submit a proposal requesting permanent approval of the Rule.

The PSE believes the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5), in particular, in that it promotes just and equitable principles of trade and protects the investing public.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes a burden on competiton.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated approval pursuant to section 19(b)(2) of the Act. The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of section 6, 11(b), and 11A thereunder, in that it will result in improved quality of PSE options markets and better market maker performances. The ten-up Rule provides public customers with the assurance of order execution to a minimum depth of ten contracts at the best disseminated bid or offer. This results in better executions of small customer orders by ensuring greater depth to the PSE options markets.[6]

The Commisssion notes, as it has in prior orders extending the ten-up Rule, that the Exchange, before seeking permanent approval of the Rule, is expected to study the operation of the ten-up Rule and its effect, if any, on the PSE's options market. Specifically, the Exchange should study the effect of the ten-up Rule on the speed of execution of trades, its impact on average bid/ask spreads and any increase or decrease in market depth. The Commission also expects that the Exchange will provide a report to the Commission of its findings on these matters, along with any violations of the ten-up Rule and any complaints about its operations, prior to filing a proposal for the permanent approval of the ten-up Rule.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register** because of the importance that the Ten-Up pilot program continue uninterrupted. A three-month extension of the pilot also will provide the PSE with additional time to study the effectiveness of the ten-up Rule in improving the quality of PSE options markets and market maker performance. The PSE's study would be a significant factor in the Commission's analysis of any PSE filing proposing permanent approval of the ten-up Rule. The Commission believes, therefore, that granting accelerated approval of the proposed rule change is appropriate and consistent with section 6 of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Secruties and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent admendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–92–11 and should be submitted by March 25, 1992.

It Is Therefore Ordered, Pursuant to section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR–PSE–92–11) is approved until May 14, 1992, on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4955 Filed 3–3–92; 8:45 am]

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[4] *Id.*

[5] See Securities Exchange Act Release Nos. 29325 (June 17, 1991), 56 FR 29300 (First Extension) and 29909 (November 6, 1991), 56 FR 57914 (Second Extension).

[6] See supra note 3.

[7] 15 U.S.C. 78s(b)(2) (1982).

[Release No. 34–30412; File NO. SR–PHLX–92–02]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Cancellation Instructions and Replace Orders Under Options Floor Procedure Advice A–7

February 25, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1992, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed fule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to amend Options Floor Procedure Advice ("OFPA") A–7, entitled "Responsibility to Cancel Orders," to add paragraph (a), entitled "Cancellation Orders," modify paragraph (b), entitled "Cancel Replace Orders," and to provide a fine schedule applicable to infractions of paragraph

(a). Specifically, proposed paragraph (a) requires specialists to respond promptly to cancellation instructions for orders on the specialist's limit order book.[1] For orders booked by a floor broker, the specialist must promptly advise the floor borker or his representative that the cancellation has been accpeted or indicate that the cancellation was too late, and, therefore, that the order was executed. For orders received through the Exchange's Automated Options Market ("AUTOM") system,[2] the specialist must promptly transmit an electonic message indicating that the cancellation was accepted or that the cancellation was too late, and, therefore, that the order was executed. Paragraph (b), as amended, would require all members to submit cancel and replacement orders to the specialist in order to make a change in the option series or the price or volume of an order placed on the specialist's limit order book. Finally, the proposal includes a fine schedule for infractions of paragraph (a) that provides for a fine of $100.00 for the first infraction, $250.00 for the second infraction, and a fine discretionary with the Exchange's Business Conduct Committee ("BCC") for the third and subsequent infractions. The text of the proposed rule change is available at the Office of the Secretary, PHLX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis of the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] On Feburary 21, 1992, the PHLX amended its proposal to clarify that the a Specialist must give prompt notification that the cancellation was executed or that the order had been executed and therefore was too late to cancel. See letter from Theresa McCloskey, Assistant Vice President, Market Surveillance, PHLX, to Yvonne Fraticelli, Staff Attorney, SEC, dated February 20, 1992.

[2] AUTOM is an electornic system that allows delivery of small options orders form member firms directly to the PHLX trading floor and also automatically executes certain small public customer options orders.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PHLX proposes to amend OFPA A–7 to add paragraph (a), entitled "Cancellation Orders," modify paragraph (b), entitled "Cancel Replace Orders," and to provide a fine schedule applicable to violations of paragraph (a). Specifically, proposed paragraph (a) makes explicit the specialists' responsibility to respond promptly to cancellation instructions for orders on the specialist's limit order book. For orders booked by a floor broker, the specialist must promptly advise the floor broker or his representative that the cancellation has been accepted or indicate that the cancellation was too late, and, therefore, that the order was executed. For orders received through AUTOM, the specialist must promptly transmit an electonic message indicating that the cancellation was accepted or that the cancellation was too late. If the specialist is unable to transmit a response to the cancellation instruction electronically, the specialist or his representative must promptly sign the cancellation ticket and forward a report thereof to the Exchange's service desk for processing.

Paragraph (b), as amended, will require all members, in addition to Floor Brokers and Registered Options Traders, (i) to submit separate cancel and replacement orders to the specialist in order to make a change in the option series of an order placed on the specialist's limit order book, and (ii) to submit either single or separate cancel and replacement tickets to the specialist in order to change the price or volume of an order placed on the specialist's limit order book.

Finally, the proposal includes a fine schedule for infractions of paragraph (a) that provides for a fine of $100.00 for the first infraction, $250.00 for the second infraction, and a fine discretionary with the BCC for the third and subsequent infractions.

The PHLX believes that the proposed rule change is consistent with the Act, and, in particular, with section 6(b)(5), in that it is designed to promote just and equitable principles of trade.

(B) Self-Regulatory Organizaiton's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizaiton. All submissions should refer to the file number in the caption above and should be submitted by March 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary,

[FR Doc. 92–4956 Filed 3–3–92; 8:45 am]

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[Release No. 34–30417; File No. SR–PHLX–91–41]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Agent/Principal Restrictions During Foreign Currency Option Trading Sessions

February 26, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 16, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to rule 19b–4, submits as a proposed rule change a proposal to amend PHLX rule 1014, Commentary .16, which deals with the application of the prohibition contained in paragraph (e) of rule 1014 regarding agent/principal restrictions during the daytime and evening foreign currency options trading sessions. Specifically, the proposal deletes reference to the specific time periods that constitute foreign currency options trading sessions and provides that the trading sessions established by the PHLX's Board of Governors shall be considered separate and distinct from each other for purposes of the prohibition contained in PHLX rule 1014(e).

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposal is to amend PHLX Rule 1014, Commentary .16, to address the expansion of foreign currency options trading corresponding to a late night/early morning session and the application of the prohibition contained in paragraph (e) of rule 1014 respecting agent/principal restrictions during such trading session. The prohibition in rule 1014(e)(i) states that a Registered Options Trader ("ROT") may not initiate an Exchange options transaction while on the PHLX trading floor for any account in which he has an interest and execute as a floor broker an off-floor order in options on the same underlying interest during the same trading session.

Pursuant to PHLX rule 101 ("Hours of Business"), the Board of Governors extended the Exchange's trading day in foreign currency options to 18 hours on September 16, 1990. In particular, the PHLX foreign currency trading day is broken down into three sessions: (1) The late night/early morning session from 12:30 a.m. to 8 a.m. EDT; (2) the day session from 8 a.m. to 2:30 p.m. EDT; and (3) the night session from 6 p.m. to 10 p.m. EDT.[1]

The PHLX proposal clarifies that each trading session is to be considered separate and distinct from each other for purposes of the prohibitions contained in rule 1014(e). Therefore, a ROT could act as principal during the late night/early morning trading session and an agent during the day trading session, as long as he does not act as both principal and agent during the same single trading session.

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act which provides, in part, that the rules of the Exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the propsed rule change will impose any inappropriate burden on competition.

[1] Telephone conversation between Thomas R. Gira, Branch Chief, Division of Market Regulation, SEC, and Gerald D. O'Connell, Vice President, Market Surveillance, PHLX, on February 19, 1992.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitations of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to this file number in the caption above and should be submitted by March 25, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–4957 Filed 3–3–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-30416; File No. SR-PHLX-91-06]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Floor Access of Membership Applicants

February 26, 1992.

On March 25, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] filed with the Securities and Exchange Commission ("Commission") a proposed rule change to create an "applicant" status for certain prospective Exchange members which would grant such prospective members unescorted access to the Exchange trading floor. The proposed rule change was noticed for comment in Securities Exchange Act Release No. 29190 (May 13, 1991), 55 FR 23606. No comments were received on the proposed rule change.[3]

The PHLX proposes to amend Regulation 5—Guests, enacted as a rule of order and decorum under PHLX rule 60. The proposal would award "applicant" status to prospective members for whom an application for membership has been filed and for whom the personal background check has been completed, but whose membership application process will not be completed until a subsequent three week posting period has been completed.

Under the proposal, a prospective member would file an application for membership with the Office of the Secretary of the PHLX, which would trigger certain clearance procedures conducted by both the Exchange's Office of the Secretary as well as the PHLX's Examinations Department to verify the personal data and financial viability of the applicant. While clearance procedures are being conducted, which normally take about ten business days to complete, the prospective member would remain in a "visitor" status, requiring the signature of a member for entry on the PHLX trading floor and constant accompaniment by a member while on the floor pursuant to Regulation 5. Once the clearance procedures are completed, however, the applicant would submit an Applicant Access Card/Floor Badge application.

Upon issuance of the Applicant Access Card and Floor Badge, the applicant would have unescorted access to the floor and not have to be signed in by a member. The applicant, however, would not be able to conduct trading on the floor during this time. Unaccompanied access would continue for twenty-one days, at which time the Applicant Access Card would automatically expire and access would be denied, returning the prospective member to a "visitor" status. The twenty-one day period corresponds to the time period normally required for the posting process for membership. If this process is not completed within twenty-one days, the applicant would be able to reapply for access to the Chairman of the Admissions Committee, resulting in the reactivation of the Applicant Access Card and re-issuance of the Applicant Badge for an additional twenty-one days. The PHLX would charge a fee of $25.00 each for the Applicant Access Card and the Applicant Badge. The PHLX believes that prospective members will favor seeking applicant status in order to gain floor access without having to arrange for a signature and escort from a member/associated person or Exchange official.

The Exchange believes the proposal is consistent with the Act, and, in particular, with section 6(b)(5), in that it is designed to promote the mechanism of a free and open market and to protect investors and the public interest. The Exchange believes that the proposal will fortify Exchange security by reducing the amoung of time that prospective members spend on the floor as "visitors." In addition, the PHLX believes that the accountability of those with access to the floor will be increased because an application and preliminary clearance will be required for "Applicants."

The Exchange also states that members on the floor and members of the Admissions Committee will be able to identify applicants by their badge and observe them during the twenty-one day observation period in order to ensure that applicants are familiar with trading floor logistics, rules, procedures and practices. In addition, by virture, of the "applicant status" program, the Exchange believes that in the infrequent instances where applicants are approved for floor membership status but are temporarily unable to purchase a seat on the Exchange, the PHLX Admissions Committee will, upon expiration of the applicant access card be better able to track the status of such persons until they are able to secure an Exchange seat.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5). The Commission believes that the proposal will increase the level of security on the Exchange floor by reducing the number of people on the Exchange floor without at least preliminary clearance. In addition, the issuance of an access card and an applicant floor badge will reduce the number of Exchange members and personnel who must escort prospective members while at the same time not compromising Exchange floor security. Finally, the proposal will result in increased monitoring of the prospective members by the Admissions Committee because the proposal will encourage prospective members to file a membership application more quickly (so they can gain unescorted access to the Exchange floor, assuming their background check does not reveal any problems) and because the Admissions Committee must normally act on the applicant's membership application within twenty-one days after the Exchange's initial background check has been completed (*i.e.* the time when the applicant badge is issued).

In addition, the Commission believes that the applicant status program will provide prospective Exchange members with more familiarity with the content and operation of PHLX and Commission rules and regulations and serve as a useful training vehicle. This enhanced knowledge of applicable rules and regulations, in turn, should serve to protect investors and preserve the integrity of the PHLX securities markets once applicants eventually become members of the Exchange.

Moreover, the Commission believes that allowing applicants unescorted acess to the Exchange's trading floor will not jeopardize the integrity of the PHLX's market. Applicants will be strictly limited to observing trading while on the floor; they will not have trading privileges or access to Exchange automated sysfems. In addition, they will be required to wear applicant badges at all times, thereby allowing Exchange staff and the trading floor to monitor easily their activities. In this regard, the PHLX represents that it has not experienced any problems in the past with prospective members observing trading.[4]

The Commission also believes that the proposal is consistent with section 6(b)(7) of the Act in that the rules of the Exchange provide a fair procedure for the denial or limitation of access to any person seeking applicant status. The proposal provides for certain clearance procedures to verify the personal data and financial viability of applicants prior to the issuance of Applicant Access Cards and Badges. These clearance procedures are to be conducted to prevent non-viable prospective membership candidates or membership candidates thay may present a threat to the safety and integrity of the floor from having unrestricted access to the floor.[5]

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[6] that the proposed rule change (SR-PHLX-91-06) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-5015 Filed 3-3-92; 8:45 am]

BILLING CODE 8010-01-M

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1989).

[3] The PHLX filed an amendment to the proposal on July 8, 1991. The amendment adds language to the proposal to clarify the procedures by which the PHLX will verify the personal data and financial viability of prospective members prior to granting them applicant status. *See* Letter from Sharon Metzker Richmond, Law Clerk, PHLX, to Thomas Gira, Branch Chief, Division of Market Regulation, Commission, dated July 3, 1991. *See also* letter from Murray L. Ross, Secretary, PHLX, to Joseph B. McDonald, Jr., Staff Attorney, SEC, dated June 13, 1991. On July 17, 1991, the PHLX further amended its filing to provide that one's "applicant" status would be revoked if information gathered through the Exchange's background check revealed that information disclosed on a membership application was materially incorrect. *See* letter from Murray L. Ross, Secretary, PHLX, to Thomas Gira, Branch Chief, SEC, dated July 17, 1991 ("PHLX Letter").

[4] *See* PHLX Letter, *supra* note 3.

[5] In addition, the Exchange has represented that it will withdraw one's applicant status/trading floor access should clearance procedures to verify personal data and financial viability disclose any material difference from the information furnished by the applicant which in the judgement of the Exchange staff, based upon the Exchange Rules and By-Laws, would preclude a recommendation for election to membership of the applicant. *See* PHLX Letter, *supra* note 3.

[6] 15 U.S.C. 78s(b)(2) (1982).

[7] 17 CFR 200.30-3(a)(12) (1989).

Atratech, Inc., 500-1; Order of Suspension of Trading

February 27, 1992.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Atratech, Inc. because of (1) questions regarding the identity of persons having undisclosed control of the company, (2) questions concerning certain undisclosed related party transactions, and (3) questions concerning the validity of certain contracts with the City of New York which were obtained by persons and entities that had been barred from obtaining such contracts, and the resulting potential impact on the market for Atratech, Inc.'s securities.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the above listed company is suspended for the period from 11:30 a.m. EST, February 27, 1992 through 11:59 p.m. EST, on March 11, 1992.

By the Commission.

Jonathan G. Katz

Secretary.

[FR Doc. 92-4958 Filed 3-3-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18568; 811-1565]

ISI Growth Fund, Inc.; Application

February 25, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: ISI Growth Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on November 29, 1991, and amended on February 21, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 23, 1992 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Christiana Executive Campus, 220 Continental Drive, Newark, DE 19713.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Staff Attorney, at (202) 272-3035, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS:

1. Applicant is an open-end, diversified management investment company that was organized as a corporation under California law. On November 24, 1967, applicant registered under the Act, and registered 10,000,000 of its common shares under the Securities Act of 1933. The registration statement was declared effective on March 29, 1968, and applicant began the initial public offering of its shares on April 16, 1968.

2. On November 14, 1989, applicant's Board of Directors approved an Agreement and Plan of Reorganization (the "Plan") which provided that: (a) ProvidentMutual Growth Fund, Inc. ("Growth Fund"), a diversified, open-end management investment company, would acquire substantially all of applicant's assets in exchange for Growth Fund common shares; (b) such shares would be distributed to applicant's shareholders *pro rata* in accordance with their respective interests in applicant; and (c) applicant would be liquidated, dissolved, and deregistered under the Act after provision for expenses of $19,491. Applicant's Board of Directors also declared a distribution from net long-term capital gains of $205,652.

3. On May 29, 1990, applicant filed the definitive form of proxy materials with the Commission, and began distributing those proxies to applicant's shareholders. At a special meeting of the shareholders held on June 13, 1990, 700,717 out of the 1,383,422 shares outstanding on the record date voted in favor of the Plan.

4. On June 27, 1990, substantially all of applicant's assets were acquired by the Growth Fund solely for Growth Fund shares at the respective net asset values per share. As of the close of business on June 27, 1990, the day the Plan was implemented, applicant had 1,388,150 outstanding shares, having an aggregate net asset value of $10,660,977, and a per share net asset value of $7.68.

5. The expenses incurred in connection with the liquidation and dissolution of applicant were borne by ProvidentMutual Management Co., Inc., applicant's investment adviser, or the

adviser's parent company, Sigma American Corporation.

6. Pursuant to a Certificate of Election to Wind Up and Dissolve and a Certificate of Dissolution filed with the California Secretary of State on October 18, 1991, applicant was dissolved under California law.

7. Applicant has no assets, debts, or liabilities, nor any securityholders. There are no securityholders of applicant to whom a distribution in complete liquidation of their interests has not been made.

8. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of applicant.

9. Applicant is not a party to any litigation or administrative proceeding.

10. Applicant is not now engaged, and does not propose to engage, in any business activity other than that needed to wind-up its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4959 Filed 3-3-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18574; 811-57]

ISI Trust Fund; Application

February 26, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: ISI Trust Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on November 22, 1991, and amended on February 25, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 23, 1992 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Christiana Executive Campus, 220 Continental Drive, Newark, DE 19713.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Staff Attorney, at (202) 272-3035, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified management investment company that was organized as a California common law trust. On March 10, 1970, applicant registered under the Act and registered 10,000,000 of its trust fund shares under the Securities Act of 1933. The registration statement was delared effective on August 5, 1970, and applicant began the initial public offering of its shares immediately thereafter.

2. On November 14, 1989, applicant's Board of Trustees approved an Agreement and Plan of Reorganization (the "Plan") which provided that: (a) ProvidentMutual Investment Shares, Inc. ("ProvidentMutual"), a diversified, open-end management investment company, would acquire substantially all of applicant's assets in exchange for ProvidentMutual common shares; (b) such shares would be distributed to applicant's shareholders *pro rata* in accordance with their respective interests in applicant; and (c) applicant would be liquidated, dissolved, and deregistered under the Act after provision for expenses of $56,494. The Board of Trustees also declared a dividend in the amount of $1,483,866.88, representing all undistributed investment income.

3. Applicant filed the definitive form of proxy materials with the Commission on April 23, 1990, and distributed those proxies to its shareholders. At a special meeting of shareholders held on May 17, 1990, 4,952,111 out of the 9,114,975 shares outstanding on the record date voted in favor of the Plan.

4. On May 18, 1990, ProvidentMutual acquired substantially all of applicant's assets solely for ProvidentMutual shares at the respective net asset values per share. As of the close of business on May 17, 1990, the day before the Plan was implemented, applicant had 9,710,351 outstanding shares, having an aggregate net asset value of $107,834,575, and a per share net asset value of approximately $11.11.

5. The expenses incurred in connection with the liquidation and dissolution of applicant were borne by ProvidentMutual Management Co., Inc., applicant's investment adviser, or by Sigma American Corporation, the adviser's parent.

6. By unanimous written consent dated June 26, 1991, the Board of Trustees authorized applicant's officers to terminate the trust agreement pursuant to which applicant was created, and thereafter applicant's existence as a trust was terminated. Applicant represents that California law imposes no requirement as to terminating the trust agreement.

7. Applicant has no assets, debts, or liabilities, nor any securityholders. There are no securityholders of applicant to whom a distribution in complete liquidation of their interests has not been made.

8. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are securityholders of applicant.

9. Applicant is not a party to any litigation or administrative proceeding.

10. Applicant is not now engaged, and does not propose to engage, in any business activity other than that needed to wind-up its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4960 Filed 3-3-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18572; 811-4361]

Lazard Special Equity Fund, Inc.; Notice of Application

February 26, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Lazard Special Equity Fund, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on January 22, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 23, 1992, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC'c Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, One Rockefeller Plaza, New York, New York 10020.

FURTHER INFORMATION CONTACT: James M. Curtis, Staff Attorney, at (202) 504-2406, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that is organized as a corporation under the laws of Maryland. On July 24, 1985, applicant registered under the Act and filed a registration statement pursuant to section 8(b) of the Act. Applicant also filed a registration statement under the Securities Act of 1933 to register an indefinite number of shares of applicant's common stock. Applicant's registration statement was declared effective on January 8, 1986, and applicant commenced its initial public offering on January 16, 1986.

2. On August 19, 1991, applicant's board of directors approved an Agreement and Plan of Reorganization among applicant, The Lazard Funds, Inc., and Lazard Freres & Co. (the "Agreement"). Applicant mailed to its shareholders proxy materials dated November 11, 1991 relating to the proposed reorganization. At a special meeting of shareholders held on December 17, 1991, applicant's shareholders approved the Agreement.

3. On January 1, 1992, pursuant to the Agreement, applicant transferred all its assets and liabilities to The Lazard Funds, Inc., an open-end diversified management investment company, for the account of its newly-created series, the Special Equity Portfolio. Each full and fractional share of common stock issued and outstanding on December 31, 1992 was exchanged for an equal number of full and fractional shares of the common stock of the Special Equity Portfolio. The exchange of applicant's assets for the equivalent interest in the Special Equity Portfolio constituted an exchange at fair market value. No brokerage fees were paid in connection with the reorganization.

4. All expenses in connection with the reorganization, including the costs of preparing, printing, and mailing the related proxy material to applicant's shareholders, related legal fees, and governmental filing fees, will be paid by Lazard Freres & Co., applicant's former investment adviser and the investment adviser to the Special Equity Portfolio. Such expenses total approximately $160,000.

5. As of December 31, 1991, applicant had 7,357,773 shares of common stock outstanding with a net asset value of $15.14 per share and an aggregate net asset value of $111,395,334.

6. Applicant retains no security holders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, nor does it intend to engage, in business activities other than those necessary for the winding up of its affairs.

7. Applicant filed Articles of Transfer with the Maryland State Department of Assessments and Taxation (the "Department") on December 23, 1991, and such Articles of Transfer became effectiver on January 1, 1992. Applicant plans to file Articles of Dissolution with the Department.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-4961 Filed 3-3-92; 8:45am]

BILLING CODE 8010-01-M

[File No. 22-21691]

Application and Opportunity for Hearing; Public Service Electric and Gas Company

February 28, 1992.

Notice is hereby given that Public Service Electric and Gas Company ("Company"), a New Jersey corporation, has filed an application pursuant to section 304(c)(1) of the Trust Indenture Act of 1939 ("Act") for the Securities and Exchange Commission ("Commission") to order an exemption from the provisions of section 316(a)(1) of the Act for certain First and Refunding Mortgage Bonds ("Bonds") under an indenture dated as of August 1, 1924, as amended by the Supplemental Indenture dated as of March 1, 1942 between the Company and Fidelity Union Trust Company (now First Fidelity Bank, National Association, New Jersey) as Trustee ("Indenture"), which will be supplemented by a separate supplemental indenture providing for each series of Bonds to be dated the first day of the month in which each such series of Bonds is issued.

Section 304(c)(1) of the Act provides in part that the Commission shall exempt from one or more provisions of the Act any security issued or proposed to be issued under an indenture under which securities (as defined in that section) are outstanding if and to the extent the Commission finds that compliance with such provisions, through the execution of a supplemental indenture or otherwise would require by reason of the provisions of such indenture or of any other indenture or agreement made prior to enactment of the Act, or the provisions of any applicable law, the consent of holders of securities outstanding under such indenture or agreement.

The Company alleges:

(1) One or more series of Bonds are proposed to be issued under the Indenture pursuant to a registration statement under the Securities Act of 1933 ("1933 Act"). The Bonds will be registered under the 1933 Act and the Indenture, as supplemented, will be qualified under the Act.

(2) The Indenture provides that upon an Event of Default (as defined therein) holders of 25 percent of the outstanding Bonds may require the Trustee to (a) accelerate the maturity of the Bonds, and (b) take other action for the protection of the holders. The Indenture also permits 10 percent of the holders of the outstanding Bonds to require the Trustee to investigate compliance by the Company with conditions precedent in connection with authentication of Bonds or withdrawal of cash, or in connection with the release of mortgaged property. The holders of Bonds have vested rights in these provisions under the Indenture, and such rights cannot be abrogated or changed without their consent.

(3) Pursuant to Rule 4c-4 under the Act, the Company has waived a hearing and requested that the Commission decide this application without a formal hearing on the basis of such application and other information and documents as the Commission shall designate as part of the record.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission's Public Reference Section, File Number 22–21691, 450 Fifth Street, NW., Washington, District of Columbia 20549.

Notice is further given that any interested persons may, not later than March 24, 1992 request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, District of Columbia 20549. At any time after said date, the Commission may issue an order granting the application, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5017 Filed 3–3–92; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1580]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea, Working Group on Carriage of Dangerous Goods; Meeting

The Working Group on Carriage of Dangerous Goods of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 9:30 a.m. on March 20, 1992, in room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. The purpose of the meeting is to report the actions and decisions of the 43d Session of the Subcommittee on Carriage of Dangerous Goods (CDG) of the International Maritime Organization (IMO) which was held January 27–31, 1992, at IMO Headquarters in London and to begin planning for the 44th Session tentatively scheduled to be held October 19–23, 1992. The agenda items include:

a. Decisions of other IMO Bodies

b. Adoption of Amendments to the International Maritime Dangerous Goods (IMDG) Code

c. Amendments to section 13 of the General Introduction to the IMDG Code to cover transport in tanks of solid dangerous substances including molten substances in solidified form, and the transport of dangerous substances under heated conditions

d. Revision of section 21 of the General Introduction—Controlled Temperature Requirements

e. Development of criteria for stowage and segregation requirements

f. Development of criteria for the hermetic sealing of receptacles, packages and Intermediate Bulk Containers

g. Amendments to the Emergency Procedures for Ships Carrying Dangerous Goods and the Medical First Aid Guide for Use in Accidents involving Dangerous Goods

h. Implementation of Annex III of the Marine Pollution Convention (MARPOL 73/78), as amended, and amendments to the IMDG Code to cover pollution aspects (including immersion testing of packages for marine pollutants)

i. Carriage of dangerous goods on vehicle decks of passenger ships

j. Requirements for hazardous ships' stores

k. Transboundary movement-of wastes by sea

l. Stowage and segregation in open-top container ships

m. Relations with other organizations

n. Requirements for carriage of irradiated nuclear fuel

o. Marking of explosives for detectability

p. Reports on incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas

q. Dangerous goods in passengers baggage and cars

r. Carriage of dangerous goods documentation

s. Updating of the Recommendations on the Safe Transport, Handling and Storage of Dangerous Goods in Port Areas

t. Review of existing ships' safety standards

u. Review of the Hazardous and Noxious Substances (HNS) Working Group Reports—Draft HNS Convention

v. Night signals on ships carrying dangerous goods

w. Planning for the 44th Session of CDG

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Commander K. J. Eldridge, U.S. Coast Guard (G–MTH–1), 2100 Second Street, SW., Washington, DC 20593–0001 or by calling (202) 267–1577.

Dated: February 25, 1992.

Bruce Carter,

Acting Chairman, Shipping Coordinating Committee.

[FR Doc. 92–4977 Filed 3–3–92; 8:45 am]

BILLING CODE 4710–7–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Rule on Application to Impose a Passenger Facility Charge (PFC) at Charlottesville-Albemarle Airport, Charlottesville, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Charlottesville—Albermarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 3, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Washington Airports District Office, 101 West Broad Street, suite 300, Falls Church, Virginia 22046.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bryan O. Elliott, Director of Aviation, Charlottesville-Albermarle Airport Authority at the following address: 201 Bowen Loop, Charlottesville, Virginia 22901.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Charlottesville-Albermarle Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Mendez, Manager, Washington Airports District Office, 101 West Broad Street, suite 300, Falls Church, Virginia 22046, (703) 285–2570. The application may be received in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Charlottesville-Albemarle Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 18, 1992, the FAA determined that the application to impose a PFC submitted by Charlottesville-Albermarle Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 11, 1992.

The following is a brief overview of the application. *Level of the proposed PFC:* $2.00. *Proposed charge effective date:* July 1, 1992. *Proposed charge expiration date:* April 30, 1994. *Total estimated PFC revenue:* 402,059.00. *Brief description of proposed project(s):* Reimburse Authority for its share of FY 1992 Master Plan Update.

Relocate Parallel Taxiway "A" (1450' × 50').

General Aviation South Taxiway/Ramp.

Airport Rescue and Firefighting (ARFF) Vehicle.

Snow Equipment Storage Building.

Snow Removal Equipment.

Aircraft Rescue and Firefighting Training Facility.

Land Acquisition.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators filing FAA Form 1800–31 and foreign air carriers.

Any person may inspect the application in person at the FAA office listed above under "**FOR FURTHER INFORMATION CONTACT**" and at the FAA Regional Airports office located at: Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Charlottesville-Albermarle Airport Authority.

Louis P. DeRose,

Manager, Airports Division, Eastern Region.

[FR Doc. 92–4985 Filed 3–3–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 27, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer, listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

INTERNAL REVENUE SERVICE

OMB Number: 1545–0045.

Form Number: IRS Form 976.

Type of Review: Extension.

Title: Claim for Deficiency Dividends Deductions by a Personal Holding Company, Regulated Investment Company, or Real Estate Investment Trust.

Description: Form 976 is filed by corporation that wishes to claim a deficiency dividend deduction. The deduction allows the corporation to eliminate all or a portion of a tax deficiency. IRS uses Form 976 to determine if shareholders have included amounts in gross income.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents/Recordkeepers: 500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—5 hours, 44 minutes.

Learning about the law or the form—47 minutes.

Copying, assembling, and sending the form to IRS—55 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 3,730 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–4962 Filed 3–3–92; 8:45 am]

BILLING CODE 4830–01–M

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 9–92]

Treasury Notes, Series J–1997

Washington, February 27, 1992.

The Secretary announced on February 26, 1992, that the interest rate on the notes designated Series J–1997, described in Department Circular—Public Debt Series—No. 9–92 dated February 20, 1992, will be 6¾ percent. Interest on the notes will be payable at the rate of 6¾ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92–5039 Filed 3–3–92; 8:45 am]

BILLING CODE 4810–40–M

Treasury Notes, Series W–1994 [Supplement to Department Circular—Public Debt Series—No. 8–92]

Washington, February 26, 1992.

The Secretary announced on February 25, 1992, that the interest rate on the notes designated Series W–1994, described in Department Circular—Public Debt Series—No. 8–92 dated February 20, 1992, will be 5⅞ percent. Interest on the notes will be payable at the rate of 5⅞ percent per annum.

Marcus W. Page,

Acting Fiscal Assistant Secretary.

[FR Doc. 92–5038 Filed 3–3–92; 8:45 a.m.]

BILLING CODE: 4810–40–M

[Number: 27–07]

Organization and Functions of the Office of the Assistant Secretary (Domestic Finance)

Date: February 26, 1992.

1. *Purpose.* This directive describes the organization and functions of the Office of the Assistant Secretary (Domestic Finance).

2. *The Assistant Secretary (Domestic Finance)* reports through the Under Secretary for Finance and the Deputy Secretary to the Secretary. The incumbent is responsible for the following functions.

a. Advises and assist the Secretary and Deputy Secretary of the Treasury and the Under Secretary for Finance on debt management, Federal financing affairs, financing of non-Federal sectors of the economy, and general financing markets policy.

b. Exercises policy direction and control over Treasury's activities that relate to:

(1) The Federal Financing Bank;

(2) The development of legislative and administrative policies and principles for Federal credit programs;

(3) The determination of interest rates for various Federal borrowing, lending, and investment purposes under pertinent statutes;

(4) Treasury's role as prescribed by the Government Securities Act of 1986;

(5) Staff work on the substance of proposed legislation relating to the general activities and regulation of private financial intermediaries;

(6) The Secretary's direct responsibilities related to the Oversight Board of the Resolution Trust Corporation, the Office of Thrift Supervision, and the Office of Comptroller of the Currency; and

(7) Treasury activities relating to other Federal regulatory agencies.

c. Manages the Office of Synthetic Fuels Projects.

3. *Organization Structure.* The Assistant Secretary (Domestic Finance) supervises the Deputy Assistant Secretary (Federal Finance), the Deputy Assistant Secretary (Financial Institutions Policy), the Deputy Assistant Secretary (Corporate Finance), and the Director, Office of Synthetic Fuels Projects.

4. *The Deputy Assistant Secretary (Federal Finance)* supervises the following organizations: the Office of Government Financing, the Office of Market Finance, and the Office of Federal Finance Policy Analysis.

a. *The Office of Government Financing* is responsible for the following functions.

(1) Provides the Assistant Secretary (Domestic Finance) with technical assistance and background briefings on matters related to Government financing.

(2) Provides analyses of Federal credit program principles and standards and legislative and other proposals related to Government borrowing, lending, and investment activities to assure consistency with Treasury policies.

(3) Provides actuarial and mathematical analyses and computations as required for Treasury market financing, the Federal Financing Bank, the U.S. Savings Bonds program, and other Government agencies.

(4) Supports the data collection, processing, computer programming, and automated equipment requirements of this and the other offices under the Assistant Secretary (Domestic Finance).

(5) Develops policy for, and administers the operations of, the Federal Financing Bank.

b. *The Office of Market Finance* is responsible for the following functions.

(1) Provides the Assistant Secretary (Domestic Finance) with technical assistance and economic analyses on matters related to Treasury debt management policy, marketing of Treasury and Federally-related securities, and regulating the Government securities market.

(2) Analyzes current economic and securities market conditions and maintains data on allotments of Treasury securities in auctions and ownership of Treasury securities.

(3) Monitors the volume of funds raised and supplied in the credit markets and prepares flow-of-funds projections.

(4) Provides financial analysis and other technical assistance to support policy development in the area of Government-related entities, including Government-sponsored enterprises.

(5) Coordinates and approves market borrowing of Federal agencies and Government-sponsored agencies.

(6) Determines interest rates, including pricing of late payments or prepayments, to be used in Federal borrowing and lending programs.

C.The Office of Federal Finance Policy Analysis provides the Assistant Secretary (Domestic Finance) with analyses, evaluation, and technical assistance with respect to economic and financial developments, problems, and proposals in the areas of Treasury financing, public debt management, and related economic matters which include:

(1) regulatory issues involving the Government securities markets, futures markets, and related markets;

(2) alternative financing techniques;

(3) clearing and settlement issues;

(4) proposed changes in tax provisions that may affect the market for Treasury securities; and

(5) foreign investment in Treasury securities.

5. The Deputy Assistant Secretary (Financial Institutions Policy) supervises the Office of Financial Institutions Policy and the Office of Thrift Institutions Oversight and Policy.

a. *The Office of Financial Institutions Policy* is responsible for the following functions.

(1) Coordinates the Department's legislative efforts with regard to financial institutions, other than thrift institutions, and legislation affecting the agencies of the Federal Government that regulate financial institutions, other than thrift institutions.

(2) Reviews regulations, testimony, policy statements, and other issuances of the Office of the Comptroller of the Currency prior to their release.

(3) Provides staff support to carry out the Department's responsibilities regarding the Securities Investor Protection Corporation, Farm Credit Assistance Board, and the Pension Benefit Guarantee Corporation.

(4) Coordinates the Department's legislative and other efforts with regard to securities markets legislation and corporate financial activities.

b. *The Office of Thrift Institutions Oversight and Policy* is responsible for the following functions.

(1) Provides the Assistant Secretary (Domestic Finance) with assistance related to legislative initiatives regarding the thrift industry.

(2) Provides support to the Secretary in the role as Chairman of the Oversight Board for the Resolution Trust Corporation.

(3) Reviews regulations, testimony, policy statements, and other issuances of the Office of Thrift Supervision prior to their release.

(4) Manages special projects, such as congressionally mandated, interagency and Treasury studies related to thrift and other financial institutions.

6. *The Deputy Assistant Secretary (Corporate Finance)* supervises the Office of Corporate Finance, which is responsible for the following functions.

a. Coordinates the Department of the Treasury's legislative efforts with regard to corporate financial and economic activities, and securities and capital markets issues. Manages and coordinates interagency review of the insurance industry.

b. Monitors trends in the international market which impact the ability of U.S. business, financial institutions, and capital markets to compete effectively in the global economy, including:

(1) Coordinating the Department of the Treasury's response on legislation in these areas; and

(2) Providing the Assistant Secretary (Domestic Finance) with analyses and evaluations in the development of Department of the Treasury initiatives.

7. *The Office of Synthetic Fuels Projects* is responsible for the functions described in Treasury Directive (TD) 11–01, "Office of Synthetic Fuels Projects," dated August 6, 1986.

8. *Coordination of Legislative and Regulatory Matters.*

a. Nothing in this directive shall be interpreted to apply to the conduct of the congressional relations program as described in Treasury Directive (TD) 27–09.

b. The legislative and regulatory functions assigned in this directive shall be subject to the requirements of TD 28–01 and TD 28–02.

9. *Cancellation.* Treasury Directive 27–07, "Organization and Functions of the Office of the Assistant Secretary (Domestic Finance)," dated October 31, 1989, is superseded.

10. *References.*

a. TD 11–01, "Office of Synthetic Fuels Projects."

b. TD 13–01, "Delegation of Authority to Assistant Secretary (Domestic Finance) to Implement the Government Securities Act of 1986."

c. TD 27–09, "Organization and Functions of the Office of the Assistant Secretary (Legislative Affairs)."

d. TD 28–01, "Preparation and Review of Regulations."

e. TD 28–02, "Legislative Procedures."

11. *Office of Primary Interest.* Office of the Assistant Secretary (Domestic Finance).

Jerome H. Powell,

Assistant Secretary (Domestic Finance).

BILLING CODE 4810-25-M

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Office of Domestic Finance

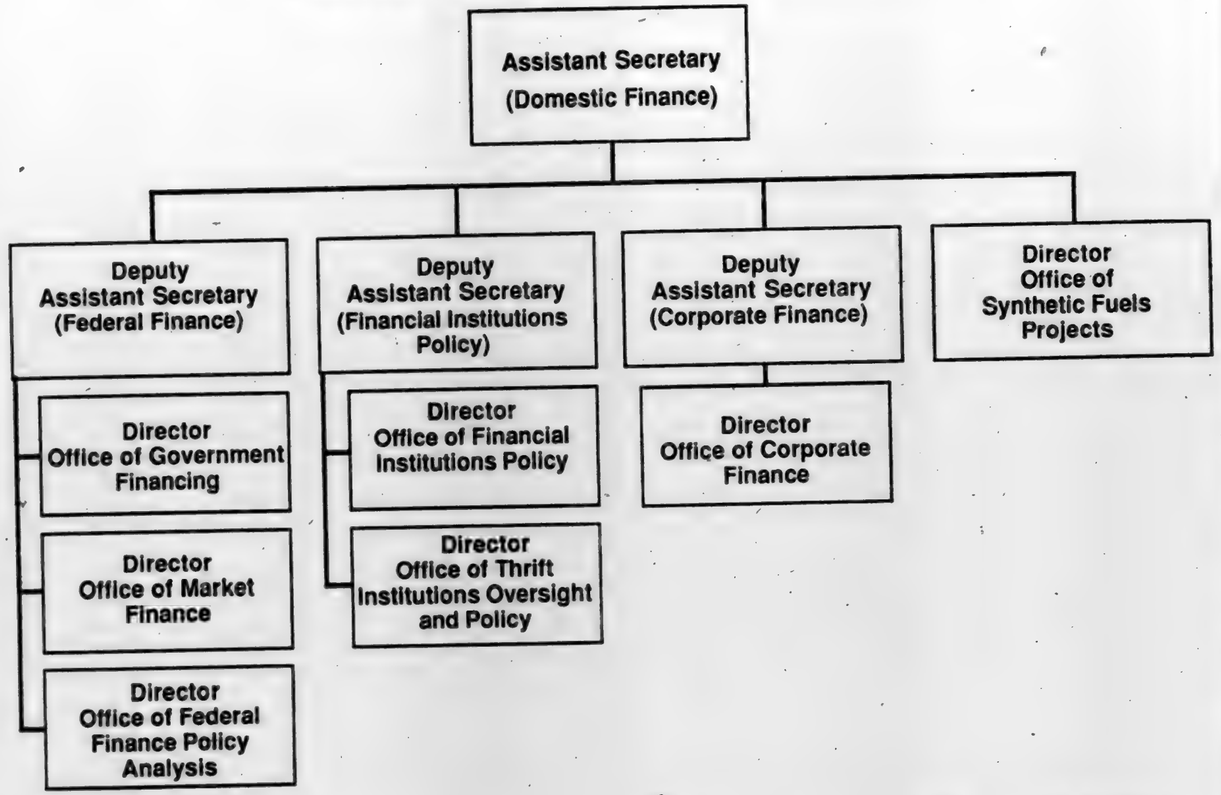

Jerome H. Powell

Assistant Secretary
(Domestic Finance)

2/26/92

Date

Department of the Treasury

[FR Doc. 92-4950 Filed 3-3-92; 8:45 am]

BILLING CODE 4810-25-C

DEPARTMENT OF TREASURY

Internal Revenue Service

Acid Rain Program: Allowance System

AGENCY Internal Revenue Service, Treasury.

ACTION: Notice; solicitation for comments.

SUMMARY: This notice solicits public comments on the federal income tax consequences of the sulfur dioxide emission allowances program of title IV of the Clean Air Act of 1990.

DATES: Written comments must be received by April 3, 1992.

ADDRESSES: Written comments should be addressed to Internal Revenue Service, P.O. Box 7604, Benjamin Franklin Station, Attn: CC:CORP:T:R (IA–Branch 5), Room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Kathryn K. Nunzio, (202) 377–9589 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Title IV of the Clean Air Act can be found at 42 U.S.C. section 7651 *et seq.* The Environmental Protection Agency's proposed regulations concerning this act can be found at 56 FR 63001, December 3, 1991.

The Service is currently studying the tax consequences of the emission allowances program of Title IV of the Clean Air Act of 1990.

The Service reqeusts comments on certain tax issues arising from the program which have been identified for study. The Service is particularly interested in the views of the utilities that will be affected by the program. The specific issues are:

(1) How are the costs of acquiring emission allowances treated for Federal tax purposes?

(2) What costs, if any, are included in the tax basis of an allowance?

(3) Is the cost of acquiring emission allowances an indirect cost of producing property under section 263A?

(4) Can allowances be depreciated under section 167?

(5) When and how would a taxpayer recover its basis in an emission allowance in each of the following circumstances:

(a) a utility uses an emission allowance during a year;

(b) a utility sells or exchanges an emission allowance;

(c) a purchaser of an emission allowance which is not a utility sells or exchanges the allowance; and

(d) an emission allowance becomes worthless?

(6) What is the character of any gain or loss realized in situations (b)-(d) set forth in paragraph 5 above?

(7) Is an exchange of emission allowances a taxable event? If so, are allowances issued in different years like kind property under section 1031?

(8) Is a penalty paid to the Environmental Protection Agency for emissions in excess of allowances deductible under section 162(a)?

(9) Will a secondary market be established for trading forward or futures contracts on emission allowances?

(10) What is the likely accounting treatment of emission allowances? For example, will separate accounts be established for allowances held for use in electricity production and for allowances held for investment?

(11) What are the tax consequences of participation in the Environmental Protection Agency's emission allowance program by taxpayers that are eligible to opt into the program pursuant to 42 U.S.C. section 7651i?

The Service invites interested parties to comment on any or all of these issues, and to identify other related issues that should be considered as part of this project. In order to provide timely guidane about these issues, the Service requests responses from interested parties within 30 days of the date of this notice.

Glenn R. Carrington,

Assistant Chief Counsel (Income Tax and Accounting).

[FR Doc. 92–4040 Filed 3–3–92; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:15 p.m. on Friday, February 28, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr., Director (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Mr. Stephen R. Steinbrink, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Dated: March 2, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-5163 Filed 3-2-92; 1:53 pm]

BILLING CODE 6714-0-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

F.C.S.C. Meeting Notice No. 6-92

Notice of Meetings

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Thurs., March 19, 1992 at 10:30 a.m.—
Consideration of Proposed Decisions on claims against Iran

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 601 D Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 601 D Street, NW., room 10000, Washington, DC 20579. Telephone: (202) 208-7727.

Dated at Washington, DC on March 2, 1992.

Judith H. Lock,

Administrative Officer.

[FR Doc. 92-5176 Filed 3-2-92; 2:11 pm]

BILLING CODE 4410-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Board of Directors' Meeting

ACTION: The Pennsylvania Avenue Development Corporation announces the date of their forthcoming meeting of the Board of Directors

DATE: The meeting will be held Wednesday, March 18, 1992, at 10:00 a.m.

ADDRESS: The meeting will be held at the Pennsylvania Avenue Development Corporation, Suite 1220N, 1331 Pennsylvania Avenue, NW., Washington, DC 20004-1703.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with 36 Code of Federal Regulations Part 901, and is open to the public.

Dated: February 27, 1992.

M.J. Brodie,

Executive Director.

[FR Doc. 92-5162 Filed 3-2-92; 8:45 am]

BILLING CODE 7630-01-M

Corrections

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 82N-0166]

RIN 0905-AA06

Orally Administered Drug Products for Relief of Symptoms Associated With Overindulgence in Food and Drink for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In proposed rule document 91-30427, beginning on page 66742, in the issue of Tuesday, December 24, 1991, make the following correction:

On page 66742, in the second column, in the third full paragraph, the last sentence was printed incorrectly and should read "Final agency action on this matter will occur with the publication at a future date of a final monograph, which will be a final rule establishing a monograph for these drug products".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AB20

Process Safety Management of Highly Hazardous Chemicals; Explosives and Blasting Agents

Correction

In rule document 92-3917 beginning on page 6356 in the issue of February 24, 1992, make the following corrections:

1. On pages 6356 through 6417 the date at the top of each page should read "February 24, 1992".

2. On page 6403, in the second column, in the second paragraph from the bottom of the page, insert "3." before the amendatory instuction.

§ 1910.119 [Corrected]

3. On the same page, in the third column, in § 1910.119(b), in the last paragraph, in the fourth line, "spark-producing" was misspelled.

4. On page 6404, in the third column, in § 1910.119(e)(1)(i), in the first line, "50" should read "25".

5. On the same page, in the same column, in § 1910.119(e)(1)(iii), in the first line, "than" was misspelled.

6. On the same page, in the same column, in § 1910.119(e)(1)(v), in the fifth line, "The" should read "These".

7. On page 6405, in the first column, in § 1910.119(e)(3)(iii), in the first line, "Engineering" was misspelled; and in the third line, "interrelationships" was misspelled.

8. On the same page, in the same column, in § 1910.119(f)(1), in the fourth line, "safety" should read "safely".

Appendix A to § 1910.119 [Corrected]

9. On page 6407, in the second column, in the table, the entry for Carbonyl Fluoride was incomplete. Following the entry for Carbonyl Fluoride, insert "353-50-4" in the second column of the table; and insert "2500" in the third column of the table.

Appendix C to § 1910.119 [Corrected]

10. On page 6412, in the second column, in the second full paragraph, "operations." should read "operation."

11. On page 6416, in the 3d column, in the 2d full paragraph, in the 15th line, "affective" should read "affected".

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AE92

Reduction Because of Hospitalization

Correction

In rule document 91-30274 beginning on page 65848 in the issue of Thursday, December 19, 1991, make the following correction:

§ 3.454 [Corrected]

On page 65851, in the first column, in § 3.454(b)(3), in the fourth line, "§ 551(e)(1)" should read "§ 3.551(e)(1)".

BILLING CODE 1505-01-D

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federal register

Wednesday
March 4, 1992

Part II

Department of State

Office of International Conferences

Participation of Private-Sector Representatives on U.S. Delegations; Notice

DEPARTMENT OF STATE

Office of International Conferences

[Public Notice 1579]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its May 2, 1990–January 21, 1992 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III (c) 5 of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: January 31, 1992.

Frank R. Provyn,

Director, Acting, Office of International Conferences.

United States Delegation to the 134th Session of the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Paris, May 2–18, 1990

Principal Observer

Richard T. Miller, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Paris

Observers

Elizabeth Kimber, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Paris

Gail Dennise Mathieu, American Consulate General, Jeddah

Hazel Reitz, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Paris

Private Sector Observer

Jacques Torczyner, New York

United States Delegation to the Economic Commission for Europe (ECE) Group of Experts on Periodic Survey of the Chemical Industry, 16th Session, and Chemical Industry Committee Meeting, 23rd Session, Geneva, October 1–5, 1990

Representative

Vincent J. Kamenicky, Director, Office of Chemicals and Allied Products, Department of Commerce

Private Sector Adviser

James O'Connor, Jr., Assistant Director of International Trade, Chemical Manufacturers Association, Washington, D.C.

United States Delegation to the International Telecommunications Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT), Study Group XI, (ISDN and Telephone Switching and Signalling), Geneva, October 1–12, 1990

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Bethesda, Md.

Alternate Representative

Milton Weiner, Lead Engineer, The Mitre Corporation, McLean, Va.

Advisers

Leslie A. Collica, Computer Specialist, National Institute of Standards Technology, Department of Commerce, Gaithersburg, Md.

Michael J. DeFrancesco, Telecommunications Engineer, Defense Communications Agency, Department of Defense

Kathryn A. Martin, Engineer, Telecommunications and Information Standards, Bureau of the Coordinator for International Communication and Information Policy, Department of State

Private Sector Advisors

Edward Chien, Executive Director, Personal Communications Systems, Teknekron, Berkeley, Ca.

William Edwards, Electronics Engineer, Independent Telecommunications Networks, Kansas City, Mo.

Diwakar Gan, Senior Member Technical Staff, Computer Sciences Corporation, Falls Church, Va.

Elmer R. Hapeman, Switching Engineer, Bellcore, Red Bank, N.J.

Gerald Peterson, District Manager, AT&T, Bedminster, N.J.

Anousheh Raissyan, Engineer, COMSAT Corp., Washington, DC

Michael E. Varrassi, Member Technical Staff, MCI Telecommunications, Richardson, Tex.

Roger L. Wilmot, Engineer, Computer Sciences Corp., Falls Church, Va.

United States Delegation to the One Hundred Thirty-Fifth Session of the Executive Board of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, October 2–26, 1990

Principal Observer

Jackie Wolcott, Deputy Assistant Secretary for International Humanitarian and Social Affairs, Bureau of International Organization Affairs, Department of State

Observers

Elizabeth Kimber, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Paris

Gail Dennise Mathieu, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Geneva

Hazel Reitz, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Paris

Private Sector Observer

Jacques Torczyner, New York, New York

United States Delegation to the General Agreement on Tariffs and Trade (GATT), Committee on Government Procurement, Geneva, Switzerland, October 5, 1990

Representative

Beverly Vaughan, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

David Shark, Office of the United States Trade Representative, Geneva, Switzerland

Advisers

Myles Denny-Brown, Office of Telecommunications, Trade Development, Department of Commerce

Carole Jackson, Special Trade Activities, Trade and Commercial Affairs, Bureau of Economic and Business Affairs, Department of State

Michael G. Merin, Office of Multilateral Policy, International Economic Policy, Department of Commerce

Richard Schulman, GATT Affairs, International Affairs, Department of Labor

Private Sector Adviser

Robert Seitz, Assistant to the Governor of Wisconsin, State of Wisconsin

United States Delegation to the International Telecommunication Union (ITU), Study Group XVII, Data Transmission Over the Public Switched Telephone Network, Geneva, Switzerland, October 15–23, 1990

Representative

Gary M. Fereno, Deputy Director, Office of Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Richard P. Brandt, President, D. B. Consultants, Annandale, New Jersey

Laura L. Preece, Engineer, Intelligent Modem Corporation, Midvale, Utah

United States Delegation to the Third Meeting of the Preparatory Committee for the United Nations Conference on Environment and Development, Geneva, March 18–April 12, 1991

Representative

The Honorable Curtis Bohlen, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representatives

The Honorable Morris Abram, Ambassador, United States Representative to the European Office of the United Nations and Other International Organizations, Geneva

The Honorable Robert Ryan, Coordinator for United Nations Conference on Environment and Development Preparations, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Richard Smith, Principal Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State

Congressional Staff Advisers

Nancy Carman, Staff Member, Committee of Foreign Affairs, United States House of Representatives

Gerry Dorian, Staff Member, Committee on Governmental Affairs, United States Senate

Susan Fletcher, Staff Member, Committee on Commerce, Science and Transportation, United States Senate

Charles Moore, Staff Member, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Patricia Bliss-Guest, Coordinator for United Nations Conference on Environment and Development Preparations, Council on Environmental Quality, Executive Office of the President

David Cottingham, Chief of Ecology and Conservation, National Oceanic and Atmospheric Administration, Department of Commerce

Christine Dawson, Policy Planning Staff, Department of State

Susan Drake, United Nations Program Coordinator, Office of International Activities, Environmental Protection Agency

David Harcharik, Director, International Forestry Staff, United States Forest Service, Department of Agriculture

Alan Hecht, Deputy Assistant Administrator, Office of International Activities, Environmental Protection Agency

David W. Joslyn, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Gerald Kamens, Office of Energy, Forestry and Natural Resources, Bureau for Science and Technology, Agency for International Development

Jeffrey D. Kovar, Office of Legal Adviser, Department of State

C. Steven McGann, United States Mission to the United Nations, New York

John McGuiness, Deputy Director, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State

The Honorable Jonathan Moore, Ambassador, United States Representative on the United Nations Economic and Social Council, New York

Kathleen Rees, Office of the Assistant Secretary for International Affairs, Department of Energy

Daniel Reifsnyder, Director, Office of Global Climate Change, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Richard Rubensaal, United States Mission to the United Nations, Geneva

Eleanor Savage, Director, Office of Ecology, Health and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Tucker Scully, Director, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Dennis Tirpak, Director, Division of Climate Change, Environmental Protection Agency

Private Sector Advisers

Philander Claxton, World Population Society, Bethesda, Maryland

Michael McCoy, United States Citizens Network on the United Nations Conference on Environment and Development, New York, New York

Frances Spivey-Weber, United States Citizens Network on the United Nations Conference on Environment and Development, Washington, DC

United States Delegation to the Conference on the Liability of Operators of Transport Terminals in International Trade of the United Nations Commission on International Trade Law (UNCITRAL), Vienna, Austria, April 2–19, 1991

Representative

Paul B. Larsen, Office of the General Counsel, Department of Transportation

Alternate Representative

Joseph C. Sweeney, Professor, Fordham University School of Law, New York, New York

Private Sector Advisers

Patrick J. Falvey, General Counsel and Assistant Executive Director, The Port Authority of New York and New Jersey, New York, New York

JoAnne Zawitoski, Semmes Bowen & Semmes, Baltimore, Maryland

United States Delegation to the Study Group XI Switching and Signalling Meeting of the International Telegraph and Telephone Consultative Committee (CCITT) International Telecommunication Union (ITU), Geneva, Switzerland, April 8–26, 1991

Representative

Otto J. Gussella, Executive Director, Exchange Carrier Standards Association, Bethesda, Maryland

Advisers

Leslie A. Collica, Computer Scientist, National Institute of Standards Technology, Department of Commerce

Michael J. DeFrancesco, Electronics Engineer, Defense Communications Agency, Department of Defense

Private Sector Advisers

George Dombakly, Standards Engineer, MCI International, Rye Brook, New York

Michael Durrwachter, Senior Member Technical Staff, Computer Sciences Corporation, Falls Church, Virginia

Diwakar Gan, Senior Member Technical Staff, Computer Sciences Corporation, Falls Church, Virginia

Elmer R. Hapeman, Technical Staff, Bellcore, Red Bank, New Jersey

Richard C. McNealy, Staff Manager, Bellsouth Services, Atlanta, Georgia

Gerald Peterson, District Manager, AT&T, Bedminster, New Jersey

Anousheh Raissyan, Standards Engineer, COMSAT Corporation, Washington, D.C.

Amitabah Sen, Technical Staff, Motorola, Incorporated, Washington, D.C.

Roger L. Wilmot, Senior Member Technical Staff, Computer Sciences Corporation, Falls Church, Virginia

United States Delegation to the Executive Board Meeting, United Nations Children's Fund (UNICEF), New York, April 22–May 3, 1991

Representative

Peter B. Teeley, United States Representative to the United Nations Children's Fund, Washington, DC

Alternate Representatives

Mary Ann Stewart (Mrs. Potter Stewart), United States Alternate Representative to the United Nations Children's Fund, Washington, DC
The Honorable Jonathan Moore, United States Alternate Representative on the Economic and Social Council of the United Nations, New York

Advisers

Mary Louise Becker, Office of Donor Coordination, Bureau for Program and Policy Coordination, Agency for International Development
Stanley Bennett, United States Mission to the United Nations, New York
Kimberly Deblauw, Office of International Development Assistance, Bureau of International Organization Affairs, Department of State
Russell Graham, United States Mission to the United Nations, New York
A. Gordon MacArthur, United States Mission to the United Nations, New York
Audrey P. Manley, Deputy Assistant Secretary for Health, Department of Health and Human Services
The Honorable Edward Marks, Minister-Counselor, Deputy United States Representative on the Economic and Social Council of the United Nations
Susan Shearouse, United States Mission to the United Nations, New York
Linda Vogel, Office of International Health, Department of Health and Human Services

Private Sector Adviser

Lawrence E. Bruce, Jr., President, United States Committee for the United Nations Children's Fund, New York

United States Delegation to the Study Group XVII (Data Transmission Over the Telephone Network) Working Parties of the International Telecommunication Union (ITU), International Telegraph and Telephone Consultative Committee (CCITT), Geneva, Switzerland, April 29–May 3, 1991

Representative

Gary M. Fereno, Senior Telecommunication Policy Specialist, Standards and International Organizations, Bureau of International Communications and Information Policy, Department of State

Adviser

Robert Fenischel, Electronics Engineer, National Communication System

Private Sector Adviser

Richard Brandt, President, D.B. Consultants, Annandale, New Jersey

United States Delegation to the Thirteenth Session of the Commission on Human Settlements United Nations Economic and Social Council (ECOSOC) Harare, April 20–May 8, 1991

Representative

Frederik A. Hansen, Deputy Director, Office of Housing and Urban Programs, Bureau for Private Enterprise, Agency for International Development

Alternate Representatives

John K. Atchley, United States Permanent Representative to Habitat
Lawrence E. Birch, Office of Housing and Urban Programs, Bureau of Private Enterprise, Agency for International Development
Harley D. Rouda, President, National Association of Realtors

Adviser

Howard Simka, Deputy Regional Director, Agency for International Development, Nairobi

Private Sector Advisers

John T. Howley, Vice-President, National Association of Realtors
William D. North, Executive Vice President, National Association of Realtors

United States Delegation to the First Intergovernmental Meeting on Proposed Convention on the Return of Illegally Exported and Stolen Cultural Property of the International Institute for the Unification of Private Law (UNIDROIT) Rome, Italy, May 6–10, 1991

Representative

Harold Burman, Private International Law, Office of the Legal Adviser, Department of State

Adviser

Ely Maurer, Assistant Legal Adviser for Educational, Cultural and Public Affairs, Office of the Legal Adviser, Department of State

Private Sector Adviser

Linda Pinkerton, General Counsel, Getty Trust, Los Angeles, California

United States Delegation to the Third Meeting of the Working Group on International Letters of Credit and Bank Guarantees United Nations Commission on International Trade Law (UNICITRAL) New York, New York, May 13–24, 1991

Representative

Harold Burman, Office of the Assistant Legal Adviser For Private International Law, Department of State

Alternate Representatives

James E. Byrne, Professor, School of Law, George Mason University, Arlington, Virginia
Boris Kozolchyk, Professor, College of Law, University of Arizona, Tucson, Arizona

Private Sector Advisers

Gerald T. McLaughlin, Dean, Loyola School of Law, Los Angeles, California

United States Delegation to the 1st Regular Session for 1991 Economic and Social Council (ECOSOC) New York, May 13–31, 1991

Representative

The Honorable Jonathan Moore, Ambassador, United States Representative on the United Nations Economic and Social Council

Alternate Representative

The Honorable Edward Marks, Minister-Counselor, Deputy United States Representative on the United Nations Economic and Social Council

Special Advisers

Kenneth Blackwell, United States Representative to the United Nations Human Rights Commission
The Honorable Juliette Clagett McLennan, Ambassador, United States Representative to the United Nations Commission on the Status of Women

Advisers

Pauline T. Albright, United States Mission to the United Nations, New York
Robert T. Anthony, United States Mission to the United Nations, New York
Hugh T. Dugan, United States Mission to the United Nations, New York
Russell Graham, United States Mission to the United Nations, New York
Marilyn Harrington, United States Mission to the United Nations, New York
David E. Hohman, Director, Office of International Affairs, Department of Health and Human Services
John V. Hurley, United States Mission to the United Nations, New York
Sharon Kotok, Office of Human Rights and Women's Affairs, Bureau of International Organization Affairs, Department of State
A. Gordon MacArthur, Counselor, United States Mission to the United Nations, New York
C. Steven McGann, United States Mission to the United Nations, New York
Robert W. Mustain, Office of United Nations Social and Refugee Affairs, Bureau of International Organization Affairs, Department of State
Elo-Kai Ojaman, United States Mission to the United Nations, New York
Sandra A. Parrino, Executive Director, National Council on Disability
Neal Waldrop, United States Mission to the United Nations, New York
Beverly Zweiben, Deputy Director, Office of Human Rights and Women's Affairs, Bureau of International Organization Affairs, Department of State

Private Sector Adviser

The Honorable Jacob Stein, United States Alternate Representative to the 45th Session of the United Nations General Assembly

United States Delegation to the Executive Board 135th Session Educational, Scientific and Cultural Organization (UNESCO) Paris, May 14–June 12, 1991

Principal Observer

Gail Dennise Mathieu, United States Observer to the United Nations Educational, Scientific and Cultural Organization, Geneva

Observers

Elizabeth Kimber, United States Observer Mission to the United Nations Educational, Scientific and Cultural Organization, Paris
David Layton, United States Observer Mission to the United Nations Educational, Scientific and Cultural Organization, Paris

Private Sector Observer

Jacques Torczyner, New York, New York

United States Delegation to the Review Conference on the United Nations Convention on a Code of Conduct for Liner Conferences, United Nations Conference on Trade and Development (UNCTAD), Geneva, May 21–June 7, 1991

Representative

Joseph P. Richardson, Deputy Director, Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Adviser

Tom Carter, United States Mission, Geneva

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, N.Y.
Michael M. Murphy, Vice President, Government Affairs, American President Lines, Ltd., Washington, D.C.
Donald L. O'Hare, Director, Public Affairs, Sea-Land Service, Inc., Washington, D.C.
Peter D. Prowitt, Director, Government Affairs, American President Lines, Ltd., Washington, D.C.

United States Delegation to the International Tropical Timber Organization (ITTO), Quito, Ecuador, May 28–June 6, 1991

Representative

Milton Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Stephanie Caswell, Senior Conservation Officer, Office of Ecology, Health, and Conservation, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
Michael Hicks, International Economist, Department of Commerce

Advisers

David Harcharik, Director, International Forestry, United States Forest Service, Department of Agriculture
Gary Lindell, Program Manager of the International Forest Products, United States Forest Service, Department of Agriculture, Madison, Wisconsin
Franklyn Moore, International Activities Specialist, Environmental Protection Agency

Private Sector Advisers

Richard Forrest, National Wildlife Foundation, Washington, D.C.
Frank Sheridan, Afrasian Woods, Mineola, N.Y.

U.S. Delegation to the CSCE—Symposium on Cultural Heritage, Krakow, May 28–June 7, 1991

Representative

Nancy Clark Reynolds, Wexler Group, Washington, D.C.

Alternate Representative

John Evans, Bureau of European and Canadian Affairs, Department of State

Executive Secretary

Deborah Glassman, Bureau of European and Canadian Affairs, Department of State

Congressional Staff Advisers

Jane S. Fisher, Deputy Staff Director, Commission on Security and Cooperation in Europe
Erika B. Schlager, Staff Member, Commission on Security and Cooperation in Europe
Samuel G. Wise, Staff Director, Commission on Security and Cooperation in Europe

Advisers

The Honorable Frances D. Cook, United States Ambassador, Yaounde
William P. Glade, Associate Director for Educational and Cultural Affairs, United States Information Agency
Ann Guthrie Hingston, Executive Director, Cultural Property Advisory Committee, United States Information Agency
Ann Hitchcock, Chief Curator, Cultural Resources, National Park Service
Robert Bush, President's Advisory Council on Historic Preservation
David Whitten, Special Assistant, Bureau of Educational and Cultural Affairs, United States Information Agency

Private Sector Adviser

Sam Gruber, World Monuments Fund, New York, New York

United States Delegation to the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as Far as Patents are Concerned, World Intellectual Property Organization (WIPO), The Hague, June 3–21, 1991

Representative

Harry F. Manbeck, Jr., Assistant Secretary and Commissioner of Patents and Trademarks, Patent and Trademark Office, Department of Commerce

Alternate Representative

Michael K. Kirk, Assistant Commissioner for External Affairs, Patent and Trademark Office, Department of Commerce

Advisers

Lee Schroeder, Legislative and International Intellectual Property Specialist, Patent and Trademark Office, Department of Commerce
Charles Van Horn, Patent Policy and Programs Administrator, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

Robert A. Armitage, The Upjohn Company, Kalamazoo, Michigan
Joseph A. De Grandi, Beveridge, De Grandi & Weilacher, Washington, DC
Edward G. Fiorito, Dresser Industries, Inc., Dallas, Texas
William L. Keefauver, President, International Patent and Trademark Association, New Vernon, New Jersey
Leonard B. Mackey, Davis, Hoxie, Faithfull & Hapgood, New York, New York
Bernarr R. Pravel, Pravel, Gambrell, Hewitt, Kimball & Krieger, Houston, Texas
William E. Schuyler, Jr., Washington, DC
Donald M. Sell, Minnesota Mining & Manufacturing Company (retired), St. Paul, Minnesota
Thomas F. Smegal, Jr., Townsend and Townsend, San Francisco, California
Roger S. Smith, IBM Corporation, Purchase, New York
William S. Thompson, Caterpillar Inc., Peoria, Illinois
Richard C. Witte, The Procter & Gamble Company, Cincinnati, Ohio
Douglas W. Wyatt, Wyatt, Gerber, Burke & Badie, New York, New York

International Labor Conference (ILO), 78th Session, Geneva, June 5–26, 1991

Representing the Government of the United States of America

Minister Attending the Conference

The Honorable Lynn Martin, Secretary of Labor

Accompanied By

Lori Venberg, Special Assistant to the Secretary, Department of Labor

Government Delegates

The Honorable Shellyn G. McCaffrey (Chairman), United States Government Representative to the ILO Governing Body, Department of Labor
Anthony G. Freeman, Special Assistant to the Secretary and Coordinator for International Labor Affairs, Department of State

Alternate Delegates

The Honorable Morris Abram, Ambassador, United States Permanent Representative to the European Office of the United Nations and other International Organizations, Geneva
David A. Peterson, Senior Policy Adviser, Office of Economic Policy, Department of Commerce

Congressional Staff Adviser

Nancy Sensenbrenner, Professional Staff Member, Education and Labor Committee, United States House of Representatives

Advisers

Ollie Anderson, Labor Affairs Adviser, Bureau of African Affairs, Department of State
Richard T. Booth, Labor Attaché, United States Mission to the United Nations, Geneva
Berton J. Braley, Jr., Associate Deputy Under Secretary for International Affairs, Department of Labor
Gordon Dugan, Deputy Director for Industrial and Communications Programs, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Barbara A. Dunkak, Assistant Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor
Paula Feeney, United States Mission to the United Nations, Geneva
Marion F. Houstoun, Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor
Julia E. Misner, Office of International Organizations Bureau of International Labor Affairs, Department of Labor
Anne Patterson, United States Mission to the United Nations, Geneva
H. Clarke Rodgers, Jr., Deputy Chief of Mission, United States Mission to the United Nations, Geneva
Samuel D. Walker, Acting Assistant Secretary, Employment Standards Administration, Department of Labor
Barton S. Widom, Deputy Associate Solicitor, Solicitor's Office, Department of Labor
Michael K. Wyatt, Associate Deputy Secretary, Office of the Secretary, Department of Labor

Private Sector Adviser

John N. Erieborn, Washington, DC

Observers

Julia S. Albrecht, Office of Employment Assistance and Information, Bureau of International Organization Affairs, Department of State
J. William Brumfield, African Area Adviser, Bureau of International Labor Affairs, Department of Labor
Carolyn H. Fletcher, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor
Gwendolyn Franklin, Office of the Deputy Under Secretary for International Affairs, Department of Labor
William A. Green III, United States Mission to the United Nations, Geneva
Bruce Malkin, United Nations Labor and Human Rights Adviser, Bureau of East Asian and Pacific Affairs, Department of State
Nance Styles, United States Mission to the United Nations, Geneva

Representing the Employers of the United States of America

Delgate

Charles H. Smith, Jr., Chairman of the Board, SIFCO Industries, Inc., Cleveland, Ohio

Deputy Employer Delegate

James D. Burge, Corporate Vice President, Motorola, Inc., Washington, DC

Advisers

Kevin J. Cornacchio, Manager, International Labor Affairs, U.S. Council for International Business, New York, New York
Matthew J. Durfee, Corporate Manager of Employee Relations, Stouffer Hotels and Resorts, Solon, Ohio
Mechel S. Paggi, Chief Economist, American Farm Bureau Federation, Park Ridge, Illinois
Edward E. Potter, Partner, McGuiness & Williams, Washington, DC

Representing the Workers of the United States of America

Delegate

James Baker, European Representative, AFL–CIO European Office, Paris, France

Deputy Worker Delegate

Charles Gray, Executive Director, Asian-American Free Labor Institute, Washington, DC

Advisers

Jesse Friedman, Deputy Executive Director, American Institute for Free Labor Development, Washington, DC
Edward J. Hickey, Jr., Mulholland & Hickey, Washington, DC
John Joyce, President, International Union of Bricklayers and Allied Craftsmen, Washington, DC
Michael Lescault, Regional Director, African American Labor Center, Washington, DC
Leon Lynch, Vice President, United Steelworkers of America, Pittsburgh, Pennsylvania
Marcello Salcido, President, United Food and Commercial Workers International Union, Local 126, Fresno, California
Vincent Sirabella, Director of Organization, Hotel Employees and Restaurant Employees International Union, Washington, DC
Steven Slezak, Representative, International Affairs Department, AFL–CIO, Washington, DC
Jerry Zellhoefer, AFL–CIO European Office, Paris, France

Workers Secretariat

David Brombart, Acting Executive Director, African American Labor Center, Washington, DC
William C. Doherty, Jr., Executive Director, American Institute for Free Labor Development, Washington, DC
Simone Facotti, AFL–CIO European Office, Paris, France
Joel Freedman, Assistant to the President for Economic Development Programs, International Union of Bricklayers and Allied Craftsmen, Washington, DC
Susan Gray, Asian American Free Labor Institute, Washington, DC
Kenneth Hutchinson, Deputy Executive Director, Asian American Free Labor Institute, Washington, DC
Tom Kahn, Director, International Affairs Department, AFL–CIO, Washington, DC
Irina Kirkland, AFL–CIO, Washington, DC
Lane Kirkland, President, AFL–CIO, Washington, DC
Patsy Rowan, International Union of Bricklayers and Allied Craftsmen, Washington, DC
Penny Shantz, AFL–CIO European Office, Paris, France
Paul Somogyi, Executive Director, Free Trade Union Institute, Washington, DC

United States Delegation to The Committee for Information, Computer and Communications Policy (ICCP), Working Party on Telecommunications and Information Services Policies (TISP) 7th Session Organization for Economic Cooperation and Development (OECD) Paris, June 10–11, 1991

Representative

Timothy C. Finton, Councillor for Telecommunications Trade, Bureau of International Communications and Information Policy, Department of State

Alternate

Amy Winton, International Economist, Bureau of Economic and Business Affairs, Department of State

Advisers

Helen A. Shaw, Director, Division of International Telecommunications Policy, National Telecommunications and Information Administration, Department of Commerce
Mary Inoussa, International Trade Specialist, Office of Service Industries, International Trade Administration, Department of Commerce
Michael Mandigo, Attorney, International Common Carrier Bureau, Federal Communications Commissions

Private Sector Advisers

Stuart Z. Chiron, Sprint International, Reston, Va.
Kathleen C. Stewart, AT&T, Morristown, N.J.
Carmine Taglialatela, Jr., MCI Communications Corporation, Washington, DC

United States Delegation to the 8th Annual Meeting of the North Atlantic Salmon Conservation Organization (NASCO), Edinburgh, June 10–14, 1991

Commissioners

Allen E. Peterson, Jr., Head of the United States Delegation to NASCO, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Frank E. Carlton, United States Commissioner to NASCO, Vice President, National Coalition for Marine Conservation, Inc.
Clinton B. Townsend, Alternate United States Commissioner to NASCO, Perkins, Townsend, Shay, & Brown, Skowhegan, Maine

Advisers

Richard B. Roe, Regional Director, Northeast Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
H. Stetson Tinkham, Office of Fisheries Affairs, Bureau of Oceans and International Environment and Scientific Affairs, Department of State
James E. Weaver, Assistant Regional Director, Fishery Resources and Federal Aid, Fish and Wildlife Service, Department of the Interior

Private Sector Advisers

Edward T. Baum, Program Coordinator, Atlantic Sea Run Salmon Commission, Bangor, Maine
David F. Egan, Chairman, Connecticut River Salmon Commission
Henry Lyman, Publisher Emeritus, Salt Water Sportsman, Inc., Boston, Massachusetts
Gilbert C. Radonski, President, Sport Fishing Institute, Washington, District of Columbia

United States Delegation to the 27th Meeting of the North Atlantic Systems Planning Group International Civil Aviation Organization (ICAO), Paris, June 10–14, 1991

Representative

W. Frank Price, Manager, International Procedures Branch, Federal Aviation Administration Affairs, Department of Transportation

Alternate Representotives

Dale Livingston, Technical Program Manager, Federal Aviation Administration, Federal Aviation Administration Technical Center, Department of Transportation
Howard Hess, Aviation Safety Inspector, Federal Aviation Administration Technical Center, Department of Transportation
Konstantine Nezer Jr., International Procedures Specialist, Federal Aviation Administration Technical Center, Department of Transportation
Michael Pumphrey, Assistant Manager (Oceanic), Federal Aviation Administration Technical Center, Department of Transportation

Private Sector Advisers

Richard Covell, Manager, Air Ground Operations Aeronautical Radio Inc., Annapolis, Maryland
Ray Hilton, Director, Air Traffic Management, Air Transportation Association of America, NY, NY

United States Delegation to the United Nations Commission on International Trade Law (UNCITRAL) 24th Plenary Session, Vienna, Austria June 10–28, 1991

Representatives

Harold S. Burman, Office of the Legal Adviser for Private International Law, Department of State
Peter H. Pfund, Assistant Legal Adviser for Private International Law, Department of State

Alternate Representatives

Thomas Baxter, Chief Litigation Counsel, Federal Reserve Bank of New York, New York, New York
Raj Bhala, Office of General Counsel, Federal Reserve Bank of New York, New York, New York
Samuel Newman, Co-Chairman, S.W.I.F.T., Manufacturers Hanover Trust, New York, New York

Private Sector Adviser

Carl S. Felsenfeld, Fordham University School of Law, New York, New York

United States Delegation to the Study Group XVIII and its Working Parties Meeting of the International Telegraph and Telephone Consultative Committee (CCITT) International Telecommunication Union (ITU), Geneva, Switzerland, June 11–28, 1991

Representative

William F. Utlaut, Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Alternate Representative

Gary M. Ferenc, Senior Telecommunication Policy Specialist, Office of Telecommunication and Information Standards, Bureau of International Communications, Department of State

Advisers

Wendell R. Harris, Assistant Bureau Chief, International Common Carrier Bureau, Federal Communications Commission
Neil Seitz, Deputy Director, Systems and Networks Development, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Gary Fishman, Technical Industry Standards, AT&T, Bedminster, New Jersey
Paul Redman, Senior Engineer, COMSAT Corporation, Washington, DC.
Arthur Reilly, Standards Engineer, Bell Communications Research, Morristown, New Jersey
Amitabha Sen, Technical Staff Member, Motorola, Inc., Washington, DC.
Anthony Toubassi, Advisory Engineer, MCI, Richardson, Texas
Melvin Woinsky, Manager, Technology Planning, Northern Telecom Inc., Morristown, New Jersey

United States Delegation to the 9th Session of the Monitoring Committee on the Action Plan for the Caribbean Environment Program and the Meeting of the Bureau of the Cartagena Convention United Nations Environment Program (UNEP), Kingston, June 13–15, 1991

Representative

Robert Blumberg, Office of Ocean Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Melinda Chandler, Office of the Legal Advisor, Department of State
Kevin Chu, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Sharon Cleary, Office of International Affairs, National Park Service, Department of the Interior
Arthur Patterson, Policy Analyst, Office of the Deputy Assistant Secretary for International Interests, National Oceans and Atmospheric Administration, Department of Commerce
Marylyn Varela, Office of International Activities, Environmental Protection Agency

Private Sector Adviser

Lavern Ragster, University of the Virgin Islands, St. Thomas, Virgin Islands

United States Delegation to the 2nd Meeting of Parties to the Vienna Convention for the Protection of the Ozone Layer United Nations Environment Program (UNEP), Nairobi, June 17–18, 1991

Representative

Richard J. Smith, Deputy Assistant Secretary of State, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Eileen Claussen, Director, Office of Atmospheric and Indoor Air Programs, Environmental Protection Agency

Congressional Staff Advisers

David Finnegan, Majority Counsel, Committee on Energy and Commerce, United States House of Representatives
Charles Ingebretson, Minority Counsel, Committee on Energy and Commerce, United States House of Representatives

Advisers

Judith Buncher, Bureau of International Organization Affairs, Office of Technical Specialized Agencies, Department of State
Edward Leviton, Chief Economist, Office of the Science Adviser, Department of Commerce
James O'Brien, Office of the Legal Adviser, Department of State
Stephen Seidel, Chief, Global Change Division, Environmental Protection Agency
Gary S. Usrey, Acting Director, Office of Environmental Protection, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Watson, Chief of Atmospheric and Chemistry Programs, Division of Earth Sciences and Applications, National Aeronautical and Space Administration
Edward Williams, Director, Office of Environmental Analysis, Department of Energy

United States Delegation to the Working Party No. 4 (Competition Policy and Intellectual Property Rights), (June 17) 19th Meeting of Working Party No. 1 (Competition and International Trade), (June 18) Committee on Competition Law and Policy Organization for Economic Cooperation and Development (OECD) Paris, June 17–18, 1991

Representative

Kevin Arquit, Director, Bureau of Competition, Federal Trade Commission

Advisers

Deirdre E. Shanahan, Attorney, International Antitrust Division, Federal Trade Commission
Talbot S. Lindstrom, Assistant Director, International Division, Federal Trade Commission
Karen Silverman, Attorney, Foreign Commerce Section, Antitrust Division, Department of Justice
Charles S. Stark, Foreign Commerce Section Head, Antitrust Division, Department of Justice
Appropriate USOECD, Mission Officers, Paris

Office of International Conferences, Department of State, July 1, 1991

United States Delegation to the 11th Antarctic Treaty Consultative Meeting Madrid, June 17–23, 1991

Representative

E.U. Curtis Bohlen, Assistant Secretary, Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Jeff Kovar, Office of the Legal Adviser, Department of State
Elizabeth Leighton, Division of Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
R. Tucker Scully, Director, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Jack Talmadge, Division of Polar Programs, National Science Foundation, Washington, DC
Bruce Williamson, Economic and Business Affairs Bureau, Office of International Commodities, Department of State

Private Sector Adviser

Will Martin, Wilderness Society, Washington, DC

United States Delegation to the 48th Meeting of the Inter-American Tropical Tuna Commission, Tokyo, June 18–20, 1991

Commissioners

The Honorable Henry Beasley (Head of Delegation), United States Commissioner, Inter-American Tropical Tuna Commission, Department of Commerce
The Honorable Robert McDonald, United States Commissioner, Inter-American Tropical Tuna Commission

Advisers

Izadore Barrett, Department of Commerce
Brian S. Hallman, Deputy Director, Office of Fisheries Affairs, Department of State
Charles Fullerton, Regional Director, Southwest Region, National Marine Fisheries Service, Department of Commerce

Private Sector Adviser

August Felando, American Tunaboat Association

United States Delegation to the International Wheat Council (IWC), 115th Session, London, June 24–26, 1991

Representative

Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Hilton L. Graham (6/24), Deputy Director, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State
Robert Windsor (6/25–26/91), Commodities Officer, United States Embassy, London

Advisers

Leslie Berger, Agricultural Attache, United States Embassy, London
Paul Dickerson, General Sales Manager and Associate Administrator, Foreign Agricultural Service, Department of Agriculture
Nathan Newell, Agricultural Economist, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture
Jim Rudbeck, Agricultural Counselor, American Embassy, London

Private Sector Advisers

Nelson Denlinger, Executive Vice President, United States Wheat Associates, Washington, DC
John Howard, United States Wheat Associates, Rotterdam, Netherlands

United States Delegation to the 31st Session of the Marine Environment Protection Committee (MEPC), International Maritime Organization (IMO), London, July 1–5, 1991

Representative

Arthur E. Henn, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternates

Joseph J. Angelo, Assistant Chief, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation
Sidney A. Wallace, Rear Admiral (Retired), Chairman of the Marine Environment Protection Committee, United States Coast Guard, Department of Transportation

Advisors

Brian Berringer, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation
Robert C. Blumberg, Deputy Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
William St. J. Chubb, Commander, Chief, Environmental Coordination Branch, United States Coast Guard, Department of Transportation
William F. Holt, Captain, Chief, Marine Environmental Protection Division, United States Coast Guard, Department of Transportation
James MacDonald, Captain, Chief, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation
Steven Shapiro, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

Joseph Cox, American Institute of Merchant Shipping, Washington, DC
Sally Ann Lentz, Oceanic Society, Washington, DC
Robert A. Ternus, Vice President & General Manager of Engineering, Chevron Shipping Co., San Francisco, California
John Tucker, Vice President of Engineering, National Steel and Shipbuilding Co., San Diego, California

United States Delegation to the Maritime Transport Committee (July 3–4) and Informal Meeting Between Members of the Maritime Transport Committee and Representatives of Central and Eastern European Countries (July 4–5) Organization for Economic Cooperation and Development, Paris, July 3–5, 1991

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic Affairs and Business Affairs, Department of State

Alternate Representative

Gregory Hall, Office of International Affairs, Maritime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Peter Jongetier (July 4–5, 1991), United Shipowners of America (USA), Regional Marketing Manager for Eastern Europe, Sea-Land Service Inc., Seattleweg 7, 3195 ND Pernis-Rotterdam, Netherlands

United States Delegation to the Group of Rapporteurs on Pollution and Energy 23rd Session Economic Cooperation for Europe (ECE) Geneva, July 3–5, 1991

Representative

Thomas Baines, Senior Project Director, Office of Mobile Sources, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Louis Broering, Cummings Engine Company, Columbus, Indiana
Marcel Halberstadt, Motor Vehicle Manufacturers Association, Detroit, Michigan

United States Delegation to the 37th Session of the Subcommittee on Radio Communications International Maritime Organization (IMO), London, July 8–12, 1991

Representative

Robert E. Williams, Captain, Program Coordination Staff, United States Coast Guard, Department of Transportation

Alternate Representative

Joseph D. Hersey, Jr., Chief, Maritime Radio & Spectrum Management Division, United States Coast Guard, Department of Transportation

Advisors

Jim Ayres, Physical Scientist, ST–16, Scientific Advisor for Hydrography, Headquarters, Defense Mapping Agency, Department of Defense
Dan Lemon, Chief, SAR Coordination Branch, United States Coast Guard, Department of Transportation
William Luther, International Advisor, Field Operation Bureau, Federal Communications Commission
Robert C. McIntyre, Chief, International Staff, Private Radio Bureau, Federal Communications Commission
Roy Soluri, Chief, Navigational Aids Division, Defense Mapping Agency, Hydrographic/Topographic Center, Department of Defense
Richard Swanson, Private Radio Bureau, Federal Communications Commission

Private Sector Advisors

Russell Levin, Seafarers Harry Lundeberg School of Seamanship, Piney Point, Maryland
Jack Oslund, Director, INMARSAT Relations, COMSAT Maritime Services
Walter Pappas, Falls Church, Virginia

United States Delegation to the International Rubber Study Group Inter-Assembly IAP/Economic Committee/ CERS Meetings, London, July 10–12, 1991

Representative

Frederic W. Siesseger, Director, International Commodities Division, Department of Commerce

Private Sector Adviser

Thomas E. Cole, President, Rubber Manufacturers Association, Washington, DC

United States Delegation to the 40th Meeting of the Council of the International Maritime Satellite Organization (INMARSAT) Heraklion, Crete, July 17–24, 1991

Representative

Randolph C. Earnest, Director, Satellite and Cable Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Gregg Daffner, National Telecommunications and Information Administration, Department of Commerce
Joel Pearlmann, Federal Communications Commission

Private Sector Advisers

Ron Mario, COMSAT Corporation, Washington, DC
George Zachman, COMSAT Corporation, Washington, DC
Joslyn Reade, COMSAT Corporation, Washington, DC

United States Delegation to the Third Session of the Preparatory Committee for the United Nations Conference on Environment and Development, United Nations (UN) Geneva, August 12–September 4, 1991

Representative

The Honorable Curtis Bohlen, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representatives

The Honorable Morris Abram, Ambassador, United States Representative to the European Office of the United Nations and Other International Organizations, Geneva
The Honorable Robert Ryan, Coordinator for United Nations Conference on Environment and Development Preparations, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Congressional Advisers

The Honorable James Scheuer, United States House of Representatives
The Honorable Gerry Sikorski, United States House of Representatives

Congressional Staff Advisers

Nancy M. Carman, Staff Consultant, Committee on Foreign Affairs, United States House of Representatives
David Finnegan, Counsel, Energy and Commerce Committee, United States House of Representatives
Susan Fletcher, Staff Consultant, Committee on Foreign Affairs, United States House of Representatives
Charles Ingebretson, Minority Counsel, Energy and Commerce Committee, United States House of Representatives
Carol Parker, Office of Representative Gerry Sikorski, United States House of Representatives
Steven M. Polansky, Staff Consultant, Committee on Foreign Relations, United States Senate
Philip M. Schiliro, Office of Representative Henry A. Waxman, United States House of Representatives

Advisers

Maureen Bannon, Lieutenant Commander, USN, Representative for Ocean Policy Affairs, Department of Defense
Patricia Bliss-Guest, Associate Director for International Law and Policy, Council on Environmental Quality, Executive Office of the President
Richard Bradley, Special Assistant to the Secretary, Department of Energy
Nancy Carter, Coordinator for Population, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Ed Cassidy, Deputy Assistant Secretary for Policy, Department of the Interior
David Cottingham, Chief of Ecology and Conservation, National Oceanic and Atmospheric Administration, Department of Commerce
Christine Dawson, Policy Planning Staff, Department of State
Susan Drake, United Nations Program Coordinator, Office of International Activities, Environmental Protection Agency
Paula Feeney, United States Mission to the United Nations, Geneva
David W. Joslyn, United States Mission to the United Nations Agencies for Food and Agriculture, Rome
Gerald Kamens, Office of Energy, Forestry and Natural Resources, Agency for International Development

Jeff Kovar, Attorney-Adviser, Office of the Legal Adviser, Department of State
Gary Larsen, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
C. Steven McGann, United States Mission to the United Nations, New York
John McGuinness, Deputy Directory, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Jeff Miotke, Office of Global Climate Change, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
The Honorable Jonathan Moore, Ambassador, United States Representative on the United Nations Economic and Social Council, New York
Robert Reinstein, Deputy Assistant Secretary for Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Eleanor Savage, Director, Office of Ecology, Health and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Tucker Scully, Director, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Maureen Walker, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Harlan Watson, Principal Deputy Assistant Secretary for Water and Science and Science Adviser to the Secretary, Department of the Interior
Richard H. Williamson, Associate Deputy Assistant Secretary for International Energy, Department of Energy

Private Sector Advisers

Scott Hajost, Environmental Defense Fund, Washington, DC
Gareth Porter, Environmental and Energy Study Institute, Washington, DC
Norene Kennedy, United States Council on International Business, New York
Michelle R. Sullivan, Hoechst Celanese Corporation, Somerville, New Jersey

United States Delegation to the Meeting of Study Group III and its Working Parties of the International Telegraph and Telephone Consultative Committee, International Telecommunication Union, Geneva, Switzerland, August 28–September 12, 1991

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

Jack Cole, Program Manager, National Telecommunications and Information Administration, Department of Commerce
William Kirsch, Deputy Assiatant Bureau Chief/International Common Carrier, Federal Communications Commission
Suzanne Settle, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Beverly Andrews, COMSAT, WSD, Washington, DC
J. William Busch, American Telephone and Telegraph, Morristown, New Jersey
Donald P. Casey, Director Regulatory, Western Union Corporation, Upper Saddle River, New Jersey
Kenneth Leeson, Telecommunications Advisor, International Business Machines, Purchase, New York
Robert Madden, American Telephone and Telegraph, Morristown, New Jersey
Wanda G. Montano, Senior Product Manager, Graphnet, Inc., Teaneck, New Jersey
Mark Niebert, COMSAT, Washington, DC
John O'Boyle, Telecommunications Consultant, Westfield, New Jersey
Philip Onstad, International Communications Association, Washington, DC
Marcel E. Scheidegger, MCI International, Rye Brook, New York
Carmine Taglialatela, Jr., Advisory Engineer, MCI Telecommunications, Inc., Washington, DC

United States Delegation to the 10th Air Navigation Conference, International Civil Aviation Organization (ICAO), Montreal, September 4–30, 1991

Representative

James Busey, Admiral, Administrator, Federal Aviation Administration, Department of Transportation

Alternate Representative

Martin T. Pozesky, Associate Administrator for System Engineering and Development, Federal Aviation Administration, Department of Transportation

Advisers

Frank Colson, Director, Transportation and Federal Aviation, Office of the Secretary, United States Air Force, Department of Defense
Dennis Cooper, Special Assistant to Associate Administrator, Federal Aviation Administration, Department of Transportation
David DeCarme, Manager, International Organizations Branch, Office of International Aviation, Federal Aviation Administration, Department of Transportation
Joseph Dorfler, Manager, Satellite Communications and Navigation, Federal Aviation Administration, Department of Transportation
Joseph J. Fee, Program Manager, Oceanic Program, Systems Engineering Division, Federal Aviation Administration, Department of Transportation
Ron Jones, Manager, Data Link Program, Federal Aviation Administration, Department of Transportation
Gerald Markey, Manager, Spectrum Engineering Division, Federal Aviation Administration, Department of Transportation
Ronald Morgan, Manager, Advanced Systems and Facilities Division, Federal Aviation Administration, Department of Transportation
Norman Solat, Adviser on Global Planning, Research and Development Service, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Larry Chesto, Director, Telecommunications Systems, Aeronautical Radio, Inc., Annapolis, Maryland
Roger Fleming, Air Traffic Management, Air Transport Association of America, Washington, DC
Raymond J. Hilton, Director, Air Traffic Management, Air Transport Association of America, Washington, DC
William Hoover, Executive Vice President, Air Traffic Association of America
Ronald L. Swanda, General Aviation Manufacturers Association, Washington, DC

United States Observer Delegation to the United Nations Environmental Program Conference of Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS), Geneva, September 9–13, 1991

Principal Observer

Lawrence N. Mason, Chief, Office of International Affairs, Fish and Wildlife Service, Department of the Interior

Private Sector Observer

Carroll D. Besadny, Secretary, Wisconsin Department of Natural Resources, Madison, Wisconsin

United States Delegation to the 21st Session of the Subcommittee on Bulk Chemicals International Maritime Organization (IMO), London, September 9–13, 1991

Representative

Kevin J. Eldridge, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Michael C. Parnarouskis, Chief, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Thomas J. Felleisen, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Michael D. Morrissette, Chief, Hazard Evaluation Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Curtis G. Payne, Hazard Evaluation Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Emmanuel P. Pfersich, Chief, Packaged Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Robert J. Lakey, Robert J. Lakey & Assoc., Inc., Houston, Texas

United States Delegation to the 50th Plenary Meeting of the International Cotton Advisory Committee (ICAC), Antalya, Turkey, September 9–13, 1991

Representative

Stephen L. Censky, Associate Administrator, Foreign Agriculture Service, Department of Agriculture

Alternate Representative

Theodore Horoschak, Deputy Director for Marketing, Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Advisers

Russell G. Barlowe, Fibers Analyst, World Agriculture Outlook Board, Department of Agriculture

Charles Cunningham, Leader, Fibers Group, Agricultural Stabilization and Conservation Service, Department of Agriculture

Dean Ethridge, Deputy Administrator for Program Planning and Development, Agricultural Stabilization and Conservation Service, Department of Agriculture

Private Sector Advisers

Donald B. Conlin, Chairman Emeritus, New York Cotton Exchange

Stuart Frazer, Second Vice President, American Cotton Shippers Association

Adrian Hunnings, Director of Foreign Operations, National Cotton Council

Andrew Jordan, Director of Technical Services, National Cotton Council

William E. May, Vice President for Foreign Operations and Administration, American Cotton Shippers Association

Marsha Powell, Director of European Region, Cotton Council International

J. Berrye Worsham, Director of Fiber & Economic Analysis, Cotton Incorporated

United States Delegation to the Study Group XI Switching and Signalling Meeting of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, September 16–October 4, 1991

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Bethesda, Maryland

Alternate Representative

Kathryn A. Martin, Engineer, Telecommunications and Information Standards, International Communications and Information Policy, Department of State

Advisers

Leslie A. Collica, Computer Scientist, National Institute of Standards Technology, Department of Commerce

Michael DeFrancesco, Electronics Engineer, Defense Communications Agency

David Su, Manager, Advanced Communications Group, National Institute of Standards Technology, Department of Commerce

Private Sector Advisers

Edward Chien, Executive Director, Personal Communications Systems, Teknekron, Berkeley, California

Diwakar Gan, Senior Member Technical Staff, Computer Sciences Corporation, Falls Church, Virginia

Elmer R. Hapeman, Switching Engineer, Bellcore, Red Bank, New Jersey

Harry Hetz, Standards Manager, Bell Atlantic, Arlington, Virginia

Edward Jamgochian, Lead Engineer, The Mitre Corporation, McLean, Virginia

Doris Lebovits, AT&T, Bedminster, New Jersey

John Schantz, Systems Engineer, Tandem Telecommunications Systems, Inc., Plano, Texas

Anthony Toubassi, MCI, Richardson, Texas

Roger Wilmot, Computer Sciences Corporation, Falls Church, Virginia

United States Delegation to the World Forestry Congress, 10th Session, Food and Agriculture Organization (FAO), Paris, September 17–26, 1991

Representative

Jeff M. Sirmon, Deputy Chief, International Forestry, Forest Service, Department of Agriculture

Alternate Representative

James R. Moseley, Assistant Secretary, Natural Resources and Environment, Department of Agriculture

Congressional Advisers

The Honorable E. de la Garza, Chairman, Committee on Agriculture, United States House of Representatives

The Honorable Mike Espy, Committee on Agriculture, United States House of Representatives

The Honorable Sid Morrison, Subcommittee on Forests, Family Farms and Energy, Committee on Agriculture, United States House of Representatives

Advisers

D. Dean Bibles, State Director, Oregon State Office, Bureau of Land Management, Department of Interior, Portland, Oregon

Stephanie Caswell, Senior Conservation Officer, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Willard Johnson, Director, Agency for International Development

Franklin Moore, International Activities Specialist, Office of International Activities, Environmental Protection Agency

John Vance, Deputy Administrator, Extension Service, Department of Agriculture

Private Sector Advisers

Barry Cullen, President, National Forest Products Association, Washington, DC

Howard Heiner, Forester, International Society of Tropical Foresters, Bethesda, MD

John Mixon, President, National Association of State Foresters, Washington, DC

Neil Sampson, Executive Director, American Forestry Association, Washington, DC

Larry Tombaugh, President, National Association of Professional, Forestry Schools and Colleges, Raleigh, NC

Ross S. Whaley, President, Society of American Foresters, Bethesda, MD

Larry Wiseman, President, American Forest Council, Washington, DC

United States Delegation to the XXIII Meeting of the Permanent Executive Committee (COM/CITEL), Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Santiago, Chile, September 20–21, 1991

Representative

Gary M. Fereno, Senior Telecommunications Policy Specialist, Bureau of International Communications and Information Policy, Department of State

Advisers

Rudolph Lujon Baca, Senior Attorney-Advisor, Federal Communications Commission

Douglas V. Davis, Senior Attorney Advisor, Federal Communications Commission

William F. Moran, Program Director, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William M. Borman, Vice President and Director, Motorola, Inc., Washington, DC

Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC

Thomas J. Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the Sixth Inter-American Telecommunications Plenipotentiary Conference, Inter-American Telecommunications Commission (CITEL), Organization of American States (OAS), Santiago, Chile, September 23–27, 1991

Representative

Kenneth W. Bleakley, Senior Deputy Coordinator, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Gary M. Fereno, Senior Telecommunications and Policy Specialist, Bureau of International Communications and Information Policy, Department of State

Advisers

Rudolph Lujon Baca, Senior Attorney-Advisor, Federal Communications Commission

Douglas V. Davis, Senior Attorney Advisor, Federal Communications Commission

William F. Moran, Program Director, National Telecommunications and Information Administration, Department of Commerce

Walda Roseman, Director, Office of International Communications, Federal Communications Commission

Private Sector Advisers

William M. Borman, Vice President and Director, Motorola, Inc., Washington, DC

Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC

Cecil Crump, District Director, AT&T, Morristown, New Jersey

David Fine, Assistant Vice President, Government and International Relations, Southwestern Bell Co., Washington, DC

Thomas J. Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the 37th Session of the Committee on the Safety of Navigation (NAV), International Maritime Organization London, September 23–27, 1991

Representative

Leo J. Black, Captain, Chief, Short Range Aids to Navigation Division, Office of Navigation Safety and Waterway Services, United States Coast Guard, Department of Transportation

Alternate Representative

Edward J. LaRue, Jr., Short Range Aids to Navigation Division, Office of Navigation Safety and Waterways Services, United States Coast Guard, Department of Transportation

Advisers

Christopher M. Young, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Charles B. Mosher, Short Range Aids to Navigation Division, Office of Navigation Safety and Waterway Services, United States Coast Guard, Department of Transportation

James E. Ayres, Scientific Advisor for Hydrography, Defense Mapping Agency

Christian Andreasen, Rear Admiral, Deputy Director, Office of NOAA Corps Operations, National Oceanic and Atmospheric Administration

Private Sector Advisers

Mortimer Rogoff, Digital Directions Corp.

United States Delegation to the International Coffee Organization (ICO), London, September 23–27, 1991

Representative

Myles Frechette, Assistant United States Trade Representative for Latin America, the Caribbean, and Africa, Executive Office of the President

Alternate Representative

Dan Cruz-DePaula, Acting Director for International Commodity Agreements and Enterprise for the Americas Initiative Coordinator, Office of the Trade Representative, Executive Office of the President

Advisers

John Manger, Commodity Specialist, Department of Commerce

William Weingarten, Director, Office of Food Policy, Bureau of Economic and Business Affairs, Department of State

Robert Winsor, Resources Officer, United States Mission, London

Private Sector Advisers

David A. Brown, Director of Green Coffee Operations, Kraft General Foods, White Plains, N.J.

Steven Gluck, Cargill Coffee Department, Cargill Inc., Liberty Corner, N.J.

John T. Hays, Director, Coffees of Hawaii, Inc., Honolulu, Hawaii

United States Delegation to the 65th Session of the Legal Committee International Maritime Organization London, September 30–October 4, 1991

Representative

Jonathan Collom, Captain, Chief, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representative

Mark J. Yost, Lieutenant Commander, Staff Attorney, Maritime & International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Advisers

Michael D. Morrissette, Chief, Hazard Evaluation Section, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security & Environmental Protection, United States Coast Guard, Department of Transportation
James O'Brien, Office of the Legal Adviser, Department of State
Paul S. Tobin, Deputy Program Manager, Office of Toxic Substances, Environmental Protection Agency

Private Sector Advisers

Ernest J. Corrado, President, American Institute of Merchant Shipping, Washington, DC
Neil D. Hobson, Chairman, Maritime Law Association Committee on Transportation of Hazardous Substances, Milling, Benson, Woodward, Hillyer, Pierson & Miller, New Orleans, Louisiana
Michael P. Walls, Assistant General Counsel, Chemical Manufacturers Association, Washington, DC

United States Delegation to the 12th Meeting of the Visual Aids Panel International Civil Aviation Organization, (ICAO), Montreal, September 23-October 11, 1991

Representative

Retta Cameron, U.S. Panel Member, Engineering & Specifications Division, Federal Aviation Administration

Alternate Representative

Jack Burke, Civil Engineer, Design and Operations Criteria Division, AAS–100, Federal Aviation Administration

Advisers

Paul Jones, Technical Program Manager, Airport Technology Branch, ACD–110, Airports Division, Federal Aviation Administration Technical Center
Richard Temple, Aviation Safety Inspector, All Weather Operations Branch, Technical Programs Division, Federal Aviation Administration

Private Sector Adviser

Seward Ford, Engineering Manager, Crouse-Hinds Airport Lighting Products, Windsor, CT

United States Delegation to the 8th Meeting of the Assembly of Parties International Maritime Satellite Organization (INMARSAT), Canberra, September 24–26, 1991

Representative

Ambassador Bradley P. Holmes, Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Randolph C. Earnest, Director for Satellite and Cable Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

James Ball, Deputy Director, Office of International Communications, Federal Communications Commission
Don Cleveland, United States Embassy, Canberra
Gregg Daffner, Director of International Policy, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
Joel Pearlman, International Policy Division, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Ronald Mario, President, Comsat Mobile Communications, Communications Satellite Corporation
William Coulter, Vice President, Office of Government Affairs, Communications Satellite Corporation
Joslyn Read, Director, International Relations, Comsat Mobile Communications (London), Communications Satellite Corporation

United States Delegation to the World Tourism Organization (WTO), 9th General Assembly Buenos Aires, September 26-October 4, 1991

Representative

The Honorable John G. Keller, Under Secretary of Commerce for Travel and Tourism, Department of Commerce

Alternate Representative

Henry G. Riegner, Department of Commerce

Advisers

Joyce Barr, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State
Raphael Fermoselle, United States Embassy, Buenos Aires
Patrick Murphy, Deputy Assistant Secretary of Transportation for Policy and International Affairs, Department of Transportation

Private Sector Advisers

Chuck Y. Gee, School of Trade Industry Management, University of Hawaii
Donald Hawkins, Director, Tourism Program, George Washington University
Jafar Jafari, Tourism Department, University of Wisconsin

United States Delegation to the 79th Statutory Meeting of the International Council for the Exploration of the Seas (ICES), La Rochelle, France, September 26–October 4, 1991

Representative

Michael F. Tillman, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

John H. Steele, President Emeritus, Woods Hole Oceanographic Institution

Advisers

Vaughn Anthony, Chief, Conservation and Utilization Division, Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Andrew Bakun, Monterey Laboratory, National Marine Fisheries Service, Pacific Fisheries Environmental Group, National Oceanic and Atmospheric Administration, Department of Commerce
Robert V. Miller, Deputy Director, National Marine Mammal Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Steven A. Murawski, Supervisory Fishery Biologist (Research), Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Frederick M. Serchuk, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Kenneth Sherman, Chief, Fisheries Ecology Division, Northeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Michael P. Sissenwine, Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Tim Smith, Chief, Marine Mammals Investigations, Woods Hole Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
James J. Traynor, Alaska Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
James Weaver, Northeast Regional Office, Fish and Wildlife Service, Department of the Interior

Private Sector Advisers

Michael Fogarty, Woods Hole Laboratory, Woods Hole, MA
Vance Holliday, Tracor Inc., San Diego, CA
Edward D. Houde, Chesapeake Biological Laboratory, University of Maryland
Thomas Osborn, Chesapeake Bay Institution, Johns Hopkins University, Baltimore, MD
Charles H. Peterson, Institute of Marine Sciences, University of North Carolina, Chapel Hill, NC
Brian J. Rothschild, Chesapeake Biological Laboratory, University of Maryland, Solomons, MD
Herbert L. Windom, Skidaway Institute of Oceanography, Savannah, GA

United States Delegation to the Working Party on the Chemical Industry and Group of Experts on the Periodic Survey of the Chemical Industry Economic Commission for Europe (ECE) Geneva, October 1–4, 1991

Representative

Vincent J. Kamenicky, Director, Office of Chemicals and Allied Products, Department of Commerce

Private Sector Adviser

James K. O'Connor, Jr., Assistant Director of International Trade, Chemical Manufacturers Association, Washington, D.C.

United States Delegation to the 28th Meeting of the Pan American Institute of Geography and History (PAIGH) Organization of American States (OAS) Santiago, October 7–11, 1991

Representative

Clarence W. Minkel, President, PAIGH, Chairman, United States National Section, PAIGH, University of Tennessee, Knoxville, Tennessee

Alternate Representatives

Peter F. Bermel, Vice Chairman, United States National Section, PAIGH, Geological Survey, Department of the Interior
Richard D. Sanchez, Executive Secretary, United States National Section, PAIGH, Geological Survey, Department of the Interior

Advisers

Paul L. Peeler, Jr., Defense Mapping Agency, Department of Defense

Private Sector Advisers

Ernst C. Griffin, San Diego State University, San Diego, California
Frank A Hadsell, Colorado School of Mines, Golden, Colorado
John V. Lombardi, University of Florida, Gainesville, Florida

United States Delegation to the 16th Antarctic Treaty Consultative Meeting, Bonn, October 7–18, 1991

Representative

R. Tucker Scully, Director, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Raymond V. Arnaudo,
Division of Polar Affairs,
Office of Oceans Affairs,
Bureau of Oceans and International Environmental and Scientific Affairs,
Department of State

Advisers

John Behrendt, Geological Survey, Department of the Interior
Robert Hofman, Marine Mammal Commission
Jeff Kovar, Office of the Legal Adviser, Department of State
Thomas Laughlin, National Oceanic and Atmospheric Administration, Department of Commerce
Brian Muehling, Office of International Activities, Environmental Protection Agency
Jack Talmadge, Division of Polar Programs, National Science Foundation

Private Sector Advisers

Will Martin, Wilderness Society, Washington, DC
John Splettstoesser, International Association of Antarctic Tour Operations, Portland, Maine

United States Delegation to the International Lead and Zinc Study Group (ILZSG), 36th Session, Vienna, October 10–17, 1991

Representative

Robert C. Reiley, Director, Office of Metals, Minerals and Commodities, Office of the United States Trade Representative

Alternate Representative

David A. Larabee, Lead and Zinc Industry Specialist, Department of Commerce

Adviser

Robert McSwain, International Economist, International Commodities Division, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Richard Bauer, Jr., Vice President, Eastern Alloys, Maybrook, N.Y.
Salvatore Ciccolella, Vice President, Commercial, Big River Zinc, Clayton, Mo.
Jim Cowley, Director of Concentrates, Kennecott Corporation, Salt Lake City, Ut.
Michael Deelo, National Accounts Manager, Industry Adviser, Zinc Corporation of America, Monaca, Pa.
Charles Dunne, Core Buyer, Asarco, Incorporated, New York, N.Y.
Robert Flake, President, Metals Operations, Dresser Industries, Houston, Tx.
Stanley Neomonitis, Clarendon Limited, Stamford, Ct.
Malcolm Nordstrom, Manager, Smelter Sales, RSR Corporation, Dallas, Tx.
John Rense, Vice President, Resources, NANA Regional Corporation, Inc., Anchorage, Ak.
Larry Stoehr, Sales Manager, The Doe Run Company, St. Louis, Mo.

United States Delegation to the Third Session of the Governing Council of the United Nations Compensation Commission on Iraq, Geneva, October 14–18, 1991

Representative

The Honorable Morris B. Abram, Ambassador, Permanent Representative to the European Office of the United Nations, Geneva

Alternate Representative

Michael J. Matheson, Deputy Legal Adviser, Department of State

Advisers

Ronald J. Bettauer, Assistant Legal Adviser for International Claims and Investment Disputes, Department of State

John Crook, Legal Adviser, United States Mission to the United Nations, Geneva

Private Sector Adviser

J. Bryan Williams III, Mobil Sales and Supply Corporation, Fairfax, Virginia

United States Delegation to the International Natural Rubber Organization Council and Committees on Buffer Stock Operations Statistics, and Other Measures, 24th Session, Kuala Lumpur, Malaysia, October 14–23, 1991

INRO Council and Committees on Buffer Stock Operations, Statistics, and Other Measures:

Representative

Frederic W. Siesseger, Director, Primary Commodities Division, Department of Commerce

Alternate

Daniel L. Holtzman, Office of International Commodities, Department of State

Adviser

David Giesler, Economic Officer, United States Embassy, Kuala Lumpur

Committee on Administration

Representative

Daniel L. Holtzman, Office of International Commodities, Department of State

Adviser

David Giesler, Economic Officer, United States Embassy, Kuala Lumpur

Private Sector Advisers

Harold Ross Miller, Managing Director, Goodrich Co. Pvt. Ltd.

Stanley Malcom Schultz, Purchasing Director, The Firestone Tire and Rubber Company, Akron, Ohio 44317

Peter W. C. Tan, Managing Director, Goodyear Orient Private Ltd.

United States Delegation to the Committee on Commodity Problems Intergovernmental Group on Hard Fibers, 25th Session Rome, October 15–18, 1991

Representative

John J. Manger, International Economist, Primary Commodities Division, Department of Commerce

Alternate

Frank Buckholtz, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Private Sector Adviser

Loyal Leitgen, Director of International Marketing, Universal Cooperatives, Inc., Minneapolis, Minnesota

United States Delegation to the 13th Meeting OPF the Dangerous Goods Panel International Civil Aviation Organization (ICAO), Montreal, October 15–25, 1991

Representative

Frits Wybenga, International Standards Coordinator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation

Alternate Representative

Richard Boyle, Dangerous Goods and Explosives Branch, Office of Civil Aviation Security, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Samuel S. Elkind, Secretary, Restricted Articles Board, Air Transport Association of America

United States Delegation to the 26th General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, October 15–November 7, 1991

Principal Observer

Jackie Wolcott, Deputy Assistant Secretary for International Humanitarian and Social Affairs, Bureau of International Organization Affairs, Department of State

Observers

William Green, United States Observer Mission to the United Nations Educational, Scientific and Cultural Organization, Paris

Susan S. Jacobs, Director, Office of United Nations Social and Refugee Affairs, Bureau of International Organization Affairs, Department of State

David Layton, United States Observer Mission to the United Nations Educational, Scientific and Cultural Organization, Paris

Gail Dennise Mathieu, United States Observer Mission to the United Nations Educational, Scientific and Cultural Organization, Geneva

Private Sector Observer

Jacques Torczyner, New York, New York

United States Delegation to the Working Group of the Maritime Transport Committee, 40th Meeting, Organization for Economic Cooperation and Development (OECD), Paris, October 17–18, 1991

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Donald L. O'Hare, Sea-Land Corporation, Iselin, N.J.

United States Delegation to the 29th Meeting of the Administrative and Legal Committee, Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 21–22, 1991

Representative

H. Dieter Hoinkes, Office of Legislation and International Affairs, Patent and Trademark Office, United States Department of Commerce

Alternate Representative

Alan Atchly, Plant Variety Protection Office, United States Department of Agriculture

Private Sector Advisers

Edward Robinson, Chairman, Intellectual Property Rights Committee, American Seed Trade Association

Michael Roth, Pioneer Hi-Bred International Inc., Des Moines, Iowa

United States Delegation to the 10th Annual (CCAMLT) Meeting of the Commission for the Conservation of Antarctic Marine Living Resources and Scientific Committee, Hobart, Tasmania, October 21–November 2, 1991

Representative

Raymond V. Arnaudo, Division of Polar Affairs, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Kevin Chu, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John Bengtson, Northwest Marine Mammal Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce

Rennie Holt, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Polly Penhale, Program Manager, Polar Biology Program, Division of Polar Programs, National Science Foundation

Robin Tuttle, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Beth Marks, Sierra Club

United States Delegation to the 25th Session of the Council, Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 23, 1991

Representative

H. Dieter Hoinkes, Office of Legislation and International Affairs, Patent and Trademark Office, United States Department of Commerce

Alternate Representative

Alan Atchly, Plant Variety Protection Office, United States Department of Agriculture

Private Sector Advisors

Edward Robinson, Chairman, Intellectual Property Rights Committee, American Seed Trade Association

Michael Roth, Pioneer Hi-Bred International Inc., Des Moines, Iowa

United States Delegation to the 44th Session of the Consultative Committee, Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 23, 1991

Representative

H. Dieter Hoinkes, Office of Legislation and International Affairs, Patent and Trademark Office, United States Department of Commerce

Alternate Representative

Alan Atchly, Plant Variety Protection Office, United States Department of Agriculture

Private Sector Advisors

Edward Robinson, Chairman, Intellectual Property Rights Committee, American Seed Trade Association

Michael Roth, Pioneer Hi-Bred International Inc., Des Moines, Iowa

United States Delegation to the 17th Regular Session of the Assembly and 16th Extraordinary Session of the Assembly and 67th Regular Session of the Council of the International Maritime Organization (IMO), London, October 25–November 8, 1991

Representative

J. William Kime, Admiral, Commandant, United States Coast Guard, Department of Transportation

Alternate Representative

Arthur E. Henn, Rear Admiral, Chief, Office of Maritime Safety, Security and Environment Protection, U.S. Coast Guard, Department of Transportation

Congressional Staff Adviser

Michael T. Epstein, Chief Counsel, Committee on Foreign Relations, United States Senate

Advisers

Gene F. Hammel, Deputy Chief, International Affairs Staff, United States Coast Guard, Department of Transportation

John Hennessey-Niland, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State

William F. Holt, Captain, Chief, Marine Environment Protection Division, United States Coast Guard, Department of Transportation

Jan Lane, Office of Fossil Energy, Office of Planning and Environment, Department of Energy

Gary Larson, Maritime Attache, United States Embassy, London

Daniel F. Sheehan, Assistant Program Director, International Activities, Program Oversight and Research and Development, Office of Marine Safety, Security and Environment Protection, United States Coast Guard, Department of Transportation

Kay Weston, Office of UN System Budgets, Bureau of International Organization Affairs, Department of State

Private Sector Advisers

Sidney A. Wallace, Rear Admiral (Retired), Chairman, Marine Environmental Protection Committee

United States Delegation to the Ad Hoc Group Under Resolution 18, International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, October 28–November 1, 1991

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Standards and International Organizations, Bureau of International Communications and Information Policy, Department of State

Adviser

Douglas V. Davis, Attorney-Adviser, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Gary Fishman, District Manager, AT&T, Bedminster, New Jersey

Richard Holleman, Director, Standards Practices, IBM Corporation, Purchase, New York

Ralph Jensen, Bellcore, Red Bank, New Jersey

Hank Marchese, Consultant, AT&T, Bedminster, New Jersey

Robert J. Smith, Associate Director, NYNEX Corporation, White Plans, New York

Carmine Taglialatela, Jr., Head, International Standards, MCI Telecommunications Corporation, Washington, DC

United States Delegation to the 12th Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Madrid, October 28–November 15, 1991

Commissioners

The Honorable, Carmen J. Blondin, United States Commissioner (Head of Delegation), Deputy Assistant Secretary for International Interests, National Oceanic and Atmospheric Administration, Department of Commerce

The Honorable Michael B. Montgomery, United States Commissioner
The Honorable Lee Weddig, Executive Vice President, National Fisheries Institute, United States Commissioner

Congresional Staff Advisers

James McCallum, Committee on Merchant Marine and Fisheries, United States House of Representatives
Rodney Moore, Committee on Merchant Marine and Fisheries, United States House of Representatives
Jeffrey R. Pike, Committee on Merchant Marine and Fisheries, United States House of Representatives
Margaret Spring, Committee on Commerce, Science and Transportation, United States Senate

Advisers

Bradford E. Brown, Southeast Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Rodney Dalton, National Marine Fisheries Service, Department of Commerce
Brian S. Hallman, Deputy Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Katherine Rodriguez, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Rebecca Rootes, National Marine Fisheries Service, Department of Commerce
Richard Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, Department of Commerce
Richard B. Stone, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Gordon Broadhead, Fisheries Associate, LMR Fisheries Research, Inc.

United States Delegation to the Study Group XVII Working Parties (Data Transmission Over the Public Telephone Network), International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU) Geneva, Switzerland, October 29–November 6, 1991

Representative

Gary M. Ferenno, Senior Telecommunications Policy Specialist, Office of Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Adviser

Robert Fenischel, Electronics Engineer, National Communications System

Private Sector Advisers

Richard Brandt, President, D.B. Consultants, Annandale, New Jersey
Kenneth Krechmer, Consultant, Action Consulting, Palo Alto, California

United States Delegation to the CSCE Seminar of Experts on Democratic Institutions Oslo, November 4–15, 1991

Representative

The Honorable, Richard Schifter, Ambassador, Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs, Department of State

Alternate Representative

J. Sherwood McGinnis, Office of European Political and Security Affairs, Bureau of European and Canadian Affairs, Department of State

Executive Secretary

Damian Leader, Office of European Political and Security Affairs, Bureau of European and Canadian Affairs, Department of State

Congressional Adviser

The Honorable, Steny Hoyer, United States House of Representatives, Chairman, Commission on Security and Cooperation in Europe

Senior Advisers

William D. Fritts, Department of Commerce, Commissioner, Commission on Security and Cooperation in Europe
The Honorable, Loret Miller Ruppe, Ambassador, United States Embassy, Oslo

Congressional Staff Advisors

David Evans, Deputy Staff Director and Senior Advisor, Commission for Security and Cooperation in Europe
Mary Sue Hafner, Deputy Staff Director, Commission on Security and Cooperation in Europe
Erika Schlager, Staff Member, Commission on Security and Cooperation in Europe
Jeanne McNaughton, Staff Member, Commission on Security and Cooperation in Europe

Advisors

Nancy Ely-Raphel, Deputy Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs, Department of State
The Honorable, J. Kenneth Blackwell, United States Representative, United States Commission on Human Rights
Joan Benzinger, Senior Policy Officer, Bureau of Programs, United States Information Agency
Susan Biniaz, Assistant Legal Advisor for European and Canadian Affairs, Office of the Legal Advisor, Department of State
Elizabeth Barnett, Office of Multilateral Affairs, Bureau of Human Rights and Humanitarian Affairs, Department of State
John Matel, First Secretary, United States Embassy, Oslo
Ned Nolan, Second Secretary, United States Embassy, Oslo

Public Members

Thomas Burgenthal, Director, International Legal Studies Program, George Washington University, Washington, DC
John M. Elliott, Attorney, Philadelphia, PA
Elspeth D. Rostow, Professor, University of Texas, Austin, Texas
Allen Weinstein, President, Center for the Study of Democratic Institutions, Washington, DC

United States Delegation to the Chemicals Group and Management Committee 17th Joint Meeting Organization for Economic Cooperation and Development (OECD), Paris, November 10–22, 1991

Representative

Mark Greenwood, Director, Office of Toxic Substances, Environmental Protection Agency

Alternate Representative

Breck Milroy, Office of Environmental Protection, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Charles Auer, Existing Chemicals Assessment Division, Office of Toxic Substances, Environmental Protection Agency
David Ogden, Office of International Activities, Environmental Protection Agency
Jennifer Silk, Senior Health Scientist, Directorate of Health Standards, Occupational Safety and Health Administration
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frances Irwin, Conservation Foundation, Washington, DC
Kenneth Murray, Exxon Chemical Corporation, Linden, New Jersey

United States Delegation to the International Civil Aviation Organization (ICAO), 1st Meeting of the Aeronautical Mobile Communications Panel (AMCP), Montreal, November 14–22, 1991

Representative

Joseph J. Fee, Manager, Oceanic System, Systems Engineering Service, Federal Aviation Administration, Department of Transportation

Alternate Representative

Victor Foose, Manager, Frequency Engineering Branch, Federal Aviation Administration, Department of Transportation

Advisers

Robert L. Hinkle, Manager, Spectrum Engineering Branch, Department of Commerce
Yaroslav Kaminsky, Special Assistant, Satellite Communications Program, Aircraft/CNS Systems Development Division, Federal Aviation Administration, Department of Transportation
Robert D. Till, Technical Program Manager, Airborne Systems Technology Branch, Federal Aviation Administration Technical Center, Federal Aviation Administration, Department of Transportation
Marcus Wolf, International Liason Staff, Federal Communications Commission

Private Sector Advisers

Lawrence Chesto, Director, Telecommunications Systems, Aeronautical Radio Inc., Annapolis, Maryland

United States Delegation to the Committee on Tungsten 23rd Session United Nations Conference on Trade and Development (UNCTAD), Geneva, November 18–22, 1991

Representative

David A. Cammarota, Industry Specialist, Department of Commerce

Adviser

Gerald R. Smith, Bureau of Mines, Department of Interior

Private Sector Adviser

Peter Johnson, Vice President, Refractory Metals Association, Princeton, N.J.

United States Delegation to the 6th Session of the Joint Intergovernmental Oceanographic Commission (IOC)/ World Meterological Organization (WMO), Working Committee for the Integrated Global Ocean Services System (IGOSS V), UN Educational, Scientific and Cultural Organization (UNESCO), Geneva, November 18–27, 1991

Representative

John J. Carey, Acting Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Richard Hayes, Head, Office of Interagency Programs, Oceanographer of the Navy, Department of Defense

Advisers

Dana Kester, Global Ocean Observing System Coordinator, Office of the Chief Scientist, National Oceanic and Atmospheric Administration, Department of Commerce
Gregory Withee, Director, National Oceanographic Data Center, National Environmental Satellite, Data, and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce
William Woodward, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce
Vincent Zegowitz, Marine Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Warren White, Oceanographer, Scrips Institute of Oceanography, University of California/San Diego, La Jolla, California

United States Delegation to the International Rubber Study Group (IRSG), Yaounde, Cameroon, November 19–23, 1991

Representative

Frederic W. Siesseger, Director, International Commodities Division, Department of Commerce

Alternate Representative

Daniel L. Holtzman, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Adviser

Daphne Titus, Economic Officer, United States Mission, Yaounde

Private Sector Advisers

Mark Blitstein, Vice President for Purchasing, Goodyear Tire and Rubber, Akron, Ohio
Patricia A. Bovino, Cargill Inc., Staten Island, NY

United States Delegation to the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Program Economic and Social Council (ECOSOC), Paris, (Versailles), November 21–23, 1991

Representative

John R. Bolton, Assistant Secretary, Bureau of International Organization Affairs, Department of State

Advisers

Drew Arena, Director, Office of International Affairs, Criminal Division, Department of Justice
Michael DeFeo, Special Counsel for International Programs, Criminal Division, Department of Justice
Geoffrey Greiveldinger, Associate Deputy Attorney General, Department of Justice
Thomas A. Johnson, Deputy Assistant Legal Adviser, Law Enforcement and Intelligence, Office of the Legal Adviser, Department of State
Beverly Zweiben, Deputy Director, Office of Human Rights and Women's Affairs, Bureau of International Organization Affairs, Department of State

Private Sector Adviser

Ronald L. Gainer, Senior Partner, Gainer, Rient and Hotis, Counselors at Law, (U.S. Member, UN Committee on Crime Prevention and Control)

United States Delegation to the 5th Negotiating Session of the Biological Diversity Convention United Nations Environmental Program (UNEP), Geneva, November 25–December 4, 1991

Representative

Eleanor W. Savage, Director, Office of Ecology, Health and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

John D. Buffington, Director of Research and Development, Fish and Wildlife Service, Department of Interior

Advisers

John K. Atchley, Permanent Representative to UNEP, United States Embassy, Nairobi

Luther V. Giddings, Staff Geneticist, Animal and Plant Health Inspection Service, Department of Agriculture
James O'Brien, Office of the Legal Advisor, Department of State
Robert Szaro, Forest Service Research, Department of Agriculture

Private Sector Adviser

Don Maclauchlen, International Association of Fish and Wildlife Agencies, Annapolis, Maryland

United States Delegation to the Joint Working Group of the Committee on Capital Movements and Invisible Transactions (CMIT), November 26–27 and Insurance Committee 48th Session November 28–29, 1991 Organization for Economic Cooperation and Development (OECD), Paris, November 26–29, 1991

Representative

Wray O. Candilis, Acting Director, Office of Service Industries, International Trade Administration, Department of Commerce

Adviser

James Heg, United States Mission to the Organization for Economic Cooperation and Development, Paris

Private Sector Advisers

Janet Belkin, Chairperson, International Committee, American Council of Life Insurance, Merrick, N.Y.
David M. Hupp, President, Company UNAT, Paris
Hans Miller, Hartford International Insurance Co. SA–NV, Brussels, Belgium
David Walsh, Director, Insurance Division, Department of Commerce, State of Alaska, Anchorage, Alaska

United States Delegation to the International Tropical Timber Organization (ITTO), 11th Session Yokohama, Japan, November 28–December 4, 1991

Representative

Milton Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Stephanie Caswell, Office of the Environment, Department of State
Diane Tasnadi, International Economist, Department of Commerce

Advisers

Twig Johnson, United States Agency for International Development, Washington, DC
Gary Lindell, United States Forest Service, Department of Agriculture
Michael Martin, Director, International Affairs, United States Forest Service, Department of Agriculture
Franklyn Moore, Environmental Protection Agency, Washington, DC

Private Sector Advisors

Wendy Baer, Executive Director, International Hardwood Products Association, Alexandria, Virginia
Richard Forrest, National Wildlife Federation, Washington, DC

United States Delegation to the Committee for Information Computer and Communications Policy (ICCP), Working Party on Telecommunications and Information Services Policies (TISP), Organization for Economic Cooperation and Development (OECD), Paris, December 2–3, 1991

Representative

Timothy C. Finton, Counsellor for Telecommunications Trade, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Amy Winton, Economist, Bureau of Economic and Business Affairs, Department of State

Advisers

Carol Balassa, Director, Telecommunications Services, Office of the United States Trade Representative
Mary Inoussa, Office of Service Industries, International Trade Administration, Department of Commerce
William Kirsch, Common Carrier Bureau, Federal Communications Commission
Suzanne Settle, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Rhonda Crane, Director, Federal Government Affairs, AT&T, Washington, DC
Marcel Scheidegger, MCI Telecommunications Corporation, Rye Brook, New York
Carmine Taglialatela, Jr., Executive Staff, International Regulatory Affairs, MCI Telecommunications Corporation, Washington, DC

United States Delegation to the Preparation of the Meeting of Ministers of Environment and of Development Organization for Economic Cooperation and Development (OECD), Paris, December 2–3, 1991

Representatives

The Honorable William K. Reilly, Administrator, Environmental Protection Agency
The Honorable Ronald W. Roskens, Administrator, Agency for International Development

Alternate Representative

The Honorable Curtis Bohlen, Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
The Honorable Alan P. Larson, United States Representative to the United States Mission to the Organization for Economic Cooperation and Development, Paris

Advisers

Timothy Atkeson, Assistant Administrator for International Activities, Environmental Protection Agency
Richard Bissell, Assistant Administrator for Science and Technology, Agency for International Development
Gray Castle, Counsellor to the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce
Kathryn Morgan, Director of Policy, Agency for International Development
Robert Reinstein, Deputy Assistant Secretary of State for Environment Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
The Honorable Robert Ryan, United States Coordinator for the United Nations Conference on Environment and Development, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Jeff Schweitzer, Chief Environmental Officer, Agency for International Development
Sandra Vogelgesang, Deputy Assistant Administrator for International Activities, Environmental Protection Agency

Private Sector Adviser

Scott Hajost, Senior Attorney, Environmental Defense Fund

United States Delegation to the Working Party of the Steel Committee Organization for Economic Cooperation and Development (OECD), Paris, December 2–3, 1991

Representative

Robert Reiley, Director, Office of Metals, Minerals, and Commodities, Department of Commerce

Alternate

Barbara W. Males, Commodity Industry Specialist, Office of Basic Industries, Department of Commerce

Advisers

Carole Jackson, Office of Special Trade Activities, Bureau of Economic and Business Affairs, Department of State
Kathy McNamara, Office of Agreements and Compliance, Department of Commerce
Jane Richards, International Economist, Department of Labor
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Senior Vice President, American Iron and Steel Institute, Washington, DC
Peter Mulloney, Vice President and Assistant to Chair, USS Corporation
John Sheehan, Legislative Director, United Steelworkers, AFL–CIO, Washington, DC

United States Delegation to the International Coffee Organization (ICO), London, December 2–6, 1991

Representative

Dan Cruz-DePaula, Acting Director for International Commodity Agreements and Enterprise for the Americas Initiative Coordinator, Office of the Trade Representative, Executive Office of the President

Alternate Representative

William A. Weingarten, Director, Office of Food Policy Programs, Bureau of Economic and Business Affairs, Department of State

Advisers

Rober Windsor, First Secretary, American Embasy, London

Private Sector Advisers

George E. Boecklin, President, National Coffee Association, New York, NY
David A. Brown, Director of Green Coffee Operations, Kraft General Foods, White Plains, NJ
Steven Gluck, Vice President, Cargill Coffee Department, Cargill Inc., Liberty Corner, NJ
John Sutherland, Division of Quaker Oats Corporation, Continental Coffee, Chicago, IL
Richard L. Thompson, Vice President, Commodities Nestle Beverage Company, San Francisco, CA

United States Delegation to the Tenth Session of the Commission for Agricultural Meteorology World Meteorology Organization (WMO), Geneva, December 2–13, 1991

Representative

Norton D. Strommen, Chief Meteorologist, World Agricultural Outlook Board, Department of Agriculture

Alternate Representative

Michael S. Uhart, Agricultural Program Leader, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Advisers

Raymond P. Motha, World Agricultural Outlook Board, Department of Agriculture

Private Sector Advisor

Edward T. Kanemasu, Chairman, Department of Agronomy, University of Georgia, Griffin, Georgia

United States Delegation to the International Civil Aviation Organization (ICAO), Second Meeting of the Committee on Aviation Environmental Protection, Montreal, December 2–14, 1991

Representative

Louise E. Maillet, Director, Environment and Energy, Federal Aviation Administration, Department of Transportation

Alternate Representative

Nicholas P. Krull, Manager, Technology Division, Federal Aviation Administration, Department of Transportation

Advisers

Robert E. Anderson, Assistant Director, National Aeronautics and Space Administration
James Erickson, Manager, Rotorcraft Directorate, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation
Kenneth Jones, General Engineer, Federal Aviation Administration, Department of Transportation
James Skalecky, Environmental Engineer, Federal Aviation Administration, Department of Transportation
Howard Wesoky, Program Manager, High Speed Civil Transport Research and Technology, National Aeronautics and Space Administration

Private Sector Advisers

Charles Cox, Bell Helicopter, Fort Worth, Texas
Stan Green, General Aviation Manufacturers Association, Washington, DC
John Little, The Boeing Company, Seattle, Washington
James McCann, Pratt & Whitney, East Hartford, CT
John Meenan, Aviation Transportation Association, Washington, DC

United States Delegation to the General Assembly of the Bureau of International Expositions (BIE), Seveille, Spain—December 11–12, 1991

Representative

David Edgell, Director, Office of Policy and Planning, Travel and Tourism Administration, Department of Commerce

Adviser

William K. Jones, Director, Exhibits Service, United States Information Agency

Private Sector Advisers

Fred Baehner, Executive Director, Expo 92 Kansas City/Seville, Kansas City, Missouri
Richard Berkley, International Director for Kansas City, Kansas City, Missouri
Jody Edgerton, President, Expo 92 Kansas City/Seville, Kansas City, Missouri
Todd Haenisch, Vice President, Creative Travel, Kansas City, Missouri

United States Delegation to the Maritime Transport Committee (December 17–18) and Informal Meeting of the Maritime Transport Committee and Representatives of the Dynamic Asian Economies (December 18–19) Organization for Economic Cooperation and Development (OECD), Paris, December 17–19, 1991

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, NY
Donald L. O'Hare, Sea-Land Corporation, Iselin, NJ
Peter Prowitt, American President Corporation, Washington, DC

United States Delegation to the 23rd Session of the Subcommittee on Lifesaving, Search and Rescue International Maritime Organization (IMO), London, January 13–17, 1992

Representative

Robert L. Markle, Jr., Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Dan E. Lemon, Search and Rescue Division, Office of Navigation Safety and Waterways Services, United States Coast Guard, Department of Transportation

Advisers

Kurt J. Heinz, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation
Edward J. McCauley, Lieutenant Commander, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation
Samuel E. Wehr, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Advisers

Margaret M. McMillan, President, McMillan Offshore Survival Technology, Lafayette, Louisiana
James Karl Nelson, Jr., Associate Professor and Program Director, Clemson University, Master of Engineering Program at the Citadel

United States Delegation to the 5th Session of the Joint World Meteorological Organization (WMO), and UN Educational, Scientific and Cultural Organization (UNESCO), Intergovernmental Oceanographic Commission (IOC), Intergovernmental Board on the Tropical Ocean and Global Atmosphere (TOGA), Paris, January 14–17, 1992

Representative

Kenneth Mooney, Director, TOGA Project Office, Office of Global Programs, World Agricultural Outlook Board, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Donna Blake, Associate Program Director for Climate Dynamics, Division of Atmospheric Sciences, National Science Foundation

Advisers

James L. Buizer, Head of International Activities, Office of Global Programs, National Oceanic and Atmospheric Administration
J. Michael Hall, Director, Office of Global Programs, National Oceanic and Atmospheric Administration

Private Sector Advisor

Edward Sarachik, Research Professor of Atmospheric Sciences, Department of Atmospheric Sciences, University of Washington, Seattle, WA

United States Delegation to the 7th Session of the Joint UNESCO/IOC/WMO/CPPS Working Group on the Investigations of "El Nino" UN Educational, Scientific and Cultural Organization (UNESCO), Intergovernmental Oceanographic Commission (IOC), Cartagena, January 16–18, 1992

Representative

Donald Hansen, Director, Physical Oceanography Division, Atlantic Oceanographic and Metereological Laboratory, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

James L. Buizer, Head, International Activities, National Oceanic and Atmospheric Administration, Department of Commerce

Adviser

Todd P. Mitchell, Goddard Space Flight Center, NASA

Private Sector Adviser

Nicholas E. Graham, Assistant Research Meteorologist, Scripps Institution of Oceanography, La Jolla, CA 92093

United States Delegation to the Tenth Special Session of the International Natural Rubber Council, Kuala Lumpur, Malaysia, January 21–24, 1992

Representative

Frederic W. Siesseger, Director, Primary Commodities Division, Department of Commerce

Alternate

Daniel L. Holtzman, Office of International Commodities, Department of State

Adviser

David Giesler, Economic Officer, United States Embassy, Kuala Lumpur

Private Sector Advisers

Harold Ross Miller, Managing Director, Goodrich Co. Pvt. Ltd.
Stanley Malcom Schultz, Purchasing Director, The Firestone Tire and Rubber Company, Akron, Ohio
Richard Alan Stauffer, Director, Cargill, Inc., Minnetonka, MN
Peter W.C. Tan, Managing Director, Goodyear Orient Private Ltd.

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federal register

Wednesday
March 4, 1992

Part III

The President

Proclamation 6407—Year of the American Indian, 1992

Federal Register
Vol. 57, No. 43
Wednesday, March 4, 1992

Presidential Documents

Title 3—

The President

Proclamation 6407 of March 2, 1992

Year of the American Indian, 1992

By the President of the United States of America

A Proclamation

Half a millennium ago, when European explorers amazed their compatriots with stories of a New World, what they actually described was a land that had long been home to America's native peoples. In the Northeast part of this country and along the Northwest coast, generations of tribes fished and hunted; others farmed the rich soils of the Southeast and Great Plains, while nomadic tribes roamed and foraged across the Great Basin. In the arid Southwest, native peoples irrigated the desert, cultivating what land they could. Each tribe formed a thriving community with its own customs, traditions, and system of social order.

The contributions that Native Americans have made to our Nation's history and culture are as numerous and varied as the tribes themselves. Over the years, they have added to their ancient wealth of art and folklore a rich legacy of service and achievement. Today we gratefully recall Native Americans who helped the early European settlers to survive in a strange new land; we salute the Navajo Code Talkers of World War II and all those Native Americans who have distinguished themselves in service to our country; and we remember those men and women of Indian descent—such as the great athlete, Jim Thorpe and our 31st Vice President, Charles Curtis—who have instilled pride in others by reaching the heights of their respective fields. We also celebrate, with special admiration and gratitude, another enduring legacy of Native Americans: their close attachment to the land and their exemplary stewardship of its natural resources. In virtually every realm of our national life, the contributions of America's original inhabitants and their descendants continue.

During 1992, we will honor this country's native peoples as vital participants in the history of the United States. This year gives us the opportunity to recognize the special place that Native Americans hold in our society, to affirm the right of Indian tribes to exist as sovereign entities, and to seek greater mutual understanding and trust. Therefore, we gratefully salute all American Indians, expressing our support for tribal self-determination and assisting with efforts to celebrate and preserve each tribe's unique cultural heritage.

The Congress, by Public Law 102–188, has designated 1992 as the "Year of the American Indian" and has authorized and requested the President to issue a proclamation in observance of this year.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim 1992 as the Year of the American Indian. I encourage Federal, State, and local government officials, interested groups and organizations, and the people of the United States to observe this year with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-5245
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Thursday
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March 5, 1992

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. 84F-0345]

Food Additives Permitted in Feed and Drinking Water of Animals; Poly(2-Vinylpyridine-Co-Styrene)

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of poly(2-vinylpyridine-co-styrene) as a coating agent in the preparation of rumen-stable, abomasum-dispersible nutrients for beef cattle. The agency is taking this action in response to a petition sponsored by Rhone-Poulenc Nutrition Animale. (The petition was originally filed by Eastman Chemical Division, Eastman Kodak Co.)

DATES: Effective March 5, 1992; written objections and requests for a hearing by April 6, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Woodrow M. Knight, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8731.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 26, 1984 (49 FR 43111), FDA announced that a food additive petition (FAP 2197) had been filed by Eastman Chemical Division, Eastman Kodak Co., P.O. Box 511, Kingsport, TN 37662, proposing that the food additive regulations in 21 CFR part 573 be amended to provide for the safe use of poly(2-vinylpyridine-co-styrene) as a coating agent in the preparation of rumen-stable, abomasum-dispersible nutrient products for beef cattle. The sponsor of FAP 2197 is currently Rhone-Poulenc Nutrition Animale, 20, Avenue Raymond Aron, 92165 Antony Cedex-France.

When the petition was filed, the environmental assessment was not placed on display. For this reason, FDA subsequently published in the **Federal Register** of October 31, 1991 (56 FR 56079), a notice of availability of the environmental assessment for public examination and comment. No comments were received in response to that notice.

FDA has evaluated the data and information in the petition and other relevant material. The agency concludes that 21 CFR part 573 should be amended to provide for the safe use of poly(2-vinylpyridine-co-styrene) as set forth below.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Veterinary Medicine (address above) by appointment with the contact person listed above. As provided in § 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 6, 1992, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

1. The authority citation for 21 CFR part 573 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. New § 573.870 is added to Subpart B to read as follows:

§ 573.870 Poly(2-vinylpyridine-co-styrene).

The food additive poly(2-vinylpyridine-co-styrene) may be safely used as nutrient protectant in feed for beef cattle when used in accordance with the following conditions:

(a) The additive meets the following specifications:

Component/property	Limitation
Inherent viscosity	1.0 deciliter per gram.[1]
Styrene moiety	40 percent maximum.
2-Vinylpyridine moiety	60 percent maximum.

Component/property	Limitation
Residual styrene	200 parts per billion maximum.
Residual 2-vinylstyrene	200 parts per billion maximum.
Heavy metals such as lead.	<10 parts per million.
Arsenic	<3 parts per million.

[1] Inherent viscosity of a 0.25 percent (weight/volume) solution in dimethylformamide.

(b) The additive is used in the manufacture of rumen-stable, abomasum-dispersible nutrient(s) for beef cattle such that the maximum use of the additive from all sources does not exceed 5.1 grams per head per day. The additive may be used to protect the following nutrients:

(1) *Methionine.* The resulting product must contain a maximum of 10 percent poly(2-vinylpyridine-co-styrene) by weight and a minimum of 55 percent methionine by weight. The coated methionine must be established through in vitro tests to be at least 90 percent rumen-stable, of which at least 90 percent is subsequently dispersible under abomasal conditions.

(2) *Methionine and lysine.* The resulting product must contain a maximum of 10 percent poly(2-vinylpyridine-co-styrene) by weight and a minimum of a combined total of 55 percent methionine and lysine by weight. The coated methionine and lysine must be established through in vitro tests to be at least 90 percent rumen-stable, of which at least 90 percent is subsequently dispersible under abomasal conditions.

(c) *Label and labeling.* To ensure safe use of the additive, the label and labeling of the additive and of any feed additive supplement, feed additive concentrate, feed additive premix, or liquid feed supplement prepared therefrom, shall bear, in addition to the other information required by the Federal Food, Drug, and Cosmetic Act, the following:

(1) The name of the additive.

(2) A statement of the concentration of poly(2-vinylpyridine-co-styrene) in any product or mixture.

(3) Adequate directions for the use of the rumen-stable, abomasum-dispersible nutrient(s) products.

(4) The following statement: "Warning: Maximum use of poly(2-vinylpyridine-co-styrene) from all sources is not to exceed 5.1 grams per head per day."

Dated: February 28, 1992.

Richard H. Teske,

Deputy Director, Center for Veterinary Medicine.

[FR Doc. 92-5172 Filed 3-4-92; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

28 CFR Part 0

Redelegation of Functions; Delegation of Authority to Drug Enforcement Administration Official

AGENCY: Drug Enforcement Administration (DEA), DOJ.

ACTION: Final rule.

SUMMARY: The Administrator of the Drug Enforcement Administration, United States Department of Justice, is amending the Appendix to subpart R of these regulations to redelegate certain functions and authority which were vested in him by the Anabolic Steroids Control Act of 1990.

EFFECTIVE DATE: March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Gene R. Haislip, Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Telephone number: (202) 307-7165.

SUPPLEMENTARY INFORMATION: The Anabolic Steroids Control Act of 1990, Title XIX, of the Crime Control Act of 1990, (ASCA), Public Law 101-647 placed anabolic steroids in Schedule III of the Controlled Substances Act (CSA) (21 U.S.C. 801, et seq.) effective February 27, 1991. The ASCA provides relief from certain regulatory requirements imposed on Schedule III substances for steroid products which do not contribute to the drug abuse problem. The products which are afforded such special treatment under the CSA are those which are expressly intended for administration through implants to cattle or other nonhuman species and are approved for such use by the Secretary of Health and Human Services and other products which, because of their concentration, preparation, mixture, or delivery system, have no significant potential for abuse.

The Attorney General has delegated his functions under the CSA to the Administrator of the Drug Enforcement Administration. See, 21 U.S.C. 871(a) and 28 CFR 0.100(b). Pursuant to this delegation, the Administrator of DEA has promulgated final regulations regarding the procedures by which these products would be identified. These regulations were published at 56 FR 42935 on August 30, 1991, and became effective on September 30, 1991. See, 21 CFR 1308.25, 1308.26, 1308.33, and 1308.34.

The Attorney General has authorized the Administrator to redelegate any of his functions under the CSA to any of his subordinates. See, 28 CFR 0.104. To further enhance the enforcement of the ASCA and these attendant regulations, the Administrator is further delegating to the Deputy Assistant Administrator, Office of Diversion Control, the authority to exclude or exempt certain eligible products containing anabolic steroids from certain regulatory aspects of the CSA, except that any final order following a contested proposed rulemaking shall be issued by the Administrator of DEA.

The Administrator certifies that this action will have no impact upon entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601). Pursuant to sections 1(a)(3) and 1(b) of E.O. 12291, this action is not a major rule and relates only to the organization of functions within DEA. Accordingly, it has not been reviewed by the Office of Management and Budget and does not require certification under E.O. 12778. This action has been analyzed in accordance with E.O. 12616. It has been determined that this matter has no federalism implications which would warrant the preparation of a federalism assessment.

List of Subjects in 28 CFR Part 0

Authority delegations (Government Agencies), Organization and functions (Government Agencies).

For the reasons set forth above, and pursuant to the authority vested in the Administrator of the Drug Enforcement Administration by 28 CFR 0.100 and 0.104, and 21 U.S.C. 871, title 28 of the Code of Federal Regulations, part 0, appendix to subpart R, Redelegation of Functions, is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301, 2303; 8 U.S.C. 1103, 1427(g); 15 U.S.C. 644(k); 18 U.S.C. 2254, 3621, 3622, 3624, 4001, 4041, 4042, 4044, 4082, 4201 et seq., 4241 et seq., 6003(b); 21 U.S.C. 871, 876(a), 881(d), 904, 965; 22 U.S.C. 263a, 1621-1645o, 1622 note; 28 U.S.C. 509, 510, 515, 524, 542, 543, 552, 552a, 569; 31 U.S.C. 1108; 50 U.S.C. App. 2001-2017p; Pub. L. 91-513, sec. 501; E.O. 11919; E.O. 11267; E.O. 11300.

2. The appendix to subpart R is amended as follows:

Appendix to Subpart R—Redelegation of Functions

a. Section 7 is amended by revising paragraph (g) to read as follows:

Sec. 7. Promulgation of Regulations

* * * * *

(g) The following sections of part 1308: §§ 1308.21 and 1308.22 relating to excluded nonnarcotic substances; §§ 1308.23 and 1308.24 relating to exempt chemical preparations; §§ 1308.25 and 1308.26 relating to excluded veterinary anabolic steroid implant products; §§ 1308.31 and 1308.32 relating to exempted prescription products; and §§ 1308.33 and 1308.34 relating to exempt anabolic steroid products, except that any final order following a contested proposed rulemaking shall be issued by the Administrator of DEA.

* * * * *

Dated: February 27, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-5066 Filed 3-4-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1926

[Docket No. H-033d]

RIN 1218-AA26

Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Extension of partial stay and amendment of final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is hereby extending the partial administrative stay of the revised final standards for occupational exposure to asbestos, tremolite, anthophyllite and actinolite for general industry (29 CFR 1910.1001) and construction (29 CFR 1926.58), insofar as they apply to occupational exposure to non-asbestiform tremolite, anthophyllite and actinolite. The current partial stay, originally set to expire on April 21, 1987 and extended until February 28, 1992 is being further extended until May 30, 1992 to allow OSHA to complete supplemental rulemaking limited to the issue of whether non-asbestiform tremolite, anthophyllite and actinolite should continue to be regulated in the same standard as asbestos, or should be treated in some other way. OSHA also is making minor conforming amendments to notes to the affected standards.

DATES: *Effective Date:* February 28, 1992. The partial stay of 29 CFR 1910.1001 and 1926.58 is extended until May 30, 1992.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: In June 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite for general industry and construction which were to be effective on July 21, 1986. (See 51 FR 22612 et. seq., June 20, 1986).

On October 17, 1986, OSHA published a partial stay of the revised standards insofar as they apply to occupational exposure to non-asbestiform tremolite, anthophyllite and actinolite, in order to enable the Agency to review new submissions raising questions about the appropriateness of regulating these minerals in the revised asbestos standards, and to allow sufficient time to reopen the rulemaking record and conduct supplemental rulemaking proceedings limited to this issue (51 FR 37002).

OSHA extended the stay until July 21, 1988 in a notice published on April 30, 1987 (52 FR 15722), until July 21, 1989, in a notice published on July 20, 1988 (53 FR 27345), and again until November 30, 1990, in a notice published on July 21, 1989 (54 FR 30704).

The last extension was issued in order to allow OSHA sufficient time to conclude rulemaking on whether and how to regulate the non-asbestiform minerals at issue.

Subsequently, on February 12, 1990 OSHA published a notice of proposed rulemaking (55 FR 4938) to amend the asbestos standards (29 CFR 1910.1001, 1926.58) to remove non-asbestiform tremolite, anthophyllite and actinolite from their scope.

Public hearings were held in Washington, DC, May 8-14, 1990. At the close of the hearings, the Administrative Law Judge set the following deadlines for participants to send material to OSHA: June 28, 1990 for the submission of additional information and July 23, 1990 for submission of comments, summations and briefs.

After the close of the post-hearing comment periods, the American Thoracic Society (ATS) submitted a report to the record concerning the health risks of non-asbestiform tremolite, actinolite and anthophyllite (Ex. 525). The Agency set an additional period, later extended to December 14, 1990, to enable the public to submit written comments and analyses on all issues raised in the ATS report. (See 55 FR 40677, 55 FR 46958).

The Agency has evaluated the rulemaking record to determine whether it supports the proposal to remove the non-asbestiform minerals from the scope of the asbestos standards. To date, the record consists of 526 exhibits, 24 comments, transcripts of the five day rulemaking hearing, and additional submissions relating to the ATS report.

Because of the size of the record and the complexity of the issues, the Agency's review of the rulemaking record had taken longer than anticipated. Additional time will be needed to complete the inter-departmental review process. The formulation of a final regulatory determination is now expected to be completed by May 30, 1992. Thus, an extension of the stay until May 30, 1992 is necessary to conclude the rulemaking on the regulation of non-asbestiform tremolite, anthophyllite and actinolite.

As was the case with the initial partial stay, the 1972 standard governing occupational exposure to asbestos (redesignated 29 CFR 1910.1101) will remain in effect to the extent of the stay during the period of the extension.

The full text of the stay with respect to these non-asbestiform minerals was published in the October 17, 1988 **Federal Register** (51 FR 37002).

With respect to the extension of the partial stay, OSHA finds that advance notice and opportunity for comment are impractical and unnecessary within the meaning of 5 U.S.C. 553 in view of the limited duration of the extension and the continued applicability of the 1972 standard (29 CFR 1910.1101) to cover the gaps in coverage created by the partial stay.

The minor amendments to the notes to 29 CFR 1910.1001, 1910.1101, and 1926.58, similarly are made without advance notice and opportunity for comment. OSHA finds such process unnecessary and impracticable in that the changes merely reference the extension of the stay and restate the applicability of the 1972 standard. No evidentiary issues are involved.

List of Subjects in 29 CFR Parts 1910 and 1926

Asbestos, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

It is issued pursuant to sections 4, 6(b), 6(c) and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), the Longshore and Harbor Workers Compensation Act (33 U.S.C. 941), 29 CFR part 1911, Secretary of Labor's Order No. 1–90 (55 FR 9033), as applicable.

Signed at Washington, DC, this 28th day of February 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

Amended Standards

Part 1910 of title 29 of the Code of Federal Regulations is hereby amended as follows:

PART 1910—[AMENDED]

1. The authority citation for subpart Z of part 1910 continues to read as follows:

Authority: Sections 6 and 8, Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033) as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, 29 U.S.C. 655(b), except those substances listed in the Final Rule Limits columns of Table Z–1–A, which have identical limits listed in the Transitional Limits columns of Table Z–1–A, Table Z–2 or Table Z–3. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, the Transitional Limits columns of Table Z–1–A, Table Z–2, and Table Z–3 also issued under 5 U.S.C. 553. Section 1910.1000, Tables Z–1–A, Z–2 and Z–3 not issued under 29 CFR 1911 except for the arsenic, benzene, cotton dust, and formaldehyde listings.

Section 1910.1001 also issued under section 107 of Contract Work Hours and Safety Standards Act, 40 U.S.C. 333.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 653.

Section 1910.1003 through 1910.1018 also issued under 29 CFR 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553.

Section 1910.1028 also issued under 29 U.S.C. 653.

Section 1910.1043 also issued under 5 U.S.C. 551 et seq.

Section 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Section 1910.1048 also issued under 29 U.S.C. 653.

Sections 1910.1200, 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

§ 1910.1001 [Amended]

2. Section 1910.1001 is hereby amended by revising the note after appendix H to § 1910.1001 to read as follows:

Note: Pursuant to an administrative stay effective July 21, 1986, published on October 17, 1986 (51 FR 37002), extended to July 21, 1988 (52 FR 15722), to July 21, 1989 (53 FR 27345), to November 30, 1990 (54 FR 30704), to August 31, 1991 (55 FR 50685) to February 28, 1992 (56 FR 43699), and to May 30, 1992 (57 FR _____), enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

3. Section 1910.1101 is hereby amended by revising the note preceding § 1910.1101(a) to read as follows:

§ 1910.1101 Asbestos.

Note: This section applies in lieu of the revised standards governing occupational exposure to asbestos, tremolite, anthophyllite and actinolite (29 CFR 1910.1001; 29 CFR 1926.58), during the period and to the extent that the revised standards have been partially stayed. (See 51 FR 37002, October 17, 1986; 52 FR 15722, April 30, 1987; 53 FR 27345; July 20, 1988; and 54 FR 30704, July 21, 1989; and 55 FR 50865; December 10, 1990; 56 FR 43699, September 4, 1991; and 57 FR _____, March _____, 1992, for a description of the stay).

Part 1926 of the Code of Federal Regulations is hereby amended as follows:

PART 1926—[AMENDED]

Subpart D—[Amended]

4. The authority citation for subpart D of part 1926 continues to read as follows:

Authority: Secs. 4, 6 and 8, Occupational Safety and Health Act of 1970, (29 U.S.C. 653, 655, 657) Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act), 40 U.S.C. 333, and Secretary of Labor's Orders 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736) or 1–90 (55 FR 9033), as applicable. Sections 1926.55(c) and 1926.58 also issued under 29 CFR part 1911.

§ 1926.58 [Amended]

5. Section 1926.58 is hereby amended by revising the note at the end of the section to read as follows:

Note to § 1926.58—Pursuant to an administrative stay effective July 21, 1986, published October 17, 1986 (51 FR 37002), extended to July 21, 1988 (at 52 FR 1577, April 30, 1987), to July 21, 1989 (53 FR 27345, July 20, 1988) to November 30, 1990 (54 FR 30704; July 21, 1989), to August 31, 1991, (55 FR 50685, December 10, 1990), and to February 28, 1992 (56 FR 43699, September 4, 1991), and to May 30, 1992 (57 FR _____), enforcement of this section is stayed as it applies to non-asbestiform tremolite, anthophyllite and actinolite. During the period and to the extent of this stay, the 1972 standard governing occupational exposure to asbestos (redesignated as 29 CFR 1910.1101) will remain in effect.

[FR Doc. 92–5109 Filed 3–4–92; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 155

[DoD Directive 5220.6]

Defense Industrial Personnel Security Clearance Program; Correction

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; correction.

SUMMARY: On February 14, 1992 (57 FR 5383), the Department of Defense published a final rule, "Defense Industrial Personnel Security Clearance Program". This document corrects the effective date for 32 CFR part 155. The correction is made to inform persons that the cases that have already begun must be completed in accordance with the legal authority under which they were initiated.

FOR FURTHER INFORMATION CONTACT: Mr. L. Schachter, telephone (703) 696–4598.

Accordingly, the effective date for 32 CFR part 155 is corrected as follows:

EFFECTIVE DATE: This document is effective March 16, 1992. Those cases in which a statement of reasons has been issued prior to the effective date of March 16, 1992 shall be concluded in accordance with 32 CFR part 155 in the July 1, 1991 edition of the Code of Federal Regulations.

Dated: February 27, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–5131 Filed 3–4–92; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGDS–92–003]

Drawbridge Operation Regulations; Bohemia River, Cayots, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule—revocation.

SUMMARY: This amendment removes the regulations for the bridge across the Bohemia River, mile 4.0, Cayots, Maryland, because the bascule bridge has been removed. A notice of proposed rulemaking has not been issued for this regulation because removal of the bridge eliminates all need for regulation.

DATES: This final rule becomes effective on March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Linda L. Gilliam, Project Officer, and LT Monica L. Lombardi, Project Attorney.

Discussion of Final Rule

The bascule bridge across the Bohemia River, mile 4.0 in Cayots, Maryland, was replaced by a high level fixed bridge along the same alignment. The existing bridge has been removed making it necessary to revoke 33 CFR 117.545. This action has no economic consequences. It merely revokes regulations for a swing bridge that no longer exists.

Regulatory Evaluation

This action is considered non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Since there is no economic impact, a full regulatory evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether final rules will have a significant economic impact; on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). Nevertheless, the Coast Guard certifies that this action will not have a significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

§ 117.545 [Removed]

2. Section 117.545 is removed.

Dated: February 14, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 92–5003 Filed 3–4–92; 8:45 am]

BILLING CODE 4510–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 5

[GEN Docket No. 90–217; FCC 92–57]

Establishment of Procedures to Provide a Preference to Applicants Proposing an Allocation for New Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action establishes a deadline for the submission of pioneer's preference requests, clarifies certain aspects of the pioneer's preference rules and, under certain circumstances, permits an innovative party to claim a pioneer's preference for a new communications service or technology without filing a petition for rule making. The objective of the action is to refine the Commission's pioneer's preference rules to encourage parties to come forward with innovative proposals for new communications services and technologies. The action is taken in response to five petitions for reconsideration of the Commission's Report and Order in this proceeding (56 FR 24011; May 28, 1991), as well as on the Commission's own motion.

EFFECTIVE DATE: April 6, 1992, except that the amendment to 47 CFR 1.402[c) shall be effective March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Rodney Small, telephone (202) 653–8116.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Final Rule in General Docket 90–217, FCC 92–57, adopted February 13, 1992, and released February 26, 1992.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Final Rule

1. In the Report and Order in this proceeding, the Commission promulgated rules that govern extension of preferential treatment in its licensing processes to parties proposing rule changes associated with the development of new communications services and technologies. Under the pioneer's preference procedures, a party granted such a preference is effectively guaranteed a license because it is permitted to file a license application without being subject to competing applications. This process is intended to ensure that parties who develop innovative services or technologies and successfully pursue authorization of such innovations in proceedings before the Commission have an opportunity to benefit directly from their efforts.

2. In the Report and Order, the Commission stated that it would award a pioneer's preference to a party that demonstrates that it has developed an

innovative proposal that leads to the establishment of a communications service not currently provided or a substantial enhancement to an existing service, provided that the rules for the new or existing service follow from the proposal and lend themselves to the grant of a preference and a license to the innovating party. The Commission also stated in the Report and Order that a party seeking a pioneer's preference would be required to file a request for a preference and a separate petition for rule making requesting either that spectrum be allocated for its proposed new service, or that the rules be amended to accommodate its proposed new technology in an existing service.

3. The Commission stated that in most cases it anticipated that a preference applicant would perform an experiment to provide sufficient information for the Commission to make its determination regarding award of the preference. However, it said that an experiment will not be required as a prerequisite to obtaining a preference and that, when an experiment is not preformed, it will require the petitioner to accompany its preference request with a demonstration of the technical feasibility of the new service or technology. The Commission noted that when an experiment had been undertaken and a preference subsequently awarded, the geographic area of the experiment would be a logical location for a license in the authorized service. It emphasized, however, that it would allow a preference recipient to select any one service area for which the recipient desires a licensing preference based upon the definition of licensed service area adopted for the new service. The Commission said that generally it would not award a nationwide preference or a preference for more than a single geographic area.

4. The Commission further stated in the Report and Order that an initial determination of entitlement to a pioneer's preference would be made at the time a notice of proposed rule making (NPRM) was issued proposing rules for a new service or modifications to rules in an existing service. Finally, the Commission stated that no preference would be awarded in proceedings in which an NPRM addressing a new service or technology had been issued prior to release of the pioneer's preference Report and Order.

5. Petitions for reconsideration of the Report and Order were filed by the National Association of Broadcasters (NAB), Strother Communications, Inc. (SCI), Ellipsat Corporation (Ellipsat), TV Answer, Inc. (TV Answer), and United Parcel Service, Inc. (UPS). NAB requests that the Commission clarify the criteria that are necessary to qualify for a pioneer's preference. NAB also contends that the preference should be at most comparative rather than a guarantee of a license, and that a showing of technical feasibility in lieu of an experiment be deemed insufficient justification for awarding a preference. SCI requests clarification of the showing necessary to receive an initial determination that a preference is warranted and also recommends that in some services preferences for more than one geographic area be granted. Ellipsat contends that an innovative party should be permitted to claim a pioneer's preference for a new communications service or technology without filing a petition for rule making. TV Answer argues that issuance of an NPRM should not preclude the award of a preference in proceedings in progress when the preference rules were adopted. UPS argues the same and goes further, requesting that for in-progress proceedings even the issuance of a Report and Order and acceptance of applications not preclude the award of a preference.

6. The Commission is granting in part Ellipsat's petition for reconsideration to repeal the requirement of filing a petition for rule making to be eligible for a pioneer's preference, denying the other four petitions, and clarifying certain aspects of the pioneer's preference rules. With respect to NAB's concerns about the specificity of the preference standard, the Commission believes that it is necessary to make the standard for a pioneer's preference as specific as possible to provide guidance to innovators and financial institutions as to when a preference might be granted. However, the standard must be somewhat flexible in order to be applicable to the various types of proceedings in which it might be used. To enunciate an inflexible standard would narrow the scope of the preference to such an extent that some genuinely innovative proposals would not qualify. Such a standard would undermine the Commission's goal in this proceeding of encouraging the development of innovative proposals for new radio services and technologies.

7. With regard to NAB's contention that the preference should be comparative rather than a guarantee of a license, the Commission originally considered and rejected this argument in the Report and Order. A weighted preference would provide no assurance to the innovative party that it would, in fact, receive a license. As stated in the Report and Order, any approach that would permit an innovator to be foreclosed from a license by another party would undermine the value of the preference and thereby fail to accomplish its public interest purpose. Consequently, the Commission affirms that the preference will be dispositive.

8. Finally, with regard to NAB's concerns about a technical showing, the Commission continues to believe that while performance of an experiment generally will be extremely beneficial, it should not be required as a prerequisite to obtaining a preference. The Commission disagrees with NAB that requiring only a technical showing means that a preference could be based on mere speculation that a technology might work and result in technically inferior services. The Commission intends to analyze technical showings as rigorously as the results of experiments to ensure that a preference applicant's proposed new service or technology is viable and worthy of a preference.

9. Regarding SCI's request to clarify the initial determination that must be made before a preference is awarded, the Commission finds that a preference applicant must have at least commenced its experiment and reported to the Commission preliminary results in order to be eligible for award of a conditional preference. If the applicant conducts an experiment to demonstrate the technical feasibility of its proposal, the results of that experiment will be one of the major components that the Commission will use in determining whether a tentative preference is warranted. If no experimental results are available, the Commission would not have the information needed to award a tentative preference. Accordingly, the Commission will not award a tentative preference to an applicant that has not submitted a demonstration of technical feasibility nor commenced an experiment and reported to the Commission at least preliminary results.

10. With regard to SCI's concerns regarding preferences in more than one service area, the Commission continues to believe that in general a preference in one service area is sufficient to encourage innovators to submit preference requests. In any particular proceeding, however, the Commission may choose to award a nationwide preference or a preference for more than one service area if there is a compelling reason to do so.

11. With respect to Ellipsat's contentions about the necessity of a preference applicant filing a rule making petition, the Commission believes that grant of a pioneer's preference will almost always be associated with a rule change. Accordingly, the Commission is denying Ellipsat's request to eliminate the requirement for parties filing an application for a pioneer's preference to also submit an associated petition for rule making. However, as alternatively suggested by Ellipsat, the Commission will entertain requests for waiver of the petition for rule making requirement in those cases in which a rule change in fact would not be required. In such an instance, the Commission will require the applicant to submit: (1) A pioneer's preference request that includes the information specified in § 1.402(a) of the Rules except for the petition for rule making; (2) a request for waiver of the rule making petition requirement of § 1.402(a) that specifically explains how or why no rule change is necessary to accommodate the new technology or service within the requested bands; and (3) a license application in the desired service. Should the waiver request be denied, the requesting party will have 30 days from denial or until the deadline for filing pioneer's preference requests, whichever is later, to perfect its pioneer's preference request by filing a petition for rule making. This preserves a party's rights to be considered for a pioneer's preference request even if it incorrectly interpreted the rules and believed a petition was not necessary in a particular case.

12. The Commission also observes that there is a corollary issue regarding the necessity of a preference applicant filing a rule making petition for a new service or technology that is already under consideration by the Commission in an existing proceeding. The Commission notes that in some situations several parties may independently be exploring similar new communications services or technologies. Requiring each of these parties to file its own rule making petition unnecessarily burdens both them and the Commission. Therefore, when a new spectrum-based service or technology is under consideration by the Commission in an existing proceeding that has not reached the NPRM stage, and a party that has not filed a rule making petition believes that it is the pioneer of that service or relevant technology, the Commission will not require that it file a rule making petition. Such an applicant will be required to meet all other pioneer's preference filing requirements.

13. With respect to TV Answer's and UPS's contentions regarding in-progress proceedings, the Commission notes that the objectives of the Commission's pioneer's preference policy are to encourage present and future innovators to submit proposals to the Commission that otherwise would not have been submitted; to decrease regulatory uncertainty for the innovator; and to encourage investors to provide financial support. The Commission's rationale for imposing a deadline at the NPRM issuance stage for receipt of preference request is that until it makes a proposal, an innovator may submit a rule making petition or preference request that may become the basis for the proposal, but after the NPRM is released the nature of the proposed new service or technology essentially is defined.

14. The Commission observes that in the proceedings with which they are concerned, both UPS and TV Answer filed petitions for rule making well in advance of the initiation of the pioneer's preference proceeding and that both NPRMs at issue were released in advance of the issuance of the pioneer's preference Report and Order. The timing of these events makes clear that neither UPS nor TV Answer filed their proposals in anticipation of receiving a pioneer's preference or otherwise relied upon any possibility of receiving a preference. The Commission disagrees with TV Answer that a preference should be available at the Report and Order stage in proceedings in which NPRMs were issued before the pioneer's preference rules were adopted. In proceedings that reached the NPRM stage before the pioneer's preference policy was adopted, a preference is not needed to encourage submission of the new service or technology to the Commission for consideration. Morever, with regard to UPS's arguments, if a Report and Order also had been adopted and license applications filed before the preference rules became effective, a preference is even more obviously unnecessary to encourage the new service or technology or to help with financing.

15. The Commission therefore affirms its earlier decision to not award preferences in proceedings in which NPRMs had been issued prior to the effective date of the pioneer's preference rules. The Commission recognizes that prior to adoption of the pioneer's preference policy there may have been innovators who may have merited preferences. The goal, however, is not to reward past innovators, but to encourage future technological innovation and new services by encouraging present and future innovators to submit proposals to the Commission that would otherwise not be submitted.

16. Finally, the Commission observes that under the current rules, a pioneer's preference request may be filed at any time prior to release of an NPRM in a rule making proceeding that addresses a new spectrum-using service or technology. This policy can lead either to delays in the Commission's consideration of an NPRM or additional administrative action if a preference request is filed immediately before the NPRM's scheduled consideration or immediately after its adoption. Upon further consideration of the appropriate time for terminating the acceptance of preference requests, the Commission finds it administratively desirable to impose a deadline for such requests on a specific date prior to the time the Commission considers an NPRM. This change will provide the Commission sufficient time to consider the pioneer's preference requests in advance of consideration of an NPRM in a rule making proceeding. The Commission will give public notice of a deadline at least 30 days in advance to permit innovators planning to file preference requests the opportunity to do so. This change will permit sufficient time to evaluate all preference requests more efficiently and fairly without adversely impacting innovative parties.

Ordering Clauses

17. Accordingly, *It Is Ordered That* The petition for reconsideration filed by Ellipsat Corporation *Is Granted* To the extent indicated herein and otherwise *Denied,* and *that* The petitions for reconsideration filed by the National Association of Broadcasters, Strother Communications, Inc., TV Answer, Inc., and United Parcel Service, Inc. *Are Denied. It Is Further Ordered That* Under the authority contained in 47 U.S.C. 154(i), 157(a), 303(g), and 303(r), parts 1 and 5 of the Commission's Rules *Are Amended* as specified below, effective 30 days after publication in the **Federal Register,** except that the amendment to 47 CFR 1.402(c) shall be effective upon publication in the **Federal Register.**[1]

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

[1] The amendment to § 1.402(c) relates to a matter of agency procedure or practice, and is therefore exempt from the 30-day publication requirement of 5 U.S.C. 553(d). We order it effective upon **Federal Register** publication to prevent delay in the Commission's consideration of pioneer's preference requests in existing proceedings.

47 CFR Part 5

Experimental radio services (other than broadcast), Radio.

Rule Changes

Parts 1 and 5 of title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303; implement, 5 U.S.C. 552, unless otherwise noted.

2. Section 1.402 is revised to read as follows:

§ 1.402 Pioneer's preference.

(a) When filing a petition for rule making pursuant to § 1.401 of this part that seeks an allocation of spectrum for a new service or that, by use of innovative technology, will substantially enhance an existing service, the petitioner may also submit a separate request that it be awarded a pioneer's preference in the licensing process for the service. Alternatively, if in an existing proceeding in which a notice of proposed rule making has not yet been adopted the Commission is addressing the new service or technology for which an applicant seeks a pioneer's preference, the applicant need not file a rule making petition but only a preference request. Each preference request must contain pertinent information concerning a description of the service to be provided, the applicant's plan for implementing the service, the frequencies it proposes to use, and the area for which the preference is sought, and must address any conflicting licensing rules, showing how these rules should or should not apply. The applicant must demonstrate that it (or its predecessor-in-interest) has developed the new service or technology; *e.g.*, that it (or its predecessor-in-interest) has developed the capabilities or possibilities of the technology or service or has brought them to a more advanced or effective state. The applicant must accompany its preference request with either a demonstration of the technical feasibility of the new service or technology or an experimental license application, unless an experimental license application has previously been filed for that new service or technology. If the applicant files or has filed an experimental license application, it must specify the area in which it intends to conduct its experiment and whether that is the area for which the preference is sought. In determining in its discretion whether to grant a pioneer's preference, the Commission will consider whether the applicant has demonstrated that it (or its predecessor-in-interest) has developed an innovative proposal that leads to the establishment of a service not currently provided or a substantial enhancement of an existing service. Additionally, the preference will be granted only if rules, as adopted, are a reasonable outgrowth of the proposal and lend themselves to the grant of a preference.

(b) A party that believes that it can implement a new technology or service without a rule change may request a waiver of § 1.402(a) to permit it to file a pioneer's preference request without filing a petition for rule making. The waiver request must explain how or why no rule change is necessary to accommodate the new technology or service within the requested spectrum, and should be accompanied by a license application in the desired service. If the waiver request is denied, a party will have 30 days or until the deadline for filing pioneer's preference requests, whichever is later, to perfect its pioneer's preference request by filing a petition for rule making.

(c) Pioneer's preference requests relating to a specific new spectrum-based service or technology that will be considered by the Commission will not be accepted after a specified date prior to the Commission's consideration of a notice of proposed rule making that addresses the service or technology. This date will be announced by public notice at least 30 days in advance.

(d) An initial determination on a request for a pioneer's preference will be made at the time of the adoption, if any, of a notice of proposed rule making addressing the new service or technology proposed in the request. A final determination on a request for a pioneer's preference and its scope will be made at the time of the adoption, if any, of a report and order adopting new rules. If awarded, the pioneer's preference will provide that the preference applicant's application for a construction permit or license will not be subject to mutually exclusive applications.

(e) Any interested person may file a statement in support of or in opposition to a request for pioneer's preference, and a reply to such statements, subject to filing deadlines that shall be published in the "Public Notice" issued pursuant to § 1.403. Statements on pioneer's preference requests must be filed separate from, and not part of, any comments on an associated petition for rule making.

(f) In the event of a conflict between this rule and any rule for a particular service that provides for the filing and consideration of competing applications, this rule shall prevail.

3. Section 1.403 is revised to read as follows:

§ 1.403 Notice and availability.

All petitions for rule making (other than petitions to amend the FM, Television, and Air-Ground Tables of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a "Public Notice" will be issued (by means of a Commission release entitled "Petitions for Rule Making Filed") as to the petition, file number, nature of the proposal, and date of filing. If a petition for rule making includes a request for a pioneer's preference, that request will be separately listed in the Public Notice with a separate file number. If a pioneer's preference request is not accompanied by a petition for rule making, it will be given a file number and a "Public Notice" will be issued (by means of a Commission release entitled "Requests for Pioneer's Preference Filed") as to the preference request, file number, and date of filing. Petitions for rule making and pioneer's preference requests are available at the Commission's Dockets Reference Center (1919 M Street NW., room 239, Washington, DC).

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

1. The authority citation for part 5 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply sec. 301, 48 Stat. 1081, as amended; 47 U.S.C. 301.

2. Section 5.207 is revised to read as follows:

§ 5.207 Experiments performed in conjunction with pioneer's preference applications.

An applicant for a pioneer's preference pursuant to § 1.402 may file an experimental license application for a limited geographical area, generally including no more than one Metropolitan Statistical Area. In order to be eligible for a tentative preference award at the time of a notice of proposed rule making in a proceeding addressing a new service or technology, the experimental applicant must have commenced its experiment and reported to the Commission at least preliminary results, unless it has also submitted an acceptable showing of technical feasibility.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-5043 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 63

[CC Docket No. 91-273; FCC 92-58]

Notification by Common Carriers of Service Disruptions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order (R&O) adds § 63.100 to the Commission's rules to require that any local exchange or interexchange common carrier that operates transmission or switching facilities and provides access service or interstate or international telecommunications service, promptly notify the Commission of any outage which potentially affects 50,000 of more customers on any facilities owned or operated by the carrier, if the outage continues for 30 or more minutes. The rule is essentially the same as that proposed in the Notice of Proposed Rulemaking (NPRM) in this matter 56 FR 48504, September 25, 1991. As we stated in that NPRM, recent incidents of common carrier service disruptions demonstrate the inadequacy of the Commission's informal mechanisms for gathering from selected carriers information about network outages. Section 63.100 establishes a systematic means for the Commission to monitor major telephone service outages throughout the nation on a real time basis with a view to enhancing service reliability. The information provided by carriers will, among other things, assist the Commission in better determining whether particular technology, equipment or other changes may threaten service reliability.

EFFECTIVE DATE: April 6, 1992.

FOR FURTHER INFORMATION CONTACT: Abraham A. Leib, Chief, Domestic Services Branch, Domestic Facilities Division, Common Carrier Bureau (202) 634-1816.

SUPPLEMENTARY INFORMATION: The R&O and supporting file are available for inspection and copying during the hours of 9 a.m. to 4:30 p.m. in the Commission's Dockets Branch, room 239, 1919 M St., NW., Washington, DC, or copies may be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st St. NW., Washington, DC 20036, (202) 452-1422. The R&O will be published in the FCC Record.

OMB Review

The following collection of information contained in the final rule has been submitted to the Office of Management and Budget (OMB) for approval. Expedited review and approval of the reporting requirement by March 19, 1992 has been requested.

Title: Amendment of part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions.

OMB Number: 3060-0484.

Action: Final, revised collection.

Respondents: Businesses or others for profit.

Frequency of Response: On occasion and other. Initial report to be delivered to Commission within 90 minutes of the local exchange or interexchange common carrier's knowledge that the service outage potentially affects 50,000 or more customers on any facilities owned or operated by the carrier; final report required 30 days thereafter.

Estimated Annual Burden: 56 responses; 2.3 hours per response; 129 hours total. These estimates are the same as contained in the Commission's request to OMB which accompanied the NPRM. The information to be furnished is generally gathered by carriers after outage events, so providing it to the Commission should not be burdensome. See 5 CFR part 1320 (53 FR 16618, May 10, 1988).

Public reporting burden for the collection of information is estimated as above. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information and Records Management Branch, room 416, Paperwork Reduction Project, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (Project number 3060-0484), Washington, DC 20503.

Needs and Uses: Part 63 of the Commission's rules, 47 CFR part 63, is amended by adding § 63.100 to provide for the collection of information which we believe is essential to our mission of ensuring that the public is protected from major disruptions to telephone services. While telephone services provided by carriers have generally been good, the nation has experienced several widespread outages during the last two years which have been of great public concern. Currently, there is no requirement that carriers inform the Commission of major outages when they occur. Rule § 63.100 (set forth below) requires that any local exchange or interexchange common carrier that operates transmission or switching facilities and provides access service or interstate or international telecommunications service, promptly notify the Commission of any outage which potentially affects 50,000 or more customers on any facilities owned or operated by the carrier, if the outage continues for 30 or more minutes. That Initial Service Disruption Report, containing specified information about the outage, shall be followed within 30 days by a Final Service Disruption Report providing all available information about the outage including any information not contained in the carrier's initial report. The Commission will thereby become aware of significant outages at the earliest possible time so that we may monitor developments, serve as a source of information for the public, encourage and, where appropriate, assist in dissemination of information to those affected, and take immediate steps, as needed. Additionally, after analyzing the information submitted, the Commission will determine what, if any, other action is required.

Analysis of Proceeding

This summarizes the Commission's R&O in the matter of Amendment of part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions, CC Docket 91-273, FCC 92-58, adopted February 13, 1992 and released February 27, 1992. The proceeding was initiated by the Commission's NPRM in CC Docket 91-273, FCC 91-285, adopted September 16, 1991 and released September 19, 1991, 6 FCC Rcd 5531 (1991), (56 FR 48504, September 25, 1991). In the NPRM, the Commission expressed concern over the number of recent incidents in which the introduction of new technology into the telecommunications infrastructure has led to service disruptions, and the fact that it currently has no systematic way by which to become informed quickly of significant service disruptions and is unable to determine whether certain kinds of technology or equipment threaten service reliability.

The NPRM sought comment on the Commission's proposal to add § 63.100 to the rules to require written notification by any facilities-based

common carrier that provides access service or that provides interstate or international telephone service that experiences an outage of 30 or more minutes which affects 50,000 or more customers or 50,000 or more voice grade equivalent circuits. Carriers would be required to notify the Commission within 90 minutes of the commencement of any such service outage. An Initial Service Disruption Report, in a prescribed format, would be served on the Commission's Monitoring Watch Officer, on duty 24 hours a day, by facsimile or other record means delivered to Commission headquarters. Thirty days after the service disruption, the carrier would file with the Chief, Common Carrier Bureau, a Final Service Disruption Report, providing all available information on the incident, including any information not contained in its Initial Service Disruption Report.

Twenty-six comments and twenty-one reply comments to the NPRM were filed. The Commission carefully considered all comments and has amended its proposed rule to incorporate some of the recommendations of commenters. Moreover, the proposed customer threshold of 50,000 customers which is being adopted as an interim step, and other matters such as separate thresholds for reporting outages affecting major airports or 911 services, were referred to the Commission's newly created Network Reliability Council whose initial meeting was February 27, 1992. The Council was asked to study these issues and to submit its final report within 60 days from the release date of the Report and Order.

The collection of information provided for in § 63.100 of the rules is essential to the mission of the FCC and is intended to protect the public from major disruptions to telephone services. Telephone services provided by carriers have generally been good; however, the nation has experienced several widespread outages during the last two years. We believe it important to have a systematic means by which to monitor major telephone service outages throughout the nation on a timely basis, but the reports currently received, while useful, do not provide information on a real-time basis. Telephone service outages have been of enormous public concern, in part because they have such a widespread public impact. The public is entitled to full and forthcoming explanations of these events. The Commission's purposes in requiring notification, therefore, are: To become aware of significant outages at the earliest possible time so that we may monitor developments; to serve as a source of information for the public, to encourage and, where appropriate, to assist in dissemination of information to those affected; to take immediate steps, as needed, and after analyzing the information submitted, to determine what, if any, other action is required.

The information to be furnished by carriers pursuant to § 63.100 is normally collected by them, the collection burden has been minimized, and the Commission estimates that the total annual reporting and recordkeeping burden that will result from each collection of information is the same as that reported to OMB with the Commission's NPRM.

Ordering Clauses

Accordingly, *It is Ordered*, That, pursuant to authority contained in sections 1, 4(i), 4(j), 201–205, 218 and 403 of the Communications Act of 1934, as amended, part 63 of the Commission's Rules and Regulations *is amended* as set forth below, effective 30 days after publication in the **Federal Register**. Carriers are, of course, free to begin compliance with its provisions immediately.

It is Further Ordered, That, the Secretary shall cause a summary of this Report and Order to be published in the **Federal Register** which shall include a statement describing how members of the public may obtain the complete text of this Commission decision. The Secretary shall also provide a copy of this Report and Order to each state utility commission.

It is Further Ordered, That, this proceeding is terminated.

List of Subjects for 47 CFR Part 63

Communications common carriers, Reporting and recordkeeping requirements, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, part 63, is amended as follows:

PART 63—EXTENSION OF LINES AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

The authority citation for part 63 is revised to read as follows:

Authority: Sections 1, 4(i), 4(j), 201–205, 218 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. secs. 151, 154(i), 154(j), 201–205, 218 and 403, unless otherwise noted.

2. The title of part 63 is revised to read as follows:

3. The undesignated heading appearing before §§ 63.60–63.90 is revised to read as follows:

Discontinuance, Reduction, Outage and Impairment

4. Section 63.100 is added under the newly revised heading, Discontinuance, Reduction, Outage and Impairment, to read as follows:

§ 63.100 Notification of service outage.

(a) Any local exchange or interexchange common carrier that operates transmission or switching facilities and provides access service or interstate or international telecommunications service, that experiences an outage which potentially affects 50,000 or more of its customers on any facilities which it owns or operates, must notify the Commission if such service outage continues for 30 or more minutes. Satellite carriers, cellular carriers, and competitive access providers are exempt from this reporting requirement. Notification must be served on the Commission's Monitoring Watch Officer, on duty 24 hours a day in the FCC headquarters building in Washington, DC, or on a secondary basis it may be served on the Commission's Watch Officer on duty at the FCC's facility at Grand Island, Nebraska. The notification must be by facsimile or other record means delivered within 90 minutes of the carrier's knowledge that the service outage potentially affects 50,000 or more customers, if the outage continues for 30 or more minutes. Notification shall identify a contact person who can provide further information, the telephone number at which the contact person can be reached, and what information is known at the time about the service outage including:

(1) The date and estimated time of commencement of the outage;

(2) The geographic area affected;

(3) The estimated number of customers affected;

(4) The types of services affected (*e.g.*, interexchange, local, cellular, 911 emergency services);

(5) The duration of the outage, *i.e.*, time elapsed from the estimated commencement of the outage until restoration of full service;

(6) The estimated number of blocked calls during the outage;

(7) The apparent or known cause of the incident, including the name and type of equipment involved and the specific part of the network affected;

(8) Methods used to restore service; and

(9) The steps taken to prevent recurrences of the outage.

The report shall be captioned Initial Service Disruption Report. Lack of any of the above information shall not delay the filing of this Report. Not later than thirty days after the outage, the carrier shall file with the Chief, Common Carrier Bureau, a Final Service Disruption Report providing all available information on the service outage, including any information not contained in its Initial Service Disruption Report.

(b) As used in this section:

(1) *Outage* is defined as a significant degradation in the ability of a customer to establish and maintain a channel of communications as a result of failure in a carrier's network.

(2) *Customer* is defined as a user purchasing telecommunications service from a common carrier.

[FR Doc. 92-5042 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-260; RM-7788]

Television Broadcasting Services; Eureka Springs, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots UHF television Channel 34+ to Eureka Springs, Arkansas, as that community's first local television broadcast service, in response to a petition for rule making filed on behalf of New Life Evangelistic Center. See 56 FR 46762, September 16, 1991. Coordinates used for Channel 34 at Eureka Springs are 36–24–12 and 93–44–12.

Although the Commission has imposed a freeze on TV allotments or applications therefor in specified metropolitan areas, pending the outcome of an inquiry into the uses of advanced television systems (ATV) in broadcasting, this proposal is not affected thereby. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–260, adopted February 20, 1992, and released March 2, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Television broadcasting.

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Allotments under Arkansas, is amended by adding Eureka Springs, Channel 34+.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5167 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-188; RM-7104]

Radio Broadcasting Services; Patterson, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 246A to Patterson, California, as that community's second local FM broadcast service in response to a petition for rulemaking filed by Eric R. Hilding. See 55 FR 13811, April 12, 1990. Coordinates used for Channel 246A at Patterson are 37–29–19 and 121–13–37. With this action, the proceeding is terminated.

DATES: Effective April 13, 1992. The window period for filing applications for Channel 246A at Patterson, California, will open on April 14, 1992, and close on May 14, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–188, adopted February 20, 1992, and released March 2, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. § 73.202(b), the Table of FM Allotments is amended under California, by adding Channel 246A at Patterson.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5164 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-351; RM-7864]

Radio Broadcasting Services; Detroit Lakes, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 272C2 to Detroit Lakes, Minnesota, as that community's second FM channel in response to a petition filed by Robert D. Spilman. See 56 FR 65206, December 16, 1991. Canadian concurrence has been received for this allotment at coordinates 46–48–54 and 95–50–48. With this action, this proceeding is terminated.

DATES: Effective April 13, 1992. The window period for filing applications will open on April 14, 1992, and close on May 14, 1992.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91–351, adopted February 19, 1992, and released

May 14, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by adding Channel 272C2 at Detroit Lakes.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5165 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-241; RM-7767]

Radio Broadcasting Services; Topsail Beach, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Topsail Broadcasting, Inc., substitutes Channel 280C3 for Channel 280A at Topsail Beach, North Carolina, and modifies its construction permit for Station WZXS to specify operation on the higher powered channel. See 56 FR 42016, August 26, 1991. Channel 280C3 can be allotted to Topsail Beach in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.3 kilometers (13.3 miles) northeast to avoid a short-spacing to Channel 279C3 at Shallotte, North Carolina, and to accommodate petitioner's desired transmitter site. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-241, adopted February 19, 1992, and released March 2, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Channel 280A and adding Channel 280C3 at Topsail Beach.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5166 Filed 3-4-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 911063-2008]

RIN 0648-AD57

Snapper-Grouper Fishery of the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 5 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). This final rule (1) implements a limited entry program for the wreckfish sector of the snapper-grouper fishery consisting of transferable percentage shares of the annual total allowable catch (TAC) of wreckfish and annual individual transferable quotas (ITQs) based on application of a person's percentage shares to the TAC; (2) requires a dealer to obtain a dealer permit to receive wreckfish; (3) removes the 10,000-pound (4,536-kilogram) trip limit for wreckfish; (4) requires that wreckfish be off-loaded from fishing vessels only between 8 a.m. and 5 p.m.; (5) reduces the occasions when 24-hour advance notice must be made to NMFS Law Enforcement of off-loading of wreckfish; and (6) makes other minor modifications and clarifications to the regulations. In addition, Amendment 5 (1) revises the lists of problems in the snapper-grouper fishery and objectives of the FMP; and (2) specifies the procedure for the initial distribution of percentage shares of the wreckfish TAC. The intended effect of this rule is to manage the wreckfish sector of the snapper-grouper fishery so that its long-term economic viability will be preserved.

EFFECTIVE DATES: April 6, 1992, except that §§ 646.4, 646.7(d) and 646.10(a) are effective March 5, 1992.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-893-3161.

SUPPLEMENTARY INFORMATION: Snapper-grouper species are managed under the FMP prepared by the South Atlantic Fishery Management Council (Council), and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

The background and rationales for the measures in this final rule are contained in the proposed rule (56 FR 57302, November 8, 1991) and in Amendment 5 to the FMP, the availability of which was announced in the **Federal Register** (56 FR 50551, October 7, 1991), and are not repeated here.

Comments and Responses

Only one comment was received during the public comment period.

Comment: A seafood dealer was opposed to the ITQ system because he believed that "free-loaders" will sell their percentage share to others. The dealer supported a 10,000-pound limit per boat, a spawning closure, and the present quota system. He recommended keeping the fishery open to all for at least another year, if not indefinitely.

Response: The wreckfish resource belongs to all Americans and under the Magnuson Act the U.S. government must optimize the yield from the fishery. Yield can be optimized only by prevention of recruitment overfishing and minimizing the costs of fishing operations and management of the resource. Very little is known concerning the potential long-term yield that can be taken from the wreckfish resource. However, it is known that wreckfish are long-lived and the fishery is concentrated in a small

area; hence, vulnerability to recruitment overfishing is increased. Also, the catch-per-day of wreckfish has declined somewhat during the second half of the 1991-92 fishing season, which suggests a conservative approach to management of this fishery. The Council and NMFS restricted harvests in 1991 to minimize the possibility of recruitment overfishing and to reduce costs of fishing. The ITQ system will limit access to the fishery and regulate catches to minimize the possibility of recruitment overfishing. Many major U.S. fisheries along the Atlantic coast are suffering depletion or recruitment failure due to unlimited entry. An unlimited entry system provides little incentive to conserve resources and often results in ineffective management due to pressures of special interest groups on managers. Consequently, resources decline, fishing costs escalate, and consumers are forced to rely on imported fish due to the scarcity of domestic species. The Council and NMFS believe that the ITQ system for wreckfish will prevent resource depletion and result in optimal benefits to the Nation as required by the Magnuson Act.

Changes from the Proposed Rule

Minor changes are made in the permits and fees section (§ 646.4) to emphasize that a vessel permit is valid for the specified vessel, rather than for any vessel owned or operated by a qualifying owner or operator, to conform the section to current usage, and for clarity.

The recordkeeping and reporting requirements for permitted vessels and for dealers (§ 646.5 (a) and (c)) are reorganized for clarity.

Several references in the prohibitions (§ 646.7) are corrected.

Additional specificity is added to the description of the wreckfish ITQ system (§ 646.10) to conform with the forms designed for the shareholders' certificates and the ITQ coupons.

Effective Dates

The wreckfish fishery is closed through April 15, 1992, because of the spawning season closure. Effective management of the wreckfish fishery when the fishery opens on April 16, 1992, requires implementation of portions of this final rule as soon as possible. Verification of eligibility requires the following steps: (1) Receipt and verification of catch records from fishermen; (2) initial determination and notification of allocation of percentage shares; (3) a 30-day appeal process to confirm initial distribution of percentage shares; (4) notification of final allocation; and (5) distribution of permits and coupons to fishermen. Thus, immediate effectiveness of §§ 646.4, 646.7(d), and 646.10(a) of this rule is required for adequate time to implement the ITQ system and to distribute applications for vessel and dealer permits for wreckfish, process the applications, and issue the permits. In addition, during the spawning season closure, wreckfish fishermen and dealers are not adversely affected by immediate effectiveness of portions of this rule. Accordingly, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), finds that there is good cause not to delay for 30 days the effective date of §§ 646.4, 646.7(d), and 646.10(a) of this rule.

The proposed rule announced that the procedures for the initial allocation of percentage shares would begin when the Secretary of Commerce (Secretary) approved Amendment 5. The Secretary approved Amendment 5 on January 2, 1992. Accordingly, wreckfish fishermen have been advised of the required documentation to be submitted to substantiate their eligibility for and the amount of percentage shares. The general statement of the required documentation, contained in the proposed rule, has been supplemented by more specific letters to owners/operators of vessels with permits to fish for wreckfish and by news release. To be considered for an initial allocation of percentage shares, an application must be submitted to the South Atlantic Fishery Management Council, Southpark Building, suite 306, One Southpark Circle, Charleston, SC 29407-4699, postmarked not later than February 14, 1992. It is anticipated that the initial notifications of percentage shares will be completed by February 28, and that the Application Oversight Committee will consider requests from persons wishing to contest the initial allocations by March 20, 1992. Strict adherence to this schedule is essential to ensure that the ITQ system is fully implemented when the wreckfish fishery opens on April 16, 1992.

Classification

The Secretary of Commerce determined that Amendment 5 is necessary for the conservation and management of the snapper-grouper fishery and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator determined that this final rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291.

The Council prepared a regulatory impact review (RIR) for Amendment 5, which concludes that this final rule will have overall net economic benefits. These benefits were summarized in the proposed rule and are not repeated here.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this final rule will not have a significant economic impact on a substantial number of small entities for reasons described in the preamble to the proposed rule.

The Council prepared an environmental assessment (EA) that discusses the impact on the environment as a result of this rule. Based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of Florida, South Carolina, and North Carolina. Georgia does not participate in the coastal zone management program. These determinations were submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act. South Carolina and North Carolina agreed with the determination. Florida did not respond during the statutory time period; therefore, state agency agreement with the consistency determination is inferred.

Amendment 5 requires a new, one-time collection-of-information to initiate the limited entry program for wreckfish, and this final rule contains two new collection-of-information requirements and revises three existing requirements subject to the Paperwork Reduction Act. The new and revised collections have been approved by the Office of Management and Budget and the following OMB control numbers apply: (1) Submission of information for the initial allocation of wreckfish percentage shares (new)—0648-0263; (2) applications for dealer permits for dealers who receive wreckfish (new)—0648-0205; (3) reports of transfer of percentage shares in the wreckfish fishery (new)—0648-0262; (4) submission of vessel trip reports and wreckfish ITQ coupons (revised)—0648-0016; (5) submission of dealer reports and ITQ coupons (revised)—0648-0013; and (6) providing 24-hour notice preceding the landing of wreckfish (revised)—0648-0016. The public reporting burdens for these collections of information are estimated to average 240, 15, 15, 10, 20, and 3 minutes, respectively, per response, including the time for reviewing instructions, searching

existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. This final rule restates the already approved collection of information on applications for vessel permits to distinguish between permits for snapper-grouper, excluding wreckfish, and permits for wreckfish (OMB Control No. 0648–0205), with a public reporting burden estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burdens, to Edward E. Burgess, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702 and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (attention: NOAA Desk Officer).

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 2, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The Authority citation for part 646 continues to read as follows:

Authority 16 U.S.C. 1801 *et seq.*

2. Section 646.4 is revised to read as follows:

§ 646.4 Permits and fees.

(a) *Applicability*—(1) *Annual vessel permits for snapper-grouper, excluding wreckfish.* (i) For a person aboard a vessel to be eligible for exemption from the bag limits specified in § 646.23(b); to engage in a directed fishery for tilefish in the EEZ; or to use a sea bass trap in the EEZ north of Cape Canaveral, Florida, a vessel permit for snapper-grouper, excluding wreckfish, must be issued to the vessel and be on board. A vessel with longline gear and more than 200 pounds (90.7 kilograms) of tilefish aboard is considered to be in a directed fishery for tilefish. It is a rebuttable presumption that a fishing vessel with more than 200 pounds of tilefish aboard harvested such tilefish in the EEZ.

(ii) A vessel permit for snapper-grouper, excluding wreckfish, may be obtained by a qualifying owner or operator of a charter vessel or headboat. However, a person aboard such vessel must adhere to the bag limits when the vessel is operating as a charter vessel or headboat.

(iii) For a vessel owned by a corporation or partnership to be eligible for a vessel permit for snapper-grouper, excluding wreckfish, the earned income qualification specified in paragraph (b)(2)(vii) of this section must be met by, and the statement required by that paragraph must be sumbitted by, an officer or shareholder of the corporation, a general partner of the partnership, or the vessel operator.

(iv) For a vessel using or possessing a sea bass trap in the EEZ, in addition to the vessel permit for snapper-grouper, excluding wreckfish, a color code and a trap identification tag for each such trap must be obtained from the Regional Director.

(v) A vessel permit for snapper-grouper, excluding wreckfish, issued upon the qualification of an operator is valid only when that person is the operator of the vessel.

(2) *Annual vessel permits for wreckfish.* For a person aboard a fishing vessel to fish for wreckfish in the EEZ, possess wreckfish in or from the EEZ, off-load wreckfish from the EEZ, or sell wreckfish in or from the EEZ, a vessel permit for wreckfish must be issued to the vessel and be on board.

(3) *Annual dealer permits for wreckfish.* A dealer who receives a wreckfish must obtain an annual dealer permit. To be eligible for such permit, an applicant must possess a valid state wholesaler's license in the state where he operates and is required to have a physical facility at a fixed location in that state.

(b) *Application for a vessel permit for snapper-grouper, excluding wreckfish.* (1) An application for a vessel permit for snapper-grouper, excluding wreckfish, must be submitted and signed by the owner (in the case of a corporation, a qualifying officer or shareholder; in the case of a partnership, a qualifying general partner) or operator of the vessel. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate;

(ii) The vessel's name and official number;

(iii) Name, mailing address including zip code, and telephone number of the owner of the vessel;

(iv) Name, mailing address including zip code, and telephone number of the applicant, if other than the owner;

(v) Social security number and date of birth of the applicant and the owner (if the owner is a corporation, the employer identification number, if one has been assigned by the Internal Revenue Service);

(vi) If a sea bass trap will be used,

(A) The number, dimensions, and estimated cubic volume of the traps that will be used;

(B) The applicant's desired color code for use in identifying his or her vessel and buoys; and

(C) A statement that the applicant will allow an authorized officer reasonable access to his or her property (vessel, dock, or structure) to examine traps for compliance with these regulations;

(vii) A sworn statement by the applicant certifying that, during one of the 3 calendar years preceding the application,

(A) More than 50 percent of his or her earned income was derived from commerical, charter, or headboat fishing; or

(B) His or her gross sales of fish were more than $20,000; or

(C) For a vesssel owned by a corporation or partnership, the gross sales of fish of the corporation or partnership were more than $20,000;

(viii) Documentation supporting the statement of income, if required under paragrpah (b)(3) of this section;

(ix) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(x) Any other information that may be necessary for the issuance or administration of the permit.

(3) The Regional Director may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(2)(vii) of this section before a permit is issued. Such required documentation may include copies of appropriate forms and schedules from the applicant's income tax return. Copies of income tax forms and schedules are treated as confidential, but may be released to and verified by the Internal Revenue Service.

(c) *Application for a vessel permit for wreckfish.* (1) An application for a vessel permit for wreckfish must be submitted and signed by a wreckfish shareholder. (See § 646.10 for information on wreckfish shareholders.) If the wreckfish shareholder is a corporation, an officer or shareholder of the corporation must sign the application; if the wreckfish shareholder is a partnership, a general partner must sign the application. The application must be submitted to the Regional Director at least 30 days prior to the date on which the wreckfish shareholder desires to have the permit made effective.

(2) An applicant must provide the following information:

(i) A copy of the vessel's U.S. Coast Guard certificate of documentation or, if not documented, a copy of its state registration certificate;

(ii) The vessel's name and official number;

(iii) Name, mailing address including zip code, telephone number, social security number, and date of birth of the wreckfish shareholder (if the wreckfish shareholder is a corporation, the employer identification number if one has been assigned by the Internal Revenue Service);

(iv) Name, mailing address including zip code, telephone number, social security number, and date of birth of the owner of the vessel, if other than the wreckfish shareholder (if the vessel owner is a corporation and is other than the wreckfish shareholder, the employer identification number, if one has been assigned by the Internal Revenue Service);

(v) If the wreckfish shareholder is not the vessel owner, as shown on the vessel's U.S. Coast Guard certificate of documentation or, if not documented, on the state registration certificate, a sworn statement by the wreckfish shareholder certifying that the vessel owner or operator is an employee, contractor, or agent of the shareholder;

(vi) Documentation supporting the sworn statement of paragraph (c)(2)(v) of this section, if required under paragraph (c)(3) of this section;

(vii) Any other information concerning vessel and gear characteristics requested by the Regional Director; and

(viii) any other information that may be necessary for the issuance or administration of the permit.

(3) The Regional Director may require the wreckfish shareholder to provide documentation supporting the sworn statement under paragraph (c)(2)(v) of this section before a permit is issued. Such required documentation may include copies of appropriate forms and schedules from the shareholder's income tax return; articles of incorporation for a corporate-owned vessel; a partnership agreement for a partnership-owned vessel; a lease on the vessel for which a permit is requested; or an employment or other contract, or agency agreement that demonstrates an agency, employment, or contract relationship between the wreckfish shareholder and the vessel owner or operator. Copies of income tax forms and schedules and other required documentation are treated as confidential, but may be released to and verified by the Internal Revenue Service or other appropriate authorities.

(f) *Application for an annual dealer permit for wreckfish.* (1) An application for a dealer permit for wreckfish must be submitted and signed by the dealer or an officer of a coporation acting as a dealer. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) A permit applicant must provide the following information:

(i) A copy of each state wholesaler's license held by the dealer;

(ii) Business name, address including zip code of the business office, and employer identification number, if one has been assigned by the Internal Revenue Service;

(iii) A list, by state where licensed, of each physical facility at a fixed location where the business receives or stores fish.

(iv) Name, official capacity in the business, mailing address including zip code, telephone number, social security number, and date of birth of the applicant.

(v) Any other information that may be necessary for the issuance or administration of the permit.

(e) *Fees.* A fee is charged for each permit application submitted under paragraph (b), (c), or (d) of this section and for each sea bass trap identification tag required under § 646.6(d).

The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application.

(f) *Issuance.* (1) The Regional Director will issue a permit at any time to an applicant if the application is complete; in the case of an application for a vessel permit for snapper-grouper, excluding wreckfish, the applicant meets the earned income requirement specified in paragraph (b)(2)(vii) of this section; and, in the case of an applicant for a vessel permit for wreckfish, a wreckfish shareholder is the owner of the vessel, or the vessel owner or operator is an employee, contractor, or agent of the shareholder, as certified in the statement specified in paragraph (c)(2)(v) of this section. An application is complete when all requested forms, information, and documentation have been received and the applicant has submitted all applicable reports specified at § 646.5.

(2) Upon receipt of an incomplete application, the Regional Director will notify the applicant of the deficiency. If the applicant fails to correct the deficiency within 30 days of the date of the Regional Director's letter of notification, the application will be considered abandoned.

(g) *Duration.* A permit remains valid for the period for which it is issued unless revoked, suspended, or modified pursuant to subpart D of 15 CFR part 904. In addition, a vessel permit for wreckfish remains valid only when a wreckfish shareholder is an owner of the permitted vessel, or the vessel owner or operator is an employee, contractor, or agent of the shareholder, as certified in the statement specified in paragraph (c)(2)(v) of this section.

(h) *Transfer.* (1) A vessel permit specified in paragraph (b) or (c) of this section is not transferable or assignable. A person purchasing a permitted vessel who desires to conduct activities for which a permit is required must apply for a permit in accordance with the provisions of paragraph (b) or (c) of this section. The application must be accompanied by a copy of a signed bill of sale.

(2) A dealer permit for wreckfish specified in paragraph (d) of this section may be transferred upon sale of the dealer's business. Information on the original application that is changed as a result of the sale must be reported to the Regional Director within 15 days of any such change.

(i) *Display.* A vessel permit specified in paragraph (b) or (c) of this section must be carried on board the vessel and such vessel must be identified as provided for in § 630.6. A dealer permit specified in paragraph (d) of this section must be available on the dealer's premises. The operator of a vessel or a dealer must present the permit for inspection upon request of an authorized officer.

(j) *Sanctions and denials.* A permit issued pursuant to this section may be revoked, suspended, or modified, and a permit application may be denied, in accordance with the procedures governing enforcement-related permit sanctions and denials found at subpart D of 15 CFR part 904.

(k) *Alteration.* A permit that is altered, erased, or mutilated is invalid.

(l) *Replacement.* A replacement permit may be issued. An application for a replacement permit will not be considered a new application. A fee, the amount of which is stated with the application form, must accompany each request for a replacement permit.

(m) *Change in application information.* The owner or operator of a vessel with a permit for snapper-grouper, excluding wreckfish, the wreckfish shareholder of a vessel with a permit for wreckfish, or a dealer with a permit must notify the Regional Director within 15 days after any change in the application information required by paragraph (b), (c), or (d) of this section. The permit is void if any change in the information is not reported within 15 days.

3. In § 646.5, paragraphs (a) and (c) are revised to read as follows:

§ 646.5 Recordkeeping and reporting.

(a) *Permitted vessels.* (1) The owner or operator of a vessel for which a permit for snapper-grouper, excluding wreckfish has been issued, as required by § 646.4(a)(1), and that is selected by the Science and Research Director; and

(2) The wreckfish shareholder under § 646.10 or operator of a vessel for which a permit for wreckfish has been issued, as required by § 646.4(a)(2)—must maintain a daily logbook form for each fishing trip on a form available from the Science and Research Director. Among other things, the logbook forms provide a record of fishing locations, time fished, fishing gear used, numbers of each species caught, and numbers of each species discarded. Logbook forms must be submitted to the Science and Research Director postmarked not later than the third day after sale of the fish off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the forms.

* * * * *

(c) *Dealers.* (1) A person who receives fish in the snapper-grouper fishery by way of purchase, barter, or trade that were harvested from the EEZ off the South Atlantic states or from adjoining state waters and who is selected by the Science and Research Director; and

(2) A dealer who has been issued an annual dealer permit for wreckfish, as required by § 646.4(a)(3)—must provide information on receipts of such fish and prices paid, by species, to the Science and Research Director at monthly intervals, or more frequently if requested.

* * * * *

4. In § 646.6, paragraph (a) introductory text is revised to read as follows:

§ 646.6 Vessel and gear identification.

(a) *Official number.* A vessel for which a permit has been issued under § 646.4 must display its official number—

* * * * *

5. Section 646.7 is revised to read as follows:

§ 646.7 Prohibitions.

In addition to the general prohibitions specified in § 620.7 of this chapter, it is unlawful for any person to do any of the following:

(a) Engage in a directed fishery for tilefish in the EEZ or use a sea bass trap in the EEZ north of Cape Canaveral, Florida, aboard a vessel that does not have a vessel permit for snapper-grouper, excluding wreckfish, as specified in § 646.4(a)(1).

(b) Fish for wreckfish in the EEZ, possess wreckfish in or from the EEZ, off-load wreckfish from the EEZ, or sell wreckfish in or from the EEZ aboard a vessel that does not have a vessel permit for wreckfish, as specified in § 646.4(a)(2).

(c) As a dealer, receive wreckfish without a dealer permit for wreckfish, as specified in § 646.4(a)(3).

(d) Falsify information specified in § 646.4(b)(2), (c)(2), or (d)(2) on an application for a permit.

(e) Fail to display a permit, as specified in § 646.4(i).

(f) Falsify or fail to maintain, submit, or provide information required to be maintained, submitted, or provided, as specified in § 646.5(a) through (d).

(g) Fail to make fish in the snapper-grouper fishery, or parts thereof, available for inspection, as specified in § 646.5(e)(1).

(h) Fail to make available records of off-loadings, purchases, barters, or sales of wreckfish, as specified in § 646.5(e)(2); or fail to make available individual transferable quota (ITQ) coupons, as specified in § 646.10(c)(8).

(i) Falsify or fail to display and maintain vessel and gear identification, as specified in § 646.6(a) through (e).

(j) Possess an ITQ coupon not issued to him or, if received by transfer, without all required sale endorsements properly completed thereon, as specified in § 646.10(c)(3).

(k) Possess wreckfish on board a fishing vessel in an amount exceeding the total of the ITQ coupons on board the vessel, or without a vessel permit, or without a logbook form for recording the fishing trip, as specified in § 646.10(c)(4).

(l) Fail to sign and date the "Fisherman" part of ITQ coupons or fail to submit such coupon parts with the record of the fishing trip, as specified in § 646.10(c)(5).

(m) Fail to give a dealer the "Fish House" part of ITQ coupons, or transfer a wreckfish to a dealer who does not hold a permit, as specified in § 646.10(c)(6).

(n) Receive a wreckfish from a vessel that does not have a vessel permit for wreckfish, as specified in § 646.10(c)(7).

(o) Fail to receive the "Fish House" part of ITQ coupons from a fisherman; fail to enter the permit number of the vessel from which the wreckfish were received, the date of receipt, and the dealer's permit number on such parts; fail to sign such parts; or fail to submit such parts with the dealer report, as specified in § 646.10(c)(7).

(p) Possess a fish in the snapper-grouper fishery smaller than the minimum size limit, as specified in § 646.21(a)(1).

(q) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter fish in the snapper-grouper fishery smaller than the minimum size limit, as specified in § 646.21(a)(2).

(r) Possess a fish in the snapper-grouper fishery without its head and fins intact, as specified in § 646.21(b).

(s) Operate a vessel with fish in the snapper-grouper fishery aboard that are smaller than the minimum size limits, do not have head and fins intact, or are in excess of the cumulative bag limit, as specified in § 646.21(c) and § 646.23(e).

(t) Transfer wreckfish at sea, as specified in § 646.21(d)(1).

(u) Off-load a wreckfish at a time not authorized or without prior notification, as specified in § 646.21(d)(3) and (d)(4).

(v) Harvest or possess a jewfish or Nassau grouper in or from the EEZ or fail to release a jewfish or Nassau grouper taken in the EEZ, as specified in § 646.21(e) and (f).

(w) During the wreckfish spawning-season closure or a wreckfish quota closure, harvest or possess on board a vessel wreckfish in or from the EEZ; off-load wreckfish from the EEZ; sell, purchase, trade, or barter wreckfish in or from the EEZ; or attempt any of the foregoing, as specified in § 646.21(g) and § 646.24(b).

(x) During the greater amberjack and mutton snapper spawning seasons, exceed the bag limits for those species, as specified in § 646.21(h) and (i).

(y) Fish with poisons or explosives or possess on board a fishing vessel any dynamite or similar explosive substance, as specified in § 646.22(a).

(z) Use a fish trap in the EEZ, or use a sea bass trap in the EEZ south of Cape Canaveral, Florida, as specified in § 646.22(b) and (c)(1).

(aa) When using or possessing a sea bass trap north of Cape Canaveral, Florida, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(c)(2).

(bb) Use or possess in the EEZ north of Cape Canaveral, Florida, a sea bass trap that does not conform to the requirements for degradable openings and mesh sizes specified in § 646.22(c)(3) and (c)(4).

(cc) Pull or tend another person's sea bass trap except as specified in § 646.22(c)(5).

(dd) Aboard a vessel that possesses or uses a crustacean trap in the EEZ, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(d).

(ee) Use trawl gear in a directed snapper-grouper fishery in the EEZ between Cape Hatteras, North Carolina, and Cape Canaveral, Florida, as specified in § 646.22(e)(1).

(ff) Transfer at sea any fish in the snapper-grouper fishery from a vessel with trawl gear aboard to another vessel, or receive at sea any such fish, as specified in § 646.22 (e)(2) and (e)(3).

(gg) Use an entanglement net to fish for fish in the snapper-grouper fishery in the EEZ; or, aboard a vessel that fishes in the EEZ on a trip with an entanglement net on board, possess fish in the snapper-grouper fishery exceeding the limits, as specifed in § 646.22(f).

(hh) Use a longline to fish for fish in the snapper-grouper fishery in the EEZ where the charted depth is less than 50 fathoms (91.5 meters) or without a vessel permit on board, as required by § 646.4 (a)(1) or (a)(2); or, aboard a vessel with a longline on board that fishes on a trip in the EEZ where the charted depth is less than 50 fathoms (91.5 meters) or without such required vessel permit on board, possess fish in the snapper-grouper fishery exceeding the limits, as specified in § 646.22(g)(1).

(ii) Fish for wreckfish with a bottom longline; or possess a wreckfish aboard a vessel that has a longline aboard, as specified in § 646.22(g)(2).

(jj) Exceed the bag and possession limits, as specified in § 646.23 (a) through (c).

(kk) Transfer at the sea fish in the snapper-grouper fishery subject to bag limit, as specifed in § 646.23(f).

(ll) Use prohibited or unauthorized fishing gear in a special management zone, as specifed in § 646.26 (b) and (c).

(mm) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson Act.

6. A new § 646.10 is added to subpart A to read as follows:

§ 646.10 Wreckfish individual transferable quota (ITQ) system.

(a) *Percentage shares.* (1) In accordance with the procedure specified in the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, as amended, a person will be assigned initial percentage shares of the annual total allowable catch (TAC) of wreckfish. Each person will be notified by the Regional Director of his or her initial percentage shares and shareholder certificate number.

(2) All or a portion of a person's percentage shares may be transferred to another person. Transfer of shares must be reported on form available from the Regional Director. The Regional Director will confirm, in writing, each transfer of shares. The effective date of each transfer is the confirmation date provided by the Regional Director. The confirmation date will normally be not later than 3 working days after receipt of a properly completed transfer form. A fee is charged for each transfer of shares. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook for determining the administrative costs of each special product or service provided by NOAA to non-Federal recipients. The fee may not exceed such costs and is specifed with each transfer form. The appropriate fee must accompany each transfer form.

(b) *Lists of wreckfish shareholders and permitted vessels.* Annually on or about March 1, the Regional Director will provide each wreckfish shareholder with a list of all wreckfish shareholders and their percentage shares, reflecting share transactions on forms received through February 15. Annually by April 15, the Regional Director will provide each dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3), with a list of vessels for which wreckfish permits have been issued, as required by § 646.4(a)(2). Annually by April 15, the Regional Director will provide each wreckfish shareholder with a list of dealers who have been issued dealer permits for wreckfish, as required by § 646.4(a)(3). From April 16 through January 14, updated lists will be provided when required. Updated lists may be otained at other times or by a person who is not a wreckfish shareholder or wreckfish dealer permit holder by written request to the Regional Director.

(c) *Individual transferable quotas.* (1) Annually, as soon after March 1 as the TAC for wreckfish for the fishing year that commences April 16 is known, the Regional Director will calculate each wreckfish shareholder's ITQ. Each ITQ is the product of the wreckfish TAC, in whole weight, for the ensuing fishing year, the factor for converting whole weight to eviscerated weight, and each wreckfish shareholder's percentage share, reflecting share transactions reported on forms received by the Regional Director through February 15. Thus, the ITQs will be in terms of eviscerated weight of wreckfish.

(2) The Regional Director will provide each wreckfish shareholder with ITQ coupons in various denominations, the total of which equals his ITQ, and a copy of the calculations used in determining his ITQ. Each coupon will be coded to indicate the initial recipient.

(3) An ITQ coupon may be transferred from one wreckfish shareholder to another by completing the sale endorsement thereon (i.e., the signature and shareholder certificate number of the buyer). An ITQ coupon may be possessed only by the shareholder to whom it has been issued, or by his employee, contractor, or agent, unless the ITQ coupon has been transferred to another shareholder. An ITQ coupon that has been transferred to another shareholder may be possessed only by the shareholder whose signature appears on the coupon as the buyer, or by his employee, contractor, or agent, and with all required sale endorsements properly completed.

(4) Wreckfish may not be possessed on board a fishing vessel—

(i) In an amount exceeding the total of the ITQ coupons on board the vessel;

(ii) That does not have on board a vessel permit for wreckfish, as required by § 646.4(a)(2); or

(iii) That does not have on board logbook forms for that fishing trip, as required by § 646.5(a).

(5) Prior to termination of a trip, a signature and date signed must be affixed in ink to the "Fisherman" part of ITQ coupons in denominations equal to the eviscerated weight of the wreckfish on board. The "Fisherman" part of each such coupon must be separated from the coupon and submitted with the logbook forms required by § 646.5(a) for that fishing trip.

(6) The "Fish House" part of each such coupon must be given to the dealer to whom the wreckfish are transferred in amounts totalling the eviscerated weight of the wreckfish transferred to

that dealer. A wreckfish may be transferred only to a dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3).

(7) A dealer may receive a wreckfish only from a vessel for which a vessel permit for wreckfish has been issued, as required by § 646.4(a)(2). A dealer must receive the "Fish House" part of ITQ coupons in amounts totalling the eviscerated weight of the wreckfish received; enter the permit number of the vessel from which the wreckfish were received, enter the date the wreckfish were received, enter the dealer's permit number, and sign each such "Fish House" part; and submit all such parts with the dealer reports required by § 646.5(c).

(8) An owner or operator of a vessel and a dealer must make available to an authorized officer all ITQ coupons in his or her possession upon request.

7. In § 646.21, paragraph (d) is revised to read as follows.

§ 646.21 Harvest limitations.

* * * * *

(d) *Wreckfish limitations.* (1) A wreckfish taken in the EEZ may not be transferred at sea, regardless of where the transfer takes place; and a wreckfish may not be transferred in the EEZ, regardless of where the wreckfish was taken.

(2) A wreckfish possessed by a fisherman or dealer shoreward of the outer boundary of the EEZ or in an Atlantic coastal state will be presumed to have been harvested from the EEZ unless accompanied by documentation that it was harvested from other than the EEZ.

(3) A wreckfish may be off-loaded from a fishing vessel only between 8 a.m. and 5 p.m., local time.

(4) If a wreckfish is to be off-loaded at a location other than a fixed facility of a dealer who holds a dealer permit for wreckfish, as required by § 646.4(a)(3), the wreckfish shareholder or the vessel operator must advise the NMFS Law Enforcement Office, Southeast Area, St. Petersburg, FL, telephone (813) 893–3145, of the location not less than 24 hours prior to off-loading.

* * * * *

[FR Doc. 92–5145 Filed 3–4–92; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 44
Thursday, March 5, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Public Meeting for Special Review of NRC Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of date and location for public meeting.

SUMMARY: On February 24, 1992, the NRC published in the **Federal Register** (57 FR 6299) an announcement regarding a program for a Special Review of NRC Regulations. The announcement indicated that, as part of the special review by NRC's Committee to Review Generic Requirements, a public meeting will be held in the Washington, DC area. An all-day meeting will be held at the Hyatt Regency Bethesda in Bethesda, Maryland on March 27, 1992. Details regarding the agenda of the meeting will be published in a subsequent notice prior to the meeting. In order to allow for appropriate arrangements for participants, pre-registration for the meeting by March 24, 1992, is encouraged. Prospective participants can pre-register by mailing the following information to the contact: (1) Name; (2) Title; (3) Organization; (4) Address; and (5) Telephone number. Room reservations should be made directly with the hotel.

DATES: Public Meeting is scheduled for March 27, 1992.

ADDRESSES: Public meeting will be held at the Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, Maryland 20814. Telephone (301) 657–1234.

Pre-registrations should be mailed to Moni Dey, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: For logistics of the meeting contact Moni Dey, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, DC 20555. (301) 492–3730.

Dated at Rockville, Maryland, this 27th day of February 1992.

For the Nuclear Regulatory Commission.

Brian W. Sheron,

Director, Division of Systems Research, Office of Nuclear Regulatory Research.

[FR Doc. 92–5024 Filed 3–4–92; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

Petition for Rulemaking; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received; extension of comment period.

SUMMARY: This notice announces extension of the comment period of a petition for rulemaking which proposes to allow the owner of an older Part 91 aircraft of simple design to restore and perform maintenance on an aircraft that is thereafter inspected by an airworthiness and powerplant inspector or an airworthiness inspector, as appropriate.

DATES: Comments on this petition must identify the petition docket number involved. The FAA will accept late filed comments as long as they do not delay the rulemaking action.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Petition Docket No. 26574, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), room 915–G, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

SUPPLEMENTARY INFORMATION: In the October 25, 1992, issue of the **Federal Register** (55 FR 55241), the Federal Aviation Administration (FAA) published a summary of a petition for rulemaking filed by Tim Greene. The petitioner proposes to allow the owner of an older part 91 aircraft of simple design to restore and perform maintenance on an aircraft that is thereafter inspected by an airworthiness and powerplant inspector or an airworthiness inspector, as appropriate. The public was advised that comments had to be received on or before December 24, 1991. To afford the public the opportunity of having more time in which to submit comments, the FAA will accept late filed comments as long as they do not delay the rulemaking process.

Issued in Washington, DC, on February 21, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

[FR Doc. 92–5155 Filed 3–4–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Chapter I

[Summary Notice No. PR–92–2]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 4, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. 26726, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Angela M. Washington, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-5571.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 21, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Rulemaking

Docket No.: 26726.

Petitioner: Harold Shevers.

Regulations Affected: 14 CFR 91.205(d)(3).

Description of Petition: Petitioner would amend the Federal Aviation Regulations (FAR) to add a provision that would permit the substitution of an electrically driven non-tumbling attitude instrument (with slip-skid indicator), in small airplanes with vacuum or pneumatically driven attitude instruments, in place of the traditional electrically driven rate-of-turn (with slip skid indicator) instrument.

Petitioner's Reason for the Request: The petitioner believes that this change, which should be an optional method of compliance with FAR § 91.205(d), would enhance safety by presenting the pilot with direct attitude information in the event of a failure of either the vacuum pump or the vacuum or pneumatically driven attitude instrument.

[FR DOC. 92-5154 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-19-AD]

Airworthiness Directives; Aerospatiale Model SN 601 Corvette Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Aerospatiale Model SN 601 Corvette series airplanes. This proposal would require repetitive eddy current inspections of the fuselage skin sheets, and modification of any cracked parts, if necessary. A terminating action is also provided, which, if accomplished, would eliminate the need for repetitive inspections. This proposal is prompted by reports of corrosion on the fuselage skin panels. The actions specified by the proposed AD are intended to prevent structural failure of the fuselage and associated decompression of the passenger cabin.

DATES: Comments must be received by April 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-19-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-19-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-19-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Aerospatiale Model SN 601 Corvette series airplanes. The DGAC advises that cases have been reported of corrosion on the fuselage skin panels in the area between frames 17 and 19. Corrosion has occurred on airplanes that have accumulated more than 18,200 landings. If uncorrected, this condition could result in structural failure of the fuselage and associated decompression of the passenger cabin.

Aerospatiale has issued Corvette Service Bulletin 53-24, dated January 25, 1991, which describes procedures for repetitive eddy current inspections of the skin panels on the right outer side of the fuselage on the wing root.

Aerospatiale has also issued Corvette Service Bulletin 53-15, dated January 22, 1991, which describes procedures for installation of a doubler and corresponding brackets on the right outer side of the fuselage on the wing root (Modification 1399). When accomplished, this modification would eliminate the need for repetitive eddy current inspections of the skin panels.

The DGAC classified these service bulletins as mandatory and issued French Airworthiness Directive 91-100-014(B) in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive eddy current inspections, and modification of corroded parts, if necessary. A terminating action is also provided, which, if accomplished, would eliminate the need for repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA is not proposing to mandate the terminating action, because the skin panels are easily accessible; cracking is easily detectable; and the consequences of the cracking are not likely to be catastrophic.

The FAA estimates that 1 airplane of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplant to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $165.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106 (g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Docket 92-NM-19-AD.

Applicability: Model SN 601 Corvetter series airplanes, on which Modification 1399 has not been accomplished; as listed in Aerospatiale Corvette Service Bulletins 53-15, dated January 22, 1991, and 53-24, dated January 25, 1991; certified in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent structural failure of the fuselage and associated decompression of the passenger cabin, accomplish the following:

(a) Prior to the accumulation of 18,200 landings, or within 100 landings after the effective date of this AD, whichever occurs later, inspect the skin panels between Frame FR17 and FR19, on the right side below stringer 11, to detect cracks, using an eddy current procedure, in accordance with Aerospatiale Corvette Service Bulletin 53-24, dated January 25, 1991.

(b) If no cracks are found as a result of the inspection required by paragraph (a) of this AD, repeat the repetitive eddy current inspection thereafter at intervals not to exceed 7,300 landings.

(c) If any crack is found as a result of any inspection required by this AD, prior to further flight, install Modification 1399, in accordance with Aerospatiale Corvette Service Bulletin 53-15, dated January 22, 1991.

(d) Installation of Modification 1399, in accordance with Aerospatiale Corvette Service Bulletin 53-15, dated January 22, 1991, constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5113 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-17-AD]

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42 series airplanes, that currently requires modification or replacement of certain fuselage and wing structural components. This action would provide alternative methods for accomplishing certain of those modification and replacement requirements. This proposal is prompted by an evaluation of recently developed methods for modification and replacement of the subject structural components. The actions specified by the proposed AD are intended to prevent failure to the structural components of the fuselage and wing.

DATES: Comments must be received by April 28, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-17-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from

Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Lium, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; telephone (206) 227-1112; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowlege receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-17-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-17-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On November 27, 1989, the FAA issued AD 89-25-12, Amendment 39-6414 (54 FR 50343, December 6, 1989), to require modification or replacement of certain fuselage and wing structural components. That action was prompted by reports of cracking discovered during full-scale fatigue testing of a Model ATR42 airframe, which was conducted by the manufacturer. The requirements of that AD are intended to prevent failure of the structural components of the fuselage and wing.

Since the issuance of that AD, the FAA has conducted an evaluation of recently developed methods for accomplishing the modification and replacement requirements in the existing AD. The FAA has determined that these new methods for modifying the wing and reinforcing the frame structure provide an acceptable level of safety, and may be used as an alternative method of complying with certain requirements of the existing AD.

Aerospatiale has issued the following revisions to the service bulletins that are currently referenced in AD 89-25-12:

Service bulletin No.	Revision level	Date	Description
ATR42-53-0031	2	May 31, 1990	Installation of oversized fasteners and radius fillers in bulkhead to prevent fatigue cracks.
	3	Feb. 19, 1991	
ATR42-53-0042	1	Apr. 22, 1991	Reinforcement of the frame structure to improve fatigue life of frame 26.
ATR42-57-0010	2	Apr. 16, 1991	Modification of wing box lower surface skin panel joints to improve fatigue strength.
ATR42-57-0021	2	Sept. 25, 1990	Installation of oversized fasteners on outer wing box spars.
	3	Apr. 10, 1991	
	4	Aug. 26, 1991	
ATR42-57-0027	3	Mar. 27, 1991	Reinforcement of structure of center wing box; adds one airplane to effectivity.
	4	Aug. 13, 1991	
	5	Oct. 22, 1991	

These revised versions of the service bulletins provided clarifying and alternative procedures for accomplishing the modification and reinforcement methods described in earlier versions of the bulletins. The Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified these service bulletins as mandatory and issued French Airworthiness Directive 89-017-017(b)R2 in order to assure the continued airworthiness of these airplanes in France.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would revise AD 89-25-12 to continue to require modification or replacement of certain fuselage and wing structural components. However, certain of the required actions would be permitted to be accomplished in accordance with the revised service bulletins described previously. The revised service bulletins have been included in the proposed rule as additional appropriate sources of service information.

The FAA estimates that 16 airplanes of U.S. registry would be affected by this proposed AD. The entire cost of the required modifications and replacements would be borne by the manufacturer; therefore, there is no cost impact of the AD on U.S. operators.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows: Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13, amendment 39-6414 (54 FR 50343, December 6, 1989), is revised to read as follows:

Aerospatiale: Docket 92-NM-17-AD. Revises AD 89-25-12, Amendment 39-6414.

Applicability: Model ATR42 airplanes, certificated in any category.

Compliance: Required prior to the accumulation of 10,000 landings, or within the next 300 landings after January 12, 1990 (the effective date of AD 89-25-12, amendment 39-6414), whichever occurs later, unless accomplished previously.

To prevent failure of the structural components of the fuselage and wing, accomplish the following:

(a) For airplane Serial Numbers 003 through 151, inclusive: Reinforce fuselage frame 26 in accordance with Aerospatiale Service Bulletin ATR42-53-0042, dated May 3, 1989; or Revision 1, dated April 22, 1991.

(b) For airplane Serial Numbers 003 through 032, inclusive; 034; and 035: Reinforce the fuselage secondary frames in accordance with Aerospatiale Service Bulletin ATR42-53-0023, Revision 2, dated May 25, 1989.

(c) For airplane Serial Numbers 003 through 059, inclusive: Perform a cold expansion of the outer wing lower skin attach fastener holes in accordance with Aerospatiale Service Bulletin ATR42-57-0010, Revision 1, dated May 20, 1989; or Revision 2, dated April 15, 1991.

(d) For airplane Serial Numbers 003 through 071, inclusive: Reinforce fuselage frames 24 and 28 in accordance with Aerospatiale Service Bulletin ATR42-53-0004, Revision 4, dated July 25, 1989.

(e) For airplane Serial Numbers 003 through 084, inclusive; 086; 087; and 089 through 093, inclusive: Perform a cold expansion of attach holes and reinforce wing/fuselage junction fittings in accordance with Aerospatiale Service Bulletin ATR42-53-0031, Revision 1, dated May 20, 1989; or Revision 2, dated May 31, 1990; or Revision 3, dated February 19, 1991.

(f) For airplane Serial Numbers 003 through 119, inclusive: Perform a cold expansion of the wing front and rear spar attach holes in accordance with Aerospatiale Service Bulletin ATR42-57-0021, Revision 1, dated May 20, 1989; or Revision 2, dated September 25, 1990; or Revision 3, dated April 10, 1991; or Revision 4, dated August 28, 1991.

(g) For airplane Serial Numbers 003 through 151, inclusive: Replace the wing center box, in accordance with Aerospatiale Service Bulletin ATR42-57-0027, Revision 2, dated July 6, 1989; or Revision 3, dated March 27, 1991; or Revision 4, dated August 23, 1991; or Revision 5, dated October 22, 1991.

(h) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5114 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 103

Implementation of Supreme Court's Decision in Communications Workers of America v. Beck

AGENCY: National Labor Relations Board (NLRB).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Labor Relations Board (NLRB) is publishing an advance notice of proposed rulemaking relating to its implementation of the Supreme Court's decision in *Communications Workers of America* v. *Beck*, 487 U.S. 735 (1988). The Board is publishing this advance notice of proposed rulemaking to seek timely comments and suggestions from the public, labor organizations, employer groups, and other interested organizations on how labor organizations subject to the jurisdiction of the National Labor Relations Act can best fulfill their statutory obligations under the *Beck* decision.

DATES: All responses pursuant to this notice must be received on or before April 30, 1992.

ADDRESSES: All responses should be sent to: Office of the Executive Secretary, 1717 Pennsylvania Avenue, NW., room 701, Washington, DC 20570. Telephone (202) 254-9430.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, Telephone: (202) 254-9430.

SUPPLEMENTARY INFORMATION: In *Communications Workers* v. *Beck*, 487 U.S. 735 (1988), the Supreme Court held that "Section 8(a)(3), like its statutory equivalent, Section 2, Eleventh of the RLA, authorizes the exaction of only those fees and dues necessary to 'performing the duties of an exclusive representative of the employees in dealing with the employer on labor-management issues.'" (at 762-763)

The Board is of the opinion that the articulation of certain of a labor organization's statutory duties under the *Beck* decision may best be achieved through the use of section 553 ("informal") rulemaking under the Administrative Procedure Act (APA). Before commencing such an undertaking, however, the Board wishes to receive the views of interested parties on this subject. Responses may be directed to any relevant topic, including but not limited to (1) the substantive issues that should be addressed in an administrative rulemaking proceeding, and (2) the manner in which such a proceeding should be structured.

Dated, Washington, DC, February 27, 1992.

By Direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 92-4936 Filed 3-4-92; 8:45 am]

BILLING CODE 7545-01-M

29 CFR Part 103

Codification of Standardized Remedial Provisions in Board Decisions Regarding Offers of Reinstatement, Make-Whole Remedies, Computation of Interest, and Posting of Notices

AGENCY: National Labor Relations Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Labor Relations Board (NLRB) proposes to amend its rules to incorporate certain remedial provisions frequently appearing in Board decisions. These provisions are as follows: Offers of reinstatement, make-whole remedies, computation of interest, and the posting of notices. By merely citing these rules in future decisions, Board opinions will be shortened considerably. Additionally, the Board proposes to implement, in proposed Rule 103.103, a requirement that all interest awarded on backpay and other monetary awards be compounded daily.

DATES: Comments must be received on or before April 30, 1992.

ADDRESSES: Comments should be sent to: Office of the Executive Secretary, 1717 Pennsylvania Avenue, NW., room 701, Washington, DC 20570. Telephone: (202) 254–9430.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, Telephone: (202) 254–9430.

SUPPLEMENTARY INFORMATION:

I. General Remedial Language

There is, at present, standard remedial language utilized by the Board in many of its decisions and orders, as well as in the decisions and proposed orders of the Board's administrative law judges. See, e.g., *F. W. Woolworth Co.*, 90 NLRB 289 (1950) and *New Horizons for the Retarded*, 283 NLRB 1173 (1987). Such language encompasses rules for valid offers of reinstatement, make-whole remedies, computation of interest, and the posting of notices. By adopting this proposal to set forth such language in the proposed §§ 103.101, 103.102, 103.103, and 103.104 of the Board's rules, and utilizing references to these rules in future decisions providing for reinstatement with backpay and posting of notices, the remedy sections of decisions and orders will be simplified and shortened considerably.

For example, utilizing these proposed rules, the remedy section and the order in a discrimination case issued by the Board would need to provide only:

Offer [employee's name(s)] reinstatement and make the employee whole, with interest, as provided in §§ 103.101, 103.102 and 103.103 of the Board's Rules and Regulations.

Similarly, as to posting, an order would need to provide only:

Post at its facility in [location] copies of the attached notice as provided in § 103.104 of the Board's Rules and Regulations.

II. Compound Interest on Backpay Awards

The Board also proposes to require in § 103.103 that interest on backpay and other monetary awards be compounded daily. The Board has unquestionably broad authority pursuant to section 10(c) of the Act, 29 U.S.C. 160 (c), to fashion remedies which will effectuate the policies of the Act. In *F.W. Woolworth*, 90 NLRB 289 (1950), the Board changed the backpay calculation procedure to a quarterly system rather than calculating backpay from the date of discharge until the date of the award. This change significantly altered monetary amounts due aggrieved parties. It was affirmed by the Supreme Court in *NLRB* v. *Seven-Up Bottling Co.*, 344 U.S. 344 (1953).

In *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962), the Board awarded interest on backpay and other monetary awards. This was done after 28 years of awarding backpay without interest. The award of interest was upheld by the courts as within the broad remedial authority of the Board to fashion remedies to effectuate the Act. See, e.g., *NLRB* v. *George E. Light Boat Storage, Inc.*, 373 F.2d 762, 766 (5th Cir. 1967); *Philip Carey Manufacturing Co.* v. *NLRB*, 331 F.2d 720, 729–731 (6th Cir.) cert denied 379 U.S. 888 (1964).

Similarly, in *Florida Steel Corp.*, 231 NLRB 651 (1977), the Board altered its rate of interest from the prior 6-percent rate to the sliding interest scale utilized for over and underpayment of federal taxes. The change was upheld by the courts. See, e.g., *NLRB* v. *Warren L. Rose Castings, Inc.*, 587 F.2d 1005 (9th Cir. 1978) enforcing 231 NLRB 912 (1977); *NLRB* v. *Woodline, Inc.*, 577 F.2d 463 (8th Cir. 1978) enforcing 231 NLRB 863 (1977). In *New Horizons for the Retarded*, 283 NLRB 1173 (1987), the Board Modified its interest rate calculations for periods after December 31, 1986. This change was also upheld by the courts. See, E.G., *NLRB* v. *Joyce Western Corp.*, 873 F.2d 128 (6th Cir. 1989), enforcing in relevant part 286 NLRB 592 (1987); *NLRB* v. *Don's Olney Foods, Inc.*, 870 F.2d 1279 (7th Cir. 1989).

In *Phelps Dodge Corp.* v. *NLRB*, 313 U.S. 177, 198–200 (1941), the Court Stated,

> The remedy of back pay, it must be remembered, is entrusted to the Board's discretion; it is not mechanically compelled by the Act. And in applying its authority over back pay orders, the Board has not used stereotyped formulas but has availed itself of the freedom given it by Congress to attain just results in diverse, complicated situations* * *. The Board has a wide discretion to keep the present matter within reasonable bounds through flexible procedural devices.* * *

Additionally, the court stated in *Phelps Dodge* that "Attainment of a great national policy * * * must not be confined within narrow cannons for equitable relief deemed suitable by chancellor in ordinary private controversies." Id. at 188. This broad language thus makes it clear that the common law rule against interest compounding set forth in *Cherokee Nation* v. *United States*, 270 U.S. 476, 490–491 (1925), cannot be held to confine the Board's excercise of its remedial discretion.

Using its broad discretion to fashion remedial orders, the Board, therefore, is authorized to compound interest daily. Furthermore, we find that significant purposes are served by our doing so. The Board properly seeks, through its remedies, to compensate discriminatees for the delay in their receipt of wages—in particular, to offset, at least partially, the reduction in value of delayed payments to discriminatees resulting from inflation during the backpay period. The Board is also interested in promoting prompt payment of legal obligations. A formula incorporating daily compounding of interest will serve these purposes even more effectively than the current simple interest rule.

In federal court litigation, the award of interest and compounding thereof is controlled by statute. Since October 1, 1982, daily compounding of post-judgment interest has been mandated by a statute "on any money judgment in a civil case recovered in a district court." 28 U.S.C. 1961. Prejudgment interest awards are left to the discretion of the judge as is the decision on whether to compound such interest. See, e.g., *Dynamics Corp. of America* v. *U.S.*, 766 F.2d 518, 520 (Fed. Cir. 1985); *Gyromat Corp.* v. *Champion Spark Plug Co.*, 735 F.2d 549, 556–557 (Fed. Cir. 1984); *Parson* v. *Kaiser Aluminum Chemical Corp.*, 727 F.2d 473, 478 (5th Cir.), cert. denied, 467 U.S. 1243 (1984). The Board notes that the federal courts routinely authorize pre-judgment interest in FLSA cases not only to compensate for delay in receiving backpay (an indebtedness arising from a statutory obligation) but also to remedy the competitive disadvantage caused to lawful competitors. See, e.g., *Brock* v. *Richardson*, 812 F.2d 121, 126–127 (3d Cir. 1987) (quoting *Isis Plumbing*); *Donovan* v. *Sovereign Security, Ltd.*, supra, 726 F.2d at 57–58; *Usery* v. *Associated Drugs, Inc.*, 538 F.2d 1191, 1194 (5th Cir. 1976). Indeed, when amending 28 U.S.C. 1961, Congress required daily compounding of post-judgment interest. Congress was animated by a concern for compensating the plaintiff "and avoiding unjust enrichment of the defendant." S. Rep. No. 97–275 at 30 (Nov. 18, 1981) reprinted at 1982 U.S. Code Cong. & Admin. News at 40. In addition, the EEOC seeks daily compounded interest in back-pay awards for discriminatees.

Based upon the above authority the Board proposes to require the daily compounding of interest on backpay and other monetary awards.

III. Proposed Retrospective Application of Compound Interest Rule

Retroactive application of a daily compounding of interest rule finds support both in an analysis based on a balancing of the positive and negative effects of retroactive application and in the Board's general practice.

Under the Supreme Court's balancing test for retroactivity of government statutes and rules, "[t] he propriety of retroactive application is determined by balancing any ill effects of retroactivity against "the mischief of producing a result which is contrary to a statutory design or to legal and equitable principles.' " *SEC* v. *Chenery Corp.*, 332 U.S. 194, 203 (1947), quoted in *John Deklewa & Sons*, 282 NLRB 1375, 1389 (1987), enforced sub nom, *Iron Workers Local 3* v. *NLRB*, 843 F.2d 770 (3d Cir), cert denied, 488 U.S. 109 (1988). Because interest on backpay is a statutory obligation intended to compensate the discriminatee for illegal action taken against him or her, retroactive application to cases involving violations that occurred before the effective date of the proposed rule will not interfere with a vested or contractual right. Moreover, daily compounding of interest is not contrary to the statute or to legal and equitable principles. On the contrary, for the very reasons that justify the authority to compound, the result is perfectly compatible with the statutory design and legal and equitable principles.

In *Deluxe Metal Furniture Co.*, 121 NLRB 995 (1958), the Petitioner asked the Board to apply any new contract bar principles which it might adopt in futuro. The Board rejected this request stating,

> * * * in establishing revisions of precedent there is always the likelihood that such revisions will bring about a different result in some pending proceeding than would have obtained under a prior policy or procedure. This is true not only of the case in which such revisions are first announced and applied, but also with respect to any other case which has not yet been decided, because it has not reached the Board's level or is at one of the other stages of the administrative process such as the hearing. Thus, to adopt these revisions of contract-bar policy and then allow the instant proceeding as an exception without permitting a similar exception to all pending cases would be inequitable. To establish an in futuro rule for all pending cases would create an administrative monstrosity. The judicial practice of applying each pronouncement of a rule of a law to the case in which the issue arises and to all pending cases in whatever stage is traditional and, we believe, the wiser course to follow.

Id. at 1006–1007. The Baord has consistently followed this practice in making remedial changes. In *F.W. Woolworth Co.*, 90 NLRB 289 (1950), after setting forth the quarterly method for computation of back pay, the Board required the employer therein to produce its records for expeditious complaince. Id. at 294. In *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962), the Board altered its 28-year practice of not awarding interest. The employer therein was ordered to pay interest. Id. at 720–721. Similarly, in *Florida Steel Corp.*, 231 NLRB 651 (1977), after adopting the sliding interest scale, the Board ordered the employer therein to pay interest in accordance with the new standard. Id. at 652. The Board also noted that the then 7-percent rate on the sliding scale would apply "to pending cases for backpay and other monetary awards accruing in periods prior to the issuance of this Decision, in which the 'adjusted prime interest rate' as used by the (IRS) is calculating interest on tax payments was at least 7 percent." Id. at n. 12. Retroactive application of a daily compound interest rule is thus consistent with this general practice.

Accordingly, the Board proposes to apply the new compound interest rule to all cases pending in every stage before the Board in which the Board has not yet issued or adopted a remedial order. In applying the rule to pending cases, we intend that interest be compounded daily for all quarters for which compensation is awarded. In *New Horizons for the Retarded*, supra, the Board specified a particular date separating backpay periods covered by the *Florida Steel* interest formula and those covered by the new interest formula, but this dividing line simply reflected the effective date of the new IRS interest rate rule to which the Board's *New Horizons* formula is linked. There is no external event requiring a similar dividing line here.

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 29 CFR Part 103

Administrative practice and procedure, Labor management relations.

For the reasons set forth above, it is proposed to amend 29 CFR part 103, Subpart F—Remedial Orders, to read as follows:

PART 103—[AMENDED]

1. The authority citation for 29 CFR part 103 continues to read as follows:

> **Authority:** Section 6, National Labor Relations Act, as amended (29 U.S.C. 151, 156), and section 553 of the Administrative Procedure Act (5 U.S.C. 500, 553).

Subpart F [Amended]

2. In Subpart F—Remedial Orders, §§ 103.101, 103.102, 103.103, and 103.104 are added to read as follows:

§ 103.101 Offers of reinstatement.

Unless otherwise provided in a Board order, the requirement that an employer offer an employee reinstatement means that the employer is required to offer the employee immediate and full reinstatement to the employee's former job, or if that job no longer exists, to a substantially equivalent position, without prejudice to the employee's seniority or any other rights or privileges previously enjoyed.

§ 103.102 Make-whole remedies.

Unless otherwise provided in a Board order:

(a) In cases involving unlawful discrimination, the requirement that an employee be made whole means that the employee shall receive backpay for any loss of earnings and other benefits suffered as a result of the discrimination against him. Backpay shall be computed in the manner set forth in *F.W. Woolworth Co.*, 90 NLRB 289 (1950), with interest as provided in § 103.103 below.

(b) In cases involving unlawful repudiation of a collective-bargaining agreement, unlawful failure to apply the terms of a collective-bargaining agreement, or unlawful unilateral changes in terms and conditions of employment, the requirement that unit employees be made whole means the following:

(1) All employees in the bargaining unit shall receive backpay for any loss of earnings and other benefits suffered as a result of the unlawful action. Backpay shall be computed in the manner set forth in *Ogle Protection Service*, 183 NLRB 682 (1970), enfd. 444 F.2d 502 (6th Cir. 1971), with interest as provided in Section 103.103 below.

(2) All delinquent fringe benefit contributions shall be paid. If benefit funds are involved, any additional amounts due the funds shall be computed in accordance with the criteria set forth in *Merryweather*

Optical Co., 240 NLRB 1213, 1216 fn. 7 (1979). In addition, the employer shall reimburse all employees in the bargaining unit for any expenses ensuing from the failure to make the required contributions, as set forth in *Kraft Plumbing and Heating*, 252 NLRB 891, fn. 2 (1980), enfd. 661 F.2d 940 (9th Cir. 1981), with the interest as provided in Section 103.103 below.

§ 103.103 Computation of interest.

The requirement that interest be paid means that interest shall be computed in the manner set forth in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), and compounded daily.

§ 103.104 Posting of a notice.

The notice-posting requirement means that copies of the notice attached to the Order and marked "Appendix" shall be posted at the specified facility or facilities. If the Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD" shall read "POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD. Copies of the notice, on forms provided by the Regional Director, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

Dated February 28, 1992 by direction of the Board.

National Labor Relations Board.

Joseph E. Moore,

Acting Executive Secretary.

[FR Doc. 92-5060 Filed 3-4-92; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 58 and 72

RIN 1219-AA74

Advance Proposed Rulemaking for Permissible Exposure Limit for Diesel Particulate; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its advance notice of proposed rulemaking for a permissible exposure limit for diesel particulate.

DATES: Written comments on the advance notice of proposed rulemaking for diesel particulate must be received on or before July 10, 1992.

ADDRESSES: All comments must be sent to: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: On January 6, 1992, MSHA published in the **Federal Register** an advance notice of proposed rulemaking (57 FR 500) regarding the development of a possible regulatory action to establish a permissible exposure limit for diesel particulate. The comment period was scheduled to end on April 5, 1992. In response to requests from the public, MSHA is extending the time for commenting on this advance notice of proposed rulemaking to July 10, 1992. All interested parties are encouraged to submit comments prior to that date.

Dated: February 28, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-5119 Filed 3-4-92; 8:45 am]

BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS # CA-14-6-5341; FRL-4112-1]

Approval and Promulgation of Implementation Plans, California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District, Kern County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) and the Kern County Air Pollution Control District (KCAPCD) on April 11, 1991 and May 6, 1991, respectively. The California Air Resources Board submitted these revisions to EPA on May 30, 1991. The revisions concern the adoption of SJVUAPCD's Rule 460.2, Motor Vehicle and Mobile Equipment Refinishing Operations, and KCAPCD's Rule 410.4A, Motor Vehicle and Mobile Equipment Refinishing Operations. Both rules are new rules which control the emission of volatile organic compounds (VOCs) from non-assembly line motor vehicle and mobile equipment coating operations. EPA is proposing to approve these revisions under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the Clean Air Act, as amended (CAA).

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: Comments may be mailed to:

Esther Hill, Northern California, Nevada and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1745 West Shaw, Suite 104, Fresno, CA 93711.

Kern County Air Pollution Control District, 2700 M Street, Suite 275, Bakersfield, CA 93301.

FOR FURTHER INFORMATION CONTACT:

Doris Lo, Northern California, Nevada and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1187; FTS: 484-1187.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act), that included the following eight air pollutions control districts (APCDs): Fresno County APCD, Kern County APCD,[1] Kings County APCD, Madera County APCD, Merced County APCD, San Joaquin County APCD, Stanislaus County APCD, and Tulare County APCD. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date to December 31, 1987.[2] 1977 CAA section 172(a)(2). On May 26, 1988, EPA notified the Governor of California that the above district's portions of the California State Implementation Plan (SIP) were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

On March 20, 1991, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) was formed. The SJVUAPCD has authority over the San Joaquin Valley Air Basin which includes all of the above eight counties except for the Southeast Desert Air Basin portion of Kern County. Thus, Kern County Air Pollution Control District (KCAPCD) still exists, but only has authority over the Southeast Desert Air Basin portion of Kern County.

Section 182(a)(2)(A) applies to pre-amendment section 107 non-attainment areas that were again designated nonattainment upon enactment and classified as marginal or above under section 181(a)(1) by operation of law. Such areas must adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[3] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. APCDs found in the San Joaquin Valley Air Basin (now collectively known as the SJVUAPCD) were subject to the RACT fix-up requirement and the May 15, 1991 deadline.[4] KCAPCD was subject to EPA's SIP-Call, but was not subject to the RACT fix-up requirement and the May 15, 1991 deadline.[5]

The State of California submitted many revised RACT rules for incorporation into its SIP on May 30, 1991, including the rules being acted on in this notice. This notice addresses EPA's proposed action for SJVUAPCD's Rule 460.2, Motor Vehicle and Mobile Equipment Refinishing Operations, and KCAPCD's Rule 410.4A, Motor Vehicle and Mobile Equipment Refinishing Operations. These submitted rules were found to be complete on July 10, 1991 pursuant to EPA's completeness criteria set forth in 40 CFR part 51 appendix V[6] and are being proposed for approval into the SIP.

Rules 460.2 and 410.4A both control the emission of volatile organic compounds (VOCs) from the coating of motor vehicle and mobile equipment refinishing operations. VOCs contribute to the production of ground level ozone and smog. SJVUAPCD's Rule 460.2 and KCAPCD's Rule 410.4A are new rules which were adopted to meet EPA's SID-Call and the section 182(a)(2)(A) CAA requirement.

EPA Requirements

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA, EPA regulations and EPA policy. These requirements are found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), and in the guidance referred to in footnote 3. In general, these requirements and guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

Summary of Rule Provisions

SJVUAPCD's Rule 460.2 and KCAPCD's Rule 410.4A both apply to the coating and refinishing operations of non-assembly line vehicles (i.e., not original equipment manufacturers). The rules categorize these vehicles as Group I Vehicles and Group II Vehicles and Equipment. Group I Vehicles include passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles. Group II Vehicles and Equipment include buses and mobile equipment (which includes, but is not limited to, truck bodies, truck trailers, utility bodies, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry). Operations exempt from the requirements of these rules include touch-up coating operations, graphic arts operations and the coating of radiators.

The following VOC content coating limits are contained in both rules and apply to Group I Vehicles and Group II Vehicles and Equipment where color match is required [expressed as grams of VOC/liter (or pounds of VOC/gallon) of coating applied, excluding water and exempt compounds]:

	Effective 7/1/91	Effective 1/1/93	Effective 1/1/95
Pretreatment Wash Primer	780 (6.5)	780 (6.5)	420 (3.5)
Precoat	780 (6.5)	780 (6.5)	420 (3.5)
Primer/Primer Surfacer	720 (6.0)	340 (2.8)	250 (2.1)
Primer Sealer	720 (6.0)	420 (3.5)	340 (2.8)
Topcoat	720 (6.0)	600 (5.0)	420 (3.0)
Metallic/Iridescent Topcoat	720 (6.0)	600 (5.0)	540 (4.5)

For Group II Vehicles and Equipment where color match is not required, the following VOC content coating limits [expressed as grams of VOC/liter (or pounds of VOC/gallon) of coating applied, excluding water and exempt compounds] apply:

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[1] At that time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin portion of Kern County was designated as nonattainment, and the Southeast Desert Air Basin portion of Kern County was designated as unclassified. See 40 CFR 81.305 (1991).

[2] This extension was not requested for Kern County. Thus, Kern County's attainment date remained December 31, 1982.

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[4] The San Joaquin Valley Air Basin was redesignated nonattainment and classified as serious by operation of law pursuant to sections 107(d) and 181(a) on November 15, 1990. See 56 FR 56694 (November 6, 1991).

[5] KCAPCD was not subject to the RACT fix-up requirement and the May 15, 1991 deadline because the Southeast Desert Air Basin portion of Kern County was not a pre-enactment nonattainment area, and thus, was not automatically designated nonattainment on November 15, 1990. (See section 107(d)) However, the KCAPCD is still subject to the requirements of EPA's SIP-Call because the SIP-Call included all of Kern County. The substantive requirements of the SIP-Call are the same as those of the statutory RACT fix-up requirement.

[6] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991). These will replace the completeness criteria currently seet forth in 40 CFR part 51., appendix V.

	Effective 7/1/91	Effective 1/1/93	Effective 1/1/95
Pretreatment Wash Primer	780 (6.5)	780 (6.5)	420 (3.5)
Precoat	780 (6.5)	780 (6.5)	420 (3.5)
Primer	340 (2.8)	340 (2.8)	250 (2.1)
Topcoat	420 (3.5)	420 (3.5)	340 (2.8)
Metallic/ Iridescent Topcoat	650 (5.4)	420 (3.5)	420 (3.5)
Extreme Performance	750 (6.2)	750 (3.2)	420 (3.5)
Camouflage	420 (3.5)	420 (3.5)	420 (3.5)

The rules also contain further requirements for coating application methods, surface preparation and cleanup, prohibition of sale, prohibition of specification, compliance statements, extreme performance coatings, specialty coatings, recordkeeping and test methods.

EPA Proposal

EPA has evaluated SJVUAPCD's Rule 460.2 and KCAPDC's Rule 410.4A for consistency with the CAA, EPA regulations and EPA policy and has found that both rules meet the applicable EPA requirements and policies. Furthermore, the adoption of these rules should lead to more emission reductions. Thus, EPA is proposing to approve Rules 460.2 and 410.4A under section 110(k)(3) as meeting the requirements of section 110(a) and part D of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for table 2 and table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air polution control, Ozone, Hydrocarbons, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 24, 1992.

Daniel W. McGovern,

Regional Administrator.

[FR Doc. 92–5148 Filed 3–4–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–590, RM–7071; RM–7855]

Radio Broadcasting Services; Sumter, Orangeburg and Columbia, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests further comments on a petition filed by Gamecock City Broadcasting, Inc., seeking the reallotment of Channel 267C from Sumter to Columbia, South Carolina, and the modification of Station WWDM's license accordingly, and the counterproposal filed by Radio South Carolina, Inc., requesting the reallotment of Channel 294C1 from Orangeburg to Columbia, and the modification of Station WTCB(FM)'s license accordingly. See 55 FR 883, published January 10, 1990. Both parties seek the reallotment of their stations to a community within an Urbanized Area from communities outside such areas.

DATES: Comments must be filed on or before April 20, 1992, and reply comments on or before May 5, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard F. Swift, Esq., Tierney & Swift, 1200—18th Street, NW., suite 210, Washington, DC 20036 (Counsel to Gamecock City Broadcasting, Inc.) and Merrick C. Hayes, Esq., Hayes, Schneider, Hammer & Miles, 202 North Center Street, Bloomington, Illinois 61701–1162 (Counsel to Radio South Carolina).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Request for Supplemental Information, MM Docket No. 89–590, adopted February 20, 1992, and released March 2, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5168 Filed 3–4–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 92–31, RM–7908]

Radio Broadcasting Services; East Ridge, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Sattler Broadcasting Inc., licensee of Station WJRX(FM), Channel 300A, East Ridge, Tennessee, seeking the substitution of Channel 300C3 for Channel 300A at East Ridge and the modification of its license for Station WJRX(FM) to specify operation on the higher powered channel. Channel 300C3 can be allotted to East Ridge in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.8 kilometers (13.6 miles) northwest to accommodate Sattler's desired site. The coordinates for Channel 300C3 at East Ridge are 35–06–31 and 85–24–28. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 300C3 at East Ridge or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 20, 1992, and reply comments on or before May 5, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William H. Crispin, Esq., Verner, Liipfert, Bernard, McPherson & Hand, 901 15th Street, NW., Suite 700 Washington, DC 20005–2301 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket 92–31, adopted February 20, 1992, and released March 2, 1992. The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For informaion regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR DOc. 92–5169 Filed 3–4–92; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 57, No. 44
Thursday, March 5, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The meeting will be held at 9:30 a.m., on Tuesday, March 17, 1992, at Wilmer, Cutler & Pickering, Conference Room 8E2, 2445 M Street NW., Washington, DC 20037.

The Committee will meet to discuss a study by Harold Krent, Assistant Professor at the University of Virginia Law School, of the operation of the Equal Access to Justice Act and a study by Peter Schuck, Yale Law School Professor, and Theodore Wang, San Francisco Lawyers' Committee for Urban Affairs, of immigration law in the courts during the 1980's.

For further information concerning this meeting, contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., suite 500, Washington, DC. (Telephone: 202–254–7065.)

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: February 27, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–5059 Filed 3–4–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Meeting Scheduled for the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of National Organic Standards Board Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), as amended the Agricultural Marketing Service announces a forthcoming meeting of the National Organic Standards Board (NOSB).

DATES: March 23–25, 1992, 1 p.m. to 5 p.m. on March 23, 9 a.m. to 5 p.m. on March 24, and (9 a.m. to 12 noon on March 25, at the Marriott Crystal Gateway, 1700 Jefferson Davis Highway, Arlington, Virginia.

ADDRESSES: Room 104A at USDA, 12th & Independence Avenue and at the Marriott Crystal Gateway.

FOR FURTHER INFORMATION CONTACT: Dr. Harold S. Ricker, Staff Director, National Organic Standards Board, Room 4006, South Building, P.O. Box 96456, Washington DC 20090–6456. Telephone: (202) 720–2704.

SUPPLEMENTARY INFORMATION: Section 2119 of Title XXI—Organic Certification of the Food, Agriculture, Conservation, and Trade Act of 1990 (Fact Act), Public Law 101–624, as amended, requires establishment of a National Organic Standards Board. The purpose of the board is to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of title XXI of the Fact Act. The Act also calls for a meeting of the board to be held within 60 days after the appointments of members to the board. Secretary Madigan announced the appointment of 14 individuals to the NOSB on January 24, 1992. The purpose of this notice is to announce the dates and location of the first meeting.

Purpose and Agenda

The purpose of the meeting is to begin the process of developing the national organic certification program. The meeting will begin with an orientation for the board, including discussions of the scope and requirements mandated by the Act. The board will also begin to assess priorities for its work and possibly develop committees to work on various aspects of the program. It is likely that discussions will focus on the development of the organic livestock program, a process for accreditation of certifiers and the National List of approved and prohibited substances for organic production and handling. A final agenda will be available on March 9. Persons requesting a copy should contact Mrs. Tilli Fox at the above address or telephone number.

Type of Meeting

The meeting will be open to the public, although seating will be limited. Written comments should be forwarded to Dr. Harold S. Ricker at the above address or FAXED to (202) 690–0338.

Dated: February 28, 1992.

Kenneth C. Clayton,

Deputy Administrator, Marketing Programs.

[FR Doc. 92–5071 Filed 3–4–92; 8:45 am]

BILLING CODE 3410–02–M

Office of the Secretary

Radio and Television Broadcast Use Fee Advisory Committee; Establishment and Nominations

AGENCY: Office of the Secretary, USDA.

ACTION: Notice; request for nominations and comments.

SUMMARY: In response to the Conference Report accompanying the Fiscal Year 1992 Appropriations Act, the Secretaries of Agriculture and of the Interior have agreed to establish an advisory committee to review and report on how to establish rental fees for radio and television broadcast uses which are authorized on National Forest System and public lands. The committee would be established for a 6-month period and report its findings. Nominations to serve on the committee and comments on categories of membership and duties of the committee are requested.

DATES: Nominations for membership on the Committee and comments must be received in writing by March 20, 1992.

ADDRESSES: Send nominations for membership on the Committee and comments to Cy Jamison (WO320), Director, Bureau of Land Management, USDI, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Brent Handley, Lands Staff, Forest Service, USDA (202) 205–1264, or Dave Cavanaugh, Lands and Realty Branch, Bureau of Land Management, USDI, (202) 208–5441.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. appendix), notice is hereby given that the Secretaries of Agriculture and the Interior intend to establish the Radio and Television Broadcast Use Fee Advisory Committee, hereafter referred to as Committee. The purpose of this Committee is to advise the Secretaries of Agriculture and the Interior on appropriate methods of determining fair market value for radio and television bradcast uses authorized on lands managed by the Forest Service and Bureau of Land Management.

The Secretaries have determined that the work of the Committee is in the public interest and relevant to the duties of the Department of Agriculture and Department of the Interior. The duties include the management of communications site uses on National Forest System and public lands, under the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). No other advisory committee or agency of the Department of Agriculture or Department of the Interior is performing the tasks that will be assigned to the Committee.

The Committee, including the Chair, shall consist of 9 members as follows:

1. One member representing each of the following:

a. Radio and television broadcasters authorized to use lands administered by the Forest Service or Bureau of Land Management;

b. Radio or television broadcasters who primary broadcast facilities are located on leased private lands;

c. Radio or television translators;

d. State, County or local governments;

e. Managers of communications sites;

f. Individual or respresentatives of an organization knowledgeable of methodologies for determining market value;

g. Public other than the individuals or groups mentioned above.

2. A representative of the USDA, and

3. A representative of the USDI.

Members appointed to the Committee shall be qualified to provide input and data necessary to contribute to the purpose and duties of the Committee. Persons with experience and knowledge in the methods of determining fair market value will be given preference for appointment. A member of the Lands Staff, USDA Forest Service, will serve as the Executive Secretary of the Committee.

The duties of the Committee are to: (1) Review and report on the use of appraisals to establish fair market rental fees for radio and television broadcast uses on lands administered ty the Forest Service and Bureau of Land Management; (2) review and report on reasonable options for establishing fair market rental fees for radio and television broadcast uses; and (3) to review and report on the appropriateness of waivers or reductions in rental fees for radio and television broadcast uses based on requirements for licensing under the Communications Act of 1934 and within the authority of the Federal Land Policy and Management Act of 1976.

The Secretaries invited those individuals, organizations and interest groups affiliated with the categories listed above to nominate individuals for membership on the Committee. Nominations should describe and document the proposed member's qualifications for membership to the Committee. The Secretaries seek a diverse group of members representing a broad spectrum of persons interested in the management of National Forest System and public lands.

Equal opportunity practices will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDI and USDA, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Done in Washington, DC, this 28th day of February, 1992.

Charles R. Hilty,

Assistant Secretary for Administration.

[FR Doc. 92–5117 Filed 3–4–92; 8:45 am]

BILLING CODE 3410–11–M

Animal and Plant Health Inspection Service

[Docket No. 92–016]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that 7 applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, United States Department of Agriculture, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under For Further Information Contact.

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
92-022-01	Pioneer Hi-Bred International, Incorporated.	01-22-92	Soybean plants genetically engineered to express a methi-onine-rich seed storage protein gene from Brazeil nut.	Champaign County, Illinois; Polk County, Iowa; Salinas County, Missouri; Henry County, Ohio.
92-022-02	Pioneer Hi-Bred International, Incorporation.	01-22-92	Corn plants genetically engineered to express transcriptional activators that act as dominant negative inhibitors of gene expression.	Polk County, Iowa.
92-022-03	Pioneer Hi-Bred International, Incorporated.	01-22-92	Corn plants genetically engineered to express wheat germ agglutinin for resistance to European corn borer.	Polk County, Iowa.
92-022-04	Calgene, Incorporated	01-22-92	Tomato plants genetically engineered to express an anti-sense poly-galacturonase (PG) gene, a cytokinin production gene, and ethylene regulation genes, all of which are involved in ripening.	Solano, San Diego, and San Joaquin Counties, California.
92-027-01 (renewal of permit #90-365-02, issued on 04-02-91).	Upjohn Company	01-27-92	Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus (CMV), papaya ringspot virus (PRV), watermelon mosaic virus 2 (WMV2), and zucchini yellow mosaic virus (ZYMV) for resistance to these viruses.	Kern and San Benito Counties, California; Worth County, Georgia; Kalamazoo County, Michigan.
92-027-02 (renewal of permit #90-365-03, issued on 04-02-91).	Upjohn Company	01-27-92	Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus (CMV), papaya ringspot virus (PRV), watermelon mosaic virus 2 (WMV2), and zucchini yellow mosaic virus (ZYMV) for resistance to these viruses.	Worth County, Georgia.
92-028-01	Purdue University	01-28-92	Tomato plants genetically engineered to express an antisense pectin methylesterase (PME) chimeric gene to increase the soluble solid content.	Tippecanoe County, Indiana.

Done in Washington, DC, this 28th day of February 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-5118 Filed 3-4-92; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Angostura Diversity Unit Vegetation Management Plan; Carson National Forest; Taos County, NM; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement for a proposal to accomplish vegetative management objectives through timber harvest and/or prescribed fire.

The Carson National Forest Land and Resource Management Plan has been prepared. One of the management decisions in the plan was a proposal to harvest timber within the Angostura Diversity Unit to meet resource objectives outlined in the Carson Forest Plan.

A range of timber harvest alternatives will be considered. One of these alternatives will include deferring timber harvest at this time. Other alternatives will consider timber harvest ranging from 4 million board feet to 8 million board feet. Alternative locations for road construction to accomplish timber harvest will be considered.

The Forest Supervisor of the Carson National Forest is the official responsible for deciding if vegetative management is desirable for the area and, if so, which vegetative treatment alternative will be implemented. The Forest Supervisor may decide to (1) defer action (select the no action alternative), or (2) implement one of the action alternatives. The action alternatives will include the following decisions: (1) degree and design of vegetative management activities, and (2) location and design of transportation system needed to harvest and remove timber, and (3) timing and duration of management activities.

This environmental impact statement will be tiered to the Carson Forest Plan Environmental Impact Statement (EIS), and Record of Decision (ROD), dated March 2, 1986. This document discusses alternative long-term land uses and the environmental, economic, and social effects of implementing these land uses.

Intensive scoping to determine pertinent issues relating to the proposal have been ongoing since the beginning of the analysis in 1989. Scoping has been accomplished formally through meetings, open houses and correspondence. Scoping will continue, in the same manner if and when it is determined that such additional scoping opportunities are desirable and beneficial. Dates and locations of future scoping opportunities will be made available to interested parties as they are planned. Written comments regarding issues relating to the proposal are encouraged and will be accepted anytime throughout the preparation of the draft environmental impact statement and within 45 days after publication of the draft environmental impact statement in the **Federal Register**.

Preliminary issues which have been identified are as follows:

Water Quality
Water Flow Timing
Old Growth
Soil Productivity
Threatened, Endangered, and Sensitive (TES) Species
Road Location and Management
Habitat Capability for Deer, Elk, Bear, Turkey
Developed and Dispersed Recreation Opportunity
Visual Quality
Socioeconomic Impacts Upon Local Communities
Economic Efficiency
Timber Productivity
Forest Ecosystem Diversity

The estimated date for filing the draft environmental impact statement is July 1992. The estimated date for filing the final environmental impact statement is May 1993.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* versus *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* versus *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* versus *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

Written comments and suggestions concerning the scope of the analysis should be sent to Leonard A. Lindquist, Forest Supervisor, Carson National Forest, P.O. Box 558, Taos, New Mexico 87571, by April 15, 1992.

Questions about the proposed action should be directed to Joe B. Hudson, Camino Real Ranger District, P.O. Box 68, Penasco, New Mexico 87553, phone 505-587-2255.

Dated: February 27, 1992.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 92-5130 Filed 3-4-92; 8:45 am]

BILLING CODE 3410-11-M

Southwestern Region, Arizona, New Mexico, West Texas, and Oklahoma; Legal Intent To Prepare an Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The Southwestern Region of the Forest Service in concert with the U.S. Fish and Wildlife Service is proposing to develop a conservation strategy for Mexican spotted owl (*Strix occidentalis lucida*). A conservation strategy is needed to ensure that continued existence of Mexican spotted owls is not jeopardized by management activities on National Forest Land. The conservation strategy will be implemented on the eleven national forests in Arizona and New Mexico by each Forest Supervisor as management activities are planned.

DATES: Comments concerning the scope of the analysis (issues, preliminary alternatives, etc) should be received in writing by March 16, 1992.

ADDRESSES: Send written comments to USDA Forest Service; Southwestern Region; 517 Gold Avenue, SW.; Albuquerque, NM 87102; ATTN: Keith Fletcher.

FOR FURTHER INFORMATION CONTACT: Contact Keith Fletcher, Wildlife Staff Unit; (505) 842-3267.

SUPPLEMENTARY INFORMATION: The Forest Service in concert with the U.S. Fish and Wildlife Service is planning a develop a conservation strategy for Mexican spotted owls (*Strix occidentalis lucida*).) Mexican spotted owls are presently being considered for listing as a threatened or endangered species. A conservation strategy is needed to conserve and manage owl habitat so that continued existence of the species is assured while providing management guidelines for carrying out other national forest multiple use activities within owl habitat. Management activities within owl habitat are presently being guided by interim guidelines.

The Regional Forester, Southwestern Region, will be the responsible official and will decide on the conservation strategy to be implemented on the eleven national forests in the region. The Forest Service will be the lead agency and the U.S. Fish and Wildlife Service, Arizona Game and Fish Department, and New Mexico Department of Game and Fish will be cooperating agencies.

Preliminary issues are: Whether or not Mexican spotted owls are adequately protected under present guidelines and effects of the strategy on other wildlife, other multiple uses, local economies, and biodiversity. Tentative alternatives include continuing current guidelines, having no guidelines, ecologically based strategy, and total prohibition of activity in owl habitat.

Many public comments have been received concerning Mexican spotted owl management over the last several years and form the backbone for scoping activities for this process. No additional scoping activities are planned before the draft environmental impact statement is issued. Once the draft has been issued, public hearings will be scheduled in several locations throughout the Region. The hearings will be conducted jointly by the Forest Service and the U.S. Fish and Wildlife Service. A hearing schedule and list of locations will be published later.

It is expected that the draft environmental impact statement will be available approximately April 1992, and the environmental impact statement will be available approximately June 1992.

The comment period on the draft environmental impact statement will be 45 days from the date of the Environmental Protection Agency's notice of availability appears in the **Federal Register.** It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alters an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 US 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason

for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: February 20, 1992.

Robert H. Bye,

Acting Deputy Regional Forester, Southwestern Region.

[FR Doc. 92-5103 Filed 3-4-92; 8:45 am]

BILLING CODE 3410-11-M

North Salmon Timber Sale and Other Resource Projects, Siskiyou National Forest, Coos and Curry Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Forest Service, USDA, will prepare an environmental impact statement (EIS) for a Forest Service proposal to implement a timber sale and other resource management projects. Implementation of the proposal would require entry into a designated roadless area on the Powers Ranger District, Siskiyou National Forest. The specific projects include: (1) Harvest of timber from a timber sale and development of associated road systems: (2) development of a rock material source; and (3) miscellaneous projects related to prescribed burning, wildlife enhancement, biodiversity maintenance and road closures.

The proposal area is located approximately 9 air miles southwest of Powers, Oregon, in the Middle Fork of the Sixes River drainage and the South Fork of the Coquille River drainage of the Powers Rangers District, Siskiyou National Forest. Projects would be implemented in accordance with direction in the Siskiyou National Forest Land and Resource Management Plan.

The agency gives notice that the enviornmental analysis process is underway. Interested and potentially affected persons, along with local, State and other Federal agencies, are invited to participate and contribute to the environmental analysis. The Siskiyou National Forest invites written input regarding the issues specific to the proposed actions.

DATES: Written input concerning issues with this Forest Service proposal must be received by April 10, 1992.

ADDRESSES: Submit written input to: District Ranger, Powers Ranger District, Powers, Oregon 97466.

FOR FURTHER INFORMATION: Direct questions about the Proposed Action and EIS to Charlie Possee, Project Leader, Powers Ranger District, Powers, Oregon 97466 (Telephone: (503) 439-3011).

SUPPLEMENTARY INFORMATION: The purpose of the Proposed Action is to implement management direction and projects identified in the March 1989 Siskiyou National Forest Land and Resource Management Plan (Forest Plan). This project EIS will be tiered to the Forest Plan EIS, which provides goals, objectives, standards and guidelines for the various activities and land allocations on the Forest. The Proposed Action would be located in Management Areas 14 (General Forest) and 11 (Riparian). The following Proposed Actions are derived from two key elements in the Forest Plan: (1) The capital investment opportunities (appendix B), and (2) the ten-year action plan (appendix C).

The Proposed Action

The North Salmon Timber Sale, scheduled for offering in Fiscal Year 1993, would harvest approximately 5.8 million board feet (MMBF) in old growth and mature timber types. Douglas fir, Port-Orford-cedar, and Western hemlock are the dominant tree species. Proposed harvest methods and harvest acreage include: (1) Clearcut harvest with reserve trees, 55 acres. Old growth reserve trees would be grouped within the harvest boundary to provide structural biodiversity. (2) Shelterwood harvest with reserve trees, 95 acres. Old growth reserve trees would be retained in order to provide habitat for old growth dependent species, such as the Northern Spotted Owl, in the shortest possible period of time (40-60 years). The overstory would be retained through the following rotation. (3) Clearcut harvest, 4 acres. Two small wildlife openings would be created with this harvest.

Skyline yarding and shovel logging systems would be used to harvest the timber. There would be 3.1 miles of new road construction and 1.09 miles of reconstruction in order to provide access to the timber. These roads would be closed year-round after harvest is completed. Seasonal haul restrictions, gate closures, and vehicle washing would be implemented during logging in order to reduce the spread of Port-Orford-cedar root disease (*Phytophthora lateralis*) spores to uninfected Port-Orford-cedar stands within the sale area. One existing rock material source would be developed.

The harvest areas, with the exception of the wildlife openings, would be prescribed burned in a manner designed to meet the objectives of wildlife and biodiversity. The wildlife openings would be broadcast burned after harvest.

Other resource and wildlife projects would include forage seeding of the created wildlife openings; wildlife tree topping; analysis and possible Management Area reclassification of unique botanical and wildlife sites, which includes an existing pond; enhancement of existing wet areas; landing rehabilitation and planting of wildlife forage vegetation; placement of structures for cavity nesting birds and mammals, and possible inclusion of the sale area in an administrative study to access the effects of the shelterwood prescription on wildlife species which use old-growth habitat.

The potential for the presence of Pacific yew exists. If harvested, the yew bark would be utilized for taxol production.

Stands proposed for harvest are located within section 19, Township 32 South, Range 12 West; and within section 24, Township 32 South, Range 13 West (Willamette Meridian). The Proposed Action would enter the northern portion of the 9,354 acre Copper Mountain Roadless Area (Forest Plan # 6171). This proposal would have the effect of reducing the roadless area by 410 acres.

Public input will be used to determine significant issues with the Proposed Action. These issues will in turn be used to develop alternatives to the Proposed Action. The No Action Alternative will be analyzed. A previous Environmental Assessment was completed for the North Salmon Timber Sale in 1990. A Decision Notice was not signed. The Proposed Action for this EIS is a result of the analysis performed for the previous Environmental Assessment for the North Salmon Timber Sale.

The Forest Service is seeking input from individuals, organizations, and local, State and Federal agencies who may be interested in or affected by the Proposed Action. Other avenues for public participation include commenting on the draft EIS, and public meetings to be held during key points of the EIS process.

A mailing list will be compiled during the analysis. Interested individuals and agencies may have their names added to this list at any time by submitting a request to: Charlie Possee, North Salmon Project Leader, Powers Ranger District, Powers Oregon 97466. The Freedom of Information Act (FOIA) governs the disclosure of each Federal Government mailing list. Under provisions of the FOIA, the names and addresses of persons on these lists will be released upon request, unless the request falls within one of the FOIA exemptions.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review and commenting by December, 1992. At that time, EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA notice of availability appears in the **Federal Register**.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewer may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

The Forest Service believes it is important to give reviewers notice at this early stage because of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F. 2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the 45 day comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by April 1993. In the final EIS, the Forest Service is required to respond to the comments received. The responsible official is the Forest Supervisor. The responsible official will consider the comments, responses, and environmental consequences, discussed in the EIS and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to review under 36 CFR part 217.

Dated: February 21, 1992.

J. Michael Lunn,

Forest Supervisor.

[FR Doc. 92-5105 Filed 3-4-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Technical Advisory Committee; Partially Closed Meeting

A meeting of the Materials Technical Advisory Committee will be held March 26, 1992, 10:30 a.m., Herbert C. Hoover Building, room 1617-M, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to materials or technology.

Agenda: General Session

1. Opening Remarks by the Chairman & Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Review of Proliferation Control Regimes and Controls.
5. Discussion and Assignments to Determine if all Producing Countries are Members of the Control Regime.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue NW., Room 1621, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on April 12, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: February 28, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 92-5107 Filed 3-4-92; 8:45 am]

BILLING CODE 3510-DT-M

MCTL Implementation Technical Advisory Committee; Partially Closed Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held March 25, 1992 at 9:30 a.m., in the Herbert C. Hoover Building, room 1092, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis in the implementation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations as needed.

Agenda: General Session

1. Opening Remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Non-proliferation Export Control Regimes.
5. MITAC Working Group Reports:

Restructuring Export Controls.
Nuclear Suppliers Groups (NSG) Dual Use Regime.
TAC Utilization.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, TAC Unit/EA/BXA, Room 1621, U.S. Department of Commerce, 14th & Constitution Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 26, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: February 28, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of the Deputy Assistant Secretary for Export Administration.

[FR Doc. 92–5106 Filed 3–4–92; 8:45am]

BILLING CODE 3510–DT–M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with §§ 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity to request a review

Not later than March 31, 1992, interested parties may requests administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

Antidumping duty proceedings	Period
Australia: Canned Bartlett Pears (A–602–039)	03/01/91–02/29/92
Canada: Iron Construction Castings (A–122–503)	03/01/91–02/29/92
Canada: Certain Fresh Cut Flowers (A–122–604)	03/01/91–02/29/92
Chile: Standard Carnations (A–337–602)	03/01/91–02/29/92
Colombia: Certain Fresh Cut Flowers (A–301–602)	03/01/91–02/29/92
Ecuador: Certain Fresh Cut Flowers (A–331–602)	03/01/91–02/29/92
Finland: Rayon Staple Fiber (A–405–071)	03/01/91–02/29/92
France: Brass Sheet and Strip (A–427–602)	03/01/91–02/29/92
Israel: Oil Country Tubular Goods (A–508–602)	03/01/91–02/29/92
Italy: Certain Valves and Connections of Brass, for Use in Fire Protection Systems (A–475–401)	03/01/91–02/29/92
Italy: Brass Sheet and Strip (A–475–601)	03/01/91–02/29/92
Japan: Ferrite Cores (of the Type used in Consumer Electronic Products) (A–588–016)	03/01/91–02/29/92
Japan: Stainless Steel Butt-Weld Pipe Fittings (A–588–702)	03/01/91–02/29/92
Japan: Television Receivers, Monochrome and Color (A–588–015)	03/01/91–02/29/92
Sweden: Brass Sheet and Strip (A–401–601)	03/01/91–02/29/92
Taiwan: Light-Walled Welded Rectangular Carbon Steel Tubing (A–583–803)	03/01/91–02/29/92
Thailand: Certain Circular Welded Carbon Steel Pipes and Tubes (A–549–502)	03/01/91–02/29/92
The Federal Republic of Germany: Brass Sheet and Strip (A–428–602)	03/01/91–02/29/92
The Peoples Republic of China: Chloropicrin (A–570–002)	03/01/91–02/29/92
Suspension Agreements	
Brazil: Frozen Concentrated Orange Juice (C–351–005)	01/01/91–12/31/91
Thailand: Certain Yarn Products (C–549–401)	01/01/91–12/31/91
Countervailing Duty Proceedings	
Argentina: Leather Wearing Apparel (C–357–001)	01/01/91–12/31/91
Argentina: Certain Apparel (C–357–404)	01/01/91–12/31/91
Brazil: Certain Castor Oil Products (C–351–029)	01/01/91–12/31/91
Brazil: Cotton Yarn C–351–037)	01/01/91–12/31/91
Canada: Standard Carnations (C–122–603)	01/10/91–12/31/91
Chile: Standard Carnations (C–337–601)	01/01/91–12/31/91
France: Brass Sheet and Strip (C–427–603)	01/01/91–12/31/91
Iran: In-Shell Pistachios (C–507–501)	01/01/91–12/31/91
Israel: Oil Country Tubular Goods (C–508–601)	01/01/91–12/31/91
Mexico: Certain Textile Mill Products (C–201–405)	01/01/91–12/31/91
Netherlands: Standard Chrysanthemums (C–421–601)	01/01/91–12/31/91
New Zealand: Carbon Steel Wire Rod (C–614–504)	01/01/91–12/31/91

Antidumping duty proceedings	Period
Pakistan: Cotton Shop Towels (C–535–001)	01/01/91–12/31/91
South Africa: Ferrochrome (C–791–001)	01/01/91–12/31/91
Thailand: Certain Apparel (C–549–401)	01/01/91–12/31/91
Turkey: Certain Welded Carbon Steel Pipe and Tube (C–489–502)	01/01/91–12/31/91

In accordance with § 353.22(a) of the Commerce regulations, an interested party may request in writing that the Secretary conduct an administrative review of specified individual producers or resellers covered by an order, if the requesting person states why the person desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which was produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B–099, U.S. Department of Commerce, Washington, DC 20230. Further, in accordance with § 353.31 of the Commerce Regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review", for requests received by March 31, 1992.

If the Department does not receive by March 31, 1992, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: February 27, 1992.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 92–5161 Filed 3–4–92; 8:45 am]

BILLING CODE 3510–DS–M

Minority Business Development Agency

Business Development Center Applications: San Juan, PR

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3 year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first Budget period (12 months) is estimated as $386,421 in Federal funds, and a minimum of $68,192 in non-Federal (cost sharing) contribution, from August 1, 1992 to July 31, 1993. Cost-sharing contributions, may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The MBDC will operate in the San Juan, Puerto Rico SMSA geographic service area.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority business. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing budiness development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contibutions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and the Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the

Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26.

The departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the comditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards. False information on the application can be grounds for denying or terminating funding.

"Certification for Contracts, Grants, Loans, and Cooperative Agreements" and SF–LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with section 319 of Public Law 101–121, which generally prohibits recipients of Federal contracts, grants, and loans from using legislative Branches of the Federal Government in connection with a specific contract, grant or loan.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for application is April 13, 1992. Applications must be postmarked on or before April 13, 1992.

Proposals will be reviewed by the Atlanta Regional Office. The mailing address for submission is:

ADDRESSES: Carlton Eccles, Regional Director, Atlanta Regional Office, Minority Business Development Agency, The Summit Building, 401 West Peachtree Street, NW., room 1930, Atlanta, Georgia 30308–3516.

FOR FURTHER INFORMATION CONTACT: John F. Inglehart, Regional Director, New York Regional Office at (212) 264–3263.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372 "Inter-Governmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above New York address.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Dated: February 28, 1992.

John F. Iglehart,

Regional Director, New York Regional Office.

[FR Doc. 92–5102 Filed 3–4–92; 8:45 am]

BILLING CODE 3510–21–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 7, 1992; Tuesday, April 14, 1992; Tuesday, April 21, 1992; and Tuesday, April 28, 1992, at 2 p.m. in room 800, Hoffman Building #1, Alexandria, Virginia.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy/Equal Opportunity) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered were obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, room 3D264, the Pentagon, Washington, DC 20310.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–5129 Filed 3–4–92; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially-closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Assessment Governing Board and its committees. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the open portions of the meeting.

DATES: March 4, 5, and 6, 1992.

TIME: March 4, 1992—Subject Area Committee #2—3 p.m. to 5 p.m. (open); Design and Analysis Committee—3 p.m. to 5 p.m. (open); Nominations Committee—6 p.m. to 7 p.m. (closed); Reporting and Dissemination/ Achievement Levels Joint Committee—5 p.m. to 6 p.m. (open); Executive Committee—7 p.m. to 10 p.m. (open). March 5, 1992—Full Board—8:30 a.m., until approximately 5 p.m. (open). March 6, 1992—Full Board—8:30 a.m. to 11:30 a.m. (closed); 11:30 a.m. to 12 noon (open); 12 noon, until adjournment, at approximately 1:30 p.m. (open).

LOCATION: The Madison Hotel, 15th and M Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roy Truby, Executive Director, National Assessment Governing Board, U.S. Department of Education, 1100 L Street, NW., suite 7322, Washington, DC, 20005–4013.

TELEPHONE: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board (NAGB) is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Act (NAEP Improvement Act), title III–C of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100–297); (20 U.S.C. 1221e–1).

The Board is established to advise the Commissioner of the National Center for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, analysis and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and establishing standards and procedures for interstate and national comparisons. On March 4, five committees will be in session. The Subject Area Committee #2 will meet from 3 p.m. to 5 p.m. to review and discuss recommendations from the 1994 match contract with the College Board. The Design and Analysis Committee will meet from 3 p.m. to 5 p.m. to review the status of studies on NAEP scaling and methods, and student motivation being conducted by the Technical Review Panel (TRP) and discuss preliminary findings.

The Nominations Committee will meet in closed session from 6 p.m. until 7 p.m. The Committee will review and discuss the personal qualifications and experience of nominees for upcoming Board vacancies. Discussion of such information will touch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, and will relate solely to the internal personnel rules and practices of an agency. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

The Reporting and Dissemination and Achievement Levels Committees will meet in joint session from 5 p.m. until 6 p.m., to review data from the evaluation of the utility of the 1990 NAEP mathematics achievement levels. A survey was conducted to "users" of the achievement levels information to determine the utility of this new NAEP reporting method. Also, on March 4, the Executive Committee will meet in open session from 7 p.m. until 10 p.m. to review the NAEP budget and to discuss and make a determination of non-mandated subjects to be assessed in future NAEP activities. On March 5, the full Board will meet in open session from 8:30 a.m. until 10:30 a.m. The agenda for the morning session includes a presentation by the Superintendent, District of Columbia Public Schools, and a briefing on the final report submitted by the National Council on Standards and Testing. During the period from 10:30 a.m. to 12:30 p.m., there will be meetings of the Subject Area Committee #1, Achievement Levels, and the Reporting and Dissemination Committees. Beginning at 12:30 p.m. and concluding at approximately 5 p.m., the Board will hear reports from several educational agencies: (1) The National Academy of Education on the NAEP Trial Assessment; (2) The College Board on the recommended 1994 math framework; (3) The Educational Testing Service on the Second International Assessment of Educational Progress; and (4) the National Standards Project and the National Academy of Sciences on the progress toward the development of content standards in U.S. and World History, and in science. The March 6 session of the full Board meeting will be devoted to committee reports beginning at 9 a.m. All reports, with the exception of the Nominations Committee, will be conducted in open session. The Nominations Committee will present its report to the full Board from 11:30 a.m. to 12 noon. This period of the committee reports will be closed to the public to permit the members to vote on nominees to be recommended to the Secretary for appointment to the Board. The Board will review and discuss the personal qualifications and experience of nominees for the upcoming Board vacancies. Discussion of such information will touch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, and will relate solely to the internal personnel rules and practices of an agency.

Such matters are protected by exemptions (2) and (6) of section 552(c) of title 5 U.S.C. From 12 noon until adjournment, at approximately 1:30 p.m., the meeting will be open.

A summary of the activities at the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, 1100 L Street, NW., suite 7322, Washington, DC, from 8:30 a.m. to 5 p.m.

Dated: February 28, 1992.

Diane Ravitch,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 92–5067 Filed 3–4–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Finding of No Significant Impact; U.S. Advanced Battery Consortium

AGENCY: Department of Energy.

ACTION: Public Notice of a Finding of No Significant Impact (FONSI) for Environmental Assessment (EA) of the Cooperative Agreement Between the U.S. Department of Energy and the U.S. Advanced Battery Consortium (DOE/EA–0551)

SUMMARY: On September 27, 1991, the Department of Energy (DOE) determined that no environmental impact statement was required for the proposed cooperative agreement based on the subject EA and issued a FONSI. For information purposes, the FONSI is reprinted herein. Based on the analysis presented in the EA, DOE has determined that the proposed action is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, preparation of an Environmental Impact Statement is not required and DOE is issuing this FONSI.

ADDRESS: Copies of the EA are avilable form: Mr. John J. Brogan, Director, Office of Propulsion Systems (CE–32), Room 5G–030, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585,

telephone (202) 586-1477 and 1-800-472-2756 or the Freedom of Information Reading Room IE-190 (same address), telephone (202) 586-6020, hours 9 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Carol Borgstrom, Director, Office of NEPA Oversight (EH-25), room 3E-080, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, telephone (202) 586-4600 or (1-800) 472-2756.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) proposes to participate in a 4-year cooperative agreement with the United States Advanced Battery Consortium (USABC) to 50/50 cost-shared Federal funding with the consortium in the research and development (R&D) of advanced batteries ultimately intended for use in electric vehicles. These advanced battery development projects to be conducted by the battery industry are expected to provide battery systems with the necessary technical, economic, operational, environmental, and health and safety information that would support potential widespread commercialization of electric vehicles. Efficient, durable, and safe batteries that provide acceptable vehicle operating ranges are essential for market acceptance of electric vehicle technology in sufficient quantities to justify commercialization. Widespread commercialization would result in two major benefits: reduced atmospheric emissions associated with internal combustion engine vehicles and reduced dependence on petroleum in the transportion sector, thereby enhancing the national energy security.

The majority of the activities associated with the proposed action would take place within existing industry laboratory facilities. DOE's participation would include coordinating independent evaluation and R&D support on fundamental technology problems at DOE laboratories including Argonne National Laboratory, Idaho National Engineering Laboratory, Sandia National Laboratory and Lawrence Berkeley Laboratory. Although the exact role of DOE laboratories has not been finalized, current planning is to utilize the laboratories for testing of cells and battery modules as well as providing some research and development support in specific technology areas that are undefined at this time. Test vehicles equipped with advanced batteries would be studied to assess their performance and to ensure their compliance with applicable Federal motor vehicle safety standards promulgated by the Department of Transportation in regulations found in 49 CFR part 571. Batteries would be tested by industry in a fleet of roughly 100 vehicles. Each vehicle would be driven from 10,000 to 15,000 miles on public and private roads during a one year test period. Potential environmental damage associated with a traffic accident would be minimal due to the limited number of vehicles under test and the small quantities of battery materials involved. Further, the possibility of traffic accidents would be lessened due to the limited number of test vehicles operating with these advanced batteries and the fact that the vehicles, in most cases, would be driven by trained drivers and technicians. Based on previous experience in conducting fleet tests of this nature no unusual accidents or occurrences are expected from the operation of the test fleet.

No undisturbed ecosystems would be affected, and there would be no effect on cultural or archeological resources. No effluent discharges or atmospheric emissions are anticipated during the proposed action. Batteries and their associated materials would be stored, handled, transported and disposed of in agreement with all applicable laws and regulations, including those of the U.S. Environmental Protection Agency (EPA), the U.S. Department of Transportaion (DOT) and the Occupational Safety and Health Administration (OSHA) requirements, as well as DOE internal guidance.

Description of Proposed Action

DOE proposes to participate in a four year cooperative agreement with the USABC to cost-share with the consortium in R&D of advanced batteries ultimately intended for use in electric vehicles. The level of funding over the entire four year period is projected to be $263 million, one half of which would be provided by the Federal Government. The initial Phase I agreement is for the remainder of the calendar year 1991 only, at a cost of $14.1 million (50 percent cost-shared by DOE). During this period, the R&D activities for each candidate technology will be more specifically defined in detailed Program Plans to be submitted by the Consortium for review and approval by DOE. This will allow for a more thorough environmental assessment to be prepared to cover the balance (Phase II) of the four year program. If necessary, the Department will have an opportunity for further NEPA review of specific R&D activities to be undertaken in Phase II. The Program Plans would define the number of cells, modules, and batteries to be built for test and evaluation in Phase II, including information on the specific materials and amounts of materials to be involved. Phase II is scheduled for initiation at the beginning of calendar year 1992.

The USABC is a partnership formed by the three largest domestic automobile manufacturers. The consortium is supported by major investor-owned electric utilities and the Electric Power Research Institute (EPRI). Other associate partners include battery developers from the private sector.

The private sector would be responsible for developing and ultimately commercializing the technology. DOE was given the responsibility to conduct R&D of batteries for electric vehicles by the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976 (Pub. L. 94-413). The proposed action is consistent with DOE activities described in Electric and Hybrid Vehicles Program: 14th Annual Report to Congress for Fiscal Year 1990 (Office of Transportation Technologies, DOE/CE 0305P, April 1991).

Further, advanced battery technology R&D is consistent with the objectives of the National Energy Strategy (NES) released in February 1991. The commercialization of electric vehicles that would result from the successful development of these advanced battery technologies would serve to reduce the transportation sector's near-total reliance on oil and have the added benefit of lowering the rates of emissions into the environment, particularly in urban areas, where automobiles are linked directly to air quality problems.

The strategy for achieving the USABC objectives includes pursuing both mid- and long-term advanced battery technologies. Mid-term technologies, which would include nickel metal hydride, sodium sulfur, and zinc air batteries, are expected to be developed and available in the mid 1990s. Long-term technologies under consideration include lithium polymer and lithium iron disulfide batteries. Long-term technologies would be aimed at producing electric vehicles that are equivalent in cost and performance to today's internal combustion engine vehicles. However, because of the early stage of development of these long range battery technologies, they would not be available at the end of the 4-year time span of the proposed action. Prototype models would be available for laboratory evaluation only.

Under the non-action alternative, no advanced battery technology R&D projects would receive joint Government/industry support. Private sector development and demonstration of advanced battery technologies would continue, but at a significantly reduced pace and on a more limited set of technologies. Widespread commercialization of these technologies would be delayed or may never be achieved, and the transportation sector's current near-total reliance on oil would not be relaxed. Environmental benefits associated with electric vehicles utilizing advanced battery technologies would not be realized. These benefits include significant reduction in carbon monoxide, unburned hydrocarbons, particulates, and nitric oxides.

Alternative technologies, including advanced heat engines, fuel cells, and alternative fuels, are being studied under separate programs of the Department. Section 6 of Public Law 94-413 specifically authorizes the Department to conduct R&D into energy storage technologies, including batteries.

Determination

Based on the analysis presented in the environmental assessment, DOE has determined that the proposed action is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA of 1969. Therefore, preparation of an environmental impact statement is not required and the Department is issuing this finding of no significant impact.

For further information on the Advanced Battery program, contact Mr. John Brogan at the address listed above.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92-5156 Filed 3-4-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Environment, Safety and Health

Environment, Safety and Health Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Environment, Safety and Health Advisory Committee

Date and Time: Friday, April 3, 1992, 9 a.m.

Place: U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW, Washington, DC 20585.

Note: To obtain badge at front desk it will be necessary to have a picture I.D. (i.e. Driver's License, Passport, or Company I.D.). All visitors will be escorted at all times for security reasons.

Contact: Lisa Kardell, U.S. Department of Energy, Office of Environment, Safety and Health (EH-50), Washington, DC 20585, Telephone:202/586-1986.

Purpose of the Committee: To provide advice and guidance to the Department of Energy on matters relating to environment, safety and health at DOE facilities.

Purpose of the Meeting: To convene the first meeting of the Committee, to provide briefings and orientation to the members, and to consider future tasks.

Tentative Agenda:

—Call to order by the Honorable Kristine Gebbie, Secretary of Health, Washington State Department of Health, Chairperson of the Environment, Safety and Health Advisory Committee.
—Remarks by Chairperson Gebbie.
—Remarks by Paul L. Ziemer, Assistant Secretary for Environment, Safety and Health, U.S. Department of Energy.
—Briefing and orientation on DOE's environment, safety and health program.
—Discussion of future tasks.
—Discussion of any other business properly brought before the Committee.
—Public comment - 10-minute rule.
—Adjournment.

Public Participation: The meeting is open to the public. The Chairperson is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Lisa Kardell at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. Persons wishing to attend the public meeting should provide their names and social security numbers to (202) 586-1988 by March 27 to arrange for visitor passes to the Forrestal Building.

Transcript: Available for public review and copying at the Public Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC., between 9 a.m. and 4 a.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC., on March 2, 1992.

Marcia Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 92-5157 Filed 3-4-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 1403-004 California]

Pacific Gas and Electric Co.; Errata to Availability of Environmental Assessment

February 27, 1992.

The Notice issued February 28, 1992 should read as follows:

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the existing Narrows Project, located at the Corps of Engineers' Upper Narrows debris dam on the Yuba River, near Mooney Flat in Nevada County, California, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the project and has concluded that relicensing the project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5072 Filed 3-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST92-1671-000 through ST92-2083-000]

United Gas Pipe Line Co.; Self-Implementing Transactions

February 27, 1992.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

The "part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates tansportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,
Secretary.

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-1671	United Gas Pipe Line Co	Oryx Gas Marketing Ltd Partnership	01-06-92	G-S	5,240	N	I	12-16-91	04-14-92
ST92-1672	ANR Pipeline Co	Northwestern Mutual Life Ins. Co	01-06-92	G-S	75,000	N	I	12-17-91	Indef.
ST92-1673	ANR Pipeline Co	Coastal Gas marketing Co	01-06-92	G-S	200,000	A	I	12-14-91	Indef.
ST92-1674	ANR Pipeline Co	Superior Natural Gas Corp	01-06-92	G-S	15,000	N	I	12-14-91	Indef.
ST92-1675	ANR Pipeline Co	Aquila Energy Marketing Corp	01-06-92	G-S	100,000	N	I	12-10-91	Indef.
ST92-1676	ANR Pipeline Co	Semco Energy Services, Inc	01-06-92	B	30,000	N	I	12-12-91	Indef.
ST92-1677	ANR Pipeline Co	GASMARK, Inc	01-06-92	G-S	50,000	N	I	12-12-91	Indef.
ST92-1678	East Tennessee Natural Gas Co	ICI Americas Inc	01-06-92	G-S	1,735	N	I	12-26-91	Indef.
ST92-1679	East Tennessee Natural Gas Co	Paragon Gas Corp	01-06-92	G-S	40,000	N	I	12-21-91	Indef.
ST92-1680	Tennessee Gas Pipeline Co	Cabot Corp	01-07-92	B	100,000	N	I	12-02-91	Indef.
ST92-1681	Tennessee Gas Pipeline Co	Ashland Gas Marketing, Inc	01-07-92	G-S	100,000	N	I	12-10-91	Indef.
ST92-1682	Natural Gas P/L Co. of America	Bridgegas U.S.A., Inc	01-07-92	B	200,000	N	I	11-24-91	Indef.
ST92-1683	Delhi Gas Pipeline Corp	Natural Gas P/L Co. of America	01-07-92	C	4,000	N	I	12-14-91	Indef.
ST92-1684	Delhi Gas Pipeline Corp	Transwestern Pipeline Co	01-07-92	C	65,000	N	I	12-11-91	Indef.
ST92-1685	El Paso Natural Gas Co	Natural Gas Processing Co	01-07-92	G-S	5,300	Y	I	12-11-91	Indef.
ST92-1686	Transwestern Pipeline Co	Delhi Gas Pipeline Corp	01-07-92	G-S	50,000	N	I	12-11-91	Indef.
ST92-1687	Transwestern Pipeline Co	Coastal Gas marketing Co	01-07-92	G-S	100,000	N	I	12-12-91	Indef.
ST92-1688	Transwestern Pipeline Co	TXO Gas Marketing Corp	01-07-92	G-S	50,000	N	I	12-11-91	Indef.
ST92-1689	Westar Transmission Co	Northern Natural Gas Co	01-07-92	C	6,000	N	I	10-22-91	Indef.
ST92-1690	Westar Transmission Co	AMOCO Production Co	01-07-92	C	11,000	N	I	12-02-87	Indef.
ST92-1691	Texas Gas Transmission Corp	Coast Energy Group, Inc	01-07-92	G-S	50,000	N	I	12-14-91	Indef.
ST92-1692	Texas Gas Transmission Corp	Coast Energy Group, Inc	01-07-92	G-S	50,000	N	I	12-14-91	Indef.
ST92-1693	Texas Gas Transmission Corp	Indiana Gas Co., Inc	01-07-92	G-S	5,000	N	F	12-16-91	02-29-92
ST92-1694	Transcontinental Gas P/L Corp	CATEX Energy, Inc	01-07-92	B	125,000	N	I	12-26-91	Indef.
ST92-1695	Great Lakes Gas Trans. L.P	Wes_Cana Energy Market. (U.S.) Inc.	01-08-92	G-S	50,000	N	I	12-09-91	Indef.
ST92-1696	Mississippi River Trans. Corp	Northern Indiana Public Service co	01-06-92	B	11,000	Y	I	06-01-91	Indef.
ST92-1697	Trunkline Gas Co	Eastex Hydrocarbons, inc	01-06-92	G-S	50,000	N	I	12-12-91	Indef.
ST92-1698	Trunkline Gas Co	Fina Natural Gas Co	01-06-92	G-S	50,000	N	I	12-10-91	Indef.
ST92-1699	Columbia Gulf Transmission Co	Equitable Resources Marketing Co	01-06-92	G-S	150,000	N	I	06-06-91	Indef.
ST92-1700	Panhandle Eastern Pipe Line Co	Woodward Marketing, Inc	01-08-92	G-S	20,000	N	I	12-11-91	Indef.
ST92-1701	Panhandle Eastern Pipe Line Co	Gas Energy Development	01-08-92	G-S	7,350	N	F	12-06-91	Indef.
ST92-1702	United Gas Pipe Line Co	Phoenix Gas Pipeline Co	01-08-92	G-S	104,800	N	I	12-24-91	04-22-92
ST92-1703	United Gas Pipe Line Co	Endevco Oil & Gas Co	01-08-92	G-S	26,200	N	I	12-26-91	04-24-92
ST92-1704	United Gas Pipe Line Co	Mobil Natural Gas Inc	01-06-92	G-S	54,400	N	I	12-20-91	04-18-92
ST92-1705	United Gas Pipe Line Co	Humble Gas Systems, Inc	01-08-92	G-S	15,720	N	I	12-24-91	04-22-92
ST92-1706	Transcontinental Gas P/L Corp	Transamerican Natural Gas Corp	01-08-92	G-S	130,000	N	I	12-17-91	Indef.
ST92-1707	Transcontinental Gas P/L Corp	ARCO Natural Gas Marketing, Inc	01-08-92	B	520,000	N	I	12-26-91	Indef.
ST92-1708	K N Energy, Inc	Transok, Inc	01-09-92	B	25,000	N	I	12-10-91	Indef.
ST92-1709	Tennessee Gas Pipeline Co	Willmut Gas and Oil	01-06-92	B	1,000	N	F	12-13-91	11-01-92
ST92-1710	Tennessee Gas Pipeline Co	Midcoast Venture I	01-09-92	B	1,200	N	I	12-12-91	Indef.
ST92-1711	Northern Natural Gas Co	Peoples Natural Gas Co	01-09-92	B	211,567	N	F	01-01-92	Indef.
ST92-1712	High Island Offshore System	Mobil Natural Gas Inc	01-06-92	K-S	160,000	N	I	12-01-91	03-29-92
ST92-1713	Transwestern Pipeline Co	Enogex Services Corp	01-09-92	G-S	100,000	N	I	12-12-91	Indef.
ST92-1714	Texas Gas Corp	Texas Eastern Corp	01-09-92	C	10,000	N	I	12-19-91	Indef.
ST92-1715	Texas Gas Transmission Corp	Western Kentucky Gas Co	01-09-92	B	461	N	I	12-31-91	Indef.
ST92-1716	Texas Gas Transmission Corp	Louisiana Gas Services	01-09-92	G-S	2,000	A	I	01-01-92	Indef.
ST92-1717	United Gas Pipe Line Co	Pennzoil Gas Marketing Co	01-09-92	G-S	1,550	N	F	11-22-91	03-21-92

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-1718	United Gas Pipe Line Co	Mobil Natural Gas Inc	01-09-92	G-S	2,300	N	F	12-01-91	03-30-92
ST92-1719	United Gas Pipe Line Co	Southern Natural Gas Co	01-09-92	G-S	40,000	N	F	12-01-91	03-30-92
ST92-1720	United Gas Pipe Line Co	Columbia Gas Transmission Corp	01-09-92	G-S	10,570	N	F	12-26-91	04-24-92
ST92-1721	United Gas Pipe Line Co	First Chemical Corp	01-09-92	G-S	1,500	N	F	12-01-91	03-30-92
ST92-1722	United Gas Pipe Line Co	Bishop Pipeline Corp	01-09-92	G-S	41,920	N	I	12-24-91	04-22-92
ST92-1723	Transcontinental Gas P/L Corp	Santa Fe International Corp	01-09-92	G-S	250,000	N	I	12-10-91	Indef.
ST92-1724	Transcontinental Gas P/L Corp	Endevco Oil & Gas Co	01-09-92	G-S	60,000	N	I	12-13-91	Indef.
ST92-1725	Transcontinental Gas P/L Corp	CNG Transmission Corp	01-09-92	G	230,000	N	I	12-11-91	Indef.
ST92-1726	Transcontinental Gas P/L Corp	City of Kings Mountain	01-09-92	B	200	N	F	12-19-91	07-31-01
ST92-1727	Transcontinental Gas P/L Corp	Polaris Pipeline Corp	01-09-92	B	80,000	N	I	12-21-91	Indef.
ST92-1728	Delhi Gas Pipeline Corp	Williams Natural Gas Co	01-10-92	C	20,000	N	I	01-01-92	Indef.
ST92-1729	Delhi Gas Pipeline Corp	Transwestern Pipeline Co	01-10-92	C	100,000	N	I	12-11-91	Indef.
ST92-1730	Tennessee Gas Pipeline Co	NGC Transportation, Inc	01-10-92	G-S	700,000	N	I	12-01-91	Indef.
ST92-1731	K N Energy, Inc	Delhi Gas Pipeline Corp	01-10-92	B	75,000	N	I	11-26-91	Indef.
ST92-1732	Lone Star Gas Co	El Paso Natural Gas Co	01-10-92	C	60,000	N	I	12-13-91	Indef.
ST92-1733	Columbia Gas Transmission Corp	Columbia Gas of Ohio, Inc	01-10-92	G-S	2,500	A	I	12-13-91	03-31-92
ST92-1734	South Georgia Natural Gas Co	City of Cordele	01-10-92	G-S	1,400	N	F	01-03-92	12-31-92
ST92-1735	Trunkline Gas Co	Ledco, Inc	01-10-92	G-S	80,000	N	I	12-14-91	Indef.
ST92-1736	Trunkline Gas Co	Tejas Power Corp	01-10-92	G-S	100,000	N	I	12-13-91	Indef.
ST92-1737	Sea Robin Pipeline Co	Pogo Producing Co	01-10-92	G-S	10,000	N	I	11-09-91	Indef.
ST92-1738	Sea Robin Pipeline Co	Eagle Natural Gas Co	01-10-92	G-S	39,604	N	I	01-01-92	Indef.
ST92-1739	Southern Natural Gas Co	O & R Energy Inc	01-10-92	G-S	50,000	N	I	12-25-91	Indef.
ST92-1740	Southern Natural Gas Co	City of Cordele	01-10-92	G-S	1,407	N	I	01-03-92	12-31-92
ST92-1741	Southern Natural Gas Co	City of Wrens	01-10-92	G-S	550	N	I	01-03-92	11-30-01
ST92-1742	Southern Natural Gas Co	Louis Dreyfus Energy Corp	01-10-92	G-S	75,000	N	I	12-31-91	Indef.
ST92-1743	Southern Natural Gas Co	Canton Municipal Utilities	01-10-92	B	100	N	I	01-01-92	03-31-92
ST92-1744	Algonquin Gas Transmission Co	O & R Energy, Inc	01-10-92	G-S	100,000	N	I	10-01-91	Indef.
ST92-1745	Algonquin Gas Transmission Co	Citizens Gas Supply Corp	01-10-92	G-S	300,000	N	I	10-05-91	Indef.
ST92-1746	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-10-92	B	66,612	N	I	10-08-91	Indef.
ST92-1747	Algonquin Gas Transmission Co	PSI, Inc	01-10-92	G-S	675,000	N	I	10-01-91	Indef.
ST92-1748	Algonquin Gas Transmission Co	Coastal Gas Marketing Co	01-10-92	G-S	8,101,370	N	I	09-14-91	Indef.
ST92-1749	Columbia Gulf Transmission Co	Coastal Gas Marketing Co	01-10-92	G-S	100,000	N	I	12-14-91	Indef.
ST92-1750	Columbia Gulf Transmission Co	Aquila Energy Marketing Corp	01-10-92	G-S	100,000	N	I	12-12-91	Indef.
ST92-1751	Columbia Gulf Transmission Co	Louisiana Natural Gas P/L, Inc	01-10-92	G-S	65,000	N	I	12-11-91	Indef.
ST92-1752	Columbia Gulf Transmission Co	Ultramar Oil and Gas Ltd	01-13-92	G-S	30,000	N	I	01-01-92	Indef.
ST92-1753	Columbia Gulf Transmission Co	Kerr-McGee Corp	01-13-92	G-S	20,000	N	I	01-01-92	Indef.
ST92-1754	Columbia Gulf Transmission Co	NGC Transportation, Inc	01-13-92	G-S	200,000	N	I	12-18-91	Indef.
ST92-1755	Columbia Gulf Transmission Co	Sonat Marketing Co	01-13-92	G-S	20,000	N	I	01-01-92	Indef.
ST92-1756	Columbia Gulf Transmission Co	Eagle Natural Gas Co	01-13-92	G-S	30,000	N	I	01-01-92	Indef.
ST92-1757	Gas Gathering Corp	Enermax, Div. Nukem, Inc	01-13-92	G-S	2,000	N	I	12-01-91	Indef.
ST92-1758	Gulf Energy Pipeline Co	Tennessee Gas Pipeline Co	01-13-92	C	13,000	N	I	06-01-91	05-01-94
ST92-1759	Gulf Energy Pipeline Co	Natural Gas P/L Co. of America	01-13-92	C	5,000	N	I	11-01-91	05-01-94
ST92-1760	ANR Pipeline Co	Triumph Gas Marketing Co	01-13-92	G-S	50,000	N	I	12-20-91	Indef.
ST92-1761	ANR Pipeline Co	NGC Transportation, Ind	01-13-92	G-S	200,000	N	I	01-04-92	Indef.
ST92-1762	ANR Pipeline Co	Access Energy Corp	01-13-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-1763	El Paso Natural Gas Co	Trinity Pipeline, Inc	01-13-92	G-S	82,400	Y	I	12-19-91	Indef.
ST92-1764	El Paso Natural Gas Co	Williams Gas Marketing Co	01-13-92	G-S	20,600	Y	I	12-21-91	Indef.
ST92-1765	Tennessee Gas Pipeline Co	Chevron USA Inc	01-13-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-1766	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	01-14-92	C	15,000	N	I	01-01-92	Indef.
ST92-1767	Northern Natural Gas Co	Peoples Natural Gas Co	01-14-92	B	50,000	N	F/I	11-25-91	Indef.
ST92-1768	Transcontinental Gas P/L Corp	Southwestern Virginia Gas Co	01-14-92	B	200	N	F	12-19-91	07-31-11
ST92-1769	Transcontinental Gas P/L Corp	Long Island Lighting Co	01-14-92	B	1,800	N	F	12-20-91	07-31-06
ST92-1770	Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	01-14-92	B	2,500	N	F	12-27-91	10-01-92
ST92-1771	Tennessee Gas Pipeline Co	Boyd Rosene and Associate, Inc	01-14-92	G-S	10,770	N	I	12-27-91	Indef.
ST92-1772	Tennessee Gas Pipeline Co	East Ohio Gas Co	01-14-92	B	20,000	N	I	12-02-92	Indef.
ST92-1773	Louisiana Resources Co	Texas Gas Transmission Co	01-14-92	C	20,000	N	I	01-01-92	Indef.
ST92-1774	Tennessee Gas Pipeline Co	Entrade Corp	01-15-92	G-S	8,000	N	F	12-17-91	03-31-92
ST92-1775	Trunkline Gas Co	Ward Gas Marketing, Inc	01-15-92	G-S	30,000	N	I	12-17-91	Indef.
ST92-1776	Washington Gas Light Co	CNG Transmission Corp	01-15-92	C	30,000	N	I	11-01-91	04-30-92
ST92-1777	Brooklyn Union Gas Co	Citizens Gas Supply Corp	01-15-92	C	50,000	N	I	12-19-91	12-19-93
ST92-1778	Brooklyn Union Gas Co	Brooklyn Interstate Nat. Gas Corp	01-15-92	C	50,000	N	I	12-04-91	12-04-93
ST92-1779	Brooklyn Union Gas Co	JMC Fuel Services, Inc	01-15-92	C	50,000	N	I	12-19-91	12-19-93
ST92-1780	Washington Gas Light Co	Piedmont Natural Gas Co., Inc	01-15-92	D	50,000	N	I	11-01-91	04-30-92
ST92-1781	Tennessee Gas Pipeline Co	Shell Gas Trading Co	01-16-92	G-S	500,000	N	I	12-01-91	Indef.
ST92-1782	Channel Industries Gas Co	Amoco Gas Co	01-16-92	C	50,000	N	I	12-01-91	Indef.
ST92-1783	Arkla Energy Resources	Vesta Energy Co	01-16-92	G-S	18,000	N	F	12-01-91	02-28-92
ST92-1784	Columbia Gas Transmission Corp	Gasco, Inc	01-16-92	G-S	45	Y	F	12-21-91	03-31-92
ST92-1785	Columbia Gas Transmission Corp	Access Energy Corp	01-16-92	G-S	404	Y	F	12-25-91	03-31-92
ST92-1786	Columbia Gas Transmission Corp	Dresser Industries, Inc	01-16-92	G-S	750	Y	I	12-20-91	Indef.
ST92-1787	Columbia Gas Transmission Corp	Enmark Gas Corp	01-16-92	G-S	50,000	Y	I	12-20-91	Indef.
ST92-1788	Webb/Duval Gatherers	Texas Eastern Transmission Corp	01-17-92	C	50,000	N	I	11-01-91	05-05-93
ST92-1789	Channel Industries Gas Co	Tennessee Gas Pipeline Co	01-17-92	C	100,000	N	I	01-01-92	Indef.
ST92-1790	Channel Industries Gas Co	Natural Gas P/L Co. of America	01-17-92	C	100,000	N	I	10-24-91	Indef.
ST92-1791	Channel Industries Gas Co	Tennessee Gas Pipeline Co	01-17-92	C	50,000	N	I	12-11-91	Indef.
ST92-1792	Channel Industries Gas Co	Moss Bluff Gas Storage Systems	01-17-92	C	100,000	N	I	10-24-91	Indef.
ST92-1793	Williston Basin Inter. P/L Co	Rainbow Gas Co	01-17-92	G-S	320,347	Y	I	12-20-91	07-31-92
ST92-1794	Williston Basin Inter. P/L Co	Rainbow Gas Co	01-17-92	G-S	97,349	Y	I	12-20-91	08-31-92
ST92-1795	Transcontinental Gas P/L Corp	Cranberry Pipeline Corp	01-17-92	B	50,000	N	I	06-11-91	Indef.
ST92-1796	Transcontinental Gas P/L Corp	Union Gas Co	01-17-92	B	300	N	I	12-16-91	07-31-06
ST92-1797	Transcontinental Gas P/L Corp	Delmarva Power and Light Co	01-17-92	B	1,600	N	F	12-01-91	07-31-01

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-1798	Transcontinental Gas P/L Corp	Public Service Elect. & Gas Co	01-17-92	B	12,800	N	F	12-01-91	07-31-06
ST92-1799	United Gas Pipe Line Co	Nerco Oil & Gas, Inc	01-17-92	G-S	36,680	N	F	01-01-92	04-30-92
ST92-1800	Algonquin Gas Transmission Co	Fall River Gas Co	01-17-92	G-S	100,000	N	I	11-09-91	Indef.
ST92-1801	Algonquin Gas Transmission Co	O&R Energy, Inc	01-17-92	G-S	50,000	N	I	11-06-91	Indef.
ST92-1802	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	09-26-91	12-01-91
ST92-1803	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	10-29-91	12-01-91
ST92-1804	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	10-22-91	12-01-91
ST92-1805	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	10-16-91	12-01-91
ST92-1806	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	11-05-91	12-01-91
ST92-1807	Algonquin Gas Transmission Co	Commonwealth Gas Co	01-17-92	G-S	2,680,000	N	I	06-07-91	Indef.
ST92-1808	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	01-17-92	B	66,612	N	I	10-07-91	12-01-91
ST92-1809	SONAT Intrastate-Alabama Inc	Tennessee Gas Pipeline Co	01-17-92	C	8,000	N	I	01-01-92	03-31-00
ST92-1810	Transcontinental Gas P/L Corp	Elizabethtown Gas Co., et al	01-17-92	B	900,000	N	I	12-31-91	Indef.
ST92-1811	United Gas Pipe Line Co	Williams Gas Marketing Co	01-17-92	G-S	52,400	N	I	01-06-92	05-05-92.
ST92-1812	United Gas Pipe Line Co	Phoenix Gas Pipeline Co	01-17-92	G-S	104,800	N	I	01-08-92	05-07-92.
ST92-1813	Northern Natural Gas Co	UMC Petroleum Corp	01-21-92	G-S	10,000	N	F/I	01-01-92	Indef.
ST92-1814	Northern Natural Gas Co	Gasmark, Inc	01-21-92	G-S	100,000	N	F/I	01-06-92	Indef.
ST92-1815	Northern Natural Gas Co	Aquila Energy Marketing Corp	01-21-92	G-S	200,000	N	F/I	01-03-92	Indef.
ST92-1816	Northern Natural Gas Co	Highland Energy Co	01-21-92	G-S	10,000	N	F/I	01-01-92	Indef.
ST92-1817	Northern Natural Gas Co	Industrial Energy Applications	01-21-92	G-S	100,000	N	F/I	12-07-91	Indef.
ST92-1819	Transwestern Pipeline Co	North Canadian Marketing Corp	01-21-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-1820	Transwestern Pipeline Co	Western Natural Gas Trans. Corp	01-21-92	G-S	5,000	N	I	01-04-92	Indef.
ST92-1821	Transwestern Pipeline Co	NGC Transportation, Inc	01-21-92	G-S	750,000	N	I	01-01-92	Indef.
ST92-1822	Channel Industries Gas Co	United Gas Pipe Line Co	01-21-92	C	100,000	N	I	11-26-91	Indef.
ST92-1823	Channel Industries Gas Co	Texas Eastern Transmission Corp	01-21-92	C	100,000	N	I	12-11-91	Indef.
ST92-1824	Tennessee Gas Pipeline Co	Woodward Marketing, Inc	01-21-92	G-S	20,000	N	I	12-19-91	Indef.
ST92-1825	Tennessee Gas Pipeline Co	Interstate Gas Marketing Inc	01-21-92	G-S	11,060	N	I	12-13-91	Indef.
ST92-1826	Tennessee Gas Pipeline Co	Willmut Gas & Oil Co	01-21-92	B	150,000	N	I	01-02-92	Indef.
ST92-1827	Tennessee Gas Pipeline Co	Paragon Gas Corp	01-21-92	G-S	40,000	N	I	12-05-91	Indef.
ST92-1828	Columbia Gas Transmission Corp	Interstate Gas Marketing Inc	01-21-92	G-S	50,000	Y	I	01-01-92	Indef.
ST92-1829	Columbia Gas Transmission Corp	Gas Access Systems, Inc	01-21-92	G-S	2,000	N	F	01-04-92	03-31-92
ST92-1830	Webb/Duval Gatherers	Texas Eastern Transmission Corp	01-21-92	G	7,500	N	I	01-01-91	Indef.
ST92-1831	Webb/Duval Gatherers	Texas Eastern Transmission Corp	01-21-92	C	5,000	N	I	12-13-91	Indef.
ST92-1832	Enogex Inc	Northern Natural Gas Co	01-21-92	C	50,000	N	I	01-01-92	Indef.
ST92-1833	Enogex Inc	Williams Natural Gas Co	01-21-92	C	10,000	N	I	12-14-91	Indef.
ST92-1834	Enogex Inc	ANR Pipeline Co	01-21-92	C	20,000	N	I	01-01-92	Indef.
ST92-1835	Enogex Inc	ANR Pipeline Co	01-21-92	C	100,000	N	I	12-14-91	Indef.
ST92-1836	Enogex Inc	ANR Pipeline Co	01-21-92	C	20,000	N	I	01-01-91	Indef.
ST92-1837	Enogex Inc	Arkla Energy Resources	01-21-92	C	100,000	N	I	12-14-91	Indef.
ST92-1838	Enogex Inc	ANR Pipeline Co	01-21-92	C	50,000	N	I	12-20-91	Indef.
ST92-1839	Natural Gas P/L Co. of America	Northern Indiana Public Serv. Co	01-21-92	B	60,000	N	I	07-25-88	Indef.
ST92-1841	Enogex Inc	ANR Pipeline Co	01-21-92	C	50,000	N	I	12-18-91	Indef.
ST92-1842	Valero Transmission L.P	Texas Eastern Transmission Corp	01-21-92	C	7,000	N	I	01-09-92	Indef.
ST92-1843	ANR Pipeline Co	Cincinnati Gas & Electric Co	01-21-92	B	10,000	N	I	01-01-92	Indef.
ST92-1844	ANR Pipeline Co	Northern Illinois Gas, et al	01-21-92	B	30,000	N	I	01-01-92	Indef.
ST92-1845	ANR Pipeline Co	Ohio Gas Co	01-21-92	B	300	N	I	01-01-92	Indef.
ST92-1846	ANR Pipeline Co	East Ohio Gas Co	01-21-92	B	81,128	N	I	01-01-92	Indef.
ST92-1847	ANR Pipeline Co	MID Louisiana Gas Co	01-21-92	G	12,000	N	F	01-01-92	Indef.
ST92-1848	ANR Pipeline Co	Northern Indiana Public Service Co	01-21-92	B	150,000	A	I	01-01-92	Indef.
ST92-1849	ANR Pipeline Co	Northern Indiana Pub. Serv., et al	01-21-92	B	50,000	N	I	01-01-92	Indef.
ST92-1850	Texas Gas Transmission Corp	Hadson Gas Systems, Inc	01-21-92	G-S	75,000	N	I	12-25-91	Indef.
ST92-1851	Texas Gas Transmission Corp	Western Kentucky Gas Co	01-21-92	B	436	N	I	01-10-92	Indef.
ST92-1852	Transcontinental Gas P/L Corp	Bay State Gas Co., et al	01-21-92	B	150,000	N	I	07-31-90	Indef.
ST92-1853	Colorado Interstate Gas Co	Williams Gas Marketing Co	01-22-92	G-S	30,000	N	I	01-09-92	Indef.
ST92-1854	Colorado Interstate Gas Co	Coastal Gas Marketing Co	01-22-92	G-S	100,000	A	I	01-01-92	Indef.
ST92-1855	Trunkline Gas Co	Vesta Energy Co	01-22-92	G-S	30,000	N	I	12-25-91	Indef.
ST92-1856	ANR Pipeline Co	Louisiana Resources Co	01-22-92	B	50,000	N	I	01-01-92	Indef.
ST92-1857	Tennessee Gas Pipeline Co	Stellar Gas Co	01-22-92	G-S	10,000	N	I	01-01-92	Indef.
ST92-1858	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	01-22-92	B	15,390	N	I	01-01-92	Indef.
ST92-1859	Tennessee Gas Pipeline Co	Consolidated Fuel Gas Supply, Inc	01-22-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-1860	Northern Natural Gas Co	Coastal Gas Marketing Co	01-23-92	G-S	5,000	N	F/I	01-01-92	Indef.
ST92-1861	Northern Natural Gas Co	Northern Minnesota Utilities	01-23-92	B	100,000	N	F/I	01-01-92	Indef.
ST92-1862	United Gas Pipe Line Co	Bishop Pipeline Corp	01-23-92	G-S	41,920	N	I	12-19-91	04-17-92
ST92-1863	United Gas Pipe Line Co	Endevco Oil & Gas Co	01-23-92	G-S	26,200	N	I	01-06-92	05-05-92
ST92-1864	United Gas Pipe Line Co	Eagle Natural Gas Co	01-23-92	G-S	26,200	N	I	01-10-92	05-09-92
ST92-1865	United Gas Pipe Line Co	Ledco Inc	01-23-92	G-S	488,529	N	I	01-07-92	05-06-92
ST92-1866	United Gas Pipe Line Co	Arkla Energy Marketing Co	01-23-92	G-S	20,960	N	I	01-06-92	05-05-92
ST92-1867	United Gas Pipe Line Co	LL&E Gas Marketing, Inc	01-23-92	G-S	20,960	N	I	01-16-92	05-15-92
ST92-1868	United Gas Pipe Line Co	Rally Pipeline Corp	01-23-92	G-S	59,736	N	I	01-16-91	05-16-91
ST92-1869	Mississippi River Trans. Corp	Nestle Beverage Co	01-23-92	G-S	2,000	N	I	01-01-92	Indef.
ST92-1870	Mississippi River Trans. Corp	Entrade Corp	01-23-92	G-S	420	N	F	01-03-92	Indef.
ST92-1871	Northern Natural Gas Co	Centran Corp	01-23-92	G-S	15,000	N	F/I	01-08-92	Indef.
ST92-1872	Northern Natural Gas Co	Cibola Corp	01-23-92	G-S	200,000	N	F/I	01-09-92	Indef.
ST92-1873	Florida Gas Transmission Co	Polaris Pipeline Corp	01-23-92	G-S	50,000	N	I	12-28-91	Indef.
ST92-1874	Florida Gas Transmission Co	City of Tallahassee	01-23-92	G-S	7,250	N	F	01-01-92	Indef.
ST92-1875	Florida Gas Transmission Co	City of Gainesville	01-23-92	G-S	8,800	N	F	01-01-92	Indef.
ST92-1876	Florida Gas Transmission Co	Florida Power & Light Co	01-23-92	G-S	430,000	N	F	01-01-92	Indef.
ST92-1877	Tennessee Gas Pipeline Co	Distrigas of Massachusetts Corp	01-23-92	G	200,000	N	I	01-09-92	Indef.
ST92-1878	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	01-23-92	B	5,500	N	F	01-01-92	Indef.
ST92-1879	Channel Industries Gas Co	El Paso Natural Gas Co	01-23-92	C	100,000	Y	I	04-01-91	Indef.

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-1880	Channel Industries Gas Co	THC Pipeline Co	01-23-92	C	300,000	Y	I	01-01-92	Indef.
ST92-1881	Wyoming Interstate Co., Ltd	Universal Resources Corp	01-23-92	G-S	353,000	N	I	01-01-92	Indef.
ST92-1882	Colorado Interstate Gas Co	Windsor Gas Processing, Inc	01-23-92	G-S	10,000	N	I	01-14-92	Indef.
ST92-1883	Transcontinental Gas P/L Corp	Nerco Oil & Gas, Inc	01-23-92	G-S	500,000	N	I	01-01-92	Indef.
ST92-1884	Tennessee Gas Pipeline Co	Tennagasco Corp	01-24-92	G-S	1,000,000	A	I	01-07-92	Indef.
ST92-1885	Northern Border Pipeline Co	North Canadian Marketing Corp	01-24-92	G-S	100,000	Y	I	01-05-92	10-31-02
ST92-1886	Northern Border Pipeline Co	Amerada Hess Corp	01-24-92	G-S	25,000	Y	I	12-24-91	12-31-93
ST92-1887	Natural Gas P/L Co. of America	Tejas Hydrocarbons Co	01-24-92	G-S	100,000	N	I	12-14-91	Indef.
ST92-1888	Natural Gas P/L Co. of America	North American Resources Co	01-24-92	G-S	30,000	N	F	01-01-92	12-31-92
ST92-1889	K N Energy, Inc	NGC Transportation	01-24-92	G-S	4,900	N	F/I	12-03-91	01-01-92
ST92-1890	Williston Basin Inter. P/L Co	Marathon Oil Co	01-24-92	G-S	1,020	N	I	12-27-91	02-07-92
ST92-1891	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	01-24-92	C	45,000	N	I	01-06-92	Indef.
ST92-1892	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	01-24-92	C	15,000	N	I	01-04-92	Indef.
ST92-1893	Florida Gas Transmission Co	Metropolitan Dade County	01-24-92	G-S	7,200	N	F	01-01-92	Indef.
ST92-1894	K N Energy, Inc	Snyder Gas Marketing, Inc	01-24-92	G-S	5,000	N	I	01-13-92	01-09-93
ST92-1895	Gas Co. of New Mexico	El Paso Natural Gas Co	01-27-92	C	6,000	N	I	01-01-92	12-31-96
ST92-1896	Gas Co. of New Mexico	Northwest Pipeline Corp	01-27-92	C	100	N	I	01-02-92	09-30-96
ST92-1897	Columbia Gas Transmission Corp	Pardee Gas Co	01-24-92	G-S	5,000	N	I	01-01-92	Indef.
ST92-1898	Columbia Gas Transmission Corp	Kalida Natural Gas Co	01-24-92	B	200	N	F	01-01-92	Indef.
ST92-1899	Columbia Gas Transmission Corp	Virginia Natural Gas, Inc	01-24-92	B	50,000	Y	I	01-01-92	Indef.
ST92-1900	Columbia Gas Transmission Corp	Orwell Natural Gas Co	01-24-92	N	3,000	B	I	01-16-92	Indef.
ST92-1901	Columbia Gas Transmission Corp	Atlas Gas Marketing, Inc	01-24-92	G-S	1,500	N	F	01-10-92	04-30-93
ST92-1902	Columbia Gas Transmission Corp	Columbia Gas of Pennsylvania, Inc	01-24-92	B	3,100	N	I	01-07-92	Indef.
ST92-1903	Columbia Gas Transmission Corp	Krupp & Associates	01-24-92	G-S	231	Y	F	01-01-92	Indef.
ST92-1904	Columbia Gas Transmission Corp	NGC Transportation, Inc	01-24-92	G-S	5,000	N	F	01-01-92	03-01-92
ST92-1905	Tennessee Gas Pipeline Co	Harbert Oil & Gas Corp	01-27-92	G-S	50,000	N	I	12-01-91	Indef.
ST92-1906	Channel Industries Gas Co	Texas Eastern Gas Trans. Corp	01-27-92	C	15,000	N	I	01-08-92	Indef.
ST92-1907	Channel Industries Gas Co	Transcontinental Gas P/L Corp	01-27-92	C	100,000	Y	I	10-01-89	Indef.
ST92-1908	Channel Industries Gas Co	Tennessee Gas Pipeline Co	01-27-92	C	100,000	Y	I	09-01-89	Indef.
ST92-1909	Louisiana Resources Co	High Island Offshore System	01-27-92	C	50,000	N	I	01-01-92	Indef.
ST92-1910	Transcontinental Gas P/L Corp	Southern Natural Gas Co	01-24-92	G	600	N	F	03-01-91	07-31-94
ST92-1911	Transcontinental Gas P/L Corp	Ultramar Oil and Gas Limited	01-24-92	G-S	24,000	N	I	01-01-92	Indef.
ST92-1912	Southern Natural Gas Co	Producers Gas Sales, Inc	01-27-92	G-S	30,000	N	I	01-03-92	Indef.
ST92-1913	Southern Natural Gas Co	Access Energy Corp	01-27-92	G-S	100,000	N	I	01-14-92	Indef.
ST92-1914	Southern Natural Gas Co	Access Energy Corp	01-27-92	G-S	100,000	N	I	01-14-92	Indef.15
ST92-1915	Texas Eastern Transmission Corp	City of Hamilton	01-27-92	G-S	20,000	N	I	11-22-91	Indef.
ST92-1916	Texas Eastern Transmission Corp	RBS Gas Utilities, Inc	01-27-92	G-S	55	N	F	11-06-91	Indef.
ST92-1917	Texas Eastern Transmission Corp	CNG Transmission Corp	01-27-92	G-S	50,000	N	F	11-01-91	Indef.
ST92-1918	Texas Eastern Transmission Corp	City of Hamilton	01-27-92	G-S	15,000	N	F	11-01-91	Indef.
ST92-1919	Texas Eastern Transmission corp	Carnegie Natural Gas Co	01-27-92	G	162,000	N	I	01-02-92	Indef.
ST92-1920	Southern Natural Gas Co	Access Energy Corp	01-27-92	G-S	100,000	N	I	01-14-92	Indef.
ST92-1921	Southern Natural Gas Co	Yuma Gas Corp	01-27-92	G-S	10,000	N	I	01-10-92	Indef.
ST92-1922	Southern Natural Gas Co	Graniterville Co	01-27-92	G-S	1,250	N	I	01-15-92	03-31-92
ST92-1923	Louisiana Resources Co	Columbia Gulf Transmission Co	01-27-92	C	20,000	N	I	01-23-92	Indef.
ST92-1924	Louisiana Resources Co	Florida Gas Transmission Co	01-27-92	C	50,000	N	I	01-01-92	Indef.
ST92-1925	Texas Eastern Transmission Corp	North Canadian Marketing Corp	01-27-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-1926	Columbia Gulf Transmission Co	United Gas Pipeline Co	01-27-92	G	150,000	N	I	01-15-92	Indef.
ST92-1927	United Gas Pipe Line Co	Citizens Gas Supply Corp	01-27-92	G-S	104,381	N	I	01-06-92	05-05-92
ST92-1928	United Gas Pipe Line Co	Mobil Natural Gas Inc	01-27-92	G-S	52,400	N	I	01-08-92	05-07-92
ST92-1929	Sea Robin Pipeline Co	Coast Energy Group, Inc	01-27-92	G-S	50,000	N	I	01-11-92	Indef.
ST92-1930	Sea Robin Pipeline Co	Yuma Gas Corp	01-27-92	G-S	25,000	N	I	01-07-92	Indef.
ST92-1931	Natural Gas P/L Co. of America	Panhandle Eastern Pipeline Co	01-28-92	G	150,000	N	F	01-01-92	10-31-91
ST92-1932	Natural Gas P/L Co. of America	Clinton Gas Transmission, Inc	01-28-92	G-S	300	N	F	01-01-92	12-31-92
ST92-1933	Natural Gas P/L Co. of America	Northern Illinois Gas Co	01-28-92	B	100,000	N	F	12-01-91	11-30-95
ST92-1934	Natural Gas P/L Co. of America	Iowa-Illinois Gas & Electric Co	01-28-92	B	1,000	N	F	01-01-92	12-31-92
ST92-1935	Wyoming Interstate Co., Ltd	Iowa-Illinois Gas & Electric Co	01-28-92	B	1,000	N	F	01-01-92	12-31-92
ST92-1936	Wyoming Interstate Co., Ltd	Grand Valley Gas Co	01-28-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1937	ANR Pipeline Co	Northern States Power Co	01-28-92	G-S	20,000	N	I	01-09-92	Indef.
ST92-1938	ANR Pipeline Co	Louisiana Resources Co	01-28-92	B	200,000	N	I	01-15-92	Indef.
ST92-1939	ANR Pipeline Co	Northwestern Mutual Life Ins. Co	01-28-92	G-S	20,000	N	I	01-15-92	Indef.
ST92-1940	ANR Pipeline Co	Unocal Exploration Corp	01-28-92	G-S	51,000	N	I	01-15-92	Indef.
ST92-1941	ANR Pipeline Co	Northern Illinois Gas Co	01-28-92	B	100,000	N	I	01-10-92	Indef.
ST92-1942	ANR Pipeline Co	Acadian Gas Pipeline	01-28-92	B	250,000	A	I	01-16-92	Indef.
ST92-1943	Tennessee Gas Pipeline Co	CNG Trading Co	01-28-92	G-S	650,000	N	I	12-01-92	Indef.
ST92-1944	Tennessee Gas Pipeline Co	WES Cana Energy Marketing (US) Inc.	01-28-92	G-S	16,000	N	F	01-01-92	03-01-92
ST92-1945	Tennessee Gas Pipeline Co	Samedan Oil Corp	01-28-92	G-S	40,000	N	I	11-20-91	Indef.
ST92-1946	Tennessee Gas Pipeline Co	Centran Corp	01-28-92	G-S	20,000	N	I	12-28-92	Indef.
ST92-1947	Tennessee Gas Pipeline Co	Mobil Natural Gas, Inc	01-28-92	G-S	27,000	N	I	01-01-92	Indef.
ST92-1948	United Gas Pipe Line Co	Citizens Gas Supply Corp	01-27-92	G-S	104,381	N	I	01-06-92	05-05-92
ST92-1949	Columbia Gulf Transmission Co	Eastex Gas Transmission Co	01-28-92	G-S	25,000	N	I	05-01-92	Indef.
ST92-1950	Transwestern Pipeline Co	Ensearch Gas Co	01-28-92	G-S	100,000	N	I	01-16-92	Indef.
ST92-1951	Transwestern Pipeline Co	Enron Gas Marketing, Inc	01-28-92	G-S	500,000	A	I	01-15-92	Indef.
ST92-1952	Transok, Inc	Northern Natural Gas Co	01-28-92	C	50,000	N	I	12-10-92	Indef.
ST92-1953	Valero Transmission, L.P	Natural Gas P/L Co. of America	01-29-92	C	10,000	N	I	01-07-92	Indef.
ST92-1954	Valero Transmission, L.P	El Paso Natural Gas Co	01-29-92	C	12,000	N	I	01-04-92	Indef.
ST92-1955	Valero Transmission, L.P	El Paso Natural Gas Co	01-29-92	C	10,000	N	I	01-01-92	Indef.
ST92-1956	Natural Gas P/L Co. of America	Iowa-Illinois Gas and Elect. Co	01-29-92	B	3,000	N	F	12-15-92	03-31-92
ST92-1957	Natural Gas P/L Co. of America	North Canadian Marketing	01-29-92	G-S	100,000	N	I	01-09-92	Indef.
ST92-1958	Natural Gas P/L Co. of America	Chevron U.S.A. Inc	01-29-92	G-S	100,000	N	I	12-19-91	Indef.

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-1959	Natural Gas P/L Co. of America	Caspen Gas Co	01-29-92	G-S	30,000	N	I	01-03-92	Indef.
ST92-1960	Tennessee Gas Pipeline Co	Associated Natural Gas, Inc	01-29-92	G-S	90,000	N	I	01-01-92	Indef.
ST92-1961	Tennessee Gas Pipeline Co	North Penn Gas Co	01-29-92	B	1,075	N	F	01-01-92	Indef.
ST92-1962	Tennessee Gas Pipeline Co	Bishop Pipeline Corp	01-29-92	G-S	35,000	N	I	01-01-92	Indef.
ST92-1963	El Paso Natural Gas Co	Southdown, Inc	01-29-92	G-S	12	Y	F	01-02-92	Indef.
ST92-1964	El Paso Natural Gas Co	Salt River Project Agricultural	01-29-92	G-S	200,000	Y	F	01-07-92	Indef.
ST92-1965	El Paso Natural Gas Co	P.M.I. Comercio Internacional, S.A	01-29-92	G-S	12,255	Y	F	01-01-92	Indef.
ST92-1966	El Paso Natural Gas Co	Industrial Gas Sales, Inc	01-29-92	G-S	979	Y	I	01-02-92	Indef.
ST92-1967	El Paso Natural Gas Co	West Texas Gas, Inc	01-29-92	G-S	375,950	Y	F	01-01-92	Indef.
ST92-1968	K N Energy, Inc	Associated Natural Gas, Inc	01-29-92	G-S	7,673	N	F/I	01-01-92	02-29-92
ST92-1969	K N Energy, Inc	Anthem Energy Co	01-29-92	G-S	50,000	N	I	01-14-92	Indef.
ST92-1970	K N Energy, Inc	Westar Transmission Co	01-29-92	B	50,000	N	I	01-14-92	Indef.
ST92-1971	Iroquois Gas Trans. System, LP	Brooklyn, Interstate Nat. Gas Corp	01-29-92	G-S	350,000	N	I	01-25-92	10-31-92
ST92-1972	Natural Gas P/L Co. of America	Energy Development Co	01-29-92	G-S	15,000	N	I	12-19-92	Indef.
ST92-1973	United Gas Pipe Line Co	Shell Gas Trading Co	01-29-92	G-S	10,480	N	I	12-01-92	03-30-92
ST92-1974	United Gas Pipe Line Co	Mobil Natural Gas Inc	01-29-92	G-S	100,000	N	I	01-08-92	05-07-92
ST92-1975	Trunkline Gas Co	Unocal Exploration Corp	01-29-92	G-S	70,000	N	I	01-01-92	Indef.
ST92-1976	Trunkline Gas Co	Ledco, Inc	01-29-92	G-S	80,000	N	I	01-01-92	Indef.
ST92-1977	Trunkline Gas Co	Eastex Hydrocarbons, Inc	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1978	Trunkline Gas Co	Energy Marketing Exchange, Inc	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1979	Trunkline Gas Co	Tejas Hydrocarbons Co	01-29-92	G-S	100,000	N	I	01-16-92	Indef.
ST92-1980	Trunkline Gas Co	Mobil Natural Gas, Inc	01-29-92	G-S	15,000	N	I	01-18-92	Indef.
ST92-1981	Trunkline Gas Co	Graham Energy Marketing Corp	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1982	Trunkline Gas Co	Vesta Energy Co	01-29-92	G-S	30,000	N	I	01-01-92	Indef.
ST92-1983	Trunkline Gas Co	Unocal Exploration Corp	01-29-92	G-S	7,000	N	I	01-01-92	Indef.
ST92-1984	Trunkline Gas Co	Stellar Gas Co	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1985	Trunkline Gas Co	North Canadian Marketing Corp	01-29-92	G-S	150,000	N	I	01-01-92	Indef.
ST92-1986	Trunkline Gas Co	Mobil Natural Gas Inc	01-29-92	G-S	90,000	N	I	01-14-92	Indef.
ST92-1987	Trunkline Gas Co	North Canadian Marketing Corp	01-29-92	G-S	150,000	N	I	01-01-92	Indef.
ST92-1988	Trunkline Gas Co	NGC Transportation, Inc	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1989	Trunkline Gas Co	Central Illinois Public Service Co	01-29-92	G-S	30,000	N	I	01-04-92	Indef.
ST92-1990	Panhandle Eastern Pipe Line Co	North Canadian Marketing Corp	01-29-92	G-S	75,000	N	I	01-01-92	Indef.
ST92-1991	Panhandle Eastern Pipe Line Co	Energy Marketing Exchange, Inc	01-29-92	G-S	50,000	N	I	01-01-92	Indef.
ST92-1992	Panhandle Eastern Pipe Line Co	Amgas, Inc	01-29-92	G-S	36,500	N	I	01-04-92	Indef.
ST92-1993	Panhandle Eastern Pipe Line Co	Amgas, Inc	01-29-92	G-S	26	N	I	01-04-92	Indef.
ST92-1994	Panhandle Eastern Pipe Line Co	Anadarko Trading Co	01-29-92	G-S	10,000	N	I	01-01-92	Indef.
ST92-1995	Panhandle Eastern Pipe Line Co	Amgas, Inc	01-29-92	G-S	225	N	F	01-01-92	Indef.
ST92-1996	Panhandle Eastern Pipe Line Co	Anadarko Trading Co	01-29-92	G-S	10,299	N	I	01-01-92	Indef.
ST92-1997	Michigan Consolidated Gas Co	ANR Pipeline Co	01-30-92	G-HT	300	N	I	01-02-92	Indef.
ST92-1998	Texas Eastern Transmission Corp	Midcon Marketing Corp	01-30-92	G-S	50,000	N	I	12-01-91	Indef.
ST92-1999	Texas Eastern Transmission Corp	Access Energy Marketing	01-30-92	G-S	50,000	N	I	12-13-91	Indef.
ST92-2000	Texas Eastern Transmission Corp	City of Smyrna	01-30-92	B	19,750	N	I	11-27-91	Indef.
ST92-2001	Texas Eastern Transmission Corp	Appalachian Gas Sales	01-30-92	G-S	240,000	N	I	12-01-91	Indef.
ST92-2002	Texas Eastern Transmission Corp	Lone Star Gas Co	01-30-92	B	50,000	N	I	12-01-91	Indef.
ST92-2003	Panhandle Eastern Pipe Line Co	Western Gas Resources, Inc	01-30-92	G-S	150,000	N	I	01-01-92	Indef.
ST92-2004	United Gas Pipe Line Co	Enron Gas Marketing, Inc	01-30-92	G-S	52,400	N	I	01-20-92	05-19-92
ST92-2005	United Gas Pipe Line Co	Midcon Marketing Corp	01-30-92	G-S	115,280	N	I	06-15-91	10-13-91
ST92-2006	United Gas Pipe Line Co	Enercor, Inc	01-30-92	G-S	14,000	N	I	01-01-92	04-30-92
ST92-2007	United Gas Pipe Line Co	Chevron U.S.A. Inc	01-30-92	G-S	2,000	N	I	01-01-92	04-30-92
ST92-2008	United Gas Pipe Line Co	Fina Natural Gas Co	01-30-92	G-S	104,800	N	I	01-20-92	05-19-92
ST92-2009	United Gas Pipe Line Co	Vesta Energy Co	01-30-92	G-S	104,800	N	I	01-22-92	Indef.
ST92-2010	Transok, Inc	ANR Pipeline Co	01-30-92	C	50,000	N	I	12-01-91	Indef.
ST92-2011	Transok, Inc	ANR Pipeline Co	01-30-92	C	50,000	N	I	12-02-91	Indef.
ST92-2012	Lone Star Gas Co	Tennessee Gas Pipeline Co	01-30-92	C	50,000	N	I	01-01-92	Indef.
ST92-2013	Florida Gas Transmission Co	Chesapeake Utilities Corp	01-30-92	B	11,224	N	F	01-01-92	Indef.
ST92-2014	Florida Gas Transmission Co	CF Chemicals, Inc	01-30-92	G-S	1,001	N	F	01-01-92	Indef.
ST92-2015	Florida Gas Transmission Co	Jacksonville Electric Authority	01-30-92	G-S	5,000	N	F	01-01-92	Indef.
ST92-2016	Florida Gas Transmission Co	Orlando Utilities Commission	01-30-92	G-S	22,500	N	F	01-01-92	Indef.
ST92-2017	Transcontinental Gas P/L Corp	Public Service Electric & Gas Co	01-30-92	B	800,000	N	I	01-01-92	Indef.
ST92-2018	Transcontinental Gas P/L Corp	Bridgeline Gas Distribution Co	01-30-92	B	150,000	N	I	01-05-92	Indef.
ST92-2019	Transcontinental Gas P/L Corp	United Texas Transmission Co	01-30-92	B	50,000	N	I	01-01-92	Indef.
ST92-2020	Tennessee Gas Pipeline Co	Citizens Gas Supply Corp	01-30-92	G-S	3,200,000	N	I	01-01-92	Indef.
ST92-2021	Tennessee Gas Pipeline Co	Southern Connecticut Gas Co	01-30-92	B	70,000	N	I	01-15-92	Indef.
ST92-2022	Valero Transmission, L.P	Tennessee Gas Pipeline Co	01-30-92	C	15,000	N	I	01-01-92	Indef.
ST92-2023	Valero Transmission, L.P	El Paso Natural Gas Co	01-30-92	C	9,000	N	I	01-01-92	Indef.
ST92-2024	East Tennessee Natural Gas Co	American Central Gas Cos., Inc	01-30-92	G-S	100,000	N	I	01-01-92	Indef.
ST92-2025	East Tennessee Natural Gas Co	Elk River Public Utility District	01-30-92	G-S	18,000	N	I	01-02-92	Indef.
ST92-2026	East Tennessee Natural Gas Co	Marion Natural Gas System	01-30-92	G-S	5,934	N	I	01-07-92	Indef.
ST92-2027	East Tennessee Natural Gas Co	Greenback Industries, Inc	01-30-92	G-S	600	N	I	01-08-92	Indef.
ST92-2028	East Tennessee Natural Gas Co	Nat. Gas Utility Dist. of Hawkins	01-30-92	G-S	20,000	N	I	01-06-92	Indef.
ST92-2029	East Tennessee Natural Gas Co	Oak Ridge Utility District	01-30-92	G-S	15,000	N	I	01-01-92	Indef.
ST92-2030	East Tennessee Natural Gas Co	BASF Corp	01-30-92	G-S	25,000	N	I	01-01-92	Indef.
ST92-2031	East Tennessee Natural Gas Co	Athens Utilities Board	01-30-92	G-S	7,000	N	I	01-07-92	Indef.
ST92-2032	East Tennessee Natural Gas Co	Eastman Chemical Co	01-30-92	G-S	32,000	N	I	01-02-92	Indef.
ST92-2033	East Tennessee Natural Gas Co	Nerco Oil & Gas, Inc	01-30-92	G-S	150,000	N	I	01-01-92	Indef.
ST92-2034	East Tennessee Natural Gas Co	Maxus Exploration Co	01-30-92	G-S	150,000	N	I	01-09-92	Indef.
ST92-2035	East Tennessee Natural Gas Co	FMI Hydrocarbon Co	01-30-92	G-S	100,000	N	I	01-09-92	Indef.
ST92-2036	East Tennessee Natural Gas Co	City of Cookeville Gas Department	01-30-92	G-S	30,000	N	I	01-01-92	Indef.
ST92-2037	East Tennessee Natural Gas Co	Transco Energy Marketing Co	01-30-92	G-S	75,000	N	I	01-03-92	Indef.
ST92-2038	Tennessee Gas Pipeline Co	NGC Transportation, Inc	01-31-92	G-S	600,000	N	I	01-01-92	Indef.

Docket No.*	Transporter and seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity **	Aff. Y/A/N ***	Rate sch.	Date commenced	Projected termination date
ST92-2039	Tennessee Gas Pipeline Co	Colonial Gas Co	01-31-92	B	17,300	N	F	01-01-92	Indef.
ST92-2040	Tennessee Gas Pipeline Co	East Ohio Gas Co	01-31-92	B	10,000	N	I	01-10-92	Indef.
ST92-2041	Channel Industries Gas Co	THC Pipeline Co	01-31-92	C	75,000	Y	I	01-01-92	Indef.
ST92-2042	Texas Eastern Transmission Corp	Clajon Marketing Co., LP	01-31-92	G-S	25,000	N	F	01-01-92	Indef.
ST92-2043	Texas Eastern Transmission Corp	CMEX Energy, Inc	01-31-92	G-S	25,000	N	F	01-01-92	Indef.
ST92-2044	Williston Basin Inter. P/L Co	Koch Hydrocarbon Co	01-31-92	G-S	238	Y	F	01-01-92	03-31-92
ST92-2045	Ong Transmission Co	Natural Gas P/L Co. of America	01-31-92	C	20,000	N	I	01-01-92	Indef.
ST92-2046	Transamerican Natural Gas Corp	natural Gas P/L Co. of America	01-31-92	C	10,000	N	I	12-20-91	Indef.
ST92-2047	Transamerican Natural Gas Corp	Natural Gas P/L Co. of America	01-31-92	C	10,000	N	I	01-01-92	Indef.
ST92-2048	Transamerican Natural Gas Corp	Natural Gas P/L Co. of America	01-31-92	C	15,000	N	I	01-01-92	Indef.
ST92-2050	Transamerican Natural Gas Corp	Boston Gas Co	01-31-92	C	25,000	N	I	12-28-91	Indef.
ST92-2051	Transamerican Natural Gas Corp	United Gas Pipe Line Co	01-31-92	C	20,000	N	I	11-05-91	Indef.
ST92-2052	Transamerican Natural Gas Corp	United Gas Pipe Line Co	01-31-92	C	10,000	N	I	09-10-91	Indef.
ST92-2053	East Tennessee Natural Gas Co	Access Energy Corp	01-31-92	G-S	100,000	N	I	01-10-92	Indef.
ST92-2054	East Tennessee Natural Gas Co	Bishop Pipeline Corp	01-31-92	G-S	100,000	N	I	01-11-92	Indef.
ST92-2055	East Tennessee Natural Gas Co	Gallatin Natural Gas System	01-31-92	G-S	15,000	N	I	01-11-92	Indef.
ST92-2056	East Tennessee Natural Gas Co	Doehler-Jarvis	01-31-92	G-S	1,000	N	I	01-10-92	Indef.
ST92-2057	East Tennessee Natural Gas Co	Olin Corp	01-31-92	G-S	3,500	N	I	01-11-92	Indef.
ST92-2058	East Tennessee Natural Gas Co	Arco Natural Gas Marketing, Inc	01-31-92	G-S	300,000	N	I	01-10-92	Indef.
ST92-2059	East Tennessee Natural Gas Co	Chevron USA, Inc	01-31-92	G-S	200,000	N	I	01-10-92	Indef.
ST92-2060	East Tennessee Natural Gas Co	Williams L. Bonnell Co	01-31-92	G-S	10,000	N	I	01-10-92	Indef.
ST92-2061	East Tennessee Natural Gas Co	Carrier Corp	01-31-92	G-S	2,500	N	I	01-10-92	Indef.
ST92-2062	East Tennessee Natural Gas Co	Bridgestone/Firestone, Inc	01-31-92	G-S	5,000	N	I	01-10-92	Indef.
ST92-2063	Transcontinental Gas P/L Co	Baltimore Gas & Electric Co., et al	01-31-92	B	75,000	N	I	05-28-90	10-09-91
ST92-2064	Transcontinental Gas P/L Co	Philadelphia Gas Works	01-31-92	B	500,000	N	I	09-08-88	10-09-90
ST92-2065	East Ohio Gas Co	Rochester Gas and Electric Corp	01-31-92	C	35,000	N	I	01-01-92	02-29-92
ST92-2066	Transcontinental Gas P/L Corp	Atlanta Gas Light Co., et al	01-31-92	B	700,000	N	I	01-15-92	Indef.
ST92-2067	National Fuel Gas Supply Corp	Three Rivers Pipeline Co	01-31-92	G-S	20,000	N	I	01-10-92	05-09-92
ST92-2068	National Fuel Gas Supply Corp	National Fuel Gas Dist. Corp	01-31-92	G-S	7,452	N	I	01-04-92	05-03-92
ST92-2069	Overland Trail Transmission Co	Northwest Pipeline	01-31-92	C	15,000	N	I	01-01-92	Indef.
ST92-2070	United Gas Pipe Line Co	Shell Gas Trading Co	01-31-92	G-S	31,440	N	I	07-01-91	10-29-91
ST92-2071	United Gas Pipe Line Co	Coastal Gas Marketing Co	01-31-92	G-S	262,000	N	I	10-08-91	02-05-92
ST92-2072	United Gas Pipe Line Co	Fina Natural Gas Co	01-31-92	G-S	104,800	N	I	06-10-91	12-08-91
ST92-2073	United Gas Pipe Line Co	Nukem, Inc	01-31-92	G-S	104,800	N	I	08-30-91	12-28-91
ST92-2074	United Gas Pipe Line Co	BG Exploration America, Inc	01-31-92	G-S	12,576	N	I	12-06-91	04-04-92
ST92-2075	United Gas Pipe Line Co	TXO Gas Ventures Corp	01-31-92	G-S	157,200	N	I	06-01-91	09-29-91
ST92-2076	Northern Natural Gas Co	Virginia Dept. of Public Utilities	01-31-92	B	800	N	F	01-01-92	02-29-92
ST92-2077	Florida Gas Transmission Co	Fort Pierce Utilities Authority	01-31-92	G-S	633	N	I	01-01-92	Indef.
ST92-2078	Florida Gas Transmission Co	Citrus Worlk, Inc	01-31-92	G-S	1,200	N	F	01-02-92	05-31-92
ST92-2079	Florida Gas Transmission Co	Florida Gas Utility	01-31-92	G-S	37,900	N	F	01-01-92	Indef.
ST92-2080	Florida Gas Transmission Co	City of Tallahassee	01-31-92	G-S	45,849	N	F	01-01-92	Indef.
ST92-2081	Northern Natural Gas Co	Phillips Petroleum Co	01-31-92	G-S	100,000	N	F/I	01-01-92	Indef.
ST92-2082	East Texas Gas Systems	United Gas Pipeline	01-31-92	C	75,000	N	I	11-01-91	Indef.
ST92-2083	Northwest Pipeline Corp	Mock Resources, Inc	01-31-92	G-S	25,000	N	I	01-02-92	Indef.

* Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (Final Rule and Notice Requesting Supplemental Comments, 50 FR 42,372, 10/10/85).

** Estimated maximum daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.

*** Affiliation of reporting company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

[FR Doc. 92-5075 Filed 3-4-92; 8:45 am]

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[Docket No. JD92-04110T California-1]

California; NGPA Determination by Jurisdictional Agency Designating Tight Formations

February 27, 1992.

Take notice that on February 24, 1992, the California Division of Oil and Gas (California) submitted the above-referenced notice of determination pursuant to 271.703(c)(3) of the Commission's regulations, that the Lower Reef Ridge Shale Zone and the Basal Reef Ridge/Upper Antelope Shale Zone in the Lost Hills Field, Kern County, California, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application for both formations underlie the same lands described as follows:

Township 27 South, Range 21 East, Mt Diablo Base Meridian

Sections 22, 26, and 36—All

Section 25—All that portion lying westerly of the west line of the California Aqueduct, as described in the "Lis Pendens" dated May 12, 1965, and recorded May 12, 1965, in Book 3839 at Page 558 of Official Records, Kern County, California

The notice of determination also contains California's findings that the referenced portions of the Lower Reef Ridge Shale Zone and the Basal Reef Ridge/Upper Antelope Shale Zone meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5073 Filed 3-4-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-4-24-000 and TQ92-4-24-001]

Equitrans, Inc; Proposed Changes in FERC Gas Tariff

February 27, 1992.

Take notice that Equitrans, Inc. ("Equitrans") on February 25, 1992, tendered for filing, with a proposed effective date of March 1, 1992, the

following primary revised tariff sheets to its FERC Gas Tariff Original Volume No. 1:

Thirty-Fifth Revised Sheet No. 10
Twenty-Fifth Revised Sheet No. 34

Equitrans also submitted the following alternate tariff sheets:

Alternate Thirty-Fifth Revised Sheet No. 10
Alternate Twenty-Fifth Revised Sheet No. 34

Equitrans states that this filing implements an Out-of-Cycle Purchased Gas Adjustment to (1) correct an inadvertent error in the primary sheets to be effective March 1, 1992 filed by Equitrans on January 30, 1992 in Docket No. TQ92–3–24–000 and accepted by Letter Order issued on February 18, 1992, and (2) more closely reflect Equitrans' experienced cost of gas.

The changes proposed in the primary sheets under Rate Schedule PLS is an increase in the demand cost of $0.4340 per dekatherm ("dth") and a decrease in the commodity cost of $0.6341 per dth. The purchased gas cost adjustment to Rate Schedule ISS is a decrease of $0.5590 per dth for the winter period and $0.5592 per dth for the base period.

These changes are intended to reflect a recent change in the rates of Tennessee Gas Pipeline Company ("Tennessee"). On January 31, 1992, Tennessee moved to place revised rates into effect on February 1, 1992 in Docket No. RP92–203. Equitrans asserts it inadvertently omitted this Tennessee rate change in the PGA rates it previously submitted to become effective on March 1, 1992 in Docket No. TQ92–3–24–000. In addition, this filing reflects an up-date in Equitrans' gas costs.

The alternate tariff sheets are being filed to implement the pending certificate application in Docket No. CP92–109–000 to provide firm Sales Service of up to 50,000 dth per day of natural gas to Texas Eastern Transmission Corporation ("Texas Eastern") during the winter season of November through March for a two-year period. The proposed changes in the alternate filing under Rate Schedule PLS is an increase in the demand cost of $0.4340 per dth and a decrease in the commodity cost of $0.6617 per dth, as well as a change in the Account No. 191 surcharge to reflect additional PLS billing determinants from sales to Texas Eastern in March. The alternate proposed Purchase Gas Adjustment to Rate Schedule ISS is a decrease of $0.5823 per dth for the winter period and $0.5825 per dth for the base period.

Equitrans requests that the Commission grant waivers as needed to permit either the primary or alternate tariff sheets to become effective on March 1, 1992 in lieu of the incorrect sheets filed in Docket No. TQ92–3–24–000.

Equitrans states that a copy of its filing has been served upon its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 5, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5074 Filed 3–4–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RI92–5–000]

OXY USA Inc.; Independent Producer Change in Rate Schedule

February 27, 1992.

Take notice that on February 24, 1992, OXY USA Inc. (OXY) of Box 300, Tulsa, Oklahoma 74102, filed an independent producer rate change filing pursuant to § 154.94 of the Federal Energy Regulatory Commission's (Commission) regulations. OXY requests that the Commission restore the indefinite pricing provision to its life of lease contract dated August 19, 1946, all as more fully set forth in the filing which is on file with the Commission and open for public inspection.

Under the August 19, 1946 contract, on file with the Commission as OXY's FERC Gas Rate Schedule No. 107, OXY, successor to Cities Service Oil Company (Cities), sells natural gas to Phillips Petroleum Company (Phillips) from wells located in the Hugoton Field, Sherman County, Texas. OXY states that the indefinite pricing provision was deleted from the contract under the duress of the then federal regulation of producer contracts by a contract amendment dated June 16, 1964, executed by Phillips and Cities and accepted by the Commission as Supplement No. 8 to OXY's FERC Gas Rate Schedule No. 107. OXY also states that absent the restoration of the indefinite pricing provision, the "contract" rate would arguably remain at the current minimum rate upon the deregulation of natural gas prices under the Natural Gas Wellhead Decontrol Act of 1989, subject only to a one cent escalation every five years.

Any person desiring to be heard or to make an protest with reference to said filing should on or before March 9, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5070 Filed 3–4–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP92–6–003]

Southern Natural Gas Co., et. al.; Petition to Amend

February 28, 1992.

Take notice that on February 24, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, and on February 25, 1992, South Georgia Natural Gas Company (South Georgia), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP92–6–003 a joint petition to amend the order issued October 31, 1991, in Docket No. CP92–6–000 pursuant to section 7(b) of the Natural Gas Act so as to reflect the correct amount of remaining contract demand for South Georgia and South Georgia's customer, the City of Dawson (Dawson), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that in ordering Paragraph (C) of the October 31, 1991, Commission order, Southern was authorized to abandon 10,498 Mcf of daily contract demand to South Georgia. It is further stated that the 10,498 Mcf per day of South Georgia's contract demand was generated by accumulating each of nine customer's remaining maximum daily quantities proposed for conversion to firm transportation on South Georgia's system. Southern asserts that subsequent to submission of Docket No. CP92–6–000 and receipts of the requested authorization, Southern discovered that the 1,212 Mcf per day of maximum daily quantities for Dawson was overstated. It is stated that Dawson had already converted 606 of the said 1,212 Mcf of maximum daily quantities to firm transportation service on February 20, 1991. Thus, it is maintained that 606 of the 1,212 Mcf per day of the maximum daily quantities had already been accounted for in other abandonment calculations. Accordingly, Southern requests that the October 31, 1991, order be amended to reflect abandonment of 9,892 Mcf per day for South Georgia under Rate Schedule OCD–2. In addition, South Georgia requests that the October 31, 1991, order be amended to reflect abandonment of 606 Mcf per day for Dawson under Rate Schedule G–2.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5069 Filed 3–4–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Special Research Grant Program Notice 92–10: Nuclear Engineering Research

AGENCY: Department of Energy (DOE).

SUMMARY: The Office of Energy Research of the Department of Energy (DOE), in keeping with the Special Research Grant Program, 10 CFR part 605, hereby announces its interest in receiving applications for special research grants that will support nuclear engineering research. The restriction of funding to U.S. college and university nuclear engineering programs is in accordance with the recommendation in the Senate Report to the Energy and Water Development Appropriation Act, 1992, Public Law 102–104. The Senate Report citation is: Senate Report 80, 102nd Congress, 1st Session, page 87. The report specifies that college and university nuclear engineering programs shall receive DOE funding to support this program of research. In accordance with 10 CFR part 600.7(b)(1), eligibility for awards under this program is restricted to colleges and universities that have nuclear engineering programs because the purpose of the program is to (1) support basic research in nuclear engineering; (2) assist in developing nuclear engineering manpower; and (3) contribute to strengthening the academic community's nuclear engineering infrastructure.

DATES: To permit timely consideration for award in Fiscal Year 1992, formal applications submitted in response to this Notice should be received no later than 4:30 p.m. Eastern local time, April 20, 1992.

ADDRESSES: Completed formal applications referencing Program notice 92–10 should be submitted to: U.S. Department of Energy, Division of Acquisition and Assistance Management, ER–64, Office of Energy Research, Washington, D.C. 20585. Express mail or courier address is: U.S. Department of Energy, Division of Acquisition and Assistance Management, ER–64, Office of Energy Research, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Dr. Larry Barker, Program Manager, Office of University and Science Education Programs, ER–82, Office of Energy Research, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C 20585, (202) 586–8947.

SUPPLEMENTARY INFORMATION: Applications for special research grants should be directed to state-of-the-art research that contributes to the following areas: applied nuclear sciences, reactor operations and control, reactor neutronics, nuclear thermal hydraulics, nuclear materials, advanced reactor concepts, nuclear propulsion technology for space, waste management and environmental remediation, and heavy water reactor safety research for Westinghouse Savannah River Laboratory. The research to be supported should be innovative and revolutionary, rather than evolutionary. Incremental improvements in technologies related to conventional light water reactor (LWR) technologies or research typically supported by the U.S. Nuclear Regulatory Commission will not be supported. The following information details the areas of research in which this program has an increased interest:

1. Applied nuclear science focuses on research applications of radiation and research reactors, including, but not limited to, improved instrumentation or measurement techniques for health physics or biomedical research, the use of research reactors for fundamental studies, and other innovative applications of nuclear science which support DOE missions and goals.

a. Improved instrumentation for health physics or biomedical applications focuses on the development of dosimetry techniques for monitoring of radiation exposures due to neutrons and other radiation in medical application of radiation sources.

b. The use of research reactors for fundamental studies focuses on the development of novel research capabilities using research reactors for the application of radiation from reactors to probe matter in pursuit of basic knowledge in areas such as condensed matter physics, chemical kinetics, or biotechnology.

c. Other innovative applications of nuclear science which have not been specifically identified elsewhere in this program notice will also be considered for funding if they support DOE missions and goals.

2. Reactor operations and control includes innovative applications of computer systems and computational tools to improvements in the safety and reliability of nuclear reactor operation, including advances in reactor control and instrumentation, and real-time instrumentation to monitor component and system performance.

a. Advances in reactor control and instrumentation includes the application of human factors engineering and/or expert systems to improve monitors and displays for the control room environment and the application of real-time signal analysis and processing to improve fault detection in reactor instrumentation and components.

b. Real-time instrumentation includes, but is not limited to, the monitoring of component performance to optimize component maintenance and to minimize failure, and the development of nuclear or non-nuclear methods to detect in real time the radiation embrittlement of nuclear reactor vessel materials.

3. Reactor neutronics focuses on improvements in reactor computational methodologies in the light of continuing

dramatic improvements in computational hardware, including, but not limited to, improvements in core neutronics, reactor kinetics, radiation transport, fission product behavior, nuclear fuel management and fuel cycle optimization.

4. Nuclear thermal hydraulics focuses on improvements of models and analysis of thermal hydraulic behavior in the nuclear reactor system, including, but not limited to, applications to multiphase flow, convective and conductive heat transport, degraded core cooling and emergency coolant flow.

5. Nuclear materials addresses the application of engineering sciences to improve knowledge of material behavior in a radiation environment typical of nuclear power plants, including, but not limited to, the identification of improved materials for plant life extension, and the modeling of corrosion and erosion is such environments.

6. Advanced reactor concepts focuses on innovative design concepts for improved power reactor performance, including, but not limited to, advanced converter reactors, liquid metal reactors, light water reactors and high temperature gas-cooled reactors.

7. Advanced nuclear propulsion concepts focuses on the development of advanced nuclear propulsion concepts, beyond solid core fission, to support the requirements of planetary exploration of the President's Space Exploration Initiative. Research to be funded will include, but not be limited to, advances in nuclear thermal propulsion (NTP) and nuclear electric propulsion (NEP) concepts.

a. NTP research should address basic theoretical and/or experimental work which supports the development of propulsion concepts which produce a specific impulse greater than 1500 sec. Leading NTP candidates include gas core fission, fusion systems, and antimatter systems, although consideration will be given to any concept which would allow fast transport of manned spacecraft.

Specific areas of interest include, but are not limited to: (1) Plasma/fluid interface mixing; (2) radiation transport (neutronic, thermal, x-ray, gamma ray, pion); (3) fluid dynamics; (4) high temperature materials (behavior, fabrication, and cooling); (5) dense plasma coupling to magnetic fields; (6) antiproton storage; (7) low mass thermal radiators; (8) innovative power convertors; and (9) coupled systems modeling.

b. NEP research should address basic theoretical and/or experimental work which supports the development of propulsion concepts which produce a specific mass less than 3 kg/kW.

Specific areas of interest include but are not limited to: (1) Materials with increased lifetime in plasma discharge environment; (2) acceleration systems with increased efficiency; (3) innovative designs; and (4) coupled systems modeling.

8. Waste management and environmental remediation focuses on the use of innovative nuclear instruments or nuclear techniques to monitor or remediate radioactive or mixed hazardous wastes in soil or water as part of a global effort to improve the environmental quality of a particular federal or commercial site, and includes, but is not limited to, development of active nuclear interrogation techniques for monitoring low-level environmental contaminant *in situ*.

9. Heavy Water Reactor Safety Research for Savannah River Site focuses on innovative concepts to enhance performance and safety of DOE's existing and planned low temperature, low pressure production reactors at the Savannah River Site. Research areas of special interest are severe accident phenomena, thermal-hydraulics, reactor neutronics and human performance.

a. Severe accident phenomena research includes understanding of reactor behavior during and following postulated accidents which go beyond fuel melting, including research in aluminum, fuel melt morphology, interaction of molten uranium/aluminum with water and structural materials, related fission product chemistry, aerosol behavior of lithium and aluminum species, filter design for capture of aerosols and fission products in high volumetric flow condition, and mathematical models of the above processes.

b. Thermal hydraulic research includes improved understanding of the analysis capabilities of the RELAPS and TRAC codes for SRS reactors, including the validation of constitute relations for two-phase thermal hydraulics at near-atmospheric pressure conditions in annular geometry. The research program also covers development of detailed two-phase flow codes for simulation of the thermal-hydraulic precursors to fuel damage. This code development work is supported by experimental investigations of the thermal-hydraulic precursors (heated air-water-steam flows).

c. Reactor neutronics research includes improved numerical methods and modeling strategies in reactor analysis, including resonance calculations, lattice cell calculations, and full reactor static and transient calculations.

d. Human performance research includes improved understanding of operator response during routine and accident situations, including human factors, advanced operator aides and control room design, and the application of robotics in emergency response to improve human performance.

It is anticipated that approximately $2M will be available for grant awards during Fiscal Year 1992, and that awards will range from $50K to $250K per year, with a typical requested project duration of two to three years. However, note that future fiscal year awards will be subject to the availability of appropriated funds. General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures, are contained in the OER Special Research Grant Application Kit and Guide available from the U.S. Department of Energy, Office of Energy Research, Office of University and Science Education Programs, ER–80, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8947. It is specifically requested that the "Detailed Description of Research Work Proposed" section of the application not exceed fifteen double-spaced pages. An abstract of the proposed work consisting of no more than 200 words should be included, along with a description of the scope of the work and an enumeration of the tasks to be performed.

(The Catalog of Federal Domestic Assistance Number for this program is 81.049)

Issued in Washington, DC, on February 26, 1992.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 92–5160 Filed 3–4–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[Docket No. EA–76–B]

Application To Amend Electricity Export Authorization; New England Power Pool

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application.

SUMMARY: The New England Power Pool has applied for a temporary amendment to its existing electricity export authorization in order to test existing electric transmission facilities at the U.S.-Canadian border.

DATES: Comments, protests or requests to intervene must be submitted on or before March 20, 1992.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket Number EA–76–B should appear clearly on the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski, (Program Office) 202–586–4708 or Lise Howe (Program Attorney) 202–586–2900.

SUPPLEMENTARY INFORMATION: The construction, connection, operation, and maintenance of facilities at the international border of the United States for the transmission of electrical energy is prohibited in the absence of a Presidential permit pursuant to Executive Order No. 12038. Exports of electricity from the United States to a foreign country also are regulated and require authorization under section 202(e) of the Federal Power Act.

On February 27, 1992, the New England Power Pool (NEPOOL) applied to the Department of Energy (DOE) for a temporary amendment to its existing electricity export authorization in order to test existing High Voltage Direct Current (HVDC) transmission facilities at export levels of up to 2,000 MW. The construction and operation of these facilities were authorized by Presidential Permit PP–76, issued on April 5, 1984, and a subsequent amendment to that permit issued on September 16, 1988.

Under the terms of the existing electricity export authorization issued on August 9, 1985, in Docket No. PP–76EA, NEPOOL is authorized to export up to 725 megawatts (MW) to Hydro-Quebec on a continuous basis. NEPOOL is requesting a temporary amendment to the existing export authorization in order to test the HVDC facilities at export levels up to 2,000 MW for the period March 15 through June 30, 1992. Testing is expected to require exports at levels up to 1,000 MW for approximately 30 hours and exports at levels up to 2,000 MW for approximately 4 hours. Retesting may be required and would be expected to involve up to 7 additional hours at levels up to 1,000 MW and up to 1 additional hour at levels up to 2,000 MW.

PROCEDURAL MATTERS: Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedures (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with: Mark E. Slade, Esquire, New England Electric System, 25 Research Drive, Westborough, MA 01582.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after a determination is made by the DOE that the proposed action will not impair the reliability of the U.S. electric power supply system.

Before an authorization can be issued, the environmental impacts of the proposed DOE action (i.e., granting the authorization, with any conditions and limitations, or denying it) must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA). The NEPA compliance process is a cooperative, non-adversarial process involving members of the public, state governments and the Federal government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Should a public proceeding be necessary in order to comply with NEPA, notice of such activities and information on how the public can participate in those activities will be published in the Federal Register, local newspapers, and public libraries and/or reading rooms in the vicinity of the electric transmission facilities.

Copies of this application will be made available, upon request, for public inspection and copying by the Department of Energy at the address provided above, from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 3, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5206 Filed 3–4–92; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. FE–C&E–92–01PO]

Tucson Electric Power Co.; Amendment to Prohibition Order Granting an Extension in the Schedule of Conversion

AGENCY: Department of Energy; Office of Fossil Energy.

ACTION: Notice of amendment to prohibition order.

SUMMARY: The Office of Fossil Energy (OFE) of the Department of Energy gives notice that it has amended the final prohibition order issued July 15, 1981, to the Tucson Electric Power Company (TEP) by the former Economic Regulatory Administration (46 FR 37960, July 23, 1981). The order was granted under the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq*). The amended order grants an extension in the schedule of conversion for TEP's Irvington Generating Station Units 1, 2, and 3 for a period of five years from the currently effective prohibition dates. This action is being taken as a result of changed circumstances regarding the financial feasibility of converting TEP's Irvington Units 1, 2, and 3 to coal as an energy source.

A copy of this amendment is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5159 Filed 3–4–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91-86-NG]

MASSPOWER; Order Granting Authorization to Import and Export Natural Gas, Including LNG, From and to Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting authorization to import and export natural gas, including LNG, from and to Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting MASSPOWER blanket authorization to import and export up to 20 billion cubic feet of natural gas, cinluding liquefied natural gas, from and to Canada over a two-year term beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-5158 Filed 3-4-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-4111-9]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of application for extension of the reformulated gasoline program to New York.

SUMMARY: This notice publishes the application of the Governor of the State of New York to have the prohibition set forth in section 211(k)(5) of the Clean Air Act, as amended, (the Act) applied in that state. Under section 211(k)(6) the Administrator of EPA shall apply the prohibition against the sale of gasoline which has not been reformulated to be less polluting in an ozone nonattainment area upon the application of the governor of the state in which the nonattainment area is located.

DATES: The effective date of the prohibition described herein is January 1, 1995 (see the Supplementary Information section of today's notice for a discussion of the possible delay of this date).

ADDRESSES: Materials relevant to this Notice are contained in Public Docket No. A-91-02. This docket is located in room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8:30 a.m. until 12 noon and from 1:30 p.m. until 3 p.m., Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Joanne I. Goldhand, U.S. EPA (SDSB-12), Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4504.

SUPPLEMENTARY INFORMATION:

I. Background

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Clean Air Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. To be certified as reformulated a gasoline must comply with the following formula requirements: Oxygen content of at least 2.0 percent by weight; benzene content of no more than 1.0 percent by volume; and no heavy metals (with a possible waiver for metals other than lead). The gasoline must also achieve toxic and volatile organic compound emissions reductions equal to or exceeding the more stringent of a specified formula fuel or a performance standard.

Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989. Applying those criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford, and Milwaukee. Under section 211(k)(10)(D) any area reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the reformulated gasoline program.

Any other ozone nonattainment area may be included in the program at the request of the governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a governor, EPA shall apply the prohibition against selling conventional gasoline in any area in the governor's state which has been classified under subpart 2 of part D of title I of the Act as a Marginal, Moderate, Serious or Severe ozone nonattainment area.[1] Subparagraph 211(k)(6)(A) further provides that EPA is to apply the prohibition as of the date he "deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" reformulated gasoline. Finally, EPA is to publish a governor's application in the **Federal Register**. EPA has received and published applications from the governors of Connecticut, Maine, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, and Virginia.

EPA has used the regulatory negotiation process in developing the requirements for reformulated gasoline. A notice of proposed rulemaking was published July 9, 1991 (56 FR 31176). Since that time the regulatory negotiation advisory committee reached consensus on an outline for the reformulated gasoline program. A supplemental notice of proposed rulemaking will be published shortly which describes the consensus of the advisory committee. This supplemental notice will also describe the certification program for reformulated gasoline, the credits program for exceeding certain requirements and the enforcement program, among other elements.

II. The Governor's Requests

EPA received an application from the Hon. Mario M. Cuomo, Governor of New York, for the nonattainment areas in that state to be included in the reformulated gasoline program. His application is set out in full below.

[State of New York Letterhead]

October 28, 1991.

Dear Administrator Reilly:

Pursuant to the requirements of Public Law 101-549, the Clean Air Act Amendments of 1990, section 219(k)(6)(A), I am writing to request that you apply the requirements of Section 219(k)(5) (A) & (B) to all ozone nonattainment areas in New York State.

[1] EPA recently promulgated such designations pursuant to section 107(d)(4) of the Act (56 FR 56694; November 6, 1991).

The use of reformulated gasoline throughout all nonattainment areas of the State is appropriate and necessary in view of the total number of nonattainment areas and the State's inclusion in the Northeast Ozone Transport Region. The use of cleaner fuels is an extremely cost-effective strategy that will assist us in meeting out air quality goals.

In addition to its viability as a control strategy within New York State's nonattainment areas, I am instructing my designees to the Ozone Transport Commission to pursue adoption of this measure, along with other mobile source control strategies, throughout the Ozone Transport Region.

Sincerely,

Mario M. Cuomo,

Governor.

The Honorable William Reilly,
Administrator, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

III. Action

Pursuant to the Governor's letter and the provisions of section 211(k)(6), the prohibitions of subsection 211(k)(5) will be applied to the nonattainment areas in New York classified Marginal or worse beginning January 1, 1995 (unless delayed, as provided above). These include the Albany-Schenectady-Troy area, the Buffalo-Niagara Falls area, the Essex County area, the Jefferson County area, the New York-Northern New Jersey-Long Island area, and the Poughkeepsie area (see 56 FR 56694, 56805 (November 6, 1991)). The application of the prohibitions to these areas cannot take effect any earlier than January 1, 1995 under section 211(k)(5) and cannot take effect any later than January 1, 1995, under section 211(k)(6)(A), unless the Administrator extends the effective date by rule under section 211(k)(6)(B).

Dated: February 12, 1992.

William K. Reilly,

Administrator.

[OPPTS-51789; FRL 4052-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 19 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 92-469, April 28, 1992.
P 92-492, May 11, 1992.
P 92-505, 92-506, May 9, 1992.
P 92-507, 92-508, 92-509, 92-510, 92-511, May 10, 1992.
P 92-512, May 11, 1992.
P 92-513, May 12, 1992.
P 92-514, 92-515, 92-516, May 13, 1992.
P 92-517, 92-518, 92-519, 92-520, May 17, 1992.
P 92-521, May 18, 1992.

Written comments by:

P 92-469, March 29, 1992.
P 92-492, April 11, 1992.
P 92-505, 92-506, April 9, 1992.
P 92-507, 92-508, 92-509, 92-510, 92-511, April 10, 1992.
P 92-512, April 11, 1992.
P 92-513, April 12, 1992.
P 92-514, 92-515, 92-516, April 13, 1992.
P 92-517, 92-518, 92-519, 92-520, April 17, 1992.
P 92-521, April 18, 1992.

ADDRESSES: Written comments, identified by the document control number "(OPPTS-51789)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. L-100, Washington, DC, 20460, (202) 260-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The completenonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 92-469

Importer. Confidential.
Chemical. (G) Arylic polymer.
Use/Import. (G) Open, nondispersive.
Import range: Confidential.

P 92-492

Importer. Kurary International, Corporation.
Chemical. (S) 1-Butanol, 3-methoxy-3-methyl-, acetate.
Use/Import. (S) Organic solvent of polyurethane paint. Import range: 20,000-100,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 4.6 g/kg species (rat). Eye irritation: moderate species (rabbit). Skin irritation: negligible species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig). Photoallergenicity: negative.

P 92-505

Manufacturer. E.I. Du Pont De Nemours & Co.
Chemical. (G) Nitroaromatic ether.
Use/Production. (G) Isolated intermediate destrustive. Prod. range: Confidential.
Toxicity Data. Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit).

P 92-506

Manufacturer. Confidential.
Chemical. (G) Modified organoamine silicone.
Use/Production. (S) Textile softening/finishing agent. Prod. range: Confidential.

P 92-507

Importer. Hoechst Celanese Corporation.
Chemical. (G) Modified rosin resin.
Use/Import. (G) Binder for effect ink products. Import range: 12,500-20,000 kg/yr.

P 92-508

Manufacturer. M-I Drilling Fluids Co.
Chemical. (G) Trialanolamine quat.
Use/Production. (S) Drilling fluids shale stabilizier. Prod. range: 45,000-100,000 kg/yr.
Toxicity Data. Static acute toxicity: time LC50 > 1,000,000 ppm species (mysidopsis bahoa).

P 92-509

Importer. UCB-JSR Electronics, Inc.
Chemical. (G) Bisphenol derivative.
Use/Import. (G) Component of short photoresist. Import range: 1,000-3,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: negligible species (rabbit).

P 92-510

Importer. UCB-JSR Electronics, Inc.
Chemical. (G) Naphthoquinone diazo ester derivatives (mixture).

Use/Import. (G) Component photoresist. Import range: 1,000–3,000 kg/yr.

P 92–511

Importer. UCB-JSR Electronics, Inc.
Chemical. (G) Trisphenol derivative.
Use/Import. (G) Component photoresist. Import range: 1,000–3,000 kg/yr.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Skin irritation: negligible species (rabbit). Mutagenicity: negative.

P 92–512

Importer. Hoechst Celanese Corporation.
Chemical. (G) 2,2'-Substituted bisbenzoic acid, substituted ammonium salt.
Use/Import. (S) Charge controlling agent. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rabbit). Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 92–513

Importer. MTC America, Inc.
Chemical. (G) Polysterpolyol.
Use/Import. (G) Coating. Import range: Confidential.

P 92–514

Manufacturer. Confidential.
Chemical. (G) Modified chlorinated polyolefin.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 5,500–14,000 kg/yr.

P 92–515

Manufacturer. Confidential.
Chemical. (G) Modified chlorinated polyolefin.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 5,500–14,000 kg/yr.

P 92–516

Manufacturer. Confidential.
Chemical. (G) alkyl methacrylate copolymer.
Use/Production. (G) Lubricating oil additives. Prod. range: Confidential.

P 92–517

Importer. Confidential.
Chemical. (G) Styrene-acrylate acid ester copolymer with functional sites.
Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 92–518

Manufacturer. Confidential.
Chemical. (G) Fluorinated copolymer.
Use/Production. (G) Extender for oil and waterproofing agents. Prod. range: Confidential.

P 92–519

Importer. Confidential.
Chemical. (G) Fluorinated copolymer.
Use/Import. (G) Extender for oil and waterproofing agents. Import range: Confidential.

P 92–520

Manufacturer. Polycoat Products.
Chemical. (G) Aliphatic polyester polyurethane coating.
Use/Production. (S) Waterproof clear coating. Prod. range: Confidential.

P 92–521

Manufacturer. Confidential.
Chemical. (G) Solvent - free short oil oxidizing alkyd.
Use/Production. (S) Baking finishes for metal objects. Prod. range: Confidential.

Dated: February 27, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–5061 Filed 3–4–92; 8:45 am]

BILLING CODE 6560–50–F

[OPTS–59304; FRL–4051–4]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME–92–2. The test marketing conditions are described below.

EFFECTIVE DATES: February 26, 1992. Written comments will be received until March 20, 1992.

ADDRESSES: Written comments, identified by the document control number "[OPPTS–59304]" and the specific TME number "[TME–92–2]" should be sent to: Document Control Officer (TS–790), Confidential Data Branch, Information Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–201, 401 M St., SW., Washington, DC 20460, (202) 260–3532.

FOR FURTHER INFORMATION CONTACT: Paul Matthai, New Chemicals Branch, Chemical Control Division (TS–794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–611, 401 M St. SW., Washington, DC 20460, (202) 260–3385.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury to human health and the environment.

EPA hereby approves TME–92–2. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

Inadvertently, notice of receipt of the application was not published. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential document is available in the Public Reading Room NE G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

EPA hereby approves TME–92–2. EPA had determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–92–2:

1. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME.

2. During manufacturing, processing, and use of the substance at any site controlled by the Company, any person under the control of the Company, including employees and contractors, who may be dermally exposed to the substance shall use:

a. Gloves determined by the Company to be impervious to the substance under the conditions of exposure, including the duration of exposure. The Company shall make this determination either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation by the PMN substance and associated chemical substances;

b. Clothing which covers any other exposed areas of the arms, legs, and torso; and

c. Chemical safety goggles or equivalent eye protection.

3. The Company must affix a label to each container of the substance or formulations containing the substance. The label shall include, at a minimum, the following statement:

WARNING: Contact with skin may be harmful. Chemicals similar in structure to (insert appropriate name) have been found to cause severe irritation and corrosion to tissue. To protect yourself, you must wear protective gloves, clothing, and goggles.

4. The applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

a. Records of the quantity of the TME substance produced and the date of manufacture.

b. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

c. Copies of the labels affixed to containers of the substance or formulations containing the substance.

d. Copies of the bill of lading that accompanies each shipment of the substance.

e. Copies of any determination under paragraph 2.a. above that the protective gloves used by the Company are impervious to the substance.

T–92–2

Date of Receipt: January 13, 1992.
Close of Review Period: February 26, 1992. The extended comment period will close March 20, 1992.
Applicant: Stonhard, Inc.
Chemical: Adduct of Bisphenol F epoxy with two cycloaliphatic amines.
Use: Corrosion resistant cross–linked epoxy composite lining system.
Production Volume: 7,500 pounds (3410 kilograms).
Number of Customers: One.
Worker Exposure: During manufacturing, (approximately 4 workers), and during processing and use, (approximately 36 workers) are not expected to be exposed either dermally or through inhalation because of the severe irritation and corrosive nature of the TME substance.
Test Marketing Period: Six Months, commencing on first day of manufacture.
Risk Assessment: EPA identified concerns for severe irritation and corrosion to tissues based on data on similar compounds. However, during manufacturing, processing, and use, exposure to workers will be prevented by the use of protective gloves, clothing, and goggles. Therefore, the test market activities will not present an unreasonable risk of injury to health. EPA identified no significant environmental concerns for the test market substance. Therefore, the test market activities will not present an unreasonable risk of injury to the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: February 26, 1992.

John W. Melone,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–5065 Filed 3–4–92; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute of Mental Health; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committees of the National Institute of Mental Health for April 1992.

The initial review groups will be performing review of applications for Federal assistance; therefore, portions of these meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Joanna L. Kieffer, NIMH Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 9-105, 5600 Fishers Lane, Rockville, MD 20857 (Telephone: 301–443–4333).

Substantive program information may be obtained form the contacts whose names, room numbers, and telephone numbers are listed below.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.
Meeting Date: April 3, 1992.
Place: La Jolla Village Inn, 3299 Holiday Court, La Jolla, CA 92037.
Open: April 3, 8:30–9 a.m.
Closed: Otherwise.
Contact: Gwen Artis, room 9C–18, Parklawn Building, Telephone (301) 443–3944.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.
Meeting Date: April 24, 1992.
Place: Strathallan Hotel, 550 East Avenue, Rochester, NY, 14607.
Open: April 24, 8:30–9 a.m.
Closed: Otherwise.
Contact: Frances H. Smith, room 9C–02, Parklawn Building, Telephone (301) 443–4968.

Committee Name: Clinical Subcommittee, Mental Health Special Projects Review Committee.
Meeting Date: April 30, 1992.
Place: Clinic Center Hotel, 2065 East 96th Street, Cleveland, OH 44106.
Open: April 30, 8:30–9:30 a.m..
Closed: Otherwise.
Contact: Gwen Artis, room 9C–18, Parklawn Building, Telephone (301) 443–3944

Dated: February 28, 1992.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92–5108 Filed 3–4–92; 8:45 am]

BILLING CODE 4160–20–M

Centers for Disease Control

[Announcement Number 211]

Cooperative Agreements for Preventive Health Services—Tuberculosis Prevention and Control/Elimination and Tuberculosis/Human Immunodeficiency Virus (HIV); Availability of Funds for Fiscal Year 1992

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of Fiscal Year 1992 funds for Cooperative Agreements for Tuberculosis (TB) Prevention and Control/Elimination Programs and Human Immunodeficiency Virus (HIV)-Related TB Prevention Activities. These programs are related to TB elimination efforts and are directed to support:

A. Prevention and Control/Elimination programs including:

1. Continuation of currently supported programs directed primarily toward high incidence population groups and selected geographic areas; and

2. Initiation of expanded surveillance, prevention, and control strategies related to TB elimination including:

a. Demonstration of the effectiveness of implementing new and efficient TB screening and prevention endeavors in specific high-risk populations (e.g., prisoners, persons with HIV infection, racial and ethnic minority group members, homeless persons, foreign-born persons, and other high-risk groups),

b. Demonstration of the cost effectiveness of strategies such as providing transportation, food, or other incentives and enablers as an adjunct to the use of outreach workers for directly-observed therapy to ensure that patients adhere to and complete prescribed therapy regimens,

c. Deployment of additional outreach workers representative of high incidence population groups primarily for expanded directly-observed therapy,

d. Development of technical expertise (e.g., through training) in planning, promoting, and carrying out TB elimination strategies,

e. Screening and preventive therapy demonstration projects in 2–3 areas designed to address the serious problem of TB in the inner city in racial and ethnic minority populations, particularly those settling from other parts of the world.

B. HIV-Related TB Epidemiologic Studies to assess the impact of HIV infection and acquired immunodeficiency syndrome (AIDS) on TB; and

C. HIV-Related TB Projects to demonstrate the programmatic effectiveness, safety, and acceptability of preventive therapy in preventing clinical TB among injecting drug users (IDUs), correction inmates, and members of other groups with a high prevalance of tuberculosis infection who are also at high risk for HIV infection who are enrolled in methadone treatment programs or other health care systems designed to provide long-term (at least 6 to 12 months) follow-up.

The Public Health Service (PHS) is committed to achieving the health promotion and diseaae prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Infectious Diseases and HIV Infection. (For ordering a copy of Healthy People 2000, see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION.**)

Authority

This program is authorized by the Public Health Service Act: Section 301(a) (42 U.S.C. 241(a)), as amended; and section 317 (42 U.S.C. 247b). Regulations governing programs for preventive health services are codified at 42 CFR part 51b. Subpart A contains general provisions relating to these programs.

Eligible Applicants

A. TB Prevention and Control/Elimination: Eligible applicants for competing continuation funding are the official public health agencies currently receiving support. Eligible applicants for new competing funding are the official public health agencies of state governments including the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and American Samoa.

B. HIV-Related TB Epidemiologic Studies: Eligible applicants for competing continuation funding are the official public health agencies of state and local governments currently receiving cooperative agreement funds for TB/HIV epidemiologic studies (New York City Department of Health, New Jersey State Health Department, and Florida Department of Health and Rehabilitative Services).

C. HIV-Related TB Prevention Projects: Eligible applicants for competing continuation funding are the official public health agencies of state and local governments currently receiving cooperative agreement funds for TB/HIV activities. Current recipients are located in areas that accounted for 77% of the TB cases reported in the United States during 1990 and 90% of the AIDS cases reported in 1990. Since limited funds are available, priority will be given to those areas that are demonstrating success in reaching program goals and objectives and are cost effectively placing large numbers of high-risk persons on preventive therapy.

Availability of Funds

A. Approximately $15,000,000 is available in Fiscal Year 1992 to fund up to 68 competing Prevention and Control/Elimination cooperative agreements. It is expected that awards will begin on or about April 1, 1992, for a 12-month budget period within a 5-year project period. Funding estimates are subject to change. Continuation awards within an approved project period are made on the basis of satisfactory performance and availability of funds.

1. Approximately $12,500,000 is available to fund up to 46 Prevention and Control/Elimination competing continuation awards for outreach activities necessary for effective prevention and control of TB in high incidence population groups and initiation of expanded TB elimination activities. Awards are expected to range from $50,000 to $1,000,000 with an average award of $260,000.

2. Approximately $1,500,000 is available to fund up to 22 new Prevention and Control/Elimination awards for initiation of TB elimination strategies. Awards are expected to range from $25,000 to $200,000.

3. Approximately $1,000,000 is available to fund up to 3 screening and preventive therapy demonstration projects designed to address the serious problem of TB in the inner city in racial and ethnic minority populations, particularly those settling from other parts of the world.

B. Approximately $400,000 is available to fund up to 3 HIV-related TB epidemiologic studies. It is expected that these awards will begin on or about April 1, 1992, for a 12-month budget period within a 1-year project period. Awards are expected to range from $75,000 to $200,000 with an average award of $130,000. These funds will be available for only 1 year.

C. Approximately $4,500,000 is available to fund up to 25 competing HIV-related TB projects to demonstrate the acceptability, safety, and programmatic effectiveness of isoniazid (INH) therapy among IDUs and other groups at risk for HIV-related TB. It is expected that these awards will begin on or about April 1, 1992, for a 12-month budget period within a 5-year project period. Awards are expected to range from $50,000 to $1,000,000 with an average award of $180,000.

Cooperative agreement funds may be used to support personnel and to purchase equipment, supplies, and services directly related to project activities. Under section 317 of the PHS Act, direct assistance ("in lieu of cash") may be requested. Funds may not be used to supplant state or local funds or for inpatient care.

Purpose

The purpose of these programs is to: (1) Strengthen and ensure TB surveillance and containment, particularly through employment of outreach workers, and support outreach activities necessary for field follow-up and directly-observed therapy in high incidence population groups and selected geographic areas, implement new and efficient TB screening and prevention activities in high-risk populations, demonstrate the effectiveness of incentives and enablers to ensure patient completion of therapy, and enhance technical expertise and plans for carrying out TB elimination strategies; (2) support epidemiologic studies to assess the impact of HIV infection and AIDS on TB; and (3) support projects to examine the programmatic effectiveness, safety, and acceptability of preventive therapy in preventing clinical TB among IDUs and members of other groups with a high prevalence of tuberculous infection who are also at risk for HIV infection and who are enrolled in methadone treatment programs or other health care systems designed to provide long-term (at least 6 to 12 months) follow-up.

Program Requirements

In conducting activities to achieve the purpose of the program, the recipient will be responsible for conducting activities under A. and CDC will be responsible for the activities under B.

A. Recipient Activities

1. Recipients of Funds for Prevention and Control/Elimination

Recipients should collaborate and enter into cooperative programs with other agencies related to the tuberculosis prevention, control, and elimination activities described in this application.

a. Require the reporting of TB cases, suspects, and significant laboratory results by health care providers and laboratories in both the public and private sectors; analyze reporting trends; implement updated public health record systems to monitor the current care status of patients, suspects, contacts, and infected persons at high risk for TB in the community.

b. Carry out detailed epidemiological analyses of trends in TB cases in order to identify and characterize population groups at highest risk for TB in the community.

c. Develop and implement cost-effective, medically and epidemiologically sound patient care practices, public health policies, laws, and regulations. A major policy component should be the implementation of recommended American Thoracic Society (ATS)/CDC treatment and prevention recommendations and Advisory Committee (Now Council) for Elimination of Tuberculosis (ACET) recommendations for elimination of TB.

d. Deploy outreach workers representative of the high incidence TB populations in the community for directly-observed therapy and follow-up of patients.

e. Provide directly-observed drug treatment to patients and use other strategies, e.g., incentives/enablers and individual provider accountability, to ensure completion of therapy for patients who will not or cannot self-administer recommended medications.

f. Provide diagnostic, treatment, and prevention services adapted to the characteristics of TB populations regardless of patients' ability to pay for services.

g. Implement efficient approaches to prevent TB in high-risk groups, e.g., inmates of correctional facilities, persons with HIV infection, racial and ethnic minority group members, foreign-born persons, and other high-risk groups.

h. Conduct evaluations and analyses of unique TB problems related to racial and ethnic minorities, foreign-born persons, HIV infection, and drug resistance.

i. Investigate and analyze TB outbreaks, TB deaths, TB in children, and recurrent TB cases to identify causes of past failures to prevent morbidity and mortality and to design more effective prevention and control actions for the future.

j. Monitor and evaluate the effectiveness of program activities to ensure that state, local, and national objectives are being achieved and that substantial progress is being made toward achieving the Healthy People 2000 objectives. Measures must be established to evaluate the achievement of each project objective and required semi-annual reports submitted to CDC.

k. Develop plans to establish a TB elimination advisory committee with membership including representatives from community groups at highest risk for TB or their health care providers.

2. Recipients of Funds for HIV-Related TB epidemiologic Studies

In cohort studies, determine the risk of developing TB among persons with evidence of both HIV and tuberculous infection according to the amount and type of preventive therapy taken. Applicants need to demonstrate completion of subject enrollment, data and specimen collection, analysis of available data, and the ability to adequately follow enrolled patients. In autopsy studies of IDUs, determine whether IDUs who are HIV positive are more likely to be culture positive for TB than HIV-negative IDUs. Applicants need to demonstrate satisfactory progress in subject enrollment, data and specimen collection, and analysis of available data.

3. Recipients of Funds for HIV-Related TB Prevention Projects

a. Arrange for on-site Mantoux tuberculin skin testing and recording of results in millimeters of induration for, (a) IDUs enrolled in drug treatment programs and (b) other individuals who are at high risk of having both tuberculous and HIV infection who are enrolled in health care programs which are designed to provide long-term (at least 6 to 12 months follow-up).

b. Provide pre-test counseling about the skin test and the need for follow-up and preventive therapy if the skin test is positive.

c. Routinely offer culturally competent and language specific pre- and post-test counseling and voluntary HIV antibody testing to all adults with TB. Persons with positive tuberculin skin test reactions should be routinely assessed for HIV risk factors and, if any of these are present, should be offered counseling and HIV antibody testing.

d. In collaboration with the HIV/AIDS prevention program, establish standards and implement procedures for the confidential notification of sex and needle sharing partners of persons with AIDS and HIV infection. The standards should emphasize: the role of the seropositive person in informing partners; training for seropositive persons in techniques for notifying partners; and, where appropriate, the assistance of health departments in the confidential notification of partners.

e. Ensure that clients with a 5mm or larger tuberculin skin test reaction are evaluated for clinical TB and, if disease

is present, initiate treatment according to current ATS/CDC guidelines. Persons with symptoms suggestive of TB will be referred for evaluation regardless of the skin test reaction.

f. Ensure that clients with a positive skin test and no clinical evidence of TB or medical contraindications are started on 6 to 12 months of uninterrupted daily or biweekly preventive INH therapy. This will include all HIV-seropositive persons with a 5mm or larger skin test reaction regardless of age and all HIV-seronegative (or HIV status unknown) with a 10mm or larger induration regardless of age. An aggressive "case management" approach must be employed to ensure therapy compliance. Monitor clients on preventive therapy at least monthly for compliance and signs and symptoms of possible adverse drug reactions.

g. Provide follow-up for clients who fail to comply with their preventive therapy regimens.

h. Develop a collaborative plan between state/local health department and drug treatment or other health programs to monitor preventive therapy services. The roles of each agency should be specifically defined and letters of support from the other participating health program(s) should be included. The plan should also specify how the confidentiality of patient records will be ensured and should include documentation which permits the use of reporting of the HIV antibody test results for the purpose described in this application.

i. Determine by HIV status the number of TB cases identified during preventive therapy. For patients who have received preventive therapy, determine the number of TB cases occurring during the 2-year period following preventive therapy.

B. Centers for Disease Control

1. Collaborate in the development and improvement of TB case reporting and program management record systems. Assist in the establishment of special surveillance systems and the investigation and analysis of special problems such as multidrug-resistant TB, TB in institutions, and TB in AIDS or HIV-infected populations.

2. Assist in improving program performance through on-site consultation and technical assistance and through provision of training courses, workshops, and materials.

3. Provide consultation and technical assistance in the planning and evaluation of program operations.

4. Provide TB and HIV-related TB medical, epidemiologic, and programmatic assistance.

5. Assist in developing and disseminating public health and medical policies and recommendations for the diagnosis, treatment, and prevention of TB (e.g., ATS/CDC statements and ACET recommendations).

Review and Evaluation Criteria

Each application will be reviewed and evaluated individually according to the following criteria. (Total 100 points)

A. TB Prevention and Control/ Elimination

1. Competing Continuation Applications

a. The extent of the TB problems and adequacy of information supporting the need for assistance. (40 points)

b. The extent to which objectives are specific, measurable, realistic, time-phased, and related to the applicant's plan and the national goal of TB elimination. (20 points)

c. The potential for successful implementation of the proposed methods to accomplish the stated objectives. (20 points)

d. The quality of the plan to evaluate implementation of the methods and assess progress toward achieving the stated objectives. (10 points)

e. The adequacy of progress in implementing methods and achieving objectives set forth in previous applications. (10 points)

2. New Competing Applications

a. The extent of the TB problems and the potential for successful implementation of proposed activities. (50 points)

b. The quality of the proposed plan to address the problems identified. (15 points)

c. The extent to which objectives are provided that are specific, realistic, measurable, cost effective, time-phased, and related to the purpose of this program and the applicant's proposed plan. (15 points)

d. The potential for successful implementation of proposed activities. (20 points)

Priority for funding will be given first to continuation of currently funded programs and second to the initiation of new programs which: meet the above criteria; are deemed feasible, innovative, and cost effective; and are most likely to expedite the elimination of TB.

B. HIV-Related TB Epidemiologic Studies

1. Progress in enrolling patients in cohort, cross-sectional, longitudinal, descriptive, or preventive therapy evaluation studies. (50 points)

2. The extent to which procedures specified in approved protocols have been successfully implemented. (50 points)

C. HIV-Related TB Prevention Projects

1. Progress in achieving program goals and objectives. (50 points)

2. The extent to which the applicant has demonstrated the ability to cost effectively place large numbers of high-risk persons on preventive therapy. (50 points)

Other Requirements

Recipients must comply with terms and conditions included in the document titled Content of HIV/AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control (CDC) Assistance Programs. A copy is available in the application kit. Data collection initiated under these cooperative agreements has been approved by the Office of Management and Budget under OMB No. 0920–0026, "TB Statistics and Program Evaluation," Expiration date June 1993.

Executive Order 12372 Review

Applications are subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs. E.O. 12372 sets up a system for state and local government review of proposed federal assistance applications. Applicants (other than federally-recognized Indian Tribal governments) should contact their state Single Point of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should forward them to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, no later than 60 days after the application deadline for new and competing awards. CDC does not guarantee to "accommodate or explain" state process recommendations it receives after that date.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number is 93.116.

Application Submission and Deadline

The original and two copies of the application (PHS 5161–1) must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers, for Disease Control, 255 East Paces Ferry Road, N.E., room 300, Atlanta, GA 30305, on or before March 6, 1992.

A. Deadline: Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable proof of timely mailing.)

B. Late Applications: Applications which do not meet the criteria in A.1. or A.2. above are considered late applications. Late applications shall not be considered in the current competition for funding and will be returned to the applicant.

Where to Obtain Additional Information

Information on application procedures may be obtained from Lynn Mercer (Regions I-V) or Eddie Wilder (Regions VI–X), Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, GA 30305, (404) 842–6814 (Regions I–V), or (404) 842-6805 (Regions VI–X).

Programmatic technical assistance may be obtained from John J. Seggerson and H. Mack Anders for the TB Prevention and Control/Elimination component and from Harry A. Stern for the two HIV-Related TB components, Division of Tuberculosis Elimination, National Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639–2508 or FTS 236–2508. Programmatic technical assistance is also available from the appropriate Department of Health and Human Services Regional Office.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone 202–783–3238).

Dated: February 28, 1992.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

[FR Doc. 92-5104 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 92N-0105]

American Therapeutics, Inc.: Proposal To Withdraw Approval of Abbreviated New Drug Application; Opportunity for a Hearing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is proposing to withdraw approval of an abbreviated new drug application (ANDA) for Danazol Capsules, 200 milligrams (mg), held by American Therapeutics, Inc. (ATI), 73 Carlough Rd., Bohemia, NY 11716. The bases for the proposed withdrawal are (1) the application contains untrue statements of material fact; (2) the drug lacks substantial evidence of effectiveness; and (3) the drug is not shown to be safe.

DATES: Written requests for a hearing by April 6, 1992; data and information in support of the hearing request due by May 4, 1992.

ADDRESSES: A request for hearing, supporting data, and other comments should be identified with Docket No. 92N–0105 and submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Jean Olson, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

SUPPLEMENTARY INFORMATION: In October 1990, FDA began an assessment of the truthfulness and reliability of information contained in ANDA 71–569 for Danazol Capsules, 200 mg, held by ATI. This assessment revealed discrepancies between records retained by ATI and records submitted in the ANDA. These discrepancies indicate that the ANDA contains untrue statements of material fact. In addition, the discrepancies raise serious questions about the reliability and accuracy of the data, including the bioequivalency data, submitted to support approval of the application. Without reliable bioequivalence data, the drug lacks substantial evidence of effectiveness and has not been shown to be safe. Accordingly, the Director of the Center for Drug Evaluation and Research is proposing to withdraw approval of the application listed above.

Proposed Action and Notice of Opportunity for a Hearing

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355), notice is hereby given to the holder of the ANDA listed above and to all other interested persons that the Director of the Center for Drug Evaluation and Research proposes to issue an order under section 505(e) of the act, withdrawing approval of the ANDA listed above, and all amendments and supplements thereto. The Director finds: (1) That the application contains untrue statements of material fact; (2) that the drug lacks substantial evidence of effectiveness; and (3) that the drug is not shown to be safe. In accordance with section 505 of the act and 21 CFR part 314, the applicant is hereby given an opportunity for a hearing to show why approval of the ANDA should not be withdrawn.

An applicant who decides to seek a hearing shall file: (1) on or before April 6, 1992, a written notice of appearance and request for hearing, and (2) on or before May 4, 1992, the data, information, and analyses relied on to demonstrate that there is a genuine and substantial issue of fact to justify a hearing. Any other interested person may also submit comments on this notice. A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. The procedures and requirements governing this notice of opportunity for a hearing, a notice of appearance and request for a hearing, information and analyses to justify a material hearing, other comments, and a grant or denial of a hearing are contained in 21 CFR 314.200 (except that the limitations imposed by 21 CFR 314.200 (d)(1) and (d)(2) do not apply) and in 21 CFR part 12.

The failure of the applicant to file a timely written notice of appearance and request for hearing, as required by 21 CFR 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person's drug product. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

All submissions pursuant to this notice of opportunity for hearing are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505 (21 U.S.C. 355)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: February 27, 1992.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 92-5173 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0104]

Elkins-Sinn, Inc.; Withdrawal of Approval of 17 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 17 abbreviated new drug applications (ANDA's) held by Elkins-Sinn, Inc., 2 Esterbrook Lane, Cherry Hill, NJ 08003-4099 (Elkins-Sinn). Elkins-Sinn requested that the agency withdraw approval of the applications.

EFFECTIVE DATE: April 6, 1992.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD-360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8038.

SUPPLEMENTARY INFORMATION: Elkins-Sinn requested that the agency withdraw approval of the 17 ANDA's listed in the table in this document. Elkins-Sinn has also, by its request, waived its opportunity for a hearing.

ANDA No.	Drug
15-426	Meprobamate Tablets, 200 and 400 milligrams (mg).
15-499	Meclizine Hydrochloride Tablets, 25 mg.
60-059	Tetracycline Hydrochloride Capsules, 250 mg.
80-003	Nitrofurantoin Tablets, 50 and 100 mg.
80-491	Prednisone Tablets, 5 mg.
80-624	Hydrocortisone Tablets, 20 mg.
80-625	Prenisolone Tablets, 5 mg.
80-836	Cortisone Acetate Tablets, 25 mg.
80-938	Chlorpheniramine Maleate Tablets, 4 mg.
83-145	Reserpine Tablets, 0.1 and 0.25 mg.
83-366	Pentobarbital Sodium Capsules, 100 mg.
83-622	Quinidine Sulfate Tablets, 200 mg.
85-152	Hydrochlorothiazide Tablets, 25 and 50 mg.
85-336	Dimenhydrinate Tablets, 50 mg.
85-479	Vitamin A Palmitate Capsules, 50,000 Units.
85-701	Diphenhydramine Hydrochloride Capsules, 25 and 50 mg.
85-811	Prednisone Tablets, 20 mg.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the ANDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective April 6, 1992.

Dated: February 27, 1992.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 92-5112 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0103]

Par Pharmaceutical, Inc.; Withdrawal of Approval of 17 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 17 abbreviated new drug applications (ANDA's) held by Par Pharmaceutical, Inc., One Ram Ridge Rd., Spring Valley, NY 10977 (Par). Par notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: April 6, 1992.

FOR FURTHER INFORMATION CONTACT: Lola E. Batson, Center for Drug Evaluation and Research (HFD-360), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8038.

SUPPLEMENTARY INFORMATION: Par, the holder of the ANDA's listed in the table in this document, has informed FDA that these drug products are no longer marketed and has requested that FDA withdraw approval of the applications. Par has also, by its request, waived its opportunity for a hearing.

ANDA No.	Drug
70-156	Doxylamine Succinate Tablets, 25 milligrams (mg).
71-328	Haloperidol Tablets, 20 mg.
71-598	Leucovorin Calcium Tablets, 25 mg.
71-600	Leucovorin Calcium Tablets, 5 mg.
72-077	Meclofenamate Sodium Capsules, 50 mg.
72-078	Meclofenamate Sodium Capsules, 100 mg.
87-094	Dipyridamole Tablets, 25 mg.
87-360	Dipyridamole Tablets, 75 mg.
87-650	Dipyridamole Tablets, 50 mg.
87-656	Hydroxyzine Pamoate Capsules, 25 mg.
87-657	Hydroxyzine Pamoate Capsules, 50 mg.
87-658	Hydroxyzine Pamoate Capsules, 100 mg.
89-126	Meprobamate with Aspirin Tablets, 200 mg/325 mg.
89-145	Hydroxyzine Pamoate Capsules, 25 mg.
89-146	Hydroxyzine Pamoate Capsules, 50 mg.
89-764	Thioridazine Hydrochloride Tablets, 150 mg.
89-765	Thioridazine Hydrochloride Tablets, 200 mg.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the abbreviated new drug application listed above, and all supplements thereto, is hereby withdrawn, effective April 6, 1992.

Dated: February 27, 1992.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 92-5111 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1992:

Name: National Advisory Council on Health Professions Education

Date and Time: March 26-27, 1992, 8:30 a.m.

Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on March 26, 8:30 a.m. to 5 p.m.
Closed for remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The open portion of the meeting will cover welcome and opening remarks, report of the Administrator on recent developments in the Agency; an update on developments and activities within the Bureau of Health Professions; a presentation on Public Health discipline; a progress report on activities of the Council on Graduate Medical Education; and a discussion of linkages between education and service.

The meeting will be closed on March 27 for the review of applications for Area Health Education Centers; Predoctoral Training in Family Medicine; Establishment of Department of Family Medicine; Physician Assistant; two-Year Programs; Podiatric Primary Care Residency Training; General Practice Dentistry Residencies; Graduate Programs in Health Administration and Health Career Opportunity Programs.

The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Ms. Wilma J. Johnson, Executive Secretary, National Advisory Council on Health Professions Education, Room 8C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6880.

Agenda Items are subject to change as priorities dictate.

Dated: March 2, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-5174 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-05-M

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1992:

Name: Advisory Committee on Infant Mortality.

Date & Time: April 3, 1992, 9:30 a.m.-4 p.m.

Place: Conference Room 615F, Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Washington, DC 20201

The meeting is open to the public.

Purpose: The Committee provides advice and recommendations to the Secretary on the following: Department programs which are directed at reducing infant mortality and improving the health status of pregnant women and infants; how best to coordinate the variety of Federal, State, local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start Initiative and other recommendations of the Domestic Policy Council, and infant mortality objectives from Healthy People: 2000: National Health Promotion and Disease Prevention Objectives.

Agenda: During the first meeting of the Committee, the appointed members will be introduced. The Secretary will present his charge to the Committee followed by a review of the Department's infant mortality reduction activities and introduction to the Public Health Service Interagency Committee on Infant Mortality. There will also be a report on the Healthy Start Initiative as well as a discussion of Committee's approach, priorities, and plans for 1992.

Anyone requiring information regarding the Committee should contact Mr. Ronald Carlson, Executive Secretary, Advisory Committee on Infant Mortality, Health Resources and Services Administration, room 14-33, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2460.

Persons interested in attending any portion of the meeting should contact Ms. Chisun Chu, Public Health Analyst, Office of the Interagency Committee on Infant Mortality, Health Resources and Services Administration, Telephone (301) 443-2204.

Agenda Items are subject to change as priorities dictate.

Dated: March 2, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-5175 Filed 3-4-92; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Salmon District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District Advisory Council will meet on Wednesday, April 8, 1992, at the new Junior High School building in Challis, Idaho. The meeting will convene at 10 a.m.

SUPPLEMENTARY INFORMATION: The meeting is held in accordance with Public Laws 92-463 and 94-579. The purpose for the meeting is to discuss the Endangered Species Act and its implications for BLM management of the public lands, the status of the Challis Resource Management Plan, and current Salmon District issues.

The meeting is open to the public. Interested persons may make oral statements to the council between 11 a.m. and 11:30 a.m. or file written statements to the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Salmon District Office by April 3, 1992.

Summary minutes to the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting. Notification of oral statements and requests for summary minutes should be sent to Roy S. Jackson, District Manager, Salmon District BLM, Box 430, Salmon, Idaho 83467.

Dated: February 25, 1992.

Roy S. Jackson,

District Manager.

[FR Doc. 92-5128 Filed 3-4-92; 8:45 am]

BILLING CODE 4310-GG-M

[CO-050-4212-14; COC-53609]

Realty Action; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, proposed noncompetitive sale of public lands in Clear Creek County, Colorado.

SUMMARY: The following described lands are being considered for disposal by direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value of $30,350. The lands will not be offered for sale until at least 60 days after the date of this notice.

Sixth Principal Meridian

T.3S., R.73W.,
Section 36: Lots 5, 6, 7 and 8
Containing approximately 5.08 acres.

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action, or 270 days from the date of publication of this notice, whichever occurs first.

The lands will be offered for sale directly to John and Linda Mollard, Robert Ray, Duane and Vivian Parker and Dennis Wamsley; or to designated agents acting for these parties. The purpose of these actions is to resolve longstanding inadvertent occupancy trespasses. The patents, when issued, will contain certain reservations to the United States and will be subject to existing rights-of-way. Details of the

individual sales will be worked out between BLM and the affected parties.

DATES: The comment period ends on or before April 20, 1992.

ADDRESSES: District Manager, Canon City District Office, 3170 East Main Street, Canon City, Colorado 81212. Telephone (719) 275–0631. Comments will be evaluated by the District Manager, who may cancel or modify this realty action and issue a final determination.

FOR FURTHER INFORMATION CONTACT: Priscilla McLain at (303) 239–3719.

Stuart A. Parker,

Acting District Manager.

[FR Doc. 92–5126 Filed 3–4–92; 8:45 am]

BILLING CODE 4310–JB–M

[MT–930–4214–10; SDM 80731]

Proposed Withdrawal and Opportunity of Public Meeting; South Dakota

AGENCY: Bureau of Land Management, Interior

ACTION: Notice

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw approximately 2 acres of National Forest System land for protection of the old Spokane Mine and millsite in Custer County. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may be made of National Forest System lands.

DATES: Comments and requests for a public meeting must be received by June 3, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Montana State Director, BLM, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, 406–255–2949.

SUPPLEMENTARY INFORMATION: On February 7, 1992, the U.S. Department of Agriculture filed an application to withdraw the following described National Forest System land from location entry under the United States mining laws, subject to valid existing rights:

Black Hills Meridian

Black Hills National Forest

(A 2-acre parcel within the following described land)

T. 2 S., R. 6 E.,

Sec. 26, S½N½SW¼SW¼SW¼ and N½S½SW¼SW¼SW¼.

The area described contains approximately 2 acres in Custer County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Montana State Director, Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on this proposed withdrawal must submit a written request to the State Director within 90 days from the date of publication of this notice. Upon determination by the State Director that a public meeting will be held, a notice of the time and place will be published date in the **Federal Register** at least 30 days before the schedule date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are those within the statutory authorities pertinent to National Forest System lands and subject to discretionary approval.

Dated: February 26, 1992.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 92–5127 Filed 3–4–92; 8:45 am]

BILLING CODE 4310–DN–M

Fish and Wildlife Service

Availability of a Draft Environmental Impact Statement on the Proposed Introduction of Pacific Salmonids into the Delaware River Watershed

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public and all interested parties that the Fish and Wildlife Service (FWS) has prepared a draft Environmental Impact Statement (EIS) on a proposal by the New Jersey Division of Fish, Game and Wildlife (NJFGW) to seek Federal funding for the introduction of anadromous salmonids into the Delaware River watershed. The draft EIS is available for public review, and comments and suggestions are requested. Proposed is the introduction of anadromous salmonids into a tributary of the Delaware River in New Jersey to determine the feasibility of a hatchery-supported fall/winter recreational fishing opportunity in New Jersey waters. Four alternatives were considered in the draft EIS, with the proposed action being the stocking of 300,000 chinook salmon smolts per year for five years with subsequent monitoring. Other alternatives evaluated include: Introduction of 50,000 coho salmon smolts per year for five years, introduction of 50,000 steelhead smolts per year for five years, and a no action alternative.

DATES: Written comments are requested on or before June 3, 1992. To provide all interested parties with an opportunity to comment on and request information about the draft EIS, two public meetings are planned. Because of the basin-wide interest in this proposed action, public meetings will be held in two different geographic areas: Upper Delaware River on April 23, 1992 at 7 p.m. at the Holiday Inn, Greenville Turnpike, Interstate 84 Exit 1, Port Jervis, New York; and lower Delaware River on April 24, 1992 at 7 p.m. at Mercer County Community College, Communications Building Room 110, 1200 Old Trenton Road, Trenton, New Jersey.

ADDRESSES: Comments should be addressed to Regional Director (Attention: Ronald J. Essig), U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, Massachusetts 02158.

FOR FURTHER INFORMATION CONTACT: Ronald J. Essig, Fishery Biologist, Federal Aid Division, U.S. Fish and Wildlife Service, One Gateway Center, suite 700, Newton Corner, Massachusetts 02158, (617) 965–5100, extension 212.

Individuals wishing copies of the draft EIS should immediately contact the above contact person. Individuals who have previously expressed an interest in a copy will automatically receive a copy. Copies of the draft EIS have been sent to all agencies and organizations who participated in the scoping process. Copies will be available for examination at the FWS Northeast Regional Office in Newton Corner, Massachusetts; NJDFGW offices in Trenton and Lebanon, New Jersey; and county libraries along the Delaware River in Delaware, New Jersey, New York and Pennsylvania.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service, with the New Jersey Division of Fish, Game and Wildlife, has prepared a draft Environmental Impact Statement (EIS) for the introduction of anadromous salmonids to a tributary of the Delaware River in New Jersey. This action is designed to determine the feasibility of a hatchery-supported fall/winter recreational fishing opportunity in New Jersey waters. The draft EIS describes the impacts of the proposed action and three other alternatives on the affected environmental, cultural and recreational resources. The draft EIS also addresses the feasibility of implementing an experimental introduction program based on experiences with other east coast anadromous salmonid programs.

The proposed action identified in the draft EIS consists of stocking 300,000 chinook salmon (*Onchorhynchus tschawytscha*) smolts per year from an acceptable source into the Musconetcong River, with subsequent monitoring. Rearing of chinook would occur at the Charles O. Hayford Fish Hatchery at Hackettstown, New Jersey, and FWS fish health guidelines would be followed. Other alternatives evaluated include: Introduction of 50,000 coho salmon (*O. kisutch*) smolts per year for five years, introduction of 50,000 steelhead (*O. mykiss*) smolts per year for five years, and a no action alternative. Alternatives considered but dismissed include: Atlantic salmon (*Salmo salar*) introduction, shellfish enhancement/introduction, and various freshwater, anadromous and marine finfish species.

Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this draft EIS. The Notice of Intent to prepare this draft EIS was published in the August 3, 1990 **Federal Register**. Scoping meetings were held in Trenton, New Jersey on September 4, 1990 and Port Jervis, New York on September 5, 1990. Public attendance was 32 at the Trenton meeting and 80 at the Port Jervis meeting.

All agencies and individuals are urged to provide comments and suggestions for improving this draft EIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS for this proposed action.

Dated: February 27, 1992.

Ronald E. Lambertson,

Regional Director.

[FR Doc. 92–5100 Filed 3–4–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Mississippi River Coordinating Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: April 10, 1992, 1 p.m. to 5 p.m.

ADDRESSES: Radisson Hotel—St. Paul, 11 East Kellogg Boulevard, St. Paul, Minnesota.

FOR FURTHER INFORMATION CONTACT: Superintendent, Missippi National River and Recreation Area, Post Office Box 65456, St. Paul, Minnesota 55165–0465, (612) 290–4160.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by Public Law 100–696, November 18, 1988.

Dated: February 24, 1992.

Don H. Castleberry,

Regional Director, Midwest Region.

[FR Doc. 92–5162 Filed 3–4–92; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–320]

Certain Rotary Printing Apparatus Using Heated Ink Composition, Components Thereof, and Systems Containing Said Apparatus and Components; Issuance of Limited Exclusion Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order under 19 U.S.C. 1337(d) to prevent the unauthorized importation into the United States of rotary printing apparatus using heated ink composition made or sold by or on behalf of Dato Pack Europa, S.A. of Barcelona, Spain and its successors or assigns, affiliated persons or companies, parents, subsidiaries, or other related business entities, which are covered by claims 1, 2, 3, 4, or 6 of U.S. Letters Patent 4,559,872.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3092. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

ADDRESSES: Copies of the limited exclusion order, the Commission Opinion relating thereto, and all other nonconfidential documents on the record of the investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202–205–2000.

SUPPLEMENTARY INFORMATION: On October 23, 1990, Markem Corporation (Markem) filed a complaint with the Commission alleging a violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain rotary printing apparatus using heated ink composition covered by claims 1, 2, 3, 4, or 6 of U.S. Letters Patent 4,559,872, owned by Markem. On November 28, 1990, the Commission published notice of an investigation based on Markem's complaint. 55 FR 49437.

On August 28, 1991, the presiding administrative law judge (ALJ) issued her final initial determination (ID) finding a violation of section 337 in this investigation. The complainant and the respondents petitioned for review of the ID. On October 15, 1991, the Commission issued notice of its decision to review the ID in its entirety.

The Commission solicited written submissions from the parties to the investigation, other Federal agencies, and interested members of the public on the issues under review and on the questions of remedy, the public interest, and bonding. The Commission received submissions from all active parties.

After considering the submissions and examining the record developed during the investigation, the Commission determined that there was a violation of section 337, and that the appropriate remedy for the violation of section 337 was issuance of a limited exclusion order.

The Commission also determined that the public interest considerations listed in subsection (d) of section 337 do not preclude issuance of a limited exclusion order and that while the order is under review by the President pursuant to subsection (j) of section 337, the excluded articles will be entitled to enter the United States under a bond in the amount of 52 percent of the articles' entered value.

The authority for the aforesaid Commission determinations and the limited exclusion order is contained in section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and in §§ 210.53–.59 of the Commission's Interim Rules of Practice and Procedure.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: February 28, 1992.

[FR Doc. 92–5101 Filed 3–4–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub-No. 216X)]

Chicago and North Western Transportation Co.; Abandonment Exemption in McHenry County, IL

Decided: March 2, 1992.

Chicago and North Western Transportation Company (CNW) has filed a verified notice under 49 CFR part 1152 subpart F—Exempt Abandonments for an exemption to abandon a 1.2-mile line of railroad between milepost 56.0, near Crystal Lake, and milepost 57.2, at the centerline of State Highway 14, in McHenry County, IL.

CNW has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the 2-year period. The appropriate State agency has been notified in writing at least 10 days before the filing of this notice.

The verified notice includes a request by McHenry County Conservation District (McHenry), a political subdivision of the State of Illinois, for a notice of interim trail use (NITU), as well as a statement by McHenry of its willingness to assume financial responsibility for the line. CNW indicates its willingness to negotiate with McHenry for interim trail use.

While a request for interim trail use need not be filed until 10 days after the date the notice of exemption is published in the **Federal Register** (49 CFR 1152.29(b)(2)), the provisions of 16 U.S.C. 1247(d) are applicable and all the criteria for imposing interim trail use/rail banking have been met. Accordingly, in light of CNW's willingness to enter into negotiations, a NITU will be issued under 49 CFR 1152.29. The parties may negotiate an agreement during the 180-day period prescribed below. If no agreement is reached within 180 days, CNW may fully abandon the line. See 49 CFR 1152.29(d)(1).

Any other political subdivision, state, or qualified private entity interested in acquiring or using the involved right-of-way for interim trail use/rail banking may file an appropriate request by March 16, 1992. CNW is directed to respond to all such requests. Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 4, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 16, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 25, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to CNW's representative: Charles H. Montange, 1400 16th St., NW., #301, Washington, DC 20036.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

CNW has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 3, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927–6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

It is Ordered: 1. Subject to the conditions set forth above, CNW may discontinue service, cancel tariffs for this line on not less than 10 day's notice to the Commission, and salvage track and related material consistent with interim trail use/rail banking after the effective date of this notice of exemption and NITU. Tariff cancellations must refer to this notice of exemption and NITU by date and docket number.

2. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, any liability arising out of the transfer of use (if the user is immune from liability, it need only indemnify CNW against any potential liability), and the payment of any taxes that may be levied against the right-of-way.

3. Interim trail use/rail banking is subject to the future restoration of rail service.

4. If the user intends to terminate trail use, it must send the Commission a copy of this notice of exemption and NITU and request that it be vacated on a specified date.

5. If an agreement for interim trail use/rail banking is reached by the 180th day after publication of this notice, interim trail use may be implemented. If no agreement is reached by the 180th day, CNW may fully abandon the line.

6. Provided no formal expression of intent to file an offer of financial assistance has been received, this notice of exemption and NITU will be effective April 4, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5110 Filed 3–4–92; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Extension of Comment Period for Consent Order Pursuant to the Comprehensive Environmental Compensation and Liability Act of 1980

On February 12, 1992, at 57 FR 5172, the Department of Justice published a notice that a proposed consent decree in *United States of America* v. *Kerr-McGee Chemical Corp.*, Civil Action No. 91–C–1396, had been lodged with the United States District Court for the Eastern District of Wisconsin, on December 30, 1991. The proposed consent decree concerns the cleanup of a hazardous waste site in Milwaukee, Wisconsin, by the Defendant.

The Department of Justice has received comments requesting an extension of the thirty day comment period to permit interested parties additional time to review the consent decree and prepare comments. The Department of Justice will extend the comment period for an additional 14-day period, until March 31, 1992. Persons wishing to submit comments should follow the procedures set out in the Notice of Lodging on February 12, 1992, at 57 FR 5172.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 92–5122 Filed 3–4–92; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45, part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by April 6, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7817.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Conservative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations established such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

1. *Applicant:* Warren M. Zapol, M.D., Department of Anesthesia, Massachusetts General Hospital, Boston, MA 02114.

Activity for Which Permit Requested: Taking. The applicant is conducting research on the diving physiology of Weddell Seals. Up to 15 sub-adult Weddell Seals will undergo monitoring, anesthesia, arterial and venous catheterization, ultra sonography, aortic catheter and laser myoglobin spectophotometer probe placement. Up to 20 female Weddell Seals will undergo EKG lead placement and be released with microprocessor monitors.

Location: McMurdo Station, Antarctica and surrounding region.

Dates: August 1992–December 1993.

2. *Applicant:* E. Imre Friedmann, Department of Biological Science B–142, Florida State University, Tallahassee, FL 32306–2043.

Activity for Which Permit Requested: Enter Sites of Special Scientific Interest. The applicant requests permission to enter sites of special scientific interest to conduct research on environmental gradients in the McMurdo Dry Valleys. Solar-powered data loggers will be installed. Rock samples will be collected for laboratory work.

Location: Linnaeus Terrace (Site of Special Scientific Interest), Battleship Promontory (Site of Special Scientific Interest), (access to both locations by helicopter).

Dates: January 1993–March 1995.

3. *Applicant:* J.W. Testa and M.A. Castellini, Institute of Marine Science, School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks, AK 99775–1080.

Activity for Which Permit Requested: Taking, Import into U.S.A. (blood samples). The applicant requests permission to take Weddell seals for a study of physiology and population dynamics. Other species may be encountered, and permission is requested to approach and observe, capture and release, and obtain blood samples. The species to be taken are:

Species	Number
Weddell Seals	1500 (capture, tag, release).
Ross Seals	50 (capture, tag, release).
Crabeater Seals	50 (capture, tag, release).
Leopard Seals	50 (capture, tag, release).
Kerguelen Fur Seals	50 (capture, tag, release).
Elephant Seals	50 (capture, tag, release).

Location: Ross Sea, Antarctica.

Date: October 1992–June 1995

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 92–5133 Filed 3–4–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Archaeometry and Systematic Anthropological Collections; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Archaeometry and Systematic Anthropological Collections.

Date and Time: March 23, 1992 9 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 540–B, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John E. Yellen, Program Director for Anthropology, room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7804.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Systematic Anthropological Collections.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5141 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Astronomical Sciences.

Date & Time: March 26, 1992—1 p.m.-6 p.m.; March 27, 1992—8:30 a.m.-5 p.m.

Place: National Science Foundation, room 536.

Type of Meeting: Closed.

Contact Person: Dr. Penny D. Sackett, Program Director, Education, Human Resources, and Special Programs, Division of Astronomical Sciences, room 615, National Science Foundation, Washington, DC 20550 (202/357-7304).

Purpose of Meeting: To provide the primary disciplinary review of nominations in astronomy to the National Science Foundation's Young Investigator (NYI) Program for FY 1992.

Agenda: Thursday and Friday, March 26 and 27, 1992—The panel will read, review, discuss, and evaluate the NYI astronomy nominations and supporting documentation. After full discussion of each nomination, the panel will prepare its recommendations to the Division of Astronomical Sciences for further consideration of each NYI nomination in astronomy.

Reason for Closing: The nomination being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are within exemptions (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5140 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Cellular Biosciences; Meeting

Name: Special Emphasis Panel in Cellular Biosciences.

Date & Time: March 26-27, 1992, 8:30 a.m. to 5 p.m.

Place: Oxford Room, Ramada Inn Central, 1430 Rhode Island Ave, NW., Washington, DC 20005, (202) 462-7777.

Type of Meeting: Closed.

Contact Person: Dr. Thomas Brady, Program Director, Developmental Biology, room 321, National Science Foundation, Washington, DC 20550.

Purpose of Meeting: To provide advice and recommendations concerning support for N.S.F. Young Investigator applicants for the Division of IBN.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data; such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5144 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date and Time: March 26, 1992, 8:30 a.m. to 5 p.m.

Place: Room 1133, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Suren B. Rao, Program Director, Manufacturing Machines and Equipment Program, or Dr. Bruce M. Kramer, Program Director, Materials Processing and Manufacturing Program, 1800 G St., NW., room 1128, Washington, DC 20550. Telephone: (202) 357-7676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Engineering Research Equipment Grant (REG) proposals submitted to the Manufacturing Processes and Equipment Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5134 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Design and Manufacturing Systems; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following three meetings:

Name: Special Emphasis Panel in Design and Manufacturing Systems

Date & Time: March 24, 1992; 8:30 a.m. to 4 p.m.

Place: NSF, rm. 1243, 1800 G St., NW.

Contact: Dr. Bruce M. Kramer, Program Director, 202-357-7676.

Date & Time: April 20, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500-B, 1110 Vermont Ave., NW.

Contact: Dr. F. Hank Grant, Program Director, 202-357-5167.

Date & Time: April 22, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500-D, 1110 Vermont Ave., NW.

Contact: Dr. F. Hank Grant, Program Director, 202-357-5167, National Science Foundation, 1800 G St., NW., Washington, DC 20550

Types of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to NSF for financial support.

Agenda: To review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5135 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Experimental Program to Stimulate Competitive Research (EPSCoR); Notice of Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to review and evaluate and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Name: Advisory Panel for Experimental Program to Stimulate Competitive Research.

Dates: March 26-27, 1992.

Times: 3:30 p.m.-9 p.m., March 26, 1992, 8 a.m.-12 noon, March 27, 1992.

Place: New Hampshire Suites Hotel, 1121 New Hampshire Avenue NW., Washington, DC 20037.

Type of Meeting: Closed.

Agenda: Review and evaluate proposals from three states (Kansas, Nebraska, and West Virginia) submitted to the EPSCoR Advanced Development competition.

Contact: Dr. Richard J. Anderson, Acting Head, Office of Experimental Programs to Stimulate Competitive Research, National Science Foundation, room 1227, Washington, DC 20550 (202) 357-7560.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5136 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Geography and Regional Science; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Geography and Regional Science.

Date/Time: March 23, 1992; 8:30 a.m. to 5:30 p.m.

Place: Room 523, National Science Foundation, 1800 G St., NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Brian P. Holly, Program Director, Geography and Regional Science, National Science Foundation, 1800 G St., NW.; room 336, Washington, DC 20550, Telephone: 202/357-7326.

Purpose of Meeting: To provide advice and recommendations concerning doctoral dissertation improvement award proposals in Geography and Regional Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed contains information of a proprietary or confidential nature, including technical information, financial data (such as salaries), and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b, Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Mangement Officer.
[FR Doc. 92-5142 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Human Resource Development, Notice of Meeting

In accordance with the Federal Advisory Committee Act, (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: March 25-27, 1992, 8:30 a.m. to 5 p.m.

Place: The Latham Hotel (formerly Georgetown Marbury), 3000 M Street NW., Washington, DC 20007-3701.

Type of Meeting: Closed.

Contact Person: Dr. Wanda E. Ward, Program Director, room 1225, National Science Foundation, Washington, DC 20550. Telephone: (202) 357-7461.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Summer Science Camps Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5138 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following six meetings:

Name: Special Emphasis Panel in Materials Research.

Dates & Room: March 24 and March 31, 1992; rm. 500E, 1110 Vermont Ave. NW., NSF.

Contact: Dr. Franklin Wang, Program Director, 202-357-9789.

Dates & Room: April 2; April 3; and April 8, 1992; rm. 411, NSF.

Contact: Dr. LaVerne D. Hess, Program Director, 202-357-9789.

Dates & Room: April 21, 1992; rm. 411, NSF.

Contact: Dr. Bruce MacDonald, Program Director, 202-357-9789, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Times of Meetings: 8:30 a.m.-5 p.m. each day.

Types of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-5137 Filed 3-4-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mathematical Sciences.

Date and Time: March 23–24, 1992 (8:30 a.m. to 5 p.m.)

Place: National Science Foundation, 1800 G Street, NW., room 536, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Joe Jenkins or Dr. Keith Crank, Division of Mathematical Sciences, National Science Foundation, 1800 G Street, NW., room 339. (202) 357–3697 or 357–3693.

Purpose of Meeting: To evaluate applications and provide recommendations on those applications as part of the selection process for the NSF Young Investigators.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 2, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5143 Filed 3–4–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Mechanical and Structural Systems Meeting;

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Mechanical and Structural Systems.

Date & Time: March 25, 1992, 8:30 a.m. to 5 p.m.; March 26, 1992, 8:30 a.m. to 2 p.m.

Place: National Science Foundation, room 540, Washington, DC.

Type of Meeting: Open.

Contact Person: Ms. Hope Duckett, National Science Foundation, room 1108, Washington, DC 20550, Telephone (202) 357–9542.

Summary Minutes: May be obtained from contact person.

Purpose of Meeting: To advise the Division in the areas of Mechanical and Structural Systems.

Agenda:

Wednesday, March 25, 1992

8:30–12 noon—Review of Mechnical and Structural Systems Programs.

12:00–1:30 p.m.—Lunch.

1:30–5 p.m.—Working Panels Meetings.

Thursday, March 26, 1992

8:30–10 a.m.—Working Panels (cont'd)

10:00–10:30 a.m.—Break.

10:30–2 p.m.—Working Panel Reports, Draft Report Preparation, Plans for Next Meeting.

2 p.m.—Adjourn.

Dated: March 2, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92–5139 Filed 3–4–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified as DG–8011, "Radiation Dose to the Embryo/Fetus," and is intended for Division 8, "Occupational Health." This guide is being developed to provide guidance on calculating the radiation dose to the embryo/fetus.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by May 4, 1992.

Although a time limit is given for comments on this draft, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, attention: Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Authority: 5 U.S.C. 552(a).

Dated at Rockville, Maryland, this 21st day of February 1992.

For the Nuclear Regulatory Commission.

Bill M. Morris,

Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.

[FR Doc. 92–5152 Filed 3–4–92; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide is temporarily identified as DG–8010, "Criteria for Monitoring and Methods for Summation of Internal and External Occupational Doses," and is intended for Division 8, "Occupational Health." This guide is being developed to provide criteria acceptable to the NRC staff that may be used by licensees to determine whether monitoring is needed. The guide also provides methods for calculating and summing external and internal radiation doses to demonstrate compliance with the dose limits in NRC regulations.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by May 4, 1992.

Although a time limit is given for comments on this draft, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Authority: 5 U.S.C. 552(a).

Dated at Rockville, Maryland, this 21st day of February 1992.

For the Nuclear Regulatory Commission.

Bill M. Morris,

Director, Division of Regulatory Applications Office of Nuclear Regulatory Research.

[FR Doc. 92–5153 Filed 3–4–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–461]

Illinois Power Co., Et al.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards; Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–62 issued to Illinois Power Company and Soyland Power Cooperative, Inc. (the licensee) for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois.

The proposed amendment would remove redundant wording regarding "Radiation Protection Manager" qualification requirements from Technical Specification (TS) 6.3.1. The proposed change would allow more TS flexibility by removing the site-specific organizational title of Director—Plant Radiation Protection from TS 6.3.1.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change is administrative in nature as it only pertains to qualification requirements for unit staff personnel (in the area of radiation protection) and does not affect any plant equipment, system configurations, or operation. Furthermore, though the proposed change pertains to qualification requirements for unit staff personnel, the proposed change does not involve a technical change to these qualification requirements since the requirements of Regulatory Guide 1.8, September 1975 are contained in ANSI/ANS 3.1–1978. As a result, the proposed change cannot increase the probability or the consequences of any accident previously evaluated.

(2) As noted above, the proposed change only concerns the qualification requirements for a particular plant staff member(s) and does not involve any changes to plant equipment, system configurations or analyses. As a result, this proposed change does not introduce any new failure modes and cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change specifically and only addresses a textual change to the administrative control requirement concerning the qualification requirements of the radiation protection supervisor/manager position within the plant staff organization. The proposed change only eliminates a redundant requirement and would not alter the qualification requirements for this position since the requirements of Regulatory Guide 1.8, September 1975 are contained in ANSI/ANS 3.1–1978 (which is referenced in the Technical specifications). Therefore, the proposed change will not result in a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 6, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and

Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to relay to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very frequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 21, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 27th day of February 1992.

For the Nuclear Regulatory Commission.

Anthony T. Gody, Jr.,

Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5151 Filed 3-4-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Establishment of the Federal Labor Advisory Group

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice.

ESTABLISHMENT OF AN ADVISORY GROUP: This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of the Federal Labor Advisory Group. The Director of the Office of Personnel Management has determined that establishment of this Advisory Group is in the public interest.

DESIGNATION: Federal Labor Advisory Group.

PURPOSE: The Advisory Group will advise the Director, OPM, on the development of personnel policies that affect the working conditions of Federal employees represented by labor organizations. Members will include the presidents of labor organizations representing at least 50,000 Federal employees, and a representative of the Public Employees Department, AFL-CIO. The group will be chaired by the Director, OPM.

FOR FURTHER INFORMATION CONTACT: The Director, Office of Personnel Management, is the sponsor of this Advisory Group. For additional information, contact Allan D. Heuerman, Assistant Director for Labor Relations and Workforce Performance, Personnel Systems and Oversight Group, OPM, on (202) 606-2910.

Dated: February 27, 1992.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-5090 Filed 3-4-92; 8:45 am]

BILLING CODE 6325-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title*: Withholding Certificate for Railroad Retirement Monthly Annuity Payments.

(2) *Form(s) submitted*: RRB W-4P.

(3) *OMB Number*: 3320-0149.

(4) *Expiration date of current OMB clearance*: Three years from date of OMB approval.

(5) *Type of request*: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response*: On occasion.

(7) *Respondents*: Individuals or households.

(8) *Estimated annual number of respondents*: 40,000.

(9) *Total annual responses*: 40,000.

(10) *Average time per response*: .000025 hours—See Justification (Item 13).

(11) *Total annual reporting hours*: 1.

(12) *Collection description*: Under Public Law 98-76, railroad retirement beneficiaries' Tier 2, dual vested and supplemental benefits are subject to income tax under private pension rules. Under Public Law 99-514, the non-social security equivalent benefit portion of Tier 1 is also taxable under private pension rules. The collection obtains the information needed by the Railroad Retirement Board to implement the income tax withholding provisions.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92-5121 Filed 3-4-92; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Application to Withdraw From Listing and Registration; (Magma Copper Co., Class B Common Stock, $0.01 Par Value; Series B Common Stock Warrants, $8.50 Exercise Price) File No. 1-10122

February 28, 1992.

Magma Copper Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

In addition to being listed on the Amex, the Company's common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's stock commenced trading on the NYSE at the opening of business on February 10, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not believe that there is any advantage to the dual trading of its securities and believe that a dual listing of such securities would fragment the market for its common stock.

Any interested person may, on or before March 20, 1992, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-5068 Filed 3-4-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Revision to Approved Noise Compatibility Program and Request for Review; Phoenix Sky Harbor International Airport, Phoenix, AZ

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed revision to the approved noise compatibility program that was submitted for Phoenix Sky Harbor Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150 by the City of Phoenix, Arizona. The Noise Compatibility program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for

Phoenix Sky Harbor Airport were in compliance with applicable requirements effective November 17, 1988. The Noise Compatibility Program for Phoenix Sky Harbor International Airport was approved by the FAA on April 2, 1990. The proposed revision to the approved noise compatibility program will be approved or disapproved on or before August 17, 1992.

EFFECTIVE DATE: The effective date of the start of FAA's review of the revision to the approved noise compatibility program is February 19, 1992. The public comment period ends April 19, 1992.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, Airport Planner, Airports Division, AWP-611.2, Western-Pacific Region, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, telephone: 310/297-1534. Comments on the proposed revision to the approved noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed revision to the approved noise compatibility program for Phoenix Sky Harbor International Airport which will be approved or disapproved on or before August 17, 1992. This notice also announces the availability of this revision for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the revision to the approved noise compatibility program for Phoenix Sky Harbor International Airport, effective on February 19, 1992. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. On April 2, 1990, the FAA approved the noise compatibility program for Phoenix Sky Harbor International Airport. An announcement of FAA's approval of the noise compatibility program was published in the Federal Register on May 1, 1990. Preliminary review of the submitted material for the revision indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 17, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measure may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed revision with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed revision to the approved noise compatibility program are available for examination at the following locations.

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Western-Pacific Region, Airports Division, room 3E24, 15000 Aviation Boulevard, Hawthorne, California 90261.

City of Phoenix, Aviation Department, 3400 Sky Harbor Boulevard, Phoenix, Arizona 85034-4420.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California, on February 19, 1992.

Herman C. Bliss,

Manager, Airports Division, AWP-600, Western-Pacific Region.

[FR Doc. 92-5116 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Air Traffic Procedures Advisory Committee meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from April 6, at 8:30 a.m., through April 9, 1992, at 5 p.m.

ADDRESSES: The meeting will be held at the FAA headquarters, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Theodore H. Davies, Executive Director, ATPAC, Air Traffic Rules and Procedures Service, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. 2), notice is hereby given of a meeting of the ATPAC to be held from April 6, at 8:30 a.m., through April 9, 1992, at 5 p.m., in the MacCracken Room, FAA headquarters, 800 Independence Avenue, SW., Washington, DC. The agenda for this meeting is as follows: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than April 3, 1992. The next quarterly meeting of the FAA ATPAC is planned to be held from August 3-7, 1992, in Seattle, WA. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on February 28, 1992.

Theodore H. Davies,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 92-5115 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-13-M

Rotorcraft Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Rotorcraft Subcommittee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will take place on March 20, 1992, at 9 a.m. Arrange for oral presentations by March 11, 1992.

ADDRESSES: The meeting will be held in Conference Room No. 3, Las Vegas Hilton Hotel, 3000 Paradise Road, Las Vegas, NV 89109.

FOR FURTHER INFORMATION CONTACT: Ms. Marge Ross, Aircraft Certification Service (AIR-1), Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Rotorcraft Subcommittee to be held on March 20, 1992, in Conference Room No. 3, Las Vegas, NV 89109. The agenda will include:

- Initial report from the External Load Working Group.
- Initial report for the Occupant Restraint Working Group.
- A briefing on the status of the FAA response to the Presidential moratorium on rulemaking.
- A briefing on the Rotorcraft Directorate's Advisory Circular Nos. 27-1 and 29-2, and the process for keeping them current.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by March 11, 1992, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 16 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, DC, on March 2, 1992.

William J. Sullivan,

Executive Director, Rotorcraft Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92-5147 Filed 3-4-92; 8:45 am]

BILLING CODE 4910-35-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 23, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

CORRECTION: This correction is submitted to make editorial changes to FR Doc. 92-4627 Filed 2-27-92; 8:45 am. A portion of the text in the "Special Request" paragraph was inadvertently removed by the Department. That portion is underlined.

SPECIAL REQUEST: The Department of the Treasury's Office of the Assistant Secretary for International Affairs is requesting approval from the Office of Management and Budget of this information collection by February 21, 1992 in order to receive responses from the states in a timely manner.

Departmental Offices

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Questionnaire on State Rules, Laws, and Measures That May Conflict with Proposal in North Atlantic Free Trade Agreement (NAFTA).

Description: We need to know state laws, rules, and other measures that may conflict with nondiscrimination obligations of the investment chapter of the draft NAFTA agreement. Knowing such measures in advance, and recording them in an annex to the agreement will enable the U.S. to exempt such measures from NAFTA obligations.

Respondents: State or local governments.

Estimated Number of Respondents: 50.

Estimated Burden Hours Per Response: 4 hours.

Frequency of Response: Other (One time).

Estimated Total Reporting Burden: 200 hours.

Clearance Officer: Lois K. Holland (202) 566-6579, Departmental Offices, Room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW. Washington, DC 20220.

OMB Reviewer: Milo Sunderhaulf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, *Washington, DC 20503.*

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-5120 Filed 3-4-92; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 44
Thursday, March 5, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board: Regular Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the March 12, 1992 regular meeting of the Farm Credit Administration Board (Board) will not be held and that a special meeting of the Board is scheduled for Wednesday, March 25, 1992. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: March 3, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-5315 Filed 3-3-92; 3:55 pm]

BILLING CODE 6705-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:03 a.m. on Monday, March 2, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Reports of the Office of the Inspector General:

Audit Report re:
Dallas Consolidated Office—FSLIC Resolution Fund, Receivership Operations, Cost Center—411 (Memo dated February 11, 1992)

Audit Report re:
American Federal Bank, F.S.B., Dallas, Texas, Assistance Agreement, Case Number SW-004 (Memo dated January 24, 1992)

Audit Report re:
Anchor Savings Bank, F.S.B., Northport, New York
and
Anchor Savings Bank, F.S.B., Wayne, New Jersey, Assistance Agreement, Case Number C-197 (Memo dated January 10, 1992)

Audit Report re:
First Heights Bank, F.S.A., Houston, Texas
and
Heights of Texas, F.S.B., Houston, Texas, Assistance Agreement, Case Number SW-013/014c (Memo dated February 13, 1992)

Audit Report re:
Heritage Federal Savings Bank, Taylor, Michigan, Assistance Agreement, Case Number C-293c (Memo dated February 13, 1992)

Audit Report re:
Local American Bank of Tulsa, F.S.B., Oklahoma City, Oklahoma, Assistance Agreement, Case Number SW-024 (Memo dated February 12, 1992)

Audit Report re:
Rocky Mountain Federal Savings Bank, Cheyenne, Wyoming, Assistance Agreement, Case Number C-370c (Memo dated February 10, 1992)

Audit Report re:
Report on the Limited Review of FSLIC Payments for the Interest Differential Between FHLB Advances and the Cost of Savings Deposits to Land of Lincoln Savings and Loan Association, Chicago, Illinois, Case Number C-112c (Memo dated February 12, 1992)

Audit Report re:
River Valley Savings Bank, F.S.B., Peoria, Illinois, Assistance Agreement, Case Number C-336c (Memo dated February 10, 1992)

Audit Report re:
River Valley Savings Bank, F.S.B., Peoria, Illinois, Assistance Agreement, Case Number C-337c (Memo dated February 10, 1992)

Audit Report re:
First Pacific Bank, Beverly Hills, California (4258) (Memo dated February 4, 1992)

Audit Report re:
New England Allbank for Savings, Gardner, Massachusetts (4300) (Memo dated January 31, 1992)

Audit Report re:
Inventory Closing Procedures, South Brunswick Consolidated Office (Memo dated January 31, 1992)

Audit Report re:
Financial Audit of the Walnut Green Office Building (Memo dated February 14, 1992)

Audit Report re:
Financial and Operational Audit of the Terrace Connection (Memo dated February 5, 1992)

Audit Report re:
Information System Audit of the Assistance Agreements Management Reporting System (Memo dated January 14, 1992)

Audit Report re:
Audit of Legal Expenses Paid to the Law Firm of Gorsuch, Kirgis, Campbell, Walker & Grover (Memo dated February 7, 1992)

Audit Report re:
Audit of Legal Expenses Paid to the Law Firm of Baker, Glast and Middleton (Memo dated February 14, 1992)

Audit Report re:
Travel Voucher Processing—Division of Accounting and Corporate Services, San Francisco Regional Office (Memo dated January 16, 1992)

Audit Report re:
Travel Voucher Processing—Legal Division, San Francisco Regional Office (Memo dated January 16, 1992)

Audit Report re:
L. William Seidman Center Construction Costs (Memo dated January 27, 1992)

Audit Report re:
Audit of the FCIC Loose-Leaf Service (Memo dated January 31, 1992)

Recommendations concerning administrative enforcement proceedings.

Matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the pubic interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B) and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Dated: March 3, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-5312 Filed 3-3-92; 3:42 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Tuesday, March 10, 1992, to consider the following matters:

Summary Agenda

No substantial discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Delegation of Authority to Issue a Subpoena or a Subpoena Duces Tecum.

Memorandum and resolution re: Delegations of Authority to the Resolution Trust Corporation's Division of FSLIC Operations.

Discussion Agenda

Memorandum and resolution re: Proposed amendments to Part 323 of the Corporation's rules and regulations, entitled "Appraisals," which: (1) Eliminates the requirement of FDIC-regulated institutions to obtain appraisals by certified or licensed appraisers for real estate-related financial institutions having a value, as defined in the rule, of $100,000 or less; (2) permits FDIC-regulated institutions to use appraisals prepared for loans insured or guaranteed by an agency of the federal government if the appraisal conforms to regulations or other written requirements of the federal insurer or guarantor; (3) excepts appraisals involving 1-to-4 family residential properties from certain minimum appraisal standards under specified conditions; and (4) adds a definition of "real estate" and "real property" to clarify that the appraisal regulation does not apply to transactions involving mineral rights, timber rights, growing crops, water rights, or similar interests in real estate when the transaction does not involve the associate parcel or tract of land.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC. Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 3, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-5313 Filed 3-3-92; 3:42 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, March 10, 1992, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Memorandum re: Recommendation for Award of Contract.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 3, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-5314 Filed 3-3-92; 3:42 pm]

BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 10, 1992, 10:00 a.m.

PLACE: 999 E Street, NW, Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration
Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, March 12, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor.)

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Title 26 Certification Matters
Advisory Opinion 1992-5: Congressman James P. Moran
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92-5308 Filed 3-3-92; 3:00 pm]

BILLING CODE 6715-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 1:30 p.m., Wednesday, March 11, 1992.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Open.

BOARD BRIEFINGS:

1. Central Liquidity Facility Report and Review of CLF Leading Rate.
2. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Appeal by Affiliated Federal Credit Union of Regional Director's Denial of Field of Membership Expansion Request.

TIME AND DATE: 9:30 a.m., Wednesday, March 11, 1991.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
3. Appeal by a Federal Credit Union under Part 747, NCUA's Rules and Regulations. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Delegations of Authority and/or Administrative Actions under Section 205 of the Federal Credit Union Act and Section 741.4, NCUA's Rules and Regulations. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
5. Personnel Action. Closed pursuant to exemption (2).

RECESS: 11:30 a.m.

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 92–5311 Filed 3–3–92; 3:30 pm]

BILLING CODE 7535-01-M

NATIONAL WOMEN'S BUSINESS COUNCIL

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 100–533 as amended, the National Women's Business Council announces a forthcoming meeting and roundtable discussion. The roundtable discussion will center on examination of barriers facing women in telecommunications. Meeting issues to be discussed include the 1991 Annual Report and various Council office administrative issues.

DATE:

March 17, 1992, 9:00 a.m.–12:00 noon. (roundtable)

March 17, 1992, 1:00 p.m.–3:00 p.m. (Council meeting)

PLACE: The Westin Hotel/Tabor Center, 1672 Lawrence Street, Denver, Colorado 80202.

STATUS: Both meeting and roundtable are open to the public.

CONTACT: Wilma Goldstein, Executive Director or Diane Cullo, Legislative Analyst, National Women's Business Council, 409 Third St. SW., Suite 7425, Washington, DC, 20024, (202) 205-3850.

Wilma Goldstein,

Executive Director, National Women's Business Council.

[FR Doc. 92–5268 Filed 3–3–92; 1:29 pm]

BILLING CODE 6820-AB-M

NATIONAL WOMEN'S BUSINESS COUNCIL

ACTION: Notice of Hearing.

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 100–533 as amended, the National Women's Business Council announces a forthcoming hearing. The focus of the hearing will be to hear testimony and gather information regarding women's contributions in telecommunications. Testimony will be received from public and private sector decision-makers and entrepreneurs, professional experts, corporate leaders and representatives of key interest groups and organizations.

DATES: March 16, 1992, 9:00 a.m. to 4:30 p.m.

ADDRESSES: The Westin Hotel/Tabor Center, 1672 Lawrence Street, Denver, Colorado 80202.

STATUS: Open to the public.

CONTACT: For further information or to submit written testimony, contact Wilma Goldstein, Executive Director of Diane Cullo, Legislative Analyst, National Women's Business Council, 409 Third Street Suite 7425, Washington, DC 20024, (202) 205–3850. Deadline date for submission of written testimony is March 9, 1992.

Wilma Goldstein,

Executive Director, National Women's Business Council.

[FR Doc. 92–5267 Filed 3–3–92; 1:29 pm]

BILLING CODE 6820-AB-M

federal register

Thursday
March 5, 1992

Part II

Office of Personnel Management

Senior Executive Service Positions That Were Career Reserved During 1991; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1991

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1991.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive and Management Policy, (202) 606–1927.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1991 whether or not they were still career reserved on December 31, 1991. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991

Agency, Organization	Career Reserved Positions
Action:	
Office Inspector General	Inspector General.
Assoc Director for Mgmt & Budget	Associate Director for Management & Budget.
	Asst Dir for Financial Management.
Administrative Conference of the U.S.:	
Administrative Conference of the U.S.	Executive Director.
	Research Director.
	General Counsel.
Advisory Council on Historic Preservation:	
OFC of the Exec Director	Executive Director.
Department of Agriculture:	
OFC of the Inspector General	Asst Inspector General for Investigations.
	Dep Asst Inspector General for Investigation.
	Asst Inspector General for Audit.
	Dep Assistant Inspector General for Audit.
	Dep Asst Inspector General for Audit.
	Asst Inspector Gen for Pol Dev & Res Mgmt.
Office of Operations	Director Office of Operations.
	Dep Dir for E/S, Real Property, F/P Division.
Office of Finance and Management	Director, Applications Systems Division.
	Dir, Info Resources Management Division.
	Director, Financial Services Division.
	Dir, Thrift Savings Plan Division.
Farmers Home Administration	Deputy Administrator for Management.
	Assistant Administrator, Finance Office.
	Asst Admr for Automated Information Services.
	Asst Admr, Community and Business Programs.
Federal Crop Insurance Corporation	Asst Mgr for Actuarial & Underwriting Svcs.
	Assistant Manager for Administration.
Agricultural Marketing Service	Deputy Administrator, Management.
	Director, Fruit & Vegetable Division.
	Director, Cotton Division.
	Director, Dairy Division.
	Director, Livestock Division.
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div.
	Director, Compliance Staff.
	Dir, Commodity Scientific Support Division.
	Director.
Animal & Plant Health Inspection Service	Deputy Administrator for Management & Budget.
	Assoc Dep Administrator for Mgt. & Budget.
	Dep Admr, Regulatory Enforcement/Animal Care.
Veterinary Services	Dir Natl Veterinary Services Labs, Ames.
	Director, Northern Region.
	Dir, S E Region, Veterinary Services.
	Director, Western Region.
	Director, South Central Region.
	Assstant Deputy Administrator.
	Dep Admr, Animal Damage Control.
	Dir, Operational Support, Veterinary Services.
	Dep Admr, International Services.
Plant Protection & Quarantine Service	Director Northeastern Region.
	Director, South Central Region.
	Director, Western Region.
	Director, Southeastern Region.
	Asst to the Asst Dep Admr, Natl Programs, PPQ.
	Director Operational Support PPQ.
Science and Technology	Director Science and Technology.
Food Safety and Inspection Service	Asst Deputy Admin Technical Services.
	Dep Admir-Administrative Mgmt.
	Dir Northeast Region, Phila., PA.
	Regl Director, Atlanta Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwestern Region, Dallas, Texas.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dir, Western Region, Alameda, California.
	Asst Dep Admr Comp & Staff Operations.
	Asst Dep Admr Inspection Mgmt Program.
	Asst Dep Admr, Scientific Staff Services.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Dep Admr Interni Programs.
	Associate Deputy Administrator.
	Asst to the Dep Admr International Programs.
	Asst Deputy Administrator.
	Regional Director.
	Assistant Deputy Administrator.
Food & Nutrition Service	Deputy Admin for Financial Management.
	Deputy Admr for Management.
Agricultural Stabilization & Conservation Service	Accounting Officer.
	Director, Budget Division.
Foreign Agricultural Service	Dir, Grain & Feed Div.
	Deputy Asst Administrator for Management.
Agriculture Research Service	Dep Admr for Adm Mgmt.
	Assoc Dep Admin for Administrative Management
	Asst Adm for Cooperative Interactions.
	Global Change Research Staff Assistant.
	Corr for Sci & Educ Agencies for Intl Activ.
National Program Staff Office	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
	Assoc Dep Admr, Natl Prog Staff.
	Associate Dep Administrator, Animal Sciences.
Beltsville Area Office	Dir, Beltsville Human Nutrition Research Ctr.
	Director Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Assoc Dep Admr, Natural Resources/Systems.
North Atlantic Area Office	Director, Eastern Regl Research Center.
	Research Programs Director.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
South Atlantic Area Office	Research Leader-Forage and Turf Research.
	Res Leader-Plant Physio & Photosynthesis Res.
	Director South Atlantic Area.
	Associate Dir South Atlantic Area.
Midwest Area Office	Dir Midwest Area.
	Dir Northern Regional Research Ctr.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
Midsouth Area Office	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
Central Plains Area Office	Dir Natl Animal Disease Ctr.
Southern Plains Area Office	Director Southern Plains Area.
	Director Conservation & Production Res Lab.
	Assoc Dir, Southern Plains Area.
Northern Plains Area Office	Director, Northern Plains Area.
	Associate Director, Northern Plains Area Ofc.
	Dir R.L. Hruska US Meat Animal Res Center.
Northwest Area Office	Director, Northwest Region.
Pacific West Area Office	Director, Western Regional Research Center.
	Res Leader Natural Products Chemistry Res.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Director, Plant Gene Expression Center.
	Associate Director, Pacific West Area Office.
	Dir. Western Cotton Research Laboratory.
	Supervisory Research Plant Pathologist.
	Supervisory Research Plant Pathologist.
	Supervisory Soil Scientist.
Cooperative State Research Service	Asso Administrator for Grants & Program Sys.
Extension Service	Deputy Admin Management.
Soil Conservation Service	Director Engineering Division.
	Dir Ecological Sciences and Technology Divisi.
	Dep Chf for Administration.
	Dir, Consv Planning and App.
	Director, Watershed Projects Division.
	Dir, Basin & Area Planning (Soil Conserv).
	Assoc Dep Chief for Administration.
	Dir, Soils (Soil Scientist).
	Dir, Land Treatment Program.
	Dir Information Res Management Division.
	Dir South National Technical Center.
	Special Asst for Science & Technol.
Forest Service	Associate Deputy Chief for Technology Sci Tec.
	Dep Chf For Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Associate Deputy Chief-Administration.
	Dir Forest Pest Mgmt. Staff.
	Dir Fiscal and Accounting Management.
	Associate Deputy Chief for Administrator.
	Director, Fire and Aviation Staff.
Research	Director, Timber Mgmt Research Staff.
	Dir Insect and Disease Research Staff.
	Dir Forest Environment Research Staff.
	Director, Forest Resource Economics Staff.
	Dir Forest Prod & Harvesting & Research Staff.
	Dir Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir. Range Management Staff.
	Dir. Recreation, Mgmt Staff.
	Dir Timber Management Staff.
	Director, Engineering Staff.
	Director, Lands Staff.
	Dir Land Management Planning Staff.
	Dir, Wildlife & Fisheries Mgmt Staff.
	Dir, Minerals & Geology Staff.
	Director, Watershed & Air Management Staff.
	Dir Ecological Management.
State & Private Forestry	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb.
	Dir Intermountain Forest & Range Exp Stat, OGD.
	Dir N Eastern Forest Experiment Station.
	Dir, North Central Forest Exp Station.
	Dir, Pacific NW Forest & Range Exp Station.
	Dir, Pacific SW For & Range Exper Sta.
	Dir S Eastern Forest Experiment Station.
	Director Rocky Mt Forest & Range Exper Sta.
	Dir, S. Forest Experiment Station, New Orleans.
	Director, Forest Products Laboratory.
	Dep Dir Forest Products Lab.
Economic Research Service	Admr. Economic Research Service.
	Associate Administrator-Economic Rsch Svc.
	Director Agriculture & Trade Analysis Div.
	Director Commodity Economics Division.
	Director Resources & Technology Division.
	Director Agriculture & Rural Econ Division.
	Deputy Administrator for Situation & Outlook.
Economics Management Staff	Director, Economics Management Staff.
National Agricultural Statistics Service	
	Admr. National Agricultural Statistics Serv.
	Deputy Administrator for Operations.
	Dir Estimates Div.
	Dir. Research and Applications Division.
	Dir. State Statistical Division.
	Deputy Administrator for Programs.
	Dir, Systems & Information Division.
World Agricultural Outlook Board	Chairperson.
	Dep Chairperson.
Board for International Broadcasting:	
Board Staff	Exec Director.
	Dir for Research & Engineering.
	Dep Exec Director/Director of Program Review.
	General Counsel.
	Director of Financial & Congressional Affairs.
Department of Commerce:	
Office of Technology	Executive Director.
Office of the General Counsel	Asst General Counsel for Finance and Litigation.
	Director, Office of Intelligence Liaison.
Ofc of Asst Secy for Administration	Director for Finance & Federal Assistance.
	Dir for Federal Asst & Management Support.
	Dir for Financial Management.
Director for Management and Information	Dir. Ofc of Information Resources Management.
	Dir. for Information Resources Management.
Director for Procurement & Administrative Services	Director for Procurement & Admin Services.
	Dep Dir for Procurement & Admin Services.
	Director, Office of Security.
	Deputy Director for Procurement.
Director Personnel and Civil Rights	Director of Personnel.
	Deputy Director of Personnel.
Director for Planning Budget and Evaluation	Director, Office of Budget.
Ofc of the Under Secy for Economic Affairs	Dep Asst Secy for Statistical Affairs.
	Dir Office of Business Analysis.
Bureau of Economic Analysis	Director.
	Dep. Dir. Bur of Economic Analysis.
	Assoc Dir. for Natl Economic Accounts.
	Assoc Dir For Regional Economics.
	Assoc Dir for International Economics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Chief Economist.
	Chf Statistician.
	Asst to the Director for Econometrics.
	Chf, Nat'l Income & Wealth Div.
	Chief, Business Outlook Div.
	Chief International Investment Division.
BUREAU OF THE CENSUS	Dep Dir.
	Asst Director for ADP.
	Prog Mgr, Computer-Assisted Survey Infor Coll.
	Chief, Technical Services Division.
	Assoc Dir for Management Services.
	Chief, Personnel Division.
	Chief Admin & Publications Services Division.
	Senior Program Analyst.
	Asst Dir for Administration.
	Chief, Computer Services Division.
Demographic Programs	Association Director for Demographic Fields.
	Chf, Population Div.
	Chief Demographic Surveys Division.
	Chf, Housing & Household Econ Statistics Div.
	Chief, Statistical Methods Division.
	Chief Intl. Statistical Programs Center.
Decennial Census	Associate Director for the Decennial Census.
	Asst Dir for Publicity and Outreach.
	Chf, Geography Div.
	Chief, Decennial Planning Division.
	Chief, Decennial Operations Division.
	Chief, Decennial Planning Division.
	Chief, Statistical Support Division.
Statistical Design Methodology and Standards	Chief, Year 2000 Res & Dev Staff.
	Chief Statistical Research Division.
	Senior Program Analyst.
Field Operations	Assoc Dir for Field Operations.
	Chief, Field Div.
	Chief Data Preparation Division.
	Chief, Field Division.
	Chief Data User Services Division.
Economic Programs	Associate Director for Economic Programs.
	Asst Dir for Economic & Agric Censuses.
	Chief, Agriculture Div.
	Chf, Business Div.
	Chf, Construction Statistics Div.
	Chf, Econ Surveys Div.
	Chf, Foreign Trade Div.
	Chf, Government Div.
	Chf, Industry Div.
	Chf, Census Programming Division.
Institute for Telecommunications Sciences	Assoc Admr for Telecommunications Science.
	Deputy Dir for Systems & Networks.
	Deputy Director for Spectrum.
Economic Development Administration	Dep Director for Program Operations.
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Asst. Inspector General for Investigations.
	Asst Insp Gen for Compl & Audit Resolution.
	Deputy Assistant Inspector Gen for Auditing.
	Asst Insp Gen for Plng, Eval & Inspections.
	Counsel to the Inspector General.
	Dept Asst Insp Gen for Investigations.
	Dep Asst Insp Gen for Insp & Res.
Ofc of the Under Sec for Export Administration	Director of Administration.
Ofc of Dep Asst Secy for Automotive Aff & Cons Gds	Director Office of Consumer Goods.
Ofc of Dep Asst Secy for Compliance	Dir, Office of Agreements Compliance
	Dir, Office of Antidumping Compliance.
Ofc of Dep Asst Secy for Investigations	Dir, Office of Antidumping Investigations.
	Dir, Office of Countervailing Investigations.
National Oceanic and Atmospheric Administration	Dir, NOAA Coastal Ocean Program Office.
Systems Program Office	Program Manager.
	Nexrad Program Manager.
	Goes Program Manager.
	CHF/Awi Interactive Processing System/ 1990's.
Office of Administration	Dir for Information Systems & Finance.
	Director for Personnel & Civil Rights.
	Dir for Procurement, Grants & Adm Services.
National Marine Fisheries Service	Senior Scientist for Fisheries.
	Dir, OFC of Research & Environmental Info.
Fisheries Resource Management	Director, Office of Enforcement.
Fisheries Centers	Science & Research Dir Northeast Region.
	Science & Research Dir.
	Science & Research Dir Southwest Region.
	Science & Research Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Natl Environ Satellite, Data & Info Services	Science and Research Director.
	POES Program Manager.
	Dir OFC of Sys Development.
Dep Asst Admr for Information Services	Dir. Natl Oceanographic Data Center.
	Director, National Climatic Data Center.
	Dir. National Geophysical Data Center.
Office of Oceanic and Atmospheric Research	Director, Forecast Systems Laboratory.
Office of Sea Grant & Extramural Programs	Dep Dir, Ofc of Oceanic Research Programs.
Environmental Research Laboratories	Dep Dir, Environmental Research Laboratories.
	Associate Director for Science & Data.
	Dir, Space Environment Laboratory.
	Dir Climate Monitoring & Diagnostics Lab.
Atlantic Oceanographic and Meterological Labs	Dir, Atlantic Oceanographic & Meteorological.
	Depty Dir Atlantic Oceanographic & Meteorologi.
Wave Propagation Lab	Director.
Aeronomy Lab	Director, Aeronomy Laboratory.
	Senior Scientist/Deputy Director.
Geophysical Fluid Dynamics Laboratories	Director.
	Supervisory RSCH Meteorologist.
	Supervisory RSCH Meteorologist.
	Supervisory RSCH Meteorologist.
Great Lakes Environmental Reserch Lab	Dir Great Lakes Environmental Research Lab.
National Severe Storms Laboratory	Dir Nat'l Severe Storms Lab.
Air Resources Laboratory	Director Air Resources Laboratory.
Pacific Marine Environmental Lab	Dir Pacific Marine Environmental Lab.
Ocean Services & Coastal Zone Management	Dir, Office of Ocean & Earth Sciences.
	Chief, Ocean Observation Division.
	Chief Ocean & Lake Levels Division.
Oceanography & Marine Services	Chief, Ocean Systems Division.
	Chief Costal Monitoring Bioeffects Asses Div.
	Chf, Physical Oceanography Division.
National Ocean Service	Chief Laboratory for Geosciences.
	Assoc Dir Ofc of Aeronautical Charting & Cart.
National Weather Service	Director, NOAA Data Buoy Office.
	Chief, Management and Budget Staff.
	Chief, International Affairs Division.
	Chf. Ofc of the Fed Coordinator for Meteorolg.
	Deputy Assistant Administrator for Operations.
	Dir, NEXRAD Operational Support Facility.
	Dir of Scientific & Academic Affairs.
Office of Meteorology	Dir, Office of Meteorology.
	Chief Operations Division.
	Chf, Prog Requirements & Plng Division.
Office of Hydrology	Director, Office of Hydrology.
	Chief, Hydrologic Services Division.
	Chief, Hydrologic Research Laboratory.
Office of Systems Operations	Chief, Engineering Division.
	Chief, Systems Operations Center.
	Chief, Systems Integration Division.
	Dir, Office of Systems Operations.
Office of Systems Development	Director, Office of Systems Development.
	Chief, Integrated Systems Laboratory.
	Chief, Techniques Devol Laboratory.
	Dep Dir, Office of Systems Development.
National Meteorological Ctr	Director National Meteorological Center.
	Deputy Director.
	Director, Climate Analysis Center.
	Chief, Automation Division.
	Chief, Development Div.
	Chf, Meteorological Operations Division.
	Dir. Natl Severe Storms Forucast Center.
	Director Natl Hurricane Center.
Regional Offices & Centers	Dir Southern Region, Ft Worth.
	Dir. Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir Eastern Region NWS.
	Director Central Region.
National Institute of Standards and Technology	Dep Dir Center for Chemical Technology.
	Dir, Office of Technology Commercialization.
	Chief, Program Office.
	Chf Standard Reference Materials Program.
	Director, Center for Chemical Technology.
	Director for Quality Programs.
	Assoc Dir for Tech & Business Assessment.
	Sr Advr to the Dir, Technology Services.
Office of Associate Director	Director for International & Academic Affairs.
	Deputy Director for International Affairs.
	Deputy Director for Academic Affairs.
	Associate Director.
Advanced Technology Program	Dep Director, Advanced Technology Program.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Director, Advanced Technology Program.
Technology Services	Deputy Director, Technology Services.
	Dir, Ofc of Technol Evaluation & Assessment.
Office of Measurement Services	Chf, Phy Meas S/P Ofc of Measurement Services.
	Director, Office of Measurement Services.
Office of Standards Services	Dir, Office of Standards Services.
Organization Abolished	Chief Gas and Particulate Science Division.
Organization Abolished	Deputy Director for Programs.
Organization Abolished	Chief, Atomic and Plasma Radiation Division.
	Dir, Cntr for Atomic, Molecular & Optical Phy.
	Chief, Surface Science Div.
	Dep Dir, Cntr for Molecular & Optical Phy.
Organization Abolished	Director-Center for Analytical Chemistry.
Organization Abolished	Dir Center for Radiation Research.
	Dep Dir, Ctr for Radiation Research.
Organization Abolished	Chief Radiation Physics Division.
Organization Abolished	Deputy Director, Center for Chemical Physics.
	Chief, Chemical Process Metrology Division.
Electronics and Electrical Engineering Laboratory	Dir, Electronics & Electrical Eng Laboratory.
	Assoc Dir for Technical Evaluation.
	Deputy Director.
	Dir, Office of Microelectronics Programs.
Electricity Division	Director-Center for Fire Research.
	Chief, Electricity Division.
	Deputy Director, Center for Fire Research.
Electromagnetic Technology Division	Dir, Center for Building Technology.
	Deputy Director, Center for Building Tech.
	Chf-Electromagnetic Technology Division.
	Chief, Structures Division.
Semiconductor Electronics Division	Chief Semiconductor Electronics Division.
	Senior Research Scientist.
Organization Abolished	Dep Dir, Ctr for Electronics & Electrical Eng.
	Associate Director for Program Development.
Manufacturing Engineering Laboratory	Dir, Manufacturing Engineering Laboratory.
	Manager for Industrial Relations.
	Program Manager Automated Manufacturing Res.
	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division	Chief, Precision Engineering Division.
Robot Systems Division	Chief, Robot Systems Division.
Factory Automation Systems Division	Chief, Factory Automation Systems Division.
Physics Laboratory	Director, Physics Laboratory.
	Physicist (Nuclear).
	Coordinator of Radiation Measurement Services.
	Coordination of Program Development.
	Deputy Director, Physics Laboratory.
Ionizing Radiation Division	Chief Ionizing Radiation Division.
Radiometric Physics Division	Chief Radiometric Physics Division.
Fundamental Constants Data Center	Mgr, Fundamental Constants Data Center.
Molecular Physics Division	Chief Molcular Phsics Div.
Quantum Metrology Division	Chief, Quantum Metrology Division.
Atomic Physics Division	Chief, Atomic Physics Division.
Time and Frequency Division	Chief, Time and Frequency Division.
Quantum Physics Division	Senior Scientist.
	Senior Scientist & Fellow of Jila.
Electron and Optical Physics	Senior Scientist & Fellow of Jila.
	Group Leader for Far Ultraviolet Physics.
Chemical Science and Technology Laboratory	Dir, Chemical Sci & Technology Laboratory.
	Mgr. Tech Applications of Measurement Stds.
	Deputy Director for Programs.
Inorganic Analytical Research Division	Chief Inorganic Analytical Research Division.
Organic Analytical Research Division	Chief Organic Analytical Research Division.
Surface and Microanalysis Science Division	Chf, Surface & Microanalysis Science Division.
	Group Leader, Surface Spec. & Thin Films.
Process Measurements Division	Chief, Process Measurements Division.
Biotechnology Division	Chief, Biotechnology Division.
Materials Science and Engineering Laboratory	Dir, Materials Sci & Eng Laboratory
	Senior Scientist.
	Scientific Assistant to the Director, IMSE
	Dep Dir, Materials Sci & Eng Lab.
	Chief, Film & Fiber Technology.
	Chief Materials Reliability Div.
Matenals Reliability Division	Chief Materials Reliability Div.
Office of Intelligent Processing of Materials	Chf, Ofc of Intell Processing of Materials.
Ceramics Division	Chief Ceramics Division.
Polymers Division	Chief, Polymers Division.
Metallurgy Division	Chf, Metallurgy Division.
	Physicist (Solid State)
Reactor Radiation Division	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Computer Systems Laboratory	Chief Systems & Network Architecture Division.
	Chf, Advanced Systems Division.
	Chf, Info Syst Engineering Division.
	Chf, Systems and Software Technology Division.
	Associate Director for Computer Security.
	Associate Director for Program Implementation.
	Chief, Computer Security Division.
Building and Fire Research Laboratory	Dir, Building & Fire Research Laboratory
	Dep Dir, Building & Fire Research Laboratory
	Asst Dir, Building & Fire Research Laboratory.
Building Environment Division	Chief, Building Environment Division.
Building Materials Division	Chf, Building Materials Div.
Fire Science and Engineering Division	Chief, Fire Science & Engineering Division.
Fire Measurement and Research Division	Chief, Fire Measurement & Research Division.
Computing and Applied Mathematics Laboratory	Dir, Computing & Applied Mathematics Lab.
	Dep Dir. Computing & Applied Mathematics Lab.
	Chief, Computer Services Division.
	Chief Scientific Computing Division.
	Asst Dir for Management Information Technology.
	Associate Director for Computing.
Statistical Engineering Division	Chief, Statistical Engineering Division.
Patent and Trademark Administration	Asst Commissioner for Finance and Planning.
	Assistant Commissioner for External Affairs.
	Dep Assistant Commissioner for Administration.
	Dir, Office of Interdisciplinary Programs.
Office of Assistant Commissioner for Patents	Adm'r for Documentation.
Chemical	Group Director 110.
	Group Director 120.
	Group Director—130.
	Group Director 150.
	Group Director—180.
	Deputy Group Dir. 150.
	Deputy Group Director 180.
Electrical	Group Director for 260.
	Group Director 210.
	Group Director for 220.
	Group Director—230.
	Group Director 240.
	Group Director 250.
	Deputy Group Director—260.
	Deputy Group Director—230.
Mechanical	Group Director—310.
	Group Director—320.
	Group Director—330.
	Group Director—340.
	Group Director—350.
Office of Assistant Commissioner for Trademarks	Chairman, Trademark Trial & Appeal Board.
	Deputy Asst Commissioner for Trademarks.
	Director, Trademark Examining Operation.
Commodity Futures Trading Commission:	
Office of the General Counsel	Deputy General Counsel (Opinions & Review).
	Deputy General Counsel (Litigation).
	Deputy General Counsel (Reg & Adm).
Office of the Executive Director	Dep Exec Dir.
Office of Economic Analysis	Dir, Ofc in Information Resources Mgmt.
	Dep Chf Economist.
	Chf, Analysis Section.
	Associate Director for Surveillance.
	Director of Economic Research.
Division of Enforcement	Deputy Director (Western Operations).
	Deputy Director (Eastern Operations).
Division of Trading and Markets	Deputy Director (Contract Markets).
	Chief Counsel.
Consumer Product Safety Commission:	
Ofc of Executive Dir	Associate Executive Dir for Field Operations.
	Dir, Office of Program Management & Budget.
	Asst Exec Dir for Hazard I & R.
Office of AED for Epidemiology	Associate Exec Dir for Epidemiology.
Ofc of AED for Compliance & Administrative Litigation	Assoc Exec Dir for Compl & Admin Litigation.
Ofc of AED for Administration	Assoc Exec Dir for Adm.
Ofc of the AED for Economics	Associate Executive Director for Economics.
Ofc Secy of Defense:	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight).
Ofc of Asst Secy (Solic)	Asst for Res Assessment & Acquisition Issues.
	Dep Asst Secy of Defense (Forces & Resources).
Director Operational Test and Evaluation	Dir, Strategic Def Syst Operational Test Org.
	Dep Dir for Resources & Administration.
Ofc of Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Dep Asst Inspector Gen for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst Inspector Genl for Analysis & Followup.
	Asst Insp Gen for Adm & Info Management.
	AIG for Departmental Inquiries.
	Dep Asst Inspector Gen for Adm & Info Mgmt.
	Dir, Audit Planning & Technical Support.
	Dep Asst Insp Gen for Audit, Pol & Oversight.
	Director, Acquisition Management.
	Director, Logistics and Support.
	Director, Contract Management.
	Dir, Readiness & Operational Support.
	Director, Financial Management.
	Asst Inspector Gen for Audit, Pol & Oversight.
	Deputy Asst Inspector General for Auditing.
	Dep Asst Insp Gen for Insp S & T Evaluation.
	Asst IG for Inspections.
	Freedom of Appellate Rev Auth Spec Proj Ofc.
	Asst Inspector General for Auditing.
	Dir for Investigative Operations.
	Deputy AIG for Departmental Inquiries.
	Dir Inspections Directorate.
	Director for Criminal Policy & Oversight.
Ofc of Asst Secy of Defense (Reserve Affairs)	Principal Director (Manpower and Personnel).
Ofc Dep Asst Sec (Civilian Personnel Policy & Req)	Dep Dir Compensation & Overseas Emply Policy.
	Dir for W/R, Training & Staffing Policy.
	Director, Personnel Management.
	Dep Dir C/E Stability, N/F Special Projects.
	Prin Dir (Civilian Pers Pol/Equal Opp).
Ofc of Dir of DOD Dependents Schools	Dir Personnel Management.
	Dir Pacific Region Dodds.
	Director, Germany Region.
	Dep Dir Dep of Dfense Dependents School.
Office Assistant Sec Health Affairs	Assoc Dir for Financial, Logistl, & Info Mgmt.
Office of Assistant Secretary, Public Affairs	Dir, Defense Medical Systems Support Center.
	Dir, Freedom of Information & Security Review.
DASD (Theater Assessments & Planning)	Dep Dir, Armed Forces Radio & Television Serv.
Washington Headquarters Services	Assistant for Planning.
	Director of Personnel and Security.
	Dep Dir, Real Estate & Facilities.
Office of the General Counsel	Dep Dir, Personnel and Security.
Ofc of Under Secy of Def for Acquisition	Chief Counsel to the Inspector General.
	Director for Defense Procurement.
	Deputy Dir, Cost Pricing & Finance.
	Dep Dir, Contract Pol & Administration.
	Adusd (Asia/Mid East/S. Hemisphere Affairs).
	Deputy Dir Program Assessment.
	Dep Dir, Def Syst Procurement Strategies.
	Dep Dir, Program & Budget Integration.
	Dir, Management Support & DOD Caas.
	Asst Dep Under Secy of Def (Plnng & Eval).
	Asst Dep Under Secy of Def (Plang & Eval).
	Asst Dep Under S/D (Manuf & Industrial Prog)
	Dep Dir, Foreign Contractor.
	Dep Dir For Acquisition R & C Simplification.
Ofc of The Dir, Defense Research & Engineering	Executive Director, Defense Science Board.
Office of The DD(Test & Evaluation)	Director Test Facilities and Resources.
	Director Live Firetest.
	Dir, Wsa/Special T & E Programs (STEP)
Ofc of DD (Research and Advanced Tech)	Das of Def (Guard/Reserve Material & Fac).
	Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures.
	Staff Specialist for Weapons.
	Dir Environmental & Life Sciences.
	Staff Spec/Mobility, Logistics & Adv Concepts.
	Dir, Research & Laboratory Management
	Spec Asst for Mctl & Long-Range Plnng Matters.
	Staff Spec for Electronic W/C, Ctrl & Comms.
	Staff Specialist for Electronic S/D.
	Staff Specialist for Spec Technology Programs.
	Dir, Balanced Technology Initiative
Ofc of DD (Strategic & Theater Nuclear Forces)	Director Offensive and Space Systems.
	Director Defensive Systems.
	Dir Strategic Aeronautical & Theater N/S.
	Staff Specialist for Space & Advanced Systems.
	Staff Spec for Techn & Analysis (Off Sys)
	Staff Spec for Ball Missile Def Sys
	Director Force Analysis Concepts and Plans.
	Dir, Strategy, Arms Control & Compliance.
Ofc of DD (Tactical Warfare Progs)	Director, Air Warfare.
	Director, Naval Warefare & Mobility.
	Staff Spec For Interdiction/Navel Strike.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Staff Specialist for Ground Air Defense Sys.
	Staff Spec, Close Air Sup/Battlefield Int.
	Staff Specialist for Antisub & Mine Systems.
	Staff Spec For Naval Proj & Anti-Air Warfare.
	Director, Office of Munitions.
	Staff Spec Interheater & Intratheater Mobil.
	Staff Specialist for Propulsion
	Director, Land Warfare.
	Dir, Ofc of Conventional Initiatives.
	Asst DD (TWP) for Tact Syst Acq Prog.
	Dir, Electronic Combat.
	Staff Spec For Ship Sys & Naval Technology.
Office of DD (Plans & Resources)	Deputy Director, Plans & Resources.
	Director, Plans Management.
	Deputy Director (Plans & Resources)
Ofc Dep Asst Secy (Installations)	Dir, Base Closure and Utilization.
Ofc Dep Asst Secy (Production Resources)	Dir Standardization & Acquisition Support.
	Dir Computer Aided Logistics Support Office.
	Dir, Industrial Productivity & Quality.
	Dep Dir For Manufacturing and Quality.
Ofc Dep Asst Secy (Procurement)	Dir, Def Acquisition Reg Sys & Council.
Ofc Dep Asst Secy (Environment)	Principal Dir (Environmental Restoration).
Ofc Dep Asst Secy (Systems)	Dir Acquisition Logistics & Production Supp.
Director, Electronic Combat	Asst Dir For Elec Combat C3 Countermeasures.
Director, Strategic & Theater Nuclear Forces	Dir Strategic & Theater Nuclear Forces C3.
	Staff Asst S/C, Control & Communications.
Director, Theater & Tactical C3	Dir Threater & Tactical Commun Command & Contr.
	Dep Dir Theater & Tactical Command Control.
Senior Advisor For Human Intelligence Systems	Director National Intelligence System.
	Dep Dir, National Intelligence Systems.
Senior Advisor, Signal Intelligence Systems	Director Tactical Intelligence Systems.
	Dep Dir Tactical Intelligence Systems.
Director, Intelligence Resources & Training	Dir, Intelligence Resources & Training.
Director, Information Systems	Director, Telecommunications.
Director, C3 Mobilization Systems	Director C3 Mobilizationsystems.
Dasd (Counterintelligence)	Director, Counter Intelligence.
	Dir, Information Systems Security.
	Dir, Special Technology Support.
Ofc of Asst Secy (Principal Deputy for Intelligence)	Director, Asto:
Defense Advanced Research Projects Agency	Asst Deputy, Smart Weapons.
	Chief Advanced Technology.
	Deputy Director, Asto.
	Deputy Director, Management.
	Special Assistant for Special Operations.
	Assistant Director, Undersea Systems.
	Deputy Director.
	Southcom Science & Technology Advisor.
	Dir Land Systems Office.
	Director Special Projects.
	Dir Microelectronics Technology.
	Dep Dir Micro Electronics Technology.
	Dir Undersea Warfare Office.
	Chief, Advanced Technology.
Tactical Technology Office	Dir-Tactical Technology Office.
	Assistant Dir for Admor/Anti-Armor.
	Assistant Director, Special Programs.
	Assistant Director, Undersea Warfare.
Computing Systems Technology Office	Assistant Director, Electronics Sciences.
	Assoc Dir, Research.
	Executive Director (Software).
	Dir Computing Systems Technology Office.
Defense Sciences Office	Dir Defense Sciences Office.
	Assistant Director for Material Sciences.
	Deputy Director Defense Sciences Office.
Defense Manufacturing Office	Dep Dir, Defense Manufacturing Office.
Contracts Management Office	Dir, Contracts Management Office.
Nuclear Monitoring Office	Dir Nuclear Monitoring Research Ofc.
	Dep Dir, Nuclear Monitoring Res Office.
Office of the Joint Chiefs of Staff	Dep Dir for Technical Operations.
Strategic Defense Initiative Organization	Assistant Director for Interceptors.
	Asst Dir for Sensors Demonstrations.
	Assistant Director for Sensor Technology.
	Asst Dir for Interceptors & Communications.
	Chief, Program Control.
	Director, Information Systems.
	Deputy for Program Operations.
Defense Contract Audit Agency	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy & Plans.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Director, Field Detachment.
Regional Managers	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Regional Director, Western.
	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Deputy Regional Director, Western.
	Dep Reg Dir Mid Atlantic Region.
	Deputy Regional Director, Western.
Defense Logistics Agency	Special Asst for Integrity in Contracting.
	Dir, Defense Manpower Data Center.
	Chief Actuary.
	Admr, Defense Logistics Agency Finance Center.
Directorate for Contract Management	Executive Directive, Contract Management.
	Chf, Plans, Policies & Systems Division.
Directorate of Quality Assurance	Dep Exec Dir. Quality Assurance.
Ofc of Staff Dir-Small & Disadvantaged Business Until	Staff Dir, Ofc of Sdbu.
Office of Civilian Personnel	Staff Director, Civilian Personnel.
	Deputy Staff Director, Civilian Personnel.
Directorate of Contracting	Executive Director, Contracting.
	Chief, Contracts Division.
Organization Abolished	Dep Exec Dir Program & Technical Support.
Directorate of Tech & Logistics Services	Chf, Property Disposal Div.
Defense Personnel Support Center	Exec Dir, Acquisition Mgmt Plan & Support.
Defense Training & Performance Data Center	Dir Defense Training and Performance Data Ctr.
Ofc of Assoc Dir for Eng, Technol & Corporate Planning	Assoc Dir For Eng, Technology & Corp Plng.
	Chief Information Officer.
Special Programs Organization	Dep Dir, Special Programs Organization.
	Spec Asst to the Dir, Spec Prog Organization.
National Communications System	Deputy Manager, Natl Communications Systems.
	Asst Mgr, NCS, Technology & Standards.
	Asst Mgr, NCS, Plans & Operations.
Center for Command, Control & Communications (C3) Syg	Dir, Ctr for Cmd, Ctl & Communications Sys.
	Dep Dir, Theater Systems.
	Dep Dir, Mil Satellite Communication System.
	Dep Dir for Switched Network Engineering.
	Assoc Dir NMCS/WWMCCS Engineering Integration.
	S/A to the Dir, CPSI for Satellite Com Sys
	Asst Dir for Prog Development & Coordination.
	Spec Asst to Dir, Ctr for C3 for Int Dig Arch.
	Dep Dir Strategic Systems Directorate.
	Assistant Director for Process & Integration.
Defense Communications System Organization	Dep Dir, Dcs Telecommunications Networks.
	Deputy Director for Dcs Integration.
Defense Communications Engineering Center	Dir, Def Communications Engineering Center.
Defense Commercial Communications Office	Dir Defense Commercial Communications Office.
Center for Agency Services	Director, Center for Agency Services.
Resource Management Directorate	Deputy Director, Resource Management.
Joint Data Systems Support Center	Director, Joint Data Systems Support Center.
	Tech Dir, WWMCCS Adp Tech Support Directorate.
	Deputy Director, NMCS ADP Directorate.
	Assoc Dir for Technical & Management Support.
Joint Tactical Command, Control & Communications Agency	Asst Dir for Washington Operations.
	Assistant Director, JTC3A.
	Dep Dir, Architecture Directorate.
	Deputy Director for Testing.
Information Management Center	Director, Information Management Center
Comptroller Directorate	Comptroller
Office of the Director	Deputy Director
	Special Assistant to the Deputy Director.
Acquisition Management Office	Dir, Acquisition Management.
Plans, Programs & Requirements Directorate	Director for Plans, Programs & Requirements.
Office of the Director, Afrrl	Scientific Director, Afrrl.
Operations Directorate	Deputy Director, Operations Directorate.
	Chief, Structural Dynamics Division.
Radiation Sciences Directorate	Dir for Radiation Sciences.
	Chief, Atmospheric Effects Division.
	Chief, Electronic Effects Division.
	Chief, Electromagnetic Applications Division.
Shock Physics Directorate	Director for Shock Physics.
	Chief, Weapons Effects Division.
Test Directorate	Director for Test.
	Chf, Nevada Operations Ofc, Test Directorate.
D M A Headquarters	Asst Dep Dir for Plans and Requirements.
	Dep Dir for Hum Res-Dir Dma Ofc Hum Res Mgt.
	Asst Deputy Dir for Programming.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dep Dir for Acq Install & Logistics.
	Dep Dir for Progs, Production & Operations.
	Dep Dir for Research & Engineering.
	Dep Dir, Management & Technology.
	Asst Dep Dir for Production & Distribution.
	Deputy Dir for Transition Management.
	Asst Deputy Dir for Research & Engineering.
	Dep Dir for Plns & Rqmts—Dir DMA Ofc Otp&r.
	Asst Dep Dir for Production.
	Asst Deputy Dir for Resources.
	Deputy Director.
D M A Field Activities	Tech Dir, Dma Aero Center.
	Tech Dir, Dma Hydrographic—Topographic Center.
	Dep Dir for Prog, Prod & Operations Dma Htc.
	Dep Dir for Progs, Production and Operations.
	Chf, Digital Products Department Ac.
	Chf, Digital Products Department HTC.
	Dep Dir for Program Integration & Operations.
	Tech Dir/Dep Dir, Combat Support Center.
	Chief, Scientific Data Dept.
	Chief, Scientific Data Department.
	Dir Dma Sys Ctr Dep Dir for Res & Engineering.
	Technical Director, Reston Center.
	Dep Dir for Prog, Production and Operations.
	Dep Dir for Modernization Development.
	Dir DMA Tech Services Center.
	Chief, Digital Products Department.
	Chief, Data Services Department.
	Dep/Techn Dir/DMA Syst Cntr Asd for Res & Eng.
	Dep Dir for P/O, DMA Syst Cntr/Add for RDT&E.
	Chief, Mapping & Charting Department.
Defense Investigative Service	Dir, Defense Investigative Service.
	Deputy Director (Investigations).
	Dep Dir (Industrial Security).
	Deputy Director (Resources).
	Dir, Personnel Investigations Center.
Department of the Air Force:	
Ofc of Administrative Assistant to the Secretary	Administrative Assistant to the Secy.
	Dep Administrative Assistant.
Ofc of Small & Disadv Bus Utilization	Dir, Ofc of Small & Disadv Bus Utilization.
Office of the Inspector General	Dep Asst Inspector Gen/Spec Investigations
Office of ASF for Financial Management & Comptroller	Principal Dep Asst Secry (Financial Mgmt).
Odas Budget	Deputy for Budget.
	Director of Budget Investment.
	Director of Budget Management & Execution.
	Deputy Director of Budget Operations.
Odas Cost & Economics	Assoc Dir of Mgmt Analysis.
	Dir Cost Applications & Dir Af Cost Center.
Organization Abolished	Dep Asst Secy (Acct, Banking & Finance).
Office of ASAF for Acquisition	Automated Info Syst Prog Executive Ofcr.
Odas Acquisition	Dep Asst Secy (Acquisition).
	Dep for Acquisition.
	Competition Advocate Gen & Dir Caas.
	Dir Science & Technology.
	Assoc Dept Asst Secy Magmt Pol & Prog Interagt.
	Director, Test & Evaluation
	Competition Advocate Gen Dir, Caas.
Odas Contracting	Assoc Dep Asst Secy (Contracting).
Odas Communications, Computers & Logstics	Assoc Dep Asst Secy (Logistics).
	Assoc Dep Asst Secy (Transporation).
Ofc of Asaf for Manpower, Reserve Affairs, Install & Env	Dep for Air Force Review Boards.
Odas Installations	Deputy for Installations Management.
Office of Asaf for Space	Deputy for Contracting.
Assistant Vice Chief of Staff	Air Force Historian.
Asst Chief of Staff for C3 and Computers	Director of C4 Software, Architecture & Pol.
Deputy Chief of Staff, Logistics	Assoc Dir for Logistics Plans & Programs.
	Chief Modification & O&M Programs Division.
	Chief Combat Support Programs Division.
	Assoc Dir of Maintenance Engineering & Supply.
Civil Engineer	Assoc Dir for Engineering & Services.
	Deputy Director of Personnel Management.
Deputy Chief of Staff, Personnel	Dir of Civilian Personnel.
	Deputy Director of Personnel Management.
	Deputy Director for Plans and Requirement.
	Dep Dir for Work Force Effectiveness.
	Spec Project Ofcr for Personnel Management.
Air Force Systems Command	Principal Deputy Acs Personnel.
	Asst for Intelligence.
	Acs/Personnel.
	Chief Engineer.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Dcs/Contracting	Prin Asst/Contracting & Manufacturing.
	Dir Contract Clearance & Policy Development.
Dcs/Engineering & Technical	Dcs/Engineering & Technical Management.
	Principal Asst Dcs/Product A/A Logistics.
	Technical Director, Product Assurance.
Deputy Chief of Staff/Comptroller	Asst to the Dcs/Comptroller.
Dcs/Technology	Director of Plans & Programs.
Space Systems Division	Deputy Program Dir Launch Systems.
Phillips Laboratory	Deputy Director.
Geophysics Directorate	Dir, Space Physics Div, Afgl.
	Ch, Atmospheric Structure Br.
	Director Optical & Infrared Technology Div.
Astronautics Directorate	Dir, Astronautics Laboratory.
	Dir, Solid Rocket Div.
Electronic Systems Division	Executive Director.
	Asst Dep for Contracting & Manufacturing.
	Assistant Deputy Commander/Tactical Systems.
	Tech Dir, Dep Cmd Tactical Syst, J-TIDS/AWACS.
	Prog Dir for Air Base Decision Systems.
	DCS/Ngineering & Program Management.
	Chief Engineer.
Rome Laboratory	Director (Plans).
	Techn Dir (Intelligence & Reconnaissance).
	Technical Director (Command & Control).
Aeronautical Systems Division	Deputy Comptroller.
Deputy for Development Planning	Director (Mission Analysis).
Deputy for Contracting & Manufacturing	Asst Deputy for Contracting & Manufacturing.
Deputy for Engineering	Engineering Advisor Product Assurance Engr.
	Technical Dir Avionics Engineering.
	Dir, Flight Systems Engineering.
	Director, Systems Engineering.
Directors of Engineering	Director of Engineering (F-16).
	Dir of Eng Reconnaissance & Elec Warfare Sys.
	Dir Engineering Propulsion Systems.
	Dir of Engineering (Advanced Technol Bomber).
	Dir of Eng, Advanced Tactical Fighter.
	Dir of Engineering C-17.
Systems Program Offices	Deputy Program Director Systems Spo.
	Program Director, Amraam Spo.
Wright Laboratory	Dir Manufacturing Technology Directorate.
Materials Directorate	Dir, Metals & Ceramics Div.
	Dir, Nonmetallic Materials DN.
Organization Abolished	Technical Director (Technology and Threat).
Armstrong Laboratory	Research Director (Crew Technology).
	Director Human Engineering.
Air Force Logistics Command	Asst DCS-Comptroller.
	Asst Dep Chf of Staff, Maintenance.
	Chairman A F Logistics Command Procur Commit.
	Assistant DCS/Plans & Programs.
	Director of Civilian Personnel.
	A/D Chf of Staff-Contracting & Manufacturing.
	Asst Dep to the Commander for Intl Logistics.
	Asst Deputy Chief of Staff, Materiel Mgt.
	Asst to the Commander, Logistics Oper Center.
	Asst Deputy Chief of Staff Logis Magnt System.
	Asst Deputy Chief of Staff/Distribution.
	Asst to the Comdr AF Electronic Combat Ofc.
	Principal Asst for Sci, Technol & Engineering.
	Executive Agent for Interim Standard Systems.
	Principal Deputy to the Commander Ald.
Air Logistics Center, San Antonio	Dep Dir, Directorate of Maintenance.
	Dep. Dir. Materiel Mgt. San Antonio Leg. Ctr.
	Director, Contracting.
	Director, Financial Management.
	Director, Propulsion Systems.
	Director, Contracting.
Air Logistics Center, Oklahoma City	Dep Dir, Directorate of Maintenance.
	Director, Contracting.
	Director, Financial Management.
	Director, Commodities Management.
	Director, Contracting.
Air Logistics Center, Warner Robins	Deputy Director, Directorate of Materiel Mgt.
	Deputy Dir, Dir of Maintenance.
	Dep Director, Contracting and Manufacturing.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Logistics Center, Ogden	Dep Dir, Directorate of Maintenance.
	Deputy Director, Materiel Management.
	Director Contracting.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Logistics Center, Sacramento	Dep Dir Directorate of Materiel Management.
	Dep Dir, Directorate of Maintenance.
	Director Contracting.
	Director, Financial Management.
	Director, Technology & Industrial Support.
	Director, Contracting.
Air Force Audit Agency	Auditor General of the Air Force.
	Asst Aud Gen (Field Activities).
	Asst Aud Gen (Operations).
	Asst Aud Gen (Financial + Support Audits).
	Asst Aud Gen (Acq + Logistics Audits).
Air Force Intelligence Command	Technical Director (Aerospace Systems).
Air Force Communications Command	Dir, Air Force Comms Computer Syst I/Ofc.
	Deputy Commander Standard Systems Center.
Military Airlift Command	Asst Dep Chf of Staff/Air Transportation.
Strategic Air Command	Chief, Operations Analysis Division.
	Chief, Applied Research Division.
Tactical Air Command	Chief Scientist Tactical Air Warfare Ctr.
Headquarters, Pacific Air Forces	Chief, Operations Analysis.
U.S. Air Forces in Europe	Director of Civilian Personnel.
Shape Technical Centre	Chief, Information Systems Division, NATO.
AF Space Command	Sr Scientist & Tech Advisor for Afspacecom.
AF Operational Test & Eval Ctr	Scientific Advisor (Test & Evaluation).
	Technical Director.
Air University	Director of Academic Affairs.
Joint Electronic Warfare Center	Technical Director.
Air Force Commissary Service	Deputy to the Commander, A F Commissary Serv.
Organization Abolished	Dep Asst Comptroller for Accounting & Finance.
	Director of Plans & Systems.
	Dir, Security Assistance Accounting Center.
U.S. Central Command	Scientific Advisor.
Department of Army:	
Office of the Under Secretary	Operations Research Analyst.
	Chf, Ops Res Analyst for Forces & Readiness.
	Operations Research Analyst for Systems.
	Opers Research Analyst for Cmd, Cont, C & I.
	Special Asst to the Under Secretary.
Ofc of the Administrative Assistant	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant.
	Director, Defense Supply Service-Washington.
Office of the General Counsel	Deputy General Counsel (Fiscal Law & Policy).
HQDA Army Acquisition Executive	Dep Prgg Mgr, Light Helicopter Program.
	Deputy Peo, Close Combat Vehicle.
	Dep Prog Exe Ofcr, Army Cmd & Ctrl Syst.
	Deputy Prog Executive Officer Comm Systems.
	Dep Program Executive Officer, Fire Support.
	D/Prog Exec Ofcr Hgh Med Air Def/Thr Msle Def.
	Program Executive Officer Stamis.
	Progr Exec Officer, Close Combat Armament
	Program Manager Sustaining Base Network.
	Dep Program Executive Officer for Aviation.
	Dep Peo, Intelligence & Electronic Warfare.
	Program Executive Officer, Combat Support.
	Program Executive Officer (Fire Support).
Dir of Info Sys for Command, Control, Comms & Computers	Army Spectrum Manager.
	Ofc, U.S. Army Info Syst & Sel Acq Activity.
	Dir Command Systems Integration Agency.
	Vice Dir for Information Management.
OASA Research Development and Acquisition	Dir for Prog & Vulnerability Assessment.
	Dep Dir US Contracting Support Agency.
	Chief, Policy & Procedures Division.
	Assistant Deputy for Plans & Programs.
ODASA Research and Development	Dep Asst Secy for Res & Tech Scientist.
	Dir for Program Review.
	Director for Space & Strategic Technology.
	Director for Research Laboratory Management.
	Director for Technology.
	Director for Adv Concepts & Tech Assessment.
ODASA Systems Mgmt Integration & Coord	Dir Sys Mgt Integ & Coordination Ofc.
ODASA Procurement	Deputy Asst Secy of the Army (Procurement).
	Director for Procurement Policy.
ODASA Management and Programs	Dir for Program Evaluation.
	Dep Asst Secy for Plans & Programs.
Ofc of Asst Secretary (Installations, Logistics & Envmt)	Dep for Programs & Install Assistance.
	Dep Program Exec Officer for Chem/Demil.
Ofc of Asst Secy (Financial Mgmt)	Assistant Deputy ASA for Army Budget.
	Assoc Dep Assistant Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Deputy for Cost Analysis.
	Dir Investment Directorate.
	Dep Asst Secy for Army (Financial Operations).
	Dep ASA for Finance & Accounting.
	Special Asst for Finance & Accounting.
	Spec Adv for Economic Pol & Productivity Prog.
	Deputy Director Operations Directorate.
Ofc of Asst Secretary, Manpower & Reserve Affairs	Dep Asst Secy (Rev BDS & EEO Compl).
Ofc of Asst Secretary Civil Works	Deputy for Policy & Evaluation.
	Deputy for Management and Budget.
	Deputy for Plnng Pol & Legislation.
	Deputy for Project Management.
Office, Director of Army Staff	Dep Dir of Management (Installation M & R).
Office, Deputy Chief of Staff, Intelligence	Director Missile & Space Intelligence Center.
	Deputy & Technical Director, FSTC.
	Deputy Director, US Army Intelligence Agency.
USA Strategic Defense Command Huntsville Al Oscs FOA	Proj Mgr, Ground Based Interceptor Proj Ofc.
	Director, Directed Energy Weapons Directorate.
	Proj Mgr High Endo Atmos Def Int Proj.
	D/S Lethality & Key Technologies Directorate.
	Dir Kinetic Energy Weap Directorate.
	Chief, Battle Management Division.
	Prin Assistant Resp for Contracting.
	Chief, Passive Sensors Division.
	Chf, Active Sensors Div Sensors Directorate.
	Chf, Discrimination Div Sensors Directorate.
	Dir, Advanced Technology Directorate.
Operational Test & Evaluation Agency	Proj Mgr, G–B Surveillance & Tracking Syst.
	Dir, USA Combat Develop Experimentation Ctr.
Program Management Systems Development	Chf Sci, Operational Evaluation Center.
Army Center of Military History	Dir, Program Management Systems Dev Agency.
Office, Dep Chief of Staff for Personnel	Chief Historian, Army Ctr of Military History.
	Director for Manprint.
	Director of Manpower.
Directorate of Civilian Personnel	Dir, Test and Evaluation Management Agency.
	Director of Civilian Personnel.
	Dep Director of Civilian Personnel.
	Chief Employment and Classification Office.
U.S. Total Army Personnel Command	Director, Civilian Personnel Mgt.
Army Research Institute for Behavioral & Social Sciences	Dir, Systems Rsch Lab & Assoc Dir Ari.
	Dir, Trng Res Lab & Assoc Dir, ARI.
	Dir, Manp & Pers Res Lab & Assoc Dir, ARI.
Office, Deputy Chief of Staff for Logistics	Asst Director for Supply Mgmt.
	Asst Dir for Maintenance Mgmt.
	Spec Asst To DCSLOG & Chf Av Log Ofc.
	Asst Dir for Transportation.
	Asst Dir for Energy & Troop Support.
	Deputy for Troop Support Agency.
	Director for Security Assistance.
	Director for Resources and Management.
	Executive Director, Strategic Logistics Agcy.
Army Audit Agency	The Auditor General, U.S. Army.
	Deputy Auditor General.
	Director, Logistical & Financial Audits.
	Director, Acquisition & Systems Audits.
	Dir Personnel and Force Management Audits.
	Dir Audit Policy Plans and Resources.
	Regional Auditor General (European Region).
	Regl Auditor General (Northeastern Region).
	Regl Auditor General (Southeastern Region).
	Director Acquisition & Systems Audits.
Ofc Dep Chf of Staff for Operations & Plans	Tech Adv.
	Technical Director, US Army Nuc & Chem Agency.
Army War College	Director of Academic Affairs.
Concepts Analysis Agency (OCSA)	Assistant Dir for Res and Analysis Support.
Walter Reed Army Institute of Research	Chief Dept of Pharmacology.
U.S. Army Med Res Inst of Infectious Dis, Ft Detrick MD	Deputy for Science.
Training and Doctrine Command (TRADOC)	Scientific Advisor to CG.
	Scientific Advisor.
	Asst Deputy Cofs for Base Ops Spt (CIV PERS).
	Asst Deputy Chief of Staff for Resources Mgmt.
	Adcos for Training Policy Plans and Programs.
Tradoc Analysis Command	Director of Operations.
	Deputy Director, TRAC.
	Director of Operations.
Organization Abolished	Scientific Advisor.
Military Traffic Mgmt Commd	Special Asst for Transportation Engineering.
	Executive Director.
U.S. Army Forces Command	Civilian Personnel Director.
	Deputy Comptroller.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
U.S. Army Corps of Engineers	Chief, Office of Personnel.
	Director Resource Management.
	Dir, Engineering and Housing Support Center.
Directorate of Civil Works	Deputy Director, Civil Works.
	Chf-OFC of Policy.
	Chf, Programs Div.
	Chf-Planning Division.
	Chief Dredging Division.
	Chief Engineering Division.
	Chf, Ops, Construction & Readiness Division.
Directorate of Engineering & Construction	Deputy Chief Construction Division.
	Chief Construction Division.
	Chief, Desb, Engineering Division.
Directorate of Military programs	Chief Construction Division.
	Deputy Director, Military Programs.
Board of Engineers for Rivers and Harbors	Tech Dir, Bd Engr Rivers and Harbors.
U.S. Army Coe Water Resources Ctr	Chief, Water Resources Support Center.
Planning Divisions, Coe	Dir of Planning, Ohio River.
	Dir or Planning, No Pacific.
	Dir of Planning, South Atlantic.
	Dir of Planning, Lower Miss Valley.
	Dir of Planning, South Pacific.
	Dir of Planning, N. Atlantic.
	Dir of Planning, Southwestern.
Engineering Divisions, Coe	Dir of Engineering, Ohio River.
	Dir of Engineering, Southwestern.
	Dir of Engineering, North Central.
	Dir of Engineering, S. Pacific.
	Dir of Engineering, N Atlantic.
	Dir of Engineering, S. Atlantic.
	Dir of Engineering, Lower Miss.
	Dir of Engineering, Missouri River.
	Dir of Engineering, North Pacific.
	Dir of Engineering, Pacific Ocean.
	Dir of Engineering, Europe.
	Dir of Engineering, Huntsville.
Construction Divs-Coe	Dir of Construc Ops. S Atlantic.
	Dir of Construc Ops. S Western.
	Dir of Construc Ops. Ohio River.
	Dir of Construc Ops. Lr Ms Val.
	Dir of Construc Ops.
	Dir of Construc Ops.
	Dir of Construc Ops. N Atlantic.
	Dir of Construc Ops. Pacific.
	Dir of Construc Ops.
Army Materiel Command (AMC)	Chief Scientist.
	Deputy Chief of Staff for Production.
Office of DCS Supply Maintenance & Transportation	Asst DCS for Supply Maintenance & Trans.
Organization Abolished	Dep Chief of Staff for Product Assur/Testing.
Ofc Dep Cmdg Gen Res. Development and Acquisition	Prin Asst Dep for Res Develop and Acquisition.
	Asst Dep Int'l Cooperative Programs.
Dcs for Development Engineering & Acquisition	Asst Dep Chf of Staff Dev. E/A for Acv P/R.
	Asst Dep Chief of Staff for Acq MGT
Deputy Chief of Staff for Concurrent Engineering	Dep Chf of Staff For Concurrent Engineering.
Ofc Deputy Commanding General for Matl Readiness	Asst Dep for Materiel Readiness.
Dep Chf of Staff for Supply, Maintenance & Transp	Asst Dep Chf of Staff for Policy & Procedures.
Deputy of Staff for Ammunition	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Readiness	Asst DCS for Readiness.
Office of DCS for Procurement	Asst DCS for Procurement.
Executive Director, Test, Measurement & Diag Eq	Deputy Executive Director for Tmde.
Deputy Chief of Staff for Personnel	Asst Deputy Chf of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management	Adcs for Resource Mgmt.
	ADCS for Cost Analysis.
Deputy Chief of Staff for Management	DCS for Management.
USA Security Affairs Command	Deputy.
U.S. Army Systems Integration & Management Activity	Dir, Syst Integration Mgmt Activity.
U.S. Army Armament, Munitions & Chemical Command (AMCCOM)	Deputy for Resources & Management.
	Deputy for Procurement and Production.
	Deputy for Logistics Readiness.
	Director for Product Assurance.
	Dep for Facilities, Ind Preparedness & Envmt.
	Dir, U.S., Army Def Ammunition Center & School.
Amcom, Ardec	A/Tech/Dir/ (Sys Development & Engineering).
	Assoc Tech Dir (Producib & Process Technol).
Armament Engineering Directorate	Director, Armament Engineering Directorate.
	Chf, Energetics & Warheads Division.
Fire Support Armaments Center	Chf Fire Control Division.
	Chief Artillery Armaments Division.
	Chief Precision Munitions Division.
Close Combat Armament Center	Chief, Light Armament Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Chemical Research, Development & Engineering Center	Dir Munitions Directorate.
	Director, Research Directorate.
US Army Aviation Systems Command (AVSCOM)	Director of Engineering.
	Director Aeroflight Dynamicsdirectorate.
	Director Propulsion Directorate.
	Aquisition Director.
	Dir Avionics Research & Development Act.
	Assoc Tech Dir for Tech Appl/Dir of Spec Prog.
	Director Aero Structures Dir.
	Logistics Director.
Communications & Elect Comd (CECOM)	Director of Electronics & Weaponization.
	Comptroller.
US Army Communication Electronics Comm	Dir, of Product Assurance and Test.
	Dir CECOM Ctr for Command, Cntrl & Commun Sys.
	Dir, E/W, Reconnaissance, Surveillance, TAD.
	Director Concurrent Engineering.
	Dir, Ctr for Software Engineering.
	Assoc Techn Dir (Research & Technology).
US Army Depot Systems Command (DESCOM)	Dir, Comd, Control, C/I (C3I) L & R Center.
	Deputy to the Commander.
US Army Laboratory Command	Executive Director for Materiel Readiness.
Harry Diamond Labs (HDL)	ADCS for Technology Planning & Management.
	Director, Harry Diamond Laboratories.
	Dir, Target S & S Processing Lab
Army Research Office (AMC)	Dir Technology Applications Lab
	Director, Materials Science Division.
	Dir, Engr Sci Div,
	Dir, Research & Technology Integration.
US Army Ballistic Research Laboratory	Dir Chem & Bio Sci Div.
	Chf, Sys Engineering & Concepts Analysis Div.
	Chief Interior Ballistics Division.
	Chf-Launch and Flight Division.
	Chf Terminal Ballistics Div.
	Chf Vulnerability-Lethality Division.
US Army Missile Command (MICOM)	Director Acquisitions Center.
	Dir, Integrated Material Mgt Ctr.
	Assoc Director for Product Assurance.
Research Development & Engineering Center	Deputy for Procurement and Readiness.
	Dir for System Engineering & Production.
	Dir for Test and Evaluation.
	Director for Advanced Sensors.
	Associate Director for Systems.
	Director for Directed Energy.
US Army Troop Support Command (TROSCOM)	Director of Acquisition Management.
	Deputy to the Commander.
Belvoir Research & Development Center	Dir, Combat Engineering Directorate
	Director, Logistics Support Directorate.
Natick Research Development & Engineering Center	Dir, Individual Protection Directorate
	Director, Soldier Science Directorate.
Tank-Automotive Comd (TACOM)	Director of Resource Mgt.
	Dir for Procurement and Production.
	Deputy Director for Research & Development.
	Director of Product Assurance & Test.
	Asst Deputy for Procurement and Readiness.
	Dep Dir for Engineering & Acquisition.
	Dir, Tank-Automotive Technology Directorate.
US Army Test and Evaluation Command, (TECOM)	Technical Director Combat Syst Test Activity.
	Tech Dir & Chf Sci.
US Army Materiel Systems Analysis Activity	Dir for Test and Assessment.
	Director.
	Chf Combat Support Div.
	Chf Air Warfare Div.
	Chf, Reliability, Availability & Maintainabl.
	Chf Ground Warfare Division-AMSAA.
	Chf, Logistics Readiness & Analysis Division.
Army Information Systems Command	Deputy Chief of Staff for Resource Management.
	Dir, Info Systems Command Pentagon.
	Technical Director.
Headquarters, U S Army, Europe	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt USAREUR.
	Asst Deputy Chief Staff.
Army Intel and Security Command	Deputy for Policy & Development.
ACISA, NATO	Asst Dir, Command, Control and Comms Sys.
Defense Systems Management College	Deputy Commandant (PROVOST).
DOD Wage Fixing Authority	Director, Technical Staff.
National Defense University	Dir. Information Resources Management College.
Department of Navy:	
Office of the Secretary	Dir, Naval Industrial Management Program.
Office of the Under Secretary of the Navy	Assistant for Administration.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of the Auditor General	Auditor General of the Navy.
Naval Audit Service	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Director, Audit Operations.
Office of Civilian Personnel Management	Dir, Civilian Personnel Programs Division.
	Dir, Ofc of Civilian Personnel Management.
	Associate Director (OCPM-30).
	Associate Director (OCPM-20).
	Associate Director (OCPM-10).
OCPM-Pacific Region	Director Pacific Region.
OAS of the Navy (Research, Dev & Acquisition)	Director, Procurement Policy.
	Director, Product Integrity.
	Head, Contract Policy.
	Dir, Acquisition Workforce Policy.
	Director, Acquisition Career Management.
	Dir for Low Observable & Technol & Spec Prog.
	Deputy Director, Air Warfare.
	Dir, Navy International Programs Office.
	Deputy Dir, Acquisition Career Management.
Program Executive Officers	Director, Plans & Programs Division.
	HD, Guidance Section.
	Head Fire Control Section.
	Head Operations Engineering Section.
	Test & Instrumentation Branch Engineer.
	Branch Engr, Launcher Branch.
	HD, Navigation Equip Sect.
	Chf Engr, Missile Branch.
	Chf Engr.
	Br Engr Fire Control & Guidance Br.
	Branch Engr, Ship Installation & Design Br.
	Dep Prog Mgr, Seawolf Class Submne Acq Prog.
	Asst Dep Comm ASW & Undersea Warfare Sys.
	Prog Mgr, MK-50 Torpedo Prog Ofc.
	Sect Head, Reentry Systems Sect. Missile Br.
	Deputy Logistics Support Coordinator.
	Dep P/E Officer for Unmanned Aerial Vehicles.
	Dep Prog Exec Ofcr, Space, Comms & Sensors.
	Head, Resources Branch.
	Branch Engineer, Navigation Branch.
	Dep P/E Officer for Cruise Missiles Program.
	Prog Manger for Comm Satellite Programs.
	Asst for Systems Integration & Compatibility.
	Dep Prog Exec Ofcr for ASW, A/S Mission Prog.
	Dep Prog Exec Ofcr for Tactical Air Programs.
	Exec Dir, Aegis Shipbuilding Program.
Ofc of the Asst Secy of Navy (Financial Management)	Assoc Dir, Information Resources Management.
Naval Center for Cost Analysis	S/A for Cost A/T Dir, Naval Ctr for Cost Anal.
Office of the Comptroller of the Navy	Assoc Dir, Budget & Reports/Fiscal Manag Div.
	Exec Asst Compt for Financial Mgmt Systems.
	Counsel.
	Dir, Investment & Dev Div.
	Dir, Budget & Mgmt, Policy and Procedures Div.
	Dir, Ofc of Fin Mgt Syst.
	Dir, Budget Evaluation Group.
	Director Financial Control Division.
	Director, Civilian-Contractor Manpower Div.
Organization Abolished	Dir, Navy Comptroller Standard Syst Activity.
Office of the Naval Inspector General	Deputy Naval Inspector General.
Office of the General Counsel	Asst General Counsel (Acquisition)
	Asst Gen Counsel (Civilian Personnel Law).
Director-Naval Administration/Asst Vice CNO	Dir Naval History/Dir, Naval Historical Ctr.
	Asst for Educational Resources.
	CNO Executive for Total Quality Management.
Director, Navy Program Planning	Head, Studies & Analysis Branch.
	Asst Dir for Readiness Appraisal.
	Deputy Director for Programming.
	Head, Logistics & Fleet Support Branch.
Director Naval Medicine & Surg General	Director Resources Division.
Director Space Command and Control	Dir, Electromagnetic Spectrum Management.
Director, Naval Warfare	Advanced Technology Advisor.
	Techn Dir, Naval Warfare Anal A/F Level Plans.
Office of the Oceanographer of the Navy	Technical Director.
Dir, Test & Evaluation and Technology Requirements	Director, Advanced Tech Dev Branch.
Director, Naval Intelligence	Technical Director.
	Advisor for Research & Development Programs.
	Deputy Director of Naval Intelligence.
	Director, Special Liaison Group.
	Asst for History/Intelligence Community Affs.
DCNO (Manpower, Personnel & Training)	Dir, Total Force Info Res & Sys Mgmt Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office ACNO (Undersea Warfare)	Tech Dir, Submarine & SSBN Security Program.
	Dir, Deep Submergence Systems Division.
Office DCNO (Logistics)	Dir, ILSP, Technol & Assessment Division.
	Director Strategic Sealift Division.
Office ACNO (Air Warfare)	Spec Asst for Aviation Budget and Acquisition.
	Special Asst for Technology and Analysis.
Bureau of Naval Personnel	Dir Military Pay Financial Mgmt Directorate.
Naval Observatory	Dir, Time Service Div.
Naval Data Automation Command Headquarters	Technical Director.
Naval Investigative Service Command	Dep Dir, Naval Investigative Service.
Naval Technical Intelligence Center	Technical Director.
	Director of Analysis.
Bureau of Medicine & Surgery	Dep Commander for Fin Mgmt & Comptroller.
Naval Medical Research Institute	Scientific Director.
Military Sealift Command	Counsel.
	Engineering Officer.
	Comptroller.
	Deputy Commander.
Naval Tactical Support Activity	Dir Navy Tactical Support Acty.
Naval Space Command	Technical Director.
Naval Oceanography Command	Technical/Deputy Director.
Ofc of Commander in Chf/Allied Forces/Southern Eur	Director, Tactical Development & Training.
Office of the Commander-in-Chief, U.S. Pacific Fleet	Deputy Fleet Inspector General.
Ofc of the Commander-in-Chief, U.S. Pacific Command	Chief, Research & Analysis.
Ofc of the Chief of Naval Education and Training	Comptroller.
	Deputy Chief of Naval Education & Training.
	Director NROTC Selection and Placement.
Executive Development Cadre	Director, Civilian Resources Management Dir.
	Science and Technology Advisor.
	Technology Assessment Consultant.
	Asst for RDT&E/Acquisition Management.
	Senior Quality Executive.
	Spec Asst to the Technical Director, NTSC.
	Spec Asst Prin Dep Asst Secy Navy (Res E & S).
	Spec Asst to the Chf Engineer of the Navy.
Naval Air Systems Command Headquarters	Deputy Dir Logistics/Fleet Support & Group.
	Executive Director, Management, Plans & Progr.
	Exec Dir Acquisition Mgt.
	Exec Dir, Procurement Management.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Technical Director, Weapons Engineering Div.
	Dir, Engineering Sup & Prod Integ Mgmt Div.
	Techn Dir, Computer Resources & Avionics Div.
	Director, Weapons Division.
	Dir, Evaluation Div.
	Techn Dir, Res & Techn.
	Technical Director Air Vehicle Division.
	Asst Dir Logistics Mgmt Div.
	Dir Aircraft Weapons Systems Purchase Div.
	Dir, Missile Weapons Systems Contracts Div.
	Dir, Systems Acquisition Directorate.
	Special Asst For Tom.
	Director Cost Analysis Division.
	Dir, Surveillance and Avionics Division.
	Dir, Systems Alternatives Directorate.
	Tecnh Dir, Navy Ranges & Field Activity Mgmt.
	Director, Aircraft Division.
	Asst Dir Propulsion & Power Division.
	Assoc Dir Systems Engineering Mgmt.
	Deputy Commander, Naval Air Sys Command.
	Dir Cruise Missile Contracts Division.
	Director, Procurement Budget Division.
	Director Airborne Weapons Logistics Division.
	Deputy Counsel, Navair.
	Executive Dirctoe for Aviation Depots.
	Director, Corporate Management Directorate.
	Dir, Information Resources Mgmt Division.
	Dir, ASW/Support A/A Components Contracts Div.
Naval Air Development Center	Dir Aircraft and Crew Systems Technology Dire.
	Technical Director/Consultant.
	Associate Technical Director.
	Department Head.
	Dept Head, Mission Avionics Technology Dept.
	Head Systems & Software Technology Department.
	Head, Tactical Air Systems Department.
	Head, Warfare Systems Analysis Department.
	Weapons Systems Technology Manager.
	Assoc Dep Head A/W D/Head, ASW A/D Division.
Naval Air Engineering Center	Executive Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Naval Air Test Center	Chief Engineer.
	Executive Director.
	Dir, Systems Engineering Test Directorate
	Director, Range Directorate.
Naval Avionics Center	Executive Director.
	Director of Engineering.
	Director of Plans and Programs.
Pacific Missile Test Center	Director, Range Directorate.
	Dir, Weapons Evaluation Directorate.
	Executive Director.
	Dir Elec Warfare Dir/Assoc Tech Dir (Elec/WF).
Naval Weapons Center	Laboratory Dir/Deputy Tech Dir.
	Asst Tech Dir For Dev (AW)/Head, AWD.
	Asst Tech Dir Deve (Ord Sys) & Dept Head.
	Tech Dir/Consultant.
	Asst Tech Dir For Res & Head Res Dept.
	Test & Eval Dir/Asst Tech Dir For Test & Eval.
	Asst Tech Dir For Dev (AWT) & Head, AWD.
	Asst Tech Dir For Engnr & Head Engnr.Dept.
	Asst Tech Dir for D/H, Intercept Weapons Dept.
	Asst Tech Dir and Head, Range Department.
	Asst Tech Dir for P/E/H, Plans & Eval Dep.
	Asst Tech Dir/Head, Aerosystems Department.
	Asst Techn Dir For Technol B/T Base Director.
Naval Training Systems Center	Technical Director.
	Dir of Research & Engineering.
	Dep Dir of Research & Engineering.
Space & Naval Warfare Systems Command	Exec Dir, Contracts.
	Techn Dir, Ship & Shore Communications.
	Tech Dir, Navy Space Project Ofc.
	Deputy Comptroller.
	Counsel.
	Technical Director.
	Deputy Project Mgr/Tech Dir Com Sys Proj Ofc.
	Technical Director, Submarine Communications.
	Techn Dir, Surveillanc D/A Development Prog.
	Program Manager for Strategic Defense Systems.
	Dep & techn Dir, NCCS Afloat Prog Office.
	Dep Prog Dir, Space & Sensor Sys Directorate.
	Assoc Tech Dir for Research & Technology.
	Executive Director, Life Cycle Support Group.
	Dep Dir, Operations & Program Development.
	Asst Commander Acquisition & Logistic Plnng.
	Tech Dir Info Trnsfer Sys Program Directo.
	Techn Dir, Warfare Syst Architecture Group.
	Techn Dir, Undersea Warefare Prog Direcorate.
	Tech Dir, Warfare Systems Engineering.
	Dep Cmdr for Navy Lab/Director of Navy Lab.
	Tech Dir, Warefare Sys Arch & Engr Direct.
	Techn Dir, Satellite Communications Prog Ofc.
	Tech Dir, Technol A & A Program Directorate.
Naval Ocean Systems Center	Head, Surveillance Dept.
	Head, Antisubmarine Warfare Department.
	Head, Engineering & Computer Sciences Dept.
	Chf Res Scientist (Artic Submarine Tech.
	Deputy Technical Director.
	Head, Marine Sciences & Technology Dept.
	Head, Command and Control Department.
	Head, Communication Department.
	Director, Systems Planning Group.
	Dir, Planning, I & A Office.
Naval Facilities Engineering Command	Counsel.
	Dep Dir of Programs & Comptroller.
	Deputy Commander for Contracts.
	Chief Engineer.
	Asst Commander for Real Estate.
	Deputy Assistant Commander for Construction.
	Asst Commander for Engineering & Design.
	Spec Advisor for Res Dev, Test & Evaluation.
Naval Facilities Eng Command Western Div	Executive Director, Broadway Complex.
Naval Civil Engineering Lab	Technical Director.
Naval Sea Systems Command	Dir, Research Techn & Assessment Ofc.
	Executive Dir for Combat Sys Engineering.
	Executive Dir for Electronic Warfare.
	Counsel.
	Asst Dep Commander for Contracts.
	Dep Proj Mgr & Tech Dir.
	Executive Director/Deputy Comptroller.
	Dir Ship Survivability Subgroup.
	Dir Preliminary Design Div Ast Deputy Dir Sdg.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Program Mgr, Mine C & C Minshunter Sap.
	Dir, Submarine Systems (S6W & S8G) Division.
	Director-Reactor Materials Division.
	Dir-Secondary Plant Components Division.
	Asst Dir React Engr Div, HD ADV Reactor Br.
	Dir, Structural Integrity Subgroup.
	Director, Naval Architecture Subgroup.
	Deputy Director, Auxiliary Systems Subgroup.
	Deputy Director, Ship Design Group.
	Director, Hull Engineering Group.
	Director Cost Estimating & Analysis.
	Dir, Shipbuilding Contracts Division.
	Asst Dep Cmdr, Ind/Fac Mgmt Directorate.
	Executive Director, Surface Ship Directorate.
	Exec Dir Submarine Directorate.
	Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship.
	Dir, Reactor Plant Valve Division.
	Asst Dep Comm Asw & Undersea Warfare Sys.
	Deputy Commander for Fleet Logistics Support.
	Deputy Director, Supship Management Division.
	Tech Dir Theater Nuclear Warfare Prog Office.
	Asst Dep Commander for Electronic Warfare.
	Dep Prog Manager Tech Dir Attack Subm Prog.
	Dep Prog Mgr, Surface Combatants Prog Office.
	Dir, Nuclear Propulsion Logistics Division.
	Dep Prog Manager, Aircraft Carrier Prog Ofc.
	Deputy Director for Submarines.
	Dir Surface Ship Systems Division.
	Deputy Director, Nuclear Components Div.
	Dir, Reactor Plant Safety & Analysis Division.
	Dir, Ship Silencing Officd
	Dir, Propulsion Systems Subgroup
	Dir, Hull Systems Subgroup.
	Exec Director, Combat Systems Directorate.
	Director, Machinery Group
	Dir, Combat Systems Engineering Group
	Director, Materials Engineering Office.
	D/D D/T Dir, Amph & Combat S/S Logistic Div.
	Dep Dir, Electrical Systems Subgroup.
	Exec Dir, Anti-Air & Surface Warfare Systems.
	Exec Dir, Ship Design & Engrng Directorate.
	Prog Mgr, Amphibious W & S Sealift Program.
	Director Naval Shipyard Operations Group.
	Dir, Surface Systems Contracts Division.
	Assoc Director for Regulatory Affairs.
	Dep Commander for Aquisition Plan Appraisal.
	Exec Dir, Amph, Aux, Mine & Sealift Ships Dir.
	Dir, Reactor Refueling Division.
	Deputy Counsel.
	Dir Environmental Protection Office.
	Project Manager, Deep Submergence Sys Project.
	Dir, Advanced Programs Office.
Consolidate Civilian Personnel Office/Crystal City	Dir, CCPO–CC/Command Asst for CP&EEO Prog.
Naval Ship Systems Engineering Station	Technical Director.
Naval Weapons Support Center	Technical Director.
Naval Warfare Assessment Center, Corona	Technical Director.
Naval Undersea Warfare Engineering Station	Technical Director.
Naval Ship Weapons Systems Engineering Station	Technical Director.
Naval Ordnance Station	Technical Director.
Naval Coastal Systems Center	Tech Dir/Consultant.
	Head, Research & Technology Department.
	Head, Coastal Warfare Systems Department.
	Head, Undersea Warfare Systems Department.
David Taylor Research Center	Associate Tech Dir for Sys Development.
	Tech Dir Consultant.
	Associate Technical Director for Structures.
	Assoc Tech Dir for Ship Acoustics.
	A/T Dir for Propulsion & Auxiliary Systems.
	Assoc Tech Dir for Ship Performance.
	Assoc Techn Dir for Materials Sci & Technology.
	A/T Dir for Ship E/S Head, Ship E/S Depart.
	Assoc Tech Dir for Tech & Dir of Tech & Plans.
Naval Surface Warfare Center	Tech Dir Consultant.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Techn Dir/Assoc Techn Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Naval Underwater Systems Center	Dept Hd/Dep Tech Dir/Assoc Tech Dir.
	Dept Hd/Dep Tech Dir/Associate Tech Dir.
	Dept Hd/Dep Tech Dir/Assoc Tech Director.
	Head, Protective Systems Department.
	Head, Warfare Systems Department.
	Head, Submarine Sonar Department.
	Assoc Tech Dir for Technology.
	Tech Dir, Consultant.
	Head, Test & Evaluation Department.
	Assoc Tech Dir for Submar Combat Control Acou.
	Assoc Techn Dir for Submarine Warfare Systs.
	HD, Submarine Electromagnetic Sys Dept.
	Head Combat Control Systems Department.
	Head Combat Systems Analysis Staff.
Naval Supply Systems Command Hdqtrs	Counsel.
	Asst Dep Cmdr for Fin Mgmt/Comp.
	Asst Dep Commander, Contracting Management.
	Director of Contracting for Special Programs.
	A/D Commander, Inventory & Info Syst Dev.
	Dir Advanced Logis Tech Div.
	Prog Mgt and Technology Program Mgt Office.
Navy Ships Parts Control Center	Executive Dir for Contracts & Business Mgmt.
Navy Aviation Supply Office	Exec Dir Acquisition & Logistics Plng & Suppt.
	Executive Dir Logistics Planning & Support.
Navy Fleet Material Support Office	Exec Dir, Acquisition Mgmt & Planning.
Naval Supply Center, Norfolk	Exec Dir, Adp System Planning and Development.
	Executive Director, Planning and Resources.
U.S. Marine Corps Headquarters Office	Fiscal Dir of the Marine Corps.
	Dir Contracts Division.
	Counsel for the Commandant.
	Accounting & Fin Officer of the Marine Corps.
	Special Assistant to the Dir of Intelligence.
	Asst Dep Chf of Staff for Installations & Log.
	Asst Dep Chief of Staff for Manpower.
	Asst Dep Chf of Staff for Requirements & Prog.
Marine Corps Res, Development, and Acquisition Command	Deputy Prog Director/Technical Director.
	Deputy for Support.
	Comptroller.
Marine Corps Logistics Base Albany GA	Executive Dir for Logistics Operations.
Office of Naval Research	Director Contract Research Department.
	Director, Ofc of Naval Research.
	Dir of Planning and Assessment.
	Dep Dir for Technology Programs.
	Director, Computer Science Division.
	Dir, Ocean Biology/Optics/Chemistry Division.
	Director, Acquisition.
	Deputy Counsel (Patents).
	Director, Ocean Engineering Division.
	Counsel, Office of Naval Research.
	Director, Physics Division.
	Director, Chemistry Division.
	Dir, Cognitive & Neural Sciences Div.
	Director, Life Sciences Directorate.
	Director, Biological Sciences Division.
	Dir, Mathematical & Physical Sciences Dir.
	Dir, Mathematical Sciences Division.
	Dir, Engineering Sciences Directorate.
	Director, Electronics Division.
	Director, Geophysical Sciences Division.
	Director, Ocean Sciences Division.
	Dir, Environmental Sciences Directorate.
	Deputy Comptroller.
	Director, Materials Division.
	Dir, University Business Affairs.
	Dir Operations Resources & Management Director.
	Assoc Dir, Contract Research Department.
Office of Advanced Technology	Dir, Office of Advanced Technology.
Office of Naval Technology	Dir Anti/Air Anti/Surf Warf & Aerspace Tec Dv.
	Dep Dir, Ont/Dir, Plng & Assess Directorate.
	Dir, Office of Naval Technology.
	Dir, Industry Independent Res & Devel Dir.
	Dir, Support Technology Directorate.
	Dir Anti Submarine Warefae & Undersea Tech.
Ofc of Naval Research Detachment Boston	Dir, Applied Physics Field Division.
Naval Oceanographic and Atmospheric Research Laboratory	Technical Director.
	Assoc Tech Dir & Dir, Ops Res & Strat Plnng.
	Assoc Tech D & D, Atmospheric Sci Directorate.
	Assoc Tech Dir & Dir, Ocean Science Directorate.
	Assoc Tech Dir & Dir Ocean Acoustics & Tech Dir.
NATO Saclant ASW Research Center	Director NATO Saclant ASW Research Centre.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Naval Research Laboratory	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials Sci and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation Sci Div.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Info Technol Div.
	Head Combustion and Fuels Branch.
	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Assoc Dir of Res for Gen Sci & Technol.
	Supt, Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt,Tactical Electronic Warfare Div.
	Supt Underwater Sound Reference Division.
	Chief Sci Lab for Computational Physics.
	Chf Scientist & Head, Solar Physics Program.
	Chf Scie/Head, Radio/Infrared Astronomy Progr.
	Assoc Dir of Res for Business Operations.
	Chief Scientist & Beam Physics Program.
	Mgr, Joint Space Systems Technology Programs.
	Superintendent, Space Syst Technology Dep.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Research for Strategic Planning.
	Head Program Coordination Office.
	Assoc Dir of Res for Warfare Sys & Sensors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Spacecraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Chief Scientist for Telecom & Director.
Defense Nuclear Facilities Safety Board:	
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Site Review Officer.
	Dep Gen Counsel for Pol & Litigation.
	Chief, Health Physics Branch.
	Deputy General Manager.
Department of Education:	
Ofc of Intergovernmental & Interagency Affairs	Chairperson, Education Appeal Board.
Management	Dir Admin Resource Management Service.
	Director Personnel Management Service.
	Director Financial Management Service.
	Director, Grants and Contracts Service.
Inspector General	Assistant Inspector General for Audits.
	Asst Insp Gen for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.
General Counsel	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
	Asst Gen Coun for Div of Legislative Counsel.
	Asst Gen Coun for Postsecondary Ed & Ed Res.
Educational Research and Improvement	Research Coordinator.
	Senior Advisor on Library Programs.
National Center for Education Statistics	Admr, Natl Center for Educational Statistics.
	Dep Admr Natl Center for Education Statistic.
	Chief, Mathematical Statistician.
	Assoc Comr, Data Collection & Dissemination.
	Assoc Comr for Stat Std & Methodology Div.
Department of Energy:	
Office of Hearings & Appeals	Dep Dir for legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Albuquerque Operations Office	Dir, Weapons Quality Division.
	Dir Transportation Safeguards Div.
	Dir Budget & Resources Mgmt Div.
	Dir, Production Assurance & OPS Division.
	Dir, Weapons Programs Div.
	WIPP Project Manager.
	Dir of Emergency Plans & Operations.
	Asst Manager.
	Dir Ofc of Mgt Plan & Analysis.
	Dir, Waste Mgmt & Operational Surety Div.
Chicago Operations Office	Asst Manager for Administration.
	Area Manager Batavia Area Office.
	Asst Mgr for Laboratory Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Idaho Operations Office	Assistant Manager for Administration.
	Deputy Manager for Business Management.
Nevada Operations Office	Chief Counsel.
	Assistant Manager for Administration.
Oak Ridge Operations Office	Asst Manager for Administration.
	Asst Manager for Financial Affairs.
Richland Operations Office	Asst Mgr for Admin.
	Asst Mgr for Safety Security & Quality Assur.
	Assistant Manager for Operations.
	Assistant Manager for Technical Support.
	Assistant Manager for Projects.
San Francisco Operations Office	Asst Mgr for Admin.
Savannah River Operations Office	Asst Mgr for Admin.
Western Area Power Administration	Asst Admr for Mgmt Svcs.
Ofc of the Inspector General	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
Ofc of Asst Insp Gen for Audits	Manager, Western Regional Audit Office.
	Director Program Development Division.
	Manager, Eastern Regional Audit Office.
	Director Audit Management Division.
	Dir Capitol Regional Audit Office.
Ofc of Asst Insp Gen for Inspections	Asst Inspector Gen for Inspections & Analysis.
Ofc of Asst Insp Gen for Investigations	Asst Inspector General for Investigations.
	Deputy Asst Inspector Gen for Investigations.
Energy Information Administration	Director, EIA-ADP Services Staff.
Office of Oil & Gas	Dir, Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Chief Data Analysis and Support Branch.
	Dir Reserves and Natural Gas Division.
	Director Petroleum Marketing Division.
Ofc. of Coal, Nuclear, Electric & Alternate Fuels	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director Electric Power Division.
	Dir, Nuclear and Alternate Fuels Division.
	Dir Coal Division.
Office of Energy Markets & End Use	Director, Ofc of Energy Markets & End Use
	Director Economics & Statistics Division.
	Dir Interni & Contingency Planning Division.
	Dir, Energy Analysis & Forecasting Division.
	Dir Energy End Use Div.
Office of Statistical Standards	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
Asst. Sec. for Conservation & Renewable Energy	Director, Waste Material Management Division.
	Dir, Wind/Hydro/Ocean Technology Division.
	Dir Ofc Solar Energy Conversion.
Office or Renewable Technology	Assoc Dep Asst Secretary for Utility Tech.
	Dir, Geothermal Division.
Office of Nuclear Safety	Dir Nuclear Safety Enforcement Division.
	Dep Dir Invest Nuclear Safety Enforcement Div.
Asst Secretary for Environment, Safety & Health	Director, Office of Environmental Audit.
	Dir Office of Environmental Compliance.
Assistant Secretary for Defense Programs	Technical Director.
	Dir, Ofc of Environ Safety H & Q Assurance.
	Dir, Ofc of Res, Development & Testing Facil.
Dep Asst Sec for Military Application	Assoc Dep Asst Secy for Military Application.
Office of Military Application	Dir, Ofc of Weapons Res, Dev and Testing.
Dep Asst Sec for Security Affairs	Assoc Director, Ofc of Security Affairs.
Office of Classification & Technology Policy	Dir Ofc of Classification & Technology.
DAS for Planning & Resource Management	Director Ofc Mgmt Support.
	Dir Ofc of Program Analysis & Financial Mgmt.
Rocky Flats Office	Manager, Rocky Flats Office.
	Dep Mgr Rocky Flats Office.
Dep Asst Sec for Energy Emergencies	Dir, Ofc of Energy Emergency Pol & Eval.
Office of Energy Research	Scientific Computing Staff.
Office of Management	Deputy Dir for Management.
	Director for Management.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, Office of Assessment & Support.
Office of Health & Environmental Research	Director, Human Health & Assessment Div.
	Dir Health Effects Research Division.
Office of Fusion Energy	Dir, International Programs Staff.
	Dir, Confinement Systems Div.
Office of Field Operations Management	Assoc Dir for University & Science Ed Prog.
Office of Basic Energy Sciences	Dir Engr Math and Geo Sci Div.
	Dir Chem Sci Div.
	Dir Mat Sci Div.
	Chf Processes and Tech Br.
Office of High Energy & Nuclear Physics	Dir High En Physics Div.
Ofc of Superconducting Super Collider	Assoc Dir for Superconducting Super Collide.
Dep A/S Sec for Mgmt Planning & Technical Coord	Director, Ofc of Resource Management.
Assistant Secretary for Nuclear Energy	Dir Nuclear Operations & Analysis.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Deputy Assistant Secretary for Naval Reactors	Dir Reactor Safety & Computation Div.
	Dir Submarine Systems Div.
	Dir Instrumentation & Control Div.
	Director Office of Resources Management.
	Dep Dir Kesseling/Windsor/Site/Cgn/S6G Rec Sv.
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Prog Mgr for Prototypes & Sapso.
	Asst Chief Physcist.
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, West Milton Field Ofc.
	Prog Manager for Advanced Submarines.
	Head Advanced Concepts Branch.
Schnectady Naval Reactors Office	Senior Naval Reactors Representative.
Pittsburgh Naval Reactors Office	Asst Manager for Operations.
	Sr. Naval Reactors Rep. (NWPT News).
	Senior Naval Reactors Rep (Pearl Harbor).
	Manager, Idaho Branch Office.
	Asst Manager for Operations.
Dep Asst Secretary for Civilian Reactor Development	Dir Isotope Production & Distribution Prog.
Associate Director for Admin, Info & Fac Mgt	Dep Assoc Dir for Admin Info & Facilities Mgt.
Office of Administrative Services	Dir Ofc of Admin Svcs.
	Dep Dir Ofc of Admin Serv.
	Dep Dir of Administrative Services (Gtn).
	Dep Dir of Administrative Services (Wash, DC).
Ofc of Project & Facilities Management	Dep Dir Ofc of Project and Facilities Mgmt.
	Director, Policy Development Division.
Ofc of Irm Pol, Plans & Oversight	Dep Dir Ofc of ADP Mgmt.
Associate Director for Human Resources Mgmt	Dep Assoc Dir for Human Resource Management.
	Dir, Ofc of Irm Pol, Plans, & Oversight.
Office of Personnel	Dir Office of Personnel & Career Development.
	Director, Personnel Policies and Programs.
	Dir HQ Personnel Operations Div.
	Director Classification & Staffing Division.
	Dir Employee/Labor R & P Evaluation Division.
	Director Office of Personnel & Career Dev.
Ofc of Organization & Management System	Dir Ofc of Org and Mgmt Sys.
	Dir Management Sys Analysis Div.
	Director, Management Systems Division.
Director Ofc of Civilian Radioactive Waste Management	Dir, Org, Planning, Management & Ops Div.
Office of Business Mgt	Assoc Dir, Office of System & Compliance.
	Dir Ofc of Business Management.
	Deputy Dir Ofc of Business Management.
Office of Technology Development	Dir Div of Res & Development.
Office of Procurement, Assistance & Program Mgt	Director of Procurement & Assistance Mgmt.
Ofc of Assoc Dir for Procurement, Asstce & Property	Assoc Deputy Asst Secy for Prol & Asst Mgmt.
	Assoc Dir, Ofc of Procurement, Asst & Property.
Office of Policy	Dir Ofc of Policy.
Office of Clearance and Support	Director, Office of Clearance and Support.
Office of Management Review & Assistance	Director, Procurement Management Rev Div.
Ofc of Contractor Human Resource Mgt	Dir Ofc of Industrial Relations.
Ofc of Procurement & Info Sys/Property	Director, Office of Review and Analysis.
Associate Director for Pgm/Proj Mgt & Control	Assoc Dir for Proseam/Proj Mgt & Ctrl.
Ofc of Pgm/Proj Mgt	Dir, Prog/Const Mgm, Proce & Operations Div.
Associate Dir for HQ Procurement Opns	Dir Ofc of Procurement Operations.
	Dep Dir Ofc of Procur Op.
Office of Fin Management & Controller	Deputy Controller.
	Controller.
Office of Budget	Dir Ofc of Budget.
	Dep Dir Ofc of Budget.
	Director, Budget Analysis Division.
	Director, Budget Operations Division.
Office of Compliance & Audit Liaison	Dir Ofc Compliance and Audit Liaison.
Ofc of Dept Acct & Fin Systems Development	Dir Ofc of Dep Accounting & Fin Sys Dev.
Office of Headquarters Acct Operations	Dir Ofc of Headquarters Accounting Operations.
Ofc of Small & Disadvantaged Bus Utilization	Dir of Sm and Disadv Bus Utiliz.
Office of Security Affairs	Dir Ofc of Security Affairs.
Environmental Protection Agency:	
Ofc of the Asst Admr for Admin & Resources Management	Dep Asst Admr for Admin & Resources Mgmt.
Office of the Comptroller	Dir Ofc of the Comptroller.
	Dir, Financial Mgmt Div.
	Associate Comptroller.
	Director, Budget Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of Administration	Assoc Dir, Financial Management Division.
	Special Asst to the Comptroller.
	Dir, Resource Management Division.
	Dir Ofc of Administration.
	Deputy Dir Ofc of Administration.
	Dir, Grants Admin Div.
	Dir Procurement & Contracts Mgmt Division.
	Dir, Facilities & Support Services Division.
	Assoc Dir for Superfund/RCA Procurement Oper.
	Director, Management & Organization Division.
	Dir, New Headquarters Project Staff.
	Dir, Sfty, Health & Environmental Mgmt Div.
Office of Information Resources Management	Dir Ofc of Information Resources Management.
	Dept Dir Ofc of Information Resources Mgmt.
	Dir, Administrative Systems Division.
	Dir, Information Management & Services Div.
	Director, Program Systems Division.
Ofc of Administration & Resources Mgmt—Cincinnati OH	Dir Ofc of Admin and Resources Management.
Office of Administration & Resources Mgmt—RTP, NC	Director Office of Administration & Res Mgmt.
	Director, Office of Data Processing.
	Assoc Dir, Ofc of Adm & Res Management.
Office of Human Resource Management	Director, Office of Human Resource Mgmt.
	Special Assistant to Director, OHM.
	Dep Dir for Operations Comm & Client Services.
	Dir Exec Res & Spec Prog Div.
Ofc Asst Admr for Enforcement & Compliance Monitoring	Dir Ofc Compliance Analysis Prog Operations.
National Enforcement Investigations Ctr-Denver	Dir Nat'l Enforcement Investigations Center.
	Special Asst to the Dir NEIC.
Office of Civil Enforcement	Dir Ofc of Civil Enforcement.
	Associate Enforcement Counsel (RCRA).
Office of Policy Analysis	Dir Water & Agriculture Policy Division.
	Dir Air & Energy Policy Division.
	Dir Waste & Chemical Policy Division.
Office of Regulatory Management and Evaluation	Dir, Science, Econ & Statistics Div.
Office of Pollution Prevention	Dir, Pollution Prevention Div.
Office of International Activities	SR Advisor for Intern'tl Chemical Affairs.
	Dir Multilateral Staff.
Office of the Inspector General	Deputy Inspector General.
	Assist Inspector Gen for Investigations.
	Asst Inspector General for Audits.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector General for Investigations.
	Asst Inspector Gen for Mgmt & Tech Assessment.
	Spec Asst to the Inspector General.
Office of Wastewater Enforcement and Compliance	Director Enforcement Division.
	Director, Permits Division.
	Director, Municipal Support Division.
	Deputy Director, Municipal Support Division.
Office of Science and Technology	Director, Industrial Technology Division.
	Dir, Assessment & Watershed Protection Div.
	Dir, Analysis and Evaluation Division.
	Dir, Criteria and Standards Division.
	Senior Science Advisor.
	Dir, Standards & Applied Science Division.
	Director, Engineering & Analysis Division.
	Dir, Health & Ecological Criteria Division.
Office of Wetlands, Oceans and Watersheds	Director, Municipal Facilities Division.
	Director, Municipal Construction Division.
	Dir, Assessment & Watershed Protection Div.
	Dir, Oceans & Coastal Protection Division.
Office of Ground Water & Drinking Water	Director, State Programs Division.
	Dir Ofc of Program Development & Evaluation.
	Director, Criteria and Standards Division.
	Dir, E & P Implementation Division.
	Director, Drinking Water Standards Division.
	Director, Ground Water Protection Division.
Office of Waste Programs Enforcement	Dep Dir, Office of Waste Programs Enforcement.
	Dir, Cercla Enforcement Division.
	Director, RCRA Enforcement Division.
Office of Solid Waste	Dir Waste Mgmt and Econmics Division.
	Dir, Characterization & Assessment Division.
	Director, Permits & State Programs Division.
	Dir, Ofc of Policy, Planning & Information.
	Special Assistant for Municipal Solid Waste.
	Spec Asst to the Dir, Office of Solid Waste.
Office of Emergency and Remedial Response	Director, Hazardous Site Evaluation Division.
	Dir, Emergency Response Div.
	Director, Hazardous Site Control Division.
Office of Air Quality Planning and Standards	Dir, Stationary Source Compliance Division.
	Dir, Emission Standards Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of Mobile Sources	Assoc Dir for Intermedia & Intgovt Prog.
	Director, Air Quality Management Division.
	Director, Technical Support Division.
	Deputy Dir Ofc of Air Quality Planning & Stds.
	Director, Emission Control Technology Div.
	Director Certification Division.
	Dir Manufacturers Operations Division.
Office of Radiation Programs	Dir Field Operations & Support Division.
	Dir, Criteria & Standards Div.
	Director, Radon Division.
Office of Atmospheric & Indoor Air Programs	Dir, Analysis and Support Division.
	Dir Global Change Division.
	Director, Acid Rain Division.
Ofc of Asst Admr for Pesticides & Toxic Substances	Dir Ofc of Program Management Operations.
Office of Pesticides Programs	Dir, Ofc of Pesticides Programs.
	Dir-Registration Division.
	Director-Program Support Division.
	Dir, Biological & Economic Analysis Division.
	Sr Science Advisor/Nat'l Laboratory Aud Prog.
	Senior Advisor.
	Dir, Spec Review & Reregistration Division.
Office of Toxic Substances	Dir Envir Fate and Effects Division.
	Dir Health Effects Division.
	Director Exposure Evaluation Division.
	Dir, Existing Chemicals Assessment Division.
	Dir, Health & Environmental Rev Div.
	Director, Environmental Assistance Division.
	Director Economics & Technology Division.
	Director, Chemical Control Division.
	Director, Information Management Division.
Ofc of the Asst Admr for Research and Development	Senior Official for Research & Development.
Ofc of Research Program Management	Spec Asst to the Dir, Ofc of Res Prog Mgmt.
Office of Health and Environmental Assessment	Director Exposure Assessment Group.
	Director, Human Health Assessment Group.
Environmental Criteria & Assessment Ofc (RTP)	Dir Environmental Criteria & Assess Ofc RTP.
Environmental Criteria & Assessment Office	Dir, Environmental Criteria & Assessment Ofc.
Atmospheric Rsch & Exposure Assessment Lab, RTP	Dir, Atmospheric Res & Exp Assessment Lab.
Environmental Monitoring Systems Lab—Cincinnati	Dir Environment Monitoring Syst Lab.
Ofc of Environmental Engineering & Tech Demonstration	Spec Ass Dir, Ofc Environl E/T Demonstration.
Air & Energy Engineering Research Laboratory—RTP	Dir Air & Energy Eng Res Lab.
Risk Reduction Engineering Laboratory—Cincinnati	Dir Risk Reduction Engineering Laboratory.
Environmental Research Laboratory—Corvallis	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory—Athens	Dir Environmental Research Lab Athens GA.
Robert B Kerr Environmental Res Laboratory—Ada	Dir, Robert S Kerr Environmental Res Lab.
Environmental Research Laboratory—Duluth	Dir Environmental Research Lab—Duluth.
Environmental Research Laboratory—Narragansett	Dir, Environmental Res Lab, Narragansett.
Environmental Research Laboratory—Gulf Breeze	Dir Env Res Lab Gulf Breeze.
Health Effects Research Laboratory—RTP	Dir—Health Effects Research Lab—RTP.
	Dep Dir Health Effects Res Lab RTP.
Ofc of Technology Transfer & Regulatory Support	Dir, Ofc of Technology Transfer & Reg Support.
Center for Environmental Research Information	Dir Center for Environmental Research Info.
Office of Exploratory Research	Dir, Ofc of Exploratory Research.
Region I—Boston	Director, Water Management Division.
	Dir Waste Management Division.
	Regional Counsel.
Region II—New York	Asst Regl Admr for Planning & Management.
	Dir Air Pesticides & Toxics Management Div.
	Director, Environmental Services Division.
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir Air & Waste Management Division.
	Regional Counsel, Region II, New York.
Region III—Philadelphia	Dir, Office of Emergency & Remedial Response.
	Director, Water Management Division Reg III.
	Regional Counsel.
	Director, Hazardous Waste Mgmt Div.
	Director, Environmental Services Division.
	Asst Reg Admin for Policy & Management.
	Dir, Air Management Division.
	Dir Chesapeake Bay Program Office.
Region IV—Atlanta	Dir Water Management Division Region IV.
	Dir Environmental Services Division Region IV
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta, Georgia.
	Director Waste Management Division.
Region V—Chicago	Dir Air Management Div Region V
	Dir Envir Services Div Region V.
	Dir Water Management Div Region V.
	Asst Regional Admr for Policy & Management.
	Regional Counsel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Region VI—Dallas	Director, Waste Management Division.
	Associate Division Director for RCRA.
	Assoc Div Director for Superfund.
	Dir Great Lakes Natl Prog Ofc.
	Dir Air & Waste Management Div.
	Dir Water Management Division.
	Director, Environmental Services Division.
	Asst Regional Admr for Management.
	Regional Counsel.
Region VII—Kansas City	Dir, Air, Pesticides & Toxic Division.
	Regional Counsel.
	Director, Waste Mgmt Division.
	Asst Reg Admin for Policy & Mgnt—Reg VII.
Region VIII—Denver	Director, Air and Toxics Division.
	Dir Water Management Division.
	Regional Counsel.
	Dir Air Toxics Division.
	Asst Regional Admr for Policy & Management.
Region IX—San Francisco	Director, Water Management Division.
	Director, Air Management Division.
	Regional Counsel, Reg IX, San Fran, CAL.
	Dir, Toxics & Waste Management Div.
	Asst Regional Admr for Policy & Management:
Region X—Seattle	Dir-Water Div Reg X.
	Regional Counsel.
	Director Air and Toxics Division.
	Director, Hazardous Waste Division.
	Asst Regl Admr for Policy & Management.
Equal Employment Opportunity Commission:	
Office of the Chairman	Inspector General.
	Program Manager.
Office of Federal Operations	Dir, Office of Federal Operations.
Field Management—East	Dist Dir (New York).
	Dist Dir (Atlanta).
	District Director (Detroit).
	Dist Dir (Miami).
	Dist Dir (Memphis).
	Dist Dir-(Birmingham).
	Dist Dir-(New Orleans).
	Dist Dir-(Charlotte).
	Dist Dir-(Cleveland).
	Dist Dir-(Philadelphia).
Field Management—West	Dist Dir (Houston).
	Dist Dir (San Francisco).
	Dist Dir (Dallas).
	Dist Dir (Chicago).
	Dist Dir-(St. Louis).
	Dist Dir-(Indianapolis).
	District Director (Los Angeles).
	Dist Dir-(Denver).
	Dis Dir-(Phoenix).
	District Dir-(San Antonio).
	Dist Dir-(Seattle).
	Program Manager (Milwaukee).
Federal Communications Commission:	
Office of the Managing Director	Assoc Managing Director/Human Resources Mgmt.
Office of General Counsel	Inspector General.
Mass Media Bureau	Chief Audio Services Division.
	Chief Video Services Division.
	Chf, Enforcement Div.
Private Radio Bureau	Chief Land Mobile & Microwave Division.
Field Operations Bureau	Chief Enforcement Division.
	Assistant Bureau Chief for Technology.
Common Carrier Bureau	Chief, Tariff Division.
	Asst Bureau Chief (International).
	Chief Domestic Facilities Division.
	Chief Accounting & Audits Division.
Ofc of Engineering Technology	Chief, Spectrum Engineering Division.
	Chief, Authorization and Evaluation Division.
Federal Emergency Management Agency:	
Office of the Director	Comptroller.
	Chief Financial Officer.
	Deputy Chief Financial Officer.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
Office of Management Services	Director of Security.
	Dir, Office of Acquisition Management.
National Preparedness Directorate	Deputy Associate Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Senior Policy Advisor.
Office of Mobilization Preparedness	Asst Assoc Dir Ofc of Mobilization Preparedness.
Office of Analysis & Support	Asst Assoc Dir Ofc of Analysis & Support.
Office of Facilities Management	Assistant Assoc Director.
Office of Systems Engineering	Special Asst for Architecture & Technology.
	Asst Assoc Dir of Systems Engineering.
Office of Operations	Asst Associate Director Ofc of Operations.
Federal Insurance Administration	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant	Deputy Chief Accountant.
	Dir Division of Audits.
	Director, Division of Accounting Systems.
Ofc of Hydropower Licensing	Dir, Div of Inspection.
Federal Labor Relations Authority:	
Office of the Chairman	Chief Counsel.
	Executive Assistant to the Chairman.
Office of Member	Chief Counsel.
Office of Member	Chief Counsel.
Federal Service Impasses Panel	Exec Director FSIP.
Ofc of the Executive Director	Executive Director.
	Solicitor.
	Dir, Information Resources & Research Serv.
Ofc of the General Counsel	Deputy General Counsel.
	Asst General Counsel (Field Management).
	Asst General Counsel (Appeals).
	Asst Gen Counsel, Legal Policy & Advice.
Regional Offices	Regional Director-Washington, D.C.
	Regional Director-Boston.
	Regional Director-New York.
	Regional Director-Atlanta.
	Regional Director-Dallas.
	Regional Director, Chicago, Illinois.
	Regional Director-Los Angeles.
	Regional Director, San Francisco.
	Regional Director, Denver.
Federal Maritime Commission:	
Office of the Members	Secretary.
Office of the General Counsel	Dep Gen Cnsl for Reports Opinions & Decisions.
Office of the Managing Director	Dep Managing Dir.
	Dir, Bureau of Administration.
	Prog Manager (Dir Bur of Trade M & A).
	Dir. Bureau of Investigations.
	Dir. Bureau of Hearing Counsel.
	Deputy Managing Director.
Federal Retirement Thrift Investment Board	
	Assistant General Counsel (Admin).
	Assistant General Counsel (Programs).
	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
	Director of Communications.
Federal Trade Commission:	
Office of the Inseptor General	Inspector General.
Ofc of Executive Director	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
General Services Administration:	
Office of the Administrator	Dir. Ofc of Small & Disadvantaged Bus Utiliz.
	Dep AA for Operations & Industry Relations.
Office of Associate Administrator for Administration	Assoc Dir for Operations (CASU).
	Director of Personnel.
	Dir of Administrative Programs & Support.
	Dir Total Quality Management & Training.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen Administration.
	Asst Inspector Gen for Investigations.
Office of Acquisition Policy	Assoc Administrator for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
Office of the Comptroller	Deputy Comptroller for Finance.
	Deputy Comptroller for Budget.
	Dep to the Deputy Comptroller for Finance.
Federal Property Resources Service	Asst Comm for Real Estate Policy/Sales (FPRS).
Public Buildings Service	Asst Comm for Real Prop Mgmt & Safety.
	Asst Comr for Physical Security & Law Enf.
	Asst Comr for Procurement.
	Asst Comr for Real Property Development.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of Informatin Resources Management	Dep Asst Comr for Real Property Development.
	Dep Asst Comm for Real Prop Mgmt & Safety.
	Asst Commissioner for Facility Planning.
	Asst Comm for Govt Wide Real Prop Relations.
	Spec Asst/Asst Comr for Real Property Dev.
	Asst Comm for Info Resources Procurement.
	Dep Asst Commissioner for Network Services.
	Dep Asst Comr for Info Res Mgmt Policy.
	Asst Comr for GSA Info Resources Management.
	Asst Commissioner for Technical Assistance.
	Dept Asst Comr for Regl Telecomm Services.
	Director Ofc of Innovative Office Systems.
Office of Federal Supply and Services	Asst Commissioner for Customer Svc & Marketing.
	Asst Commr for Quality and Contract Admn.
	Asst Commissioner for Commodity Management.
	Asst Comr for Transportation & Property Mgt.
	Director for Transportation Audits.
	Asst Commr for Strategic Business Planning.
	Asst Comm for Distribution Mgt.
	Dep Asst Commissioner for Commodity Mgr.
Region 2—New York	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Federal Supply Service.
Region 3—Philadelphia	Asst Reg Admr for Public Bldg Service.
	Asst Reg Admr for Info Reso Mgmt Ser, NE Zone.
National Capital Region	Asst Regl Admr Federal Supply Service.
	Asst Regl Admr for Info Resources Mgmt.
	Asst Regl Admr for Real Property M & O.
	Asst Reg Admr for Public Bldgs Service, NCR.
	Dir of Fed Domes Asst Ctlg Staff (IRMS) NCR.
Region 4—Atlanta	Asst Reg Admr for Public Bldg Service.
	Assistant Reg Admin for Inform Res Mgmt-R-4.
	Asst Reg Admr for Federal Supply & Services.
Region 5—Chicago	Asst Reg Admr for Public Bldg Service.
Region 6—Kansas City	Asst Reg Admr for Public Bldg Service.
Region 7—Fort Worth	Asst Reg Admr for Public Bldg Service.
	Asst Regl Admr for Info Resources Mgmt R-7.
	Asst Reg Admr for Federal Supply Service.
Region 9—San Francisco	Asst Commissioner for Public Buildings Svc.
	Asst Reg Admr for Federal Supply Service.
	Asst Reg Admr for Information Res Management.
Department of Health and Human Services:	
ODAS for Budget	Dir, Division of OS Budget Analysis.
ODAS for Finance	Dep Asst Sec, Finance.
	Dir, Ofc of Grant & Contract Fin Management.
	Dir, Office of Financial Policy.
ODAS for Management and Acquisition	Dir, Office of Acquisition & Grants Mgmt.
OAS for Personnel Administration	Asst Sec for Personnel Administration.
	Dir, Ofc of Human Relations.
	Dir, Center for Human Res Strategic P & P.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division.
Office of the Inspector General	Principal Dep Inspector General.
	Asst Inspector Gen for Mgmt & Policy.
ODIG for Investigations	Dep Insp Gen for Investigations.
	Asst Insp General for Criminal Investigations.
	Asst Insp Gen for Civil & Adm Remedies.
	Asst Insp Gen for Investigation P & O
ODIG for Audit Services	Dep Inspector General for Audit Services.
	Asst Inspector Gen for Social Security Audits.
	Asst Insp Gen for Human, F & D Serv Audits.
	Asst Inspector Gen for Health Care Fin Audits.
	Asst Inspector Gen for Audit Pol & Oversight.
	Asst Insp Gen for Public Health Serv Audits.
ODIG for Analysis & Inspections	Dep Insp Gen for Evaluation & Inspections.
	Asst Insp Gen for Analysis & Inspections.
Office of Program Support	Dir Ofc of Financial Management.
Ofc of Information Systems/Child Support Systems	Dir Ofc of Infor Systems/Child Support Sys.
OAA for Management	Dir, Office of Financial Management.
	Chief Actuary.
	Dir, Bureau of Data Management and Strategy.
	Dir, Office of Medicare & Medicaid Cost Est.
	Dir, Office of Acquisitions and Grants.
OAA for Operations	Dir Ofc of Prog Adm, Bur of Prog Operations.
	Director, Office of Financial Operations.
OAA for Program Development	Dir Office of Demonstrations and Evaluations.
	Dir, Office of Research.
OAS for Health	Deputy Director, Office of Management.
	Director, Office of Resource Management.
	Dir, Div of Public Health Service Budget.
	Director, Office of Minority Health.
	Director, Ofc of Scientific Integrity Review.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Alcohol, Drug Abuse & Mental Health Admin	Assoc Admin for Extramural Programs.
Natl Inst on Alcohol Abuse & Alcoholism	Chief Laboratory of Clinical Studies.
	Director, Division of Basic Research.
	Dir, Div of Intramural Clinical & Bio Res.
	Dir Div of Biometry & Epidemiology.
	Director, Office of Scientific Affairs.
	Dir, Div of Clinical & Prevention Research.
National Institute on Drug Abuse	Director Addiction Research Center.
	Director Division of Clinical Research.
	Chief Neuroscience Research Branch.
	Dir, Office of Extramural Program Review.
	Dir, Medications Development Division.
	Assoc Dir for Planning & Resource Management.
	Assoc Director for Services Research.
National Institute of Mental Health	Executive Officer NIMH.
	Dir, Div of Basic Brain & Behavioral Sciences.
	Director, Division of Extramural Activities.
	Associate Dir for Special Program Operations.
Intramural Research	Dir, Intramural Research Programs.
	Dir Division of Special Mental Health Research.
	Chf, Lab of Cerebral Metabolism.
	Chf, Lab of Neurochemistry.
	Chf, Lab of Gen & Comparative Biochemistry.
	Chf Lab of Developmental Psychology.
	Chf-Clinical Neuropharmacology Branch.
	Chief Lab of Psychology and Psychopathology.
	Chief Laboratory of Neuropsychology DCBR.
	Chief Section Histopharmacology.
	Chief, Biological Psychiatry Branch.
	Chief, Child Psychiatry Branch.
	Dep Dir Div of Intramural Res Programs.
Centers for Disease Control	Senior Advisor for Public Health Management.
Center for Infectious Diseases	Asst Dir for Laboratory Science.
Natl Institute for Occupational Safety & Health	Assistant Director for Science.
	Executive Officer, NIOSH.
Center for Env Health & Injury Control	Dir Div of Environmental Health Lab Sciences.
National Center for Health Statistics	Assoc Dir for Analysis & Epidemiology.
	Associate Dir, Ofc of P & E Programs.
	Assoc Dir for Research & Methodology.
	Assoc Dir, Ofc of Vital & Health Stats Syst.
Food and Drug Administration	Director Parklawn Computer Center.
	Dir Medicine Staff.
Office of Regulatory Affairs	Dep Assoc Commissioner for Regulatory Affairs.
	Regl Food & Drug Dir, Reg III, Philadelphia.
	Regl Dir, Food & Drug Adm, Reg IV, Atlanta.
	Regl Food and Drug Director, Reg V, Chicago.
	Regional Food & Drug Dir, Reg VI, Dallas.
	Regl Dir, Food & Drug Adm, Reg IX (San Franc.)
	Regl Food & Drug Dir, (Northeast Region).
National Center for Toxicological Research	Director, Division of Biometry.
	Director, Office of Research.
Center for Food Safety & Applied Nutrition	Dir Ofc of Physical Sciences.
	Dir Ofc of Nutrition & Food Sciences.
	Assoc Dir for Laboratory Investigations.
	Dir, Div of Nutrition.
	Dir Ofc of Compliance.
	Dir Div of Chemical Technology.
	Director Ofc of Toxicological Sciences.
	Director, Product Policy Staff.
Center for Drug Evaluation and Research	Dir, Div of Anti-Infective Drug Products.
	Dir Div of Scientific Investigations.
	Dir Div of Cardio-Renal Drug Products.
	Dir Ofc of Compliance.
	Dep Dir Ofc of Epidemiology & Biostatistics.
	Dir Div of Biometrics.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Metabolism & Endocrine Drug Prod.
	Dep Dir for Prog Management.
	Director, Division of OTC Drug Evaluation.
	Dir, Office of Drug Evaluation I.
	Director, Office of Drug Standards.
	Deputy Dir, Ofc of Drug Standards.
	Dir, Div of G & C Drug Products.
	Dir, Ofc of Drug Eval II Ctr for Drug E & R.
	Director, Office of Research Resources.
	Dep Dir, Office of Research Resources.
	Dep Dir, Office of Drug Evaluation II.
	Dir, Div of Anti-Vir Drug Products.
	Director, Pilot Drug Evaluation Staff.
	Director, Office of Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Center for Biologics Evaluation and Research	Dir, Div of Oncology-Pulmonary Drug Products. Dir, Div of Med Imaging, S & D Drug Products. Dir Ofc of Generic Drugs. Deputy Dir Ofc of Generic Drugs. Chf Biometry Branch. Dep Dir Ofc of Biologics Research & Review. Director, Division of Biochem & Biophysics. Director, Division of Bacterial Products. Dir, Division of Cytokine Biology. Director, Office of Biologics Research. Dir, Div of Biol Investigational New Drugs.
Center for Veterinary Medicine	Dir Ofc of Surveillance & Compliance. Director, Ofc of New Animal Drug Evaluation. Director, Office of Science. Dir Div of Biometrics & Production Drugs. Dir Div of Therapeutic Drugs for Food Animals.
Center for Devices & Radiological Health	Dep Dir for Human Food S & C Services. Dep Dir for Therapeutic & Production Drug Rev. Dep Dir, Ofc of Surveillance & Compliance. Dir Ofc of Device Evaluation. Dir Ofc of Standards & Regulations. Dir Office of Science & Technology. Dep Dir, Office of Science and Technology. Deputy Director, Office of Compliance. Dir Div of Surgical & Rehabilitation. Dir Division of Cardiovascular Devices. Dir Ofc of Compliance & Surveillance.
Bureau of Health Resources Development	Dep Dir, Bureau of Health Resources Dev.
Office of the Director	Director, Div of Financial Management. Director, Division of Contracts & Grants. Dir Ofc of Protection from Research Risk. Associate Director for Extramural Affairs. Associate Director for Disease Prevention. Dir, Ofc of Medical Applications of Research. Dir, Office of Scientific Integrity.
Nat'l Heart, Lung, & Blood Institute	Assoc Director for Review. Assoc Dir Epidemiology & Biometry Program. Chief, Sickle Cell Disease Br. Dir Div of Lung Diseases. Dir, Div of Blood Diseases & Resources. Dir, A/Sclerosis, Hypertension & Lip Met Prog. Dep Director Div of Extramural Affairs. Director, Division of Extramural Affairs. Dir Div of Epidemiology/Clinical Applications. Assoc Dir for International Programs. Chief, Biostatistics Research Branch. Deputy Dir Division of Lung Diseases.
Intramural Research	Dir, Division of Intramural Research. Chf Lab of Biochemical Genetics. Chf Lab of Biochemistry. Chief, Molecular Hematology Branch. Chief Lab of Biophysical Chemistry. Chief, Laboratory of Chemical Pharmacology. Chief Macromolecules Section. Chf, Intermediary M & B Section. Chief, Laboratory of Cellular Metabolism. Chf, Lab of Kidney & Electrolyte Metabolism. Chief Lab of Cardiac Energetics.
Division of Cancer Biology, Diagnosis and Centers	Dir, Div of Cancer Biology Diagnosis & Ctrs. Dep Dir, Div of Cancer Biology Diag & Centers. Chief, Lab of Cell Biol, Immun Prog, IRP. Chf, Microbial G & B Section, Lab of Biochem. Chief, Lab of Biochem Intramural Res Prog. Assoc Dir, Extramural Research Program. Chief Dermatology Br, Intramural Res Prog. Head Cellular Immun of Modified Antigens Group. Chief, Lab of Tumor & Biol Immunology, IRP. Assoc Dir, Ctrs Training & Resources Prog.
Division of Cancer Etiology	Chief, Laboratory of Molecular Biology. Dir, Div of Cancer Etiology. Chief Lab of Biology. Chief Clinical Epidemiology Branch. Chief Laboratory of Molecular Carcinogenesis. Chf Lab of Experimental Pathology. Head, Meth Statistics & Applied Mathematics. Head in Vitro Carcinogenesis Section.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control. Assoc Dir Cancer Prevention Research Prog. Associate Dir, Surveillance Program, DCPC. Assoc Dir, Cancer Control Sci Program, DCPC.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Division of Extramural Activities	Dir, Div of Extramural Activities. Deputy Dir, Div of Extramural Activities.
Division of Cancer Treatment	Chf–Radiation Oncology Br. Assoc Dir Radiation Research Program.
Natl Institute of Diabetes & Digestive & Kidney Dis	Dir Div Kidney, Urologic & Hematologic Diseases. Dir Division of Extramural Activities. Assoc Director for Research & Assessment. Assoc Dir Disease Prevention Technol Transfer. Assoc Dir for Mgt & Operations.
Intramural Research	Chief Section on Biochemical Mechanisms. Chf Sect on Biochemistry. Chf Sect on Metabolic Enzymes. Chf Sect on Physical Chemistry. Chief, Section on Molecular Structure. Sr Res Physicist, Mathematical Research Br. Senior Research Chemist. Chief Lab of Chemistry. Chief Theoretical Biophysics Section. Chief, Laboratory of Bio-Organic Chemistry. Chief Oxidation Mechanisms Section L B C. Chief Laboratory of Biochemistry & Metabolism. Chf, Sec on Nuclear Mag Res, Lab/Chem Physics. Clinical Dir & Chief, Kidney Disease Section. Chief, Section on Molecular Biophysics. Chf, Sec Carbohydrates Lab of Chemistry/NIDDK. Chief, Metabolic Diseases Branch. Chf, Drug D & S Sec Lab of Neurosci, NIDDK. Chief, Laboratory of Neuroscience, NIDDK. Chief Epidemiology & Clinical Research Branch. Chf, Laboratory of Medicinal Chemistry
Natl Inst of Arthr & Musculoskeletal & Skin Diseases	Chf, Lab of Physical Biology. Director, Extramural Program. Deputy Dir.
National Library of Medicine	Dep Dir, Natl Lib of Medicine. Dep Dir for Res and Education. Associate Director for Library Operations. Assoc Dir, Specialized Info Services. Dep Dir Lister Hill Natl Ctr for Biomed Comms. Director, Information Systems. Dir Natl Ctr for Biotech Info. Assoc Dir for Health & Info Prog Development.
Natl Inst of Allergy & Infectious Diseases	Dir, Div of Allergy/Immunology/Transplantn. Chf, Lab of Parasitic Diseases. Spec Asst for Biometry, Off Sci Dir. Dir, Div of Microbiology/Infectious Diseases. Chief, Lab of Immunogenetics. Dir, Div of Extramural Activities. Ch, Lab of Microbial Structure and Function. Chief Lab of Molecular Microbiology. Head Malaria Section. Dir, Div Acquired Immuniodeficiency Syndrome. Assoc Dir for Administration & Operations. Deputy Dir, Division of Extramural Activities. Chief, Biological Resources Branch. Head, Lymphocyte Biology Section. Chief, Laboratory of Infectious Diseases. Head Experimental Pathology Section. Dep Dir Div of Acquired Immunodeficiency. Head Epidemiology Section.
Natl Inst on Aging	Scientific Director Gerontology Rsch Cntr. Clin Director and Chief Clin Physiology Br. Chief Lab of Cellular & Molecular Biology. Associate Dir for Behavioral Sciences Res. Assoc Dir Biomed Res & Clinical Medicine Prog. Assoc Dir, Office of Extramural Affairs. Assoc Dir, Epidemi, Demo, & Biometry Program. Assoc Dir, Ofc of Plnng, A & I Activities. Assoc Dir Neurosci & Neuropsych of Aging Prog.
Natl Inst of Child Health & Human Development	Chief, Laboratory of Molecular Genetics. Dep Dir Center for Population Res. Chf, Endocrinology & Reproduction Research Br. Director Ctr Forres for Mothers & Children. Director Cntr for Population Research. Chief, Section on Growth Factors. Assoc Dir for Prevention Research. Chf, Section on Mammalian Gene Regulation. Chief, Section on Molecular Endocrinology. Chief Section on Neuroendocrinology. Chief Section on Microbial Genetics. Chief, Laboratory of Comparative Ethology.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Chf, Cell Biology & Metabolism Branch.
	Associate Director for Administration.
Natl Inst of Dental Research	Chief Lab of Microbiology & Immunology
	Chf, Enzyme Chemistry Section.
	Dir, Extramural Program.
	Chief, Bone Research Branch.
	Chief, Epidemiology Branch.
	Chief Neurobiology & Anestesiology Branch.
Natl Inst of Environmental Health Sciences	Chf Lab of Pulmonary Pathobiology.
	Chief, Lab of Genetics.
	Head Mutagenesis Section.
	Head Mammalian Mutagenesis Section.
	Dir, Div of Biometry and Risk Assessment.
	Senior Scientific Advisor.
	Dir, Div of Toxicology Research & Testing.
	Associate Director for Management.
	Chief, Signal Transduction Section.
	Chief Lab of Molecular & Integrative Neurosci.
	Chief Lab of Molecular Carcinogenesis.
	Head Statistics Section.
	Dir Natl Inst of Environmental Health Science.
Natl Inst of General Medical Sciences	Dep Dir Natl Institute of General Med Sci.
	Dir, Cell & Molec Basis of Disease Prog.
	Dir Genetics Program.
	Assoc Dir for Program Activities.
	Dir, Pharmacological Sciences Program Branch.
	Dir Bio Phys Sciences Program Branch.
Natl Inst of Neurological Disorders and Stroke	Dir Fundamental Neurosciences Program.
	Director, Stroke and Trauma Program.
	Dir, Basic Neurosci Prog/Chf/Lab of Neurochem.
Intramural Research	Chief Lab of Central Nervous System Studies.
	Chf, Devel & Metab Neurology Branch.
	Chf Lab of Molecular Biology.
	Deputy Chief, Lab of Central Nervous Sys Stud.
	HD Cellular Neuropathology Section.
	Chief, Section on Neuroradiology.
	Chief, Lab of Biophysics.
	Chf, Lab of Neuropathology & Neuroanatomical S.
	Chf Lab of Neurochemistry.
	Chief, Neuronal Interactions Section.
	Chf, Surgical Neurology Branch.
	Chief Laboratory of Molecular Genetics.
	Chief Biometry & Field Studies Branch.
	Chief, Laboratory of Nuerobiology.
	Chief, Laboratory of Neura Control.
	Chief Brain Structural Plaiticity Section.
	Chf, Lab of Viral & Molecular Pathogenesis.
	Chief Stroke Branch.
Natl Eye Institute	Chief Laboratory of Retinal Cell & Mol Biolog.
	Dir, Intramural Research Program, NEI.
	Chief, Lab of Molecular & Dev. Biology.
	Chief, Laboratory of Sensorimotor Research.
	Chief, Lab of Ophthalmic Pathology.
	Assoc Dir. Biometry & Epidemiology Prog.
Natl Inst on Deafness & Other Communication Disorders	Chf, Lab of Neuro-Otolaryngology.
	Director, Communicative Disorders Program.
	Dir, Div of Intra Res, Nid & Other Comm Disor.
	Dir, Div of Extram Act, Nid & Other Comm Diso.
NIH Clinical Center	Assoc Dir for Cinical Care/Dir, Clinical Ctr.
	Health Systems Administrator.
	Associate Director for Planning.
	Assoc Chf, Position Emission T & R.
Division of Computer Research & Tech	Chief, Computer Center Branch.
	Chief, Physical Sciences Lab.
	Chief, Data Management Branch.
John E Fogarty Intl Center	Assoc Dir for Intl Advanced Studies.
National Center for Research Resources	Dep Dir. Div of Res Resources.
	Dir, Gen Clinical Res Center Program Branch.
	Dep Dir for Extramural Research Resources.
	Dir, Natl Center for Research Resources.
	Dir, Gen Clinical Res Ctr for Res Resources.
	Dir, Biomedical Engr & Instrumentation Branch.
Division of Research Grants	Associate Director for Referral and Review.
	Assoc Dir for Statistics & Analysis.
Organization Abolished	Chf Biomedical Engineering & Instrumentation.
National Center for Nursing Research	Director National Cntr for Nursing Research.
National Center for Human Genome Research	Deputy Director
Agency for Health Care Policy & Research	Dir Ctr for Medical Effectiveness Research.
	Dir, Ctr for Gen Health Serv Intramural Res.
	Dir, Ctr Gen Health Svce Extramural Research.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dir, Ofc of SCI & Data Dev/Agcy for Hcp & Res.
Ofc of Actuary	Chf Actuary.
	Dep Chief Actuary (Long-Range).
	Dep Chief Actuary Short Range Ssa.
Office of Systems Operations	Dir, Ofc of Computer Processing Operations.
Office of Systems Design and Development	Director, Office of Programmatic Systems.
Office of Finance, Assessment and Management	Chief Financial Officer.
Ofc of Financial Policy & Operations	Assoc Comr, Office of Fin Policy & Operations.
	Dep Assoc Comm Financial Policy & Operations.
Organization Abolished	Assoc Admin Ofc of Financial Management.
	Assoc Admn, Ofc of MGMT and Info Systems.
Department of Housing and Urban Development:	
Office of General Counsel	Assoc Gen Coun for Program Enforcement.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Assistant Inspector General for Audit.
	Asst Inspector General for Management & Pol.
	Deputy Asst Inspector Gen for Audit Operation.
	Dep Asst IG for Audit Plng & Qlty Assurance.
	Dep Asst Inspector General for Investigation.
Office of the Chief Financial Officer	Chief Financial Officer.
	Dep Chief Financial Officer for Operations.
Assistant Secretary for Administration	Deputy Director, Ofc. of Personnel & Training.
	Dir, Ofc of Budget.
	Dep Dir, Ofc of Budget.
	Director Ofc of Procurements & Contract.
	Deputy Director Office of Finance & Accountg.
	Adm Comptroller-Dir, Ofc of Fin & Accounting.
Assitant Secy for Public & Indian Housing	Dir, Office of Insured Single Family Housing.
	Dir, Moderate Rehabilitation Division.
	Dir, Mortgage Insurance Acctng & Serv Group.
	Dir, Ofc. of Multifamily Housing Management.
	Dir, Office of Elderly & Assisted Housing.
	Housing/Fed Housing Adm Comptroller.
	Deputy Comptroller for Policy & Planning.
	Dep Comptroller for Fin Systems Enhancements.
	Dir Ofc of Multifamily Housing Pres Prop Dis.
	Dir Ofc of Insured Multifamily Housing Devel.
Asst Secy for Fair Housing and Equal Opportunity	Dir Ofc of HUD Program Compliance.
	Dir Ofc of Fair Housing Enforce and Sec 3.
	Dir Ofc of Fair Housing Asst & Voluntary Prog.
Asst Secy for Community Planning and Development	Dir Office of Environment and Energy.
	Dir Ofc of Block Grant Asst.
	Director, Office of Economic Development.
Government National Mortgage Association	Vice President for Asset Management.
	Vice President for Mortgage Backed Securities.
	Vice President for Finance.
Asst Secy for Public and Indian Housing	Gen Dep Asst for Public & Indian Housing.
	Public & Indian Housing-Comptroller.
	Dir, Ofc of Management & Operations.
	Dir, Ofc of Construction, Reh & Maintenance.
Region II New York	Manager Newark.
	Manager Buffalo.
Region IV Atlanta	Manager Jacksonville.
Region V Chicago	Manager Columbus.
	Manager Detroit.
	Manager Indianapolis.
	Manager MN/St Paul.
Region VI Dallas	Manager Oklahoma.
Region IX San Francisco	Manager Los Angeles.
Department of Interior:	
Ofc of the Inspector General	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Deputy Asst Inspector General for Audits.
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law.
	Asst Solicitor Bureau of Parks and Recreation.
	Special Asst to the Assoc Solicitor-Gen Law.
	Dep Associate Solicitor-Energy & Resources.
	Dep Associate Solicitor-Indian Affairs.
Asst Secy for Policy, Budget & Administration	Asst Dir for Economics.
	Chief, Div of Budget Operations (a).
	Asst Dir for Special Analysis.
	Dep Agcy Ethics & Audit Coordination Officer.
	Chief Division of Budget Operations (B).
	Chief Div of Budget Admin.
Nat'l Park Service	Senior Scientist.
	Science & Technology Advisor.
	Asst Dir Minority Business Enterprise.
U.S. Fish & Wildlife Service	(Special Assistant to the Director).
	Dep Reg Dir Reg 8 Rsch & Dev.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dep Asst Dir—Pol, Budget, & Administration.
	Exec Dir—North American Waterfowl Plan.
	Research Director Patuxent Research Center
	Spec Asst to the Reg Dir Research & Develop.
Bureau of Mines	Reach Dir, Pittsburgh Research Center.
	Research Dir, Twin Cities Research Ctr.
	Research Director, Albany Research Ctr.
	Chf, Ofc of Regulations Projects Coordination.
	Chief Div of Environmental Technology.
	Chief Division of Health Safety & Min Tech.
	Stf Asst to the Dep Assoc Dir-Info Analysis.
	Spec Asst to the Dir, Bureau of Mines.
	Senior Technical Advisor.
	Chief, Division of Resource Evaluation.
	Chief, Division of Policy Analysis.
	Chief Mineral Economist.
Bureau of Reclamation	Chief Div of Research & Lab Services.
	Director, Program Services Offices.
	Deputy Asst Commissioner Eng & Research.
	Senior Scientist.
	Deputy Assistant Commissioner Administration.
	Deputy Ass Commissioner-Resources Management.
	Project Manager/Arizona Projects Office.
	Chief Div Prog Coordination & Finance.
U.S. Geological Survey	Staff Geologist for NPRA/Alaska Activities.
National Mapping Div	Chief, National Mapping Division.
	Associate Chief, National Mapping Division.
	Chief, Eros Data Center.
	Chief Western Mapping Center.
	Chief Mid-Continent Mapping Center.
	Chief Rocky Mountain Mapping Center.
	Asst Div Chief for Information & Data Svc.
	Chief Eastern Mapping Center.
	Asst Div Chf for Program, Budget & Adm.
	Asst Div Chf for Research.
	Asst Div Chf for Coordination & Requirements.
Water Resources Div	Chief Hydrologist.
	Assoc Chief Hydrologist.
	Regl Hydrologist Central Reg Lakewood.
	Chief, Branch of Ground Water.
	Regl Hydrologist Southeastern Region.
	Regional Hydrologist, Western Region.
	Regional Hydrologist, Northeastern Region.
	Asst Chf Hydrologist for Operations.
	Asst Chief Hydrologist for Scien Info Mgmt.
	Asst Chf Hydrologist for Water A & D Coord.
	Asst-Chf Hydro for Res & Extern Coordination.
	Chief, Natl Water Quality Assessment (NAWQA).
	Asst Chf Hydrologist/Prog Coord & Tech Supp.
	Chf, Ofc of Atmospheric Deposition Analysis.
	Chf, Ofc of Hydrologic Research.
	Chief, WRSIC Program.
	Chief Office of Water Quality.
	Chf, Br of Water Information Transfer.
	Chief Office of Surface Water.
	Chf, National Water Data Exchange Program.
Geologic Div	Chief Geologist.
	Chief, Ofc of Earthquakes, Volcanoes & Engr.
	Chief, Ofc of Scientific Publications.
	Assoc Chf Geologist.
	Chf Ofc of Mineral Resources.
	Chief, Office of Energy & Marine Geology.
	Chief Office of International Geology.
	Chief, Office of Regional Geology.
	Asst Chief, Ofc of Energy and Marine Geology.
	Assistant Chief Geologist for Programs.
Bureau of Land Management	Spec Asst to the Dir/ of OI Representative.
	Deputy Asst Dir Management Services.
	Director, Boise Interagency Fire Center.
	Dep Asst Dir, Land & Renewable Resources.
	Dep Asst Dir Energy & Minerals Resources.
	Spec Asst to the Director/FOI Representative.
Ofc of Surface Mining Reclam & Enforcement	Administrator-Technical Center-West.
	Dep Asst Dir Eastern Fld Ops (Programs Ops).
	Asst Dir for Eastern Field Operator.
	Assistant Director, Western Field Operations.
Minerals Management Service	Regional Director, Gulf of Mexico OCS Region.
	Dep Associate Director for Offshore Leasing.
	Chief, Leasing Management Division.
	Regional Manager, Atlantic OCS Region.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Regional Manager, Alaska OCS Region.
	Assistant Assoc Dir for Offshore Minerals Mgt.
	Regional Manager, Pacific OCS Region.
	Dep Associate Dir for Offshore Operations.
	Dep Assoc Dir for Collection & Disbursement.
	Prog Dir, Ofc of Strategic & Internatl Mnls.
	Dep Assoc Dir for Valuation & Audit.
	Dep Assoc Dir for Administration.
Asst Secy-Indian Affs	Spec Asst to the Asst Secy-Indian Affairs.
Bureau of Indian Affairs	Asst Dir of Administration (Financial Mgmt).
	Dep to the Dir Indian Education Programs.
International Development Cooperation Agency:	
Ofc of the General Counsel	Deputy General Counsel.
Office of the Inspector General	Asst Inspector General for Security.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Deputy Inspector General.
Office of Equal Opportunity Programs	Dir Ofc of Equal Opportunity Programs.
Office of Human Resources Development & Management	Dep, Dir, Office of HRDM.
Bureau for Management	Assistant to the Administrator for Management.
	Assoc Admin for Finance & Admin.
Office of Financial Management	Controller and Senior Financial Officer.
	Financial Manager for Policy and Systems.
Directorate for Program and Management Services	Associate Director for Management.
	Dir Office of Information Resource Management.
	Deputy Director.
	Director Office of Procurement.
	Deputy Director Office of Infor Res Manag.
	Dir, Ofc of Admin Services.
Interstate Commerce Commission:	
Ofc of the Chairman	Legislative Counsel.
Office of the General Counsel	Trial Atty (Trans) Assoc Gen Coun Lit 76-069.
	Assoc Gen Counsel—Litigation.
	Legislative Counsel.
Ofc of the Managing Director	Dir of Personnel.
	Assoc Managing Dir & Director of Personnel.
Office of Economics	Deputy Director—Analysis.
	Deputy Director—Accounts.
Organization Abolished	Director, Bureau of Accounts.
Bureau of Traffic	Dir, Bureau of Traffic.
Office of Compliance & Consumer Assistance	Deputy Director for Enforcement.
	Assoc Dir, Ofc of Compliance & Consumer Asst. Director.
Regional Offices	Regional Director (Philadelphia).
	Regional Director (Chicago).
	Regional Director (San Francisco).
Office of Proceedings	Deputy Director.
	Deputy Director.
	Assistant Deputy Director.
	Deputy Director—Legal Analysis.
	Deputy Director—Legal Counsel.
	Assistant Deputy Director—Legal Counsel.
Department of Justice:	
Office of the Attorney General	Counsel on Professional Responsibility.
	Dep Counsel on Professional Responsibility.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Inspections.
	Assistant Inspector General for Audit.
	Assistant Inspector General for Investigation.
	Asst Inspector Gen for Management & Planning.
	General Counsel.
Office of the Deputy Attorney General	Dir Exec Ofc for Organ Crime Drug Enfor Task.
Justice Management Division	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dep Asst Attorney Gen; Personnel Adm.
	Dir, Security & Emergency Planning Staff.
	Dir, Facilities and Administrative Svc Staff.
	Assoc Asst Attorney General, Legal Counsel.
	Associate Assistant Attorney General.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senior Management Counsel.
	Procurement Executive.
	Senior Policy Advisor.
	Dep Asst Attorney General, Info Res Mgt.
	Dir Procurement Services Staff.
Office of the Controller	Dep Asst Attorney General; Controller.
	Dir Finance Staff.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of Personnel and Administration	Director Personnel Staff.
Office of Info & Admin Services	Director, Computer Services Staff.
	Director, Systems Policy Staff.
	Dir, Legal and Informations Systems Staff.
Executive Office for Immigration Review	Chief Immigration Judge.
	Assistant to the Director.
	Chief Admin Hearing Officer.
Antitrust Division	Chief Economic Litigation Section.
Commercial Litigation Branch	Deputy Branch Dir Civil Frauds.
Torts Branch	Deputy Branch Director.
Immigration and Naturalization Service	Associate Commissioner for Finance.
	Asst Commissioner for Detention & Deportation.
	Assistant Commissioner for Border Patrol.
	Asst Comm for Employer & Labor Relations.
	Director of Internal Audit.
Associate Commissioner for Information Systems	Assistant Commissioner for Records Systems.
Associate Commissioner for Examinations	Asst Commissioner for Adjudication & Natural.
	Asst Comm for Inspections.
Associate Commissioner for Enforcement	Assistant Commissioner for Investigations.
Executive Associate Commissioner for Management	Asst Commissioner for Administration.
	Asst Commr for Personnel & Training.
Community Relations Service	Regl Director, Region IX, San Francisco.
Executive Ofc for U.S. Attorneys	Dir Ofc of Mgmt Information Systems Support.
	Dir, Office of Administration & Review.
Criminal Division	Chief, Terrorism & Violent Crimes Section.
	Chief, Money Laundering Section.
	Special Counsel for Money Laundering.
	Special Coun for International Programs.
	Senior Counsel.
Ofc of Deputy Asst Attorney General I	Counsel to the Office Fraud Section.
Federal Prison System	Deputy Director.
	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Comm for Fed Prison Industries.
	Deputy Associate Commissioner.
	Contl Prog Admr Asst Dir for Human Res Mgmt.
	Correctional Prog Admr Asst Dir for Prog Rev.
	Sen Dep Asst Dir Admin Div.
	Senior Deputy Asst Dir Health Services Div.
	Senior Deputy Assistant Director.
	Assistant Dir, Program Review Division.
	Sr Dep Asst Dir Federal Prison Industries.
	Regional Director Mid Atlantic Division.
	Chief of Staff to the Director.
	Asst Dir., Community Corrections & Detention.
	Asst Dir, Info, Pol, & Public Affs Div.
	Warden Talladega AL.
	CIA (Warden) FCI, Texarkana, Texas.
Office of Correctional Programs	Asst Dir Correctional Programs Div.
Northeast Region	Regional Director.
	Warden, Lewisburg, PA.
	Warden Danbury Conn.
	Warden, McKean, PA.
	Senior Deputy Regional Director.
Southeast Region	Regional Director.
	Warden Atlanta.
	Warden, Lexington Kentucky.
	Warden Butner North Carolina.
	Warden Marianna FL.
North Central Region	Regional Director.
	Warden Leavenworth Kansas.
	Warden Springfield MO.
	Warden Marion IL.
	Warden Terre Haute, IN.
	Correctional Institution Admr.
	Warden, Fed Correctional Institution.
	Correctional Institution Admr (Warden).
South Central Region	Regional Director.
	Warden El Reno Okla.
	Warden Ft Worth Texas.
	Warden La Tuna TX.
Western Region	Regional Director.
	Warden Terminal Island, CA.
	Warden, Lompoc, CA.
	Warden Los Angeles CA.
	Warden Phoenix AZ.
	Warden Federal Correctional Institution.
Ofc of Justice Programs	Comptroller, Ofc of the Comptroller.
National Institute of Justice	Asst Dir, Ofc of Dev Testing & Dissemination.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Bureau of Justice Statistics	Deputy Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Associate Director for Administration.
	Associate Director for Operations.
	Assistant Director for Inspections.
	Comptroller.
	Asst Dir, Operations Support.
	Asst Dir for Human Resource Management.
	Special Projects Officer.
	Associate Director for Operations Support.
	Associate Director, for Administrative Serv.
Department of Labor:	
Office of the Secretary	Counsel to the Inspector General.
Ofc of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgmt & Legislative Asamt.
	Asst Inspector Gen for Labor Racketeering.
Office of the Deputy Secretary	Director, Dol Academy.
Office of the Solicitor	Deputy Solicitor (Regional Operations).
	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety and Hlt.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.
	Associate Solicitor for Spec Litigation.
	Assoc Sol for Spec Appel & Sup Court Lit.
	Dep Solicitor for Planning and Coordination.
	Dir, Office of Management.
	Assqciate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor.
	Regional Solicitor Region IV—Atlanta.
	Regl Solicitor Boston.
	Regl Solicitor New York.
	Regional Solicitor Philadelphia.
	Regl Solicitor Dallas.
	Regl Solicitor Kansas City.
	Regl Solicitor San Francisco.
OAS for Administration and Management	Asst Sec'y for Admin & Mgmt.
	Dep Asst Sec for Adm and Mgmt.
	Director, Office of Budget.
	Dir of Management Policy and Systems.
	Comptroller for the Department.
	Dir of Personnel Management.
	Dep Dir of Personnel Management.
	Deputy Comptroller.
	Director, Directorate of Civil Rights.
	Dir Natl Capital Service Center.
	Director of Information Resources Management.
	Dir, Administrative & Procurement Programs.
Office of Management, Administration and Planning	Dir Ofc of Mgmt. Administration and Planning.
Ofc of Federal Contract Compliance Programs	Director Division of Programs Operations.
Wage and Hour Division	Asst Admin for Program Operations.
	Asst Admin for Policy Planning & Review.
	Dep wage & Hour Admin.
Ofc of Workers Compensation Programs	Dir Federal Employees Compensation.
	Dir Coal Mine Workers Compensation.
Pension & Welfare Benefits Administration	Director of Enforcement.
	Dir of Regulations & Interpretations.
	Career Reserved Positions.
	Director of Program Services.
	Deputy Director of Program Services.
	Senior Dir of Policy & Legislative Analysis.
	Dep Asst Secy for Program Operations.
	Director of Exemption Determinations.
Office of Labor Management Standards	Dir Ofc of Elect Trustshp/Intern'l Union Audt.
	Director, Ofc of Policy & Program Support.
Bureau of Labor Statistics	Deputy Commissioner.
	Associate Commissioner for Field Operations.
	Dir, Quick Response Pol Surveys & Analysis.
	Assoc Commr for Publications & Spec Studies.
Data Analysis	Assoc Commr, Economic Growth.
	Assoc Comr for Prices and Living Conditions.
	Assoc Commr Productivity & Technology.
	Assoc Comr for Research & Evaluation.
	Assoc Comm for Employment & Unempl Statistics.
	Asst Commr for Consumer Prices & Price Indexes.
	Asst Commr for Indust Prices & Price Indexes.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Assistant Commissioner for Economic Research.
	Asst Commissioner for Federal-State Programs.
	Asst Commissioner for Current Employ Analysis.
	Asst Comr for Compensation Levels & Trends.
	Asst Comr for Safety, H & W Conditions.
	Assoc Comr Compensation & Working Conditions.
	Asst Comm for Survey Methods Research.
	Asst Comm for International Prices.
Administrative and Internal Operations	Dep Comm for Adm and Internal Operations.
	Assistant Commissioner for Administration.
	Director of Survey Processing.
	Dir of Technology & Computing Svcs.
	Asst Comr for Technology & Survey Processing.
	Dir Quality & Info Management.
Office of Work-Based Learning	Director, Ofc of Trade Adjustment Assistance.
Office of the Comptroller	Comptroller.
Office of Info Resources Management	Dir, Ofc of Information Resources Management.
Administrative Programs	Dir, Adm Progs.
Health Standards Programs	Dir Health Standards Programs.
Safety Standards Programs	Director Safety Standards Programs.
Federal/State Operations	Director, Federal/State Operations.
Technical Support	Dir of Technical Support.
Mine Safety and Health Administration	Chf of Standards, Regulations & Variances.
	Director of Administration and Management.
	Director of Technical Support.
Merit Systems Protection Board:	
Office of the Board	Deputy General Counsel.
Ofc of the Executive Director	Executive Director.
	Deputy Executive Director.
	Director, Office of Policy & Evaluation.
	Deputy Director Office of Appeals Counsel.
	Director, Office of Administration.
	Dir, Office of Management Analysis.
	Director, Office of Regional Operations.
Regional Offices	Regional Director, San Francisco.
	Regional Director, Chicago.
	Regional Director, Atlanta.
	Regional Director, Philadelphia.
	Regional Director, Dallas.
	Regional Director, Washington, D.C.
National Aeronautics and Space Administration:	
Ofc of the Administrator	Dep Asst Assoc Admr for Facilities Management.
	Director of Special Studies.
Office of the Comptroller	Assistant Comptroller for Systems Analysis.
	Technical Assistant to the Comptroller.
	Deputy Chief Financial Officer.
	Asst Comptroller for Prog S & C Assessment.
Financial Management Division	Dir Financial Mgmt Div.
	Dep Dir, Financial Management Div.
Resources Analysis Division	Director, Resources Analysis Division.
	Dep Dir Resources Analysis Division.
Congressional Relations Office	Deputy Assistant Administrator.
	Dir, Congressional Liaison Division.
Ofc of Safety and Mission Quality	Director, Safety and Product Assurance Office.
	Dir, NASA Q & P Improvement Programs Division.
	Director, Safety Division.
	Dir, Reliability, M/Q Assurance Division.
	Dep Assoc Adm for Safety & Mission Quality.
	Dir Technical Standards Division.
	Director, Programs Assurance Division.
	Dir Systems Assessment Division.
Ofc of the Assoc Admr, Space Science and Applications	Special Asst to the Deputy Assoc Admin.
	Asst Assoc Administrator (Institutions)
	Assistant Assoc Administrator (Space Station)
Earth Science and Applications Division	Chief, Oceanic Processes Branch.
	Chief, Flight Programs Branch.
	Chf, Upper Atmospheric R/T Chemistry Branch.
	Chf, Atmospheric Dynamics and Radiation Br.
	Assoc Dir for Applications Earth Sci & Applic.
	Chief Land Processes Branch.
	Chf, Advanced M/I Science Research Branch
	Spec Asst to the Dir, Earth Sci/Applications.
Communications Division	Chf, Information Systems Branch.
Life Sciences Division	Chief, Space Medicine & Biology Branch.
	Dep Dir, Life Sciences Division.
Administration and Resources Management Division	Dep Dir, Administration & Resources Mgmt Div.
Solar Systems Exploration Division	Dep/Dir Solar System Exploration Division.
	Chief, Planetary Science Branch.
	Dep Dir for Adv Studies, Solar Sys Explin Div.
	Dep Dir, Solar System Exploration Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Manager, Cral-Cassini Program.
	Chief, Flight Programs Branch.
Flight Systems Division	Chf, Space Station Utilization Branch.
	Chief Microgravity Payloads Branch.
	Deputy Dir Flight Systems Division.
	Chf, Astrophysics & Earth Sci Payloads Branch.
Astrophysics Division	Chf, High Energy Astrophysics Br
	Chief, Astronomy/Relativity Branch
	Chief, Explorer Programs Branch
	Deputy Dir Astrophysics Division
	Chf, Observatories Dev & Operations Branch.
	Chief, Observatories Development Branch.
Microgravity Sciences and Applications Div	Dep Dir Microgravity Science Applications Div.
	Dir, Microgravity Sciences & Applications Div.
Space Physics Div	Chief, Solar Physics Branch.
	Dep Dir, Space Physics Division.
	Chief, Flight Programs Branch.
	Director, Space Physics Division.
Ofc of General Counsel, NASA	Deputy General Counsel (Policy Review).
Office of Procurement	Asst Admr for Procurement.
	Dir, Advanced Procurement Planning Division.
	Director, Program Operations Division.
	Director, Procurement Policy Division.
	Dir Procurement Management Division.
	Dep Assistant Administrator for Procurement.
	Dir Contract Pricing & Finance Office.
Ofc of Asst Admr for Commercial Programs	Dir, Commercial Development Division.
	Deputy Assistant Administrator (Programs).
	Dir, Small Business Innovation Res Office.
	Special Asst for Industry Planning.
	Spec Asst to the Asst Admr.
Ofc of the Assoc Admr, External Relations	Mgr, Institutional Planning & Operations.
Industry Relations Division	Dep Dir Industry Affairs Division.
Educational Affairs Division	Dep Director, Educational Affairs Division.
	Director, Educational Affairs Division.
International Relations Division	Dep Dir, International Relations Division.
Ofc of the Assoc Admr Space Flight	Dep Manager Space Shuttle Operations.
	Deputy Director, Engineering Division.
	Director, Policy & Plans Division.
	Manager Operations Integration.
Resources Management	Manager, Program Control Office (Reston).
	Director, Resources Management Division.
	Chief Program Evaluation.
	Manager, Program Control (JSC).
Transportation Services	Manager, Flight Requirements & Analysis.
	Dep Dir Transportation Services Division.
	Dir Transportation Services Offices.
	Manager National Security & DOD Affairs.
	Chf, U.S. Civil & Intl Payloads Branch.
Flight Systems Directorate	Dir Unmanned Launch Vehs & Upper Stgs Div.
	Chief Advanced Transportation Branch.
	Director, Shuttle Carrier Systems Division.
	Manager, Heavy Lift Launch Vehicle.
	Dep Dir Advanced Program Development Division.
	Manager, Orbital Maneuvering Vehicles.
Space Shuttle Directorate	Manager, Operations Integration.
	Director, Space Shuttle.
	Dir, Program Planning & Control Division.
	Deputy Director, Space Shuttle Operations.
	Special Asst to the Director.
Space Shuttle Program	Natl Space Trans Syst Engineering Integration.
	Mgr, Natl Space Trans Syst Integration & Ops.
	Dep Mgr, Natl Space Transportation Sys Prog.
	Dep Dir, Space Shuttle Program (JSC).
	Manager, Shuttle Projects Office (MSFC).
	Manager, Operations Integration (JSC).
	Manager Management Integration.
Systems Engineering and Analysis Division	Chief, Shuttle Systems Branch.
	Dep Dir, Syst Eng & Analysis Division.
	Chief, Shuttle Propulsion.
	Chief, Shuttle Orbiter/GFE.
Operations Utilization Division	Chief, KSC Projects.
	Director, Operations Utilization Division.
Institutions Directorate	Dir Institutions.
Space Station Freedom Directorate	Special Assistant to the Director.
	Technical Assistant to the Director.
	Director, Space Station Freedom.
Space Station Engrng Division	Dir Engineering Division.
Space Station Operations and Utilization Division	Director, Operations and Utilization Division.
	Chief Utilization.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Space Station Freedom Program and Operations	Technical Assistant to the Deputy Director.
	Dep Mgr Space Station Freed Prog & Operations.
	Dep Dir, Space Station Freedom P & Ops.
Special Projects Office	Manager, Special Projects Office.
	Deputy Manager Special Projects Office.
Program Engineering Office	Deputy Manager Program Engineering Office.
	Manager Systems Engineering Office.
	Manager Avionics Systems.
Utilization and Operations Office	Manager, Utilization & Operations Office.
	Manager Space Operations Office.
	Dep Manager, Utilization & Operations Office.
	Manager Ground Operations and Logistics.
	Manager Mission Integration.
	Manager Payload Integration.
Management Integration Office	Dep Mgr Mgt Integration Office.
	Manager Tech Mgmt & Info System Office.
	Manager, Management Integration Office.
International Program Office	Deputy Manager. International Programs.
	Assistant Manager, International Program Ofc.
	Manager, International Program Office.
Integration Office	Manager System Integration.
	Manager for Integration.
Office of Management Systems and Facilities	Special Asst to the Associate Admin for Mgt.
	Dir Aircraft Management Ofc.
	Director, Management Operations.
Facilities Management	Dir, Fac Utilization, M & E Compliance Div.
	Dir Facilities Plan & Construction Division.
Logistics and Security	Spec Asst to the Dir Logis Aircraft Sec Ofc.
	Dir, Logistics & Security Division.
Personnel and General Management	Dep Asst Assoc Admin for Personnel Management.
	Asst Assoc Admr for Personnel Management.
Information Systems Division	Chf Scientific and Tech Info Br.
	Asst Assoc Admr for Info Res Management.
	Dep Dir, Information Res Mgmt Division.
	Dep A/A Admr for Info Res Mgmt Pol & Systems.
Automated Information Management Program Office	Director Automated Info Mgmt. Prog Ofc.
Headquarters Operations	Dir, Information Syst & Technology Division.
Ofc of Director for Aeronautics	Asst Dir for Aeronautics (H–S Aircraft).
	Deputy Director for Aeronautics.
	Asst Dir for Aeronautics High Perfor Aircraft.
	Asst Dir for Aeronautics Subsonic Aircraft.
Office of Space Exploration	Asst Dir for Space Explorations (Intl).
	Dep Assistant Administrator for Exploration.
	Manager for Space Exploration (Res & Technol).
	Asst Dir for Space Exploration (Comms).
	Asst Dir for Aeronautics (High-Perf Aircraft).
	Asst Dir for Space Exploration (Prog Defin).
	Manager Space Exploration (Support Planning).
	Special Asst for Strategic Planning.
Ofc of Dir for Space	Deputy Director for Space Technology.
	Asst Dir for Space Technol (Prog Development).
	Asst Dir for Space (Spacecraft Technology).
	Director for Space Technology.
Ofc of Dir for Institutions	Asst Director for Institutions (Facilities).
	Asst Dir for Institution (Information Syst).
	Dir, Resources & Management Systems Office.
	Director for Institutions.
Aerodynamics Division	Deputy Dir Aerodynamics Division.
Materials & Structures Division	Director, Materials and Structures.
Propulsion, Power, & Energy Division	Dir, Propulsion, Power and Energy Division.
National Aerospace Plans Office	NASA Dep Prog Mgr, Natl Aero-Space Plane Prog.
	Dep Prog Manager Natl Aero-Space Plane.
	Dep Dir, National Aero-Space Plane Office.
	Directorm National Aero-Space Plane.
Office of Human Resources and Education	Associate Administrator for Human Resources.
Organization Abolished	Dir, Prog Syst Engineering/Integration Group.
Ofc of the Assoc Admr Space Operations	Assistant Associate Administrators (Plans).
	NASA Australian Representative.
Network System Division	Dep Dir, Ground Network Division.
	Manager Space Network Operations.
	Dir, Ground Network Division.
Communications and Data Systems Division	Dir, Communications & Data Systems Div.
	Chief, Communications Systems Branch.
TDRSS Division	Manager, White Sands Space Network Complex.
	Manager, TDRSS Continuation Program.
Ofc of Equal Opportunity Programs	Dir Minority Univ Res & Educ Prog Div.
Discrimination Complaints Division	Director, Discrimination Complaints Division.
Office of the Inspector General	Assist Inspector General for Investigation.
	Assistant Inspector General for Auditing.
Ames Research Center	Chief Ofc of Safety Reliability & Qual Assura.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst to Center Dir for Advanced Sys Design.
Administration Directorate	Comptroller.
	Chief, Acquisition Division.
	Deputy Director of Administration.
Aerospace Systems Directorate	Chief, Aerodynamics Division.
	Chf Flight Systems & Simulation Rsch Div.
	Deputy Dir Aerospace Systems Directorate.
	Chief Aircraft Technology Division.
Space Research Directorate	Chief, Space Science Division.
	Chief, Life Sciences Division.
	Chief, Earth Systems Science Division.
	Chf, Aerospace Human Factors Research Div.
	Chief, Advanced Life Support Division.
	Deputy Director of Space Research.
Engineering and Technical Services Directorate	Dep Director Engineering & Tech Svcs.
Aerophysics Directorate	Chief Computational Fluid Dynamics Branch.
	Chf, Systems Engineering Div.
	Chief Full Scale Aerodynamics Research Center
	Chief, Fluid Dynamics Division.
	Chief Computer Systems & Research Division.
	Chief Thermoscience Division.
	Chief, Information Sciences Division.
	Deputy Director of Aerophysics.
Flight Operation and Research Directorate	Chief, Science & Applications Aircraft Div.
	Chief, Research Engineering Division.
	Chf, Ames Research Aircraft Operations Div.
Dryden Flight Research Facility	Chf Engineer.
	Chf, Flight Operations Division.
	Assoc Dir, Dryden Flight Research Facility.
	Dep Dir, NASA Ames Res Center Dirf.
Goddard Space Flight Center	Comptroller.
	Director of Human Resources.
	Dir of University Programs.
Management Opers Directorate	Dep Dir of Management Operations.
	Associate Director for Acquisition.
Flight Assurance Directorate	Director of Flight Assurance.
	Dep Dir of Flight Assurance
Flight Projects Directorate	Deputy Director of Flight Projects.
	Assoc Dir of Flt Proj Space Stat FRDM–Goddard.
	Dep Assoc Dir of Flight Proj for EOS Res Mgt.
	Dep Dir Flight Project for Ping Business Mgmt.
	Chief Engineer.
	Mgr Hubble Space Telescope Oper & Ground Syst.
	Project Nmanager, Gamma Ray Observatory.
	Assoc Dir of Flt Proj Hubble Space Telescope.
	Proj Mgr, Intl Solar Terr Physics Proj (ISTP).
	Dir of Flight Projects.
	Proj Mgr Hubble Spc Telescope Syst & Serv.
	Project Manager Meteorological (METSAT) Projec.
	Dep Assoc Dir of Flight Proj Hubble Space Tel.
Mission Operations & Data Systems Directorate	Asst Director for Systems Engineering.
	Chief, NASA Communications Division.
	Assoc Dir of Mission Operations & Data Syst.
	Dep Dir of Mission Operations & Data Systems.
	Chief Networks Division.
	Chief, Flight Dynamics Division.
	Chief Mission Operations Division.
Space & Earth Sciences Directorate	Chief, Lab for Astronomy and Solar Physics
	Chief, Lab for Extraterrestrial Physics.
	Assoc Dir for Projects Engineering.
	Chief Lab for Hydrospheric Processes.
	Chief, Space Data and Computing Division.
	Chf, Laboratory for Atmospheres.
	Director of Space Sciences.
	Associate Director for Space Station.
	Deputy Director for Earth Sciences.
	Chief, Goddard Institute for Space Studies.
	Associate Director for Science.
	Chief Laboratory for High Energy Astrophysics.
	Deputy Director of Space Sciences.
	Director for Earth Sciences.
	Chief Laboratory for Terrestrial Physics.
Engineering Directorate	Dep Dir of Engineering
	Chief, Instrument Division.
	Chf, Applied Engineering Div.
	Chief Engineer.
	Chief, Special Payloads Division.
	Asst Dir of Engineering for Development Proj.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Suborbital Projects and Operations Directorate	Chief, Space Technology Division.
	Associate Director of Engineering.
	Chf, Operations Division.
Johnson Space Center	Comptroller.
	Assistant Director (PLANS).
	Dir of Public Affairs.
	Spec Asst for Engineering Operations & Safety.
	Assistant Director.
	Director of Procurement.
	Director of Human Resources.
	Special Assistant for Programs.
New Initiatives Office	Manager New Initiatives Office.
	Deputy Manager, New Initiatives Office.
Center Support	Deputy Dir Center Operations.
	Dir Admin.
	Deputy Director, Administration.
	Dir Center Operations.
Space Operations	Assistant Director, Mission Operations.
	Director, Mission Operations.
	Deputy Asst Dir for Program Support.
	Chief, Aircraft Operations Division.
	Director Information Systems.
	Deputy Director, Mission Operations.
	Assistant Director for Program Support.
	Chief, Space Station Ground Systems Division.
	Dep Dir, Flight Crew Operations.
	Asst Dir for Space Shuttle Program.
	Chief, Space Shuttle Ground Syst Division.
	Deputy Director, Information Systems.
Research & Engineering	Deputy Director, Engineering.
	Chief, Propulsion & Power Division.
	Chief, Structures and Mechanics Division.
	Chief, Medical Sciences Division.
	Chief, Automation and Robotics Division.
	Chief, Systems Engineering Division.
	Manager for Program Science.
	Associate Director, Engineering.
	Director, Engineering.
	Chief Engineer, New Initiatives.
	Manager, Orbiter Engineering Office.
	Deputy Director, Space and Life Sciences.
	Chief Flight Data Systems Division.
	Chief Tracking & Communications Division.
	Chief, Navigation, Control & Aeronautics Div.
Natl Space Transp Sys Prog Ofc	Dep Manager, Orbiter & GFE Projects Office.
	Chf, Man-Systems Division.
	Manager, Orbeter and GFE Projects Office.
Space Station Project Office	Manager for Development.
	Dep Mgr, Space Station Projects Office.
Safety, Reliability & Quality Assurance	Dir, Safety, Reliability, & Quality Assurance.
	Dep Dir, Safety, Reliability & Qual Assurance.
Sts Operations Program Office	Manager, Lunar & Mars Exploration Prog Office.
NASA White Sands Test Facility	Manager, NASA White Sands Test Facility.
Kennedy Space Center	Dir, Exec Management Ofc.
	Associate Deputy Director.
Comptroller	Deputy Controller.
Biomedical Office	Chf., Biomedical Office.
Procurement	Director, Procurement.
Public Affairs	Dir Public Affairs.
Space Station and Advanced Projects Office	Manager Space Station Projects Office.
Safety, Reliability and Quality Assurance	Director, Safety and Reliability.
	Dir Mission Assurance.
	Director, Quality Assurance.
Shuttle Management Operations	Deputy Dir Vehicle Engineering.
	Dir, Shuttle Logistics Project Management.
	Dir of Space Trans System Mgmt & Operations.
Center Support Operations	Director of Center Support Operations.
	Deputy Director of Center Support Operations.
Engineering Development	Deputy Director of Engineering Development.
	Dir, Mechanical Engineering.
Project Management	Director, Facilities Engineering.
Electronic Engineering	Director, Electronic Engineering.
Cargo Management and Operations	Director, Expendable Vehicles.
STS Cargo Operations	Director, STS Payload Operations.
Shuttle Projects Office	Director, Shuttle Operations.
	Director, Ground Engineering.
Langley Research Center	Chief Scientist.
	Chief Engineer.
Electronics Directorate	Chf., Analysis & Computation Division.
	Chief, Projects Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Chief Flight Electronics Division.
	Chief Instrument Research Division.
Structures Directorate	Chf, Acoustics Division.
	Chief Structural Mechanics Division.
	Chief, Materials Division.
	Chief, Structural Dynamics Division.
Aeronautics Directorate	Chief, Advanced Vehicles Division.
	Dir of Interagency Programs.
	Chief Applied Aerodynamics Division.
	Deputy Director for Aeronautics.
	Chief, Flight Applications Division.
	Manager, Hypersonic Technology Office.
	Chief, Fluid Mechanics Division.
Space Directorate	Chief, Space Systems Division.
	Chief Atmospheric Sciences Division.
	Manager, Space Station Freedom Office.
	Manager, Human Exploration Initiative Office.
Systems Engineering and Operations Directorate	Dep Dir for Syst Engineering & Operations.
	Chief Facilities Engineering Division.
	Chief Systems Engineering Div.
	Chf, Syst Sfty, Quality, & Reliability Div.
	Chief, Engineer S E & O.
	Chief Facilities Engineer Division.
Management Operations	Deputy Director for Management Operations.
Flight Systems Directorate	Chief Information Systems Division.
	Chf, Guidance and Control Division.
	Chief Flight Management Division.
Lewis Research Center	Director, External Programs.
	Director, Ofc of Intergency & Industry Prog.
	Chf, Ofc of Safty, Reliability & Quality Assur.
	Director of Lewis Research Academy.
Admiistration & Computer Services	Chief, Computer Services Division.
	Dir, Adm & Computer Services Directorate
Aeronautics Directorate	Chf, Propulsion Systems Div.
	Chief, Instrumentation & Control Technol Div.
	Chf, Internal Fluid Mechanics Division.
	Chief Technologist.
	Chf, Aeropropulsion Analysis Office.
	Chf, Aeropropulsion Facilities & Exper Div.
Space Station Systems Directorate	Dep Dir of Space Station Systems.
	Chief Electrical Systems Division.
	Chief Engineer.
	Chief, Power Technology Division.
	Deputy for Intergration.
Aero Space Technology Directorate	Chief, Space propulsion Technology Division.
	Chief, Materials Divisio.t.
	Chief, Structures Division.
	Chief, Interdisciplinary Technology Office.
Space Flight Systems Directorate	Chf, Advanced Space Analysis Office.
	Manager Launch Vehicle Project Office.
	Manager, Acts Project Office.
	Chief, Space Experiments Division.
	Chief, Space Communications Division.
Engineering	Chief, Structural Systems Division.
	Chf, Electronics & Control Systems Division.
	Director of Engineering.
	Deputy Director of Engineering.
	Chief, Propulsion & Fluid Systems Division.
Marshall Space Flight Center	Comptroller.
	Dir Admin Operations Office.
	Associate Director.
Office of Sfty, Rel & Quality Assurance	Director, Quality Assurance Office.
	Dir, Systems Safety & Reliability Office.
	Director, Safety & Mission Assurance Office.
	Manager, Acquisition & Business Management.
	Manager Space Transportation Main Engine Sys.
Science and Engineering	Chief Engineer, Observatory Projects.
	Director, Space Sciences Lab.
	Director, Propulsion laboratory.
	Director, Syst Anal & Integration Laboratory.
	Chf, Aerophysics Div.
	Deputy Director, Space Science Laboratory.
	Dep Dir Structures & Dynamics Laboratory.
	Deputy Dir, Materials & Processes Laboratory.
	Dep Dir, Mission Operations Laboratory.
	Dep Dir, Syst Anal & Integration Laboratory.
	Chf Engineer, Space Shuttle Main Engine Proj.
	Director Information & Electronic Sys Lab.
	Deputy Director for Space Systems.
	Dir Structures Dynamics Laboratory.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Chief Engineer, Space Station Projects.
	Dep Dir Propulsion Laboratory.
	Dir, Materials & Processes Laboratory.
	Dep Dir for Space Transportation Systems.
	Chief Engineer Heavy Lift Launch Vehicle.
	Dir, Research & Technology Office.
	Director, Mission Operations Laboratory.
Special Projects Office	Manager, Upper Stage Projects.
Payload Projects Office	Mgr, Science & Applications Payload Projects.
	Dep Manager Payload Projects Office.
Space Station Projects Office	Manager, Space Station Projects Office.
	Deputy Manager for Advanced Launch System.
	Dep Mgr, Space Station Projects Office.
	Deputy Manager Space Station Projects Office.
Program Development	Deputy Director, Program Development.
	Director, Preliminary Design Office.
	Assoc Dir for Advanced Planning.
Shuttle Projects Office	Manager, External Tank Project.
	Mgr Solid Rocket Booster Project.
	Mgr Redesign Solid Rocket Motor Project.
	Mgr Space Shuttle Maine Engine Project.
	Manager, Advanced Solid Rocket Motor Project.
Spacecraft Office	Manager, Observatory Projects Office.
	Dep Mgr, Observatory Projects Office.
	Manager, Spacecraft Office.
Administration and Program Support	Dir Info Systems Office.
	Dir, Institutional & Program Support.
	Director, Procurement Office.
	Assistant to the Director.
	Dep Dir, Institutional & Program Support.
	Director, Facilities Office.
Stennis Space Center	Dir Sci & Tech Lab.
	Director, Center Operations.
	Deputy Director, NASA Stennis Space Center.
	Assoc Director for Institution.
	Dir, Propulsion Test Operations.
National Archives & Records Administration:	
National Archives & Records Administration	Deputy Archivist of the United States.
	Asst Archivist for the National Archives.
	Asst Archivist for Federal Records Centers.
	Asst Archivist for Records Administration.
	Director, Lyndon B. Johnson Library.
	Director, Harry S. Truman Library.
National Capital Planning Commission:	
National Capital Planning Commission Staff	Executive Director.
	Assoc Exec Dir D.C. Affairs.
	Assistant Executive Director for Operations.
	Dir of Intergovernmental & Public Affairs.
National Endowment for the Arts:	
National Endowment for the Arts	Director of Program Coordination.
	Director of Administration.
National Endowment for the Humanities:	
National Endowment for the Humanities	Dir, Office of Planning & Budget.
	Asst Chairman for Operations.
National Labor Relations Board:	
Olc of the Board Members	Executive Secy
	Deputy Executive Secretary.
	Inspector General.
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br.
	Director, Office of Appeals.
Div of Advice	Associate Gen Counsel, Div of Advice.
	Deputy Assoc Gen Counsel.
Div of Administration	Director of Administration.
	Deputy Director of Administration.
Div of Operations Management	Assoc General Counsel, Div of Operation-Mgmt.
	Dep Asso Gen Counsel, Div of Operation-Mgmt.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Assistant General Counsel.
	Asst to the General Counsel.
Regional Offices	Regl Dir Reg 1 Boston.
	Regional Director, Reg. 2, New York.
	Regional Director, Reg. 3, Buffalo.
	Regl Dir Reg 4 Philadelphia.
	Regional Director, Reg. 5, Baltimore.
	Regional Director, Reg. 6, Pittsburgh.
	Regl Dir, Region 7, Detroit Mich.
	Regional Director, Reg. 8, Cleveland.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Regional Director, Reg. 9, Cincinnati.
	Regl Dir Reg 10 Atlanta.
	Regl. Dir., Reg. 11, Winston Salem.
	Regional Director, Reg 12, Tampa
	Regional Director, Reg 13, Chicago.
	Regl Dir Reg 14 St Louis.
	Regl Dir Reg 15 New Orleans.
	Regl Dir Reg 16 Ft Worth.
	Regl Dir Reg 17 Kansas City.
	Regl Dir Reg 18 Minneapolis.
	Regl Dir Reg 19 Seattle.
	Regional Dir, Reg 20, San Francisco.
	Regional Director, Reg. 21, Los Angeles.
	Regional Director Reg 22 Newark.
	Regional Director Reg 24 Hato Rey Puerto Rico.
	Regl Dir, Reg 25, Indianapolis.
	Regl Dir Reg 26 Memphis.
	Regl Dir Reg 27 Denver.
	Regl. Dir. Reg. 28 Phoenix.
	Regl Dir Reg 29 Brooklyn.
	Regl Dir Reg 30 Milwaukee.
	Regl. Dir., Reg 32, Oakland.
	Regional Director, Reg. 33 Peoria, Ill.
	Regl Dir Reg 31 Los Angeles.
	Regional Director Reg 34 Hartford.
National Science Foundation:	
Office of the Inspector General	Inspector General.
	Counsel to the Inspector General.
Office of the Director	Executive Asst to the Director.
Office of Information Systems	Dir, Information Management Division.
	Dir, Information Technologies Division.
Organization Abolished	Executive Officer.
Office of the General Counsel	Deputy General Counsel.
Division of Budget	Division Director.
Program Evaluation Staff	Director, Program Evaluation Staff.
Directorate for Geosciences	Executive Officer.
Division of Atmospheric Sciences	Head, NCAR Coordination Staff.
	Section Head, Upper Atmosphere Section.
	Head Lower Atmosphere Section.
Division of Earth Sciences	Section Head, Research Grants Section.
	Head Major Projects Section.
Division of Ocean Sciences	Section Head Ocean Sciences Research Section.
Division of Polar Programs	Manager Polar Ops Section.
	Head, Polar Coordination & Info Section.
	Dep Dir Division of Polar Programs.
Directorate for Engineering	Senior Engineering Advisor.
Division of Engineering Centers	Senior Engineering Associate.
Div of Design and Manufacturing Systems	Deputy Division Director.
Division of Biological and Critical Systems	Head Hazard Mitigation Section.
Div of Electrical and Communications Systems	Deputy Division Director.
Div of Mechanical and Structural Systems	Deputy Division Director.
Division of Engineering Infrastructure Development	Senior Staff Associate.
	Dep Dir, Div of Eng Infrastructure Dev.
Directorate for Biological, Behavioral Social Sciences	Executive Officer.
Division of Biotic Systems and Resources	Deputy Division Director.
Division of Behavioral and Neural Sciences	Dep Div Dir, Div of Behavioral & Neural Sci.
Division of Social and Economic Sciences	Deputy Division Director.
Directorate for Mathematical and Physical Sciences	Executive Officer.
Division of Physics	Deputy Division Director.
Division of Astronomical Sciences	Dep Dir, Division of Astronomical Sciences.
Division of Mathematical Sciences	Deputy Division Director.
Division of Materials Research	Deputy Director.
	Head, Special Programs in Materials Office.
Division of Chemistry	Head Special Projects Office.
	Dep Dir Division of Chemistry.
Directorate for Education & Human Resources	Executive Officer.
	Deputy Asst Director.
	Senior Education Policy Advisor.
	Senior Staff Associate.
Division of Human Resource Development	Senior Science Associate.
	Deputy Director.
Directorate for Scientific, Tech & Internat'l Affairs	SR S/A for Strategic Planning & Assessment.
	SR Staff Assoc for Human Resources S & A.
Division of Policy Research and Analysis	Section Head, Science & Innovation Pol. Sec.
Division of International Programs	Deputy Division Director.
	Head Special Projects Office.
	Senior Staff Associate.
	Head, Cooperative Science Section.
	Head, East Asia/Pacific Section.
	Head, Latin America/Africa/Asia Section.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Directorate for Administration	Executive Officer.
	Senior Staff Associate.
Division of Grants and Contracts	Director Division of Grants and Contracts
	Director, Operations and Analysis.
Division of Financial Management	Division Director.
Division of Administrative Services	Dir, Division of Administrative Services.
Division of Personnel and Management	Division Director.
Directorate for Computer & Info Science & Engineering	Deputy Assistant Director.
Div of Advanced Scientific Computing	Deputy Director.
Div of Computer and Computation Research	Deputy Division Director.
Div of Information, Robotics & Intelligent Systems	Deputy Division Director.
Division of Microelectronic Information Processing Sys	Deputy Division Director.
Div of Networking & Comm Res & Infrastructure	Deputy Division Director.
National Transportation Safety Board:	
Office of the Managing Director	Dep Managing Dir for Mgmt & Policy.
	Dep Managing Dir for Program Operations.
	Chief Technical Advisor.
Office of Administration	Dir Office of Administration.
Office of Aviation Safety	Director Ofc of Aviation Safety.
	Deputy Director Ofc of Aviation Safety.
Office of Research & Engineering	Dir Ofc of Research and Engineering.
Office of Safety Recommendations	Director Ofc of Safety Recommendations.
Office of Surface Transportation Safety	Dir Ofc of Surface Transportation Safety.
	Deputy Director.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chairman ASLBP.
	Deputy Chief Administrative Judge Executive.
Organization Abolished	Chairman ASLAP.
Office of the Inspector General	Dep Dir Ofc of the Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Audits.
Deputy GC for Licensing & Regulation	Deputy Assistant GC/Legislative Counsel.
Dep GC for Hearings, Enforcement & Administration	Deputy Assistant GC for Administration.
Assistant GC for Hearings and Enforcement	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
Office of Commission Appellate Adjudication	Dir Ofc of Comm Appellate Adjudication.
Division of Operational Assessment	Chief Incident Response Branch.
	Chf, Diagnostic Eval & Incident Invest Branch.
Division of Safety Programs	Chf, Reactor Operations Analysis Branch.
	Chf, Trends & Patterns Analysis Branch.
Office of Administration	Dir Div of Contracts & Property Management.
	Director, Div of Security.
Office of the Controller	Dir Divison of Accounting and Finance.
	Special Assistant for Internal Controls.
	Dep Chief Financial Officer/Controller.
Office of Investigations	Associate Director for Legal Affairs.
Ofc of Small and Disadv Bus Utilization/Civil Rights	Director.
Program Management, Policy Development & Analysis Staff	Chief, Plng, Programs & Mgmt Support Branch.
	Chf, Pol Dev & Tech Support Branch.
	Chf, Inspection & Licensing Progs Branch.
Assistant Director for Region I Reactors	Project Dir, Project Directorate I–1.
	Project Director, Project Directorate I–2.
	Project Director, Project Directorate I–3.
	Project Director, Project Directorate I–4.
Assistant Director for Region II Reactors	Proj Dir Project Directorate II 1.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 3.
	Proj Dir Project Directorate II–4.
Assistant Director for Region III Reactors	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Dir Project Directorate III 3.
Assistant Director for Region IV and V Reactors	Proj Dir Project Directorate V.
	Proj Dir, Project Directorate IV–1.
	Project Dir, Proj Directorate IV–2.
Division of Advanced Reactors & Special Projects	Project Dir, Standardization Proj Directorate.
	Proj Dir, N–P Reactor, D & E Proj Directorate.
	Asst Dir for Special Projects.
	Proj Dir License Renewal Proj Dir.
Division of Engineering Technology	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chf, Structural & Geosciences Branch.
Division of Systems Technology	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chf, Instrumentation & Control Syst Branch.
	Chf, Electrical Systems Branch.
Division of Operational Events Assessment	Chief, Generic Communications Branch.
	Chf, Technical Specification Branch.
	Chief, Events Assessment Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Division of Reactor Inspection & Safeguards	Chf, Vendor Inspection Branch.
	Chf, Safeguards Branch.
	Chf, Special Inspections Branch.
Div of Radiation Protection & Emergency Preparedness	Chief Emergency Preparedess Branch.
	Chf, Risk Application Branch.
	Chf, Radiation Protection Branch.
Division of Licensee Performance & Quality Evaluation	Chf, Human Factors Assessment Branch.
	Chf, Operator Licensing Branch.
	Chf, Performance & Quality Evaluation Branch.
Office of Nuclear Material Safety and Safeguards	Dir Special Issues Group.
	Asst Dir, Special Issues Group.
Division of Safeguards & Transportation	Chief, Domestic Safeguards Branch.
	Chf, International Safeguards Branch.
	Chief, Transportation Branch.
Div of Industrial & Medical Nuclear Safety	Chief, Operations Branch.
	Chief, Fuel Cycle Safety Branch.
	Chief, Medical, Acad & Com Use Sfty Branch.
Division of High Level Waste Management	Chief, Geology & Engineering Branch.
	Proj Dir, Repository L & Q Assurance.
	Chief, Hydrology & Systems Performance Branch.
Div of Low Level Waste Management & Decommissioning	Chief, Low-Level Waste Management Branch.
	Chief, Uranium Recovery Branch.
	Chf, Decommissioning & Regulatory Issues Br.
Division of Engineering	Chief, Materials Engineering Branch.
	Chief Waste Management Branch.
	Chief, Electrical and Mechanical Engineer Brh.
	Chief, Structural and Seismic Engineering Brh.
Division of Safety Issue Resolution	Chief, Severe Accident Issues Branch.
	Chief, Engineering Issues Branch.
	Chief Reactor and Plant Sfty Issues Branch.
Division of Regulatory Applications	Chief Regulation Development Branch.
	Chf, Radiation Protection & Health Effects Br.
	Chief Adv Reactors and Generic Issues Branch.
Division of Systems Research	Chief Accident Evaluation Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Reactor and Plant Systems Branch.
	Chief, Human Factors Branch.
Region I	Deputy Regional Administrator.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
	Director Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
Region II	Deputy Regional Administrator Region II.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
Region III	Dep Regional Administrator Region III.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director Division of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
Region IV	Deputy Regional Administrator Region IV.
	Director Uranium Recovery Field Office.
	Director Div of Reactor Projects.
	Deputy Director, Div of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Dir, Division of Reactor Safety.
Region V	Deputy Regional Administrator Region V.
	Dir Div of Reactor Safety and Projects.
	Dep Dir Div of Reactor Safety and Projects.
	Dir, Div of Radiation Safety & Safeguards.
Office of Government Ethics:	
Office of Government Ethics	Deputy Director.
	Deputy General Counsel.
	Assoc Dir for Program Develop & Compliance.
Office of Management and Budget:	
Office of the Director	Assistant Director for Administration.
	Deputy Associate Dir for Economic Policy.
	Assoc Dir for Legislative Ref & Adm.
	Critical Information Systems Manager
Office of General Counsel	Dep Gen Counsel.
	Associate General Counsel for Budget.
Legislative Reference Division	Asst Dir Legislative Reference.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dep/Asst/Dir for Legislative Reference.
	Chief, Economics, Science & Govt. Branch.
	Chief, Resources-Defense-International Branch.
Office of Federal Procurement Policy	Assoc ADMR for Procurement Law & Legislation.
	Assoc. Administrator for Management Control.
Office of Information and Regulatory Affairs	Chief Information Policy Branch.
	Chief, Human Resources and Housing Branch.
	Chief, Commerce and Lands Branch.
	Chief Statistical Policy Branch.
	Chief, Natural Resources Branch.
	Chf, Info Technology Management Branch.
Associate Director for Management	Deputy Associate Director for Operations.
	Chief Management Integrity Branch.
	Chief, Financial Systems and Policy Branch.
	Chief Personnel & General Services Branch.
	Chief, Productivity Management Branch.
	Chief, Credit and Cash Management Branch.
	Assistant Director for General Management.
	Deputy Assistant for General Management.
	Branch Chief, Federal Personnel Policy Branch.
	Chief, Federal Services Branch.
	Branch Chief MBO Evaluation & Planning Branch.
	Chief FIN Standards O Reporting Branch.
	Chief Federal Financial Systems Branch.
Budget Review Division	Asst Dir for Budget Review.
	Dep Assistant Director for Budget Review.
	Chief Fiscal Analysis Branch.
	Dep Chief Fiscal Analysis Branch.
	Dep Asst Dir for Budget Review & Concepts.
	Chief, Resources Systems Branch.
	Chief, Central Budget Management Staff.
	Deputy Chief Budget Preparation Branch.
	Budget Advisor to the Director, BRD.
Assoc Dir for National Security and International Affs	Deputy Associate Director for Special Studies.
International Affairs Division	Dep Assoc Dir for Internatl Affairs
	Chief, State-USIA Branch.
	Chief, Economic Affairs Branch.
	Chief International Security Affairs Branch.
National Security Division	Dep Assoc Dir for National Security.
	Dep Chief.
	Chief, Command, CTRL, Comms, & Intellig Branch.
	Chief, Navy Branch.
	Chief, Force Structure & Investment Branch.
	Chief, Oper & Support Branch.
Health and Income Maintenance Division	Dep Assoc Dir for Health & Income Maintenance.
	Chief Health & Social Services Branch.
	Chief Health & Financing Branch.
Labor, Veterans, and Education Division	Dep Div Chf-Labor.
	Chief, Education Branch.
	Chf Veteran Affairs Branch.
Associate Director for Economics and Governemnt	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Justice Division	Dep Assoc Dir for Transp Commerce & Justice.
	Chief Commerce & Justice Branch.
	Chief Transport General Services Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance.
	Chief, Treasury/Post Branch.
	Chief, Financial Institutions Branch.
	Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy and Science	Dep Assoc Dir for Spec Studies.
Natural Resources Division	Dep. Associate Dir. for Natural Resources.
	Chief, Water Resources Branch.
	Chief, Agricultural Branch.
	Chief, Environment Branch.
	Chief Interior Branch.
	Asst Division Chief NRD.
Energy and Science Division	Dep. Assoc. Dir for Energy & Science
	Chief, Nuclear Energy Branch.
	Chief Science and Space Programs Branch.
	Chief Non-Nuclear Energy Branch.
Office of Personnel Mangement:	
Office of the Director	Dir, Ofc of Combined Fed Campaign Operations.
	Chief Financial Officer.
Office of the Inspector General	Deputy Inspector General.
	Asst Inspector General for Audits
Office of Executive and Management Policy	Asst Dir for Executive & Management Policy.
Office of Information Management	Executive for ADP Operations.
Office of Actuaries	Director, Office of Actuaries.
Office of Insurance Programs	Asst Dir for Insurance Program.
Office of Retirement Programs	Asst Dir for Retirement Programs.
Office of Personnel Research and Dev	Asst Dir for Peronnel Research & Development

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Office of Administrative Law Judges	Asst Dir for Administrative Law Judges.
Staffing Service Center	Director, Staffing Service Center.
Office of Agency Compliance & Evaluation	Asst Dir for Agency Compliance & Evaluation.
Office of Classification	Asst Dir for Classification.
Office of Federal Investigations	Asst Dir for Federal Investigations.
Office of Washington Examining Services	Asst Dir for Wash Examining Services.
Office of the Special Counsel:	
Headquarters, Office of Special Counsel	Assoc Spec Counsel (Investigation).
	Assoc Special Counsel (Prosecution).
	Deputy Associate Spec Counsel for Prosecution.
	Director for Management.
Railroad Retirement Board:	
Board Staff	Dir of Unemployment & Sickness Insurance.
	Director of Data Processing.
	Director of Administration Services.
	Dir of Retirement & Survivor Programs.
	Chief Actuary.
	Director of Field Service.
	Director of Administration & Operations.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Systems Initiatives.
	Director of Taxation.
	General Counsel.
Securities and Exchange Commission:	
Chief Accountant	Dep Chf Accountant.
Office of the Executive Director	Dep Exec Director.
Div of Corporation Finance	Associate Director (Disclosure Operations).
	Chf Coun-Assoc Dir (Legal).
Selective Service System:	
Selective Service System	Assoc Dir Information Management.
Small Business Administration:	
Office of the Administrator	Chief Financial Officer.
OFC of the Inspector General	Asst Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Inspector Gen & Coun to the Inspector Gen.
	Deputy Inspector General.
Office of the General Counsel	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
Office of Hearings & Appeals	Asst Administrator for Hearings and Appeals.
Office of Financial Assistance	Asst Administrator for Financial Assistance.
	Director of Portfolio Management.
Office of Procurement Assistance	Director of Prime Contracts.
	Dep Dir of Prog Analysis & Quality Assurance.
Ofc of Minority Small Business & Capital Ownership Dev	Assoc Admr for MSB-COD.
	Dep Assoc Admr for Pol Coor, Prog C & E.
	Dep Assoc Admr for Programs (MSB & COD).
Office of Information Resources Management	Asst Admin for Information Resources.
Office of Personnel	Director of Personnel.
Office of the Comptroller	Comptroller.
	Deputy Chief Financial Officer & Comptroller.
Office of Program Analysis & Quality Assurance	Director of Program Analysis and Review.
Office of EEO & Compliance	Dir Ofc of Equal Employment Opport & Complian.
District Directors	District Dir Phila.
	District Director, Region IX, San Francisco.
	District Dir, Reg IX, Los Angeles.
	District Director, Region V, Chicago.
	District Director, New York.
	District Director.
	District Director.
Department of State:	
Office of the Deputy Secretary	Principal Deputy Director.
Bureau of Administration	Supervisory Structural Engineer.
Bureau of Economic & Business Affairs	Dir, Office of East-West Trade.
Bureau of Intelligence and Research	Dir, Ofc of Resources Policy.
Office of the Inspector General	Assistant Inspector General for Audits.
	Asst Inspector General for Investigations.
	Counsel to the Inspector General.
	Dep Asst Inspector General for Audits.
	Dep Asst Inspector Gen for Investigations.
	Asst Insp Gen for Policy, Plng and Management.
	Dep Asst Inspector Gen for Inspections.
	Dep Asst Insp Gen for Ofc of Secur Oversight.
Bureau of Personnel	Director, Ofc of Civil Service Personnel Mgmt.
International Boundary & Water Commission	Supervisory Civil Engineer, Operations.
Department of Transportation:	
Office of Inspector General	Asst Insp General for Auditing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst I/G for Policy, Planning and Resources.
	Asst Inspector General for Investigations.
	Dir Ofc of Surface Transportation Programs.
	Dir, Ofc of Aviation Marine & Research Progs.
	Dep Asst Inspector General for Auditing.
	Dir, Office of ADP Audits & Technical Support.
	Dep Asst Inspector General for Investigations.
	Dir, Office of Public Information.
Asst Sec for Public Affairs	Asst Secy for Administration.
Asst Sec for Administration	Senior Procurement Advisor.
Office of Acquisition & Grant Management	Director Ofc of Acquisition & Grant Mgmt.
	Dep Dir, Ofc of Acquisition & Grant Mgmt.
Office of Financial Management	Dep Dir Office of Financial Management.
Assoc Adm'r for Safety	Assoc Admr for Safety
	Director, Office of Safety Enforcement.
Associate Administration for Pipeline Safety	Assoc Admr for Pipeline Safety.
Ofc of Assoc Admr for Marketing	Associate Administrator for Marketing.
Office of Assoc Admr for Shipbuilding Operations	Dep Dir, Ofc of Ship Construction.
	Dir, Ofc of Ship Construction.
Office of Associate Administrator for Maritime Aids	Associate Administrator for Maritime Aids.
Associate Administrator for Aviation Safety	Asst Admin for Aviation Safety.
	Dep Asst Admin for Aviation Safety.
Office of Accounting	Dir Office of Accounting.
Office of Acquisition Pol & Oversight	Dir, Ofc of Acquisition Pol & Oversight.
Logistics Service	Director, Logistics Service
	Deputy Director, Logistics Service.
	Mgr. Contracts Division.
Associate Administrator for Aviation Stds	Assoc Administrator for Aviation Standards.
	Deputy Assoc Administrator Aviation Standards.
Office of Accident Investigation	Dir, Office of Accident Investigation.
Office of Aviation Medicine	Fed Air Surgeon.
	Deputy Federal Air Surgeon.
	Mgr. Medical Specialties Division.
	Director Civil Aeromed Institute.
Office of Civil Aviation Security	Dep Asst Admr for Civil Aviation Security.
	Dir Ofc of Civil Aviation Security Operations.
	Dir Ofc Civil Aviation Security Intelligence.
Office of Civil Aviation Security Policy & Planning	Dir, Ofc of Civil Avn Security Pol & Planning.
Aviation Standards Natl Field Office (Oklahoma)	Dir, Aviation Standards Natl Field Ofc.
	Deputy Director.
Office of Air Traffic Rules & Procedures	Dir, Air Traffic Rules & Procedures Service.
Associate Administrator Regulation & Certification	Assoc Admr for Regulation & Certification.
	Manager, Procedures Division.
	Mgr. Airspace-Rules & Aeronautical Inf. Div.
	Dep Assoc Admr for Regulation & Certification.
Aircraft Certification Service	Director, Aircraft & Certification Service.
	Asst Dir, Aircraft Certification Service.
	Manager, Aircraft Engineering Division.
	Deputy Director Aircraft Certification Servic.
	Manager, Aircraft Manufacturing Division.
Regional Aircraft Certification Divisions	Mgr Transport Airplane Directorate.
	Mgr Engine & Propeller Directorate.
	Mgr Small Airplane Directorate.
	Manager Rotorcraft Directorate.
Flight Standards Service	Dir, Flight Standards Service.
	Dep Dir, Flight Standards Service.
	Manager, Air Transportation Division.
	Manager Aircraft Maintenance Division.
	Manager General Aviation Staff.
	Manager Field Program Division.
	Asst Director for Special Programs.
Regional Flight Standards Division	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
	Manager, Flight Standards Division.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Div.
	Mgr, Flight Standards Division.
	Mgr, Flight Standards Div.
	Manager, Flight Standards Division.
Office of Program and Resource Management	Dir, Office of Program & Resource Management.
Office of Airport Planning and Programming	Dir., Office of Airport Planning & Program.
	Mgr, Grants-in-Aid Division.
Assoc Administrator for NAS Development	Program Director for Surveillance.
Program Manager for Advanced Automation	Program Manager for Advanced Automation.
	Dep Program Mgr for Advanced Automation.
	Mgr Advanced Automation System Div.
Program Dir for Weather & Flight Service Systems	Prog Dir for Weather & Flight Services Syst.
Program Dir for Navigation & Landing Aids	Program Dir for Navigation & Landing Aids.
Program Director for Communications	Program Director for Communications.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
Program Director for Automation	Program Director for Automation.
Assoc Admin for Air Traffic	Assoc. Administrator for Air Traffic.
	Dep Assoc Admin for Air Traffic.
	Director, Air Traffic System Management.
Air Traffic Plans and Requirements Service	Manager System Plans & Program Div.
	Dir, Air Traffic Plans & Requirements Serv.
	Manager Automation Software Division.
	Manager Advanced Sys & Facilities Division.
Office of Air Traffic Evaluations and Analysis	Dir. Ofc of Air Traffic Syst Effectiveness.
Regional Air Traffic Division Managers	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Div.
	Manager, Air Traffic Division.
	Mgr, Air Traffic Division.
	Mgr, Air Traffic Division.
	Manager, Air Traffic Division.
	Manager, Air Traffic Division.
Office of Air Traffic Program Management	Dir, Ofc of Air Traffic Program Management.
Federal Highway Administration	Executive Director.
Assoc Admr for Admin	Director Office of Fiscal Services.
	Director Office of Contracts and Procurement.
Associate Administrator for Safety & System App	Assoc Admr for Safety & System Applications.
Office of Highway Safety	Dir, Office of Highway Safety.
Off of Right of Way	Dir Ofc of Right of Way.
	Chief, Operations Division.
	Chief, Program Requirements Division.
Office of Motor Carrier Standards	Dir, Office of Motor Carrier Standards.
Office of Motor Carrier Safety Field Operations	Dir, Ofc of Motor Carrier S/F Operations.
Office of Environment & Planning	Chief Environmental Operations Division.
Natl Center for Statistics and Analysis	Chf, Accident Investigation Div.
Vehicle Research and Test Ctr	Chf Safety Research Lab.
Assoc Admr for Enforcement	Assoc. Administrator for Enforcement.
Ofc of Defects Investigation	Dir, Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp	Dir, Ofc of Vehicle Safety Compliance.
US Coast Guard	Chief, Procurement Management Division.
Department of Treasury:	
Office of the Secretary	Senior National Intelligence Advisor.
Ofc of the Inspector General	Dep Asst Insp Gen for Audit (Audit Prog Serv).
	Dep Asst Inspector Gen for Audit (Audit OPS).
	Asst Inspector General (Fiscal Svc/ADP).
	Asst Insp Gen for Oversight & Quality Assur.
	Asst Inspector General for Audit (DOTOCC).
	Asst Inspector General for Investigations.
Ofc of Tax Analysis	Dir (Economic Mod & Computer Applications).
Ofc of Asst Secy (Economic Policy)	Asst Dir for Economic Forecasting.
	Sr Economist.
Ofc of the Fiscal Asst Secy	Fiscal Assistant Secretary.
	Assistant Fiscal Assistant Secretary.
Financial Management Service	Commr of Financial Management Service.
	Dep Com Financial Management Service.
	Dir, Regional Financial Center (Chicago).
	Director, Regl Fin Ctr (Philadelphia).
	Director, Regl Fin Ctr (San Francisco).
	Director, Regl Fin Ctr (Austin).
	Deputy Director, Operations Group.
	Comptroller.
	Director, Systems Services Directorate.
	Assistant Commissioner, Information Systems.
	Assistant Commissioner, Federal Financo.
	Assistant Commissioner, Comptroller.
	Asst Commissioner Headquarters Operations.
	Asst Commissioner Field Operations.
	Director Operations Group.
	Director, Accounting Group.
	Asst Commissioner Administration.
	Assistant Commissioner, Regional Operations.
	Asst Comr, Management (Chief Fin Ofcr).
	Assistant Commissioner, Agency Services.
	Dir, Systems Development Directorate.
	Dir, Fin Information Management Directorate.
	Dir, Technology & Information Group.
	Director, Working Capital Directorate.
	Assistant Commissioner, Financial Information.
Bureau of Public Debt	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Cmmr (Administration).
	Government Securities Act Program Director.
	Asst Cmmr/Securities & Accounting Services.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst Commissioner (Automated Info Systems).
	Asst Commissioner (Public Debt Accounting).
Ofc of Foreign Exchange Operations	Dir Ofc of Foreign Exchange Operations.
Ofc of Asst Secy Management	Dir, Management Programs Directorate.
	Director, Office of Procurement.
Ofc of Assistant Secretary (Enforcement & Operations)	Dir Fin Crimes Enforcement Network.
	Dep Dir, Financial Crimes Enforcement Network.
Bur of Alcohol, Tobacco, Firearms	Assistant Director Internal Affairs.
	Assistant Chief Counsel (Chicago).
	Asst Dir, Congressional and Media Affairs.
	Assistant Chief Counsel (New York).
	Staff Assistant to the Chief Counsel.
Deputy Director (Compliance Operations)	Deputy Director (Compliance Operations).
	Dep. Associate Dir. (Compliance Operations).
	Chief, Revenue Programs Division.
	Chief, Firearms & Explosives Division.
	Regional Director (North Atlantic Region)
Deputy Director (Law Enforcement)	Deputy Director (Law Enforcement).
	Chief, Spec Operations Division.
	Special Agent in Charge (NY District Office).
	Special Agent in Charge (LA District Office).
	Special Agent in Charge (Miami District Ofc).
	Chief, Planning & Analysis Staff.
	Spec Agent in Charge (Washington Dist Office).
	Spec Agent in Charge (Detroit Dist Office).
	Chief, Intelligence Division.
	Chief, Explosives Division.
	Deputy Assoc Dir (Law Enforcement).
	Chief, Firearms Division.
Comptroller	Director, Laboratory Services.
US Customs Service	Spec Asst to the Commissioner.
	Asst Commissioner (Ofc of Info Mgmt).
	Director, Ofc of Automated Systems Operations.
	Exec Dir the Interdiction Committee.
	Spec Asst to the Asst Secy (Enforcement).
	Inter-Departmental Liaison Officer.
	Director, Ofc of Automated Commercial Systems.
Ofc of the Chief Counsel	Asst Chief Counsel (Customs Court Litigat).
	Miami Regl Counsel.
	Chicago Regl Counsel.
	New York Regl Counsel.
	Associate Chief Counsel Enforcement.
	Assoc Chief Counsel (Trade Tariff & Leg).
	Regional Counsel (Southwest Region).
	Regional Counsel (Pacific Region).
Office of the Comptroller	Comptroller.
	Deputy Assistant Commissioner (Management).
	Dir Ofc of Training.
	Dir Budget and Planning.
	Assistant Commissioner, Office of Management.
	Dir Ofc of Human Resources.
Ofc of Asst Commr for Internal Affairs	Asst Commissioner for Internal Affairs.
Ofc of Asst Commr for Enforcement	Deputy Assistant Commissioner (Enforcement).
	Dir Smuggling Investigations Division.
	Dir, Office of Commercial Fraud Enforcement.
	Dir, Office of Investigative Programs.
	Dir, Office of Enforcement Support.
	Dir Ofc of Domestic Operations.
	Asst Comm Ofc of Aviation Operations.
Ofc of Asst Commr for Inspection & Control	Asst Commr (Inspection & Control).
	Deputy Asst Commr (Inspection & Control).
Ofc of Asst Commr for Commercial Operations	Deputy Asst Comm Ofc of Regul & Rulings.
	Dir, International Trade Compliance Division.
	Dir Ofc of Regulatory Audit.
	Dir, Office of Technical Services.
	Dep Asst Comm (Ofc of Trade Operations).
	Dep Asst Commissioner Commercial Operations.
	Dep Dir, Ofc of Regulatory Audit.
	Dir, Commercial Rulings Division.
Ofc of Asst Commr for International Affairs	Deputy Asst Commr (International Affairs).
Regional Offices	Regl Commr Reg 2 NY.
	Reg Commr, Reg 1, Boston.
	Asst Regn Commr Operations Reg II New York.
	Regl Commr, Reg 4, Miami.
	Reg Commr, Reg V, New Orleans.
	Regional Commissioner, Chicago.
	Asst Regional Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).
	Asst Regl Commr (Operations).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst Regional Commr (Operations).
	Special Agent in Charge, Miami.
	District Director, Miami.
	Asst Regional Commissioner (Enforcement).
	District Director, Laredo.
	District Director, Seattle.
	Special Agent in Charge—New York.
	Special Agent in Charge.
	Area Dir, Newark.
	Asst Regional Commissioner Enforcement.
	Area Director, JFK Airport.
	Area Director, New York Seaport.
	Asst Regl Commr—Houston (Enforcement).
	Asst Regl Commr—Miami (Enforcement).
	Regional Commissioner.
	District Director, Los Angeles.
	Assistant Regl Commissioner (Enforcement).
	Asst Regl Commr (Enforcement).
	Asst Regional Commissioner (Enforcement).
US Secret Service	Regional Dir of Internal Affairs.
	Director of the Secret Service.
	Deputy Director U.S. Secret Service.
	Assistant Director—Training.
	Asst Director—Govt Liaison and Public Aff.
Ofc of Administration	Assistant Director, Administration.
Ofc of Inspection	Assistant Director Inspection.
Ofc of Protective Research	Asst Dir (Protective Research).
	Dep. Asst. Dir. (Protective Research).
	Spec Agent in Charge—Tech Sec Div.
	Spec Agent in Charge—Intelligence Div.
	Dep Spec Agent in Charge, Intelligence Div.
	Chf, Info Resources Management Division.
Ofc of Protective Operations	Asst Dir (Protective Operations).
	Dep Asst Dir (Protective Operations).
	Spec Agent in Charge—Presidential Protective.
	DAD Protective Opers (Uniformed Div).
	Spec Agent in Charge—VP Protect Div.
	Deputy Asst Dir Protective Operations.
	Spec Agent in Charge Dignitary Protective Div.
	Deputy Special Agent in Charge Pres Prot Div.
	Deputy Special Agent in Charge.
Office of Investigations	Asst Director, Investigations.
	Special Agent in Charge, New York Office.
	Special Agent in Charge, Chicago.
	Special Agent in Charge, Los Angeles Office.
	Spec Agent in Charge—Washington Field Office.
	Spec Agent in Charge—Philadelphia Field Office.
	Deputy Assistant Director Sec & Foreign Ops.
	Deputy Special Agent in Charge.
	Spc Agent in Charge San Francisco Office.
	Special Agent in Charge, Dallas Field Office.
	Dep Spec Agent in Charge, Washington Fld Ofc.
	Dep Asst Dir—Investigations (Hdqrtrs Ops).
	Spec Agent in Charge—Miami Field Office.
	Special Agent in Charge—Boston Field Office.
	Spec Agent in Charge—Atlanta Field Office.
Bureau of the Mint	Associate Director of Operations.
	Assoc Dir of Pol & Management.
	Associate Director for Marketing.
Offc of the Commissioner	Asst to the Commissioner (Equal Opportunity).
	Senior Deputy Commissioner.
	Taxpayer Ombudsmen.
	Asst to the Commissioner (Legis Affairs).
	Deputy Commissioner (Operations).
	Asst to the Commissioner (Quality).
	Chief Information Officer.
	Assistant to the Senior Deputy Commissioner.
Appeals Division	Regl Dir of Appeals—Central Region.
	Reg Dir of Appeals, Mid-Atlantic Region.
	Reg Dir of Appeals—Southwest Reg.
	Regional Dir of Appeals North Atlantic Region.
	Regional Director of Appeals—Western Region.
	Chief Appeals Office New York City.
	National Director of Appeals.
	Deputy National Dir of Appeals.
Chief Information Officer	Dir, Returns Processing and Accounting Div.
	Director, Systems Design Division.
	Director Systems Acquisition Division.
	Dir, Input Systems Division.
	Dep Asst Chf Info Officer, Info Systems Mgmt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Dir, Project Mgmt Division.
	Director, Statistics of Income Division.
	Asst Chf Info Officer, Info Systems Dev.
	Dep Asst Commr (Returns & Info Processing).
	Director, Compliance Processing Systems Div.
	Director, Systems Integration Division.
	Assistant Dir, Taxpayer Service Division.
	Asst Commissioner (R & IP).
	Dir Taxpayer Service Division.
	Director, Quality Assurance Division.
	Director, Software Division.
	Asst Chf Info Officer Info Systems Mgmt.
Ofc of Asst Comm: R, Inspection	Chief Inspector.
	Dep Asst Commr (Inspection).
	Director, Internal Audit Div.
	Assistant Director Internal Audit Division.
	Director, Internal Security Division.
	Asst Dir, Internal Security Division.
	Regional Inspector, Midwest Reg.
	Regional Inspector, North Atlantic.
	Regional Inspector Western Region.
	Regional Inspector, Southwest Reg.
	Regional Inspector, Mid-Atlantic Reg.
	Regional Inspector, Central.
	Regional Inspector Southeast.
Policy and Management	Dir, Tax Forms & Publications Div.
	Dir Martinsburg Computing Center.
	Dir, IRS Data Center Detroit.
	Dir, Natl Ofc Resources Management Division.
	Dir Financial Management Division.
	Special Asst to the Chf Financial Ofcr.
	Director, Budget Division.
	Deputy Assistant Commissioner (Procurement).
	Accounts Receivable Executive Officer.
	Dir Training & Development Division.
	Dir Systems Management & Oper Services Div.
	Dir Natl Ofc Resources Mgmt Division.
	Dep Asst Commr (Planning, Finance, & Resch).
	Dir, Facilities & Info Mgmt Support Division.
	Asst Dir, Research.
	Director, Support & Services Division:
	Spec Asst to Dep Comr (P & R)/Chf Fin Officer.
	Project Dir, Diagnostic Serv Center Proj Ofc.
	A/C (Planning & Research).
	Director, Planning Division.
	Dir, Support & Services Division.
	Dir Telecommunications Division.
	Dep Asst Commissioner (Planning & Research).
	Director, Human Resources Division.
	Asst Commissioner (Finance)/Controller.
	Dep Comr (Plnng & Res)/Chf Financial Officer.
	Dep Asst Commissioner (Human Res & Support).
	Deputy Asst Comm (Procurement).
	Dir Accounting Standards & Systems Division.
	Assistant Commissioner (Human Res & Support).
	Asst Comr (Procurement).
Central Region	Regional Commr.
	ARC (Examination) Central Region.
	Asst Regl Comr (Criminal Investigation).
	Asst Reg Comm (Resource Management).
	Assistant Regional Commissioner (Collection).
	Asst Regl Commissioner (Data Processing).
	Dir Service Ctr Cincinnati.
	District Dir (Cleveland).
	District Director, Detroit.
	District Director (Parkersburg).
	District Director, Indianapolis.
	District Director, Louisville.
	District Dir, Cincinnati.
	Assistant District Director, Detroit.
	Asst Service Center Director.
Mid-Atlantic Region	Reg Commissioner.
	ARC (Examination) Mid-Atlantic.
	ARC (Criminal Investigation) Mid-Atlantic Reg.
	Asst Reg Commr (Collection).
	Assistant Regional Commissioner (Data Proc).
	Service Center Dir, Philadelphia.
	District Dir, Newark.
	District Dir, Pittsburgh.
	District Director Richmond District.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst District Dir, Philadelphia.
	Asst District Director (Newark).
	Assistant District Director—Baltimore, MD.
	District Director, Wilmington.
	District Dir, Baltimore.
	District Director.
	Assist Reg'l Commissioner (Resources Mgmt).
	Assistant Service Center Director.
Midwest Region	Regional Commr, Midwest Region.
	Asst Reg Commr (Resources Mgmt).
	ARC (Criminal Investigation) Midwest Region.
	Assistant Regional Commissioner (Data Proc).
	ARC (Examination), Midwest Region
	ARC (Collection) Midwest Region.
	Srvc Ctr Dir, Kansas City.
	District Dir, Chicago.
	District Director St Louis.
	District Dir, St Paul.
	District Dir, Omaha.
	District Dir, Springfield.
	District Dir, Milwaukee.
	Asst District Dir, Chicago.
	District Director, Fargo.
	District Director, Aberdeen.
	District Director, Helena.
	District Director.
	Assistant Service Center Director.
North Atlantic Region	Reg Commr.
	Asst Reg Commr (Exam) North Atlantic Reg.
	ARC (Criminal Investigation).
	ARC (Resources Mgmt).
	ARC (Collection) North Atlantic Region.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Andover, Mass.
	Srvc Ctr Dir, Brookhaven.
	District Dir, Manhattan.
	District Dir, Brooklyn.
	District Dir Boston.
	District Dir, Albany.
	Dist Dir (Hartford).
	District Dir, Buffalo.
	Asst Dist Dir, Brooklyn.
	Assistant District Director Manhattan.
	Asst District Dir, Boston.
	District Director Providence.
	Dist Dir, Augusta.
	District Director, Portsmouth.
	District Director, Burlington.
	Asst Service Center Director, Brookhaven.
	Asst Service Center Director, Andover.
	Chief, Appeals Office, Long Island.
Southeast Region	Reg Commr.
	ARC (Examination) Southeast Region.
	Asst Reg Commissioner—Criminal Investigation.
	Asst Reg'l Commr (Resources Management).
	Asst Reg (Collection) SE Reg Atlanta.
	Assistant Regional Commissioner (Data Proc).
	Service Center Director, Memphis.
	Srvc Ctr Dir, Atlanta.
	District Dir, Jacksonville.
	District Dir, Atlanta.
	District Director Greensboro.
	District Dir, Nashville.
	District Director Birmingham.
	District Dir, New Orleans.
	District Director, Columbia.
	District Director Little Rock District.
	District Director, Jackson, Miss.
	Asst District Director, Jacksonville.
	Assistant District Director, Atlanta.
	Asst Service Center Director, Memphis.
	Asst District Director, Nashville.
	Regional Director of Appeals.
	Assistant District Director.
	District Director.
	Assistant Service Center Director.
Southwest Region	Regional Comm:R
	Asst Regl Commr (Examination).
	ARC (Criminal Investigation) S W Region.
	ARC (Resources Mgmt).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Assistant Regional Commissioner (Collection).
	Assistant Regional Commissioner (Data Proc) .
	Service Center Dir, Ogden.
	Service Center Director, Austin.
	District Dir, Austin.
	District Director, Dallas.
	District Director, Wichita.
	District Director, Oklahoma City.
	District Dir, Phoenix.
	District Dir, Denver.
	Assistant District Director, Dallas.
	District Director, Albuquerque.
	District Director, Cheyenne.
	District Director, Salt Lake City.
	Compliance Center Director.
	Asst Service Center Director, Ogden.
	Asst District Director.
	Assistant District Director, Houston.
	District Director, Houston.
	Assistant Service Center Director
Western Region	Reg Commr.
	ARC (Criminal Investigation).
	Assistant Regional Commissioner (Data Proc).
	Asst Regional Commissioner (Examination).
	Asst Regl Commr (Collection).
	Asst Regl Commr/(Resources Management).
	Service Center Director, Fresno.
	District Dir, Los Angeles.
	District Dir, San Francisco.
	District Director, Portland District.
	District Dir, Seattle.
	Asst District Dir, Los Angeles.
	Asst Dist Dir, San Francisco.
	District Director, Honolulu.
	District Director, Anchorage.
	District Director, Boise.
	District Director (Sacramento).
	District Director (Las Vegas).
	District Director, San Jose.
	Assistant District Director, Laguna Niguel.
	Asst Service Center Director.
	District Director, Laguna Niguel.
	Assistant District Director.
Operations	Asst Commr (Employee P & E Organizations).
	Special Asst for Exempt Organization Matters.
	Assistant Commissioner (Taxpayer Services).
	Asst Dir Returns Processing & Accounting Div.
	Program Manager (Tax Systems Modernization).
	Assistant Commissioner (Examination).
	Asst Commr (Criminal Investigation).
	Dir Exempt Organizations Technical Division.
	D/Employee Plans Tech & Actuarial Division.
	Deputy Assistant Commissioner (Examination).
	Dep Asst Commr (Criminal Investigation).
	Director, Otc of Field Operations.
	Asst/Dir Employee Plans Techn & Acturial Div.
	Director, Coordinated Examination Program.
	Dep Asst Chf Info Officer Info System Dev.
	D/A Commr (Employee Plans & Exempt Orgs).
	Dep Asst Commr (Collection).
	Assistant Commissioner (Collection).
	Assistant Commissioner (International).
	Dir Information Reporting Program.
	Deputy Asst Commissioner (International).
	Assistant Director, Taxpayer Service Division.
	Director, Fed State Relations Division.
Otc of Chf Counsel	Associate Chief Counsel (Litigation).
	Deputy Associate Chief Counsel (Technical).
	Asst Chief Counsel (General Litigation).
	Asst Chief Counsel (Tax Litigation).
	Asst Chief Counsel (Criminal Tax).
	Asst Chief Counsel (General Legal Services).
	Asst Chief Counsel (Disclosure Litigation).
	Dir-Employee Plans & Exempt Org Div.
	Deputy Asst Chief Counsel (Tax Litigation).
	Assistant Chief Counsel (International).
	Assistant Chief Counsel (Corporate).
	Dep Asst Chf Coun (Income Tax & Accounting).
	Dep Asst Chf Coun (Passthroughs/Spec Indust).
	Dep Asst Chf Coun (Passthroughs/Spec Indust).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Asst to the Assoc Chf Coun (Fin & Mgmt).
	Asst Chief Counsel (Field Service).
	Asst Chf Coun (Passthroughs/Spec Industries).
	Deputy Asst Chief Counsel (Corporate).
	Dep Assoc Chief Counsel (Fin & Management).
	Special Appellate Counsel.
	Asst Chf Coun (Empl Benefits/Exempt Orgs).
	Dep Asst Chief Counsel (Field Service).
	Sen Tech Adv to the Assoc Chf Counsel (Tech).
	Dep Asst Chief Coun (Financial Inst & Prod).
	Dep Assoc Chief Counsel International.
	Asst Chf Coun (Fin Institutions & Products).
	Dep Asst Chief Coun (Income Tax & Accounting).
	Dep Assoc Chief Counsel (EBEO).
	Dep Asst Chf Coun (Income Tax & Accounting).
	Asst Chief Counsel (Income Tax & Accounting).
	Assoc Chief Counsel (Enforcement Litigation).
	Assoc Chief Counsel Emp Benefits Exempt Org.
	Special Counsel (Large Case).
	Special Litigation Counsel.
	Deputy Associate Chief Counsel (Litigation).
	Deputy Chief Counsel.
	Dep Assoc Chief Counsel (Domestic) (Technical).
	Associate Chief Counsel (International).
	Assoc Chf Counsel (Finance & Management).
	Dep Assoc Chief Coun (Domestic) (Field Serv).
	Associate Chief Counsel (Technical).
	Assoc Chief Counsel (Domestic).
Regional Counsels	Regl Counsel, Central Reg.
	Regional Counsel, Mid-Atlantic Region.
	Dep Regl Counsel (Criminal Tax).
	Regl Counsel Midwest Region.
	Regl Counsel, North Atlantic Region.
	Dep Regl Coun (Tax Litigat) No-Atlantic Reg.
	Deputy Regional Counsel (General Litigation).
	Regional Counsel SE Region.
	Regl Counsel Southwest Region.
	Regional Counsel.
	District Counsel-Boston.
	District Counsel-Los Angles.
	District Counsel Cincinnati.
	District Counsel-Philadelphia.
	District Counsel-Newark.
	District Counsel, Chicago.
	District Counsel, Manhattan.
	District Counsel-Dallas.
	District Counsel-San Francisco.
	Dep Regional Counsel (Tax Litigation).
	Dep Regional Counsel (Tax Litigation).
	District Counsel.
	District Counsel.
	Deputy Regional Counsel (Tax Litigation).
	Regional Director of Appeals.
	District Counsel, Washington, DC.
	Deputy Regional Counsel (Tax Litigation).
	District Counsel, Brooklyn, New York.
	District Counsel, Houston, Texas.
	District Counsel, Denver.
U S Arms Control and Disarmament Agency:	
Verification and Implementation Bureau	Chief, Verification Division.
Otc of Administration	Administrative Director.
Strategic and Nuclear Affairs Bureau	Chief, Defense & Space Division.
Theatre Affairs Division	Chief, Theatre Affairs Division-A-968.
Strategic Affairs Division	Chief, Strategic Affairs Division A-977.
Non-Proliferation Policy Bureau	Chief Scientist.
	Chief, Nuclear Safeguards & Testing Div.
	Chf, Def Programs & Analysis Division.
	Chf, International Nuclear Affairs Divisions.
Multilateral Affairs Bureau	Chief Sci & Technological Division.
United States Information Agency:	
Otc of the Director	Assistant Inspector General for Audits.
	Assistant Inspector General for Inspections.
Bureau of Management	Director, Office of Personnel.
	Director, Office of the Comptroller.
	Dir Off Security.
	Dir Otc of Contracts.
	Director, Office of Technology.
Bureau of Broadcasting	Dir Engineering and Technical Operations.
	Deputy of Systems Engineering.
	Chief Broadcast Systems Engineering Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1991—Continued

Agency, Organization	Career Reserved Positions
	Deputy for Projects Management.
	Deputy for Operations.
Ofc of the Gen Counsel & Cong Liaison	Deputy General Counsel.
U S International Trade Commission:	
Office of Industries	Dir Ofc of Industries.
Office of Investigations	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Inspector General	Dep Inspector General.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigation.
	Asst Insp Gen for Policy, Plan & Resources.
	Dep Asst for Inspec General for Hdqtrs Audits.
	Dep Asst Inspec General for Regional Audits.
	Dep Asst I/G for Policy, Planning & Resources.
	Dep Asst Inspector General for Investigations.
	Asst Inspector General for Healthcare Inspect.
	Director for National Audits.
	Dep Asst Inspector General for Auditing.
Board of Veterans Appeals	Chairman.
	Vice Chairman.
	Deputy Vice Chairman.
	Deputy Vice Chairman.
Office of Financial Management	Director DPC Austin.
	Assoc Dep Asst Secy for Financial Operations.
	Assoc Dep Asst Secy for ADP Systems.
Office of Information Resources Management	Assc Dep Asst Secretary Fr Telecommunications.
	Assoc Das for Info Res Plans & Technology.
Ofc of Policy	Das for Info Res Plans & Policies.
Office of Personnel and Labor Relations	Assoc Deputy Asst Secretary.
	Associate Deputy Asst Secretary.
Ofc of the Asst Secretary for Acquisition and Facilities	Dir Canteen Service.
Office of Facilities	Northeastern Area Project Manager.
	Southern Area Project Manager.
	Central Area Project Manager.
	Western Area Project Manager.
	Dir, Office of Project Management.
	Director Ofc of Architecture & Engineering.
	Dir, Office of Real Property Management.
	Dir Contract Admin Staff.
Office of Acquisition and Material Management	Dep Asst Sec for Acquisition & Materiel Mgmt.
	Assoc Dep Assistant Secy for Acquisitions.
	Associate Dep Asst Secy for Depots.
	Assoc Dep Asst Secy for Resources.
	Associate Deputy Asst Secretary for Material.
Office of Security and Law Enforcement	Dep Asst Secy for Security & Law Enforcement.
Veterans Benefits Administration	Director Budget Staff.
	Dep Dir Compensation & Pension Service.
	Dep Dir Loan Guaranty Svc.
	Dir Info Management & Tech Assessment Service.
Veterans Health Administration	Dep Dir, Mental Health & Behavioral Sciences.
	Director, Budget Office.
	Deputy Director, Budget Office.
	Dir Office of Medical Sharing.
	Dir, Medical Care Recovery Office.

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federal register

Thursday
March 5, 1992

Part III

Environmental Protection Agency

40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants; Benzene Waste Operations; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD–FRL–4109–6]

National Emission Standards for Hazardous Air Pollutants; Benzene Waste Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today EPA is staying the effectiveness of subpart FF of 40 CFR part 61, the national emission standards for hazardous air pollutants (55 FR 8292, March 7, 1990), as applied to all sources originally subject to the rule. The affected sources are chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities at which waste management units are used to treat, store, or dispose of waste generated by chemical manufacturing plants, coke by-product plants, or petroleum refineries.

The EPA is staying the effectiveness of subpart FF until it takes final action on clarifying amendments to subpart FF. Clarifying amendments to subpart FF are proposed in a separate notice of proposed rulemaking also published in today's **Federal Register**. The proposed clarifying amendments will not change the basic control requirements of the current rule or the level of public health protection it provides. The EPA has committed to taking final action on the proposed clarifying amendments on or before December 1, 1992.

DATES: Effective February 24, 1992, EPA hereby stays the effectiveness of Subpart FF of 40 CFR part 61 for each chemical manufacturing plant, coke by-product recovery plant, petroleum refinery, and facility at which waste management units are used to treat, store, or dispose of waste generated by chemical manufacturing plants, coke by-product recovery plants, or petroleum refineries, from February 24, 1992 until EPA takes final action on amendments to subpart FF of 40 CFR part 61. Under section 307(b) of the Clean Air Act, judicial review of this final action is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this action.

ADDRESSES: *Docket.* Docket No. A–89–06, containing supporting information used in developing the final action, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Waterside Mall, room 1500, 1st Floor, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Eric L. Crump, Office of Air Quality Planning and Standards, Chemicals and Petroleum Branch (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5032.

SUPPLEMENTARY INFORMATION:

A. Overview

On May 7, 1990 (55 FR 8292), EPA promulgated under Section 112 of the Clean Air Act ("the Act"), 42 U.S.C. 7412, national emission standards for hazardous air pollutants (NESHAP) controlling emissions of benzene to the ambient air from waste operations (subpart FF of 40 CFR part 61).

The approach selected for the final rule was to base applicability of the control requirements on the total annual benzene quantity (TAB) in wastes managed at a facility. Facilities with a TAB of 10 megagrams per year (mg/yr) or more, calculated as specified in the rule, must treat the waste streams specified in the rule such that benzene in the waste streams is either below 10 parts per million (ppm) or reduced by 99 percent. Facilities with a TAB of less than 10 megagrams per year are exempt from the control requirements of subpart FF, but must comply with reporting and recordkeeping requirements. A period of 2 years was granted in the final standards to meet the control requirements of subpart FF. March 7, 1992, would have been the date by which sources would have been required to be in compliance.

Following promulgation of the rule, there were indications that the rule was poorly understood by affected facilities. Questions and comments by affected industry, consulting firms, and local, State and federal regulatory officials indicated widespread misunderstanding of many provisions of the rule. For example, a common point of confusion is how to estimate TAB for a facility, the basic criterion that determines whether the control requirements of the rule apply. Based on these and other considerations, EPA concluded that action should be taken to clarify the rule. Clarifications to the rule are proposed in a notice of proposed rulemaking that appears elsewhere in today's **Federal Register**.

A notice of proposed rulemaking proposing to stay the effectiveness of subpart FF was published in the **Federal Register** on December 9, 1991 (56 FR 64217). The public comment period on this notice of proposal was from December 9, 1991 to January 8, 1992. All the comments submitted on the notice of proposed stay have been considered by the EPA in developing this notice of final rulemaking issuing the stay. Twelve comment letters were received. The commenters included companies affected by the rule, trade associations, and an environmental group. Comments were made on the proposed stay of effectiveness, anticipated clarifications to subpart FF, and on the development of the policy for issuing waivers of compliance for the amended rule.

Only one comment was received objecting to the proposed stay. The commenter objecting to the proposed stay contends that EPA does not have the authority to issue a stay of effectiveness longer than 90 days in duration. As discussed in the Response to Comments section of this preamble, EPA believes that it does have the authority to issue a stay of effectiveness for subpart FF. Therefore, in this notice of final rulemaking the Agency is issuing a stay of effectiveness for subpart FF. Concurrent with the issuance of this stay, EPA is proposing clarifying amendments in a separate notice of proposed rulemaking in today's **Federal Register**.

The following paragraphs describe the factors that led EPA to propose a stay of effectiveness for subpart FF, summarize comments submitted on the December 9, 1991 notice of proposed stay, and present EPA's responses to those comments.

B. Background to the Stay Proposal

Evidence of Confusion About the Current Rule

As discussed in the notice of proposed rulemaking proposing the stay, several types of evidence indicated that affected sources misunderstood the promulgated standards. These indicators include direct conversations and correspondence with the regulated community and EPA, review of the 90-day reports submitted under the existing rule, and litigation that was filed against the EPA by several separate potentially affected parties. Following promulgation of the rule, numerous telephone calls and letters to EPA headquarters and regional offices requested explanation of the rule. These inquiries have continued to the present, and suggest widespread confusion on many key aspects of the rule. Because so many inquiries were received, EPA included sessions on the NESHAP for benzene waste operations in a workshop on air emission standards issued under the Resource Conservation and Recovery Act (RCRA). The workshop was presented in all 10 EPA regions to persons from industry, consulting firms, and State and Federal Governments. Questions and comments from workshop attendees confirmed widespread misunderstanding of many basic provisions of the rule.

Further, a review of the 90-day reports submitted by industrial facilities provided additional evidence of confusion about the rule. These reports were required to be submitted to EPA by each facility subject to the rule within 90 days of March 7, 1990, the promulation date of the original standard. The incorrect assumptions evident from many of the responses indicate that many facilities may have concluded incorrectly that they are not subject to the control requirements of subpart FF, when in fact, EPA intended them to be controlled in order to meet the NESHAP risk protection goals.

Finally, several lawsuits have been filed against EPA that focus on lack of clarity in the rule. On May 7, 1990, the American Petroleum Institute (API) filed a petition for review of the promulgated standard in the U.S. Court of Appeals for the District of Columbia Circuit, *American Petroleum Institute* v. *EPA*, 90–1238 (D.C. Circuit). On the same date, API submitted to the Agency a petition for reconsideration of the rule, and on May 30, 1991, submitted a supplement to the petition for reconsideration. On June 3, 1991, Conoco, Inc. and Sun Refining and Marketing Company (Conoco) filed actions in the U.S. Court of Appeals for the District of Columbia Circuit, *Conoco, Inc. and Sun Refining and Marketing Company* v. *EPA*, 91–1266 (D.C. Cir.), and in the U.S. District Court for the District of Montana, *Conoco, Inc. and Sun Refining and Marketing Company* v. *EPA*, No. CV–91–113–BLG–RAW (D. Mont.). Both these suits (including the supplement to API's petition for reconsideration) concern issues related to facility applicability that the litigants believe could not be resolved by simply reading the preamble and regulation.

Extent of Projected Non-Compliance

Trade associations representing facilities subject to Subpart FF and individual companies have indicated to EPA that, because they have only just begun to understand the intent of EPA with regard to the standards, compliance byMarch 7, 1992 is unlikely, if not impossible for many facilities. The API petition for reconsideration discussed at length that industry-wide compliance could not be timely. To support this claim, API subsequently conducted two surveys of its member companies to determine the extent of the petroleum refining industry's inability to comply with subpart FF by March 7, 1992. According to API, these surveys indicated that from 40 to 52 refineries subject to the control requirements of subpart FF, which represent roughly 50 percent of U.S. refining capacity, would be unable to comply by March 7, 1992. Further, the surveys indicated that, to a large degree, uncertainty about applicability of the rule has had the effect of lengthening the time needed by facilities to comply.

The EPA's Approach to Resolving Confusion About the Current Rule

To resolve the confusion concerning the current rule, the Agency has elected to stay the current rule while clarifying amendments are developed. The EPA believes that confusion about the rule regarding applicability determinations has led many facilities to assume incorrectly that controls are not required. Some facilities have realized only recently that controls must be installed to comply with the rule. Given the substantial confusion about basic rule requirements, it is the Agency's view that to cite these facilities for noncompliance with subpart FF after March 7, 1992, would unfairly penalize them. The approach selected will clarify the rule, but not penalize facilities for being confused about the original rule language.

Subpart FF is being stayed until EPA takes final action on clarifying amendments to the rule. In a separate notice of proposed rulemaking in today's **Federal Register**, clarifying amendments are proposed. The EPA has committed to taking final action on the proposed amendments on or before December 1, 1992.

Upon promulgation of the rule clarifications, facilities will have 90 days in which to comply with Subpart FF as amended. Facilities unable to comply within 90 days may apply for a waiver of compliance under § 61.10 of the General Provisions to 40 CFR part 61. As specified in the General Provisions, the Administrator may grant a waiver for up to 2 years past the promulgation date of the rule. To qualify for a waiver of compliance, facilities should first have demonstrated a good faith effort to comply with the rule. Second, to ensure that the health and environmental protection goals of the rule are not compromised during any waiver period granted for the amended rule and during the stay, the Agency plans to seek a commitment from each waiver applicant to take actions that will mitigate the benzene emissions lost due to delayed compliance.

Advantages of the Approach Selected to Clarify the Rule

The approach selected to resolve confusion concerning the requirements of subpart FF will maintain the stringency of the current rule and the level of public health and environmental protection it provides. At the same time, it will not unfairly penalize affected sources that would be out of compliance due to confusion. This approach will also promote the implementation of comprehensive multimedia control strategies. These strategies may take longer to implement than a strategy focussed on complying with Subpart FF alone, but are the most efficient and effective means of addressing releases to all media.

Another advantage of the approach is that, through the waiver process, it offers the opportunity for the Agency to obtain commitments for actions that will mitigate the benzene emissions lost due to delayed compliance. Finally, this approach will lead to a resolution of the litigation filed against EPA on subpart FF. In settlement agreements signed with EPA, the API, Conoco, and Sun have agreed to dismiss their lawsuits against EPA if clarifying amendments to the current rule are issued following the approach described above.

Due to the long lead times needed to design and install the control systems necessary to comply with subpart FF, and the comprehensive multimedia approach being taken by many facilities, EPA expects that facilities will continue their efforts toward compliance even while the rule is stayed. This means that a stay of the rule while clarifications are made will not necessarily result in a greater amount of benzene emissions and exposure than would occur without a stay. For facilities needing longer than 90 days beyond the effective date of the amended rule to comply, the Agency will seek commitments for mitigating actions to compensate for benzene emissions that occur because of delayed compliance and ensure public health protection during the waiver period.

C. Comments and Responses to Comments

Comments on the proposed stay of effectiveness were received from industry, trade associations, and an environmental group. A total of 12 letters were received. Most of these contained multiple comments. A summary of the comments received indicating action taken by EPA to respond to each comment was prepared by EPA and placed in the docket for this

action (Air Docket No. A-89-06, section VII-B).

The comments received on the notice of proposed stay and the EPA responses to them are discussed below. Many comments received addressed the summary of proposed rule clarifications outlined in the notice of proposed stay and the procedures for applying for a waiver of compliance. Both of these issues were discussed in the notice of proposed stay only for general information and are not within the scope of this rulemaking action. Issues concerning rule clarifications will be addressed in that rulemaking. (See separate notice of proposed rulemaking also published in today's **Federal Register**.) Issues concerning waivers of compliance will be addressed on a case-by-case basis under general guidance to be developed by EPA. Nevertheless, a brief response to certain comments is provided.

Comments on the Proposed Stay of Effectiveness for Subpart FF.

Comment: Nine letters were received indicating support for the proposed stay. These included statements of general support for the stay and specific comments on the need for the stay. Two commenters stated their belief that public health and the environment will be adequately protected during the stay. Three commenters commented favorably on the flexibility the stay provides to encourage integrated, multimedia approaches to implement multiple regulatory requirements that might encompass emissions outside the scope of the benzene waste NESHAP. An industry trade association, also a litigant, restated their support for the stay as indicated in their settlement agreement. Another commenter stated their support for one litigant's position on the stay. Two trade associations (writing under one comment response) and one corporation stated that the stay is essential. Six commenters stated their belief that more time is needed to adequately implement the regulations given the additional clarification as to EPA's intent. One commenter stated that to subject facilities to the March 7, 1992, deadline when they reasonably believed themselves to be exempt from the rule, would unfairly penalize them.

Response: For the reasons described in the notice of proposal, EPA agrees that subpart FF should be stayed. Today's final rulemaking stays the requirements of subpart FF until final action is taken by the Agency on the clarifying amendments.

Comment: One commenter contends that EPA lacks the legal authority to issue a stay for more than 3 months. Specifically, the commenter contends that section 307(d)(7)(B) of the Clean Air Act limits the Agency's authority to stay the effectiveness of a rule to 3 months, and that this provision overrides any general authority of the Agency.

Response: The EPA disagrees with the commenter's contention. First, section 307(d)(7)(B) is directed towards raising objections to a rule after promulgation under specific circumstances. If reconsideration is warranted under those circumstances, the Administrator may, without going through the formal notice and comment requirements of section 307(b) or other Administrative Procedure Act requirements, administratively stay the rule. It is only logical that the authority to issue an administrative stay, without notice and comment, should be limited in time. Nothing in the provision, however, can be read to override the Agency's general rulemaking authority under the Clean Air Act. Rather, section 307(d)(7)(B) should be read as a limited exception to the notice and comment rulemaking requirements of the Clean Air Act. The Agency has not implemented this exception in proposing a stay of effectiveness for subpart FF. Consequently, a stay in this case is not necessarily limited to 3 months.

The commenter's contention that the rules of statutory construction support its position that the proposed stay is illegal is also without merit. While EPA agrees that it is a general principle of statutory construction that specific provisions should govern more general, that rule is inapposite here. As noted above, the language of section 307(d)(7)(B) is really a grant to the Agency to administratively stay a rule for a limited time and for a specific purpose without notice and comment rulemaking. It is not a constraint on the Agency's general rulemaking authority under section 301 of the Act. Moreover, EPA's interpretation of the provision is consistent with another fundamental principle of statutory construction—that two provisions of a statute should be read in harmony wherever possible. Thus, rather than being inconsistent with the principles of statutory construction, EPA's reading is wholly consistent with those principles.

Comment: One commenter, also a litigant on subpart FF, claimed that the proposed stay was not pursuant to their signed settlement agreement with the Agency, because the dates by which final action was required were different, and because the commenter did not agree to provide mitigating environmental benefits as a condition for the waiver.

Response: The dates stated in the commenter's settlement agreement require final Agency action on rule clarifications on or before March 2, 1993. The date for final action on rule clarifications stated in the proposed stay is on or before December 1, 1992. This commitment is not inconsistent with the commenter's settlement agreement for action on or before March 2, 1993.

Further, the Agency does not agree with the commenter's contention that EPA's stated policy objective of receiving a commitment for mitigative actions as a condition of any waiver of compliance for the amended rule cannot be applied to the commenter. The Agency has the obligation and authority to include conditions in a waiver of compliance that are necessary, in the Administrator's judgement, to protect public health during the waiver period. See 40 CFR 61.11. The mitigation requirements for waivers of compliance from this NESHAP are simply an exercise of the Agency's discretion under that section. (Also see "Comments on Policy for Granting Waivers of Compliance" section of this preamble for further discussion of EPA's authority.)

Each waiver application received will be reviewed by the Agency and conditions included in any waiver granted on a case-by-case basis. The fact that the general policy to be followed by the Agency in granting waivers of compliance was not included as an attachment to all settlement agreements in no way forfeits the Agency's authority and obligation to include conditions necessary to protect public health in any waiver granted.

Comment: One commenter supported the stay only for those companies making a good faith effort to comply with the originally promulgated standards. The comment claimed that the company has invested significant funds into a compliance project that would have compiled by the March 7, 1992, deadline. Further, the company claims that their current accurate understanding of the intent of the rule means additional funds must be spent, and significant expenditures in new equipment could be rendered useless in complying with the standard. The company fears that even though they have made a good faith effort to comply, they will now be required to undertake mitigating actions under the waiver process because they cannot comply with the amended rule within 90 days of the expected promulgation date.

Response: The Agency commends the efforts of this commenter to comply by the March 7, 1992 deadline, because the net result is decreased emissions of benzene from waste operations at the site. Further, the Agency believes other companies also have already made significant progress towards decreasing these emissions at their facilities. Again, the EPA emphasizes that the rule clarifications proposed separately in this **Federal Register** today are not changes to the substantive requirements of the rule, but are more detailed explanations of EPA's original intent as to how the rule should be implemented to meet the NESHAP risk protection goals.

Assuming that the commenter correctly understood the original rule, progress towards compliance should not be negated by the proposed rule clarifications. Any additional time beyond the effective date of the amended rule necessary to achieve complete compliance by the commenter should be substantially less than for those facilities that did not begin efforts towards compliance until recently. Thus, if a waiver of compliance application is submitted by the facility, minimal mitigation of benzene emissions should be necessary based on the decrease in benzene emissions from waste operations that will have already been achieved at the facility.

If the commenter incorrectly interpreted the original regulation, the stay allows the commenter to not be deemed out of compliance as of March 7, 1992, but rather to have time to institute the modifications to their compliance program to attain compliance in a timely manner. Beyond this, the good faith effort demonstrated to comply with the original rule will have a positive bearing on the Agency's consideration of a waiver application.

Comments on Specific Rule Changes

As a part of some comment letters on the stay of effectiveness, several commenters discussed technical issues regarding what they believed to be the rule clarifications based on the settlement agreements signed by the Agency. The rule clarifications are proposed for public comment in a separate notice of proposed rulemaking that appears elsewhere in this issue of the **Federal Register**. The Agency intends to consider all comments received on the proposed clarifications at the same time and to respond to these comments in the notice of final rulemaking. Therefore, the EPA will retain all rule clarification comments that were submitted as part of comments on the proposed stay and will address them with all comments received on the proposed rule clarifications published today.

Comments on the Policy for Granting Waivers of Compliance for the Amended Rule

Comment: One commenter agreed with the concept of requiring mitigating actions from sources that seek a waiver of compliance. The commenter discussed specific details of how the mitigating actions should be considered by EPA in assessing waiver applications. Another commenter argued that non-air mitigative actions should not, and could not be considered by EPA in granting waivers of compliance.

Response: Under section 112(c)(1)(B)(2) of the Clean Air Act as amended in 1977, the EPA Administrator has the authority to grant a waiver of compliance for a source for up to 2 years beyond the effective date of a standard "if he finds that such period is necessary for the installation of controls and that steps will be taken to assure that the health of persons will be protected from imminent endangerment." Regulations to implement this authority are promulgated in §§ 61.10 and 61.11 of the General Provisions of 40 CFR part 61. Section 61.11(b)(4) states that a waiver of compliance granted by EPA "will specify any additional conditions which the Administrator determines necessary to assure installation of the necessary controls within the waiver period and to assure the health of persons during the waiver period." Nothing in the statutory or regulatory language would preclude the Administrator from taking factors such as contamination to other media into account in deciding whether to grant the waiver. Indeed, the statutory and regulatory language is broad enough to authorize EPA to take steps to protect the "health of persons" during the waiver period.

For sources unable to comply with subpart FF by the effective date of the amended rule, EPA has identified reasonable and necessary measures that should be taken to protect public health by sources that receive waivers. Due to the extent of non-compliance projected and to provide information to affected sources for planning purposes, the EPA has articulated in advance the general policy that will be used in considering waiver applications for subpart FF. Guidance is being developed by EPA that will more specifically articulate this policy and instruct sources on information that should be included in a waiver application.

The EPA views its articulation of a waiver policy for subpart FF as an appropriate exercise of its authority to specify conditions necessary to protect public health during the period of any waiver granted for this rule. Waiver applications for subpart FF will be considered by EPA on a case-by-case basis and appropriate conditions included in each waiver issued.

D. Miscellaneous

1. Paperwork Reduction Act

There are no information collection requirements associated with this stay of effectiveness.

2. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether this regulation is a "major rule" and therefore subject to certain requirements of the Order. The EPA has determined that issuing a stay for subpart FF will result in none of the adverse economic effects set forth in section I of the Order as grounds for finding a regulation to be a "major rule." This regulation should not be considered major because its annual effect on the economy is not expected to exceed $100 million, the regulation does not significantly increase process or production costs, and the regulation does not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets.

The Agency has not conducted a Regulatory Impact Analysis (RIA) of this regulation because this action does not constitute a major rule.

3. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis", which describes the effect of the proposed rule on small business entities. However, section 604(b) of the Regulatory Flexibility Act provides that analysis not be required when the head of an Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule to stay 40 CFR part 61, subpart FF, will have the effect of easing the burdens associated with immediate compliance with subpart FF, and I, therefore, certify that this rule will not have significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 61

Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Coke oven emissions, Hazardous substances, Intergovernmental relations, Mercury, Radionuclides, Reporting and recordkeeping requirements, Vinyl chloride, Volatile hazardous air pollutants.

Dated: February 24, 1992.

William K. Reilly,

Administrator.

For all of the reasons given in the preamble, part 61 of title 40 of the Code of Federal Regulations is amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: Secs. 101, 112, 114, 116, 301, Clean Air Act as amended (42 U.S.C. 7401, 7412, 7414, 7416, 7601).

2. Effective February 24, 1992, subpart FF of part 61 is amended by adding § 61.359 to read as follows:

§ 61.359 Stay of effective date.

The effective date for subpart FF is stayed for each chemical manufacturing plant, coke by-product recovery plant, petroleum refinery, and facility at which waste management units are used to treat, store, or dispose of waste generated by chemical manufacturing plants, coke by-product recovery plants, or petroleum refineries, until the date final action is taken with respect to clarifying amendments to subpart FF. The Environmental Protection Agency will publish any such final action in the **Federal Register.**

[FR Doc. 92-4770 Filed 3-4-92; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-4109-7]

National Emission Standards for Hazardous Air Pollutants; Benzene Waste Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rule.

SUMMARY: On March 7, 1990 (55 FR 8292), EPA promulgated national emission standards for hazardous air pollutants for benzene emissions from benzene waste operations, subpart FF of 40 CFR part 61. Sources affected by subpart FF include chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities at which waste management units are used to treat, store, or dispose of waste generated by chemical manufacturing plants, coke by-product recovery plants, or petroleum refineries.

Today the Agency is proposing amendments to subpart FF designed to clarify provisions of the rule that have been widely misunderstood by affected sources. The proposed clarifying amendments would not change the basic control requirements of the rule or the level of public health and environmental protection it provides.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed amendments to subpart FF.

DATES: *Comments.* Comments must be received by EPA on or before May 4, 1992.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by March 16, 1992, a public hearing will be held on April 6, 1992 beginning at 10 a.m. A request for a hearing may be made by calling Ms. Lina Hanzely at (919) 541–5673.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact Ms. Lina Hanzely at (919) 541–5673 by March 16, 1992.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to Air Docket Section (LE–131), Attention: Docket No. A–89–06, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Public Hearing. If requested, a public hearing will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should contact Ms. Lina Hanzely at (919) 541–5673.

Docket. Docket No. A–89–06, containing supporting information used in developing the proposed amendments, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Waterside Mall, room 1500, 1st Floor, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Robert B. Lucas, Office of Air Quality Planning and Standards, Chemicals and Petroleum Branch (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–0884.

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Background and Overview
II. Proposed Amendments to Clarify Facility Applicability
III. Other Proposed Clarifying Amendments
IV. Compliance Dates for Amended Rule
V. Policy for Granting Waivers of Compliance
VI. Administrative Requirements

I. Background and Overview

On March 7, 1990 (55 FR 8292), EPA promulgated under section 112 of the Clean Air Act ("the Act"), 42 U.S.C. 7412, national emission standards for hazardous air pollutants (NESHAP) controlling emissions of benzene to the ambient air from waste operations (subpart FF of 40 CFR part 61). The NESHAP for benzene waste operations is applicable to owners or operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. In addition, this subpart applies to owners and operators of facilities at which waste management units are used to treat, store, or dispose of waste generated by chemical plants, coke by-product recovery plants, or petroleum refineries.

Elsewhere in today's **Federal Register**, EPA has promulgated a stay of effectiveness of subpart FF until EPA takes final action on clarifying amendments to subpart FF. As indicated in the notice promulgation and the notice of proposal (56 FR 64382, December 9, 1991) of the stay, EPA has learned that there is widespread confusion among affected industries concerning key provisions of the rule. Misunderstanding of criteria for applying controls to facilities and waste streams within facilities had led numerous affected facilities to conclude that they were not required to install controls, when, in fact, EPA intended them to do so in order to meet the NESHAP goals for health risk protection.

With today's notice, EPA is proposing clarifying amendments to subpart FF. Following a review and consideration of comments received on today's proposed rulemaking, EPA will take final action on the proposed amendments on or before December 1, 1992. The EPA has agreed to take final action on or before this date in a settlement agreement filed in connection with litigation on subpart FF. See *API* v. *EPA*, No. 90–1238 (D.C. Circuit) (Settlement Agreement). Facilities subject to the rule would be required to be in compliance with all provisions of the amended rule within 90 days following promulgation, unless a waiver of compliance is obtained under §§ 61.10 and 61.11 of the General Provisions to 40 CFR part 61.

Additional information on the dates for compliance with the rule is presented in section IV of this preamble. The policy for granting waivers of compliance for the amended rule is discussed in section V.

The clarifying amendments to subpart FF that are being proposed today are discussed below. In accordance with section 112(q) of the Clean Air Act as amended in 1990, these amendments are being proposed under the authority of the Clean Air Act prior to enactment of the Clean Air Act Amendments of 1990. They are intended to clarify existing provisions of subpart FF, and would not change the basic control requirements of the rule or the level of public health and environmental protection it provides.

II. Proposed Amendments to Clarify Facility Applicability

The subpart FF NESHAP for benzene waste operations was promulgated under the authority of section 112 of the Act prior to its amendment by the Clean Air Act Amendments of 1990 ("the 1990 Amendments"). Accordingly, the rule was designed to meet NESHAP goals for protection of public health as described in the March 7, 1990 notice of final rulemaking (55 FR 8299).

In the analysis performed to support the development of subpart FF, EPA determined that the NESHAP risk protection goals could be exceeded if benzene emissions from benzene waste operations were not controlled. Rather than require all facilities to install controls, EPA structured the applicability criteria of the rule in a way that would identify that subset of facilities where controls were needed.

The approach selected for the final rule was to base facility applicability of the control requirements on the total

annual benzene quantity in all aqueous waste streams (TAB). The procedure for determining a facility's TAB is specified in §61.355(a) of the rule.

This TAB value is then compared to a facility threshold cutoff in the rule of 10 megagrams per year (Mg/yr). If the TAB is less than 10 Mg/yr, the facility is exempt from the control requirements of subpart FF, but must comply with the reporting and recordkeeping requirements of the rule. At those facilities with a TAB of 10 Mg/yr or greater, all benzene-containing waste streams (including those with less than 10 percent water) must be controlled unless it is demonstrated that exemption crtieria in the rule for individual streams are met.

The general criterion for individual waste streams is that all streams containing greater than 10 parts per million by weight (ppmw) annual average benzene concentration must be controlled. The basic control requirement is to manage the waste streams in units equipped with air emission controls and to treat the streams such that the benzene in them is removed or destroyed to below 10 ppmw, or by 99 percent. In addition, treatment processes must be controlled for air emissions.

As stated in the preamble to the final rule promulgated March 7, 1990, EPA's analysis to support the development of the rule showed that including only aqueous wastes in the TAB calculation would adequately distinguish those plants where control of all waste streams was needed to meet NESHAP health risk goals from those that did not need controls. Furthermore, the analysis showed that applying controls to all waste streams (including organic streams) with a benzene concentration of 10 ppmw or more at all facilities with a TAB equal to or greater than 10 Mg/yr reduces the health risks from all facilities such that the NESHAP risk protection goals are met. This analysis of the impacts of the rule included assumptions based on EPA's intent on how the rule should be implemented. It is critical that facilities seeking to be exempt from control requirements determine the applicability of controls consistent with the intent of the rule as structured. Otherwise attainment of the NESHAP risk protection goals will be jeopardized. As discussed in the notices of proposal and promulgation of the stay of effectiveness of subpart FF, many facilities have incorrectly concluded, due to confusion on facility applicability determinations, that controls are not required.

The amendments proposed today are designed to clarify EPA's intent on facility applicability. The amendments include clarifications on the following specific points on which there has been confusion concerning facility applicability: (1) Which wastes are included in the TAB calculation, (2) the definition of the point of generation, and (3) the prohibition against waste treatment to lower TAB below the 10 Mg/yr applicability threshold. These proposed clarifications are discussed in the following sections.

A. Wastes Included in the TAB Calculation for Applicability of Controls

For the purposes of the benzene waste operations NESHAP, waste is defined broadly as "any material resulting from industrial, commercial, mining, or agricultural operations, or from community activities that is discarded or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded, recycled, or discharged." This broad definition of waste is essentially the same as that used by EPA in other air standards (40 CFR part 60, subpart Kb) promulgated under the Clean Air Act.

Unfortunately, this definition has caused confusion among affected facilities that are familiar with definitions of waste used in rules that regulate solid and hazardous waste management under the Resource Conservation and Recovery Act (RCRA) and in other regulations. This confusion is evident in questions that have been received by EPA since subpart FF was promulgated. Most of these questions relate to the fate of a waste after it is generated. For example, questions have been received on whether materials that are recycled, reclaimed, or sold as a raw material for another process should be included in the TAB calculation.

Materials are regulated under subpart FF based on their potential for benzene air emissions and their potential to be managed in process or waste management units not currently regulated for air emissions. The fate of a material once it is generated (i.e., whether recycled, reclaimed or sold) does not by itself determine whether it is material subject to subpart FF. Recycled or reclaimed materials will generally be subject to subpart FF unless they are recycled within a process or are directly recycled to another process.

The current rule provides general instructions for the calculation of TAB. Except for the exemptions in § 61.340, EPA intended that all aqueous materials that meet the definition of waste in the rule should be included in the TAB calculation. Section 61.355(a), which describes how TAB shall be calculated, specifies that the annual benzene quantity shall be estimated "for each waste stream subject to this subpart having a flow-weighted annual average water content greater than 10 percent water" (by volume). The benzene quantity for each of these streams is then summed to calculate TAB. The language of this section has been misconstrued by affected sources to suggest that the benzene in certain streams does not have to be included in the TAB calculation.

The EPA is proposing clarifying changes, consistent with the Agency's intent, to clarify that the following wastes are included in the calculation of TAB: (1) Organic wastes that become aqueous during waste management, (2) wastes exempted from control requirements (e.g., small-quantity wastes), and (3) wastes that are sold, such as spent caustic. Changes are also proposed to clarify that wastes generated by remediation activities, such as groundwater cleanup, are not included in the TAB calculation. Finally, changes are proposed to clarify that waste treatment cannot be used to reduce a facility's TAB (see section C of this preamble).

Organic Wastes That Become Aqueous

As discussed previously, applicability of the control requirements of the rule to a facility is determined based on the facility's TAB. The need to control individual waste streams at a facility subject to the control requirements of the rule (i.e, at a facility with a TAB of 10 Mg/yr or greater) is determined based on the flow-weighted annual average benzene concentration in each waste stream at the facility.

In the proposed rule published on September 14, 1989 (54 FR 38093), the benzene in all streams (including organic streams) was included in the calculation of TAB. On the basis of comments on the proposed rule, EPA changed the method of calculating TAB in the final rule such that only the benzene in those wastes containing greater than 10 percent water are included. As EPA stated in the preamble to the final rule on March 7, 1990 (55 FR 8319):

> When benzene is dissolved in water, it is highly volatile and thus easily emitted. Therefore, when aqueous wastes are managed in open sources such as open sewer systems, tanks, or surface impoundments, the benzene in the waste is quickly emitted to the atmosphere. In contrast, when benzene is dissolved in organics, it is much less volatile than benzene is aqueous waste at the same concentration. Additionally, organic wastes are more likely to be transported in closed systems such as covered tanks than are aqueous wastes which are routinely managed in open wastewater treatment tanks.

Aqueous wastes were distinguished from organic wastes in the final rule as being those wastes that contain greater than 10 percent water.

Since promulgation of the rule, there has been confusion as to whether organic wastes that are discharged to a wastewater collection system (e.g., a chemical sewer) should be counted in the calculation of TAB. Even though the preamble to the promulgated rule as cited above clearly indicates EPA's intent that all aqueous waste should be counted in the TAB, the public has been confused on this specific point.

Organic wastes discharged to wastewater collection systems are mixed with water and other aqueous wastes. Through this mixing, the wastes that were organic when they first were generated become aqueous wastes, with the attendant higher benzene emission potential. Many affected sources have failed to include the benzene content of these new aqueous wastes in the TAB calculation. Furthermore, organic wastes discharged to collection systems are generally not being managed in closed systems (i.e., closed to the atmosphere). Consequently, the high benzene emission potential of these wastes after they become aqueous is likely to be realized as actual benzene emissions.

If a waste management unit changes benzene in organic wastes to benzene in aqueous wastes, the benzene must be included in the calculation of TAB. A revision to the rule is proposed that will clarify EPA's intent that benzene in both aqueous wastes and wastes that become aqueous through mixing with other streams is counted towards a facility's TAB. The benzene in organic streams that become aqueous is counted at the point of generation of the organic waste stream (the concentration is determined prior to mixing or comingling with other wastes). This clarification would be implemented through a proposed amendment to § 61.342(a) of the rule to indicate that a facility's TAB is the sum of the annual benzene quantity for each waste stream at the facility that has an annual average water content greater than 10 percent or that is mixed with water, or other wastes, at any time such that the mixture has an annual average water content greater than 10 percent.

Wastes Exempt From Control

There are provisions in the rule under which waste streams containing benzene may be exempt from control based on low benzene concentration, low benzene quantity, or low total waste quantity. Under § 61.342(c)(2), a waste stream is exempt from control if it is demonstrated that the annual average benzene concentration for the stream is less than 10 ppmw. A process wastewater stream may be exempt from control under § 61.342(c)(3) if it is demonstrated that the flow rate of the stream is less than 0.02 liters per minute (L/min) or the annual waste quantity of the stream is less than 10 Mg/yr.

Questions to EPA have indicated confusion over whether the benzene in wastes that meet the exemption criteria of these provisions counts toward a facility's TAB. As previously stated, EPA intends that the benzene in all aqueous wastes and wastes that become aqueous be included in the determination of TAB. This includes the benzene in individual waste streams that may be exempt from control under §§61.342(c)(2) and (3). The proposed amendment to § 61.342(a) includes language to clarify that the benzene in wastes exempt from control because of low waste quantity, low benzene quantity, or low benzene concentration is counted toward a facility's TAB if the waste contains over 10 percent water or if the waste is mixed at any time with water, or with other wastes, such that the resulting mixture has an annual average water greater than 10 percent water.

Materials Subject to Subpart FF That Are Sold

The EPA has been asked if the benzene in materials that are subject to the rule and that may be sold routinely (such as spent caustic) also counts toward TAB if the materials have a water content greater than 10 percent. The Agency does intend for the benzene in these materials that meet the definition of waste in the rule to be included in the determination of TAB. As noted earlier, the fact that such materials have value and can be sold does not by itself mean that the material does not meet the definition of waste in the rule. Language included in the proposed amendment to § 61.342(a) would clarify this point.

Remediation Activities

Some facilities affected by the rule have questioned whether materials subject to the rule that are generated by remediation activities, such as the excavation of contaminated soil, the pumping and treatment of contaminated groundwater, or the recovery of product from soil or groundwater, should be counted toward the TAB. Remediation activities were not specifically addressed in the final rule promulgated on March 7, 1990. Under the current language of the rule, materials generated by remediation activities would be wastes and subject to all provisions of the rule.

Remediation activities generally fall into three categories: (1) Those required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), (2) those required by the corrective action program under RCRA, and (3) remediation actions that are undertaken voluntarily by facilities. Remediation activities under CERCLA and RCRA must address multimedia protection, including air emissions. Consequently, benzene-containing wastes generated by CERCLA or RCRA activities would be controlled as necessary to protect public health, regardless of how they are addressed in subpart FF.

Multimedia protection is not required, however, for voluntary remediation activities and EPA is concerned that benzene-containing wastes generated by voluntary actions be managed such that public health is protected. The EPA also recognizes that including the benzene contained in remediation wastes in the calculation of TAB may trigger control of an entire facility that otherwise would not require control. This would create a disincentive for facilities to undertake voluntary remediation activities.

To avoid creating this disincentive, EPA is proposing a clarification that the benzene contained in remediation wastes be excluded from the determination of facility applicability (i.e., from the calculation of TAB). However, if a facility is subject to the control requirements of subpart FF due to a facility TAB of 10 Mg/yr or greater, then remediation wastes would be subject to the control provisions. The result of this proposed clarification would be that benzene in wastes generated during remediation activities would not affect a facility's TAB, and thus whether or not a facility was subject to the control requirements of subpart FF. However, if a facility is subject to the rule due to having a TAB of 10 Mg/yr or more, the wastes from remediation activities, including wastes generated by RCRA, CERCLA, and voluntary actions, would be subject to the control provisions of the rule.

B. Definition of Point of Waste Generation

As discussed earlier, subpart FF requires that the characteristics of waste streams at their "point of generation" be used for the purposes of determining a facility's TAB. Also, the point of generation characteristics determine

whether controls are applied to individual waste streams within a facility. The EPA's intent in specifying the point of generation was twofold: (1) To establish the true emission potential of a stream, prior to any losses that occur through volatilization to the atmosphere and prior to any waste treatment, and (2) to have affected facilities calculate their TAB in a manner consistent with EPA's intended structure of the rule. The definition of point of generation referred to contact with the atmosphere only to preclude losses of benzene prior to measurements, not as a means to allow reduction in TAB. This is further discussed in section II.C of this preamble, "Prohibition on the Use of Waste Treatment to Lower TAB."

Since promulgation of the rule, there has been considerable confusion about the definition of point of generation. The sources of this confusion appear to be misinterpretation of EPA's intent, the difficulty of determining whether certain units are process or waste management units, and the different definitions in the rule of point of generation depending on the type of facility (i.e., coke by-product plant; treatment, storage, or disposal facility (TSDF); or other type of facility). In addition, there has been confusion over whether storage tanks are considered to be part of a process.

To resolve this confusion, EPA is proposing to simplify the definition of point of generation in § 61.341, focusing on the difference between process and waste management units and emphasizing that the point of generation is before waste treatment. In the proposed new definition, point of generation means "the location where the waste stream exits the process unit component or storage tank prior to handling or treatment in an operation that is not an integral part of the production process, or in the case of waste management units that generate new wastes, the location where the waste stream exits the waste management component." The point of generation, as proposed in these amendments, would be defined in the same way for all facilities subject to the rule.

In addition, there are certain distinctions made in the proposed amendments between the point of generation and the point for sampling and analysis for the purposes of TAB determinations. These distinctions would be created in proposed §§ 61.355(b) and (c), which indicate where waste quantity and flow-weighted annual benzene concentration are determined for the purposes of determining TAB. These sections specify that determinations of waste quantity and flow-weighted annual benzene concentrations are made at the point of generation unless otherwise specified by listed exceptions. The listed exceptions address sour water streams, wastes at coke by-product plants, and wastes received from offsite by TSDF. These exceptions are discussed in more detail later in this preamble.

In the simplified definition proposed for point of generation, the distinction between what is a waste management unit and what is a process unit is made based on whether the material and the unit in which it is managed are an integral part of the production process. If a material entering a unit meets the subpart FF definition of a waste or if the primary function of a unit is to treat a waste stream, then the unit is a waste management unit, and the point of generation of the waste is a location where the waste leaves the last process unit. If the primary function of the unit is to make a product or products, then the unit is an integral part of the production process and not a waste management unit.

The EPA expects that this simplification in the rule will clarify the distinction between process and waste management units in many situations. However, it will not result in a clear distinction in every situation. Therefore, even with this change, some case-by-case determinations will still be necessary. These determinations will be made by EPA regional offices.

Consider as an example a desalter at a petroleum refinery that receives crude oil and water for processing (i.e., desalting), which is an integral step in the production process. The desalter is a process unit. However, the material leaving the desalter is typically separated into two streams, desalted crude oil and oily wastewater. Under this rule, the oily wastewater is considered a waste once it is separated from the bulk of the crude oil that is being processed in the unit, and its point of generation is where it leaves the process unit in which this primary separation is made. The oily wastewater may be further processed in other units to recover an additional quantity of the oil; however, these units are managing or treating a "waste" material and may be subject to control under this rule. The distinction is more difficult if a significant portion of the crude oil is carried over with the wastewater, and the recovery of this crude oil is an essential part of the production operation. These determinations must be made on a case-by-case basis with consideration given to factors such as the percentage of the product that is recovered, why the specific unit was installed, and other factors.

The production of monochlorobenzene (continuous process) provides another example of the distinction between process and waste management units as it pertains to the chemical processing industry. Monochlorobenzene is produced by reacting benzene with chlorine in the presence of a ferric chloride catalyst. The crude product stream leaving the reaction vessel contains monochlorobenzene product, dichlorobenzenes, benzene, hydrogen chloride, catalyst, and inert materials. This stream is passed through a series of four distillation and stripping columns to remove (1) heavy ends, (2) hydrogen chloride, (3) benzene, and (4) dichlorobenzenes. The heavy ends, hydrogen chloride, and dichlorobenzene streams are processed to separate recoverable by-products from process wastes while the recovered benzene stream is recycled directly to the reaction vessel without any further processing.

For the purposes of subpart FF, the reaction vessel and all of the four columns that process crude monochlorobenzene product are process units. The heavy ends, hydrogen chloride, and dichlorobenzene streams are considered wastes once they are separated from the crude monochlorobenzene product stream. Although these streams are fed to other units that recover some marketable or recyclable materials, they meet the Subpart FF definition of waste and units in which these streams are handled are considered to be waste management units that may be subject to control under this rule.

The benzene recycle stream in this example could be subject to subpart FF from the point that it leaves the recovery unit to the point that it is returned to the reactor. It would be a material subject to subpart FF if it was accumulated, stored, or treated prior to being returned to a process unit. Direct (in-process, closed-loop) recycle would be considered part of the process, and in this case the stream would not be included in the TAB determination or controlled under the rule. Again, such determination will be made on a case-by-case basis, taking into account the percentage of the stream that is recovered and other factors.

As noted earlier, there are certain distinctions made in §§ 61.355 (b) and (c) of the proposed amendments between the point of generation and the point for sampling and analysis for the purposes of TAB determinations. These are discussed further below.

Materials Subject to Subpart FF Received by TSDF From Offsite

TSDF that receive wastes from offsite generated by petroleum refineries, chemical manufacturing plants, or coke by-product recovery plants (i.e., other facilities also subject to this rule) are subject to the provisions of subpart FF. Control of these wastes at TSDF may be required in either of two ways.

First, each TSDF subject to the rule must calculate its TAB, based on the characteristics of the wastes received from petroleum refineries, chemical manufacturing plants, and coke by-product recovery plants. If the TAB calculated for a TSDF is equal to or greater than 10 Mg/yr, then the facility is subject to the control requirements of the rule for those wastes received from petroleum refineries, chemical manufacturing plants, and coke by-product recovery plants.

The EPA's intent is that TAB determinations (i.e., facility applicability determinations) for TSDF be made based on the characteristics of wastes at the point where they enter the facility. Previously, this was implemented through the definition of point of generation. In the proposed amendments, it would be implemented through specifications on where to determine annual waste quantity and benzene concentration in §§ 61.355(b)(3) and (c)(1)(i)(C). At TSDF with a TAB equal to or greater than 10 Mg/yr, the characteristics of waste streams as they enter the TSDF determine whether those waste streams must be controlled to meet the requirements of the rule.

A second way that TSDF could be affected by subpart FF is if they receive any individual waste streams subject to the rule that would have had to be controlled at the generator site. Any waste received by a TSDF from a facility subject to the rule that would have had to control that waste if it had remained onsite must be controlled at the offsite TSDF.

Consider, for example, a chemical plant with a TAB above 10 Mg/yr, which makes it subject to the control provisions of the rule. If the chemical plant ships offsite one or more of their benzene-containing waste streams that require control, the TSDF must manage these wastes in compliance with the control requirements of the rule. In this case, the need for control at the TSDF is determined based on the characteristics of the waste at the generator as opposed to the first case in which the need for control is determined based on the characteristics of the waste as it enters the TSDF. As specified in § 61.342(e)(2) of the rule, the owner or operator shipping the waste offsite must include with each offsite waste shipment a notice stating that the waste contains benzene which is required to be managed and treated in accordance with the provisions of subpart FF.

Coke By-Product Recovery Plants Subject to Subpart L

Coke by-product recovery plants subject to subpart FF are also subject to subpart L of 40 CFR part 61. Subpart L limits benzene emissions from specific sources at furnace and foundry coke by-product recovery plants.

The EPA's intent in subpart FF is that waste stream characteristics be determined where the waste exits the last unit controlled under subpart L. The EPA's assumption in having the coverage of subpart FF begin after the last unit subject to subpart L is that units subject to subpart L are already controlled for benzene emissions to meet NESHAP goals for the protection of public health. This intent previously was implemented in the definition of point of generation. In the proposed amendments, it would be implemented through specifications on where to determine annual waste quantity and benzene concentration in §§ 61.355(b)(2) and (c)(1)(i)(B).

Since promulgation of the rule, EPA has been asked to clarify the calculation of TAB for coke by-product wastes managed in subpart L units. This included a clarification on the calculation of TAB for wastes transferred between subpart L units and between subpart L units and process units, and also the acceptability of changing waste management practices within units subject to subpart L to lower a facility's TAB.

It remains EPA's intent that TAB be determined for coke by-product wastes at the point where the waste exits the production process or the last subpart L unit in which the waste is managed. Changes in waste management within the universe of production processes and subpart L units would be an acceptable means of lowering a facility's TAB, provided that the transfer of wastes among units is accomplished in totally enclosed conveyances (e.g., hard piping). This is clarified in the proposed amendments regarding coke by-product plants in §§ 61.355 (b) and (c).

Sour Water Streams

One other potential exception to EPA's general intent on point of generation has been identified since promulgation. The EPA has determined that the rule requirements as they apply to sour water streams treated in sour water strippers may not have been consistent with the assumptions used in the analysis performed to support development of the rule. For these streams, the benzene content at the exit of the sour water stripper was used in the analysis to determine facility applicability and to estimate emissions and health risk. With this assumption, and also assuming there would be no emissions from the stripper, the analysis indicated that the NESHAP risk protection goals would be met.

Sour water streams are those that contain sulfur compounds, usually hydrogen sulfide, or ammonia. These streams are routinely stripped to remove the ammonia and sulfur compounds at petroleum refineries and coke by-product plants. Under the definition in subpart FF, these streams are wastes and the stripping process is waste treatment. In contrast to other treatment processes, however, sour water stripping is inherently controlled for air emissions (e.g., for hydrogen sulfide). Combustion is the primary control used, and this control also results in destruction of benzene emissions by 98 percent or more.

Based on these considerations, EPA has sought to clarify in the proposed amendments the requirements of the rule as they apply to sour water streams. The proposed specifications on where to determine annual waste quantity and benzene concentration in §§ 61.355 (b)(1) and (c)(1)(i)(A) indicate that these determinations would be made at the point where the treated sour water exits the sour water stripper. Definitions for sour water and sour water stripper are proposed to be added to § 61.341 to ensure that only sour water streams managed in inherently controlled treatment units qualify for this proposed exception to EPA's general intent on point of generation.

C. Prohibition on the Use of Waste Treatment to Lower TAB

Waste treatment, except as described above for inherently controlled sour water streams and wastes managed in subpart L units, cannot be used to decrease TAB to exempt a facility from the control requirements of the rule. Although the basis for EPA's analysis and EPA's intent on determining the need for controls at a facility was discussed in the preamble to both the proposed and promulgated rule, the language of the rule has been interpreted by some facilities as allowing waste treatment as a means of reducing a facility's TAB. Furthermore, as indicated by a review of the 90-day

reports submitted by facilities describing the regulatory status of waste streams and by direct questions to EPA, some facilities believe that selectively treating waste streams such that TAB is lowered to just below 10 Mg/yr qualifies a facility for an exemption from the control requirements in the rule.

The EPA's analysis identified facilities with the potential for exceeding NESHAP health risk protection goals based on TAB prior to waste treatment. To allow facilities to use waste treatment to reduce TAB would result in increased benzene emissions and would jeopardize attainment of the NESHAP health risk protection goals for several reasons.

First, the rule is structured to ensure control of treatment processes for benzene air emissions. Treatment processes used to reduce TAB such that a facility is not subject to the control provisions of the rule would not be required to be controlled. Thus, air stripping or other processes that simply transfer benzene from the waste to the air without control could be used and benzene emissions would increase.

Second, at facilities with a TAB equal to or greater than 10 Mg/yr, all benzene-containing wastes are subject to the control requirements of the rule, not just wastes included in the determination of TAB. The TAB determination includes only the benzene in wastes containing an annual average water content of greater than 10 percent. If facilities were allowed to selectively treat aqueous wastes to lower TAB to below 10 Mg/yr, benzene emissions from organic wastes, assumed by EPA to be controlled by facilities with a TAB of 10 Mg/yr or more, would remain uncontrolled. This would result in benzene emissions greater than was intended by the rule.

Finally, as stated in the preamble to the final rule, the 10 Mg/yr level of benzene in waste used to identify facilities for control "was not intended as a facility target level" (55 FR 8321). In fact, EPA assumed that, "once controls are applied, benzene emissions at most affected plants would be reduced significantly below 10 megagrams per year" (55 FR 8329). It should be noted that, at the request of commenters on the proposed rule, EPA provided a facility target option for treating process wastewater in the final rule (§ 61.342(d)(2)). Under this option, process wastewater shall be treated to achieve a total annual benzene quantity from facility process wastewater less than 1 Mg/yr, not 10 Mg/yr. If 10 Mg/yr TAB were a target, each facility could have up to 10 Mg/yr of residual benzene in aqueous wastes. This would also increase benzene emissions beyond what was intended.

As outlined above, benzene emissions would increase and attainment of the NESHAP risk protection goals would be jeopardized if facilities were allowed to treat to the 10 Mg/yr TAB level. For this reason, waste treatment is not allowed to reduce a facility's TAB for the purposes of subpart FF. A revision to the rule is proposed to clarify this point. The proposed revision to § 61.342(a) would clarify EPA's intent that the benzene concentration cannot be reduced before measurement by the loss of benzene from volatilization, by mixing or diluting with other materials, or by any waste treatment.

It has been suggested that the structure of the rule does not encourage reclamation and recycling of materials at affected facilities. The EPA solicits suggestions for other structures for the rule, including supporting information, that would encourage reclamation and recycling without compromising the NESHAP risk protection goals. Supporting information should clearly describe the suggested structure and document the level of protection it would provide. Approaches suggested will be considered by the Agency when taking final action on the clarifying amendments proposed today. If another structure is adopted, it would be added as an alternative to the current structure and, therefore, the number of facilities that would require controls to meet the rule would not increase.

Any structure suggested should address the benzene emission concerns including, but not limited to, characterizing and assuring adequate control of the benzene emissions that would result from aqueous waste treatment processes, non-aqueous wastes, treatment residuals, or materials sold offsite. For example, an alternative structure could include elements such as a lower facility applicability threshold (possibly 1 or 6 Mg/yr) based on a change in the determination of "point of generation" for purposes of calculating TAB for materials that are reclaimed, recycled, or sold offsite for reclamation or recycling, coupled with requirements for control of non-aqueous wastes and management and treatment of aqueous wastes at facilities with TAB's less than the facility applicability threshold. In this example, commenters should address how these elements interact to meet the NESHAP risk protection goals.

Also, the structure should be generic in that it should be able to be applied at any facility and result in achievement of the NESHAP risk protection goals. That is, the Agency is not seeking suggestions for structures based on site-specific control or risk protection. Finally, any structure suggested should be one that can be developed and evaluated for the level of protection it provides within the timeframe of this rulemaking (final action by December 1, 1992).

III. Other Proposed Clarifying Amendments

A. Applicability of the Rule to Wastes Generated by Maintenance Operations and Other Low-Quantity Wastes

Many of the questions EPA has received on the rule since promulgation have concerned the applicability of control requirements to maintenance wastes, particularly those generated during "turnaround." Turnaround refers to the shutdown of a plant or process unit within a plant to perform maintenance and safety checks that can be performed only when the plant or unit is not in operation.

Through discussions with the American Petroleum Institute (API) and individual companies, EPA has become aware of the frequency, duration, and quantities of wastes generated by maintenance activities. Turnaround occurs approximately once every 3 to 5 years for petroleum refineries. Turnaround for plants in other industries covered by subpart FF occurs on a similar schedule. Often, outside contractors are brought in to perform turnaround tasks. The wastes generated during turnaround include both organic wastes, such as process fluids drained from piping, and aqueous wastes, such as those generated by the washdown of process equipment and the flushing of lines.

When EPA developed the original rule, it intended benzene-containing wastes generated by maintenance operations to be included within the scope of coverage of the rule. However, it was not clear to EPA when the rule was developed in what quantity and how often these wastes were generated. Consequently, they were not specifically addressed in the rule promulgated on March 7, 1990.

The EPA also recognized that there are many low-quantity waste streams generated at a facility that do not contribute significantly to benzene emissions and health risk and that would be inefficient to control. Consequently, an exemption from control requirements for low-flow streams was included in the rule. Section 61.342(c)(3) of the rule exempts process wastewater streams from control requirements if the stream flow rate is less than 0.02 L/min or if the annual waste quantity of the stream is less than 10 Mg/yr. However, this exemption applies only to process wastewater streams.

To reduce the confusion among affected sources about the applicability of the rule to maintenance wastes and based on the considerations described above, EPA is proposing to (1) add a requirement that facilities prepare and implement a maintenance turnaround plan, (2) add provisions relating to the exemption of small-quantity wastes, and (3) clarify how intermittently generated wastes should be included in the calculation of facility TAB.

The proposed requirement for a maintenance turnaround plan (in proposed § 61.356(m)) is designed to ensure that good engineering practices are used during equipment and unit turnarounds to minimize benzene emissions to the atmosphere. As proposed, the requirement for a management plan for turnarounds would apply to all facilities subject to the provisions of the benzene waste operations NESHAP that have TAB equal to or greater than 10 Mg/yr. The plan would cover turnaround activities, wastes generated during turnarounds, and actions taken to minimize benzene emissions. The maintenance turnaround waste management plan, to the extent practicable, should contain the following:

(1) A description and relative schedule of actions taken to complete the maintenance turnaround of each piece of equipment or process unit that contains or contacts benzene or benzene mixtures;

(2) Identification of wastes that are generated during the turnaround and estimates of the maximum waste quantity and benzene concentration of each waste generated during the turnaround;

(3) A description of how each benzene-containing waste generated during the turnaround is collected, stored, treated, and disposed;

(4) A description of actions, including good engineering practices, taken to minimize emissions of benzene to the atmosphere from collection, storage, and treatment of the benzene-containing waste generated during a maintenance turnaround.

The EPA requests comments on the following aspects of the proposed requirement for a maintenance turnaround waste management plan: (1) The need to ensure that the volume of benzene-containing wastes generated by maintenance turnaround is minimized, (2) the opportunities available for reducing the amount of waste generated by maintenance turnaround activities, (3) the level of detail needed in a maintenance turn around waste management plan, and (4) the reporting burden on facilitites to develop and maintain a maintenance turnaround waste management plan.

The EPA is also proposing (in § 61.342(c)(3)) an additional option designed to provide an exemption for wastes generated in small quantities. Along with process wastewater, wastes from routine maintenance, equipment turnarounds, and other operations would qualify for the proposed option. Wastes could be exempted under the proposed option if the annual benzene quantity of the individual waste stream, other than process wastewater, is less than 25 kilograms per year (kg/yr) and the total annual benzene quantity in all of the exempted waste streams is less than 1 Mg/yr. Process wastewater would not be limited to a benzene quantity of 25 kg/yr.

To limit the total amount of waste exempted, several restrictions would apply. If a facility chose the proposed option to exempt low-quantity wastes, it would not be able to take advantage of the low-flow or mass quantity cutoffs for process wastewater (less than 0.02 L/min or 10 Mg/yr total mass of waste). Wastes from tank drawdown and wastes from purging prior to sampling would not qualify for the proposed exemption.

The proposed clarifications also address (in proposed § 61.355(a)(6)) how maintenance turnaround wastes and other infrequently generated wastes should be handled in calculating TAB for the purpose of determining applicability of controls. The revision clarifies that waste streams generated on an infrequent basis, such as wastes from process unit turnarounds that occur only once every 2 to 5 years, are counted in the TAB. The proposed clarification specifies that these waste streams be included in the TAB calculation for the year in which they are generated and that the benzene quantities in these wastes are not averaged over the time period between generations.

B. Control Efficiency Requirement for Vapor Recovery Systems

Standards for closed-vent systems and control devices used to comply with the rule are specified in § 61.349. A vapor recovery system (e.g., a carbon adsorption system or a condenser) is required to recover the organic emissions vented to it with an efficiency of 95 percent or greater. The proposed change would establish a performance standard for vapor recovery systems of 98 percent control efficiency for benzene emissions as an alternative to the existing 95 percent control efficiency for the total organic compounds. This change makes the use of carbon adsorption a more practical control alternative. Because the gas composition typically released from some refinery process sewer vents (one of the sources regulated by the NESHAP) contains a high concentration of light hydrocarbons (20 weight percent based on data supplied by the American Petroleum Institute), the carbon in an adsorption system must be replaced or regenerated at a much greater frequency at the 95 percent limit for the total organic compounds than if the control efficiency is set at 98 percent for benzene alone. The extended bed life provided by the proposed option of a benzene limit would make the use of carbon adsorption more feasible for some facilities. There would be no change in the benzene emission reduction as a result of this proposed rule amendment.

C. Miscellaneous Proposed Changes

In addition to the proposed clarifications discussed previously, there are several miscellaneous revisions proposed to clarify the rule. These are discussed below.

Car-Seal Valves as an Alternative to Flow Indicators

The EPA proposes to revise the rule language in § 61.349(a)(1)(ii) on the location of flow indicators and provide an alternative to the requirement for closed vent systems to have flow indicators to ensure that the vapors are being routed to the control device. The alternative being proposed involves the use of car-seals to indicate the position of any valves that might be used to divert flow from the control device. Revisions to §§ 61.354 and 61.356 are also proposed to incorporate car seals as an option. This revision is being made to make subpart FF consistent with other NESHAP (e.g., the benzene transfer operations NESHAP, § 61.305(c)).

Clarification to the Repair Schedule for Treatment Devices

The requirement in § 61.348(g) pertaining to first attempt at repair was intended to apply only to gaskets and seals on access doors, hatches, and other similar openings on treatment processes and wastewater treatment systems. However, the language of this section may be interpreted to mean attempt at repair can be applied to the operation of the entire process or system. The proposed clarification would be implemented by changing section designations so that it is clear

the repair delay provisions apply to seals and gaskets on access doors, hatches, etc., as was originally intended and does not permit repair delays for malfunctioning treatment processes and wastewater treatment systems.

Clarification of What Wastes Are Exempt From the Rule

Section 61.340(c)(3) of the rule was originally designed to indicate that certain materials that would meet the broad definition of "waste" under this rule would be exempt from the requirements of this rule. This exemption was intended to apply to a narrow population of wastes that included primarily intermediate and product distillation reflux streams. The provision has been incorrectly interpreted to exclude materials that the Agency would consider wastes. Because there has not been a problem of a facility including process fluid reflux in the population of wastes that contain benzene, this paragraph has been deleted from the rule to avoid further misinterpretation of the intent and applicability.

Clarification of What Wastes Must Be Controlled

This revision to § 61.342(c)(1) would clarify that all wastes (that contain benzene at a concentration of 10 ppm or more and do not meet other exemption criteria) at facilities with a TAB of 10 Mg/yr or more are subject to the control requirements. Based on a review of 90-day reports submitted, it appears that some facilities have concluded incorrectly that only those wastes discharged to the sewer or only wastes with greater than 10 percent water were required to be controlled. However, any waste that contains benzene at a concentration of 10 ppm or more, including wastes with 10 percent water or less that are not discharged to an individual drain system, are subject to control.

As EPA stated in the preamble to the final rule, "at facilities that meet the applicability level, all wastes, including organics, are subject to the control requirements of the final rule unless they have a specific exclusion or meet other exemption requirements. Even though the calculation of annual benzene in waste excludes organic waste streams, benzene emissions from organic wastes contribute to the overall risk and the impacts of the rule were estimated based on the assumption that these streams would be controlled" (55 FR 8319). The Agency solicits comments on the risks associated with these waste streams. The criterion of a water content of greater than 10 percent is relevant only in identifying those waste streams that are to be used in determining the facility's TAB.

Points for Sampling and Analysis

Minor changes, in addition to those already discussed in section II of this preamble relating to applicability determinations, are proposed to clarify EPA's intent on several questions relating to points for sampling and analysis. These are discussed below.

Questions have been received on how multiple phase wastes should be characterized. A clarification is proposed in § 61.355 that for wastes with multiple phases, the benzene concentration must characterize (or represent) the waste stream as a whole (i.e., determine the weighted average concentration from the benzene concentration and the mass of each phase).

For purposes of determining whether a stream has met the standards in § 61.348(a), the determination of benzene concentration is made at the point where the waste exits the treatment process as provided in § 61.355 (d), (e), (f), and (g). These sections refer to paragraph (c) for the methods to be used in determining the benzene concentration of the waste stream and the mass flow rate of benzene in the waste stream.

Another clarification proposed is that waste quantity and benzene concentration determinations must be made at the point of generation (unless otherwise specified) for all wastes, not only aqueous wastes. The current rule specifies that determinations be made at the point of generation only for wastes that contain more than 10 percent water (in § 61.355(a)). In addition, the current rule does not explicitly specify that determinations be made at the point of generation for wastes that are exempted from control because of a benzene concentration less than 10 ppm (§ 61.342(c)(2)). The structure of this part of the rule is such that § 61.355(a) is devoted to determining total annual benzene quantity, (b) is for determining waste quantity, and (c) is for determining benzene concentration. However, (b) and (c) currently do not specify that waste quantity and concentration were to be determined at the point of generation.

It has always been EPA's intent that determinations of waste quantity and benzene concentration for all wastes subject to Subpart FF be made at the point of generation. That this was explicitly stated in the rule only for those wastes included in the TAB calculation was an inadvertent oversight that would be corrected with this clarification.

Clarification That Above-Ground Sewer Systems Must Meet the Wastewater Treatment Provisions

Under § 61.348(a)(5), if an owner or operator mixes any combination of process wastewater and other specified wastes for the purpose of facilitating management or treatment in a wastewater treatment system, then the requirements of § 61.348(b) apply. A revision to § 61.348(a)(5) of the rule is proposed to clarify that above-ground wastewater collection and treatment systems are also subject to these conditions.

The intent of the provisions for wastewater treatment systems is to prevent dilution from being used to lower the benzene concentration in affected waste streams to below 10 ppmw. A treatment process (e.g., a steam stripper) that complies with § 61.348(a) is not considered to be part of a wastewater treatment system provided that the reduction in benzene concentration in waste streams treated by the process is not achieved through dilution.

Alternative Control Devices

Section 61.349(a) of the rule specifies requirements for closed-vent systems and control devices used to comply with subpart FF. Requirements are specified for three types of devices most likely to be used. These are enclosed combustion devices, vapor recovery systems, and flares.

Since promulgation of the rule, EPA has been asked what requirements apply to control devices other than those identified in the rule. Consequently, a revision to § 61.349 is proposed that would add a new provision for control devices other than enclosed combustion devices, vapor recovery systems, or flares. The change will allow owners or operators, prior to the installation of the control device, to demonstrate through the use of test data and design information that an alternative control device achieves 95 percent control of the organic compounds or 98 percent control of benzene.

Under the proposed provision, owners or operators who propose to use an alternative control device would be required to develop and submit to EPA for approval, information documenting that the proposed device would meet the performance requirements of the rule. Following EPA approval, parameters indicating the operation and maintenance of the device in accordance with the rule would have to be monitored. Under § 61.349(e), the EPA Administrator would be able to request an owner or operator of an alternative control device to conduct a performance test at any time. Minor changes are also proposed to requirements for monitoring, recordkeeping, and reporting to incorporate the change for alternative control devices.

Clarification on Reporting Requirements

This is a minor revision to clarify that all chemical plants, petroleum refineries, coke by-product recovery plants, and facilities managing wastes from these industries are subject to the reporting requirements. If the facility has no benzene onsite in wastes, products, by-products, or intermediates, the facility must simply submit an initial report to that effect.

Clarify Alternative Means of Emission Limitation

This revision would add some minor clarifying words to § 61.353(a) on alternative means of emission limitation to make that section consistent with the General Provisions in subpart A of part 61 (§ 61.12(d)(1)).

Clarification on Loading Waste Into Containers

This revision is a minor clarification to § 61.345(a)(2) to indicate that the requirement for submerged loading of containers is not for all potentially pumpable wastes. The requirement for submerged loading is only for wastes that are acutally pumped into the container.

Clarification of "Recycled to a Process"

This proposed revision to § 61.342(c)(1)(iii) would clarify that once the waste stream is recycled to a process, including tanks used for the storage of production process feed, product or intermediates, the material is no longer subject to the rule (i.e., the storage tank, if it is not used primarily as a waste storage tank, is not subject to the control requirements of the rule).

Monitoring Requirements for Wastewater Treatment Systems

When an owner or operator mixes any combination of process wastewater and other specified wastes for the purpose of facilitating management or treatment in a wastewater treatment system, then the requirements of § 61.348(b) apply. Waste management units in the wastewater treatment system must be controlled for air emissions unless (1) the benzene content of each waste stream entering the unit is less than 10 ppmw and (2) the total annual benzene quantity contained in all waste streams managed or treated in units comprising the system that are not controlled for air emissions is less than 1 Mg/yr. The benzene in waste streams managed or treated in enhanced biodegradation units is not included in the determination of total annual benzene for the second condition.

Monitoring requirements for owners and operators complying with the wastewater treatment provisions of § 61.348(b) described above are included in § 61.354(b) of the rule. Section 61.354(b) requires monitoring of the flow rate of each wastewater stream exiting the wastewater treatment system. This is an inadvertent error. To monitor compliance with § 61.348(b), EPA's intent is that the flow rate and benzene concentration of each stream entering a unit not controlled for air emissions be monitored, except for biodegradation units. For biodegradation units, the benzene concentration of waste streams entering the unit should be monitored. A change to § 61.354(b) is proposed to make this section consistent with EPA's intent.

IV. Compliance Dates for Amended Rule

In general, the owner or operator of a facility subject to a NESHAP promulgated in 40 CFR part 61 must be in compliance with the NESHAP within 90 days of the effective date of the standard, unless a waiver of compliance is granted by the Administrator. The effective date for a NESHAP is defined as the date of its promulation in the **Federal Register**. The maximum waiver period that may be granted by the Administrator for a NESHAP promulgated under the authority of section 112 of the Clean Air Act prior to the 1990 Amendments is 2 years.

The NESHAP for benzene waste operations was promulgated on March 7, 1990. In the final rule, a 2-year waiver of compliance for the control requirements of the rule was granted to all facilities, making the date for compliance with the control requirements March 7, 1992. However, all facilities subject to the rule were required to submit a report to EPA within 90 days of the promulgation date as required by §61.10 of the General Provisions to 40 CFR part 61. Also, the rule required that a report describing the regulatory status of each waste stream containing benzene be submitted within 90 days of the promulgation date. These reports were due by June 5, 1990.

The final date for compliance with the control requirements of the rule would have been March 7, 1992. In a separate notice in today's **Federal Register**, EPA promulgated a stay of effectiveness of subpart FF until final action is taken on clarifying rule amendments. Clarifying rule amendments are proposed with today's notice, and EPA expects to take final action on the proposed amendments by December 1, 1992. Compliance with the amended rule would be required for existing sources within 90 days of the effective date of the rule amendments, unless a waiver of compliance is obtained pursuant to 40 CFR 61.10 and 61.11. New sources would have to be in compliance at startup.

The EPA expects that some population of existing facilities will not be able to comply fully with the amended rule within 90 days of promulgation. A facility may apply for a waiver of compliance for an additional period of up to 2 years past the effective date under § 61.10(b) of the General Provisions to 40 CFR part 61. The policy EPA will follow in reviewing waiver applications for the amended rule is discussed in section V of this preamble.

In addition, because the clarifying amendments are expected to affect facilities' understanding of the rule, all facilities subject to the rule would be required to submit a new report describing the regulatory status of benzene-containing waste streams to EPA. The requirements for the content of this report are described in § 61.357(a) of the rule. If an owner or operator, after reviewing the amended rule, believes his last report reflected a correct interpretation of the rule and has not changed, submission of a copy of the original report with a statement that it is still valid for that facility would be adequate to meet the requirement for a new report.

V. Policy for Granting Waivers of Compliance

The owner or operator of an existing source unable to come into complete compliance with the NESHAP for benzene waste operations within 90 days of the promulgation of amendments to the rule may apply for a waiver of compliance.

The procedure for applying for a waiver is described in § 61.10 of the General Provisions to 40 CFR part 61. A request for a waiver must be in writing and, in addition to the requirements of § 61.10, include a description of interim emission control steps that will be taken during the waiver period.

As specified in § 61.11, the Administrator may grant a waiver of up to 2 years based on information provided in the waiver request and other information. Any waiver issued will be in writing and will identify the sources covered, specify a date the

waiver expires, dates by which steps toward compliance are to be taken, and any additional conditions which the Administrator determines necessary to ensure protection of public health during the waiver period. An owner or operator will be notified prior to the denial of a waiver request and given an opportunity to present additional information or arguments before a final determination is made. The Administrator will not deny any waiver application solely because an applicant does not project full compliance within 2 years. This is an exception to current EPA policy, which would require compliance to be attained within 2 years. However, the Administrator believes it is reasonable to make an exception for this NESHAP in order to promote the multimedia compliance approaches being undertaken by many facilities, and considering that a commitment for actions to mitigate the effects of delayed compliance will be obtained from all facilities receiving waivers. In no event will a waiver be granted for a period of time exceeding 2 years or longer than the time needed to install the control equipment or process changes that the source intends to construct or implement to comply with this standard. If a source is not in compliance with the emission requirements and mitigating offsets required at the end of 2 years, then the source would be considered to be in violation of the NESHAP and would need to incorporate the compliance schedule in a federally enforceable consent order or administrative order as applicable.

In evaluating requests for waivers of compliance with the benzene waste operations NESHAP, additional specific factors will be considered by the Administrator, as outlined in § 61.342(b) of the proposed amendments. The EPA is preparing a document to provide guidance on how the waiver policy will be implemented. The following is a general discussion of the policy.

The EPA believes that it is essential that the risk to human health from benzene emissions that will continue during any waiver period be mitigated through reduction of other emissions or through other actions taken at the facility that have an equal or greater environmental benefit. It is the goal of the waiver policy to receive an enforceable commitment from a facility to obtain mitigating environmental benefits for the benzene emissions that result from extending the original compliance date. Such mitigation projects would initially be implemented through the compliance wiaver process and must contain enforceable interim steps toward compliance.

Although subpart FF would not be enforceable during any period that the standard is stayed, EPA encourages those facilities that can meet the requirements of subpart FF before the new effective date of the rule to do so. For sources requesting a waiver, EPA would consider the facility's good faith effort to comply with the requirements of subpart FF at the earliest possible date after March 7, 1992.

In general, EPA will consider mitigating actions taken by sources that reduce risk to the population and environment that are not currently required by regulation or taken in advance of future known regulatory requirements.

The EPA prefers actions that can be demonstrated to result in quantifiable emission and pollution reductions rather than nonquantifiable improvements. The EPA encourages sources to make permanent, rather than temporary, investments in emissions reductions when planning for waiver consideration.

These mitigating actions should consider, in the following order of highest lowest priority, additional benzene emission reductions from benzene waste operations not otherwise required under this rule, benzene emissions reductions from sources other than benzene waste operations, emission reductions of air pollutants other than benzene, reductions in pollutants transferred to media other than air (such as groundwater or surface water), or nonquantifiable benefits.

It is recognized that some facilities may request compliance waivers for this rule to implement comprehensive construction programs that will not only lead to compliance with subpart FF of part 61, but compliance with other regulations addressing releases to air, water, and land. EPA encourages this approach to implement these comprehensive multi-media control programs; provided the effect of the delayed compliance with the benzene waste operation NESHAP is mitigated. The EPA realizes that the environmental benefits of some comprehensive compliance strategies may accrue after the end of the waiver period. In limited situations and within a limited duration after the end of the waiver period, EPA will take into consideration such benefits toward the mitigation goal of the waiver applicant. The EPA will address the specifics of such situations in future guidance.

The EPA will also consider nonquantifiable case-specific features of waiver applications, in addition to quantified emissions reductions. For example, EPA will look favorably upon applications that stress pollution prevention/source reduction measures, as well as plans that offer compliance with other environmental regulations in advance of regulatory deadlines, or actions that are not currently required by regulation.

VI. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements in the proposed amendments to subpart FF have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* OMB approved the Information Collection Request Document prepared by EPA (ICR No. 1541) for the original rule promulgated on March 7, 1990 as No. 2060–0183. An amendment to this document has been prepared by EPA, and a copy may be obtained from Ms. Sandy Farmer, Information Policy Branch, EPA, 401 M Street, SW. (PM–233), Washington, DC 20460, or by calling (202)260–2740. The public reporting burden for this collection of information is estimated to average 11.9 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regading the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and to the Office of Information and Regualtory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in the proposed amendments.

B. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" which describes the effect of the proposed rule on small business entities. However, section 604(b) of the Regulatory Flexibility Act provides that analysis not be required when the head of an Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

The proposed amendments to 40 CFR part 61, subpart FF, are intended to clarify the rule and would not affect the number of facilities subject to the rule or the controls that must be installed to comply. I therefore certify that this rule will not have significant exonomic impact on a substantial number of small entities.

C. Docket

The docket is an organized and complete file of all the informaiton submitted to or otherwise considered by EPA in the development of this rulemaking. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated revisions, and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

D. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether this regulation is a "major rule" and therefore subject to certain requirements of the Order. The EPA has determined that the proposed clarifying amendments to subpart FF would result in none of the adverse economic effects set forth in section I of the Order as grounds for finding a regulation to be a "major rule." the EPA does not believe these proposed amendments to the regulation are major because the exonomic effects of the amendments do not meet the $100 million threshold, the amendments would not significantly increase process or production costs, and the amendments would not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets.

The Agency has not conducted a Regulatory Impact Analysis (RIA) of this proposed regulation because this action does not constitute a major rule.

List of Subjects in 40 CFR Part 61

Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Coke oven emissions, Hazardous substances, Intergovernmental relations, Mercury, Radionuclides, Reporting and recordkeeping requirements, Vinyl chloride, Volatile hazardous air pollutants.

Dated: February 24, 1992.

William K. Reilly,

Administrator.

PART 61 [AMENDED]

For the reasons set out in the preamble, title 40, chapter 1, part 61 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for part 61 continues to read as follows:

Authority: Sections 101, 112, 114, 116, 301 Clean Air Act as amended (42 U.S.C. 7401, 7412, 7414, 7416, 7601).

§ 61.340 [Amended]

2. In § 61.340, paragraph (c)(3) is removed.

3. Section 61.341 is amended by revising the definition for "point of waste generation" and by adding definitions in alphabetical order to read as follows:

§ 61.341 Definitions.

* * * * *

Car-seal means a seal that is placed on a device that is used to change the position of a valve (e.g., from opened to closed) in such a way that the position of the valve cannot be changed without breaking the seal.

* * * * *

Flow indicator means a device which indicates whether gas flow is present in a line or vent system.

* * * * *

Point of waste generation means the location where the waste stream exits the process unit component or storage tank prior to handling or treatment in an operation that is not an integral part of the production process, or in the case of waste management units that generate new wastes after treatment, the location where the waste stream exits the waste management unit component.

* * * * *

Sour water stream means a stream that: (1) Contains ammonia or sulfur compounds (usually hydrogen sulfide) at concentrations of 10 ppm by weight or more, (2) is generated from separation of water from a feed stock, intermediate, or product that contained ammonia or sulfur compounds, and (3) requires treatment to remove the ammonia or sulfur compounds.

Sour water stripper means a unit that: (1) Is designed and operated to remove ammonia or sulfur compounds (usually hydrogen sulfide) from sour water streams, (2) has the sour water streams transferred to the stripper through hard piping or other enclosed system, and (3) is operated in such a manner that the offgases are sent to a sulfur recovery unit, processing unit, incinerator, flare, or other combustion device.

* * * * *

4. Section 61.342 is amended by revising paragraphs (a), (b), (c)(1) introductory text, (c)(1)(iii), (c)(2), (c)(3), and (g) to read as follows:

§ 61.342 Standards: General.

(a) An owner or operator of a facility at which the total annual benzene quantity from facility waste is less than 10 megagrams per year (Mg/yr) shall be exempt from the requirements of paragraphs (b) and (c) of this section. The total annual benzene quantity from facility waste is the sum of the annual benzene quantity for each waste stream at the facility that has a flow-weighted annual average water content greater than 10 percent or that is mixed with water, or other wastes, at any time and the mixture has an annual average water content greater than 10 percent. The benzene quantity in a waste stream is to be counted only once without multiple counting if other waste streams are mixed with or generated from the original waste stream. Other specific requirements for calculating the total annual benzene waste quantity are as follows:

(1) Wastes that are exempted from control under §§ 61.342(c)(2) and 61.342(c)(3) are included in the calculation of the total annual benzene quantity if they have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent,

(2) The benzene in a material subject to this subpart that is sold is included in the calculation of the total annual benzene quantity if the material has an annual average water content greater than 10 percent,

(3) Benzene in wastes generated by remediation activities, such as the excavation of contaminated soil, pumping and treatment of groundwater, and the recovery of product from soil or groundwater, are not included in the calculation of total annual benzene quantity; however, if the facility's total annual benzene quantity is 10 Mg/yr or more, wastes generated by remediation activities are subject to the requirements of paragraphs (c) through (g) of this section.

(4) The total annual benzene quantity is calculated using the quantity of benzene in the waste before any waste treatment occurs to remove the benzene except as specified in § 61.355(c)(1)(i)(A) through (C).

(b) Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr as

determined in paragraph (a) of this section shall be in compliance with the requirements of paragraphs (c) through (g) of this section no later than 90 days following the effective date, unless a waiver of compliance has been obtained under § 61.11, or by the initial startup for a new source with an initial startup after the effective date.

(1) The owner or operator of an existing source unable to comply with the rule within the required time may request a waiver of compliance under § 61.10.

(2) As part of the waiver application, the owner or operator shall sumit to the Administrator a plan under § 61.160(b)(3) that is an enforceable commitment to obtain environmental benefits to mitigate the benzene emissions that result from extending the compliance date. The plan shall include the following information:

(i) A description of the method of compliance, including the control approach, schedule for installing controls, and quantity of the benzene emissions that result from extending the compliance date,

(ii) If the control approach involves a compliance strategy designed to obtain integrated compliance with multiple regulatory requirements, a description of the other regulations involved and their effective dates, and

(iii) A description of the actions to be taken at the facility to obtain mitigating environmental benefits, including how the benefits will be obtained, the schedule for these actions, and an estimate of the quantifiable benefits that directly result from these actions.

(c) * * *

(1) For each waste stream that contains benzene, including (but not limited to) organic waste streams that contain less than 10 percent water and aqueous waste streams, even if the wastes are not discharged to an individual drain system, the owner or operator shall:

* * * * *

(iii) Each waste management unit used to manage or treat waste streams that will be recycled to a process shall comply with the standards specified in §§ 61.343 through 61.347 of this subpart. Once the waste stream is recycled to a process, including to a tank used for the storage of production process feed, product, or product intermediates, unless this tank is used primarily for the storage of wastes, the material is no longer subject to paragraph (c) of this section.

(2) A waste stream is exempt from paragraph (c)(1) of this section provided that the owner or operator demonstrates initially and, thereafter, at least once per year that the flow-weighted annual average benzene concentration for the waste stream is less than 10 ppmw as determined by the procedures specified in § 61.355(c)(2) or § 61.355(c)(3) of this subpart.

(3) A waste stream is exempt from paragraph (c)(1) of this section provided that the owner or operator demonstrates initially, and thereafter, at least once per year that the conditions specified in either paragraph (c)(3)(i) or (c)(3)(ii) of this section are met.

(i) The waste stream is process watewater that has a flow rate less than 0.02 liters per minute or an annual wastewater quantity of less than 10 Mg/yr; or

(ii) All of the following conditions are met:

(A) The owner or operator does not choose to exempt process wastewater under paragraph (c)(3)(i) of this section,

(B) The annual benzene quantity in the waste stream, other than process wastewater, is less than 25 kg/yr,

(C) The total annual benzene quantity in all waste streams chosen for exemption in paragraph (c)(3)(ii) does not exceed 1.0 Mg/yr,

(D) The total annual benzene quantity in a waste stream chosen for exemption is determined for the year in which the waste is generated and is not averaged over the period of years in which the waste might be generated as specified in § 61.355(a)(6),

(E) The waste is not product tank drawdown, and

(F) The waste is not material that is generated from purging prior to sampling of a waste or process fluid.

* * * * *

(g) Permission to use an alternative means of compliance to meet the requirements of §§ 61.342 through 61.352 of this subpart may be granted by the Administrator as provided in § 61.353 of this subpart.

5.–6. Paragraph (a)(2) of § 61.345 is amended by revising the first sentence to read as follows:

§ 61.345 Standards: Containers.

(a) * * *

(2) When a waste is transferred into a container by pumping, the owner or operator shall perform the transfer using a submerged fill pipe. * * *

* * * * *

7. Section 61.348 is amended by adding a new sentence at the end of paragraph (a)(5) to read as follows:

§ 61.348 Standards: Treatment processes.

(a) * * *

(5) * * * These provisions apply to above-ground wastewater treatment systems as well as those that are at or below ground level.

* * * * *

8. Section 61.349 is amended by revising paragraphs (a)(1)(ii), (a)(2)(ii), and (e); and by adding paragraph (a)(2)(iv) to read as follows:

§ 61.349 Standards: Closed-vent systems and control devices.

(a) * * *

(1) * * *

(ii) Vent systems that contain any bypass line that could divert the vent stream away from a control device used to comply with the provisions of this subpart shall install, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow away from the control device at least once every 15 minutes, except as provided in paragraph (a)(1)(ii)(B) of this section.

(A) The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.

(B) Where the bypass line valve is secured in the closed position with a car-seal or a lock-and-key type configuration, a flow indicator is not required.

* * * * *

(2) * * *

(ii) A vapor recovery system (e.g., a carbon adsorption system or a condenser) shall recover or control the organic emissions vented to it with an efficiency of 95 weight percent or greater, or shall recover or control the benzene emissions vented to it with an efficiency of 98 weight percent or greater.

* * * * *

(iv) A control device other than those described in paragraphs (a)(2)(i) through (iii) of this section may be used provided that the following conditions are met:

(A) The device shall recover or control the organic emissions vented to it with an efficiency of 95 weight percent or greater, or shall recover or control the benzene emissions vented to it with an efficiency of 98 weight percent or greater.

(B) The owner or operator shall develop test data and design information that documents the control device will achieve an emission control efficiency of either 95 percent or greater for organic compounds or 98 percent or greater for benzene;

(C) The owner or operator shall identify:

(1) The critical operating parameters that affect the emission control performance of the device,

(2) The range of values of these operating parameters that ensure the emission control efficiency specified in paragraph (a)(2)(iv)(A) of this section is maintained during operation of the device, and

(3) How these operating parameters will be monitored to ensure the proper operation and maintenance of the device.

(D) The owner or operator shall submit the information and data specified in paragraphs (a)(2)(iv)(B) and (C) of this section to the Administrator prior to operation of the alternative control device.

(E) The control device shall not be judged as in compliance with requirements of § 61.349 of this subpart until the Administrator has approved the use of the alternative control device.

* * * * *

(e) The Administrator may request at any time an owner or operator demonstrate that a control device meets the applicable conditions specified in paragraph (a)(2) of this section by conducting a performance test using the test methods and procedures as required in § 61.355 of this subpart, and for control devices subject to paragraph (a)(2)(iv), the Administrator may specify alternative test methods and procedures, as appropriate.

* * * * *

9. Section 61.353 is amended by revising paragraph (a) to read as follows:

§ 61.353 Alternative means of emission limitation.

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in benzene emissions at least equivalent to the reduction in benzene emissions from the source achieved by the applicable design, equipment, work practice, or operational requirements in §§ 61.342 through 61.349 of this subpart, the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of compliance with that requirement. The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

* * * * *

10. Section 61.354 is amended by revising paragraphs (b), (c)(6)(i), (c)(7)(i), (c)(8), and (d) and by adding paragraphs (c)(9) and (f) to read as follows:

§ 61.354 Monitoring of operations.

* * * * *

(b) If an owner or operator complies with the requirements of § 61.348(b) of this subpart, then the owner or operator shall install, calibrate, operate, and maintain according to manufacturer's specifications equipment as follows:

(1) For the first exempt waste management unit in each waste treatment train, other than an enhanced biodegradation unit, equipment to continuously monitor and record the flow rate and benzene concentration of each waste stream entering the unit.

(2) For each enhanced biodegradation unit that is the first exempt waste management unit in a treatment train, equipment to continuously monitor and record the benzene concentration of each waste stream entering the unit.

(c) * * *

(6) * * *

(i) A monitoring device equipped with a continuous recorder to measure either the concentration level of the organic compounds or the concentration level of benzene in the exhaust vent stream from the condenser; or

* * * * *

(7) * * *

(i) A monitoring device equipped with a continuous recorder to measure either the concentration level of the organic compounds or the benzene concentration level in the exhaust vent stream from the carbon bed; or

* * * * *

(8) For a vapor recovery system other than a condenser or carbon adsorption system, a monitoring device equipped with a continuous recorder to measure either the concentration level of the organic compounds or the benzene concentration level in the exhaust vent stream from the control device.

(9) For a control device subject to the requirements of § 61.349(a)(2)(iv) of this subpart, devices to monitor the parameters as specified in § 61.349(a)(2)(iv)(C) of this subpart.

(d) For a carbon adsorption system that does not regenerate the carbon bed directly on site in the control device (e.g., a cargon canister), either the concentration level of the organic compounds or the concentration level of benzene in the exhaust vent stream from the carbon adsorption system shall be monitored on a regular schedule, and the existing carbon shall be replaced with fresh carbon immediately when carbon breakthrough is indicated. The device shall be monitored on a daily basis or at intervals no greater than 20 percent of the design carbon replacement interval, whichever is greater. As an alternative to conducting this monitoring, an owner or operator may replace the carbon in the carbon adsorption system with fresh carbon at a regular predetermined time interval that is less than the carbon replacement interval that is determined by the maximum design flow rate and either the organic concentration or the benzene concentration in the gas stream vented to the carbon adsorption system.

* * * * *

(f) Owners or operators using a closed vent system that contains any bypass line that could divert a vent stream from a control device used to comply with the provisions of this subpart shall do the following:

(1) Visually inspect the bypass line valve at least once every month, checking the position of the valve and the condition of the car-seal or closure mechanism required under § 61.349(a)(1)(ii) of this subpart to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

(2) Visually inspect the readings from each flow monitoring device required by § 61.349(a)(1)(ii) of this subpart at least once each operating day to check that vapors are being routed to the control device as required.

11. Section 61.355 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(i), (a)(1)(ii), (b) introductory text, (c) introductory text, (e)(3), (e)(4), (f)(3), (i) introductory text, (i)(3), (i)(3)(ii)(C), (i)(3)(iii), (i)(3)(iv), and (i)(4); by adding paragraph (a)(6); by redesignating paragraphs (b)(1), (b)(2), and (b)(3) as (b)(4), (b)(5), and (b)(6); by adding paragraphs (b)(1), (b)(2), and (b)(3); by redesignating paragraphs (c)(1) and (c)(2) as (c)(2) and (c)(3); and by adding (c)(1) to read as follows:

§ 61.355 Test methods, procedures, and compliance provisions.

(a) * * *

(1) For each waste stream subject to this subpart having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or is mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent as specified in § 61.342(a), the owner or operator shall:

(i) Determine the annual waste quantity for each waste stream using the procedures specified in paragraph (b) of this section.

(ii) Determine the flow-weighted annual average benzene concentration for each waste stream using the procedures specified in paragraph (c) of this section.

* * * * *

(6) The benzene quantity in a waste stream that is not generated at least once each year (e.g., wastes generated during maintenance turnarounds that occur only once every 2 to 5 years) shall be included in the determination of total annual benzene quantity from facility waste for the year in which the waste is generated unless the waste stream is otherwise excluded from the determination of total annual benzene quantity from facility waste in accordance with § 61.355 (a) through (c) of this subpart. The benzene quantity in this waste stream shall not be annualized or averaged over the time interval between the activities that resulted in generation of the waste, for purposes of determining the total annual benzene quantity from facility waste.

(b) For purposes of the calculation required by § 61.342(c)(3)(ii) and § 61.355(a), an owner or operator shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in paragraphs (b)(1), (2), and (3) of this section, by one of the methods given in paragraphs (b)(4) through (6) of this section.

(1) The determination of annual waste quantity for sour water streams that are processed in sour water strippers shall be made at the point that the treated water exits the sour water stripper.

(2) The determination of annual waste quantity for wastes at coke by-product plants subject to and complying with the control requirements of §§ 61.132, 61.133, 61.134, or 61.139 of subpart L of this part shall be made at the location that the waste stream exits the process unit component or waste management unit controlled by that subpart or at the exit of the ammonia still, provided that the following conditions are met:

(i) The transfer of wastes between units complying with the control requirements of subpart L of this part, process units, and the ammonia still is made through hard piping or other enclosed system.

(ii) The ammonia still meets the definition of a sour water stripper in § 61.341.

(3) The determination of annual waste quantity for wastes that are received at treatment, storage, or disposal facilities from offsite shall be made at the point where the waste enters the treatment, storage, or disposal facility.

* * * * *

(c) For the purposes of the calculation required by § 61.342(c)(3)(ii) and § 61.355(a) of this subpart, an owner or operator shall determine the flow-weighted annual average benzene concentration in a manner that meets the requirements given in paragraph (c)(1) using either of the methods given in paragraphs (c)(2) and (c)(3) of this section.

(1) The determination of flow-weighted annual average benzene concentration shall meet all of the following criteria:

(i) The determination shall be made at the point of waste generation except for the specific cases given in paragraphs (c)(1)(i)(A) through (C) of this section.

(A) The determination for sour water streams that are processed in sour water strippers shall be made at the point that the treated water exits the sour water stripper.

(B) The determination for wastes at coke by-product plants subject to and complying with the control requirements of §§ 61.132, 61.133, 61.134, or 61.139 of subpart L of this part shall be made at the location that the waste stream exits the process unit component or waste management unit controlled by that subpart or at the exit of the ammonia still, provided that the following conditions are met:

(1) The transfer of wastes between units complying with the control requirements of subpart L of this part, process units, and the ammonia still is made through hard piping or other enclosed system.

(2) The ammonia still meets the definition of a sour water stripper in § 61.341.

(C) The determination for wastes that are received from offsite shall be made at the point where the waste enters the treatment, storage, or disposal facility.

(ii) Volatilization of the benzene by exposure to air shall not be used to reduce the benzene concentration determination.

(iii) Mixing or diluting the waste stream with other wastes or other materials shall not be used to reduce the benzene concentration determination.

(iv) The determination shall be made prior to any treatment of the waste that removes benzene, except as specified in (c)(1)(i)(A) through (C) of this section.

(v) For wastes with multiple phases, the determination shall provide the weighted-average benzene concentration based on the benzene contained in each phase of the waste.

* * * * *

(e) * * *

(3) The mass flow rate of benzene entering the treatment process (E_b) shall be determined by computing the product of the flow rate of the waste stream entering the treatment process, as determined by the inlet flow meter, and the benzene concentration of the waste stream, as determined using the sampling and analytical procedures specified in paragraph (c)(2) or (c)(3) of this section. Three grab samples of the waste shall be taken at equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs conducted over a 3-hour period. The mass flow rate of benzene entering the treatment process is calculated as follows:

$$E_b = \frac{K}{n \times 10^6} \left[\sum_{i=1}^{n} V_i C_i \right]$$

Where:
E_b = Mass flow rate of benzene entering the treatment process, kg/hour.
K = Density of the waste stream, kg/m³.
V_i = Average volume flow rate of waste entering the treatment process during each run i, m³/hour.
C_i = Average concentration of benzene in the waste stream entering the treatment process during each run i, ppmw.
n = Number of runs.

(4) The mass flow rate of benzene exiting the treatment process (E_a) shall be determined by computing the product of the flow rate of the waste stream exiting the treatment process, as determined by the inlet flow meter, and the benzene concentration of the waste stream, as determined using the sampling and analytical procedures specified in paragraph (c)(2) or (c)(3) of this section. Three grab samples of the waste shall be taken at equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs conducted over the same 3-hour period at which the mass flow rate of benzene entering the treatment process is determined. The mass flow rate of benzene exiting the treatment process is calculated as follows:

$$E_a = \frac{K}{n \times 10^6} \left[\sum_{i=1}^{n} V_i C_i \right]$$

Where:
E_a = Mass flow rate of benzene exiting the treatment process, kg/hour.
K = Density of the waste stream, kg/m³.
V_i = Average volume flow rate of waste exiting the treatment process during each run i, m³/hour.
n = Number of runs.

* * * * *

(f) * * *

(3) The mass flow rate of benzene entering the combustion unit shall be determined by computing the product of the flow rate of the waste stream entering the combustion unit, as determined by the inlet flow meter, and the benzene concentration of the waste stream, as determined using the sampling procedures paragraph (c)(2) or (c)(3) of this section. Three grab samples of the waste shall be taken at equally spaced time intervals over a 1-hour period. Each 1-hour period constitutes a run, and the performance test shall consist of a minimum of 3 runs conducted over a 3-hour period. The mass flow rate of benzene into the combustion unit is calculated as follows:

$$E_b = \frac{K}{n \times 10^6} \left[\sum_{i=1}^{n} V_i C_i \right]$$

Where:
E_b = Mass flow rate of benzene into the combustion unit, kg/hour.
K = Density of the waste stream, kg/m³.
V_i = Average volume flow rate of waste entering the combustion unit during each run i, m³/hour.
C_i = Average concentration of benzene in the waste stream entering the combustion unit during each run i, ppmw.
n = Number of runs.

* * * * *

(i) An owner or operator using a performance test to demonstrate compliance of a control device with either the organic reduction efficiency requirement or the benzene reduction efficiency requirement specified under § 61.349(a)(2) of this subpart shall use the following procedures:

* * * * *

(3) The mass flow rate of either the organics or benzene entering and exiting the control device shall be determined as follows:

* * * * *

(ii) * * *

(C) The organic concentration or the benzene concentration, as appropriate, in the vent stream entering and exiting the control shall be determined using Method 18 from Appendix A of 40 CFR Part 60.

(iii) The mass of organics or benzene entering and exiting the control device during each run shall be calculated as follows:

$$M_{aj} = K V_{aj} \left[\sum_{i=1}^{n} C_{ai} MW_i \right] (10^{-6})$$

$$M_{bj} = K V_{bj} \left[\sum_{i=1}^{n} C_{bi} MW_i \right] (10^{-6})$$

Where:
M_{ai} = Mass of organics or benzene in the vent stream entering the control device during run j, kg.
M_{bj} = Mass of organics or benzene in the vent stream exiting the control device during run j, kg.
V_{aj} = Volume of vent stream entering the control device during run j at standard conditions, m³.
V_{bj} = Volume of vent stream exiting the control device during run j at standard conditions, m³.
C_{ai} = Organic concentration of compound i or the benzene concentration measured in the vent stream entering the control device as determined by Method 18, ppm by volume on a dry basis.
C_{bi} = Organic concentration of compound i or the benzene concentration measured in the vent streaentering the control device as determined by Method 18, ppm by volume on a dry basis.
MW_i = Molecular Weight of organic compound i in the vent stream or the molecular weight of benzene, kg/kg-mol.
n = Number of organic compounds in the vent stream; if benzene reduction efficiency is being demonstrated, then n = 1.
K = Conversion factor molar volume = 0.0416 kg-mol/m³ (at 293 °K and 760 mm Hg).
10^{-6} = Conversion from ppm, ppm^{-1}.

(iv) The mass flow rate of organics or benzene entering and exiting the control device shall be calculated as follows:

$$E_a = \left(\sum_{j=1}^{n} M_{aj} \right) / T$$

$$E_b = \left(\sum_{j=1}^{n} M_{bj} \right) / T$$

Where:
E_a = Mass flow rate of organics or benzene entering the control device, kg/hour.
E_b = Mass flow rate of organics or benzene exiting the control device, kg/hour.
M_{aj} = Mass of organics or benzene in the vent stream entering the control device during run j, kg.
M_{bj} = Mass of organics or benzene in vent stream exiting the control device during run j, kg.
T = Total time of all runs, hour.
n = Number of runs.

(4) The organic reduction efficiency or the benzene reduction efficiency for the control device shall be calculated as follows:

$$R = \frac{E_a - E_b}{E_a} \times 100$$

Where:
R = Total organic reduction efficiency or benzene reduction efficiency for the control device, percent.
E_a = Mass flow rate of organics or benzene entering the control device, kg/hr.
E_b = Mass flow rate of organics or benzene exiting the control device, kg/hr.

12. Section 61.356 is amended by revising paragraphs (b)(2), (f)(2)(ii) (E) through (G), (j)(3), (j)(8), and (j)(9); and by adding paragraphs (f)(2)(ii)(H), (j)(12), and (m) to read as follows:

§ 61.356 Recordkeeping requirements.

* * * * *

(b) * * *

(2) For each waste stream exempt from § 61.342(c)(1) of this subpart in accordance with § 61.342(c)(3) of this subpart, the records shall include:

(i) all measurements, calculations, and other documentation used to determine that the continuous flow of process wastewater is less than 0.02 liters per minute or the annual waste quantity of process wastewater is less than 10 Mg/yr, or

(ii) all measurements, calculations, and other documentation used to determine that the total annual benzene quantity in each waste stream that is not process wastewater is less than 25 kg/yr and that the sum of the total annual benzene quantity in all exempt waste streams does not exceed 1.0 Mg/yr.

* * * * *

(f) * * *

(2) * * *

(ii) * * *

(E) For a condenser, the design analysis shall consider the vent stream composition, constituent concentrations, flow re, relative humidity, and temperature. The design analysis shall also establish the design outlet organic compound concentration level or the design outlet benzene concentration level, design average temperature of the condenser exhaust vent stream, and the design average temperatures of the coolant fluid at the condenser inlet and outlet.

(F) For a carbon adsorption system that regenerates the carbon bed directly on-site in the control device such as a fixed-bed adsorber, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level or the design exhaust vent stream benzene concentration level, number and capacity of carbon beds, type and working capacity of activated carbon used for carbon beds, design total steam flow over the period of each complete carbon bed regeneration cycle, duration of the carbon bed steaming and cooling/drying cycles, design carbon bed temperature after regeneration, design carbon bed regeneration time, and design service life of carbon.

(G) For a carbon adsorption system that does not regenerate the carbon bed directly on-site in the control device, such as a carbon canister, the design analysis shall consider the vent stream composition, constituent concentrations, flow rate, relative humidity, and temperature. The design analysis shall also establish the design exhaust vent stream organic compound concentration level or the design exhaust vent stream benzene concentration level, capacity of carbon bed, type and working capacity of activated carbon used for carbon bed, and design carbon replacement interval based on the total carbon working capacity of the control device and source operating schedule.

(H) For a control device subject to the requirements of § 61.349(a)(2)(iv), the design analysis shall consider the vent stream composition, constituent concentrations, and flow rate. The design analysis shall also include all of the information submitted under § 61.349(a)(2)(iv).

* * * * *

(j) * * *

(3) Periods when the closed vent system and control device are not operated as designed including all periods and the duration when:

(i) Any valve car-seal or closure mechanism required under § 61.349(a)(1)(ii) of this subpart is broken or the by-pass line valve position has changed.

(ii) The flow monitoring devices required under § 61.349(a)(1)(ii) of this subpart indicate that vapors are not routed to the control device as required.

* * * * *

(8) If a condenser is used, then the owner or operator shall maintain continous records of the parameters selected to be monitored in accordance with § 61.354(c)(6) of this subpart. If concentration of organics or concentration of benzene in the control device outlet gas stream is monitored, then the owner or operator shall record all 3-hour periods of operation during which the concentration of organics or the concentration of benzene in the exhaust stream is more than 20 percent greater than the design value. If the temperature of the condenser exhaust stream and coolant fluid is monitored, then the owner or operator shall record all 3-hour periods of operation during which the temperature of the condenser exhaust vent stream is more than 6°C above the design average exhaust vent stream temperature, or the temperature of the coolant fluid exiting the condenser is more than 6°C about the design average coolant fluid temperature at the condenser outlet.

(9) If a carbon adsorber is used, then the owner or operator shall maintain continuous records of the concentration of organics or the concentration of benzene in the control device outlet gas stream. If the concentration of organics or the concentration of benzene in the control device outlet gas stream is monitored, then the owner or operator shall record all 3-hour periods of operation during which the concentration of organics or the concentration of benzene in the exhaust stream is more than 20 percent greater than the design value. If the carbon bed regeneration interval is monitored, then the owner or operator shall record each occurrence when the vent stream continues to flow through the control device beyond the predetermined carbon bed regeneration time.

* * * * *

(12) If a control device subject to the requirements of § 61.349(a)(2)(iv) of this subpart is used, then the owner or operator shall maintain records of the parameters that are monitored and each occurrence when the parameters monitored are outside the range of values specified in § 61.349 (a)(2)(iv)(C) of this subpart, or other records as specified by the Administrator.

* * * * *

(m) Each owner or operator of a facility at which the total annual benzene quantity from facility waste is equal to or greater than 10 Mg/yr as determined in accordance with the procedures specified in § 61.355(a) of this subpart shall have a plan for the management of benzene containing wastes generated from the emptying and purging of equipment and process units that are shut down temporarily for inspection, maintenance, and repair work (i.e., a maintenance turnaround).

(1) The provisions of this plan shall be implemented during each maintenance turnaround at the facility.

(2) This plan shall specify the procedures used by the owner or operator that are consistent with pollution prevention and good air pollution control practices to limit emissions of benzene to the atmosphere from activities associated with the maintenance turnaround of equipment or process units that contain or contact benzene or benzene mixtures.

(3) The owner or operator shall modify and update the plan as needed following each maintenance turnaround based on the actions taken and wastes generated during the preceding maintenance turnaround.

(4) The maintenance turnaround waste management plan shall be in the facility operating record by the date the facility becomes subject to the provisions of this subpart and shall be maintained for the life of the facility or until the facility is no longer subject to the provisions of this subpart.

13. Section 61.357 is amended by revising paragraphs (a) introductory text, (a)(4), (d)(1), (d)(3)(iii), (d)(6)(iii)(D), and (d)(7); and by adding paragraph (d)(6)(iii)(I) to read as follows:

§ 61.357 Reporting requirements.

(a) Each owner or operator of a chemical plant, petroleum refinery, coke by-product recovery plant, and any facility managing wastes from these industries shall submit to the Administrator within 90 days after the effective date of this subpart, or by the initial startup for a new source with an initial startup after the effective date, a report that summarizes the regulatory status of each waste stream subject to § 61.342 and is determined by the procedures specified in § 61.355(c) of this subpart to contain benzene. Each owner or operator subject to this subpart who has no benzene onsite in wastes, products, by-products, or intermediates shall submit an initial report that is a statement to this effect. For all other owners or operators subject to this subpart, the report shall include the following information:

* * * * *

(4) The information required in paragraphs (a)(1), (2), and (3) of this section should represent the owner's or operator's best estimate of the waste stream characteristics based on existing information and current configuration and operating conditions. An owner or operator only needs to list in the report those waste streams that contact materials containing benzene. The report does not need to include a description of the controls to be installed to comply with the standard or other information required in § 61.10(a) of this part.

* * * * *

(d) * * *

(1) Within 90 days after March 5, 1992, unless a waiver of compliance under § 61.11 of this part is granted, or by the date of initial startup for a new source with an initial startup after the effective date, a certification that the equipment necessary to comply with these standards has been installed and that the required initial inspections or tests have been carried out in accordance with this subpart. If a waiver of compliance is granted under § 61.11, the certification of equipment necessary to comply with these standards shall be submitted by the date the waiver of compliance expires.

* * * * *

(3) * * *

(iii) For each process wastewater stream identified as being controlled for benzene emissions in accordance with the requirements of this subpart, the table shall report the following information for the process wastewater stream as determined at the exit to the treatment process: Annual waste quantity, range of benzene concentrations, annual average flow-weighted benzene concentration, and annual benzene quantity.

* * * * *

(6) * * *

(iii) * * *

(D) Each 3-hour period of operation during which the average concentration of organics or the average concentration of benzene in the exhaust gases from a carbon adsorber, condenser, or other vapor recovery system is more than 20 percent greater than the design concentration level of organics or benzene in the exhaust gas.

* * * * *

(J) Each 3-hour period of operation during which the parameters monitored are outside the range of values specified in § 61.349(a)(2)(iv)(C) of this subpart, or any other periods specified by the Administrator for a control device subject to the requirements of § 61.349(a)(2)(iv) of this subpart.

(7) Beginning one year after the date that the equipment necessary to comply with these standards has been certified in accordance with paragraph (d)(1) of this section, the owner or operator shall submit annually to the Administrator a report that summarizes all inspections required by §§ 61.342 through 61.354 of this subpart during which detectable emissions are measured or a problem (such as a broken seal, gap or other problem) that could result in benzene emissions is identified, including information about the repairs or corrective action taken.

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Part IV

Department of Education

Vocational Rehabilitation Service Projects for American Indians With Handicaps; Notices

DEPARTMENT OF EDUCATION

Vocational Rehabilitation Service Projects for American Indians With Handicaps

AGENCY: Department of Education.

ACTION: Notice of final priorities for fiscal year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 for the Vocational Rehabilitation Service Projects for American Indians with Handicaps program. The Secretary takes this action to focus Federal financial assistance on identified national needs. The priorities are intended to increase the availability of vocational rehabilitation services to American Indians with disabilities living on reservations and Native Alaskans with disabilities living in tribal villages by—(1) Addressing the needs of Native Americans with specific learning disabilities; and (2) Addressing the needs of individuals with certain disabilities that are prevalent on the applicant's reservation or in the tribal village.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Edward Hofler, U.S. Department of Education, 400 Maryland Avenue, SW., room 3318 Switzer Building, Washington, DC 20202–2740. Telephone: (202) 732–1332. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., eastern time.

SUPPLEMENTARY INFORMATION: Grants under the Vocational Rehabilitation Service Projects for American Indians with Handicaps program are authorized by title I, section 130 of the Rehabilitation Act of 1973, as amended. The purpose of this program is to provide vocational rehabilitation services to American Indians and Native Alaskans with handicaps who reside on Federal or State reservations or in tribal villages in order to prepare them for suitable employment. This program, as well as the final priorities selected for this fiscal year, will further the Department's AMERICA 2000 strategy by assisting individuals with disabilities to compete in a global economy and exercise the rights and responsibilities of citizenship.

Applicable program regulations in 34 CFR part 371 call for projects to establish a vocational rehabilitation structure and provide services comparable to those provided to other individuals with disabilities served by the State vocational rehabilitation agencies. The regulations encourage cooperative arrangements between these projects and the State vocational rehabilitation system in order to provide complete and continuous services to American Indians living on reservations. An evaluation of this program completed in 1987 recommended that further efforts be made to establish a close and lasting relationship with the State vocational rehabilitation (VR) agency that will assure the project the necessary training, technical assistance, and provision of specific client services not feasible for the project to provide directly. A strong relationship with the State VR agency is also necessary to guarantee uninterrupted client services if and when the project ceases to receive Federal funding.

Furthermore, studies from the American Indian Research and Training Centers and program experience indicate that these projects cannot function effectively in isolation from other tribal components that provide human services. Each project needs to establish within its own tribal organization effective linkages with the human service delivery system offering social services, health care, alcohol dependency treatment, and other comparable programs that, if already in place on the reservation, should not be duplicated in the vocational rehabilitation program.

Effective linkages and appropriate referrals, however, cannot be made unless a good working relationship is created between the director of the project and the management of the other tribal human service agencies. To achieve more effective internal relations on the reservations, special attention needs to be given to the recruitment of project directors who are knowledgeable about the various services already in place on the reservation and who are knowledgeable about the cultural, linguistic, and political realities of the reservation or Indian village. In addition, project directors must be effective liaison persons who can work constructively with other managers and directors of related programs. Since voc rehabilitation is relatively new to many tribal organizations, the project director should be capable of communcating in an effective way to the existing human service delivery system the importance of the rehabilitation process for persons with disabilities.

On August 19, 1991 the Secretary published a notice of proposed priorities for these competitions in the Federal Register (56 FR 41180).

Note: This note of final priorities does not solicit applications. A notice inviting applications under these competitions is published in a separate notice in this issue of the Federal Register.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, eight parties submitted comments. An analysis of the comments and the Secretary's responses follow. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed. No substantive changes have been made since publication of the notice of proposed priorities.

Absolute Priority 1—Projects Addressing the Needs of American Indians With Specific Learning Disabilities (SLD)

Comments: Four commenters opposed this priority. One commenter opposing this priority indicated that priorities should be established only after direct consultation with tribal organizations concerning their needs. The other three commenters opposed the priority as being too restrictive and urged that any priorities for services to American Indians with SLD not hamper the opportunity to serve persons with other disabilities. One opposing commenter was especially concerned that this priority would increase the caseload of its vocational rehabilitation (VR) program to an unmanageable level, inflate the costs of rehabilitation because of the difficulty of serving persons with SLD, give preference to persons with SLD over persons with severe disabilities, and narrow the focus of the American Indian VR program to create a school-to-work transition project. This commenter also questioned whether the priority to serve clients with SLD will be adhered to for the three-year project period and, if the Secretary proposes a new priority for FY 1993, whether grantees funded under the FY 1992 priority will be eligible to apply for a new grant under a new FY 1993 priority.

Discussion: The Secretary acknowledges the need for ongoing consultation with American Indian organizations in the establishment of priorities responsive to their needs. The Department, in providing monitoring and technical assistance to tribal organizations, receives frequent input from India tribes concerning their needs related to serving persons with disabilities. The Secretary also recognizes the need for comprehensive VR services to all American Indians with disabilities, and the intention of the priority is not to limit the scope of services solely to persons with SLD. However, studies have shown that a larger percentage of American Indian youth enrolled in schools was classified as learning disabled than any other racial or ethnic group, and that this higher incidence of learning disabilities is thought to be related to learning delays at critical developmental points. Furthermore, while the establishment of this priority is intended to require an applicant to give special emphasis within its program to persons with specific learning disabilities, each applicant is bound to respond to the broader regulatory requirements of the section 130 program. All projects under this authority are required to provide vocational rehabilitation services comparable to those provided by the State agency to all individuals with disabilities.

The focus on service to clients with SLD within this priority is not intended to create a school-to-work transition project but rather to address a disability that poses one of the greatest obstacles to successful employment for American Indians, no matter what their ages may be.

This priority is expected to be implemented over the three-year life of the project starting in FY 1992, and it is hoped that models developed during that time will become permanent components of service to clients with SLD within the section 130 VR program. The SLD priority does not call for establishing a special VR project for persons with SLD, but rather a comprehensive VR structure with a focus on service to persons with SLD. Therefore, a grantee funded in FY 1992 for three years under this section 130 program may be eligible to apply for another section 130 grants, whether or not another priority is implemented for the FY 1993 competition, provided the applicant is proposing to set up an entirely new VR project to serve persons with the full range of disabilities at a geographical location distinct from that of the previous project.

Changes: None.

Comments: Three commenters supported this priority. Two of these commenters called for additional funds for the training of staff on the identification of SLD and on the implications of this disability for overall VR services. They also recommended that screening, identification, and evaluation criteria for potential SLD clients should be provided as soon as possible. One of these commenters stated that this priority was clearly necessary but that there was a need to carefully assess any persons thought to have SLD in order to avoid inappropriate classification of individuals into this disability category. This commenter emphasized the need to test students in their primary language as well as in English, if applicable, and to eliminate unfair or biased verbal items from any assessment procedure. Another supporting commenter recommended the inclusion of a data collector as a staff member to conduct a thorough survey on the prevalence of SLD and other disabilities in the geographic area of the tribe.

Discussion: The Secretary agrees that there is need for further training of section 130 VR staff on the diverse aspects of SLD. For those applicants who choose to respond to this priority, it will be necessary to seek assistance in the training of staff in the fair and accurate evaluation of potential SLD clients. Within the scope of the project, training and evaluation resources can be secured as needed by the use of outside consultants and by assessment services arranged through the State vocational rehabilitation agency. From the screening and evaluation of potential SLD clients through the actual delivery of rehabilitation services to those clearly diagnosed as having a specific learning disability, this priority calls for an approach that accounts not only for the difference between American Indian culture and other cultures, but also for tribal differences among Indian people. Effective diagnosis and subsequent delivery of rehabilitation services must grow out of procedures that reflect knowledge of the language and culture of the specific tribes, must recognize differences between traditional Indian values and specific tribal customs and concepts of other cultures, and must simultaneously address the functional limitations of each individual's disability.

While the suggestion of including a section 130 staff person to collect data on SLD has merit, the Secretary will not require such a staff member under this priority. Resources for the collection of data on SLD among American Indians and Alaskan natives can be obtained through the American Indian Research and Training Centers at Flagstaff and Tucson, Arizona.

Concerning any increase in funding for training and evaluation of potential SLD clients, there are no extra funds available to the American Indian VR program beyond those appropriated by Congress in a given fiscal year, even if absolute priorities are established.

Changes: None.

Absolute Priority 2—Projects Addressing Disabilities of High Prevalence on the Reservation or in the Tribal Village

Comments: Three commenters supported this priority. One commenter suggested that a staff person act as data collector to gather information identifying in rank order the disabilities of highest prevalence within the American Indian geographic locations served.

Discussion: For applicants responding to this priority, there is a need to verify the disabilities of highest prevalence on the reservation to be served by the section 130 program. However, the priority will not require the hiring of a specific person to gather that data. Assistance in gathering necessary data can be obtained through the Indian Health Service and the American Indian Research and Training Centers at Flagstaff and Tucson, Arizona.

Changes: None.

Comments: One commenter proposed that the Rehabilitation Services Administration provide planning grants to tribes expressing an interest in conducting a needs assessment on their reservations.

Discussion: The Secretary agrees that an assessment of vocational rehabilitation needs could be of benefit to the tribe. However, planning grants are not authorized under the section 130 program.

Changes: None.

Invitational Priority—Encouroging Applications From Tribal Organizations From the Midwestern or Eastern Areas of the Country or from Tribal Organizations not Previously Funded

Comments: Three commenters supported the invitational priority encouraging applications from the midwestern and eastern parts of the country and from applicants not previously funded. One commenter opposed the invitational priority. One of the supporting commenters recommended that, in encouraging more new applications while maintaining existing projects, consideration be given

to increasing the set-aside for Indian VR from the current one fourth of one percent to the full one percent authorized by section 110(d) (1) and (2) of the Rehabilitation Act of 1973, as amended.

The commenter who opposed the priority strongly objected to the invitational priority based on section 130(b)(4) of the Rehabilitation Act of 1973, as amended, which gives priority consideration to applications for the continuation of projects that have been funded under this program. As an alternative priority, this commenter recommended a revision of the priority to make increased funding available to encourage new applications from new geographic areas while granting priority to previously funded projects.

Discussion: The Secretary does not believe that the invitational priority conflicts with section 130(b)(4) of the Act. The invitational priority is an encouragement for tribal organizations from midwestern and eastern parts of the country, and tribes not previously funded, to apply. These new applicants are not given preference under this priority, and preference will still be given to previously funded projects in keeping with the Act. The funding level for the set-aside for the section 130 program is a decision of the Secretary and is not an issue for these priorities.

Changes: None.

General Comments

Comments: One commenter proposed a third absolute priority to address the VR needs of older persons with disabilities. The proposal is based on studies indicating both that persons over age 45 with disabilities are in greater need of rehabilitation and are more often successfully rehabilitated than younger persons.

Discussion: In order to ensure timely grant awards this year, the Secretary will not at this time entertain further absolute priorities for FY 1992. However, this suggestion will be taken into account in the process of establishing priorities for this program in future years.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

Absolute Priority 1—Projects Addressing the Needs of American Indians with Specific Learning Disabilities

Background

According to the 1988 Elementary and Secondary School Civil Rights Survey conducted by the Department of Education, Office for Civil Rights, a larger percentage of American Indian youth (5.8 percent) enrolled in schools was classified as learning disabled than any other group (4.4 percent of African Americans enrolled have learning disabilities; 4.4 percent of White Americans enrolled have learning disabilities; 3.9 percent of Hispanic Americans enrolled have learning disabilities; and 1.4 percent of Asian Americans enrolled have learning disabilities.)

The characteristics of American Indian youth with specific learning disabilities (SLD) include significant differences between verbal and performance I.Q. scores; achievement scores below what one would expect based on I.Q. scores; processing deficits such as auditory sequencing and memory deficits despite intact hearing and sound discrimination skills; and behaviors consistently linked with learning disabilities, such as attention deficits, cognitive difficulties, difficulties in impulse control, poor interpersonal skills, and emotional problems. While the priority is not limited to American Indian youth, these data are representative of the general American Indian population.

Rehabilitation counseling literature recognizes the general need for screening, evaluation, and actual delivery of rehabilitation services that account not only for the difference between American Indian culture and other cultures, but also for tribal differences among Indian people. Thus, effective rehabilitation services to American Indians must grow out of procedures that reflect knowledge of the language and culture of a specific tribe, must recognize differences between traditional Indian values and specific tribal customs and concepts of other cultures, and must simultaneously address the functional limitations of each individual's disability.

Priority

Projects under this priority must prepare eligible American Indians with SLD for vocational training or employment using remedial, compensatory, and accommodative strategies to overcome the individual functional limitations of their disability, while introducing them to concepts from other cultures that are essential for being successful in the employment sector. These models must be developed in the context of a specific tribal culture by skilled professionals of that tribe. Projects must continue to serve all tribal members with disabilities in keeping with the overall purpose of the program.

In addition, all projects must meet the following three requirements: (1) Each project must have a cooperative working arrangement with the appropriate State vocational agency or agencies to facilitate complete and continuous services to American Indians and Native Alaskans served under the project. (2) Each project must have effective linkages with the existing human service delivery system within the specific tribe or consortium of tribes. (3) Each project must have a project director who is familiar with the specific tribal population and its cultural and linguistic needs, the reservation structures and policies, and the human service delivery system in place at each tribal organization.

Absolute Priority 2—Projects Addressing Disabilities of High Prevalence on the Reservation or in the Tribal Village

Background

Among the issues especially unique to the American Indian, as cited in a 1987 study done by the American Indian Research and Training Center, is the existence of a high variance in the prevalence of certain disabilities according to geographical area. It has been found that certain disabilities, such as diabetes, tuberculosis, specific learning disabilities, mental retardation, alcoholism, and substance abuse, are prevalent on certain reservations. There is the need to increase capacity to serve those disability groups representing conditions of high prevalence within the American Indian or Native Alaskan population by the geographic location served.

Priority

Projects under this priority must offer special measures or arrangements for effectively addressing specific disabilities of high prevalence on the reservation or in the tribal village, while continuing to serve all tribal members with disabilities in keeping with the overall purpose of the program.

In addition, all projects must meet the following three requirements: (1) Each project must have a cooperative working arrangement with the appropriate State vocational agency or agencies to facilitate complete and continuous services to American Indians and Native Alaskans served under the project. (2) Each project must have effective linkages with the existing human service delivery system within the specific tribe or consortium of tribes. (3) Each project must have a project director who is familiar with the specific tribal population and its cultural and linguistic needs, the reservation structures and policies, and the human service delivery system in place at each tribal organization.

Invitational Priority

Background

To date, only 39 (13 percent) of the 309 Federally-recognized American Indian tribes and only 4 (2 percent) of the 197 tribal villages in Alaska have received funding under this project authority. In addition, 16 of the 17 grants awarded under this authority have served reservations in the western, southwestern, and far-northwestern areas of the United States.

Priority

In conjunction with the preceding absolute priorities, the Secretary is particularly interested in encouraging applications from tribal organizations in the midwest or eastern areas of the country or from tribal organizations that have not yet been funded under this program authority. The Secretary is interested in expanding these projects into other areas of the country and in providing funding to other tribal organizations and tribal villages.

However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over applications that do not meet the priority.

Applicable Program Regulations: 34 CFR parts 369 and 371.

Program Authority: 29 U.S.C. 750.

(Catalog of Federal Domestic Assistance Number 84.250, Vocational Rehabilitation Service Projects for American Indians with Handicaps)

Dated: February 27, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-5092 Filed 3-4-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.250]

Vocational Rehabilitation Service Projects for American Indians With Handicaps; Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide grants for vocational rehabilitation services to American Indians with handicaps who reside on Federal or State reservations.

Eligible Applicants: Governing bodies of Indian tribes and consortia of those governing bodies located on Federal and State reservations are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: April 30, 1992.

Applications Available: March 9, 1992.

Available Funds: $3,000,910.

Estimated Range of Awards: $200,000–$850,000.

Awards are to be made in two priority areas. Specific information regarding the estimated average size and number of awards for each priority appears in the chart in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 371.

Priorities: The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3332, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1347; to receive further information, call (202) 732–1325. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., eastern time.

Program Authority: 29 U.S.C. 750(a).

Dated: February 28, 1992.

Michael E. Vader,

Acting Assistant Secretary, Office of Special Education and Rehabilitative Services.

PROGRAM OF VOCATIONAL REHABILITATION SERVICE PROJECTS FOR AMERICAN INDIANS WITH HANDICAPS

CFDA number	Priority areas	Estimated average size of awards	Estimated number of awards
84.250A	Projects addressing disabilities of high prevalence on the reservation or in the tribal village.	$239,000	7
84.250B	Projects addressing the needs of American Indians with specific learning disabilities.	239,000	9

[FR Doc. 92-5093 Filed 3-4-92; 8:45 am]

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Thursday
March 5, 1992

Part V

Department of Education

Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With Severe Handicaps; Community-Based Projects; Notices

DEPARTMENT OF EDUCATION

Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With Severe Handicaps; Community-Based Projects

AGENCY: Department of Education.

ACTION: Notice of final priorities for fiscal year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 under the program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps authorized by title III, section 311(d) of the Rehabilitation Act, as amended. The Secretary takes this action to focus Federal financial assistance on areas of identified national need. These priorities are intended to expand and improve supported employment services to individuals with severe handicaps in rural areas, individuals with long-term mental illnesses, individuals with traumatic brain injury, individuals with severe physical disabilities, and individuals who are blind with at least one other disabling condition.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: RoseAnn Godfrey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3225 Switzer Building, Washington, DC 20202–2742. Telephone: (202) 732–1319. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., eastern time.

SUPPLEMENTARY INFORMATION: This notice contains three final priorities for community-based supported employment projects under the program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps authorized by title III, section 311(d) of the Rehabilitation Act, as amended.

The purposes of community-based supported employment projects are to stimulate the development of innovative approaches for improving and expanding the provision of supported employment services to individuals with severe handicaps and to enhance local capacity to provide supported employment services. The Secretary funded 12 community-based projects in fiscal year (FY) 1989. These three-year projects are currently serving individuals with a wide range of severe disabilities. The Secretary has selected the following final priorities in FY 1992 in order to fund additional community-based projects that would increase services to individuals with severe handicaps who could benefit from supported employment. These priorities support the National Education Goals and AMERICA 2000, the President's strategy for achieving the goals, by providing improved opportunities for persons with severe handicaps to develop the skills and knowledge necessary to compete in a global economy.

The Rehabilitation Act of 1973, as amended, has been extended through FY 1992. We anticipate that the Rehabilitation Act will be reauthorized in FY 1992.

On September 26, 1991 the Secretary published a notice of proposed priorities for this program in the **Federal Register** (56 FR 48970).

Note: This notice of final priorities does *not* solicit applications. A notice inviting applications under these competitions is published in a separate notice in this issue of the **Federal Register.**

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, 25 parties submitted comments. Sixteen commenters indicated general support for the priorities. Twenty commenters asked for certain changes in or clarification of the priorities. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed. An analysis of the comments and the Secretary's responses follow. One clarifying change has been made under Priority 2, Individuals with Long-Term Mental Illnesses. Language has been added to this priority to clarify that projects may demonstrate innovative approaches to providing either supported employment or transitional employment for individuals with long-term mental illnesses.

Priority 1—Individuals With Severe Handicaps in Rural Areas

Comments: Three commenters suggested that the Secretary make changes in the definition of rural area in this priority. One of these commenters stated that some metropolitan statistical areas contain sparsely populated areas similar to those that are defined as rural in this priority. The commenter was concerned that the proposed priority would exclude programs in metropolitan statistical areas that serve sparsely populated areas from applying for a grant under this priority. Another commenter noted that the definition of rural area does not address the special needs of individuals living in sparsely populated or frontier areas. Another commenter questioned whether individuals who reside in rural areas and relocate or commute to metropolitan areas could be served by projects funded under this priority.

Discussion: The Secretary acknowledges the difficulty in achieving consensus on a definition of rural areas. The definition adopted for this priority is well documented through publications of the 1990 decennial census. This definition takes into account commuting patterns and individual access to metropolitan centers. Sparsely populated areas are included in metropolitan statistical areas only when there is evidence that a substantial portion of the workforce in these areas regularly commutes to the center city or cities of the metropolitan area. Thus, the Secretary believes that this definition of rural areas is an effective means to limit applications under this priority to projects that serve individuals who reside in areas with very few services. Therefore, individuals who live outside of but regularly commute to metropolitan areas are eligible for supported employment services under this priority. Individuals who reside in a metropolitan area, whether sparsely populated or not, are not eligible for supported employment services under this priority. The Department believes that individuals who relocate from rural areas to metropolitan areas will have access to supported employment services because these services are generally more available in metropolitan areas.

Changes: None.

Priority 2—Individuals With Long-Term Mental Illnesses

Comments: One commenter requested that the Secretary recognize that transitional employment is an appropriate model of supported employment for individuals with long-term mental illnesses under this priority. This commenter requested that the Secretary encourage the submission of proposals that demonstrate innovative approaches in transitional employment for individuals with long-term mental illnesses.

Discussion: The Secretary agrees with the commenter that transitional employment should be recognized as an appropriate model of supported employment under this priority. The Secretary also wishes to point out that under the statute and current program regulations transitional employment is included within the definition of supported employment and is an authorized supported employment model.

Changes: The Secretary has added language under this priority to clarify that projects may demonstrate innovative approaches to providing supported employment, including transitional employment, for individuals with long-term mental illnesses.

Priority 3—Unserved and Underserved Populations

Comments: Eight commenters requested that this priority state that natural supports are an acceptable source of extended services in supported employment.

Discussion: The Secretary acknowledges that natural supports are an acceptable method for providing extended services. Natural supports are provided by co-workers, family members, friends, and others to assist individuals in supported employment with work-related tasks and daily living skills. No change is required in the priority.

Changes: None.

Comments: Several commenters requested that individuals with other severe disabilities, such as those who are deaf with one other disabling condition, those who are autistic, those who have seizure disorders, or those who have severe mental retardation, should be included as unserved or underserved groups under this priority.

Discussion: The particular unserved or underserved populations selected for this priority were chosen based upon data collected by the Rehabilitation Research and Training Center on Supported Employment at Virginia Commonwealth University. The Secretary agrees that certain other disability groups are unserved or underserved in supported employment. In the future, the Secretary hopes to expand funding priorities to other populations who require special approaches in supported employment.

Changes: None.

Comments: One commenter requested that this priority be modified to include individuals who are blind or severely visually impaired and who possess significant attendant factors that impose barriers to their rehabilitation.

Discussion: The Secretary does not believe the phrase "or severely visually impaired" needs to be added to the priority because blindness is defined broadly enough by rehabilitation programs to include most severe visual impairments as long as the impairment meets the standard for legal blindness. The Secretary agrees that many individuals who are blind possess significant attendant factors that impose additional barriers to their rehabilitation and that these individuals may be appropriate candidates for supported employment services. However, the purpose of the priority is to target funds for individuals who are blind and have a second disabling condition. This purpose would not be achieved if the priority were modified to allow the presence of significant attendant factors exacerbating blindness to substitute for the requirement for a second disability.

Changes: None.

Comments: Two commenters proposed that the priority targeting unserved and underserved populations should focus on individuals whose handicaps are severe rather than focusing on any specific disability group.

Discussion: All individuals served by projects funded under the program of Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps under section 311(d) of the Rehabilitation Act must meet the definition of "individual with severe handicaps," as defined in 34 CFR 369.4(b). The purpose of this priority is to fund projects that demonstrate the capacity to develop innovative models for serving particular severe disability populations that are unserved or underserved in supported employment. The Secretary believes that these innovative models are necessary because the needs of the populations targeted under this priority vary and these individuals require specialized program models to serve them.

Changes: None.

Comments: One commenter suggested that the priority that focuses on unserved or underserved populations should support programs for Native Americans with disabilities. Another commenter requested that the Secretary expand this priority to include Native Americans who live on reservations.

Discussion: The Secretary acknowledges that many Native Americans with severe disabilities have special needs. However, the Secretary notes that projects serving Native Americans, including those living on reservations, may submit applications under any of the priorities contained in this notice.

Changes: None.

General Issues

Comments: One commenter requested that projects be allowed to budget for the provision and coordination of transportation services in their applications, if appropriate. The same commenter stated that projects should be permitted to fund transportation services while an individual is in extended services.

Discussion: The Secretary notes that projects funded under any of these priorities are permitted to use grant funds for transportation services for individuals served. Under Priority 1, projects are specifically required to address the availability of transportation services as part of their overall program of supported employment services. Additionally, program regulations (Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps—Community-Based Projects, 34 CFR 380.5(b)) permit community-based projects to provide funding for transportation services only during the period of traditionally time-limited post-employment services (not to exceed eighteen months). Therefore, projects funded under these priorities are not permitted to use grant funds for extended services whether for transportation purposes or other rehabilitation needs.

Changes: None.

Comments: One commenter requested that projects funded under these priorities provide technical assistance to service providers so that innovative approaches can be replicated throughout the Nation.

Discussion: The secretary agrees and encourages projects funded under these priorities to plan for and provide technical assistance to service providers so that innovative approaches for providing supported employment services will be available nationally. Under the selection criteria for community-based supported employment projects in 34 CFR 380.12, the Secretary reviews each application and determines the extent to which project findings and results will be disseminated. Therefore, the Secretary believes there is no need to reiterate the requirement for dissemination of project results in these priorities.

Changes: None.

Comments: Two comenters believed that the priority that focuses on unserved and underserved populations should be ranked higher in importance than the other priorities listed in this notice.

Discussion: The Secretary notes that these commenters misunderstood the intent of the numerical listing of the priorities. The order in which the priorities are presented does not indicate the degree of their importance. Applications under each priority are evaluated independently based on the criteria for that priority and no one priority is ranked higher or considered more important than the others. Funds will be distributed among the priorities based upon the number of fundable applications received.

Changes: None.

Comments: One commenter requested that applicants under these priorities be required to propose appropriate roles for individual consumers, vocational rehabilitation counselors, employers, and community agencies to ensure their participation and to eliminate duplication of services.

Discussion: The Secretary agrees that supported employment requires effective community collaboration. However, the Secretary does not believe that it is necessary to specify the roles of individuals or agencies in these priorities.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

Priority 1—Individuals with Severe Handicaps in Rural Areas

Information from the Research and Training Center on Rural Rehabilitation Services at the University of Montana substantiates that individuals with severe handicaps in rural areas are underserved and that their rehabilitation needs are different than the needs of individuals in urban areas. In addition, all community-based supported employment projects awarded in FY 1989 were located in urban areas. Information received from the 27 title III statewide systems change grants funded in FY 1985 and FY 1986 identified the need to expand supported employment services to rural areas. Most of the efforts of the systems change grantees were to develop supported employment services in the more populated areas of their States. One particular problem identified by these projects was that in providing supported employment services to individuals in rural areas a general lack of transportation services existed.

Projects under this priority must provide supported employment services to individuals with severe handicaps in rural areas. For the purposes of this priority, rural is defined as the area outside of metropolitan statistical areas as specified by the Office of Management and Budget and documented in the publications of the 1990 Decennial Census. As part of their overall program of supported employment services, projects must specifically address the availability of transportation services, as appropriate, in order to ensure that individuals served under the projects are able to commute to their employment.

All projects under this priority must arrange for the provision of extended services for the individuals with severe disabilities they serve. Extended services are on-going support services that are needed by an individual in supported employment to enable the individual to maintain a particular job placement when time-limited services (not to exceed 18 months) provided with funds under this program have ceased.

Priority 2—Individuals With Long-Term Mental Illnesses

Statistics regarding the participation of individuals with long-term mental illnesses in supported employment programs show that this population accounts for approximately 20 percent of the individuals served (Virginia Commonwealth University, 1991). However, significant issues still exist in providing supported employment services to this population. Many individuals with long-term mental illnesses have existing skills that may be difficult to transfer to the work setting. Even if they learn skills quickly, problems may arise in putting the job skills into practice and sustaining the skills over time. Different job intervention strategies are usually needed due to the nature of psychiatric disabilities. In maintaining individuals with long term mental illnesses in supported employment, studies have shown that emphasis should be placed on instructional interventions that focus on the "application" of appropriate job behaviors rather than the "acquisition" of these behaviors. Studies also indicate that the focus of the instructional content of new job skills and behaviors should be on interpersonal and intrapersonal demands of the job environment rather than the demands associated with specific job tasks ("The Choose-Get-Keep Model," Danley and Anthony, 1987).

Projects under this priority must develop innovative approaches for improving and expanding the provision of supported employment services, including transitional employment services, to individuals with long-term mental illnesses and must focus on variations in job intervention strategies needed to assist these individuals in maintaining employment.

All projects under this priority must arrange for the provision of extended services for the individuals with severe disabilities they serve. Extended services are on-going support services that are needed by an individual in supported employment to enable the individual to maintain a particular job placement when time-limited services (not to exceed 18 months) provided with funds under this program have ceased.

Priority 3—Unserved and Underserved Populations

Although there has been a tremendous growth in the number of individuals participating in supported employment, specific populations continue to be underrepresented. These populations include individuals with severe physical disabilities, individuals with traumatic brain injuries, and individuals with sensory impairments. Data collected by the Rehabilitation Research and Training Center on Supported Employment at the Virginia Commonwealth University for FY 1989 indicate that individuals with cerebral palsy accounted for 2.4 percent, individuals with sensory impairments accounted for 3.4 percent, and individuals with traumatic brain injuries accounted for 2.3 percent of the total number served.

Historically, the supported employment program model was developed to provide services to individuals with developmental disabilities. Recently, other disability populations have benefited from supported employment services. In an effort to expand and improve services to these populations under the supported employment program, innovative models must be considered in serving the needs of these individuals.

In order to increase supported employment services to these underrepresented populations, projects under this priority must develop innovative approaches for expanding the provision of supported employment services to one or more of the following unserved or underserved disability populations: (1) Individuals with severe physical disabilities. (2) Individuals with traumatic brain injuries. (3) Individuals who are blind and have at least one other disabling condition.

All projects under this priority must arrange for the provision of extended services for the individuals with severe disabilities they serve. Extended services are on-going support services that are needed by an individual in supported employment to enable the individual to maintain a particular job placement when time-limited services (not to exceed 18 months) provided with funds under this program have ceased. Because of the special needs of individuals with severe physical disabilities, individuals with traumatic brain injuries, and individuals who are blind and have at least one other disabling condition, all projects under this priority must include or arrange for the provision of rehabilitation engineering services, as appropriate, for the individuals they serve.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations

34 CFR part 380.

Program Authority: 29 U.S.C. 777a(d).

(Catalog of Federal Domestic Assistance Number 84.128, Special Projects and Demonstrations for Providing Supported Employment Services to Individuals with Severe Handicaps)

Dated: February 27, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-5094 Filed 3-4-92; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.128K, 84.128L, and 84.128M]

Special Projects and Demonstrations for Providing Supported Employment Services to Individuals With Severe Handicaps; Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide grants for community-based special projects and demonstrations to stimulate the development of innovative approaches for improving and expanding the provision of supported employment services to individuals with severe handicaps and to enhance local capacity to provide supported employment services.

Eligible Applicants: Applications for community-based projects may be submitted by public and nonprofit rehabilitation facilities, designated State units, and other public and private agencies and organizations.

Deadline for Transmittal of Applications: April 20, 1992.

Deadline for Intergovernmental Review: June 22, 1992.

Applications Available: March 9, 1992.

Available Funds: $1,713,280.

Estimated Range of Awards: $100,000–$130,000.

Estimated Average Size of Awards: $114,000.

Estimated Number of Awards: 15.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 380.

Priorities: The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

For Applications or Information Contact: RoseAnn Godfrey, U.S. Department of Education, 400 Maryland Avenue, SW., room 3225, Switzer Building, Washington, DC 20202–2899. Telephone: (202) 732–1319. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., eastern time.

Program Authority: 29 U.S.C. 777a(d).

Dated: February 28, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92-5095 Filed 3-4-92; 8:45 am]

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March 5, 1992

Part VI

Department of Education

Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers With Handicaps; Final Priority and Invitations for Applications for New Awards for Fiscal Year 1992; Notices

DEPARTMENT OF EDUCATION

Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers With Handicaps

AGENCY: Department of Education.

ACTION: Notice of final priority for fiscal year 1992.

SUMMARY: The Secretary announces a priority for fiscal year 1992 under the Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps. The Secretary takes this action to focus Federal financial assistance on identified national needs. This priority is intended to improve the provision of vocational rehabilitation services to individuals with handicaps who are migratory agricultural and seasonal farmworkers by expediting the eligibility determination and service delivery processes, improving communications through the use of bilingual counselors, and coordinating services for these individuals across State lines to facilitate continuity and completion of rehabilitation plans.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Edward Hofler, U.S. Department of Education, 400 Maryland Avenue, SW., room 3318 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 732–1332. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Grants under the Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps are authorized by title III, section 312 of the Rehabilitation Act of 1973, as amended. The purpose of this program is to provide grants to State or local vocational rehabilitation agencies to establish service delivery systems for the vocational rehabilitation of migratory and seasonal farmworkers with handicaps. Programs must be administered in coordination with other programs serving migrant agricultural and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963. This program and the final priority selected for this fiscal year will further AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by assisting individuals with handicaps to compete in a global economy and exercise the rights and responsibilities of citizenship.

An evaluation of this program completed in 1987 found that the migratory and seasonal farmworker population requires special services for their rehabilitation. This evaluation reported that 23 of the 50 States have a migratory and seasonal farmworker population. This evaluation highlighted the need for more bilingual counselors to work with this population.

In addition, migratory farmworkers are required to move often as the work in a particular area is completed. These frequent moves pose special problems in determining eligibility for services, providing services, maintaining agency contact, and completing rehabilitation plans. Development of innovative service models to expedite and coordinate the provision of services across State lines to this population may result in more individuals successfully completing the rehabilitation process.

On October 16, 1991, the Secretary published a notice of proposed priority for this competition in the **Federal Register** (56 FR 51962).

Note: This notice of final priority does not solicit applications. A notice inviting applications under this competition is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, five parties submitted comments. An analysis of the comments and the Secretary's responses follow. Based on the suggestion of one commenter, a change in the priority has been made to require that project directors must be knowledgeable about farm labor issues and sensitive to the special needs of the migratory agricultural and seasonal farmworkers (MSFW) population. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Comments: Three commenters expressed support for this priority. One of these commenters suggested that information on assistive technology be made available to programs that serve the MSFW population.

Discussion: The Secretary agrees with the need for the effective dissemination of information on assistive technology that will enable MSFWs with handicaps to function in their accustomed employment. This suggestion will be given serious consideration in future priorities and in the provision of technical assistance to VR projects for MSFWs.

Changes: None.

Comments: One commenter from a State vocational rehabilitation (VR) agency with considerable experience in serving the MSFW population recommended that the final priority include an emphasis on the recruitment of program directors who are sensitive to the cultural and linguistic characteristics of the MSFW population, and who are knowledgeable and have personal experience with farm labor issues and the needs of farmworkers with handicaps in order to provide the most effective technical assistance possible.

Discussion: The Secretary agrees that projects under this priority must give special attention to the unique qualifications of the project director as well as the other staff.

Changes: Language has been added to the final priority to require that project directors must be knowledgeable about farm labor issues and sensitive to the special needs of the MSFW population.

Comments: The same commenter also suggested that the final priority clearly encourage the use of geographic-specific pilot projects to provide enhancements to existing VR service delivery programs that will accelerate the approval process and the delivery of VR services to the migrant target population.

Discussion: The Secretary does not believe that it is necessary to add this emphasis to the present priority in order to secure service models that will expedite the rehabilitation process for MSFWs with handicaps. It is expected that with leadership, effective liaison with the business and human service communities, and technical assistance specifically geared to the MSFW population, new projects will enhance the existing VR service delivery programs in an effective and more expeditious way.

Changes: None.

Comments: Another commenter recommended that projects under this priority be coordinated with projects funded by the Office of Migrant Education as well as the Department of Labor's Job Training Partnership Act (JTPA) projects.

Discussion: The Secretary appreciates the need for effective coordination of services among Federal agencies sharing similar goals in order to maximize the total program resources and to avoid duplication of services. The Rehabilitation Act and Federal regulations for this program require that each MSFW project be administered in cooperation with other organizations having special skills and experience in the provision of services to MSFWs. The Department of Education's program coordinator for this program actively participates in regular meetings of the Federal Interagency Committee on Migrants together with coordinators of migrant education, health, and employment program staff from the Departments of Education, Health and Human Services, Labor, and Agriculture. On a national level, the Federal Interagency Committee on Migrants shares program information and assists in the coordination of services provided to migrant workers on the State and regional levels. The State vocational rehabilitation agencies that administer the projects for the rehabilitation of MSFWs with handicaps are committed by the comparable services and benefits provisions of the Rehabilitation Act of 1973, as amended, to refer clients to other agencies that can provide services that are necessary to rehabilitation but are provided more effectively by another human service program. For example, State vocational rehabilitation programs coordinate closely with local JTPA projects for employment services and, if appropriate, refer VR clients to the JTPA program.

Changes: Language requiring coordination with appropriate departments has been included in a preceding paragraph of this Supplementary Information section.

Priority

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Priority—Service Models to Expedite the Rehabilitation Process

Priority will be given to projects that will develop and implement service models for expediting the eligibility determination process and accelerating the provision of necessary and appropriate services to migratory and seasonal farmworkers. In view of the extreme mobility of many migratory agricultural and seasonal farmworkers and the short time that they are available for receiving services in any one location, projects must use innovative methods to accelerate the provision of services to this population, such as revising and streamlining administrative procedures, pre-approval of routine case service expenditures, and coordination of services across State lines as migrant and seasonal farmworkers follow the available work.

Projects responding to this priority also must demonstrate the use of easily administered assessment tools as a component of the service model. Efforts must be directed to the modification of these tools to assure that the instruments take into account the unique characteristics and traits of the migratory agricultural and seasonal farmworkers, such as their ethnicity, language, and socioeconomic level. Project directors must be knowledgeable about farm labor issues and sensitive to the special needs of farmworkers with handicaps in order to provide the most effective technical assistance possible to rehabilitation and related program staff. In addition, the project must utilize bilingual intake workers, liaison persons, and vocational rehabilitation counselors who are able to communicate with the particular migratory and seasonal farmworker population to be served, and who possess the knowledge of and sensitivity to the unique rehabilitation needs of this population due to its unique characteristics.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

Applicable Program Regulations

34 CFR Parts 369 and 375.

Program Authority: 29 U.S.C. 777b.

(Catalog of Federal Domestic Assistance Number 84.128G, Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers with Handicaps)

Dated: February 27, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92–5097 Filed 3–4–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.128G]

Vocational Rehabilitation Service Projects Program for Migratory Agricultural and Seasonal Farmworkers With Handicaps—Service Models To Expedite the Rehabilitation Process; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide grants for vocational rehabilitation services to migratory agricultural workers with handicaps or seasonal farmworkers with handicaps.

Eligible Applicants: State vocational rehabilitation agencies or local agencies administering vocational rehabilitation programs under written agreements with State agencies are eligible to apply for awards under this program. A State agency may, if it chooses, enter into an agreement with the State vocational rehabilitation agencies of one or more other States to develop a cooperative program for the provision of vocational rehabilitation services.

Deadline for Transmittal of Applications: April 23, 1992.

Deadline for Intergovernmental Review: June 30, 1992.

Applications Available: March 9, 1992.

Available Funds: $289,000.

Estimated Range of Awards: $75,000–125,000.

Estimated Average Size of Awards: $96,300.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR parts 369 and 375.

Priority: The priority in the notice of final priority for this program, as published elsewhere in this issue of the **Federal Register**, applies to this competition.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3332, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1347. To receive further information, call (202) 732–1325. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service on 1–800–877–8339 (in the Washington, DC 202 area code,

telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 29 U.S.C. 777b.

Dated: February 28, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92-5098 Filed 3-4-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
March 5, 1992

Part VII

Department of Education

Grants and Cooperative Agreements; Rehabilitation Short-Term Training Program; Notice

DEPARTMENT OF EDUCATION

Rehabilitation Short-Term Training

AGENCY: Department of Education.

ACTION: Notice of proposed priorities for fiscal year 1992.

SUMMARY: The Secretary proposes priorities for fiscal year 1992 under the Rehabilitation Short-Term Training program. The Secretary takes this action to focus Federal financial assistance on identified national needs. The President's AMERICA 2000 strategy is designed to achieve six National Education Goals, one of which is that "every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy * * *". With this action, the Secretary proposes to contribute to the achievement of this goal by training rehabilitation professionals so that they may better assist individuals with disabilities in acquiring the knowledge and skills to obtain employment. These priorities are intended to increase the supply of trained rehabilitation professionals in the areas of—(1) vocational rehabilitation of individuals who have a history of drug dependency; (2) evaluation and rehabilitation of individuals who are hard of hearing, including late-deafened adults; and (3) issues of cultural diversity in the rehabilitation of persons with disabilities.

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Mark Shoob, U.S. Department of Education, 400 Maryland Avenue, SW., room 3036 Switzer Building, Washington, DC 20202–2575.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Melia, U.S. Department of Education, 400 Maryland Avenue, SW., room 3324 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 732–1400. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The Rehabilitation Short-Term Training program is authorized by title III, section 304 of the Rehabilitation Act of 1973, as amended. The purpose of this discretionary grant program is to provide Federal support for developing and conducting special seminars, institutes, workshops, and other short-term courses in technical matters pertaining to the delivery of vocational, medical, social, and psychological rehabilitation services.

The Secretary will announce the final priorities in a notice in the **Federal Register**. The final priorities will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priorities, and the quality of the applications received. The publication of these proposed priorities does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only these priorities, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priorities does not solicit applications.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary proposes to give an absolute preference to applications that meet one of the following priorities. The Secretary proposes to fund under these competitions only applications that meet one of these absolute priorities:

Proposed Priority 1—Rehabilitation Short-Term Training—Vocational Rehabilitation of Individuals Who Have a History of Drug Dependency

Background

The increasing attention to the War on Drugs is shared by Federal, State, and local agencies, and those agencies' resources are being developed and organized to rehabilitate individuals who have a history of drug dependency. This attention has increased the referrals of these individuals to State vocational rehabilitation (VR) agencies. Prior history of drug dependency may be a primary or secondary disability for these individuals, and it is frequently a major handicap to employment. The number of individuals with a history of drug abuse as a primary disability who were successfully rehabilitated has more than doubled between fiscal year 1984 (3,664 individuals; 1.7% of total rehabilitations) and fiscal year 1988 (7,572 individuals; 3.5% of total rehabilitations).

Individuals who have a history of drug dependency display distinctive and different characteristics and work histories, compared with other populations typically served by vocational rehabilitation counselors. In order to assist in serving these individuals, rehabilitation personnel need training on effective approaches to the vocational rehabilitation of persons who have a history of drug dependency.

The Rehabilitation Services Administration (RSA), in conjunction with the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice (DOJ), sponsored an initiative in 1990–1991 to train vocational rehabilitation personnel in how to rehabilitate youths (ages 14 to 18) who have a history of drug dependency. The initiative had four primary objectives: (1) To assess the present resources and training available to vocational rehabilitation counselors in State agencies. (2) To design and develop culturally sensitive training modules to educate vocational rehabilitation counselors. (3) To demonstrate, through application of one or more training modules, effective approaches to vocational rehabilitation for youth who have a history of drug dependency. (4) To provide an evaluation plan to measure the relevancy of the training approach and modules. The Rehabilitation Services Administration believes that the same basic approach to personnel training to assist clients aged 14 to 18 can be applied to adults who have a history of drug dependency. The training modules developed as a result of objective (2) are culturally sensitive to the extent that they do not stereotype racial, ethnic, national, religious or other minorities in describing drug abuse. The modules do not address specific issues relevant to the cultures of vocational rehabilitation clients and how cultural factors and barriers relate to critical elements of the vocational rehabilitation process as presented in proposed priority 3.

Priority

Projects must develop training, utilizing information generated from the joint RSA/DOJ initiative and other appropriate sources, in order to enhance vocational rehabilitation services provided to adults who have a history of drug dependency. (Interested persons can call RSA at (202) 732–4281 for further details on the joint RSA/DOJ initiative.)

Projects must provide courses for pre-service educators and post-employment trainers of personnel working in State vocational rehabilitation agencies, centers for independent living, client assistance programs, rehabilitation facilities, and community-based programs for individuals with disabilities.

Projects must be national in scope and demonstrate potential for replication based on project impacts through the dissemination of training materials and protocols.

Proposed Priority 2—Rehabilitation Short-Term Training—Evaluation and Rehabilitation of Individuals Who Are Hard of Hearing, Including Late-Deafened Adults

Background

In recent years consumers and rehabilitation professionals alike have expressed concern about the capabilities of rehabilitation personnel to serve effectively those individuals who experience hearing loss but are not identified as "deaf." This population, generally referred to as "hard of hearing," and those individuals who become deaf as adults make up the vast majority of individuals disabled by hearing loss.

Of the 22 to 28 million persons estimated to have some degree of hearing loss, the vast majority are hard of hearing (Task Force Report from the National Institute on Deafness and Other Communicative Disorders, 1989). It is important to distinguish the significantly different needs of hard of hearing individuals from the needs of persons who experience early, prelingual deafness. Only approximately 500,000 of the total hearing impaired population experienced congenital or early onset deafness. These are deaf persons who have little or no hearing at birth, or those who lose most of their hearing before the age of 3 to 5 years. The majority of these individuals rely on sign language as their primary means of communication. In contrast, individuals who are hard of hearing, or who become deaf as adults, rely on augmentative communication devices (e.g., hearing aids, audio loops, lip reading, oral interpreting, and captioning).

Retaining employment for people who are hard of hearing is particularly difficult due to the frequently progressive nature of the disability, requiring adjustment and new accommodations. New low-cost interventions are available. However, these devices are generally underutilized. Rehabilitation personnel must learn to recognize the diverse needs of individuals who are hard of hearing and how to address the rehabilitative needs of this population.

Priority

Projects must train State vocational rehabilitation personnel and other professionals from nonprofit facilities directly supporting the State agency to better address the rehabilitative needs of individuals who are hard of hearing or who become deaf as adults. The training must include—(1) instruction on how to meet the diverse communication needs of hard of hearing individuals as well as individuals who become deaf as adults; (2) development and demonstration of training materials, including texts and video tapes, on the use of assistive technology and effective strategies to assist individuals who are hard of hearing or become deaf as adults to cope with the progressive nature of the disability; and (3) development and demonstration of an in-service training module on function assessment, use of community resources, and appropriate counseling and guidance techniques.

Projects must be national in scope and demonstrate potential for replication based on project impacts through the dissemination of training materials and protocols.

Proposed Priority 3—Rehabilitation Short-Term Training—Issues of Cultural Diversity in the Rehabilitation of Persons with Disabilities

Background

The literature on the workforce of the United States, including the Hudson Institute report (Workforce 2000) and Department of Labor reports, suggests that this country will experience increasingly widespread shortages of skilled labor in the upcoming century. This body of literature also suggests that individuals who are members of minority groups will represent a larger share of the workforce. Given a larger demand for workers and a workforce with an increased proportion of workers who are members of minority groups, it is reasonable to assume that a larger share of disabled, working age adults will be members of minority groups.

Training for counselors in issues relevant to the cultures of vocational rehabilitation clients is essential to the success of effectively providing vocational counseling and related vocational rehabilitative activities to minority clients. For example, studies indicate that minorities tend to drop out of counseling services at a higher rate than non-minorities. By way of explanation, they indicated that a lack of cultural awareness by counselors may lead to the use of rehabilitative techniques inconsistent with the norms and values of these populations. ("World Views and Counseling," Personnel and Guidance Journal, Sue, D., 1978, and "Ethnic Issues in Psychology: A Reexamination, "American Psychologist, Sue, S., 1983). In addition, research by the Research and Training Center at Howard University for Access to Rehabilitation and Economic Opportunity, Washington, DC, supports the need for training rehabilitation personnel on issues of cultural diversity. Therefore, the Secretary has determined that it is important for counselors and other rehabilitation professionals who support vocational rehabilitation efforts to be trained in issues of cultural diversity and in how to use that knowledge to improve their effectiveness in working with people from minority populations.

Priority

Projects must train State vocational rehabilitation agency and other professionals from nonprofit facilities directly supporting the State agency on issues relevant to the cultures of vocational rehabilitation clients. Projects must provide training in cultural factors and barriers relevant to the rehabilitation of people with vocational disabilities who are members of racial, ethnic, national, religious, or other minority populations. The training must address how those cultural factors and barriers relate to the critical elements of the vocational rehabilitative process, including outreach, vocational assessment, rehabilitation planning, counseling techniques, and job placement.

Projects must be national in scope and demonstrate potential for replication based on project impacts through the dissemination of training materials and protocols.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3324 Mary E. Switzer Building, 330 "C" Street, SW., Washington, DC between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays. Applicable Program Regulations: 34 CFR parts 385 and 390.

Program Authority: 29 U.S.C. 774.

(Catalog of Federal Domestic Assistance Number 84.246, Rehabilitation Short-Term Training)

Dated: February 28, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-5090 Filed 3-4-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
March 5, 1992

Part VIII

The President

Executive Order 12790—Amending the Order Establishing the Southwest Asia Service Medal

Federal Register
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Thursday, March 5, 1992

Presidential Documents

Title 3—

The President

Executive Order 12790 of March 3, 1992

Amending the Order Establishing the Southwest Asia Service Medal

By the authority vested in me as President by the Constitution and the laws of the United States of America, including my authority as Commander in Chief of the Armed Forces of the United States, it is hereby ordered that Executive Order No. 12754 of March 12, 1991, is amended as follows:

Section 1. Section 1 is amended by deleting in the second sentence "Armed Forces" and by inserting in lieu thereof "Uniformed Services."

Sec. 2. Section 3 is amended to read: "The Secretaries of the Military Departments, with the approval of the Secretary of Defense; the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy; the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration; and the Secretary of Health and Human Services, with respect to the Public Health Service, are directed to prescribe uniform regulations governing the award and wearing of the Southwest Asia Service Medal."

George Bush

THE WHITE HOUSE,
March 3, 1992.

[FR Doc. 92-5308
Filed 3-4-92; 10:59 am]
Billing code 3195-01-M

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3-6-92
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federal register

Friday
March 6, 1992

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federal register

Friday
March 6, 1992

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0749]

Regulation D—Reserve Requirement of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is amending its Regulation D to reduce the reserves required on net transaction account balances over $42.2 million from the current level of 12 percent to 10 percent, based on a determination that the current level of reserves required on these liabilities is in excess of the level necessary for the conduct of monetary policy, and that a reduction in the level of required reserves will provide an impetus for bank lending and overall economic activity by freeing funds now held as reserves and facilitating depository institutions' access to the capital markets.

EFFECTIVE DATE: April 2, 1992. For depository institutions that report deposits weekly, this reduction will become operative for the reserve maintenance period beginning April 2, 1992. For depository institutions reporting quarterly, the reduction will be operative for the reserve maintenance period starting April 16, 1992.

FOR FURTHER INFORMATION CONTACT: Patrick McDivitt, Attorney (202/452–3818), or Lawranne Stewart, Attorney (202/452–3513), Legal Division; or Joshua Feinman, Economist (202/452–2841), Division of Monetary Affairs. For the hearing impaired *only*, Telecommunications Device for the Deaf ("TDD"), Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: Section 19(b)(2) of the Federal Reserve Act, as amended by title I of the Monetary Control Act of 1980 (Pub. L. 96–221 (March 31, 1980)), provides:

(A) Each depository institution shall maintain reserves against its transaction accounts as the Board may prescribe by regulation solely for the purpose of implementing monetary policy—

(i) In the ratio of 3 per centum for that portion of its total transaction accounts of [$42,200,000 or less]; [1] and

(ii) In the ratio of 12 per centum, or in such other ratio as the Board may prescribe not greater than 14 per centum and not less than 8 per centum, for that portion of its total transaction accounts in excess of [$42,200,000].

Currently, reserves on transaction accounts balances over $42.2 million are set at 12 percent under Regulation D. 12 CFR 204.9(a)(1).

The Board is exercising its authority under section 19 to reduce the reserve required against net transaction balances in excess of $42.2 million from 12 percent to 10 percent. It is taking this action based on a determination that the current level of reserves required on these liabilities is in excess of the level necessary for the conduct of monetary policy, and that a reduction in the level of required reserves will provide an impetus for bank lending and overall economic activity by freeing funds now held as reserves and facilitating depository institutions' access to the capital markets.

The last reductions to reserve requirements were made in December 1990, at which time reserves for nonpersonal time deposits and Eurocurrency liabilities were reduced from 3 percent to zero percent. These reductions, which were phased in over two reserve maintenance periods in December and January, resulted in a brief period of increased volatility in the federal funds rate and unpredictable demand for excess reserves. Depository institutions generally experience seasonal lows in required reserve balances at the beginning of the year, and the effect of the reductions was to decrease the reserve balances required at this time of year to levels below those needed for clearing purposes. As a result, banks had difficulty adjusting to the lower reserve requirements.

Although the current reduction in reserve requirements for transaction accounts is not expected to have similar effects, the reduction in transaction account reserves will not be effective until April in order to provide depository institutions with adequate time to adjust reserve management strategies.

To assist the adjustment to lower required reserve balances, the Board also is proposing for comment two amendments to Regulation D that are intended to reduce the seasonal variations in operating balance requirements and to improve the ability of depository institutions to manage their reserve balances. These amendments would reduce lags in the application of vault cash to reserve requirements and would increase the percentage of excesses or deficiencies that may be carried over into the next reserve maintenance period.[2]

Notice and Public Participation

The provisions of the Administrative Procedure Act relating to notice and public participation (5 U.S.C. 553(b)) have not been followed in connection with the adoption of this amendment. In view of the current lack of credit availability, the Board finds good cause for determining, and so determines, that notice and public participation are unnecessary and contrary to the public interest. The amendment will have the affect of decreasing a regulatory burden by lowering the reserves that depository institutions are required to maintain against transaction account. Banks have adopted a more cautious approach to lending, born in part out of concerns about capital, that has had a restraining effect on bank credit growth and a damping influence on aggregate economic actitivy. The announcement is expected to have immediate, beneficial effects on the ability of banks to raise capital. To the extent that an announcement of reserve requirement reductions will provide banks with easier access to capital markets, it should help to improve credit availability. Putting a proposed reduction out for notice and comment is

[1] Under section 19(b)(2)(C), the amount below which reserves on net transaction account balances are payable at 3 percent, known as the low reserve tranche, is adjusted annually in relation to the growth in total transaction accounts at all depository institutions. The most recent adjustment was made on December 17, 1991 (56 FR 60054 (November 27, 1991)).

[2] See accompanying proposed rule published elsewhere in today's issue of the Federal Register.

likely to delay or dilute any beneficial effects.

Regulatory Flexibility Act

Because the Board finds that no notice of proposed rulemaking is required, a statement concerning the effects of the rule on small entities is also not required under the Regulatory Flexibility Act. 5 U.S.C. 604. The Board notes, however, that the amendment imposes no additional reporting or recordkeeping requirements. Reserve requirements for depository institutions with net transaction accounts in excess of $42.2 million will be reduced by the action, and no other small entities should be affected. The first $42.2 million of net transaction accounts are subject a reserve requirement of 3 per cent by statute, and the Board does not have the authority to reduce this requirement.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461 *et seq.*, the Board is amending 12 CFR part 204 to read as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. The authority citation for part 204 continues to read as follows:

Authority: Sections 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 248(c), 371a, 371b, 461, 601, 611); section 7 of the International Banking Act of 1978 (12 U.S.C. 3105); and section 411 of the Garn St-Germain Depository Institutions Act of 1982 (12 U.S.C. 461).

2. Section 204.9 is amended by revising paragraph (a)(1) to read as follows:

§ 204.9 Reserve requirement ratios.

(a)(1) *Reserve percentages.* The following reserve ratios are prescribed for all depository institutions, Edge and Agreement corporations, and United States branches and agencies of foreign banks:

Category	Reserve requirement
Net transaction accounts: [1]	
$0 to $42.2 million	3 percent of amount.
Over $42.2 million	$1,266,000 plus 10 percent of amount over $42.2 million.
Nonpersonal time deposits	0 percent.
Eurocurrency liabilities	0 percent.

[1] Dollar amounts do not reflect the adjustment to be made in the next paragraph.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 2, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-5218 Filed 3-5-92; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-74-AD; Amendment 39-8189; AD 92-06-09]

Airworthiness Directives; Beech Models 1900 and 1900C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This action supersedes Airworthiness Directive (AD) 91-12-02, which currently requires initial and repetitive inspections of the engine trusses for cracks at weld joints on certain Beech Models 1900 and 1900C airplanes, repair or replacement of engine trusses found cracked, and the installation of reinforcement doublers. New trusses have been manufactured that, if installed, would allow for the elimination of the inspection requirements of AD 91-12-02. In addition, the Federal Aviation Administration (FAA) has determined that different repetitive inspection intervals should be established for certain weld joint areas of the engine mounts. This action will retain the requirements of AD 91-12-02, but would change the repetitive inspection intervals and allow the repetitive inspections to be terminated if a certain engine truss is installed. The actions specified by this AD are intended to prevent engine truss failure, which could result in complete loss of the engine from the airplane.

DATES: Effective April 17, 1992. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 676-7111. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Airframe Branch, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that would supersede AD 91-12-02, which currently requires initial and repetitive inspections of the engine trusses for cracks at weld joints on certain Beech Models 1900 and 1900C airplanes, repair or replacement of engine trusses found cracked, and the installation of reinforcement doublers, was published in the **Federal Register** on November 15, 1991 (56 FR 57996). The action proposed retaining the requirements of AD 91-12-02, but changing the repetitive inspection intervals and allowing the repetitive inspections to be terminated if a certain engine truss is installed. The proposed actions would be done in accordance with Beech Service Bulletin No. 2255, Revision III, dated November 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule. No comments were received on the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 202 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 19 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $235,125. The above cost analysis is the same as AD 91-12-02, which will be superseded by this action. There will be no additional cost impact on U.S. operators by this action than that required by AD 91-12-02.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 91-12-02, **Amendment 39-7013** (56 FR 23996, May 28, 1991), and by adding the following new airworthiness directive:

92-06-09 BEECH: Amendment 39-8189; Docket No. 91-CE-74-AD. Supersedes AD 91-12-02, Amendment 39-7013.

Applicability: Model 1900 airplanes (serial numbers (S/N) UA-2 and UA-3); Model 1900C airplanes (S/N UB-1 through UB-74, S/N UC-1 through UC-156, and UD-1 through UD-6), certificated in any category.

Compliance: Required initially upon the accumulation of 1,700 hours time-in-service (TIS), or within the next 100 hours TIS after July 1, 1991 (the effective date of AD 91-12-02), whichever occurs later, unless already accomplished, and thereafter as indicated.

To detect cracks and prevent possible failure of the engine truss assembly, accomplish the following:

(a) If either engine truss, part number (P/N) 118-910025-37 or P/N 118-910025-121 is installed, or if either engine truss P/N 114-910025-1 or P/N 118-910025-1 that is equipped with reinforcement doublers at the engine firewall attachment bosses is installed, inspect the engine truss for cracks at the weld joints in accordance with the instructions in Beech Service Bulletin (SB) 2255, Revision III, dated November 1991.

(1) If no cracks are found, return the airplane to service and visually reinspect the engine truss at the weld joint areas as specified in paragraph (c) of this AD in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991.

(2) If cracks are found, prior to further flight, accomplish one of the following in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991:

(i) Repair the cracked engine truss or replace the cracked engine truss with a serviceable truss, P/N 118-910025-37 or P/N 118-910025-121, and visually reinspect the engine trusses at the weld joint areas as specified in paragraph (c) of this AD; or

(ii) Replace the cracked engine truss with a new improved engine truss by installing Beech Kit 114-9036-1 or 114-9036-3. This action terminates the need for any repetitive inspections required by this AD.

(b) If either engine truss, P/N 114-910025-1 or P/N 118-910025-1 that is not equipped with reinforcement doublers at the engine firewall attachment bosses is installed, inspect the engine truss for cracks at the weld joints in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991.

(1) If no cracks are found, install reinforcement doublers in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991, and visually reinspect the engine trusses at the weld joint areas as specified in paragraph (c) of this AD in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991.

(2) If cracks are found, prior to further flight, accomplish one of the following in accordance with the instructions in Beech SB No. 2255, Revision III, dated November 1991:

(i) Repair the cracked engine truss, install reinforcement doublers, and visually reinspect the engine trusses at the weld joint areas as specified in paragraph (c) of this AD;

(ii) Replace the cracked engine truss with a serviceable truss, P/N 118-910025-37 or P/N 118-910025-121, and visually reinspect the engine trusses at the weld joint areas as specified in paragraph (c) of this AD; or

(iii) Replace the cracked engine truss with a new improved engine truss by installing Beech Kit 114-9036-1 or 114-9036-3. This action terminates the need for any repetitive inspections required by this AD.

(c) Accomplish the repetitive inspections required by paragraph (a)(1), (a)(2)(i), (b)(1), (b)(2)(i), or (b)(2)(ii) of this AD at the intervals below at the areas specified in Figure 1: Engine Truss Inspection Areas of Beech SB No. 2255, Revision III, dated November 1991:

Inspection area	Inspection interval—hours (TIS)
A	300
B	600
C	3,000

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(f) The inspections, replacements and installations required by this AD shall be done in accordance with Beech Service Bulletin No. 2255, Revision III, dated November 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CRR part 51. Copies may be obtained from Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(g) This amendment (39-8189) supersedes AD 91-12-02, Amendment 39-7013.

(h) This amendment (39-8189) becomes effective on

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-4978 Filed 3-5-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-55-AD; Amendment 39-8188; AD 92-06-08]

Airworthiness Directives; Gulfstream American Model GA-7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Gulfstream American Model GA-7 airplanes. This action requires an inspection of the elevator hinge for cracks, replacement of

the elevator if cracks extend into certain areas, and the installation of Service Kit No. 12. There have been several field reports and service difficulty reports of cracks in the elevator spar center hinge area of the affected airplanes. The actions specified by this AD are intended to prevent elevator binding and loss of pitch control, which could result in loss of control of the airplane .

DATES: Effective April 17, 1992. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the American General Aircraft Corporation, Route 1, AB 306, P.O. Box 5757, Greenville, Mississippi 38703. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. David Cundy, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349; Telephone (404) 991–2910; Facsimile (404) 991–3606.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Gulfstream American Model GA–7 airplanes was published in the **Federal Register** on November 19, 1991 (56 FR 58328). The action proposed an initial inspection of the elevator hinge for cracks; replacement of the elevator if cracks are found that extend inboard of stabilizer station 41.0, outboard of stabilizer station 45.0, or into the spar caps; and the installation of Service Kit No. 12. The proposed actions would be accomplished in accordance with the modification instructions that are contained in the instructions for GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 115 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 10 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $200 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $124,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92–06–08 Gulfstream American: Amendment 39–8188; Docket No. 91–CE–66–AD.

Applicability: Model GA–7 airplanes (serial numbers GA7–0001 through GA7–0115), certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent elevator binding and loss of pitch control, which could result in loss of control of the airplane, accomplish the following:

(a) Dye penetrant inspect the elevator spar between stabilizer station 41.0 and 45.0 for cracks by accomplishing paragraphs A–1, A–2, A–3, B–1, B–2 and B–3 of the Modification Instructions in the instructions for GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991.

(1) If cracks are found that extend inboard from station 41.0, outboard of station 45.0, or into the spar caps, prior to further flight, replace the elevator and accomplish the following:

(i) Install Service Kit No. 12 by accomplishing paragraphs B–5 through B–20 of the Modification Instructions in the instructions for GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991.

(ii) Balance the new elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–1–1.

(iii) Install the new elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–3–1.

(2) If cracks are found that do not extend inboard from station 41.0, outboard of station 45.0, or into the spar caps, prior to further flight, accomplish the following:

(i) Stop drill any cracks found.

(ii) Install Service Kit No. 12 by accomplishing paragraphs B–5 through B–20 of the Modification Instructions in the instructions for GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991.

(iii) Balance the elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–1–1.

(iv) Reinstall the elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–3–1.

(3) If no cracks are found, prior to further flight accomplish the following:

(i) Install Service Kit No. 12 by accomplishing paragraphs B–5 through B–20 of the Modification Instructions in the instructions for GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991.

(ii) Balance the elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–1–1.

(iii) Reinstall the elevator in accordance with Gulfstream American Model GA–7 Maintenance Manual, Chapter 27–3–1.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Atlanta Aircraft Certification Office, 1669 Phoenix Parkway, suite 210C, Atlanta, Georgia 30349. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta Aircraft Certification Office.

(d) The inspection and installation required by this AD shall be done in accordance with the instructions contained in GA–7/Cougar Aircraft Service Kit No. 12, referenced by American General Service Bulletin ME–1A, dated February 21, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American General Aircraft Corporation, Route 1, AB 306, P.O. Box 5757, Greenville, Mississippi 38703. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(e) This amendment (39–8188) becomes effective on April 17, 1992.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate Aircraft Certification Service.

[FR Doc. 92–4980 Filed 3–5–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–CE–81–AD; Amendment 39–8190; AD 92–06–10]

Airworthiness Directives; SOCATA Groupe AEROSPATIALE Morane Saulnier MS890 Series and Rallye 235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to SOCATA Groupe AEROSPATIALE Morane Saulnier MS890 series and Rallye 235 series airplanes. This action requires repetitive dye penetrant inspections of the nose wheel axle for cracks, replacement of the nose wheel axle if found cracked, and replacement of the nose wheel axle attaching screws. Reports received by the Federal Aviation Administration (FAA) show that cracks could form in the nose wheel axle and the nose wheel axle attaching screws could fail over time. The actions specified by this AD are intended to prevent loss of control of the airplane caused by nose gear wheel axle fatigue failure.

DATES: Effective April 17, 1992. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France; Telephone 62.41.74.26; Facsimile 62.41.74.32; or the Product Support Manager, U.S AEROSPATIALE, 2701 Forum Drive, Grand Prairie, Texas 75053; Telephone (214) 641–3614; Facsimile (214) 641–3527. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; Telephone (322) 513.38.30; Facsimile (322) 230.68.99; or Mr. Mike Dahl, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain SOCATA Groupe AEROSPATIALE Morane Saulnier MS890 series and Rallye 235 series airplanes was published in the **Federal Register** on November 21, 1991 (56 FR 58655). The action proposed repetitive dye penetrant inspections of the nose wheel axle for cracks, replacement of the nose wheel axle if found cracked, and replacement of the nose wheel axle attaching screws. The actions would be accomplished in accordance with the instructions in SOCATA Groupe AEROSPATIALE Service Bulletin No. 150, dated June 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 72 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $16 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $9,072.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92–06–10 Socata Groupe Aerospatiale: Amendment 39–8190; Docket No. 91–CE–81–AD.

Applicability: Morane Saulnier Models MS892A150, MS892E150, MS893A, MS893E, MS894A, and MS894E airplanes (all serial numbers); and Rallye Models 235C and 235E

airplanes (all serial numbers), certificated in any category.

Compliance: Required initially upon accumulation of 500 hours time-in-service (TIS) or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, and thereafter, as indicated, unless already accomplished.

To prevent nose wheel axle fatigue failure, accomplish the following:

(a) Dye penetrant inspect the nose wheel axle assembly for cracks in accordance with the instructions in DESCRIPTION: (1) of SOCATA Groupe AEROSPATIALE Service Bulletin No. 150, dated June 1991.

(1) If cracks are found, prior to further flight, replace the nose wheel axle assembly in accordance with the applicable maintenance manual, and reinspect thereafter at intervals not to exceed 500 hours TIS.

(2) If no cracks are found, reinspect thereafter at intervals not to exceed 500 hours TIS.

(b) At every 4th repetitive inspection interval (2,000 hours TIS) mandated in paragraphs (a)(1) and (a)(2) of this AD, replace the nose wheel axle attaching screws instead of reinstalling the existing screws as specified in the instructions of DESCRIPTION: (2) of SOCATA Groupe AEROSPATIALE SB No. 150, dated June 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety, may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) The inspections and replacements required by this AD shall be done in accordance with SOCATA Groupe AEROSPATIALE Service Bulletin No. 150, dated June 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SOCATA Groupe AEROSPATIALE, Socata Product Support, Aeroport Tarbes-Ossun-Lourdes, B P 930, 65009 Tarbes Cedex, France. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(f) This amendment (39-8190) becomes effective on April 17, 1992.

Issued in Kansas City, Missouri, on February 25, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc 92-4979 Filed 3-5-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Food Advisory Committee; Establishment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing the establishment by the Commissioner of Food and Drugs of the Food Advisory Committee in the FDA's Center for Food Safety and Applied Nutrition. A notice requesting nominations for membership on this committee will publish at a later date. This document adds to the agency's list of standing advisory committees. The authority citation for 21 CFR part 14 is also being revised to reflect changes made as a result of the transfer and redesignation of certain sections of the Public Health Service Act to the Federal Food, Drug, and Cosmetic Act, by the Safe Medical Devices Act of 1990.

DATES: This rule becomes effective March 6, 1992. Authority for the committee being established will end on December 15, 1993, unless the Commissioner of Food and Drugs formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), section 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 394) as amended by the Food and Drug Revitalization Act (Pub. L. 101-635), and 21 CFR 14.40(b), FDA is announcing the establishment by the Commissioner of Food and Drugs of the Food Advisory Committee.

The committee shall provide advice primarily to the Director, Center for Food Safety and Applied Nutrition, and as needed, to the Commissioner and other appropriate officials on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade. The committee shall also provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues, and recommend approaches that may be considered in addressing the issues.

The Safe Medical Devices Act of 1990, Public Law 101-629, enacted November 28, 1990, amended subpart 3 "Electronic Product Radiation Control" of part F of title III of the Public Health Service Act, and redesignated sections 354 through 360F of that act as sections 530 through 542 of the Federal Food, Drug, and Cosmetic Act, respectively.

Because these are technical amendments to 21 CFR part 14, the Commissioner of Food and Drugs finds under 5 U.S.C. 553(b)(B) and 21 CFR 10.40 (c), (d), and (e), that notice and public procedure are unnecessary and contrary to the public interest. Therefore, the agency is revising the authority citation for 21 CFR part 14 and adding new paragraph (g) to 21 CFR 14.100 as set forth below.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR part 14 is revised to read as follows:

Authority: Sec. 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-394); 21 U.S.C. 41-50, 141-149, 467f, 679, 821, 1034; secs. 2, 351, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 264); secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

2. Section 14.100 is amended by adding new paragraph (g) to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(g) *Center for Food Safety and Applied Nutrition—Food Advisory Committee.* (1) Date established: December 15, 1991.

(2) Function: The committee provides advice on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade.

Dated: March 2, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5222 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 173

[Docket No. 87F-0013]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Chemicals for Controlling Micro-Organisms in Cane-Sugar and Beet-Sugar Mills

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of glutaraldehyde as a chemical for controlling micro-organisms in beet-sugar mills. This action is in response to a petition filed by Union Carbide Corp.

DATES: Effective March 6, 1992; objections by April 6, 1992.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-254-9519.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 16, 1987 (52 FR 8112), FDA announced that a food additive petition (FAP 7A3981) had been filed by Union Carbide Corp., P.O. Box 670, Bound Brook, NJ 08805, proposing that § 173.320 Chemicals for controlling micro-organisms in cane-sugar and beet-sugar mills (21 CFR 173.320) be amended to provide for the safe use of glutaraldehyde as a chemical for controlling micro-organisms in cane-sugar and beet-sugar mills.

The agency has since determined that the March 16, 1987, filing notice incorrectly described the petitioner's request because the petition specifically requested approval for the use of glutaraldehyde as an antimicrobial agent to control micro-organisms solely in beet-sugar mills. Therefore, the agency is amending the food additive regualtion in § 173.320 by adding paragraph (b)(6) to provide for the safe use of glutaraldehyde as a chemical for controlling micro-organisms in beet-sugar mills.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 6, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

Authority: Secs. 201, 402, 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348).

2. Section 173.320 is amended in paragraph (b) introductory text by adding "or (6)" after "paragraph (b)(4)" and by adding new paragraph (b)(6) to read as follows:

§ 173.320 Chemicals for controlling micro-organisms in cane-sugar and beet-sugar mills.

* * * * *

(b) * * *

(6) Single additive for beet-sugar mills:

	Parts per million
Glutaraldehyde (CAS Reg. No. 111-30-8).	Not more than 250.

* * * * *

Dated: February 26, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5224 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Parts 905, 965 and 968

[Docket No. R-92-1535; FR-2984-02]

RIN: 2577-AA92

Termination of Consolidated Supply Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: This final rule terminates HUD's Consolidated Supply Program (CSP), currently set out at 24 CFR part 965, subpart G, and 24 CFR 905.175(f), and makes conforming amendments to 905.640(c) and 968.240(c), which reference the CSP. Under the CSP, HUD furnishes technical assistance to public housing agencies and Indian housing authorities in purchasing certain supplies, material, equipment, and

services necessary for the development, operation and maintenance of low-income housing. The decision to terminate the CSP was made after a thorough evaluation of the program, and careful consideration of the public comments received on a June 10, 1991 proposed rule. These comments are discussed in the Supplementary Information section of this document.

EFFECTIVE DATE: April 6, 1992. Contract extensions for all CSP contracts except Roofing Shingles, and Floor Tile and Sheet Vinyl expired on February 28, 1992. Contracts for the latter two products will expire on March 31, 1992. PHAs may not issue purchase orders for contracts which have expired. For the two contracts which have not expired, PHAs may issue Purchase Orders up to the contract expiration date. Once any contract has expired, contractors and PHAs may complete work/delivery of items reflected on Purchase Orders issued before the expiration of the last contract extension; no new Purchase Orders may be issued.

FOR FURTHER INFORMATION CONTACT: William C. Thorson, Director, Maintenance and Supply Division, Office of Construction, Rehabilitation and Maintenance, room 4124, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–4703. Hearing- or speech-impaired individuals may call the TDD number for the Office of Public and Indian Housing, (202) 708–0850. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

The Consolidated Supply Program (CSP) was established to assist public housing agencies (PHAs), and Indian housing authorities (IHAs) (PHAs and IHAs are collectively referred to as PHAs), to assure the low income character of public housing, as required under sections 6(a) and 9(a) of the United States Housing Act of 1937, by providing technical assistance in the procurement process. (The CSP regulations, which are removed by this rule, are codified at 24 CFR 965, subpart G, and 24 CFR 905.175(f). Additionally, conforming amendments are made to 24 CFR 905.640(c) and 24 CFR 968.240(c), which reference the CSP.)

Under the CSP, the Department enters into competitive open-end contracts with suppliers of products (supplies, material, equipment and services) commonly used by PHAs in the development, operation, and maintenance of low-income housing. The Department prepares the technical specifications, and undertakes the solicitation, procurement and contracting functions. Contracts are awarded to all responsive and responsible bidders whose prices are at or below the average of bids received (not just the low bidder). The CSP contracts generally are of 15 months duration and are indefinite quantity contracts with no guarantee to the CSP supplier of any minimum volume of business under the contracts. A catalog identifying the product specifications, product items and price is prepared for each CSP product.

The objective of the CSP was to provide PHAs with the price benefits of competition, while reducing the administrative costs that would otherwise be incurred by each PHA in preparing individual contract specifications, and in soliciting for bids. The CSP operated on the premises that: (1) CSP contractors offer their best prices to the program—that is prices that are equal to or better than prices available to PHAs through open competition; and (2) CSP installed item specifications, including authorized options, add-ons, and deletions, are sufficient to satisfy the job needs of PHAs. The Department found, however, that these operating premises were inaccurate.

Audits of the CSP conducted by HUD's Office of the Inspector General (OIG) in 1981, 1984, 1988 and 1990 revealed widespread program abuse by PHAs and contractors. The audits also revealed that use of the CSP by PHAs was small ($102 million for the 1988/1989 period) compared to overall PHA procurement of more than $3 billion. The Department further studied the CSP, including seeking the assistance of an outside consultant, and determined that the structural and inherent flaws of the CSP were so serious that the corrective measures required to make the CSP cost effective would far exceed available resources and outweigh any potential program benefits.

Accordingly, in a rule published on June 10, 1991 (56 FR 26826), the Department proposed to terminate the CSP. The preamble to the proposed rule provided a detailed account of the findings of the OIG's audits, and the additional steps taken by HUD to further evaluate the benefits and problems of the CSP. These steps included an August 10, 1990 meeting with the CSP participants. Attendees at the meeting included representatives of the National Association of Housing and Redevelopment Officials (NAHRO), the Public Housing Authority Directors' Association (PHADA), various CSP contractors, auditors and others interested in the CSP.

In the June 10, 1991 rule, the Department stated that if the CSP were terminated, it would continue to offer PHAs procurement assistance, by making available to PHAs the guide specifications for many items currently available through the CSP. The Department also stated that it would seek the passage of legislation that would make the General Services Administration (GSA) schedule available to PHAs, in an effort to provide an additional source from which PHAs may procure products.

II. Discussion of Public Comments

The Department invited comment on the June 10, 1991 proposed rule. During the comment period, which expired August 9, 1991, HUD received 120 comments. The commenters included 105 PHAs. The commenters also included nine contractors; four associations representing various PHAs, PHA officials and PHA contractors; one corporation involved in product testing and certification; and one U.S. legislator.

Of the 120 commenters, three commenters supported, or expressed no opposition to termination of the CSP. These three commenters, all PHAs, stated that they could obtain better prices through competitive bidding than through the CSP. The remaining commenters were opposed to termination of the program. Of the 105 PHA commenters, almost half (50) submitted a form letter.

One of the commenters, NAHRO, advised that, together with PHADA, it conducted a survey on the CSP among public housing agencies. NAHRO stated that on June 1, 1991, it submitted a questionnaire to 3,244 PHAs, and that 583 PHAs responded to the survey. NAHRO reported that of the 583 respondents, 470 PHAs stated that they used the CSP, and 97 percent of this group stated that they saved money by using the CSP. NAHRO reported that this group stated that they spent nearly $37 million on CSP products, at an estimated savings of $9 million.

In reviewing the NAHRO survey, some PHAs perceived administrative and time savings to be major benefits of the CSP. The Department will comment further in this Rule regarding the benefits of the CSP. However, the Department also notes the following from the survey:

—While some PHAs claimed savings as a benefit, elsewhere in the survey the principal reason cited for not using the CSP was cost, followed by local preference, poor warranties, slow/unreliable delivery and poor quality.
—The principal problem identified with the CSP is unreliable contractors, followed by inferior products, unnecessary add-ons, over-pricing, poor service.
—The items identified in the survey as being the most frequently purchased—refrigerators, floor tile, ranges, water heaters and window shades—are available from the GSA.
—19 percent of PHAs responding to the survey did not use the CSP.
—498 out of 546 (92 percent) responding to the survey said they already have procurement staff.
—292 out of 469 (66 percent) responding to the survey advised that they solicit further/additional quotes from CSP vendors.
—57 of PHAs responding to the survey were aware of program abuses, but only 23 advised that they notified HUD.
—161 out of 214 (76 percent) responding to the survey advised that there were products for which they preferred not to use the CSP.

The survey results also confirmed the following findings of the Department during its evaluation of the program: PHAs already have procurement staff and procure most of their goods and services from non-CSP sources; and there are structural flaws, abuse and higher costs in the program. Accordingly, the Department does not consider the survey results to provide a persuasive argument in favor of retaining the CSP. The Department also noted that only 18 percent of the PHAs surveyed decided to respond. This low response rate confirms the relatively limited interest and usage of the CSP.

Following careful consideration of the comments on the proposed rule and the survey results provided by NAHRO and PHADA, the Department has decided to proceed with termination of the CSP. Notwithstanding the recognizable loss of some benefit to participating PHAs, the Department's evaluation of the program continues to support that the magnitude of the problems with CSP is such that the measures required to correct these problems, to curtail future abuse, and to make the program cost effective far exceed available resources, and outweigh the benefits.

The following section presents a discussion of the specific issues raised by the commenters, and the Department's response to each issue. The comments opposing termination of the CSP generally fell into the following four areas: (1) Comments describing the benefits of the CSP; (2) comments describing the problems that will result for PHAs if the CSP is terminated; (3) comments criticizing HUD's rationale for terminating the CSP; and (4) comments offering suggestions on how PHA procurement may be improved.

1. Benefits of the CSP

The majority of the commenters appealed to HUD to continue the CSP, because of the many benefits derived by PHAs through participation in the program. The benefits identified by the commenters are as follows:

Comment: The CSP provides savings in the administrative costs and time involved in procurement. A number of commenters stated that the CSP helps PHAs avoid the costly and time consuming process of bid and specification preparation.

Response. HUD acknowledges that the CSP may reduce the administrative costs and time involved in procurement for many participating PHAs. HUD will make guide specifications available to PHAs for many of the items now on the CSP. Through this effort, HUD will continue to assist PHAs in reducing the administrative costs and time involved in procurement.

HUD also acknowledges that PHAs which relied substantially on the CSP for a number of products may incur slightly increased procurement costs. The increase, however, should not be significant. Most, if not all, PHAs already have staff performing procurement functions for items that are not available through the CSP. These items (those not available through the CSP) comprise the majority of PHA procurement purchases.

In addition, as stated in the June 10, 1991 proposed rule, HUD intends to seek legislation which will enable PHAs to purchase products from the GSA schedule. While the GSA schedule does not include installed items, it includes a number of non-installed items available through the CSP, and many items that are not available through the CSP—items, which can be extremely useful to PHAs, such as office and maintenance equipment. HUD believes that use of the GSA schedule will result in much of the same savings in administrative cost and time as the CSP provides.

Many States operate programs similar to the GSA Schedule. PHAs can and should purchase goods through these programs when prices are determined to be advantageous. Further, PHAs can form consortiums to make group purchases and take advantage of discounts available when making volume purchases. Any such purchases would have to conform to HUD procurement requirements at 24 CFR 85.36.

Comment: The CSP provides better quality products. Several commenters stated that the product specifications which have been written for the CSP have continually improved, thus ensuring better and more consistent quality of products, which is not always true in an open bid process.

Response: PHAs will continue to benefit from these specifications, because HUD will continue to update, and to make available to PHAs, guide specifications for many of the CSP products.

Comment: The CSP provides savings on professional fees. Several commenters stated that the CSP provides savings on architectural and engineering fees.

Response: The guide specifications that HUD will make available to PHAs, will make it possible for PHAs to continue to save on architectural and engineering fees for both installed and non-installed items. Although PHAs will continue to require professional services for installed items, these services will be needed to a lesser degree because of the guide specifications.

Comment: The CSP reduces inventory and maintenance problems. Several commenters stated that one of the principal benefits of the CSP is standardization of products, which reduces the need for a large inventory of replacement and repair parts, and reduces the need for maintenance personnel to have knowledge of a wide range of products.

Response. The guide specifications that HUD will provide for many CSP products will assist PHAs in maintaining a standardized inventory. However, with advancing technology, new products are frequently introduced in the market. Even with the same manufacturer, models are periodically updated and changed. Thus, PHAs must expect changes in the products that they use. Product changes occur with or without the CSP. In addition, HUD regulations have relatively simple and informal procedures for purchases of services and supplies that do not cost more than $25,000 (or a lesser amount as specified by State law). These procedures facilitate, when ever possible, standardization and maintenance of reasonable inventories.

Comment: CSP contractors complete jobs more quickly. Several commenters stated that utilizing CSP contractors frequently results in shorter job completion time, because CSP contractors are familiar with the various requirements that pertain to work and

services in connection with public housing developments, including the paperwork requirements.

Response. HUD questions the contention that CSP contactors complete jobs more quickly than non-CSP contactors because the CSP contractors are familiar with the requirements pertaining to public housing. All contractors complete jobs in accordance with certain plans and specifications and within the times specified in the contracts. The requirements applicable to HUD-assisted public housing, including the paperwork requirements, should not affect a contractor's ability to deliver a product or service in accordance with a plan or specification, in a timely manner. In its audit of the CSP, the OIG found many CSP contractors performing work outside the scope of their contracts. Under this situation, PHAs incurred less paperwork, because they did not compete for the additional work, in violation of the CSP requirements.

Comment: CSP contractors perform on-site work with less disruption to residents. Several commenters stated that extensive public housing experience permits CSP contractors to perform on-site work in a manner that requires public housing residents to relocate less frequently, thereby obviating the need for relocation costs, and reducing the loss of rental revenue on units under repair.

Response. While HUD is pleased that some PHAs found CSP contractors disrupted residents infrequently, HUD sees no reason why non-CSP contractors could not perform on-site work in the same manner, and achieve the same results.

Comment: The CSP is effective in meeting minority contractor hiring goals. Several commenters stated that the CSP is one of the most effective ways for PHAs to meet their minority contractor hiring goals, and that loss of the CSP will result in a reduction in the hiring of minority contractors.

Response. HUD's evaluation of the CSP indicates that PHAs purchase the majority of their products and services through sources other than the CSP. Accordingly, PHAs already should have systems in place that encourage minority business enterprises (MBE) to participate in PHA procurement. PHAs can and should achieve MBE goals without the CSP.

Comment: CSP prices are equal to or less than competitive bid prices. A number of commenters stated that the CSP is less costly to PHAs than competitive bidding. A few of these commenters provided examples of the savings incurred by purchasing through the CSP. One commenter stated that dependent upon the economic conditions of the PHA's locale, prices obtained through competitive procurement may be significantly inflated, whereas under the CSP, prices, in many cases, remain fixed for a period of 15 months. Another commenter stated that "the bidding process would not gurantee product uniformity as is available under CSP, and could prove chaotic if PHAs are forced to procure varied products designed to different specifications."

Response. HUD disagrees that the CSP is less costly than competitive bidding. While in certain cases, CSP prices may be lower than competitive bid prices, the low volume of CSP sales supports that, for the majority of PHA purchases, CSP prices were higher than prices obtained through the competitive bid process. HUD notes that no commenters provided any supporting documentation of actual savings obtained through the CSP. Rather, each commenter estimated savings based on the commenter's asserted knowledge of the market.

HUD also disagrees with the commenters' generalization that CSP prices are or will be lower, because they are fixed for a period of 15 months or longer. One of the reasons CSP prices were generally higher than competitive bid prices, as found in the IG audit, is because CSP prices are fixed for a period of 15 months or longer and for a Region(s) where prices may vary from locality to locality. To establish a price for such an extended period, a CSP contractor must factor in anticipated price increases. A competitive bid price, however, would reflect current product cost. HUD believes that in an open economy, a competitive bidding process is the best vehicle for obtaining the most advantageous prices.

With regard to uniformity, no competitive system for procurement of goods and services can guarantee uniformity indefinitely. As discussed previously, products frequently change because of advances in technology. Uniformity was not guaranteed under the CSP. The CSP had a variety of contractors offering similar, but not identical products.

HUD further disagrees that terminating the CSP would prove chaotic. Again, HUD's study of the CSP revealed that most PHAs do not use the CSP for the majority of their purchases. For those PHAs that were more dependent on the CSP, the guide specifications that HUD intends to make available for many of CSP items, will provide much of the technical expertise that PHAs will need for procurement through the competitive bid process.

Comment: CSP provides savings on freight charges. A few commenters stated that because the CSP offers several competing available sources for products, a PHA can choose to save freight charges by selecting a source in the PHA's geographical area.

Response: One of the principal criticisms of the CSP was that the higher CSP prices resulted from high freight charges imposed. CSP prices must be valid for an entire HUD regional area. Accordingly, a CSP contractor, in establishing a price for an item, must consider the varying freight costs, e.g., prices must be high enough to cover the long distances.

Comment: CSP provides better and longer product warranties. A few commenters stated that PHAs are able to obtain better warranties (and of longer duration) for CSP products than for products obtained locally.

Response. PHAs may establish any warranty period desired in competitively bid contracts, even longer than the warranties provided under the CSP.

Comment: Installation and delivery time is reduced under the CSP. A few commenters stated that the time for installation and delivery of material ordered through the CSP is much shorter than through the competitive bid process.

Response. HUD disagrees that delivery and installation time can be reduced once a contract is executed simply because an item is available through the CSP. There is no reason why a competent non-CSP contractor could not deliver and install products in the same time frame as a CSP supplier.

2. Termination—Problems for PHAs

Comment: Termination of the CSP will increase PHA financial problems, and impact most adversely on small PHAs. Several commenters stated that PHAs are already experiencing financial difficulty, and that termination of the CSP will increase PHA administrative costs, and consequently increase PHA financial problems. Other commenters stated that the increase in costs will hurt small PHAs the most.

Response. While HUD recognizes that PHAs may incur some additional administrative expenses as a result of termination of the CSP, the additional costs should not be significant. As noted previously, procurement of items through the CSP represents a low percentage of total PHA procurement, which means that the majority of PHAs, including small PHAs, already have staff performing non-CSP procurement. For those PHAs which were more dependent on the CSP, the guide specifications will help minimize increases in procurement costs. PHAs experiencing financial difficulties already should be exploring ways to address these difficulties. These difficulities may be the result of management and operational deficiencies that will continue to cause financial problems for PHAs, with or without the CSP.

Comment: Small PHAs have limited procurement expertise. One commenter stated that small PHAs operate with limited staff, possess no background or expertise in the specific procedures involved in the competitive bid process, and are extremely susceptible to "hard sell" and to "snake oil" sales representatives. The commenter stated: "It is our opinion that the termination of the CSP would result, in many cases, in the procurement of substandard goods and services and improper or illegal contracting methods, which in turn will result in an increased cost to the PHA, to HUD and to the taxpayer."

Response. In order to operate public housing developments, PHAs, even small PHAs, must possess management capability in all area of property management, including procurement. Procurement is a basic component of a PHA's operation. If a PHA lacks staff that has the capability to successfully handle procurement, then the PHA needs to employ additional personnel or make personnel changes. If a PHA is susceptible to fraudulent practices, the existence of the CSP will not improve the situation.

Comment: Rural PHAs make up the majority of PHAs and lack competitive market places. One commenter stated: "Rural PHAs, which make up the majority of the PHAs in the nation, lack available competitive market places for economical purchasing."

Response. PHAs purchase the majority of their items outside of the CSP, which means that there are other sources to procure products available through the CSP. HUD seriously questions the inability of rural PHAs to purchase CSP items on the local market. To the extent this may occur for some items, PHAs need to expand their marketing range beyond the immediate locality. This is not uncommon in rural communities, regardless of whether the procuring entity is a PHA or some other type of business entity.

Comment: Termination of the CSP will increase the PHA paperwork burden. One commenter complained that termination of the CSP will increase the PHA paperwork burden.

Response. PHAs are responsible for managing their business. Procurement is a typical part of this business. The act of doing any business, including procurement, will generate a paperwork burden. HUD acknowledges that the CSP has provided some relief to PHAs from the paperwork burden that is part of all procurement. Again, however, since the majority of PHA procurement is not conducted through the CSP, the paperwork burden relief provided by the CSP was not widespread among PHAs. Conversely, the additional paperwork burden that may be incurred by termination of the CSP will not be significant.

Comment: Termination of the CSP will result in greater procurement abuses. One commenter stated that there will be more abuses if PHAs are limited to a local bidding system. The commenter stated: "If there are abuses under the HUD-controlled CSP system, imagine how may more opportunities for abuse will exist under bid systems locally administered by over 3,500 public and Indian housing authorities. Major vendors have a significant business interest in maintaining their CSP contracts. * * * Major suppliers deal with PHAs at arm's length, while local procurement is done on a much closer basis. We believe dealing with major suppliers at arm's length provides minimal opportunity for abuse of the procurement system."

Response. PHA procurement is now largely administered at the local level, because most PHAs purchase the majority of their products under a competitive bid system. To the extent that a PHA lacks adequate internal control systems over its procurement transactions, opportunities for abuse exist under either system—a competitive bid process or the CSP system. The OIG audit clearly documents repeated instances where CSP contractors disregarded and violated CSP rules and regulations.

3. HUD's Rationale for Terminating the CSP

Comment: The OIG's findings are based on a small number of PHAs. Several commenters stated that the decision to terminate the CSP was unfair because the OIG's findings were based on a small percentage (one percent) of PHAs.

Response. Since 1976, the OIG has conducted four audits of the CSP. Each audit identified serious problems with the program. The most recent audit focused on four regions with significant CSP activity. PHAs were selected for study primarily based on major activity under the Comprehensive Improvement Assistance Program (CIAP). Given the limited dollars spent by PHAs, nationwide, on items available through the CSP, the PHAs audited by the OIG represent a large portion of the overall CSP activity. Accordingly, to state that the OIG audit only focused on one percent of PHAs does not provide an accurate indication of the extent of CSP activity investigated by the OIG.

Comment: The OIG only examined competitively bid purchase orders. Two commenters stated that in all the contracts examined by the IG, the PHAs had opted to use local competitive bidding instead of the CSP and saved money doing so. The commenter stated that the OIG should have included in its review cases where the PHA opted for CSP procurement, and then compared those costs to the prospective cost of a locally bid contract.

Response. If a PHA purchased a CSP item, there would be no reasonable way for the OIG to determine what the competitive cost of that item would have been at a given time in the past. It would be unreasonable to ask vendors to provide competitive bids on contracts for which awards already have been made. Therefore, the methodology proposed by the commenter is inappropriate.

Comment: HUD did not undertake a cost-benefit analysis. One commenter stated that HUD's reasons for terminating the program were flawed because HUD did not undertake a cost-benefit analysis. The commenter stated that HUD failed to take into consideration the additional costs to PHAs and to HUD that would result from termination of the CSP. The commenter stated that these additional costs include: the costs of architectural and engineering fees, bid preparation, proposal solicitation, review and decision-making by PHAs, as well as the costs of competitive bid process review, and individual contract and product quality review by HUD.

Response. In deciding whether to terminate the CSP, HUD did take into consideration the benefits provided by the program, the problems with the program, and the duties and increased administrative costs that would revert to PHAs as a result of termination of the program. HUD recognizes that the CSP may reduce certain administrative costs and time involved in PHA procurement. HUD also recognizes that CSP sales are low and have been low for some time. This data indicated that notwithstanding the reduction in administrative costs, PHAs do not realize the significant savings in product costs anticipated and intended by the

program, and therefore use the competitive bidding process, not the CSP, for the majority of their purchases. After careful evaluation of all aspects of the program, HUD determined that the high vulnerability to fraud, waste and abuse of the program outweighs the benefits provided to a limited group of PHAs and that there is no system of cost efficient modifications which would justify continuation of the program. Again, HUD expects that the costs to be incurred by some PHAs as a result of termination of the CSP will be reduced by the guide specifications that HUD will make available for certain CSP items.

Comment: The lack of widespread use of the CSP by PHAs results from inadequate information. One commenter stated that the low use of the CSP by PHAs results from the fact that the program was never presented properly to PHAs. The commenter stated:

> In (our State) very few of our small PHAs use CSP because it has never been explained to them in a way they can understand. It is much easier to continue to do business as usual than to learn new tricks. HUD sends CSP information month after month with nothing to guide PHAs, to even let them know it is something which will save them money. Many think of the CSP information as another marketing catalog, just like the ones they receive from other businesses. Often it is discarded without serious consideration. If HUD is serious about saving Federal dollars, the CSP catalog information would be better marketed, explained, and supported with training by the Field Offices.

Response. The CSP is a voluntary program which has been in existence since 1954. The rules and procedures applicable to the CSP are outlined in HUD's regulations, handbook and the CSP catalogues. These procedures fully explain the use of the CSP. The high cost of additional, complex marketing procedures is not warranted in view of the high level of fraud and abuse present in the program.

Comment: High CSP prices result from ambiguous information. One commenter stated that the ambiguity of CSP information given to contractors caused the contractors to establish higher prices than necessary.

Response. HUD agrees that CSP prices are generally higher. However, HUD disagrees that the higher CSP prices are the result of ambiguous information provided by HUD. On the contrary, many commenters have praised the HUD specifications on which contractors submit bids. HUD has found that higher CSP prices are the result of serious flaws in the framework of the program. As stated in the preamble to the June 10, 1991 proposed rule, because the CSP is designed to serve a variety of contracting jobs, CSP contracts are subject to contracts that involve extended terms, unknown quantities, and generalized specifications. The uncertainty and generality of these terms causes CSP contractors to establish higher prices for CSP items.

Comment: The CSP problems can be correctd through better enforcement. Several commenters challenged HUD's position that the problems with the CSP could not be corrected in a cost effective manner. These commenters stated that instead of terminating the CSP, HUD should increase its monitoring and enforcement of the program requirements. A few commenters stated that HUD was aware of certain "known" CSP violators and took no action against them. One commenter stated that HUD allowed a handful of violators to become the centerpiece of the OIG's audit, and the basis for termination of the program.

Response. HUD agrees with the commenters that increased enforcement of existing CSP rules would help identify and reduce program abuses. However, HUD has concluded that the low volume of CSP sales does not justify diverting limited HUD staff and travel resources to increase the level and quality of monitoring that would be necessary to halt these abuses and to ensure the integrity of the CSP. HUD believes that it would be more prudent to use its resources to provide assistance to programs more widely used by and more critical to the operation of PHAs.

HUD denies the allegation that it took no action against certain "known" CSP violators, or that the problems with CSP were caused by a handful of violators. The OIG audits, conducted over the past several years have documented that the abuses in the program go beyond a few vendors. HUD has taken administrative sanctions whenever evidence revealed CSP abuses and identified program violators. HUD cannot take action against a CSP contractor based only on what others "believe" to be the case. In many situations, it was difficult for HUD to identify contractor violations because PHAs, on which HUD relies to assist with enforcement of contracts, often acted in collusion with these violators.

Comment: HUD's termination proposal failed to provide detailed findings concerning the termination decision. One commenter stated HUD's proposal to terminate the CSP should be given further review through correspondence with CSP users. The commenter stated that HUD should send a detailed list of findings to all CSP users, and should solicit comment on these findings.

Response. In the preamble to the June 10, 1991 proposed rule, HUD discussed in detail the problems uncovered in the CSP, and HUD's reasons for proposing termination, rather than redesign, of the program. (See 56 FR 28628–28629.) The June 10, 1991 rule invited comment from the public on HUD's proposal to terminate. In addition to solicitation of public comment through the June 10, 1991 proposed rule, the Assistant Secretary of HUD's Office of Public and Indian Housing invited interested CSP participants to a meeting to discuss the OIG's audit findings on the CSP and the issue of continuation of the program. The meeting was held on August 10, 1990, and attendees included representatives from NAHRO and PHADA, CSP contractors, auditors and other individuals interested in the program. Thus, the decision to terminate the CSP was made only after: (1) A thorough evaluation of the program by HUD; (2) full disclosure to the public of the problems with the CSP and of HUD's proposal to discontinue the program; and (3) careful consideration of public comments on the CSP—comments made at the August 10, 1990 meeting and in response to the June 10, 1991 proposed rule. HUD therefore disagrees that further analysis and public comment on termination of the CSP is necessary.

Comment: HUD's proposal to terminate the CSP constitutes a "major rule". One commenter stated the June 10, 1991 proposed rule constitutes a "major rule" under Executive Order 12291. The commenter stated that termination of the CSP would have a significant impact on a substantial number of small entities because it will change the way public housing authorities throughout the nation will spend billions of dollars of federal funds annually on materials, supplies, services and equipment. The commenter also stated that termination of the CSP would cause a major increase in costs or prices for consumers and for local government agencies because, in many instances, the CSP provides bigger discounts than what local governments can receive on the local market.

Response. Termination of the CSP will not have an annual effect on the economy of $100 million or more, nor will it cause a major increase in the costs or prices for consumers or for local government agencies. As has been stated several times in this preamble, purchase of items through CSP constitutes a small percentage of total PHA procurement. The majority of PHAs, including small PHAs, purchase items through the local competitive bid process, not through the CSP. In addition, PHAs will need to purchase the same products and services with or without the CSP. Termination of the program only shifts the procurement mode from the CSP to direct competitive solicitations by the PHAs. Accordingly, termination of the CSP will not cause a significant change in the way most PHAs currently carry out their procurement.

4. Recommendations for Improved PHA Procurement

Comment: Postpone termination of CSP until the GSA schedule is available. Two commenters stated that HUD should postpone termination of the CSP until legislation is passed which makes the GSA schedule available to PHAs.

Response. Given the extent of problems with the CSP, it is not prudent for HUD to continue operation of the CSP until the GSA schedule is available.

However, while waiting for the GSA schedule to be made available to PHAs, PHAs will not be without procurement assistance. The guide specifications that HUD will make available for a number of CSP products will assist PHAs in conducting their own competitive procurement.

In addition, many States operate programs similar to the GSA Schedule. PHAs can and should purchase goods through these programs when prices are determined to be advantageous. Further, PHAs can form consortiums to make group purchases and take advantage of discounts available when making volume purchases. Any such purchases would have to conform to HUD procurement requirements at 24 CFR 85.36.

Comment: The GSA schedule is currently not an acceptable procurement source. Two commenters stated that procurement through the GSA schedule should be pursued as an additional procurement source for PHA, and not as an alternative to the CSP. The commenters stated that if at some future time, procurement through the GSA schedule is proven to provide the same benefits as the CSP, the usefulness of the CSP could be reconsidered at that time. Another commenter stated that procurement through the GSA schedule is not an acceptable substitute for the CSP because installed items, representing 59 percent of CSP sales, are not available on the GSA schedule, and HUD has identified only five CSP items that are included on the GSA schedule.

Response: As stated above, HUD does not believe it is prudent to delay termination. HUD is aware that installed items are not available on the GSA schedule, and HUD will not seek to have installed items included on the GSA schedule because many of the CSP program violations involve installed items.

With respect to the number of CSP items currently listed on the GSA schedule, the five CSP items identified by HUD were provided as examples of CSP items that are available through the GSA schedule. This does not mean that these are the only CSP items listed on the GSA schedule. There are a number of items on the GSA schedule of use to PHAs, and many items that were not available through the CSP, such as maintenance and office equipment. HUD will work with the GSA to include more CSP items on the GSA schedule. HUD also will work with the GSA to modify or add specifications which are tailored to PHAs.

Comment: PHA procurement should not be limited to competitive bidding. One commenter stated that there should be means of procurement other than through the competitive bid process.

Response. The methods of procurement for grantees receiving Federal funds, and the rules and requirements applicable to these methods, are prescribed in the HUD common rule at 24 CFR 85.36. These methods are government-wide and include procurement by sealed bids, small purchases, procurement by competitive proposals, and procurement by noncompetitive proposals. Accordingly, depending upon the type of procurement to be undertaken, a PHA may follow one of several procurement methods.

Comment: Improve the CSP by eliminating the installation aspect of the program. Two commenters stated that eliminating the installation aspect of the CSP would eliminate a substantial part of the problem with the CSP. One commenter stated that part of the problem with the installation aspect of the CSP is that contractors do not retain sufficient control over installation that is subcontracted out, and PHAs do not have an adequate inspection program. The commenter stated: "Originally the CSP was not intended to include installation. If this is eliminated, the control and responsibility reverts to the PHA."

Response. HUD agrees that the installation aspect of the CSP represents a significant part of the problem with the CSP. However, elimination of the installation component of the CSP will not significantly improve the program to justify its continuation. With or without the installation component of the program, purchases made under the CSP are not sufficient to justify the expenditure of additional funds to effectively monitor and enforce compliance with the program requirements.

Comment: HUD should vest CSP enforcement responsibility with one office. One commenter stated that HUD should vest overall CSP enforcement responsibility with one office or person, which would be empowered to resolve disputes and to recommend sanctions against any violators of the program.

Response. The current method of administering the program was decided upon as the most effective system to assure proper contract administration while at the same time allow for policy development and catalog preparation. Since the CSP is operated nationwide, HUD's Regional and Field Offices have monitoring and enforcement responsibilities for PHAs within their jurisdiction. HUD believes that these local offices are better able to carry out these duties because of their geographical proximity to the PHAs.

Comment: HUD should appoint a task force to oversee the CSP. One commenter recommended the appointment of a task force consisting of HUD Field and Headquarters personnel, PHA procurement personnel, testing agencies and industry personnel. The commenter stated that the task force would have a twofold mission: (1) To research and develop product specifications; and (2) to institute guidelines and procedures for the establishment of this group as a permanent, integral and contributing part of the CSP.

Response. The problems with the CSP are not with product specifications or with establishing guidelines and procedures. The major problem with the CSP is with its very structure. The CSP is a program designed to serve a maximum number of PHAs for a variety of contracting jobs. However, because specific jobs are unknown at the time contracts for these jobs are solicited (unlike the situation in a competitive bid process), the CSP contracts are subject to contracts which involve extended terms, unknown quantities and generalized specifications. The uncertainty of these contract terms results in higher CSP prices. The higher CSP prices account for the majority of PHAs purchasing the greater part of needed supplies and items through the competitive bidding process.

Comment: HUD should continue the CSP for small PHAs only. One commenter stated that because termination of the CSP will cause a financial hardship for small PHAs, the

CSP should remain available for small PHAs only.

Response. HUD recognizes that the CSP is beneficial to some small PHAs. However, limiting the use of the CSP to small PHAs is not sufficient to justify continuation of the program. Current active participation in the CSP, even among small PHAs, is not sufficient to justify the time and resources to continue to operate the CSP in a cost-effective manner, with minimum violations.

Comment: HUD should limit the number of vendors in the CSP, and only provide manufacturer direct merchandise and prices. One commenter stated that the CSP could be improved by having fewer vendors supply the materials. The commenter stated that limiting the number of CSP vendors would increase the competitiveness of the vendors and reduce the cost of CSP items.

Response. Were HUD to retain the CSP under the proposal recommended by the commenter, the program would be unduly restrictive and limit, not increase, competition. HUD finds no basis to conclude that fewer vendors in the program would result in reduced costs to PHAs.

Comment: Several reforms would improve the CSP and eliminate program abuses. Four commenters recommended several reforms that they believed would significantly improve the CSP, and reduce program abuses. Their comments are as follows:

a. Reforms recommended by NAHRO and PHADA. NAHRO and PHADA recommended the following changes to the CSP: (1) Exclude freight/destination charges from CSP bids; (2) exclude all local tax, permit and fee costs from CSP bids; (3) exclude regional Davis-Bacon wage requirements from CSP bids; and (4) adopt a 10 percent ceiling on change orders for installed products.

Response. HUD does not agree that the commenters' recommended reforms would improve the CSP for the following reasons:

(1) Excluding freight would make the CSP program more complicated and difficult to administer. PHAs would have to negotiate freight charges separately on each purchase, which would increase CSP prices or present another potential source of abuse;

(2) It is impossible to restructure the CSP to avoid the inclusion of contingencies in contractors' bids. To pay local fees separately would unnecessarily complicate the CSP ordering process.

(3) The CSP program operates on a regional basis. To change to another more localized system would impose prohibitive costs on the procurement process for HUD.

(4) The CSP does not provide for a ceiling because of the uncertainty surrounding possible required changes. Thus, a 10 percent ceiling will not alleviate this problem.

b. Recommendations by a CSP contractor. A CSP contractor recommended the following changes for improvement of the CSP: (1) Impose stricter qualification for bidders; (2) limit the tiers of subcontractors; (3) require site supervision by the contract holder; (4) standardize the ordering format; and (5) clarify the CSP procedures to PHAs and HUD Area Offices.

Response. These changes would not significantly improve the CSP for the following reasons:

(1) The qualifications governing bidders on HUD contracts are set forth in 24 CFR 85.36 and are part of uniform administrative requirements governing the award of all Federal contracts. Section 85.36 provides that awards only will be made to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. This section further provides that in making this determination, consideration is to be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(2) Subcontracting is the responsibility of the contractor. Although subcontractors to a Federal contract are obligated to comply with the same Federal requirements as contractors, to limit the number of subcontractors that a contractor may employ would constitute undue interference with a contractor's business on the part of the Federal Government.

(3) HUD agrees that site supervision is necessary. The current HUD form of "Owner-Architect Agreement" requires the PHA architect or engineer to supervise construction, or, in the case of the CSP, installation.

(4) While a standardized purchase order could be helpful, it is not clear how this change would help eliminate some of the principal problems with the CSP.

(5) The current CSP procedures are clear. The problem has been that many PHAs and CSP contractors failed to follow these procedures.

c. Reforms recommended by a public housing agency. A PHA suggested the following changes to the CSP:

(1) Require the PHA to submit to the applicable HUD Field Office, the final proposal from the CSP contractor with a copy of the purchase order;

(2) Require that all items procured outside of the CSP contract, but that are necessary or incidental to the work being performed, be reviewed and approved by the applicable HUD Field Office, prior to the PHA's execution of the purchase order. HUD may wish to assign a dollar threshold to this amount similar to the threshold already assigned to PHAs for their general contracts;

(3) Require HUD to monitor CSP contracts to the same extent that it monitors general contracts;

(4) Require CSP contracts to be issued on a regular, and timely basis instead of extending contracts to a period often double in length of the original CSP contract. By keeping the contracts on schedule, the "additional inflation" factors that CSP contractors now add to their CSP contracts would be eliminated, and prices would be lower; and

(5) Penalize the CSP contractor and/or housing authority that violates the regulations.

Response. The first suggestion is already a requirement of the program. Award of contracts outside of the CSP without the benefit of further competition is inconsistent with Federal regulations on grantee procurement, regardless of any HUD review or dollar threshold. HUD agrees that monitoring of CSP contracts is important and requires its Field Offices to do so, but to substantially curtail program abuses, increased program monitoring is needed. HUD does not believe that the resources required to achieve and maintain this level of program monitoring is justified, given the low volume of CSP sales. HUD also agrees that issuance of timely contracts is important and that extensions should be limited. However, this change would not solve the basic flaws in the CSP previously discussed in this preamble. As also discussed previously, HUD has taken action against PHAs and contractors found to have violated the program requirements. To identify and take action against all violators requires the utilization of additional resources that are not justified by the level of PHA participation in the program.

III. Other Matters

Regulatory Impact

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule terminates the CSP, a program that provided technical procurement assistance to PHAs. Purchases made by PHAs and IHAs, including small PHAs, through this program constituted a small percentage of annual total PHA procurement. Accordingly, the termination of the program will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Additionally, HUD will continue to provide technical procurement assistance by making guide specifications available to PHAs and IHAs for many items formerly obtained through the CSP.

Environmental Impact

At the time of publication of the proposed rule on June 10, 1991, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact remains applicable to this final rule, and is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule do not have Federalism implications and, thus, are not subject to review under the Order. No programmatic or policy changes would result from this rule's promulgation which would affect existing relationships between the Federal government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant changes in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was listed as sequence number 1514 in the Department's Semiannual Agenda of Regulations published on October 21, 1991 (56 FR 53380, 53430) under Executive Order 12291 and the Regulatory Flexibility Act.

Lists of Subjects

24 CFR Part 905

Grant programs—Indians, Low and moderate income housing, Aged, Grant programs—housing and community development, Handicapped, Indians, Loan programs—housing and community development, Loan programs—Indians, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Energy conservation, Government procurement, Grant programs—housing and community development, Lead poisoning, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 968

Grant programs—housing and community development, Loan programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

Accordingly, 24 CFR parts 905, 965, 968 are amended as follows:

PART 905—INDIAN HOUSING PROGRAMS

1. The authority citation for part 905 continues to read as follows:

Authority: 42 U.S.C. 1437aa, 1437bb, 1437cc, 1437ee; 25 U.S.C. 450e(b); 42 U.S.C. 3535(d).

§ 905.175 [Amended]

2. Paragraph (f) of § 905.175 is removed.

3. In § 905.640, paragraph (c) is revised to read as follows:

§ 905.640 Contracting requirements.

* * * * *

(c) *Sealed bid (formal advertising) requirements.* For each construction or equipment contract over $25,000, the PHA shall conduct formal advertising as provided in § 905.175(c).

* * * * *

PART 965—PHA-OWNED OR LEASED PROJECTS—MAINTENANCE AND OPERATION

Subpart G—Consolidated Supply Program

4. The authority citation for part 965 continues to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437d, and 1437g; 42 U.S.C. 3535(d). Subpart H is also issued under 42 U.S.C. 4821–4846.

§§ 965.601–965.605 [Removed and reserved]

5. Subpart G (§§ 965.601–965.605) is removed and reserved.

PART 968—PUBLIC HOUSING MODERNIZATION

6. The authority citation for part 968 continues to read as follows:

Authority: 42 U.S.C. 1437d and 1437l; 42 U.S.C. 3535(d).

7. In § 968.240, paragraph (c) is revised to read as follows:

§ 968.240 Contracting requirements.

* * * * *

(c) *Sealed bid (formal advertising) requirements.* For each construction or equipment contract over $25,000, and lead-based paint testing services over $25,000, the PHA shall conduct formal advertising as required in 24 CFR 85.37(d)(2).

* * * * *

Dated: March 2, 1992.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 92–5231 Filed 3–5–92; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8245]

Consolidated Return Regulations—Distributions After the Sale of Stock of a Subsidiary; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations; Correcting amendment.

SUMMARY: This document contains corrections to the temporary and final regulations (T.D. 8245), which were published Thursday, March 16, 1989 (54 FR 10980). The regulations related to a dividend or other distribution subject to section 301 that is declared with respect to stock of a subsidiary member of an affiliated group filing consolidated Federal income tax returns if the stock of that subsidiary member is disposed of before the distribution is made, but after the selling member becomes entitled to the distribution.

EFFECTIVE DATE: March 16, 1989.

FOR FURTHER INFORMATION CONTACT: Steven B. Teplinsky, 202-566-4324 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary and final regulations that are subject of these corrections amended temporary regulation § 1.1402-32T and added cross-references to §§1.1502-14(a) and 1.1402-32 (b) and (c).

Need for Correction

As published, the temporary regulations contain material incorrectly appearing at the end of § 1.1502-32T(b) which may prove to be misleading and is in need of being removed.

List of Subjects in 26 CFR 1.1502-12 Through 1.1502-34

Income taxes.

PART 1—INCOME TAXES; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

1. The authority citation for part 1 continues to read in part:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805, 26 U.S.C. 6038 and 26 U.S.C. 6038A * * *

§ 1.1502-32T [Corrected]

2. In § 1.1502-32T, the undesignated paragraph following paragraph (b)(3) is removed.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-5170 Filed 3-5-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 287

Defense Communications Agency (DCA) Freedom of Information Act Program; Correction

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule; correction.

SUMMARY: On November 20, 1991 (56 FR 58501), the Department of Defense published a revision of the heading for 32 CFR part 287. This document corrects the heading for 32 CFR part 287.

EFFECTIVE DATE: March 6, 1992.

FOR FURTHER INFORMATION CONTACT: L. Bynum, 703-697-4111. Accordingly, the heading for 32 CFR part 287 is corrected to read as follows:

PART 287—DEFENSE COMMUNICATIONS AGENCY (DCA) FREEDOM OF INFORMATION ACT PROGRAM

Dated: March 2, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5190 Filed 3-5-92; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL-4112-6]

State and Local Assistance

AGENCY: Environmental Protection Agency.

ACTION: Final rule; Technical amendment.

SUMMARY: This document amends a final rule on allotments of grant funds to States under the Environmental Protection Agency's Hazardous Waste Management program authorized by section 3011 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6931. This action is necessary to make the regulatory language precisely like the statutory provision. The regulation at 40 CFR 35.115(i) lists specific technical criteria established by section 3011 upon which the Agency bases the allotment of grant funds to States. The regulation as originally published, however, inadvertently failed to include the general authority in the statute to consider "such other factors as the Administrator deems appropriate." As a result, EPA has found it necessary to seek deviations from its grant allocation regulations in order to allot grant funds for activities (e.g., corrective actions) permissible under the broader statutory authority, but not authorized by the narrower regulatory provision. This action adds that authority to the existing allotment criteria to bring the regulatory language into conformance with the statutory language upon which the regulation is based.

EFFECTIVE DATE: March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Richard E. Mitchell, Grants Administration Division (PM-216F), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260-6078.

SUPPLEMENTARY INFORMATION:

List of Subjects in 40 CFR Part 35

Grant programs, Hazardous waste, and Waste treatment and disposal.

Dated: February 10, 1992.

Christian R. Holmes,

Acting Assistant Administrator for Administration and Resources Management.

For the reasons set out in the preamble, title 40, chapter I, part 35 of the Code of Federal Regulations is amended as follows:

PART 35—STATE AND LOCAL ASSISTANCE

Subpart A—Financial Assistance for Continuing Environmental Programs

1. Authority citation for part 35, subpart A, continues to read as follows:

Authority: Secs. 105 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7405 and 7601(a)); Secs. 106, 205(g), 205(j), 208, 310, 501(a) and 518 of the Clean Water Act, as amended (33 U.S.C. 1256, 1283(g), 1285(j), 1288, 1361(a), and 1377); Secs. 1443, 1450, and 1451 of the Safe Drinking Water Act (42 U.S.C. 300j-2, 300j-9, and 300j-11); Secs. 2002(a) and 3011 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6912(a), 6931, 6947, and 6949); and Secs. 4, 23, and 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136(b), 136(u), and 136w(a).

2. Section 35.115 is amended by revising paragraph (i) to read as follows:

§ 35.115 State allotments and reserves.

* * * * *

(i) Hazardous waste management allotment (Solid Waste Disposal Act, as amended, section 3011): The extent to which hazardous waste is generated, transported, treated, stored, and disposed of in the State and the extent of exposure of human beings and the environment to such waste, and such other factors as the Administrator deems appropriate.

* * * * *

[FR Doc. 92-5257 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[LA-5-1-5272; FRL 4108-5]

Approval and Promulgation of Air Quality Implementation Plans; Technical Amendment to Identification of Plan, Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Technical amendment.

SUMMARY: Today's action corrects an error made on March 8, 1989 (54 FR 9783), in which EPA erroneously approved amendment of the State Implementation Plan (SIP) to incorporate the Public Comment Provisions regulation recodified at Louisiana Administrative Code (LAC): Title 33 (Environmental Quality): Part III (Air). Chapter 5 (Permit Procedures). Section 505 (For Emissions Below PSD de minimus Levels). Paragraph I. EPA recently realized that text of the State-recodified new code regulation, LAD:33:III.505.I, is substantially changed from text of the corresponding EPA-approved old code regulation, section 6.6 of Louisiana Air Quality Regulations (LAQR). LAQR 6.6 was adopted by the State of Louisiana on February 20, 1981, submitted by the Governor to EPA on March 25, 1981, and approved by EPA on June 9, 1982 (47 FR 25012). New, revised and recodified air regulations were adopted by the State on December 20, 1987, and submitted by the Governor to EPA for approval and incorporation into the Louisiana SIP on January 6 and October 4, 1988. On March 8, 1989 (54 FR 9795), EPA conditionally approved recodification of those air regulations already approved as part of the Louisiana SIP—including LAQR 6.6—and containing either no changes at all, or only minor textual changes. Concurrently, EPA also approved amendment of the Louisiana SIP to include some new regulations and exclude other obsolete regulations. Today's rulemaking is necessary because EPA was unaware of, and does not approve of, certain textual changes made in the process of recodifying LAQR 6.6 to LAC:33:III.505.I. The effect of this notice is to amend the Louisiana SIP to incorporate LAQR 6.6 as previously approved by EPA on June 9, 1982 (47 FR 25013).

EFFECTIVE DATE: This action will become effective on May 5, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the State submittal for this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency—Region 6, Air Planning Section (6T-AP), 1445 Ross Avenue, Dallas, TX 75202-2733,

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet, Baton Rouge, LA 70810, and

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

Anyone wishing to review these documents should contact the person named below to schedule an appointment.

FOR FURTHER INFORMATION CONTACT: Bill Nally at (214) 655-7214. Please use the reference: LA-5-1-5272.

SUPPLEMENTARY INFORMATION:

Background

EPA recently identified unacceptable textual changes made to the Public Comment Provisions regulation at LAC:33:III.505.I in the process of recodifying LAQR 6.6 of the Louisiana SIP on March 8, 1989. Requirements for an acceptable State or local agency permitting program are specified in 40 CFR part 51 subpart I, Review of New Sources and Modifications. Specifically, §§ 51.160, Legally Enforceable Procedures, and 51.161, Public Availability of Information, apply to all construction or modification of a facility, building, structure or installation, or combination of these pollutant-emitting activities as defined in section 51.165, Permit Requirements. LAQR 6.6, the EPA-approved old code regulation, applies to every such construction or modification as well. However, the State-recodified new code regulation, LAC:33:III.505.I, is substantially changed from LAQR 6.6, and covers only new or modified major stationary sources. Consequently, LAC:33:III.505.I does not fulfill 40 CFR part 51 subpart I requirements to provide opportunity for public comments on the State or local agency analysis of construction or modification information submitted by owners and operators of any source affecting ambient air quality. EPA erroneously noted that no changes were made to LAQR 6.6 (see 54 FR 9788) and approved recodification of LAQR 6.6 to LAC:33:III.505.I, in effect incorporating LAC:33:III.505.I in the place of LAQR 6.6 in the Louisiana SIP. To correct the error, EPA is publishing this notice amending the Louisiana SIP to incorporate LAQR 6.6 as previously approved by EPA on June 9, 1982 (47 FR 25013).

EPA is publishing this action without prior public notice because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will become effective 60 days from the date of publication unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action, and a second will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Final Action

Today's notice amends the Louisiana SIP to incorporate LAQR 6.6 as approved earlier by EPA on June 9, 1982 (47 FR 25013), correcting an error made on March 8, 1989 (54 FR 9795), in which EPA erroneously approved recodification of LAQR 6.6 to LAC:33:III.505.I and effectively replaced LAQR 6.6 with LAC:33:III.505.I in the Louisiana SIP. The Louisiana Department of Environmental Quality agreed to both revise the Public Comment Provisions regulation recodified as LAC:33:III.505.I to meet appropriate requirements of 40 CFR part 51 subpart I, and submit the revised LAC:33:III.505.I as a SIP revision to EPA once the revised recodified regulation is adopted by the State. If no adverse or critical comments are received, the public is advised that this action will become effective 60 days from the date of publication.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures established in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing a petition for reconsideration of this final rule by the Administrator does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of Louisiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 14, 1992.

Joe D. Winkle,

Acting Regional Administrator.

40 CFR part 52, subpart T, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(58) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(58) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981, submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(i) *Incorporation by reference.* (A) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981, submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(ii) *Additional material.* (A) Letter dated March 24, 1981, from the Secretary of the Louisiana Department of Natural Resources to the Governor of Louisiana acknowledging approval of Louisiana Air Quality Regulation section 6.6 by the Louisiana Environmental Control Commission effective on February 26, 1981.

[FR Doc. 92–5204 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[MO6–1–5333; FRL–4102–7]

Approval and Promulgation of Lead Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: As required by Section 110 of the Clean Air Act, the State of Missouri has submitted a State Implementation Plan (SIP) for lead to EPA for approval. This lead SIP provides for attainment of the National Ambient Air Quality Standards (NAAQS) in the vicinity of the Doe Run Herculaneum lead smelter in Herculaneum, Missouri. EPA's approval of this SIP revision provides federal enforceability of the state requirements to attain the NAAQS.

EFFECTIVE DATE: This rule will become effective on April 6, 1992.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Stanley A. Walker at (913) 551–7494 (FTS 276–7494).

SUPPLEMENTARY INFORMATION: On October 5, 1978, the NAAQS for lead were promulgated by the EPA (43 FR 46246). Both the primary and secondary lead standards were set at a level of 1.5 micrograms of lead per cubic meter of air averaged over a calendar quarter. During 1986, ambient air monitoring data showed that violations of the lead NAAQS were occurring in the vicinity of the Doe Run lead smelter located in Herculaneum, Missouri. In response to the violations of the lead standard, EPA called for a revision to the Missouri SIP on June 3, 1986.

In response to the SIP call, the state submitted a SIP revision for the DOE Run Herculaneum smelter on September 6, 1990; additional SIP materials were submitted on May 8, 1991.

On August 21, 1991, EPA published a Notice of Proposed Rulemaking (NPR) to approve the Missouri Doe Run Herculaneum lead SIP (56 FR 41500); no public comments were received on the NPR. For a complete discussion of the SIP and EPA's rationale for approval, the reader is referred to the above mentioned **Federal Register** notice.

Pursuant to the 1990 Clean Air Act Amendments, EPA designated the Herculaneum vicinity as nonattainment with respect to the lead NAAQS on November 6, 1991 (56 FR 56694).

Therefore, the Part D (Nonattainment Provisions) area requirements now apply to this SIP revision. In accord with section 191(a) of the Act, the state has until July 6, 1993 (18 months from the effective date of the nonattainment designation), to submit a plan revision which meets the applicable Part D requirements.

In the NPR, EPA stated that the Herculaneum area would likely be designated nonattainment and that it was proposing a limited approval of the state submittal (56 FR 41501). In view of the applicability of part D, due to the recent nonattainment designation, EPA is taking final action on a limited approval of the state submittal. EPA is granting a limited approval because the SIP provides progress toward improving air quality, but does not meet all the applicable requirements of the Act. EPA's aforementioned NPR provides additional discussion of the limited approval concept. No comments were received on the proposed limited approval. EPA's full and final approval of this SIP revision is contingent on the state's submittal of a supplemental plan revision which meets the applicable part D requirements. In the NPR, EPA included proposed revisions to 40 CFR 52.1320 and 52.1323. In this rulemaking, EPA is making a minor revision to the language in proposed § 52.1323(g) to reflect the actual date of the nonattainment designation for the Herculaneum area, and to incorporate technical, nonsubstantive changes to the language of the proposal.

EPA Action

In today's notice, EPA takes final action on a limited approval of Missouri's September 6, 1990, and May 8, 1991, submittals which constitute the Doe Run Herculaneum lead SIP. Rule 10 CSR 10–6.120 contains provisions which are applicable to other lead smelters in the state. Lead SIP revisions for these other facilities are still under development; thus, EPA takes final limited approval action on this SIP revision only insofar as the Doe Run Herculaneum lead smelter is concerned.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Lead, and Reporting and recordkeeping requirements.

Dated: February 3, 1992.

Morris Kay,

Regional Administrator.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(76) to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) * * *

(76) In submittals dated September 6, 1990, and May 8, 1991, the Missouri Department of Natural Resources submitted a lead NAAQS attainment plan for the Doe Run Herculaneum primary lead smelter. Although Missouri rule 10 CSR 10–6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) New rule 10 CSR 10–6.120, Restriction of Emissions of Lead from Primary Lead Smelter-Refinery Installations, effective December 29, 1988, with amendments effective March 14, 1991.

(B) Consent order, entered into between the Doe Run Company and the Missouri Department of Natural Resources, dated March 9, 1990.

(C) Supplemental consent order, signed by the Doe Run Company on July 26, 1990, and by the Missouri Department of Natural Resources on August 17, 1990.

(ii) Additional material.

(A) Narrative SIP material, submitted on September 9, 1990. This submittal includes the emissions inventory and attainment demonstration.

(B) The Doe Run Herculaneum Work Practice Manual was submitted on May 8, 1991. In the May 8, 1991, submittal letter, the state agreed that any subsequent changes to the work practice manual would be submitted to EPA as SIP revisions.

3. Section 52.1323 is amended by adding paragraphs (f) and (g) to read as follows:

§ 52.1323 Approval status.

* * * * *

(f) The Administrator approves Rule 10 CSR 10–6.120 as identified under § 52.1320(c)(76), under the following terms, to which the state of Missouri has agreed. Subparagraph (2)(B)2.B.(IV) contains a provision whereby the Director of the Missouri Department of Natural Resources has discretion to approve revisions to the Doe Run Herculaneum work practice manual. Any revisions to the work practice manual, pursuant to this rule, must be submitted to EPA for approval as an individual SIP revision. Thus, any existing federally approved work practices remain in effect, until such time that subsequent revisions are submitted to EPA and approved as SIP revisions.

(g) The Administrator's approval of the Doe Run Herculaneum lead SIP, as identified under § 52.1320(c)(76) constitutes a limited approval in accord with a March 22, 1991, guidance memorandum from EPA's Office of Air Quality Planning and Standards. Pursuant to the 1990 Clean Air Act Amendments, EPA designated the Herculaneum, Missouri, area as nonattainment with respect to the NAAQS for lead on November 6, 1991 (56 FR 56694). The effective date of the nonattainment designation is January 6, 1992. In accord with section 191(a) of the Act, the state of Missouri must, within 18 months after the effective date of the nonattainment designation, submit a supplemental SIP revision for Doe Run Herculaneum which meets the applicable requirements of part D. EPA's full and final action on the Doe Run Herculaneum SIP is contingent on the state meeting the part D requirements.

[FR Doc. 92–5205 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[OK–7–1–5348; FRL–4105–9]

Approval and Promulgation of Air Quality Implementation Plans, Oklahoma; Sulfur Dioxide Emissions Trade for the Conoco, Incorporated, Ponca City Refinery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves a source-specific revision to the Oklahoma State Implementation Plan (SIP) for the Conoco, Incorporated, Ponca City Refinery. The revision consists of a sulfur dioxide (SO_2) emissions trade for the construction and operation of a sulfur recovery unit (SRU) and a cogeneration unit. On September 25, 1991, EPA proposed approval of the Conoco SO_2 emissions trade (56 FR 48472). The intended effect of this action is to approve a SO_2 emissions trade consistent with the requirements of the Environmental Protection Agency's

(EPA) Emissions Trading Policy Statement (ETPS), published December 4, 1986 (51 FR 43814).

EFFECTIVE DATE: This rule will become effective on April 6, 1992.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region 6, Air Programs Branch (6T–A), 1445 Ross Avenue, Dallas, Texas 75202; Oklahoma State Department of Health, Air Quality Service (0201), 1000 Northeast 10th Street, Oklahoma City, Oklahoma 73117–1299; and Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robin M. Sullivan, Air Programs Branch, EPA Region 6, telephone (214) 655–7214 or (FTS) 255–7214.

SUPPLEMENTARY INFORMATION:

I. Background

EPA described the facts surrounding this SIP revision in its notice of proposed rulemaking on September 25, 1991, at 56 FR 48472. The Agency will not repeat that information in this notice, but will summarize the major issues and respond to comments received on the notice of proposed rulemaking. EPA recommends that interested readers examine that notice for a complete understanding of today's action.

On November 7, 1989, the Governor of Oklahoma submitted a request to revise the Oklahoma SIP. This request would make federally-enforceable a sulfur dioxide emissions trade for Conoco's Ponca City Refinery (Conoco) involving a construction permit and an operating permit approved by the Oklahoma State Department of Health (OSDH). On July 3, 1990, the Oklahoma Air Quality Service (AQS) submitted an operating permit, number 88–117–O, for a sulfur recovery unit (SRU) and a construction permit, number 88–116–C, for a cogeneration unit. The operating permit for the SRU was approved by the State under Oklahoma Air Pollution Control Regulation 1.6, "Alternate Emissions Reduction Permits". Regulation 1.6 is not part of Oklahoma's approved SIP, therefore, EPA approval of this permit is necessary to make it federally-enforceable.

The construction is to take place in two phases. The first phase involves the construction and operation of an SRU that will remove up to 20 long tons of sulfur per day from refinery fuel gas streams. The increase in SO_2 emissions from operation of the SRU will occur contemporaneously with an SO_2 emissions reduction from seven refinery furnaces, which will switch from operating on sour fuel gas to sweetened gas. The sweetened gas is generated from gas sweetening facilities utilizing amine contractors. The SRU receives off-gas from the gasoline sweetening facilities, performing the function of a pollution control device. Without the SRU, this off-gas would have to be flared, resulting in much higher SO_2 emissions.

In the second phase of the project, two cogeneration units will be constructed. The cogeneration units will result in increased SO_2 emissions, however, additional SO_2 reductions will occur from the shut down of four boilers currently fueled by sour refinery gas, and the curtailment of two boilers which will then be fired with partially sweetened refinery fuel gas. The actual SO_2 emissions increases and reductions are further discussed in the next section.

II. Sulfur Dioxide Emissions Trade

In the Oklahoma SIP, Regulation 3.4(c)(1)(C)(ii) limits the emissions of SO_2 from sulfur recovery plants to 20 pounds per ton of sulfur processed. This is equivalent to a minimum sulfur recovery efficiency of 99.5%. The emissions trade allows the new SRU to deviate from this Oklahoma SIP requirement and instead meet the requirements of Regulation 3.4(c)(1)(C)(i) which pertains to natural gas processing. This results in the SRU meeting a 94.5% SO_2 emissions reduction efficiency as allowed by Regulation 3.4(c)(1)(C)(i) rather than a 99.5% reduction as allowed by Regulation 3.4(c)(1)(C)(ii). Conoco contended that the 99.5% reduction efficiency requirement posed a substantial economic hardship for the SRU. The 94.5% reduction efficiency will allow the SRU to emit an additional 865 tons per year (TPY) more than it would at 99.5% efficiency.[1] Thus, an offset of at least 865 TYP was required for the emissions trade.

The State of Oklahoma does not allow the banking of emissions reduction credits (ERCs). Therefore, excess ERCs associated with the trade go to the benefit of the environment and may not be used by Conoco for future purposes.

Table 1 outlines to the SO_2 emissions associated with the SRU/cogeneration project. The first phase, or interim phase (post-SRU/pre-cogen), SO_2 reductions occur when seven existing furnaces within the refinery begin to operate on sweetened fuel gas from the new SRU. The increase in emissions from the SRU are compensated by a 2,320 tons per year (TPY) reduction in SO_2 from furnaces, H–5001, H–48A, H–48B, H–48C, H–48D, H–48E, and H–28. The sweetened fuel gas for the furnaces will result in a net refinery-wide SO_2 emissions reduction of 1,368 TYP. Of the total SO_2 emissions reductions, 325 TPY must be allocated to fulfill the requirements of a 1987 consent decree. Therefore, a net SO_2 emissions reduction of 1,043 TPY will be realized from the interim phase.

TABLE 1.—SO_2 EMISSIONS (TPY) FOR CONOCO'S SULFUR RECOVERY UNIT AND COGENERATION PROJECT

Affected unit	Pre emissions (pre-SRU/pre-cogen)	Interim emissions (post-SRU/pre-cogen)	Post emissions (post-SRU/post-cogen)
SRU	0	[1] 952 (865)	952
Cogeneration	0	0	109
Boilers:			
B–1	555	555	0
B–2	681	681	0
B–4	629	629	0
B–5	624	624	0
B–6	1009	1009	594
B–7	1352	1352	1014
Heaters:			
H–28	831	30	30
H–48A	438	20	20
H–48B	283	15	15
H–48C	206	11	11
H–48D	167	13	13
H–48E	193	8	8
H–5001	321	22	22
Total	7289	5921	2788
		[2] 1368–325	
Net emissions reduction		1043	3133

[1] The required offset is 865 TPY; however the net emissions reduction is calculated in terms of total SO_2 increases and is thus more conservative.
[2] Consent degree.

Upon startup of the cogeneration units, the post phase (post-SRU/post-cogen), four existing boilers, B–1, B–2, B–4, and B–5, will be permanently retired from service, while the use of two other boilers, B–6, B–7, will be curtailed. The startup of the cogeneration units will increase SO_2 emissions by 109 TPY and the reductions from boilers B–1, B–2, B–4, B–5, B–6, and B–7 will result in a reduction of 3,242 TPY of SO_2 emissions. Thus, the net reduction from the post phase will be 3,133 TPY of SO_2 emissions.

[1] It should be noted that the SRU was designed to operate at 20 tons per day of elemental sulfur processed. This size SRU is exempt from EPA New Source Performance Standards (NSPS) for SRUs. (See 40 CFR part 60 subpart J).

III. Ambient Equivalence Modeling

Conoco performed both Level II and Level III modeling consistent with the requirements of the ETPS to ensure that the emissions associated with the SRU and cogeneration project would not cause or contribute to a violation of the NAAQS for SO_2. EPA discussed this modeling in detail in its notice of proposed rulemaking on September 25, 1991 (56 FR 48472). The Agency will not repeat that discussion here, but recommends that interested readers refer to that notice for information on the modeling.

IV. Response to Comments

One comment letter was received in response to EPA's notice of proposed rulemaking; that letter was submitted by a representative of the Conoco, Inc., Ponca City Refinery. Conoco stated that it fully supports EPA's approval of the SO_2 emissions trade as a source-specific revision to the Oklahoma SIP. The comments were meant to provide clarification to some of the statements made in the notice of proposed rulemaking.

Comment: The notice of proposed rulemaking stated that an SO_2 emissions reduction would be achieved from seven refinery furnaces which will switch from operating on sour fuel gas to sweetened fuel from the SRU. Conoco clarified that the sweetened gas is generated from gas sweetening facilities utilizing amine contactors. The SRU receives off-gas from the gasoline sweetening facilities, performing the function of a pollution control device; without the SRU, this off-gas would have to be flared, resulting in much higher SO_2 emissions.

Response: EPA agrees with the clarification to this wording and has revised the language, as recommended, in the Background section of this notice.

Comment: In the discussion of the Level III modeling, the notice of proposed rulemaking stated that all point sources within a 50 kilometer (km) radius of the area of significant impact were explicitly modeled. Conoco provided clarification that all point sources within a 50 km radius were included in the analysis, but not explicitly modeled. As further discussed in the proposal, some sources were excluded from the modeling by applying EPA's "20–D Rule". Consequently, sources outside the area of significant impact, but within 50 km of that area, were excluded from the modeling if the entire facility's emissions were less than 20 times the distance from the facility to the area.

Response: EPA agrees with Conoco's clarification that all point sources within a 50 km radius of the area of significant impact were considered, but were not necessarily modeled, as explained above.

Comment: Conoco provided comments further supporting the use of 1974–1978 Ponca City meteorological data in the Level III modeling, rather than the use of more recent data from other areas in the State.

Response: As stated in the proposal, EPA believes that the 1974–1978 meterological data are the most representative available for Ponca City. The 1974–1978 data are the most recent available for the Ponca City area; the use of these data for the Level III modeling is more representative of the climatic conditions of the Ponca City area than more current data from other areas in the State.

Comment: Conoco's final comments pertain to the proposal's discussion of SO_2 ambient air quality in Kay County. Conoco reiterated that the modeling conducted for the emissions trade proved that the trade would not cause or contribute to a violation of the SO_2 NAAQS. Conoco stated that it believes the general issue of NAAQS compliance should be addressed as a separate issue. Conoco further noted that the OSDH/AQS has addressed EPA's concerns related to NAAQS compliance in the Kay County area and that EPA recognized that the area should not be designated nonattainment. In a September 30, 1991, letter from Mr. Robert E. Layton, Jr., P.E., Regional Administrator, EPA Region 6, to Mr. Mark S. Coleman, Commissioner for Environmental Health Services, OSDH, EPA stated its position that the Kay County area should not be designated nonattainment for the SO_2 NAAQS.

Response: EPA believes that a discussion of the ambient air quality in Kay County was indeed warranted in the notice of proposed rulemaking, even though the Level III modeling demonstrated that the SO_2 emissions trade would not cause or contribute to a violation of the NAAQS. The proposal explained that, based on monitoring data and supplementary modeling, EPA had taken the position that Key County appeared to be violating the SO_2 NAAQS (see the April 22, 1991, **Federal Register** notice at 56 FR 16274). Since that time, however, the OSDH/AQS has submitted additional information supporting an attainment designation. Based on EPA's evaluation of this information, the Agency has decided to retain the area's attainment designation. This position was stated in the September 30, 1991, letter cited above and will be further addressed in a forthcoming **Federal Register** notice.

V. Final Action

Today, EPA is approving the SIP revision submitted by the Governor of Oklahoma on November 7, 1989, which includes permits number 88–117–O and 88–116–C. These permits allow the Conoco refinery to operate a sulfur recovery unit and to construct a cogeneration facility. EPA has determined that the emissions trade is consistent with the ETPS and that the emissions associated with the trade will neither cause nor contribute to a violation of the NAAQS for SO_2. By this action, EPA approves the SO_2 emissions trade resulting from the SRU and cogeneration project as a revision to the Oklahoma SIP.

Regulatory Process

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision in the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Tables 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing a petition for reconsideration of this final rule by the Administrator does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

The Agency has reviewed this request for revision of the federally approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has

determined that this action conforms with those requirements irrespective of the fact that the adoption of the revision by the State preceded the date of enactment.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 10, 1992.

Joe D. Winkle,

Acting Regional Administrator.

40 CFR Part 52, is amended as follows:

PART 52—[AMENDED]

1. The Authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart LL—Oklahoma

2. Section 52.1920 is amended by adding paragraph (c)(42) to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(42) On November 7, 1989, the Governor of Oklahoma submitted a revision to the SIP consisting of a construction permit, number 88–116–C, for a cogeneration unit and an operating permit, number 88–117–O, for a sulfur recovery unit. The revision involves a sulfur dioxide emissions trade for the Conoco, Incorporated, Ponca City Refinery.

(i) *Incorporation by reference.* (A) Permit number 88–116–C, as adopted by the Oklahoma State Department of Health (OSDH) on May 23, 1989.

(B) Permit number 88–117–O, as adopted by the Oklahoma State Department of Health (OSDH) on June 22, 1990.

(ii) *Additional material.* (A) The document issued by Conoco Ponca City Refinery, titled, "Level II Modeling Analysis in Support of Alternate Emissions Reduction Permit for Sulfur Recovery Plant" dated April 1990.

(B) The document issued by Conoco Ponca City Refinery, titled, "Level III Remodeling for an SO_2 Bubble Trade" dated June 3, 1991 (revised July 8, 1991).

[FR Doc. 92–5206 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[VA–2–1–5301–A–1–FRL–4102–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Non-CTG Reasonably Available Control Technology for Nabisco Brands, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from Nabisco Brands, Inc. (Nabisco) in Henrico County, Virginia, which is part of the Richmond nonattainment area. Virginia is required to develop RACT regulations for VOC sources with the potential to emit 100 tons per year (TPY) or more for which EPA has not issued a Control Techniques Guidelines (CTG) document. Such sources are commonly referred to as non-CTG sources. Nabisco's facility in Henrico County is a non-CTG VOC source subject to RACT under the Virginia SIP. The intended effect of this action is to approve non-CTG RACT requirements for Nabisco's facility in Henrico County, Virginia. This approval is based on a determination that these requirements represent RACT for this source. This action is being taken in accordance with section 110 and part D of the Clean Air Act.

EFFECTIVE DATE: This action will become effective May 5, 1992, unless notice is received within April 6, 1992, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia 23240.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 597–9337; FTS 597–9337.

SUPPLEMENTARY INFORMATION: On April 29, 1991, the Commonwealth of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of Consent Agreement and Order No. DTE–179–91 (the Order), between the State Air Pollution Control Board (SAPCB) of the Commonwealth of Virginia and Nabisco Brands, Inc. (Nabisco). The Order was signed by Nabisco's Vice President of Manufacturing on April 18, 1991 and the Executive Director of the Virginia SAPCB on April 24, 1991. The Order became effective on April 24, 1991.

In the **Federal Register** on November 24, 1987, EPA's Proposed Post-1987 Policy for Ozone and Carbon Monoxide stated that air quality monitors revealed continued exceedances of the National Ambient Air Quality Standards (NAAQS) for ozone and carbon monoxide in Virginia and that a SIP call would be issued. (See 52 FR 45044.) On May 26, 1988, the Regional Administrator of EPA Region III notified the governor of Virginia that the Commonwealth's SIP was substantially inadequate to achieve the ozone and carbon monoxide NAAQS for certain areas in Virginia, including Henrico County in the Richmond-Petersburg metropolitan statistical area, and therefore required a SIP revision. As prescribed by the SIP call, Virginia is required to develop reasonable available control technology (RACT) regulations in all its nonattainment areas for all VOC sources with the potential to emit 100 tons per year (TPY) or more for which EPA has not issued a Control Techniques Guidelines (CTG) document. Such sources are known as non-CTG sources. One of the non-CTG sources identified as requiring RACT is Nabisco's facility in Henrico County. Henrico County is located in the Richmond area, which is currently designated nonattainment for ozone. Therefore, Virginia is submitting this Order as a SIP revision to fulfill part of its SIP call obligation.

In addition, this SIP revision serves to fulfill one of the RACT fix-up requirements of the Virginia SIP required by section 182(a)(2)(A) of the Clean Air Act as amended by the Clean Air Act Amendments of 1990, Public Law 101–549. Areas classified as marginal nonattainment areas for ozone pursuant to section 181(a) of the Clean Air Act, as amended, are required to meet the RACT fix-up requirements. Under Section 182(a)(2)(A), a state is required to submit, within six months of such classification, a SIP revision to correct requirements in (or add requirements to) the plan concerning RACT, as interpreted in guidance issued by the Administrator under Section 108 of the Act before November 15, 1990.

Background

On January 11, 1991, the Virginia Department of Air Pollution Control (VDAPC) submitted to EPA a proposed amendment to the Virginia SIP for review and comment. The submittal consisted of a draft Order between the Virginia SAPCB and Nabisco and a draft of the RACT determination for Nabisco's facility in Henrico County, Virginia (Source Registration No. 50703). EPA reviewed the draft documents and provided comments on February 4, 1991.

Virginia submitted the final Order, No. DTE–179–91, along with the final RACT determination, as a formal SIP revision on April 29, 1991. The Order was signed by the Nabisco's Vice President of Manufacturing on April 18, 1991 and the Executive Director of the Virginia SAPCB on April 24, 1991. The effective date of the Order is April 24, 1991.

Summary of SIP Revision

The Order determines and imposes RACT on Nabisco, as required by Section 120–04–0407, "Standard for Volatile Organic Compounds", of Virginia's SAPCB Regulations.

Nabisco produces cookies, crackers, and pretzels at its Henrico County, Virginia plant. It is a major VOC source in the Richmond-Petersburg nonattainment area, with the potential to emit 266 TPY. The plant operates 24 hours/day and 5 days/week. The plant uses two different types of dough to produce its baked goods: Sponge-dough and straight-dough. In the sponge-dough process, yeast is used as the leavening agent and ethanol is a product of the yeast's metabolic fermentation. In the straight-dough process, the dough is leavened without yeast and the amount of VOC produced is relatively low. The possible sources of VOC at this plant are the ovens, proof room, and oil treatment facilities. The majority of VOC emissions are from Oven No. 1, which produces crackers using a sponge-dough process.

Sponge dough in Oven No. 1

Oven No. 1 produces crackers using a sponge-dough process and has the potential to emit 261 of the plant's 266 TPY of VOC. By design, cracker production in Oven No. 1 is limited to 8953 pounds/hour and 108 tons/day (TPD). Any increase in production would require physical modification to the oven. Virginia has determined that RACT for Oven No. 1, when baking sponge-dough, is catalytic incineration with 95% destruction efficiency on a mass basis. This oven will also meet the criteria for a permanent total enclosure when baking sponge-dough. These measures will reduce VOC emissions from Oven No. 1 to a maximum of 14 TPY.

Oven Nos. 2–6 and 8–10

Oven Nos. 2–6 and 8–10 use straight-dough processes, which chemically leaven dough and produce relatively low levels of VOC. Uncontrolled VOC emissions from these eight ovens is estimated to be less than 5 TPY. Virginia has determined that RACT for these ovens is no add-on control, but limiting production to only straight-dough.

Oven No. 7

Oven No. 7 is regulated by a new source permit and therefore not subject to the Order.

Oil Treatment Facilities

The plant has three oil treatment facilities, which are located at Oven Nos. 1, 2, and 4. The oil treatment facilities are chambers in which vegetable oil is sprayed on baked crackers for flavoring. Vegetable oils are not considered VOCs for the purpose of control programs, according to the OAQPS August 21, 1990 policy memo, "Interpretation of VOC Definition as Applied to Vegetable Oil". Virginia has determined that RACT for the oil treatment facilities is limiting the type of oil used to only vegetable oil.

Proof Room

Doughs are enclosed in the proof room and proofed from one hour for straight-dough to 24 hours for sponge-dough. Uncontrolled VOC emissions from the proof room are estimated to be less than 0.4 TPY. Virginia has determined that RACT for the proof room is no control.

For more information on Virginia's RACT determination and the specific provisions of the Order, please refer to the Technical Support Document (TSD) prepared for this notice. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the Addresses section of this notice.

EPA's review of this material indicates that Consent Agreement and Order No. DTE–179–91, between the Virginia SAPCB and Nabisco, imposes requirements on Nabisco's facility in Henrico County which constitute RACT for Nabisco's VOC emitting processes.

EPA is approving the Virginia SIP revision, which was submitted on April 29, 1991. The Commonwealth of Virginia certified that a public hearing with regard to this proposed SIP revision was held on February 20, 1991 in Richmond, Virginia, as required by 40 CFR 51.102. EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on May 5, 1992.

Final Action

EPA is approving this request for a revision to the Virginia SIP, which the VDAPC submitted on April 29, 1991. The revision consists of Consent Agreement and Order No. DTE–179–91, between the Virginia SAPCB and Nabisco, which imposes RACT on the Nabisco facility in Henrico County, Virginia. The effective date of Order No. DTE–179–91 is April 24, 1991.

The Agency has reviewed this request for revision of the federally-approved State Implementation Plan for conformance with the provisions of the Clean Air Act Amendments of 1990, Public Law 101–549, effective November 15, 1990. The Agency has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to a State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action, pertaining to the approval of RACT for this non-CTG source in Henrico County, Virginia, has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR

2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Under Section 307(b)(2) of the Act, this action may not be challenged later in proceedings to enforce its requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 27, 1992.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

Part 52, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(95) to read as follows:

§ 52.2420 Identification of plan.

* * * * * * *

(c) * * *

(95) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on April 29, 1991.

(i) Incorporation by reference.

(A) Letter from the Virginia Department of Air Pollution Control dated April 29, submitting a revision to the Virginia State Implementation Plan.

(B) Consent Agreement and Order No. DTE–179–91 between Nabisco Brands, Inc. and the Virginia State Air Pollution Control Board, effective on April 24, 1991.

(ii) Additional materials.

(A) Technical Support Document for the RACT Determination for Nabisco Brands, Inc., Henrico County, VA; Consent Agreement and Order No. DTE–179–91.

[FR Doc. 92–5203 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[IN 2–2–5177; FRL–4096–5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is approving State submitted revisions to the Indiana State Implementation Plan (SIP) for ozone. These revisions modify Indiana's Volatile Organic Compound (VOC) emission control regulations (rules) to eliminate rule deficiencies identified in a June 17, 1988, letter from the USEPA to the Indiana Department of Environmental Management (IDEM). The Clean Air Act, as amended in 1990, required States to correct their SIPs to include Reasonably Available Control Technology (RACT) regulations as required under pre-amended section 172(b) as interpreted in USEPA's pre-amendment guidance. The June 17, 1988, letter discussed rule revisions needed to correct the State's rules to comply with RACT guidelines. USEPA proposed approval of these requested revisions to the Indiana SIP on January 2, 1991, (56 FR 51).

USEPA is approving all of the rule revisions (with the exception of revisions to the pneumatic rubber tire manufacturing rule, to be addressed in a separate rulemaking) fully adopted by the State of Indiana and cumulatively addressed in State submittals on November 18, 1988, March 9, 1990, October 23, 1990, May 15, 1991, and August 19, 1991. (The rule revisions addressed in the May 15, 1991, submittal and adopted after the January 2, 1991, NPR were addressed as preliminarily adopted rule revisions in the October 23, 1990, submittal and in the NPR. The State submitted these rule revisions for parallel processing.) These rule revisions eliminate all of the rule deficiencies identified in the June 17, 1988, letter except the lack of acceptable emissions capture efficiency test methods. The State has submitted an acceptable schedule to correct this remaining deficiency.

EFFECTIVE DATE: April 6, 1992.

ADDRESSES: Copies of the SIP revisions are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano at (312) 886–6036, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Regulation Development Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Indiana Department of Environmental Management, Office of Air Management, 105 South Meridian Street, Indianapolis, Indiana 46206

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Edward J. Doty, U.S. Environmental Protection Agency, Region V, Regulation Development Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6057.

SUPPLEMENTARY INFORMATION:

Background

On November 18, 1988, March 9, 1990, and October 23, 1990, the IDEM submitted VOC emission control rules as proposed revisions to Indiana's SIP for ozone. These revisions were submitted to correct deficiencies in Indiana's VOC rules identified in a June 17, 1988, letter from the USEPA to the IDEM. The June 17, 1988, letter was a followup letter to USEPA's May 26, 1988, notification to Indiana under section 110(a)(2)(H) of the Clean Air Act (Act), as amended in 1977, that Indiana's ozone SIP was substantially inadequate.[1]

The Clean Air Act, as amended in 1990, specifically provides that States must correct their RACT rules as required by section 172(b) of the pre-amended Act and as interpreted in USEPA's pre-amendment guidance issued pursuant to section 108. Section 182(a)(2)(A). Since the June 17, 1988, letter informed Indiana of the State's RACT deficiencies as interpreted in USEPA's guidance,[2] the amended Act carries forth the requirement that Indiana make the regulation corrections identified in the June 17, 1988, letter.

On January 2, 1992, (56 FR 51) the USEPA proposed to approve the corrected VOC rules as being consistent with the SIP call and as meeting the RACT "fix-up" requirement of section 182(a)(2)(A) of the amended Act. In this NPR, USEPA noted that some of the corrected rules had only been

[1] On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, codified at 42 U.S.C. 7401–7671q (1991). The amended Clean Air Act substantially retains the requirement of pre-amended section 110(a)(2)(H). 42 U.S.C. section 7410(a)(2)(H).

[2] The June 17, 1988, letter was based on the Blue Book and USEPA's post-1987 ozone policy.

preliminarily adopted by the Indiana Pollution Control Board (IPCB). The rules that were preliminarily adopted by the IPCB were submitted to the USEPA for parallel processing. These preliminarily adopted rule revisions were proposed for approval in the NPR, but the USEPA noted in the NPR that no final action could be taken on these rule revisions until they had been promulgated by the State.

On May 15, 1991, and August 19, 1991, the IDEM submitted finally adopted rule revisions for those rules subject to the preliminarily adopted rule revisions. The rule revisions were signed by Governor Evan Bayh on May 3, 1991, and were filed with the Secretary of State on May 6, 1991. Under Indiana law, these rule revisions are considered by the State to be promulgated at the time they are filed with the Secretary of State. These rule revisions complete the State promulgation required in the January 2, 1991, NPR.

The January 2, 1991, NPR solicited comments on the proposed SIP (rule) revisions and on USEPA's proposed rulemaking. No comments were received during the public comment period for this proposed rulemaking.

The VOC rule revisions covered by this rulemaking can be thought of as being divided into two subcategories: Those fully adopted by the State prior to the January 2, 1991, NPR; and those adopted after January 2, 1991, but prior to this final rulemaking. The following sections of this final rulemaking address each of these rule revision subcategories.

Rules Fully Adopted by January 2, 1991

These rules were contained in the November 18, 1988, March 9, 1990, and October 23, 1990, State submittals. All rule revisions covered in these submittals amend Volume 326 of the Indiana Administrative Code (326 IAC). A description of the adopted rule revisions is presented on a rule-by-rule basis below. The VOC rule revisions summarized below have been determined to comply with the CAAA and USEPA guidance except as noted for the pneumatic rubber tire manufacturing rule.

326 IAC 1–2–16.5 "Cold Cleaner Degreaser" Definition

326 IAC 1–2–21.5 "Conveyorized Degreaser" Definition

326 IAC 1–2–29.5 "Freeboard Height" Definition

326 IAC 1–2–29.6 "Freeboard Ratio" Definition

326 IAC 1–2–49.5 "Open Top Vapor Degreaser" Definition

Rule 326 IAC 1–2 has been amended by adding these five new definitions related to organic solvent degreasing operations. These definitions clarify Indiana's degreasing regulations in a manner consistent with USEPA policy.

326 IAC 1–2–48 "Nonphotochemically Reactive Hydrocarbon" Definition

This definition was amended to include four new compounds considered by the USEPA to be negligibly photochemically reactive. The definition has also been amended to state that compliance calculations for coatings with VOC concentration units expressed as "pounds VOC per gallon of coating (less water)" should treat nonphotochemically reactive hydrocarbons as water for purposes of calculating the "less water" portion of the coating composition.

326 IAC 1–2–90 "Volatile Organic Compound (VOC)" Definition

This rule has been amended to define "VOC" as any organic material which participates in atmospheric photochemical reactions, that is any organic compound other than those nonphotochemically reactive compounds listed in 326 IAC 1–2–48. VOC coating contents or emission levels are to be measured using procedures given in 326 IAC 8–1–4 (testing procedures).

326 IAC 8–1–0.5 "Coating" Definition

"Coating" is defined to be the application of protective, functional, or decorative films.

326 IAC 8–1–2 Compliance Methods

This rule has been amended to incorporate USEPA's December 1988 "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light Duty Truck Topcoat Operations" (EPA–450/3–88–018). The rule has also been amended to require equivalency calculations to be performed on a coating solids basis. A procedure for calculating the overall capture system and control device efficiency required to comply with surface coating limits has been specified. Use of USEPA's topcoat protocol is required when demonstrating compliance with the equivalent emission limit for automobile and light duty truck topcoating operations.

326 IAC 8–1–4 Testing Procedures

USEPA-approved test methods have been added to this rule to address the following topics: (1) Testing coatings to determine their compliance with the content and emission limits contained in 326 IAC 8 (Article 8); (2) determining the VOC emissions from gasoline vapor recovery systems; and (3) determining the VOC emissions from solvent degreasing operations. The rule has been amended to require sources applying coatings to document that the coating manufacturers used acceptable test methods to determine the VOC contents and percent solids of coatings supplied to the sources.

326 IAC 8–1–4(1) has been added to the rule to allow the IDEM or the USEPA to verify any test results. In the event of any inconsistency between a source's test results and those obtained by the IDEM or the USEPA, IDEM's or USEPA's test results take precedence over the source's test results. The use of equivalent test procedures will be allowed provided they are addressed in site-specific SIP revisions submitted to and approved by the USEPA. It should be noted that the underlying SIP requirements remain in effect until they are changed by final USEPA rulemaking actions.

326 IAC 8–2–5 Paper Coating Operations

This rule has been revised to extend the applicability of paper coating regulations to saturation processes and coating of plastic and metal foils. The rule has also been revised to modify a previous exemption given to single pieces of equipment which conduct rotogravure or flexographic printing operations in line with other surface coating operations. The rule now specifies that only single pieces of equipment that meet the emission limitations given in 326 IAC 8–5–5 (Graphic Arts Operations) may be exempted from the paper coating emission limits.

326 IAC 8–2–9 Miscellaneous Metal Coating Operations

This rule has been revised to eliminate exemptions for maintenance coating of production equipment, preparation and application of adhesives, application of lubricants, and chromiun plating of plastics effective on July 1, 1991.

326 IAC 8–2–11 Fabric and Vinyl Coating

This rule has been revised to: (1) Extend the applicability of fabric coating regulations to saturation operations; (2) extend the applicability of vinyl coating regulations to the application of functional coatings; and (3) specify that organosol and plastisol use cannot be used to bubble emissions from vinyl printing and topcoating.

326 IAC 8-3-1 Organic Solvent Degreasing Operations—Applicability

The applicability criteria for organic solvent degreaser emission control has been changed from degreasers at plants with the potential to emit 100 tons of VOC per year or more to: (1) Cold cleaner degreasers without remote solvent reservoirs; (2) open top vapor degreasers with an air to vapor interface area of one square meter or greater; and (3) conveyorized degreasers with an air to solvent interface area of two square meters or more regardless of the VOC emission level of a facility. Sources subject to these new criteria must comply with the degreasing requirements by July 1, 1991.

326 IAC 8-4-8 Leaks from Petroleum Refineries-Monitoring Reports

Exemptions from monitoring requirements in 326 IAC 8-4-8 have been deleted for inaccessible valves and, after July 1, 1991, for components in lines carrying gases composed of 90 percent methane and/or ethane. Commencing on July 1, 1991, components which are located where monitoring is hazardous shall be monitored when conditions allow these components to be monitored safely. USEPA Reference Method 21 has replaced the method described in the petroleum refinery Control Technology Guideline (CTG) (the method previously included in Indiana's rules) for monitoring for leaks.

326 IAC 8-5-3 Synthesized Pharmaceutical Manufacturing Operations

The VOC emission control requirement for air dryers and production equipment exhaust systems at synthesized pharmaceutical manufacturing facilities with VOC emission levels of 150 kilograms per day or greater has been increased from 85 percent to 90 percent effective July 1, 1991.

326 IAC 8-5-5 Graphic Arts Operations

This rule has been amended as follows: (1) 326 IAC 8-5-5(b)(4) now specifies an alternative compliance method VOC emission limit of 0.5 pounds VOC per pound of ink; (2) 326 IAC 8-5-5(d) (reviewed in the January 2, 1991, NPR as 326 IAC 8-5-5(e)) now specifies the following emission control requirements: (i) 75 percent for publication rotogravures; (ii) 65 percent for packaging rotogravures; and (iii) 60 percent for flexographic printing; and (3) 326 IAC 8-5-5(c) (revised in the January 2, 1991, NPR as 326 IAC 8-5-5-(d)) now requires compliance with 326 IAC 8-5-5(e) by July 1, 1991.

Equivalent and Alternative Methods

Rules referring to the use of equivalent test methods and alternative emission control techniques have been amended to require the submittal of these equivalent test methods and alternative control techniques to the USEPA as SIP revisions. Indiana's language is approvable because it acknowledges that these equivalent test methods and alternative control techniques are not part of the federally approved SIP until they are specifically approved by the USEPA as SIP revisions. The USEPA is adding language to its approval in part 52 of the CFR clarifying that USEPA must approve any such proposed revisions before they are effective in altering the federally enforceable SIP.

Rules Adopted After January 2, 1991

The following rule revisions were reported in their finally adopted forms in the May 15, 1991, and August 19, 1991, submittals. Unless noted otherwise the finally adopted rule revisions were identical to the preliminarily adopted versions reviewed in the January 2, 1991, NPR. The rule revisions summarized below have been determined to comply with USEPA RACT and related regulations and policy.

326 IAC 1-2-14 "Coating Line" Definition

The definition of "coating line" has been modified to mean all operations and equipment which are used to apply, convey, and dry a surface coating. This would include, but not be limited to, one or more of the following components: (1) Spray booths; (2) flow coaters; (3) flash-off areas; (4) air dryers; and (5) ovens. Any operation utilizing one or more of the listed equipment types would qualify as a coating line.

326 IAC 8-1-1 Applicability of Rules

This rule has been revised to require that facilities once subject to the control requirements of any of the VOC rules will remain subject to such rules even if emissions are subsequently reduced below the rules' applicability levels. A facility may be exempted from the applicable rules if: (1) the facility has an enforceable permit issued under 326 IAC 2 or a federally-approved SIP revision that permanently restricts one or more source activities resulting in the lowering of actual VOC emissions before add-on controls to a level below 15 pounds per day (expiration of the permit results in the expiration of the exemption from rule applicability); (2) the permit or SIP revision referenced in (1) also requires the facility owner or operator to keep records demonstrating compliance with the permit or SIP restrictions; and (3) all permits, renewed permits, and other related documents are submitted to the USEPA as SIP revisions. Indiana's language is approvable because the State acknowledges that proposed SIP revisions, including proposed SIP revisions covering changes in rule applicability, are not part of the federally approved SIP until they are specifically approved by the USEPA as SIP revisions. Consistent with the State's interpretation of its rules, the USEPA is adding language to its approval in part 52 of the CFR clarifying that USEPA must approve any such proposed revisions before they are effective in altering the federally enforceable SIP.

326 IAC 8-1-2 Compliance Methods

The term "thermal or catalytic incineration" has been added to 326 IAC 8-1-2(a)(2) to clarify their use as a means of compliance with the requirements of Article 8 (326 IAC 8). The rule has also been revised to clarify requirements and to specify additional recordkeeping requirements.

Subsequent to the January 2, 1991, NPR, Indiana added a new clause to this rule. Subsection 8-1-2(a)(8) has been added to the rule to state that the requirements of Article 8 may be met through the use of an emission control device specifically allowed under provisions of any rule in this Article to meet the emission limitations specified in the rule. This clause was added to clarify that there are other specific emission control requirements (other than those listed in 326 IAC 8-1-2) within rules in Article 8. This additional clause is judged to be nonsubstantive and needed only for the purpose of preventing interference between 326 IAC 8-1-2 and other rules in 326 IAC 8. As such, this rule revision does not require additional proposed rulemaking on the part of the USEPA.

326 IAC 8-1-4 Testing Procedures

Revisions to 326 IAC 8-1-4 (h) and (i) state that the appropriate test methods shall be used for the source categories listed in (h) and (i) (synthesized pharmaceutical manufacturing, pneumatic rubber tire manufacturing, graphic arts, and external floating roof tanks). USEPA-recommended test procedures are referenced. These rule revisions were addressed in the January 2, 1991, NPR.

A minor change in 326 IAC 8-1-4(a)(4)(C) was made by the State after the January 2, 1991, NPR publication. An erroneous reference to an USEPA guideline was corrected. An appropriate reference to EPA 340/1-88-004, "A Guideline for Graphic Arts Calculations", has replaced the erroneous reference. This revision is inconsequential and does not trigger the need for additional rulemaking.

326 IAC 8-2-1 Applicability

This rule has been modified to state that, for sources listed in 326 IAC 8-2-2 through 326 IAC 8-2-13, VOC emission exemption cutoff levels shall be 15 pounds/day actual emissions based on emission levels before add-on controls.

326 IAC 8-3-5 Cold Cleaner Operations
326 IAC 8-3-6 Open Top Vapor Degreaser Operations
326 IAC 8-3-7 Conveyorized Degreaser Operations

Language has been added to these rules to make them consistent with USEPA's RACT requirements. The revisions include both improved emission control requirements and the requirement that the authorization of any equivalent emission controls must be accompanied by the submittal of the equivalent emission control requirements to the USEPA as SIP revisions. The following specific changes have been made to these rules: (1) 326 IAC 8-3-5(a)(5) has been modified to require the use of one of several possible control measures when solvents are heated to temperatures over 48.9 degrees Centigrade (120 degrees Fahrenheit) (possible controls include the use of a freeboard that attains a freeboard ratio of 0.75 or greater, the use of a water cover when the solvents used are insoluble in and heavier than water, or the use of other control systems demonstrated to provide equivalent emissions control and submitted to the USEPA as SIP revisions); (2) 326 IAC 8-3-6(a)(4) has been modified to require, as one control option, the use of a freeboard with a freeboard ratio of 0.75 or greater and a powered cover for an open top vapor degreaser with an opening exceeding one square meter in area; (3) 326 IAC 8-3-6(a)(4)(E) now contains the requirement that all acceptable equivalent emission control systems shall be addressed in requested SIP revisions submitted to the USEPA; (4) 326 IAC 8-3-6(b)(5) has been revised to prohibit the loading of an open top degreaser to the point where the vapor level would drop more than 10 centimeters (4 inches) when the workload is removed; (5) 326 IAC 8-3-7(a)(1) has been revised to require the closure of conveyorized degreaser downtime covers when the degreasers are not in use; (6) 326 IAC 8-3-7(a)(2) has been revised so that the requirement for the use of various switches is not conditioned on the heating of a solvent to its boiling point; and (7) 326 IAC 8-3-7(a)(6)(C) now contains the requirement that all acceptable equivalent (alternative) emissions control systems shall be addressed in SIP revision submittals to the USEPA. It should be noted that the underlying SIP requirements remain in effect until changed by final USEPA rulemaking actions.

326 IAC 8-4-8 Leaks From Petroleum Refineries; Monitoring; Reports

The rule revisions adopted for this rule are as follows: (1) 326 IAC 8-4-8(p) has been revised to specify that recordkeeping and reporting programs varying from the guidelines in subsections specified in 8-4-8(b) through 8-4-8(o) shall be submitted to the USEPA as SIP revisions; (2) 326 IAC 8-4-8-(q)(1) has been revised to state that the Commissioner may require the operator of a refinery to reschedule turnaround based on the number and severity of tagged leaks awaiting repair at the times of turnarounds; and (3) 326 IAC 8-4-8(q)(2) has been revised to state that, except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing organic compounds unless the pipe or line is sealed with a second valve, blind flange, plug, or cap.

326 IAC 8-5-4 Pneumatic Rubber Tire Manufacturing

In the January 2, 1991, NPR, responding to the State's withdrawal of revisions to this rule, the USEPA stated that it would take no action on this rule. The revised rules adopted by the State and submitted on May 15, 1991, contained finally adopted regulations for pneumatic rubber tire manufacturing which significantly differ from rule revisions previously submitted and discussed in the NPR. Because the rule has been substantially revised and because the USEPA proposed to take no action on revisions to this rule, the revisions to this rule submitted on May 15, 1991, will be addressed in a separate rulemaking action.

326 IAC 8-5-5 Graphic Arts Operations

This rule has been revised to drop a previously unacceptable subsection, 326 IAC 8-5-5(f), which allowed an automatic one-year compliance date extension for this source category. The deletion of this subsection was proposed for approval in the January 2, 1991, NPR. The finally adopted rule revision matches the preliminarily adopted revision addressed in the NPR.

Conclusion

All of the rule revisions discussed above, with the exception of the rule revisions for pneumatic rubber tire manufacturing, were found to comply with the Clean Air Act, as amended, and with USEPA RACT guidelines and, therefore, are finally approvable. These rule revisions eliminate all of the rule deficiencies addressed in the June 15, 1988, letter from the USEPA to the IDEM except the lack of capture efficiency test methods. Moreover, the revisions meet the requirement under section 182(a)(2)(A) of the amended Act that States correct their SIPs consistent with guidance issued by the Administrator before the date of enactment of the amended Act.

Response to Public Comments and Final Rulemaking Action

No public comments were received in response to USEPA's January 2, 1991, proposed rule. For the reasons cited above, USEPA approves the incorporation of the following Indiana regulations into the Indiana State Implementation Plan for ozone. These rules were adopted as part of title 326 of the Indiana Administrative Code (326 IAC) by the Air Pollution Control Board and published in the Indiana Register and effective as indicated below.

Published November 1, 1988; Effective October 23, 1988:
- 326 IAC 8-1-0.5 Coating Definition
- 326 IAC 8-2-11 Fabric and Vinyl Coating

Published March 1, 1990; Effective February 15, 1990:
- 326 IAC 1-2-48 Non-Photochemically Reactive Hydrocarbon Defined
- 326 IAC 8-2-5 Paper Coating Operations

Published June 1, 1990; Effective May 18, 1990:
- 326 IAC 1-2-18.5 Cold Cleaner Degreaser Defined
- 326 IAC 1-2-21.5 Conveyorized Degreaser Defined
- 326 IAC 1-2-29.5 Freeboard Height Defined
- 326 IAC 1-2-29.6 Freeboard Ratio Defined
- 326 IAC 1-2-49.5 Open Top Vapor Degreaser Defined
- 326 IAC 8-2-9 Miscellaneous Metal Coating Operations
- 326 IAC 8-3-1 Organic Solvent Degreasing Operations

326 IAC 8–5–3 Synthesized Pharmaceutical Manufacturing Operations
326 IAC 8–5–5 Graphic Arts Operations
Published July 1, 1990; Effective June 8, 1990:
326 IAC 8–1–2 Compliance Methods
326 IAC 1–2–90 Volatile Organic Compound (VOC) Definition
326 IAC 8–1–4 Testing Procedures
Published June 1, 1991; Effective June 5, 1991:
326 IAC 1–2–14 Coating Line Definition
326 IAC 8–1–1 Applicability of Rule
326 IAC 8–1–2 Compliance Methods
326 IAC 8–1–4 Testing Procedures
326 IAC 8–2–1 Applicability
326 IAC 8–3–5 Cold Cleaner Degreaser Operation and Control
326 IAC 8–3–6 Open Top Vapor Degreaser Operation and Control Requirements
326 IAC 8–3–7 Conveyorized Degreaser Operation and Control
326 IAC 8–4–8 Leaks from Petroleum Refineries; Monitoring; Reports
326 IAC 8–5–5 Graphic Arts Operations.

No action is taken on 326 IAC 8–5–4 Pneumatic Rubber Tire Manufacturing.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note: Incorporation by Reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 31, 1991.

Valdas V. Adamkus,

Regional Administrator.

For the reasons set out in the Preamble, chapter I, title 40, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(87) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(87) On October 23, 1990, and August 19, 1991, the Indiana Department of Environmental Management submitted regulations adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code and intended incorporation into the Indiana ozone plan as part of the stationary source control strategy.

(i) Incorporation by reference.

(A) The following volatile organic compound rules adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code (326 IAC) and intended to partially satisfy the requirements of the Clean Air Act.

(*1*) Effective October 23, 1988: 326 IAC 8–1–.05 Coating Definition, 326 IAC 8–2–11 Fabric and Vinyl Coating.

(*2*) Effective February 15, 1990: 326 IAC 1–2–48 Non-Photochemically Reactive Hydrocarbon Defined; 326 IAC 8–2–5 Paper Coating Operations.

(*3*) Effective May 18, 1990: 326 IAC 1–2–18.5 Cold Cleaner Degreaser Defined; 326 IAC 1–2–21.5 Conveyorized Degreaser Defined; 326 IAC 1–2–29.5 Freeboard Height Defined; 326 IAC 1–2–29.6 Freeboard Ratio Defined; 326 IAC 1–2–49.5 Open Top Vapor Degreaser Defined; 326 IAC 8–2–9 Miscellaneous Metal Coating Operations; 326 IAC 8–3–1 Organic Solvent Degreasing Operations; 326 IAC 8–5–3 Synthesized Pharmaceutical Manufacturing Operations; 326 IAC 8–5–5 Graphic Arts Operations.

(*4*) Effective June 8, 1990: 326 IAC 8–1–2 Compliance Methods; 326 IAC 1–2–90 Volatile Organic Compound (VOC) Definition; 326 IAC 8–1–4 Testing Procedures.

(*5*) Effective June 5, 1991: 326 IAC 1–2–14 Coating Line Definition; 326 IAC 8–1–1 Applicability of Rule; 326 IAC 8–1–2 Compliance Methods; 326 IAC 8–1–4 Testing Procedures; 326 IAC 8–2–1 Applicability; 326 IAC 8–3–5 Cold Cleaner Degreaser Operation and Control; 326 IAC 8–3–6 Open Top Vapor Degreaser Operation and Control Requirements; 326 IAC 8–3–7 Conveyorized Degreaser Operation and Control; 326 IAC 8–4–8 Leaks from Petroleum Refineries, Monitoring, Reports; 326 IAC 8–5–5 Graphic Arts Operations.

3. Section 52.777 is amended by adding paragraph (c)(2) to read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(c) * * *

(*2*) The stationary source volatile organic control measures submitted by the State on October 23, 1990, and August 19, 1991, are approved as described in 40 CFR 52.770(c)(87) with the exception of 326 IAC 8–5–4 Pneumatic Rubber Tire Manufacturing, on which USEPA has taken no action. It should be noted that although the State's control measures provide that equivalent test methods, alternative emission controls, and revisions in rule applicability must be submitted to the USEPA as proposed revisions to the State Implementation Plan (SIP), such proposed SIP revisions are not part of the SIP unless and until they are approved as such by the USEPA.

* * * * *

[FR Doc. 92–5202 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 148, 264, 265, and 268

[FRL–4112–2]

Land Disposal Restrictions for Third Third Scheduled Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendments.

SUMMARY: On June 1, 1990, EPA published regulations promulgating congressionally-mandated prohibitions on land disposal of certain hazardous wastes. This notice corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 final rule.

EFFECTIVE DATE: This rule is effective on March 6, 1992.

ADDRESSES: The RCRA docket is open from 9:30 to 3:30, Monday through Friday, excluding Federal holidays, and is located at the following address: EPA RCRA Docket (OS–305), room M–2427, 401 M Street SW., Washington, DC 20460. The public must make an appointment to review docket materials by calling (202) 260–9327. Refer to Docket number F–92–13C2–FFFFF when making appointments to review any background documentation for this correction. The public may copy a maximum of 100 pages of material from any one regulatory docket at no cost; additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424–9346 (toll free) or (703) 920–9810 in the Washington, DC metropolitan area. For technical information contact the Waste Treatment Branch, Office of Solid Waste, 401 M Street SW., Washington, DC 20460, (703) 308–8434.

SUPPLEMENTARY INFORMATION:

Outline

I. Reasons and Basis for Today's Amendment
II. Summary of Corrections to the Third Third Final Rule
A. Section 148.1 & .10
B. Sections 264.13 & 265.13
C. Section 268.3
D. Section 268.41
E. Section 268.42
III. Rationale for Immediate Effective Date
IV. Regulatory Impact Analysis
V. List of Subjects in Parts 148, 264, 265, and 268

I. Reasons and Basis for Today's Amendment

It has recently come to the attention of the Agency in regard to the so-called third third rule, which established land disposal prohibitions and treatment standards for characteristic wastes and for listed wastes in the final third of the section 3004(g) schedule (55 FR 22520–720, June 1, 1990), that in some cases the regulatory language was at odds with the intent of the preamble to the final regulation, or failed to express those intentions. This notice corrects those errors, and also restores language inadvertently deleted from the third third rule by an unrelated **Federal Register** notice.

II. Summary of Corrections to the Third Third Final Rule

An explanation is provided below for each of the corrections made in today's rule.

A. Section 148.1 & .10

In the preamble to the final regulation, EPA discussed at length its reasons for applying land disposal prohibitions at the point of disposal for characteristic wastes that are injected into nonhazardous Class I deep wells (wells in which wastewater is injected below the lowermost geologic formation containing an underground source of drinking water). 55 FR 22658–59; 22645, col. 3. In essence, this means that if a characteristic waste no longer exhibits a characteristic when it is injected into such a deep well, the disposal is not prohibited. *Id.* at 22658–59.

In codifying this principle, however, EPA mistakenly indicated that it applied to characteristic wastes injected into either a nonhazardous or hazardous Class I deep well. See § 148.1(d)(1), 55 FR 22683. The provision should apply only to injection into nonhazardous Class I deep wells because hazardous wells would not be subject to any regulatory disruption if land disposal prohibitions (including the dilution prohibition) for characteristic wastes are applied to them. This is because hazardous Class I deep wells are already subject to such prohibitions by virtue of receiving listed and other hazardous wastes. EPA is consequently correcting § 148.1(d)(1) by removing the reference to hazardous Class I deep wells.

In the technical amendment to the third third, published on January 31, 1991 (55 FR 3864), Table A in 40 CFR 148.10 was incorrectly transposed and several constituents were inadvertently omitted. EPA is correcting Table A in § 148.10 by adding the omitted constituents.

B. Sections 264.13 & 265.13

In the 1986 rulemaking establishing the framework provisions for the land disposal restrictions program, EPA amended the waste analysis plan provisions contained in §§ 264.13(a) and 265.13(a) to require that any waste analysis done by subtitle C facilities must be adequate to comply with the provisions of the land disposal restrictions program in the part 268 regulations. 51 FR at 40637, 638 (Nov. 7, 1986). As amended, the provision consequently read in pertinent part: "(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes * * * he must obtain a detailed chemical and physical analysis of a representative sample of the wastes * * * At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter * * *"

In an August 14, 1989 regulation related to closure requirements, EPA amended the first sentence of §§ 264.13(a)(1) and 265.13(a)(1). The Office of the Federal Register misinterpreted the codification instructions, however, and deleted the second sentence of these provisions. EPA is restoring the mistakenly deleted language in this technical correction.

C. Section 268.3

EPA established treatment standards for D003 reactive cyanide wastes of 590 mg/kg (total cyanide) and 30 mg/kg (amenable cyanide) for nonwastewaters, and 0.86 mg/l (amenable cyanide) for wastewaters. § 268.43(a) Table CCW; 55 FR 22701. At issue here is whether these treatment standards can be achieved by dilution.

EPA stated expressly that these treatment standards had to be achieved through modes of treatment other than dilution: "EPA also notes that it considers * * * reactive cyanide wastes * * * to be toxic characteristic wastes * * * Reactive cyanide * * * wastes obviously contain toxic constituents. Thus, dilution would not be an appropriate method of treatment for [such wastes]." 55 FR 22666, col. 1. See also 54 FR at 48426, col. 2 (Nov. 22, 1989) (proposing that D003 reactive cyanide wastes be subject to the dilution prohibition).

In codifying this regulation, however, EPA inadvertently omitted this prohibition on dilution for reactive cyanide wastewaters that are treated in treatment systems whose ultimate discharges are subject to regulation under the Clean Water Act. The error results from the drafting of § 268.3(b), an exception from the dilution prohibition for characteristic wastes treated in systems whose discharges are subject to Clean Water Act regulation. The exception does not, however, apply to wastes for which "a method has been specified as the treatment standard." § 268.3(b) (final sentence). Since the reactive cyanide standards are levels rather than methods, this limitation on the exclusion would not apply and dilution of D003 reactive cyanide wastewaters would be allowed in Clean Water Act treatment systems. As noted above, this is the opposite result EPA proposed and intended, as stated in the preambles. Therefore, EPA is amending § 268.3(b) to indicate that the treatment standard for reactive cyanide wastes cannot be achieved through dilution as a substitute for adequate treatment under any circumstance, including management in a treatment system whose discharge is subject to the Clean Water Act. As always, the issue of what dilution is impermissible (i.e., serves as a substitute for adequate treatment, see § 268.3(a)) turns on specific facts, and aggregation of different D003 reactive cyanide wastes for centralized treatment that efficiently destroys cyanide is not ordinarily precluded. See, *e.g.*, 55 FR 22666, cols. 1–2; 55 FR 22664.

D. Section 268.41

As part of the third third rule, EPA added language to § 268.41 and .43 indicating that where treatment standards are based on grab sampling, enforcement would also use grab samples. Conversely, where treatment standards are based on composite sampling, so would enforcement. 55 FR 22680, 22701; *see also id.* at 22539. The regulatory language to § 268.41(a), however, suggests that enforcement will invariably be based on grab sampling. EPA is correcting this rule by adding the language already present in § 268.43(a), which states that grab sampling will be used unless noted otherwise in the treatment standard itself. (As an example of how such an instruction is noted, see e.g., standards for U209 to U226, all of which are based on composite samples, as stated in the treatment standard.)

E. Section 268.42

EPA also stated that D003 reactive sulfide wastes remain subject to the dilution prohibition: "EPA also notes that it considers * * * reactive sulfide wastes to be toxic characteristic wastes * * * Reactive * * * sulfide wastes obviously contain toxic constituents. Thus, dilution would not be an appropriate method of treatment for [such waste]." 55 FR 22666, col. 1. (EPA also proposed that reactive sulfide wastes be subject to the dilution prohibition. 54 FR 48428, col. 2 (Nov. 22, 1989).)

EPA specified, as a method of treatment for these wastes, deactivation to remove the characteristic. § 268.42(a) Table 2; 55 FR 22694. As is clear from the discussion in the relevant preambles, EPA did not intend to allow dilution as a substitute for adequate treatment to deactivate reactive sulfide wastes. EPA is consequently adding clarifying language to § 268.42 to confirm that the dilution prohibition applies to reactive sulfide wastes. EPA notes further that because there is a specified method of treatment for these wastes, the exception from the dilution prohibition in § 268.3(b) (for wastes treated in Clean Water Act treatment systems) does not apply.

III. Rationale for Immediate Effective Date

Today's notice does not create any new regulatory requirements; rather, it restates and clarifies requirements already in effect by correcting a number of errors in the June 1, 1990 final rule (55 FR 22520). For these reasons, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide for an immediate effective date. In addition, there already was full opportunity to comment on all of these issues during the rulemaking so that further comment is unnecessary. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(b)(3) to promulgate today's corrections in final form and that there is good cause under 5 U.S.C. 553(b)(3) to waive the requirement that regulations be published at least 30 days before they become effective. Finally, EPA notes that although it is not withdrawing any existing regulatory language, all of today's revisions operate prospectively.

IV. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. Due to the nature of this regulation (technical correction), it is not "major"; therefore, no Regulatory Impact Analysis is required.

V. List of Subjects in Parts 148, 264, 265, and 268

Administrative practice and procedure, Confidential business information, Designated facility, Environmental protection, Hazardous materials, Hazardous materials transporting, Hazardous waste, Intergovernmental relations, Labeling, Manifests, Packaging and containers, Recycling, Reportable quantities, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply.

Dated: February 27, 1992.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq.

2. Section 148.1 is amended by revising paragraph (d) to read as follows:

§ 148.1 Purpose, scope, and applicability.

* * * * *

(d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, are not prohibited if the wastes:

(1) Are disposed into a nonhazardous injection well defined under 40 CFR 144.6(a); and

(2) Do not exhibit any prohibited characteristic of hazardous waste identified in subpart C of part 261 at the point of injection.

3. In Section 148.10 Table A is amended by adding entries for "ethyl ether" and "methyl isobutyl ketone" in alphabetical order.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.13 is amended by revising paragraph (a)(1) to read as follows:

§ 264.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 264.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. Section 265.13 is amended by revising paragraph (a)(1) to read as follows:

§ 265.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 265.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

* * * * *

PART 268—LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268 is amended by revising paragraph (b) to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

* * * * *

(b) Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA) or which treats wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method has been specified as the treatment standard in § 268.42, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

3. Section 268.41 is amended by revising paragraph (a) to read as follows:

§ 268.41 Treatment standards expressed as concentration in waste extract.

(a) Table CCWE identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix I of this part of the allowable land disposal of such wastes, with the exception of wastes D004, D008, D031, K084, K101, K102, P010, P011, P012, P036, and U136 and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test methods in appendix II of 40 CFR part 261 for the allowable land disposal of such wastes. (Appendix II of this part provides Agency guidance on treatment methods that have been shown to achieve the Table CCWE levels for the respective wastes. Appendix II of this part is not a regulatory requirement but is provided to assist generators and owners/operators in their selection of appropriate treatment methods.) Compliance with these concentrations is required based upon grab samples, unless otherwise noted in the following Table CCW.

* * * * *

4. In § 268.42 Table 2 is amended by revising, under waste code D003, the entry for "Reactive Sulfides based on 261.23(a)(5)." to read as follows:

§ 268.42 Treatment standards expressed as specified technologies.

* * * * *

TABLE 2.—TECHNOLOGY-BASED STANDARDS BY RCRA WASTECODE

Waste code	See also	Waste descriptions and/or treatment subcategory	CAS No. for regulated hazardous constituents	Technology code	
				Wastewaters	Nonwastewaters
D003		Reactive Sulfides based on 261.23(a)(5).	NA	DEACT but not including dilution as a substitute for adequate treatment.	DEACT but not including dilution as a substitute for adequate treatment.

[FR Doc. 92-5259 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4111-3]

Rhode Island; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Rhode Island has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Rhode Island's application and has made a decision, subject to public review and comment, that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Rhode Island's hazardous waste program revision. Rhode Island's application for program revision is available for public review and comment.

DATES: Final authorization for Rhode Island shall be effective May 5, 1992, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Rhode Island's program revision application must be received by the close of business April 6, 1992.

ADDRESSES: Copies of Rhode Island's program revision application are available for inspection and copying, 8:30 a.m.–4 p.m. Monday–Friday at the following addresses: Rhode Island Department of Environmental Management, Division of Air & Hazardous Materials, 291 Promenade Street, Providence, Rhode Island 02908–5767, Phone: 401/277–2797; U.S. EPA Region I Library, One Congress Street, 11th Floor, Boston, Massachusetts 02203, Phone: 617/565–3300. Written comments should be sent to Frank Battaglia, at the address below.

FOR FURTHER INFORMATION CONTACT: Frank Battaglia, MA & RI Waste Regulation Section, U.S. EPA Region I, HRR–CAN3, JFK Federal Building, Boston, Massachusetts 02203, Phone: 617/573–9643.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Rhode Island

Rhode Island initially received final authorization on January 31, 1986, (51 FR 3780, January 30, 1986) to implement its base hazardous waste program. Rhode

Island received final authorization for revisions to its program on March 26, 1990, (55 FR 9128, March 12, 1990) to implement the program revisions listed in the **Federal Register** notice published March 12, 1990. On December 12, 1989, Rhode Island submitted, for EPA's review, a draft program revision application for federal requirements promulgated from July 1, 1985 to June 30, 1986, except that approval was not requested for revisions which are required as a result of the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA"). On March 25, 1991, Rhode Island submitted the final program revision application which responded to all of EPA's prior review comments. Today, Rhode Island is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Rhode Island's application, and has made an immediate final decision that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the modifications to the Rhode Island program subject to further review based on adverse public comment. The public may submit written comments on EPA's immediate final decision up until April 6, 1992. Copies of Rhode Island's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Rhode Island's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The Rhode Island program revision application is based on changes to State Regulations which were intended to make them equivalent to the analogous Federal Regulations which had been promulgated during the July 1, 1985 to June 30, 1986 period, in 40 CFR parts 260, 261, 264, 265 and 270. These changes did not include any provisions which were required as a result of the Hazardous and Solid Waste Amendments 1984 (HSWA). Specific provisions which are included in the Rhode Island program revision authorization made today are listed in Table 1 below.

TABLE 1.—PROVISIONS COVERED BY THIS PROGRAM REVISION AUTHORIZATION

Federal requirement	State authority
Financial Responsibility: Settlement Agreement 51 FR 16443-16459, May 2, 1986.	Rule 3.100, 9.00, 9.16, 10.00, 10.02, 11.00, 11.01D, 7.01E, 9.17, 8.04R, 8.04T, 7.06A, 7.05C.
Listing of Spent Pickle Liquor (KO62) 51 FR 19320, May 28, 1986 as amended September 22, 1986 (51 FR 33612).	Rule 3.25.

Rhode Island agrees to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization. Rhode Island agrees to then modify, revoke and reissue, or reissue such permits as necessary to require compliance with the amended State program when the permit expires. The modification, revocation and reissuance, or reissuance will be scheduled in the State Grant Workplan, if necessary.

Rhode Island is not seeking authorization to operate on Indian lands.

C. Decision

I conclude that Rhode Island's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Rhode Island is granted final authorization to operate its hazardous waste program as revised.

Rhode Island now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application and previously approved authorization, subject to the limitations of the HSWA. Rhode Island also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Rhode Island's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 21, 1992.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 92-4893 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301-9 and 301-11

[FTR Amendment 25]

RIN 3090-AE47

Federal Travel Regulation; Travel Expenses of Federal Employees with Disabilities

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow payment of certain additional travel expenses incurred by a Federal employee as a result of a disability. This change is intended to provide each employee equal opportunity to perform official business travel by reimbursing the employee for certain additional travel expenses incurred to accommodate the employee's disability.

EFFECTIVE DATE: This final rule is effective March 6, 1992, and applies for travel (including travel incident to a change of official station) performed on or after March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Transportation Management Division (FBX), Washington, DC 20406, telephone FTS 365-5253 or commercial (703) 305-5253.

SUPPLEMENTARY INFORMATION: This final rule provides regulatory authority to reimburse certain additional travel expenses necessarily incurred by an employee as a result of the employee's disability, which had previously been paid based on numerous Comptroller General decisions. The following expenses are reimbursable: Travel and transportation of an attendant to accompany the employee with a disability; cost of specialized transportation to, from, and/or at the temporary duty location; cost of specialized services provided by a commercial carrier to accommodate the employee's disability; cost of baggage handling at a hotel or terminal (e.g., porter, redcap, skycap, etc.) incurred as a direct result of the employee's disability; and cost of transporting or renting a wheelchair.

The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 301-9 and 301-11

Government employees, Travel, Travel allowances, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR parts 301-9 and 301-11 are amended as follows:

PART 301-9—MISCELLANEOUS EXPENSES

1. The authority citation for part 301-9 continues to read as follows:

Authority: 5 U.S.C. 5701-5709; E.O. 11609, July 22, 1971 (36 FR 13747).

2. Part 301-9 is amended by redesignating §§ 301-9.2 and 301-9.3 as §§ 301-9.3 and 301-9.4, respectively, and by adding new § 301-9.2, to read as follows:

§ 301-9.2 Additional travel expenses incurred by an employee with a disability.

(a) *Policy, applicability, and general rules*—(1) *Policy.* In accordance with the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.* these provisions are intended to accommodate an employee with a disability by providing for reimbursement of necessary additional travel expenses incurred in the performance of official travel.

(2) *Applicability.* This section applies to an employee with a disability as defined in paragraph (b) of this section.

(3) *General rule.* Payment is authorized for the additional travel expenses listed in paragraph (c) of this section which are necessarily incurred by an employee with a disability in the performance of official travel.

(b) *Definitions.* For purposes of this section, the following terms have the meaning indicated:

(1) *Employee with a disability.* The term "employee with a disability" means an employee who has a disability as defined in paragraph (b)(2) of this section, and is otherwise generally covered under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 *et seq.*.

(2) *Disability.* The term "disability", with respect to an employee, means:

(i) Having a physical or mental impairment that substantially limits one or more major life activities;

(ii) Having a record of such an impairment; or

(iii) Being regarded as having such an impairment.

(3) *Physical or mental impairment*—(i) The term "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardio-vascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(B) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and orthopedic, visual, speech, and hearing impairments.

(4) *Major life activities.* The term "major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(5) *Substantially limits.* The term "substantially limits" means the employee is unable to perform a major life activity that the average person in the general population can perform; or is significantly restricted as to the condition, manner, or duration under which he/she can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

(6) *Has a record of such an impairment.* The term "has a record of such an impairment" means the employee has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(7) *Is regarded as having such an impairment.* The term "is regarded as having such an impairment" means the employee:

(i) Has a physical or mental impairment that does not substantially limit major life activities but the impairment is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (b)(3) of this section but is treated by the employing agency as having a substantially limiting impairment.

(c) *Allowable expenses.* The following expenses are allowable additional travel expenses payable to an employee with a disability:

(1) Transportation and subsistence expenses authorized under this chapter that are incurred by an attendant accompanying the employee, whether the attendant is or is not a member of the employee's immediate family, when the employee requires the assistance of an attendant;

(2) Cost of specialized transportation for the employee to, from, and/or at the temporary duty location;

(3) Cost of specialized services provided by a commercial carrier necessary to accommodate the employee's disability;

(4) Costs incurred as a direct result of the employee's disability for baggage handling in connection with public transportation or at lodging facilities; and

(5) Cost of renting and/or transporting a wheelchair.

PART 301-11—CLAIMS FOR REIMBURSEMENT

3. The authority citation for part 301–11 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

4. Section 301–11.6 is amended by removing the reference "§ 301–9.1(a)" in paragraph (b)(19), and adding in its place the references "§§ 301–9.1 (a) and (e)"; by redesignating paragraphs (b)(23) through (27) as paragraphs (b)(24) through (28), respectively; by removing the reference "§ 301–9.3" in the paragraph redesignated (b)(24), and adding in its place the reference "§ 301–9.4"; and by adding new paragraph (b)(23) to read as follows:

§ 301–11.6 Administrative approvals.

* * * * *

(b) * * *

(23) Additional travel expenses incurred by an employee with a disability. (See § 301–9.2.)

* * * * *

Dated: January 24, 1992.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92–5262 Filed 3–5–92; 8:45 am]

BILLING CODE 6820–24–F

Proposed Rules

Federal Register
Vol. 57, No. 45
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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 61

RIN 3150–AE00

Licensing Requirements for Land Disposal of Radioactive Wastes

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) proposes to make four specific changes to its regulations containing licensing requirements for low-level radioactive waste (LLW) disposal facilities. These changes include (1) clarifying that 10 CFR part 61 applies to above-ground disposal facilities; (2) replacing the phrase "quality control program" in 61.12(j) with the phrase "quality assurance program," tailored to LLW disposal; (3) updating the Paperwork Reduction Act Statement in § 61.8; and (4) identifying the correct NRC recipient of copies of the licensee's annual reports. The Commission has determined that these changes are needed to correct imprecise wording administrative inconsistencies in the current regulations. These amendments will serve to incorporate established and documented NRC staff positions into the regulation yet will not result in extensive changes to actual text. The proposed changes are intended to simplify LLW disposal facility licensing interactions for NRC, the NRC Agreement States, and potential applicants for LLW disposal licenses.

DATE: Comment period expires April 6, 1992. Comments received after that date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Copies of the regulatory analysis, the environmental assessment, and the comments received on the rule may be examined at: The NRC Public Document Room at 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Janet Lambert, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3857.

SUPPLEMENTARY INFORMATION:

Background

The NRC issued its "Licensing Requirements for Land Disposal of Radioactive Waste," 10 CFR part 61, (hereafter referred to as "part 61" or "the regulation") in December 1982. Part 61 sets out licensing procedures and performance objectives for the licensing of any "land disposal facility" for low-level radioactive waste (LLW) containing source, special nuclear, and byproduct material. It also sets out technical requirements for "near-surface disposal facilities," a subset of land disposal facilities.

The performance objectives, which are set out in subpart C to part 61, require that any "land disposal facility" be sited, designed, operated, closed, and controlled after closure so that exposures to humans are within the specified limits. The performance objectives also address protection of inadvertent intruders and workers and minimizing the long-term care needed. Technical requirements, which are found in subpart D to part 61 help ensure that the performance objectives in subpart C will be met. Subpart D establishes the minimal technical requirements for a "near-surface disposal facility" in the areas of site suitability, site design, facility operation, waste form, waste classification, and site closure, although the option for alternative requirements is explicitly included for all areas except site suitability. Such a facility is defined in § 61.3 as a land-disposal facility constructed in or within the upper 30 meters of the earth's surface.

Part 61 was developed in response to needs and requests expressed by the public, Congress, Industry, the States, and other Federal Agencies for the codification of comprehensive national criteria to define the level of safety that should be achieved in the land disposal of LLW. Since its promulgation, Part 61 has served as the basis for the development of compatible State regulations for LLW disposal facilities and related licensing guidance documents such as NRC's "Standard Review Plan for a License Application for a LLW Disposal Facility" (NUREG–1200), and the "Standard Format and Content Guide for a License Application for a LLW Disposal Facility" (NUREG–1199).

In response to a potential national shortage of LLW disposal capacity, Congress enacted the "Low-Level Radioactive Waste Policy Act of 1980," (LLRWPA). This act was subsequently amended by the "Low-Level Radioactive Waste Policy Amendments Act of 1985," (LLRWPAA). These Acts made the individual States responsible for the management and safe disposal of all commercial LLW generated within their borders. Congress also mandated that the States, either alone or in groups called Compacts, were to develop the capability to dispose of their LLW by January 1, 1993. States that fail to meet this deadline face significant economic penalties and the potential loss of access to any available LLW disposal capacity.

Given the mandated deadlines, applications for LLW disposal licenses are already under review and additional applications will be filed in the next few years either with NRC or the appropriate NRC Agreement States (States that have assumed the NRC's regulatory responsibilities for the disposal of LLW under section 274 of the Atomic Energy Act of 1954, as amended). Part 61 or the equivalent and compatible Agreement State regulations are and will be used to determine the acceptability of the proposed LLW disposal facilities.

A review of part 61 against the backdrop of current State and Compact efforts to site and develop LLW disposal facilities has identified two places in the regulations where the current wording is imprecise and should be changed. Currently, § 61.2 defines a "land disposal facility" as a LLW disposal facility built "into the subsurface of the land." The words "into the subsurface" have been interpreted as limiting the regulatory applicability of part 61 to those facilities that are covered with

soil, so as to exclude above-ground disposal facilities like above-ground vaults, that are not covered with soil.

In the second instance, § 61.12(j) of the regulation incorrectly labels the quality assurance (QA) program developed for the facility over its entire life from planning, through site characterization, construction, operation, and closure, as a quality control (QC) program. From both the breadth of the program as described in § 61.12(j) and in staff documents related to LLW disposal, the description of the information regarding the applicants' "quality control" program to be submitted in the application and to be reviewed by the NRC as presented in NUREGs 1199, and 1200, clearly is intended to be a quality assurance program, of which quality control is a component. Further clarification was provided by the staff in NUREG–1293 "Quality Assurance Guide for a Low-Level Radioactive Waste Disposal Facility." It is clear that NRC had actually intended to require the applicant to develop a quality assurance program for the LLW disposal facilities.

(Copies of NUREG–1199, NUREG–1200, and NUREG–1293 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and copying for a fee in the NRC Public Document Room, 2120 L Stret, NW. (Lower Level), Washington, DC.)

In the third instance, NRC is proposing to update § 61.8— the "Information Collection Requirements—OMB approval" statement to reflect the fact that subsequent to the original issuance of part 61, NRC requested, and obtained the Office of Management and Budget (OMB) approval for the part 61 information collection requirements. Section 61.8 was to be corrected the first time other revisions were made to part 61.

NRC has also identified a fourth place in part 61 where a reporting requirement is inconsistent with the present organization of NRC.

Accordingly, the Commission has initiated this rulemaking to make the necessary changes to part 61.

Discussion of Proposed Revisions

I. Amend the definition of "land disposal facility" in § 61.2 to specify that the term refers to LLW disposal facilities which are on or protrude through the earth's surface and do not have an earthen cover, in addition to those that are in the ground and have an earthen cover. The purpose of this change is to clarify the regulatory applicability of part 61 to the licensing of "above-ground" disposal designs like the "above-ground vault," in particular, the applicability of the performance objectives of part 61 to these designs.

The change that NRC is proposing to make to the definition of "land disposal facility" in part 61 will clarify that the regulation will be used by NRC to license above-ground disposal facilities. However, at this time the NRC has no specific criteria analogous to the near-surface disposal requirements of §§ 61.50(a), 61.51(a), and 61.52(a) of subpart D for above-ground disposal because of the special technical characteristics of above-ground disposal facilities. Only those portions of the regulation that apply generically to "land disposal facilities" will be directly applicable to above-ground disposal. Specifically, this means that the overall performance objectives of subpart C will apply as well as the part 61 administrative and procedural requirements, the environmental monitoring requirements, the financial assurance requirements, the waste transfer and manifest requirements, and the general institutional requirements.

Establishing the applicability of the subpart C performance objectives to above-ground disposal is particularly important. Any applicant for a license for an above-ground disposal facility under part 61 will have to demonstrate to the NRC that the proposed facility will meet the same safety requirements and dose limits that apply to any LLW disposal facility that is built completely underground. The demonstration of compliance will have to address the unique features of the above-ground design, the special technical considerations associated with those features, their potential health and safety consequences, and reconcile these with the subpart C performance objectives.

In addition, many of the existing subpart D requirements could be useful in evaluating the technical merits and general licensability of an above-ground disposal facility, even though under part 61 they are not applicable as requirements for such facilities.

To provide further clarification regarding the applicability of part 61 to the licensing of above-ground disposal facilities, NRC also is proposing to amend the "Disposal Facility" discussion in the Concepts Section—61.7. The proposed change to § 61.7(a)(1) will clarify the distinction made by the NRC between near-surface disposal and above-ground disposal, to emphasize that near-surface LLW disposal facilities built partially or totally above -grade have protective earthen covers, while similar facilities constructed without earthen covers are considered to be "above-ground disposal facilities".

It should be noted that NRC is not providing either technical criteria or guidance for above-ground disposal designs in this rulemaking. It is expected that, should NRC receive an application for above-ground disposal, criteria will be developed on a case-by-case basis.

II. Replace the term "quality control program" in § 61.12(j) with the term "quality assurance program, tailored to LLW disposal." The purpose of this change is to clarify what steps an applicant for an LLW disposal facility license must take in order to assure that the facility will perform as intended, and also to assure that the necessary records and documentation are available for evaluation and performance assessment by NRC or an Agreement State at the time of license submittal.

III. Revise § 61.8 to indicate that the NRC has requested and obtained OMB approval for the information collection requirements in part 61. Under the OMB guidelines that were in effect when the original part 61 was issued, OMB approval of the part 61 information collection requirements was not necessary because the regulation was expected to affect less than 10 licensees. Subsequently the OMB guidelines changed, and part 61 was no longer exempt from the OMB approval requirement. Accordingly, NRC submitted part 61 for OMB review and obtained the OMB clearance that is required by the Paperwork Reduction Act. The purpose of this proposed change is to update § 61.8 to correctly reflect this approval.

IV. Revise § 61.80(i)(1) to identify the correct NRC headquarters recipient of copies of the annual report.

Open Meeting on Proposed Changes

Before proceeding with the rulemaking, the NRC staff invited the States to an open public meeting to discuss the changes that NRC was contemplating for part 61. In order to maximize State participation, the meeting was held in conjunction with the annual meeting of the Conference of Radiation Protection Control Directors (CRPCD) on May 14, 1991 in Wichita, Kansas. At the meeting, NRC staff members briefly explained the proposed changes for part 61. State representatives and other attendees were given the opportunity to provide comments, to ask questions, or participate in further discussions. A transcript was made of the meeting so the proceedings could be part of the formal record for the rulemaking. Attendees were given an additional 2 weeks to submit written comments. However, the NRC did not receive any comments in response to this opportunity.

Of the approximately forty State representatives that participated in the May 14, 1991, meeting, seven representatives (those from California, New York, Illinois, New Jersey, Washington, Pennsylvania, and Nebraska) offered comments. None of them voiced objections either to the specific revisions NRC was proposing or to the idea of revising part 61 in general. Two technical comments were offered at the Wichita meeting that were intended to address the issues for this rulemaking and both were considered in developing the proposed rule.

The representatives from Washington and Illinois expressed concern regarding the compatibility of the proposed changes with their State rules, because they are presently involved in LLW disposal facility license reviews. In order to prevent possible impacts on their licensing process, they suggested that if, as Agreement States, their States would be obligated to incorporate the resulting changes into their respective LLW regulations, they should be afforded flexibility in the manner or timing of this action. The NRC staff explained that it is NRC's policy to give Agreement States 3 years to reflect changes like those proposed for part 61 in their LLW regualtions. At the end of the three year period, if a State has not completed its licensing process, NRC staff would consider a limited extension on a case-by-case basis.

One of the commentors voiced concern about the concept of above-ground disposal. The commentor expressed doubt that an applicant for an above-ground disposal facility would be able to get a licensed engineer to certify the integrity of such a structure for 500 years unless long-term active maintenance was provided. While NRC acknowledges that there are significant engineering challenges that will have to be resolved by an applicant in order to license an above-ground disposal facility, the NRC does not want the language of part 61 to preclude an applicant from having the opportunity to meet those challenges.

The other commentor, from Nebraska, offered a comment about "above-grade" disposal facilities, the kind of facility that Nebraska is considering for its LLW disposal needs. The commentor noted that licensing an "above-grade" LLW disposal facility requires special guidance that is not provided in the current part 61. A recommendation was made for NRC to consult with the States currently developing above-grade disposal facilities for the benefit of their experience in this area.

From the NRC perspective, "above-grade disposal" and "above-ground disposal" are considered to be similar in that both rise above the land surface of the overall disposal site. However, for purposes of regulating LLW disposal under part 61, NRC makes an important distinction between the two. While "above-grade facilities" may rise above the original grade (surface) of the disposal site, they have a constructed soil cover and when completed do not actually protrude through the land surface to expose the disposal structure to the elements. NRC has determined that these types of facilities are already clearly covered under part 61 and are not of concern for this rulemaking. Although the comment did not directly apply to the proposed rulemaking, the experience gained by the States in licensing "above-grade" disposal could prove to be applicable and useful to licensing "above-ground" disposal.

Issue of Compatibility for Agreement States

Under existing NRC policy and guidelines, two of the changes proposed in this rulemaking would be matter of compatibility for the NRC Agreement States: The change to the definition of land disposal facility in § 61.2 is Division I compatibility, and the "QC" to "QA" change in § 61.12(j) is Division II. This means that if the final amendments to part 61 retain these provisions, those Agreement States which have assumed NRC's regulatory authority for the disposal of LLW under section 274 of the Atomic Energy Act (AEA) of 1954, as amended, will be required to incorporate the new definition of "land disposal facility" essentially verbatim directly into their State regulations for LLW disposal. The incorporation of the Division II change is also required, however, the Agreement States have more flexibility than for the Division I change. The language adopted need not be identical to the NRC regulations, but the effect cannot be less stringent. Based on the existing guidelines, the changes would have to be incorporated within 3 years after the final revisions to part 61 are issued.

The Commission, however, is currently considering a reevaluation of its compatibility policy and may decide to revise its requirements for the Agreement States. If a change is made to the compatibility policy that affects the above compatibility position, it may be necessary to revisit this position.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969 as amended, and the Commission's regulations in subpart A of 10 part 51, that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and therefore, an environmental impact statement is not required. Three of the proposed changes—the "quality control" to "quality assurance" change in § 61.12(j), the update of the Paperwork Reduction Act Statement in § 61.8, and the correction of the organizational inconsistency in § 61.80(i)(1) are the types of actions described in categorical exclusion § 51.22(c)(2). As such they are considered by the Commission to be corrective and nonsubstantive in nature and will not have a impact on the environment. The remaining changes, which will expand the applicability of part 61 to the licensing of above-ground LLW disposal, also will not have an impact on the environment in that these amendments do not change the required level of overall performance of LLW disposal. Further, any environmental impact of operating such a facility would be addressed as a part of the licensing action for that specific facility under 10 CFR part 51. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental asssessment and the finding of no significant impact are available from Janet Lambert, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3857.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0135.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the alternatives considered by the Commission and explains the decision to revise part 61. The draft analysis is

available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the analysis may be obtained from Janet Lambert, (301) 492–3857.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The changes to part 61 that are proposed in this rule will only affect those entities that decide to apply for a license to build and operate a LLW disposal facility. In the Low-Level Radioactive Waste Policy Act 1980 (LLRWPA) and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA), Congress mandated that the individual States or groups of States called compacts should provide the LLW disposal capacity for the LLW generated within each of their borders. This rule will not have significant economic impact because the changes to part 61 are trivial in nature and only a small number of licensees are likely to be affected.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, that a backfit analysis is not required because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 61

Criminal penalty, Low-Level waste, Nuclear materials, Reporting and recordkeeping requirements, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended and 5 U.S.C. 553, the NRC is proposing the following amendments to 10 CFR part 61.

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

1. The authority citation for part 61 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246, (42 U.S.C. 5842, 5846); secs. 10 and 14, Public Law 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of Sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); Tables 1 and 2, §§ 61.3, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161(b), 68, Stat. 948, as amended (42 U.S.C 2201)(b); §§ 61.9a, 61.10 through 61.16, 61.24 and 61.80 are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 61.2, the definition of "land disposal facility" is revised to read as follows:

§ 61.2 Definitions.

* * * * *

Land disposal facility means the land, buildings, and equipment which are intended to be used for the disposal of radioactive wastes on the surface or into the subsurface of the land. For purposes of this Chapter, a "geologic repository" as defined in part 60 is not considered a "land disposal facility."

* * * * *

3. In § 61.7, paragraph (a)(1) is revised to read as follows:

§ 61.7 Concepts.

(a) *The Disposal Facility.* (1) Part 61 is intended to apply to land disposal of radioactive waste and not to other methods such as sea or extraterrestrial disposal. Part 61 contains procedural requirements and performance objectives applicable to any method of land disposal. It contains specific technical requirements for near-surface disposal of radioactive waste, a subset of land disposal, which involves disposal in the uppermost portion of the earth, approximately 30 meters. Near-surface disposal includes disposal in engineered facilities which may be built totally or partially above-grade provided there is a protective earthen cover. Near-surface disposal does not include disposal facilities which are partially or fully above-grade with no protective earthen cover, which are referred to as "above-ground disposal. Burial deeper than 30 meters may also be satisfactory. Technical requirements for alternative methods may be added in the future.

* * * * *

4. Section 61.8 is revised to read as follows:

§ 61.8 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collecton requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). OMB has approved the information collection requirements contained in this part under control number 3150–0135.

(b) The approved information collection requirements contained in this part appear in §§ 61.3, 61.6, 61.9, 61.10, 61.11, 61.12, 61.13, 61.14, 61.15, 61.16, 61.20, 61.22, 61.24, 61.26, 61.27, 61.28, 61.30, 61.31, 61.53, 61.55, 61.57, 61.58, 61.61, 61.62, 61.63, 61.72, and 61.80.

5. In § 61.12, paragraph (j) is revised to read as follows:

§ 61.12 Specific technical information.

* * * * *

(j) A description of the quality assurance program, tailored to LLW disposal, developed and applied by the applicant for the determination of natural disposal site characteristics and for quality assurance during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste.

* * * * *

6. In § 61.80, (i)(1) is revised to read as follows:

§ 61.80 Maintenance of records, reports, and transfers.

* * * * *

(i)(1) Each licensee authorized to dispose of waste materials received from other persons, pursuant to this part, shall submit annual reports to the appropriate Commission regional office shown in appendix D of part 20 of this chapter, with copies to the Director, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Reports must be submitted by the end of the first calendar quarter of each year for the preceding year;

* * * * *

Dated at Rockville, Maryland, this 28th day of February, 1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 92–5247 Filed 3–5–92; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R–0750]

Regulation D - Reserve Requirements of Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board is publishing for comment two amendments to its Regulation D to facilitate the computation and maintenance of reserves. The Board proposes to reduce the lag in the application of vault cash to reserve requirements in order to damp the seasonal variations in required reserve balances resulting from the current lag in application and thereby reduce the probability that reserve balances will drop seasonally to levels that would cause depository institutions difficulty in managing their reserve balances. The Board also proposes to increase the amount of excesses or deficiencies in reserve balances that may be carried over from one reserve maintenance period to the next from the greater of 2 percent or $25,000 to the greater of 4 percent or $50,000.

DATES: Comments should be received by April 6, 1992.

ADDRESSES: Comments, which should refer to Docket No. R–0750, may be mailed to the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551, to the attention of Mr. William W. Wiles, Secretary.

Comments addressed to the attention of Mr. Wiles may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street NW. Comments may be inspected in room B–1122 between 9 a.m. and 5 p.m., except as provided in § 261.8 of the Board's Rules Regarding the Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: Patick J. McDivitt, Attorney (202/452–3818), or Lawranne Stewart, Attorney (202/452–3513), Legal Division; or Joshua Feinman, Economist (202/452–2841), Division of Monetary Affairs. For the hearing impaired *only*, Telecommunications Device for the Deaf ("TDD"), Dorothea Thompson (202/452–3544).

SUPPLEMENTARY INFORMATION: The Board is proposing for public comment revisions to its Regulation D, Reserve Requirements of Depository Institutions, 12 CFR part 204, concerning the computation and maintenance of reserves. The proposed changes, which concern vault cash and carryover of reserve deficiencies an excesses, are intended to improve the ability of depository institutions to manage their reserve balances.

Vault Cash

The Board proposes to amend Regulation D to reduce the lag in the application of vault cash to reserve requirements from two periods to one in order to better synchronize movements in required reserves and applied vault cash. Currently, reserve requirements for depository institutions that report weekly are assessed against transaction accounts on a contemporaneous basis,[1] but offsetting vault cash is applied to the required reserves with a two period lag. This asymmetric treatment of required reserves and applied vault cash often results in potentially disruptive movements in required balances, particularly early in the year. In the maintenance period encompassing Christmas and year-end, for example, both vault cash and required reserves tend to reach their respective seasonal peaks. Vault cash applicable for meeting the enlarged reserve requirements for this period, however, is based on the much smaller vault cash holdings from November. As a result, the required reserve balances needed to meet reserve requirements tend to peak around year-end. These balances subsequently drop precipitously, usually reaching a trough in late January and early February, when reserve requirements have typically fallen from their end-of-year crest and the enlarged vault cash holdings from year-end become available for use in meeting those requirements. This sharp drop in required balances often makes it more difficult for banks to manage their reserve accounts.

The Board believes that placing required reserves and the vault cash available for meeting those requirements in closer proximity would offset some of the volatility in required reserve balances and help temper the seasonal drop in these balances in early February without significantly impairing reserve forecasts. The Board requests comment as to whether a reduction in the lag in the application of vault cash would improve the ability of depository institutions to manage their required reserve balances or whether the proposal would have any adverse effects on their ability to predict required reserve balances. The Board also requests comment as to the costs of implementing a shift in vault cash application, and whether these costs would be considered significant in relation to the benefits of the proposed amendment to the depository institution. If depository institutions believe that the costs of implementing a shift are prohibitive so that the shift should not be implemented, the Board requests comments as to whether depository institutions will be able to manage their reserve positions effectively at the newly implemented level of reserve requirements during the seasonal lows in required reserve balances in January and February.

Carryover of Excesses or Deficiencies

The Board proposes to increase the amount of carryover to the greater of 4 percent of required reserves and clearing balances [2] or $50,000. Currently, carryover of reserve surpluses or deficiencies into the next maintenance period is permitted up to the greater of 2 percent of the sum of required reserves and required clearing balances or $25,000. In either case, the carryover is reduced by the amount of an institution's required clearing balance penalty-free band, if applicable.[3] Reductions in reserve requirements have resulted in a decline in the maximum dollar value of the carryover, reducing the ability of a depository institution to cushion a given dollar shock to its reserve position late in maintenance period. Doubling maximum carryover permitted should provide depository institutions with more flexibility in managing their reserve positions.

Additionally, the Board proposed to amend the lanaguage of the carryover provision to clarify and more accurately reflect the method used to calculate the maximum carryover permitted.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*), the Board certifies that the proposed amendment will not have a significant economic impact on a substantial number of small entities. The Board does not believe that the proposed amendments would impose any additional reporting or recordkeeping requirements. To the

[1] Weekly reporters generally are depository institutions with total deposits of $44.8 million or more. Required reserves for weekly reporters are assessed based on daily average balances for a period beginning on a Tuesday and ending on the second Monday thereafter. This period is known as the "computation period." Reserves against the daily average balances for the computation period must be maintained throughout the "maintenance period," which begins on the Thursday following the beginning of the computation period and ends on the second Wednesday thereafter. See 12 CFR 204.3(c).

[2] Required clearing balances are set by agreement between a depository institution and its Federal Reserve Bank, based on clearing needs of the depository and its account overdraft record. Information on clearing balance requirements may be obtained from a depository institution's local Reserve Bank.

[3] The required clearing balance penalty-free band is currently equal to the greater of $25,000 or 2 percent of the depository institution's required clearing balance.

extent changes in recordkeeping procedures may be required by the vault cash proposal, this will affect only weekly reporters, that is, depository institutions with total deposits of $44.8 million or more, and should enable these depository institutions to manage their required reserves more efficiently. Smaller institutions, which report only quarterly, will not be affected by the vault cash amendment.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, and pursuant to the Board's authority under section 19 of the Federal Reserve Act, 12 U.S.C. 461 *et seq.*, the Board is proposing to amend 12 CFR part 204 as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. The authority citation for part 204 continues to read as follows:

Authority: Sections 11(a), 11(c), 19, 25, 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 248(c), 371a, 371b, 461, 601, 611); section 7 of the International Banking Act of 1978 (12 U.S.C. 3105); and section 411 of the Garn St-Germain Depository Institutions Act of 1982 (12 U.S.C. 461).

2. section 204.3 is amended by revising paragraphs (c)(3) and (h) to read as follows:

§ 204.3 Computation and maintenance.

* * * * *

(c) * * *

(3) In determining the reserve balance that is required to be maintained with the Federal Reserve, the daily average vault cash held during the computation period that ended 3 days prior to the beginning of the maintenance period is deducted from the amount of the institution's required reserves.

* * * * *

(h) *Carryover of excesses or deficiencies.* Any excess or deficiency in a depository institution's account that is held directly or indirectly with a Federal Reserve Bank shall be carried over and applied to that account in the next maintenance period as specified in this paragraph. The amount of any such excess or deficiency that is carried over shall not exceed the greater of:

(1) The amount obtained by multiplying .04 times the sum of the depository institution's required reserves and the depository institution's required clearing balance, if any, and then substracting from this product the depository institution's required clearing balance penalty-free bank, if any; or

(2) $50,000, minus the depository institution's required clearing balance penalty-free band, if any.

Any carryover not offset during the next period may not be carried over to subsequent periods.

* * * * *

By order of the Board of Governors of the Federal Reserve System, March 2, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-5219 Filed 3-5-92; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[IA-41-91]

RIN 1545-AQ15

Information Returns of Brokers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations under section 6045 of the Internal Revenue Code of 1986, relating to information returns of brokers. Changes to the applicable law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The proposed regulations affect brokers effecting certain spot or forward sales of agricultural commodities and provide them with guidance needed to comply with the law.

DATES: Written comments must be received by May 5, 1992. Requests to speak (with outlines of oral comments) at a public hearing scheduled for April 21, 1992, at 10 a.m. must be received by April 7, 1992.

ADDRESSES: Send comments, requests to appear at the public hearing, and outlines of comments to be presented to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, room 5228, Attn: CC:CORP:T:R (IA-41-91), Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: John P. Moriarty of the Office of Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service, 202-377-9589 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224.

The collection of information in this regulation is contained in § 1.6045-1(c)(7). This information is required by the Internal Revenue Service to ensure that persons claiming exception under the proposed regulations from the general information reporting requirements contained in section 6045 are eligible for the exception. The information will be used to validate eligibility for the exception. The likely respondents and recordkeepers are businesses or other for-profit institutions.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances.

Estimated total annual reporting burden: 2,000,000 hours.

Estimated average annual burden per respondent: 1.0 hour.

Estimated number of respondents: 2,000,000.

Estimated frequency of responses: On occasion.

Estimated total annual recordkeeping burden: 5,000 hours.

Estimated average annual burden per recordkeeper: .25 hours.

Estimated number of recordkeepers: 20,000.

Background

This document contains a proposed amendment to the Income Tax Regulations under section 6045 relating to an exception from the reporting requirements for certain sales of agricultural commodities. Section 6045(a) provides that all persons who conduct business as a broker shall file such information returns as may be required by regulation. Section 6045(c)(1) defines the term "broker" to include a dealer, a barter exchange, or any other person who (for a consideration) regularly acts as a middleman with respect to property or services.

On March 3, 1983, the Service published in the **Federal Register** (48 FR 10304) regulations requiring reporting by brokers of sales of securities or commodities effected by them in the ordinary course of their business. These regulations generally define a broker to be a person that, in the ordinary course of business during the calendar year, stands ready to effect (as agent or principal) sales to be made by others. A commodity includes any type of personal property, or an interest therein, the trading of futures contracts in which has been approved by the Commodity Futures Trading Commission.

On January 5, 1984, the Service published the **Federal Register** (49 FR 646) proposed amendments to the regulations under section 6045 to clarify the definition of a commodity. A number of comments responding to that notice of proposed rulemaking suggested exemptions from the reporting requirement for sales of agricultural commodities. On February 19, 1991, the Service published Announcement 91-20 in 1991-7 I.R.B. 31, providing that for 1990 and prior years reporting is not required under section 6045 for spot and forward sales of agricultural commodities (but not for interests in agricultural commodities, such as regulated futures contracts or forward contracts) and sales of negotiable commodity certificates issued by the Commodity Credit Corporation ("CCC Certificates"). The rules of Announcement 91-20 were extended to sales made in 1991 by Announcement 91-177, 1991-48 I.R.B. 87.

Explanation of Provisions

These proposed regulations provide an exception to the reporting requirements of section 6045 for the spot or forward sale of an agricultural commodity if the customer certifies that the customer produced the commodity and the broker does not know that any information in the certificate is incorrect. Agricultural commodities include, but are not limited to, grain, feed, livestock, meat, oil seed, timber, or fiber. The proposed regulations define a spot sale to be a sale that results in the immediate delivery of a commodity and a forward sale to be a sale pursuant to a forward contract. Sales of agricultural commodities pursuant to regulated futures contracts and sales of derivative interests in agricultural commodities are not excepted from reporting by the proposed regulations.

A person is treated as having "produced" a commodity if the person grew, cultivated, or raised the commodity. A person engaged in the business of farming within the meaning of § 1.175-3 of the regulations will be treated as having produced all commodities produced by that particular business. Thus, for example, no information reporting is required for: (a) A sale of livestock by a farmer or rancher who raised their livestock, or (b) a sale of crops by a farmer who grew those crops.

The proposed regulations specify that a certificate must contain the name, address and taxpayer identification number of the customer and the broker; identify the type or types of agricultural commodities to which the certificate applies; state that those commodities have been or will be produced by the customer; and state whether the certificate applies to a single sale or multiple sales. If the certificate applies to a single sale, it must specify the sale date. If the certificate applies to multiple sales, it must specify the effective date of the certificate (which may not be a date earlier than the beginning of the calendar year in which the certificate is signed) and the expiration date of the certificate (which may not be a date more than one year after the effective date). Unless the broker requires a separate certificate or the customer otherwise notifies the broker, a multiple sales certificate applies to all sales of the specified agricultural commodities that the broker effects for the customer during such period. A certificate may be included as part of any business records ordinarily used to document a sale.

Under the proposed regulations, no information return is required under section 6045 for the sale of a CCC Certificate effected on behalf of a customer. This exception is provided because currently there is little opportunity to speculate using these certificates. The proposed regulations, however, provide the Internal Revenue Service may in the future publish a notice in the Internal Revenue Bulletin requiring reporting with respect to these certificates.

The proposed regulations will apply to sales effected on or after the date of publication of final regulations in the **Federal Register**. A transition rule is provided for sales effected before the date of publication of final regulations in the **Federal Register**. The transition rule applies the rules of Announcement 91-20 to these sales.

Special Analyses

It has been determined that these proposed rules are not major rules as defined in Executive Order 12291. Therefore, an initial Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these proposed regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Requests To Appear at Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments that are submitted timely (preferably an original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying.

A public hearing will be held on Tuesday, April 21, 1992, at 10 a.m. in the Internal Revenue Service Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply to the public hearing.

Persons who have submitted written comments by April 7, 1992, and who also desire to present oral comments at the hearing on the proposed regulations, should submit, not later than April 7, 1992, a request to speak and an outline of the oral comments to be presented at the hearing stating the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers thereto.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building before 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is John P. Moriarty of the Office of Assistant Chief Counsel (Income Tax and Accounting). Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.6031–1 Through 1.6060–1

Income taxes, Reporting and recordkeeping requirements.

Proposed amendments to the regulations

Accordingly, the proposed amendments to 26 CFR, part 1, are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following authority citation:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805, 26 U.S.C. 6038 and 26 U.S.C. 6038. * * * Section 1.6045–1 also issued under 26 U.S.C. 6045. * * *

Par. 2. Section 1.6045–1 is amended by revising paragraph (c)(3) and adding paragraph (c)(7) to read as follows:

§ 1.6045–1 Returns of information of brokers and barter exchanges.

* * * * *

(c) * * *

(3) *Exceptions.* The exceptions set forth in paragraph (c)(3) of § 5f.6045–1 of this chapter apply to sales effected on or after May 29, 1984. For an exception for certain sales of agricultural commodities and cerificates issued by the Commodity Credit Corporation, see paragraph (c)(7) of this section. With respect to sales effected before May 29, 1984, the exceptions provided in § 1.6045–1(c)(3) (as contained in the CFR edition revised as of April 1, 1983) apply.

* * * * *

(7) *Exception for certain sales of agricultural commodities and commodity certificates*—(i) *Agricultural Commodities.* No return of information is required under section 6045 for a spot or forward sale of an agricultural commodity if the sale satisfies the certification requirements of paragraph (c)(7)(iii) of this section and the broker (or any employee or agent of the broker responsible for receiving or reviewing such certificate) does not know that information provided in the certificate is incorrect. This paragraph (c)(7)(i) does not except from reporting either sales of agricultural commodities pursuant to regulated futures contracts or sales of derivative interests in agricultural commodities.

(ii) *Commodity Credit Corporation certificates.* Except as otherwise provided by the Internal Revenue Service in the Internal Revenue Bulletin, no return of information is required under section 6045 with respect to a sale of a commodity certificate issued by the Commodity Credit Corporation under 7 CFR 1470.4 (1990).

(iii) *Certification Requirements.* For purposes of paragraph (c)(7)(i) of this section, a spot or forward sale of an agricultural commodity satisfies the requirements of this paragraph (c)(7)(iii) only if the customer provides or has provided to the broker a certificate, signed by the customer under penalties of perjury, that—

(A) Applies to the commodity being sold (as described in paragraph (c)(7)(iv) of this section);

(B) Identifies the type of types of agricultural commodities to which the certificate applies;

(C) Provides the name, address, and taxpayer identification number of the customer and the broker;

(D) Certifies that the agricultural commodities to which the certificate applies have been or will be produced (within the meaning of paragraph (c)(7)(v)(B) of this section) by the customer;

(E) Specifies whether the certificate applies to a single sale or multiple sales;

(F) If the certificate applies to a single sale, specifies the date of the sale; and

(G) If the certificate applies to multiple sales, specifies the date the certificate becomes effective (which may be no earlier than the beginning of the calendar year in which the certificate is provided) and the date the certificate is to expire (which may be no later than one year after the effective date).

A certificate may be included as part of any business records ordinarily used to document a sale. A broker must retain a certificate for at least four years after the end of the last calendar year for which a return of information is not required by reason of such certificate. A broker may, at its option, require a customer to provide a new certificate for any transaction.

(iv) *Commodities to which a certificate applies.* If a certificate applies to a single sale, it applies to all agricultural commodities of the type or types identified in the certificate that are sold in that transaction, unless the customer otherwise notifies the broker. If a certificate applies to multiple sales, it applies to all agricultural commodities of the type or types identified in the certificate that are sold in sales effected by the broker for the customer from the date that the certificate is effective through the date that the certificate expires, unless the customer otherwise notifies the broker or the broker requires a new certificate. A multiple sales certificate expires on the earlier of the date specified on the certificate or the date a new certificate provided by the customer becomes effective. A new certificate must be provided if any information in a current certificate changes.

(v) *Certain definitions.* For purposes of this paragraph:

(A) *Agricultural commodity.* An "Agricultural commodity" includes, but is not limited to, a commodity within the meaning of paragraph (a)(5) of this section that is a grain, feed, livestock, meat, oil seed, timber, or fiber.

(B) *Produced.* A person "produces" a commodity if that person grows, cultivates, or raises the commodity. A person engaged in the business of farming within the meaning of § 175–3 will be treated as having produced all commodities produced by that particular business.

(C) *Spot sale.* A spot sale is a sale that results in the essentially contemporaneous delivery of a commodity.

(D) *Forward sale.* A forward sale is a sale pursuant to a forward contract within the meaning of paragraph (a)(7) of this section.

(vi) *Examples.* The following examples illustrate the application of paragraph (c)(7) of this section to the reporting requirements for sales effected on or after the date of publication of final regulations in the **Federal Register.** Unless specifically provided to the contrary, the sale in each example is effected by a broker within the meaning of this section.

Example 1. A conducts auctions of livestock. B, an individual who feeds calves until they weigh approximately 500 pounds, and C an individual who feeds feeder cattle weighing approximately 500 pounds until they weigh approximately 800 pounds, are both customers of A. B and C each provide A with certificates that contain the information set forth in paragraph (c)(7)(iii) of this section. B's certificate certifies that the calves sold by B were produced by B and C's certificate certifies that the feeder cattle sold by C were produced by C. Under paragraph (c)(7)(i) of this section, A is not required to make a return of information for sales of calves by B or sales of feeder cattle by C.

Example 2. D, an individual, is in the business of operating a grain elevator and, as part of that business, enters into a forward contract to purchase wheat produced by E. E is an individual who provides D with a certificate containing the information set forth in paragraph (c)(7)(iii) of this section. E certifies that he produced the wheat. After taking delivery of the grain from E, D sells the wheat to F who is a broker under section 6045. Under paragraph (c)(7)(i) of this section, no return of information is required for the forward sale of wheat by E to D. However, D's sale of the wheat to F is not excepted under paragraph (c)(7)(i) of this section from information reporting because D did not produce the grain. Accordingly, F must make a return of information for the sale by D to F.

Example 3. G, an individual, leases land to a farmer pursuant to which G is to receive fixed rental payments, in kind, without reference to production. G does not materially participat in the operation or management of the farm and is not engaged in farming within the meaning of § 1.75–3. Accordingly, G does not produce, within the meaning of paragraph (c)(7)(v)(B) of this section, those commoditites produced in that business. If G received rental payments in kind based on a percentage of farm production, G would be engaged in farming within the meaning of section 1.173–3 and would produce, within the meaning of paragraph (c)(7)(v)(B) of this section, those commodities produced in that business.

(vii) *Effective dates.* Paragraph (c)(7) of this section applies to sales effected on or after the date of publication of final regulations in the **Federal Register.** For sales effected before the date of publication of final regulations in the **Federal Register,** the following transactions are excepted from the information reporting requirements of section 6045:

(A) Spot or forward sales of agricultural products or commodities (but not sales of interests in agricultural products or commodities, such as sales of regulated futures contracts or forward contracts), effected by any person regardless of whether that person takes title to the agricultural products of commodities; and

(B) Sales of negotiable commodity certificates issued by the Commmodity Credit Corporation.

David G. Blattner,

Acting Commissioner of Internal Revenue.

[FR Doc. 92–5171 Filed 3–5–92; 8:45 am]

BILLING CODE 4830–01–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 736]

Review of Existing Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of request for public comment.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (AFT) is soliciting public comment as to which, if any, of the regulations and programs which ATF administers impose substantial burdens on the economy. This request is being made to assist ATF in implementing the President's January 28, 1992, regulatory initiative.

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: Send written comments to: Deputy Associate Director (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, Atten: Notice No. 736.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202–927–8230).

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, President Bush announced a regulatory initiative. This initiative included a 90-day moratorium on issuance of proposed or final rules. The moratorium does not apply to regulations which are subject to a statutory or judicial deadline or to:

(a) Regulations that the agency determines, after consultation with the working group of the Council on Competitiveness, will foster economic growth;

(b) Regulations that respond to emergencies such as situations that pose an imminent danger to human health or safety;

(c) Regulations that the agency determines, after consultation with the working group of the council on Competitiveness, are essential to a criminal law enforcement function of the United States;

(d) Regulations issued with respect to a military or foreign affairs function of the United States;

(e) Regulations related solely to agency organization, management, or personnel; and

(f) Formal regulations required by statute to be made on the record after opportunity for an agency hearing.

The President also called for a review of all existing regulations and programs to identify any which impose substantial costs on the economy. Each agency has been instructed to determine if regulations so identified satisfy five requirements:

(a) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(b) Regulations should be fashioned to maximize net benefits to society.

(c) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive commend-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(d) Regulations should incorporate market mechanisms to the maximum extent possible.

(e) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

In cases where the agency's review discloses regulations or programs which do not meet these standards, the agency will, as soon as possible, propose administrative changes which will bring each of its regulations and programs into conformity with these standards. To ensure maximum public involvement in this effort, ATF is soliciting public comment as to which, if any, of its regulations and programs impose substantial burdens on the economy and do not satisfy the five requirements listed above. The Bureau requests that comments be as specific as possible.

Drafting Information

The author of this document is Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority: This notice is issued under the authority in 5 U.S.C. 301, 18 U.S.C. 847 and 928, 22 U.S.C. 2778, 26 U.S.C. 7805, and 27 U.S.C. 205 and 215.

Approved: February 28, 1992.

Stephen E. Higgins,

Director.

[FR Doc. 92–5191 Filed 3–5–92; 8:45 am]

BILLING CODE 4810–31–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–760–B]

RIN 1218–AB27

Accreditation of Training Programs for Hazardous Waste Operations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Occupational Safety and Health Administration (OSHA) issued a notice February 10, 1992 (57 FR 4858) reopening the record on its proposed rule on Accreditation of Training Programs for Hazardous Waste Operations. The notice requested further public comments only on the final report of a survey conducted by OSHA which

collected information on the number, type and characteristics of training programs for hazardous waste and emergency response workers.

OSHA has received requests to extend the comment period established in the February 10, 1992 notice for an additional two months to gather data relevant to the survey's findings. OSHA is granting that request and is extending the comment deadline of March 26, 1992 established in its February notice for an additional two months until May 26, 1992. OSHA is granting this extension to provide interested parties with the additional time necessary to gather data relevant to the survey and for organizations to collate individual comments received from their members. Comments are only requested on the survey and data relevant to it. See the February 10, 1992 **Federal Register** notice for further information.

DATES: Comments must be postmarked by May 26, 1992.

ADDRESSES: 1. Copies of the report are available at or upon either telephone or written request to the Docket Office, Occupational Safety and Health Administration, room N–2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; Telephone: (202) 523–7894.

2. Written comments on the report should be submitted in quadruplicate to the Docket Office, Docket No. S–760–B, OSHA room N–2625, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, 202–523–8151.

Signed at Washington, DC this 28th day of February, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

[FR Doc. 92–5234 Filed 3–5–92; 8:45 am]

BILLING CODE 4510–26–M

Mine Safety and Health Administration

30 CFR Parts 56, 57, 70, 71, 75, and 77

RIN 1219–AA55

Advance Notice of Proposed Rulemaking for Confined Spaces; Extension of Comment Period

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice to extend period for public comment.

SUMMARY: Due to requests from the public, the Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding its advance notice of proposed rulemaking for confined spaces.

DATES: Written comments on the advance notice of proposed rulemaking for confined spaces must be received on or before May 1, 1992.

ADDRESSES: All comments must be sent to: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA phone (703) 235–1910.

SUPPLEMENTARY INFORMATION: On December 30, 1991, MSHA published an advance notice of proposed rulemaking (56 FR 67364) regarding hazards related to entering and working in confined spaces in mining. The comment period was scheduled to end on February 28, 1992. In response to requests from the public, MSHA is extending the time for commenting on this advance notice of proposed rulemaking to May 1, 1992. All interested parties are encouraged to submit comments prior to that date.

Dated: February 28, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92–5186 Filed 3–5–92; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 780, 784, 816, and 817

RIN 1029–AB40

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Performance Standards; Availability of Decision; Permanent and Temporary Impoundments; Denial of Petition

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of decision on petition for rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the United States Department of the Interior (DOI) is making available to the public its final decision on a petition for rulemaking from Stuart A. Sanderson, Senior Counsel, and Harold P. Quinn, Jr., Vice President and Counsel, representing the Joint NCA/AMC Committee on Surface Mining Regulations, Coal Building, 1130 17th St., NW., Washington, DC. The petition suggests that OSM amend its rules to incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 (16 U.S.C. 1008) including Technical Release Number 60 (TR–60) published by the Soil Conservation Service (SCS).

DATES: On March 2, 1992, the Director denied the petition.

ADDRESSES: Copies of the petition, and other relevant materials comprising the Administrative Record of this petition are available for public review and copying at the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131, 1100 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert A. Wiles, P.E., Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202–343–1502 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Petition for Rulemaking Process
II. The NCA Petition

I. Petition for Rulemaking Process

Pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977 (the Act or SMCRA), any person may petition the Director of OSM to initiate a proceeding for the issuance, amendment, or repeal of any of the regulations implementing SMCRA. The regulations governing the handling of rulemaking petitions are found at 30 CFR 700.12. Under the rules, the Director may publish a notice in the **Federal Register** seeking comments on the petition and hold a public hearing, conduct an investigation, or take other action to determine whether the petition should be granted. If the petition is granted, rulemaking proceedings will be initiated in which public comment will again be sought before a final rulemaking notice appears. If the petition is denied, the Director notifies the petitioner in writing setting forth the reasons for denial. Under 30 CFR 700.12, the Director's decision constitutes the final decision for the Department of the Interior.

II. The NCA Petition

OSM received a letter on September 12, 1991, from Stuart A. Sanderson, Senior Counsel, and Harold P. Quinn, Jr., Vice President and Counsel, representing the Joint NCA/AMC Committee on Surface Mining Regulations, Coal Building, 1130 17th Street NW., Washington, DC, as a petition for rulemaking. The petitioners requested that the agency reevaluate and propose for comment a rulemaking which will incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 including TR–60. In response to that petition, on October 21, 1991, OSM published a notice in the **Federal Register** of the petition's availability and requested comments. [56 FR 52494].

For the reasons discussed in the appendix to this notice, the Director has deined the petition to amend the rules to incorporate the statutory distinction between temporary and permanent impoundments. Therefore, no rulemaking will occur on this petition.

The Director's letter of response to the petitioners on this rulemaking petition appears as an appendix to this notice. This letter reports the Director's decision to the petitioners. As noted in the appendix, a full discussion of the issues in the petitioners letter will be analyzed concurrently with the comments to the proposed rule to amend portions of the permanent program regulations governing permanent and temporary impoundments published June 28, 1991. (56 FR 29774) The preamble will evaluate the issues raised by the petitioners, an analysis of the petitioners' proposed regulatory changes, and a discussion of the comments received on the petition.

Dated: March 2, 1992.

Harry M. Snyder,

Director.

Appendix

Date

Mr. Harold P. Quinn, Jr. and Mr. Stuart A. Sanderson,

Joint NCA/AMC Committee on Surface Mining Regulation Coal Building, 1130 17th Street NW., Washington, DC 20036.

Gentlemen: This letter is in response to your petition dated August 26, 1991 (received September 12, 1991), to the Office of Surface Mining Reclamation and Enforcement (OSM) requesting that the agency reevaluate and propose for comment a rulemaking which will incorporate the statutory distinction between temporary and permanent impoundments as it pertains to the incorporation of standards issued under Public Law 83–566 including Technical Release No. 60 (TR–60), "Earth Dams and Reservoirs" published by the Soil Conservation Service (SCS).

Following the receipt of your letter, OSM published on October 21, 1991, a notice in the **Federal Register** of the availability and requested comments on that petition. [56 FR 52494] The official administrative record log lists four comments entered in response to the petition. The comment period closed on November 21, 1991.

The comment period for the petition coincided with the third comment period on a proposed rule to amend portions of the permanent program regulations governing permanent and temporary impoundments published June 28, 1991. (56 FR 29774) The proposed rule of June 28, 1991, would apply certain specific technical standards found in TR–60 for both permanent and temporary impoundments. The proposed rule would adopt the SCS Class B and C criteria for dams, and the freeboard hydrograph criteria and emergency spillway hydrograph criteria in the Minimum Emergency Spillway Hydrologic Criteria table in TR–60 to both temporary and permanent impoundments. The application of design storm criteria to both permanent and temporary impoundments will be evaluated during the review of the comments.

A separate rulemaking is unnecessary to enable OSM to consider the issues you raise in the petition. The issues addressed by your petition including OSM's authority to regulate temporary impoundments will be fully considered in OSM's pending rulemaking in which OSM proposed to apply certain SCS standards to temporary impoundments. The basis for any decision we make on the distinction between permanent and temporary impoundments will be fully discussed in the preamble to rulemaking on any final rule.

In addition for hazardous structures, we see no difference between temporary or permanent impoundments since the potential harm to downstream areas is the same for either type of structure. Also, temporary sediment control structures used for large surface or underground operations may remain operational for many years blurring the practical distinction between permanent and temporary structures.

For these reasons, I am denying your request to initiate a rulemaking to amend the rules to incorporate the distinction between temporary and permanent impoundments.

As provided in 30 CFR 700.12(d), my decision constitutes the final decision for the Department of the Interior.

Sincerely,

Harry M. Snyder,

Director.

[FR Doc. 92–5292 Filed 3–5–92; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls: Proposed Revision

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada have jointly established and presently administer the St. Lawrence Seaway Tariff of Tolls. This Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the Corporation and the Authority. The Authority is proposing to the Corporation that the toll for materials for recycling be changed to the lower bulk rate from the current, higher general cargo rate. These materials are relatively low valued. The Corporation and the Authority believe that making the rate for these materials more competitive will encourage use of the Seaway system for their transit. The Authority also is proposing to the Corporation that a new business incentive toll be added for passenger vessels to encourage increased use of the Seaway system by that class of vessels.

DATES: Any party wishing to present views or data on the proposed revision may file comments with the Corporation on or before April 6, 1992.

ADDRESSES: Send comments to Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–0091.

SUPPLEMENTARY INFORMATION: It is proposed to amend § 402.3 by adding a new paragraph (b)(10) that will include within the definition of "bulk cargo", "material for recycling, scrap material, refuse and waste". This would change the toll for materials for recycling, materials that are relatively low valued, to the lower bulk rate from the current, higher general cargo rate. The Corporation and the Authority believe that making the rate for these materials more competitive will encourage use of the Seaway system for their transit, creating new business opportunities. It also is proposed that section 402.9 be

amended to add new paragraphs (f) through (i) to add a new business incentive toll for passenger vessels. This would be similar to the new business incentive tolls for cargoes already contained within that section. The amendment would provide a new business incentive toll for any passenger vessel that did not move through a Seaway lock during the 1988 and 1989 navigation seasons or the three navigation seasons immediately preceding the season in which a new business refund is submitted. Under this program, a qualifying passenger vessel would receive a 25% discount of the passenger per lock charge each transit it carries 20 passengers or more beginning within the Seaway after the opening of navigation and before July 1 or beginning on or after October 1 in 1992 and 1993 and ending at the closing of navigation in those years and a 50% discount for each transit it carries 20 or more passengers beginning on or after July 1 and before October 1 in 1992 and 1993. It will apply to both the Montreal-Lake Ontario and Welland Canal sections of the Seaway. Please not that this program will not result in an actual reduction of tolls for eligible vessels until it has been formally approved by both the Canadian and the United States governments through an exchange of diplomatic notes and a final rule has been published. Once that occurs, refunds will be made to those entitled to receive them.

Regulatory Evaluation

This proposed regulation involves a foreign affairs function of the United States, and therefore, Executive Order 12291 does not apply. This proposed regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls relates to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This proposed regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

List of Subjects in 33 CFR Part 402

Vessels, Waterways.

PART 402—[AMENDED]

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend part 402—Tariff of Tolls (33 CFR part 402) as follows:

1. The authority citation for 33 CFR part 402 continues to read as follows:

Authority: 68 Stat. 93, 33 U.S.C. 981–990.

2. A new paragraph (b)(10) would be added to § 402.3 to read as follows:

§ 402.3 Interpretation.

* * * * *

(b) * * *

(10) Material for recycling, scrap material, refuse and waste;

* * * * *

3. New paragraphs (f) through (i) would be added to section 402.9 to read as follows:

§ 402.9 Incentive tolls.

* * * * *

(f) Not withstanding anything contained in this Tariff, the charge per passenger per lock charged on new business shall be reduced by:

(1) Twenty-five percent for a transit beginning within the Seaway after the opening of navigation and prior to July 1 or beginning on or after October 1 in the years 1992 and 1993 and ending at the closing of navigation in the years 1992 and 1993; or

(2) Fifty percent for a transit beginning on or after July 1 and prior to October 1 in the years 1992 and 1993.

(g) The reduction mentioned in paragraph (f) of this section shall be granted at the end of the applicable navigation season after payment of the full toll specified in the schedule under the tariff in § 402.8 of this Part if:

(1) A vessel carries 20 passengers or more during a transit qualifying as new business; and

(2) An application for a new business refund is submitted to the Authority or the Corporation for audit by the Authority or the Corporation.

(h) For the purposes of this section, "new business" means: A passenger vessel that has not moved through a Seaway lock during the navigation seasons of 1988 through 1990 or the three navigation seasons immediately preceding the season in which a new business refund is submitted.

(i) When a passenger vessel's transit qualifies as new business, at any time during 1992 or 1993, it shall continue to qualify until the end of the 1993 navigation season as long as it carries a minimum of 20 passengers.

Issued at Washington, DC on February 28, 1992.

Saint Lawrence Seaway Development Corporation.

Marc C. Owen,

Chief Counsel.

[FR Doc. 92-5181 Filed 3-5-92; 8:45 am]

BILLING CODE 4910-61-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAQPS No. CA-12-11-5379; FRL-4112-3]

Approval and Promulgation of Implementation Plans California State Implementation Plan Revision; Bay Area Air Quality Management District, South Coast Air Quality Management District, and Ventura County Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the Bay Area Air Quality Management District (BAAQMD) on October 17, 1990, by the South Coast Air Quality Management District (SCAQMD) on December 7, 1990, and by the Ventura County Air Pollution Control District (VCAPCD) on September 11, 1990. The California Air Resources Board submitted the revisions from VCAPCD to EPA on April 5, 1991, and submitted the other revisions to EPA on May 13, 1991. The revisions addressed in this notice consist of BAAQMD rule 8–37, Natural Gas and Crude Oil Production Facilities, SCAQMD rule 465, Vacuum Producing Devises or Systems, SCAQMD rule 1123, Refinery Process Turnarounds, and VCAPCD rule 71, Crude Oil and Reactive Organic Compound Liquids. EPA has evaluated each of these rules and is proposing to approve them under sections 110(k)(3) as meeting the requirements of section 110(a) and part D of the Clean Air Act, as amended (CAA or the Act).

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Southern California and Arizona, Rulemaking Section (A–5–3), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.
Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.
South Coast Air Quality Management District, 9150 Flair Dr., El Monte, CA 91731.
Ventura County Air Pollution Control District, 702 County Square Dr., Ventura, CA 93003.

FOR FURTHER INFORMATION CONTACT: Doris Lo, Northern California, Nevada and Hawaii Rulemaking Section (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1187, FTS: 484–1187.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA) that included the BAAQMD, SCAQMD, and VCAPCD. 43 FR 8964, 40 CFR 81.305. Because these three districts were unable to reach attainment by the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date for ozone for each district to December 31, 1987. 1977 CAA section 172(a)(2). The BAAQMD, SCAQMD and VCAPCD did not attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of California that portions of the California State Implementation Plan (SIP) for these districts were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In section 182(a)(2)(A) of the Clean Air Act, as amended (CAA or the Act), Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas classified as marginal or above and requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Bay Area is classified as moderate, San Diego is classified as severe, and South Coast is classified as extreme [2] therefore, these three areas are subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many rules to EPA for incorporation into its SIP, including the rules being acted on in this notice. This notice addresses EPA's proposal to approve the following four rules: BAAQMD rule 8–37, Natural Gas and Crude Oil Production Facilities, which controls VOC emissions from leaking equipment at these facilities; SCAQMD rule 465, Vacuum Producing Devices or Systems, which controls VOC emissions from vacuum producing systems usually associated with refinery processes; SCAQMD rule 1123, Refinery Process Turnarounds, which controls VOC emissions resulting from the periodic shut down and emptying of refinery process units for inspection and maintenance; and VCAPCD rule 71, Crude Oil and Reactive Organic Compound Liquids, which is a definitions rule that applies to VCAPCD rule 71.1, Crude Oil Production and Separation, rule 71.2, Storage of Reactive Organic Compound Liquids, rule 71.3, Transfer of Reactive Organic Compound Liquids, and rule 71.4, Petroleum Sumps, Pits, Ponds and Well Cellars.

VCAPCD Rule 71 was submitted to EPA on April 5, 1991, and was found to be complete, pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V [3], on May 21, 1991.

The other three rules were submitted to EPA on May 13, 1991, and were found to be complete on July 10, 1991. The rules address the control of VOCs, which contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone, and in response to the SIP–Call and the section 182(a)(2)(A) CAAA requirement. The following is EPA's evaluation and proposed action for these four rules.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule to determine whether it meets the requirements of the CAA and EPA regulations and is consistent with EPA's policy and guidance. These requirements are found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), and the guidance referred to in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA has prepared a series of Control Technique Guideline (CTG) documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. Under the amended Act, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SCAQMD rules 465 and 1123 is entitled "Control of Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds," EPA document No. EPA–450/2–77–025. Two CTGs are applicable to the definitions in VCAPCD rule 71; these documents are entitled "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks," EPA document No. EPA–450/2–78–047, and "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks," EPA document No. EPA–450/2–77–036. There is no CTG applicable to BAAQMD rule 8–37. Further interpretation of EPA policy is found in the Blue Book. In general, these requirements have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

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[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post–1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing Control Technique Guidelines (CTGs).

[2] The Bay Area, San Diego, and South Coast were redesignated nonattainment and classified by operation of law pursuant to sections 107(d) and 181(a) on November 15, 1990. See 56 FR 56694 (November 6, 1991).

[3] EPA has since adopted completeness criteria pursuant to section 110 (k)(1)(A) of the CAA. See 56 FR 42216 (August 26, 1991). These will replace the completeness criteria currently set forth in 40 CFR part 51, appendix V.

SCAQMD rule 465 and rule 1123, and VCAPCD rule 71 are revisions of existing SIP rules which contained deficiencies that were required to be corrected pursuant to the SIP–Call and section 182(a)(2)(A) of the CAA. BAAQMD rule 8–37 has not been previously approved into the SIP and was required to be adopted pursuant to the SIP–Call and section 182(a)(2)(A) of the CAA.

SCAQMD's submitted rule 465, Vacuum Producing Devices or Systems, was revised from the SIP approved rule to add test methods for determining control device efficiency and to delete a provision that allowed the use of equivalent control methods without EPA approval. SCAQMD's submitted rule 1123, Refinery Process Turnarounds, was revised from the SIP approved rule to add recordkeeping requirements to the rule for compliance and enforcement purposes. These changes improve the enforceability of these rules.

VCAPCD's submitted rule 71, Crude Oil and Reactive Organic Compound Liquids, was most recently revised from an earlier version of the rule that had been adopted by the District on September 26, 1989, and submitted to EPA in August, 1990. This previous version of the rule was proposed for approval by EPA on January 17, 1991 (56 FR 1754). In this notice, EPA is choosing to act on the most recent version of rule 71 rather than to finalize the previous version of the rule. Rule 71 has been substantially revised from the SIP approved rule. The rule includes the addition of twenty-four new definitions and seven revised definitions from the SIP approved rule. These additions and changes clarify the applicability and improve the enforceability of the four rules affected by these definitions.

BAAQMD's submitted rule 8–37, Natural Gas and Crude Oil Production Facilities, has not been previously approve into the SIP. This rule controls VOC emissions from leaking equipment such as valves, pumps and compressors, by prohibiting the use of this equipment if it leaks VOCs in excess of 10,000 ppm, unless the equipment is repaired in a specified time period.

EPA has evaluated the four submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, BAAQMD rule 8–37, SCAQMD rule 465 and rule 1123, and VCAPCD rule 71 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under 5 U.S.C 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 26, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92–5265 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[OPP–300245; FRL–4048–9]

[RIN 2070 AC–18]

1,4-Butanediol-Methylenebis(4-Phenylisocyanate)-Poly(Tetramethylene Glycol) Copolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of 1,4-butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer (CAS Reg. No. 9018-04-6) when used as an inert ingredient (solid diluent; carrier) in pesticide formulations applied to animals. This proposed regulation was requested by the Fermenta Animal Health Co.

DATES: Comments, identified by the document control number (OPP-300245), must be received on or before April 6, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry B. Leifer, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 711L, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-5180.

SUPPLEMENTARY INFORMATION: At the request of Fermenta Animal Health Co., 10150 North Executive Hills Blvd., Kansas City, MO 64153, the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), proposes to amend 40 CFR 180.1001(e) by establishing an exemption from the requirement of a tolerance for residues of 1,4-butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer (CAS Reg. No. 9018-04-6) when used as an inert ingredient (solid diluent; carrier) in pesticide formulations applied to animals.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol

dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk. The Agency has decided that the data normally required to support a proposed tolerance exemption for 1,4-butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer will not need to be submitted. The rationale for this decision is described below.

In the case of certain chemical substances which are defined as "polymers" the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) limit potential risks by identifying polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) conforms to the definition of a polymer given in 40 CFR 723.250(b)(11) and meets the following criteria which are used to identify low-risk polymers:

1. The minimum average molecular weight of 1,4-butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer is 158,000. Substances with molecular weights greater than 400 are generally not readily absorbed through the intact skin, and substances with molecular weights greater than 1,000 are generally not absorbed through the intact gastrointestinal (GI) tract. Chemicals not absorbed through the skin or GI tract are generally incapable of eliciting a toxic response.

2. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

3. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer does not contain less than 32.0 percent by weight of the atomic element carbon.

4. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250 (d)(3)(ii).

6. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer is not a biopolymer, a synthetic equivalent of a biopolymer, or a derivative or modification of a biopolymer that is substantially intact.

7. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer is not manufactured from reactants containing, other than as impurities, halogen atoms or cyano groups.

8. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer does not contain reactive functional groups that are intended or reasonably anticipated to undergo further reaction.

9. 1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer is not designed or reasonably anticipated to substantially degrade, decompose, or depolymerize.

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a risk to human health or the environment. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300245]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: February 18, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, § 180.1001(e) is amended by adding and alphabetically inserting the inert ingredient, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * *		
1,4-Butanediol-methylenebis(4-phenylisocyanate)-poly(tetramethylene glycol) copolymer (CAS Reg. No. 9018-04-6); minimum molecular weight 158,000	–	Solid diluent; carrier.
* * * * *		

[FR Doc. 92–5062 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–F

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1141

[Ex Parte No. 507]

Revision of Procedures To Calculate Interest Rates

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file Initial Comments in Response to Commission's Advance Notice of Proposed Rulemaking.

SUMMARY: In an Advance Notice of Proposed Rulemaking (ANPR) served February 5, 1992, and published in the **Federal Register** on February 6, 1992 (57 FR 4594), the Commission solicited public comments on various proposed modifications to the regulations for computing interest currently contained in 49 CFR 1141.1. The Association of American Railroads (AAR) has requested an extension of time until April 8, 1992, to file its comments. The request shall be granted. Additional time is necessary for AAR to prepare an adequate and coordinated response for the railroad industry. Any other party wishing to submit comments will also have until April 8, 1992, in which to respond.

DATES: Initial comments in response to the ANPR are due April 8, 1992.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 507 to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 927-6187 (TDD for the hearing impaired: (202) 927-5721).

Dated: March 2, 1992.

By the Commission, Edward J. Philbin, Chairman.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5241 Filed 3-5-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 57, No. 45

Friday, March 6, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Okeechobee Dairies Best Management Practices Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that all state cost-share payments made to individuals by the State of Florida under the Okeechobee Dairies Best Management Practices Program have been made primarily for the purpose of soil and water conservations, protecting or restoring the environment, and improving the quality of water entering Lake Okeechobee. This determination is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 126. The determination permits recipients of these cost-share payments to exclude them from gross income to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Bob Crawford, Commissioner of Agriculture, Florida Department of Agriculture and Consumer Services, The Capitol, Tallahassee, Florida 32399, or Director, Land Treatment Program Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, DC 20013 (202) 720-1870.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended by the Revenue Act of 1978 and the Technical Corrections Act of 1979, 26 U.S.C. 126, provides that certain payments made to persons under state conservation programs may be excluded from the recipient's gross income for Federal income tax purposes, if the Secretary of Agriculture determines that payments are made "primarily for the purpose of soil and water conservation, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." The Secretary of Agriculture evaluates the conservation programs on the basis of criteria set forth in 7 CFR part 14, and makes a "primary purpose" determination for the payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by the payments.

One of Florida's water quality improvement programs establishes treatment requirements for concentrated animal feeding operations and for dairy farms in the Lake Okeechobee Drainage Basin. The program is set forth in Chapter 17-670 of the Florida Administrative Code (F.A.C.). The rules implement and are authorized by Florida Statutes s.403.021, s.403.062, s.403.087, s.403.088, s.403.804 (1989), and by s.403.061 (Supp. 1990). Similar provisions were previously set forth in Chapter 17-6, F.A.C. The purpose of Rules 17-670.500 through 17-670.540, F.A.C. is to control pollution of waters of the state due to the discharge of wastewater and runoff from dairy farms in the Lake Okeechobee Drainage Basin to surface and ground water. The objectives of the program are met by construction of specific engineered structures on private farmland and through cost shared land treatment or management practices. The landowner or operator contracts with the Florida Department of Agriculture and Consumer Services for the cost-share assistance. The program objectives are to be achieved, and cost sharing is available for planning and installing various land treatment or management measures.

By June 3, 1989, all dairy farms in existence prior to June 3, 1987, were to submit to the Department of Environmental Regulation a management plan prepared by the Soil Conservation Service or a Florida licensed professional engineer that will bring the dairy farm into compliance with the requirements of Chapter 17-670, F.A.C. An application for a contractor or operator permit must also be submitted which shall include the ground water monitoring program required by Rule 17-670.530 F.A.C.

In addition to the foregoing, the State of Florida has determined that program objectives would also be met by the relocation of all or some of the dairies. Accordingly, the program provides compensation to dairy farmers in the Lake Okeechobee Drainage Basin who choose to close their operation and restrict the property from further use as a dairy. However, the determination of primary purpose set forth in this notice does not apply to such relocation and restricted use payments.

Procedural Matters

The authorizing legislative, regulations, and operating procedures regarding the Okeechobee Dairies Best Management Practices Program have been examined using the criteria set in 7 CFR part 14. The Department of Agriculture has concluded that the cost-share payments made for implementation of best management practices under this program are made to provide financial assistance to eligible persons primarily for the purpose of soil and water conservation, protecting or restoring the environment, and improving the quality of water entering Lake Okeechobee.

A "Record of Decision, Okeechobee Dairies Best Management Practices Program, Primary Purpose Determination for Federal Tax Purpose" has been prepared and is available upon request from the Director, Land Treatment Program Divsion, Soil Conservation Service, P.O.Box 2890, Washington DC 20013, or the Florida Commissioner of Agriculture, Florida Department of Agriculture and Consumer Services, The Capitol, Tallahassee, Florida 32399.

Determination

As required by section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures regarding the Okeechobee Dairies Best Management Practices Program. In accordance with the criteria set out in 7 CFR part 14, I have determined that all cost-share payments for implementation of best management practices made under this program are primarily for the purpose of soil and water conservation, protecting

or restoring the environment, and improving the quality of water entering Lake Okeechobee. However, the determination of primary purpose set forth in this notice does not apply to such relocation and restricted use payments received by dairy farmers who choose to close their operation. Subject to further determination by the Secretary of the Treasury, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of such cost-share payments made under said program.

Signed at Washington, DC on March 3, 1992.

Edward Madigan,

Secretary.

[FR Doc. 92-5275 Filed 3-5-92; 8:45 am]

BILLING CODE 3410-16-M

Food and Nutrition Service

Child Nutrition Programs—Income Eligibility Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This Notice announces the Department's annual adjustments to the Income Eligibility Guidelines to be used in determining eligibility for free and reduced price meals or free milk for the period from July 1, 1992 through June 30, 1993. These guidelines are used by schools, institutions, and centers participating in the National School Lunch Program, School Breakfast Program, Special Milk Program for Children, Child and Adult Care Food Program and Commodity School Program. The annual adjustments are required by section 9 of the National School Lunch act. The guidelines are intended to direct benefits to those children most in need and are revised annually to account for increases in the Consumer Price Index.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Eadie, Chief, Policy and Program Development Branch, Child Nutrition Division, FNS, USDA, Alexandria, Virginia 22302, or by phone at (703) 305-2618.

SUPPLEMENTARY INFORMATION: This Notice has been reviewed under Executive Order 12291 and has been classified not major. This Notice will not have an annual effect on the economy of $100 million or more, nor will it result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These programs are listed in the Catalog of Federal Domestic Assistance under No. 10.553, No. 10.555, No. 10.556 and No. 10.558 and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V, and the final rule related notice published at 48 FR 29114, June 24, 1983.)

This Notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612) and thus is exempt from the provisions of that Act.

Background

Pursuant to sections 9(b)(1) and 17(c)(4) of the National School Lunch Act (42 U.S.C. 1758(b)(1) and 1766(c)(4)), and sections 3(a)(6) and 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(6) and 1773(e)), the Department annually issues the Income Eligibility Guidelines for free and reduced price meals in the National School Lunch Program (7 CFR part 210), School Breakfast Program (7 CFR part 220), Child and Adult Care Food Program (7 CFR part 226), and Commodity School Program (7 CFR part 210), and issues the guidelines for free milk in the Special Milk Program for children (7 CFR part 215). These eligibility guidelines are based on the Federal income poverty guidelines and are stated by household size.

The Department requires schools and institutions which charge for meals separately from other fees to serve free meals to all children from any household with income at or below 130 percent of the poverty guidelines. The Department also requires such schools and institutions to serve reduced-price meals to all children from any household with income higher than 130 percent of the poverty guidelines, but at or below 185 percent of the poverty guidelines. Schools and institutions participating in the Special Milk Program may, at local option, serve free milk to all children from any household with income at or below 130 percent of the poverty guidelines.

Definition of Income

"Income," as the term is used in this Notice, means income before any deductions such as income taxes, social security taxes, insurance premiums, charitable contributions and bonds. It includes the following: (1) Monetary compensation for services, including wages, salary, commissions or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds or income from estates or trusts; (6) net rental income; (7) public assistance or welfare payments; (8) unemployment compensation; (9) government civilian employee or military retirement, or pensions or veterans payments; (10) private pensions or annuities; (11) alimony or child support payments; (12) regular contributions from persons not living in the household; (13) net royalties; and (14) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this Notice, does not include any income or benefits received under any Federal programs which are excluded from consideration as income by any legislative prohibition. Furthermore, the value of meals or milk to children shall not be considered as income to their households for other benefit programs in accordance with the prohibitions in section 12(e) of the National School Lunch Act and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1760(e) and 1780(b)).

The Income Eligibility Guidelines

The following are the Income Eligibility Guidelines to be effective from July 1, 1992 through June 30, 1993. The Department's guidelines for free meals and milk and reduced-price meals were obtained by multiplying the 1992 Federal income poverty guidelines by 1.30 and 1.85, respectively, and by rounding the result upward to the next whole dollar. Weekly and monthly guidelines were computed by dividing annual income by 52 and 12, respectively, and by rounding upward to the next whole dollar.

INCOME ELIGIBILITY GUIDELINES

[Effective from July 1, 1992 to June 30, 1993]

Household size	Federal Poverty Guidelines			Reduced Price Meals—185%			Free Meals—130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 Contiguous United States, District of Columbia, Guam and Territories									
1	6,810	568	131	12,599	1,050	243	8,853	738	171
2	9,190	766	177	17,002	1,417	327	11,947	996	230
3	11,570	965	223	21,405	1,784	412	15,041	1,254	290
4	13,950	1,163	269	25,808	2,151	497	18,135	1,512	349
5	16,330	1,361	315	30,211	2,518	581	21,229	1,770	409
6	18,710	1,560	360	34,614	2,885	666	24,323	2,027	468
7	21,090	1,758	406	39,017	3,252	751	27,417	2,285	528
8	23,470	1,956	452	43,420	3,619	835	30,511	2,543	587
For each add'l family member add	+2,380	+199	+46	+4,403	+367	+85	+3,094	+258	+60
Alaska									
1	8,500	709	164	15,725	1,311	303	11,050	921	213
2	11,480	957	221	21,238	1,770	409	14,924	1,244	287
3	14,460	1,205	279	26,751	2,230	515	18,798	1,567	362
4	17,440	1,454	336	32,264	2,689	621	22,672	1,890	436
5	20,420	1,702	393	37,777	3,149	727	26,546	2,213	511
6	23,400	1,950	450	43,290	3,608	833	30,420	2,535	585
7	26,380	2,199	508	48,803	4,067	939	34,294	2,858	660
8	29,360	2,447	565	54,316	4,527	1,045	38,168	3,181	734
For each add'l family member add	+2,980	+249	+58	+5,513	+460	+107	+3,874	+323	+75
Hawaii									
1	7,830	653	151	14,486	1,208	279	10,179	849	196
2	10,570	881	204	19,555	1,630	377	13,741	1,146	265
3	13,310	1,110	256	24,624	2,052	474	17,303	1,442	333
4	16,050	1,338	309	29,693	2,475	572	20,865	1,739	402
5	18,790	1,566	362	34,762	2,897	669	24,427	2,036	470
6	21,530	1,795	415	39,831	3,320	766	27,989	2,333	539
7	24,270	2,023	467	44,900	3,742	864	31,551	2,630	607
8	27,010	2,251	520	49,969	4,165	961	35,113	2,927	676
For each add'l family member add	+2,740	+229	+53	+5,069	+423	+98	+3,562	+297	+69

Authority: (42 U.S.C. 1758(b)(1))

Dated: March 3, 1992.

George A. Braley,

Associate Administrator.

[FR Doc. 92-5198 Filed 3-5-92; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

Southwestern Region Arizona, New Mexico, West Texas and Oklahoma Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On April 9, 1990, the Southwestern Region published a list of newspapers in which decisions would be published in accordance with 36 CFR 217.5(d). This list must be updated twice annually.

The April 9, 1990 Southwestern Region list will remain unchanged except for the Gila National Forest and Districts. Gila National Forest and District Decisions will be published in the legal notice section of the newspapers listed in the Supplemental Information Section of this notice.

FOR FURTHER INFORMATION CONTACT: Pat Jackson, Regional Appeals Coordinator, Southwestern Region, 517 Gold Avenue SW., Albuquerque, New Mexico 87102, Area Code 505-842-3305.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southwestern Region will give legal notice of decision subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. As provided in 36 CFR 217.5(d), the timeframe for appeal shall be based on the date of publication of a notice of decision in the primary newspaper.

Gila National Forest

Notice of Forest Supervisor Decisions

Silver City Daily Press, published Monday-Saturday in Silver City, Grant County, New Mexico.

Notice of District Ranger Decisions

Black Range District: The Herald, published in Truth or Consequences Weekly on Thursday, Sierra County, New Mexico.

Luna District: Silver City Daily Press, published Monday-Saturday in Silver City, Catron County, New Mexico.

Quemado District: Silver City Daily Press, published Monday-Saturday in Silver City, Catron County, New Mexico.

Reserve District: Silver City Daily Press, published Monday-Saturday in Silver City, Catron County, New Mexico.

Glenwood District: Silver City Daily Press, published Monday-Saturday in Silver City, Grant County, New Mexico.

Mimbres District: Silver City Daily Press, published Monday-Saturday in Silver City, Grant County, New Mexico.

Silver City District: Silver City Daily Press, published Monday-Saturday in Silver City, Grant County, New Mexico.

Wilderness District: Silver City Daily Press, published Monday-Saturday in Silver City, Grant County, New Mexico.

Dated: February 11, 1992.

Arthur S. Briggs,

Acting Deputy Regional Forester, Resources.

[FR Doc. 92-5212 Filed 3-5-92; 8:45 am]

BILLING CODE 3410-11-M

North Fork of Illinois Bayou Proposed Municipal and Industrial Water Supply Dam and Reservoir

AGENCY: Forest Service, USDA.

ACTION: Cancellation of notice of intent to prepare an environmental impact statement.

SUMMARY: The City Corporation of Russellville, Arkansas, has withdrawn its request from the Ozark National Forest for an authorization to use approximately 1,400 acres of National Forest System land for the purpose of constructing a municipal supply reservoir and dam on the North Fork of Illinois Bayou.

The Notice of Intent, published in the **Federal Register** of June 8, 1989, is hereby rescinded (54 FR 24574–24575).

FOR FURTHER INFORMATION CONTACT: Direct questions about this notice to John B. Fortin, Planning Staff Officer, Ozark-St. Francis National Forests, 605 West Main, Box 1008, Russellville, AR 72801, phone 501–968–2354.

Dated: March 2 1992.

Lynn C. Neff,

Forest Supervisor.

[FR Doc. 92–5250 Filed 3–5–92; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Exporters' Textile Advisory Committee; Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on Thursday, March 26, 1992. The meeting will be from 2 p.m. to 4 p.m. in room 1414, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

The Committee advises Department of Commerce officials on textile and apparel export issues.

Agenda: Report on conditions in the export market, review of Office of Textiles and Apparel export expansion activities, and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/377–5155).

Dated: March 3, 1992.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–5269 Filed 3–5–92; 8:45 am]

BILLING CODE 3510–DR–F

National Oceanic and Atmospheric Administration

[Docket No. 920254–2054]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS) and notice of scoping process.

SUMMARY: NOAA announces its intention to prepare an SEIS to assess the potential effects of controlling access to groundfish and Pacific halibut fishery resources through an individual quota program. The Pacific Fishery Management Council (Council) is considering amending the Fishery Management Plan for Pacific Coast Groundfish and recommending changes to the regulations affecting U.S. fishing for Pacific halibut off the coasts of Washington, Oregon, and California [International Pacific Halibut Commission (IPHC) Area 2A].

In addition, NOAA formally announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to controlling access to public fishery resources. Scoping sessions will be held on the dates and locations specified below. The intended effect of this notice is to alert the interested public of the commencement of a scoping process and to provide for public participation. This action is necessary to comply with Federal environmental documentation requirements.

DATES: Scoping comments are invited through April 3, 1992. Additionally, the Council will accept testimony at its March 9–13, 1992, meeting in Seattle, Washington, and at its April 7–10, 1992, meeting in San Francisco, California.

ADDRESSES: Address scoping comments and requests for additional information on times and locations of meetings to Lawrence D. Six (Executive Director, Pacific Fishery Management Council), 2000 Southwest First Avenue, suite 420, Portland, Oregon, 97201, 503–326–6352.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Director, Northwest Region, NMFS), 206–526–6150; E. Charles Fullerton (Director, Southwest Region, NMFS), 213–514–6198; or Lawrence D. Six (Executive Director, Pacific Fishery Management Council), 503–326–6352.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982 (47 FR 43964; October 5, 1982), and implementing regulations appear at 50 CFR parts 611 and 663. Regulations governing the Pacific halibut fishery are found at 50 CFR part 301.

At its September 18–20, 1991, meeting, the Council voted to recommend that the Secretary of Commerce (Secretary) adopt a license limitation program for Pacific coast groundfish. If approved by the Secretary, this program would require permits for groundfish trawl, longline, and fishpot vessels to participate in the limited access segment of the commercial groundfish fishery, as of January 1, 1994. The Council also has authority to develop regulations, including limited access regulations, governing Pacific halibut in IPHC Area 2A. At its November 12–15, 1991, meeting in Millbrae, California, the Pacific Fishery Management Council adopted November 13, 1991, as a control date that may be used in determining priorities for issuance and distribution of shares of individual quotas (IQs) in a potential IQ-based limited access system for Pacific coast groundfish fisheries and the IPHC Area 2A Pacific halibut fishery (57 FR 4394–4395; February 5, 1992). At that time, the Council also initiated a public scoping process in anticipation of the drafting of an SEIS in support of an FMP amendment and regulations on IQs. Announcement of the scoping process has been distributed coastwide and is the purpose of this **Federal Register** notice.

The Problem

Because the groundfish fishery is managed under an open access system, the fleet's harvesting capacity and total effort have remain unchecked. As other fisheries grow increasingly overcrowded relative to available harvest, it becomes more likely that capacity will be redirected to the Pacific Coast groundfish fishery when downturns occur in other fisheries. Shifts in other factors, such as relative groundfish prices and harvest costs (increasing relative profits) may also attract new entrants. With most species in the Pacific Coast groundfish fishery already fully utilized, and excess capacity already present, the possibility for entrance of more vessels into the fishery threatens to exacerbate current conservation problems. In fisheries with excess effort, regulations designed to meet conservation goals generally interfere with day-to-day vessel operations and reduce vessel efficiency.

Groundfish and halibut regulations have become increasingly restrictive. In 1991, the difficulty of meeting the trip limits resulted in a compliance rate of only about 60 percent. For 1992, the Council adopted a cumulative trip limit for most species that may reduce discards but will further increase enforcement costs. Additionally, rockfish trip frequency limits will be in place for the first time in southern areas, and mesh size for roller gear will be increased to 4.5 inches coastwide. Traditional regulations have many adverse impacts in such areas as fleet costs, resource utilization, safety, and enforcement costs and effectiveness. The halibut fishery is also overcapitalized. In 1991, the fishermen exceeded their commercial quota in Area 2A during one 10-hour fishing period.

These problems are common to many fisheries managed under open access. Profits in the harvesting sector attract increased fishing effort (e.g., vessels, gear, labor). While free entry and exit of firms is common in most sectors of the economy, the fishery sector differs in that the raw materials (fish) are a public resource provided at no cost to the harvesters. As a result, the open access fishery tends to use excess inputs (e.g., fuel, vessels, gear, labor) beyond those technically necessary to produce the output of allowed levels of harvested fish, which results in the dissipation of profits (rents). This is an inefficient use of capital, that is, the excess capital would be used more productively in other sectors of the economy. Moreover, investment is directed towards increasing effort in an attempt by individual fishermen to harvest more fish more quickly than other fishermen. As a result, fishing seasons are shortened, safety risks are increased, bycatch mortality may be increased, gear conflicts occur, fishery managers are pressured to increase harvest quotas or not to reduce them, product quality is reduced, more management controls on when, where and how fish may be harvested are necessary and net benefits to the nation are reduced.

The Council has recognized these problems in the groundfish and halibut fisheries and has recommended a license limitation program for implementation in the groundfish fishery. It is anticipated that this license limitation program would begin to control capacity and generate net national benefits as a result. However, more could be done to control excessive investment in the fishery. An individual quota program may complement a license limitation program in a way that will bring more benefits than either program alone.

The public is hereby notified that NMFS, in cooperation with the Council, intends to prepare an SEIS on the potential effects of amendment of the groundfish FMP and halibut fishing regulations to provide additional control over access to the groundfish and halibut fisheries resources in the exclusive economic zone (EEZ) off the Pacific Coast. This action is not intended to prejudice a decision by the Council on whether to recommend to the Secretary any change in the FMPs or halibut regulations, but is designed to provide the Council with the best information available on which to base such a decision.

Actions and Possible Alternatives under Consideration

The Council is considering amending the Groundfish FMP and recommending changes to the halibut fishery regulations to provide authority to control access to the Pacific groundfish and halibut resources off the Pacific Coast. Some of the major alternatives under consideration include:

(1) The status quo in which open access management of these fisheries would continue, or, if approved by the Secretary, a license limitation program that controls acces to a large portion of the groundfish resource.

(2) IQs covering all or a portion of the groundfish fishery. (Under IQs the right to harvest a portion of the total quota is allocated to individual fishermen or vessels.)

(3) IQs covering all or a portion of the groundfish fishery and the halibut fishery.

Scoping Process

All persons affected by or otherwise interested in a controlled access scheme for all or part of the Pacific groundfish and Pacific halibut resources under the Council's jurisdiction through a system of individual quotas are invited to participate in determining the scope and significant issues to be analyzed in the SEIS by submitting written comments to the above address. Scope consists of the range of actions, alternatives, and impacts to be considered in the SEIS. Actions include those which may be closely related, cumulative, or similar. Alternatives include the no action alternative and other reasonable courses of action. Impacts may be direct, indirect, and cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant or that have been covered in prior environmental review. This scoping process will end on April 3, but reopen for testimony at the April Council meeting. In addition to written comment invited by this notice, opportunity will be provided for testimony at two Council meetings:

—Seattle, Washington, at the Airport Red Lion Hotel the week of March 9.

—San Francisco, California, at the Airport Clarion Hotel, the week of April 6.

More information on these meetings may be obtained from Council staff at the address and telephone number listed above.

Timing of the Analysis and Tentative Decisionmaking Schedule

After receiving public comment at its April meeting the Council is scheduled to identify alternatives for analysis and develop a timetable for development of the amendment and SEIS. The exact time schedule will depend on the scope of identified alternatives.

Dated: March 2, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 92–5220 Filed 3–5–92; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Change in Public Meeting Date and Location

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The date and location for the public meeting of the Western Pacific Fishery Management Council's Pelagic Advisory Panel, originally published in the **Federal Register** at 57 FR 7369, on March 2, 1992, has been changed, as follows. All other information originally published on March 2, 1992, remains unchanged.

Change From: March 11, 1992, at the McCoy Pavilion, Ala Moana Park, 1201 Ala Moana Boulevard, Honolulu, HI.

To: March 13, 1992, at the Department of Land and Natural Resources Boardroom, Kalanimoku Building, 1151 Punchbowl Street, Honolulu, HI.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368.

Dated: March 2, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5200 Filed 3-5-92; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Change in Public Meeting Date

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The date for the public meeting of the Western Pacific Fishery Management Council's Select Committee (Committee) for the Resolution of Gear Conflict and Longline Area Closure Hardships, originally published in the **Federal Register** at 57 FR 6714, on February 27, 1992, has been changed. The new meeting date for the Committee is March 13, 1992. All other information originally published on February 27, 1992, remains unchanged.

FOR FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523-1368.

Dated: March 2, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5201 Filed 3-5-92; 8:45 am]

BILLING CODE 3510-22-M

[Docket No. 920245-2045]

Condition and Restriction To Be Included with Certain Permits for the Bering Sea and Aleutian Islands, Gulf of Alaska, and Pacific Coast Groundfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Permit condition and restriction.

SUMMARY: NMFS intends to include a condition and restriction with all foreign fishing permits that may be issued in 1992 to authorize fishing activities in the Bering Sea and Aleutian Islands (BSAI), Gulf of Alaska (GOA), and/or Pacific Coast Groundfish (PCG) fishery management areas. Vessels holding permit authorizations in these fisheries will be provided from conducting activities within the Exclusive Economic Zone (EEZ) of the United States that would support foreign fisheries prosecuted in an area of the Central Bering Sea known as the "donut hole."

This action is necessary for the fishery conservation and management of certain Alaska pollock stocks and deemed appropriate by the Secretary. It is therefore, in accord with paragraph (F) of section 204(b)(7) of Magnuson Fishery Conservation and Management Act and paragraph (e)(1)(v) of 50 CFR 611.3. The action will be implemented immediately to prevent substantial harm to Alaska pollock stocks originating in the Bogoslof Islands area of the EEZ. Comments may be submitted on this notice.

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: Send comments to the Operations Support and Analysis Division (F/CM1), Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910; or telex comments to 467856 US COMM FISH CI. Mark any envelope "1992 Permit Condition."

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilik, (301) 427-2337.

SUPPLEMENTARY INFORMATION: Significant foreign fisheries have been conducted in an area of the Central Bering Sea that lies seaward of, but is fully enclosed by, the EEZ of the United States and the Economic Zone of the Russian Republic. Trawling vessels of certain nations having governing international fishery agreements with the United States, namely Japan, the Republic of Korea, the People's Republic of China, and the Republic of Poland are among those that take Alaska pollock in this fishery.

The United States believes most Alaska pollock taken in the fishery originate within the EEZ and on the Alaskan Continental Shelf, in the Area of the Bogoslof Islands. At a recently concluded meeting of delegates of the above nations with delegates from the former Soviet Union and the United States, there was agreement that substantial catch declines have occurred in the "donut hole" fishery, from a peak of 1.4 million metric tons (mt) in 1989 to only 260,000 mt as of the end of the third quarter of 1991. It was also agreed that available information indicates that the pollock population in the Central Bering Sea is most likely to decline in the coming year and that there will be a significant lag of at least 4-7 years between the development of a strong yearclass and its availability in the Central Bering Sea.

This information, together with the belief that the source of the Central Bering Sea fishery is the Bogoslof Islands Pollock stock, has raised serious and immediate concerns of the conservation and management of this resource. The North Pacific Fishery Management Council has recommended action to close U.S. fisheries conducted on the Bogoslof stock in the BSAI management areas. It is also appropriate that NMFS take any available actions to promote the conservation and management of this resource.

Foreign vessels that fish in the Central Bering Sea use the protected waters within the EEZ of the Bering Sea to transship their production from the "donut hole," as well as for other activities in support of their harvesting operations, such as bunkering. These activities can be conducted in the EEZ only under authorizations contained in foreign fishing permits issued by NMFS. Although consideration had been given in 1990 and in 1991 to denying such authorizations, the step was not taken because a number of U.S. fishing enterprises relied on that production for their markets and provided other services in support of the harvesting operations.

In view of new evidence of declining trends in the resources, NMFS has at this time reconsidered its position on that matter. It believes that reasonable action must be taken immediately to conserve the resource, and that discontinuing the privilege provided to foreign vessels to transship "donut hole" production in the EEZ and to conduct other related support activities would be an appropriate step. United States enterprises that currently depend on foreign production of Alaska pollock are advised to consider alternative sources in view of the decline in the pollock population and the projected lag of at least 4 to 7 years until the availability of a strong yearclass in the Central Bering Sea. Since this action is taken to prevent substantial harm to the resource, the established dependence of U.S. enterprises on Alaska pollock production from the "donut hole" cannot be a factor determining this decision.

Applications have been submitted by several countries for permit authorizations for 1992 fishing operations in the BSAI, GOA, and PCG management areas that may involve the transshipment of foreign production or the provision of other support for vessels harvesting fish outside the EEZ (Activity Code 8 permit authorizations). A number of these applications apparently contemplate activities in the EEZ to support the applicant country's, or another country's, "donut hole" operations. The appropriate officials of the applicant countries should, at this time, either revise the earlier applications accordingly or withdraw

such applications made for the exclusive purpose of such transshipment or support. The applications may be revised by letter to the Assistant Administrator for Fisheries but should specifically identify the affected vessels, by name and International Radio Call Sign (IRCS), and, if all vessel applications are not withdrawn, indicate the nature of the activities to be conducted in the EEZ by the remaining vessels (i.e., in lieu of "donut hole" support.) On receipt of such a letter, NMFS will initiate a refund of the permit application fees paid for vessels that are withdrawn. Applications requesting authorizations to support operations involving fish taken seaward of the EEZ that are filed after the date of publication of this notice will not be considered unless they specify where such fish will have been harvested. All 1992 permit authorizations issued for fishing activities in the three fisheries will be conditioned and restricted to prohibit any operations supporting the foreign "donut hole" fisheries.

Dated: March 2, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservatrion and Manageament, National Marine Fisheries Service.

[FR Doc. 92-5199 Filed 3-5-92; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 6, 1992.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action will result in authorizing small entities to furnish the commodity and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodity and service proposed for addition to the Procurement List.

Coments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity and service to the Procurement List:

Commodity

Line, Multi-Loop, 1670-01-062-6309

Service

Janitorial/Custodial, U.S. Army Detroit Arsenal Complex, Warren, Michigan

Beverly L. Milkman,

Executive Director.

[FR Doc. 92-5270 Filed 3-5-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 6, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List:

Commodities

Strap, Webbing, 5340-00-889-5595 (Remaining Government Requirement).
Table, Folding Legs, Field, 7105-00-269-9275 (Remaining 50% of Government's requirement).
Cover, Helmet, White, 8415-01-144-1860, 8415-01-144-1861.

Services

Administrative Services, Environmental Protection Agency, remaining Washington, DC metro area locations.

Commissary Warehousing, Griffis Air Force Base, New York.
Janitorial/Custodial, Marine Corps Logistics Base, Albany, Georgia.
Janitorial/Custodial, Rattlesnake National Recreation Area, Maclay Flat and Fort Fizzle, Missoula Ranger District, Missoula, Montana.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92-5271 Filed 3-5-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by a nonprofit agency employing persons with severe disabilities.

EFFECTIVE DATE: April 6, 1992.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: On December 13, 1991 and January 17, 1992, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (56 FR 65047 and 57 FR 2081) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning the capability of a qualified nonprofit agency to provide the services at a fair market price and the impact of the addition on the current or most recent contractor, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.
2. The action will not have a severe economic impact on current contractors for the services.
3. The action will result in authorizing small entities to furnish the services to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Janitorial/Custodial, Beale Air Force Base, California (excluding Hospital and Commissary).
Janitorial/Custodial, U.S. Army Reserve Center, 2800 West 15th Street, Texarkana, Texas.
Janitorial/Custodial, U.S. Army Reserve Center, 6300 West 7th Street, Texarkana, Texas.
Mailroom Service, U.S. Army Information Systems Command, Aldelphi, Maryland.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92-5272 Filed 3-5-92; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Proposed Beach Restoration Project; From Asbury Park to Manasquan, Monmouth County, NJ

February 27, 1992.

AGENCY: Corps of Engineers, Army, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The New York District of the U.S. Army Corps of Engineers plans to begin preparation of a Draft Environmental Impact Statement (DEIS) for proposed measures to reduce storm damage extending from the north limit of the Borough of Asbury Park to the north jetty at Manasquan Inlet, Monmouth County, New Jersey. This project is necessary due to the continual erosion leading to a decrease in beach width and a loss of beach material during severe storms and hurricianes. Due to the erosion and the lack of a sufficiently high beach, berm or dune system, residential and commercial developments and properties have become increasingly susceptible to storm damage from flooding and wave attack. This notice was previously issued on April 7, 1988 and is now being updated to include revised and current information.

FOR FURTHER INFORMATION CONTACT: ATTN: Clifford S. Jones III, Project Manager, (212) 264-9077, ATTN: Mark H. Burlas, Project Biologist, (212) 264-2663, Planning Division, Corps of Engineers, New York District, 26 Federal Plaza, New York, New York 10278-0090.

SUPPLEMENTARY INFORMATION: This action was authorized by the River and Harbor Act of July 3, 1958 in accordance with reports printed in House Document No. 332, 85th Congress, Second Session.

1. Location and Description of Proposed Action:

The project area is located along the coast of the Atlantic Ocean and lies within Monmouth County, New Jersey, encompassing the Boroughs of Avon-By-The-Sea, Bradley Beach, Belmar, Manasquan, Ocean Grove, Sea Girt and Spring Lake and the City of Asbury Park (Figures 1 and 2). The project viability report, dated November 1989, identified a potential solution for storm damage protection consisting of constructing a 100 foot wide berm at an elevation of +8.4 feet National Geodetic Vertical Datum (NGVD), which is equivalent to +10.0 feet Mean Low Water (MLW) and a 2 foot berm cap. The project plan is designed to endure a 73 year storm event and have a 50 year economic life that would undergo renourishment of beach fill every six years. Beach nourishment would be accomplished by mechanically transporting sand from proposed offshore borrow areas for placement onto a beach to widen the dry beach and restore and stabilize the nearshore profile. In addition to beach nourishment, the plan includes modification of some existing groins to allow transport of littoral material.

2. Reasonable Alternative Actions:

The viability report's optimal plan has a design berm height of +8.4 feet NGVD, berm width of 100 with a 2 foot berm cap and the modification of some existing groins. The "No Action" alternative failed to meet the needs and objectives of the subject project. The construction of groins, seawalls, revetments and breakwaters independently or in combination with beach nourishment failed to meet optimal cost-benefit justification.

3. Scoping Process

A. Public Involvement

A copy of the DEIS will be distributed to all appropriate public and private agencies and organizations with the intent of receiving opinions from interested agencies, organizations and/or individuals. A Public Notice, indicating availability of the DEIS for review, will be issued to public and private agencies that are on the Corps of Engineers Operation Division's mailing list. Additions to this mailing list can be made by notifying the project EIS coordinator. Coordination is being conducted with federal and state agencies to identify significant environmental concerns and plan beneficial mitigation.

B. Significant Issues Requiring In-Depth Analysis

1. Water Quality Impacts.
2. Archaeological and Cultural Resources Impacts.
3. Aquatic and Terrestrial Resource Impacts.
4. Shorebird Populations.
5. Recreational Impacts.
6. Longshore Sand Transport.

C. Environmental Review and Consultation

Review will be conducted as outlined in the Council on Environmental Quality regulations dated November 29, 1983 (40 CFR parts 1500-1508) and U.S. Army Corps of Engineers regulation ER 200-2-2 dated March 4, 1988.

4. Scoping Meeting

Scoping meeting will not be scheduled.

5. Estimated Date of DEIS Availability

September 1992.

Joseph R. Vietri,

Assistant Chief, Planning Division.

[FR Doc. 92-5179 Filed 3-5-92; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIME: March 17-20, 1992, from 9 a.m. to approximately 5 p.m. each day. The open portion of the meeting will be held on March 20, 1992 from 2 p.m. to 5 p.m.

ADDRESSES: The closed portion of the meeting will be held at the Vista International Hotel, 1400 M St. NW., Washington, DC 20005, (202) 429-1700. The open portion of the meeting will be held at the National Advisory Council on Indian Education conference room, located at 330 C St. SW., room 4099C, Washington, DC 20202-7556, (202) 732-1353.

FOR FURTHER INFORMATION CONTACT: Robert K. Chiago, Executive Director, National Advisory Council on Indian Education, 330 C Street, SW., room 4072, Switzer Building, Washington, DC 20202-7556. Telephone: 202/732-1353.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 5342 of the Indian Education Act of 1988 (25 U.S.C. 2642). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act of 1988 (Part C, title V. Pub. L. 100-297) and to advise Congress and the Secretary of Education with regard to federal education programs in which Indian children or adults participate or from which they can benefit.

Under section 5342(b)(2) of the Indian Education Act, the Council is directed to review applications for assistance and to make recommendations to the Secretary of Education with respect to their approval. The duly authorized Proposal Review Committee of the Council will meet in closed session starting at approximately 9 a.m. and will end at approximately 5 p.m. during both proposal review sessions. The March 17-18 agenda includes reviewing grant applications for assistance under programs authorized by subparts 1, 2, and 3 of the Indian Education Act, including applications for (1) Discretionary Grants to Indian Controlled Schools; (2) Educational Services for Indian Children; and (3) Educational Services for Indian Adults. The March 19-20 agenda will include reviewing grant applications from individuals for assistance under the fellowship program authorized by subpart 2 of the Indian Education Act.

The discussion during the review process may disclose sensitive information about applicants, qualifications of proposed staff, funding levels and requests, and the names and comments of expert reviewers. Such discussion would disclose commercial or financial information obtained from a person or organization which is privileged or confidential and would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (4) and (6) of section 552b(c) of the Government in the Sunshine Act (Pub. L. 94-409; 5 U.S.C. 552b(c)).

In addition to the proposal review, the Annual Report Committee of the National Advisory Council on Indian Education will meet in open session on March 20, 1992 from 2 p.m. to 5 p.m. at 330 C St. SW., in room 4099C, Washington, DC to review the Annual Report to the U.S. Congress for fiscal year 1991.

The public is being given less than 15 days notice due to problems in scheduling these meetings. A summary of activities of the closed meeting which are informative to the public consistent with the policy of title 5 U.S.C. 552b and proceedings from the open portion of the meeting shall be available for public inspection within 14 days of the meeting at the office of the National Advisory Council on Indian Education located at 330 C Street SW., room 4072, Washington, DC 20202-7556.

Dated: March 3, 1992.

Robert K. Chiago,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 92-5324 Filed 3-5-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Forms CE-63A/B, "Annual Solar Thermal Collector Manufacturers Survey" and "Annual Photovoltaic Module/Cell Manufacturers Survey"

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of the proposed extension of the Forms CE-63A/B, "Annual Solar Thermal Collector Manufacturers Survey" and "Annual Photovoltaic Module/Cell Manufacturers Survey," and solicitation of comments.

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. 3501 *et seq.*), conducts a presurvey consultation program to provide the general public and other Federal agencies the opportunity to comment on continuing or proposed new data collection forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is

minimized, data collection forms are clearly understood, and that the impact of collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning the proposed extension of the Forms CE–63A/B, "Annual Solar Thermal Collector Manufacturers Survey" and "Annual Photovoltaic Module/Cell Manufacturers Survey."

DATES: Written comments must be submitted on or before April 6, 1992. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact person listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Doug Bonnar, EI–522, Energy Information Administration, U.S. Department of Energy, Washington, DC 20585. Phone: (202) 254–5560.

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORMS AND INSTRUCTIONS: Requests for additional information or copies of the forms and instructions should be directed to Doug Bonnar at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Backgound.
II. Current Actions.
III. Request for Comments.

I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93–275) and the Department of Energy Organization Act (Pub. L. 95–91), the Energy Information Administration is obliged to carry out a comprehensive and integrated energy data and information program for the collection, evaluation, assembly, analysis, and dissemination of data and information relating to energy resource reserves, production, demand, technology and relevant economic and statistical information relating to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

Form CE–63A collects data on solar thermal collector shipments, solar thermal systems, and solar-related manufacturing, marketing, and geographic information from companies in the United States that are engaged in manufacturing or importing solar thermal collectors. Solar thermal shipments are in terms of square feet.

Form CE–63B collects data on photovoltaic cell and module shipments, photovoltaic systems, and photovoltaic-related manufacturing and marketing information from companies in the United States that are engaged in manufacturing or importing photovoltaic cells and modules. Photovoltaic cell and module shipments are in terms of electrical capacity expressed in peak kilowatts.

II. Current Actions

At this time, the EIA is proposing a three-year extension of Forms CE–63A/B. The EIA is planning to meet with solar industry companies and associations, DOE personnel, and other interested parties to discuss Forms CE–63A/B. If changes are made to Forms CE–63A and/or CE–63B as a result of this notice, the meeting, or other activities, the changes will be highlighted in the **Federal Register** notice announcing the submission of the forms to the Office of Management and Budget later this year.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed extension of the Forms CE–63A/B. The following general guidelines are provided to assist in the preparation of responses. When commenting, please indicate to which form your comments apply.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted in accordance with the response time specified in the instructions?

D. Public reporting burden for this collection is estimated to average 3 hours per response. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing the collection of information, do you estimate it will require you to complete and submit the required form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

As a potential user:

A. Can you use data at the levels of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. How could the form be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their deficiencies and/or strengths?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained in the "Annual Solar Thermal Collector Manufacturers Survey" and "Annual Photovoltaic Module/Cell Manufacturers Survey."

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the forms; they also will become a matter of public record.

Statutory Authorities: Section 5(a), 5(b), 13(b), and 52 of Publ. L. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b) and 790a.

Issued in Washington, DC March 3, 1992.

Douglas R. Hale,

Acting Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–5282 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 5090–005]

Idaho Falls, ID; Intent To Hold a Public Meeting in Shelley, ID, To Discuss Staff's Draft Environmental Impact Statement (DEIS) for the Proposed Shelley Hydroelectric Project

March 2, 1992

On February 27, 1992, the Commission staff mailed the Shelley DEIS to the Environmental Protection Agency, resource and land managment agencies, parties to the proceeding, and interested organizations and individuals. This document evaluates the environmental consequences of: (1) Constructing and operating the applicant's proposed project on the Snake River in Bingham County, Idaho; (2) implementing applicant's proposal supplemented with staff's recommended mitigative measures; (3) constructing and operating an alternative project configuration that would include a dam at RM 786.6, approximately 1.0 mile upstream of the diversion damsite proposed by the applicant, and an adjacent powerhouse; and (4) the no-action alternative (license denial).

The public meeting on the Shelley Project, which will be recorded by an official stenographer, is scheduled from 7 to 10 p.m. on Tuesday, March 17, 1992, at the Senior Citizens Center, located at 192 West Pine Street in Shelley, Idaho 83274. At this meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the Shelley DEIS for the Commission's public record.

For further information, please contact the FERC environmental coordinator, Jim Haimes, at (202) 219–2780.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5196 Filed 3–5–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER92–236–000 and EL92–13–000]

Delmarva Power & Light Co.; Initiation of Proceeding and Refund Effective Date

February 28, 1992.

Take notice that on February 18, 1992, the Commission issued an order in the above-indicated dockets initiating an investigation in Docket No. EL92–13–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL92–13–000 will be 60 days after publication of this notice in the **Federal Register**.

Lois D. Cashell,

Secretary

[FR Doc. 92–5195 Filed 3–5–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST84–0779–004]

East Texas Industrial Co.; Extension Report

February 27, 1992.

The company listed below has filed an extension report pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and part 284 of the Commission's regulations giving notice of their intention to continue sales of natural gas for an additional term of up to 2 years.[1]

The table below lists the name and address of the company selling pursuant to part 284; the party receiving the gas; the date the extension report was filed; and the effective date of the extension. A "D" indicates a sale by an interstate pipeline extended under § 284.146.

Lois D. Cashell,

Secretary.

EXTENSION LIST

[February 24, 1992]

Docket No.	Seller	Recipient	Date filed	Part 284 subpart	Effective date	Expiration date[1]
ST84–0779–004	East Texas Industrial Gas Co., P.O. Box 460, Marshall, TX 75670.	Mississippi River Transmission Corp	01–28–92	D	04–19–92	04–27–92

[1] The pipeline has sought Commission approval of the extension of this transaction. The 90-day Commission review period expires on the date indicated.

[1] Notice of this extension report does not constitute a determination that a continuation of service will be approved.

[FR Doc. 92–5194 Filed 3–5–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Civilian Radioactive Waste Management

Nuclear Waste Policy Act of 1982, as Amended; Section 180(c) Draft Strategy for OCRWM To Provide Training Assistance to State, Tribal, and Local Governments

AGENCY: Department of Energy.

ACTION: Announcement of availability.

SUMMARY: The Department of Energy (DOE), Office of Civilian Radioactive Waste Management (OCRWM), announces the availability of the Draft "Strategy" for OCRWM to Provide Training Assistance to State, Tribal, and Local Governments." The Draft describes DOE's proposed process to fulfill OCRWM's requirement to provide technical assistance and funding to States for training for public safety officials of appropriate units of local government and Indian Tribes through whose jurisdictions the Secretary of Energy plans to transport spent nuclear fuel and high-level radioactive waste, as stated in section 180(c) of the Nuclear Waste Policy Act, as amended (42 U.S.C. 10101 et seq.).

DATES: Comments must be received on or before May 5, 1992.

ADDRESSES: Written comments (3 copies) should be sent to Ronald Milner, Office of Civilian Radioactive Waste Management, RW–40, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585. Copies of documents referred to in this notice are available for public review at DOE Headquarters reading room, 1000 Independence Avenue SW., room 1E–190, Washington, DC 20585, (202) 586–6020; Nevada Operations Office reading room, 2753 S. Highland, Las Vegas, NV 89109, (702) 295–1274; and the Richland Operations Office reading room, 825 Jadwin Avenue, Richland, WA 99352, (509) 376–8583.

FOR FURTHER INFORMATION CONTACT: Elissa Turner, Transportaiton Branch, Office of Storage and Transportation, Office of Civilian Radioactive Waste Management, U.S. Department of Energy, Washington, DC 20585, (202) 586–1710.

John W. Bartlett, Director,

Office of Civilian Radioactive Waste Management.

[FR Doc. 92–5276 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 91–88–NG]

Michigan Consolidated Gas Co.; Order Extending Authorization To Import Natural Gas From Canada, Revoking Emergency Interim Order, and Granting Intervention

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order extending authorization to import natural gas, revoking emergency interim order, and granting intervention.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Michigan Consolidated Gas Company authorization to import up to 50,000 Mcf of Canadian natural gas per day through January 22, 1995. The order also revokes the emergency interim authority granted to Michigan Consolidated Gas Company in DOE Order No. 575 and grants intervention to Great Lakes Gas Transmission Limited Partnership.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5277 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–94–NG]

Michigan Consolidated Gas Co.; Order Granting Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order granting authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Michigan Consolidated Gas Company authorization to import up to 32,000 Mcf per day of natural gas from Canada over a period beginning February 28, 1992, and extending through October 31, 1996.

A copy of this Order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5278 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–96–NG]

New England Power Co.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting New England Power Company blanket authorization to import up to 47.5 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5279 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–95–NG]

Niagara Mohawk Power Corp.; Order Granting Blanket Authortzation to Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Niagara Mohawk Power Corporation blanket authorization to import from Canada up to 77 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9476. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5280 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 91–101–NG]

Tarpon Gas Marketing Ltd.; Order Granting Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Tarpon Gas Marketing Ltd. blanket authorization to import up to 100 Bcf of Canadian natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5281 Filed 3–5–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ECAO–CD–86–082; FRL–4112–4]

Air Quality Criteria for Oxides of Nitrogen

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of public comment period.

SUMMARY: This notice announces the extension of the public comment period for the external review draft of "Air Quality Cirteria for Oxides of Nitrogen," prepared by EPA's Environmental Criteria and Assessment Office of the Office of Health and Environmental Assessment.

DATES: In the November 25, 1991, **Federal Register** (56 FR 59285), EPA announced that November 25, 1991, through February 28, 1992, was the public comment period for the external review draft of this document. The Agency is now extending the public comment period to March 30, 1992. Comments must be in writing and postmarked by the March date.

ADDRESSES: To obtain a copy of the external review draft, interested parties should write the ORD Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, or telephone (513) 569–7562, FTS 684–7562, (FAX) (513) 569–7566, or (FAX) FTS 684–7566 and request the external review draft of the "Air Quality Criteria for Oxides of Nitrogen." Please provide your name, mailing address, and the EPA document number, EPA/600/8–91/049A.

The external review draft will also be available for public inspection and copying at the EPA Library, EPA Headquarters, Waterside Mall, 401 M Street SW., Washington, DC.

Comments on the external review draft should be sent in writing to the Project Manager for Air Quality Criteria for Oxides of Nitrogen, Enviromental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Ray, Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; (919) 541–3637, FTS 629–3637, (FAX) (919) 541–5078, or [FAX] FTS 629–5078.

Dated: March 2, 1992.

Erich Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 92–5260 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4112–7]

Prevention of Significant Deterioration of Air Quality (PSD); Multitrade Limited Partnership, Inc., Pittsylvania County, VA

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this Notice is to announce that the Administrator of the United States Environmental Protection Agency issued a final decision, pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21 and the Procedures for Decisionmaking codified at 40 CFR part 124, regarding Multitrade Limited Partnership, Inc. in Pittsylvania County, Virginia.

DATES: The effective date of the Administrator's decision was January 21, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Denis M. Lohman, Chief, New Source Review Section, Air Enforcement Branch, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, Mail Code 3AT22, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 597–3024

SUPPLEMENTARY INFORMATION: In a petition filed May 13, 1991, the Southern Environmental Law Center (SELC), on behalf of itself and other organizations, requested review of a Prevention of Significant Deterioration (PSD) permit issued on April 8, 1991, to Multitrade Limited Partnership, (Multitrade) for construction of a wood and coal fired electric power production facility near Hurt, Virginia. Petitions for review were also filed by the Superintendent of Shenandoah National Park (SNP) and numerous individual citizens who are residents of the area in which the plant is proposed to be built. The permit was issued by the Virginia Department of Air Pollution Control (DAPC) pursuant to a delegation of authority from the U.S. Environmental Protection Agency (EPA), Region III, Philadelphia, Pennsylvania 19107. Because of the delegation, the State's permit determination is subject to the review provisions of 40 CFR 124.19 before becoming final, and any PSD permit the DAPC issues will be an EPA-issued permit for purposes of federal law. 40 CFR 124.41; 45 FR 33413 (May 19, 1980). PSD permits issued by the DAPC are subject to the review provisions of the applicable EPA regulations 40 CFR 124.19 (1989).

On July 26, 1991, Multitrade, SELC, the Natural Resources Defense Council, and the U.S. Department of the Interior (on behalf of SNP) entered into an agreement to settle their differences. In pertinent part, the agreement calls upon Multitrade to request the State to change the permit as follows: facility will be 100% wood fueled power plant; to reduce SO_2 emissions from 623 tons per year (TPY) to 78.5 TPY; to reduce NO_x emissions from 623 TPY to 491 TPY; and to offset its SO_2 and NO_x emissions by entering into a federally enforceable agreement with Aqualon Company whereby Aqualon will permanently shut down four boilers.

Based on the events that have transpired since the pending petitions were filed, it is clear that Multitrade does not intend to construct the Hurt, Virginia facility under the same terms and conditions as are set forth in the PSD permit issued by the DAPC on April 8, 1991. Rather, Multitrade intends to seek changes in the permit pursuant to the terms of its settlement agreements with SELC, the Natural Resources Defense Council, and the U.S. Department of the Interior, and to ensure that the Aqualon boilers are permanently shut down to offset Multitrade's emissions. Hence, regardless of the Administrator's disposition of the pending petitions, a new final permit is now under consideration, thus making it highly unlikely that any such disposition would constitute final agency action within the meaning of 40 CFR 124.19(f)(1). In addition, as noted above, the boilers at the Aqualon facility have in fact been permanently shut down. In light of this development, and if Multitrade obtains the permit changes it seeks, it now appears that most or all of the issues presented in the pending petitions for review may be resolved and rendered moot. It is unlikely, therefore, that the conclusion of this proceeding would be hastened by addressing these issues at this juncture.

CONCLUSION: Multitrade's stated intent to seek changes in the permit issued on April 8, 1991, renders unripe the petitions pending before the Administrator. For this reason, the pending petitions have been dismissed without prejudice. Because "permit conditions should be finally determined at the Regional (State) level," 45 FR 33413, the Multitrade permit has been remanded to the State for whatever proceedings it deems appropriate (consistent with 40 CFR part 124 and applicable State permitting procedures) in response to Multitrade's request for permit changes.

Dated: February 27, 1992.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 92–5264 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4112–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 17, 1992 Through February 21, 1992 pursuant to the

Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 05, 1991 (56 FR 14096).

Draft EISs

ERP No. D–AFS–L65159–OR Rating EC2, Canyon Integrated Resource Project, Resource Management Plan, Implementation, Siskiyou National Forest, Illinois Valley Ranger District, Josephine County, OR.

Summary: EPA expressed environmental concerns regarding the action alternatives potential impacts on water quality, fisheries, and air quality. Additional information is needed on water and air quality effects and monitoring.

ERP No. D–UAF–G11019–NM Rating LO, Cannon Air Force Base Realignment, F/EF–111 Basing, Implementation, Curry County, NM.

Summary: EPA has no objection to the proposed alternative. ERP No. DS–COE–D39022–WW Rating LO, Winfield Locks and Dam Project, Lock Replacement, Alignment Modifications and Land Purchase, Implementation, near Eleanor, Putman County, WV.

Summary: EPA recommends the SEIS provide additional information on: 1) Wetlands impacts and 2) details on the planting mitigation plan on monitoring and maintaining the area. EPA also recommended that wetland mitigation efforts be initiated as soon as possible to offset the existing wetlands loss to construction.

Final EISs

ERP No. F–AFS–L65155–00 Northern Spotted Owl Management Plan in the National Forests, Implementation, CA, OR, and WA.

Summary: EPA believes that the final EIS adequately responded to its concerns with respect to impacts to the spotted owl. Subsequent changes to proposed owl protection measures on adjacent lands will require additional NEPA analysis.

ERP No. F–APH–A82120–00 National Boll Weevil Cooperative Control Program, Implementation and Funding, AL, AZ, AR, CA, FL, GA, KS, LA, MS, MO, NM, NC, OK, SC, TN, TX, VA.

Summary: EPA continues to have environmental objections to the proposed project. These objections would be eliminated if the program would rely less on the use of pesticides to control the boll weevil and if additional mitigation measures would be developed. Several factual errors were identified.

ERP No. F–COE–E36169–FL Central and Southern Florida Flood Control Project, Restoration of the Upper Kissimmee River Basin through the Headwater Revitalization Project and the Lower Kissimmee River Basin through the Level II Backfilling Plan, Implementation, Glades, Osceola, Highlands, Polk, Okeechobee and Orange Counties, FL.

Summary: EPA expressed continued concerns with navigation and cultural resource impacts.

ERP No. F–FHW–G40128–AR Siloam Springs Highway Construction, US 71/US 412 Siloam Springs to Springdale, Funding, Section 404 Permit, Benton and Washington Counties, AR.

Summary: EPA has no objection to the selection of alternative D2.

Other

ERP No. LD–UAF–A100064–00 Rating LO, Strategic Arms Reduction Treaty (START), Agreement between the United States (US) and Union of Soviet Socialist Republics (USSR), Reduction and Limitation, Deployed Strategic Offensive Arms, Ratification/Nonratification.

Summary: EPA agrees with the Department of Defense's decision to pursue a tiered NEPA Act approach for site-specific, Strategic Arms Reduction Treaty implementation actions.

Dated: March 3, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92–5294 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4112–8]

Environmental Impact Statements; Availability

AGENCY: Office of Federal Activities, General Information (202) 260–5073 OR (202) 260–5075.

Availability of Environmental Impact Statements Filed February 24, 1992 Through February 28, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920057, FINAL EIS, FRC, NJ, Mount Hope Pumped Storage Hydroelectric Project, Construction, Operation and Maintenance, License, Section 404 Permit, Morris County, NJ, Due: April 06, 1992, Contact: James Haimes (202) 219–2780.

EIS No. 920058, FINAL EIS, FAA, HI, Kalaupapa Airport, Roadway and Wharf Improvement, Construction and Funding, Island of Molokai, Kalawao County, HI, Due: April 06, 1992, Contact: Owen Miyamoto (808) 836–6432.

EIS No. 920059, FINAL EIS, AFS, WY, Teton Village Federal Tract/Diamond L Ranch Land Exchange, Special Use Permits, Bridger-Teton National Forest, Teton County, WY, Due: April 06, 1992, Contact: Pete Mourtsen (307) 733–4755.

EIS No. 920060, DRAFT EIS, FHW, NC, I–85 Greensboro Bypass Study Area Transportation Improvement, I–85 South of Greensboro to I–40/85 east of Greensboro, Funding, Possible Section 404 Permit, City of Greensboro, Guilford County, NC, Due: April 24, 1992, Contact: Nicholas L. Graf (919) 856–4346.

EIS No. 920061, FINAL EIS, FHW, OR, I–84 Widening, N.E. 181st Avenue to Sandy River, Funding and 404 Permit, Multnomah County, OR, Due: April 06, 1992, Contact: John H. Gernhauser (503) 399–5749

EIS No. 920062, DRAFT EIS, FRC, ID, Shelley (FER. NO. 5090) Hydroelectric Project on the Snake River, Construction, License, City of Idaho Falls, Bingham County, ID, Due: April 20, 1992, Contact: James Haimes (202) 219–2780.

EIS No. 920063, DRAFT EIS, BIA, CA, Campo Band of Mission Indians Reservation Solid Waste Management Project, Construction and Operation, Lease and Sublease Approval, Peninsular Ranges, San Diego County, CA, Due: May 08, 1992, Contact: Donald Knapp (916) 978–4703.

EIS No. 920064, FINAL EIS, USA, HI, Fort DeRussy Armed Forces Recreation Center Development, Construction, Implementation, Oahu Island, County of Honolulu, HI, Due: April 06, 1992, Contact: David G. Sox (808) 438–5030.

EIS No. 920065, DRAFT EIS, GSA, MA, New United States Courthouse in Boston, Construction and Operation, Site Selection, Fan Pier in the Fort Point Channel, Boston, MA, Due: April 23, 1992, Contact: Peter Sneed (212) 264–3581.

EIS No. 920066, FINAL EIS, DOE, WA, ID, OR, Adoption—1992 Columbia/Snake Rivers Salmon Flow Measures, Marketing of Power and Control of Water Flow, Implementation, WA, OR and ID, Due: April 06, 1992, Contact: Carol Borgstrom (202) 586–4600.

The US Department of Energy, has Adopted the US Army Corps of Engineers, Corps of Engineers final EIS

filed with the Environmental Protection Agency on 1–16–92.

Dated: March 3, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92–5293 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4110–2]

Reports on Male Rat Kidney Tumors

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability of two reports through the Center for Environmental Research Information (CERI), U.S. Environmental Protection Agency (EPA). One report, "Alpha$_{2\mu}$-globulin: Association with Chemically Induced Renal Toxicity and Neoplasia in the Male Rat" (EPA/625/3–91/019F) was prepared by EPA's Risk Assessment Forum and provides Agency-wide guidance for evaluating renal tubule tumors and nephrotoxicity in the male rat. The second publication, "The Report of the EPA Peer Review Workshop on Alpha$_{2\mu}$-globulin: Association with Renal Toxicity and Neoplasia in the Male Rat" (EPA/625/3–91/021) describes major scientific issues discussed at the peer review meeting.

ADDRESSES: To obtain a single copy of either report, interested parties should contact the ORD Publications Office, CERI–FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, Telephone: (513) 569–7562 or FTS: 684–7562. Please provide your name and mailing address and request the document by the title and EPA number.

The reports will also be available for public inspection and copying in the Public Information Reference Unit of the EPA Headquarters Library, Waterside Mall, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For further information on this **Federal Register** notice, contact Ms. Clare Stine, Technical Liaison, Risk Assessment Forum, U.S. Environmental Protection Agency (RD–689), 401 M Street SW., Washington, DC 20460, Telephone: (202) 260–6743 (FTS: 260–6743).

SUPPLEMENTARY INFORMATION: The Risk Assessment Forum report, "Alpha$_{2\mu}$-globulin: Association with Chemically Induced Renal Toxicity and Neoplasia in the Male Rat" (EPA/625/3–91/019F) provides Agency-wide guidance for evaluating renal tubule tumors in the male rat. According to the Forum report, risk assessment approaches generally assume that a chemical producing tumors in laboratory animals is a potential cancer hazard to humans. For most chemicals, including many rodent kidney carcinogens, this extrapolation remains appropriate. The report describes specific conditions, however, under which the Risk Assessment Forum advises EPA risk assessors against using information on certain renal tubule tumors or nephrotoxicity to assess human risk. In this situation, the chemical induces accumulation of the protein alpha$_{2\mu}$-globulin ($\alpha_{2\mu}$-g) in the proximal tubule of the male rat kidney, initiating a sequence of events, specific to the male rat, that appears to lead to renal tubule tumor formation. This EPA policy against use of a particular animal tumor under certain circumstances for risk assessment purposes is an important departure from EPA's general approach to cancer risk assessment.

The Forum report stresses the need for full scrutiny of a substantial set of data to determine when it is reasonable to presume that renal tumors in male rats are linked to a process involving $\alpha_{2\mu}$-g accumulation and to select appropriate procedures for estimating human risks under such circumstances. Details of the analysis can be found by referring to the Risk Assessment Forum report.

On November 13 and 14, 1990, EPA's Risk Assessment Forum assembled a peer review panel of scientifically qualified persons to discuss four major topics analyzed in a draft of the report, "Alpha$_{2\mu}$-globulin: Association with Chemically Induced Renal Toxicity and Neoplasia in the Male Rat." These subjects included $\alpha_{2\mu}$-g and nephrotoxicity, renal cancer, criteria for distinguishing renal carcinogens that induce $\alpha_{2\mu}$-g accumulation from other renal carcinogens, and risk characterization. The workshop report, entitled "The Report of the EPA Peer Review Workshop on "Alpha$_{2\mu}$-globulin: Association with Renal Toxicity and Neoplasia in the Male Rat" (EPA/625/3–91/021), highlights major scientific issues discussed at the meeting and the recommendations made to EPA by the peer reviewers. The workshop report includes EPA's premeeting statement of issues, a summary by the workshop chair, remarks by opening session speakers, reports by each of the four subcommittees, and a list of participants at the meeting.

Dated: January 17, 1992.

Erich W. Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 92–5258 Filed 3–5–92; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–140175; FRL–4049–7]

National Council of Senior Citizens; Access to Trade Secret Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the National Council of Senior Citizens (grantees under the Senior Environmental Employment Program) for access to information submitted to EPA pursuant to sections 303, 311, 312, 313, and 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Some of the information may be claimed or determined to be trade secret information.

DATES: Access to the trade secret information submitted to EPA will occur no sooner than March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Steven D. Newburg-Rinn, Chief, Public Data Branch, Information Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. NE-G008, Mail Stop TS–793, 401 M St., SW., Washington DC 20460, Telephone: 202–260–3757.

SUPPLEMENTARY INFORMATION: Under section 322 of EPCRA, facilities may assert trade secrecy claims regarding the chemical identities reported in their section 303, 311, 312, and 313 submittals to EPA. Under grant number CQ–819705, the National Council of Senior Citizens (NCSC), 1331 F St., NW., Washington, DC, 20004, as an enrollee in the Senior Environmental Program, will assist EPA in enforcement of EPCRA, including conducting inspections of facilities on behalf of EPA for purposes of determining compliance with EPCRA. EPA has determined that in order to successfully carry out their duties under the grant, NCSC may be required to review or receive information on behalf of EPA that is claimed or determined to be trade secret. Therefore, EPA has determined that NCSC requires access to trade secret information under EPCRA. NCSC employees will sign nondisclosure agreements and follow all required security procedures.

EPA is issuing this notice to inform all submitters of trade secret information under the aforementioned EPCRA sections that EPA will provide NCSC employees access to trade secret information on a need-to-know basis. Access to EPCRA trade secret information may take place at facility sites, EPA Regions or headquarters

offices, or the EPCRA Reporting Center. Upon termination of their grant, or prior to termination of their grant at EPA's request, NCSC will return all material to EPA.

Clearance to access to EPCRA trade secret information under this grant is scheduled to expire February 11, 1995.

Dated: February 27, 1992.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-5252 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-140176; FRL-4049-8]

ABT Associates, Inc.; Access to Trade Secret Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized International Technology Environmental Programs of Bethesda, MD, as subcontractor to ABT Associates, Inc., for access to information submitted to EPA pursuant to sections 303, 311, 312, 313, and 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Some of the information may be claimed or determined to be trade secret information.

DATES: Access to the trade secret information submitted to EPA will occur no sooner than March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Steven D. Newburg-Rinn, Chief, Public Data Branch, Information Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. NE-G008, Mail Stop TS-793, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-3757.

SUPPLEMENTARY INFORMATION: Under EPCRA, industry must report information on the presence, use, production, and manufacture of certain chemicals to EPA. Under section 322 of EPCRA, facilities must send trade secrecy claims regarding their section 303, 311, 312, and 313 submittals to EPA.

Under contract number 68-D0-0020, International Technology Environmental Programs (ITEP), 1133 21st St., NW., Suite 401, Washington, DC 20036, as subcontractor to ABT Associates, Inc., 4800 Montgomery Lane, suite 500, Bethesda, Md 20814, assists the Office of Pollution Prevention and Toxics in processing the information submitted by industry in response to the requirements of sections 303, 311, 312, 313, and 322 of EPCRA. ITEP staff conduct reviews of EPCRA submissions at the EPCRA Reporting Center where submissions are received and processed. ITEP reviews selected submissions for technical accuracy and contacts submitters regarding potential discrepancies.

ITEP performed these same duties in the past under a different contract number, 68-D8-0112. EPA announced clearance for access to EPCRA trade secret information by ITEP under this prior contract in a notice published in the **Federal Register** of September 23, 1991 (56 FR 47960).

EPA has determined that ITEP, as subcontractor to ABT Associates, Inc., requires continued access to EPCRA trade secret information while performing the same duties under the new contract number 68-D0-0020. ITEP personnel will continue to sign nondisclosure agreements and follow all required security procedures.

EPA is issuing this notice to inform all submitters of trade secret information under the aforementioned EPCRA sections that EPA will continue to provide ITEP personnel access to trade secret information on a need-to-know basis. All access to EPCRA trade secret information will take place at the EPCRA Reporting Center. Upon termination of their contract, or prior to termination of their contract at EPA's request, ITEP will return all material to EPA.

Clearance for access to EPCRA trade secret information by ITEP under contract number 68-D0-0020 is expected to expire on September 30, 1992. Clearance for access under this notice will be extended for so long as ITEP continues to perform the duties described above pursuant to any contract renewal or other existing contract.

Dated: February 27, 1992.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-5253 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Advanced Television Service

A meeting of the Advisory Committee on Advanced Television Service will be held on: March 24, 1992, 2 p.m., Commission Meeting Room (room 856), 1919 M Street NW., Washington, DC.

The agenda for the meeting will consist of:

1. Introduction.
2. Approval of Minutes of the Last Meeting.
3. Remarks by FCC Chairman Alfred Sikes.
4. Reports of the Subcommittees.
5. Report of Testing Laboratories.
6. Draft of Fifth Interim Report.
7. Testing Schedule.
8. Future Work Plans.
9. Financial Report.
10. Other Business.
11. Adjournment.

All interested persons are invited to attend. Those interested also may submit written statements at the meeting. Oral statements and discussion will be permitted under the direction of the Advisory Committee Chairman.

Any questions regarding this meeting should be directed to Richard E. Wiley at (202) 429-7010 or William Hassinger at (202) 632-6460.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-5285 Filed 3-5-92; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1879]

Petitions for Reconsideration and Clarification and Motions for Stay of Actions in Rule Making Proceedings

March 3, 1992-G4.

Petitions for reconsideration and clarification and motions for stay have been filed in the Commission rule making Proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor Downtown Copy Center (202) 452-1422. Oppositions to these petitions must be filed March 23, 1992.

See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of §73.202(b) Table of Allotments, FM Broadcast Stations. [Grenada, Artesia, and Okolona, Mississippi] [MM Docket No. 89-406, RM Nos. 6745 and 7255] Number of Petitions Filed: 1

Subject: Amendment of §73.202(b) Table of Allotments, FM Broadcast Stations. [Harrisburg and Albemarle, North Carolina] [MM Docket No. 89-504, RM No. 7142] Number of Petitions Filed: 1

Subject: Amendment of part 22 of the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules. [CC Docket No. 90-6] Number of Petitions Filed: 10

Subject: Regulation of International Accounting Rates. [CC Docket No. 90-337, Phase II] Number of Petitions Filed: 3

Motion for Stay

Subject: Amendment §73.202(b), Table of Allotments, FM Broadcast Stations. (Grenada, Artesia, and Okolona, Mississippi) (MM Docket No. 89-406, RM Nos. 6745 & 7255) Number of Petitions Filed: 1

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-5226 Filed 3-5-92; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Southwest Allen County Schools	Lafayette Township, Indiana	BPED-900215MC	92-27
B. Faith Christian Academy	Berne, Indiana	BPED-901203MN	

Issue heading	Applicants
1. Environmental	B
2. 307(b)—Noncommercial, educational.	Both
3. Contingent Comparative—Noncommercial, Educational FM.	Both
4. Ultimate	Both

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (Telephone No. (202) 452-1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 92-5284 Filed 3-5-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Revision of a currently approved collection.

Title: Criminal Referral Reporting.

Form Number: FDIC 6710/08, FDIC 6710/08A.

OMB Number: 3064-0077.

Expiration Date of OMB Clearance: April 30, 1994.

Respondents: Insured state nonmember banks wishing to report apparent internal crimes and violations affecting the banks' assets and affairs.

Frequency of Response: On occasion.

Number of Respondents: 6,500.

Number of Responses Per Respondent: 1.

Total Annual Responses: 6,500.

Average Number of Hours Per Response: 0.6.

Total Annual Burden Hours: 3,900.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project 3064-0017, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, room F-400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted before January 15, 1992.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: Insured state nonmember banks must report apparent internal crimes and violations affecting their assets and affairs to the appropriate investigatory and prosecuting authorities, as well as to the FDIC. This submission to the OMB seeks to streamline the reporting requirements.

Dated: March 2, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-5225 Filed 3-5-92; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to the Office of Management and Budget (OMB) for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3601, *et seq.*), as amended. Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Norman W. Littlejohn, Director, Bureau of Administration, Federal Maritime Commission, 1100 L Street, NW., room 12211, Washington, DC 20573, telephone

number (202) 523–5866. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review, 46 CFR Part 540 and Related Application Form FMC–131

FMC requests an extension of clearance for 46 CFR part 540 which implements sections 2 and 3 of Public Law 89–777 (46 U.S.C. 817 (d) and (e) and related application Form FMC–131. Public Law 89–777 requires vessel owners, charterers, and operators of American and foreign passenger vessels having 50 or more berth or stateroom accommodations and embarking passengers at United States ports, to establish their financial responsibility to meet liability incurred for death or injury and to indemnify passengers in the event of nonperformance of a voyage or cruise. The Commission estimates an annual respondent universe of 60 cruise line operators who possess Certificates (Performance and Casualty) for 125 vessels. Total estimated respondent burden is 868 manhours: 580 manhours for complying with the regulation and 288 manhours for completion of the form. Total cost to the Federal Government is estimated at $88,000; total cost to respondents is estimated at $41,300.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5189 Filed 3–5–92; 8:45 am]

BILLING CODE 6730–01–M

Port of New York and New Jersey/ Ecuadorian Line et al., Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–003158–008.

Title: Port of New York and New Jersey/ Ecuadorian Line Terminal Agreement.

Parties: The Port Authority of New York and New Jersey Ecuadorian Line, Inc.

Synopsis: The proposed amendment would extend the term of the Agreement until the effectiveness of a new Supplement 8 to the Agreement or until April 30, 1992, whichever is earlier.

Agreement No.: 224–004177–007.

Title: Port of Seattle/Stevedoring Services of America Lease Agreement.

Parties: Port of Seattle Stevedoring Services of America ("SSA").

Synopsis: This Agreement, filed February 27, 1992, documents the relocation of Hyundai Merchant Marine, Inc. from terminal 42 to Terminal 18 at the Port of Seattle pursuant to termination of the Terminal 42 lease with SSA. The basic lease on Terminal 18 is amended to designate a portion of the Terminal 18 premises for Hyundai operations, although SSA continues to lease the entire terminal. SSA's rental billing will now reflect a reduced acreage billing and the addition of per container billing for the Hyundai-related portion of the lease.

Agreement No.: 224–200624.

Title: Tampa Port Authority/Starlite Cruises Terminal Agreement.

Parties: Tampa Port Authority Starlite Cruises, Inc. ("Starlite").

Synopsis: The proposed Agreement would grant Starlite non-exclusive, preferential use of a passenger terminal facility in Tampa, Florida.

Agreement No.: 224–200625.

Title: L.A. Cruise Ship Terminals/ Norwegian Cruise Line Customer Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("L.A. Cruise") Norwegian Cruise Line.

Synopsis: The proposed Agreement would permit Norwegian Cruise Line to utilize terminal facilities and services provided by L.A. Cruise in the Port of Los Angeles.

Agreement No.: 224–200627.

Title: L.A. Cruise Ship Terminals, Inc./Royal Caribbean Cruises, Ltd. Terminal Use Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("LACST") Royal Caribbean Cruises, Ltd. ("RCC").

Synopsis: This Agreement, filed February 27, 1992, provides that LACST will furnish various facilities and services to RCC for and with respect to passenger vessels owned and operated by RCC. The facilities being furnished are located in Los Angeles Harbor (as described in Permit Nos. 506 and 684.

Dated: March 3, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5229 Filed 3–5–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public, Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817 (d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Chandris S.A. and Zenith Shipping Corporation, 5200 Blue Lagoon Drive, Miami, FL 33126

Vessel: Zenith

Dated: March 3, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5228 Filed 3–5–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public, Financial Responsibility To Meet Liability Incurred for Death or Injury To Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Ltd. and Regal Cruises Ltd., 800 Douglas Road, Coral Gables, FL 33134

Vessel: Caribe I

Dated: March 3, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5230 Filed 3–5–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Commodore Cruise Line Ltd., 800 Douglas Road, Coral Gables, FL 33134

Vessel: Caribe I

Dated: March 3, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5227 Filed 3–5–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

Request for Comment on Proposed Cooperative Program for Federal-State Cooperation in Merger Enforcement

AGENCY: Federal Trade Commission.

ACTION: Notice, with request for public comment, of proposed program for federal-state cooperation in merger enforcement.

DATES: Comments will be received until April 6, 1992.

ADDRESSES: Comments should be addressed to the Secretary, Federal Trade Commisson, 6th & Pennsylvania Avenue, NW., Washington, DC 20580. Comments will be entered on the public record of the Commission and will be available for public inspection in room 130 during the hours of 9 a.m. until 5 p.m.

FOR FURTHER INFORMATION CONTACT: Geoffrey M. Green, Assistant to the Director, Bureau of Competition, (202) 326–2641.

SUPPLEMENTARY INFORMATION: The Commission is considering a proposed program for federal-state cooperation in merger enforcement. The proposed program is designed to complement the National Association of Attorneys General Voluntary Pre-Merger Disclosure Compact ("Compact"). The Compact applies when a proposed merger, acquisition or other transaction is subject to the reporting requirements under section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("HSR Act"). The HSR Act requires that the parties to most significant acquisitions of voting securities or assets notify the Commission (and the Department of Justice) in advance, and delay consummation of the transaction until certain waiting periods specified in the Act have elapsed.

Under the Compact, participating states agree that they will not serve compulsory demands for information during the HSR waiting period and prior to instituting a judicial proceeding to enjoin a proposed transaction, if the parties to the proposed transaction ("submitters") provide the "liaison state" (as defined in the Compact) with information specified by the Compact. This information includes (1) a copy of the submitter's HSR filing; (2) a copy of any second requests for additional information issued by Federal antitrust enforcement authorities pursuant to section 7A(e)(1) of the HSR Act, 15 U.S.C. 18a(e)(1), or other information requests directed to submitters by such authorities; and (3) on request by a participating state, materials provided by submitters in response to such Federal information requests.

The proposal under consideration by the Commission contemplates that the Commission would provide certain additional types of information to interested states. States that participate in the Compact and that wish to participate in the proposed program would be required to submit a certification of confidentiality to the General Counsel of the Commission ("General Counsel").

The program would apply in a particular matter only if a submitter (1) provides a copy of its HSR filing to the liaison state under the Compact and (2) provides a letter to the Commission waiving confidentiality protections under Federal law insofar as those protections constrain disclosures by the Commission to members of the Compact. If waiver letters are received from submitters, the Commission would thereafter respond to requests for assistance from the participating liaison state. Specifically, Commission staff would provide the liaison state with the following information:

(a) Staff would provide copies of second requests, and copies of third party subpoenas with the identities of the subpoena recipients redacted. (If redaction of identities is insufficient to protect confidential information bout subpoena recipients, individual specifications might be deleted or entire subpoenas might be withheld.)

(b) Staff would identify the expiration dates of HSR waiting periods.

(c) Staff would provide limited assistance in analyzing the merger. However, staff would not disclose specific recommendations made to agency decisionmakers and would limit disclosures as necessary to protect confidential information, including information supplied by third parties.

Under the proposed program, the Commission would not provide states with documents submitted by merging parties under the HSR Act. The HSR submitters themselves, at their own discretion, would provide that information to the states.

The proposed program also contains safeguards to protect the confidentiality of the limited information that the Commission would itself provide to states. First, a state that obtains information under this program would be able to share such information only with other states that have completed a confidentiality certification.

Second, a participating state would be required to advise the Commission's General Counsel if it receives a discovery request or public access request for information obtained under the cooperative program. The state would be required to assert vigorously any privilege or exemption claimed by the General Counsel, or to assist the General Counsel in intervening in a proceeding to assert the exemption or privilege.

(Authority: 15 U.S.C. 46)

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92–5273 Filed 3–5–92; 8:45 am]

BILLING CODE 6750–01–M

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notifications Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney

General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 021892 AND 022892

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN No.	Date Terminated
Textron Inc., General Dynamics Corporation, The Cessna Aircraft Company	92-0548	02/18/92
The ARA Group, Inc., Richard M. Salem, WearGuard Corporation	92-0542	02/19/92
The Prudential Insurance Company of America, The Prudential Insurance Company of America, Lyco Acquis. 1983–I Ltd. & Lyco 1987 Gulf Coast L.P.–I	92-0562	02/19/92
CITIC Pacific Limited, Hang Chong Investment Company, Limited, Hang Chong Investment Company, Limited	92-0563	02/19/92
Norcen Energy Resources Limited, Canadian Pacific Limited, PanCanadian Petroleum Company	92-0566	02/19/92
Ashland Coal, Inc., The United Company, Del-Tex Coal Corporation	92-0587	02/19/92
Carl C. Icahn, Memorex Telex N.V., Memorex Telex N.V.	92-0574	02/21/92
Thomas H. Lee Equity Partners, L.P., Snapple Holding Corp. (Joint Venture), Snapple Holding Corp. (Joint Venture)	92-0594	02/21/92
Thomas H. Lee Equity Partners, L.P., Unadulterated Food Products, Inc., Unadulterated Food Products, Inc.	92-0595	02/21/92
The Weston Paper and Manufacturing Co., Gibson Container, Inc., Gibson Container, Inc.	92-0590	02/24/92
Varco International, Inc., Baroid Corporation, Sheffler, Inc.	92-0582	02/25/92
The Second Fulcrum III Limited Partnership, PDV Holding, Inc., Foodmaker, Inc.	92-0597	02/25/92
The Pittston Company, Addington Resources, Inc., Kanawha Land Company, Inc. and Addington, Inc.	92-0598	02/26/92
Unirin, Inc., Geneve Holdings, Inc., Southern Life and Health Insurance Company	92-0600	02/26/92
Beapak plc, Chemical Banking Corporation, Tenax Holdings Corporation	92-0601	02/26/92
Brambles Industries Limited, Environmental Systems Company, Environmental Systems Company	92-0596	02/27/92
TakeCare, Inc., Lincoln National Corporation, Lincoln National Administrative Services Corporation	92-0571	02/28/92
The Wharf (Holdings) Limited, Aer Lingus PLC, Berkshire Hotel Associates, L.P.	92-0573	02/28/92
Artal N.V., James D. Atkins, Nelson Candies, Inc.	92-0599	02/28/92
Summit Ventures II, L.P., Acurex Corporation, Acurex Corporation	92-0603	02/28/92
Chan Tan Ching Fen, Peder Kolind, Network Holdings, Inc.	92-0607	02/28/92
Unitog Company, Benjamin Hertz, Hertz & Hertz, L.P. and Mid West Services, Inc.	92-0611	02/28/92
The Dow Chemical Company, General Electric Company, General Electric Capital Corporation	92-0624	02/28/92

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, or Renee A. Norton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92–5274 Filed 3–5–92; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Members on Public Advisory Committees; Food Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for 20 voting members to serve on the Food Advisory Committee (the committee) in FDA's Center for Food Safety and Applied Nutrition. The agency is also requesting nominations for four nonvoting representatives of industry interests. Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule announcing the establishment of this committee.

DATES: Nominations should be received by April 6, 1992.

ADDRESSES: All nominations for membership, except for consumer-nominated members, should be sent to Patricia Thompson (address below). All nominations for the consumer-nominated members should be sent to Phyllis Weller (address below).

FOR FURTHER INFORMATION CONTACT: *Regarding all nominations for membership, except for consumer-nominated members:* Patricia Thompson, Center for Food Safety and Applied Nutrition (HFF–29), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1564.

Regarding all nominations for consumer-nominated members: Phyllis Weller, Office of Consumer Affairs (HFE–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for 24 members to serve on the committee. The function of the committee is to provide advice primarily to the Director, Center for Food Safety and Applied Nutrition, and as needed, to the Commissioner of Food and Drugs and other appropriate officials, on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade. The committee will also provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues and recommend approaches to be considered in addressing them.

Persons nominated for membership shall be knowledgeable in the fields of life sciences, food science, risk assessment, and other relevant scientific disciplines. The committee may include technically qualified members who are identified with consumer interests and are recommended by either a consortium of consumer-oriented organizations or other interested persons. Representatives of industry interests will serve as nonvoting liaisons. The term of office is 4 years, except that initial appointments will be staggered to permit an orderly rotation of membership.

Interested persons may nominate one or more qualified persons for membership on the committee. Nominations shall state that the nominee is willing to serve as a member of the committee and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Selection of representatives of consumer interests will be conducted through procedures that include use of a consortium of consumer organizations which has the responsibility for screening, interviewing, and recommending candidates for the agency's selection. Candidates, like all other candidates for membership on the committee, should possess appropriate qualifications to understand and contribute to the committee's work.

Regarding nominations for nonvoting members representing industry interests, a letter will be sent to each person who has made a nomination and to those organizations that have expressed an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each nominator or organization that has expressed an interest in participating in the selection process to consult with the others in selecting members representing industry interests within 60 days after receipt of the letter. If no individuals are selected within 60 days, the agency will select the nonvoting members representing industry interests.

FDA has special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, or physically handicapped candidates.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: March 2, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–5223 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92P–0038]

Cottage Cheese Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Alta-Dena Certified Dairy, to market test a product designated as "nonfat cottage cheese" that deviates from the U.S. standards of identity for cottage cheese (21 CFR 133.128), dry curd cottage cheese (21 CFR 133.129), and lowfat cottage cheese (21 CFR 133.131). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product, identify mass production problems, and assess commercial feasibility.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than June 4, 1992.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0106.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Alta-Dena Certified Dairy, 17637 E. Valley Blvd., P.O. Box 388, City of Industry, CA 91744.

The permit covers limited interstate marketing tests of a nonfat cottage cheese, formulated from dry curd cottage cheese and a dressing. The test product deviates from the U.S. standards of identity for cottage cheese (21 CFR 133.128) and lowfat cottage cheese (21 CFR 133.131) in that the product contains less than 0.5 gram total fat per serving, and the milkfat content of the test product is 0.44 percent, compared to not less than 4 percent milkfat in cottage cheese and 0.5 to 2.0 percent in lowfat cottage cheese. The test product also deviated from the U.S. standard of identity for dry curd cottage cheese (21 CFR 133.129) because of the added dressing. The product meets all requirements of the standards with the exception of these deviations. The purpose of this variation is to offer the consumer a product that is nutritionally equivalent to cottage cheese products with dressing but contains less fat.

For the purpose of this permit, the name of the product is "nonfat cottage cheese." The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

The permit provides for the temporary marketing of a total 436,000 kilograms (960,000 pounds) of the test product. The product will be manufactured at Alta-Dena Certified Dairy, 17637 East Valley Blvd., City of Industry, CA 91747, Plant No. 06–2238, and distributed nationally.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than June 4, 1992.

Dated: February 25, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92–5295 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Rural Health Research Centers

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of Rural Health Policy (ORHP), Health Resources and Services Administration, announces that applications are being accepted for a program of grants to develop and operate Rural Health Research Centers. This program is authorized by section 301, title III, of the Public Health Service Act. These centers will conduct policy relevant research on rural health issues of multi-state and national significance, and disseminate the findings of their research.

Awards will be made from funds appropriated under Public Law 102–170 (HHS Appropriations Act for FY 1992). It is anticipated that approximately $2.1 million will be available to support new and competing continuation awards in this grant program in FY 1992.

DATES: To receive consideration, applications must be received by the close of business, on May 15, 1992 by the Grants Management Officer at the address below.

Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for submission to the review committee. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be acceptable as proof of timely mailing. Applications not meeting the deadline will be returned to the applicant.

ADDRESSES: Requests for grant application packages should be addressed to: Grants Management Office, Bureau of Health Care Delivery and Assistance, HRSA, 12100 Parklawn Drive, Rockville, Maryland 20857, (301) 443–5414.

FOR FURTHER INFORMATION: For information on program aspects, contact: Patricia Taylor, Ph.D., Office of

Rural Health Policy, HRSA, 5600 Fishers Lane, room 14–22, Rockville, MD 20857, (301) 443–0835.

For information on grants and business management aspects, contact: Grants Management Office, Bureau of Health Care Delivery and Assistance, HRSA, 12100 Parklawn Drive, Rockville, Maryland 20857, (301) 443–5414.

The Standard application form and general instructions for completing applications, Form PHS 398 Public Health Service Grant have been approved by the Office of Management and Budget (OMB No. 0925–0001). The narrative description of the project may not exceed 30 pages in length.

SUPPLEMENTARY INFORMATION:

Program Objectives

The purpose of this grant program is to enable institutions to plan and establish new research centers, and to operate existing and new research centers to conduct policy relevant research on rural health. Awards will be made for approximately five to seven Rural Health Research Centers across the country for project periods not to exceed 4 years. Within the limits of these resources, these centers will: (1) Conduct policy relevant rural health research and (2) Disseminate their research findings to the rural health policy audience.

Eligible Applicants

All public and private entities, both non-profit and for-profit, are eligible to apply.

Background

The objective of the Rural Health Research Centers grant program is to increase the amount of high quality, policy relevant rural health research being conducted in the nation. It is intended that the research and dissemination activities of these centers will inform policy to improve the availability, affordability and accessibility of health care services for rural residents.

The centers must be responsive to the diverse information needs of rural health policy makers in their multi-state regions and at the national level. Individual projects may include but are not limited to collection and analysis of new data, secondary analysis of existing data, comparative case studies, and evaluation of demonstration projects.

Grant projects should focus on at least one and preferably two areas of rural health and health services research. Examples of focus areas include:

Rural Health Professions Supply

—Financing
—Training
—Recruitment
—Retention
—Effective use of mid-level health care practitioners

Rural Health Care Financing

—Rural considerations in health insurance reform
—Rural impact of Medicare and Medicaid payment policies

Appropriateness and Effectiveness of Rural Health Care Services and Procedures

—Quality of care
—Relationship of service volume to patient outcome
—Impact of health networks on access and quality of care
—Integration of mental health services with rural primary health care services

Rural Systems Building

—Alternative models for delivering health services
—Health service networks
—Consortia/cooperative

Meeting the Needs of Special Populations

—Poverty populations
—Racial and cultural groups
—Age groups (e.g., adolescents
—Occupational groups (e.g., farm families)

The Public Health Service urges applicants to submit work plans that address specific objectives of "Healthy People 2000." Potential applicants may obtain a copy of "Health People 2000" (Full Report; Stock No. 017–001–00474–0) or "Healthy People 2000" (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238).

Center Structure and Mechanism of Support

The ORHP funds are intended to provide basic support for each center. Through the center award, the recipient is reimbursed for such expenses as center administration, development and implementation of the center's research agenda, administrative and research staff support, researcher time (although not necessarily 100% of researcher time), and dissemination mechanisms such as center-sponsored bulletins, in-house publications, and journal articles targeted at the rural health policy audience.

The principal investigator must be an experienced rural health services researcher who can provide administrative and research leadership. The principal investigator will be responsible for the organization and operation of the center, and will provide leadership in the development and realization of the center's research agenda. Personnel and institutional resources capable of developing and maintaining a substantial commitment to rural health services research must be available. At a minimum, the center should consist of core staff with significant time commitments to the center and affiliate staff with lesser time commitments. The center's research team should include multiple disciplines, possess a wide range of skills and have experience in rural health research. Each center is generally expected to share common resources with other components of the applicant institution, including technical, clerical and administrative personnel, and library and computer resources.

Review Procedure

Applications will be assessed by ORHP for responsiveness to this notice. Any applications judged nonresponsive because they are incomplete, inadequately developed, in an improper format, exceed the specified page limit, or otherwise unsuitable for peer review and funding consideration, will be returned without further consideration. All responsive applications will undergo objective review for scientific merit.

Review Criteria

Grant applications will be evaluated on the basis of the following criteria:

• The qualifications and achievements, including level of productivity and quality of research on general health services and rural health, and administrative experience of the principal investigator;

• The qualifications and achievements, including level of productivity and quality of research on general health services, rural health, and the proposed research focus area(s), of the proposed center's senior researchers;

• The appropriateness of the time commitments or the principal investigator and the proposed center's senior researchers;

• The degree to which the center's proposed research agenda, products, and dissemination activities reflect a realistic and well-conceived program in view of available skills, funding resources and health care issues pertinent to rural populations;

• The relevance of the proposed research agenda to rural health policy issues of multi-state and national concern, and the appropriateness of the planned products and dissemination activities for informing the rural health policy audience;

• The likely effectiveness of the organizational arrangements to operate the proposed center, including the extent to which the applicant has a well-developed plan for quality control of all stages of research projects and a well-developed plan to assure continuing interaction and participation among the center's researchers;

• The appropriateness of the proposed budget;

• The actual and planned level of commitment of the applicant institution to the proposed center, including its specific plans to support the organizational and management structure of the center;

• The past success and future potential of the center's staff in receiving research and organizational funding support from sources other than the core ORHP grant;

• The strength of the relationship(s) of the proposed center with health care providers, relevant departments of state government(s), and other health policy makers in its state and multi-state region.

For Centers Filing a Competing Continuation Application Only

• The level of research productivity and quality demonstrated in the center's record of performance achieved with its ORHP center grant.

Other Information

Applicants may request up to $300,000 per year in total costs (direct plus interest) for the project period which is not to exceed 4 years.

Applicants preparing budget requests for the establishment and operation of new rural health research centers are reminded that the reasonableness of proposed budgets is among the criteria to be used in the review of applications. An applicant for a new rural health research center should seriously consider whether the scope of the proposal calls for the full $300,000 funding amount during the start-up phase of the center. For example, such applicants may need time to fully develop an organizational structure, and design and implement major research projects.

In awarding grants, ORHP will include geographic distribution of centers and diversity of program emphases (e.g., minority health) in its considerations.

Executive Order 12372

The Rural Health Research Centers Grant Program has been determined to be a program which is not subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs.

The OMB Catalog of Federal Domestic Assistance number is 93.155.

Dated: January 7, 1992

Robert G. Harmon,

Administrator.

[FR Doc. 92–5221 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Establishment; President's Cancer Panel Special Commission on Breast Cancer

Pursuant to the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92–463, 86 Stat. 770–776), and section 413(b)(7) of the Public Health Service Act, as amended (42 U.S. Code 285a–2(b)(7)), the National Institutes of Health, announces the establishment by the Director, National Cancer Institute, of the President's Cancer Panel Special Commission on Breast Cancer.

The President's Cancer Panel Special Commission on Breast Cancer shall assist and advise the Vice President of the United States, the Director, National Cancer Institute, and the Chair of the President's Cancer Panel on the state of breast cancer research, detection and treatment in the United States and around the world and make recommendations for improvements.

Unless renewed by appropriate action, the President's Cancer Panel Special Commission on Breast Cancer shall terminate two years from the date the charter was approved.

Dated: March 2, 1992.

Bernadine Healy,

Director, National Institutes of Health.

[FR Doc. 92–5248 Filed 3–5–92; 8:45 am]

BILLING CODE 4140–01–M

Social Security Administration

[Social Security Ruling SSR 92–1p]

Request Under the Privacy Act or the Freedom of Information Act for Access to Records and for Disclosure of Material Maintained by the Office of Hearings and Appeals

AGENCY: Social Security Administration, HHS.

ACTION: Notice to Social Security Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 92–1p. This Ruling explains the policy which the Social Security Administration applies in deciding what materials it will release and withhold when, pursuant to the Privacy Act and/or Freedom of Information Act, claimants or their authorized representatives request information or records that may be contained within working files maintained by the Social Security Administration's Hearing Offices and the Appeals Council.

EFFECTIVE DATE: March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Joanne K. Castello, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–1711.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1).

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance; 93.806 Special Benefits for Disabled Coal Miners; 93.807 Supplemental Security Income.)

Dated: February 19, 1992.

Gwendolyn S. King

Commissioner of Social Security.

Policy Interpretation Ruling—Request Under the Privacy Act or the Freedom of Information Act for Access to Records and for Disclosure of Material Maintained by the Office of Hearings and Appeals

Purpose: To explain the policy which the Social Security Administration (SSA) applies in deciding what

materials it will release and withhold, when, pursuant to the Privacy Act (PA) and/or Freedom of Information Act (FOIA), claimants or their authorized representatives request information or records that may be contained within working files maintained by SSA's Hearing Offices and the Appeals Council (AC).

It is SSA's policy to withhold documents or portions of documents when the materials requested have been compiled in reasonable anticipation of a civil action or proceeding and also are exempt from mandatory disclosure under the FOIA. Under this policy, documents, or portions of documents contained in the working files mentioned above that relate to routine trivial matters, such as routing slips and cover notes, or that are inter-agency or intra-agency memoranda or communications which would not be routinely discoverable in civil litigation, will be withheld when they are requested under the PA and/or the FOIA.

Citations (Authority): Section 1106(a) of the Social Security Act; 5 U.S.C. 552 (a)(3), (b)(2), and (b)(5); 5 U.S.C. 552a (d)(1), (d)(5), (t)(1) and (t)(2); Regulations No. 1, Part 401, Subpart D; Regulations No. 4, section 404.1710, Regulations No. 16, section 416.1510, Regulations No. 22, section 422.416.

Introduction: Claimants or their authorized representatives sometimes seek access to documents prepared in connection with proceedings before an Administrative Law Judge (ALJ), or actions which the AC takes on review of an ALJ decision following the ALJ's disposition of a claim.

Under titles II and XVI of the Social Security Act, a party who has received a partly or wholly unfavorable determination on a claim for benefits has a right to a hearing before an ALJ. The ALJ's decision becomes the final decision of the Secretary unless the AC reviews the matter upon request of a party or on its own motion. Decisions issued by the AC are the final decisions of the Secretary.

Evidentiary documents and information relevant and material to the issues presented in a claim for benefits are made part of the record upon which the ALJ bases a decision. During the course of adjudicating a claim at the hearing level, however, an ALJ may make notes regarding the evidence, testimony, or other factors involved in the case. In addition, the ALJ and staff assigned to assist in case processing may exchange communications expressing opinions and advice regarding the evidence, the merits of the case, and other matters involving the issues presented by the claim. Also, the ALJ usually issues instructions to the staff attorney and other personnel who draft decisions and make corrections or amendments to the drafts prior to issuance.

During an AC review of an ALJ decision, the Administrative Appeals Judges, assisted by its staff, review the decision to verify compliance with the procedural and substantive requirements of the law and regulations, and the accuracy of the ALJ's ultimate findings and conclusions. Communications between Administrative Appeals Judges and staff are common and include instructions, advice and opinions on disposing of the matters at issue.

Communications between both the ALJs and staff and the Administrative Appeals Judges and staff are often reduced to writing and may be maintained in the following Privacy Act systems of records: The Claims Folder System, Administrative Law Judge Working File on Claimant Cases, and Working File of the Appeals Council.

Writings commonly found in ALJ working files include ALJ notes taken during oral hearings, written instructions and opinions, memoranda and draft decisions or orders. AC working files may contain written instructions and opinions, memoranda, case analyses, physician opinions from the AC's Medical Support Staff (MSS), and draft decisions or orders. Both the ALJ working file and the AC working file may contain advisory opinions and other communications prepared by other components of SSA, attorneys in the Office of the General Counsel (OGC) of the Department of Health and Human Services, and attorneys in the Department of Justice.

The above-described writings reflect mental impressions, evaluations, opinions, recommendations, and legal theories, and are commonly known as ALJ or AC working papers. They are used by the ALJs and Administrative Appeals Judges and their staffs during the process of disposing of cases on administrative appeal.

Working papers are used by ALJs and the AC following final disposition of a case to reconstruct the thought processes which led to the final decision if the matter is returned on remand to the deciding official (by the AC in the case of an ALJ, or a court in the case of the AC). The working papers are not evidentiary materials and are not made part of the record upon which a decision is based.

Policy Interpretation: In the past, we usually furnished to claimants and their representatives upon request materials located within our records, including the claim file, ALJ working file and AC working file. We have found, however, that ALJ and AC working papers are increasingly sought for discovery purposes in potential or actual litigation involving review of the agency's decisions. In recent years, therefore, release of ALJ and AC working papers has become a significant issue in view of the potentially harmful consequences to the integrity of the agency's decision-making process and litigation activities. In view of these considerations, we have reconsidered and changed our practice on disclosure of such records.

Every decision to release or withhold working papers covered by this Ruling must comply with the requirements of the PA and the FOIA. The PA states that, subject to certain exemptions, an individual may, "* * * gain access to his record or to any information pertaining to him which is contained in * * * [a system of records and] review the record and have a copy made of all or any portion thereof in a form comprehensible to him * * *" 5 U.S.C. 552a(d)(1). In accordance with this requirement, SSA generally provides, and will continue to provide, information which individuals request about themselves. 20 CFR 401.400. We also generally provide such information to an individual's authorized representative. 20 CFR 404.1710 and 416.1510.

The FOIA states that "* * * each agency upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules * * * shall make the records promptly available to any person." 5 U.S.C. 552(a)(3). Social Security regulations stipulate that the FOIA "* * * requires us to disclose any information in our records upon request from the public, unless one of several exemptions in the FOIA applies." 20 CFR 401.215. See also 20 CFR 422.416.

The PA and the FOIA must be considered together. An agency cannot rely on a FOIA exemption to withhold a document "which is otherwise accessible to [an] individual" under the PA, nor may it rely on a PA exemption to withhold records "otherwise accessible" under the FOIA. 5 U.S.C. 552a(t) (1) and (2). Thus, we may withhold only that material which is covered by both a PA exemption and a FOIA exemption.

PA Exemption (d)(5)

PA exemption (d)(5), which excludes access to "information compiled in reasonable anticipation of a civil action or proceeding," applies to the working papers described above. 5 U.S.C. 552a(d)(5). See 20 CFR 401.400(c).

Before a claim may be reviewed in Federal court under 42 U.S.C. 405(g), the claimant must exhaust all administrative remedies, including ALJ hearing and requesting AC review of the ALJ's decision. See 20 CFR 404.981 and 416.1481. Therefore, a claimant who does not receive a fully favorable decision at the hearing level must seek further review of the claim by the AC before the claim may be reviewed by a Federal court. Since claimants who are unsuccessful before the AC subsequently may appeal to the courts, working papers are maintained not only to address the issues raised at the particular adjudicative level, but also in anticipation that the case may be later appealed to the Federal courts and may be remanded for further administrative action.

The internal communications included within the working papers described above reflect this awareness of potential litigation and contain analyses, predecisional recommendations and strategies for effectively satisfying legal requirements. ALJs and Administrative Appeals Judges take into consideration the sensitivity of such cases and often include in their working papers opinions, recommendations, theories, and mental impressions to ensure an accurate, well reasoned rationale for the decision ultimately made on the matter at issue. In addition, material contained in the working papers is usually consulted in assessing the agency's options and defenses in civil actions challenging an ALJ or AC decision.

Courts have recognized that exemption (d)(5) is applicable to materials compiled in anticipation of quasi-judicial proceedings conducted in an administrative forum as well as materials compiled in anticipation of civil actions conducted in a court. *See Martin* v. *Office of Special Counsel, MSPB*, 819 F.2d 1181 (D.C. Cir. 1987); *Hernandez* v. *Alexander*, 671 F.2d 402 (10th Cir. 1982); *Smiertka* v. *United States Department of the Treasury, etc.*, 447 F. Supp. 221 (D.D.C. 1978). The Social Security regulations governing disclosure of official records and information also interpret the (d)(5) exemption to apply to administrative proceedings by exempting from disclosure "[r]ecords compiled in reasonable anticipation of a court action or formal administrative proceeding." 20 CFR 401.400(c).

Accordingly, exemption (d)(5) is applicable to ALJ and AC working papers maintained in reasonable anticipation of further administrative or court proceedings in the form of AC and Federal court review. If these materials are also exempt from disclosure under the FOIA, as discussed below, they will be withheld.

FOIA Exemptions (b)(2) and (b)(5)

PA exemptions cannot prevent release of information which would otherwise be accessible under the FOIA. The FOIA mandates that an agency provide information in its files upon request from any person, but the FOIA does exempt certain information from disclosure.

Exemption (b)(2) permits the withholding of records "related solely to the internal personnel rules and practices of an agency." 5 U.S.C. 552(b)(2). Routine administrative notes and memoranda, filing and routing instructions, and other trivial administrative materials are exempt from disclosure based on the rationale that the public would have no significant interest in them and the very process of releasing such materials would be an unwarranted administrative burden. Thus, routine administrative materials contained within ALJ and AC working papers are exempted from access by claimants and their representatives to the extent that the materials meet the requirements of PA exemption (d)(5) and FOIA exemption (b)(2).

FOIA exemption (b)(5) exempts from disclosure "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." 5 U.S.C. 552(b)(5). This exemption protects materials which would not be routinely discoverable in civil litigation. Portions of ALJ and AC working files containing such inter-agency or intra-agency communications are covered under this exemption.

With few exceptions, the materials in ALJ working files and AC working files contain inter-agency and intra-agency communications, such as instructions to staff, analyses, recommendations, draft decisions, and other matter exchanged during the deliberative stages of the decision-making process between deciding officials and their respective support, technical or professional staffs, and among staff members. These files may also contain communications with OGC and the Department of Justice. Thus, the working files contain materials which satisfy the description of "inter-agency or intra-agency memorandums or letters."

The (b)(5) exemption encompasses several traditional privileges commonly invoked to protect documents from discovery in litigation, including the deliberative process privilege, the attorney-client privilege and the work product privilege. It is well established that predecisional communications between Federal employees or officials that are part of the deliberative process leading to governmental decisions are protected under the deliberative process privilege. See, *e.g., N.L.R.B.* v. *Sears, Roebuck & Co.*, 421 U.S. 132 (1975); *Russell* v. *Department of the Air Force*, 682 F.2d 1045 (D.C. Cir. 1982). Documents are covered by the privilege to the extent that they contain advisory opinions, recommendations, deliberations, evaluations, drafts, and similar predecisional exchanges between government employees and officials engaged in the decision-making process. This privilege is intended to: (1) Encourage frank and open discussion among decision makers and persons assisting them on the matters at issue; (2) protect against disclosure of proposed decisions before they are adopted; and (3) protect against the confusion and misunderstanding that might result from disclosure of reasons or rationales that were not ultimately the grounds for an agency's action.

The ALJ hearing process and the AC review are both deliberative processes which result in final agency decisions. An ALJ's decision on a claim becomes final if the AC does not review the decision. When the AC does accept a case for review, its decision becomes the agency's final decision. The working papers exchanged during the deliberative stages of an ALJ's or the AC's decision-making process are by definition predecisional communications which are part of a deliberative process protected by the privilege.

Release of predecisional communications would be an unwarranted intrusion into the agency's deliberative process. There is a need for full and uninhibited discussion of the issues involved in Social Security cases between the decision makers and their staffs because of the complex factual situations and the sensitive nature of the process involved in weighing evidence, determining credibility and satisfying criteria established by statute, regulation, and judicial precedent. Likewise, there is a real danger that disclosure of discussions, reasons, and rationale which did not in fact constitute the basis for the agency's ultimate decision would cause confusion and misunderstanding. The purposes of the

deliberative process privilege are served by protecting this type of material.

Therefore, we will invoke the deliberative process privilege when we receive requests for such predecisional communications. As required by the FOIA and judicial interpretations of that statute, however, factual material presented in these communications shall be released unless it is inextricably intertwined with exempt material and would reveal the opinions, recommendations, deliberations, and evaluations protected by the exemption.

The attorney-client and work product privileges are other traditional privileges incorporated into exemption (b)(5). The attorney-client privilege functions to protect the confidential communications of the client, including a Federal agency, and its attorney relating to a matter on which the client seeks advice. The attorney-client privilege is not limited to situations involving litigation. The communications of a client seeking legal advice and the resulting opinion provided by the attorney are generally protected. The underlying purpose of the privilege is to preserve the confidentiality of client communications and encourage full and frank attorney-client discussions.

The work product privilege covers materials created or prepared by a party's attorney or another representative of a party in anticipation of litigation. In particular, the work product privilege protects mental impressions, conclusions, opinions, legal theories and strategies.

We will invoke the attorney-client and work product privileges as appropriate when we receive requests under the FOIA and PA for confidential communications between the Agency and its attorneys, materials which set forth mental impressions, case theories or strategies and materials which request or provide legal advice.

Conclusion: ALJ and AC working papers, in whole or in part, may be withheld by the Social Security Administration under exemption (d)(5) of the Privacy Act and exemptions (b)(2) and (b)(5) of the Freedom of Information Act. We have determined to withhold such exempt materials from claimants and their authorized representatives because withholding serves valid and important governmental and public policy interests.

[FR Doc. 92-5235 Filed 3-5-92; 8:45 am]
BILLING CODE 4190-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-68]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: Corps of Engineers: Bob Swieconek, Army Corps of Engineers, Civilian Facilities, rm. 5136, 20 Massachusetts Ave. NW., Washington, DC 20314-1000; (202) 272-1750; U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (202) 325-0474; (Three are not toll-free numbers).

Correction: The Dry Hill Family Housing properties in Watertown, New York, that were published in the February 14, 1992 notice are not available for homeless assistance use.

Dated: February 27, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/06/92

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. TU-43
Millers Ferry Lock and Dam
Route 1, Box 102
Camden Co: Wilcox, AL 36726-
Landholding Agency: COE
Property Number: 319011549
Status: Unutilized
Comment: 1000 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldgs. TU-21-TU-24
Selden Lock and Dam
Route 1
Sawyerville Co: Hale, AL 36776-
Landholding Agency: COE
Property Number: 319011551-319011554
Status: Unutilized
Comment: 1060 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-15
Coffeeville Lock and Dam
Star Route Box 77
Blandon Springs Co: Choctaw, AL 36919-
Landholding Agency: COE
Property Number: 319011556
Status: Unutilized
Comment: 1547 sq. ft.; 1 story frame residence; most recent use—lock tender's dwelling.

California

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles, CA 91706-
Landholding Agency: COE
Property Number: 319011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternative access.

Colorado

Kendall House, Bear Creek Lake
Hwy 8 or Morrison Rd.
Lakewood Co: Jefferson, CO 80201-
Location: 2 mi. west of Kipling Intersection
Landholding Agency: COE
Property Number: 319140001
Status: Excess
Comment: 2400 sq. ft., 2 story with basement, needs rehab, presence of asbestos, off-site use only.

Florida

Bldg. CN-3
1651 S. Franklin Lock Road
Alva Co: Lee, FL 33920-
Landholding Agency: COE
Property Number: 319130006
Status: Unutilized
Comment: 1500 sq. ft., 1 story concrete block residence, off-site use only.

Idaho

Bldg.
Albeni Falls Dam
U.S. Highway 2, Priest River
Bonner Co: Bonner, ID 83856-
Location: 3½ miles west of Priest River.
Landholding Agency: COE
Property Number: 319110028
Status: Unutilized
Comment: 2989 sq. ft.; 3 story log construction with wood frame; off-site removal only; needs rehab.

Indiana

Bldgs. 01, 02—Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe, IN 47401-8772
Landholding Agency: COE
Property Number: 319140002-319140003
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler, KY 42273-
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 319010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland, ME 04053-
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq. ft., 1 story bldg. most recent use—storage, structural deficiencies.

Minnesota

Orwell Dam Reservoir
RFD #4, Box 100
Fergus Falls Co: Ottertail, MN 56537-
Location: Off highway 210, 12 miles from Fergus Falls.
Landholding Agency: COE
Property Number: 319011039
Status: Unutilized
Comment: 1040 sq. ft.; frame house; possible asbestos; potential utilities.

New Mexico

Bldg. 3W
Conchas Lake Project
(See County) Co: San Miquel, NM 88416-
Landholding Agency: COE
Property Number: 319011507
Status: Underutilized
Comment: 1000 sq. ft.; 1 story adobe residence; intermittently occupied.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington, OH 45768-9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 319120016
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

South Carolina

Bldgs. 1-5
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick, SC 29821-
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011544-319011548
Status: Excess
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie, WI 54911-
Landholding Agency: COE
Property Number: 319011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie, WI 54911-
Landholding Agency: COE
Property Number: 319011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie, WI 54131-
Landholding Agency: COE
Property Number: 319011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie, WI 54911-
Landholding Agency: COE
Property Number: 319011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road

Wrightstown Co: Outagamie, WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 319011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKuana Lock
Little KauKuana
Lawrence Co: Brown, WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway "D") and River Street.
Landholding Agency: COE
Property Number: 319011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie, WI 54140–
Landholding Agency: COE
Property Number: 319011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Land (by State)

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010073
Status: Unutilized
Comment: 50.48 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring, AR 71923–9361
Landholding Agency: COE
Property Number: 319010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark, AR 71923–9361
Landholding Agency: COE
Property Number: 319010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring, AR 71923–9361
Landholding Agency: COE
Property Number: 319010079
Status: Unutilized
Comment: 6.60 acres

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring, AR 71923–9361
Landholding Agency: COE
Property Number: 319010080
Status: Unutilized
Comment: 4.5 acres

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring, AR 71923–9361
Landholding Agency: COE
Property Number: 319010081
Status: Unutilized
Comment: 19.50 acres

Lake Greeson
Sections 7, 8 and 18
Murfreesboro Co: Pike, AR 71958–9720
Landholding Agency: COE
Property Number: 319010083
Status: Unutilized
Comment: 46 acres

California

Lake Mendocino
Sections 7, 8 and 18
1160 Lake Mendocino Drive
Ukiah Co: Mendocino, CA 95482–9404
Landholding Agency: COE
Property Number: 319011015
Status: Unutilized
Comment: 20 acres; steep, dense brush; potential utilities.

New Hogan Lake
2713 Hogan Dam Road
Valley Springs Co: Calaveras, CA 95252–0128
Landholding Agency: COE
Property Number: 319011017
Status: Unutilized
Comment: 3.00 acres; potential utilities; brush covered.

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden, GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Kansas

Parcel 1
El Dorado Lake
Sections 13, 24, and 18
(See County) Co: Butler, KS
Landholding Agency: COE
Property Number: 319010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Tract 2625
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 319010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg, KY 42211–
Location: 1 miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE

Property Number: 319010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 319010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42211–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 319010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 6½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 319010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 319010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: 5 miles southwest of Kuttawa.
Landholding Agency: COE
Property Number: 319010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 319010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Barkley Lake, Kentucky and Tennessee
Kuttawa Co: Lyon, KY 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010057
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg, KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 319010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg, KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 319010059
Status: Excess
Comment: 2.28 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011621
Status: Excess

Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 319011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: 5 miles southwest of Kuttawa.
Landholding Agency: COE
Property Number: 319011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon, KY 42045–
Location: 5 miles southwest of Kuttawa.
Landholding Agency: COE
Property Number: 319011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton, KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo, LA 71103–
Landholding Agency: COE
Property Number: 319011009
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo, LA 71037–9707
Location: 35 miles Northeast of Shreveport, LA.
Landholding Agency: COE
Property Number: 319011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick, Co: Cumberland, ME 04053–
Landholding Agency: Navy
Property Number: 779010111
Status: Underutilized
Comment: 66.13 acres, most recent use—transmitter station.

Minnesota

Parcel D
Pine River
Cross Lake, Co: Crow Wing, MN 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011038
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Sandy Lake
McGregor Co: Aitkins, MN 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Landholding Agency: COE
Property Number: 319011040
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Leech Lake
Benedict Co: Hubbard, MN 56641–
Location: 1 mile from city of Federal Dam, MN.
Landholding Agency: COE
Property Number: 319011041
Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18, T24N, R8E
Grenada Co: Calhoun, MS 38901–0903
Landholding Agency: COE
Property Number: 319011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Sections 2 and 3, T23N, R5E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha, MS 38903–0903
Landholding Agency: COE
Property Number: 319011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun, MS 38901–0903
Landholding Agency: COE
Property Number: 319011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha, MS 38390–0903
Landholding Agency: COE
Property Number: 319011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha, MS 38903–0903
Landholding Agency: COE
Property Number: 319011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha, MS 38901–0903
Landholding Agency: COE
Property Number: 319011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada, MS 28901–0903
Landholding Agency: COE
Property Number: 319011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada, MS 28902–0903
Landholding Agency: COE
Property Number: 319011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada, MS 38901–0903
Landholding Agency: COE
Property Number: 319011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S. Truman Dam & Reservoir
Warsaw Co: Benton, MO 65355–
Location: Triangular shaped parcel southwest of access road "B", part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 319030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Ohio

Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal Co: Monroe, OH 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Landholding Agency: COE
Property Number: 319010015
Status: Underutilized
Comment: 22 acres; river bank

Oklahoma

Pacel No. 8
Fort Gibson Lake
Section 22, Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013801
Status: Underutilized
Comment: 5 acres; bushy and timbered; subject to grazing lease.

Parcel No. 9
Fort Gibson Lake
Section 16, Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013802
Status: Underutilized
Comment: 7.5 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 10
Fort Gibson Lake
Section 16, Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013803
Status: Underutilized
Comment: 36 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 11
Fort Gibson Lake
Section 16, Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013804
Status: Underutilized
Comment: 60.34 acres; semi open with trees; most recent use—recreation.

Parcel No. 12
Fort Gibson Lake
Section 16, (See County) Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013805
Status: Underutilized
Comment: 8 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 13
Fort Gibson Lake
Section 21, (See County) Co: Cherokee, OK
Landholding Agency: COE
Property Number: 219013806
Status: Underutilized
Comment: 7 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 17
Fort Gibson Lake
Section 12
Wagoner Co. Co: Wagoner, OK
Landholding Agency: COE
Property Number: 219013807
Status: Underutilized
Comment: 25.00 acres; flat with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 18
Fort Gibson Lake
Section 12
Wagoner Co. Co: Wagoner, OK
Landholding Agency: COE
Property Number: 219013808
Status: Underutilized
Comment: 8.77 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 22
Fort Gibson Lake
Sections 16 and 21
Wagoner Co. Co: Wagoner, OK
Landholding Agency: COE
Property Number: 219013809
Status: Underutilized
Comment: 177.84 acres; rolling with timbered and open areas; subject to grazing lease; most recent use—recreation.

Parcel No. 32
Fort Gibson Lake
Section 2
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013810
Status: Underutilized
Comment: 22 acres; rolling and open; subject to grazing lease; most recent use—recreation.

Parcel No. 33
Fort Gibson Lake
Section 4
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013811
Status: Underutilized
Comment: 18 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 34
Fort Gibson Lake
Section 34
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013812
Status: Underutilized
Comment: 18 acres; hilly-timbered; subject to grazing lease; most recent use—recreation.

Parcel No. 36
Fort Gibson Lake
Section 12
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013813
Status: Underutilized
Comment: 19 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 38
Fort Gibson Lake
Sections 7 and 8
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013814
Status: Underutilized
Comment: 97.39 acres; rolling, partially open with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 40
Fort Gibson Lake

Section 5
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013815
Status: Underutilized
Comment: 42 acres; timber; subject to grazing lease; most recent use—recreation.

Parcel No. 41
Fort Gibson Lake
Section 5
Co: Mayes, OK
Landholding Agency: COE
Property Number: 219013816
Status: Underutilized
Comment: 10 acres; some trees; subject to grazing lease; most recent use—recreation.

Pine Creek Lake
Section 27
Co: McCurtain, OK
Landholding Agency: COE
Property Number: 319010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong, PA 16242–9003
Location: Route 28 north to Belknap, Road No. 4
Landholding Agency: COE
Property Number: 319010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 319011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
(See County) Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 319011011
Status: Unutilized
Comment: 7.89 acres; potential for utilities.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart, TN 37058–
Location: 2½ miles west of Dover, TN.
Landholding Agency: COE
Property Number: 319010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 319010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson, TN 37015–
Location: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 319010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford, TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 319010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford, TN 371130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford, TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 319010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson, TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 319010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford, TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 319010934
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford, TN 37130–
Location: South of Old jefferson Pike
Landholding Agency: COE
Property Number: 319010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart, TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 319010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery, TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham, TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham, TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart, TN 37028–
Location: 4½ miles SW. of Bumpus Mills.
Landholding Agency: COE
Property Number: 319010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery, TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 319010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart, TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart, TN 37058–
Location: 3 miles south of Village of Tobaccopert.
Landholding Agency: COE
Property Number: 319011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale, TN 37074–
Landholding Agency: COE
Property Number: 319130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation

Tract A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay, TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay, TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay, TN 38551–
Landholding Agency: COE
Property Number: 319140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay, TN 38570–
Landholding Agency: COE
Property Number: 319140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Texas

Parcel #222
Lake Texoma
(See County) Co: Grayson, TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529
Landholding Agency: COE
Property Number: 319010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Parts of Tracts
B–143, B–144, B–146, B–148, B–179
Downstream of Lewisville Dam embankment
Louisville Co: Denton, TX 75067–
Location: Along State Hwy 121
Landholding Agency: COE
Property Number: 319140015
Status: Underutilized
Comment: Approx. 92.81 acres in 3 parcels, most recent use—wildlife and low density recreation.

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces, TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.46 acres; 60% of land under lease until 8/93.
GSA Number: 7–N–TX–402–V.

Suitable/Unavailable Properties

Buildings (by State)

Florida

Bldg. CN7, CN8
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades, FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010012–319010013
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. CN–19
Moore Haven Lock
Okeechobee Waterway
Moore Haven Co: Glades, FL 33471–
Location: 1 mile east of highway 27
Landholding Agency: COE
Property Number: 319011686
Status: Unutilized
Comment: 1281 sq. ft.; 1 story frame residence; secured area with alternate access.

Georgia

Lot 3
Lake Forrest Subdivision
Woodframe House
Hartwell Co: Hartwell, GA
Landholding Agency: COE
Property Number: 319110026
Status: Excess
Comment: 896 sq. ft.; 2 story wood frame residence; off-site removal only.

Illinois

Bldgs. 1–7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski, IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain.
Landholding Agency: COE
Property Number: 319010001–319010007
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Indiana

Cagles Mill Lake
Cagles Mill Lake Dam
Poland Co: Putnam, IN 47868–
Location: Midway between Indianapolis and Terre Haute, 5 miles west of Poland on SR42.
Landholding Agency: COE
Property Number: 319011046
Status: Unutilized
Comment: 1066 sq. ft.; wood frame residence; minor rehab.
Dwelling #2
Cagle Mill Lake
Poland Co: Putnam, IN 47868–
Location: 5 miles west of Polano on SR 42
Landholding Agency: COE
Property Number: 319011686
Status: Unutilized
Comment: 872 sq. ft.; 1 story wood frame residence; fair condition.

Kentucky

Kentucky River Lock and Dam 3
Pleasureville Co: Henry, KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010060
Status: Unutilized
Comment: 807 sq. ft.; 2 story wood frame; structural deficiencies.

Kentucky River Lock and Dam 3
Pleasureville Co: Henry, KY 40057–
Location: SR 421 north from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010061
Status: Unutilized
Comment: 1060 sq. ft.; 2 story wood frame; needs rehab.

Bldgs. 1–2
Kentucky River Lock and Dam
Carrolton Co: Carroll, KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011628–319011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Minnesota

Former Yardmaster's Dwelling
Duluth Vessel Yard
900 Minnesota Avenue
Duluth Co: St. Louis, MN 55802–
Landholding Agency: COE
Property Number: 319011042
Status: Unutilized
Comment: 1568 sq. ft.; 2 story wood frame residence; potential utilities; minor rehab.

New Mexico

Bldg. 1E
Conchas Lake Project Office
Co: San Miguel, NM 88416–
Landholding Agency: COE
Property Number: 319011538
Status: Underutilized
Comment: 1000 sq. ft.; 1 story adobe residence.

New York

Naval Reserve Center
112 Hanse Avenue
Freeport Co: Nassau, NY 11550–
Landholding Agency: Navy
Property Number: 779010041
Status: Excess
Comment: 40,000 sq. ft.; 1 floor; most recent use—offices; needs rehab.

Pennsylvania

Conemaugh River Lake
Road #1, Box 702
Saltsburg Co: Indiana, PA 15681–
Landholding Agency: COE

Property Number: 319010019
Status: Unutilized
Comment: 2642 sq. ft.; one unit of brick/frame duplex; most recent use—residence.
Bldg.—Cowanesque Lake
Tioga Co: Tioga, PA 16946–
Location: Located on north side of Bliss Road across from Cowanesque Dam Office
Landholding Agency: COE
Property Number: 319120003
Status: Excess
Comment: 2640 sq. ft., 1 story wood frame, most recent use—storage, off-site removal only.

Tennessee

Transient Quarters
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina Co: Clay, TN 38551–
Landholding Agency: COE
Property Number: 319140005
Status: Unutilized
Comment: 1400 sq. ft., concrete block, possible security restrictions, subject to existing easements.

Texas

Bldg. 6–B
Blazos River Floodgates
Freeport Co.: Brazoria, TX 77541–
Location: 5 miles south of Freeport.
Landholding Agency: COE
Property Number: 319110030
Status: Unutilized
Comment: 1100 sq. ft.; 2 story wood frame; needs major rehab; possible asbestos; off-site use only.
Bldg. 6–C
Colorado River Locks
109 Colorado River Locks
Matagorda Co.: Matagorda, TX 77547–
Landholding Agency: COE
Property Number: 319110031
Status: Unutilized
Comment: 1100 sq. ft.; 1 story wood frame; needs rehab; off-site use only.
66 Bldgs.
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010161–779010227
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Virginia

Tract HH 3331–E
John H. Kerr Reservoir
Woodframe House
South Boston Co: Halifax, VA
Landholding Agency: COE
Property Number: 319110027
Status: Excess
Comment: 1040 sq. ft.; 1 story wood frame residence; off-site removal only.
Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk, VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible asbestos, most recent use—laundry.

Washington

Naval Station Puget Sound
7500 San Point Way, NE
Seattle Co: King, WA 98115–
Landholding Agency: Navy
Property Number: 779120002
Status: Excess
Base closure Number of Units: 1
Comment: 144 sq. ft. ammunition bunker, most recent use-storage, secured area with alternate access.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St. & Ohio River
Wheeling Co.: Ohio, WV 26003–
Landholding Agency: Navy
Property Number: 779010077
Status: Excess
Comment: 32000 sq. ft.; 1 floor; most recent use—offices; 15 percent of total space occupied; needs rehab; land leased from city—expires September 1990.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown, WI 54115–
Landholding Agency: COE
Property Number: 319011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Land (by State)

Florida

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia, FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres.

Georgia

E. O. Tract A
J. Strom Thurmond Dam and Reservoir Co: Columbia, GA
Location: 3 miles east of GA 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011516
Status: Unutilized
Comment: 17 acres; potential utilities; most recent use—forest and wildlife reserve.
E.O. Tract B
J. Strom Thurmond Dam and Reservoir
Co: Columbia, GA
Location: 3 miles east of Ga 104 and Ridge Road intersection.
Landholding Agency: COE
Property Number: 319011517
Status: Unutilized
Comment: 86 acres; potential utilities; most recent use—forest and wildlife reserve.
E. O. Tract F
J. Strom Thurmond Dam and Reservoir
Co: Columbia, GA
Location: Approximately 2 miles east of GA 104 and Keg Creek Road intersection.
Landholding Agency: COE
Property Number: 319011519
Status: Unutilized
Comment: 29 acres; potential utilities; most recent use—forest and wildlife reserve.
E. O. Tract E
J. Strom Thurmond Dam and Reservoir
Co.: Columbia, GA
Location: Approximately 1½ miles east of GA 104 and Keg Creek Road Intersection.
Landholding Agency: COE
Property Number: 319011520
Status: Unutilized
Comment: 12 acres; potential utilities; most recent use—forest reserve and wildlife management.
E. O. Tracts G, I
J. Strom Thurmond Dam and Reservoir
CO: Columbia, GA
Location: 4 miles east of GA 104 and Ridge Road Intersection.
Landholding Agency: COE
Property Number: 319011521, 319011523
Status: Unutilized
Comment: 8 acres each; potential utilities; most recent use—forest and wildlife reserve.
Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden, GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres; 86 acre portion located in floodway; secured area with alternate access.

Kansas

Paradise Point
Public Use Area (Perry Lake)
Perry Co: Jefferson, KS 66073–
Location: Upper-east reaches of the Perry Lake project, approximately 8½ miles west of Oskaloosa, 8½ miles southeast of Valley Falls.
Landholding Agency: COE
Property Number: 319011540
Status: Underutilized
Comment: 479 acres; portion in floodway/reservoir flood control area; remote location.
Grasshopper Point
Public Use Area (Perry Lake)
Perry Co: Jefferson, KS 66073–
Location: Along the west shore of Perry Lake, 5 miles east (gravel road) from Meridan, 5 miles south from Ozawkie.
Landholding Agency: COE
Property Number: 319011541
Status: Underutilized
Comment: 174 acres; portion in floodway/reservoir flood control area; remote location.
Sunset Ridge
Public Use Area (Perry Lake)
Perry Co: Jefferson, KS 66073–
Location: Upper-west reaches of the Perry Lake project, approximately 8 miles south from Valley Falls.
Landholding Agency: COE
Property Number: 319011542
Status: Underutilized
Comment: 279 acres; portion in floodway/reservoir flood control area; remote location.

Dragoon Access Area
Pomona Lake
Vassar Co: Osage, KS 66543–
Location: Upper reaches of north shore of the Pomona Lake, approximately 10.5 miles north and east of Lundon.
Landholding Agency: COE
Property Number: 319011543
Status: Underutilized
Comment: 110 acres; portion in floodway/reservoir flood control area.

Oklahoma

45 acre parcel, Sardis Lake
SE¼ NE¼ Section 4, T 2 N, R 18 E Co: Pushmataha, OK 74521–
Landholding Agency: COE
Property Number: 319140004
Status: Excess
Comment: Approx. 45 acres, most recent use—fish and wildlife conservation.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk, PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 319011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground.

South Carolina

E. O. Tract J
J. Strom Thurmond Dam and Reservoir
Co: McCormick, SC
Location: 4 miles southwest of Plum Branch SC on road to Clarks Mill Marina.
Landholding Agency: COE
Property Number: 319011514
Status: Unutilized
Comment: 57 acres; potential utilities; most recent use—forest and wildlife reserve.
E. O. Tract C
J. Strom Thurmond Dam and Reservoir
Co: McCormick, SC
Location: Approximately 1 mile north of US 221 and SC 28 intersection.
Landholding Agency: COE
Property Number: 319011515
Status: Unutilized
Comment: 70 acres; potential utilities; most recent use—forest and wildlife reserve.

Texas

Part of Tract A–10
Co: Tarrant, TX
Location: Off FM 2499 at north end of dam embankment
Landholding Agency: COE
Property Number: 319010390
Status: Excess
Comment: 0.29 acres; most recent use—parking lot.
Part of Tract 340
Joe Pool Lake
Co: Dallas, TX
Landholding Agency: COE
Property Number: 319010400
Status: Unutilized
Comment: 1 acre; future use—recreation.

Virginia

Naval Base
Norfolk Co: Norfolk, VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB/Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; use—office space.
Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—office.
Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—dining hall.
Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—barracks.
Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—shop.
Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized
Comment: 100 sq. ft.; 1 story permanent bldg; secured facilities with alternate access; most recent use—storage.
Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010285
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—filling station.
Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010286
Status: Unutilized
Comment: 4320 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access; most recent use—bowling alley.
Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010287
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access; most recent use—recreation building

Kentucky

Bldg.—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin, KY 41095–
Landholding Agency: COE
Property Number: 319130004
Status: Unutilized
Comment: 64 sq. ft.; 1 story wood frame, most recent use—utility off-site use only.

Michigan

Former C. G. Lightkeeper Sta.
Little Rapids Channel Project
St. Marys River
Sault Ste. Marie Co: Chippewa, MI 49783–
Location: 3 miles east of downtown Sault Ste. Marie.
Landholding Agency: COE
Property Number: 319011573
Status: Excess
Comment: 1411 sq. ft.; 2 story; wood frame on .62 acres; needs rehab; secured area with alternate access.

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Luke, IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Indiana

Cecil M. Harden Lake Project
Rockville Co: Parke, IN 47872–
Location: Route 57 at intersection w/country road 910E.
Landholding Agency: COE
Property Number: 319011669

Status: Excess
Comment: 2.68 acres; narrow triangular shaped area of land.
Tracts 903, 905, 905–C
Patoka Lake Project
Taswell Co: Crawford, IN 47527–
Location: From French Lick, IN, take SR 145S for 10 miles to intersection with SR 164, property lies east and adjacent to highway 145.
Landholding Agency: COE
Property Number: 319030003
Status: Excess
Comment: 22.35 acres; limited utilities.
Tracts 142–A, 143
Patoka Lake Project
Dubois Co: Dubois, IN 47527–9661
Location: From French Lick, IN take SR 145 S. for 20 miles to SR 164, go west on 164 for 7 miles to Celestine Road, go North on Celestine for 5 miles to Dubois Co. Road 475, then right for ¼ mile to property.
Landholding Agency: COE
Property Number: 319030004
Status: Excess
Comment: 21.30 acres; limited utilities; subject to periodic flooding.
Tract 142–B
Patoka Lake Project
Dubois Co: Dubois, IN 47527–9661
Location: From French Lick, IN take SR 145 S for 20 miles to SR 164, go west on 164 for 7 miles to Celestine Road, go North on Celestine for 5 miles to Dubois Co. Road 475, then right for ¼ mile to property.
Landholding Agency: COE
Property Number: 319030005
Status: Excess
Comment: 4.74 acres; limited utilities; subject to periodic flooding.
Tract 601
Patoka Lake Project
French Lick Co: Orange, IN 47527–
Location: IN. State Highway 145 south to Jordan Branch Road. Property abuts east right-of-way for Jordan Road.
Landholding Agency: COE
Property Number: 319030006
Status: Excess
Comment: 0.41 acre; limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 28
Co: Greenwood, KS
Landholding Agency: COE
Property Number: 319010065
Status: Unutilized
Comment: 155 acres; most recent use—recreation and leased cottage sites.
Parcel #2
Fall River Lake
Sections 25 and 26
Co: Greenwood, KS
Landholding Agency: COE
Property Number: 319010066
Status: Excess
Comment: 38.62 acres; most recent use—recreation.
Parcel #3
Fall River Lake
Section 26
Co: Greenwood, KS
Landholding Agency: COE
Property Number: 319010067
Status: Excess
Comment: 22.44 acres; most recent use—recreation.

Kentucky

Tract B—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin, KY 41095–
Landholding Agency: COE
Property Number: 319130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.
Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin, KY 41095–
Landholding Agency: COE
Property Number: 319130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.
Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin, KY 41095–
Landholding Agency: COE
Property Number: 319130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester, MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200, and B–256
Landholding Agency: COE
Property Number: 319010016
Status: Excess
Comment: 1.45 acres.
Conant Brook Dam
Flood Control Dam
Wales Road
Monson Co: Hampden, MA 01057–,
Location: Portion of Tract 211
Landholding Agency: COE
Property Number: 319010017
Status: Excess
Comment: 5.27 acres.
Hodges Village
Dam Flood Control Project
Old Howarth Road
Oxford Co: Worcester, MA 01540–0500
Location: Portion of Tract A–108, See Project Manager at Hodges Village Dam, Oxford, MA (508) 987–2600.
Landholding Agency: COE
Property Number: 319011006
Status: Excess
Comment: 6.02 acres; 3 acres paved road, subject to utility easement.

Oklahoma

Parcel No. 18
Fort Gibson Lake
Section 12
Wagoner Co., Co: Wagoner, OK
Landholding Agency: COE
Property Number: 219013606
Status: Underutilized
Comment: 8.77 acres, subject to grazing lease; most recent use—recreation.
Parcel No. 100
Lake Texoma
Section 25, T7S, R5E
Enos Co: Marshall, OK
Location: 1 mile northeast of Enos
Landholding Agency: COE
Property Number: 319010440
Status: Underutilized
Comment: 11.77 acres, most recent use—recreation.
Parcel No. 7
Kaw Lake
Section 27
Co: Kay, OK
Landholding Agency: COE
Property Number: 319010842
Status: Excess
Comment: 21 acres; potential utilities; most recent use—recreation.
Parcel No. 3
Sardis Lake
Section 21
Co: Latimer, OK
Landholding Agency: COE
Property Number: 319010843
Status: Excess
Comment: 2.5 acres; potential utilities; most recent use—wildlife management.
Parcel No. 4
Sardis Lake
Section 21
Co: Latimer, OK
Landholding Agency: COE
Property Number: 319010844
Status: Excess
Comment: 4.5 acres, potential utilities; most recent use—wildlife management.
Parcel No. 7
Fort Gibson Lake
Section 6
Co: Cherokee, OK 74434
Landholding Agency: COE
Property Number: 319010869
Status: Unutilized
Comment: 16.31 acres; potential utilities; most recent use—recreational and development.
Parcel No. 14
Fort Gibson Lake
Section 20
Co: Cherokee, OK 74434
Landholding Agency: COE
Property Number: 319010870
Status: Unutilized
Comment: 52.09 acres, potential utilities; subject to haying/grazing leases; most recent use—recreational.
Parcel No. 15
Fort Gibson Lake
Section 22
Co: Cherokee, OK 74434
Landholding Agency: COE
Property Number: 319010871
Status: Unutilized
Comment: 7.51 acres; potential utilities; most recent use—recreational.
Parcel No. 28
Fort Gibson Lake
Section 35
Co: Mayes, OK 74434
Landholding Agency: COE
Property Number: 319010877
Status: Unutilized
Comment: 36.59 acres; potential utilities; and intensive; most recent use—recreational.
Parcel No. 75

Fort Gibson Lake
Section 16
Co: Mayes, OK 74434
Landholding Agency: COE
Property Number: 319010887
Status: Excess
Comment: 45 acres; potential utilities; subject to haying lease and flowage easement; most recent use—recreational.
Parcel No. 88
Fort Gibson Lake
Section 7
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319010899
Status: Unutilized
Comment: 14 acres; potential utilities; subject to grazing lease; most recent use—recreational.
Parcel No. 89
Fort Gibson Lake
Section 7
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319010900
Status: Excess
Comment: 16 acres; potential utilities; subject to grazing lease and flowage easement; most recent use—recreational.
Parcel No. 95
Fort Gibson Lake
Section 33
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319010906
Status: Unutilized
Comment: 8 acres; potential utilities; most recent use—recreational.
Parcel No. 43
Fort Gibson Lake
Section 11
Co: Mayes, OK 74434
Landholding Agency: COE
Property Number: 319011371
Status: Underutilized
Comment: 125 acres, potential utilities; portion subject to grazing lease and flowage easements.
Parcel No. 49
Fort Gibson Lake
Section 15
Co: Mayes, OK 74434
Landholding Agency: COE
Property Number: 319011377
Status: Excess
Comment: 26.94 acres; potential utilities; portion subject to grazing lease and flowage easements.
Parcel No. 61
Fort Gibson Lake
Section 13
Co: Mayes, OK 74434
Landholding Agency: COE
Property Number: 319011389
Status: Excess
Comment: 54 acres, potential utilities; subject to flowage easements; most recent use—recreation.
Parcel No. 99
Fort Gibson Lake
Section 21
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319011400
Status: Excess
Comment: 5 acres, small creek on land; most recent use—recreation.
Parcel No. 102
Fort Gibson Lake
Section 33
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319011403
Status: Excess
Comment: 7 acres, subject to grazing lease; most recent use—recreation.
Parcel No. 105
Fort Gibson Lake
Section 14, 22 and 23
Co: Wagoner, OK 74434
Landholding Agency: COE
Property Number: 319011406
Status: Underutilized
Comment: 375 acres, portion is environmentally protected; most recent use—recreation.

Oregon

Tract 108 (Portion of)
Willow Creek Lake Project
Heppner Co: Morrow, OR 77836–
Location: Located up hill from the left abutment of the dam structure.
Landholding Agency: COE
Property Number: 319011607
Status: Unutilized
Comment: 2.25 acres; unimproved land; secured area with alternate access.

Pennsylvania

Tract B–202 (Portion of)
Stillwater Reservoir
Forest City Co: Susquehanna, PA 18421–
Location: On the Lackawanna River, 4 miles north of Forest City.
Landholding Agency: COE
Property Number: 319010009
Status: Unutilized
Comment: 70 acres; property divided by a creek; access to majority of the land is difficult.
GSA Number: PA–P–0065

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham, TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 319010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Tract J–957
Whitney Lake
Bosque Co: Bosque, TX
Location: Via Avenue B within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110029
Status: Unutilized
Comment: .18 acres; potential utilities; encroachments on large portion of property.
Tract J–936
Whitney Lake
Bosque Co: Bosque, TX
Location: Off F. M. Highway 56 within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110032
Status: Unutilized
Comment: 5.4 acres; potential utilities.
Tract F–516 O.C. Fisher Lake
Parallel with Grape Creek Road
San Angelo Co: Tom Green, TX 76902–3085
Landholding Agency: COE
Property Number: 319120002
Status: Unutilized
Comment: 2.13 acres, potential limited utilities.
Part of Tract 102 Segment 1
Bardwell Dam Road
Ennis Co: Ellis, TX 75119–
Landholding Agency: COE
Property Number: 319140014
Status: Unutilized
Comment: approx. 4.5 acres.

Unsuitable Properties

Buildings (by State)

Alaska

Baler Bldg., Map Grid 55N14
Naval Air Station
Adak Co: Adak, AK 99791–
Landholding Agency: Navy
Property Number: 79120003
Status: Unutilized
Reason: Secured Area.
Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak, AK 99791–
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area.
Pier #9, Map Grid 55Y1
Naval Air Station
Adak Co: Adak, AK 99791–
Landholding Agency: Navy
Property Number: 779120005
Status: Unutilized
Reason: Secured Area.
LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak, AK 99791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area.

California

Bldgs. 105, 165
Naval FPS, CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010159–779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.
Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey, CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: Sewer treatment facility.

Florida

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe, FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base—Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden, GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area.

Illinois

Bldgs. 928, 28, 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake, IL 60088–
Landholding Agency: Navy
Property Number: 779010120, 779010123, 779010126
Status: Unutilized
Reason: Secured Area.

South Wing—Building No. 62
Great Lakes Co: Lake, IL 60088–5000
Landholding Agency: Navy
Property Number 779110001
Status: Underutilized
Reason: Secured Area.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll, KY 41008–
Landholding Agency: COE
Property Number: 219040416
Status: Unutilized
Reason: Other
Comment: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin, KY 40601–9909
Landholding Agency: COE
Property Number: 219040417
Status: Unutilized
Reason: Other
Comment: Coal Storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin, KY 40601–9909
Landholding Agency: COE
Property Number: 219040418
Status: Unutilized
Reason: Other
Comment: Coal Storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry, KY 40057–
Landholding Agency: COE
Property Number: 219040419
Status: Underutilized
Reason: Other
Comment: 110 year old barn with crumbled foundation.

Tract 111—Building
Martins Fork Lake
Smith Co: Harlan, KY 40867–
Location: 13 miles southeast of Harlan on Highway 987
Landholding Agency: COE
Property Number: 319010062
Status: Unutilized
Reason: Floodway.

Latrine
Kentucky River Lock and Dam Number 3
Highway 561
Pleasureville Co: Henry, KY 40057–
Landholding Agency: COE
Property Number: 319040009
Status: Unutilized
Reason: Other
Comment: Detached Latrine.

6–Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler, KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120010
Status: Unutilized
Reason: Floodway.

2–Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler, KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler, KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler, KY 42273–
Landholding Agency: COE
Property Number: 319120013
Status: Unutilized
Reason: Floodway.

Missouri

Building—Stockton Lake Project
Old Mill Area
(See County) Co: Cedar, MO 65785–
Landholding Agency: COE
Property Number: 219040414
Status: Unutilized
Reason: Floodway.

New Mexico

Cochiti Lake Project Office
Pena Blanca Co: Sandoval, NM 87041–
Location: 30 miles from Santa Fe. 45 miles from Albuquerque.
Landholding Agency: COE
Property Number: 319011505
Status: Underutilized
Reason: Secured Area.

New York

Bldgs. 204, 255, T–370
Naval Underwater Systems Center
Fisher's Island Annex Detachment
Fisher's Island Co: Suffolk, NY 06390–
Landholding Agency: Navy
Property Number: 779010270–779010272
Status: Excess
Reason: Secured Area.

Pennsylvania

Bldg. 62
Philadelphia Naval Shipyard
Philadelphia Co: Philadelphia, PA 19112–
Landholding Agency: Navy
Property Number: 779010112
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Rhode Island

91 Bldgs.
Naval Construction Battalion Center
Davisville Co: Washington, RI 02854–
Landholding Agency: Navy
Property Number: 779010001–779010023, 779010025, 779010027–779010040, 779010042–779010061, 779010063–779010065, 779010067, 779010069–779010072, 779010074, 779010076, 779010078–779010079, 779010232–779010240, 779010242–779010253
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport, RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area.

Bldg. A–63
Naval Construction Battalion Center
Davisville Co: Washington, RI 02854–
Landholding Agency: Navy
Property Number: 779010277
Status: Excess
Reason: Secured Area.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project
Defeated Creek Recreation Area
Carthage Co: Smith, TN 37030–
Location: U.S. Highway 85
Landholding Agency: COE
Property Number: 319011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson, TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 319011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay, TN 38351–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other Comment: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project

Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay, TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other Comment: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay, TN 38351–
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other Comment: Water treatment plant.

Texas

5 Bldgs.
Fort Point
Galveston Harbor and Channel Project
Galveston Co: Galveston, TX 77550–
Landholding Agency: COE
Property Number: 319110033–319110037
Status: Unutilized
Reason: Secured Area.

20 Bldgs.
Laguna Shores Housing Area
Corpus Christi Co: Nueces, TX 78419–
Landholding Agency: Navy
Property Number: 779010279–779010298
Status: Underutilized
Reason: Floodway.

Washington

Bldg. 57
Naval Supply Center, Puget Sound
Manchester Co: Kitsap, WA 98353–
Landholding Agency: Navy
Property Number: 779010001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 47 (Report 1)
Naval Supply Center, Puget Sound
Manchester Co: Kitsap, WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area.

Land (by State)

California

Salton Sea Test Range
ElCentro Co: Imperial, CA 93555–
Landholding Agency: Navy
Property Number: 779010068
Status: Excess
Reason: Secured Area.

Florida

Boca Chica Field
Naval Air Station
Key West Co: Monroe, FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery #2
Naval Air Station
Key West Co: Monroe, FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base
Grid G–8 to G–10 to Q–8 to P–2
Kings Bay Co: Camden, GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area.

Kentucky

Tract 4626
Barkley Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg, KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 319010030
Status: Underutilized
Reason: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski, KY 42519–
Landholding Agency: COE
Property Number: 319010038
Status: Underutilized
Reason: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski, KY 42519–
Landholding Agency: COE
Property Number: 319010039
Status: Underutilized
Reason: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon, KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 319010043
Status: Excess
Reason: Floodway.

Red River Lake Project
Stanton Co: Powell, KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 319011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren, KY 42270–
Landholding Agency: COE
Property Number: 319120008
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 3
Rochester Co: Butler, KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120009
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 4
Woodbury Co: Butler, KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 319120014
Status: Underutilized
Reason: Floodway.

Green River Lock & Dam No. 5
Readville Co: Butler, KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 319120015
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 6
Brownsville Co: Edmonson, KY 42210–
Location: Off State Highway 259.
Landholding Agency: COE
Property Number: 319120016
Status: Underutilized
Reason: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup, KY 41144–
Landholding Agency: COE
Property Number: 319120017
Status: Unutilized
Reason: Floodway.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing, MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011037
Status: Excess
Reason: Other
Comment: Highway right of way.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada, MS 38901–0903
Landholding Agency: COE
Property Number: 319011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Stockton Public Use Area
Stockton Lake
Stockton Co: Cedar, MO 65785–0632
Location: Adjacent to and east of Stockton, MO.
Landholding Agency: COE
Property Number: 319011471
Status: Underutilized
Reason: Floodway.

Smith's Fork Park
Smithville Lake
Smithville Co: Clay, MO 64089–
Location: Within Smithville Lake water resource project downstream from dam, adjoins Smithville.
Landholding Agency: COE
Property Number: 319011473
Status: Underutilized
Reason: Floodway.

Old Mill Area
Stockton Lake
Stockton Co: Cedar, MO 65785–0632
Location: Below Stockton Lake Dam on right bank of Outlet Channel/SAC River. Approximately 2 miles from Stockton.
Landholding Agency: COE
Property Number: 319011477
Status: Underutilized

Reason: Floodway.
Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin, MO
Landholding Agency: COE
Property Number: 319130001
Status: Unutilized
Reason: Floodway.

North Carolina

Land
Atlantic Intracoastal Waterway
Co: Corrituck, NC
Location: Near old Coinjack Bridge.
Landholding Agency: COE
Property Number: 319011537
Status: Unutilized
Reason: Floodway.

Ohio

Ohio River
New Cumberland Lock and Dam
Glasgow Co: Beaver, OH
Landholding Agency: COE
Property Number: 319011560
Status: Unutilized
Reason: Floodway.

Ohio River
Pike Island Lock and Dam
RD #1, Box 33
Tiltonville Co: Jefferson, OH
Landholding Agency: COE
Property Number: 319011561
Status: Underutilized
Reason: Floodway.

Pennsylvania

Land
Raystown Lake
Huntingdon Co: Huntingdon, PA
Location: Downstream of Raystown Lake.
Landholding Agency: COE
Property Number: 219040420
Status: Excess
Reason: Other
Comment: Property Landlocked.

Lock and Dam #7
Monongahela River
Greensboro Co: Greene, PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Tennessee

McClure Bend
Cordell Hull Dam and Reservoir
Carthage Co: Smith, TN 37030–
Location: Highway 85 to McClure Bend Road.
Landholding Agency: COE
Property Number: 219040412
Status: Underutilized
Reason: Floodway.

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson, TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 219040413
Status: Underutilized
Reason: Floodway.

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham, TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 219040415
Status: Underutilized
Reason: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart, TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 319011478
Status: Underutilized
Reason: Floodway.

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011479
Status: Excess
Reason: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay, TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 319011480
Status: Unutilized
Reason: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay, TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith, TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith, TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011483
Status: Underutilized
Reason: Floodway.

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 319011484
Status: Underutilized
Reason: Floodway.

Tracts 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011485
Status: Underutilized
Reason: Floodway.

Tracts 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainsboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011488
Status: Underutilized
Reason: Within airport runway clear zone, Floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith, TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011489
Status: Unutilized
Reason: Floodway.

Tracts 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson, TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainsboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 319011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith, TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011492
Status: Unutilized
Reason: Floodway.

Tracts 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson, TN 37214–
Location: Interstate 40 to S. Mount Juliet Road
Landholding Agency: COE
Property Number: 319011493
Status: Underutilized
Reason: Floodway.

Tracts 1811
West Fork Launching Area
Smyrna Co: Rutherford, TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 319011494
Status: Underutilized
Reason: Floodway.

Tracts 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford, TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 319011495
Status: Underutilized
Reason: Floodway.

Tracts 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford, TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 319011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson, TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 319011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith, TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011498
Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainsboro Co: Jackson, TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 319011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson, TN 38564–
Landholding Agency: COE
Property Number: 319011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson, TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011502
Status: Unutilized
Reason: Floodway.

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith, TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 319011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 319120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson, TN 37138–
Landholding Agency: COE
Property Number: 319130008
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 and & 118
Joe Pool Lake
Co: Dallas, TX
Landholding Agency: COE
Property Number: 319010307
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake
Co: Dallas, TX
Landholding Agency: COE
Property Number: 319010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake
Co: Dallas, TX
Landholding Agency: COE
Property Number: 319010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson, TX 76530–9801
Landholding Agency: COE
Property Number: 319010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson, TX 76530–9801
Landholding Agency: COE
Property Number: 319010402
Status: Unutilized
Reason: Floodway.

Virginia

0.07 Acre, Dismal Swamp Canal
West of U.S. Rt. 17
Chesapeake, VA
Landholding Agency: COE
Property Number: 319210012
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Washington

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap, WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area.

West Virginia

Ohio River
Pike Island Locks and Dam
Buffalo Creek
Wellsburg Co: Brooke, WV
Landholding Agency: COE
Property Number: 319011520
Status: Unutilized
Reason: Floodway.

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia, WV 26505–
Landholding Agency: COE
Property Number: 319011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha, WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 319011690
Status: Unutilized
Reason: Other
Comment: .03 acres; very narrow strip of land located too close to busy highway.

[FR Doc. 92–4883 Filed 3–5–92; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–030–02–4320–14]

Las Cruces District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The meeting will be held at the Las Cruces District Office, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico 88005. The purpose of the meeting is to set priorities for range improvement projects. The agenda is:

1. 9:30 a.m.—Opening remarks.
2. 9:35 a.m.—Approval of previous minutes and agenda.
3. 9:45 a.m.—Update on range improvements previous meeting.
4. 10 a.m.—Presentation and discussion of GAO report on BLM's Grazing Program in the Hot Deserts.
5. 10:15 a.m.—Update on Mimbres RMP.

6. 10:30 a.m.—Update on the Cuchillo Allotment, Caballo Resource Area.
7. 10:45 a.m.—Presentation of new range improvement projects.
8. 12 noon—Lunch.
9. 1 p.m.—Reconvene and continue project presentation.
10. 2 p.m.—Break for public comment period.
11. 2:30 p.m.—Continue with project presentation and prioritizations of projects.
12. 3:30 p.m.—Adjourn.

MEETING DATE: April 8, 1992, beginning at 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Jim McCormick, District Range Conservationist, Bureau of Land Management, 1800 Marquess, Las Cruces, New Mexico or at (505) 525–8228.

Dated: February 26, 1992.

Josie Banegas,
Acting District Manager.

[FR Doc. 92–5184 Filed 3–5–92; 8:45 am]
BILLING CODE 4310–FB–M

[NM–060–02–4111–10–608]

Motor Vehicle Use Restrictions; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency vehicle closure of public lands.

SUMMARY: Notice is hereby given that effective immediately the following described public lands within the Roswell District are closed to all vehicle use except those having written authorization in their possession by authorizing officer. The purpose of this closure is to prevent any adverse environmental impacts from occurring to the resources present on these lands, while a Coordinated Resource Management Plan is being developed.

New Mexico Principal Meridian

T. 25 S., R. 24 E.,
Sec. 25—Those portions of the NW¼ NW¼, SW¼ NW¼ lying southerly and easterly of Eddy County Road 418.
T. 25 S., R. 24 E.,
Sec. 26—Those portion of the E½, SE¼ SW¼ lying southerly and easterly of Eddy County Road 418.
T. 25 S., R. 24 E.,
Sec. 35—Those portions of the N½, SW¼, lying southerly and easterly of Eddy County Road 418. More particularly described by the cadastral survey that can be found at listed address.
T. 25 S., R. 24 E.,
Sec. 34—E½, SE¼
T 26 S., R. 24 E.,
Sec. 2—W½ NW¼, NW¼ SW¼.
T. 26 S., R. 24 E.,
Sec. 3—E½ NE¼, NE¼ SE¼, S½ SE¼.
T. 26 S., R. 24 E.,
Sec. 10—NE¼ NE¼.

DATES: Effective March 1, 1992, until April 1, 1993.

ADDRESSES: The area which is closed to vehicle use are identified on maps available upon request from the following Bureau of Land Management Offices: Roswell District Office, 1717 W. Second Street, P.O. Box 1397, Roswell, NM 88201; or Carlsbad Resource Area Office, 101 E. Mermod, P.O. Box 1778, Carlsbad, NM 88220.

FOR FURTHER INFORMATION CONTACT: Richard Manus, 505 887–6544.

SUPPLEMENTARY INFORMATION: The authority for this closure is 43 CFR 8341.2. Penalties for any person failing to comply with this closure are a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months (43 CFR 8341.0–7 Penalties).

Dated: February 26, 1992.

Tony L. Ferguson,
Associate District Manager.

[FR Doc. 92–5178 Filed 3–5–92; 8:45 am]
BILLING CODE 4310–FB–M

[NM–030–02–4212–24]

Road Closure; Caballo Resource Area, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In order to protect public health and safety, this order closes a road located on public land in T. 15 S., R. 7 W., Sec. 36, New Mexico Principal Meridian, in Sierra County, New Mexico.

DATES: This closure goes into effect on March 6, 1992, and shall remain in effect until revoked or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Dwayne Sykes, Acting Multi-Resources Staff Chief, Caballo Resource Area, 1800 Marquess, Las Cruces, New Mexico 88005, (505) 525–8228.

SUPPLEMENTARY INFORMATION: The authority for this closure is 43 CFR, part 8364. Any person who fails to comply with this order is subject to arrest and a fine of up to $1,000 and/or imprisonment not to exceed 12 months. This closure applies to all members of the public except authorized personnel from the Department of the Interior on official business, private landowners, or other persons specifically authorized access by the authorized officer.

Dated: February 28, 1992.

Richard T. Watts,
Acting District Manager.

[FR Doc. 92–5177 Filed 3–5–92; 8:45 am]
BILLING CODE 4310–FB–M

[AZ 020–02–4212–12 (AZA 26491)]

Realty Action: Exchange of Public Lands, Maricopa, La Paz, Mohave, Pinal and Pima Counties, AZ

BLM proposes to exchange public lands in order to achieve more efficient management of the public land through consolidation of ownership.

Portions or all of public lands within the following townships, ranges and sections are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716. Approximately 5,211.04 acres are identified.

Gila and Salt River Meridian, Arizona

T. 2 N., R. 6 E.,
Sec. 24.
T. 4 N., R. 19 W.,
Secs. 4 and 9.
T. 22 N., R. 19 W.,
Secs. 12, 14, 20, 30.
T. 5 S., R. 4 E.,
Sec. 13.
T. 5 S., R. 5 E.,
Secs. 16 and 17.
T. 17 S., R. 15 E.,
Secs. 5, 7 and 8.

Detailed information concerning this exchange may be obtained from Barbara Ahearn, realty specialist, at (602) 863–4464.

Final determination on disposal will await completion of an environmental assessment.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands and minerals from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: February 26, 1992.

Sandra R. Nelson,
Acting District Manager.

[FR Doc. 92–5183 Filed 3–5–92; 8:45 am]
BILLING CODE 4310–32–M

Bureau of Reclamation

[INT DES 92–9]

Los Vaqueros Project, Contra Costa County., CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings.

SUMMARY: Pursuant to section 102(s)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, and section 21002 of the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation), and Contra Costa Water District (CCWD) have prepared a Stage 2 draft environmental impact report/draft environmental impact statement (DEIR/DEIS) for the Los Vaqueros Project in California. Since Clean Water Act permits are required, the Corps of Engineers (COE) is a cooperating agency. The Stage 2 DEIR/DEIS describes and presents the environmental effects of five alternatives, including no action, to improve the quality of water supplied to CCWD customers, minimize seasonal quality changes, and improve the reliability of the CCWD supply by providing emergency storage.

DATES: A 60-day public review period commences with the publication of EPA's Notice of Availability. Within that review period, written comments on the DEIR/DEIS may be submitted to CCWD at the address provided below.

Public hearings on the Stage 2 DEIR/DEIS will be held:

Hearing 1—April 7, 1992, 7:30 p.m., Granada High School, Student Union Building, 400 Wall Street, Livermore, California.
Hearing 2—April 9, 1992, 7:30 p.m., City of Antioch, City Council Chambers Third and "H" Streets, Antioch, California.
Hearing 3—April 13, 1992, 7:30 p.m., Contra Costa Water District, Board Room, 1331 Concord Avenue, Concord, California.

ADDRESSES: Copies of the Stage 2 DEIR/DEIS may be requested from CCWD or Reclamation at the following addresses:

- Regional Director, Bureau of Reclamation, Mid-Pacific Regional Office, 2800 Cottage Way, Sacramento CA 95825–1898; telephone: (916) 978–5130.
- Mr. John S. Gregg, Assistant General Manager, Contra Costa Water District, P.O. Box H20, Concord CA 94524; telephone: (510) 674–8000.

Copies of the Stage 2 DEIR/DEIS are available for inspection at the addresses above and at the following locations:

- Office of the Commissioner, Bureau of Reclamation, Technical Liaison Division, 18th and C Streets, NW, room 7456, Washington DC 20240; telephone: (202) 208–4662.
- Denver Office, Bureau of Reclamation, Library, room 167, Building 67, Denver Federal Center, Denver, CO 80225; telephone: (303) 236–6963.

Libraries

- California State Library, Government Publications Section, 2000 Jed Smith Drive, Sacramento CA 95819.
- City of Livermore Public Library-Springtown, 998 Bluebell Drive, Livermore CA 94550.
- City of Livermore Public Library, 1000 S. Livermore, Livermore CA 94550.
- Contra Costa County Public Library, 501 W. 18th Street, Antioch CA 94509.
- Contra Costa County Public Library, 210 O'Hara Avenue, Oakley CA 94561.
- Contra Costa County Public Library, 751 Third Street, Brentwood CA 94513.
- Contra Costa County Public Library, 2900 Salvio Street, Concord CA 94520.
- Contra Costa County Public Library, 80 Power Avenue, Pittsburgh CA 94586.
- Contra Costa County Public Library, 740 Court Street, Martinez CA 94553.
- Contra Costa County Public Library, 1644 North Broadway, Walnut Creek CA 94596.
- Contra Costa County Public Library, 1750 Oak Park Boulevard, Pleasant Hill CA 94523.
- U.S. Geological Survey Library, 345 Middlefield Road, Menlo Park CA 94025.
- University of California, Water Resources Library, 410 O'Brien Hall, Berkeley CA 94720.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Darling or Ms. Janice Hutton, Contra Costa Water District, P.O. Box H20, Concord CA 94524; telephone: (510) 674–8130; or Mr. Douglas Kleinsmith, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento CA 95825–1898; telephone: (916) 978–5121.

SUPPLEMENTARY INFORMATION: The preferred alternative would consist of constructing a dam and reservoir on Kellogg Creek, south of the city of Brentwood in southeastern Contra Costa County; a new point of diversion in the Sacramento-San Joaquin Delta; associated water conveyance and delivery facilities; pumping plants; and other facilities. The project would require the realignment of Vasco Road, an important county arterial roadway that would be inundated by the project, and relocation of several buried pipelines and electrical power transmission lines. The reservoir would have about 100,000 acre-feet of storage and would cover about 1,500 acres.

The Los Vaqueros Project would be funded, built, and operated by CCWD. The total cost for the project is estimated at $350 million in 1988 dollars. CCWD is seeking an amendment to its existing Water Service Contract (I75r–3401) Amended, with Reclamation to accommodate operation of the Los Vaqueros Project and certain repayment conditions. Accordingly, Reclamation is serving as the lead Federal agency responsible for NEPA compliance on the proposed project. Permits are required for the discharge of dredged or fill material into waters of the United States under section 404 of the Clean Water Act and for work in navigable waters under section 10 of the Rivers and Harbors Act. As a result, the Corps of Engineers is a cooperating agency.

Other alternatives evaluated in the Stage 2 DEIR/EIS are a Kellogg Reservoir at a site adjacent to the Los Vaqueros site; a desalination plant combined with an intertie with East Bay Municipal Utility District's (EBMUD) water supply system; a new supplemental intake along Middle River combined with an intertie with EBMUD; and no action.

CCWD has followed a staged approach to its environmental documentation for the Los Vaqueros Project as provided by CEQA. In 1986, CCWD completed and certified the Stage 1 EIR for the Los Vaqueros Project to evaluate a full range of alternative options for meeting project objectives and to identify impacts of watershed acquisition and management. At the conclusion of the State 1 EIR, CCWD narrowed the range of options to reservoir concepts within the Kellogg Creek watershed as the only alternative capable of achieving all project objectives. CCWD also prepared the Vasco Road and Utility Relocation Project EIR, pursuant to State CEQA Guidelines, to assess impacts of relocating Vasco Road and several major utility facilities located in the project area.

The Stage 2 DEIR/DEIS is the second stage (Stage 2) of the Los Vaqueros environmental documentation. It incorporates significant findings from the Stage 1 EIR and the Vasco Road and Utility Relocation EIR, as well as detailed and comprehensive evaluations of the Los Vaqueros Project and alternatives to the project.

Hearing Process Information

Organizations and individuals wishing to present statements at the hearing should contact CCWD's office at the above address to announce their intention to participate. Requests for scheduled presentations will be accepted through 4 p.m. on April 6, 1992, and may also be made at each hearing. Requests should indicate at which hearing the speaker wishes to appear. Speakers will be called upon to present their comments in the order in which requests were received. Advance requests will be called before requests made at the hearings. Oral comments will be limited to 5 minutes per individual. Speakers not present when called will lose their privilege in the scheduled order and will be recalled at the end of the scheduled speakers.

Written comments from those unable to attend or those wishing to supplement their oral presentations at the hearings should be received by CCWD's office at the above address by April 23, 1992, for inclusion in the hearing record. Comments received after that day but prior to the end of the 60-day public comment period will be addressed in the final environmental impact report/final environmental impact statement.

Note: If special assistance is required, contact Janice Hutton at (510) 674-8130. Please notify Ms. Hutton as far in advance of the hearings as possible and no later than April 1, 1992, to enable CCWD to secure the needed services. If a request cannot be honored, the requester will be notified. A telephone device for the hearing impaired (TDD) is available at (916) 978-4417.

Dated: February 28, 1992.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92-5283 Filed 3-5-92; 8:45 am]

BILLING CODE 4310-RS-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 22, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC, 20013-7127. Written comments should be submitted by March 23, 1992.

Carol D. Shull,

Chief of Registration, National Register.

INDIANA

Delaware County

Westwood Historic District, Roughly bounded by Briar, Petty and Warwick Rd. and Riverside Ave., Muncie, 92000186

Elkhart County

Miller, Arthur, House, 253 E. Market St., Nappanee, 92000184

Montgomery County

Crawfordsville Commercial Historic District, Roughly bounded by Walnut, North and Waters Sts. and Wabash Ave., Crawfordsville, 92000183

Elston Grove Historic District, Roughly bounded by Green, College and Main Sts., and the Monon RR tracks, Crawfordsville, 92000187

Posey County

Welborn Historic District, Roughly bounded by Ninth, Locust and 2nd Sts. and the alley between Walnut and Main Sts., Mt. Vernon, 92000188

Pulaski County

Tepicon Hall (New Deal Resources in Indiana State Parks MPS), Tippecanoe River State Park, Winamac vicinity, 92000189

Steuben County

Combination Shelter (New Deal Resources in Indian State Parks MPS), Pokagon State Park, Angola vicinity, 92000190

TEXAS

Bell County

Norton—Orgain House (Salado MRA), Main St., Salado, 92000185

Taylor County

1915 Taylor County Courthouse (Abilene MPS), 301 Oak St., Abilene, 92000225

Abilene Christian College Administration Building (Abilene MPS), Campus Court Dr., Abilene Christian University, Abilene, 92000193

Abilene Fire Station No. 2 (Abilene MPS), 441 Butternut, Abilene, 92000200

Abilene Street Railway Company Barn (Abilene MPS), 1037 Clinton St., Abilene, 92000205

Ackers, William and Mary, House (Abilene MPS), 802 Mulberry St., Abilene, 92000214

Blanton, Thomas L., House (Abilene MPS), 3425 S. Seventh St., Abilene, 92000234

Boyd—Hall House (Abilene MPS), 502 Poplar St., Abilene, 92000229

Caldwell Hall (Abilene MPS), Intracampus Dr., Hardin—Simmons University, Abilene, 92000206

Cash, H.A.V., House (Abilene MPS), 1302 Amarillo, Abilene, 92000195

Castle, David, S., House (Abilene MPS), 1742 N. Second St., Abilene, 92000218

Chambers, Samuel A., House (Abilene MPS), 224 Merchant, Abilene, 92000211

Davis, George R., House (Abilene MPS), 718 Victoria, Abilene, 92000237

Dillingham, O.D. and Ada, House (Abilene MPS), 1625 Belmont, Abilene, 92000199

Dodd—Harkrider House (Abilene MPS), 2020 N. Third St., Abilene, 92000222

Evans, J.W., House (Abilene MPS), 258 Clinton St., Abilene, 92000204

Federal Building (Abilene MPS), 341 Pine, Abilene, 92000228

Finley, Eugene L., House (Abilene MPS), 208 Merchant, Abilene, 92000210

First Presbyterian Church (Abilene MPS), 402 Orange St., Abilene, 92000226

Fritz, David C. and Docia, House (Abilene MPS), 1325 N. Eighteenth St., Abilene, 92000215

Goodloe, Albert S. and Ruth, House (Abilene MPS), 1302 Sayles Blvd., Abilene, 92000232

Green, Roland, A.D., House (Abilene MPS), 1358 Highland, St., Abilene, 92000207

Higginbotham, J.G., House (Abilene MPS), 2102 Swenson, Abilene, 92000236

House at 1127 Ash Street (Abilene MPS), 1127 Ash St., Abilene, 92000196

Hughes, Ed S., Company Warehouse (Abilene MPS), 135 Oak St., Abilene, 92000224

Jones, A.T. House (Abilene MPS), 418 Merchant, Abilene, 92000212

Lanius, C.A., House (Abilene MPS), 1942 N. Third St., Abilene, 92000221

Luce Hall (Abilene MPS), Campus Court Dr., N of Administration Building, Abilene Christian University, Abilene 92000194

Magee, J.D., House (Abilene MPS), 1910 N. Third St., Abilene, 92000220

McDaniel, George H. and Lavina, House (Abilene MPS), 774 Butternut, Abilene, 92000201

McDonald Hall (Abilene MPS), 2083 N. Second St., Abilene, 92000219

McMurry College Administration Building (Abilene MPS), Off Hunt, McMurry College, Abilene, 92000209

Minter, William A., House (Abilene MPS), 340 Beech St., Abilene, 92000198

Motz, Charles, House (Abilene MPS), 1842 N. Fifth St., Abilene, 92000216

Parramore, D.D., House (Abilene MPS), 542 Poplar St., Abilene, 92000230

Radford, James M., Grocery Company Warehouse (Abilene MPS), 101 Oak St., Abilene, 92000223

Reading, Jhules, House (Abilene MPS), 421 Reading St., Abilene, 92000231

Roberts, Nathan J. and Nancy, House (Abilene MPS), 1430 S. Sixth St., Abilene, 92000235

Sacred Heart Catholic Church (Abilene MPS), 1033 S. Eight St., Abilene, 92000233

Stith, William and Evla, House (Abilene MPS), 346 Mulberry St., Abilene, 92000213

Thomas, Oscar P., House (Abilene MPS), 210 Clinton St., Abilene, 92000203

Universal Manufacturing Company Building (Abilene MPS), 150 Locust St., Abilene, 92000208

West Texas Utilities Company Power Plant (Abilene MPS), 100 Block of N. Second St., Abilene, 92000217

Williamson, E.D., House (Abilene MPS), 641 Chestnut St., Abilene, 92000202

Wooten, Horace O., Grocery Company Warehouse (Abilene MPS), 101 Walnut, Abilene, 92000238

Wooten, Horace O., House (Abilene MPS), 242 Beech St., Abilene, 92000197

Zabloudil—Hendrick House (Abilene MPS), 802 Orange St., Abilene, 92000227

[FR Doc. 92-5099 Filed 3-5-92; 8:45am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: F.A. Sims Oil Company, Inc., P.O. Box 345, 550 North Clayton Street, Lawrenceville, GA 30246.

2. Wholly owned subsidiary which will participate in the operations, and State of incorporation: Petroleum Transport, Inc., P.O. Box 345, 550 North Clayton Street, Lawrenceville, GA—incorporated in GA.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5238 Filed 3-5-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31999]

Arkansas Midland Railroad Co., Inc.; Acquisition and Operation Exemption; Missouri Pacific Railroad Co.

Arkansas Midland Railroad Company, Inc. (AMR), a noncarrier, wholly owned subsidiary of Pinsly Railroad Company, Inc. (Pinsly), has filed a notice of exemption to acquire and operate 131.1 miles of rail line in Arkansas owned by Missouri Pacific Railroad Company. The line segments are as follows: (1) Between milepost 102.28, near Carlisle, and milepost 130.33, near North Little Rock; (2) between milepost 326.57, near Wycamp, and milepost 338.6, at Helena; (3) between milepost 388.96, at Malvern, and the end of the line at milepost 422.3+1, Mountain Pine; and (4) between milepost 426.86, at Gurdon, and milepost 479.2, at Birds Mill. The transaction was to have been consummated on or about February 23, 1992.

This transaction is related to a verified notice concurrently filed in Finance Docket No. 32001, *Pinsly Railroad Company, Inc.—Continuance in Control Exemption—Arkansas Midland Railroad Company, Inc.*, to exempt Pinsly's continuance in control of AMR on its becoming a class III carrier.

Any comments must be filed with the Commission and served on: Robert L. Calhoun, Sullivan & Worcester, suite 806, 1025 Connecticut Avenue, NW., Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 2, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-5240 Filed 3-5-91; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32001]

Pinsly Railroad Co., Inc.; Continuance in Control Exemption; Arkansas Midland Railroad Co., Inc.

Pinsly Railroad Company, Inc. (Pinsly), has filed a verified notice for an exemption to continue to control Arkansas Midland Railroad Company, Inc. (AMR), a noncarrier, on AMR's becoming a class III carrier. Pinsly now controls five class III railroads: Greenville & Northern Railway Company, Pioneer Valley Railroad Company, Inc., Florida Central Railroad Company, Inc., Florida Midland Railroad Company, Inc., and Florida Northern Railroad Company, Inc.[1]

AMR, a wholly owned subsidiary of Pinsly, has concurrently filed a verified notice in Finance Docket No. 31999, *Arkansas Midland Railroad Company, Inc.—Acquisition and Operation Exemption—Missouri Pacific Railroad Company*, for an exemption to acquire and operate 131.1 miles of rail line in Arkansas owned by Missouri Pacific Railroad Company.

Pinsly indicates that: (1) The properties of the named carriers will not connect with each other or any other railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and, (3) the transaction does not involve a class I carrier.

Therefore, this transaction involves the continuance in control of nonconnecting carriers and is exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Robert L. Calhoun, Sullivan & Worcester, suite 806, 1025 Connecticut Avenue, NW., Washington, DC 20036.

Decided: March 2, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5239 Filed 3-5-92; 8:45 am]

BILLING CODE 7035-01-M

[1] Pinsly's control of these carriers was approved or exempted in Finance Docket Nos. 19776, 30802, 31152, 31360, and 30960.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the 6th floor conference room, Public Ledger Building, 6th and Chestnut Streets, Philadelphia, Pennsylvania, on April 2, 1992, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the subject of the meeting falls within the exception to the open meeting requirement set forth in title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 2, 1992.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 92-5186 Filed 3-5-92; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: April 3, 1992, 2 pm-4, rm. N-3437 A&B, Department of Labor Building, 200 Constitution Ave., NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 523-2752.

Signed at Washington, DC this 28th day of February 1992.

Shellyn G. McCaffrey,

Deputy Under Secretary, International Affairs.

[FR Doc. 92-5215 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-28-M

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers, United States City Average

Pursuant to section 112 of th 1976 amendments to the Federal Election Campaign Act (Pub. L. 94-283, 2 U.S.C. 441a), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 176.2 percent from its 1974 annual average of 147.7 to its 1991 annual average of 408.0. Using 1974 as a base (1974=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers thus increased 176.2 percent from its 1974 annual average of 100 to its 1991 annual average of 276.2.

Signed at Washington, DC., on the 27th day of February 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-5207 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-24-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume I

Florida:
FL91-49 (Mar. 6, 1992)..... p. All.
Tennessee:
TN91-35 (Mar. 6, 1992)..... p. All.
TN91-36 (Mar. 6, 1992)..... p. All.
TN91-37 (Mar. 6, 1992)..... p. All.

Volume II

Missouri:
MO91-14 (Mar. 6, 1992)..... p. All.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New York:
NY91-12 (Feb. 22, 1991..... p. 893, p. 899.
NY91-20 (Feb. 22, 1991..... p. 949, p. 952.
NY91-21 (Feb. 22, 1991..... p. 952a, pp. 952b-952h.
South Carolina
SC91-2 (Feb. 22, 1991 ..... p. All.
Tennessee:
TN91-4 (Feb. 22, 1991) ..... p. 1199, pp. 1200-1202.
Virginia:
VA91-31 (Feb. 22, 1991).... p. All.
VA91-32 (Feb. 22, 1991).... p. All.
VA91-37 (Feb. 22, 1991).... p. All.
VA91-38 (Feb. 22, 1991).... p. All.
VA91-42 (Feb. 22, 1991).... p. All.
VA91-43 (Feb. 22, 1991).... p. All.
VA91-44 (Feb. 22, 1991).... p. All.
VA91-48 (Feb. 22, 1991).... p. All.
VA91-49 (Feb. 22, 1991).... p. All.
VA91-52 (Feb. 22, 1991).... p. All.
VA91-55 (Feb. 22, 1991).... p. All.

Volume II

Arkansas
AR91-6 (Feb. 22, 1991)..... p. All.
Illinois:
IL91-9 (Feb. 22, 1991) ..... p. 153, p. 154
IL91-13 (Feb. 22, 1991) ..... p. 183, p. 184
IL91-16 (Feb. 22, 1991) ..... p. 215, pp. 218-224b.
Michigan:
MI91-2 (Feb. 22, 1991)..... p. 461, p. 485.
MI91-5 (Feb. 22, 1991)..... p. 499, p. 502.
Oklahoma:
OK91-13 (Feb. 22, 1991).... p. 977, p. 978.
OK91-18 (Feb. 22, 1991).... p. 1005, p. 1006.
OK91-19 (Feb. 22, 1991).... p. 1009, p. 1010.
OK91-20 (Feb. 22, 1991).... p. 1011, p. 1012.

Volume III

Idaho:
ID91-1 (Feb. 22, 1991)..... p. All.
North Dakota:
ND91-2 (Feb. 22, 1991)..... p. 285, p. 286.
Montana:
MT91-2 (Feb. 22, 1991)..... p. All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 28th day of February 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-5005 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 16, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not late than March 16, 1992.

The petition filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 24th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Brad, Inc. (Workers)	Meriden, CT	02/24/92	02/05/92	26,878	Dresses and suits.
Christy Fashions (ILGW)	Glen Lyon, PA	02/24/92	02/11/92	26,879	Blouses.
Crest Shoe/Div. of Ballet Makers (UFCW)	Lewiston, ME	02/24/92	01/31/92	26,880	Casual shoes.
Diesel Recon (Workers)	El Paso, TX	02/24/92	02/10/92	26,881	Diesel engines.
Dynascan Corp. (Workers)	Chicago, IL	02/24/92	02/10/92	26,882	Phones and answering machines.
Fisher-Price (Workers)	San Ysidro, CA	02/24/92	02/10/92	26,883	Toys.
Fisher-Price (Workers)	Brownsville, TX	02/24/92	02/10/92	26,884	Toys.
Fisher-Price (Workers)	El Paso, TX	02/24/92	02/10/92	26,885	Toys.
FSI International (Co)	Chaska, MN	02/24/92	02/04/92	26,886	Semiconductor Mfg equipment.
Golden Glove Mfg. Inc. (Workers)	Fort Dodge, IA	02/24/92	02/06/92	26,887	Leather goods.
Joseph Feldman, Inc. (Workers)	Wallingford, CT	02/24/92	02/05/92	26,888	Dresses and suits.
Joseph Feldman, Inc. (Workers)	New York, NY	02/24/92	02/05/92	26,889	Dresses and suits.
Karen (Workers)	New Britain, CT	02/24/92	02/05/92	26,890	Dresses and suits.
Kathy Ann Sportswear, Inc. (Workers)	Jim Thorpe, PA	02/24/92	02/12/92	26,891	Shirts and blouses.
Pennsylvania Engineering Corp (UAW)	New Castle, PA	02/24/92	02/12/92	26,892	Steel ladles, transfer cars.
R&H Enterprises, Inc. (Workers)	Osseo, MN	02/24/92	02/07/92	26,893	Pressure washers and steam cleaners.
Seril Apparel (ILGWU)	East Newark, NJ	02/24/92	02/12/92	26,894	Rainwear.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
SL-Waber, Inc. (Workers)	Bewsalem, PA	02/24/92	02/12/92	26,895	Multiple electrical outlet strips.
Sonat Offshore Drilling (Workers)	Lafayette, LA	02/24/92	02/22/92	26,896	Oil and gas.
Spacelabs, Inc. (Workers)	Hills, OR	02/24/92	02/12/92	26,897	Medical monitoring equipment.
State Mfg Co., Inc. (Workers)	New Philadelphia, PA	02/24/92	02/14/92	26,898	Military clothing.
Taunton Engineering Co., Inc. (Co)	Taunton, MA	02/24/92	02/07/92	26,899	Bucket elevators, conveyor systems.
William Brooks Shoe Co. (ACTWU)	Nelsonville, OH	02/24/92	02/14/92	26,900	Mens and womens footwear.

[FR Doc. 92-5216 Filed 3-5-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,714]

C.A.D. Fashions, Inc., Newark, NJ; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 6, 1992 in response to a worker petition which was filed on January 6, 1992 on behalf of workers at C.A.D. Fashions, Incorporated, Newark, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 25th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5214 Filed 3-5-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,405]

Construction Specialties, Inc. Cranford, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 13, 1991, applicable to all workers of Construction Specialties, Inc., Cranford, New Jersey. The Notice was published in the **Federal Register** on December 27, 1991 (56 FR 4648).

The Department is amending the certification to include manufacturing workers who will become unemployed after the originally scheduled date that served as the basis for the termination date in the original certification.

It is the intention of the Department's certification to include all manufacturing workers of Construction Specialties, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA-W-26,405 is hereby issued as follows:

All workers of Construction Specialties, Inc., Cranford, New Jersey, except administrative and office staff engaged in corporate activities, who became totally or partially separated from employment on or after September 10, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 27th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5208 Filed 3-5-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,517]

Harkins and Co., Alice, TX, Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to apply for Worker Adjustment Assistance on December 19, 1991, applicable to all workers of Harkins and Company, Alice, Texas. The notice was published in the **Federal Register** on January 9, 1992 (57 FR 932).

At the request of the Texas Employment Commission the Department reviewed the subject certification. New information shows that workers of Harkins and Company were not limited to the Alice, Texas location, but employed throughout South Texas, including the Gulf Coast Region.

It is the intention of the Department's certification to include all employees of Harkins and Company who were adversely affected by increased imports.

The amended notice applicable to TA-W-26,517 is hereby issued as follows:

All workers of Harkins and Company headquartered in Alice, Texas, with locations throughout South Texas and the Gulf Coast region who became totally or partially separated from employment on or after January 1, 1991, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 28th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5211 Filed 3-5-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,648]

Marine Drilling Companies, Inc., Sugarland, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated in response to a petition received on December 9, 1991, and filed on behalf of workers at Marine Drilling Companies, Inc., Sugarland, Texas. The workers are engaged in activities related to exploration and drilling for unaffiliated firms in the oil and gas industry.

Workers were not separately identifiable by product.

Work on natural gas wells represents an important portion of activity related to exploration and drilling by the subject firm.

United States imports of dry natural gas increased absolutely and relative to domestic shipments in 1990 compared to 1989 and in the first seven months of 1991 compared to the same period in 1990. The exploration and drilling end of the crude oil and natural gas industry is sensitive to the level of imports and changes in the price level of dry natural gas. The impact of dry natural gas imports and reduced price levels has resulted in declining U.S. exploration and drilling activity. The total number of rigs in operation, the total number of wells completed, and the number of gas wells drilled declined in the first eight months of 1991 compared to the same period in 1990.

The declines in revenues and employment in 1991 at the subject firm resulted from a decreased demand for exploration and drilling activities from oil and gas industry clients due to the 25 percent increase in U.S. dry natural gas imports from 1986 through the first seven months of 1991.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with dry natural gas contributed importantly to the decline in sales or production and to the total or partial separation of workers at Marine Drilling Companies, Inc., Sugarland, Texas. In accordance with the provisions of the Act, I make the following certification:

All workers of Marine Drilling Companies, Inc., Sugarland, Texas (including offshore drilling and related workers), who became totally or partially separated from employment on or after January 1, 1991, and before January 1, 1992, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 27th day of February 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5209 Filed 3-5-92; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of February 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,709; Rand & Rand, Inc., Philadelphia, PA

TA-W-26,686; Martin Blouse Co., Inc., Shenandoah, PA

TA-W-26,640; Custom Optics, Inc., Saddlebrook, NJ

TA-W-26,601; Holt-Williamson Mfg Co., Fayetteville, NC

TA-W-26,557; West Point Pepperell, Inc., Scottsboro, AL

TA-W-26,672; Meilink Industries, Inc., Whitehouse, OH

TA-W-26,538; New York Bronze Powder Co., Inc., Manton Cork Div., Cranford, NJ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26,693; Bethlehem Steel Corp., Coke Operation, Sparrows Point, MD

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,838; Ford Motor Co., Cleveland District Sales Office Brecksville, OH

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,530; Cole Hersee Co., South Boston, MA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,815; Pan American Airway, Miami, FL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,721; Adobe Resources Corp., Midland, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,788; Swift-Eckrich, Inc., Detroit Lakes, MN

U.S. imports of slaughtered and processed poultry were negligible in 1991.

TA-W-26,701, TA-W-26,702 & TA-W-26,703; Harris Semiconductor Products Division, Mountaintop, PA, Somerville, NJ and Findlay, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,704 & TA-W-26,705; Harris Semiconductor Products Division Melbourne, FL and Santa Clara, CA

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-26,697; Briggs & Stratton Corp., Technology Div., Glendale, WI

A certification was issued covering all workers separated on or after December 13, 1990.

TA-W-26,681; Avison Lumber Co., Molalla, OR

A certification was issued covering all workers separated on or after December 13, 1990.

TA-W-26,807; J.D. Operating Co., Inc., Cairnbrook, PA

A certification was issued covering all workers separated on or after January 14, 1991.

TA-W-26,716; Northwest Alloys, Inc., Addy, WA

A certification was issued covering all workers separated on or after December 18, 1990.

TA-W-26,586; Western Atlas Int'l, Inc., Atlas Wireline Service Houston, TX & Operating at Various Locations in The Following States: A; TX, B; AK, C; CA, D; CO, E; IL, F; KS, G; LA, H; MI, I; MS, J; NV, K; NM, L; OK, M; WV, N; WY

A certification was issued covering all workers in the above cited states separated on or after November 12, 1990.

A certification was issued covering all workers of Atlas Wireline Services, Pampa, TX separated on or after September 1, 1991.

A certification was issued covering all workers of Atlas Wireline Services, Anchorage, AK and Ventura, CA separated on or after November 17, 1991.

A certification was issued covering all workers of Atlas Wireline Services,

Cody, Casper and Gillette, WY separated on or after June 30, 1991.

I hereby certify that the aforementioned determinations were issued during the month of February 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: March 2, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5251 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,740]

Scott Paper Co., Winslow, ME; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 13, 1992 in response to a worker petition which was filed on behalf of workers at Scott Paper Company, Winslow, Maine.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 27th day of February, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5210 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26, 615]

Tri-State Oil Tools, Inc., Bossier City, LA; Negative Determination Regarding Application for Reconsideration

By an application dated February 3, 1992, a company official requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on January 24, 1992 and was published in the **Federal Register** on February 14, 1992 (57 FR 5471).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The Department's denial was based on the fact that the workers do not produce an article within the meaning of section 223(3) of the Trade Act.

The company official states that over 50 percent of Tri-State's business deals with "open-hole" work which is work performed during the drilling process. Its also stated that the workers perform the same work now as they did earlier when they were certified for trade adjustment assistance.

Investigation findings show that the Bossier City facility produced specialized tools for recovery operations which are used exclusively by Tri-State and are not marketed for resale or rented. Tri-State uses its tools to perform the service of open-hole and cased-hole fishing and recovery operations to retrieve broken, damaged or loose parts from well bores during the drilling process. The Department concludes that the workers of Tri-State are not directly involved in the drilling or exploring for gas and oil and as such do not meet the provisions of Section 1421(a)(1)(A) of the Omnibus Trade and Competitiveness Act of 1988 for workers from a firm or appropriate subdivision engaged in exploration and drilling for oil and natural gas.

Investigation findings also show that workers at Tri-State's Bossier City facility were certified earlier under TA-W-21,988 issued on January 31, 1989. It appears that TA-W-21,988 was inadvertently issued and, as such, would not serve as a precedent for workers filing under TA-W-26,615.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of February 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-5213 Filed 3-5-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meeting

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATE: March 9, 1992, 9 a.m.-6 p.m.

ADDRESS: The Henley Park Hotel, 926 Massachusetts Avenue, NW., Washington, DC 20001, Conference Room: Eton.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1100 L Street, NW., #7121 Washington, DC 20005 (202) 275-6933.

TYPE OF MEETING: Executive Session-Close, 9 a.m.-12 Noon

By authority of section 10(d) of the Federal Advisory Committee Act this portion of the meeting being held on March 9, 1992, will be closed to public participation. Section 552b(c)(6) of the title 5, United States.

Reopen, 1 p.m.-6 p.m.

Due to scheduling difficulties, this notice could not be published 15 days prior to this meeting as required by Federal Advisory Committee Act.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 92-5463 Filed 3-5-92; 8:45 am]

BILLING CODE 6820-07-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-322; License No. NPF-82]

In the Matter of Long Island Lighting Co. and Long Island Power Authority (Shoreham Nuclear Power Station).

Approving Transfer of License (Effective Immediately)

I

Long Island Lighting Company (LILCO) is the holder of Facility Operating License No. NPF-82 issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR part 50 on April 21, 1989. The license was amended on June 14, 1991, to remove the authority to operate the Shoreham Nuclear Power Station (SNPS) in accordance with conditions specified therein. The facility is located on the licensee's site in the Town of Brookhaven, Suffolk County, New York.

II

On February 28, 1989, LILCO entered into an agreement with the State of New York to transfer its Shoreham assets to an entity of the State for decommissioning. LILCO, however, continued to pursue with the NRC its request for a full-power license to operate its Shoreham plant. On April 21, 1989, the NRC issued to LILCO a Facility Operating License No. NPF-82, which allows full-power operation of the Shoreham plant. On June 28, 1989, LILCO's shareholders ratified LILCO's agreement with the State. Consistent with the terms of the settlement agreement, which prohibits further operation of the Shoreham facility, LILCO defueled the reactor and reduced its staff. Transfer of the Shoreham license to the State entity, the Long Island Power Authority (LIPA), requires NRC authorization. LILCO and LIPA submitted a joint request to transfer the SNPS license from LILCO to LIPA in their letter of June 28, 1990. They supplemented this request in letters dated June 13, June 27, October 31, and December 5, 1991.

III

In CLI-92-04 (dated February 28, 1992), the Commission determined that Facility Operating License No. NPF-82 may be transferred from LILCO to LIPA and made immediately effective based on the following conditions: (1) The license would revert to LILCO if LIPA ceases to exist or is otherwise found to be unqualified to hold the license, and (2) LILCO provides certification to the NRC that it will retain and maintain adequate capability and qualification to take over the license promptly in the event that either LIPA ceases to exist or is otherwise found to be unqualified to hold the license.

IV

On February 27, 1992, LILCO submitted a letter in which it certified the following:

> LILCO will retain and maintain adequate capability and qualifications to take over the License promptly in the event that LIPA, following receipt of the License, ceases to exist or is otherwise found to be unqualified to hold the license. This also certifies that LILCO understands and accepts that in the event of either of these contingencies, the License would revert to LILCO.

LILCO's certification, as set forth in its letter of February 27, 1992, is acceptable on an interim basis. This Order approving transfer of the license has been conditioned to reflect that the Shoreham license will revert to LILCO if LIPA ceases to exist or is otherwise found to be unqualified to hold a license. Additional details are required, however, concerning the licensee's certification, specifically details concerning the establishment of contingency plans to be utilized in the event that the Shoreham License should revert to LILCO. A joint contingency plan, approved by both LILCO and LIPA officials, must be submitted and approved by the staff which describes measures to be taken to adequately ensure such matters as appropriate employee and contractor arrangements, maintenance of staff and management qualifications, indemnification coverage, and technical specifications applicability.

Therefore, the conditions of CLI-92-04 have been satisfied on an interim basis, and the transfer of Facility Operating License NPF-82 from LILCO to LIPA may be approved by this Order and made immediately effective subject to the conditions set forth herein. Further, the staff has determined the proposed transferee is qualified to be a holder of the license and the transfer of the license is otherwise consistent with applicable provisions of law, regulations and orders issued by the Commission.

V

Accordingly, pursuant to section 103, 161b, and 161i, of the Atomic Energy Act of 1954, as amended, 10 CFR 50.80, and the Commission's Memorandum and Order CLI-92-04, *It is Hereby Ordered, Effective Immediately*, that transfer of Facility Operating License No. NPF-82 from LILCO to LIPA is approved, and LIPA is authorized to undertake the activities and obligations of the Shoreham license in accordance with the Commission's Memorandum and Order CLI-92-04, subject to the following: (1) The license will revert to LILCO in the event LIPA ceases to exist or is otherwise found to be unqualified to hold the license; (2) LILCO will maintain adequate capability and qualifications to take over the plant in such event; (3a) a joint LIPA/LILCO contingency plan as described above shall be submitted to the Director, Office of Nuclear Reactor Regulation by March 30, 1992; (3b) unless such plan is approved by the Director, Office of Nuclear Reactor Regulation by April 30, 1992, or other date to be determined by the Director, Office of Nuclear Reactor Regulation, the Shoreham license will revert to LILCO; and (4) until otherwise authorized by the Director, Office of Nuclear Reactor Regulation, the facility Technical Specifications currently in effect shall be followed by LIPA.

Dated at Rockville, Maryland this 29th day of February, 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5246 Filed 3-5-92; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collective title:* Annual Earnings Monitoring.

(2) *Form(s) submitted:* G-19(I), (II), (III), (IV) and (V).

(3) *OMB Number:* 3220-0073.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Frequency of response:* On occasion and annually.

(7) *Respondents:* Individuals or households, Businesses or other for-profit.

(8) *Estimated annual number of respondents:* 3,000.

(9) *Total annual responses:* 3,000.

(10) *Average time per response:* .05 hours.

(11) *Total annual reporting hours:* 150.

(12) *Collection description:* The report obtains the information about an annuitant's employment and earnings. Under the RRA, an annuity can be reduced or not paid, depending on the amount of earnings and type of work performed.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of

Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92-5185 Filed 3-5-92; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-30424; File No. SR-OCC-92-06)

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Order Granting Accelerated Approval on a Temporary Basis of a Proposed Rule Change Relating to Revisions to the Standard Form of Letter of Credit

February 28, 1992.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 6, 1992, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. February 18, 1992, OCC filed Amendment No. 1 to the proposal.[2] The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to grant accelerated approval on a temporary basis through May 31, 1992.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change extends the Commission's previous temporary approval of OCC's modifications to its rules respecting letters of credit as a form of margin.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On August 16, 1991, OCC filed with the Commission a proposed rule change (SR-OCC-91-13), which proposed to modify the standards for letters of credit used as a form of margin. On August 21, 1991, and on August 30, 1991, OCC filed Amendment No. 1 and Amendment No. 2, respectively, to the proposed rule change. On August 30, 1991, the Commission issued an order granting accelerated approval of the proposed rule change on a temporary basis through February 28, 1992. [3]

That order temporarily approved several modifications to OCC's rules governing the terms of letters of credit deposited as margin with OCC. First, in order to conform to the Uniform Commercial Code and to avoid any ambiguity as to the latest time for honoring demands upon letters of credit, letters of credit must state expresaly that payment must be made prior to the close of business on the third banking day following demand. Second, letters of credit must be irrevocable. Third, letters of credit must expire on a quarterly basis. Fourth, OCC included language in its rules to make explicit its authority to draw upon letters of credit at any time, whether or not the Clearing Member that deposited the letter of credit has been suspended or is in default if OCC determines that such draws are advisable to protect OCC, other Clearing Members, or the general public.[4]

Accelerated approval was granted in order to permit OCC to implement the new standards for letters of credit used as margin prior to the expiration and renewal, on September 1, 1991, of letters of credit issued under the prior standards. Temporary approval through February 28, 1992, was granted in order to permit OCC, the Commission, and other interested parties to assess, prior to permanent Commission approval of such standards, any effects these revised standards might have on letter of credit issuance and on margin deposits at OCC. In the interim, OCC has received no complaints from any of its Clearing Members, banks issuing such letters of credit, or any other interested parties with respect to the implementation of the revised letter of credit standards.

OCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act. Specifically, OCC believes the proposaed rule change promotes the protection of investors by enhancing OCC's ability to safeguard the securities and funds in its possession or subject to its control.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes that the proposal is consistent with section 17A of the Act and specifically with section 17A(b)(3)(F) of the Act.[5] That section requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which the clearing agency is responsible. The revised standards should make such letters of credit more liquid instruments and, consequently, should permit OCC to more safely rely upon letters of credit as deposited margin. Because the revised standards will induce letter of credit issuers to reexamine Clearing Members' financial conditions every three months rather than annually, as under the prior standards, the financial condition of Clearing Members electing to deposit letters of credit as margin may be assessed more frequently thereby facilitating the discovery of any adverse developments in a more timely manner. In addition, since the letters of credit will be irrevocable, issuers of letters of credit will no longer be able to revoke letters of credit at times when the Clearing Members most need credit facilities (*e.g.*, when a Clearing Member is experiencing financial difficulties or

during times of market volatility). By approving the proposed rule change on a temporary basis through May 31, 1992, OCC, the Commission, and other interested parties will be able to assess further, prior to permanent Commission approval, any effects these revised standards have on letter of credit issuance and on margin deposited at OCC.

OCC has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing. The Commission finds good cause for so approving because the Commission believes it desirable that the proposed rule change be approved before the expiration of the Commission's previous order that temporarily approved these changes to the standard form of letter of credit. By approving before expiration of the prior temporary approval order, the changes that have been implemented pursuant to the temporary approval order may remain in place pending permanent approval.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File Number SR-OCC-92-06 and should be submitted by March 27, 1992.

V. Conclusion

On the basis of the foregoing, the Commission finds that OCC's proposed rule change is consistent with the Act and in particular with section 17A of the Act.

It is therefore ordered, under section 19(b)(2) of the Act, that the proposal (File No. SR-OCC-92-06) be, and hereby is, approved temporarily through May 31, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-5242 Filed 3-5-92; 8:45 am]

BILLING CODE 8010-01-M

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] As originally filed, the language of OCC Rule 604(c), the subject of this rule filing, did not reflect certain changes that had been approved recently by the Commission. Amendment No. 1 amended the filing so that it accurately reflects the current status of OCC's Rule 604(c).

[3] Securities Exchange Act Release No. 29841 (August 30, 1991), 56 FR 46027.

[4] For a detailed discussion of the modifications to OCC's rules governing letters of credit deposited as margin, refer to Securities Exchange Act Release No. 29841, *supra* note 3.

[5] 15 U.S.C. 78q-1(b)(3)(F) (1988).

[Rel. No. IC-18580; 812-7851]

Application for Exemption; C.M. Life Insurance Company, et al.

February 28, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or the "Commission").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: C.M. Life Insurance Company ("C.M. Life"); Panorama Plus Separate Account ("Account"); and G.R. Phelps & Co., Inc. ("Phelps").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit the assessment of a daily charge for mortality and expense risks against the assets of the Account.

FILING DATE: The application was filed on January 16, 1992 and an amended and restated application was filed on February 21, 1992.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 24, 1992. Request a hearing in writing, giving the nature of your interest, the reason for the request and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notifications of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants: Everett E. Clark, Esq., C.M. Life Insurance Company, 140 Garden Street, Hartford, Connecticut 06154.

FOR FURTHER INFORMATION CONTACT: Barbara J. Whisler, Attorney, on (202) 272-5415, or Wendell Faria, Deputy Chief, on (202) 272-2060, Office of Insurance Products (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. C.M. Life is a life insurance company chartered under Connecticut law in 1980. C.M. Life is a wholly-owned subsidiary of Connecticut Mutual Life Insurance Company.

2. The Account was established by C.M. Life as a separate account under Connecticut law on September 25, 1991, as a funding medium for certain flexible premium deferred annuity contracts (the "Contracts"). The Account is registered with the Commission under the 1940 Act as a unit investment trust. The application incorporates by reference the registration statement for the Account. Phelps will serve as the distributor and principal underwriter of the Contracts. Phelps is a wholly-owned subsidiary of DHC, Inc., which is a wholly-owned subsidiary of Connecticut Mutual Life Insurance Company.

3. The Account will invest in shares of the Connecticut Mutual Financial Services Series Fund I, Inc. (the "Fund"). The Account currently has six sub-accounts each of which invests solely in a specific corresponding portfolio of the Fund. The Fund is registered under the 1940 Act as an open-end, diversified management investment company of the series type.

4. The Contracts require a minimum initial purchase payment of at least $500. Subsequent purchase payments must be at least $100. The Contract owner may allocate payments to one or more sub-accounts of the Account or to C.M. Life's general account. The Contract owner also may allocate payments to a combination of the sub-accounts and the general account. The Contract balance is the sum of the Account balance and the general account balance.

5. The Contracts provide for a series of annuity payments beginning on the annuity income date. The Contract owner may select from six annuity payment options. The Contract owner may choose periodic fixed and/or variable payments under any one of the annuity options contained in the Contracts. The Contracts also contain death benefit options. If the annuitant or the Contract owner dies prior to the annuity income date, a death benefit is calculated and is payable upon receipt of proof of death, including proof that

the death occurred prior to the annuity income date, as well as an election of the death benefit option and return of the Contract. Payment under a death benefit option shall be based on the Contract balance at the time of payment. No contingent deferred sales charge or Contract maintenance fee shall apply with respect to any death benefit option.

6. C.M. Life will deduct an annual Contract maintenance fee. This fee is currently $30 per year and is guaranteed not to exceed $60 a year. The fee will be deducted from the Contract balance on the last day of each Contract year during the accumulation period and upon a full surrender of the Contract to compensate C.M. Life for the administrative services provided to Contract owners. C.M. Life also deducts a daily administrative expense charge from the assets of each sub-account of the Account currently at the rate of 0.07% of the average net assets of the Account. C.M. Life does not anticipate any profit from these charges. C.M. Life will deduct the administrative charges in reliance upon and in compliance with Rule 26a–1 under the 1940 Act.

7. C.M. Life may incur premium taxes relating to the Contracts. C.M. Life will deduct any premium taxes related to a particular Contract from premiums, upon surrender or annuitization.

8. C.M. Life imposes a contingent deferred sales charge of up to 5% of the amount withdrawn on certain partial surrenders or full surrenders of the Contract balance during the first five Contract years. C.M. Life guarantees that the aggregate sales charges applicable to the Contract balance will not exceed 8.5% of the total purchase payments. Beginning with the second Contract year a free surrender amount equal to 10% of the Contract balance as of the end of the immediately preceding Contract year will be exempt from any contingent deferred sales charge. No contingent deferred sales charge is imposed on partial or full surrenders during the last thirty days of each five year period.

9. C.M. Life imposes a charge to compensate it for bearing certain mortality and expense risks under the Contracts. This charge is currently equal to an annual rate of 1.10% of the value of the net assets in the Account. Of that amount, approximately 0.15% is attributable to mortality risk and approximately 0.95% is attributable to expense risks. C.M. Life guarantees that this charge will never exceed 1.25%. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will fall on C.M. Life. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to C.M. Life. C.M. Life currently anticipates a profit from this charge.

10. C.M. Life guarantees that the aggregate of the mortality and expense risk charge and the daily administrative expense charge will not exceed 1.50% annually. If the mortality and expense risk charge were to be eliminated, the daily administrative expense charge could be increased to a maximum of 1.50% annually (assuming the charge to be "cost based" in accordance with Rule 26a-1 of the 1940 Act); however, if the daily administrative expense charge were to be eliminated, then the mortality and expense risk charge could not exceed the maximum of 1.25% annually.

11. The mortality risk borne by C.M. Life arises from its contractual obligation to make monthly annuity payments (determined in accordance with the annuity tables and other provisions contained in the Contract) regardless of how long annuitants or an individual annuitant may live. This undertaking assures that neither an annuitant's longevity nor an improvement in general life expectancy, will adversely affect the monthly annuity payments that the annuitant will receive under the Contract. C.M. Life also incurs a risk in connection with the payment of death benefits. Payments under a death benefit option are based on the Contract balance at the time of payment. No contingent deferred sales charge is imposed upon amounts received as a death benefit by Contract owners. The expense risk assumed by C.M. Life is the risk that C.M. Life's actual administration costs will exceed the amount recovered through the Contract maintenance fee and administrative expense charge.

12. C.M. Life does not anticipate that the contingent deferred sales charges will generate sufficient funds to pay the cost of distributing the Contracts. If these charges are insufficient to cover the expenses of distribution, the deficiency will be met from C.M. Life's general account funds, which may include amounts derived from the charge for mortality and expense risks.

13. Applicants request that the Commission, pursuant to section 6(c) of the 1940 Act, grant the exemptions from sections 26(a)(2) and 27(c)(2) in connection with Applicants' assessment of the daily charge for mortality and expense risks. Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

14. Applicants argue that the mortality and expense risk charge is a reasonable charge to compensate C.M. Life for guaranteeing certain risks in the Contracts: The risk that annuitants under the Contracts will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Contracts; the risk created by the inapplicability of a contingent deferred sales charge to amounts received as a death benefit; and the risk that administrative expenses will be greater than amounts derived from the administrative charges.

15. C.M. Life represents that the mortality and expense risk charge, not to exceed 1.25%, is within the range of industry practice with respect to comparable annuity products. This representation is based upon C.M. Life's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. C.M. Life will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

16. Applicants acknowledge that the proceeds from the contingent deferred sales charges may be insufficient to cover all costs relating to the distribution of the Contracts. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the sales charges. C.M. Life has concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Account and the Contract Owners. The basis for such conclusion is set forth in a memorandum which will be maintained by C.M. Life at its administrative offices and will be available to the Commission.

17. C.M. Life also represents that the Account will only invest in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 of the 1940 Act to finance distribution expenses, to have a board of directors (or trustees), a majority of whom are not interested persons of the company, formulate and approve any such plan under Rule 12b-1.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5244 Filed 3–5–92; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–10615]

Issuer Delisting; Application To Withdraw From Listing and Registration; (Emisphere Technologies, Inc., Common Shares, $0.01 Par Value)

March 2, 1992.

Emisphere Technologies, Inc. ("Company") has filed an application with the Securities and Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE" or "Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In making the decision to voluntarily withdraw its Stock from listing on the BSE, a decision made by the management of the Company and approved by its Board of Directors, the company believes that its stock would be more actively traded by listing with another organization.

Any interested person may, on or before March 23, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5192 Filed 3–5–92; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–9396]

Issuer Delisting; Application To Withdraw From Listing and Registration; (Fidelity National Financial, Inc., Common Stock, $.0001 Par Value)

March 2, 1992.

Fidelity National Financial, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In addition to being listed on the Amex, the Company's common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's stock commenced trading on the NYSE at the opening of business on March 2, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before March 23, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5193 Filed 3–5–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25479]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 28, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 23, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Valley Resources, Inc. (70–7897)

Valley Resources, Inc. ("Valley"), 1595 Mendon Road, Cumberland, Rhode Island 02864, a Rhode Island public-utility holding company exempt from registration under section 3(a)(1) of the Act pursuant to rule 2, has filed an application under sections 9(a)(2) and 10 of the Act. Valley proposes to acquire all of the issued and outstanding shares of common stock of Bristol and Warren Gas Company ("Bristol"), a Rhode Island public-utility company.

Valley Gas Company ("Valley Gas"), Valley's public-utility subsidiary company, provides natural gas and transportation services to approximately 53,000 customers in northeastern Rhode Island.

Bristol provides natural gas and transportation services to approximately 6,500 customers in the towns of Bristol and Warren in southeastern Rhode Island.

As of August 31, 1991 Bristol reported total assets of $444,600. At that date, Bristol had issued and outstanding 10,000 shares of common stock ("Bristol Common Stock").

Pursuant to a Stock Purchase Agreement dated October 29, 1991 among Valley and the five shareholders of Bristol, Valley will acquire all of the Bristol Common Stock for a total consideration of $2,723,100 in the form of notes. Following the acquisition, Bristol will be a wholly owned subsidiary of Valley.

Consolidated Natural Gas Company 70–7922

Consolidated Natural Gas Company ("Consolidated"), CNG Tower, Pittsburgh, Pennsylvania 15222–3199, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act.

According to the terms of the employee savings programs of Consolidated and its subsidiary companies other than Virginia Natural Gas, Inc. ("VNG"), ("Thrift Plans") and of the employee savings plans offered by VNG ("Savings Plans"), shares of Consolidated's common stock ("Common Stock") may be purchased by the trustees ("Trustees") administrating the Thrift Plans and the Savings Plans (collectively, "Plans") directly from Consolidated or on the open market. If the Common Stock is acquired directly from Consolidated, the price of such shares is equal to the mean of the high and low transaction prices of the Common Stock on the New York Stock Exchange on the date of acquisition. Common Stock purchased is registered in the name of the Trustees and allocated to appropriate Plan participant accounts. The Trustees are currently acquiring approximately 70,000 shares of Common Stock per month for the Plans.

Consolidated proposes to issue and sell, through December 31, 2001, up to a maximum of ten million shares of Common Stock to the Trustees of the Plans for purposes of the Plans.

Entergy Corporation (70–7938)

Entergy Corporation ("Entergy"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed an application-declaration under Sections 6(a), 7, 9(a), 10 and 12(e) of the Act and rules 42, 50(a)(5), 62 and 65 thereunder.

Entergy proposes to solicit proxies and obtain a vote of its shareholders in connection with a proposed amendment to its Restated Articles of Incorporation ("Charter"). The amendment would respond to a change in Florida law. As revised, Florida law mandates that, unless otherwise provided in a corporation's charter, reacquired shares of a corporation's common stock are restored to the status of authorized but unissued shares of such class. Since Entergy's Charter does not currently address the subject of treasury shares under revised Florida law, shares of Common Stock acquired by Entergy are returned to the status of authorized but unissued shares and cannot be held as treasury shares for later reissuance.

Entergy also proposes to acquire and reissue as treasury shares from time-to-time through December 31, 1994, up to 3 million shares of its common stock, $5 par value ("Common Stock"), to meet the requirements of Entergy system stock benefit plans. Entergy requests an exception from the competitive bidding requirements of rule 50 pursuant to subsection (a)(5) thereof for the reissuance of the Common Stock.

The proposed amendments to the Charter ("Proposal") will be submitted for consideration and approval by Entergy shareholders at its annual meeting to be held on May 15, 1992. The adoption of the Proposal will require the affirmative vote, in person or by proxy, of the holders of at least ⅔ of the outstanding shares of Entergy's common stock and the presence, in person or by proxy, at the Annual Meeting of the holders of at least a majority of the outstanding shares of Entergy's common stock. Entergy proposes to solicit proxies from its stockholders for use at the Annual Meeting with respect to the approval of the Proposal and has requested an order pursuant to rule 62(d) under the Act to engage in such solicitation. In addition to using Entergy personnel and personnel of Entergy's wholly owned nonutility subsidiary, Entergy Service, Inc., Entergy proposes to use Morrow & Co., Inc., a proxy solicitation firm, to assist in the solicitation of proxies for the Annual Meeting.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5243 Filed 3–5–92; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 28, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48003.
Date filed: February 24, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 541 (GIT fares from Europe to Japan/Korea).
Proposed Effective Date: April 1, 1992.

Docket Number: 48010.
Date filed: February 26, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC23 Reso/P 0492 dated January 28, 1992. Europe-Japan/Korea Resos, R–1 To R–38, TC23 Reso/P 0499 dated February 13, 1992, Europe-Japan/Korea Reso 003z.
Proposed Effective Date: April 1, 1992.

Docket Number: 48015.
Date filed: February 28, 1992
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 544 (Algeria airport tax increase).
Proposed Effective Date: March 15, 1992.

Docket Number: 48016.
Date filed: February 28, 1992.
Parties: Members of the International Air Transport Association
Subject: Mail Vote 542 (Establish all fares from Angola in US Dollars). Mail Vote 543 (Establish all rates from Angola in US Dollars).
Proposed Effective Date: April 1, 1992.

Docket Number: 48017.
Date filed: February 28, 1992.
Parties: Members of the International Air Transport Association
Subject: Mail Vote 537 (Italy international embarkation tax increase).
Proposed Effective Date: May 1, 1992.

Docket Number: 48018.
Date filed: February 28, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 546 (Special Creative Fares within Europe).
Proposed Effective Date: April 1, 1992.

Docket Number: 48019.
Date filed: February 28, 1992.
Parties: Members of the International Air Transport Association.
Subject: TC12 MV/P 0335 dated February 7, 1992. Mail Vote 540 (Readopt & Revalidate USA-Europe fares).
Proposed Effective Date: April 1, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92–5288 Filed 3–5–92; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 28, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48002.
Date filed: February 24, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 23, 1992.
Description: Application of Continental Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for renewal of the San Antonio, Texas-Mexico City authority in its certificate for Route 529 for a period of five years.

Docket Number: 48007.
Date filed: February 25, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 24, 1992.
Description: Application of Ryan International Airlines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests authority to conduct interstate and overseas scheduled air transportation of persons, property and mail.

Docket Number: 48008.
Date filed: February 26, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 25, 1992.
Description: Application of United Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations requests a certificate of public convenience and necessity to authorize service between a point or points in the United States and a point or points in Colombia.

Docket Number: 48013.
Date filed: February 27, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 26, 1992.
Description: Application of Cathay Pacific Airways Limited, pursuant to section 402 of the Act and subpart Q of the Regulations applies for an amendment to its foreign air carrier permit to authorize all-cargo operations on United Kingdom Route 13 of the Air Services Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland ("Bermuda 2"): Guam/Honolulu/Los Angeles/San Francisco/Seattle-Hong Kong.

Docket Number: 48564.
Date filed: February 25, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 24, 1992.
Description: Application of Ryan International Airlines, Inc., pursuant to section 401 of the Act, and subpart Q of the Regulations requests an amendment to remove conditions in its section 418 and section 401 charter certificates to permit Ryan to conduct charter air transportation of passengers, property and mail without limitation.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92–5289 Filed 3–5–92; 8:45 am]

BILLING CODE 4910–62–M

Office of the Secretary

Fitness Determination of Arizona Airways, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 92–3–1, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find Arizona Airways, Inc., fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P–56, room 6401, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order.

Responses shall be filed no later than March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–2343.

Dated: March 2, 1992.

Patrick V. Murphy,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–5290 Filed 3–5–92; 8:45 am]

BILLING CODE 4910–62–M

Applications of Patriot Airlines, Inc. for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause (order 92–3–6) Docket 47912.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Patriot Airlines, Inc., fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate and overseas charter air transportation of property and mail.

DATES: Persons wishing to file objections should do so no later than March 13, 1992.

ADDRESSES: Objections and answers to objections should be filed in Docket 47912 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC. 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P–56, room 6401), U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590. (202) 366–2340.

Dated: March 3, 1992.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–5291 Filed 3–5–92; 8:45 am]

BILLING CODE 4910–62–M

Coast Guard

[CGD8 90–02]

Houston/Galveston Navigation Safety Advisory Committee; Solicitation for Membership

SUMMARY: The U.S. Coast Guard is seeking applications for appointment to membership on the Houston/Galveston Navigation Safety Advisory Committee. Present appointments will expire October 1, 1992.

The Committee shall consist of eighteen members, who have particular expertise, knowledge, and experience regarding the transportation, equipment,

and techniques that are used to ship cargo and to navigate vessels in the inshore and the offshore waters of the Gulf of Mexico:

(1) Two members who are employed by the Port of Houston Authority or have been selected by that entity to represent them.

(2) Two members who are employed by the Port of Galveston or the Texas City Port Complex or have been selected by those entities to represent them.

(3) Two members from organizations that represent shipowners, stevedores, shipyards, or shipping organizations domiciled in the State of Texas.

(4) Two members representing organizations that operate tugs or barges that utilize the port facilities at Galveston, Houston, and Texas City Port Complex.

(5) Two members representing shipping companies that transport cargo from the Ports of Galveston and Houston on liners, break bulk, or tramp steamer vessels.

(6) Two members representing those who pilot or command vessels that utilize the Ports of Galveston and Houston.

(7) Two at-large members who may represent a particular interest group but who utilize the port facilities at Galveston, Houston, and Texas City.

(8) One member representing labor organizations which load and unload cargo at the Ports of Galveston and Houston.

(9) One member representing licensed merchant mariners other than pilots, who perform shipboard duties on vessels which utilize the port facilities of Galveston and Houston.

(10) One member representing environmental interests.

(11) One member representing the general public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women.

The purpose of the committee is to provide local expertise on such matters as communications, surveillance, traffic control, anchorages, aids to navigation, and other related topics dealing with navigation safety in the Houston/Galveston area as required by the Coast Guard. The committee normally meets three times a year at various locations in the Houston/Galveston area. Members serve voluntarily, without compensation from the Federal Government for salary, travel, or per diem. Term of membership will not exceed the expiration of the charter, October 1, 1994.

DATES: Requests for applications should be received no later than April 15, 1992. Completed applications should be returned no later than May 15, 1992.

ADDRESSES: Persons interested in applying should write to Commander, Eighth Coast Guard District (oan), Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396.

FOR FURTHER INFORMATION CONTACT: Mr. Monty Ledet, USCG, Recording Secretary, Houston/Galveston Navigation Safety Advisory Committee, c/o Commander Eighth Coast Guard (oan) room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130–3396, telephone number (504) 589-4686.

Dated: February 25, 1992.

J.M. Loy,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 92–5249 Filed 3–5–92; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

National Motor Carrier Advisory Committee; Charter Renewal

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of charter renewal.

SUMMARY: The charter for the National Motor carrier Advisory Committee (NMCAC) has been renewed for the period of time from 1992 through 1994, effective on January 29, 1992. The Committee acts in an advisory capacity to the FHWA Administrator. It makes recommendation intended to improve the safety and productivity of the motor carrier industry and the effectiveness of the FHWA's programs and policies. The Committee reviews research projects, regulations and programs including commercial motor vehicle licensing and taxation, uniformity and safety. Meetings of the Committee are open to the public and must be announced in the **Federal Register**. Copies of the Committee charter are available upon request.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas J. McKelvey, HIA–20, room 3104, 400 Seventh Street SW., Washington, DC 20590, (202)366–1861. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for legal Federal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: February 26, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92–5197 Filed 3–5–92; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Salt Lake County, UT

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Salt Lake County, Utah.

FOR FURTHER INFORMATION CONTACT: Bill Gedris, Environmental Coordinator, Federal Highway Administration, 2520 West 4700 South, suite 9A, Salt Lake City, Utah 84118, Telephone: (801) 524–5141; Larry Kirby, Special Projects Engineer, Utah Department of Transportation, District Two, 2060 South 2400 West, Salt Lake City, Utah 84104, Telephone: (801) 975–8426; or George Ramjoue, Development Planning Manager, Wasatch Front Regional Council, 420 West 1500 South, suite 100, Bountiful, Utah 84010, Telephone: (801) 292–4469.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Utah Department of Transportation (UDOT), the Wasatch Front Regional Council (WFRC), Salt Lake City, West Valley City, West Jordan, and Salt Lake County, will prepare an EIS on a proposal to develop the planned 5600 West Highway facility of approximately 12 miles in length from I–80 to the Old Bingham Highway (about 9600 South) in Salt Lake County, Utah. The proposed facility would provide increased traffic capacity for the west side of the Salt Lake City metropolitan area.

The alternatives to be considered for the 5600 West Highway facility include: (1) No action alternative; and (2) constructing the section on one of several alternative alignments. Incorporated into and analyzed with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A series of informational public meetings will be held as necessary during the project development process. A formal scoping meeting and an official public hearing will also be held. Public notice of the time and place of the meetings and hearing will be given. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, UDOT or the WFRC at the addresses provided above. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program).

Issued on: February 24, 1992.

Donald P. Steinke,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 92–5160 Filed 3–5–92; 8:45 am]

BILLING CODE 4910-22-M

Intermodal Surface Transportation Efficiency Act of 1991 Amendments to 23 U.S.C. 131, Control of Outdoor Advertising

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: On December 18, 1991, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102–240, 105 Stat. 1914, was signed into law. Section 1046 of the ISTEA amended 23 U.S.C. 131 which deals with outdoor advertising control. This notice describes the impact of section 1046 on how States can provide for effective control of outdoor advertising in accord with regulations previously issued by the Federal Highway Administration (FHWA) in 23 CFR 750.705. This document is being issued to advise States that the ISTEA may require them to consider changes in their laws and administrative practices in order to remain eligible for full Federal-aid funding. The ISTEA itself provides no lead time for the States to come into compliance with these new provisions. A discussion of initiatives that will be considered in evaluating how "effective control" is maintained under the new requirements is a part of this notice.

Under section 1046, 23 U.S.C. 131 will continue to apply to the Interstate System and the Federal-aid primary system as they existed on June 1, 1991, and, when designated, all portions of the approved National Highway System. The three major amendments made to 23 U.S.C. 131 by section 1046 of ISTEA are: (1) An amendment prohibiting the erection of most new signs adjacent to an Interstate or Federal-aid primary designated a Scenic Byway under a State Program; (2) a specific requirement that illegal signs be removed; and (3) a provision authorizing for the first time the use of Federal-aid highway funding to purchase signs that do not conform to outdoor advertising controls.

DATES: The ISTEA was signed into law on December 18, 1991, with the provision of new sections 131(s) and 131(r)(1) of title 23, U.S.C., effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. Marlin E. Meese, Chief, Special Programs and Evaluation Branch, Office of Right-of-Way, HRW–12, (202) 366–2017; or Mr. Robert Black, Attorney, Office of Chief Counsel, HCC–31, (202) 366–1359, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: Section 131 is the implementing authority within title 23, U.S.C., for the Highway Beautification Act of 1965, as amended. The basic principles of outdoor advertising control are in section 131. The original Act provided specific controls on the erection and maintenance of outdoor advertising signs and devices along the Interstate and Federal-aid primary highway systems. The Interstate and primary highway systems comprise only 306,000 miles of the 3.9 million miles of public roads and streets in the United States. Therefore, the outdoor advertising controls apply to less than 8 percent of the total national public road mileage. Statutory controls in section 131(c) limit signs which a State can permit to directional and official signs, sale or lease signs, on-premise signs, landmark signs, and free coffee signs. In addition, under section 131(d), States can permit signs in zoned or unzoned commercial or industrial areas adjacent to the controlled systems. Section 131(d) provides for an agreement between each State and the Secretary of Transportation regarding size, lighting, and spacing standards of signs in commercial and industrial areas.

Scenic Byway Prohibition

The ISTEA in section 1046(c) amended title 23, U.S.C., by adding section 131(s). The new section limits the erection of new advertising displays to those permitted under section 131(c) along road segments that are designated Scenic Byways which are on the Interstate System, the Federal-aid primary system (as it existed on June 1, 1991), or on the National Highway System, when designated. These routes, collectively, are referred to as the controlled systems for Highway Beautification Act purposes. Thus new signs which would have been permitted in commercial and industrial areas under section 131(d) are no longer permitted on scenic byway portions of the controlled system.

Based on the 1990 Scenic Byways Study (U.S. DOT/FHWA Publication No. PD–91–010, January 1991), all but 15 States have some form of scenic byways program. About 35,000 miles of roads had been designated as scenic as of December 1990, when the study was conducted. The study projected that only about 50,000 total miles would be designated. Of the total projected mileage, about 50 percent is located on the Interstate and Federal-aid primary systems. Almost all of the mileage already designated as scenic along a controlled highway system is on two lane roadways. Most scenic byways are two lane roadways in rural areas where commercial and industrial areas are fewer in number. Thus, while the scope of this new control is limited to only about 25,000 miles, it complements the actions already taken by the States in determining that these routes have particular scenic importance.

Removal of Illegal Signs

The ISTEA in section 1046(b) also added section 131(r) to title 23, U.S.C. This new section requires all owners of illegal signs to remove their illegal signs within 90 days. The section further states that in the event owners do not remove their illegal signs, the State, to exercise effective control, shall remove the signs. The section provides that States recover removal costs of unremoved illegal signs from the sign owner. This cost recovery provision is not part of "effective control" for purposes of the sanction provisions of the Highway Beautification Act (23 U.S.C. 131(b)).

The FHWA recognizes that most States have already caused the removal of a substantial number of the illegal signs within their boundaries. Some States, however, have significant numbers of illegal signs remaining. Based on State reports, a total of about 22,000 remaining illegal signs have been identified. The law gave sign owners only 90 days from the effective date of ISTEA on December 18, 1991, to remove their illegal signs. The short period given to the owners is an indication of the emphasis to be applied to remove illegal signs. In consideration of the period granted to the owners, and the specific

mandate to the States to conclude removals when the sign owner has not performed, the FHWA has set a goal of an additional 90 days through June 18, 1992, for the States to act on the removal of illegal signs as required by 23 U.S.C. 131(r)(2). The FHWA recognizes that State law or procedural impediments may have to be overcome before a State can fully comply with this objective. However, considering the short time frame stated in the legislation for the removal of illegal signs by the sign owners, and the specific tie of this action to effective control requirements, States must take immediate steps after March 18, 1992, to demonstrate reasonable progress in meeting the effective control responsibilities required by this amendment. Good faith efforts by a State, including efforts to seek legislative authority, to comply with the provisions quickly will be considered by the FHWA in deciding how to deal with a failure to achieve effective control. Cumbersome administrative or procedural requirements that do not provide for prompt removal of illegal signs are not consistent with the intent of this section.

Funding for Removal of Nonconforming Signs

A new funding source for outdoor advertising control was provided in section 1046(a) of the ISTEA. By amending 23 U.S.C. 131(m), highway trust funds apportioned under 23 U.S.C. 104 are now available for the removal of nonconforming signs (i.e., lawfully erected signs which do not conform to the control requirements of section 131 or stricter State laws). In addition, in section 1007 of the ISTEA, control and removal of outdoor advertising is identified as one of several eligible "transportation enhancement activities" under the new Surface Transportation Program (STP). This major new program requires that at least 10 percent of apportioned funds for the program must be directed toward "transportation enhancement activities."

Initially, Federal funds for the control of outdoor advertising came from the General Fund. Now, funds made available from the Highway Trust Fund for highway projects may be used for outdoor advertising control. This will have a profound impact on the ability and responsibility of States to remove outdoor advertising signs. Under section 131(n), the States are not required to remove nonconforming signs unless Federal funds are available to participate in the acquisition costs associated with their removal. In the years immediately following the passage of the Highway Beautification Act, considerable sums were made available to inventory and remove nonconforming signs. However, funding was never sufficient to complete the acquisition process and no General Funds have been appropriated since 1983.

With this amendment made by the ISTEA, the States should have sufficient funds to remove nonconforming signs much more expeditiously. The change in the funding provided by the ISTEA, making available significant funds for the Federal share of just compensation payments and other control costs, will enable States to complete the removal of nonconforming signs in order to maintain effective control under Section 131(b). The timely removal of nonconforming outdoor advertising signs has always been part of "effective control." Failure to exercise effective control subjects a State to a 10 percent reduction of its Federal-aid highway apportionment, pursuant to 23 U.S.C. 131(b).

The FHWA estimates that about 92,000 nonconforming signs remain to be acquired. Most of these signs have been in place for over 20 years. Removal has been delayed, but now with increased Federal funding available to complete acquisition activities and ensure effective control, the law requires expedient removal.

The ISTEA authorizes $121 billion over the next six years for highway programs, including the STP which is a block grant program designed to fund a wide range of transportation related projects. For Fiscal Year (FY) 1992 alone, over $11 billion in Federal-aid under 23 U.S.C. 104 is being distributed to the States for highway construction and maintenance, and other transportation activities, including removal of outdoor advertising signs. The estimated total Federal share of the cost to acquire the remaining nonconforming signs is $428 million. This amount represents just 4 percent of the total eligible Federal-aid funds available to the States in FY 1992. Thus, the FHWA considered requiring States to remove all nonconforming signs along controlled highways in the first year ISTEA funding is available.

However, the FHWA recognizes that while the ISTEA represents a dramatic increase in Federal-aid funding, the non-Federal share must come from State or local sources. Moreover, the impact on individual States in providing for immediate removal would vary. For example, a State with an inventory of just a few hundred nonconforming signs would have a more manageable acquisition task than a State with over 2,000 such signs.

In addition, the FHWA recognizes that other problems might hamper the immediate removal of all remaining nonconforming signs. First, many States have been inactive regarding a sign acquisition program, and might need to update their administrative tools and sign acquisition procedures. Second, we do not believe that the Congress intended that the removal of signs take precedence over all other title 23 projects and programs.

For these reasons, we believe the ISTEA requires States to begin immediate removal of nonconforming signs, and to make reasonable progress in completing their removal program expeditiously. The FHWA, however, has set a two year goal for complete removal of remaining nonconforming signs. The FHWA believes that 2 years provides States with adequate time to remove all nonconforming signs without unduly constricting Federally-funded highway construction and other projects. States should be prepared to justify any reason for concluding that this period would impose an undue hardship on their priorities and programs.

During the next two years period, more than $24 billion Federal-aid dollars can be expected to be made available to the States for 23 U.S.C. 104 programs and projects. Considering the number of nonconforming signs remaining in the various States, most States could conclude their removal program using less than 2 percent of their 23 U.S.C. 104 funds within the two year period. Therefore, full acquisition and removal of the remaining nonconforming signs over the next two years would seem to be an achievable goal. By meeting this goal States will have removed all nonconforming signs on controlled Federal-aid highways by December 18, 1993.

The elements of removal programs will necessarily vary from State to State, and States should confer with the FHWA as to how best structure a removal program. In implementing removal programs, the States will have to review their existing priorities and formulate programs and processes that will maintain effective control. The States may wish to involve interested parties and affected entities such as other state and local agencies, sign owners, environmental groups and the business community, and establish priorities for sign removal.

This notice provides States and other interested parties a discussion of FHWA's goals and objectives to assure effective control is maintained to achieve the full implementation of the objectives expressed in the 1965 Highway Beautification Act, as amended, and to prevent interruption of Federal-aid funding. Each State should advise the FHWA by June 18, 1992, of its process, program, and timetable to ensure effective control is achieved and maintained. The FHWA intends to monitor and evaluate each State's progress in providing for the prompt removal of illegal and nonconforming signs on controlled systems.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: March 2, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-5287 Filed 3-5-92; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF VETERANS AFFAIRS

Cooperative Studies Evaluation Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 (Federal Advisory Committee Act) as amended by section 5(c) of Public Law 94-409 that a meeting of the Cooperative Studies Evaluation Committee will be held at the Ramada Renaissance Hotel, 999 9th Street NW., Washington, DC, on April 28, 1992. The session is scheduled to begin at 7:30 a.m. and end at 6 p.m. The meeting will be for the purpose of reviewing the progress of one on-going cooperative study in immunization in the prevention of infection, and three new clinical trials, one in the treatment of alcoholic cirrhosis, one in diabetes mellitus, and one in unstable angina.

The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on the relevance and feasibility of studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public up to the seating capacity of the room, from 7:30 a.m. to 8 a.m., to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. Ping Huang, Coordinator, Cooperative Studies Evaluation Committee, Department of Veterans Affairs, Washington, DC, (202-535-7154), prior to April 14, 1992.

The meeting will be closed from 8 a.m. to 6 p.m., for consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92-463, as amended by section 5(c) of Public Law 94-409, and 5 U.S.C. 552b(c)(6). During this portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 26, 1992.

By Direction of the Secretary.

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92-5217 Filed 3-5-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 45
Friday, March 6, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

AFRICAN DEVELOPMENT FOUNDATION

Board of Directors Meeting

TIME: 2:30–4:30 p.m.

PLACE: African Development Foundation.

DATE: Monday, March 9, 1992.

STATUS: Portions Changed to Closed.

Closed Agenda

Review of Personnel Matters Internal to ADF.

If you have any questions or comments, please direct them to Ms. Janis McCollim, Executive Assistant to the President, who can be reached at (202) 673–3916.

Gregory Robeson Smith,

President.

[FR Doc. 92–5462 Filed 3–4–92; 3:30 pm]

BILLING CODE 6116–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 FR 6058 Wednesday, February 19, 1991.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Tuesday, March 3, 1992.

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, N.W., Washington, D.C. 20507.

CHANGE IN THE MEETING:

Closed Session

The Closed Session of the Commission Meeting scheduled for Tuesday, March 3, 1992, at 2:00 has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–7100.

Dated: March 3, 1992.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 92–5354 Filed 3–3–92; 4:57 p.m.]

BILLING CODE 6750–06–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 11, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5367 Filed 3–4–92; 9:41 am]

BILLING CODE 6210–01–M

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:00 a.m., Monday, March 16, 1992.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, DC. 20419.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Internal personal rules and practices, matters the premature disclosure of which would likely frustrate implementation of a proposed agency activity, and *Special Counsel* v. *Byrd* and *Rebenstein, Walsh* v. *U.S. Postal Service and Mozqueda* v. *Department of Defense.*

CONTACT PERSON FOR ADDITIONAL INFORMATION CONTACT: Robert E. Tayler, Clerk of the Board, (202) 653–7200.

Dated: March 4, 1992.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 92–5416 Filed 3–4–92; 12:44 pm]

BILLING CODE 7400–01–M

NATIONAL SCIENCE BOARD

DATE AND TIME: March 20, 1992, 8:30 a.m., Closed Session
March 20, 1992, 9:00 a.m., Open Session

PLACE: National Science Foundation, 1800 G Street, NW, Rm. 540, Washington, DC 20550.

STATUS: Part of this meeting will be open to the public.
Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Friday, March 20, 1992

Closed Session (8:30 a.m.–9:00 a.m.)

1. Minutes—February 1992 Meeting.
2. Alan T. Waterman Award.
3. Grants and Contracts.

Friday, March 20, 1992

Open Session (9:00 a.m.–12:00 Noon)

4. Chairman's Report.
5. Minutes—February 1992 Meeting.
6. Director's Report.
7. Director's Annual Report on Merit Review.
8. NSF International Activities.
9. Other Business.

Thomas Ubois,

Executive Officer.

[FR Doc. 92–5418 Filed 3–4–92; 2:09 pm]

BILLING CODE 7555–01–M

POSTAL RATE COMMISSION

TIME AND DATE: 2:00 p.m., March 11, 1992.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. MC91–1.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC. 20268–0001, Telephone (202) 789–6840.

Charles L. Clapp,

Secretary.

[FR Doc. 92–5346 Filed 3–3–92; 4:45 pm]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [57 FR 7433 March 2, 1992].

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Thursday, February 27, 1992.

CHANGE IN THE MEETING: Time change.

An open meeting scheduled for Thursday, March 5, 1992, at 10:00 a.m., has been changed to 9:30 a.m.

Commissioner Roberts, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Walter Stahr at (202) 272–2000.

Dated: March 4, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5466 Filed 3–4–92; 3:59 pm]

BILLING CODE 8010–01–M

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federal register

Friday
March 6, 1992

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 101

Food Labeling: Nutrition Labeling; Guidelines for Voluntary Nutrition Labeling; and Identification of the 20 Most Frequently Consumed Raw Fruit, Vegetables, and Fish; Definition of Substantial Compliance; Corrections; Final Rule

21 CFR Part 101, et al.

Food Labeling; General Provisions; Nutrition Labeling; Nutrient Content Claims; Ingredient Labeling; State and Local Requirements; and Exemptions; Corrections; Proposed Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0122]

RIN 0905-AB68

Food Labeling: Nutrition Labeling of Raw Fruit, Vegetables, and Fish; Guidelines for Voluntary Nutrition Labeling of Raw Fruit, Vegetables, and Fish; Identification of the 20 Most Frequently Consumed Raw Fruit, Vegetables, and Fish; Definition of Substantial Compliance; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60880), that: (1) Identified the 20 most frequently consumed raw fruit, vegetables, and fish in the United States; (2) established guidelines for the voluntary nutrition labeling of these foods; and (3) defined "substantial compliance" with respect to the adherence by food retailers to those guidelines. The document was published with some editorial errors. This document corrects those errors.

EFFECTIVE DATE: November 8, 1991.

FOR FURTHER INFORMATION CONTACT: Jean A.T. Pennington, Center for Food Safety and Applied Nutrition (HFF-260), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1064.

SUPPLEMENTARY INFORMATION: In FR Doc. 91-27149 appearing on page 60880, in the **Federal Register** of Wednesday, November 27, 1991, certain inadvertent editorial errors were made in the appendices. For the convenience of the reader, FDA is republishing, with corrections, the charts that appeared in the appendices of that document. Accordingly, on pages 60888 through 60890, the following corrections to Appendix A and Appendix B are made:

1. On pages 60888, in Appendix A, in the bracketed heading, the word "accepted" is corrected to read "provided"; in the "Percent U.S. RDA" column, "(1)" is removed wherever it appears and asterisks are added in their place; in the "Carbohydrates" column, "Carbohydrates" is corrected to read "Carbohydrate"; and on page 60889, in the footnote, superscript "1" is removed and an asterisk is added in its place.

2. On page 60889, in Appendix B, in the heading, the word "accepted" is corrected to read "provided"; in the "Carbohydrates" column, "Carbohydrates" is corrected to read "Carbohydrate"; in the "Saturated Fatty Acid" column, "Fatty Acid" is corrected to read "Fat"; in the 1st column, the 1st entry is moved up as part of the heading to the 1st column, and superscript "2" is corrected to read superscript "1"; in the third entry, "Pollack" is corrected to read "Pollock"; in the 5th entry, in the "Protein (g)" column, "28" is corrected to read "29"; in the 5th, 9th, 15th, and 20th entries, in the "Carbohydrates (g)" column, "0" is corrected to read "2," "7," "4," and "1," respectively; in the 10th entry, in the "Kilocalories" column, "130" is corrected to read "70", and in the "Fat (g)" column, "7" is corrected to read "1"; in the footnote, superscript "1" is removed and an asterisk is added in its place; and a new footnote is added after the 1st footnote to read as follows: "(*) Assumed less than 2% U.S. RDA (no data available)."

3. On the same page, in Appendix B, in the "Percent U.S. RDA" column, in the subordinate "Vitamin A" column, the 1st–8th, 12th, 16th, 18th, and 20th entries; in the subordinate "Vitamin C" column, in the 4th and 11th entries; in the subordinate "Calcium" column, in the 2d, 3d, 6th, 11th, and 13th entries, and in the subordinate "Iron" column, in the 3d, 5th, and 10th entries, "(1)" is removed and replaced with asterisks (without parentheses); and in the subordinate "Vitamin A" column, in the 9th, 10th, 17th entries, in the subordinate "Vitamin C" column, in the 3d, 7th–10th, 12th–17th, 19th, and 20th entries, and in the subordinate "Calcium" column, in the 10th entry, "(1)" is removed and replaced with asterisks (with parentheses).

4. On page 60890, in the first column, in the 1st paragraph, in the 3d line, the parenthetical statement is corrected to read "(all values except kilocalories and fat for orange roughy and carbohydrate, vitamin A, vitamin C, calcium, and iron for all fish)"; and in the 2d paragraph, in the 5th line, the 2d parenthetical statement is corrected to read "(kilocalories and fat for orange roughy and carbohydrate, vitamin A, vitamin C, calcium, and iron for all fish)"; and in the 3d paragraph, "(1) = assumed less than 2 U.S. RDA (no data available)." is removed.

Appendices A and B are republished with the corrections set forth above to read as follows:

VII. Appendix A

NUTRITIONAL LABELING PROVIDED BY FDA FOR THE 20 MOST FREQUENTLY CONSUMED RAW FRUIT AND VEGETABLES (AUGUST (1991)

Fruit (edible portion weight)	Calories	Protein (g)	Carbohydrate (g)	Fat (g)	Dietary fiber (g)	Sodium (mg)	Percent U.S. RDA			
							Vitamin A	Vitamin C	Calcium	Iron
Banana, raw, 1 medium (126 g) (4.5 oz)	120	1	28	1	3	0	*	15	*	2
Apple, raw, 1 medium (154 g) (5.5 oz)	80	0	18	1	5	0	*	6	*	*
Watermelon, raw, 1/16 medium melon; 2 cups diced pieces (280 g) (10 oz)	80	1	19	0	1	10	8	25	*	2
Orange, raw, 1 medium (154 g) (5.5 oz)	50	1	13	0	6	0	*	120	4	*
Cantaloupe, raw, ¼ medium melon (134 g) (5 oz)	50	1	11	0	0	35	80	90	2	2
Grape, raw, 1½ cups (138 g) (5 oz)	85	1	24	0	2	3	3	9	2	2
Grapefruit, raw, ½ medium (154 g) (5.5 oz)	50	1	14	0	6	0	6	90	4	*
Strawberry, raw, 8 medium (147 g) (5.5 oz)	50	1	13	0	3	0	*	140	2	2
Peach, raw, 2 medium (174 g) (6 oz)	70	1	19	0	1	0	20	20	*	*
Pear, raw, 1 medium (166 g) (6 oz)	100	1	25	1	4	1	*	10	2	2
Nectarine, raw, 1 medium (140 g) (5 oz)	70	1	16	1	3	0	20	10	*	*
Honeydew melon, raw, 1/10 medium melon (134 g) (5 oz)	50	1	12	0	1	50	*	40	*	2
Plum, raw, 2 medium (132 g) (4.5 oz)	70	1	17	1	1	0	8	20	*	*
Avocado, raw, ⅛ medium (55 g) (2 oz)	120	1	3	12	2	5	*	5	*	*
Lemon, raw, 1 medium (58 g) (2 oz)	18	0	4	0	0	10	*	35	2	*
Pineapple, raw, 2 slices, 3" diameter, ⅞" thick (112 g) (4 oz)	90	1	21	1	2	10	*	35	*	*
Tangerine, raw, 2 medium 2⅜" diameter (168 g) (6 oz)	70	1	19	0	2	1	30	85	2	*

NUTRITIONAL LABELING PROVIDED BY FDA FOR THE 20 MOST FREQUENTLY CONSUMED RAW FRUIT AND VEGETABLES (AUGUST (1991)—Continued

Fruit (edible portion weight)	Calories	Protein (g)	Carbohydrate (g)	Fat (g)	Dietary fiber (g)	Sodium (mg)	Percent U.S. RDA			
							Vitamin A	Vitamin C	Calcium	Iron
Sweet cherry, raw, 21 cherries; 1 cup (140 g) (5 oz)	90	1	19	1	3	0	*	10	2	*
Kiwi fruit, raw, 2 medium (148 g) (5.5 oz)	90	1	16	1	4	0	2	230	4	4
Lime, raw, 1 medium (67 g) (2.5 oz)	20	0	7	0	3	1	*	35	2	2
Potato, raw, 1 medium (148 g) (5.5 oz)	110	3	23	0	3	10	*	50	*	8
Iceberg lettuce, raw, ⅛ medium head (89 g) (3 oz)	20	1	4	0	1	10	2	4	*	*
Tomato, raw, 1 medium (148 g) (5.5 oz)	35	1	6	1	1	10	20	40	*	2
Onion, raw, 1 medium (148 g) (5.5 oz)	60	1	14	0	3	10	*	20	4	*
Carrot, raw, 7" long, 1¼" diameter (78 g) (3 oz)	40	1	8	1	1	40	330	8	2	*
Celery, raw, 2 medium stalks, (110 g) (4 oz)	20	1	4	0	2	140	*	15	4	*
Sweet corn, raw, kernels from 1 medium ear (90 g) (3 oz)	75	3	17	1	1	15	6	10	*	3
Broccoli, raw, 1 medium stalk (148 g) (5.5 oz)	40	5	4	1	5	75	10	240	6	4
Green cabbage, raw, 1/16 medium head (84 g) (3 oz)	18	1	3	0	2	30	*	70	4	*
Cucumber, raw ½ medium (99 g) (3.5 oz)	18	1	3	0	0	0	4	6	2	2
Bell pepper, raw, 1 medium (148 g) (5.5 oz)	25	1	5	1	2	0	2	130	*	*
Cauliflower, raw, ⅛ medium head (99 g) (3 oz)	18	2	3	0	2	45	*	110	2	2
Leaf lettuce, raw, 1.5 cup shredded (85 g) (3 oz)	12	1	1	0	1	40	20	4	4	*
Sweet potato, raw, 1 medium, 5" long, 2" diameter (130 g) (4.5 oz)	140	2	32	0	3	15	520	50	3	4
Mushroom, raw, 5 medium (84 g) (3 oz)	25	3	3	0	0	0	*	2	*	*
Green onion, raw, ¼ cup chopped (25 g) (1 oz)	7	0	1	0	0	0	3	20	*	5
Green (snap) bean, raw, ¾ cup cut (83 g) (3 oz)	14	1	2	0	3	0	2	8	4	*
Radish, raw, 7 radishes (85 g) (3 oz)	20	0	3	0	0	35	*	30	*	*
Summer squash, raw, ½ medium (98 g) (3.5 oz)	20	1	3	0	1	0	4	25	2	2
Asparagus, raw, 5 spears (93 g) (3.5 oz)	18	2	2	0	2	0	10	10	*	*

* Less than 2% U.S. RDA.

Notes

Data sources:

Produce Marketing Association (all data except as noted below).

USDA Revised Agriculture Handbook No. 8-9 (Fruits and Fruit Juices, 1982) and 8-11 (Vegetables and Vegetable Products, 1984) for grape, peach, pear, nectarine, plum, tangerine, lime, sweet corn, sweet potato, and green onion; dietary fiber for pineapple, tomato, and carrot; dietary fiber for grape and plum based on similar foods.

Dietary fiber for nectarine, tangerine, lime, and green onion from McCance and Widdowson's The Composition of Foods by A.A. Paul and D.A.T. Southgate, 4th revised ed., Elsevier/North-Holland Biomedical Press, NY, 1978 or Nutrient Content of Food Portions by J. Davies and J. Dickerson, The Royal Society of Chemistry, Cambridge, U.K., 1991.

Serving portion weights in oz from PMA were multiplied by 28 to obtain g weights; 55 g were used for 2 oz, and 85 g were used for 3 oz. Ounces were rounded to the nearest 0.5 oz for the chart. Serving portions weights in g from USDA were divided by 28 to obtain oz; oz were rounded to the nearest 0.5 oz.

Values were rounded in accordance with 21 CFR 101.9. Percent U.S. RDA was based on 5,000 IU for vitamin A, 60 milligrams (mg) for vitamin C, 1,000 mg for calcium, and 18 mg for iron.

Avocado data were derived from two data sets and are based on California varieties.

VIII. Appendix B

NUTRITION LABELING PROVIDED BY FDA FOR THE 20 MOST FREQUENTLY CONSUMED FISH (AUGUST 1991)

Fish, 3 oz edible portion, cooked [1]	Calories	Protein (g)	Carbohydrate (g)	Fat (g)	Saturated fat (g)	Cholesterol (mg)	Sodium (mg)	Percent U.S. RDA			
								Vitamin A	Vitamin C	Calcium	Iron
Shrimp, boiled	110	22	0	2	0	160	155	*	3	8	15
Cod, broiled, skinless	90	19	0	1	0	50	60	*	2	*	2
Pollock, broiled, skinless	100	21	0	1	0	80	90	*	(*)	*	*
Catfish, baked, skinless	120	19	0	5	1	60	65	*	*	8	5
Scallop, broiled, 5.7 large or 14 small	150	29	2	1	0	50	275	*	3	2	*
Salmon, Atlantic/ coho, baked, skinless	150	22	0	7	1	50	50	*	2	*	4
Flounder, baked, skinless	100	20	0	1	0	50	85	*	(*)	2	2
Sole, broiled, skinless	100	21	0	1	0	60	90	*	(*)	2	2
Oyster, steamed, 12 medium	120	12	7	4	1	90	190	(*)	(*)	8	65
Orange roughy, broiled, skinless	70	16	0	1	0	20	70	(*)	(*)	(*)	*
Mackerel, Atlantic/Pacific & jack, broiled, skinless	190	21	0	12	3	50	95	7	*	*	8
Ocean perch, baked, skinless	100	20	0	2	0	50	80	*	(*)	10	6
Rockfish, baked, skinless	100	20	0	2	0	40	65	4	(*)	*	3
Whiting, baked, skinless	100	19	0	1	0	70	75	2	(*)	5	2
Clam, steamed, 12 small	130	22	4	2	0	50	95	10	(*)	8	130
Haddock, baked, skinless	90	20	0	1	0	60	70	*	(*)	4	6
Blue crab, steamed	90	19	0	1	0	80	310	(*)	(*)	9	4
Rainbow trout, broiled, skinless	130	22	0	4	1	60	30	*	5	7	10
Halibut, broiled, skinless	120	22	0	2	0	30	60	3	(*)	5	5
Lobster, boiled	100	20	1	1	0	100	320	*	(*)	8	2

* Less than 2% U.S. RDA.
(*) Assumed less than 2% U.S. RDA (no data available).
[1] Cooked without fat or seasoning.

Notes

Data sources:

Seafood Nutri-Facts by the Food Marketing Institute and the National Fisheries Institute, 1988 (all values except kilocalories and fat for orange roughy and carbohydrate, vitamin A, vitamin C, calcium, and iron for all fish).

USDA Agriculture Handbook No. 8-15 (Finfish and Shellfish Products, 1987) and NOAA (National Oceanic and Atmospheric Administration) Technical Memo NMFS F/SEC-11, (1981) (kilocalories and fat for orange roughy and carbohydrate, vitamin A, vitamin C, calcium, and iron for all fish).

Atlantic/coho salmon was selected for labeling because most pink salmon is canned, and most sockeye salmon is exported to Japan. Atlantic/Pacific and jack mackerel were selected for labeling because consumption of Spanish mackerel is low. Personal communication with L. Weddig of National Fisheries Institute, August 15, 1991.

Nutrient values were averaged for Atlantic and coho salmon and for Atlantic and Pacific and jack mackerel.

Atlantic cod was used for cholesterol and sodium; Pacific cod would be 40 mg cholesterol and 75 mg sodium.

Values were rounded in accordance with 21 CFR 101.9. Percent U.S. RDA was based on 5,000 IU for vitamin A, 60 mg for vitamin C, 1,000 mg for calcium, and 18 mg for iron

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4727 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 84N-153A]

RIN 0905-AD08

Food Labeling: "Cholesterol Free," "Low Cholesterol," and "____Percent Fat Free" Claims; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that proposed to amend the food labeling regulations to define "cholesterol free" and "low cholesterol" and to provide for the proper use of these terms and the term "____ percent fat free" that appeared in the **Federal Register** of November 27, 1991 (56 FR 60507). This document corrects various editorial errors.

DATES: Written comments by January 27, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 30 days following its publication.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Virginia L. Wilkening, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1561.

In FR Doc. 91-27156, appearing at page 60507 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60511, in the third column, in reference "8.", the name "Park, Youngmeek" is corrected to read "Park, Youngmee K."

2. On page 60512, in the first column, in amendment "2.", the fifth line, "and (g) and (h)" is corrected to read "and (g)".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4712 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 84N-0153]

RIN 0905-AB68

Food Labeling: Definitions of Nutrient Content Claims for the Fat, Fatty Acid, and Cholesterol Content of Food; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that appeared in the **Federal Register** of November 27, 1991 (56 FR 60478) that proposed to amend the food labeling regulations to define, and to provide for the proper use of, the terms "fat free," "low fat," "reduced fat," "low in saturated fat," "reduced saturated fat," "cholesterol free," "low cholesterol," and "reduced cholesterol" in the labeling of foods and to provide for the use of other truthful and nonmisleading statements about a food's fat, fatty acid, and cholesterol content in food labeling. This document corrects various editorial errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may be issued based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Virginia L. Wilkening, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1561.

In FR Doc. 91-27159, appearing at page 60478 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60485, in the third column, in the third line, the phrase "of a the nutrient" is corrected to read "of a nutrient".

2. On page 60485, in the third column, in the first complete paragraph, next to the last line, "some" is removed.

3. On page 60502, in the third column, Reference "7.", in the last line, the phrase "June 19-24, 1990" is corrected to read "June 24-28, 1990".

§ 101.62 [Corrected]

4. On page 60503, in the third column, in § 101.62 *Nutrient content claims for fat, fatty acid, and cholesterol content of foods,* the last line in the introductory text of paragraph (b)(3) is corrected by adding "provided" after "§ 101.13(1)"; and on page 60506, in the third column in paragraph (d)(5)(ii)(D), in lines 11 through 15, the two sentences reading "This pound cake contains 30 percent less cholesterol than our regular pound cake. Cholesterol lowered from 45 milligrams to 30 milligrams per serving." is corrected to read "This pound cake contains 45 percent less cholesterol than our regular pound cake. Cholesterol lowered from 55 to 30 milligrams per serving."

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4713 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 20 and 101

[Docket No. 85N-0061]

RIN 0905-AB67

Food Labeling; General Requirements for Health Claims for Food; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that proposed rules on general requirements for health claims for food that appeared in the **Federal Register** of November 27, 1991 (56 FR 60537). This document corrects various editorial errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following publication of a final regulation pertaining to health claims in food labeling in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, 301-443-1751.

FOR FURTHER INFORMATION CONTACT: Victor P. Frattali, Center for Food Safety and Applied Nutrition (HFF-261), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1064.

In FR Doc. 91-27151 appearing on page 60537 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On the same page, in column 2, in the fourth line in the heading, the word "Food" is added before the word "Labeling".

2. On page 60539, in column 3, in the third complete paragraph, the last line is corrected to read "(Congressional Record, October 28, 1990)".

3. On page 60548, in column 1, the parenthetical phrase following the quoted paragraph "(H. Rept. 301-538, 101st Cong., 2nd sess., 19)" is corrected to read "(H. Rept. 101-538, 101st Cong., 2d sess., 21)".

4. On page 60553, in column 3, in the third paragraph, in the ninth line, "303(a)" is corrected to read "343(a)".

5. On page 60554, in column 2, in the third complete paragraph, in the sixth line, the phrase "SSFR 29516" is corrected to read "55 Fr 29516"; in the fourth paragraph, in the first line, the phrase "what to be done" is corrected to read "what should be done".

6. On page 60555, in column 1, in the first complete paragraph, in the last line "be drawn?" is corrected to read "be drawn."

7. On page 60557, in column 1, in the third complete paragraph, the seventh line, "ac' " is corrected to read "act"; and in column 2, in the third complete paragraph in the third and fifth lines, "§ 101.13(g)" and "§ 101.13", are corrected to read "§ 101.14(g)" and "101.14", respectively.

8. On page 60560, in column 2, in the 12th line from the bottom, "§ 101.17" is corrected to read "§ 101.71".

9. On page 60561, in column 3, in the last paragraph, in the fifth line, the word "Foods" is corrected to read "Food".

§ 101.14 [Corrected]

10. On page 60563, in § 101.14 *Health claims: general requirements*, in paragraph (a)(1), in the ninth line, the word "that" is removed; and in column 2, in the third line, the word "or" is corrected to read "a"; in paragraph (a)(4), in the sixth line the word "substance" is corrected to read "component"; in paragraph (c)(1), in line 3, the word "welldesigned" is corrected to read "well-designed"; and on page 60564, in paragraph (d)(2)(iv), in the 12th line, the word "healthrelated" is corrected to read "health-related".

§ 101.70 [Corrected]

11. On page 60565, in column 3, in § 101.70 *Petitions for health claims*, in paragraph (j)(3)(ii), in the third line, the word "request" is corrected to read "requested".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4714 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 101

[Docket Nos. 90N-0134 and 90N-0135]

RIN 0905-AD06

Food Labeling; Reference Daily Intakes and Daily Reference Values; Mandatory Status of Nutrition Labeling and Nutrient Content Revision; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60366). The document supplemented and republished in modified form, FDA's proposals entitled "Food Labeling; Mandatory Status of Nutrition Labeling and Nutrient Content Revision" (55 FR 29487, July 19, 1990) and "Food Labeling; Reference Daily Intakes and Daily Reference Values" (55 FR 29476, July 19, 1990). The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Virginia L. Wilkening, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-245-1561.

In FR Doc. 91-27155, appearing on page 60366, in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60367, in the second column, in the second full paragraph, line 10, the phrase "intends to address this subject in a subsequent document" is corrected to read "is addressing this subject elsewhere in this issue of the **Federal Register**"

2. On page 60374, in the first column, line 1, "standards" is corrected to read "standard".

3. On page 60375, in the second column, the second table is corrected to read as follows:

NUTRITION INFORMATION PER SERVING

Serving size:	1 tbsp (14 g)
Servings per container:	64
Calories	130
Calories from total fat	130
Total fat	14 g
Saturated fat	2 g
Polyunsaturated fat	4 g
Monounsaturated fat	6 g
Total carbohydrate	0 g
Protein	0 g
Sodium	0 mg

Not a significant source of cholesterol, complex carbohydrate, sugars, dietary fiber, vitamin A, vitamin C, calcium, or iron.

4. On page 60379, in the second column, in the paragraph numbered "(1)", line 10, "¼" is added before "gram" and in line 11, "1" is corrected to read "0.25".

5. On page 60381, in the second column, in the second full paragraph, in the fourth line from the bottom, the word "Amendnent" is corrected to read "Amendment".

6. On page 60384, in the hypothetical label for B-vitamins, the entry for "Sugars, g" is corrected by indenting it 2 spaces under the entry "Total Carbohydrate, g".

7. On page 60386, in the first column, Reference 20 is corrected by removing "(1988-1991)".

§ 101.9 [Corrected]

8. On page 60387, in the third column, in § 101.9 *Nutrition labeling of food*, in paragraph (c)(4)(ii), "Unsaturated fatty acid," is corrected to read "Unsaturated fat," the first time it appears; on page 60389, in paragraph (c)(8)(iii), the phrase "and 14 grams of protein for infants" is corrected to read "14 grams of protein for infants, 60 grams of protein for pregnant women, and 65 grams for lactating women"; and in the third column, in paragraph (c)(11)(iii), "percentages hall" is corrected to read "percentages shall".

§ 101.36 [Corrected]

9. On page 60393, in the second column, in § 101.36 *Nutrition labeling of dietary supplements of vitamins and minerals*, in paragraph (b)(1), "practicably" is corrected to read "practicable".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4715 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 101

[Docket No. 90N-0165]

RIN 0905-AD08

Food Labeling; Serving Sizes; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Reproposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule on serving sizes that appeared in the **Federal Register** of November 27, 1991 (56 FR 60394). The document was published with some typographical and editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Youngmee K. Park, Center for Food Safety and Applied Nutrition (HFF-265), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0089.

In FR Doc. 91-27157, appearing on page 60394 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On the same page in the "Action" line, "Proposed rule" is corrected to read "Reproposed rule".

2. On page 60400, in the first column, in the second full paragraph, line 1, the phrase "FDA acknowledges that the 1987-1988 NFCS data" is corrected to read "FDA acknowledges that NFCS data".

3. On page 60402, in the first column, in the second paragraph, the first sentence is corrected to read "Fish sticks are included in the category of 'Fish, Shellfish, and Meat or Poultry Substitutes: Entrees (cooked) without sauce'."

4. On page 60403, in the third column, in the second paragraph, line 7, the parenthetical statement "(e.g., consumption increased or decreased substantially)" is corrected to read "(e.g., CSS values increased or decreased substantially)".

5. On page 60405, in the second column, in paragraph A, line 3, "and the sample sizes for both surveys were equally adequate" is removed and the word "then" is added in its place; in the third column, paragraph C, line 4, the word "recipies" is corrected to read "recipes".

6. On page 60410, in the third column, in the second full paragraph, line 8, the phrase "Compliance Act and for compliance" is corrected to read "Competitiveness Act and for compliance".

7. On page 60415, in the third column, Reference 7, line 5, "Population Strategies for Blood Cholesterol Reduction, NIH Publication No. 90-3047," is corrected to read "Blood Cholesterol Levels in Children and Adolescents', NIH Publication No. 91-2732,".

8. On page 60416, in the first column, Reference 28, line 2, the words "Nonresponse of" are corrected to read "Nonresponse on", and in Reference 29, line 2, the words "for women 10-50" is corrected to read "for women 19-50,".

9. On page 60418, in the second column, Table 2, under the heading "Product category", eight lines from the bottom, the entry "Grains, e.g., rice, barley, plain or seasoned" is corrected to read "Grains, e.g., rice, barley, plain."

10. On page 60418, in the third column, Table 2, for the entry "Sour cream" the reference amount "25 g." is corrected to read "30 g."

11. On page 60419, the third column, for the entry "Confectioner's sugar" the reference amount "2 tbsp." is corrected to read "¼ cup."

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4716 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 100

[Docket No. 91N-0038]

RIN 0905-AD08

State Petitions Requesting Exemption from Federal Preemption; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that provided for petitions requesting exemption from preemption for certain State or local food standards and other labeling requirements that are preempted under the provisions of the Nutrition Labeling and Education Act of 1990 that appeared in the **Federal Register** of November 27, 1991 (56 FR 60528). The proposed rule published with typographical and editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective November 6, 1992, or 30 days after date of publication in the **Federal Register**, if earlier.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, 301-443-1751.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0229.

In FR Doc. 91-27153, appearing on page 60528, in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60531 in the second column, in the fourth paragraph, line 11, the phrase "in the applicable Federal law regulation" is corrected to read "in the applicable Federal law or regulation".

§ 100.1 [Corrected]

2. On page 60532, in the third column, in the section heading of § 100.1, the word "requestinc" is corrected to read "requesting".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4717 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 101

[Docket No. 91N-0094]

RIN 0905-AB67

Food Labeling: Health Claims; Calcium and Osteoporosis; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60689). The document proposed

to authorize the use on food labels and in labeling of health claims relating to the association between calcium and osteoporosis. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Mona S. Calvo, Center for Food Safety and Applied Nutrition (HFF–265), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202–485–9564.

In FR Doc. 91–27160, appearing on page 60689, in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60689, in the first column in the "**SUMMARY**" caption, in the third line from the bottom, the word "Recommended" is corrected to read "Reference".

2. On page 60693, in the third column, in the third paragraph, in the third line, the word "Assessment" is corrected to read "Comment".

3. On page 60695, in the first column, in the second full paragraph, in the fifth line, the words "or different skeletal sites" are added after the word "bone".

4. On page 60697, in the third column in the first full paragraph, in the fourth line from the bottom, the word "to" is corrected to read "of".

5. On page 60698, in the second column, in the first full paragraph, in the 12th line from the bottom, the word "because" is removed and the words "more to increase intake" are added in its place; in the third column, in the third full paragraph, in the second line from the bottom the word "quantitative" is corrected to read "quantitate".

§ 101.72 [Corrected]

6. On page 60705, in the second column, in § 101.72 *Health claims: calcium and osteoporosis*, paragraph (a), in the fifth line, the word "numerous" is corrected to read "of"; on page 60706, in paragraph (d)(5), in the third line, the word "recommended" is corrected to read "reference".

7. On page 60707, in Table 1, in the "Base Diet" column, in the second entry, "intake: 7" is corrected to read "intake"; in the "Additional Treatments" column, in the second entry, in the second to the last line, "no" is corrected to read "not"; in the "Comments" column, in the second entry, "decreased the incidence" is corrected to read "decrease the incidence".

8. On page 60708, in table 1, in the "Number and Description of Subjects" column, "of" is removed from the entry.

9. On page 60709, in Table 1, the "Source and Identity of Test Material" column, "Placebo micro crystalline cellulose calcium carbonate Calcium citratemalate (CCM)" is corrected to read "Placebo: micro crystalline cellulose; Calcium carbonate; Calcium citrate malate (CCM)."; in the "Dosage of Test Material Used" column, the entry is corrected to read "Placebo: 500 mg/day; Calcium carbonate: 500 mg/day elemental calcium; CCM: 500 mg/day elemental calcium"; in the "Other Factors Affecting Interpretation of Data" column, "of bone loss" is corrected to read "of bone loss"; in the "Results" column, in the 10th line, a period is added after the word "source"; and in the 32d line, a period is added after the word "CCM".

10. On page 60711, in Table 1, in the "Source and Identity of Test Material" column, "(L500 mg/day)" is corrected to read "(<500 mg/day)" and "(>500 mg" is corrected to read "(≥500 mg/day".

11–12. On page 60713, in Table 1, in the "Additional Treatments" column, "Range: 286 to 2,128" is removed.

13. On page 60715, in Table 1, in the "Number and Description of Subjects" column, in the first entry, "Mothers" is corrected to read "Mothers:".

14. On page 60718, in Table 1, in the "Additional Treatments" column, "Exercise, high dietary calcium n=9" is added after the first time "n=9" appears.

15. On page 60720, in Table 1, in the "Source and Identity of Test Material," "Dosage of Test Material Used," and "Base Diet" columns, a ":" is added after "Untreated controls".

16. On page 60724, in Table 1, in the "Additional Treatments" column, "hyperparathyroidis m" is corrected to read "hyperparathyroidism".

17. On page 60725, in Table 1, in the "Source and Identity of Test Material" column, "(n=28)" is corrected to read "(n=28);" "600 to 135" is corrected to read "800 to 1350"; and "(n=95)" is corrected to read "(n=95);".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4710 Filed 3–5–92; 8:45am]

BILLING CODE 4160–01–M

21 CFR Part 101

[Docket No. 91N–0095]

RIN 0905–AB57

Food Labeling: Health Claims and Label Statements; Sodium Hypertension; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60825). The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ellen M. Anderson, Center for Food Safety and Applied Nutrition (HFF–266), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5375.

In FR Doc. 91–27168, appearing at page 60825 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60826, in the first column, in the first full paragraph, in the sixth line from the bottom, the phrase "descriptive terms for 'low sodium' and 'reduced sodium' foods" is corrected to read "descriptive terms for 'sodium free,' 'very low sodium,' 'low sodium,' and 'reduced sodium' foods"; and in the third column, second paragraph, in the third line from the bottom, the phrase "four clinical trials (Refs. 44, 70, 79, and 109), and three meta-analyses (Refs. 100, 106, and 107)" is corrected to read "and associated studies (Refs. 50, 51, 52, 53, 54, 58, 59, and 64); fifteen clinical trials (Refs. 41, 42, 44, 45, 55, 70, 71, 76, 79, 80, 109, 121, 122, 123, and 124); and five meta-analyses (Refs. 94, 97, 100, 106, 107)".

2. On page 60827, in the first column, in the third paragraph, line 14, the phrase "from the substance" is corrected to read "from reducing the substance".

3. On page 60829, in the third column, the heading for the section "3. 'Dietary Sodium Chloride and Blood Pressure,' 1991" is correctly revised to read: "3. 'Sodium and Hypertension,' 1991".

4. On page 60833, in the second column, line 6, the word "and" is corrected to read "of"; and in the second full paragraph, lines 12–14, the phrase "17 clinical trials (Refs. 41, 42, 44, 45, 55, 70, 71, 76, 79, 80, 94, 97, 109, 121 through 124)" is corrected to read "15 clinical trials (Refs. 41, 42, 44, 45, 55, 70, 71, 76, 79, 80, 109, and 121 through 124)".

5. On page 60836, in the third column, in the first full paragraph, lines 5 and 6, "HG" is corrected to read "Hg" the two places it appears.

6. On page 60837, in the second column, in the first full paragraph, line 6, add after § 101.14 "and the general requirements for sodium content and 'low sodium' claims set forth in proposed § 101.61"; and in line 19, "and" is corrected to read "or"; and in line 29, "§ 101.74(c)(2)" is corrected to read "§ 101.74(c)(1)".

7. On page 60838, in the second column, in the second full paragraph, line 14, "(Ref. 1982)" is corrected to read "(Ref. 12)".

8. On page 60841, in the third column, in Reference 17, the word "*Archieves*" is corrected to read "*Archives*".

9. On page 60842, in the first column, in Reference 34, "*Journal of*" is removed; in Reference 35, "*Journal of*" is removed and the word "*Sciences*" is corrected to read "*Science*"; and in the third column, in Reference 61, "(Sunpl)" is corrected to read "(Suppl.)".

10. On page 60843, in the first column, in Reference 68, "(Sunpl. I)" is corrected to read "(Suppl. I)"; in Reference 74, "DriHS" is corrected to read "DHHS"; in Reference 81, "DHRIS" is corrected to read "DHHS"; in the second column, in Reference 88, the title reading "The Biology and Medicine of Signal Transduction in *The Biology and Medicine of Signal Transduction*" is corrected to read "*The Biology and Medicine of Signal Transduction*"; in Reference 94, the author's name reading "Il Suh" is corrected to read "I. Suh"; and in the third column, Reference 108 is correctly revised to read as follows:

108. LSRO, Kotchen, T., "Evaluation of Publicly Available Scientific Evidence Regarding Certain Nutrient-Disease Relationships: 4. Sodium and Hypertension" prepared for the Center for Food Safety and Applied Nutrition, FDA, DHHS, FDA Contract No. 223–88–2124, Task Order No. 9, FASEB, November, 1991.

11. On page 60844, in the first column, in Reference 121, the word "Cororan" is corrected to read "Corcoran"; and in Reference 122, the word "estriction" is corrected to read "Restriction".

§ 101.74 [Corrected]

12. On page 60844, in § 101.74 *Health claims: sodium and high blood pressure*, paragraph (b), in the 19th line from the bottom of the second column, the phrase "males because they develop hypertension earlier in life" is corrected to read "males because they develop hypertension earlier in life than females"; in the third column, paragraph (c)(1), line 3, the phrase "§ 101.14 for health claims" is corrected to read "§ 101.14 for health claims" is corrected to read "§ 101.14 for health claims and of § 101.61 for 'low sodium' content claims"; and in paragraph (d) introductory text, line 1, the phrase "Sodium/hypertension in health claims" is corrected to read "Sodium/hypertension health claims".

13. On page 60850, in Table 2, under the heading "Results," in the fifth line from the bottom, "DPB" is corrected to read "DBP".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4719 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 101

[Docket No. 91N–0097]

RIN 0905–AD08

Food Labeling: Health Messages; Dietary Lipids and Cancer; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60764). The document proposed to authorize health claims on foods and food labeling that state that diets low in total fat may reduce the risk of some types of cancer, particularly colon, breast, and prostate, in the general population. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: He-Chong C. Lee, Center for Food Safety and Applied Nutrition (HFF–265), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0358.

In FR Doc. 91–27162, appearing at page 60764 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60769, in the third column, in the fourth full paragraph, in the second line from the bottom, the word "an" is removed.

2. On page 60771, in the first column, in the fourth full paragraph, in line 7, the phrase "saturated fat component" is corrected to read "other fat components"; and in the third column, in the first full paragraph, in the second line from the bottom, the word "of" the first time it appears is removed, and the word "the" is added in its place.

3. On page 60778, in the third column, in Reference 62, in line 5, the word "*National*" is corrected to read "*New*".

4. On page 60779, in the first column, in Reference 82, the author's name "Vecchia, C. L." is corrected to read "LaVecchia, C."

5. On page 60785, in Table 1, in the "Results" column, the following statement was inadvertently omitted and is added to the end of the entry, beginning with a new line: "Gall bladder and common duct tumor: Incidence of polyps in common duct was significantly higher in beef tallow group than corn oil group; fat type did not significantly affect the incidence. Fat level did not consistently affect tumorigenesis in gall bladder or common duct. Overall survival rate was significantly higher in high beef tallow and high mixed groups than low beef tallow and corn oil group"; and in the "Assessment" column, the following statement was inadvertently omitted and is added to the end of the entry, "rates of carcinoma incidence (2 percent in gall bladder and no report in common duct)".

6. On page 60786, in the "Diet" column, "High fat" is corrected to read "Corn oil"; the entry "linoleic 50.2 51.9" is corrected to read "linolic 50.2 51.9"; the entry "linoleic 4.6 1.6" is corrected to read "linoleic [sic] 4.6 1.6"; and in the "Assessment" column, beginning in line 12, the words "and we do not know the adequacy of linoleic acid in test diets" are removed.

7. On page 60788, in the "Additional Treatment" column, in lines 1 through 3, the chemical name "12–0–tetradecanoylphorbol-13-acetate (DMBA)" is corrected to read "7,12-dimethylbenz(a)anthracene (DMBA)".

8. On page 60790, in the "Results" column, in line 12, the phrase "of metastatic fish oil" is corrected to read "metastatic foci"; and in line 14, "inhibit" is corrected to read "inhibited".

9. On page 60797, in the "Results" column, in line 3, the word "of" is corrected to read "and"; and in line 6, the phrase "but not as w" is corrected to read "but not as weight".

10. On page 60799, in the "Results" column, line 5, "(n=0.5)" is corrected to read "(r=0.51)".

11. On page 60801, in the "Results" column, in line 6, the word "HIGHEST" is corrected to read "confidence interval".

12. On Page 60804, in the "Assessment" column, in line 2, "calcium" is corrected to read "cancer".

13. On page 60806, in the "Study Design and Population" column, in the second entry, in line 6, "30 year" is corrected to read "30 years of age"; and in line 8, "48" is corrected to read "148".

14. On page 60807, in the "Results" column, in the first entry, in line 8, "development" is corrected to read "involvement".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4720 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 91N-0098]

RIN 0905-AD08

Food Labeling; Health Claims; Dietary Fiber and Cancer; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the proposed rule that appeared in the Federal Register of November 27, 1991 (56 FR 60560) on dietary fiber and cancer. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joyce J. Saltsman, Center for Food Safety and Applied Nutrition (HFF-265), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0316.

In FR Doc. 91-27164, appearing at page 60566 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60566, in the third column, in the first full paragraph, in the fourth line, the parenthetical "(DHHS/PHS, 1990)" is corrected to read "(Ref. 46)".

2. On page 60568, in the second column, in the fourth full paragraph, in the seventh line; and on page 60569, in the first column, in the third full paragraph, in the first line, the words "The Surgeon General's Report Nutrition and Health" is corrected to read "The Surgeon General's Report on Nutrition and Health".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4721 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 91N-0100]

RIN 0905-AB67

Food Labeling: Health Claims and Label Statements; Folic Acid and Neural Tube Defects; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the proposed rule that published in the Federal Register of November 27, 1991 (56 FR 60610). The document proposed not to authorize the use on the label and labeling of foods, including dietary supplements, of health claims relating to an association between folic acid and reduction in risk of neural tube defects. The document was published with some editorial errors. This document corrects those errors.

DATE: Submit written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: Jeanne I. Rader, Center for Food Safety and Applied Nutrition (HFF-268), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-6867.

In FR Doc. 91-27167, appearing at page 60610 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60610, in the first column, in the "DATES" paragraph, in the first line, "(January 27, 1992" is corrected to read "February 25, 1992".

2. On page 60611, in the first column, in the third paragraph, in the third line, the word "with" is added after "vary".

3. On page 60614, in the third column, in the fourth full paragraph, in the fifth line, "casecontrol" is corrected to read "case-control".

4. On page 60616, in Table 2, in the "Results" column, in the fourth entry, the words "than for those whose diets provided <100 μg folate per day" is added after the phrase "folate per day" at the end of the entry.

5. On page 60618, in the first column, in the first full paragraph, in the 14th line, "360 mg" is corrected to read "360 μg".

6. On page 60619, in the third column, under paragraph "a.", in the second line, the word "Dericonceptional" is corrected to read "Periconceptional".

7. On page 60621, in the first column, in the second complete paragraph, in the sixth line, the word "kingdom" is removed.

8. On page 60623, in the first column, under item VI., in the second line, "January 27, 1992" is corrected to read "February 25, 1992"; in the second column, in Reference 5, the title "*British Journal of Obstetrics and the Gynaecology*', is corrected to read "*British Journal of Obstetrics and Gynaecology*"; in Reference 9, the word "*Enidemiologic*" is corrected to read, "*Epidemiologic*".

9. On page 60624, in the first column, in Reference 33, the word "*Diaanosis*" is corrected to read "*Diagnosis*".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4772 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 91N-0101]

RIN 0905-AB67

Food Labeling: Health Claims and Label Statements; Antioxidant Vitamins and Cancer; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the Federal Register of November 27, 1991 (56 FR 60624). The document proposed not to authorize the use on foods, including dietary supplements, of health claims relating to the association between antioxidant vitamins and cancer. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Aministration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John N. Hathcock, Center for Food Safety and Applied Nutrition (HFF-268), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-245-1198.

In FR Doc. 91-27161, appearing on page 60624 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60625, in the third column, in the third full paragraph, in the 6th and 10th lines, "Ref. 4" is corrected to read "Ref. 4a".

2. On page 60626, in the first column, in the ninth line, the words "A way" is corrected to read "Another way".

3. On page 60627, in the first column, in paragraph "a.", in the fifth line, "Refs. 4" is corrected to read "Refs. 4a".

4. On page 60632, in the second column, in the fifth paragraph, in the fourth line, the words "5 of more" are corrected to read "5 or more".

5. On page 60638, in the third column, Reference 4b is removed.

6. On page 60639, in the first column, Reference 5a is removed.

7. On page 60640, in the first column, in Reference 68, in the third line, the word "Miconuclei" is corrected to read "Micronuclei"; and in the second column, Reference 72b is removed.

8. On page 60641, in the second column, Reference 127, first line, the author's name "Ferrell, P.M." is corrected to read "Farrell, P.M.";

9. On page 60651, in Table 16, under the heading "Authors/year," the fifth entry "Verrault" is corrected to read "Verreault".

Dated: February 21, 1991.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4723 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 91N-0102]

RIN 0905-AD08

Food Labeling: Health Claims; Zinc and Immune Function in the Elderly; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that published in the Federal Register of November 27, 1991 (56 FR 60652). The document proposed not to authorize the use on foods, including dietary supplements, of health claims relating to the association between zinc and immune function in the elderly. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: James E. Hoadley, Center for Food Safety and Applied Nutrition (HFF-268), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5104.

In FR Doc. 91-27163, appearing on page 60652 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page, 60652 in the first column, after the "**DATES**" section, the "**ADDRESSES**" section was inadvertently omitted. It is added to read as follows:

"**ADDRESSES:** Written comments to the Dockets Management Branch (HFA-305) Food and Drug Administration, rm 1-23, 12420 Parklawn Dr., Rockville, MD 20857"

2. On page 60656, in Table 1, in the "Reference" column, the entry "Bracker et al., 1988 (Ref. 35)." is corrected to read "Bracker et al., 1988 (Ref. 33)." and in the "Results" column, in the fifth entry, line 3, "p<05" is corrected to read "p<.05.".

3. On page 60657, in the "Reference" column, the entry "Bogden et al., 1990 (Ref. 34)." is corrected to read "Bogden et al., 1990 (Ref. 35)."; and in the "Description of subjects" column, line 2 "389" is corrected to read "89".

4. On page 60662, in the first column, in Reference 8, "Sherman, A.R., N.A. and" is corrected to read "Sherman, A.R. and N.A."; in Reference 9, the word "of" is added after the word "*Journal*"; in the second column, in Reference 28, line 3, the words "edited by W. R. Beisel," are added before the word "Federation"; and in the third column, Reference 40, "48:373-9, 1990." is corrected to read "48:373-379, 1990".

5. On page 60663, in the first column, Reference 48, "*Journal of the American Association*," is corrected to read "*Journal of the American Medical Association*".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4724 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 101

[Docket No. 91N-0103]

RIN 0905-AB67

Food Labeling: Health Claims and Label Statements; Omega-3 Fatty Acids and Coronary Heart Disease; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the Federal Register of November 27, 1991 (56 FR 60663). The document proposed not to authorize the use on foods, including dietary supplements, of health claims relating to the association between omega-3 fatty acids and coronary heart disease. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John C. Wallingford, Center for Food Safety and Applied Nutrition (HFF–265), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202–245–0835.

In FR Doc. 91–27166, appearing on page 60663 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60663, in the third column, under the **SUPPLEMENTARY INFORMATION** caption, in the first paragraph, in the second line from the bottom, "403(r)(i)(B)" is corrected to read "403(r)(1)(B)"; and in the third paragraph, line 3, "(b)(1)(a)(x)" is corrected to read "(b)(1)(A)(x)".

2. On page 60665, in the first column, in the third full paragraph, in the second line from the bottom, the word "specific" is removed; and in the second column, in the first full paragraph, lines 27–29, "on 'Cardiovascular Effects from Omega-3 Fatty Acids' " is removed, and " 'Evaluation of Publicly Available Scientific Evidence Regarding Certain Nutrition-Disease Relationships: 7. Omega-3 Fatty Acids and Heart Disease' " is added in its place.

3. On page 60666, in the first column, line 17, the period after the word "comment" is removed, and the words "except for the submitted book, 'Health Effects of ω3 Polyunsaturated Fatty Acids in Seafoods.' " are added in its place; in the second column, under the heading "B. *Other Reports*", in the eighth line, "(Ref. 115)" is added after the word "documented"; and in the third column, in the last paragraph, line 1, "(Ref. 100)" is added after the word "report".

4. On page 60667, in the first column, in the first full paragraph, in the third line from the bottom, "(Ref. 100)" is added after the word "report"; in the third full paragraph, line 13, "placebocontrolled" is corrected to read "placebo-controlled"; and in the second column, in the second full paragraph, line 3, the word "Assessment" is corrected to read "Comments".

5. On page 60672, in the first column, in the second full paragraph, line 1, "(Ref. 100)" is added after the word "report".

6. On page 60673, in the first column, in Reference 7, "W–3" is corrected to read "ω–3"; in the second column, in Reference 20, "N–3" is corrected to read "ω–3"; in Reference 27, third column, line 2, "*Arterio Sclerosis,*" is corrected to read "*Arteriosclerosis,*"; and in Reference 41, "N–3" is corrected to read "ω–3".

7. On page 60674, in the first column, in References 42 and 54, "N–3" is corrected to read "ω–3"; in the second column, in Reference 61, "W–3" is corrected to read "ω–3"; References 68 and 69 are corrected to read as follows:

68. Hirai, A., T. Terano, H. Saito, Y. Tamura, S. Yoshida, "Clinical and Epidemiological Studies of Eicosapentaenoic Acid in Japan," in *Proceedings of the AOCS Short Course on Polyunsaturated Fatty Acids and Eicosanoids*, W. E. M. Lands, Ed. AOCS, Champaign, IL.

69. Hollander, W., S. Hong, B. J. Kirkpatrick, A. Lee, M. Colombo, S. Prusty, "Differential Effects of Fish Oil Supplements on Atherosclerosis," *Circulation*, 76:IV–313, 1987.

8. On the same page, in the third column, in Reference 79, line 1, the author's name "Kusion, S. E." is corrected to read "Kasim, S. E."; and in Reference 86, "N–3" is corrected to read "ω–3".

9. On page 60675, in the first column, in References 88 and 89, "N–3" is corrected to read "ω–3"; also in Reference 89, line 4, the word "*Intern*" is corrected to read "*Internal*"; in Reference 91, "N–3" is corrected to read "ω–3"; in Reference 100, the title "Cardiovascular Effects from Omega-3 Fatty Acids" is corrected to read "Evaluation of Publicly Available Scientific Evidence Regarding Certain Nutrition-Disease Relationships: 7. Omega-3 Fatty Acids and Heart Disease"; in the second column, in Reference 111, "N–3" is corrected to read "ω–3"; in Reference 114, "W–3" is corrected to read "ω–3"; and in the third column, Reference 122 is corrected to read as follows:

122. Weiner, B. H., I. S. Ockene, P. H. Levine, et al., "Inhibition of Atherosclerosis by Cod-Lover Oil in a Hyperlipidemic Swine Model," *New England Journal of Medicine*, 315:841–846, 1986.

10. On page 60676, in the first column, in Reference 133, "N–3" is corrected to read "ω–3".

11. On page 60677, in Table 1, in the "Reference" column, the fifth entry is corrected to read as follows: "Harai et al. 1980 in *Proceedings of the AOCS Short Course on Polyunsaturated Fatty Acids and Eicosanoids*, W. E. M. Land, editor, AOCS, Champaign, IL."

12. On page 60679, in Table 2, in the "Comments" column, in the second entry, line 6, the word "can" is removed.

13. On page 60682, in Table 2, in the "Subjects" column, in the eighth entry, "insulin-dependent" is corrected to read "noninsulin-dependent".

14. On page 60685, in Table 2, in the "Reference" column, in the eighth entry, "9:352" is added after the word "*Nutrition*"; and in the "Amount" column, in the ninth entry, "n–3" is corrected to read "ω–3".

15. On page 60686, in Table 2, in the "Reference" column, in the sixth entry, "Suppl." is removed, and "48:469" is added in its place; and in the last entry, "77:53" is added after the word "*Atherosclerosis*"; in the "Amount" column, in the seventh entry, "n–3" is corrected to read "ω–3".

16. On page 60687, in Table 2, in the "Amount" column, in the first entry, "n–3" is corrected to read "ω–3".

17. On page 60688, in Table 2, in the "Findings" column, in the second entry, "Tgs" is corrected to read "TGs"; in the fourth entry, the word "angine" is corrected to read "angina"; and in the "Comments" column, in the sixth entry, lines 3 and 4, the phrase "from n–3 fatty acids, large amt of n–3s" is corrected to read "from ω–3 fatty acids, large unit of ω–3s".

18. On page 60689, in the paragraph following Table 2, at the end of line 4, the words "RBC, red blood cell; IDDM, insulin-dependent diabetes mellitus; NIDDM, Noninsulin-dependent diabetes mellitus; MI myocardial infarction (heart attack); AMA, American Medical Association; GI, gastrointestinal; HbA, hemoglobin A", which were inadvertently omitted, are added.

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4725 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 130

[Docket No. 91N–0317 et al.]

RIN 0905–AD08

Food Standards: Requirements for Substitute Foods Named by use of a Nutrient Content Claim and a Standardized Term; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60512). The document proposed to amend the General Provisions for food standards to prescribe a general definition and standard of identity for substitute foods named by use of a nutrient content claim defined in 21 CFR part 101 (such as "fat free," "low calorie," and "light") in conjunction with a traditional standardized name (for example "reduced-fat sour cream"). The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0112.

In FR Doc. 91–27170, appearing on page 60512 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60517, in the third column, in the second full paragraph, in the eighth line from the bottom, "403(r)(5)(CC)" is corrected to read "403(r)(5)(C)".

2. On page 60518, in the second column, in the third full paragraph, in the last line, "§ 101.62(b)(2)(ii)" is corrected to read "§ 101.13(j)(2)(ii)".

3. On page 60520, in the second column, in the second full paragraph, in the fifth line, "21 CFR 133.134" is corrected to read "21 CFR 133.133".

§ 130.10 [Corrected]

4. On page 60523, in the first column, in § 130.10 *Requirements for substitute foods named by use of a nutrient content claim and a standardized term*, in paragraph (c), in the third line from the bottom, "onehalf" is corrected to read "one-half".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4726 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 101

[Docket No. 91N–0096]

RIN 0905–AB67

Food Labeling: Health Claims and Label Statements; Lipids and Cardiovascular Disease; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60727), that proposed to authorize the use on foods and food labeling of health claims relating to the association between reduction in dietary intake of lipids (particularly saturated fats and cholesterol), decreased blood cholesterol, and decreased risk of cardiovascular disease, particularly coronary heart disease. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule they may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paddy Wiesenfeld, Center for Food Safety and Applied Nutrition (HFF–268), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–245–1492.

In FR Doc. 91–27169 appearing on page 60727, in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60728, in the first column, in the first full paragraph, line 14, "(omega-6-fatty acids)" is corrected to read "(omega-3-fatty acids)"; and in line 15, (omega-3-fatty acids)" is corrected to read "(omega-6-fatty acids)".

2. On page 60731, in the first column, in the first full paragraph, in the fifth line from the bottom, the word "fat" is corrected to read "products"; in the last line "Ref. 150" is corrected to read "Ref. 29"; and in the third column, after the first full paragraph, the following paragraph was inadvertently omitted and is added to read as follows:

Many recent studies have demonstrated a positive link between dietary saturated fatty acids and serum cholesterol levels within populations. These results strengthen the previous conclusions based on between populations studies which showed a clear correlation of saturated fatty acid and CHD. Unanswered questions, however, still persist about the mechanisms by which saturated fatty acids raise total cholesterol and variability of individual response to saturated fatty acids. Some recent data suggest that variability of response to saturated fatty acid is congruent with that of dietary cholesterol.

3. On page 60733, in the first column, in the third full paragraph, line 9 "(5.65 mmol/L; 218 mg/dL) (5.65 mmal/L: 218 mg/dL)" is corrected to read "(5.56 mmol/L; 218 mg/dL)"; and in line 15, "5.45 mmal/L" is corrected to read "5.45 mmol/L"; and in the third column, in the second full paragraph, the last line, "220" is corrected to read "200".

4. On page 60734, in the first column, in the last paragraph, line 2, the word "*cholesterol* " is added to the heading, after the word "serum"; in the third column, before paragraph "(2)", the following paragraph, which was inadvertently omitted, is added to read as follows:

The effectiveness of dietary counseling on the appearance of new coronary lesions was reported by Blankenhorn et al. (Ref. 7). Eighty-two placebo controls out of 162 subjects of the (randomized, blinded, controlled; Cholesterol Lowering Atherosclerosis Study (CLAS)) trial were examined. Dietary goals for the placebo controlled subjects were to reduce total dietary fat and saturated fat to 26 and 5 percent of calories, respectively. In those subjects with no new coronary lesions, calories from total and staturated fat was 27.5 and 7.4 percent, respectively. In those subjects with new coronary lesions, the percent of calories from total fat and saturated fat was 34.1 and 9.2 percent, respectively. Dietary assessment was determined from 24-hour dietary recall data.

5. On page 60735, in the first column, in the first full paragraph, line 1, the word "of" is added after the word "number"; and in line 2, "and clinical trials" is removed; in the fourth full paragraph, line 6, "(Ref. 66)" is added after the word "levels"; in the second column, line 13, "2–" is corrected to read "25"; in the first full paragraph, line 1, "(Ref. 41)" is added after the word "study"; and in the third column, in the third full paragraph, line 9, the word "and" is added before the word "salad"

6. On page 60736, in the first column, in the first full paragraph, line 3, "1885" is corrected to read "1985"; and the last sentence is removed.

7. On page 60738, in the first column, in the first paragraph, line 10, "40" is corrected to read "400".

8. On page 60739, in the first column, in the second full paragraph, in the seventh line from the bottom "(Ref.)" is corrected to read "(55 FR 29487)"; in the fourth line from the bottom "(Ref.)" is corrected to read "(56 FR 12932)"; in the third column, in the second full paragraph, line 14, the words "The issue of" are removed and the words "Another major issue, the relationship of" are added in their place, and in line 15, a comma is added after the word "cancer".

9. On page 60740, in the first column, in the second full paragraph, line 15, the words "be made" are added after the word "must".

10. On page 60742, in the third column, in Reference 3, "Hypertension" is corrected to read "*Hypertension*"; in Reference 11, line 3, the word "Apolipoprotein" is removed; and in line 4, "Apol ipoprote in" is corrected to read "Apolipoprotein".

11. On page 60743, in the third column, Reference 54, is corrected to read as follows:

54. Grundy, S. and G. L. Vega, "Plasma Cholesterol Responsivenes to Saturated Fatty Acids," *American Journal of Clinical Nutrition*, 47:822–824, 1988.

12. On the same page, in Reference 61, the author's name "Hegsted, M. D." is corrected to read "Hegested, D. M."; in Reference 62, the author's name "J. S. Charnoci" is corrected to read "J. S. Charnock".

13. On page 60744, in the second column, in Reference 86, "Intervention Metabolism" is corrected to read "Intervention, *Metabolism*.

14. On page 60745, in the first column, in Reference 104, "Cholesterol Physiological Reviews" is corrected to read "Cholesterol, *Physiological Reviews*,"; in the third column, in Reference 145, "325:462–6" is corrected to read "325:461–466".

15. On page 60746, in the first column, Reference 152 was inadvertently omitted and is added to read as follows:

152. Crâne, N., "Lipids and Cardiovascular Disease—Food that Would and Would Not Qualify for a Health Claim," Memo to FDA File, References for Food Labeling: Health Claims; Lipids and Cardiovascular Disease: Proposed Rule, October 23, 1991.

16. On page 60748, in Table 1, in the "Results" column in the second entry, line 9, the word "reduction" is corrected to read "increase".

17. On page 60749, in Table 1, in the "Duration" column, in the first entry, "Cross-sectional" is corrected to read "N/A".

18. On page 60750, in Table 1, in the "Study Design" column, in the second entry, line 3, the word "werum" is corrected to read "serum"; and in the "Results" column, in the first entery, line 11, "(<5.16 mml/l)" is corrected to read "(<5.16 mmol/l)".

19. On page 60751, in Table 1, in the "Results" column, in the first entry, line 10, "1090" is corrected to read "1909".

20. On page 60753, in Table 2, in the "Assessment/comments" column, in the first entry, lines 2–3, "ND/DIDDM" is corrected to read "ND/NIDDM groups".

21. On page 60754, in Table 2, in the "Method/test/dose" column, a sentence was inadvertently omitted and is added to the end of the first entry to read as follows: "Diets enriched in MUFA and PUFA compared; 17% of calories derived from either MUFA or PUFA; SFA concentration identical in two diets."; and an entry for Blankenhorn, which was inadvertently omitted, is added after the firt entry to read as follows:

BILLING CODE 4160-01-M

Reference	Study design	Study population	Duration	Method/test/dose	Results	Assessment/comments
Blankenhorn et al. 1990 (Ref. 7)	Prospective analysis of random, blind controlled angiographic clinical trial.	162 (82 placebo) subjects of cholesterol lowering atherosclerosis study (CLAS); men 40-59 years old with progressive atherosclerosis non-smokers, diet counseled.	N/A	Angiographic analyses of atherosclerotic designs.	Increased consumption of total fat and PUFA was associated with an increase in new lesions. Increase intake of lauric, oleic and linoleic, significantly increased risk. Those with no new lesions consumed more low fat meats, low fat dairy products. Authors suggested substitutions of protein and carbo for total fat, SFA and not PUFA and MUFA. In addition, transport and metab of UFA are different in early stages of atherogenesis as compared with late stages because diet FA can influence a variety of arterial wall processes.	Angiographic examination done well with 2 experts viewing simultaneously, blind, duplicated samples.

BILLING CODE 4160-01-C

57 ISS 45 MR 6 19 92 UMI

22. On the same page, in Table 2, in the "Method/test/dose" column, in the fourth entry, lines 8–9, "American Heart Association" is added before the word "diet," and the following text, which was inadvertently omitted, is added after the word "diet" to read as follows: "Actual dietary SFA consumed was between 9 and 11% of calories and cholesterol was between 211 and 288 mg/day. Diets assessed by 3-day food records prior to study and at 12 months."; in the "Results" column, in the third entry, in line 10, "APO I" is corrected to read "apo I"; and in lines 15–16, the words "LPL decreased 23% HL decreased 17%" is corrected to read "Lipoprotein lipase (LPL) decreased 23% and hepatic lipase (HL) decreased 17%".

23. On page 60755, in Table 2, in the "Method/test/dose" column, in the third entry, "High Fat diet vs Low Fat diet Lovastatin (40 mg/day) (drug)." is corrected to read "High fat diet (total fat 43% and SFA 18.9% of calories) and low fat diet (total fat 25% and SFA 8% of calories); Lovastatin (40 mg/day) (drug).".

24. On page 60756, in Table 2, in the "Method/test/dose" column, in the first entry, line 2, the words "1. PUFA enriched" is corrected to "1. PUFA enriched (Saf oil); in line 3, "2. MUFA enriched PUFA Saf oil MUFA O oil." is corrected to read "2. MUFA enriched (O. oil). SFA was 8.3% and cholesterol was 152 mg/day in both diets. MUFA concentration in PUFA enriched diet was 8.9% and 14% in MUFA enriched diet."; in the second entry, after the last line, the following text, which was inadvertently omitted, is added to read as follows: "Total fat was 29%, MUFA was 7.5% of calories, respectively; ratio of PUFA to SFA was 1.5."; in the "Results" column, in the third entry, line 13, the word "increase" is corrected to read "decrease".

25. On page 60757, in Table 2, in the "Reference" column, in the second entry, "(Ref. 53)" is corrected to read "(Ref. 54)"; in the third entry, "(Ref. 54)" is corrected to read "(Ref. 53)"; in the "Method/test/dose" column, the third entry is corrected to read as follows: "Solid Food diets. Diet 1. High SFA-high cholesterol (Fat 40%, SFA 19%, MUFA 15%, PUFA 6% of calories, cholesterol 900 mg/day). Diet 2. High MUFA/low cholesterol (Fat 40%, SFA 7%, MUFA 27%; PUFA 6% of calories, cholesterol 200 mg/day). Diet 3. High carbo-low fat (Fat 20%, SFA 7%, MUFA 7%, PUFA 6%, cholesterol 200 mg/day)."; and in the "Results" column, in the third entry, line 8, "col" is corrected to read "chol".

26. On page 60758, in Table 2, in the "method/test/dose" column, in the second entry, line 5, "chol' eggs" is corrected to read "chol=eggs"; in the "Results" column, in the second entry, line 3, "apo 8" is corrected to read "apo B".

27. On page 60760, in Table 2, in the "Method/test/dose" column, in the third entry, the following text, which was inadvertently omitted, is added after the last item: "Pre and post test diets, fat provided by mixture of fats (MF). Fat composition of diets as follows: Diet 1 (Canola >MUFA): SFA 5%, MUFA 20%, and PUFA 10% of calories. Diet 2 (Sunflower >PUFA): SFA 7%, MUFA 7%, and PUFA 22% of calories. Diet 3. MF: SFA 14%, MUFA 15% and PUFA 7% of calories."

28. On page 60762, in Table 2, in the "Study design" column, in the third entry, line 3, "lips" is corrected to read "lipids"; in the "Method/test/dose" column, in the second entry, the following text, which was inadvertently omitted, is added after the word "legumes": "Fat was 33.3% of calories, PUFA/SFA ratio was 0.45, and cholesterol was 300 mg/day."; and in the "Results" column, in the third entry, line 10, "ad" is corrected to read "and".

29. On page 60783, in Table 2, in the "Reference" column, in the first and second entries, "199" is corrected to read "1990" and in the second entry, "Rifail" is corrected to read "Rifai"; in the "Assessment/comments" column, in the first entry, line 5, the word "profession" is corrected to read "progression"; in the same column, in the third entry, line 11, "A–1" is corrected to read "A1".

30. On page 60764, in Table 2, in the "Method/test/dose" column, in the first entry, the following text, which was inadvertently omitted, is added after the word "Sun-MUFA": "Fat was 37 to 43% of calories in all diets. Fat composition of diets was as follows: Diet 1. SFA 21%, MUFA 14%, and PUFA 5% of calories; Diet 2. SFA 7%, MUFA 28%, and PUFA 19% of calories; and Diet 3. SFA 8%, MUFA 14%, and PUFA 19% of calories."

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4728 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 5, 20, 100, 101, 105, and 130

[Docket No. 91N-0219]

RIN 0905-AD08

Regulatory Impact Analysis of the Proposed Rules To Amend the Food Labeling Regulations; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Regulatory impact analysis statement; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the regulatory impact analysis statement that appeared in the **Federal Register** of November 27, 1991 (56 FR 60856), which presented the regulatory impact analysis (RIA) that FDA had prepared under Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) on the costs and benefits of the food labeling regulations that the agency is currently proposing to amend. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard A. Williams, Jr., Center for Food Safety and Applied Nutrition (HFF–303), Food and Drug Administration, 200 C Street, SW., Washington, DC 20204, 202–485–0271.

In FR Doc. 91–27171, appearing on page 60856 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60860, Table 1 is corrected by revising the last entry and adding two additional entries to read as follows:

TABLE 1.—INDUSTRIES AFFECTED BY LABELING REGULATIONS

SIC	Industry name	(Phase I regulations) Standard foods, ingredients, and colors labeling	(Phase I regulations) Percent juice labeling	(Phase I regulations) Raw fruit, vegetables, and fish labeling	(Phase II regulations) Mandatory nutrition labeling, format, nutrient content claims
2099	Food preparations, nec [1]	X		X	X
2834	Dietary supplements				X
5411–99	Grocery stores			X	

[1] Not elsewhere classified.

2. On page 60871, Table 13, is corrected to read as follows:

TABLE 13.—ESTIMATED HEALTH EFFECTS [1] (OVER 20 YEARS)

	Cases avoided or life-years gained	Total annual cases
Cancer	35,179	500,000
CHD	4,028	514,000
Deaths avoided	12,902	
Life-years gained	80,930	

[1] Uses lagtimes of 2 and 10 years for the occurrence of CHD and cancer, respectively following a diet change.

3. On page 60871, in column 2, Table 14, the entry "Prostate cancer" is corrected to read "Prostate/breast cancer".

4. On page 60876, in column 2, in the last paragraph, line 5, "3.6 billion" is corrected to read "between $3.6 billion and $21 billion".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4729 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 101

[Docket No. 91N-0344]

RIN 0905-AD08

Food Labeling; Use of Nutrient Content Claims for Butter; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that would permit the use of nutrient content claims ("descriptors") that are defined by regulations in 21 CFR part 101 to be made for butter (November 27, 1991, 56 FR 60523). The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0112.

In FR Doc. 91–27158, appearing on page 60523 in the **Federal Register** of Wednesday, November 27, 1991, the following correction is made:

On page 60525, in the first column, in the last paragraph, line 1, "(3)(b)(1)(a)(viii)" is corrected to read "(3)(b)(1)(A)(viii)"; and in the third column, in the first paragraph, in the fourth line from the bottom, quotation marks are added before the word "Contains".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-4730 Filed 3-5-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 5, 101, and 105

[Docket No. 91N-0384]

RIN 0905-AD08

Food Labeling: Nutrient Content Claims, General Principles, Petitions, Definition of Terms; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that proposed to provide general principles and definitions for nutrient content claims and to provide for their use on food labels that appeared in the **Federal Register** of November 27, 1991 (56 FR 60421). The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may be issued based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFF–312), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0229.

In FR Doc. 91–27150, appearing at page 60421, in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60424, in the second column, in line 21, "§ 101.13(a)" is corrected to read "§ 101.13(b)(3)".

2. On page 60425, in the first column, in the second full paragraph, in the third line from the bottom, "§ 101.13(a)(1)" is corrected to read "§ 101.13(g)(1)".

3. On page 60428, in the first column, in the fifth paragraph, the last sentence in the quoted material is corrected to read "In addition, section 403(a) of the act will continue to prohibit brand names that constitute false and misleading labeling, irrespective of whether the brand name was exempt under this provision."

4. On page 60429, in the first column, in line 4, the word " 'low." is corrected to read " 'low' "; in the second column, in the third full paragraph, in line 1, "section IV" is corrected to read "section V".

5. On page 60431, in the second column, in line 10, "0.5 g" is corrected to read "0.3 g"; and in the first full paragraph, line 11, "§ 101.62(d)(1)(i)(8))" is corrected to read "§ 101.62(d)(1)(i)(B))".

6. On page 60433, in the first column, in the third full paragraph, in line 11, "§ 101.60(b)(1)(ii)" is corrected to read "§ 101.61(b)(1)(iii)"; and in the second column, in the second full paragraph, in line 2, the words "to allow" are removed.

7. On page 60436, in the second column, in the second full paragraph, in line 11, "§ 101.60(c)" is corrected to read "§ 101.60(c)(1)".

8. On page 60437, in the first column, in the second full paragraph, in line 6, "§ 101.60(c)(1)(i)" is corrected to read "§ 101.60(c)(1)(ii)"; in the second column, in the third full paragraph, in line 11, the words " 'sugar free,' " are corrected to read "'sugars free'"; in the third column, in the first full paragraph, the second and third sentences are removed; and in the second full paragraph, lines 3 and 4 are corrected to read "stated its position concerning the term 'no sucrose,' saying that its".

9. On page 60439, in the first column, in the second full paragraph, in line 9, "(Ref. 33)" is corrected to read "Ref. 26)".

10. On page 60441, in the first column, in line 1, "§ 101.61(b)(4)(iii)" is corrected to read "§ 101.61(b)(4)(ii)"; in line 17, "§ 101.61(b)(2)(iii)" is corrected to read "§ 101.61(b)(2)(ii)"; in the third column, in the third full paragraph, in line 2, "§ 101.61(b)(2)(ii)" is corrected to read "§ 101.61(b)(2)(i)"; and in line 6, "§ 101.61(b)(4)(ii)" is corrected to read "§ 101.61(b)(4)(i)".

11. On page 60442, in the first column, in the second full paragraph, in line 15, "§ 105.66(c)(1)(i)" is corrected to read "§ 105.66(c)(1)(ii)".

12. On page 60447, in the first column, in the first full paragraph, in line 5, the word "changes" is corrected to read "claims"; in the third full paragraph, in line 2, "§ 101.13(j)(2)(iii)" is corrected to read "§ 101.13(j)(3)"; and in the second column, in the second full paragraph, in the second line from the bottom, the words "of the 1990 amendments" are added before the word "requires".

13. On page 60452, in the third column, in the fourth paragraph, in line 8, the word "sugar" is corrected to "sugars".

14. On page 60454, in the third column, in the second full paragraph, beginning in line 5, the words "that .reduced' and 'light." are corrected to read "that 'reduced' and 'light' "; and in the fourth full paragraph, in the last line, "201(a)" is corrected to read "201(n)".

15. On page 60457, in the first column, in the first paragraph, in the last line, the calculation reading "4.75×2.8=13.5 g.)" is corrected to read "4.75 (19 percent of the DRV) × 2.8=13.5 g.)".

16. On page 60459, in the third column, in the second full paragraph, in line 2, the words "in pursuing this end" are removed; and in line 12, "3(b)(2)(A)(iii)" is corrected "3(b)(1)(A)(iii)".

17. On page 60460, in the second column, in the fifth full paragraph, in line 2, the words "of the act" are added before the word "requires"; and in the third column, in the first full paragraph, in line 14, the word "etitioner" is corrected to read "petitioner".

18. On page 60461, in the third column, in the first full paragraph, in line 7, the word "nsleading" is corrected to read "misleading".

19. On page 60466, in the second column, in the first full paragraph, in line 1, the word "foods" is added after "ESL".

20. On page 60468, in the third column, in Reference 9, add "*Journal of Nutrition Education*" before "p. 51"; and in Reference 16, "Virginia Wilkening, February 12, 1991" is corrected to read "J. S. Benson, July 11, 1990."

21. On page 60469, in the first column, Reference 26 is corrected to read as follows:

26. Joint Food and Agriculture Organization/World Health Organization Food Standards Program, "Codex Standards For Foods For Special Dietary Uses Including Foods For Infants And Children And Related Code of Hygienic Practice," Codex Alimentarius Commission, Vol. IX, 1st ed., p.3, Rome, 1982.

22. On the same page, in the first column, in Reference 36, in line 3, the word "Service" is corrected to read "Serving"; in the second column, in Reference 46, in line 1, "0708" is corrected to read "070B"; and in Reference 52, in line 1, the word "Ledding" is corrected to read "Lidding".

§ 101.13 [Corrected]

23. On page 60470, in § 101.13 *Nutrient content claims—general principles*, in paragraph (j)(2)(i), in line 4, the word "labeling" is corrected to read "label" the first time it appears; in paragraph (j)(2)(iii), in line 1, "(iii)" is corrected to read "(3)"; on page 60471, in column 1, in paragraph (n), in line 2, the word "claim" is corrected to read "claims" and in line 4, the word "the" is added before the word "analytical"; and in paragraph (o)(7), in the last line, "§ 101.50(h)" is corrected to read "§ 101.69(o)".

§ 101.54 [Corrected]

24. On page 60471, in § 101.54 *Nutrient content claims for "source," "high," and "more"*, in paragraph (c)(1), beginning on line 7, the phrase "of the (RDI) or the (DRV)" is corrected to read "of the RDI or the DRV".

§ 101.60 [Corrected]

25. On page 60473, in § 101.60 *Nutrient content claims for the calorie content of foods*, in paragraph (b)(2) introductory text, in the last line, "§ 101.13(1)" is corrected to read "§ 101.13(l)"; in paragraph (b)(3) introductory text, in line 4, "§ 101.13(1)" is corrected to read "§ 101.13(l)"; in paragraph (b)(4), beginning in line 3, the phrase "to describe a food, except mealtype products as defined in § 101.13(1)" is corrected to read "on the label or labeling of a food, except meal-type products as defined in § 101.13(l)"; in paragraph (b)(5), the phrase "including meal type products as defined in § 101.13(1)," is corrected to read "except meal-type products as defined in § 101.13(l),"; and paragraph (b)(6), which was inadvertently omitted is added to read as follows:

(6) A comparative claim using the term "fewer" may be used on the label or labeling of meal-type products as defined in § 101.13(l), provided that:

(i) The product contains at least 25 percent fewer calories, with a minimum reduction of more than 105 calories per

reference amount customarily consumed, where appropriate, and per labeled serving size, than the reference food that it resembles and for which it substitutes as defined in §101.13(j)(1)(i), (j)(1)(ii), and (j)(1)(iii); and

(ii) Meets the requirements of paragraph (b)(5)(ii) of this section.

26. On the same page, the heading for paragraph (c)(1) is corrected to read as follows:

(c) * * * (1) *Use of terms such as "sugars free," "free of sugars," "no sugars," "zero sugars," "trivial source of sugars," "negligible source of sugars," or "dietarily insignificant source of sugars."*

27. On the same page, in paragraph (c)(4), in line 3, the word "meal type" is corrected to read "meal-type".

§ 101.61 [Corrected]

28. On page 60474, in § 101.61 *Nutrient content claims for the sodium content of foods*, in paragraph (b)(1)(ii), the word "sodium" is corrected to read "salt" the first time it appears; in paragraph (b)(2) introductory text, in line 4, the word "mealtype" is corrected to read "meal-type".

§ 101.69 [Corrected]

29. On page 60475, in § 101.69 *Petitions for nutrient content claims*, in paragraph (m)(3), in the second line from the bottom, "paragraph (e)" is corrected to read "paragraph (g)"; and on page 60476, in paragraph (n)(1), in paragraph "B.", in line 5, the word "indequate" is corrected to read "inadequate".

30. On page 60477, in the first column, in paragraph (o)(2)(ii), lines 2 and 3 are corrected to read "e.g., it lacks any of the data required by this part, it presents"; in paragraph (o)(3), in the second line from the bottom, "paragraph (e)" is corrected to read "paragraph (g)".

§ 101.95 [Corrected]

31. On page 60477, the section heading for § 101.95 is corrected to read as follows:

§ 101.95 "Fresh," "freshly ," "fresh frozen," "frozen fresh".

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4731 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 101

[Docket No. 91N–0099]

RIN 0905–AB57

Food Labeling: Health Claims; Dietary Fiber and Cardiovascular Disease; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a proposed rule that appeared in the **Federal Register** of November 27, 1991 (56 FR 60582). The document proposed not to authorize the use on foods, including dietary supplements, of health claims relating to the association between dietary fiber and cardiovascular disease. The document was published with some editorial errors. This document corrects those errors.

DATES: Written comments by February 25, 1992. The agency is proposing that any final rule that may issue based upon this proposal become effective 6 months following its publication in accordance with requirements of the Nutrition Labeling and Education Act of 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joyce J. Saltzman, Center for Food Safety and Applied Nutrition (HFF–265), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0316.

In FR Doc. 91–27165, appearing on page 60582 in the **Federal Register** of Wednesday, November 27, 1991, the following corrections are made:

1. On page 60586, in the second column, in the first paragraph, in the third line from the bottom, "per 1,000 kcal" is corrected to read "g per 1,000 kcal"; and in the second paragraph, in the second line, "Implication" is corrected to read "Implications".

2. On page 60588, in the first column, in the second full paragraph, in the sixth line, "3 soluble" is corrected to read "3 g soluble"; and in the fourth full paragraph, in the seventh line, "(27" is corrected to read "(ages 27".

3. On page 60589, in the second column, in the third full paragraph, in the fourth line from the bottom, the word "was" is corrected to read "were".

4. On page 60590, in the first column, in the third full paragraph, in the third line, the word "isaqbol" is corrected to read "isagbol".

5. On page 60591, in the first column, in the second paragraph, in the fourth line, "Ref. 75" is corrected to read "Ref. 74"; in third paragraph, in the 17th line, "Ref. 74" is corrected to read "Ref. 73"; in the fourth paragraph, in the second line, "Ref. 73" is corrected to read "Ref. 72"; in the second column, in the second line, "Ref. 73" is corrected to read "Ref. 72"; and in the first full paragraph, in the eighth line from the bottom, "Ref. 72" is corrected to read "Ref. 51".

6. On page 60594, in the third column, in Reference 38, "Stamler, J.," should appear after "38." and "Population Studies in" should appear before the word "Nutrition".

7. On page 60595, in the third column, Reference 72 is removed and References 73, 74, and 75 are correctly redesignated as References 72, 73, 74, respectively.

Dated: February 21, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–4732 Filed 3–5–92; 8:45 am]

BILLING CODE 4160–01–M

federal register

Friday
March 6, 1992

Part III

Department of Health and Human Services

Health Care and Financing Administration

42 CFR Parts 417, et al.
Medicare and Medicaid Programs;
Advance Directives; Interim Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 417, 431, 434, 483, 484, 489 and 498

[BPD-716-IFC]

RIN 0938-AF50

Medicare and Medicaid Programs; Advance Directives

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule amends the Medicare and Medicaid regulations governing provider agreements and contracts to establish requirements for States, hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans concerning advance directives. An advance directive is a written instruction, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when an individual's condition makes him or her unable to express his or her wishes. The intent of these provisions is to enhance an individual's control over medical treatment decisions.

This rule implements sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101-508.

DATES: *Effective date:* This interim final rule is effective on April 6, 1992. However, statutory requirements at sections 1819(c)(1)(E), 1833(r), 1866(a)(1)(Q), 1876(c)(8), and 1891(a)(6) of the Social Security Act (the Act) have an effective date of December 1, 1991, and are effective on that date regardless of the effective date of this interim final rule.

Comment date: Written comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on May 5, 1992.

ADDRESSES: Mail comments to the following address:

Health Care Financing Administration,
Department of Health and Human Services,
Attention: BPD-716-IFC,
P.O. Box 26676,
Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building,
200 Independence Avenue, SW.,
Washington, DC 20201; or
Room 132, East High Rise Building,
6325 Security Boulevard,
Baltimore, Maryland 21207.

Due to staffing and resource limitations, we cannot accept audio, video or facsimile (FAX) copies of comments. In commenting, please refer to file code BPD-716-IFC. Written comments received timely will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: 202-245-7890).

Organizations and individuals desiring to submit comments on the reporting requirements discussed under the section on "Collection of Information Requirements" of this preamble should direct them to the Health Care Financing Administration at one of the addresses cited above, and to the Office of Information and Regulatory Affairs, Attention: Laura Oliven, Office of Management and Budget, New Budget, New Executive Office Building (Room 3002), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Thomas Hoyer, (301) 966-4607.

SUPPLEMENTARY INFORMATION:

I. Background

Advances in medical treatment that permit life to be prolonged through the use of progressive medical equipment have raised complex legal and ethical issues relating to the rights of patients in making decisions as to whether such treatments should be used or, if used, should be continued. The issues raised generally fall within two categories: (1) What is the range of choices available to a patient with respect to treatment modalities; and (2) How can these choices be exercised, for example, in advance by means of a directive prepared by the individual before the need for treatment arises, or by another person on the individual's behalf when the individual no longer can make such determinations.

Because of the rising concern surrounding these issues, more and more attention is being focused on increasing the individual's control over his or her decisions concerning medical treatment through the use of advance directives.

Advance directives are written instructions recognized under State law relating to the provision of health care when individuals are unable to communicate their wishes regarding medical treatment. The advance directive may be a written document authorizing an agent or surrogate to make decisions on an individual's behalf (a durable power of attorney for health care), a written statement (a living will), or some other form of instruction recognized under State law specifically addressing the provisions of health care. The various legal devices that exist serve to enhance the ability of individuals to have their desires carried out in the event that they become unable to make their own medical treatment decisions.

Most States have enacted legislation defining a patient's rights to make decisions regarding medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives. However, prior to the enactment of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), Public Law 101-508, there were no requirements relating to advance directives under Federal Medicare or Medicaid laws.

II. Legislative Amendments

A. Medicare Provisions

Section 1866 of the Act requires that providers of services under Medicare enter into an agreement (i.e., provider agreements) with the Secretary and comply with the requirements specified in that section. Section 4206(a) of OBRA '90 amended section 1866(a)(1) of the Act relating to Medicare provider agreements by adding a new subparagraph (Q), which specifies that to participate in the Medicare program, hospitals, skilled nursing facilities, home health agencies, and hospice programs must file an agreement with the Secretary to comply with the statutory requirements in new subsection 1866(f) of the Act concerning advance directives. Section 1866(f)(3) of the Act defines an advance directive as a written instruction, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when an individual is incapacitated. The State law may either be established by statute or as recognized by the courts of the State.

Section 1866(f)(1) of the Act specifies that a provider of services or prepaid or eligible organization (i.e., a health maintenace organization (HMO), competitive medical plan (CMP) as defined in section 1876(b) of the Act, or a health care prepayment plan (HCPP) as defined in section 1833(a)(1)(A) of the Act) must maintain written policies and procedures on advance directives with

respect to all adult individuals receiving medical care through the provider or organization. The provider or organization must provide written information to each individual concerning an individual's rights under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, advance directives. The provider or organization must also furnish each individual with the written policies of the provider or organization with respect to the implementation of advance directives.

Section 1866(f)(2) of the Act requires that this written information must be provided at the time an individual is admitted as an inpatient to a hospital, at the time of admission to a skilled nursing facility, before an individual comes under the care of a home health agency, at the time of initial receipt of hospice care, or at the time of enrollment of the individual with an eligible prepaid health care organization or HCPP.

Section 1866(f)(1) of the Act contains provisions that require the provider or organization to document in the individual's medical record whether or not the individual has executed an advance directive, not to discriminate against individuals based on whether or not they have executed an advance directive, to ensure compliance with State law, and to provide for education of staff and community on issues concerning advance directives.

Section 4206(b) of OBRA '90 amended section 1876(c) of the Act by adding a new paragraph (8), which provides that the contract between the Secretary and an eligible organization must provide that the organization meets the advance directives requirements specified in section 1866(f) of the Act.

Section 4206(b) of OBRA '90 also amended section 1833 of the Act by adding a new subsection (r), which specifies that the Secretary may not provide for payment under the Medicare program to an organization unless the organization provides assurances satisfactory to the Secretary that the organization meets the requirements relating to the maintenance of written policies and procedures regarding advance directives in section 1866(f) of the Act.

Section 4206(c) of OBRA '90 provides that sections 4206 (a) and (b) do not prohibit the application of a State law that allows for an objection on the basis of conscience for any health care provider or any agent of such provider which, as a matter of conscience, cannot implement an advance directive. If this is the case, we are requiring that the provider include a clear and precise explanation of this conscientious objection in its written policies and procedures that must be furnished to all adult individuals.

Section 4206(d) makes conforming amendments to sections 1819(c)(1) and 1891(a) of the Act, requiring that skilled nursing facilities and home health agencies, respectively, comply with the advance directives requirements in section 1866(f) of the Act. Enforcement procedures are explained in section D of this preamble.

B. Medicaid Provisions

Section 1902 of the Act sets forth State plan requirements for medical assistance that must be submitted to the Secretary for approval. Section 4751 of OBRA '90 amended section 1902 of the Act relating to requirements for State plans by adding provisions concerning advance directives comparable to the Medicare provisions in section 4206 of OBRA '90. Specifically, section 4751 of OBRA '90 amended section 1902 of the Act by adding new paragraph (57) to subsection (a) and a new subsection (w), which requires all hospitals, nursing facilities, providers of home health care and personal care services, hospices, or health maintenance organizations (as defined in section 1903(m)(1)(A) of the Act) that are receiving funds under a State plan to maintain written policies and procedures to inform, educate, and distribute written information on advance directives to all adult individuals receiving medical care by or through the provider or organization, in the manner described in the law.

Section 4751 also amended section 1902 of the Act by adding paragraph (58) to subsection (a) which requires that the State, acting through a State agency, association, or other private non-profit entity, develop a written description of the State law concerning advance directives to be distributed to Medicaid providers and health maintenance organizations.

Section 4751(b) makes conforming amendments to sections 1903(m)(1)(A) and 1919(c)(2) of the Act. These requirements are to be enforced under applicable State plan provisions.

C. Public Information Requirements

Section 4751(d) of OBRA '90 imposes an additional requirement on the Secretary to conduct a public education campaign on advance directives. This requirement is being pursued separately by HCFA.

D. Enforcement Procedures

For hospitals and hospices, Medicare enforcement procedures will be conducted in the same way provider agreements are enforced. That is, the provider agreement obligates a provider to comply with the applicable requirements of title XVIII and includes specific provisions. The Secretary may refuse to enter into a provider agreement or may refuse to renew or may terminate an agreement after the Secretary: (1) Determines that the provider fails to comply substantially with the provisions of the agreement or with the provisions of title XVIII and the implementing regulations; (2) Determines that the provider fails substantially to meet the applicable provisions of section 1861 of the Act (definition of services, institutions, etc.,); or (3) Has excluded the provider from participation under sections 1128 or 1128A of the Act (exclusion and civil monetary penalty provisions).

On-site surveys of providers are performed by State agency or Federal surveyors (generally on an annual basis) to determine compliance with the requirements or conditions of participation. However, providers are assumed to be in compliance with the other requirements of the provider agreement. HCFA does not routinely seek information to confirm that the provider is complying with the other requirements of the provider agreement. If information concerning a provider's compliance with the agreement of the provisions of title XVIII is needed, it may be obtained in several ways, including the performance of an on-site survey.

Each hospital and hospice provider will be informed of its obligation to comply with the advance directive provisions and that these provisions are required as a part of its provider agreement with HCFA. Compliance with these provisions is necessary for continued participation in the Medicare and Medicaid programs. These providers will be required to inform HCFA, in writing, of the date they achieve compliance. For hospices, and hospitals not accredited by the Joint Commission on Accreditation of Healthcare Organizations (Joint Commission) and/or the American Osteopathic Association (AOA), compliance will be verified as part of the routine survey process.

Periodic Federal recertification surveys are not conducted in hospitals that are accredited by the Joint Commission and/or AOA because such hospitals are "deemed" to meet

Medicare's certification requirements. However, since accredited hospitals are not "deemed" to meet the utilization review requirements and the advance directive requirements, we do investigate complaints and conduct sample validation surveys at these hospitals. We will verify compliance with the advance directive provisions at accredited hospitals in response to complaints and at the time of these sample validation surveys.

For skilled nursing facilities and home health agencies, enforcement procedures will employ the Federal on-site survey process. State agency or Federal surveyors are responsible for evaluating compliance with the Medicare requirements or conditions of participation. These surveys are generally conducted on an annual basis. Therefore, State agency or Federal surveyors would be able to evaluate on-site compliance with the advance directive requirements through the use of the survey protocol for skilled nursing facilities and home health agencies.

A facility found out of compliance with the provider agreement may be terminated by HCFA. HCFA must give the provider notice of termination at least 15 days before the effective date of termination of the provider agreement. This notice must state the reasons for, and effective date of termination and explain the extent to which services may continue after that date. A provider may appeal the termination of its provider agreement in accordance with part 498.

Under Medicaid, a provider must enter into an agreement with the State Medicaid agency. State agency surveyors or Federal surveyors (during a validation or "look-behind" survey) perform a function similar to that under Medicare. However, the State Medicaid agency is responsible for assuring compliance with the Medicaid provider agreement and the advance directive requirements contained therein.

For eligible organizations, this provision will be enforced as a contract requirement. Organizations must comply with the advance directives requirements in order to receive a contract. Failure to continue compliance with these requirements, as determined by HCFA during routine monitoring reviews, may result in termination of the contract.

Health care prepayment plans also must comply with the advance directives requirements and must provide us with satisfactory assurances that they are in compliance with these requirements in order to receive payment. Failure to continue compliance with these requirements, as determined by HCFA during routine monitoring reviews, may result in termination of a health care prepayment plan's agreement with HCFA.

E. Effective Dates

The amendments made by sections 4206 (a) and (d) of OBRA '90 pertaining to Medicare providers are effective with respect to services furnished on or after December 1, 1991.

The amendments made by section 4206(b) of OBRA '90 pertaining to prepaid and eligible organizations participating in the Medicare program (i.e., contracts with HMOs and CMPs under section 1876(b), and Medicare payments to organizations under section 1833(a)(1)(A) of the Act) are effective December 1, 1991.

The amendments made by section 4751 of OBRA '90 pertaining to the Medicaid program are effective with respect to services furnished on or after December 1, 1991.

III. Provisions of the Proposed Regulations

To implement the provisions of sections 4206 and 4751 of OBRA '90, we are requiring that all hospitals, skilled nursing facilities, nursing facilities, providers of home health care or personal care services, hospices, and prepaid health plans provide written information to each adult individual receiving medical care through the provider or organization concerning his or her rights under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, advance directives. Under these regulations, the term "advance directive" is defined as a written instruction, such as a living will or durable power of attorney for health care, recognized under State law, relating to the provision of health care when the individual is incapacitated. These regulations do not require an individual to execute an advance directive prior to the provision of treatment and services. Furthermore, we note that these requirements do not apply to providers of outpatient hospital services.

The provider or organization must inform the individual, in writing, of State laws regarding advance directives; inform the individual, in writing, of the policies of the provider or organization regarding the implementation of advance directives, including a clear and precise explanation of a conscientious objection for any health care provider or any agent of such provider which, as a matter of conscience, cannot implement an advance directive; document in the individual's medical record whether or not the individual has executed an advance directive; educate staff on issues concerning advance directives; and provide for community education regarding advance directives.

Nothing in either the statute or this interim final rule addresses patient or provider rights or obligations concerning either notification or decisions regarding medical or non-medical care, except when the patient has left written instructions which become effective only after the individual becomes incapacitated. For example, this regulation neither creates nor affects requirements with respect to informed consent to medical care, determination of mental capacity, provision of medical care to minors, wills leaving property, or organ donation. These and many other significant subjects are not addressed under OBRA '90. The law has a narrow and explicit focus solely of the handling of written directives for medical care made by persons who later become incapacitated.

We do not intend, in these regulations, to prescribe the content and format of the written information to be provided to each adult individual. However, in connection with our technical assistance responsibilities to States in meeting the Medicaid requirements of the law, HCFA's Administrator sent a letter to each State Medicaid Director to which was attached a sample public information document for use in informing adult individuals about advance directives. This sample public information document is suggestive of what we believe an acceptable document should include. Providers choosing to use this sample should include information regarding an individual's rights under State law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, an advance directive.

Alternatively, it would be consistent with the statute to develop considerably shorter discussion than that contained in the sample document. It would also be possible to use a short summary notice, several paragraphs rather than pages long, which notified the patient that a longer and more specific document was available upon request. However, the summary notice would have to cover the legally-required elements (e.g. describe the purpose and the concept of an advance directive, describe State law, and describe the provider's policy and procedures).

The material contained in the HCFA Administrator's information package, including the sample public information document, may be found in Appendix I of this preamble.

We are aware that State law on this issue is not always clear. For example, some States may have no statute regarding advance directives, or State law may be a matter of common law or institutional practice rather than a State statute. Additionally, pending litigation may affect the status of existing statutes or legal precedents in other States. A State statute may also be silent on a particular issue, such as whether a provider may decline to follow a directive to which it conscientiously objects. Such silence may not necessarily mean that the omitted action is prohibited. Providers should be careful not to reach such a conclusion absent authoritative interpretation of a particular State's written and unwritten law.

Nonetheless, Congress has mandated that, as of December 1, 1991, providers and organizations participating in Medicare and Medicaid must distribute the required materials that inform an individual of his or her right under State law to accept or refuse medical treatment. Providers and organizations should be aware that this requirement relates to current State law. Therefore, changes in State law, by statute or court case, must be incorporated into subsequent provider information packages. We specifically seek public comments on what would be a reasonable period of time within which such changes should be made.

Written information on advance directives must be provided to an individual upon each admission to a medical facility and each time an individual comes under the care of a home health agency or hospice. For example, if a person is admitted first as an inpatient to a hospital and then to a nursing home, both the hospital and the nursing home would be required to provide information on advance directives to the individual. If an individual is being transferred from a hospital to a nursing home, the hospital discharge planner may provide the information (including the nursing home's policies regarding the implementation of advance directives) on behalf of the nursing home in the course of coordinating the smooth transfer of the patient. However, the nursing home will still be responsible for documenting in the individual's medical record whether or not the individual has executed an advance directive.

If a patient is incapacitated at the time of admission and is unable to receive information (due to the incapacitating condition or a mental disorder) or articulate whether or not he or she has executed an advance directive, then the facility should give advance directive information to the patient's family or surrogate to the extent that it issues other materials about policies and procedures to the family of the incapacitated patient or to a surrogate or other concerned persons in accordance with State law. This does not, however, relieve the facility of its obligation to provide this information to the patient once he or she is no longer incapacitated or unable to receive such information.

As a part of the Medicaid requirements contained in section 4751 of OBRA '90, we are requiring in these regulations that each State, acting through a State agency, association, or other private nonprofit entity, develop a written description of the State law (i.e., statutory or otherwise recognized in the courts) concerning advance directives to be distributed by providers or organizations under the requirements of this section. Given the requirements in the Federal law, States have a wide range of options in describing State law and in prescribing informational materials for use by providers and organizations. For example, the State materials describing an individual's rights to accept or refuse medical treatment and the right to formulate an advance directive could include lengthy or extended requirements for executing an advance directive, or they could be a short, simple statement expressing the individual's rights concerning advance directives.

The following discussion reflects some possible approaches that States, providers, and organizations may choose to take in providing the required information and which we believe would produce results consistent with the statutory requirements. In accordance with the requirements of section 4751 of OBRA '90, States could require that Medicaid providers use the State-developed description of State law only. Alternatively, States could allow providers to incorporate the general information contained in the State-developed description of State law into the providers' own package of materials that include the providers' written policies regarding the implementation of an individual's rights. Although the statute does not specifically require that Medicare providers use the State-developed description of State law, we encourage States, providers, and organizations to work together to ensure that a complete and accurate description of State law is distributed consistently to all adult patients or residents.

As mentioned earlier, HCFA has provided technical assistance to the States, including the technical assistance information package released by HCFA's Administrator in September. Also in September, HCFA released a State Medicaid Manual issuance (HCFA-Pub. 45-2, Transmittal #73) concerning advance directive requirements to inform the States of their responsibilities in this area. Copies can be obtained by the general public by contacting the National Technical Information Service (NTIS), ORDER #PB88-952390. You may call to order at (703) 487-4630 or send a request to NTIS Subscription Department, 5285 Port Royal Road, Springfield, VA 22161.

Finally, we note that a number of other private entities have prepared pertinent documents that States may find helpful. HCFA's Administrator issued a press package that included a bibliography of these publications, as well as a list of organizations that have addressed the statutory requirement that providers disseminate information to adult individuals regarding their rights under State law to accept or refuse medical treatment and the right to formulate advance directives. These materials may be found at appendix II of this preamble.

The law requires that the existence of an advance directive be documented in an individual's medical record. We recognize, particularly in the case of prepaid health care organizations, that such documentation will occur when the medical record is created. Although the statute does not specifically require providers or organizations to have direct dialogue with each adult individual to ascertain whether he or she has executed an advance directive, we believe that this type of interaction is an acceptable method for obtaining this information.

Although it is acceptable that the patient be asked and respond to a specific question, we recognize that these procedures are not the only appropriate methods for obtaining the information needed to document medical records. Alternatives, such as community education campaigns, also may prove acceptable for obtaining this information. It is also acceptable for providers to include in preadmission materials a form, to be completed by the patient, that sets forth whether or not the patient has executed an advance directive. Such form, when completed and returned by the patient at the time of admission, would supply the provider the information needed to document the

medical record, or the form itself could be attached to such record. There are, however, issues with respect to whether these methods may impose too great a burden on the patient or may not result in eliciting the desired information from a sufficient number of patients. Therefore, we request comments on these and other methods of obtaining the information needed to document the medical record.

Concerning the requirement that a provider or organization provide for community education, there are several options available in order to accomplish this. For example, the provider or organization may use its community relations office as its vehicle to educate the community by incorporating the provisions of provider information and applicable State laws on advance directives in its existing publications. Alternatively, providers may simply opt to distribute to the community the same pamphlet developed specifically for its adult patients. The educational materials must inform the public of their rights under State law to make decisions concerning the receipt of medical care by or through the provider or organization; the right to formulate advance directives; and the provider or organization's implementation policies concerning advance directives. Whatever method is used, it must be in writing and subject to survey review for compliance with Federal requirements.

Under these regulations, the provider or organization cannot condition the provision of care or discriminate against an individual based on whether or not the individual has executed an advance directive. For example, all patients are generally entitled to the medically necessary care ordered by a physician which a provider, under normal procedures, would be required to furnish, and the care cannot be delayed or withheld because the individual has not executed an advance directive or the provider is waiting for an advance directive to be executed. However, once it is documented that an advance directive has been executed, then the directive takes precedence over the provision of the facility's normal procedures, to the extent required by State law.

As specified in the statute, we are requiring prepaid health care organizations to provide information on advance directives to enrollees at the time of enrollment. Organizations must give enrollees the advance directive material prior to the effective date of coverage. However, we encourage organizations to give enrollees the material as early as possible after the application for enrollment is received. We are clarifying this issue to avoid misunderstanding and confusion about the time when prepaid health care organizations must provide the required written information regarding advance directives to an adult individual.

We recognize that a prepaid health care organization may have contracts with a variety of providers (in order to assure widespread access to care), and that some of these providers may have policies with respect to advance directives that are more limited than others (e.g., a hospital exercising a reservation of conscience consistent with State law). In such cases, the prepaid health care organization could adopt a policy that embraces the variety of practices of its providers, and disseminate the information regarding those various practices to its enrollees as prescribed by this interim final rule. This information would be provided along with the written description of State law. On the other hand, the prepaid health care organization could simply note, in the material regarding State law and provider practices, that its providers have, in accordance with State law, varying practices regarding the implementation of an individual's advance directive. In this case, such varying practices must be made available to each adult individual selecting or receiving care from such providers.

Specifically, this regulation—

- Changes the title of part 489 to Provider and Supplier Agreements and adds a new subpart I to part 489 to include the requirements of section 1866(f) of the Act for Medicare and Medicaid providers pertaining to advance directives.
- Adds a new paragraph (d) to § 417.436, Membership rules for enrollees, to include the requirements of section 1866(f) of the Act for prepaid health care organizations, and cross-references these requirements in § 417.801, which specifies requirements for agreements between HCFA and health care prepayment plans.
- Adds a new § 431.20 to specify States' responsibility for developing a written description of the State law concerning advance directives to be distributed by providers and organizations under the requirements of part 489, subpart I and § 417.428(b).
- Cross-references the requirements in part 489, subpart I in § 417.472, which specifies the basic Medicare contract requirements; § 431.107, which specifies requirements for Medicaid provider agreements; § 483.10, which specifies resident rights as a requirement for long-term care facilities; § 484.10, which specifies patient rights as a condition of participation for home health agencies; and § 489.10, which specifies the basic requirements for Medicare provider agreements.
- Adds a new § 434.28 to subpart C of 42 CFR part 434, Contracts with HMOs and PHPs: Contract Requirements, to specify that a risk comprehensive contract with an HMO must comply with the requirements in part 489, subpart I.
- Adds a new paragraph (11) to § 498.3, which includes advance directives in the initial determinations that HCFA makes for appeals that affect participation in the Medicare program.

IV. Waiver of Notice of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking for a regulation to provide a period for public comment. However, we may waive that procedure if we find good cause that prior notice and comment are impractical, unnecessary, or contrary to public interest. In addition, section 4207(j) of OBRA '90 gives the Secretary authority to issue interim final regulations to implement the provisions of OBRA '90 as he deems necessary.

In order to establish our rules as quickly as possible to allow the provider community the greatest lead time to undertake this activity, and because of the statutory effective date for implementation of these provisions, we are asserting our privilege under section 4207(j) of OBRA '90 to issue these regulations as interim final rules with comment period. We are providing a 60-day comment period for public comment on the rules, and will respond to issues raised by commenters in any subsequent final rules.

V. Regulatory Impact Statement

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any final rule that meets one of the E.O. 12291 criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, we generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a final rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we do not consider States or individuals to be small entities.

These interim final rules amend the Medicare and Medicaid regulations governing priovider agreements and contracts by implementing certain changes made by OBRA '90. The changes establish requirements for States, hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans concerning advance directives.

Based on the discussions presented in this preamble, we have concluded that performing the functions necessary to meet the minimal requirements of this interim final rule, as required by the statute, would not cause a consequential expenditure of time and effort. Therefore, we have concluded that this is not a major rule and have not prepared a final regulatory impact statement under E.O. 12291 or a regulatory flexibility analysis under the RFA.

Section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a final rule will have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that has fewer than 50 beds and is located outside a Metropolitan Statistical Area.

We have determined, and the Secretary certifies, that these interim final rules with comment period will not have a significant economic impact on the operations of a substantial number of small rural hospitals, and therefore have not prepared a rural hospital impact statement.

VI. Collection of Information Requirements

Sections 417.436(d)(iii), 489.102(a)(2), 417.801(b)(5), 431.107(b)(4), 434.28, 483.10(b)(8), and 484.10(c)(2)(ii) of this interim final rule contain information collection requirements that are subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980. These information collections require hospitals, nursing facilities, skilled nursing facilities, providers of home health care or personal care services, hospice programs and prepaid health plans to document in the medical record whether or not an advance directive. We estimate the collection burden for each provider or organization employee to be approximately three minutes per medical record. We estimate an overall total of 32,800 providers and organizations (approximately 6,740 hospitals; 990 hospices; 15,830 SNFs/NFs; 5,830 home health agencies; 3,100 personal care providers; and 310 prepaid health plans) to be affected by these information collections. We project that for fiscal year 1992, approximately 15 million individuals will use the services of these providers and organizations. Therefore, we estimate the overall collection burden to be 750,000 hours (15 million individuals × 3 minutes/record = 750,000 hours).

Section 431.20(b) requires States to submit State plan preprint amendments that contain a written description of its law(s) concerning advance directives. We estimate the information collection burden for the 50 States and 4 U.S. territories to be approximately 3 hours per amendment, with an overall burden of 162 hours (54 States and territories × 3 hours/amendment = 162 hours).

There are no reporting requirements associated with these information collections. A notice will be published in the **Federal Register** when approval is obtained. Other organizations and individuals desiring to submit comments regarding the estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should address their comments to the OMB official whose name appears in the "ADDRESSES" section of this preamble.

VII. Response to Public Comments

Because of the large volume of public comments that we usually receive on rules, we cannot acknowledge or respond to them individually. However, we will address all public comments received on this document by the date and time specified in the "DATES" section of this preamble in any subsequent final regulations.

Appendix I to the Preamble

September 5, 1991.

Under provisions of the Omnibus Budget Reconciliation Act of 1990, States are responsible for developing written descriptions of State law regarding an adult individual's right to make decisions concerning medical care. This includes the right to formulate advance directives, such as a living will or a durable power of attorney for health care.

A State, acting through a State agency, association, or other private, nonprofit entity, is required to develop a written description of the State law concerning advance directives. Beginning December 1, 1991, Medicare- and Medicaid-certified hospitals, nursing facilities, and other affected providers and organizations must give adults information on advance directives (see summary of the Federal statute enclosed).

Many States have already convened meetings between provider and consumer representatives and State officials to discuss ways in which to clearly and succinctly write a description of State law on advance directives. Some States already have drafts of those statements completed.

I would like to offer assistance to those States that have not begun the drafting process or that would like some technical assistance in this process. Enclosed is a paper on advance directives that will be part of our public education materials that the Health Care Financing Administration (HCFA) in coordination with the Social Security Administration and the Administration on Aging, will distribute to national news media and consumer publications, and through State and local area Agencies on Aging.

The paper answers basic questions about advance directives and raises the issue in a balanced way that makes clear several points. First, the law does *not* require an individual to execute an advance directive. Second, people can use advance directives to say "yes" to treatment that they want or to say "no" to any treatment that they do not want.

As your State develops its written description on advance directives, I hope that you keep in mind the need for individuals not only to be given basic definitions of terms used, but also to understand the range of options available to them, if they decide to execute an advance directive.

HCFA will also soon send you State Medicaid Manual instructions that will provide you guidelines in implementing the advance directive statutory provisions. If you need additional assistance on this important project in the coming weeks, please contact your HCFA Regional Administrator.

Sincerely,

Gail R. Wilensky,

Administrator.

Enclosures.

(Sample Public Information Document)

Advance Directives—The Patient's Right to Decide

All adult individuals in hospitals, nursing homes, and other health care settings have certain rights. For example, you have a right to confidentiality of your personal and medical records and to know what treatment you will receive.

You also have another right. You have the right to fill out a paper, known as an "advance directive." The paper says in advance what kind of treatment you want or do not want under special, serious medical conditions—conditions that would prevent you from telling your doctor how you want to be treated. For example, if you were taken to a hospital in a coma, would you want the

hospital's medical staff to know your specific wishes about decisions affecting your treatment?

This article answers some questions related to a new federal law taking effect December 1, 1991 that requires most hospitals, nursing facilities, hospices, home health care programs and health maintenance organizations (HMOs) to give you information about advance directives and your legal choices in making decisions about medical care. The law is intended to increase your control over medical treatment decisions.

The information in this article can help you make decisions in advance of treatment. Because this is an important matter, however, you may wish to talk to family, close friends, and your doctor *before* deciding whether you want an advance directive.

Finally, it is important to remember that state laws differ about the legal choices available to individuals for treatment options that can be honored by hospitals and other health care providers and organizations. Beginning December 1, 1991 these health care professionals should have information for you on your state's advance directive law.

What Is an Advance Directive?

Generally, an advance directive is a written statement, which you complete in advance of serious illness, about how you want medical decisions made. The two most common forms of advance directive are:

- a "Living Will"; and
- a "Durable Power of Attorney for Health Care."

An advance directive allows you to state your choices for health care or to name someone to make those choices for you, if you become unable to make decisions about your medical treatment. In short, an advance directive can enable you to make decisions about your future medical treatment. You can say "yes" to treatment you want, or say "no" to treatment you don't want.

What Is a Living Will?

A Living Will generally states the kind of medical care you want (or do not want) if you become unable to make your own decision. It is called a "living will" because it takes effect while you are still living.

Most states have their own living will forms, each somewhat different. It may also be possible to complete and sign a pre-printed living will form available in your own community, draw up your own form, or simply write a statement of your preferences for treatment. You may also wish to speak to an attorney or your physician to be certain you have completed the living will in a way that your wishes will be understood and followed.

What Is a Durable Power of Attorney for Health Care?

In many states, a "Durable Power of Attorney for Health Care" is a signed, dated, and witnessed paper naming another person, such as a husband, wife, daughter, son, or close friend, as your "agent" or "proxy" to make medical decisions for you if you should become unable to make them for yourself. You can include instructions about any treatment you want or wish to avoid. Some states have specific laws allowing a health care power of attorney and provide printed forms.

Which Is Better: A Living Will or a Durable Power of Attorney for Health Care?

In some states, laws may make it better to have one or the other. It may also be possible to have both, or to combine them in a single document that describes treatment choices in a variety of situations (ask your doctor about these) and name someone (called your "agent" or "proxy") to make decisions for you, should you be unable to make decisions for yourself.

Do I Have to Write an Advance Directive Under the New Law?

No. It is entirely up to you.

Can I Change My Mind After I Write a Living Will or Health Care Power of Attorney?

Yes. You may change or cancel these documents at any time in accordance with state law. Any change or cancellation should be written, signed, and dated in accordance with state law, and copies should be given to your doctor, or to others to whom you may have given copies of the original. In addition, some states allow you to change an advance directive by oral statement.

If you wish to cancel an advance directive while you are in the hospital, you should notify your doctor, your family, and others who may need to know.

Even without a change in writing, your wishes stated in person directly to your doctor generally carry more weight than a living will or durable power of attorney, as long as you can decide for yourself and can communicate your wishes. But be sure to state your wishes clearly and be sure that they are understood.

What if I Fill Out an Advance Directive in One State and am Hospitalized in a Different State?

The law on honoring an advance directive from another state is unclear. Because an advance directive tells your wishes regarding medical care, however, it may be honored wherever you are, if it is made known. But if you spend a great deal of time in more than one state, you may wish to consider having your advance directive meet the laws of both states, as much as possible.

What Should I Do With My Advance Directive if I Choose to Have One?

Make sure that someone, such as your lawyer or family member, knows that you have an advance directive and knows where it is located. You might also consider the following:

- If you have a durable power of attorney, give a copy or the original to your "agent" or "proxy."
- Ask your physician to make your advance directive part of your permanent medical record.
- Keep a second copy of your advance directive in a safe place where it can be found easily, if it is needed.
- Keep a small card in your purse or wallet, which states that you have an advance directive and where it is located and who your "agent" or "proxy" is, if you have named one.

Under the new law, when you enter a Medicare or Medicaid hospital or nursing facility, receive home health or hospice care from a Medicare or Medicaid provider, or enroll in a Medicare or Medicaid certified HMO, you should be asked whether you have an advance directive.

For further information, please ask those who are in charge of your care.

Appendix II to the Preamble

National Resources on Advance Directives

The following list of organizations and publications does not reflect an endorsement of the organizations or publications by the Department of Health and Human Services or the Health Care Financing Administration, nor are these materials intended to encourage or discourage any particular action by an individual concerning advance directives.

The following list is a sampling of organizations and publications that have more information on the issue of advance directives. The organizations listed were those that contacted the Health Care Financing Administration regarding the Agency's implementation of the advance directives statute and that addressed the statutory requirement that providers disseminate information to adult individuals regarding their rights under state law to accept or refuse medical treatment and the right to formulate advance directives. The organizations provide a national and geographic sample of consumer, legal, and bioethics groups. The publications listed below were submitted unsolicited to the Health Care Financing Administration.

Organizations

The American Bar Association, Commission on Legal Problems of the Elderly, 1800 M Street, NW., Washington, DC 20036, 202/331-2297

American Health Decisions, 319 E. 46th Street, #9V, New York, NY 10017, 212/266-8900

Hastings Center, Institute of Society, Ethics, and the Life Sciences, 255 Elm Road, Briarcliff Manor, NY 10510, 914/478-0500

Pacific Center of Health Policy and Ethics, 444 Law Center, University of Southern California, Los Angeles, CA 90089, 213/740-2541

Publications

"The Patient Self-Determination Directory and Resource Guide," a directory of national and local organizations that have expertise in the area of autonomous health care decision making.

National Health Lawyers Association, Development Office, 1620 Eye Street, NW., Suite 900, Washington, DC 20006

"A Matter of Choice: Planning Ahead for Health Care Decisions," includes information about living wills, durable powers of attorney, and statutory regulations.

American Association of Retired Persons, Fulfillment Division, Publication Number D12776, 601 E. Street, NW., Washington, DC 20049

"The Complete Guide to Living Wills," a book that answers common questions about the content and function of living wills and other advance directives, and describes a step-by-step process for preparing an advance directive.

By Doron Weber, Bantam Books

"A Patient Guide to Advance Directives" and "A Physician Guide to Advance Directives," two brochures that explain living wills and durable powers of attorney and answer common questions about these and other advance directives.

Health Law Division, American Medical Association, 515 North State Street, 14th Floor, Chicago, IL 60610

"Making Health Decisions for Your Future: Advance Directives," a brochure that answers some commonly asked questions about advance directives.

Midwest Bioethics Center, 410 Archibald, Suite 106, Kansas City, MO 64111

"Advance Directives: Guaranteeing Your Health Care Rights," a 10-minute video with printed material on advance directives.

American Hospital Association Services, Inc., Catalogue Number 058-604, P.O. Box 92683, Chicago, IL 60675-2683

"Making Sense of Advance Directives," a book that presents a historical look at the patient's role in medical decision making, with special attention given to the problems of advance decision making.

By Nancy King, Kluwer Academic Publishers, 101 Philip Drive, Norwell, MA 02061

"Partners in Health Care," a 15-minute videotape dramatizing a "real life" situation in which family members come to grips with the need to discuss the issue of advance directives.

California Health Decisions, 505 S. Main Street, Suite 400, Orange, CA 92668

"Asking About Advance Directives: Scenarios for Healthcare Providers," a 20-minute videotape that presents three typical admissions scenarios and that stresses positive behaviors by medical staff in asking about whether a patient/resident has an advance directive.

The Catholic Health Association of the United States, 4455 Woodson Road, St. Louis, MO 63134-3797.

"Make Your Wishes Known," a series of videotapes and written materials—some of which have been translated into Spanish—about advance directives.

Life Management, P.O. Box 2170, Columbia, SC 29202

Note: This publication was not part of the bibliography that was included in the press package issued by HCFA's Administrator.

List of Subjects

42 CFR Part 417

Administrative practice and procedure, Health maintenance organization (HMO), Medicare, Reporting and recordkeeping requirements.

42 CFR Part 431

Grant programs—health, Health facilities, Medicaid, Privacy, Reporting and recordkeeping requirements.

42 CFR Part 434

Grant programs—health, Health maintenance organizations (HMO), Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 483

Grant programs—health, Health facilities, health professions, Health records, Medicaid, Nursing homes, Nutrition, Reporting and recordkeeping requirements, Safety.

42 CFR Part 484

Administrative practice and procedure, Health facilities, Health professions, Home health agencies, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 489

Health facilities, Medicare.

42 CFR Part 498

Administrative practice and procedure, Appeals, Medicare practitioners, providers and suppliers.

TITLE 42—PUBLIC HEALTH

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter IV of title 42 is amended as set forth below:

SUBCHAPTER B—MEDICARE PROGRAM

PART 417—HEALTH MAINTENANCE ORGANIZATIONS, COMPETITIVE MEDICAL PLANS, AND HEALTH CARE PREPAYMENT PLANS

A. Part 417 is amended as follows:

1. The authority citation for part 417 is revised to read as follows:

Authority: Secs. 1102, 1833(a)(1)(A), 1861(s)(2)(H), 1866(a), 1871, 1874, and 1876 of the Social Security Act (42 U.S.C. 1302, 13951(a)(1)(A), 1395x(s)(2)(H), 1395cc(a), 1395hh, 1395kk, and 1395mm); sec. 114(c) of Pub. L. 97-248 (42 U.S.C. 1395mm note); 31 U.S.C. 9701; and secs. 215 and 1301 through 1318 of the Public Health Service Act (42 U.S.C. 216 and 300e through 300e-17), unless otherwise noted.

Subpart K—Enrollment, Entitlement, and Disenrollment Under Medicare Contract

2. In § 417.436, the introductory text in paragraph (a) is republished and the paragraph is amended by revising paragraph (5), redesignating paragraph (6) as paragraph (7) and revising it, and adding a new paragraph (6), and adding a new paragraph (d) to read as follows:

§ 417.436 Membership rules for enrollees.

(a) *Maintaining rules.* An organization must maintain written membership rules that deal with, but need not be limited to—

* * * * *

(5) How and where to obtain services from or through the organization;

(6) Advance directives as specified in paragraph (d) of this section; and

(7) Any other matters that HCFA may prescribe.

* * * * *

(d) *Advance directives.* (1) An organization must maintain written policies and procedures concerning advance directives, as defined in § 489.100 of this chapter, with respect to all adult individuals receiving medical care by or through the organization and are required to:

(i) Provide written information to such individuals concerning—

(A) An individual's rights under State law (whether statutory or recognized by the courts of the State) to make decisions concerning such medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, advance directives; and

(B) The written policies of the organization respecting the implementation of such rights, including a clear and precise statement of limitation if the organization cannot implement an advance directive as a matter of conscience;

(ii) Provide the information specified in paragraphs (d)(1)(i) of this section to each enrollee at the time of enrollment.

(iii) Document in the individual's medical record whether or not the individual has executed an advance directive;

(iv) Not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive;

(v) Ensure compliance with requirements of State law (whether statutory or recognized by the courts of the State) regarding advance directives;

(vi) Provide for education of staff concerning its policies and procedures on advance directives; and

(vii) Provide for community education regarding advance directives either directly or in concert with other providers or organizations.

(2) The organization—

(i) Is not required to provide care that conflicts with an advance directive.

(ii) Is not required to implement an advance directive if, as a matter of conscience, the provider cannot

implement an advance directive and State law allows any health care provider or any agency of such provider to conscientiously object.

Subpart L—Medicare Contract Requirements

3. In § 417.472, paragraph (f) is redesignated as paragraph (g) and a new paragraph (f) is added to read as follows:

§ 417.472 Basic contract requirements.

* * * * *

(f) *Requirements for Advance Directives.* The organization must meet all the requirements for advance directives at § 417.436(d) of this part.

* * * * *

Subpart U—Health Care Prepayment Plans

3. In § 417.801(b), the introductory material is republished and the paragraph is amended by revising paragraph (4), redesignating paragraph (5) as paragraph (6) and revising it and adding a new paragraph (5) to read as follows:

§ 417.801 Agreements between HCFA and health care prepayment plans.

* * * * *

(b) *Terms.* The agreement must provide that the HCPP agrees to—

* * * * *

(4) Not impose any limitations on the acceptance of Medicare enrollees or beneficiaries for care and treatment that it does not impose on all other individuals;

(5) Meet the advance directives requirements specified in § 417.436(d) of this part; and

(6) Consider any additional requirements that HCFA finds necessary or desirable for efficient and effective program administration.

* * * * *

SUBCHAPTER C—MEDICAL ASSISTANCE PROGRAMS

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

B. Part 431 is amended as follows:

1. The authority citation for part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302).

Subpart A—Single State Agency

2. In subpart A, a new § 431.20 is added, and the table of contents is revised accordingly, to read as follows:

§ 431.20 Advance directives.

(a) *Basis and purpose.* This section, based on section 1902(a) (57) and (58) of the Act, prescribes State plan requirements for the development and distribution of a written description of State law concerning advance directives.

(b) A State Plan must provide that the State, acting through a State agency, association, or other private nonprofit entity, develop a written description of the State law (whether statutory or as recognized by the courts of the State) concerning advance directives, as defined in § 489.100 of this chapter, to be distributed by Medicaid providers and health maintenance organizations (as specified in section 1903(m)(1)(A) of the Act) in accordance with the requirements under part 489, subpart I of this chapter.

Subpart C—Administrative Requirements: Provider Relations

3. In subpart C, § 431.107 is amended by revising paragraph (a), republishing the introductory material in paragraph (b), revising paragraphs (b)(2) and (b)(3), and adding a new paragraph (b)(4) to read as follows:

§ 431.107 Required provider agreement.

(a) *Basis and purpose.* This section sets forth State plan requirements, based on sections 1902(a)(4), 1902(a)(27), 1902(a)(57), and 1902(a)(58) of the Act, that relate to the keeping of records and the furnishing of information by all providers of services (including individual practitioners and groups of practitioners).

(b) *Agreements.* A State plan must provide for an agreement between the Medicaid agency and each provider or organization furnishing services under the plan in which the provider or organization agrees to:

* * * * *

(2) On request, furnish to the Medicaid agency, the Secretary, or the State Medicaid fraud control unit (if such a unit has been approved by the Secretary under § 455.300 of this chapter), any information maintained under paragraph (b)(1) of this section and any information regarding payments claimed by the provider for furnishing services under the plan;

(3) Comply with the disclosure requirements specified in part 455, subpart B of this chapter; and

(4) Comply with the advance directives requirements for hospitals, nursing facilities, providers of home health care and personal care services, hospices, and HMOs specified in part 489, subpart I, and § 417.436(d) of this chapter.

PART 434—CONTRACTS

C. Part 434 is amended as follows:

1. The authority citation for part 434 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart C—Contracts With HMOs and PHPs: Contract Requirements

2. In subpart C, a new § 434.28 is added to read as follows:

3. A new § 434.28 is added to read as follows:

§ 434.28 Advance directives.

A risk comprehensive contract with an HMO must provide for compliance with the requirements of subpart I of part 489 of this chapter relating to maintaining written policies and procedures respecting advance directives. This requirement includes provisions to inform and distribute written information to adult individuals concerning policies on advance directives, including a description of applicable State law.

SUBCHAPTER E—STANDARDS AND CERTIFICATION

PART 483—REQUIREMENTS FOR LONG TERM CARE FACILITIES

D. Part 483 is amended as follows:

1. The authority citation for part 483 is revised to read as follows:

Authority: Sec. 1102, 1819 (a)–(d), 1861 (j) and (1), 1863, 1866(a), 1871, 1902(a)(28), 1905 (a) and (c), and 1919(a)–(d) of the Social Security Act (U.S.C. 1302, 1395(i)(3) (a)–(d), 1395x (j) and (l), 1395z, 1395cc(a), 1395hh, 1396a(a)(28), 1396d (a) and (c) and 1396r (a)–(d)), unless otherwise noted.

Subpart B—Requirements for Long Term Care Facilities

2. In § 483.10, the introductory text is republished and paragraph (b) is amended by revising paragraph (4), redesignating existing paragraphs (8) through (10) as paragraphs (9) through (11) and revising them, and by adding a new paragraph (8) to read as follows:

§ 483.10 Resident rights.

The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident, including each of the following rights:

* * * * *

(b) *Notice of rights and services.*

* * * * *

(4) The resident has the right to refuse treatment, to refuse to participate in experimental research, and to formulate an advance directive as specified in paragraph (8) of this section; and

* * * * *

(8) The facility must comply with the requirements specified in subpart I of part 489 of this chapter relating to maintaining written policies and procedures regarding advance directives. These requirements include provisions to inform and provide written information to all adult residents concerning the right to accept or refuse medical or surgical treatment and, at the individual's option, formulate an advance directive. This includes a written description of the facility's policies to implement advance directives and applicable State law.

(9) The facility must inform each resident of the name, specialty, and way of contacting the physician responsible for his or her care.

(10) The facility must prominently display in the facility written information, and provide to residents and applicants for admission oral and written information about how to apply for and use Medicare and Medicaid benefits, and how to receive refunds for previous payments covered by such benefits.

(11) *Notification of changes.* (i) A facility must immediately inform the resident; consult with the resident's physician; and if known, notify the resident's legal respresentative or an interested family member when there is—

(A) An accident involving the resident which results in injury and has the potential for requiring physician intervention;

(B) A significant change in the resident's physical, mental, or psychosocial status (i.e., a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications);

(C) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(D) A decision to transfer or discharge the resident from the facility as specified in § 483.12(a).

(ii) The facility must also promptly notify the resident and, if known, the resident's legal representative or interested family member when there is—

(A) A change in room or roommate assignment as specified in § 483.15(e)(2); or

(B) A change in resident rights under Federal or State law or regulations as specified in paragraph (b)(1) of this section.

(iii) The facility must record and periodically update the address and phone number of the resident's legal representative or interested family member.

* * * * *

PART 484—CONDITIONS OF PARTICIPATION: HOME HEALTH AGENCIES

E. Part 484 is amended as follows:

1. The authority citation for Part 484 is revised to read as follows:

Authority: Sec. 1102, 1861, 1866(a), 1871 and 1891 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395cc(a), 1395hh, and 1395bbb).

Subpart B—Administration

2. In § 484.10, the introductory text is republished and paragraph (c)(2) is revised to read as follows:

§ 484.10 Condition of participation: Patient rights.

The patient has the right to be informed of his or her rights. The HHA must protect and promote the exercise of these rights.

* * * * *

(c) *Standard: Right to be informed and to participate in planning care and treatment.*

* * * * *

(2) The patient has the right to participate in the planning of the care.

(i) The HHA must advise the patient in advance of the right to participate in planning the care or treatment and in planning changes in the care or treatment.

(ii) The HHA complies with the requirements of subpart I of part 489 of this chapter relating to maintaining written policies and procedures regarding advance directives. The HHA must inform and distribute written information to the patient, in advance, concerning its policies on advance directives, including a description of applicable State law.

* * * * *

PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

F. Part 489 is amended as follows:

1. The title of part 489 is revised to read as follows:

PART 489—PROVIDER AND SUPPLIER AGREEMENTS

2. The authority citation for part 489 continues to read as follows:

Authority: Secs. 1102, 1861, 1864(m), 1866, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395aa(m), 1395cc, and 1395hh).

3. A new subpart I is added to read as follows:

Subpart I—Advance Directives

Sec.
489.100 Definition.
489.102 Requirements for providers.
489.104 Effective dates.

Subpart I—Advance Directives

§ 489.100 Definition.

For purposes of this part, "advance directive" means a written instruction, such as a living will or durable power of attorney for health care, recognized under State law (whether statutory or as recognized by the courts of the State), relating to the provision of health care when the individual is incapacitated.

§ 489.102 Requirements for providers.

(a) Hospitals, skilled nursing facilities, nursing facilities, home health agencies, providers of home health care (and for Medicaid purposes, providers of personal care services), and hospices must maintain written policies and procedures concerning advance directives with respect to all adult individuals receiving medical care by or through the provider and are required to:

(1) Provide written information to such individuals concerning—

(i) An individual's rights under State law (whether statutory or recognized by the courts of the State) to make decisions concerning such medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate, at the individual's option, advance directives; and

(ii) The written policies of the provider or organization respecting the implementation of such rights, including a clear and precise statement of limitation if the provider cannot implement an advance directive on the basis of conscience;

(2) Document in the individual's medical record whether or not the individual has executed the implementation of such rights;

(3) Not condition the provision of care or otherwise discriminate against an individual based on whether or not the individual has executed an advance directive;

(4) Ensure compliance with requirements of State law (whether

statutory or recognized by the courts of the State) regarding advance directives;

(5) Provide for education of staff concerning its policies and procedures on advance directives; and

(6) Provide for community education regarding advance directives to include material required in paragraph (a)(1) of this section, either directly or in concert with other providers and organizations.

(b) The information specified in paragraph (a) of this section is furnished:

(1) In the case of a hospital, at the time of the individual's admission as an inpatient.

(2) In the case of a skilled nursing facility at the time of the individual's admission as a resident.

(3)(i) In the case of a home health agency, in advance of the individual coming under the care of the agency.

(ii) In the case of personal care services, in advance of the individual coming under the care of the personal care services provider.

(4) In the case of a hospice program, at the time of initial receipt of hospice care by the individual from the program.

(c) The providers listed in paragraph (a) of this section—

(1) Are not required to provide care that conflicts with an advance directive.

(2) Are not required to implement an advance directive if, as a matter of conscience, the provider cannot implement an advance directive, and State law allows any health care provider or any agency of such provider to conscientiously object.

(d) Prepaid or eligible organizations (as specified in sections 1833(a)(1)(A) and 1876(b) of the Act) must meet the requirements specified in § 417.436 of this chapter.

§ 489.104 Effective dates.

These provisions apply to services furnished on or after December 1, 1991 payments made under section 1833(a)(1)(A) of the Act on or after December 1, 1991, and contracts effective on or after December 1, 1991.

Subpart A—General Provisions

4.5 In subpart A, § 489.10 is amended by redesignating paragraph (b) as paragraph (c) and revising it and by adding a new paragraph (b) to read as follows:

§ 489.10 Basic requirements.

* * * * *

(b) In order for a hospital, SNF, HHA, or hospice to be accepted, it must also meet the advance directives requirements specified in Subpart I of this part.

(c) The State survey agency will ascertain whether the provider meets the conditions of participation or requirements (for SNFs) and make its recommendations to HCFA.

PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM

G. Part 498 is amended as follows:

1. The authority citation for part 498 is revised to read as follows:

Authority: Secs. 205(a), 1102, 1866(a), 1869(c), 1871 and 1872 of the Social Security Act (42 U.S.C. 405(a), 1302, 1395cc(a), 1395ff(c) 1395hh and 1395ii), unless otherwise noted.

2. In § 498.3(b), the introductory text is republished and a new paragraph (11) is added to read as follows:

§ 498.3 Scope and applicability.

* * * * *

(b) *Initial determinations by HCFA.* HCFA makes initial determinations with respect to the following matters:

* * * * *

(11) Whether a hospital, skilled nursing facility, home health agency, or hospice program meets or continues to meet the advance directives requirements specified in subpart I of part 489 of this chapter.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 92.773—Medicare—Hospital Insurance Program; No. 93.774—Medicare—Supplementary Medical Insurance Program; No. 93.778—Medical Assistance Programs.)

Dated: August 31, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

Approved: December 20, 1991.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-5007 Filed 3-5-92; 8:45 am]

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federal register

Friday
March 6, 1992

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary

Fund Availability for Supportive Housing for Persons With Disabilities; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-92-3386; FR-3150-N-01]

Fund Availability (NOFA) for Supportive Housing for Persons With Disabilities

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability for FY 92.

SUMMARY: This NOFA announces HUD's funding for supportive housing for persons with disabilities. In the body of this document is information concerning the following: (a) The purpose of the NOFA and information regarding eligibility, submission requirements, available amounts, and selection criteria and (b) application processing, including how to apply and how selections will be made. A checklist of steps and exhibits involved in the application process will be included in the application package which can be obtained from the appropriate Field Office identified in appendix A.

DATE: The deadline date for receipt of applications in response to this NOFA is June 3, 1992.

ADDRESSES: Applications must be delivered to the HUD Field Office for your jurisdiction. A listing of HUD Field Offices, their addresses and telephone numbers (including TDD telephone numbers) are attached as appendix A to this NOFA. HUD will date and time stamp incoming applications to evidence timely receipt, and upon request, provide the applicant with an acknowledgement of receipt. Applications submitted by facsimile are not acceptable.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–220), the information collection requirements have been assigned OMB Control Number 2502–0462.

I. Purpose and Substantive Description

A. Authority

Section 811 of the National Affordable Housing Act (the NAH Act) authorized a new supportive housing program for persons with disabilities and replaced assistance for persons with disabilities previously covered by section 202 of the Housing Act of 1959 (section 202 continues, as amended by section 801 of the NAH Act, to authorize supportive housing for the elderly). The purpose of section 811 is to enable persons with disabilities to live with dignity and independence within their communities by expanding the supply of supportive housing that is designed to accommodate the special needs of such persons and provides supportive services that address the individual health, mental health, and other needs of such persons. The Secretary is authorized to provide assistance to private, nonprofit organizations to expand the supply of supportive housing for persons with disabilities. The assistance will be provided as capital advances and contracts for project rental assistance in accordance with 24 CFR part 890. This assistance may be used to finance the acquisition with rehabilitation, acquisition without rehabilitation (group homes only), construction or rehabilitation of a structure, and the acquisition of property from the Resolution Trust Corporation (RTC) (group homes and independent living facilities), to be used as supportive housing for persons with disabilities in accordance with Part 890

For supportive housing for persons with disabilities, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992 (Pub. L. 102–139, approved October 28, 1991, (Fiscal Year 1992 Appropriations Act) provides $102,860,000 for capital advances for housing for persons with disabilities as authorized by section 811 and $100,159,000 for project rental assistance for supportive housing for persons with disabilities under section 811(b)(2) of the NAH Act. The capital advance allocation amounts set forth in Section B. below are based upon available project rental assistance.

Of particular interest is the Department's implementation of section 105 of the NAH Act which requires that all applications for this program include a certification of the responsible public official that the proposal is consistent with an approved Comprehensive Housing Affordability Strategy ("CHAS") for the jurisdiction in which the proposed project is to be located. See 24 CFR 890.265(c)(18).

Also of special interest is a statutory requirement for a certification by the appropriate State or local agency that the provision of services identified in the application is well designed to serve the needs of persons with disabilities. In order to fulfill this requirement, Sponsors must submit one copy of exhibit 20 (supportive services plan) of their application and the certification form (found in the application package) to the appropriate State or local agency identified by the Field Office in the application package in ample time for the Sponsors to include the certification with the submission of their application to the appropriate Field Office. Applications which do not contain a certification from the appropriate State or local agency that the provision of supportive services is well designed to serve the special needs of persons with disabilities will not be funded.

Another item of special interest is the recent agreement between HUD and the Farmers Home Administration (FmHA) which facilitates the coordination between the two agencies in administering their respective rental assistance programs. In accordance with this agreement, HUD is required to notify FmHA of applications for housing assistance it receives. The purpose of this notification is to give FmHA the opportunity to comment if it has concern about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider the FmHA comments in its review and project selection process.

B. Allocation Amounts

In accordance with 24 CFR part 791, the Assistant Secretary will allocate the amounts available for capital advances for supportive housing for persons with disabilities. The Department reserves project rental assistance funds sufficient for 20-year contracts in support of the units selected for capital advances, consistent with current operating cost standards.

The allocation formula for section 811 funds consists of the following two data elements:

1. A measure of the number of persons identified as having a public transportation disability; and
2. A measure of the number of persons identified as having a work disability.

Based on this formula, the Department has allocated the available capital advance funds as shown on the following chart:

FISCAL YEAR 1992 ALLOCATION FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES

Region	Capital advance	Units
I	$5,589,900	79
II	12,931,900	172

FISCAL YEAR 1992 ALLOCATION FOR SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES—Continued

Region	Capital advance	Units
III	10,439,900	177
IV	16,543,400	339
V	15,431,700	269
VI	7,097,000	153
VII	2,779,200	55
VIII	1,619,600	33
IX	14,599,600	218
X	2,105,500	37
National Total	89,137,700	1,532

C. Eligibility

The only eligible applicants under this program are private, nonprofit organizations. Neither a public body nor an instrumentality of a public body is eligible to participate in the program. A single Sponsor shall not request more units in a given Region than advertised for that Region in the Invitation.

D. Preliminary Evaluation and Selection Criteria

1. Preliminary Evaluation

Applications for section 811 Fund Reservations for housing for persons with disabilities that meet the following initial threshold requirements at preliminary evaluation will be eligible for technical processing:

(a) Application was received by HUD at the appropriate address by June 3, 1992 and was complete or at most, had technical deficiencies (see section IV.A. for the definition of a technical deficiency);

(b) Sponsor acceptably corrected deficiencies (including furnishing missing certifications) within 14 calendar days from the date of the notification of deficiency letter;

(c) Sponsor, proposed facilities and proposed occupants are eligible under section 811;

(d) Sponsor has experience in developing and/or operating housing, medical or other facilities and/or providing services to persons with disabilities, families or minority groups;

(e) There is reasonable expectation that the Sponsor can meet the Minimum Capital Investment requirement and start-up expenses and the Sponsor has passed a resolution committing these funds;

(f) Application contains evidence of control of a site or the appropriate identification of a site;

(g) The Sponsor is in compliance with civil rights laws and regulations as follows:

(1) There are no pending civil rights suits against the Sponsor instituted by the Department of Justice;

(2) There are no outstanding findings of noncompliance with civil rights statutes, Executive Orders or regulations as a result of formal administrative proceedings, or where the Secretary has issued a charge under the Fair Housing Act, unless the Sponsor is operating under a compliance agreement designed to correct the areas of non-compliance;

(3) There has not been a deferrral of the processing of applications from the Sponsor imposed by HUD under title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), the HUD title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and the HUD section 504 regulations (24 CFR 8.57);

(h) Even without a site visit, it is reasonable to expect the proposed site meets site and neighborhood standards (24 CFR 889.230), including minority and disabled concentration considerations, and is not in a floodway or Coastal High Hazard Area;

(i) There is sufficient market demand for the number and type of units proposed based on preliminary review;

(j) Application included a supportive services plan meeting the requirements of § 890.265(c)(15); and

(k) Application was responsive to the Field Office Invitation.

2. Selection Criteria

Applications for section 811 fund reservations that successfully pass preliminary evaluation and technical processing will be rated using the following selection criteria:

(a) The ability of the Sponsor to develop and operate the proposed housing on a long-term basis (20 points);

(1) The scope, extent and quality of the Sponsor's experience in providing housing or supportive services to the proposed disabled population (10 points);

(2) The scope, extent and quality of the Sponsor's experience in providing housing and/or supportive services to minority persons or families and opportunities for minority and women-owned business enterprises participation (5 points); and

(3) The extent of local community support for the Sponsor and its activities, including experience in providing housing and/or supportive services in the area where the project is to be located, and Sponsor's demonstrated ability to enlist volunteers and local funds for its efforts (5 points);

(b) The Sponsor's financial capacity (25 points):

(1) The Sponsor's financial history and its current financial outlook (5 points);

(2) The Sponsor's ability and willingness to provide funds for start-up expenses and commit financial resources beyond the Minimum Capital Investment (10 points); and

(3) The scope of the proposed project in relationship to the financial capacity and commitment of the Sponsor (10 points);

[Note: Consideration must also be given to the sponsor's financial commitment to any projects in the pipeline and other applications submitted in response to invitations under this NOFA, the NOFA for supportive housing for the elderly, (published elsewhere in today's **Federal Register**) or other invitations under part 889 or part 890.]

(c) The need for supportive housing for persons with disabilities in the area to be served (10 points).

(d) The design of the project (10 points):

(1) The extent to which the proposed design of the housing will meet the special needs of persons with disabilities (4 points);

(2) The extent to which the proposed design of the housing will accommodate the provision of supportive services (that are expected to be needed, either intially or over the useful life of the housing, by the category or categories of persons with disabilities the housing is intended to serve) (3 points); and

(3) The extent to which the proposed size and unit mix (if independent living facility) of the housing will enable the Sponsor to manage and operate the housing efficiently and ensure that provision of supportive services will be accomplished in an economical fashion (3 points);

(e) The provision of supportive services (20 points):

(1) The extent to which the Sponsor has demonstrated that necessary supportive services will be provided on a consistent, long-term basis (10 points);

(2) The appropriateness of the supportive services to the needs of the proposed disabled population (5 points); and

(3) The quality of the service implementation plan (5 points);

(f) The extent to which the Sponsor has control of the site for the proposed housing (15 points):

(1) Applications with evidence of site control:

(i) The proximity or accessibility of the site to shopping, medical facilities, transportation, churches, recreational facilities, job opportunities and other

necessary services to the intended occupants (4 points);

(ii) Suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority and disabled persons/families (4 points);

(iii) Freedom of the site from adverse environmental conditions and overconcentration of persons with disabilities (4 points); and

(iv) Reasonableness of the site cost per unit and suitability of the property for the intended use and adequacy of utilities and streets (3 points); or

(2) Applications with identification of site:

(i) The proximity or accessibility of the site to shopping, medical facilities, transportation, churches, recreational facilities and other necessary services to the intended occupants as well as freedom of overconcentration of persons with disabilities (5 points);

(ii) Suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority disabled persons/families (4 points); and

(iii) The likelihood that site control will be obtained within six months of fund reservation, if approved (6 points).

II. Application Process

All applications for section 811 Fund Reservations submitted by eligible Sponsors must be filed with the appropriate HUD Field Office and must contain all exhibits required by this NOFA.

Immediately upon publication of this NOFA, Field Offices shall notify minority organizations within their jurisdiction involved in housing and community development and groups with special interest in housing for persons with disabilities.

Within three weeks of the date of this Notice, HUD Field Offices will publish a one-time Invitation for applications as required by § 890.205(b) of the Regulations, in newspapers of general circulation, and in any minority newspapers serving the Field Office jurisdiction. Field Offices will accept applications after publication of the Invitation. No application will be accepted after the closing time stated in the Invitation and Application Package on June 3, 1992, unless that date and time is extended by a Notice published in the **Federal Register**. Applications received after that date and time will not be accepted, even if postmarked by the deadline date. Applications submitted by facsimile are not acceptable.

Organizations interested in applying for a section 811 Fund Reservation should provide the appropriate Field Office with their names, addresses and telephone numbers, and advise the Field Office whether they wish to attend the workshop described below. HUD encourages minority organizations to participate in this program as Sponsors. Field Offices, at the date and time specified in the Invitations, will conduct workshops to explain the Section 811 Program.

HUD strongly recommends that prospective applicants attend the local Field Office workshop. More detailed information covering the time and place of the particular workshops will be set out in the Field Office Invitation. Interested persons with disabilities should contact the Field Office to assure that any necessary arrangements can be made for them to enable their attendance and participation in the workshop. While strongly urged to do so, if Sponsors cannot attend a workshop, Application Packages and handbooks can also be obtained from the Field Offices. Contact the appropriate Field Office with any questions regarding the submission of applications.

At the workshops, Application Packages will be distributed, application procedures and requirements (including the Department's equal opportunity, environmental, design and cost requirements and required exhibits) will be explained. Also, concerns such as local market conditions, building codes, historic preservation, floodplain management, displacement and relocation, zoning, housing costs, and states' positions on funding supportive services to group home residents will be addressed.

III. Application Submission Requirements

A. Application

Each application shall include all of the information, materials, forms, and exhibits listed in paragraph 2 of this section and must be indexed and tabbed. The Field Office will base its determination of the eligibility of the Sponsor for a reservation of section 811 capital advance funds on the information provided in the application.

In preparing applications, applicants will be able to utilize information and exhibits previously prepared for prior applications under section 811, section 202, or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the section 811 or section 202 programs; applicant experience in housing and services; financial capacity; supportive services plan; community ties, and experience serving minorities.

1. Application Contents

(a) Each applicant (Sponsor) shall include on a Form HUD–92013, Application for Multifamily Housing Project:

(1) The name, address, and telephone number of the Sponsor(s);

(2) The name, title, address, and telepone number of the officer or director of the Sponsor's Board of Directors to whom communications should be addressed;

(3) The following specific information regarding the project:

(i) Number of units requested by bedroom type (efficiency (415 sq. ft.), one-bedroom (540 sq. ft.), two-bedroom (800 sq. ft.), three-bedroom (1050 sq. ft.), four-bedroom (1150 sq. ft.) or if five or more bedrooms are provided, increase unit sizes by up to 100 sq. ft. for each additional bedroom) and the number of residents (if independent living facility) or the number of bedrooms and number of residents to be housed in each group home;

(ii) Dollar amount of the capital advance requested;

(iii) Estimated land cost;

(iv) Number and type of structures;

(v) Number of stories planned and whether an elevator will be included; and

(vi) Development method (new construction, rehabilitation, acquisition with rehabilitation, acquisition without rehabilitation (group homes only), or acquisition of property from the RTC (group homes and independent living facilities)).

(b) Additional exhibits must include:

(1) A Housing Consultant's Resume, Contract (Form HUD 92531A–EH), and an Identity of Interest and Disclosure Certification (if the Sponsor has employed a project consultant).

(2) Evidence of each Sponsor's legal status as a private nonprofit organization, including the following:

(i) Articles of incorporation, constitution, or other organizational documents;

(ii) By-laws;

(iii) A typed incumbency certificate, listing all officers and directors, title, beginning date of each person's term and when that term expires. It must be certified by an officer of the Sponsor that it constitutes all duly qualified and sitting officers and directors as of the date the application is filed with HUD;

(iv) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches). A nonprofit organization organized in the Commonwealth of Puerto Rico and exempt from income taxation under Puerto Rico law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if it is not eligible for tax exemption; and

(v) Resolution of the board, duly certified by an officer, that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation which has or will have a contract with the Owner.

(3) Satisfactory evidence that the Sponsor:

(i) Has the necessary legal authority to sponsor the project and to assist the Owner to finance, acquire, construct, or rehabilitate and maintain the project; and

(ii) Will form an Owner (as defined in § 890.105) after the issuance of the fund reservation, will cause the Owner to file a request for determination of eligibility and a request for a capital advance under § 890.300, and will provide sufficient resources to the Owner to ensure the development and long-term operation of the project.

(4) A description of the Sponsor's ties to the community, including the minority community, and any statements of suppport for the project by members of the community in which the project is to be located and state and local organizations familiar with the needs of individuals with disabilities proposed to be housed.

(5) Evidence of previous participation in HUD programs, by the Sponsor, its officers or directors, on Form HUD–2530. If none, forms must be submitted indicating "No previous experience."

(6) A description of any financial default, modification of terms and conditions of financing, or legal action taken or pending against the Sponsor or its officers, directors, or trustees in their corporate capacity.

(7) A description of the following:

(i) Any other rental housing projects, medical and/or other facilities sponsored, owned or operated by the Sponsor, including a description of experience in providing housing, medical and/or other facilities to persons with disabilities and/or to families; and

(ii) The Sponsor's experience in providing housing, medical or other facilities and/or services to minority persons or families and in contracting with minority and women-owned business enterprises.

(8) A description of the Sponsor's past or current involvement in any programs other than housing (including its provision of services) that demonstrates the Sponsor's management capabilities and experience, including a description of the Sponsor's experience in serving disabled persons and/or families.

(9) A certified Board Resolution, acknowledging responsibilities of sponsorship, long-term support of the project(s), willingness of Sponsor to assist the Owner to develop, own, manage and ensure the provision of appropriate services in connnection with the proposed project, and that it reflects the will of its membership.

(10) A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other Field Office in response to the current Invitations under this NOFA, the NOFA for Supportive Housing for the Elderly (published elsewhere in today's **Federal Register**) or other Invitations under part 889 or part 890. Indicate by Field Office, the proposed location by city and state, the number of units requested, and the financial commitments related to each application.

(11) An estimate of start-up expenses for the project and the source of funds to meet these expenses.

(12) Evidence, in the form of a certified Board Resolution, of the Sponsor's willingness to fund the Minimum Capital Investment, estimated start-up expenses, and any associated development or operating costs related to items not covered by the capital advance under § 890.240 and to ensure the development and long-term operation of the project. Also, as evidence of the Sponsor's financial ability to cover these costs, include:

(i) A brief narrative description of financial history;

(ii) Copies of balance sheets and statements of income expenses for each of the past three years that the Sponsor has operated. The financial statement, at a minimum, must include the information contained in Form HUD–92417, and a certification pursuant to the criminal warning provided in U.S. Criminal Code, section 1001, title 18 U.S.C.

(iii) Form HUD–2013 Supplement, Application for Project Mortgage Insurance, listing current bank and trade references; and

(iv) A list of all FY 1991 and prior year projects to which the Sponsor(s) is a party, identified by project number, Field Office, funding year and month and year of initial closing, current status; (if finally closed; indicate month and year); and financial requirements for closing.

[**Note:** If funds to meet the financial requirements of the applications being submitted are being committed by an organization other than the sponsor, evidence of that organization's financial capacity must be included in this exhibit, in addition to the sponsor's financial statements.]

(13) A narrative description of the proposed housing including:

(i) Evidence of control of an approvable site, or identification of a site for which the Sponsor provides reasonable assurances that it will obtain control within 6 months from the date of fund reservation (if Sponsor is approved for funding);

(A) If the Sponsor has the control of the site, it must submit the following information:

(1) Evidence that the Sponsor has entered into a legally binding option agreement to purchase or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold or other evidence of legal ownership of the site (including properties to be acquired from the RTC). The option agreement period should extend through the end of the current fiscal year and contain a renewal provision to guarantee site availability through the subsequent stage of processing. The Sponsor must also identify any restrictive covenants, including reverter clauses. In the case of a site to be acquired from a public body, evidence that the public body possesses clear title to the site, and had entered into a legally binding agreement to lease or convey the site to the Sponsor after it receives and accepts a notification of section 811 Fund Reservation and identification of any restrictive covenants or reverter clauses. However, in localities where HUD determines that the time constraints of the funding round will not permit all of the required official actions (*e.g.*, approval of Community Planning Boards) which are necessary to convey publicly-owned sites, a letter in the application from the Mayor or Director of the appropriate local agency indicating their approval of conveyance of the site contingent upon the necessary approval action is acceptable and may be approved by the Field Office if it has satisfactory experience with timely conveyance of sites from that public body. In such cases, documentation shall also include a copy of the public body's evidence of ownership and whether there are any restrictive covenants or reverter clauses.

[**Note:** A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) which will construct the section 811 project or from any other development team member.]

(2) A map showing the location of the site and the racial composition of the neighborhood, with any area of racial concentration delineated;

(3) Photographs of the site;

(4) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for the belief that the proposed action will be completed successfully before the receipt of the conditional commitment application (*e.g.*, a summary of the results of any recent requests for rezoning on land in similar zoning classifications and the time required for such rezoning, preliminary indications of acceptability from zoning bodies, *etc.*);

(5) A statement that (a) identifies all persons (families, individuals, businesses and nonprofit organizations (identified by race/minority group, and status as owners or tenants) occupying the property on the date of submission of the application for fund reservation (or date of initial site control, if later); (b) indicates the estimated cost of relocation payments and other services, and (c) identifies the staff organization that will carry out the relocation activities.

[Note: If any of the relocation costs will be funded from sources other than the section 811 capital advance, the sponsor must provide evidence of a firm commitment of these funds. Due to potentially high relocation costs, sponsors are encouraged to utilize sites which involve minimal or no relocation costs.]

(6) In the case of a structure built or rehabilitated prior to 1978 that is proposed to be developed as an independent living facility, a statement from the Sponsor indicating that it has inspected the structure for defective paint surfaces.

(7) An indication as to whether the Sponsor is willing to seek a different site if the preferred site is unapprovable, and if so, a reasonable assurance that site control will be obtained within 6 months of fund reservation.

(B) If the Sponsor has identifed a site, but does not have it under control, it must submit the following information:

(1) A description of the location of the site, including its address, neighborhood/community characteristics (to include racial and ethnic data) and amenities, and adjacent housing and/or facilities;

(2) A description of the activities undertaken to identify the site as well as what actions must be taken to obtain control of the site, if approved for funding.

(3) An indication as to whether the site is properly zoned. If it is not, an indication of the actions/time necessary for proper zoning;

(4) A status of the sale of the site; and

(5) An indication as to whether the site would involve relocation.

(ii) If and how the project will promote energy efficiency and, if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(iii) An identification of all community spaces, amenities or features planned for the housing. A description of how the spaces will be utilized also must be included. If these community spaces, amenities, or features would not comply with the design and cost standards of § 890.220, the Sponsor must demonstrate its ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, amenities or features.

(iv) A written description of the design of the proposed housing including any special design features and community space necessary to accommodate the physical needs of the proposed residents and the provision of supportive services. Included with the written description must also be a schematic drawing or each floor of the project noting the location of any special design features as well as a typical bedroom in a group home or a typical unit in an independent living facility with approximate dimensions of each, and community space for the provision of supportive services.

[Note: Sponsors submitting applications with evidence of site control for acquisition and/or rehabilitation projects may wish to submit a schematic drawing of an alternate design that may be replicated elsewhere if they want to be considered for points for the design of the project in the event the proposed site is rejected.]

(v) For group homes to be licensed as intermediate care facilities (in which funding for the intermediate care is provided under title XIX of the Social Security Act) that serve persons with developmental disabilities, the following must be submitted:

(a) Evidence demonstrating that the proposed project will primarily provide housing rather than medical facilities, is or will be licensed by appropriate State agencies;

(b) Written evidence that the State Medicaid Office recognizes the need for a tenant contribution to rent and has agreed to pay the cost of the tenant contribution in the Medicaid payment to the Sponsor;

(c) Description of the medical training of the staff of the proposed facility and any nursing services that will be required by the residents on-site;

(d) Description of the services that will be funded by Medicaid for residents of the proposed project, including their nature, frequency and where the services are to be provided;

(e) Description of any special design features proposed for the group home that are not common to other section 811 group homes for the proposed population and the Sponsor's rationale for including them; and,

(f) Statement certifying that the Individual Program Plan for each resident will include participation in an out-of-the-home activity program for at least six hours each weekday.

(14) A narrative description of the anticipated occupancy. The Sponsor must limit occupancy of the proposed project to one or more of the following categories: Persons with chronic mental illness, developmental disabilities, or physical disabilities. The Sponsor may, with the approval of the Secretary, further restrict occupancy of a project to persons with disabilities within the three categories described above who have similar disabilities and who require a similar set of supportive services unique to their disabilities. The Sponsor must demonstrate a capacity to serve the proposed occupancy group(s).

(15) A supportive services plan that includes:

(i) A detailed description of whether the housing is intended to serve persons with physical disabilities, developmental disabilities, or chronic mental illness. Include how and from where persons will be referred and admitted to the project.

(ii) A detailed description of the needs of persons with disabilities that the housing is expected to serve.

(iii) A detailed description of the supportive services proposed to be provided to the anticipated occupancy, including:

(A) The name(s) of the agency(s) which will be responsible for providing supportive services and evidence of the service provider's capability and experience in providing such supportive services;

(B) The manner in which such services will be provided (i.e., how, when and how often, where (on/off-site), including assurances that the proposed residents will receive supportive services based on their individual needs.

(C) The staffing plan, including a description of the qualifications of residential staff, if any, and other staff necessary to provide the proposed services.

(iv) Identification of the extent of state and local funds available to assist in the provision of supportive services.

(v) A letter of intent from each agency that will provide the supportive services (if other than the Sponsor), indicating the source and extent of commitment to provide funding for the supportive services.

(vi) If any state or local government funds will be provided, a description of the state/local agency's philosophy/policy concerning residential facilities for the population to be served as well as a demonstration by the Sponsor that the application is consistent with state or local plans and policies governing the development and operation of facilities to serve individuals of the proposed occupancy category.

(16) Evidence demonstrating that there is effective demand for the proposed housing in the area to be served by the project and demonstrating that this demand is likely to continue throughout the life of the project.

(17) Signed certifications of the Sponsor(s)' intent to comply with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Orders 11063 and 11246, section 3 of the Housing and Urban Development Act of 1968, and the affirmative fair housing marketing requirements at 24 CFR part 200, subpart M.

(18) A certification from the appropriate state or local agency that it has reviewed the supportive services plan in the Sponsor's application and that the provision of services identified in the application is well designed to serve the special needs of persons with disabilities to be served by the proposed project(s).

(19) A certification by the Sponsor(s) that the appropriate State agency (single point of contact) under Executive Order 12372, Intergovernmental Review, has been contacted to determine if the Section 811 Program is covered under the State review process and, if applicable, the date the application was submitted to the State.

(20) A certification on SF–424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.

(21) A certification by the Sponsor(s) that the section 811 funds will not be used to lobby the Executive or Legislative branches of the Federal government.

(22) A certification that the Sponsor(s) will comply with the requirements of the Drug-Free Workplace Act.

(23) A certification that the Sponsor will comply with the requirements of the Lead-Based Point Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR part 35 (except as superseded in § 890.260(f)(2).

(24) A certification that the project will comply with HUD's design and cost standards, the Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR part 40, section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for new construction multifamily housing projects (independent living facilities), the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100.

(25) A certification by the Sponsor(s) that it will comply (or has complied) with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR part 24, and 24 CFR 890.200(e).

(26) A completed Form 2880, Applicant Disclosures.

(27) A certification of consistency with an approved housing strategy (CHAS) from the lowest level of government having a full CHAS covering the jurisdiction in which the project is to be located. Should that full CHAS fail to provide a basis for consistency, either a suitable amendment can be prepared or, in the case of a proposed project in a local jurisdiction not having an existing CHAS, that local jurisdiction may prepare an abbreviated strategy appropriate to the project. Such an abbreviated strategy must be submitted prior to or at the time of submission of the section 811 application. See Notice on preparation of an abbreviated strategy published on December 16, 1991 (56 FR 65271).

[Note: To assist applicants in meeting the certification requirement where a CHAS or abbreviated housing strategy has not yet been approved, HUD will accept section 811 applications that are accompanied by a certification that the proposed activity is consistent with the CHAS or abbreviated strategy being reviewed.]

IV. Corrections to Deficient Applications

A. Preliminary Evaluation

During preliminary evaluation, Sponsors will be provided 14 calendar days from the date of HUD's written notification to cure technical deficiencies in their applications. However, it is not additional time to amend the application to overcome any defects in the original submission. Technical deficiencies are inadvertently omitted documents which have been executed prior to the application deadline date (such as certifications or articles of incorporation) or clarifications of previously submitted material and are not of such a nature as to improve the competitive position of the application.

Technical deficiencies do not include items which would be considered substantive defects in the original submission. For example, if a Board resolution is missing from the original submission, but it is submitted during the 14-day period, it must have been executed prior to the deadline date for receipt of applications. If it is not submitted during the 14-day period or it is submitted during this time but executed after the deadline date for receipt of applications, it is a substantive defect and the application will be rejected. Sponsors of applications that are missing two or more complete exhibits will not be afforded an opportunity to submit the missing exhibits and will receive written notification that their applications have been rejected. However, exhibits which are certifications are not counted as missing exhibits in this determination.

Applicants whose applications are found unacceptable during the preliminary evaluation process due to substantive defects and applications which fail to adequately respond to HUD's deficiency letter within the 14-day period, will be notified that their applications are not eligible for further processing, and are rejected.

B. Technical Processing

Applications which are found acceptable during the preliminary evaluation process, or an acceptable response to HUD's deficiency letter was received within the 14-day period, will undergo a more thorough analysis. As part of this analysis, HUD will conduct its environmental review in accordance with 24 CFR part 50 for applications that submitted satisfactory evidence of site control. Examples of reasons for technical processing rejection include a lack of commitment to fund the necessary supportive services or, based on a review of the detailed financial information, the Sponsor(s)' lack of sufficient financial resources. The Secretary will not reject an application based on technical processing without giving notice of that rejection and the basis therefor to the applicant and affording the applicant an opportunity to respond. An applicant will be afforded

10 calendar days from the date of HUD's written notice to appeal a technical rejection. The Field Office shall make a determination on an appeal prior to making its selection recommendations.

Upon completion of technical processing, all acceptable applications will be rated according to the selection criteria in § 890.300(c) (also above in I.D.2.). Applications which have a total score of 50 points or more will be eligible for selection and will be placed in rank order.

V. Additional Information

A. Project Size Limits

The following project size limits are applicable to supportive housing for persons with disabilities:

1. Group homes may house no more than eight (8) persons per home. On a case-by-case basis, however, HUD may approve a group home of up to 15 persons with disabilities if the Sponsor can demonstrate the following:

(a) The increased number of people is necessary for the economic feasibility of the project;

(b) A project of the size proposed is compatible with other residential development and the population density of the area in which the project is to be located;

(c) A project of the size proposed can be successfully integrated into the community; and

(d) A project of the size proposed is marketable in the community.

2. Independent living facilities may house no more than 24 persons with disabilities, except for projects for persons with chronic mental illness which may not exceed 20 such persons. On a case-by-case basis, HUD may approve an exception to the 24-person limit based upon the same criteria set forth in (1) above.

B. Sites

The National Affordable Housing Act requires Sponsors submitting applications for section 811 fund reservations to provide either (a) evidence of site control, or (b) reasonable assurances that it will have control of a site within 6 months of notification of fund reservation. Accordingly, if a Sponsor has control of a site at the time it submits its application, it must include evidence of such as described in § 890.265(c)(13)(i)(A). If it does not have site control, it must provide the information required in § 890.265(c)(13)(i)(B) as a reasonable assurance that site control will be obtained within 6 months of fund reservation notification. Sponsors that do not provide satisfactory evidence of site control or the proper identification of a site will be notified that their applications are rejected.

Sponsors may select a site different from the one(s) submitted in their original applications. Selection of a different site will require HUD performance of an environmental review on the new site, which could result in rejection of that site. However, if a Sponsor does not have site control for any reason 12 months after notification of fund reservation, the assistance will be recaptured and reallocated.

Sponsors submitting satisfactory evidence of an approvable site (*i.e.*, site control) will compete against each other in Category A. Sponsors submitting proper identification of a site will compete against each other in Category B. HUD first shall select applications in the descending order of funding priority from Category A that most closely approximates the capital advance authority provided to the allocation area. If capital advance authority remains after selecting all approvable applications from Category A, HUD shall then select applications in the descending order of funding priority from Category B that most closely approximates the capital advance authority remaining in the allocation area.

Applications containing evidence of site control where either the evidence or the site is not approvable will *not* be rejected provided the application indicates the Sponsor's willingness to select another site and an assurance that site control will be obtained within six months of fund reservation notification. Such applications will not be eligible to receive any of the possible 15 points for the extent to which the Sponsor has control of the site for the proposed housing and will compete for selection in Category B.

VI. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 101(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410.

B. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12612, Federalism, has determined that this NOFA does not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This NOFA merely notifies the public of the availability of capital advances for supportive housing for persons with disabilities.

C. Family Executive Order

The General Counsel, as the Designated Official under Executive Order No. 12606, The Family, has determined that this NOFA does not significantly affect family formation, maintenance, or general well-being, and, thus, is not subject to review under the order.

D. HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics, (202) 708–3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

E. Applicant/Recipient Disclosures; Subsidy-Layering: HUD Reform Act

Documentation and Public Access

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's Implementing Regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than is necessary to make the assisted activity feasible after taking account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act (24 CFR part 15).

F. Lobbying

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance Program title and number is 14.181, Supportive Housing for Persons with Disabilities.

Authority: Section 811, National Affordable Housing Act, Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 21, 1992.

Arthur J. Hill,

Assistant Secretary for Housing, Federal Housing Commissioner.

Appendix A—HUD Field Offices

Region I

Boston, Massachusetts Regional Office

(Jurisdiction: Massachusetts)

Harold Thompson (ACTING), Regional Administrator Regional Housing Commissioner, HUD—Boston Regional Offices, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 375, Boston, Massachusetts 02222–1092, (617) 565–5234, TDD (617) 565–5453

Hartford, Connecticut Office

(Jurisdiction: Connecticut)

William Hernandez, Jr., Manager, HUD—Hartford Office, 330 Main Street, Hartford, Connecticut 06106–1860, (203) 240–4523, TDD (203) 240–4522

Manchester, New Hampshire Office

(Jurisdiction: New Hampshire)

James Barry, Manager, HUD—Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101–2487, (603) 666–7681, TDD (603) 666–7518

Providence, Rhode Island Office

(Jurisdiction: Rhode Island)

Casimir J. Kolaski, Jr., Manager, HUD—Providence Office, 330 John O. Pastore Federal Building, and U.S. Post Office—Kennedy Plaza, Providence, Rhode Island 02903–1745, (401) 528–5351, TDD (401) 528–5354

Region II

New York Regional Office

(Jurisdiction: New York, New Jersey)

Dr. Anthony Villane, Regional Administrator-Regional Housing Commissioner, HUD—New York Regional Office, 26 Federal Plaza, New York, New York 10278–0068, (212) 264–8068, TDD (212) 264–0927

Buffalo, New York Office

(Jurisdiction: New York)

Joseph Lynch, Manager, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, New York 14203–1780, (716) 846–5755, TDD (716) 846–5787

Newark, New Jersey Office

(Jurisdiction: New Jersey)

Theodore Britton, Jr., Manager, HUD—Newark Office, Military Park Building, 60 Park Place, Newark, New Jersey 07102–5504, (201) 877–1662, TDD (201) 877–0649

Region III

Philadelphia, Pennsylvania Regional Office

(Jurisdiction: Pennsylvania)

Michael Smerconish, Regional Administrator, HUD—Philadelphia Regional Office, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106–3392, (215) 597–2560, TDD (215) 597–5564

Washington, DC, Office

(Jurisdiction: District of Columbia)

I. Toni Thomas, Manager, HUD—Washington, DC, Office, Union Center Plaza, Phase II, 820 First Street NE., Suite 300, Washington, DC 20002–4205, (202) 275–9200, TDD (202) 275–0967

Baltimore, Maryland Office

(Jurisdiction: Maryland)

Maxine Saunders, Manager, HUD—Baltimore Office, 10 North Calvert Street, 3rd Floor, Baltimore, Maryland 21202–1865, (301) 962–2121, TDD (301) 962–0106

Pittsburgh, Pennsylvania Office

(Jurisdiction: Pennsylvania)

Choice Edwards, Manager, HUD—Pittsburgh Office, 412 Old Post Office Courthouse Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219–1906, (412) 644–6428, TDD (804) 771–2820

Richmond, Virginia Office

(Jurisdiction: Virginia)

Mary Ann Wilson, Manager, HUD—Richmond Office, 400 North 8th Street, Richmond, Virginia 23240, (804) 771–2721, TDD (804) 771–2820

Charleston, West Virginia Office

(Jurisdiction: West Virginia)

Ron Rash, Manager, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, West Virginia 25301–1795, (304) 347–7000, (FTS) 930–7036

Region IV

Atlanta, Georgia Regional Office

(Jurisdiction: Georgia)

Raymond A. Harris, Regional Administrator-Regional Housing Commissioner, HUD—Atlanta Regional Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303–3388, (404) 331–5136, TDD (404) 730–2654

Birmingham, Alabama Office

(Jurisdiction: Alabama)

Robert E. Lunsford, Manager, HUD—Birmingham Office, 600 Beacon Parkway West, Suite 300, Birmingham, Alabama 35209–3144, (205) 731–1617, TDD (205) 731–1617

Louisville, Kentucky Office

(Jurisdiction: Kentucky)

Verna V. Van Ness, Acting Manager, HUD—Louisville Office, 601 West Broadway, Post Office Box 1044, Louisville, Kentucky 40201–1044, (502) 582–5251, TDD (502) 582–5139

Jackson, Mississippi

(Jurisdiction: Mississippi)

Sandra Freeman, Manager, HUD—Jackson Office, Dr. A.H. McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, Mississippi 39269–1096, (601) 965–4702, (FTS) 490–4702

Greensboro, North Carolina

(Jurisdiction: North Carolina)

Larry J. Parker, Manager, HUD—Greensboro Office, 415 North Edgeworth Street, Greensboro, North Carolina 27401–2107, (919) 333–5363, (FTS) 699–5361

Caribbean Office

(Jurisdiction: Puerto Rico)

Rosa Villalonga, Acting Manager, HUD—Caribbean Office, San Juan Center, 159 Carlos E. Chardon Avenue, San Juan, Puerto Rico 00918–1804, (809) 766–5201

Columbia, South Carolina Office

(Jurisdiction: South Carolina)

Ted B. Freeman, Manager, HUD—Columbia Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, South Carolina 29201–2480, (803) 765–5592

Knoxville, Tennessee Office

(Jurisdiction: Tennessee)

Richard B. Barnwell, Manager, HUD—Knoxville Office, John J. Duncan Federal Bldg., 710 Locust Street, SW., Knoxville, Tennessee 37902–2526, (615) 549–9384, TDD (615) 549–9372

Nashville, Tennessee Office

(Jurisdiction: Tennessee)

John H. Fisher, Manager, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, Tennessee 37228–1803, (615) 736–5213

Jacksonville, Florida Office

(Jurisdiction: Florida)

James T. Chaplin, Manager, HUD—Jacksonville Office, 325 West Adams Street, Jacksonville, Florida 32202–4303, (904) 791–2626

Region V

Chicago, Illinois Regional Office

(Jurisdiction: Illinois)

Gertrude Jordan, Regional Administrator-Regional Housing Commissioner, HUD—Chicago Regional Office, 626 West Jackson Boulevard, Chicago, Illinois 60606, (312) 353–5680

Detroit, Michigan Office

(Jurisdiction: Michigan)

Harry I. Sharrott, Manager, HUD—Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226–2592, (313) 226–6280

Indianapolis, Indiana Office

(Jurisdiction: Indiana)

J. Nicholas Shelley, Manager, HUD—Indianapolis Office, 151 North Delaware Street, Indianapolis, Indiana 46204–2526, (317) 226–6303

Grand Rapids, Michigan Office

(Jurisdiction: Michigan)

Ronald C. Weston, Manager, HUD—Grand Rapids Michigan Office, 2922 Fuller Avenue, NE., Grand Rapids, Michigan 49505–3409, (616) 456–2100

Minneapolis-St. Paul, Minnesota

(Jurisdiction: Minnesota)

Thomas Feeney, Manager, HUD—Minneapolis-St. Paul Office, 220 Second Street, South, Bridge Place Building, Minneapolis, Minnesota 55401–2195, (612) 370–3000

Cincinnati, Ohio Office

(Jurisdiction: Ohio)

William J. Harris, Manager, HUD—Cincinnati Office, Federal Office Building, Room 9002, 550 Main Street, Cincinnati, Ohio 45202–3253, (513) 684–2884

Cleveland, Ohio Office

(Jurisdiction: Ohio)

George L. Engel, Manager, HUD—Cleveland Office, One Playhouse Square, 1375 Euclid Avenue, Room 420, Cleveland, Ohio 44115–1832, (216) 522–4065

Columbus, Ohio Office

(Jurisdiction: Ohio)

Robert W. Dolin, Manager, HUD—Columbus Office, 200 North High Street, Columbus, Ohio 43215–2499, (614) 469–5737

Milwaukee, Wisconsin Office

(Jurisdiction: Wisconsin)

Delbert F. Reynolds, Manager, HUD—Milwaukee Office, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, Wisconsin 53203–2289, (414) 291–3214

Region VI

Fort Worth, Texas Regional Office

(Jurisdiction: Texas)

Sam R. Moseley, Regional Administrator-Regional Housing Commissioner, HUD—Fort Worth Regional Office, 1600 Throckmorton, Post Office Box 2905, Fort Worth, Texas 76113–2905, (817) 885–5401, TDD (817) 726–5447

Houston, Texas Office

(Jurisdiction: Texas)

William Robertson, Jr., Manager, HUD—Houston Office, National Bank of Texas Building, 2211 Norfolk, Suite 300, Houston, Texas 77098–4096, (713) 229–3589

San Antonio, Texas Office

(Jurisdiction: Texas)

A. Cynthia Leon, Manager, HUD—San Antonio Office, Washington Square Building, 800 Dolorosa Street, San Antonio, Texas 78207–4563, (512) 229–6781, TTD (512) 229–6885

Little Rock, Arkansas Office

(Jurisdiction: Arkansas)

Roger Zachritz, (ACTING) Manager, HUD—Little Rock Office, Lafayette Building, 523 Louisiana, Suite 200, Little Rock, Arkansas 72201–3523, (501) 378–5931, TDD (501) 378–5405

New Orleans, Louisiana Office

(Jurisdiction: New Orleans)

Robert J. Vasquez, Manager, HUD—New Orleans Office, Fisk Federal Building, 1661 Canal Street—P.O. Box 70288, New Orleans, Louisiana 70172–2887, (504) 589–7200

Oklahoma City, Oklahoma Office

(Jurisdiction: Oklahoma)

Edwin I. Gardner, Manager, HUD—Oklahoma City Office, Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, Oklahoma 73102–3202, (405) 231–4181, TDD (405) 231–4181

Region VII

Kansas City, Missouri Regional Office

(Jurisdiction: Missouri)

William H. Brown, Regional Administrator-Regional Housing Commissioner, HUD—Kansas City Regional Office, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 236–2162, TDD (913) 236–3072

Omaha, Nebraska Office

(Jurisdiction: Nebraska)

Roger M. Massey, Manager, HUD—Omaha Office, Braiker/Brandeis Building, 210 South 16th Street, Omaha, Nebraska 68102–1622, (402) 221–3703, TDD (402) 221–3703

St. Louis, Missouri Office

(Jurisdiction: Missouri)

Kenneth G. Lange, Manager, HUD—St. Louis Office, 210 North Tucker Boulevard, St. Louis, Missouri 63101–1997, (314) 425–4761, TDD (314) 425–6331

Des Moines, Iowa Office

(Jurisdiction: Iowa)

William McNarney, Manager, HUD—Des Moines Office, Federal Building, 210 Walnut Street, Room 259, Des Moines, Iowa 50309–2155, (515) 284–4512, TDD (515) 284–4706

Region VIII

Denver, Colorado Regional Office

(Jurisdiction: Colorado)

Michael Chitwood, Regional Administrator-Regional Housing Commissioner, HUD—Denver Regional Office, Executive Tower Building, 1405 Curtis Street, Denver, Colorado 80202–2349, (303) 844–4513

Region IX

San Francisco, California Regional Office

(Jurisdiction: California)

Robert De Monte, Regional Administrator-Regional Housing Commissioner, HUD—San Francisco Regional Office, Philip Burton Federal Building & U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102–3448, (415) 556–4752, TDD (415) 556–8357

Honolulu, Hawaii Office

(Jurisdiction: Hawaii)

Gordon Y. Furutani, Manager, HUD—Honolulu Office, 300 Ala Moana Boulevard, Room 3318, Honolulu, Hawaii 96850–4991, (808) 546–2136, TDD (808) 551–1348

Los Angeles, California Office

(Jurisdiction: California)

Charles Ming, Manager, HUD—Los Angeles Office, 1615 W. Olympic Boulevard, Los Angeles, California 90015–3801, (213) 251–7122, TDD (213) 251–7038

Sacramento, California Office

(Jurisdiction: California)

Anthony A. Randolph, Manager, HUD—Sacramento Office, 777 12th Street, Suite 200, Post Office Box 1978, Sacramento, California 95814–1977, (916) 551–1351, TDD (916) 551–5971

Phoenix Office

(Jurisdiction: Arizona

Dwight A. Peterson, Manager, HUD—Phoenix Office, One North First Street, Suite 300, Post Office Box 13468, Phoenix, Arizona 85002–3468, (602) 261–4434, TDD (602) 379–4461

Region X

Seattle, Washington Office

(Jurisdiction: Washington)

Richard Bauer, Regional Administrator-Regional Housing Commissioner, HUD—Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101–2058, (206) 442–5414

Portland, Oregon Office

(Jurisdiction: Oregon)

Richard C. Brinck, Manager, HUD—Portland Office, Cascade Building, 520 SW Sixth Avenue, Portland, Oregon 97204–1596, (503) 221–2561, (FTS) 423–2561

Anchorage, Alaska Office

(Jurisdiction: Alaska)

Arlene Patton, Acting Manager, HUD—Anchorage Office, 222 W. 8th Avenue, #64, Anchorage, Alaska 99513–7537, (907) 271–4170, (FTS) 907–271–4170

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federal register

Friday
March 6, 1992

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Supportive Housing for the Elderly; Notice of Fund Availability for FY 92

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3385; FR 3149-N-01]

Fund Availability (NOFA) for Supportive Housing for the Elderly

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability for FY 92.

SUMMARY: This NOFA announces HUD's funding for supportive housing for the elderly. In the body of this document is information concerning the following: (a) The purpose of the NOFA and information regarding eligibility, submission requirements, available amounts, and selection criteria and (b) application processing, including how to apply and how selections will be made. A checklist of steps and exhibits involved in the application process will be included in the application package which can be obtained from the appropriate Field Office identified in appendix A.

DATES: The deadline date for receipt of applications in response to this NOFA is June 3, 1992.

ADDRESSES: Applications must be delivered to the HUD Field Office for your jurisdiction. A listing of HUD Field Offices, their addresses and telephone numbers (including TDD telephone numbers) are attached as appendix A to this NOFA. HUD will date and time stamp incoming applications to evidence timely receipt, and upon request, provide the applicant with an acknowledgement of receipt. Applications submitted by facsimile are not acceptable.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLMENTARY INFORMATION

Paperwork Reduction Act Statement

In accordance with the Peperwork Reduction Act of 1980 (44 U.S.C. 3501–220), the information collection requirements have been assigned OMB Control Number 2502–0267.

I. Purpose and Substantive Description

A. Authority

Section 801 of the Cranston-Gonzalez National Affordable Housing Act (NAHA) amended section 202 of the Housing Act of 1959. It authorized the Secretary to provide assistance to private nonprofit organizations and nonprofit consumer cooperatives to expand the supply of supportive housing for the elderly. The assistance will be provided as capital advances and contracts for project rental assistance in accordance with 24 CFR part 889. This assistance may be used to finance the construction for rehabilitation of a structure, or acquisition of a structure from the Resolution Trust Corporation (RTC), to be used as supportive housing for the elderly in accordance with part 889.

For supportive housing for the elderly, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, (Pub. L. 102–139, approved October 28, 1991, (Fiscal Year 1992 Appropriations Act) provides $538,808,000 for capital advances for housing for the elderly as authorized by section 202 of the Housing Act of 1959, (as amended by section 801 of the NAH Act) and $451,200,000 for project rental assistance for supportive housing for the elderly under section 202(c)(2). The capital advance allocation amounts set forth in section B. below are based upon available project rental assistance funds.

Of particular interest is the Department's implementation of section 105 of the NAHA which requires that all applications for this program include a certification of the responsible public official that the proposal is consistent with an approved Comprehensive Housing Affordability Strategy ("CHAS") for the jurisdiction in which the proposed project is to be located. See 24 CFR 889.270(c)(19).

Also of special interest is the statutory requirement for a certification by the appropriate State or local agency (typically the Area Agency on Aging) that the services identified in the application are well designed for the category or categories of elderly persons the housing is intended to serve. Therefore, the Sponsor must develop and submit its service plan to the appropriate agency to obtain the required certification. The signed certfication must be returned to the Sponsor and included in its application to HUD. Applications must contain a signed certification from the appropriate State or local agency that the provision of services identified in the application is well designed to serve the special needs of the category or categories of elderly persons the housing is intended to serve or they will be rejected.

In accordance with a recent agreeement between HUD and the Farmers Home Administration, HUD is required to notify FmHA of applications for housing assistance it receives. The purpose of this notification is to give FmHA the opportunity to comment if it has concern about the demand for additional assisted housing and possible harm to existing projects in the same housing market area. HUD will consider the FmHA comments in its review and project selection process.

B. Allocation Amounts

In accordance with 24 CFR part 791, the Assistant Secretary will allocate the amounts available for capital advances for supportive housing for the elderly. The Department reserves project rental assistance funds sufficient for 20-year contracts in support of the units selected for capital advances, consistent with current operating cost standards.

The allocation formulation for section 202 funds consists of the following two data elements:

1. A measure of the total number of elderly renter households.

2. A measure of the number of one- and two-person elderly renter households with incomes at or below the very low income standard with housing deficiencies, consisting primarily of households paying more than 30 percent of their incomes for rent.

Based on this formula, the Department has allocated the available capital advance funds as shown on the following chart:

FISCAL YEAR 1992 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY

Regional office	Metropolitan: Capital advance authority	Metropolitan: Units	Nonmetropolitan: Capital advance authority	Nonmetropolitan: Units	Totals: Capital advance authority	Totals: Units
1	29,809,300	363	5,871,700	84	35,681,000	447
2	77,555,600	903	2,870,400	39	80,425,000	942
3	33,836,500	496	8,090,900	730	41,927,400	626
4	37,779,000	682	22,214,200	409	59,993,200	1,091

FISCAL YEAR 1992 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY—Continued

Regional office	Metropolitan: Capital advance authority	Metropolitan: Units	Nonmetropolitan: Capital advance authority	Nonmetropolitan: Units	Totals: Capital advance authority	Totals: Units
5	54,010,000	818	14,973,500	237	68,983,500	1,055
6	15,320,000	290	9,770,800	193	25,091,200	483
7	8,409,600	144	7,457,900	136	15,867,500	280
8	4,464,100	81	2,440,300	66	7,924,400	147
9	59,695,700	771	4,282,400	59	63,978,100	830
10	5,647,500	102	2,914,700	47	9,562,200	149
Total	327,547,800	4,650	81,886,900	1,400	409,434,500	6,050

C. Eligibility

The only eligible applicants under this program are private, nonprofit organizations and nonprofit consumer cooperatives. Neither a public body nor an instrumentality of a public body is eligible to participate in the program. No organization shall participate as Sponsor or Co-sponsor in the filing of application(s) for fund reservation in a single region in this fiscal year in excess of that necessary to finance the construction, rehabilitation or acquisition from RTC of 300 units of housing and related facilities for the elderly. This limit shall apply to organizations that participate as Co-sponsors regardless of whether the Co-sponsors are affiliated or non-affiliated entities. In addition, the national limit for any one applicant is 10 percent of the total units allocated in all Regions. Affiliated entities which submit separate applications shall be deemed to be a single entity for the purposes of these limits. No single application may propose more than the number of units advertised by a Field Office or 125 units, whichever is less. Reservations for projects intended for the elderly in metropolitan areas will not be approved for less than 40 units.

D. Preliminary Evaluation and Selection Criteria

1. Preliminary Evaluation

Applications for section 202 Fund Reservations for housing for the elderly that meet the following initial threshold requirements at preliminary evaluation will be eligible for technical processing:

(a) Application was received by HUD at the appropriate address by June 3, 1992 and was complete or at most, had technical deficiencies (see Section IV.A. of this NOFA for the definition of a technical deficiency);

(b) Sponsor acceptably corrected deficiencies (including furnishing missing certifications) within 14 calendar days from the date of the notification letter;

(c) Sponsor, proposed facilities and proposed occupants are eligible under section 202;

(d) Sponsor has experience in developing and/or operating housing, medical or other facilities and/or providing services to the elderly, families or minority groups;

(e) There is reasonable expectation that the Sponsor can meet the Minimum Capital Investment requirement and start-up expenses and the Sponsor passed a certified resolution committing those funds;

(f) Sponsor provided evidence of legally-binding site control;

(g) The Sponsor is in compliance with civil rights laws and regulations as follows:

(i) There are no pending civil rights suits against the Sponsor instituted by the Department of Justice;

(ii) There are no outstanding findings of noncompliance with civil rights statutes, Executive Orders or regulations as a result of formal administrative proceedings, or where the Secretary has issued a charge under the Fair Housing Act, unless the Sponsor is operating under a compliance agreement designed to correct the areas of noncompliance;

(iii) There has not been a deferral of the processing of applications from the Sponsor imposed by HUD under title VI of the Civil Rights Act of 1964, the Attorney General's Guidelines (28 CFR 50.3), the HUD Title VI regulations (24 CFR 1.8) and procedures (HUD Handbook 8040.1), or under section 504 of the Rehabilitation Act of 1973 and the HUD section 504 regulations (24 CFR 8.57);

(h) Even without a site visit, it is reasonable to expect the proposed site meets site and neighborhood standards (24 CFR 889.230), including minority elderly concentration considerations, and is not in a floodway or Coastal High Hazard Area;

(i) There is sufficient market demand for the number of units proposed based on preliminary review; and

(j) Application was responsive to the Field Office Invitation (*i.e.*, did not request more units than advertised);

2. Selection Criteria

Applications for section 202 fund reservations that successfully pass preliminary evaluation and technical processing will be rated using the following selection criteria:

(a) The ability of the Sponsor to develop and operate the proposed housing on a long-term basis (20 points):

(i) The scope, extent and quality of the Sponsor's experience in providing housing or related services to the persons proposed to be served by the project (10 points);

(ii) The scope, extent and quality of the Sponsor's experience in providing housing or related services to minority persons or families and opportunities for minority and women-owned business enterprises participation (5 points); and

(iii) The extent of local community support for the Sponsor's activities, including previous experience in serving the area where the project is to be located, and Sponsor's demonstrated ability to enlist volunteers and local funds for its efforts (5 points);

(b) The Sponsor's financial capacity (25 points):

(i) The Sponsor's financial history and the current financial outlook (5 points);

(ii) The Sponsor's ability and willingness to provide funds for start-up expenses and commit financial resources beyond the Minimum Capital Investment (10 points); and

(iii) The scope of the proposed project in relationship to the financial capacity and commitment of the Sponsor (10 points);

Note: Consideration must also be given to the Sponsor's financial commitment to any projects in the pipeline and other applications submitted in response to invitations under this NOFA, or the NOFA for supportive housing for persons with disabilities (published elsewhere in today's Federal Register or other invitations under part 889 or part 890).

(c) The need for supportive housing for the elderly in the area to be served and the desirability of the proposed site (20 points):

(i) Extent to which the Sponsor demonstrates the need for supportive housing for the elderly (10 points);

(ii) The proximity or accessibility of the site to shopping, medical facilities, transportation, churches, recreational facilities, and other necessary services to the intended occupants and freedom of the site from adverse environmental conditions (4 points);

(iii) Suitability of the site from the standpoint of promoting a greater choice of housing opportunities for minority elderly persons/families (3 points);

(iv) Reasonableness of the estimated site cost per unit and suitability of the property for the intended use and adequacy of utilities and streets (3 points);

(d) The design of the project (15 points):

(i) The extent to which the proposed design will meet the special physical needs of elderly persons (5 points);

(ii) The extent to which the proposed size and unit mix of the housing will enable the Sponsor to manage and operate the housing efficiently and ensure that the provision of supportive services will be accomplished in an economical fashion (5 points); and

(iii) The extent to which the proposed design of the housing will accommodate the provision of supportive services that are expected to be needed, either initially or over the useful life of the housing, by the category or categories of elderly persons the housing is intended to serve (5 points); and

(e) The provision of supportive services (20 points):

(i) The extent to which the proposed supportive services meet the identified needs of the residents (10 points); and

(ii) The extent to which the Sponsor has demonstrated that the identified supportive services will be provided on a consistent long-term basis (10 points).

II. Application Process

All applications for Section 202 Fund Reservations submitted by eligible Sponsors must be filed with the appropriate HUD Field Office receiving an allocation and must contain all exhibits required by this notice.

Immediately upon publication of this NOFA, Field Offices shall notify minority organizations within their jurisdiction involved in housing and community development and groups with special interest in housing for elderly households.

Within three weeks of the date of this Notice, HUD Field Offices will publish a one-time Invitation for applications as required by § 889.205(b), in newspapers of general circulation, and in any minority newspapers serving the Field Office jurisdiction. Field Offices will accept applications after publication of the Invitation. No application will be accepted after the closing time stated in the Invitation and Application Package on June 3, 1992, unless that date and time is extended by a Notice published in the **Federal Register**. Applications received after that date and time will not be accepted, even if postmarked by the deadline date. Applications submitted by facsimile are not acceptable.

Organizations interested in applying for a section 202 Fund Reservation should provide the appropriate Field Office with their names, addresses and telephone numbers, and advise the Field Office whether they wish to attend the workshop described below. HUD encourages minority organizations to participate in this program as Sponsors. Field Offices, at the date and time specified in the Invitations, will conduct workshops to explain the section 202 Program.

HUD strongly recommends that prospective applicants attend the local Field Office workshop. More detailed information covering the time and place of the particular workshops will be set out in the Field Office Invitation. Interested persons with disabilities should contact the Field Office to assure that any necessary arrangements can be made for them to enable their attendance and participation in the workshop. While strongly urged to do so, if Sponsors cannot attend a workshop, Application Packages and handbooks can also be obtained from the Field Offices. Contact the appropriate Field Office with any questions regarding the submission of applications.

At the workshops, Application Packages will be distributed, application procedures and requirements (including the Department's equal opportunity, environmental, design and cost standards and required exhibits) will be explained. Also, concerns such as local market conditions, building codes, historic preservation, floodplain management, displacement and relocation, zoning and housing costs will be addressed.

III. Application Submission Requirements

1. Application

Each application shall include all of the information, materials, forms, and exhibits listed inparagraph 2 of this section and must be indexed and tabbed. The Field Office will base its determination of the eligibility of the Sponsor for a reservation of section 202 capital advance funds on the information provided in the application.

In preparing applications, applicants will be able to utilize information and exhibits previously prepared for prior applications under section 202, section 811 or other funding programs. Examples of exhibits that may be readily adapted or amended to decrease the burden of application preparation include, among others, those on previous participation in the section 202 or section 811 programs; applicant experience in housing and services; financial capacity; supportive services plan; community ties, and experience servicing minorities.

2. Application Contents

(a) Each applicant (Sponsor) shall include on a Form HUD–92013, Application for Multifamily Housing Project:

(1) The name, address, and telephone number of the Sponsor(s);

(2) The name, title, address, and telephone number of the officer or director of the Sponsor's Board of Directors to whom communications should be addressed;

(3) The following specific information regarding the project:

(i) Number of units requested by size (efficiency (415 sq. ft.), one-bedroom (540 sq. ft.) or two-bedroom (800 sq. ft.));

(ii) Dollar amount of the capital advance requested;

(iii) Estimated land cost;

(iv) Number and types of structures;

(v) Number of stories planned and whether an elevator will be included; and

(vi) Development method (new construction, rehabilitation or acquisition from the RTC).

(b) Additional exhibits must include:

(1) A Housing Consultant's Resume, Contract (Form HUD 92531A–EH) and an Identity of Interest and Disclosure Certification (if the Sponsor has employed a project consultant).

(2) Evidence of each Sponsor's legal status as a private, nonprofit organization or nonprofit consumer cooperative, including the following:

(i) Articles of Incorporation, constitution, or other organizational documents;

(ii) By-laws;

(iii) A typed incumbency certificate, listing all officers and directors, title, beginning date of each person's term and when that term expires. It must be certified by an officer of the Sponsor that it constitutes all duly qualified and sitting officers and directors as of the date the application is filed with HUD;

(iv) IRS tax exemption ruling (this must be submitted by all Sponsors, including churches). A nonprofit organization organized in the Commonwealth of Puerto Rico and exempt from income taxation under Puerto Rico law, or a consumer cooperative that is tax exempt under State law, has never been liable for payment of Federal income taxes, and does not pay patronage dividends may be exempt from the requirement set out in the previous sentence if they are not eligible for tax exemption; and

(v) Resolution of the board, duly certified by an officer, that no officer or director of the Sponsor or Owner has or will have any financial interest in any contract with the Owner or in any firm or corporation which has or will have a contract with the Owner.

(3) Satisfactory evidence that the Sponsor:

(i) Has the necessary legal authority to sponsor the project and to assist the Owner to finance, acquire, construct, or rehabilitate and maintain the project; and

(ii) Will form an Owner (as defined in § 889.105) after the issuance of the fund reservation, will cause the Owner to file a request for determination of eligibility and a request for a capital advance under § 889.400, and will provide sufficient resources to the Owner to ensure the development and long-term operation of the project.

(4) A description of the Sponsor's ties to the community, including the minority community, and support from local community groups.

(5) Evidence of any previous participation in HUD programs by the Sponsor, its officers or directors, on Form HUD 2530. If none, forms must be submitted indicating "No previous experience."

(6) A description of any financial default, modification of terms and conditions of financing, or legal action taken or pending against the Sponsor or its officers, directors, or trustees in their corporate capacity.

(7) A description of the following:

(i) any other rental housing projects and/or medical facilities, sponsored, owned and operated by the Sponsor including a description of experience in providing housing and/or medical facilities to the elderly and/or families; and

(ii) The Sponsor's experience in providing housing, medical facilities and/or related services to minority persons or families and in contracting with minority and women-owned business enterprises.

(8) A description of the Sponsor's past or current involvement in any programs other than housing (including its provision of services) that demonstrates the Sponsor's management capabilities and experience, including a description of the Sponsor's experience in serving the elderly and/or families.

(9) A certified Board Resolution, acknowledging responsibilities of sponsorship, long-term support of the project(s), willingness of Sponsor to assist the Owner to develop, own, manage and provide appropriate services in connection with the prosposed project, and that it reflects the will of its membership.

(10) A list of the applications, if any, the Sponsor has submitted or is planning to submit to any other Field Office in response to the current Invitations under this NOFA, the NOFA for Supportive Housing for Persons with Disabilities (published elsewhere in today's **Federal Register**) or other Invitations under Part 889 or Part 890. Indicate by Field Office, the proposed location by city and State, and the number of units requested, and the financial commitments related to each application.

(11) An estimate of start-up expenses for the project and the source of funds to meet these expenses.

(12) Evidence, in the form of a certified Board Resolution, of the Sponsor's willingness to fund the Minimum Capital Investment, estimated start-up expenses, and any associated development or operating costs related to items not covered by the capital advances under § 889.240 and to ensure the development and long-term operation of the project. Also, as evidence of the Sponsor's financial ability to cover those costs, include:

(i) A brief narrative description of financial history;

(ii) Copies of balance sheets and statements of income and expenses for each of the past three years that the Sponsor has operated. The financial statements, at a minimum, must include the information contained in Form HUD–92417 and a certification pursuant to the criminal warning provided in U.S. Criminal Code, Section 1001, Title 18 U.S.C.;

(iii) Form HUD–2013 Supplement, Application for Project Mortgage Insurance, listing current bank and trade references; and

(iv) A list of all FY 1991 and prior year projects to which the Sponsor(s) is a party, identified by project number, Field Office, funding year and month and year of initial closing, current status (if finally closed, indicate month and year) and financial requirements for closing.

Note: If funds to meet the financial requirements of the applications being submitted are being committed by an organization other than the sponsor, evidence of that organization's financial capacity must be included in this exhibit, in addition to the sponsor's financial statements.

(13) The following additional information with respect to the proposed project:

(i) A description of the category or categories of elderly persons the housing is intended to serve and the need for supportive housing for that population in the area to be served.

(ii) Evidence that the Sponsor has entered into a legally binding option agreement to buy or lease the proposed site; or has a copy of the contract of sale for the site, a deed, long-term leasehold or other evidence of legal ownership of the site (including properties to be acquired from the Resolution Trust Corporation). The option agreement period should extend through the end of the current fiscal year and contain a renewal provision to guarantee site availability through the subsequent stage of processing. The Sponsor must also identify any restrictive covenants, including reverter clauses. In the case of a site to be acquired from a public body, evidence that the public body possesses clear title to the site, and has entered into a legally binding agreement to lease or convey the site to the Sponsor after it receives and accepts a notice of Section 202 fund reservation and identification of any restrictive covenants, including reverter clauses. However, in localities where HUD determines the time constraints of the funding round will not permit all of the required official actions (*e.g.*, approval of Community Planning Boards) which are necessary to convey publicly-owned sites, a letter in the application from the Mayor or Director of the appropriate local agency indicating approval of conveyance of the site contingent upon the necessary approval action is acceptable and may be approved by the Field Office if it has had satisfactory experience with timely conveyance of sites from that public body. In such cases, documentation shall also include a copy of the public body's evidence of ownership and identification of any restrictive covenants, including reverter clauses.

Note: A proposed project site may not be acquired or optioned from a general contractor (or its affiliate) which will construct the section 202 project or from any other development team member.

(iii) A map showing the location of the site and the racial composition of the neighborhood, with the area of racial concentration delineated.

(iv) A sketch of the site plan showing the general development of the site including the proposed location of the proposed building(s), streets, parking areas and drives, service areas, and unusual site features.

(v) Evidence that the project as proposed is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action required to make the proposed project permissible and the basis for belief that the proposed action will be completed successfully before the receipt of the conditional commitment application (*e.g.*, a summary of the results of any recent requests for rezoning on land in similar zoning classifications and the time required for such rezoning, preliminary indications of acceptability from zoning bodies, *etc.*).

(14) A statement that (a) identifies all persons (families, individuals, businesses and nonprofit organizations (identified by race/minority group, and status as owners or tenants) occupying the property on the date of submission of the application for fund reservation (or date of initial site control, if later); (b) indicates the estimated cost of relocation payments and other services, and (c) identifies the staff organization that will carry out the relocation activities.

Note: If any of the relocation costs will be funded from sources other than the section 202 capital advance, the sponsor must provide evidence of a firm commitment of these funds. Due to potentially high relocation costs, sponsors are encouraged to utilize sites which involve minimal or no relocation costs.

(15) A narrative description of the proposed housing consistent with § 889.270(c), including:

(i) If and how the project will promote energy efficiency and if applicable, innovative construction or rehabilitation methods or technologies to be used that will promote efficient construction.

(ii) Identification and description of all community spaces, special amenities or features planned for the housing. A description of how the spaces will be utilized also must be included. If these amenities, features, or community spaces would not comply with the design and cost standards, the Sponsor must demonstrate its ability and willingness to contribute both the incremental development cost and continuing operating cost associated with the community spaces, features or amenities.

(16) Typical unit plans and floor plans of all floors providing community space, indicating dimensions of spaces to be used for the provision of supportive services.

(17) Identify on a Form HUD 92013E, Supplemental Application Processing Form—Housing for the Elderly, all supportive services, if any, to be provided to the persons occupying such housing; and describe (a) the manner in which such services will be provided to such persons (*i.e.*, on or off-site), including, whether a service coordinator will facilitate the adequate provision of such services, and (b) the public or private sources of assistance that may reasonably be expected to fund or provide such services.

(18) Signed certifications of the Sponsor(s)' intent to comply with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Orders 11063 and 11246, section 3 of the Housing and Urban Development Act of 1968, and the affirmative fair housing marketing requirements at 24 CFR part 200, subpart M.

(19) A certification from the appropriate State or local agency that the provision of services identified in the application is well designed to serve the special needs of the category or categories of elderly persons the housing is intended to serve.

(20) A certification of the Sponsor(s) that the appropriate State agency (single point of contact) under Executive Order 12372, Intergovernmental Review, has been contacted to determine if the section 202 Program is covered under the State review process and, if applicable, the date the application was submitted to the State.

(21) A certification on SF–424, Application for Federal Assistance, that the Sponsor(s) is not delinquent on the repayment of any Federal debt.

(22) A certification by the Sponsor(s) that the section 202 funds will not be used to lobby the Executive or Legislative branches of the Federal government.

(23) A certification that the Sponsor(s) will comply with the requirements of the Drug-Free Workplace Act.

(24) A certification that the project will comply with HUD's design and cost standards, the Uniform Federal Accessibility Standards and HUD's implementing regulations at 24 CFR part 40, Section 504 of the Rehabilitation Act of 1973 and HUD's implementing regulations at 24 CFR part 8, and for new construction multifamily housing projects, the design and construction requirements of the Fair Housing Act and HUD's implementing regulations at 24 CFR part 100.

(25) A certification by the Sponsor(s) that it will comply (or has complied) with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), implemented by regulations at 49 CFR part 24, and 24 CFR 889.265(e).

(26) A completed Form 2880, Applicant Disclosures.

(27) A certification of consistency with an approved housing strategy (CHAS) from the lowest level of government having a full CHAS covering the jurisdiction in which the project is to be located. Should that full CHAS fail to provide a basis for consistency, either a suitable amendment can be prepared or, in the case of a proposed project in a local jurisdiction not having an existing CHAS, that lcoal jurisdiction may prepare an abbreviated strategy appropriate to the project. Such an abbreviated strategy must be submitted prior to or at the time of submission of the Section 202 application. See notice on the preparation of an abbreviated strategy published in the **Federal Register** on December 16, 1991 (56 FR 65271).

Note: To assist applicants in meeting the certification requirement where a CHAS or abbreviated housing strategy has not yet been approved, HUD will accept section 202 applications that are accompanied by a certification that the proposed activity is consistent with the CHAS or abbreviated stategy being reviewed.

IV. Corrections to Deficient Applications

A. Preliminary Evaluation

During preliminary evaluation, Sponsors will be provided 14 calendar days from the date of HUD's written notification to cure technical deficiencies in their applications. However, it is not additional time to amend the application to overcome any defects in the original submission. Technical deficiencies are inadvertently omitted documents which have been executed prior to the application deadline date (such as certifications or articles of incorporation) or clarifications of previously submitted material and are not of such a nature as to improve the competitive position of the application.

Technical deficiencies do not include items which would be considered substantive defects in the original submission. For example, if a Board resolution is missing from the original submission, but it is submitted during the 14-day period, it must have been executed prior to the deadline date for receipt of applications. If it is not submitted during the 14-day period or it is submitted during this time but executed after the deadline date for receipt of applications, it is a substantive defect and the application will be rejected. Sponsors of applications that are missing two or more complete exhibits will not be afforded an opportunity to submit the missing exhibits and will receive written notification that their applications have been rejected. However, exhibits which are certifications are not counted as missing exhibits in this determination.

Applicants whose applications are found unacceptable during the preliminary evaluation process due to substantive defects and applications which fail to adequately respond to HUD's deficiency letter within the 14-day period, will be notified that their applications are not eligible for further processing, and are rejected.

B. Technical Processing

Applications which are found acceptable during the preliminary evaluation process, or an acceptable response to HUD's deficiency letter received within the 14-day period, will undergo a more thorough analysis. As part of this analysis, HUD will conduct its environmental review in accordance with 24 CFR part 50. Examples of reasons for technical processing rejection include an unacceptable site based upon a site visit or based on a review of the detailed financial information, the Sponsor(s)' lack of sufficient financial resources. The Secretary will not reject an application based on technical processing without giving notice of that rejection and the basis therefore to the applicant and affording the applicant an opportunity to respond. An applicant will be afforded 10 calendar days from the date of HUD's written notice to appeal a technical rejection. The Field Office shall make a determination on an appeal prior to making its selection recommendations.

Upon completion of technical processing, all acceptable applications will be rated according to the selection criteria in § 889.300(d) (also above in I.D.2). Applications which have a total score of 50 points or more will be eligible for selection and will be placed in rank order.

V. Other Matters

A. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 101(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washingotn, DC 20410.

B. Federalism Executive Order

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12612, Federalism, has determined that this NOFA does not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. This NOFA merely notifies the public of the availability of capital advances and project rental assistance for supportive housing for the elderly.

C. Family Executive Order

The General Counsel, as the Designated Official under Executive Order No. 12606, The Family, has determined that this NOFA does not significantly affect family formation, maintenance, or general well-being, and, thus, is not subject to review under the order.

D. HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by Part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

E. Applicant/Recipient Disclosures; Subsidy-Layering: HUD Reform Act

Documentation and public access. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942, for further information on these requirements.)

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Subsidy-layering determinations. 24 CFR 12.52 requires HUD to certify that the amount HUD assistance is not more than is necessary to make the assisted activity feasible after taking account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on requesting

these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act (24 CFR part 15).

F. Lobbying

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

(Catalog of Federal Domestic Assistance Program)

The Catalog of Federal Domestic Assistance Program title and number is 14.181, Housing for the Elderly or Handicapped.

Authority: Section 202, Housing Act of 1959, as amended (12 U.S.C. 1701q), Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 21, 1992.

Arthur J. Hill,

Assistant Secretary for Housing, Federal Housing Commissioner.

Appendix A—HUD Field Offices

HUD FIELD OFFICES

Region I

Boston, Massachusetts Regional Office

(Jurisdiction: Massachusetts)

Harold Thompson, (Acting) Regional Administrator Regional Housing Commissioner, HUD—Boston Regional Office, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 375, Boston, Massachusetts 02222–1092, (617) 565–5234, TDD (617) 565–5453

Hartford, Connecticut Office

(Jurisdiction: Connecticut)

William Hernandez, Jr., Manager, HUD—Hartford Office, 330 Main Street, Hartford, Connecticut 06106–1860, (203) 240–4523, TDD (203) 240–4522

Manchester, New Hampshire Office

(Jurisdiction: New Hampshire)

James Barry, Manager, HUD—Manchester Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, New Hampshire 03101–2487, (603) 666–7681, TDD (603) 666–7518

Providence, Rhode Island Office

(Jurisdiction: Rhode Island)

Casimir J. Kolaski, Jr., Manager, HUD—Providence Office, 330 John O. Pastore Federal Building and U.S. Post Office—Kennedy Plaza, Providence, Rhode Island 02903–1745, (401) 528–5351, TDD (401) 528–5304

Region II

New York Regional Office

(Jurisdiction: New York, New Jersey)

Dr. Anthony Villane, Regional Administrator-Regional Housing Commissioner, HUD—New York Regional Office, 26 Federal Plaza, New York, New York 10278–0068, (212) 264–8068, TDD (212) 264–0927

Buffalo, New York Office

(Jurisdiction: New York)

Joseph Lynch, Manager, HUD—Buffalo Office, Lafayette Court, 5th Floor, 465 Main Street, Buffalo, New York 14203–1780, (716) 846–5755, TDD (716) 846–5787

Newark, New Jersey Office

(Jurisdiction: New Jersey)

Theodore Britton, Jr., Manager, HUD—Newark Office, Military Park Building, 60 Park Place, Newark, New Jersey 07102–5504, (201) 877–1662, TDD (201) 877–6649

Region III

Philadelphia, Pennsylvania Regional Office

(Jurisdiction: Pennsylvania)

Michael Smerconish, Regional Administrator, HUD—Philadelphia Regional Office, Liberty Square Building, 105 South 7th Street, Philadelphia, Pennsylvania 19106–3392, (215) 597–2560, TDD (215) 597–5564

Washington, DC Office

(Jurisdiction: District of Columbia)

I. Toni Thomas, Manager, HUD—Washington, DC Office, Union Center Plaza, Phase II, 820 First Street, NE., Suite 300, Washington, DC 20002–4205, (202) 275–9200, TDD (202) 275–0967

Baltimore, Maryland Office

(Jurisdiction: Maryland)

Maxine Saunders, Manager, HUD—Baltimore Office, 10 North Calvert Street, 3rd Floor, Baltimore, Maryland 21202–1865, (301) 962–2121, TDD (301) 962–0106

Pittsburgh, Pennsylvania Office

(Jurisdiction: Pennsylvania)

Choice Edwards, Manager, HUD—Pittsburgh Office, 412 Old Post Office Courthouse Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219–1906, (412) 644–6428, TDD (804) 771–2220

Richmond, Virginia Office

(Jurisdiction: Virginia)

Mary Ann Wilson, Manager, HUD—Richmond Office, 400 North 8th Street, Richmond, Virginia 23240, (804) 771–2721, TDD (804) 771–2820

Charleston, West Virginia Office

(Jurisdiction: West Virginia)

Ron Rash, Manager, HUD—Charleston Office, 405 Capitol Street, Suite 708, Charleston, West Virginia 25301–1795, (304) 347–7000, (FTS) 930–7036

Region IV

Atlanta, Georgia Regional Office

(Jurisdiction: Georgia)

Raymond A. Harris, Regional Administrator-Regional Housing Commissioner, HUD—Atlanta Regional Office, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303–3388, (404) 331–5136, TDD (404) 730–2654

Birmingham, Alabama Office

(Jurisdiction: Alabama)

Robert E. Lunsford, Manager, HUD—Birmingham Office, 600 Beacon Parkway West, Suite 300, Birmingham, Alabama 35209–3144, (205) 731–1617, TDD (205) 731–1617

Louisville, Kentucky Office

(Jurisdiction: Kentucky)

Verna V. Van Ness, Acting Manager, HUD—Louisville Office, 601 West Broadway, Post Office Box 1044, Louisville, Kentucky 40201–1044, (502) 582–5251, TDD (502) 582–5139

Jackson, Mississippi

(Jurisdiction: Mississippi)

Sandra Freeman, Manager, HUD—Jackson Office, Dr. A.H. McCoy Federal Building, 100 W. Capitol Street, Room 910, Jackson, Mississippi 39269–1096, (601) 965–4702, (FTS) 490–4702

Greensboro, North Carolina

(Jurisdiction: North Carolina)

Larry J. Parker, Manager, HUD—Greensboro Office, 415 North Edgeworth Street, Greensboro, North Carolina 27401–2107, (919) 333–5363, (FTS) 699–5361

Caribbean Office

(Jurisdiction: Puerto Rico)

Rosa Villalonga, Acting Manager, HUD—Caribbean Office, San Juan Center, 159 Carlos E. Chardon Avenue, San Juan, Puerto Rico 00918–1804, (809) 766–5201

Columbia, South Carolina Office

(Jurisdiction: South Carolina)

Ted B. Freeman, Manager, HUD—Columbia, Office, Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, South Carolina 29201–2480, (803) 765–5592

Knoxville, Tennessee Office

(Jurisdiction: Tennessee)

Richard B. Barnwell, Manager, HUD—Knoxville Office, John J. Duncan Federal Bldg., 710 Locust Street, S.W., Knoxville, Tennessee 37902–2526, (615) 549–9384, TDD (615) 549–9372

Nashville, Tennessee Office

(Jurisdiction: Tennessee)

John H. Fisher, Manager, HUD—Nashville Office, 251 Cumberland Bend Drive, Suite 200, Nashville, Tennessee 37228–1803, (615) 736–5213

Jacksonville, Florida Office

(Jurisdiction: Florida)

James T. Chaplin, Manager, HUD—Jacksonville Office, 325 West Adams Street, Jacksonville, Florida 32202–4303, (904) 791–2626

Region V

Chicago, Illinois Regional Office

(Jurisdiction: Illinois)

Gertrude Jordan, Regional Administrator-Regional Housing Commissioner, HUD—Chicago Regional Office, 626 West Jackson Boulevard, Chicago, Illinois 60606, (312) 353–5680

Detroit, Michigan Office

(Jurisdiction: Michigan)

Harry I. Sharrott, Manager, HUD—Detroit Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan 48226–2592, (313) 226–6280

Indianapolis, Indiana Office

(Jurisdiction: Indiana)

J. Nicholas Shelley, Manager, HUD—Indianapolis Office, 151 North Delaware Street, Indianapolis, Indiana 46204–2526, (317) 226–6303

Grand Rapids, Michigan Office

(Jurisdiction: Michigan)

Ronald C. Weston, Manager, HUD—Grand Rapids Office, 2922 Fuller Avenue, N.E., Grand Rapids, Michigan 49505–3409, (616) 456–2100

Minneapolis-St. Paul, Minnesota

(Jurisdiction: Minnesota)

Thomas Feeney, Manager, HUD—Minneapolis-St. Paul Office, 220 Second Street, South, Bridge Place Building, Minneapolis, Minnesota 55401–2195, (612) 370–3000

Cincinnati, Ohio Office

(Jurisdiction: Ohio)

William J. Harris, Manager, HUD—Cincinnati Office, Federal Office Building, Room 9002, 550 Main Street, Cincinnati, Ohio 45202–3253, (513) 684–2884

Cleveland, Ohio Office

(Jurisdiction: Ohio)

George L. Engel, Manager, HUD—Cleveland Office, One Playhouse Square, 1375 Euclid Avenue, Room 420, Cleveland, Ohio 44115–1832, (216) 522–4065

Columbus, Ohio Office

(Jurisdiction: Ohio)

Robert W. Dolin, Manager, HUD—Columbus Office, 200 North High Street, Columbus, Ohio 43215–2499, (614) 469–5737

Wilwaukee, Wisconsin Office

(Jurisdiction: Wisconsin)

Delbert F. Reynolds, Manager, HUD—Milwaukee Office, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, Wisconsin 53203–2289, (414) 291–3214

Region VI

Fort Worth, Texas Regional Office

(Jurisdiction: Texas)

Sam R. Moseley, Regional Administrator—Regional Housing Commissioner, HUD—Fort Worth Regional Office, 1600 Throckmorton, Post Office Box 2905, Fort Worth, Texas 76113–2905, (817) 885–5401, TDD (817) 728–5447

Houston, Texas Office

(Jurisdiction: Texas)

William Robertson, Jr., Manager, HUD—Houston Office, National Bank of Texas Building, 2211 Norfolk, Suite 300, Houston, Texas 77098–4096, (713) 229–3589

San Antonio, Texas Office

(Jurisdiction: Texas)

A. Cynthia Leon, Manager, HUD—San Antonio Office, Washington Square Building, 800 Dolorosa Street, San Antonio, Texas 78207–4563, (512) 229–6885

Little Rock, Arkansas Office

(Jurisdiction: Arkansas)

Roger Zachritz, (Acting) Manager, HUD—Little Rock Office, Lafayette Building, 523 Louisiana, Suite 200, Little Rock, Arkansas 72201–3523, (501) 378–5931, TDD (501) 378–5404

New Orleans, Louisiana Office

(Jurisdiction: New Orleans)

Robert J. Vasquez, Manager, HUD—New Orleans Office, Fisk Federal Building, 1661 Canal Street—P.O. Box 70288, New Orleans, Louisiana 70172–2887, (504) 589–7200

Oklahoma City, Oklahoma Office

(Jurisdiction: Oklahoma)

Edwin I. Gardner, Manager, HUD—Oklahoma City Office, Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, Oklahoma 73102–3202, (405) 231–4181, TDD (405) 231–4181

Region VII

Kansas City, Missouri Regional Office

(Jurisdiction: Missouri)

William H. Brown, Regional Administrator-Regional Housing Commissioner, HUD—Kansas City Regional Office, Gateway Tower-II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 236–2162, TDD (913) 236–3972

Omaha, Nebraska Office

(Jurisdiction: Nebraska)

Roger M. Massey, Manager, HUD—Omaha Office, Braiker/Brandeis Building, 210 South 16th Street, Omaha, Nebraska 68102–1622, (402) 221–3703, TDD (402) 221–3703

St. Louis, Missouri Office

(Jurisdiction: Missouri)

Kenneth G. Lange, Manager, HUD—St. Louis Office, 210 North Tucker Boulevard, St. Louis, Missouri 63101–1997, (314) 425–4761, TDD (314) 425–6331

Des Moines, Iowa Office

(Jurisdiction: Iowa)

William McNarney, Manager, HUD—Des Moines Office, Federal Building, 210 Walnut Street, Room 259, Des Moines, Iowa 50309–2155, (515) 284–4512, TDD (515) 284–4706

Region VIII

Denver, Colorado Regional Office

(Jurisdiction: Colorado)

Michael Chitwood, Regional Administrator-Regional Housing Commissioner, HUD—Denver Regional Office, Executive Tower Building, 1405 Curtis Street, Denver, Colorado 80202–2349, (303) 844–4513

Region IX

San Francisco, California Regional Office

(Jurisidiction: California)

Robert De Monte, Regional Administrator-Regional Housing Commissioner, HUD—San Francisco Regional Office, Phillip Burton Federal Building & U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102–3448, (415) 556–4752, TDD (415) 556–8357

Honolulu, Hawaii Office

(Jurisdiction: Hawaii)

Gordon Y. Furutani, Manager, HUD—Honolulu Office, 300 Ala Moana Boulevard, Room 3318, Honolulu, Hawaii 96850–4991, (808) 546–2130, TDD (808) 551–1348

Los Angeles, California Office

(Jurisdiction: California)

Charles Ming, Manager, HUD—Los Angeles Office, 1615 W. Olympic Boulevard, Los Angeles, California 90015–3801, (213) 251–7122, TDD (213) 251–7038

Sacramento, California Office

(Jurisdiction: California)

Anthony A Randolph, Manager, HUD—Sacramento Office, 777 12th Street, Suite 200, Post Office Box 1978, Sacramento, California 95814–1977, (916) 551–1351, TDD (916) 551–5071

Phoenix Office

(Jurisdiction: Arizona)

Dwight A. Peterson, Manager, HUD—Phoenix Office, One North First Street, Suite 300, Post Office Box 13468, Phoenix, Arizona 85002–3468, (602) 261–4434, TDD (602) 379–4461

Region X

Seattle, Washington Office

(Jurisdiction: Washington)

Richard Bauer, Regional Administrator-Regional Housing Commissioner, HUD—Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101–2058, (206) 442–5414

Portland, Oregon Office,

(Jurisdiction: Oregon)

Richard C. Brinck, Manager, HUD—Portland Office, Cascade Building, 520 SW Sixth Avenue, Portland, Oregon 97204–1596, (503) 221–2561, (FTS) 423–2561

Anchorage, Alaska Office

(Jurisdiction: Alaska)

Arlene Patton, Acting Manager, HUD—Anchorage Office, 222 W. 8th Avenue, #64, Anchorage, Alaska 99513–7537, (907) 271–4170, (FTS) 907–271–4170

[FR Doc. 92–5233 Filed 3–5–92; 8:45 am]

BILLING CODE 4210–37–M

federal register

Friday
March 6, 1992

Part VI

Department of the Interior

Bureau of Indian Affairs

Draft Environmental Impact Statement (DEIS) for the Campo Solid Waste Management Project on the Campo Indian Reservation, San Diego County, CA; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Enviornmental Impact Statement (DEIS) for the Campo Solid Waste Management Project on the Campo Indian Reservation, San Diego County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of DEIS and public hearing dates.

SUMMARY: This notice advises the public that a Draft Environmental Impact Statement (DEIS) for a proposed lease of a portion of the Campo Indian Reservation for development of a solid waste management project is available for public review and that public hearings will be held regarding this document. This notice is furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR part 1503) to obtain comments on the DEIS from agencies and the public.

DATES: Written comments should be received on or before May 8, 1992, and should be directed to Mr. Ronald M. Jaeger, Area Director, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Public hearings on the DEIS will be held on Monday, April 6, 1992, 1 p.m. at the San Diego County Administration Center, 1600 Pacific Highway, San Diego, California; Monday, April 6, 1992, 7 p.m. at the Mountain Empire High School, 3305 Buckman Springs Road, Pine Valley, California; and Tuesday, April 7, 1992, 7 p.m. at the Campo Indian Reservation Tribal Center, State Highway 94 and BIA Route 10. Comments and participation at the public hearings are solicited. Individuals wishing copies of this DEIS for review should immediately contact Science Applications International Corporation, Environmental Programs Dividion, 121 Gray Avenue, suite 101, Santa Barbara, California, 93101, Attention: Mr. Richard A. Kentro. Telephone (805) 966–0811. Copies of the DEIS have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies of the document.

FOR FURTHER INFORMATION CONTACT: Mr. Donald B. Knapp, Environmental Quality Specialist, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Telephone (916) 978–4703.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs, Department of the Interior, in cooperation with the Campo Band of Mission Indians, has prepared a DEIS on the proposed lease of a portion of the Campo Indian Reservation in San Diego County, California. The Campo Band proposes to lease the land to their wholly owned subsidiary, Muht-Hei, Inc.

Muht-Hei, Inc., proposes to develop an integrated solid waste management project including a sanitary landfill, a materials recovery (recycling) facility, and a composting facility. The project would be located on the reservation of the Campo Band of Mission Indians in southeastern San Diego County, California. The technical services of Mid-American Waste Systems, Inc. and Campo Projects Corporation would be used pursuant to subleases and other agreements. Muht-Hei, Inc. is a tribally chartered, wholly owned corporation of the Campo Band of Mission Indians. Muht-Hei, Inc. was expressly incorporated for the purpose of assisting the Campo Band in the development of projects for the economic benefit of the Band. Mid-American Waste Systems is a publicly held corporation chartered in Ohio, specializing in design, construction, and operation of landfills and waste management systems. Campo Projects Corporation is a privately held corporation chartered in the state of New York, specializing in recycling and resource recovery.

The sanitary landfill, materials recovery, composting, and ancillary facilities would be included on one contiguous 600-acre site located within the 1,150-acre lease area. The remaining 550 acres of lease area that surround the site would provide an undeveloped buffer area between the site and private lands to the east and to the south. The buffer area would be 700 to 1,660 feet wide on the east and 1,200 to 2,200 feet wide on the south.

Other actions outside the lease area would include upgrading of an existing dirt road to provide a 1.7-mile paved access road from State Highway 94 to the site, truck delivery of water from an off-site location on the reservation, and delivery of solid waste to the site via the San Diego & Imperial Valley (SD&IV) Railroad.

The proposed use of the SD&IV Railroad to deliver municipal solid waste to the project site is an important feature of the proposed project. The SD&IV Railroad (formerly the San Diego & Arizona Eastern Railroad) is a short-line railroad that operates between San Diego and El Cajon and also from San Diego south to San Ysidro, then across the Mexican border at Tijuana and east to Tecate. Although little used east of Tecate, the line re-enters the United States near the town of Camp and crosses the Campo Reservation before continuing east to El Centro in the Imperial Valley. The track is washed out east of the reservation, but it is in fair to good repair to the west between the reservation and Tecate.

As proposed, almost all of the waste materials delivered to the project site would arrive via rail haul on the SD&IV Railroad. Wastes that would be expected to be delivered via truck rather than rail would include materials destined for the composting facility and possibly wastes from local southeast San Diego County communities. Rail haul provides a unique and potentially less expensive means to haul waste materials to a distant disposal site. The Proposed Site at the Campo Reservation is ideally located to take advantage of the existing railroad.

The proposed sanitary landfill would be classified as a Class III solid waste disposal facility according to the California Code of Regulations (CCR, title 23, division 3, chapter 15) and the CEPA Solid Waste Management Regulations (Title V, § 505.23). Wastewater sewage or water treatment sludge could be accepted if it meets certain standards. However, infectious waste, asbestos, petroleum or its byproducts, polychlorinated biphenyls, and other hazardous wastes would not be accepted.

The landfill portion of the proposed project would require a total of approximately 425 acres. The capacity of the landfill site is estimated to be 40 million cubic yards (or about 28 million tons) with a capacity for accepting up to 3,000 tons per day (tpd) for approximately 30 years.

The proposed Materials Recovery Facility (MRF) would house the recycling activities and would provide temporary storage for recovered materials prior to shipment to markets. The MRF would be located adjacent to the landfill.

The composting facility would be located on approximately 10 acres near the northern boundary of the project site. The composting process selected for this project is referred to as "in-vessel" composting. This process is carried out with all initial ingredients, receipt, mixing, and biochemical reactions occurring in a completely closed system. The product would be a controlled composition, high quality compost product, selectively suitable for sale into the agricultural, gardening, and/or landscaping markets.

Indian reservations are governed as sovereign nations, thus, the permitting requirements of state and local regulatory agencies do not apply. The Campo Environmental Protection Agency (CEPA) has been empowered by the Campo tribal government to adopt and enforce standards and regulations specifically designed to protect the environment and tribal lands. Permitting and environmental standards will be enforced by the CEPA under adopted codes and procedures. The standards must, at a minimum, meet the applicable standards of the EPA, BIA, and other federal agencies.

Alternatives considered and evaluated with the proposed action include two alternative site locations on the reservation identified as Alternative Site 1 and Alternative Site 2. Also evaluated with the proposed action are the alternatives of a reduced waste stream and a reduced area of disturbance. The No-Action Alternative is also evaluated.

Alternative Site 1 is in the north-south trending canyon in the central portion of the reservation. An area of approximately 210 acres would be available for use as a landfill with an overall capacity of 40 million cubic yards. Development of this site would displace the currently active Campo sand quarry. Facilities associated with this alternative would include the sanitary landfill, the MRF, and the composting facility. Access to the facility could be accomplished by both rail and truck transport, although rail deliveries would require the construction of a 2-mile rail spur to the site. Truck delivery would be accomplished via Interstate 8 and State Highway 94, then north on BIA Route 10.

Alternative Site 2 is located in the extreme southwestern portion of the reservation. The site is in an unnamed canyon that runs southeast to northwest. The site encompasses approximately 180 acres. Canyon depth ranges from 120 to 200 feet with an average depth of 160 feet. Estimated capacity of the site is 45 million cubic yards. Operations at this site would require use of truck haul only, because it is unlikely that a rail spur would be constructed to the site due to the grade required. This site would not have sufficient cover material for the landfill and would require importation of cover material. It may be possible to utilize materials from the Campo sand quarry as supplemental cover material. Facilities associated with this alternative would include the sanitary landfill, the MRF, and the composting facility. Waste haul would be by Interstate 8 and State Highway 94, then south to an unpaved road on the reservation.

A reduced waste stream at the Proposed Site could be utilized to accomplish one of several goals. A reduction in the daily waste stream from 3,000 to 1,500 tpd would reduce the amount of rail and/or truck traffic to the site, could result in less daily water consumption, and would reduce the number of workers required for the project. Reducing the daily waste stream by one-half, however, would also have a major effect on both the viability of the project from an operational as well as economic perspective on a short-term basis. Annual revenues to the Campo Band would be reduced by about 50 percent. The useful life of the Proposed Site, however, would be increased from 30 to 60 years under the projected use rates of the proposed action.

A reduction in the capacity of the proposed landfill by reducing its areal extent was also examined as an alternative. Reduction in the areal extent of the landfill would result in an overall reduction of the capacity of the landfill and the lifetime of the project. Total revenues to the Campo Band over the life of the project would be reduced by about 50 percent. Although a reduced area of disturbance would shorten the life of the active project, it would not include a decrease in the daily amounts of water required to operate the facility or a potential reduction in the air, noise, groundwater, and traffic impacts associated with the proposed action.

The No-Action Alternative would continue the present situation. Neither the proposed action nor any of the alternatives would be developed. The need for economic development on the reservation would remain. The Campo Band would continue to experience low income and employment levels.

Other government agencies and members of the public have contributed to the planning and evaluation of the proposals and to the preparation of this DEIS. The scoping process for the Campo Solid Waste Management EIS began with the publication of a Notice of Intent (NOI) in the September 26, 1989, **Federal Register**.

Public scoping meetings were held on October 12 and 13, 1989, at the Campo Reservation, in the town of Campo, and in Chula Vista, California, to obtain input from Federal, State, local, and tribal agencies and the interested public.

Agencies and individuals are urged to provide comments on this DEIS as soon as possible. All comments received by the dates given above will be considered in preparation of the final EIS.

This notice is published pursuant to § 1503.1 of the Council of Environmental Quality Regulations (40 CFR, parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), Department of the Interior Manual (516 DM 1–8) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: February 27, 1992.

Patrick A. Hayes,

Director, Office of Trust and Economic Development.

[FR Doc. 92–5041 Filed 3–5–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Friday
March 6, 1992

Part VII

Department of Education

Protection and Advocacy of Individual Rights; Notice of Proposed Priority for Fiscal Year 1992

DEPARTMENT OF EDUCATION

Protection and Advocacy of Individual Rights

AGENCY: Department of Education.

ACTION: Notice of proposed priority for fiscal year 1992.

SUMMARY: The Secretary proposes a priority for fiscal year 1992 for grants to develop pilot projects to protect and advocate for the rights of individuals with severe disabilities who are receiving services under title VII of the Rehabilitation Act of 1973, as amended, (Act) and who are not eligible for services provided by existing protection and advocacy or ombudsman programs or whose request for services cannot be addressed by client assistance programs funded under section 112 of the Act.

DATES: Comments must be received on or before April 6, 1992.

ADDRESSES: All comments concerning this proposed priority should be addressed to Thomas Finch, U.S. Department of Education, 400 Maryland Avenue, SW., room 3319 Switzer Building, Washington, DC 20202–2741.

FOR FURTHER INFORMATION CONTACT: Victor Galloway, U.S. Department of Education, 400 Maryland Avenue, SW., room 3314 Switzer Building, Washington, DC 20202–2741. Telephone: (202) 732–1552 (voice) and 732–1352 (TDD).

SUPPLEMENTARY INFORMATION: Section 731 (part D of title VII) of the Rehabilitation Act of 1973, as amended, authorizes grants to States to establish systems for the protection and advocacy of the rights of individuals with severe disabilities receiving services under title VII. The Secretary proposes to conduct a competition for pilot projects to establish protection and advocacy programs for those individuals.

This program, as well as the priority proposed for this fiscal year, supports AMERICA 2000, the President's strategy for helping the nation move toward achievement of the National Education Goals. The priority, by encouraging the expansion of advocacy services designed to increase the involvement of individuals with severe disabilities in all facets of community life, including continuing education, supports national education goal 5 that calls for every adult American to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and resposibilities of citizenship.

The legislative history of section 731 indicates that Congress intended to have the Protection and Advocacy of Individuals Rights (PAIR) program coordinated with existing protection and advocacy programs and system in the State to avoid duplication of services. Congress also intended that the pilot programs generate sufficient data to assist the Department in determining the future course of and priorities for the PAIR program. Although the fiscal year 1992 Appropriations Act is silent on this subject, the Senate committee report accompanying the fiscal year 1992 Appropriations Act encourages projects established under section 731 of the Act to include within the services that they provide the protection and advocacy of those rights established in the Fair Housing Amendments Act of 1988 and the Americans with Disabilities Act of 1990.

Although only a State agency that is independent of the designated State unit for vocational rehabilitation or any other agency that provides services under title VII of the Act is eligible to apply for funds under section 731 of the Act, the designated PAIR agency may contract with other appropriate agencies to carry out the activities authorized under this priority. However, the designated PAIR agency may not contract with any other agency that provides services under title VII of the Act to carry out activities authorized under section 731 of the Act.

Eligible Applicants

An eligible applicant is the State through its Governor. The Governor shall designate a State agency to conduct the protection and advocacy system under section 731 of the Act that is independent of the designated State unit for vocational rehabilitation or any other agency that provides services under title VII of the Act.

The Secretary will announce the final priority in a notice in the **Federal Register**. The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the availability of funds, the nature of the final priority, and the quality of the applications received. The publication of this proposed priority does not preclude the Secretary from proposing additonal priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of proposed priority does not solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following publication of the notice of final priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this competition only applications that meet this absolute priority:

General Program Requirements

A State shall provide the Secretary with assurances that projects established with grants made under section 731 of the Act will have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of individuals with severe disabilities receiving services under title VII of the Rehabilitation Act within the State. A State shall assure that a protection and advocacy system funded under section 731 of the Act will be independent of any designated State unit that provides services under title VII of the Act to those individuals. A State shall also assure that the agency designated to conduct the protection and advocacy system under section 731 of the Act will utilize mediation to the maximum extent feasible prior to resorting to administrative or legal remedies. A State shall assure that the designated agency will involve individuals with severe disabilities in the development and implementation of the protection and advocacy system.

To prevent duplication of services, the State shall assure that the agency designated to conduct this program has knowledge of the eligibility requirements and the range of services provided by the following programs and will coordinate, as appropriate, with —

(1) The system to protect and advocate for the rights of individuals with developmental disabilities required under the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1978;

(2) The system to protect and advocate for the rights of mentally ill individuals required under the Protection and Advocacy for Mentally Ill Individuals Act of 1986;

(3) The system to provide ombudsman services on behalf of individuals receiving long-term care required under the Older Americans Act;

(4) The client assistance program required under section 112 of the Rehabilitation Act of 1973, as amended;

(5) The advocacy services provided by centers for independent living within the State; and

(6) The investigative and conciliation services funded under the Fair Housing Amendments Act of 1988.

Proposed Priority

Priority will be given to pilot projects that will protect and advocate for the rights of individuals with severe disabilities who are receiving services under title VII of the Rehabilitation Act of 1973, as amended, and who are not eligible for services provided by existing protection and advocacy or ombudsman programs or whose request for services cannot be addressed by client assistance programs funded under section 112 of the Act.

"Individual with severe disabilities" means an individual whose ability to function independently in family or community or to engage or continue in employment is so limited by the severity of his or her physical or mental disability that independent living rehabilitation services are required for the individual to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment.

Projects funded under this priority must—(1) Provide protection and advocacy services to individuals with severe disabilities receiving independent living services under title VII of the Rehabilitation Act to ensure the protection of their rights under the Rehabilitation Act and, to the extent necessary to achieve their independent living goals, the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act of 1990, and other applicable Federal, State, and local laws; (2) Engage in cooperative activities with relevant public and private agencies and organizations to address barriers that prevent these individuals from achieving their independent living goals; and (3) Conduct a self-evaluation to assist the Secretary in determining the effectiveness of the pilot demonstration projects and the future directions and scope of Federal funding of protection and advocacy services for individuals with severe disabilities.

Projects funded under this priority must build upon existing systems to carry out activities not already funded by other sources or to serve individuals not already served by other programs. Projects may establish a priority for services based upon the particular needs of the State. However, projects may not deny services to any individual based on type or types of severe disability.

The applicant shall describe how the project will inform individuals with severe disabilities of their rights and will assist those individuals in pursuing remedies under the Rehabilitation Act of 1973, as amended, the Fair Housing Amendments Act of 1988, and the Americans with Disabilities Act of 1990.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in room 3038, Mary Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Program Authority: 29 U.S.C. 796g.

(Catalog of Federal Domestic Assistance Number 84.240, Protection and Advocacy of Individual Rights)

Dated: February 19, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92–5237 Filed 3–5–92; 8:45 am]

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federal register

Friday,
March 6, 1992

Part VIII

Department of Education

Educational Research Grant Program: Researcher Training Project; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

DEPARTMENT OF EDUCATION

[CFDA No. 84.117H]

Educational Research Grant Program: Researcher Training Project; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for grant under this competition.

Purpose of Program: The Educational Research Grant Program (ERGP) supports scientific inquiry designed to advance educational theory and practice. These authorized activities as well as the invitational priority support AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals.

Eligible Applicants: The following are eligible for awards under the Educational Research Grant Program: (a) Institutions of higher education; (b) Public and private organizations, institutions, and agencies; and (c) Individuals.

Deadline for Transmittal of Applications: May 1, 1992.

Available Funds: $200,000.

Estimated Range of Awards: $200,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations:

(a) The Educational Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 75 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR part 82 (New Restrictions on Lobbying).

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The regulations for this program in 34 CFR Part 700.

Eligible Activity: Under 34 CFR 700.3 (a) and (b), the Secretary restricts applications under this competition to those proposing to carry out the following activity: training of individuals in educational research. Only applications proposing to conduct this activity will be considered under this competition.

Priority

Invitational Priority: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects to conduct educational research training that involve: (1) Mentored internships in research insititutions such as the Research and Development Centers and Regional Educational Laboratories supported by the Department's Office of Educational Research and Improvement; and (2) opportunities for participants to engage in original research and scholarly writing. Educational research training projects support AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals by stimulating research that may contribute to the improvement of American education.

The Secretary encourages projects that make special efforts to recruit minority individuals through, among other activities, collaboration with institutions and organizations where minority individuals who are potential educational research candidates may be found, such as historically Black colleges and universities, other colleges and universities that prepare minority educators, or professional associations. A grantee may not, however, limit eligibility to participate in the project on the basis of minority status. For further information regarding a grantee's obligation to comply with Federal nondiscrimination laws, see Nondiscrimination in Federally Assisted Programs, Title VI of the Civil Rights Act of 1964; Policy Interpretation, 44 FR 58509 (October 10, 1979). Copies can be obtained from the address listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Selection Criteria

(a) (1) In evaluating applications for new grants under this competition, the Secretary uses the selection criteria in 34 CFR 700.22.

(2) The program regulations in 34 CFR 700.20(b)(2) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 25 points distributed in accordance with 34 CFR 700.20(b)(4).

(3) For this competition the Secretary distributes the 25 points as follows:

(i) *Plan of operation* (34 CFR 700.22(a)). Ten points are added to this criterion for a total of 20 points.

(ii) *Evaluation plan* (34 CFR 700.22(d)). Five points are added to this cirterion for a total of 10 points.

(iii) *Significance* (34 CFR 700.22(f)). Five points are added to this criterion for a total of 20 points.

(iv) *Technical soundness* (34 CFR 700.22(g)). Five points are added to this criterion for a total of 20 points.

(4) The maximum score for each criterion is indicated in parentheses.

(b) (1) *Plan of operation* (20 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(ii) The quality of the applicant's plans to use its resources and personnel to achieve each objective of the project; and

(iii) The extent to which the applicant will equitably address the educational needs of students and educators in both public and private educational institutions.

(2) *Quality of key personnel* (20 points).

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the principal investigator;

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (b)(2)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(2)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(3) *Budget and cost-effectiveness* (5 points). The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives, design, and potential significance of the project.

(4) *Evaluation plan* (10 points). The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(5) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment and supplies.

(6) *Significance* (20 points).

(i) The Secretary reviews each application to determine the significance of the proposed project.

(ii) The Secretary determines the project's potential to make a significant contribution to American education, as measured by factors such as—

(A) Importance of the proposed project from the standpoint of basic knowledge or of problems in American education;

(B) The likely magnitude of the addition that will be made to knowledge or educational practices if the project is successful, including the extent to which the proposed outcomes can be broadly applied;

(C) The extent to which the project involves creative or innovative approaches that complement or are alternatives to existing approaches to the project's problem area; and

(D) The extent to which the project is designed to yield products and outcomes that can be disseminated and utilized in other settings, such as information, materials, processes, or techniques.

(7) *Technical soundness* (20 points).

(i) The Secretary reviews each application to determine the technical soundness of the proposed activities.

(ii) The Secretary determines—

(A) The adequacy of the project's design, methodology, instrumentation, and data analysis plan, as applicable;

(B) The extent to which the application exhibits a thorough knowledge of current research and development concepts, theories, and outcomes and relates these to the proposed activity; and

(C) The extent to which, where appropriate, the perspectives of a variety of disciplines are used.

Instructions for Transmittal of Applications: (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.117H), Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA # 84.117H), Room #3633, Regional Office Building #3, 7th and D Streets, SW, Washington, DC 20202–4725

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, and applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If and applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions.

Part III: Application Narrative.

Additional Materials:

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Diane Jones, U.S. Department of Education, 555 New Jersey Avenue, NW, room 508F Capital Place, Washington, DC 20208–5645. Telephone: 202–219–2146. FAX: 202–219–2106. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 703–8300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1221e.

Dated: March 3, 1992.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

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Appendix—PART I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and Instructions

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED / Applicant Identifier
	3. DATE RECEIVED BY STATE / State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY / Federal Identifier

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐
A State; B County; C Municipal; D Township; E Interstate; F Intermunicipal; G Special District; H Independent School Dist; I State Controlled Institution of Higher Learning; J Private University; K Indian Tribe; L Individual; M Profit Organization; N Other (Specify) _____

8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A Increase Award; B Decrease Award; C Increase Duration; D Decrease Duration; Other (specify): _____

9. NAME OF FEDERAL AGENCY: U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 1 1 7 H
TITLE: Educational Research Grant Program: Researcher Training Project

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a Applicant	b Project

15. ESTIMATED FUNDING:	
a Federal	$ .00
b Applicant	$ .00
c State	$ .00
d Local	$ .00
e Other	$ .00
f Program Income	$ .00
g TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
DATE _____
b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a Typed Name of Authorized Representative	b Title	c Telephone number
d Signature of Authorized Representative		e Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: —"New" means a new assistance award. —"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. —"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11	Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities)
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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PART II: Budget Information—Non-Construction Programs (Standard Form 424A) and Instructions.

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A *(continued)*

Line 7 – Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8-11 – Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) – Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) – Enter the contribution to be made by the applicant.

Column (c) – Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) – Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) – Enter totals of Columns (b), (c), and (d).

Line 12 — Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 – Enter the amount of cash needed by quarter from the grantor agency during the first year.

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Line 14 – Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 – Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 – Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 – Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 – Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 – Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 – Provide any other explanations or comments deemed necessary.

PART III—Application Narrative

A. *Application Instructions for New Awards.*

1. Information on who is eligible to apply for a grant award can be found in § 700.2 of the final regulations for the program.

2. In order to be considered for funding you must submit an original and two copies (and in order to expedite the review and award process, it is strongly suggested that you voluntarily submit three additional copies).

B. *Instructions for Proposal Narrative.*

1. Research Priorities.

Applicants are invited to address the priority published in the **Federal Register** Notice Inviting Applications contained in this application package.

2. Proposal Narrative

a. Applicants must provide a proposal narrative not to exceed 80–100 double spaced typed pages (normal sized type, no smaller than 10 point pica). The narrative must address each of the following criteria contained in 34 CFR 700.22:

(1) Plan of operation.
(2) Quality of key personnel.
(3) Budget and cost-effectiveness.
(4) Evaluation plan.
(5) Adequacy of resources.
(6) Significance.
(7) Technical soundness.

Under the discussion of technical soundness, applicants should describe in detail and justify the procedures that will be used to carry out the proposed work.

b. Applicants are encouraged to provide a summary of the program project (not to exceed 500 words).

3. Budget Information

3. Applicants must provide a detailed budget for each project and activity to support the request in the budget information form (SF 424A). The cost categories for the detailed budget for each project must be consistent with the cost categories in the summary budget information form. (Instructions are included.)

Provide (at line 21 and attached sheets) a breakdown detailing individual units or activities and amount for each "object class category." For example, for "personnel," show salaries and wages for each staff member by position or name; for "contractual," show consultants, sub-contractual services, materials.

4. Technical Assistance

Any questions regarding a competition should be addressed to the contact person named in the notice inviting applications contained in this package.

5. Reporting Requirements

Each applicant should consider reporting requirements in developing the plan of operation. Performance of financial reports are required at the completion of each project period. Additional guidance will be given prior to the time that the grant is awarded.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 27 hours per response, including the time for reviewing instructions, searching exiting data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1850–0651, Washington, DC 20503.

(Information collection approved under OMB control number 1850–0651. Expiration date: November 30, 1993)

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OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. **Type of Federal Action:** ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. **Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	3. **Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. **Name and Address of Reporting Entity:** ☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	5. **If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:** Congressional District, *if known:*
6. **Federal Department/Agency:**	7. **Federal Program Name/Description:** CFDA Number, *if applicable:* _____
8. **Federal Action Number,** *if known:*	9. **Award Amount,** *if known:* $
10. a. **Name and Address of Lobbying Entity** *(if individual, last name, first name, MI):*	b. **Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. **Amount of Payment** *(check all that apply):* $ _____ ☐ actual ☐ planned	13. **Type of Payment** *(check all that apply):* ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. **Form of Payment** *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. **Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:**

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. **Continuation Sheet(s) SF-LLL-A attached:** ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ Date: _____

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

[FR Doc. 92-5236 Filed 3-5-92; 8:45 am]
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federal register

Friday
March 6, 1992

Part IX

The President

Proclamation 6408—Irish-American Heritage Month, 1992

Federal Register
Vol. 57, No. 45
Friday, March 6, 1992

Presidential Documents

Title 3—

The President

Proclamation 6406 of March 4, 1992

Irish-American Heritage Month, 1992

By the President of the United States of America

A Proclamation

They trace their roots to "an isle of wondrous beauty," to a place "as kind as it is green." They are the more than 40 million Americans who claim Irish ancestry, and this month as communities across the country honor Saint Patrick, the beloved apostle of Ireland, our Nation joins in celebrating their rich heritage.

The distinct heritage of Irish immigrants and their descendants has long been a vibrant part of American history and culture. Sons and daughters of Erin were among the first colonists in America, and many played key roles in our Nation's struggle for independence. Nine of the men who signed our Declaration of Independence were of Irish origin, as was Commodore John Barry, the first naval commander commissioned by the Continental Congress. Another son of Ireland, Charles Thomson, served as the secretary of that body during all 15 years of its existence. Hailed as "the Sam Adams of Philadelphia, the life of the cause of liberty," Thomson labored to help keep the Continental Congress together until America's freedom had been won and a new government under the Constitution had been established. Scores of other Irish-Americans championed the cause of liberty through service in the Continental Army.

Although a significant number of Americans of Irish descent contributed to our Nation's independence, the largest wave of Irish immigration did not reach these shores until the mid-19th century. When a devastating potato blight in the late 1840s led to a series of crop failures and famine, well over a million Irish immigrants journeyed to this land of opportunity. Boston, New York, and other great cities grew with the influx of Irish labor, as did our Nation's railroads, metal trades, and mining communities. One historical portrait of Irish-Americans quotes a 19th-century journal as observing:

> America demands for her development an inexhaustible fund of physical energy, and Ireland supplies the most part of it. There are several sorts of power working at the fabric of this Republic—waterpower, steam-power, and Irish-power. The last works hardest of all.

Such accounts of Irish industry and resolve are, today, inspiring. Yet we know that although it is as glorious as the ancient tales of Brian Boru and as rich as the fields that border the River Shannon, the Irish-American heritage includes its share of hardship.

While farming and other trades were difficult in Ireland, even before the "Black Forties," many 19th-century Irish immigrants faced hard and dangerous work in our Nation's mining towns and cities. The Irish were no strangers to prejudice or discrimination either; they bore the brunt of the "Know-Nothing" nativist movement, and many felt the sting of signs posted by hiring employers that read: "No Irish Need Apply."

Characteristically, however, Irish-Americans proved to be more durable than the forces of bigotry and distrust—even the nickname "the fighting Irish," once used in derision, gradually became an expression of admiration and pride. With faith in Almighty God, with a strength rooted in love of family, and with full confidence in the promise of America, Irish immigrants and their descendants steadily achieved social and economic advancement. Well recognizing the virtues of democracy, Irish-Americans organized effectively at the grassroots level and greatly increased their voice in government during the early part of this century. Moreover, as they had done since the earliest days of our Republic, the Irish home, school, and church together affirmed the importance of faith, industry, and learning. Thus, today we celebrate many outstanding contributions and achievements of Irish-Americans in virtually every sphere of our national life.

Although it spans more than three centuries of American history, the Irish-American heritage continues to flourish on this soil—as perennial as the "wearing o' the green." Annual Saint Patrick's Day events in the United States resonate with a deep and earnest affinity between the American and Irish peoples. In recent years, renewed immigration from Ireland has underscored the strong ties between our two countries.

The Congress, by House Joint Resolution 350, has designated March 1992 as "Irish-American Heritage Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 1992 as Irish-American Heritage Month. I invite all Americans to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-5521
Filed 3-5-92; 10:34 am]
Billing code 3195-01-M

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H.R. 543/P.L. 102–248

To establish the Manzanar National Historic Site in the State of California, and for other purposes. (Mar. 3, 1992; 106 Stat. 40; 5 pages) Price: $1.00

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3-9-92
Vol. 57 No. 46

Monday
March 9, 1992

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Monday
March 9, 1992

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-120-AD; Amendment 39-8145; AD 92-02-09]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes, Excluding Model A300 B4-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Airbus Industrie Model A300 series airplanes, which requires certain structural inspections and modifications. This amendment is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. The actions specified by this AD are intended to prevent degradation in the structural capability of the affected airplanes.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Greg Holt, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2140; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A300 series airplanes, was published in the **Federal Register** on July 12, 1991 (56 FR 31881). That action proposed to require certain structural inspections and modifications.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter requested clarification of the "NOTE" which appears below paragraph (a)(3) of the proposal, specifically: Does the 5-year compliance threshold (reference Airbus Service Bulletin A300-53-146, Revision 6, dated November 9, 1990) apply to the time since the last inspection per AD 85-07-09, Amendment 39-5033? The FAA notes that this 5-year compliance threshold applies from December 12, 1990 [the date of issuance of French AD 90-222-116(B)], and not from the date of last inspection. Airbus Service Bulletin A300-53-197 only converts Area 2 to Area 3 for harmonization of future inspections, and accomplishment of this Service Bulletin is not considered terminating action. Accomplishment of Airbus Service Bulletin A300-53-146 is considered terminating action for Area 1 of Airbus Service Bulletin A300-53-149.

The manufacturer, Airbus Industrie, requested that, since paragraphs (a)(3) and (a)(5) of the AD contain notes that specify compliance thresholds recommended in the related Airbus service bulletins, paragraphs (a)(7) and (a)(13) should also contain a note specifying compliance thresholds in order to provide consistency. Paragraph (a)(7) relates to Revision 5 of Airbus Service Bulletin A300-53-226, dated September 7, 1991, which amends the compliance threshold to recommend action within 5 years after the issuance of French AD 90-222-116(B), but not later than 20 years after the first delivery of the airplane. Paragraph (a)(13) relates to Change Notice 08 of Service Bulletin A300-57-165, dated November 27, 1990, which classifies the Service Bulletin as mandatory, and recommends a compliance threshold of 32,000 landings. The FAA concurs, and a note relaying this information has been added to paragraphs (a)(7) and (a)(13) of the final rule.

Since issuance of the Notice, Airbus Industrie has issued Revision 7 to Service Bulletin A300-53-146, dated April 26, 1991, which revises certain part numbers listed in Revision 6 of the Service Bulletin. The FAA has revised the final rule to reflect these service bulletin revisions as additional service information sources.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

It is estimated that 66 airplanes of U.S. registry will be affected by this AD, that it will take approximately 512 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will cost approximately $74,350 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,765,660.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location

provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-02-09. Airbus Industrie: Amendment 39-8145. Docket No. 91-NM-120-AD.

Applicability: All Model A300 series airplanes, excluding Model A300 B4-600 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the structural capability of the airplane, accomplish the following:

(a) Accomplish the inspections and modifications contained in the Airbus Industrie Service Bulletins listed below, prior to or at the thresholds identified in each of those service bulletins, or within 1,000 landings or 12 months after the effective date of this AD, whichever occurs later. Required inspections must be repeated thereafter at intervals not to exceed those specified in the corresponding service bulletin for the inspection.

(1) A300-53-103, Revision 4, dated June 30, 1983;

(2) A300-53-126, Revision 7, dated November 11, 1990;

(3) A300-53-146, Revision 7, dated April 26, 1991;

Note: This service bulletin provides for a compliance threshold of within 5 years after the date of issuance of French AD 90-222-116(B), issued on December 12, 1990, the accomplishment of which is required by AD 85-07-09, Amendment 39-5033.

(4) A300-53-162, Revision 4, dated November 12, 1990;

(5) A300-53-190, Revision 1, dated November 12, 1990;

Note: This service bulletin provides for a compliance threshold of within 6,000 landings after accomplishment of service bulletin 53-194, accomplishment of which is required by AD 87-04-12, Amendment 39-5536.

(6) A300-53-225, Revision 2, dated May 30, 1990;

(7) A300-53-226, Revision 4, dated November 12, 1990;

Note: This service bulletin provides for a compliance threshold of within 5 years after the issuance of French AD 90-222-116(B), issued on December 12, 1990 (but not later than 20 years after first delivery), the accomplishment of which is required by AD 90-03-08, Amendment 39-6481.

(8) A300-53-278, dated November 12, 1990;

(9) A300-54-045, Revision 4, dated January 31, 1990;

(10) A300-54-060, Revision 2, dated September 7, 1988, and Change Notice 2.A., dated February 13, 1990;

(11) A300-54-063, Revision 1, dated April 22, 1987, and Change Notice 1.A., dated February 13, 1990;

(12) A300-54-066, Revision 1, dated February 15, 1989, and Change Notice 1.A., dated February 13, 1990; and

(13) A300-57-165, dated May 21, 1990, and Change Notice 0B, dated November 27, 1990.

Note: This service bulletin provides for a compliance threshold of prior to the accumulation of 32,000 landings after the issuance of French AD 90-222-116(B), issued on December 12, 1990.

(b) If any of the discrepant conditions identified in the service bulletins are found as a result of the inspections required by this AD, the corresponding corrective action specified in the service bulletins must be accomplished prior to further flight.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections and modifications required by this AD shall be done in accordance with the following service bulletins, which include the following lists of effective pages:

Service bulletin No.	Page(s)	Revision No.	Date
A300-53-103	1-4 and 35	4	June 30, 1983.
	5-34 and 36	3	December 21, 1979.
A300-53-126	1, 5, and 11-15	7	November 11, 1990.
	2-4	6	October 3, 1989.
	6	3	February 23, 1983.
	7-8, 10, and 21-22	5	June 23, 1988.
	9 and 19-20	1	September 3, 1981.
	17-18	Original	July 28, 1980.
A300-53-146	1, 7-10, and 13	7	April 26, 1991.
	2	6	November 9, 1990.
	3-4	3	June 25, 1981.
	5-6 and 11-12	Original	November 28, 1980.
A300-53-162	1-4 and 10-11	4	November 12, 1990.
	5-6	3	May 16, 1983.
	7-9, 12-14, and 16-21	Original	January 20, 1981.
	15	2	September 17, 1981.
A300-53-190	1-2, 3-4, 7-11, and 14	1	November 12, 1990.
	2, 4, 5-6, 12-13 and 15-21	Original	February 4, 1985.
A300-53-225	1-2	2	May 30, 1990.
	3-5	1	April 18, 1989.
A300-53-226	1 and 4-6	5	September 7, 1991.
	2-3, 7-10, 16 and 21-22	3	July 10, 1989.
	11-12	2	August 17, 1988.
	13-15, 17-20, and 24	Original	September 16, 1987
	23	1	March 11, 1988.
A300-53-278	1-15	Original	November 12 1990.
A300-54-045	1-16	4	January 31, 1990.
Change Notice 2.A. to A300-54-060	1	Original	February 13, 1990.
A300-54-060	1-10, 13-14, and 17-18	2	September 7, 1988.
	11-12, 15-16	Original	May 11, 1987.
Change Notice 1.A. to A300-54-063	1	Original	February 13, 1990.
A300-54-063	1, 4-5, 7-8, 11-12, and 15-17	1	April 22, 1987.

Service bulletin No.	Page(s)	Revision No.	Date
	2-3, 6, 9-10, and 13-14	Original	April 7, 1986.
Change Notice 1.A. to A300-54-066	1	Original	February 13, 1990.
A300-54-066	1-4, 7, 9-10, 13, and 22-24	1	February 15, 1989.
	5-6, 8, 11-12, 14-21, and 25	Original	November 17, 1987
Change Notice 0B to A300-57-165	1	Original	November 27, 1990.
A300-57-165	1-15	Original	May 21, 1990.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment (39-8145), AD 92-02-09, becomes effective April 13, 1992.

Issued in Renton, Washington, on December 27, 1991.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5305 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-169-AD; Amendment 39-8181; AD 92-06-01]

Airworthiness Directives; Boeing Model 747-200, 747-300, and 747-400 Series Airplanes, Equipped With General Electric CF6-80C2 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: The amendment adopts a new airworthiness directive (AD) applicable to certain Boeing Model 747-200, 747-300, and 747-400 series airplanes, equipped with General Electric CF6-80C2 engines, that requires replacement of certain sections of the engine fuel supply line in the number one, number three, and number four engine struts. This amendment is prompted by reports indicating that the fuel tubes at the number one and number four engine struts do not have sufficient clearance to prevent contact with the surrounding hardware, and by reports indicating that the fuel line and the fire extinguisher line at the number three strut on certain Boeing Model 747-400 series airplanes do not have sufficient clearance to prevent contact and possible wear. The actions specified by this AD are intended to prevent a leak in the fuel line and a potential fire.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Regimbal, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2687; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747-200, -300, and -400 series airplanes equipped with General Electric CF6-80C2 engines was published in the **Federal Register** on November 1, 1991 (56 FR 56176). That action proposed to require replacement of certain sections of the engine fuel supply line in the number one, number three, and number four engine struts.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Both commenters support the proposed rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 51 Model 747-200, 747-300, and 747-400 series airplanes of the affected design in the worldwide fleet. Currently, no airplanes of U.S. registry would be affected by this AD; therefore, there is no cost impact of this AD on U.S. operators. However, should an affected airplane be imported and placed on the U.S. Register in the future, approximately 28 work hours per airplane would be necessary to accomplish the required actions, and the average labor rate would be $55 per work hour. Based on these figures, the total cost impact of the AD on an affected U.S. operator is estimated to be $1,540 per airplane.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-01. **Boeing**: Amendment 39-8161. Docket 91-NM-169-AD.

Applicability: Model 747-200, 747-300, and 747-400 series airplanes, equipped with General Electric CF6-80C2 engines; as listed in Boeing Service Bulletin 747-28-2153, dated July 18, 1991, and Boeing Service Bulletin 747-28-2154, dated June 27, 1991; certificated in any category.

Compliance: Required within 6 months after the effective date of this AD, unless accomplished previously.

To prevent the possibility of a fire as a result of fuel leaks, accomplish the following:

(a) For airplanes listed in Boeing Service Bulletin 747-28-2153, dated July 18, 1991: Replace one fuel tube in the number one engine strut and two fuel tubes in the number four engine strut in accordance with the procedures described in that service bulletin.

(b) For airplanes listed in Boeing Service Bulletin 747-28-2154, dated June 27, 1991: Replace two fuel tubes in the number three strut in accordance with the procedures described in that service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The replacement shall be done in accordance with Boeing Service Bulletin 747-28-2153, dated July 18, 1991, or Boeing Service Bulletin 747-28-2154, dated June 27, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(f) This amendment becomes effective on April 13, 1992.

Issued in Renton, Washington, on February 18, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5361 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-203-AD; Amendment 39-8138; AD 92-02-02]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all British Aerospace Model ATP series airplanes, which currently requires repetitive applications of an icing inhibitor to each propeller blade. Ice shedding from the propeller blades could strike the fuselage and subsequently result in reduced structural integrity of the fuselage. This amendment adds an additional modification which, if accomplished, will terminate the need for repetitive applications of icing inhibitor. This amendment is prompted by the development of a new propeller blade assembly and ice control timer unit.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publication listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148; fax (206) 227-1320. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-21-12, Amendment 39-6764 (55 FR 41512, October 12, 1990), which is applicable to British Aerospace Model ATP series airplanes, was published in the **Federal Register** on October 8, 1991 (56 FR 50678). That action proposed to add an additional modification which, if accomplished, would terminate the need for repetitive applications of icing inhibitor to the propeller blades.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter agreed with the proposed requirements of the AD.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required amendments, and that the average labor cost will be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $880.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this amendment (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this amendment and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportaiton, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-6764, and by adding the following new airworthiness directive:

92-02-02. **British Aerospace**: Amendment 39-8138. Docket 91-NM-203-AD. Supersedes AD 90-21-12, Amendment 39-6764.

Applicability: Model ATP series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the fuselage, accomplish the following:

(a) Within 50 hours time-in-service after October 29, 1990 (the effective date of AD 90-21-12, Amendment 39-6764), and thereafter at intervals not to exceed 50 hours time-in-service, apply an icing inhibitor to the propeller blades in accordance with British Aerospace Service Bulletin ATP-61-2, Revision 1, dated October 31, 1989, or Revision 2, dated October 25, 1990, or Revision 3, dated April 19, 1991.

(b) Installation of Modification 10129A (installation of ice guards on both the left and right sides of the fuselage) in accordance with British Aerospace Service Bulletin ATP-53-10, dated March 7, 1990; or installation of Modification 10174A (installation of a new propeller digital ice control timer unit and a new propeller blade and roller assembly) in accordance with British Aerospace Service Bulletin ATP-30-13, Revision 1, dated February 15, 1991, constitutes terminating action for the repetitive applications of icing inhibitor to the propeller blades as required by paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The icing inhibitor application requirements of this AD must be done in accordance with British Aerospace Service Bulletin ATP-61-2, Revision 1, dated October 31, 1989; or Revision 2, dated October 25, 1990; or Revision 3, dated April 19, 1991; which include the following list of effective pages:

Service bulletin	Page No.	Revision level	Date
ATP-61-2, Revision 1.	1	1	October 31, 1989.
	2, 3	(Original)	July 28, 1989.
ATP-61-2, Revision 2.	1, 2, 3	2	October 25, 1990.
ATP-61-2, Revision 3.	1, 2	3	April 19, 1991.
	3	2	October 25, 1990.

The modifications specified in this AD must be done in accordance with British Aerospace Service Bulletin ATP-53-10, dated March 7, 1990 (for Modification 10129A); and British Aerospace Service Bulletin ATP-30-13, Revision 1, dated February 15, 1991 (for Modification 10174A). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment (39-8138), AD 92-02-02, becomes effective April 13, 1990.

Issued in Renton, Washington, on December 23, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5362 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-170-AD; Amendment 39-8182; AD 92-06-02]

Airworthiness Directives; SAAB-Scania Models SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to SAAB-Scania Models SF-340A and SAAB 340B series airplanes, that requires inspection and modification of the passenger door handle mechanism. This amendment is prompted by reports of cracked spring pins in the door handle attachments. The actions specified by this AD are intended to prevent impeded passenger evacuation during an emergency egress.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Models SF-340A and SAAB 340B series airplanes was published in the **Federal Register** on October 8, 1991 (56 FR 50681). That action proposed to require inspection and modification of the passenger door handle mechanism.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule, but voices concern about the proposed compliance time of 600 landings. The commenter estimates that normal regional air travel may result in eight landings per day. At this rate, the compliance time (600 landings) would occur in 75 days. Five landings per day would result in a compliance schedule of 120 days. The commenter believes that the proposed rule would expose the travelling public to a potential risk longer than desirable, and recommends that the rule be revised to reduce the compliance time to 30 days.

The FAA does not agree with the commenter. The FAA would expect that a pin failure would be detected during normal operation. The door opening mechanism is activated every flight, and is at a time when the failure of the door to open or close would be an obvious indication of a door problem. Since the door opening mechanism is activated every flight, and the potential for a door failure and an emergency evacuation occurring on the same flight are relatively remote, the FAA considers that the commenter's suggested compliance time of 30 days would not significantly increase safety over the proposed compliance time of 600 landings.

After careful review of the available data, including the comment noted above, the FAA has determined that air

safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 121 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,965.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AIRWORTHINESS DIRECTIVES]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive.

92-06-02. **SAAB-Scania:** Amendment 39-8182. Docket 91-NM-170-AD.

Applicability: Model SF-340A series airplanes, Serial Numbers 004 through 159; and SAAB 340B series airplanes, Serial Numbers 160 through 259; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent impeded passenger evacuation during an emergency egress, accomplish the following:

(a) Within 600 landings after the effective date of this AD, accomplish the following in accordance with SAAB Service Bulletin 340-52-014, dated April 10, 1991:

(1) After removing the two main passenger door handle spring pins (roll pins), perform an inspection of the spring pin holes for proper hole tolerance. If the hole diameter is undersize or oversize, prior to further flight, repair in accordance with the service bulletin.

(2) Replace the two spring pins on the main passenger door handle mechanism with new spring pins, and install additional locking bolts at the upper and lower door handles in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection, repair, and replacement shall be done in accordance with SAAB Service Bulletin 340-52-014, dated April 10, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 13, 1992.

Issued in Renton, Washington, on February 18, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5360 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 64-92]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsection (d) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records, (JUSTICE/OIG-003)." Records in this system may contain information which relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. Accordingly, where applicable, the exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigation from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential sources and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514-6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on October 9, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains few original materials and that the exemption is necessary to protect records retrieved from other systems of records subject to the (j)(2) exemption and which are retained also in the FOI/PA system of records to enable the OIG to discharge more efficiently and accurately its responsibilities. Further, the Department explained that it has not claimed the exemption for *all* records in the system; the exemption is claimed only to the extent permitted by law.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR 16.75 is amended by adding paragraphs (c) and (d) as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR 16.75 is amended by adding paragraphs (c) and (d) to read as follows: [1]

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

* * * * *

(c) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records (JUSTICE/OIG-003). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that information in a record pertaining to an individual does not relate to official Federal investigations and law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law enforcement process, the applicable exemption may be waived by the Office of the Inspector General (OIG).

(d) Exemption from subsection (d) is justified for the following reasons:

(1) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel; and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

[FR Doc. 92-5123 Filed 3-4-92; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 16

[AAG/A Order No. 63-92]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5), and (8), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General Investigative Records (JUSTICE/OIG-001)." Information in this system relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act amendments of 1988. The exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential informants and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514-6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on September 25, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains investigative records which are protected by subsection (j)(2) and that the name of the system of records (which may erroneously imply that the system is only an administrative system) will be changed. Accordingly, this final rule reflects the change in the name of the system from "Office of the Inspector General Record Index, JUSTICE/OIG-001" to "Office of the Inspector General Investigative Records, JUSTICE/OIG-001."

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in 28 CFR Part 16

Administrative Practices and Procedure, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR part 16 is amended by adding a new section, § 16.75, as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR part 16 is amended by adding § 16.75 to read as follows:

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

(a) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(1), (2), (3), (5), and (8),

[1] A proposal to add Section 16.75 (paragraphs (a) and (b)) was published in the **Federal Register** at 56 FR 48469 on September 25, 1991. A final rule to add these paragraphs; will be published concurrently with this final rule in today's **Federal Register**.

and (g) of 5 U.S.C. 552a. In addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), and (e)(1) of 5 U.S.C. 552a:

(1) Office of the Inspector General Investigative Records (JUSTICE/OIG–001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g., public source materials, the applicable exemption may be waived, either partially or totally, by the Office of the Inspector General (OIG).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of disclosure accounting could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation and the fact that they are subjects of the investigation, and reveal investigative interest by not only the OIG, but also by the recipient agency. Since release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, release could result in the destruction of documentary evidence, improper influencing of witnesses, endangerment of the physical safety of confidential sources, witnesses, and law enforcement personnel, the fabrication of testimony, flight of the subject from the area, and other activities that could impede or compromise the investigation. In addition, accounting for each disclosure could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel, and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because the application of this provision could impair investigations and interfere with the law enforcement responsibilities of the OIG for the following reasons:

(i) It is not possible to detect relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(ii) During the course of any investigation, the OIG may obtain information concerning actual or potential violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information, as it may aid in establishing patterns of criminal activity, and can provide valuable leads for Federal and other law enforcement agencies.

(iii) In interviewing individuals or obtaining other forms of evidence during an investigation, information may be supplied to an investigator which relates to matters incidental to the primary purpose of the investigation but which may relate also to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement for the following reasons:

(i) The subject of an investigation would be placed on notice as to the existence of an investigation and would therefore be able to avoid detection or apprehension, to improperly influence witnesses, to destroy evidence, or to fabricate testimony.

(ii) In certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct must be obtained from other sources.

(iii) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) From subsection (e)(3) because the application of this provision would provide the subject of an investigation with substantial information which could impede or compromise the investigation. Providing such notice to a subject of an investigation could interfere with an undercover investigation by revealing its existence, and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) From subsection (e)(5) because the application of this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as an investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, and thereby impede effective law enforcement.

(8) From subsection (e)(8) because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation, and could reveal investigative techniques, procedures, or evidence.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j)(2) and (k)(1) and (k)(2) of the Privacy Act.

[FR Doc. 92–5124 Filed 3–6–92; 8:45 am]
BILLING CODE 4410–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Corpus Christi, Texas, Regulation 01–92]

Safety and Security Zone Regulations; Gulf of Mexico and Corpus Christi Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing safety and security zones in the Gulf of Mexico and Corpus Christi Bay. These zones are needed to safeguard the Spanish replica caravels, NINA, PINTA, and SANTA MARIA, against sabotage or other subversive acts, accidents, or other causes of a similar nature during their visit to Corpus Christi, Texas, in celebration of Christopher Columbus's discovery of the Americas. The safety and security zones will be in place during their arrival and departure transits, and while moored in Corpus Christi Bay. Entry into these zones is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: These regulations become effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first; and terminate at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

Except the stationary waterside safety zone in § 165.T0801(d) becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

FOR FURTHER INFORMATION CONTACT: LTJG K. S. ROBERTS at (512) 888–3162.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to or destruction of the caravels and sufficient details on their visit was not available in time to provide for full public participation in this rulemaking effort.

Drafting Information: The drafters of this regulation are LTJG K. S. Roberts, Assistant Chief, Port Operations Department, and CAPT R. J. Reining, Commanding Officer, U.S. Coast Guard Marine Safety Office, Corpus Christi, Texas, and CDR D. Dickman, project attorney, Eighth Coast Guard District, New Orleans, Louisiana.

Discussion of Regulation

The safety and security zones are needed to ensure the safety and security of the caravels while in Corpus Christi, Texas, for Los Barcos, the Columbus Day Fleet Festival, March 13–22, 1992. This festival is part of the United States official Quincentennial Celebration of the 500th anniversary of the Christopher Columbus discovery of the Americas. The caravels are official emissaries of the Kingdom of Spain to the United States. Their visit is intended to promote closer relations between Spain and the United States.

There have been reports published in the local newspaper that certain individuals intend to disrupt or prevent the visit of the caravels to Corpus Christi.

Moving safety zones will protect the caravels during their arrival and departure transits, and their movements within Corpus Christi Bay. Stationary waterside safety and security zones will protect the caravels whenever they are moored within Corpus Christi Bay.

The moving safety zones will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from other Federal, State, and local law enforcement agencies. Only vessels that are securely moored to fixed structures or beached on the shore and vessels that have prior authorization from the Captain of the Port, Corpus Christi, Texas (COTP), or the Patrol Commander will be allowed within the moving safety zones. Vessels requesting permission to enter a safety or security zone may be boarded and inspected by law enforcement personnel and required to submit a complete list of passengers and crew.

The stationary waterside safety and security zones will be marked by buoys and booms. They will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from the U.S. Customs Service, Texas Department of Parks and Wildlife, and Corpus Christi Marina Patrol. No vessels, other than the caravels will be permitted within the stationary waterside security zone at the Corpus Christi Barge Dock. Only vessels that have prior authorization from COTP or the Patrol Commander will be allowed within the stationary waterside safety zones and the stationary waterside security zone at Naval Station Ingleside. Vessels requesting permission to enter a stationary waterside safety zone may be boarded and inspected by law enforcement personnel. No swimmers will be permitted within the stationary waterside safety and security zones.

The first moving safety zone, which will surround the caravels during the arrival transit, will be in effect from the time the caravels reach the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3, until they moor at either the Naval Station in Ingleside, Texas, or the Barge Dock at Corpus Christi, Texas. The caravels are expected to arrive sometime between March 10th and the morning of March 12, 1992. If they arrive before the morning of March 12, 1992, they will moor at Naval Station Ingleside. If they arrive on March 12th, they will proceed directly to the Barge Dock.

A second moving safety zone will be in effect, if needed, during the transit from Naval Station Ingleside to the Corpus Christi Barge Dock, which is expected to begin at approximately 10 a.m., on March 12, 1992.

The third moving safety zone will be in effect for the departure transit from the Corpus Christi Barge Dock to the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3. The transit is expected to begin at approximately 11 a.m., on March 23, 1992. The last caravel should leave the territorial sea before 5 p.m., on March 23, 1992.

A security zone will be established in the waters off the Naval Station Ingleside, while the vessels are moored at the Naval Station. No swimmers or vessels will be permitted inside the security zone without the permission of the Captain of the Port. Permission will be granted to any U.S. Navy vessels, the caravels and their Spanish naval escorts, tugs assisting the caravels, vessels of Spain '92 and the Los Barcos

sponsoring organization, and press boats. No weapons or explosives will be allowed aboard any vessel, other than naval vessels and vessels assisting in the enforcement of the safety zone.

A stationary waterfront security zone will be established in the waters off the Corpus Christi Barge Dock within 75 feet of the caravels, while the vessels are moored at the Barge Dock. No swimmers or vessels will be permitted inside the security zone.

A stationary waterfront safety zone will be established in the waters between the Corpus Christi Barge Dock and the spoil island and breakwater opposite the Barge Dock. No swimmers or vessels will be permitted inside the safety zone without the permission of the Captain of the Port. Permission will be granted to the caravels, tugs assisting the caravels, vessels of the sponsoring organizations, commercial tour boats, and press boats. In addition, a limited number of spectator boats will be allowed to transit through the safety zone during daylight hours, after being boarded by Coast Guard, Corpus Christi Marina Patrol, or the Texas Parks and Wildlife Service. No weapons or explosives will be allowed aboard any vessel, other than those assisting in the enforcement of the safety zone.

In recognition of the public's rights under the First Amendment of the Constitution of the United States of America, arrangements will be made to allow individuals or groups desiring to peacefully protest or demonstrate against the caravels or the exploration and settlement of the Western Hemisphere by Europeans to do so within the safety zone.

The public is advised that anti-swimmer devices may be installed within the waters of the stationary waterside safety and security zones. These devices may pose a threat to the safety and health of anyone swimming in the water in the vicinity of the caravels.

This regulation is issued under 33 U.S.C. 1225 and 1231 and 50 U.S.C. 191, as set out in the authority citation for all of part 165.

Federalism

This proposed action has been analyzed under the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new § 165.T0801 is added to read as follows:

§ 165.T0801 Safety and Security Zone: Gulf of Mexico and Corpus Christi Bay.

(a) A moving safety zone exists whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are underway within the territorial sea of the United States within the Gulf of Mexico or within Corpus Christi Bay and its approaches. The moving safety zone extends 500 feet ahead of the leading caravel and 250 feet astern of the last caravel, including the intervals between the caravels, and the entire width of the Aransas Pass Entrance Channel and Corpus Christi Ship Channel.

(b) A stationary security zone exists within the waters of Corpus Christi Bay enclosing the western turning basins off the piers of the Naval Station at Ingleside, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to Naval Station piers A–1 through A–5. The stationary security zone is enclosed by a line drawn from the west end of the Naval Station pier (latitude 27°49'18" N, longitude 97°12'34" W) to the southwest corner of the Naval Station finger pier (latitude 27°49'7" N, longitude 97°12'32" W), thence along the south face of the finger pier to the southeast corner (latitude 27°49'6.5" N, longitude 97°12'31" W), thence along the east face of the finger pier until it joins the main pier (latitude 27°49'18" N, longitude 97°12'26" W), thence along the shoreline to the beginning point. The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(c) A stationary security zone exists within the waters of Corpus Christi Bay off the Corpus Christi Barge Dock at Corpus Christi, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to the Barge Dock. The stationary security zone is a line drawn from the east face of the Barge Dock at a point 75 feet to the south of the first caravel (latitude 27°48'34.2" N, longitude 97°23'33.6" W), thence to a point perpendicular to and 100 feet east of the east face of the Barge Dock (latitude 27°48'34.8" N, longitude 97°23'30.6" W), thence parallel to the Barge Dock to a point 100 feet east of the east face of the Barge Dock and 75 feet north of the last caravel (latitude 27°48'30.5" N, longitude 97°23'30.0" W), thence to a point on the east face of the Barge Dock 75 feet north of the last caravel (latitude 27°48'30.2" N, longitude 97°23'31.3" W). The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(d) A stationary safety zone exists within the waters of Corpus Christi Bay between the Corpus Christi Barge Dock at Corpus Christi, Texas, and the breakwater east of and approximately parallel to the Barge Dock. The stationary safety zone is enclosed by lines connecting the Corpus Christi seawall and the breakwater. One line is drawn from the north corner of the Corpus Christi seawall, where the seawall meets the seawall along the Corpus Christi Channel (latitude 27°48'38.0" N, longitude 97°23'33.0" W), to the north end of the breakwater (latitude 27°48'33.8" N, longitude 97°23'18.0" W). The other line is drawn from the south corner of the Barge Dock (latitude 27°48'28.0" N, longitude 97°23'32.0" W) to the south end of the breakwater (latitude 27°48'27.2" N, longitude 97°23'17.0" W). Both lines will be marked by buoys and a floating yellow or international orange containment boom.

(e) *Regulations.* (1) The Captain of the Port is the Captain of the Port, Corpus Christi, Texas.

(2) The Coast Guard Patrol Commander is the commissioned, warrant, or petty officer of the U.S. Coast Guard designated by the Captain of the Port, Corpus Christi, Texas, to serve as the Patrol Commander in charge of enforcing this section. The Coast Guard Patrol Commander will be on board a Coast Guard vessel in the vicinity of the safety or security zone.

(3) No vessel may enter the moving safety zone established in paragraph (a) of this section without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(4) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA; the Spanish Navy escort vessel, SN SERVIOLA (P–71); vessels of the United States Navy; and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary security zone at Naval Station Ingleside, established in paragraph (b) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(5) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA no vessel may enter or remain in the stationary security zone at the Corpus Christi Barge Dock, established in paragraph (c) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(6) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary safety zone at the Corpus Christi Barge Dock, established in paragraph (d) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(7) No individual may enter or remain in the waters of the stationary waterside security zone at Naval Station Ingleside or the safety and security zones at the Corpus Christi Barge Dock, established in paragraphs (b), (c), and (d) of this section, without the permission of the Captain of the Port .

(8) The Patrol Commander may delegate his authority to permit vessels to enter the stationary waterside safety and security zones established in paragraphs (b) and (d) to the senior Coast Guard boarding officer on board vessels patrolling the perimeter of the safety or security zones.

(9) Vessels desiring to enter one of the safety or security zones may contact:

(i) The Captain of the Port through the Chief, Port Operations Department, U.S. Coast Guard Marine Safety Office, Second Floor, 400 Mann Street, Corpus Christi, Texas, telephone number (512) 888–3162.

(ii) The Coast Guard Patrol Commander by calling on VHF–FM Channel 16 or by coming alongside one of the Coast Guard, Coast Guard Auxiliary, Corpus Christi Marine Patrol, or Texas Department of Public Safety Boats patrolling in the vicinity of the safety of security zone.

(10) Vessels desiring to enter or remain in the safety or security zones may be boarded by either the Coast Guard, U.S. Customs, Texas Department of Parks and Wildlife, or Corpus Christi Marina Patrol to ensure they are in compliance with all applicable Federal or State laws and do not possess any weapons or other articles on board that would pose a threat to the caravels. This paragraph does not apply to naval vessels of the United States or Spain.

(11) Coast Guard vessels will display a flashing blue light while patrolling in the immediate vicinity of the safety and security zones whenever the Coast Guard Patrol Commander is on scene.

(f) *Effective dates.* (1) With the exception of the stationary waterside safety zone in paragraph (d) of this section, this section becomes effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first. It terminates at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

(2) The stationary waterside safety zone in paragraph (d) of this section becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

Dated: March 2, 1992.

Robert J. Reining,

Captain, U. S. Coast Guard, Captain of the Port, Corpus Christi, Texas.

[FR Doc. 92–5415 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF06

Mandatory Disclosure of Social Security Numbers

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning the disclosure of social security numbers and the discontinuance of compensation and pension benefits. This amendment implements recently enacted legislation. The intended effect of this amendment is to incorporate a requirement for disclosure of social security numbers in VA's adjudication regulations and to establish a date for termination of benefits when the beneficiary fails to disclose his or her social security number.

EFFECTIVE DATE: This amendment is effective November 5, 1990, the date the legislation was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to add a new § 3.216 to 38 CFR and to amend § 3.500 in the **Federal Register** of April 24, 1991 (56 FR 18796–7). Interested persons were invited to submit written comments, suggestions or objections on or before May 24, 1991. We received one comment from the American Legion.

The commenter expressed concern that many beneficiaries, particularly those receiving benefits via electronic deposit who have failed to keep VA informed of changes in their mailing addresses, might have their benefits terminated without due process of law. The commenter suggests that the 60 day response period is arbitrary and also that VA explore alternative methods of contacting beneficiaries who fail to respond to a VA request for social security numbers.

The Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, amended the Internal Revenue Code of 1986 to allow disclosure to VA of information from Federal tax returns in conjunction with specified VA benefit programs. Public Law 101–508 also authorizes VA to match information from its records against income and death information from other agencies, and makes it mandatory for claimants to furnish social security numbers upon request. Since Congress has taken the cost savings associated with this authority into account in the Budget Reconciliation process, realization of these savings should not be delayed for an indefinite period.

The 60 day period allowed for reply to a request for social security numbers is not arbitrary; it provides a generous period of time for the beneficiary to furnish data already in his or her possession. It also allows time for VA to attempt to discover a current address when the initial request is returned as undeliverable. When VA determines that benefits must be discontinued, 38 CFR 3.105(g) requires that a notice be sent to the beneficiary at his or her latest address of record, and that the beneficiary be given 60 days to reply. Consequently, the beneficiary from whom no response is received would have, at a minimum, an additional 60 days before benefits were terminated for failure to furnish social security numbers as requested.

VA has explored alternative methods of contacting individuals receiving benefits via electronic deposit, and has issued a nationwide press release to inform the general public of the requirement that social security

numbers be of record as a condition of continued receipt of benefits. We have also issued instructions to all field stations concerning additional development procedures to be followed when an initial request for social security numbers is returned as undeliverable. Field stations have been instructed to review the claims folder, telephone directory, and VA hospital records for a more current address. If appropriate, field stations will also contact the service organization or other representative in an attempt to find a more current address. The Postal Service will forward the social security number request and provide VA with a current address if one is available. Where benefits are paid via electronic deposit, VA will contact the financial institution asking it to forward the request for social security numbers to the beneficiary. The Treasury Department is requesting that financial institutions cooperate with VA in this matter.

When a request for social security numbers is returned as undeliverable, VA cannot assume that the reason for the return is not the death of the beneficiary or some other reason which would require termination, nor may it excuse beneficiaries from the statutory obligation to provide social security numbers upon request. VA believes that the steps outlined above provide reasonable protection against premature termination of benefits while ensuring that enforcement of the requirement will not be deferred indefinitely. To further delay discontinuance would be contrary to the purpose of 38 U.S.C. 5101 (formerly 3001).

VA appreciates the comment submitted in response to the proposed rule, which is now adopted with minor technical amendments.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The information collection requirements contained in § 3.216 of these regulations have been approved by the Office of Management and Budget (OMB) under control number 2900–0522.

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

Approved: November 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3, subpart A is amended as set forth below.

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A is revised to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a).

2. A new § 3.216 is added to read as follows:

§ 3.216 Mandatory disclosure of social security number.

Any person who applies for or receives any compensation or pension benefit as defined in §§ 3.3, 3.4, or 3.5 of this part shall, as a condition for receipt or continued receipt of benefits, furnish the Department of Veterans Affairs upon request with his or her social security number and the social security number of any dependent for whom benefits are sought or received. However, no one shall be required to furnish a social security number for any person to whom none has been assigned. Benefits will be terminated if a beneficiary fails to furnish the Department of Veterans Affairs with his or her social security number or the social security number of any dependent for whom benefits are sought or received, within 60 days from the date the beneficiary is requested to furnish the social security number.

(Authority: 38 U.S.C. 5101)

(Approved by the Office of Management and Budget under control number 2900–0522)

3. In § 3.500, new paragraph (w) and its authority citation are added to read as follows:

§ 3.500 General.

* * * * *

(w) Failure to furnish Social Security number. Last day of the month during which the 60 day period following the date of VA request expires.

(Authority: 38 U.S.C. 5101)

* * * * *

[FR Doc. 92–5379 Filed 3–6–92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Arizona—Maricopa Nonattainment Areas; Carbon Monoxide

[OAQPS No. AZ-3-1-5402; FRL-4100-5]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today is approving a revision to the Carbon Monoxide Arizona State Implementation Plan for the Maricopa nonattainment area. Specifically, EPA is approving amendments to the Arizona State oxygenated fuels program to increase the minimum oxygen content level to 2.7 percent and changes to State statute limiting the volatility of gasoline during wintertime to 10 pounds per square inch. EPA is also removing in favor of the State programs the federal regulations on oxygenated fuels and gasoline volatility limits that the Agency promulgated for the Maricopa area on February 11, 1991 (56 FR 5458).

EFFECTIVE DATE: April 8, 1992.

ADDRESSES: The rulemaking docket for this notice, Docket No. 91–AZ–MA–1, may be inspected at the following location between 8 a.m. and 4:30 p.m. on weekdays. A reasonable fee may be charged for copying parts of the docket: U.S. Environmental Protection Agency, Region 9, Air and Toxics Division, Mobile Source Section, A–2–1, 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Mobile Source Section, A–2–1, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1225, FTS: 484–1225.

SUPPLEMENTARY INFORMATION:

I. Background

On February 11, 1991 (56 FR 5458), EPA disapproved portions of the Arizona State Implementation Plan (SIP) and promulgated a federal implementation plan (FIP) under section 110(c) of the Clean Air Act, 42 U.S.C. 7410(c), for the Maricopa County, Arizona, carbon monoxide (CO) nonattainment area. The FIP included regulations requiring that all gasoline intended for use in motor vehicles within the Maricopa nonattainment area contain 2.7 percent (by weight) oxygen and have a volatility of no more than 10 pounds per square inch (psi) during the six-month period from October 1 to March 31 starting October 1, 1991. EPA determined at that time that these two measures are necessary to bring the area into attainment of the CO national ambient air quality standard (NAAQS) by December 31, 1991.

On June 11, 1991, the State of Arizona submitted to EPA Arizona House Bill (H.B.) 2181 which was passed by the Arizona State Legislature and signed by the Governor on May 29, 1991. This bill amends that Arizona Revised Statutes to require all gasoline in the Maricopa CO nonattainment area from September 30 to March 31 of each year starting in 1991 to contain 2.7 percent (by weight) oxygen and to have a volatility of no more than 10 psi.

For the reasons stated in the proposal, 56 FR 40287 (August 14, 1991), EPA proposed to approve Arizona H.B. 2181, withdraw the FIP oxygenated gasoline program and gasoline volatility limit regulations, and grant a waiver to the State of Arizona under Clean Air Act section 211(c)(4). The Agency, however, is leaving in place the other provisions of the FIP promulgated on February 11, 1991, because the State has not yet submitted an attainment demonstration and the conformity and contingency provisions necessary for a complete SIP approval. Therefore, EPA's disapproval of those SIP provisions remains in effect.

II. Response to Comments

EPA received five comments letters on the proposed rulemaking. All comments dealt with the oxygenated fuels program and the gasoline volatility limit. Several letters supported EPA's action to substitute the State rules for the federal regulations. A copy of all comments received on the proposed rulemaking can be found in the docket for this rulemaking.

A. Oxygenated Gasoline Program

In its comments, Chevron U.S.A., Inc. cited the provision for a blending tolerance in the Arizona FIP promulgated by EPA on February 11, 1991 (56 FR 5458). In the notice of final rulemaking, EPA stated that, in its exercise of enforcement discretion, the Agency would allow gasoline blended with methyl-tert-butyl ether (MTBE) to contain up to 2.9 percent oxygen by weight prior to transportation, in order to offset the negative effects of dilution and density on fuels during transportation. As a matter of an enforcement discretion, EPA agreed to accept measurements exceeding the established "substantially similar" standards, without actually amending the requirements of the substantially similar interpretive rule. The "substantially similar" interpretive rule was established by EPA on July 28, 1981 (46 FR 36582) and later revised on February 11, 1991 (56 FR 5352). The rule allows blends of aliphatic alcohol, other than methanol and aliphatic ethers, provided the oxygen content does not exceed 2.7 percent by weight. The comments received from Chevron requested that this blending tolerance be maintained and that EPA make clear to Arizona that a provision for such a blending tolerance would need to be formally adopted before EPA's withdrawal of the federal measure could be completed. This latter request was made although the State had already given Chevron assurances that the 2.9 percent limit would be allowed.

In its proposal, 56 FR 40287, 40288 (August 14, 1991), EPA reiterated its commitment to the exercise of its enforcement discretion with regard to the blending tolerance. However, EPA's statement applies only to federal enforcement of the "substantially similar" rule. The SIP revisions as submtted by the State have been closely reviewed by EPA, and have been found to meet all requirements for approval including equivalency to, or greater stringency than, the federal rules being replaced. EPA does not believe that the State must adopt a blending tolerance before EPA can complete withdrawal of the federal rule. Under section 116 of the CAA, states may adopt more stringent requirements than those mandated by the Act. The choice concerning the use of a blending tolerance or enforcement discretion in implementing its oxygenated fuels program belongs to the State.

Mobil Oil Corporation raised three issues regarding the oxygenated gasoline program. The first comment requested EPA to clarify that the use of any "substantially similar" ethers will be permitted in the program and not just MTBE and ethanol. As the "substantial similar" rule is a federal rule and the Arizona SIP provisions approved today constitute a state program, the SIP does not override the "substantially similar" rule. All oxygenates allowed under the "substantially similar" rule will be found acceptable under the Maricopa County oxygenated gasoline program as a matter of federal law.

Mobil's second comment stated that refiners and blenders should be allowed to use meter reading to calculate the oxygenate content of fuel blends, that this method is superior to current analytical methods for fuel oxygen content determinations, that because of this superiority testing should be required only in cases where calculations based on meter readings could not be established, and that no one test method should be prescribed.

Because Arizona assumes primary responsibility for enforcement of the oxygen content requirements under this rulemaking, this comment is best addressed to the State. In its testing program, Arizona currently adheres to the American Society of Testing and Materials (ASTM) testing standard and method for oxygen content in gasoline. Although there have been some questions raised concerning the data-analysis portions of this method, EPA's position is that the use of a well-established and reproducible testing method is a very valuable component in any state program. The ASTM method is currently the only one which is familiar to all parties involved in the oxygenated gasoline program. Therefore, Arizona's testing program is fully acceptable as a component of the SIP.

Finally, Mobil requested that a testing tolerance be allowed in addition to the blending tolerance discussed above. Again this comment is best directed to the State as it has primary responsibility for enforcing the oxygenated gasoline program. Current ASTM laboratory tests used by the Arizona Department of Weights and Measures include a testing tolerance in the form of reproducibility and repeatability calculations. The establishment of other testing tolerances is left to the State's discretion.

B. Gasoline Volatility Limit

The majority of comments received on the proposal for today's rulemaking addressed the gasoline volatility limit. Several oil companies and refineries

objected to this requirement which would restrict winter gasoline to a Reid Vapor Pressure (RVP) of 10 psi. These comments were based on two lines of reasoning. First, the commenters felt that EPA has presented no clear evidence that reduced volatility can make a significant contribution to reduced CO emissions at the FIP design value of 53 F. Second, they believed that vehicle emissions testing conducted for the American Petroleum Institute (API) and new tests currently underway indicated that the 10 psi RVP requirement will not provide a significant CO emissions reduction at Phoenix wintertime temperatures.

EPA responded to similar comments during its promulgation of the FIP. During the development of the FIP, EPA based its decisions on the same data that are now available. EPA has not received any new information since the FIP promulgation. EPA still believes that the available data (the EPA data detailed in the EPA document "Guidance on Estimating Motor Vehicle Emission Reductions From the Use of Alternative Fuels and Fuel Blends" and the API data) indicate that there is a CO emissions benefit when the RVP of gasoline is reduced to 10 psi in the wintertime. Furthermore, it should be reiterated that EPA believes that the "estimates of the benefits of RVP limit were potentially understated in the attainment demonstration. [T]he high concentrations in the Phoenix area occur in the evening hours and build up over time. The time of peak traffic volumes and slower speeds occurs during warmer conditions when RVP controls would have the most benefit. Therefore using the average temperature over an eight hour period potentially underestimates the benefit of reduced RVP on the ambient CO concentrations in Phoenix." See 56 FR 5458, 5468 (February 11, 1991).

Mobil indicated in its comments that it is performing vehicle emission testing of 10 RVP fuels at the FIP desing temperature. EPA will analyze this new data when it becomes available. However, because the existing data indicate that there is a CO emissions benefit at Phoenix wintertime temperatures, EPA believes that there are adequate grounds to approve the State's wintertime volatility control program and grant a waiver under section 211(c)(4) of the Clean Air Act (CAA).

EPA's FIP volatility limit regulation granted a 1 psi exemption to ethanol blends containing 7.3 percent or more ethanol by volume. A regulation recently adopted by the Arizona Department of Weights and Measures also establishes the same ethanol volume minimum for the 1 psi exemption. ARCO Products Company commented on whether such a minimum ethanol content was necessary. EPA addressed the need for such a minimum in both the proposal and final notice for the FIP indicating that a minimum appeared necessary to assure the emission reductions necessary for attainment and for enforcement purposes. See 55 FR 41204, 41215 (October 10, 1990) and 56 FR 5458, 5467 (February 11, 1991). Mobil commented that there was a potential for non-compliance with the RVP limit where service station tanks containing MTBE blends are delivered fuels containing ethanol. Mobil requested further clarificaton on RVP enforcement during such transitional periods. This is clearly a question of enforcement discretion and because Arizona now has primary responsiblity for enforcement of the RVP requirements, this request is best addressed to the State.

Finally, both the Western States Petroleum Association and Mobil requested a one-month extension of the comment period on the proposal to allow completion of the vehicle testing program on the 10 RVP limit. EPA did not extend the comment period. In its August 14, 1991 notice, EPA proposed two actions regarding the RVP limitation: to approve the Arizona measure and to withdraw the federal regulation *based on the approval of the State measure*. The two proposed actions were coupled. EPA did not propose to withdraw its RVP regulation absent approval of the State measure. Thus a decison not to complete the SIP approval or to disapprove the SIP submittal would have left the federal RVP limitation, which is identical to the Sate limitation, in place. Extending the comment period would therefore not affect the application of the RVP limit to Maricopa County; it would have served only to delay this final action.

III. Finding under Section 211(c)(4)

CAA section 211(c)(4)(A) prohibits a state from prescribing or attempting to enforce any control or prohibition on any characteristic or component of a fuel or fuel additive for the purposes of motor vehicle emission control.

(i) if the Administrator has found that no control or prohibition of the characteristic or component of a fuel or fuel additive under [subsection (c)(1)] is necessary and has published his finding in the **Federal Register** or

(ii) if the Administrator has prescribed under [subsection 211(c)(1)] a control or prohibition applicable to such characteristic or component of the fuel or fuel additive unless the state prohibiton is identical to the prohibition or control prescribed by the Administrator.

Under the first test, EPA has in fact made the opposite demonstration, that the oxygen content and wintertime RVP limit *are necessary* for expeditious attainment of the CO NAAQS in Maricopa County, by promulgating such federal regulations for Maricopa. Under the second test, EPA has concluded that the State rules are essentially identical to those prescribed by EPA.

Section 211(c)(4)(C) allows a state to prescribe and enforce controls or prohibitions on the use of a fuel or fuel additive for the purposes of motor vehicle emission control if the applicable implementation plan allows for it. Section 211(c)(4)(C) also states that the Administrator may approve such provisions in an implementation plan only,

if he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements. The Administrator may find that a State control or prohibition is necessary to achieve the standard if no other measures that would bring about timely attainment exist, or if other measures exist and are technically possible to implement, but are unreasonable or impracticable.

As part of its FIP rulemaking, EPA has already made the findings necessary under section 211(c)(4)(C). EPA evaluated fifty-five measures for controls which it could effectively implement and which could bring about attainment "as soon as possible" as required by the court in *Delaney* v. *EPA*, 898 F.2d 687 (9th Cir. 1990). From its evaluaton, EPA found that the oxygenated gasoline program and the wintertime RVP limitation, combined with existing SIP measures, would result in timely attainment and that no other combination of measures available to EPA would result in attainment any earlier. Included as part of this evaluation were several measures (e.g., mandatory no drive days) that could have brought about attainment earlier yet were rejected because of their potential severe adverse economic or social impacts. Since the State rules are equivalent to the federal rules, EPA need not make any additonal findings under section 211(c)(4)(C).

EPA received no comments on its proposal to grant Arizona a waiver under section 211(c)(4) and no comments received on either the State's oxygenated gasoline program or RVP limitation would lead EPA to revise its conclusions regarding the grounds for such a waiver. Therefore, based upon the above discussion, EPA grants Arizona a waiver under section 211(c)(4) to enforce the State's oxygenated gasoline program and gasoline volatility limit for the Maricopa CO nonattainment area.

IV. Approval of State Measures

EPA today is approving into the SIP for Arizona the provisions in Arizona H.B. 2181 amending the State oxygenated gasoline program for the Maricopa CO nonattainment area to increase the required oxygen content from 2.3 percent to 2.7 percent by weight. EPA is also approving today provisions in H.B. 2181 that restrict the volatility of gasolines sold in the Maricopa CO nonattainment area to 10 psi during the winter season.

Section 211(m)(1) of the Clean Air Act requires all CO nonattainment areas with design values of 9.5 parts per million or greater to adopt and implement by no later than November 1, 1992 an oxygenated gasoline program requiring 2.7 percent oxygen. This section also contains several requirements for the program. These include application of the program to refiners and distributors in the entire metropolitan statistical area (MSA) in which the nonattainment area is located. See section 211(m)(2). The current Arizona program as well as the amended State program being approved today applies only to the Maricopa CO nonattainment area. This nonattainment area is currently defined as the Maricopa Association of Governments urban planning area, which covers the urbanized area around Phoenix; however, the MSA is the entire county.

While the State's oxygenated gasoline program being approved today meets the 2.7 percent oxygen requirement of the CAA, it does not meet these other requirements. However, the Act gives states with moderate CO nonattainment areas such as Maricopa until November 1, 1991 to implement a program consistent with the Act. EPA is today approving the State's enhancements to its oxygenated gasoline program as an equivalent substitution for the current federal program, but the agency is not finding that the enhancements meet all of the requirements of section 211(m). The State must still modify its program by November 1, 1992 or such earlier date as established by EPA to meet these CAA requirements, consistent with EPA's guidance.

The Clean Air Act establishes no standards or prohibitions on the wintertime volatility of gasolines.

V. Withdrawal of Federal Regulations

EPA today is withdrawing the federal oxygenated gasoline program (40 CFR 52.136) and wintertime gasoline volatility limit (40 CFR 52.137) it promulgated on February 11, 1991 for the Maricopa CO nonattainment area. EPA is taking this action because the Arizona SIP, as approved today, now contains fully-approved equivalent programs. These State programs make EPA's regulations unnecessary for attainment and maintenance of the CO NAAQS in the Maricopa area. To leave the federal regulations in place would complicate compliance and enforcement of the programs within Maricopa County and would be unnecessarily redundant. In addition, giving preference to the State programs is consistent with the Clean Air Act intent that states have primary responsibility for the control of air pollution within their borders. See CAA section 101(a)(3).

VI. Regulatory Process

Under 5 U.S.C. section 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities. See 46 FR 5476 (February 11, 1991) for a discussion of the impact of oxygenated gasoline and RVP rules on small entities in Maricopa County.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Incorporation by reference, Mobile sources.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 27, 1992.

William K. Reilly,

Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(68) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(68) The following amendments to the plan were submitted by the Governor's designee on June 11, 1991.

(i) Incorporation by reference.

(A) Arizona Revised Statutes.

(*1*) House Bill 2181 (approved, May 21, 1991), section 1: Arizona Revised Statute (A.R.S.) 41–2065 (amended); section 2: A.R.S. 41–2083 (amended); section 3: A.R.S. section 41–2122 (amended); section 4: A.R.S. Section 41–2123 (amended); and section 5: A.R.S. section 41–2124 (repealed).

3. Sections 52.136 and 52.137 are removed and reserved.

§§ 52.136 and 52.137 [Removed]

[FR Doc. 92–4771 Filed 3–6–92; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

[0905–AD27]

Grants for Hospital Construction and Modernization; Federal Right of Recovery and Waiver of Recovery

AGENCY: Public Health Service, DHHS.

ACTION: Final rule.

SUMMARY: This final rule amends regulations relating to the waiver of the Federal right of recovery for good cause to include instances in which a facility has been acquired from an agency of the United States. Currently, if another agency, having acquired title to an obligated facility in the course of carrying out its responsibilities under Federal law, were to dispose of the facility for operation as anything except a public or nonprofit health care facility, a right of recovery would extend both against the agency as seller and against the purchaser. This amendment is intended to provide a specific waiver that avoids the situation of one Federal agency suing another, while allowing each agency to pursue its responsibilities as reasonably as possible. If the other Federal agency shall have made a good faith effort to dispose of the obligated facility for use as a public or non-profit health care facility, to no avail, then the waiver being sought would allow that agency to dispose of the property as efficiently and as economically as possible, with clear title and without the threat of further action.

EFFECTIVE DATE: This rule is effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Donald B. Sylvain, Chief, Medical Facilities Branch, Division of Facilities Assistance and Recovery, Bureau of Health Resources Development, Health Resources and Services Administration,

room 11A-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: On December 14, 1990, the Secretary published, at 55 FR 51434, a Notice of Proposed Rulemaking (NPRM) to amend subpart H of part 124 of title 42 of the Code of Federal Regulations, to allow the waiver of the Federal right of recovery when a facility has been acquired from an agency of the United States.

The public comment period on the NPRM closed January 14, 1991. The Department received no written comments.

On March 7, 1986, the Secretary added a new subpart H to part 124 of title 42 CFR, to implement sections 609 and 1622 of the Public Health Service Act (42 U.S.C. 291i, 300s-1a), as amended (51 FR 7935). The regulations provide for recovery of funds by the United States when a health care facility that was constructed with the aid of a grant under titles VI or XVI (the Hill-Burton Program) of the Public Health Service Act is, within 20 years, sold or transferred to an entity that would not have been qualified to receive a grant. The regulations also provide for recovery when, within the same 20-year period, an assisted facility ceases to be a health care facility. In a "cease to be" situation, the statutes and regulations authorize the Secretary to waive the recovery rights of the United States if the Secretary determines, in accordance with applicable regulations, that there is good cause for waiving such rights with respect to a facility. The provisions relating to the good cause waiver are set out in § 124.708.

This final rule amends this section to take into consideration in determining good cause for a waiver that the facility has been acquired from an agency of the United States (e.g., The Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit health care facility.

Regulatory Flexibility Act and Executive Order 12291

The Secretary has determined that this rule will not have a significant economic impact on a substantial number of small entities, and therefore a regulatory flexibility analysis is not required.

Because it will not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria, the Secretary also has determined that this regulation is not a major rule under Executive Order 12291. Thus, a regulatory impact analysis is not required.

Paperwork Reduction Act

This final rule contains no new additional information collection or record keeping requirements.

List of Subjects in 42 CFR Part 124

Grant Programs—Health, Health facilities, Low income persons.

Dated: September 20, 1991.

James O. Mason,

Assistant Secretary for Health.

Approved: December 20, 1991.

Louis W. Sullivan,

Secretary.

Accordingly, 42 CFR part 124 is amended as set forth below:

PART 124—MEDICAL FACILITY CONSTRUCTION AND MODERNIZATION

Subpart H—Recovery of Grant Funds

1. The authority citation for subpart H of part 124 continues to read as follows:

Authority: 42 U.S.C. 291i and 300s-1a.

2. Section 124.708 is amended by adding paragraph (c) as follows:

§ 124.708 Waiver of Recovery—good cause for other use of facility.

* * * * *

(c) The facility has been acquired from an agency of the United States (e.g., the Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit health care facility.

[FR Doc. 92-5309 Filed 3-6-92; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, and 95

[GEN Docket No. 91-2; FCC 92-22]

Allocation of Spectrum and Establishment of Rules for an Interactive Video and Data Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopted a Report and Order (Report) that establishes an Interactive Video and Data Service (IVDS), allocates the 218-219 MHz band for its use, and promulgates rules to govern operation of the service. Establishing an IVDS service will permit an array of data communications services and interactive television programs to be provided the public at reasonable cost.

EFFECTIVE DATE: April 8, 1992.

FOR FURTHER INFORMATION CONTACT: Damon C. Ladson, Office of Engineering and Technology, Frequency Allocation Branch, (202) 653-8106.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (Report) adopted January 16, 1992, and released February 13, 1992. The full text of Commission decisions are available for inspection and copying during regular business hours in the FCC Dockets Branch (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's duplication contractor, Downtown Copy Center, (202) 452-1422, 1114 21st Street NW., Washington, DC 20036.

Summary of Report and Order

1. The Report allocates the 218-219 MHz band to IVDS. IVDS is a two-way radio-based data service intended to use broadcast television receivers to display information, product offerings and other services to individual subscribers and to accept interactive data responses from those subscribers. In the Notice of Proposed Rule Making (Notice), 56 FR 10222 (March 11, 1991), the Commission tentatively concluded that, with proper engineering and design, this band could be used for IVDS without disrupting existing services on adjacent frequencies. Based on that conclusion, the Commission proposed to allocate for IVDS the 218-218.5 MHz band as requested by TV Answer, Inc. (TV Answer), the petitioner in this proceeding. The Commission also suggested allocating the entire 218-219 MHz band for IVDS, noting that the subject frequencies were unused, although allocated to the Automated Maritime Telecommunications System (AMTS) in the maritime mobile service. After considering the record in this proceeding in regards to the potential for IVDS, as well as the impact on the AMTS service, the Commission decided the public interest would be served by allocating the entire 218-219 MHz band to IVDS.

2. The Report adopts technical requirements for IVDS systems that are designed primarily to ensure that harmful interference is not caused to TV Channel 13 operations in the 210-216 MHz band and to AMTS operations at 217-218 and 219-220 MHz. For the most part, the technical rules that were proposed in the Notice were based on TV Answer's IVDS system design and interference prevention proposals. Parties responding to those proposals commented on specific technical parameters. After consideration of those comments and our own analysis (see "Test Report, TV Answer Interference Tests," Project No. 91-10, Office of Engineering and Technology, January 10, 1992, placed in the record in this proceeding), we are adopting rules somewhat modified from those in our original proposal. These rules are designed to prevent interference to adjacent services, yet allow flexibility and alternative IVDS technologies.

3. The primary concern in adopting technical rules for IVDS is that interference is not caused to TV Channel 13. That concern required that limits be placed on IVDS transmitters' (for both the base station (cell transmitter station (CTS)), and in-home units (response transmitter unit (RTU)) effective radiated power (ERP), antenna height, CTS separation distance from nearest residence, RTU duty cycle, emissions, and frequency tolerance.

4. With respect to CTS ERP limits, the Commission has adopted the CTS ERP limits proposed in the Notice. These limits are based on an IVDS CTS's location with respect to TV Channel 13 service contours. The maximum CTS ERP is 20 watts. RTU ERP is limited to the minimum power necessary for communication with its associated CTS, up to a maximum of 20 watts. In addition, CTSs are required to maintain automatic power control of associated RTUs. See § 95.855 of the Rule Changes, infra. IVDS CTS and RTU antenna height above average terrain (HAAT) is also limited. The general requirement is that a CTS antenna not exceeded a maximum HAAT of 36.6 meters (120 feet) unless its site is located more than 16 kilometers (10 miles) from the Grade B contour of a TV Channel 13 station. CTS stations beyond that distance can employ antennas with a maximum HAAT of 152.5 meters (500 feet). See § 95.859 (a) of the Rule Changes, infra. RTU antennas must be an integral part of the RTU unit itself. However, exterior RTU antennas will be permitted if installed by an IVDS system operator in connection to a master antenna system. See § 95.859 (c) and (d) of the Rule Changes, infra. To further protect television reception, the Commission has adopted a minimum CTS-to-nearest residence separation distance of 61 meters (200) feet as proposed in the notice. See § 95.859 (b) of the Rule Changes, infra. In addition, the Commission has adopted a maximum duty cycle for IVDS RTUs in order to provide an additional interference safeguard. RTUs will be limited to a maximum duty cycle of five seconds per hour, or alternatively, a duty cycle not to exceed one percent within any 100 millisecond interval. Finally, although an emissions limit and a frequency tolerance was proposed in the notice, the Commission is not imposing those requirements. Instead, IVDS operators will be allowed any emission type and frequency tolerance that results in a system that complies with our out-of-band limits specified in §§ 95.857 and 95.861 of our new rules. See Rule Changes, infra.

5. The purpose of IVDS is to provide information, products, or services to individual subscribers and to accept interactive responses from subscribers. IVDS services are envisioned to be of a personal nature and offered on a subscription basis. Therefore, the Commission decided to regulate IVDS as a private carrier under part 95. Although services will be offered on a subscription basis, the providers will be free to determine to whom, and on what terms, service will be offered. Given the competitiveness of the market for interactive services, the Commission did not discern a public interest reason to legally require that IVDS carriers hold themselves out as providing service to the public indiscriminately, and thereby confer common carrier status. Further, licensees providing IVDS service face competition from other technologies such as the public switched telephone network and interactive (two-way) cable television based systems. Finally, IVDS is not an essential service.

6. In the notice, the Commission proposed to define IVDS service areas using a licensee-defined point-radius (64.4 km radius) approach. However, comments filed in response were persuasive in arguing for pre-designated filing areas. Therefore, the Commission adopted pre-designated filing areas to define local IVDS markets for licensing purposes that are defined in terms of cellular service areas (see Public Notice, Report No. 92-40 (January 24, 1992). Licensees will have exclusive use of their frequencies within their service area.

7. Specific filing procedures for IVDS system license applications will be announced by Public Notice published in the Federal Register. To provide for introduction of IVDS to the public rapidly, and to minimize the filing burden, only FCC Form 155 will be required initially, specifying the applicant's name and address and the service area number (specified in the box labeled "Call Sign or Other FCC identifier) for which the applicant is applying. This form must be submitted with a fee code with the $1400 filing fee, and must be filed in accordance with § 1.1102 of the Rules. Applications not complying with the rules will be dismissed.

8. Selection of a licensee among mutually exclusive applications in each service area will be by lottery. Once a tentative licensee has been selected, that applicant will have two business days to file with the Commission's Licensing Division in Gettysburg, PA, an FCC Form 574 and required attachments as an amendment to its application for an IVDS system license. Tentative licensees not meeting this filing deadline will have their applications dismissed. Those who meet the deadline and have made the appropriate filings will be granted a system license with a block of 40 call signs. This gives the licensee authority to operate up to 40 CTSs (where the antenna does not exceed 6.1 meters above ground or an existing man-made structure) anywhere in its service area. CTSs that have higher antenna heights or require special handling must be individually licensed. Tentative licensees, however, must first obtain their general IVDS system license before filing for special case CTS licenses.

9. Pursuant to 5 U.S.C. 603, an initial Regulatory Flexibility Analysis was incorporated in the *notice of proposed rulemaking* in GEN Docket No. 91-2. Written comments on the proposals in the *notice*, including the Regulatory Flexibility Analysis, were requested.

10. *Need for and Objective of Rules.* Our objective is to establish a consumer-oriented interactive video and data service. The rules adopted herein will allow flexibility in implementing this new service, and ensure the least possible interference to existing services on nearby or adjacent bands.

11. *Issues Raised by the Public in Response to the Initial Analysis.* Most commenters supported allocating spectrum for IVDS, although a majority of those favoring IVDS suggested modifications to specific proposals set forth in the *Notice*. These suggestions did not specifically address the initial regulatory flexibility analysis. We have modified our proposals as appropriate. For example, in the *Notice* we had proposed to define IVDS service areas in terms of a radius from a reference set of coordinates, but now adopt rules that will ease the burden on both the Commission and IVDS applicants by defining IVDS service areas by MSA/RSAs.

12. *Any Significant Alternative Minimizing Impact on Small Entities and Consistent With Stated Objectives.* We have reduced burdens wherever possible. The regulatory burdens we have retained are necessary in order to ensure that the public receives the benefits of this innovative new service in a prompt and efficient manner. In the future we will continue to examine alternatives with the objective of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. The Secretary shall send a copy of this Report and Order to the Chief Counsel for Advocacy of the Small Business Administration.

Ordering Clause

13. Accordingly, *It is Ordered*, that parts 1, 2, and 95 of the Commission's Rules and Regulations are amended as specified below, effective April 8, 1992. This action is taken pursuant to sections 4(i), 7(a), 303(c), (g), and (r), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 157(a), 303(c), (g), and (r), and 309(a).

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 2

Frequency allocations and radio treaty matters; General rules and regulations, Radio.

47 CFR Part 95

Personal radio services, Radio.

Federal Communications Commission.
William F. Caton,
Acting Secretary.

Rule Changes

Parts 1, 2 and 95 of chapter I of title 47 of the Code of Federal Regulations are amend as follows:

PART 1—PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303; Implement. 5 U.S.C. 552, unless otherwise noted.

2. Section 1.926(a)(1) is revised to read as follows:

§ 1.926 Application for renewal of license.

(a) * * *

(1) Renewal of station or system authorizations in the Private Land Mobile Radio Services (part 90 of this chapter), the General Mobile Radio Service (part 95, subpart A of this chapter), and the Interactive Video and Date Service (part 95, subpart F of this chapter) shall be submitted on FCC Form 574–R when the licensee has received that Form in the mail from the Commission. If the licensee has not received the Commission-generated Form 574–R within sixty (60) days of expiration, application for renewal of station or system license shall be submitted on FCC Form 405–A.

* * * * *

3. Section 1.951 is amended by removing paragraph (c), redesignating paragraph (d) as paragraph (c), and revising paragraph (a) to read as follows:

§ 1.951 How applications are distributed.

* * * * *

(a) Special Services Branch

(1) All Aviation Radio Services and Maritime Radio Services applications.

(2) Personal Radio Services applications: Amateur, General Mobile, and Interactive Video and Data.

* * * * *

4. Section 1.952(b) is amended by adding two categories under the heading "Personal Radio Services" to read as follows:

§ 1.952 How file numbers are assigned.

* * * * *

(b) * * *

Personal Radio Services

ZA-General Mobile Radio Service
ZV-Interactive Video and Data Service

* * * * *

5. Section 1.972 is amended in paragraph (a)(1) by adding "Part 95 Subpart F—Personal Radio Services" at the end of the list and revising paragraph (c) to read as follows:

§ 1.972 Grants by random selection.

* * * * *

(c) If there are mutually exclusive applications for an initial license for stations subject to part 80 or part 87, or if there are more applications for an initial license in part 90, part 94 or part 95-subpart F, than can be accommodated on available frequencies, the Commission may process the applications pursuant to a system of random selection. Each such random selection shall be conducted pursuant to an order issued by the Private Radio Bureau and under the direction of the Chief of the Bureau.

* * * * *

6. Section 1.1102 is amended by adding entries 7a(i), 7a(ii), 7b(i), and 7b(ii) to read as follows:

§ 1.1102 Schedule of charges for private radio services.

Action	FCC form No.	Fee amount	Fee type code	Address
* * * * *				
7. General Mobile Radio Service:				
a. New, Modification and/or Renewal (per call sign).				
(i) General Mobile Radio Service	FCC 574	35	PAL	Federal Communications Commission, General Mobile Radio Service, P.O. Box 358230, Pittsburgh, PA 15251–5230
(ii) Interactive Video and Data Service	FCC 574, FCC 155	35	PAV	Federal Communications Commission, Interactive Video and Data Service, P.O. Box 358365, Pittsburgh, PA 15251–5365
b. Renewal of license (per call sign).				
(i) General Mobile Radio Service	FCC 574R	35	PAL	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358245, Pittsburgh, PA 15251–5245
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
(ii) Interactive Video and Data Service	FCC 574R FCC 155	35	PAV	Federal Communications Commission, 574R Land Mobile Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
	FCC 405A, FCC 155	35	PAL	Federal Communications Commission, 405A Station Renewal, P.O. Box 358270, Pittsburgh, PA 15251–5270
* * * * *				

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation in part 2 continues to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended. 47 U.S.C. 154, 302, 303, and 307 unless otherwise noted.

2. § 2.106, the Table of Frequency Allocations, is amended by revising the entry for 216–220 MHz band in columns 2, 4, 5, and 6 and adding footnote US317 to the list of footnotes at the end of the table as follows:

§ 2.106 Table of frequency allocations.

International table			United States Table		FCC use designators	
Region 1—allocation MHz	Region 2—allocation MHz	Region 3—allocation MHz	Government Allocation MHz	Non-government Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
* * *	* * *	* * *	* * *	* * *	* * *	*
.....	216–220—FIXED. MARITIME MOBILE. Radiolocation 627. 627A.	.....	216–220—MARITIME MOBILE. Aeronautical-Mobile. Fixed. Land Mobile. Radiolocation 627. US210 US229 US274, US317 G2.	216–220—MARITIME MOBILE. Aeronautical-Mobile. Fixed. Land Mobile. 627. US210 US229 US274, US317 NG121.	MARITIME (80). Private Land Mobile (90). Personal Radio Service (95).	

United States (US) Footnotes

* * * * *

US317—The band 216.0–219.0 MHz is allocated on a primary basis to the Interactive Video and Data operations.

PART 95—PERSONAL RADIO SERVICES

1. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 95.1 is amended by adding paragraph (c) to read as follows:

§ 95.1 The General Mobile Radio Service (GMRS).

* * * * *

(c) The Interactive Video and Data Service (IVDS) is a two-way point-to-multipoint radio service intended for system licensees to provide information, products, and services, and to obtain responses from, subscribers in a specific service area. The rules for this service are contained in subpart F of this part.

3. Part 95 is amended by adding a Subpart F, consisting of §§ 95.801–95.863, to read as follows:

Subpart F—Interactive Video and Data Service (IVDS)

General Provisions

Sec.
95.801 Scope.
95.803 IVDS description.
95.805 Permissible Communications.

System License Requirements

95.811 License requirements.
95.813 Eligibility.
95.815 License application.
95.817 Application for renewal of license.
95.819 License not transferable.
95.821 Application for transfer of control.

System Requirements

95.831 Service requirements.
95.833 Construction requirements.
95.835 Station identification.
95.837 Station inspection.
95.839 Operation in the National Radio Quiet Zone.
95.841 Operation near an Commission monitoring facility.

Technical Standards

95.851 Type acceptance.
95.853 Frequency segments.
95.855 Transmitter effective radiated power limitation.
95.857 Emission standards.
95.859 Antennas.
95.861 Interference.
95.863 Duty cycle.

Subpart F—Interactive Video and Data Service (IVDS)

General Provisions

§ 95.801 Scope.

This Subpart sets out the regulations governing the licensing and operation of an Interactive Video and Data Service (IVDS) system. The rules in this Subpart are to be read in conjunction with applicable requirements contained elsewhere in the Commission's Rules.

§ 95.803 IVDS description.

(a) An IVDS system is a point-to-multipoint, multipoint-to-point, short distance communications service for its licensee to provide information, products, or services to, and allow interactive responses from, subscribers located at fixed locations in the service area.

(b) The components of each IVDS system are its associated administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). Each IVDS system is authorized for a specific service area, and frequency segment. There can be a maximum of two IVDS systems per service area. There are two frequency segments available for each service area.

(c) Each IVDS system service area is one of the cellular system service areas as defined by the Commission.

§ 95.805 Permissible communications.

(a) Each IVDS system may conduct CTS-to-RTU and RTU-to-CTS communications between the system licensee and its subscriber's locations.

(b) Ancillary CTS-to-CTS communications within the same IVDS system is permitted on a secondary basis.

(c) Direct RTU-to-RTU communications are prohibited.

(d) The licensee may use the IVDS system to interact with its subscribers concerning products and services offered, polls conducted, educational classes taught, and activities in conjunction with broadcast and cable operations.

(e) An IVDS system may provide service to fixed locations within the service area such as private residences, places of business, educational institutions, and local, state, or federal government agencies.

(f) No IVDS system may render a common carrier service.

System License Requirements

§ 95.811 License requirements.

(a) Each IVDS system must be licensed.

(b) Each component CTS where the antenna does not exceed 6.1 meters (m) (20 feet) above ground or an existing man-made structure (other than an antenna structure) are authorized under the IVDS system license. All other component CTSs must be individually licensed to the system licensee.

(c) Each component RTU in an IVDS system is authorized under the IVDS system license or if associated with an individually licensed CTS, under that CTS license.

(d) The term of each IVDS system license and each CTS license is five years.

§ 95.813 Eligibility.

(a) An entity is eligible to hold an IVDS system license and its associated individual CTS licenses if:

(1) The entity is an individual who is not a representative of a foreign government; or

(2) The entity is a partnership and no partner is a representative of a foreign government; or

(3) The entity is a corporation organized under the laws of the United States of America.

(b) No entity is eligible to hold an IVDS system license if:

(1) The entity already holds an IVDS system license or has an interest in an IVDS system license for the same service area.

(2) The entity had an IVDS system license canceled within the past three years for failure to meet the construction requirements specified in § 95.831.

(c) Each individually licensed CTS must also be held by the IVDS system license for the service area in which the CTS is located.

§ 95.815 License application.

(a) An application for an IVDS system license may be filed by an eligible applicant for a service area only when there are less than two existing IVDS system licenses.

(b) Each application for an IVDS system license and each application for a CTS license where the CTS antenna exceeds 6.1 m (20 feet) (See § 95.811(b)) must be made on a separate FCC Form 574. Each application for an IVDS system license must be submitted to the Federal Communications Commission, Interactive Video and Data Service, P.O. Box 358365, Pittsburgh, PA 15251–5230. Each application for the CTS must be submitted to the address set forth in § 1.1102 of this chapter.

(c) Each application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; or by an officer or duly authorized employee, if the applicant is a corporation.

(d) Each application for an IVDS system license must include the following:

(1) A cover sheet specifying the applicant's name and address and the specific service area number and name as defined in § 95.803.

(2) A completed application (FCC Form 574).

(3) A plan showing how the applicant intends to minimize co-channel interference and interference to adjacent channel users and a showing that the proposed system will provide coverage (39 dbu) to at least 50 percent of the population (1990 census) or land area within the service area.

(e) Each IVDS system license is initially licensed for 40 CTSs. Licensees wishing to modify this number must submit a cover sheet as in paragraph (d)(1) of this section and a Form 574 specifying the new number of CTSs.

(f) Each request by an IVDS system licensee to add, delete, or modify an individually licensed CTS (the CTS antenna exceeds 6.1m (20 feet) (See § 95.811(b))) must include the following:

(1) A cover sheet specifying the licensee's name and address and the specific service area number and name where the IVDS system is located.

(2) A description of the system after the proposed addition, deletion, or modification, including the population in the service area, the number of component CTSs, and an explanation of how the system will satisfy the service requirements specified in § 95.831.

(3) A separate application (FCC Form 574) for each CTS that is being added or modified.

(4) The license for each CTS that is being deleted.

(g) Any application not complying with the Commission's Rules will be dismissed.

(h) Each application will be processed on a first-come-first-served basis.

§ 95.817 Application for renewal of license.

(a) Each application for renewal of an IVDS system license and for renewal of each individually licensed CTS shall be submitted on a Commission-generated FCC Form 574–R when the licensee has received that form in the mail from the Commission. If the licensee has not received the Form 574–R within sixty days of expiration, application for renewal shall be submitted on FCC Form 405–A.

(b) Each application for renewal must be submitted as part of a renewal package to the address set forth in § 1.1102 of the Commission's Rules.

(c) The renewal package must include a cover sheet specifying the licensee's name and address and the service area number and name.

§ 95.819 License not transferable.

(a) The licensee may not transfer, assign, sell, or give the IVDS system license or any component CTS license to any other entity until the five year construction benchmark (50 percent coverage) has been met.

(b) Once the five year construction benchmark has been met, the licensee may transfer, sell, assign, or give the IVDS system license together with all of its component CTS licenses to any other entity only in accordance with the provisions of § 95.821. If the licensee sells or gives away the apparatus, the new owner must obtain a new IVDS system license and CTS licenses before placing it in operation.

§ 95.821 Application for transfer of control.

If an IVDS system licensee agrees to a change in control of the station, the holder must request Commission consent for change of control by filing a Form 703. The licensee shall mail the request, together with the filing fee, to the address specified in § 1.1102 of this chapter. The document granting such consent must be kept as part of the IVDS system authorization.

System Requirements

§ 95.831 Service requirements.

Each IVDS system licensee must make the service available to at least 50 percent of the population or land area located within the service area.

§ 95.833 Construction requirements.

(a) Each IVDS system licensee must make the service available to at least 10 percent of the population or area within the service area within one year of grant of the IVDS system license, 30 percent of the population or land area within three years of grant of the IVDS system license, and 50 percent of the population or land area within five years of grant of the IVDS system license. Failure to do so will cancel the IVDS system license automatically. For the purposes of this section, a CTS is not considered as providing service unless that CTS and two associated RTUs are placed in operation.

(b) Each IVDS system licensee must file a progress report at the conclusion of each benchmark period to inform the Commission of the construction status of the system. The report must be addressed to: Federal Communications Commission, Special Services Branch, 1270 Fairfield Road, Gettysburg, PA 17325–7245. The report must include:

(1) A showing of how the system meets the benchmark; and

(2) A list, including addresses, of all component CTSs constructed.

§ 95.835 Station identification.

No RTU or CTS is required to transmit a station identification announcement.

§ 95.837 Station inspection.

Upon request by an authorized Commission representative, the IVDS system licensee must make any component CTS available for inspection.

§ 95.839 Operation in the National Radio Quiet Zone.

(a) Before constructing a CTS in any area within the National Radio Quiet Zone (see § 95.41) or before changing frequency segment, transmitter power, antenna height or directivity, or the coverage area of an existing CTS or RTU located within any area within the National Radio Quiet Zone, the licensee must give written notification thereof to the Interference Office, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, WV 24944.

(b) The notification must include the geographical coordinates of all component CTS antennas, antenna ground elevation above mean sea level, antenna center of radiation above ground level, antenna directivity, proposed frequency, type of emission, and transmitter power.

(c) If an objection to the proposed CTS is received by the Commission from the National Radio Astronomy Observatory at Green Bank, Pocahontas County, WV, for itself or on behalf of the Naval Research Laboratory at Sugar Grove Pendleton County, WV, within 20 days from the date of notification, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 95.841 Operation near a Commission monitoring facility.

Each CTS and each RTU transmitting from a location within 1.6 km (1 mile) of a Commission monitoring facility must protect that facility from harmful interference. Failure to do so could result in imposition of restrictions upon the operation of the CTS or RTU by the Engineer-in-Charge of the facility. (Geographical coordinates of the facilities that require protection are listed in § 0.121(c) of this chapter.)

Technical Standards

§ 95.851 Type acceptance.

Each CTS and RTU transmitter must be typed-accepted for use in the IVDS in accordance with Subpart J of Part 2 of this chapter.

§ 95.853 Frequency segments.

(a) Frequency segment A is 218.0–218.500 MHz. Frequency segment B is 218.501–219.0 MHz.

(b) Each CTS and each RTU in the same IVDS system shall transmit in the same assigned frequency segment.

§ 95.855 Transmitter effective radiated power limitation.

(a) The effective radiated power of each CTS and RTU shall be limited to the minimum necessary for successful intercommunication. RTUs must incorporate automatic power control to ensure the minimum power is used. No CTS or RTU may transmit with an effective radiated power (ERP) exceeding 20 watts.

(b) For an IVDS system located in a TV Channel 13 station Grade B predicted contour, the maximum ERP shall be limited as follows:

TV channel 13 service area	Maximum CTS ERP (watts)
City Grade	20
Grade A	7
Grade B	1
Grade B +2 miles	1
Grade B +3 miles	3
Grade B +4 miles	10
Grade B +5 miles and beyond	20

§ 95.857 Emission standards.

(a) All transmissions by each CTS and by each RTU shall use an emission type that complies with the following standard for unnecessary radiation.

(b) All spurious and out-of-band emissions shall be attenuated:

(1) Zero dB on any frequency within the authorized frequency segment.

(2) At least 28 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 250 kHz up to and including 750 kHz;

(3) At least 35 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 750 kHz up to and including 1250 kHz;

(4) At least 43 plus 10 log (base 10) (mean power in watts) dB on any frequency removed from the midpoint of the assigned frequency segment by more than 1250 kHz.

(c) When testing for type acceptance, all measurements of unnecessary radiation are performed using a carrier frequency as close to the edge of the authorized frequency segment as the transmitter is designed to be capable of operating.

(d) The resolution bandwidth of the instrumentation used to measure the emission power shall be 100 Hz for measuring emissions up to and including 250 kHz from the edge of the authorized frequency segment, and 10 kHz for measuring emissions more than 250 kHz from the edge of the authorized frequency segment. If a video filter is used, its bandwidth shall not be less than the resolution bandwidth. The power level of the highest emission within the frequency segment, to which the attenuation is referenced, shall be remeasured for each change in resolution bandwidth.

§ 95.859 Antennas.

(a) No CTS antenna shall be elevated higher than necessary to assure adequate service. No CTS antenna structure, including the radiating elements, tower, supports and all appurtenances, may exceed a maximum Height Above Average Terrain (HAAT), as defined in § 90.309 of this chapter, of 36.6m (120 feet) within an area defined by a boundary line 16 km (10 miles) outside of the Grade B contour of a TV Channel 13 station. When an antenna is

located beyond 16 km (10 miles) from a TV Channel 13 Grade B contour, the HAAT shall not exceed 152.5m (500 feet).

(b) No CTS antenna shall be located within 61m (200 feet) of a residential dwelling.

(c) Except as noted in paragraph (d) of this section, the RTU antenna must be an integral part of the RTU unit.

(d) In buildings with multiple subscribers (10 or more) RTUs can be connected to a master external antenna. The external antenna cannot be more than 6.1m (20 feet) above ground or above an existing man made structure (other than an antenna structure) and is subject to § 95.861.

§ 95.861 Interference.

(a) When an IVDS system suffers harmful interference within its service area from or causes harmful interference to another IVDS system, the licensees of both systems must cooperate and resolve the problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including, but not limited to, specifying the transmitter power, antenna height, or area or hours of operation of the stations concerned.

(b) The use of any frequency segment at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of a frequency segment specified for the IVDS system may be restricted as to specified geographical areas, maximum power, or other operating conditions.

(c) Each IVDS system licensee must inform all households located both within a TV Channel 13 station Grade B predicted contour and the CTS service area of the potential for interference from an IVDS system. The IVDS system licensee must also inform those potentially affected households that it will eliminate any objectionable interference caused to television reception by the IVDS system. This notification shall be made no more than two weeks before and no more than two weeks after initiation of IVDS service in that area.

(d) Each IVDS system licensee must provide upon request, and install free of charge, an interference reduction device to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU.

(e) Each IVDS system licensee must investigate and eliminate interference to television broadcasting and reception, from its component CTSs and RTUs, within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint. Should the licensee fail to eliminate the interference within the 30 day period, the CTS or RTU causing the interference must discontinue operation.

(f) The boundaries for each IVDS service area, as defined in § 95.803, are the limit of interference protection for an IVDS system.

§ 95.863 Duty cycle.

The maximum duty cycle of each RTU shall not exceed 5 seconds per hour, or, alternatively, not exceed one percent within any 100 millisecond interval.

[FR Doc. 92-4541 Filed 3-6-92; 8:45 am]

BILLING CODE 4712-01-M

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47 CFR Parts 73 and 76

[MM Docket No. 91-168, FCC 92-55]

Sponsorship Identification Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has reconsidered and revised its rules concerning compliance with the sponsorship identification requirements applicable to political advertisements. This action modifies the requirements recently adopted in the Commission's Report and Order, 57 FR 189 (Jan. 3, 1992) in this docket, released December 23, 1991, 7 FCC Rcd 678 (1992). Due to the urgent need for clarity in this area and the immediacy of numerous primary elections in this important campaign year, it has been determined that the Commission should act promptly to adopt the modified requirements set forth in the text without awaiting completion of the full comment cycle for petitions for reconsideration. Because we do not wish to impose undue burdens upon candidates or broadcasters and seek to minimize disruption of commercials already prepared, political advertisements need not comply with the specific standards adopted herein until April 1, 1992. In the interim, political advertisements will be deemed to satisfy the Commission's sponsorship identification requirements if they comply with either the standards adopted in this Order, or the standards applicable following the December Report and Order.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Diane Hofbauer, Office of General Counsel, Federal Communications Commission (202) 632-6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order in Codification of the Commission's Political Programming Policies, MM Docket No. 91-168. The item was adopted February 12, 1992 and released February 14, 1992. The full text of this ruling is available for inspection and copying during normal business hours in the FCC Dockets Branch (rm. 230), 1919 M Street, NW., Washington, DC. The full text of this item may also be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036 (202) 452-1422.

Summary of Memorandum Opinion and Order

1. In our December Report and Order, 57 FR 189 (Jan. 3, 1992) we imposed both an audio and video sponsorship identification requirement for televised political advertisements, but declined to adopt specific objective measurement criteria to use to assess compliance with the video obligation. In response to petitions for reconsideration addressing these particular decisions, we have decided to delete the audio identification requirement and to impose specific, objective standards for video sponsorship identification.

2. In the Notice of Proposed Rulemaking, 56 FR 30526 (July 3, 1991), 6 FCC Rcd. 5707 (1991) in this proceeding, the Commission asked for comment on the possibility of requiring both audio and visual sponsorship identification for television advertisments. Even though most commenters did not address this specific issue, in the Report and Order we adopted the proposal, because we believed that providing both audio and visual information would better inform the public.

3. Petitions for reconsideration were filed by both the Democratic and Republican National Committees objecting to the new audio identification requirement. According to petitioners, adoption of this additional obligation has imposed an excessive burden upon political advertising, particularly with respect to shorter advertisements, such as 10 or 15 second spots. Upon further reflection we agree that requiring any additional audio component that would be of sufficient duration to ensure adequate identification to the average listener may well be unduly burdensome to candidates, particularly for short spot announcements. Thus, upon reconsideration, we have determined that the additional audio identification requirement should not be imposed, and we hereby eliminate that obligation.

4. In the Report and Order we decided that further objective visual requirements were unnecessary. In view of our decision to delete the audio identification rule, however, we believe that the record in this proceeding indicates that certain minimal standards should be articulated with respect to video identification. Thus, we shall henceforth require that in the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for no less than four seconds. Specific visual identification requirements will satisfy the need for more objective guidelines cited by the majority of commenters, will ensure that the sponsor of political advertisements is readily apparent to viewers, and do not appear to be unduly burdensome from a compliance perspective.

5. Commenters originally opposing adoption of specific standards for sponsorship identification were concerned primarily that it would be too difficult to implement with precision the time duration and size requirements. We emphasize that the reasonableness standard traditionally employed by the Commission in evaluating compliance with the Commission's regulations will apply to enforcement of these requirements. We have determined that, rather than imposing undue burdens upon broadcasters, adoption of these standards will significantly assist stations by providing clear standards for compliance with the statutory requirement.

6. Several commenters suggested that if the Commission imposed definitive sponsorship identification standards, broadcasters should have the right to require pre-airing submissions to ensure that advertisements met the Commission's standards. In view of our decision to adopt specific standards for visual identifications with which broadcasters must now comply, we agree that, under normal circumstances, stations must have the right to pre-screen the sponsorship identification element of a political advertisement to ensure that it meets the new standards. However, where there is not enough time for a broadcaster to pre-screen the sponsorship identification in a political advertisement, we will permit the station to run the ad for the first time without risking a Commission finding of a section 317 violation. In the event the station cannot add the required visual identification immediately without taking extraordinary measures, we will allow the station to add only an aural identification, so long as the proper visual identification needed is added within one business day of its first airing. Stations may not refuse to air political advertisements lacking adequate sponsorship identification, but are obligated to add their own identification. We note, however, that licensees need not provide additional time, free of charge, in order to satisfy the sponsorship identification rules, but may include the necessary information within the advertisement itself. Finally, we emphasize that nothing in this ruling alters our prior policies requiring that political advertisements contain information that is sufficient to allow viewers to identify the real sponsor of the ad.

7. Accordingly, *It is ordered,* That the Petitions for Reconsideration filed by People for the American Way and Media Access Project; CBS, Inc.; Capital Cities/ABC, Inc.; The Democratic National Committee and The Democratic Senatorial Committee; The Republican National Committee and The National Republican Senatorial Committee and The National Republican Congressional Committee; National Association of Broadcasters; Multi-Media, Inc.; and A.H. Belo Corporation *et al.* are granted to the extent indicated herein.

8. *It is further ordered,* That, pursuant to authority contained in sections 317, 303(r), and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 317, 303(r), 154(i), the Commission's Rules are amended as set forth below effective April 1, 1992.

List of Subjects

47 CFR Part 73

Television broadcasting.

47 CFR Part 76

Administrative practice and procedure, Cable television, Equal employment opportunity, Political candidates, Reporting and recordkeeping requirements.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 73 and 76 of title 47 of the Code of Federal Regulations are amended to read as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

2. Section 73.1212 is amended by removing the last sentence in paragraph (a)(2)(i) and adding a new paragraph (a)(2)(ii) to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

(a) * * *

(2) * * *

(ii) In the case of any television political advertisement concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

* * * * *

PART 76—[AMENDED]

3. The authority citation for part 76 continues to read as follows:

Authority: Secs. 2, 3, 4, 301, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

4. Section 76.221(a) is amended by revising the last sentence to read as follows:

§ 76.221 Sponsorship identification; list retention; related requirements.

(a) * * * In the case of any political advertisement cablecast under this paragraph that concerns candidates for public office, the sponsor shall be identified with letters equal to or greater than four percent of the vertical picture height that air for not less than four seconds.

* * * * *

[FR Doc. 92-5286 Filed 3-6-92; 8:45 am]

BILLING CODE 4712-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1809

Interim Change to NASA FAR Supplement Prohibiting Contract Awards to Persons Misusing "Made in America" Labels

AGENCY: National Aeronautics and Space Administration.

ACTION: Interim rule with request for comments.

SUMMARY: NASA has revised the NASA FAR Supplement, Subpart 1809.1, to prohibit the award of prime and subcontracts to persons who violate a statutory prohibition against misuse of "Made in America" labels. Public Law 102-195, the NASA Fiscal Year 1992 Authorization Act, states that a person who violates that prohibition is not

eligible for a procurement carried out with amounts authorized under that act.

DATES: This interim rule is effective March 9, 1992; comments must be received by April 8, 1992.

ADDRESSES: Comments should be addressed to Mr. Kenneth I. Jeffries, Procurement Analyst, Procurement Policy Division (Code HP), NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth I. Jeffries, Telephone: (202) 453–8253.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Fiscal Year 1992 NASA Authorization Act (Pub. L. 102–195) states that a person shall not intentionally affix a label bearing the inscription "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product. It also states that a person violating that prohibition shall not be eligible for any contract or subcontract for a procurement carried out with amounts authorized under that act. NASA is implementing the requirement against contracting with persons who wrongfully affix "Made in America" labels by amending subpart 1809.1, Debarment, Suspension, and Ineligibility, to require contracting officers to exclude such persons from NASA prime contracts and subcontracts.

Regulatory Flexibility Act

This interim rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. It is impossible to accurately estimate the number of small entities that will be impacted. Owing to the recent passage of this legislation, the number of entities fraudulently affixing such labels is not known. However, it is anticipated that few, if any, entities doing business with NASA violate the prohibition.

Paperwork Reduction Act

This interim rule does not impose any reporting or recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 1809

Government procurement.

Darlene A. Druyun,

Assistant Administrator for Procurement.

1. The authority citation for 48 CFR part 1809 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1809—CONTRACTOR QUALIFICATIONS

1809.104–70 [Added]

2. Section 1809.104–70 is added to read as follows:

1809.104–70 Ineligibility for NASA contracts and subcontracts.

(a) Public Law 102–195 (the NASA Fiscal Year 1992 Authorization Act) states that a person shall not intentionally affix a label bearing the inscription "Made in America," or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product. A person who violates that prohibition is not eligible for a procurement carried out with amounts authorized under that act, including any subcontract under such a contract.

(b) Contracting officers shall report to the Assistant Administrator for Procurement (Code HP) any violation of this prohibition.

(c) For purposes of this section, the term "domestic product" means a product that—

(1) Is manufactured or produced in the United States; and

(2) At least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

[FR Doc. 92–5380 Filed 3–6–92; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176–2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS is establishing a directed fishing allowance and is prohibiting directed fishing for Pacific cod in the Western Regulatory area of the Gulf of Alaska (GOA), statistical area 61. This action is necessary to prevent the total allowable catch (TAC) for Pacific cod in the Western Regulatory area from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving Pacific cod stocks.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 5, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division NMFS, (907) 586–7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is TAC, as stated in § 672.20(a)(2). Under the final notice of specifications (57 FR 2844, January 24, 1992), the amount apportioned to Pacific cod for the Western Regulatory area was set at 23,500 metric tons (mt).

Under § 672.20(c)(2), the Director of the Alaska Region, NMFS (Regional Director), has determined that the amount of Pacific cod apportioned to the Western Regulatory area will soon be reached. Therefore, NMFS is establishing a directed fishing allowance of 22,500 mt, and is setting aside the remaining 1,000 mt of the current apportionment as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishery soon will catch its directed fishing allowance. Consequently, under § 672.20(c)(2), NMFS is prohibiting directed fishing for Pacific cod in the Western Regulatory area, effective from 12 noon, A.l.t., March 5, 1992, through 12 midnight, A.l.t., December 31, 1992.

After this closure, in accordance with § 672.20(g)(3), amounts of Pacific cod retained on board a vessel in the Western Regulatory area may not equal or exceed 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 672.20 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 4, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–5433 Filed 3–4–92; 2:48 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 46
Monday, March 9, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM-35-10]

American College of Nuclear Medicine; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Notice of receipt.

SUMMARY: The Commission is publishing for public comment a notice of receipt of a petition for rulemaking which was filed with the Commission by the American College of Nuclear Medicine. The petition was docketed by the Commission on January 14, 1992, and has been assigned Docket No. PRM-35-10. The petitioner requests that the Commission amend its regulations regarding confinement, safety instructions, and precautions used for patients receiving radiopharmaceutical therapy in amounts greater than 30 millicuries.

DATES: Submit comments by May 8, 1992. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the petition, write: Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-7758 or Toll Free: 800-368-5642.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street NW., (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

On January 14, 1992, the Nuclear Regulatory Commission (NRC) docketed a petition for rulemaking submitted by the American College of Nuclear Medicine. The petitioner requested amendments to 10 CFR part 35 by deleting the requirement for mandated hospitalization for ambulatory patients receiving oral or IV radiopharmaceuticals in amounts greater than 30 millicuries and allowing patients the option to be treated on an outpatient basis if they qualify medically.

The petitioner states that the requested amendment is in the best interest of patients who require access to affordable quality care and that scientific published data support the changes requested by the petition as consistent with protection of the public as stated in 10 CFR part 35.

Petitioner's Request

The petitioner requests the NRC to revise 10 CFR part 35 to—

(1) Delete the requirement in 10 CFR 35.72(a)(2) that licensees may not authorize release from confinement for medical care any patient administered a radiopharmaceutical until the activity in the patient is less than 30 millicuries;

(2) Amend § 35.75(a)(2) to allow for an outpatient option instead of mandating hospitalization for patients receiving oral or IV radiopharmaceuticals in amounts greater than 30 millicuries.

Reasons for Petition

Section 35.75 prohibits an NRC medical use licensee from releasing from confinement for medical care any patient administered a radiopharmaceutical until certain criteria are met. One of the criteria is that the activity in the patient is less than 30 millicuries. The petitioner believes that the regulation should be changed to allow for temporary home confinement instead of mandating hospitalization. The petitioner claims that with the advent of monoclonal radiolabelled antibodies for diagnosis and treatment, outpatient therapy would provide efficient care and allow costs to be minimized without increased risk to the public. The petitioner also states that published scientific papers attest to the safety of outpatient radiopharmaceutical therapy in doses of up to 400 millicuries of I-131 NaI.

Conclusion

The petitioner states that, if this petition is granted, it would benefit patients by giving them affordable quality care while allowing them to be treated on an outpatient basis instead of being confined to a hospital. The petitioner claims that scientific studies support the finding that treating patients on an outpatient basis with radiopharmaceuticals in doses greater than 30 millicuries would not create a safety hazard to the public.

Dated at Rockville, Maryland, this 3d day of March, 1992.

For the Nuclear Regulatory Commission.

Samuel J. Shilk,

Secretary of the Commission.

[FR Doc. 92-5406 Filed 3-6-92; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Request for comment.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is soliciting public comment on which of its regulations and programs impose unnecessary or excessive costs or burdens and what changes can be made to reduce those costs or burdens. This action is being taken to comply with President Bush's request that Federal regulatory agencies evaluate existing regulations and programs and identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden.

DATES: Written comments must be received on or before April 8, 1992.

ADDRESSES: Written comments shall be addressed to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429. Comments may be hand-delivered to room F-400, 1776 F Street NW., Washington, DC 20429, on business days between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: William R. Watson, Director, Division of Research and Statistics, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429, (202) 898-3946.

SUPPLEMENTARY INFORMATION: In an effort to promote economic growth and reduce the burden of government regulation, President Bush has requested the major Federal regulatory agencies to conduct a 90-day regulatory review of existing regulations and programs for the purpose of revising those which are unnecessary or burdensome. The President noted that "(a) major part of this undertaking must be to week out unnecessary and burdensome government regulations, which impose needless costs on consumers and substantially impede economic growth."

By memorandum dated January 28, 1992, the President outlined steps to be taken during the 90-day review period. Specifically, the President has asked that each agency work with the public and other interested agencies to (i) identify regulations and programs that impose a substantial cost on the economy and (ii) determine whether each such regulation or program adheres to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

At the end of the 90-day review period each federal regulatory agency, including the FDIC, has been asked to report its findings to the President.

In furtherance of the President's regulator review initiative, the FDIC is hereby requesting public comment on which of its regulations and programs impose unnecessary or excessive costs or burdens on the public, the regulated industry, or the economy, and what changes can be made to reduce those costs or burdens.

The FDIC asks that, when responding to this request, commenters (1) identify the regulation and/or program by name and, if possible, by citation to the Code of Federal Regulations or similar citation; (2) provide specific explanations, with examples as appropriate, of the reasons why the program or regulation is unnecessarily costly or burdensome; and (3) provide specific suggestions or recommendations as to how the regulation or program may be improved.

The regulatory review will concentrate exclusively on regulations and programs under the control of the FDIC. Commenters are requested to focus their comments on the FDIC's regulations and programs and to avoid recommending changes to the law.

In connection with this regulatory review, it is noted that section 221 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (the "Improvement Act") requires the Federal Financial Institutions Examination Council ("FFIEC") (of which the FDIC is a member) to conduct a study on regulatory burden with respect to insured depository institutions. Like the President's regulatory review, the objectives of the Improvement Act study are to (1) review policies and procedures, and recordkeeping and documentation requirements used to monitor and enforece compliance with the laws under the jurisdiction of the federal banking agencies; (2) determine which policies and procedures impose unnecessary burdens on insured depository institutions; and (3) identify any revisions to such policies and procedures that could reduce the unnecessary burdens without an adverse impact on safety and soundness or on compliance with or enforcement of consumer laws. The FFIEC must submit a report to Congress describing the identified revisions not later than December 19, 1992. The FDIC also intends to use the input received as a part of the President's regulatory review to assist it as it participates in the Improvement Act study.

By Order of the Board of Directors.

Dated at Washington, DC this 4th day of March, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-5498 Filed 3-6-92; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Chapter I

Review of Customs Regulations

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Request for comments.

SUMMARY: Pursuant to the President's announcement of a 90-day regulatory review period, the President has asked each agency to identify and eliminate any unnecessary regulatory burden. This document requests that the public assist Customs by filling out and submitting a questionnaire that would identify Customs regulations that are believed to be burdensome, outdated or not cost-effective.

DATE: Responses should be submitted on or before March 25, 1992.

ADDRESS: Responses (preferably in triplicate) shall be addressed to Chairman, Regulatory Reform Working Group, U.S. Customs Service, room 7113, 1301 Constitution Avenue NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: John O'Loughlin, Regulatory Reform Working Group, 202-566-5853.

SUPPLEMENTARY INFORMATION:

Background

In a Memorandum for Certain Department and Agency Heads signed by the President on January 28, 1992, on the subject of reducing the burden of government regulation, President Bush established a 90-day regulation review period and requested that certain agencies, including the Department of the Treasury, work with the public in an effort to review regulations to reduce their economic burden on the American taxpayer.

A major part of this undertaking is the attempt to weed out regulations which impose needless costs on consumers and substantially impede economic growth. In particular, the President is concerned with regulatory programs that may have been justified when adopted, but fail to keep pace with important innovations and new technologies that could not have been foreseen at the time the regulations were promulgated.

In his memorandum, the President set forth the following standards for effective regulations:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

Customs Request for Public Input

In response to the President's request for review of regulations, Customs has developed a Regulatory Reform Working Group and is making a concerted effort to review all its regulations. In addition, by this document; Customs is asking for the public to assist the agency in determining whether there are any portions of the Customs Regulations which are either outdated or burdensome, as defined by the President.

Customs has prepared the attached form which members of the public may offer suggestions on those Customs regulations which they believe can be eliminated or modified pursuant to the President's initiative. The form is an exact copy of the one sent to all Customs employees by the Regulatory Reform Working Group. Note that the form asks for very specific information on the regulations recommended for modification or repeal. This information is crucial to any decision to amend or repeal regulations and is necessary to be provided at this time due to the time constraints involved in the program. Answer all questions, if you can, and please be as specific as possible. We anticipate a large number of responses and the more detailed information Customs receives, the easier it will be for Customs to evaluate the suggestions.

Please note that this program is in response to the President's call for a 90-day review and therefore, time is of the essence.

Respones should be submitted no later than March 25, 1992. Completed forms should be sent directly to: Chairman, Regulatory Reform Working Group, U.S. Customs Service, room 7113, 1301 Constitution Avenue NW., Washington, DC 20229.

Customs Regulations Review Form

(1) What is the subject of the regulations you are recommending be modified or repealed?

(2) Which sections in particular are you recommending be modified or repealed?

(3) What is the statutory basis for these regulations as they currently exist?

(4) What do you believe is the statutory basis for Customs to amend or repeal these regulations?

(5) What is the exact nature of your suggestion as to how the regulations can be amended or repealed? If you are recommending an amendment, please specify the precise nature of the change.

(6) What is the expected benefit in your suggested modification or repeal? Specify savings in time and/or money and whether to Customs, the public, or both. Quantify, if possible.

(7) Are there any provisions of the Customs Regulations or other agency's regulations which will be affected by your suggested change? Please specify those sections and indicate the impact, if known.

(8) If you are aware of any arguments against Customs making the changes you are recommending, please indicate these and state why you still believe Customs should implement the change.

Approved: March 5, 1992.

Carol Hallett,

Commissioner of Customs.

[FR Doc. 92-5545 Filed 3-6-92; 8:45 am]

BILLING CODE 4820-61-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R-92-1497; FR-2622-C-02]

RIN 2502-AE66

Manufactured Home Construction and Safety Standards; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule; Correction.

SUMMARY: On February 24, 1992 (57 FR 6420), the Department published in the **Federal Register**, a proposed rule to amend the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to include preemptive standards significantly upgrading the existing energy conservation requirements. In § 3280.402 of that proposed rule, Figure A–1, Test Procedures for Roof Trusses, was inadvertently omitted from publication. The purpose of this document is to publish that figure.

DATES: Comment due date: May 26, 1992.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, 451 Seventh Street, SW., room 6270, Washington, DC 20410–8000. Telephone (202) 708–0718. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

List of Subjects in 24 CFR Part 3280

Fire prevention, Housing standards, Incorporation by references, Manufactured homes.

Accordingly, FR Doc. 92–3603, the proposed rule amending title 24 CFR part 3280, published in the **Federal Register** on February 24, 1992 (57 FR 6420), is corrected to read as follows:

1. The authority citation for 24 CFR part 3280 is proposed to be revised to read as follows and the authority citations following all of the sections in part 3280 are proposed to be removed:

Authority: Secs. 604 and 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403 and 5424); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. On page 6438, third column, § 3280.402(c)(1)(i) is corrected by removing the instruction "[Insert Figure A–1.]" and by inserting in its place, "Figure A–1, Test Procedures for Roof Trusses" to read as follows:

§ 3280.402 Test procedure for roof trusses.

* * * * *

(c) * * *

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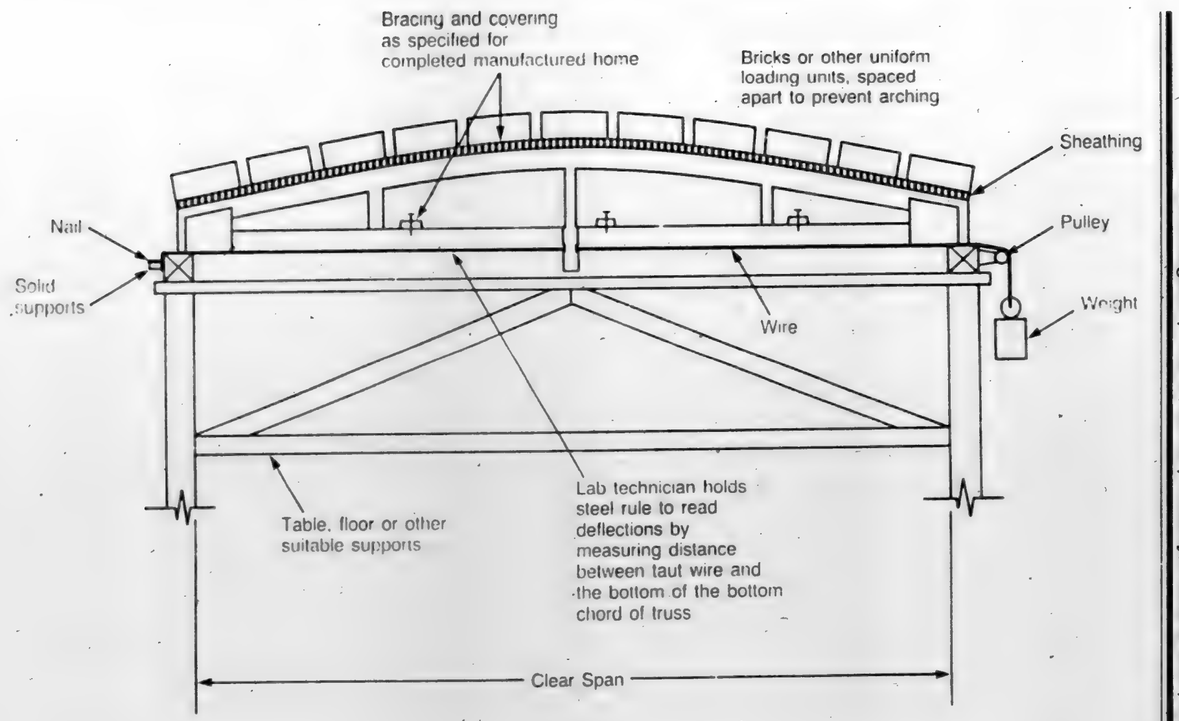

Figure A-1. Test Procedures for Roof Trusses

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* * * * *

Dated: March 3, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-5261 Filed 3-6-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Chapter II

Federal Regulatory Review

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Federal regulation, review, request for comments.

SUMMARY: This document is being published in response to the President's announcement of a Federal regulatory review. To assist in the review, the Bureau of the Public Debt (31 CFR chapter II, subchapter B) requests the public to provide comments on which Bureau regulations substantially impede economic growth or impose unnecessary costs or burdens. Comments are also requested on proposed changes that would improve the issuance of U.S. government securities.

DATES: Earlier comments are invited, but all comments must be received no later than close of business Friday, March 27, 1992.

ADDRESSES: Comments should be sent to Calvin Ninomiya, Chief Counsel, Bureau of the Public Debt, room 503, 999 E Street, NW., Washington DC 20239-0001.

FOR FURTHER INFORMATION CONTACT: Jacqueline L. Jackson, Office of the Chief Counsel, Bureau of the Public Debt, (202) 219-3320.

SUPPLEMENTARY INFORMATION: On January 28, 1992, as part of his State of the Union Address, President Bush announced a 90-day moratorium and review of regulations. As part of the review process, the President asked agencies to work with the public, other interested agencies, the Office of Information and Regulatory Affairs in the Office of Management and Budget, and the Council on Competitiveness, to identify regulations and programs that impose a substantial burden on the economy and to determine whether regulations and programs adhere to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command and control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

As part of its regulatory review, the Bureau of the Public Debt is requesting public comment as to which of its regulations and programs impose substantial burdens on the economy. The Bureau requests that commenters consider the standards listed above and identify, by citation to specific provisions of the Code of Federal Regulations, 31 CFR parts 306 through 391, and to programs that might be improved in light of the standards listed above. Such comments should include not only existing regulatory provisions that are considered burdensome and proposed for elimination, but also specific provisions that should be added to improve Bureau programs.

Dated: March 5, 1992.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 92-5562 Filed 3-5-92; 2:23 pm]

BILLING CODE 4810-40-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL-4113-2]

Open Meetings on How to Develop a National Rule on Architectural and Industrial Maintenance (AIM) Coatings

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meetings.

SUMMARY: As part of its ongoing convening effort to determine the most effective way to reduce emissions of volatile organic compounds (VOC) from the use of paints and coatings, EPA is announcing a "Scope/Data Workgroup" meeting and a general "Overview Exploratory" meeting of those affected by the Agency's current plans to develop a Federal rule for coatings that are applied outdoors—AIM Coatings.

The purpose of the "Scope/Data Workgroup" meeting is to: Help define the scope of a possible Regulatory Negotiation or other consensus-building approach; review existing and planned data collection efforts; determine what additional information would be needed to support an inclusionary rule-making effort—be that Regulatory Negotiation or some other approach; and determine how to generate, amass, and distribute that information in ways that protect appropriate confidentiality. The purpose of the "Overview Exploratory" meeting, using the results of the "scope/data workgroup" meeting, is to continue to:

(1) Explore data needs and how to meet them;

(2) Discuss other issues of concern to affected parties in determining the feasibility and desirability of developing paint and coating emission controls via Regulatory Negotiation or some other consensus-based approach; and

(3) determine the scope, timing, participants, and ground-rules for a negotiation or other consensus-building effort.

DATES: The "Scope/Data Workgroup" meeting will take place on March 19-20 in Washington, DC. The March 19 meeting will start at 12 p.m. and run until completion. On March 20 it will start at 8:30 a.m., and end by 4 p.m. The full "Overview Exploratory" meeting will take place on April 15-16 in Raleigh, North Carolina. The meeting will start at 9 a.m. on April 15 and run until completion. The April 16th meeting will start at 8:30, and end no later than 2 p.m.

ADDRESSES: The March meeting will be held at the Sheraton City Centre, 1143 New Hampshire Avenue, NW., Washington, DC 20037, (202) 775-0800. The April meeting will be held at the Sheraton Raleigh Hotel at Crabtree Valley, 4501 Creedmoor Road, U.S. 70 West, Raleigh, North Carolina, 27612, (919) 787-7111.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on substantive aspects of the rule or meeting logistics should call Barbara Stinson of the Keystone Center, the AIM co-convenor, at 303-468-822. Please inform Sue Deis at the Keystone Center if you plan to attend either of these meetings by March 13, 1992.

Dated: March 3, 1992.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 92-5256 Filed 3-6-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 381

[Docket No. M-013]

Liberty Maritime Corporation; Filing of Rulemaking Petition

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Receipt of petition for rulemaking.

SUMMARY: The Maritime Administration (MARAD) has received a petition for rulemaking from Liberty Maritime Corporation (Petitioner). The petition requests that MARAD add two new sections at the end of 46 CFR part 381, Cargo Preference-U.S.-Flag Vessels. The purpose of 46 CFR 381 is to prescribe procedures to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954 (which added section 901(b) to the Merchant Marine Act, 1936, as amended) in the administration of their programs with respect to that Act, and to provide a uniform system for the collection of data on the administration of such programs for use in preparing the annual reports to Congress required by that Act.

Petitioner has requested that the text of its proposal be published as an interim final rule. MARAD is precluded from initiating a rulemaking procedure on this matter by the President's 90-day moratorium on the development of new regulations announced January 28, 1992. However, MARAD has decided to publish notice of the Liberty Maritime petition and request comment from members of the public. Comment concerning the need for and content of a rulemaking such as that proposed by Petitioners is invited.

Liberty Maritime's petition in this docket is available for inspection or photocopying during normal office hours in the Office of the Secretary, Maritime Administration, at the address below.

DATES: Comments must be received on or before May 8, 1992.

ADDRESSES: Send an original and two copies of comments to the Secretary, Maritime Administration, room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped, self-addressed envelop or postcard.

FOR FURTHER INFORMATION CONTACT: Nan Harllee, Associate Administrator for Marketing, Maritime Administration, Washington, DC 20590, telephone (202) 366-4721.

SUPPLEMENTARY INFORMATION: MARAD's authority to promulgate a rule concerning the transportation of dry bulk commodities subject to the Cargo Preference Act of 1954, (46 U.S.C. App. 1241(b) *et seq.*), derives from that Act. As amended by the Merchant Marine Act of 1970, the Cargo Preference Act provides that agencies such as the U.S. Department of Agriculture (USDA) and the Agency for International Development (AID) shall administer their programs "under regulations issued by the Secretary of Transportation," 46 U.S.C. App. 1241(b)(2), who in turn has delegated that authority to MARAD pursuant to 49 CFR 1.66(e).

Petitioner operates six vessels in the United States dry bulk preference trades. In a typical year each of the six vessels completes four to five voyages, transporting an average of 50,000 metric tones of dry bulk commodities on each voyage.

Petitioner has requested, pursuant to Rule 6 of the Maritime Administration Rules of Practice and Procedure (46 CFR 201.61), that MARAD issue a regulation: (I) Requiring all agencies to utilize open tendering or sealed bidding procedures to procure vessels to transport dry bulk commodities subject to the Cargo Preference Act of 1954; and (II) requiring all charters for vessels transporting such commodities to provide for "free out, demurrage and despatch."

"Free out" means that the charterer pays for discharging, as opposed to "berth terms" under which discharging expenses, as well as loading expenses, are for the owner's account. "Demurrage" is a liquidated damages provision under which the owner receives payment as compensation for the lost opportunity of chartering its vessel on another voyage resulting from the charterer's delay. Demurrage is usually a negotiated amount agreed upon by the owner and charterer, and the owner receives demurrage for each day the vessel is delayed in excess of "laytime," typically a stipulated period reflecting a commercially reasonable period for the charterer to load or discharge the vessel. "Despatch" is a payment from the owner to the charterer for completing loading or discharging more expeditiously than was contemplated under the charter's laytime provision, thus permitting the owner to charter its vessel on another voyage. Despatch is usually half the daily demurrage rate.

Petitioner believes that a rule such as that proposed will correct two of what it perceives as the most egregious problems afflicting the ocean transportation of dry bulk commodities subject to the Cargo Preference Act: (1) Obtaining such transportation by "auctioning;" and (2) excessive port fees in the discharging of vessels and delays in the loading and discharging of vessels. It states that the first proposed reform will prevent improper "auctioning" by requiring sealed bidding or open tendering, which it says will foster procurement of ocean transportation for U.S. food aid programs at the lowest rate possible. The second proposed reform, which recommends adoption of standard commercial charter terms relating to certain aspects of loading and discharging, is advanced because Petitioner believes it will also result in substantial freight savings for the United States by employing commercial practices in preference cargo charters. Petitioner states that such terms—"free out, demurrage and despatch"—sensibly allocate the cost of discharging and the burden of delays in vessel loading and discharging upon the persons most able to control such costs and delays rather than vessel owners. Their absence in preference cargo charters, it argues, allows countries that are the recipient of commodities under aid programs administered by USDA or AID to discriminate against a U.S.-flg vessel carrying preference cargoes by forcing it to wait until a vessel carrying commercial cargoes under charters containing demurrage/despatch provisions discharges its cargo and then charging unreasonable discharge fees for that unloading.

Petitioner proposed new § 381.9 and 381.10 to be added at the end of 46 CFR part 381 to read as follows:

Section 381.9 Contracting Procedures.

(a) *Invitations for bids ("IFBs").*

(1) Public freight IFBs are required in the solicitation of bids for the ocean transporation by all U.S.-flag vessels of all dry bulk cargoes that are subject to the Cargo Preference Act of 1954. Such requirement may only be waived by joint authorization from:

(i) The Contracting Officer (as used in this section, "Contracting Officer" includes the Procurement Executive in the case of Agency for International Development procurement); and

(ii) The Maritime Administrator or a person designated by him.

(2) Prior to release to the trade, all IFBs must be submitted to the Contracting Officer and the Maritime Administrator or a person designated by him for approval. IFBs must be submitted to the Contracting Officer and the Maritime Administrator or a person designated by him for approval. IFBs must be issued by means of the Transportation News Ticker, New York, plus at lease one other means of communication, to assure the broadest possible market coverage with adequate notice to interested parties.

(3) All IFBs must: (i) Specify the terms of the offer;

(ii) Specify that all bids must be in writing;

(iii) Specify the place for the receipt of bids and the date and time when the bids shall be opened;

(iv) Specify a closing time for the submission of bids and state that late bids will not be considered and that it is the responsibility of bidders to ensure receipt of their bids; and

(v) Provide that bids are required to have a cancelling date no later than the last contract layday specified in the IFB, and that vessels which are offered with a cancelling date beyond the laydays specified in the IFB will not be considered.

(b) *Competitive Bidding.* All bids shall be opened in public in the United States at the time and place specified in the IFB. Only bids which are responsive to the IFB may be considered. No negotiation, clarification, or submission of additional information shall be permitted. Bids shall be submitted so that they will be received in the place designated in the IFB not later than the exact time set for opening of bids. It is the bidder's responsibility to ensure propoer receipt of the bid. All bidder shall have the right to have a representative present at the bid opening.

(c) *Records of Bids.* Copies of all bids received must be promptly furnished to the Contracting Officer, including a written certification as to the "time of receipt." For purposes of this paragraph, "time of receipt" shall be the time a handcarried offer, mail offer, facsimile transmission or telegram was received at the designated location for presentation or, if transmitted electronically, the time the offer was receivved, as supported by evidence satisfactory to the Contracting Officer.

(d) *Re-tenders.* Preservation of the integrity of the competitive bid system dictates that award must be made to that responsible bidder who submitted the lowest responsive bid, unless there is a compelling reason to reject all bids and either re-tender or cancel the IFB. In such a case, the Contracting Officer and the Maritime Administrator or his designee shall state the reasons for the determination of the "compelling reason" in writing. Any re-tendering shall be governed by the same requirements as the original tenders. The Contracting Officer shall not approve or require freight re-tenders unless in consultation with the Maritime Administrator or a person designated by him, the Contracting Officer and Maritime Administrator or his designee jointly determine that re-tendering:

(1) Will increase the likelihood of meeting the U.S.-flag cargo preference requirement;

(2) Is necessary to permit the desired quantity to be shipped;

(3) Will result in reduced U.S. Government expenditures; or

(4) Will otherwise be in the best interest of the program.

(e) *Cancellation.* The cancellation of an invitation for bids usually involves a loss of time, effort and money spent by the Government and bidders. Invitations shall not be cancelled unless cancellation is clearly in the public interest. Cancellation may occur when the head of the procuring agency and the Maritime Administrator or a person designated by him jointly determine in writing that:

(1) No otherwise acceptable bid is within the applicable fair and reasonable rate as determined by the Maritime Administration pursuant to 46 CFR part 382;

(2) Only one bid was received;

(3) No responsive bid was received from a responsible bidder; or

(4) The bids are not independently arrived at in open competition, were collusive, or were submitted in bad faith.

(f) *Re-Tender or Cancellation Before Bid Opening.* When an invitation is to be re-tendered or cancelled, bids that have been received shall be returned upopened, if possible, to the bidders to preserve the integrity of the competitive bid system and a notice of re-tendering or cancellation shall be issued by means of the Transportation News Ticker, New York, plus at least one other means of communication, to assure the broadest possible market coverage with adequate notice to interested parties.

Section 381.10 Mandatory Charter Provisions for Certain Cargoes.

(a) *Applicability.* This section applies to charters for the transportation of dry bulk cargoes which are subject to the Cargo Preference Act of 1954.

(b) *Charter Approval.* All charters for cargoes listed in subsection (a) shall be submitted to the Maritime Administrator or a person designated by him for approval prior to release to the trade.

(c) *Prohibited Provisions.* No charter for a cargo listed in subsection (a) shall contain:

(1) A provision under which the vessel owner is responsible for the payment of any fees, charges and other costs relating to the discharging of the vessel; or

(2) A provision under which the vessel owner waives any right to receive payment for delays in the discharging of the vessel.

(d) *Mandatory Provisons.* A charter for a cargo listed in subsection (a) shall contain:

(1) A free out provision; and

(2) A demurrage/despatch provision with respect to loading and discharging, said provisions and those related thereto to be in accordance with standard commercial practice.

(e) *Dispute Resolution.* Disputes under this section will be considered under the informal grievance procedure set forth in § 381.6 of this part. If no agreement is reached in accordance with § 381.6, the Maritime Administration shall have the authority to impose charter provision consistent with this section.

Dated: March 4, 1992.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 92-5397 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-81-M

Notices

Federal Register
Vol. 57, No. 46
Monday, March 9, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Bacon Creek Watershed, KY

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines CFR part 1500; and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bacon Creek Watershed, Whitley County, Kentucky.

FOR FURTHER INFORMATION CONTACT: Billy W. Milliken, State Conservationist, Soil Conservation Service, suite 110, 771 Corporate Drive, Lexington, Kentucky 40503–5479, telephone: 606–224–7360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy W. Milliken, state conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan to control the serious flooding, soil erosion, sediment deposition, and stream pollution of Bacon Creek. The combined floodwater and sediment problems are estimated to result in $46,300 average annual damage to residential, commercial, industrial, and transportation properties or facilities in the city of Corbin, Kentucky. The planned works of improvement include installation of 7,500 feet of riprap lined flood control channel on Bacon Creek, sediment and debris removal from the channel, culverts, and bridges.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties, a limited number of copies of the FONSI are available to fill single copy requests. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy W. Milliken, state conservationist, suite 110, 771 Corporate Drive, Lexington, Kentucky 40503–5479.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Freddy Cockrell,
Assistant State Conservationist/Programs

[FR Doc. 92–5369 Filed 3–6–92; 8:45 am]
BILLING CODE 3410–16–M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting of the Board

AGENCY: Architectural and Transportation Barriers Compliance Board (ATBCB).

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportaion Barriers Compliance Board (ATBCB or Access Board) has scheduled its regular business meeetings to take place in Washington, DC on Tuesday and Wednesday, March 10–11, 1992 at the times and locations noted below.

DATES: The schedule of events is as follows:

Tuesday, March 10, 1992

9–4:30 pm—Title II Working Group (closed).

Wednesday, March 11, 1992

9–10 am—Title II Working Group (closed).
10–11:30 am—Planning and Budget Committee.
1–2:30 pm—Executive Committee.
3–5 pm—Board Meeting.

ADDRESSES: Embassy Suites Hotel, Delegate Room, 1250 22nd Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: For further information regarding the business meetings, please contact Barbara A. Gilley, Executive Officer, (202) 272–5434 ext 39 (voice/TDD).

SUPPLEMENTARY INFORMATION:

At its business meeting, the Board will consider the following Agenda Items:

- Approval of the minutes of the January 15, 1992 Board meeting.
- Committee Reports.
- Approval of the Fiscal Year 1992 Operating Plan.
- Approval of the Fiscal Year 1993 Budget.
- Proxy Voting.
- Travel and Extraordinary Work Policies for Board Members.
- Title II Working Group Plan of Aotion (closed).
- American Bankers Association's Petition on Automatic Teller Machines (closed).
- Engraved Signage.
- Complaint Status Report.

Some meetings or items may be closed to the public as indicated above. All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings.

James J. Raggio,
General Counsel.

[FR Doc. 92–5419 Filed 3–6–92; 8:45 am]
BILLING CODE 8150–01–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting to the Nevada Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Nevada Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12 noon on March 30, 1992, Building A, Corporate Headquarters Facility, Southwest Gas Corporation, 5241 Spring Mountain Road, Las Vegas, Nevada 89193–8510. The purpose of the meeting is to discuss the Committee's on-going project on police-community relations and to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson, Margo Piscevich or Philip Montez, Director of the Western Regional Division (213) 894–3437, (TDD 213/894–0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 2, 1992.

Carol-Lee Hurley,
Chief, Regional Programs Coordination Unit.

[FR Doc. 92–5372 Filed 3–6–92; 8:45 am]
BILLING CODE 6335–01–M

Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committees to the Commission will be convened at 1 p.m. on Friday, March 27, 1992, in room 10–B of the James A. Byrne Federal Court House, 601 Market Street, Philadelphia, and adjourn at 4 p.m.

The purposes of the meeting are to introduce and orient new members, discuss the status of the agency, and draft details for an informal factfinding meeting regarding implementation of the Americans With Disabilities Act.

Persons desiring additional information, a planning or presentation to the Advisory Committees, should contact Pennsylvania Chairperson Joseph Fisher (215/351–0750) or Eastern Regional Division Director John I. Binkley at (202/523–5264; TDD 202/376–8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, March 2, 1992.

Carol-Lee Hurley, Chief
Reginal Programs Coordination Unit

[FR Doc. 92–5373 Filed 3–6–92; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Expedited Review

DOC has submitted to OMB for expedited clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). The collection is for the International Trade Administration of DOC.

Title: Survey of the Business Climate in the Gulf Cooperation Council (GCC).

Form Number: Agency—N/A; OMB—0625.

Type of Request: New Collection—Expedited review.

Burden: Estimated 5000 respondents; 2500 burden hours—average minutes per response, 30 minutes.

Needs and Uses: This collection will be conducted at the request of the GCC (Saudi Arabia, Kuwait, United Arab Emirates, Bahrain, Oman, Qatar) to assess the U.S. business community's perception of the business climate and opportunities in the GCC markets. The information will be used as a basis for future negotiations with the GCC to improve business conditions and thereby promote the export of U.S. goods and services to the GCC.

Affected Public: Businesses or other for profit, small businesses or organizations.

Frequency: Once.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, 395–7340.

A copy of the survey is published below. Any questions can be directed to Edward Michals, DOC Clearance Officer, 202–377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated March 3, 1992.

Edward Michals,
Department Clearance Officer, Office of Management and Organization.

OMB No. 0625———Expires

Survey of the Business Climate in the Gulf Cooperation Council

This report is authorized by law (15 U.S.C. 1512 171 et seq., 15 U.S.C. 171 et seq.). While you are not required to respond, your cooperation is needed to make the results of this evaluation comprehensive, accurate, and timely.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Reports Clearance Officer, International Trade Administration, rm. 4001, U.S. Dept. of Commerce, Washington, DC 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625———), Washington, DC 20503.

Please answer all questions as completely as possible, whether or not you are currently or have ever done business in the markets of the Gulf Cooperation Council (GCC). Also, if you have further comments, please give them in question 11 or on additional pieces of paper.

1. Check the box which best reflects your company's experience in the GCC market.

None [ ] Less than 2 yrs. [ ]
2–5 yrs. [ ] 5–10 yrs. [ ]
10–20 yrs. [ ] More than 20 yrs. [ ]

2. a. What is the approximate value of your company's total domestic and international sales?

b. What is the approximate value of your company's sales to the GCC?

Note in the following questions, you are asked to indicate the countries to which your response applies. The countries are represented by the following symbols

Bahrain—BA; Kuwait—KU; Oman—OM; Qatar—QA; Saudi Arabia—SA; United Arab Emirates—UAE.

3. a. In which of the countries of the Gulf Cooperation Council do you do business? Circle all that apply.

BA KU OM QA SA UAE None

b. If you are not doing business in the GCC, please check status which best applies.

[ ] Have considered doing business in the GCC, but feel the market/climate is not good for your company.
[ ] Currently considering doing business in the GCC.
[ ] Have not considered doing business in the GCC.

4. In what type of business activity are you involved in the GCC? Circle country(ies) for all that apply.

a. Manufacture:
BA KU OM QA SA UAE
b. Provide services:
BA KU OM QA SA UAE
c. Sell U.S. or other foreign products in the GCC:
BA KU OM QA SA UAE
d. Sell domestic products in the GCC:
BA KU OM QA SA UAE
e. Sell outside the GCC:
BA KU OM QA SA UAE

4. f. Other (please specify and indicate country)

g. Check here if your company has no business activity in the GCC at this time. [ ]

5. Please give the SIC Code for the industry sector(s) in which your company is engaged in each country.

BA _____
KU _____
OM _____
QA _____
SA _____
UAE _____

6. What form(s) of business relationship do you have? Circle country(ies) for all that apply.

a. Direct sales:
BA KU OM QA SA UAE

b. Agent/distributor:
BA KU OM QA SA UAE

c. Joint venture:
BA KU OM QA SA UAE

d. Branch office:
BA KU OM QA SA UAE

e. Other (please specify and indicate country)

f. Check here if your company has no business relationship in the GCC at this time. [ ]

7. Listed below are factors that affect the business climate in the GCC. Some are perceived as beneficial, others as obstacles. Your perception and experience might vary among countries.

Please review the list and rate each factor on a scale of 1–5, where 1 is most negative and 5 is most positive. Please also indicate, by circling the appropriate letter, the importance of each factor (low—L; medium—M; or high—H) to your company's business decisions in the GCC. Finally, circle the country(ies) to which your response applies.

a. Local demand for product/service:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

b. Regional demand for your product or service:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

c. Regulatory climate/legal system, in general:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

c. Availability of foreign exchange:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

d. Customs duties/procedures:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

e. Availability of agents/distributors:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

f. Availability of joint venture partners:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

g. Requirement for local partners:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

h. Agent/distributor laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

i. Joint venture laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

j. Availability of capital:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

k. Laws on enforceability of interest:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

l. Laws on restricting the availability of insurance:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

m. Availability of financing for investment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

n. Tax incentives for investment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

o. Other tax laws/regulations and their implementation:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

p. Availability of labor:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

q. Availability of land:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

r. Availability of raw materials:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

s. Availability of fuel/utilities:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

t. Availability of transportation/telecommunications services:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

u. Availability of banking services:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

v. Assistance from GCC government ministries/agencies:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

w. Quality of life:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

x. Free enterprise/entrepreneurial environment:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

y. Visa requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

z. Effective dispute resolution mechanisms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

aa. Payment processes:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

bb. Export documentation requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

cc. Protection for patents, copyrights and trademarks:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

dd. U.S. or international product standards:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ee. GCC product standards:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ff. Consistency in implementation of local laws/regulations:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

gg. Arab Boycott of Israel enforcement practices:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

hh. Offset/counter trade requirements:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ii. Availability of commercial and market information:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

jj. GCC government policies toward American/other foreign firms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

kk. GCC government policies toward local firms:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

ll. War risk:
Negative/Positive: 1 2 3 4 5
Importance: L M H
Countries: BA KU OM QA SA UAE

mm. Other (please specify factor(s) and indicate −/+, importance to your company and country to which it applies). Also please feel free to elaborate, here or at the end of the questionnaire, on any of the above.

8. In the last few years, on a scale of 1–5, do you believe the business climate in the GCC is getting worse, staying the same, or improving?

Getting worse/Staying the same/Improving:
1 2 3 4 5
Countries: BA KU OM QA SA UAE
Please explain.

9. a. Please rank the following regions according to the investment climate. Make the best #1.

GCC _____
Africa _____
Asia/Pacific _____
Western Europe _____
Eastern Europe _____
North America _____
South America _____

b. Please rank the following regions according to the market for your products. Make the best #1.

GCC _____
Africa _____
Asia/Pacific _____
Western Europe _____
Eastern Europe _____
North America _____
South America _____

10. Based on information currently available to you, which industry sector(s) in the GCC offer the best opportunities for U.S. companies to do business? Please circle country(ies) for all that apply and specify industry/product, if possible.

a. Oil and Gas production:
BA KU OM QA SA UAE

b. Oil field service industry:
BA KU OM QA SA UAE

c. Petrochemicals and other downstream hydrocarbon industries:
BA KU OM QA SA UAE

d. Basic industries (e.g., aluminum, steel, building materials):
BA KU OM QA SA UAE

e. Engineering/construction industry:
BA KU OM QA SA UAE

f. High tech industries (e.g., computers, other electronics, telecommunications):
BA KU OM QA SA UAE

g. Consumer goods (e.g., clothing, food, household furnishings and appliances):
BA KU OM QA SA UAE

h. Agriculture/food processing:
BA KU OM QA SA UAE

i. Service industries:
BA KU OM QA SA UAE

j. Defense industries:
BA KU OM QA SA UAE

k. Other. Please specify sector(s) and country(ies).
BA KU OM QA SA UAE

11. Please provide any additional comments and/or expand on your answers to other questions.

[FR Doc. 92-5430 Filed 3-6-92; 8:45 am]
BILLING CODE 3510-22-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Economic Analysis.

Title: Defense Research, Development, Test, and Evaluation Index Data Requirements.

Form Number: Not applicable.

OMB Approval Number: 0608–0033.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 700 hours.

Number of Respondents: 100.

Avg. Hours Per Response: 7 hours.

Needs and Uses: The survey collects data for use in estimating constant-dollar purchases of contractual research and development by the Department of Defense. These estimates are used in the compilation of the gross domestic product of the United States.

Affected Public: Businesses or other for–profit institutions.

Frequency: Quarterly.

Respondent's Obligation: Voluntary

OMB Desk Officer: Paul Bugg, (202) 395–3093.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Mr. Paul Bugg, OMB Desk Officer, room 3228, New Executive Office Building, Washington, DC 20503.

Dated: March 5, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–5429 Filed 3–6–92; 8:45 am]
BILLING CODE 3510-CW

Foreign-Trade Zones Board

[Docket 5–92]

Proposed Foreign-Trade Zone—Butte-Silver Bow, MT; Application Filed

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City and County of Butte-Silver Bow, Montana, a Montana public corporation, requesting authority to establish a general-purpose foreign-trade zone in Butte-Silver Bow, Montana, within the Butte Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 27, 1992. The applicant is authorized to make the proposal under Section 30–15–101 of the Montana Code Annotated.

The proposed foreign-trade zone would be located at the Butte Industrial Park (104 acres) on South Harrison Avenue, Butte. A major portion of the park is owned by the Port of Montana, the Butte Local Development Corporation, and the Montana College of Mineral Science and Technology. Certain parcels have been sold to individual business firms.

The application contains evidence of the need for zone services in the Butte-Silver Bow area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as carbon electrodes, electronic and mechanical subassemblies and finished survey instruments. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 25, 1992).

While no public hearing has been scheduled for the FTZ Board, consideration will be given to such a hearing during the review.

A copy of the application and accompanying exhibits will be available

during this time for public inspection at the following locations:

Butte Public Library, 226 West Broadway, Butte, Montana 59701.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: March 3, 1992.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 92-5421 Filed 3-6-92; 8:45 am]
BILLING CODE 3510-DS-M

[Docket 4-92]

Foreign-Trade Zone 183—Austin, TX; Application for Subzone Dell Computer Corp. Personal Computer Plant

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Central Texas, Inc., grantee of FTZ 183, requesting special-purpose subzone status at the personal computer manufacturing plant of Dell Computer Corporation (Dell) located in the City of Austin, Travis County, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 1992.

Dell is an international producer of personal computers (PCs) and related products with annual sales of over $850 million. It has plants in the U.S. and the U.K.

Dell's Austin facility (40 acres) is located in the Braker Center Industrial Park at the intersection of Braker Lane and Metric Blvd. The facility employs 1,900 and is used to assemble personal computers, including portables, desktops, workstations, and power line servers. Dell also sells a complete line of personal computer-related products and peripherals including software, printers, monitors, and accessories, manufactured by third parties.

Some 60 percent of the components for PC production are pruchased from abroad including computer processing units, keyboards, disc drives, monitors, printers, power supplies, batteries, AC adapters, modems, mouses, ribbons, manuals, carrying cases, software, portable computer kits, and related computer components and supplies. Currently, one-third of the products are exported.

Zone procedures would exempt Dell from Customs duty payments on the foreign components used in products made for export. On domestic sales, the company would be able to choose the duty rates that apply to the finished products (3.9 percent). The rates on components range from duty-free to 4.7 percent (average—3.8 percent. Foreign merchandise and merchandise to be exported would also be exempt from state and local *ad valorem* taxes. The application indicates that zone savings would help improve the international competitiveness of Dell's Austin plant and increase export sales.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 8, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 25, 1992).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, P.O. Box 12728, suite 1200, 816 Congress Ave., Austin, Texas 78711.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: March 3, 1992.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 92-5420 Filed 3-6-92; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

[A-428-037]

Drycleaning Machinery From Germany; Final Results of Antidumping Duty; Administrative Review in Accordance With Decision Upon Remand

AGENCY: Import Administration/ International Trade Administration Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review in accordance with decision on remand.

SUMMARY: The Department of Commerce has prepared these revised final results of administrative review pursuant to the remand order from the U.S. Court of International Trade in *American Permac, Inc., Boewe Reinigungstechnik, GmbH, and Boewe Systems & Machinery, Inc.* v. *United States* (Court Nos. 85-08-01148 and 87-05-00653, September 4, 1991).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/ 3814.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 1991, the U.S. Court of International Trade (the Court), in *American Permac, Inc., Boewe Reinigungstechnik, GmbH, and Boewe Systems & Machinery, Inc.* v. *United States* (Court Nos. 85-08-01148 and 87-05-00653), remanded the final results of the 1980-82 and 1982-84 administrative reviews of the antidumping finding on drycleaning machinery from Germany (August 8, 1985, 50 FR 32154 and April 8, 1987, 52 FR 11299, respectively) to the Department of Commerce (the Department) for reconsideration. One review covered the periods July 1, 1980 through October 31, 1981, and November 1, 1981 through October 31, 1982, and the other covered the periods November 1, 1982 through October 31, 1983, and November 1, 1983, through October 31, 1984. Boewe withdrew its objections to our results for the final period; therefore, we made changes only to the results for the first three periods.

In accordance with the Court's opinion, the Department reconsidered the plaintiffs' claim for adjustments to foreign market value for differences in the levels of trade involved in comparisons of home market and U.S. sales and the plaintiffs' claim that the Department used incorrect exchange rates in exporter's sales price (ESP) comparisons. We submitted a draft of these results to the respondent for comments and corrected certain clerical errors.

In accordance with the remand order, the Department treated the level-of-trade (LOT) adjustment as follows:

1. We quantified the LOT adjustment as the sum of bad debt, service, and sales office expenses.

2. We treated all sales in the home market as sales to end-users; therefore, we eliminated the distinction between home market sales made by independent agents and those made by Boewe's own sales agents. In our comparisons of all U.S. sales made to distributors, we made the level-of-trade adjustment to FMV.

3. For ESP transactions, for the purpose of currency conversions, we used the rate of exchange in effect on the date of export.

Amended Final Results of Review

As a result of this redetermination and review of the comments received, we determine the weighted-average dumping margins for Boewe during the periods July 1980 through October 31, 1984 to be as follows:

Review period	Margin percent
1980-81	9.05
1981-82	0.19
1982-83	3.24
1988-84	0.40

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

This amendment to final results of antidumping duty administrative review notice is in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce Regulations (19 CFR 353.22).

Dated: March 3, 1992.

Marjorie A. Chorlins,
Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5428 Filed 3-6-92; 8:45 am]
BILLING CODE 3510-DS-M

[A-475-802]

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Italy; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On June 17, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured, from Italy (56 FR 27731). The review covers one manufacturer/exporter of the subject merchandise, Pirelli Trasmissioni Industriali, S.p.A., and the February 1, 1989, through May 31, 1990, review period.

Based on our analysis of the comments received and the correction of certain and clerical errors, we have changed the preliminary results. The final margin is listed below in the section "Final Results of Review."

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Megan Pilaroscia or Laurie Lucksinger, Office of Agreements Compliance, International Trade Administration, U.S Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On July 26, 1990, in accordance with 19 CFR 353.22(c), the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on industrial belts and components and parts thereof from Italy (55 FR 30490) for the period February 1, 1989, through May 31, 1990. On June 17, 1991, we published the preliminary results of this administrative review (56 FR 27731). We gave interested parties an opportunity to comment on our preliminary results. At the request of the respondent, we held a public hearing on July 31, 1991. The Department has now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

The products covered by this review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Italy. The covered merchandise consists of V-belts and synchronous industrial belts used for power transmission. These include V-belts and synchronous belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (*i.e.*, closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including tracks, tractors, buses and lift trucks.

During the review period, the merchandise was classifiable under Harmonized Tariff System (HTS) subheading 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5910.00.90 and 7326.20.00. The HTS subheadings are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer/exporter of industrial belts from Italy to the United States, Pirelli Trasmissioni Industriali, S.p.A. (Pirelli), and the period February 1, 1989, through May 31, 1990.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received comments from the respondent and rebuttal comments from the petitioner, the Gates Rubber Company (Gates). Based on our analysis of the comments received, we have corrected the following clerical errors: failure to deduct the exporter's sales price (ESP) offset from foreign market value; failure to include comparisons of ESP sales to home market sales of similar merchandise made within the "90/60" contemporaneity window; and failure to include comparisons of purchase price sales to home market sales of identical merchandise.

Comment 1: Pirelli asserts that the Department must exclude sales not subject to this review from the antidumping duty calculation. In its questionnaire response, Pirelli reported all U.S. sales of industrial belts by its U.S. sales subsidiary during the review period. The respondent explained that some of these sales came from pre-existing inventory which was entered prior to February 1, 1989, the date of the affirmative preliminary determination in the less than fair value investigation, and that some were belts manufactured in countries other than Italy. As Pirelli could not tie specific sales to specific customs entries, it conducted an inventory analysis based on its first-in-first-out accounting method to determine when sales of entries subject to the antidumping duty order commenced.

Pirelli claims that the courts have recognized that liability for duties is determined according to the time of entry of merchandise, citing *Cementos Guadalajara, S.A.* v. *United States*, 12 CIT 307, 686 F. Supp. 335 (1988), *aff'd* 879 F.2d 847 (Fed. Cir. 1989) (Cementos); and *Zenith Radio Corp.* v. *United States*, 1 CIT 180, 184, 509 F. Supp. 1282, 1286 (1981); *rev'd and rem'd on other grounds, Zenith Radio Corp.* v. *United States*, 710 F. 2d 806 (Fed. Cir. 1983); *rev'd and rem'd on other grounds, Zenith Radio Corp.* v. *United States*, 764 F.2d 1577 (Fed. Cir. 1985); *aff'd on other grounds, Zenith Radio Corp.* v. *United States*, 823 F.2d 518 (Fed. Cir. 1987) (Zenith). Pirelli states that the sales of belts from pre-existing inventory and belts

manufactured outside of Italy were separately identified on Pirelli's computer tapes, and that, as these sales are not subject to the review, they should be excluded from the Department's dumping analysis.

The petitioner argues that the methodology employed by the Department in its preliminary results was correct and should not be changed for purposes of the final results. Gates asserts that Pirelli is unable to show that sales made during the review period in fact entered prior to the review period.

Department's Position: We agree with respondent that belts manufactured in countries other than Italy are not subject to this review. Beacuse we were able to determine from available information on the record which belts were manufactured elsewhere, we have excluded sales of these belts from the antidumping duty calculation. However, we have analyzed sales of belts identified as "pre-existing" inventory, *i.e.*, subject merchandise which may have entered prior to February 1, 1989. We are not satisfied that Pirelli has established that any sales during the period of review should be excluded because of an early entry date. The methodology employed by Pirelli for this purpose provides no assurance that any sale during the period was, in fact, of merchandise entered before February 1, 1989. In the absence of a satisfactory linkage of sales to entries, we have reviewed all sales with a date of sale that fell within the review period. Pirelli's cites to *Cementos* and *Zenith* are inapposite. These cases merely stated that antidumping and countervailing duties are *imposed* at the time of entry. The cases do not discuss the issue which is relevant here, whether sales can be linked to entries not subject to antidumping duties.

Comment 2: Pirelli asserts that comparisons should be made at the same level of trade. Pirelli states that sales to original equipment manufacturers (OEMs) and to replacement market customers were separately identified in its questionnaire response. The respondent further states that section 353.58 of the Department's regulations explicitly recognizes that, where possible, matching should occur at the same level of trade.

The petitioner asserts that the Department correctly considered all sales to be at the same level of trade. Gates argues that the burden of showing two levels of trade is on the respondent, and that Pirelli did not do this. Gates states that Pirelli did not provide any record evidence to support its contention that sales to OEMs and sales to replacement market customers, both of which are sales to end-users, were made at different levels of trade.

Department's Position: The Department did not find that there were sales at two separate levels of trade in this review. Although Pirelli identified different types of customers in its response, at no time during this segment of the proceeding did Pirelli demonstrate that there were distinct differences between these sales. Therefore, we have calculated weighted-average foreign market value without regard to level of trade and made comparisons to U.S. sales using these weighted-average foreign market values.

Comment 3: Pirelli asserts that cash discounts paid on purchase price sales should be treated as an adjustment to U.S. price. Pirelli cites Final Determination of Sales at Less than Fair Value: Oil Country Tabular Goods from Canada (51 FR 15029, April 22, 1986) (OCTG from Canada) in support of its claim. Pirelli disagrees with the Department's decision to leave cash discounts on U.S. sales in the net U.S. price, deduct cash discounts incurred on home market sales from the foreign market value (FMV), and add U.S. cash discounts to FMV. The respondent states that this method improperly inflates the margins. It argues that the Department should follow its standard methodology and deduct U.S. cash discounts from U.S. price and home market cash discounts from FMV.

Gates asserts that the cash discounts are circumstance of sale adjustments. In a purchase price situation, circumstances of sale adjustments are made to FMV. The petitioner contends, therefore, that the Department correctly adjusted for cash discounts.

Department's Position: We agree with respondent that the cash discount program constitutes an adjustment to price and, therefore, the discount amounts should be deducted from U.S. price (see Final Results of Administrative Review: Iron Construction Castings from Canada (55 FR 460, January 5, 1990), and OCTG from Canada). Contrary to Gates' argument, cash discounts represent reductions in the price paid by the customer; they are not circumstance of sale adjustments. For these final results we have corrected our purchase price calculations accordingly

Comment 4: Pirelli asserts that U.S. packing costs (costs incurred for repacking the subject merchandise in the United States) should be treated as an "addback," by leaving these costs in the U.S. price and adding them to FMV. The respondent claims that the Department's deduction of these costs is inconsistent with the Department's practice and does not allow for an "apples-to-apples" comparison.

Department's Position: Our treatment of repacking costs in the preliminary results was correct. It is the Department's practice to treat expenses incurred for the repacking of subject merchandise in the United States as direct selling expenses, which are deducted from U.S. price (see Final Determination of Sales at Less than Fair Value: Antifriction Bearings from the Federal Republic of Germany (54 FR 18992, May 3, 1989)). In deducting repacking costs, we have deducted from U.S. price all U.S.-incurred expenses to reflect the condition of the good upon entry. We adjusted FMV by adding packing costs incurred in Italy for sales to the United States, and subtracting packing costs incurred in the home market for home market sales, to obtain a packed ex-factory price for our price comparisons. In this way, the Department has achieved an "apples-to-apples" comparison.

Comment 5: Pirelli argues that the Department should make corections of obvious errors which Pirelli discovered in the reported sales data after issuance of the preliminary results. Since there has been no verification in this review, correcting the errors would not deprive the Department of the opportunity to verify the data. Moreover, the Department's decision not to verify resulted in the errors not being discovered sooner. Pirelli also states that the Department's recent administrative decisions in Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof, from the Federal Republic of Germany (56 FR 31692, July 11, 1991) support correction of the errors. It is clear from information on the record that there were errors in the submissions and that the new information is accurate.

The petitioner argues that the Department should not accept new information at this stage. Gates notes that the deadline for submission of factual information was the date of the preliminary results and that Pirelli should have submitted the new information prior to that date. Gates asserts that the supposed errors are not merely clerical corrections but are new substantive claims. As there has been no verification, there is no basis to suppose that the revisions are correct. In addition, no supporting information has been provided to justify the respondent's claims. The petitioner asserts that the Department's past decisions do not support acceptance of the type of new information submitted by Pirelli in its case brief.

Department's Position: We agree that corrections should be made for obvious clerical errors that can be readily identified from information on the administrative record prior to the preliminary results of review. Accordingly, we have made corrections for the final results of review for the incorrect gross unit prices and the incorrect duty amount noted by Pirelli. We did not, however, make corrections Pirelli requested that involved new substantive claims and/or the submission of new factual information after the date of publication of the preliminary results (see 19 CFR 353.31(b)(2)). The Department did not find these additional errors to be clerical errors, as claimed by respondent (see Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof, from the Federal Republic of Germany (56 FR 31592, July 11, 1991) — section 15d (Miscellaneous Issues) of the Issues Appendix).

Unmatched Sales

After making the changes to the preliminary results detailed above, we found that we had ESP sales for which we could not identify sales of such or similar merchandise in the home market. Respondent's submissions did not provide model matching data for these ESP sales, although it stated in its September 28, 1990 response that Pirelli had submitted tapes "* * * indicating the matches between industrial belts sold by Pirelli in the United States and those sold in the home market." The response stated further that "(i)n most instances, Pirelli sells belts in the home market which are identical to the belts sold in the United States. When a U.S. sale does not have an identical home market match, the most similar home market match was selected and cost difference information has been reported." Because the response was incomplete with regard to these unmatched ESP sales, we have applied best information available, in accordance with section 776(c) of the Tariff Act. The best information available is the highest weighted-average margin from this proceeding. That margin is 78.69 percent, determined for ESP sales in this segment of the proceeding.

Final Results of the Review

As a result of our review, we determine that the following dumping margin exists:

Manufacturer/ exporter	Review period	Margin (percent)
Pirelli Transmissioni Industriali	2/01/89–5/31/90	68.2

The Department will instruct the U.S. Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. Furthermore, the following deposit requirements will be effective for all shipments of industrial belts and components and parts thereof, whether cured or uncured, from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the administrative review provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Pirelli will be 68.2 percent; and (2) the cash deposit rate for any future entries from all other manufacturers or exporters who are not covered in this administrative review or the original less-than-fair-value investigation and who are unrelated to Pirelli will be 68.2 percent.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5428 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-807]

Industrial Belts and Components and Parts Thereof From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by both the petitioner and respondent, the Department of Commerce is now conducting an administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured (hereinafter referred to as "industrial belts"), from Japan. The review covers one exporter during the period June 1, 1990 through May 31, 1991.

As a result of the review, the Department has preliminarily determined to assess antidumping duties based on the best information available.

Interested parties are invited to comment on the preliminary results of the administrative review.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Charles Vannatta or Art Stern, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 25314) the antidumping duty order on industrial belts from Japan. On June 28, 1991, both the petitioner and respondent requested that we conduct an administrative review of the period June 1, 1990 through May 31, 1991. We published a notice of initiation of the antidumping administrative review on July 19, 1991 (56 FR 33251). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act), as amended.

Scope of Review

Imports covered by the review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Japan. These products include V-belts, synchronous belts, and other industrial belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (i.e., closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts as well as front engine drive belts found on equipment powered by internal combustion engines, including truck, tractors, buses, and lift trucks.

During the period of review, the merchandise was classifiable under Harmonized Tariff System (HTS) item numbers 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5010.00.90, and 7326.20.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer and exporter of industrial belts from Japan to the United States, Mitsuboshi Belting Limited

(MBL), and the period June 1, 1990 through May 31, 1991.

Preliminary Results of the Review

Because MBL did not respond to the Department's questionnaire, the Department has preliminarily determined to use the best information available. The best information available is the rate from the investigation of sales at less-than-fair-value. This rate is 93.16 percent (June 14, 1989, 54 FR 25314).

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested parties may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this preliminary notice or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. The Department will publish final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for MBL will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5425 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-803]

Certain Small Business Telephone Systems and Subassemblies Thereof From Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 13, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Korea. The review covers one manufacturer/exporter of this merchandise to the United States for the period August 3, 1989, through January 31, 1991.

We gave interested parties an opportunity to comment on the preliminary results. At the request of the petitioner, American Telephone and Telegraph (AT&T), we held a public hearing on January 9, 1992. Based on our analysis of comments received, issues raised at the public hearing, and the correction of clerical errors, the final results of review differ from the preliminary results of review.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Timothy A. Volker or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-8120.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 57611) the preliminary results of its administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Korea (55 FR 4215, February 7, 1990). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act) and 19 CFR 353.22 (1991).

Scope of the Review

Imports covered by the review are shipments of certain small business telephone systems and subassemblies thereof (SBTS), currently classifiable under Harmonized Tariff Schedule item numbers 8517.30.2000, 8517.30.2500, 8517.30.3000, 8517.10.0020, 8517.10.0040, 8517.10.0050, 8517.10.0070, 8517.10.0080, 8517.90.1000, 8517.90.1500, 8517.90.3000, 8518.30.1000, 8504.40.0004, 8504.40.0008, 8504.40.0010, 8517.81.0010, 8517.81.0020, 8517.90.4000, and 8504.40.0015.

Certain small business telephone systems and subassemblies thereof are telephone systems, whether complete or incomplete, assembled of unassembled, with intercom or internal calling capability and total non-blocking port capacities of between two and 256 ports, and discrete subassemblies designed for use in such systems. A subassembly is "designed" for use in a small business telephone system if it functions to its full capability only when operated as part of a small business telephone system. These subassemblies are defined as follows:

(1) Telephone sets and consoles, consisting of proprietary, corded telephone sets or consoles. A console has the ability to perform certain functions including: answer all lines in the system; monitor the status of other phone sets; and transfer calls. The term "telephone sets and consoles" is defined to include any combination of two or more of the following items, when imported or shipped in the same container, with or without additional apparatus: housing; hand set; cord (line or hand set); power supply; telephone set circuit cards; console circuit cards.

(2) Control and switching equipment, whether denominated as a key service unit, control unit, or cabinet/switch. "Control and switching equipment" is defined to include the units described in the preceding sentence which consist of one or more circuit cards or modules (including backplane circuit cards) and one or more of the following items, when imported or shipped in the same container as the circuit cards or modules, with or without additional apparatus: connectors to accept circuit cards or modules; building wiring.

(3) Circuit cards and modules, including power supplies. These may be incorporated into control and switching equipment or telephone sets and consoles, or they may be imported or shipped separately. A power supply converts or divides input power of not more than 2400 watts into output power of not more than 1800 watts supplying DC power of approximately 5 volts, 24 volts, and 48 volts, as well as 90-volt AC ringing capability.

The following merchandise has been excluded from the scope of this antidumping duty order: (1) Nonproprietary industry-standard ("tip/ring") telephone sets and other subassemblies that are not specifically designed for use in a covered system, even though a system may be adapted to use such nonproprietary equipment to provide some system functions; (2) telephone answering machines or facsimile machines integrated with telephone sets; and (3) adjunct software used on external data processing equipment.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results as provided by § 353.22(c) of the Commerce Regulations. We received comments from one respondent, Samsung, and AT&T, and, at the request of AT&T, held a public hearing on January 9, 1992.

We have corrected any clerical errors noted by both parties, and have addressed them specifically in this notice.

Comment 1: Petitioner contends that the Department is required by 19 U.S.C. 1677e(b)(3) to conduct a verification of Samsung since no verification was conducted during two previous administrative reviews and because "good cause" for verification exists. Petitioner contends that "(d)iscrepancies found in previous verifications, together with apparent inconsistencies and gaps in the data in Samsung's current response" provide "good cause" for verification. Petitioner's case brief December 13, 1991, at 3-4.

Samsung contends that since this is the first administative review, there could not have been verifications during two previous administrative reviews. Moreover, Samsung contends that petitioner has not shown "good cause" for verification because Samsung did not fail its verification in the original less-than-fair-value investigation and instead had been found to have been cooperative in providing information requested by the Department, and had provided data with only minor clerical errors.

Department's Position: We disagree with petitioner and agree with Samsung. Section 776(b) (3) of the Tariff Act Provides that verification is required only if requested in a timely fashion by an interested party and if no verification was conducted during the two immediately peceeding reviews and determinations, unless good cause exists to conduct a review. Petitioner claims that the Department is required to conduct a verification because petitioner submitted a timely request and no verification was conducted during the two preceding reviews. There have not been two immediately preceding reviews and determinations since this is the first administrative review in this proceeding. Therefore, although petitioner made a timely request, verification is not required. See Comment 1, Final Results of Antidumping Duty Administrative Review, Iron Construction Castings from Canada (56 FR 23274, 23275, May 21, 1992.) Nevertheless, parties can claim exception to this rule if they can show "good cause." See the Department's response to petitioner's Comment 1, Final Results of Antidumping Duty Adminstrative Review; Certain Iron Construction Castings from India (55 FR 40697, 50698, October 4, 1990). In reaching the decison not to verify Samsung's response, the Department considered the substantial amount of detail and documentation provided as part and in support of Samsung's questionnaire response. Petitioner did not demonstrate "good cause" for verification, such as a failed verification in the less-than-fair-value investigation. See Comment 1, Final Results of Antidumping Duty Administrative Review, Iron Construction Castings from Canada (56 FR 23274, 23275, May 21, 1991.) Furthermore, although petitioner cites "discrepancies" noted during the verification in the original less-than-fair-value investigation of Samsung, we do not find the "discrepancies" identified by petitioner in this review to constitute "good cause."

Comment 2: Petitioner contends that Samsung's claimed advertising expenses must be rejected because Samsung failed to allocate those expenses appropriately. Samsung asserts that its expense ledgers do not permit model-specific identification of advertising expenses and that the company has accordingly followed the Department's questionnaire instructions for allocating advertising expenses to specific models.

Department's Position: We agree with Samsung. Although we prefer model-specific identification of advertising expenses, we will accept the submission of advertising expenses on a product-line basis if that is how the expenses are maintained in the respondent's accounting records and the respondent cannot easily provide actual model-specific information. Because Samsung's accounting records maintain advertising expenses on a product-line basis, we believe Samsung's methodology for allocating these expenses to be both reasonable and consistent with our instructions in the questionnaire. Accordingly, we have deducted advertising expenses from foreign market value (FMV).

Comment 3: Petitioner contends that the Department should treat Samsung's home market freight expenses incurred in shipping merchandise from the factory to regional warehouses as indirect expenses because such expenses were incurred prior to sale. Samsung contends that the Department correctly deducted home market inland freight expense from home market price since the Department no longer treats "pre-sale" movement expenses as indirect expenses.

Department's Position: We agree with Samsung. Although 19 U.S.C. 1677(d)(2)(A) requires the Department to deduct all inland freight expenses incurred on U.S. sales in order to establish the ex-factory price for sales comparison purposes, there is no explicit provision for deducting home market inland freight expenses from FMV. Previously, the Department attempted to adjust FMV for home market inland freight expenses under the circumstances-of-sale adjustment provision in 19 U.S.C. 1677(a)(4)(B).

This approach, however, denied many respondents' claims for pre-sale inland freight expenses because they were unable to directly tie such expenses to specific sales. By denying an adjustment for pre-sale inland freight expenses to home market price, the Department would compare an ex-factory price in the United States to an ex-warehouse price in the home market. By deducting home market pre-sale inland freight expenses from FMV, we are able to compare U.S. ex-factory prices with their counterpart in the home market. See Comment 18, Tapered Roller

Bearings, and Parts Thereof, Finished and Unfinished, From Japan; Final Results of Antidumping Duty Administrative Review(57 FR 4960, 4967, February 11, 1992). Accordingly, we have deducted the entire amount of home market inland freight expenses from FMV.

Comment 4: Petitioner contends that the Department should use an alternative methodology to calculate Samsung's U.S. freight charges. Samsung contends that the Department was correct to use the methodology Samsung reported, and that the alternative methodology suggested by the petitioner would result in virtually the same U.S. freight expense.

Department's Position: We agree with Samsung. Samsung's U.S. freight costs were incurred in ways not directly attributable to the weight and/or volume of specific products. Accordingly, Samsung allocated freight charges to particular U.S. models on the basis of sales value, not spatial volume.

Samsung contends that it used relative sales value as its basis for allocating freight expenses because it believes that to be the most reliable methodology under the circumstances. While acknowledging that freight charges could be allocated by relative actual volumes as suggested by petitioner, Samsung contends that information it submitted in its December 20, 1991, case brief demonstrates that its methodology leads to substantially the same results as the methodology suggested by petitioner. Based on the information Samsung submitted in its case brief, as well as the fact that Samsung is not charged for freight on a keyphone-specific basis, we believe that allocating freight charges by sales value is reasonable. See Comment 8, Roller Chain, Other Than Bicycle, From Japan; Final Results of Antidumping Duty Administrative Review and Intent To Revoke in Part (54 FR 3099, 3100, January 23, 1989). Accordingly, we have accepted Samsung's reported U.S. freight expenses.

Comment 5: Petitioner contends that the Department's methodology in making an adjustment for value-added tax (VAT) is incorrect because it eliminates the absolute difference between the amount of tax in each market, thus resulting in a circumstance-of-sale adjustment. Petitioner asserts that the correct methodology is to add the amount of VAT to home market price and then to add to the U.S. price the lesser of the VAT applicable to home market price or the amount of VAT that would have been assessed but was forgiven on exportation. Furthermore, petitioner contends that VAT should not be added to constructed value (CV). Samsung contends that the Department is justified in using the VAT methodology it did but agrees with petitioner that VAT should not be added to CV.

Department's Position: We agree with Samsung. We added an imputed VAT to USP under section 772(d)(1)(c) of the Tariff Act. We calculated the addition to USP by applying the HM tax rate to the net U.S. price after all other adjustments were made. We imposed no limitation on the imputed tax added to USP on the basis of the incidence of the HM tax because the statute requires no such limitation. No VAT was added to USP where FMV was based on CV, because section 773(e) of the Tariff Act does not provide for the addition of any tax to CV.

Because all HM sales were reported net of VAT, we added the same VAT amount to FMV as that calculated for USP. This is equivalent to calculating the actual HM tax, and then performing a circumstance-of-sale adjustment to FMV to eliminate the absolute difference between the amount of tax in each market. We are not following *Zenith* v. *United States*, 633 F.Supp. 1382 (CIT 1986) (*Zenith*) and its progeny with respect to the circumstance-of-sale issue because we disagree and such voluntary acquiescence would deprive the Department of its right to appeal this issue in this proceeding. We are relying on the Department's broad statutory authority to make adjustments for such differences in the circumstances of sale. See Section 14, Comment 1, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Final Results of Antidumping Administrative Review (56 FR 31692, 31729, July 11, 1991).

Comment 6: Petitioner contends that the Department should recalculate Samsung's research and development (R&D) expenses. Samsung contends that its accounting records do not record model-specific R&D expenses. Accordingly, Samsung maintains that the R&D expenses it reported, and which were subsequently used by the Department in its analysis, are appropriate.

Department's Position: We agree with Samsung. The methodology used by Samsung in its questionnaire response for reporting R&D is consistent with the methodology used by Samsung, and verified by the Department, in the Less-than-fair-value investigation. Accordingly, although we recognize that there are potentially several reasonable methodologies for allocating R&D expenses, we do not believe that Samsung's methodology is inappropriate.

Comment 7: Citing the Questionnaire issued in the 1990–1991 administrative review of the antifriction bearings orders, petitioner asserts that the Department should have collected sales data both 90 days prior to the period of review and 60 days following the period of review. Petitioner contends that, at a minimum, the Department should remove the statement in Samsung's computer program which prevents data from outside the period of review from being analyzed. Samsung contends that the Department did not require it to submit sales outside the period of review and even if it had, such sales would not affect the model matches.

Department's Position: Section 773(a)(1) of the Tariff Act provides that FMV is the price at the "time such merchandise is first sold within the United States." We have consistently interpreted this as requiring that price comparisons based on reasonably contemporaneous sales of such or similar merchandise in the U.S. and foreign markets. When there are no home market sales made in the same month as the U.S. sale, we try to find home market sales as close in time to the U.S. sale as possible. A contemporaneity guideline has been developed in which we first attempt to use a home market sale occurring up to three months prior to and, if one cannot be identified, no more than two months after the month of the U.S. sale. See our response to Comment 1 in Final Results of Antidumping Duty Administrative Review: Certain Forged Steel Crankshafts from the United Kingdom. (56 FR 5975, 5976, February 14, 1991.)

Although it has become our practice to require respondents to report sales outside the period of review so that a so-called 90/60-day analysis can be performed on sales transactions which occurred at both the beginning and the end of the period of review, the questionnaire we issued to Samsung did not specifically require the company to report this information. We conducted a 90/60-day analysis of the home market models sold during the period of review. In those few situations in which Samsung did not have sales of such or similar home market merchandise, the company provided CV information.

In its certified December 20, 1991, rebuttal brief, Samsung asserted that although it would be willing to submit home market sales for the three-month period before and the two-month period after the period of review, the use of this information would not affect the model matches used in the preliminary results. After reviewing all of Samsung's CV-based sales which occurred within 90 days of the beginning and 60 days of the end of the review, we found that for every model based on CV during these periods, CV was used for that same model throughout the entire period of review. In light of this, as well as the fact that, despite having had access under administrative protective order to the sales data submitted by Samsung, petitioner did not suggest that we collect the additional data until the filing of its case brief, we have determined that collection of additional sales data does not warrant delaying the completion of this administration review.

Comment 8: Samsung contends that the Department should not compare U.S. sales to distributors with home market sales to end-users. Petitioner contends that since Samsung has provided no evidence to demonstrate that sales to end-users should be excluded from the Department's analysis, such sales should be included.

Department's Position: We agree with Samsung. According to 19 CFR 353.58, "[t]he Secretary normally will calculate foreign market value and United States price based on sales at the same commercial level of trade." Samsung home market sales during the period of review were to both dealers and end-users; its U.S. sales were exclusively to distributors. Accordingly, for the final results we have compared Samsung's U.S. sales to distributors with its home market sales to dealers. In those cases where there were no comparable home market sales to dealers, we used home market sales to end-users for the purpose of comparison.

Comment 9: Samsung contends that the Department should deduct its reported technical service expense from FMV as a direct selling expense. Petitioner argues that the Department correctly considered this expense to be an indirect selling expense and should not allow a deduction.

Department's Position: We agree with petitioner. According to the questionnaire we issued Samsung, and in keeping with our practice, "we will only consider those [technical service expenses] that you can directly relate to sales of the subject merchandise." As in the less-than-fair-value investigation, in which we disallowed Samsung's claimed technical service expenses, Samsung has not been able to identify the amount expended for technical services on a sale by sale, or even model-specific, basis. Accordingly, we have disallowed Samsung's claim to deduct technical service expenses from FMV.

Final Results of the Review

As a result of comments received, we have revised our preliminary results for Samsung, and we determine the margin to be:

Manufacturer exporter	Time period	Margin (percent)
Samsung Electronics Co., Ltd	08/03/89–1/31/91	0.02

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of small business telephone systems and subassemblies thereof from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) Because Samsung's margin is *de minimis*, no cash deposit will be required for Samsung; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manuacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) no cash deposits will be required for all other manufacturers or exporters.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also reserves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Dated: March 3, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–5424 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–533–502]

Certain Welded Carbon Steel Standard Pipe and Tube From India; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty order administrative review.

SUMMARY: In response to a request by petitioner, the Department of Commerce is conducting an administrative review of the antidumping duty order on certain welded carbon steel standard pipe and tube from India. The review covers one exporter for the period from May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined that dumping margins exist with respect to this exporter. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION: Contact Jim Rice or Wendy Frankel, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377–3793.

SUPPLEMENTARY INFORMATION: On May 12, 1986, the Department of Commerce (the Department) published in the **Federal Register** an antidumping duty order on certain welded carbon steel standard pipe and tube from India (51 FR 17384). On May 21, 1991, the Department published in the **Federal Register** a notice of opportunity to request an administrative review for the period May 1, 1990 through April 30, 1991 (56 FR 23271). Subsequent to the publication of the notice of opportunity, the Standard Pipe Subcommittee of the Committee on Pipe and Tube Imports and its individual members requested that the Department conduct an administrative review covering Tata Iron and Steel Co., Ltd. (TISCO). On June 18, 1991, the Department published a notice of initiation (56 FR 27943). The Department is now conducting this review in accordance with section 751 of

the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of welded carbon steel pipes and tubes with an outside diameter of 0.375 inch or more but not over 16 inches. These products are commonly referred to in the industry as "standard pipe" and are produced to various American Society for Testing Materials (ASTM) specifications, most notably A–53, A–120, or A–135. Until January 1, 1989, such merchandise was classifiable under item numbers 610.3231, 610.3234, 610.3242, 610.3243, 610.3252, 610.3254, 610.3256, 610.3258, adn 610.4925 of the Tariff Schedule of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 7306.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5040. As with the TSUSA numbers, the HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

Verification

In accordance with section 776(b)(3) of the Act, the Department conducted a verification of the questionnaire responses submitted by TISCO at the company's headquarters in Calcutta, India, from December 9 through December 13, 1991. We used standard verification procedures, including examination of accounting records and other documents containing relevant information.

During verification, we found minor discrepancies in TISCO's response. In particular, TISCO did not accurately calculate its claimed adjustment for a difference in cost reflecting the difference in physical merchandise between ASTM and Indian Standard (IS) pipe, nor did it report the correct date of sale information on all its U.S. sales. These, and other minor errors, were corrected at verification and accepted by the Department.

United States Price

In accordance with section 772(b) of the Act, the Department based United States price on purchase price because the merchandise was sold to unrelated purchasers in the U.S. prior to its importation. We calculated purchase price based on f.a.s. or f.o.b. packed prices to U.S. customers.

We added to purchase price certain import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, in accordance with section 772(d)(1)(B) of the Act.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value based on delivered packed prices of IS pipe to unrelated purchasers in India at the same commercial level of trade as U.S. customers, *i.e.*, wholesalers and distributors. Although some of the standard pipe TISCO sold in India was identical to the merchandise sold in the United States, which conforms to ASTM specifications, it was determined in the previous review that TISCO's home-market sales of ASTM pipe were "not in the ordinary course of trade for home consumption" within the meaning of section 773(a)(1)(A) of the Act. See Final Results of Antidumping Duty Administrative Review, Certain Welded Carbon Steel Standard Pipes and Tubes from India (56 FR 64753). No conclusive evidence was presented at verification which would cause the Department to alter its position on this issue.

The Department deducted cash discounts, where appropriate, and adjusted foreign market value for differences in packing costs between the two markets. In accordance with section 773(a)(4)(C) of the Act and § 353.57 of our regulations (19 CFR 353.57), we also adjusted foreign market value to account for cost differences attributable to differences in the physical characteristics of the merchandise reflecting ASTM and IS characteristics. We made a similar adjustment where there was no product in the home market with the same end-type as the product sold in the United States.

Preliminary Results of the Review

As a result of our comparison of the United States price to foreign market value, we preliminarily determine that the following dumping margin exists:

Producer	Period of review	Margin
Tata Iron and Steel Co.	05/01/90–04/30/91	67.99

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Interested parties may request a hearing within 10 days of the date of publication of this notice and submit written comments on these preliminary results within 30 days of the date of publication of this notice in the **Federal Register**. We will hold a hearing, if requested, as early as is convenient for the parties but no later than 44 days after the date of publication, or the first business day thereafter. Interested parties may submit case briefs no later than 14 days before the date of the hearing or the first business day thereafter. Rebuttal briefs and rebuttal comments, limited to issues raised in the initial round of comments, may be filed no later than 7 days after submission of the initial round of comments or the first business day thereafter. The Department will publish the final results of this administrative review, including an analysis of all issues raised in any written comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1), and 19 CFR 353.22.

Dated: February 28, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–5427 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–DS–M

[C–517–501]

Carbon Steel Wire Rod From Saudi Arabia; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has completed an administrative review of the countervailing duty order on carbon steel wire rod from Saudi Ariabia. We determine the total bounty or grant to be 0.01 percent *ad valorem* for the period of January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On December 26, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 66847) the preliminary results of its administrative review of the countervailing duty order on carbon steel wire rod from Saudi Arabia (February 3, 1986; 51 FR 4206). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by these reviews are shipments of Saudi carbon steel wire rod. Carbon steel wire rod is a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, tempered or not tempered, treated or not treated, not manufactured or partly manufactured, and valued over or under 4 cents per pound. Such merchandise is classifiable under item numbers 7213.20.00, 7213.31.30, 7213.31.60, 7213.39.00, 7213.41.30, 7213.41.60, 7213.49.00 and 7213.50.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990 and four programs: (1) Public Investment Fund loan to HADEED, (2) SABIC's transfer of SULB shares to HADEED, (3) preferential provision of equipment of HADEED, and (4) income tax holiday for joint venture projets in Saudia Arabia. The Saudi Iron and Steel Company (HADEED) was the sole producer and/or exporter of carbon steel wire rod to the United States during the review period.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the respondent (HADEED), and the petitioners.

Comment 1: The respondent argues that the Public Investment Fund (PIF) loan program and the Saudi Industrial Development Fund (SIDF) loan program are "integrally linked" as defined in section 355.43(b)(6) of the Department's proposed regulations; see, Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366, (May 31, 1989). Since PIF and SIDF are integrally linked, they should be considered together in determining whether loans provided by these two entities are limited to a specific enterprise or industry, or group of enterprises or industries. SIDF and PIF qualify for linkage under each factor identified in the Department's proposed regulations. These factors are (1) evidence of a government policy to treat industries equally, (2) the purposes of the programs as stated in their enabling legislation, (3) the administration of the programs, (4) the manner of funding the programs, and (5) "other factors."

The information on the record shows a Saudi government policy to treat industries equally. PIF and SIDF provide identical benefits—low-cost, long-term construction loans—on identical terms to a wide variety of industries. PIF and SIDF are two of five Specialized Credit Institutioins that the Saudi government created to develop and diversify the Saudi economy. The PIF and SIDF share a common purpose as the only sources of low-cost financing for the industrial and manufacturing sector. PIF loans are available to companies with some government equity, and are suited for the types of large projects that the Saudi government would be most likely to undertake. SIDF loans, on the other hand, are available to companies with some private Saudi ownership and are best suited for small and medium-sized projects. Between them, the two programs address the borrowing needs of the entire range of Saudi industries.

PIF and SIDF share a common purpose, based on statements in each entity's enabling legislation. PIF was created "to finance investment in the productive projects of a commercial nature." Similarly, SIDF was created "to support industrial development in the private sector of the Kingdom's economy." Both programs are aimed at financing development in the Saudi industrial and manufacturing sector.

PIF and SIDF are administered in a comparable manner through SAMA (the Saudi Central Bank) and the Ministry of Finance and National Economy. Both PIF and SIDF are administered by boards of directors with a common chairman, the Minister of Finance and National Economy, with the remaining members drawn from SAMA and other Saudi government agencies.

PIF and SIDF were orginally funded through the Ministry of Finance and National Economy. Currently, both programs are self-sufficient. SAMA produces a consolidated balance sheet showing assets and liabilities of PIF and SIDF jointly. All information regarding budget allocations, disbursements and repayments of PIF and SIDF are published as consolidated statements.

Other factors integrally linking PIF and SIDF include the fact that there are no *de jure* limitations on the types of industries eligible to receive loans under either fund. The lending practices and histories of both funds are similar. The maximun loan amount is SR 500 million for PIF and SR 400 million for SIDF. The maximum loan period for both PIF and SIDF is 15 years. The PIF requires Saudi government equity participation in a project in order to obtain funds. Similarly, SIDF requires at least 25 percent equity contribution from private Saudi sources in order to obtain funds.

Thus, in light of the factors described above, respondent argues that the Department has a compelling case for finding integral linkage between PIF and SIDF. The programs are part of the same overall government lending policy, they are intended to be complementary and to achieve the same purpose, they are

administered and funded through the same governmental agency, and they provide similar benefits to the same sector of the Saudi economy. Based on a finding of integral linkage, the Department should consider PIF and SIDF programs together and find that neither is specifically provided and therefore countervailable.

The petitioner argues the Department has rejected respondent's argument regarding integral linkage in the previous three reviews (see, Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991; and, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48158, September 24, 1991). The unique aspects of the PIF program cannot be hidden by lumping it together with other Saudi government financing programs such as SIDF, which were established for other reasons. Nothing the Saudi government does in providing other loans through separate programs detracts from PIF's specificity.

Department's Position: Any conclusion regarding the roles of PIF and SIDF in a broader Saudi governmental policy initiative can only be reached by considering the historical and practical development of each program up to the time the loan in question was contracted. Documented information on the inception of the programs that explicitly ties PIF and SIDF as complementary parts of an overarching governmental policy directive has not been presented by the respondent despite the Department's repeated requests. Therefore, since the factual information on the record relevant to the establishment and development of PIF and SIDF is insufficient to demonstrate integral linkage, we will continue to consider each program separately.

Comment 2: The respondent contends that it is unreasonable for the Department to demand any more factual proof of integral linkage than what HADEED has provided. All known existing evidence has been presented. For reasons relating primarily to the nature of record-keeping during the early stages of Saudi Arabia's industrialization process, better evidence appears not to exist. The Department is not justified in treating evidence of linkage at inception as a criterion for finding integral linkage. Such a criterion is not even explicitly listed in the Department's proposed regulation. Furthermore, the Department's insistence on proof of such additional factors violates prescribed rules of procedure by using factors purporting to be guidance as a final rule determining substantive rights. The Court of International Trade has held that the Department must follow the minimal "notice and comment" procedures embedied in the Administrative Procedures Act (APA) before promulgating final rules. Ipsco, Inc. v. United Sttes, 687 F. Supp. 614 (C.I.T. 1988).

Department's Position: With regard to the question of "integral linkage," the Department has in these reviews consistently focused its attention on the relationship between the programs in question and "an overall government policy or national development plan." See, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48156, September 24, 1991). This position was also followed in the Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers from the Netherlands (52 FR 3301, February 3, 1987) wherein the Department would not find integral linkage because "the government was unable to document the inclusion of [the programs] as part of an overall national energy program. * * *" *Id* at 3309.

In requiring that this relationship be explicit at the inception(s) of the programs, the Department violates no statutory or regulatory provision. Even if one turns to the Department's proposed regulations, the decision herein is fully supported. 19 CFR 355.43(b)(6) of the proposed regulations tells us that when deciding an integral linkage question the Secretary will examine "evidence of a government policy to treat industries equally." This broad instruction is included on a list that explicitly advises parties that the Department will consider the factors on the list together with "other factors." Thus, it is within the Department's discretion to explicate each factor listed in the proposed regulation, and to do so in accordance with Departmental precedent. This is precisely what the Department has done with the second factor listed in the proposed regulation.

Comment 3: The respondent argues that, contrary to the Department's preliminary results, PIF loans are not limited to a specific group of enterprises, and therefore, they are not countervailable. HADEED contends that the Department's preliminary determination that the Saudi government, through PIF, provides loans to "a specific enterprise or industry or group of enterprises or industries" within the meaning of section 1677(5)(B), is incorrect. The basis for the Department's determination is the erroneous assumption that only six companies have effectively benefited from the program. In reality, 24 companies in a wide variety of industries have received PIF financing. The 18 companies that are at least 50 percent-owned by either SABIC or PETROMIN should be treated as separate entities. The Department has, in effect, found that there is an intercorporate transfer of benefits based solely on corporate relationships with SABIC or PETROMIN. Such an application of the specificity test based on a commonality of shareholders is without precedent and contravenes the Department's established policy not to assume automatic transfer of benefits based on related party status. Respondents cite the following cases in defense of their argument: Industrial Phosphoric Acid from Israel, 52 FR 25447 (July 7, 1987); Operators for Jalousie and Awning Windows from El Salvador, 51 FR 41516 (November 17, 1986); Low-Fuming Brazing Copper Rod and Wire from New Zealand, 50 FR 31638 (August 5, 1985); and Carbon Steel Structural Shapes from Luxembourg, 47 FR 39364 (September 7, 1982).

The petitioner contends that PIF provides benefits almost exclusively to the projects undertaken by a few companies with controlling government ownership and therefore constitute a specific group of enterprises in Saudi Arabia.

Department's Position: We disagree with respondent. We have considered and rejected respondent's argument in the original investigation, and in the subsequent three reviews (see, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Steel Wire Rod from Saudi Arabia, 51 FR 4206, February 3, 1986; Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991; and, Final Results of Countervailing Duty Administrative Reviews; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 48158, September 24, 1991, respectively). We determined that the loan in question was part of a *de facto* specific program, and respondent has presented no new evidence that would disturb this conclusion (other than that pertaining to "integral linkage"). Furthermore, the Court of International Trade has found that Commerce "reasonably applied the Specificity test" and has concluded that Commerce's determination that the Saudi government provides PIF loans to a specific group of enterprises is in accordance with law. See, *Saudi Iron and Steel Co.* v. *United States*, 675 F. Supp. 1362 (C.I.T. 1987).

Comment 4: Petitioners contend that the Department's use of a composite benchmark incorporating a short-term interest rate is incorrect. In calculating the benchmark, the Department relied on the erroneous assumption that HADEED could have obtained the SIDF's maximum loan limit of fifty percent of the project's total cost. In fact, the maximum amount HADEED could have obtained from SIDF was SR400 million, significantly less than fifty percent of the project's total cost.

Department's Position: We disagree. We have considered and rejected this argument in a previous review. See, Final Results of Countervailing Duty Administrative Review; Carbon Steel Wire Rod from Saudi Arabia, 56 FR 26652, June 10, 1991. Our methodology remains unchanged from the original investigation. Since the PIF loan covered 60 percent of HADEED's total project costs, for our benchmark we assumed that HADEED could have financed 50 percent of its total project costs with a SIDF loan (the maximum eligibility for a company with at least 50 percent Saudi ownership) and the remaining 10 percent of project costs with a Saudi commercial bank loan. The commercial bank portion of the benchmark was based on the average Saudi Interbank Offering Rate (SIBOR) for 1990, plus the normal one percent spread that is common for commercial borrowings from private Saudi banks.

Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be 0.01 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1990 and exported on or before December 31, 1990.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of these final results of administrative review. The waiving of cash deposits of estimated countervailing duties shall remain in effect until publication of the final results of the next administrative review. This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 2, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5422 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-122-819]

Notice of Initiation of Countervailing Duty Investigation: Portable Seismographs from Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Gary Bettger, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2815 and (202) 377-2239, respectively.

INITIATION:

The Petition

On February 12, 1992, we received a petition in proper form from GeoSonics Inc., on behalf of the U.S. industry producing portable seismographs. In accordance with 19 CFR 355.12 (1991), petitioner alleges that manufacturers, producers, or exporters of portable seismographs in Canada receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). Petitioner names the following programs as possible sources of subsidies for Canadian producers of portable seismographs: Industrial and Regional Development Program (IRDP); General Development Agreements (GDA) and Economic and Regional Development Agreements (ERDA); Ontario Development Corporation (ODC) Export Support Loans; Program for Export Market Development (PEMD) and promotional Projects Program (PPP); Export Credit Financing; Certain Investment Tax Credits (ITC); and Other Research and Development Grants and/or Subsidies. Because Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the U.S. International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Canada materially injure, or threaten material injury to, the U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party as defined under 19 CFR 355.2(i), and because it has filed the petition on behalf of the U.S. industry manufacturing the product subject to this investigation. If any interested party, as described in 19 CFR 355.2(i) (3), (4), (5), or (6), wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Initiation of Investigation

Under 19 CFR 355.13(a) the Department must determine, within 20 days after a petition is filed, whether the petition properly alleges the basis on which a countervailing duty may be imposed under section 701(a) of the Act, and whether the petition contains information reasonably available to the petitioner support the allegations. We have examined the petition on portable seismographs from Canada and have found that it meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether Canadian manufacturers, producers, or exporters of portable seismographs receive subsidies. In accordance with 19 CFR 355.13(b), we also are notifying the ITC of this action.

Scope of Investigation

The products covered by this investigation are portable seismographs from Canada. Portable seismographs are used by the mining, construction, and blasting industries to measure the ground and air vibrations produced by man-made blasting. A portable seismograph measures the basic components of man-made ground and air vibrations in compliance with seismograph standards established by the U.S. Bureau of Mines. The basic components and ranges of measurement are: Ground peak particle velocity (.02 to 10 inches per second); ground motion frequency (2 to 200 Hz); direction of motion (3 orthogonal axis (L,T,V)); airblast level (100 to 140 dBL); airblast overpressure (1/10,000 to 1/100 psi); and airblast frequency (2 to 200 Hz). Earthquake, nuclear, and reflection/refraction seismographs are not included in the scope of this investigation. Portable seismographs are currently provided for in subheading 9015.80.6000 of the *Harmonized Tariff Schedule* (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

ITC Notification

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will also allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determination by the ITC

The ITC will determine by March 30, 1992, whether there is a reasonable indication that imports of portable seismographs from Canada are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated. If affirmative, the Department will make a preliminary determination on or before May 7, 1992, unless the investigation is terminated pursuant to 19 CFR 355.17 or the preliminary determination is extended pursuant to 19 CFR 355.15.

This notice is published pursuant to 702(c)(2) of the Act.

Dated: March 3, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-5423 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications: San Jose, CA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 months) is estimated at $276,250 in Federal funds and a minimum of $48,750 in non-Federal (cost sharing) contributions. Cost-Sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the San Jose, California Geographic Service Area.

The award number for this MBDC will be 09-10-92008-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian Tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A-129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as states in 15 CFR part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law. False information on the application can be grounds for denying or terminating funding.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF-LLL, "Disclosure of Lobbying activities," are required.

Closing Date: The closing date for submitting an application is April 20, 1992. Applications must be postmarked on or before April 20, 1992.

Proposals will be reviewed by the Dallas Regional Office. The mailing address for submission is: Dallas Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, 214/767-8001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, March 31, 1992 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744-3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 3, 1992.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 92-5366 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Applications: San Francisco, California

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance, and the availability of funds. The cost of performance for the first budget period (12 monthe) is estimated at $553,000 in Federal funds and a minimum of $97,588 in non-Federal (cost sharing) contributions. Cost-Sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the San Francisco, California Geographic Service Area.

The award number for this MBDC will be 09-10-92009-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian Tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: the experience and capabilitites of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50.00 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A-129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26.

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the

conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of the client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law. False information on the application can be grounds for denying or terminating funding.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Public Law 100–690, Title V, Subtitle D). The status requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

15 CFR Part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is April 20, 1992. Applications must be postmarked on or before April 20, 1992.

Proposals will be reviewed by the Dallas Regional Office. The mailing address for submission is: Dallas Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, 214/767–8001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, March 31, 1992 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of applications kits and applicable regulations can be obtained from the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 3, 1992.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 92–5365 Filed 3–6–92; 8:45 a.m.]

BILLING CODE 3510–21–M

Business Development Center Applications: Jacksonville, FL

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the U.S. Department of Commerce's Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient performance and the availability of funds. The cost of performance for the first budget period (12 months) is $173,250 in Federal funds and a minimum of $30,574 in non-Federal (cost-sharing) contributions. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof. The period of performance will be from August 1, 1992 to July 31, 1993. The MBDC will operate in the Jacksonville, Florida geographic service area.

The award number for this MBDC will be 04–10–92008–01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, State and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget periods. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance with OMB Circular A–129 "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements, satisfactory to the Department of Commerce, are made to pay the debt.

Applicants are subject to Governmental Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26.

The Department Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, title V subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a pre-condition for receiving Federal grant or cooperative agreement awards.

15 CFR, part 28, is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant or cooperative agreement. Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF–LLL, "Disclosure of Lobbying Activities," are required.

CLOSING DATE: The closing date for submitting an application is April 15, 1992. Applicants must be postmarked on or before April 15, 1992. Proposals will be reviewed by the Washington Regional Office. The mailing address for submission of RFA responses is: Washington Regional Office, Minority Business Development Agency, 14th & Constitution Avenue, NW., room 6711, Washington, DC 20230.

A pre-application conference to assist all interested applicants will be held on April 1, 1992, 9 a.m. at the following address: U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street, NW., room 1930, Atlanta, Georgia 30308.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. To order a Request for Application (RFA) and to receive additional information, contact: Carlton L. Eccles, Regional Director of the Atlanta Regional Office on (404) 730–3300 or U.S. Department of Commerce, Minority Business Development Agency, 401 West Peachtree Street NW., room 1930, Atlanta, Georgia 30308.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: March 2, 1992.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

[FR Doc. 92–5364 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in Panama

March 3, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for the new agreement year.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Memorandum of Understanding (MOU) dated November 6, 1991 between the Governments of the United States and Panama establishes designated consultation levels for Categories 347/348.

In a subsequent MOU dated January 31, 1992, the two governments agreed, among other things, to convert the designated consultation levels to specific limits for the periods April 1, 1992 through March 31, 1993 and April 1, 1993 through March 31, 1994.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish a limit for the period beginning on April 1, 1992 and extending through March 31, 1993.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 65045, published on December 13, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the January 31, 1992 MOU, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 3, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Memorandum of Understanding dated January 31, 1992, between the Governments of the United States and Panama; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 1, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 347/348, produced or manufactured in Panama and exported during the twelve-month period beginning on April 1, 1992 and extending through March 31, 1993, in excess of 700,000 dozen.

Imports charged to the category limit for the period April 1, 1991 through March 31, 1992 shall be charged against that level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The limit set forth above is subject to adjustment in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and Panama.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-5382 Filed 3-6-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Support Panel) will meet on 26-27 March 1992, 9 AF, Tactical Air Command, Shaw AFB, SC 29152-5001, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-5386 Filed 3-6-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

CNO Executive Panel; Meeting

Purusant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet March 25, 1992, from 9 a.m. to 5 p.m. in Alexandria, Virginia.

The purpose of this meeting is to review maritime environment issues as they impact naval vessel construction and operation and shore establishment environmental protection. The agenda of the meeting will consist of discussions of key issues related to environmental cleanup and protection of naval facilities.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Exectutive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: February 27, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-5385 Filed 3-6-92; 8:45 am]

BILLING CODE 3810-AE-F

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee will meet on April 1 and 2, 1992. The meeting will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, Virginia, and the Atlantic Undersea Test and Evaluation Center, Andros Island, Bahamas and the West Palm Beach, Florida Detachment. The meeting will commence at 8 a.m. and terminate 2:15 p.m. on April 1; and commence at 9:30 a.m. and terminate at 3 p.m. on April 2, 1992. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide briefings and demonstrations for the Committee on deep water testing and evaluation being conducted by the Department of the Navy.

The agenda will include briefings, demonstrations and discussions related to new initiatives related to the Science Opportunities Program; the status of on-going studies; deep water test and evaluation techniques through use of acoustic measurements, test and sonar calibrations; accurate underwater, surface and in-air tracking data on ships, submarines, aircraft and weapons; undersea research and development program; and assessments of fleet anti-submarine warfare and operational readiness.

These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept-secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b (c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (703) 696-4870.

Dated: February 28, 1992.

Wayne T. Baucino,

Lieutenant, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-5383 Filed 3-6-92; 8:45 am]

BILLING Code 3810-AE-F

Intent to Grant License

AGENCY: Department of the Navy, DoD.

ACTION: Intent to Grant Exclusive Patent License; Roy L. James.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Roy L. James a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 5,056,760, "T-Slot Sheave", issued October 15, 1991, in the field of plastic sheaves.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 North Quincy Street, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: February 27, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer

[FR Doc. 92-5384 Filed 3-6-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 91-68-NG]

Tenaska Gas Co.; Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy

ACTION: Notice of issuance of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Enérgy of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Tenaska Gas Co. to import up to 43.8 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuel Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-5437 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-77-NG]

Tenaska Marketing Ventures; Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of issuance of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to Tenaska Marketing Ventures to import up to 73.0 Bcf of natural gas from Canada over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Aveune, SW., Washington, DC 20585. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, DC, February 28, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-5438 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Corrected Meeting Date for Proposed Scope of Consideration for Potential 1993 Rate Adjustments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice to correct public meeting date.

SUMMARY: BPA's Federal Register Notice (57 FR 6010) of February 19, 1992, incorrectly stated that the public meeting to discuss its proposal to define issues for consideration in the 1993 rate case would be held March 10, 1992. The public meeting is scheduled for March 11, 1992. The times and location of that public meeting are correct.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Price by telephone at 503-230-4366. Callers outside of Portland, Oregon, may call 800-622-4519.

Issued in Portland, Oregon, on February 27, 1992.

Randall W. Hardy,

Administrator.

[FR Doc. 92-5434 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF91-59-002, et al.]

Sky River Partnership, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Sky River Partnership

February 25, 1992.

[Docket No. QF91-59-002]

On February 6, 1992, Sky River Partnership (Applicant) of P.O. Box 1910, 13000 Jameson Road, Tehachapi, California 93561, submitted for filing an application of recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located in the Tehachapi Mountains, Kern County, California and consists of 342 wind turbine generators. The original certification was issued on October 9, 1991, 57 FERC ¶ 62,019 (1991). The instant recertification is requested due to an increase in the power production capacity of the facility from 76.95MW to 77.45 MW.

Comment Date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Selkirk Cogen Partners, L.P.

February 25, 1992.

[Docket No. QF89-274-003]

On February 13, 1992, Selkirk Cogen Partners, L.P., a Delaware limited partnership with its principal offices at one Bowdoin Square, Boston, Massachusetts 02114, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located within the confines of the General Electric Company's Plastic Division Manufacturing Complex in Selkirk, New York and will include Phase I and Phase II of the Selkirk Congeneration project. The Commission previously certified Phase I as a 79.9 MW qualifying cogeneration facility, Selkirk Cogen Partners, L.P., 51 FERC ¶ 61,284 (1990). The integrated facility will include three combustion turbine generators, three supplementary fired heat recovery boilers and one steam turbine generator. Thermal energy recovered from the facility will be sold to General Electric Company's Plastics Division for building heating and industrial processes in the manufacturing of plastics. The integrated net electric power production capacity of the facility will be 363.84 MW. The primary source of energy will be natural gas.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Inter-Power of Pennsylvania, Inc.

February 25, 1992.

[Docket No. QF87-632-001]

On February 7, 1992, Inter-Power of Pennsylvania, Inc. tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment modifies the initial application in that it provides additional information regarding fuel use by the facility, increases the capacity of the facility from 83.5 MW to 89.5 MW and provides for the inclusion of twelve

miles of 115KV transmission line. In addition, the facility will now be owned by a limited partnership consisting of Inter-Power of Pennsylvania, Inc., a wholly-owned subsidiary of Constellation Energy, Inc. and a wholly-owned subsidiary of Ahlstrom Development Corporation.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Mexico

February 25, 1992.

[Docket No. ER91-445-000]

Take notice that on February 11, 1992, Public Service Company of New Mexico (PNM) submitted for filing an Amendment to the Economy Energy Agreement (Agreement) between PNM and the City of Colton, California (Colton). The Agreement was filed on May 20, 1991, and is pending before the Commission in Docket No. ER91-445-000. Under the Agreement PNM and the City of Colton will make economy energy available to one another at rates reflecting current market conditions. The Amendment to the Agreement provides minimum pricing language, an appendix to the Agreement and clarification of share-savings language.

Copies of the filing have been served upon Colton and the New Mexico Public Service Commission.

Comment date: March 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. PSI Energy, Inc.

February 25, 1992

[Docket No. ER92-144-000]

Take notice that notice on February 11, 1992 PSI Energy, Inc. (PSI) tendered for filing an Amendment to its October 31, 1991 filing of the Interchange Agreement between PSI and Baltimore Gas and Electric Company (BG&E) in the above captioned docket. The Amendment consists of changes to section 9 of Service Schedule A.

PSI has requested waiver of the Commission's notice requirements to allow an effective date of December 30, 1991 as originally requested.

Copies of the filing were served on the Maryland Public Service Commission.

Comment date: March 6, 1992, in accordance with standard Paragraph E end of this notice.

6. Public Service Company of New Mexico

February 25, 1992.

[Docket No. ER91-446-000]

Take notice that on February 11, 1992, Public Service Company of New Mexico (PNM) submitted for filing an Amendment to the Economy Energy Agreement (Agreement) between PNM and the City of Banning, California (Banning). The Agreement was filed on May 20, 1992, and is pending before the Commission in Docket No. ER91-446-000. Under the Agreement PNM and the City of Banning will make economy energy available to one another at rates reflecting current market conditions. The Amendment to the Agreement provides minimum pricing language, an appendix to the Agreement and clarification of share-savings language.

Copies of the filing have been served upon Banning and the New Mexico Public Service Commission.

Comment date: March 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Indiana Gas and Electric Company

February 26, 1992.

[Docket No. ER92-42-000]

Take notice that on February 10, 1992, Sourthern Indiana Gas and Electric Company tendered for filing an amendment to its October 7, 1991 filing in this docket.

Comment date: March 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Arkansas Power & Light Company

February 26, 1992.

[Docket No. ER92-240-000]

Take notice that Arkansas Power & Light Company (AP&L) tendered for filing on December 30, 1991, a proposed Agreement (Agreement) between AP&L and The City of Campbell, MO (City) and amended this filing on February 20, 1992 to state that the proposed Agreement will increase revenue to AP&L.

Comment date: March 9, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Kalaeloa Partners, L.P.

February 26, 1992.

[Docket No. QF89-198-001]

On February 21, 1992, Kalaeloa Partners, L.P. (Applicant), filed a petition with the Federal Energy Regulatory Commission for a temporary waiver of the operating and efficiency standards pursuant to § 292.205(c) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The 192.2 MW topping-cycle cogeneration facility which is located at the James Campbell Industrial Park in Barbers Point, Oahu, Hawaii consists of two combustion turbine generators and associated heat recovery boilers, and an extraction/condensing steam turbine generator (STG). Steam extracted from the STG is sold to Hawaiian Independent Refinery, Inc. for heating processes at the refinery. The facility uses low sulfur residual fuel oil as its primary energy source.

Applicant states that the temporary waiver is requested due to (1) the unexpected delay of two months in the completion of steam line which delivers the facility's steam to the host (*i.e.*, the refinery) and (2) the limited generation of power during testing and commissioning prior to the start of commercial operation.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Canal Electric Company

February 27, 1992.

[Docket No. ER90-245-005]

Take notice that on December 6, 1991, Canal Electric (Canal) submitted for filing a third amendment to the Seabrook Power Contract and a composit conformed copy of the Seabrook Power Contract. Such amendment has been executed pursuant to the Commission's letter order dated November 13, 1991 approving an Offer of Settlement between Canal and the Town of Belmont. Canal is complying with said letter order by revising the Seabrook Power Contract to conform to the language approved in the Offer of Settlement.

Copies of the tendered filing have been served by Canal upon the Commission Staff, the Massachusetts Attorney General, the Town of Belmont and the Department of Public Utilities.

Comment date: March 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Company

February 27, 1992.

[Docket No. ER92-248-000]

Take notice that New England Power Company (NEP), on February 11, 1992, tendered for filing a Notice of Withdrawal of the amendment to the NEP/Newport Electric Corp. contract submitted in this docket on December 30, 1991.

NEP states that it is withdrawing the amendment because it will not be able to enter into the transaction contemplated under the amendment.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Ohio Valley Electric Corporation

February 27, 1992.

[Docket No. ER92-258-000]

Take notice that on February 21, 1992, Ohio Valley Electric Corporation ("OVEC") tendered for filing a modification ("Mod. No. 1") to a Transmission Agreement between Louisville Gas and Electric Company ("Louisville") and OVEC, along with its wholly-owned subsidiary, Indiana-Kentudy Electric Corporation, (together "Transmitting Companies"). Such Transmission Agreement was filed and is under consideration in the pending proceeding referenced above.

Mod. No. 1 changes the rate at which Transmitting Companies would, under the Transmission Agreement, supply to Louisville transmission service over Transmitting Companies' facilities.

Copies of this amendment to OVEC's original filing were served upon all parties on the official service list for this proceeding. Copies were also served upon Louisville, the Public Service Commission of Kentucky and Indiana Michigan Power Company.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

13. Central Maine Power Company

February 27, 1992.

[Docket No. ER91-620-000]

Take notice that on February 25, 1992, Central Maine Power Company (CMP) tendered for filing its amended FERC Electric Tariff, 12th Revised Volume No. 1, Wholesale Electric Rates for Other Utilities. This filing is made in response to its Wholesale Customer's letter of January 29, 1992.

This proposed tariff returns the base fuel component of the fuel adjustment clause and the line loss adjustment factor to their levels in the currently effective tariff. Under the proposed tariff, CMP's wholesale rates will be $96,412.57 lower for Period I than under the tariff proposed in CMP's January 10, 1992, response letter and $256,133.44 higher for Period I than under CMP's currently effective tariff.

The proposed tariff will affect CMP's wholesale customers, Kennebunk Light and Power District, Inhabitants of the Town of Madison (Madison Electric Works), and Fox Island Electric Cooperative, Inc. Copies of the filing have been served on CMP's above-named wholesale customers, the Maine Public Utilities Commission and the Public Advocate.

Comment date: March 12, 1992, in accordance with Standard Paragraph E end of this notice.

14. Mississippi Power Company

February 27, 1992.

[Docket No. ER92-295-000]

Take notice that Mississippi Power Company, on January 29, 1992 tendered for filing a proposed change in its FERC Rate Schedule No. 144.

The reason for this change is to extend for two years its Agreements for Transmission Service with Alabama Electric Cooperative, Inc. (Mississippi Power Company, FERC Rate Schedule No. 144).

Copies of the filing were served upon the Alabama Electric Cooperative, Inc. and upon the Mississippi Public Service Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E end of this notice.

15. Delmarva Power & Light Company

February 27, 1992.

[Docket No. ER92-321-000]

Take notice that Delmarva Power & Light Company ("Delmarva") on February 10, 1992, tendered for filing proposed Supplement No. 7 to it's FERC Rate Schedule No. 61. This Supplement, filed with the approval and concurrence of the Board of Public Works of Lewes, Delaware (Lewes), is being made to allow Lewes to change their service agreement from the present "Partial Requirements" to one that allows "Parallel Operations" and to operate its generating units up to a maximum level of 2000 kW in parallel with Delmarva to reduce its peak demand on Delmarva's system.

Copies of this filing were served upon the General Manager, Board of Public Works of Lewes, Delaware and the Delaware Public Service Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

16. Citizens Power & Light Company

February 27, 1992.

[Docket No. ER89-401-010]

Take notice that on February 7, 1992, Citizens Power & Light Company (Citizens) filed certain information as required by Ordering Paragraph (M) of the Commission's August 8, 1989 order in this proceeding, 48 FERC ¶ 61,210 (1989). Copies of Citizens' informational filing are on file with the Commission and are available for public inspection.

17. Peter F. O'Malley

February 27, 1992.

[Docket No. ID-2674-000]

Take notice that on February 10, 1992, Peter F. O'Malley (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Director—Potomac Electric Power Company

Director—Legg Mason, Inc.

Comment date: March 16, 1992, in accordance with Standard Paragraph E at the end of this notice.

18. Central Maine Power Company

February 27, 1992.

[Docket No. ER92-322-000]

Take notice that on February 12, 1992, Central Maine Power Company ("CMP"), tendered for filing a Notice of Cancellation, effective as of April 14, 1992, pertaining to the Transmission Rate Schedule between CMP and Bangor Hydro-Electric Company, effective April 1, 1978 (CMP Rate Schedule FERC No. 57).

CMP has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

19. Long Island Lighting Company

February 27, 2992.

[Docket No. ER92-68-000]

Take notice that on February 24, 1992, Long Island Lighting Company (LILCO) tendered for filing an amendment to its earlier filings of October 7, 1991 and November 26, 1991 in this docket. LILCO has requested waiver of the Commission's notice requirements to allow the tariff filings to become effective November 14, 1985.

Copies of this amended filing have been served upon the New York State Public Service Commission, the Power Authority of the State of New York, and the counties of Nassau and Suffolk.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

20. Western Massachusetts Electric Company

February 27, 1992.

[Docket No. ER92-067-000]

Take notice that on February 24, 1992, Western Massachusetts Electric Company (WMECO) tendered for filing an amendment to its October 4, 1991 filing for transmission service to New England Power Company.

WMECO states that copies of this amendment to the initial filing have been mailed or delivered to each of the parties.

WMECO further states that the amended filing is in accordance with

Section 35 of the Commission's Regulations.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

21. Central Louisiana Electric Company, Inc.

February 27, 1992.

[Docket No. ER90-39-000]

Take notice that on February 21, 1992, Central Louisiana Electric Company, Inc. tendered for filing its refund report in the above-referenced docket.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

22. PacifiCorp Electric Operations

February 27, 1992

[Docket No. ER91-494-000]

Take notice that on February 24, 1992, PacifiCorp Electric Operations ("PacifiCorp"), in accordance with the Commission's deficiency letter dated January 23, 1992, tendered an amendment to its filing under Docket No. ER91-494-000.

Copies of this filing amendment have been supplied to Western, the Public Utility Commission of Oregon and the Utah Public Service commission.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

23. Florida Power & Light Company

February 27, 1992.

[Docket No. ER92-327-000]

Take notice that on February 20, 1992, tendered for filing an amendment entitled "Amendment Number One to Contract for Interchange Service Between Florida Power & Light Company and Seminole Electric Cooperative, Inc". FPL requests that the amendment be made effective January 1, 1992.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

24. Consolidated Edison Company of New York, Inc.

February 27, 1992.

[Docket No. ER92-328-000]

Take notice that on February 24, 1992, Consolidated Edison Company of New York, Inc. ("Con Edison"), in response to a deficiency letter issued in Docket Nos. ER92-52-000 and ER92-56-000, tendered for filing notices of cancellation of two certain agreements to provide transmission service to United Illuminating Company ("UI") and Green Mountain Power Corporation ("GMPC"), which Con Edison has heretofore submitted for filing in said dockets.

The two rate schedules have terminated pursuant to their terms.

Con Edison seeks effective dates of April 30, 1989 and April 30, 1992, respectively, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that copies of this filing have been service by mail upon UI and GMPC.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

25. The Washington Water Power Company

February 27, 1992.

[Docket No. ER92-238-000]

Take notice that on February 25, 1992, The Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.11 an Amendment 1 to its Agreement For The Purchase and Sale of Firm Capacity between Portland General Electric Company and The Washington Water Power Company. WWP states that the purpose of the amendment is make changes requested by Commission staff. WWP also requests a waiver of the sixty (60) filing requirement in order for the Agreement to have an effective date of March 1, 1992.

A copy of the filing was mailed to Portland General Electric.

Comment date: March 12, 1992, in accordance with Standard Paragraph E at the end of this notice.

26. Onondaga County Resource Recovery Agency, Ogden Martin Systems of Onondaga, Inc.

February 27, 1992.

[Docket No. QF92-85-000]

On February 21, 1992, Onondaga County Resource Recovery Agency of 100 Elwood Davis Road, Syracuse, New York 13212 and Ogden Martin Systems of Onondaga, Inc. of 40 Lane Road, CN 2615, Fairfield, New Jersey 07007-2615 submitted for filing and application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in the Town of Onondaga, New York. The facility will consist of three mass-burn waterwall boilers and one condensing steam turbine generator. The maximum net electric power production capacity of the facility will be 38 MW. The primary energy source for the facility will be municipal solid waste.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

27. Northern States Power Company (Minnesota Company)

February 27, 1992.

[Docket No. ER91-561-000]

Take notice that on February 12, 1992, Northern States Power Company ("NSP") tendered for filing supplemental information which serves as an amendment to NSP's original filing (Docket No. ER91-561-000 filed on August 8, 1991). NSP's original filing consisted of a Transmission Service Letter Agreement dated September 13, 1990, and a Supplemental Agreement dated November 9, 1990, between NSP and Citizens Power and Light Company ("Citizens"). Under both agreements NSP provided interruptible transmission service for Citizens. Service under both agreements has since been terminated.

NSP's filed cost of service analysis was used to determine a maximum permissible rate for the interruptible transmission service. The maximum permissible rate provided recovery of costs over 16 hours/day, and 5 days/week. The two agreements did not contain revenue caps to prevent NSP from over-recovery of its costs in the event transactions occurred in excess of 16 hours/day, or in excess of 5 days/week. The supplemental information provided in NSP's amendment to this filing show NSP's system operating data regarding actual transaction deliveries and revenues under those two agreements. This information indicates that NSP did not over-recover its costs while those two agreements were in effect.

Copies of this amdendment to the filing have been provided Citizens to the State Commission's of Minnesota, North Dakota, South Dakota, Wisconsin, and Michigan.

Comment date: March 10, 1992, in accordance with Standard Paragraph E end of this notice.

28. AES CB Limited Partnership

February 27, 1992.

[Docket No. QF89-126-003]

On February 26, 1992, AES CB Limited Partnership tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the economic viability of the cogeneration facility.

Comment date: March 19, 1992, in accordance with Standard Paragraph F at the end of this notice.

29. Hadson Power 11—Southampton

February 27, 1992.

[Docket No. QF88-84-003]

On February 20, 1992, Hadson Power 11—Southampton of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Franklin, Southampton County, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, Ultra Cogen Systems, Inc., 43 FERC ¶ 62,023 (1988), and recertified the facility as a qualifying cogeneration facility, Hadson Power 11—Southampton, 53 FERC 62,207 (1990). The instant request for recertification is due to change in: (1) Ownership as delineated in notice of self-recertification filed on December 12, 1991, (2) maximum net electric power production capacity from 60.572 MW to 62.64 MW and, (3) request for waiver of the Commission's operating standard with respect to facility's testing period, pursuant to § 292.205(c) of the Commission's Regulations.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

30. Second Imperial Geothermal Company

February 27, 1992.

[Docket No. QF92-53-000]

On February 24, 1992, Second Imperial Geothermal Company, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to the ownership structure of the facility.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

31. Hadson Power 12—Altavista

February 27, 1992.

[Docket No. QF88-84-003]

On February 20, 1992, Hadson Power 12—Altavista of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Altavista, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, Ultra Cogen Systems, Inc., 43 FERC ¶ 62,072 (1988), and recertified the facility as a qualifying cogeneration facility, Hadson Power 12—Altavista, 53 FERC 62,205 (1990). The instant request for recertification is due to change in: (1) Ownership as delineated in notice of self-recertification filed on December 12, 1991, (2) maximum net electric power production capacity from 60.577 MW to 62.7 MW and, (3) request for waiver of the Commission's operating standard with respect to facility's testing period, pursuant to § 292.205(c) of the Commission's Regulations.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5326 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 82-016, et al.]

Hydroelectric Applications (Alabama Power Company, et al.; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of Application:* Application to Revise Project Boundary Maps.

b. *Project No:* 82-016.

c. *Date Filed:* November 18, 1991.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Mitchell Project.

f. *Location:* Coosa County, Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)-825(r).

h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291-0364, (205) 250-1380.

i. *FERC Contact:* Dan Hayes, (202) 219-2660.

j. *Comment Date:* April 10, 1992.

k. *Description of Project:* Alabama Power Company, licensee for the Mitchell Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 317-foot m.s.l. contour, except for a recreation area required by article 41 of the project license. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 35 acres of unneeded property from the project boundary.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

2. a. *Type of Application:* Application to Revise Project Boundary Maps.

[Project No. 11143-000 Connecticut]

Summit Hydropower Availability of Environmental Assessment

March 2, 1992.

In accordance with the National Enrionmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a minor license for the proposed Glen Falls Hydroelectric Project located on the Moosup River, near Plainfield, Windham County, Connecticut, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the proposed project and has concluded that approval of the project, with appropriate mitigation measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5327 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

b. *Project No:* 349–023.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Martin Dam Project.
f. *Location:* Coosa and Elmore Counties, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Martin Dam Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 490-foot m.s.l. contour, with a 30-foot buffer zone. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 120 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

3. a. *Type of Application:* Application to Revise Project Boundary Maps.
b. *Project No:* 618–029.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Jordan Dam Project.
f. *Location:* Elmore, Chilton and Coosa Counties, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R.M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Jordan Dam Project, has filed an application to revise its project boundary exhibits. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 252-foot m.s.l. contour, except for a 15-foot horizontal buffer zone required by article 30 of the project license. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 29 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

4. a. *Type of Application:* Application to Revise Project Boundary Maps.
b. *Project No:* 2146–055.
c. *Date Filed:* November 18, 1991.
d. *Applicant:* Alabama Power Company.
e. *Name of Project:* Coosa River Project.
f. *Location:* Elmore County, Alabama.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. Sec. 791(a)–825(r).
h. *Applicant Contact:* Mr. R. M. Akridge, Alabama Power Company, 600 North 18th Street, Post Office Box 2641, Birmingham, AL 35291–0364, (205) 250–1380.
i. *FERC Contact:* Dan Hayes, (202) 219–2660.
j. *Comment Date:* April 10, 1992.
k. *Description of Project:* Alabama Power Company, licensee for the Coosa River Project, has filed an application to revise its project boundary exhibits for the Lay Development. The licensee states that survey errors were discovered during an inventory to identify existing leased lots for possible sale. The licensee proposes to realign the project boundary along the 397-foot m.s.l. contour. The licensee states that the revision will not change land use, will correct survey errors in the existing boundary maps, and exclude 16 acres of unneeded property from the project boundary.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

5. a. *Type of Application:* Request for Extension of Time to Commence Project Construction.
b. *Project No.:* 3246–016.
c. *Date Filed:* January 16, 1992.
d. *Applicant:* City of Alton, Illinois.
e. *Name of Project:* Melvin Price Lock and Dam.
f. *Location:* In St. Charles County, Missouri, and Madison County, Illinois, on the Mississippi River.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 806 and Public Law No. 102–240, 105 Stat. 1914, section 1075(b) of the Intermodal Surface Transportation Efficiency Act of 1991.
h. *Applicant Contacts:* Robert Ferbert, City Hall, 101 East Third Street, Alton, IL 62002, (618) 463–3530; Daniel T. Lennon, Esquire, Counsel for City of Alton, Latham and Watkins, 1001 Pennsylvania Avenue, NW., Suite 1300, Washington, DC 20004–2505, (202) 637–2201.
i. *FERC Contact:* Mr. Lynn R. Miles, (202) 219–2671.
j. *Comment Date:* March 25, 1992.
k. *Description of the Request:* The licensee for the subject project has requested a 4-year extension of the license including the deadline for commencement and completion of construction for FERC Project No. 3246. The licensee states that it has diligently pursued the development of the project and has invested over $730,000 on the efforts. The licensee also states that because of the late acquisition of the license, it was unable to meet the October 15, 1991, deadline to commence project construction. The licensee further contends that its efforts were severely impeded by its inability to study the site because a memorandum of agreement governing access to the site and site activities on land administered by the Corps had not been finalized.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

6 a. *Type of Application:* Transfer of License.
b. *Project No.:* 8794–009.
c. *Date Filed:* January 23, 1992.
d. *Applicant:* New Haven Copper Company.
e. *Name of Project:* New Haven Copper Company.
f. *Location:* On the Naugatuck River in New Haven County, Connecticut.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)–825(r).
h. *Applicant Contact:* John N. Webster, So. New Hampshire Hydroelectric, Development Corporation, P.O. Box 178, So. Berwick, ME 03908, 207–384–5334.
i. *FERC Contact:* Mary Golato (tag) (202) 219–2804.
j. *Comment Date:* April 2, 1992.
k. *Description of Project:* New Haven Copper Company proposes to transfer the New Haven Copper Company Project FERC No. 8794–009 to Southern New Hampshire Hydroelectric Development Corporation. The purpose of the transfer is to facilitate financing and construction of the project.
l. This notice also consists of the following standard paragraphs: B & C.

7 a. *Type of Application:* Amendment of License.
b. *Project No:* 4296–002.
c. *Date Filed:* November 27, 1991.
d. *Applicant:* Seneca Hydro Acquisition Corporation.
e. *Name of Project:* Seneca.

f. *Location:* On the Seneca River in Onondaga County, New York. The project utilizes the existing New York State Dam at Balwinsville, New York.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).
h. *Applicant Contact:* Paul V. Nolan, Esq., Counsel for Seneca Hydro Acquisition Corporation, 6219 N. 19th Street, Arlington, VA 22205, (703) 534–5509.
i. *FERC Contact:* Paul Shannon, (202) 219–2866.
j. *Comment Date:* April 1, 1992.
k. *Description of Amendment:* The application for Amendment of Exemption proposes to rehabilitate one of two abandoned turbines within the Seneca Powerhouse. These two abandoned turbines were not authorized in the Order Granting Exemption from Licensing, 18 FERC ¶ 62,227, issued February 17, 1982. Presently, the powerhouse contains five units. Three of the units are operating with a total installed generating capacity of 950–kW and a total hydraulic capacity of 1450 cfs. The rehabilitation of one abandoned turbine will increase the proejct's installed capacity by 150–kW and the hydraulic capacity by 750 cfs.
1. This notice also consists of the following standard paragraphs: B, C, and D2.

8 a. *Type of Filing:* Transfer of License.
b. *Project No.:* 6221–023.
c. *Date Filed:* January 21, 1992.
d. *Applicants:* Weyerhaeuser Company and Black Creek Hydro, Inc.
e. *Name of Project:* Black Creek.
f. *Location:* On Black Creek in King County, Washington.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).
h. *Applicant Contacts:* Weyerhaeuser Company: Richard A. Ryon, 7001–396th SE., Snoqualmie, WA 98065; Black Creek Hydro, Inc.: Martin W. Thompson, 19515 North Creek Parkway, Suite 310, Bothell, WA 98011.
i. *Commission Contact:* Mr. James Hunter, (202) 219–2839.
j. *Comment Date:* April 2, 1992.
k. *Description of Proposed Action:* On July 29, 1988, a major license was issued to Weyerhaeuser Company for the construction, operation, and maintenance of the Black Creek Project. Weyerhaeuser Company proposes to transfer its interests and obligations under the license to Black Creek Hydro, Inc. The proposed transfer will not change the operation of the project or the use of project power. Weyerhaeuser Company certifies that it has fully complied with the terms and conditions of the license. Black Creek Hydro, Inc. accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as if it were the original licensee.
l. This notice also consists of the following standard paragraphs: B and C.

9. a. *Type of Application:* Surrender of Exemption (5MW or less).
b. *Project No:* 7168–004.
c. *Date filed:* September 17, 1991.
d. *Applicant:* Porcupine Reservoir Company.
e. *Name of Project:* Porcupine Reservoir Project.
f. *Location:* On the East Fork Little Bear River in Cache County, Utah near the towns of Logan and Paradise.
g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).
h. *Applicant Contact:*
Mr. Barnard R. White, President, Porcupine Reservoir Company, Paradise, UT.
Mr. Gary L. Clawson, Porcupine Reservoir Company, Hyrum, UT 84319, (801) 245–6566.
Mr. Allen D. Butler, President, Arizona Micro-Utilities, 3110 S. Rural Rd., suite B, Tempe, AZ 85282, (602) 921–0611.
i. *FERC Contact:* Ms. Deborah Frazier-Stutely (202) 219–2842.
j. *Comment Date:* April 2, 1992.
k. *Description of Proposed Action:* The existing project for which the exemption is being surrendered consists of (1) A 165-foot-high, 600-foot-long earthfill dam; (2) a 220 acre reservoir with a surface area of 14,000 acre-feet at elevation 5384.6 feet msl; (3) an ungated concrete box weir spillway; (4) outlet works consisting of a concrete intake structure with steel trashracks, a 36-inch-diameter steel outlet pipe, a 30-inch-diameter steel pipe, a 24-inch butterfly valve; (5) a 30-inch-diameter, 140-foot-long steel penstock; (6) a powerhouse containing three Wortington pump-type turbine generator units with a total rated capacity of 566 kW; (7) a 2.5-mile-long, 12.5-kV transmission line that connects to a Utah Power and Light Company line.
The exemptee says that, although all the units are operational, the powerhouse does not operate above 55% of the installed capacity and the project does not generate sufficient revenues to warrant continued operation of the project.
1. Purpose of Project: B, C, and D2.

Standard Paragraphs

B. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 3, 1992, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5316 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Special Research Grant Program Notice 92–8: Global Survey of Carbon Dioxide in the Ocean

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Department of Energy (DOE) hereby

announces its interest in receiving applications for Special Research Grants to support the second three-year phase of global survey of carbon dioxide (CO_2) in the ocean in conjunction with the World Ocean Circulation Experiment Hydrographic Program (WOCE/HP) Cruises. This notice requests applications for grants to support the acquisition of CO_2 data at sea (dissolved inorganic carbon (C_T) is required and at least one of the following: Partial pressure of CO_2 (pCO_2), pH, or alkalinity must also be measured).

Grant applications must state the number of days at sea per year that the application is intended to support and the associated at-sea costs as supplemental budget information. Applicants should include in the application approaches for controlling and/or minimizing the cost of sea time and shipboard analyses and a detailed discussion of their approach to logistics for at-sea operations. It is anticipated that five to seven grants will be awarded for 3-year period beginning in October 1992. (Some portion of the funds being set aside for this program may be used to support research at DOE laboratories.)

DATES: The tentative schedule for WOCE/HP cruises for FY 1993 and FY 1994 is given below. This schedule is included for planning level of effort only (e.g., planning the number of days at sea per year). Applicants are not encouraged to propose specific cruises as the schedule is likely to change. However, applicants may indicate preferences for specific cruises and/or specific cruises in which they do not wish to participate. Successful applicants will participate in the Ocean CO_2 Science Team meetings that will recommend the scheduling of CO_2 associated measurements on the WOCE cruises.

Section	Ocean	Dates	Vessel (country)
P16A	Pacific	10–11/92	KNORR (USA).
P17A	Pacific	10–11/92	KNORR (USA).
P17E	Pacific	10/92–1/93	KNORR (USA).
P02	Pacific	1993	TBD (JAPAN).
P08	Pacific	1993	SCIENCE I (PRC).
P10	Pacific	1993	MELVILLE (USA).
P11A	Pacific	4–5/93	AURORA AUSTRALIS (AUS).
P11S	Pacific	6/93	FRANKLIN (AUS).
P14N	Pacific	1993	MELVILLE (USA).
P17N	Pacific	1993	MELVILLE (USA).
P19N	Pacific	1–3/93	KNORR (USA).
P19S	Pacific	1–3/93	KNORR (USA).
P21C	Pacific	1993	MELVILLE (USA).
A03	Atlantic	1993	TBD (RUSSIA).
A06	Atlantic	1–2/93	L'ATALANTE (FRANCE).
A10	Atlantic	12/92–1/93	METEOR (GERMANY).
A15	Atlantic	1993	TBD (USA).
A17N	Atlantic	1993	L'ATALANTE (USA).
I01W	Indian	1993	TBD (RUSSIA).
I04	Indian	8/93	MARION DUFRESNE (FRANCE).
I06	Indian	1–2/93	MARION DUFRESNE (FRANCE).
I07A	Indian	1993	FEDEROV (RUSSIA).
I08A	Indian	1993	FEDEROV (RUSSIA).
I09A	Indian	1993	FEDEROV (RUSSIA).

Applications must be received by the Division of Acquisition and Assistance Management (see address section for mailing address) prior to May 12, 1992.

ADDRESSES: Completed applications referencing Program Notice 92–8 should be forwarded to: U.S. Department of Energy, Division of Acquisition and Assistance Management, Office of Energy Research, ER–64, room G–232, Washington DC 20585. The following address must be used when submitting applications by U.S. Postal Service Express, any commercial mail delivery service or when handcarried by the applicant: U.S. Department of Energy, Division of Acquisition and Assistance Management, Office of Energy Research, ER–64/GTN, 1990 Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Michael R. Riches, Environmental Sciences Division, Office of Health and Environmental Research, ER–74, Washington, DC 20585, (301) 903–3264.

SUPPLEMENTARY INFORMATION: One of the major scientific objectives of the Carbon Dioxide Research Program is to quantify the uptake of atmospheric CO_2 by the ocean and to make estimates of furture atmospheric concentrations resulting from fossil fuel combustion. The purpose of the global carbon dioxide survey is to provide a data set to characterize the global distribution of CO_2 in the oceans in support of the Joint Global Ocean Flux Study (JGOFS) Program. A global description of CO_2 chemistry will provide essential data for the development of three-dimensional models of the ocean carbon cycle, which are critically needed for predicting future atmospheric CO_2 concentrations.

This notice requests applications for grants to support the acquisition of CO_2 data at sea (dissolved inorganic carbon (C_T) is required and at least one of pCO_2, pH, or alkalinity must also be measured). The application should address the following topics: (1) Total number of days at sea that the scientific approach, human resources and budget will support, (2) personnel and equipment required for the proposed at-sea effort, (3) number of CO_2 analyses that can be conducted per day at sea, (4) estimates of the mobilization/demobilization costs per expedition (excluding costs for travel and freight to and from the research vessel; these should be included as appropriate elsewhere in the budget), and (5) stragegies to cooperate with other laboratories and strategies to control personnel and logistical costs.

Successful applications for grants to make at-sea measurements will provide personnel and equipment to perform accurate measurements of dissolved inorganic carbon (C_T), and at least one of the following other parameters: total alkalinity, carbon dioxide partial pressure (pCO_2), and pH in small-volume water samples (0.5–1.0 liter) aboard WOCE/HP research vessels. The primary technique for measuring C_T will be coulometry. Quality control of C_T measurements at sea will be accomplished with certified aqueous reference materials (CRMs). Successful applicants will be expected to attend a comprehensive training course on CO_2 coulometry and to be familiar with DOE Standard Operating Procedures (SOPs) for handling and analyzing samples at sea. Training, SOPs and CRMs will be provided to successful applicants by DOE prior to the FY 1993 WOCE/HP cruises. Secondary analytical techniques for measuring C_T, alkalinity, pCO_2, and pH, or for automating exisitng measurement techniques, may be proposed as a development task with the ultimate purpose of improving the accuracy and efficiency of CO_2 analyses on later WOCE/HP cruises.

It is essential that the global CO_2 measurements be made simultaneously with the WOCE/HP surveys so that carbon fluxes can be estimated from synoptic hydrographic data. The estimated total number of WOCE Hydrographic stations and sampling opportunities for the next 3-year phase of the global CO_2 survey is as follows:

	Hydrographic stations	Samples
Atlantic Ocean	200	7,000
Pacific Ocean	300	10,000
Indian Ocean	200	7,000
Totals	700	24,000

This level may be modified to reflect the actual level of the WOCE field program.

Funding in FY 1993 and continuation of the Global CO_2 Surveys beyond FY 1983 is contingent upon availability of funds. About $2,000,000 is projected for FY 1993 to fund (1) carbon dioxide measurements on WOCE/HP cruises in FY 1993; (2) CO_2 Science Team activities; (3) training on CO_2 coulometry; and (4) instrumentation support. Activities (2), (3), and (4) will be conducted by DOE laboratories. It is anticipated that five to seven grants will be awarded for a 3-year period beginning in November 1992. Funding for at-sea measurements ((1) above) during FY 1994 and 1995 will depend on the WOCE/HP cruise scheduled and the resources required for scientific and logistical support for CO_2 measurements. It is anticipated that funding could reach a maximum of $3,000,000 per year at some time during the program.

Information about submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found in the OER Application and Guide for the Special Research Grants Program 10 CFR Part 605. The application kit and guide is available from the U.S. Department of Energy, Acquisition and Assistance Management Division, Office of Energy Research, ER–64, Washington, DC 20585. Telephone requests may be made by calling (301) 903–4902. The Catalog of Federal Domestic Assistance Number for this program is 81.049.

Issued in Washington, DC, on February 28, 1992.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 92–5436 Filed 3–6–92; 8.45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP92–127–000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 3–C.20
Original Sheet No. 3–C.21
2nd / 1st / Third / Sheet No. 32–BD
Original Sheet No. 43–20
Original Sheet No. 43–21

Panhandle proposes that these revised tariff sheets become effective March 29, 1992.

Panhandle states that the tariff changes proposed will provide Panhandle with the means of recovering the Trunkline LNG Company (TLC) minimum bill charges which Trunkline Gas Company (Trunkline) filed to recover from Panhandle contemporaneously herewith.

Specifically, Trunkline proposed to direct bill Panhandle a total of $151,359,802.66, which represents Panhandle's allocated share of the net present value of the obligations under TLC's minimum bill. In that filing, Trunkline represented that upon the effectiveness of its tariff sheets, that it would suspend collections in its demand charge of the amount of TLC's minimum bill in the base demand rates of its sales services applicable to Panhandle to be effective during the period of suspension of the collection of TLC minimum bill charges. Upon the commencement of that suspension, Panhandle will reflect the reduced current charges in an appropriate PGA filing.

Panhandle proposes to allocate these costs among its sales customers and its transportation customers served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Panhandle states that copies of this filing have been sent to sales customers, transportation customers served under Rate Schedule PT–Firm and affected shippers and to the respective state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5334 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–128–000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 3–C.22
Original Sheet No. 43–22

Panhandle proposes that these tariff sheets become effective March 29, 1992.

Panhandle states that the filing flows through to Panhandle's customers the direct bill charges proposed to be recovered by Trunkline Gas Company (Trunkline) from Panhandle in Trunkline's compliance filing of October 9, 1991 in Docket No. RP87–15–030. In that filing, Trunkline filed in compliance with the Commission's directives in its July 22, 1991, "Order On Remand" in Docket No. RP87–15–027 (Phase I), 56 FERC ¶61,095 that: (1) Trunkline's commodity minimum bill be eliminated effective April 22, 1988; and (2)

Trunkline be permitted to include the LNG costs in the demand component of its rates for the period governed by the rates in Trunkline's Docket No. RP87–15, *et al.* Both of these items resulted from court reviews of Docket No. RP87–15 orders.

In order to calculate the amounts due in connection with Trunkline's reclassified demand charge, Panhandle allocated the demand charge amount due to Trunkline among its existing jurisdictional sales customers using the ratios which each of their current individual annualized contract demands bear to their total current annualized contract demands. Because Trunkline's own minimum bill charges to Panhandle during this period would have been recovered via Panhandle's commodity rates, Panhandle allocated the Trunkline minimum commodity bill amounts due to Trunkline among its existing jurisdictional sales customers using the ratios of each customer's projected sales to the aggregate projected sales in Docket No. RP91–229–000.

Panhandle states that copies of this filing have been sent to affected sales customers and to the respective state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5335 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–7–17–000]

Texas Eastern Transmission Corp.; Proposed Changes FERC Gas Tariff

March 2, 1992.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 27, 1992 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheet:

Forty-third Revised Sheet No. 50.2

Texas Eastern states that this sheet is being filed pursuant to section 4.F of Texas Eastern's Rate Schedules SS–2 and SS–3 to flow through a change in a CNG Transmission Corporation's (CNG) Rate Schedule GSS rate which underlies Texas Eastern's Rate Schedules SS–2 and SS–3.

Texas Eastern states that on February 13, 1992 CNG made a tariff filing in Docket No. RP90–143–010 which revises the Rate Schedule GSS Storage Demand rate effective March 1, 1992.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5336 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–361–000, et al.]

Questar Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Questar Pipeline Co.

[Docket No. CP92–361–000]

February 25, 1992.

Take notice that on February 24, 1992, Questar Pipeline Company (Questar) filed in Docket No. CP92–361–000 an application pursuant to section 7(b) of the Natural Gas Act requesting authority to abandon, effective June 1, 1991, certain interruptible natural gas exchange services provided to Northwest Pipeline Corporation (Northwest) under Questar's Rate ScheduleX–24 to Original Volume No. 3 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Questar states that on April 1, 1991, Questar and Northwest entered into a Termination Agreement that canceled the Letter Agreement dated May 23, 1979, as amended, between Questar and Northwest, which was certificated as Rate Schedule X–24, effective June 1, 1991.

Comment date: March 17, 1992, in accordance with Standard Paragraph F at the end of this notice.

2. Questar Pipeline Co.

[Docket No. CP92–363–000]

February 28, 1992.

Take notice that on February 25, 1992, Questar Pipeline Company (Questar) filed in Docket No. CP92–363–000 an application pursuant to section 7(b) of the Natural Gas Act requesting authority to abandon, effective October 1, 1990, certain interruptible natural gas exchange and gathering services involving Northwest Pipeline Corporation (Northwest) under Questar's Rate Schedules X–1 and X–2 to Original Volume No. 3 of its FERC Gas Tariff, all as more fully set forth in the application which is on file with the Commission and open to public inspeciton.

Questar states that on October 1, 1990, Questar and Northwest entered into a Termination Agreement that conceled the July 1, 1958, Gas Transportation and Exchange Agreement (Rate Schedule X–1), and the December 6, 1958, Gas Gathering Agreement (Rate Schedule X–2), between Questar and Northwest. Questar represents that Questar and Northwest mutually agreed to terminate Rate Schedules X–1 and X–2 effective October 1, 1990.

Comment date: March 20, 1992, in accordance with Standard Paragraph F at the end of this notice.

3. Seagull Marketing Services, Inc., et al.

[Docket No. CI86–7–008, *et al.*] [1]

February 28, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 12, 1992, in accordance with Standard Paragraph J at the end of the notice.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI86–7–008	2–24–92	Seagull Marketing Services, Inc., 1001 Fannin, suite 1700, Houston, Texas 77002.
CI87–734–005	2–24–92	Williams Gas Supply Company, P.O. Box 3102, Tulsa, Oklahoma 74101.
CI87–730–007 [1]	2–24–92	Williams Gas Marketing Company, P.O. Box 3102, Tulsa, Oklahoma 74101.

[1] Applicant also requests that the Commission remove the rate restriction on sales of interruptible sales service (ISS) gas purchased from affiliates.

4. Colorado Interstate Gas Co.

[Docket No. CP92–358–000]

February 26, 1992.

Take notice that on February 20, 1992, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92–358–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon by sale certain certificated natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG states that it has entered into contracts with Associated Natural Gas, Inc. (ANGI) to sell both the certificated and non-certificated facilities in the natural gas gathering system referred to as Spindle/Wattenburg/Aristocrat Field, Weld County, Colorado. CIG indicates that it would sell the certificated facilities under the terms of a certificated facilities sales agreement dated January 6, 1992. It is stated that the certificated facilities consist of 8.1 miles of 2-inch pipeline, 5.8 miles of 4-inch pipeline, and 7.0 miles of 6-inch pipeline and facilities appurtenant thereto. CIG states that the certificated facilities would be sold at or above their present net book value of $333,429. It is indicated that CIG has already sold the non-certificated facilities to ANGI effective on January 6, 1992. It is also stated that CIG and ANGI have entered into a transitional lease and operating agreement to permit ANGI to operate the certificated facilities pending Commission action on the abandonment application.

Comment date: March 16, 1992, in accordance with Standard Paragraph F at the end of this notice.

5. Sabine Pipe Line Co.

[Docket No. CP92–360–000]

February 26, 1992.

Take notice that on February 24, 1992, Sabine Pipe Line Company (Sabine), 1111 Bagby Street, Houston, Texas 77002, filed in Docket No. CP92–360–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an offshore pipeline lateral, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Sabine requests authorization to abandon 4.9 miles of 12-inch pipeline located in West Cameron, Block 547, Offshore, Louisiana and extending to an interconnect with Stingray Pipeline Company. Sabine states that natural gas produced from West Cameron Block 547 has been depleted and the production platform was removed in 1988.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

6. Transcontinental Gas Pipe Line Corp.

[Docket No. CP92–347–000]

February 26, 1992.

Take notice that on February 12, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P. O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92–347–000 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain interruptible gas transportation services to Tennessee Gas Pipeline Company (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that on November 22, 1982, Transco and Tennessee entered in a Service Agreement (Transco's Rate Schedule X–252) whereby Transco receives and transports on an interruptible basis up to 12,000 dekatherms per day of natural gas for Tennessee from Ship Shoal block 246B, and redelivers to Tennessee equivalent quantities at existing interconnections between Transco and Tennessee at Louise in Wharton County, Texas; Crowley in Acadia Parish, Louisiana; Starks in Calcasieu Parish, Louisiana; and Kinder in Allen Parish, Louisiana. It is also stated that such service under Transco's Rate Schedule X–252 was authorized by a Commission order issued January 30, 1984 in Docket No. CP83–520, 26 FERC 62,066 (1984).

It is asserted that the Service Agreement provides that such agreement shall remain in force until November 1, 1985, and from year to year thereafter until canceled by either party upon six months prior written notice to the other party.

Transco maintains that by letter dated January 4, 1991, Transco provided Tennessee written notice of termination of Rate Schedule X–252. In additin, by letter dated May 23, 1991, Tennessee requested successor interruptible transportation service under Transco's blanket certificate. Accordingly, Transco hereby seeks the abandonment of Rate Schedule X–252 effective on the date of a Commission order granting abandonment, and the waiver described below so as to provide replacement interruptible transportation service for Tennessee under Transco's blanket certificate (Rate Schedule IT) effective as of the same date.

It is also stated that effective with the abandonment of service under Transco's Rate Schedule X–252, Transco requests that the Commission authorize Transco to provide Tennessee with replacement interruptible transportation service, under Rate Schedule IT. Transco requests that such replacement interruptible transportation service be available from the receipt points listed herein as well as from other mutually agreeable receipt points in accordance with Transco's Rate Schedule IT and Transco's blanket certificate, to Tennessee's existing delivery points and other mutually agreeable points. Transco requests replacement interruptible transportation service of 12,000 dekatherms per day (the level at which Tennessee currently receives service pursuant to rate Schedule X–252).

Transco requests authority such that the replacement IT service for Tennessee shall maintain the same "grandfathered" priority which the interruptible transportaiton service under Rate Schedule X–252 currently is entitled to under section 28.2 of Transco's General Terms and Conditions.

Transco requests waiver of the General Terms and Conditions of its FERC Gas Tariff to the extent necessary to allow replacement Rate Schedule IT interruptible service for Tennessee to maintain the same "grandfathered" priority as that which existed under Rate Schedule X–252. Transco asserts that because replacement interruptible service pursuant to Transco's Rate Schedule IT is not a new service but

rather is merely the conversion of regulatory authorizations, Transco submits that Tennessee should be able to retain such priority and furthermore, allowing such would result in neither preferential nor unduly discriminatory treatment of any of Transco's customers or potential customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of the notice.

7. The Inland Gas Co., Inc.

[Docket No. CP92-356-000]

February 20, 1992.

Take notice that on February 18, 1992, The Inland Gas Company, Inc. (Inland), P.O. Box 1180, Ashland, Kentucky 41105-1180, filed in Docket No. CP92-356-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon either in place or by sale to Columbia Gas of Kentucky, Inc. (CKY) and Columbia Natural Resources, Inc. (CNR), all remaining portions of Inland's pipeline system and service obligations in Kentucky, Ohio and West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Inland States that it received its original "Grandfather Certificate" in Docket No. CP61-266, 28 FERC 683 (1962), auththorizing Inland to operate production facilities in portions of Kenturky and provide sales service to residential, commercial and industrial customers in Kentucky, Ohio and West Virginia.

According to Inland, its markets have declined to the extent that it no longer provides any service for customers located in Ohio and transports for only one customer located in West Virginia. Additionally, Inland states that its sales service in the state of Kentucky has steadily declined. It is stated that the continued erosion of Inland's gas sales market is such that Inland proposes to either abandon in place or through transfer to affiliated companies its jurisdictional facilities and service obligations.[2]

Specifically, Inland proposes to:

1. Abandon by sale to CKY all of its jurisdictional properties in Carter and Boyd Counties, Kentucky, except the Big Sandy River crossing between Kentucky and West Virginia which will be abandoned in place.

2. Abandon by sale to CKY its 12-inch Ohio River crossing.[3]

3. Assign its present gas contract with Tennessee Gas Pipeline Company (Tennessee) and abandon by transfer its Mavity Measuring Station in Boyd County, Kentucky to CKY. The Mavity Measuring Station is Tennessee's delivery point to Inland.

4. Abandon by sale to CNR approximately 8,000 feet of its Line T-88. (A substantial portion of Inland's Line T-88 was previously abandoned by sale to Magnum Drilling of Ohio, Inc. in Docket No. CP91-1228-000, 56 FERC ¶ 61,169 (1991)).

5. Abandon in place its three miles of West Virginia facilities. Continuing service to Inland's sole jurisdictional customer in West Virginia, American Natural Rubber, will be provided by Mountaineer Gas Company (Mountaineer) through its existing facilities.

In addition to the transfer of jurisdictional facilities, Inland states that it will also transfer to CNR all of its non-jurisdictional production wells and gathering lines located in Johnson, Floyd, Magoffin, Pike, Knott and Perry Counties, Kentucky, and all wells located in Boyd County, Kentucky. It is stated that all of Inland's non-jurisdictional well lines and gathering lines located in Boyd County will be transferred to CKY or CNR. In accepting the transfer of these facilities, Inland submits that each assignee agrees to accept any continuing obligation to provide gas service, either under an existing tariff or pursuant to Kentucky Revised Statute 278.485, to all of Inland's existing customers now being served from the facilities to be transferred or sold.

Inland also requests abandonment authority for the delivery points and service obligations to the following customers:

1. In West Virginia: American Natural Rubber Company.

2. In Ohio: Allied Chemical Corporation, Ashland Oil, Inc. and B.C.R. Paving Company. (These delivery points are in idle service and Allied Chemical and B.C.R. Paving are no longer in business).

3. In Kentucky: Armco Credit Union, Armco Steel Company, L.P., Ashland Leather Company, Ashland Oil, Inc. (two delivery points which are now idle), Ashland Board of Education (two locations now being served by another gas supplier), Big Sandy Diesel, Cardinal Cleaners, Corbin, Ltd., Christ Temple Church, Federal Correctional Institution, General Concrete Co., Hackett Division of Harsco Corporation, Helton Hardware, Holy Family Church and School, Gene Jackson, Johnson's Dairy, Kay's Market, Kentucky Electric Steel Corporation, King's Daughters' Medical Center, Knight's Inn, Masonic Building Company, Meade Station Church of God, Mountain Enterprises, National Mines Service Company (delivery point in idle service), Pine Mountain Asphalt Company, Rental Uniform Service, Ruth Equipment Company, United Parcel Service, U.S. Brick and Air Products and Chemicals, Inc.

4. 734 farm tap customers served pursuant to rights-of-way agreements or Kentucky Revised Statute 278.485. Of the 734, 136 are located on pipeline facilities in the northern part of Inland's operations and will be transferred to either CKY or CNR, which will assume the obligation to serve these customers. The remaining 598 are located on those non-jurisdictional production and gathering lines located in Inland's southern operating area. These facilities will be transferred to CNR. CNR has agreed to continue to provide gas service to these customers as required by state law.

Inland also seeks abandonment authorization of the following certificate authorities: Inland's curtailment plan in Docket No. RP76-3; the blanket certificate in Docket No. CP83-139-000 for certain routine activities; and its blanket transportation certificate in Docket No. CP89-779-000.

In Docket No. RP89-65-000, 50 FERC ¶ 61,374 (1990), Inland states that it has been recouping from its customers the upstream take-or-pay charges of Tennessee which were billed to Inland and which Inland paid to Tennessee in a lump sum. Inland anticipates that under Tennessee's current proposal pending in Docket No. RP91-29-000, *et. al.*,[4] Inland will be entitled to a portion of its lump-sum payment. In light of Tennessee's revised allocation of take-or-pay, Inland states that it may have overcollected take-or-pay reimbursements from its customers. Inland states that it will remain in existence as a corporate entity and will receive any refund owing from Tennessee and refund any overcollection to its customers. At such time as Tennessee has in place a final and unappealable take-or-pay allocation methodology and makes refunds, Inland states that it will pass these refunds through to its former customers to the extent that Inland overcollected from these customers.

Finally, as authorized in Docket No. RP89-65-000, Inland states that it has agreed to refund $201,869 of excess accumulated deferred income-taxes created by the reduction in the federal income rates to 34 percent on July 1, 1987. It is stated that this amount was to be refunded in the cost-of-service over a fifteen-year period. Upon approval of this application and acceptance of the abandonment authority by Inland, Inland states that it will pass the remaining excess taxes through to its customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. Transcontinental Gas Pipe Line Corp.

[Docket No. CP92-346-000]

February 20, 1992.

Take notice that on February 12, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92-346-000 an application, pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain interruptible gas transportation services to Tennessee Gas Pipeline company (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that on April 21, 1980, Transco and Tennessee entered in a Service Agreement (Transco's Rate Schedule X-231) whereby Transco receives and transports on an interruptible basis up to 20,000 Mcf per day of natural gas for Tennessee from Decade, Louisiana and redelivers to Tennessee equivalent quantities at existing interconnections between Transco and Tennessee at Louise in Wharton County, Texas; Crowley in Acadia Parish, Louisiana; and Kinder in Allen Parish, Louisiana. It is also stated that such service under Transco's Rate Schedule X-231 was authorized by a Commission order issued November 6, 1980, in Docket No. CP80-440, 13 FERC 61,111 (1980).

It is asserted that the Service Agreement provides that such agreement shall remain be for a term of one year and from year to year thereafter until canceled by either party upon 90 days prior written notice to the other party.

Transco maintains that by letter dated January 4, 1991, Transco provided Tennessee written notice of termination of Rate Schedule X-231. In addition, by letter dated May 23, 1991, Tennessee requested successor interruptible transportation service under Transco's blanket certificate. Accordingly, Transco hereby seeks the abandonment of Rate Schedule X-231 effective on the date of a Commission order granting abandonment, and the waiver described below so as to provide replacement interruptible transportation service for Tennessee under Transco's blanket certificate (Rate Schedule IT) effective as of the same date.

It is also stated that effective with the abandonment of service under Transco's Rate Schedule X-231, Transco requests that the Commission authorize Transco to provide Tennessee with replacement interruptible transportation service, under Rate Schedule IT. Transco requests that such replacement interruptible transportation service be available from the receipt points listed herein as well as from other mutually agreeable receipt points in accordance with Transco's Rate Schedule IT and Transco's blanket certificate, to Tennessee's existing delivery points and other mutually agreeable points. Transco requests replacement interruptible transportation service of 20,000 Mcf per day (the level at which Tennessee currently receives service pursuant to Rate Schedule X-231).

Transco requests authority such that the replacement IT service for Tennessee shall maintain the same "grandfathered" priority which the interruptible transportation service under Rate Schedule X-231 currently is entitled to under section 28.2 of Transco's General Terms and Conditions.

Transco request waiver of the General Terms and Conditions of its FERC Gas Tariff to the extent necessary to allow replacement Rate Schedule IT interruptible service for Tennessee to maintain the same "grandfathered" priority as that which existed under Rate Schedule X-231. Transco asserts that because replacement interruptible service pursuant to Transco's Rate Schedule IT is not a new service but rather is merely the conversion of regulatory authorizations, Transco submits that Tennessee should be able to retain such priority and furthermore, allowing such would result in neither preferential nor unduly discriminatory treatment of any of Transco's customers or potential customers.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

9. Tennessee Gas Pipeline Co.

[Docket No. CP92-355-000]

February 26, 1992.

Take notice that on February 18, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon five interruptible natural gas transportation services which were provided for Transcontinental Gas Pipe Line Corporation under Tennessee's Rate Schedules T-102, T-146, T-148, T-150 and T-160, all as more fully set forth in the application which is on file with the commission and open to public inspection.

Tennessee indicates that by letter dated November 27, 1991, Transco stated that the transportation services rendered under each applicable rate schedule may be abandoned, but because the particular rate schedules are currently in use, Transco requests that each rate schedule be subject to Tennessee's providing an equivalent replacement service. Tennessee would perform such replacement service under its blanket certificate and submits that service provided under the blanket authorization for Transco would incur reduced transportation costs for Transco. Tennessee believes that a waiver of the first-come first-serve provision of Tennessee's tariff would allow Transco to take early advantage of this benefit. As a result, Tennessee is requesting a waiver of such first-come first-serve provision.

No facilities are proposed to be abandoned herein.

Comment date: March 18, 1992, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act

[2] Inland states that its facilities located in Ohio and West Virginia will be abandoned in place.

[3] Since the border between Kentucky and Ohio lies at the low water mark on the Ohio side of the river, Inland states that this facility is located in Kentucky.

[4] Inland states that this proceeding was filed in response to the Commission's Order No. 528 establishing revised procedures for recalculating take-or-pay liability.

and the Commission's Rules of Practive and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5328 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–01642T West Virginia–8]

West Virginia Amended NGPA Determination

March 2, 1992.

Take notice that on February 24, 1992, the West Virginia Department of Commerce, Labor and Environmental Resources (West Virginia) amended its notice of determination that was filed in the above-referenced proceeding on November 26, 1991, pursuant to § 271.703(c)(3) of the Commission's regulations. The November 20, 1991 notice determined that the Keener/Injun, Gantz/Fifty-Foot, Gordon, 4th Sand, and 5th Sand intervals, underlying portions of Marion, Monongalia, Preston, and Taylor Counties, West Virginia, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978.

The amended notice of determination reduces the geographical area recommended for tight formation designation as follows:

Sand interval	Corresponding acreage deleted
Keener/Injun	All of Preston County.
Gantz/Fifty-Foot	All of Preston County.
Gordon	All of Preston County.
4th Sand	All of Preston County except the Gladesville Quadrangle portion.
5th Sand	All of Preston County.

The amended notice of determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR, 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5329 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–5–22–000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

[March 2, 1992]

Take notice that CNG Transmission Corporation ("CNG"), on February 2, 1992, pursuant to section 4 of the Natural Gas Act, provisions of the Stipulation and Agreement approved by the Commission on October 6, 1989, in Docket Nos. RP88–217–000, *et al.*, § 12.10 of the General Terms and Conditions of CNG's FERC Gas Tariff, and Order Nos. 528 and 528–A, filed six copies of Third Revised Sheet No. 50, to First Revised Volume No. 1 of CNG's FERC Gas Tariff.

The proposed effective date for this tariff sheet is February 1, 1992.

CNG states that the purpose of this filing is to flow through changes in take-or-pay costs allocated to CNG by Texas Gas Transmission Corporation ("Texas Gas"). CNG proposes to reflect the revised allcoation of take-or-pay costs proposed by Texas Gas in its January 16, 1992 filing in Docket No. RP91–61.

CNG states that copies of the filing were served upon CNG's customers as well as interested parties.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385. 214 and 385.211. All motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell

Secretary.

[FR Doc. 92–5331 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–131–000]

K N Energy, Inc.; Filing of Restatement of Base Tariff Rates

March 2, 1992

Take notice that on February 28, 1992, K N Energy, Inc. ("K N") tendered for filing a restatement of Base Tariff Rates on: Eighth Revised Sheet No. 4, Sixth Revised Sheet No. 4A, and Eighth Revised Sheet No. 4B of Fourth Revised Volume No. 1; Third Revised Sheet No. 4 of First Revised Volume No. 1–A of its FERC Gas Tariff to be effective April 1, 1992.

K N states that this filing reflects no changes in the non-gas cost components of its jurisdictional rates, that sales rates have been updated for the cumulative changes in gas purchase costs, and that the filing is being made for the sole purpose of restating and justifying such rates, as required by the thirty-six month review procedures within the Commission's Regulations governing PGA provisions. Accordingly, for this purpose, the filing contains a supporting cost study pursuant to § 154.303(e)(1)(ii) of the Commission's Regulations.

K N states its agreement that this filing will automatically be subject to refund as of April 1, 1992, as required by § 154.303(e)(1)(i) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions of protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5320 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–130–000]

Michigan Gas Storage Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that on February 28, 1992, Michigan Gas Storage Company ("Storage Company") tendered the following tariff sheets for filing pursuant to Order No. 537 as part of its FERC Gas Tariff Original Volume No. 2, to be effective March 1, 1992:

2nd Revised Sheet No. 1
2nd Revised Sheet No. 55
1st Revised Sheet Nos. 56 and 57

The proposed changes are in response to revisions to 18 CFR 284.102 relating to "on behalf of" transportation service. Storage Company states that copies of the filing were served upon its transportation customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene with the Commission. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5319 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ92–6–25–000]

Mississippi River Transmission Corp.; Rate Change Filing

March 2, 1992.

Take notice that on February 27, 1992 Mississippi River Transmission Corporation (MRT) tendered for filing Seventy-Fourth Revised Sheet No. 4, and Thirty-Third Sheet No. 4.1 to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective March 1, 1992. MRT states that the purpose of the instant filing is to reflect an out-of-cycle purchase gas cost adjustment (PGA).

MRT states that Seventy-Fourth Revised Sheet No. 4 and Thirty-Third Revised Sheet No. 4.1 reflect an increase of 9.37 cents per MMBtu in the commodity cost of purchased gas from PGA rates filed to be effective March 1, 1992 in Docket No. TQ92–7–25–000. MRT also states that since the January 30, 1992 filing date, MRT has experienced increases in purchase and transportation costs for its system supply that could not have been reflected in that filing under current Commission regulations.

MRT states that a copy of the filing has been mailed to each of MRT's jurisdictional sales customers and to the State Commissions of Arkansas, Missouri, and Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5332 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–2–27–000]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that North Penn Gas Company (North Penn) on February 28, 1992 tendered for filing Eleventh Revised Sheet No. 3A to its FERC Gas Tariff First Revised Volume No. 1.

This filing is North Penn's Annual take-or-pay (TOP) surcharge rate adjustment filing proposed to become effective April 1, 1992. North Penn has computed a second annual TOP surcharge rate of $0.1796 per Mcf, which represents an increase of $0.0144 per Mcf.

While North Penn believes that no other waivers are necessary in order to permit this filing to become effective April 1, 1992, as proposed, North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective April 1, 1992, as proposed.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and State Commissions shown on the attached service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5333 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. FA90–65–000]

Pipeline Rates; Northern Border Pipeline Co.; Order Establishing Hearing Procedures

Issued March 3, 1992.

On December 6, 1991, the Chief Accountant issued a contested audit report [1] under delegated authority noting Northern Border Pipeline Company's (Northern Border) disagreement with the recommendation of the Division of Audits as discussed in Schedule No. 2. Northern Border was requested to advise whether it would agree to the disposition of the contested matters under the shortened procedures provided for by part 158 of the Commission's Regulations. 18 CFR 158.1, *et seq.*

On January 6, 1992, Northern Border responded that it did not consent to the shortened procedures. Section 158.7 of

[1] 57 FERC ¶ 62,216 (1991).

the Commission's Regulations provides that in case consent to the shortened procedures is not given, the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Any interested person seeking to participate in this docket shall file a protest or a motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) no later than 15 days after the date of publication of this order in the Federal Register.

It is Ordered:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Natural Gas Act, particularly sections 4, 5 and 8 thereof, and pursuant to the Commission's Rules of Practice and Procedure (18 CFR, chapter I), a public hearing shall be held concerning the appropriateness of Northern Border's accounting practices as discussed in the audit report.

(B) A presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(C) This order shall be promptly published in the Federal Register.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5330 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-125-000]

Panhandle Eastern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 27, 1992, tendered for filing the following revised tariff sheets to its FERC GAS Tariff, Original Volume No. 1:

Original Sheet No. 3-C.18
Original Sheet No. 3-C.18
1st/2nd/Third/Sheet No. 32-BB
1st/1st/Third/Sheet No. 32-BD
Original Sheet No. 43-18
Original Sheet No. 43-19

Panhandle proposes that these revised tariff sheets become effective March 29, 1992.

Panhandle states that the tariff provisions proposed herein will provide for the recovery by Panhandle of:

(i) $3,907,269.74, the amount of costs which Panhandle's upstream supplier, Trunkline Gas Company (Trunkline) has filed to recover contemporaneously herewith, representing the direct bill to Panhandle and other customers of 50% of the take-or-pay byout and buydown costs which Trunkline has incurred and which were not included in Trunkline's earlier take-or-pay cost recovery filing (Docket No. RP91-54-000); and

(ii) $46,773,862.56, the amount of costs which Trunkline has filed to recover contemporaneously herewith, representing its flow-through of a portion of the take-or-pay buyout and buydown costs sought to be recovered via a direct bill from Trunkline LNG Company (TLC), after that latter company's absorption of 50% of the costs which it incurred to settle take-or-pay and to reform its supply contract.

The costs involved are those costs which Trunkling LNG Company (TLC) incurred in settling take-or-pay claims and reforming its gas supply contract with Sonatrach, the Algerian state-owned oil and gas company and which Trunkline incurred in the resolution of take-or-pay matters with certain of its suppliers.

Panhandle proposes to allocate these costs among its sales customers and customers served under Rate Schedule PT-Firm as a result of the exercise of conversion opportunities afforded by section 284.10 of the Commission's Regulations. The allocation uses the proportion each customer's current annualized contract demand bears to the aggregate of all applicable customers' annualized current contract demands and substitutes projections of commodity volumes of the Rate Schedule SG/SSS customers for their contract demand. This latter basis satisfies the standards which the Commission developed in Order No. 528-A.

Panhandle states that copies of this filing have been sent to the sales customers, transportation customers served under Rate Schedule PT-Firm and to the respective state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell

Secretary.

[FR Doc. 92-5318 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-122-000]

Trunkline LNG Co., Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline LNG Company (TLC) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposd effective date of March 29, 1992.

TLC states that the proposed tariff sheets will permit TLC to recover from Trunkline Gas Company (Trunkline) on a direct bill basis 50% of the cash consideration paid to resolve take-or-pay obligations to the Algerian state-owned oil and gas company, Societé Nationale pour La Recerche, La Production, Le Transport, La Transformation et La Commercialization des Hydrocarbures (Sonatrach).

TLC further states that upon approval of the filing TLC will agree to absorb an amount equal to the amount directly billed hereunder in the same manner as contemplated by the Commission's Order Nos. 500 and 528 *et seq.* "equitable sharing" mechanism.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5321 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-123-000]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets reflect fixed demand surcharges to effectuate the recovery on a direct bill basis 50% of certain additional take-or-pay settlement and contract reformation costs in accordance with the Commission's Order No. 528 cost-sharing and recovery mechanism. This supplemental fixed take-or-pay charge will be billed in addition to Trunkline's currently effective rates.

Trunkline further states that for purposes of allocating the costs to be recovered hereunder, allocation percentages are developed for each sales customer and each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5322 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-124-000]

Trunkline Gas Co. Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1, attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets provide for the recovery by Trunkline the full amount of costs which Trunkline's upstream supplier, Trunkline LNG Company (TLC) has filed contemporaneously herewith to recover from Trunkline effective on the same date as the tariff sheets filed herein are proposed to become effective.

Trunkline further states that for purposes of allocating the costs to be recovered hereunder, allocation percentages are developed for each sales customer, each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 Transmission Corporation.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5223 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-126-000]

Trunkline Gas Company Proposed Changes in FERC Gas Tariff

March 2, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 27, 1992, tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1 attached to the filing as Appendix A. The subject tariff sheets bear an issue date of February 27, 1992, and a proposed effective date of March 29, 1992.

Trunkline states that the proposed tariff sheets will change the means of Trunkline's recovery of Trunkline LNG Company's (TLC) Rate Schedule PLNG-1 minimum bill costs by recovering the net present value of debt service and related minimum bill costs for which Trunkline's customers are responsible to Trunkline and TLC.

Trunkline further states that for purposes of allocating the cost to be recovered hereunder, allocation percentages are developed for each sales customer and each customer served under Rate Schedule PT-Firm whose service is the result of the exercise of conversion opportunities provided by § 284.10 of the Commission's Regulations.

Trunkline states that copies of the filing were served upon Trunkline's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing

are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5325 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER92-269-000]

United Illuminating Co.; Filing

March 3, 1992.

Take notice that February 12, 1992, United Illuminating Company tendered for filing an amendment to its January 8, 1992 filing in the above-reference docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5317 Filed 3-6-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of January 24 Through January 31, 1992

During the Week of January 24 through January 31, 1992, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 3, 1992.

George E. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 24 to January 31, 1992]

Date	Name and location of applicant	Case No.	Type of submission
January 27, 1992	University of Utah Salt Lake City, UT	LFA-0179	Appeal of an information request denial. *If granted:* The January 8, 1992, Freedom of Information Request Denial issued by the Office of Basic Energy Sciences, Office of Energy Research, would be rescinded, and the University of Utah would receive access to information pertaining to the background, scope and results of the Department of Energy's investigation of "cold fusion".
January 28, 1992	Cox Newspapers Washington, DC	LFA-0180	Appeal of an information request denial. *If granted:* Cox Newspapers would receive access to documents related to the trip of the Secretary of Energy James Watkins and other Department of Energy employees to Alaska in June and July of 1991.
January 28, 1991	International Technology Corporation Knoxville, TN	LFA-0181	Appeal of an information request denial. *If granted:* The December 30, 1991, Freedom of Information Request Denial issued by the Albuquerque Field Office would be rescinded, and International Technology Corporation would receive access to withheld information regarding the Firm Fixed Unit Prices and Accelerated Unit Prices in a subcontract bid.
January 29,1992	Albuquerque Journal Albuquerque, NM	LFA-0182	Appeal of an information request denial. *If granted:* The January 8, 1992 Freedom of Information Request Denial issued by the Office of Arms Control & Nonproliferation Technology Support would be rescinded, and Albuquerque Journal would receive access to the denied portion of the requested information concerning verification of dismantlement of nuclear weapons.
January 31, 1992	Gulf/Ona Gulf Woodbridge, VA	RR300-127	Request for modification/rescission in the Gulf refund proceeding. *If granted:* The January 3, 1992 Dismissal Letter (Case No. RF300-12955) issued to Ona Gulf would be modified regarding the firm's application for refund submitted in the Gulf Refund Proceeding.
January 31, 1992	Ernest E. Latsha, Inc. Harrisburg, PA	LEE-0035	Exception to the reporting requirement. *If granted:* Ernest E. Latsha, Inc. would not be required to file Form EIA-863, "Petroleum Product Sales."

REFUND APPLICATIONS RECEIVED

[Week of January 24 to January 31, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No.
01/29/92	Columbus Oil Co.	RF323-31.
01/28/92	Anchor Gas & Fuel	RF340-54.
01/28/92	Solar Gas, Inc.	RF340-55.
01/27/92	Ed Avilas Texaco Service	RF321-18414.

REFUND APPLICATIONS RECEIVED—Continued

[Week of January 24 to January 31, 1992]

Date received	Name of refund proceeding/name of refund applicant	Case No.
01/27/92	Enis Jerram	RF341-19.
01/27/92	Larry Moeller	RF342-132.
01/27/92	Ed's Clark Station	RF342-133.
01/24/92 thru 01/31/92	Texaco refund applications received	RE321-18415 thru RF321-18422.
01/24/92 thru 01/31/92	Crude Oil applications received	RF272-91480 thru RF272-91517.
01/24/92 thru 01/31/92	Gulf Oil refund applications received	RF300-19446 thru RF272-19484.
01/24/92 thru 01/31/92	Atlantic Richfield applications received	RF304-12710 thru RF304-12787.

[FR Doc. 92-5435 Filed 3-6-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4113-3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces OMB responses to Agency PRA Clearance requests.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency PRA Clearance Requests OMB Approvals

EPA ICR # 1088.07; Invitation for Bids (IFB) and Request for Proposals (RFP); was approved 12/27/91; OMB # 2030-0006; expires 02/28/94.

EPA ICR # 0559; Application for Reference or Equivalent Method Determination; was approved 01/14/92; OMB # 2080-0005; expires 01/31/95.

EPA ICR # 1136.03; NSPS for Petroleum Refinery Wastewater Systems—Reporting and Recordkeeping—Subpart QQQ; was approved 01/14/92; OMB # 2060-0172; expires 11/30/94.

EPA ICR # 1343.03; Information Collection From States in Accordance with the CERCLA Capacity Assurance Process; was approved 10/15/92; OMB # 2050-0099; expires 10/31/93.

EPA ICR # 1250.03; Request for Contractor Access to TSCA Confidential Business Information; was approved 01/17/92; OMB # 2070-0075; expires 01/31/95.

EPA ICR # 0820.05; hazardous Waste Generator Standards; was approved 01/17/92; OMB # 2050-0035; expires 01/31/95.

EPA ICR # 0278.04; Notice of Supplemental Registration of a Distributor; was approved 01/17/92; OMB # 2070-0044; expires 01/31/95.

EPA ICR # 1360.03; Notification, Recordkeeping, and Reporting Requirement for Underground Storage Tanks; was approved 01/29/92; OMB # 2050-0068; expires 01/31/95.

EPA ICR # 1355.04; Underground Storage Tanks—Requirements for State Program Approval; was approved 01/31/92; OMB # 2050-0067; espiers 01/31/95.

EPA ICR # 1609.01; Application Form for Applying for an Environmental Fellowship; was approved 02/04/92; OMB # 2015-0002; expires 02/28/95.

EPA ICR # 1610.01; Application Form for Applying for an Environmental Internship; was approved 02/04/92; OMB # 2015-0001; expires 02/28/95.

EPA ICR # 1590.01; California Pilot Test Program: Vehicle Credit Program; was approved 02/05/92; OMB # 2060-0229; expires 02/28/95.

OMB Conditional Approval

EPA ICR # 1503.01; Data Acquisition for Registration; OMB # 2070-0122; expires 01/31/95. This collection of information received a conditional approval from OMB. For a copy of the notice containing the conditions for the approval, please call Sandy Farmer on (202) 260-2740.

EPA Withdrawals

EPA ICR # 1600.01; Refiner and Importer Anti-Dumping Baseline Data Report; was withdrawn by EPA; 01/15/92.

EPA ICR # 1381.02; Recordkeeping/Reporting Requirements for Compliance with the 40 CFR part 258 Solid Waste Disposal Facility Criteria; was withdrawn by EPA; 01/17/92.

OMB Extensions of Expiration Dates

EPA ICR # 1206; Survey of Machinery Manufacturing and Rebuilding (Revised); OMB # 2040-0148; expiration date extended to 04/30/92.

EPA ICR # 0143; Recordkeeping Requirements for Producers of Pesticides; OMB # 2070-0028; expiration date extended to 05/31/92.

Dated: February 20, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-5413 Filed 3-6-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4113-4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 8, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Reporting and Recordkeeping Requirements for the New Source Performance Standards (NSPS) for Coal Preparation Plants - subpart Y (ICR No. 1062.04, OMB No. 2060-0122).

Abstract: This ICR is for an extension of an existing information collection in support of the Clean Air Act, as described under the general NSPS at 40 CFR 60.7-60.8 and the specific NSPS, regulating emissions from coal preparation plants, at 40 CFR 60.253. The information will be used by the EPA to direct monitoring, inspection, and enforcement efforts, thereby ensuring facility compliance with the NSPS.

Owners or operators of all new facilities subject to this NSPS, estimated at 18 facilities per year, must provide EPA with: (1) Notification of the date of construction or reconstruction, (2) notification of the anticipated and actual

dates of the start-up, and (3) notification of date for continuous monitoring system (CMS) demonstration. The EPA estimates the respondent universe to expand at an annual rate of 18 new facilities over the next three years.

Owners and operators of all affected facilities must report to EPA: (1) Any physical or operational change to their facility which may result in an increase in the regulated pollutant emission rate. An estimated 18 existing facilities will submit reports of physical or operational changes each year, over the next three years. All facilities must maintain records on the facility operation that document: (1) The occurrence and duration of any start-ups, shutdowns, and malfunctions; (2) measurements of particulate matter (PM) emissions; (3) pressure drops across any scrubber system; and (4) the initial performance test results of the CMS demonstration. All subject facilities must maintain records related to compliance for two years.

Burden Statement: Public reporting burden for facilities subject to this collection of information is estimated to average 86.5 hours per response for new facilities and 12 hours per response for existing facilities including time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the collection of information. Public recordkeeping burden is estimated to average 26 hours per recordkeeper, annually.

Respondents: Owners or operators of coal preparation plants subject to this NSPS.

Estimated Number of Respondents: 18 new facilities, 18 existing facilities.

Estimated Number of Responses per Respondent: 10 for new facilities, 1 for existing facilities with physical or operational changes.

Estimated Total Annual Burden on Respondents: 21,973 hours

Frequency of Collection: One-time for new facilities, on occasion for existing facilities.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460; and Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: February 27, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–5412 Filed 3–6–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4113–5]

Government-Owned Inventions: Available for Licensing

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government and are available for licensing in the United States in accordance with 35 U.S.C. 207 and 37 CFR part 404. Pursuant to 37 CFR 404.7, the Government may grant exclusive or partially exclusive licenses on any of the inventions listed below three months after the date of this notice.

Copies of the listed patents and patent applications are available from the person indicated below. Requests for copies of the patents must include the patent number and requests for copies of patent applications must include the patent application serial number. An application for a license should include the information set forth in 37 CFR 404.8, including applicant's plan for development or marketing the invention.

DATES: Exclusive licenses may be granted for the inventions listed below after June 9, 1992.

FOR FURTHER INFORMATION CONTACT: Thomas Gorman, Patent Counsel, Office of General Counsel (LE–132G), U.S. Environmental Protection Agency, Washington, DC 20460, Telephone (202) 260–7510.

SUPPLEMENTARY INFORMATION:

Patents

U.S. Patent 4,961,966: Fluorocarbon Coating Methods; issued October 9, 1990.

U.S. Patent 5,047,221: Processes for Removing Sulfur from Sulfur-Containing Gases; issued September 10, 1991.

Patent Applications

U.S. Patent Application 07/660,654: Method and Apparatus for Detection of Catalyst Failure On-Board a Motor Vehicle Using a DUA Oxygen Sensor and an Algorithm; filed February 25, 1991.

U.S. Patent Application 07/672,689: Reduction of Chlorinated Organics in the Incineration of Wastes; filed March 20, 1991.

U.S. Patent Application 07/770,028: Sorption/Anaerobic Stabilization Treatment for Control of Organic Pollutants; filed October 4, 1991.

U.S. Patent Application 07/772,905: Apparatus for Sampling Air Contaminants and Method of Using Same; filed October 8, 1991.

U.S. Patent Application 07/801,800: Refrigerant Compositions and Processes for Using Same; filed December 3, 1991.

U.S. Patent Application 07/809,792: A Modular Packed Bed, High Energy Electron Emitter Conrona Reactor to Control VOC's and Air Toxics; filed December 18, 1991.

U.S. Patent Application 07/826,302: Enhancement of Electrostatic Precipitation With Electrostatically Augmented Fabric Filtration; filed January 24, 1992.

Susan Lepow,

Acting General Counsel.

[FR Doc. 92–5411 Filed 3–6–92; 8:45 am]

BILLING 6560–50–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Appraisal Subcommittee; Agency Form Submitted for OMB Review

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has sent to the Office of Management and Budget the following proposal for the collection of information under the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be received on or before April 8, 1992.

ADDRESSES: Send comments to Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street, NW., suite 850B; Washington, DC 20006, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3228, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street, NW., suite 850B; Washington, DC 20006, or at (202) 357–0133, from whom copies of the information collection and supporting documents are available.

SUMMARY OF PROPOSAL(S)

(1) *Collection title:* 12 CFR part 1102, subpart C, Rules pertaining to the privacy of individuals and systems of records maintained by the Appraisal Subcommittee.

(2) *Form(s) submitted:* Not applicable.

(3) *Frequency of collection:* On occasion.

(4) *Use:* The information will be used by the ASC and its staff in determining whether to grant to an individual access to records pertaining to that individual and whether to amend or correct ASC records pertaining to that individual under the Privacy Act of 1974, 5 U.S.C. 552a.

(5) *Estimated number of respondents:* 325.

(6) *Frequency of response:* Once.

(7) *Estimated hours for respondents to provide information:* 20 minutes per respondent.

(8) *Estimated total annual reporting and recordkeeping burden:* 108.33 hours.

Dated: March 3, 1992.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Edwin W. Baker,

Executive Director.

[FR Doc. 92–5359 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

Appraisal Subcommittee; Agency Form Submitted for OMB Review

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Notice.

SUMMARY: The Appraisal Subcommittee of the Federal Financial Institutions Examination Council has sent to the Office of Management and Budget the following proposal for the collection of information under the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be received on or before April 8, 1992.

ADDRESSES: Send comments to Paul N. Romani, Associate director for Administration, Appraisal Subcommittee, 1776 G Street NW., suite 850B; Washington DC 20006, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503

FOR FURTHER INFORMATION CONTACT: Paul N. Romani, Associate Director for Administration, Appraisal Subcommittee, 1776 G Street NW., suite 850B; Washington, DC 20006, or at (202) 357–0133., from whom copies of the information collection and supporting documents are available.

SUMMARY OF PROPOSAL(S)

(1) Collection title: 12 CFR part 1102, subpart B, Rules of Practice for Proceedings.

(2) Form(s) submitted: Not applicable.

(3) Frequency of collection: On occasion.

(4) Use: Procedures for Appraisal Subcommittee non-recognition and "further action" proceedings against State Appraiser Regulatory Agencies and other persons under section 1118 of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 3347 (1990).

(5) Estimated number of respondents: 6.

(6) Frequency of response: Once.

(7) Estimated hours for respondents to provide information: 60 hours per respondent.

(8) Estimated total annual reporting and recordkeeping burden: 360 hours.

Dated: March 3, 1992.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Edwin W. Baker,

Executive Director.

[FR Doc. 92–5358 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL MARITIME COMMISSION

City of Los Angeles/Distribution and Auto Services, Inc. Terminal Agreement, et al; Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC. Office of the Federal Maritime Commission, 1100 L Stret, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200100–004.

Title: City of Los Angeles/Distribution and Auto Services, Inc. Terminal Agreement.

Parties:

City of Los Angeles, Board of Harbor Commissioners

Distribution and Auto Service, Inc. ("DAS")

Synopsis: The subject modification provides for the re-setting of compensation levels to be paid by DAS during the five year period that commenced on November 1, 1991.

Agreement No.: 224–200626.

Title: L.A. Cruise Ship Terminals, Inc./ Seabourn Cruise Line Terminal Agreement.

Parties:

L.A. Cruise Ship Terminals, Inc.

Seabourn Cruise Line.

Synopsis: The Agreement provides for the use by Seabourn Cruise Line of terminal facilities and services provided by L.A. Cruise Ship Terminals Inc. at the port of Los Angeles.

Dated: March 3, 1992.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

[FR Doc. 92–5355 Filed 3–6–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

March 3, 1992.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per CFR 1320.9, " to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following form, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before March 27, 1992.

ADDRESSES: Comments, which should refer to the OMB Docket number, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk office for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829).

Questions on the proposal should be directed to Mr. James McEneaney, Department Administrator, Research, Federal Reserve Bank of Boston, Boston, Massachusetts 02106 (617–973–3196) or to Mr. Glenn Canner, Senior Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–2910).

Proposal to Approve Under OMB Delegated Authority the Implementation of the Following Report

Report title: Follow-up to 1990 Home Mortgage Disclosure Act (HMDA) Reports.

Agency form number: FR 3070.

OMB docket number: 7100–0253.

Frequency: One-time survey.

Reporters: 132 financial institutions operating in the Boston Metropolitan Statistical Area (MSA).

Annual Reporting hours: 1,650 hours.

Estimated average hours per response: 12.5 hours.

Number of respondents: 132.

Small businesses are not affected.

General description of report: This survey is authorized by law (12 U.S.C. 2803 (b) and (h); 12 U.S.C. 2804(a); 12 U.S.C. 2809(b); and 12 U.S.C. 2802 (2) and (4)). Reporting will be voluntary. Individual respondent data will be given confidential treatment (15 U.S.C. 552(b)(4) and (6)).

Abstract: The proposed survey will collect from creditors information they relied on in determing the disposition of mortgage loan applications. The proposed survey will include selected financial institutions in the Boston Metropolitan Statistical Area. A purpose of the survey is to gain a better understanding of the reasons for different in the loan dispostion rates among difference racial groups. It will provide information that can be used to determine statistically the importance of various factors considered by lenders when they evaluate loan applications. The information gained may also help better educate the public about the mortgage loan application process.

Board of Governors of the Federal Reserve System, March 3, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–5368 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–M

Chemical Banking Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 31, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Chemical Banking Corporation, New York, New York; to engage *de novo* through its subsidiary, The CIT Group Holdings, Inc., New York, New York, in operating a collection agency for the collection of accounts receivable, either retail or commercial, pursuant to § 225.25(b)(23) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5404 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–F

Michael F. Daddona, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 27, 1992.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Michael F. Daddona, Jr., Milford, Connecticut; to acquire an additional 15.9 percent of the voting shares of DS Bancor, Inc., Derby, Connecticut, for a total of 24.9 percent, and thereby indirectly acquire Derby Savings Bank, Derby, Connecticut.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. FirstBank Group, Inc. Employee Stock Ownership Plan, Los Fresnos, Texas; to acquire an additional 3.87 percent of the voting shares of FirstBank Group, Inc., Los Fresnos, Texas, for a total of 12.06 percent, and thereby indirectly acquire FirstBank, Los Fresnos, Texas

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5403 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–F

Harleysville National Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 31, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Harleysville National Corporation, Harleysville, Pennsylvania; to acquire 100 percent of the voting shares of Summit Hill Trust Company, Summit Hill, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. First Central Bancshares, Inc., Lenoir City, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of First Central Bank, Lenoir City, Tennessee.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Peotone Bancorp, Inc., Peotone, Illinois; to acquire an additional 5.87 percent of the voting shares of Rock River Bancorporation, Oregon, Illinois, for a total of 37.13 percent, and thereby indirectly acquire Rock River Bank, Oregon, Illinois.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5402 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–F

Meridian Bancorp, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 31, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Meridian Bancorp, Inc., Reading, Pennsylvania; to acquire 50 percent of the voting shares of C.A.S.E. Management, Inc., Malvern, Pennsylvania, and thereby engage in investment advisory activities through a joint venture pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 3, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5405 Filed 3–6–92; 8:45 am]

BILLING CODE 6210–01–F

GENERAL SERVICES ADMINISTRATION

[Federal Supply Schedule FSC 26 Part II]

Federal Supply Service; Casing Requirements for Retread Tires

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Federal Supply Service (FSS) of the General Services Administration (GSA) manages the acquisition of retread tires for Federal Supply Schedules. Requirements have been instituted to allow only casings with the original tread rubber worn off in the United States (U.S.), regardless of whether the original tire was of foreign or domestic manufacture.

DATES: Comments concerning the GSA/FSS retread tire program should be submitted no later than 30 days from the date of this notice.

ADDRESSES: Submit comments to the FSS Acquisition Management Center (FCO), Federal Supply Service, General Services Administration, Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Bryce Frey, Director, Engineering & Commodity Management Division, Automotive Commodity Center, (703) 603–1207.

SUPPLEMENTARY INFORMATION:

A. Definition

"Acceptable Casing" is defined as a used tire casing which had its original tread rubber worn off in the U.S. regardless of whether the original tire was of foreign or domestic manufacture.

B. Background

The U.S. Environmental Protection Agency (EPA) "Guideline for the Federal Procurement of Retread Tires" (40 CFR 253) became effective November 17, 1988. The purpose of this guideline is to retard the growing scrap tire disposal problem in the U.S. by promoting recycling of used tire casings (i.e., to keep the rubber in use because the alternative is the scrap tire dump).

GSA proposes to further the objectives of the Guideline by procuring retread tires made from only those used casings which represent waste produced in the United States—not the waste produced in other countries. The GSA requirement would additionally help to ensure that the EPA Guideline does not have the unintended result of exacerbating the scrap tire disposal problem in the U.S. by stimulating the import of waste generated by other countries into the U.S. Scrap tires have become an environmental and public health problem with a total of over 2 billion scrap tires located in various tire dump sites throughout the U.S. Tires are a non-biodegradable item and provide a home for rodents and insects, and act as fuel for fires.

Over 2 million worn casings are brought into the U.S. every year. Some are not retreadable and immediately become part of the solid waste stream when disposed of in U.S. dump piles. All of them eventually end up in the tire piles. This practice results in the transference of foreign solid waste to U.S. tire dump sites.

The Guidelines recommended that tire specifications indicate the functional requirements of tires to be procured in order to allow new and retread tires to compete on an equitable basis. The GSA action was to apply the qualification tests used for new tires to retread tires. The resulting qualified products list (QPL) contains both new and retread tires that are eligible to be bid on Federal procurements. This QPL is used by a majority of the States to simplify their own procurement of quality tires without duplicating the testing.

GSA's purpose in developing a retread tire program is to help alleviate the national tire disposal problem. GSA has taken the position that allowing unacceptable casings to be utilized in GSA contracts for retread tires is likely to exacerbate rather than help alleviate the problem.

C. Buy American Act (BAA) and Trade Agreements Act (TAA)

Concerns had been expressed regarding possible conflicts of the GSA retread tire program with the BAA and TAA. The Office of the United States Trade Representative is aware of this program and has not notified GSA of any objections.

D. Information Sought

GSA is interested in receiving written comments and/or information regarding the foregoing specification requirement. Specific issues for comment include:

1. The impact on the availability of retreadable used casings.

2. The viability of identifying and segregating casings to meet the requirement.

3. Regardless of the requirement on Government contracts, will retreaders still bring the same number of tire casings into the U.S. from other countries?

4. Alternate programs for procuring retread tires (cap and casing) that achieve the goal of alleviating the national tire disposal problem.

5. Potential conflicts between the requirements and the BAA, TAA, or EPA guidelines.

E. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies.

F. Regulatory Flexibility Act

This requirement to use only acceptable casings for retread tires in GSA contracts has not resulted in, nor is it expected to, have an economic impact on a substantial number of small entities. All of the retreaders that have tires on the QPL have bid to supply tires under the Federal Supply Schedule. The same number and category of bidders have continued to bid under the retread tire program since the requirement was established. To date, there have not been any requests from retread tire contractors for a waiver from the acceptable casing requirement.

G. Paperwork Reduction Act

This technical requirement does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

Dated: February 27, 1992.

Nicholas M. Economou,

Director, FSS Acquisition Management Center.

[FR Doc. 92-5304 Filed 3-6-92; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Management and Budget; Statement of Organization, Functions and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services is being amended as follows: Chapter AM, "HHS Management and Budget Office" as last amended at 55 FR 2879, 1/29/90, and Chapter AMN, Office of Finance, as last amended at 55 FR 5072-3, 2/13/90. These Chapter are being amended to reflect the functions of the Chief Financial Officer and Deputy Chief Financial Officer under the Chief Financial Officers Act of 1990; and that the authorities for this Act are vested with the Chief Financial Officer.

I. Make the following changes to Chapter AM

A. Section AM.00 Mission. Delete in its entirety and replace with the following:

AM.00 Mission. The mission of the HHS Management and Budget Office is to provide advice and guidance to the Secretary on administrative and financial management, excluding personnel management, and to provide for the direction and coordination of these activities throughout the Department on a day-to-day basis.

B. Section AM.10 Organization. Delete in its entirety and replace with the following:

AM.10 Organization. The HHS Management and Budget Office is headed by the Assistant Secretary for Management and Budget (ASMB) who is also the Departmental Chief Financial Officer (CFO). The ASMB/CFO reports to the Secretary. The office consist of the following organizations:

Immediate Office (AM)
Office of Management and Acquisition (AME)
Office of Budget (AML)
Office of Information Resources Management (AMM)
Office of Finance (AMN)

C. Section AM.20 Functions. Delete in its entirety and replace with the following: AM.20 Functions.

A. The immediate office of the Assistant Secretary for Management and Budget/Chief Financial Officer (AM) provides executive direction to ASMB components. The ASMB/CFO is the principal adviser to the Secretary on all aspects of administrative and financial management. By delegation from the Secretary, the ASMB/CFO exercises full Departmentwide authority of the Secretary in the assigned areas of responsiblity to include all responsiblities provided by the Chief Financial Officers Act of 1990. This includes the approval of the job descriptions and skill requirements, and the selection of OPDIV CFOs as well as participation with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. In addition, the ADMB/CFO provides Departmentwide policy guidance on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

B. The Office of Management and Acquisition (AME) provides Departmentwide policy leadership and advises the ASMB/CFO and the Secretary on management issues related to reorganizations, delegations of authority, postal management, real property, space management and occupational safety and health: serves as Departmental Liaison with the General Services Administration on all policy related issues; administers reports clearance, records management, equal employment opportunity, telecommunications, and emergency preparedness programs for the Office of the Secretary; manages and operates the HHS fitness center; provides facilities management services to HHS components in the Southwest Washington, DC area complex which includes mail, property management, supplies, facilities maintenance, physical security, reprographics and other office services; serves as the Departmental Liaison with the Office of Management and Budget on all procurement policy related issues; provides Departmental leadership in the areas of procurement, discretionary grants, and logistics through policy development, oversight and training; manages the Department's Small and Disadvantaged Business Utilization Program, and awards and administers contracts in support of the Office of the Secretary.

C. The Office of Budget (AML) oversees the preparation of the Departmental budget estimates and forecasts resources required to support programs and activities of the Department; analyzes budgetary and financial management implications of new or proposed legislation, programs or activities; appraises program activities and operations in terms of policies, goals and objectives of the Department; operates HHS' integrated funding system; recommends and administers policies and procedures for allocation and control of employment ceilings; establishes and monitors audit management policy for the Department and prepares reports to Congress on audit management; and establishes and monitors the implementation of the quality improvement program in the Department. Through studies, analyses and other survey methods, assesses the management processes and structures of the Department to ensure cost-effective and efficient practices. With particular reference to the Office of the Secretary (OS), is responsible for the overall formulation, and execution of the OS budget; serves as the focal point for OS budget operations, providing assistance in the development of budget policy and management of positions and financial resources for the OS; and manages audit follow-up and resolves issues OS: and manages audit follow-up and resolves issues relating to audit management in the OS.

D. The Office of Information Resources Management advises the ASMB/CFO and the Secretary on issues and policies pertaining to the utilization of information resources and establishes the IRM control mechanisms and administers the Department's IRM strategic plan; guides and oversees the development of information systems and communications networks; approves the acquisition of major administrative and program systems and is responsible for their subsequent periodic review; develops strategies and frameworks for regional information systems; formulates and coordinates the Department's policies on the creation, processing, handling, storage, dissemination and disposition of information; guides and oversees the Department's printing management programs; provides and supports automated data processing and communications equipment and administrative application systems for the Office of the Secretary; and develops and supports Decision Support Systems for top-level Departmental managers.

E. The Office of Finance advises the Secretary on all aspects of financial activities across the Department and is headed by the Deputy Assistant Secretary, Finance who is also the Deputy Chief Financial Officer. Oversees, monitors and evaluates the design, development, operation and enhancement of Departmentwide and component accounting systems. Coordinates CFO activities and reports throughtout HHS including the preparation of audited financial statements and the preparation of the annual CFO report for submission to the ASMB/CFO. Also reviews biennially the fees, royalties, rents and services and things of value provided by the Department to assure that costs of these services are being properly recovered. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and or program performance data which are used in financial statements. Provides advice to the ASMB/CFO on approval of the job descriptions and skill requirements for OPDIV CFOs and on approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO. Provides advice to the ASMB/CFO on the qualifications, recruitment, performance, training, and retention of all financial management personnel. Serves as the Departmental liaison with GAO, OMB, Treasury and other Federal agencies on financial matters. Manages the Department's Federal Managers Financial Integrity Act Program. Maintains Departmental finance and accounting standards. Resolves monetary findings involving deficiencies in grantee/contractor accounting and management systems. Directs the regional review and negotiation of cost allocation plans and indirect cost rates. Formulates audit resolution policy, cost principles, and other policies for determining and reimbursing grantee/contractor organizations. Serves as Departmental liaison with OMB and other Federal agencies in these areas. In coordination with the Office of Budget, recommends and implements Departmental budget execution policies and procedures. Serves as the focal point dealing with OMB on these matters. In addition, manages the Departmentwide Payment Management System which pays all of the Department's grants and provides service to other Federal agencies and manages the day-to-day finance and accounting activities of the Office of the Secretary and other Departmental components as determined by the ASMB/CFO.

AMN.30 Delegations of Authority: Notice is hereby given that I have delegated to the Assistant Secretary for Management and Budget/Chief Financial Officer all of the authorities contained in the Chief Financial Officers Act of 1990, and as amended hereafter, except for the nomination of the HHS Chief Financial Officer.

II. Make the following changes to Chapter AMN

A. Section AMN.00 Mission. Delete in its entirety and replace with the following:

AMN.00 Mission. The Office of Finance provides guidance on budget execution, accounting systems, financial and accounting policy, cost and other finanical and accounting policy, cost and other financial management reporting, financial management activities, cash management, credit and debt management and travel management. The office is responsible for the coordination of CFO activities and reports throughout HHS, under the guidance of the ASMB/CFO and in conjunction with the CFO officials of the Operating Divisions. The office also oversees, monitors, and evaluates the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems. This responsibility includes overseeing the preparation of audited financial statements and the preparation of the annual CFO Report.

The Office is also responsible for operating Departmental automated financial systems and for operating the accounting system and providing fiscal services to the Office of the Secretary and other components as mutually agreed by the ASMB/CFO and the OPDIV Head. The Office of Finance also manages the operation and approval of cost allocation plans and indirect cost rates; resolves cross-cutting audit findings; and formulates cost principles, grant and contract cost reimbursement policy. Reviews biennially the fees, royalties, rents, and other services and things of value provided by the Department. Develops and executes Departmentwide policies and procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act. Serves as the adviser to the Assistant Secretary for Management and Budget/Chief Financial Officer in these areas.

B. Section AMN.10 Organization. Delete in its entirety and replace with the following:

AMN.10 Organization. The Office of Finance is headed by the Deputy Assistant Secretary, Finance who is also the Deputy Chief Financial Officer and reports to the Assistant Secretary for Management and Budget/Chief Financial Officer. The organization is composed of the following:

Immediate Office
Office of Financial Operations
Office of Financial Policy
Office of Financial Systems
Office of Grant and Contract Financial Management
Budget Execution Staff
Program Coordination Staff

C. Section AMN.20 Functions. Delete in its entirety and replace with the following:

AMN.20 Functions. The Office of Finance:

A. Develops and executes, in coordination with the Office of Budget, spending policies and procedures for continuing resolutions and appropriations.

B. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in area assigned by the Assistant Secretary for Management and Budget/Chief Financial Officer (ASMB/CFO).

C. Establishes and maintains a Departmental system of financial operating plans.

D. Establishes a financial management planning process for providing guidance and performance measurement indicators that enable the ASMB/CFO to evaluate the financial management programs and activities of the Operating Divisions.

E. Develops and manages a Departmentwide system for estimating and controlling outlays. Assists the Office of Budget in the presentation of budget outlay estimates to the Office of Management and Budget and the Congress.

F. Recommends and issues Departmentwide policies and procedures relating to fiscal, cost, travel, and accounting activities.

G. Recommends and executes policies and procedures relating to the expenditure and collection of funds administered by the Department.

H. Establishes uniform standards, policies, classifications and terminologies to be used throughout the Department in budget execution and financial and cost reporting.

I. Develops and maintains financial management data collection and reporting systems on programs, activities, and operations of the Department.

J. Oversees, monitors, and evaluates the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems.

K. Ensures that financial systems provide for timely and accurate reporting of grantee and/or contractor costs and performance data.

L. In coordination with other ASMB components, participates in the clearance/approval process for program information systems that provide financial and/or program performance data which are used in financial statements.

M. Develops and executes policies and procedures relating to (1) implementation and management of internal controls and (2) evaluation of accounting and related systems for conformance with Comptroller General's principles and standards.

N. Develops and executes policies and procedures relating to cash management and financing of receipient organizations that receive funding from HHS.

O. Develops, coordinates and issues ADP policy related to the development, implementation, and maintenance of Departmentwide financial systems.

P. In its areas of responsibility represents the Department in its relationship with Office of Management and Budget, the General Accounting Office, the General Services Administration, Treasury and other Federal Agencies. Oversees Departmental implementation of central agency directives relating to budget execution, fiscal policy, accounting, internal controls, debt and credit management.

Q. Operates and maintains Departmentwide financial systems.

R. Provides fiscal, accounting and financial reporting services for the Office of the Secretary and other Departmental components as determined by the ASMB/CFO.

S. Directs the Department's management integrity (internal controls) program as required by the Federal Managers' Financial Integrity Act.

T. Formulates cost principles and other cost policies and procedures for determining and reimbursing the cost of grantee and contractor organizations applicable to HHS awards, including procedures necessary for indirect cost and similar cost negotiations. Also formulates Departmental policy for resolving audit findings on grantee/contractor organizations.

U. Provides direction and oversight of the cost allocation/indirect cost negotiations performed by the Department Regional Divisions of Cost Allocations including development of policies, standards and procedures.

V. Conducts cost allocation activities including the review, negotiations and approval of indirect cost rates and cost allocation plans for grantees and contractors located in the United States as specified in paragraph 4D of the functional statement for the Office of Grant and Contract Financial Management.

W. Resolves monetary audit findings involving deficiencies in grantee/contractor accounting and management systems which affect awards made by more than one HHS Operating Division or Federal agency.

X. Evaluates ADP facilities operated by State and Local units of government, colleges and universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable and allowable under Federal cost principles.

Y. Provides advice to the ASMB/CFO on the approval of the job descriptions and skill requirements for OPDIV CFOs and on the approval of the selection of OPDIV CFOs. Provides advice to the ASMB/CFO who participates with the OPDIV Head in the annual performance plan/evaluation of the OPDIV CFO.

Z. Provides advice to the ASMB/CFO on the qualifications, recruitment, performance, training, and retention of all financial management personnel.

AA. Prepares the annual HHS report on CFO activities as guided by the ASMB/CFO.

1. Office of Financial Operations. The office is composed of the following:

A. Division of Accounting Operations

a. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Departmental Accounting Manual.

b. Maintains the official accounting records and documents for the Office of the Secretary and other Departmental components as determined by the Assistant Secretary for Management and Budget.

c. Operates the computerized accounting system including responsibility for the automatic data processing (ADP) support and maintenance of the system which provides for the computerized obligation records and accounts and financial and cost reports of the activities of the Office of the Secretary and other Departmental components as determined by the Assistant Secretary for Management and Budget.

d. Establishes and maintains financial controls over cash, accounts receivable, property and other assets.

e. Examines and pays vendors' invoices, transportation and other bills.

f. Examines and pays travel vouchers for employees.

g. Provides cashier services, including the issuance of Third Party Drafts.

h. Provides billing services for reimbursable activities (other than the Departmental Working Capital fund).

B. Division of Federal Assistance Financing

a. Operates and provides the automatic data processing (ADP) support and maintenance of the Departmental Payment System (PMS).

b. Assures timely payment to grantees and contractors and prescribes requirements for grantee and contractor reporting of expenditures and accountability of Federal cash received.

C. Division of Financial Systems Operations

a. Operates and provides the automatic data processing (ADP) and maintenance of the Regional Accounting System (RAS) and ensures the proper exchange of data with other automated systems; provides technical assistance to regional personnel for operating the system.

b. Provides financial oversight and direction to the Regional Finance Offices related to their accounting and fiscal activities.

c. Operates and provides the automatic data processing (ADP) support and maintenance of a system for tracking and reporting awards and other obligations to meet the needs of the Financial Assistance Awards Data System (FAADS) reports and for preparing other geographic-based domestic assistance reports.

d. Develops policies and procedures and operates and provides the automatic data processing (ADP) support and maintenance of the Central Registry System (CRS) used throughout the Department in other data systems as a source of recipient identity, address and related information.

2. Office of Financial Policy. The Office of Financial Policy is composed of the following:

A. Division of Financial Management Policy (DFMP)

The Division of Financial Management Policy (DFMP) functions as one of two major components within the Office of Financial Policy, Office of Finance and is responsible for all Departmentwide policies, procedures and standards relating to cash management, credit management, debt management, payment management including disbursement activities and functions and entitlement grants. The Division has the following responsibilities:

a. Develops Departmentwide policies, procedures, and standards for financial management areas including cash management, credit management, debt management, travel management, payment and disbursement activities and functions, and entitlement grants and promulgates these and related Governmentwide financial management requirements through the Departmental Staff Manual System.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on financial management areas.

c. Services as principal staff advisers to the Office of Finance on financial management matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting financial management of the Department's programs.

e. Maintains liaison with the Office of Management and Budget (OMB), the Treasury Department, the General Accounting Office (GAO), the General Services Administration (GSA) and other agencies on all financial management matters including grant entitlement policy.

f. Recommends policy and maintains a system for tracking and improving cash and credit management and debt collection performance throughout the Department.

g. Develops and maintains travel and voucher examination policies, payment and disbursing policies and procedures for Departmentwide applications and publishes them through the Departmental Staff Manual System.

h. Performs studies and analyses in any of these subjects singularly or with outside organizations. Maintains continuous contact with GAO, OMB, Treasury, CSA or other agencies.

i. Establishes a financial management planning process for providing guidance and financial management indicators that enable the ASMB/CFO to evaluate the financial management programs and activities of the Department.

j. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

B. Division of Accounting and Fiscal Policy (DAFP)

The Division of Accounting and Fiscal Policy (DAFP) functions as one of two major components within the Office of

Financial Policy, Office of Finance and is responsible for matters relating to accounting policy, fiscal policy, financial statements presentation, publications, legislative and other special initiatives. The Division has the following responsibilities:

a. Develops policies, procedures and standards for Departmentwide accounting and fiscal areas including legislative or special accounting initiatives such as the Standard General Ledger (SGL) and promulgates these policies, procedures and standards as well as other Governmentwide accounting and fiscal procedures through the Departmental Staff Manual System and maintains appropriate reference material.

b. Provides advice and assistance to OPDIVs and STAFFDIVs on accounting and related fiscal matters.

c. Serves as principal advisers to the Office of Finance on accounting and related fiscal matters.

d. Reviews and drafts Departmental reports on Congressional bills affecting accounting and fiscal matters.

e. Maintains liaison with the Office of Management and Budget (OMB), the General Accounting Office (GAO), Treasury Department and other agencies on matters involving accounting and related fiscal matters.

f. Develops and maintains financial statements presentation policies, procedures and standards for Departmentwide applications and oversees the preparation of audited financial statements.

g. Performs studies and analyses in any of these or related subjects singularly or with outside organizations. Maintains continuous contact with OMB, GAO, Treasury, GSA or other agencies.

h. Makes specific studies and appraisals of the financial aspects of program operations to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

i. Prepares the annual HHS report on CFO activities as guided by the DASF/Deputy CFO.

3. Office of Financial Systems. Provides leadership and coordination in the development of HHS financial systems. Responsible for the establishment of Departmentwide standard financial definitions and data structures. Responsible for the administration of a data integrity and quality control program to ensure compliance with Federal Directives, Departmental financial systems policy and automated financial data exchange requirements. Also provides advice on financial systems and serves as the focal point with Federal control agencies on financial systems matters.

The office consists of the following:

A. Division of Financial Systems Integrity

a. Oversees, monitors, evaluates and recommends approval for the design, development, implementation, operation and enhancement of Departmentwide and component accounting and financial management systems.

b. Establishes and maintains a Departmentwide quality assurance program that ensures the auditability of financial and performance data and functions as a data administrator for financial systems.

c. Develops and issues policies and procedures relating to the evaluation of accounting and related systems for conformance with Comptroller General principles and standards under Section 4 of the Federal Managers' Financial Integrity Act and with related systems review guidelines of the Office of Management and Budget, the Treasury Department and the General Accounting Office.

d. Develops financial systems requirements and policy regarding data structure and interface techniques necessary to communicate between HHS financial systems and with Departmental systems.

e. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

f. Serves as principal staff adviser to the Office of Finance on all financial systems related matters.

g. Maintain liaison with the Office of Management and Budget, the Treasury Department, the General Accounting Office and other agencies on matters involving financial systems.

B. Division of Financial Systems Design and Analysis

a. Provides ADP expertise and guidance to the Office of Finance.

b. Performs systems analysis and design in the development of the Office of Finance financial systems to include systems interfaces, distributed processing requirements and reporting capabilities.

c. Participates in the evaluation and selection of vendors and equipment. Serves as the project officer and monitors performance of vendors supplying software to the Office of Finance.

d. Provides technical assistance in the development of hardware, software, telecommunications and ADP service acquisitions for Office of Finance systems. This assistance includes the areas such as cost benefit analyses, requirements statements and performance criteria.

e. Utilizes the financial systems quality assurance program to review and analyze on-going Departmental operations (including the Office of Finance) for compliance with directives and to determine possible problem areas and resolutions thereto.

f. Makes specific studies and appraisals of the financial aspects of program operations including systems designs and data requirements to ensure compliance with CFO objectives in areas assigned by the Deputy CFO.

4. Office of Grant and Contract Financial Management.

a. Resolves audit findings on grantee/contractor organizations which affect the programs of more than one Operating Division or Federal Department or Agency. Makes recommendations to the Secretary, the ASMB/CFO and other officials on safeguards or other actions against grantee/contractor organizations when necessary to protect the interests of the Department.

b. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's Regional Divisions of Cost Allocation.

c. Formulates cost principles and other cost policies and procedures for determining and reimbursing the costs of grantee/contractor organizations including procedures necessary for indirect cost negotiations.

d. Formulates HHS cost policy on the resolution of audit findings on grantee/contractor organizations.

e. Reviews ADP facilities operated by States and Local governments, universities and other grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable, and allowable under Federal cost principles.

f. Develops and presents training programs for Departmental staff and grantee/contractor organizations on audit resolution, cost principles, indirect costs and other areas related to the financial management of grants and contracts.

g. Provides technical assistance to the OPDIVs, grantee/contractor organizations, and other Federal Agencies on the financial management of grants and contracts.

h. Conducts cost allocation activities, including the review, negotiation, and approval of indirect cost rates and cost allocation plans for grantees and contractors located in the States specified in paragraph 4D of this functional statement.

i. Reviews on a biennial basis, the fees, royalties, rents, and other charges imposed by the Department for services and things of value, and make recommendations on revising these charges to reflect costs incurred in providing these services and things of value.

The office is composed of the following:

A. Division of Audit Resolution

a. Reviews audit reports containing monetary findings or findings involving deficiencies in the management systems of grantee/contractor organizations which affect the programs of more than one OPDIV or Federal Agency; and conducts or arranges for additional reviews or acquires additional information to the extent necessary to determine the actions required to resolve the findings and correct the deficiencies.

b. Coordinates where necessary with other affected Federal Agencies to establish a uniform Federal position on the actions needed to be taken to resolve the findings and correct the deficiencies.

c. Negotiates and determines the settlement of the findings and the actions needed to correct the deficiencies with grantee and contractor organizations. As designated by OMB performs these functions on behalf of all Federal Departments and Agencies.

d. As necessary, makes recommendations to the Secretary and other officials on safeguards or other actions against a grantee or contractor to protect the Department's interests where the organization is unwilling to correct serious deficiencies in a timely manner or fails to comply with previous agreements on corrective actions.

e. Provides and arranges for technical assistance to grantees and contractors on the correction of deficiencies and on other matters related to the financial management of grants and contracts.

f. Upon request reviews and approves accounting or other systems developed by grantees and contractors to comply with Federal cost principles and policies.

g. Provides technical assistance to OPDIV audit resolution staffs on the resolution of audit reports assigned to them and on other matters related to the financial management of grants and contracts.

h. Develops and presents training programs for Department staff and grantee/contractor organizations on audit resolution, cost principles and other areas related to the financial management of grant and contract activity.

B. Division of ADP Review

a. Evaluates a wide range of sophisticated ADP facilities operated by State and Local governments, colleges and universities, and other types of grantee/contractor organizations to determine whether charges for ADP services to Federal programs are reasonable, equitable and allowable under Federal cost principles. These reviews cover the propriety of cost accounting methods and billing algorithms, operational efficiency, hardware configurations and need, software, hardware and software compatibility, internal controls, etc.

b. Recommends and participates in the negotiation of ADP cost recoveries and charges to costing/billing methods and internal controls where reviews disclose unreasonable, inequitable or unallowable charges to Federal programs. Recommends modifications to grantee and contractor ADP systems to improve operational efficiency based on state-of-the art and advances in techniques.

c. Develops guidelines and analysis techniques for the Department's regional Divisions of Cost Allocation (DCAs) in their evaluation of grantee/contractor ADP costs and costing/billing methods. Provides technical assistance and training to DCAs in ADP operations and techniques.

d. Develops and assists in the implementation of ADP systems and techniques in support of DCA and OGCFM operations.

e. Provides technical assistance to grantee or contractor organizations in analyzing and improving their ADP costing/billing systems.

f. Identifies common ADP costing/billing from a national perspective; and recommends and participates in the development of policies, guidelines, model systems, etc., to overcome those problems and promote improvements in ADP costing/billing systems.

c. Division of Cost Determination Management

a. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Department's regional Divisions of Cost Allocation (DCAs).

(1) Acts as principal Headquarters contact in day-to-day activities of the DCAs; provides management oversight of function; and resolves problems relating to individual negotiations or organizational conflicts between the DCAs and the OIG, the OPDIV or other Federal agencies.

(2) Provides direction in development of DCA budget and staffing needs and performance requirements.

(3) Provides technical assistance and guidance to the DCAs in negotiating cost allocation plans, indirect cost rates, and other special rates with State and Local governments, universities and other grantee/contractor organizations.

(4) Conducts on-sight reviews of DCA activities to ensure that proposal evaluations are performed effectively and in compliance with Governmentwide policies; and monitors the correction of deficiencies disclosed by the reviews.

(5) Evaluates tentative DCA determinations on issues which may be appealed by grantees or contractors; and provides guidance on whether and how the issues should be pursued prior to the DCA's final determination.

(6) Reviews negotiation agreements on cost allocation plans, indirect cost rates and other rates for completeness, understandability and conformance with Department policies and distributes them to users.

(7) Provides direction to DCAs in the preparation of their work plans; establishes workload and other management reporting systems; and receives and analyzes management reports.

(8) Performs analyses of the results of indirect cost negotiations to identify trends and problems areas and to direct review and negotiation efforts to areas of greatest need.

b. Formulates cost principles and Departmentwide cost policies affecting grand and contract programs and Departmentwide policies on the resolution of audit findings on grantee/contractor organizations.

c. Serves as the Department liaison and maintains working relationships with OMB and other Federal agencies in the development of Governmentwide cost principles and audit resolution policies; and maintains similar relationships with associations of States, universities and other grantee/contractor organizations.

d. Develops and presents training programs for Department staff and grantee/contractor organizations on indirect costs, cost allocation and negotiation, audit resolution and other areas related to the financial management of grant and contract activities.

e. Provides technical assistance to the OPDIVs, grantee or contractor organizations and other Federal

agencies on the financial management of grant and contract activities.

f. Reviews on a biennial basis, the fees, royalties, rents and other charges imposed by the Department for services and things of value and makes recommendations on revising these charges to reflect costs incurred in providing these services and things of value.

D. Division of Cost Allocation and Liaison

a. Serves as the liaison between regional cost allocation staff and Federal agencies in the Washington, DC, area on operational matters involving the review and negotiation of indirect cost rates and cost allocation plans. Reviews, negotiates, and approves indirect cost rates, State and Local government cost allocation plans, research plans, research patient care rates and amounts, fringe benefit rates and other special rates for grantees and contractors located in the District of Columbia and the following States: Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Mississippi, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

b. Resolves audit findings on cost allocation plans, indirect cost rates, etc., for grantees and contractors under the Division's cognizance. Also provides technical assistance on cost allocation matters in these guidelines to these grantees and contractors.

c. Carries out the functions described in paragraphs a and b on behalf of all Federal agencies when HHS is designated the cognizant agency by OMB.

5. Budget Execution staff. a. Establishes and maintains a Departmental budget execution system based on uniform standards, classification, and procedures, so as to apply resources consistent with Departmental policy and budget. Resolves questions regarding financial issues and proper authority and application of funds.

b. Establishes and maintains a Departmentwide system of outlay estimates in support of formulation and execution of the budget, including a tracking process for identifying variances and preparing reports.

c. In cooperation with the Office of Budget and other staff offices recommends policy for activities and services to continue in the absence of appropriations and for continuing Departmental operations during periods of Continuing Resolutions (CRs).

d. Reviews agency Treasury warrant requests and apportionment requests and develops recommendations in cooperation with the Office of the Budget before submission to the Treasury Department and the Office of Management and Budget.

e. Maintains the Catalog of Federal Domestic Assistance and develops State tables of projected obligations for selected programs.

6. Program Coordination Staff. a. Develops and executes Departmentwide policies and procedures relating to implementation and management of internal controls under the Federal Managers' Financial Integrity Act (FMFIA). Also exercises Departmentwide operational and oversight responsibility for Departmentwide internal control activities for Section 2. Represents the Department in governmentwide activities related to FMFIA.

b. Supervises the administrative office for the Office of Finance, providing personnel, budget, management and general administrative functions.

c. Represents the Deputy Assistant Secretary, Finance/Deputy CFO as alternate on boards and committees. This includes the Chief Financial Officers' Council, the Joint Financial Program Steering Committee and the Federal Financial Managers' Council.

d. Directs or coordinates special projects or initiatives which cut across activities or programs within the Office of Finance, the Department or governmentwide initiatives.

Dated: February 27, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-5361 Filed 3-6-92; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 92N-0110]

Drug Export: Neupogen® Recombinant Methionyl Human Granulocyte Colony Stimulating Factor (R-Methug-CSF)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Amgen Inc., has filed an application requesting approval for the export of the biological product NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Factor (r-metHuG-CSF) to Australia.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identfied below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be direced to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 820(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 820(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 820(b)(3)(B) have been satisfied. Section 820(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Amegen Inc., Amegen Center, 1840 Dehavilland Dr., Thousand Oaks, CA 91320, has filed an application requesting approval for the export of the bilogical product NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Actor (r-metHuG-CSF) to Australia. NEUPOGEN® Recombinant Methionyl Human Granulocyte Colony Stimulating Actor (r-metHuG-CSF) is indicated to decrease the incidence of infection, as manifested by febrile neutropenia, in patients with non-myeloid malignancies receiving myelosuppressive anti-cancer drugs in doses not usually requiring bone marrow transplantation. The application was received and filed in the Center for Biologics Evaluation and Research on February 19, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets

Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 19, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: February 27, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92-5439 Filed 3-6-92; 8:45 am]

BILLING CODE 4160-01-M

Indian Health Service

Tribal Demonstration Projects for Diabetes Services for American Indians/Alaska Natives

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for tribal demonstration projects for diabetes services for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for Tribal Demonstration Projects for Diabetes Services for American Indians/Alaska Natives established under the authority of section 103(b)(1), Indian Self-Determination and Education Assistance Act. Public Law 93-638, as amended by Public Law 100-472, 25 U.S.C. 450h(b)(1). There will be only one funding cycle during Fiscal Year (FY) 1992. Grants shall be administered in accordance with 42 CFR part 36, subpart H, and applicable OMB Circulars and DHHS policies. This program is within the Catalog of Federal Domestic Assistance Number 93.228. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Diabetes. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325, (Telephone 202-783-3238).

DATE: An original and two (2) copies of the completed grant application must be submitted, with all required documentation, to the Grants Management Branch, Division of Acquisitions and Grants Operations, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, by c.o.b. April 10, 1992.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by c.o.b. 5 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Private metered postmarks will not be accepted as proof of timely mailing.

Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

ADDITIONAL DATES: A. Application Receipt Date: April 10, 1992.

B. Application Review: May 5-7, 1992.

C. Applicants Notified of Results (approved, approved unfunded, or disapproved): June 1, 1992.

D. Anticipated Start Date: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: For program information, contact William Mitchell, Operations Officer, Indian Health Service Diabetes Program, 2401 12th Street NW., room 211N, Albuquerque, New Mexico 87102, (505) 766-3980.

For grants information, contact M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisitions and Grants Operations, Indian Health Service, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, (301) 443-5204. (The telephone numbers are not toll-free numberrs.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goal, eligibility requirements, programmatic activities, funding availability, and application procedures.

General Program Goal

The goal of this project is to develop or enhance public health efforts to meet Healthy People 2000 objectives directly related to diabetes as it affects American Indians and Alaska Natives.

Eligibility Requirements

Any federally recognized Indian tribe of Indian tribal organization is eligible to apply for a demonstration grant from the IHS under this announcement.

Programmatic Activities

A grant awarded under this announcement shall support a program which develops or enhances progress toward reducing the diabetes related morbidity and mortality afflicting American Indians/Alaska Natives. Efforts may include, but not be limited to: (1) Improving surveillance; (2) assessing/improving diabetes patient education; (3) developing plans or strategies to mobilize the Tribal community and target persons at high risk for amputations, blindness or kidney disease; (4) providing professional education and training to improve care and education available for persons with diabetes; and (5) improving the screening, referral and treatment process for prevention efforts.

Fund Availability and Period of Support

In FY 1992, it is anticipated that $100,000 will be available to support 8-10 projects at approximately $10,000-$15,000 each. Projects will be funded for one year. The anticipated start date will be June 15, 1992.

Application Process

An IHS Grant Application Kit, including form PHS 5161-1 (rev. 3/89), may be obtained from the Grants Management Branch, Division of Acquisitions and Grants Operations, Twinbrook Metro Plaza-Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, telephone (301) 443-5204.

A. Narrative

The narrative section of the application must include the following: 1) Need for assistance, 2) approach, 3) adequacy of management controls and 4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on page 15-16 of the PHS 5161-1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. *The narrative may not exceed five single spaced pages in length, excluding attachments, budget, and letters of support resolution.*

1. Need for Assistance

(a) Describe and define the target population at the project location.

(b) Describe the existing resources and services available related to the specific service the applicant is proposing to provide.

(c) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

(d) Summarize the applicable State, IHS, and/or national standards and describe the unmet needs of the applicant's current program in relation to applicable State, IHS, and/or national standards.

2. Approach

(a) Program Objectives

1. State concisely the objectives of the project.

2. Describe briefly what the project intends to accomplish.

3. Describe how accomplishment of the objectives will be measured.

(b) Work Plan

1. Describe the tasks and resources needed to implement and complete this project.

2. Provide a task timeline (milestones) breakdown or chart.

3. Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project.

4. Describe how the project will be evaluated.

5. Identify who will conduct the evaluation of the projected deliverable/outcomes.

3. Adequacy of Management Controls

(a) Describe where the project will be housed, i.e. facilities and equipment available.

(b) Describe the management control of the grantee over the directions and acceptability of work to be performed.

(c) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds.

4. Key Personnel

(a) Provide a biographical sketch and position description for the program director and other key personnel as described on page 17 of PHS 5161-1.

(b) Provide an organizational chart and indicate how the project will operate within the organization.

(c) List the qualifications and experience of consultants or contractors where their use is anticipated.

B. Budget

An itemized estimate of costs and justification for the proposed program by line item must be provided on form PHS-5161-1 (effective date 3/89. A narrative justification must be submitted for costs. Indicate needs by listing individual items and quantities necessary. Grant funding may not be used to supplant existing public and private resources.

C. Documentation of Support

1. Tribal Resolutions

A resolution of the Indian tribe or Indian tribal organization supporting the project must accompany the application submission. Applications which propose services which will benefit more than one Indian tribe must include resolutions from all Tribes to be served. Applications by tribal organizations will not require tribal resolution(s) if the tribal resolution(s) under which they operate would encompass the application for the grant. A statement of such must accompany the application.

2. Letters of the Cooperation/Collaboration/Assistance

If other related human service programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/Assistance must be submitted. Letters should be specific.

D. Assurances

The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR 36, subpart H.

Review Process

Applications that meet eligibility requirements, are complete, and conform to this program announcement will be reviewed by a centralized Objective Review Committee (ORC) conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The ORC will be comprised of not more than 40% IHS staff and at least 60% non-IHS staff (to include tribal) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application.

In making the final funding decision the IHS will also consider recommendations of the IHS Area Office within which the applicant organization is located.

Evaluation Criteria

Applications will be evaluated against the following criteria and weights:

Weights

30—1. Need—The demonstration of identified problems and risks in the target population. Extent of community involvement and commitment.

40—2. Approach—The soundness and effectiveness of the applicant's plan for conducting the project, with special emphasis on the objectives and methodology portion of the application.

15—3. Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the project.

15—4. Key Personnel—Qualifications and adequacy of the staff.

100 Total Weight

Reporting Requirements

A. Progress Report

Program progress reports will be submitted quarterly with a final report due 90 days after the end of the project period.

B. Financial Status Report

Financial status reports will be submitted quarterly with a final financial status report due 90 days after the end of the project period. Standard Form 269 will be used for financial reporting.

Grant Administration Requirements

Grants are administered in accordance with the following documents:

A. 45 CFR part 92, Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit recipients.

B. Public Health Service Grants Policy Statement, and

C. Appropriate Cost Principles: OMB Circular A-87, State and Local Governments, or OMB Circular A-122, Nonprofit Organizations.

Dated: January 13, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-5376 Filed 3-6-92; 8:45 am]

BILLING CODE 4160-16-M

Tribal Management Program for American Indians/Alaska Natives; Grants Application Announcement

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for Tribal Management Grants for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for Tribal Management Grants for American Indians/Alaska Natives. These grants are established under the authority of section 103(b)(2) of the Indian Self-Determination and Education Assistance Act, Public Law 93-638, as amended by Public Law 100-472, 25 U.S.C. 450h(b)(2). There will be only one funding cycle during fiscal year (FY) 1992. This program is described at 93.228 in the Catalog of Federal Domestic Assistance. These grants will be awarded and administered in accordance with this announcement; Department of Health and Human Services regulations governing Public Law 93-638 grants at 42 CFR 36.101 et seq. and 45 CFR part 92, Department of Health and Human Services, Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Government, or 45 CFR part 74, Administration of Grants to Non-profit recipients; the Public Health Service Grant Policy Statement; and applicable Office of Management and Budget Circulars. Executive Order 12372 requiring intergovernmental review is not applicable to this program. Public Health Service urges applicants submitting feasibility studies or health plans to address specific objectives of Healthy People 2000. Such interested applicants may obtain a copy of Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone 202-783-3238).

DATES: A. *Application Receipt Date.* An original and two (2) copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852, by close of business April 20, 1992.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m. or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant and will not be considered for funding.

B. *Additional Dates:*

1. Application Review: May 18, 1992.
2. Applicants Notified of Results: June 18, 1992 (approved, recommended for approval but not funded, or disapproved).
3. Anticipated Start Date: September 1, 1992.

CONTACTS FOR ASSISTANCE: For Tribal Management grant program information, contact Ms. Bea Bowman, Division of Community Services, Indian Health Service, Parklawn Building, room 6A-05, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6840. For grants information, contact Mrs. Kay Carpentier, Grants Management Branch, Indian Health Service, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852, (301) 443-5204. (The telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

This announcement provides information on the general program purpose, eligibility, programmatic priorities, project types, fund availability, required affiliation, period of support and application procedures for FY 1992.

A. General Program Purpose

To improve the management capacity of a tribal organization to enter into a contract under Public Law 93-638. Tribal management grants assist tribal organizations in assuming operation of all or part of an existing IHS direct operation health care program by enabling them to develop and maintain their management capabilities. Tribal Management grants are also available for tribal organizations under the authority of Public Law 93-638 section 103(e) for obtaining technical assistance from providers designated by the tribal organization, including tribal organizations that operate mature contracts, for the purposes of (1) program planning and evaluation, including the development of any management systems necessary for contract management, and the development of cost allocation plans for indirect cost rates, and (2) the planning, designing, monitoring, and evaluation of Federal health programs serving the tribe, including Federal administrative functions. Tribal management grants may not be used to support operational programs, or to supplant existing public and private resources. The grants may, however, be used as matching shares for other Federal grant programs that develop tribal capabilities to contract for the administration and operation of health programs.

B. Eligible Applicants

Any federally recognized Indian tribe or Indian tribal organization is eligible to apply for a grant. Applicants include tribal organizations that operate mature contracts who are designated by a tribe or tribes to provide technical assistance and/or training. Only one tribal management grant will be awarded and funded to a tribe or tribal organization per funding cycle.

C. Program Priorities

In accordance with Office of Management and Budget Circular A-102, Grants and Cooperative Agreements for State and Local Governments, a comment period on proposed funding priorities was provided during the 1991 grant cycle. No written comments were received; 56 FR 27624 No. 114 dated June 13, 1991, provided notice of final funding priorities for competitive grant applications for Tribal Management grants under this program. They are as follows.

Priority I

An Indian tribe that has received Federal recognition (new, restored, unterminated, funded or unfunded) within the past three (3) years and is in the process of establishing health care services. (Verification of documents is required, i.e.: Letter of Acknowledgment, **Federal Register** notice. See Section I, Required Affiliation).

Priority II

An Indian tribe or Indian tribal organization stating an interest in contracting IHS health programs for the first time. The feasibility study will address requirements for assumption of currently operated IHS health programs.

Priority III

An Indian tribe or Indian tribal organization planning to develop/update their health plan, develop tribal health management structure, human resource development, and evaluation studies to expand their operation of health programs.

Priority IV

An Indian tribe or Indian tribal organization currently operating all health programs previously provided by IHS.

D. Project Types

The tribal management grant program consists of five (5) types of projects: (1) Feasibility, (2) planning, (3) development of tribal health management structure, (4) human resources development, and (5) evaluation.

Projects related to water, sanitation, waste management; and long term care; tuition, fees, stipends for certification and training of staff providing direct services; and design and planning of construction for facilities will not be considered eligible for review. Projects for training and technical assistance related to the Indian Self-Determination and Education Assistance Act, Public Law 93–638, as amended by Public Law 100–472, will not be considered for funding. Inclusion of these activities in a proposed project shall render the application ineligible and will be returned to the applicant.

Project Types Descriptions

1. Feasibility Study

A study of a specific IHS program or segment of a program to determine if tribal management of the program is possible. This study shall indicate necessary plans, approach, training and resources required to assume tribal management of the program. The study shall include, at minimum, four (4) major components:

—Health needs and health care services assessments, which identify existing health care services and delivery system, program divisibility issues, health status indicators, unmet needs, volume projections, and demand analysis.
—Management analysis of existing management structure, proposed management structure, implementation plans and requirements; and personnel staffing requirements and recruitment barriers.
—Financial analysis of historical trends data, financial projections and new resource requirements for program and management costs, and analysis of potential revenues from Federal/Non-Federal sources.
—Decision stage incorporates findings; conclusions and recommendations; and the presentation of the study and recommendations to the governing body for tribal determination as to whether tribal assumption of program(s) is desirable or warranted.

2. Planning

A collection of data to establish goals, policies, methods of action or procedures for overall tribal health activities. Health plans shall specify the anticipated phasing of tribal assumption and operation of specific IHS programs. A planning study shall include the following components:

—A plan of action including goals and benefits to be obtained.
—The objectives for tribal assumption and operation of selected IHS programs.
—Strategies including methods, policies, and procedures for operation of tribal health programs.
—Detailed plans for each major program or functional area to correspond with the identified goals, benefits, objectives and strategies.

3. Development of tribal Health Management Structure

The development, requisition or enhancement of management systems (including skills and knowledge to operate the management system) as defined through a feasibility study or health plan. Management studies shall include the following:

—Determine and outline the specific purpose of the program to (re)design a management structure.
—Improve the organization of work and worker productivity and achievement, as it relates to the performance of the program as well as the responsibility, leadership and role of management.
—Determine impact of tribal operation on the service population and surrounding community.
—Develop current, short range and long range strategies for tribal operation of programs.

4. Human Resources Development

The development of a particular skill or group of skills required for tribal staff to manage or operate an IHS program. The human resources development training plan shall include:

—Assessment of current staff to identify qualifications (experience and education) and special skills.
—Determination of current human resources requirements in order to provide managerial and administrative competence.
—Project short range and long range management training program based on training needs.

5. Evaluation Studies

Systematic collection, analysis, and interpretation of data for the purpose of determining the value of a program, to be used by decisionmakers to:

—Determine the value or extent of the effects of previous studies as they relate to the goals and objectives, policies and procedures, or programs on target groups.
—Determine effectiveness and efficiency of tribal program operation, i.e. direct services, financial management, personnel, data collection and analysis, and third party billing, which will assist tribal efforts to improve health care delivery systems.

E. Fund Availability

In FY 1992, it is anticipated that approximately $4,938,000 will be available for new and continuing tribal management grants. Although it is expected that project funding needs will vary depending on the scope of work and the review process recommendations, it is anticipated that 80 awards will be issued averaging $65,000 each. Grant funding levels include both direct and indirect costs. Only one project grant will be awarded per tribe or tribal organization.

F. Period of Support

1. The start date for approved projects is September 1, 1992. Feasibility studies and planning are limited to a one-year funding award; development of tribal health management structure, human resources development, and evaluation studies may be multi-year projects depending on the scope of work. Each proposal shall address only one (1) project type to be accomplished.

2. Multi-Year Projects—Determination of the length of multi-year projects will be based on the scope of work. Projects that are based on previous studies or activities should provide a description of accomplishments to date and establish how this proposed project will accomplish the projected goal. A brief description of the scope of work and funding requirements for each additional year must be submitted with the application. The second and third year continuations will be based on the following criteria: (1) Satisfactory progress; (2) availability of funds; and (3) continuation is deemed to be in the best interest of the Government.

G. Application Process

An IHS Tribal Management Grant Application Kit, including required form PHS 5161–1 (rev. 3/89), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852. Telephone (301) 443–5204. Information is being collected on form PHS 5161–1 as well as the narrative form approved under OMB Clearance No. 0937–0189.

H. Application

These instructions are to be used in preparing the narrative and are the instructions on pages 15–16 of the PHS–5161–1. Completed application must include:

1. Abstract (1 page).
2. Table of Contents (1 page).
3. Narrative (25 pages).
   a. Introduction (5-points).
   b. Need for Assistance (10-points).
   c. Objective(s), Result, and Benefit Expected (25-points).
   d. Approach (35-points).
   e. Key Personnel (10-points).
   f. Adequacy of Management Controls (15-points).
4. Appendix (10 pages).

Applications must be complete and contain all information needed for review. Material will not be accepted after the receipt date for inclusion in an application. The application shall consist of no more than 37 pages (including Abstract and Table of Contents). Pages must be numbered. Applications exceeding the 35 pages (excluding Abstract and Table of Content) will not be accepted for review.

1. Abstract

An abstract may not exceed one typewritten page. The abstract should clearly present the grant application in summary form, from a "who-what-when-where-how-cost" point of view so that reviewers see how the multiple parts of the application fit together to form a coherent whole.

2. Table of Contents

A one page typewritten table of content must be included.

3. Narrative

This section of the application should be written in a manner that is self-explanatory to outside reviewers who are unfamiliar with prior related activities of the applicant. It should be succinct and well organized, should not exceed 25 single spaced pages, and include the following:

a. *Introduction.*

—Identify funding priority and provide justification of why the priority was selected.
—Identify the type of project.
—State the type and date of resolution (specific or blanket) submitted with the application. (Refer to Section I, Required Affiliation).

b. *Need for assistance.*

—Explain the reason for the project.
—Describe the population to be served by management of tribal health programs, particularly the tribe(s) to benefit and the number of eligible beneficiaries.
—Provide a precise location of the project or area to be served by the proposed project including a map.
—Describe the overall and specific need for assistance by explaining the current situation or demand and unmet requirements (i.e.: resources, staffing, equipment, training, etc.).
—Identify relevant physical, economic, social, financial, institutional or organizational problems requiring solutions.
—Include relevant statistical and/or historical data to be considered in the project purpose.
—If this project is based on a previous and/or current tribal management grant, describe the accomplishments of the project and how it relates to this application or provide an update on progress. (Do not include copies of reports).

c. *Objective(s), result and benefit expected.*

—State in measurable terms, realistic principal and subordinate objectives of the project.
—Identify the expected results, benefits and outcome or product to be derived from this project.
—Describe the relationship between this project and other work planned, anticipated, or underway which are supported by other Federal funds.

d. *Approach.*

—Outline the workplan, grouping tasks and activities under the objective to be achieved.
—Identify present staffing proposed positions, include the position descriptions of staff responsible for each activity.
—Provide a workplan of tasks and activities including a start, target milestones and completion date on a calendar timeline.
—Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project.
—Describe any unusual features which may affect the project, (i.e.: unique design, reduction in cost or time, or special organizational or community involvement).
—If consultant or contractor is to be used, provide the scope of work to be performed for the project.
—Identify the accomplishments (deliverables/outcomes) to be achieved.
—Describe the evaluation component of the project to determine the project accomplishments.
—Identify who will conduct the evaluation of the projected deliverables/outcomes.
—Identify individuals/group to whom the evaluation and final results of the grant will be presented for acceptability or further decision within the tribal/organizational structure.

e. *Key personnel.*

—Provide a position description and resume for the project director/staff, including experience, and formal education/training that is related to the success of this project.
—List the qualifications and experience of consultants or contractors where their use is anticipated.

f. *Adequacy of management controls.*

—Prepare an itemized budget, i.e. line item or cost category for the budget period, supported by a narrative rationale and justification for cost and purchases.
—If indirect costs are claimed, applicant must submit a copy of Indirect Cost Rate Agreement supporting this claim.
—Describe where the project will be housed, i.e. facilities and equipment available.
—List equipment purchases necessary for implementation of the project; include narrative rationale and justification for computer hardware/software.
—Identify the IHS area office staff contacted to ensure the compatibility of any ADP equipment/software purchases with IHS systems.
—Describes the management control of the grantee over the direction and acceptability of work to be performed by the consultant.
—Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds.

4. Appendix

Up to 10 typewritten pages may be used, i.e. map, tribal resolution, organizational chart, resumes, cost agreement documentation, etc.

I. Required Affiliation

A. Documentation of Newly Recognized Tribes

A copy of the Federal Register Notice or letter from the Bureau of Indian Affairs verifying tribal status must accompany the application.

B. Tribal Resolution

(1) A resolution of the Indian tribe served by the project *must* accompany the application submission. (2) Applications which propose services affecting more than one Indian tribe must include resolutions from all affected tribes to be served. (3) Applications by tribal organizations will not require a specific tribal resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application. If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

J. Assurances

The application shall contain assurances to the Secretary that the applicant will comply with program regulations, 42 CFR part 36, subpart H.

K. Reporting

1. Progress Report

Program progress reports will be submitted quarterly with a final report for each budget period to be included in the continuation application. A final progress report will be due for the final budget period 90 days after the end of the project period.

2. Financial Status Report

Quarterly financial status reports will be submitted with a final status report due 90 days after the end of each budget period. Standard Form 269 (long form) will be used for financial reporting.

L. Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit recipients.

2. Public Health Service Grant Policy Statement, and

3. Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Non-profit Organizations.

M. Objective Review Process

Applications meeting eligibility requirements that are complete and conform to this program announcement will be reviewed by a centralized Ad Hoc Objective Review Committee (ORC) appointed by IHS primarily for review of these applications. The review will be conducted at the IHS Headquarters and in accordance with IHS objective review procedures. The objective review process ensures nationwide competition for limited funding. The ORC will be comprised of IHS (40% or less) and other federal or non-federal individuals (60% or more) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers assign a numerical score to each application, which will be used in making the final funding decision.

N.A. Evaluation Criteria

To score individual applications, the following weights and criterion are considered:

Weights	Criteria
5	Introduction.
10	Need for Assistance.
25	Results.
35	Approach.
10	Key Personnel.
15	Adequacy of Management Controls.
100	Total Criterion Weight.

1. Introduction

—Does the Introduction have the funding priority identified and justified?
—Is only one project type selected?
—Is a specific/blanket tribal resolution attached to the application?
—Is the approved tribal resolution (specific/blanket) current?

2. Need for Assistance

—Is there an explanation of the reason for the project?
—Is the precise location of the project or area to be served by the proposed project including a map provided?
—Does it describe the overall and specific need for assistance by explaining the current situation or demand and unmet requirements (i.e.: resources, staffing, equipment, training, etc.)?
—Are relevant statistical/historical data included?
—Is data collection, analysis and maintenance addressed?
—State impact of previous or current tribal management grant on this application.

3. Objective(s), Result and Benefit Expected

—Principal and subordinate objectives of the project are stated in realistic and measurable terms?
—The population, number of participants and personnel to benefit from the project are defined?
—The expected results, benefits and outcome or product to be derived from this project are identified?
—The relationship between this project and other work planned, anticipated, or underway which are supported by other Federal funds are identified?

4. Approach

—An outline of the plan of action and program activities to achieve each objective is provided?
—Activities are grouped under the objective they are designed to achieve?
—Indicates staff position responsible for each activity?
—Identifies IHS staff used for technical assistance, if any?
—Provides a workplan including start and completion calendar of activities?
—Identifies collection, analysis and maintenance of data related to project?
—If required, identifies the scope of work for a consultant or contractor?
—Describes any unusual features of the project, which may affect the project (i.e.: design, uniqueness, reduction in cost or time, or special organizational or community involvement?
—Identifies the accomplishments, deliverables/outcomes to be achieved?
—Describes the evaluation component of the project in a plan which will accomplish objectives (deliverables/outcomes)?
—Identifies who will conduct and report on the evaluation component of the projected deliverables/outcomes?
—Identifies who in the tribal/organization structure will receive the evaluation report and final results of the grant?

5. Key Personnel

—Resumes and position descriptions are provided for all project staff and director?
—Position descriptions are provided for project staff to be recruited for the project?
—Are qualifications and experience of consultants or contractors identified and appropriate where applicable?

6. Adequacy of Management Controls

—Prepares a budget and narrative justification. The budget justification narrative provides a rationale for total project costs, i.e. staff, equipment, supplies, contractual agreements, travel, training, etc., directly related to the project.
—Describes application of Indian Preference in recruitment and hiring of positions and work to be contracted.
—Describes adequacy of facilities and equipment for the project?
—Lists equipment purchases necessary for implementation of the project, include a narrative rationale and justification (i.e.: computer hardware/software)?
—Identifies the IHS Area Office contact used to determine compatibility of ADP equipment purchases with IHS systems?
—Demonstrates that the applicant organization has adequate systems and expertise to manage Federal funds.

B. Qualitative Rating Factors for the Criteria Are

1.0=Excellent—very comprehensive, in-depth clear response. The application meets this standard with no omissions. Consistently high performance can be expected.

0.8=Very Good—extensive, detailed application similar to excellent in quality, but with minor area requiring additional clarification. High quality performance is likely, but not assured due to minor omissions or areas where less than excellent performance might be expected.

0.6=Good—no deficiencies in the response. Better than acceptable performance can be expected, but in some significant area there is lack of clarity which might impact on performance.

0.4=Fair—The response generally meets minimum standards. Existing deficiencies are confined to areas with minor impact on performance and can be corrected without revision.

0.2=Marginal—deficiencies exist in significant areas. The application can be corrected without major revision or serious deficiencies exist in areas with minor impact.

0.0=Unsatisfactory—serious deficiencies exist in significant areas. The project cannot be expected to meet minimum requirements without revisions. The application only indicates a willingness to perform a project without specifying how or demonstrating the capacity to do so. Only vague indications exist regarding capability.

O. Results of the Review

The results of the Objective Review Committee are forwarded to the Associate Director, Office of Tribal Activities, for final review and approval. Applicants are notified of their approval or approval without funds, on June 18, 1992. A Notice of Grant Award will be issued approximately ten (10) days prior to the start date of September 1, 1992. Unsuccessful applicants are notified in writing of disapproval not later than June 18, 1992. A brief explanation of the reasons the application was not approved is provided along with the name of an IHS official to contact if more information is desired.

Dated: March 3, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92–5440 Filed 3–6–02; 8:45 am]

BILLING CODE 4160–16–M

Health Resources and Services Administration

Program Announcement for Loans for Disadvantaged Students

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 for the Loans for Disadvantaged Students (LDS) program are now being accepted under the authority of section 740(c) of the Public Health Service Act (the Act), as added by the Disadvantaged Minority Health Improvement Act of 1990, Public Law 101–527. Section 740(c) is part of the legislative authority for the Health Professions Student Loan (HPSL) program. As such, this program is governed by relevant requirements associated with the HPSL program (42 CFR part 57, subpart C), including, except as otherwise provided, school eligibility, student eligibility, institutional contributions, and terms of the loan. Additional school and student eligibility requirements for the LDS program are described below.

Approximately $15 million is available in FY 1992 for competing applications for the LDS Program. It is expected that about 2,400 loans averaging $6,250 will be supported with these and the required $1: $9 school matching funds. Each loan will be provided for one academic year.

Purpose

The LDS program provides funding (new Federal Capital Contributions) to eligible health professions schools for the purpose of establishing revolving funds (LDS funds) which are available for providing long-term, low-interest loans to eligible individuals from disadvantaged backgrounds who are enrolled (or accepted for enrollment) as full-time students at an eligible school. The LDS fund (including one dollar in school funds for each nine dollars in Federal funds) is to be used for the purpose of (1) making loans to individuals from disadvantaged backgrounds, and (2) paying the costs of the collection of the loans and interest on the loans.

For purposes of the LDS program in FY 1992 "an individual from a disadvantaged background" is defined as in 42 CFR 57.1804, as one who:

1. Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession; or

2. Comes from a family with an annual income below a level based on low income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the **Federal Register**.

The following income figures determine what constitutes a low income family for purposes of the Loans for Disadvantaged Students program for FY 1992.

Size of parents' family [1]	Income Level [2]
1	$8,600
2	11,400
3	13,500
4	17,300
5	20,400
6 or more	23,000

[1] Includes only dependents listed on Federal income tax forms.

[2] Adjusted gross income for calendar year 1990, rounded to $100.

Use of Funds

As loans made from the LDS fund are repaid, the money returned to the fund will continue to be used solely for support of students from disadvantaged backgrounds through the LDS program. HPSL funds provided to schools as previous years' Federal Capital Contributions, i.e., funds already circulating in the schools' revolving HPSL loan funds, may also be utilized for loans to individuals from disadvantaged backgrounds. Any school receiving LDS funds will be required to maintain separate accountability for these funds.

School Eligibility

As required by statute, to qualify for participation in the LDS program, a school must meet the HPSL school eligibility requirements and must be:

1. Carrying out a program for recruiting and retaining students from

disadvantaged backgrounds, including racial and ethnic minorities; and

2. Carrying out a program for recruiting and retaining minority faculty.

If a school has no students from disadvantaged backgrounds, or no full-time minority faculty, or provides no data as required in the application materials, it is not eligible for participation in the LDS program.

In addition, each school that received funds in FY 1991 must agree in its fiscal year 1992 application to be carrying out all of the statutory requirements listed below:

1. Ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school. This does not include normal coursework, that by definition includes minority health issues (e.g., sickle cell anemia in a pathology class), but refers to coursework reflecting an institutional awareness of the special health needs of minority populations;

2. Enter into arrangements with one or more health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, for the purpose of providing students of the school with experience in providing clinical services to such individuals;

3. Enter into arrangements with one or more public or nonprofit private secondary educational institutions and undergraduate institutions of higher education for the purpose of carrying out programs regarding:

a. The educational preparation of disadvantaged students, including minority students, to enter the health professions; and

b. The recruitment of disadvantaged students, including minority students, into the health professions; and

4. Establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school. This program may include the involvement of students, community health professionals, faculty, alumni, past recipients of Health Career Opportunity Program (HCOP) funds, faculty/staff of feeder schools, etc., in institutionally organized activity (e.g., tutoring, counseling, and summer/bridge programs).

Guidance for presenting the information will be provided in the FY 1992 application materials. Each school funded for the first time in FY 1992 will also be required to carry out each of the activities specified above by not later than twelve months from receipt of award. In addition, a school will be required to continue to carry out all described activities and also the student/faculty recruitment and retention activities throughout the period during which the school is making loans from its LDS loan fund.

Student Eligibility

As required by statute, to qualify for a loan from the LDS fund, a student must meet the definition of an individual from a disadvantaged background.

The following definitions, Methodology for Implementing the Statutory Special Consideration and Procedures for Calculating Loans were established in FY 1991 after public comment (October 1, 1991, at 56 FR 49777) and the Administration is extending them in FY 1992.

Definitions

Black means a person having origins in any of the black racial group of Africa.

Hispanic means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

American Indian or Alaskan Native means a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Definitions listed above are contained in Directive No. 15 of Office of Management and Budget Circular No. A–46 dated May 3, 1974.

Native American, as defined in Public Law 101–527, means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

Minority, with respect to faculty, refers to Blacks, Hispanics, Native Americans, Filipinos, Koreans, Pacific Islanders, and Southeast Asians whose percentage among the total supply of practitioners in the applicable health profession is below that group's percentage in the total population.

Health professions school means a public or private nonprofit school of medicine, school of dentistry, school of osteopathic medicine, school of podiatric medicine, school of optometry, or school of veterinary medicine as defined in sections 701(4) of the Act, or a school of pharmacy as defined in section 747 of the Act, which is located in a State as defined in section 701(11) of the Act, and which is accredited as provided in section 701(5) of the Act.

Methodology for Implementing the Statutory Special Consideration

A school's funding will be enhanced based on the extent of underrepresented minority student enrollment. (Refer to the section below on the procedures for allocating funds.)

Special consideration will be given to any school of medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine that provides information, according to instructions in the application materials, that evidences an underrepresented minority enrollment that exceeds the national average for the particular discipline.

For purposes of determining school eligibility for the special consideration, "underrepresented minorities" will be defined as Blacks, Hispanics, and Native Americans. Although certain Asian subgroups (i.e., Filipinos, Koreans, Pacific Islanders, and Southeast Asians) are considered to be underrepresented in the health professions and are included as minorities for purposes of program requirements relating to faculty recruitment and retention (see above), national data on these subgroups are not available as a basis for establishing national average enrollment of underrepresented minorities for the particular health professions discipline.

For purposes of the FY 1992 award cycle, the national average enrollments of Blacks, Hispanics, and Native Americans (in combination) are: for medicine, 12.7 percent; osteopathic medicine, 7.8 percent; dentistry, 13.5 percent; pharmacy, 11.2 percent; podiatric medicine, 17.5 percent; optometry, 9.4 percent; and veterinary medicine, 6.0 percent.

Procedures for Calculating Loans

Funds will be awarded on a per capita basis, by comparing the enrollment of each eligible school, weighted in accordance with any special consideration, with the total enrollment of all eligible schools. A school with an above average underrepresented minority enrollment will be given double credit (i.e., its enrollment will be doubled for awarding purposes). The basic procedure for awarding funds is in accordance with a statutory procedure which must be followed in awarding HPSL loan funds.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Loans for Disadvantaged Students Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Health People 2000 (Full Report; Stock No. 017–001–00474–0) or Health People 2000 (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Application Requests

The application form and instructions for this program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0149.

Requests for application materials and questions regarding program policy and business management should be directed to: Mr. Bruce Baggett, Chief, Student Institutional Support Branch, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8–34, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–4776.

Completed applications should be forwarded to the Student Institutional Support Branch at the above address.

The application deadline date is May 15, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) *Received on* or before the deadline date, or

(2) *Postmarked on* or before the deadline *and* received in time for consideration. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The Catalog of Federal Domestic Assistance Number for the Loans for Disadvantaged Students is 93.342. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: January 3, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–5374 Filed 3–6–92; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

Consolidation and Relocation of National Institutes of Health Management and Staff: Environmental Impact Statement

AGENCY: National Institutes of Health.

ACTION: Notice of intent.

SUMMARY: The National Institutes of Health (NIH) is issuing this notice to inform the public that an environmental impact statement (EIS), in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et. seq., will be prepared for the proposed consolidation and relocation of NIH management and staff. The proposed action involves the construction of a suitable building on the NIH campus located in Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Mr. William Fedyna, Office of Communications, National Institutes of Health, Building 1, room 350, 9000 Rockville Pike, Bethesda, Maryland 20892, telephone (301) 496–1776—this is not a toll-free number.

SUPPLEMENTARY INFORMATION: NIH has contracted with consultants to prepare an EIS to assess the environmental impacts of the proposed action that involves consolidation and relocation of NIH management and staff through the construction of a suitable building on the NIH Bethesda campus. A portion of the NIH staff now located on campus and in six leased buildings off campus would relocate to the new facility. The proposed facility would provide approximately 539,000 gross square feet of administrative offices, support and special purpose space. Special purpose space may include, but may not be limited to, a cafeteria, mail room, health unit, and loading dock. The proposed building would provide parking for some of the occupants and be within walking distance of the METRO station and bus stop.

Alternative actions to be considered in preparing the EIS include: (1) No action (maintain the status quo), (2) consolidation to a single existing facility off the NIH campus, (3) consolidation to a single new facility on the NIH campus.

A scoping meeting will be held at the Walter Johnson High School on March 16, 1992, at 7:30 p.m. Advertisements with details concerning the meeting will be posted in local newspapers. Individuals and representatives of business, community, and citizen groups are encouraged to present their views and concerns or information relating to pertinent environmental issues at the meeting.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, a list of contacts is being prepared. Contacts on the list will participate in addressing and resolving issues throughout the EIS process. The list will include individuals from government agencies, business interests, and citizen and community action groups. Comments or questions concerning this proposed action and the EIS are welcome and should be directed to the address and/or telephone number provided above.

Dated: February 27, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92–5392 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Dental Research; Meeting of Dental Research Programs Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Dental Research Programs Advisory Committee, National Institute of Dental Research, on April 7–8, 1992, in Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland, from 9 a.m. to recess on April 7 and 8:30 a.m. to adjournment of April 8. The entire meeting will be open to the public to discuss NIDR extramural research—Research Opportunities on Oral Health Needs of Special Care Populations. Attendance by the public will be limited to space available.

Dr. John D. Townsley, Associate Director for Policy and Coordination, extramural Program, NIDR, NIH, Westwood Building, Room 506, Bethesda, MD 20892 (telephone 301/496–7807) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research)

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5393 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the Planning Subcommittee of the Board of Regents of the National Library of Medicine

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Planning Subcommittee of the Board of Regents of the National Library of

Medicine on March 24–25, 1992, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to approximately 5 p.m. on March 24, and from 9 a.m. to adjournment on March 25. This is the final meeting in a series of three to discuss and determine the role of the National Library of Medicine in serving the information needs of those concerned with toxicology and the environment. Attendance by the public will be limited to space available.

Ms. Susan P. Buyer, Deputy Assistant Director for Planning and Evaluation of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, telephone 301–496–8834, will provide a summary of the meeting, a roster of subcommittee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institute of Health)

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5441 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meeting of the Division of Research Grants Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Division of Research Grants Advisory Committee, April 6–7, 1992, Wilson Hall, Building 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public, from 8:30 a.m. to 4:30 p.m. both days. The topics for the two-day meeting will include how study sections change or new ones are formed; framework for discussion of the NIH Strategic Plan; and women as applicants and grantees of NIH. Attendance by the public will be limited to space available.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone (301) 496–7534, will furnish a summary of the meeting and a roster of the committee members.

Dr. Samuel Joseloff, Executive Secretary of the Committee, Westwood Building, Room 449, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–7441, will provide substantive program information upon request.

Dated: March 2, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92–5442 Filed 3–6–92; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Migratory Birds: Development of an Agreement on Interpretation and Implementation of a Protocol on Subsistence Hunting of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of public meetings.

SUMMARY: This Notice is to inform the public that the Fish and Wildlife Service (Service) has scheduled a series of five meetings across the contiguous 48 States to allow opportunity for public comment on the proposal to develop an agreement with Canada to amend the subsistence hunting provisions of the Convention for the Protection of Migratory Birds concluded by the U.S. and Great Britain on behalf of Canada, in 1916. Meetings are also being held in Alaska but are not detailed in this Notice. The amendment would provide a basis for managing subsistence hunting or migratory birds in Alaska and Canada during what is otherwise the closed period presently prescribed by the Convention.

DATES: The dates for the scheduled meetings are listed in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Communications regarding this Notice should be addressed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, 634 Arlington Square, Washington, DC 20240, or Regional Director, Region 7, U. U. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503. The addresses of the scheduled meetings are listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 634 Arlington Square, Washington, DC 20240 (703/358–1714), or Regional Director, Attention Migratory Bird Coordinator, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503 (907/786–3423).

SUPPLEMENTARY INFORMATION: Meetings scheduled for the contiguous 48 States are as follows:

Portland, Oregon

April 7, 1992, 9 a.m. to Noon, 3rd Floor Conference Room, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon.

Washington, DC

April 17, 1992, 8:30 a.m. to Noon, Main Interior Auditorium, 1849 C Street, NW., Washington, DC.

Twin Cities, Minnesota

April 30, 1992, 8 a.m. to Noon, Visitor Center, Minnesota Valley National Wildlife Refuge, 3815 East 80th Street, Bloomington, Minnesota.

Sacramento, California

April 9, 1992, 9 a.m. to Noon, room 210, Downtown Federal Building, 001 "I" Street, Sacramento, California.

Denver, Colorado

April 27, 1992, 1 to 4 p.m. room 320, 134 Union Boulevard, Lakewood, Colorado.

With the exception of the Twin Cities, Minnesota location, the meetings detailed above were first announced in a general context in the Notice of Public Involvement published in the **Federal Register** on Thursday, January 9, 1992 (57 FR 922). The Twin Cities meeting has been added to provide better coverage across the U.S. In the same Notice of Public Involvement, meetings were announced for Alaska locations but the public was advised to contact the Service's Regional Office in Alaska to obtain more detailed information, such as dates and times, because of the possibility of a changing schedule. Meetings to be conducted in Alaska to solicit comment on this matter are being held at: Anchorage, Barrow, Bethel, Dilligham, Fairbanks, Ft. Yukon, Galena, Hooper Bay, Juneau, Kodiak, Kotzebue, Nome, Tok and Toksook Bay. The Alaska meetings are being held over the period February through April and many will have been completed at the time this Notice is published in the **Federal Register**.

As outlined previously, the reasons for the meetings are to better inform the public of the effort to modify the existing Convention with Canada and to gather information to be used in establishing a final Service position for negotiations. The history and recent progress by the U.S. and Canada in resolving this issue is explained in greater detail in the January 9, 1992, **Federal Register** Notice of Public Involvement.

The authority for the Service's actions in this matter is the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*).

Dated: February 24, 1992.

Suzanne Mayer,

Acting Director, Fish and Wildlife Service.

[FR Doc. 92–5432 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Acquisition of Digital Line Graph (DLG) Data

SUMMARY: The U.S. Geological Survey (USGS) needs to acquire Digital Line Graph (DLG) data digitized from USGS topographic maps for entry into National Digital Cartographic Data Base (NDCDB) as part of the public domain. The USGS recognizes the public benefit of acquiring DLG data prepared by public utilities, resource management organizations and other non-governmental organizations. The USGS wishes to identify other possible sources of DLG data for areas now lacking DLG coverage, and to determine the potential for cooperative acquisition of the data. When it is in the Government's interest, and subject to the availability of funds, the USGS intends to work with those source organizations to acquire DLG Data for NDCDB archiving and non-proprietary public distribution.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Attn Richard L. Kleckner, 590 National Center, 12201 Sunrise Valley Drive, Reston VA 22092, (703) 648–5741.

SUPPLEMENTARY INFORMATION This announcement does not solicit for contract support for specific USGS digital mapping requirements. The intent is to identify other sources of DLG data being prepared coincidentally by private organizations from USGS quads in support of their own mapping needs, and to determine whether the data can be acquired from the producer in DLG format or easily upgraded to DLG format and made available to the public domain by USGS. Proprietory data will not be accepted.

Acceptable data must meet the general requirements for content, accuracy, and format as detailed in USGS National Mapping Program Technical Instructions, "Standards for Digital Line Graphs", parts 1 and 2 issued 06/10/88 and part 3 issued 10/29/90. For example, ninety percent of all DLG elements digitized will be within 0.005 inches in any direction from the true position as found on the scale-stable source, with all remaining elements within 0.010 inches.

Subject to the availability of funds and capacity, the USGS will support acceptable projects by any one or a combination of the following: Funds, source materials, technical assistance, post collection processing or other materials or services. All joint/collaborative projects must be determined by the Department of the Interior and the USGS to serve the public interest.

Authority for This Program

Is contained in the Department of the Interior, U.S. Geological Survey Fiscal Year 1992 appropriation bill.

Application Forms

A broad agency announcement is expected to be available by mid April 1992. Prospective applicants are requested to state in writing their interest. Letters should be addressed to Nedra Stallone, Contracting Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 205A, Reston, VA 22092, (703) 648–7364).

Dated: February 12, 1992.

Jack J. Stassi,

Assistant Director for Administration.

[FR Doc. 92–5390 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

[NM–030–02–4212–24]

Emergency Closure of Trespass Bridge on BLM Administered Land in Otero County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: Notice is hereby given that effective March 2, 1992, all vehicle use is prohibited over a bridge located in T. 16 S., R. 9 E., Section 3, E½NE¼, NMPM. The bridge is located off of County Road A042, approximately 2½ miles southwest of La Luz, New Mexico in Otero County.

The purpose of the closure is to protect public health and safety. The authority for this closure is 43 CFR 8364.1. This designation remains in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Dwayne Sykes, Acting Multi-Resources Chief, Caballo Resource Area, 1800 Marquess, Las Cruces, New Mexico 88005 orat (505) 526–8228.

Dated: March 4, 1992.

Tim Salt,

Acting District Manager.

[FR Doc. 92–5508 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–FB–M

[NV–930–02–4212–13; N–54527]

Realty Action; Exchange of Public Lands in Elko, Eureka, and Clark Counties, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, N–54527.

SUMMARY: This exchange involves trading 47,149.50 acres of public lands in Elko and Eureka Counties and 389 acres of public lands in Clark County, as described in section I., for 10,131 acres of private land in Elko County and 3,178 acres of private land in Clark County, as described in Section II.

I.

The following described public lands in (A) Elko and Eureka Counties, and (B) Clark County, administered by the Bureau of Land Management, including the mineral estate with no known value, have been determined to be suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

A. Elko and Eureka County Selected Lands

Mount Diablo Meridian, Nevada

T. 31 N., R. 51 E.,
Sec. 2, S½.
T. 32 N., R. 51 E.,
Sec. 36, E½, SE¼NW¼, E½SW¼.
T. 45 N., R. 51 E.,
Sec. 5, SW¼, N½SE¼, SE¼SE¼;
Sec. 7, Lots 1–4, E½, SE¼NW¼, E½SW¼;
Sec. 8, N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 16, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 17, E½E½, N½NW¼, SW¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 18, Lots 1, 2, NE¼, E½NW¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼, N½SW¼.
T. 36 N., R. 52 E.,
Sec. 1, Lots 1–4, S½N½, SW¼;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 3, Lots 1, 2, S½NE¼, SE¼;
Sec. 10, E½, E½W½;
Sec. 11, All;
Sec. 12, All;
Sec. 14, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 24, NE¼, E½NW¼, S½;
Sec. 36, N½, SW¼, W½SE¼.
T. 39 N., R. 52 E.,
Sec. 3, Lot 2, SW¼NE¼, E½SE¼SE¼ SW¼, NE¼NW¼SE¼, E½NW¼NW¼ SE¼, S½NW¼SE¼, SW¼SE¼.
T. 40 N., R. 52 E.,
Sec. 14, SW¼, W½SE¼;
Sec. 15, E½E½SE¼, E½W½E½SE¼;
Sec. 22, E½E½;
Sec. 23, W½E½, W½;
Sec. 25, Lots 4–6;
Sec. 26, W½E½, W½;

Sec. 27, E½E½, E½E½NW¼NE¼, E½SW¼NE¼, E½W¼SE¼;
Sec. 33, W½NW¼SE¼, SE¼NW¼SE¼, W½W½SE¼SE¼;
Sec. 34, E½NE¼, E½W½NE¼, E½W½W½NE¼;
Sec. 35, W½NE¼, NW¼;
Sec. 36, Lots 1–6, S½SW¼, SE¼.
T. 40 N., R. 53 E.,
Sec. 7, Lots 5–9, 12.
T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 41 N., R. 54 E.,
Sec. 1, SE¼;
Sec. 11, N½N½;
Sec. 12, N½N¼, S½S½;
Sec. 13, NW¼;
Sec. 14, NE¼, W½NW¼;
Sec. 24, Lots 1, 2, 7, 8, N½.
T. 42 N., R. 54 E.,
Sec. 27, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 34, NE¼, NE¼NW¼, S½NW¼.
T. 30 N., R. 55 E.,
Sec. 12, E½E½NE¼, E½NE¼SE¼.
T. 39 N., R. 55 E.,
Sec. 1, Lots 6, 10, 11, 13, 14, 16, NE¼SW¼, E½NW¼SW¼, S½SW¼, W½SE¼;
Sec. 12, Lots 1–4, W½E½, W½;
Sec. 13, Lots 3, 4, NW¼, W½SW¼;
Sec. 23, E½SE¼SE¼NE¼, E½E½NE¼SE¼, SE¼SW¼NE¼SE¼, SW¼SE¼NE¼SE¼, E½SE¼SE¼, E½W½SE¼SE¼;
Sec. 24, Lots 1–4, SW¼NW¼, SW¼, W½SE¼;
Sec. 25, Lots 1–4, W½E½, W½;
Sec. 26, NE¼NE¼, SE¼NE¼NW¼NE¼, SE¼NW¼NE¼, S½NE¼, S½S½NW¼, E½NE¼SE¼NW¼, SW¼NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½;
Sec. 34, E½E½, SW¼SE¼;
Sec. 35, Lots 1–4, N½, N½S½;
Sec. 36, Lots 1–7, W½NE¼, NW¼, N½SW¼, NW¼SE¼.
T. 40 N., R. 55 E.,
Sec. 25, S½SE¼SW¼;
Sec. 30, Lots 2(unsurv.), 3(unsurv.), 4, W½NE¼, E½W½, NW¼SE¼.
T. 44 N., R. 55 E.,
Sec. 25, Lots 4, 9, 10, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 35, N½NE¼, NW¼;
Sec. 36, Lots 3, 4, N½NW¼.
T. 30 N., R. 56 E.,
Sec. 6, Lot 7, SE¼SW¼, SW¼SW¼SE¼;
Sec. 7, Lot 4, SW¼NE¼NE¼, SE¼NE¼, SE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 8, SW¼SW¼, S½NE¼SE¼, NW¼SE¼;
Sec. 9, NE¼SW¼, S½NW¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, S½SE¼;
Sec. 16, W½SW¼;
Sec. 17, S½NE¼, NW¼, NE¼SW¼, NE¼NW¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, SE¼SE¼;
Sec. 18, N½NE¼, NE¼SW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, N½NE¼NW¼, NE¼NW¼;
Sec. 20, NE¼NE¼NE¼;
Sec. 21, NW¼NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼.
T. 32 N., R. 56 E.,
Sec. 15, S½;
Sec. 21, E½;
Sec. 22, All;
Sec. 26, E½;
Sec. 33, All;
Sec. 34, All.
T. 33 N., R. 56 E.,
Sec. 26, N½, SE¼;
Sec. 30, NE¼NE¼, W½W½, SE¼SW¼, S½SE¼.
T. 35 N., R. 56 E.,
Sec. 16, N½NW¼;
Sec. 30, SW¼NE¼.
T. 38 N., R. 56 E.,
Sec. 4, Lots 1–4, S½N½, S½;
Sec. 6, Lots 1–7, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 8, All;
Sec. 10, N½NW¼;
Sec. 15, N½NE¼NW¼, SW¼NE¼NW¼, NW¼NW¼, N½SW¼NW¼;
Sec. 16, N½NE¼SW¼, SW¼NE¼SW¼, N½SW¼SW¼, N½NW¼SE¼;
Sec. 18, Lots 1–4, E½, E½W½;
Sec. 20, NW¼NE¼NE¼, N½SE¼NW¼, NW¼NW¼SW¼;
Sec. 30, Lots 1–4, N½NE¼, SW¼NE¼, NW¼SE¼NE¼, E½NW¼, NE¼SW¼, NW¼SE¼SW¼, NW¼NW¼SE¼.
T. 39 N., R. 56 E.,
Sec. 6, Lots 5, 6, SW¼SE¼, N½NW¼SE¼, SE¼, SW¼NW¼SE¼SE¼, W½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼, S½SE¼SE¼SE¼;
Sec. 7, Lot 1, E½NE¼NE¼SE¼, SE¼NE¼SE¼, SE¼SE¼;
Sec. 18, Lots 3, 4, E½;
Sec. 19, Lots 1–4, E½;
Sec. 30, Lots 1–4, E½;
Sec. 31, Lots 1–4, E½.
T. 44 N., R. 56 E.,
Sec. 7, Lots 12(unsurv.), 13;
Sec. 17, SE¼SW¼.
T. 30 N., R. 57 E.,
Sec. 31, Lots 1, 2, E½NW¼.
T. 32 N., R. 57 E.,
Sec. 6, Lots 1–6, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 8, S½NW¼.
T. 33 N., R. 57 E.,
Sec. 32, NE¼SW¼, S½SW¼.
T. 34 N., R. 58 E.,
Sec. 32, SW¼NW¼.
T. 35 N., R. 58 E.,
Sec. 1, Lots 1–4, S½N½, S½;
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 10, NE¼NE¼;
Sec. 11, NW¼SW¼.
T. 36 N., R. 58 E.,
Sec. 2, Lots 1–4, S½N½, S½;
Sec. 34, E½;
Sec. 35, S½N½N½, S½N½, N½NW¼NW¼, S½;
Sec. 36, SW¼NE¼, W½SE¼NE¼, S½NW½NW¼, S½NW¼, SW¼, W½E½SE¼, W½SE¼.
T. 31 N., R. 59 E.,
Sec. 10, Lots 3, 4, 6–10, E½SW¼,SW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, NW¼NW¼, N½SW¼NW¼;
Sec. 14, N½N½, N½S½NE¼;
Sec. 15, Lots 1–3, 6–11, 13–28, N½SE¼.
T. 35 N., R. 59 E.,
Sec. 2, Lot 4;
Sec. 10, W½E½, S½NW¼, SW¼;
Sec. 15, W½;
Sec. 16, N½;
Sec. 17, All;
Sec. 18, Lots 1, 2, NE¼, E½NW¼, N½SE¼.
T. 40 N., R. 59 E.,
Sec. 26, All;
Sec. 36, All.
T. 32 N., R. 60 E.,
Sec. 13, N½NE¼, N½SW¼NE¼, N½NW¼SE¼NE¼, NE¼NW¼, N½SE¼NW¼, N½S½SE¼NW¼;
Sec. 15, SE¼SW¼;
Sec. 22, E½SE¼.
T. 40 N., R. 60 E.,
Sec. 8, W½W½;
Sec. 12, NE¼SE¼;
Sec. 14, NW¼, N½SW¼, SW¼SW¼;
Sec. 16, Lots 1–4;
Sec. 20, SW¼NW¼, W½SW¼.
T. 41 N., R. 60 E.,
Sec. 19, SE¼;
Sec. 30, E½NE¼, SW¼NE¼, SE¼;
Sec. 36, S½SW¼, SW¼SE¼.
T. 42 N., R. 60 E.,
Sec. 5, Lots 1(unsurv.), 2, SW¼NE¼;
Sec. 8, NW¼SE¼.
T. 43 N., R. 60 E.,
Sec. 29, W½SE¼;
Sec. 32, W½NE¼, NW¼SE¼.
T. 32 N., R. 61 E.,
Sec. 18, Lot 1(unsurv.), NW¼NE¼NW¼.
T. 33 N., R. 61 E.,
Sec. 12, S½NE¼;
Sec. 13, SW¼NE¼, W½SE¼, SE¼SE¼.
Sec. 24, N½NE¼, SE¼NE¼.
T. 36 N., R. 61 E.,
Sec. 26, Lots 6, 7.
T. 37 N., R. 61 E.,
Sec. 5, Lots 1–4, S½N½, SE¼;
Sec. 8, E½NE¼;
Sec. 9, Lots 2–4, Parcels B, C, N½, NW¼SW¼, NE¼SE¼;
Sec. 10, Lots 2–4, NW¼, NE¼SW¼.
T. 38 N., R. 61 E.,
Sec. 32, S½S½SW¼, S½SE¼.
T. 41 N., R. 61 E.,
Sec. 1, S½NW¼, SW¼.
T. 42 N., R. 61 E.,
Sec. 5, SE¼SW¼, W½SE¼;
Sec. 8, NW¼NE¼, NW¼;
Sec. 11, SW¼SE¼, W½SE¼SE¼;
Sec. 14, N½N½NE¼, SW¼NW¼NE¼;
Sec. 18, NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 23, N½NW¼, SE¼NW¼;
Sec. 24, W½SW¼NW¼, SE¼SW¼NW¼;
Sec. 25, Lot 1(unsurv.), S½NW¼NE¼, N½SW¼NE¼;
Sec. 31, Lots 1–6, 8–11.
T. 33 N., R. 62 E.,
Sec. 7, Lots 1,2, SW¼NE¼, E½NW¼;
Sec. 8, E½, SE¼NW¼, E½SW¼;
Sec. 17, N½, SW¼;
Sec. 20, NW¼NE¼NW¼, NW¼NW¼, NW¼SW¼NW¼.
T. 36 N., R. 62 E.,
Sec. 10, W½SW¼NE¼, S½NW¼, E½E½SW¼, W½W½SE¼.
T. 37 N., R. 62 E.,
Sec. 3, Lots 3–8, 15, 16.
T. 38 N., R. 62 E.,
Sec. 30, Lots 2(unsurv.), 4, SW¼SW¼SE¼NW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

T. 39 N., R. 62 E.,
Sec. 28, N½NE¼, SE¼SE¼.
T. 40 N., R. 62 E.,
Sec. 36, NW¼NW¼, S½NW¼, N½SW¼, E½SE¼.
T. 42 N., R. 62 E.,
Sec. 25, SE¼NW¼;
Sec. 26, NE¼NE¼, NW¼SE¼;
Sec. 27, NE¼SW¼;
Sec. 34, Lots 1, 2(unsurv.).
T. 43 N., R. 62 E.,
Sec. 24, Lots 2, 3.
T. 38 N., R. 63 E.,
Sec. 18, NE¼;
Sec. 30, Lots 1(unsurv.), 2(unsurv.).
T. 39 N., R. 63 E.,
Sec. 2, Lot 4, SW¼NW¼, W½SW¼;
Sec. 6, Lots 1–3, 6, 7, SE¼NE¼, E½SW¼, SW¼SE¼;
Sec. 8, NE¼NE¼, NW¼;
Sec. 10, SE¼NE¼, S½;
Sec. 14, W½W½W½.
T. 40 N., R. 63 E.,
Sec. 32, NE¼NW¼, NW¼SW¼.
T. 43 N., R. 63 E.,
Sec. 3, SE¼NE¼;
Sec. 10, NW¼NE¼, NE¼NW¼;
Sec. 11, W½NE¼NW¼;
Sec. 18, N½NE¼NW¼.
T. 44 N., R. 63 E.,
Sec. 6, NE¼SE¼;
Sec. 9, NW¼SW¼;
Sec. 16, NW¼NE¼, E½SW¼NE¼;
Sec. 22, NE¼SW¼SW¼, S½SW¼SW¼;
Sec. 26, NE¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, NE¼SW¼;
Sec. 33, SE¼NE¼;
Sec. 34, SE¼SW¼.

Comprising 47,149.50 acres, more or less, and including four water rights or interests therein (Certificate Nos. 36420 [50% interest], 44877, 44974, and Application No. 44927).

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All oil and gas deposits.

3. All geothermal resources on the following described lands:

T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 44 N., R. 55 E.,
Sec. 35, N½NE¼, NW¼.
T. 31 N., R. 59 E.,
Sec. 10, Lots 3,4,6–10, E½SW¼, SW¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, NW¼NW¼, N½SW¼NW¼;
Sec. 14, N½N½, N½S½NE¼;
Sec. 15, Lots, 1–3, 6–11, 13–28, N½SE¼.
T. 42 N., R. 60 E.,
Sec. 5, Lots 1(unsurv.), 2, SW¼NE¼;
Sec. 8, NW¼SE¼.
T. 43 N., R. 60 E.,
Sec. 29, W½SE¼;
Sec. 32, W½NE¼, NW¼SE¼.
T. 37 N., R. 62 E.,
Sec. 3, Lots 3–8,15,16.
T. 38 N., R. 62 E.,
Sec. 30, Lots 2(unsurv.), 4, SW¼SW¼SE¼NW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

4. One-half interest in water right Certificate No. 36420.

5. An easement and right-of-way over, across, and upon a strip of land, 100 feet wide crossing Sections 2, 10, and 14 in T. 39 N., R. 63 E., as shown on the official Bureau of Land Management status records for the State of Nevada, and further identified in case file No. N–55365 for the full use as a road by the United States and its assigns, licensees, and permittees, including the right of access and use for and by the people of the United States generally to lands owned, administered, or controlled by the United States.

6. Easements and rights-of-way for roads over, across and upon strips of land 80 feet wide along existing roads crossing portions of the above described lands, as shown on the official Bureau of Land Management status records for the State of Nevada, and further identified in case file Nos. N–1122, N–5361, N–7851, N–51008, and N–55607 through N–55617, for the full use as roads by the United States and its assigns, licensees, and permittees, including the right of access and use for and by the people of the United States generally to lands owned, administered, or controlled by the United States.

7. Rights-of-way for fences, pipelines, and a well as reserved under rights-of-way Nos. N–55623 through N–55634, pursuant to title V of the Act of October 21, 1976 (43 U.S.C. 1767), and the right to enforce all or any of the terms and conditions of the rights-of-way, including the right to renew it or extend it upon its termination.

And will be subject to:

1. A restriction which constitutes a covenant running with the land, that the land, as listed below, may be used only for (1) agricultural purposes, but not for dwellings or buildings, or (2) for park and non-intensive open space recreation purposes, pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 25, 1977 (42 CFR 26955) and the Act of October 21, 1976, (43 U.S.C. 1716).

T. 33 N., R. 54 E.,
Sec. 2, S½SE¼.
T. 30 N., R. 55 E.,
Sec. 12, E½E½NE¼.
T. 39 N., R. 55 E.,
Sec. 1, Lots 6,10,11,13,14,16, NE¼SW¼;
Sec. 12, Lot 4;
Sec. 13, Lots 3,4;
Sec. 23, E½SE¼SE¼NE¼, E½E½NE¼SE¼;
Sec. 24, SW¼NW¼;
Sec. 26, E½NE¼NW¼NE¼, S½S½NW¼, S½;
Sec. 34, E½E½;
Sec. 35, N½.
T. 30 N. R. 56 E.,
Sec. 8, S½NE¼SE¼, NW¼SE¼;
Sec. 9, NE¼SW¼, S½NW¼SW¼, S½SE¼.
T. 35 N. R. 56 E.,
Sec. 16, N½NW¼.
T. 39 N. R. 56 E.,
Sec. 6, S½SE¼;
Sec. 7, Lot 1.
T. 35 N. R. 58 E.,
Sec. 2, S½N½, S½;
Sec. 11, NW¼SW¼.
T. 35 N. R. 59 E.,
Sec. 17, S½S½.
T. 40 N. R. 60 E.,
Sec. 8, W½W½;
Sec. 12, NE¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼.
T. 41 N. R. 60 E.,
Sec. 19, SE¼;
Sec. 30, E½NE¼, SW¼NE¼, SE¼.
T. 37 N. R. 62 E.,
Sec. 3, Lots 3–8, 15, 16.
T. 38 N. R. 62 E.,
Sec. 30, Lot 2(unsurv.), SW¼SW¼SE¼NW¼, NW¼SE¼, SE¼SE¼;
Sec. 31, N½NE¼NE¼NE¼, SE¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼, NW¼SW¼NW¼NW¼.

2. Those rights for highway purposes granted to the Nevada Department of Transportation, its successors or assigns by rights-of-way Nos. CC–018412, CC–018442, CC–019434, CC–020107, CC–021024, CC–021059, CC–023693, Nev-012205, Nev-027844, Nev-044165, Nev-047887, Nev-050001, Nev-05117, pursuant to the Act of November 9, 1921 (42 Stat. 216) and rights-of-way Nos. Nev-058170, Nev-062013, Nev-064983, Nev-065047, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

3. Those rights for material site purposes granted to the Nevada Department of Transportation, its successors or assigns by rights-of-way Nos. CC–019440, Nev-014501 pursuant to the Act of November 9, 1921 (42 Stat. 216) and rights-of-way Nos. Nev-058187, Nev-064946, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

4. Those rights for powerline purposes granted to Wells Rural Electric Company, its successors or assigns, by rights-of-way Nos. Nev-058476, N–17084, N–2110, N–43323, N–47134, pursuant to the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and rights-of-way Nos. N–1027, N–11194, N–6714, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

5. Those rights for powerline purposes granted to Sierra Pacific Power Company, its successors or assigns, by

rights-of-way Nos. CC–021208, N–37156, N–5421, N–54232, N–7639C, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), rights-of-way Nos. Nev-055032, N–7833, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961), and right-of-way No. Nev-058361 pursuant to the Act of February 15, 1901, as amended (formerly 43 U.S.C. 959).

6. Those rights for powerline purposes granted to Idaho Power Company, its successors or assigns, by right-of-way No. Nev-055364, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

7. Those rights for communication line purposes granted to CP National, its successors or assigns, by rights-of-way Nos. N–16732, N–19958, N–2235, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

8. Those rights for communication line purposes granted to AT&T, its successors or assigns, by right-of-way No. N–3335, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961), and by right-of-way No. N–46286, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

9. Those rights for communication line purposes granted to Nevada Bell, its successors or assigns, by right-of-way No. Elko-01655, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

10. Those rights for communication line purposes granted to Rural Telephone Company, its successors or assigns, by rights-of-way Nos. N–33412, N–46278, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

11. Those rights for communication line purposes granted to Beehive Telephone Company, its successors or assigns, by right-of-way No. N–46946, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

12. Those rights for communication line purposes granted to Lands of Sierra, its successors or assigns, by right-of-way No. N–39938, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

13. Those rights for railroad and station purposes granted to the Union Pacific Railroad, its successors or assigns, by rights-of way Nos. CC–016074, CC–04691, CC–04693, Elko-04896, Elko-04897, pursuant to the Act of March 3, 1875 (formerly 43 U.S.C. 934–939).

14. Those rights for communication site purposes granted to the Western Pacific Railroad, its successors or assigns, by right-of way No. N–39973, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

15. Those rights for railroad and station purposes granted to the Southern Pacific Railroad, its successors or assigns, by right-of way No. CC–04066, pursuant to the Act of March 3, 1875 (formerly 43 U.S.C. 934–939).

16. Those rights for roadway purposes granted to the City of Wells, its successors or assigns, by right-of-way No. N–41272, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

17. Those rights for roadway purposes granted to Elko County, its successors or assigns, by rights-of-way Nos. N–46210, N–46529, N–46530, N–46532, N–46755, N–48341, N–48343, N–48347, N–52546 pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

18. Those rights for roadway purposes granted to Eureka County, its successors or assigns, by right-of-way No. N–55117, pursuant to the Act of July 26, 1866 (43 U.S.C. 932).

19. Those rights for irrigation purposes granted to the Boies Ranches, its successors or assigns, by right-of-way No. N–6103, pursuant to the Act of March 3, 1891, as amended (formerly 43 U.S.C. 946–951).20.

An easement, 60 feet in width, along the north and east boundaries and 30 feet in width along the south and west boundaries of section 2, T. 36 N., R. 58 E. in favor of Elko County.

21. Those rights granted by oil and gas lease Nos. N–35910, N–38851, N–40808, N–41600, N–42225, N–43459, N–43484, N–43485, N–44141, N–46628, N–47968, N–48792, N–51693, N–53908, N–53911, N–53912, N–53915, N–53916, N–53919, N–53920, N–53921, N–53922, N–53923, N–53925, N–53926, N–53930, N–53933, N–55014, pursuant to the Act of February 25, 1920 as amended and supplemented (30 U.S.C. 181 et seq.). This patent is issued subject to the rights of the prior permittees or lessees to use so much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of the oil and gas leases printed above, and any authorized extension of those leases.

22. Those rights granted by geothermal lease Nos. N–49958, N–54748 pursuant to the Act of December 24, 1970 (30 U.S.C. 1001–1025). This patent is subject to the rights of the prior permittees or lessees to use so much of the surface of said land as is required for geothermal exploration and development operations, without compensation to the patentee for damages resulting from proper geothermal operations, for the duration of the geothermal leases, and any authorized extension of those leases.

Disposal of the above described land will be conditioned upon:

1. Execution of an agreement for a conservation easement to provide continued public access to and use of the Boies Reservoir in T. 43 N., R. 62 E., Section 24, W½.

2. Compensation for range improvements; any grazing permittee with a financial interest in an authorized permanent range improvement on the selected public lands will receive reasonable compensation for the adjusted value of their interest in accordance with Title 43 of the Code of Federal Regulations, Section 4120.3–6(c). Specific range improvements to be transferred are listed on pages 12–13 of Environmental Assessment #EA–NV–010–91–85.

3. Protection of cultural resources found to be eligible for listing on the National Register of Historic Places and/or significant paleontological sites. These sites will be mitigated or remain under the jurisdiction of the Bureau of Land Management.

4. Certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards the affected lands will not be transferred.

5. Partial revocation of withdrawal No. Nev-065863 which was issued to the Federal Energy Regulatory Commission as the holding agency, and Wells Rural Electric Company as the holder, its successors or assigns, pursuant to the Act of March 3, 1879, as amended (43 U.S.C. 31).

B. Clark County Selected Lands

Mount Diablo Meridian, Nevada

T. 19 S., R. 60 E.,
Sec. 6, Lots 13, 15–17;
Sec. 7, Lots 9–12, 15, 18–21.

Comprising 389.00 acres, more or less. The selected land in Clark County will be transferred only if the offered land values will permit with minimal equalization payment.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All the oil, gas, sodium and potassium and any other minerals of known value.

And will be subject to:

1. Those rights for highway purposes granted to Nevada Department of Highways, its successors or assigns by

rights-of-way Nos. CC–018138, CC–018191, CC–018234, pursuant to the Act of November 9, 1921 (42 Stat. 216).

2. Those rights for communication line purposes granted to Nevada Bell, its successors or assigns by right-of-way No. CC–021488, pursuant to the Act of March 4, 1911, as amended (formerly 43 U.S.C. 961).

3. Those rights for highway purposes granted to Nevada Department of Transportation, its successors or assigns by right-of-way No. N–46063 pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317).

4. A right-of-way for flood control purposes to be granted to the City of Las Vegas on the south 150 feet of the SW¼ of Section 7, T. 19 S., R. 60 E., MDM, Nevada, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761).

5. An easement of varying widths along the exterior boundaries of the property in favor of the City of Las Vegas, for road, public utilities and flood control purposes to insure continued ingress and egress to adjacent lands.

Disposal of the above described land will be conditioned upon certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards the affected lands will not be transferred.

II

In exchange for the above described public lands, the United States will acquire the following described private lands in (A) Elko County, Nevada, and (B) Clark County, Nevada, from Olympic Nevada, Inc.

A. Elko County Offered Lands

Mount Diablo Meridian, Nevada

T. 37 N., R. 55 E.,
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 35, All;
Sec. 36, All.
T. 38 N., R. 55 E.,
Sec. 1, All;
Sec. 11, All;
Sec. 13, All;
Sec. 15, E½;
Sec. 23, N½, SE¼;
Sec. 25, NE¼.
T. 39 N., R. 55 E.,
Sec. 3, Lot 9.
T. 37 N., R. 56 E.,
Sec. 2, S½SW¼.
T. 38 N., R. 59 E.,
Sec. 1, Lots 3, 4(within), SE¼NW¼, E½SW¼,E½SW¼NW¼,E½W½SW¼.
T. 39 N., R. 59 E.,
Sec. 24, That portion of the SE¼ of the SE¼ lying Southeasterly of a line drawn from the Northeasterly corner of said SE¼ of the SE¼, to the Southwesterly corner of said SE¼ of the SE¼;
Sec. 25, NE¼NE¼, NE¼SW¼. That portion of the NW¼ of the NE¼ lying Southeasterly of a line drawn from the Northeasterly corner of said NW¼ of the NE¼, to the Southwesterly corner of said NW¼ of the NE¼. That portion of the SE¼ of the NW¼ lying Southeasterly of a line drawn from the Northeasterly corner of said SE¼ of the NW¼, to the Southwesterly corner of said SE¼ of the NW¼. That portion of the NW¼ of the SW¼ lying Southeasterly of a line drawn from the Northeasterly corner of said NW¼ of the SW¼, to the Southwesterly corner of said NW¼ of the SW¼.
T. 40 N., R. 59 E.,
Sec. 1, Lots 3, 4(within);
Sec. 11, W½.
T. 41 N., R. 59 E.,
Sec. 25, S½;
Sec. 35, All.
T. 39 N., R. 60 E.,
Sec. 19, Lot 4.
T. 41 N., R. 60 E.,
Sec. 2, Lot 3(within), SE¼NW¼, E½SW¼, W½NW¼SE¼, SW¼SE¼;
Sec. 10, E½E½;
Sec. 11, NW¼, SE¼.
T. 42 N., R. 60 E.,
Sec. 20, NE¼NE¼.
T. 40 N., R. 61 E.,
Sec. 6, Lot 1, SE¼NE¼, E½SE¼.
T. 41 N., R. 61 E.,
Sec. 16, S½NE¼;
Sec. 30, Lots 3, 4, E½SW¼;
Sec. 31, Lots 3, 4, 5(within), 6, 11, 14(within).
T. 42 N., R. 62 E.,
Sec. 6, SW¼NW¼.

Comprising 10,131 acres, more or less, and including four partial water rights or interests therein (vested water right Nos. #04831 (10%), #04832 (50%), #04848 (20%), #04854 (5%). All of Olympic Nevada Inc.'s interest in the surface of the private lands will be transferred. No mineral rights will be transferred.

Acquisition will be subject to all valid existing rights and reservations found in First American Title Company's Amended Preliminary Title Report Nos. EL–416465.TO, EL–416465.TO.

Acquisition of the above described land will be conditioned upon:

1. Transfer of the following range improvements appurtenant to the above described lands to the Bureau:

Bureau related Project No.	Improvement Name
0661	Glaser Hansen Fence.
0507	Dorsey-Jackstone Creek Fence.
0654	Jackstone Fence.
4271	Sherman Creek Fence.
4119	Tom Cain Fence.
N/A	Water Gap Fence.
5204	Tabor Creek Exclosure No. 3.
N/A	Fence along Marys River Floodplain.
0250	Bull Pasture Fence.
0095	Tabor Creek Cattle Guard.
0281	Grock Fence.
0731	West Tabor Seeding.
N/A	Allotment Boundary Fences.
N/A	Allotment Boundary Fences.

Certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards by Olympic Nevada, Inc., the affected lands will not be accepted.

B. Clark County Offered Lands

Mount Diablo Meridian, Nevada

T. 21 S., R. 55 E.,
Sec. 11, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 12, NW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 14, NE¼, E½SW¼, W½SE¼;
Sec. 23, NW¼NE¼, E½NW¼, N½SW¼, SW¼SW¼;
Sec. 28, W½NW¼.
T. 22 S., R. 58 E.,
Sec. 20, NE¼SW¼(mtbse), SW¼SE¼.
T. 22 S., R. 59 E.,
Sec. 7, S½SW¼NE¼(mtbse), N½NW¼ SE¼(mtbse).
T. 23 S., R. 62 E.,
Sec. 21, S½N½, S½;
Sec. 22, S½NW¼, N½SW¼;
Sec. 28, N½, N½S½.
T. 14 S., R. 68 E.,
Sec. 7, N½NE¼, E½NW¼.
T. 15 S., R. 68 E.,
Sec. 24, E½NE¼, N½NE¼SE¼, N½S½N E¼SE¼, SE¼SW¼NE¼SE¼, S½SE¼N E¼SE¼, N½SE¼SE¼, N½SW¼S E¼SE¼, S½SE¼SE¼SE¼;
Sec. 25, S½N½NE¼NE¼;
Sec. 36, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼.
T. 14 S., R. 69 E.,
Sec. 12, NE¼NE¼(mtbse);
Sec. 32, SE¼SW¼;
Sec. 33, NW¼SW¼.
T. 15 S., R. 69 E.,
Sec. 5, Lots 3, 4, SE¼NW¼;
Sec. 19, Lot 4, SE¼SW¼;
Sec. 30, Lots 1 (within), 2, 3 (within), 4 (within), NE¼NW¼, S½SE¼;
Sec. 31, Lot 2 (within).
T. 13 S., R. 70 E.,
Sec. 33, SE¼SE¼.
T. 14 S., R. 70 E.,
Sec. 7, Lot 1.

Comprising 3,178 acres, more or less. All of Olympic Nevada Inc.'s interest in the surface of the private lands and the mineral rights will be transferred. There are no water rights associated with these lands.

The lands to be acquired by the United States from Olympic Nevada, Inc. shall be subject to all valid existing rights and reservations found in Nevada Title Company's Preliminary Title Report Nos. 90–12–0335, 90–09–0255, 91–01–0415, 91–02–0081, 91–01–0726, 91–02–0139, 91–02–0080, 91–02–0053, 91–02–

0141, 91–02–0140, 91–01–0920, 91–02–0055, 91–02–0792, 91–02–1089, 91–03–0303, 91–08–0329, 91–04–0595, 91–02–0284, 90–12–0550, and in Las Vegas Title & Escrow Company's Preliminary Title Report No. 23550FQ.

Acquisition of the above described land will be conditioned upon certification that there is no hazardous material contamination. If sites cannot be brought to Bureau standards by Olympic Nevada, Inc., the affected lands will not be accepted.

SUPPLEMENTARY INFORMATION: This exchange mitigates the loss of property tax revenues resulting from a previous exchange. (See Decision Record from the Marys River Land Exchange, EA–010–90–050, May 1991.)

The exchange is consistent with, and implements decisions from both the Wells and Elko Resource Management Plans through consolidation of private and public land ownership patterns in both Resource Areas. The exchange will place public land into private ownership, increasing the tax base in Elko County; thereby mitigating the loss of tax base resulting from the Marys River Land Exchange.

The acquired lands in Clark County will facilitate Colorado River salinity control, provide potentially important recreational opportunities, as well as provide important habitat for wildlife and desert tortoise. Obtaining desert tortoise habitat will mitigate the loss of low potential tortoise habitat that exists on affected public lands in the city of Las Vegas, including those lands transferred in the earlier Marys River Land Exchange. This action also implements the Clark County Management Framework Plan by disposing of public land in the Las Vegas Valley.

All of the above described lands will be subject to an appraisal to determine the value of the lands to be exchanged. If necessary, land values may be equalized through an acreage adjustment and/or payment by the exchange proponent in accordance with 43 CFR 2201.5(c)(2).

It has been determined that disposal of these public lands by this exchange is of greater public benefit than allowing entry and possible disposal under the Desert Land Act. Therefore, the lands requested in the following desert land entry applications have been determined to be unsuitable for classification under the Desert Land Act: N–22404, N–22871, N–22872, N–22873, N–30389, N–38762, N–46470.

The Notice of Realty Action that was published in the **Federal Register** on May 28, 1991 repealed and replaced any and all land classifications on the above described public lands *nunc pro tunc*.

The grazing preference on the above described public lands in Elko and Eureka Counties will be deducted from grazing permits. Disposal of these public lands will result in reductions to the following grazing permits:

Permittee	Allotment	AUM reduction
Walter Winchell	Bishop Flat	111
Vernon Dalton	Cedar Hill	82
Lee Livestock	Chimney Creek	552
Kenneth Johns	City	39
Frank & Phyllis Hooper.	Clover Creek	212
Glaser Land & Livestock.	Coal Mine Basin	1,325
Gund Ranches	Cottonwood	204
Vernon Dalton	Dalton	15
Russell Ranches	Double Mountain	36
Van Norman Ranches.	Eagle Rock	917
N. Fork Cattle Co.	Evans	140
Maggie Creek Ranch.	Hadley	1,252
M. Jeffrey Dahl	Healfly	66
Robert Wright Co	Holborn	15
Frank & Phyllis Hooper.	Horsefly	465
W.H. Gibbs Co	Hotcreek	97
Boies Ranches	Hubbard Vineyard	88
Petan Company	Indian Creek	505
Miller & Wood Ranches.	Morgan Hill	33
Heguy Bros	Morgan Hill	3
Glaser Land & Livestock.	North Fork Group	1,187
Neff Ranches	Ruby #6	86
Neff Ranches	Ruby #5	22
Palisade Ranch	Safford Canyon	50
Pete Marble	Secret	144
J.M. Smiley, et al.	Smiley	9
Warm Springs Ranch.	Snow Water Lake	108
Gund Ranches	South Fork	592
Marys River Ranch.	Stormy	918
James Wright	Taylor Canyon	88
Walter Winchell	Town Creek	50
Dalton Livestock	Wells	46
Ray Mendive	Wild Horse Group	81
Reed Ranching Co.	Willow	23
Demar Dahl	Wood Hills	11

Unless the two year notification is waived for the above described deductions, deductions will occur on May 28, 1993 in accordance with 43 CFR 4110.4.

The public lands in Clark County are not within a grazing allotment, therefore no reduction in grazing privileges is required.

Livestock carrying capacity associated with the offered lands will be added to existing grazing permits in accordance with 43 CFR 4110.4. Upon acceptance of title, the offered lands will become public lands, thus resulting in the increase to the following grazing permits:

Permittee	Allotment	AUM increase
William Spratling	Black Butte	73
Glaser Land & Livestock.	Coal Mine Basin	926
Tabor Ck. Cattle Co.	Death	41
Boies Ranches	Hubbard Vineyard	8
Glaser Land & Livestock.	North Fork Group	797
Marys River Ranch.	Stormy	479

Future livestock grazing on the Clark County offered lands in Block I will be in accordance with the Tortoise Management Area stipulations.

The following described public lands in Elko County have moderate or high potential for certain minerals. The value of these minerals will be appraised with the surface estate and mineral interests will be transferred if consistent with the objectives of the exchange; otherwise, they will be reserved to the United States and included with those reservations listed under section I.A.3., or the lands will be dropped from the exchange.

a. Lands containing moderate or high potential for valuable minerals:

T. 45 N., R. 51 E.,
Sec. 7, S½;
Sec. 8, SW¼;
Sec. 17, W½;
Sec. 18, N½.
T. 40 N., R. 52 E.,
Sec. 25, Lots 5, 6;
Sec. 36, Lots 1, 2, 4–6, SE¼SW¼, SE¼.
T. 40 N., R. 53 E.,
Sec. 7, Lots 5–8, 12.
T. 38 N., R. 56 E.,
Sec. 18, S½.
T. 42 N., R. 61 E.,
Sec. 11, SW¼SE¼, W½SE¼SE¼;
Sec. 14, N½N½NE¼, SW¼NW¼NE¼.
T. 42 N., R. 61 E.,
Sec. 23, N½NW¼, SE¼NW¼.
T. 42 N., R. 61 E.,
Sec. 24, W½SW¼NW¼, SE¼SW¼NW¼.
T. 42 N., R. 61 E.,
Sec. 25, Lot 1(within), S½NW¼NE¼, N½SW¼NE¼.
T. 41 N., R. 61 E.,
Sec. 1, S½NW¼, SW¼.

b. Lands containing high potential for saleable minerals:

T. 31 N., R. 59 E.,
Sec. 10, SE¼SE¼SE¼.
T. 35 N., R. 59 E.,
Sec. 17, W½;
Sec. 18, N½, N½SE¼.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice shall segregate the affected public lands from appropriation under the public lands laws, including the mining laws, but not the mineral leasing laws, and from any subsequent land exchange proposals filed by any proponent other than Olympic Nevada, Inc. This segregation will terminate upon the issuance of patent or two years from the date of publication of the original Notice of Realty Action published in the **Federal Register** on May 28, 1991 (56 FR 24088), or upon publication of a notice terminating the segregation.

Further information regarding this exchange, including the Environmental Assessment, is available at the Elko District Office, Bureau of Land Management, P.O. Box 831, 3900 East Idaho Street, Elko, Nevada 89801. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Elko District, at the above address. All objections will be reviewed by the Nevada State Director who may sustain, vacate, or modify this realty action. In the absence of timely objection, this realty action shall become the final determination of the Department of the Interior.

Dated: March 2, 1992.

Rodney Harris,

Elko District Manager.

[FR Doc. 92–5300 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–HC–M

[NV–02–4212–22]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATE: Filing was effective at 10 a.m. on February 24, 1992.

FOR FURTHER INFORMATION CONTACT: John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management, (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6543.

SUPPLEMENTARY INFORMATION: 1. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on February 24, 1992:

Mount Diablo Meridian, Nevada

T. 34 N., R. 51 E.—Dependent Resurvey
T. 11 N., R. 21 E.—Dependent Resurvey and Survey

2. These surveys were accepted February 10, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

3. The Plats of Survey of lands described below were also officially filed at the Nevada State Office, Reno, Nevada on February 24, 1992:

T. 21 S., R. 58 E.—Dependent Resurvey and Survey
T. 21 S., R. 59 E.—Dependent Resurvey and Survey

4. These surveys were accepted February 12, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

5. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Robert G. Steele,

Deputy State Director, Nevada.

[FR Doc. 92–5302 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–HC–M

(NV–050–92–4214–10; N–16095)

Determination Regarding Opening of Nellis Air Force Range Withdrawn Lands to Mineral Exploration and Development; NV

February 25, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with section 12 of Public Law 99–606, as amended by Public Law 100–338 in 1988, the Nevada State Director has determined, after conferring with the Commander, Nellis Air Force Base, that no withdrawn lands within the Nellis Air Force Range are suitable to opening for operation under the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts. The Nellis Air Force Range is used as high hazard tactical and weapons training area and is closed to the public.

FOR FURTHER INFORMATION CONTACT: Curtis G. Tucker, Area Manager, Bureau of Land Management, Caliente Resource Area, Las Vegas District, P.O. 237, Caliente, Nevada 89008, 702–726–3141.

SUPPLEMENTARY INFORMATION: The Military Lands Withdrawal Act of 1986 (Pub. L. 99–606), as amended, provided for the withdrawal of lands for military purposes in four states, including 2,209,326 acres in Clark, Lincoln, and Nye Counties of Nevada for the Nellis Air Force Range (see **Federal Register** Notice Vol. 53, No. 131, pages 25694–25696, dated July 8, 1988, for the legal description of the affected lands). Section 12(a) requires that the Secretary of the Interior, with the concurrence of the Secretary of the appropriate military department, determine which, if any, of the withdrawn lands may be considered for opening to operation under the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, as amended, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts. The Department of the Air Force has closed the Nellis Air Force Range from public access. The intent of the closure is threefold: to protect the public from injury due to ordnance hazards; to ensure that national security is not compromised; and to ensure that military programs can be conducted without disruption. Therefore, it has been determined that no withdrawn lands within Nellis Air Force Range are suitable to opening for mineral exploration and development.

Billy R. Templeton,

State Director, Nevada.

[FR Doc. 92–5303 Filed 3–6–92; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 65–92]

Privacy Act of 1974; Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is provided that the Department of Justice, Immigration and Naturalization Service, proposes to modify a system of records entitled, "Alien Status Verification Index, JUSTICE/INS–009," which was last published in the **Federal Register** (55 FR 49180) on November 26, 1990.

Section 101(d) of the Immigration Reform and Control Act (IRCA) of 1986 provides a congressional mandate for the Attorney General to study and report to Congress on the use of a Telephone Verification System (TVS) by employers to determine the employment eligibility of aliens. Executive Order 12781 authorizes a pilot project for a period of three years for this purpose. Therefore, the TVS is the basis for a new routine use designated as C. and for related changes which are consistent with the new routine use. In addition, routine use D. has been added to permit a private contractor access to perform

maintenance and administrative support operations, and further clarification of routine use A. as it relates to the issuance of "benefits" has been included as new routine use B. Finally, other changes have been made to clarify the system description. To the extent possible, the changes have been italicized for public convenience.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on any new use or intended use of information in the system. Therefore, please submit any comments by April 8, 1992. Comments may be submitted to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Justice Management Division, Department of Justice, Washington, DC 20536 (Room 1103, CAB Building).

The modified system description is printed below.

Dated: February 26, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/INS-009

SYSTEM NAME:

Alien Status Verification Index.

SYSTEM LOCATION:

Immigration and Naturalization Service (INS), 425 I Street NW., Washington, DC 20536.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by provisions of the immigration and nationality laws of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an index of aliens and other persons on whom INS has a record as an applicant, petitioner, beneficiary, or possible violator of the Immigration and Nationality Act. Records *include* index and file locator data *such as last and first* name, alien registration number (or "A-file" number), date and place of birth, social security account number, date coded status transaction data *and* immigration status classification, *verification number, and an employment eligibility statement.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 101 and 121 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1360, 8 U.S.C. 1324a, 20 U.S.C. 1091, 42 U.S.C. 1436a, 42 U.S.C. 1320b-7, and Executive Order 12781.

PURPOSE:

This system of records is used to *verify the alien's immigrant, non-immigrant, and/or eligibility status for any purpose consistent with INS statutory responsibilities.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To a Federal, State, or local government agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

B. To authorized non-INS agencies and organizatons including Federal, State and local Government agencies, to perform their own automated verification of an alien's immigrant status or non-immigrant status and/or eligibility for employment, unemployment compensation or other benefits, when those entities have been authorized by Federal statute or Executive Order of the Presdient to obtain such verification from the INS. Such agencies and organizations are assigned appropriate access codes for remote access through secured terminals. Records may also be disclosed to these agencies for use in computer matching programs for the purpose of making eligibility determinations.

C. To employers for verifying the employment eligibility of aliens to work in the United States in compliance with employer sanctions of the 1986 Immigration Reform and Control Act. Employers are assigned secure access codes and will have access through touch-tone telephone and/or point of sale equipment.

D. To the private contractor for maintenance and for other administrative support operations (e.g., preparing for INS management reimbursable cost reports etc. based on user access), to the extent necessary to perform such contract duties.

E. To other Federal, State, or local government agencies for the purpose of verifying information in conjunction with the conduct of a national intelligence and security investigation or for criminal or civil law enforcement purposes.

F. To the news media and the public pursuant to 23 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

G. To a Member of Congress or staff acting upon the Member's behalf when the Member of staff request the information on behalf of and at the request of the individual who is the subject of the record.

H. To the National Archives and Records Administration (NARA) and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disk and tape.

RETRIEVABILITY:

Records are indexed and retrievable by name and date and place of birth, or by name and social security account number, by name and A-file number.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice *Orders governing security of automated records and Privacy Act systems of records.* Access is controlled by restricted password for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

A request for disposition authority is pending the approval of NARA.

SYSTEM MANAGER AND ADDRESS:

The *Assistant Commissioner, Records Systems Division,* Immigration and Naturalization Service, 425 I Street NW., Washington, DC., is the sole manager of the system.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager listed above.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record from this system shall be in writing. If a request for access is made by mail the envelope and letter shall be clearly marked "Privacy Act Request." The requester shall include the name, date and place of birth of the person whose record is sought and if known, the alien file number. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct *his or her* request to the System Manager or to the INS office that maintains the *file.* The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Basic information contained in this system is taken from Department of State and INS applications and reports on the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 92-5125 Filed 3-4-92; 8:45 am]

BILLING CODE 4410-10-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 27, 1992, a proposed Consent Decree in *United States* v. *Olin Hunt Specialty Products, Inc. et al,* Civil No. CA-920106, was lodged with the United States District Court for the District of Rhode Island resolving the matter. The proposed Consent Decree concerns the response to the existence of hazardous substances at the Western Sand Site ("Site") in Smithfield and Burrillville, Rhode Island, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended.

Under the terms of the Consent Decree, five (5) parties agree to perform the entire remedial design and remedial action for the third operable unit for the Site, including full reimbursement of future oversight costs associated with the remedy. The remedial action to be performed for the third operable unit includes:

1. Restoration of contaminated groundwater by natural attenuation with contingent active restoration;

2. Utilization of institutional controls to reduce the risk to pubic health from consumption of the groundwater; and

3. Implementation of a site monitoring program that shall include, at a minimum, long-term monitoring of the overburden groundwater.

The remedy has an overall expected cost, including oversight costs, of $4,746,799.00. Thirty-three (33) additional parties agree to contribute $1,574,816.18 toward the cost of the remedial design and remedial action. The defendants also will reimburse the United States for $850,074.39 in past costs related to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Olin Hunt Specialty Products, Inc., et al.,* D.J. Ref. 90-11-2-688.

The proposed Consent Decree may be examined at the Region 1 Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20044, (202) 347-7829. A copy of the proposed Consent Decree (excluding Appendices) may be obtained in person or by mail from the Document Center. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $32.50 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92-5370 Filed 3-6-92; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

United States v. Borland International, Inc., et al.; Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(a) and (b), the United States publishes below the comments it received on the proposed Final Judgment in *United States* v. *Borland International, Inc. and Ashton-Tate Corporation,* Civil Action No. C 91 3666 MHP, United States District Court for the Northern District of California, together with the response of the United States to those comments.

Copies of the response and the public comments are available on request for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530 and for inspection at the Office of the Clerk of the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

In the matter of *United States of America,* Plaintiff, v. *Borland International, Inc., and Ashton-Tate Corporation,* Defendants.

Patricia A. Shapiro, Brent E. Marshall, Kenneth W. Gaul, Attorneys, U.S. Department of Justice, Antitrust Division, 555 Fourth Street, NW., Washington, DC 20001, (202) 514-5798, Counsel for Plaintiff, United States of America.

Filed: 2/28/92.

[Civil Action No. C 91 3666 MHP]

Response of the United States to Public Comments and Motion of the United States for Entry of Final Judgment

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(g)) ("APPA"), the United States of America hereby files its Response to Public Comments and moves for entry of the proposed Final Judgment in this civil antitrust proceeding.

I. Introduction

After carefully reviewing the comments submitted on the proposed Final Judgment, the United States remains convinced that entry of the proposed Final Judgment is in the public interest.

II. Background

This action began on October 17, 1991, when the United States filed a complaint alleging that the acquisition of Ashton-Tate Corporation ("Ashton-Tate") by Borland International, Inc. ("Borland") violated section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleged that the effect of the acquisition may be substantially to lessen competition in the sale of relational database management system ("RDBMS") software for IBM and IBM-compatible personal computers ("PCs") running the MS-DOS/PC-DOS operating system ("DOS") in the United States.

On October 17, 1991, the United States filed a Stipulation between the United States and defendants Borland and Ashton-Tate for entry of the proposed Final Judgment, and on October 22, 1991, the United States filed a Competitive Impact Statement explaining the basis for the complaint and for the United States' conclusion that entry of the proposed Final Judgment would be in the public interest. The proposed Final Judgment provides relief by enjoining Borland from initiating any claim that asserts copyright infringement in the command names, menu items, menu command hierarchies, command

languages, programming languages, and file structures used in Ashton-Tate's dBASE family of products and directing Borland to dismiss Ashton-Tate's pending copyright suit against Fox Software, Inc. ("Fox"), with prejudice within fifteen days following the dismissal with prejudice of Fox's counterclaims against Ashton-Tate.

The Stipulation provides that the proposed Final Judgment may be entered by the Court after completion of the procedures required by APPA.

III. Compliance With APPA

Upon publication of this Response in the **Federal Register**,[1] the procedures required by APPA will be completed, and the Court may enter the proposed Final Judgment. The United States hereby certifies that it has complied with all the other provisions of the APPA, 15 U.S.C. 16(b)–(d) and states:

A. Stipulation, Proposed Final Judgment and Competitive Impact Statement

The United States has caused the Stipulation between the parties for entry of the proposed Final Judgment and the proposed Final Judgment to be filed with the Court on October 17, 1991, and the Competitive Impact Statement, in the form prescribed by 15 U.S.C. 16(b), to be filed with the Court on October 22, 1991, and it has caused those documents to be published in the **Federal Register** (56 FR 56096, October 31, 1991).[2] It has also furnished copies of these documents to all persons who have requested them.

B. Newspaper Notices

The United States has caused newspaper notices of the proposed Final Judgment and its Competitive Impact Statement to be published in the San Francisco Chronicle and Washington Post in accordance with the procedures set forth in 15 U.S.C. 16(c).[3]

C. Statements Regarding Communications

As required by 15 U.S.C. 16(g), defendants Borland and Ashton-Tate on October 22, 1991, filed with the Court a description of communications, by or on behalf of the defendants, with officers and employees of the United States concerning the proposed Final Judgment.

D. Waiting Period, Comments and Publication of Comments and Response

The 60-day comment period prescribed in 15 U.S.C. 16(d) expired on January 2, 1992. The United States received two comments between October 31, 1991 and January 2, 1992. In accordance with the APPA, the United States has evaluated the two comments and responds to them below.[4]

E. Response to Comments

The United States received two comments regarding the proposed Final Judgment—one from the American Committee for Interoperable Systems ("ACIS") [5] and the other from plaintiffs in *Expert Information Service, Inc.* verses *Ashton-Tate Corporation*, Civ. No. 91–0893 TJH (C.D. Calif., filed Feb. 19, 1991) ("*EIS*").[6] Both comments address the terms of the proposed Final Judgment from the perspective of improper extension of intellectual property protection and copyright law.

ACIS supports the proposed Final Judgment, recognizing that "the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party * * *." *ACIS Comments* at 6, *citing* 56 FR 56096 at 56100. ACIS does state, however, that while "the Antitrust Division reached its conclusion * * * on the antitrust merits, the relief contained in the proposed Final Judgment is consistent with copyright principles." *ACIS Comments* at 2.

ACIS expresses a concern with reference to section IV.B of the proposal Final Judgment's use of the phrase "structure, sequence and organization" of computer program code. ACIS urges removal of the reference because it is not an accepted term of art either in the computer industry or under copyright law and because the Copyright Office will not register a copyright in the structure, sequence and organization of a computer program. *Id.* at 7 n.4. Section IV.B, however, does not impose any obligations on Borland nor does it create any rights in any party, it merely clarifies that Borland is not prevented from asserting copyright claims except for those claims specifically barred by section IV.A. The United States takes no position on the degree of protection, if any, afforded the phrase "structure, sequence and organization" or any other therm listed in section IV.B. The United States, therefore, does not believe that this change is necessary for the proposed Final Judgment to adequately address the antitrust violations alleged in the complaint.

The *EIS* plaintiffs, a class of dBASE software consumers, disapprove of the proposed Final Judgment because it has no effect on their class action suit challenging the validity and appropriateness of Ashton-Tate's copyright claims related to its dBASE software. First, *EIS* suggests that if the Fox claims against Ashton-Tate are valid, then the class claims are also valid, and thus if settling the Fox claims is a condition to approving the acquisition, then settling the class claims should also be a condition. Second, they suggest that the proposed Final Judgment raises issues regarding the validity of Ashton-Tate's copyrights, and therefore, the *EIS* plaintiffs should be included as parties to the proposed Final Judgment.

These arguments are based on a misunderstanding of the antitrust nature of this proceeding and of the relief contained in the proposed Final Judgment. First, as previously described, this is an antitrust case brought by the United States because it concluded that Borland's acquisition of Ashton-Tate violated section 7 of the Clayton Act. As stated in the Competitive Impact Statement, in settling the case

> the United States sought to assure the continued availability of competitive alternatives by requiring Borland to relinquish certain copyright claims acquired through its acquisition of Ashton-Tate. In requiring this relief, *the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party to this Final Judgment or any third party or on the appropriateness of asserting any such claims.*

Competitive Impact Statement at 10–11, 59 FR at 56100. (emphasis added). The purpose of the relief was to protect against the possible exercise of market power by Borland after the acquisition, not to provide redress for any alleged

[1] Upon filing of this Response with the Court, the United States began procedures for publication of this Response in the **Federal Register**. Publication in the **Federal Register** generally takes five to seven days. The United States will advise the Court of the **Federal Register** publication date. The United States is required to publish its Response and the public comments one time in the **Federal Register**.

[2] A copy of the **Federal Register** notice is attached to this Response as exhibit A.

[3] A copy of the Certificates of Publication are attached to this Response as exhibit B.

[4] The two comments are attached to the Response as exhibit C. An appendix of court documents to the Expert Information Services, Inc. plaintiffs' comment may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washington, DC 20530 and at the Office of the Clerk of the United States District Court for the Northern District of California.

[5] ACIS is an informal organization of companies that develop innovative software and hardware products that interoperate with computer systems developed by other companies.

[6] The *EIS* plaintiffs brought a class action on behalf of themselves and all other similarly situated dBASE program purchasers and licensees, to recover damages and obtain injunctive relief against Ashton-Tate for illegally enforcing invalid copyrights and thereby monopolizing or attempting to monopolize the database management system market in violation of the federal antitrust laws. The *EIS* plaintiffs also allege RICO, 18 U.S.C. 1961, *et seq.*, violations, and state law claims for breach of contract, fraud and deceit, negligent misrepresentation, unfair competition and unjust enrichment.

exercises of market power unrelated to the acquisition.

Moreover, the United States expressly disclaimed any views as to the validity or invalidity of any claims to copyright protection. *Id.* The validity of Fox' claims, *i.e.*, its counterclaims against Ashton-Tate, is not at issue in this antitrust case, nor is settlement of these claims a pre-condition to approving the acquisition. Thus, even if Ashton-Tate's claims and Fox' counterclaims present issues also present in the *EIS* class action, the *EIS* plaintiffs have stated no basis that makes their claims relevant to the resolution of this antitrust case or justifies their inclusion as parties to the proposed Final Judgment.

The issue in an APPA proceeding is "[w]hether the relief provided * * * was adequate to remedy the antitrust violations alleged in the complaint." [7] The comments do not dispute the United States' conclusion that the relief provided by the proposed Final Judgment effectively will remedy the antitrust violations alleged in the Complaint. The proposed Final Judgment will guard against possible anticompetitive effects which might have otherwise occurred as a result of the proposed acquisition. The prohibition against Borland initiating any claim that asserts copyright infringement in the programming languages, commands, menus, and file structures used in Ashton-Tate's dBASE family of products, and related relief regarding the existing lawsuit against Fox, will maintain competition in the market for RDBMS software for the DOS operating system.

The comments raise no new contentions related to competition that have not already been considered by the United States before agreeing to the proposed Final Judgment and contain no factual or policy arguments that would justify a judicial refusal to enter the proposed Final Judgment.

In sum, the public comments on the proposed Final Judgment do not demonstrate that the proposed Final Judgment would be inadequate to address the antitrust violations alleged in the complaint and do not provide grounds for rejecting, or even modifying, the proposed Final Judgment. To the extent that the comments relate to copyright claims and other issues of copyright law, it is unnecessary for this Court to resolve such issues to find the proposed Final Judgment is in the public interest.

F. Public Interest Determination

Pursuant to the Stipulation filed on October 17, 1991, and 15 U.S.C. 16(e), the Court may enter the proposed Final Judgment after it determines that the proposed Final Judgment serves the public interest. The United States' Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. 16(e). Accordingly, the United States requests that this Court enter the proposed Final Judgment without further hearings. Counsel for Defendants have authorized the United States to state that Defendants join in this request.

IV. Conclusion.

For the reasons set forth in the Competitive Impact Statement and this Response, the Court should find that the proposed Final Judgment is in the public interest and should enter the proposed Final Judgment after publication of this Response in the **Federal Register**.

Respectfully submitted,

Constance K. Robinson,
Chief, Communications & Finance Section.
Richard L. Rosen,
Assistant Chief, Communications & Finance Section.
United States Department of Justice, Antitrust Division.
Patricia A. Shapiro,
Brent E. Marshall,
Kenneth W. Gaul,
Attorneys, United States Department of Justice, Antitrust Division, 555 Fourth Street, NW., Room 8104, Washington, DC 20001, (202) 514–5796.

Dated: February 28, 1992.

Exhibits A and B

Exhibit A, the Final Judgment as originally proposed, the Competitive Impact Statement, and the Stipulation, previously were published in the **Federal Register** (56 FR 56096, October 31, 1991) and are not republished herein. Exhibit B, copies of affidavits of publication of newspaper notices of the proposed Final Judgment and Competitive Impact Statement, also are omitted from publication herein; these may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washinton, DC 20530 and at the Office of the Clerk of the United States District Court for the Northern District of California.

Exhibit C

December 27, 1991

Ms. Constance K. Robinson,
Chief, Communication and Finance Section, Antitrust Division, U.S. Department of Justice, 555 4th Street, NW., Room 8104, Washington, DC 20001

Re: *United States v. Borland International, Inc., et al.*

Dear Ms. Robinson: Attached are the comments of the American Committee for Interoperable Systems on the Proposed Final Judgment in the above-referenced case. We understand that pursuant to 15 U.S.C. 16(d) these comments, along with the Antitrust Division's response, will be published in the **Federal Register**. If you have any questions concerning these comments, please do not hesitate to contact me.

Sincerely,

Peter M.C. Choy

Attachment

Comments of The American Committee for Interoperable Systems on the Proposed Final Judgment in United States v. Borland International, Inc., et al.

The American Committee for Interoperable Systems ("ACIS") is an informal organization of companies that develop innovative software and hardware products that interoperate with computer systems developed by other companies.[1] The members of ACIS believe that computer programs deserve strong intellectual property protection to provide developers with sufficient incentives to create new computer programs. At the same time, ACIS members are concerned that the improper extension of intellectual property protection generally, and copyright law in particular, will impede innovation and inhibit fair competition in the U.S. computer industry. ACIS therefore seeks the adoption of legal standards that reflect copyright law's long-established plan, in which "Congress balanced the competing concerns of providing incentive to authors to create and of fostering competition in such creation." *Kern River Gas Transmission Co. v. Coastal*

[7] *United States v. Bechtel Corp.*, 1979–1 Trade Cas. (CCH) ¶ 62,429 (N.D. Cal. 1979), *aff'd*, 648 F. 2d 660, 665 (9th Cir. 1981), cert denied, 454 U.S. 1083 (1982) See also *United States v. National Broadcasting Companies*, 449 F. Supp. 1127, 1144 (C.D. Cal. 1978), citing *United States v. Automobile Manufacturers Ass'n.*, 307 F. Supp. 617, 621, (C.D. Cal. 1969), *aff'd per curiam sub nom. City of New York v. United States*, 397 U.S. 248 (1970) ("[i]n evaluating a proposed consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the government's original prayer for relief, [citations omitted]").

[1] The members of ACIS are: Amdahl Corporation, Bull HN Information Systems, Inc., Chips and Technologies, Inc., Clearpoint Research Corporation, Comdisco, Inc., Emulex Corporation, Forecross Corporation, Informix Software Corporation, Johnson-Laird Inc., Kapor Enterprises, Inc., Landmark Systems Corporation, NCR Corporation, Phoenix Technologies Ltd., Seagate Corporation, Software Association of Oregon, Storage Technology Corporation, Sun Microsystems, Inc., Systems Center, Inc., 3Com Corporation, Unisys Corporation, and Zenith Data Systems Corporation.

Corp., 899 F.2d 1458, 1463 (5th Cir.), *cert. denied*, 111 S. Ct. 374 (U.S. 1990).

As discussed below in greater detail, a copyright claim in a computer interface standard can effectively—and improperly—be leveraged into market power over products conforming to the standard, a result that offends traditional principles of copyright law as well as public policy. Although the Antitrust Division reached its conclusion in this case on the antitrust merits, the relief contained in the Proposed Final Judgment is consistent with copyright principles. Because copyright law can so easily be misused to establish monopoly power in software markets, ACIS requests that the Antitrust Division become more active in the development of U.S. copyright law and the formation of the U.S. government's international copyright law policies, with the aim of ensuring continued competitiveness of domestic companies in the dynamic software industry.

* * * * *

The Competitive Impact Statement correctly recognizes that Ashton-Tate's dBASE has become a programming language standard in the database management software market. 56 FR 56096 at 56100 (1991). The widespread use of dBASE has resulted in a large pool of trained users, applications developers, and compatible tools that in turn promote further use of dBASE. *Id.* at n.6. Existing customers of dBASE find it difficult to switch away from dBASE to a rival standard "because there are considerable costs associated with switching, including (1) rewriting end user applications written for * * * [dBASE] software; (2) retraining * * * end users and (3) reconfiguring data file structures * * *" *Id.* Further, Ashton-Tate's assertion of copyright claims to dBASE has inhibited competition from other vendors of dBASE products. *Id.* Ashton-Tate, consequently, has a tight grasp on its existing customers because switching from dBASE will be prohibitively expensive, and Ashton-Tate has eliminated competition from other potential dBASE vendors by its assertion of copyright claims to dBASE. Moreover, because dBASE is the industry standard with a large pool of trained end users and numerous compatible tools, even new customers often have little choice but to submit to Ashton-Tate's costly embrace.

This pattern of leveraging a copyright claim in a *de facto* standard into market power over products conforming to the standard is a familiar one in the computer industry, largely because of the unique nature of computer programs. Traditional copyrightable works such as novels and poems stand alone and do not need to interact with any other work. Computer programs, by contrast, never stand by themselves; they function only by interacting with the computer environment in which their developer places them. This environment is extremely unforgiving. Unless the program conforms to the precise rules for interacting with the other elements of the system, no interaction between the program and the system is possible. These rules of interaction—or interface specifications, in computer parlance—include the language in which the program is written, such as dBASE. If the developer of the first computer program to conform to these interface specifications could use copyright law to prevent all subsequent developers from writing programs that conform to these interface specifications, the first developer could prevent all subsequent developers from filling a similar market niche in the computer system.

Such a broad monopoly would have serious implications for consumer welfare. In the absence of competition, the first developer would have little incentive to develop more innovative and less costly products. Further, similar monopolies would exist everywhere computer programs are used in a computer system, *e.g.*, applications software, system software such as the operating system, and the software embedded in peripherals such as terminals, printers and memory devices. In many instances these monopolies would be held by the computer company that developed the entire system. Given the purchaser's large initial investment in the computer system, the purchaser would be "locked" into products offered—and monopoly rents would be charged—by the first entrant if the purchaser ever wanted to expand or upgrade its system. The first entrant would effectively become the only entrant.

ACIS believes that to allow copyright to confer such sweeping monopoly power would contradict three related, traditional copyright principles, each a different articulation of the idea/expression dichotomy codified at section 102(b) of the Copyright Act.[2] First, the copyright "monopoly" in the expression describing or implementing a system does not extend to the system itself. See *Baker* v. *Selden*, 101 U.S. 99 (1879). Second, functionally dictated elements are not protectable. See *Plain Cotton Co-op* v. *Goodpasture Computer Serv.*, 807 F.2d 1256, 1262 (5th Cir.), *cert. denied*, 484 U.S. 821 (1987); 1 P. Goldstein, *Copyright Principles, Law & Practice*, § 2.15.1.2. at 204 (1989) ("Goldstein"). Third, when an idea can be expressed only in a limited number of ways, the idea and the expression merge, making the expression unprotectable. *E.g.*, *Herbert Rosenthal Jewelry Corp.*, v. *Kalpakian*, 446 F.2d 738 (9th Cir. 1971). See 1 Goldstein § 2.15 at 196 (1989). Thus, the Final Report of the National Commission on New Technologies Uses of Copyrighted Works ("CONTU Report") [3] observed that

> * * * copyrighted language may be copied without infringing when there is but a limited number of ways to express a given idea. This rule is the logical extension of the fundamental principle that copyright cannot protect ideas. In the computer context, this means that when specific instructions, even though previously copyrighted, are the only and essential means of accomplishing a given task, there later use by another will not amount to an infringement.

CONTU Report at 20.

The trust of these historic principles is that a copyright owner's monopoly in its expression should not, however inadvertently, give it a monopoly over the ideas expressed. To be sure, Congress has provided for the grant of monopoly power over product interconnections—but under patent law, not copyright law. A patent for an invention will issue only if the invention meets the Patent Act's exacting standards of novelty and nonobviousness. It is not the role of copyright law to confer patent-like protection on computer programs, particularly where the program has not passed the scrutiny of the Patent and Trademark Office. See CONTU Report at 20.

ACIS recognizes that in seeking the relief contained in the Proposed Final Judgment , "the United States expresses no view on the validity or invalidity of any claims to copyright protection by any party * * *." 56 FR 56096 at 56100 (1991). Nevertheless, the proposed relief—enjoining Borland from asserting copyright claims in the dBASE programming language—is consistent with the foregoing copyright principles. The dBASE language is uncopyrightable under section 102(b) because it is a (1) functionally dictated (2) system that (3) as a *de facto* industry standard can be expressed only in a limited number of ways. Accordingly, ACIS supports the proposed relief.[4]

Further, although the Antitrust Division reached its conclusion in this case on the antitrust merits, rather than the copyright merits, the Division's examination of Borland's proposed acquisition of Ashton-Tate must have made it aware of the extraordinary market power that copyright can create in the computer industry. As the foregoing discussion indicates, the proper application of copyright law will not confer such market power; properly applied, copyright will never protect interface specifications, including programming languages such as dBASE. Unfortunately, a handful of courts, notably *Whelan Associates, Inc.* v. *Jaslow Dental Laboratory, Inc.*, 797 F.2d 1222 (3d Cir. 1986), *cert. denied*, 479 U.S. 1031 (1987), have improperly applied copyright to computer programs, effectively granting the copyright holder sweeping market power. These decisions, if followed, threaten the competitive environment of the computer industry.[5] ACIS strongly urges the Antitrust Division to use its considerable resources in economic and policy analysis, together with the knowledge it acquired in connection with this transaction, to study the potential and actual misuse of copyright in this industry both by dominant firms and by the courts. The Division should participate as an *amicus curiae* in those cases where the improper (*i.e.*, overbroad) application of copyright law will have serious antitrust consequences.

Additionally, ACIS urges the Antitrust Division to become more active in the formation of the U.S. government's international copyright law policies. The copyright positions taken by the U.S. government in international fora should reflect the careful balance between the encouragement of competition and rewards to creativity struck by the U.S. Copyright Act. More active participation by the Division in the development of the U.S. government's international copyright law positions will ensure proper emphasis on the encouragement of competition, which in turn will ensure the continued competitiveness of domestic companies in the dynamic global software industry.

In sum, copyright law and copyright policy have a direct impact on competition in the U.S. computer industry. The Antitrust Division should help the courts and the U.S. government find the proper balance between protection and competition in this critical industry.—December 27, 1991.

Federal Express

December 13, 1991.

Constance K. Robinson,

Chief, Communications & Finance Section, Antitrust Division, room 8104, 555 Fourth Street NW., Washington, DC 20001

Re: *Expert Information Services, Inc. et al. v. Ashton-Tate Corporation, Case No. 91-0893 TJH (TX)*

Dear Ms. Robinson: Plaintiffs in the above-mentioned case (The "E.I.S. Plaintiffs") submit the following in response to the proposed Agreement in acquisition of Ashton-Tate Corporation ("Ashton-Tate") by Borland International ("Borland") pursuant to the 60-day comment period provision in the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h).

The E.I.S. Plaintiffs brought a class action on behalf of themselves and all others similarly situated dBase program purchasers and licensees, to recover damages and obtain injunctive relief against defendant Ashton-Tate for illegally enforcing invalid copyrights and thereby monopolizing or attempting to monopolize the database management system market in violation of the federal antitrust laws. Further, plaintiffs allege RICO, 18 U.S.C. § 1961, *et seq.*, violations, and state law claims for breach of contract, fraud and deceit, negligent misrepresentation, unfair competition and injust enrichment. (*See*, Complaint attached at Exhibit "A").

Counsel for the E.I.S. Plaintiffs recently became aware of the proposed Agreement in acquisition of Ashton-Tate by Borland. The proposed agreement would enjoin Borland from suing competitors for copyright infringement based upon Ashton-Tate's dBase programming language. Further, the proposed consent decree directs Borland, within 90 days from the entry of the final judgment, to attempt to resolve *Ashton-Tate Corp. v. Fox Software, Inc., et al.*, No. CV 88-6837 TJH (TX), (the "Fox case") a case in which Fox Software claims that Ashton-Tate's conduct constitutes, among other things, fraud and inequitable conduct and monopolization and attempt to monopolize. (*See*, Fox's Answer, Affirmative Defenses and Counterclaims at 12 and 15 attached as Exhibit "B").

The E.I.S. Plaintiffs disapprove of the proposed agreement for the following reasons. First, if the claims by Fox are valid, then it follows that the class claims on behalf of consumers for direct purchases are also valid. Therefore, we respectfully suggest that if settlement of the Fox claims is a condition to merger approval, a settlement of the companion consumer claims should also be a condition to merger approval.

Second, in any event, the E.I.S. Plaintiffs believe that they should be a party to the agreement because the agreement raises issues concerning the validity of the Ashton-Tate's copyrights in the command names, menu items, menu command hierarchies, command languages, programming languages and file structures used in Ashton-Tate's dBase products. These issues are at the core of the E.I.S. Plaintiffs' case and the E.I.S. Plaintiffs should have some input in resolving these matters.

The E.I.S. Plaintiffs respectfully request the opportunity to fully address the problems and concerns mentioned herein.

Sincerely,

H. Laddie Montague, Jr.,

Co-counsel for the E.I.S. Plaintiffs.

[FR Doc. 92-5371 Filed 3-6-92; 8:45 am]

BILLING CODE 4410-01-M

[Civil Action No. 91 C 6211, N.D.Ill.]

United States v. Varian Associates, Inc. and Richardson Electronics, Ltd.; Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States publishes below the comment received on the proposed Final Judgment in *United States of America* v. *Varian Associates, Inc. and Richardson Electronics, Ltd.*, Civil Action No. 91 C 6211, filed in the United States District Court for the Northern District of Illinois, together with the United States' response to the comment.

Copies of the comment and response are available for inspection and copying in room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530, and for inspection and copying at the Office of the Clerk of the United States District Court for the Northern District of Illinois, United States Courthouse, 210

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[2] 17 U.S.C. 102(b) provides that "[i]n no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery * * *."

[3] CONTU was created by Congress to study, *inter alia*, computer uses of copyrighted works. Public Law No. 96-517, 94 Stat. 3015, 3028 (1980). In adopting the CONTU recommendations into law, Congress accepted the CONTU majority's proposals almost verbatim, and therefore the report may be considered as accepted by Congress. *See Apple Computer, Inc.* v. *Franklin Computer. Corp.*, 714 F.2d 1240, 1252 (3d Cir. 1983), *cert. dismissed*, 464 U.S. 1033 (1984).

[4] Of course, programs written in dBASE are copyrightable, and ACIS agrees that Borland should be permitted to assert copyright protection in the computer code of programs written in dBASE. ACIS is concerned, however, with the reference in the Proposed Final Judgment at IV.B to the protectability of the "structure, sequence, and organization" of computer program code. The phrase "structure, sequence, and organization" is not an accepted term of art either in traditional copyright law or computer programming. Further, the Copyright Office refuses to register a copyright in the "structure, sequence and organization" of computer programs. Accordingly, we strongly urge that the reference to "structure, sequence and organization" be deleted from the Proposed Final Judgment.

[5] Numerous courts have awarded computer programs an appropriate scope of protection. See, *e.g.*, *Plains Cotton Co-op* v. *Goodpasture Computer Serv.*, 807 F.2d 1256, 1262 (5th Cir.), *cert. denied*, 484 U.S. 821 (1987); *Engineering Dynamics, Inc.* v. *Structural Software, Inc.*, Civ. No. 89-1655, 1989 WL 81305 (E.D. La. Aug. 29, 1991); *Computer Associates International, Inc.* v. *Altai, Inc.*, No CV89-0611 (E.D.N.Y. Aug. 19, 1991).

South Dearborn Street, Chicago, Illinois 60004.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Hon. George W. Lindberg

Notice of Filing

Filed: March 4, 1992.

TO: Attached Service List

Please Take Notice That on Wednesday, March 4, 1992, the United States filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the comment on the proposed final judgment and the United States' response to the comment, a copy of which is attached hereto and herewith served upon you.

Dated: March 2, 1992

Michael L. Scott,

Antitrust Division, United States Department of Justice.

Certificate of service

I, Michael L. Scott, attorney, certify that a copy of the attached comment on the proposed final judgment and the United States' response to the comment, was mailed, first class, postage pre-paid to the following counsel on the 3rd day of March, 1992:

William F. Baxter, Shearman & Sterling, 555 California Street, San Francisco, CA 94014.
Glen S. Howard, W. Todd Miller, Sutherland, Asbill & Brennan, 1275 Pennsylvania Avenue, NW., Washington, DC 20004–2402.
Donald I. Baker, Jones, Day, Reavis & Pogue, 1450 G Street, NW., Washington, DC 20005.
Gary L. Starkman, Ross & Hardies, 150 N. Michigan Avenue, Suite 2500, Chicago, IL 60601.
Gilbert A. Abramson, Thomas S. McNamara, Abramson, Freedman & Thall, PC., 2128 Locust Street, Philadelphia, PA 19103.
Martin A. Miller, Chertow & Miller, 30 North LaSalle Street, Chicago, IL 60602.
James G. Rosenberg, Scott D. Patterson, Paul M. Hummer, Thomas W. Sheridan, Saul, Ewing, Remick & Saul, 3800 Centre Square West, Philadelphia, PA 19192.

Dated: March 2, 1992.

Michael L. Scott

Comment on the Proposed Final Judgment and the United States' Response to the Comment

Pursuant to the requirements of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b)-(h), the United States hereby files the attached comment on the proposed Final Judgment in the above-captioned civil antitrust proceeding, together with the United States' response to the comment.

This action commenced on October 1, 1991, when the United States filed a Complaint alleging that Varian Associates, Inc. and Richardson Electronics, Ltd. conspired to monopolize certain markets for power grid electron tubes. The United States also filed a proposed Final Judgment, a Stipulation signed by each of the parties stipulating to entry of the Final Judgment, and a Competitive Impact Statement.

The APPA requires a sixty-day period for the submission of public comments on the proposed Final Judgment. 15 U.S.C. 16(b). During this sixty-day period, the United States received one comment on the proposed Final Judgment, a November 6, 1991, letter from Michael Matich of M & S Communications Engineering. The United States considered the comment and sent a written response to Mr. Matich.

Pursuant to 15 U.S.C. 16(e), the proposed Final Judgment can be entered only after the Court determines that the Judgment is in the public interest. The focus of this determination is whether the relief provided by the proposed Final Judgment is adequate to remedy the antitrust violations alleged in the Complaint. *United States* v. *Bechtel Corp.*, 1979–1 Trades Cases (CCH) ¶ 62,430 (N.D.Cal. 1979), *aff'd*, 648 F.2d 660, 665 (9th Cir. 1981), cert. denied, 454 U.S. 1083 (1982). After careful consideration of the comment, the United States continues to believe that for the reasons stated in the response to the comment and in the Competitive Impact Statement, the proposed Final Judgment will remedy the violations alleged in the Complaint. Entry of the proposed Final Judgment is in the public interest.

After the comment and the response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d) of the APPA, the United States will move this Court for entry of the proposed Final Judgment.

Dated: March 2, 1992.

Respectfully submitted,

Michael L. Scott,

Attorney, Antitrust Division, United States Department of Justice.

M & S Communications Engineering, 14191 Executive Lane, Nevada City, California 95959, (916) 272–5500, Fax (916) 272–5083.

November 6, 1991.

Terry Lubeck: Enclosed is a letter I received from Varian on October 23, 1991. I asked what their requirements are for becoming a distributor, and this is their response!

Please acknowledge this material and please help me to understand how the court case involving Richardson Electronics and Varian has changed anything. To this day Richardson is sole distributor for Varian products in the United States, Canada, and Europe.

Richardson has a exclusive contract to sell product to Europe and Canada. It appears nothing has changed!

Please show a copy of my letter to the judge who is hearing this case.

Feel free to call me at the above phone number if I can be of further assistance.

Respectfully,

Michael Matich.

October 23, 1991.

Mr. Michael Matich,

M & S Communications, 14191 Executive Lane, Nevada City, CA 95959.

Dear Mr. Matich: Thank you for your inquiry regarding distribution of Eimac products. We are not adding distributors at this time. Our policy, however, is to function only through master distribution with international capability. Inventory requirements are generally several million dollars.

Sincerely yours,

Robert L. Chapman,

Marketing Manager.

U.S. Department of Justice, Antitrust Division, Judiciary Center Building, 555 Fourth Street, NW., Washington, DC 20001

November 26, 1991.

Mr. Michael Matich,

M & S Communications Engineering, 14191 Executive Lane, Nevada City, California 95959.

Re: United States of America v. Varian Associates, Inc. and Richardson Electronics, Ltd., Civil Action No. 91 C 6211 (N.D. Ill.)

Dear Mr. Matich: This letter responds to your letter, dated November 6, 1991, submitted to the Antitrust Division of the United States Department of Justice regarding the antitrust suit against Varian Associates, Inc. ("Varian") and Richardson Electronics, Ltd. ("Richardson"). Attached to your letter is Varian's response to your inquiry about becoming a distributor of Varian products. Because Varian told you that it was not adding distributors at this time, you asked for help in understanding how the court case involving Varian and Richardson has changed the industry.

On October 1, 1991, the United States filed a civil antitrust Complaint against Varian and Richardson alleging violations of Section 2 of the Sherman Act, 15 U.S.C. § 2. The United States and the defendants agreed to settle the matter by way of a proposed Final Judgment. The proposed Final Judgment would impose several prohibitions and obligations upon Varian and Richardson. After a public comment period has passed, the Court can enter the Final Judgment if the Court determines that the Final Judgment is in the public interest.

The proposed Final Judgment, a Competitive Impact Statement, and a summary of the Complaint have been published in the **Federal Register** at page 52,059, Volume 56, No. 201, October 17, 1991. Enclosed is a copy of the applicable pages from the **Federal Register**.

The proposed Final Judgment, among other things, would require Varian and Richardson to dissolve Varian Supply Company ("VASCO"), a joint venture between Varian and Richardson that made Richardson Varian's exclusive distributor for certain power grid tubes. Moreover, the proposed Final Judgment would prohibit Varian and Richardson from entering into any exclusive distribution arrangement in the future. Thus, Varian could establish other distributors or distribute its own power grid tubes. If Varian chooses to establish an additional distributor, Varian would be prohibited from granting to Richardson distribution rights that are more favorable than the rights granted to the other distributor.

However, the Final Judgment would not force Varian to establish other distributors. Varian could exercise its business judgment to have no distributors, one distributor, or several distributors, depending on what Varian believes is the most efficient arrangement. In this way, the proposed Final Judgment would restore the industry to the condition that existed before VASCO and before any alleged violations of the federal antitrust laws. Thus, Richardson no longer would have a contractual right to be Varian's sole distributor, but Varian voluntarily could choose to grant no further distribution rights, leaving Richardson as Varian's only distributor.

In your letter, you asked whether the proposed Final Judgment will change the industry. The proposed Final Judgment is designed to improve the industry in several ways. As previously discussed, it would enable Varian, if Varian chooses, to introduce competing distributors rather than being contractually bound to a single distributor. It would require Varian and Richardson to dissolve VASCO, their joint venture, and to establish a traditional manufacturer/distributor relationship. It would prohibit the parties from acquiring competitors in the industry without first obtaining the consent of the Department of Justice. The proposed Final Judgment also would prohibit the parties from collecting tube carcasses other than for specific legitimate purposes.

You were informed by a representative of Varian that even if the company decided to add a distributor, inventory requirements are "generally several million dollars." For additional information about inventory levels, you can consult Varian and Richardson's new Distributor Agreement, a copy of which has been filed with the Court and published in the **Federal Register** along with the Competitive Impact Statement. Should Varian choose to add a distributor, the Distributor Agreement establishes minimum inventory levels as follows: $500,000 during the first twelve months; $750,000 during the second twelve months; $875,000 during the third twelve months; and $1 million during the fourth twelve months and in each twelve month period thereafter. (See Definition 9 and Section 2.7.) Those inventory levels are designed to allow entry into the distribution market, while at the same time ensuring that any future distributor will maintain a broad range of products and will be able to adequately serve the industry. Varian, however, may increase these minimum inventory levels up to $7 million if it determines that higher levels are warranted. (See Section 2.7(e).)

We appreciate your interest in this case and in the proposed Final Judgment, which we believe is in the public interest. Your letter is being treated as a comment on the proposed Final Judgment. As a result, a copy of your letter and a copy of this response will be filed with the Court. In addition, your letter and this response will be published in the **Federal Register**. If you have any objections to your letter being treated as a comment, please let us know as soon as possible.

Sincerely,

P. Terry Lubeck,

Chief Litigation II Section, Antitrust Division.

[FR Doc. 92–5509 Filed 3–6–92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Emergency Unemployment Compensation Program; Emergency Unemployment Compensation Periods in All States

This notice announces the beginning of benefit periods under the Emergency Unemployment Compensation Program in all States beginning on November 17, 1991, changes in benefit levels that have occurred in eight States, and further changes in all States resulting from amendments to the law.

Background

The Emergency Unemployment Compensation Act of 1991 (Pub. L. 102–164) established the Emergency Unemployment Compensation (EUC) Program. The EUC Program took effect in all States with the week beginning on November 17, 1991. Under the EUC Program, individuals who have exhausted their rights to regular unemployment compensation under State (and Federal) unemployment compensation laws may be eligible to receive EUC benefits. Under the original law, individuals in a State could receive up to 6, 13 or 20 weeks of EUC benefits, depending on the measure of unemployment for that State, at the same weekly rate of benefits as previously received under the State law. Attached is a list of the States and the EUC benefit level in each State.

The first amendments to the law (Pub. L. 102–182) eliminated the 6 week tier and established the trigger levels so that all States which had been at the 6-week tier level were now eligible to pay up to 13 weeks, effective from the beginning of the program. Requirements for receipt of up to 20-weeks remained the same.

Under the Emergency Unemployment Compensation Act of 1991, as amended by Public Law 102–182, a State triggers onto a 20 week period for a week in which the adjusted insured unemployment rate (AIUR) equals or exceeds 5 percent or the average total unemployment rate (ATUR) equals or exceeds 9 percent. All other States are in a 13 week period. A change in the level of benefit duration from 13 to 20 weeks begins with the third week after the week in which (1) the AIUR in the State for the period consisting of such week and the immediately preceding 12 weeks is at least 5 percent, or (2) the ATUR in the State for the period consisting of the most recent 6-calendar month period for which data are published before the close of such week is at least 9 percent. A change in the level of benefit duration from 20 to 13 weeks begins with the third week after the week in which (1) the ATUR in the State for the period consisting of such week and the immediately preceding 12 weeks has dropped below 5 percent, and (2) the ATUR in the State for the period consisting of the most recent 6-calendar month period for which data are published before the close of such week is less than 9 percent.

The 20-week level in a State must have been in effect for at least 13 weeks before the State can drop to the 13-week level, no matter what the AIUR and ATUR levels are during such 13-week period. A 20-week benefit period will end the third week after the State does not meet the AIUR and ATUR requirement. Conversely, a State may trigger up to the 20-week level at any time, without regard to whether the State has been in a 13-week period for 13 weeks.

The EUC Program was amended by Public Law 102–244, effective for weeks of unemployment beginning after February 7, 1992. Section 1 of that law amended section 102(b)(2) of P.L. 102–164 to increase weeks of benefits in States in a 13-week period to 26 weeks, and States in a 20-week period to 33 weeks. All other trigger criteria remain unchanged.

In addition, the following changes have occurred in States since the beginning of the program:

- January 5, 1992—California to 20 weeks.
- January 12, 1992—Oregon to 20 weeks.
- January 19, 1992—Vermont to 20 weeks.
- January 26, 1992—Pennsylvania to 20 weeks.
- February 2, 1992—Arkansas and Washington to 20 weeks.

• February 16, 1992—Mississippi dropped to 26 weeks and New York increased to 33 weeks.

In addition, section 101(e) of Public Law 102-164 permits the Governor of a State to elect to trigger off an Extended Benefit Period in order to provide payment of EUC benefits to individuals who have exhausted their rights to regular compensation under the State law. As of February 22, 1992, the Governors of Alaska, Maine, and Vermont have elected to trigger off Extended Benefits and instead pay EUC benefits.

EMERGENCY UNEMPLOYMENT COMPENSATION BENEFIT LEVELS

	Original (Pub. L. 102-164)	Amended (Pub. L. 102-182)	Amended (Pub. L. 102-244)
Alabama	6	13	26
Alaska	20	20	33
Arizona	13	13	26
Arkansas	6	13	33
California	13	13	33
Colorado	6	13	26
Connecticut	20	20	33
Delaware	6	13	26
Dist. of Col.	13	13	26
Florida	13	13	26
Georgia	6	13	26
Hawaii	6	13	26
Idaho	6	13	33
Illinois	13	13	26
Indiana	6	13	26
Iowa	6	13	26
Kansas	13	13	26
Kentucky	6	13	26
Louisiana	6	13	26
Maine	20	20	33
Maryland	13	13	26
Massachusetts	20	20	33
Michigan	20	20	33
Minnesota	6	13	26
Mississippi	20	20	33
Missouri	13	13	26
Montana	6	13	26
Nebraska	6	13	26
Nevada	6	13	26
New Hampshire	13	13	26
New Jersey	20	20	33
New Mexico	13	13	26
New York	13	13	26
North Carolina	6	13	26
North Dakota	6	13	26
Ohio	6	13	26
Oklahoma	6	13	26
Oregon	13	13	33
Pennsylvania	13	13	33
Puerto Rico	20	20	
Rhode Island	20	20	33
South Caroline	6	13	26
South Dakota	6	13	26
Tennessee	6	13	26
Texas	13	13	26
Utah	6	13	26
Vermont	13	13	33
Virgin Islands	6	13	26
Virginia	6	13	26
Washington	13	13	33
West Virginia	20	20	33
Wisconsin	6	13	26
Wyoming	6	13	26

Information for Claimants

The duration of benefits payable in the Emergency Unemployment Compensation Period, and the terms and conditions on which they are payable, are governed by the Act and the operating instructions issued to the States by the U.S. Department of Labor. The State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EUC benefits (20 CFR 615.13(c)).

Persons who believe they may be entitled to EUC benefits, or who wish to inquire about their rights under the Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, DC, on March 2, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92-5394 Filed 3-6-92; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Iowa State Standards; Notice of Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667; hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 20, 1973, notice was published in the **Federal Register** (38 FR 19368) of the approval of the Iowa Plan and the adoption of subpart J of part 1952 containing the decision. Iowa was granted final approval under section 18(e) of the Act on July 2, 1985.

The Iowa Plan provides for the adoption of Federal standards (by reference after comments and public hearing). By letter dated January 8, 1992, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, the State submitted State standards comparable to: Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; extension of partial stay and amendment of final rule, 29 CFR 1910.1001, as published in the **Federal Register** (56 FR 43700, dated September 4, 1991).

This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to Chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The State also submitted State standards comparable to: Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite; extension of partial stay and amendment of final rule, 29 CFR 1926.58, as published in the **Federal Register** (56 FR 43700, dated September 4, 1991). This standard, which is contained in Chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The State also submitted State standards comparable to: Safety Standards for Stairways and Ladders Used in the Construction Industry; amendment, 29 CFR 1926.1052 and 29 CFR 1926.1053, as published in the **Federal Register** (56 FR 41794, dated August 23, 1991). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on October 30, 1991; hearing scheduled for November 21, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on December 20, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective February 12, 1992; and notice of its adoption was published by the State on January 8, 1992.

The Iowa Plan provides for the adoption of Federal standards (by reference after comments and public hearing). By letter dated November 15, 1991, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, The State submitted State standards comparable to: Hazardous Waste Operations and Emergency Response; Final Rule, corrections, 29 CFR 1910.120, as published in the the **Federal Register** (55 FR 15832, dated April 18, 1990).

This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on July 24, 1991; hearing scheduled for August 15, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on September 27, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective November 20, 1991; and notice of its adoption was published by the State on October 16, 1991.

The State also submitted State standards comparable to: Occupational Exposure to Lead; final rule; corrections 29 CFR 1910.1025, as published in the **Federal Register** (55 FR 24686, dated May 31, 1991). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on July 24, 1991; hearing scheduled for August 15, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on September 27, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective November 20, 1991; and notice of its adoption was published by the State on October 16, 1991.

The Iowa Plan provides for the adoption of Federal Standards (by reference after comments and public hearing). By letter dated July 31, 1991, from Walter H. Johnson, Deputy Labor Commissioner, to Alonzo L. Griffin, Area Director, and incorporated as part of the Plan, the State submitted State standards comparable to: Hazardous Waste Operations and Emergency Response; Final Rule, corrections, 29 CFR 1910.120, as published in the **Federal Register** (55 FR 14073, dated April 13, 1990). This standard, which is contained in chapter 88 of the Code of Iowa (1983), was promulgated after public comment requested on May 15, 1991; hearing scheduled for June 6, 1991 (no comments were received); and resolution adopted by the Division of Labor Services on June 28, 1991, pursuant to chapter 17a, Iowa Code. The standard was effective August 28, 1991; and notice of its adoption was published by the State on July 24, 1991.

2. Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the comparable Federal standards and should therefore be approved.

3. Location of Supplement for Inspection and Copying

A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Directorate of Federal/State Operations, Office of State Programs, room N3700, 200 Constitution Avenue, NW., Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, 406 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; and Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319.

4. Public Participation

Under 20 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State Plan as a proposed change and for making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective march 9, 1992. (Section 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed Kansas City, Missouri, this 7th day of February, 1992.

John T. Phillips,

Regional Administrator.

[FR Doc. 92-5395 Filed 3-6-92; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (92-17)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of NASA Advisory Council, Aeronautics Advisory Committee.

DATE: April 3, 1992, 9a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 10B, room 625, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2367.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee was established to provide overall guidance and direction to the aeronautics research and technology activities in the Office of Aeronautics and Space Technology (OAST). The Committee, chaired by Mr. Phil M. Condit, is composed of 17 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Committee members and other participants).

Type of Meeting: Open

Agenda

April 3, 1992

9 a.m.—Opening Remarks
9:15 a.m.—NASA and OAST Update.
9:30 a.m.—Budget Update.
10 a.m.—Fiscal Year 1993 Aeronautics Budget Status, Strategy and Program Direction.
12 Noon—Group Discussion.
1 p.m.—AAC/Aerospace Research and Technology Subcommittee Discipline Reviews.
2 p.m.—Ad Hoc Study Reports
2:45 p.m.—NASA Responses to Ad Hoc Recommendations.
3:30 p.m.—General Discussion
4:30 p.m.—Adjourn.

Dated: March 3, 1992.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 92-5398 Filed 3-6-92; 8:45 am]

BILLING CODE 7510-01-M

[Notice (92-18)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

"Federal Register" Citation of Previous Announcements: 57 FR 20, Notice Number 92–08, January 30, 1992.
Previously Announced Times and Date of Meeting: March 18, 1992, 2 p.m. to 3:30 p.m.
Changes in the Meeting: Date changed to March 17, 1992, 4:30 p.m. to 6 p.m.
Contact Person for More Information: Arthur V. Palmer, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–8971.

Dated: March 3, 1992.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 92–5399 Filed 3–6–92; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

March 2, 1992.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: 3133–0067.
Form Number: NCUA Form 5310.
Type of Review: Reinstatement of a previously approved collection for which approval has expired.
Title: Corporate Credit Union Monthly Report.
Description: Federally insured corporate credit unions are required by section 202(a) of the Federal Credit Union Act to make reports of financial condition to the National Credit Union Administration upon dates determined by it.
Respondents: Federally-insured corporate credit unions.
Estimated Number of Respondents: 33.
Estimated Burden Hours per Response: 1 hour.
Frequency of Response: Monthly.
Estimated Total Reporting Burden: 396 hours.
Clearance Officer: Wilmer A. Theard, (202) 682–9700, National Credit Union Administration, room 7344, 1776 G Street, NW., Washington, DC 20456.
OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 92–5391 Filed 3–6–92; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB REVIEW

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATE: Comments on this information collection must be submitted on or before April 8, 1992.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW, room 310, Washington, DC 20506 (202–786–0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW, room 3002, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202) 786–0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions.
Title: Guidelines and Application Forms for the Reference Materials Program.
Form Number: Not Applicable.
Frequency of Collection: Annual.
Respondents: Humanities Researchers and Institutions.
Use: Application for funding.
Estimated Number of Respondents: 140 per year.
Frequency of Response: Once.
Estimated Hours for Respondents to Provide Information: 52 hours per respondent.
Estimated Total Annual Reporting and Recordkeeping Burden: 14,468 hours

Thomas S. Kingston,

Assistant Chairman for Operations.

[FR Doc. 92–5410 Filed 3–6–92; 8:45 am]

BILLING CODE 7536–01–M

Public Partnership Office Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership (States: Arts Projects in Underserved Communities Section) will be held on March 30–31, 1992, from 9 a.m.–5:30 p.m. and April 1 from 9 a.m.–12:30 p.m. in room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be introductory remarks, application review, review of rankings and recommendation of awards, discussion of issues raised in application review, guidelines review and other issues.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at lease seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 3, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment of the Arts.

[FR Doc. 92–5409 Filed 3–6–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget Review of Information Collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new revision or extension:* Revision.
2. *The title of the information collection:* "Licensee Event Report."
3. *The form number if applicable:* NRC Forms: 366, 366A, and 366B.
4. *How often the collection is required:* On Occasion.
5. *Who will be required or asked to report:* Holders of Operating Licenses for Commercial Nuclear Power Plants.
6. *An estimate of the number of responses:* 2,120.
7. *An estimate of the total number of hours needed annually to complete the requirement or request:* Approximately 50 hours per response. The total industry burden is 106,000 hours.
8. Section 3504(h), Public Law 96–511 does not apply.
9. *Abstract:* NRC collects reports of operational events at commercial nuclear power plants in order to incorporate lessons of that experience in the licensing process and to feed back the lessons of that experience to the nuclear industry.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Lower Level, Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Ronald Minsk, Office of Information and Regulatory Affairs (3150–0104), NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 27th day of February 1992.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92–5407 Filed 3–6–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423]

Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a license amendment to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit No. 3, located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of the Proposed Action:

The proposed amendment would:

- Improve overall diesel generator reliability and performance by conforming plant requirements to NRC Generic Letter 84–15.
- Reduce the diesel generator loading criteria in order to ensure that operations at the upper limit of the load band do not lead to overload conditions.
- Eliminate the fast cold repetitive starting of the diesel generators, and make changes concerning instrumentation and test standards. In addition, clarify the remedial measure for inoperability of the required full capacity battery chargers.

The Need for the Proposed Action

The license amendment is needed to enhance diesel generator reliability by minimizing severe test conditions which can lead to premature failure.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The impact of the above change has been evaluated in the licensee's proposal for amendment dated March 28, 1990 which has been evaluated by the staff using NRC-approved methodology. The TS change will not increase the probability or consequences of accidents. No changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. In addition, the TS change described is a refinement, rather than a substantial change in the operation of the facility. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed TS amendment.

With regard to potential nonradiological impacts, the proposed amendment does involve features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological impacts associated with the proposed amendment.

Alternatives to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed amendment; any alternatives to the amendment would have either essentially the same or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources different from or beyond the scope of resources used during normal plant operation, which were assessed in the Final Environmental Statement relating to plant operation.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request that supports the proposed amendment. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the request for license amendment dated March 25, 1990, as supplemented July 24, 1990, and November 22, 1991, which are available

for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland this 3rd day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5408 Filed 3–6–92; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Full Board meeting

Pursuant to the Nuclear Waste Technical Review Board's (the Board) authority under section 5051 of Public Law 100–203 of the Nuclear Waste Policy Amendments Act (NWPAA) of 1987, the Board will help hold its spring Board meeting April 7–8, 1992. The meeting will be held at the Adolphus Hotel, 1321 Commerce Street, Dallas, Texas 7502; (214) 742–8200.

The Board is holding the meeting to gain additional insight into issues the Board has raised concerning the U.S. Department of Energy's (DOE) program to characterize the Yucca Mountain site in Nevada. In the Nuclear Waste Policy Amendments Act of 1987 (NWAPAA), Congress directed the DOE to determine the suitability of the Yucca Mountain as a potential site for the nation's first permanent repository for spent nuclear fuel and defense high-level waste. In the same law, Congress established the Board to review and evaluate the DOE's work.

On Tuesday, April 7, the Board has invited representatives of the Department of Energy (DOE) to discuss three ongoing or recently completed studies: The Performance Assessment (PA), the Early Site Suitability Evaluation (ESSE), and the next phase of the Test Prioritization Task (TPT). The Board is interested in reviewing the scope and depth of he DOE's latest performance assessment and finding out how the results compare with the results reached by other groups, such as the Nuclear Regulatory Commission (NRC) and the Electric Power Research Institute (EPRI). The Board has also asked for a presentation summarizing the study methodology and conclusions reached in the ESSE. The ESSE program was conducted by the DOE in an effort to assess early site suitability. Last, the Board will be briefed on the second phase of the TPT study. Its original purpose was to identify, in some order of priority, those tests that need to be conducted at the Yucca Mountain site to detect potentially unsuitable site conditions. In addition to assigning priority to the scientific tests, the first phase recommended that the TPT be expanded to enhance its use as a management tool. The Board wants to learn more about the second phase of the TPT, including its potential application and relationship to the DOE's most recent performance assessment and the early site suitability evaluation.

On April 8, the Board has asked the DOE to address ongoing and proposed site-characterization activities. First, the DOE has been asked to provide an overview of the surface-based drilling program and to describe the technology being developed to improve the performance of the Lang 300 drill rig. Second, the Board has requested a progress report on the Exploratory Shaft Facility (ESF) design activities that have been undertaken since the September 1991 Structural Geology & Geoengineering Panel meeting. Third, the Board will review the DOE's responses to Board recommendations in the Fourth Report about enhancing the ESF design and gaining early access to the Ghost Dance Fault. Fourth, the Board will be given an update on the DOE's efforts to secure permits to characterize the site, including a description of the additional permits required for underground exploration. Finally, pending its availability, the Board has requested that the DOE make a presentation on engineered barriers, originally scheduled for a February 10 meeting of the Board's panel on engineered barrier system.

The public is welcome to attend the meeting as observers. Transcripts of the meeting will be available on a library-loan basis from Ms. Victoria Reich, Board Librarian, beginning May 28, 1992.

For further information, contact Paula N. Alford, Director, External Affairs, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235–4473.

Dated: March 4, 1992.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 92–5388 Filed 3–6–92; 8:45 am]

BILLING CODE 6820–AM–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30437; File No. SR–NASD–91–37]

Self-Regulatory Organizations; Order Approving Proposed Rule Change of the National Association of Securities Dealers, Inc., Amending Schedule G to the By-Laws To Require Transaction Reporting for Exchange-Listed Securities Until 5:15 p.m. and Use of a Special Indicator for Certain Pricing Formula Trades

March 3, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), on August 2, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change to amend Schedule G to the By-Laws to require members to continue real-time trade reporting of transactions in exchange-listed securities until 5:15 p.m. and to use a special indicator to denote transactions priced on an average-weighting or other special pricing formula.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 29632 (August 30, 1991), 56 FR 46022. The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

I. Description of the Proposed Rule Change

Current trade reporting obligations for listed securities in Schedule G to the NASD By-Laws require members to report transaction within 90 seconds after execution from 9:30 a.m. to 4:30 p.m. Eastern time. The commencement of the New York Stock Exchange's after-hours sessions in June, 1991 prompted the NASD to permit voluntary 90-second reporting by members until 5:15 p.m., to coincide with the extended hours of the Consolidated Tape Association ("CTA"). This rule change extends the reporting hours specified in Schedule G for listed securities until 5:15 p.m., so that 90-second reporting will be mandatory for all reporting members until that time. This will enable the automated capture and dissemination of transactions in listed securities occurring between 4 p.m. and 5:15 p.m. in the over-the-counter market.

In addition, the proposal requires the use of the ".SLD" identifier for certain trades reported after 4 p.m.[1] The NASD states that confusion has arisen recently regarding a limited number of agency cross trades executed after 4 p.m. that have been reported at a price based on an average-weighting or other formula rather than a current negotiated price. An example of such a transaction would be a trade negotiated during the trading day to be executed after 4 p.m. at a price equal to the average of weighted prices of transactions taking place during the trading day. The NASD states that certain institutions find average-weighting trades attractive because they ensure that the institutions will not purchase at a high for the day or sell at the low.

Trade reports such as these, although made in a timely fashion, often do not relate to the closing price on the primary exchanges but, until now, have not carried an identifier describing their specialized nature. To alleviate confusion with regard to these trade reports, the NASD proposed modifications to Schedule G to provide for the use of an indicator. Although there are various specialized sale condition indicators employed in the reporting of consolidated transaction data to vendors, none accurately describes average-weighted trades. Until a new indicator is implemented, the amendment provides for the use of the .SLD late trade indicator to denote these "formula" trades and to specify that these trades would be exempted from the normal interpretation that printing trades .SLD as a course of conduct would subject a firm to disciplinary action.

The Commission understands that the NASD and the other CTA participants have worked to devise a permanent identifier to be used for these trades. Under this agreement, a "B" identifier would be used for disseminating average-weighting trades. Another identifier would be required for inputting average-weighting trades. The Commission understands that the NASD is still determing the appropriate identifier for incoming data.[2]

II. Discussion

The Commission finds that approval of this proposed rule change is consistent with the Act, in particular, section 15A(b)(6), in that it will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and remove impediments to and perfect the mechanism of a free and open market. In addition, the Commission finds that the proposed rule change furthers the objective set forth in section 11A(a)(1)(C)(iii) of ensuring the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities.

The Commission believes that mandatory 90-second reporting until 5:15 p.m. will enhance transparency of transactions and thereby permit investors and market professionals to follow after-hours trading activity in listed securities. Market transparency is one of the paramount goals of the Commission and any advances in transparency are to be encouraged. In addition, the amendments will assure the efficient integration of this information into NASD's automated surveillance systems. The Commission believes that these measures are consistent with the goals of the Act in that they facilitate securities transactions and remove impediments to a free and open market.

Although the Commission believes that the proposed rule is consistent with the Act, the Commission encourages the NASD to implement the new, permanent identifier as soon as practicable. The NASD has stated that it will work with CTA participants to undertake the technical enhancements necessary to implement a new indicator so that any investor confusion with respect to these agency cross trades will be eliminated. The Commission encourages the NASD and CTA to work together towards this goal. In the meantime, the Commission concludes that the use of the .SLD indicator to designate average-weighting or other special formula trades furthers the purposes of the statute.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the rule change be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5401 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

[1] The CTA Plan, the plan that governs trade reporting for New York and American Stock Exchange securities and certain regional listed securities that substantially meet American Stock Exchange listing standards, provides that any trade report made more than 90 seconds after execution must be designated as late by appending the ".SLD" identifier.

[2] The permanent identifier should be filed with the Commission for approval pursuant to Rule 19(b).

Self-Regulatory Organizations; Applications of Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

March 3, 1992.

The above named national secruties exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exhange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

International Recovery Corp.
Common Stock, $.01 Par Value (File No. 7–8047)

Hi-Lo Automative, Inc.
Common Stock, $.01 Par Value (File No. 7–8048)

Kasler Corp.
Common Stock, $.01 Par Value (File No. 7–8049)

Mid-American Waste Systems, Inc.
Common Stock, $.001 Par Value (File No. 7–8050)

Timberland Co.
Class A Common Stock, $.01 Par Value (File No. 7–8051)

Ambac, Inc.
Common Stock, $.01 Par Value (File No. 7–8052)

Allwaste, Inc.
Common Stock, $.01 Par Value (File No. 7–8053)

Amphenol Corp.
Class A Common Stock, $.01 Par Value (File No. 7–8054)

BET Holdings, Inc.
Class A Common Stock, No Par Value (File No. 7–8055)

Fruehauf Trailer Corp.
Common Stock, $.01 Par Value (File No. 7–8056)

Greiner Engineering, Inc.
Common Stock, $.50 Par Value (File No. 7–8057)

Guaranty National Corp.
Common Stock, $1.00 Par Value (File No. 7–8058)

HCA–Hospital Corp. of America
Common Stock, $.01 Par Value (File No. 7–8059)

Jundt Growth Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–8060)

Kimco Realty Corp.
Common Stock, $.01 Par Value (File No. 7–8061)

Lakehead Pipe Line Partners, L.P.
Preferred Units, No Par Value (File No. 7–8062)

Nuveen Select Quality Municipal Fund
Common Stock, $.01 Par Value (File No. 7–8063)

Preferred Income Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–8064)

Smart & Final, Inc.
Common Stock, $.01 Par Value (File No. 7–8065)

Van Kampen Merritt Florid Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8066)
Van Kampen Merritt California Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8067)
Van Kampen Merritt Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8068)
Van Kampen Merritt New York Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8069)
Van Kampen Merritt Ohio Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8070)
Van Kampen Merritt Pennsylvania Quality Municipal Trust
Shares Beneficial Interest, $.01 Par Value (File No. 7–8071)
Vencor, Inc.
Common Stock, $.01 Par Value (File No. 7–8072)
Wabash National Corp.
Common Stock, $.01 Par Value (File No. 7–8073)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5341 Files 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Incorported

March 3, 1992

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Adjustable Rate Term Trust, Inc.—1998
Common Stock, $0.01 Par Value (File No. 7–8106)
AutoZone, Inc.
Common Stock, $0.01 Par Value (File No. 7–8107)
Boise Cascade Corp.
$1.79 Dep. Shares (Rep. 1/10 of a share of Conv. Pfd. Ser. E Stock) (File No. 7–8108)
Electrocom Automation, Inc.
Common Stock, $0.05 Par Value (File No. 7–8109)
Environmental Elements Corp.
Common Stock, $0.01 Par Value (File No. 7–8110)
Federated Department Store, Inc.
Common Stock, $0.01 Par Value (File No. 7–8111)
Georgia Power Co.
$2.125 Class A Pfd. Stock, No Par Value (File No. 7–8112)
Global Health Sciences Fund
Shares of Beneficial Interest, $0.01 Par Value (File No. 7–8113)
Integon Corp.
Common Stock, $0.01 Par Value (File No. 7–8114)
LTV Corp.
$5.25 Cum Conv. Pfd. $50.00 Par Value (File No. 7–8115)
Margaretten Financial Corp.
Common Stock, $0.01 Par Value (File No. 7–8116)
Mellon Bank Corp.
8.50% Ser. J Pfd. Stock $1.00 Par Value (File No. 7–8117)
National Re Holdings Corp.
Common Stock, No Par Value (File No. 7–8118)
Olin Corp.
Ser. A Conv. Pfd. Stock (Pfd. Equity Red. Cum. Stock), $1.00 Par Value (File No. 7–8119)
Preferred Income Opportunity Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–8120)
Southern National Corp.
Depository Shares (Rep. ¼ Sh. 6¾% Cum. Conv. Pfd. Ser. A Stock, $5.00 Par Value (File No. 7–8121)
Strategic Global Income Fund, Inc.
Common Stock, $0.001 Par Value (File No. 7–8122)
Transamerica Corp.
Depositary Shares (Rep. 1/10 interest in a share of 8.50% Pfd. Ser. D Stock) (File No. 7–8123)
Tremont Corp.
Common Stock, $1.00 Par Value (File No. 7–8124)
Van Kampen Merritt California Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8125)
Van Kampen Merritt Florida Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8126)
Van Kampen Merritt Pennsylvania Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8127)
Van Kampen Merritt New York Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8128)
Van Kampen Merritt Ohio Quality Municipal Fund
Common Stock, $0.01 Par Value (File No. 7–8129)
Vencor, Inc.
Common Stock, $0.25 Par Value (File No. 7–8130)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Johnathan G. Katz,

Secretary.

[FR Doc. 92–5342 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commisson ("Commisson") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Blackstone Insured Municipal Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7 8073)
Citizens Utilities Company
Series A Common Stock, $.25 Par Value (File No. 7–8074)

Citizens Utilities Company
Series B Common Stock, $.25 Par Value (File No. 7–8075)
Intercapital Insured Municipal Trust
Common Shares of Beneficial Interest, $.01 Par Value (File No. 7–8076)
Waterhouse Investor Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8077)
Farragut Mortgage Company
Common Stock, $.10 Par Value (File No. 7–8078)
Musicland Stores Corporation
Common Stock, $.01 Par Value (File No. 7–8079)
SPS Transaction Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8080)
Coleman Company
Common Stock, $.01 Par Value (File No. 7–8081)
HCA-Hospital Corp. of America
Class A Common Stock, $.01 Par Value (File No. 7–8082)
Allwaste, Inc.
Common Stock, $.01 Par Value (File No. 7–8083)
Specialty Chemical Resources, Inc.
Common Stock, $.01 Par Value (File No. 7–8084)
Cross Timbers Royalty Trust
Units of Beneficial Interest ("Trust Units"), No Par Value (File No. 7–8085)
Callaway Golf Company
Common Stock, $.01 Par Value (File No. 7–8086)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5343 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following security:

Hospital Corp. of America
Class A Common Stock, $.01 Par Value (File No. 7–8087)

This security is listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5344 Filed 3–6–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

March 3, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities.

General Motors Corporation
Series C Conv. Pref. Stock, $0.10 Par Value (File No. 7–8088)
Citizens Utilities Company
Series A & B Common Stock, $.25 Par Value (File No. 7–8089)
Waterhouse Investor Services, Inc.
Common Stock, $.01 Par Value (File No. 7–8090)
Allou Health and Beauty Care, Inc.
Class B Warrants (File No. 7–8091)
Blackstone Insured Municipal Term Trust, Inc.
Common Stock, $.01 Par Value (File No. 7–8092)
Intercapital Insured Municipal Trust
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8093)
Sears, Roebuck & Co.
$3.75 Depositary Shares "Percs" (File No. 7–8094)
SPS Transaction Services, Inc.
Common Stock, $0.01 Par Value (File No. 7–8095)
Coleman Company, Inc.
Common Stock, $.01 Par Value (File No. 7–8096)
Musicland Stores Corp.
Common Stock, $.01 Par Value (File No. 7–8097)
BankAmerica Corporation
3 ⅜ Cum. Pfd. Stock, No Par Value (File No. 7–8098)
Farragut Mortgage Company, Inc.
Common Stock, $.10 Par Value (File No. 7–8099)
Hospital Corporation of America
Class A Common Stock, $.01 Par Value (File No. 7–8100)
Republic New York Corporation
Cumulative Preferred Stock, No Par Value (File No. 7–8101)
Piper Jaffray, Inc.
Common Stock, $1.00 Par Value (File No. 7–8102)
Callaway Golf Company
Common Stock, $.01 Par Value (File No. 7–8103)
Allwaste, Inc.
Common Stock, $0.01 Par Value (File No. 7–8104)
Georgia Power Company
Preferred Stock, No Par Value (File No. 7–8105)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 24, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair

and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-5345 Filed 3-6-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0211]

Energy Assets, Inc; License Surrender

Notice is hereby given that Energy Assets, Inc. 4900 Republic Bank Center, 700 Louisiana, Houston, TX 77002 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). Energy Assets, Inc. was licensed by the Small Business Administration on April 2, 1979.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on February 17, 1992, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 28, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-5352 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Public Meeting

The National Small Business Development Center Advisory Board will hold a public meeting on Monday, March 16, 1992, from 9 a.m. to 4:30 p.m., and on Tuesday, March 17th from 9 a.m. to 12 noon, in the Fifth Floor Conference Room, at the Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Judith Dunn, SBA, room 6750, 409 3rd Street, SW., Washington, DC 20416, (202) 205-7301.

Dated: February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5350 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, will hold a public meeting from 9 a.m. to 2 p.m., on Tuesday, March 17, 1992, at SouthTrust Bank of Alabama, SouthTrust Tower, 420 North 20th Street, 8th Floor, Birmingham, Alabama, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James C. Barksdale, District Director, U.S. Small Business Administration, 2121 8th Avenue, North, suite 200, Birmingham, Alabama 35203, (205) 731-1341.

February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5348 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, will hold a public meeting from 9 a.m. to 12:30 p.m., on Friday, March 27, 1992, in the Jackson District Office of the U.S. Small Business Administration, Jackson, Mississippi, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Jack Spradling, District Director, U.S. Samll Business Administration, 101 W. Capitol Street, suite 400, Jackson, Mississippi 39201 (601) 965-5371.

Februrary 27, 1992

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5349 Filed 3-6-92; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Cleveland, will hold a public meeting from 9 a.m. to 1 p.m., Friday, March 13, 1992 at the AJC Federal Office Building, 1240 East Ninth Street, room 709, Cleveland, Ohio, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Norma M. Nelson, District Director, U.S. Small Business Administration, 1240 East Ninth Street, room 317, Cleveland, Ohio 44199-2095, (216) 522-4180.

Dated: February 27, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-5351 Filed 3-6-92; 8:45am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1581]

Israel; International Atomic Energy Agency Participation

Determination Under Title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1991 (Pub. L. 101-513), and the Joint Resolution, Making Further Continuing Appropriations for the Fiscal Year 1992 and for Other Purposes (Pub. L. 102-145).

Pursuant to Title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1991 (Pub. L. 101-513) and the Joint Resolution Making Further Continuing Appropriations for the Fiscal Year 1992 and for Other Purposes (Pub. L. 102-145), I hereby determine that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency.

This determination shall be provided to Congress and published in the **Federal Register.**

Dated: February 7, 1992.

James A. Baker III,

Secretary of State.

[FR Doc. 92-5367 Filed 3-6-92; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

Employee Protection Program Investigations

AGENCY: Department of Transportation.

ACTION: Notice of the Issuance of Order 92-3-9 in the following dockets:

Airlift International—Docket 38418
American Airlines—Docket 38570
Continental Airlines—Docket 38720
Frontier Airlines—Docket 45234
Pan American World Airways—Docket 38883
Republic Airlines—Docket 41072
Transamerica Airlines—Docket 44397
Trans World Airlines—Docket 38184
United Airlines—Docket 38571
Western Airlines—Docket 41061

Notice

In Order 92-3-9, issued March 3, 1992, the Department is requiring that at least one party in interest in each of these ten investigations except that in Docket 44397 identify himself or herself by filing a notice in the appropriate docket no later than 120 days after the order's issuance. It is taking this step to avoid conducting any investigation for which no person would claim benefits even if qualifying dislocations were found and Congress were to appropriate funds for the Employee Protection Program. Due to the long time lag between the initial filings in these dockets and the Department's order reactivating these investigations last November, it is necessary to ascertain the existence of at least one party in interest in each case.

In addition, the Department is asking that anyone who knows the address of any of the individuals listed in the attached appendix inform James Craun, Deputy Director of the Office of Aviation Analysis, in writing as soon as possible at the following address: U.S. Department of Transportation, P-51, 400 Seventh St. SW., Washington, DC 20590. These individuals have been on our service lists but no longer reside at the addresses indicated in the appendix.

Anyone wishing to obtain a copy of Order 92-3-9 can do so by contacting Mr. Craun.

DATES: Notices are due 120 days after the order's issuance. Addresses of lost parties should be provided as soon as possible.

ADDRESSES: Notices should be filed in the appropriate dockets and addressed to the Docket Section, Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street SW., room 4107, Washington, DC 20590. Addresses of lost parties should be sent to James Craun at the address stated above.

Dated: March 3, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

Lost Parties

Docket 38418

J.H. Flynn, Loomis Trailer Park, Liberty, NY 12754

Docket 38570

J.M. Schlee, 7548 Jean Ann Dr., Ft. Worth, TX 76118

Docket 38571

R. Danakjy, 15580 Willowbrook Dr., Reno, NV 89511

L.K. Smith, Box 13137, Sarasota, FL 33578

Transport Workers' Union of America Lodge 540-TWU, 142 Mineola Ave. STE 2A, Roslyn Heights, NY 11577

Docket 38720

I.L. Baehr, 21241 S.E. 258th St., Maple Valley, WA 98038

J. Brikman, 13058 Hedda Lane, Cerritos, CA 90701

W.M. Kennedy, 00 E. Lynn #4, Seattle, WA 98102

Docket 41072

D. Baerwald, 424 W. 17th St., Sioux Falls, SD 57104

Docket 44397

D.E. Moore, 1830 East 5770 South, Ogden, UT 84403

J. Reicher, 2 Ford Dr. West, Massapequa, NY 11758

Docket Unknown

S. Gordon, 4850 Stanford Ave. NE, Seattle, WA 98105

[FR Doc. 92-5377 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement: Shawano County, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project in Shawano County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Robert Cooper, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin, 53705; Telephone: (608) 264-5940. Carol Cutshall, Wisconsin Department of Transportation, Office of Environmental Analysis, 4802 Sheboygan Avenue, Madison, Wisconsin, 53705; Telephone: (608) 267-4473. William Nicholson, Wisconsin Department of Transportation, Highway 29 Project Management Team, 1681 Second Avenue South, Wisconsin Rapids, Wisconsin, 54495; Telephone: (715) 421-8365.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation will not prepare an environmental impact statement as previously intended on a proposal to improve State Trunk Highway 29 (STH 29) from near Bonduel to the east Shawano County Line. Based on further review of the project and related impacts it was determined that an environmental assessment would be prepared.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 28, 1992.

Robert W. Cooper,

District Engineer.

[FR Doc. 92-5301 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Highway Safety Programs; Amendment of Conforming Products List of Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Calibrating Units for Breath Alcohol Testing (49 FR 48865).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Robin Mayer, Office of Alcohol and State Programs, NTS-21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366-9825.

SUPPLEMENTARY INFORMATION: On August 19, 1975, (40 FR 36167), the National Highway Traffic Safety Administration (NHTSA) published the Standards for Calibrating Units for Breath Alcohol Testers. A Qualified Products List of Calibrating Units for Breath Alcohol Testers, of devices which met this standard, was first issued on November 30, 1976, (41 FR 53384).

On December 14, 1984, (49 FR 48864), NHTSA converted this standard to Model Specifications for Calibrating Units for Breath Alcohol Testers, and published in Appendix B (49 FR 48872), a Conforming Products List (CPL) of calibrating units which where found to conform to the Model Specifications. Amendments to the CPL have been published in the **Federal Register** since that time.

Since the last publication of the CPL for calibrating units, the PLD of Florida, Inc., model BA 500 calibration device has been tested and found to meet the requirements of the Model Specifications. The Conforming Products

List is therefore amended to read as follows:

Conforming Products List of Calibrating Units for Breath Alcohol Testers (Manufacturer and Calibrating Unit)

1. Century Systems, Inc., Arkansas City, KA: Breath Alcohol Simulator BAS311.
2. CMI, Inc., Owensboro, KY: Toxitest II.
3. Federal Signal Corporation, CMI, Inc., Minturn, CO: Toxitest Model ABS 120.
4. Guth Laboratories, Inc., Harrisburg, PA: Model 34C Simulator; Model 34C Cal DOJ; Model 34C–FM; Model 34C–NPAS; and Model 10–4.
5. Intoximeters, Inc., St. Louis, MO: Nalco Breath Alcohol Standard.
6. Luckey Laboratories, Inc., San Bernardino, CA: Simulator.
7. PLD of Florida, Inc. Rockledge, FL: BA 500.
8. Protection Devices, Inc., Dayton, NJ: LS34 Model 6100.
9. Smith & Wesson Electronic Co., Springfield, MA: Mark II–A Simulator.
10. Systems Innovation, Inc., Hallstead, PA: True-Test MD 901.

(23 U.S.C. 402; delegations of authority at 40 CFR 1.50 and 501.8)

Michael B. Brownlee,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 92-5297 Filed 3-3-92; 3:50 pm]

BILLING CODE 4910-59-M

Highway Safety Program; Amendment of Conforming Products List of Evidential Breath Testing Devices

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice amends the Conforming Products List for instruments which have been found to conform to the Model Specifications for Evidential Breath Testing Devices (49 FR 48854).

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Robin Mayer, Office of Alcohol and State Programs, NTS–21, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; Telephone: (202) 366–9825.

SUPPLEMENTARY INFORMATION: On November 5, 1973, the National Highway Traffic Safety Administration (NHTSA) published the Standards for Devices to Measure Breath Alcohol (38 FR 30459). A Qualified Products List of Evidential Breath Measurement Devices comprised of instruments that met this standard was first issued on November 21, 1974, (39 FR 41399).

On December 14, 1984, (49 FR 48854), NHTSA converted this standard to Model Specifications for Evidential Breath Testing Devices, and published in Appendix D to that notice (49 FR 48864), a Conforming Products List (CPL) of instruments that were found to conform to the Model.

Specifications. Amendments to the CPL have been published in the **Federal Register** since that time.

Since the last publication of the CPL, two (2) breath measurement devices have been tested and found to conform to the requirements of the Specifications for mobile and non-mobile evidential breath testers: Intoximeters, Inc., Alcomonitor and Alco-Sensor IV. Since the Alco-Sensor IV has been found to conform, the Intoximeters RBT IV is also deemed to be in conformance, and is hereby added to the Conforming Products List. Further, the list has been corrected through the change of the Intoximeters Alco-Sensor IIIA to the RBT III–A. This is a model designation correction only

The Conforming Products List is therefore amended to read as follows:

CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer and model	Mobile	Non-mobile
Alcohol Countermeasures System, Inc., Port Huron, MI:		
Alert J3AD	X	X
BAC Systems, Inc., Ontario, Canada:		
Breath Analysis Computer		X
CAMEC Ltd., North Shields, Tyne and Ware, England		
IR Breath Analyzer	X	X
CMI, Inc., Owensboro, KY		
Intoxilyzer Model:		
1400	X	X
4011	X	X
4011A	X	X
4011AS	X	X
4011AS–A	X	X
4011AS–AQ	X	X
4011 AW	X	X
4011A27–10100	X	X
4011A27–10100 with filter	X	X
5000	X	X
5000 (w/Cal. Vapor Re-Circ.).	X	X
5000 (w/⅝" ID Hose option).	X	X
5000 (CAL DOJ)	X	X
5000 (VA)	X	X
PAC 1200	X	X
SD–2	X	X
Decator Electronics, Decator, IL:		
Alco-Tector model 500		X
Intoximeters, Inc., St. Louis, MO:		
Photo Electric Intoximeter		X
GC Intoximeter MK II	X	X
GC Intoximeter MK IV	X	X
Auto Intoximeter	X	X
Intoximeter Model:		
3000	X	X
3000 (rev B1)	X	X
3000 (rev B2)	X	X
3000 (rev B2A)	X	X
3000 (rev B2A) w/FM option	X	X
3000 (Fuel Cell)	X	X
3000 D	X	X
3000 DFC	X	X
Alcomonitor		X
Alco-Sensor III	X	X
Alco-Sensor IV	X	X
RBT III	X	X
RBT III–A	X	X
RBT IV	X	X
Komyo Kitagawa, Kogyo, K.K.:		
Alcolyzer DPA–2	X	X
Breath Alcohol Meter PAM 101B.	X	X
Life-Loc, Inc., Wheat Ridge, CO:		
PBA 3000–P	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK		
Alcolmeter Model:		
AE–D1	X	X
SD–2	X	X
EBA	X	X
Auto-Alcolmeter		X
Luckey Laboratories, San Bernadino, CA		
Alco-Analyzer Model:		
1000		X
2000		X
National Draeger, Inc., Pittsburgh, PA		
Alcotest Model:		
7010	X	X
7110	X	X
7410	X	X
Breathalzyer Model:		
900	X	X
900A	X	X
900BG	X	X
National Patent Analytical Systems, Inc., Mansfield, OH:		
BAC Datamaster	X	X
Omicron Systems, Palo Alto, CA		
Intoxilyzer Model:		
4011	X	X
4011AW	X	X
Plus 4 Engineering, Minturn, CO:		
5000 Plus4	X	X
Siemans-Allis, Cherry Hill, NJ:		
Alcomat	X	X
Alcomat F	X	X
Smith and Wesson Electronics, Springfield, MA		
Breathalyzer Model:		
900	X	X
900A	X	X
1000	X	X
2000	X	X
2000 (non-Humidity Sensor)	X	X
Stephenson Corp.:		
Breathalyzer 900	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Dayton, NJ:		
Alco-Analyzer 1000		X
Alco-Analyzer 2000		X
Verax Systems, Inc., Fairport, NY:		
The BAC Verifier	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II	X	X

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501.8)

Michael B. Brownlee,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 92-5296 Filed 3-3-92; 3:56 pm]

BILLING CODE 4910-59-M

[Docket No. 92-11; Notice 1]

Receipt of Petition for Determination that Nonconforming 1989 BMW 520iA Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1989 BMW 520iA passenger car are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a determination that a 1989 BMW 520iA passenger car that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATES: The closing date for comments on the petition is April 8, 1992.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC 20590. [Docket hours are from 9:30 a.m. to 4 p.m.]

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. § 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

"(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *"

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Anaheim, California (Registered Importer No. R–90–007) has petitioned NHTSA to determine whether 1989 BMW 520iA passenger cars are eligible for importation into the United States. The vehicle which G&K believes is substantially similar is the 1989 BMW 525iA. G&K has submitted information indicating that Bayerische Motoren-Werke A.G., the company that manufactured the 1989 BMW 525iA, certified that vehicle as conforming to all aplicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that the 520iA is substantially similar to the 525iA with respect to most aspects of performance governed by applicable Federal motor vehicle safety standards and regulations. The petitioner stated that the two models differ only with regard to engine size, and surmised that the less-powered 520iA may not have been introduced into the United States because of low sales potential in that market. The petitioner further speculated that the 520iA's absence from the United States market could be attributed to "legislative restrictions such as the strict emission control requirements in the United States."

G&K submitted information with its petition intended to demonstrate that the 1989 model 520iA, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1989 BMW 525iA that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1989 model 520iA is identical to the certified 1989 model 525iA with respect to compliance with Standards Nos. 102 Transmission Shift Level Sequence * * *, 103 Defrosting and Defogging Systems, 104 Windshield Wiping and Washing Systems, 106 Brake Hoses, 107 Reflecting Surfaces, 109 New Pneumatic Tires, 113 Hood Latch Systems, 124 Accelerator Control Systems, 201 Occupant Protection in Interior Impact, 202 Head Restraints, 203 Impact Protection for the Driver From the Steering Control System, 204 Steering Control Rearward Displacement, 205 Glazing Materials, 206 Door Locks and Door Retention Components, 207 Seating Systems, 209 Seat Belt Assemblies, 210 Seat Belt Assembly Anchorages, 211 Wheel Nuts, Wheel Discs and Hubcaps, 212 Windshield Retention, 216 Roof Crush Resistance, 219 Windshield Zone Intrusion, and 302 Flammability of Interior Materials.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* (a) Modification of the electrical circuit powering the brake failure indicator lamp so that it activates when the ignition switch is turned to the "on" position; (b) information molded into the brake fluid reservoir cap is incomplete and must be supplemented to comply with the standard.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.–model headlamp assemblies; (b) modification of models equipped with integral parking lamps and headlamps to permit the parking lamp to be activated independently of the headlamp; (c) installation of front and rear sidemarker lamps and reflex reflectors; (d) installation of U.S.-model taillamp assemblies; (e) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims*: Installation of a tire information placard.

Standard No. 110 *Rearview Mirrors*: Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection*: Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection*: (a) Installation of a belt webbing-actuated microswitch in the driver's seat belt retractor to activate the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

Standard No. 214 *Side Door Strength*: Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1989 model 520iA must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 8, 1992.

Authority: 15 U.S.C. 1397(c)(3)(A) (i) (II) and (C) (iii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 27, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92–5357 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 3, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Customer Survey for the Form 1040EZ–1 1992 Test.
Description: A 1992 filing season test of the Form 1040EZ–1 was conducted among 342,000 taxpayers in Texas, Rhode Island, and Washington. This survey of a sample of approximately 3,000 of them will ascertain their reactions to the new form and estimate the amount of burden to be saved through use of the new form.
Respondents: Individuals or households.
Estimated Number of Respondents: 3,000.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Other (One-time survey).
Estimated Total Reporting Burden: 500 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5400 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 3, 1992.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3172 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1144.
Form Number: IRS Form 706GS(D).
Type of Review: Resubmission
Title: Generation-Skipping Transfer Tax Returns for Distributions
Description: Form 706GS(D) is used by the distributees to compute and report the Federal Generation-Skipping Transfer (GST) tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 1,000.
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—7 minutes.
Learning about the law or the form—28 minutes.
Preparing the form—24 minutes
Copying, assembling and sending the form to IRS—19 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 1,020 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5337 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 3, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0720.
Form Number: IRS Forms 8038, 8038–G, 8038–GC and 8038–T.
Type of Review: Revision.
Title:
1. Information Return for Tax-Exempt Private Activity Bond Issues (8038).
2. Information Return for Tax-Exempt Governmental Obligations (8038–G).
3. Information Return for Small Tax-Exempt Governmental Bond Issues, Leases and Installment Sales (8038–GC).
4. Arbitrage Rebate (8038–T).

Description: Forms 8038, 8038–G and 8038–GC collect the information that IRS is required to collect by Code Section 149(e). IRS uses the information to complete the required study of tax-exempt bonds (requested by Congress). IRS also uses the information to assure that tax-exempt bonds are issued consistent with the rules of Internal Revenue Code (IRC) sections 141–149. Form 8038–T is used to implement the arbitrage rebate requirement.
Respondents: State or local governments, Businesses or other for-profit, Non-profit institutions.
Estimated Number of Respondents/ Recordkeepers: 77,000.
Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing, copying, assembling, and sending the form to IRS
8038	23 hrs., 26 min.	4 hrs., 36 min.	6 hrs., 26 min.
8038–G	13 hrs., 38 min.	1 hr., 29 min.	1 hr., 47 min.
8038–GC	3 hrs., 21 min.	1 hr., 34 min.	2 hrs., 53 min.
8038–T	4 hrs., 47 min.	1 hr., 41 min.	1 hr., 50 min.

Frequency of Response:
Forms 8038 and 8038–G—Quarterly.
Forms 8038–GC—Annually.
Forms 8038–T—Other (at least once every 5 years.
Estimated Total Reporting/ Recordkeeping Burden: 1,443,925 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5338 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 2, 1992.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1145.
Form Number: IRS Form 706GS(T), Schedule A and Schedule B.
Type of Review: Resubmission.
Title: Generation-Skipping Transfer Tax Return for Terminations
Description: Form 706GS(T) is used by trustees to compute and report the Federal Generation-Skipping Transfer (GST) tax imposed by Internal Revenue Code (IRC) section 2601. IRS uses the information to enforce this tax and to verify that the tax has been properly computed.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 100.
Estimated Burden Hours Per Respondent/Recordkeeper:

	706GS(T)	Schedule A	Schedule B
Recordkeeping	40 min.	13 min.	13 min.
Learning about the law or the form.	26 min.	17 min.	4 min.
Preparing the form.	32 min.	38 min.	20 min.
Copying, assembling and sending the form to IRS.	20 min.	20 min.	20 min.

Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 689 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5339 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 2, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for reveiw and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the subission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addresses to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0212.
Form Number: IRS Form 5558.
Type of Review: Extension.
Title: Application for Extension of Time to File Certain Employee Returns.
Description: This form is used by employers to request an extension of time to file employee plan annual information returns and the employee plan excise tax return (5330). The data supplied on this form is used to

determine if such extension of time is warranted.

Respondents: Farms, Businesses or other for-profit.

Estimated Number of Respondents: 75,000.

Estimated Burden Hours Per Respondent: 36 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 44,525 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Mangagmenet and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5340 Filed 3–6–92; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the object to be included in the exhibit, "The Quedlinburg Treasury" (see list) [1] imported from abroad for the temporary exhibition without profit within the United States is of cultural significance. The object is imported pursuant to a loan agreement with the foreign lender. I also determine that the tempory exhibition or display of the listed exhibit object at the Dallas Museum of Art, Dallas Texas, beginning on or about March 7, 1992, to on or about May 24, 1992, is the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: March 4, 1992.

Alberto J. Mora,

General Counsel.

[FR Doc. 92–5516 Filed 3–5–92; 11:03 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202/619–5078, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Central American Program of Undergraduate Scholarships, (CAMPUS)

AGENCY: United States Information Agency.

ACTION: Notice—Request for proposals.

SUMMARY: Subject to the availability of funds, the United States Information Agency (USIA) invites applications for the seventh Central American Program of Undergraduate Scholarships (CAMPUS) from accredited U.S. educational institutions to host groups of Central American undergraduate students for English language training and the final two years of their undergraduate studies. USIA anticipates awarding five or six grants under this competition.

DATES: Deadline for proposals: Proposals must be received at the U.S. Information agency by 5 p.m. E.D.T. on April 20, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 20, 1992, but received at a later date. It is the responsibility of each grant applicant that proposals are received by the above deadline. Grants should begin September 1, 1992. The duration of the grant should be for thirty-four to thirty-five months. Note: The students will arrive in January, 1993. The grant start date allows for time to prepare for the students' arrival. No funds may be expended until the grant agreement is signed.

ADDRESSES: The original and fourteen copies of the completed application, and the original and two copies of the required U.S. Government forms, should be submitted by the deadline to: U.S. Information Agency, Ref: CAMPUS VII, Grants Management Office, E/XE, room 357, 301 Fourth St., SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. institutions should contact the Academic Exchange Programs Division, American Republics Branch, at the U.S. Information Agency, E/AEL, Room 246, 301 4th St., S.W., Washington, D.C. 20547 (202) 619–5365, to request detailed application packets which include specific guidelines for preparing proposals, all necessary forms, and specific budget preparation information.

SUPPLEMENTARY INFORMATION: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Overall authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world."

I. Background

A. Overview

The objectives of the program are to improve the range and quality of educational alternatives for talented young Central Americans of limited financial means, to match educational opportunities with regional needs, and to build lasting links betwwen the U.S. and Central America.

B. Program Scope and Calendar

Approximately 69 upper division transfer students from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Belize will be sponsored for up to 30 months of U.S. study toward a bachelor's degree, including intensive English language training and undergraduate academic coursework. In selecting student grantees, the Agency will seek those who, by prior academic preparation and performance, are likely to succeed in rigorous U.S. college courses.

USIA will award grants to five or six accredited U.S. colleges and universities to host nationally diverse groups of 10–15 student participants.

Applicant institutions should pledge administrative and faculty commitment, as well as instructional and counseling support, to implement an extensive range of educational and cultural program elements and to assist students in achieving academic and personal success.

The scholarship period will be for a maximum total of 30 months, including English language training as needed, appropriate academic programs, and program enhancements as specified below.

About 65 of the participants will be Spanish-speaking students from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama, who will arrive in January 1993 to begin intensive English language training.

About four of the participants will be English-speaking Belizean students, who will also arrive in January, 1993. Since they will not require ESL training, they will begin academic coursework immediately, and continue through the last academic term ending by June 1995.

C. Student Selection

Selection will be conducted by a joint private sector-USIA team working with Central American organizations, universities, and USIS posts in Central America. The team will recommend the selection and placement of candidates to USIA; final selection is subject to review by the J. William Fulbright Foreign Scholarship Board.

D. Admission and Credit Transfer

Once student participants are identified, their application dossiers will be sent to the prospective host institution, which will have a specified time in which to review student qualifications and confirm admission.

E. Project Driectors' Workshop

USIA will hold a two-day conference in Washington, DC in October 1992, for university Project Directors. Project issues and policies will be discussed with USIA staff.

F. Plenary Arrival Orientation Program

USIA will conduct an orientation program for the students from Spanish-speaking countries in January, 1993 (the actual dates to be determined in accordance with the selected universities' academic calendars), in Miami, Florida.

II. The Program

A. Intensive English Language Program

Institutions shall provide intensive English as a Second Language programs responsive to widely varying levels of individual ability and rates of progress, to enable students to achieve adequate English fluency to enter regular academic courses in the fall of 1993.

Host institutions should be prepared to admit qualified students to regular academic coursework as soon as possible.

Provisions should be made for those students requiring some additional English tutoring during the first semester of academic coursework.

B. Nature and Level of Academic Program

CAMPUS students will enroll at each U.S. host institution as undergraduates seeking (unless otherwise specified) to earn a bachelor's degree during the scholarship period. As they will have completed at least two years of college-level study at recognized Central American institutions, CAMPUS students should in many ways be considered upper division (third and fourth year) students.

C. Academic Program: Guidance and Monitoring

Host institutions are expected to ensure that CAMPUS students are enrolled in a substantive undergraduate study program throughout the duration of scholarship. If careful assessment of a participant's prior studies suggests that a bachelor's degree can be earned before the program expiration date, that participant is expected to return home immediately after graduation. Conversely, if careful assessment while the student is pursuing studies in the U.S. suggests that a bachelor's degree cannot be earned within the scholarship period, USIA will work with the host institution to determine an appropriate course of action.

D. Academic Program: Fields of Study

Institutional grantees should expect to offer academic programs in three or more of the six following fields of study (with specializations indicated in parentheses):

1. Business Administration (including management, accounting, marketing, and finance);
2. Communications (including print and electronic journalism, mass media, and public relations);
3. Education (including administration, guidance, special education, teaching specialties in levels pre-K through secondary, and TESOL);
4. Social Sciences (including anthropology, agricultural economics, economics, geography, history, international relations, political science, psychology, and sociology);
5. Natural Sciences (including biology, botany, chemistry, ecology, genetics, geology, marine biology, mathematics, natural resources management, physics, plant physiology, and zoology);
6. Information Science (including computerized information systems analysis, design, and management).

The proposal should include a list of all major fields of study and the specializations offered in which, based on the institution's previous experience with Central American students and the standards of the departments involved, the students have a reasonable expectation of attaining a degree.

E. Special Programs and Services

The special needs of this foreign student group should be addressed in orientation programs treating social and cultural adaptation, introduction to preparation for U.S. scholarly traditions and classroom methodology, ongoing intercultural counseling, appropriate undergraduate coursework, and intellectual, cultural, and social enchancement activities to strengthen understanding of U.S. society and culture, promote group support, and enrich personal experiences. Guded cultural and social activities, e.g. attending a play, concert, lecture, sports event, or other community or cultural activities, are encouraged and should be offered during the entire length of the program. To the extent possible, faculty members or local citizens with relevant expertise should prepare and/or accompany the students for each activity.

III. Technical Format Requirements

Proposals must be submitted by the deadline. The proposal package should include one original and fourteen complete copies and all required documentation. Proposals should be presented as follows:

A. A Bureau Cover Sheet with the name of the institution, project directors with their addresses, telephone and fax numbers, and other required information. A sample cover sheet is included in the application packet.

B. An executive summary (two pages, double-spaced) should preface your proposal and include the university's experience with Central American students, an overview of the ESL program, and the three prioritized fields of study which the university considers most appropriate for these students.

C. A narrative of approximately thirty double-spaced pages addressing all requisite program features mentioned above, the university's objectives, proposed participants and activities, and a plan for institutional evaluation of the project. (Note: the Agency will monitor the program by requiring periodic reports and through USIA and outside contractor visits.) Number all pages (including budget and addenda) and provide a Table of Contents.

D. A comprehensive line item budget outlining specific expenditures. Detailed information, the required budget format, and other required forms are available in the application packet.

E. Documentation of institutional support for the program, including a signed letter of commitment from the institution's President or acting President and other supporting documents affirming the institution's ability to execute the project as proposed.

F. Applicants should refer to the application packets for additional required forms, documentation, and the arrangement of materials.

IV. Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the American Republics area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

V. Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Overall quality. This includes academic rigor, a high level of institutional commitment and flexibility, the quality of the program plan, adherence of the activity to the criteria and conditions described above, and creative design in all program areas.

2. Feasibility of the program plan as it relates to the stated goals.

3. Value to U.S.-partners country relations. Assessments by USIA's American Republic's office and overseas officers of the need, potential impact and significance in the partner countries.

4. Cost effectiveness. The overhead and administrative components, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

5. Institutional capacity. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals.

6. Potential for program excellence and/or track record of the applicant institution. The Agency will consider the past performance of prior grantees and the demonstrated potential of new applicants, as well as the CAMPUS program's potential for strengthening the institution's existing international program.

7. Follow-on Activities. Proposals should provide a plan for follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

8. Evaluation Plan. Proposals should provide a plan for evaluation by the grantee institution.

Applicants should refer to the guidelines provided with the application packets for specific details.

Notice: The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The final award cannot be made until funds have been fully appropriated by Congress, allocated, and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 1, 1992. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: March 2, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-5307 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

Group Projects for International Visitor Grantees

AGENCY: United States Information Agency.

ACTION: Notice—Cancellation Request for Proposals.

Cancellation

The U.S. Information Agency finds it necessary to cancel one of the Group Projects for which it issued a Request for Proposals, published in the **Federal Register** on September 23, 1991, Volume 56, Number 184, Page 47987. Because of a lack of response from the U.S. Embassies on which we rely to nominate participants for group projects, we will be unable to conduct the Multi-Regional Project entitled "Regional and Ethnic Culture in the U.S.", scheduled for June 22–July 17, 1992. The deadline for submission of Proposals was to have been March 30, 1992.

Dated: March 2, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-5308 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on March 11 in room 600, 301 4th Street SW., Washington, DC, from 10–12:30 a.m.

At 10 a.m. the Commission will meet with Mr. Tom Rogers, Chief Scientist, International Radio Satellite Corporation, to discuss international broadcasting technologies. Mr. Alberto Mora, USIA General Counsel, is scheduled to meet with the Commission at 11:45, to discuss domestic dissemination, use of the J–1 visa, and other legal issues.

FOR FURTHER INFORMATION CONTACT: Please call Gloria Kalamets, (202) 619–4468, if you are interested in attending the meeting. Space is limited and entrance to the building is controlled.

Dated: March 3, 1992.

Rose Royal,

Management Analyst, Federal Register Liaison.

[FR Doc. 92-5413 Filed 3-6-92; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 46

Monday, March 9, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

TIME AND DATE: Monday, March 30, from 8:30 a.m. to 4:30 p.m.

PLACE: Williamsburg Room, Dept. of Agriculture, 14th and Jefferson Drive, Washington, D.C.

STATUS: The meeting will be open to the public with the exception of the 8:30–9:30 a.m. session which will be closed in order for the Board of Directors to discuss selection of the Executive Director. The closed session is pursuant to the Privacy Act

MATTERS TO BE CONSIDERED: The Board of Directors of the Commission on National and Community Service will meet on March 30, 1992 to discuss the grant process, committee reports, strategic planning, and Subtitle E. The public is invited to address the Board from 1:00 to 2:00 p.m. on March 30. The public is invited to address the Board specifically regarding Subtitle E programs. Statements should be limited to 3–5 minutes, although supplementary written information may be provided. Please provide at least 28 copies of any such materials, either in advance or at the meeting. If we receive requests to speak from more people than can be accommodated, we will select speakers to ensure representation of a variety of viewpoints. If there is not sufficient time for everyone present to speak, comments may be submitted in writing at that time. Persons wishing to comment should contact Cindy Radle at (202) 724-0600 by Thursday, March 26.

CONTACT PERSON FOR MORE INFORMATION: Terry Russell, General Counsel, Commission on National and Community Service, 529 14th Street, NW (Suite 428), Washington, D.C. 20045, (202) 724–0600.

Catherine Milton,

Executive Director, Commission on National and Community Service.

[FR Doc. 92-5615 Filed 3-5-92; 3:34 pm]

BILLING CODE 6820-BA-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:50 a.m. on Wednesday, March 4, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr., Director (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, DC.

Dated: March 5, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-5614 Filed 3-5-92; 3:33 pm]

BILLING CODE 6714-0-M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, March 10, 1992.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: The Commission will meet to discuss among themselves the agenda items listed in the notice served on March 3, 1992. Although the conference is open for public observation, no public participation is permitted.

MATTER TO BE DISCUSSED: There has been a change in the agenda listed in the notice served March 3, 1992. The following item has been deleted from the agenda:

Finance Docket No. 29802, *Delaware and Hudson Railway Company v. Consolidated Rail Corporation—Reciprocal Switching Agreement.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5517 Filed 3-5-92; 10:55 am]

BILLING CODE 7035-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 9, 1992.

A closed meeting will be held on Tuesday, March 10, 1992, at 2:30 p.m. An open meeting will be held on Wednesday, March 11, 1992, at 9:00 a.m., in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 10, 1992, at 2:30 p.m., will be:

Settlement of injunctive actions.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Wednesday, March 11, 1992, at 9:00 a.m., will be:

1. Consideration of whether to issue for comment amendments to Regulation E under the Securities Act of 1933. Regulation E

provides a conditional exemption from registration under the 1933 Act for securities issued by small business investment companies that are registered under the Investment Company Act of 1940 and by business development companies the elect to be regulated under the 1940 Act. The proposed amendments would increase the aggregate offering price of (a) securities of a small business investment company that may be offered within a twelve-month period from $5 million to $15 million and (b) securities of a small business investment company or business development company offered by a person other than the issuer from $100,000 to $1.5 million. For further information, please contact Kathleen K. Clarke at (202) 272–2097.

2. Consideration of whether to publish revisions to the Guidelines for Form N–1A, the registration statement form for open-end management investment companies. The revised Guidelines would permit open-end management investment companies to increase the amount of assets held in illiquid securities from 10% to 15%. For further information, please contact Richard Pfordte at (202) 272–2103.

3. Consideration of whether to publish for comment proposed rule changes to facilitate capital formation by small businesses. The proposals involve revisions to Regulations A and D, a definition of "small business issuer," new forms and disclosure requirements for such companies and revisions to the exemptive rules regarding the use of trust indentures. For further information, please contact Teresa E. Iannaconi at (202) 272–2553.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272–2100.

Dated: March 4, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–5532 Filed 3–5–92; 2:27 pm]

BILLING CODE 8010–01–M

federal register

Monday
March 9, 1992

Part II

Department of Commerce

Bureau of the Census

Qualifying Urbanized Areas for the 1990 Census; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket No. 920132-2032]

Qualifying Urbanized Areas for the 1990 Census

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice.

SUMMARY: This document provides the list of urbanized areas that qualified based on the results of the 1990 Census of Population and Housing [1] for the United States and Puerto Rico. The Census Bureau determined these urbanized areas using the final criteria that were published in the **Federal Register** on October 22, 1990 (55 FR 42592).[2]

The Bureau of the Census identifies and delineates urbanized areas to provide better data on the separation of the urban and rural population and housing in the vicinity of large cities. Because the Census Bureau identifies and tabulates data for urbanized areas solely for the purpose of statistical presentation and comparison, it does not take into account or attempt to anticipate any nonstatistical uses that others may make of these areas or their associated data, nor does it attempt to meet the requirements of any such nonstatistical program uses. Nevertheless, the Census Bureau recognizes that some Federal and State agencies are required by statute to use the Census Bureau defined urbanized areas for allocating program funds, setting program standards, and implementing other aspects of their programs. If a Federal or State agency voluntarily uses these urbanized areas or their associated data in a nonstatistical program, it is the agency's responsibility to ensure that the results are appropriate for such use. In considering the appropriateness of such nonstatistical program uses, the Census Bureau urges each agency to consider permitting appropriate modifications of the urbanized area results specifically for purposes of its program. When an agency permits such modifications, the Census Bureau urges each agency to use descriptive terminology that clearly avoids confusion with the Census Bureau's official urbanized areas.

As a result of the 1990 census, there are 396 urbanized areas in the United States and nine additional urbanized areas in Puerto Rico. Three 1990 urbanized areas resulted from merging previously qualifying areas: St. Petersburg merged with Tampa, FL; Newport News-Hampton with Norfolk, VA; and Meriden with New Haven, CT. Two areas that qualified as urbanized areas in 1980, Danville, IL and Enid, OK, no longer qualify because their 1990 census populations were lower than the required 50,000.

An alphabetical list of qualified urbanized areas follows; a footnote "1" identifies newly qualified urbanized areas.

Urbanized area	Population
Abilene, TX	107,836
Akron, OH	527,663
Albany, GA	87,223
Albany—Schenectady—Troy, NY	509,106
Albuquerque, NM	497,120
Alexandria, LA	86,001
Allentown—Bethlehem—Easton, PA—NJ	410,436
Alton, IL	86,236
Altoona, PA	76,551
Amarillo, TX	157,934
Anchorage, AK	221,883
Anderson, IN	74,037
Anderson, SC	52,492
Annapolis, MD	78,590
Ann Arbor, MI	222,061
Anniston, AL	68,150
Antioch—Pittsburg, CA	153,768
Appleton—Neenah, WI	160,918
Asheville, NC	110,429
Athens, GA	73,282
Atlanta, GA	2,157,806
Atlantic City, NJ	169,993
Auburn—Opelika, AL	56,510
Augusta, GA—SC	286,538
Aurora, IL	192,043
Austin, TX	562,008
Bakersfield, CA	302,605
Baltimore, MD	1,889,873
Bangor, ME	61,402
Baton Rouge, LA	365,943
Battle Creek, MI	77,921
Bay City, MI	74,118
Beaumont, TX	122,841
Bellingham, WA	59,317
Beloit, WI—IL	56,075
Benton Harbor, MI	57,744
Billings, MT	66,181
Biloxi—Gulfport, MS	179,643
Binghamton, NY	158,405
Birmingham, AL	622,074
Bismarck, ND	66,476
Bloomington, IN	71,440
Bloomington—Normal, IL	94,186
Boise City, ID	167,941
Boston, MA	2,775,370
Boulder, CO	96,910
Bremerton, WA	112,977
Bridgeport—Milford, CT	413,863
Bristol, CT	92,418
Bristol, TN—Bristol, VA	52,563
Brockton, MA	160,910
Brownsville, TX	117,676
Brunswick, GA [1]	50,066
Bryan—College Station, TX	107,599
Buffalo—Niagara Falls, NY	954,332
Burlington, NC	74,053
Burlington, VT	87,096
Canton, OH	244,576
Casper, WY	52,248
Cedar Rapids, IA	136,190
Champaign—Urbana, IL	115,524
Charleston, SC	333,956
Charleston, WV	164,418
Charlotte, NC	455,597
Charlottesville, VA	87,553
Chattanooga, TN—GA	296,955
Cheyenne, WY	61,890
Chicago, IL—Northwestern Indiana	6,792,087
Chico, CA	71,831
Cincinnati, OH—KY	1,212,675
Clarksville, TN—KY	97,581
Cleveland, OH	1,677,492
Colorado Springs, CO	352,989
Columbia, MO	75,854
Columbia, SC	328,349
Columbus, GA—AL	220,698
Columbus, OH	945,237
Corpus Christi, TX	270,006
Crystal Lake, IL [1]	72,498
Cumberland, MD—WV	54,655
Dallas—Fort Worth, TX	3,198,259
Danbury, CT—NY	116,240
Danville, VA	54,315
Davenport—Rock Island—Moline, IA—IL	264,018
Davis, CA [2]	52,711
Dayton, OH	613,467
Daytona Beach, FL	221,341
Decatur, AL	63,541
Decatur, IL	96,039
Deltona, FL [1]	58,053
Denton, TX [1]	66,445
Denver, CO	1,517,977
Des Moines, IA	293,666
Detroit, MI	3,697,529
Dothan, AL	58,925
Dover, DE [1]	50,787
Dubuque, IA—IL	63,705
Duluth, MN—WI	122,971
Durham, NC	205,355
Eau Claire, WI	80,293
Elgin, IL	123,899
Elkhart—Goshen, IN	99,787
Elmira, NY	66,812
El Paso, TX—NM	571,017
Erie, PA	177,668
Eugene—Springfield, OR	189,192
Evansville, IN—KY	183,087
Fairfield, CA	99,964
Fall River, MA—RI	144,358
Fargo—Moorhead, ND—MN	121,336
Fayetteville, NC	241,763
Fayetteville—Springdale, AR	74,880
Fitchburg—Leominster, MA	82,249
Flint, MI	326,023
Florence, AL	69,186
Florence, SC	54,659
Fort Collins, CO	105,809
Fort Lauderdale—Hollywood—Pompano Beach, FL	1,238,134
Fort Myers—Cape Coral, FL	220,552
Fort Pierce, FL	126,342
Fort Smith, AR—OK	94,486
Fort Walton Beach, FL	112,522
Fort Wayne, IN	248,424
Frederick, MD [1]	58,393
Fredericksburg, VA [1]	56,716
Fresno, CA	453,386
Gadsden, AL	71,630
Gainesville, FL	126,215
Galveston, TX	58,263
Gastonia, NC	113,637
Glens Falls, NY	56,475
Goldsboro, NC	60,230
Grand Forks, ND—MN	59,103
Grand Junction, CO	71,938
Grand Rapids, MI	436,336

[1] All references to population counts and densities relate to data reported in the 1990 Census of Population and Housing.

[2] Any urbanized area delineated as a result of a special census conducted by the Census Bureau during this decade (an intercensal urbanized area), at the request and expense of local officials, will be qualified using these criteria and the population counts reported in that special census.

Urbanized area	Population
Great Falls, MT	63,506
Greeley, CO	71,578
Green Bay, WI	161,931
Greensboro, NC	194,508
Greenville, NC [1]	55,884
Greenville, SC	248,173
Hagerstown, MD—PA—WV	70,206
Hamilton, OH	118,315
Harlingen, TX	79,309
Harrisburg, PA	292,904
Hartford—Middletown, CT	546,198
Hattiesburg, MS	59,757
Hemet—San Jacinto, CA	90,929
Hesperia—Apple Valley—Victorville, CA [2]	153,176
Hickory, NC	89,914
High Point, NC	108,686
Holland, MI [1]	62,418
Honolulu, HI	632,603
Houma, LA	65,879
Houston, TX	2,901,851
Huntington—Ashland, WV—KY—OH	169,594
Huntsville, AL	180,315
Hyannis, MA [1]	66,713
Idaho Falls, ID [1]	56,356
Indianapolis, IN	914,761
Indio—Coachella, CA [1]	56,036
Iowa City, IA	71,372
Ithaca, NY [1]	50,132
Jackson, MI	78,126
Jackson, MS	289,285
Jackson, TN	53,031
Jacksonville, FL	738,413
Jacksonville, NC	101,297
Janesville, WI	52,995
Johnson City, TN	82,382
Johnstown, PA	77,841
Joliet, IL	170,717
Joplin, MO	60,206
Kailua, HI	114,506
Kalamazoo, MI	164,430
Kankakee, IL	59,695
Kannapolis, NC [2]	78,177
Kansas City, MO—KS	1,275,317
Kenosha, WI	94,292
Killeen, TX	137,876
Kingsport, TN—VA	87,403
Kissimmee, FL [1]	55,419
Knoxville, TN	304,466
Kokomo, IN	57,146
La Crosse, WI—MN	78,926
Lafayette, LA	129,592
Lafayette—West Lafayette, IN	100,103
Lake Charles, LA	119,067
Lakeland, FL	147,628
Lancaster, PA	193,583
Lancaster—Palmdale, CA	167,190
Lansing—East Lansing, MI	265,095
Laredo, TX	123,651
Las Cruces, NM	81,471
Las Vegas, NV	697,348
Lawrence, KS	65,755
Lawrence—Haverhill, MA—NH	237,362
Lawton, OK	92,634
Lewiston—Auburn, ME	71,598
Lewisville, TX [1]	79,433
Lexington-Fayette, KY	220,701
Lima, OH	68,621
Lincoln, NE	192,558
Little Rock—North Little Rock, AR	305,353
Lodi, CA [1]	55,590
Logan, UT [1]	50,401
Lompoc, CA [1]	56,591
Longmont, CO [1]	52,464
Longview, TX	75,429
Longview, WA—OR	57,123
Lorain—Elyria, OH	224,067
Los Angeles, CA	11,402,946
Louisville, KY—IN	754,956
Lowell, MA—NH	181,651,
Lubbock, TX	187,906
Lynchburg, VA	98,138
McAllen—Edinburg—Mission, TX	283,192
Macon, GA	129,496
Madison, WI	244,336
Manchester, NH	114,918
Mansfield, OH	76,521
Medford, OR	86,974
Melbourne—Palm Bay, FL	305,978
Memphis, TN—AR—MS	825,193
Merced, CA [2]	64,742
Miami—Hialeah, FL	1,914,660
Middletown, OH	96,822
Midland, TX	91,990
Milwaukee, WI	1,226,293
Minneapolis—St. Paul, MN	2,079,676
Missoula, MT	57,198
Mobile, AL	300,912
Modesto, CA	230,509
Monessen, PA	65,072
Monroe, LA	110,737
Montgomery, AL	210,007
Muncl, IN	88,073
Muskegon, MI	106,252
Myrtle Beach, SC [1]	56,364
Napa, CA	68,049
Naples, FL	94,344
Nashua, NH	96,791
Nashville, TN	573,294
Newark, OH	54,063
New Bedford, MA	139,082
New Britain, CT	143,064
Newburgh, NY	71,584
New Haven—Meriden, CT [4]	451,486
New London—Norwich, CT	156,286
New Orleans, LA	1,040,226
Newport, RI	53,481
New York, NY—Northeastern New Jersey	16,044,012
Norfolk—Virginia Beach—Newport News, VA [4]	1,323,098
Norwalk, CT	105,886
Ocala, FL	85,004
Odessa, TX	113,672
Ogden, UT	259,147
Oklahoma City, OK	784,425
Olympia, WA	95,471
Omaha, NE—IA	544,292
Orlando, FL	887,126
Oshkosh, WI	58,935
Owensboro, KY	60,645
Oxnard—Ventura, CA	490,482
Palm Springs, CA	129,025
Panama City, FL	103,667
Parkersburg, WV—OH	58,583
Pascagoula, MS	59,386
Pensacola, FL	253,558
Peoria, IL	242,353
Petersburg, VA	103,526
Philadelphia, PA—NJ	4,222,211
Phoenix, AZ	2,006,239
Pine Bluff, AR	61,941
Pittsburgh, PA	1,678,745
Pittsfield, MA	55,047
Pocatello, ID	53,903
Port Arthur, TX	109,560
Port Huron, MI	62,774
Portland, ME	120,220
Portland—Vancouver, OR—WA	1,172,158
Portsmouth—Dover—Rochester, NH—ME	114,960
Pottstown, PA [1]	53,371
Poughkeepsie, NY	148,527
Providence—Pawtucket, RI—MA	846,293
Provo—Orem, UT	220,556
Pueblo, CO	106,155
Punta Gorda, FL [1]	57,033
Racine, WI	121,788
Raleigh, NC	305,925
Rapid City, SD	61,124
Reading, PA	186,267
Redding, CA	78,264
Reno, NV	213,747
Richland—Kennewick—Pasco, WA	116,118
Richmond, VA	589,990
Riverside—San Bernardino, CA	1,170,196
Roanoke, VA	178,277
Rochester, MN	73,560
Rochester, NY	619,653
Rockford, IL	207,826
Rock Hill, SC	58,757
Rocky Mount, NC [2]	50,670
Rome, GA	51,580
Round Lake Beach—McHenry, IL—WI	112,603
Sacramento, CA	1,097,005
Saginaw, MI	140,079
St. Cloud, MN	74,037
St. Joseph, MO—KS	75,395
St. Louis, MO—IL	1,946,526
Salem, OR	157,079
Salinas, CA	122,225
Salt Lake City, UT	789,447
San Angelo, TX	85,408
San Antonio, TX	1,129,154
San Diego, CA	2,348,417
San Francisco—Oakland, CA	3,629,516
San Jose, CA	1,435,019
San Luis Obispo, CA [1]	50,305
Santa Barbara, CA	182,163
Santa Cruz, CA	152,355
Santa Fe, NM	63,023
Santa Maria, CA	88,919
Santa Rosa, CA	194,560
Sarasota—Bradenton, FL	444,385
Savannah, GA	195,630
Scranton—Wilkes-Barre, PA	388,225
Seaside—Monterey, CA	133,188
Seattle, WA	1,744,086
Sharon, PA—OH	52,816
Sheboygan, WI	61,012
Sherman-Denison, TX	55,522
Shreveport, LA	256,489
Simi Valley, CA	128,043
Sioux City, IA—NE—SD	96,211
Sioux Falls, SD	100,843
Slidell, LA [1]	54,084
South Bend—Mishawaka, IN—MI	237,932
Spartanburg, SC	104,601
Spokane, WA	279,036
Springfield, IL	124,524
Springfield, MO	159,086
Springfield, OH	86,649
Springfield, MA—CT	532,747
Spring Hill, FL [1]	52,056
Stamford, CT—NY	187,200
State College, PA	61,239
Steubenville—Weirton, OH—WV—PA	69,118
Stockton, CA	262,046
Stuart, FL [1]	80,069
Sumter, SC [2]	57,632
Syracuse, NY	388,918
Tacoma, WA	497,210
Tallahassee, FL	155,864
Tampa—St. Petersburg—Clearwater, FL [4]	1,708,710
Taunton, MA	58,884
Temple, TX	56,710
Terre Haute, IN	77,019
Texarkana, TX—Texarkana, AR	65,086
Texas City, TX	126,211
Titusville, FL [1]	51,549
Toledo, OH—MI	489,155
Topeka, KS	132,711
Trenton, NJ—PA	296,602
Tucson, AZ	579,235
Tulsa, OK	474,868
Tuscaloosa, AL	105,429
Tyler, TX	79,703
Utica—Rome, NY	158,553
Vacaville, CA [1]	71,535
Vero Beach, FL [1]	64,707
Victoria, TX	55,122
Vineland—Millville, NJ	94,236
Visalia, CA	83,594
Waco, TX	144,372

Urbanized area	Population
Warner Robins, GA	60,976
Washington, DC—MD—VA	3,363,031
Waterbury, CT	175,067
Waterloo—Cedar Falls, IA	108,260
Watsonville, CA [1]	51,378
Wausau, WI	57,352
West Palm Beach—Boca Raton—Delray Beach, FL	794,848
Wheeling, WV—OH	84,507
Wichita, KS	338,709
Wichita Falls, TX	97,151
Williamsport, PA	57,425
Wilmington, DE—NJ—MD—PA	449,616
Wilmington, NC	101,357
Winston-Salem, NC	185,184
Winter Haven, FL	86,427
Worcester, MA—CT	315,606
Yakima, WA	80,054
York, PA	142,675
Youngstown—Warren, OH	361,627
Yuba City, CA	77,167
Yuma, AZ—CA	70,955
Puerto Rico	
Aguadilla, PR	99,936
Arecibo, PR	88,967
Caguas, PR	190,922
Cayey, PR [1]	53,945
Humacao, PR [1]	57,144
Mayagüez, PR	110,904
Ponce, PR	190,079
San Juan, PR	1,221,066
Vega Baja—Manatí, PR	112,272
The following previously recognized urbanized areas no longer qualify based on the results of the 1990 census:	
Danville, IL—IN	46,670
Enid, OK	45,870

[1] New urbanized area.
[2] This urbanized area initially qualified after the 1980 census based on the results of a special census.
[3] This urbanized area was called Concord, NC in 1980.
[4] This 1990 urbanized area resulted from the merger of two previously recognized urbanized areas.

ADDRESSES: Persons wishing to obtain additional information should write to: Mr. Robert W. Marx, Chief, Geography Division, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Mr. Marx at the address given above or telephone (301) 763–5636.

Dated: February 11, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92–4049 Filed 3–6–92; 8:45 am]

BILLING CODE 3510–07–M

federal register

Monday
March 9, 1992

Part III

Environmental Protection Agency

40 CFR Part 47

National Environmental Education Act Grants Regulations; Interim Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 47

[FRL-4026-7]

National Environmental Education Act Grants Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating an interim final rule on the award of financial assistance under section 6 of the National Environmental Education Act (NEEA). This rule codifies policies and procedures for financial assistance awarded by EPA to eligible agencies, institutions and organizations to support projects related to environmental education and training.

EFFECTIVE DATES: EPA is publishing this rule as an interim final rule which is effective on March 9, 1992. EPA will accept public comments on this rule until April 8, 1992.

ADDRESSES: Comments may be mailed to Mr. George Walker, Office of Environmental Education (A-107), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The docket for this rule and copies of the public comments submitted will be available for public inspection and copying at a reasonable fee at EPA Headquarters Library, Public Information Reference Unit, room 2904, 401 M Street, telephone (202) 260-5926.

FOR FURTHER INFORMATION CONTACT: Mr. George Walker, (202) 260-4484.

SUPPLEMENTARY INFORMATION:

I. Background

On November 16, 1990, Congress enacted and the President signed the National Environmental Education Act (NEEA), Public Law 101-619. In section 6 of the NEEA, it established a program for grants and cooperative agreements to support projects related to environmental education and training, and directed EPA to publish a regulation to implement the program. This regulation implements the statutory requirements of section 6 of the NEEA. The definitions, eligibility requirements, solicitation procedures, priorities for award, and limits on amount of award are taken directly from the NEEA.

The NEEA also establishes a maximum Federal share of 75% for demonstration projects. As a policy matter, to ensure that recipients are committed to successful completion of projects, EPA has decided to apply this maximum to all types of grants awarded under section 6. Thus, as a general rule, all grant recipients in this program will be expected to provide at least a 25% match, including in-kind contributions.

In addition to the requirements of the Act, recipients must comply with the provisions of EPA's general assistance regulations at 40 CFR parts 30 and 31, as appropriate.

This regulation applies only to the environmental education program established by section 6 of the NEEA. It does not govern the Environmental Education and Training Program to train education professionals authorized by section 5, nor the Internship/Fellowship Program authorized by section 7 of the NEEA. EPA will develop separate guidance for these programs.

II. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a new regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation does not satisfy any of the criteria the Executive Order specifies for a major rulemaking, and therefore this is not subject to a Regulatory Impact Analysis.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

III. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and have been assigned control number 2030-0020.

Public reporting burden for this collection of information is estimated at 19 hours per response, including time for reviewing instructions, gathering information, preparing the application package and status reports, maintaining records on the data needed, and completing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Chief, Information Policy Branch, Regulatory Management Division (PM-223Y); EPA; 401 M St., SW., Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

IV. Regulatory Flexibility Act

EPA did not develop a Regulatory Flexibility Analysis for this regulation because it is exempt from notice and comment rulemaking under section 553 of the APA, and therefore, is not subject to the analytical requirements of sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604).

List of Subjects in 40 CFR Part 47

Grant programs—education, Grant programs—environmental protection, and Reporting and recordkeeping requirements.

Dated: February 27, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended by adding a new part 47 to read as follows:

PART 47—NATIONAL ENVIRONMENTAL EDUCATION ACT GRANTS

Sec.

47.100 Purpose and scope.
47.105 Definitions.
47.110 Eligible applicants.
47.115 Award amount and matching requirements.
47.120 Solicitation notice and proposal procedures.
47.125 Eligible and priority projects and activities.
47.130 Project performance.
47.135 Disputes.

Authority: 20 U.S.C. 5505.

§ 47.100 Purpose and scope.

This regulation codifies policy and procedures for the award of grants or cooperative agreements under section 6 of the NEEA. Specifically, this regulation defines eligible applicants, eligible activities, EPA priorities for selecting recipients, funding limits, and matching requirements. Projects funded under this regulation are also subject to the Code of Federal Regulations (40 CFR) part 31 for State and local recipients, and part 30 for other than State and local recipients. Those regulations contain Federal audit and other general administrative requirements. This regulation does not apply to the programs implemented under sections 5 and 7 of the NEEA.

§ 47.105 Definitions.

(a) *Environmental education* and *environmental education and training* mean educational activities and training activities involving elementary, secondary, and postsecondary students, as such terms are defined in the State in which they reside, and environmental education personnel, but does not include technical training activities directed toward environmental management professionals or activities primarily directed toward the support of noneducational research and development;

(b) *Federal agency* or *agency of the United States* means any department, agency or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation;

(c) *Local education agency* means any education agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381) and shall include any tribal education agency, as defined in § 47.105(f);

(d) *Not-for-profit* organization means an organization, association, or institution described in section 501(c)(3) of the Internal Revenue Code of 1986, which is exempt from taxation pursuant to the provisions of section 501(a) of such Code;

(e) *Noncommercial education broadcasting entities* means any noncommercial educational broadcasting station (and/or its legal nonprofit affiliates) as defined and licensed by the Federal Communications Commission;

(f) *Tribal education agency* means a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska Native village, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and which is not administered by the Bureau of Indian Affairs;

(g) Refer to 40 CFR parts 30 and 31 for definitions for budget period, project period, continuation award, cooperative agreement, grant agreement, and other Federal assistance terms.

§ 47.110 Eligible applicants.

Any local education agency (including any tribal education agency), college or university, State education agency or environmental agency, not-for-profit organization, or noncommercial educational broadcasting entity may submit an application to the Administrator in response to the solicitations described in § 47.120.

§ 47.115 Award amount and matching requirements.

(a) Individual awards shall not exceed $250,000, and 25 percent of all funds obligated under this section in a fiscal year shall be for individual awards of not more than $5,000.

(b) The Federal share shall not exceed 75 percent of the total project costs. The non-Federal share of project costs may be provided by in-kind contributions and other noncash support. In cases where the EPA determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, the EPA may approve awards with a matching requirement other than that specified in this paragraph, including full Federal funding.

§ 47.120 Solicitation notice and proposal procedures.

Each fiscal year the Administrator shall publish a solicitation for environmental education grant proposals. The solicitation notice shall prescribe the information to be included in the proposal and other information sufficient to permit EPA to assess the project.

§ 47.125 Eligible and priority projects and activities.

(a) Activities eligible for funding shall include, but not be limited to, environmental education and training programs for:

(1) Design, demonstration, or dissemination of environmental curricula, including development of educational tools and materials;

(2) Design and demonstration of field methods, practices, and techniques, including assessment of environmental and ecological conditions and analysis of environmental pollution problems;

(3) Projects to understand and assess a specific environmental issue or a specific environmental problem;

(4) Provision of training or related education for teachers, faculty, or related personnel in a specific geographic area or region; and

(5) Design and demonstration of projects to foster international cooperation in addressing environmental issues and problems involving the United States and Canada or Mexico.

(b) EPA shall give priority to those proposals which will develop:

(1) A new or significantly improved environmental education practice, method, or technique;

(2) An environmental education practice, method, or technique which may have wide application;

(3) An environmental education practice, method, or technique which addresses a skill or scientific field identified as a priority in the report which will be developed within two years of enactment pursuant to section 9(d) of the Act; and

(4) An environmental education practice, method, or technique which addresses an environmental issue which, in the judgment of EPA, is of a high priority.

§ 47.130 Performance of grant.

(a) Each project shall be performed by the recipient, or by a person satisfactory to the recipient and to the EPA. Workplans shall accompany all applications, shall identify who will be performing activities, and shall be approved by EPA prior to funding.

(b) Budget periods normally will not exceed one year. Project periods may be longer, and additional funding may be awarded for continuations.

(c) Procurement procedures, which are found in 40 CFR part 33 for all recipients other than State and local governments. Procurement procedures for State and local governments are described in 40 CFR part 31. These procedures include provisions for small purchase procedures.

§ 47.135 Disputes.

Disputes arising under these grants shall be governed by 40 CFR 30.1200 for recipients other than State and local governments and 40 CFR 31.70 for State and local governments.

[FR Doc. 92-5263 Filed 3-6-92; 8:45 am]

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federal register

Monday
March 9, 1992

Part IV

The President

Proclamation 6409—National Day of Prayer, 1992

Federal Register
Vol. 57, No. 46
Monday, March 9, 1992

Presidential Documents

Title 3—

The President

Proclamation 6409 of March 5, 1992

National Day of Prayer, 1992

By the President of the United States of America

A Proclamation

We live during a time of great and historic change, a time that has seen the rise of newly democratic nations and the fall of once firmly entrenched totalitarian regimes. While such progress is cause for optimism and hope, the dramatic pace of global developments and the uncertainty they generate can also leave us with a faint sense of anticipation and unease. As we seek to chart a proper course in a world that is changing by the hour, our observance of a National Day of Prayer reminds us that we can always place our trust in the steady, unfailing light that is the love of God.

Time and again, Scripture tells us of the constancy of the Almighty. Indeed, His kingdom is an everlasting kingdom, wrote the Psalmist, and His dominion endures throughout all generations.

Our ancestors trusted in the faithfulness of the Almighty, and they frequently turned to Him in humble, heartfelt prayer. When they finally reached these shores, the early settlers gave thanks for their very lives—and for the promise of freedom in a new land. Members of the Continental Congress began their deliberations with prayer, and later when members of that same body pledged their lives, their fortunes, and their sacred honor in support of our Nation's independence, they did so "with a firm reliance on the protection of Divine Providence."

Today we know that their trust was well placed; their faith, richly rewarded. The great American experiment in liberty and self-government has not only endured but prospered. The triumph of freedom in this country has inspired the advance of human rights and dignity around the globe.

Although much has transpired since our ancestors prayed for divine mercy and direction, this occasion calls us to remember, as did Ben Franklin and his contemporaries, "that God governs in the affairs of men." The One to whom George Washington turned when he knelt in the snow at Valley Forge is the same God who heard the prayers of President Lincoln nearly a century later during the darkest hours of the Civil War. While our needs today may be different, we are no less dependent on the help of Almighty God. Therefore, let us likewise seek His forgiveness, strength, and guidance.

Whatever our individual religious convictions may be, each of us is invited to join in this National Day of Prayer. Indeed, although we may find our own words to express it, each of us can echo this timeless prayer of Solomon, the ancient king who prayed for, and received, the gift of wisdom:

> The Lord our God be with us, as He was with our fathers; may He not leave us or forsake us; so that He may incline our hearts to Him, to walk in all His ways . . . . that all the peoples of the earth may know that the Lord is God; there is no other.

Since the approval of the joint resolution of the Congress on April 17, 1952, calling for the designation of a specific day to be set aside each year as a National Day of Prayer, recognition of such a day has become a cherished annual event. Each President since then has proclaimed a National Day of Prayer annually under the authority of that resolution, continuing a tradition that dates back to the Continental Congress. By Public Law 100-307, the first Thursday in May of each year has been set aside as a National Day of Prayer.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 7, 1992, as a National Day of Prayer. I urge all Americans to gather together on that day in homes and places of worship to pray, each after his or her own manner, in thanksgiving to Almighty God. On this occasion, let us also pray for His continued blessing upon our families and Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

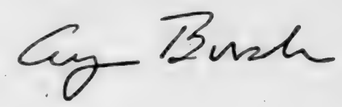

[FR Doc. 92-5663
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Billing code 3195-01-M

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 476/P.L. 102–249

Michigan Scenic Rivers Act of 1991. (Mar. 3, 1992; 106 Stat. 45; 8 pages) Price: $1.00

Last List March 6, 1992

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–017–00001–9)	$13.00	Jan. 1, 1992
3 (1990 Compilation and Parts 100 and 101)	(869–013–00002–1)	14.00	[1] Jan. 1, 1991
4	(869–013–00003–0)	15.00	Jan. 1, 1991
5 Parts:			
1–699	(869–013–00004–8)	17.00	Jan. 1, 1991
700–1199	(869–013–00005–6)	13.00	Jan. 1, 1991
1200–End, 6 (6 Reserved)	(869–013–00006–4)	18.00	Jan. 1, 1991
7 Parts:			
0–26	(869–013–00007–2)	15.00	Jan. 1, 1991
*27–45	(869–017–00006–1)	12.00	Jan. 1, 1992
46–51	(869–013–00009–9)	17.00	Jan. 1, 1991
52	(869–013–00010–2)	24.00	Jan. 1, 1991
53–209	(869–013–00011–1)	18.00	Jan. 1, 1991
210–299	(869–013–00012–9)	24.00	Jan. 1, 1991
300–399	(869–013–00013–7)	12.00	Jan. 1, 1991
400–699	(869–017–00014–1)	15.00	Jan. 1, 1992
700–899	(869–013–00015–3)	19.00	Jan. 1, 1991
900–999	(869–013–00016–1)	28.00	Jan. 1, 1991
1000–1059	(869–013–00017–0)	17.00	Jan. 1, 1991
1060–1119	(869–013–00018–8)	12.00	Jan. 1, 1991
1120–1199	(869–013–00019–6)	10.00	Jan. 1, 1991
1200–1499	(869–013–00020–0)	18.00	Jan. 1, 1991
1500–1899	(869–013–00021–8)	12.00	Jan. 1, 1991
1900–1939	(869–013–00022–6)	11.00	Jan. 1, 1991
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2000–End	(869–013–00025–1)	10.00	Jan. 1, 1991
8	(869–013–00026–9)	14.00	Jan. 1, 1991
9 Parts:			
1–199	(869–013–00027–7)	21.00	Jan. 1, 1991
200–End	(869–013–00028–5)	18.00	Jan. 1, 1991
10 Parts:			
0–50	(869–013–00029–3)	21.00	Jan. 1, 1991
51–199	(869–013–00030–7)	17.00	Jan. 1, 1991
200–399	(869–013–00031–5)	13.00	[4] Jan. 1, 1987
400–499	(869–013–00032–3)	20.00	Jan. 1, 1991
500–End	(869–013–00033–1)	27.00	Jan. 1, 1991
11	(869–013–00034–0)	12.00	Jan. 1, 1991
12 Parts:			
1–199	(869–017–00035–3)	13.00	Jan. 1, 1992
200–219	(869–013–00036–6)	12.00	Jan. 1, 1991
220–299	(869–013–00037–4)	21.00	Jan. 1, 1991
300–499	(869–013–00038–2)	17.00	Jan. 1, 1991
500–599	(869–017–00039–6)	17.00	Jan. 1, 1992
600–End	(869–013–00040–4)	19.00	Jan. 1, 1991
13	(869–013–00041–2)	24.00	Jan. 1, 1991
14 Parts:			
1–59	(869–013–00042–1)	25.00	Jan. 1, 1991
60–139	(869–013–00043–9)	21.00	Jan. 1, 1991
140–199	(869–017–00044–2)	11.00	Jan. 1, 1992
200–1199	(869–013–00045–5)	20.00	Jan. 1, 1991
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15 Parts:			
0–299	(869–013–00047–1)	12.00	Jan. 1, 1991
300–799	(869–013–00048–0)	22.00	Jan. 1, 1991
*800–End	(869–017–00049–3)	17.00	Jan. 1, 1992
16 Parts:			
0–149	(869–013–00050–1)	5.50	Jan. 1, 1991
150–999	(869–013–00051–0)	14.00	Jan. 1, 1991
1000–End	(869–013–00052–8)	19.00	Jan. 1, 1991
17 Parts:			
1–199	(869–013–00054–4)	15.00	Apr. 1, 1991
200–239	(869–013–00055–2)	16.00	Apr. 1, 1991
240–End	(869–013–00056–1)	22.00	Apr. 1, 1991
18 Parts:			
1–149	(869–013–00057–9)	15.00	Apr. 1, 1991
150–279	(869–013–00058–7)	15.00	Apr. 1, 1991
280–399	(869–013–00059–5)	13.00	Apr. 1, 1991
400–End	(869–013–00060–9)	9.00	Apr. 1, 1991
19 Parts:			
1–199	(869–013–00061–7)	28.00	Apr. 1, 1991
200–End	(869–013–00062–5)	9.50	Apr. 1, 1991
20 Parts:			
1–399	(869–013–00063–3)	16.00	Apr. 1, 1991
400–499	(869–013–00064–1)	25.00	Apr. 1, 1991
500–End	(869–013–00065–0)	21.00	Apr. 1, 1991
21 Parts:			
1–99	(869–013–00066–8)	12.00	Apr. 1, 1991
100–169	(869–013–00067–6)	13.00	Apr. 1, 1991
170–199	(869–013–00068–4)	17.00	Apr. 1, 1991
200–299	(869–013–00069–2)	5.50	Apr. 1, 1991
300–499	(869–013–00070–6)	28.00	Apr. 1, 1991
500–599	(869–013–00071–4)	20.00	Apr. 1, 1991
600–799	(869–013–00072–2)	7.00	Apr. 1, 1991
800–1299	(869–013–00073–1)	18.00	Apr. 1, 1991
1300–End	(869–013–00074–9)	7.50	Apr. 1, 1991
22 Parts:			
1–299	(869–013–00075–7)	25.00	Apr. 1, 1991
300–End	(869–013–00076–5)	18.00	Apr. 1, 1991
23	(869–013–00077–3)	17.00	Apr. 1, 1991
24 Parts:			
0–199	(869–013–00078–1)	25.00	Apr. 1, 1991
200–499	(869–013–00079–0)	27.00	Apr. 1, 1991
500–699	(869–013–00080–3)	13.00	Apr. 1, 1991
700–1699	(869–013–00081–1)	26.00	Apr. 1, 1991
1700–End	(869–013–00082–0)	13.00	[5] Apr. 1, 1990
25	(869–013–00083–8)	25.00	Apr. 1, 1991
26 Parts:			
§§ 1.0–1–1.60	(869–013–00084–6)	17.00	Apr. 1, 1991
§§ 1.61–1.169	(869–013–00085–4)	28.00	Apr. 1, 1991
§§ 1.170–1.300	(869–013–00086–2)	18.00	Apr. 1, 1991
§§ 1.301–1.400	(869–013–00087–1)	17.00	Apr. 1, 1991
§§ 1.401–1.500	(869–013–00088–9)	30.00	Apr. 1, 1991
§§ 1.501–1.640	(869–013–00089–7)	16.00	Apr. 1, 1991
§§ 1.641–1.850	(869–013–00090–1)	19.00	[5] Apr. 1, 1990
§§ 1.851–1.907	(869–013–00091–9)	20.00	Apr. 1, 1991
§§ 1.908–1.1000	(869–013–00092–7)	22.00	Apr. 1, 1991
§§ 1.1001–1.1400	(869–013–00093–5)	18.00	[6] Apr. 1, 1990
§§ 1.1401–End	(869–013–00094–3)	24.00	Apr. 1, 1991
2–29	(869–013–00095–1)	21.00	Apr. 1, 1991
30–39	(869–013–00096–0)	14.00	Apr. 1, 1991
40–49	(869–013–00097–8)	11.00	Apr. 1, 1991
50–299	(869–013–00098–6)	15.00	Apr. 1, 1991
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500–599	(869–013–00100–1)	6.00	[5] Apr. 1, 1990

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27 Parts:			
1–199	(869–013–00102–8)	29.00	Apr. 1, 1991
200–End	(869–013–00103–6)	11.00	Apr. 1, 1991
28	(869–013–00104–4)	28.00	July 1, 1991
29 Parts:			
0–99	(869–013–00105–2)	18.00	July 1, 1991
100–499	(869–013–00106–1)	7.50	July 1, 1991
500–899	(869–013–00107–9)	27.00	July 1, 1991
900–1899	(869–013–00108–7)	12.00	July 1, 1991
1900–1910 (§§ 1901.1 to 1910.999)	(869–013–00109–5)	24.00	July 1, 1991
1910 (§§ 1910.1000 to end)	(869–013–00110–9)	14.00	July 1, 1991
1911–1925	(869–013–00111–7)	9.00	[6] July 1, 1989
1926	(869–013–00112–5)	12.00	July 1, 1991
1927–End	(869–013–00113–3)	25.00	July 1, 1991
30 Parts:			
1–199	(869–013–00114–1)	22.00	July 1, 1991
200–699	(869–013–00115–0)	15.00	July 1, 1991
700–End	(869–013–00116–8)	21.00	July 1, 1991
31 Parts:			
0–199	(869–013–00117–6)	15.00	July 1, 1991
200–End	(869–013–00118–4)	20.00	July 1, 1991
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1–39, Vol. III		18.00	[1] July 1, 1984
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125–199	(869–013–00126–5)	18.00	July 1, 1991
200–End	(869–013–00127–3)	20.00	July 1, 1991
34 Parts:			
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300–399	(869–013–00129–0)	14.00	July 1, 1991
400–End	(869–013–00130–3)	26.00	July 1, 1991
35	(869–013–00131–1)	10.00	July 1, 1991
36 Parts:			
1–199	(869–013–00132–0)	13.00	July 1, 1991
200–End	(869–013–00133–8)	26.00	July 1, 1991
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100–149	(869–013–00144–3)	30.00	July 1, 1991
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260–299	(869–013–00147–8)	31.00	July 1, 1991
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700–789	(869–013–00151–6)	20.00	July 1, 1991
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41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
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61–399	(869–013–00158–3)	5.50	Oct. 1, 1991
400–429	(869–013–00159–1)	21.00	Oct. 1, 1991
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43 Parts:			
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200–499	(869–013–00166–4)	12.00	Oct. 1, 1991
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1 (Parts 52–99)	(869–013–00184–2)	19.00	Oct. 1, 1991
2 (Parts 201–251)	(869–011–00185–8)	19.00	Oct. 1, 1990
2 (Parts 252–299)	(869–013–00186–9)	10.00	Dec. 31, 1991
3–6	(869–013–00187–7)	19.00	Oct. 1, 1991
7–14	(869–013–00188–5)	26.00	Oct. 1, 1991
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49 Parts:			
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178–199	(869–011–00192–1)	22.00	Oct. 1, 1990
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1000–1199	(869–013–00195–8)	17.00	Oct. 1, 1991
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50 Parts:			
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600–End	(869–013–00199–1)	17.00	Oct. 1, 1991
CFR Index and Findings Aids	(869–013–00053–6)	30.00	Jan. 1, 1991

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Individual copies		2.00	1992

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1990. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1991. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1990 to June 30, 1991. The CFR volume issued July 1, 1990, should be retained

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102d Congress, 2nd Session, 1992

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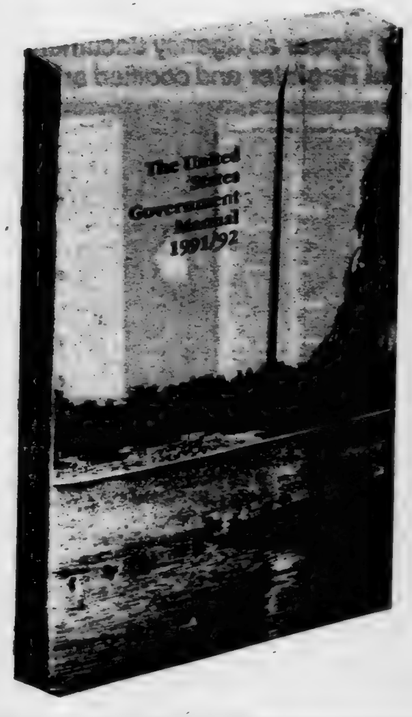

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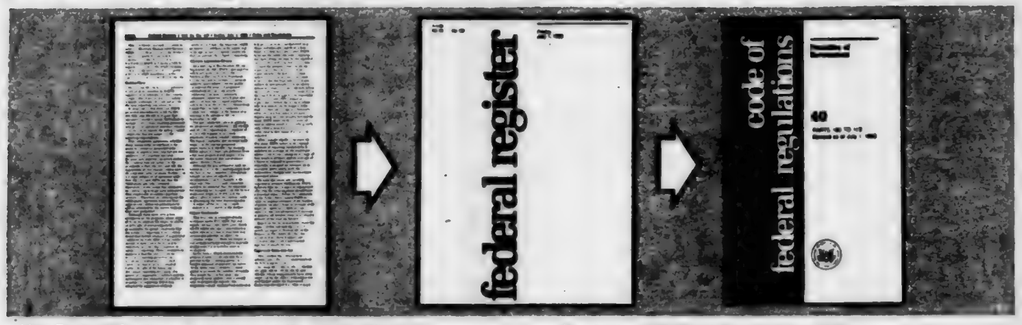

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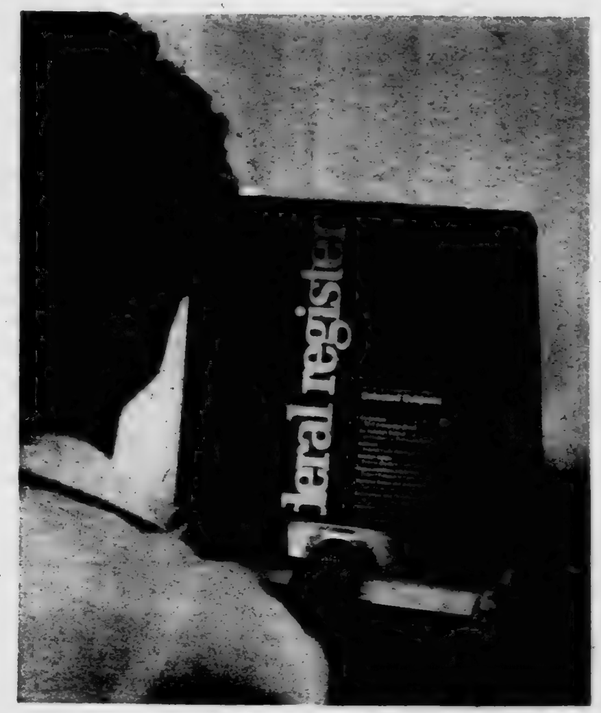

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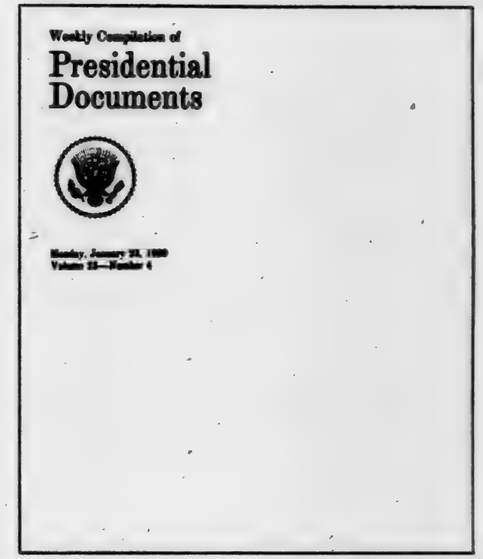

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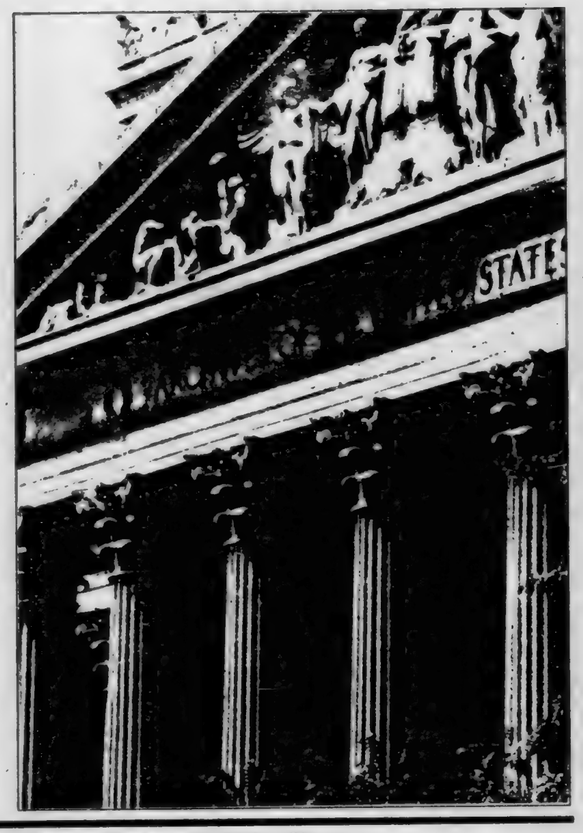

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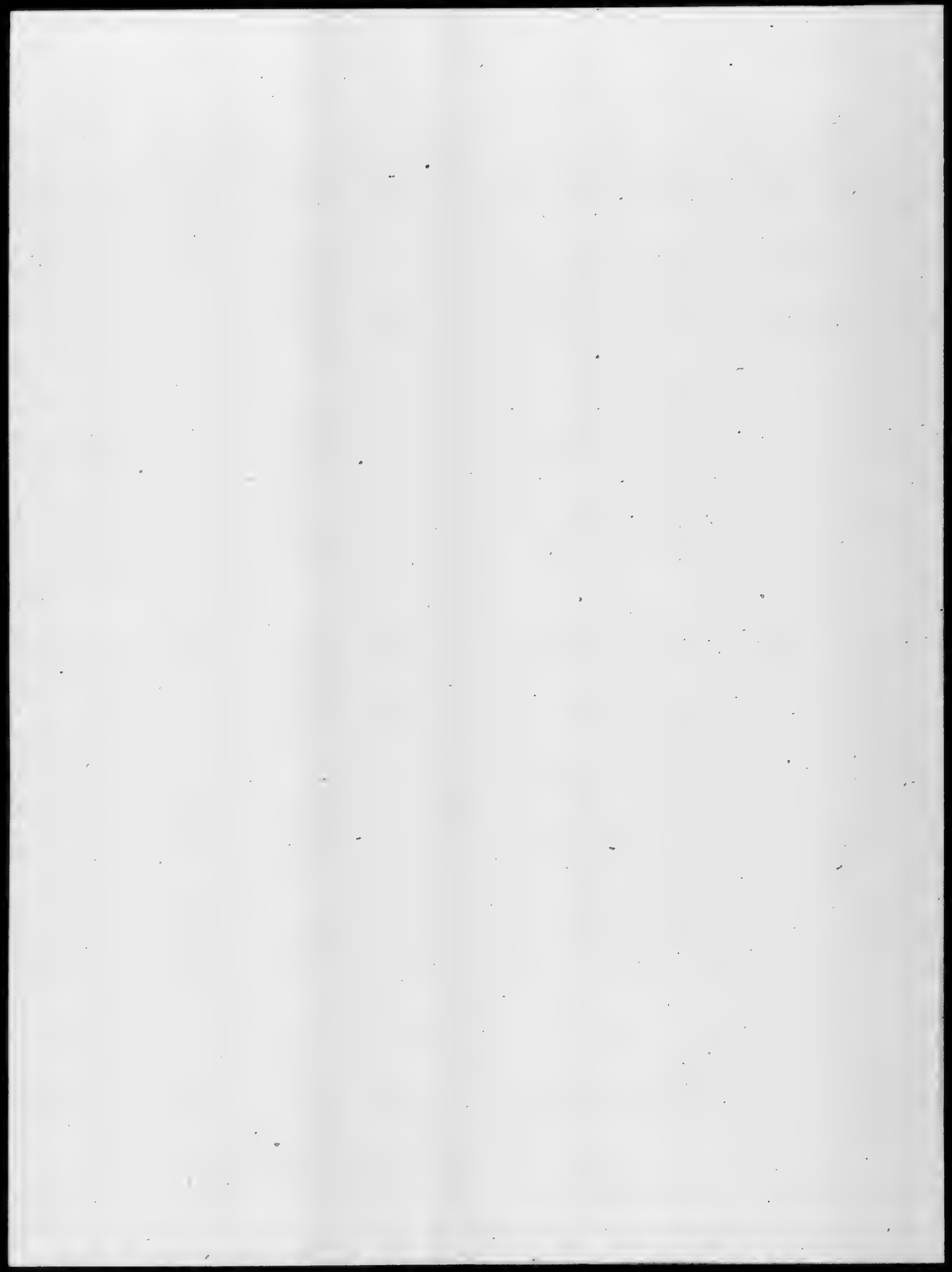

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Rules and Regulations

Federal Register
Vol. 57, No. 47
Tuesday, March 10, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 26789; Amdt. No. 1481]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instruction approaches, Weather.

Issued in Washington, DC on February 28, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
02/13/92	CO	Fort Collins	Downtown Fort Collins Airpark	FDC 2/0858	VOR/DME–B ORIG.
02/13/92	GA	Brunswick	Glynco Jetport	FDC 2//0863	VOR/DME–B AMDT 6.
02/13/92	GA	Brunswick	Glynco Jetport	FDC 2/0864	NDB RWY 7, AMDT 9.
02/13/92	GA	Brunswick	Glynco Jetport	FDC 2/0867	RNAV RWY 25, AMDT 6.
02/13/92	GA	Brunswick	Glynco Jetport	FDC 2/0868	RNAV RWY 7 AMDT 6.
02/13/92	GA	Brunswick	Malcolm McKinnon	FDC 2/0866	NDB RWY 4 AMDT 4.
02/13/92	GA	Brunswick	Malcolm McKinnon	FDC 2/0869	NDB RWY 22 AMDT 4.
02/13/92	GA	Brunswick	Malcolm McKinnon	FDC 2/0871	VOR RWY 4 AMDT 14.
02/13/92	TN	Columbia Mount Pleasant	Maury County	FDC 2/0877	VOR/DME–A, AMDT 3.
02/14/92	GA	Brunswick	Glynco Jetport	FDC 2/0892	ILS RWY 7 AMDT 7.
02/14/92	MO	St. Charles	St. Charles	FDC 2/0920	VOR RWY 9 AMDT 2.
02/14/92	NC	Erwin	Harnett County	FDC 2/0901	NDB RWY 22 ORIG.
02/14/92	NC	Erwin	Harnett County	FDC 2/0902	VOR/DME RWY 4 AMDT 1.
02/14/92	SC	Anderson	Anderson County	FDC 2/0897	LOC RWY 5 AMDT 1.
02/14/92	SC	Anderson	Anderson County	FDC 2/0898	VOR RWY 5 AMDT 9.
02/14/92	SC	Anderson	Anderson County	FDC 2/0899	NDB RWY 35 AMDT 1.
02/14/92	SC	Anderson	Anderson County	FDC 2/0900	RNAV RWY 23 AMDT 5.
02/14/92	SC	Greenwood	Greenwood County	FDC 2/0894	VOR RWY 9 AMDT 12.
02/14/92	SC	Greenwood	Greenwood County	FDC 2/0895	VOR RWY 27 AMDT 11.
02/14/92	SC	Greenwood	Greenwood County	FDC 2/0896	NDB RWY 27 ORIG.
02/18/92	GA	Dublin	W.H. "Bud" Baron	FDC 2/0959	VOR–A AMDT 3.
02/18/92	GA	Elberton	Elbert County-Patz Field	FDC 2/0957	VOR/DME RWY 10 AMDT 2.
02/18/92	GA	Griffin	Griffin-Spalding County	FDC 2/0960	VOR/DME RWY 13 AMDT 4.
02/18/92	GA	Homerville	Homerville	FDC 2/0958	NDB RWY 14 AMDT 1.
02/18/92	GA	Homerville	Homerville	FDC 2/0963	VOR/DME–A AMDT 3.
02/19/92	NH	Laconia	Laconia Muni	FDC 2/0997	NDB RWY 8 AMDT 7.
02/19/92	NH	Laconia	Laconia Muni	FDC 2/0998	LOC RWY 8 AMDT 8
02/20/92	SC	Hilton Head Island	Hilton Head	FDC 2/1008	VOR/DME–A AMDT 9.
02/25/92	MO	St. Louis	Lambert-St. Louis Intl	FDC 2/1080	LOC BC RWY 6 AMDT 2.
02/25/92	MO	St. Louis	Lambert-St. Louis Intl	FDC 2/1081	ILS RWY 30R AMDT 6.
02/26/92	MO	St. Louis	Spirit Of St. Louis	FDC 2/1112	VOR RWY 26L AMDT 4.
02/26/92	MO	St. Louis	Spirit of St. Louis	FDC 2/1113	VOR RWY 8R AMDT 6.
02/26/92	MO	St. Louis	Spirit of St. Louis	FDC 2/1114	ILS RWY 8R AMDT 12.

NFDC Transmittal Letter Attachment

Fort Collins

Downtown Fort Collins Airpark
Colorado
VOR/DME–B ORIG...
Effective: 02/13/92
FDC 2/0858/3V5/ FI/P Downtown Fort Collins Airpark, Fort Collins, CO VOR/DME–B Orig...Circling CAT B VIS 1¼. This becomes VOR/DME–B ORIG A.

Brunswick

Glynco Jetport
Georgia
VOR/DME–B AMDT 6...
Effective: 02/13/92
FDC 2/0863/BQK/ FI/P Glynco Jetport, Brunswick, GA. VOR/DME–B AMDT 6... add note...When LCL ALTM not received, proc NA. delete note...activate MALSR RWY 7 and HIRL RWY 7–25 CTAF. This becomes VOR/DME–B, AMDT 6A.

Brunswick

Glynco Jetport
Georgia
NDB RWY 7, AMDT 9...
Effective: 02/13/92
FDC 2/0864/BQK/ FI/P Glynco Jetport, Brunswick, GA NDB RWY 7, AMDT 9...MSA from BQ LOM 2600. add note...When LCL ALTM not received, proc NA. delete note...activate MALSR RWY 7 and HIRL RWY 7–25 CTAF. This becomes NDB RWY 7 AMDT 9A.

Brunswick

Malcolm McKinnon
Georgia
NDB RWY 4 AMDT 4...
Effective: 02/13/92
FDC 2/0866/SSI/ FI/P Malcolm McKinnon, Brunswick, GA NDB RWY 4 AMDT 4...MSA from JUK NDB 2600. This becomes NDB RWY 4 AMDT 4A.

Brunswick

Glynco Jetport
Georgia
RNAV RWY 25, AMDT 6...
Effective: 02/13/92
FDC 2/0867/BQK/ FI/P Glynco Jetport, Brunswick, GA. RNAV RWY 25, AMDT 6...add note...When LCL ALTM not received, proc NA. delete note...activate MALSR RWY 7 and HIRL RWY 7–25 CTAF. This becomes RNAV RWY 25, AMDT 6A.

Brunswick

Glynco Jetport
Georgia
RNAV RWY 7 AMDT 6...
Effective: 02/13/92
FDC 2/0868/BQK/FI/P Glynco Jetport, Brunswick, GA RNAV RWY 7 AMDT 6...add note...When LCL ALTM not received proc NA. delete note...activate MALSR RWY 7 HIRL RWY 7–25 CTAF. This becomes RNAV RWY 7 AMDT 6A.

Brunswick

Malcolm McKinnon
Georgia
NDB RWY 22 AMDT 4...
Effective: 02/13/92
FDC 2/0869/SSI/ FI/P Malcolm McKinnon, Brunswick, GA. NDB RWY 22 AMDT 4...MSA from JUK NDB 2600. This becomes NDB RWY 22 AMDT 4A.

Brunswick

Malcolm McKinnon
Georgia
VOR RWY 4 AMDT 14...
Effective: 02/13/92
FDC 2/0871/SSI/ FI/P Malcolm McKinnon, Brunswick, GA VOR RWY 4 AMDT 14...MSA from SSI VORTAC 2600. This becomes VOR RWY 4 AMDT 14A.

Brunswick

Glynco Jetport
Georgia
ILS RWY 7 AMDT 7...
Effective: 02/14/92
FDC 2/0892/BQK/ FI/P Glynco Jetport, Brunswick, GA. ILS RWY 7 AMDT 7...MSA from BQ LOM 2600. add note...When LCL ALTM not received, proc NA. delete note...activate MALSR RWY 7 and HIRL RWY 7–25 CTAF. This becomes ILS RWY 7 AMDT 7A.

Elberton

Elbert County-Patz Field
Georgia
VOR/DME RWY 10 AMDT 2...
Effective: 02/18/92
FDC 2/0957/2A/ FI/P Elbert County-Patz Field, Elberton, GA. VOR/DME RWY 10 AMDT 2...delete note...activate MIRL and VASI RWY 10–28 CTAF. This becomes VOR/DME RWY 10 AMDT A.

Homerville

Homerville
Georgia
NDB RWY 14 AMDT 1...
Effective: 02/18/92
FDC 2/0958/HOE/ FI/P Homerville, Homerville, GA. NDB RWY 14 AMDT 1...delete note...activate MIRL RWY 14–32 and VASI RWY 14–CTAF. This becomes NDB RWY 14 AMDT 1A.

Dublin

W.H. 'Bud' Baron
Georgia
VOR–A AMDT 3...
Effective: 02/18/92
FDC 2/0959/DBN/ FI/P W.H. 'Bud' Baron, Dublin, GA. VOR–A AMDT 3...delete note...activate MIRL RWY 2–20 CTAF. This becomes VOR–A AMDT 3A.

Griffin

Griffin-Spalding County
Georgia
VOR/DME RWY 13 AMDT 4...
Effective: 02/18/92
FDC 2/0960/6A2/ FI/P Griffin-Spalding County, Griffin, GA. VOR/DME RWY 13 AMDT 4...delete note...activate MIRL RWY 13–31 122.8. This becomes VOR/DME RWY 13 AMDT 4A.

Homerville

Homerville
Georgia
VOR/DME–A AMDT 3...
Effective: 02/18/92
FDC 2/0963/HOE/ FI/P Homerville, Homerville, GA. VOR/DME–A AMDT 3...delete note...activate MIRL RWY 14–32 and VASI RWY 14 CTAF. This becomes VOR/DME–A AMDT 3A.

St Charles

St Charles
Missouri
VOR RWY 9 AMDT 2...
Effective: 02/14/92
FDC 2/0920/3SQ/ FI/P St Charles, St Charles, MO. VOR RWY 9 AMDT 2...S–9 ALL CATS HAT 498; circling HAA CAT A 498, B/C 518. DME MIN...S–9 HAT ALL CATS 378; circling HAA CAT A 438, B/C 518. Airport ELEV/TDZE RWY 9...442. This becomes VOR RWY 9 AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
LOC BC RWY 6 AMDT 2...
Effective: 02/25/92
FDC 2/1080/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LOC BC RWY 6 AMDT 2...add note...disregard GS indications. MSA STL 2800. This becomes LOC BC RWY 6 AMDT 6A.

St. Louis

Lambert-St. Louis Intl.
Missouri
ILS Rwy 30R Amdt 6...
Effective: 02/25/92
FDC 2/1081/STL/ FI/P Lambert-St. Louis Intl. St. Louis, MO ILS Rwy 30R Amdt 6...MSA STL 2800. This becomes ILS Rwy 30R Amdt 6A.

St. Louis

Spirt of St. Louis
Missouri
VOR Rwy 26L Amdt 4...
Effective: 02/26/92
FDC 2/1112/SUS/ FI/P Spirit of St. Louis, St. Louis, MO VOR Rwy 26L Amdt 4...ALTN MINS CAT A/B/C...Standard, CAT D 800–2¼. This becomes VOR Rwy 26L Amdt 4A.

St. Louis

Spirit of St. Louis
Missouri
VOR Rwy 8R Amdt 6...
Effective: 02/26/92
FDC 2/1113/SUS/ FI/P Spirit of St. Louis, St. Louis, MO VOR Rwy 8R Amdt 6...Change note to read...INOP Components Table does not apply CATS A/B. ALTN MINS CATS A/B/C...Standard, CAT D 800–2¼. This becomes VOR Rwy 8R Amdt 6A.

St. Louis

Spirit of St. Louis
Missouri ILS Rwy 8R Amdt 12...
Effective: 02/26/92
FDC 2/1114/SUS/ FI/P Spirit of St. Louis, St. Louis, MO ILS Rwy 8R Amdt 12...Change S–ILS–8R DH to 662 All CATS, S–LOC–8R HAT all CATS to 558. TDZE Rwy 6R 462 (Change airport sketch). This becomes ILS Rwy 8R Amdt 12A.

Erwin

Harnett County
North Carolina
NDB Rwy 22 Orig...
Effective: 02/14/92
FDC 2/0901/37W/ FI/P Harnett County, Erwin, NC NDB Rwy 22 Orig...Delete note...Activate MIRL Rwy 4–22 CTAF. This Becomes NDB Rwy 22 Orig A.

Erwin

Harnett County
North Carolina
VOR/DME Rwy 4 Amdt 1...
Effective: 02//14/92
FDC 2/0902/37W/ FI/P Harnett County, Erwin, NC VOR/DME Rwy 4 Admt 1...Delete note...Activate Mirl Rwy 4–22 and Vasi Rwy 4 Ctaf. This becomes VOR/DME Rwy 4 Amdt 1A.

Laconia

Laconia Muni
New Hampshire
NDB Rwy 8 Amdt 7...
Effective: 02/19/92
FDC 2/0997/LCI/ FI/P Laconia Muni, Laconia, NH NDB Rwy 8 Amdt 7...Delete notes, "Caution high terrain south of airport.", "Activate Mirls Rwy 8–26, VASI and REIL Rwy 8–CTAF.". This is NDB Rwy 8 Amdt 7A.

Laconia

Laconia Muni
New Hampshire
LOC Rwy 8 Amdt 8...
Effective: 02/19/92
FDC 2/0998/LCI/ FI/P Laconia Muni, Laconia, NH LOC Rwy 8 Amdt 8...Add note, "ADF required." Delete notes, "Caution high terrain sourth of airport.", "Activate MIRLS

Rwy 8–26, VASI and REILS Rwy 8–CTAF.". This is LOC Rwy Amdt 8A.

Greenwood

Greenwood County
South Carolina
VOR Rwy 9 Amdt 12...
Effective: 02/14/92
FDC 2/0894/GRD/ FI/P Greenwood County, Greenwood, SC VOR Rwy 9 Amdt 12...Delete note...Activate REIL Rwys 9 and 27–122.8. This Becomes VOR Rwy 9 Amdt 12A.

Greenwood

Greenwood County
South Carolina
VOR Rwy 27 Amdt 11...
Effective: 02/14/92
FDC 2/0894/GRD/ FI/P Greenwood County, Greenwood, SC VOR Rwy 27 Amdt 11...Delete note...Activiate REIL Rwys 9 and 27–122.8. This becomes VOR Rwy 27 Amdt 11A.

Greenwood

Greenwood County
South Carolina
NDB Rwy 27 Orig...
Effective: 02/14/92
FDC 2/0896/GRD/ FI/P Greenwood County, Greenwood, SC NDB Rwy 27 Orig...Delete note...Activate REIL Rwys 9 and 27 CTAF. This becomes NDB Rwy 27 Orig A.

Anderson

Anderson County
South Carolina
LOC Rwy 5 Amdt 1...
Effective: 02/14/92
FDC 2/0897/AND/ FI/P Anderson County, Anderson, SC LOC Rwy 5 Amdt 1...Delete note...When CTLZ not in effect...1. Use Greer ALSTG. 2. Increase all MDA's 120 Feet. 3. Activate MIRL Rwy 5–23 CTAF. Altn Mins standard. This becomes LOC Rwy 5 Amdt 1A.

Anderson

Anderson County
South Carolina
VOR Rwy 5 Amdt 9...
Effective: 02/14/92
FDC 2/0898/AND/ FI/P Anderson County, Anderson, SC VOR Rwy 5 Amdt 9...Delete note...When CTLZ not in effect...1. Use Greer ALSTG.2. Increase all MDA's 160 Ft. 3. Activate MIRL Rwy 5–23 CTAF. Altn Mins standard. This becomes VOR Rwy 5 Amdt 9A.

Anderson

Anderson County
South Carolina
NDB Rwy 35 Amdt 1...
Effective: 02/14/92
FDC 2/0899/AND/ FI/P Anderson County, Anderson, SC NDB Rwy 35 Amdt 1...Delete note...When CTLZ not in effect...1. Use Greer ALSTG. 2. Increase all MDA's 160 Feet. 3. Activate MIRL Rwy 5–23 CTAF. Altn mins standard except CAT D 600 2¼. This becomes NDB Rwy 35 Amdt 1A.

Anderson

Anderson County
South Carolina
RNAV Rwy 23 Amdt 5...
Effective: 02/14/92
FDC 2/0900/AND/ FI/P Anderson County, Anderson, SC RNAV Rwy 23 Amdt 5...Delete Note...When CTLZ not in effect...1. Use Greet ALSTG. 2. Increase all MDA's 160 Ft. 3. Activate MIRL Rwy 5–23 CTAF. Altn mins standard. This becomes RNAV Rwy 23 Amdt 5A.

Hilton Head Island

Hilton Head
South Carolina
VOR/DME–A Amdt 9...
Effective: 02/20/92
FDC 2/1006/49]/ FI/P Hilton Head, Hilton Head Island, SC VOR/DME–A Amdt 9...Missed APCH...Climbing right turn to 2000 VIA SAV R–081 to Seler/Sav 17 DME and hold. This becomes VOR/DME–A Amdt 9A.

Columbia/Mount Pleasant

Maury County
Tennessee
VOR/DME–A Amdt 3...
Effective: 02/13/92
FDC 2/0877/MRC/ FI/P Maury County, Columbia/Mount Pleasant, TN VOR/DME–A, Amdt 3...Change ARPT Elev to 677.HAA 603 CAT A and B, 683 CAT C and D. Change note to read...If LCL ALSTG not received use Nashville ALSTG and increase all MDA's 200 Ft. This becomes VOR/DME–A Amdt 3A.

[FR Doc. 92–5556 Filed 3–9–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 26796; Amdt. No. 1482]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic dipiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is efffective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather. Issued in Washington, DC on February 28, 1992.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 utc on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective May 28, 1992*

Vancouver, WA—Pearson Airpark, LDA BC–A, Orig.
Vancouver, WA—Pearson Airpark, LDA BC RWY 8, Amdt. 4, Cancelled

** * * Effective April 30, 1992*

Nome, AK—Nome, NDB/DME RWY 2, Orig.
San Jose, CA—San Jose International, VOR/DME RWY 30L, Orig.
Akron, CO—Akron-Washington Co, VOR RWY 29, Orig.
Kahului, HI—Kahului, NDB/DME RWY 2, Amdt. 1
Kahului, HI—Kahului, NDB RWY 20, Amdt. 10
Staples, MN—Staples Muni, NDB RWY 14, Amdt. 1
Billings, MT—Billings-Logan Intl, NDB RWY 27R, Orig., Cancelled
Helena, MT—Helena Regional, LOC/DME BC–C, Amdt. 3
Helena, MT—Helena Regional ILS RWY 27, Amdt. 1
Boonville, MO—Jesse Viertel Memorial, VOR–A, Amdt. 4
Boonville, MO—Jesse Viertel Memorial, NDB RWY 18, Amdt. 9
Ogallala, NE—Searle Field, VOR RWY 8, Amdt. 4
Ogallala, NE—Searle Field, VOR RWY 26, Amdt. 4
Omaha, NE—Millard, NDB RWY 12, Amdt. 10
Atlantic City, NJ—Atlantic City Intl, VOR RWY 4, Amdt. 14
Atlantic City, NJ—Atlantic City Intl, VOR RWY 13, Amdt. 3
Atlantic City, NJ—Atlantic City Intl, VOR/DME RWY 22, Amdt. 4
Atlantic City, NJ—Atlantic City Intl, VOR RWY 31, Amdt. 15
Atlantic City, NJ—Atlantic City Intl, ILS RWY 13, Amdt. 4
Atlantic City, NJ—Atlantic City Intl, RADAR–1, Amdt. 13
Columbus, OH—Ohio State University, NDB RWY 9R, Amdt. 2
Columbus, OH—Ohio State University, NDB RWY 27L, Amdt. 6
Columbus, OH—Ohio State University, ILS RWY 9R, Amdt. 4
Columbus, OH—Ohio State University, VOR/DME RNAV RWY 27L, Amdt. 5
Columbus, OH—Rickenbacker, VOR RWY 23L, Amdt. 6
Columbus, OH—Rickenbacker, ILS–1 RWY 5R, Amdt. 1
Delaware, OH—Delaware Muni, VOR RWY 28, Amdt. 5
Delaware, OH—Delaware Muni, NDB RWY 10, Amdt. 4
Lancaster, OH—Fairfield County, VOR–A, Amdt. 8
Lancaster, OH—Fairfield County, NDB RWY 28, Amdt. 6
Lancaster, OH—Fairfield County, VOR/DME RNAV RWY 10, Amdt. 6
Lorain/Elyria, OH—Lorain County Regional, VOR–A, Amdt. 1
Marysville, OH—Union County, NDB RWY 27, Amdt. 3
Mount Vernon, OH—Knox County, VOR–A, Amdt. 7
Mount Vernon, OH—Knox County, VOR/DME RNAV RWY 10, Amdt. 2
Mount Vernon, OH—Knox County, VOR/DME RNAV RWY 28, Amdt. 2
Newark, OH—Newark-Heath, VOR–A, Amdt. 11
Newark, OH—Newark-Heath, SDF RWY 9, Amdt. 4
Newark, OH—Newark-Heath, NDB RWY 9, Amdt. 5
Newark, OH—Newark-Heath, VOR/DME RNAV RWY 27, Amdt. 5
Hugo, OK—Stan Stamper Muni, NDB RWY 35, Orig.
Savannah, TN—Savannah-Hardin County, SDF RWY 18, Amdt. 3
Pearsall, TX—McKinley Field, VOR/DME–A, Amdt. 2
Highgate, VT—Franklin County State, VOR/DME RWY 19, Orig.
Highgate, VT—Franklin County State, VOR–B, Amdt. 1
Berkeley Springs, WV—Potomac Airpark, VOR RWY 29, Amdt. 5
Berkeley Springs, WV—Potomac Airpark, VOR/DME RNAV–A, Amdt. 1

** * * Effective April 2, 1992*

Danbury, CT—Danbury Muni, VOR/DME RNAV RWY 8, Amdt. 2
Danbury, CT—Danbury Muni, VOR/DME RNAV RWY 26, Amdt. 3

Chicago/Romeoville, IL—Lewis University, VOR RWY 9, Orig.
Romeoville, IL—Lewis, VOR RWY 9, Amdt. 2, CANCELLED
Elkhart, IN—Elkhart Muni, VOR RWY 27, Amdt. 13
Elkhart, IN—Elkhart Muni, ILS RWY 27, Amdt. 1
Boston, MA—General Edward Lawrence Logan Intl, ILS RWY 4R, Amdt. 7
Big Rapids, MI—Roben-Hood, VOR/DME–A, Amdt. 6
Athens/Albany, OH—Ohio University, LOC RWY 25, Amdt. 3
Athens/Albany, OH—Ohio University, NDB RWY 25, Amdt. 8
Bellefontaine, OH—Bellefontaine Muni, VOR/DME RNAV RWY 22, Amdt. 4
Carrollton, OH—Carroll County-Tolson, VOR–A, Orig.
New Lexington, OH—Perry County, VOR/DME RWY 28, Amdt. 1

* * * *Effective February 24, 1992*

Bristol-Johnson-Kingsport, TN—Tri-City Regional, ILS RWY 5, Amdt. 2
Bristol-Johnson-Kingsport, TN—Tri-City Regional, ILS RWY 23, Amdt. 24

* * * *Effective February 19, 1992*

Vero Beach, FL—Vero Beach Muni, NDB RWY 11R, Amdt. 2.

[FR Doc. 92–5557 Filed 3–9–92; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Zoalene; Editorial Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending certain portions of its regulations, for use of Zoalene in animal feeds, to remove a reference to an outdated sponsor and to simplify the conditions of use. This action is editorial in nature and is intended to improve the accuracy and clarity of the regulations.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8646.

SUPPLEMENTARY INFORMATION: FDA is editorially amending § 558.680 *Zoalene* (21 CFR 558.680) by revising the table in paragraph (c)(1), to simplify the conditions of use listed in entry (i) under the heading "Limitations," and to remove an outdated sponsor in entry (ii) of the same table (§ 558.680(a) identifies the current sponsor).

The amendments are wholly editorial in nature. For this reason, notice and public procedure and delayed effective date are unnecessary (5 U.S.C. 553(b)(3)(b) and (d)).

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.680 *Zoalene* is amended by revising the table in paragraph (c)(1) to read as follows:

§ 558.680 Zoalene.

* * * * *

(c) * * *
(1) * * *

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
(i) 36.3-113.5 (0.004-0.0125%)		Replacement chickens; development of active immunity to coccidiosis.	Grower ration not to be fed to birds over 14 weeks of age; as follows:

Growing conditions	Starter ration Grams per ton	Grower ration Grams per ton
Severe exposure	113.5 (0.0125%)	75.4-113.5 (0.0083%-0.0125%)
Light to moderate exposure	75.4-113.5 (0.0083%-0.0125%)	36.3-75.4 (0.004%-0.0083%)

	Arsanilate sodium 90 (0.01%)	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Grower ration not to be fed to birds over 14 weeks of age; withdraw 5 days (d) before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Arsanilic acid 90 (0.01%)	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).
	Arsanilic acid 90 (0.01%) plus erythromycin 4.6 to 18.5	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5	1. Replacement chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 2 d before stress and 3 to 6 d after stress; as erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).
		2. Replacement chickens; as an aid in the prevention of infectious coryza; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 7 to 14 d; as erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Arsanilic acid 90 (0.01%) plus erythromycin 185	Replacement chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; growth promotion and feed efficiency; improving pigmentation and development of active immunity to coccidiosis.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 5 d before slaughter; as erythromycin thiocyanate; as sole source of organic arsenic; feed as in subtable in item (i).
	Arsanilic acid 90 (0.01%) plus penicillin 2.4 to 50	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As procaine penicillin; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).
	Bacitracin 100 to 500	Replacement chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); development of active immunity to coccidiosis.	As bacitracin zinc; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Chlortetracycline 100 to 200	Replacement chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); prevention of synovitis; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).
	Chlortetracycline 200	Replacement chickens; control of synovitis; development of active immunity to coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).
	Erythromycin 4.6 to 18.5	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis.	As erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Erythromycin 92.5	1. Replacement chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; development of active immunity to coccidiosis.	Feed for 2 d before stress and 3 to 6 after stress; withdraw 24 hours (h) before slaughter; as erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).
		2. Replacement chickens; as an aid in the prevention of infectious coryza; development of active immunity to coccidiosis.	Feed for 7 to 14 d; withdraw 24 h before slaughter; as erythromycin thiocyanate; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Erythromycin 185	Replacement chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; development of active immunity to coccidiosis.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).
	Hygromycin B 8 to 12	Replacement chickens; development of active immunity to coccidiosis; control of infestation of large round worms (Ascaris galli), cecal worms (Heterakis gallinae), and capillary worms (Capillaria obsignata).	Grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).
	Penicillin 2.4 to 50	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis.	As procaine penicillin; grower ration not to be fed to birds over 14 weeks of age; feed as in subtable in item (i).

Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Penicillin 2.4 to 50 plus roxarsone 22.7 to 45.4 (0.0025% to 0.005%)	Replacement chickens; growth promotion and feed efficiency; development of active immunity to coccidiosis; improving pigmentation.	As procaine penicillin; grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%)	Replacement chickens; development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Grower ration not to be fed to birds over 14 weeks of age; withdraw 5 d before slaughter; as sole source of organic arsenic; feed as in subtable in item (i).
(ii) 113.5 (0.0125%)		Broiler chickens; prevention and control of coccidiosis.	
	Arsanilate sodium 90 (0.01%)	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Arsanilic acid 90 (0.01%)	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.
	Arsanilic acid 90 (0.01%) plus erythromycin 4.6 to 18.5	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As erythromycin thiocyanate; withdraw 5 d before slaughter; as sole source of organic arsenic.
	Arsanilic acid 90 (0.01%) plus erythromycin 92.5	1. Broiler chickens; as an aid in the prevention of chronic respiratory disease during periods of stress; growth promotion and feed efficiency; improving pigmentation; control of coccidiosis.	Do.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
		2. Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation; as an aid in the prevention of infectious coryza.	Do.
	Arsanilic acid 90 (0.01%) plus erythromycin 185	Broiler chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; as erythromycin thiocyanate; withdraw 5 d before slaughter; as sole source of organic arsenic.
	Arsanilic acid 90 (0.01%) plus penicillin 2.4 to 50	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As procaine penicillin; withdraw 5 d before slaughter; as sole source of organic arsenic.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Arsanilic acid 90 (0.01%) plus bacitracin 4 to 50	Broiler chickens; prevention and control of coccidiosis; improving pigmentation; growth promotion and feed efficiency.	Withdraw 5 d before slaughter; as sole source of organic arsenic; as bacitracin methylene disalicylate.
	Bacitracin 4 to 50	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As bacitracin methylene disalicylate or zinc bacitracin.
	Bacitracin 4 to 50 plus roxarsone 22.7 to 45.4 (0.0025 to 0.005%)	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis; improving pigmentation.	As bacitracin methylene disalicylate or zinc bacitracin; withdraw 5 d before slaughter; as sole source of organic arsenic.
	Bacitracin 100 to 500	Broiler chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); prevention and control of coccidiosis.	As zinc bacitracin.

Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Chlortetracycline 100 to 200	Broiler chickens; treatment of chronic respiratory disease (air-sac infection); blue comb (nonspecific infectious enteritis); prevention of synovitis; prevention and control of coccidiosis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.
	Chlortetracycline 200	Broiler chickens; prevention and control of coccidiosis; control of synovitis.	Not to be fed to laying chickens; as chlortetracycline hydrochloride.
	Erythromycin 4.6 to 18.5	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As erythromycin thiocyanate.
	Erythromycin 92.5	1. Broiler chickens; as an aid in the prevention of chronic respiratory disease during period of stress; prevention and control of coccidiosis.	Feed for 2 d before stress and 3 to 6 d after stress; withdraw 24 h before slaughter; as erythromycin thiocyanate.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
		2. Broiler chickens; as an aid in the prevention of infectious coryza; prevention and control of coccidiosis.	Feed for 7 to 14 d; withdraw 24 h before slaughter; as erythromycin thiocyanate.
	Erythromycin 185	Broiler chickens; as an aid in the prevention and reduction of lesions and in lowering severity of chronic respiratory disease; prevention and control of coccidiosis.	Feed for 5 to 8 d; do not use in birds producing eggs for food purposes; withdraw 48 h before slaughter; as erythromycin thiocyanate.
	Hygromycin B 8 to 12	Broiler chickens; prevention and control of coccidiosis; control of infestation of large round worms (*Ascaris galli*), cecal worms (*Heterakis gallinae*), and capillary worms (*Capillaria obsignata*).	

Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Lincomycin 2	Broiler chickens; increase in rate of weight gain; improved feed efficiency; as an aid in the prevention and control of coccidiosis.	Do not feed to laying chickens; to be fed as the sole ration; as lincomycin hydrochloride monohydrate provided by No. 000009 in § 510.600(c) of this chapter.
	Penicillin 2.4 to 50	Broiler chickens; growth promotion and feed efficiency; prevention and control of coccidiosis.	As procaine penicillin.
	Penicillin 2.4 to 50 plus roxarsone 22.7 to 45.4 (0.0025 to 0.005%)	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic; as procaine penicillin.
	Roxarsone 22.7 to 45.4 (0.0025 to 0.005%)	Broiler chickens; prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
(iii) 113.5 to 170.3 (0.0125 to 0.01875%)		Turkeys; prevention and control of coccidiosis.	For turkeys grown for meat purposes only.
	Arsanilate sodium 90 (0.01%)	Turkeys; growth promotion and feed efficiency; improving pigmentation.	For turkeys grown for meat purposes only; withdraw 5 d before slaughter; as sole source of organic arsenic.
	Arsanilic acid 90 (0.01%)	do.	Do.

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Zoalene in grams/ton	Combination in grams/ton	Indications for use	Limitations
	Carbarsone (not U.S.P.) 277 to 340.5 (0.025% to 0.0375%)	Turkeys; prevention and control of coccidiosis; aid in the prevention of blackhead.	For turkeys grown for meat purposes only; feed continuously beginning 2 weeks before blackhead and coccidiosis are expected and continue as long as prevention of blackhead and prevention and control of coccidiosis is needed; withdraw 5 d before slaughter; as sole source of organic arsenic.
	Roxarsone 22.7 to 45.4 (0.0025% to 0.005%)	Turkeys; growth promotion and feed efficiency; improving pigmentation.	Withdraw 5 d before slaughter; as sole source of organic arsenic.

BILLING CODE 4610-01-C

Dated: February 26, 1992.
Robert C. Livingston,
Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.
[FR Doc. 92-5510 Filed 3-9-92; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-92-005]

Special Local Regulations for Marine Events; Crawford Bay Crew Classic; Southern Branch, Elizabeth River, Portsmouth, VA

AGENCY: Coast Guard, DOT.
ACTION: Temporary final rule.

SUMMARY: Special local regulations are being adopted for the Crawford Bay Crew Classic to be held on the Southern Branch, Elizabeth River, at Portsmouth, Virginia. The event will consist of crew shells racing in heats on the Elizabeth River from Mobil Oil to Portside, in Portsmouth. These regulations are necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective for the following periods:
12:15 p.m. to 7 p.m. March 20, 1992;
6 a.m. to 6 p.m. March 21, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8559.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received in the district office until January 23, 1992, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information

The drafters of this notice are Stephen Phillips, project officer, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Background and Purpose

Ports Events Inc. has submitted an application to hold the Crawford Bay Crew Classic on the Southern Branch of the Elizabeth River at Portsmouth, Virginia. As part of the application, Ports Events Inc. requested that the Coast Guard provide control of spectator and commercial traffic within the regulated area.

Discussion of Regulations

These regulations will regulate the area surrounding the Crawford Bay Crew Classic on the Southern Branch of the Elizabeth River. Crew racing shells will be racing in heats starting in the vicinity of the Mobil Oil Docks and will finish in the vicinity of Portside, Portsmouth. These regulations are necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event. Marine traffic will be allowed to transit the regulated area between races. Since the main shipping channel will not be closed for extended periods of time, commercial traffic should not be severely disrupted.

Regulatory Evaluation

This final rule is not considered major under Executive Order 12291 and not significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for a short period of time and the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small Entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b), that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c. of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35-05 is added to read as follows:

§ 100.35-05 Southern Branch, Elizabeth River, Portsmouth, Virginia.

(a) *Definitions.—(1) Regulated area.* The waters of the Southern Branch, Elizabeth River from shoreline to shoreline bounded to the south by a line drawn from latitude 36°49'11.0" North, longitude 76°17'33.0" West to latitude 36°49'11.0" North, longitude 76°17'22.0" West and bounded to the north by a line drawn from latitude 36°50'17.5" North, longitude 76°17'45.0" West to latitude 36°50'17.5" North, longitude 76°17'30.0" West

(2) Coast Guard Patrol Commander. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Coast Guard Group Hampton Roads.

(b) Special Local Regulations. (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a)(1) of this section, but may not block a navigable channel.

(c) *Effective Dates:* These regulations are effective for the following periods: 2 p.m. to 7 p.m. March 20, 1992, 6 a.m. to 6 p.m. March 21, 1992.

Dated: February 21, 1992.

R. T. Rufe, Jr.,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. 92-5529 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL-4113-7]

Maryland; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Tentative Determination on Maryland's application for approval of underground storage tank program, public hearing and public comment period.

SUMMARY: The State of Maryland has applied for approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of Maryland's Application and has made the tentative decision that the State of Maryland's underground storage tank program satisfies all of the requirements necessary to qualify for approval. The State of Maryland's application for approval is available for public review and comment, and a public hearing will be held to solicit comments on the application, unless insufficient public interest is expressed.

DATES: Unless insufficient public interest is expressed in holding a hearing, a public hearing will be held on May 4, 1992. However, EPA reserves the right to cancel the public hearing if sufficient public interest in a hearing is not communicated to EPA in writing by April 23, 1992. EPA will determine after April 23, 1992 whether there is significant interest to hold the public hearing. The State of Maryland will participate in any public hearing held by EPA on this subject. All written comments on the State of Maryland's application for program approval must be received by 4:30 p.m. on May 1, 1992.

ADDRESSES: Copies of the State of Maryland's application for program approval are available between 8:30 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Maryland Department of the Environment
Hazardous and Solid Waste Management Administration
2500 Broening Highway
Baltimore, Maryland 21234
(410) 631-3442

United States Environmental Protection Agency
Headquarters Library, PM 221A
401 M Street, SW.,
Washington, DC 20460
(202) 382-5926

United States Environmental Protection Agency
Region III Library
841 Chestnut Building
Philadelphia, Pennsylvania 19107
Contact: Diane McCreary, (215) 597-7904.

Written comments should be sent to: Rosemarie P. Nino, Program Manager, Underground Storage Tank (UST) Section, (3HW63), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 597-0270.

Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should write or telephone after April 23, 1992, the EPA Program Manager listed above or telephone Bernard Bigham, Chief, UST Division, Department of the Environment, Hazardous and Solid Waste Management Administration, 2500 Broening Highway, Baltimore, Maryland 21234, (410) 631-3442.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State's application for program approval on May 4, 1992 at 7:00 p.m. at the Loch Raven Senior High School, Baltimore County Public Schools, 1212 Cowpens Avenue, Baltimore, Maryland 21204.

FOR FURTHER INFORMATION CONTACT: Rosemarie P. Nino, UST Section (3HW63), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 597-0270.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. EPA may approve a State program if the Agency finds pursuant to section 9004(b), 42 U.S.C. 6991c(b), that the State program: is "no less stringent" than the Federal program in all seven elements set forth at section 9004(a)(1) through (7), 42 U.S.C. 6991c(a) (1) through (7), includes the notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8) and provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

B. State of Maryland

The Maryland Department of the Environment (MDE), is the implementing agency for UST activities in the State. The Hazardous and Solid Waste Management Administration (HSWMA) of MDE is dedicating a substantial effort to remediate, prevent, and control UST-related groundwater contamination by maintaining a visible enforcement presence in the industrial community.

The scope of the Maryland UST Program extends beyond the scope of the Federal UST Program. In addition to 30,000 USTs covered by both the Federal and Maryland's programs, Maryland also regulates an estimated additional 40,000 USTs containing heating oil.

Maryland's requirements which exceed the stringency or scope of the Federal regulations include the following subject matter:

(1) Heating oil tanks—With the exception of residential and farm tanks of 1,100 gallons or less, all heating oil tanks were required to be registered with the State by July 1, 1990. They also must meet Maryland's installation requirements and be precision-tested when they are 15 years old and every 5 years therafter.

(2) Installer Certification—Maryland requires that a State-certified installer be present during any underground storage tank installation or repair work. Installers must pass a certification test and pay a certification fee. The test consists of 100 questions concerning accepted industry practice for installing underground storage tanks and questions on the Maryland regulations. Certifications are valid for 2 years from the date of issue.

(3) Reporting of spills—Maryland requires all releases of product and tank test failures to be reported within 2 hours.

(4) Cathodic protection system testing—Maryland requires yearly testing of all cathodic protection systems to insure that protection is achieved.

(5) Monitoring pipes—Monitoring pipes must be installed at all underground storage tank installations regardless of the method used for release detection.

(6) Marking of fill lines—Maryland requires all fill lines to underground storage tanks be clearly marked to indicate the size of the tank and type of product stored.

(7) Interior lining of existing tanks—Maryland requires all existing tanks that are relined to add cathodic protection simultaneously.

(8) Inventories—Maryland requires all metered storage systems to keep daily inventories; additionally, these inventories must be reconciled to ½ to 1% of throughput for a 30-day period.

The Maryland Department of the Environment submitted a draft application for program approval on January 19, 1990. EPA reviewed and provided comments on the regulations on January 30, 1990 and commented on the other components on April 2, 1990.

On November 5, 1990, the State of Maryland submitted an official application for approval. The State reaffirmed its application by letter dated January 31, 1992, and submitted a revised Attorney General's Statement and a revised Memorandum of Agreement. Prior to its submission, the State of Maryland provided an opportunity for public notice and comment in the development of its underground storage tank program, as required by 40 CFR § 281.50(b). EPA has reviewed Maryland's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final approval. However, EPA intends to review all timely public comments prior to making a final decision whether to grant approval to the State of Maryland to operate its program in lieu of the Federal program.

In accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR § 281.50(e), the Agency will hold a public hearing on its tentative decision on May 4, 1992 at 7 p.m. at the Loch Raven Senior High School, Baltimore County Public School, 1212 Cowpens Avenue, Baltimore, Maryland 21204, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until May 1, 1992. Copies of Maryland's application are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

EPA will consider all public comments on its tentative determination received at the public hearing, if a hearing is held, and during the public comment period. Issues raised by those comments may be the basis for a decision to deny approval to the State of Maryland. EPA will give notice of its decision in the **Federal Register**; the notice will include a summary of the reasons for the final determination and a response to all significant comments.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. Final approval of the Maryland UST program will suspend the applicability of certain Federal regulations in favor of Maryland's programs, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any significant new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous materials, State program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of Sections 2002(a), 7004(b), and 9004 of the Resource Conservation and Recovery Act as amended, 42 U.S.C. 6912(a), 6974(b) and 6991c.

Dated: March 2, 1992.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 92-5587 Filed 3-9-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-349; RM-7862]

Radio Broadcasting Services; Hartselle, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 291C3 for Channel 291A at Hartselle, Alabama, and modifies the permit for Station WYAM(FM) to specify operation on the higher powered channel, as requested by Dorsey Eugene Newman. See 56 FR 64228, December 9, 1991. Coordinates for Channel 291C3 at Hartselle are 34-27-09 and 86-42-27. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-349, adopted February 24, 1992, and released March 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by removing Channel 291A and adding Channel 291C3 at Hartselle.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5447 Filed 3-9-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-284; RM-7814]

Radio Broadcasting Services; Independence, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 223B for Channel 292A at Independence, California, and modifies the permit for Station KDAY(FM) to specify operation on the higher powered, non-adjacent channel, as requested by Benett Kessler. See 56 FR 50843, October 9, 1991. Coordinates for Channel 223B at Independence are 36-46-56 and 118-00-36.

Although the Notice also announced that Channel 288B would be available as an additional equivalent channel at

Independence, in the event other parties expressed an interest in the use of a Class B channel at that community, no expression of interest was received. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–284, adopted February 24, 1992, and released March 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 292A and adding Channel 223B at Independence.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5443 Filed 3–9–92; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–174; RM–7728]

Radio Broadcasting Services; Goliad, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Alco Communications, allots Channel 240A to Goliad, Texas. See 56 FR 30374, July 2, 1991. Channel 240A can be allotted to Goliad in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.7 kilometers (2.3 miles) west to avoid a short-spacing to the proposed substation of Channel 241C1 for Channel 241C2 for Station KXGJ–GM, Bay City, Texas. The coordinates for the allotment of Channel 240A are 28–40–23 and 97–25–40. Since Goliad is located within 320 kilometers (199 miles) of the Mexican border, concurrence of the Mexican government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: *Effective Date:* April 20, 1992. The window period for filing applications will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–174, adopted February 24, 1992, and released March 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 240A, Goliad.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5446 Filed 3–9–92; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 91–353; RM–7863]

Radio Broadcasting Services; Altoona, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 251C3 for Channel 251A at Altoona, Wisconsin, and modifies the construction permit for Station WISM–FM to specify operation on the higher class channel in response to a petition filed by Alpenglow Communications, Inc. See 56 FR 65207, December 16, 1991. The coordinates for Channel 251C3 are 44–43–35 and 91–25–06. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 91–353, adopted February 24, 1992, and released March 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452–1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by removing Channel 251A and adding Channel 251C3 at Altoona.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5444 Filed 3–9–92; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[PR Docket No. 91–112; RM–7317, FCC 92–70]

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has adopted a Report and Order amending section 90.209(b)(6) of its rules to delete the 50 MHz bandwidth limitation in the 24.05–24.25 GHz and 33.4–36.0 GHz bands. Bandwidth authorizations in these two bands will be authorized on a case-by-case basis. This rule change will promote increased use of these bands by enabling the development of equipment utilizing wideband modulation techniques.

EFFECTIVE DATE: April 9, 1992.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 91–112, rm–7317, adopted February 20, 1992, and released March 5, 1992. The full text of the Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, telephone (202) 452–1422.

Summary of Report and Order

The frequency bands 24.05–24.25 GHz and 33.4–36.0 GHz are designated for part 90 Radiolocation Service use. Frequencies in these bands are used in equipment designed to determine distance, speed, direction, or position for purposes other than navigation, and are authorized for operation with up to a maximum bandwidth of 50 MHz. In April 1991, a Notice of Proposed Rule Making 6 FCC Rcd 2145 (1991), 56 FR 18799, April 24, 1991 was released that proposed to delete the 50 MHz bandwidth limitation and authorize bandwidths in the two bands on a case-by-case basis.

After reviewing the record in this proceeding, the Commission concluded that the removal of the restrictive rule would provide the industry with the technical flexibility to develop new and different technologies and promote more efficient use of the spectrum.

The Report and Order amends sections 90.209(b)(6) to provide that bandwidths in the 24.05–24.25 GHz and 33.4–36.0 GHz bands will be authorized on a case-by-case basis. Additionally, because the 10.55–10.68 GHz band is no longer available to part 90 applicants, the Report and Order updates section 90.209(b)(6) to indicate that the 25 MHz bandwidth limitation for the 10.55–10.68 GHz band applies only to grandfathered systems.

List of Subjects in 47 CFR Part 90

Radiolocation Service; Bandwidth and Radio.

Amendatory Text

47 CFR part 90 is amended as follows:

PART 90—[AMENDED]

1. The authority for part 90 continues to read as follows:

Authority: Sections 4, 303, 331, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303 and 332 unless otherwise noted.

2. Section 90.209 is amended by revising paragraph (b)(6) to read as follows:

§ 90.209 Bandwidth limitation.

* * * * *

(b) * * *

(6) The authorized bandwidth for assignments in the 24.050 to 24.250 MHz and 33.400 to 36.000 MHz frequency bands listed in § 90.103 shall be specified in the station authorization. Stations authorized in the 10.550 to 10.680 MHz band under this part prior to April 17, 1981, will retain their initial bandwidth authorization.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–5584 Filed 3–9–92; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 57, No. 47
Tuesday, March 10, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 8

[Docket No. [92-2]

Assessments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is requesting comments on amending 12 CFR part 8 to increase its assessment schedule. The current schedule is increased by 27 to 30 percent effective with the semiannual assessment due by July 31, 1992. This increase reflects an annual increase of approximately 15 percent in 1992 and another 15 percent in 1993. The OCC also proposes to change the method it uses to index the assessment schedule to adjust for imbalances caused by inflation or deflation.

The proposed increase is designed to help the OCC comply with the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA), which requires the OCC to augment significantly its examination efforts over the next three years. The OCC will require an approximate 30 percent increase or more in examiners, an increase that will be funded by the proposed assessment schedule.

At the same time that the OCC is seeking comments on an increase in the current assessment schedule to meet immediate statutory and other requirements, it is also considering alternative assessment structures for future implementation. Thus, the OCC is requesting comments on a proposed, alternative assessment structure that would charge higher assessments for those banks with performance or other characteristics that cause the OCC to devote additional resources to supervise them.

DATES: Comments must be received by April 9, 1992.

ADDRESSES: Comments should be directed to: Communications Division, 9th Floor, 250 E Street SW., Washington, DC 20219, Attention: Docket No. 92-2. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Roy Madsen, Associate Director, Financial Management, (202) 874-5130; or Christina Trojan-Masnyk, Attorney, Legal Advisory Services Division, (202) 874-5320, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

Background

Under the National Bank Act, 12 U.S.C. 1 *et seq.*, the OCC is responsible for supervising national banks and ensuring that they comply with all applicable laws and operate in a safe and sound manner. The OCC uses the examination process to carry out these responsibilities. Pursuant to 12 U.S.C. 482, as amended by section 114 of the FDICIA, Public Law 102-242, 105 Stat. 2236 (1991), the OCC "may impose and collect assessments, fees, or other charges as necessary or appropriate . . ." from national banks, District of Columbia banks supervised by the OCC, and federally licensed branches and agencies of foreign banks ". . . to meet the Comptroller's expenses in carrying out authorized activities." The OCC's assessment regulation is located at 12 CFR part 8.

On November 30, 1990 (55 FR 49838), the OCC modified 12 CFR part 8 to increase assessments to meet short-term funding needs projected at that time. In view of the increased examination requirements in FDICIA, that increase is now insufficient to fund the OCC's operations. Section 111 of FDICIA requires an examination of all insured depository institutions every 12-months; as an exception, a small number of banks may be examined on an 18-month cycle if they meet certain asset size and condition criteria. To meet the statutory requirements, the OCC needs to increase its examination force over the next three years.

The new statutory requirements have been placed on the OCC at a time when the condition of the banking industry remains weak. The difficulties in selected geographic sectors, such as New England, and economic sectors, such as real estate, are reflected in the condition of the banking system. Problem banks and bank failures have continued at high levels. These factors continue to demand increased resources.

Additionally, the rapid changes in the financial services industry increase the demands on the OCC's supervisory capabilities. To ensure the safety and soundness of national banks in a dynamic financial services industry, the OCC must develop policies and maintain expertise consistent with marketing, strategic, and technological advances. To carry out the OCC's mission, new products and new markets in banking require more OCC resources, specialized training and additional examination efforts.

Due to these changes in the legal, regulatory, and economic environments, the OCC must increase examiner resources by approximately 30 percent or more over the next three years. Without additional assessments, the OCC cannot fund a staff increase of this magnitude. Without the staff increase, the OCC cannot conduct the requisite examinations or fulfill statutory and other requirements.

OCC Costs

The OCC has made significant efforts to control its costs. For example, in 1991, the OCC increased its supervision efforts by 330 examiner workyears, although only 150 new examiners were hired. More than 50 percent of the increased supervisory resources was met by redirecting existing staff from support, training, and overhead activities to examination related activities.

The OCC continues its long-term effort to reduce its non-supervision expenses as a proportion of its overall budget. The OCC has aggressively sought long-term reductions in office space costs by renegotiating or improving leases. For example, the relocation of OCC's headquarters to Independence Square saves $13.2 million in office space expenditures over 15 years. Significant reductions also have been made to travel and training expenditures not-related to bank supervision, and all employees are responsible for making their work processes more efficient.

These efforts are reflected in the trend in the OCC's overhead rate, which measures the relationship of support activity costs to bank examination costs. Since 1987, the proportion of the OCC's expenses devoted to support activities, rather than direct bank supervision, fell 16 percent.

Despite these efforts, the OCC operated at a deficit in 1991 of $2 million as a result of assessment shortfalls. The 1991 deficit represents one percent of the OCC's total expenditures. In 1992, if the proposed assessment increase is not adopted, the OCC is projecting a $36 million deficit from the cumulative costs of hiring, training, and deploying additional examiners in 1991 and 1992. Further deficits for 1993 and beyond will occur as the OCC continues to increase resources to fulfill the new examination requirements.

The OCC estimates that implementation of the annual examination provisions of FDICIA will require an average of 35 more work days per bank under $1 billion in assets. Overall, the OCC will need a significant increase, estimated at 30 percent or greater, in its examination staff. The OCC plans to increase the size of its examiner staff over several years starting with hiring approximately 300 new examiners in 1992.

OCC budget increases in 1992 and those estimated for 1993 that are directly related to implementation of FDICIA include: A 30 percent or greater increase in the size of the OCC's examiner work force; increases in training and equipment to accommodate the new examiners and to maintain the qualifications of existing examiners; travel costs to conduct more frequent and lengthier examinations; and relocation costs to ensure that its experienced work force is distributed to implement the mandated examination schedule in the most cost effective manner.

The cost of complying with FDICIA, combined with inflation, will cause a 13.8 percent increase in the OCC's 1992 budget, and a comparable increase in 1993. Without the staff increases and increased examination requirements resulting from FDICIA, OCC's budget for 1992 would have increased 4.8 percent over 1991 with an anticipated deficit of $9.4 million—a level which would not have required an assessment increase in 1992, but at a minimum, would have required an increase of 3 percent in 1993. Therefore, the combined effect of FDICIA, inflation, and revenue shortfalls require 15 percent increases in 1992 and 1993.

The combined effect of the mandated increase in examination requirements, inflation, and the decrease in the assessment growth rate, render the current schedule inadequate.

Assessment Revenue

Asset-based assessments provide over 90 percent of the OCC's revenue. Under the current assessment schedule, the OCC's revenues do not increase unless bank assets grow. However, in recent years, such growth in the assessment base has not kept pace with inflation or costs. The recent slowdown in bank asset growth, coupled with increasing supervisory requirements, has hampered the OCC's ability to fund its supervisory activities through the current assessment schedule.

In the early 1980s, national bank assets grew at annual rates of 7.0 percent or more. In 1987, the growth rate fell dramatically to 1.7 percent. Although 1988 and 1989 asset growth rates were 4.3 and 7.0 percent, respectively, the 1990 national bank asset growth rate fell to only 0.4 percent. Although assets declined during the first six months of 1991, this decline was offset by growth in the third quarter. Total 1991 bank asset growth stands at 0.4 percent through the third quarter. The OCC anticipates that asset growth will continue to be uncertain through the 1990s, with only nominal growth anticipated in the short-term.

The OCC intended its 1990 assessment increase of 11 percent to cover 1991 and 1992. However, deteriorating economic conditions and an increased number of problem institutions have already required the OCC to increase supervisory resources to levels not anticipated when the 1990 assessment increase was promulated. These factors were exacerbated by lower than anticipated asset growth resulting in the current revenue shortfall.

Proposal

A. Increase the Current Assessment

In 1992, the OCC is proposing to increase the assessment schedule by 15 percent to fund the initial staff increase of 300 examiners, and by another 15 percent in 1993 to fund another increase of 300 examiners. These two increases will be effected by imposing a 30 percent increase to the assessment schedule set forth below for the second semiannual assessment period in 1992. The same schedule will be used in 1993, with the exception of an adjustment for indexation, as discussed later.

This proposal would continue the OCC's present assessment methodology. The OCC expects the assessment increase to generate additional revenue of about $40 million per semiannual assessment period. The OCC is proposing to make the increase reflected in the following table effective with the semiannual assessment due by July 31, 1992, and beyond.

If the banks' total assets (consolidated domestic and foreign subsidies) are:		The semiannual assessment is:		
		This amount—	Plus	Of excess over—
Over—	But not over—	Base amount	Marginal rates	
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
0	$2	0	.001645020	0
$2	20	3,290	.000205626	$2
20	100	6,991	.000164502	20
100	200	20,151	.000106926	100
200	1,000	30,844	.000090476	200
1,000	2,000	103,225	.000074026	1,000
2,000	5,000	177,251	.000065801	2,000
5,000	20,000	440,454	.000055986	5,000
20,000	40,000	1,224,292	.000052670	20,000
40,000		2,277,682	.000034488	40,000

The following table illustrates the impact of this proposal on national banks.

ASSESSMENT INCREASES FOR SELECTED BANK SIZES

	Bank size (millions)								
	$20	$100	$200	$300	$1,000	$2,000	$5,000	$20,000	$40,000
Semiannual assessment:									
Revised	$6,991	$20,151	$30,844	$39,682	$103,225	$177,251	$440,454	$1,224,292	$2,277,682
Current	5,489	15,612	24,058	31,091	79,799	137,122	339,934	944,169	1,755,937
Change	1,502	4,539	6,786	8,811	23,426	40,129	100,520	280,123	521,745
Increase (percent) [1]	27	29	28	28	29	29	30	30	30
Annualized impact on ROA (basis points)	−.991	−.509	−.448	−.398	−.309	−.265	−.221	−.185	−.172

[1] The increase in semiannual assessments may be less than 30 percent due to the rounding of each asset bracket.
Annualized impact on return on assets (ROA)=Change in Semi-Annual Assessment/Total Assets; assumes a 34-percent tax rate.

The majority of national banks (3,345 banks or approximately 87 percent) have assets under $300 million. Banks in this category would pay, on average, an additional $3,613 each semiannual assessment period. On an annual basis, this represents 0.008 percent of return on assets (ROA) for those banks. For large banks, the impact on ROA is somewhat less. Therefore, this proposal will not have a significant or disparate impact on small banks. All national banks, regardless of size, will receive 27 to 30 percent increase in their assessment fees on July 31, 1992.

B. Indexing Marginal Rates

The OCC also is proposing to revise its method of indexing the assessment schedule. Presently, the OCC indexes asset brackets. Because indexing the asset brackets of the assessment schedule has not matched inflationary cost increases, the OCC proposes to index instead the assessment schedule's marginal rates. This change is intended to offset bank asset/OCC expense growth imbalances caused by future inflationary or deflationary pressures.

In the past, the OCC has indexed the endpoints of each of the ten assessment asset brackets each year to adjust for the change in the "implicit price deflator" (deflator). This methodology was used because bank assets in the 1970s and early 1980s grew at rates at least as great as inflation, matching changes in the OCC's costs. As discussed above, in the late 1980s and early 1990s, banks have experienced little asset growth while the OCC has face unprecedented growth in resources demands.

In order to make the relationship between inflation/deflation and OCC costs more direct, the OCC is proposing to index marginal rates by the change in the deflator. The asset brackets have been rounded.

The actual increase in the marginal rates in a particular year will depend upon the rate of inflation and the asset growth in the industry. A particular bank's assessment increase may significantly differ from the industry average if the bank's asset growth differs from the industry's asset growth.

The proposal allows, but does not require, the OCC to adjust the marginal rates up to the percentage change in the deflator. This provides the OCC flexibility to use a lower indexing factor in situations where funds may be generated above those required (*e.g.*, national bank asset growth increases, providing the OCC with surplus funding, or the OCC reduces expenditures). Each one percent increase in the index equals approximately $2.6 million of revenue based upon current asset levels. If the proposal is adopted, the OCC will publish the revised marginal rates for assessments in its annual "Notice of Comptroller of the Currency Fees" published each December.

Alternative Assessment Structures

In this notice, the OCC is also considering alternative assessment structures for implementation in the future. In 1990, the OCC's Comprehensive Revenue Study Steering Committee (Steering Committee) recognized that the OCC's funding structure was inadequate to meet any significant increase in examination needs, particularly in an environment of slow bank asset growth. Further, the Steering Committee recognized problems with the current funding methodology where banks of the same size pay the same amount, regardless of their condition.

On July 6, 1990 (55 FR 27964), the Steering Committee solicited comments on various funding options. Respondents suggested that problem banks should be assessed higher fees to pay for the greater OCC resources devoted to their supervision. Because of the preliminary nature of that request for comment, the OCC received few comments, many of which were limited in nature.

As a result of the additional funding flexibility allowed under section 114 of the FDICIA, the OCC could change its current assessment schedule "as necessary to carry out the responsibilities of the duties of the Comptroller." An alternative structure could be based in whole or in part on the characteristics of individual banks that cause the OCC to devote additional resources to supervise them. The characteristics could include the amount of capital the bank maintains, the quality of the loans in its portfolio, and/or other indicators of a bank's condition. An advantage of a structure of this type would be that each bank would have an incentive to reduce its examination cost by reducing factors that create supervisory concern. The current structure contains no similar incentives.

The OCC is not proposing to adopt, at this time, an alternative structure for the assessments that banks will pay in 1992 or 1993. The OCC's proposal for the immediate future is to meet needs for additional revenue by making modest adjustments within the existing assessment structure. As indicated below, the OCC is awaiting information that will become available after implementation of FDICIA to develop the details of an alternative proposal, and would also like to receive substantial public comment on the issues surrounding such an alternative.

First, operational aspects of the OCC will change significantly as a result of the new examination schedule mandated by the FDICIA. The OCC has never operated at the resource levels that are required by FDICIA. To make a major change in its approach to assessments at this time, the OCC would need to rely on historical resource allocations that may not meet OCC's resource needs under FDICIA. Second, bank composite ratings are confidential. Public disclosure of bank ratings, even indirectly, must be fully evaluated. Finally, section 302 of FDICIA requires the Federal Deposit Insurance Corporation (FDIC) to impose a "risk-based" deposit insurance assessment scheme by July 1993. Any specific approach ultimately adopted by the OCC should take into account the approach used by FDIC to impose risk-based insurance premiums.

Critical to any such proposed alternative assessment structure is determining the factor(s) that would differentiate between the supervision costs incurred by national banks. One option might be to provide two separate assessment schedules, each setting different marginal assessment rates. The difference in schedules could be based on a bank's condition as indicated by the Composite CAMEL (Capital, Asset quality, Management, Earnings, and Liquidity) rating. For example, a healthy bank with a Composite CAMEL rating of "1" or "2", which generally would require fewer supervisory resources, could pay a lower fee. A bank with a Composite CAMEL rating of "3", "4", or "5", could pay a performance-based surcharge. This higher rate would reflect the increased cost usually involved in examining and supervising these types of banks.

The Office of Thrift Supervision (OTS) employs a performance-based assessment approach. The OTS, which regulates thrift institutions, last revised its assessment regulation on August 23, 1990 (55 FR 34519) pursuant to the provisions of the Home Owners' Loan Act as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Public Law 101–73, 103 Stat. 183 (1989). The OTS adopted two asset-based assessment schedules. The first schedule is available to institutions with a MACRO (Management, Asset quality, Capital adequacy, Risk management, and Operating results) rating of "1", "2", or "3". A second schedule recovers the OTS's costs of examining and supervising problem institutions—those with a MACRO rating of "4" or "5". The OTS believes the MACRO rated "4" and "5" institutions merit special supervisory attention and/or warrant a higher normal degree of supervisory concern.

Comments

The OCC is soliciting comments on its proposal to increase assessment rates and on its new method for indexing marginal rates. The OCC also requests comments on the proposed alternative assessment structure or other alternatives commenters wish to recommend.

Given that the OTS has already adopted an alternative approach, and in view of the OCC's interest in considering alternatives for future implementation, commenters are urged to address this issue.

Effective Date

As noted earlier, the proposed assessment increase will be applied to the assessment that national banks must pay by July 31, 1992, for the period beginning July 1 and ending December 31. Every attempt will be made to publish the final assessment schedule by May 30 (60 days before payment is due and 30 days before the beginning of the period for which payment is being made). However, the very recent enactment of FDICIA and the need to evaluate the comments received, may delay publication until some time in June.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), it is certified that this proposal, if adopted as a final rule, will not have a substantial economic impact on a significant number of small entities. Accordingly, a regulatory flexibility analysis is not required. As described in the preamble, the majority of national banks (3,345 banks or approximately 87 percent) have assets under $3000 million. Banks in this category would pay, on average, an additional $3,613 each semiannual assessment period. On an annual basis, this represents 0.006 percent of those banks' return on assets, which is not considered substantial. While this proposal will have some impact on all national banks, it will not have a significant or disparate impact on small banks. All national banks, regardless of size, will receive a 27 to 30 percent increase in their assessment fees.

Executive Order 12291

It has been determined that this proposed rule, if adopted as a final rule, is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required. As described in the preamble, this proposal will have some impact on all national banks. All national banks, regardless of size, will receive a 27 to 30 percent increase in their assessment fees. The effect of this increase on a bank's return on assets is not substantial.

List of Subjects in 12 CFR Part 8

Assessments, Fees, National banks.

Authority and Issuance

For the reasons set forth in the preamble, part 8 of chapter I of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 8—[AMENDED]

1. The authority citation for part 8 continues to read as follows:

Authority: 12 U.S.C. 93a, 481, 482 and 3102; 15 U.S.C. 78c and 1; and 26 D.C. Code 102.

2. Section 8.2 is amended by revising paragraph (a), including the table, to read as follows:

§ 8.2 Semiannual assessment.

(a) Each national bank and each District of Columbia bank shall pay to the Controller of the Currency a semiannual assessment fee, due by January 31 and July 31 of each year, for the six-month period beginning 30 days before each payment date. The amount of the semiannual assessment paid by each bank is computed as follows:

If the banks' total assets (consolidated domestic and foreign subsidies) are:		The semiannual assessment is:		
		This amount—	Plus	Of excess over—
Over—	But not over—	Base amount	Marginal rates	
Column A	Column B	Column C	Column D	Column E
Million	Million			Million
0	$2	0	Y1	0
$2	20	$X1	Y2	$2
20	100	X2	Y3	20
100	200	X3	Y4	100
200	1,000	X4	Y5	200
1,000	2,000	X5	Y6	1,000
2,000	6,000	X6	Y7	2,000
6,000	20,000	X7	Y8	6,000
20,000	40,000	X8	Y9	20,000
40,000		X9	Y10	40,000

(1) Every national bank falls into one of the ten asset-size brackets denoted by Columns A and B. A bank's semiannual assessment is composed of two parts. The first part is the calculation of a base amount of the assessment, which is computed on the assets of the bank up to the lower endpoint (Column A) of the bracket in which it falls. The base amount of the assessment is calculated by the OCC in Column C.

(2) The second part of the calculation by the bank of assessments due on the remaining assets of the bank in excess of Column E. The excess is assessed at the marginal rate shown in Column D.

(3) The total semiannual assessment is the amount in Column C, plus the amount of the bank's assets in excess of Column E times the marginal rate in Column D: Assessments=C+[(Assets−E)×D].

(4) Each year, the OCC may index the marginal rates in Column D to adjust for changes in Gross Domestic Product Implicit Price Deflator (GDPIPD). The percent change in the level of prices, as

measured by the GDPIPD, will be calculated for each June-to-June period and used by the Comptroller to adjust marginal rates as necessary. The OCC will also adjust the amounts of Column C to reflect any change made to the marginal rate.

(5) The specific marginal rates and complete assessment schedule will be published in the "Notice of Comptroller of the Currency Fees", provided for at § 8.8. Each semiannual assessment is based upon the total assets shown in the bank's most recent "Consolidated Report of Condition (including Domestic and Foreign Subsidiaries)" (Call Report) preceding the payment date. The assessment shall be computed in the manner and on the form provided by the Comptroller of the Currency. Each bank subject to the jurisdiction of the Comptroller of the Currency on the date of the second or fourth quarterly Call Report required by the Office under U.S.C. 161 is subject to the full assessment for the next six-month period without proration for any reason.

* * * * *

Dated: February 20, 1992.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 92-5491 Filed 3-9-92; 8:45 am]

BILLING CODE 4810-33-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Notice No. 2]

The Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Notice of public meeting on proposed insurance regulations.

SUMMARY: The United States Information Agency (the "Agency") is in the process of revising the Exchange Visitor Program (J-1) regulations. Notice of proposed rulemaking regarding general provisions and training regulations for the Exchange Visitor Program was published in the **Federal Register** (56 FR 59622-42) on November 25, 1991. The 90-day comment period ended on February 24, 1992. A number of comments addressed the proposed regulations on insurance, which were part of the general provisions. The Agency will convene a public meeting on Thursday, March 19, 1992, at 2 p.m., est. to address the exchange community's concerns with the insurance proposal. All persons are welcome to attend. Reservation is requested as stated in this notice.

DATE: Thursday, March 19, 1992. See supplementary information for further details.

ADDRESS: Room 840, 301 Fourth Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Persons who request more information about the public meeting should contact William G. Ohlhausen, Assistant General Counsel, Office of the General Counsel, United States Information Agency, Room 700, 301 Fourth Street, SW., Washington, DC 20547, Telephone (202) 619-6829, FAX (202) 619-4573.

SUPPLEMENTARY INFORMATION: The public meeting is scheduled to be held at 2 p.m., EST, on Thursday, March 19, 1992 in room 840, USIA Building, 301 Fourth Street, SW., Washington, DC 20547, or in a larger room if warranted by public interest. The meeting will be conducted by USIA General Counsel Alberto J. Mora. The Agency encourages the widest possible participation from all interested parties, such as Exchange Visitor Program sponsors, educational associations, educational administrators, corporate training personnel, government agencies, exchange visitors, representatives of the international travel insurance industry, and members of the public at large.

Reservations: Persons planning to attend the public meeting are requested to make reservations by calling Tonya Reed, Office of the General Counsel, USIA, at (202) 401-1707.

Dated: March 4, 1992.

Alberto J. Mora,

General Counsel.

[FR Doc. 92-5523 Filed 3-9-92; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13-92-01]

Drawbridge Operation Regulations; Snake River, ID

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes a change to the regulations governing the drawspan of the Interstate Highway Bridge (U.S. Route 12) across the Snake River, mile 140.0, between Lewiston, Idaho, and Clarkston, Washington. This change would require that advance notice be given by 5 p.m. on Wednesday for any openings on Friday, Saturday, and Sunday. For openings on holidays, notice would need to be given by 5 p.m. two workdays preceding the day of requested opening. This proposal is being made because of a marked decrease in requests for bridge openings on weekends and holidays. This action should relieve the bridge owner of the burden of having a person continuously available on two-hour standby to open the draw. The proposed regulation change should still provide adequately for the reasonable needs of navigation.

DATES: Comments should be received on or before April 24, 1992.

ADDRESSES: Comments should be mailed to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067. The comments and any other materials referenced in this notice will be available for inspection and photocopying at 915 Second Avenue, room 3410. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation and Waterways Management Branch (Telephone: (206) 553-5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with, or any recommended changes in, the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are: Austin Pratt, project officer, and Lieutenant Laticia J. Argenti, project attorney.

Discussion of the Proposed Regulations

The Washington State Department of Transportation has asked the Coast Guard to approve a change to the operating regulations which would require a longer advance notice from vessel operators for opening the drawspan on weekends (including Friday) and holidays. The proposed regulation change would require that notice be given by 5 p.m. Wednesday for any opening on Friday, Saturday, and Sunday. For an opening of the lift-span on holidays, vessel operators would have to give notice by 5 p.m. on the second workday preceding the holiday on which the opening is required. For the purposes of the proposed regulation change, workdays include Monday, Tuesday, Wednesday, and Thursday except holidays. The number of requests for opening the drawspan have decreased. The vertical lift span was raised 28 times in 1990 for the passage of vessels. From January through August of 1991, there were three openings for the passage of vessels. If approved, these regulations would reduce operational costs for the Washington State Department of Transportation and still provide for the reasonable needs of navigation.

Existing regulations provide that the drawspan shall open on signal if two hours notice is provided and only at 6 a.m., 10 a.m., 3 p.m., 7 p.m., and 9 p.m. from March 15 through November 15 and at 9 a.m., 10 a.m., 2 p.m., and 3 p.m. from November 16 through March 14. At all other times the drawspan need not be opened for the passage of vessels.

Federalism

This action has been analysed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

The proposed regulations are considered to non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Navigation and marine-related businesses would not be significantly affected by the proposed action because the present trend of infrequent openings is expected to continue. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

Environmental Impacts

This action has been determined by the Coast Guard to be categorically excluded from further environmental documentation under the authority of 40 Code of Federal Regulations § 1507.3 and in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures COMDTINST M16475.1B.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of 33, Code of Federal Regulations as follows:

PART 117—[AMENDED]

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.385 is revised to read as follows:

§117.385 Snake River.

The drawspan of the U.S. 12 bridge, mile 140.0, between Lewiston, Idaho, and Clarkston, Washington, operates as follows:

(a) The draw need not open for the passage of vessels except at these hours:

(1) From March 15 through November 15 at 6 a.m., 10 a.m., 3 p.m., 7 p.m., and 9 p.m.

(2) From November 16 through March 14 at 9 a.m., 10 a.m., 2 p.m., and 3 p.m.

(b) Requests for openings shall be given to the Washington State Department of Transportation.

(1) Monday through Thursday of every week, except holidays, the draw shall open if at least two hours notice is given.

(2) Friday through Sunday of every week, except holidays, the draw shall open if notice is given by 5 p.m. if the preceding Wednesday.

(3) The draw shall open on holidays if notice is given by 5 p.m. two workdays, excluding Friday, preceding the holiday.

Dated: March 3, 1992.

J.E. Vorbach,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 92-5530 Filed 3-9-92; 8:45 am]

Billing Code 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[FRL-4114-3]

Court Order; Review of National Ambient Air Quality Standards for Ozone

AGENCY: Environmental Protection Agency.

ACTION: Notice of order and final judgment; opportunity for public comment.

SUMMARY: Notice is hereby given of an order conditionally entered on February 28, 1992, in litigation concerning the national ambient air quality standards for ozone under the Clean Air Act ("Act"). As discussed more fully below, the Environmental Protection Agency ("EPA") is providing an opportunity for public comment on the order under section 113(g) of the Act.

DATE: Written comments on the order must be received by April 9, 1992.

ADDRESSES: Written comments should be sent, preferably in triplicate, to Gerald K. Gleason, Air and Radiation Division (LE-132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Copies of the order are available from Betty S. Mobley at the same address (telephone 202-260-7606) or from Craig Galli, U.S. Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986 (telephone 202-514-1538).

FOR FURTHER INFORMATION CONTACT: John H. Haines (Program Officer), 919-541-5533 or Gerald K. Gleason (Senior Attorney), 202-260-7623.

SUPPLEMENTARY INFORMATION: In *American Lung Ass'n* v. *Reilly*, No. 91-CV-4114 (JRB) (E.D.N.Y.), the American Lung Association and other plaintiffs sued to compel a decision on whether to revise EPA's national ambient air quality standards ("NAAQS") for ozone, codified at 40 CFR 50.9, under section 109(d) of the Act. On February 28, 1992, the U.S. District Court for the Eastern District of New York conditionally entered an Order and Final Judgment requiring by August 1, 1992, a proposed decision and by March 1, 1993, a final decision on whether to revise the NAAQS for ozone. The proposed and final decisions are to be made pursuant to rulemaking procedures, including a public comment period of at least sixty (60) days. The order states that the above requirements are conditioned upon and subject to section 113(g) of the Act (requiring notice and opportunity for comment on certain consent orders and settlement agreements) and requires EPA to recommend by May 4, 1992, that the Court enter or not enter the order on that date.

Accordingly, for a period of thirty (30) days following the date of publication of this notice, EPA will receive any written comments on the order. Under section

113(g), EPA or the Department of Justice may withhold or withdraw consent to the order if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Dated: March 5, 1992.

Gerald H. Yamada,

Acting General Counsel.

[FR Doc. 92-5683 Filed 3-10-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-32, RM-7907]

Radio Broadcasting Services; Blacksburg and Roanoke, VA, and Lewisburg, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Blacksburg-Christiansburg Company proposing the substitution of Channel 287C3 for Channel 285A at Blacksburg, Virginia, and modification of Station WVVV-FM's license to specify operation on the higher powered channel. In order to accommodate the allotment of Channel 287C3 to Blacksburg, we also propose to substitute Channel 275A for Channel 288A at Lewisburg, West Virginia, and the modification of Station WKCJ-FM's license accordingly; and the substitution of Channel 285C3 for Channel 287A at Roanoke, Virginia, and modification of the construction permit for Channel 287A accordingly. See Supplemental Information, *infra*.

DATES: Comments must be filed on or before April 27, 1992, and reply comments on or before May 12, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mark J. Prak, Esq., Tharrington, Smith & Hargrove, P.O. 1151, 209 Fayetteville Street Mall, Raleigh, North Carolina 27602 (Counsel for petitioner) and Julian P. Freret, Esq., Booth, Freret & Imlay, 1920 N Street, NW., suite 150, Washington, DC 20036 (Counsel for Susan Brown).

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making and Order to Show Cause, MM Docket No. 92-32, adopted February 24, 1992, and released March 4, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Channel 287C3 and Channel 285C3 can be allotted to Blacksburg and Roanoke, Virginia, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 287C3 can be allotted to Blacksburg, Virginia, with a site restriction of 6.2 kilometers (3.9 miles) northwest to accommodate petitioner's desired site. The coordinates for Channel 287C3 at Blacksburg are North Latitude 37-16-14 and West Longitude 80-27-39. Channel 285C3 can be allotted to Roanoke, Virginia, with a site restriction of 8.4 kilometers (5.2 miles) northeast to avoid a short-spacing to Station WDCG-FM, Channel 286C, Durham, North Carolina. The coordinates for Channel 285C3 at Roanoke are North Latitude 37-20-33 and West Longitude 79-53-50. Channel 275A can be allotted to Lewisburg, West Virginia, in compliance with the Commission's minimum distance separation requirements and can be used at the transmitter site specified in Station WKCJ-FM's license. The coordinates for Channel 275A at Roanoke are North Latitude 37-48-17 and West Longitude 80-21-03.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5445 Filed 3-9-92; 8:45am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 41)]

Petition To Establish a Commercial Zone of El Paso County, TX and Dona Ana and Luna Counties, NM

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking proceeding proposes to amend the regulations at 49 CFR 1048 to provide for a specifically defined commercial zone that would embrace the Texas county of El Paso and the New Mexico counties of Dona Ana and Luna for transportation of property. The expansion of the existing zones in those counties into a single unified commercial zone is intended to reflect current economic conditions, commercial realities, and prevailing service needs.

DATES: Comments are due April 9, 1992.

ADDRESSES: Send pleadings (original and 10 copies) referring to Ex Parte No. MC-37 (Sub-No. 41) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, or Jane Udovic, (202) 927-5610, (202) 927-5323. (TDD for hearing impaired: (202) 927-5721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927-7428. (Assistance for the hearing impaired is available through TDD service (202) 927-5721.)

Environmental and Energy Considerations

The proposed action will not affect significantly either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

The Commission certifies that this proposal will not have a significant economic impact on a substantial number of small entities. The primary purpose for establishing this three-county commercial zone is to maintain the *status quo* insofar as the local cross-border property operations by Mexican motor carriers are concerned. These

carriers will have the authority to operate under certificates of registration to areas that encompass the businesses that they had been serving as exempt carriers prior to the time when 49 U.S.C. 10530 took effect on May 1, 1985, and as amended, on January 1, 1990.

List of Subjects in 49 CFR Part 1048

Motor carriers, Commercial zones.

Decided: February 12, 1992.

By the Commission, Chairman Philbin, Vice Chairmen McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5520 Filed 3-9-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 57, No. 47
Tuesday, March 10, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[CN-92-003]

National Advisory Committee on Cotton Marketing Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Advisory Committee on Cotton Marketing will meet on Tuesday, March 31, 1992, beginning at 8 a.m. at the Dallas/Fort Worth Airport, Hyatt Regency Hotel (west building).

The primary purpose of the meeting is to review progress in implementing previous committee recommendations and to consider additional steps that may be needed to improve the efficiency of the U.S. cotton marketing system. This meeting is open to the public, and written comments may be submitted in advance or following the meeting to Jesse F. Moore, Director, Cotton Division.

FOR FURTHER INFORMATION CONTACT: Jesse F. Moore, Director, Cotton Division, AMS, USDA, P.O. Box 96456, Washington, DC 20090-6456; (202) 720-3193.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Cotton Marketing was initially established in 1988 by the Secretary of Agriculture to review the cotton marketing system and to recommend ways of improving its efficiency. Notice of this meeting is provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463).

Dated: March 5, 1992.

Kenneth C. Clayton,

Deputy Administrator, Marketing Programs.

[FR Doc. 92-5526 Filed 3-9-92; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

[Docket 92-032]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of public meeting and request for topics.

SUMMARY: This is to notify producers of veterinary biological products and other interested persons that we are holding a fourth annual public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of veterinary biological products. The agenda for this year's meeting is being finalized and suggestions for topics of general interest to producers and other interested persons are requested.

PLACE, DATES AND TIMES OF MEETING: The fourth annual public meeting will be held in the Scheman Building at the Iowa State Center, Ames, Iowa, on August 18-20, 1992. The meeting is schedule for 8 a.m. to approximately 5 p.m. on Tuesday and Wednesday, August 18 and 19, 1992, and 8 a.m. to 12 noon on Thursday, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Y. Tang, Biotechnology Coordination and Technical Assistance Staff, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 852, 6505 Belcrest Road, Hyattsville, MD 20782, Telephone (301) 436-4833, FAX (301) 436-8669.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) holds an annual public meeting on veterinary biologics in Ames, Iowa.

The meeting provides an opportunity for the exchange of information between APHIS representatives, producers of veterinary biological products, and interested persons on issues of common concern. APHIS is in the process of planning the agenda for a fourth annual public meeting on veterinary biological products to be held in Ames, Iowa, on August 18-20, 1992.

As yet, the agenda for the fourth annual meeting is not complete. APHIS is seeking suggestions for meeting topics from producers and the interested public before finalizing the agenda. Topics and formats which have been suggested include: (1) program updates; (2) consumer views on veterinary biologics; (3) breakout sessions for individual discussion topics (to be suggested); and (4) meetings with individual APHIS reviewers. Please submit addtional suggested meeting topics (for both break out and general sessions) to the person listed under **"FOR FURTHER INFORMATION CONTACT"** on or before April 10, 1992.

After the agenda is finalized, APHIS will announce the schedule and registration information for the fourth annual public meeting on veterinary biologics in a notice in the **Federal Register**

Done in Washington, DC, this 4th day of March 1992.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-5525 Filed 3-9-92; 8:45 am]

BILLING 3410-34-M

Forest Service

Bohemia Mountain Timber Sale, Stikine Area, Tongass National Forest, Petersburg, AK; Withdrawal of the Record of Decision Signed September 30, 1991

This is notice that I am withdrawing my decision to implement Alternative 5 of the Bohemia Mountain Timber Sale, as reflected in the Record of Decision (ROD) I signed on September 30, 1991.

My decision to implement this alternative was appealed by the Narrows Conservation Coalition, City of Kupreanof, and Kake Area Conservation Council (jointly) and by American Rivers, Inc. Our attempts to negotiate a settlement that would permit the sale to proceed without further analysis were unsuccessful. Therefore, we will revisit the points raised in the appeals to determine if a supplemental Environmental Impact Statement will be prepared.

Laura L. Nelson, Acting Forest Supervisor, Stikine Area, Tongass National Forest, is the responsible official for this withdrawal decision.

For additional information concerning the withdrawal of this decision, contact Tammy Malone, Interdisciplinary Team Leader, Supervisor's Office, Stikine Area, Tongass National Forest, P.O. Box 309, Petersburg, Alaska, 99833, or call (907) 772-3841.

Dated: December 20, 1991.

Laura L. Nelson,

Acting Forest Supervisor.

[FR Doc. 92-5449 Filed 3-9-92; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Big Limestone Creek Watershed, Tennessee

AGENCY: Soil Conservation Service.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Limestone Watershed, Greene and Washington Counties, Tennessee.

FOR FURTHER INFORMATION CONTACT: Jerry S. Lee, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, 801 Broadway, Nashville, Tennessee 37203, telephone No. (615) 736-5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Jerry S. Lee, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

Big Limestone Creek Watershed, Tennessee Notice of a Finding of No Significant Impact

The project concerns a plan for watershed protection and water quality improvement. The planned works of improvement include animal waste systems, critical area treatment, and exclusion of cattle from streams. Federal financial assistance will be provided to accelerate financial and technical assistance for water quality improvement.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available at the above address to fill single copy requests. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jerry S. Lee.

No administrative action on implementation of the proposal will be taken under 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials)

Dated: March 2, 1992.

Jerry S. Lee,

State Conservationist.

[FR Doc. 92-5505 Filed 3-9-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-056]

Melamine From Japan; Determination Not To Revoke Antidumping Duty Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of determination not to revoke antidumping duty finding.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty finding on melamine from Japan.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Jorge A. Arce or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION: The Department may revoke an antidumping duty finding, pursuant to section 353.25(d)(4) of the Department's regulations, if no interested party has requested an administrative review for four consecutive annual anniversary months and no interested party objects to the revocation (19 CFR 353.25(d)(4)). We had not received a request to conduct an administrative review of the antidumping duty finding on melamine from Japan (42 FR 6366, February 2, 1977) for the last four consecutive annual anniversary months. Therefore, pursuant to the Department's regulations, on January 31, 1992, we published in the **Federal Register** a notice of intent to revoke the finding and served written notice of the intent to revoke to each interested party on the Department's service list.

On February 24, 1992, Melamine Chemical, Inc., a petitioner, objected to our intent to revoke this finding. Therefore, because an interested party objects to the revocation, we no longer intend to revoke this finding.

Dated: March 3, 1992.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5577 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-401]

Noncontinuous Noncellulosic Yarn From Thailand; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On December 3, 1991, the Department of Commerce published a notice of preliminary results of its administrative review of the agreement suspending the countervailing duty investigation on noncontinuous noncellulosic yarn from Thailand covering the period January 1, 1990 through December 31, 1990 and six programs. We have now completed that review and have determined that the Government of Thailand and the exporters of noncontinuous noncellulosic yarns have complied with the terms of the suspension agreement during the review period.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On December 3, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 61402) a notice of preliminary results of administrative review of the agreement suspending the countervailing duty investigation on noncontinuous noncellulosic yarn from Thailand (50 FR 9832; March 3, 1985). We have now completed this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of noncontinuous noncellulosic yarn from Thailand. During the period of review, such merchandise was classifiable under item numbers 5509.21.0000, 5509.22.0010, 5509.22.0090, 5509.32.0000, 5509.51.3000, 5509.51.6000, and 5509.69.4000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990 and six programs: (1) Export Packing Credits; (2) Rediscount of Industrial Bills; (3) Electricity Discounts for Exporters; (4) Tax Certificates for Exports; (5) Foreign Marketing Expenses; and (6) Flat Rate Tax Rebates.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results, in which we noted that information on the record provided by the Government of Thailand and the United States Customs Service indicates that there were no known shipments of the subject merchandise to the United States during the period of review. We received no comments. Therefore, we determine that the Government of Thailand and exporters of the subject merchandise have complied with the terms of the suspension agreement for the period January 1, 1990 through December 31, 1990.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 3, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5578 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-401]

Noncontinuous Noncellulosic Yarn From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce is conducting an administrative review of the agreement suspending the countervailing duty investigation on noncontinuous noncellulosic yarn from Thailand. The review covers the period January 1, 1989 through December 31, 1989 and nine programs. We preliminarily determine that the Government of Thailand and the Thai exporters of noncontinuous noncellulosic yarn have complied with the terms of the suspension agreement. We invite interested parties to comment on these results.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On February 26, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 6669) a notice stating its intent to terminate the suspended countervailing duty investigation on certain textile mill products from Thailand (50 FR 9862; March 12, 1985), pursuant to § 355.25(d)(4) of the Commerce Regulations. On March 26, 1990, the American Yarn Spinners Association (AYSA), a trade association, objected to the Deparment's intent to terminate the suspended investigation and requested an administrative review for calendar year 1989. On January 17, 1991, the Department initiated an administrative review covering yarn products imported during calendar year 1989 (56 FR 1800). Subsequently, as a result of litigation, the Department terminated the suspended investigation with respect to all products but noncontinuous noncellulosic yarn (56 FR 54836; October 23, 1991). The Department is now conducting the review on noncontinuous noncellulosic yarn in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of noncontinuous noncellulosic yarn from Thailand. During the period of review, such merchandise was classifiable under item numbers 5509.21.0000, 509.22.0010, 5509.22.0090, 5509.32.0000, 5509.51.3000, 5509.51.6000, and 5509.69.4000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

During the review period, three producers/exporters exported the subject merchandise to the United States: Saha Union Corporation (Saha Union), Thai American Textile Company (Thai American), and Thai Melon Textile Company (Thai Melon). The review covers the period January 1, 1989 through December 31, 1989 and nine programs: (1) Export Packing Credits; (2) Rediscount of Industrial Bills; (3) Electricity Discounts for Exporters; (4) Tax Certificates for Exports; (5) Foreign Marketing Expenses; (6) Flat Rate Tax Rebates; (7) Investment Promotion Act; (8) International Trade Promotion Act; and (9) Export Processing Zones.

Analysis of Programs

(1) Export Packing Credit

Under the terms of the suspension agreement, the producers and exporters are not to apply for, or receive, Export Packing Credits (EPCs) from the Bank of Thailand that permit the rediscounting of promissory notes for exports of the subject merchandise to the United States.

EPCs are pre- or post-shipment short-term loans available to exporters for a maximum of 180 days from the date of issuance. Under the EPC program, commercial banks are allowed to lend up to 100 percent of the value of a shipment to the exporter, and then may rediscount up to 50 percent of the loan amount with the Bank of Thailand (BOT).

The BOT grants EPCs on a shipment-by-shipment basis. To be eligible for EPCs on pre-shipment loans, an exporter must submit one of the following: An irrevocable letter of credit from a foreign customer, a sales contract, a purchase order, or a warehouse receipt. To be eligible for EPCs on post-shipment loans, an exporter must submit a bill of exchange.

The exporter applies for EPCs through its commercial bank by providing a promissory note to the bank at an interest rate slightly below the prime interest rate. The commercial bank then sells a note at a lower interest rate to the BOT for up to one half the amount of the loan it issued to the exporter.

At verification, we examined the accounting records at the BOT and found that this program was not used by Saha Union, Thai American or Thai Melon for exports of noncontinous noncellulosic yarn to the United States during the review period. In addition, we examined the three companies' accounting records and found no indication of the program being used during the review period.

(2) Tax Certificates for Export

The RTG issues tax certificates to exporters to rebate indirect taxes and import duties on raw materials that are manufactured into exported products. The rebate is provided for in the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act" (Tax and Duty Act). The rebate rates are computed on the basis of an input/output (I/O) study initially published in 1980 based on 1975 data, and updated in 1985 using 1980 data.

The Thai Ministry of Finance (MOF) uses the I/O study to compute the value of all inputs (both imports and local purchases) to calculate two distinct rebate rates ("A" and "B") on a sectoral basis at ex-factory prices. The "A" rate rebates both import duties and indirect domestic taxes. Exporters that received duty drawback, or import duty exemptions on raw materials, are eligible only for the "B" rate. The "A" or "B" rate is then applied to the total f.o.b. value of the export to determine the amount of the rebate. The rebates are granted in the form of tax certificates which may be used for payment of any future tax liabilities, transferred, or sold to other companies.

In the Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Apparel from Thailand (50 FR 9818; March 12, 1985), we examined Thailand's tax certificate rebate system under the Tax and Duty Act. We found that, as noted above, the program was intended to rebate indirect taxes and import duties and that the rebate rates had been reasonably calculated.

In subsequent investigations involving products from Thailand, most recently in the Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Steel Wire Rope from Thailand (56 FR 46299; September 11, 1991), we reaffirmed this determination. Because this program is available only to exporters, it is countervailable to the extent that it confers a rebate in excess of the Department's calculated allowable rebate of import duties and indirect taxes on physically incorporated inputs.

In the original investigation in this proceeding, the Department calculated allowable "A" and "B" tax rates for the spinning sector (I/O 67) and weaving sector (I/O 68), and then calculated a weighted-average of those rates, because the products in the scope of the original investigation included products other than noncontinuous noncellulosic yarn (*i.e.*, included products from both of those sectors). These rates ("A" rate, 5.06 percent and "B" rate, 0.56 percent) were applied by the Department at the time the suspension agreement was signed, and subsequently were the rates at which the RTG offered rebates.

Under the terms of the suspension agreement, the RTG will not provide any tax certificates or other rebates, remissions or exemptions under the Tax and Duty Act on the subject merchandise exported to the United States in excess of the import duties and indirect taxes on items that are physically incorporated into the exported products. At verification in this review, we reviewed the original investigation methodology used to calculate the "A" and "B" rates. We confirmed that during the period of review the RTG only rebated indirect taxes for the subject merchandise at the "A" and "B" rates that were established in the original investigation. Because Saha Union, Thai American and Thai Melon received rebates at the rates established in the original investigation, we preliminarily determine that no overrebate of indirect taxes occurred and that this program did not provide any countervailable benefit to the noncontinuous noncellulosic yarn exporters during the review period.

In the Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Butt-Weld Pipe Fittings from Thailand (55 FR 1695, January 18, 1990) (Butt-Weld Pipe Fittings), the Department revised its methodology for calculating the "A" and "B" rates. In the RTG's questionnaire and supplemental responses in this review, in addition to using the original calculation methodology used by the Department in the investigation, the RTG submitted calculations based upon this new methodology. The RTG submitted this revised methodology because the instant period of review post-dated the period of investigation in the Butt-Weld Pipe Fittings case. Further, since the revised scope of the suspension agreement only covers noncontinuous noncellulosic yarn (merchandise under the spinning sector), in this review the RTG employed the new methodology properly using only those physically-incorporated inputs applicable to the spinning sector, including some inputs that were not included in the orginal investigation methodology.

We verified the revised calculations that were submitted prior to verification and which were based on the Butt-Weld Pipe Fittings methodology and found no discrepancies. However, at verification the RTG submitted additional calculations that embodied additional physically-incorporated inputs which were not included in their questionnaire calculations: Printing and publishing, basic industrial chemicals, and plastic ware. Because this recalculation constituted new information under section 353.31(a)(ii) of the Department's regulations (19 CFR 353.31(a)(ii)(1991)), the Department has not considered this information for this preliminary determination.

Because a new methodology for calculating tax rebates has been employed since the original investigation, the Department has determined to set new allowable tax rebate rates based upon the methodology derived in the Butt-Weld Pipe Fittings investigation and the RTG's information submitted for this review. The new rates are as follows: "A" rate, 5.31 percent; and the "B" rate, 0.60 percent. These new rates will be applicable from the date of publication of the notice of final results of the administrative review.

(3) Electricity Discounts for Exporters

Under the terms of the suspension agreement, the producers and exporters are not to apply for, or receive, any discount on electricity rates provided by the electricity authorities in Thailand (the Electricity Generating Authority of Thailand (EGAT), Metropolitan Electricity Authority (MEA) or the Provincial Electricity Authority (PEA)) for exports of the subject merchandise.

The EGAT, the MEA and the PEA are responsible for administering the electricity discounts for exporters program. To calculate the discount EGAT calculates the amount of electricity consumed (in kilowatt hours) per unit of output and the electricity cost in baht per kilowatt hour charged to the producer. Separate rates are calculated for each producer. Actual discounts are applied on a shipment-by-shipment basis.

During verification, we examined accounting records of Saha Union, Thai American and Thai Melon and found that the EGAT, MEA, and PEA did not provide, and the three exporters did not receive, electricity discounts for exports on noncontinuous noncellulosic yarn to the United States during the review period.

(4) Rediscount of Industrial Bills

Under the terms of the suspension agreement, the producers and exporters are not to apply for, or receive, any promissory notes from the Bank of Thailand for exports of the subject merchandise to the United States.

The Bank of Thailand's "Regulations Governing the Rediscount of Promissory Notes Arising from Industrial Undertakings" permit commercial banks to rediscount short-term promissory notes for industrial purchases. These

industrial promissory notes are also called industrial bills. The BOT determines the maximum rediscount amount each year for each eligible company as a percentage of that company's annual production costs. This program is aimed at financing particular industries based on types of input products, a company's contribution to urban development, etc.

During verification, we examined BOT's accounting records and found no listing of Saha Union, Thai American and Thai Melon having applied for, or received, industrial bills for exports of noncontinuous noncellulosic yarn to the United States during the review period. In addition, we examined the three companies' accounting records and found no indication of the program having been applied for, or benefits received, during the review period.

(5) Double Deduction for Foreign Marketing Expenses

Under the terms of the suspension agreement, the producers and exporters are not to apply for, or receive, double deductions of foreign marketing expenses for income tax purposes or concessionary financing from the BOT for exports of the subject merchandise.

Under this program, an international trading enterprise may reduce income tax payments by doubling its foreign maketing expenses and including this amount in its operating expense deductions from income on its income tax return. This program was only available to companies holding a valid Board of Investment (BOI) license which met qualifications outlined in the Investment Promotion Act (see Below). As of March 2, 1991, international trading companies were no longer eligible to be promoted under the IPA.

During verification, we examined tax returns at the Ministry of Finance which all three companies filed for 1989. We verified that Saha Union, Thai American and Thai Melon did not claim a double deduction for foreign marketing expenses on their tax returns.

(6) Flat Rate Tax Rebates

During verification, government officials stated that the flat tax rebate program was terminated on March 31, 1985. We reviewed documentation that stated that this program had indeed been terminated on that date.

Other Programs

Although not listed specifically in the suspension agreement, under section II(g) of the suspension agreement, we examined the following programs detailed in the questionnaire responses:

(1) Investment Promotion Act, Section 28: Tax and Duty Exemptions

The Investment Promotion Act of 1977 (IPA) is a general act, administered by the BOI, that allows for the promotion of different industries selected for development assistance by the BOI. Section 28 of the IPA provides an exemption from payments of import duties and business taxes on imported machinery.

Only Thai Melon Received tax and duty exemptions under Section 28 during the review period. Thai Melon claimed that the exemptions it received under section 28 during the review period were granted on machinery used to produce merchandise outside the scope of the agreement. During verification, we examined Thai Melon's accounting records and found that the company paid taxes on all imported machinery used in the production of the subject merchandise and that tax exemptions were earned exclusively for machinery used for the production of non-subject merchandise.

(2) International Trade Promotion Act

During verification, we reviewed documentation that stated that exporters did not use this program during the period of review.

(3) Export Processing Zones

During verification, we reviewed documentation that stated that exporters did not use this program during the period of review.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the RTG and Saha Union, Thai American and Thai Melon, the Thai exporters of noncontinuous noncellulosic yarn to the United States during the period January 1, 1989 through December 31, 1989, complied with the terms of the suspension agreement.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, must be filed not later than 37 days after the date of publication. The Department will publish the final results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 355.22.

Dated: March 9, 1992.

Marjorie A. Chodins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5579 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-501]

In-Shell Pistachios From Iran; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on in-shell pistachios from Iran. Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1992.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1986, the Department of Commerce (the Department) published a countervailing duty order on in-shell pistachios from Iran (51 FR 8344). The Department has not received a request to conduct an administrative review of the countervailing duty order on in-shell pistachios from Iran for at least four consecutive annual anniversary months.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4)(i) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

Not later than March 31, 1992, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by March 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 3, 1992.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5580 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-503]

Rice From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on rice from Thailand. We preliminarily determine the total bounty or grant during the period January 1, 1990 through December 31, 1990 to be 0.69 percent *ad valorem*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick, Dana Mermelstein or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request an Administrative Review" (56 FR 14927) of the countervailing duty order on rice from Thailand (51 FR 12356; April 10, 1986). On April 29, 1991, the original petitioner, the Rice Millers Association, together with the USA Rice Council, requested an administrative review of the order. We initiated the review covering the period from January 1, 1990 through December 31, 1990, on May 21, 1991 (56 FR 23271). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). The final results of the last administrative review in this case were published on January 2, 1991 (56 FR 68).

Scope of Review

Imports covered by this review are shipments of Thai rice including rice in the husk (paddy or rough); husked (brown) rice including basmati and other; semi-milled or wholly-milled rice, whether or not polished or glazed, including parboiled and other; and broken rice. During the review period, such merchandise was classifiable under item numbers 1006.10.00, 1006.20.20, 1006.20.40, 1006.30.10, 1006.30.90 and 1006.40.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, and twelve programs.

Analysis of Programs

Export Packing Credits

Export packing credits (EPCs) are short-term loans used for pre-shipment or post-shipment export financing. The Bank of Thailand (BOT) purchases promissory notes issued to commercial banks by reliable exporters. The notes must be supported by an irrevocable letter of credit, a sales agreement, purchase order, warehouse receipt, or usance export bill. The loans are issued in baht and are available for a maximum of 180 days. Interest is paid on the due date of the loan. On that date, the BOT debits the commercial bank's account with the principal amount of the loan and the interest due. If the terms of the loan are not met, the BOT charges the commercial bank a penalty retroactive to the first day of the loan.

In accordance with BOT regulation 1349/1986, commercial banks may lend up to 100 percent of the export shipment value but the BOT will rediscount only a maximum of 50 percent of the promissory note. In accordance with BOT regulation 1329/1986, commercial banks are required to charge no more than a maximum interest rate of 10 percent per annum on the loan. In case of non-performance by the exporter on the due date of the loan, the exporter is charged a penalty interest rate on the entire loan. This penalty is forgiven and the loan receives the EPC preferential rate if the promissory note issuer exports or receives payment in foreign currency for his product within 60 days after the due date of the promissory note. We preliminarily determine that because the EPC program is limited to exporters, it is countervailable to the extent that the loans are provided at preferential rates.

As the benchmark for short-term financing, we ordinarily use the predominant source of short-term financing in the country in question. Where there is no single, predominant source of short-term financing, we may use a benchmark composed of the interest rates for two or more sources of short-term financing in the country in question, weighted, wherever possible, according to the value of the financing granted by each source. In Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Steel Wire Rope from Thailand (56 FR 46299; Sept. 11, 1991) (Steel Wire Rope), the Department concluded that the minimum loan rate (MLR) and the minimum overdraft rate (MOR) as reported in the BOT Quarterly Bulletin are more representative of the prevailing short-term interest rates in Thailand than the rates used in previous Thai cases. Based on that determination, we are using the average of the 1990 MCR and MOR rates, as reported in the BOT Quarterly Bulletin for 1990, as the most appropriate benchmark in this review. The benchmark interest rate, thus calculated, is 14.60 percent.

Of the 40 companies exporting rice to the United States during the review period, 12 received EPCs. We received specific loan information from eight of the 12 companies. We did not receive any loan information from four of the 12 companies, as requested in our original questionnaire and in our supplemental questionnaire of December 3, 1991. To calculate the eight reponding companies' benefits from the EPCs during the review period, we subtracted the amount of interest actually paid on the loan principal from the amount that would have been paid at the benchmark rate. Because the total interest paid for EPCs exceeded the interest due at the benchmark rate when penalties were assessed and not refunded, we excluded from our calculations all loans on which penalties were charged and not refunded during the review period. However, we included all loans, including loans provided prior to the review period, on which penalties were refunded during the review period. We then used the highest individual

company benefit rate, as best information available, for the four companies which did not submit loan information. We weighted the resulting benefit by each exporter's share of the value of total country exports of subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be 0.362 percent *ad valorem* for the review period.

Price Support and Stabilization Programs

The price support and stabilization programs are determined each year by the Rice Policy and Measures Committee (RPMC) of the Royal Thai Government (RTG). The RPMC is composed of representatives of the Office of the Prime Minister, the Defense Ministry, the Agriculture and Cooperative Ministry, the Commerce Ministry and the Interior Ministry. During the review period, six price stabilization programs provided benefits to producers of rice.

In accordance with Thai law, only milled rice is exported from Thailand. Because there are no published statistics on the total sales value (both domestic and export sales) of milled rice and because we are examining benefits on an aggregate basis and not on a company-specific basis, it was necessary to calculate a value for use as a domestic subsidy denominator in determining the benefit from these programs. To calculate this denominator, we first estimated the quantity of milled rice production by multiplying the quantity of paddy rice production by a conversion factor of 0.66. In our previous review of this order, Rice from Thailand; Final Results of Countervailing Duty Administrative Review (56 FR 68; Jan. 2, 1991), we verified that the average yield from 1,000 kilograms of paddy rice is 660 kilograms of milled rice. We then multiplied the quantity of milled rice production by the yearly average domestic price of milled rice, to calculate a total value of milled rice production. Finally, because exports are sold at prices higher than the average domestic milled price, we made an adjustment to account for the higher sales value derived from exports.

A. Marketing Organization for Farmers (MOF)

The MOF operates under the Ministry of Agriculture and Cooperatives (MAC). During the review period, MOF administered two programs designed to assist paddy rice farmers:

1. *Payment-in-kind Program (PIK)*—Under this program, the MOF accepted paddy rice as payment for farmers' and agricultural organizations' fertilizer debt. For the purposes of this transaction, the value of the rice per ton was not more than 10 percent higher than the prevailing local price. MOF then generally sold the paddy rice at a profit of 100 baht per ton over its purchase price.

2. *Paddy Rice Purchase Program*—Under this program, the MOF purchased, on the same terms as the PIK program, additional paddy rice from farmers and agricultural organizations who settled their fertilizer debts under the payment-in-kind program.

Because the RTG appropriation for these programs did not include a grant for operating expenses as did appropriations for other government projects, the MOF selling price for paddy rice to rice millers was higher than the market price. For this reason, few rice millers agreed to buy paddy rice from the MOF and the project was discontinued on April 30, 1990.

We preliminarily determine that these two programs are countervailable because they are limited to producers of paddy rice and because a price premium was paid by MOF for all purchases of paddy rice.

To calculate the benefit from each of these programs, we subracted the average farm gate price of paddy rice from the average MOF purchase price and multiplied the difference by the total quantity of paddy rice purchased by the MOF under each of these two programs. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit from this program to be 0.0003 percent *ad valorem* for the PIK program, and 0.003 percent *ad valorem* for the Paddy Rice Purchase program.

B. Agricultural Cooperative Federation of Thailand (ACFT)

ACFT is a private organization that coordinates the activities of agricultural cooperatives on a national level. During the review period, ACFT received one-year, interest-free loans from the "linkage project" under the Cooperative Promotion Department (CPD) of the MAC. The "linkage project" linked credit extension by the CPD to the ACFT's rice marketing service.

ACFT used the government loans to buy rice from member producers at the local market price, mill the rice and sell the milled rice both in Thailand and abroad. Profits from the ACFT's sales were later distributed to ACFT member paddy rice producers, thereby giving them a higher final price for their product. The interest-free loans were repaid to CPD's circulatory investment fund to be used again for the next year's marketing activities.

Because the MAC loans were used by the ACFT for its rice marketing service, we preliminarily determine that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries, and because the interest-free loans are inconsistent with commercial considerations.

One-third of the funds for these loans was provided from a transnational source; we therefore calculated the benefit on only two-thirds of the total amount provided. See, Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments (54 FR 23366; May 31, 1991), Section 355.44(o)(1). To calculate the benefit, we multiplied two-thirds of the amount of interest-free loans repaid during the review period by the 1990 short-term benchmark interest rate of 14.60 percent. Using the domestic subsidy denonminator and the adjustment described *supra*, we preliminarily determine that the benefit from this program is 0.038 percent *ad valorem*.

C. Bank of Agriculture and Agricultural Cooperatives (BAAC) Paddy Rice Mortgage Program

The BAAC is a state-owned bank that provided low-interest loans to qualifying farmers, farmer associations and cooperatives. Although the loans are available to farmers producing several agricultural products including rice, livestock and poultry, tree crops, cassava, maize, fisheries and others, the BAAC offers "special"low-interest loans under this program to rice producers in furtherance of the RTG's policy to support and stabilize paddy rice prices. The purpose of the loans is to allow farmers to hold back sales of paddy rice at the beginning of the harvest season, when market prices are low, and to sell it later in the season when prices are more favorable. The BAAC loaned up to 80 percent of the value of the paddy rice pledged, for a maximum of six months, at a three percent interest rate. If the loan was not repaid in six months, the interest rate escalated to a commercial overdraft rate.

We preliminarily determine that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries, and because the three-percent lending rate is inconsistent with commercial considerations.

Because the BAAC made loans to a large number of farmers under this program, we used aggregate figures from the BAAC to calculate the benefit from these loans. We multiplied the short-term benchmark interest rate of 14.60 percent by the total amount of loans made by the BAAC during the review period, from which we then subtracted the total actual interest paid during the review period. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit from this program to be 0.126 percent *ad valorem*.

D. Bank of Agriculture and Agricultural Cooperatives Second Crop Paddy Rice Purchasing Program

To supplement the price stabilization effects of the paddy rice mortgage program, the BAAC implemented a second-crop paddy rice purchasing program. The purpose of this program was to buy second-crop paddy rice from farmers when prices were low (at harvest time) in order to stabilize prices over the course of the year. These purchases were made at premium prices, established at the provincial level by a committee designated by the Governor.

We preliminarily determine that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries, and because a price premium was paid by the BAAC on its purchases of second-crop paddy rice.

To calculate the benefit from this program, we subtracted the average farm gate price per metric ton of second-crop paddy rice from the average BAAC purchase price and multiplied the difference by the quantity of paddy rice purchased by the BAAC. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit from this program to be 0.008 percent *ad valorem*.

E. Paddy Price Raising Project and Compensatory Financing Program for Millers

During the review period, the RPMC mandated a market price intervention program. This program, implemented by the Ministry of Interior (MOI), required rice millers and traders to purchase paddy rice from small and poor rice farmers at a price ten percent higher than market prices during peak harvesting seasons. The MOI allocated funds to the provincial governors who provided interest-free loans to rice millers and rice traders participating in the program.

We preliminarily determine that the government-mandated price premium of ten percent provides a countervailable benefit to paddy rice producers. Further, we determine that the interest-free loans provided by the government to the millers and traders are also countervailable because they are limited to a specific group of enterprises or industries and are provided on terms inconsistent with commercial considerations.

To calculate the benefit from the price premium received by the paddy rice producers during the review period, we subtracted the average farm gate price per metric ton of paddy rice from the MOI premium purchase price and multiplied the difference by the total volume of rice purchased by millers and traders under this program. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit from the MOI price premium to be 0.014 percent *ad valorem* for the review period.

To calculate the benefit from the interest-free loans provided under this program, we multiplied the total amount of loans repaid during the review period by the short-term benchmark interest rate of 14.60 percent. We then multiplied this amount by the 10-month repayment period for all loans, in accordance with information provided in the questionnaire response. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit from these loans to be 0.022 percent *ad valorem* for the review period.

F. Bank of Thailand Agricultural Purchase Project

According to BOT regulations effective November 11, 1988, commercial banks may provide short-term loans for up to 100 percent of the amount of a promissory note issued by rice traders or millers against the value of their stocked paddy rice. The commercial bank then discounts 50 percent of the face value of the promissory note with the BOT. The maximum interest charged by the commercial bank to the borrower is 10 percent; the principal and interest are due either at the end of 90 days or up to three days after the paddy is sold, whichever is earlier. If repayment of the loan is not made when due or if other terms of the loan are violated, a penalty interest amount is imposed by the BOT on 50 percent of the face value of the promissory note over the term of the loan. This penalty is then passed on to the borrower by the commercial bank. During the review period, this penalty interest rate was five percent through May 1990 and 6.5 percent beginning in June 1990. There is no penalty refund.

Because only rice traders and millers are eligible for these loans, we preliminarily determine that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries, and because the lending rate is inconsistent with commercial considerations.

Because commercial banks made over a thousand loans under this program, we used aggregate figures from the BOT to calculate the benefit from these loans. We calculated the interest due on the loans at the preferential rate of 10 percent; we then adjusted this amount for penalty interest which was paid at an annual rate of either 2.5 or 3.25 percent over the total amount of the loan. We then subtracted interest and penalties actually paid from the amount that would have been paid at the short-term benchmark interest rate of 14.60 percent. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit to be 0.037 percent *ad valorem* for the review period.

G. Department of Agricultural Extension (DAE) Loans to Farmer Associations

Although the DAE provides a wide variety of extension services for all of the Thai agricultural sectors, during the review period the DAE provided a special interest-free short-term loan program to farmer associations for the purpose of buying paddy rice at harvest when prices are low, storing it, and selling it when prices are rising. We preliminarily determine that this loan program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises and industries, and because the interest-free loans are provided on terms inconsistent with commercial considerations.

To calculate the benefit from this program, we calculated the difference between the interest actually paid and the interest that would have been paid at the 14.60 short-term benchmark interest rate. Using the domestic subsidy denominator and the adjustment described *supra*, we preliminarily determine the benefit to be 0.011 percent *ad valorem* for the review period.

H. Programs Preliminarily Determined To Be Not Used

We also examined the following programs and preliminarily determine that producers and exporters of rice did not apply for or receive benefits under these programs during the review period.

1. Public Warehouse Organization (PWO)
2. Department of Foreign Trade (DFT) Purchase of Milled Rice

3. Export Processing Zones
4. Incentives for International Trading Firms
5. Export Promotion Fund
6. Tax Certificates for Exports

Preliminary Results of Review

As a result of our review, we preliminarily determine the net bounty or grant to be 0.69 percent *ad valorem* during the period January 1, 1990 through December 31, 1990.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 0.69 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

The Department also intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice at the rate of 0.69 percent *ad valorem*.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with § 355.38(e) of the Commerce Regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under § 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFP 355.22.

Dated: March 3, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5581 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-122-603]

Standard Carnations From Canada; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on standard carnations from Canada. Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1992.

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Christoper Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1987, the Department of Commerce ("the Department") published a countervailing duty order on standard carnations from Canada (52 FR 7645). The Department has not received a request to conduct an administrative review of the countervailing duty order on standard carnations from Canada for four consecutive annual anniversary months. This is the fifth anniversary.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by section 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

Not later than March 31, 1992, interested parties, as defined in section 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke March 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 3, 1992.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5582 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 910527-1289]

RIN 0693-AA91

Approval of Withdrawal of Twelve Federal Information Processing Standards

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce that the Secretary of Commerce has approved the withdrawal of twelve Federal Information Processing Standards (FIPS).

On June 19, 1991, notice was published in the **Federal Register** (56 FR 28141) proposing withdrawal of twelve Federal Information Processing Standards (FIPS), because the technical specifications that they adopt are obsolete and are no longer supported by industry.

The written comments submitted by interested parties and other material available to the Department relevant to these standards were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve the withdrawal of the twelve FIPS, and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC 20230.

This notice provides only the FIPS publication number, title, and the technical specifications number for each of the twelve standards being withdrawn:

—FIPS 3-1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI) (ANSI X3.22-1973).
—FIPS 25, Recorded Magnetic Tape for Information Interchange (1600 CPI, Phase Encoded) (ANSI X3.39-1973).
—FIPS 50, Recorded Magnetic Tape for Information Interchange, 6250 cpi (246 cpmm), Group Coded Recording (ANSI X3.54-1976).
—FIPS 51, Magnetic Tape Cassettes for Information Interchange (3.810 mm [0.150 in] Tape at 32 bpmm [800 bpi], PE) (ANSI X3.48-1977).
—FIPS 52, Recorded Magnetic Tape Cartridge for Information Interchange, 4-Track, 6.30 mm (¼ in), 63 bpmm (1600 bpi), Phase Encoded (ANSI X3.56-1977).
—FIPS 79, Magnetic Tape Labels and File Structure for Information Interchange (ANSI X3.27-1978).
—FIPS 93, Parallel Recorded Magnetic Tape Cartridge for Information Interchange, 4-Track, 6.30 mm (¼ in), 63 bpmm (1600 bpi), Phase Encoded (ANSI X3.72-1981/R1987).
—FIPS 114, 200 mm (8 in Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 6631 bprad on One Side—1.9 tpmm (48 tpi) for Information Interchange (ISO 5654/2-1985).
—FIPS 115, 200 mm (8 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 13262 bprad on Two Sides—1.9 tpmm (48 tpi) for Information Interchange (ISO 7065/2-1985).
—FIPS 116, 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 3979 bprad on One Side—1.9 tpmm (48 tpi) for Information Interchange (ISO 6596/2-1985).
—FIPS 117, 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 7958 bprad on Two Sides—1.9 tpmm (48 tpi) for Information Interchange (ISO 7487/3-1984).
—FIPS 118, Flexible Disk Cartridge Labelling and File Structure for Information Interchange (ISO 7665-1983).

EFFECTIVE DATE: This withdrawal is effective March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Radack, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-2833.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

Dated: February 4, 1992.

John W. Lyons,

Director.

[FR Doc. 92-5524 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Florida Keys National Marine Sanctuary Advisory Council; Open Meeting

AGENCY: The Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

TIME AND PLACE: March 24 and 25, 1992 from 9 a.m. until adjournment. The meeting will take place at Buccaneer Resort, 2600 Overseas Highway, in Marathon, Florida.

AGENDA:

1. Review goals and objectives for the Florida Keys National Marine Sanctuary.
2. Elect chairperson and vice chairperson and adopt by-laws for council.
3. Review and discuss possible water use zoning categories and criteria.

PUBLIC PARTICIPATION: The meeting will be open to public participation and the last thirty minutes will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMATION CONTACT: Pamala James at (305) 743-2437 or Ben Haskell at (202) 606-4122.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program

Dated: March 5, 1992.

John J. Carey,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 92-5632 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration.

Modification of Scientific Research Permit.

AGENCY: National Marine Fisheries Service.

ACTION: Modification of Scientific Research Permit No. 648 (P #45D)

Notice is hereby given that pursuant to the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered species permits (50 CFR parts 217-222), and the Conditions hereinafter set out, Scientific Research Permit No. 648, issued to the United States Fish and Wildlife Service, 75 Spring Streets, SW., Atlanta, GA 30303, on Octover 4, 1988, has been modified to authorize the taking of short-nosed sturgeon from waters in Georgia as well as from South Carolina. Eggs from up to twenty of the originally authorized fish may be used for studies of dioxin and furan loads.

This modification becomes effective upon publication in the **Federal Register**.

Documents pertaining to this Modificaiton and Permit are available for review in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910; and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702 (813/893-3141).

Dated: March 2, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-5464 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Statistical Process Control Manufacturing Plan.
Type of Request: New Collection.
Average Burden Hours/Minutes Per Response: .5
Responses Per Respondent: 1.
Number of Respondents: 1500.
Annual Burden Hours: 750.
Annual Responses: 1500.
Needs And Uses: The Defense Logistics Agency (DLA), Office of the Secretary of Defense, will require the contractor to prepare a documented plan showing how Statistical Process Control (SPC) is to be used to monitor its manufacturing processes. SPC will be used as a tool to improve the quality of products.
Affected Public: Businesses or other for-profit, small businesses or organizations and federal agencies or employees.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain a benefit.
OMB Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: March 3, 1992.

L.M. Bynum

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5459 Filed 3-9-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Science Board Task Force on In-House Microelectronics Research Facilities

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on In-House Microelectronics Research Facilities will meet in closed session on March 24, 1992 at Ft. Monmouth, New Jersey and March 31-April 2, 1992 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will assess the advantages and disadvantages of a single microelectronics facility for the Department of Defense.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. app. II, (1988)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: March 4, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5458 Filed 3-9-92; 8:45 am]

BILLING CODE 3810-01-M

Special Operations Policy Advisory Group; Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on Thursday, March 26, 1992 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the development and maintenance of effective Special Operations and Low-Intensity Conflict forces.

In accordance with section 10(d) of Public Law 92-463, the "Federal Advisory Committee Act," and section 552b(c)(1) of title 5, United States Code, this meeting will be closed to the public.

Dated: March 4, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5457 Filed 3-9-92; 8:45 am]

BILLING CODE 3810-01-M

Meeting

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS)

ACTION: Notice of conference.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of a forthcoming conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of DACOWITS is to advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

DATES: April 26-29, 1992 (summarized agenda follows).

ADDRESSES: Radisson Mark Plaza Hotel, 5000 Seminary Road, Alexandria, Virginia, unless otherwise noted in agenda.

Agenda: Sessions will be conducted daily and will be open to the public. The agenda will include the following:

Saturday, April 25, 1992, 8:30 a.m.-5 p.m.

For DACOWITS 1992 Appointees only: Conference registration; Orientation briefing on the DACOWITS; Subcommittee orientations; Army, Navy, Marine Corps, Air Force, and Coast Guard orientations.

Sunday, April 26, 1992, 7:30 a.m.-7 p.m.

Conference Registration (Former Members and Conference Participants; Briefings: Office of the Secretary of Denfense (ODS) Overview; Force Reductions and Restructuring; Weight Standards After Pregnancy; Sexual Harassment; National Guard Promotion Opportunties; No-host Working Breakfast (current DACOWITS members only); Get Acquainted Luncheon (current DACOWITS members, military representatives, legal advisors, and liaison officers only); Subcommittee Sessions; and Social.

Monday, April 27, 1992, 9:30 a.m.-10 p.m.

Official Opening Ceremony in Pentagon Auditorium, room 5A1070 (board buses at hotel 9:30 a.m.; ceremony begins at 10:30 a.m.); Subcommittee Sessions; and OSD Reception and Dinner (By Invitation Only).

Tuesday, April 28, 1992 7:30 a.m.-8 p.m.

Field trip to the U.S. Naval Academy, Annapolis, Maryland (By Invitation Only), and Executive Committee Session.

Wednesday, April 29, 1992, 7:30 a.m.-1 p.m.

No-host Working Breakfast (current DACOWITS members only); Individual Review of Resolutions; Presentations by members of the public; General Business Session; Installation Visit Reports; OSD Luncheon (By Invitation Only).

FOR FURTHER INFORMATION CONTACT: Captain Branda M. Weidner, Assistant Director, DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, room 3D769, Washington, DC 20301-4000; telephone (703) 697-2122.

SUPPLEMENTARY INFORMATION: The following rules and regualtions will govern the participation by members of the public at the conference.

(1) Members of the public will not be permitted to attend official OSD Luncheon, Field Trip, or OSD Reception and Dinner.

(2) All business sessions will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than March 27.

(5) Length and number of oral presentations to be made will depend on the number of requests received from members of the public.

(6) Oral presentations by members of the public will be permitted only on Wendesday, April 29, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the DACOWITS office 1 copy of the presentation by April 10 and make available 200 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one copy either before or by the close of the conference.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Director, DACOWITS and Military Women Matters, to consider.

(10) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(11) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or make comments.

(12) Questions from the public will not be accepted during the Subcommittee Sessions, the Executive Committee Session, or the General Business Session. Sessions will be conducted daily and will be open to the public.

Dated: March 4, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5460 Filed 3-9-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Power Projection Panel) will meet on 26-27 March 1992, at McDonnell Douglas Missile Systems Co, St. Louis, MO at 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register, Liaison Officer.

[FR Doc. 92-5571 Filed 3-9-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).
Dates of the Meeting: 30 March-2 April 1992.
Time: 0800-1630.
Place: Denver, Colorado.
Agenda: The Army Science Board's Infrastructure and Environment Issue Group will meet to discuss the study, "Groundwater Modeling in the Army's Environmental Restoration Programs." This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information (703) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-5450 Filed 3-9-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 9, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson, (202) 708-5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission to these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 4, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Educational Research and Improvement

Type of Review: Reinstatement.
Title: Application for Grants Under Library Research and Demonstration Program, Title II–B of the Higher Education Act of 1965 as amended.
Frequency: Annually.
Affected Public: Non-profit institutions.
Reporting Burden:
Responses: 50.
Burden Hours: 1600.
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0.
Abstract: This form will be used by State Education Agencies to apply for funding under the Library Research and Demonstration Program. The Department uses the information to make grant awards.

Office of Policy and Planning

Type of Review: Reinstatement.
Title: General Education Provisions Act (GEPA) 406A: State Uses of Federal Funds Under State-Administered Federal Education Programs.
Frequency: Annually.
Affected Public: State or local government.
Reporting Burden:
Responses: 57.
Burden Hours: 2,565.
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0.
Abstract: Under section 406A of the General Education Provisions Act (GEPA) as amended, ED is responsible for collecting data from the States and reporting to the Congress on the States' distribution of funds for the State-administered Federal education programs. In addition, GEPA data are necessary for a number of different kinds of analyses performed by ED on a regular basis regarding accountability and targeting.

[FR Doc. 92-5401 Filed 3-9-92; 8:45 am]
BILLING CODE 4000-10-M

Follow Through Program

AGENCY: Department of Education.
ACTION: Correction.

On September 18, 1991, the U.S. Secretary of Education (Secretary) published a notice inviting applications for new awards under the Follow Through Program for fiscal year 1992 (56 FR 47270). The notice inadvertently omitted reference to the preference the Secretary gives to applications that meet the following competitive priority:

For the purpose of making grants to local educational agencies (LEAs) for local projects under section 662 of the Follow Through Act, the Secretary will give priority to any LEA that requests a grant for purposes of carrying out a Follow Through Program in a school that—

(1) Is designated as a schoolwide project under section 1015(a) of Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2725(a) (1988)); and

(2) Has a high concentration of children from low-income families in kindergarten and primary grades who were previously enrolled in Head Start or similar quality preschool programs.

Under 34 CFR 75.105(c)(2)(i), an application that meets this competitive priority in a particularly effective way receives from the Secretary 25 points in addition to any points the application earns under the selection criteria for the program. However, to receive the additional 25 priority points, an application must first obtain a rating of at least 70 points as provided in § 215.24(a) of the regulations. In addition, in order to determine the average points awarded to local project applications contained in a joint application, as required in § 215.20(b)(3) of the regulations, priority points are included in the calculation of the average.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia McKee, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 2043), Washington, DC 20202–6132. Telephone: (202) 401–1892. Deaf and hearing impaired may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 42 U.S.C. 9861–9869.

Dated: March 5, 1992.

John T. MacDonald,
Assistant Secretary of Elementary and Secondary Education.

[FR Doc. 92–5505 Filed 3–9–92; 8:45 am]
BILLING CODE 4000-01-M

Advisory Committee on Testing in Chapter 1

AGENCY: Advisory Committee on Testing in Chapter 1, Education.
ACTION: Cancellation of meeting.

SUMMARY: The meeting scheduled for March 10–11, 1992, which appeared in the **Federal Register** on Wednesday, February 26, 1992, has been cancelled.

Dated: March 5, 1992.

John T. MacDonald,
Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 92–5682 Filed 3–10–92; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Response to Recommendation 91–5 of the Defense Nuclear Facilities Safety Board Concerning Operation of Savannah River Site K-Reactor Above 30 Percent of Historical Maximum Power

AGENCY: Department of Energy.
ACTION: Notice and request for public comment.

SUMMARY: Pursuant to section 312(d) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286(d), the Department of Energy (DOE) hereby publishes notice of a response of the Secretary of Energy (Secretary) to Recommendation 91–5 of the Defense Nuclear Facilities Safety Board, published in the **Federal Register** on December 27, 1991, (56 FR 67066) concerning operation of Savannah River Site K-reactor above 30 percent of historical maximum power.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before April 9, 1992.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Donald F. Knuth, Deputy Assistant Secretary for Operations, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

Mario Fiori,
Departmental Representative to the Defense Nuclear Facilities Safety Board.

February 7, 1992.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004.

Dear Mr. Conway: Your letter, dated December 18, 1991, forwarded your reporting requirement pursuant to 42 U.S.C. 2286b(d) to inform the Defense Nuclear Facilities Safety Board (DNFSB) well before any decision to increase the K-Reactor's power level above 30 percent of the historical value of its maximum full power. Additionally, you provided three recommendations regarding an increase in operating power beyond 30 percent.

The DNFSB will be informed well before any decision is made to increase reactor power level above 30 percent of the historical value of maximum full power. I accept the DNFSB's recommendation to perform additional studies prior to authorizing an increase in reactor operating power above 30 percent. Much analysis has been accomplished to establish the safe operating power level at 30 percent of historical maximum full power. Evaluation of power limits to determine the feasibility of increasing the operating power level is continuing at Westinghouse Savannah River Company and Los Alamos National Laboratory to determine the feasibility of increasing the operating power level.

At the present time, it is not intended that the reactor power be increased to greater than 30 percent due to the reduced need for tritium. If the need to operate at greater than 30 percent is established, then an implementation plan will be developed and forwarded to the DNFSB.

In accordance with 42 U.S.C. 2286d, the Department of Energy's responses to the DNFSB's recommendations will be published in the **Federal Register**.

Sincerely,

James D. Watkins,
Admiral, U.S. Navy (Retired).

[FR Doc. 92–5575 Filed 3–9–92; 8:45 am]
BILLING CODE 6450-01-M

Response to Recommendation 91–6 of the Defense Nuclear Facilities Safety Board Concerning Radiation Protection Issues Throughout the DOE Defense Nuclear Facilities Complex

AGENCY: Department of Energy.
ACTION: Notice and request for public comment.

SUMMARY: Pursuant to section 312(d) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286(d), the Department of Energy (DOE) hereby publishes notice of a response of the Secretary of Energy (Secretary) to Recommendation 91–6 of the Defense Nuclear Facilities Safety Board, published in the **Federal Register** on December 27, 1991, (56 FR 67066) concerning radiation protection for workers and the general public at DOE facilities.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before April 9, 1992.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mr. C. Rick Jones, U.S. Department of Energy, Office of Health (EH–41), 19901 Germantown Road, Germantown, MD 20874, at 301–903–6061.

Mario Fiori,
Departmental Representative to the Defense Nuclear Facilities Safety Board.

January 31, 1992.

The Honorable John T. Conway,
Chairman, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, DC 20004.

Dear Mr. Conway: Your letter dated December 19, 1991, forwarded Recommendation 91–6 regarding radiation protection issues throughout the Department of Energy (DOE) defense nuclear facilities complex.

I share your concerns regarding DOE's radiation protection program at these facilities and have recently taken steps to strengthen radiological protection practices. On January 16, 1992, I directed the Assistant Secretary for Environment, Safety, and Health to prepare and issue a comprehensive and definitive Radiological Control Manual. I have also directed that the Department's independent monitoring and assessment of the effectiveness of radiological protection performance be transferred to the Office of Nuclear Safety. Also, the Program Secretarial Officers responsible for radiological programs have been directed to ensure that appropriately trained personnel are assigned to their organizations to monitor the performance of their radiation protection programs. My goal is to be the pacesetter for radiological health and safety at our facilities.

I accept the Board's recommendations. In addition to the actions described above, I have also tasked the Assistant Secretary for Environment, Safety, and Health and Senior Nuclear Managers to develop a detailed response and course of action to be responsive to each of your seven recommendations for the defense nuclear facilities complex. I will forward this plan to you no later than March 15, 1992.

In accordance with 42 U.S.C. 2286d, the Department's responses to the DNFSB's recommendations will be published in the **Federal Register**.

Sincerely,

James D. Watkins,
Admiral, U.S. Navy (Retired).

[FR Doc. 92–5574 Filed 3–9–92; 8:45 am]
BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Managment and Budget, 726 Jackson Place N.W., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington,

DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–510
3. 1902–0068
4. Application for the Surrender of Hydropower License
5. Extension
6. On occasion
7. Mandatory
8. Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organziations
9. 30 respondents
10. 1 response
11. 10 hours per response
12. 300 hours
13. To carry out the requirements of part 1, section 4(e), 6 and 13 of the Federal Power Act. These sections direct that a hydropower license may be surrendered or terminated upon application and where agreement exists between the FERC and the licensee or by implied surrender.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. §§ 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC; March 4, 1992.

Yvonne M. Bishop,

Director, Statistical Standards Energy Information Administration.

[FR Doc. 92–5576 Filed 3–9–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TQ92–2–1–000]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

March 3, 1992.

Take notice that on February 28, 1992, Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Twenty-Ninth Revised Sheet No. 4

The tariff sheet is proposed to become effective April 1, 1992. Alabama-Tennessee states that the purpose of this filing is to adjust its rates to conform to the rates of its suppliers and to reflect certain transportation costs as purchased gas costs as permitted under the Commission's recent order issued on February 7, 1992 in Docket No. RP92–87–000 (58 FERC ¶ 61,130). Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheet to become effective as proposed.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional sales and transportation customers and affected state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92–5476 Filed 3–9–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA92–1–48–000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that ANR Pipeline Company ("ANR"), on February 28, 1992, tendered for filing as part of its F.E.R.C. Gas Tariff, Original Volume No. 1, the following tariff sheet to be effective May 1, 1992.

Fifty-Seventh Revised Sheet No. 18

ANR states that the purpose of the instant filing is to implement its Annual PGA rate adjustment pursuant to Section 15 of the General Terms and Conditions of ANR's Tariff.

Fifty-Seventh Revised Sheet No. 18 reflects a decrease of $0.3832 per dekatherm ("dth") in the gas cost component of the commodity rate of ANR's CD–1/MC–1 Rate Schedules from rates reflected in ANR's February 1, 1992 Quarterly PGA at Docket No. TQ92–3–48–000, including the elimination of the GRI Adjustment Charge of $0.0147 per dth, that was filed in Docket No. TM92–4–48–000, to be effective March 1, 1992.

There is a decrease of $0.091 in the gas cost component of the monthly D–1 demand rate and an increase of $0.0093 in the gas cost component of the D–2 demand rate, from rates reflected in the February 1, 1992 Quarterly PGA.

The instant filing further reflects a decrease in the gas cost component of ANR's one-part rate applicable to Rate Schedule SGS–1 of $0.3643 per dth from rates reflected in the February 1, 1992 Quarterly PGA and includes the elimination of the GRI surcharge.

ANR states that copies of the filing were served upon all of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.121 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 18, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92–5468 Filed 3–9–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA92–1–21–000 and TM92–8–21–000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 28, 1992, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective May 1, 1992.

Sixteenth Revised Sheet No. 26
Eighth Revised Sheet No. 26.1
Sixteenth Revised Sheet No. 26A
Eighth Revised Sheet No. 26A.1
Sixteenth Revised Sheet No. 26B
Seventh Revised Sheet No. 26B.1
Fifteenth Revised Sheet No. 26C
Sixth Revised Sheet No. 26D
Sixteenth Revised Sheet No. 163

Columbia states that the sales rates set forth on Eighth Revised Sheet No. 26 reflect an overall decrease of 13.71¢ per Dth in the commodity rate and an increase of $0.369 per Dth in the demand rate. In addition, the transportation rates set forth on Fifteenth Revised Sheet No. 26C and Sixth Revised Sheet No. 26D reflect a decrease in the Fuel Charge component of 0.35¢ per Dth.

Columbia states that the purpose of the subject tariff sheets is to reflect the following:

(1) A Current Purchased Gas Cost Adjustment applicable to Sales Rate Schedules;
(2) Unrecovered Purchased Gas Cost Surcharges to be effective during the 12-month period commencing May 1, 1992;
(3) Current Transportation Cost Rate Adjustments;
(4) Unrecovered Transportation Fuel Charge Adjustments;
(5) A surcharge adjustment to provide for the recovery, over the 12-month period commencing May 1, 1992, of carrying charges related to take-or-pay reimbursements paid by Columbia to Panhandle Eastern Pipe Line Company (Panhandle) pursuant to the terms of a Commission approved settlement in Docket No. RP83–5–000; and
(6) A Transportation Fuel Charge Adjustment.

Columbia states that copies of the filing were served upon Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 18, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92–5469 Filed 3–9–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ92–2–2–000]

East Tennessee Natural Gas Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

March 3, 1992.

Take notice that on February 28, 1992, East Tennessee Natural Gas Company (East Tennessee) submitted for filing ten copies each of Eighteenth Revised Sheet Nos. 4 and 5 to First Revised Volume No. 1 of its FERC Gas Tariff to be effective April 1, 1992.

East Tennessee states that the purpose of the revisions to Eighteenth Revised Sheet Nos. 4 and 5 is to reflect a purchased gas adjustment (PGA) to East Tennessee's Rates for the quarterly period of April 1992–June 1992 pursuant to section 21 of the General Terms and Conditions of East Tennessee's Tariff.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92–5470 Filed 3–9–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA92–1–34–000]

Florida Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that on February 28, 1992 Florida Gas Transmission Company ("FGT") tendered for filing the following tariff sheet to become part of its FERC Gas Tariff effective May 1, 1992.

FERC Gas Tariff, Second Revised Volume No. 1

Twenty-Fifth Revised Sheet No. 8

Pursuant to § 154.305 of the Commission's regulations and Section 15 of the General Terms and Conditions of FGT's FERC Gas Tariff, FGT submits the above-referenced tariff sheet as part of FGT's annual PGA filing to be effective May 1, 1992.

FGT states that the current adjustment reflects FGT's projected cost of gas for the period May 1, 1992 through July 31, 1992. FGT anticipates a decrease from the $2.1452 per MMBtu saturated reflected in FGT's last scheduled filing in Docket No. TQ92–2–34 effective February 1, 1992 to $1.7375 per MMBtu saturated in the instant filing.

FGT states that the Surcharger Adjustments set forth on the tariff sheet reflect the amortization of the current deferral balance accumulated during the period January 1, 1991 through December 31, 1991 and the deferral balance accumulated during the period January 1, 1990 through December 31, 1990, for which FGT sought waiver in Docket No. TA91–1–34 to defer recovery.

FGT further states that in its last annual PGA filing in Docket No. TA91–1–34, FGT sought a waiver of the Commissions' regulations to permit FGT to defer collection by transferring the commodity portion of the December 31, 1990 current deferral subaccount balance to its current deferral subaccount which commenced January 1, 1991. By order issued April 30, 1991, the Commission granted FGT the requested waiver, and further required FGT to implement the surcharge in FGT's next annual PGA filing. In this filing, FGT is including the December 31, 1990 balance in the proposed commodity surcharge adjustments.

FGT also states that it has filed certain schedules in accordance with FERC Form No. 542–PGA (Revised). FGT has submitted a diskette containing such schedules.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Second Revised Volume No. 1 and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 18, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection in the Pubilc Reference Room.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 92–5472 Filed 3–9–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP92-322-000]

National Fuel Gas Supply Corp. v. Tennessee Gas Pipeline Co.; Informal Technical Conference

March 3, 1992.

Take notice that on March 18, 1992 at 10 a.m., the Commission Staff will convene an informal technical conference in the above-captioned proceeding to discuss the issues raised in the complaint filed on January 29, 1992, by National Fuel Gas Supply Corporation against Tennessee Gas Pipeline Company. National Fuel requests in its complaint that a show cause order be issued against Tennessee for abandoning certificated transportation service without authorization, in violation of section 7(b) of the Natural Gas Act, and for undertaking unjust and unreasonable contracting practices, in violation of section 5 of the Act.

The conference will be held in a room to be designated at the offices of the Federal Energy Regulatory Commission at 825 North Capitol Street, NE., Washington, DC 20426.

All interested persons are invited to attend. Attendance at the conference will not confer party status.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5471 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. 229-005]

Panhandle Eastern Pipe Line Co.; Notice of Compliance Filing

March 3, 1992.

Take notice that on February 28, 1992 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the revised tariff sheets as listed on appendices A and B attached to the filing.

Panhandle states that the revised tariff sheets to be effective April 1, 1992 reflect (1) compliance with Ordering Paragraphs (A), (B), (C), (E) and (F) of the Commission's suspension Order dated October 31, 1991; (2) the application of Ordering Paragraph (A) reflects the current determinations arising from Docket No. RP88-262-000, *et al.*, as detailed in the report filed in this proceeding on January 15, 1992; (3) the elimination of the proposal for a third-party charge as required by Ordering Paragraph (B); (4) the proposed transportation cost adjustment which permits Panhandle to reflect current levels of Account No. 858 as contemplated by Ordering Paragraph (C); (5) the test period certificated levels in the rate design as required by Ordering Paragraph (E); and, (6) revisions to Section 18.9 of the General Terms and Conditions as required by Ordering Paragraph (F) and the Technical Conference by December 6, 1991.

Panhandle states that the rates and tariffs submitted also reflect ACA, GRI, PGA and Take-or-Pay filings which have been made since the rate filing of September 30, 1991, including Docket Nos. TM92-1-28-000, TM92-2-48-000, TF92-1-28-000, TA92-1-28-000 and 001, TQ2-2-28-000 and Docket No. RP92-118-000, respectively. The rates and tariffs also reflect the Commission's preliminary order approving the refunctionalization of facilities in Docket No. RP87-103-000 which was included in the original filing therein, the final approval of the settlements in Docket Nos. RP88-88-000 *et al.* RP88-262-000, *et al.* and RP91-53-000, *et al.* and the Commission's Order dated February 5, 1992 in Docket No. RP92-64-000.

Panhandle states that the filing of these revised tariff sheets which satisfies the requirements of the Commission's Order dated October 31, 1991 in this proceeding is without prejudice to Panhandle's rights on rehearing or in any judicial review proceeding or its position in this proceeding and the Docket No. RP88-262-000 proceeding.

Panhandle states that copies of the revised tariff sheets are being served on all jurisdictional customers, interested state commissions and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5473 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-134-000]

Southern Natural Gas Co.; Proposed Changes to FERC Gas Tariff

March 3, 1992.

Take notice that on February 28, 1992, Southern Natural Gas Company (Southern) tendered for filing proposed changes in its FERC Gas Tariff on the tariff sheets in appendix A attached to the filing. The aforesaid tariff sheets reflect a decrease in rates attributable to a reduction of $4.6 million in Southern's annual non-gas cost of service and significant levels of conversions by Southern's customers from CD to FT service.

Southern states that it has employed Straight Fixed Variable methods of cost classification, allocation, and rate design in the development of its proposed rates that are consistent with the Commission's expressed preference in its Notice of Proposed Rulemaking in Docket No. RM91-11-000 and consistent with the utilization of Southern's system and the competitive nature of the markets served by it.

Southern requested waiver of the five-month suspension period and the thirty (30) day notice requirement of § 154.22 of the Commission's Regulations to allow the proposed tariff sheets to become effective March 1, 1992. Southern stated that a shortened suspension period is required so that the benefits of the rate decrease will accrue to the customers at the earliest possible time. The conversions from CD to FT have either already occurred or will occur by March 1, 1992.

Southern states that copies of its filing were served upon Southern's jurisdictional purchasers, shippers, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214, 385.211). All such petitions or protests should be filed on or before March 10, 1992.

Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5474 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-132-000]

Tennessee Gas Pipeline Co.; Tariff Filing of Changes in Rates

March 3, 1992.

Take notice that on February 28, 1992, Tennessee Gas Pipeline Company (Tennessee) tendered for filing changes in its FERC Gas Tariff to Rate Schedules NET-EU and T-180 to be effective April 1, 1992, consisting of the following revised tariff sheets:

Third Revised Volume No. 1

Seventh Revised Sheet No. 30
Sixth Revised Sheet No. 156

Original Volume No. 2

Ninth Revised Sheet No. 9
First Revised Sheet No. 9A
Fourteenth Revised Sheet No. 10

Tennessee states that the rate change for Rate Schedule NET-EU is necessary to reflect increases in the costs of facilities and other costs incurred by Tennessee to render the service and the rate change for Rate Schedule T-180 is necessary to reflect Tennessee's proposed decoupling of Rate Schedule T-180 from Rate Schedule NET-EU.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to made protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5467 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-203-007]

Tennessee Gas Pipeline Co.; Rate Filing

March 3, 1992.

Take notice that on February 28, 1992, Tennessee Gas Pipeline Company (Tennessee) filed the following revised tariff sheets to its FERC Gas Tariff to be effective February 1, 1992:

Original Volume No. 2

Second Substitute Eight Revised Sheet No. 9
Second Substitute Original Sheet No. 9A

The purpose of the filing is to provide workpapers in support of the rates filed January 31, 1992, in the referenced docket. The tariff sheets are being filed to reflect a reduction in the rates for Rate Schedule T-180. This reduction is the result of plant not placed in service by February 1, 1992.

Tennessee states that copies of the filing have been mailed to all affected customers and state regulator commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5477 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ92-2-9-000 and TM92-3-9-000]

Tennessee Gas Pipeline Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

March 3, 1992.

Take notice that on February 18, 1992, Tennessee Gas Pipeline Company (Tennessee) filed the following revised tariff sheets to its FERC Gas Tariff to be effective April 1, 1992:

Item A: Third Revised Volume No. 1

Seventh Revised Sheet No. 20
First Revised Sheet No. 20A
Seventh Revised Sheet No. 21
First Revised Sheet No. 21A
Seventh Revised Sheet No. 22

Item B: Original Volume No. 2

Twenty-sixth Revised Sheet No. 5
First Revised Sheet No. 5A

Tennessee states that the current Purchased Gas Cost Rate Adjustments consist of a $.0340 per dekatherm adjustment applicable to the gas component of Tennessee's sales rates and $.15 per dekatherm adjustment applicable to the Demand component.

Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers on its system and affected stated regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20425, in accordance with Rules of Practice and Procedure. All such petitions or protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5475 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-2-18-003]

Texas Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on February 28, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

TA92-2-18

Second Substitute Forty-ninth Revised Sheet No. 10
Second Substitute Forty-ninth Revised Sheet No. 10a
Second Substitute Thirtieth Revised Sheet No. 11
Second Substitute Twentieth Revised Sheet 11A
Second Substitute Twentieth Revised Sheet 11B
Third Revised Sheet No. 109
Fourth Revised Sheet No. 112

TF92-4-18

Second Substitute Fiftieth Revised Sheet No. 10
Second Substitute Fiftieth Revised Sheet No. 10A
Second Substitute Thirty-first Revised Sheet No. 11

Second Substitute Twenty-first Revised Sheet No. 11A
Second Substitute Twenty-first Revised Sheet No. 11B

TA92-2-18-003

Texas Gas states that these tariff sheets are being filed to comply with the Commission's "Order Accepting and Suspending Tariff Sheets Subject to Refund and Conditions" issued January 31, 1992, in Docket No. TA92-2-18-000, December 10, 1991, and Commission Letter Order issued February 14, 1992, in Docket No. TA92-2-18-002, filed February 10, 1992.

Texas Gas states that the proposed tariff sheets reflect a commodity rate decrease of $(.2972) per MMBtu from those rates reflected in the Annual PGA filing of December 10, 1991, and a commodity rate decrease of $(.1684) per MMBtu from the rates reflected in the last scheduled Quarterly PGA in Docket No. TQ-92-1-18. No changes are being proposed for the damand rates or SGN standby charges.

TF92-4-18

Texas Gas states that these tariff sheets are being filed to reflect the revised current adjustment and pagination due to the compliance filing in TA92-2-18. The effective rates reflected in the proposed sheets are the same as those accepted by Commission Letter Order dated January 31, 1992, in Texas Gas's interim PGA filing of January 18, 1992 (Docket No. TF92-4-18-000).

Texas Gas states that copies of the filing were served upon Texas Gas's jurisdictional sales customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make portestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-5480 Filed 3-9-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ92-2-18-000]

Texas Gas Transmission Corporation; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that Texas Gas Transmission Corporation (Texas Gas), on February 28, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Fifty-first Revised Sheet No. 10
Fifty-first Revised Sheet No. 10A
Thirty-second Revised Sheet No. 11
Twenty-second Revised Sheet No. 11A
Twenty-second Revised Sheet No. 11B

Texas Gas states that these tariff sheets reflect changes in purchased gas costs pursuant to an Out-of-Cycle PGA Rate Adjustment and are proposed to be effective March 1, 1992. Texas Gas further states that the proposed tariff sheets reflect a commodity rate decrease of $(.1976) per MMBtu, a D-2 demand rate decrease of $(.0033) per MMBtu, a D-1 demand rate increase of $.13 per MMBtu, and an SGN Standby rate increase of $.0050 to $.0058 per MMBtu from the rates set forth in the Annual PGA (compliance) filed February 28, 1992 (Docket No. TA92-2-18). In addition, the instant filing reflects a $(.1452) per MMBtu commodity rate decrease from the rates effective February 1, 1992 (Docket No. TF92-4-18).

Texas Gas states that copies of the filing were served on Texas Gas' jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests or motions should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-5479 Filed 3-9-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP88-67-000, RP88-91-000, RP88-221-000, RP90-119-001, RP91-4-000, and RP91-119-000 (Phase I/Rates)]

Texas Eastern Transmission Corp.; Informal Settlement Conference

March 3, 1992.

Take notice that a conference of the Steering Committee is scheduled to be convened in this proceeding on Wednesday, March 11, 1992, at 1 p.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE, Washington, DC. The meeting will continue on Thursday, March 12, if necessary. Parties may designate anyone they wish for the Steering Committee, but business representatives are encouraged. Participants on the Steering Committee should include individuals who are in a position to commit their parties quickly on matters of substance.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Dennis H. Melvin at (202) 208-0042 or Arnold H. Meltz at (202) 208-0737.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-5478 Filed 3-9-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP89-1916-005]

Transcontinental Gas Pipe Line Corp.; Application To Extend and Amend Certification of Public Convenience and Necessity

March 3, 1991.

Take notice that on March 2, 1992, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed an application in Docket No. CP89-1916-005 pursuant to section 7(c) of the Natural Gas Act, to extend and amend the certificate of public convenience and necessity issued in Docket No. CP89-1916-002 on December 17, 1991, Transcontinental Gas Pipe Line Corporation, 55 FERC § 61,446 (1991), which allowed Transco to assign to its customers its rights under firm transportation arrangement on consenting upstream pipeline systems.

Transco states that the instant application is being filed in conjunction with Transco's general rate case under Section 4 of the NGA filed on March 2, 1992 in Docket No. RP92-137. Transco states the proposed amendment to the upstream capacity assignment program provides for the deletion of the term limitation of the authority granted in Docket No. CP89.1916.002 such that the authority will extend for an unlimited period. In addition, a further amendment is requested such that the requirement that upstream pipelines consent to the capacity assignment program to be eliminated.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commisison, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Take further notice, that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commisison by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-5489 Filed 3-9-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM92-7-29-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on February 27, 1992 the following revised certain sheets to Third Revised Volume No. 1 of its FERC Gas Tariff included in appendix A attached to the filing.

Transco states that the purpose of the filing is to track rate changes attributable to (1) storage services purchased from Consolidated Natural Gas (CNG) under its Rate Schedule GSS the costs of which are included in the rates and charges payable under Transco's Rate Schedule LSS, (2) storage services purchased from Texas Eastern Transmission Corporation (TETCO) under its Rate Schedule X-28 the costs of which are included in the rates and charges payable under Transco's Rate Schedule S-2 and (3) transportation services purchased from CNG under its Rate Schedule X-74 the costs of which are included in the rates and charges payable under Transco's Rate Schedule FT-NT. The tracking filing is being made pursuant to section 4 of Transco's Rate Schedule LSS, section 28 of the General Terms and Conditions of Volume No. 1 of Transco's FERC Gas Tariff and section 4 of Transco's Rate Schedule FT-NT.

Included in appendices B through D attached to the filing are explanations of the tracking rate changes and details regarding the computation of the revised LSS, S-2 and FT-NT rates.

Transco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 10, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 92-5487 Filed 3-9-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP92-137-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 3, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation ("Transco") on March 2, 1992, tendered for filing certain tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately $234 million annually based upon the 12-month period ended November 30, 1991, as adjusted. The proposed effective date of the instant filing is April 10, 1992. However, Transco states that it anticipates that the Commission will suspend this filing for a period of up to five months. If so, Transco requests that the Commission shorten the maximum suspension so that the instant filing may take effect subject to refund on September 1, 1992. Transco states that a longer suspension period would create a situation of rate changes in mid-month on the Transco system during September 1992 which would complicate and disrupt business planning for producers and their customers who negotiate monthly gas prices based on a known and unchanging transmission rate. For this reason and because Transco has provided additional notice in order to facilitate the Commission's consideration of the instant filing, Transco states that there is ample justification for shortening the maximum suspension period.

Transco states that the principal causes of the rate increase are (1) increases in operating and maintenance expenses and depreciation expenses, (2) an increase in rate base, (3) an increase in the cost of capital and, (4) rate design related changes, specifically (i) with regard to the increase in firm transportation (FT) reservation charges, the adoption of Fixed-Variable (F-V) rate design, and (ii) with regard to the increase in the Non-Gas Demand Charge, an increase in costs allocated to such charge and a reduction in the quantity of firm service subscriptions to Transco's sales service.

Transco states that the principal changes in the instant filing compared to the currently effective methodologies are:

(1) The use of F-V rate design in compliance with the policy in the Mega-NOPR;
(2) The allocation of Transco's system storage flexibility purchased from CNG Transmission Corporation to transportation service (rather than to FS service) to assist in balancing service;

(3) The allocation of costs to Transco's FS service to account for FS service's annual injections into the Eminence storage field;
(4) Setting Transco's backhaul rate equal to the applicable forward haul rate (no fuel will be retained for backhauls); and
(5) The removal from Transco's X-Rate Schedule transportation rates of the costs associated with the part of the Eminence storage field reserved for emergency service for FT shippers.

In addition to the foregoing rate design and cost allocation changes, additional changes proposed in Transco's filing include (1) an increase in Transco's onshore depreciation rates which results in an increase in depreciation expense, and (2) a higher working capital allowance. Transco states that the increase in working capital is caused by the inclusion therein of the cost of the outstanding net amount of historical transportation imbalances between Transco and its shippers. In that regard, Transco states that it is proposing new tariff language to address the resolution of such historical transportation imbalances incurred prior to the August 1, 1991 implementation date of the "cash out" program which operates to resolve imbalances on a monthly basis. Transco has also proposed an electric power tracker.

Transco is also requesting that the Commission consolidate the instant rate filing with Transco's contemporaneous and related certificate filings in Docket Nos. CP92-378 and CP89-1916. In Docket No. CP92-378, Transco is proposing several programs designed to promote an efficient allocation of firm and interruptible capacity and to maintain proper incentives on pipeline management under F-V rate design. These programs are (1) an unregulated secondary market capacity on a firm or interruptible basis at unregulated rates in competition with the capcacity assignment program for market area FT capacity holders on the Transco system; (2) a capacity release program under which Transco could participate in the secondary market by negotiating with such FT capacity holders for firm capacity; (3) a Negotiated Transportation Services (NTS) Rate Schedule under which (i) Transco could remarket capacity purchased under the capacity release program or unutilized capacity on a firm interruptable basis at unregulated rates in competition with the capacity assignment program and (ii) current FT capacity holders could renegotiate the rates that they otherwise pay under Transco's FT Rate Schedule; and (4) an incentive ratemaking regime called "yardstick competition" under which Transco's ability to profit would be directly tied to its ability to establish and maintain costs at levels at or below industry average cost levels. In Docket No. CP89-1916, Transco is requesting that the Commission extend Transco's existing capacity assignment program regarding Transco's capacity on its upstream pipelines.

Transco states that copies of the filing were served upon Transco's customers and interested State Commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place in Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92-5488 Filed 3-9-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4113-9]

EPA Border Environmental Plan Public Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of establishment of the EPA border environmental plan public advisory committee and request for nominations to the advisory committee.

SUMMARY: Pursuant to section 9(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. 2 section 9(a)(2), EPA gives notice of the establishment of the EPA Border Environmental Plan Public Advisory Committee (the "Advisory Committee"), as called for by the recently-released Integrated Environmental Plan for the Mexican-U.S. Border Area (First Stage, 1992-1994) (the "Border Plan"). After consultation with the General Services Administration, EPA has determined that this action is necessary and in the public interest in connection with the performance of duties imposed on the Agency by law and its responsibilities under the Border Plan. EPA has also determined that the Advisory Committee will advise the Agency in its implementation of the Border Plan.

EPA is also requesting nominations from the public to the Advisory Committee. The Agency intends the membership of the Advisory Committee to include a balanced representation of interested persons with professional and personal qualifications and experience to contribute to the functions of the Advisory Committee. Accordingly, Advisory Committee membership will be drawn from: industry and business, Border Area community leaders, non-governmental organizations (including labor groups), local, state, national and binational environmental agencies, academia and the general public. Residence in the U.S. portion of the Border Area is desirable but not required.

INSTRUCTIONS FOR SUBMISSION OF NOMINATIONS TO EPA: Any member of the public or any interested organization may submit the names of qualified persons for consideration by EPA as potential members of the Advisory Committee. These nominees should be identified by name, occupation, organizational affiliation (if any), position (if any), address, and telephone number. All nominees will be requested to submit a resume of their background and qualifications and other relevant information to assist EPA in forming the Advisory Committee.

All nominations for membership on the Advisory Committee should be submitted to: Sylvia Correa, Office of International Activities, U.S. Environmental Protection Agency (A-106), 401 M Street, SW., Washington, DC 20460; telephone: (202) 260-4890; telefax: (202) 260-8512 or (202) 260-4470. All nominations must be received by EPA no later than March 25, 1992.

The Agency will not formally acknowledge or respond to nominations.

SUPPLEMENTARY INFORMATION: The EPA Border Environmental Plan Public Advisory Committee (the "Advisory Committee") will draw on the expertise of its members and other sources to provide advice and make recommendations to the EPA Administrator on environmental problems and issues arising in the U.S.-Mexico Border Area, identified as a 100 kilometer-wide area on either side of the U.S.-Mexico border. The establishment of the Advisory Committee (and the acceptance of nominees to membership on the Advisory Committee) represents one facet of EPA's efforts to implement the Integrated Environmental Plan for the Mexican-U.S. Border Area (First Stage, 1992-1994) (the "Border Plan") and, generally, to expand public involvement in Border Area environmental issues.

It is anticipated that the Committee will serve as a forum for the exchange of ideas and discussion on Border Area environmental problems. Its activities will include promoting information and technology transfer among industry, nongovernmental organizations, local state, national and binational environmental agencies.

The Committee will function solely as an advisory body, and will comply fully with the provisions of the Federal Advisory Committee Act.

The Advisory Committee will meet at least once a year. Such subcommittees as the Advisory Committee deems necessary will be formed. These subcommittees will hold meetings when the Advisory Committee considers it to be appropriate. No honoraria or salaries are available to members of the Advisory Committee or any of its subcommittees that may be formed. However, compensation for travel and expenses incurred in connection with attendance at meetings and other necessary Advisory Committee business will be provided upon request.

The initial meeting of the Advisory Committee will be held in Santa Fe, New Mexico, during the last week of June 1992.

FOR FURTHER INFORMATION CONTACT: Sylvia Correa at the above address, telephone or telefax numbers.

Dated: March 4, 1992.

Sylvia Correa,

Mexico Program Manager, Office of International Activities, U.S. Environmental Protection Agency.

[FR Doc. 92-5586 Filed 3-9-92; 8:45 am]

BILLING CODE 6560-50-M

Integrated Environmental Plan for the Mexican-U.S. Border Area

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of the Integrated Environmental Plan for the Mexican-U.S. Border Area (First Stage, 1992-1994), EPA Summary of the Border Plan, and Public Comments on the Border Plan.

SUMMARY: On November 27, 1990, in Monterrey, Mexico, U.S. President George Bush and Mexican President Carolos Salinas de Gortari instructed the environmental agencies of both countries to design an integrated plan to solve the environmental problems along the U.S.-Mexico border. It was the intent of both Presidents that the Integrated Environmental Plan for the Mexican-U.S. Border Area (the Border Plan) involve the participation of the relevant government, business and academic institutions, and environmental organizations. The First Stage, 1992-1994, of the Border Plan has undergone extensive review by the U.S. Government, the Mexican Government, and state and local governments. Opportunity for comment on the draft plan has been given to the U.S. public, including non-governmental organizations, the regulated community, academic institutions, and interested individuals. EPA and SEDUE, EPA's Mexican counterpart agency, have now released the First Stage, 1992-1994, of the Border Plan.

AVAILABILITY OF PLAN AND EPA SUMMARY: Copies of the following documents are available to the public: (1) the English-language text of the Integrated Environmental Plan for the Mexican-U.S. Border Area (First Stage, 1992-1994); and (2) a summary of the Border Plan prepared by EPA. Any member of the public wishing to obtain copies of these documents is requested to contact: U.S. EPA Public Information Center, 401 M Street, SW., Washington DC 20460; Telephone: (202) 260-2080; Telefax: (202) 260-7883 or (202) 260-7884.

AVAILABILITY OF PUBLIC COMMENTS: In September 1991, EPA held a series of nine public hearings in the Border Area (**Federal Register** notices: Wednesday, August 14, 1991 (56 FR 40324); Wednesday, August 28, 1991 (56 FR 42614); and Tuesday, September 10, 1991 (56 FR 46179). Transcripts of these public hearings and all written comments received by EPA are available for public review at the following EPA library locations during the hours specified:

EPA Headquarters: EPA Library (INFOTERRA), Room Mall 2904, 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260-5917; Telefax: (202) 260-7883 or (202) 260-7884. Library Hours: 8:30 a.m.-5 p.m.

EPA Region 6: EPA Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202. Telephone: (214) 655-6444; Telefax: (214) 655-2140. Library Hours: 8 a.m.-4:30 p.m. Contact Person: Leticia Lane.

EPA Region 9: EPA Library, 13th Floor, 75 Hawthorne Street, San Francisco, California 94105. Telephone: (415) 744-1510. Telefax: (415) 744-1474. Library Hours: 8:00 a.m.-5:00 p.m. Contact Person: Linda Sunnen.

ADDITIONAL QUESTIONS: All other questions concerning the Border Plan should be directed to: Richard Kiy, Special Assistant for U.S./Mexico Border Affairs, Office of International Activities (A-106), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; Telephone: (202) 260-0791; Telefax: (202) 260-9653.

Approved by:

Timothy B. Atkeson,

Assistant Administrator for International Activities, U.S. EPA.

[FR Doc. 92-5593 Filed 3-9-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4113-6]

Acid Rain Advisory Committee; Subcommittee on Conservation Verification; Open Meeting

SUMMARY: In August of 1990, the U.S. Environmental Protection Agency gave notice of the establishment of an Acid Rain Advisory Committee (ARAC) which would provide advice to the Agency on issues related to the development and implementation of the requirements of the acid deposition control title of the Clean Air Act Amendments of 1990.

At its December 3-4, 1991 meeting, ARAC advised the establishment of a Subcommittee on Conservation Verification to provide advice on the development of conservation verification protocols for electric utility energy conservation programs under Title IV of the Clean Air Act Amendments of 1990. The protocols will be used to verify energy conservation and renewable energy reserve allowances under the proposed allowance system rule (40 CFR 73, subpart F) and reduced utilization provisions under the proposed permits rule (40 CFR 72, subpart D).

OPEN MEETING DATES AND ADDITIONAL INFORMATION: Notice is hereby given that the ARAC Subcommittee on Conservation Verification will hold its first open meeting on March 31 and April 1 from 9 a.m. to 5 p.m. at the Double Tree Hotel, 300 Army Navy Drive, Crystal City, VA (703) 892-4100. The meeting will include discussions of the likely format, length, timing, and data requirements for the development of conservation verification protocols, as well as an outline and preferred approach to the protocols and alternatives.

INSPECTION OF COMMITTEE DOCUMENTS: All documents for this meeting, including a more detailed meeting agenda will be publicly available in limited numbers at the meeting. Thereafter, these documents be available in EPA Air Docket Number A-

90–39 in room 1500 of EPA headquarters, 401 M Street SW., Washington, DC. Hours of inspection are 9:30 a.m. to 12 noon and 1:30 to 3:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Concerning the Subcommittee on Conservation Verification and its activities, contact Barry Solomon at (202) 260–4334.

Dated: March 3, 1992.

Eileen B. Clausen,

Director, Office of Atmospheric and Indoor Air Programs, Office of Air and Radiation.

[FR Doc. 91–5590 Filed 3–9–91; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4114–1]

Clean Air Act Advisory Committee; Special Meeting

SUMMARY: On November 8, 1990, the U.S. Environmental Protection Agency (EPA) gave notice of the establishment of a Clean Air Act Advisory Committee (CAAAC) (55 FR No. 217, 46993). This Committee was established pursuant to the Federal Advisory Committee Act (5 U.S.C. app I) to provide advice to the Agency on policy and technical issues related to the development and implementation of the requirements of the Clean Air Act Amendments of 1990.

OPEN MEETING DATE: Notice is hereby given that the Clean Air Act Advisory Committee will hold a special open meeting on March 31, 1992 from 10:30 a.m. to 4 p.m., at the J.W. Marriott Hotel, 1313 Pennsylvania Avenue, NW., Washington, DC. Seating will be available on a first come, first served basis.

The meeting is in support of the President's announcement of a 90-day federal regulatory review. The CAAAC will discuss the Office of Air and Radiation's regulatory review which is intended to identify opportunities to foster economic growth and reduce the regulatory burden without adversely affecting public health or the environment. Included in this discussion will be a summary of public comments received by EPA during the review period preceding this meeting. Following the CAAAC meeting, EPA officials will remain to hear comments from the public regarding issues related to the 90-day review and the Committee's discussion of them. This public comment period will last from approximately 4 p.m. to 5 p.m.

The recommendations of the CAAAC and the public will assist in selecting regulatory reform initiatives that could involve the modification of certain existing regulations. At the end of the 90-day period, the EPA will report the results of the review to the President.

INSPECTION OF COMMITTEE DOCUMENTS: Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CAAAC meeting minutes will be available for public inspection in EPA Air Docket No. A–90–39 in room 1500 of EPA Headquarters 401 M Street, SW., Washington, DC. Hours of inspection are 8:30 a.m. to 12 noon and 1:30 to 3:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION: Concerning this special meeting of the CAAAC please contact Mr. Paul Rasmussen, Office of Air and Radiation, US EPA (202) 260–7430, FAX (202) 260–4185, or by mail at US EPA, Office of Program Management Operations (ANR–443), Office of Air and Radiation, Washington, DC 20460.

Dated: March 4, 1992.

Thomas C. Kiernan,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 92–5589 Filed 3–9–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4114–2]

Science Advisory Board

Environmental Health Committee; Open Meeting

Under Public Law 92–463, notice is hereby given that a meeting of the Environmental Health Committee of the Science Advisory Board will be held on April 7–8, 1992 at the Bethesda Holiday Inn, 8120 Wisconsin Ave., Bethesda MD 20814. The hotel telephone number is (301) 652–2000.

The meeting will start at 9 a.m. on April 7, and will adjourn no later than 5 p.m. April 8, and is open to the public. The main purpose of this meeting is to review the interim Superfund guidance for site health risk assessment guidance prepared by the Agency's Office of Solid Waste and Emergency Response (OSWER). The Committee will also receive briefings from the Office of Research and Development on approaches and progress on its reassessment of dioxin health risk, and from OSWER staff on methodologies for estimating population risks from hazardous waste sites (i.e., methods for making preliminary estimates of the number of people potentially at risk from uncontrolled releases from Superfund sites, and the risks these populations may experience).

The review of the draft Risk Assessment Guidance for Superfund Human Health Evaluation Manual (RAGS/HHEM), on April 8, will address four major issues: (1) Approaches for estimating the reasonable maximum exposure; (2) the procedures for dealing with risk estimation for multiple chemical exposures; (3) approaches for setting preliminary remediation goals; and (4) the interim methods used to determine short-term toxicity values. To obtain a copy of the RAGS/HHEM, or to receive specific information on this topic, please contact Mr. James Konz, Health Scientist, Toxics Integration Branch, OSWER (OS 230), U.S. Environmental Protection Agency, 401 M St., SW., Washington DC 20460. Mr. Konz may be called at (202) 260–9495. This document is not available from the Science Advisory Board.

An Agenda for the meeting is available from Mary Winston, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, Washington, DC 20460 (202–260–6552). Members of the public desiring additional information about the conduct of the meeting should contact Mr. Samuel Rondberg, Designated Federal Official, Environmental Health Committee, by telephone at the number noted above or by mail to the Science Advisory Board (A101F), U.S. EPA, 401 M Street, SW., Washington, DC 20460. Anyone wishing to make a presentation at the meeting should forward a written statement (20 copies) to Mr. Rondberg by March 27, 1992. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: March 2, 1992.

Donald Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92–5591 Filed 3–9–92; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–44582; FRL–4051–7]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on 2-ethylhexanol (CAS No. 104–76–7), submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA).

Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received.

I. Test Data Submissions

Test data for 2-ethylhexanol were submitted by the Chemical Manufacturers Association on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.1645. They were received by EPA on February 11, 1992. The submission describes the oncogenic potential of 2-ethylhexanol in rats after administration by gavage (aqueous emulsion) for 18 months. Health effects testing is required by this test rule. This chemical is used as an intermediate for the production of ester derivatives of various acids, such as phthalic, adipic, and phosphoric acid, which are used as plasticizers; and to make ethylhexyl acrylate. It is also used as a wetting agent in the mercerization of cotton, as a defoamer in textile printing, as a solvent for gums and resins, as a solvent extractant, and as a miscellaneous chemical intermediate.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44582). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, rm. NE–G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: March 2, 1992.

James B. Willis,

Acting Director, Existing Chemical Assessment Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–5592 Filed 3–9–92; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 3, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0450.

Title: Detariffing the Installations and Maintenance of Inside Wiring Services; Reports on State Regulatory Activities (Third Report and Order, CC Docket No. 79–105).

Action: Revised collection.

Respondents: Business or other for-profit.

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 68 responses; 2 hours average burden per response; 136 hours total annual burden.

Needs and Uses: Certain local exchange carriers (LECs) are required to file copies of any state statute, rule, order or other document that regulates, or proposes to regulate, the prices for inside wiring services. The attached Third Report and Order requires that only one LEC need file any document that applies to more than one LEC having annual operating revenues of $100 million or more. The filing LEC would be the LEC to which the document applies that serves the greatest number of access lines within the relevant state. The information to be filed by the LECs will be used by the Commission to monitor the activities of state agencies that desire to impose price regulation for inside wiring services provided by telephone companies. The information is required to help ensure that such actions do not impede federal policies.

OMB Number: 3060–0361.

Title: Section 80.29, Change during license term.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 250 responses; 1 hour average burden per response; 250 hours total annual burden.

Needs and Uses: The reporting requirement contained in this rule section is necessary to comply with section 303 of the Communications Act of 1934, as amended. When the name or mailing address of a license is changed during the license term, the FCC must be notified in order that the license files and data base remain accurate as to who the licensees are and where they can be located. The information is used by FCC personnel to update the coast and ship station license files and data base concerning the concurrent name and address of licensees. Information concerning changes in names of vessels is also used to update the ITU List of Ship Stations which is used by ship stations and coast stations of all nations. If this data were not collected the station license files and data base would become inaccurate and the ability to contact licensees would deteriorate.

OMB Number: 3060–0362.

Title: Section 80.401, Station documents requirement.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, business or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 10,208 recordkeepers; 4.33 hours average burden per recordkeeper; 44,200 hours total annual burden.

Needs and Uses: The recordkeeping requirements contained in this rule section are necessary to implement the documentation requirements for radiotelephone equipped vessels and radiotelegraph equipped vessels contained in appendix 11 of the international Radio Regulations and insure that public coast radiotelephony and radio telegraph stations are properly licensed and equipped to carry on domestic and international ship-to-shore public correspondence service. If this documentation were not available, enforcement efforts would suffer, treaty requirements would not be complied with, and efficiency and safety of maritime operations could deteriorate.

Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 92-5585 Filed 3-9-92; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Jacksonville Port Authority et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200147-004.

Title: Jacksonville Port Authority/Sea-Land Service, Inc. Terminal Agreement.

Parties:

Jacksonville Port Authority ("JPA")
Sea-Land Service, Inc. ("Sea-Land").

Synopsis: The proposed Agreement permits Sea-Land to exercise its option on the use of a ten acre parcel in five acre segments, either singly or together, and provides for JPA to upgrade facilities available to Sea-Land rather than to construct a new warehouse facility.

Agreement No.: 224-200628.

Title: L.A. Cruise Ship Terminals, Inc./Costa Cruise Lines Terminal Use Agreement.

Parties:

L.A. Cruise Ship Terminals, Inc. ("LACST")
Costa Cruise Lines ("CCL").

Synopsis: This Agreement, filed March 2, 1992, provides that LACST will furnish various facilities and services to CCL for, and with respect to, passenger vessels owned and operated by CCL. The facilities being furnished are located in Los Angeles Harbor (as described in Permit Nos. 506 and 684).

Dated: March 4, 1992.

By Order of the Federal Maritime Commission.
Joseph C. Polking,
Secretary.
[FR Doc. 92-5500 Filed 3-9-92; 8:45 am]
BILLING CODE 6730-1-M

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Meeting

The Consumer Advisory Council will meet on Thursday, March 26. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The meeting is expected to begin at 9 a.m. and to continue until 4 p.m., with a lunch break from 1 until 2 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, DC.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will discuss the following topics:

Truth in Savings Act. Discussion led by the Depository and Delivery Systems Committee on issues regarding the Board's implementation of the Truth in Savings Act, which requires lenders to disclose to consumers interest rates, yields and other terms on various savings instruments.

Electronic Benefits Transfer Programs. Discussion led by the Depository and Delivery Systems Committee on how electronic benefits transfer programs for recipients of public assistance should be treated under the Board's consumer protection regulation governing electronic fund transfers.

Availability of Appraisal Reports to Mortgage Applicants. Discussion of issues regarding the Board's implementation of recent amendments to the Equal Credit Opportunity Act that give mortgage loan applicants the right to receive from lenders copies of appraisal reports on properties associated with their loans.

Home Equity Lending Disclosures. Discussion led by the Consumer Credit Committee on regulatory provisions (currently under review by the Board) on how lenders must disclose discounted initial rates and payment examples for home equity lines of credit.

Members Forum. Presentation of individual Council members' views relating to the President's request for a review of existing and proposed regualtions, designed to minimize unnecessary burdens and foster economic growth. In particular, the Council will consider the regulatory burden associated with the Board's consumer financial protection regulations and the willingness of consumers to "pay" for protections.

Council Member Perspectives. Remarks by Council members identifying special areas of importance and concern to their organizations regarding the provision of financial services to consumers and communities.

Committee Reports. Reports from Council committees on their work and plans for 1992.

Other matters previously considered by the Council or initiated by Council members may also be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ann Marie Bray, Secretary, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Comments must be received no later than close of business Friday, March 20, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Bedelia Calhoun, Staff Specialist, Consumer Advisory Council, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452-2412. Telecommunications Device for the Deaf (TDD) users may contact Dorothea Thompson, (202) 452-3544.

Board of Governors of the Federal Reserve System, March 5, 1992.
William W. Wiles,
Secretary of the Board.
[FR Doc. 92-5501 Filed 3-9-92; 8:45 am]
BILLING CODE 6201-01-M

FEDERAL TRADE COMMISSION

[Docket C-3371]

Excell Mortgage Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New Jersey corporation to accurately calculate and disclose the annual percentage rate, finance charge, payment schedule and other information required by Regulation Z. The order also requires respondent to make adjustments to the accounts of consumers extended an adjustable rate mortgage on or after January 1, 1987, and before January 1, 1990, and who had an open loan as of April 1, 1991, to whom it disclosed annual percentage rates (APRs) that were miscalculated by more then ¼ of one percentage point below the APR determined in accordance with Regulation Z.

DATES: Compliant and Order issued February 26, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Carole Reynolds, FTC/S-4429, Washington, DC 20580. (202) 326-3230.

SUPPLEMENTARY INFORMATION: On Friday, September 27, 1991, there was published in the **Federal Register**, 56 FR 49185, a proposed consent agreement with analysis In the Matter of Excell Mortgage Corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (12 CFR part 226) of the Truth in Lending Act; Pub. L. 90-321, 15 U.S.C. 45, 1601, *et seq.*)

Donald S. Clark,
Secretary.
[FR Doc. 92-5553 Filed 3-9-92; 8:45 am]
BILLING CODE 6750-01-M

[Docket 9241]

Tower Loan of Mississippi, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.
ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, the respondent to: accurately disclose the annual percentage rate, finance charge, and amount financed in accordance with the Truth in Lending Act; offer its customers an opportunity to cancel the credit insurance written on their loans and to obtain cash refunds or credits to their accounts; and provide future customers with a separate disclosure that sets out the costs of the loan with and without credit insurance and that emphasizes that the purchase of credit insurance is not required as a condition to obtaining a loan.

DATES: Complaint issued June 27, 1990. Order issued February 10, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Sandra Wilmore or Stephen Cohen, FTC/S-4429, Washington, DC 20580. (202) 326-3169 or 326-3222.

SUPPLEMENTARY INFORMATION: On Wednesday, November 13, 1991, there was published in the **Federal Register**, 56 FR 57656, a proposed consent agreement with analysis In the Matter of Tower Loan of Mississippi, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (12 C.F.R. 226) of the Truth in Lending Act; Pub. L. 90-321, 15 U.S.C. 45, 1601, *et seq.)*

Donald S. Clark,
Secretary.
[FR Doc. 92-5554 Filed 3-9-92; 8:45 am]
BILLING CODE 6750-01-M

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.
ACTION: Invitation to Comment on Requested Exemption from Trade Regulation Rule.

SUMMARY: The commission is requesting public comment with respect to a request from Porsche Cars North America, Inc. for an exemption from the requirements of the franchise rule.

DATE: Written comments will be accepted until May 11, 1992.

ADDRESS: Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, DC 20580. Requests for copies of the petition and the franchise rule should be directed to the Public Reference Branch, room 130. (202) 326-2222.

FOR FURTHER INFORMATION CONTACT: Elizabeth Grant, Attorney, PC-H-238, Federal Trade Commission, Washington, DC 20580 (202) 326-3299.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR part 436) ("the Rule"). In general, the Rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the Rule is available from the FTC Public Reference Branch, room 130, upon request.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

Porsche Cars North America, Inc., a Delaware corporation, filed a petition for exemption pursuant to section 18(g) on October 22, 1991. Briefly stated, Petitioner alleges that an exemption should be granted to Porsche because: (1) Porsche dealers will be extremely sophisticated business persons; (2) Porsche dealers will have dual or multiple franchises with other automobile companies exempted from the rule; (3) prospective dealers and their advisors will have more than adequate time to review the dealer agreement and other information; (4) given their experience and sophistication, prospective dealers will be well-acquainted with the automobile industry and all relevant facts about the dealership; (5) dealer associations have supported or not opposed previous exemption petitions; and (6) failure to grant the petition would place Porsche Cars North America, Inc. at a

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available form the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

competitive disadvantage in view of the other exemptions the Commission has granted.

For a complete presentation of the arguments submitted by Petitioner, please refer to the full text of the petition, which can be obtained from the FTC Public Reference Branch, room 130, upon request.

In assessing the present exemption request, the Commission would like comments on all relevant issues germane to the proceeding, including the following: (1) Is there any evidence to indicate that Petitioner may engage in unfair or deceptive acts or practices in the offer and sale of motor vehicle franchises? (2) If not, is it in the public interest to exempt it from coverage under the Franchise Rule?

The Commission has analyzed the arguments made by Petitioner and concluded that further inquiry is warranted before a determination regarding the petition can be made. The Commission, therefore, seeks comment regarding the exemption requested by Petitioner.

All interested parties are hereby notified that they may submit written data, views or arguments on any issues of fact, law or policy that may have some bearing on the requested exemption, whether or not such issues have been raised by the petition or in this notice. Such submissions may be made for sixty days to the Secretary of the Commission.

Comments should be identified as "Porsche Franchise Rule Exemption Comment," and two copies should be submitted, if possible.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-5555 Filed 3-9-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service, Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 56 FR 32583 dated July 17, 1991) is amended to reflect the following changes within the International Health Program Office: (1) Revision of the mission statement for the International Health Program Office, and (2) revision of the functional statement for the Office of the Director.

Section HC-G, Organization and Functions, is hereby amended as follows:

1. Delete in its entirely the functional statement for the *International Health Program Office (HCG)* and substitute the following:

Within the framework of the overall mission of the Centers for Disease Control and under the direction of the Assistant Director for International Health, contributes to the establishment of overall organizational policies and goals related to improvements in international health through the following activities: (1) Provides consultation to and participates with other nations, other U.S. agencies, and international agencies in preventing and controlling diseases and environmental health problems and developing and applying health promotion and health education activities; (2) in cooperation with Ministries of Health, identifies and develops activities where CDC provision of technical and scientific expertise can be used for maximum public health benefit; (3) coordinates the provision of CDC expertise and resources to developing countries to help them build national infrastructure and capacity in disease prevention and control; (4) coordinates and conducts applied research addressing key technical issues confronting intervention programs in developing countries; assists in developing national capacity to carry out operational research; provides decisionmakers with scientifically sound, cost-effective research results to promote appropriate national policy decisions in developing countries; (5) participates in disease prevention and control programs designed to decrease the risk of disease importation into the U.S.; (6) coordinates requests for international assistance for natural and man-made disasters, refugee relief, and epidemic assistance; (7) coordinates bilateral health agreements between CDC and foreign governments; (8) maintains liaison with the PHS Office of International Health and other agencies involved in international health activities such as USAID, WHO, PAHO, UNICEF, the World Bank, private voluntary organizations, and international academic institutions; (9) receives and orients foreign visitors to the Centers for Disease Control; (10) manages and coordinates internal efforts to increase CDC's institutional capacity of address international health issues; (11) manages technical assistance activities where the CIOs have no clear responsibility; assists other CIOs with administrative and management of international activities; (12) in carrying out the above functions, collaborates with the Centers and Offices of the CDC.

2. Delete in its entirety the functional statement for the *Office of the Director (HCG1)* and substitute the following:

(1) Manages, directs, and coordinates the activities of the International Health Program Office (IHPO); (2) provides leadership in developing IHPO policy, program planning, implementation, and evaluation; (3) facilities development of international activities with benefit CDC programs and the United States; (4) assists other nations to improve their public health infrastructure; (5) takes the lead in developing initiatives to improve CDC's and IHPO's ability to conduct international health activities; (6) works with other government agencies, international organizations, private voluntary organizations, and academic institutions engaged in international health activities; (7) coordinates CDC-wide support for child survival activities fund by USAID, WHO, AND UNICEF; (8) provides general policy direction and guidance to the office of Administrative Services and the Information Resources Management Activity, IHPO; (9) ensures scientific and technical quality of IHPO programs; (10) advises the Assistant Director for International Health on policy matters concerning IHPO activities and on the coordination of CDC-wide international health activities.

Dated: February 29, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-5546 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-18-M

Agency for Health Care Policy and Research

Public Meeting on the Clinical Practice Guideline for Treatment of Stage Two and Greater Pressure Ulcers

The Agency for Health Care Policy and Research (AHCPR) announces that a public meeting will be held on the clinical practice guideline for treatment of stage two and greater pressure ulcers. The guideline will address the most appropriate and effective methods of treatment for pressure ulcers. The guideline is under development by a panel of experts and health care consumers. A Notice announcing the development of the first seven sets of clinical practice guidelines and inviting written comments was published in the

Federal Register on August 28, 1990 (55 FR 35185).

In addition to the solicitation of written material through the Federal Register, a series of public meetings is being held to provide an opportunity for interested parties to contribute relevant information and comments concerning the particular guidelines under development.

A public meeting to address the guideline for the treatment of stage two and greater pressure ulcers will be held on April 9, 1992, as follows: Thursday, April 9, 1992, in Washington, DC, 8:30 a.m. to 11:30 a.m., Sheration Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 20008, Phone: 202-328-2000.

Background

The Omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239) enacted on December 19, 1989, added a new Title IX to the Public Health Service Act (the Act) (42 U.S.C. 299-299c-6), which established the Agency for Health Care Policy and Research (AHCPR) to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services.

Section 911 of the Act (42 U.S.C. 299b) established within AHCPR, the Office of the Forum for Quality and Effectiveness in Health Care (the Forum). Through this office, AHCPR is arranging for the development and periodic review and updating of clinically relevant guidelines that may be used by physicians, educators, other health care practitioners, and consumers to assist in determining how diseases, disorders, and other health conditions can most effectively and appropriately be prevented, diagnosed, treated, and managed clinically.

Section 912 of the Act (42 U.S.C. 299b-1(d)) provides for the development of initial guidelines, standards, performance measures, and review criteria that:

1. Account for a significant portion of expenditures under the Medicare program, and have a significant variation in the frequency or the type of treatment provided; or

2. Otherwise meet the needs and priorities of the Medicare program.

Section 914 of the Act (42 U.S.C. 299b—3(a)) identifies factors to be considered in establishing priorities for guidelines, including the extent to which the guidelines would:

1. Improve methods of prevention, diagnosis, treatment, and clinical management, and thereby benefit a significant number of individuals;

2. Reduce clinically significant variations among clinicians in the particular services and procedures utilized in making diagnoses and providing treatments; and

3. Reduce clinically significant variations in the outcomes of health care services and procedures.

The following topics were selected in 1990 for guidelines development:

1. Management of Functional Impairment Due to Cataract in the Adult.
2. Diagnosis and Treatment of Benign Prostatic Hyperplasia.
3. Urinary Incontinence in Adults.
4. Prediction, Prevention, and Early Intervention of Pressure Ulcers.
5. Sickle Cell Disease.
6. Acute Pain Management: Operative or Medical Procedures and Trauma.
7. Diagnosis and Treatment of Depressed Outpatients in Primary Care Settings.

In 1991, the following additonal topics were selected for guidelines development by panels of experts and consumer representatives arranged for by AHCPR:

1. Management of Cancer-Related Pain.
2. Treatment of Stage II and Greater Pressure Ulcers.
3. HIV Positive Asymptomatic Patient: Evaluation and Early Intervention.
4. Low Back Problems.
5. Development of Quality Determinants of Mammography.
6. Screening for Alzheimer's and Related Dementias.

Also in 1991, three topics were selected for guidelines development by contractors, with assistance from panels of experts and consumer representatives:

1. Otitis Media in Children.
2. Diagnosis and Treatment of Heart Failure Secondary to Coronary Vascular Disease.
3. Post Stroke Rehabilitation.

Responsibilities of the expert panels and contractors, assisted by contract panels, include determination of the scope of the guidelines, assessment of the available scientific evidence and clinical consensus, and conducting peer review of drafts of the guidelines.

Thus far, public meetings of panels to solicit information and comments from interested parties have been held with respect to benign prostatic hyperplasia, depression, management of post-operative and cancer pain, pressure ulcers prevention, urinary incontinence, sickle cell disease, and cataracts.

Arrangements for the April 9 Public Meeting on Treatment of Stage Two and Greater Pressure Ulcers.

Representatives of organizations and other individuals are invited to provide relevant written comments and information and make a brief (5 minutes or less) oral statement to the panel. Mikalix and Company (M&C), the organization which provides logistical and technical support to the panels, is making the administrative arrangements for this public meeting on behalf of the panel. Individuals and representatives who would like to attend must register with M&C at the address set out below by March 20, 1992, and indicate whether they plan to make an oral statement. Those wishing to make oral statements and provide written comments and information should also submit copies of these to M&C by March 20. If more requests to make oral statements are received than can be accommodated between 8:30 a.m. and 11:30 a.m. on April 9, the chairperson will allocate speaking time in a manner which ensures, to the extent possible, that a range of views of health care professionals and providers, health care consumers, product manufacturers, and pharmaceutical manufacturers, is presented. Those who cannot be granted their requested speaking time because of time constraints can be assured that their written comments will be considered by the panel in developing the guideline.

Registration should be made with and written materials submitted to the following address: Mikalix and Company, Attn: Mary Ann Freshour, 404 Wyman Street, suite 375, Waltham, Massachusetts 02154-1210, Phone: 617-290-0090, Fax: 617-290-0180.

Dated: March 4, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92-5506 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-90-M

Centers for Disease Control

Advisory Committee for Energy Related Epidemiologic Research; Establishment

Pursuant to Federal Advisory Committee Act, 5 U.S.C. appendix 2, the Centers for Disease Control (CDC) announces the establishment by the Secretary of Health and Human Services (HHS), on February 29, 1992, of the following Federal advisory committee:

DESIGNATION: Advisory Committee for Energy-Related Epidemiologic Research.

SUPPLEMENTARY INFORMATION: The Secretary of Energy established an advisory committee to make recommendations on strengthening the

Department of Energy's (DOE) epidemiologic research activities. This distinguished committee recommended that DOE enter into a Memorandum of Understanding (MOU) with HHS to manage and conduct analytic epidemiologic research (studies which test hypotheses). The Secretary of Energy agreed with the Committee's recommendations and requested that HHS enter into an MOU for implementation. The MOU recommended the establishment of an Advisory Committee for Energy-Related Epidemiologic Research.

PURPOSE: The Advisory Committee for Energy-Related Epidemiologic Research will advise and make recommendations to the Secretary, HHS, the Assistant Secretary for Health, the Director, CDC, and the Administrator, Agency for Toxic Substances and Disease Registry, on establishment of a research agenda and the conduct of a research program pertaining to energy-related analytic epidemiologic studies. The Committee will take into consideration information and proposals provided by DOE, and advisory committee which will be established by DOE under the guidelines of the MOU, and other agencies and organizations, regarding the direction HHS should take in establishing the research agenda and in the development of a research plan.

Authority for this committee will expire February 29, 1994, unless the Secretary of HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: March 4, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-5507 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 92F-0015]

GE Silicones; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that GE Silicones has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyoxyethylene-grafted polydimethylsiloxane as a flow-control agent in silicone coatings intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Helen R. Thorsheim, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B4302) has been filed by GE Silicones, c/o Hyman, Phelps and McNamara, 1120 G St. NW., Washington, DC 20005. The petition proposes to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of polyoxyethylene-grafted polydimethylsiloxane as a flow-control agent in silicone coatings intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: February 27, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-5594 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92F-0055]

Miles, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing that Miles, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethyl dicarbonate as a yeast inhibitor in ready-to-drink tea beverages.

FOR FURTHER INFORMATION CONTACT: Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9515.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A4310) has been filed by Miles, Inc., Mobay Rd., Pittsburg, PA 15205-9741. The petition proposes to amend the food additive regulations in § 172.133 *Dimethyl dicarbonate* (21 CFRF 172.133) to provide for the safe use of dimethyl dicarbonate as a yeast inhibitor in ready-to-drink tea beverages.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: February 27, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-5595 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90P-0193]

Cottage Cheese Deviating From Identity Standard; Extension and Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the extension and amendment of a temporary permit issued to the The Kroger Co., to market test a product designated as "nonfat cottage cheese" the deviates from the U.S. standards of identity for cottage cheese (21 CFR 133.128), dry curd cottage cheese (21 CFR 133.129), and lowfat cottage cheese (21 CFR 133.131). These actions will allow the permit holder to continue experimental market testing of the product while the agency takes action on a petition to establish a new standard of identity for "nonfat cottage cheese."

DATES: The new expiration date of the permit will be either the effective date of a final rule which may result from the petition, or 30 days after termination of such rulemaking.

FOR FURTHER INFORMATION CONTACT: Margaret E. Cole, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC, 20204, 202-485-0343.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), a temporary permit was issued to The Kroger Co., 1014 Vine St., Cincinnati, OH 45202-1100, to market test a product designated as "nonfat cottage cheese" that deviates from the U.S. standards of identity for cottage cheese (21 CFR 133.128), dry curd cottage cheese (21 CFR 133.129), and lowfat cottage cheese (21 CFR 133.131). Notice of issuance of the temporary permit to The Kroger Co., was published in the **Federal Register** of August 9, 1990 (55 FR 32473). The temporary permit was amended August 23, 1991 (56 FR 41850) to include additional container sizes and to change the milkfat content of the test product to less than 0.4 percent.

The Kroger Co. has requested that the temporary permit be extended so that the market test period can continue while agency action on a petition to establish a new standard of identity for "nonfat cottage cheese" proceeds. The permit holder also requested that their existing temporary permit be amended as follows: (1) to provide for market testing of 4,535,147 kilograms (kg) (10,000,000 pounds (lb)) of the test product in 1992 and 5,442,177 kg (12,000,000 lb) in 1993 and (2) to include a 425-gram (15-ounce) container size of nonfat cottage cheese not specified in the firm's previous temporary marketing permit (August 9, 1990, 55 FR 32473), as amended (August 23, 1991, 56 FR 41850).

The Kroger Co., in accordance with 21 CFR 130.17(i), submitted a petition from the Milk Industry Foundation (MIF) to establish a new standard of identity for "nonfat cottage cheese" at the same time the application for an extension and amendment was submitted. FDA is inviting interested persons to participate in the market test under the conditions that apply to The Kroger Co., including the labeling requirements and the amounts of test product to be distributed, except that the designated area of distribution shall not apply.

Any person who wishes to participate in the extended market test must motify, in writing, the Acting Director, Division of Food Chemistry and Technology (HFF-410), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204. The notification must include the amount of test product to be distributed, the area of distribution, and the labeling that will be used for the test product (i.e., a label for each size of container and each brand of product to be test marketed).

Therefore, under the provision of 21 CFR 130.17(i), FDA is extending the expiration date of the permit so that the permit expires either on the effective date of a final rule which may result from the petition, or 30 days after termination of such relemaking. All other conditions and terms of this permit remain the same.

Dated: February 24, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-5514 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92G-0008]

Opta Food Ingredients, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the law offices of Patton, Boggs & Blow, on behalf of Opta Food Ingredients, Inc., have filed a petition (GRASP 2G0386) proposing that 4-hexylresorcinol be affirmed as generally recognized as safe (GRAS) as a direct human food ingredient for the prevention of melanosis in shrimp.

DATES: Written comments by May 11, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nega Beru, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9519.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 (21 U.S.C. 321(s), 348)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that the law offices of Patton, Boggs & Blow, on behalf of Opta Food Ingredients, Inc., have filed a petition (GRASP 2G0386) proposing that 4-hexylresorcinol be affirmed as GRAS as a direct human food ingredient for the prevention of melanosis in shrimp. The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 and 170.35 (21 CFR 170.30 and 170.35) is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before May 11, 1992, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 27, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-5512 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91E-0491]

Determination of Regulatory Review Period for Purposes of Patent Extension; Pravachol®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Pravachol® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-

305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joel Sparks, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Pravachol®. Pravachol® (pravastatin sodium) is indicated as an adjunct to diet for the reduction of elevated total and LDL-cholesterol levels in patients with primary hypercholesterolemia when the response to a diet restricted in saturated fat cholesterol has not been adequate. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Pravachol® (U.S. Patent No. 4,346,227) from E. R. Squibb & Sons, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated December 20, 1991, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Pravachol® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Pravachol® is 2,189 days. Of this time, 1,040 days occurred during the testing phase of the regulatory review period, while 1,149 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The Date an Exemption Under Section 505(i) of the Federal Food, Drug, and Cosmetic Act Became Effective

November 2, 1985. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was November 2, 1985.

2. The Date the Application Was Initially Submitted With Respect to the Human Drug Product Under Section 505(b) of the Federal Food, Drug, and Cosmetic Act

January 31, 1989. The applicant claims September 7, 1988, as the date the new drug application (NDA 19-898) was filed. However, FDA records indicate that the NDA application submitted on September 7, 1988, was incomplete. FDA refused this application and notified the applicant of this fact by letter dated November 1, 1988. The completed NDA was then submitted on January 31, 1989.

3. The Date the Application Was Approved

October 31, 1991. FDA has verified the applicant's claim that NDA 19-898 was approved on October 31, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,671 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before May 11, 1992, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 8, 1992, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 3, 1992.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 92-5596 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91N-0291]

Order for Transitional Class III Devices; Submission off Safety and Effectiveness Information Under Section 520(1)(5)(A) of the Federal Food, Drug, and Cosmetic Act; Reopening of the Reporting Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of reporting period.

SUMMARY: The Food and Drug Administration (FDA) is reopening to March 31, 1992, the reporting period for manufacturers of transitional class III devices to submit a summary of, and a citation to, any information known or otherwise available to the manufacturers respecting the devices, including adverse safety or effectiveness information, which has not been submitted under provisions of the Federal Food, Drug, and Cosmetic Act (the act). FDA is taking this action in response to numerous inquiries concerning requirements of the order.

DATES: Summaries and citations must be submitted by March 31, 1992.

ADDRESSES: Summaries and citations to the Document Mail Center (HFZ-401), Food and Drug Administration, Center for Devices and Radiological Health, 1390 Piccard Dr., Rockville, MD 20850.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Center for Devices and Radiological Health (HFZ-400), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1188.

SUPPLEMENTARY INFORMATION:

I. Background

The Safe Medical Devices Act of 1990 (the SMDA) (Pub. L. 101-629) amended the act to include section 520(1)(5)(A) which states that before December 1, 1991, the Secretary of Health and Human Services shall by order require manufacturers of transitional class III devices to submit a summary of, and citation to, any information known or otherwise available to the manufacturers respecting the devices, including adverse safety or effectiveness information which has not been submitted under section 519 of the act. This order was published in the **Federal Register** on November 14, 1991 (56 FR 57960). It is the first step in the process of determining the appropriate classification of transitional class III devices under the SMDA. Final rules, preceded by proposed rules with opportunity to comment, are to be published before December 1, 1992, either reclassifying each transitional class III device or retaining it in class III. This deadline may be extended by an appropriate **Federal Register** notice for an additional period not to exceed 1 year.

Manufacturers were given until January 13, 1992 to submit the information required under the order. Many transitional class III device manufacturers have not complied with this reporting requirment for various reasons. Numerous inquiries received by the agency indicated that firms were uncertain as to what information is required or whether the order applied to their devices. In many instances, these firms had only recently become aware of the order. Because of these misunderstanding, FDA is distributing letters to all premarket approval application (PMA) holders to clarify the reporting provisions and to advise them that the deadline for submitting the required information has been extended to March 16, 1992. This notice further extends the reporting period to March 31, 1992.

II. Submission of Required Information

All summaries and citations must be submitted to the Document Mail Center (address above), by March 31, 1992. The PMA reference number, if any, and the device trade name must be clearly identified. FDA requests that persons submitting information state in the letter that the submission is in response to the November 14, 1991 **Federal Register** order on transitional class III devices, so that the submission will not be confused with other PMA submissions. One copy of each submission is sufficient.

Dated: March 4, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5513 Filed 3-9-92; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration

Social Security Acquiescence Ruling

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Social Security Acquiescence Ruling.

In the matter of Social Security Acquiescence Ruling 92-3(4)—*Branham* v. *Heckler*, 775 F.2d 1271 (4th Cir. 1985); *Flowers* v. *U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What Constitutes a Significant Work-related Limitation of Function.

SUMMARY: In accordance with 20 CFR 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 92-3(4).

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Ethel B. Hill, Esq., Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 966-5044.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals decision as explained in this Social Security Acquiescence Ruling to claims at all levels of administrative adjudication within the Fourth Circuit. This Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after March 10, 1992. If we made a determination or decision on your application for benefits between November 4, 1985, the date of the Court of Appeals' decision and March 10, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b) or 416.1485(b), that application of the Ruling could change our prior determination or decision.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided for in 20 CFR 404.985(e), or 416.1485(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c) or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance; 93.806—Special Benefits for Disabled Coal Miners; 93.807—Supplemental Security Income)

Dated: August 19, 1991.

Gwendolyn S. King,

Commissioner of Social Security.

Acquiescence Ruling 92-3(4)

Branham v. *Heckler*, 775 F.2d 1271 (4th Cir.1985); *Flowers* v. *U.S. Department of Health and Human Services*, 904 F.2d 211 (4th Cir. 1990)—What constitutes a significant work-related limitation of function.

Issue

Whether a claimant for disability insurance benefits or for supplemental security income benefits based on disability who cannot perform his or her past relevant work has *per se* established the significant work-related limitation of function requirement of Regulations 20 CFR subpart P, appendix 1, section 12.05C.

Statute/Regulation/Ruling Citation

Sections 223(d)(2)(A) and 1614(a)(3)(B) of the Social Security Act (42 U.S.C. 423(d)(2)(A) and 1382c(a)(3)(B); 20 CFR, subpart P, appendix 1, section 12.05C.

Circuit

Fourth (Maryland, North Carolina, South Carolina, Virginia, West Virginia) *Branham* v. *Heckler*, 775 F.2d 1271 (4th Cir. 1985) *Flowers* v. *U.S. Dept. of H.H.S.*, 904 F.2d 211 (4th Cir. 1990).

Applicability of Ruling

This ruling applies to determinations or decisions at all administrative levels (i.e., initial, reconsideration, administrative law judge hearings and Appeals Council).

Description of Case

Branham

The planitiff, Larry R. Branham, filed his claim for disability benefits following a work-related injury allegedly sustained in October 1979, for which he received Worker's Compensation benefits. Mr. Branham claimed great back, hip, and neck pain associated with the injury; and he also complained of chest pain, disorientation, and bronchitis. The plaintiff had also been diagnosed as having a generalized anxiety disorder. He was taking medication for all of his ailments.

Mr. Branham's claim for disability benefits was denied initially and on reconsideration. After a hearing, the ALJ found that although the plaintiff could not return to his past relevant work, he had the ability to engage in light work and thus was not disabled. The ALJ therefore denied his request for benefits and the Appeals Council upheld the denial.

Upon review by the district court, the plaintiff submitted and the court accepted additional evidence of his emotional problems and vocational abilities, including the results of a test indicating an IQ of 63. The court remanded the case for further proceedings.

On remand, a second ALJ heard the plaintiff's claim and granted Mr. Branham benefits under section 12.05C [1] of Appendix 1 of 20 CFR, subpart P. The ALJ found that Mr. Branham's IQ fit within this section, but referring to the finding of the first ALJ, held that the plaintiff's physical problems held no significant work-related limitation of function since Mr. Branham had the ability to do light work. The second ALJ did find, however, that Mr. Branham's psychotic disorder, agoraphobia, significantly limited his ability to work and was a mental impairment within section 12.05C. The ALJ consequently decided that the plaintiff was disabled as of January 15, 1983, the date the ALJ found the plaintiff's agoraphobia began. The Appeals Council adopted the decision of the second ALJ, awarding benefits on the basis of the plaintiff's IQ and mental impairment.

On review, the district court modified the Secretary's decision, changing the onset date of the plaintiff's disability from January 15, 1983 to December 17, 1982, the date the claimant took his first IQ test. The court found that Mr. Branham satisfied the physical impairment requirement of section 12.05C on account of the 1979 back injury which led to the termination of his employment and said that the claimant's inability to perform his past relevant work as a laborer constituted a significant work-related limitation of function. Mr. Branham appealed the onset date of disability set by the district court, alleging that he met the IQ requirement of section 12.05C prior to the time that he took his first IQ test.

The Court of Appeals held that the plaintiff's inability to do his past relevant work established the significant work-related limitation of function required by the regulation and determined the onset of disability to be October 1979, the date of the injury to Mr. Branham's back.

The court stated that the significant work-related limitation of function specified in section 12.05C need not be disabling in and of itself, reasoning that if the claimant's physical impairment were required to be independently disabling, section 12.05C would be rendered meaningless. The court affirmed the finding of the lower court that the plaintiff's back impairment was a significant work-related limitation of function and remanded the case for an award of benefits. The court cited for support an earlier decision, *Rainey* v. *Heckler*, 770 F.2d 408 (4th Cir. 1985).

Flowers

The plaintiff, Stroun A. Flowers, Jr., was born August 4, 1944. He completed the seventh grade. From 1970 to 1971, he worked as a flag man for a construction company and for the next seven years was a timberjack driver. He had not worked since July 15, 1978. Mr. Flowers filed a claim for supplemental security income payments. He alleged that he was disabled due to seizures and a hip problem and that he met the requirements of section 12.05C. The plaintiff had a Verbal IQ of 66 and a Full Scale score of 68. Following the denial of his claim at the initial and reconsideration levels, the plaintiff requested and received a hearing before an ALJ. The ALJ agreed that the plaintiff met the first part of Listing 12.05C, i.e., he had an IQ between 60 and 69; but he found that the plaintiff's seizure disorder did not satisfy the "significant work-related limitation of function" element. The ALJ also found that the plaintiff's low IQ and seizure disorder did not prevent him from performing his former work and, therefore, denied the plaintiff's request for Supplemental Security Income. The denial was upheld by the district court.

Holding

The Court of Appeals held that the ALJ's finding that the plaintiff's seizure disorder did not prevent him from performing his former work was not supported by substantial evidence. In its holding, the Court of Appeals stated that it was following the Fourth Circuit rule announced in *Branham* that if a claimant cannot return to his past relevant work, he has established a work-related limitation of function which meets the requirement of section 12.05C. Accordingly, the court vacated the decision of the district court and remanded the case for an award of benefits.

Statement as to How Branham and Flowers Differ From Social Security Policy

At issue in *Branham* and in *Flowers* is the meaning of the term "significant work-related limitation of function", as contained in section 12.05C. What constitutes a significant work-related limitation of function is not defined in the Secretary's regulations. Agency policy is that the adjudicator in each case decides whether an impairment constitutes a significant work-related limitation of function based on all evidence, including the requirements of a claimant's past work. The fact that a claimant has an IQ between 60 and 69 and is unable to perform his or her past relevant work may or may not mean that the claimant is disabled. It depends upon the facts of the particular case. In the Fourth Circuit, the rule has evolved that an inability to do one's past relevant work meets the significant work-related limitation of function requirement of section 12.05C of the regulations.

Explanation of How SSA Will Apply Branham and Flowers Within the Fourth Circuit

This ruling applies only where the claimant resides in Maryland, North Carolina, South Carolina, Virginia or West Virginia at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review.

A claimant who has a valid verbal, performance, or full scale IQ of 60 to 69 inclusive and also has a physical or other mental impairment which prevents him or her from performing his or her past relevant work will be considered to have established the requirements of section 12.05C of the Listing of Impairments.

[1] 12.05 Mental Retardation. As manifested by: C. A valid verbal, performance or full scale IQ of 60 to 69 inclusive and a physical or other mental impairment imposing additional and significant work-related limitation of function.

[FR Doc. 92-5531 Filed 3-9-92; 8:45 am]
BILLING CODE 4150-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-92-879]

Redelegation of Authority

AGENCY: Office of the Regional Administrator—Regional Housing Commissioner, HUD Boston Regional Office.

ACTION: Notice of redelegation of authority.

SUMMARY: This Notice redelegates to the Regional Director of Housing for the Boston Regional Office and the Field Office Managers in Region I the authority of the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner to approve plans of action submitted by owners, pursuant to 24 CFR part 248, which implements the Emergency Low Income Housing Preservation Act, title II of the Housing and Community Development Act of 1987 (the "1987 Act"), and the Low Income Housing Preservation and Resident Homeownership Act of 1990, title VI of the National Affordable Housing Act (the "1990 Act").

EFFECTIVE DATE: February 20, 1992.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Salk, Acting Regional Director of Housing, Boston Regional Office, U.S. Department of Housing and Urban Development, Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Boston, Massachusetts, 02222-1092, telephone (617) 565-5126 [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The 1987 Act and the 1990 Act require owners of eligible low income housing who intend to prepay the mortgage, terminate the mortgage insurance contract, accept incentives in exchange for extending the low income affordability restrictions, or transfer the project to a qualified purchaser, to submit a plan of action providing for such prepayment, termination, extension, or transfer. Section 225 of the 1987 Act and sections 218, 222, and 226 of the 1990 Act provide the Secretary with the authority to approve plans of action subject to the criteria set forth therein. The authority to approve plans of action also includes the incidental authority to issue notice of deficiency letters, preliminary approvals of plans of action, and final approvals of plans of action. The authority to approve plans of action, however, does not include the authority to issue final approval of plans of action prior to receipt of confirmation of assignment of subsidy funds, where such funds are part of the plan of action.

Under a delegation of authority published in the **Federal Register** at 54 FR 22033 on May 22, 1989, the Secretary of Housing and Urban Development delegated to the Assistant Secretary for Housing—Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner "the authority of the Secretary of Housing and Urban Development with respect to the multifamily programs and functions," including but not limited to the implementation of title II of the National Housing Act. This delegation of authority encompassed the authority to approve plans of action pursuant to the 1987 Act and the 1990 Act.

Under a redelegation of authority published in the **Federal Register** at 56 FR 33763 on July 23, 1991, the Assistant Secretary for Housing-Federal Housing Commissioner and the General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner redelegated the authority, as set forth in title II of the 1987 Act and title VI of the 1990 Act, to approve plans of action, submitted by owners of eligible low income housing who intend to prepay the mortgage, terminate the mortgage insurance contract, accept incentives in exchange for extending the low income affordability restrictions, or transfer the project to a qualified purchaser, to Regional Administrators. That redelegation provided that Regional Administrators may, at their option, redelegate this authority to Field Office Managers or, in the case of combined regional and field offices, Regional Administrators may redelegate this authority to Regional Directors of Housing.

Authority Redelegated

In accordance with the redelegation published in the **Federal Register** at 56 FR 33763 on July 23, 1991, I, as Regional Administrator, hereby redelegate to the Regional Director of Housing and to Field Office Managers the authority, as set forth in title II of the 1987 Housing Commissioner and title VI of the 1990 Act, to approve plans of action within their areas of jurisdiction, submitted by owners of eligible low income housing who intend to prepay the mortgage, terminate the mortgage insurance contract, accept incentives in exchange for extending the low income affordability restrictions, or transfer the project to a qualified purchaser. This delegation of authority to approve plans of action includes the incidental authority to issue notice of deficiency letters, preliminary approvals of plans of action, and final approvals of plans of action. The authority to approve plans of action, however, does not include the authority to issue final approval of plans of action prior to receipt of confirmation of assignment of subsidy funds, where such funds are part of the plan of action.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 20, 1992.

John A. Mastropietro,

Regional Administrator, Regional Housing Commissioner.

[FR Doc. 92-5492 Filed 3-9-92; 8:45 am]
BILLING CODE 4210-01-M

Office of Administration

[Docket No. N-92-3408]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the

information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of any agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 27, 1992.

Kay F. Weaver,

Acting Director, Information Resources Management Policy and Management Division.

Proposal: Low-Income Public Housing—Project-Based Accounting (FR-3088).

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: The purpose of the information collection is to implement the requirements for Project-Based Accounting directed by section 502(c) of the National Affordable Housing Act of 1990. Public Housing Agencies certifies to HUD that it maintains a Project-Based Accounting System in accordance with § 990.320.

Form Number: None.

Respondents: Non-Profit Institutions.

Frequency of Submission: One-time Certification.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Certification	784		1		1		784
Recordkeeping	784		1		.25		196

Total Estimated Burden Hours: 980.

Status:. New.

Contact: John Comerford, HUD, (202) 708–1872, Jennifer Main, OMB, (202) 395–6880.

Date: February 27, 1992.

[FR Doc. 92–5493 Filed 3–9–92; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–92–3407]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and to the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 28, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Proposal: Performance Funding System: Formal Review Process (FR–3024)

Office: Public and Indian Housing.

Description of the need for the information and its proposed use: This information is used by Public Housing Agencies for inclusion in budget submissions which are reviewed and approved by Field Offices as the basis for obligating operating subsidies. This information is necessary in order to calculate the eligibility for operating subsidies under the Performance Funding System regulations as amended by the Proposed Rule.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: One-time.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Information collection	868		1		4		3,472

Total Estimated Burden Hours: 3,472.

Status: New.

Contact: John T. Comerford, HUD, (202) 708–1872; Jennifer Main, OMB, (202) 395–6880.

Dated: February 28, 1992.

[FR Doc. 92–5494 Filed 3–9–92; 8:45 am]

BILLING CODE 4210–01–M

Office of Adminstration

[Docket No. N–92–3406]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Adminstration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals fo the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list the following information (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

AUTHORITY: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 28, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Proposal: Single Family Mortgage Insurance Premium Remittance Summary.

Office: Housing.

Description of the need for the information and its proposed use: This information is used to ensure compliance on the part of the Mortgagee and to ensure that HUD receives all income due. Without the forms, HUD could not ensure compliance nor ensure that all income due the Government is being remitted.

Form Number: HUD–2748 and HUD–2752.

Respondents: Businesses or Other For-Profit and Small Businesses or Organizations.

Frequency of submission: Monthly and Recordkeeping

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD–2748	8,000		12		.5		48,000
HUD–2752	8,000		12		.65		72,000
Recordkeeping	8,000		1		3		24,000

Total estimated burden hours: 144,000.

Status: Extension.

Contact: Kathleen D. Trygstad, HUD, (202) 708–1858; Jennifer Main, OMB, (202) 395–6880.

Date: February 28, 1992.

Proposal: Statement and Voucher for Basic Annual Contributions—Leased Housing.

Office: Public and Indian Housing.

Description of the need for the information and its proposed use: Form HUD–52981 provides essential information on the operations for Public Housing Agencies which is used for multiple purposes by HUD, including identification of debts owed to the Department.

Form Number: HUD–52981.

Respondents: State or Local Governments and Non-Profit Institutions.

Frequency of Submission: Annually.

Reporting burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Information collection	230		1		.88		202

Total Estimated Burden Hours: 202.
Status: Reinstatement
Contact: John T. Comerford, HUD (202) 708–1672, Jennifer Main, OMB (202) 395–6889.

Date: February 28, 1992.

[FR Doc. 92–5495 Filed 3–9–92 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–08–4333–11; NV5–91–41]

Nevada; Temporary Closure of Certain Public Land in the Las Vegas District for Management of the 1992 Running of the HDRA "Nissan 400" Off-Highway Vehicle (OHV) Race

February 27, 1992.

ACTION: Temporary closure of certain Public Lands in the Clark, County, Nevada, on and adjacent to the 1992 "NISSAN 400" race course on March 14, 1992. Access will be limited to race officials, entrants, law-enforcement and emergency personnel, licensed permittee(s) and right-of-way grantees.

SUPPLEMENTARY INFORMATION: Certain public lands in the Las Vegas District, Clark County, Nevada will be temporarily closed to public access from 1800 hours, March 13, 1992, to 2359 hours, March 14, 1992, to protect persons, property, and public land resources on and adjacent to the 1992 "NISSAN 400" OHV race course. The Las Vegas District Manager is the authorized officer for the 1992 "NISSAN 400" OHV race, permit number NV5–91–41. These temporary closures and restrictions are made pursuant to 43 CFR Part 8364. The public lands to be closed or restricted are those lands adjacent to and including roads, trails and washes identified as the 1992 NISSAN 400 OHV race course.

The following public lands administered by the BLM restricted or closed are described as: The Nellis area; T. 19 S., R. 62 E., M.D.M., section 1 through 36. The Las Vegas Dunes area; T. 19 S., R. 63 E., section 1 through 36. The Arrolime area; T. 18 S., R. 63 E., section 1 through 36. The Dry Lake area; T. 19 S., R. 64 E., section 1 through 36. T. 18 S., R. 64 E., section 1 through 36. T. 17 S., R. 64 E., section 1 through 36. The California Wash area; T. 16 S., R. 65 E., section 1 through 36. T. 15 S., R. 66 E., all of sections 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33. T. 16 S., R. 66 E., all of sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 29, and 30. T. 17 S., R. 65 E., section 1 through 36. The Piute Wash area; T. 15 S., R. 64 E., section 1 through 36. T. 15 S., R. 65 E., section 1 through 36. The Arrow Canyon area; T. 16 S., R. 63 E., all of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, and 36. And, T. 17 S., R. 63 E., section 1 through 36.

The following public lands administered by the BLM will be open authorized HDRA spectator areas: All public lands lying east of Las Vegas Blvd. North and within T. 19 S., R. 63 E., M.D.M., section 16, NW¼; SE¼NE¼ NE¼; SE¼NE¼; SE¼SW¼; SE¼; and section 20, NW¼.

The above legal land descriptions are for public lands within Clark, County, Nevada. A map showing specific areas closed to public access to available from the following BLM office; The Las Vegas District Office, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126, (702) 647–5000.

Any person who fails to comply with this closure order issued under 43 CFR part 8364 may be subject to the penalties provided in 43 CFR 8360.7.

Dated: February 24, 1992.

Ben F. Collins,
District Manager, Las Vegas District.

[FR Doc. 92–5448 Filed 3–9–92; 8:45 am]
BILLING CODE 4310–HC–M

[WY–030–02–4350–02]

Rawlins District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Rawlins District Advisory Council; Meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 94–597 that a meeting of the Rawlins District Advisory Council will be held. This notice sets forth the schedule and proposed agenda for the meeting.

DATES: April 1, 1992, 10 a.m. to 4 p.m.

ADDRESSES: Bureau of Land Management, Rawlins District Office, 1300 North Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

FOR FURTHER INFORMATION CONTACT: Ray Hanson, District Outdoor Recreation Planner, Rawlins District Office, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming, 82301, (307) 324–7171.

SUPPLEMENTARY INFORMATION: The agenda of the meeting will include:

1. Introduction and opening remarks.
2. Review of last Council meeting.
3. Public comment period.
4. Election of new officers.
5. Tour of Bureau Sign Shop, District Office computer room, and the Great Divide Resources Area Office.
6. Discussion on resource protection program; hazardous materials and authorized/unauthorized landfills on public land; increased activity related to oil, gas, and coalbed methane development; and the gathering of excess wild horses.

The meeting and tour are open to the public. Anyone interested in attending the meeting or making an oral presentation must notify the District Manager by March 19, 1992. Written statements may also be filed for the Council's consideration. Summary minutes of this meeting will be on file in the Rawlins District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Dated: February 18, 1992.

Judy Reed,
Associate District Manager.

[FR Doc. 92–5515 Filed 3–9–92; 8:45 am]
BILLING CODE 4310–22–M

[OR–030–02–4320–02; G2–156]

Meeting, Vale District Grazing Advisory Board

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given in accordance with Public Law 92–463 that a meeting at the Vale District Grazing Advisory Board will be held April 9, 1992.

The agenda of the meeting will include: Update on actions taken in response to drought conditions, Grazing administration in relation to trespass and range improvement project maintenance, Update on management activities in the Trout Creek Mountains, Methods and options for rehabilitation of poor condition range sites, Predator control operations on BLM-managed lands, Update on grazing management planning in the Harper allotment, and preference shifts between allotments.

The meeting is open to the public. Interested persons may make oral statements to the Board or may file written statements for the Board's consideration. Anyone wishing to make oral statements may do so at 1:30 p.m. MDT on Thursday, April 9.

Summary minutes of the Board's meeting will be maintained in the district office and will be available for public inspection, or personal copies may be purchased for the cost of

duplication, within 30 days of the meeting.

DATES: The meeting will begin at 10 a.m. MDT Thursday, April 9, 1992.

ADDRESSES: The meeting will be held in the meeting room of the Vale District Office, 100 Oregon Street, Vale, OR 97918.

FOR FURTHER INFORMATION CONTACT: Gerard Hubbard, Bureau of Land Management, Vale District, 100 Oregon Street, Vale, OR 97918, (Telephone 503 473–3144).

Geoffrey B. Middaugh,
Associate District Manager.

[FR Doc. 92–5572 Filed 3–9–92; 8:45 am]
BILLING CODE 4310–33–M

National Park Service

Record of Decision for the Final Environmental Impact Statement for the General Management Plan, Big Cypress National Preserve

Introduction

In October 1991, the proposed Big Cypress National Preserve General Management Plan/Final Environmental Impact Statement (GMP/FEIS) was made available to the public. The GMP/FEIS evaluates the environmental consequences of the proposed plan and its alternatives. The purpose of this Record of Decision is to document the National Park Service's determination of how Big Cypress National Preserve will be managed for the next 10 to 15 years. Copies of the Record of Decision are being distributed to Federal, State and local government agencies and other interested parties. In addition, the Record of Decision is being printed in newspapers published in communities near the preserve and will be available at public libraries in the region.

Alternatives Considered

The alternatives considered in formulating the preserve's General Management Plan were:

Status Quo Alternative
Alternative A—Emphasizing recreational use
Alternative B—Emphasizing resource protection
Proposed Plan—Combination of A and B

Alternative B can be considered an environmentally preferable alternative because adverse environmental impacts would be minimal. The proposed plan incorporates features of Alternative B, since preservation of natural systems and scenic quality are objectives of the proposed plan. However, the proposed plan also incorporates features of Alternative A, because the proposed plan calls for continuation and/or addition of certain visitor activities and opportunities. The environmental effects of the preceding visitor services development will not be significant with mitigating measures in place, and any costs are expected to be overshadowed by the benefit of enhanced visitor opportunities and visitor appreciation. The proposed plan also contains a "Minerals Management" section which outlines oil and gas activities in the preserve as required in the enabling legislation.

Comments on the GMP/FEIS

Comments received on the GMP/FEIS were similar to those made during public review of the draft document and no new issues were raised.

The principal mineral owner in the preserve provided comments on the GMP/FEIS. They raised several concerns on what they perceived to be changes from the draft GMP/EIS to the final GMP/FEIS, but indicated that these concerns "should be evaluated as more technical information becomes available, and on a case-by-case basis under 36 CFR Plan of Operations approval procedures for specific oil and gas proposed sites in the BCNP." We concur.

After reviewing the GMP/FEIS, the Office of the Governor of Florida informed the National Park Service that the plan was found to be consistent with the Florida Coastal Zone Management Program and National Environmental Policy Act guidelines. However, the state requested that, without delaying implementation of the GMP/FEIS, further discussions be held regarding visitor access to the preserve from I–75. The National Park Service has initiated a dialogue with the State in this regard.

The hunting community reiterated many of the same concerns with the final GMP/FEIS as they raised with the draft document. Agreements regarding hunting reached between the Florida Game and Fresh Water Fish Commission and the NPS during the development of the GMP/EIS are reflected in the document. As a part of these agreements, the Commission and NPS will meet periodically to discuss and establish hunting regulations. During these periodic discussions, the concerns of the hunting community will be considered.

Any significant variances proposed to the GMP/EIS emanating from these future discussions would be preceded by public involvement and adherence with the requirements of the National Environmental Policy Act and other applicable regulations before implementation.

Decision and Rationale

After analysis of the proposed plan and alternatives as presented in the GMP/EIS and consideration of public comments on the entire plan, the National Park Service has determined that the proposed plan in the October 1991 General Management Plan provides acceptable management direction for Big Cypress National Preserve. The preserve will be managed to conserve natural and cultural resources and ecological processes while accommodating uses and experiences that do not adversely affect the area's ecological integrity. Major NPS developments, to the maximum extent feasible, will continue to be limited to existing roads and previously disturbed sites. The proposed plan's elements are considered technically and economically feasible, and the proposed plan represents a sound balance between protecting preserve resources and providing enjoyable visitor experiences.

All practicable means will be taken to avoid or minimize environmental harm in implementing the plan. This will include close monitoring during construction of new facilities to avoid adverse impacts on cultural and natural resources. Other mitigating measures incorporated in the plan's implementation are identified on pages 384–388 of the GMP/EIS.

Changes to the Proposed Plan in the Final GMP/FEIS

1. The ORV permits are returned to draft GMP level—the draft GMP/EIS projected issuance of 2,500 ORV permits and assessed the associated environmental impacts at these levels. The final GMP/EIS proposed lowering these projections to 2,000. However, actual 1989 through 1992 utilization levels indicate that the draft level of 2,500 permits was more appropriate and the final GMP/EIS is hereby changed to the 2,500 level.

2. Oil and gas development in red-cockaded woodpecker (RCW) colony areas are returned to draft level—the draft GMP/EIS would not have allowed oil and gas development closer than 500 feet to RCW colony sites. The final GMP/EIS raised that distance to .5 of a mile. A review of Fish and Wildlife Service guidelines and the GMP/FEIS (which does not allow any development in mature pine stands) indicates that the draft GMP/EIS, along with Section 7 reviews as a part of the 9B regulations at specific sites, provides adequate

protection. Therefore, the final GMP/FEIS relative to oil and gas development in the vicinity of RCW colony sites is hereby returned to the 500-foot distance.

Conclusion

It is our determination that the proposed plan for management direction presented in the October 1991 Big Cypress National Preserve General Management Plan and Final Environmental Impact Statement and changes addressed in this document are in keeping with Public Law 93–440 which established the preserve in 1974, and with other applicable laws and regulations. Therefore, the proposed plan in the General Management Plan, as herein modified, is accepted and approved today as the management approach to be followed at Big Cypress National Preserve.

Dated: January 27, 1992.

Recommended:

Wallace A. Hibbard,

Superintendent.

Dated: January 27, 1990.

Approved:

James W. Coleman, Jr.,

Regional Director, Southeast Region.

[FR Doc. 92–5455 Filed 3–9–92; 8:45 am]

BILLING CODE 4310-70-7

General Management Plan/ Environmental Impact Statement; Manhattan Sites, NY; Notice of Intent

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) to assess the impacts of alternative management strategies for the General Management Plan (GMP) for five NPS sites located in the borough of Manhattan in New York City and one site in the town of Mt. Vernon. These six sites, known as Manhattan Sites, includes Castle Clinton National Monument (NM), Federal Hall NM, General Grant NM, Hamilton Grange NM, Theodore Roosevelt Birthplace National Historic Site (NHS) and St. Paul's Church NHS.

The GMP/EIS will evaluate a range of alternatives which address cultural and natural resources protection, socioeconomic concerns, visitor use and interpretation, restoration of historic structures, maintenance and facility development and boundary adjustments that may be needed to protect the integrity of several sites.

The NPS will be holding open houses at each site on the following days and times:

Saturday, April 4, 2–6 p.m.—General Grants NM

Sunday, April 5, 2–6 p.m.—Hamilton Grange NM

Tuesday, April 7, 2–8 p.m.—St. Paul's Church NHS

Thursday, April 9, 2–8 p.m.—Theodore Roosevelt Birthplace NHS

Friday, April 10, 2–6 p.m.—Federal Hall and Castle Clinton (to be held at Federal Hall)

The purpose of these hours are two-fold: (1) To present possible management alternatives for each site and (2) to stimulate discussion and receive comments regarding these alternatives and any other additional public concerns relevant to each site. Individuals unable to attend the open houses may request information from the Superintendent of Manhattan Sites at the address listed below. Comments received at the open house and during the scoping period will be used to determine the final content of the issues and alternatives that should be addressed in the GMP and in preparation of the EIS. Written comments regarding concerns at each site must be submitted to the NPS by April 24, 1992.

The draft GMP and EIS are expected to be completed and available for public review by early 1993. After public and interagency review of the draft document, comments will be considered and a final EIS will be prepared for release in early 1994, which will be followed by a Record of Decision. The responsible official is Marie Rust, Acting Regional Director, North Atlantic Region, NPS. Written comments should be submitted to the Superintendent of Manhattan Sites by mail at Federal Hall, 26 Wall Street, New York, New York 10005.

Dated: March 2, 1992.

Marie Rust,

Acting Regional Director.

[FR Doc. 92–5453 Filed 3–9–92; 8:45 am]

BILLING CODE 4310-70-M

Delaware Water Gap National Recreation Area; Meeting

AGENCY: National Park Service; Delaware Water Gap National Recreation Area Citizens Advisory Commission.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date for the next meeting of the Delaware Water Gap National Recreation Area Citizens Advisory Commission. Notice of said meeting is required under the Federal Advisory Committee Act.

DATE: March 28, 1992.

TIME: 9:00 a.m.

LOCATION: Millbrook Church, Intersection Old Mine Road and Rt. 602, Millbrook Village, New Jersey.

AGENDA: The agenda will be devoted to committee reports, Superintendent's report, old business, new business, correspondence, identification of topics of concern. Opportunities for public comment to the Commission will be provided.

FOR FURTHER INFORMATION CONTACT: Richard C. Ring, Superintendent; Delaware Water Gap National Recreation Area Bushkill, PA 18324; 717–588–2435.

SUPPLEMENTARY INFORMATION: The Delaware Water Gap National Recreation Area Citizens Advisory Commission was established by Public Law 100–573 to advise the Secretary of the Interior and the United States Congress on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the Recreation Area and its surrounding communities.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to The Delaware Water Gap National Recreation Area Citizens Advisory Commission, P.O. Box 284, Bushkill, PA 18324. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Delaware Water Gap National Recreation Area located on River Road 1 mile east of U.S. Route 209, Bushkill, Pennsylvania.

Dated: February 26, 1992.

Charles P. Clapper, Jr.,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 92–5454 Filed 3–9–92; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 29, 1992. Pursuant to §§ 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comment should be submitted by March 25, 1992.

Antoinette Lee,

Acting, Chief of Registration, National Register.

ARIZONA

Navajo County

La Posada Historic District, 200 E. Second St., Winslow, 92000256

Pima County

Blixt—Avitia House (Menlo Park MPS), 830 W. Alameda St., Tucson, 92000251

Boudreaux—Robison House (Menlo Park MPS), 101 N. Bella Vista Dr., Tucson, 92000253

Bray—Valenzuela House (Menlo Park MPS), 203 N. Grande Ave., Tucson, 92000255

Copper Bell Bed and Breakfast (Menlo Park MPS), 25 N. Westmoreland Ave., Tucson, 92000254

Dodson—Esquivel House (Menlo Park MPS), 1004 W. Alameda St., Tucson, 92000252

Schwalen—Gomez House (Menlo Park MPS), 217 N. Melwood Ave., Tucson, 92000250

CALIFORNIA

Los Angeles County

Diamond Apartments, 321 Diamond St., Redondo Beach, 92000260

Nevada County

Grass Valley Public Library (California Carnegie Libraries MPS), 207 Mill St., Grass Valley, 92000267

San Benito County

Hollister Carnegie Library (California Carnegie Libraries MPS), 375 Fifth St., Hollister, 92000269

San Diego County

Rancho De Los Kiotes, 4758 Palomar Airport Rd., Carlsbad, 92000261

Santa Cruz County

Bayview Hotel, 8041 Soquel Dr., Aptos, 92000259

Garfield Park Branch Libray (California Carnegie Libraries MPS), 705 Woodrow Ave., Santa Cruz, 92000268

Siskiyou County

Harlow, William, Cabin (Boundary Decrease), Elliott Creek Rd. No. 1050, Joe Bar vicinity, 92000292

Yreka Carnegie Library (California Carnegie Libraries MPS), 412 W. Miner St., Yreka, 92000270

Sonoma County

Sonoma Plaza (Boundary Increase), Area surronding town plaza, Sonoma, 92000293

COLORADO

Eagle County

Camp Hale, Along US 24 S of Redcliff, White River NF, Redcliff vicinity, 92000239

CONNECTICUT

Fairfield County

Pine Creek Park Bridge, N of Old Dam Rd., over Pine Cr., Fairfield, 92000263

Litchfield County

Sedgwick, Maj. Gen. John, House, 52 Hautboy Hill Rd., Cornwall vicinity, 92000262

New London County

Woodward, Ashbel, House, 367 CT 32, Franklin, 92000264

Windham County

Danielson Main Street Historic District, Main St. from Water St. to Spring St., Killingly, 92000265

Old Killingly High School, 185 Broad St., Killingly, 92000266

IOWA

Buena Vista County

Allee, Jesse J. and Mary F., House, 20006 640 St., Newell vicinity, 92000271

KENTUCKY

Metcalfe County

Stockton—Ray House, Off jct. of US 68/KY 80 and Cumberland Pkwy., Edmonton vicinity, 92000289

Nelson County

New Sherwood Hotel, 138 S. Main St., New Haven, 92000291

Pike County

Pauley Bridge, Across the Levisa Fork, Big Sandy R. from Pauley to US 23/460, Pikeveille, 92000290

MAINE

Androscoggin County

Gilead Railroad Station, Former, Off NE end of Twin Rd., Auburn vicinity, 92000272

Hancock County

Kane, John Innes, Cottage, Off SE end of Hancock St., Bar Harbor, 92000275

Knox County

TIMBERWIND (Schooner), Rockport Harbor, Rockport 92000274

HENDAMEEN (Yacht), Camden Harbor, Camden, 92000273

Lincoln County

Kent, Rockwell, Cottage and Studio, Off N side of Horn Hill Rd., Monhegen Island, Monhegen Plantation, 92000278

Sagadahoc County

Topsham Fairgrounds Grandstand, Off N side of Elm St., E of Jct. with Fair Cir., Topsham, 92000277

Waldo County

Christ Church, Off W side of Main Rd., S of Dark Harbor, Dark Harbor vicinity, 92000276

York County

Conant—Sawyer Cottage, 14 Kendall Rd., York Beach, 92000279

MASSACHUSETTS

Barnstable County

Taylor—Bray Farm, Jct. of Bray Farm Rd. N. and Nottingham Rd., Yarmouth, 92000287

Essex County

Lynn Common Historic District, Roughly, N. and S. Common St. from Market Sq. to City Hall, Lynn 92000247

Middlesex County

Wilmington Centre Village Historic District, Roughly, Middlesex Dr. and Church St. from Adams St. to Wildwood Cemetery, Wilmington, 92000246

MINNESOTA

Aitkin County

Rice Lake National Wildlife Refuge Historic District, Address Restricted, McGregor vicinity, 92000284

Dakota County

Serbian Home, 404 3rd Ave. S., South St. Paul, 92000257

Pipestone County

Great Northern Depot, Jct. of 5th Ave. SE. and 2nd St. SE., Pipestone, 92000258

Washington County

Stillwater Commercial Historic District, Vicinity of Main, 2nd and Chestnut Sts., Stillwater, 92000288

MONTANA

Missoula County

Potomac School, 220 Potomac Rd., Potomac, 92000244

NEW MEXICO

Colfax County

Dawson Cemetery, Approximately 4 mi. NW of jct. of US 64 and the Dawson Rd., Dawson, 92000249

OHIO

Ashtabula County

Conneaut Harbor West Breakwater Light (Light Stations of Ohio MPS), W breakwater pierhead, harbor entrance, Conneaut, 92000243

Lake County

Fairport Harbor West Breakwater Light (Light Stations of Ohio MPS), W breakwater pierhead, harbor entrance, Fairport Harbor, 92000242

SOUTH DAKOTA

Lawrence County

Spearfish Fisheries Center (Boundary Increase), Off Canyon St. near City Park, Spearfish, 92000241

TENNESSEE

Shelby County

Mason Temple, Church of God in Christ, 958 Mason St., Memphis, 92000286

Tipton County

Ruffin Theater, 113 W. Pleasant Ave., Covington, 92000248

VIRGINIA

Lynchburg Independent City

Rosedale (Boundary Increase), Graves Mill Rd. W of jct. with VA 291, Lynchburg (Independent City) vicinity, 92000240

WASHINGTON

Benton County

Hanford B. Reactor, Near jct. of WA 24 and WA 240, Hanford Site, Richland vicinity, 92000245

Chelan County

Horan, Michael, House, 2 Horan Rd., Wenatchee, 92000281

St. Andrews Episcopal Church, 120 E. Woodin Ave., Chelan, 92000283

Whatcom County

B. P. O. E. Building, 1412—1414 Cornwall Ave., Bellingham, 92000282

Yakima County

Irish, William N., House, 210 S. 28th Ave., Yakima, 92000260

WYOMING

Big Horn County

Big Horn Academy Historic District, 25 and 35 E. First South, Cowley, 92000285

[FR Doc. 92-5363 Filed 3-9-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31969]

William T. Bright, Control Exemption; The Buffalo Creek Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343–11344 the acquisition by William T. Bright of control of The Buffalo Creek Railroad Company. The exemption is subject to standard employee protective conditions.

DATES: The exemption is effective on April 9, 1992. Petitions to stay must be filed by March 20, 1992, and petitions to reopen must be filed by March 30, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 31969 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Robert D. Rosenberg, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 927–5660, [TDD for hearing impaired: (202) 927–5721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc.,.room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: March 3, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5522 Filed 3-9-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;
(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;
(3) How often the form must be filled out or the information is collected;
(4) Who will be asked or required to respond, as well as a brief abstract;
(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;
(6) An estimate of the total public burden (in hours) associated with the collection; and,
(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) Law enforcement officers killed or assaulted.
(2) DO–71. Federal Bureau of Investigation.
(3) Annually.
(4) State or local governments. Instant form DO–71 is used to facilitate the collection of data in compliance with a Presidential Directive, issued 6–3–71, mandating the collection and publication of data relating to law enforcement officers killed or assaulted.
(5) 71,794 annual responses at .15 hours per response.
(6) 10,769 annual burden hours.
(7) Not applicable under 3504(h).

Revision of a Currently Approved Collection

(1) Analysis of law enforcement officers killed and assaulted.
(2) DO–76, DO–76a, DO–76B. Federal Bureau of Investigation.
(3) Annually.
(4) State or local governments. Forms DO–76, DO–76a, and DO–76b are used to facilitate the collection of data in compliance with a Presidential Directive, issued 6–3–71, mandating the collection and publication of data relating to analysis of law enforcement officers killed or assaulted.
(5) 132 annual responses at .5 hours per response.
(6) 66 annual burden hours.
(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 5, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92-5586 Filed 3-9-92; 8:45 am]

BILLING CODE 4410-02-M

[AAG/A Order No. 62-92]

Privacy Act of 1974; Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, Department components have reviewed their Privacy Act systems of records to identify changes that will more accurately describe their records. As a result, eight Department components are republishing systems of records.

Where possible, the changes have been italicized for public convenience. However, changes include (1) a new routine use (identified as "h.") for the Office of the Inspector General Investigative Records, JUSTICE/OIG–001; [1] (2) a modified routine use for the Assistant United States Attorney Applicant Records System, JUSTICE/USA–016, the Appointed Assistant United States Attorneys Personnel System, JUSTICE/USA–017, and the INTERPOL–United States National Central Bureau (INTERPOL–USNCB) (Department of Justice) INTERPOL–USNCB Records System; and (3) the removal of certain Privacy Act exemptions from the General Files Systems of the Offices of the Deputy Attorney General (DAG) and Associate Attorney General (AAG).

The modified routine use was originally drafted to permit records disclosure to the National Archives and Records Service (NARS), General Services Administration (GSA), during records management inspections. The routine use has been modified consistent with Public Law 98–497 (44 U.S.C. 2102) which renamed NARS as the "National Archives and Records Administration" (NARA), and established it as a separate agency which nevertheless would continue to share its records management inspection responsibilities with GSA. Accordingly, the routine use has been changed to show that NARA and GSA are separate agencies which share access to records during these inspections. In addition, the exemptions from subsections (e)(4)(G) and (H) of the Privacy Act have been removed from the General Files Systems, JUSTICE/DAG–013 and JUSTICE/AAG–001. The exemptions are unnecessary because the Offices of the DAG and AAG are complying with these subsections for these systems.

[1] This system was originally published on September 25, 1991 (56 FR 48578), as the Office of the Inspector General Records Index, JUSTICE/OIG–001. The title of the system has been changed to more accurately describe the nature of the system.

Comments on the routine uses may be addressed to Patricia E. Neely, Staff Assistant, Systems Policy Staff, Information Resources Management, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1103, CAB Building). Please submit any comments by April 9, 1992.

Dated: January 30, 1992.

Anthony C. Moscato,

Acting Assistant Attorney General for Administration.

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JUSTICE/DAG–003

SYSTEM NAME:

Drug Enforcement Task Force Evaluation and Reporting System

SYSTEM LOCATION:

Office of the *Deputy* Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who are the subjects of official Federal investigations of the drug task force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of case initiation and indictment records, and monthly reporting and sentencing forms regarding potential or actual targets of investigation of the drug task force.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301 and 21 U.S.C. 841.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policymaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which require information relevant to a civil or criminal investigation.

These records may be disclosed to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

These records may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

These records may be disclosed in a proceeding before a court or adjudicative body before which the

Office of the Deputy Attorney General is authorized to appear when (a) the Office of the Deputy Attorney General, or any subdivision thereof, or (b) any employee of the Office of the Deputy Attorney General in his or her official capacity, or (c) any employee of the Office of the Deputy Attorney General in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of the Deputy Attorney General determines that litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of the Deputy Attorney General to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored in paper folders. All records, with the exception of indictment forms, are stored also on magnetic disks.

RETRIEVABILITY:

Records are generally retrieved by case number. Records may be retrieved by individual name or name of criminal organization.

SAFEGUARDS:

Paper folders are stored in a combination safe which is inside a locked room. This room is part of a locked suite of offices. The magnetic disks and computer are located in the same room; the computer has a key lock. Only those persons with a Top Secret clearance may actually access the computer by using a code.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Drug Enforcement Task Force, Office of the Deputy Attorney General, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2) and (k)(2) of the Privacy Act. Thus no records are available under the Privacy Act. Nevertheless, Privacy Act (PA) requests are routinely processed under the Freedom of Information Act (FOIA) also. Therefore, to determine whether the system may contain a record which may be available under the FOIA, requests may be addressed to the System Manager listed above. Clearly mark the envelope and the letter "FOIA/PA request."

RECORD ACCESS PROCEDURE:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsection (j)(2) and (k)(2) of the Privacy Act. Thus, no records are available under the Privacy Act. Nevertheless, Privacy Act (PA) requests are routinely processed under the Freedom of Information Act (FOIA) also. Therefore, to determine whether any records in the system are available under the FOIA, requests may be addressed to the System Manager listed above. Clearly mark the envelope and the letter "FOIA/PA request."

CONTESTING RECORD PROCEDURES:

The system of records has been exempted from subsections (d) and (e)(4)(H) of the Privacy Act. While the Freedom of Information Act permits access to certain records (see Record Access Procedures above), it contains no records contesting provisions.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include Federal, State, and local government agencies as appropriate, informants, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published **Federal Register.**

JUSTICE/DAG-013

SYSTEM NAME:

General Files System of the Office of the Deputy Attorney General.

SYSTEM LOCATION:

Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who relate to official Federal investigations, policy decisions, and administrative matters of such significance that the Deputy Attorney General maintains information indexed to the name of that individual, including, but not limited to, subjects of litigation, targets of investigations, Members and staff members of Congress, upper-echelon government officials, and individuals of national prominence or notoriety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include case files, litigation materials, exhibits, internal memoranda and reports, or other records on a given subject or individual. Records vary in number and kind according to the breadth of the Deputy Attorney General's responsibilities (28 CFR 0.15) and are limited to those which are of such significance that the Deputy Attorney General has investigative, policy, law enforcement, or administrative interest. An index to these records is described under the caption "Retrievability."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policy decisionmaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which require information relevant to a civil or criminal investigation.

These records may be disclosed to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

These records may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation, the classifying of a job, or the issuance of a grant or benefit.

These records may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

These records may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Deputy Attorney General is authorized to appear when (a) the Office of the Deputy Attorney General, or any subdivision thereof, or (b) any employee of the Office of the Deputy Attorney General in his or her official capacity; or (c) any employee of the Office of the Deputy Attorney General in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of the Deputy Attorney General determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of the Deputy Attorney General to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Records are stored in paper folders and on index cards. As of April, 1982, the index record is also stored on magnetic disks.

RETRIEVABILITY:

Deputy Attorney General records created prior to 1973 were incorporated into Attorney General files, and are retrievable from the index to the General Files System of the Office of the Attorney General. Records created by the Office of the Deputy Attorney General since 1973 are indexed and retrieved manually by use of the subject title, individual's name, or Department component which created the record. As of April 1982, records may also be retrieved through a computerized logging system.

SAFEGUARDS:

Records are maintained in locked cabinets stored in a locked room or, in the case of those records that are classified, in safes or vaults stored in a locked room. The computer is also maintained in a locked room. The computer has a key lock and may be accessed only by persons with a Top Secret clearance by use of a code.

RETENTION AND DISPOSAL:

Records re kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Deputy Attorney General, Office of the Deputy Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the system manager. These records will be exempted from subsections (c)(3) and *(4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act* pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5)..

RECORD ACCESS PROCEDURES:

Make all requests for access to records from this system in writing to the system manager, and clearly mark both the letter and envelope "Privacy Act Request."

CONTESTING RECORD PROCEDURES:

Make all requests to contest or amend information maintained in the system in writing to the system manager. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include individuals, State, local and foreign government agencies as appropriate, the executive and legislative branches of the Federal Government, and interested third parties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and *(4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act* pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5). Rules have been promulgated in accordance with the requirement of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.** These exemptions apply only to the extent that information in a record pertaining to a particular individual relates to official Federal investigations and law enforcement matters. Those files indexed under an individual's name and which concern policy formulation or administrative matters are not being exempted pursuant to 5 U.S.C. 552(j)(2), (k)(1), (k)(2), or (k)(5).

Justice/AAG-001

SYSTEM NAME:

General Files System of the Office of the Associate Attorney General.

SYSTEM LOCATION:

Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses individuals who relate to official federal investigations, policy decisions and administrative matters of such significance that the Associate Attorney General maintains information indexed to the name of that individual including, but not limited to, subjects of litigation, targets of investigations, Members and staff members of Congress, upper-echelon government officials, and individuals of national prominence or notoriety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include case files, litigation materials, exhibits, internal memoranda and reports, or other records on a given subject or individual. Records vary in number and kind according to the breadth of the Associate Attorney General's responsibilities (28 CFR 0.10) and are limited to those which are of such significance that the Associate Attorney General has investigative, policy, law enforcement, or administrative interest. An index record containing the subject title and/or individual's name is also maintained in the form of a paper logging system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

These records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information for investigative or policymaking purposes or to provide constituent assistance.

These records may be disclosed to members of the judicial branch of the Federal Government in response to a specific request where disclosure appears relevant to the authorized function of the recipient judicial office or court system.

These records may be disclosed to any civil or criminal law enforcement authorities, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

These records may be disclosed to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

These records may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation, the classifying of a job, or the issuance of a grant or benefit.

These records may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the eligibility or suitability of an individual for a license or permit.

These records may be disclosed in a proceeding before a court or adjudicative body before which the Office of the Associate Attorney General, is authorized to appear when (a) the Office of the Associate Attorney General, or any subdivision thereof, or (b) any employee of the Office of the Associate Attorney General in his or her official capacity, or (c) any employee of the Office of the Associate Attorney General in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where the Office of the Associate Attorney General determines that litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Office of the Associate Attorney General to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper folders. An index record containing the subject title and/or individual's name is also maintained in the form of a paper logging system.

RETRIEVABILITY:

By subject title or individual's name.

SAFEGUARDS:

Records are maintained in locked cabinets stored in a locked room or, in the case of those records that are classified, in safes or vaults stored in a locked room.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Attorney General, Office of the Associate Attorney General, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the system manager. These records will be exempted from subsections (c)(3) and *(4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act* pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), and (k)(5).

RECORD ACCESS PROCEDURES:

Make requests for access to records from this system in writing to the system manager, and clearly mark both the letter and envelope "Privacy Act Request."

CONTESTING RECORD PROCEDURES:

Make all requests to contest or amend information maintained in the system in writing to the system manager. State clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Source of information contained in this system include individuals, State, local and foreign government agencies as appropriate, the executive and legislative branches of the Federal Government, and interested third parties.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and *(4); (d); (e)(1), (2), (3) and (5); and (g) of the Privacy Act* pursuant to 5 U.S.C. 522a(j)(2), (k)(1), (k)(2), and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**. These exemptions apply only to the extent that information in a record pertaining to a particular individual relates to official Federal investigations and law enforcement matters. Those files indexed under an individual's name which concern policy formulation or administrative matters are not being exempted pursuant to 5 U.S.C. 522a(j)(2), (k)(1), (k)(2), or (k)(5).

JUSTICE/OIG-001

SYSTEM NAME:

Office of the Inspector General *Investigative Records* (JUSTICE/OIG–001).

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, the Office of the Inspector General (OIG) will maintain records on the following categories of individuals:

a. Individuals or entities who are or have been the subject of inquiries or investigations conducted by the OIG including current and former employees of the Department of Justice, current and former consultants, contractors, and subcontractors with whom the Department has contracted and their employees, grantees to whom the Department has awarded grants and their employees, and such other individuals or entities whose association with the Department relates to alleged violation(s) of the Department's rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the Department of Justice.

b. Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by the OIG or by other agencies, by constituent units of the Department of Justice, or by members of the general public as potential subjects of or parties to an investigation under the jurisdiction of the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to investigations including:

a. Letters, memoranda, and other documents citing complaints or alleged criminal, civil, or administrative misconduct.

b. Investigative files which include: Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits or records obtained during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants and identifying data with respect to such informants; nature of allegations made against suspects and

identifying data concerning such subjects; and public source materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988.

PURPOSE:

The Office of the Inspector General (OIG) for the Department of Justice will maintain this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. The OIG is statutorily directed to conduct and supervise investigations relating to programs and operations of the Department of Justice, to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and to prevent and detect fraud, waste, and abuse in such programs and operations. Accordingly, the records in this system are used in the course of investigating individuals and entities suspected of having committed illegal or unethical acts and in conducting related criminal prosecutions, civil proceedings, or administrative actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed as follows:

a. In the event that records indicate a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order pursuant thereto, or if records indicate a violation or potential violation of a contract, the relevant records may be disclosed to the appropriate agency, whether Federal, state, local, foreign, or international charged with the responsibility of investigating or prosecuting such violation, enforcing or implementing such statute, rule, regulation, or order, or with enforcing such contract.

b. A record may be disclosed to a Federal, State, local, foreign, or international agency, or to an individual or organization when necessary to elicit information which will assist an investigation, inspection, or audit.

c. A record may be disclosed to a Federal, State, local, foreign, or international agency maintaining civil, criminal, or other relevant information if necessary to obtain information relevant to an OIG decision concerning the assignment, hiring, or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance or revocation of a license, grant, or other benefit.

d. A record may be disclosed to a Federal, State, local, foreign, or international agency in response to its request in connection with the assignment, hiring, or retention of an individual, the issuance or revocation of a security clearance, the reporting of an investigation of an individual, letting of a contract, or the issuance or revocation of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

e. A record may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and the request of, the individual who is the subject of the record.

f. Relevant records may be disclosed to an administrative forum, including Ad Hoc forums, which may or may not include an Administrative Law Judge, and which may or may not convene public hearings/proceedings, or to other established adjudicatory or regulatory agencies, e.g., the Merit Systems Protection Board, the National Labor Relations Board, or other agencies with similar or related statutory responsibilities, where necessary to adjudicate decisions affecting individuals who are the subject of OIG investigations and/or who are covered by this system, including (but not limited to) decisions to effect any necessary remedial actions, e.g., the initiation of debt collection activity, disciplinary and/or other appropriate personnel actions, and/or other law enforcement related actions, where appropriate.

g. A record may be disclosed to the National Archives and to the General Services Administration during a records management inspection conducted under 44 U.S.C. 2904 and 2906.

h. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be added available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is stored manually in file jackets and electronically in office automation equipment.

RETRIEVABILITY:

Entries are arranged alphabetically and are retrieved with reference to the surnames of the individuals covered by this system of records.

SAFEGUARDS:

Information is stored in safes, locked filing cabinets, and office automation equipment in secured rooms or in guarded buildings, and is used only by authorized, screened personnel. Manual records are in locked cabinets or in safes and can be accessed by key or combination formula only. Passwords are required to access the automated data.

RETENTION AND DISPOSAL:

Records in this system are retained and disposed of in accordance with General Records Schedule 22.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the General Counsel, Office of the Inspector General, Department of Justice, 10th and Constitution Avenue NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager listed above.

RECORDS ACCESS PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2), (k)(1), (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and the letter clearly marked "Privacy Access Request." Include in this request the full name of the individual involved, his or her current address, date and place of birth, notarized signature, and any other identifying number or information which may be of assistance in locating the record. The requester shall also provide a return address for transmitting the information. Access requests shall be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A detemination as to exemption shall be

made at the time a request for contest is received. Requesters shall direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former Department of Justice officers and employees; Federal, State, local and foreign law enforcement and non-law enforcement agencies; private citizens; witnesses; confidential and nonconfidential informants; and public source materials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5) and (8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1), pursuant to subsections (k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/ATR-002

SYSTEM NAME:

Congressional and White House Referral Correspondence Log File.

SYSTEM LOCATIONS:

U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of Congress and citizens whose correspondence is received directly or referred by members of Congress or Congressional or White House staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index record to correspondence from citizens, present and former members of the Congress and *Congressional or* White House staff.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the establishment and maintenance of this system exists under 44 U.S.C. 3101 and 5 U.S.C. 301.

PURPOSE(S):

The purpose of this system is to enable Antitrust Division personnel to monitor responses and identify other material related to citizen inquiries and inquiries or referrals by members or committees of the Congress *and their staffs* and by the White House staff.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system, or any facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust Division in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, or any agency or subdivision thereof; or (5) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation and such record are determined by the Antitrust Division to be arguably relevant to the litigation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined the release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Administration (NARA) and to the General Services Administration (GSA): A record from a system of records may be disclosed as a routine use to NARA and GSA in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents are stored in looseleaf binders and file folders; abbreviated or summarized information is stored in a computerized tracking system.

RETRIEVABILITY:

Inquiry and response documents are retrieved by date or through manual and automated indexes which are accessed by name, subject matter, control number, etc. Summary data on inquiries received prior to March 7, 1983, is retrieved from the manual index cards; as of March 7, 1983, a summary data is retrieved from magnetic disks and tapes. Summary data consists of data elements as Congressional Member or constituent name, subject matter, date of inquiry, date assigned, date of response, etc.

SAFEGUARDS:

Information contained in the system is unclassified. During working hours access to the system is controlled and monitored by Antitrust division personnel in the area where the system is maintained; during non-duty hours all doors to such area are locked. In addition only Antitrust Division personnel who have a need for the information contained in the system have the appropriate password for access to the system.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Unit; Antitrust Division; U.S. Department of Justice; 10th & Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General; Antitrust Division; Department of Justice; 10th & Constitution Avenue NW., Washington, DC 20530.

RECORD ACCESS PROCEDURES:

Requests for access for a record from this system shall be written and clearly identified as "Privacy Access Request". The request should include the name of the member of Congress or White House staff originating a request or referral and the date thereof. Requester should indicate a return address.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should state clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Source of information maintained in the system are those records reflecting inquiries or referrals of citizen correspondence by present and former members of Congress *and Congressional* or White House staff.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/FBI 001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation: J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, DC 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding.

2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.

3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

4. Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued. Juveniles who have been charged with the commission of a delinquent act that would be a crime if committed by an adult, and who have fled from the state where the act was committed.

5. Individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country.

6. Individuals who have committed or have been identified with an offense committed in Canada and for whom a Canada-Wide Warrant has been issued which meets the requirements of the Canada-U.S. Extradition Treaty, 18 U.S.C. 3184.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.

2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary.

3. A person of any age who is missing under circumstances indicating that his physical safety is in danger.

4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

D. Individuals designated by the U.S. Secret Service as posing a potential danger to the President and/or other authorized protectees.

E. Unidentified Persons: 1. Any unidentified deceased person. 2. Any person who is living and unable to ascertain his/her identity (e.g., infant, amnesia victim). 3. Any unidentified catastrophe victim. 4. Body parts when a body has been dismembered.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered guns, when ownership of which has not been established.

D. Stolen Article File.

E. Wanted Persons File: Described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM. A. Wanted Persons."

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities.

2. "Securities" for present purposes of this file are currency (e.g., bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g., bonds, debentures, notes) or ownership of property (e.g., common stock, preferred stock), and documents which represent subscription rights, warrants and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Stolen Boat File

H. Computerized Criminal History File: A cooperative Federal-state program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: C. Missing persons."

J. U.S. Secret Service Protective File: Described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: D."

K. Identification records regarding persons enrolled in the United States Marshals Service Witness Security Program who have been charged with serious and/or significant offenses: Described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: B."

L. Foreign Fugitive File: Identification data regarding persons who are fugitives from foreign countries, who are described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: A. Wanted Persons, 5."

M. Canadian Warrant File: Identification data regarding Canadian wanted persons who are described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: A. Wanted Persons, 6."

N. Unidentified Person File: Described in "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: E. Unidentified Persons."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 28 U.S.C. 534; Department of Justice Appropriation Act, 1973, Pub. L. 92–544, 86 Stat. 1115, Securities Acts Amendment of 1975, Pub. L. 94–29, 89 Stat. 97; and Exec. Order No. 10450, 3 CFR (1974).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized

officials of the Federal Government, the States, cities, penal and other institutions, and certain foreign governments. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen missing gun file, stolen article file, wanted person file, securities file and boat file may be accessed by the Royal Canadian Mounted Police. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or submit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry established by a statute, which provides vehicles registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communications services to criminal justice agencies; and (4) the national Automobile Theft Bureau, a nongovernmental nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Information on missing children, missing adults who were reported missing while children, and unidentified living and deceased persons may be disclosed to the National Center for Missing and Exploited Children (NCMEC). The NCMEC is a nongovernmental, nonprofit, federally funded corporation, serving as a national resource and technical assistance clearinghouse focusing on missing and exploited children. Information is disclosed to NCMEC to assist it in its efforts to provide technical assistance and education to parents and local governments regarding the problems of missing and exploited children, and to operate a nationwide missing children hotline to permit members of the public to telephone the Center from anywhere in the United States with information about a missing child.

In addition, information may be released to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

To a Member or Congress of staff acting upon the member's behalf whom the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; *and,*

To the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file:

(a) Vehicle identification number;

(b) License plate number;

(c) NCIC number (unique number assigned by the NCIC computer to each NCIC record); *(d) Owner applied number.* 2. License Plate File: (a) License plate number; (b) NCIC number. 3. Gun file: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number; *(c) Owner applied number.* 5. Wanted Person File, U.S. Secret Service Protective File, Foreign Fugitive File, and Canadian Warrant File: (a) Name and one of the following numerical identifiers, date of birth, FBI Number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record). Social Security number (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system). Operator's license number (drivers number). Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record). Origination agency case number. (b) Vehicle or license plate known to be in the possession of the wanted person. (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File: (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security; (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number; (c) NCIC number. 8. Computerized Criminal History File: (a) Name, sex, race and date of birth; (b) FBI number; (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person File: Same as "Wanted Person" File, plus the age, sex, race, height and weight, eye and hair color, of the missing individual. 10. Unidentified Person File: Age, sex, race, height and weight, eye and hair color, of the unidentified individual.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC.

Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can have access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. [This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a stated control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC: a. All agencies having terminals on this system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminal history must have terminal operators screened and restricted access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in files as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after date of entry. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus

b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicles engines or transmissions will remain in file for the year of entry plus 4.

(Job No. NC1–65–82–4, Part E. 13 h.(1))

2. License Plate File: Unrecovered stolen license plates will remain in file for one year after the end of the plate's expiration year as shown in the record.

(Job No. NC1–65–82–4, Part E. 13 h.(2))

3. Gun file: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

(Job No. NC1–65–82–4, Part E. 13 h.(3))

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

(Job No. NC1–65–82–4, Part E. 13 h.(4))

5. Wanted Person File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from the file after 48 hours).

(Job No. NC1–65–87–114, Part E. 13 h.(7))

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.

(Job No. NC1–65–82–4, Part E. 13 h.(5))

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4. Unrecovered stolen boat records which do not contain a hull serial number will be purged from file 90 days after date of entry.

(Job No. NC1–65–82–4, Part E. 13 h.(6))

8. Missing Persons File: Will remain in the file until the individual is located.

(Job No. NC1–65–87–11, Part E. 13 h.(8))

9. Computerized Criminal History File: When an individual reaches age of 80.

(Job No. NC1–65–76–1)

10. U.S. Secret Service Protective File: Will be retained until names are removed by the U.S. Secret Service.

11. Foreign Fugitive File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

12. Canadian Warrant File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

13. Unidentified Person File: Will be retained for the remainder of the year of entry plus 9.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue NW., Washington, DC 20535.

NOTIFICATION PROCEDURES:

Same as the above.

RECORD ACCESS PROCEDURE:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperative law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, DC by mail. The

individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4), (d), (e) (1) (2), and (3), (e)(4) (G), (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(3).Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/FBI 006

SYSTEM NAME:

Electronic Surveillance (Elsur) Indices.

SYSTEM LOCATION:

Federal Bureau of Investigation, J. Edgar Hoover Bldg., 10th and Pennsylvania Ave., NW., Washington, DC 20535. Those field offices which have sought conducted electronic surveillances also maintain an index. See appendix to System *002.*

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been the targets of direct electronic surveillance coverage by FBI in a court order, those whose communications have been monitored/intercepted by an FBI electronic surveillance installation, those who won, lease, or license premises subjected to electronic surveillance coverage sought by the FBI in a court order.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ELSUR Index is comprised of three types of *automated records:* 1. Principal identify, by true name or best known name, all interceptees (targets) identified in an application filed by the FBI in support of an affidavit seeking a court order to conduct an electronic surveillance; 2. Proprietary Interest identify entities and/or individuals who own, lease, license or otherwise hold a possessory interest in locations subjected to an electronic surveillance sought by the FBI in a court order; and, 3. Overhear identify by true name or best known name, individuals and/or entities who have been reasonably identified by a first name or initial and a last name at being a party to a communication monitored/intercepted by the FBI.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The ELSUR Index was initiated in October, 1966, at the recommendation of the Department of Justice and relates to electronic surveillances conducted/sought by the FBI since 1/1/60. The authority for the maintenance of these records is Title 5, Section 301, USC which grants the Attorney General the authority to issue rules and regulations prescribing how Department of Justice information can be employed. Title 18, U.S.C. Section 3504, also sets forth recordkeeping requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Elsur Indices are utilized: (1) To respond to judicial inquires about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always employees of the FBI.

In addition, information may be released to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and, to the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906 to the extent that legislation governing the records permits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained *in an automated data base.*

RETRIEVABILITY:

Names/facilities are *retrievable* alphabetically. Telephone numbers and other such serial or identification numbers targeted are *retrievable* numerically. Locations targeted are indexed by address and *are retrieable* by street name.

SAFEGUARDS:

Access to the automated indices is restricted through the use of an access code by FBI personnel only.

RETENTION AND DISPOSAL:

Until advised to the contrary by the Department, the courts or Congress, these indices will be maintained indefinitely. The indices have been declared permanent by NARA. (Job No. NC1–65–82–4, Part E. 2. t.)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, Washington, DC 20535.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

Inquiry addressed to Director, FBI, Washington, D.C., 20535.

CONTESTING RECORD PROCEDURES:

Same as the above.

RECORD SOURCE CATEGORIES:

Category of Individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e), (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/FBI–011

SYSTEM NAME:

Employee Health Records.

SYSTEM LOCATION:

Federal Bureau of Investigation, Administrative Services Division, Health Service, J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue, NW., Washington, DC 20535 and the following field offices: New York, Newark, Philadelphia, Chicago, Los Angeles, San Francisco, and FBI Academy, Quantico, Virginia. Addresses for field offices can be found in the appendix of Field Offices for the Federal Bureau of Investigation in System notice Justice/FBI 002.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the FBI.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of visits to health facilities relating to sickness, injuries or accidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The head of each agency is responsible, under 5 U.S.C. 7902, for keeping a record of injuries and accidents to its employees and for reducing accidents and health risks. These records are maintained under the general authority of 5 U.S.C. 301 so that the FBI can be kept aware of the health related matters of its employees and more expeditiously identify them.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

These records are maintained by the FBI to identify matters relating to the health of its present and former employees. Information is available to employees of the FBI whose job function relates to identifying and resolving health matters of former and current personnel of the FBI.

In addition, information may be released to the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING RECORDS IN THE SYSTEM:

STORAGE:

Previous procedure of creation and maintenance of 3×5 index cards to record individual health service visits has been phased out and a clinical folder is created to maintain an employee health record and SF 510, "Nursing Notes". The information is maintained manually in a file folder.

RETRIEVABILITY:

By name.

SAFEGUARDS:

These records are maintained by FBI personnel during working hours and in locked file cabinets during non-working hours. Security guards further restrict access to the building to authorized personnel.

RETENTION AND DISPOSAL:

Remaining index cards will be destroyed 6 years after date of last entry (GRS #1, Item 19). The folder containing the health record and nursing notes will be maintained in the Health Unit for 5 years after the last entry. Thereafter, the contents of the folder will be transferred to the Employee Medical Folder, an appendage of the Office Personnel Folder.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, DC 20535.

NOTIFICATION PROCEDURE:

Written inquiries, including name, address and social security number, to determine whether this system of records contains records about an individual may be addressed to Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, DC 20535, and/or individually to the field officers which maintain similar records.

RECORD ACCESS PROCEDURES:

CONTESTING RECORD PROCEDURES:

Written inquiries, including name, date of birth and social security number, requesting access or contesting the accuracy of records may be addressed to: Director, Federal Bureau of Investigation, 9th and Pennsylvania Avenue, NW., Washington, DC 20535, and the above-mentioned field offices at addresses referred to in system notice Justice/FBI 002.

RECORD SOURCE CATEGORIES:

Employees of the Federal Bureau of Investigation originate their own records. Nursing Notes appear on SF 510.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS–003

SYSTEM NAME:

Position Accounting/Control System (PACS).

SYSTEM LOCATION:

Central Office, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Immigration and Naturalization Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Position data: Position number; category code; organization code; position title; pay plan; series; grade; description; accounting classification code; active/inactive coder; fund control number; amount authorized; hours authorized; new program element code; input control number; input transaction code; SF–52 date; announcement date and number; Entered on Duty (EOD) date; date last classified; date position last audited or reviewed; date of transaction; position appeal date, if any; union coverage code appealed to code; position status code; competitive level code; remarks code.

B. Payroll data; Social Security Account Number (SSAN); pay period number; payroll subobject code; last pay period amount and hours; cumulative amount and hours; accrual amount and hours; prior month YTD amount and hours; payroll current/prior/manual (C/P/M) code.

C. Personnel data; position number; organization code; position title; pay plan; series; grade; description; accounting classification code; incumbent's name, Social Security Account Number, next Quality Step Increase (QSI) date; nature of action; transaction date; FLSA exemption code; and effective date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103); Delegation of Authority to Departments (5 U.S.C. 301); Position Management Systems and Employment Ceilings. Bureau of the Budget Circular No. A–64 (June 28, 1965; January 2, 1970).

PURPOSE(S):

Information in this system is used for reports to INS managers of position authorization and cost data by geographic area, organizational unit, program activity, and budget allocation, including the composition of the INS work force (on-board strength and vacancies); status of each vacancy; turnover and occupancy rate statistics; aggregate position data by grade level, organization unit, program activity, type of position, etc.; actual costs for each position and projected position costs for the next fiscal year; and authorization of positions through funds control and periodic review mechanisms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

B. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff request the information or behalf of and at the request of the individual who is the subject of the record.

C. To the National Archives and Records Administration and the General Services Administration records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on magnetic disk and tape at the Department of Justice Data Management Service. All other records are maintained as paper documents at the Central Office, 425 I Street NW., Washington, D.C. and four regional personnel offices.

RETRIEVABILITY:

Records are retrieved by position number, organization code, accounting classification code, or program element code.

Access Controls. Access to the system is restricted to employees of the Immigration and Naturalization Service responsible for position accounting and management. Biweekly reports are distributed only to authorized INS personnel. Remote terminals for additional access are located in areas restricted to authorized INS personnel.

SAFEGUARDS:

The data in the automated system of records is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. Paper forms are stored in metal file cabinets which are locked outside of normal duty hours.

RETENTION AND DISPOSAL:

Records are deleted from the automated data base within 60 days after termination of the position authorization. Employee personnel information in the automated data base is deleted when the position becomes vacant. The data base is updated biweekly to maintain accurate, current information on position status and characteristics.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Resource Management Branch.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the *Director, Resource Management Branch.* Immigration and Naturalization Service, 425 I Street NW., Washington, DC. 20536.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record shall be in writing by mail or in person. If request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." The requester shall include a description of the subject matter and, if known, the relating file number. To identify a record relating to an individual, requester should provide the individual's full name, date and place of birth, employee identification number and, if known, position number. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the *Director, Resource Management Branch.* The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Position management data is obtained from official records in INS personnel offices. Payroll data is obtained from the computerized Department of Justice Payroll System (JUSTICE/OMF—003). Personnel management data is obtained from the Department of Justice Personnel System (JUNIPER).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS–006

SYSTEM NAME:

Alien Address Reports.

SYSTEM LOCATION:

Immigration and Naturalization Service (INS). *Headquarters.* 425 I Street NW, Washington, DC 20536.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aliens *that were* required to report addresses *in 1980*: nonimmigrants; aliens lawfully admitted for permanent residence; aliens granted political asylum; refugees and other conditional entrants. (*The annual January requirement was terminated effective January 1, 1981.*)

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains an index and copies of Form I–53. Alien Address Report Card *for the year 1980, that provided the following alien identification information: last name, first, and middle; address in the U.S.; alien registration number (A-file No.); place entered the U.S.; date entered the U.S.; sex; country of birth, date of birth; country of citizenship; social security number (if any); occupation; employer; and signature and date.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 103.285 and 290 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1305, and 1380).

PURPOSE(S):

The records in this system are used *for research and historical purposes.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of the individual who is the subject of the record.

B. To the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

INS Central Office maintains a microfilm file of 1980 I–53 reports.

RETRIEVABILITY:

Records in the system are indexed and retrievable by name of the individual.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in building, under security guard, and access to premises is by official identification. Access to automated systems is controlled by restricted passwords for use of remote terminals in secured areas.

RETENTION AND DISPOSAL:

Microfilm copies, index, reports, and magnetic tapes when no longer required will be offered to NARA for permanent detention in accordance with INS schedule NC1–85–78–8.

SYSTEM MANAGER AND ADDRESS:

Director, Records Management Branch, INS, *Headquarters,* 425 I Street, NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address your inquiries to the system manager identified above.

RECORD ACCESS PROCEDURE:

Make all requests for assess in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer at the address identified above. Clearly mark the envelope and letter "Privacy Act Request." Provide A-file number and/or the full name and date of birth, with a notarized signature of the individual who is the subject of the records, and a return address.

CONTESTING RECORD PROCEDURE:

Direct all requests to contest or amend information in the records to the FOIA/PA Officer at the address identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope and letter "Privacy Act Request." Provide A-file number and/or full name and date of birth, with a notarized signature of the individual who is the subject of the records, and a return address.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from *the individuals covered by the system.*

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INS–012

SYSTEM NAME:

Deportable Alien Control System (DACS).

SYSTEM LOCATION:

Central, Regional, District, and other offices of the Immigration and Naturalization Service (INS) in the United States as detailed in JUSTICE/INS–999

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aliens alleged to be deportable by INS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is a computer data base that contains biographic information about deportable aliens such as name, date and country of birth; United States and foreign addresses; file number, charge, amount of bond, hearing date, case assignment, scheduling date, section(s) of law under which deportability/excludability is alleged; data collected to support the INS position on deportability/excludability, including information on any criminal or subversive activities; date, place, and type of last entry into the United States; attorney/representative's identification number; family data, and other case-related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103, 1251, and 1252.

PURPOSE(S):

The system provides INS with an automated data base which assists in the deportation or detention of aliens in accordance with immigration and nationality laws. It also serves as a docket and control system by providing management with information concerning the status and/or disposition of deportable aliens.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSE OF SUCH USES:

Relevant information contained in this system of records may be disclosed as follows:

A. To clerks and judges of Federal courts exercising jurisdiction over the deportable aliens in determining grounds for deportation.

B. To other Federal, State, and local government law enforcement and regulatory agencies and foreign governments, including the Department of Defense and all components thereof, the Department of State, the Department of Treasury, the Central Intelligence Agency, the Selective Service System, the United States Coast Guard, the United Nations, and INTERPOL, and individuals and organizations during the course of investigation in the processing of a matter or during a proceeding within the purview of the immigration and nationality laws to elicit information required by INS to carry out its functions and statutory mandates.

C. Where there is an indication of a violation or potential violation of law (whether civil, criminal or regulatory in nature), to the appropriate agency (whether Federal, State, local or foreign), charged with the responsibility of investigating or prosecuting such violations, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

D. Where there is an indication of a violation or potential violation of the immigration and nationality laws, or of a general statute within INS jurisdiction or of a regulation, rule, or order issued pursuant thereto, to a court, magistrate, or administrative tribunal in the course of presenting evidence, and to opposing counsel during discovery.

E. Where there is an indication of a violation or potential violation of the law of another nation (whether civil or criminal), to the appropriate foreign government agency charged with enforcing or implementing such laws and to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

F. To other Federal agencies for the purpose of conducting national intelligence and security investigations.

G. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

H. To the General Services Administration and the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in a data base on magnetic disks.

RETRIEVABILITY:

These records are retrieved by name and/or date of birth, A-file number, or by alien's Bureau of Prisons number, when applicable.

SAFEGUARDS:

INS offices are located in buildings under security guard, and access to premises is by official identification. Access to terminals is limited to INS employees with user identification numbers. Access to records in this system is by restricted password and is further protected by secondary passwords.

RETENTION AND DISPOSAL:

Deportable alien case control and detention records are marked closed and retained for statistical purposes through the end of the fiscal year. Closed cases are archived and stored in

the database separate from the active cases. A retention and disposition schedule for the case summary and detention history records is currently being negotiated and will be submitted to the Archivist of the United States for approval.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Detention and Deportation, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

Address inquiries to the system manager identified above

RECORDS ACCESS PROCEDURE:

Make all requests for access in writing to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer at the nearest INS Office, or the INS office maintaining the desired records (if known) by using the list of Principal Offices of the Immigration and Naturalization Service Appendix, JUSTICE/INS–999, published in the **Federal Register.** Clearly mark the envelope and letter "Privacy Act Request." Provide the A-file number and/or the full name and date of birth, with a notarized signature of the individual who is the subject of the record, and a return address.

CONTESTING RECORDS PROCEDURES;

Direct all requests to contest or amend information in the record to the FOIA/PA Officer at one of the addresses identified above. State clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope "Privacy Act Request." The record must be identified in the same manner as described for making a request for access.

RECORD SOURCE CATEGORIES:

Basic information is obtained from "The Immigration and Naturalization Service (INS) Alien File (A File) and Central Index System, (CIS), JUSTICE/INS—001A." Information may also come from the alien, the alien's attorney/representative, INS officials, other Federal, State, local, and foreign agencies and the courts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

JUSTICE/INTERPOL–001

SYSTEM NAME:

The INTERPOL-United States National Central Bureau (INTERPOL-USNCB) (Department of Justice) INTERPOL-USNCB Records System.

SYSTEM LOCATION:

INTERPOL-U.S. National Central Bureau, Department of Justice, Room *600 Bicentennial Bldg.*, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific deceased persons in connection with death notices; individuals who may be associated with certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in a crime; victims of criminal violations in the United States or abroad; and INTERPOL-USNCB personnel involved in litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

The program records of the INTERPOL-USNCB consists of criminal and non-criminal case files. The files contain fingerprint records, photographs, criminal investigative reports, radio messages (international), teletype messages (internal U.S.), log sheets, computer printouts, letters, memoranda, and statements of witnesses and parties to litigation.

These records relate to fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes names, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 283a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event a record(s) in this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred, as a routine use to the appropriate law enforcement and criminal justice agencies whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulations or order issued pursuant thereto. A record may be disclosed to federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license grant or other benefit; to federal agencies in response to their request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. A record may be disclosed to appropriate parties engaged in litigation or in preparation of possible litigation, e.g., to potential witnesses for the purpose of securing their testimony when necessary before courts, magistrates or administrative tribunals; to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings; to foreign governments in accordance with formal or informal international agreements; to local, state, federal and foreign agents; to the Treasury Enforcement Communications System (TECS) (Treasury/CS 00.244); to the International Criminal Police Organization (INTERPOL) General Secretariat and National Central Bureaus in member countries; to the INTERPOL Supervisory Board, an international board comprised of three judges having oversight responsibilities regarding the purpose and scope of personal information maintained in the international achieves of INTERPOL; to employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain information to further investigative efforts or to apprehend criminal offenders; to other third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and to translators of foreign languages as necessary. In addition, records are accessed by INTERPOL-USNCB employees and by volunteer students and students working under a college work-study program who have a need for the records in the performance of their duties.

Information permitted to be released to the news media and the public

pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Information not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

A record may be disclosed as a routine use to *the National Archives and Records Administration and to the General Services Administration* in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file folders and on microfilm in the INTERPOL-United States National Central Bureau. Magnetic disks in the INTERPOL Case Tracking System (CTS) are stored at the Justice Data Center, U.S. Department of Justice, and certain limited data, e.g., that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244, a system published by the U.S. Department of the Treasury.

RETRIEVABILITY:

Information is retrieved primarily by name, file name, system identification number, personal identification number, and by weapon or motor vehicle number or by other identifying data. Prior to 1975, case files were arranged by name of subject. Between 1975 and 1979 case files were sequentially numbered. Since October 1979, files have been arranged by year, month and sequential number.

SAFEGUARDS:

Information maintained on magnetic disks is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only those individuals specifically authorized and assigned an identification code by the system manager will have access to the computer. Identification codes will be assigned only to those INTERPOL-USNCB employees who require access to the information to perform their official duties. In addition, access to the information must be accompanied through a terminal which is located in the INTERPOL-USNCB office that is occupied twenty-four hours a day. Information in file folders and in microfilm records is stored in file cabinets in the same secured area.

RETENTION AND DISPOSAL:

Case files opened after April 5, 1982 have been stored on microfilm (41 CFR Sec. 101–11.506). In addition, records that were closed prior to April 5, 1982 but are recalled from the Federal Archives and Records Center (FARC) are also microfilmed.

Case files that were closed prior to April 5, 1982 are transferred to the FARC two years from the date the case is closed and are destroyed twenty years thereafter, if there has been no recall from the FARC and no case activity.

Case files closed as of April 5, 1982 and thereafter are disposed of as follows: The hard copy (paper record) of the case file may be destroyed when the microfilm records have been verified for clearness, completeness and accuracy. The microfilm record of the case file is destroyed ten years after closing of the case, if there has been no case activity.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, INTERPOL-United States National Central Bureau, Department of Justice, *Room 600, Bicentennial* Building, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, INTERPOL-United States National Central Bureau, Department of Justice, Washington, DC 20530. To enable INTERPOL-USNCB personnel to determine whether the system contains a record relating to him or her, the requester must submit a written request identifying the record system, identifying the category and type of records sought, and providing the individual's full name and at least two items of secondary information (date of birth, social security number, employee identification number, or similar identifying information).

RECORD ACCESS PROCEDURE:

Although the Attorney General has exempted the system from the access, contest, and amendment provisions of the Privacy Act, some records may be available under the Freedom of Information Act. Inquiries should be addressed to the official designated under "Notification procedure" above. The letter should be clearly marked "Freedom of Information Request" and a return address provided for transmitting any information to the requester.

CONTESTING RECORD PROCEDURES:

See "Access procedures" above.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigating reports of federal, state, local, and foreign law enforcement agencies (including investigating reports from a system of records published by Department of Treasury Enforcement Communications System (TECS) TREASURY/CS 00.244); other non-Department of Justice investigative agencies; client agencies of the Department of Justice; statements of witnesses and parties; and the work product of the staff of the United States National Central Bureau working on particular cases. Although the organization uses the name INTERPOL-USNCB for purposes of public recognition, the INTERPOL-USNCB is not synonymous with the International Criminal Police Organization (ICPO-INTERPOL), which is a intergovernmental organization headquartered in Lyon, France. The Department of Justice INTERPOL-USNCB serves as the United States liaison with the INTERPOL General Secretariat and works in cooperation with the National Central Bureaus of other member countries, but is not an agent, legal representative, nor organization submit of the International Criminal Police Organization. The records maintained by the INTERPOL-USNCB are separate and distinct from records maintained by the international Criminal Police Organization, and INTERPOL-USNCB does not have custody of, access to, nor control over the records of the International Criminal Police Organization.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c) (3) and (4), (d), (e), (1), (2), and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), and (g) if the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/*USA-016*

SYSTEM NAME:

Assistant United States Attorney Applicant Records System.

SYSTEM LOCATION:

Executive Office for United States Attorneys, United States Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all applicants for Assistant United States Attorney positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of records folders which may contain up to a total of four sections. The personnel section contains records such as resumes, letters of recommendation, law school grade transcripts, completed Civil Service forms, and related personnel matters. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. Rarely does a personnel folder contain more than the personnel and character sections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel for recruitment purposes. However, the fact that the applicant was being considered would be made known to the references supplied by the applicant and others contacted. Information about the applicant, as then known, might be supplied to contacted individuals as necessary to verify already obtained information or to seek elaboration of that information.

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Information not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

A record may be disclosed as a routine use to the *General Services Administration and the* National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, local, or foreign, which requires information relevant to a civil or criminal investigation.

Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Information may be disclosed to Federal, State, and local licensing agencies or association which require information concerning the suitability or eligibility of an individual for a license or permit.

Information may be disclosed in a proceeding before a court or adjudicative body before which the *United States Attorney's Office (USAO) or Executive Office for United States Attorneys (EOUSA)* is authorized to appear when (a) *USAO or EOUSA*, or any subdivision thereof or (b) any employee of *USAO or EOUSA* in his or her official capacity, or (c) any employee of *USAO or EOUSA* in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where *USAO or EOUSA* determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by *USAO or EOUSA* to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the applicant's name, as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained, in the case of applicants who are not offered positions, for two years and then destroyed. If the applicant is offered a position and accepts it, his folder is transferred to the Appointed Assistant United States Attorney Personnel System and retained as specified therein.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for United States Attorneys: United States Department of Justice; 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should clearly be directed orally or in writing to the *Director, Executive Office for United States Attorneys*. When requests are in writing, the envelope and letter should be marked "Privacy Access Request."

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the *Director, Executive Office for United States Attorneys*, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Non-exempt sources of information contained in this system include the individual, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 558 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/*USA-017*

SYSTEM NAME:

Appointed Assistant United States Attorneys Personnel System.

SYSTEM LOCATION:

Executive Office for United States Attorneys, United States Department of Justice; 10th and Constitution Avenue NW., Washington D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all Assistant United States Attorneys.

CATEGORIES OF RECORDS IN THE SYSTEM

This system of records consists of records folders which may contain up to a total of five sections. The personnel section contains personnel records such as completed Civil Service forms, letters of recommendation, law school grade transcripts, appointment letters, appointment affidavits, bar affidavits, locator forms and personnel action forms. The character section contains completed or portions of ongoing background investigations and matters related thereto. The Congressional section contains Congressional and other political type recommendations regarding appointment. The protest section contains correspondence, if any exists, protesting the appointment of applicants. The complaint section contains correspondence from individuals or groups complaining about office holders. Rarely does a personnel folder contain more that the personnel. and character sections

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These records are maintained pursuant to 5 U.S.C. 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used only by Department of Justice personnel. Information contained in a folder may be used as the basis for answering future inquires from other government agencies about a former assistant's qualifications. The personnel section may be made available to other federal agencies, at their request, upon the transfer of the assistant to such an agency.

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Information not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to Member of Congress of staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

A record may be disclosed as a routine use to the *General Services Administration and the* National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Information may be disclosed to any civil or criminal law enforcement agency, whether Federal, State, or local, or foreign, which requires information relevant to a civil or criminal investigation.

Information may be disclosed to officials and employees of the White House or any Federal agency which requires information relevant to an agency decision concerning the hiring, appointment, or retention of an employee; the issuance of a security clearance; the execution of a security or suitability investigation; the classification of a job; or the issuance of a grant or benefit.

Information may be disclosed to Federal, State, and local licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

Information may be disclosed in a proceeding before a court or adjudicative body before which the *United States Attorney's Office (USAO) or The Executive Office for United States Attorneys (EOUSA)* is authorized to appear when (a) *USAO or EOUSA*, or any subdivision thereof, or (b) any employee of *USAO or EOUSA* in his or her official capacity, or (c) any employee of *USAO or EOUSA* in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (d) the United States, where *USAO or EOUSA* determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by *USAO or EOUSA* to be arguably relevant to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Information is retrieved by use of the assistant's name as the folders are filed alphabetically by name.

SAFEGUARDS:

These records are maintained in cabinets stored in a locked room.

RETENTION AND DISPOSAL:

These records are retained until the subjects of the files resign or otherwise leave their offices for non-federal government employment. In that instance, the personnel section is sent to the St. Louis Records Center for an indefinite period. If the assistance transfers to another agency of the federal government, the personnel section is sent to the gaining agency. All other sections of the folder are destroyed six months after the assistant leaves office.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for United States Attorneys, United States Department of Justice; 10th and Constitution Avenue, NW.; Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address all inquiries to the System Manager. These records will be exempted from subsections (d)(1) and (e)(1) of section 552a, Title 5, United States Code, by the Attorney General under the authority of 5 U.S.C. 552a(k)(5) to the extent therein permitted.

RECORD ACCESS PROCEDURES:

A request for access to non-exempt portions of records from this system should be directed orally or in writing to the System Manager. When requests are in writing, the envelope and letter should clearly be marked 'Privacy Access Request.'

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment(s) to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include the individuals, government agencies as appropriate, and interested third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d)(1) and (e)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register.**

JUSTICE/USA-999

SYSTEM NAME:

Appendix of United States Attorneys' office locations: [Written requests for access to records in any of the following U.S. Attorneys' offices except the

District of Columbia may be addressed to: FOIA/Privacy Unit, Patrick Henry Building, 601 D Street NW., Room 6410, Washington, DC 20530.

Requests for access to records in the District of Columbia may be addressed to: FOIA/Privacy, United States Attorney's Office for the District of Columbia, Judiciary Center Building, 555 4th Street NW., Washington, DC 20001.

Systems are located as listed below:

Alabama, N.
200 Federal Building
1800 Fifth Avenue North
Birmingham, Alabama 35203
Alabama, M.
500 Federal Building & Courthouse
15 Lee Street
Montgomery, Alabama 36104
Alabama, S.
169 Dauphin Street, Suite 200
Mobile, Alabama 36602
Alaska
Fed. Bldg. & U.S. Courthouse
Rm. C-253
222 West 7th Ave., #9
Anchorage, Alaska 99513-*7567*
Arizona
4000 U.S. Courthouse
230 First Avenue
Phoenix, AZ 85025
Arkansas, E
331 P.O. & Courthouse Bldg.
600 West Capitol
Little Rock, Arkansas 72203
Arkansas, W
6th & Rogers
U.S. Post Office & Courthouse Bldg.
Fort Smith, Arkansas 72901
California, N
450 Golden Gate Avenue, *Rm. 10201*
San Francisco, Calif. 94102
California E
3305 Federal Building
650 Capitol Mall
Sacramento, Calif. 95814
California, C
312 N. Spring Street, *Rm. 1306* Los Angeles, Calif. 90012
California, S
940 Front Street
Rm. S-N-19
U.S. Courthouse
San Diego, Calif. 92189
Colorado
1961 Stout Street
Suite 1200—Drawer 3615
Federal Office Bldg.
Denver, Colorado 80294
Connecticut
United States Courthouse
141 Church Street
New Haven, Connecticut 06508
Delaware
J. Caleb Boggs Fed. Bldg.
844 King Street, Rm. 5110
Wilmington, Del. 19801
D.C.
Judiciary Center Bldg.
555 4th Street NW.
Washington, DC 20001
Florida, N
315 South Calhoun St.
Suite 510
Tallahassee, Florida 32301-*1841*
Florida, M
Robert Timberlake Bldg., Rm. 400
500 Zack Street
Tampa, Florida 33602
Florida, S
155 South Miami Avenue
Miami, Florida 33130
Georgia, N
Room 1800 Richard Russell Bldg.
75 Spring Street, *SW*
Altanta, Georgia 30335
Georgia, M
433 Cherry Street,
4th Floor
Cherry Street Galleria
Macon, Georgia 31201
Georgia, S
U.S. Courthouse, Room 237
125 Bull Street
Savannah, Georgia 31412
Guam
Suite 502-A *Pacific News Building*
238 Archbishop Flores St.
Agana, Guam 96910
Hawaii
Rm. *6100*, PJKK Federal Bldg.
Box 50133, 300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Idaho
Rm. 328 Federal Building
Box 037, 550 W Fort Street
Boise, Idaho 83724
Illinois, N
Everett McKinley Dirksen Bldg.
Rm. 1500 S. 219 S. *Dearborn* Street
Chicago, Illinois 60604
Illinois, S
Rm. *357*
750 Missouri Avenue
East St. Louis, Illinois 62201
Illinois, C
Rm. 312 *Paul Findley Federal Bldg.*
600 East Monroe Street
Springfield, Illinois 62701
Indiana N
1001 Main Street
Suite A
Dyer, Ind. 46311
Indiana S
U.S. Courthouse, *Fifth Floor*
46 E. Ohio Street
Indianapolis, Ind. 46204
Iowa, N
425 2nd Street *S.E.*, Suite 950
The Center
Cedar Rapids, Iowa 52401
Iowa, S
115 U.S. Courthouse
E 1st & Walnut Streets
Des Moines, Iowa 50309
Kansas
306 U.S. Courthouse
401 North Market Street
Wichita, Kansas 67202
Kentucky, E
110 West Vine Street
Suite 400
Lexington, Kentucky 40507
Kentucky, W
Bank of Louisville Bldg.
510 West Broadway, 10th Floor
Louisville, Kentucky 40202
Louisiana, E
Hale Boggs Fed. Bldg.
501 Magazine St., Rm. 210
New Orleans, LA 70130
Louisiana, M
339 Florida St., Sixth Floor
Baton Rouge, LA 70801
Louisiana, W
401 Edwards Street
Suite 2100
Shreveport, LA 71101-6133
Maine
East Tower—6th Floor
100 Middle Street Plaza
Portland, Maine 04101
Maryland
8th Floor U.S. Courthouse
101 W. Lombard Street
Baltimore, MD 21201
Massachusetts
1107 John W. McCormack Fed. Bldg.
USPO & Courthouse
Boston, Mass 02109
Michigan E
817 Federal Building
231 W. Lafayette
Detroit, Michigan 48226
Michigan, W
Gerald R. Ford Federal Building & U.S. Courthouse
110 Michigan St., N.W. Room 399
Grand Rapids, Michigan 49503
Minnesota
234 U.S. Courthouse
110 South 4th Street
Minneapolis, Minn. 55401
Mississippi N
Rm. 265 Federal Building
911 West Jackson Avenue
Oxford, Miss. 38655
Mississippi S
188 East Capitol St., *Suite 500*
Jackson, Miss. 39201
Missouri, E
Rm. 414, U.S. Court & Custom House
1114 Market Street
St. Louis, MO 63101
Missouri, W
549 U.S. Courthouse
811 Grand Avenue
Kansas City, MO 64106
Montana
First Federal Savings & Loan Bldg.
Suite 400
2929 3rd Ave. North
Billings, Montana 59101
Nebraska
Room 6000, *Zorinsky Federal Bldg.*
215 N 17th Street
Omaha, Nebraska 68101
Nevada
701 E. Bridger Ave.,
Suite 800
Las Vegas, Nevada 89101
New Hampshire
55 Pleasant Street, Rm. 439
Fourth Floor, Federal Bldg.
Concord, New Hampshire 03301
New Jersey
Federal Building
970 Broad Street, Rm. 502
Newark, N.J. 07102
New Mexico
625 Silver, S.W., 4th FL
Albuquerque, New Mex. 87102
New York, N
Post Office Box 7198
100 South Clinton Street
Syracuse, N.Y. 13261-*7198*

New York, S
One St. Andrews Plaza
New York, N.Y. 10007
New York, E
U.S. Courthouse
225 Cadman Plaza East
Brooklyn, N.Y. 11201
New York, W
502 U.S. Courthouse
68 Court Street
Buffalo, N.Y. 14202
N. Carolina, E
Eighth Floor, Federal Building
310 New Bern Avenue
Raleigh, N.C. 27611
N. Carolina, M
L. Richardson Preyer Federal Building
324 West Market Street
Greensboro, N.C. 27402
N. Carolina, W
Rm 306, *U.S. Courthouse*
100 Otis Street
Asheville, N.C. 28801-*2611*
N. Dakota
219 Federal Building
655 1st Avenue, North
Fargo, N.D. 58102
Ohio, N
Suite 500
1404 East Ninth Street
Cleveland, Ohio 44114
Ohio, S
Room 200
85 Marconi Boulevard
Columbus, Ohio 43215
Oklahoma, N
3600 U.S. Courthouse
333 West Fourth Street
Tulsa, Okla 74103
Oklahoma, E
333 Federal Courthouse & Office Bldg.
Fifth & Okmulgee
Muskogee, Okla 74401
Oklahoma, W
Room 4434
U.S. Courthouse & Fed. Office Bldg.
Oklahoma City, Okla 73102
Oregon
888 S.W. Fifth Ave.
Suite 1000
Portland, Oregon 97204-*2024*
Penn. E
3310 U.S. Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106
Penn. M
Suite 309, Federal Building
Washington & Linden Streets
Scranton, PA 18501
Penn. W
633 U.S.P.O. & Courthouse
7th Avenue & Grant Street
Pittsburgh, PA 15219
Puerto Rico
Rm. *452* Fed. Office Bldg.
Carlos F. Chardon Avenue
Hato Rey, P.R. 00918
Rhode Island
Westminister Square Building
10 Dorrance Street, *Tenth Floor*
Providence, R.I. 02903
South Carolina
Federal Building
1100 Laurel Street
Columbia, S.C. 29201
S. Dakota
135 Fed. Bldg., & U.S. Courthouse
400 S. Phillips Avenue
Sioux Falls, S.D. 57102
Tennessee, E
Plaza Tower, Suite 700
800 South Gay Street
Knoxville, TN 37929
Tennessee, M
110 Ninth Ave. S.
Suite A961
Nashville, TN 37203-*3870*
Tennessee, W
1026 Fed. Office Bldg.
167 North Main Street
Memphis, TN 38103
Texas, N
310 U.S. Courthouse
10th & Lamar Street
Ft. Worth, TX 76102
Texas, S
Courthouse & Federal Bldg.
515 Rusk Avenue, 3rd Floor
Houston, TX 77002
Texas, E
700 North Street, Suite *102*
Beaumont, TX 77701
Texas, W
727 E. Durango Blvd.
Suite A-601
San Antonio, TX 78206
Utah
U.S. Courthouse, Room 476
350 South Main Street
Salt Lake City, UT 84101
Vermont
Federal Building
11 Elmwood Avenue, 6th Floor
Burlington, VT 05401
Virgin Islands
Federal Bldg., & U.S. Courthouse
Veterans Drive, Rm. 260
Charlotte Amalie
St. Thomas, V.I. 00802
Virginia, E
1101 King Street
Suite 502
Alexandria, VA 22314
Virginia, W
Room 456, Poff Federal Bldg.
210 Franklin Road, SW.
Roanoke, VA 24011
Washington, E
851 U.S. Courthouse
West 920 Riverside
Spokane, WA 99201
Washington, W
3600 Seafirst 5th Ave., Plaza
800 Fifth Avenue
Seattle, WA 98104
West Virginia, N
Room *238*, Federal Building
1125-1141 Chapline Street
Wheeling, WV 26003
West Virginia, S
Room *3201*, Federal Building
500 Quarrier Street
Charleston, WV 25301
Wisconsin, E
330 Federal Building
517 East Wisconsin Avenue
Milwaukee, WI 53202
Wisconsin, W
120 N. Henry Street, Room 420
Madison, WI 53703
Wyoming
J.C. O'Mahoney Fed. Building
Room *4002*, 2120 Capitol Avenue
Cheyenne, WY 82001
North Mariana Islands
c/o U.S. Attorney's Office
6th Floor, Naura Bldg.
P.O. Box 377
Saipan, CM 96950

[FR Doc. 92-3464 Filed 3-9-92; 8:45 am]
BILLING CODE 4410-01

Bureau of Justice Statistics

Application Information for FY 1992 Programs

AGENCY: Office of Justice Programs, Bureau of Justice Statistics, DOJ

ACTION: Public announcement of the availability of the Application Information for FY 1992 Programs awarded by the Bureau of Justice Statistics.

SUMMARY: The Bureau of Justice Statistics (BJS) is publishing this Notice of the availability of the Application Information for FY 1992 Programs. This information is of interest to all eligible State agencies and local jurisdictions, and applicants for the Justice Information Policy Assistance program and the BJS Visiting Research Fellowship program.

DATES: All proposals responding to the programs included in the Application Information for FY 1992 Programs must be postmarked by the specific due dates indicated for each program in the Application Information publication.

ADDRESS: Bureau of Justice Statistics, room 1142, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Maureen A. Henneberg, Chief, Fiscal and Management Unit, Bureau of Justice Statistics, at the above address. Telephone (202) 616-3282. To obtain the Application Information for FY 1992 Programs, call the Justice Statistics Clearinghouse toll-free number 1-800-732-3277 at the National Criminal Justice Reference Service (NCJRS), Box 6000, Rockville, MD 20850.

SUPPLEMENTARY INFORMATION: The following supplementary information is provided:

Background

The Bureau of Justice Statistics is announcing the following four programs for which applications may be made:

(1) State Statistical Analysis Centers (SAC) and Information Network;
(2) Criminal History Record Improvement (CHRI) Program;
(3) Incident-Based Reporting System Program: Local Law Enforcement Utilization Project; and
(4) BJS Visiting Research Fellowship Program.

The State Statistical Analysis Center (SAC) program and the Criminal History Record Information (CHRI) program have single eligible applicant agencies within each State. For SAC programs, the State Statistical Analysis Centers are the eligible award recipients. Applicants for the SAC program may be submitted at any time; there is no calendar deadline. For the CHRI program, applicants should be the State agency responsible for directing or overseeing the repository of Statewide Criminal history files on persons arrested for fingerprintable offenses within the State. State agencies responsible for reporting dispositions to the criminal history repository are also eligible to receive funds. Every State is eligible to participate in this program and all States are encouraged to apply. Applications for the CHRI program should be submitted as soon as possible for funding in fiscal year 1992.

Under the Incident-Based Reporting System Program: Local Law Enforcement Utilization Project, statements of interest are being solicited from local law enforcement agencies in major cities (populations over 250,000) with incident-based data available for analysis, desiring to participate in a cooperative analytical effort with BJS. Statements of interest should be postmarked on or before May 1, 1992.

The BJS Visiting Research Fellowship Program is designed to promote criminal justice and justice system related statistical research among the academic and professional justice community to meet the specific needs of the Administration, the Department of Justice, and BJS. In most cases, the recipient of a fellowship should hold an advanced degree in statistics or one of the social sciences or related disciplines and/or have relevant and substantial experience in justice-related issues, the application of quantitative research techniques, and report writing.

Steven D. Dillingham,
Director, BJS.

[FR Doc. 92-5552 Filed 3-9-92; 8:45 am]
BILLING CODE 4410-18-M

Parole Commission

Consolidation of the Northeast and Southeast Regions into a Single Eastern Region, and Transfer of Certain States to the North Central and South Central Regions

AGENCY: United States Parole Commission, Justice.

ACTION: Notice of redefinition of regional boundaries.

SUMMARY: The U.S. Parole Commission is redefining the boundaries of the regions which it has established for the purpose of delegating decision making authority to Regional Commissioners under 18 U.S.C. 4203(c)(1). The Northeast and Southeast Regions will be consolidated into a single Eastern Region. Certain states are also being transferred to the North Central and South Central Regions at the same time. The purpose of these changes is to permit the Commission to manage its caseload more efficiently in view of the recent elimination of three regional offices, and the Commission's statutorily-scheduled abolition on November 1, 1997.

EFFECTIVE DATE: April 10, 1992.

FOR FURTHER INFORMATION CONTACT: Richard Preston, Attorney, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission has the authority, under 18 U.S.C. 4203(a)(2), to "* * * create such regions as are necessary" to carry out the provisions of the Parole Commission and Reorganization Act of 1976. Within each region, all cases not designated for the Commission's original jurisdiction are initially decided by Regional Commissioners pursuant to 18 U.S.C. 4203(c)(1).

Under the Sentencing Reform Act of 1984 (as amended), Public Law 98-473, the Parole Commission's jurisdiction is limited to federal prisoners and parolees who committed their offense prior to November 1, 1987. The Commission is scheduled for abolition on November 1, 1997. Accordingly, the Commission's caseload is declining, and the Commission continues to be obliged to implement an orderly reduction of its operations by consolidating regions and redefining regional boundaries.

There are currently four regions, an arrangement resulting from the closure of the Commission's regional offices in San Francisco, California; Philadelphia, Pennsylvania; and Atlanta, Georgia, in 1991. See 56 FR 28417 (June 20, 1991). Regional Offices are now located in Dallas, Texas; Kansas City, Missouri; and Chevy Chase, Maryland.

The primary result of this action will be to consolidate the functions of the Northeast and Southeast Regions under one Regional Commissioner, with regional office headquarters in Chevy Chase, Maryland. The regional offices in Dallas, Texas; and Kansas City, Missouri, will remain open.

Accordingly, the Commission has taken the following actions: 1. The Northeast and Southeast Regions will be eliminated effective April 10, 1992.

2. The Eastern Region is created effective April 10, 1992, and will consist of the following states: Alabama, Connecticut, District of Columbia, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Vermon, Virginia, Virgin Islands, and West Virginia.

3. The following states are transferred to the South Central Region, effective April 10, 1992: Tennessee and Mississippi.

4. The following states are transferred to the North Central Region, effective April 10, 1992: Kentucky and Oklahoma.

Acting Regional Commissioner will continue to be designated by the Chairman on an as needed basis to ensure timely decision-making by the Commission, pursuant to 28 CFR 125.

Dated: February 21, 1992.

Jasper R. Clay,
Vice Chairman, U.S. Parole Commission.

[FR Doc. 92-5549 Filed 3-9-92; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Geriatric Aides Demonstration; Nursing Home and Home Health Care

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice of availability of funds and solicitation for grant applications (SGA).

SUMMARY: The Employment and Training Administration, U.S. Department of Labor, is soliciting proposals on a competitive basis under title IV, part D, section 452 of the Job Training Partnership Act (JTPA) for the conduct of demonstration projects pertaining to semi-professional and para-professional occupations in elder care. The purpose of this grant solicitation is to demonstrate innovative, comprehensive strategies and model approaches for providing job opportunities for disadvantaged adults and youth as certified geriatric nurse's aides, home health care aides, and personal home attendants; and, to develop career ladders/paths which will result in the upgrading of skills needed to attain occupational advancement.

Eligible applicants will be Private Industry Councils (PICs) or other entities (as defined below). Applicants will have to provide assurances that it has linkages with community groups that traditionally serve the needs of the elderly. No other organizations or individuals are eligible to apply. However, Organizations interested in this project should work through the local eligible applicant to coordinate services and activities.

The term *PIC* means an organization described under section 102 of JTPA which is established for each service delivery area in the JTPA system and which has the responsibilities enumerated under section 103 of JTPA, including providing the policy guidance for, and exercising oversight with respect to, activities under the job training plan for its service delivery area.

The term *or other entities designated to develop and administer the job training plan for JTPA service delivery areas* means an organization that has been selected under the provisions of section 103(b)1 and may be a unit of general local government in its service delivery area (or an agency thereof), a nonprofit private organization or corporation, or any other agreed-upon entity or entities.

DATES: The application will be available March 25, 1992. The requests must be made in writing to the address below. Telephone and telefacsimile (FAX) will not be honored. The request must cite SGA/DAA 92-005 and must include two (2) self-addressed labels. Requests will be honored on a first come, first serve basis until the supply of 300 is exhausted. The closing date for receipt of proposals will be April 24, 1992, 2 p.m. Eastern time. Any application not meeting the designated place, date, and time of delivery will not be considered.

ADDRESSES: Mail your request to obtain Solicitation for Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Acquisition and Assistance, 200 Constitution Avenue NW., room C-4305, Washington, DC, 20210, Attention: Charlotte Adams, Reference SGA/DAA 92-005.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, telephone: (202) 535-8702 (This is not a Toll Free Number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award approximately two (2) to three (3) grants. It is anticipated that a total of $250,000 will be awarded under this initiative. The period of performance will be 15 months from date of execution by the Government. Based on the availability of funds, effective program operation and needs of the Department, grants may be extended up to two (2) additional years (one year at a time). The final decision on the award will be based on what is most advantageous to the Federal Government as determined by the ETA Grant Officer.

Signed at Washington, DC, on February 27, 1992.

Robert D. Parker,
ETA Grant Officer.

[FR Doc. 92-5563 Filed 3-9-92; 8:45 am]
BILLING CODE 4510-30-M

Job Training Partnership Act: National Youth Apprenticeship Research and Demonstration Project

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of solicitation for grant applications (SGA).

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor, is soliciting proposals on a competitive basis to conduct a series of National Youth Apprenticeship Research and Demonstration Projects that will establish a more efficient way by which American youth can make the transition from school to the work force. Eligible participants will be public, profit, and non-profit organizations who meet the basic requirements. To qualify, participants' proposals must include evidence and/or agreements of the following: Partnerships with active participation of schools and employers; provision for the integration of school and work-site learning; structured work-site learning; formal, signed youth apprenticeship contracts; linkage to other State initiatives for school restructuring and reform; delineation of steps in the recruitment of and marketing to student participants; and an evaluation plan, detailing the methodology to be used in assessing the project's effectiveness. All basic requirements must be met.

DATES: The application will be available March 25, 1992. The requests must be made in writing to the address below. Telephone and telefacsimile (FAX) will not be honored. The request must cite SGA/DAA 92-006 and must include two (2) self-addressed labels. Requests will be honored on a first come, first served basis until the supply of 300 is exhausted. The closing date for receipt of proposals will be April 24, 1992, 2 p.m. Eastern time. Any application not meeting the designated place, date, and time of delivery will not be considered.

ADDRESSES: Mail your request to obtain Solicitation for Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contracts Management, Division of Acquisition and Assistance, 200 Constitution Avenue NW., room C-4305, Washington, DC 20210, Attention: Laura Cesario, Reference SGA/DAA 92-006.

FOR FURTHER INFORMATION CONTACT: Laura Cesario, Telephone: (202) 535-8702 (This is not a toll free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) will make multiple grant awards for demonstration projects from a budget of approximately $2 million. The maximum amount of any of these grants will be $250,000. Pending availability of funds, effective program operation and the needs of the Department, the grant(s) may be extended for up to two additional years. The period of performance will be 24 months from date of execution by the Government. The Department of Labor seeks to fund projects that are organized such that a broad partnership of schools, employers, government, state agencies, community members, parents, students, and all other stakeholders have important and active roles in project management.

The final decision on the award will be based on what is most advantageous to the Federal Government as determined by the ETA Grant Officer.

Signed at Washington, DC on February 28, 1992.

Robert D. Parker,
ETA Grant Officer.

[FR Doc. 92-5564 Filed 3-9-92; 8:45 am]
BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to the Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATES: These additions to the annual list of labor surplus areas are effective March 1, 1992.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: William J. McGarrity, Labor Economist, Employment and Training Administration, 200 Constitution Avenue NW., room N–4470, Attention: TEESS, Washington, DC 20210. Telephone: 202–535–0189.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation part 20 (48 CFR part 20) in order to assess the impact of the labor surplus area program on particular procurements.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Acquisition Regulation part 25 (48 CFR part 25) implements Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation part 25 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on October 25, 1991, (56 FR 55339).

Subpart B of part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b)(48) FR 15615 April 12, 1983) and are effective March 1, 1992.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC on March 3, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS

[March 1, 1992]

Labor surplus areas	Civil jurisdictions included
Kentucky:	
Louisville City	Louisville City in Jefferson County.
Maine:	
Lewiston City	Lewiston City in Androscoggin County.
Balance of Androscoggin County.	Androscoggin County Less Lewiston City.

[FR Doc. 92–5519 Filed 3–9–92; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Office of Public Partnership (Locals Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership (Locals Section) will be held on March 25, 1992 from 8:15 a.m.—6:30 p.m. and March 26 from 9 a.m.—4 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be introductory remarks, review of evaluation criteria and supplementary material, application review, rankings and recommendations, guidelines review and policy discussion.

Any interested person may observe meetings, or positions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 5, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–5547 Filed 3–9–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL INDIAN GAMING COMMISSION

Fee Rates

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted a preliminary annual fee rate of 1% for calendar year 1992. The rate shall apply to all assessable gross revenues (tier 1 and tier 2) from each class II gaming operation regulated by the Commission.

FOR FURTHER INFORMATION CONTACT: Fred W. Stuckwisch, National Indian Gaming Commission, 1850 M Street NW., suite 250, Washington, DC 20036; telephone 202/632–7003; fax 202/632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act established the National Indian Gaming Commission which is charted with, among other things, regulating Class II gaming on Indian lands.

The regulations of the Commission (25 CFR part 500) provide for a system of fee assessment and payment that is self-administered by the Class II gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, and report and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and this rate are effective for calendar year 1992. Therefore, all Class II gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations and report and pay any fees that are due to the Commission before the end of the first quarter of 1992 (March 31).

Dated: March 5, 1992.

Anthony J. Hope,

Chairman, National Indian Gaming Commission.

[FR Doc. 92–5573 Filed 3–9–92; 8:45 am]

BILLING CODE 7565–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by April 4, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335 and to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

Title: Minority Research Programs Assessment.

Affected Public: Individuals.

Respondents/Reporting Burden: 618 respondents; one hour per response.

Abstract: During the 1980's NSF created three programs to build research capacity of minority researchers and minority institutions. This study examines the career development of researches who benefited from FY 1987–89 awards in the three programs compared with the careers of researchers in several control groups.

Dated: March 4, 1992.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 92–5461 Filed 3–9–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Thermal Hydraulic Phenomena; Meeting

The ACRS Subcommittee on Thermal Hydraulic Phenomena will hold a meeting on March 26, 1992, in room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss information deemed proprietary to the General Electric Company (GE) pursuant to U.S.C. 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Thursday, March 26, 1992—6:30 a.m. until the conclusion of business

The Subcommittee will review the GE generic program supporting power level increases for operating GE Boiling Water Reactor nuclear power plants.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the General Electric Company, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 303/492–8558) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 2, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–5528 Filed 3–9–92; 8:45 am]

BILLING CODE 7590–01–M

Florida Power & Light Co., Turkey Point Plant, Unit Nos. 3 and 4; Correction to Receipt and Denial of Petition for Director's Decision Under 10 CFR 2.206

On February 27, 1992, a notice was published concerning the receipt and denial of a Director's Decision under 10 CFR 2.206. The notice pertained to a request by Mr. Thomas Saporito to take certain actions against the Florida Power and Light Company regarding the Turkey Point Plant, Units 3 and 4. On page 6748, at the bottom of the second column, the date "December 3, 1992" should read "January 3, 1992."

Dated at Rockville, Maryland, this 4th day of March 1992.

For the Nuclear Regulatory Commission.

L. Raghavan,

Acting Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5527 Filed 3–9–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Request for Comments on a Proposed Amendment to OFPP Policy Letter 80–3

AGENCY: Office of Federal Procurement Policy (OFPP).

ACTION: OFPP is requesting comments on a proposed amendment to OFPP Policy Letter No. 80–3 which would provide new guidance for determining which individuals within a contractor's organization may certify claims under the Contract Disputes Act (CDA).

SUMMARY: The CDA requires that, for claims over $50,000, a contractor must certify that: (1) The claim is made in good faith, (2) the supporting data are accurate and complete to the best of the contractor's knowledge and belief, and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. 41 U.S.C. § 605(c)(1). As a result of an amendment

to the CDA by the Administrative Dispute Resolution Act, certification is also required for claims of any amount in which alternative means of dispute resolution or other mutually agreeable procedures are used. 41 U.S.C. 605(d).

The CDA does not identify who within a contractor's organization can properly act in certifying a claim. However, OFPP Policy Letter 80–3, which provides regulatory guidance on the CDA, states at section I.7(b) that:

> [T]he certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

This, and other, guidance on contract disputes contained in Policy Letter 80–3 was provided to ensure that the procuring agencies adopted uniform and consistent language when amending their regulations to comply with changes required by the CDA. 45 FR 31035 (May 9, 1980). Providing such guidance on the disputes process was consistent with OFPP's responsibilities under the Office of Federal Procurement Policy (OFPP) Act, as amended, to develop a single, simplified uniform Federal procurement system incorporating all elements and stages of the acquisition process to be followed by Executive agencies. Public Law No. 96–83, 93 Stat. 648, 41 U.S.C. 405(a); H.R. Rep. No. 178, 96th Cong., 1st Sess., 6, reprinted in 1979 U.S. Code Cong. & Admin. News 1492, 1499.

In particular, the technical guidance identifying who could certify claims on behalf of the contractor was meant to further the Congressional goal of fair and expedient resolution of claims by providing a standard by which to readily ascertain those people who could certify a claim without the risk of extended litigation over that issue. By utilizing a standard similar to that already required by the Department of Defense (DOD) Appropriation Authorization Act of 1979 (Pub. L. No. 95–485, 813, 92 Stat. 1611, 1624 (1978), now codified at 10 U.S.C. Section 2410) for claims under DOD contracts, the guidance was intended to avoid confusion for DOD contractors and contracting officers.

Requiring that higher level officials within a non-individual contractor examine the basis of the claim was commensurate with the serious consequences of submitting a fraudulent claim, which may include forfeiture of the claim (28 U.S.C. 2514), civil monetary sanctions (41 U.S.C. 604; 31 U.S.C. 3729), debarment see Federal acquisition Regulation (FAR) 9.406–2) and imprisonment (18 U.S.C. 287, 1001). While at the same time serving to deter the submission of unsupported contractor claims, the guidance was also designed to allow the corporate sector sufficient flexibility to operate taheir businesses as they saw fit—an intention recently acknowledged by the Claims Court in *Aleman Food Services, Inc.* v. *United States*, 24 Cl. Ct. 345 (1991).

In the approximately nine years following the issuance of Policy Letter 80–3, there was relatively little litigation over the interpretation of this language, which, but for minor changes in the word order and punctuation, has been adopted by the FAR at 33.207(c). However, since that time, it has become one of the most, if not the most, controverted of the disputes provisions.

Much of the recent litigation has focused on whether contractors have complied with FAR 33.207(c) as it has been interpreted by the Court of Appeals for the Federal Circuit in *United States* v. *Grumman Aerospace Corp.*, 927 F. 2d 575 (Fed. Cir. 1991), *cert. denied*, 60 U.S.L.W. 3293 (U.S. Oct. 15, 1991) (No. 90–1800). In *Grumman*, the Court stated that (1) the certifying senior company official must have both (a) primary responsibility for the execution of the contract and (b) a physical presence at the location of the primary contract activity, and (2) the certifying officer or general partner must have overall responsibility for the conduct of the contractor's affairs in general. Litigation currently persists over every aspect of the requirement as interpreted in *Grumman*, including what constitutes "primary responsibility," what level of physical presence qualifies as being "at" the plant or location involved, and what constitutes overall responsibility "in general."

Concern has been expressed regarding the difficulties of complying with FAR 33.207(c) as it has been interpreted in *Grumman*. In a dissenting opinion from the Court's refusal to consider *Grumman en banc*, four judges suggested that the majority's construction of the regulation is onerous. 927 F.2d at 583. One Claims Court judge concluded that the *Grumman* interpretation is problematic because it creates corporate micromanagement by the Government. *Shirley Construction Corp.* v. *United States*, 23 Cl. Ct. 686 (1991). The Armed Services Board of Contract Appeals (ASBCA) has directed appelants whose claims were certified by project managers, vice presidents for financial affairs, and other vice presidents to submit evidence indicating that their certifications are proper. The ASBCA has apparently undertaken this action because of the "uncertainties attendant on the Federal Circuit's opinion." 55 Fed. Cont. Rep. 369–70.

Substantial resources have been, and continue to be, expended by contractors attempting to comply with the regulation as construed in *Grumman*, by Government agencies attempting to ensure that the jurisdictional prerequisite has been met, and by tribunals interpreting the requirement. This burden, which prevents parties from focusing on the merits of their disputes, contravenes the CDA's avowed goal of ensuring the prompt and efficient resolution of disputes between contractors and the Government. See 41 U.S.C. 607(e); S. Rep. No. 1118, 95th Cong., 2d Sess., reprinted in 1978 U.S. Code Cong. & Admin. News 5235. It also frustrates the Policy Letter's intent of avoiding equivocation and litigation on the matter.

To resolve the controversy over who may certify a CDA claim, OFPP is proposing to replace the guidance contained in section I.7(b) of Policy Letter 80–3 with the following language:

If the contractor is an individual, the certification shall be executed by that individual.

If the contractor is not an individual, the certification shall be executed by:

(i) Any general partner of a partnership in which all the general partners are individuals;

(ii) Any officer elected or appointed by the contractor's governing body (the board of directors where there is such a board); or

(iii) Any employee who is duly authorized by name or by position, without the power of redelegation, to bind the contractor in certifying Contract Disputes Act claims as the result of:

(1) A written resolution by the contractor's governing body (the board of directors where there is such a board); or

(2) In the case of a contractor composed of two or more parties (such as corporations) that lacks a governing body:

(a) The written agreement establishing the contractor; or

(b) A written resolution by each member party's governing body (the board of directors where there is such a board).

OFPP believes this prescription would benefit both the Government and the contractor. To the Government's benefit, this prescription would foster the important public policy purpose behind certification of deterring the submission of unsupported and inflated claims as a bargaining tactic. It would continue to hold individual contractors personally accountable and liable for their claims. Non-individual contractors would also be held liable and accountable if the claims certified by a general partner, officer, or a duly authorized employee were fraudulent. See, e.g., Restatement of Agency Second Section 257 (1958).

Moreover, the incentive for careful review and early, meaningful negotiations would be ensured through the involvement of high level personnel in the certification process, either directly (e.g., by an officer) or directly (e.g., by an employee duly authorized by the board of directors which would be effectively vouching for that employee's ability to attest to the validity and materiality of the claim). Since redelegation of due authorization would be prohibited, clear written endorsement down the chain of command would be ensured, the important public policy purpose behind certification would remain intact, and evidentiary problems would be minimized.

To the contractor's benefit, this prescription would avoid corporate micromanagement by eliminating any requirements tied to geographic locale or preconceived organizational relationships. Instead, it would promote efficiency by leaving to the contractor the prerogative of designating an appropriate certifier who can act in a manner consistent with sound management practice. Also, to the extent that a board resolution need not limit CDA claim certification authority to specific claims, contacts, projects, or programs, the paperwork burden to duly authorize an employee would be minimal and reasonable.

Finally, to both party's benefit—as well as that of all tribunals involved—this language would help guarantee that the emphasis of dispute resolution moves away from the issue of certification and returns to the merits of the claim. Such refocusing would be clearly consistent with Congress' desire that the dispute resolution system be prompt and efficient.

OFPP recognizes that, pursuant to 10 U.S.C. 2410, contract claims over $100,000 under DOD contracts must presently be certified by a senior company official in charge at the plant or location involved. Implementation of the new guidance without a similar change in 10 U.S.C. 2410 would create a difference with respect to DOD contracts in who can certify claims over $100,000 and who can certify clalims of $100,000 and under. OFPP wishes to avoid such confusion and any litigation over the language of 10 U.S.C. 2410. OFPP, therefore, intends to work with DOD in developing a legislative proposal to bring the language of 10 U.S.C. 2410 identifying who can certify contract claims into conformity with that required by the CDA as implemented by this proposed policy.

OFPP believes that the prupose of this proposed policy is sufficiently important to warrant implementation in the FAR as quickly as possible. Thus, OFPP would require that the Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council revise FAR 33.207(c) to conform to the final policy in the first quarterly Federal Acquisition Circular issued 150 days after the final Policy Letter Amendment is published in the **Federal Register.**

SUPPLEMENTARY INFORMATION: The following supplementary information is provided to highlight the mechanics of the proposed certification language as it applies to non-individual contractors.

1. *Certification by officers.* Any officer elected or appointed by the contractor's board of directors may certify a claim. If the contractor lacks a board of directors, certificaiton may be made by any officer elected or appointed by the contractor's governing body (e.g., the board of governors of an educational institution). An officer may, but need not, have overall responsibility for the conduct of the contractor's affairs. Furthermore, a writing may, but need not, evidence the officer's authority to certify CDA claims.

2. *Certification by duly authorized employees.* Any employee of the contractor may certify CDA claims, provided that such employee has been duly authorized. Due authorization is accomplished through a written resolution by the contractor's board of directors, or other governing body where there is no board of directors, which identifies the employee by name (e.g., John H. Doe) or by position (e.g., project manager) and indicates that this employee is authorized to certify CDA claims. (For due authorization by contractors lacking a governing body, see nos. 3 and 4, below.) Thus, a resolution authorizing "anyone in the company" to certify CDA claims would be insufficient, because it fails to specify names or positions.

A board resolution may authorize as many individual employees or positions as the board deems appropriate. Moreover, a board of directors is not required to limit the scope of its authorization to particular CDA claims, contracts, projects, or programs.

However, a certifier must be duly authorized at the time the claim is certified. A board of directors may not retroactively authorize and employee to certify. To avoid confusion and challenge, boards of directors and other governing bodies should (a) clearly identify individual employees an positions in their written resolutions, (b) date their resolutions, and (c) update their resolutions as necessary to reflect pertinent changes in authorized personnel.

Moreover, a resolution may not authorize redelegation of the authority to certify. Thus, if a board resolution provides for CDA certification to be made by "John H. Doe, any project manager, or their designees" certification may be made only by John H. Doe or any project manager. Of course, a board of directors may always expand the scope of authorized employees through the issuance of an additional resolution which identifies them by name or by position.

3. *Certification by joint venture contractors.* If a joint venture (an entity comprised of two or more parties engaged in the joint prosecution of a particular transaction or transactions) has a governing body, such as a mangement committee, certification may be made under prong (iii)(1) by any employee duly authorized in writing by resolution of that governing body. Certification may also be made under prong (ii) by any officer elected or appointed by that govrning body, should any such officers exist.

If the joint venture lacks a governing body, certification may be made under prong (iii)(2)(a) by any employee identified by name or by position in the written agreeement establishing the joint venture team as authorized to certify CDA claims. Alternatively, under prong (iii)(2)(b), certification may be made by an employee of one of the parties who is duly authorized by a resolution of each member party's governing body. In this regard, if one of the member parties is an individual, due authorization on the part of the individual may be made by a writing of that individual.

4. *Certification by partnerships.* If the contractor is a partnership in which all the general partners are individuals, the certification may be executed by any general partner pursuant to prong (i). Such a general partner may, but need not have overall responsibility for the conduct of the contractor's affairs. Moreover, the general partner's authority to certify may, but need not, be in writing. If this partnership has a governing body, such as a mangement committee, the certification may alternatively be executed by a duly

authorized employee pursuant to prong (iii)(1).

If at least one of the partners is other than an individual—such as a corporation—certification may not made made under prong (i). Consier the situation where a partnership is comprised of two corporations, both of which are general partners. If the partnership has a governing body (e.g., a management committee), certification may be made under prong (iii)(1) by an employee duly authorized by that governing body. Absent such a governing body, certification may be made under prong (iii)(2)(a) by any employee identified by name or by position in the written partnership agreement as authorized to certify CDA claims. Alternatively, certification may be made under prong (iii)(2)(b) by an employee duly authorized by the board of each corporation. In this regard, if one of the corporations were a limited partner, that partner would not have to duly authorize the employee, inasmuch as limited partners have no right to participate in the management and operation of the partnership.

5. *Certification by state, local, and foreign government contractors.* With respect to state, local, and foreign government contractors, "officer" (as identified in prong (ii)) includes officials elected or appointed pursuant to a constitution, charter, or statute, or by a governing body (that group of persons who by constitution, charter, or statute is authorized to elect or appoint officials). For example, where the contractor is a state government, "officer" would include the governor (an offical elected or appointed pursuant to the state constitution) and officials appointed by the governor (pursuant to the governor's authority under the state constitution).

6. *Certifications by contractors in bankruptcy.* Where a contractor is in bankruptcy and its business affairs are under the control of a court-appointed trustee or debtor in possession, either would qualify as duly authorized employees by operation of law.

Comment Date: Comments on this proposed Policy Letter Amendment must be in writing and must be received by May 11, 1992.

Address and Information Contact: Comments should be submitted to Mathew Blum, Staff Attorney, Office of Federal Procurement Policy, Office of Management and Budget, room 9013, 725 17th Street NW., Washington, DC 20503, telephone (202) 395–6803.

Dated: March 4, 1992.

Allan V. Burman,

Administrator.

Amendment to Policy Letter No. 80–3

To the Heads of Executive Departments and Establishments

Subject: Regulatory Guidance on Pub. L. No. 95–563, the Contract Disputes Act of 1978

1. *Purpose.* The purpose of this Amendment is to provide new guidance for determining which individuals within a contractor's organization may properly act in certifying a claim under the Contract Disputes Act (CDA) of 1978, 41 U.S.C. §§ 601 *et seq.*, as amended by the Federal Courts Improvement Act of 1982, Pub. L. No. 97–164, and the Administrative Dispute Resolution (ADR) Act, Pub. L. No. 101–552. This Amendment replaces Section I.7(b) of Policy Letter 80–3.

2. *Authority.* This Amendment to Policy Letter 80–3 is issued pursuant to § 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, codified at 41 U.S.C. § 405(a).

3. *Background.* The CDA requires that, for claims over $50,000, a contractor must certify that: (1) the claim is made in good faith, (2) the supporting data are accurate and complete to the best of the contractor's knowledge and belief, and (3) the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable. 41 U.S.C. § 605(c)(1). As a result of an amendment to the CDA by the ADR Act, certification is also required for claims of any amount in which alternative means of dispute resolution or other mutually agreeable procedures are used. 41 U.S.C. § 605(d).

The CDA does not identify who within a contractor's organization can properly act in certifying a claim. However, OFPP Policy Letter 80–3, which provides regulatory guidance on the CDA, states at section I.7(b) that:

(T)he certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

This, and other, guidance on contract disputes contained in Policy Letter 80–3 was provided to ensure that the procuring agencies adopted uniform and consistent language when amending their regulations to comply with changes required by the CDA. 45 Fed. Reg. 31035 (May 9, 1980). Providing such guidance on the disputes process was consistent with OFPP's responsibilities under the OFPP Act, as amended, to develop a single, simplified uniform Federal procurement system incorporating all elements and stages of the acquisition process to be followed by Executive agencies. Pub. L. No. 96–83, 93 Stat. 648, 41 U.S.C. § 405(a); H.R. Rep. No. 178, 96th Cong., 1st Sess., 8, *reprinted in* 1979 U.S. Code Cong. & Admin. News 1492, 1499.

In particular, the technical guidance identifying who could certify claims on behalf of the contractor was meant to further the Congressional goal of fair and expedient resolution of claims by providing a standard by which to readily ascertain those people who could certify a claim without the risk of extended litigation over that issue. By utilizing a standard similar to that already required by the Department of Defense (DOD) Appropriation Authorization Act of 1979 (Pub. L. No. 95–485, § 813, 92 Stat. 1611, 1624 (1978), now codified at 10 U.S.C. § 2410) for claims under DOD contracts, the guidance was intended to avoid confusion for DOD contractors and contracting officers.

Requiring that higher level officials within a nonindividual contractor examine the basis of the claim was commensurate with the serious consequences of submitting a fraudulent claim, which may include forfeiture of the claim (28 U.S.C. § 2514), civil monetary sanctions (41 U.S.C. § 604; 31 U.S.C. § 3729), debarment (*see* Federal Acquisition Regulation (FAR) 9.406–2) and imprisonment (18 U.S.C. § 287; 1001). While at the same time serving to deter the submission of unsupported contractor claims, the guidance was also designed to allow the corporate sector sufficient flexibility to operate their businesses as they saw fit—an intention recently acknowledged by the Claims Court in *Aleman Food Services, Inc.* v. *United States*, 24 Cl. Ct. 345 (1991).

In the approximately nine years following the issuance of Policy Letter 80–3, there was relatively little litigation over the interpretation of this language, which, but for minor changes in the word order and punctuation, has been adopted by the FAR at 33.207(c). However, since that time, it has become one of the most, if not the most, controverted of the disputes provisions.

Much of the recent litigation has focused on whether contractors have complied with FAR 33.207(c) as it has been interpreted by the Court of Appeals for the Federal Circuit in *United States* v. *Grumman Aerospace Corp.*, 927 F.2d 575 (Fed. Cir. 1991), *cert. denied*, 60 U.S.L.W. 3293 (U.S. Oct. 15, 1991) (No. 90–1800). In *Grumman*, the Court stated that (1) the certifying senior company official must have both (a) primary responsibility for the execution of the contract, and (b) a physical presence at the location of the primary contract activity, and (2) the certifying officer or general partner must have overall responsibility for the conduct of the contractor's affairs in general. Litigation currently persists over every aspect of the requirement as interpreted in *Grumman*, including what constitutes "primary responsibility," what level of physical presence qualifies as being "at" the plant or location involved, and what constitutes overall responsibility "in general."

Substantial resources have been, and continue to be, expended by contractors attempting to comply with the regulation as construed in *Grumman*, by Government agencies attempting to ensure that the jurisdictional prerequisite has been met, and by tribunals interpreting the requirement. This burden, which prevents parties from focusing on the merits of their disputes, contravenes the CDA's avowed goal of ensuring the prompt and efficient resolution of disputes between contractors and the Government. See 41 U.S.C. 607(e); S. Rep. No. 1118, 95th Cong., 2d Sess., *reprinted in* 1978 U.S. Code Cong. & Admin. News 5235. It also frustrates the Policy Letter's intent of avoiding equivocation and litigation on the matter. Accordingly, OFPP finds it necessary to revise the language specifying who may certify a claim under the CDA.

4. *Policy.* To ensure the clear and easy identification of individuals eligible to certify claims as required by the Contract Disputes Act, as amended, 41 U.S.C. 605(c)(1) and (d), the language in section I.7(b) of Policy Letter 80–3 is hereby revised to read as follows:

If the contractor is an individual, the certification shall be executed by that individual.

If the contractor is not an individual, the certification shall be executed by:

(i) any general partner of a partnership in which all the general partners are individuals;

(ii) any officer elected or appointed by the contractor's governing body (the board of directors where there is such a board); or

(iii) any employee who is duly authorized by name or by position, without the power of redelegation, to bind the contractor in certifying Contract Disputes Act claims as the result of:

(1) a written resolution by the contractor's governing body (the board of directors where there is such a board); or

(2) in the case of a contractor composed of two or more parties (such as corporations) that lacks a governing body:

(a) the written agreement establishing the contractor; or

(b) a written resolution by each member party's governing body (the board of directors where there is such a board).

5. *Responsibilities.*

a. *Federal Acquisition Regulation Councils.* The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council shall revise FAR 33.207(c) to conform to the policy established herein in the first quarterly Federal Acquisition Circular (FAC) issued 150 days after publication of this Policy Letter Amendment in the **Federal Register**.

b. *Heads of agencies.* This Policy Letter Amendment shall apply to all solicitations and resulting contracts issued on or after the date the FAC implements it in the FAR. Heads of agencies shall implement the policy established herein accordingly.

6. *Information contact.* Questions or inquiries about this Policy Letter Amendment should be directed to Mathew Blum, Staff Attorney, Office of Federal Procurement Policy, 725 17th Street NW., Washington, DC 20503, telephone (202) 395–6803.

Allan V. Burman,

Administrator.

[FR Doc. 92–5451 Filed 3–9–92; 8:45 am]

BILLING CODE 3110–01–M

POSTAL SERVICE

International Surface Air Lift (ISAL) Rates

AGENCY: Postal Service.

ACTION: Implementation of changes in International Surface Air Lift (ISAL) Rates.

SUMMARY: The Postal Service, after considering the comments submitted in response to its request in 56 FR 61450 for comments on proposed changes in International Surface Air Lift (ISAL) rates, hereby gives notice that it is implementing the rate changes as proposed.

EFFECTIVE DATE: 12:01 a.m., April 4, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Alepa (202) 268–2650.

SUPPLEMENTARY INFORMATION: On December 3, 1991, the Postal Service published in the **Federal Register** a notice of proposed rate changes for ISAL service (56 FR 61450). As described in more detail below, the proposed changes involved raising the per-piece rate for items weighing two ounces or less from 24 cents to 32 cents and adjusting the full service per-pound rates.

The Postal Service requested comments on the proposed rate changes by January 2, 1992. Of the 16 comments submitted by that date, 14 came from users of ISAL service, one came from a trade association of the Postal Service's competitors in the expedited delivery services industry, and one came from a direct marketing consultant. Fifteen of the commenters objected to the proposed increase in the per-piece rate for items weighing two ounces or less. In contrast, the trade association contended, among other things, that the proposed changes would result in illegally low rates.

I. The Basic ISAL Rate Structure

International Surface Air Lift (ISAL) is a bulk mailing service for international shipment of publications, advertising mail, catalogs, directories, books, and other printed matter. The service is available from designated acceptance cities to approximately 125 countries. To use ISAL, a mailer must send at least 50 pounds of printed matter at one time, presorted by country of destination. Identical piece mailings are not required to qualify. Postage for ISAL mailings is calculated according to a break-point system, with rates including both per-piece and per-pound elements. For ISAL items weighing over two ounces, full service postage currently ranges from $2.85 to $4.20 per pound, depending on country of destination. For ISAL items weighing two ounces or less, full service postage currently is 24 cents per piece, regardless of country of destination. A 30-cents-per-pound discount is currently given to ISAL mail tendered at the gateway airport mail facilities at New York (JFK), San Francisco, CA, and Miami, FL, or when direct shipment can be arranged from one of the acceptance cities. An additional 20% discount is currently available for M Bags (mail to a single addressee sacked in specially-labeled bags and subject to a minimum weight limit.) [1]

The Postal Service is adjusting the rates for ISAL service to reflect more accurately the way in which ISAL costs are incurred. The December 3 **Federal Register** notice proposed to increase the full service per-piece rate from 24 cents to 32 cents. The notice also proposed adjustments, varying up to three percent, to the per-pound rates. Specifically, under the proposal, the full service rate for Rate Group 1 increased from $2.85 to $2.90 per pound; the full service rate for Rate Group 3 decreased from $3.50 to $3.40 per pound; and the full service rates for Rate Groups 2 and 4 remained at, respectively, $3.25 and $4.20 per pound. Finally, the proposal maintained the current gateway/direct ship and M-bag discounts. The Postal Service did not propose any other ISAL changes.

As mentioned above, the Postal Service received a total of 16 comments concerning the proposed changes. Fifteen commenters, all of which use ISAL service for their international mailings of light-weight items, objected to the magnitude of the proposed increase to the per-piece rate for items weighing two ounces or less. These commenters contended that the Postal Service's costs had not increased to the extent necessary to justify the proposed 33% rate increase for light-weight ISAL mail. A number of these commenters also questioned the timing of the proposed rate changes in light of the January 1991 rate restructuring.

In contrast to the other commenters, the trade association asserted that the proposed rates were not only too low but illegal because they failed to cover costs. Specifically, the trade association claimed that its own preliminary analysis showed that, for a two-ounce item, the proposed per-piece rate of 32 cents would cover only half the cost of the service. The trade association concluded from its analysis that the per-piece rate for two-ounce items should be at least twice the level proposed.

The Postal Service has carefully considered the comments received and has evaluated, in the context of those comments and its own analyses, whether the proposed changes are

[1] ISAL M Bags can be sent to all countries except Ethopia.

appropriate. Based on that evaluation, the Federal Service as decided to adopt the proposed rates for ISAL service.

Those commenters objecting to the magnitude of the proposed increase in the per-piece rate for items weighing two ounces or less failed to consider the recent history of ISAL rate changes, or the rationale for the proposed increase. The Postal Service adopted the current ISAL rate structure, effective January 12, 1991, on November 20, 1990 (55 FR 43268). Prior to that rate change, postage for ISAL mailings was calculated solely by weight, without regard to the number of pieces contained within a mailing. That flat pound-rate structure, which had been in effect since July 1987, allowed lightweight mailers to increase the number of pieces per unit of weight mailed without facing additional postage costs.

The Postal Service adopted the break-point system in response to commenters' objections to its original proposal to implement a piece-plus-pound rate structure for ISAL service (55 FR 27915). In general, those commenters contended that shifting to piece-plus-pound rates would greatly disrupt their mailing operations. The break-point system represented a compromise between the Postal Service's need to increase rates for light-weight mail to a level commensurate with costs and the requirement that mailers be able to continue using the service with minimum disruption. The current rate structure tracks ISAL costs much better than the pound-based structure did. However, while the break-point system takes into account both a mailing's density and weight, the current per-piece rate means that mailers of light-weight items are paying proportionately lower postage than other ISAL users. As the Postal Service discussed in the December 3 **Federal Register** notice, light-weight ISAL items are proportionately more costly to the Postal Service than heavier items.

The January 1991 rate restructuring resulted in relatively larger rate increases for light-weight items than for heavy-weight items. Therefore, the Postal Service designed the break-point system to moderate the impact of the resulting rate increase on mailers of items weighing two ounces or less. This was accomplished both by adopting a relatively low initial per-piece rate and by increasing the availability of discounts from full service ISAL rates for mailers that engage in worksharing. In establishing the initial per-piece rate at 24 cents, the Postal Service recognized that mailers of light-weight items needed time to adjust to the break-point system. Consequently, the Postal Service did not set the per-piece rate at a higher level. Now that the mailing community has adapted to the current ISAL rate structure, however, the Postal Service believes that an increase in the per-piece rate to 32 cents is appropriate.

With regard to the trade association's contention that the proposed rates would have inadequate cost coverage, the Postal Service notes, first, that the trade association appears to have used inappropriate cost data in its analysis. The trade association's analysis is based on average costs incurred by the Postal Service for domestic mail; those data are simply irrelevant to an international bulk service such as ISAL. In addition, the manner in which the trade association purports to develop costs does not accurately reflect the manner in which the Postal Service incurs costs for this service. Moreover, the trade association's analysis on its face pertains only to ISAL mail weighing exactly two ounces. The correct standard for determining if rates cover costs is whether the revenues from the service as a whole exceed the costs for the service as a whole.

Notwithstanding the faulty analysis underlying the trade association's contention, however, the Postal Service believes that the concern expressed by the trade association over the proposed changes indicates that the per-piece rate should be increased. The trade association's membership includes virtually all the major international remailers providing delivery services that compete with ISAL. By claiming that even the proposed rate for a two-ounce item would be too low, those competitors have acknowledged that the current rate for light-weight mail needs to be increased. Where the Postal Service disagrees, however, is how that increase should be accomplished. The Postal Service believes that a considerably smaller increase than that suggested by the trade association is proper.

II. Procedural Issues

The trade association also raised two procedural issues. First, it contended that the thirty-day comment period was inadequate. The Postal Service disagrees. It should be noted that no commenter or potential commenter requested an extension of time. Further, the basis for the trade association's contention appears to be an alleged lack of time to acquire and to analyze data pertaining to the Postal Service's costs. The trade association fails to recognize that when the Postal Service seeks public comment on international rates, it is not conducting an Administration Procedure Act (APA) rulemaking. The Postal Service is exempt from the APA by 39 U.S.C. 410(a). There is, therefore, no legal requirement to develop a factual record. Moreover, the data which the trade association apparently wanted to obtain and to analyze are commercially sensitive data exempted from disclosure under the Freedom of Information Act by 39 U.S.C. 410(c)(2). Given these circumstances, there is no reason why a comment period longer than 30 days should have been established.

Second, the trade association argued that the proposed ISAL changes should have been submitted to the Postal Rate Commission (Commission). Although an appeal involving this question is pending before the U.S. Court of Appeals for the Third Circuit, the Postal Service and the Commission have agreed since postal reorganization in 1970 that the Commission has no jurisdiction over international rates. The District Court in the aforementioned case upheld that position. Consequently, there exists no sound basis in law or policy for submitting ISAL rates to the Commission, whose proceedings could have seriously delayed action and whose recommendations, if it chose to make any, would have been advisory at most.

III. Minimum Sack Weight

The December 4 **Federal Register** notice also sought comment from mailers concerning the establishment of a minimum sack weight for ISAL mailings. At present, a mailing must weigh at least 50 pounds to qualify for the service, but there is no minimum weight requirement for individual sacks within a mailing except for M bags.

One commenter addressed this issue. The commenter suggested that the Postal Service consider applying a surcharge on sacks not meeting a minimum weight requirement only if such minimum were not more than 15 or 20 pounds. Further, the commenter recommended that a surcharge be applied only when the total weight of sacks not meeting the minimum was equal to or greater than an established percentage (*e.g.*, 5%) of the weight of the whole mailing. Finally, as an alternative to establishing a minimum sack weight, the commenter suggested that the Postal Service consider changing the current 50-pound minimum shipment weight.

As the Postal Service stated in the December 3 notice, the establishment of a minimum sack weight will be considered separately from the ISAL rate changes discussed above. The Postal Service will, therefore, take into account the suggestions offered by the commenter in future ISAL proposals.

IV. Conclusion

In setting international postage rates, the Postal Service must ensure that such rates, (1) do not apportion the costs of the service so as to impair the overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The ISAL rates announced herein satisfy these criteria.

Accordingly, the Postal Service hereby adopts the ISAL rate changes set forth in the schedule below. These changes shall take effect at 12:01 a.m., on April 4, 1992.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

ISAL RATES

Rate group	Rate per piece, 2 ounces or less	Rate per pound, pieces weighing over 2 ounces			
	All services except M-bag	Full service		Gateway/direct ship	
		Regular	M-bag	Regular	M-bag
1	$0.32	$2.90	$2.32	$2.60	$2.08
2	.32	3.25	2.60	2.95	2.36
3	.32	3.40	2.72	3.10	2.48
4	.32	4.20	3.36	3.90	3.12

ISAL Rate Groups

Group 1 Europe	Group 2 Western Hemisphere	Group 3 Pacific Rim	Group 4 Africa/Asia
Albania	Argentina	Australia	Algeria
Austria	Belize	China	Angola
Belgium	Bolivia	Fiji Islands	Bahrain
Bulgaria	Brazil	Hong Kong	Bangladesh
Czechoslovakia	Chile	Indonesia	Benin
Denmark	Colombia	Japan	Burkina Faso
Finland	Costa Rica	Korea, Republic of	Burundi
France	Cuba	Republic of Malaysia	Cameroon
Germany	Dominican Republic	New Zealand	Central African Republic
Great Britain & Northern Ireland	Ecuador	Papua New Guinea	Congo
	El Salvador	Philippines	Cote d'Ivoire
Greece	French Guiana	Singapore	Egypt
Hungary	Guatemala	Taiwan	Ethiopia
Iceland	Guyana	Thailand	Gabon
Ireland	Haiti		Ghana
Italy	Honduras		India
Liechtenstein	Jamaica		Iran
Luxembourg	Mexico		Iraq
Netherlands	Netherlands Antilles & Aruba		Israel
Norway	Nicaragua		Jordan
Poland	Panama		Kenya
Portugal	Paraguay		Kuwait
Romania	Peru		Lebanon
Russian Federation	Suriname		Liberia
San Marino	Trinidad and Tobago		Libya
Spain	Uruguay		Madagascar
(Incl. Canary Islands)	Venezuela		Mali
Sweden			Mauritania
Switzerland			Mauritius
Turkey			Morocco
Yugoslavia			Mozambique
			Niger
			Nigeria
			Oman
			Pakistan
			Qatar
			Reunion
			Rwanda
			Saudi Arabia
			Senegal
			Sierra Leone
			Somalia
			South Africa
			Sri Lanka
			Sudan
			Syria
			Tanzania
			Togo
			Tunisia
			Uganda
			United Arab Emirates
			Yemen

ISAL RATE GROUPS—Continued

Group 1 Europe	Group 2 Western Hemisphere	Group 3 Pacific Rim	Group 4 Africa/Asia
			Republic of Zaire
			Zambia
			Zimbabwe

[FR Doc. 92-5000 Filed 3-10-92; 8:45 am]
BILLING CODE 7710-12-M

International Priority Airmail (IPA) Rates.

AGENCY: Postal Service.

ACTION: Implementation of changes in International Priority Airmail (IPA) Rates.

SUMMARY: The Postal Service, after considering the comments submitted in response to its request in 56 FR 61448 for comments on proposed changes in International Priority Airmail (IPA) rates, hereby gives notice that it is restructuring IPA rates. The rates being implemented are the same as those proposed, except that the qualifying minimum for the zoned rate option is 10 pounds to a single rate group, not 10 pounds or 200 pieces to a single rate group as proposed.

EFFECTIVE DATE: 12:01 a.m., April 4, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Alepa, (202) 268-2650.

SUPPLEMENTARY INFORMATION: On December 3, 1991, the Postal Service published in the **Federal Register** a notice of proposed rate changes for IPA (56 FR 61448). As described in more detail below, the proposed IPA changes included adopting a piece-plus-pound rate structure and replacing the current worldwide presorted rate option with a new zoned rate option.

The Postal Service requested comments on the proposed rate changes by January 2, 1992. Of the 19 comments submitted by that date, eight came from publishers, five from educational institutions, two came from presort bureaus, one came from a trade association of the Postal Service's competitors in the expedited delivery services industry, and the rest came from a variety of IPA users. Most of the commenters were mailers of light-weight items claiming that the proposed changes would result in unjustifiably large increases to their postage costs. In contrast, the trade association contended, among other things, that the proposed changes would result in unjustifiably large increases to their postage costs. In contrast, the trade association contended, among other things, that the proposed changes would result in illegally low rates.

I. The Basic IPA Rate Structure

International Priority Airmail (IPA) service is as fast as or faster than regular international airmail service and is available to bulk mailers of LC and AO items to all foreign countries except Canada. The Postal Service currently offers two IPA service options, worldwide presorted and worldwide nonpresorted. The presorted option requires the mailer to presort items to destination country, while the nonpresorted option does not require the mailer to perform that worksharing activity. At present, the presorted rate is $7.00 per pound or fraction of a pound and the nonpresorted rate is $8.50 per pound or fraction of a pound. Both current rates are worldwide rates that apply to all IPA mail regardless of destination. In addition, both current rates are flat pound-based rates that do not take into account the number of pieces per unit of weight.

The Postal Service is restructuring the rates for IPA service to reflect more accurately the way in which IPA costs are incurred. The December 3 **Federal Register** notice proposed to modify the IPA rate structure in two significant ways. First, to address the effects of high-density mailings, the Postal Service proposed that all IPA rates consist of both per-piece and per-pound rate elements. The per-piece element was designed to recover those costs that vary by piece volume, while the per-pound element was designed to recover those costs that vary by weight. Thus, the postage for every piece of IPA mail would contain a volume and a weight rate component.

The December 3 **Federal Register** notice also proposed to maintain a nonpresorted rate option but to replace the current presorted rate option with a new zoned rate option that would have three rate groups. The proposed rate groups consisted of destination countries employing common terminal dues systems and, thus, reflected differences in the costs incurred by the Postal Service. The proposed zoned rates, which also reflected differences in costs other than terminal dues, consisted of both per-piece and per-pound rate elements. The rates proposed for the zoned option ranged from 20 cents and $4.95 per pound to 15 cents per piece and $7.95 per pound.

The worldwide rate option, under the December 3 proposal, was essentially equivalent to the current nonpresorted rate option in terms of its applicability to all IPA destination countries and its lack of a presort requirement. However, unlike the current nonpresorted rates, the proposed worldwide rate consisted of both per-piece and per-pound rate elements. The rate proposed for the worldwide option was 20 cents per piece plus $8.00 per pound.

As mentioned above, the Postal Service received a total of 19 comments concerning the proposed changes. Fourteen commenters, all of which use IPA service for their international mailings of light-weight items, objected to the magnitude of the proposed rate increases. These commenters pointed out that the proposed piece-plus-pound rate structure would mean substantially higher postage costs for their high-density IPA mailings than they pay under the current flat pound-based rates. Further, these commenters contended that the Postal Service's costs had not increased to the extent necessary to justify the proposed rate increases for light-weight IPA mail.

In contrast to the 14 commenters claiming that the proposed restructuring of IPA rates would result in unjustifiably large increases to their postage costs, the trade association asserted that the proposed rates were not only too low but illegal because they failed to cover costs. Specifically, the trade association claimed that its own preliminary analysis showed that the proposed IPA rate for a one-ounce item sent to Rate Group 1 would be 14 cents below the cost of the service for that item, while the proposed IPA rate for a one-ounce item sent to Rate Group 3 would be 13 cents below the cost of the service. The trade association concluded from its analysis that the rate for one-ounce items should be considerably higher than the level proposed.

Five commenters objected to the proposal to replace the current worldwide presorted rate option with a zoned rate option. These commenters suggested that the operational problems caused by the change would increase their mail-processing costs.

The Postal Service has carefully considered the comments received and has evaluated, in the context of those comments and its own analyses, whether the proposed rates are too high or too low. Based on that evaluation, the Postal Service has decided to restructure the rates for IPA service as proposed. Although some mailers of light-weight items will face substantial increases in their postage costs, all other IPA users will benefit from the rate restructuring. By taking into account both the density and the weight of a mailing, the restructured rates will more accurately reflect the Postal Service's costs.

As the Postal Service stated in the December 3 **Federal Register** notice, structural changes in the way terminal dues compensation is calculated have made light-weight IPA items proportionately more costly to the Postal Service than heavier items, yet the existing flat pound-based rate structure offers no mechanism to gain commensurate revenue. The pound-rate structure has allowed mailers of light-weight items to increase the number of pieces per unit of weight mailed without facing additional postage costs, with the result that other IPA users are paying proportionately higher rates.

The shift in the mailing patterns of IPA users since the last IPA rate change has exacerbated this problem with the existing rate structure. For example, IPA mailings to Great Britain consisting of ten items per pound have a terminal dues liability that is a fraction of the terminal dues liability for IPA mailings consisting of 50 items per pound. Moreover, the terminal dues cost to the Postal Service for a one-pound mailing consisting of 100 items is nearly twice that for the one-pound mailing consisting of 50 items. However, the current IPA presorted rate simply provides $7.00 of revenue per pound, regardless of a mailing's density or terminal dues liability.

With regard to the trade association's contention that the proposed rates would have inadequate cost coverage, the Postal Service notes, first, that the trade association appears to have used inappropriate cost data in its analysis. The trade association's analysis is based on average costs incurred by the Postal Service for domestic mail; those data are simply irrelevant to an international bulk service such as IPA. In addition, the manner in which the trade association purports to develop costs does not accurately reflect the manner in which the Postal Service incurs costs for this service. Moreover, the trade association's analysis on its face pertains only to mail weighing exactly one ounce. The correct standard for determining if rates cover costs is whether the revenues from the service as a whole exceed the costs for the service as a whole.

Notwithstanding the faulty analysis underlying the trade association's contention, however, the Postal Service believes that the concern expressed by the trade association over the proposed restructuring indicates that a rate increase for light-weight items is justified. The trade association's membership includes virtually all the major international remailers providing delivery services that compete with IPA. By claiming that even the proposed one-ounce rates would be too low, those competitors have acknowledged that the current rates need to be increased. Where the Postal Service disagrees, however, is how that increase should be accomplished. The Postal Service believes that the increase being implemented, though less than that suggested by the trade association, is reasonable and proper.

Finally, the Postal Service believes that the five commenters opposing the establishment of zoned rates ignored the benefits and overstated the problems that will result from this new rate option. The Postal Service acknowledges that the rate restructuring will cause some mailers to change their preparation procedures. However, the advantages of zoning outweigh any disadvantages resulting from such changes in procedures.

As mentioned above, the three rate groups are based on commonality of terminal dues and other costs incurred by the Postal Service. The zoned rates will reflect the costs associated with delivering IPA mail to a particular destination country more accurately than the current worldwide rates do. Consequently, depending on their mail's characteristics and destinations, many IPA users will face lower postage costs under the restructured rates than they face under the current rates. The restructuring will be especially beneficial to mailers of medium- to heavy-weight items who take advantage of the new zoned rates.

Further, the Postal Service notes that it has implemented zoned rates for many existing international services, including International Surface Air Lift (ISAL) service, Express Mail International Service, air printed matter, and international air and surface parcels. Mailers using those services have not found their rate structures to be burdensome. In light of this experience, the Postal Service believes that mailers will be able to adapt easily to zoned IPA rates. Moreover, those mailers that find the zoned rate option unfeasible will still be able to use the worldwide rate option.

II. IPA Requirements

At present, a mailing must consist of either 10 pounds or 200 pieces to qualify for IPA service. This minimum applies across both current rate options. The December 3 **Federal Register** notice proposed to maintain the current qualifying minimum and preparation requirements for the worldwide rate option. However, under the proposal, the zoned option required a minimum of 10 pounds or 200 pieces to a single rate group to qualify for the zoned rate for that rate group.

The Postal Service further proposed that the method of postage payment for both the worldwide and zoned options be postage meter for non-identical weight pieces and permit imprint or postage meter for identical weight pieces. Mailers would no longer be allowed to use ".00" meter impressions to indicate IPA postage payment.

Two commenters claimed that the proposed qualifying minimum for the zoned rate option was too strict. These commenters recommended that mailers be allowed to combine items sent to different rate groups in order to satisfy the ten-pound-or-200-piece minimum.

Five commenters addressed the proposed change in the method of postage payment. These commenters objected to being required to place a postage meter impression for the per-piece rate on non-identical weight pieces. They pointed out that no such requirement currently exists.

Upon careful consideration of the comments received, the Postal Service has decided to establish a 10-pound qualifying minimum for the zoned rate option, rather than the 10-pound-or-200-piece qualifying minimum that was proposed, and to adopt the proposed change in the method of postage payment for IPA mail. The Postal Service notes that its costs are reduced when mail sent at a uniform rate (*i.e.*, to a single rate group) is sacked together. Generally, the cost savings are a function of both the proportion of items in an individual mailing that can be sacked together and, for a given sack within that mailing, the proportion of mail addressed to the same destination country. The proposed zoned rates' discounts from the worldwide rates were predicted, in large part, on customers' performing this sortation as worksharing.

As noted above, the Postal Service has carefully considered the comments

received and has evaluated whether the proposed rates are too high or too low. In consideration of the trade association's claim that the proposed rates are too low, the Postal Service has reviewed the anticipated cost savings that would result from the proposed 10-pound-or-200-piece qualifying minimum for the zoned rate option. The Postal Service recognizes that the proposed minimum would allow mailings of at least 200 pieces to qualify for the zoned rates regardless of such mailings' weights. Thus, for instance, a two-pound mailing consisting of light-weight items being sent to many different countries in the same rate group could qualify for a zoned rate even though cost savings from presorting that mailing might be relatively small.

In order to avoid having such mailings qualify for the zoned rates, the Postal Service has decided to require an IPA mailing to contain a minimum of 10 pounds to a single rate group to qualify for the zoned rate option. Thus, under the eligibility requirements being implemented, at least 10 pounds of presorted mail must be sent to countries in a particular rate group in order for such mail to qualify for the zoned rate for that rate group. This qualifying minimum applies regardless of the number of pieces being sent to countries in that rate group. Of course, mailers who are unable to qualify for the zoned rate option, such as those with at least 10 pounds or 200 pieces of mail but not 10 pounds to a single rate group, will still be able to use IPA at the worldwide rate if they qualify for the service.[1]

The Postal Service believes that a qualifying minimum based solely on weight will require users of IPA service to sort their mail in a manner that accurately reflects the rationale for the zoned rates' discounts from the worldwide rates. The relationship between the cost savings on which the zoned rates' discounts are largely predicted and the proposed 200-piece-or-10-pound qualifying minimum was less direct. Consequently, although the trade association's characterization of the new rates is not a valid one, by establishing a flat 10-pound qualifying minimum for the zoned rate option, the rates are even less susceptible to challenge.

[1] The IPA rate restructuring describing herein does not modify the existing requirement that a mailing must consist of either 10 pounds or 200 pieces to qualify for IPA service. However, by separate **Federal Register** notice, the Postal Service is proposing to change that qualifying minimum to require a mailing to contain at least 10 pounds to qualify for IPA service. The proposed weight-based qualifying minimum would apply regardless of the number of pieces contained in the mailing.

As proposed, whatever portion of an IPA mailing that does not meet the zoned rates' qualifying minimum will have to be sent at the worldwide rate. In addition, mailers using the zoned option will be required to presort items to destination country and to make up their mail in accordance with the applicable sections of the International Mail Manual. Any portion of a zoned IPA mailing that cannot be made up into a country bundle or country sack will also have to be sent at the worldwide rate.

The Postal Service's operational requirements also necessitate a change in the method of postage payment for IPA mail. In moving from flat per-pound rates to a piece-plus-pound rate structure, the Postal Service needs to be able to verify that mailers are continuing to pay the correct amount of postage. The Postal Service already requires postage meter impressions for non-identical weight ISAL pieces weighing two ounces or below and there is no evidence that ISAL users find meeting that requirement difficult. Moreover, IPA users will still be permitted to use permit imprint for non-identical weight items if authorized to participate in the postage payment programs described in Domestic Mail Manual (DMM) sections 145.7, Manifest Mailing System (MMS); 145.8, Optional Procedure (OP) Mailing System; or 145.9, Alternate Mailing Systems (AMS).

The Manifest Mailing System (MMS) is designed for situations in which postage charges cannot be adequately verified by weighing or where normal procedures are impractical and the mailer can generate a computerized listing corresponding to uniquely identified mailpieces. The Optional Procedure (OP) Mailing System is a method of verifying and accepting permit imprint mail consisting of identical or non-identical weight pieces by consulting a mailer's financial, production, and other business records in lieu of the standard verification procedures for weighing bulk mail. Alternate Mailing Systems (AMS) are intended for situations where other systems for the acceptance of permit imprint mail, not specifically outlined in DMM 147.7 or 145.8, satisfactorily provide for the proper postage payment and mail preparation without verification by weight. Mailers interested in these substitute postage payment systems should contact their local postmaster for further information and applications.

In light of the foregoing, the Postal Service is adopting the requirement that postage on non-identical weight IPA items be paid by postage meter impression showing the appropriate piece rate, unless use of a substitute postage payment system is authorized.

III. Procedural Issues

The trade association also raised two procedural issues. First, it contended that the thirty-day comment period was inadequate. The Postal Service disagrees. It should be noted that no commenter or potential commenter requested an extension of time. Further, the basis for the trade association's contention appears to be an alleged lack of time to acquire and to analyze data pertaining to the Postal Service's costs. The trade association fails to recognize that when the Postal Service seeks public comment on international rates, it is not conducting an Administrative Procedure Act (APA) rulemaking. The Postal Service is exempt from the APA by 39 U.S.C. 410(a). There is, therefore, no legal requirement to develop a factual record. Moreover, the data that the trade association apparently wanted to obtain and to analyze are commercially sensitive data exempted from disclosure under the Freedom of Information Act by 39 U.S.C. 410(c)(2). Given these circumstances, there is no reason why a comment period longer than 30 days should have been established.

Second, the trade association argued that the proposed IPA changes should have been submitted to the Postal Rate Commission (Commission). Although an appeal involving this question is pending before the U.S. Court of Appeals for the Third Circuit, the Postal Service and the Commission have agreed since postal reorganization in 1970 that the Commission has no jurisdiction over international rates. The District Court in the aforementioned case upheld that position. Consequently, there exists no sound basis in law or policy for submitting IPA rates to the Commission, whose proceedings could have seriously delayed action and whose recommendations, if it chose to make any, would have been advisory at most.

IV. Conclusion

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair the overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The IPA rates announced herein satisfy these criteria.

Accordingly, the Postal Service hereby adopts the IPA rate changes set forth in the two schedules below. These changes shall take effect at 12:01 a.m., on April 4, 1992.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,
Assistant General Counsel, Legislative Division.

TABLE 1.—INTERNATIONAL PRIORITY AIRMAIL

World-wide rate	Zoned rates (presort only)		
Non-Presort	Rate group 1 [1]	Rate group 2 [2]	Rate group 2 [3]
20 cents per piece, plus $8.00 per lb.	20 cents per piece, plus $4.95 per lb.	15 cents per piece, plus $6.15 per lb.	15 cents per piece, plus $7.95 per lb.

[1] Requires a minimum of ten (10) pounds to countries in Rate Group 1.
[2] Requires a minimum of ten (10) pounds to countries in Rate Group 2.
[3] Requires a minimum of ten (10) pounds to countries in Rate Group 3.

TABLE 2.—IPA RATE GROUPS

Rate group 1	Rate group 2	Rate group 3
Australia, Corsica, Denmark, Faroe Island, Finland, France (includes new Caledonia and Wallis & Futuna), Germany, Great Britain & Northern Ireland, Greenland, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Sweden.	Afghanistan, Albania, Algeria, Andorra, Angola, Anguilla, Antigua & Barbuda, Argentina, Aruba, Ascension, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bermuda, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verdi, Cayman Island, Central Africa Republic, Chad, Chile, Comoros, Congo, Costa Rica, Cote D'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Dominican Rep., East Timor, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Falkland Island, Fiji Island, French Guiana, French Polynesia, Gabon, Gambia, Ghana, Gibraltar, Grenada, Guadeloupe, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iraq, Jamaica, Jordan, Kampuchea, Kenya, Kiribati, Korea (Democratic Peoples Republic of), Kuwait, Lao, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Macao, Madagascar, Malawi, Maldives, Mali, Malta, Martinique, Mauritania, Mauritius, Monaco, Mongolia, Montserrat, Morocco, Mozambique, Myanmar (Burma), Nauru, Nepal, Netherlands Antilles, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Pitcairn Island, Qatar, Reunion, Romania, Rwanda, Saint Christopher & Nevis, Saint Helena, Saint Lucia, Saint Pierre & Miquelon, Saint Vincent & The Grenadines, San Marino, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Solomon Island, Somolia, Sri Lanka, Sudan, Suriname, Swaziland, Syria, Tanzania, Togo, Tonga, Trinidad/Tobago, Tristan De Cunha, Tunisia, Turkey, Turks and Caicos Island, Tuvalu, Uganda, United Arab Emirates, Uruguay, Vanuatu, Vatican City, Venezuela, Vietnam, Western Samos, Yemen, Zaire, Zambia, Zimbabwe.	Armenia, Austria, Azerbaijan, Azores, Belgium, Byelarus, China, Colombia, Czechoslovakia, Estonia, Georgia, Republic of Greece, Hong Kong, Hungary, India, Iran, Israel, Kazakhstan, Korea, Republic of (South), Kyrgyzstan, Latvia, Lithuania, Madeira Island, Malaysia, Mexico, Moldova, New Zealand, Philippines, Poland, Portugal, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Switzerland, Taiwan, Tajikstan, Thailand, Turkmenistan, Ukraine, Uzbekistan, Yugoslavia.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-25484; International Series Release No. 369]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 3, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendements thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 27, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Corporation (70-7868)

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers

Freeway, Dallas, Texas 75202, a registered holding company, has filed an application-declaration citing sections 6(a), 7, 9(a), 9(c)(3), 10, 12(b) and 13(b) of the Act and Rule 45 thereunder.

CSW proposes to form a wholly owned subsidiary corporation, CSW Capital Corporation ("Capital") for the purpose of investing up to $80 million through December 31, 1993, in the equity portion of a series of leveraged leases in respect of an estimated $320 million of commercial aircraft, railroad machinery and equipment, and manufacturing facilities and equipment as available for sale-leaseback ("Assets"). Authority is also requested to maintain Capital's portfolio of lease investments after such date.

CSW proposes to incorporate Capital under the laws of the state of Delaware and acquire all of its 1000 shares of authorized common stock, par value $.01 per share, for $1,000. CSW also proposes to contribute to Capital up to $100,000 in either debt or equity as operating capital. In addition, CSW proposes to contribute up to $80 million at any one time to Capital as advances or equity for investment in leveraged leases. One or more owner trusts will enter into a lease or leases, purchase and hold title to the leased Assets, and borrow the balance of the funds necessary to purchase the Assets. All debt incurred in connection with leveraged lease transactions will be on a non-recourse basis, secured by the Assets. Generally, Capital's initial investment will be in a debt to equity ratio of 3 to 1; although CSW foresees that investments may be refinanced in the future in a debt to equity ratio of 4 to 1.

CSW or an affiliate, which may be Capital, further propose to incorporate a direct or indirect wholly owned subsidiary, ("Offshore"), in a jurisdiction such as Bermuda or the U.S. Virgin Islands. Offshore will qualify as foreign sales corporation under section 921 of the Internal Revenue Code of 1986, as amended ("Code"), and recieve compensation for its services under a commission agreement with Capital. Offshore will provide services to Capital in connection with leveraged lease transactions that can be structured to take advantage of the tax benefits under the Code. Pursuant to the terms of the Code, Offshore will receive from Capital a commission of 23% of the taxable income of any leasing transactions so structured. An unconditional exemption under section 13(b) of the Act is requested with respect to such commisison payments.

If Offshore is incorporated under the laws of the U.S. Virgin Islands, CSW or an affiliate proposes to acquire all of Offshore's 1,000 shares of authorized common stock, par value $.01 per share, for $1,000. Incorporation in Bermuda would be comparable. CSW or an affiliate also propose to contribute to Offshore up to $50,000 in either debt or equity as operating capital.

CSW represents that projections for each leveraged lease entered into will demonstrate a net present value tax savings, using an appropriate discount rate, over the term of each proposed leasing transaction.

The Southern Company, et al. (70–7931)

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its wholly owned nonutility subsidiary, Southern Electric International, Inc. ("SEI"), 100 Ashford Center North, suite 400, Atlanta, Georgia 30338, have filed an application-declaration under sections 3(a)(5), 3(b), 6(a), 7, 9(a), 10, 12(b), 12(d) and 13(b) of the Act and Rules 43, 44, 45, 50(a)(5), 83, 86, 87, 90 and 91 thereunder.

SEI has submitted a bid to acquire a 40% undivided ownership interest in and to operate Loy Yang B ("Project"), a thermal electric power station located in the State of Victoria, Australia ("Private Sector Interest"). The State Electricity Commission of Victoria ("SECV"), through a wholly owned special purpose subsidiary, will retain ownership of approximately 49% of the Project and a governmental or quasi-governmental agency or institution to be affiliated with the Victoria Government ("Victoria Government Agency") will acquire ownership of approximately 11% of the Project. It is expected that SECV, the Victoria Government Agency and the Private Sector Interest (SECV, the Victoria Government Agency, together with the Private Sector Interest, "Co-Owners") will own the Project as tenants-in-common.[1]

The Project will consist of two 500 megawatt brown coal fired units. Commercial operation of Units 1 and 2 is scheduled for 1993 and 1996, respectively. The total cost of a 40% undivided ownership interest in the Project is estimated to be approximately U.S. $1.2 billion, anticipated to be 80% debt and 20% equity.[2] The Project, when operational, will be an electric utility company within the meaning of section 2(a)(3) of the Act.

For tax reasons, Southern proposes to acquire its 40% undivided ownership interest through a new wholly owned subsidiary company, Southern Power Australia Pty Ltd., ("Australian Subsidiary") and the Australian Subsidiary's three wholly owned subsidiary companies ("Ownership Subsidiaries"). These new subsidiaries will be established under the laws of the Commonwealth of Australia.

The total capitalization of the Australian Subsidiary and the Ownership Subsidiaries will not exceed an aggregate of $250 million and will consist of equity and subordinated debt. Initially, the Australian Subsidiary and the Ownership Subsidiaries each will be capitalized with $1,000. Based upon the $250 million ownership assumption, Southern will capitalize the Australian Subsidiary with a total of between $50 million and $150 million equity. The Australian Subsidiary will issue, and Southern will acquire, shares in the Australian Subsidiary. The Australian Subsidiary will then acquire shares of the Ownership Subsidiaries with the funds provided by Southern. A portion of such shares may be offered to potential private investors and the Australian public.[3] The balance of the Ownership Subsidiaries' capitalization will come directly from Southern, in the form of subordinated debt. The subordinated debt will have a term of between 12 and 35 years and will bear a cumulative interest rate not to exceed 18%. After giving effect to the above transactions, the Ownership Subsidiaries will have available to them the funds necessary to acquire the 40% undivided ownership interest in the Project.

Southern and SEI request authority to acquire a 100% individed ownership interest in the Project but request that the Commission reserve jurisdiction over the acquisition by Southern or its Australian associate companies of any ownership interest in the Project which exceed 40% or involves an equity commitment of greater than $250 million.[4]

Primary Project financing for Southern's 40% undivided ownership interest in the Project is expected to be provided by a syndicate of banking and other financial institutions ("Financing Syndicate"). The debt will be evidenced by notes ("Project Notes") to be issued by the Ownership Subsidiaries and other potential private investors in the Project (Ownership Subsidiaries, together with the other potential private investors, "Private Investors") in proportion to their respective undivided ownership interest in the Project. Project Notes will be nonrecourse to the Private Investors' and will be secured by the Private Investors' undivided ownership in the Project, and in the Project's related contracts and insurance policies. Based upon the desired debt-to-equity ratio, the Project Notes for Southern's 40% undivided ownership interest are not expected to exceed $962.2 million.

The Project Notes are expected to have a term of not less than five years and not more than thirty five years. Interest is not expected to exceed a reference rate which will be defined as the average of the bid and offer rates for Australian dollar bank accepted bills of exchange, plus 2½%, excluding commitment, participation and underwriting fees. Southern, on behalf of the Australian Subsidiary and the Ownership Subsidiaries, requests that the issuance and sale of the Project Notes be excepted from the competitive bidding requirements of Rule 50 pursuant to subsection 50(a)(5) under the Act to negotiate these arrangements. It may do so.

Southern and SEI propose to form a new wholly owned subsidiary company of SEI ("New Sub") to become the operator of the Project. The total capitalization of the New Sub will not exceed $5.001 million. Initially, the New Sub will issue, and SEI will acquire, shares in the New Sub for $1,000. SEI then proposes to provide working capital to the New Sub not to exceed $5 million in the form of loans or advances ("Working Capital Notes"). The Working Capital Notes will be repayable on demand, but in any event will be repayable no later than June 30, 2002. The Working Capital Notes will bear interest at a rate not to exceed the Reference Rate plus 2½%. The working capital will be used by the New Sub to pay its general administrative, personnel, accounting and legal expenses, operations and maintenance and other expenses relating to its obligations as operator of the Project.

In connection with the New Sub's operation of the Project, Southern and SEI propose that the New Sub, pursuant to an exemption from the at-cost standards of section 13(b) of the Act, enter into contracts with the Co-Owners of the Project (in their capacities as Co-Owners) to sell goods and services to the Co-Owners.

As a result of the proposed transactions, the Australian Subsidiary, the Ownership Subsidiaries and the New Sub will be subsidiaries of Southern within the meaning of section 2(a)(8) of the Act, and the Australian Subsidiary will be a holding company within the meaning of section 2(a)(7) of the Act. Southern requests an order under section 3(b) of the Act exempting the Australian Subsidiary, the Ownership Subsidiaries and the New Sub, as subsidiaries, from all provisions of the Act. In addition, Southern requests that the Australian Subsidiary, as a holding company, be exempt from all provisions of the Act under section 3(a)(5). Southern states that the Australian Subsidiary, the Ownership Subsidiaries and the New Sub will not derive any material part of their income, directly or indirectly, from sources within the United States. Further, Southern represents that neither the Australian Subsidiary, the Ownership Subsidiaries nor the New Sub will be a public-utility company operating within the United States.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–5533 Filed 3–9–92; 8:45 am]

BILLING CODE 8010–01–M

[1] Under Australian law, the liability of the Co-Owners is several and not joint. It is expected, however, that the Co-Owners will enter into an ownership agreement ("Ownership Agreement") by which the Co-Owners will agree to assume the obligations of a defaulting Co-Owner with respect to completion of construction and operation and maintenance of the Project. Southern states that its liability in such a defaulting situation will be limited to the total amount of equity invested therein, $250 million.

[2] All financial information, unless otherwise noted, is given in U.S. dollars and is based upon the February 11, 1992 New York foreign exchange selling rate of .7517 cents (U.S.) for one Australian dollar, as quoted in The Wall Street Journal. One U.S. dollar is equal to Australian $1.3303.

[3] Southern and SEI seek both authority and an exemption with respect to the possible sale by the Australian Subsidiary of shares in one or more of the Ownership Subsidiaries to institutional investors through private placements and to the public through public offerings in Australia, in all cases to investors outside the United States.

[4] Southern anticipates that Australian Subsidiary and/or the Ownership Subsidiaries will be granted a right of first refusal with respect to any proposed transfer of a Co-Owner's undivided ownership interest in the Project, whether through default by such Co-Owner or otherwise, and that the Ownership Subsidiaries will grant a reciprocal right to the other Co-Owners. Should Southern acquire a 100% undivided ownership interest in the Project, its total equity contribution would be up to and including $625 million. The total capital costs, acquisition expenses, and budgeted completion expenses for the Project on a 100% ownership basis are estimated to be approximately $3 billion.

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

Intent To Prepare an Environmental Impact Statement and To Conduct Scoping by Letter for Implementing Noise Abatement Procedures at Detroit Metropolitan Wayne County Airport, Detroit, MI

AGENCY: Federal Aviation Administration (FAA); Department of Transportation.

ACTION: Notice Of Intent To Prepare An Environmental Impact Statement And To Conduct Scoping by Letter.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an environmental document will be prepared and considered for proposed air traffic noise abatement procedures at Detroit Metropolitan Wayne County Airport. To ensure that all significant issues related to the proposed action are identified, scoping comments are requested.

DATES: Comments must be received on or before March 25, 1992.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, System Management Branch, AGL–530, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas F. Powers, Air Traffic Division, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois, 60018, telephone (312) 694–7568.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement (EIS) for implementation of proposed air traffic noise abatement procedures at Detroit Metropolitan Wayne County Airport. The procedures include:

- Use Runways 21L/R/C as the primary noise abatement configuration with wind conditions up to 7 knot tail wind component;
- Opposite direction nighttime operations from 12 a.m. to 6 a.m. when feasible;
- Retain all northflow departures in an equitable dispersal area on headings between 350 degrees clockwise to 050 degrees;
- Varied visual approach paths; and
- Fanning south flow departures on headings between 180 degrees clockwise to 230 degrees.

Mitigation will be proposed, as necessary, for the adverse impacts created by the procedures.

The FAA initiated scoping for this EIS in early 1991 with the preparation of an

Environmental Assessment (EA) for the 180-day test. This assessment addressed a number of air traffic alternatives. The proposed action substantially represents the procedures which were tested in 1991.

In addition, the FAA conducted a public information meeting and Wayne County conducted several hearings concerning noise issues and alternative ways of reducing impacts. Comments were received during the EA process and subsequently during the test. Additional comments and suggestions are invited by letter from Federal, State and local agencies, and other interested parties to ensure that the full range of issues related to the proposed action are addressed and all significant issues identified. As part of the EIS process, a formal public hearing will be conducted upon release of the draft EIS. A scoping document has been prepared and is available for review by contacting the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Des Plaines, Illinois on March 3, 1992.

Douglas F. Powers,

Manager, System Management Branch, Air Traffic Division, Great Lakes Region.

[FR Doc. 92-5546 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc; Ad Hoc Group 5 Airborne Loran-C Area Navigation Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the third meeting of Ad Hoc Group 5 to be held March 25-27, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of the second meeting's minutes; (3) FAA briefing on status of CDI Test (Loran program office); (4) Review the proposed terms of reference relative to the use of Loran C as a sole means of navigation; (5) Establish initial work program and schedule; (6) Assignment of tasks; (7) Other business; (8) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 26, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-5560 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., GNSS Transition and Implementation Strategy Task Force (TF-1), Working Group 1; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix I), notice is hereby given for the meeting of Working Group 1 of the GNSS Transition and Implementation Strategy Task Force to be held March 17, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 10 a.m.

The agenda for this meeting is as follows: (1) Welcome and introductions—plan for the day; (2) Consideration of draft document which reflects working groups' views on applications and required procedures; (3) Planning for Working Group 1 presentation to full Task Force; (4) Other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 26, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-5558 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Task Force 1; GNSS Transition and Implementation Strategy Task Force (TF-1); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for the second meeting of Task Force 1 to be held March 26-27, 1992, at the MITRE Corporation, 7525 Colshire Drive, McLean, Virginia 22102, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Introductory remarks; (2) Approval of January 13, 1992, meeting summary; (3) Working group reports: accomplishments, issues, status; (4) Individual working group sessions; (5) Working group reports: status, plans; (6) Joint review of new issues; (7) Review of task force schedule/document progress; (8) Other business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 2, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-5559 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

RTCA, Inc., Special Committee 147; Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for the thirty-ninth meeting of Special Committee 147 to be held April 1-3, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Review of meeting agenda; (3) Approval of minutes of the thirty-eighth meeting held on December 11-13, 1991, RTCA paper no. 150-92/SC147-494 (previously distributed); (4) Reports of working group activities; (a) Pilot Working Group; (b) Separation Assurance Task Force; (c) Requirements Working Group; (d) TCAS I Working Group; (5) Report on FAA TCAS program activities; (a) TCAS I; (b) TCAS II; (c) TCAS III; (6) Review of plans for end-to-end verification and validation process; (7) Review of EUROCAE Working Group 34 activities; (8) Review of action items from last meeting; (9) Discussion of advanced TCAS concepts; (10) Other business; (11) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 3, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-5561 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Missoula International Airport, Missoula, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Missoula International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before April 9, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Helena Airports District Office, FAA Building, room 2, Helena Regional Airport, Helena, Montana 59601. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Mr. Timothy O. Phillips, AAE, Director of Airports of the Missoula County Airport Authority at the following address: Missoula International Airport, 5225 Highway 10 West, Missoula, Montana 59802.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Missoula County Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: David P. Gabbert, Manager, Helena Airports District Office, FAA Building, room 2, Helena Regional Airport, Helena, Montana 59601, (406) 449-5271. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Missoula International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 28, 1992, the FAA determined that the application to impose and use the revenue from a PFC submitted by Missoula County Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 12, 1992.

The following is a brief overview of the application:

Level of the proposed PFC: $3.00.

Proposed charge effective date: August 1, 1992.

Proposed charge expiration date: June 30, 1997.

Total estimated PFC revenue: $1,900,000.00.

Brief description of proposed projects: Taxiway "P" realignment, extension, and rehabilitation; terminal access improvements; terminal expansion project; land acquisition; and airfield vacuum broom.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air taxi's and charter carriers.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT"** and at the FAA regional Airports office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Missoula County Airport Authority.

Issued in Renton, Washington, on February 28, 1992.

Edward G. Tatum,

Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 92-5550 Filed 3-9-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 18]

Surety Companies Acceptable on Federal Bonds; Aetna Casualty & Surety Company of America

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30129 to reflect this addition:

Aetna Casualty & Surety Company of America

Business Address: 151 Farmington Ave., Hartford, CT 06156. *Underwriting Limitation* [1]: $881,000. *Surety Licenses* [2]: AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. *Incorporated In:* Connecticut.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6850.

Dated: March 2, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92-5483 Filed 3-9-92; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1991 Rev., Supp. No. 17]

Surety Companies Acceptable on Federal Bonds; Aetna Commercial Insurance Co.

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury

Circular 570, 1991 Revision, on page 30129 to reflect this addition:

Aetna Commercial Insurance Co.

Business Address: 151 Farmington Ave., Hartford, Connecticut 06156. *Underwriting Limitation* [b]: $1,042,000. *Surety Licenses* [c]: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. *Incorporated In:* Connecticut.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: March 2, 1992.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92–5482 Filed 3–9–92; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1991 Rev., Supp. No.19]

Surety Companies Acceptable on Federal Bonds; Farmington Casualty Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under section 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30141 to reflect this addition:

Farmington Casualty Company

Business Address: 151 Farmington Ave., Hartford, Connecticut, 06156. *Underwriting Limitation* [b]: $3,442,000. *Surety License* [c]: AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, PR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. *Incorporated In:* Connecticut.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Cerftificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: March 2, 1992.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92–5484 Filed 3–9–92; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1991 Rev., Supp. No. 16]

Surety Companies Acceptable on Federal Bonds Generali—U.S. Branch

A Certificate of Authority as an acceptable reinsurer on federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30170 to reflect this addition:

Generali—U.S. Branch Business Addrress: One Liberty Plaza, New York, NY, 10006. Underwriting Limitation [b]: $5,581,000.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: March 2, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92–5486 Filed 3–9–92; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1991 Rev., Supp. No. 20]

Surety Companies Acceptable on Federal Bonds; Aetna Casualty Company of Connecticut

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30129 to reflect this addition:

Aetna Casualty Company of Connecticut. Business Address: 151 Farmington Ave., Hartford, Connecticut, 06156. Underwriting Limitation [b]: $1,043,000. Surety Licenses [c] AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NM, NY, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY. Incorporated in: Connecticut.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874–6850.

Dated: March 2, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92–5485 Filed 3–9–92; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

Disciplinary and Grievance Procedures; MP–5, Part II, Chapter 8

AGENCY: Department of Veterans Affairs.

ACTION: Notice with request for comments; extension of comment period.

SUMMARY: This extension for comments is made at the request of several interested parties. MP–5, part II, chapter 8, in its entirety, was published in the **Federal Register** on January 31, 1992 (57 FR 3815), pursuant to Section 203 of the Department of Veterans Affairs Health-Care Personnel Act of 1991 (Public Law 102–40), dated May 7, 1991, which revised the disciplinary, grievance and appeal procedures for employees appointed under 38 U.S.C. section 7401(1).

DATES: Comments must be received on or before March 13, 1992. Comments will be available for public inspection through March 23, 1992. The proposed effective date of these regulations is March 16, 1992.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday until March 23, 1992.

FOR FURTHER INFORMATION CONTACT: George W. Williams, Director, Employee Relations and Performance Management Service (058), Office of Personnel and Labor Relations, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 535–8875.

Dated: March 4, 1992.

B. Michael Berger,

Director, Records Management Service.

[FR Doc. 92–5516 Filed 3–9–92; 8:45 am]

BILLING CODE 8320–01–M

Career Development Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 7303, will be held at the Omni Inner Harbor Hotel, 101 West Fayette Street, Baltimore, MD 21201, April 29, through May 1, 1992, starting at 8 a.m., April 29. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Department of Veterans Affairs. The committee advises the Director, Medical Research Service, on selection and appointment of Associate Investigators, Research Associates, and Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8 a.m. to 8:30 a.m. on April 29, 1992, to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. Robert E. Meci, Executive Secretary of the Career Development Committee (12A3), Department of Veterans Affairs, Washington, DC 20420, (202) 523–6876, prior to April 22, 1992. The meeting will be closed from 8:30 a.m. to 5:30 p.m. on April 29, and 8 a.m. to 5:30 p.m. on April 30 and May 1 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of Public Law 92–463 as amended, in accordance with subsection (c)(6), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Robert E. Meci, Chief, Career Development Program, Medical Research Service (12A3), Department of Veterans Affairs, Washington, DC 20420, (phone 202–523–6876).

Dated: February 26, 1992.

By Direction of the Secretary.

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92–5502 Filed 3–9–92; 8:45 am]

BILLING CODE 8320–01–M

The Redevelopment of the VAMC Baltimore ("Loch Raven")

AGENCY: Department of Veterans Affairs.

ACTION: Notice of designation.

SUMMARY: The Secretary of the Department of Veterans Affairs is designating the Baltimore VA Medical Center ("Loch Raven") as a site that will be subject to redevelopment under the terms of an enhanced-use lease. The Department intends to enter into a long-term lease of real property and facilities with the developer who provides the Department with the greatest economic advantages.

FOR FURTHER INFORMATION CONTACT: Diane H. Esanu, Office of the Assistant Secretary for Acquisition and Facilities (005), 810 Vermont Ave., NW., Washington, DC 20420, 202–535–8555.

SUPPLEMENTARY INFORMATION: Public Law 101–507 specifically provides that the Secretary may enter into an enhanced-use lease with a private developer to provide services, revenue, or both, to the Department; be economically self-sustaining; and be compatible with the existing residential neighborhood.

APPROVED: February 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Notice of Designation

Pursuant to the provisions of Public Law 101–507, this serves as notice that the Secretary of the Department of Veterans Affairs ("the Department") is designating the Loch Raven VA Medical Center ("Loch Raven") as a site that will be subject to redevelopment under the terms of an enhanced-use lease.

Loch Raven is a 15-acre facility, located on a residentially-zoned site in the northeast section of the city of Baltimore, Maryland. The complex is designed as a campus, with a main hospital building, and several smaller administrative support and laboratory buildings. The main hospital building is a 38-year old, 291-bed, acute care medical center. Gross building area exceeds 268,000 square feet.

Background/Rationale

Public Law 101–507 specifically provides that the Secretary may enter into an enhanced-use lease to redevelop Loch Raven. In addition, the Department is constructing a new veterans' hospital in Baltimore, which is expected to be fully operational by 1992. An enhanced-use lease will provide the Department with additional space and services, and ensure the continued viability of Loch Raven after 1992. The redevelopment of Loch Raven is to be accomplished by a private developer. A portion of the facility must be redeveloped to meet certain needs articulated by the Department, and reserved for the Department's exclusive use. The Department will enter into a long-term lease with the developer, pursuant to which the developer will operate and manage the facility. The developer will enter into long-term subleases of the remaining property and buildings with private or other public entities. Loch Raven shall be redeveloped in a manner that is consistent with, and not adverse to, the mission of the Department to provide services to veterans.

The Department intends that the redevelopment of Loch Raven be

completed not more than five years from the date on which an enhanced-use lease is entered into with a private developer. In addition, the enhanced-use lease will provide services, revenue, or both, to the Department; be economically self-sustaining; and be compatible with the existing urban residential neighborhood. There are several economic advantages to the Department that result from enhanced use. They include, but are not limited to, the following: the construction or renovation of a facility for veterans through a minimal outlay of Federal funds; the receipt of revenue by the Department ; and the provision of additional services to veterans. The Department intends to enter into a long-term lease of real property and facilities with the developer who provides the Department with the greatest economic advantages.

Economic Factors in Support of the Enhanced-Use Lease

In considering use of entering into an Enhanced-Use lease for the Loch Raven facility, the transaction as proposed was examined in terms of its economic consequences in comparison with other alternatives available to the Department; namely, rehabilitation of the facility for VA use or disposal of the facility. This examination included a life-cycle cost analysis performed in accordance with OMB Circular A–104.

The analysis revealed that the Enhanced-Use lease alternative appears to be the most cost-beneficial option which satisfies VA space and community nursing home program requirements. This analysis was performed using similar criteria from various services. Underlying economic data was obtained from an independent appraisal of the market value of the facility, VA construction estimates and data received at an industry forum specifically held for this project.

Public Hearing

On June 20, 1991, a public hearing was held with respect to the proposed designation, at which time comments were solicited from veterans service organizations, as well as from representatives of local commerce and other members of the community.

Present at the meeting were:

Congressional Representatives

Maggie MacIntosh, Representing Senator Barbara Mikulski;
Kevin Kelly, Clerk, Senate Appropriations Subcommittee on VA, HUD and Independent Agencies
Carrie Apostolou, Staff to the Senate Appropriations Subcommittee

VA Representatives

Anthony J. Principi, Deputy Secretary
Barbara Gallagher, Medical Center Director
David E. Lewis, Assistant Secretary for Acquisition and Facilities
Robert E. Coy, Deputy General Counsel
Diane Esanu, Loch Raven Project Director
Barbara Nugent, Richard Iafola and Judith Sterne, Project Specialists

State Representatives

Jim Stanton, Executive Director of the Maryland Health Resources Planning Commission and members of his staff

City Representatives

Sara R. Trenery, Senior Vice President, Baltimore Economic Development Corporation, Representing the Mayor's Office
Sharon Klotts, City Planning Department
Peter Conrad, City Planning Department

The only issues raised concerned increased vehicular traffic and noise resulting from the use of the redeveloped facility. The Department will require in its Request for Proposal that all Development Plans incorporate a detailed discussion on parking and traffic management for the entire site. The Development Plan will also include a discussion on possible impact both on and off the site in terms of environmental concerns such as noise levels. These discussions should be for all phases (from initial occupancy of the site, through construction and final occupancy and uses of the property).

The representatives from the veterans service organizations and the local community at large overwhelmingly supported the designation.

General Description of the Proposed Lease

The Department of Veterans Affairs intends to lease the Loch Raven Medical Center to a private firm for 20 years if the firm is not proposing to build new buildings or do major remodeling to the existing buildings, or 35 years if the firm intends to build new buildings or do major remodeling to the existing buildings.

The private firm must have a redevelopment plan that can be completed within 5 years or less; is economically feasible and self-sustaining; offers something of value to the Department—space, services in kind, revenue, or a combination thereof; is compatible with, and not adverse to, the mission of the Department; and is compatible with the existing urban residential neighborhood.

Description of How the Proposed Lease Will—

(1) Contribute Cost-Effectively to, Be Consistent With, and Not Adversely Affect the Mission of the Department

In order for any offer to be considered, an offeror must propose a use that provides space, revenue, services in kind, or a combination thereof. In addition, the redevelopment must promote the mission of the Department and cannot adversely affect the mission of the Department. Firms that do not meet these requirements will not be considered for award.

(2) Affect Services to Veterans

The enhanced-use lease must designate a certain portion of the redeveloped facility for the exclusive use of the Department, thus providing needed additional space. In addition, if the firm is proposing to provide services in kind, such as medical care, this lease would enhance the VA's ability to provide such services to veterans. If the firm proposes to provide revenues in the form of lease payments, then the income received could be used to fund services to veterans that are not presently available, or to expand upon those that are.

[FR Doc. 92–5503 Filed 3–9–92; 8:45 am]
BILLING CODE 8320–01–M

Development of the VAMC Houston

AGENCY: Department of Veterans Affairs.

ACTION: Notice of designation.

SUMMARY: The Secretary of the Department of Veterans Affairs is designating the Houston VA Medical Center as a site that will be subject to development under the terms of an enhanced-use lease. The Department intends to enter into a long-term lease of real property and facilities with the developer who provides the Department with the greatest economic advantages.

FOR FURTHER INFORMATION CONTACT: Jo Morningstar, Office of the Assistant Secretary for Acquisition and Facilities (005), 810 Vermont Ave., NW., Washington, DC 20420, 202–535–8555.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 8161 *et seq.* specifically provides that the Secretary may enter into an enhanced-use lease with a private developer to provide services, revenue, or both, to the Department; be economically self-sustaining; and be compatible with the existing residential neighborhood.

Approved: February 20, 1992.
Edward J. Derwinski,
Secretary of Veterans Affairs.

Notice of Designation

Pursuant to the provisions of 38 U.S.C. 8161 *et seq.*, "Enhanced-Use Leases of Real Property", and 38 U.S.C. 316, this serves as notice that the Secretary of Veterans Affairs ("Secretary") intends to designate an approximately twenty (20) acre portion of the Houston VA Medical Center as a site ("the Houston site") that will be subject to public/private development under the terms of an Enhanced-Use Lease, including the collocation of the VBA Houston Regional Office on the site.

The Houston VA Medical Center is located at 2002 Holcolmbe Boulevard in the City of Houston. The Houston site is located in the northeast corner of the campus bordered by Almeda Road to the east and Holcombe Boulevard to the north. The purpose of this designation is to enable the Secretary to enter into an Enhanced-Use Lease of the subject property.

Background and Rationale

38 U.S.C. 8161 *et seq.*, authorizes the Secretary to lease Department-controlled real property to private and other public entities for a term of years for the development of the property for non-VA purposes provided that, at least part of the use of the property will provide space for an activity contributing to the mission of the Department; the non-VA uses are not inconsistent with and will not adversely affect the mission of the Department; and the Enhanced-Use Lease will enhanced the use of the property. As consideration for such lease, the Secretary is authorized to obtain facilities, services, money, or other "in-kind" consideration. Where new construction or substantial rehabilitation will occur, the lease may not exceed 35 years, or 20 years, in all other cases.

The Department proposes to enter into an Enhanced-Use Lease with the developer of the Houston site, who will also construct the collocated Veterans Benefits Administration Regional Office on the property under the terms of a one year lease purchase agreement. The Department anticipates that in permitting the developer of the Regional Office building to use the remainder of the Houston site for certain specified non-VA uses under an Enhanced-Use Lease, it will obtain necessary parking facilities for the Regional Office at reduced cost as well as other benefits resulting from the non-VA development including: rental proceeds; discounts on the cost of operation and maintenance of the Regional Office building, or other in-kind consideration.

Economic Factors in Support of the Enhanced-Use Lease

As the Enhanced-Use Lease in this instance also will support the lease/purchase of the VBA office building, the entire transaction was examined in terms of its economic consequences in comparison with other alternative acquisition methods: traditional construction; commercial leasing; and an Enhanced-Use Lease for the entire VBA requirement (VBA space and parking). This examination included a life-cycle cost analysis performed in accordance with OMB Circular A–104.

The analysis revealed that lease/purchase of the Regional Office Building, with an enhanced use lease for the associated parking, appears to be the most cost-beneficial option followed by the Enhanced-Use Lease for the entire VBA space requirements. This analysis was performed using similar criteria from various sources. Costs for Government construction was obtained from VA construction estimates; cost for private sector construction was based on data received at an industry forum specifically held for this project.

The comments received from the private sector supporting this analysis include: (1) The current upswing in the commercial leasing market in Houston makes commercial leasing with no residual value to VA economically very unattractive; (2) private industry, generally, is able to construct administrative office space at a much lower cost than the Government; and (3) making thirty years of rental payments, which necessarily include the cost of financing, is significantly more costly to VA than purchasing the VBA building over a one-year lease/purchase term.

Public Hearing

On September 26, 1991, a public hearing was held regarding the proposed designation. Comments were solicited from Veterans Service Organizations, as well as representatives of local commerce. Present at the meeting were The Honorable David Lewis, Assistant Secretary for Acquisition and Facilities of the Department of Veterans Affairs; Mr. Ted Myatt, Director, VA Regional Office, Houston; Mr. Adam Walmus, Associate Medical Director, VA Medical Center, Houston, and several members of their respective staffs.

The public hearing began at 7:15 p.m. and concluded at approximately 8:30 p.m. The Department received a very positive response from the community to the proposal to use an Enhanced-Use Lease in connection with the collocation of the Regional Office onto the Medical Center grounds. In particular, Disabled American Veterans voiced its support of the proposal, noting that the Enhanced-Use collocation agreement will be in keeping with its national organization's encouragement of VA's provision of benefits and medical services on one campus, the potential for improving timeliness in claim-processing, and the potential for monetary savings as a result of the "Enhanced-Use" of the site. The Veterans of Foreign Wars, while unable to attend the Hearing, communicated in writing its strong support both of the concept of collocation as well as the use of an Enhanced-Use Lease.

A member of a residential community adjacent to the VA Medical Center expressed his concern that the new VA and non-VA development would cause parking problems for his community. The community member was assured that VA has provided in the solicitation for sufficient parking to accommodate both the VA and the non-VA developments.

General Description of Enhanced-Use Lease

The Department of Veterans Affairs intends to lease approximately 20 acres of the Houston site (or a significant portion of this site) for a term of up to 35 years for the purpose of developing the site for VA and non-VA uses.

The Enhanced-Use Lessee must have a development plan that can be completed within a specified period of time; is economically feasible and self-sustaining; and in addition to offering space for use by the VA, offers something of value to the Department—space, services in kind, revenue, or a combination thereof; is compatible with, and not adverse to, the mission of the Department; and is compatible with the existing surroundings.

Description of How The Proposed Lease Will—

(1) Contribute Cost Effectively To Be Consistent With and Not Adversely Affect the Mission of the Department

The Department anticipates that, through the Enhanced-Use Lease, it will collocate the VBA Regional Office with the Medical Center at a lesser cost than commercial leasing and in a shorter time period than through "traditional" VA construction.

The Department will assure through lease restrictions that all development (VA and non-VA development) will be

consistent with, and not adversely affect, the mission of the Department.

(2) Affect Service to Veterans

The Enhanced-Use Lease provides that the successful offeror must design, construct, operate and maintain parking facilities and provide maintenance and operation services for the VBA Regional Office building on the Houston site, thus providing significantly enhanced service to veterans through the convenience of collocation with the VA Medical Center.

Further, any financial benefits gained as a result of lower VA cost for VBA space, services, and/or income stream from private non-VA development could translate into the funding of services to veterans not currently provided and/or enhancing services currently in existence.

[FR Doc. 92-5504 Filed 3-9-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 47
Tuesday, March 10, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: March 11, 1992, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 954th Meeting—March 11, 1992, Regular Meeting (10:00 a.m.)

CAH-1.
Project No. 2709-013, Monongahela Power Company, The Potomac Edison Company and West Penn Power Company
CAH-2.
Project Nos. 10697-001 and 10971-000, Russell Canyon Corporation
Project No. 10982-000, Bryant Mountain Hydroelectric Associates
CAH-3.
Project No. 8654-016, Noah Corporation
CAH-4.
Project No. 11116-001, Town of Moreau, New York
Project No. 10638-000, Niagara Mohawk Power Corporation
CAH-5.
Omitted.

Consent Agenda—Electric

CAE-1.
Docket No. ER92-64-000, Northeast Utilities Service Company
Docket No. ER92-66-000, Western Massachusetts Electric Company
CAE-2.
Docket No. ER92-110-000, PacifiCorp Electric Operations
CAE-3.
Docket Nos. ER92-122-000 and ER92-218-000, Mississippi Power Company
CAE-4.
Docket No. ER92-198-000, Consumers Power Company
CAE-5.
Docket No. ER91-559-000, Iowa Southern Utilities Company
CAE-6.
Docket No. ER92-142-000, New York Power Pool
CAE-7.
Docket Nos. ER92-236-001 and EL92-13-001, Delmarva Power & Light Company
CAE-8.
Docket No. EL91-56-000, Houlton Water Company, Van Buren Light and Power District and Eastern Maine Electric Cooperative, Inc. v. Maine Public Service Company

Consent Agenda—Oil and Gas

CAG-1.
Docket Nos. CP90-1874-003 and RP92-95-000, U-T Offshore System
CAG-2.
Omitted
CAG-3.
Docket No. RP92-019-000, Transwestern Pipeline Company
CAG-4.
Docket Nos. RP91-212-001 and 003, Stingray Pipeline Company
CAG-5.
Docket No. RP92-114-000, Williams Natural Gas Company
CAG-6.
Docket Nos. CP89-629-014 and CP90-639-006, *et al.*, Tennessee Gas Pipeline Company
CAG-7.
Docket No. PR92-5-000, Picor Pipeline Company
CAG-8.
Omitted
CAG-9.
Docket Nos. RP92-5-000 and 001, El Paso Natural Gas Company
CAG-10.
Docket Nos. TA91-1-48-000, 001, 002 and RP91-97-000, ANR Pipeline Company
CAG-11.
Docket Nos. TA90-1-27-000 and 002, North Penn Gas Company
CAG-12.
Docket Nos. TA85-3-29-035, TA86-1-29-012, TA85-1-29-019, TA86-5-29-013, RP83-137-032 and CP85-190-027, Transcontinental Gas Pipe Line Corporation
CAG-13.
Docket Nos. RP91-128-008, CP91-1669-004, CP91-1670-004, CP91-1671-004, CP91-1672-004, and CP91-1673-004, United Gas Pipe Line Company
CAG-14.
Docket No. RP92-51-001, Tennessee Gas Pipeline Company
CAG-15.
Docket No. RP89-245-003, Paiute Pipeline Company
CAG-16.
Omitted
CAG-17.
Docket Nos. RP84-82-005 and RP92-97-000, Tarpon Transmission Company
CAG-18.
Docket Nos. RP90-137-001, 003 and RP91-56-000, Williston Basin Interstate Pipeline Company
CAG-19.
Docket No. RP91-161-006, Columbia Gas Transmission Corporation
Docket No. RP91-160-005, Columbia Gulf Transmission Company
CAG-20.
Docket No. RP91-68-013, Penn-York Energy Corporation
CAG-21.
Docket No. AC91-23-001, Arkla Energy Resources, a division of Arkla, Inc.
CAG-22.
Omitted
CAG-23.
Docket No. RM91-2-000, Mechanism for Passthrough of Pipeline Take-or-Pay Buyout and Buydown Costs
Docket Nos. RP89-137-000 and RP89-219-000, RP90-50-000 and RP90-90-000, Northwest Pipeline Corporation
CAG-24.
Docket Nos. RP91-152-007 and RP89-183-034, Williams Natural Gas Company
CAG-25.
Docket Nos. RP88-67-052, 053, RP88-61-017, RP88-221-012, RP90-119-011, RP91-4-003 and RP91-119-006, Texas Eastern Transmission Corporation
CAG-26.
Docket No. RP91-150-002, Northwest Pipeline Corporation
CAG-27.
Docket No. RP91-24-000, Monterey Pipeline Company
CAG-28.
Docket Nos. RP85-177-068, RP88-67-039, RP89-255-002, RP90-119-003 and CP90-2154-000, Texas Eastern Transmission Corporation
Docket No. RP90-15-000, Equitrans, Inc. v. Texas Eastern Transmission Corporation
CAG-29.
Docket No. RP92-68-000, Vesta Energy Company
CAG-30.
Docket No. RP91-20-000, Prairie Producing Company v. Louisiana Intrastate Gas Corporation
CAG-31.
Docket No. GP92-8-000, State Oil and Gas Board of Alabama, Tight Formation Determination—Alabama-3, Pottsville Series Sandstones, FERC No. JD91-06540T

CAG–32.
Omitted
CAG–33.
Docket No. CP87–313–011, Texas Eastern Transmission Corporation
CAG–34.
Docket No. CP89–1–011, Mojave Pipeline Company
CAG–35.
Docket No. CP89–637–007, ANR Pipeline Company
Docket No. CP90–1726–002, Great Lakes Gas Transmission Limited Partnership
Docket No. CP88–178–004, Trunkline Gas Company
Docket No. CP89–635–004, CNG Transmission Corporation
Docket No. CP90–667–004, Transcontinental Gas Pipe Line Corporation
Docket No. CP90–808–003, Texas Gas Transmission Corporation
CAG–36.
Docket Nos. CP91–2677–001 and CP89–634–010, Iroquois Gas Transmission System, L.P.
Docket Nos. CP89–629–007 and CP90–639–003, Tennessee Gas Pipeline Company
Docket No. CP89–661–009, Algonquin Gas Transmission Company
CAG–37.
Docket No. CP85–825–003, Northwest Pipeline Corporation
CAG–38.
Docket No. CP91–2243–001, Distrigas of Massachusetts Corporation
CAG–39.
Docket No. CP90–188–000, Arkla Energy Resources, a division of Arkla, Inc.
Docket No. CP90–677–000, Texas Gas Tranamissaion Corporation
Docket Nos. CP90–680–000 and 001, Arkla Energy Resources, a division of Arkla, Inc. and Texas Gas Transmission Corporation
CAG–40.
Docket No. CP90–1978–000, Panhandle Eastern Pipe Line Company
Docket No. CP91–1589–000, Phillips 66 Natural Gas Company
CAG–41.
Docket No. CP92–78–000, The Union Gas Company of Arkansas, Inc.
CAG–42.
Docket No. CP91–1253–000, WestGas InterState, Inc.
CAG–43.
Docket No. CP90–2110–000, MIGC, Inc.
CAG–44.
Docket No. CP91–2989–000, CNG Transmission Corporation
CAG–45.
Docket No. CP91–1897–000, Williston Basin Interstate Pipeline Company
CAG–46.
Docket Nos. CP86–402–006, 007 and CP86–494–002, Moraine Pipeline Company
CAG–47.
Docket No. CP92–259–000, Sumas International Pipeline Inc.
CAG–48.
Docket No. RP91–204–002, East Tennessee Natural Gas Company
CAG–49.
Docket No. RM83–47–000, Petition of the Process Gas Consumers Group and The American Iron and Steel Institute for the Institution of Rulemaking Proceedings to Investigate and Establish Rules Relating to the Importation of Natural Gas
Docket No. RM83–54–000, Petition of the State of Louisiana Requesting Re-Evaluation of Policy Requiring Rate Base Treatment of Prepayments Made Under Take-or-Pay Contracts
Docket No. RM84–16–000, Market Ordering Conditions in Certificates Issued Under 18 C.F.R. Parts 157 and 284
Docket No. RM85–1–175, Regulation of Natural Gas Pipeline After Partial Wellhead Decontrol
Docket No. RM86–10–000, Procedures for Pipeline Recovery of Take-or-Pay Payments, Take-or-Pay Buyouts and Contract Reformation Costs
Docket No. RM88–2–000, Generic Approach to Affiliated Entities Test
Docket No. RM88–20–000, Five-Year Take-or-Pay Make-up Provisions in Natural Gas Producer Pipeline Contracts
Docket No. RM88–30–000, Rulemaking to Amend 18 C.F.R. §§ 154.38 and 201.31(b)
Docket No. RM88–34–000, In the Matter of Natural Gas Supply Association
Docket No. RM89–3–000, Petition of the Process Gas Consumers Group, *et al.* for Rulemaking on Cost Allocation and Rate Design
Docket No. RM89–11–000, Petition of the Producer Associations for Statement Policy on Rate Design
CAG–50.
Docket No. CP92–217–001, Texas-Ohio Pipeline, Inc.

Hydro Agenda

H–1.
Project No. 10896–001, City of Danville, Virginia. Order on rehearing.
H–2.
Omitted
H–3.
Project No. 10047–000, Northern Hydro Consultants, Inc.
Project No. 10514–000, C&A Wallcoverings, Inc. Order on minor license and competing license application.

Electric Agenda

E–1.
Omitted
E–2.
Docket No. EC92–8–000, Public Service Company of Colorado. Order on application for acquisition of jurisdiction facilities

Miscellaneous Agenda

M–1.
Docket No. PL93–1–000, Incentive Ratemaking for Interstate Natural Gas Pipeline and Electric Utilities
M–2.
Docket No. RM91–10–000, Regulations Governing *Ex Parte*

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Omitted

II. Producer Matters

PF–1.
Docket No. CP91–13–000, Phillips Petroleum Company and Marathon Oil Company. Declaratory order

III. Pipeline Certificate Matters

PC–1.
Docket No. RM92–2–000, Vehicular Natural Gas Sales. Notice of proposed regulatory treatment of sales for resale of natural gas used as a fuel for vehicles

Dated: March 4, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5667 Filed 3–6–92; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

To Hold Open Commission Meeting, Thursday, March 12, 1992

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 12, 1992, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, and Subject

1—Common Carrier—Title: Amendment of Part 22 of the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules (CC Docket No. 90–6). Summary: The Commission will consider adoption of a *Second Report and Order* concerning a new method for determining the boundaries of Cellular Geographic Service Areas (CGSAs). The Commission will also consider allowing cellular licensees to expand their CGSAs within their markets during the five year fill-in period without prior authorization.
2—Common Carrier, Office of International Communications—Title: Permissible Services of U.S.-Licensed International Communications Satellite Systems Separate from the International Telecommunications Satellite Organization (INTELSAT). Summary: The Commission will consider adoption of an *Order* concerning the permissible scope of services provided over U.S.-licensed separate international satellite systems consistent with the November 27, 1991, Executive Branch policy determination.
3—Common Carrier—Title: Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards (CC Docket No. 91–115). Summary: The Commission will consider adoption of a *Report and Order and Request for Supplemental Comment* regarding the handling of credit card calls.
4—Common Carrier—Title: Billed Party Preference for O+ InterLATA Calls. Summary: The Commission will consider adoption of a *Notice of Proposed Rule Making* concerning a petition filed by Bell Atlantic regarding "billed party preference" routing for certain operator-assisted calls.
5—Mass Media—Title: Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry. Summary: The Commission will consider adoption of a *Notice of Proposed Rule Making and Notice of Inquiry* concerning capital formation and investment in the broadcast industry.
6—Mass Media—Title: Revision of Radio Rules and Policies (MM Docket No. 91–140). Summary: The Commission will consider adoption of a *Report and Order* revising its national and local ownership rules governing radio, as well as its policies regarding time brokerage and other joint ventures among radio stations.
7—General Counsel—Title: Reexamination of the Policy Statement on Broadcast Comparative Hearings (RM–7739, RM–7740, and RM–7741). Summary: The Commission will consider adoption of a *Notice of Proposed Rule Making* that reexamines the 1965 Broadcast Comparative Hearing Policy Statement and the broadcast comparative criteria.

Issued March 5, 1992.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–5723 Filed 3–6–92; 2:35 pm]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:05 a.m. on Thursday, March 5, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a proposed settlement of litigation relating to Michael R. Milken and other individuals.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr., Director (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: March 6, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5700 Filed 3–6–92; 12:35 pm]

BILLING CODE 6714–0–M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 92–5308.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 12, 1992, 10:00 a.m., Meeting Open to the Public.

THE FOLLOWING ITEMS ARE ADDED TO THE AGENDA:

Future Meetings
Advisory Opinion 1991–32: Mr. Michael G. Massey on behalf of CEC, Inc. (continued from meeting of March 5, 1992)
Application of 28 U.S.C. § 9033(c) and 11 C.F.R. §§ 9033.5(b) and 9033.8(b) to the Utah Democratic Presidential Primary Legislative Recommendations—1992

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Harris,

Administrative Assistant, Office of the Secretariat.

[FR Doc. 92–5662 Filed 3–6–92; 10:40 am]

BILLING CODE 6715–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, March 16, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals regarding a Federal Reserve Bank's renovation project.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5732 Filed 3–6–92; 3:57 p.m.]

BILLING CODE 6210–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 9, 16, 23 and 30, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 9

Tuesday, March 10

1:00 p.m.
Briefing on Pending Investigations (Closed—Ex. 5 and 7)
2:00 p.m.
Briefing on Risk-Based Regulations Transition Strategy (Public Meeting)

Wednesday, March 11

9:00 a.m.
Briefing on Rulemaking Process for Developing Residual Radioactivity Standards for Decommissioning (Public Meeting)
10:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)
1:30 p.m.
Briefing on Requirements for Integral System Testing of Westinghouse AP–600 (Public Meeting)

Week of March 16—Tentative

Tuesday, March 17

8:30 a.m.
Discussion of Readiness to Restart of the General Atomics-Sequoyah Fuels Facility (Public Meeting)
2:00 p.m.
Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)

Thursday, March 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 23—Tentative

Wednesday, March 25

10:00 a.m.
Annual Briefing on Medical Use of Byproduct Material (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 30—Tentative

Thursday, April 2

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, April 3

10:00 a.m.
Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added

to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: March 5, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–5716 Filed 3–6–92; 2:09 pm]

BILLING CODE 7590-01-M

Corrections

Federal Register

Vol. 57, No. 47

Tuesday, March 10, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-92-1549; FR-2943-P-01]

Community Development Block Grant Funded Code Enforcement

Correction

In proposed rule document 92-2298 beginning on page 3971, in the issue of Monday, February 3, 1992, make the following correction:

On page 3972, in the first column, in the **DATES** section, "March 3, 1992." should read "April 3, 1992.".

BILLING CODE 1505-01-D

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3339; FR-3136-N-01]

NOFA for the Operating Assistance and Capital Improvement Loan Components Under the Flexible Subsidy Program

Correction

In notice document 92-3724 beginning on page 5948, in the issue of Tuesday, February 18, 1992, make the following correction:

On page 5948, in the first column, in the **DATES** section, in the fourth line, "April 3, 1991" should read "April 3, 1992".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Intent To Prepare a New or Supplemental Environmental Impact Statement for Approval of State and Tribal Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977

Correction

In notice document 92-4487 beginning on page 6737 in the issue of Thursday, February 27, 1992, make the following correction:

On page 6738, in the second column, in the second full paragraph, the third line should read "environmental assessments prepared in support of AML grants, a more comprehensive".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

RIN 3150-AD97

Policy and Procedure for Enforcement Actions; Policy Statement

Correction

In rule document 92-3604 beginning on page 5791 in the issue of Tuesday, February 18, 1992, make the following corrections:

1. On page 5800, in the first column, after the first full paragraph, insert the letter "*D*" before the word "*Violations*".

2. On page 5802, in the table, in the third column, under "Safeguards"the " dotted line" should be set as a "dash".

3. On page 5814, in the second column, in the sixth paragraph, in the first line, "*B. Severity* ***" should read "*C. Severity* ***".

BILLING CODE 1505-01-D

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federal register

Tuesday
March 10, 1992

Part II

Environmental Protection Agency

40 CFR Parts 122, 123, 124, and 501
Treatment of Indian Tribes as States for Purposes of Sections 308, 401, 402, and 405 of the Clean Water Act, Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123, 124, and 501

[FRL-3789-8]

RIN 2040-AB70

Treatment of Indian Tribes as States for Purposes of Sections 308, 309, 401, 402, and 405 of the Clean Water Act (CWA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Water Quality Act of 1987 (Pub. L. 100-4) amends the CWA by adding section 518 which requires EPA to promulgate regulations, specifying how Tribes will be treated as States for the following provisions of the CWA: Title II (Construction Grants), section 104 (Research, Investigation, and Training), section 106 (Grants for Pollution Control), section 303 (Water Quality Standards), section 305 (Water Quality Inventories), section 308 (Inspections, Monitoring, and Entry), section 309 (Federal Enforcement), section 314 (Clean Lakes), section 319 (Non-Point Source Program), section 401 (Certification), section 402 (National Pollutant Discharge Elimination System), and section 404 (Dredge and Fill Permits).

This proposed rule would (a) establish requirements for determining eligibility of Indian Tribes to be treated as States for purposes of CWA sections 308, 309, 402 and 405; and (b), if an Indian Tribe is found so eligible, allow for assumption of the National Pollutant Discharge Elimination System (NPDES) permit program and State sludge management program. It also provides for the treatment of Indian Tribes as States in the NPDES permit program for purposes of State certification of activities requiring a federal license or permit under section 401 of the CWA. This regulation would satisfy the statutory provisions in section 518 of the CWA with respect to the 402 program, and is consistent with previous Agency rulemaking addressing the eligibility of Indian Tribes to assume CWA section 405 State sludge management programs.

DATES: Written comments on this proposed rule will be accepted until May 11, 1992.

ADDRESSES: Send written comments to Wendy J. Miller, Office of Wastewater Enforcement and Compliance (OWEC), Permits Division (EN-336), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy J. Miller, OWEC, Permits Division (EN-336), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-3716. The administrative record for this rulemaking will be available for inspection and copying between 8 a.m. and 4:30 p.m. on business days at OWEC, Permits Division, 401 M Street, SW., Washington, DC 20460, room 208 NE Mall. A reasonable fee will be charged for photocopying. Inquiries can be made by calling (202) 260-9543.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

The over-all objective of the CWA as amended is to restore and maintain the chemical, physical and biological integrity of the Nation's water. The two national goals the Act established in 1972 include: (1) Eliminating the discharge of pollutants into navigable waters; and (2) achieving an interim water quality level that would protect fish, shellfish, and wildlife while providing for recreation in and on the water wherever attainable.

Since 1972, section 101(b) of the CWA makes it national policy to recognize and preserve the States' primary responsibility to meet these goals. Over the past 20 years, the Agency has focused on developing standard operating relationships with the States and localities. These relationships generally led to the successful operation of EPA and State Programs on most lands in the United States.

Congress, through amendments to both the CWA in 1987 and the Safe Drinking Water Act (SDWA) in 1986, has authorized EPA to treat Indian Tribes as States under various provisions of these Acts. Amendments to both statutes required the Agency to promulgate regulations that would establish exactly how Tribes would be treated as States.

The February 4, 1987, amendments to the CWA (33 U.S.C. 1251 *et seq.*) added a new section 518 entitled "Indian Tribes." These Amendments authorize EPA to treat Indian Tribes as States for the purposes of certain provisions of the Act, and provide grant and contract assistance (for certain of these programs) to Indian Tribes where appropriate. The Amendments require EPA to promulgate regulations specifying how the Agency will treat an Indian Tribe as a State under the following provisions: Title II (Construction Grants), section 104 (Research, Investigation, and Training), section 106 (Grants for Pollution Control), section 303 (Water Quality Standards and Implementation Plans), section 305 (Water Quality Inventory), section 308 (Inspections, Monitoring, and Entry), section 309 (Federal Enforcement), section 314 (Clean Lakes), section 319 (Nonpoint Source), section 401 (Certification), section 402 (National Pollutant Discharge Elimination System), and section 404 (Dredge and Fill Permit Program). In addition, as will be discussed further below, today's proposal also would address Tribal assumption of CWA section 405 State sludge management programs.

Section 518(e) of the CWA establishes certain criteria an Indian Tribe must meet before treatment as a State is authorized: (1) "The Indian Tribe has a governing body carrying out substantial governmental duties and powers"; (2) "the functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation"; (3) "the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Act and of all applicable regulations."

In addition to the eligibility requirements specified in section 518(e), section 518(h)(2) defines Indian Tribes as follows: " 'Indian Tribe' means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation." Consequently, existing Federal recognition and governmental authority over reservation lands must also be demonstrated by an Indian Tribe seeking authorization to administer the NPDES or State sludge management programs.

B. Development of This Rule

Based on the statutory amendments to the CWA, there are currently regulations related to five separate CWA programs at different stages of development in the Agency: (1) Construction Grants program, (2) Water Quality Standards program (including the required conflict resolution mechanism), (3) Dredge and Fill Permit program on Federal Indian reservations, (4) National Pollutant Discharge Elimination System permit program and State sludge management program on Federal Indian reservations, and (5) CWA grants programs for Federal Indian reservations. To promote consistency among the various regulations being developed, an intra-Agency oversight committee was established. Efforts are being made by this committee to develop parallel requirements where appropriate in order to reduce the burden on Tribes that choose to apply for any of these programs.

EPA has already issued regulations (1) specifying how Indian Tribes will be treated as States for purposes of the Public Water System and Underground Injection Control (UIC) programs under the SDWA (53 FR 37396, September 26, 1988) (referred to below as the "SDWA Indian Primacy Rule"), and (2) promulgating federal UIC programs on all Indian lands where an applicable program had not been in place (53 FR 43084, October 25, 1988). The SDWA Indian Primacy Rule is being used as a model for developing parallel regulatory approaches in the forthcoming CWA Indian regulations.

The CWA Indian grant regulations have been promulgated in interim final form (54 FR 14354, April 11, 1989; 55 FR 27092, June 29, 1990). The Agency has also published proposed regulations regarding treatment of Indian Tribes as States for purposes of the Dredge and Fill Permit program (section 404 of the CWA) (54 FR 49180, Nov. 29, 1989) as well as proposed and final regulations concerning the Water Quality Standards and Certification programs (sections 303 and 401 of the CWA) (54 FR 39098, September 22, 1989) and (56 FR 64876, December 12, 1991). Today's proposed regulations are very similar to those already proposed and also incorporate, where appropriate, changes in response to comments already received on those proposals.

Section 518(e) of the CWA requires consultation with Indian Tribes during regulation development. The CWA also requires the Administrator to consult affected States sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Tribes located on common bodies of water.

In keeping with this requirement, the Agency decided a multi-faceted consultation approach would be most appropriate. Tribal and State representatives were appointed to serve on various CWA Indian workgroups. In some cases, workgroup meetings have been noticed in the **Federal Register** inviting the public to observe and offer comment. Other efforts to consult with Tribes and States have included national meetings across the country to discuss the regulatory approaches proposed in the various CWA regulations, EPA officials' attendance at both Tribal and interested State meetings to present regulatory approaches being considered, and distribution of the draft proposed language for broad review at an early stage of the regulation development.

On April 12, 1989, a draft of this proposed regulation was circulated for preliminary comment to various persons, including States, Indian Tribes, and EPA personnel. Comments were received from, among others, the Inter Tribal Council of Arizona, Inc., the Seminole Tribe of Florida, the Minnesota Chippewa Tribe, the Tulalip Indian Tribe, the State of Washington Department of Ecology, the Colorado River Board of California, the Colorado River Basin Salinity Control Forum, the State of California Water Resources Control Board, and the New Mexico Health and Environment Department. As appropriate, those comments were incorporated in this text. EPA is also providing a preliminary response below to several of the comments, and will respond to all comments before issuance of the final regulations.

C. EPA Indian Policy

This rule is consistent with Federal Policy statements regarding Indian Tribes. On January 24, 1983, the Federal government established an Indian policy statement providing for treatment of Tribal governments on a government-to-government basis and supporting the principle of self-determination and local decision-making by Indian Tribes. In an Indian policy statement dated June 14, 1991, the President reaffirmed his support for the 1983 statement. EPA subsequently adopted its own Indian policy statement and implementing guidance in November 1984. In February 1990 and July 1991, the Administrator reaffirmed his support for the 1984 statement.

The EPA's policy is "to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands." In practice, EPA's policy is to work directly with Tribal governments as independent authorities for reservation affairs, recognizing that they are not political subdivisions of States.

D. Supplemental Statutory Background

In 1972, Congress established the NPDES permit program to regulate the discharge of pollutants into "waters of the United States." The CWA prohibits the discharge of pollutants without an NPDES permit (section 301). Congress gave States the option of assuming NPDES permit program authority, subject to EPA approval (section 401). Currently, a State assuming this responsibility may operate a partial or phased in program in accordance with section 402(n) of the CWA.

The Act prescribes minimum requirements which States must meet before exercising their option to assume the NPDES program, and assigns program approval and oversight responsibility to EPA. EPA regulations applicable to the NPDES program appear at 40 CFR parts 122-125, with the procedures and criteria for State assumption of the NPDES permit program being set forth in part 123. Once a Tribe is determined to be eligible for treatment as a State, the Tribe must meet the requirements for an approvable NPDES program specified in 40 CFR part 123 in order to assume the authority to issue CWA section 402 permits, except in the area of criminal enforcement responsibility, in which case EPA is proposing to establish an alternative procedure which would be available as discussed below.

Section 405 of the CWA addresses requirements regarding the utilization or disposal of sewage sludge, and directs EPA to issue regulations providing guidelines for the disposal and utilization of sewage sludge. The CWA was amended in 1987 to add a new section 405(f) establishing a permitting program to implement sludge management requirements. The Agency has promulgated regulations codified at 40 CFR parts 123 and 501 which address State sludge management programs under CWA section 405 (54 FR 18716, May 2, 1989). Section 405(f)(1) provides for incorporation of sludge use or disposal requirements into either CWA section 402 NPDES permits (or other permits issued under certain other Federal environmental laws) or into State sludge management permits issued under State sludge management programs approved by EPA. The regulations applicable to State sludge management programs (including State sludge management permits) appear at 40 CFR part 501 for non-NPDES programs, and parts 122 and 123 for NPDES programs.

Section 518(e) expressly addresses assumption of section 402 NPDES permitting authority by eligible Indian Tribes, and this basis for sludge permitting is addressed by the changes proposed today with regard to the NPDES program. While section 518(e) of the CWA does not expressly address

Tribal assumption of non-NPDES State sludge management program permits under section 405, the final State sludge management program regulations addressed this issue in the preamble (54 FR 18751), and the definition of "State" set forth at 40 CFR 501.2 recognizes that Indian Tribes may assume such programs if they meet the eligibility requirements of CWA section 518(e). The preamble to the final State sludge management program regulations noted that regulations governing procedures and criteria for Tribal assumption of CWA programs were forthcoming, and today's proposal, in addition to establishing criteria for Tribal assumption of the NPDES program, would establish similar criteria for Tribal assumption of CWA section 405 State sludge management programs.

As the preamble to the final sludge program regulations provided, there are several important reasons why Indian Tribes may apply for assumption of non-NPDES State sludge management programs.

In the 1988 proposal of part 501, EPA proposed treating Indian Tribes as States for purposes of *non*-NPDES section 405(f) sludge management programs even though section 518(e), which addresses the status of Indian Tribes under the CWA, does not specifically list section 405 as a program for which EPA may treat an Indian Tribe as a State. EPA reasoned that omission of section 405 from section 518 was the result of oversight, not of deliberation. EPA advanced two basic reasons in support of this position. First, section 518 authorized treating Indian Tribes as States for purposes of other sludge management activities, e.g., Title II (construction grants) and section 303 (water quality standards and implementation plans). Second, section 518 would clearly allow Indian Tribes to be treated as States for purposes of administering an approved NPDES program (including sludge management) and there is no reason why Indian Tribes should not be similarly treated for purposes of administering a non-NPDES program that regulated the same activities. [54 FR 18781.]

States are also empowered by section 401 of the CWA to certify that federal permits or licenses issued by federal agencies, do not violate, among other things, the State's water quality standards. Under section 518(e) of the CWA, Indian Tribes are eligible for treatment as States for section 401 certification purposes. As noted above, the assumption of 401 certification authority by Indian Tribes as States was addressed in a separate final rulemaking package (56 FR 64876, December 12, 1991) by amendment of 40 CFR part 131, governing water quality standards. 40 CFR 131.4(c) provides that "[w]here EPA determines that a Tribe qualifies for treatment as a State for purposes of water quality standards, the Tribe likewise qualifies for treatment as a State for purposes of certifications conducted under Clean Water Act section 401." 56 FR 64894.

Today's proposed rule also makes a corresponding change to the State certification provisions of Subpart D of 40 CFR Part 124. Part 124 states the procedures for issuing permits for several EPA programs. Subpart D describes various procedures applicable only to the NPDES program and specifically provides for State certification of NPDES permits pursuant to CWA section 401(a)(1). As added by this proposed rule, new § 124.51(c) follows § 131.4(c) in stating that an Indian Tribe qualified for treatment as a State for purposes of the Water Quality Standards Program is likewise qualified for treatment as a State for purposes of State certification of water quality standards pursuant to CWA section 401(a)(1).

Section 518 of the CWA also provides for treatment of Indian Tribes as States for purposes of sections 308 and 309 of the CWA. Under today's proposal, any Tribe which is approved to be treated as a State for purposes of sections 402 and/or 405 of the CWA will automatically be eligible to be treated as a State for purposes of sections 308 and 309. EPA will also make clear in the final rule providing for treatment of Indian Tribes as States for purposes of section 404 of the CWA that any Tribe approved to be treated as a State for purposes of section 404 similarly will automatically be eligible to be treated as a State for purposes of sections 308 and 309. Thus, EPA does not need to and does not plan to issue separate regulations dealing with treatment of a State for sections 308 and 309.

Under the provisions of section 309, EPA may take specified enforcement actions whenever the Administrator finds that a person is in violation of various provisions of the Act (including section 405), of any permit condition or limitation in an NPDES permit implementing various provisions of the CWA, or of specified pretreatment program requirements. Section 309 also establishes penalties for violations of specific provisions of the Act (including section 405), of any permit condition or limitation in an NPDES permit implementing various provisions of the CWA, or of specified pretreatment program requirements. As discussed above, a Tribe treated as a State for purposes of sections 402 and/or 405 would be eligible to apply to administer the NPDES (including the pretreatment and NPDES sludge components) or State sludge management permit programs under 40 CFR Parts 123 or 501. Those State program regulations require States to have specified enforcement powers, including the power to assess stated penalties. See 40 CFR 123.27, 403.10, and 501.17. As with any authorized State, EPA has the authority to enforce any NPDES or State sludge management permit issued by an Indian Tribe treated as a State which had obtained authorization under 40 CFR part 123 or 501.

In addition, any Tribe treated as a State for purposes of the NPDES or State sludge management programs will also automatically be eligible to be treated as a State for purposes of section 308(c) (State inspection authority for point sources) for similar reasons as section 309. Recognition of State inspection authority is part of the NPDES or State sludge management permit program authorization requirements for which a State must apply once it is treated as a State under sections 402 and/or 405. *See* 40 CFR 123.26, 403.10, and 501.16.

Today's proposal is the last that EPA plans to issue implementing section 518 of the CWA. EPA has already issued regulations allowing for treatment of Tribes as States under sections 106, 303, 314, 319, 401 (in part) and Title II, and proposed regulations to treat Tribes as States for purposes of sections 404 and 309 (in part), as indicated above. Today's proposal covers sections 308, 309 (in part), 401 (in part), 402, and 405 (although not explicitly mentioned in section 518).

The only sections of the CWA explicitly identified in section 518 for which EPA has not yet specified treatment as a State procedures are sections 104 and 305. EPA does not believe, however, that additional regulations are necessary. Section 104 authorizes a variety of grants and funding to organizations for research, investigations, training, etc. Tribes currently are eligible under the major funding provisions of section 104 regardless of whether they are treated as States for purposes of the Act. Thus, EPA has determined that specific regulations are not needed to effectuate the purposes of section 518. With respect to section 305, EPA has already waived the requirement to submit a biennial report for Indian Tribes under section 305(b). See 40 CFR 130.4; 54 FR 14354, 14357 (April 11, 1989). Thus, regulations treating Tribes as States for section 305 would be superfluous.

II. Summary and Explanation of Today's Action

Today's proposed rule would implement section 518 of the CWA which authorizes EPA to treat an Indian Tribe as a State for assumption of the NPDES permit program if the Indian Tribe meets the eligibility criteria and would also allow Tribal assumption of CWA section 405 State sludge management programs.

The criteria for treating Indian Tribes as States under the CWA and the SDWA are very similar. The Agency intends to establish the least burdensome process possible for Tribes to demonstrate State eligibility. When most or all regulations under the SDWA and CWA stipulating how Tribes shall be treated as States are final, the Agency will develop procedures to implement a single application procedure for the SDWA and CWA programs for these aspects that are similar under both statutes.

Most qualification criteria are of a general nature and need only be provided when a Tribe first applies for "treatment as a State" under the SDWA or CWA. For example, the "Federal recognition" and "governmental duties and powers" criteria will almost always require the same showing for a Tribe and would ordinarily need to be demonstrated only during the first application a Tribe submitted under either of the Acts.

However, the Agency believes that even with a streamlined application procedure, some qualifications will still need to be demonstrated separately for each program, particularly regarding capability. For example, a Tribe may possess the requisite capability to establish water quality standards but not to assume the NPDES permit program. Yet the Agency does not wish to put Tribes through the burden of filing complete applications for treatment as a State for each separate program. Consequently, the Agency will allow Indian Tribes which have previously been designated as a State under either SDWA or CWA to provide only that information which is unique to the specific additional program(s) (which may include demonstrating adequate regulatory authority to administer the specific program) the Tribe is applying for.

As is the case for States, an Indian Tribe must have its own legal authorities to administer a program under the CWA; EPA cannot delegate its own authority. However, the Agency considered whether the lack of comprehensive criminal enforcement authority would preclude Tribes from applying for the NPDES (section 402) or CWA section 405 State sludge management programs, and the Dredge and Fill Permit program (section 404) that currently require such authority for an approvable State program.

Section 1451 of SDWA specifically states that Indian tribes are not required to exercise criminal enforcement jurisdiction for primary enforcement responsibility. The CWA Amendments, however, do not include similar language indicating whether it would be appropriate to treat a Tribe not having criminal enforcement authority over all individuals on the reservation as a State where such authority is currently required for State program assumption.

The Agency realizes that a comprehensive criminal enforcement requirement could raise substantial impediments to Tribal assumption of those CWA programs that require such authorities of States. Federal law bars Indian Tribes from trying criminally or punishing non-Indians in the absence of a treaty or other agreement to the contrary. *Oliphant* v. *Suquamish Indian Tribe*, 435 U.S. 191 (1978). In addition, the Federal Indian Civil Rights Act prohibits any Indian court or tribunal from imposing any criminal fine greater than $5,000 upon Indians within its jurisdiction (25 U.S.C. 1302(7)).

The Agency believes that even though Congress did not explicitly waive the requirement under CWA, as under SDWA, that Congress nonetheless intended Tribes to be able to obtain primacy without demonstrating comprehensive criminal enforcement authority. If EPA were to infer that Congress, by failing to insert language similar to that contained in section 1451 of SDWA, intended not to waive the criminal enforcement requirement, EPA's reading would make part of section 518 of CWA a nullity, since absent further legislative action, no Tribe would be able to assume a program under 402 or 404 of CWA. This reading would contradict the clear intent of section 518 to allow Tribes to assume all specified CWA programs where they meet the 518(e) criteria and further would violate two traditional rules of statutory construction: (1) Legislation should not be interpreted as being meaningless, if at all possible; and (2) ambiguous Federal statutes addressing Indian affairs should be interpreted to the benefit of the Tribes.

Sections 123.27 of the NPDES regulations and 501.17 of the State sludge management program regulations require that a State have criminal enforcement authority to be approved. This notice proposes to amend those existing regulations and add new proposed §§ 123.34 and 501.25 so that Tribes will not be required to exercise comprehensive criminal enforcement jurisdiction as a condition to assuming the 402 or State sludge management programs. Under the proposal, Tribes would, instead, be required to provide for the timely and appropriate referral of criminal enforcement matters to the Regional Administrator when tribal enforcement authority does not exist (i.e., for non-Indians or fines over $5,000). Such procedures must be established in a formal Memorandum of Agreement with the Regional Administrator. Related changes to cross-reference to the enforcement authority provisions of §§ 123.34 and 501.25 would also be made in proposed §§ 123.25, 501.1(c)(5), and 501.15(b). The Tribe would, of course, still be required to carry out its monitoring and compliance responsibilities and assist in the identification of potential criminal violators. Thus, the lack of comprehensive Tribal criminal enforcement authority should not prevent a Tribe from having an approvable 402 or 405 State program.

Because CWA program funds are limited, many Indian Tribes may decide it is not cost-effective or otherwise beneficial to apply for various CWA program authorities. The Agency encourages Tribes to carefully consider which of the available programs would be beneficial to assume and to target the Tribal efforts and resources towards those specific programs. The Agency notes that Tribal assumption of the CWA programs discussed in today's rule is voluntary on the part of the Tribes.

In order to facilitate consistent implementation of the requirements of the CWA, an Indian Tribe and the State or States adjacent to the lands where such Tribe is located may enter into a cooperative agreement, subject to the review and approval of the Administrator or his delegatee, to jointly plan and administer the requirements of this Act (see section 518(d) of the CWA).

The Agency strongly encourages such cooperative agreements, because of the relative benefits such as information and resource sharing. The Agency does not have any specific criteria that a cooperative agreement must meet, so long as all parties involved approve it and it complies with the intent and administrative requirements of the CWA. In situations where EPA is a signatory to a cooperative agreement, all Federal requirements that govern such agreements must also be met.

Draft cooperative agreements should be submitted to the Regional

Administrator for review and approval. If necessary, the Agency will develop guidance to assist the Tribes and States in developing cooperative agreements.

A. Treatment of Indian Tribes as States

With the exception of criminal enforcement requirements, eligible Tribes seeking approval of the NPDES or State sludge management programs will be required to comply with all existing requirements for those programs. For the NPDES program (including NPDES sludge management programs), these requirements are contained in the regulations at part 123; for the CWA section 405 State sludge management program, the applicable requirements are found at part 501. Those Parts set out specific requirements for State program submissions, approval procedures, and programmatic and enforcement authorities. Today's proposal makes several revisions to parts 122–124 and part 501 in order to set out and clarify NPDES and State sludge management program requirements for Indian Tribes.

No amendments are proposed to 40 CFR part 403 governing the pretreatment program because no changes to part 403 are necessary to allow a Tribe to apply for pretreatment authority, once changes are made to parts 122 and 123. See 40 CFR 403.1(b)(3) and 403.10. Part 403 incorporates the definition of "State" in 40 CFR 122.2 (which is proposed to be revised by this rule) in its definitional section. See 40 CFR 403.3(m).

This proposed rule would amend 40 CFR parts 122–124 and part 501 to implement CWA section 518 and create procedures for Indian Tribes to apply to EPA for treatment as a State in order to be eligible to apply concurrently or sequentially for assumption of the NPDES and State sludge management programs. As will be discussed further below, the proposal would add new §§ 123.31–123.34 and 501.22–501.25 to the regulations to establish criteria Indian Tribes must meet for treatment as a State, list the information the Tribe must provide in its application to EPA, and provide a procedure for EPA to formally review applications for "treatment as a State." The Administrator has delegated his authority to determine the treatment of Tribes as States to the Regional Administrators. The requirements a Tribe must meet under all the CWA Indian regulations are as identical as possible leaving room for program specific requirements which are explained further in the capability requirements section of this notice.

As mentioned previously, section 518 of the CWA stipulates that a Tribe is eligible for treatment as a State if it meets the following criteria:

(1) Is Federally recognized;

(2) Carries out substantial governmental duties and powers over a Federal Indian reservation;

(3) Has appropriate regulatory authority over surface waters of the reservation; and

(4) Is reasonably expected to be capable of administering the relevant CWA program.

The Agency believes the language in section 518 requires that each of these eligibility criteria be satisfied through a separate demonstration by a Tribe following the procedures these proposed regulations set forth in §§ 123.31–123.33 for the NPDES program and 501.22–501.24 for the State sludge management program. These procedures are intended to ensure Tribes who are treated as States meet the requirements in the CWA, not to act as a barrier to program assumption. The Agency hopes that as many Tribes as possible will assume responsibility for the CWA programs where the Tribe and the Agency deem it appropriate.

1. Federal Recognition

With respect to Federal recognition as an Indian Tribe, the Secretary of the Interior periodically publishes a list of Federally recognized Tribes. If the applicant appears on this list it need only state that this is so. If the Tribal name does not appear on this list because the list has not been updated, the Tribe can still provide appropriate documentation to EPA verifying that it is Federally recognized by the Secretary of Interior. The proposed regulations applicable to this issue appear in §§ 123.31(a)(1), 123.32(a), 501.22(a)(1), and 501.23(a).

2. "Substantial Governmental Duties and Powers"

In addition, a Tribe must satisfy the second criterion that the Tribe is "carrying out substantial governmental duties and powers." The Agency defines "substantial governmental duties and powers" to mean that the Tribe is currently performing governmental functions to promote the public health, safety, and welfare [of the affected population] within a defined geographical area. The proposed regulations applicable to this issue appear in §§ 123.31(a)(2), 123.32(b), 501.22(a)(2), and 501.23(b). Many Indian Tribal governments perform functions traditionally performed by sovereign governments. Examples of such functions include, but are not limited to, levying tax, acquiring land by exercising the power of eminent domain, and police power (i.e., providing for the public health, safety, and general welfare of the affected population). Based on comments on the SDWA Indian Primary Rule, the Agency believes that most Tribes will be able to meet these criteria without much difficulty. (See 53 FR 37399.)

The Agency intends to minimize the burdens to a Tribe to demonstrate that it is carrying out substantial governmental duties and powers. The Agency proposed to require a narrative statement: (1) Describing the form of Tribal government; (2) describing the types of essential governmental functions currently performed such as those listed above; and (3) identifying the legal authorities for performing these functions (e.g., Tribal constitutions, codes, etc.).

The Agency merely intends the functions listed above (e.g., police powers affecting the health, safety and welfare, taxation, and power of eminent domain) as examples. It is not necessary that an applicant be currently performing each such function to qualify for treatment as a State. The Agency intends only to require sufficient documentation to determine whether a Tribe satisfies the statutory requirement of "carrying out substantial governmental duties and powers."

3. Jurisdiction

The third requirement a Tribe must meet for treatment as a State is that "the functions to be exercised by the Tribe must pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the boundaries of a reservation. . . ." The proposed regulations applicable to this requirement appear in §§ 123.31(a)(3), 123.32(c), 501.22(a)(3), and 501.23(c).

This provision contains different language than that of section 1451(b)(1)(A) of the SDWA, which states: "the functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction." Whereas CWA section 518 language suggests that Tribes may only regulate those water resources which are within the borders of a Federal Indian reservation, the parallel SDWA provision makes no such explicit limitation. As a result of this different statutory definition, Tribes are not precluded from applying for treatment as a State under the SDWA for any lands over which the Tribe believes it has regulatory authority. (See 53 FR 37400.)

The CWA establishes a somewhat narrower part of Indian country for which EPA will recognize Tribal authority by restricting Tribal eligibility for treatment as a State to lands "otherwise within the borders of an Indian reservation. . . ." The Agency anticipates that this language may reduce the potential for disputes since Tribal authority to regulate within the reservation's borders may be more readily determined.

Several comments were received in response to EPA's proposed regulation for treatment of Indian Tribes as States for purposes of the Water Quality Standards and Certification programs (54 FR 39098, September 22, 1989) which discussed the geographic scope of programs authorized under section 518(e)(2). (Copies of all pertinent public comments upon the proposed Standards rule are included in the docket to today's rule.) EPA has consistently read the phrase "or otherwise within the borders of an Indian reservation . . ." as a separate category of water resources and also as a modifier of the preceding three categories of water resources, thus limiting the Tribe to acquiring treatment as a State status for the four specified categories of water resources within the borders of the reservation.

Comments received suggested that EPA should alter its reading of this provision to allow Tribes to qualify for treatment as a State over all water resources within their jurisdiction. These comments asserted that limiting Tribes to water resources within the reservation would prevent a Tribe from obtaining treatment as a State status over water resources outside the reservation to which it has legitimate jurisdictional claim. Examples cited included traditional resource areas (known as "usual and accustomed" areas) outside reservation borders, all lands held in trust for Tribes by the U.S. Government or held by individual Indians that lie outside reservation borders, lands in "Indian Country" (as defined in 18 U.S.C. 1151) that lie outside reservation borders and, in general, all water resources within the territorial jurisdiction of the Tribe that lie outside reservation borders.

One commenter pointed out that often such lands are subject to Tribal or Federal jurisdiction and are thus beyond the police power and regulatory authority of the State in which they are located. This comment concluded that failure to provide Tribes with an opportunity to obtain treatment as a State status over such lands would create "regulatory voids" in which neither States nor Tribes have clear authority. Several comments suggested that resolving this issue could be accomplished simply by revising the definition of "Federal Indian reservation."

In contrast, other commenters asserted that EPA is correct in reading the phrase "or otherwise within the borders . . ." as a modifier of the preceding three categories of water resources. These commenters pointed out that failure to do so would render the statute nonsensical and contradict Congressional intent. However, these commenters also asserted that EPA is *not* correct in reading the phrase "or otherwise within the borders . . ." as a fourth category of water resources because to do so would render the three previous clauses superfluous. These commenters therefore conclude that section 518(e)(2) should not be read as authorizing Tribes to regulate non-Indian owned lands within the boundaries of the reservation.

Under today's proposed rule, Tribes are limited to obtaining treatment as a State status for only water resources within the borders of the reservation over which they possess authority to issue NPDES or sludge permits. The meaning of the term "reservation" must, of course, be determined in light of statutory law and with reference to relevant case law. EPA considers trust lands formally set apart for the use of Indians to be "within a reservation" for purposes of section 518(e)(2), even if they have not been formally designated as "reservations." *Oklahoma Tax Comm'n* v. *Citizen Band Potawatomi Indian Tribe of Oklahoma*, 111 S.Ct. 905, 910 (1991). This means it is the status and use of the land that determines if it is to be considered "within a reservation" rather than the label attached to it. EPA believes that it was the intent of Congress to limit Tribes to obtaining treatment as a State status to lands within the reservation. EPA bases this conclusion, in part, on the definition of "Indian Tribe" found in CWA section 518(h)(2). As discussed below, EPA also does not believe that section 518(e)(2) prevents EPA from recognizing Tribal authority over non-Indian water resources located within the reservation if the Tribe can demonstrate the requisite authority over such water resources.

The issue of whether and how EPA should require Tribes to demonstrate that they meet the requirements of section 518(e)(2) of the CWA, i.e., that they can demonstrate authority to regulate water quality within the boundaries of their reservations, also attracted significant public comment upon the proposed regulations for treatment of Indian Tribes as States for purposes of the Water Quality Standards and Certification programs. Numerous commenters remarked on the significance of the Supreme Court's decision in *Brendale* v. *Confederated Tribes and Bands of the Yakima Nation*, 492 U.S. 408 (1989) for EPA's programs and today's regulations, although there were widely differing views of how to read the decision. Several commenters asserted that *Brendale* clearly indicates that an Indian Tribe may not enforce its water quality standards against nonmembers of the Tribe on non-Indian owned fee lands within the boundaries of the reservation or that, at the very least, the Tribe must include detailed factual information that describes the non-Indian lands the Tribe proposes to regulate and the reasons supporting its jurisdictional assertions.

By contrast, other commenters asserted that Tribes invariably possess inherent authority to regulate all reservation waters, and that EPA should presume the existence of such authority and not require Tribes to make any specific factual showing. These commenters asserted that such authority over environmental matters was recognized in *Montana* v. *United States*, 450 U.S. 544 (1981), and not diminished by *Brendale*.

EPA does not read the holding in *Brendale* as preventing EPA from recognizing Tribes as States for purposes of administering the NPDES and/or State sludge management programs on fee lands within the reservation, even if section 518 is not an express delegation of authority (an issue discussed in detail below). In *Brendale*, both the State of Washington and the Yakima Nation asserted authority to zone non-Indian real estate developments on two parcels within the Yakima reservation, one in an area that was primarily Tribal, the other in an area where much of the land was owned in fee by nonmembers. Although the Court analyzed the issues and the appropriate interpretation of *Montana* at considerable length, the nine members split 4:2:3 in reaching the decision that the Tribe should have exclusive zoning authority over property in the Tribal area and the State should have exclusive zoning authority over non-Indian owned property in the fee area. The decision reflects some difficult issues in this area of the law and, as the comments indicated, has generated considerable controversy over the extent of Tribal authority.

Given the lack of a majority rationale, the primary significance of *Brendale* is

in its result, which was fully consistent with *Montany* v. *United States*, which previously had held that:

> To be sure, Indian tribes retain inherent sovereign power to exercise some forms of civil jurisdiction over non-Indians on their reservations, even on non-Indian fee lands. A tribe may regulate . . . the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements. . . . A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.

Montana, 450 U.S. at 565–66 (citations omitted).

In *Brendale*, the Court applied this test, finding Tribal authority over activities that would threaten the health and welfare of the Tribe. 492 U.S. at 443–444 (Stevens, J., writing for the Court); *id.* at 449–450 (Blackmun, J. concurring). Conversely, the Court found no Tribal jurisdiction where the proposed activities "would not threaten the Tribe's . . . health and welfare." *Id.* at 432 (White, J., writing for the Court). The Agency therefore disagrees with commenters who argue that *Brendale* somehow overrules *Montana*.

As further discussed below, EPA agrees with certain commenters that pending further judicial or Congressional guidance on the extent to which section 518 delegates additional authority to Tribes, the ultimate decision regarding Tribal authority must be made on a Tribe-by-Tribe basis and has finalized the proposed process for making those determinations. Thus, EPA rejects the suggestion of other commenters that EPA make a conclusive statement regarding the extent of Tribal jurisdiction over fee lands for all Tribes and all waters or even a statement regarding any particular reservation, except in the context of an actual treatment as a State application. This is consistent with the approach the Agency adopted under the SDWA, when it determined that it would not "automatically assume," or adopt, in the first instance, a rebuttable presumption of Tribal authority over all water within a reservation that would operate even in the absence of any factual evidence. See 53 FR 37398, 37399 (September 26, 1988). Nonetheless, EPA sees no reason in light of *Brendale* to assume that Tribes would be *per se* unable to demonstrate authority over water resource management on fee lands within reservation borders for purposes of administering the NPDES and/or State sludge management programs. Rather, as discussed below, EPA believes that as a general matter there are substantial legal and factual reasons to assume that Tribes ordinarily have the legal authority to regulate water resources within a reservation for purposes of administering the NPDES and/or State sludge management program.

In evaluating whether a Tribe has authority to regulate a particular activity on land owned in fee by nonmembers but located within a reservation, EPA will examine the Tribe's authority in light of the evolving case law as reflected in *Montana* and *Brendale*. The extent of such Tribal authority depends on the effect of that activity on the Tribe. As discussed above, in the absence of a contrary statutory policy, a Tribe may regulate the activities of non-Indians on fee lands within its reservation when those activities threaten or have a direct effect on the political integrity, the economic security, or the health or welfare of the Tribe. *Montana*, 450 U.S. at 565–66. However, in *Brendale* several justices argued that for a Tribe to have "a protectable interest" in an activity, the activity's effect should be "demonstrably serious . . ." *Brendale*, 492 U.S. at 431 (White, J.). In addition, in a more recent case involving Tribal criminal jurisdiction, a majority of the Court indicated in *dicta* that a Tribe may exercise civil authority "where the exercise of tribal authority is vital to the maintenance of tribal integrity and self-determination." *Duro* v. *Reina*, 110 S.Ct. 2053, 2061 (1990). *See also Brendale*, 492 U.S. at 450 (Blackmun, J.) (test for inherent Tribal authority whether activities "implicate a significant tribal interest"); *id.* at 462 (Blackmun, J.) (test for inherent Tribal authority whether exercise of authority "fundamental to the political and economic security of the tribe . . .").

As discussed above, the Supreme Court, in recent cases, has explored several options to assure that the impacts upon Tribes of the activities of non-Indians on fee land, under the *Montana* test, are more than *de minimis*, although to date the Court has not agreed, in a case on point, on any one reformulation of the test. In response to this uncertainty, the Agency will apply, as an interim operating rule, a formulation of the standard that will require a showing that the potential impacts of regulated activities on the Tribe are serious and substantial.

The choice of an Agency operating rule containing this standard is taken solely as a matter of prudence in light of judicial uncertainty and does not reflect an Agency endorsement of this standard *per se*. Moreover, as discussed below, the Agency believes that the activities regulated under the various environmental statutes generally have serious and substantial impacts on human health and welfare. As a result, the Agency believes that Tribes will usually be able to meet the Agency's operating rule, and that use of such a rule by the Agency should not create an improper burden of proof on Tribes or create the administratively undesirable result of checkerboarding reservations.

Whether a Tribe has jurisdiction over activities by nonmembers will be determined case-by-case, based on factual findings. The determination as to whether the required effect is present in a particular case depends on the circumstances.

Nonetheless, the Agency may also take into account the provisions of environmental statutes and any legislative findings that the effects of the activity are serious in making a generalized finding that Tribes are likely to possess sufficient inherent authority to control reservation environmental quality. See *e.g.*, *Keystone Bituminous Coal Ass'n* v. *DeBenedictis*, 480 U.S. 470, 476–77 and nn. 6, 7 (1987). As a result, in making the required factual findings as to the impact of a water-related activity on a particular Tribe, it may not be necessary to develop an extensive and detailed record in each case. The Agency may also rely on its special expertise and practical experience regarding the importance of water management, recognizing that clean water, including important habitants (i.e., wetlands, bottom sediments, spawning beds, etc.), is absolutely crucial to the survival of many Indian reservations.

The Agency believes that Congressional enactment of the CWA establishes a strong Federal interest in effective management of water quality. Indeed, the primary objective of the CWA "is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (section 101(a)) and, to achieve that objective, the Act establishes the goal of eliminating all discharges of pollutants into the navigable waters of the United States and attaining a level of water quality which is fishable and swimmable (section 101(a)(1)-(2)). The Act also specifically prohibits the discharge of pollutants to the navigable waters of the United States except in accordance with an NPDES permit assuring compliance with a host of CWA provisions for achievement of various treatment and water quality requirements (sections 301, 402, and 405(a)). Similarly, the Act requires POTWs and other treatment works treating domestic sewage to obtain permits implementing standards governing the use and disposal of sewage sludge (section 405). Standards for the use and disposal of sewage sludge also are directly enforceable against any user or disposer of sewage sludge. Thus, the statute itself constitutes, in effect, a legislative determination that activities which affect surface water and critical habitat quality may have serious and substantial impacts.

EPA also notes that, because of the mobile nature of pollutants in surface waters and the relatively small length/size of stream segments or other water bodies on many reservations, it would be practically very difficult to separate out the effects of water quality impairment on non-Indian fee land within a reservation with those on Tribal portions. In other words, any impairment that occurs on, or as a result of, activities on non-Indian fee lands are very likely to impair the water and important habitat quality of the Tribal lands. This also suggests that the serious and substantial effects of water quality impairment within the non-Indian portions of a reservation are very likely to affect the Tribal interest in water quality. EPA believes that a "checkerboard" system of regulation, whereby the Tribe and State split up regulation of surface water on the reservation, would ignore the difficulties of assuring compliance with CWA requirements (including the requirements to meet the provisions of NPDES and/or State sludge management permits) when two different sovereign entities regulate the same small stream segments.

EPA also believes that Congress has expressed an intention to eliminate barriers to Tribal regulation of surface water resources (here by administration of the NPDES and/or State sludge management programs) to assure compliance with the goals of the CWA. This is confirmed by the text and legislative history of section 518 itself. The CWA establishes a policy of "recogniz[ing], preserv[ing], and protect[ing] the primary responsibilities and rights of States [including Tribes] to prevent, reduce, and eliminate pollution, [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources . . ." (section 101(b)). By extension the treatment of Indian Tribes as States means that Tribes are to be primarily responsible for the protection of reservation water resources. As Senator Burdick, floor manager of the 1987 CWA Amendments, explained, the purpose of section 518 was to "provide clean water for the people of this Nation . . . ." 133 Cong. Rec. S753 (daily ed. Jan. 14, 1987). This goal was to be accomplished, he asserted, by giving "tribes . . . the primary authority to set water quality standards to assure fishable and swimmable water and to satisfy all beneficial uses." 133 Cong. Rec. S1018 (daily ed. Jan. 21, 1987). Water quality standards established by the Tribes are implemented through the issuance of NPDES permits.

In light of the Agency's statutory responsibility for implementing the environmental statutes, its interpretations of the intent of Congress in allowing for Tribal management of water quality within the reservation are entitled to substantial deference. *Washington Dep't of Ecology* v. *EPA*, 752 F.2d 1465, 1469 (9th Cir. 1985); *see generally Chevron, USA, Inc.* v. *NRDS*, 467 U.S. 837, 843–45 (1984).

The Agency also believes that the effects on Tribal health and welfare necessary to support Tribal regulation of non-Indian activities on the reservation may be easier to establish in the context of environmental regulation than with regard to zoning, which was at issue in *Brendale*. There is a significant distinction between land use planning and water resources management for purposes of administering the NPDES and/or State sludge management programs. The Supreme Court has explicitly recognized such a distinction: "Land use planning in essence chooses particular uses for the land; environmental regulation . . . does not mandate particular uses of the land but requires only that, however the land is used, damage to the environment is kept within prescribed limits." *California Coastal Comm'n* v. *Granite Rock Co.*, 480 U.S. 572, 587 (1987). The Court has relied on this distinction to support a finding that States retain authority to carry out environmental regulation even in cases where their ability to carry out general land use regulation is preempted by federal law. *Id.* at 587–89.

Further, management of water resources through the issuance of NPDES and/or State sludge management permits serves the purpose of protecting public health and safety, which is a core governmental function, whose exercise is critical to self-government. The special status of governmental actions to protect public health and safety is well established.[1]

By contrast, the power to zone can be exercised to achieve purposes which have little or no direct nexus to public health and safety. *See, e.g., Brendale*, 492 U.S. at 420 n.5 (White, J.) (listing broad range of consequences of state zoning decision). Moreover, water pollution is by nature highly mobile, freely migrating from one local jurisdiction to another, sometimes over large distances. By contrast, zoning regulates the uses of particular properties with impacts that are much more likely to be contained within the given local jurisdiction.

Operationally, EPA's generalized findings regarding the relationship of water resource management (here for purposes of administering the NPDES and/or State sludge management programs) to Tribal health and welfare will affect the legal analysis of a Tribal submission by, in effect, supplementing the factual showing a Tribe makes in applying for treatment as a State. Thus, a Tribal submission meeting the requirements of §§ 123.32 and 501.23 of this regulation will need to make a relatively simple showing of facts that there are waters within the reservation used by the Tribe or Tribal members, (and thus that the Tribe or Tribal members could be subject to exposure to pollutants present in, or introduced into, those waters) and that the waters and important habitats are subject to protection under the CWA. The Tribe must also explicitly assert that impairment of such waters by the activities of non-Indians, would have a serious and substantial effect on the health and welfare of the Tribe. Once the Tribe meets this initial burden, EPA will, in light of the facts presented by the Tribe and the generalized statutory and factual findings regarding the importance of reservation water quality discussed above, presume that there has been an adequate showing of Tribal jurisdiction on fee lands, unless an appropriate governmental entity (e.g., an adjacent Tribe or State) demonstrates a lack of jurisdiction on the part of the Tribe.

The Agency recognizes that jurisdictional disputes between Tribes and States can be complex and difficult and that it will, in some circumstances, be forced to address such disputes. However, EPA's ultimate responsibility is protection of the environment. In view of the mobility of environmental problems, and the interdependence of various jurisdictions, it is imperative that all affected sovereigns work cooperatively for environmental protection, rather than engage in confrontations over jurisdiction.

[1] This special status has been reaffirmed by all nine justices in the context of Fifth Amendment takings law. *See Keystone Bituminous Coal Ass'n* v. *DeBenedictis*, 480 U.S. 470, 491 n. 20 (1987); *id.* at 512 (Rehnquist, C.J., dissenting).

EPA has received letters from three members of Congress, Senator Simpson, Senator Baucus, and Representative Morrison, regarding the impact of *Brendale* on EPA's Indian policy and the development of "treatment as a State" regulations for EPA water programs in light of the legislative history of section 518. All three commenters asserted that Congress did not intend to expand the scope of Tribal authority over non-Indians on the reservation by the passage of section 518.

Rep. Morrison asserted that he inserted into the Congressional Record a memorandum written by staff on the House Committee on Interior and Insular Affairs regarding section 518 (also inserted into the Congressional Record by Senator Adams at 133 Cong. Rec. S753–54 (daily ed. Jan. 14, 1987)) solely to demonstrate that section 518 was not intended to expand Tribal water quantity rights. 133 Cong. Rec. H184–85 (daily ed. Jan. 8, 1987). Rep. Morrison disavowed other statements from that memorandum which might support the proposition that Congress intended to authorize Tribal jurisdiction over nonmembers on reservations. ("Indian tribes have the right to regulate lands and other natural resources within the reservation, *including non-Indian owned fee lands or resources.*" *Id.* (emphasis added)). Rep. Morrison stated his belief that Congress did not, by the passage of section 518, expand the scope of Tribal authority over non-Indians. In light of this legislative history, Rep. Morrison asserted that, consistent with *Brendale*, EPA should not allow Tribal regulation of nonmembers on so-called "open" reservations.

Senators Baucus and Simpson also recommended that EPA consider the legislative history of section 518(e) and the *Brendale* decision and determine not to allow Tribal regulation of nonmembers on the reservation.

Finally, all three of these Congressional commenters asserted that the legislative history of section 518 clearly shows that it was not intended to affect rights to water quantity under State law. The concerns raised by these Members of Congress echo other comments received on the proposed regulation for treatment of Indian Tribes as States for purposes of the Water Quality Standards and Certification programs. Several commenters asserted that section 518(e)(2) should not be read as an express grant of Congressional authority to Indian Tribes to regulate such fee lands, despite indications in *Brendale* to the contrary.

By contrast, Senators McCain, Burdick, and Inouye, expressed a view that section 518(e) delegates Tribes authority to regulate all waters within reservation boundaries including those on non-Indian fee lands. Some commenters cited *Brendale* for this proposition. The argument of these commenters is based upon the opinion of Justice White in *Brendale*. Justice White indicates that certain statutes may delegate Federal authority to Tribes, thereby providing a basis for authority over all lands within a reservation. As Justice White explained, on the record in *Brendale* there could be

> No contention . . . that Congress has expressly delegated to the Yakima Nation the power to zone fee lands of nonmembers of the Tribe. *Compare 18 U.S.C. 1151, 1161 (1982 ed., and Supp. V); 33 U.S.C. 1377(e) and (h)(1) (1982 ed., Supp. V)* [i.e., sections 518(e) and 518(h)(1) of the CWA].

492 U.S. at 428 (emphasis added). This language clearly categorizes the two cited statutory schemes as express delegations of Federal authority. Thus, Justice White, *inter alia*, cites the CWA as an example of an explicit delegation of authority over non-Indian activities to Indian Tribes.

EPA has fully considered the Congressional comments and their interpretation of the legislative history of section 518. EPA must, of course, consider contemporaneous legislative history as it is written, and has been cautioned not to rely on subsequent statements by Members of Congress. *Hazardous Waste Treatment Council* v. *EPA*, 886 F.2d 355 (D.C. Cir. 1989), *cert. denied*, 111 S.Ct. 139 (1990).

EPA differs with the Congressional commenters to the extent that they suggest the legislative history of section 518 is clear and expresses an intent to limit the scope of Tribal authority. EPA notes that other legislative history might be interpreted as evincing Congressional intent to confer expanded Tribal authority over non-Indians within the reservation.

In particular, the following colloquy between Senators Inouye and Burdick on this issue is very relevant:

> *Mr. Inouye*: . . . I am concerned about section 518(e)(2). As I read that provision, it enables qualified Indian tribes to exercise the same water quality regulatory jurisdiction *with respect to water that traverses, borders, or is otherwise located within their reservations* [paraphrasing section 518(h)(1) and 10 U.S.C. 1151(a)] that States have for regulation of water outside Indian reservations. Is my understanding of section 518(e) correct?
>
> *Mr. Burdick*: Yes. The intent of the conferees was to assure that Indian tribes would be able to exercise the same regulatory jurisdiction over water quality matters *with regard to waters within Indian jurisdiction* that States have been exercising over their water.

133 Cong. Rec. S1018 (daily ed. Jan. 21, 1987) (emphasis added). Senator Inouye's statement could arguably support a reading that Congress intended to recognize Tribal authority over all waters within the reservation, including those managed by non-Indians. Mr. Burdick, a member of the Conference Committee and Chairman of the Senate Environment and Public Works Committee, agrees with Senator Inouye's statement.

However, in EPA's view this colloquy is ambiguous and inconclusive. Senator Burdick, in responding to Senator Inouye, agrees that under section 518 Tribes may regulate waters only if they are already "within Indian jurisdiction." However, Senator Burdick was only recognizing the status quo, i.e., whatever is within Indian jurisdiction may be regulated via section 518. Senator Burdick's statement does not clearly show that he—or the Congress as a whole—intended to legislate that all waters within the reservation are in fact "within Indian jurisdiction." Thus, the colloquy is circular: Indians have jurisdiction if, but only if, they have jurisdiction from some source other than section 518. It does not clearly indicate whether Congress intended to expand what lies "within Indian jurisdiction."

Further, if this colloquy were to be construed as supporting an expansion of Tribal authority, it would arguably conflict with a statement Senator Burdick had made earlier in response to an inquiry from Senator Baucus. In that discussion, Senator Burdick reiterated that section 518 was not intended to affect existing water quantity rights; and added that "*[p]rivate lands* and water rights owners within boundaries of Indian reservations are not to be *additionally* affected by this act." 133 Cong. Rec. S753 (daily ed. Jan. 14, 1987) (emphasis added). This could suggest that the Act was not intended to alter the status quo regarding regulatory authority over fee lands.

The legislative history in the House is also unclear as to whether Congress intended to expand Tribal power over non-Indians. The statement in the House staff memorandum cited above supports a view that under current case law Tribes already possess regulatory authority over non-Indians within reservation boundaries; thus it would be unnecessary to delegate such authority to Tribes. Insertion of this memorandum into the Congressional Record could suggest that the House agreed with that view; however, this aspect of the memorandum was never the subject of House discussions, which focused almost exclusively on issues relating to water rights.

EPA believes that if Congress had intended to make a change as important as an expansion of Indian authority to regulate nonmembers, it probably would have done so through statutory language and discussed the change in the Committee reports. Given that the legislative history ultimately is ambiguous and inconclusive, EPA believes that it should not find that the statute expands or limits the scope of Tribal authority beyond that inherent in the Tribe absent an express indication of Congressional intent to do so. See *Montana*, 450 U.S. at 564. Therefore, EPA has decided that it will, as discussed above, continue to recognize inherent Tribal civil regulatory authority to the full extent permitted under Federal Indian law, in light of *Montana*, *Brendale*, and other applicable case law.

EPA believes that Congress only manifested an explicit intent to authorize EPA to treat Indian Tribes as States over any activities within the scope of Tribal authority in light of the relevant principles of Federal Indian law. EPA believes that this approach will best effectuate the overall purposes of the statute.

EPA agrees with those commenters who stated that Justice White's opinion in *Brendale* can be read to suggest a contrary conclusion, and to indicate that at least four justices of the Supreme Court would apparently interpret section 518(e) as expressly delegating to Tribes the authority to regulate water quality on reservations, including those affected by activities on non-Indian fee lands. Nonetheless, EPA recognizes that Justice White's opinion was not a majority opinion of the Court and was not necessary to the decision even of the plurality that joined it, since the issue was not before the Court in *Brendale*.

Nor is there any discussion in the opinion about the somewhat confusing legislative history of section 518. The passing reference in that opinion does not finally resolve the question of whether section 518(e) is a delegation of authority, and, as discussed above, EPA does not believe that it can make an absolute determination that Congress in fact expressed a clear intent on the issue.

EPA agrees with the Congressional commenters that section 518 does not affect existing water quantity rights. This has been the Agency's consistent position, based on the language of sections 101(g) and 518(a).

The process the Agency proposes to establish for Tribes to demonstrate their authority includes the submission of a statement signed by the Tribal Attorney General or an equivalent official explaining the legal basis for the Tribe's regulatory authority to administer the desired program(s). The statement is similar to the statement currently required of States applying for 402 permit or State sludge management program assumption (40 CFR 123.23; 501.13). The Attorney General's statement will supplement the other documentation mentioned in §§ 123.32 and 501.23 of this proposed rule (e.g., a map, copies of tribal codes and ordinances, etc.). The Attorney General's statement with the supporting documentation will assist EPA in verifying that the Tribe has the necessary authority to administer the appropriate CWA program.

Numerous comments submitted concerning the proposed regulation for treatment of Indian Tribes as States for purposes of the Water Quality Standards and Certification programs indicated that requiring Tribes to submit a copy of all documents which support the Tribe's assertion of authority is unnecessary, inappropriate, and flows from a misunderstanding of Indian law. These commenters argued that Tribes have inherent authority unless Congress rescinds that authority. In addition, these commenters stated, since section 518 specifically authorizes Tribal authority, no such demonstration and supporting documentation is needed.

As discussed in detail above, the Agency presumes that, in general, Tribes are likely to possess the authority to regulate activities affecting water resources on the reservation for purposes of administering the NPDES and/or State sludge management programs. The Agency does not believe, however, that it would be appropriate to recognize Tribal authority and approve treatment as a State requests in the absence of verifying documentation. Just as when EPA considers a State application to assume the NPDES or State sludge management program, EPA must not authorize program responsibility to a Tribe unless the Tribe can adequately show it possesses the requisite authority. The Agency recognizes that there may be some disputes regarding the extent of Tribal authority to administer CWA programs and therefore believes it necessary to require documentation to demonstrate adequate authority by Tribes applying for CWA programs. The request that a given Tribe establish its authority to administer CWA programs is not meant to be a barrier or a deterrent to that Tribe's attainment of these programs. Rather the intent of these requirements is to raise at an early date the presence or absence of a key element to effective administration of CWA programs.

In addition, in light of the legislative history of section 518 as discussed above, the question of whether section 518(e) is an explicit delegation of authority over non-Indians is not resolved. Therefore, EPA does not believe it is currently appropriate to eliminate the requirement that Tribes make an affirmative demonstration of their regulatory authority. EPA will authorize Tribes to exercise responsibility for the NPDES and/or State sludge management programs once the Tribe shows that, in light of the factual circumstances and the generalized findings EPA has made regarding reservation water resource, it possesses the requisite authority.

EPA would advise Tribes, in their Attorney-General Statements, to outline all bases for concluding that the Tribe has adequate authority. This can only help EPA to make a proper determination to treat the Tribe as a State.

Where the Regional Administrator concludes that a Tribe has not adequately demonstrated its authority with respect to an area in dispute, then Tribal assumption of the NPDES and/or State sludge management program would be restricted accordingly. If the authority in dispute were focused on a limited area, this would not necessarily delay the Agency's decision to treat the Tribe as a State for the non-disputed areas.

4. Tribal Capability

The fourth criterion that a Tribe must meet is that, in the Regional Administrator's judgment, the Tribe must be "reasonably expected to be capable" of administering an effective program. The proposed regulations applicable to this criterion appear in §§ 123.31(a)(4), 123.32(d), 501.22(a)(4), and 501.23(d).

In evaluating a Tribe's demonstration that it is "reasonably expected to be capable" of administering an effective program, the Regional Administrator will consider the following five factors:

(1) The Tribe's previous management experience;

(2) Existing environmental or public health programs administered by the Tribe;

(3) The mechanism(s) in place for carrying out the executive, legislative, and judicial functions of the Tribal government;

(4) The relationship between regulated entities and the administrative agency of the Tribal government which

is, or will be, designated as the primacy agent; and

(5) The technical and administrative capabilities of the staff to administer and manage the program.

The Agency recognizes that certain Tribes may not have substantial experience in administering environmental programs. For this reason the Agency would require Tribes in proposed §§ 123.32(d)(5) and 501.23(d)(5) either: (1) To show that they have the necessary management and technical skills, or (2) to submit a plan detailing steps for acquiring the necessary management and technical skills. Although lack of this experience will not preclude a Tribe from demonstrating the required capability, the presence of such experience will be of significant importance to the Agency.

This demonstration, however, does not change the requisite showing which an Indian Tribe must make for assumption of the NPDES or State sludge management programs. Except in the area of criminal enforcement authority as discussed above, an Indian Tribe must fully satisfy the traditional State program requirements of 40 CFR parts 123 or 501 before NPDES or State sludge management authorization is allowed, as stated in proposed § 123.31(b) and 501.22(b). In evaluating a Tribal application for treatment as a State, the Regional Administrator must determine whether the Tribe is "reasonably expected to be capable" of carrying out the functions of an effective NPDES or State sludge management program. The "reasonably expected to be capable" criterion, however, does not change the traditional requirement for assumption of an NPDES or State sludge management program that the State program be fully effective at the time of program approval. See, for example, 40 CFR 123.23(a) and 501.13. In other words, where an Indian Tribe prepares one simultaneous application for treatment as a State and to operate the NPDES or State sludge management programs, the Tribe must have an effective program in place for EPA to approve the Tribe under § 123.1 or § 501.1. Nothing would preclude EPA, however, from approving the Tribe's "treatment as a State" application while the Tribe's NPDES and/or State sludge management program was still under development.

EPA proposes to request information on the Tribe's executive, legislative, and judicial functions to assure that the Tribe has the capability to effectively administer an approved NPDES permit program.

EPA's evaluation of the Tribe's capability will also consider the relationship between the existing or proposed Tribal agency which will assume the NPDES permit program and any potential regulated Tribal entities. A common situation among Indian Tribes is that the Tribe is both the regulator and regulatee. Such a situation could result in a conflict of interest if EPA authorized the Tribal program because the Tribe would be regulating itself. The Agency believes that independence of the regulator and regulatee is necessary to best assure effective and fair administration of these programs.

This approach is not meant to require the Tribes to divest themselves of ownership of any regulated entities it owns or operates. One possible solution to the problem could be the creation of an independent organization to regulate Tribal entities subject to CWA regulatory requirements. Similar arrangements could be established utilizing existing Tribal organizations.

Failure to resolve the regulator/regulatee conflict will not automatically preclude a Tribe from being eligible for treatment as a State but is intended to alert Tribes at an early date about a potential bar to regulatory program assumption that must be resolved. Resolution of the regulator/regulatee issue relative to the NPDES and State sludge management programs will be evaluated on a case-by-case basis and will be governed by the existing conflict of interest regulations applicable to those programs (40 CFR 123.25(c); 501.15(f)). EPA does not intend to limit Tribal flexibility in creating structures which will ensure adequate separation of the regulator and the regulated entity.

The Agency is aware that, in limited cases, States also are in a similar situation of being both regulator and regulatee. However, State infrastructures are typically such that the State agency operating the regulated entity is not the same State agency that has primary enforcement authority. This is in contrast to the typical situation exhibited by Indian Tribes which may own and operate most or all regulated entities.

The Agency encourages smaller Tribes to consider consortiums or inter-Tribal agencies as ways to obtain the necessary expertise to administer these programs and to make the attainment of primacy cost-effective and beneficial to the Tribe. The Agency will consider and evaluate all applications it receives, regardless of the applicant's size, on a case-by-case basis.

Although EPA will consider applications by a group or consortium of Tribes within the same geographical area, each applicant must still meet all the eligibility requirements to be treated as a State, particularly the jurisdictional requirement.

5. Process for Evaluating Applications

Under proposed §§ 123.33(b) and 501.24(b), within thirty days after receipt of a Tribe's complete application for treatment as a State (which has all the information required in §§ 123.32 or 501.23), the Regional Administrator will notify appropriate governmental entities of the receipt of the application and the substance of and basis for the Tribe's assertion of authority over reservation waters. EPA defines the phrase "governmental entities" as States, Tribes, and other Federal entities located contiguous to the reservation of the Tribe which is applying for treatment as a State. Neighboring Tribes will be treated as "governmental entities" regardless of whether the neighboring Tribe is treated as a State for purposes of section 402 or 405 of the CWA. Where such governmental entities are States, EPA intends to provide notice and an opportunity to comment to the most appropriate State contacts, which may include, for example, the Governor, Attorney General, or the appropriate environmental agency head. The rule limits the Agency to considering only comments from such "governmental entities." Local governments such as cities and counties or other local governments are not included in the definition of "governmental entities," and EPA will not consider comments received from such governments in reviewing Tribal assertions of authority.

EPA recognizes that city and county governments which may be subject to or affected by Tribal standards may also want to comment on the Tribe's assertion of authority. Although EPA believes that the responsibility to coordinate with local governments falls primarily upon the State, the Agency will make an effort to provide notice to local governments by placing an announcement in appropriate newspapers. Since the rule limits EPA to considering comments from governmental entities, such newspaper announcements will advise interested parties to direct comments on Tribal authority to appropriate State governments.

The process of notifying States and Tribes and consulting with the Department of the Interior, as delineated in this and other EPA regulations implementing the CWA and the SDWA, was and is intended merely to assist the Agency in making its determination whether a Tribe has adequate authority to justify treatment as a State by EPA. Such notification and consultation procedures were not and are not intended to establish any form of adjudication or arbitration process to resolve differences between State and Tribal governments. Rather, EPA has a duty to determine whether a Tribe has adequate authority, as defined by Federal law and EPA policy, to carry out the grant or program under consideration. The notification and consultation procedures assist EPA in making this determination by providing information and perspectives from the point of view of neighboring Tribal and State governments and the Federal agency having extensive experience in Federal Indian law.

Under proposed §§ 123.33(c) and 501.24(c), each of the governmental entities will have thirty days after receipt of the notice to submit comments to the Regional Administrator. Comments will be limited solely to the issue of the Tribe's showing under section 518(e)(2). EPA will not consider comments directed to whether the Tribe meets EPA's other requirements for treatment as a State.

If an Indian Tribe's assertion under 518(e)(2) is subjected to a competing claim, proposed §§ 123.33(d) and 501.24(d) provide that the Regional Administrator will consult with the Tribe, the governmental entity submitting comments, and the Secretary of the Department of the Interior, or his designee. Currently, the Associate Solicitor, Division of Indian Affairs and the Deputy to the Assistant Secretary—Indian Affairs (Trust and Economic Development) are the designees of the Secretary of the Interior. Upon receipt of a Tribal application, EPA will forward a copy of the application and any documents asserting a competing or conflicting claim of authority to such designees as soon as possible. Comments from the Interior Department will be primarily a discussion of the law applicable to the issue to assist EPA in its own deliberations. No EPA decision will be attributed to, or determined by, the legal analysis offered by Interior employees.

After consultation, and in consideration of comments received, the Regional Administrator will determine whether the Tribe has adequately demonstrated that it meets the requirements of CWA section 518(e)(2). If the Regional Administrator concludes that a Tribe has not adequately demonstrated its authority with respect to certain reservation waters, then Tribal assumption of the program will be restricted accordingly. Any such determination by the Regional Administrator is not a determination of the Tribe's general regulatory authority but only with respect to administration of the NPDES and State sludge management programs. A dispute over a certain area over which a Tribe is asserting authority will not necessarily delay the Agency's decision to treat a Tribe as a State for the nondisputed areas.

This procedure does not imply that States or Federal agencies have veto power over Tribal applications for treatment as a State. Rather the procedure is simply intended to ensure that the Tribe has the necessary authority to administer the program it seeks to assume. The Agency will not rely solely on the assertions of a competing regulatory authority; it will make an independent evaluation of the Tribal showing.

The Agency does not believe it will be possible to approve or disapprove all applications for "treatment as a State" within a designated time frame. The Agency fully anticipates that there will be instances where the determinations under section 518(e)(2) and (e)(3) will require the Agency to go back to a Tribe for clarification or additional information. The Agency's experience with States applying for various EPA programs indicates that at times meetings and discussions between EPA and the State are necessary before all requirements are met. The Agency believes that the same process of communication with Tribes will be beneficial in ensuring that Tribes meet the "treatment as a State" criteria in an expeditious manner.

If the Regional Administrator determines that a Tribe meets the requirements for treatment as a State, proposed §§ 123.33(e) and 501.24(e) provide that the Indian Tribe is eligible to apply for assumption to the NPDES or State sludge management program. It should be noted that a determination that a Tribe does not meet the requirements for treatment as a State does not preclude the Tribe from resubmitting the application at a future date. If the Agency determines that a Tribal application is deficient or incomplete, the Tribe should consult with EPA on what changes are necessary.

Under proposed §§ 123.33(f) and 501.24(f) Indian Tribes which are found to be eligible for treatment as a State would be eligible to request assumption of the NPFES or State sludge management program in accordance with the procedures and criteria applicable to State program submissions (40 CRF part 123 or NPDES (including NPDES sludge management program); 40 CFR part 501 for non-NPDES State sludge management program). While not required by the regulations, as a practical matter EPA expects that the Indian Tribe's request for treatment as a State for NPDES or State sludge management program purposes and the Tribe's submission to actually assume these programs may occur simultaneously. The Agency encourages use of a single submission containing the necessary information in order to minimize paperwork burdens. In addition, EPA recognizes information required for State program submissions may duplicate or overlap with information required for treatment of an Indian Tribe as a State. For example, proposed §§ 123.32(c) and 501.23(c) provide that requests for treatment as a State are to include a Tribal Attorney General Statement and copies of relevant Tribal law, information which is similar to required elements of State program submissions under existing §§ 123.21(a)(3) and (5) and §§ 501.11(a)(3) and (5). The Agency wishes to emphasize that it does not seek duplicative information, and the proposal would amend existing §§ 123.21(b) and 501.11(b) to make clear that when considering the completeness of an Indian Tribe's request to assume the NPDES or State sludge management program, EPA will take into account any information already submitted as a part of the Tribe's request to be treated as a State.

B. Transition in Permitting Authority

In order to avoid disruptions to the permitting process and competing assertions of authority, it is necessary to provide procedural arrangements to allow for the smooth transition from one permitting authority to another. In the case where the existing permitting authority is EPA, the existing regulations already contain provisions addressing transition from EPA-issued permits to State-issued permits. 40 CFR 123.1(d); 123.24(b); 501.1(f) and 501.14(b)(1). Since the proposal would define approved Indian Tribes as "States" for purposes of the regulations, these existing regulations would enable an efficient change from EPA's permitting authority to the Indian Tribe's permitting authority.

However, it is possible that a State, and not EPA, is the existing authorized permitting authority for activities on the reservation. Under 40 CFR 123.23(b) and 501.13, a State seeking to carry out either the NPDES or State sludge management programs on Indian lands must provide a specific analysis of its

authority to do so in the Attorney General's statement supporting its program submission, and can be authorized by EPA to issue permits on Indian lands as part of a State NPDES or State sludge management program.

The existing regulations do not contain provisions addressing the procedures for arranging the transition from such State-issued permits (which are issued by a State which has made the requisite demonstration discussed in the previous paragraph and has been authorized to issue permits consistent with this demonstration) to Indian Tribe-issued permits. Today's proposal would amend the regulations in various ways to provide for such an orderly transfer once an Indian Tribe is approved for program assumption. First, existing §§ 123.22 and 501.12, which address State program submissions, would be amended to provide that if a State has been authorized by EPA to issue NPDES permits in accordance with §§ 123.23(b) or 501.13 and an Indian Tribe subsequently seeks program assumption, the Indian Tribe's program submission is to include a description of how the Indian Tribe and the State intend to accomplish the transition in permitting authority. As noted in the proposed regulation, to the maximum extent practicable, the regulation calls for (but does not require) this submission to include a Memorandum of Agreement between the Indian Tribe and the previously authorized State describing how the transition will be accomplished. These provisions are set forth in proposed §§ 123.22(g) and 501.12(g).

Second, the proposed regulation makes conforming changes to the existing regulations governing the contents of the Memorandum of Agreement between EPA and the Indian Tribe seeking program approval (§§ 123.24(b)(1) and 501.14(b)). The Memorandum of Agreement between EPA and the Indian Tribe now must specify how the Tribe and previously authorized State will accomplish the transition of permitting authority when a State (rather than EPA) is the existing authorized permitting authority for reservation lands. See proposed §§ 123.24(b)(1)(ii) and 501.14(b)(1)(ii).

Third, today's proposed rule revises existing regulations governing the transfer of EPA's permitting authority upon a State's obtaining program approval (§§ 123.1(d) and 501.1(f)). Those regulations currently provide that upon a State's obtaining program approval, EPA will suspend issuing permits, and, absent agreement to the contrary stated in the Memorandum of Agreement between EPA and the State, EPA will retain jurisdiction over its existing permits as specified there. The language of proposed §§ 123.1(d)(2) and 501.1(f)(2) extends the current procedures to cover the circumstance in which a State (rather than EPA) is the existing authorized permitting authority for the reservation lands. That is, a previously authorized State will retain jurisdiction over its existing permits as described in §§ 123.1(d)(1) and 501.1(f)(1) absent a different arrangement provided in the Memorandum of Agreement between EPA and the Tribe.

The last mechanism for obtaining a smooth transfer to Tribal permitting authority would involve amending § 123.62(a), which addresses revisions to State programs. The proposal would add language to existing § 123.62(a) to make clear that if the State's approved program extends to a Federal Indian reservation and an Indian Tribe subsequently is approved for program assumption, this situation provides grounds for revision to the State program. The existing regulations governing revisions to State sludge management programs (40 CFR 501.32(b)) incorporate the revision procedures of § 123.62 by reference. Thus, this proposed amendment to § 123.62(a) would also be applicable in the case of State sludge management programs and would not be limited in its applicability to NPDES programs.

In keeping with section 518(d) of the CWA, EPA strongly encourages Indian Tribes and States which have permitting authority on reservation lands to negotiate cooperative agreements to provide for a smooth and orderly transfer of permitting responsibility. Upon approval of the Indian Tribe's program assumption, EPA will promptly process any necessary revisions to the State's program or Memorandum of Agreement with EPA to reflect the assumption of the program by the Indian Tribe.

Until Tribes qualify for the NPDES or State sludge management programs, however, EPA or an authorized State will administer those programs on Federal Indian reservations. EPA will, whenever possible, assume, without deciding, that existing permits on Federal Indian reservations issued by States without specific authorization under §§ 123.23(b) or 501.13 contain enforceable limits. EPA's preliminary position on this issue was expressed in a September 9, 1988 letter from EPA's then General Counsel, Lawrence Jensen, to Dave Frohnmayer, Attorney General for the State of Oregon, a copy of which is available in the docket for today's rule. That letter provides:

> EPA is aware that some states have issued NPDES permits to certain dischargers on reservation lands. Until the NPDES program is delegated to a tribe, or until EPA otherwise determines in consultation with a state and tribe that a state lacks jurisdiction to issue NPDES permits on Indian lands, we will assume without deciding that those permits contain applicable effluent limits, in order to ensure that controls on discharges to reservation waters remain in place.

In other proposed CWA rulemakings, EPA received comments on the interim statements made in Mr. Jensen's letter, and wishes to clarify that this policy is not an assertion that all State permits for reservations are necessarily valid as a matter of law. Rather, it is a mere recognition that fully implementing a role for Tribes under the CWA will require a period of transition. Were EPA simply to ignore all previously issued State permits in the interim period before the Tribes develop NPDES or State sludge management programs (or EPA issues a federal permit), there would be a regulatory void which EPA believes would not be beneficial to preservation of water quality. Prior to Tribal assumption of the NPDES or State sludge management programs previously administered by a State, EPA will give serious consideration to Federal issuance of permits to reservation dischargers where it finds a particular need. Thus, EPA believes that the Agency's policy is the best approach to this issue, and one that best protects reservation environments in the interim period. To the extent that the interim guidance given in the Jensen letter implies a different intent in EPA's policy, today's statement supersedes it.

C. Additional Proposed Changes

In addition to the changes discussed above, the proposal would make a number of other changes to the regulations to reflect definitions contained in CWA section 518 and make editorial and conforming changes as necessary to adjust the regulatory language to reflect that Indian Tribes would not be included in the definition of "State." A summary of these proposed changes is set forth below.

With regard to definitions used in the regulations, the proposal would revise §§ 122.2 and 501.2 of the regulations to incorporate the CWA section 518 definitions of "Indian Tribe" and "Federal Indian reservation," and also would amend the existing definition of "State" to make clear that Indian Tribes may qualify for treatment as a State for purposes of assuming the NPDES and State sludge management programs. Changes would also be made to the definitions set forth in § 124.2 as necessary to incorporate the CWA section 518(e) definitions into part 124, which establishes procedures for decision making in several Federal environmental programs. In this regard, the SDWA Primacy Rule amended § 124.2 to incorporate the definition of "Indian Tribe" used in that Act (53 FR 37410, September 26, 1988). The definition of Indian Tribe used in CWA section 518, however, differs from that used in the SDWA. The proposal would leave intact the SDWA definition, but would add separate definitions, for NPDES purposes, to incorporate the CWA's definitions of "Indian Tribe" and "Federal Indian reservation."

The SDWA Primacy Rule also amended the definition of "State" in § 124.2 to include "an Indian Tribe treated as a State. . . . See 53 FR 37410. This definition is also adequate for the CWA because the terms "Indian Tribe" and "Federal Indian reservation" added in today's rule reflect the different requirements of CWA section 518(e). In addition, new § 124.51(c) of this rule provides that an Indian Tribe qualified for treatment as a State for purposes of the Water Quality Standards program under 40 CFR 131.4 is qualified for treatment as a State for purposes of State certification of water quality standards pursuant to CWA section 401(a)(1).

Because the proposal would add Indian Tribes to the definition of "State," the proposal also would make necessary clarifying changes to §§ 123.1(h), 123.21(a)(1), 123.23(b), 501.11(a)(1), and 501.13(a) to clarify how their provisions apply in cases where the "State" is an approved Indian Tribe. For example, § 123.1(h) refers to the fact that a State's lack of authority over Indian lands does not impede assumption of the NPDES program; the proposal would reword that provision to make clear that the section's reference to a State means a State other than an approved Indian Tribe. Similarly, § 123.21 provides that requests for NPDES program assumption are to be submitted by the State Governor, and the proposal would add clarifying language to provide that in cases where the State seeking the program is an approved Indian Tribe, the submittal is to come from the Tribal authority equivalent to the Governor.

Finally, § 123.1(b), which sets forth the list of authorities under which part 123 is issued, would be amended to add to the list specific reference to CWA section 518(e).

III. Other Issues

A. Alaska Native Villages and Oklahoma's Tribes

Under section 518 of the CWA, the Agency concludes that Alaska Native Villages (except for the Annette Island Reserve of the Metlakatla Indian Community) are not eligible to apply for treatment as a State based on the definition of Indian Tribes. The Act uses the following definitions in section 518(h):

> (1) Federal Indian reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; and
>
> (2) Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a *Federal Indian reservation.* [Emphasis added.]

The Agency's conclusion is based on the fact that since passage of the Alaska Native Claims Settlement Act (25 U.S.C. 1618) in 1971, Alaska Native Villages, with one limited exception, do not exercise governmental authority over Federal Indian reservations.

Section 518(g) of the CWA does not affect EPA's analysis of the status of Alaska Native Villages. Section 518(g) states that

> [n]o provision of this Act shall be construed to—(1) grant, enlarge, or diminish, or in any way affect the scope of the governmental authority, if any, of any Alaska Native organization, including any federally recognized tribe, traditional Alaska Native council, or Native Council organized pursuant to the Act of June 18, 1934 (48 Stat. 987), over lands or persons in Alaska;
>
> (2) create or validate any assertion by such organization or any form of governmental authority over lands or persons in Alaska; or
>
> (3) in any way affect any assertion that Indian country, as defined in § 1151 of title 18, United States Code, exists or does not exist in Alaska.

Section 518(g) merely clarifies that providing for Tribal participation under the CWA, in and of itself, did not change the regulatory status of the Alaska Native Villages.

The Agency also concludes that Tribes on former reservations in Oklahoma and elsewhere likewise are not eligible to apply for the CWA programs addressed in this notice because they do not exercise governmental authority over Federal Indian reservations and therefore do not meet the definition of Tribes under section 518(h)(1).

The language of section 518(c) of the CWA was amended in 1988 to allow "former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Alaska Native Villages as defined in Public Law 92–203" to qualify for certain funds appropriated under CWA section 207. See Public Law 100–581, title II, section 207, 102 Stat. 2940. This amendment had no effect on today's rule.

B. Response to Comments

EPA received approximately one dozen comments upon the draft regulation as circulated on April 12, 1989, to various States, Tribes, and EPA Offices. The commenters included the Inter Tribal Council of Arizona, the Seminole Tribe of Florida, the Minnesota Chippewa Tribe, the Tulalip Indian Tribe, the State of Washington Department of Ecology, the Colorado River Board of California, the Colorado River Basin Salinity Control Forum, the State of California Water Resources Control Board, and the New Mexico Health and Environment Department. The text of this proposed regulation incorporates many of the suggestions made by commenters. Below, we respond specifically to some questions raised in the comments, and will respond to all comments before the rule is published in final form.

Several individuals requested more discussion in the proposed regulation of the status of existing permits while EPA reviewed a Tribe's program submission(s) and after the Tribe receives program approval(s). As discussed above, it is clear that the existing authorized permitting authority (EPA or the State) will continue to administer the NPDES and/or sludge management programs until a Tribe is determined eligible by EPA for treatment as a State and receives program approval from EPA. However, once the Tribe receives program approval, the proposed regulation (§§ 123.1(d)(2), 123.24(b)(1)(ii), 501.1(f)(2), or 501.14(b)(1)(ii)) provides that the now-former authorized permitting authority (either EPA or the State) must suspend issuing new permits; and the Tribe and the former permitting authority should agree to a plan for the transfer of existing permits, applications, etc. However, the proposed rule also establishes that, in the absence of a contrary arrangement between the Tribe and EPA as memorialized the Memorandum of Agreement, the former authorized permitting authority shall retain jurisdiction over existing permits. Thus, the current procedure in the State program regulations (see 40 CFR 123.1(d) or 501.1(f)) for transfer of jurisdiction from EPA to an approved State has been retained here.

The question of the use or disposal of sludge from a State on Federal Indian reservation lands generated elsewhere concerned several commenters. For example, one individual noted that "[t]he regulations do not address the situation where a sewage treatment plant is located on lands subject to a State NPDES permit authority or a State 'sludge only' permit, but where use and disposal of the sludge will be on Indian lands and subject to a separate authority". This issue is not addressed in the proposed regulation because it is not unique to treatment of "Tribes as States" for purposes of the sludge management program. Section 405(e) of the CWA requires sludge use or disposal in accordance with EPA requirements independent of where the sludge is disposed. We refer the commenters instead to general State program regulations and guidance dealing with the question of interstate use or disposal of sludge. See, in particular, 54 FR 18729–18732 of the preamble to the May 2, 1989 sludge regulations.

Several comments requested expansion of the language of proposed regulation 501.12(g). This proposed regulation requires Tribes seeking State sludge management program approval to provide EPA with a statement in the program description of how pending applications, existing permits, and supporting files will be transferred from a State which is the "authorized permitting authority" to the Tribe. The commenters advocated expansion of the proposed regulation to cover the case in which a State is in fact regulating the use or disposal of sewage sludge, but it is not the "authorized permitting authority." However, we regard the requested expansion as inconsistent with the requirements of section 405 of the CWA and the State sludge management regulations (50 CFR part 501). Section 405 of the CWA prohibits the discharge of sewage sludge pollutants without a permit requiring compliance with regulations governing the use and disposal of the sludge. Paragraph (f), as added by the Water Quality Act of 1987, outlines what permits may be issued to implement the required regulations, including "State permit programs approved by the Administrator. . . ." Thus, a State may administer a sludge management program either as part of a 402 program or as part of another non–402 program approved by the Administrator as assuring compliance with section 405 requirements. See 54 FR 18746. The part 501 regulations describe the general requirements for development and submission of non-NPDES State sludge management programs. As noted above, 40 CFR 501.13 also requires a State which plans to administer the State sludge management program on Indian Lands to explain the basis for its authority to do so in the Attorney General's statement supporting the program submission. Thus, the State from which the approved Tribe seeks the transfer of existing permits, etc., should be an "authorized permitting authority." However, as indicated earlier in this notice, EPA will address any issue raised relating to State jurisdiction to issue permits on Federal Indian reservations, in consultation with the State and the Tribe.

IV. Request for Public Comment

EPA requests public comment and information on all aspects of this proposal.

V. Other Regulatory Requirements

A. Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) requires that a regulatory agency determine whether a new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation which is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers; individual industries; Federal, State and local government agencies; or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because the proposed rule does not meet the definition of a major regulation, the Agency is not conducting a Regulatory Impact Analysis. The proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA and any response to these comments will be available for public inspection from the person listed at the beginning of this notice.

B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* EPA has prepared two Information Collection Request (ICR) documents, one of which, ICR 168.03, amends the existing State NPDES Program ICR (OMB #2040–0057), and the other of which, ICR 1237.04, amends the existing State Sludge Management Program Requirements ICR (OMB #2040–0128). Copies of these ICRs may be obtained by writing Harold Woodley, Information Policy Branch, EPA, 401 M St., SW. (PM–223Y), Washington, DC 20460, or by calling (202) 260–2738.

The public reporting burden for this collection of information is estimated to average 1400 hours per respondent, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223Y, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. The RFA recognizes three kinds of small entities and defines them as follows:

—Small governmental jurisdictions—any government of a district with a population of less than 50,000.

—Small business—any business which is independently owned and operated and not dominant in its field as defined by Small Business Administration regulations under section 3 of the Small Business Act.

—Small organization—any not-for-profit enterprise that is independently owned and operated and not dominant in its field (e.g., private hospitals and educational institutions).

Using the above definition of small entity, EPA has concluded that the proposed regulation, if promulgated, will not have a significant impact on a substantial number of small entities, and that a Regulatory Flexibility Analysis is unnecessary. EPA has reached this conclusion based on the following considerations.

The proposed regulation will not have a significant impact on a substantial number of small governmental organizations. Approximately 280 Indian Tribes are potentially eligible for treatment as a State under the NPDES and State sludge management programs. While most Indian Tribes meet the definition of small governmental organization provided above, EPA believes the number of Tribes subject to significant impacts as a result of this proposed regulation will be a small fraction of the total that apply. EPA considers the information required by this rule to be the minimum necessary to effectively evaluate applications to treat Indian Tribes as States for the purpose of the 402 permit and State sludge management programs.

The proposed regulation will not have a significant impact on a substantial number of small businesses. Although it is conceivable that an Indian Tribe could impose greater requirements upon a permit applicant than the existing permitting authority, such situations will be rare. Any additional economic impact on the public resulting from implementation of this proposed regulation is expected to be negligible, since Tribal regulation of these activities is limited to areas within Tribal jurisdiction.

The proposed regulation will not have a significant impact on a substantial number of small organizations for the same reasons that the proposed regulation will not have a significant impact on a substantial number of small businesses.

Accordingly, I certify that this proposed regulation, if promulgated, would not have a significant economic impact on a number of small entities.

List of Subjects

40 CFR Part 122

Administrative practice and procedure, Air pollution control, Confidential business information, Hazardous substances, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply.

40 CFR Part 123

Administrative practice and procedure, Confidential business information, Hazardous substances, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous substances, Indian lands, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal, Water pollution control, Water supply.

40 CFR Part 501

Administrative practice and procedure, Confidential business information, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Sewage disposal, Waste treatment and disposal.

Dated: February 27, 1992.

William K. Reilly,

Administrator.

For the reasons set out in the Preamble, chapter I of title 40 of the Code of the Federal Regulations is proposed to be amended as follows:

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

1. The authority citation for part 122 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

2. Section 122.2 is amended by adding in alphabetical order, new definitions for "Federal Indian reservation" and "Indian Tribe," and by revising the definition of "State" to read as follows:

§ 122.2 Definitions.

* * * * *

Federal Indian reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

* * * * *

Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

* * * * *

State means any of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian Tribe as defined in these regulations which meets the requirements of § 123.31.

* * * * *

PART 123—STATE PROGRAM REQUIREMENTS

3. The authority citation for part 123 continues to read as follows:

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

4. Section 123.1 is amended by revising paragraphs (b) and (h), by redesignating (d) as (d)(1), and by adding a new paragraph (d)(2) to read as follows:

§ 123.1 Purpose and scope.

* * * * *

(b) These regulations are promulgated under the authority of sections 304(i), 101(e), 405, and 518(e) of the CWA, and implement the requirements of those sections.

* * * * *

(d)(1) * * *

(2) The procedures outlined in the preceding paragraph (d)(1) of this section for suspension of permitting authority and transfer of existing permits will also apply when EPA approves an Indian Tribe's application to operate a State program and a State was the authorized permitting authority under § 123.23(b) for activities within the scope of the newly approved program. The authorized State will retain jurisdiction over its existing permits as described in paragraph (d)(1) of this section absent a different arrangement stated in the Memorandum of Agreement executed between EPA and the Tribe.

* * * * *

(h) In many cases, States (other than Indian Tribes) will lack authority to regulate activities on Indian lands. This lack of authority does not impair that State's ability to obtain full program approval in accordance with this part, i.e., inability of a State to regulate activities on Indian lands does not constitute a partial program. EPA will administer the program on Indian lands if a State (or Indian Tribe treated as a State) does not seek or have authority to regulate activities on Indian lands.

* * * * *

5. Section 123.21 is amended by revising paragraph (a)(1), by redesignating paragraph (b) as (b)(1), and by adding a new paragraph (b)(2) to read as follows:

§ 123.21 Elements of a program submission.

(a) * * *

(1) A letter from the Governor of the State (or in the case of an Indian Tribe eligible for treatment as a State in accordance with § 123.33(e), the Tribal

authority exercising powers substantially similar to those of a State Governor) requesting program approval;

* * * * *

(b)(1) * * *

(2) In the case of an Indian Tribe eligible for treatment as a State under § 123.33(e), EPA shall take into consideration the contents of the Tribe's request for treatment as a State submitted under § 123.32, in determining if the program submission required by § 123.21(a) is complete.

* * * * *

6. Section 123.22 is amended by adding a new paragraph (g) to read as follows:

§ 123.22 Program description.

* * * * *

(g) In the case of Indian Tribes eligible for treatment as a State under § 123.33(e), if a State has been authorized by EPA to issue permits on the Federal Indian reservation in accordance with § 123.23(b), a description of how responsibility for pending permit applications, existing permits, and supporting files will be transferred from the State to the eligible Indian Tribe. To the maximum extent practicable, this should include a Memorandum of Agreement negotiated between the State and the Indian Tribe addressing the arrangements for such transfer.

7. Section 123.23 is amended by revising paragraph (b) to read as follows:

§ 123.23 Attorney General's statement.

* * * * *

(b) If a State (which is not an Indian Tribe) seeks authority over activities on Indian lands, the statement shall contain an appropriate analysis of the State's authority.

* * * * *

8. Section 123.24 is amended by redesignating paragraph (b)(1) as (b)(1)(i) and adding a new paragraph (b)(1)(ii) before the note to read as follows:

§ 123.24 Memorandum of Agreement with the Regional Administrator.

* * * * *

(b)(1)(i) * * *

(ii) Where a State has been authorized by EPA to issue permits in accordance with § 123.23(b) on the Federal Indian reservation of the Indian Tribe seeking program approval, provisions describing how the transfer of pending permit applications, permits, and any other information relevant to the program operation not already in the possession of the Indian Tribe (e.g., support files for permit issuance, compliance reports, etc.) will be accomplished.

* * * * *

9. Section 123.25 is amended by revising paragraph (a)(12) to read as follows:

§ 123.25 Requirements for permitting.

(a) * * *

(12) § 122.41—(Applicable permit conditions) (Indian Tribes can satisfy enforcement authority requirements under § 123.34).

* * * * *

10. Section 123.27 is amended by adding a new paragraph (e) to read as follows:

§ 123.27 Requirements for enforcement authority.

* * * * *

(e) Indian Tribes that cannot satisfy the criminal enforcement authority requirements of this section may still receive program approval if they meet the requirement for enforcement authority established under § 123.34.

11. Section 123.31 is added to read as follows:

§ 123.31 Requirements for treatment of Indian Tribes as States.

(a) Section 518(e) of the CWA, 33 U.S.C. 1377(e), authorizes the Administrator to treat an Indian Tribe as a State for purposes of making the Tribe eligible to apply for NPDES program authority if it meets the following criteria:

(1) The Indian Tribe is recognized by the Secretary of the Interior.

(2) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

(3) The functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for the Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation.

(4) The Indian Tribe is reasonably expected to be capable, in the Regional Administrator's judgment, of carrying out the functions to be exercised, in a manner consistent with the terms and purposes of the Act and applicable regulations, of an effective NPDES permit program. This capability may be demonstrated by the existence of management and technical skills necessary to administer an effective NPDES permit program; by the existence of institutions to exercise executive, legislative, and judicial functions; and by a history of successful managerial performance of public health or environmental programs. There must be sufficient independence of regulated entities and the agency of the Indian Tribe which assumes primary responsibility for establishing and administering an NPDES program necessary to assure effective and fair administration of the program.

(b) An Indian Tribe which the Regional Administrator determines meets the criteria described in paragraph (a) of this section must also satisfy the State program requirements described in this part for assumption of the State program.

12. Section 123.32 is added to read as follows:

§ 123.32 Request by an Indian Tribe for a determination of eligibility for treatment as a State.

An Indian Tribe may apply to the Regional Administrator for a determination that it qualifies for treatment as a State pursuant to section 518 of the Act for purposes of seeking NPDES permit program approval. The application shall be concise and describe how the Indian Tribe will meet each of the requirements of § 123.31. The application shall include the following information:

(a) a statement that the Tribe is recognized by the Secretary of the Interior;

(b) A descriptive statement demonstrating that the Tribal governing body is currently carrying out substantial government duties and powers over a defined area. This statement shall:

(1) Describe the form of the Tribal government;

(2) Describe the types of government functions currently performed by the Tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain; and

(3) Identify the source of the Tribal governments authority to carry out the governmental functions currently being performed.

(c) A map or legal description of the area over which the Indian Tribe asserts authority under section 518(e)(2) of the Act; a statement by the Tribal Attorney General (or equivalent official authorized to represent the Tribe in all legal matters in court pertaining to the program for which it seeks approval) which describes the basis for the Tribe's assertion (including the nature or subject matter of the asserted regulatory authority); a copy of all documents such as Tribal constitutions, by-laws; charters, executive orders, codes, ordinances, and/or resolutions which support the Tribe's assertion under section 518(e)(2) of the Act; and a description of the location of the surface waters for which the Tribe proposes to establish a NPDES permit program.

(d) A narrative statement describing the capability of the Indian Tribe to administer an effective, environmentally sound NPDES permit program. The statement shall include:

(1) A description of the Indian Tribe's previous management experience including, but not limited to, the administration of programs and service authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*), the Indian Mineral Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(2) A list of existing environmental or public health programs administered by the Tribal governing body, and a copy of related Tribal laws, regulations, and policies;

(3) A description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribal government;

(4) A description of the existing, or proposed, agency of the Indian Tribe which will assume primary responsibility for establishing and administering a NPDES permit program (including a description of the relationship between the existing or proposed agency and its regulated entities);

(5) A description of the technical and administrative abilities of the staff to administer and manage an effective, environmentally sound NPDES permit program or a plan which proposes how the Tribe will acquire additional expertise. The plan must address how the Tribe will obtain the funds to acquire the administrative and technical expertise.

(e) The Regional Administrator may, at his discretion, request further documentation necessary to support a Tribal request for treatment as a State.

(f) If the Administrator or his delegate has previously determined that a Tribe has met the requirements for "treatment as a State" for other programs authorized under the Safe Drinking Water Act or the Clean Water Act, then the Tribe need only provide that additional information unique to the NPDES program which is requested by the Regional Administrator.

13. Section 123.33 is added to read as follows:

§ 123.33 Procedures for processing an Indian Tribe's application for treatment as a State.

(a) The Regional Administrator shall process an application of an Indian Tribe for treatment as a State submitted pursuant to § 123.32 in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(b) Within 30 days after receipt of the Indian Tribe's complete application for treatment as a State, the Regional Administrator shall notify all appropriate governmental entities. Notice shall include information on the substance of and bases for the Tribe's assertions that it meets the requirements of § 123.31(a)(3).

(c) Each governmental entity so notified by the Regional Administrator shall have 30 days to comment upon the Tribe's assertion of jurisdiction. Comments by governmental entities shall be limited to the Tribe's assertion under § 123.31(a)(3).

(d) If a Tribe's assertion under § 123.31(a)(3) is subject to a competing or conflicting claim, the Regional Administrator, after consultation with the Secretary of the Interior, or his designee, and in consideration of other comments received, shall determine whether the Tribe has adequately demonstrated that it meets the requirements of § 123.31(a)(3).

(e) If the Regional Administrator determines that a Tribe meets the requirements of § 123.31, the Indian Tribe is then eligible to be treated as a State for purposes of applying for assumption of the NPDES permit program.

(f) The Regional Administrator shall follow the procedures described in 40 CFR part 123 subpart D in processing a Tribe's request to assume the NPDES program.

14. Section 123.34 is added to read as follows:

§ 123.34 Provisions for Tribal criminal enforcement authority.

To the extent that an Indian Tribe is precluded from asserting criminal enforcement authority as required under § 123.27, the Federal government will exercise primary criminal enforcement responsibility. The Tribe, with the EPA Region, shall develop a procedure by which the Tribal agency will refer potential criminal violations to the Regional Administrator, as agreed to by the parties, in an appropriate and timely manner. This procedure shall encompass all circumstances in which the Tribe is incapable of exercising the enforcement requirements of § 123.27. This agreement shall be incorporated into a joint or separate Memorandum of Agreement with the EPA Region, as appropriate.

15. Section 123.62 is amended by adding a sentence to the end of paragraph (a) to read as follows:

§ 123.62 Procedures for revision of State programs.

* * * * *

(a) * * * Grounds for program revision include cases where a State's existing approved program includes authority to issue NPDES permits for activities on a Federal Indian reservation and an Indian Tribe has subsequently been approved for assumption of the NPDES program under part 123 extending to those lands.

* * * * *

PART 124—PROCEDURES FOR DECISIONMAKING

16. The authority citation for part 124 is revised to read as follows:

Authority: Resource Conservation and Recovery Act, 42, U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; Clean Water Act, 33 U.S.C. 1251 *et seq.*; Clean Air Act, 42 U.S.C. 7401 *et seq.*

17. Section 124.2 is amended by adding in alphabetical order a definition of "Federal Indian reservation" and revising the definition of "Indian Tribe" to read as follows:

§ 124.2 Definitions.

* * * * *

Federal Indian reservation (in the case of NPDES) means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

* * * * *

Indian Tribe means (in the case of UIC) any Indian Tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area. For the NPDES program, the term "Indian Tribe" means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

* * * * *

18. Section 124.51 is amended by adding a new paragraph (c) to read as follows:

§ 124.51 Purpose and scope.

* * * * *

(c) As stated in 40 CFR 131.4, an Indian Tribe that is qualified for treatment as a State for purposes of the

Water Quality Standards program is likewise qualified for treatment as a State for purposes of State certification of water quality standards pursuant to section 401(a)(1) of the Act and this subpart D.

PART 501—STATE SLUDGE MANAGEMENT PROGRAM REGULATIONS

19. The authority citation for Part 501 continues to read as follows:

Authority: The Clean Water Act, 33 U.S.C. 1251 *et seq.*

20. Section 501.1 is amended by revising paragraph (c)(5), by redesignating paragraph (f) and (f)(1), and by adding paragraph (f)(2) to read as follows:

§ 501.1 Purpose and scope.

* * * * *

(c) * * *

(5) The authority to abate violations of the State sludge program, including civil and criminal penalties and other ways and means of enforcement. Indian Tribes can satisfy criminal enforcement authority requirements under § 501.25.

* * * * *

(f)(1) * * *

(2) The procedures outlined in the preceeding paragraph (d)(1) for the suspension of permitting authority and transfer of existing permits will also apply when EPA approves an Indian Tribe's application to operate a State sludge management program and a State was the authorized permitting authority under § 501.13 for sludge management activities within the scope of the newly approved program. The authorized State will retain jurisdiction over its existing permits as described in paragraph (f)(1) of this section absent a different arrangement stated in the Memorandum of Agreement executed between EPA and the Tribe.

* * * * *

21. Section 501.2 is amended by adding in alphabetical order definitions of "Indian Tribe" and "Federal Indian reservation," and by revising the definition of "State" to read as follows:

§ 501.2 Definitions

* * * * *

Federal Indian reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

* * * * *

Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

* * * * *

State means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands, and an Indian Tribe as defined in these regulations which meets the requirements of § 501.22.

* * * * *

22. Section 501.11 is amended by revising paragraph (a)(1), by redesignating paragraph (b) as (b)(1), and by adding a new paragraph (b)(2) before the parenthetical information collection requirement, to read as follows:

§ 501.11 Elements of a sludge management program submission.

(a) * * *

(1) A letter from the Governor of the State (or in the case of an Indian Tribe eligible for treatment as a State in accordance with § 501.24(e), the Tribal authority exercising powers substantially similar to those of a State Governor) requesting approval;

* * * * *

(b)(1) * * *

(2) In the case of an Indian Tribe eligible for treatment as a State under § 501.24(e), EPA shall take into consideration the contents of the Tribe's request for treatment as a State submitted under § 501.22, in determining if the program submission required by § 501.11(a) is complete.

* * * * *

23. Section 501.12 is amended by adding a new paragraph (g) to read as follows:

§ 501.12 Program description.

* * * * *

(g) In the case of Indian Tribes eligible for treatment as a State under § 501.24(e), if a State has been authorized by EPA to issue permits on the Federal Indian reservation in accordance with § 501.13, a description of how responsibility for pending permit applications, existing permits, and supporting files will be transferred from the State to the eligible Indian Tribe. To the maximum extent practicable, this should include a Memorandum of Agreement negotiated between the State and the Indian Tribe addressing the arrangements for such transfer.

24. Section 501.13 is amended by revising the last sentence of the paragraph to read as follows:

§ 501.13 Attorney General's statement.

* * * If a State (which is not an Indian Tribe) seeks to carry out the program on Indian lands, the statement shall include an appropriate opinion and analysis of the State's legal authority.

25. Section 501.14(b) is amended by redesignating paragraph (b)(1) as (b)(1)(i) and by adding paragraph (b)(1)(ii) to read as follows:

§ 501.14 Memorandum of Agreement with the Regional Administrator.

* * * * *

(b)(1)(i) * * *

(ii) Where a State has been authorized by EPA to issue permits in accordance with § 501.13 on the Federal Indian reservation of the Indian Tribe seeking program approval, provisions describing how the transfer of pending permit applications, permits, and any other information relevant to the program operation not already in the possession of the Indian Tribe (e.g., support files for permit issuance, compliance reports, etc.) will be accomplished.

* * * * *

26. Section 501.15 is amended by adding new paragraph (b)(15) to read as follows:

§ 501.15 Requirements for permitting.

* * * * *

(b) * * *

(15) Indian Tribes can satisfy the criminal enforcement authority requirements of this section under § 501.25.

* * * * *

27. Section 501.17 is amended by adding a new paragraph (e) to read as follows:

§ 501.17 Requirements for enforcement authority.

* * * * *

(e) Indian Tribes that can not satisfy the criminal enforcement authority requirements of this section may still be approved under this part if they meet the requirements established in § 501.25.

28. Section 501.22 is added to read as follows:

§ 501.22 Requirements for treatment of Indian Tribes as States.

(a) Consistent with section 518(e) of the CWA, 33 U.S.C. 1377(e), the Regional Administrator will treat an Indian Tribe as a State for purposes of making the Tribe eligible to apply for sludge management program authority if it meets the following criteria:

(1) The Indian Tribe is recognized by the Secretary of the Interior.

(2) The Indian Tribe has a governing body carrying out substantial governmental duties and powers.

(3) The functions to be exercised by the Indian Tribe pertain to the management and protection of water resources which are held by an Indian Tribe, held by the United States in trust for the Indians, held by a member of an Indian Tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation.

(4) The Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised, in a manner consistent with the terms and purposes of the Act and applicable regulations, of an effective sludge management program. This capability may be demonstrated by the existence of management and technical skills necessary to administer an effective sludge management program; by the existence of institutions to exercise executive, legislative, and judicial functions; and by a history of successful managerial performance of public health or environmental programs. There must be sufficient independence of the regulated entities and the agency of the Indian Tribe which will assume primary responsibility for establishing and administering a sludge management program necessary to assure effective and fair administration of the program.

(b) An Indian Tribe which the Regional Administrator determines meets the criteria described in paragraph (a) of this section must also satisfy the State program requirements described in this part for assumption of the State program.

29. Section 501.23 is added to read as follows:

§ 501.23 Request by an Indian Tribe for a determination of eligibility for treatment as a State.

An Indian Tribe may apply to the Regional Administrator for a determination that it qualifies for treatment as a State pursuant to section 518 of the Act for purposes of seeking sludge management program approval. The application shall be concise and describe how the Indian Tribe will meet each of the requirements of § 501.22. The application shall include the following information:

(a) A statement that the Tribe is recognized by the Secretary of the Interior;

(b) A descriptive statement demonstrating that the Tribal governing body is currently carrying out substantial governmental duties and powers over a defined area. This statement shall:

(1) Describe the form of the Tribal government;

(2) Describe the types of governmental functions currently performed by the Tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain; and

(3) Identify the source of the Tribal government's authority to carry out the governmental functions currently being performed.

(c) A map or legal description of the area over which the Indian Tribe asserts authority under section 518(e)(2) of the Act; a statement by the Tribal Attorney General (or equivalent official authorized to represent the Tribe in all legal matters in court pertaining to the program for which it seeks approval) which describes the basis for the Tribe's assertion (including the nature or subject matter of the asserted regulatory authority); a copy of all documents such as Tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and/or resolutions which support the Tribe's assertion under section 518(e)(2) of the Act.

(d) A narrative statement describing the capability of the Indian Tribe to administer an effective, environmentally sound sludge management program. The statement shall include:

(1) A description of the Indian Tribe's previous management experience including, but not limited to, the administration of programs and service authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 *et seq.*), the Indian Mineral Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(2) A list of existing environmental or public health programs administered by the Tribal governing body, and a copy of related Tribal laws, regulations, and policies;

(3) A description of the entity (or entities) which exercise the executive, legislative, and judicial functions of the Tribal government;

(4) A description of the existing, or proposed, agency of the Indian Tribe which will assume primary responsibility for establishing and administering a sludge management program (including a description of the relationship between the existing or proposed agency and its regulated entities);

(5) A description of the technical and administrative abilities of the staff to administer and manage an effective, environmentally sound sludge management program or a plan which proposes how the Tribe will acquire additional administrative and technical expertise. The plan must address how the Tribe will obtain the funds to acquire the administrative and technical expertise.

(e) The Regional Administrator may, at his discretion, request further documentation necessary to support a Tribal request for treatment as a State.

(f) If the Administrator or his delegatee has previously determined that a Tribe has met the requirements for "treatment as a State" for other programs authorized under the Safe Drinking Water Act or the Clean Water Act, then the Tribe need only provide that additional information unique to the sludge management program which is requested by the Regional Administrator.

30. Section 501.24 is added to read as follows:

§ 501.24 Procedures for processing an Indian Tribe's application for treatment as a State.

(a) The Regional Administrator shall process an application of an Indian Tribe for treatment as a State submitted pursuant to § 501.23 in a timely manner. He shall promptly notify the Indian Tribe of receipt of the application.

(b) Within 30 days after receipt of the Indian Tribe's complete application for treatment as a State, the Regional Administrator shall notify all appropriate governmental entities. Notice shall include information on the substance and bases of the Tribe's assertions that it meets the requirements of § 501.22(a)(3).

(c) Each governmental entity so notified by the Regional Administrator shall have 30 days to comment upon the Tribe's assertion of jurisdiction. Comments by governmental entities shall be limited to the Tribe's assertion under § 501.22(a)(3).

(d) If a Tribe's assertion under § 501.22(a)(3) is subject to a competing or conflicting claim, the Regional Administrator, after consultation with the Secretary of the Interior, or his designee, and in consideration of other comments received, shall determine whether the Tribe has adequately demonstrated that it meets the requirements of § 501.22(a)(3).

(e) If the Regional Administrator determines that a Tribe meets the

requirements of § 501.22, the Indian Tribe is then eligible to be treated as a State for purposes of applying for assumption of the sludge management program.

(f) The Regional Administrator shall follow the procedures described in part 501, subpart C in processing a Tribe's request to assume the sludge management program.

31. Section 501.25 is added to read as follows:

§ 501.25 Provisions for Tribal criminal enforcement authority.

To the extent that an Indian Tribe is precluded from asserting criminal enforcement authority as required under §§ 501.1(c)(5) and 501.17, the Federal Government will exercise primary criminal enforcement responsibility. The Tribe, with the EPA Region, shall develop a procedure by which the Tribal agency will refer potential criminal violations to the Regional Administrator, as agreed to by the parties, in an appropriate and timely manner. This procedure shall encompass all circumstances in which the Tribe is incapable of exercising the enforcement requirements of §§ 501.1(c)(5) and 501.17. This agreement shall be incorporated into a joint or seperate Memorandum of Agreement with the EPA Region, as appropriate.

[FR Doc. 92-5150 Filed 3-9-92; 8:45 am]
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federal register

Tuesday
March 10, 1992

Part III

Department of Commerce

Economic Development Administration

Economic Adjustment Assistance Programs; Grant Availability; Notice

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 920250-2050]

Economic Adjustment Assistance; Availability of Funds

AGENCY: Economic Development Administration (EDA), DOC.

ACTION: Supplementary notice.

In the matter of Economic Adjustment Assistance as Described in Public Law 101-510, Section 4103(b) of Division D-Economic Adjustment, Diversification, Conversion, and Stabilization Act for Fiscal Year 1991; Public Law 102-172, Section 8134, November 26, 1991;

SUMMARY: The Economic Development Administration (EDA) announces the policies and application procedures for funds available beginning in FY 1992 to support economic adjustment assistance programs and projects designed to assist substantially and seriously affected communities to facilitate their orderly transition from economic reliance on Department of Defense (DOD) spending to economic reliance on other sources of business, employment and revenue.

FOR FURTHER INFORMATION CONTACT: The appropriate EDA Regional Office or the Director, Economic Adjustment Division, Economic Development Administration, room 7327, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2659.

SUPPLEMENTARY INFORMATION:

Funding Availability

Funds in the amount of $50.0 million are available for this program and shall remain available until obligated and expended.

Funding Instrument

Funds will be awarded through grants under the Sudden and Severe Economic Dislocation (SSED) program under title IX of the Public Works and Economic Development Act of 1965, as amended (Public Law 89-136). Application procedures, competitive selection criteria and post approval project implementation information for the SSED program are applicable to the award of supplemental defense adjustment assistance and are described in part IV, the **Federal Register** of February 4, 1992 (57 FR 4294), that announces EDA's FY 1992 Notice of Availability of Funds, or such subsequent annual Notices of the Availability of Funds.

Eligible Applicants

Eligible applicants include a redevelopment area or economic development district established under title IV of the Public Works and Economic Development Act, 42 U.S.C. 3161; an Indian tribe; a city or other political subdivision of a state, or a consortium of such political subdivisions; a Community Development Corporation defined in the Community Economic Development Act, 42 U.S.C. 9801; a nonprofit organization determined by EDA to be the representative of a redevelopment area; the Commonwealth of Northern Mariana Islands, the Federated States of Micronesia, Guam, Puerto Rico, the Republic of the Marshall Islands, and the Virgin Islands.

All applications for the defense adjustment funds described in this supplemental notice must respond to a defense-related economic dislocation satisfying the criteria of A or B as follows:

A. DOD Criteria

In the case of a publicly announced planned reduction in DOD spending, the cancellation or termination of a DOD contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be made only if the reduction cancellation, termination, or failure will have a direct and significant adverse impact on a community that will result in the loss of:

1. 2,500 or more employee positions, in the case of a Metropolitan Statistical Area (MSA) or similar area (as defined by the Director of the Office of Management and Budget);

2. 1,000 or more employee positions, in the case of a labor market area outside of an MSA; or

3. one percent of the total number or civilian jobs in that area.

B. EDA Sudden and Severe Economic Dislocation Criteria

The dislocation must satisfy one of the following criteria provided that in exceptional circumstances, the criteria may be partially waived by the Assistant Secretary for Economic Development:

1. For areas not in MSAs: (a) If the unemployment rate of the Labor Market Area exceeds the national average, the dislocation must amount to the lesser of two (2.0) percent of the employed population, or 500 direct jobs.

(b) If the unemployment rate of the Labor Market Area is equal to or less than the national average, the dislocation must amount to the lesser of four (4.0) percent of the employed population, or 1,000 direct jobs.

2. For areas within MSAs: (a) If the unemployment rate of the MSA exceeds the national average, the dislocation must amount to the lesser of one-half (0.5) percent of the employed population, or 4,000 direct jobs.

(b) If the unemployment rate of the MSA is equal to or less than the national average, the dislocation must amount to the lesser of one (1.0) percent of the employed population or 8,000 direct jobs.

In addition, fifty (50) percent of the job loss threshold must result from the action of a single employer, or eighty (80) percent of the job loss threshold must occur in a single standard industry classification (i.e. two digit SIC code). Actual dislocations must have occurred within one year and threatened dislocations must be anticipated to occur within two years of the date EDA is contacted.

Special Application Procedures

As described in EDA's **Federal Register** Notice of Availability of Funds, proposals will be evaluated by EDA based on conformance with statutory and regulatory requirements, the economic adjustment needs of the area, the merits of the proposed project in addressing those needs and the potential applicant's ability to manage the grant effectively. Defense related proposals deemed eligible for economic adjustment assistance authorized under Division D of Public Law 101-510, will be forwarded to the DOD Office of Economic Adjustment (OEA) DOD for concurrence to invite a formal application.

DOD OEA concurrence will also be requested by EDA immediately prior to making an award decision.

Proposal Submission Procedures

Proposals for economic adjustment assistance authorized under section 4103 (a) of Division D of Public Law 101-510, will be submitted to EDA. Interested parties should contact the Economic Development Representative for the area or the appropriate EDA regional office (see section XI, of part IV, of the February 4, 1992, **Federal Register** Notice, 57 FR 4294) for a proposal package. Project proposals, submitted by eligible entities, will be evaluated by EDA staff on the basis of:

A. Conformance with the evaluation criteria mentioned above (57 FR 4294) and statutory, regulatory and policy requirements; and

B. The availability of funds.

Formal Application Procedures

Upon obtaining OEA's concurrence, EDA will invite the eligible applicant to submit a formal grant application for economic adjustment assistance. The formal application will include an ED-540, as approved by the Office of Management and Budget Control No. 0610-0058.

Dated: March 4, 1992.

L. Joyce Hampers,

Assistant Secretary for Economic Development.

[FR Doc. 92-5499 Filed 3-9-92; 8:45 am]

BILLING CODE 3510-24-M

federal register

Tuesday
March 10, 1992

Part IV

Department of Education

Special Projects and Demonstrations for Providing Services to Individuals With Severe Handicaps; Notice of Final Priorities for Fiscal Year 1992

DEPARTMENT OF EDUCATION

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps

AGENCY: Department of Education.

ACTION: Notice of final priorities for fiscal year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 under the program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps. The Secretary takes this action to focus Federal financial assistance on areas of identified national need. These priorities are intended to expand or improve vocational rehabilitation services to the following underserved disability groups—(1) individuals with specific learning disabilities living in rural or remote areas; (2) individuals with chronic, progressive diseases, including HIV/AIDS, cancer, and multiple sclerosis; and (3) individuals with traumatic brain injuries.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Richard P. Melia, Ph.D., U.S. Department of Education, 400 Maryland Avenue, SW. (room 3324—Switzer Building), Washington, DC 20202–2649. Telephone: (202) 732–1494. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Grants under the program of Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps are authorized by title III, section 311(a)(1) of the Rehabilitation Act of 1973, as amended. The purpose of this program is to authorize grants for special projects and demonstrations that hold promise of expanding or otherwise improving rehabilitation services to individuals with severe handicaps. This program, as well as the final priorities selected for this fiscal year, support AMERICA 2000, the President's strategy for helping the nation move toward achievement of the National Education Goals. These priorities, by encouraging the development of vocational rehabilitation strategies designed to increase the vocational potential of individuals with handicaps, support national education goal five that calls for every adult American to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. They also support AMERICA 2000's call for transforming America into "A Nation of Students."

On September 17, 1991, the Secretary published a notice of proposed priorities for this program in the **Federal Register** (56 FR 47118).

Note: This notice of final priorities does not solicit applications. A notice inviting applications under these competitions is published in a separate notice in this issue of the **Federal Register.**

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, 10 parties submitted comments. An analysis of the comments and of the changes in the priorities since publication of the notice of proposed priorities follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Absolute Priority 1—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Specific Learning Disabilities Residing in Rural or Remote Areas

Comments: One commenter questioned the inclusion of specific learning disabilities in this priority for the following reasons: (1) Many individuals with specific learning disabilities do not meet the Federal definition of "individuals with severe handicaps." (2) Learning disabilities have been the focus of much research sponsored by the educational system. (3) The great majority of severe learning disability problems should have been diagnosed, treated, and remediated prior to graduation from high school.

Discussion: The Secretary notes that specific learning disabilities are included among the physical or mental disabilities listed within the statutory and regulatory definitions of "individual with severe handicaps." Thus, persons whose specific learning disabilities seriously limit one or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of employability and whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time meet the Federal definition for "individual with severe handicaps." Further, applications that propose to serve individuals other than those classified as individuals with severe learning disabilities will not be funded through this priority.

The Secretary agrees that extensive educational research has focused on children and youth with learning disabilities and methods for overcoming their educational handicaps. The Secretary notes that persons with severe learning disabilities frequently exhibit neurologically based deficits in attention, reasoning, processing, memory, communication, coordination, social competency, and emotional maturity that have greater adverse impact on employability than poor academic performance. The Secretary believes that more attention should be focused on the development of effective strategies to overcome the impact of the non-academic deficits of learning disabilities on employment.

The Secretary acknowledges that persons with severe learning disabilities who graduate from high school should have received treatment or remediation for the academic aspects of their disability. The Secretary further notes that persons with learning disabilities drop out of high school at a high rate, suggesting that even the academic deficits associated with their disability may not have been fully addressed.

Changes: None.

Comments: One commenter suggested that the resource network to be developed by projects funded under this priority should link vocational rehabilitation personnel not only to special education personnel, if appropriate, but also to non-traditional service providers such as adult education programs, employer-specific assessment and training programs, and employment training programs under the Job Training Partnership Act. The commenter further suggested that the language of the priority should encourage the use of technology as a technique to augment service delivery in areas where limited demand may not support full-time staff.

Discussion: The Secretary agrees that expertise in working with adults who have learning disabilities can be found in a wide variety of resources. It is the Secretary's intent that projects funded under this priority develop a network with one or more existing service providers that are the repository of appropriate expertise. The Secretary also agrees that appropriate use of technology is within the intent of this priority.

Changes: The language of the priority has been modified to clarify that resource networks developed under this priority must include any resource with personnel who have the capacity to diagnose, assess, and rehabilitate adults with specific learning disabilities. The Secretary does not believe, however, that the priority as written precludes or discourages the appropriate use of technology by projects funded under this program.

Absolute Priority 2—Special Projects and Demonstrations to Enhance Rehabilitation Service Delivery to Individuals With Chronic, Progressive Diseases

Comments: One commenter suggested that, in addition to services that assist to maintain placement, coordination planning among vocational rehabilitation counselors, individuals with chronic or progressive diseases, and their health care providers should be emphasized in this priority.

Discussion: The Secretary recognizes the acute need for effective coordination of effort among consumers and the professionals who work with them. The Secretary does not believe, however, that the priority as written precludes or discourages the provision of that coordination by potential applicants.

Changes: None.

Absolute Priority 3—Special Projects and Demonstrations to Develop Innovative Strategies Focusing on Transferability of Job Skills to Serve Individuals With Traumatic Brain Injuries

Comments: One commenter suggested that the traumatic brain injury (TBI) priority emphasize a supported employment approach based on behavioral modification and development of strong psychosocial networks, first in a pre-vocational environment, then in the workplace, to return more clients to productive employment.

Discussion: The priority does not preclude use of the methods suggested as part of a model demonstration project designed to identify post-injury residual job skills and develop appropriate job training methods. To the extent that behavioral modification and psychosocial techniques can be identified by an applicant as validated and emerging strategies and interventions to promote generalization and transferability of job skills in training and placement of individuals with TBI, those approaches would be appropriate for a project under this priority.

Changes: None.

Comments: One commenter suggested that additional focus be placed on increasing the level of employment, rather than demonstrating generalization of job skills, for persons who have experienced a traumatic brain injury.

Discussion: The goal of the proposed priority is an increased level of employment of persons who have experienced traumatic brain injury. The Secretary believes that generalization and transferability of job skills, techniques that receive too little attention, are important means for accomplishing this goal.

Changes: None.

Comments: One commenter suggested that it is essential to identify all transferable skills (e.g., interpersonal, cognitive, organizational) in order to build career options and potentials. Equally important, suggested the commenter, are support systems in the home and community. The commenter suggested that a "holistic approach" should be emphasized in the priority.

Discussion: The Secretary agrees that the complexity of traumatic brain injury necessitates a full range of services for successful interventions. Although the priority focuses specifically on skills training, it is not the Secretary's intent to preclude projects from considering any related issues that need to be addressed for successful rehabilitation of this disability population.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

Absolute Priority 1—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Specific Learning Disabilities Residing in Rural or Remote Areas

Background

Estimates based on the 1980 Census suggest that between 25 percent and 35 percent of Americans live in rural areas and that nearly 13 percent of these individuals have a disabling condition ("Rural Rehabilitation: Its Time Is Now," paper from the First National Conference of the Research and Training Center on Rural Rehabilitation Services, Page, 1989). According to the Research and Training Center on Rural Rehabilitation Services, service delivery to rural areas poses a number of challenges, including vast distances between consumers and service providers, a lower prevalence of any particular disability that precludes specialization in any one disability, and fewer qualified service providers. Thus, rural rehabilitation professionals may be required to travel extensively and to be more diversified than rehabilitation professionals in urban areas. Another challenge reported by rural rehabilitation personnel is the inability to communicate with each other and the lack of access to current information resources regarding the field of rehabilitation (Rehab Brief, Vol. II, No. 11, 1990).

State vocational rehabilitation agencies and counselors, adult education agencies, and others in rural and remote areas report that an ever-growing number of adults with specific learning disabilities (SLD) are unemployed and do not have access to appropriate assessment and rehabilitative services. Studies suggest that in rural States, 45 to 60 percent of adults with learning disabilities are unemployed and in need of rehabilitative services (Project PERT: Postsecondary Education/Rehabilitation Transition for the Mildly Retarded and the Learning Disabled, Woodrow Wilson Rehabilitation Center, 1985). Similar findings were generated by the 1989 Berkeley Planning Associates study on "Evaluation of Services Provided for Individuals With Specific Learning Disabilities." The study found that lack of assessment resources was a major barrier to serving rural learning disabled clients; that psychologists were too far away to be available for assessment; that specialization of counselors was not feasible in rural or remote areas; and that not only were resources for SLD lacking in rural areas, but that available service providers were not knowledgeable about SLD and the accommodations needed for that disability.

Research projects funded by the National Institute on Disability and Rehabilitation Research cite models for developing linkage systems among service providers, consumers, and resource specialists who are great distances from one another. These projects, described in Rehab Brief, Vol. II, No. 11, 1990, include development of a national rural independent living network; application of technological advances to benefit physically disabled agricultural workers; use of telecommunications technology to disseminate job accommodation information to consumers and service providers in remote, isolated areas; and

development of personal computer software that allows rural rehabilitation counselors to access current information, transfer files, and automate recordkeeping. A review of a bibliography of rural rehabilitation project literature produced by the Research and Training Center on Rural Rehabilitation Services reveals that projects are being conducted for a variety of disability groups, but none are related to individuals with SLD. For example, a study conducted in a rural western State of high school seniors in self-contained or resource room special education programs who graduated in 1988 indicates that of those students with SLD who might have benefitted from employment-related activities and experiences, only 21 percent received those services, compared to 75 percent of students with mental retardation who received employment-related services. ("The Demographic Study of Supported Employment in Montana," Project Director Richard Offner, Nov., 1988, Montana Supported Employment Demonstration Project, in conjunction with the Montana University Affiliated Programs and Research and Training Center on Rural Rehabilitation Services.)

Priority

Projects funded under this priority must be model demonstration projects designed to enhance the delivery of rehabilitation services to adults with SLD who reside in rural areas, including remote areas accessible only by special means of transportation or during specific seasons. Projects responding to this priority must develop a resource network that links rural vocational rehabilitation personnel to existing service providers who have the capacity to diagnose, assess, and rehabilitate adults with SLD, including, if appropriate, professionals from the fields of special education, adult education, vocational education, postsecondary education, or any other knowledgeable resource. The development of a resource network must incorporate appropriate local community resources. Projects developed under this priority must, if appropriate, incorporate the use of technology necessary to implement the resource network.

In accordance with the selection criteria in 34 CFR 369.31(d) and 34 CFR 373.30(d), an applicant shall provide an evaluation plan for the project showing methods of evaluation that, to the extent possible, are objective and produce data that are quantifiable. Under 34 CFR 373.30(i)(2), the applicant shall provide information that shows the potential for project findings to be effectively utilized within the State vocational rehabilitation service system and the likelihood of the project activities being successfully replicated in other locations. The project must widely disseminate the practices and materials it develops to facilitate the capacity of other agencies and facilities to provide improved services individuals with SLD living in rural or remote areas.

Absolute Priority 2—Special Projects and Demonstrations to Enhance Rehabilitation Service Delivery to Individuals with Chronic, Progressive Diseases

Background

Chronic, progressive diseases present a challenge to both the medical community and the field of rehabilitation. The first phase after the diagnosis of a chronic disease is medical intervention. In the next phase, attention should be directed toward disabilities that result from the illness to develop a link between medical diagnosis and the assessment of potential functional limitations. During this second phase, rehabilitation interventions should be planned, implemented, and evaluated. The third phase involves long-term management of the illness to ensure the best level of functioning for the individual despite conditions that are likely to remain chronic or progressive (Rehab Brief, Vol. XIII, No. 1, 1990). This is the phase in which rehabilitation efforts fail since most service delivery models are time-limited and do not provide for interventions after case closure.

For example, there are several phases with regard to human immunodeficiency virus (HIV) infection (New England Journal of Medicine, Vol. 321, No. 24, 1989). In early phases, during the onset of infection, an individual may not yet exhibit any functional limitations for which vocational rehabilitation services would be appropriate. However, by the middle (chronic) phases of the infection, the individual may exhibit significant functional limitations due to malaise, fatigue, and lymphadenopathy; in addition, the symptoms and duration of normally minor infectious diseases or infections may be exacerbated by the underlying HIV infection. During this time, vocational rehabilitation service may be of benefit in terms of employability. Chronic phases can last for months or years. In the last phases of this disease, the HIV infection has progressed to acquired immunodeficiency syndrome (AIDS), which can also last from months to years depending at least in part on the efficacy and availability of treatment. During this time, visual and mental disabilities may occur and present significant new functional limitations that impact on the person's ability to perform his or her current job. Therefore, if the individual's case was closed as rehabilitated during the chronic phases of HIV infection, additional vocational rehabilitation interventions may be needed if the disease progresses to AIDS and new functional limitations occur.

The 1986 amendments to the Rehabilitation Act of 1973 broadened the definition of post-employment services to include follow-up, follow-along, and specific services necessary to assist individuals to maintain or regain employment. In addition, requirements for the Individualized Written Rehabilitation Program (IWRP) were strengthened to require that the IWRP developed for each eligible individual provide for an assessment of the expected need for post-employment services prior to the closing of the case. Innovative service delivery models need to be developed that build upon these requirements and provide appropriate post-employment interventions for individuals with chronic, progressive diseases.

Priority

Projects funded under this priority must be model demonstration projects designed to enhance the delivery of rehabilitation services to individuals with chronic, progressive diseases, including HIV/AIDS, cancer, and multiple sclerosis, who are frequently not provided appropriate services in the rehabilitation system because of the changing and progressive nature of their disabilities. This priority proposes to improve the delivery of vocational and other rehabilitation services to these individuals through the development of demonstration models that focus on post-employment intervention.

Projects responding to this priority must include service delivery models to provide appropriate follow-up, follow-along, and post-employment services to assist individuals with chronic, progressive diseases to maintain or regain employment. Projects must address the changing rehabilitation needs of individuals with chronic, progressive diseases and develop strategies to adapt and modify rehabilitation plans that respond to the progressive nature of the disability.

In accordance with the selection criteria in 34 CFR 369.31(d) and 34 CFR 373.30(d), an applicant shall provide an evaluation plan for the project showing methods of evaluation that, to the extent possible, are objective and produce data that are quantifiable. Under 34 CFR 373.30(i)(2), the applicant shall provide information that shows the potential for project findings to be effectively utilized within the State vocational rehabilitation service system and the likelihood of the project activities being successfully replicated in other locations. The project must widely disseminate the practices and materials it develops to facilitate the capacity of other agencies and facilities to provide improved services to individuals with chronic, progressive diseases.

Absolute Priority 3—Special Projects and Demonstrations To Develop Innovative Strategies Focusing on Transferability of Job Skills to Serve Individuals With Traumatic Brain Injuries

Background

Over the past 20 years, the survival rate of individuals with traumatic brain injuries (TBI) has increased four-fold. Therefore, more of these individuals seek vocational rehabilitation services to assist in regaining employment. While neurological rehabilitation efforts have predominated in working with individuals with TBI, increasing attention is being given to vocational rehabilitation interventions for these individuals. (Fraser, R.T., McMahon, B.T., & Vogenthaler, D. (1988). "Specific considerations for vocational rehabilitation with the head injured," in S. Rubin & N. Rubin (Eds.), Contemporary Challenges to the Rehabilitation Counseling Profession (pp. 217–242), Baltimore: Paul H. Brookes Publishing Co.).

A recent survey conducted by the Arkansas Research and Training Center in Vocational Rehabilitation (May, 1990) of over 1,000 adults with TBI found that less than 20 percent of these individuals received job training or job placement services. The most prevalent concerns of these individuals regarding their vocational rehabilitation are (1) lack of appropriate career counseling, (2) lack of appropriate vocational preparation, and (3) lack of appropriate job placement services.

Another study of 48 individuals who survived head injuries found that although 92 percent of these individuals worked in skilled or semi-skilled occupations prior to injury, many of these individuals were placed in unskilled occupations and even sheltered employment after injury. The findings support that rehabilitation professionals providing job training and placement services for individuals with TBI need to identify post-injury residual job skills and abilities and transfer those skills and abilities to other occupational opportunities. (Fraser, R.T., Dimken, S., McLean, A., & Temkin, N. (1988). "Employability of head injured survivors: The first year post-injury," Rehabilitation Counseling Bulletin, 31: 278–288).

Many studies have been done on the generalization and transferability of job skills specific to individuals with TBI (Parente, R. & Anderson-Parente, J.K., Vocational memory training, 1990, in Community Integration Following Traumatic Brain Injury, Kreutzer J.S. & Wehman, P. (Eds.) (pp. 157–168). Baltimore: Paul H. Brookes Publishing Co.) Generalization refers to trainable skills that a person can use in a new or different context. Transferable skills are those skills that are directly applicable to certain tasks but not necessarily to others. These studies have validated the success of many techniques in vocational memory training for individuals with TBI that promote the transfer of generalizable memory strategies and specific transferable skills, including stimulation therapy, cognitive skills therapy, memory strategies, academic therapy, and simulation training. New and emerging strategies and interventions, such as prosthetic memory devices, cognitive orthotic devices, and other technologies, are also being explored with some success.

Priority

Projects funded under this priority must be model demonstration projects designed to identify post-injury residual job skills of individuals with TBI and to utilize those transferable job skills in developing appropriate training and placement services. Service delivery models must be developed to identify pre-injury job skills, assess residual job skills after injury, develop appropriate job training methods (e.g., vocational memory training), place individuals with TBI in employment that builds upon residual job skills, and evaluate the success rate of these placements.

In addition, the application of validated and emerging strategies and interventions to promote the generalization and transferability of job skills in training and placement must be an integral part of the project.

In accordance with the selection criteria in 34 CFR 369.31(d) and 34 CFR 373.30(d), an applicant shall provide an evaluation plan for the project showing methods of evaluation that, to the extent possible, are objective and produce data that are quantifiable. Under 34 CFR 373.30(i)(2), the applicant shall provide information that shows the potential for project findings to be effectively utilized within the State vocational rehabilitation service system and the likelihood of the project activities being successfully replicated in other locations. The project must widely disseminate the practices and materials it develops to facilitate the capacity of other agencies and facilities to provide improved services to individuals with TBI.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for these programs.

Applicable Program Regulations: 34 CFR parts 369 and 373.

Program Authority: 29 U.S.C. 777a.

(Catalog of Federal Domestic Assistance Number 84.235, Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Severe Handicaps)

Dated: March 4, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92-5496 Filed 3-9-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.235]

Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals With Severe Handicaps

Notice inviting applications for new awards for fiscal year (FY) 1992.

Purpose of Program: To provide grants to expand or otherwise improve rehabilitation services to individuals with severe handicaps.

Eligible Applicants: States and public and nonprofit agencies and organizations are eligible to apply for awards under this program.

Deadline for Transmittal of Applications:

May 8, 1992.

Deadline for Intergovernmental Review: July 8, 1992.

Applications Available: March 24, 1992.

Available Funds: $3,500,767.

Estimated Range of Awards: $60,000–150,000.

Awards are to be made in three absolute priority categories and in a "non-priority" category that permits the support of applications that are not responsive to one of the described absolute priorities.

Specific information regarding the estimated average size and number of awards for each category appears in the chart in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Parts 369 and 373.

Priorities: The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue SW., room 3320, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1347; to receive further information, call (202) 732–1325. Deaf and hard of hearing persons may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, D.C. 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 777a(a)(1).

Dated: March 4, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS

CFDA No.	Categories	Estimated average size of awards*	Estimated number of awards
84.235A	Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Individuals with Specific Learning Disabilities Residing in Rural or Remote Areas.	$125,000	4
84.235G	Special Projects and Demonstrations to Develop Innovative Strategies Focusing on Transferability of Job Skills to Serve Individuals with Traumatic Brain Injuries.	125,000	6
84.235H	Special Projects and Demonstrations to Enhance Rehabilitation Service Delivery to Individuals with Chronic, Progressive Diseases.	125,000	6
84.235J	Non-priority	125,000	13

* Estimated amount is for first-year funding.

[FR Doc. 92–5407 Filed 3–9–92; 8:45 am]
BILLING CODE 4000–01–M

federal register

Tuesday
March 10, 1992

Part V

Department of the Interior

Bureau of Indian Affairs

Indian Child Welfare Grant Program; Availability of Funds; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fiscal Year 1992 Indian Child Welfare Act (ICWA) Grant Program, Availability of Title II ICWA Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of grant funds.

SUMMARY: The Indian Child Welfare Act (ICWA) makes grant funds available from the Bureau of Indian Affairs (BIA), Department of the Interior, for the purpose of improving child welfare services to Indian children and families.

DATES: The closing date for receipt of applications for this program is April 30, 1992 for all states except Alaska. The closing date for Alaska, where more than 50% of all potential applicants are located, is May 15, 1992.

ADDRESSES: Applications must be sent to the appropriate Bureau of Indian Affairs' area offices listed in Part IV of this announcement.

FOR FURTHER INFORMATION CONTACT: The Bureau of Indian Affairs' area office nearest to the applicant, or the Chief, BIA Division of Social Services, room 310 SIB, 1849 C Street NW., Washington, DC 20240. Telephone (202) 208–2721.

SUPPLEMENTARY INFORMATION: The Indian Child Welfare Act, Public Law 95–608, authorized the utilization of funds for grants to Indian tribes, organizations, and multi-service Indian centers. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. The Assistant Secretary—Indian Affairs is announcing procedures necessary to apply for grant funds under Title II of the Indian Child Welfare Act.

Only applications for single-year projects will be accepted under this announcement; no multi-year grant applications will be accepted. A total of $16,776,000 will be available nationwide for grants under the Indian Child Welfare Act. Of this amount, $15,026,000 is available for single-year on-reservation tribal ICWA applications; $1,750,000 is available nationwide for single-year off-reservation ICWA grant applications. It is important that applicants carefully review requirements detailed in this announcement related to deadlines, indirect costs, and page limitations. If an application is not received by the close of business on April 30, 1992 for all states except Alaska; and by the close of business on May 15, 1992 for Alaska, it will not be considered.

Part I. General Information

A. Background

In the absence of any regulatory revisions, the BIA does not have the authority to convert the current competitive ICWA grant award process to a noncompetitive system for eligible Indian tribes as proposed. In the interim, it is critical that the FY 1992 ICWA grant funds be awarded as soon as possible. For purposes of program continuity, the BIA hereby announces the availability of FY 1992 ICWA grant funds under the existing regulation.

This announcement provides information on opportunities to apply for ICWA grant funds for FY 1992. The Indian Child Welfare Act of 1978 (Pub. L. 95–608, 25 U.S.C. 1902, 25 U.S.C. 1931 and 1932) limits the use of grant funds for the following activities:

(1) To prevent the separation of Indian children from their families when possible;

(2) When separation is necessary, to reunite Indian children with their families as soon as possible;

(3) When reunification is not possible, to arrange permanent placements with extended families or through adoption; and

(4) To carry out work with Indian children and their families in accordance with the preferences of the ICWA, following procedures and practices which reflect the unique values of Indian culture.

An applicant for an ICWA grant may submit only one grant application for this program during this application period (refer to 25 CFR 23.21(b)).

B. BIA Indian Child Welfare Act Grant Program Purpose

The objective of every Indian child and family services program shall be to prevent the breakup of Indian families, and ensure that the permanent removal of an Indian child from the custody of his/her parent or Indian custodian shall be a last resort.

The specific purposes of the BIA's ICWA grants as stated in the law are:

(1) The establishment and operation of Indian child and family service programs which promote the stability of Indian families, and

(2) The provision of non-Federal matching shares for other Federal financial assistance programs which contribute to the same purpose.

These purposes are further defined in Public Law 95–608, sections 201 and 202; 25 U.S.C. 1931 and 1932; and 25 CFR 23.22.

C. Eligible Applicants

The governing body of any tribe or tribes, or any nonprofit off-reservation Indian organization or multi-service Indian center, may apply individually or as a consortium for a grant. No applicant may submit more than one application.

A consortium is created by an agreement or association between two or more eligible applicants.

New applications for projects of one year's duration to be funded in FY 1992 may be submitted in response to this announcement.

Part II. Available Funds

The Office of the Assistant Secretary—Indian Affairs has determined that in Fiscal Year 1992 off-reservation applicants shall compete for a national allocation of $1,750,000. Federally recognized Indian tribes will compete for the balance of the Fiscal Year 1992 grant funds in the amount of $15,026,000. The decision to divide funds between off-reservation applicants and federally recognized Indian tribes was made in order to facilitate the proposed conversion of the current competitive ICWA grant process to a noncompetitive award process for Indian tribes, and to ensure the stabilization of and the provision of core funding for tribal ICWA programs in Fiscal Year 1993 and thereafter.

Subject to the availability of funds through appropriations for this program in FY 1992, grants will be awarded to individual tribes, organizations, or to consortia of tribes and organizations within the following categories:

(a) A maximum of up to $25,000 for eligible applicants with a total service area population of 500 or less;

(b) A maximum of up to $35,000 for eligible applicants with a total service area population greater than 500 but less than 1,500;

(c) A maximum of up to $45,000 for eligible applicants with a total service area population greater than 1,500 but less than 3,000;

(d) A maximum of up to $55,000 for eligible applicants with a total service area population of 3,000 but less than 5,000;

(e) A maximum of up to $65,000 for eligible applicants with a total service area population greater than 5,000 but less than 8,000;

(f) A maximum of up to $80,000 for eligible applicants with a total service area population greater than 8,000 but less than 20,000;

(g) A maximum of up to $110,000 for eligible applicants with a total services area population greater than 20,000 but less than 40,000;

(h) A maximum of up to $140,000 for eligible applicants with a total service area population greater than 40,000 but less than 60,000;

(i) A maximum of up to $175,000 for eligible applicants with a total services area population greater than 60,000 but less than 90,000;

(j) A maximum of up to $250,000 for eligible applicants with a total service area population greater than 90,000 but less than 140,000;

(k) A maximum of up to $350,000 for eligible applicants with a total service area population greater than 140,000 but less than 180,000; and

(l) A maximum of up to $500,000 for eligible applicants with a total service area population of over 180,000.

Notwithstanding the above grant guidelines, consortia of two or more Indian tribes/organizations having a total service area population of 5,000 or less may apply for a maximum grant of up to $75,000 because of the greater administrative costs associated with operating a small consortium. However, consortia of two or more Indian tribes/organizations having service area populations greater than 5,000 must comply with the grant guidelines set above.

At no time may any Indian tribe, organization, or multi-service center which is either an eligible individual applicant in accordance with 25 CFR 23.21 or as a member of a consortium receive Indian Child Welfare Act grant funds greater than a maximum grant of $500,000 through a direct grant or through subgranting procedures with approved applicants.

Service area population means the total number of Indians eligible for services under 25 CFR 23.2(d) (2) and/or (3), in the geographical area to which the tribe, Indian organization or multi-service center can realistically provide the services proposed in the application. The service area population is used only to determine the maximum grant amount for which a tribe, organization or multi-service center may be eligible.

These population figures must be based upon substantiated, identifiable statistical sources. Applicants must submit copies of statistical sources which support their service area figures, such as, tribal enrollment or other population information, U.S. census data, or labor force survey data.

All costs associated with the administration of proposed projects shall be line-itemized. Indirect costs as well as all other administrative costs must be broken down by percentage and dollar amounts. All administrative costs will be carefully scrutinized in relation to proposed funds used for direct services. If the applicant does not itemize indirect costs in its proposed budget, a total of five points will automatically be deducted from Criteria V—"Fiscal Capabilities. Budget and Budget Justification, Part (b)."

In accordance with 25 CFR 23.25(a)(8), the reasonableness and relevance of the estimated costs for the project are considered in the rating of all project applications. Administrative costs are only allowable within the funding specified by the grant formula and limitations specified in this announcement.

Applicants will not be funded for more than their demonstrated need, as specifically addressed in 25 CFR 23.24 and 23.25. The statistical requirements established in these regulations, as well as the tribe's, organization's, or multi-service center's prior service record will be used in determining need. Examples of necessary data include the number of actual or estimated Indian family breakups, and the number of persons who will receive direct service from any portion of the proposed program and or program area.

In accordance with 25 CFR 23.27(c)(3), if an applicant has been a grantee during the preceding fiscal year, the applicant must include a copy of a satisfactory evaluation from the area office along with the other materials required in this subsection.

Minimum standards for receiving a satisfactory evaluation from the area office include the timely submission of all fiscal and programmatic reports, as well as utilizing the corrective analysis form when programmatic improvements are necessary.

Part III. Application Selection Criteria

A. Statutory Authority

The BIA's Indian Child Welfare Act grants program is authorized by Title II of Public Law 95–608, the Indian Child Welfare Act (25 U.S.C. 1901 et seq., 25 CFR part 23). All grant applications submitted under this announcement shall be scored and recommended for grant awards in accordance with the applicable selection criteria specified at 25 CFR 23.24; 23.25; 23.26; 23.27; 23.28; 23.30; and 23.31.

B. The Closing Date for Receipt of Applications for All Single-Year Applications

The closing date for receipt of all single-year applications under this program announcement is by the close of business on April 30, 1992 for all states except Alaska. The closing date for receipt of all single-year applications for Alaska under this program announcement is by the close of business on May 15, 1992. All applications for Indian Child Welfare Act grants must be received in the appropriate BIA's Social Services Area/Agency Office, as specified in 25 CFR 23.26, on/or before 4:15 p.m. or the applicable close of business for that office on the closing date of the application period. Postmarks will not be considered as meeting the timeframe for applications received after the application deadline. The names and addresses of BIA Social Services area offices and staff are listed at the end of this announcement. Hand delivered applications are accepted during normal working hours Monday through Friday. Applications which do not meet this criteria are considered late applications and will not be considered in the current competition.

C. Program Priorities

Indian Child Welfare Act grants are for the purpose of:

(1) Establishing and operating Indian child and family service programs. In accordance with the policy in 25 CFR 23.3 to emphasize the design and funding of programs which promote the stability of Indian families, program priorities have been established to be utilized by area offices in the competitive review process when more than one application obtains the same competitive score. These priorities reemphasize the programmatic interest in maintaining the integrity of the Indian family and preventing out-of-home placements.

Program priorities are listed below in descending order:

(a) Operation and maintenance of facilities for the counseling and treatment of Indian families and for the temporary custody of Indian children.

(b) Family assistance, including homemaker and home counselor services, after-school care, recreational activities, respite-care, and employment support services.

(c) A system for the tribes and Indian organizations to license or otherwise regulate Indian foster and adoptive homes or the preparation and implementation of child welfare codes within their legal jurisdictional authority, or pursuant to a state-tribal and/or Indian organization agreement.

(d) Guidance, legal representation and advice to Indian families involved in tribal, state or Federal child custody proceedings.

(e) Employment of professional and other trained personnel to assist the

tribal court in the disposition of domestic relations and child welfare matters. (Funding of tribal court staff/systems is not allowable.)

(f) Education and training of Indians (including tribal court judges and staff) in skills relating to child and family assistance and service programs.

(g) Subsidy programs under which adopted Indian children may be provided support comparable to that for which they could be eligible as foster children, taking into account the appropriate state standards of support for maintenance and medical needs.

(h) Home improvement programs (excluding major renovations).

(i) Other programs designed to meet the purpose of the Act. Planning or feasibility grants may be undertaken for one of the above listed program purposes. These applications will be ranked according to the priority of the program under consideration.

(2) Providing non-Federal matching shares for other Federal financial assistance programs as prescribed in 25 CFR 23.43. The order of priorities of matching share grants will correlate with the purpose of the program receiving the match.

D. Mandatory Application Requirements for All Applicants

The grant application shall be no longer than 40 pages, double spaced, excluding the appendix. The table of contents and appendices will not be counted toward the maximum length. It is recommended that the appendix be no longer than 20 pages. If an application is longer than the established page limitation, only the first 40 pages will be reviewed. All applicants must submit four copies of their applications, a completed Standard Form 424, and the following narrative information to the appropriate BIA agency or area office:

(1) Name and address of Indian tribal governing body(ies) or Indian organization applying for a grant,

(2) Descriptive name of project,

(3) Amount of ICWA grant funds requested,

(4) The unduplicated client service population directly benefiting from the project,

(5) Beginning date,

(6) Proposed budget categories and budget narrative justification,

(7) Narrative description of the proposed program,

(8) Certification or evidence of request from the current tribal governing body of an Indian tribe or current board of an Indian organization, covering the duration of the proposed project,

(9) Evidence of substantial community support for the proposed program. This request may be in the form of a tribal resolution, an endorsement or such other forms as the tribal constitution or current practice requires,

(10) Name and address of the BIA office to which an application is submitted,

(11) Date application is submitted to the BIA, and

(12) Additional information pertaining to grant applications for funds to be used as matching shares.

(13) Existing grantees must submit a copy of a satisfactory evaluation of the current year of operation from the area office in order to be considered for funding in FY 1992 (25 CFR 23.27(c)(3)).

Grantees must comply with the following applicable Federal financial and performance reporting requirements: OMB Circulars A-87, A-102, A-122, or A-128. Failure to meet and comply with regulatory requirements may result in suspension, cancellation and/or termination of program funds.

Information included in the appendix should relate specifically to the application. The appendix may include, but is not limited to the following: Resolutions, support letters, position descriptions, current/recent fiscal management/accounting certification, operational monitoring systems, non-profit status documentation.

E. Evaluation Criteria for Grant Applications

The content of the application and the following factors are considered in the competitive review of grant applications:

(1) The degree to which an applicant demonstrates in the narrative an understanding of the social service problems or issues impacting the client population which the applicant proposes to serve. (If an applicant identifies alcohol or drug abuse as a major problem or issue impacting Indian children and families, they must also clearly address current efforts to coordinate existing resources to address these problems. This may include information on the development or contents of the Tribal Action Plan specified under Section 4206 of the Omnibus Drug and Alcohol Abuse Act of 1986.)

(2) The degree to which and the methods by which the applicant intends to fulfill the purpose of the grant, specifically relating the goals and objectives of the program to the issues and problems impacting the client population. (The proposed methods outlined in the application should have an established basis for operation, e.g., a tribal placement program requires tribally established licensing or placement standards on which to operate, or a program to assist the tribal court requires a tribal code and a tribal court with which to work, etc.)

(3) Whether the applicant presents narrative, quantitative data and demographics of the client population to be served. Examples of such data include:

(a) The number of actual or estimated Indian child placements outside the home;

(b) The number of actual or estimated Indian family breakups; and

(c) The need for a directly related prevention program. (Refer to part II for further explanation.)

(4) The relative accessibility which the Indian population to be served under a specific proposal already has to existing child and family service programs emphasizing the prevention of Indian family breakup. Factors to be considered in determining accessibility include:

(a) Cultural barriers;

(b) Discrimination against Indians;

(c) Inability of potential Indian clientele to pay for services;

(d) Lack of programs which provide free services to indigent families;

(e) Technical barriers created by existing public or private programs;

(f) Availability of transportation to existing programs;

(g) Distance between the Indian community to be served under the proposal and nearest existing programs;

(h) Quality of services provided to Indian clientele; and

(i) Relevance of services provided to specific needs of Indian clientele.

(5) The proper and adequate justification of the extent to which the proposed program would duplicate any existing child and family service program emphasizing the prevention of family breakup, taking into consideration all factors listed in paragraphs (1), (2), (3), and (4) of this section. Proper and adequate justification must be given for any duplication of services.

(6) Evidence of substantial community support for the proposed program from Indian community or communities to be served. Such support may be evidenced by:

(a) Letters of support from individuals and families to be served;

(b) Local Indian community representation in and control over the Indian entity requesting the grant;

(c) Letters from local social services related agencies familiar with the applicant's past work experience;

(7) The explanation of proposed facilities and of the organizational structure of the tribal or Indian organization requesting grant funds, and the position description of any position to be funded with grant funds, identifying qualifications, responsibilities, and lines of supervision.

(8) The reasonableness and relevance of the estimated costs of the proposed program or service.

An application shall not receive a preliminary approval unless a review of the application determines that it:

(a) Contains all the information required in "D. Mandatory Application Requirements for All Applicants".

(b) Receives a minimum score of 70 points in a competitive review and scoring process, using the section criteria established in regulation.

(c) If an applicant has been a grantee during the year immediately preceding the year for which an application is being made, copies of satisfactory evaluation(s) from the area office for the current program must be provided in addition to the other materials required in this subsection.

F. Grant Review and Award Process

The Assistant Secretary—Indian Affairs or his/her designated representative shall select for grants under the Indian Child Welfare Act, those proposals which will in his/her judgement best promote the purposes of the Act. Such selection will be made through a review process in which each application will be scored competitively using the BIA review criteria listed above at the appropriate BIA Social Services Office referred to in 25 CFR 23.30, 23.31, or 23.33. Grant applications will be reviewed by a panel of reviewers qualified by training and/or experience in human services to Indian populations. The reviewers' recommendations will be used by the Assistant Secretary—Indian Affairs' designated representative to preliminarily approve or disapprove all grant applications, and make funding recommendations to the Central Office. The funding of approved applications shall be in accordance with the funding levels published under this grant announcement in this **Federal Register** (25 CFR 23.27(e)(1) and based on demonstrated need and the availability of funds. The Assistant Secretary—Indian Affairs has final funding authority. No new multi-year grant applications shall be considered for funding in the FY 1992 application period.

G. Appeals

In accordance with 25 CFR 2.20(c), 23.63, and 23.64, the Assistant Secretary—Indian Affairs has made a determination to assume administrative jurisdiction over all Fiscal Year 1992 Indian Child Welfare Act Grant Applications appeals.

Notice(s) of appeals must be filed within 30 days of the appellant's receipt of the decision being appealed. The notice is filed in the office of the official whose decision is being appealed. The date of filing is the date the notice of appeal is postmarked or the date it is personally delivered to the official's immediate office, (25 CFR 2.9(a), 2.13(a)). No extension of time will be granted for filing a notice of appeal. (25 CFR 2.9(a), 2.16).

The statement of reasons must be filed within the next 30 days in the office of the official whose decision is being appealed. It may be included in or filed with the notice of appeal. (25 CFR 2.10). The Assistant Secretary—Indian Affairs shall take action and render a final decision for the Department in accordance with the provisions required in 25 CFR 2.20.

The Central Office will retain a small percentage of the total available funding to assure funding for any appellant who may successfully appeal a denial at the area office level. If these funds are not utilized for appeals, they will be distributed to the area offices to fund approved applications.

Part IV. BIA Area Offices—Area Social Workers

Aberdeen Area Office—Area Social Worker—115 4th Avenue, S.E., Aberdeen, SD 57401—605/226-7351.

Albuquerque Area Office—Joseph Naranjo—615 1st Street, P.O. Box 26567—Albuquerque, NM 87125-6567—505/766-3321/3322.

Anadarko Area Office—Retha Murdock—1½ mile North Highway 281, P. O. Box 368, WCD Office Complex, Anadarko, OK 73005—405/247-6673.

Billings Area Office—Louise Zokan-Delos Reyes—316 North 26th Street, Billings, MT 59101—406/657-6651.

Eastern Area Office — Evelyn Roanhorse—3701 N. Fairfax Dr., MS-260 Virginia Square, Arlington, VA 22201—703/235-2353.

Juneau Area Office—Jimmie Clemmons—709 West 9th Street, Juneau, AK 99802-1219—907/586-7628.

Minneapolis Area Office—Rosalie Clark—Chamber of Commerce Bldg., 331 Second Ave., So., Minneapolis, MN 55401—612/373-1182/1183.

Muskogee Area Office—Alice Allen—Federal Court Building, 5th & West Okmulgee Streets, Muskogee, OK 74401—918/687-2507.

Navajo Area Office—Vivian Hailstorm—P.O. Box 1060, MC-440, Gallup, NM 87301—602/871-5151.

Phoenix Area Office—Stephen Lacy—1 North First Street, P.O. Box 10, Phoenix, AZ 85001—602/379-6785.

Portland Area Office—Robert C. Carr—The Federal Bldg., 911 N. E. 11th Avenue, Portland, OR 97232-4169—503/231—6783/6785.

Sacramento Area Office—Kevin Sanders—Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825—916/978-4705.

Dated: March 4, 1992.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 92-5465 Filed 3-9-92; 8:45 am]

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federal register

Tuesday
March 10, 1992

Part VI

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice of Approved Tribal-State Compact

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved a Tribal-State Compact between the Red Cliff Band of Lake Superior Chippewa and the State of Wisconsin executed on December 12, 1991.

DATES: This action is effective on March 10, 1992.

ADDRESSES: Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, MS/MIB 4603, 1849 "C" Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joyce Grisham, Bureau of Indian Affairs, Washington, DC 20240, (202) 208–7445.

Dated: March 4, 1992.

David J. Matheson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 92–5569 Filed 3–9–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Tuesday
March 10, 1992

Part VII

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice of Approved Tribal-State Compact

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100-497), the Secretary of the Interior shall publish, in the Federal Register, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved a Tribal-State Compact between the St. Croix Chippewa Indians of Wisconsin and the State of Wisconsin executed on December 19, 1991.

DATES: The action is effective on March 10, 1992.

ADDRESSES: Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, MS/MIB 4603, 1849 "C" Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joyce Grisham, Bureau of Indian Affairs, Washington, DC 20240, (202) 208-7445.

Dated: March 4, 1992.

David J. Matheson,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 92-5570 Filed 3-9-92; 8:45 am]

BILLING CODE 4310-02-M

federal register

Tuesday
March 10, 1992

Part VIII

Department of Education

Fund for Innovation in Education: Technology Education Program; Notice Inviting Applications

DEPARTMENT OF EDUCATION

[CFDA No.: 84.215C]

The Fund for Innovation in Education (FIE): Technology Education Program; Notice Inviting Applications for New Awards for Fiscal Year 1992

Purpose of the Program: To provide grants for projects to develop materials for educational television and radio programming for use in elementary and secondary education, together with programs that use telecommunications and video resources for the instruction of public and private elementary and secondary school students and for related teacher training programs for public and private elementary and secondary school teachers. Telecommunications means the full range of technologies that can be used for educational instruction.

Eligible Applicants: State educational agencies, local educational agencies, institutions of higher education, private schools, and other public and private agencies, organizations and institutions or consortia of those agencies, organizations, and institutions.

Deadline for Transmittal of Applications: May 8, 1992.

Deadline for Intergovernmental Review: July 8, 1992.

Applications Available: March 24, 1992.

Available Funds: $6,000,000 (est).

Number of Awards: 1.

Project Period: 24 months.

Budget Period: 24 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

SUPPLEMENTARY INFORMATION:

AMERICA 2000, the President's strategy for achieving the National Education Goals, calls for communities to set aside all traditional assumptions about schooling and utilize new approaches to produce extraordinary gains in student learning. The Secretary is interested in funding a project that would break the mold of conventional teaching strategies by demonstrating the use of technology to help teachers deliver instruction in an effective manner that results in student performance that equals or exceeds the performance of the best students worldwide.

In a January 1992 report the National Council on Education Standards and Testing, a congressionally mandated group, recommended the development of world-class national standards for what students should know and be able to do in mathematics, science, history, geography, and English. The Secretary is interested in projects supporting the use of high technology to deliver improved instruction that will enable students to attain world-class standards in the five core disciplines.

The Secretary is also interested in projects that have potential to be disseminated by the National Diffusion Network (NDN). The NDN is a dissemination system through which exemplary education programs and processes are made available to interested school systems or other educational institutions around the country. In order to become eligible for dissemination by NDN, a project must be proven to be effective. Evidence of project effectiveness must be collected and presented to the Department's Program Effectiveness Panel (PEP). Projects that are judged effective by PEP become eligible to compete for dissemination funds from the NDN. Therefore, the Secretary encourages applicants who may be interested in having their projects disseminated by the NDN to include an evaluation plan that will assess the effectiveness and impact of project activities with emphasis upon changes in school practices and student performance.

Priorities

Absolute Priority

Under 34 CFR 75.105(c)(3), 20 U.S.C. 3153(b)(1), and Public Law 102–170, the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only one application that meets this absolute priority:

One demonstration project which uses high technology to address specifically the educational needs in critical subject matter areas.

Invitational Priority

Within the absolute priority specified in this notice, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

A demonstration project that integrates high technology into the delivery of instructional services throughout the classrooms of a local public school district or private school or consortium of public school districts and/or private schools. The Secretary is interested in a project that adopts high standards for student achievement in English, history, geography, mathematics, and science and utilizes technology to help students attain those high standards. Applications may include requests for the purchase of equipment which is necessary to accomplish program goals. The Secretary encourages applicants to include the following components in these proposed projects:

(a) Programs to train teachers how to use technology in student instruction.

(b) Training programs to ensure that teachers are prepared to teach at the level of the new high standards.

(c) Implementation of curricula that reflect high standards, through the use of high technology and exemplary instruction developed by content specialists from public and private education.

(d) Commitment to the project as evidenced by the contribution of financial resources by the applicant and any other participating organizations and plans to continue the project beyond the period of Federal support.

Selection Criteria

In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 75.210(b). Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For this competition, the Secretary distributes the points as follows:

Meeting the Purposes of the Authorizing Statute

(34 CFR 75.210(b)(1)). Ten points are added to this criterion for a possible total of 40 points.

Extent of Need for the Project

(34 CFR.210(b)(2)). Five points are added to this criterion for a possible total of 25 points.

For Applications or Information Contact: Luna Levinson, U.S. Department of Education, Fund for the Improvement and Reform of Schools and Teaching (FIRST) Office, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524. Telephone (202) 219–1496. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Authority: 20 U.S.C. 3151 and 3153.

Dated: March 5, 1992.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92–5566 Filed 3–9–92; 8:45 am]

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federal register

Tuesday
March 10, 1992

Part IX

Department of Education

Projects With Industry; Final Priorities and Invitation for Applications for New Awards for Fiscal Year 1992; Notices

DEPARTMENT OF EDUCATION

Projects With Industry

AGENCY: Department of Education.

ACTION: Notice of final priorities for fiscal year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 under the Projects With Industry (PWI) program. The Secretary takes this action to focus Federal financial assistance on areas of identified need under this program. These priorities are intended—(1) To increase the number of individuals with handicaps placed in occupations that meet current and future employment trends and labor market needs; and (2) To improve the wage-earning power of individuals with handicaps.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Thomas Finch, U.S. Department of Education, 400 Maryland Avenue, SW., room 3326 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 732–1347. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Grants under the Projects With Industry program are authorized by Title IV, section 621, of the Rehabilitation Act of 1973, as amended. The purposes of this program are to provide grants to promote opportunities for competitive employment of individuals with handicaps, to provide appropriate placement resources, to engage the talent and leadership of private industry as partners in the rehabilitation process, to create practical settings for job readiness and training programs, and to secure the participation of private industry in identifying and providing job opportunities and the necessary skills and training to qualify individuals with handicaps for competitive employment.

The Secretary has selected two priorities for fiscal year 1992 under the PWI program. The first priority seeks to increase the number of trained individuals with handicaps placed in occupations that reflect current and future employment trends and labor market needs. The second priority seeks to fund projects that will train and place individuals with handicaps into competitive employment in positions above the entry level or in positions that have promotion potential. Projects funded under the Projects With Industry program have demonstrated that full-time entry level employment for individuals with handicaps is possible. However, many of these projects have been unable to place individuals into competitive jobs that pay more than the minimum wage or have promotion potential. The Secretary is interested in funding projects that place individuals with handicaps in jobs above the entry level or in "career ladder" positions that will lead to better paying jobs in the same occupational category. In addition, these final priorities support AMERICA 2000, the President's strategy for helping the nation to move toward achievement of the National Education Goals. By emphasizing training that will lead to more competitive employment opportunities for individuals with handicaps, these priorities directly support national education goal five that calls for every adult American to possess the knowledge and skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

Funds have not yet been appropriated for fiscal year 1992 for the PWI program.

On August 16, 1991 the Secretary published a notice of proposed priorities for this program in the **Federal Register** (56 FR 41044).

Note: This notice of final priorities does not solicit applications. A notice inviting applications under these competitions is published in a separate notice in this issue of the **Federal Register.**

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, 11 parties submitted comments. An analysis of the comments follows.

General Comments—Comments Applying to More Than One Priority

Comments: Two commenters recommended no new priorities be established for 1992. Instead, the commenters suggested that the highest ranked unfunded applications under each of the 1991 priorities be funded in 1992. One of these commenters also stated that the two new priorities identify needs that have already been recognized by most PWIs, are adequately addressed in the PWI standards and indicators, and might limit the flexibility of the PWI program.

Discussion: The priorities for 1992 reflect the Secretary's concern that new projects under this program advance the goals of the Department's AMERICA 2000 education strategy by providing for training and placement in jobs that meet labor market needs and that offer career opportunities rather than in entry-level positions without potential for advancement. Although these two priorities are different from the 1991 priorities, there are many common requirements. Thus, unsuccessful 1991 applicants can resubmit their 1991 applications, modified as necessary to meet all of the 1992 requirements.

PWI indicators do address changes in earnings, and the Secretary recognizes that many thousands of individuals have been placed by PWIs into well-paying jobs with promotion potential. The two priorities give emphasis to the continued need for these types of placements and will not overly limit progrm flexibility.

Changes: None.

Comments: One commenter supported both priorities, but suggested establishing a priority to allow the development of model approaches to providing vocational and educational preparation services to youth in basic skills needed for employment.

Discussion: The Secretary agrees that vocational and educational preparation services are very important. An applicant under the 1992 priorities may include training for basic educational skills that will complement the services to be provided.

Changes: None.

Priority 1—Projects To Increase Placements in Occupations That Reflect Current and Future Employment Trends and Labor Market Needs

Comments: One commenter cited statistics from the 1991 U.S. Industrial Outlook to show that the 20 occupations that are growing faster than average require skills that cannot be provided by on-the-job training by PWI projects. The commenter also cited the Occupational Outlook Quarterly, U.S. Department of Labor, to show that of the 20 occupations expected to provide about 40 percent of all new jobs, only a few of them can be learned through on-the-job training and these jobs are generally low-paying and frequently lack benefits. The commenter suggested that the priority would lead to supported employment with financial reimbursement to employers, rather than emphasizing occupational skills training, an active business advisory council, and placement. The commenter stated that sufficient funding exists for programs that provide on-the-job training.

Discussion: The Secretary agrees that on-the-job training alone may not provide sufficient skills training for many high demand occupations. The intent of the proposed priority was to ensure that occupational skills training include training at the actual worksite, and not to restrict the skills training to on-the-job training. The Secretary believes that the priority needs clarification on this issue.

The Secretary also notes that the priority requires training and placement in high demand occupations addressing labor market needs in the specific geographic area served by the project, rather than broad national trends. This will ensure that local employer needs are met and that positions for which training is provided will be available.

Changes: The priority has been modified to clarify that the requirement for job skills training encompasses more than on-the-job training.

Priority 2—Projects To Increase the Wage-Earning Potential of Individuals With Handicaps

Comments: One commenter was concerned that under this priority increases in wage-earning power would be measured on a national standard. The commenter was concerned that projects from low wage areas would be penalized and suggested that earning power be evaluated on regional, State, or local norms.

Discussion: The priority states that projects must determine employer policies on salaries, promotion, and advancement. This will ensure that local conditions are recognized.

Changes: None.

Comments: One commenter, who supported Priority 1, suggested that Priority 2 would result in emphasizing PWI support for individuals with lesser disabilities; i.e., that persons with very significant disabilities, including severe intellectual disabilities, would be barred from PWI projects funded through this priority. The commenter recommended that the priority be amended to include individuals with very significant disabilities, or that a new priority be added.

Discussion: This priority emphasizes the need to train and place persons who have completed their secondary education in positions that offer salaries above the minimum wage or in career ladder positions. The compliance indicators for PWI mandate that a minimum percentage of individuals with severe handicaps be served and placed in employment. The Secretary does not believe that persons with very significant disabilities would be precluded from participating in PWI projects funded under this priority since an individual can be placed into an entry-level position if there is the potential for career development and advancement. Further, the Secretary believes that there is not necessarily a correlation between presence of a significant disability and an inability to work in jobs above entry-level positions.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

Priority 1—Projects To Increase Placements in Occupations That Reflect Current and Future Employment Trends and Labor Market Needs

Projects under this priority must provide individuals with handicaps with training in specific skills for occupations that respond to current and future employment trends and labor market needs and that lead to job placements at multiple worksites. Job skills training must include training at worksites where individuals with handicaps are expected to be subsequently employed, rather than training at simulated worksites, and training must be integrated into any existing skills training programs provided by the business or industry.

A project must direct training and placement activities to existing or projected employment needs in the area served by the project. The project must determine that the occupations for which individuals are trained and placed are or will be in demand in the area to be served and must also determine and provide the training and job skills needed for those occupations.

Projects must consult with the State Employment Security Office, conduct independent surveys, or use data from exiting surveys and statistics of local businesses to determine the occupations in demand in the project area. In addition, projects must secure information from local businesses and industry, the Dictionary of Occupational Titles, or existing studies to determine the training and job skills needed for those occupations.

Projects under this priority may be local, State, multi-State, or national in scope.

In order to maximize the benefits of the Projects With Industry program to individuals with handicaps and to the basic vocational rehabilitation services program, all projects must include cooperative planning with the State vocational rehabilitation agency or agencies in the State of the applicant.

Priority 2—Projects to Increase the Wage-Earning Potential of Individuals With Handicaps

Projects under this priority must train and place individuals with handicaps who have completed their secondary or postsecondary level education into competitive employment in positions above the entry level or in career ladder positions that have potential for promotion and will lead to better paying jobs in the same occupational category.

To ensure that individuals will be placed in these positions, a project must determine employer policies for promotion and advancement and identify the jobs to be obtained and the expected salary ranges. The project must consider the anticipated earnings of the individuals with handicaps to be served in order to meet the compliance indicator in 34 CFR 379.53(g).

In order to maximize the benefits of the Projects With Industry program to individuals with handicaps and to the basic vocational rehabilitation services program, all projects must include cooperative planning with the State vocational rehabilitation agency or agencies in the State of the applicant.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and regulations in 34 CFR part 79. The objective of the Executive order is to foster the intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations

34 CFR parts 369 and 379.

Program Authority: 29 U.S.C. 795g.

(Catalog of Federal Domestic Assistance Number 84.234, Projects With Industry)

Dated: March 5, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92–5567 Filed 3–9–92; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No. 84.234]

Projects With Industry; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To promote opportunities for competitive employment of individuals with

handicaps by engaging private industry as partners in training and placement. The Projects With Industry program advances AMERICA 2000, the President's strategy for helping the Nation move toward achievement of the National Education Goals. By emphasizing training that will lead to more competitive employment opportunities for individuals with handicaps, this program directly supports National Education Goal five that calls for every adult American to possess the knowledge and skills necessary to compete in a global economy and to exercise the rights and responsibilities of citizenship.

Eligible Applicants: Any designated State unit; industrial, business, or commercial enterprise; labor organization; employer; industrial or community trade association; rehabilitation facility; or other agency or organization with the capacity to arrange, coordinate, or conduct training and other employment programs and provide supportive services and assistance for individuals with handicaps in a realistic work setting.

Deadline for Transmittal of Applications: April 30, 1992.

Deadline for Intergovernmental Review: June 30, 1992.

Applications Available: March 16, 1992.

Available Funds: $900,000.

Estimated Range of Awards: $125,000–$175,000.

Awards are to be made in two priority areas. Specific information regarding the estimated size and number of awards for each priority appears in the chart in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85 and 86; and (b) The regulations for this program in 34 CFR parts 369 and 379.

Priorities: The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions. In addition, these competitions are subject to a statutory requirement that mandates that, in making new awards under the Projects With Industry program, priority be given to applications that propose to provide services in geographic areas among the States that are currently unserved or underserved. In accordance with this requirement in section 621(i) of the Rehabilitation Act and 34 CFR 75.105(c)(2)(i), the Secretary gives a competitive preference by awarding up to 10 points to applications that meet this geographic priority in a particularly effective way. These points are in addition to any points the application earns under the selection criteria for this program.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3332, Switzer Building, Washington, DC 20202–2649. To request an application call (202) 732–1347; to receive further information, call (202) 732–5829. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service on 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 29 U.S.C. 795g.

Dated: March 5, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

PROJECTS WITH INDUSTRY

CFDA No.	Priority areas	Estimated average size of awards	Estimated No. of awards
84.234H	Projects to increase placements in occupations that reflect current and future employment trends and labor market needs	$150,000	3
84.234J	Projects to increase the wage-earning potential of individuals with handicaps	150,000	3

[FR Doc. 92–5568 Filed 3–9–92; 8:45 am]

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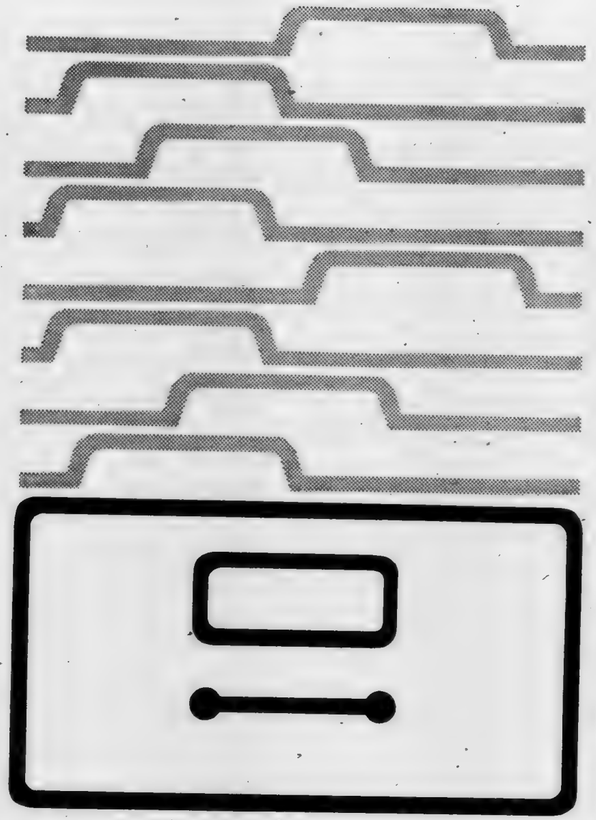

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in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1991

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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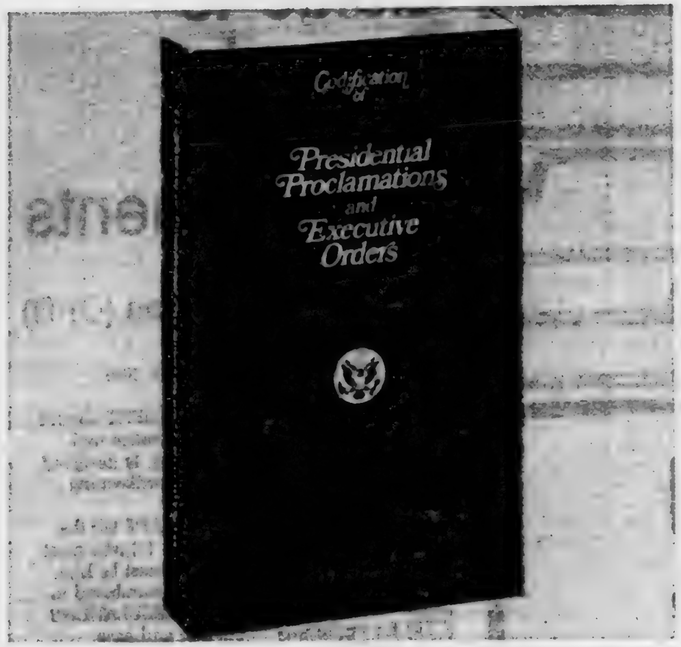

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Vol. 57 No. 48

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Wednesday
March 11, 1992

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For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
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3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

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Presidential Documents

Title 3—

The President

Presidential Determination No. 92–17 of February 26, 1992

Drawdown from Department of Defense Stocks for Counternarcotics Assistance for Mexico

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2318(a)(2) (the "Act"), I hereby determine that it is in the national interest of the United States to draw down defense articles from the stocks of the Department of Defense and defense services of the Department of Defense for the purpose of providing counternarcotics assistance to Mexico.

Therefore, I hereby direct the drawdown of up to $26 million of such defense articles from the stocks of the Department of Defense and defense services of the Department of Defense, for the purposes and under the authorities of Chapter 8 of Part I of the Act.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the Federal Register.

George Bush

THE WHITE HOUSE,
Washington, February 26, 1992.

[FR Doc. 92–5842
Filed 3–9–92; 2:31 pm]
Billing code 3195–01–M

Editorial note: For the President's remarks at the opening session of the drug summit in San Antonio, TX, and the official declaration of the drug summit, see pp. 343 and 354 of the *Weekly Compilation of Presidential Documents*.

Presidential Documents

Presidential Determination No. 92–18 of February 28, 1992

Certifications for Major Narcotics Producing and Transit Countries

Memorandum for the Secretary of State

By virtue of the authority vested in me by Section 481(h)(2)(A)(i) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2291(h)(2)(A)(i) ("the Act"), I hereby determine and certify that the following major narcotics producing and/or major narcotics transit countries/dependent territory have cooperated fully with the United States, or taken adequate steps on their own, to control narcotics production, trafficking and money laundering:

The Bahamas, Belize, Bolivia, Brazil, China, Colombia, Ecuador, Guatemala, Hong Kong, India, Jamaica, Laos, Malaysia, Mexico, Morocco, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela.

By virtue of the authority vested in me by Section 481(h)(2)(A)(ii) of the Act, 22 U.S.C. 2291(h)(2)(A)(ii), I hereby determine that it is in the vital national interests of the United States to certify the following country:

Lebanon.

Information on this country as required under Section 481(h)(2)(D), 22 U.S.C. 2291(h)(2)(D), of the Act is enclosed.

I have determined that the following major producing and/or major transit countries do not meet the standards set forth in Section 481(h)(2)(A) of the Act, 22 U.S.C. 2291(h)(2)(A):

Afghanistan, Burma, Iran and Syria.

In making these determinations, I have considered the factors set forth in Section 481(h)(3) of the Act, 22 U.S.C. 2291(h)(3), based on the information contained in the International Narcotics Control Strategy Report of 1992. Because the performance of these countries varies, I have attached an explanatory statement in each case.

You are hereby directed to report this determination to the Congress immediately and to publish it in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, February 28, 1992.

[FR Doc. 92–5647
Filed 3–9–92; 2:42 p.m.]
Billing code 3195–01–M

Editorial note: For the President's remarks at the opening session of the drug summit in San Antonio, TX, and the official declaration of the drug summit, see pp. 343 and 354 of the *Weekly Compilation of Presidential Documents*.

Rules and Regulations

Federal Register
Vol. 57, No. 48
Wednesday, March 11, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans, Interest Rates

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: The SBA is amending the regulations so that lenders which make guaranteed loans of $50,000 or less are authorized to charge a higher interest rate. This will encourage lenders to make more smaller loans to eligible business concerns. On March 18, 1991, SBA had promulgated this rule for a pilot period which expired on September 30, 1991. In evaluating the effect of the rule SBA has decided that the change did encourage the making of more smaller loans. Accordingly, SBA is re-issuing the rule as a permanent authorization.

EFFECTIVE DATE: April 10, 1992.

FOR FURTHER INFORMATION CONTACT: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: On March 18, 1991, SBA published a final rule in the **Federal Register** (56 FR 11354) which authorized lenders of SBA guaranteed loans of $50,000 and under to charge higher interest rates. Such rule was effective for loans approved through September 30, 1991, and SBA had promised to evaluate the effect of such new authority. The Agency has decided that the authorization to lenders to charge higher interest rates has resulted in a greater number of smaller loans to eligible small business concerns. Due to the success of the pilot, SBA is re-issuing the same rule as a permanent authority.

During the last six months of fiscal year 1991 the number of SBA guaranteed smaller loans totalled 1,553. This compares favorably with 1,340 smaller loans guaranteed during the first six months of the 1991 fiscal year, for an increase of 213 loans, or 15 percent in the number of smaller loans. However, the number of all SBA business loans usually increases by 10 to 20 percent in the second half of each fiscal year.

Many of the loans presently made in amounts up through $50,000 are made at interest rates below the SBA maximum permissible rate. Of the 1,553 such loans made during the second half of FY 1991, only 44 loans were made at a higher rate authorized during the pilot period. This indicates that authorizing a higher interest rate did not necessarily mean higher interest rates for small businesses as a group and, thus, did not have a deleterious effect on the vast majority of small business concerns which received loans under this program. Furthermore, it is SBA's strong belief that authorizing the possibility of a higher interest rate should enable additional small businesses to obtain access to credit. SBA's profile of its total loan portfolio demonstrates an increase of approximately 30 percent in the number of small loans made in FY 1991 as contrasted with FY 1990. SBA assumes that the pilot program may have been a contributing factor leading to such growth. In finalizing this rule, SBA will closely monitor the program to ascertain whether this assumption will prove correct and to insure that small businesses will not be adversely affected in the future by the higher authorized rate.

The law requires that the interest rate charged by an SBA participating lender be legal and reasonable. Within these parameters, the Agency has promulgated maximum interest rates which lenders must comply with in making guaranteed loans. Thus, for a variable rate loan with a maturity under seven years, the initial maximum interest rate cannot exceed 2¼ percentage points over a base rate (which is described in § 122.8–4(d) of SBA regulations). For a variable rate loan with a maturity of seven years or more, the initial maximum interest rate cannot exceed 2¾ percentage points over a base rate. A fixed rate loan uses the same percentage points over the prime rate. SBA is satisfied that when it increased the interest rate maximums for a six month pilot period which ended on September 30, 1991, lenders did make more smaller loans.

Accordingly, SBA is amending the regulations as a final rule (by re-issuing the earlier rule) so that for variable rate loans from $25,000 through $50,000 the lender is permitted to add one percentage point to the above-stated maximum. For variable rate loans less than $25,000, a lender is allowed to add two percentage points to the above maximum. For guaranteed loans carrying a fixed rate of interest, SBA, pursuant to § 122.8–3 of the regulations (13 CFR 122.8–3), will publish from time to time in the **Federal Register** the maximum rate permitted for smaller loans, adding the same percentage points described above. The use of these higher maximums for smaller loans is not mandated or required. SBA, as a matter of policy, prefers such rates to be as low as possible. In practice, the marketplace will determine the actual rate. The Agency is promulgating these changes to encourage lenders by giving them this option of a greater return for making smaller loans.

Compliance With Executive Orders 12291 and 12612, the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., and the Paperwork Reduction Act, 44 U.S.C. ch. 35

For the purposes of Executive Order 12291, SBA certifies that this rule is not a major rule since the change is not likely to result in an annual effect on the economy of $100 million or more. This is because approximately 17 percent of the Agency's portfolio consists of smaller loans, so the effect of this rule on that portion would add only one or two percentage points to their already determinable borrowing costs and that incremental increase would not approach such dollar amount.

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, SBA certifies that this final rule, though it does not constitute a major rule, will have a significant impact on a substantial number of small entities. As such, SBA offers the following Regulatory Flexibility analysis:

1. This rule to allow higher interest rates for smaller loans is being promulgated to encourage more participating lenders to make such loans to eligible businesses.

2. The legal basis for this regulation is sections 5(b) (6) and 7(a) of the Small

Business Act, as amended, 15 U.S.C. 634(b)(6) and 636(a).

3. This regulation will apply to small business borrowers who receive SBA guaranteed loans of $50,000 or less. Currently such loans account for approximately 17 percent of SBA's total loan portfolio. While it is not possible to determine the exact number of small business concerns which will receive such loans in the future, the purpose of this regulation is to increase the number of smaller loans to eligible concerns. As noted above, during the approximately six months the lenders were allowed to charge higher rates in fiscal 1991, there was an increase of 15 percent in the number of smaller loans. It is expected that this rule would be applicable to approximately 20 percent of SBA's borrowers.

4. This regulation will impose no new reporting, recordkeeping, or other compliance requirements.

5. There are no Federal rules which duplicate, overlap, or conflict with this rule.

6. Three alternative proposals were considered in promulgation of this rule. The first alternative was to allow lenders to retain the guaranty fee charged to borrowers, but the statute does not authorize this. The second alternative was to simplify the forms used for the small loan program. SBA has been pursuing this course and plans to continue the process. However, this by itself, will not substantially increase the number of small loans. The third alternative was for SBA to take no action. SBA decided that this was not acceptable since the trend towards smaller loans was not growing as quickly as the Agency had anticipated during the period in which there existed statutory authority for the lenders to retain one half of the guaranty fees. Therefore, SBA is promulgating this rule.

This final rule would not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35.

This rule would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

List of Subjects in 13 CFR Part 122

Loan programs/business, Small businesses.

In light of the foregoing, SBA amends part 122, chapter I, title 13, Code of Federal Regulations, as follows:

PART 122—BUSINESS LOANS

1. The authority citation for part 122 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a).

2. Paragraph (g) of § 122.8–4 is revised to read as follows:

§ 122.8–4 Variable (fluctuating) rate.

* * * * *

(g) *Higher interest rates for smaller loans.* For a variable rate loan from $25,000 through $50,000, the maximum interest rate described above may be increased by one percentage point. For a variable rate loan of $25,000 or less, the maximum interest rate described above may be increased by two percentage points.

* * * * *

(Catalogue of Federal Domestic Assistance Programs No. 59.012, Small Business Loans)

Dated: January 7, 1992.

Patricia Saiki,

Administrator.

[FR Doc. 92-5353 Filed 3-10-92; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-61-AD; Amendment 39-8200; AD 92-07-04]

Airworthiness Directives; British Aerospace (BAe), Regional Aircraft Limited, HP 137Mk1, Jetstream Models 200, 3101, and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 90-12-14, which currently requires a modification to the detent ball catch of the flap and main landing gear selector valve on BAe, Regional Aircraft Limited, HP 137Mk1, Jetstream Models 200, 3101, and 3201 airplanes. This action will retain the modification required by AD 90-02-14 and will require repetitive inspections of the flap and main landing gear hydraulic emergency selector valve for excessive torque, and repair if excessive torque is found. The Federal Aviation Administration (FAA) has received several reports of the operators of the affected airplanes using excessive force to operate the flap and main landing gear hydraulic emergency selector valve handle. The actions specified by this AD are intended to prevent landing gear or flap extension malfunction during operation of the emergency hydraulic system.

DATES: Effective April 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from either British Aerospace, Regional Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; Telephone (703) 435-8100; Facsimile (703) 435-2628; and AP Precision Hydraulics Ltd., P.O. Box 1, Shaw Road, Speke, Liverpool, England, L24 9JY; Telephone (44-51) 486-2121; Facsimile (44-51) 486-2226. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Project Manager, Brussels Aircraft Certification Office, Europe, Africa, Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 322.513.38.30 extension 2710; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain BAe, Regional Aircraft Limited, HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes was published in the **Federal Register** on October 29, 1991 (56 FR 55638). The action proposed to supersede AD 90-02-14 with a new AD that would 1) retain the modification to the detent ball catch of the flap and main landing gear hydraulic emergency selector valve that is required by AD 90-02-14; and 2) require repetitive inspections of the flap and main landing gear hydraulic emergency selector valve for excessive torque, and repair if excessive torque is found. The proposed actions would be done in accordance with BAe Alert Service Bulletin (SB) 29-A-JA861143, dated February 24, 1989; AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991; and BAe SB 29-JA 901242, dated June 18, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule and no comments were received on the FAA's determination of the cost to the public. Since the issuance of the NPRM, British Aerospace has revised pages 1 and 4 of BAe SB 29-JA 901242, dated June 18, 1991, Revision 1, dated September 25, 1991; and AP Precision Hydraulics Ltd. has revised page 4 of SB 8679-29-02, dated April 1991, Revision 1, dated August 1991. The FAA has determined that these revisions to the service information should be incorporated into the AD. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the revisions in the service information described above and minor editorial corrections. The FAA has determined that these corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 233 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 5 hours per airplane to accomplish the required actions (approximately 4 hours for the actions of AD 90-02-14, which will be superseded by this action, and 1 hour for the additional actions), and that the average labor rate is approximately $55 an hour. Parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $64,075. This action only poses an additional cost impact of $12,815 (1 hour times $55 times 233 airplanes) than that which is already required by AD 90-02-14 (4 hours times $55 times 233 airplanes), which will be superseded by this action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 90-02-14, Amendment 39-6434 (55 FR 257, January 4, 1990), and adding the following new AD:

92-07-04 British Aerospace (BAe), Regional Aircraft Limited: Amendment 39-8200; Docket No. 91-CE-61-AD. Supersedes AD 90-02-14, Amendment 39-6434.

Applicability: HP 137 Mk1, Jetstream Models 200, 3101, and 3201 airplanes (all serial numbers), certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent landing gear or flap extension malfunction during operation of the emergency hydraulic system, accomplish the following:

(a) Within the next 600 hours time-in-service (TIS) after February 5, 1990 (the effective date of AD 90-02-14, Amendment 39-6434), modify the detent ball catch of the emergency gear and flap extension hydraulic system selector valve in accordance with the instructions in BAe Alert Service Bulletin (SB) 29-A-JA861143, dated February 24, 1989.

(b) Upon the accumulation of 1,600 hours TIS, or within the next 200 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1,800 hours TIS, accomplish the following:

(1) Modify the emergency gear and flap extension hydraulic system valve in accordance with paragraphs A.(1) through A.(5) of the "Accomplishment Instructions" in BAe SB 29-JA 901242, dated June 18, 1991, Revision 1, dated September 25, 1991.

(2) Measure for excessive torque in accordance with paragraphs A.(1) through A.(3) of the "Accomplishment Instructions" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, Revision 1, dated August 1991.

(i) If torque is not found excessive in accordance with paragraph A.(4) of the "Accomplishment Instructions" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, Revision 1, dated August 1991, prior to further flight, release the safety catch and perform paragraphs A.(7) through A.(10) of the "Accomplishment Instructions" in BAe SB 29-JA 901242, dated June 18, 1991, Revision 1, dated September 25, 1991.

(ii) If excessive torque is found in accordance with paragraph A.(4) of the "Accomplishment Instructions" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, Revision 1, dated August 1991, prior to further flight, recondition the selector valve as specified in paragraph A.(5) of the "Accomplishment Instructions" in AP Precision Hydraulics Ltd. SB 8679-29-02, dated April 1991, Revision 1, dated August 1991, release the safety catch, and perform paragraphs A.(7) through A.(10) of the "Accomplishment Instructions" in BAe SB 29-JA 901242, dated June 18, 1991, Revision 1, dated September 25, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) The inspections and modifications required by this AD shall be done in accordance with BAe Alert Service Bulletin 29-A-JA861143, dated February 24, 1989; BAe Service Bulletin 29-JA 901242, which incorporates the following pages:

Pages	Level	Date
2, 3, 5, and 6	Original	June 18, 1991.
1 and 4	Revision 1	Sept. 25, 1991.

and AP Precision Hydraulics Ltd. Service Bulletin 8679-29-02, which incorporates the following pages:

Pages	Level	Date
1, 2, and 3	Original	April 1991.
4	Revision 1	August 1991.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Regional Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; and AP Precision Hydraulics Ltd., P.O. Box 1, Shaw Road, Speke, Liverpool, England, L24 9JY. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the

Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(f) This amendment (39-8300) supersedes AD 90-02-14, Amendment 39-6494.

(g) This amendment (39-8300) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5689 Filed 3-10-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-CE-35-AD; Amendment 39-8103; AD 92-07-07]

Airworthiness Directives; Eiriavion Models PIK-20 and PIK-20B Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Eiriavion Models PIK-20 and PIK-20B sailplanes that are equipped with lead mass balance strips on the flaps and ailerons. This AD action will require inspections of the lead mass balance strips on the flaps and ailerons for cracks, and replacement if found cracked. The flap mass balance weight cracked on two of the affected sailplanes and separated from one of these sailplanes, which caused in-flight aileron control restrictions. The actions specified by this AD are intended to prevent loss of control of the sailplane because of interference to the ailerons.

EFFECTIVE DATE: April 30, 1992.

ADDRESSES: Information that is related to this AD may be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Program Manager, Brussels Aircraft Certification Staff, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 322.513.38.30 extension 2710; or Mr. Herman Belderok, Project Officer, Small Airplane Directorate, Aircraft Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Eiriavion Models PIK-20 and PIK-20B sailplanes that are equipped with lead mass balance strips on the flaps and ailerons was published in the **Federal Register** on June 26, 1991 (56 FR 29198). The action proposed inspections of the lead mass balance strips on the flaps and ailerons, and replacement if found cracked.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 61 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $13,420.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-07-07 Eiriavion: Amendment 39-8103; Docket No. 91-CE-35-AD.

Applicability: Models PIK-20 and PIK-20B sailplanes (all serial numbers) that are equipped with lead mass balance strips on the flaps and ailerons, certificated in any category.

Compliance: Required within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 500 hours TIS.

To prevent interference to the ailerons that could result in loss of control of the sailplane, accomplish the following:

(a) Remove the flaps and ailerons and inspect the lead mass balance strips for cracks using a 10-power magnifying glass.

Note 1: Particular attention should be given to the attachment rivets during the inspections specified in paragraph (a) of this AD.

Note 2: If the sailplane is not equipped with mass balance strips on the flaps and ailerons, then no further action is required by this AD.

(b) If cracking is detected in accordance with the inspections required by paragraph (a) of this AD, prior to further flight, fabricate and replace the mass balance strips in accordance with the following:

(1) Utilize strips made of malleable lead (not brittle or granular) that are the same weight and dimensions.

(2) Attach the strips at the same rivet holes as the cracked one and bond the lead in place with epoxy resin.

(3) Keep the counter bore holes to the minimum depth in accordance with the applicable service manual.

(4) Install washers to the rivets on the glass-reinforced plastic face.

(5) Do not increase the diameter of any rivet.

(6) Ensure that the final mass balance of each flap and aileron complies with the applicable service manual.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Staff, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Staff.

(e) All persons affected by this directive may examine information that is related to this AD upon request to the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment (39-8103) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5688 Filed 3-10-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, and 558

Roxarsone et al; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for eight new animal drug applications (NADA's) from Solvay Animal Health, Inc., to A. L. Laboratories, Inc. FDA is also amending the regulations to remove references to the DOW Chemical Co. because it is no longer the sponsor of any approved NADA's.

EFFECTIVE DATE: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8646.

SUPPLEMENTARY INFORMATION: Solvay Animal Health, Inc., 1201 Northland Dr., Mendota Heights, MN 55120, has informed FDA that it has transferred ownership of, and all rights and interests in, the following approved NADA's to A. L. Laboratories, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024:

NADA number	Ingredient	Product name
005-414	Roxarsone	REN-O-SAL Tablets.
007-616	Nitarsone	HISTOSTAT 50.
007-891	Roxarsone	3-NITRO Type A Articles.
011-116	Zoalene	ZOAMIX Coccidiostat.
012-680	Nystatin	MYCOSTATIN 20.
013-747	Zoalene	Zoalene 90.
048-868	Penicillin	Penicillin G Procaine Type A Articles.
093-025	Roxarsone	3-NITRO W.

The agency is amending the regulations in 21 CFR parts 510, 520, and 558 to reflect this change of sponsor.

In addition, FDA had been previously informed by Solvay Animal Health, Inc., and the Dow Chemical Co. of the transfer of NADA's 11-116 and 13-747 for zoalene to Solvay Animal Health, Inc. Inadvertently, several entries in § 558.15 (21 CFR 558.15) were not amended to replace the Dow Chemical Co. with Solvay Animal Health, Inc., as the sponsor. At this time, § 558.15 is amended to remove the Dow Chemical Co. and to add A. L. Laboratories, Inc., in its place. Since the Dow Chemical Co. is no longer the sponsor of any NADA's, 21 CFR 510.600 is amended to remove the entries "The Dow Chemical Co." and "025700."

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 520

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and Drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry for "The Dow Chemical Co.," and in the table in paragraph (c)(2) by removing the entry for "025700".

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.2087 [Amended]

4. Section 520.2087 *Roxarsone soluble powder* is amended in paragraph (b) by removing the number "053501" and replacing it with "046573".

§ 520.2088 [Amended]

5. Section 520.2088 *Roxarsone tablets* is amended in paragraphs (a)(2) and (b)(2) by removing the number "053501" and replacing it with "046573".

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

6. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

§ 558.15 [Amended]

7. Section 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* is amended in the table of paragraph (g)(2), under the heading "Drug sponsor," by removing "Dow Chemical Co." and "Solvay Animal Health, Inc." and replacing them with "A. L. Laboratories, Inc."

§ 558.58 [Amended]

8. Section 558.58 *Amprolium and ethopabate* is amended in the table of paragraph (d)(1), in entry (ii), under the heading "Limitations" in the 1st and 4th items and in entry (iii) under the heading "Limitations" in the 5th, 6th, 7th, and 10th items by removing "053501" and replacing it with "046573".

§ 558.95 [Amended]

9. Section 558.95 *Bambermycins* is amended in paragraphs (b)(1)(iii)(*b*), (b)(1)(iv)(*b*), (b)(1)(v)(*b*), (b)(1)(vii)(*b*), (b)(1)(ix)(*b*), (b)(1)(x)(*b*), and (b)(1)(xi)(*b*) by removing "053501" and replacing it with "046573".

§ 558.105 [Amended]

10. Section 558.105 *Buquinolate* is amended in paragraph (d)(1)(ix)(*b*) by removing "053501" and replacing it with "046573".

§ 558.195 [Amended]

11. Section 558.195 *Decoquinate* is amended in the table of paragraph (d), in the first entry, under the heading "Limitations" in the sixth item by removing "053501" and replacing it with "046573".

§ 558.311 [Amended]

12. Section 558.311 *Lasalocid* is amended in the table in paragraph (e)(1), in entry (ii), under the heading "Limitations" in the first, second, third, fourth and fifth items by removing "053501" and replacing it with "046573".

§ 558.355 [Amended]

13. Section 558.355 *Monensin* is amended in paragraphs (f)(1)(x)(*b*), (f)(1)(xi)(*b*), (f)(1)(xii)(*b*), (f)(i)(xv)(*b*), (f)(1)(xvi)(*b*), (f)(1)(xviii)(*b*), (f)(1)(xix)(*b*), (f)(1)(xx)(*b*), and (f)(1)(xxiii)(*b*) by removing "053501" and replacing it with "046573".

§ 558.363 [Amended]

14. Section 558.363 *Narasin* is amended in paragraph (c)(1)(v)(B) by removing "053501" and replacing it with "046573".

§ 558.369 [Amended]

15. Section 558.369 *Nitarsone* is amended in paragraph (a) by removing "053501" and replacing it with "046573".

§ 558.430 [Amended]

16. Section 558.430 *Nystatin* is amended in paragraph (a) by removing "053501" and replacing it with "046573".

§ 558.515 [Amended]

17. Section 558.515 *Robenidine hydrochloride* is amended in paragraph (d)(1)(ii)(*b*) by removing "053501" and replacing it with "046573".

§ 558.530 [Amended]

18. Section 558.530 *Roxarsone* is amended in paragraph (a)(2) by removing 053501" and replacing it with "046573".

§ 558.680 [Amended]

19. Section 558.680 *Zoalene* is amended in paragraph (a) by removing "053501" and replacing it with "046573".

Dated: March 4, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-5680 Filed 3-10-92; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AE92

Reduction Because of Hospitalization

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) is correcting an error in its adjudication regulations on reductions of pensions of certain veterans receiving institutional care which appeared in the Federal Register on December 19, 1991 (56 FR 65846-51).

EFFECTIVE DATE: February 1, 1990.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: On June 3, 1991, VA amended 38 CFR 3.551 by adding a new paragraph (h) (56 FR 25043-45). This amendment was made to implement section 8003 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, which amended 38 U.S.C. 5503 (formerly 3203) to require the reduction of pension benefits to $90 per month when a veteran, who has neither spouse nor child, is receiving Medicaid-covered nursing home care. When publishing the subsequent amendment to § 3.551 on December 19, 1991, VA failed to redesignate the paragraph described above as new paragraph (i).

PART 3—[CORRECTED]

The following correction is made to FR Doc. 91-30274 published December 19, 1991 (56 FR 65848):

1. In the third column on page 65849, the amendatory language for number 4 is corrected to read as follows:

"4. In § 3.551 paragraphs (d), (f), (g) and (h) are redesignated as (f), (g), (h), and (i) respectively, a new paragraph (d) is added, paragraph (e) is revised, and the introductory text of redesignated paragraph (h)(1) is revised to read as follows:"

Dated: March 3, 1992.

B. Michael Berger,

Director, Records Management Service.

[FR Doc. 92-5375 Filed 3-10-92; 8:45 am]

BILLING CODE 8320-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility: Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule; revised appendix.

SUMMARY: The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the official Federal Poverty Income Guidelines as issued by the Department of Health and Human Services.

EFFECTIVE DATE: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, Legal Services Corporation, 400 Virginia Avenue, SW., Washington, DC 20024-2571; 202-863-1823.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2) requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income. Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the official Federal Poverty Income Guidelines as set by the Office of Management and Budget. Responsibility for revision of the official Federal Poverty Income Guidelines was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1992 equivalent to 125% of the current official Poverty Income Guidelines as set out at 57 FR 5455-57 (Feb. 14, 1992) are set forth below:

List of Subjects in 45 CFR Part 1611

Legal services.

PART 1611—ELIGIBILITY

1. The authority citation for part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of part 1611 is revised to read as follows:

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION POVERTY GUIDELINES*

Size of family	All States but Alaska and Hawaii [1]	Alaska [2]	Hawaii [3]
1	$8513	10625	9763
2	11488	14350	13213
3	14463	18075	16638
4	17438	21800	20063
5	20413	25525	23488
6	23388	29250	26913
7	26363	32975	30338
8	29338	36700	33763

* The figures in this table represent 125% of the poverty income level by family size as determined by the Department of Health and Human Services.

[1] For family units with more than eight members, add $2975 for each additional member in a family.

[2] For family units with more than eight members, add $3725 for each additional member in a family.

[3] For family units with more than eight members, add $3425 for each additional member in a family.

Dated: March 3, 1992.

Victor M. Fortuno,

General Counsel.

[FR Doc. 92-5605 Filed 3-10-92; 8:45 am]

BILLING CODE 7050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1 and 43

[CC Docket No. 91-22; FCC 91-424]

International Common Carriers' Annual Traffic and Revenue Reports

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule making process revises the annual traffic and revenue information international carriers file. The section of the Rules providing for these reports is revised. Some requirements are eliminated and others are reduced. Service with three international points is added to the reports. A filing manual will be issued describing the detailed reporting requirements.

This document modernizes, simplifies and streamlines reporting requirements and eliminates obsolete requirements.

EFFECTIVE DATE: May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Stanley, Industry Analysis Division, Common Carrier Bureau, (202) 632-0745.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in CC Docket No. 91-424, adopted December 24, 1991, and released February 12, 1992.

The full texts of Commission decisions are available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of the Report and Order may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1114 21 Street, NW., Washington, DC 20036.

Paperwork Reduction

Public reporting burden for the collection of information is estimated to average 12.1 hours per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these burden estimates or any other aspect of the collections of information, including suggestions for reducing the burden, to the Federal Communications Commission, Information and Records Management Branch, room 416, Paperwork Reduction Project, Washington, DC 20554 and to the Office of Management and Budget, Paperwork Reduction Project, (3060-0106), Washington, DC 20503.

Summary of Report and Order

1. The Report and Order revises § 43.61 of the Commission's Rules and Regulations that contain requirements for international common carriers' annual traffic and revenue reports. It restates the existing detailed reporting requirements in generic terms so that the requirements can be more easily adapted to changes in the international communications industry. It directs the Chief of the Common Carrier Bureau to issue a filing manual, to be adopted after a notice and comment period, containing the detailed reporting instructions. The manual will eliminate information that is no longer necessary and services that are obsolete.

2. The Report and Order expands the scope of Section 43.61 to include information on service that is not currently submitted by carriers. The points are Canada, Mexico, and St. Pierre-Miquelon.

3. The Report and Order substantially reduces the information that pure resellers include in their reports. In order to reduce the reporting burden on resellers but still collect relevant information on their international service, pure resellers will be required to file summary data of their international service rather than the detailed data submitted by other carriers.

4. Finally, the Report and Order adds two reporting categories for private line service to reduce confusion over the information currently submitted. It also includes a definition of minutes of telephone service to be used by all carriers to compile their reports. This insures uniformity of the reported data.

Ordering Clauses

According, *it is ordered* that pursuant to authority contained in sections 4(i), 4(j), 219, 220(a), 303(r), 403 and 404 of the Communications Act of 1934, as amended, 47 U.S.C., 154(i), 154(j), 219, 220(a), 303(r), 403 and 404, that parts 0, 1 and 43 are amended as set forth below.

It is further ordered that the Chief, Common Carrier Bureau is delegated authority to issue and subsequently revise a filing manual for the annual international communications service traffic and revenue reports.

It is further ordered that this *Report and Order* will be effective May 1, 1992.

It is further ordered that this proceeding *is terminated.*

List of Subjects

47 CFR Part 0

Reporting and recordkeeping requirements.

47 CFR Part 1

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

Telegraph and telephone carriers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Parts 0, 1 and 43 of title 47 of the Code of Federal Regulations are amended as follows:

PART 0—[AMENDED]

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Part 0.291(h) is revised to read as follows:

§ 0.291 Authority delegated.

* * * * *

(h) Authority concerning Rule Making and investigatory proceedings. The Chief, Common Carrier Bureau shall not have authority to issue notices of Proposed Rulemaking, notices of inquiry or to issue reports or orders arising from either of the foregoing, except that the Chief, Common Carrier Bureau shall have authority to issue and revise a manual on the details of the reporting requirements for international common carriers set forth in § 43.61(d) of this chapter.

* * * * *

PART 1—[AMENDED]

3. The authority citation for part 1 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended, 47 U.S.C. 154, 303, implement 5 U.S.C. 552 unless otherwise noted.

4. Section 1.790 is revised to read as follows:

§ 1.790 Reports relating to traffic by international carriers.

Carriers shall file periodic reports regarding international point-to-point

traffic as required by part 43 of this chapter.

PART 43—[AMENDED]

5. The authority citation for part 43 continues to read as follows:

Authority: Secs. 4, 48, 48 Stat. 1066, as amended, 47 U.S.C. 154 unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

6. Section 43.61 is revised to read as follows:

§ 43.61 Reports of international telecommunications traffic.

(a) Each common carrier engaged in providing international telecommunications service between the area comprising the continental United States, Alaska, Hawaii, and off-shore U.S. points and any country or point outside that area shall file a report with the Commission not later than July 31 of each year for service actually provided in the preceding calendar year.

(b) The information contained in the reports shall include actual traffic and revenue data for each and every service provided by a common carrier, divided among service billed in the United States, service billed outside the United States, and service transiting the United States.

(c) Each common carrier shall submit a revised report by October 31 identifying and correcting any inaccuracies included in the annual report exceeding five percent of the reported figure.

(d) The information required under this section shall be furnished in conformance with the instructions and reporting requirements prepared under the direction of the Chief, Common Carrier Bureau, prepared and published as a manual.

[FR Doc. 92-5563 Filed 3-10-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-264; RM-6933, RM-6812, RM-6741]

Radio Broadcasting Services; Chariton, Bloomfield and Melcher, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292C3 for Channel 292A at Bloomfield, Iowa and modifies the license of Station KXOF-FM, Bloomfield, Iowa, to specify operation of Channel 292C3. This document also substitutes Channel 287C2 for Channel 288A at Chariton, Iowa, and modifies the license of Station KELR-FM, Chariton, Iowa, to specify operation on Channel 287C2. See 54 FR 28077, published July 7, 1989. Finally, this document dismisses a petition for rule making for a Channel 291A allotment for Melcher, Iowa. The reference coordinates for the Channel 292C3 allotment at Bloomfield, Iowa, are 40-44-40 and 92-22-19. The reference coordinates for the Channel 287C2 allotment at Chariton, Iowa, are 41-00-50 and 93-17-23. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-264, adopted February 27, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 288A and adding Channel 287C2 at Chariton, and removing Channel 292A and adding Channel 292C3 at Bloomfield.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5725 Filed 3-10-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-555; RM-7453]

Radio Broadcasting Services; Mineral Wells and Winters, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Jerry Snyder and Associates, Inc., substitutes Channel 240C1 for Channel 240C3 at Mineral Wells, Texas, and modifies the license of Station KYXS-FM to specify operation on the higher powered channel. To accommodate the allotment of Channel 240C1 to Mineral Wells, the Commission also substitutes Channel 241A for Channel 240A at Winters, Texas. See 55 FR 49096, November 26, 1990. Both channels can be allotted in compliance with the Commission's minimum distance separation requirements. Channel 240C1 at Mineral Wells has a site restriction of 14.2 kilometers (8.8 miles) south to accommodate petitioner's desired site. The coordinates for Channel 240C1 are 32-41-06 and 98-09-32. Channel 241A can be allotted to Winters at the city reference coordinates. The coordinates for Channel 241A are 31-57-36 and 99-57-54. Mexican concurrence has been obtained for the allotment of Channel 241A at Winters, Texas. With this station, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-555, adopted February 25, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 240C3 and adding Channel 240C1 at Mineral Wells, and by removing Channel 240A and adding Channel 241A at Winters.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5722 Filed 3-10-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 91-323; RM-7850]

Radio Broadcasting Services; Clarksville, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Clarksville Broadcasting Company, Inc., licensee of Station WLCQ-FM, Channel 252A, Clarksville, Virginia, substitutes Channel 252C3 for Channel 252A at Clarksville, and modifies Station WLCQ-FM's license to specify operation on the higher powered channel. See 56 FR 58864, November 12, 1991. Channel 252C3 can be allotted to Clarksville in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.3 kilometers (11.4 miles) northwest to accommodate Clarksville Broadcasting's desired site. The coordinates for Channel 252C3 are 36-42-30 and 78-44-00. With this section, this proceeding is terminated.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is synopsis of the Commission's Report and Order, MM Docket No. 91-323, adopted February 28, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by removing Channel 252A and adding 252C3 at Clarksville.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-5721 Filed 3-10-92; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Ost Docket No. 1; Amdt. 1-248]

Delegations of Authority to the Commandant, U.S. Coast Guard; the Maritime Administrator; and the Research and Special Programs Administrator

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation has delegated to the Commandant, United States Coast Guard; Administrator, Maritime Administration; and Administrator, Research and Special Programs Administration, the authority vested in him by the Oil Pollution Act of 1999 (OPA 90) and additional authority vested in the President by OPA 90 and delegated to him by Executive Order No. 12777. The purpose of this rulemaking is to revise, remove and amend sections of 49 CFR part 1 to reflect these delegations.

EFFECTIVE DATE: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Sullivan, C-MS-1, (202) 267-6404, Oil Pollution Act (OPA 90) Staff, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

Mr. Steven Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C-50 (202) 366-9306, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: In response to several major oil spills, Congress passed OPA 90 (Pub. L. 101-380, August 18, 1990, 104 Stat. 484) in order to prevent, respond to, and pay for oil and hazardous substance spills. Prevention includes containment. OPA 90 increases the liability of ship operators and owners for oil spill clean up and damage costs, sets up an oil spill trust fund for additional spill costs, mandates double hulls for oil tankers and barges, and strengthens federal authority to direct cleanups of oil spills. The Secretary receives increased authority under OPA 90 and Executive Order 12777 to promulgate regulations to protect the environment from oil and hazardous substance spills during transportation by vessels, motor vehicle, railway or pipeline. With two exceptions, the authority given directly under OPA 90 or in E.O. 12777 is delegated to the Commandant, United States Coast Guard; Administrator, Maritime Administration; and Administrator, Research and Special Programs Administration. Those exceptions are: (1) The authority under E.O. 12777 to require, review, and approve response plans for pipelines, motor carriers, and railways; and (2) the authority under OPA 90 to adjust liability limits for vessels, deepwater ports, pipelines, motor carriers, and railways. Both will be delegated at a later date.

Because this rulemaking, which makes changes that are necessary to reflect the delegations under OPA 90 and E.O. 12777, relates to Departmental management, notice and comment on it are unnecessary and it may be made effective in fewer than thirty days after publication in the **Federal Register**. Therefore, this final rule was effective March 3, 1992, the date the delegations were signed.

The revisions, removals and additions to the regulations in 49 CFR part 1 are organized in the following manner:

Subsections 1.44(o)(6) and 1.44(p) are removed because they refer to authority under Executive Orders that are repealed by Executive Order 12777.

Section 1.46(l) is revised by removing references to repealed sections of the Federal Water Pollution Control Act (33 U.S.C. 1321) and by making reference to the sections added by the Oil Pollution Act of 1990 (104 Stat. 484).

Section 1.46(m) is revised because it contained authority under repealed Executive Orders. The revised section 1.46(m) delegates authority given to the Secretary by the President in Executive Order 12777.

Section 1.46(z) is revised by removing references to sections of the Outer Continental Shelf Lands Act that have been repealed by OPA 90.

Section 1.46(ll) is revised because it contained authority under a repealed Executive Order. The revised paragraph reflects the delegation of authority given to the Secretary by OPA 90.

Sections 1.53(k) and 1.66(y) are added to reflect new authority under Executive Order 12777 and OPA 90.

In accordance with the Secretary's authority, the following changes are made.

List of Subjects in 49 CFR Part 1

Authority delegations, (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

1. The authority citation for Part 1 continues to read as follows:

Authority: 49 U.S.C. 322.

§ 1.44 [Amended]

2. Section 1.44 is amended by removing and reserving paragraphs (o)(6) and (p).

3. Section 1.46 is amended by revising paragraphs (l), (m), (z), and (ll) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(l) Carry out the functions vested in the Secretary by sections 104(i), 104(j), 311(b), 311(j) (2) and (3), 311(m)(2), 312, and 402(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1321), as amended by the Oil Pollution Act of 1990 (August 18, 1990; Pub L. 101–380; 104 Stat. 484), and sections 4202(b) (2) and (3) of the Oil Pollution Act of 1990.

(m) Carry out the functions assigned to the Secretary by Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 1(b), 2(a), 2(b)(2), 2(c), 2(d)(2), 2(e)(2), 2(f), 2(g)(2), 3, 5(a)(2), 5(b)(1), 5(b)(3), 6, 7(a) (1) and (3), 7(b), 7(c), 7(d), 8(d), 8(f), 8(g), 8(h), 9, and 10(c), excepting that portion of section 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent and to contain discharges of oil and hazardous substances from pipelines, motor carriers, and railways; and further excepting that portion of 2(d)(2) relating to response plans concerning discharges from pipelines, motor carriers, and railways.

* * * * *

(z) Carry out the functions vested in the Secretary by the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et. seq.*), as amended, title VI of the Outer Continental Shelf Lands Act Amendments of 1978 (September 18, 1978; Pub. L. 95–372; 92 Stat. 629), except as delegated by § 1.53(a)(6).

* * * * *

(ll) Carry out the functions vested in the Secretary by sections 1015(b), 1016, 4107(b), 4109, 4110, 4111, 4114(a), 4115(b), 4115(e), 4116(c), 4118, 4203, 5002(c)(4), 5002(l), 5002(k), 5003, 5004, 5005(a)(5), 7001(a), 7001(b)(2) and 7001(c) (6) and (11) of the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101–380; 104 Stat. 484). (See 49 CFR 1.53 and 1.66).

* * * * *

4. Section 1.53 is amended by adding a new paragraph (k) to read as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

* * * * *

(k) Carry out the functions and exercise the authority delegated to the Secretary in Executive Order 12777 (3 CFR, 1991 Comp.; 56 FR 54757) in sections 2(b)(2) relating to the establishment of procedures, methods, and equipment and other requirements for equipment to prevent discharges from, and to contain oil and hazardous substances in, pipelines, motor carriers, and railways. (See 49 CFR part 1.46 and 1.66)

5. Section 1.66 is amended by adding new paragraph (y) to read as follows:

§ 1.66 Delegations to the Administrator of the Maritime Administration

* * * * *

(y) Carry out the functions vested in the Secretary by the Oil Pollution Act of 1990 (August 18, 1990; Pub. L. 101–380; 104 Stat. 484) in sections 4115(f) relating to vessel financing and 4117 relating to a feasibility study of an oil pollution prevention program. (See 49 CFR 1.46 and 1.53).

Issued on: March 3, 1992.

Andrew H. Card, Jr.,

Secretary.

[FR Doc. 92–5378 Filed 3–10–92; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 920357-2057]

Summer Flounder Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: An emergency interim rule that contains several provisions to enhance conservation of summer flounder and protect threatened and endangered sea turtles is in effect through March 5, 1992. The emergency interim rule provides for minimum net mesh-size restrictions for the trawl fishery, exemptions to the minimum mesh-size restriction, and framework management for the conservation of sea turtles taken incidentally in the summer flounder fishery. The Secretary of Commerce (Secretary) extends the emergency interim rule for an additional 90 days from March 6, through June 3, 1992, because conditions warranting the emergency still exist.

EFFECTIVE DATE: The interim regulations amending part 625 published on December 5, 1991 (56 FR 63685, as corrected at 56 FR 66603, December 24, 1991; revised at 57 FR 213, January 3, 1992; and corrected at 57 FR 4248, February 4, 1992) are extended from March 6, 1992 through June 3, 1992.

ADDRESSES: Copies of the environmental assessment may be obtained from Richard B. Roe, Regional Director, National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930–3799.

FOR FURTHER INFORMATION CONTACT: Richard G. Seamans, Jr., Senior Resource Policy Analyst, 508–281–9244, or Phil Williams, NMFS National Sea Turtle Coordinator, 301–713–2322.

SUPPLEMENTARY INFORMATION: Under section 305 (c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary promulgated an emergency interim rule (56 FR 63685; December 5, 1991) that implemented (1) A minimum mesh size restriction for nets in the trawl fishery for summer flounder, (2) several exemptions from the minimum mesh size restriction, and (3) framework measures to protect sea turtles that sometimes occur as bycatch or may be affected by the summer flounder trawl fishery. The emergency rule was effective from December 2, 1991, through March 5, 1992. Since then, a correction to the rule (56 FR 66603, December 24, 1991), a notice to revise tow-time requirements (57 FR 213; January 3, 1992) and a correction to that notice (57 FR 4248; February 4, 1992) have also been published in the **Federal Register**. With the agreement of the Mid-Atlantic Fishery Management Council, the Secretary extends the emergency interim rule for another 90 days under section 305(c)(3)(B) of the Magnuson Act, because conditions warranting the emergency still exist. The emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in section 8(a)(1) of that order. This rule was reported to the Director of the Office of Management and Budget with an explanation of why following procedures of that order was not possible.

List of Subjects in 50 CFR Part 625

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: March 5, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 92–5645 Filed 3–5–92; 5:09 pm]

BILLING CODE 3510-22-M

50 CFR Part 672

[Docket No. 911176-2016]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS has established a directed fishing allowance and is prohibiting directed fishing for Pacific ocean perch in the Central and Western Regulatory areas of the Gulf of Alaska (GOA). This action is necessary to prevent the total allowable catch (TAC) for Pacific ocean perch in the Central and Western Regulatory areas from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving Pacific ocean perch stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 6, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, (907) 586–7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is TAC, as defined at § 672.20(a)(2). Under the final notice of specifications (57 FR 2844, January 24, 1992), the amount apportioned to Pacific ocean perch for the Western Regulatory area was 1,470 metric tons (mt) and for the Central Regulatory area was 1,561 mt.

Under § 672.20(c)(2), the Director, Alaska Region, NMFS (Regional Director), has determined that the amount of Pacific ocean perch apportioned to both the Central and the Western Regulatory areas will soon be reached. The Regional Director has established a directed fishing allowance of 1,400 mt for the Central Regulatory area and 1,400 mt for the Western Regulatory area. The Regional Director is setting aside the remaining 70 mt in the Western Regulatory area and the remaining 161 mt in the Central Regulatory area of the current apportionment as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishery soon will catch its allowance. Consequently, under § 672.20(c)(2), NMFS is prohibiting directed fishing for Pacific ocean perch in the Central and Western Regulatory areas, effective from 12 noon, A.l.t., March 6, 1992, through 12 midnight, A.l.t., December 31, 1992.

After this closure, in accordance with § 672.20(g)(3), amounts of Pacific ocean perch retained on board a vessel in the Central or Western Regulatory area may not equal or exceed 20 percent of the amount of all other fish species retained at the same time by the vessel during the same trip, as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 6, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–5707 Filed 3–6–92; 1:48 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 911172-2021]

Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Rescission of closure to directed fishing.

SUMMARY: NMFS is rescinding a prohibition of directed fishing. This action is necessary to ensure optimum use of the first seasonal allowance of Pacific halibut to the domestic annual processing "other fishery." It is intended to accomplish the goals and objectives of the North Pacific Fishery Management Council.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 7, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the exclusive economic zone within the Bering Sea and Aleutian Islands (BSAI) management area under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations set forth at 50 CFR 611.93 and 50 CFR part 675.

Regulations appearing at § 675.21(a)(5), establish the secondary prohibited species catch (PSC) limit of Pacific halibut caught while conducting any domestic annual harvest trawl fishery for groundfish in the BSAI during any fishing year as an amount of Pacific halibut equivalent to 5,333 metric tons (mt). Further, § 675.21(b) provides that the PSC limit of Pacific halibut may be apportioned to fishery categories on a seasonal basis. Under § 675.21(b)(4), one such category is the domestic annual processing "other fishery." The final notice of initial specifications of BSAI groundfish for 1992 (57 FR 3952, February 3, 1992) established the 1992 first quarter Pacific halibut bycatch allowance in the DAP "other fishery" as 1,774 mt. Previously, under § 675.21(c)(2)(iv), the Regional Director determined that U.S. fishing vessels using trawl gear caught the 1992 first seasonal PSC allowance of Pacific halibut in the BSAI while participating in the DAP "other fishery" (57 FR 6203, February 21, 1992). Directed fishing was prohibited for the following species and gear: (A) Pollock by trawl vessels using other than pelagic trawl gear, and (B) Pacific cod by vessels using trawl gear. Current estimations of the prohibited species bycatch of Pacific halibut in the DAP "other fishery" category are less than the 1,774 mt first season allowance. Therefore, NMFS is rescinding the action published on February 21, 1992 (57 FR 6203). This action rescinds the prohibition to directed fishing for: (A) Pollock by trawl vessels using other than pelagic trawl gear, and (B) Pacific cod by vessels using trawl gear. This

recision is effective as of 12 noon A.l.t. March 7, 1992.

Classification

This action is taken under §§ 675.20(a)(9) and 675.20(c) and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*
Dated: March 6, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5706 Filed 3-6-92; 1:48 pm]

BILLING CODE 3510-22-M

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50 CFR Part 675

[Docket No. 911172-2021]

Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure of directed fishing.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the Bering Sea subarea (BS). This action is necessary to prevent the first allowance of the total allowable catch (TAC) for pollock in the BS subarea from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving pollock stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 6, 1992, through 12 noon, A.l.t., June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) governs the groundfish fishery in the exclusive economic zone in the Bering Sea and Aleutian Islands Area under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.93 and part 675.

The amount of a species or species group apportioned to a fishery is defined as TAC, as stated in § 675.20(a)(2). Under the final notice of initial specifications (57 FR 3952, February 3, 1992), the TAC of pollock for the BS was established as 1,300,000 metric tons (mt). Under § 675.20(a)(3), 15 percent of the TAC (195,000 mt) was apportioned to a non-specific reserve, leaving an initial TAC of 1,105,000 mt. The initial TAC was allocated between the roe and non-roe seasons. The roe season received 442,000 mt and the non-roe season received 663,000 mt.

In accordance with § 675.20(a)(6), the Director of the Alaska Region, NMFS, has determined that the first allowance of pollock in the BS has been taken and NMFS is prohibiting directed fishing for pollock in that area, effective from 12 noon, Alaska local time (A.l.t.), March 6, 1992, through 12 noon, A.l.t., June 1, 1992.

After this closure, in accordance with § 675.20(h), vessels may not retain at any time during a trip an amount of pollock equal to or greater than 20 percent of the aggregate catch of the other fish retained at the same time during the same trip as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 675.20 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*
Dated: March 5, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5627 Filed 3-5-92; 4:37 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 48
Wednesday, March 11, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-06-AD]

Airworthiness Directives; Fairchild Aircraft (Formerly Swearingen Aviation Corporation) SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would supersede AD 91-23-04, which currently requires a one-time modification of the engine power lever flight idle detent arms and cover assembly on certain Fairchild Aircraft SA226 and SA227 series airplanes. SA226 series airplane service information that is required to accomplish AD 91-23-04 has been updated, and the Federal Aviation Administration (FAA) has determined that this revised service information should be incorporated. The proposed action would retain the requirements of AD 91-23-04, and would incorporate the revised service information for the SA226 series airplanes. The actions specified by the proposed AD are intended to prevent improper operation of the engine power lever flight idle detent arms, which could result in loss of control of the airplane.

DATES: Comments must be received on or before June 1, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-06-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Ms. Alma Ramirez-Hodge, Aerospace Engineer, Fort Worth Airplane Certification Office, FAA, Fort Worth Texas 76193-0150; Telephone (817) 624-5147.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 92-CE-06-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-06-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 91-23-04, Amendment 39-8073 (56 FR 57236, November 8, 1991), currently requires a one-time modification of the engine power lever flight idle detent arms and cover assembly on certain Fairchild Aircraft SA226 and SA227 series airplanes. The action is accomplished in accordance with the instructions in Fairchild Service Bulletin (SB) No. 226-76-008 or Fairchild SB No. 227-76-002, both issued January 15, 1991, revised May 9, 1991. AD 91-23-04 was issued because of an accident involving a Fairchild Model SA226-T(B) airplane in which the pilot lost control of the airplane during initial climb after takeoff. The subsequent investigation revealed significant wear on each power lever reverse gate detent arm. The wear was located on the portion of the arm that contacts the flight idle stop, which is designed to prevent inadvertent travel of the power lever into the beta and reverse ranges. In addition, FAA service difficulty records indicate several reports of worn power lever flight idle detent arms over the last five years. Service records also show that a significant number of detent arms on the affected airplanes have been replaced because of excessive wear.

Since AD 91-23-04 has become effective, the manufacturer has revised Fairchild SB No. 226-76-008. This revision incorporates early style detent arm configurations that were not previously included in this bulletin.

After examining the circumstances, the FAA has determined that AD action should be taken to incorporate the revised service information and continue to prevent improper operation of the engine power lever flight idle detent arms, which could result in loss of control of the airplane.

Since the condition described is likely to exist or develop in other Fairchild Aircraft SA226 and SA227 series airplanes of the same type design, the proposed AD would supersede AD 91-23-04 with a new AD that would (1) retain the modification of the engine power lever flight idle detent arms and cover assembly required by AD 91-23-04; and (2) incorporate Fairchild SB No. 226-76-008, issued January 15, 1991, revised December 17, 1991.

The FAA estimates that 770 airplanes in the U.S. registry would be affected by

the proposed AD, that it would take approximately 8 hours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $214 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $503,580. AD 90-13-12, which would be superseded by the proposed action, required the same actions as is proposed, except for a revision in the service of information. Therefore, there would be no additional cost impact of the proposed AD on U.S. operators than that which is already required by AD 90-13-12.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 91-23-04, Amendment 39-8073 (56 FR 57236, November 8, 1991), and adding the following new AD:

Fairchild Aircraft (formerly Swearingen Aircraft Corporation): Docket No. 92-CE-06-AD. Supersedes AD 91-23-04, Amendment 39-8073

Applicability: The following model and serial numbered airplanes, certificated in any category:

Model	Serial numbers
SA226-T	T201 through T275, and T277 through T291.
SA226-T(B)	T(B)276, and T(B)292 through T(B)417.
SA226-AT	AT001 through AT074.
SA226-TC	TC201 through TC419.
SA227-TT	TT421 through TT541.
SA227-AT	AT423 through AT695.
SA227-AC	AC406, AC415, AC416, and AC420 through AC777.
SA227-BC	BC762, BC764, BC766, and BC777.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent loss of control of the airplane because of improper operation of the power lever flight idle detent arms, accomplish the following:

(a) Modify the power level detent arms and cover assembly in accordance with the instructions in Fairchild Service Bulletin (SB) No. 226-76-008, issued January 15, 1991, revised December 17, 1991; or Fairchild SB No. 227-76-002, issued January 15, 1991, revised May 9, 1991, whichever is applicable.

(b) If the modification required by paragraph (a) of this AD has been accomplished in accordance with either Fairchild SB No. 226-76-008 or Fairchild SB No. 227-76-002, both issued January 15, 1991, revised May 9, 1991, whichever is applicable, then no further action is required by this AD.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Fort Worth Airplane Certification Office, FAA, Fort Worth, Texas 76193-0150. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth, Airplane Certification Office.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Fairchild Aircraft Corporation, P.O. Box 790490, San Antonio, Texas 78279-0490; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) This amendment supersedes AD 91-23-04, Amendment 39-8073.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5697 Filed 3-10-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 310 and 357

[Docket No. 79N-0379]

RIN 0905-AA06

Discussion of Appropriate Testing Procedures for Exocrine Pancreatic Insufficiency Drug Products; Workshop and Reopening of the Administrative Record

AGENCY: Food and Drug Administration, HHS.

ACTION: Workshop and reopening of the administrative record.

SUMMARY: The Food and Drug Administration (FDA) is reopening the administrative record and announcing that a workshop will be held to discuss testing procedures that will be required as part of new drug applications for all exocrine pancreatic insufficiency drug products. FDA is holding this workshop after considering public comments on the agency's notice of proposed rulemaking for over-the-counter (OTC) exocrine pancreatic insufficiency drug products that was published in the **Federal Register** of July 15, 1991 (56 FR 32282). The meeting will be structured to discuss the specific topics and to seek answers to the specific questions listed in this notice.

DATES: The meeting will be held on April 23, 1992, at 8:30 a.m. The meeting will last 1 day. Relevant data and notice of participation by April 10, 1992. Administrative record to remain open until July 23, 1992. Comments regarding matters raised at the meeting by July 23, 1992.

ADDRESSES: Relevant data, notice of participation, and written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Meeting to be held in Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Helen Cothran, or Diana Hernandez, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8868.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1979 (44 FR 75666), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC exocrine pancreatic insufficiency drug products, together with the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products (the Panel), which was the advisory review panel responsible for evaluating data on the active ingredients in this drug class. Interested persons were invited to submit comments by April 21, 1980. Reply comments in response to comments filed in the initial comment period could be submitted by May 21, 1980.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were placed on display in the Dockets Management Branch (address above) after deletion of a small amount of trade secret information. Only five comments were submitted in response to the publication of the advance notice of proposed rulemaking.

In the **Federal Register** of November 8, 1985 (50 FR 46594), the agency published a notice of proposed rulemaking to establish a monograph for OTC exocrine pancreatic insufficiency drug products based on the Panel's recommendations and the agency's response to comments submitted following publication of the advance notice of proposed rulemaking. In that document, the agency accepted the Panel's recommendation that exocrine pancreatic insufficiency drug products be available as OTC drug products and proposed the conditions under which these drug products would be generally recognized as safe and effective and not misbranded. In response to this publication, 2 drug manufacturers, 2 foundations, 30 health care professionals, 2 health departments, 2 Congressmen, 2 advocacy groups, and 147 individuals submitted comments. Copies of the comments received and any additional information that has come to the agency's attention since publication of the tentative final monograph are on public display in the Dockets Management Branch.

New information submitted in response to the tentative final monograph caused the agency to reconsider the approach proposed in that document. In the **Federal Register** of July 15, 1991 (56 FR 32282), FDA proposed that OTC drug products used to treat exocrine pancreatic insufficiency are not generally recognized as safe and effective, are misbranded, and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) 21 U.S.C. 321(p)). The proposed rule would amend part 310 (21 CFR part 310), subpart E by adding new § 310.543 (21 CFR 310.543). Accordingly, the proposed monograph published in the **Federal Register** of November 8, 1985 (50 FR 46594), which would have amended part 357 (21 CFR part 357) by adding new Subpart E, was withdrawn on July 15, 1991.

The information submitted in response to the 1985 tentative final monograph and other available information prompted the agency to propose in the July 15, 1991, document that all exocrine pancreatic insufficiency drug products, whether currently marketed on a prescription or OTC basis, be considered new drugs requiring an approved application for continued marketing. No exocrine pancreatic insufficiency drug products currently have an approved application. The agency is very concerned about the effects that a pancreatic extract drug product's formulation and manufacturing process will have on the drug's safe and effective use. The bioavailability of the enzymes present in these products is dependent on the process used to manufacture the drug products. The agency has determined that this process could not be adequately addressed under the OTC drug monograph system. However, under an approved application, formulation and manufacturing issues can be resolved prior to marketing. The 1991 document also proposes that all exocrine pancreatic insufficiency drug products be marketed by prescription.

Interested persons were invited to file by November 12, 1991, written comments, objections, or requests for oral hearing on the proposed regulation before the Commissioner of Food and Drugs, as well as comments on the agency's economic impact determination. In response to this proposal, two foundations, five drug manufacturers, and three individuals submitted comments. Copies of these comments are on public display in the Dockets Management Branch.

The Cystic Fibrosis Foundation requested a meeting with agency representatives to discuss certain aspects of the proposed rule (Refs. 1, 2, and 3). A meeting was held on November 20, 1991, and the following topics were discussed: (1) Development of criteria for new drug application approval of exocrine pancreatic insufficiency drug products, (2) the clinical information that would be necessary to support efficacy claims, and (3) what manufacturing standards should be required (Ref. 4). At that meeting, FDA representatives stated that the active ingredients used in currently marketed exocrine pancreatic insufficiency drug products may be considered safe and effective, but that FDA must have data to show that the drugs provide and deliver the enzyme content that is declared on the container labeling and that the stated activity is released in the intestine to show that the drug will have bioactivity. FDA representatives stated that the important parameters are: (1) Manufacturing controls, (2) dissolution rates of the drug products, (3) in vivo release of the drug in the gut, and (4) correlation of the drug's release with its dissolution. It was agreed that a workshop would be beneficial to discuss what types of information should be provided to the agency. Accordingly, the agency is inviting all interested manufacturers of exocrine pancreatic insufficiency drug products, health professionals, and the general public to a workshop to discuss the issues related to the testing of these drug products. The following topics and questions will be considered at the workshop:

1. *Study design.* What types of studies should be conducted on exocrine pancreatic insufficiency drug products to show that the drugs provide and deliver the enzyme content that is declared on the container labeling and that the stated activity is released in the intestine to show that the drug will have bioactivity?

2. *Endpoints of study.* Comments submitted to the agency have suggested the following endpoints: (1) Average daily stool weight, (2) percent of dietary fat and protein absorbed, (3) energy lost in the stool, and (4) serum uric acid and 24 hour urinary excretion of uric acid (Ref. 5).

3. *Study population.* What populations should be studied? Do cystic fibrosis patients have to be used in the studies, or can the needed information be obtained using normal volunteers? Should data be obtained from both of these groups? Is it possible to use patients with other pancreatic insufficiency problems?

4. *Enzyme measurement.* Lipase, protease, and amylase concentrations can all be measured by in vitro assays in the manufactured product. Is the vivo measurement of each enzyme feasible, reliable, and pertinent, or should in vivo measurement of the percent of dietary fat and protein absorbed be relied upon?

5. *Manufacturing controls.* What manufacturing controls are necessary?

6. *Reference standards.* What reference products and/or reference standards are necessary and available? The United States Pharmacopeial (U.S.P.) Convention is in the process of setting new standards for exocrine pancreatic insufficiency drug products, and a U.S.P. reference standard is not currently available. What criteria are needed to establish an appropriate U.S.P. reference standard?

7. *Enzyme content and labeling.* What is the best way to assure consistency of actual enzyme content per dosage unit versus the amount declared in the product labeling? What product limits (not less than and not more than) should be allowed?

8. *Dissolution rates.* How can dissolution rates and in vivo bioavailability of the drug in the gut be measured? What is the correlation of the drug's release and activity with its dissolution profile?

In view of the many questions associated with exocrine pancreatic insufficiency drug products, the agency has concluded, under 21 CFR 10.65, that it would be in the public interest to hold a workshop to discuss these issues.

The agency requests information on the above questions from any interested person. Any individual or group wishing to submit data relevant to the questions above prior to the workshop should send them on or before April 10, 1992 to Docket No. 79N-0379, Dockets Management Branch (address above). Any individual or group wishing to make a presentation at the workshop should contact Helen Cothran or Diana Hernandez, Division of OTC Drug Evaluation (HFD-210), Center for Drug Evaluation and Research, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8888. Interested persons who wish to participate must also send a notice of participation on or before April 10, 1992 to the Dockets Management Branch (address above). All notices submitted should be identified with the docket number found in brackets in the heading of this document and should contain the following information: Name; address; telephone number; business affiliation, if any, of the person desiring to make a presentation; and the subject and approximate amount of time requested for the presentation.

Groups having similar interests are requested to consolidate their comments and present them through a single representative. FDA may require joint presentations by persons with common interests. After reviewing the notices of participation, FDA will notify each participant of the schedule and time allotted to each person.

The administrative record for the rulemaking for OTC exocrine pancreatic insufficiency drug products is being reopened to include all comments and data submitted since the record previously closed on November 12, 1991, and the proceedings of this workshop. The administrative record will remain open until July 23, 1992, to allow comments on matters raised at the workshop.

References

(1) Letter from R. Beall, Cystic Fibrosis Foundation, to S. Fredd, FDA, August 15, 1991, Comment No. C213, Docket No. 79N-0379, Dockets Management Branch.

(2) Letter from R. Beall, Cystic Fibrosis Foundation, to S. Fredd, FDA, September 16, 1991, Comment No. C213, Docket No. 79N-0379, Dockets Management Branch.

(3) Letter from R. Beall, Cystic Fibrosis Foundation, to Dockets Management Branch, October 21, 1991, Comment No. C203, Docket No. 79N-0379, Dockets Management Branch.

(4) Memorandum of meeting between Cystic Fibrosis Foundation and FDA, November 26, 1991, coded MM 1, Docket No. 79N-0379, Dockets Management Branch.

(5) Letter from R. Beall, Cystic Fibrosis Foundation, to S. Fredd, FDA, January 13, 1992, Comment No. Docket No. 79N-0379, Dockets Management Branch.

Dated: March 4, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5691 Filed 3-10-92; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

42 CFR Part 411

[BPD-674-P]

RIN 0938-AF40

Medicare Program; Physician Ownership of, and Referrals to, Health Care Entities that Furnish Clinical Laboratory Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: The proposed rule would incorporate into regulations the provisions of section 6204 of the Omnibus Budget Reconciliation Act of 1989, as amended by section 4207(e) of the Omnibus Budget Reconciliation Act of 1990, which provide that, if a physician or a member of a physician's immediate family has a financial relationship with an entity, the physician may not make referrals to the entity for the furnishing of clinical laboratory services under the Medicare program, except under specified circumstances.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on May 11, 1992.

ADDRESSES: Mail written comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-674-P, P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207.

Due to staffing and resource limitations, we cannot accept audio or video comments or facsimile (FAX) copies of comments. In commenting, please refer to file code BPD-674-P. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in room 309-G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone : (202) 245-7890).

If you wish to submit comments on the information collection requirements contained in this proposed rule, you may submit comments to: Allison Herron, HCFA Desk Officer, Office of Information and Regulatory Affairs, room 3002, New Executive Office Building, Washington, DC 20503.

Copies: To order copies of the **Federal Register** containing this document, send your request to the Government Printing Office, ATTN: New Order, P.O. Box 371954, Pittsburgh, PA 15250-7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 783-3238 or by faxing to (202) 512-2250. The cost for each copy (in paper or microfiche form) is $1.50. In addition, you may view and photocopy the **Federal Register** document at most libraries designated as U.S. Government Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register.** The order desk operator will be able to tell you the location of the U.S. Government Depository Library nearest to you.

FOR FURTHER INFORMATION CONTACT: Betty Burrier, (410) 966-4649.

SUPPLEMENTARY INFORMATION:

I. Background

A. Related Laws

1. Clinical laboratory services

Once a patient decides to seek medical care, his or her physician has a major role in determining utilization of services furnished by other health care providers and suppliers. The physician evaluates the patient, orders diagnostic laboratory tests, and decides upon the appropriate medical care, and any needed therapy for the patient.

Medicare and other insurers reinforce the role of the physician in procuring laboratory services by paying only for those tests that the physician has determined to be medically necessary and, as such, are ordered by the physician. Medicare and most other insurers generally do not pay for patient initiated tests, routine testing, and tests not medically indicated. (With respect to Medicare, two exceptions to the general exclusion of coverage of routine testing are screening mammographies and screening pap tests.) In a recent rule implementing parts of the Clinical Laboratory Improvement act of 1988 (CLIA '88) (Pub. L. 100-578) (55 FR 9538, March 14, 1990), we stated that laboratories seeking or receiving Medicare payment may only perform tests that are ordered by a "physician," as that term is defined by the Medicare law.

The market for laboratory services can be characterized by intense competition for a finite number of patients. Laboratories need a certain minimum volume of tests to be profitable. To achieve this goal, a laboratory needs a predictable volume of patient referrals. Since laboratory tests are most often ordered by physicians, laboratories have in the past offered financial incentives to physicians for their laboratory business. Some laboratories have offered volume discounts while others have offered customized packages of tests for specific physician specialties.

Having a financial interest in a laboratory that performs tests can affect a physician's decision to order tests. A recent report from the Office of Inspector General (OIG) to Congress established that at least 25 percent of the nearly 4500 independent clinical laboratories (ICLs) are owned in whole or in part by referring physicians. The same report found that Medicare "patients of referring physicians who on or invest in ICLs received 45 percent more clinical laboratory services than all Medicare patients * * *" (Financial Arrangements Between Physicians and Health Care Businesses, page 18 (May 1989)).

2. Program Integrity

During recent years, Congress has enacted into law several provisions governing financial relationships between health care providers and those health care professionals who are owners of the providers or who refer patients to the providers. In particular, criminal penalties are provided for individuals or entities that knowingly and willfully offer, pay, solicit, or receive remuneration to induce the furnishing of items or services covered by Medicare or State health care programs (including Medicaid, and any State program receiving funds under titles V or XX of the Act). Offenses are classified as felonies and are punishable by fines of up to $25,000 or imprisonment for up to 5 years, or both. (See section 1128B(b)) of the Act, 42 U.S.C. 1320a-7b(c), as recodified by section 4(d) of the Medicare and Medicaid Patient Program Protection Act of 1987 (Pub. L. 100-93, enacted August 18, 1987).)

For purposes of section 1128B(b) of the Act, remuneration includes kickbacks, bribes, rebates and any other payment made directly or indirectly, overtly or covertly, in cash or in kind. Prohibited conduct includes not only remuneration to induce referrals or patients, but also remuneration to induce the purchasing, leasing, ordering, or arranging for any good, facility, service, or item paid by the Medicare or a State health care program.

B. Physician Ownership of, and Referral to, Health Care Entities

Section 6204 of the omnibus Budget Reconciliation Act of 1989 (Pub. L. 101-239, enacted on December 19, 1989) added section 1877, "Limitations on Certain Physician Referrals," to the Act. In addition, section 4207(e) of the omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508, enacted on November 5, 1990) amended certain provisions of section 1877 of the Act. Therefore, in the following presentation, we discuss provisions of section 1877 of the Act as they have been amended by Public Law 101-508. Because of the complicated nature of various provisions of this law and to provide readers of this proposed rule with complete information, we are first describing the requirements of section 1877 of the Act in detail. We then describe, in section II of this preamble, how we propose to incorporate section 1877 into regulations and discuss in detail our interpretation of various provisions. (Unless otherwise indicated, all references below to various sections of the law are references to the Social Security Act.)

1. General Prohibition

With certain exceptions, section 1877(a)(1)(A) prohibits a physician from making a referral to an entity for the furnishing of clinical laboratory services, for which Medicare would otherwise pay, if the physician (or a member of the physician's immediate family) has a financial relationship with that entity, as described in section 1877(a)(2). Further, section 1877(a)(1)(B) prohibits an entity from presenting or causing to be presented a Medicare claim or bill to any individual, third party payor, or other entity, for clinical laboratory services furnished under a prohibited referral. These provisions are effective January 1, 1992.

For purposes of this general prohibition, section 1877(h)(7) defines "referral" as follow:

- The request by a physician for an item or service for which payment may be made under Medicare Part B, including a request by a physician for a consultation with another physician (and any test or procedure ordered by, or to be performed by (or under the supervision of) that other physician).
- The request or establishment of a plan of care by a physician when the plan includes furnishing clinical laboratory services.

Section 1877(h)(7)(C), however, provides an exception to this definition for a request by a pathologist for clinical diagnostic laboratory test and pathological examination services if the services are furnished by (or under the supervision of) the pathologist under a consultation requested by another physician. (As discussed in more detail below, Congress provided for exceptions to the prohibition on referrals for specified ownership and investment interests, as well as for certain compensation arrangements.)

2. Financial Relationships

Section 1877(a)(2) describes a financial relationship between a physician (or an immediate family member of a physician) and an entity as being an ownership or investment interest in the entity, or a compensation arrangement (as defined in section 1877(h)(1)(A)) between the physician (or immediate family member) and the entity. The statute provides that an

ownership or investment interest may be established "through equity, debt, or other means."

For purposes of section 1877(a)(2), section 1877(h)(1)(A) defines a "compensation arrangement" as any arrangement involving any remuneration between a physician (or an immediate family member) and an entity. Section 1877(h)(1)(B) defines "remuneration" to include any remuneration, direct or indirect, overt or covert, in cash or in kind.

A person with a financial relationship with an entity is an "investor." Section 1877(h)(5) defines an "interested investor" as a physician who is in a position to make or influence referrals or business to the entity (or who is a member of such a physician's immediate family) and who is also an investor in the entity. A "disinterested investor" is defined as an investor other than an "interested investor."

3. Exceptions to the Prohibition on Physician Referrals

Section 1877(b) provides for exceptions to the general prohibition on referrals for clinical laboratory services to be furnished by an entity with which the referring physician has a financial relationship. First, the prohibition does not apply to services furnished on a referral basis if the services are physicians' services as defined in section 1861(q) that are furnished personally by (or under the personal supervision of) another physician in the same group practice as the referring physician.

Second, the prohibition does not apply to referrals for certain "in-office ancillary services." To qualify, the services must meet any requirements the Secretary deems necessary and sets forth in regulations to protect against program or patient abuse. Additionally, the ancillary services must meet two sets of statutory requirements.

- The services must be furnished personally by the referring physician, a physician who is a member of the same group practice as the referring physician, or individuals who are employees of the physician or the group practice and who are personally supervised by the referring physician or by another physician in the group practice. Also, these ancillary services must be furnished in either—
  - —A building in which the referring physician (or another physician who is a member of the same group practice) furnishes physicians' services unrelated to the furnishing of clinical laboratory services; or
  - —Another building that is used by a group practice for centrally furnishing the group's clinical laboratory services, if the referring physician is a member of the group practice.
- The ancillary services must be billed by one of the following:
  - —The physician who performed or supervised the services,
  - —The group practice of which the referring physician is a member, or
  - —An entity that is wholly owned by the physician or the physician's group practice.

"Group practice" is defined in section 1877(h)(4) as a group of two or more physicians legally organized as a partnership, professional corporation, foundation, not-for-profit corporation, faculty practice plan, or a similar association. To be considered a "group practice" for purposes of section 1877, the association must meet the following specific requirements:

- Each physician who is a member of the group must provide "* * * substantially the full range of services which the physician routinely provides (including medical care, consultation, diagnosis, or treatment) through the joint use of shared office space, facilities, equipment, and personnel * * *."
- "Substantially all of the services" of the group's physicians must be furnished through the group and be billed in the name of the group. Amounts received from these billings must be treated as receipts of the group.
- The practice expenses and income of the group must be distributed "in accordance with methods previously determined" by group members.
- The group practice must comply with all other standards established by the Secretary in regulations.

However, in the case of a faculty practice plan associated with a hospital that has an approved medical residency program in which physician members of the faculty practice plan furnished a variety of different specialty services and professional services both within and outside the faculty practice plan (as well as perform other tasks such as research), the requirements listed above would apply only with respect to the services furnished within the faculty practice plan.

Additionally, for purposes of the in-office ancillary services exception, section 1877(h)(2) defines "employee" to mean any individual who would be considered to be an employee of the entity under the usual common law rules applicable in determining the employer-employee relationships, as applied for purposes of section 3121(d)(2) of the Internal Revenue Code of 1986.

The third exception to the general prohibition on physician referrals is for services furnished by certain prepaid health plans. To qualify for the exception, the services must be furnished by a prepaid health care organization to an individual enrolled in the organization under a contract or agreement with us under one of the following statutory authorities:

- Section 1876, which authorizes us to enter into contracts with health maintenance organizations and competitive medical plans to furnish covered items and services on a risk-sharing or reasonable cost reimbursement basis.
- Section 1833(a)(1)(A), which authorizes payment for Part B services to prepaid health plan on a reasonable cost basis.
- Section 402(a) of the Social Security Amendments of 1967 or section 222(a) of the Social Security Amendments of 1972, which authorize us to conduct demonstration projects.

The fourth exception to the general prohibition on physician referrals is described in section 1877(b)(4). The prohibition does not apply to a referral to a hospital for the furnishing of clinical laboratory services if the referring physicians' (or immediate family member's) financial relationship with the hospital does not relate to the furnishing of clinical laboratory services.

Finally, section 1877(b)(5) authorizes the Secretary to provide in regulations for additional exceptions for financial relationships, beyond those specified in the statute, he determines that they do not pose a risk of program or patient abuse.

4. Exceptions Applicable Only to Financial Relationships Consisting of Ownership or Investment Interests

The statute also provides that cetain ownership or investment interests do not constitute a "financial relationship" for purposes of the section 1877 prohibition on referrals. Under section 1877(c), the prohibition on referrals does not apply in the case of ownership by a physician (or an immediate family member of the physician) of investment securities (including shares or bonds, debentures, notes or other debt instruments) that were purchased on terms generally available to the public and are in a corporation that meets the following two requirements:

- The corporation is listed for trading on the New York Stock Exchange, or on the American Stock Exchange, or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers.
- At the end of the corporation's most recent fiscal year, its total assets exceeded $100,000,000.

Section 1877(d) provides additional exceptions to the prohibition on physician referrals for an ownership or investment interest by a physician (or an immediate family member) in three types of facilities furnishing clinical laboratory services:

- A hospital located in Puerto Rico.
- A laboratory located in a rural area (as defined in section 1886(d)(2)(D)). (Section 1886(d)(2)(D) defines a rural area as an area outside of a "Metropolitan Statistical Area" as that term is defined by the Office of Management and Budget.)
- A hospital located outside of Puerto Rico if the referring physician is authorized to furnish services at the hospital, and the referring physician's ownership or investment interest is in the hospital itself (and not merely in a subdivision of the hospital).

5. Exceptions Applicable only to Financial Relationships Consisting of Certain Compensation Arrangments

Section 1877(e) provides that certain compensation arrangements will not be considered a "financial relationship" for purposes of triggering the prohibitions on physician referrals. The first exception applies to the rental or lease of office space that meets all of the following conditions:

- A written agreement must be signed by the parties for the rental or lease of the space. This agreement must—
  - —Specify the space covered by the agreement and dedicated for the use of the lessee;
  - —Provide for a term of rental or lease of at least 1 year;
  - —Provide for payment on a periodic basis of an amount that is consistent with the fair market value (as defined in section 1877(h)(3)) of the leased space;
  - —Provide for an amount of aggregate payments that does not vary (directly or indirectly) based on the volume or value of any referrals of business between the parties; and
  - —Be considered to be commerically reasonable even though no referrals are made between the parties.
- If a physician who is an interested investor (or a physician's immediate family member who is an interested investor) has an ownership or investment interest in the leased or rented office space, the office space must be in the same building as the building in which the physician (or group practice of the physician) has a practice.
- The arrangement must meet all other requirements that the Secretary may impose by regulation as needed to protect against program or patient abuse.

"Fair market value" is defined by section 1877(h)(3) as the value, in arm's-length transactions, consistent with the general market value. With respect to rentals or leases, it means the value of rental property for general commercial purposes (not taking into account its intended use) and not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor when the lessor is a potential source of patient referrals to the lessee.

Under section 1877(e)(2), an arrangement between a hospital and a physician (or a member of the physician's immediate family) for the employment of the physician (or the immediate family member) or for the provision of administrative services would not trigger the section 1877 prohibition on referrals by the physician to the hospital for clinical laboratory services if the following conditions exist:

- The arrangement is for identifiable services.
- The amount of the remuneration under the arrangement is consistent with the fair market value of the services and is not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician.
- The remuneration is provided under an agreement that would be commercially reasonable even if no referrals were made to the hospital.
- The arrangement meets all other requirements that the Secretary may imposed by regulation as needed to protect against program or patient abuse.

Section 1877(e)(3) provides that remuneration from employment and service arrangements with entities (other than hospitals) that meet all of the following conditions will not be considered to be compensation arrangements for purposes of the prohibition on physician referrals:

- The arrangement is for one of four types of services:
  - —Specific, indentifiable services furnished by a physician as the medical director or as a member of the entity's medical advisory board in order to enable the entity to comply with a Medicare statuory requirement.
  - —Specific, identifiable physicians' services furnished to an individual receiving hospice care for which payment may only be made under Medicare as hospice care.
  - —Specific physicians' services furnished to a nonprofit blood center.
  - —Specific, identifiable, administrative services (other than direct patient care services), but only under exceptional circumstances specified by the Secretary in regulations.
- The amount of the remuneration under the arrangement is—
  - —Consistent with the fair market value of the services;
  - —Not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician; and
  - —Provided under an agreement that would be commercially reasonable even though no referrals were made.
- The arrangement meets all other requirements that the Secretary may impose by regulation as needed to protect against program or patient abuse.

Section 1877(e)(4) provides that physician recruitment activity by a hospital to induce a physician to relocate to the geographic area served by the hospital to become a member of the hospital's medical staff will not be considered a compensation arrangement for purposes of section 1877(a)(2)(B) if the following conditions are met:

- The physician is not required to refer patients to the hospital.
- The amount of the remuneration under the arrangement is not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician.
- The arrangement meets all other requirements that the Secretary may impose by regulation as needed to protect against program or patient abuse.

Section 1877(e)(5) provides that isolated financial transactions, such as a one-time sale of property, that meet the following conditions will not be considered compensation arrangements:

- The amount of the remuneration under the transaction is consistent with the fair market value of the items or services and is not determined in a manner that takes into account (directly or indirectly) the volume or value of any referrals by the referring physician.
- The remuneration is provided under an agreement that would be commercially reasonable even though no referrals were made.
- The arrangement meets all other requirements that the Secretary may impose by regulation as needed to protect against program or patient abuse.

Finally, under section 1877(e)(6), a compensation arrangement involving payment by a group practice of the salary of a physician member of the group practice does not subject the physician to the prohibition on referrals.

C. Other Requirements Relating to Financial Arrangements

1. Reporting Requirements for Ownership Arrangements.

Section 1877(f) of the Act sets forth certain reporting requirements for ownership arrangements. Unless the Secretary waives the requirements with respect to an entity or class of entities, each entity that furnishes covered items or services for which payment may be made under title XVIII of the Act must provide the Secretary with information concerning the entity's ownership arrangements. The requirements of this subsection do not apply to covered items and services furnished outside the United States or to entities that the Secretary determines furnish services for which payment may be made under title XVIII very frequently.

The Secretary may waive the requirements of section 1877(f) of the Act (and the information collection requirements of chapter 35 of title 44, United States Code, that would otherwise pertain to the data required to be provided under section 1877(f)) with respect to reporting entities in a State (except for entities furnishing clinical laboratory services), so long as the reporting occurs in at least ten States. The Secretary may also waive the section 1877(f) provisions with respect to providers in a State in which the requirements are not generally waived, so long as the requirements are not waived with respect to parenteral and enteral suppliers, end stage renal disease (ESRD) facilities, suppliers of ambulance services, hospitals, entities furnishing physical therapy services, and entities furnishing diagnostic imaging services of any type in those States.

Each entity that is required to report ownership information must provide the information in the form, manner, and the times specified by the Secretary. Under the statute, the information provided must include at least the following:

- The covered items and services furnished by the entity.
- The names and unique physician identification numbers (UPINs) of all physicians who have an ownership or investment interest in the entity (as described in section 1862 (a)(2)(A)) or who have immediate relatives with an ownership or investment interest in the entity.

Further discussion of the Secretary's decisions as to which entities (other than clinical laboratories) within which States would receive waivers appears separately in a final rule with comment period, "Reporting Requirements for Financial Relationships between Physicians and Health Care Entities that Furnish Selected Items and Services", that was published in the Federal Register on December 3, 1991 (56 FR 61374). In addition, all entities furnishing clinical laboratory services (more than very infrequently), regardless of where they are located, were required to submit ownership information under section 1877(f) of the Act. We conducted a survey and completed survey forms were submitted to Medicare contractors (intermediaries or carriers depending on the type of facility completing the form). For example, hospitals submitted forms to intermediaries, and independent clinical laboratories sent them to carriers. This data collection effort was completed on November 1, 1991, and the information obtained, as is required by section 1877(g)(1) of the Act, is being used as the basis for denying claims that involve referrals that are prohibited under section 1877(a)(1), effective January 1, 1992.

2. Statistical Profile

Also, section 6204(f) of Public Law 101–239, as amended by section 4207(e)(4) of Public Law 101–508, requires us to submit a statistical profile to Congress by June 30, 1992. This statistical profile will compare utilization of items and services by Medicare beneficiaries served by entities in which the referring physician has a direct or indirect financial interest and by Medicare beneficiaries served by other entities, for the States and entities specified in section 1877(f) (other than entities furnishing clinical laboratory services). Further discussion of this profile was included in the December 3, 1991 final rule mentioned above.

D. Sanctions

Section 1877(g) of the Act sets forth the following sanctions that may be imposed if the requirements of section 1877 are not met:

- Under section 1877(g)(1), Medicare payment may not be made for a clinical laboratory service that is furnished in violation of the prohibition against improper physician referrals under section 1877(a)(1).
- Under section 1877(g)(2), if a person collects any amounts that were billed in violation of section 1877(a)(1), the person will be liable to the individual from whom the amounts were collected and must refund on a timely basis any amounts collected.
- Section 1877(g)(3) specifies that any person who presents or causes to be presented a bill or claim for a service that the person knows, or should know, is for a service for which payment may not be made under section 1877(a)(1), or for which a refund has not been made in accordance with section 1877(g)(2), will be subject to a civil money penalty of not more than $15,000 for each service. The statute specifies that certain civil money penalty provisions of section 1128A will apply to these penalty requirements.
- Under section 1877(g)(4), any physician or other entity that enters into an arrangement or scheme (such as a cross-referral arrangement), the principal purpose of which the physician or entity knows, or should know, is to assure referrals by the physician to a particular entity that, if they were made directly by the physician, would be in violation of the prohibition on referrals, will be subject to a civil money penalty of not more than $100,000 for each arrangement or scheme. The statute specifies that certain civil money penalty provisions of section 1128A will apply to these penalty situations.
- Any person who is required, but fails, to meet the reporting requirements described in section 1877(f) for ownership arrangements is subject, under section 1877(g)(5), to a civil money penalty of not more than $10,000 for each day for which reporting is required to have been made.

E. Other Amendments to the Act

Section 6204(b) of Public Law 101–239 added a new subsection (g) to section 1833. For referrals made after December 31, 1991, section 1833(q) provides that each request for payment, or bill submitted, for an item or service furnished by an entity for which payment may be made under Medicare Part B and for which the entity knows or has reason to believe there has been a referral by a referring physician (within the meaning of section 1877 of the Act) must include the name and provider number of the referring physician and indicate whether or not the referring physician is an interested investor (within the meaning of section 1877(h)(5)). Additionally, under section 4164(c) of Public Law 101–508, we have published a Directory of Unique Physician Identification Numbers (UPINs) for all physicians who furnish Medicare Part B services. The Directory includes the names, provider numbers, and billing addresses of all listed physicians and should facilitate compliance with section 1833(q). We have issued revised instructions to the Medicare carriers concerning completion of the HCFA–1500 (the Health Insurance Claim form used by physicians and other suppliers to request payment for medical services) to include an entry for the referring or ordering physician's name and UPIN.

Under new section 1833(q)(2)(A), if the information required to be provided under section 1833(q)(1) is not included on a bill for a Part B item or service that is submitted on an assignment-related basis, payment for the item or service may be denied.

Under section 1833(q)(2)(B), if the information is not included on a claim submitted on a non-assignment-related basis, a civil money penalty or exclusion from the program may be imposed. If the entity billing on a non-assignment related basis knowingly and willfully fails to provide the information promptly upon request by the Secretary or a carrier, the entity may be subject to a civil money penalty in an amount not to exceed $2,000. (In this case, certain provisions of section 1128A will apply to this civil money penalty). If the entity knowingly and willfully, and in repeated cases fails, after being notified by the Secretary of the obligations and requirements, to provide the information, the entity may be subject to exclusion from participation in the Medicare and Medicaid programs. The exclusion may be for a period not to exceed 5 years, in accordance with the procedures of paragraphs (c), (f), and (g) of section 1128.

II. Provisions of the Proposed Regulations

Section 1877, as described above, is very specific. For example, the definitions set forth in section 1877(h) are detailed and therefore do not require extensive elaboration in regulations. Accordingly, we would adopt some of the statutory definitions, as well as some other provisions of section 1877, virtually unchanged. To codify these rules, we would establish a new subpart J under 42 CFR part 411 and make conforming changes to subpart A of part 411 as discussed below.

A. Scope

We would revise § 411.1 to cite section 1877 as the statutory authority for adding subpart J. In proposed § 411.350, we describe the statutory authority contained in section 1877. Further, we state that the regulations would have no application outside the context of the section 1877 referral prohibitions. They would not provide the basis for immunity from civil or criminal prosecution or from other sanctions under Federal or State laws. For example, it is possible that a particular financial arrangement that would not prohibit a particular physician referral for clinical laboratory services many nevertheless be in violation of other Federal statutory provisions or regulations administered by us, the OIG or other DHHS components, the Federal Trade Commission, the Securities and Exchange Commission, the Internal Revenue Service (IRS), or any other Federal agency. In addition, there could be a State law that prohibits or limits particular financial relationships. These regulations would have no effect on the application of these other statutory provisions or regulations.

B. Definitions

We plan to use the definition of "physicians' services" contained in § 410.20 for all aspects of section 1877. In 42 CFR § 410.20(b), the following professionals are defined as "physicians" when they are legally authorized to practice by the State in which they perform their professional functions or actions and when they are acting within the scope of their licenses.

- A doctor of medicine or osteopathy, including an osteopathic practitioner recognized in section 1101(a)(7) of the Act.
- A doctor of dental surgery or dental medicine.
- A doctor of podiatric medicine.
- A doctor of optometry.
- A chiropractor who meets the qualifications specified in § 410.22.

In § 411.351, we propose to establish definitions, based on terms defined in the law. In addition, we would add certain other definitions necessary to implement the statute.

- As defined in section 1877(h)(1)(A), a "compensation arrangement" would mean any arrangement involving any remuneration between a physician (or a member of a physician's immediate family) and an entity.
- As specified in section 1877(h)(2), we would define "employee" to mean any individual who, under the usual common law rules applicable in determining the employer-employee relationship (as applied for purposes of section 3121(d)(2) of the Internal Revenue Code of 1986), is considered to be employed by, or an employee of an entity. Section 3121 includes definitions that apply to the imposition of employer and employee taxes for old-age, survivors and disability insurance, and for hospital insurance. Under section 3121(d)(2) of title 26, an employee includes "any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee, * * *." This language is also included in the definition of "employee" contained in section 210 of the Act. The IRS regulations elaborating on this common law test are located at 26 CFR 31.3121(d)–1(c). The Social Security Administration (SSA) has implemented the "common law control test" in 20 CFR 404.1007. Briefly, this general rule states that an employer-employee relationship is considered to be established when the person considered to be the employer has the right to control and direct the person considered to be the employee who will perform the service, not only as to the result to be accomplished by the work, but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what will be done, but how it will be done. The person or entity considered to be the employer does not necessarily have to give any orders to the employee, but has the right to do so. Both the IRS and the SSA regulations describe factors that are generally characteristic of an employer-employee relationship (for example, the employer generally furnishes the tools and the place to work, and sets the employee's working hours). However, the regulations note that a determination of whether an employer-employee relationship exists under the usual common law rules is not always clear and would be determined upon an examination of the particular facts of each case.
- We propose to define "entity" to mean "a sole proprietorship, trust, corporation, partnership, foundation, not-for-profit corporation, or unincorporated association."

Although section 1877 does not define the term "entity," we believe it is necessary to define the term in regulations to assure that it is consistently used by the Medicare contractors. Furthermore, we believe that Congress did not intend to limit this term to independent clinical laboratories; thus, the proposed definition encompasses all suppliers of clinical laboratory services.

- We propose to define "fair market value" as specified in section 1877(h)(3). We believe Congress intended that, when a physician leases space to an entity for the furnishing of clinical laboratory services, the rental value the space would otherwise have commanded may not be adjusted; that is, the amount payable by the clinical laboratory-lessee may not be adjusted

to reflect the additional value the prospective lessee or lessor would attribute to the property as a result of its proximity or convenience to a lessor if the lessor is a potential source of patient referrals to the lessee. Typically, abusive arrangements that involve rental payments are those that are either substantially in excess of or below the fair market value of the rental space. For example, a physician rents space to a health care entity at a rate above what the market would ordinarily bear, and the entity agrees to the high rent because of an understanding that the physician will refer his or her patients to that entity.

• As described in section 1877(a)(2), we would define a "financial relationship" to be a relationship between a physician (or a member of a physician's immediate family) and an entity in which the physician or family member has an ownership or investment interest that exists through equity, debt, or other means; or a compensation arrangement.

• We propose to incorporate the definition of "group practice" contained in section 1877(h)(4), which stipulates requirements concerning the range of services, billing practices, and treatment of practice expenses. Specifically, a "group practice" is defined as a group of two or more physicians legally organized as a partnership, professional corporation, foundation, not-for-profit corporation, faculty practice plan or similar legal entity, in which (1) each physician group member furnishes substantially the full range of his or her services through the joint use of shared office space, facilities, equipment, and personnel; (2) substantially all of the services of the physician group members are furnished through the group and billed in the name of the group, with billing receipts treated as receipts of the group; (3) the practice cost expenses and income generated by group members are distributed in accordance with pre-determined methodologies; and (4) all other standards imposed by the Secretary by regulation are satisfied.

We reiterate that section 1877(h)(4) of the Act states specifically that each physician member of a group practice must furnish "substantially the full range of services which the physician routinely provides" on an individual basis (section 1877(h)(4)(A)) and that a group practice is an association "for which substantially all of the services" of group member physicians are furnished through the group "and are billed in the name of the group" (section 1877(h)(4)(B)). The word "substantial" generally means a considerable amount. Thus, in the context of the definition of "group practice," we believe the "substantially all" criterion can be met, in the aggregate, if the group practice as a whole devotes at least 85 percent of the group's practice time to patients of that group.

The first requirement would be satisfied if each member of the group individually furnishes substantially the full range of services he or she routinely furnishes (including medical care, consultation, diagnosis, and treatment) through the group practice. We propose that the second requirement would be met if the group practice attests in writing to its Medicare carrier that at least 85 percent of the aggregate services furnished by all physician members of the group practice are furnished and billed by the group practice. We believe this requirement would be flexible enough to allow a physician to be an active member of a physician group and still permit him or her to engage in patient care activities outside of the group. It also would permit a group practice to contract with physician specialists on an intermittent basis for patients of the group practice and bill for the services of these physicians in the name of the group. Furthermore, this approach would allow a group practice to contract with temporary replacement physicians as long as, on the whole, the physicians in the group meet these standards.

In the case of a group practice styled as a faculty practice plan that is affiliated with a hospital with an approved medical residency training program in which physician members of the plan may furnish a variety of different specialty services and also furnish professional services both within and outside the faculty practice plan (as well as perform other tasks such as research), these requirements would apply only to those services furnished to patients within the faculty practice plan. That is, the requirements would not apply to services furnished outside the plan either as part of the teaching responsibilities of the physician, duties performed in connection with a research program, or as part of the physician's private practice.

• We propose to define an "immediate family member or a member of a physician's immediate family" as a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; spouse of a grandparent or grandchild.

This definition is used in § 411.12 for purposes of implementing section 1862(a)(11), which excludes from Medicare coverage services furnished by an immediate relative of a Medicare beneficiary. While the statute did not define an "immediate family member" for purposes of the section 1877 provisions, we believe the definition in proposed § 411.351 encompasses the range of relatives who could be in a sufficiently close relationship to a referring physician to influence the pattern of his or her referrals if the relative has a financial relationship with the entity furnishing the services.

• As defined by section 1877(h)(5), an "interested investor" would mean a physician who is in a position to make or to influence referrals of business to the entity (or who is a member of the physician's immediate family) and who is also an investor in the entity.

• We would define "investor" to mean a person with a financial relationship, as that term is described in section 1877(a)(2), with an entity.

• We propose to incorporate the definition of "referral" contained in section 1877(h)(7). This would include, as specified in the statute, a request by a physician for, or ordering of, any item or service that is covered by Medicare Part B including the request for a consultation with another physician and any test or procedure ordered by, or to be performed by (or under the supervision of) that physician. (The definition of "referral" that was originally included in section 1877, as added by Pub. L. 101-239, was limited to requests for clinical laboratory services. The definition was broadened in Pub. L. 101-508 to include requests for any item or service for which payment may be made under Medicare Part B.) In addition, the request or establishment of a plan of care by a physician when the plan includes the performance of clinical laboratory services is considered to be a referral.

However, under section 1877(h)(7)(C), if a pathologist furnishes or supervises the furnishing of clinical diagnostic laboratory tests and pathological examination services as a result of a consultation requested by another physician, the services are not considered to have been furnished on a referral basis.

• We propose to add a definition of "referring physician" to mean a physician (or group practice) who makes a "referral" as defined above.

• Based on the definition contained in section 1877(h)(1)(B), we propose to define "remuneration" as any payment, discount, forgiveness of debt, or other benefit made directly or indirectly, overtly or covertly, in cash or in kind.

C. General Prohibition on Referrals.

In § 411.353(a), we propose that, unless otherwise permitted under an exception, a physician who has a financial relationship with an entity (or who has an immediate family member who has a financial arrangement with an entity) may not make a referral to that entity for the furnishing of clinical laboratory services under Medicare beginning January 1, 1992.

The revised Federal requirements for laboratories and laboratory services located at 42 CFR part 493 were published as a final rule on March 14, 1990 (55 FR 9538), and became effective September 10, 1990 (except with respect to participation in proficiency testing, which became effective January 1, 1991). Section 493.2 of the March 1990 regulations defines a "laboratory" as "a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or implement of, or the assessment of the health of, human beings. These examinations also include screening procedures to determine the presence or absence of various substances or organisms in the body." Thus, a referral to an "entity furnishing clinical laboratory services" would, for purposes of section 1877, be a referral to an entity furnishing the services described in § 493.2.

This definition includes furnishing anatomic laboratory services. However, it would not include non-invasive tests, such as electroencephalograms (EEGs) or electrocardiograms (EKGs), nor would it include x-rays or diagnostic imaging services, such as mammograms and computerized axial tomography (CAT) scans.

A financial relationship may be through ownership, investment, or a compensation arrangement between the entity and the physician or physician group or an immediate family member of the physician. Furthermore, an ownership or investment interest may be through equity, debt, or other means.

We emphasize several points concerning this general prohibition. First, while some of the terms used in section 1877 (for example, "fair market value") are similar to those contained in the final rule published by the OIG on July 29, 1991 (56 FR 35952) to implement section 1128B(b) (the anti-kickback statute), the two sets of rules are independent of each other and have different ramifications.

Section 1128B(b) contains criminal penalties applicable to individuals or entities that solicit or receive remuneration in return for referring individuals for covered services, and for offering or paying remuneration to induce persons to make referrals for covered services. The regulations of the OIG (codified at 42 CFR 1001.952) describe various payment practices that, although falling within the statutory language of section 1128B(b), would be protected from prosecution. The practices described in the OIG rule are referred to as "safe harbors." Section 1877 does not prohibit any financial relationship; instead, it prohibits referrals and payment for clinical laboratory services when certain relationships exist. This proposed rule is independent of the OIG final rule, and providers and physicians will need to examine ownership, compensation, and practice arrangements within the scope and objectives of each separate rule.

Second, the general prohibition on referrals would apply only to referrals for clinical laboratory services that would otherwise be covered by the Medicare program. Therefore, referrals for clinical laboratory services to be furnished for a physician's non-Medicare patients are not affected by section 1877 or this proposed rule.

Third, a physician who has no financial relationship with a clinical laboratory (other than his own office laboratory) would not be affected by this proposed rule unless he or she is ordering clinical laboratory services under a consultation request from another physician who has a financial relationship with the laboratory, or he or she is participating in a "contravention scheme" as described in section 1877(g)(4).

For purposes of Medicare coverage, a "consultation" is a professional service furnished to a patient by a physician (the consultant) at the request of the patient's attending physician. A consultation includes the history and examination of the patient as well as a written report that is transmitted to the attending physician for inclusion in the patient's permanent record. If, in the course of that consultation, the consulting physician deems it necessary to order clinical laboratory services, those services may not be ordered from a laboratory in which the referring physician has a financial interest. Therefore, when a physician refers a patient for a consultation, it would be prudent for the referring physician to provide to the consultant a list of laboratories from which the consulting physician should not order services.

Other referrals, such as sending a patient to a specialist who assumes responsibility for furnishing the appropriate treatment, or providing a list of referrals for a second opinion, are not "consultations" or "referrals" that would trigger the laboratory services use prohibition. However, if two or more physicians enter into an agreement described in section 1877(g)(4) as a "circumvention scheme" to indirectly avoid the prohibition on referrals, they would be subject to a civil money penalty of up to $100,000.

For purposes of identifying financial relationships that may trigger the statutory prohibition on referrals under Medicare, we propose to adopt the description of ownership, investment, and compensation arrangements contained in sections 1877(a)(2) and (h)(1) of the Act. These provisions state that financial relationships include ownership and investment interest, which may be through equity, debt or other similar means, as well as compensation arrangements, which are any arrangements involving remuneration between the parties. If a financial relationship exists, the physician may not make referrals to the entity for otherwise covered clinical laboratory services, and the entity may not bill the Medicare program or any other person for services furnished under a referral, unless the relationship falls within one of the statutory exceptions.

We propose to include indirect financial relationships in the statutory prohibition on referrals under Medicare. A physician would be considered to have an indirect financial relationship with a laboratory entity if he or she had an ownership interest in an entity, which in turn has an ownership interest in the laboratory entity.

We do not intend to exempt a financial relationship that is entered into in order to comply with section 1877 if it would not qualify under one of the statutory exceptions. For example, assume that a laboratory has been owned by a group of physicians for 15 years and the physicians enter into an agreement with a third party to sell the laboratory before the January 1, 1992 effective date of the referral prohibition, for a fixed price, with installment payments being made to the physicians through 1996. Unless one of the exceptions listed in section 1877 applies (for example, the laboratory is in a rural area), the physicians would be precluded under section 1877(a) (and proposed § 411.353) from making

referrals to the laboratory for clinical laboratory services that would otherwise be covered by Medicare, effective January 1, 1992.

Thus, a sales agreement that predates the January 1, 1992 effective date of the referral prohibition but provides for a continuing financial relationship through installment payment would operate to preclude the physician from making referrals to the entity for Medicare clinical laboratory services until all payments are completed. Physicians who are receiving installment payments from the sale of their laboratory would retain an incentive to refer business to the laboratory to maintain the financial viability of the laboratory. A "debt" relationship does not expire with the signing of an instrument that establishes the debt; it expires when the debt has been fully paid. Nor does a mere change in the form of the debt, such as changing an open account to a promissory note, extinguish the debt. We believe a loan from a physician to an entity, or from an entity to a physician, would raise the possibility that referrals would be for the purpose of ensuring returns on the investment, and these referrals would be prohibited unless one of the statutory exceptions applies.

Similarly, a financial relationship between a physician and an organization related to the entity that furnishes clinical laboratory services (for example, a parent or subsidiary corporation of the entity) would also be covered by these regulations as an indirect financial relationship with the entity. Therefore, entering into an agreement under which an organization related to an entity agrees to pay the entity's debt to a physician would not end the financial relationship between the entity and the physician for purposes of the proposed regulations. The physician would continue to have a financial relationship with the entity through the related organization until the debt were paid. Also, if a physician were to sell his or her interest in a laboratory to an organization related to the laboratory, and that related organization agrees to pay the physician over an extended period of time for the laboratory interest, the physician's financial relationship with the entity is continuing, and he or she may not make referrals to the laboratory for Medicare-covered services until the debt is fully paid. Moveover, the fact that a debt is nonrecourse or unsecured would not alter this conclusion.

Finally, section 1877(b)(5) defines permissible exceptions other than those specified in section 1877 as any "financial relationship which the Secretary determines, and specifies in regulations, does not pose a risk of program or patient abuse." We solicit comments delineating financial relationships that would comply with this statutory definition.

In § 411.353(b), we state that an entity that furnishes clinical laboratory services under a prohibited referral could not present or cause to be presented a claim or bill to the Medicare program or to any individual, third party payor, or other entity for the clinical laboratory services performed under that referral. For example, there are certain circumstances where Medicare benefits are secondary to benefits payable by another third party payor, such as an employer group health plan for employed individuals or the spouses of employed individuals. Under section 1877(a)(1)(B) and proposed §411.353(b), an entity that furnishes clinical laboratory services under a prohibited referral may not bill the employer group health plan for the services.

In accordance with section 1877(g), proposed § 411.353(c) provides that Medicare payment would not be made for a clinical laboratory service that is furnished under a prohibited referral.

Proposed § 411.353(d) would require an entity that collects payment for a laboratory service that was performed under a prohibited referred to refund all amounts collected on a timely basis.

The following sections discuss the specific exceptions. While certain ownership or investment interests would not trigger the section 1877 prohibition on referrals, physicians who have these interests may also have compensation arrangements with the entity that may operate to preclude referrals by the physician to the entity for clinical laboratory services under other provisions of section 1877.

D. Exceptions that Apply to Specific Services

In accordance with section 1877(b), the prohibition on clinical laboratory referrals would not apply if the following conditions are met:

1. Physicians' Services in Group Practice

In § 411.355(a), we propose that a referral for physicians' services furnished personally by (or under the direct personal supervision of) a physician who is in the same group practice as the referring physician is not a prohibited referral. Under this exception, the referring physician and the consulting or diagnosing physician must be in a group practice that meets the requirements of section 1877(h)(4) and proposed § 411.350. Under this exception, the clinical laboratory services that are treated as physicians' services for payment purposes would be allowed if they are furnished directly by the consulting physician and performed in the group's laboratory.

The following clinical diagnostic laboratory services are treated as physician services for payment purposes and could be the subject of referrals under this exception:

CPT Code	Description
80500–80502	Clinical pathology consultation.
85095–85109	Codes dealing with bone marrow smears and biopses.
86077–86079	Blood bank services.
88000–88125	Certain cytopathology services.
88160–88199	Certain cytopathology services.
88300–88399	Surgical pathology services.

These services are listed in the Current Procedural Terminology, 4th Edition, (copyrighted by the American Medical Association (1991)) and listed in section 5114.1.B. of the Medicare Carriers Manual (HCFA Pub. 14–3).

Since the law requires the services to be performed personally by a group practice physician, the service would be required to be performed in the group practice's office. On the other hand, the consulting physician could not refer the laboratory work to another entity with which the group has a financial relationship unless the group practice physician personally furnished the physician services performed at the other entity.

In this context we recognize that practical relationships may exist among physicians that involve shared office space and shared laboratory facilities and services that are not accommodated by the in-office ancillary services exception under section 19877(b)(2). For example, two (or more) physicians may share a suite including a laboratory used only to furnish services for their patients, but the physician's financial arrangement may not meet the strict definition of a "group practice" (section 1877(h)(4)). Unless an exception is developed, referrals by these physicians to the shared laboratory (that is, an in-office laboratory in which the individually practicing physicians all have ownership interest or for which each physician shares in the operating costs) would be prohibited.

We are not certain of the extent to which these arrangements exist, or whether any arrangements warrant the promulgation of an additional exception under section 1877. Therefore, we invite public comments about these issues and solicit suggestions about whether (and if so, how) to formulate an additional exception to address business or practice arrangements involving shared office space that would not pose a risk of program or patient abuse.

2. In-office Ancillary Services

In § 411.355(b), we propose that a referral for in-office laboratory services would not be considered a prohibited referral under the following conditions:

- Performance Requirements.

The laboratory services must be performed personally by one of the following: (1) The referring physician; (2) a physician who is a member of the same group practice as the referring physician; or (3) a non-physician employee of the referring physician or group practice. When a laboratory service is performed by a non-physician employee, it must be performed under the direct supervision of the employing physician or a physician in the group practice.

- Location Requirements.

The in-office laboratory services must either be furnished in a building where the referring physician (or another physician who is a member of the same group practice) furnishes physicians' services unrelated to the furnishing of clinical laboratory services; or a building that is used by the group practice for centrally furnishing the group's clinical laboratory services (if the referring physician is a member of the group practice).

- Billing Requirements.

The in-office laboratory services must be billed by the physician who performed or supervised the laboratory services, or by the group practice in which the physician is a member, or an entity that is wholly owned by the physician or physician's group practice.

In contrast, a laboratory that is shared by several physicians who are independent practitioners and who are not members of a group, as defined in section 1877(h)(4), would not qualify for this exception. For example, physicians who are not engaged in the group practice of medicine may have entered into a partnership for furnishing laboratory services to their individual practices. The partnership entity is furnishing the services. Under section 1833(h)(5), the partnership must submit Medicare claims and receive Medicare payment in its name for the laboratory services. Thus, the partnership laboratory would have to obtain a provider number for this purpose. A referral by one of the physician partners in these circumstances would be considered a prohibited referral under section 1877.

3. Services Furnished to Prepaid Health Plan Enrollees

In § 411.355(c), we propose that referrals for services within certain prepaid health plans would not be prohibited referrals. Section 1877(b)(3) specifies that the services must be furnished by one of the following organizations to an individual who is enrolled in the organization:

- A health maintenance organization or a competitive medical plan in accordance with a contract with us under section 1876.
- A health care prepayment plan in accordance with an agreement with us to furnish the services to Medicare beneficiaries under section 1833(a)(1)(A).
- An organization that is receiving payments on a prepaid basis for the enrollees under a demonstration project under section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1) or under section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b–1 note).

This exception would apply only with respect to services that are furnished by the organization to individuals who are enrolled in the prepaid health plan in accordance with the organization's Medicare contract or agreement under one of the specified statutory authorities. Services that these organizations may provide to members or non-members outside the context of the Medicare contract or agreement would not be covered under this exception.

E. Exceptions for Certain Ownership or Investment Interests

1. Publicly Traded Securities

We propose in § 411.357(a) that the prohibition on referrals by interested investors would not apply if the financial relationship results from the ownership of investment securities (including shares or bonds, debentures, notes, or other debt instruments) that are purchased on terms generally available to the public and are in a corporation that—

- Is listed for trading on the New York Stock Exchange, the American Stock Exchange, or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers; and
- Had, at the end of the corporation's most recent fiscal year, total assets exceeding $100,000,000.

In this proposal, the first prerequisite to qualify for protection is that the stocks must be purchased on terms generally available to the public, as specified in section 1877(c). This means that the general public must have the same opportunity to buy and sell the stock as the physician investors. For example, the following scenario would not qualify for this exception. A joint venture laboratory merges into a new corporation, the existing partners swap partnership shares for stock, the stock then starts to be traded publicly and the corporation reaches the $100 million asset level. On face value, the investment interest appears to qualify for the exception because the corporation has $100 million in assets. However, because the ex-partners bought their shares through a transaction before the stock was offered to the general public, the pre-requisite that the stocks be purchased on terms generally available to the public would not be met.

Under the statute and the proposed regulations, the $100 million in assets requirement applies only to the corporate entity that furnishes the clinical laboratory services. That is, the assets of a related corporation (for example, a parent, subsidiary, or sister corporation) could not be considered for purposes of qualifying the laboratory entity under the $100 million asset test. Furthermore, we are proposing that a corporation's total assets would not include assets obtained primarily for the purpose of meeting the $100 million asset test of this exception. For example, an entity may have a number of purposes in acquiring assets, but a violation may be proved by showing that no other purpose is more significant than the desire to qualify for this exception. We are proposing this criterion because we do not believe Congress intended to protect entities with $100 million in assets when those assets are not obtained in the normal course of business but are acquired primarily for the purpose of qualifying for this exception. We are proposing this additional element concerning the acquisition of assets under the Secretary's general authority of section 1102(a), which states that the Secretary may promulgate regulations for the efficient administration of the program. We believe this element is necessary for the efficient administration of the Medicare program because it attempts to block those arrangements that would clearly be a circumvention of the law through "sham" transactions.

We are specifically interested in receiving suggestions from the public about these proposals and other effective ways of protecting against program and patient abuse in this area.

2. Specific Providers

In § 411.357(b), we propose that the prohibition on referrals by interested investors would not apply if the financial relationship results from ownership or investment in the following providers:

A laboratory that is located in a rural area (that is, a laboratory that is not located in an urban area, as that term is defined in § 412.62(f)(1)(ii)) and that meets the following conditions:

—The laboratory testing that is referred by a physician owner or investor must either—

—Be performed on the premises of the rural laboratory; or

—If not performed on the premises, the laboratory performing the testing must bill the Medicare program directly for the testing.

—The majority of tests referred to the rural laboratory must be referred by physicians who have office practices located in a rural area. "Urban area" means—

—A Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA), as defined by the Office of Management and Budget; or

—The following New England counties, which are deemed to be parts of urban areas under section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21, 42 U.S.C. 139ww (note)): Litchfield County, Connecticut; Sagadahoc County, Maine; York County, Maine; Merrimack County, New Hampshire; and Newport County, Rhode Island.

As noted, to supplement the statutory provision concerning services furnished in a "rural laboratory", we are proposing two requirement intended to address possibility that this exception would be misused. We believe, in enacting this exception, Congress intended to benefit Medicare beneficiaries who live in rural areas where laboratories may not otherwise be available wthout the financial support of local physicians. We are concerned, however, about the possibility that physicians who have an ownership interest in an urban laboratory (and are precluded from making Medicare referrals to it) may set up a storefront or "shell" laboratory with a rural address in order to gain the benefit of this exception. In this scenario, the urban physician owner would make referrals to the rural laboratory, which would in turn refer the tests to the urban laboratory in which the physician also has an ownership interest. Alternatively, urban laboratories with physician owners could set up laboratories in rural areas for the purpose of performing tests referred by the physician owners for their urban patients.

To prevent these possible abuses and help assure that the rural laboratory exception benefits rural beneficiaries, we are proposing to require, when physician owners or investors make referrals to a laboratory located in a rural area, that the tests be performed directly by the laboratory on its premises, or if referral to another laboratory is necessary, that tests be billed by the laboratory that performs the test. Because an urban laboratory may not bill for services referred by a physician owner (unless another exception applies), these additional criteria should discourage the circumvention schemes described above.

Secondly, we propose to add the requirement that majority (at least 51 percent) of the tests referred to the rural laboratory are referred by physicians who have office practices in a rural area. (For purposes of this provision, we would apply the definition of "practice" set forth in proposed new § 411.351, as described below in the discussion of rental and leasing of office space.) This requirement should help to assure that the laboratory is in fact serving rural beneficiaries, and is not simply located in the rural area for the purpose of furnishing services referred by urban owners for their urban patients. In addressing this potential problem, we considered the alternative of requiring that at least 85 percent of the tests performed by the rural laboratory be for beneficiaries who reside in rural areas. However, based on our concern that compliance with this requirement could be administratively difficult and overly burdensome for rural laboratories, we opted against proposing this criterion. Nonetheless, we are speifically interested in receiving suggestions from the public about this matter, about our proposed requirements, and about other effective ways of protecting against program or patient abuse in application of the rural provider exception set forth in section 1877(d)(2).

Since the Secretary has the authority to promulgate regulations for the efficient administration of the program, we believe it is appropriate to require that a rural laboratory operate as a full service laboratory, not a shell laboratory, that is available to furnish laboratory services to patients residing in the rural area. Finally, we believe the additional proposed requirements are consistent with the legislative intent of section 1877 and are necessary to preclude circumvention of the statute.

In addition, the prohibition on referrals by interested investors would not apply if the ownership or investment interest is in the following providers:

A hospital located in Puerto Rico.

A hospital located outside of Puerto Rico if one of the following conditions is met:

—The referring physician is authorized to perform patient care services at the hospital and the physican's ownership or investment interest is in the entire hospital and not merely in a distinct part or department of the hospital, such as the laboratory (as provided in section 1877(d)(3)).

—The referring physician's financial relationship with a hospital does not relate to the furnishing of clinical laboratory services (as provided in section 1877(b)(4)).

Examples of the section 1877(b)(4) exception to the prohibition on referrals would include the following:

A group of physicians contracting with a hospital to furnish emergency room services and receiving payment from the hospital under a guaranteed free arrangement.

• A group of physicians owning and operating a free-standing mobile CAT scanner, which a hospital utilizes for its patients and pays the group for the use of the equipment.

F. Exceptions for Certain Compensation Arrangements

We propose to add § 411.359 to specify that, for purposes of the referral prohibition, a compensation arrangement (as defined in proposed § 411.351) would not include the following arrangements:

1. Rental or Lease of Space

In § 411.359(a), we would exempt the rental or lease of space by a lessee to a lessor if a written agreement is signed by the parties, which sets forth a term of at least 1 year, identifies the premises covered by the lease or rental agreement and specifies the space dedicated for use by the lessee, and provides for payment on a periodic basis of an amount that is consistent with the fair market value of the rented or leased premises in arm's-length transactions. If the agreement is intended to provide the lessee with access to the premises for periodic intervals of time, rather than on a full-time basis for the full term of the agreement, we would require that the agreement specify exactly the schedule of the intervals, their precise length, and the exact rent for the intervals. The agreement would have to provide for aggregate payments that do not vary (directly or indirectly) based on the volume or value of any referrals generated between the parties for clinical laboratory services. Finally, the lease agreement would have to be considered to be commercially reasonable even if no referrals are made between the lessee and the lessor.

If a laboratory entity rents or leases office space in which an interested investor (either a physician or immediate family member) has an ownership or investment interest, an additional condition must be met to qualify for an exception. In § 411.359(a)(2), we propose that in addition to meeting the requirements described in proposed § 411.359(a)(1), the rented or leased office space must be in the same building as the building in which the physician (or the physician's group practice) has a practice. When one party is in a position to make referrals to another party, even if there is no explicit or implicit understanding regarding referrals, certain rental payments could be construed to induce referrals. Typically, these arrangements would involve rental payments either substantially in excess of or below the fair market value of the rental space. Accordingly, one fundamental principle underlying these exceptions is that the payment must be based on the fair market value, regardless of whether the payment is for space rental, personal services, or management contracts.

The condition concerning maintenance of a practice is specified in the statute at section 1877(e)(1)(B). By use of the phrase "a practice", we believe Congress did not intend, on the one hand, that this standard could be met by an insignificant portion of the physician's professional performance occurring in the building. On the other hand, we realize that many physicians conduct their professional services in different locations; that is, a physician might have two offices in which he or she diagnoses and treats patients and where records are kept and office staff furnish patient services and perform overall administrative matters. Accordingly, we are proposing to include in § 411.351 a definition of "practice" to mean an office in which the physician, as a matter of routine, regularly sees patients for purposes of diagnosis and treatment and where patient records are kept. Comments about the scope of this definition are requested.

Also, in addition to the statutory requirements that set forth certain standards and safeguards for rental and lease arrangements, we are proposing a requirement concerning use of space for periodic intervals. We believe it is necessary to require that the periodic intervals be established in advance and be specified in the lease or rental agreement, rather than allowing the intervals to vary week-to-week on the basis of the number of referred patients to be serviced at the premises.

We are proposing these two additional standards under the Secretary's authority, as specified in section 1877(e)(1)(C), to identify additional safeguards to protect against program or patient abuse.

2. Certain Employment and Service Arrangements With Hospitals

We propose in § 411.359(b) that an arrangement between a hospital and a physician (or an immediate family member) for the employment of either the physician or family member or for the provision of administrative services will not be considered a compensation arrangement for purposes of the referral prohibition under the following conditions:

• The arrangement is in writing and specifies the day-to-day services to be furnished by the physician or immediate family member and is signed by the parties.

• The amount or value of the remuneration to the physician or immediate family member is consistent with the fair market value of services in arm's-length transactions, and is not determined in a manner that varies (directly or indirectly) based on the volume or value of any referrals of business otherwise generated by the physician.

• Finally, all terms of the arrangement must be considered commercially reasonable even if no referrals are made to the hospital.

3. Physician Recruitment

We propose in § 411.359(d) that, for purposes of the referral prohibition, remuneration provided by a hospital to a physician that is intended to induce the physician to relocate to the geographic area served by the hospital to become a member of the hospital medical staff would not be considered a compensation arrangement under the following conditions:

• The arrangement and its terms are in writing and signed by both parties.

• The hospital does not condition the agreement on the physician's referral of patients to the hospital.

• The hospital does not vary (directly or indirectly) the amount or value of the remuneration based on volume or value of any referrals the physician generates for the hospital.

• The hospital does not restrict the physician from establishing staff privileges at another hospital or referring business to another entity.

While these requirements for the most part follow the statute, we have used the discretion authorized by section 1877(e)(4)(C) to propose additional requirements. For the reasons stated earlier, we believe it is appropriate to require physician recruitment arrangements to be set out in writing and signed by the parties. Also, we believe it is appropriate to assure that the arrangement permits a physician to establish staff privileges at hospitals other than the one with which an arrangement has been made.

4. Isolated Transactions

We propose in § 411.359(e) that an isolated financial transaction, such as a one-time sale of property, would not be considered a compensation arrangement for purposes of section 1877 if it meets the following conditions:

• The transaction is in writing and signed by the parties.

• There is no financial relationship between the entity and the physician of 1 year before and 1 year after the transaction.

• The amount or value of remuneration for the transaction is—

—Consistent with the fair market value of services in arms-length transactions; and

—Not determined in a manner that varies (directly or indirectly) based on the volume or value of any referrals of business that may be generated by the physician or the immediate family member.

• The remuneration is provided under an arrangement that would be considered commercially reasonable even if no referrals were made.

We are proposing the additional element concerning the 1-year period under the authority of section 1877(e)(5)(B), which states that the transaction meets all other requirements as the Secretary may impose by regulation as needed to protect against program or patient abuse. We believe this element is necessary to assure that both the transaction as well as the existing relationship are isolated.

5. Service Arrangements With Entities Other Than Hospitals

We propose in § 411.359(c) that the following arrangements between a physician and an entity other than a hospital would not be considered a compensation arrangement for purposes of the referral prohibition:

• An arrangement for a physician to perform specific identifiable services as the medical director or a member of a medical advisory board of the entity in order to enable the entity to comply with the Medicare statute.

• An arrangement for identifiable physician's services furnished to an individual receiving hospice care for which Medicare payment may be made only as hospice care.

• An arrangement for identifiable physician's services to a nonprofit blood center.

We would require that the amount or value of the remuneration under any one of these arrangements be consistent with the fair market value of the services in arm's-length transactions, and that it may not be determined in a manner that varies (directly or indirectly) on the basis of the volume or value of any referrals of business generated by the physician or immediate family member. Additionally, we would require that the remuneration be provided under an arrangement that would be considered commercially reasonable even if no referrals are made to the entity.

Section 1877(e)(3) authorizes an additional exception for remuneration to a physician or immediate family member from a non-hospital entity under an arrangement for furnishing specific identifiable administrative services (other than direct patient care services), but only under exceptional circumstances specified by the Secretary in regulations. At this time, we are unaware of any exceptional circumstances for which any additional exception would be justified; therefore, we have included this exception in the proposed regulations. Nevertheless, we invite comments on this issue.

In establishing these employment and service arrangements, we are proposing the following requirements in addition to the statutory requirements:

• We believe it is necessary to set out the arrangement in writing (that is, identify the services to be furnished, the time periods for which the services are to be furnished, and the location of the services) and to require the parties to sign the written document. These requirements were established in the statute for rental arrangements, and we believe they are equally appropriate to employment and service arrangements.

• We believe it is necessary to expand the requirement regarding the amount of remuneration to include the amount "or value" of remuneration. The "amount" of remuneration indicates the total quantity of remuneration; for example, number of total dollars or items offered. However, remuneration may also include indirect compensation or other benefits that have value.

6. Salaried Physicians in a Group Practice

In § 411.359(f), a compensation arrangement involving payment by a group practice of the salary of a physician member of the group would not be considered a compensation arrangement for purposes of section 1877.

7. Other Arrangements With Hospitals

In § 411.359(g), a compensation arrangement other than one described above between a hospital and a physician or a physician's immediate relative would not trigger the section 1877 prohibition on referrals if the arrangement does not relate to furnishing clinical laboratory services.

III. OIG Regulations

The OIG is developing a proposed rule to codify in regulations the penalty provisions contained in sections 1877(g)(3) and (4). Section 1877(g)(3) authorizes the imposition of a civil money penalty when any person who presents or causes to be presented a bill or claim for a service that the person knows or should know was furnished under a prohibited referral (in contravention of section 1877(a)(1)), or who has not refunded amounts inappropriately collected for a prohibited referral. Section 1877(g)(4) authorizes the imposition of civil money penalties, assessments, and an exclusion if a physician or other entity enters into an arrangement or scheme, a principal purpose of which the physician or entity knows or should know is to assure referrals that, if they were made directly, would violate the prohibition on referrals described in section 1877(a)(1).

We are requesting that the OIG treat as a circumvention scheme any effort by an entity to obtain $100 million principally for the purposes of meeting the exception found in section 1877(c), which relates to entities having $100,000,000 in total assets.

IV. Collection of Information Requirements

Regulations at § 411.361 contain information collection or recordkeeping requirements or both that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). The information collection requirements concern those group practices meeting the definition found in section 1877(h)(4) and require them to attest that, in the aggregate, at least 75 percent of the services furnished by all physician members are furnished to group practice patients. Public reporting burden for this collection of information is estimated to be 1 hour per response. A notice will be published in the Federal Register after approval is obtained. Organizations and individuals desiring to submit comments on the information collection and recordkeeping requirements should direct them to the OMB official whose name appears in the ADDRESS section of this preamble.

V. Responses to Comments

Because of the large number of items of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, we will consider all comments that we receive by the date and time specified in the "Date" section of this preamble, and we will respond to the comments in the preamble to that final rule.

VI. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any proposed rule that meets one of the E.O. 12291 criteria for a "major rule"; that is, that would be likely to result in—

• An annual effect on the economy of $100 million or more;

• A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

• Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The provisions of this proposed rule implement section 6204 of Public Law 101–239 and section 4207(a) of Public Law 101–508, which amend the Act by adding a new section 1877, "Limitation on Certain Physician Referrals." This proposed rule, by prohibiting physician referrals for clinical laboratory services by physicians who have an ownership, investment, or compensation arrangement with the entity furnishing the service is meant to eliminate incentives for physicians to order unnecessary and costly laboratory tests.

According to the OIG report cited in section I.A.1 of this preamble, at least 25 percent of the nearly 4,500 independent clinical laboratories are owned in whole or in part by referring physicians. The same OIG report found that Medicare patients of referring physicians who own or invest in these laboratories received 45 percent more clinical laboratory services than all Medicare patients. The OIG estimated in its report that the "increased utilization of clinical laboratory services by patients of physician-owners cost the Medicare program $28 million nationally in 1987."

We believe the majority of physicians and clinical laboratories do not currently make referrals that would be prohibited buy this rule. In addition, we believe that, based solely on the statutory provisions, physicians and laboratories would take necessary steps, before January 1, 1992, to ensure that their investment and employment activities do not restrict their ability to make referrals. Therefore, any estimate of the aggregate economic impact of this rule would be purely speculative. We believe the status itself will have a continuing deterrent effect on physicians' aberrant referral patterns and investment interests. Changes to these physicians' practices would be the result of Congressional action in enacting section 1877 of the Act, not the result of these proposed regulations.

This proposed rule does not meet the $100 million criterion, nor do we believe that it meets the other E.O. 12291 criteria. Therefore, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (REA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a proposed rule would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all hospitals, physicians, and clinical laboratories to be small entities.

Section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a proposed rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

We do not have data at this time to assist us in estimating the number of physicians, hospitals, or independent laboratories that would be affected by this proposed rule; however, we expect that some entities may be affected to varying degrees. Relative to the potential impact on these entities, the following discussion is provided.

1. Impact on Physicians and Physician Groups

Physicians reportedly find it inefficient and inconvenient to split their laboratory referral business among multiple laboratories, the physician who uses one laboratory for private-pay patients is likely to use that same laboratory for all patients. Therefore, it is conceivable that, absent this rule, a physician would seek an ownership or investment interest in a laboratory, or a compensation arrangement between the physician and a laboratory, in order for the physician to share in the profits of the laboratory to which the physician makes referrals. In these cases, the prohibition on referrals might apply, which would require the physician to either dispose of his or her interest or stop referring Medicare patients to that entity.

Some physicians who have independent practices maintain a physician office laboratory in shared premises, with shared equipment, shared employees, a shared administrator who has the power to hire and terminate employees on behalf of the physicians, and shared overhead costs. We understand that these shared laboratories are used to furnish tests to the patients of the physicians sharing the laboratory and that each individual physician bills for the laboratory services furnished to his or her patients as a physician's office laboratory. The particulars of these arrangements may vary. Sometimes, the shared office laboratory is located on premises separate from each physician's office. In this case, each physician sees patients in his or her office practice but has the laboratory work performed in the shared laboratory. In some arrangements, the physician's individual practice offices are in the same building as the physicians' office laboratory. In other instances, the physicians have incorporated the laboratory, which can be centrally located between the offices of the individual physicians. For the most part, these shared office space arrangements are not eligible for the in-office ancillary exception found in section 1877(b)(2) of the Act and, therefore, the prohibition on referrals might apply. This would require the physicians to either form a group practice meeting the definition of section 1877(h)(4) of the Act, to dispose of their interest in the shared laboratory facility, or stop referring Medicare patients to that laboratory facility.

Some group practices have affiliated property companies that are owned by members of the group practice and that lease facilities and equipment to the group practices. The lease of equipment by the property company to the group practice company that operates a clinical laboratory is an arrangement for which an exception is not provided under these regulations. In these cases, the prohibition on referrals would apply, which would require the group physicians to either purchase the equipment from the property company or divest their interest in the laboratory.

2. Impact on Laboratories

As mentioned above, the report from the OIG to Congress established that at least 25 percent of the nearly 4500 independent clinical laboratories are owned in whole or in part by referring physicians. The same report found that Medicare "patients of referring physicians who own or invest in these laboratories received 45 percent more clinical laboratory services than all Medicare patients * * *." We are unable to determine how many of the existing physician laboratory owners would be affected by this rule, and how the utilization of laboratory services would change. It is clear, as mentioned above, that certain arrangements between physicians, physician groups, and other entities would be prohibited by this regulation. We are unable to determine, however, at this time the prevalence of these arrangements.

Section 1833(q) requires that each request for payment, or bill submitted, for an item or service furnished by an entity for which payment may be made under Medicare Part B and for which the entity knows or has reason to believe there has been a referral by a referring physician, must include the name and UPIN of the referring physician and indicate whether or not the referring physician is an interested investor. A request for payment on an assignment-related basis may be denied if the required information is not included. Civil money penalties may be imposed if an entity that submits Part B claims that are not assignment-related knowingly and willfully fails to provide the required information upon request. Furthermore, under section 1877(g)(3), should any entity present a bill or claim for an item or service that the entity knows or should have known was furnished under a prohibited referral, or has not refunded amounts collected for the referral, the entity is subject to civil money penalties.

Because of the reporting requirements and the associated penalties under sections 1833(q) and 1877, we believe there would be few prohibited referrals and services under these proposed

regulations, resulting in minimal effects on only a few clinical laboratories.

3. Impact on Hospitals

Sections 1877(b)(4) and 1877(d) of the Act include exceptions related to the prohibition on referrals for ownership or investment interests in certain hospitals. Clinical laboratory services furnished by a hospital in Puerto Rico are exempted, as are services furnished by other hospitals, if the referring physician is authorized to perform services at the hospital and the ownership or investment interest of the physician is in the hospital itself and not merely in a subdivision of the hospital. Additionally, if a physician's financial relationship with a hospital does not relate to furnishing clinical laboratory services, the referral prohibition would not apply. Because we believe that most of the financial relationships between physicians and hospitals are covered by these exceptions, we do not believe hospitals would be significantly affected by this rule.

We encourage comments and submission of applicable data concerning the number of small entities that may be affected by this proposed rule as well as the magnitude of any impact on small entities.

For the reasons stated above, we have determined, and the Secretary certifies, that this proposed rule would not result in a significant economic impact on a substantial number of small entities or on the operations of a substantial number of small rural hospitals. We are, therefore, not preparing analyses for either the RFA or section 1102(b) of the Act.

List of Subjects in 42 CFR Part 411

Kidney diseases, Medicare, Reporting and recordkeeping requirements.

42 CFR part 411 would be amended as set forth below:

PART 411—EXCLUSIONS FROM MEDICARE AND LIMITATIONS ON MEDICARE PAYMENT

1. The authority citation for part 411 is revised to read as follows:

Authority: Secs. 1102, 1834, 1842(1), 1861, 1862, 1871, 1877, and 1879 of the Social Security Act (42 U.S.C. 1302, 1395m, 1395u(1), 1395x, 1395y, 1395hh, 1395nn, and 1395pp).

Subpart A—General Exclusions and Exclusion of Particular Services

2. § 411.1, paragraph (a) is revised to read as follows:

§ 411.1 Basis and scope.

(a) *Statutory basis.* Section 1814(c), 1835(d), and 1862 of the Act exclude from Medicare payment certain specified services. The Act provides special rules for payment of services furnished by Federal providers or agencies (sections 1814(c) and 1835(d)), by hospitals and physicians outside the United States (sections 1814(f) and 1862(a)(4)), and by hospitals and SNFs of the Indian Health Service (section 1880). Section 1877 sets forth limitations on referrals and payment for clinical laboratory services furnished by entities with which the referring physician has a financial relationship.

* * * * *

Subpart J—Physician Ownership of, and Referral of Patients or Laboratory Specimens to, Entities Furnishing Clinical Laboratory or Other Health Services

3. Section 411.350 is revised to read as follows:

§ 411.350 Scope of subpart.

(a) This subpart implements section 1877 of the Act, which generally prohibits a physician from making a referral under Medicare for clinical laboratory services to an entity with which the physician or a member of the physician's immediate family has a financial relationship.

(b) This subpart does not provide for exceptions or immunity from civil or criminal prosecution or other sanctions applicable under any Federal law other than section 1877 of the Act, or State laws. For example, although a particular arrangement involving a physician's financial relationship with an entity may not prohibit the physician from making referrals to the entity under this subpart, the arrangement may nevertheless violate another provision of the Act or other laws administered by DHHS, the Federal Trade Commission, the Securities and Exchange Commission, the Internal Revenue Service, or any other Federal or State agency.

(c) This subpart requires, with some exceptions, that entities furnishing covered services under Part A or Part B report information concerning their ownership arrangements in the form, manner, and at the times specified by HCFA.

4. New §§ 411.351, 411.353, 411.355, 411.357, and 411.359 are added to subpart J to read as follows:

§ 411.351 Definitions.

As used in this subpart, unless the context indicates otherwise:

Compensation arrangement means any arrangement involving any remuneration between a physician (or a member of a physician's immediate family) and an entity.

Employee means any individual who, under the usual common law rules applicable in determining the employer-employee relationship (as applied for purposes of section 3121(d)(2) of the Internal Revenue Code of 1986), is considered to be employed by, or an employee of an entity. (Application of these common law rules is discussed at 20 CFR 404.1007 and 26 CFR 31.3121(d)-1(c).)

Entity means a sole proprietorship, trust, corporation, partnership, foundation, not-for-profit corporation, or unincorporated association.

Fair market value means the value in arm's-length transactions, consistent with the general market value. With respect to rentals or leases, "fair market value" means the value of rental property for general commercial purposes (not taking into account its intended use). In the case of a lease of space, this value may not be adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience of the lessor when the lessor is a potential source of patient referrals to the lessee.

Financial relationship refer to a direct or indirect relationship between a physician (or a member of a physician's immediate family) and an entity in which the physician or family member has—

(1) An ownership or investment interest that exists through equity, debt, or other similar means; or

(2) A compensation arrangement.

Group practice means a group of two or more physicians legally organized as a partnership, professional corporation, foundation, not-for-profit corporation, faculty practice plan, or similar association that meet the following conditions:

(1) Each physician who is a member of the group furnishes substantially the full range of patient care services that the physician routinely furnishes including medical care, consultation, diagnosis, and treatment through the joint use of shared office space, facilities, equipment, and personnel.

(2) Substantially all of the patient care services of the physicians who are members of the group (that is, at least 85 percent of the aggregate services furnished by all physician members of the group practice) are furnished through the group and are billed in the name of the group and the amounts received are treated as receipts of the group. The group practice must attest in writing that it meets this 85 percent requirement.

(3) The practice expenses and income are distributed in accordance with methods previously determined by members of the group.

In the case of faculty practice plans associated with hospitals that have approved medical residency programs for which faculty practice plan physicians perform specialty and professional services, both within and outside the faculty practice, this definition applies only to those services that are furnished to patients of the faculty practice plan.

Immediate family member of member of a physician's immediate family means husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, stepbrother, or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild.

Interested investor means an investor in an entity who is either a physician in a position to make or to influence referrals of business to the entity, or who is a member of the physician's immediate family.

Investor means a person with a financial relationship, as defined in this section, with an entity.

Practice means an office in which the physician, as a matter of routine, sees patients for purposes of diagnosis and treatment and where patient records are kept.

Referral means either of the following:

(1) The request by a physician for, or ordering of, any item or service for which payment may be made under Medicare Part B including a request for a consultation with another physician other than a pathologist, and any test or procedure ordered by, or to be performed by (or under the supervision of) that physician.

(2) If a plan of care includes the performance of clinical laboratory testing, the request of establishment of the plan of care by a physician.

When a pathologist in responding to another physician's request for a consultation, furnishes or supervises the furnishing of clinical diagnostic laboratory tests and pathological examination services, the services are not considered to have been furnished on a referral basis.

Referring physician means a physician (or group practice) who makes a referral as defined in this section.

Remuneration means any payment, discount, forgiveness of debt, or other benefit made directly or indirectly, overtly or covertly, in cash or in kind.

§ 411.353 Prohibition on certain referrals by physicians and limitations on billing.

(a) *Prohibition on referrals.* Beginning January 1, 1992, except as provided in §§ 411.355, 411.357, and 411.359, a physician who has a financial relationship with an entity, or who has an immediate family member who has a financial relationship with the entity, may not make a referral to that entity for the furnishing of clinical laboratory services as described in § 493.2 of this chapter, for which payment otherwise may be made under Medicare.

(b) *Limitations on billing.* An entity that furnishes clinical laboratory services under a referral that is prohibited by paragraph (a) of this section may not present or cause to be presented a claim or bill to the Medicare program or to any individual, third party payor, or other entity for the clinical laboratory services performed under that referral.

(c) *Denial of payment.* No Medicare payment may be made for a clinical laboratory service that is furnished under a prohibited referral.

(d) *Refunds.* An entity that collects payment for a laboratory service that was performed under a prohibited referral must refund all amounts collected on a timely basis.

§ 411.355 General exceptions to referral prohibitions related to ownership and compensation.

The prohibition on referrals set forth in § 411.353 does not apply to the following types of services:

(a) *Physicians' services,* as defined in § 411.20(a), that are furnished personally by (or under the direct personal supervision of) another physician in the same group practice as the referring physician.

(b) *In-office ancillary services* if they meet all of the following conditions:

(1) They are furnished personally by one of the following individuals:

(i) The referring physician.

(ii) A physician who is a member of the same group practice as the referring physician.

(iii) Non-physician employees of the referring physician or group practice, who are personally supervised by the referring physician or by another physician in the group practice.

(2) They are furnished in one of the following locations:

(i) A building in which the referring physician (or another physician who is a member of the same group practice) furnishes physicians' services unrelated to the furnishing of clinical laboratory services.

(ii) A building that is used by the group practice for centrally furnishing the group's clinical laboratory services (if the referring physician is a member of the group practice).

(3) They are billed by one of the following:

(i) The physician performing or supervising the service.

(ii) The group practice in which the physician is a member.

(iii) An entity that is wholly owned by the physician or the physician's group practice.

(c) *Services furnished to prepaid health plan enrollees* by one of the following organizations:

(1) A health maintenance organization or a competitive medical plan in accordance with a contract with HCFA under section 1876 of the Act and part 417, subpart C, of this chapter.

(2) A health care prepayment plan in accordance with an agreement with HCFA under section 1833(a)(1)(A) of the Act and part 417, subpart D.

(3) An organization that is receiving payments on a prepaid basis for the enrollees through a demonstration project under section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b–1) or under section 222(a) of the Social Security Amendments of 1972 (42 U.S.C. 1395b–1 note).

§ 411.357 Exceptions to referral prohibitions related to ownership or investment interests.

For purposes of § 411.353, the following ownership or investment interests do not constitute a financial relationship:

(a) *Publicly-traded securities.* Ownership of investment securities (including shares or bonds, debentures, notes, or other debt instruments) that are purchased on terms generally available to the public and are in a corporation that—

(1) Is listed for trading on the New York Stock Exchange, the American Stock Exchange, or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers; and

(2) Had, at the end of the corporation's most recent fiscal year, total assets exceeding $100,000,000. These assets must have been obtained in the normal course of business and not for the primary purpose of qualifying for this exception.

(b) *Specific providers.* Ownership or investment interest in the following entities:

(1) A laboratory that is located in a rural area (that is, a laboratory that is not located in an urban area as defined

in § 412.62(f)(1)(ii) of this chapter) and that meets the following criteria:

(i) The laboratory testing that is referred by a physician who has an ownership or investment interest in the rural laboratory must either—

(A) Be performed on the premises of the rural laboratory; or

(B) If not performed on the premises, the laboratory performing the testing must bill the Medicare program directly for the testing.

(ii) The majority of the tests referred to the rural laboratory are referred by physicians who have office practices located in a rural area.

(2) A hospital that is located in Puerto Rico.

(3) A hospital that is located outside of Puerto Rico if one of the following conditions are met:

(i) The referring physician is authorized to perform patient care services at the hospital, and the physician's ownership or investment interest is in the entire hospital and not merely in a distinct part or department of the hospital.

(ii) The referring physician's ownership or investment interest does not relate (directly or indirectly) to the furnishing of clinical laboratory services.

§ 411.359 Exceptions to referral prohibitions related to compensation arrangements.

For purposes of § 411.353, the following compensation arrangements do not constitute a financial relationship:

(a) *Rental of office space.* Payments made by a lessee to a lessor under the following conditions:

(1) There is a rental or lease agreement that meets the following requirements:

(i) The agreement is set out in writing, and is signed by the parties.

(ii) The agreement identifies the premises covered by the agreement and specifies the space dedicated for the use of the lessee.

(iii) The term of the agreement is at least 1 year.

(iv) If the agreement is intended to provide the lessee with access to the premises for periodic intervals of time, rather than on a full-time basis for the term of the agreement, the agreement specifies exactly the schedule of the intervals, their precise length, and the exact rent for the intervals.

(v) The agreement provides for payment on a periodic basis of an amount that is consistent with the fair market value of the rented or leased premises in arm's-length transactions.

(vi) The agreement provides for an amount of aggregate payments that does not vary (directly or indirectly) on the basis of the volume or value of any referrals generated between the parties.

(vii) The terms of the agreement would be considered to be commercially reasonable even if no referrals were made between the lessee and the lessor.

(2) If an interested investor (either a physician or immediate family member) has an ownership or investment interest in the rented or leased office space, the arrangement meets the following conditions:

(i) The rented or leased office space is in the same building in which the physician's practice or the physician's group practice is located.

(ii) The requirements described in paragraphs (a)(1)(i) through (a)(1)(vii) of this section are met.

(b) *Employment and service arrangements with hospitals.* An arrangement between a hospital and a physician (or immediate family member) for employment or for the provision of administrative services if the following conditions are met:

(1) The arrangement is set out in writing and signed by the parties.

(2) The arrangement specifies the day-to-day services to be furnished by the physician or immediate family member.

(3) The amount or value of the remuneration is—

(i) Consistent with the fair market value of the services in arm's-length transactions; and

(ii) Not determined in a manner that varies (directly or indirectly) on the basis of the volume or value of any referrals of business otherwise generated by the physician.

(4) The remuneration is provided under an arrangement that would be considered commercially reasonable even if no referrals were made to the hospital.

(c) *Physician recruitment.* Renumeration provided by a hospital to recruit a physician, which is intended to induce the physician to relocate to the geographic area served by the hospital and become a member of the hospital's medical staff if all of the following conditions are met:

(1) The arrangement and its terms are in writing and signed by both parties.

(2) The arrangement is not conditioned on the physician's referral of patients to the hospital.

(3) The hospital does not vary (directly or indirectly) the amount or value of the remuneration to the physician based on volume or value of any referrals the physician generates for the hospital.

(4) The physician is not precluded from establishing staff privileges at another hospital or referring business to another entity.

(d) *Isolated transactions.* Isolated financial transactions, such as a one-time sale of property, if all of the conditions set forth in paragraphs (b)(1), (3), and (4) of this section are met and there is no other financial relationship between the entity and the physician for 1 year before and 1 year after the transaction.

(e) *Service arrangements with non-hospital entities.* An arrangement for specific identifiable services furnished by a physican to an entity other than a hospital if the following conditions are met:

(1) The services are furnished—

(i) By the physician acting as the medical director or as a member of a medical advisory board of the entity in accordance with a Medicare requirement;

(ii) As a physician's service to an individual receiving hospice care for which Medicare payment may only be made as hospice care; or

(iii) As a physician's service to a nonprofit blood center.

(2) The arrangement satisfies the requirements described in paragraphs (b)(3) and (4) of this section.

(f) *Salaried physicians in a group practice.* A compensation arrangement involving payment by a group practice of the salary of a physician member of the group.

(g) *Other arrangements with hospitals.* A compensation arrangement other than those described in parargraphs (a) through (d) of this section between a hospital and a physician or a member of a physician's immediate family, if the arrangement does not relate to furnishing clinical laboratory services.

(Catalog of Federal Domestic Assistance Program No. 93.774, Supplementary Medical Insurance)

Dated: June 1, 1991.

Gail Wilensky,

Administrator, Health Care Financing Administration.

Approved: October 7, 1991.

Louis W. Sullivan,

Secretary.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

RIN 1004-AC00

[WO-610-02-4110-24 1A]

Promotion of Development, Reduction of Royalty on Stripper Wells

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) is issuing this proposed rule to amend 43 CFR 3103.4–1 relating to waiver, suspension, or reduction of rental, royalty, or minimum royalty. This amendment establishes the conditions under which an operator or an owner of a stripper oil well property can obtain a reduction in the royalty rate. This action is taken in order to encourage the operators of Federal stripper oil properties to place marginal or uneconomical shut-in oil wells back in production and to provide the economic incentive to increase production by reworking such wells and/or by implementing enhanced oil recovery projects. This would delay the abandonment of stripper and shut-in oil wells until the maximum amount of economically recoverable oil has been obtained from the reservoir. This amendment should result in an increase in the cumulative amount of domestic oil production from existing wells, and an increase in the percentage of oil recovery from presently developed reservoirs. It would also minimize the necessity of drilling new wells with the accompanying additional environmental impacts, assist in reducing the national balance of trade deficit, and help promote stability relating to jobs and services in the domestic oil industry.

DATES: Comments should be submitted by April 10, 1992. Comments received or postmarked after this date may not be considered in the decisionmaking process on the final rule.

ADDRESSES: Comments should be sent to: Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240. Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Erick Kaarlela, (202) 653–2127.

SUPPLEMENTARY INFORMATION: Section 39 of the Mineral Leasing Act (30 U.S.C. 209) and the existing regulations at 43 CFR 3103.4–1 provide that, in order to encourage the greatest ultimate recovery of oil or gas and in the interest of conservation, the Secretary of the Interior (the Secretary), upon a determination that it is necessary to promote development or that the lease cannot be successfully operated under the terms provided therein, may reduce the royalty on an entire leasehold or any portion thereof. The existing regulations also require the filing of a lengthy application for royalty reduction, including a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any production, and all facts tending to show whether the wells can be successfully operated at the fixed lease royalty rate. Further, existing BLM policy only allows for a royalty reduction sufficient for the lease income to equal expenses; that is, such reduction does not provide for the working interest owner to receive a profit from the production operations. Under these conditions, very few applications for royalty reduction have been filed and even fewer granted.

Based on the following findings, the Secretary has determined under section 39 of the Mineral Leasing Act that, for all oil wells qualifying as stripper wells, i.e., wells producing less than 15 barrels per day, royalty rate reduction is necessary to promote development, and that many stripper oil well properties cannot be successfully operated at the current royalty rate.

As of September 30, 1991, there were approximately 20,000 producing oil and gas leases on Federal lands. About 14,000 of these leases had wells actually producing thereon and about 6,000 were allocated production by virtue of being committed to unit or communitization agreements or by the payment of compensatory royalty. The majority of the total producing leases, about 15,000, were in the States of Colorado, New Mexico, and Wyoming.

On those leases, there were about 23,000 producing oil wells, 6,000 shut-in oil wells, and an estimated additional 3,000 temporarily abandoned oil wells on Federal lands as of September 30, 1991. The majority of the shut-in oil wells, about 4,800, were in the States of Wyoming, New Mexico, and California.

About 15,500 of the 23,000 producing oil wells were stripper oil wells. Total oil production from Federal lands during the period June 1990 through May 1991 was about 121 million barrels of which about 22.8 million barrels were produced from stripper oil wells. Since domestic oil production has been declining in the last 5 years, production from stripper wells is vital to avoiding increased dependence on foreign sources of crude oil.

Stripper wells are those whose production level is so low that they are only marginally economical to keep in production at current royalty rates, under the current and foreseeable oil industry economics. In fact, many are not currently producing and about 6,000 are in a shut-in status awaiting abandonment or better economics to resume production. A recent internal BLM review indicates that over 80 percent of the shut-in oil wells on Federal lands have some future beneficial use (potential to return to use as a production or service well), depending on economics. About 20 percent of the shut-in wells may have potential for use in enhanced oil recovery projects. During the past year, over 600 wells were plugged and abandoned on Federal lands, an average rate of 50 wells per month. Abandonment of stripper wells under the current economic situation in many cases will preclude the ultimate recovery of petroleum that physically could be produced from existing wells, but which would not justify redrilling of plugged wells or the drilling of new wells under more favorable economic circumstances after existing wells are plugged. Unless production resumes in the near future, BLM regulations for the protection of the environment will require these wells to be permanently plugged.

Given an appropriate economic incentive such as royalty rate reduction, wells currently shut-in or awaiting abandonment could be brought back into production, thereby reducing the current abandonment rate for marginally economic and shut-in wells and maximizing the ultimate recovery of energy resources on Federal lands. It would be in the public interest to reduce the abandonment rate, because any stripper well that is abandoned because of current economics reduces the potential for added and future domestic oil production. Money that is currently spent by operators in abandoning wells can instead be turned to use in resuming or increasing production. Operators of the producing stripper properties would be able to invest the gain from the royalty rate reduction to increase the production rate of stripper wells through reworking or enhanced recovery projects. Therefore, the Secretary has determined that the royalty rate reduction is the most appropriate method to encourage the greatest ultimate recovery of oil.

The proposed rule would define stripper oil property as a property that

produces an average of less than 15 barrels of oil per eligible well per day. Property is defined as a lease or a portion thereof, a communitization agreement, or a participating area of a unit agreement, operated by the same operator, which produces an average of less than 15 barrels of oil per well per day. An eligible well is defined as an oil well that produces, or an injection well that injects, for any period of time during the qualifying or subsequent 12-month period. An oil well is defined in the "PAAS Onshore Oil and Gas Reporter Handbook," which comprises the instructions for the Minerals Management Service (MMS) Form MMS–3160, Monthly Report of Operations. Injection well is defined as a well that injects a fluid for secondary or enhanced oil recovery.

The proposed rule would allow a royalty rate reduction to the operator or owner of a stripper oil well property after a determination that the property qualifies as a stripper oil well property, based on the section 39 determination made in this rule, without a separate section 39 determination for the particular property. The benefit of the reduction is intended for working interest owners to reinvest the gain in enhancing oil production.

This stripper oil well property royalty rate reduction program will remain in effect for 5 years as an economic test of the effect that this type of royalty rate reduction will have on encouraging the return of shut-in stripper oil wells to production, giving an economic incentive to obtain additional incremental oil production by reworking such wells or by implementing enhanced oil recovery projects, and on ultimately recovering the maximum amount of oil from stripper oil wells on Federal lands. If the oil price indexed for inflation remains, on average, above $28 per barrel based on the 1991 West Texas Intermediate crude average posted price for a period of 6 consecutive months, the stripper well property royalty rate reduction may be terminated upon 6 months' notice.

A qualifying production rate (average per well per day production) for stripper oil well properties will be calculated by each operator operating such a property, and a royalty rate will be established with a graduated schedule using an established formula, depending on the production rate. Total oil production from the eligible wells on the property is totaled and then divided by the total number of well days, both producing and injection days, as reported on Form MMS–3160 for the eligible wells, to calculate the property average daily production rate. The royalty rate calculated for the qualifying period will be the property oil royalty rate for all oil production for the first 12-month period and the maximum royalty rate for the life of the program. At the end of each 12-month period, the royalty rate will be recalculated, using the formula, for the next 12-month period and the lower of that rate or the qualifying rate will be used. The producer thus can invest in enhanced recovery with certainty as to his/her royalty costs. In this way, the economic life of these wells will be extended and abandonment of stripper and shut-in oil wells will be delayed until the maximum amount of recoverable oil has been obtained from the reservoir.

Using the above definitions and computation, the operator determines whether its property is a stripper oil property. If the property qualifies as a stripper oil property, the operator, using the property average production rate and the formula established by the BLM, calculates the applicable royalty rate for each 12-month period. The MMS will monitor and verify the operator's determinations of the reduced royalty rate. Irregularities will be investigated and resolved in cooperation with the BLM.

If the lease royalty rate is lower than the benefits provided by this rule, the lease rate prevails. In addition, the minimum royalty provisions of 43 CFR 3103.3–2 still apply to leases granted a royalty rate reduction under this rule.

The principal authors of this proposed rule are Sie Ling Chiang, Douglas Koza, and Rudy Baier of the Division of Fluid Mineral Lease and Reservoir Management, assisted by the staff of the Division of Legislation and Regulatory Management, BLM, and the MMS.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this proposed rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), chapter 2, appendix 1, Item 1.10, and that the proposal would not significantly affect the 10 criteria for exceptions listed in 516 DM 2, appendix 2. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusion" means a category of actions which do not individually or cumulatively have significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule. A major rule is any regulation that is likely to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Further, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) that it will not have a significant economic impact on a substantial number of small entities.

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

Some of the information collection requirement(s) contained in § 3103.4–1 have been approved by the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* and assigned clearance number 1004–0145. Other information collection requirement(s) contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501, *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects for 43 CFR Part 3100

Land Management Bureau, Public Lands—Mineral resources, Oil and gas production, Mineral royalties.

For the reasons stated in the Preamble, and under the authorities cited below, part 3100, Group 3100, subchapter C, chapter II of title 43 of the Code of Federal Regulations is amended as set forth below:

PART 3100—ONSHORE OIL AND GAS LEASING; GENERAL

1. The authority citation for part 3100 is revised to read as follows:

Authority: 30 U.S.C. 181, *et seq.*, 30 U.S.C. 351–359.

Subpart 3100—Oil and Gas Leasing: General

2. Section 3100.0–9 is added to read as follows:

§ 3100.0–9 Information collection.

(a)(1) The collections of information contained in § 3103.4–1(b) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and are among the collections assigned clearance number 1004–0145. The information will be used to determine whether an oil and gas operator or owner may obtain a reduction in the royalty rate. Response is required to obtain a benefit in accordance with 30 U.S.C. 181, *et seq.*, and 30 U.S.C. 351–359.

(2) Public reporting burden for the information collections assigned clearance number 1004–0145 is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer (783), Bureau of Land Management, Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project, 1004–0145, Washington, DC 20503.

(b)(1) The collections of information contained in § 3103.4–1 (c) and (d) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number _____. The information will be used to determine whether the oil and gas lessee may obtain a reduction in the royalty rate. Response is required to obtain a benefit in accordance with 30 U.S.C. 181, *et seq.*, and 30 U.S.C. 351–359.

(2) Public reporting burden for this information is estimated to average ½ hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Minerals Management Service (Mail Stop 2300), 381 Elden Street, Herndon, VA 22070–4817, and the Office of Management and Budget, Paperwork Reduction Project, _____, Washington, DC 20503.

Subpart 3103—Fees, Rentals and Royalty

3. Section 3103.4–1 is amended by redesignating paragraphs (c) and (d) as (b)(3) and (e) respectively, revising paragraph (b)(1), and adding new paragraphs (c) and (d) to read as follows:

§ 3103.4–1 Waiver, suspension, or reduction of rental, royalty, or minimum royalty.

* * * * *

(b)(1) An application for the above benefits on other than stripper oil well properties shall be filed in the proper BLM office. It shall contain the serial numbers of the leases, the names of the record title holders, operating rights owners (sublessees), and operators for each lease, the description of lands by legal subdivision and a description of the relief requested.

* * * * *

(c)(1) A stripper well property is defined as a lease or portion thereof segregated for royalty purposes, a communitization agreement, or a participating area of a unit agreement, operated by the same operator, that produces an average of less than 15 barrels of oil per eligible well per day for the qualifying period.

(2) An eligible well is an oil well that produces or an injection well that injects for any period of time during the qualifying or subsequent 12-month period.

(3) An oil well is defined in the "PAAS Onshore Oil and Gas Report Handbook," which comprises the instructions for the Minerals Management Service (MMS) Form MMS–3160, Monthly Report of Operations.

(4) An injection well is a well that injects a fluid for secondary or enhanced oil recovery.

(d) Stripper oil well property royalty rate reduction shall be administered according to the following requirements and procedures.

(1) An application for the benefits under (a) of this section for stripper oil well properties is not required.

(2) Total oil production for the subject period from the eligible wells on the property is totaled and then divided by the total number of well days, both producing and injection days, as reported on Form MMS–3160 for the eligible wells to determine the property average daily production rate. For those properties in communitization agreements and participating areas of unit agreements that have allocated (not actual) production, the production rate for all eligible well(s) in that specific communitization agreement or participating area is determined and shall be assigned to that allocated property in that communitization agreement or participating area.

(3) Procedures to be used by operator:

(i) Qualifying determination.

(A) Calculate an average daily production rate for the property in order to verify that the property qualifies as a stripper property.

(B) The initial qualifying period for producing properties is the period August 1, 1990, through July 31, 1991. For the properties that were shut-in for 12 consecutive months or longer, the qualifying period is the 12-month production period immediately prior to the shut-in. If the property does not qualify during the initial qualifying period, it may later qualify due to production decline. In those cases, the 12-month qualifying period will be the latest 12-month period before the property qualifies (i.e., a 12-month rolling average).

(ii) Qualifying royalty rate calculation. If the property qualifies, use the production rate rounded down to the next whole number (e.g., 6.7 becomes 6) for the qualifying period, and apply the following formula to determine the maximum royalty rate for oil production for the life of the program. If the production rate is 15 barrels or greater, the royalty rate will be the rate in the lease terms.

Royalty Rate (%) = 0.5% + (0.8% × the average daily production rate)

The formula-calculated royalty rate shall apply to all oil (but not gas) well production from the property for the first 12 months. The rate shall be effective the first day of the month after the Minerals Management Service (MMS) receives notification.

(iii) Outyears royalty rate calculations.

(A) At the end of each 12-month period, the property average daily production rate shall be determined for that period. A royalty rate shall then be calculated using the formula in paragraph (ii).

(B) The new calculated royalty rate shall be compared to the qualifying period royalty rate. The lower of the two

rates shall be used for the current period provided that the operator notifies the MMS of the new royalty rate. The new royalty rate shall not become effective until the first day of the month after the MMS receives notification. If the operator does not notify the MMS of the new royalty rate within 60 days after the end of the subject 12-month period, the royalty rate for the property shall revert back to the royalty rate established as the qualifying period royalty rate, effective at the beginning of the current 12-month period.

(C) The royalty rate shall never exceed the calculated qualifying royalty rate for the life of this program.

(iv) Prohibition. For the qualifying period and any subsequent 12-month period, the production rate shall be the result of routine operational and economic factors for that period and for that property and not the result of production manipulation for the purpose of obtaining a lower royalty rate. A production rate that is determined to have resulted from production manipulation will not receive the benefit of a royalty rate reduction.

(v) Certification. The applicable royalty rate shall be used by the operator/payor when submitting the required royalty reports/payments to MMS. By submitting royalty reports/payments using the royalty rate reduction benefits of this program, the operator certifies that the production rate for the qualifying and subsequent 12-month period was not subject to manipulation for the purpose of obtaining the benefit of a royalty rate reduction, and the royalty rate was calculated in accordance with the instructions and procedures in these regulations.

(vi) Agency action. If a royalty rate is improperly calculated, the MMS will calculate the correct rate and inform the operator/payors. Any additional royalties due are payable immediately upon notification. Late payment or underpayment charges will be assessed in accordance with 30 CFR 218.102 (1991). The BLM may terminate a royalty rate reduction if it is determined that the production rate was manipulated by the operator for the purpose of receiving a royalty rate reduction. Terminations of royalty rate reductions will be effective on the effective date of the royalty rate reduction resulting from the manipulated production rate (i.e., the termination will be retroactive to the effective date of the improper reduction). The operator/payor shall pay the difference in royalty resulting from the retroactive application of the unmanipulated rate. Late payment or underpayment charges will be assessed in accordance with 30 CFR 218.102 (1991).

(4) The royalty rate reduction provision fro stripper well properties shall be effective as of (the first day of the month after publication in the **Federal Register** of a final rule). If the oil price, adjusted for inflation using the implicit price deflator for gross national product with 1991 as the base year, remains on average above $28 per barrel, based on West Texas Intermediate crude average posted price for a period of 6 consecutive months, the benefits of the royalty rate reduction under this section may be terminated upon 6 months' notice.

(5) The stripper well property royalty rate reduction benefits shall apply to all oil produced from the property.

(6) The royalty for gas production (including condensate) from oil wells shall be calculated separately using the lease royalty rate.

(7) If the lease royalty rate is lower than the benefits provided in this stripper oil property royalty rate reduction program, the lease rate prevails.

(8) The minimum royalty provisions of § 3103.3–2 apply.

(9) Examples.

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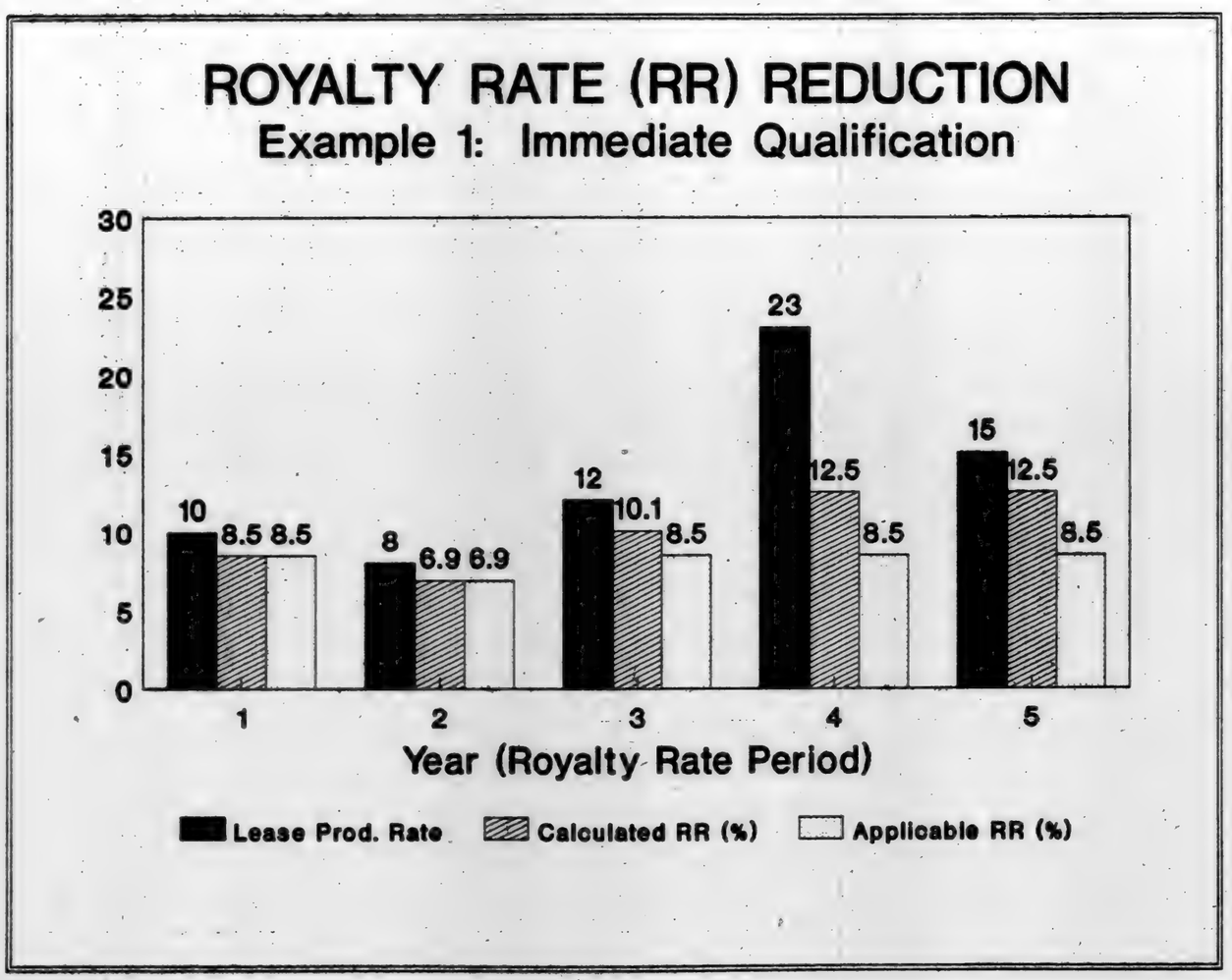

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Explanation, Example 1

1. Property production rate per well for qualifying period (August 1, 1990–July 31, 1991) is 10 barrels of oil per day (BOPD).

2. Using the formula, the royalty rate for the first year is calculated to be 8.5 percent. This rate is also the maximum royalty rate for the life of the program.

$8.5\% = 0.5\% + (0.8\% \times 10)$

3. Production rate for the first year is 8 BOPD.

4. Using the formula, the royalty rate is calculated at 6.9 percent. Since 6.9 percent is less than the first year rate of 8.5 percent, 6.9 percent is the applicable royalty rate for the second year.

$6.9\% = 0.5\% + (0.8\% \times 8)$

5. Production rate for the second year is 12 BOPD.

6. Using the formula, the royalty rate is calculated at 10.1 percent. Since the 8.5 percent first year royalty rate is less than 10.1 percent, the applicable royalty rate for third year is 8.5 percent.

$10.1\% = 0.5\% + (0.8\% \times 12)$

7. Production rate for the third year is 23 BOPD.

8. Since the production rate of 23 BOPD is greater than 15 BOPD threshold for the program, the calculated royalty rate would be the property royalty rate. However, since the 8.5 percent first year royalty rate is less than the property rate, the royalty rate for the fourth year is 8.5 percent.

9. Production rate for the fourth year is 15 BOPD.

10. Since the production is at the 15 BOPD threshold, the royalty rate would be the property royalty rate. However, since the 8.5 percent first year royalty rate is less than the lease rate, the royalty rate for the fifth year is 8.5 percent.

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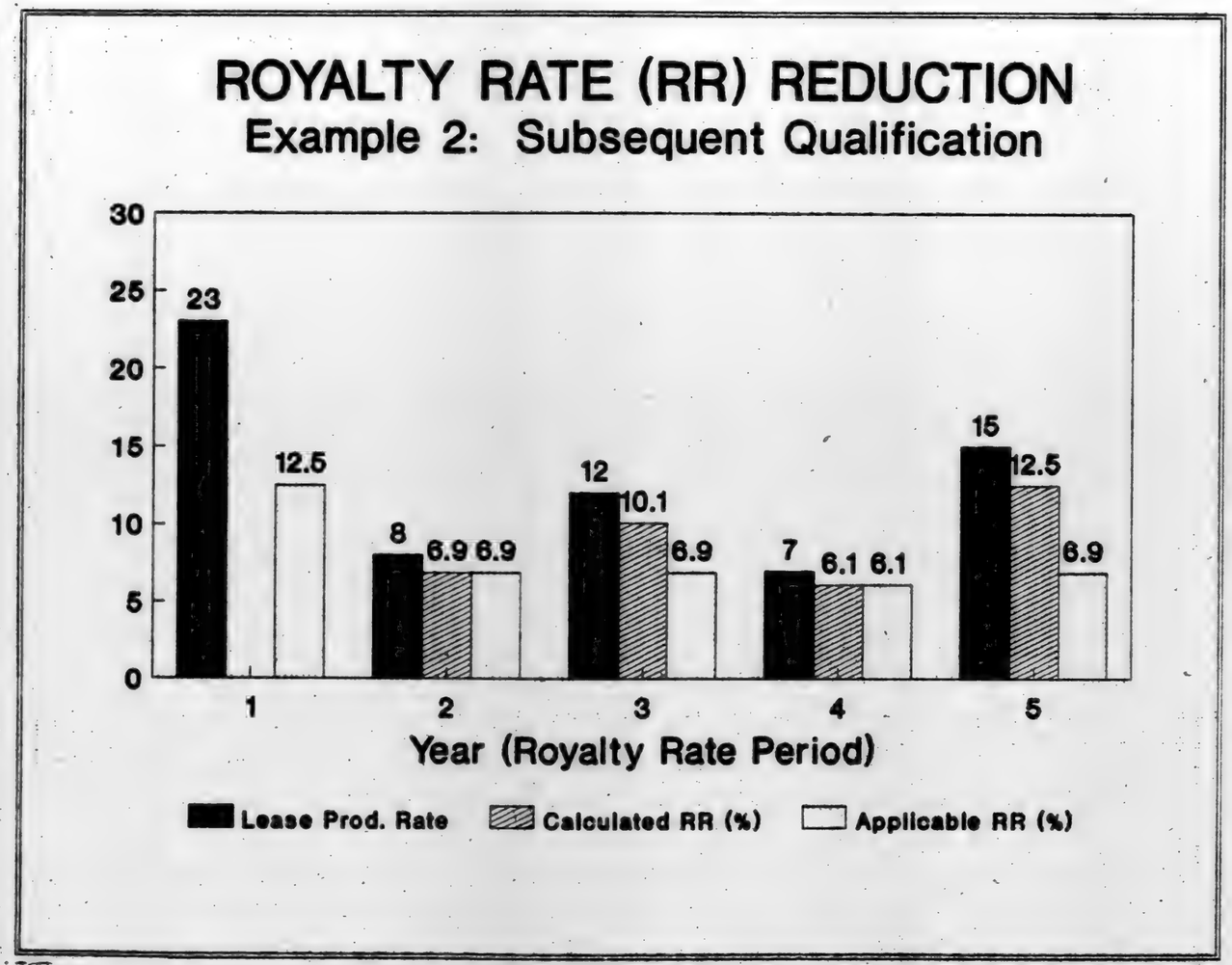

Explanation, Example 2

1. Property production rate of 23 BOPD per well (for the August 1, 1990–July 31, 1991, qualifying period prior to the effective date of the program) is greater than the 15 BOPD which qualifies a property for a royalty rate reduction. Therefore, the property is not entitled to a royalty rate reduction for the first year of the program.

2. Property royalty rate for the first year is the rate as stated in the lease.

3. Production rate for the first year is 8 BOPD.

4. Using the formula, the royalty rate is calculated to be 6.9 percent for the second year. This rate is also the maximum royalty rate for the life of the program.

6.9% = 0.5% + (0.8% × 8)

5. Production rate for the second year is 12 BOPD.

6. Using the formula, the royalty rate is calculated at 10.1 percent. Since the 6.9 percent second year royalty rate is less than 10.1 percent, the applicable royalty rate for third year is 6.9 percent.

10.1% = 0.5% + (0.8% × 12)

7. Production rate third year is 7 BOPD.

8. Using the formula, the royalty rate is calculated at 6.1 percent. Since the 6.1 percent third year royalty rate is less than the qualifying (maximum) rate of 6.9 percent, the royalty rate for the fourth year is 6.1 percent.

6.1% = 0.5% + (0.8% × 7)

9. Production rate for the fourth year is 15 BOPD.

10. Since the production is at the 15 BOPD threshold, the royalty rate would be the lease royalty rate. However, since the 6.9 percent second year royalty rate is less than the lease rate, the royalty rate for the fifth year is 6.9 percent.

* * * * *

Dated: Nov. 14, 1991.

Richard Roldan,

Acting Assistant Secretary of the Interior.

[FR Doc. 92–5598 Filed 3–10–92; 8:45 am]

BILLING CODE 4310–84–M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1512, 1516, and 1552

[FRL–4113–1]

Acquisition Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Environmental Protection Agency Acquisition Regulation (EPAAR) to require contractors to certify that work ordered by the Agency does not duplicate or is not similar to work previously performed or currently being performed for the Agency. The intended effect of this action is to prevent actual or apparent duplication of effort by contractors.

DATES: Written comments on this proposed rule must be received on or before May 11, 1992.

ADDRESSES: Comments should be addressed to the Environmental Protection Agency, Procuremnt and Contracts Management Division (PM–214), 401 M Street, SW., Washington, DC 20460, Attn: Edward N. Chambers.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers, (202) 260–6028 (FTS 260–6028).

SUPPLEMENTARY INFORMATION:

A. Background

The Environmental Protection Agency is frequently asked by its Inspector General and members of Congress about the possible occurrence of duplication of work under EPA contracts. No actual duplication of work has been found. However, EPA proposes to amend its acquisition regulation to request information from contractors to prevent any actual duplication of work from occurring and to avoid the appearance of duplication of work.

Because requests for work on occasion are urgent and may not allow the delay incident to completing the certification, the rule permits Contracting Officers the discretion to omit the requirement for the certification.

The rule in part amends section 1552.212–7 by adding alternate clause I. However, the EPA has already published an alternate clause I in the Federal Register of April 26, 1990, in a proposed rule on conflict of interest. This may affect the numbering and structure of the alternate clause in this proposed rule when it becomes final.

B. Executive Order 12291

OMB Bulletin No. 85–7, dated December 14, 1984, established the requirements for the Office of Management and Budget (OMB) review of agency procurement regulations. This regulation does not fall within any of the categories cited in the Bulletin requiring OMB review.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An information Collection Request document has been prepared by EPA (ICR No.1567.01) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St., SW., (PM–223Y); Washington, DC 20460 or by calling (202) 260–2740.

Public reporting for this collection of information is estimated to average two hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Information Policy Branch; EPA; 401 M St., SE. (PM–223Y); Washington, DC 20460; and to the Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

D. Regulatory Flexibility Act

The proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. Therefore, an Initial Regulatory Analysis was performed.

Initial Regulatory Flexibility Analysis
Duplication of Work

1. Purpose

The EPA proposes to amend its acquisition regulation to require information from contractors to prevent any actual duplication of work from occurring and to avoid the appearance of duplication of work.

2. Affected Small Entities

Small entities awarded EPA contracts for advisory and assistance services or technical support services will need to maintain records of previous work accomplished under EPA contracts. Presently, approximately sixty small entities are performing such contracts for EPA. It is impossible to estimate the number of small businesses that ultimately will receive contract awards for advisory and assistance services or technical support services and thereby be affected by this rule.

3. Description of Project Reporting and Record Keeping Requirements

It is estimated that almost all businesses maintain data on the work they have previously accomplished under Government contracts. For entities that routinely maintain that kind of data, only the additional costs associated with accessing the data and reporting to EPA (i.e. completing a certificate) would be incurred. For entities that do not routinely maintain such data, the rule will require establishment of a records system from which data on previous EPA work may be retrieved. However, EPA does not anticipate any need for entities to hire additional employees nor to incur costs for outside consultants in order to comply with the rule. EPA does anticipate that any cost increases experienced by these entities may be chargeable to EPA contracts under the provisions of FAR part 31.

4. Federal Rules Which may Duplicate, Overlap, or Conflict With the Proposed Rule

EPA reviewed the Office of Federal Procurement Policy (OFPP) Letter on Consultants and Conflicts of Interest as implemented in Federal Acquisition Circular 90–1 to determine whether or not this rule duplicates, overlaps, or conflicts with the proposed contractor certification requirements in the OFPP Policy Letter.

The OFPP Policy Letter requires agencies, before award of a contract, to determine whether a conflict of interest exists with regard to those providing advisory and assistance services to the Government. The Policy Letter requires the apparent successful offeror on such a contract to provide certified information describing the nature and extent of any similar services rendered to the Government or any other client within the previous twelve months. The Policy Letter does not provide for any certification after contact award.

The proposed EPA certification will be required under cost-reimbursable level of effort and fixed-rate indefinite delivery/indefinite quantity contracts for advisory and assistance services and for technical support services. These contracts generally have broad statements of work with definitive work assignments or delivery orders issued during performance. The EPA certification will be required with the contractor's acknowledgment of receipt of work assignments or delivery orders. This will ensure that duplicate work is not performed by the contractor during the contract period.

EPA, therefore, determines that the proposed rule does not duplicate, overlap, or conflict with the OFPP Policy Letter.

EPA has not identified any other federal rules which duplicate, overlap, or conflict with the proposed rule.

5. Alternatives to the Proposed Rule

EPA considered alternatives to the proposed rule such as establishing different compliance or reporting requirements or simplifying the requirements for small entities. EPA also considered exempting small entities from all or part of the proposed rule. EPA concluded that the stated objective cannot be met under the alternatives. EPA believes the proposed rule, along with other established internal controls within the Agency, will prevent any inadvertent expenditure of scarce resources.

List of Subjects in 48 CFR Parts 1512, 1516 and 1552

Contract delivery or performance, Government procurement, Service contracting, Solicitation provisions and Contract clauses, Types of contracts.

For the reasons set out in the preamble, chapter 15 of title 48 Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for 48 CFR parts 1512, 1516, and 1552 continues to read as follows:

Authority: Section 205(c) 63 Stat. 390, as amended, 50 U.S.C. 486(c).

PART 1512—CONTRACT DELIVERY OR PERFORMANCE

2. Section 1512.104 is amended to revise paragraph (b) to read as follows:

1512.104 Contract clauses.

* * * * *

(b)(1) The Contracting Officer shall insert the clause at 1552.212–71, Work Assignments, in solicitations and contracts when a cost-reimbursement term form contract with work assignments is to be used. The Contracting Officer shall use Alternate I in solicitations and contracts for technical or advisory and assistance services.

(2) In paragraph (c) of 1552.212–71 Work Assignments, Alternate I, the Contracting Officer may indicate that the certification otherwise required by the clause is not necessary. Before issuing such a work assignment the Contracting Officer shall make a written determination that the urgency of the requested work shall not permit the delay incident to completing the certification.

PART 1516—TYPES OF CONTRACTS

3. Section 1516.505 is amended to revise paragraph (a) to read as follows:

1516.505 Contract clauses.

(a)(1) The Contracting Officer shall insert the clause at 1552.216–72, Ordering—By Designated Ordering Officers, in indefinite delivery/indefinite quantity type solications and contracts. The Contracting Officer shall use Alternate I in solicitations and contracts for technical support or advisory and assistance services.

(2) In paragraph (c) of 1552.216–72 Ordering—By Designated Ordering Officers, Alternate I the Contracting Officer may indicate that the certification otherwise required by the clause is not necessary. Before issuing such a delivery order the Contracting Officer shall make a written determination that the urgency of the requested work will not permit the delay incident to completing the certification.

PART 1552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 1552.212–71 is amended by revising the introductory paragraph and adding an Alternate I to read as follows:

1552.212–71 Work assignments.

As prescribed in 1512.104(b), insert the following clause or its Alternate I:

* * * * *

Work Assignments, Alternate I (xxx 1991)

(a) The Contractor shall perform work under this contract as specified in written work assignments issued by the Contracting Officer.

(b) Each work assignment will include (1) a numerical designation, (2) the estimate of required labor hours, (3) the period of performance and schedule of deliverables, and (4) the description of the work.

(c) The Contractor shall acknowledge receipt of each work assignment or revision to a work assignment by returning to the Contracting Officer a signed copy of the work assignment or revisions, including the following certification, unless the work assignment indicates that the certification is not necessary, within * * * [The contracting Officer shall insert the number of days which normally shall be 10 or more calendar days after receipt of the work assignment]. However, if the work assignment or revision requires the Contractor to perform work which duplicates or is similar to work the Contractor has previously performed or is performing for the Agency, the Contractor shall return the work assignment, unsigned, and the completed certificate to the Contracting Officer within the same time period. For the purpose of certification, follow-on work which is in addition to previously ordered work and work which involves similar or identical procedures but requires different outputs, are not considered to be duplicative or similar.

Contractor Certification

(a) The Contractor certifies that to the best of its knowledge and belief this work assignment ( ) does; ( ) does not (check applicable box) require work which duplicates or is similar to work that it has performed, or is performing, for the Environmental Protection Agency.

(b) If the Contractor checked "does" in paragraph (a), it has listed below the contract number(s) and work assignment or delivery order numbers under which duplicate or similar work was or is being performed. (If work is not duplicative or similar, insert "NONE").

Contract number	Date	Delivery order No./work assignment No.	Title	Date

Signature of Contractor's Authorized Representative

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Title 18, United States Code, Section 1001.

(End of Certification)

(d) If the work assignment does not duplicate or is not similar to work previously performed or being performed by the Contractor, or is reissued under paragraph (e), the Contractor shall begin work immediately and shall comply with paragraph (f) of the clause.

(e) Notwithstanding the Contractor's certification that requested work duplicates or is similar to work the Contractor has previously performed or is performing for the Agency, the Contracting Officer may direct the Contractor to perform the requested work by reissuing the work assignment. Such work assignments shall not include the contractor certification.

(f) Within * * * [The Contracting Officer shall insert the number of days] calendar days after receipt of a work assignment, the Contractor shall submit * * * [The Contracting Officer shall insert the number of copies] copies to the Contracting Officer. The work plan shall include a detailed technical and staffing plan and a detailed cost estimate. Within * * * [The Contracting Officer shall insert the number of days] calendar days after receipt of the work plan, the Contracting Officer will provide written approval or disapproval of the work plan to the Contractor. If the Contractor has not received approval of a work plan within * * * [The Contracting Officer shall insert the number of days] calendar days after its submission, or the Contracting Officer disapproves a work plan, the Contractor shall stop work until the problem causing the disapproval is resolved. In either case, the Contractor shall resume work only when the Contracting Officer finally approves the work plan.

(g) Whenever a revised work plan is required by the Government due to a change in the work being performed, the Contractor shall complete the certification required by paragraph (c) of this clause and submit it to the Contracting Officer with its revised work plan.

(h) This clause does not change the requirements of the "Level of Effort" clause, nor the notification requirements of either the "Limitation of Cost" or "Limitation of Funds" clauses.

(i) Work assignments shall not allow for any change in the terms or conditions of the contract. Where any language in the work assignment may suggest a change to the terms or conditions of the contract, the Contractor shall immediately notify the Contracting Officer.

(End of clause)

5. Section 1552.216–72 is amended by revising the introductory paragraph and adding an Alternate I to read as follows:

1552.216–72 Ordering—By Designated Ordering Officers.

As prescribed in 1516.505(a), insert the following clause or its Alternate I.

* * * * *

Ordering—By Designated Ordering Officers, Alternate I (xxx 1991)

(a) The Government will order any supplies and services to be furnished under this contract by issuing delivery orders on Optional Form 347, or any Agency prescribed form, from * * * [The Contracting Officer shall insert the beginning date of performance] through * * * [The Contracting Officer shall insert the ending date or performance]. In addition to the Contracting Officer, the following individuals are authorized to place orders under this contract: [The Contracting Officer shall insert the names of authorized ordering officers].

(b) A Standard Form 30 will be used to amend delivery orders, if amendment is required.

(c) The Contractor shall acknowledge receipt of each delivery order by returning to the Contracting Officer a signed copy of the delivery order, including the following certification, unless the delivery order indicates that the certification is not necessary, within * * * [The Contracting Officer shall insert the number of days which normally shall be 10 or more days] calendar days after receipt of the delivery order. However, if the delivery order requires the Contractor to perform work which duplicated or is similar to work the Contractor has previously performed or is performing for the Agency, the Contractor shall not begin work but shall return the delivery order, unsigned, and the complete certificate to the Contracting Officer. For the purpose of certification, follow-on work which is in addition to previously ordered work and work which involves similar or identical procedures but requires different outputs, are not considered to be duplicative or similar.

Contractor Certification

(a) The Contractor certifies that to the best of its knowledge and belief this delivery order ( ) does; ( ) does not (check applicable box) require duplicate work or similar work that it has performed, or is performing, for the Environmental Protection Agency.

(b) If the Contractor checked "does" in paragraph (a) above, it has listed below the contract number(s) and work assignment or delivery order number(s) under which duplicate or similar work was or is being performed. (If work is not duplicative or similar, insert "NONE").

Contract No.	Date	Delivery order No./work assignment No.	Title	Date

Signature of Contractor's Authorized Representative

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Title 18, United States Code, Section 1001.

(End of Certification)

(d) If the delivery order does not require a duplication of work previously performed or being performed by the Contractor, or is reissued under paragraph (e), the Contractor shall prepare and forward to the Ordering Officer within ten (10) calendar days the proposed staffing plan for accomplishing the assigned work within the period specified in the delivery order.

(e) Notwithstanding the Contractor's certification that requested work duplicates or is similar to work the Contractor has previously performed or is performing for the Agency, the Contracting Officer may direct the Contractor to perform the requested work by reissuing the delivery order. Such delivery order shall not include the contractor certification.

(f) If the Contractor considers the estimated labor hours or specified work completion date to be unreasonable, the Contractor shall promptly notify the Ordering Officer in writing within ten (10) calendar days, stating why the estimated labor hours or specified completion date is considered unreasonable.

(g) Each delivery order will have a ceiling price which the Contractor may not exceed. If the Contractor has reason to believe that the labor costs and support costs to be incurred within the next thirty (30) days will bring the total incurred cost to over 85 percent of the ceiling price specified in the order, the Contractor shall notify the Ordering Officer.

(h) Paragraphs (c), (d), (e), (f), and (g) of this clause apply only to delivery orders for services.

(End of Clause)

6. Section 1552.237–71 is amended by revising paragraph (b) of the clause to read as follows:

1552.237–71 Technical Direction

* * * * *

(b) Technical direction must fall within the contract Statement of Work. The Project Officer does not have the authority to issue technical direction which (1) institutes additional work outside the scope of the contract; (2) constitutes a change as defined in the Changes clause; (3) causes an increase or decrease in the estimated cost of the contract; (4) alters the period of performance; (5) requires duplication of work previously performed or being performed for the Agency; or (6) changes any of the other express terms and conditions of the contract.

* * * * *

William Finister,

Acting Director, Office of Administration.

[FR Doc. 92–5414 Filed 3–10–92; 8:45 am]

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Notices

Federal Register
Vol. 57, No. 48
Wednesday, March 11, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Agency Information Collection Under Office of Management and Budget (OMB) Review

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Expedited information collection request.

SUMMARY: Agricultural Stabilization and Conservation Service (ASCS) has requested the Office of Management and Budget (OMB) to approve the information collections of Form AD–1026U, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Update (see Attachment 1), and Form AD–1026C, Landlord or Landowner Exemption Request (see Attachment 2), on an expedited basis by March 16, 1992. Due to ASCS's request for an expedited review, ASCS is publishing the supporting statement for these information collections in this notice.

DATES: Comments must be submitted on or before March 12, 1992.

ADDRESSES: Comments must be mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, room 3201, Washington, DC 20503; or to the USDA, Office of Information Resources Management, room 408W, Administration Building, Washington, DC 20250; Attention: Don Hulcher.

FOR FURTHER INFORMATION CONTACT: Mr. Don Hulcher, address as above, (202) 720–6746.

SUPPLEMENTARY INFORMATION: ASCS has requested that OMB approve the information collection for Form AD–1026U and Form AD–1026C on an expedited basis in order to have the forms available to potential participants of ASCS farm and commodity programs during the annual signup period for participation in the price support and production adjustment programs which began February 10, 1992. The intent of these forms is to simplify the information collection process and reduce the reporting burden on the public in administering requirements of the current regulations at 7 CFR part 12, Highly Erodible Land Conservation and Wetland Conservation Certification.

Form AD–1026U was created in response to the Secretary's "EASY ACCESS" initiatives, of which paperwork reduction and simplification is a goal. Form AD–1026U is a simplified version of Form AD–1026 which is currently being used to meet requirements of 7 CFR part 12 for highly erodible land and wetland conservation certification. Form AD–1026U is intended to be used instead of Form AD–1026 by those program participants whose farming operation or practices have not changed since the prior year's completion of AD–1026. Form AD–1026U does not request answers to questions, rather than respondent is required to certify to the conditions necessary for compliance with HELC and WC provisions, and certify that there has not been a change in his/her farming operation or farming practices on any land that would change the AD–1026 filed for the previous year. The burden for the AD–1026U is estimated to take 5 minutes, as compared to 15 minutes required to complete AD–1026.

The AD–1026C is a request/certification form used by landlords or landowners to obtain an exemption to program ineligibility determinations because of HELC or WC violations on their farm by tenants or sharecroppers. The landlord or landowner certifies that he/she did not require through agreement with the tenant/sharecropper the production of a commodity on land determined highly erodible or converted wetland and certifies that neither did he/she acquiesce or knowingly consent that the tenant or sharecropper violate the highly erodible land or wetland conservation provisions. The AD–1026C is estimated to take 5 minutes to complete, including any time the landowner or landlord may require to provide evidence to the COC to substantiate his/her position.

The supporting statement for the information collection associated with Form AD–1026U and AD–1026C is as follows:

A. Justification

1. Circumstances Making the Collection of Information Necessary

The Food Security Act of 1985 provides that any person who produces an agricultural commodity on a field that is predominantly highly erodible, or on wetland converted after December 23, 1985, shall be ineligible for certain program benefits. These provisions are an attempt to preserve the nation's wetlands and to reduce the rate at which the conversion of highly erodible land occurs, which adds to the national erosion problem, and the problem of commodity surpluses that affect farm income.

Applicants interested in receiving USDA loans or other program benefits subject to highly erodible land conservation (HELC) and wetland conservation (WC) provisions must certify annually to HELC and WC compliance using form AD–1026 (currently approved by OMB under control number 0560–0004 through June 6, 1994) or form AD–1026U (7 CFR part 12). Form AD–1026U is a simplified version of the AD–1026 and is used to certify compliance when an applicant completed AD–1026 for a previous year and the farming operation and farming practices have remained the same.

The AD–1026U was created in response to the Secretary's EASY ACCESS initiatives, of which paperwork reduction and simplification is a goal. Since the AD–1026U simply updates information reported in a previous year without providing answers to the same questions, it reduces paperwork burden on the public. The initiatives of EASY ACCESS are:

- To reduce the paperwork burden placed upon producers and others who participate in USDA programs
- To improve the dissemination of information to individuals concerning their participation in USDA programs
- To reduce the number of forms, the amount of information on forms, and duplication of information collected by the USDA agencies.

2. How, by Whom and for What Purpose Is the Information Used?

Use of Form AD–1026. The information on AD–1026U is used by

ASCS, Federal Crop Insurance Corporation (FCIC), Farmer's Home Administration (FmHA), and Soil Conservation Service (SCS) to make determinations regarding an applicant's eligibility, based upon compliance with the highly erodible land conservation and wetland conservation requirements of the Food Security Act of 1985 and the regulations at 7 CFR part 12, to receive certain benefits provided by the U.S. Department of Agriculture.

Use of Form AD–1026C. If a violation has occurred on a farm by a tenant or sharecropper, a landowner or landlord may request exemption from the violation by completing form AD–1026C (7 CFR part 12.8). In order to maintain program eligibility, producers should provide evidence that they did not acquiesce or consent to tenant activities that violated the provisions. The AD–1026C is used by the County ASC Committee to determine if an exemption to a violation is warranted. The County Committee documents on the AD–1026C reasons for the determination and the landlord/landowner is notified. This process is preformed to meet the requirements of 7 CFR part 12 and 12.8, as follows:

(a) "* * * the ineligibility of a tenant or sharecropper, for benefits . . . shall not cause a landlord to be ineligible for benefits for which the landlord would otherwise be eligible with respect to commodities produced on lands other than those in which the tenant or sharecropper has an interest.

(b) Paragraph (a) of this section shall not be applicable to a landlord if the production of an agricultural commodity on highly erodible land or converted wetland by the landlord's tenant or sharecropper is required under the terms and conditions of the agreement between the landlord and such tenant or sharecropper and such agreement was entered into after December 23, 1985 or if the landlord has acquiesced in such activities by the tenant or sharecropper."

3. Use of Improved Information Technology

Forms AD–1026U and AD–1026C are manually completed. The content of the forms is textual and any information provided by the respondent would be narrative rather than copies from a preexisting document or data base.

4. Efforts To Identify Duplication

The certifications on AD–1026U are currently on the AD–1026. However, the AD–1026U does not contain any questions soliciting information or requiring a Yes or No response; the respondent will complete either AD–1026 or AD–1026U as applicable to his/her situation. The information on AD–1026C is not duplicated on any other form.

5. Why Available Information Cannot Be Used or Modified

For the purposes of AD–1026U, available information is used. The respondent is certifying to the accuracy of information reported in a previous year, but is not duplicating the responses to the information.

6. Methods To Minimize Burden Small Business or Entities

Respondents who are considered small businesses can also complete the AD–1026U instead of AD–1026. There are no additional reporting requirements created specifically for small businesses to meet requirements of the Act.

7. Consequence if the Information Were Less Frequent

The AD–1026U and AD–1026C are completed once annually. The requirements of the Food Security Act of 1985 make annual reporting and certification and compliance mandatory before any USDA farm, land, and commodity program payment subject to the provisions of HELC and WC can be issued.

8. Inconsistency With Guidelines in 5 CFR 1320.6

The information collections are consistent with the guidelines in 5 CFR 1320.6.

9. Consultations With Persons Outside the Agency

The AD–1026U was developed as a direct result of numerous complaints from program participants and County ASCS Office employees regarding the burdensome requirement to annually report information that has not changed from previous years' reports. EASY ACCESS initiatives are the Secretary's actions to make changes that uphold the requirements of the law, yet reduce public burden.

10. Confidentially Provided to Respondents

Information collected for the purposes of HELC and WC compliance is handled according to established ASCS procedures implementing the Privacy Act, Freedom of Information Act, and OMB Circular 108, "Responsibilities for the Maintenance of Records About Individuals by Federal Agencies".

11. Questions of a Sensitive Nature

No information of a sensitive nature is requested.

12. Annual Costs to the Federal Government and Respondents

Costs to the Federal Government for AD–1026U and AD–1026C = $3,872,050 estimated as follows:

- Forms AD–1026U and AD–1026C development, printing and distribution = $80,050.
- Workhours from County Employees: 10 minutes per respondent x 2,402,000 respondents = 400,000 workhours x $9.48 (average wage) = $3,795,160.

Cost to the Public = $650,706 estimated as follows: 200,166 burden hours x $4.25 (minimum wage).

13. Estimate of Burden

Approximately 80% of the respondents who currently complete AD–1026 (3,000,000) will be able to complete AD–1026U, which totals 2,400,000 respondents. Of the respondents completing AD–1026U, approximately 2,000 will also complete AD–1026C. The average response time is 5 minutes per form x 2,402,000 responses = 200,166 burden hours.

14. Reasons for Changes in Burden

The burden associated with OMB No. 0560–0004 is reduced 362,557 hours. The reduction is the result of form AD–1026U which simplifies the HELC/WC reporting process for 2,400,000 respondents.

15. Tabulation, Analysis, Publication Plans

The information reported is for eligibility and compliance determinations only and is not intended for publication.

B. Collections of Information Employing Statistical Methods

These information collections do not employ statistical methods.

Note: Attachments are not for codification.

Signed at Washington, DC on March 5, 1992.

John A. Stevenson,
Acting Administrator, Agricultural Stabilization and Conservation Service.

BILLING CODE 3410–05–M

Attachment 1

AD-1026U (01-28-92) UNITED STATES DEPARTMENT OF AGRICULTURE Form Approved - OMB No. 0560-0004

HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND WETLAND CONSERVATION (WC) UPDATE

1. Name of Producer	2. Identification Number	3. Crop Year

PART I - CHECKLIST FOR COUNTY OFFICE COMPLETION

4. Is "Yes" checked on the prior year AD-1026 certification for any of items 7, 8, 10, 11, 12, or 13?

A. YES ☐ Do NOT have the producer complete this form. An AD-1026 must be completed by the producer.

B. NO ☐ The producer can certify below if all the conditions in Part II are met.

PART II - PRODUCER CERTIFICATION UPDATE

I certify that there has not been a change in my farming operation or farming practices on any land that would change the AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification, filed for 19

DO NOT DUPLICATE FROM THIS COPY

For the crop year entered in item 3 above, I agree to the following on all farms in which I have an interest in the land or crops planted or produced on the land:

A	**NOT** to plant or produce an agricultural commodity or designate land as ACR or CU on highly erodible fields unless actively applying an approved conservation plan or maintaining a fully applied conservation system.
B	**NOT** to plant or produce an agricultural commodity on wetlands converted after December 23, 1985.
C	**NOT** to convert wetlands by draining, dredging, filling, leveling or any other means that would allow or make possible the planting of any crop, pasture, agricultural commodity, or other such crops.
D	**NOT** to use proceeds from any FmHA farm loan, insured or guaranteed, received after December 23, 1985, for a purpose that will contribute to the conversion of a wetland to produce an agricultural commodity, or contribute to excessive erosion of highly erodible land as determined by SCS.

It is my responsibility to file a new AD-1026 in the event there are any changes in my farming operation(s).

Signature of Producer → | Date

NOTE: Signature on this Form AD-1026U gives USDA representatives authorization to enter upon and inspect all farms in which the producer has an interest for the purpose of confirming the above statements. This form will be considered to be the filing of the AD-1026 for the crop year identified in item 3.

Any questions concerning the requirements of the Food Security Act of 1985, as amended, shall be directed to your County ASCS Office personnel before signing in Part II.

Remarks:

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

(See reverse for Privacy Statement)

Attachment 2

REPRODUCE LOCALLY. Include form number and date on reproductions. Form Approved - OMB No. 0560-0004

AD-1026C (PROPOSAL 3) UNITED STATES DEPARTMENT OF AGRICULTURE

LANDLORD OR LANDOWNER EXEMPTION REQUEST

STATE

COUNTY

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the information to be supplied on this form is the Food, Agriculture, Conservation, and Trade Act of 1990 and regulations promulgated under the Act (7 CFR PART 12). The information will be used to determine eligibility for program benefits and other financial assistance administered by USDA agencies. The information may be furnished to other USDA agencies, IRS, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate or administrative tribunal. Furnishing the Social Security Number is voluntary. Furnishing the other requested information is voluntary; however, failure to furnish the correct, complete information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA agencies. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to information provided by the producer on this form. Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR COUNTY AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) OFFICE.

PART A - PRODUCER INFORMATION

1. NAME AND ADDRESS OF LANDLORD OR LANDOWNER	2. PHONE NO. (area code)	3. IDENTIFICATION NUMBER
	4a. FARM NUMBER	4b. TRACT NUMBER
	5. CROP YEAR	6. CROPLAND

PART B - LANDLORD OR LANDOWNER CERTIFICATION

7. *I hereby certify that the following information is correct for the farm and tract(s) listed in items 4a and 4b for the crop year entered in item 5:*

(1) Production of an agricultural commodity on highly erodible land or on converted wetland in violation of the highly erodible land and wetland conservation provisions of the Food Security Act of 1985 as amended is NOT required under the terms of an agreement between myself and the tenant or sharecropper.

(2) I did not consent to any activities by the tenant or sharecropper to violate the highly erodible land and wetland conservation provisions of the Food Security Act of 1985 as amended.

8. SIGNATURE OF LANDLORD | DATE

DO NOT DUPLICATE FROM THIS COPY

PART C - TO BE COMPLETED BY COC

☐ a. The landlord exemption shall NOT apply

☐ b. The landlord exemption shall apply. *(List all land on which the producer will be ineligible for benefits. Determine according to the table in Part D.)*

10. Describe the reasons for the COC determination *(Attach another sheet, if necessary.)*

11. SIGNATURE OF COC | DATE

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or handicap.

[FR Doc. 92-5844 Filed 3-10-92; 8:45 am]
BILLING CODE 3410-05-C

List of Warehouses and Availability of List of Cancellations and/or Terminations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of publication of list of warehouses licensed under the U.S. Warehouse Act and availability of list of cancellations and/or terminations occurring during calendar year 1991.

Notice is hereby given that the Agricultural Stabilization and Conservation Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1991, as required by section 26 of that Act (7 U.S.C. 266). Also available is a list of cancellations and/or terminations that occurred during calendar year 1991. A copy of the list of warehouses as of December 31, 1991, will be distributed to all licensed warehousemen. Other interested parties may obtain a copy of either list from: Mrs. Judy Fry, Agricultural Stabilization and Conservation Service Licensing Authority Division, U.S. Department of Agriculture, P.O. Box 2415, room 5962, South Agriculture Bldg., Washington, DC 20013, Telephone: 202–720–3822.

Signed at Washington, DC, March 5, 1992.

John A. Stevenson,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 92–5695 Filed 3–10–92; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Exemption of the Thompson Creek Fire Recovery Project From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and timber salvage timber project is exempt from appeals under the provisions of 36 CFR part 217.

SUMMARY: During 1991, the Thompson Creek Fire burned 7,700 acres of the Gallatin National Forest. Lands within the burn area were treated during the fire suppression efforts to stabilize slopes and prevent damage to watersheds and other resources. The Gallatin Forest Supervisor has determined these initial efforts were not sufficient to meet long-term objectives of the Gallatin Land and Resource Management Plan (Forest Plan). In September 1991, the Forest Supervisor proposed a recovery project consisting of three major actions: (1) Harvesting timber damaged by fire, windthrow and insects on 950 acres, (2) construction of 4.7 miles of new road and reconditioning of 6.8 miles of existing roads to facilitate removal of timber (all roads would be revegetated and closed after harvest operations), and (3) reforestation and revegetation by planting tree and shrub species on approximately 1,200 acres of burned and salvaged areas.

The Forest Supervisor has determined, through an environmental analysis documented in the Environmental Assessment (EA) for the Thompson Creek Fire Salvage Project, that there is good cause to expedite these actions for rehabilitation of National Forest System Lands and recovery of damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished within the spring and summer of 1992 to avoid further deterioration of sawtimber and additional insect mortality.

This is notification that the decision to implement the Thompson Fire Recovery Project on the Gallatin National Forest is exempted from appeal. This conforms with the provisions of 36 CFR 217(a)(11).

EFFECTIVE DATE: Effective on March 11, 1992.

FOR FURTHER INFORMATION CONTACT: David P. Garber, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, MT 59771.

SUPPLEMENTARY INFORMATION:

Background

In July and August 1991, the Thompson Creek Fire burned 7,700 acres of the Gallatin National Forest. The lightning-caused fire started within the Absaroka-Beartooth Wilderness and burned into the Mill Creek drainage. Within the recovery project area, approximately 1,800 acres of the fire-killed timber are within Management Areas, which are considered suitable for timber production in the Forest Plan. A fire rehabilitation team surveyed the burned area to assess damage to timber and other resources. Wildlife and fish habitats were altered when vegetation in riparian areas and stabilizing woody material in stream channels were partly or completely removed by the fire. Water quality has also been lowered.

In September of 1991, the most severely burned areas on steep slopes were treated by installing log erosion barriers and seeding with grasses. Other areas were seeded with grass and a protective mulch applied.

An interdisciplinary team was convened to evaluate the effects of the fire and its relationship to the Mill/Emigrant Timber Sales. A Supplemental Information Report (SIR) dated August 10, 1991, documents the team's findings. The SIR concluded that the Thompson Creek Fire did not change the effects described in the Mill/Emigrant Final Environmental Impact Statement (FEIS) within the Davis/Chico and Wicked/Snowbank subdivisions. Based on the conclusions documented in the SIR, a decision was made to analyze potential fire recovery projects including salvage of timber.

The Thompson Creek Fire Recovery Project encompasses the majority of the Wicked/Snowbank Timber Sale. The Wicked/Snowbank Timber Sale was offered for sale in June 1991, with a major objective of salvaging blowdown timber that was damaged in the spring of 1988. After the fire, the sale advertisement was withdrawn. Much of the blowdown timber is included in the Thompson Creek Fire Recovery Project. This blowdown timber, in conjunction with the fire-killed trees, constitutes considerable mortality and warrants immediate action while the trees still have commercial value. Additional delay will result in near total product deterioration of sawtimber damaged in 1988 and substantial loss of commercial value of the fire-killed trees due to cracking and "checking." Delays in reforestation will result in reductions in long-term yields and establishment of vegetation for wildlife cover, watershed stabilization, and visual rehabilitation.

In September, 1991, the Forest Supervisor proposed projects to rehabilitate Forest lands affected by the fire. The proposal was designed to meet the following needs: (a) Recover merchantable timber products from the area, (b) contribute to providing a continuous supply of timber to industry, (c) revegetate the area with trees and shrubs for future timber production, watershed recovery and enhancement of visual quality and wildlife hiding cover, and (d) provide for the recovery of conditions essential to sustaining ecological systems in the area. Initial scoping of issues occurred in October 1991. After public meetings, press releases, and contacts with individuals and State and Federal agencies, five environmental issues were identified and formed the foundation for the analysis of environmental effects disclosed in the EA.

The EA discloses the analysis of three alternatives, including a "no action" alternative. The Thompson Creek Fire Recovery EA incorporates by reference descriptions of resource characteristics, environmental effects and public comments associated with timber harvest and road access affecting the North Absaroka roadless area included in the Mill/Emigrant FEIS (1990).

Alternatives analyzed investigated recovery actions ranging from treatment of 1200 acres, 968 acres and no treatment. Estimated timber salvage ranges from a high of 9.3 MMBF to no salvage operations.

Planned Actions

The Selected Alternative (Alternative 1) includes three major actions. The first is to harvest approximately 950 acres of fire, blowdown, and insect killed or damaged timber within the recovery area. Harvest in all cases is limited to removal of dead trees, insect infested trees, and trees damaged beyond recovery. Second, an estimated 4.7 miles of new road would be constructed and 6.8 miles of existing road would be reconditioned to facilitate removal of timber. All roads would be ripped, revegetated, and closed after timber harvest operations are completed. Third, reforestation and revegetation of burned and salvaged areas would be accomplished by planting a mixture of coniferious species and shrubs. The objectives for these plantings include: (1) Reforestation of lands suitable for timber production as soon as possible, (2) establishment of wildlife hiding cover and winter forage for moose at a faster rate than natural conditions would allow, and (3) increased diversity of plant species as the area recovers.

Further delay in removal of the dead and damaged trees will render then unmerchantable as sawtimber, and a lack of reforestation and revegetation treatments will result in unacceptable delays affecting long-term timber yeilds, effectiveness of wildlife and fisheries habitat, and rehabilitation of visual resources. Due to the length of time it has taken to develop an acceptable recovery project and to evaluate its environmental effects, the time remaining for accomplishment has become critical. Additional delays will result in futher damage to presently undamaged resources and would decrease the ability to recover timber and other resources affected by the Thompson Creek fire and the 1988 snowstorm.

To expedite this recovery project and associated timber salvage, procedures outlined in 36 CFR part 217(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenonmena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the Federal Register that good cause exists to exempt such decisions from review under this part.

Based upon the environmental analysis documented in the Thompson Creek Fire Recovery Project EA and the Gallatin Forest Supervisor's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: March 5, 1992.

Christopher Risbrudt,

Deputy Regional Forester, Northern Region.

[FR Doc. 92–5702 Filed 3–10–92; 8:45 am]

BILLING CODE 3410–11–M

Forest Service

Management for the Northern Spotted Owl; National Forests in Washington, Oregon, and California

AGENCY: Forest Service, USDA.

ACTION: Notice; record of decision.

SUMMARY: The Forest Service gives notice that on March 3, 1992, James R. Moseley, Assistant Secretary, Natural Resources and Environment, signed the Record of Decision for the Final Environmental Impact Statement on Management for the Northern Spotted Owl in the National Forests located in the States of Washington, Oregon, and California. The decision adopts a management plan for northern spotted owl habitat on National Forest System lands that is based on the conservation strategy proposed by the Interagency Scientific Committee in its 1990 report, "A Conservation Strategy for the Northern Spotted Owl."

EFFECTIVE DATE: The standards and guidelines of the management plan were effective on March 3, 1992, the date the Record of Decision was signed. Because this decision amends Regional Guides and Forest Plans, no implementing decisions will be made before April 10, 1991. Until April 10, 1991, there will be no Records of Decision, Decision Notices, or Decision Memos signed for timber sales, salvage sales, road construction, or other development activities, in Habitat Conservation Areas or in spotted owl nesting, roosting, and foraging habitat.

ADDRESSES: Copies of the Record of Decision, appendix A, appendix B, and the Final Environmental Impact Statement are available from National Forest System Operations, USDA Forest Service, P.O. Box 96090, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Mary Coulombe, National Forest System Operations, (202) 205–1519.

SUPPLEMENTARY INFORMATION: The Final Environmental Impact Statement on Management for the Northern Spotted Owl in the National Forests was filed with the Environmental Protection Agency (EPA) on January 24, 1992. Notice of its availability was published in the **Federal Register** by EPA on January 31, 1992 (57 FR 3753). The Record of Decision summarizes the basis and need for the decision and the public comment received on the Draft and Final Environmental Impact Statements. It presents a comparison of the alternatives considered in the Final Environmental Impact Statement and describes the rationale for the alternative selected. This decision is not appealable under Forest Service administrative appeal procedures.

The text of the Record of Decision is set out in full at the end of this notice. Appendixes A and B are not included because of their length. Copies of the Record of Decision are being mailed to persons who received a copy of the complete Final Environmental Impact Statement. Appendix A, "Response to Public Comment on the Final Environmental Impact Statement," and Appendix B, "Response to Comments on the Draft Environmental Impact Statement from Plaintiffs and Intervenors in *Seattle Audubon Society, et al.* v. *Evans, et al., No. 89–160WD*," are available upon request from the office listed in "**ADDRESSES**" earlier in this notice.

Dated: March 6, 1992.

F. Dale Robertson,

Chief.

RECORD OF DECISION

U.S. Department of Agriculture—Forest Service

Management for the Northern Spotted Owl in the National Forests

Amendments to the Regional Guides
- Pacific Northwest Region
- Pacific Southwest Region

Amendments to the Land and Resources Management Plans
- Deschutes, Gifford Pinchot, Modoc, Mount Baker-Snoqualmie, Mount Hood, Okanogan, Olympic, Rogue River, Siskiyou, Siuslaw, Umpqua, Wenatchee, Willamette, and Winema National Forests

Management direction pending completion of Land and Resource Management Plans
- Klamath, Lassen, Mendocino, Shasta-Trinity, and Six Rivers National

Forests

States of Washington, Oregon, and California

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XII. Contact Person
XIII. Signature, Date

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Appendix B. Response to Comments on the Draft Environmental Impact Statement from Plaintiffs and Intervenors in *Seattle Audubon Society, et al.* v. *Evans, et al.*, No. 89–160WD.

I. Summary of Decision

This Record of Decision (ROD) documents my reasons for adopting Alternative B of the Final Environmental Impact Statement (FEIS) published in January 1992. This decision is direction for managing habitat for the northern spotted owl on the National Forests within its range in Washington, Oregon, and California. Alternative B is based on the strategy proposed by the Interagency Scientific Committee (ISC) in its 1990 report "A Conservation Strategy for the Northern Spotted Owl" (Conservation Strategy). The Conservation Strategy is flexible and should be more than adequate to provide a high likelihood of maintaining viable populations of the northern spotted owl, and allows new information to be incorporated to modify the Strategy, if appropriate. This Record of Decision adopts a scientifically credible plan to protect spotted owl habitat on National Forests, while minimizing the loss of jobs and revenue in communities dependent on National Forest timber harvest. However, this decision is not a decision to harvest trees or undertake any other specific activity on any of the National Forests in the planning area. This decision is in accordance with the requirements of the National Forest Management Act (NFMA) as interpreted by the Federal District Court in *Seattle Audubon Society, et al.* v. *Evans, et al.*, No. 89–160WD, (*SAS* v. *Evans*). My intent is to move management of the National Forests out of the court system.

This decision results in 5.9 million acres, including wilderness, of National Forest System lands being managed primarily for northern spotted owl habitat as Habitat Conservation Areas (HCAs). The decision establishes standards and guidelines for activities within the HCAs to ensure that nesting, roosting, and foraging habitat is available for the spotted owl. Also, this decision establishes standards and guidelines for timber management and other management activities on National Forest System Lands between the HCAs to provide dispersal habitat for the owl. In addition, this decision provides for an intergrated inventory, monitoring, and research program.

This decision amends the Pacific Northwest and Pacific Southwest Regional Guides to meet the regulator requirement to manage habitat to maintain viable populations of the northern spotted owl as part of planning for overall multiple-use management of the National Forests. It also amends Land and Resource Management Plans (Forest Plans) for National Forests in Washington, Oregon, and California within the range of the spotted owl to ensure that planning and implementation of projects on the affected National Forests are consistent with this direction. For National Forests in California with Draft Forest Plans, the standards and guidelines and area designations of the Regional Guide will serve as direction for managing northern spotted owl hibitat. The direction will be included in Forest Plans as they are completed.

The scope of this decision is limited to the management planning direction necessary to maintain viable populations of the northern spotted owl throughout its range on National Forest System lands. This decision does not analyze, define, or propose solutions for other issues, such as removing the northern spotted owl from the list of threatened species under the Endangered Species Act, managing old-growth forest ecosystems on National Forest System lands, or managing spotted owl habitat on other Federal state, tribal, or private lands.

The northern spotted owl is also protected on National Forest System lands as a threatened species under the Endangered Species Act. In addition, the U.S. Fish and Wildlife Service is developing a Recovery Plan for the northern spotted owl. After a Recovery Plan is approved by the U.S. Fish and Wildlife Service and the Forest Service has identified objectives for National Forests under the Recovery Plan, management planning direction provided by this Record of Decision will be evaluated and adjusted as appropriate. However, the Conservation Strategy should promote recovery of the northern spotted owl if it is followed by other Federal agencies.

II. Background

Events Leading to This Decision

The Forest Service previously promulgated management guidelines for the northern spotted owl in the Pacific Southwest Regional Guide in 1984 and in an amendment to the Pacific Northwest Regional Guide in 1988. In October 1989, an Interagency Scientific Committee was established under an interagency agreement among the Forest Service in the U.S. Department of Agriculture, and the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the National Park Service in the U.S. Department of the Interior. This Committee of Scientists was charged with developing a scientifically credible conservation strategy for the northern spotted owl. In its April 1990 report, the Interagency Scientific Committee reported that the spotted owl was imperiled over significant portions of its range and proposed a Conservation Strategy.

In June 1990, the U.S. Fish and Wildlife Service listed the northern spotted owl as a threatened subspecies throughout its range under the Endangered Species Act. The primary reasons given for the listing were widespread loss of habitat due to timber harvesting and the lack of effective regulatory mechanisms at the time to protect the subspecies. By notice in the **Federal Register** (55 FR 40412, October 3, 1990), the Secretary of Agriculture vacated the existing standards and guidelines for northern spotted owl habitat management in the Pacific Northwest and Pacific Southwest Regional Guides. Pending further direction under Endangered Species Act procedures, the notice directed the Forest Service to conduct timber management activities in a manner not inconsistent with the Conservation Strategy developed by the Interagency Scientific Committee. On March 7, 1991, the Federal District Court, Western Washington, ruled in *SAS* v. *Evans* that the notice did not constitute compliance with the procedural requirements of the National Forest Management Act. On May 23, 1991, the court further ordered that "The Forest Service is enjoined to proceed diligently in compliance with NFMA * * * and to submit to the court and have in effect by March 5, 1992, revised standards and guidelines to ensure the northern spotted owl's viability, together with an environmental impact statement, as

required by NFMA and its implementing regulations."

The Viability Requirement in National Forest Planning

The National Forest Mangement Act requires that National Forest planning regulations "provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives * * *." (16 U.S.C. sec. 1604(g)(3)(B)). Forest planning regulations require that diversity of plant and animal communities—the entire biological community—be considered throughout the process for integrated resource planning for Forest Plans (36 CFR 219.13, 219.26 and 219.27(g)). These regulations also include provisions that specify how particular resources that are part of the biological community are to be addressed in forest planning.

Among the provisions for fish and wildlife habitat are requirements to manage habitat to maintain viable populations of vertebrate species (36 CFR 219.19 and 210.27(a)(6)). There are also requirements to select representative species to serve as indicators of the effects of management and to establish management objectives to maintain or improve habitat for these species, consistent with overall multiple-use objectives (36 CFR 219.19(a) and 219.27(a)(6)). In addition, there are requirements to protect critical habitat for threatened and endangered species, as determined by the U.S. Fish and Wildlife Service, and to contribute, where possible, to the recovery of listed species (36 CFR 219.19(a)(7) and 219.27(a)(8)).

The viability planning requirement in 36 CFR 219.19 is as follows: "Fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area. For planning purposes, a viable population shall be regarded as one which has the estimated numbers and distribution of reproductive individuals to insure its continued existence is well distributed in the planning area. In order to insure that viable populations will be maintained, habitat must be provided to support, at least, a minimum number of reproductive individuals and that habitat must be well distributed so that those individuals can interact with others in the planning area." In this case, the "planning area" as defined in 36 CFR 219.3 is the range of the northern spotted owl on National Forest System lands.

Because there cannot be scientific certainty about future events, it is not truly possible to "insure" the maintenance of viability of any species. Therefore, population viability for a species under 36 CFR 219.19 is evaluated in terms of the probability or likelihood that the species will persist in well-distributed patterns throughout its range in the National Forest System for a long period of time. For purposes of 36 CFR 219.19, a "high" probability of persistence insures viability.

Planning and management direction for maintaining viable populations of northern spotted owls on National Forest System lands is established in Regional Guides and Forest Plans. Regional Guides provide standards and guidelines for addressing major issues and management concerns that need to be considered at the Regional level to facilitate the development of Forest Plans under the National Forest Management Act (36 CFR 219.8(a)). Forest Plans provide multiple-use prescriptions and associated standards and guidelines for each management area on the Forest, including proposed and probable management practices (36 CFR 219.11(c)). Management activities, permits, contracts, cooperative agreements, and other instruments for occupancy and use of National Forest System lands must be consistent with the approved Forest Plan (36 CFR 219.10(e)). Where a Forest Plan has not yet been approved, these activities must follow the standards and guidelines in the Regional Guide.

Forest Plans define multiple-goals and objectives for the National Forests and establish a set of rules to be followed in planning and implementing projects to achieve these goals and objectives. A Forest Plan provides a framework for determining what types of activities are permitted or not permitted on various areas of a National Forest, but it usually does not make the decision to proceed or not to proceed with a specific project. Hence, Forest Plans generally do not make irreversile or irretrievable commitments of resources. Decisions on individual projects require additional anlaysis. Project-level decisions must be consistent with the Forest Plan, and they must also comply with National Environmental Policy Act requirements for site-specific environmental analysis and public involvement, as well as the requirements of other laws, such as the Clean Water Act and the Endangered Species Act.

III. Decision

Management Direction

It is my decision to select Alternative B as the management direction for northern spotted owl habitat on National Forest System lands within the range of the spotted owl. Alternative B is based on a comprehensive evaluation of all the relevant scientific studies completed or in process at the time and has been extensively peer reviewed. The scientists most qualified in the biology of the northern spotted owl determined that this strategy has a high probability of insuring a viable population of the northern spotted owl throughout its range for at least 100 years. This timeframe also means that alternative B has a high probability of insuring viabilty for all lesser time periods and is, therefore, both a sort-term and long-term solution. The viability analysis, and the resulting rating, acknowledged and accounted for areas of special concern. The Conservation Strategy of Alternative B addressed these areas by establishing guidelines for additional protection measures. Alternative B, therefore, meets the viability planning requirement in the NFMA regulation (36 CFR 219.19).

The northern spotted owl is also protected on National Forest System lands as a threatened species under the Endangered Species Act. The protection of the spotted owl and its habitat provided by Alternative B is essentially the same as the protection measures that have evolved through the consultation process with the U.S. Fish and Wildlife Service.

Habitat Conservation Areas and Standards and Guidelines

This decision establishes Category 1, 2 and 3 NCAs and guidelines for establishment of Category 4 NCAs on National Forest System lands. These four categories of NCAs will be managed primarily for nesting, roosting, and foraging habitat for the northern spotted owl. Category 1 and Category 2 HCAs are large blocks of existing and potential habitat that will support multiple pairs of spotted owls. These blocks are spaced to facilitate dispersal of spotted owls between them. In areas of special concern, Category 1 and 2 HCAs do not provide sufficient security for the spotted owl because of current habitat conditions, spotted owl population densities, landscape or ownership patterns. In these areas, Category 3 HCAs are established around known or future individual pairs to supplement spotted owl populations in the larger HCAs. In addition, Category 4 HCAs are to be established around a limited number of known pairs in areas outside of other HCAs (the "forest matrix") to provide future nesting sites for spotted owls.

The forest matrix is to be managed to provide adequate dispersal habitat for northern spotted owls and, also, to provide opportunities to study spotted owls in managed forests. Fifty percent of the forested lands outside of HCAs should be maintained in stands of timber with an average diameter at breast height (d.b.h.) of 11 inches or greater and at least 40 percent canopy closure (the 50–11–40 rule).

Details of this management direction are described as Alternative B in the FEIS (chapter 2, pages 19–40) and the ISC's Conservation Strategy. Further details and clarifications are provided in the three sets of questions and answers issued by the Interagency Scientific Committee and the Technical Review Team, which was established to interpret questions regarding the ISC's Conservation Strategy. The three documents are listed below and are part of the adminstrative record for this Record of Decision.

USDA Forest Service. 1991. Questions and answers on "A conservation strategy for the northern spotted owl." Portland, OR: USDA Forest Service, Pacific Northwest Research Station. Miscellaneous Publication. February 1991. 69 p.

Thomas, J.W. 1991. Letter with memo entitled, Responses to questions pertaining to interpretation and impelmentation of the Interagency Scientific Committee Conservation Strategy. Answers to questions in memo provided by ISC Committee. The letter is dated January 3, 1991; the memo is dated January 2, 1991.

Mays, L.K.; Mulder, B.S. 1991. Letter with memo entitled, Responses to questions pertaining to interpretation and implementation of the Interagency Scientific Committee Conservation Strategy. Answers to questions in memo provided by members of the Technical Review Team of the Interagency Northern Spotted Owl Conservation Group (NSOG). The letter is dated April, 30, 1991; the memo is dated April 29, 1991.

Monitoring and Research

An integrated monitoring and research program is also established. This program will assess on a continuing basis the effectiveness of the Conservation Strategy and will explore opportunities to develop or maintain suitable owl habitat through silvicultural treatments.

The Regional Foresters for the Pacific Northwest and Pacific Southwest Regions and the Station Directors for the Pacific Northwest and Pacific Southwest Forest Research and Experiment Stations are directed to proceed with the northern spotted own monitoring and research program described in the FEIS (appendix J).

Implementation

All management activities, permits, contracts, cooperative agreements, and other instruments for occupancy and use on National Forest System lands within the range of the northern spotted owl are to be consistent with the management direction adopted by this Record of Decision.

Accordingly, this Record of Decision:

- Amends the Pacific Southwest Regional Guide to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B in the FEIS. The previous management direction for northern spotted owl habitat in the Regional Guide is superseded.
- For the Klamath, Lassen, Mendocino, Shasta-Trinity, and Six Rivers National Forests, HCAs are established and the standards and guidelines are to be applied directly to all management activities within the range of the northern spotted owl pending completion of the Forest Plans. The HCAs and standards and guidelines will be included in the Forest Plans being developed on these Forests. The Modoc National Forest Plan is amended to add the standards and guidelines of Alternative B for that portion of the Forest within the range of the northern spotted owl.
- Amends the Pacific Northwest Regional Guide to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B. The previous management direction for northern spotted owl habitat in the Regional Guide, as amended, is superseded.
- Amends the Forest Plans for the Gifford Pinchot, Mount Baker-Snoqualmie, Mount Hood, Olympic, Rogue River, Siuslaw, Siskiyou, Umpqua, and Willamette National Forests to add the HCAs and standards and guidelines for northern spotted owl habitat management of Alternative B. It amends the Forest Plans for the Deschutes, Okanogan, Wenatchee, and Winema National Forests to add the HCAs and standards and guidelines of Alternative B for that portion of those Forests within the range of the northern spotted owl.

Projects will be conducted according to the management direction in the Forest Plans, as amended by this decision. Management direction in the Regional Guides and Forest Plans that is not directly superseded by this decision remains in effect. The standards and guidelines adopted by this decision assume that the existing standards and guidelines and management area designations and prescriptions for forest lands outside HCAs will remain in effect. Changes in management direction on such lands will have to be carefully evaluated through the adaptive management process. The obsolete Spotted Owl Habitat Areas (SOHAs) of the Forest Plans are replaced by either the standards and guidelines for HCAs or the standards and guidelines for the forest matrix and surrounding management areas. The annual quantity of timber offered for sale will reflect the harvest implications of the standards and guidelines and HCA designations.

Specific standards and guidelines are provided for timber management in HCAs, including timber sales currently under contract (FEIS, chapter 2, pages 30–31). In cases where existing sales do not meet the requirements outlined in the standards and guidelines, the Forest Service will make every effort to work with purchasers to bring these sales into compliance. The standards and guidelines apply to these sales, even if the sales are exempt from judicial review or are covered by a biological opinion from the U.S. Fish and Wildlife Service that states the sales would not jeopardize the continued existence of the spotted owl.

Situations may arise in the future where standards and guidelines will need to be evaluated. The Conservation Strategy provides for some activities, such as salvage of timber in HCAs and land exchanges, if they have been reviewed by the Technical Review Team. This Record of Decision provides a process for evaluation of proposals to modify the standards and guidelines through adaptive management.

Regional Guide and Forest Plan Amendments

This decision amends the Regional Guides for the Pacific Northwest and Pacific Southwest Regions to prescribe standards and guidelines for management of northern spotted owl habitat to be used in the forest planning process. In addition, the affected Forest Plans are amended to add the HCAs and standards and guidelines.

The degrees to which the HCAs and the standards and guidelines for the management of habitat for the northern spotted owl in this decision require changes in existing management prescriptions in the Forest Plans varies by Forest. Although the area available for timber production and the annual quantity of timber offered for sale is limited by this decision, as disclosed in the FEIS, this decision does not amend the Forest Plans to change the suitable land base or allowable sale quantities. Additional analysis and public involvement under the process provided by the National Forest Management Act and the National Environmental Policy Act are required at the Forest level before making these adjustments.

Each National Forest must analyze its own management situation and capabilities to determine the effects of implementing this decision on other multiple-use goals and objectives in the Forest Plan. Each Forest must then determine whether the adjustments required to manage habitat for the spotted owl are to be addressed through further Forest Plan amendments or revision. Individual Forests will want to consider other changes in the Forest Plans to mitigate some of the adverse economic effects of this decision on local communities. This Record of Decision replaces previous direction for management of spotted owl habitat and assumes that other Forest Plan standards and guidelines and management area designations and prescriptions for the forest matrix will remain in effect (FEIS, chapter 2, page 32). Changes in management direction on such lands would have to be carefully evaluated through the forest planning process and the adaptive management process.

In summary, analysis of the effects of implementation of Forest Plans as amended by this decision, additional public involvement, environmental analysis, and interdisciplinary evaluation of alternatives for all forest resources will have to be undertaken by each National Forest to determine what further amendments or revisions of Forest Plans are needed. The timing to initiate this process will depend on a number of factors, including the status of the Recovery Plan and the need to respond to changes in resource conditions on the Forest.

Adaptive Management

This decision includes an adaptive management process to monitor and evaluate implementation of the standards and guidelines. If monitoring indicates that adjustments are needed to increase protection for spotted owl habitat or to expand management options for other forest resources, the processes outlined for adaptive management will be followed.

The adaptive management process will involve both technical and management groups within the Forest Service and interagency groups in which the Forest Service participates. An interagency Technical Review Team was set up in November 1990 to provide interpretation of the Conservation Strategy, to review proposed actions under the standards and guidelines to determine consistency with the strategy, and to evaluate monitoring and research information over time to determine the need or desirability of modifying the strategy (FEIS, Chapter 2, pages 33–34). The Technical Review Team will review and make recommendations on proposals to modify or adjust HCAs, proposals for various activities within HCAs, and proposals for activities within the forest matrix that might not be compatible with the Conservation Strategy.

The Forest Service established the Northern Spotted Owl Steering Committee and the Northern Spotted Owl Oversight Team to perform functions similar to the Technical Review Team. The composition and functions of the Oversight Team and Steering Committee are discussed in the FEIS (chapter 2, page 35). The Oversight Team and the Steering Committee will ensure a consistent interpretation of the standards and guidelines adopted by this decision on National Forest lands across regional and forest boundaries. They will also facilitate corrdination with the Technical Review Team on the review of proposals to modify management direction through the adaptive management process.

Relationship to the Endangered Species Act

Adoption of the Conservation Strategy does not relieve the Forest Service of its responsibilities under the Endangered Species Act. The Forest Service will continue appropriate consultation and conferencing with the U.S. Fish and Wildlife Service and National Marine Fisheries Service as required by section 7 of the Endangered Species Act. On December 18, 1991, the U.S. Fish and Wildlife Service issued their biological opinion on the Draft Environmental Impact Statement and stated that adoption of Alternative B is not likely to jeopardize the continued existence of the northern spotted owl. Consultation on specific projects will occur before specific projects are implemented in areas where spotted owls are present.

In addition, on January 15, 1992, the U.S. Fish and Wildlife Service designated 5.7 million acres of National Forest System lands as critical habitat for the spotted owl. Eighty percent of this area is in HCAs. The U.S. Fish and Wildlife Service excluded from designation portions of HCAs that were part of wilderness areas. It extended protection under the Endangered Species Act to approximately 1.2 million acres of spotted owl habitat outside of HCAs. Consultation will occur before any actions are taken that may result in the destruction or adverse modification of critical habitat, whether or not spotted owls are present.

IV. Alternatives Considered

The Purpose and Need for the Proposed Action

The underlying purpose and need to which the Forest Service responded in proposing alternatives are described in chapter 1 of the FEIS. Specifically, the FEIS states: The Forest Service has a need to manage National Forest habitat for the northern spotted owl (*Strix occidentalis caurina*) within the requirements of the National Forest Management Act (NFMA) and its implementing regulations as interpreted in *Seattle Audubon Society, et al.* v. *Evans, et al.*, No. 89–160WD (*SAS* v. *Evans*).

The underlying purposes are: (1) to satisfy the court order "to submit to the court and have in effect by March 5, 1992 revised standards and guidelines to ensure the northern spotted owl's viability, together with an environmental impact statement, as required by NFMA and its implementing regulations." (*SAS* v. *Evans*), and

(2) to amend the Regional Guide and the Forest Land Resource Management Plans for the Pacific Northwest Region, and amend the Regional Guide for the Pacific Southwest Region, to provide management direction to the National Forests within the range of the northern spotted owl.

Alternatives Considered in Detail

The FEIS explored and evaluated a reasonable range of alternatives which met this underlying purpose and need, as well as the "no-action" alternative required by 40 CFR 1502.14(d) and one alternative management strategy raised during the period of public comment on the Draft Enviromental Impact Statement (DEIS). All alternatives would require compliance with consultation requirements for critical habitat under the Endangered Species Act (see section VIII of this ROD).

These alternatives included:

Alternative A—Spotted Owl Habitat Areas ("No-Action Alternative")

Alternative A would manage the National Forests as directed in the Regional Guides and Forest Plans. Those guides and plans prescribe management areas known as Spotted Owl Habitat Areas (SOHAs) for maintenance of spotted owl habitat.

This alternative meets the Council on Environmental Quality's requirements for a "no-action" alternative required in environmental impact statements

Alternative B—ISC Conservation Strategy

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific committee in its 1990 report "A Conservation Strategy for the Northern Spotted Owl". This alternative was identified as the "Proposed Action" in both the DEIS and FEIS.

Alternative C—ISC Conservation Strategy Plus Critical Habitat

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific Committee and further expand the Habitat Conservation Areas to include the Critical Habitat Units identified by the U.S. Fish and Wildlife Service in its January 15, 1992, rule.

It is assumed that ground-disturbing management activities in Critical Habitat Units would be more restricted under the standards and guidelines for HCAs, as provided by this alternative, than they would be under the guidelines that result from consultation. The U.S. Fish and Wildlife Service's January 15, 1992, rule did not prescribe activities that would or would not be permitted in Critical Habitat Units. As stated above, consultation for activities that may destroy or adversely modify spotted owl habitat in Critical Habitat Units will occur under all alternatives.

Alternative D—ISC Conservation Strategy plus All Nesting, Roosting, and Foraging Spotted Owl Habitat

This alternative would manage the National Forests using the Conservation Strategy presented by the Interagency Scientific Committee and further apply the prescriptions for Habitat Conservation Areas to all existing northern spotted owl nesting, roosting, and foraging habitat.

Alternative E—"A Multi-Resource Strategy for the Conservation of the Northern Spotted Owl"

This alternative would adopt a strategy developed by the Spotted Owl Subgroup of the Wildlife Committee of the National Forest Products Association and American Forest Council. It proposes an alternative set of standards and guidelines and an alternative set of conservation areas to protect the northern spotted owl.

Alternatives Considered but Eliminated from Detailed Study

Several alternatives were considered but eliminated from detailed study.

Alternatives presenting an old-growth forest management plan, or focusing on the management of other old-growth associated wildlife species, were considered but were eliminated from detailed study. All old-growth forests are not spotted owl habitat; all spotted owl habitat is not old-growth forest. The Regional Guides, the approved Forest Plans, and those Forest Plans still in preparation, all address the issue of old-growth forest management. The decision here is focused on management direction that will insure the viability of the northern spotted owl. Its effects on old growth and old-growth associated species are identified in the FEIS.

Alternatives which would have prescribed management direction for lands managed by other Federal agencies, tribes, states, and private individuals were suggested, but were eliminated from detailed study. The Forest service has no authority to prescribe management on these other lands. The management of these lands and effects on them, however, are factors that were considered in the FEIS.

Some commenters suggested exempting certain parts of the spotted owl's range from consideration. These proposals were considered but eliminated from detailed study because they would not meet the regulatory requirement to insure the viability of the northern spotted owl throughout its range within the planning area.

Other proposals were received suggesting silvicultural regimes which could be applied to parts of the northern spotted owl's range. Stand management techniques such as extended rotation and commercial thinning should be explored through research and experimentation. Our knowledge of how to create and maintain spotted owl habitat in managed stands is insufficient at this time to apply these suggestions.

Officials of Siskiyou County, California, and others proposed developing a separate environmental impact statement, including separate standards and guidelines, to revise the Pacific Southwest Regional Guide. Current information on differences in habitat in this part of the spotted owl's range does not indicate a need for a separate analysis for California. If future information indicates a need, standards may be adjusted through the adaptive management component of Alternative B.

Two proposals from the Northwest Forestry Association would have reduced the acreage in the HCAs identified by the Interagency Scientific Committee. These proposals were not considered in detail, as initial evaluation showed they would not meet the regulatory requirement of insuring the northern spotted owl's viability. A similar, but more comprehensive and detailed, management strategy developed by this group was analyzed in the FEIS as Alternative E.

No proposals were received from the plaintiffs in *SAS* v. *Evans*.

The Environmentally Preferable Alternative

"The environmentally preferable alternative is the alternative that will promote the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources." (Council on Environmental Quality, "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (40 CFR 1500–1508), **Federal Register** Vol. 46, No. 55, 18026–18038, March 23, 1981; Question 6a.)

Alternatives B, C, D, and E are preferable to the no-action alternative (Alternative A), in that all of these alternatives limit disturbance to the environment relative to the no-action alternative, and thereby mitigate adverse consequences to the northern spotted owl and its habitat. Since the least human-caused change to the biological and physical environment, as well as to historic, cultural, and natural resources, would occur with Alternative D, it is the environmentally preferable alternative. This preference is indicated despite the likelihood that Alternative D also could result in a higher risk of catastrophic forest fires and forest loss from disease and insect infestation. All of the alternatives provide the protection to environmental factors afforded by the standards and guidelines of the Regional Guides and Forest Plans, as well as the protection developed in environmental analysis, to avoid and mitigate adverse effects of projects and management activities.

V. Reasons for the Decision

Meeting the Purpose and Need for Action

The selection of Alternative B puts into effect "revised standards and guidelines to ensure the northern spotted owl's viability" as ordered by the District Court. Adoption of Alternative B meets the purpose and need and the regulatory requirement to insure viability. Although the environmental analysis and public involvement required for this decision had to be completed within the extremely tight time frames mandated by the court, they provided the information needed for an informed decision.

Factors Considered

Primary consideration was given to the need to select a scientifically credible management strategy with a high probability of maintaining viable populations of the northern spotted owl an National Forest System lands. The information considered in reaching this decision is contained in the administrative record, including but not limited to the FEIS, the ISC Report, peer reviews of the ISC Conservation Strategy and of the Multi-Resource Strategy proposed by forest industry (Alternative E), the results of section 7(a) consultation with the U.S. Fish and Wildlife Service, public comment, and applicable laws and regulations. Also important was the need to minimize the economic and social impact of this decision.

Comparison With Other Alternatives

Alternative B (along with Alternatives C and D) insures the viability of the northern spotted owl, by providing a high probability of both short and long-term viability of the owl.

Alternative A does not ensure the viability of the northern spotted owl, as it would provide only a low probability of long-term viability of the owl.

Alternative E does not ensure the viability of the northern spotted owl. It would provide only a low probability of long-term viability because (1) designated areas for habitat management are not large enough; (2) portions of the owl's range on the east side of the Cascade Mountains in Oregon and Washington, the north Oregon Coast Range, and the Olympic Peninsula are outside the Owl Management Zone; (3) there is limited latitude for catastrophic events; and (4) owl cluster sizes are small.

Economics—All of the alternatives, including the "no-action" Alternative A, project declines in employment and income related to National Forest timber harvests, compared with historic averages for the past 5 years (1986–1990) and the past decade (FEIS, chapter 2, page 69; chapter 3&4, pages 192–195). The FEIS discusses trends and factors affecting timber markets, employment, and income in the Pacific Northwest (FEIS, chapter 3&4, pages 171–196). Of the alternatives that ensure the northern spotted owl's viability (Alternatives B, C, and D), Alternative B has the least adverse effects on the economy and on timber-dependent communities of the three states.

Timber—Under Alternative B, 74 percent of the 6.1 million acres of northern spotted owl nesting, roosting, and foraging habitat on National Forest System lands will be unavailable for timber production (FEIS, chapter 3&4, page 110). Of the total area on the affected National Forests that is physically capable of being managed for timber production, over 6.7 million acres, 55 percent, will be available for timber production (FEIS, chapter 3&4 page 110). This total includes approximately 1.6 million acres of northern spotted owl habitat outside of HCAs (FEIS, chapter 3&4, page 56). Any timber harvests in northern spotted owl habitat outside of HCAs will, of course, still be subject to consultation requirements with the U.S. Fish and Wildlife Service, the standards and guidelines for management of the forest matrix that are part of this decision, and other resource protection standards and guidelines in the Forest Plans.

Of Alternatives B, C, and D, Alternative B also provides the most opportunity to use adaptive management in these National Forests to find ways of maintaining, creating, or accelerating the development of suitable owl habitat and potentially to lower threats to the forest from fire, insects, and disease. The ISC recommended, as part of its strategy, experimentation and testing of silvicultural treatments to improve, maintain, or develop suitable owl habitat over time (FEIS, chapter 2, page 33). The management situation for fire, insects, and disease is discussed in appendix F and appendix G of the FEIS.

Discussion of Tradeoffs

Implementation of this decision will have significant effects on the economy and communities of the Pacific Northwest. However, the best scientific information available at this time indicates that Alternative B provides reasonable guidelines for habitat management for the northern spotted owl that will insure its viability. Achieving short and long-term protection for the spotted owl at a much lower cost to people, communities, and the economy does not appear possible at this time based on existing information; the Conservation Strategy, however, provides for modification of proposed management as new information becomes available.

Long-term options for timber management in areas providing habitat for the northern spotted owl are not foregone by this decision. The monitoring and research components of this decision will explore silvicultural treatments that have less adverse effects on the people dependent on National Forest timber harvests and insure the spotted owl's viability.

VI. Public Involvement

Summary of the Process

Information describing the public involvement process up to the publication of the Final Environmental Impact Statement (FEIS) is presented in Appendix L (Public Involvement) of the FEIS. The environmental impact statement was developed with involvement of the public, state, local, and tribal governments, and other Federal agencies.

The Forest Service published a Draft Environmental Impact Statement (DEIS) disclosing the environmental effects of alternatives on September 27, 1991. The public was afforded three months in which to submit comments. During that time, the Forest Service held public hearings in Olympia, Washington; Salem, Oregon; and Redding, California. About 150 people presented official testimony at those hearings. Most of the public comment was received through the mail. Over 5,000 comments on the draft were received.

Public comments resulted in several changes between the DEIS and the FEIS. A major change is the inclusion of a new alternative—Alternative E—based on the Multi-Resource Strategy offered by the Spotted Owl Subgroup of the Wildlife Committee of the National Forest Products Association and the American Forest Council.

Notice of the availability of the FEIS for public review was published in the **Federal Register** on January 31, 1992. Because no administrative appeal of the this decision is available, a 30-day period between publication of the FEIS and the Record of Decision was required (40 CFR 1506.10(b)(2)).

The public comments received following release of the FEIS, as well as those received on the DEIS, have been considered in making this decision.

Major Concerns From Public Comments

Major concerns expressed by the public included:

- Whether the ISC Conservation Strategy is scientifically credible and whether new information available since its release was considered.
- Whether the risks and uncertainties to the short-term and long-term viability of the spotted owl under the ISC Conservation Strategy were properly disclosed and evaluated.
- Whether the Forest Service can ensure the viability of the northern spotted owl when other owners and agencies manage habitat in its range

and the ISC Conservation Strategy assumed all Federal agencies would participate in the strategy.

- Whether the environmental impact statement as a whole, or one or several alternatives, should have focused on a management plan for old-growth forest ecosystem.
- Whether less intensive management applied to the whole forest, rather than habitat conservation areas, should have been used both to supply timber and to provide spotted owl habitat.
- Whether the needs of people and communities were properly weighed against the needs of the spotted owl.

The following discussion explains how these major concerns were addressed in making this decision. Specific comments and responses on the DEIS appear in Appendix L of the FEIS. Appendix A of this Record of Decision responds to the comments received on the FEIS. Appendix B of this Record of Decision responds to comments made by plantiffs and intervenors in *SAS* v. *Evans*.

Response to Major Concerns

The scientific credibility of the ISC Conservation Strategy and consideration of new information.

After consideration of the criticisms of the Conservation Strategy by other scientists, in particular the testimony by several scientists in *SAS* v. *Evans*, the decision is to adopt the strategy recommended by the scientists on the Interagency Scientific Committee, who are widely acknowledged as the most knowledgeable in the biology of the spotted owl.

In making this decision, recent information on northern spotted owls and their habitat needs, including indications of differences in habitat use and habitat characteristics in various parts of the range and reports of spotted owl use of second-growth, managed stands, was considered. Preparation of the environmental impact statement included a thorough review of relevant scientific studies and other literature that have been published, or are in process, since the Interagency Scientific Committee published its Conservation Strategy. A summary of published and unpublished sources reviewed is presented in Appendix D (Annotated Bibliography) of the FEIS. While much of the new information adds precision and affirms the scientific knowledge of the spotted owl's biology and habitat needs, none alters the principles on which the ISC Conservation Strategy is based.

While the FEIS was being printed, additional information on northern spotted owl populations and their habitat was presented during the adminstrative hearing on the Bureau of Land Management's request to the Endangered Species Committee for an exemption under the Endangered Species Act (see the discussion of related activities on lands managed by the Bureau of Land Management under Section VIII of this ROD). In testimony, Dr. Barry Noon stated that the amount of habitat on Bureau of Land Management lands may be lower than previously expected. In addition, a recent demographic analysis by Drs. Anderson and Burnham shows that populations are declining in five areas and that the rates of decline may be accelerating. A draft of this report was available for and considered in the FEIS (FEIS, Chapter 3&4, page 35). After preliminary review, it was concluded that this information does not represent a significant change in the status and trends for the owl. Declining trends were anticipated in the ISC Report.

A later version of the Anderson and Burhnam analysis was presented at the Endangered Species Committee hearings. The conclusions of the two versions are the same. This information does not run counter to the assumptions underlying the ISC Report or Alternative B and there is no need to change the strategy's standards and guidelines or process of implementation. Because demographic parameters are crucial in determining the status of the spotted owl, this information will be reviewed as part of the adaptive management process.

Evaluation and Disclosure of Risks and Uncertainties to the Short-Term and Long-Term Viability of the Spotted Owl

The viability analysis in the environmental impact statement was developed and reviewed by leading spotted owl experts and scientists and received favorable comments. The criteria used are appropriately based on measures of the amount and distribution of habitat. The seven criteria used to evaluate viability are indices of specific population parameters. This analysis is independent and additional to the ISC Reports's risk analysis.

There is a potential threat to the spotted owl in both the short term and long term. It is not possible to provide a 100 percent assurance for the viability of a species. However, the standards and guidelines provide for large blocks of suitable habitat and for dispersal habitat, and in the short term protect key habitat areas and pairs of spotted owls. Because the Conservation Strategy provides for continuous distribution of breeding pairs, restoration of habitat in key areas, interaction among pairs and subpopulations, and monitoring and research, it provides for the viability of the spotted owl in both the short term and the long term.

In the determinations of the viability ratings for the alternatives, potential threats to the spotted owl were recognized for specific areas, such as the Coast Range. While there is a potential risk in the short term to spotted owls in specific areas, there is a realistic expectation of natural recolonization of these areas from adjacent areas with ample habitat and numbers of spotted owls. Therefore, even with these recognized threats to the spotted owl, the overall rating for alternative B was HIGH.

The Relationship of This Decision to Management of Northern Spotted Owl Habitat on Other Land Ownerships

Forest Service authorities and responsibilities to maintain the viability of the northern spotted owl apply only to National Forest System lands.

The Relationship of This Decision to Management of Old-Growth Forest Ecosystems

This decision responds to the stated purpose and need for a management plan to ensure the viability of the northern spotted owl. Alternatives for management of old-growth ecosystems and associated wildlife species, including those alternatives developed by the Scientific Panel on Late Successional Forest Ecosystems, would require consideration of issues, concerns, and opportunities that are beyond the purpose and need. Therefore, alternatives of this nature were considered but eliminated from detailed study (see discussions in section IV of this ROD; FEIS, chapter 2, pages 73–76, and appendix L, pages A–16 and A–17).

For purposes for forest planning and monitoring, the northern spotted owl has been selected as a management indicator species for the effects of management activites and old-growth forests and associated species. Identification of a species as a mangement indicator, however, is independent of the regulatory requirement for maintenance of viability (see the discussion of planning requirements in section II of this ROD). To ensure the viability of the northern spotted owl, the alternatives considered for this decision focus on habitat needs specific to the spotted owl.

However, information was displayed in the FEIS with regard to the effects of Alternative A through E on existing old-growth stands and associated wildlife species. Those alternatives that result in a high probability of maintaining the viability of the northern spotted owl also provide additional protection for other species associated with old-growth forests.

Possibilities for Less Intensive Management of the Whole Forest to Provide Spotted Owl Habitat

Research to date suggests that large designated areas set aside to provide habitat for multiple pairs of spotted owls provide for greater likelihood of persistence of spotted owls than do small areas of habitat surrounded by managed stands. Until our ability to create or enhance spotted owl habitat through silvicultural treatments is more fully understood, this decision adopts the recommendations in the ISC Conservation Strategy to protect stands in a manner known to favor spotted owls (this is, no silvicultural treatment). Hypotheses about the use of timber management to create or improve spotted owl habitat need to be developed and tested. This decision provides for research and experimentation in the forest matrix on the use of silviculture to maintain or improve spotted owl habitat. If this research demonstrates that silvicultural treatments are beneficial to spotted owl habitat, the adaptive management process provides a means to consider adjustments to the management direction.

The Effects of This Decision on People and Communities

Many of the comments stated that the needs of the people and communities affected by this decision should be considered equal to, or more important than, the needs of the spotted owl. These comments clearly express a frustration with the Endangered Species Act, the viability planning regulation, and legal rulings that seem to disregard the needs of people, their families, and their communities.

Alternative B was selected to minimize adverse social and economic effects of this decision, while complying with all applicable laws and regulations. Of the alternatives that meet the regulatory requirement for viability, Alternative B has the least adverse social and economic effect. Using Alternative A (existing Forest Plans) as a base, the FEIS projects under Alternative B a 43 percent decline in jobs related to timber harvests from National Forests (FEIS, chapter 3&4, page 186; see also, Additional Information: Revised Employment Coefficients, which was issued with errata to the FEIS on February 5, 1992).

Regardless of the alternative selected, the Forest Service will continue to provide protection for the northern spotted owl and its habitat under the Endangered Species Act. This decision seeks to adopt a scientifically credible plan to protect spotted owl habitat on National Forests, while minimizing the loss of jobs and revenue in communities dependent on National Forest timber harvest. The intent is to meet the requirements of the court injunction so that projects developed through interdisciplinary planning, public involvement, and environmental analysis as provided by the National Forest Management Act, the National Environmental Policy Act, and the Endangered Species Act will be able to proceed on the National Forests within the planning area.

VII. Findings Required by Other Laws or Regulations

Consultation Required by the Endangered Species Act

On December 18, 1991, the U.S. Fish and Wildlife Service issued their biological opinion on the Draft Environmental Impact Statement and stated that adoption of Alternative B is not likely to jeopardize the continued existence of the northern spotted owl. Because this decision does not authorize any site-specific activities, incidental take will be evaluated through consultation on a project level basis when site-specific information is available.

On January 15, 1992, the U.S. Fish and Wildlife Service's final rule designated critical habitat for the northern spotted owl (57 FR 1796). Since the alternatives considered for this decision provide direction for spotted owl habitat protection and are not a plan for timber harvest, the Forest Service will consult with the U.S. Fish and Wildlife Service with regard to critical habitat at the project level when ground-disturbing activities are proposed. The Forest Service has discussed this approach to consultation on critical habitat with the U.S. Fish and Wildlife Service, and they have concurred.

On January 7, 1992, the National Marine Fisheries Service stated that implementation of any alternative in the DEIS is unlikely to adversely affect the Snake River salmon species currently listed or proposed for listing under the Endangered Species Act.

Review by the Environmental Protection Agency

The Environmental Protection Agency (EPA) reviewed the Draft Environmental Impact Statement and raised no environmental objections (Appendix L, page B–8). The Environmental Protection Agency rated the Draft EC–2 (Environmental Concerns—Insufficient Information). After reviewing the FEIS, EPA stated in its letter of February 24, 1992, that the FEIS adequately responded to its concerns.

VIII. Related Activities Under the Endangered Species Act

Designation of Critical Habitat

The U.S. Fish and Wildlife Service designated critical habitat for the northern spotted owl in January 1992. To identify areas for critical habitat, the U.S. Fish and Wildlife Service began with the areas designated as HCAs under the ISC Conservation Strategy and added to or deleted areas to satisfy their criteria. Approximately 5.7 million acres of National Forest System lands were designated as critical habitat; approximately 1.2 million of these acres are outside of HCAs. The critical habitat designation, however, applies no specific management prescription to the areas designated. In accordance with section 7(a) of the Endangered Species Act, the Forest Service will consult with U.S. Fish and Wildlife Service on any activities that may destroy or adversely modify spotted owl habitat in critical habitat areas.

The effects of critical habitat designation could not be fully evaluated in the FEIS because management guidelines for critical habitat were not included in the designation. In the FEIS, Alternative C expanded the area covered by the prescription for HCAs to the Critical Habitat Units identified in the final rule. It is expected, however, that this prescription is more restrictive than could actually occur in Critical Habitat Units outside of HCAs. Therefore, the effects of critical habitat designation would likely fall somewhere between the effects estimated for Alternatives B and C in the FEIS.

The Recovery Plan

The U.S. Fish and Wildlife Service has also been working with an interagency team (including state representatives) to develop a Recovery Plan for the northern spotted owl, as provided by the Endangered Species Act. The Northern Spotted Owl Recovery Plan, once approved, will serve as a guide to future Federal, state, and private activities affecting the spotted owl. The goal of the Recovery Plan is to manage habitat so

that the northern spotted owl will no longer need to be listed under the Endangered Species Act. Department of Agriculture and Forest Service representatives are participating on the Recovery Team. When the U.S. Fish and Wildlife Service issues an approved Recovery Plan for the northern spotted owl, the Forest Service will identify its objectives under the Recovery Plan. The Forest Service will determine at that time if adjustments to the management direction in this decision are necessary.

Management on Bureau of Land Management Lands

The Bureau of Land Management is currently in the process of formulating alternatives for its Resource Management Plans, including plans for its Oregon lands within the range of the northern spotted owl.

On September 11, 1991, the Bureau of Land Management petitioned Department of the Interior Secretary Manuel Lujan, Jr. to convene the Endangered Species Committee to consider applying the Endangered Species Act exemption process to 44 timbers sales located in spotted owl habitat in western Oregon. The decision of the Endangered Species Committee on these 44 sales is expected later this year. The viabiltiy rating for Alternative B (and other alternatives) assumed that management activities on Bureau of Land Management lands would comply with section 7(a) of the Endangered Species Act. In its Bilogical Opinion on the Draft Environmental Impact Statement, the U.S. Fish and Wildlife Service stated that it would consider the granting of an exemption to the Bureau of Land Management by the Endangered Species Committee as significant new information, which would require the Forest Service and the U.S. Fish and Wildlife Service to consider the need for reinitiation of consultation.

IX. Effective Date and Implementation

The standards and guidelines of this management plan are effective as of the date of this Record of Decision. Because this decision amends Regional Guides and Forest Plans, it will be implemented 30 days after publication of this Record of Decision in the **Federal Register**. Until 30 days after the publication of this Record of Decision, there will be no ground-disturbing or habitat-modifying actions, and no Records of Decision, Decision Notices, or Decision Memos signed for timber sales, salvage sales, road construction, or other development activities, in Habitat Conservation Areas or in spotted owl nesting, roosting, and foraging habitat.

X. The Administrative Record

This decision and the accompanying environmental impact statement comply with the requirements of the court's March 7, 1991, and May 23, 1991, rulings in *SAS* v. *Evans*, and are in accordance with the National Forest Management Act (16 U.S.C. Sec. 1600 et seq.), the National Environmental Policy Act (42 U.S.C. Sec. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531–1536, 1538–1540), and other applicable laws.

Information about the northern spotted owl, its habitat needs, the analysis of population viability, and management alternatives and their environmental impacts were presented in the Final Environmental Impact Statement on Management for the Northern Spotted Owl in the National Forests, published in January 1992, and its accompanying administrative record. This Record of Decision is based on that information. Readers are referred to the FEIS and the administrative record for detailed information.

XI. Administrative Review

This decision by the Secretary of Agriculture, delegated to the Assistant Secretary for Natural Resources and Environment pursuant to 7 CFR 2.19 (56 FR 27889), is the final decision of the Department of Agriculture. There is no opportunity for administrative review.

Decisions on site-specific projects affecting northern spotted owl habitat will continue to be subject to the requirements of the National Forest Management Act, the National Environmental Policy Act, the Endangered Species Act, other environmental laws, and the administrative review process provided in 36 CFR part 217.

XII. Contact Person

James C. Overbay, Deputy Chief, National Forest System, USDA Forest Service, P.O. Box 96090, Washington, DC 20090–6090, 202–205–1523.

XIII. Signature, Date

Dated: March 3, 1992.

James R. Moseley,

Assistant Secretary for Natural Resources and Environment.

Appendix A and Appendix B

Note: See notice of availabilty at the end of **SUPPLEMENTARY INFORMATION.**

[FR Doc. 92–5710 Filed 3–10–92; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 59–91]

Foreign-Trade Zone 110A—Albuquerque, NM, Application for Subzone Adria-SP, Inc., Pharmaceutical Products Plant; Amendment of Application

The application submitted to the Foreign-Trade Zones Board (the Board) by the City of Albuquerque, New Mexico, grantee of FTZ 110A, at the pharmaceutical plant of Adria-SP, Inc., located in Albuquerque, New Mexico, requesting authority to expand the subzone and the scope of manufacturing authority (Docket 59–91, FR 56054, 10–31–91) has been amended to include new information regarding the Customs treatment of bulk doxorubicin hydrochloride. At the time the application was submitted, the duty rate on bulk doxorubicin was 3.7 percent, the same as finished doxorubicin. Thereafter, a Customs ruling determined that the duty rate of bulk doxorubicin is 6.6 pecent. Thus, the original notice is revised to indicate that zone procedures would allow Adria to chose the lower finished product rate (3.7%) on the bulk ingredient. The application remains otherwise unchanged.

The comment period is reopened until April 21, 1992.

The application and amended material are available for public inspection at the following locations:

U.S. Department of Commerce, District Office, 625 Silver Street SW., 3rd Fl., Albuquerque, NM 87102.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3716, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 05, 1992.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92–5709 Filed 3–10–92; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[Docket No. 920247–2047]

Special American Business Internship Training Program (SABIT)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of the availability of funds for the Special American Business Internship Training Program (SABIT).

SUMMARY: The Department of Commerce, International Trade Administration (ITA) established the Special American Business Internship Training (SABIT) program in September 1990 as a key element in the Administration's ongoing efforts to provide technical assistance supporting the former Sovit Union's transition to a market economy. Since that time, SABIT has been matching mangers from the former Soviet region with U.S. firms which sponsor them for short term management training programs. Similar to the pilot program, the expanded SABIT program will assist economic restructuring of the Independent States of the former Soviet Union (Independent States) by providing business managers with exposure to American ways of innovation and management through three to six month management internships in U.S. firms. Under the new program, qualified U.S. firms will receive funds through a cooperative agreement with ITA to help defray the cost of hosting an intern. ITA will interview and recommend eligible interns to participate in SABIT. Priority consideration will be given to interns from Russia, Ukraine, Kyrgyzstan, Byelarus, Kazakhstan, Armenia and other states identified for priority U.S. assistance. The U.S. firms will be expected to provide the interns with a flexible training program designed to maximize their exposure to management operations.

DATES: The closing date for applications is April 10, 1992.

ADDRESSES: For further information contact: Cynthia M. Anthony, Manager, Special American Business Internship Training Program, International Trade Administration, U.S. Department of Commerce, phone—(202) 377–0073, facsimile—(202) 377–2443. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: SABIT is designed to expose business managers from the Independent States to a completely new way of thinking in which demand, consumer satisfaction, and profits drive production. Management level interns visiting the U.S. for internship programs with public or private sector companies will be exposed to an environment which will provide them with practical knowledge for transforming their countries' enterprises and economies to the free market. The program provides first-hand, eye-opening experience to managers which cannot be duplicated by American managers travelling to their territories.

Funding Availability

Pursuant to section 531 of the Foreign Assistance Act of 1961, as amended, (the "Act") and section 632(a) of the Act, funding for the program will be provided by the Agency for International Development (A.I.D). ITA will award financial assistance and administer the program pursuant to the authority contained in section 635(b) of the Act. The maximum amount of financial assistance available for the program is $850,000.

Funding Instrument and Project Duration

Federal assistance awarded pursuant to a cooperative agreement between ITA and the recipient firm. With funds provided by A.I.D., ITA will reimburse companies for the roundtrip air travel of each intern from Moscow to the U.S. internship site upon submission to ITA of the travel invoice. ITA will reimburse companies a stipend of $30 per day per intern for up to six months. Disbursement of funds for reimbursement of the stipend will be made upon certification by the companies that the intership program has been completed. Each award will have a cap of $7,500 for total cost of airline travel and stipend. There are no specific matching requirements for the awards. Recipients, however, are expected to bear the cost beyond those covered by the award, including payment for housing and insurance, and for any food and incidentals costs beyond $30 per day. Federal funding will be provided for this program for not more than eighteen months from the date of this Notice. Individual internships are expected to run from three to six months. U.S. firms wishing to utilize SABIT in order to be matched with an intern without applying for financial assistance may do so. Such firms will be responsible for all costs, including travel expenses, related to sponsoring the intern.

Request for Applications

Competitive Application kits will be available from ITA starting on the day this notice is published. To obtain a copy of the Application Kit please telephone (202) 377–0073, or telefax (202) 377–2443 (these are not toll free numbers) or send a written request with two self-addressed mailing labels to Cynthia M. Anthony, Manager, Speical American Business Internship Training Program, room 3413 HCHB, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Only one copy of the Application Kit will be provided to each organization requesting it, but it may be reproduced by the requester. An original and two copies of the application (Standard Form 424 (Rev. 4–88) and supplemental material) are to be received at the address designated in the Application Kit no later than 3 p.m., 30 days from publication of this notice. Awards are expected to be made in several cycles. All awards are expected to be made prior to October 1, 1992.

Eligibility

Eligible applicants for SABIT will be any for profit or non-profit U.S. corporation, association, organization or other public or private entity. Each application will receive an independent, objective review by one or more three-member review panels qualified to evaluate the applications submitted under the program. Applications will be evaluated on a competitive basis as they are received in accordance with the selection criteria set forth below. ITA reserves the right to reject any application; to limit the number of interns per applicant; and to consider other than competitive procedures to distribute assistance under this program if appropriate and in accordance with law.

Selection Criteria

Consideration for financial assistance will be given to those SABIT proposals which:

1. Demonstrate a commitment to the intent and goals of the program to provide an appropriate management training experience to the intern;

2. Are proposed by applicants with the financial capacity to successfully undertake the intended activities of hosting an intern(s);

3. Respond to the priority business needs of managers in the Independent States.

In addition, priority consideration will be given to those applications which represent:

4. U.S. geographic diversity;

5. Industry diversity;

6. Applicant diversity in terms of size; and

7. Priority consideration will also be given to those applications which present a realistic work plan detailing the work program to be provided to SABIT intern.

Selection criteria 1–3 will be weighted equally. Priority consideration factors 4–7 will also be weighted equally. Selection criteria will take precedence over the priority consideration factors.

If funds remain available after the award of financial assistance to qualified firms pursuant to this notice,

ITA may later announce the offer of the remaining funds through further notices in the **Federal Register.**

Notifications

All applicants are advised of the following:

1. Applicants that have an outstanding account receivable with the Federal Government may not be considered for funding until the debt has been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

2. Applicants are subject to Government-wide Debarment and Suspension (Non-procurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

3. A false statement on the application may be grounds for denial or termination of funds.

4. Awards under this program shall be subject to all Federal and Departmental regulations, policies and procedures applicable to financial assistance awards.

5. The Standard Form 424 (Rev. 4–88) mentioned in this notice is subject to the requirements of the Paperwork Reduction Act and it has been approved by OMB under Control No. 0348–0006.

6. The Grants Officer is the only individual who may legally commit the Government to the expenditure of public funds. No costs chargeable to the proposed cooperative agreement may be incurred before receipt of either a fully executed cooperative agreement or a specific, written authorization from the Grants Officer.

Dated: March 5, 1992.

Cynthia M. Anthony,

Manger, Special American Business Internship Training Program.

[FR Doc. 92–5651 Filed 3–10–92; 8:45 am]

BILLING CODE 3510–DA–M

Short-Supply Request for Reconsideration: Certain Standard Length Premium Curve Rails

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of short-supply request for reconsideration.

SHORT-SUPPLY REVIEW NUMBER: 84.

SUMMARY: The Secretary of Commerce ("Secretary") hereby grants a request for reconsideration of its short-supply decision with respect to 13,000 net tons of certain standard length premium curve rails for the first quarter of 1992 under the U.S.-Japan Steel Arrangement.

EFFECTIVE DATE: March 5, 1992.

FOR FURTHER INFORMATION CONTACT: James Rice or Kathy McNamara, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th St. and Constitution Ave., NW Washington, DC 20230; (202) 377–3793.

SUPPLEMENTARY INFORMATION: On January 15, 1992, the Secretary received an adequate short-supply petition from Union Pacific Railroad (UP) requesting a short-supply allowance for 13,000 net tons of certain premium curve rail for the first quarter of 1992 under Paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products (the U.S.-Japan Steel Arrangement). The Secretary conducted this short-supply review pursuant to Section 4(b)(4)(a) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101–221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.102 ("Commerce's Short-Suppply Procedures").

Because the Secretarty determined that a domestic supplier could produce the requested material, and because the Secretary determined that the unusually short order-to-delivery period required by UP did not offer the potential supplier an adequate opportunity to supply the material, the Secretary denied the short-supply request in its entirety. A notice of this decision was published in the **Federal Register** on February 21, 1992 (57 FR 6215).

On February 25, 1992, Union Pacific filed a timely request for reconsideration under section 357.109 of Commerce's Short-Supply Regulations for the entire 13,000 net tons for the first quarter of 1992, alleging that the decision was based on inaccurate information and that the Departmeant had overlooked facts and misapplied points of law.

The Secretary hereby grants Union Pacific's request for reconsideration and will review and afffirm, modify, or reverse the original determination, and publish such decision in the **Federal Register.**

Dated: March 5, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–5706 Filed 3–10–92; 8:45 am]

BILLING CODE 3510–DS–M

COMMODITY FUTURES TRADING COMMISSION

List of Option Categories

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of list of occupation categories.

SUMMARY: On August 27, 1982, the Commission published in the **Federal Register** notification of its list of occupation categories for option contracts (47 FR 37880). This list, as amended on January 10, 1983 (48 FR 1047), February 3, 1984 (49 FR 4200), October 15, 1984 (49 FR 40159), October 26, 1984 (49 FR 43048), December 17, 1985 (50 FR 51385), July 22, 1986 (51 FR 26236), January 28, 1987 (52 FR 2920) and March 2, 1987 (57 FR 6139), forms the basis from which the Commission measures commercial participation in domestic exchange-traded commodity options. Futures commission merchants and members of contract markets are required under Commission Rule 1.37(a), 17 CFR 1.37(a)(1982), to record for each option customer account they carry an appropriate occupation category from a list of such categories set forth by the Commission. Futures commission merchants and members of contract markets are required also to record a symbol indicating whether the option customer is commercial or non-commercial. In order to accommodate proposed options on natural gas futures, the Commission has determined to revise its current list of occupation categories.

FOR FURTHER INFORMATION CONTACT: Richard Shilts of the Division of Economic Analysis, (202) 254–7303, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Commission has revised the list of commercial categories for option contracts as follows:

Commodity	Occupation categories
Sugar, Cocoa, and Coffee.	1. Producer. 2. Merchant or Dealer. 3. Refiner/Processor of Raw Commodities. 4. Manufacturer of Intermediate or Final Products. 5. Other Commercial.
Metals/Precious Metals	6. Miner/Producer. 7. Primary or Secondary Refiner. 8. Dealer (Metal Merchant). 9. Commercial End User. 46. Fabricator or Alloyer. 11. *Other Commercial.
Petroleum	39. Crude Oil or Natural Gas Producer. 40. Crude Oil or Natural Gas Reseller. 12. Refiner. 53. Natural Gas Processor. 13. Product Marketer and/or Distributor. 14. End User. 15. Other Commercial.
Financial Instruments/ Foreign Exchange.	16. Savings and Loan, Mortgage Bank or Thrift Institution. 17. Commercial Bank. 18. Insurance Company. 19. Pension and Retirement Fund. 20. Mutual Fund. 21. Broker/Dealer. 22. Foundation or Endowment. 23. Other Commercial. 24. Importer/Exporter of Goods and Services. 25. Investor/Issuer of Foreign Currency Denominated Securities.
Grains, Soybeans, and Soybean Products.	26. Grain or Soybean Producer. 27. Producer Cooperative. 28. Elevator Operator or Merchant Other than a Producer Cooperative. 29. Processor, including Feed Manufacturing and Soybean Crushing. 30. Livestock Feeder or Producer. 47. Soybean Oil Refiner. 31. Other Commercial.
Livestock and Frozen Pork Bellies.	32. Farmer or Rancher. 33. Commercial Feedlot Operator. 34. Other Livestock Feeder. 35. Marketing Agency and/or Merchant. 36. Packer or Other Meat Processor. 37. Meat Wholesale, Retailer, or Buyer. 38. Other Commercial.
Cotton and Frozen Concentrated Orange Juice.	41. Producer/Grower. 42. Producer/Grower Cooperative. 43. Merchant/ Wholesaler. 44. Mill Operator/ Processor. 45. Other Commercial.
Forest Products	48. Producer. 49. Remanufacturers. 50. Wholesalers. 51. Retailers and Builders. 52. Other Commercial.

*Category 10 intentionally blank.

Under the revisions, the list of occupation categories for the commodity category, "Petroleum", will be amended by modifying existing categories 39 and 40 and by adding a new category 53. These revisions will accommodate option trading in natural gas and related commodities.[1]

As is the case with the existing categories, the appropriate classification for a customer is based on the primary activity of the customer in using the option market in conjunction with its cash market activities.

Issued in Washington, DC, on March 4, 1992.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 92–5599 Filed 3–10–92; 8:45 am]

BILLING CODE 6351–01–M

[1] In addition, the Commission has revised the former commodity category "Sugar, Cocoa and Coffee C" by deleting the identifying letter "C" from Coffee to accommodate option trading based on coffee futures other than the coffee "C" futures contract.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 2, 1992.

The USAF Scientific Advisory Board (SAB) will hold its Spring General Board Meeting on 14–15 April 1992 from 8 a.m. to 5 p.m. at Headquarters Tactical Air Command (TAC), Langley Air Force Base, VA.

The purpose of these meetings are to receive information on Air Combat Command and discuss the SAB 92 Summer Study on Global Reach-Global Power.

These meetings will involve discussions of classified defense and contractor proprietary matters listed in section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly will be closed to the public.

For further information, contact the USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92–5664 Filed 3–10–92; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Notice of Interest

AGENCY: Communications-Electronics Command (CECOM), DoD.

ACTION: Notice of interest for Cooperative Research and Development of Ultra High Frequency Satellite Communication Radios.

SUMMARY: In accordance with the Technology Transfer Act of 1986, 15 United States Code, sections 3701 et seq, announcement is made of the interest for Cooperative Research and Development partners with regard to the subject matter set forth below.

The CECOM Space Systems Directorate supports development of Ultra High Frequency Manpack Satellite Communication Radios. The Space Systems Directorate is interested in entering into a Cooperative Research And Development Agreement in this area. Of particular interest are developments in the performance of the radios in the 225 MHZ to 400 MHZ frequency range, which operate at 2.4 KBS SBPSK, compatible with the DoD standard advanced narrowband digital voice terminal (ANDVT) LPC–10 algorithm (STANAG 4198) and KYV–5 COMSEC device.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Pinney, United States Army, Communications-Electronics Command, ATTN: AMSEL–RD–SS–DR–TR, Fort Monmough, New Jersey 07703–5208, Telephone (908) SS–DR–TR, Fort Monmough, New Jersey 07703–5208, telephone (908) 532–2886, or Mr. William H. Anderson, United States Army, Communications-Electronics Command, Attn: AMSEL–LG–L, Fort Monmouth, New Jersey 07703–5010, Telephone (908) 532–4112.

SUPPLEMENTARY INFORMATION: The Tactical Space Systems Research Facility at the Space Systems Directorate is equipped to support research and evaluation of tactical UHF radio transceivers to investigate/resolve engineering or operational problems and characterize various performance parameters. Highly skilled technical personnel are available to investigate problem areas and characterize equipment performance, with state-of-the-art automated test equipment in a screen room which minimizes external interference.

Unique capabilities exist within the facility to support a wide range of research and engineering development activities and support engineering evaluation in the government allocated EHF (43.5 to 45.5 GHZ, 20.2 to 21.2 GHZ), SHF (7.9 to 8.4 GHZ, 7.25 to 7.75 GHZ), and UHF (225 to 400 MHZ) satellite frequency band. Among these special capabilities is a precision phase noise test set (PNTS) which measures the single sideband phase noise of signal source from 5 MHZ to 50 GHZ. This test set is a state-of-the-art, microprocessor controlled unit designed by the National Institute of Standards and Technology

(NIST). It is capable of being used to measure the phase noise characteristics of a wide variety of frequency synthesizers or oscillators used in, or being developed for satellite communications, frequency conversion systems.

A complete inventory of automated test equipment is available in the facility to aid in the resolution of hardware problems and to support a wide range of performance evaluation activities utilizing satellite simulator or non-orbit spacecraft.

Some of the measurements that can be performed utilizing the available equipment assets are the following: noise figure; phase noise; amplitude versus frequency; gain/gain transfer; intermediation distortion; gain stability; VSWR/return loss; system interoperability; and modem bit error rate performance.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-5077 Filed 3-10-92; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Stealth and Stealth Countermeasures Task Force will meet April 6-7, 1992, from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to evaluate U.S. Navy requirements for stealth and stealth countermeasures systems. The entire agenda for the meeting will consist of discussion of key issues related to stealth and stealth countermeasures, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552(c) (1) of title 5, United States Code.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: March 4, 1992.

Wayne T. Baucino

Lieutenant, JACC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-5089 Filed 3-10-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Privacy Act of 1974; New Systems of Records

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of existence and character of new systems of records.

SUMMARY: The Federal Energy Regulatory Commission ("Commission" or "FERC"), under the requirements of the Privacy Act of 1974, 5 U.S.C. 552a (1988 & Supp. 1991), is publishing a list and description of new systems of records. Additionally, this Notice deletes systems of records that are no longer maintained and provides a current list of all systems of records.

DATES: This notice is effective March 11, 1992. Comments may be filed on or before May 11, 1992.

ADDRESS: Comments should be directed to the following address: Julia L. White, Privacy Act Officer, Office of the General Counsel, Federal Energy Regulatory Commission, 825 N. Capitol St, NE., Room 8002, Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Elizabeth Arnold, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 8002, Washington, DC 20426, Telephone 202-208-0457.

SUPPLEMENTARY INFORMATION:

I. Report on New Systems

A. Background

The Privacy Act of 1974, 5 U.S.C. 552a (1988 & Supp. 1991), requires that each agency publish a notice of the existence and character of each new or altered "system of records." 5 U.S.C. 552a(a)(5). This Notice identifies and describes the Commission's new systems of records. There are no altered systems of records to report. A copy of this report has been distributed to the Speaker of the House of Representatives and the President of the Senate, as the Act requires.

The Commission has adopted several new systems of records under the Privacy Act of 1974. These systems do not duplicate any existing agency systems. For each system of records listed below are the following: Name; location; categories of individuals on whom the records are maintained; categories of records in the system; authority for maintenance of the system; each routine use; the policies and practices governing storage, retrievability, access controls, retention and disposal; the title and business address of the agency official responsible for the system of records; procedures for notification, access and contesting the records of each system; and the sources for the records in each system. 5 U.S.C. 552(a)(4).

The format of the system designations has changed. Formerly, the systems were named "FERC-X." However, it was felt that this designation was too similar to that used for the agency's public data collections forms. FERC's designations for systems of records will now be "FERC/X."

George L.B. Pratt,

Executive Director.

B. New Personnel Systems of Records

New systems of records include the following:

Title	Designation
Advanced Sick Leave Requests File	FERC/14
Commission Employee Relations Tracking System (CERTS).	FERC/15
Death Cases File	FERC/16
Disability Retirements File	FERC/17
Discontinued Service Retirements File.	FERC/18
Employee Suggestions File	FERC/19
Employee Training Requests	FERC/20
Equal Employment Opportunity Discrimination Complaints File.	FERC/21
Indebtedness Case Files	FERC/22
Leave Without Pay Requests File	FERC/23
Miscellaneous Investigation File	FERC/24
Office of Workers Compensation Program Claims File.	FERC/25
Performance Management Recognition System Reconsideration File.	FERC/26
Reconsideration of Refund Decisions File.	FERC/27
Restoration of Annual Leave Requests File.	FERC/28
Unemployment Compensation File	FERC/29
Within-Grade Increase Denials and Reconsideration File.	FERC/30

Other New System of Records

Title	Designation
Automated Parking System File	FERC/31
Freedom of Information and Privacy Act Requests Tracking File.	FERC/32
Freedom of Information and Privacy Act Request File.	FERC/33
Transit Subsidy Program Records	FERC/34

II. Deletion of Systems

Several of the systems of records previously reported are no longer maintained and therefore are deleted from Commission system notices. The deleted systems are:

Title	Designation
Regulatory Evaluation and Docketed Information (READI) System.	FERC/1
Appeals, Grievances and Complaints Records.	FERC/2
Biographical Information on Chairmen, Vice Chairmen and Commissioners.	FERC/5
Mailing List for Information Concerning Applications for Interlocking Directorates.	FERC/11
Time Distribution Reporting System	FERC/13

III. Table of Contents of All FERC Systems

Title	Designation
Applications for Interlocking Directorates, Public Files.	FERC/3
Applications for Interlocking Directorates, Security Files.	FERC/4
Biographical Material on Commissioners and Key Staff members.	FERC/6
Congressional Correspondence Files, Office of Electric Power Regulation.	FERC/7
Congressional Correspondence Files, Office of the Executive Director.	FERC/8
Correspondence Files, Office of Pipeline and Producer Regulation.	FERC/9
Employee Conduct Records	FERC/10
Advanced Sick Leave Requests File	FERC/14
Commission Employee Relations Tracking System.	FERC/15
Death Cases File	FERC/16
Disability Retirements File	FERC/17
Discontinued Service Retirements File.	FERC/18
Employee Suggestions File	FERC/19
Employee Training Requests	FERC/20
Equal Employment Opportunity Discrimination Complaints File.	FERC/21
Indebtedness Cases File	FERC/22
Leave Without Pay Requests File	FERC/23
Miscellaneous Investigation File	FERC/24
Office of Workers' Compensation Program Claims File.	FERC/25
Performance Management Recognition System Reconsideration File.	FERC/26
Reconsideration of Refund Decisions File.	FERC/27
Restoration of Annual Leave Requests File.	FERC/28
Unemployment Compensation File	FERC/29
Within-Grade Increase Denials and Reconsideration File.	FERC/30
Automated Parking System File	FERC/31
Freedom of Information and Privacy Act Requests Tracking File.	FERC/32
Freedom of Information and Privacy Act Request File.	FERC/33
Transit Subsidy Program Records	FERC/34

IV. Minor Changes to Current Systems

The following changes should be noted to reflect the current status of the Commission's systems of records as published in the Federal Register, 45 FR 70,702 (October 24, 1980), and amended in the Federal Register, 47 FR 37,283 (August 25, 1982). Where there are changes within an existing paragraph, the entire paragraph containing the change, with the change underlined, is shown below.

FERC/3

SYSTEM LOCATION:

Records Maintenance Center, Public Reference and Files Maintenance Branch, Associate Executive Directorate for Information Resources Management, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, DC. 20426.

Computer Room, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 3300, Washington, DC. 20426.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original paper records are maintained in boxes and filing cabinets in the Records Maintenance Center. All records are also stored on microfilm in the Computer Room.

RETENTION AND DISPOSAL:

Retention and disposition of these records is handled pursuant to applicable GSA regulations and applicable internal administrative directives.

SYSTEM MANAGER(S) AND ADDRESSES:

Public Reference and Files Maintenance Branch, Associate Executive Directorate for Information Resources Management, Federal Energy Regulatory Commission, 941 North Capitol Street, NE., Washington, DC. 20426.

Information Management Division, Associate Executive Directorate for Information Resources Management, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426.

FERC/4

SYSTEM LOCATION:

Opinions and Corporate Applications Branch, Division of Opinions and Systems Analysis, Office of Electric Power Regulation, 825 North Capitol Street, NE., Washington, DC. 20426.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders *on shelves in a room that is closed to the public.*

SYSTEM MANAGER AND ADDRESS:

Opinions and Corporate Applications Branch, Division of Opinions and Systems Analysis, Office of Electric Power Regulation, 825 North Capitol Street, NE., Washington, DC. 20426.

FERC/5

SYSTEM LOCATION:

Division of Public and Intergovernmental Affairs, Office of External Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

SYSTEM MANAGER AND ADDRESS:

Division of Public and Intergovernmental Affairs, Office of External Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 29426.

FERC/7

SYSTEM NAME:

Correspondence File—Office of Electric Power Regulation, Federal Energy Regulatory Commission

SYSTEM LOCATION

Division of Investigations, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress and other individuals who have received correspondence drafted by the staff of the Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains copies of incoming inquiries and outgoing replies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETENTION AND DISPOSAL:

These records are maintained indefinitely until the system manager determines that their usefulness to the Office has ceased. Their disposition is handled pursuant to applicable GSA regulations and applicable internal administrative directives.

SYSTEM MANAGER AND ADDRESS:

Division of Investigations, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426.

RECORD SOURCE CATEGORIES:

Staff of the Commission and correspondents.

FERC/8

SYSTEM NAME:

Controlled Correspondence Files, Office of External Affairs.

SYSTEM LOCATION:

Executive Secretariat, Office of External Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those current members of the United States Congress who have corresponded with the Commission; *other correspondents, such as state and local officials, environmental groups, and citizen groups, whose letters the Commission believes merit an official response.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence with Commission replies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

These records are indexed by the names of the corresponding Congressmen *and other correspondents.*

RETENTION AND DISPOSAL:

These records are maintained indefinitely until the system manager determines that their usefulness to the Commission has ceased. Their disposition is handled pursuant to applicable GSA regulations and applicable internal administrative directives.

SYSTEM MANAGER AND ADDRESS:

Executive Secretariat, Office of External Affairs, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20425.

RECORD SOURCE CATEGORIES:

Corresponding Congressmen *and other correspondents,* and Commission staff who draft replies.

FERC/9

SYSTEM LOCATION:

Management Planning and Administrative Branch, Division of Planning and Management, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress and other individuals who have received correspondence drafted by the *Office of Pipeline and Producer Regulation.*

CATEGORIES OF RECORDS IN THE SYSTEM:

This file contains copies of incoming inquiries and outgoing replies drafted by the *Office of Pipeline and Producer Regulation.*

SYSTEM MANAGER AND ADDRESS:

Management Planning and Administration Branch, Division of Planning and Management, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FERC/10

SYSTEM NAME:

Employee Financial Disclosure Files.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETENTION AND DISPOSAL:

Records are maintained for six years or until no longer needed for an ongoing investigation.

FERC/14

SYSTEM NAME:

Advanced Sick Leave Requests File, FERC/14.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees requesting use of advanced sick leave.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written employee requests and decision documents from FERC's Personnel Director.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 630.101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g., letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

FERC Personnel Director, subject employee, personnel specialists.

FERC/15

SYSTEM NAME:

Commission Employee Relations Tracking System (CERTS), FERC/15.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 403, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees that are the subject of any one of the following actions: Disciplinary action, awards grievance, retirement, and within-grade increase reconsideration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various agency forms, decision documents, grievances, denials, appeals, requests for reconsideration, and briefs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR parts 430, 451, 531, 630, 752, 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of a particular action or an employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On a personal computer.

RETRIEVABILITY:

By name of requester or by type of action.

SAFEGUARDS:

A password is required to access the system.

RETENTION AND DISPOSAL:

Records created in conjunction with an adverse action are retained for four years after the case is closed. Other records are retained for three years. They are then deleted from the automated data base.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Subject employee, supervisors, office directors, Executive Director, personnel specialists, Office of the General Counsel staff, and Merit Systems Protection Board.

FERC/16

SYSTEM NAME:

Death Cases File, FERC/16.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees who die while employed and whose survivors file a claim for death benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims forms for various death benefits filed by deceased employees' survivors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 831.102 and 5 CFR part 890.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To disclose to a federal, state, or local agency for a decision by that agency on a claim by the employee. To provide benefit information to employees' survivors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Employee/Labor Relations Branch Chief and employees' survivors.

FERC/17

SYSTEM NAME:

Disability Retirements File, FERC/17.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees who file a claim to retire from Federal service due to medical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various retirement claims forms, supporting medical and other documentation, and decision documents on the claim from the Office of Personnel Management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 831.102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To disclose to a federal, state, or local agency for a decision by that agency on a claim by the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Office of Personnel Management, retiree, supervisors, doctors, insurance companies, personnel specialists, and the FERC Personnel Director.

FERC/18

SYSTEM NAME:

Discontinued Service Retirements File, FERC/18.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees retiring due to involuntary separation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retirement application documents, supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 831.102.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To disclose to a federal, state, or local agency for a decision by that agency on a claim by the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinet in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch Staff. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

FERC Personnel Director, subject employee, and personnel specialists.

FERC/19

SYSTEM NAME:

Employee Suggestions File, FERC/19.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees submitting suggestions to the FERC suggestion program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written suggestion, evaluation and decision documents relative to the suggestion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 451.107.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above,

RECORD SOURCE CATEGORIES:

The Office Director of the office to which the suggestion is directed, employee submitting the suggestion, and personnel specialists.

FERC/20

SYSTEM NAME:

Employee Training Requests, FERC/20.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, Employee Development Branch, 810 First Street NE., Room 431, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees who formally request training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, office, name of course, vendor, cost, type of course, and purpose.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 410.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare the annual OPM report of training activities. To generate yearly individual training histories. To track office expenditures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On 3½ inch diskettes and training forms with completed course evaluations by year.

RETRIEVABILITY:

By employee name, office, course name, or vendor.

SAFEGUARDS:

Access only to Employee Development Branch staff.

RETENTION AND DISPOSAL:

Training forms and evaluations are boxed by fiscal year and kept 5 years before disposal. The computer disks are being kept until a system is implemented that will enable FERC to generate a cumulative record of training.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee Development Branch, 810 First Street NE., Room 428, Washington, DC 20426.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

See notification procedures above.

CONTESTING RECORD PROCEDURES:

See notification procedures above.

RECORD SOURCE CATEGORIES:

Agency training officer and subject employee.

FERC/21

SYSTEM NAME:

Equal Employment Opportunity Discrimination Complaints File, FERC/21.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing formal EEO Complaints of Discrimination.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written complaint, investigate reports, decision documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR part 1613.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To disclose to a federal, state or local agency for a decision by that agency on a claim by the employee. To adjudicate appeals, complaints or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinet in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for four years after the resolution of a case. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Equal Employment Opportunity Investigator, subject employee, Executive Director, Office of the General Counsel staff, Equal Employment Opportunity Commission, and courts.

FERC/22

SYSTEM NAME:

Indebtedness Cases File, FERC/22.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees about whom creditors submit written complaints of indebtedness to FERC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written complaints and agency correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 735.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letter, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Creditors of employees, personnel specialists, supervisors, and subject employee.

FERC/23

SYSTEM NAME:

Leave Without Pay Requests File, FERC/23.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees requesting leave without pay in excess of 12 weeks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written request and decision document from FERC Personnel Director.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 630.101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

FERC Personnel Director, subject employee and supervisor.

FERC/24

SYSTEM NAME:

Miscellaneous Investigation File, FERC/24.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in issues which FERC management judges are appropriate for inquiry and which do not involve a finalized grievance or appeal process or formal Inspector General inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal reports of inquiry and supporting documentation; records of actions taken resulting from the inquiry, and decision documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 735.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Various FERC officials, complainants, and investigators.

FERC/25

SYSTEM NAME:

Office of Workers' Compensation Program Claims File, FERC/25.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees who file compensation claims for expenses or "lost time" salary reimbursement due to work-related injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee claim and supporting documents, input from FERC officials, and Department of Labor decision documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 CFR part 10.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To disclose to a federal, state, or local agency for a decision by that agency on a claim by the employee. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Department of Labor, subject employee, and FERC officials.

FERC/26

SYSTEM NAME:

Performance Management Recognition System Reconsideration File, FERC/26.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees (GM–13 through 15) who contest their performance ratings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Appeal, review, and decision documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR part 430.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Third level supervisor of employee, subject employee and supervisor.

FERC/27

SYSTEM NAME:

Reconsideration of Refund Decisions File, FERC/27.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees appealing a determination of ineligibility for refund of Civil Service Retirement deductions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written reconsideration request, agency preliminary decision, and final OPM decision document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 842.308.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To disclose to a federal, state, or local agency for a decision by that agency on a claim by the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinet in lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE PROCEDURES:

Office of Personnel Management, subject employee, and personnel specialists.

FERC/28

SYSTEM NAME:

Restoration of Annual Leave Requests File, FERC/28.

SYSTEM LOCATION:

Association Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees requesting restoration of excess annual leave lost due to illness or exigencies of public business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for restoration and supporting documents and the decision document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 630.101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in lockable (combination lock) rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

FERC Personnel Director, subject employee, supervisors, and the Executive Director.

FERC/29

SYSTEM NAME:

Unemployment Compensation File, FERC/29.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former FERC employees who have filed for unemployment benefits from the District of Columbia government.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of filing from state unemployment compensation office, former employee's claim, and decision document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

20 CFR part 609.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a date source for OPM or GAO during the course of on-site inspections or audits. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g., letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinet in lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employee/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

State Unemployment Services, former employees, and supervisors.

FERC/30

SYSTEM NAME:

Within-Grade Increase Denials and Reconsideration File, FERC/30.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, 810 First Street, NE., Room 415, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FERC employees who have had their Within-Grade Increases withheld and/or who have filed requests to have the withholding decision reconsidered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Withholding letter and supporting documenting, written reconsideration request, review documents, and decision document.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR 531.410.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To respond to a member of Congress concerning the status of the particular action or the employee's general employment history. To serve as a data source for OPM or GAO during the course of on-site inspections or audits. To serve as a data source to FERC officials in determining the proper current personnel action to take concerning the employee. To adjudicate appeals, complaints, or grievances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper (assorted documents, e.g. letters, forms, etc.).

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Records are maintained in lockable metal file cabinet in lockable (combination lock) room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are retained for three years. File documents are shredded and discarded in burn bags.

SYSTEM MANAGER AND ADDRESS:

Chief of Employer/Labor Relations and Performance Management Branch. Same address as system location above.

NOTIFICATION PROCEDURES:

Requests are directed to the System Manager or the FERC Personnel Director.

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as notification procedures above.

RECORD SOURCE CATEGORIES:

Subject employee, supervisors, various FERC officials.

FERC/31

SYSTEM NAME:

Automated Parking System, FERC/31.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, Management Service Branch, 825 North Capitol Street, NE., Room 3319, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for parking at 825 and 941 North Capitol Street, and 810 First Street.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address (office and home), office phone, vehicle description and license tag. Information is grouped by parking application with one applicant and, if applicable, riders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

41 CFR 101–20.104.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To rank applicants for and assign FERC parking spaces on an annual basis. To assign parking spaces based on criteria established in FERC Administrative Directive 5–7C. To produce monthly parking labels for the parking permits. To notify drivers of emergencies or violations. To match employees in the same zip code area with existing carpools.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Installed on one personal computer.

RETRIEVABILITY:

By name of requester, city, zip code or license plate number.

SAFEGUARDS:

Requires special password for access to personal computer.

RETENTION AND DISPOSAL:

Records are retained for one year. After one year, they are deleted from the personal computer and the paper applications are torn apart and thrown away.

SYSTEM MANAGER AND ADDRESS:

Parking Coordinator, Management Services Branch, Associate Executive Directorate for Support Services. Same address as system location above.

NOTIFICATION PROCEDURES:

The system only contains records that an applicant submits voluntarily each parking open season; therefore, anyone with information in the system realizes the fact. Should there be additional questions, they should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests are directed to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as record access procedures above.

RECORD SOURCE CATEGORIES:

The subject employee.

FERC/32

SYSTEM NAME:

Freedom of Information Act and Privacy Act Requests Tracking File.

SYSTEM LOCATION:

Office of External Affairs, 825 North Capitol Street, NE., Room 9205, Washington, DC. 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals requesting copies of records from FERC under the provisions of the Freedom of Information Act and the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized log for each request, including the following information: Requester's name and address, log number, description of request, billing information, tracking information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 552a; Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To maintain a tracking system to expedite responses within the statutory time limits for the FOIA requests. To contact FOIA requesters. To prepare weekly activity reports to the division director and an annual report to Congress under section (d) of the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On a personal computer.

RETRIEVABILITY:

By log number.

SAFEGUARDS:

Password required to access the system.

RETENTION AND DISPOSAL:

Records retained for six years or until the case file (System FERC–33) is destroyed, whichever occurs later.

SYSTEM MANAGER AND ADDRESS:

Public Inquiries Section, Public Affairs Specialist. Same address as system location above.

NOTIFICATION PROCEDURE:

Requests directed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests directed to Sanford J. McAllister, Director, Division of Public and Intergovernmental Affairs, 825 N. Capitol Street, NE., Room 9200, Washington, DC. 20426.

CONTESTING RECORD PROCEDURES:

Same as record access procedures above.

RECORD SOURCE CATEGORIES:

The subject individual; System Manager.

FERC/33

SYSTEM NAME:

Freedom of Information Act and Privacy Act Request File, FERC/33.

SYSTEM LOCATION:

Office of External Affairs, 825 North Capitol Street, NE., Room 9205, Washington, DC. 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals requesting copies of records from FERC under the provisions of the Freedom of Information Act and the Privacy Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming and outgoing correspondence including all enclosures, interoffice correspondence, fee records (bill, search time reports, review time reports).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, 552a; Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To contact FOIA requesters. To prepare an annual report to Congress under section (d) of the Freedom of Information Act. To maintain a record of all events and documents pertinent to the request in case of litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper.

RETRIEVABILITY:

By name and log number.

SAFEGUARDS:

Records are maintained in lockable metal file cabinets in a lockable room with a key distributed to those whose official duties require access.

RETENTION AND DISPOSAL:

Retention period is two years after completion date if the requested information is released or six years after completion date if any or all information is withheld from the requester.

SYSTEM MANAGER AND ADDRESS:

Public Inquiries Section, Public Affairs Specialist. Same address as system location above.

NOTIFICATION PROCEDURE:

Requests directed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests directed to Sanford J. McAllister, Director, Division of Public and Intergovernmental Affairs, 825 N. Capitol Street, NE., Room 9200, Washington, DC 20426.

CONTESTING RECORD PROCEDURES:

Same as record access procedures above.

RECORD SOURCE CATEGORIES:

The subject individual; System Manager; Director, Division of Public and Intergovernmental Affairs.

FERC/34

SYSTEM NAME:

Transit Subsidy Program Records, FERC/34.

SYSTEM LOCATION:

Associate Executive Directorate for Support Services, Management Services Branch, 825 North Capitol Street, NE., Room 3321, Washington, DC 20426.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons applying for transit subsidies for use of public transportation to and from the workplace.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address (office and home), grade level, mode of transportation, commuting costs, and bank account information needed for electronic deposit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

56 FR 33,760 (1991); Pub. L. No. 101–509, sec. 629, 104 Stat. 1478 (1990).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain eligible and ineligible applicants for the FERC Transit Subsidy Program. To provide subsidies in accordance with FERC Administrative Directive AD 14–2. To provide monthly lists of applicants eligible to receive subsidies and forward the list to FERC Financial Management for disbursement through the Department of Treasury. To respond to information requests from the General Accounting Office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on diskette and on paper.

RETRIEVABILITY:

By name of applicant, mode of transportation, grade level, or home address.

SAFEGUARDS:

Diskette is locked in a desk when not in use. Paper applications stored in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications will be maintained for as long as the applicant is an eligible participant in the subsidy program. Ineligible applicants' names will be maintained but applications will be returned to them. Applications will be discarded in burn bags and information on diskette deleted when no longer needed.

SYSTEM MANAGER AND ADDRESS:

Transit Subsidy Program Coordinator, Management Services Branch, Associate Executive Directorate for Support Services. Same address as system location above.

NOTIFICATION PROCEDURES:

The system contains information submitted voluntarily by the employee; therefore, anyone with information in the system realizes the fact. Additional questions should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Requests are directed to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as record access procedures above.

RECORD SOURCE CATEGORIES:

The subject employee.

[FR Doc. 92–5622 Filed 3–10–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER92–334–000, et al.]

Alabama Power Co., et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Alabama Power Co.

[Docket No. ER92–334–000]

March 3, 1992.

Take notice that on February 28, 1992, Alabama Power Company (the Company), tendered for filing Amendment No. 4 to the Interconnection Agreement dated May 5, 1980, as amended, between the Company and Alabama Electric Cooperative, Inc. ("AEC"), along with an Off-System Generation Agreement between those same parties. Both of these agreements relate to the purchase and operation of AEC's ownership interest in the Company's Plant Miller. Under Service Schedule AE, the Company may provide energy during periods in which the Plant Miller Units are otherwise available for operation from other resources owned or available to the Company. The Off-System Generation Agreement identifies the Plant Miller capacity as an AEC resource, as required by the Agreement for Transmission Service to Distribution Cooperative Members of the Alabama Electric Cooperative dated August 28, 1980, as amended.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. West Texas Utilities Co.

[Docket No. EL91–57–000]

March 3, 1992.

Take notice that on February 27, 1992, West Texas Utilities Company ("WTU"), with the concurrence of the affected customers, tendered for filing revised tariff sheets in lieu of the tariff sheets originally filed in this proceeding. The revised tariff sheets permit recovery through WTU's fuel adjustment clause of fuel payments deferred during a contract dispute with WTU's primary gas supplier.

WTU seeks an effective date of January 1, 1992 for the revised tariff sheets and, accordingly, seeks waiver of the Commission's notice requirements. Copies of the filing were served on all affected WTU wholesale customers, on the Public Utility Commission of Texas and on all parties. Copies are also available for inspection at WTU's offices in Abilene, Texas.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Commonwealth Edison Co.

[Docket No. ER92–333–000]

March 3, 1992.

Take notice that on February 27, 1992, Commonwealth Edison Company ("Edison") tendered for filing Amendment 4, dated February 3, 1992, to Interconnection Agreement, dated April 1, 1973, between Edison and Wisconsin Electric Power Company ("Wisconsin Electric"). Amendment No. 4 revises Appendix A, Waukegan Interconnection, to change the location of the metering equipment on the Waukegan-Kenosha 138 kV transmission line between the parties and to establish the maintenance responsibility for and cost of new metering equipment.

Copies of this filing were served upon the Illinois Commerce Commission, the Public Service Commission of Wisconsin and Wisconsin Electric.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Electric and Gas Co.

[Docket No. ER92–336–000]

March 3, 1992.

Take notice that on February 28, 1992, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial Rate Schedule to provide interruptible transmission service to Pennsylvania Power and Light for the delivery of power and associated energy to the Consolidated Edison Company of New York, Inc.

PSE&G requests a waiver of § 35.3(a) of the Commission's Regulations so that the Rate Schedule can be made effective forthwith.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Consumers Power Co.

[Docket No. ER92–331–000]

March 3, 1992.

Take notice that on February 27, 1992, Consumers Power Company ("Consumers") tendered for filing an Open Access Transmission Tariff providing for various classifications of firm and non-firm transmission service which would be available to eligible utilities, including PURPA Qualifying Facilities, independent power producers, and municipal and cooperative utilities. A copy of the filing was served on the Michigan Public Service Commission.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power Corp.

[Docket No. ER92–337–000]

March 3, 1992.

Take notice that on February 28, 1992, Florida Power Corporation ("Florida Power") filed an operation and maintenance agreement with Seminole Electric Cooperative, Inc. dated April 20, 1987 and three contribution in aid of construction agreements: (1) An agreement with Seminole Electric Cooperative, Inc. dated April 20, 1987; (2) an agreement with Orlando Utilities Commission dated October 1, 1978; and (3) an agreement with the City of Tallahassee dated February 8, 1983.

The agreements were the result of a search of its files which Florida Power undertook following its filing of contribution-in-aid agreements in Docket No. ER92–183–000 and recently completed. Florida Power requests waiver of the notice requirement to permit the contribution-in-aid agreements to become effective as of the dates when the construction projects were energized and states as good cause for waiver and that it only recently became aware that contributions in aid of construction should be treated as jurisdiction rate schedules. The Commission has denied Florida Power's request for waiver of the notice requirement in Docket No. ER92–183–000 as to other contribution-to-aid agreements in its order issued on February 13, 1992 in that proceeding.

Florida Power intends to apply for rehearing of that order and requests that the contribution-in-aid agreements enclosed for filing in the present docket be accepted for filing subject to the final outcome of that proceeding. Florida Power requests that the operation and maintenance agreement, under which no charges have been collected, be allowed to become effective on April 29, 1992.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Green Mountain Power Corp.

[Docket No. ER92-330-000]

March 3, 1992.

Take notice that on February 27, 1992, Green Mountain Power Corporation (the "Company") tendered for filing proposed changes to its FERC Electric Tariff First Revised Volume No. 1 (Power Rate W), its Power Sales Agreement ("PSA") with Bozrah Light and Power Company ("Bozrah") and certain Transmission Contracts. The Rate W changes would increase revenues from jurisdictional sales and service by 5.2% ($193,483), based on the twelve month period ending December, 1992. The Bozrah PSA and Transmission Contract revisions would increase revenues from jurisdictional sales and service by 15.5% ($256,681) and 51.5% ($133,118) respectively, based on the twelve month period ending December, 1992. In addition to revisions in the charges, the proposed changes to the Transmission Contracts permit use of a methodology for revising rates other than the formulas contained in those contracts, and revise the method of calculating billing demand.

The Company states that the proposed revisions in charges are designed to allow it to recover its costs in providing electric service, which have risen substantially since the Company's last tariff revisions and that the revisions are consistent with the Commission's regulations or are otherwise justified in light of unique circumstances.

Copies of the filing have been served on the Company's jurisdictional customers, the Vermont Public Service Board, the Vermont Public Service Department, the New Hampshire Public Utilities Commission, and the Connecticut Public Utility Control Authority.

Comment date: March 17, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. UtiliCorp United Inc.

[Docket Nos. ES92-3-001, ES92-3-001 and EL92-20-000]

March 4, 1992.

Take notice that on February 27, 1992, UtiliCorp United Inc. (UtiliCorp) filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authority to amend its existing authorization in Docket Nos. ES92-2-001 and ES92-3-001 to permit issuance of up to $50 million in guarantees of the securities issued by its subsidiaries. UtiliCorp requests that such guarantees, on the basis of 50% of face amount of each guarantee, would count against the authority previously granted UtiliCorp against the ceiling established in the aforementioned dockets. In Docket No. EL92-20-000, UtiliCorp requests a disclaimer of jurisdiction to the effect that § 204 applies only to the guarantee of securities issued by third parties and not to other types of corporate guarantees.

Comment date: March 26, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Cogentrix of Mayaquez, Inc.

[Docket No. QF91-154-000]

March 4, 1992.

On February 27, 1992, Cogentrix of Mayaquez, Inc. tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment clarifies the ownership structure of the cogeneration facility.

Comment date: March 24, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Lavair Cogeneration Limited Partnership

[Docket No. QF92-86-000]

March 4, 1992.

On February 26, 1992, Lavair Cogeneration Limited Partnership, c/o EDC Catskill Cogeneration, 325 Columbia Turnpike, Florham Park, New Jersey 07932, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to Section 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Brown's Crossing site in Greene County, New York. The facility will consist of one combustion turbine generator, one heat recovery steam generator, and one condensing steam turbine generator. The primary energy source will be natural gas. The net electric power production capacity will be approximately 113 Megawatts. Installation of the facility is expected to commence by July 1992

Comment date: April 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Nevada Cogeneration Associates #2

[Docket No. QF90-69-005]

March 4, 1992.

On February 26, 1992, Nevada Cogeneration Associates #2 of 420 N. Nellis Boulevard, #A3-117, Las Vegas, Nevada, 89110, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed 85 MW topping-cycle cogeneration facility will be located in Clark County, Nevada. The instant recertification was filed to reflect a change in ownership from Bonneville Nevada Corporation to Nevada Cogeneration Associates #2.

Comment date: April 10, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5685 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1390-001]

Southern California Edison; Availability of Environmental Assessment

March 4, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new, minor license for the Lundy Hydroelectric Project located on Mill Creek in Mono County near Lee Vining, CA, and has prepared a Final Environmental Assessment (EA) for the project.

The EA analyzed the potential environmental impacts of the proposed project and concluded that approval of the proposed project, with appropriate mitigation and enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426, and at the local offices of the Forest Service and Bureau of Land Management in Bishop, CA.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5623 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM87-17-000]

Natural Gas Data Collection System; New Edit-Checking Software Plus Revisions to the Edit Checks for the FERC Form No. 2-A

March 5, 1992.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of availability of edit-checking software and revisions to the edit checks for the FERC Form No. 2-A.

SUMMARY: New software for edit-checking of the structured data file of the FERC Form No. 2-A, Annual Report of Nonmajor Natural Gas Companies, is now available. This software has been developed for Commission use and to assist pipelines in complying with the electronic submission requirement for filing the FERC Form No. 2-A in accordance with Order Nos. 493 (53 FR 15,025 (Apr. 27, 1988)), 493-A (53 FR 30,027 (Aug. 10, 1988)), and 493-B (53 FR 49,652 (Dec. 9, 1988)). Also, the Commission is alerting the users to a previous revision to the record formats and several new revisions to the edit checks for the FERC Form No. 2-A.

Only a PC version of the edit-checking software is available at this time. A User's Manual and "README" file, containing the instructions on how to use this software, are included. This software is being issued to enable FERC Form No. 2-A respondents to accomplish limited automated validation of the Form No. 2-A prior to submission. User suggestions and comments on potential improvements to the edit-checking software are encouraged. An order form is attached to this notice for requesting the software and User's Manual. The order form will not be published in the **Federal Register**.

DATE: The PC software and User's Manual are available on March 5, 1992.

ADDRESS: Requests for the software and the documentation should be directed to: LaDorn Energy Information Services, 941 North Capitol Street NE., room 3106, Washington, DC 20426, (202) 898-1151 or (800) 676-FERC.

FOR FURTHER INFORMATION CONTACT: James Krug, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., room 6000, Washington, DC 20426, (202) 208-0677.

SUPPLEMENTARY INFORMATION: PC software (executable code) is now available to provide for edit-checking of the structured data file of the FERC Form No. 2-A when filed in accordance with the Form No. 2-A instructions and record formats as revised and issued through a Notice dated March 1, 1991. PLEASE NOTE: Appendix A of the March 1, 1991, Notice inadvertently omitted listing a record format change for Schedule F8 Record 08—Statement of Income for the Year—Part I. One of the codes in the "Comments" section for the "Plant Reported" item, character position 12, was revised and a new code was added. The revised record format for the "Plant Reported" item is:

Item	Character position	Data type	Comments
Plant reported.	12	Numeric.....	Electric utility, code=1; gas utility, code=2; other1 utility, code=3 (identify in item 99a); other2 utility, code=4 (identify in item 99b); total all utility plants, code=5.

Users, who relied solely on the revisions listed in appendix A of the March 1, 1991, Notice and did not purchase the complete revised record formats, may not be aware of this change.

In addition, several revisions to the edit checks are listed in appendix A of this Notice. A complete list of the edit checks and related error messages are found in appendix A of the User's Manual for the edit-checking software.

The edit-checking software was written in the C programming language. The software can be run on an IBM-compatible PC with 640K RAM, DOS 3.3 or later version and a fixed (hard) disk. The software is available on one 3.5" (1.44MB) or 5.25" (1.2MB) double-sided, high density diskette. The User's Manual is available in paper and ASCII file formats.

The software has been tested by staff. However, if problems occur relating to the use of this software, the Commission staff encourages users to submit written comments as to the exact nature of the problem(s) to James Krug, Room 6000, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem. Your communications software

should be set at full duplex, no parity, eight data bits and one stop bit. To access CIPS at 300, 1200 or 2400 baud dial (202) 208–1397. For access at 9600 baud dial (202) 208–1781. FERC is using U.S. Robotics HST Dual Standard modems. If you have any problems, please call (202) 208–2474. The notice will be available on CIPS for 30 days from the date of issuance of the notice.

In addition to publishing the text of this notice in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice during normal business hours in the Public Reference and Information Center (Room 3104) at the Commission's headquarters, 941 North Capitol Street NE., Washington, DC 20426.

The PC software is available from the Commission's copy contractor, LaDorn Energy Information Services (202) 898–1151 or (800) 676–FERC), located in room 3106, 941 North Capitol Street NE., Washington, DC 20426. Persons requesting the software should contact LaDorn directly or fill out the attached Order Form. The software is available without charge. However, the Commission's copy contractor has a copy fee of $7.00 per 3.5" or 5.25" diskette. The User's Manual is also available in hardcopy at 30 cents per page. A director of files found on the diskette is listed in appendix B.

Lois D. Cashell,
Secretary.

Appendix A—Revisions to the FERC Form No. 2–A Edit Checks

Note: For a complete list of edit checks refer to Appendix A of the User's Manual.

Edit No.	Description				
SCH-ID	REC-ID	Range Checks: Field	Item No.	Postion	Valid range
F8	09	Plant reported		12	1, 2, 3, 4 or 5.
F8	37	Filler		12	Blank.
F8	38	Filler		12	Blank.
F8	39	Filler		12	Blank.

Appendix B—Directory of Files

Diskette A:

Root Directory Files:

BATTY.EXE—FORM 2–A Edit-Checking program file
INSTALL.BAT—Installs Edit-Checking program
JENNER.EXE—A virus detection program file
F2AEDMAN.ASC—User's Manual for this software
NOTICE.ASC—This Notice in ASCII format
README—A quick reference file for software installation and operation

XF2A Subdirectory Files:

ATT.BGI—FORM 2–A Edit-Checking program file
CGA.BGI—FORM 2–A Edit-Checking program file
COCODES.TXT—FORM 2–A Edit-Checking program file
EGAVGA.BGI—FORM 2–A Edit-Checking program file
F2CHECK—FORM 2–A Edit-Checking program file
F2ACOL—FORM 2–A Edit-Checking program file
F2AEDIT.EXE—FORM 2–A Edit-Checking program file
GOTH.CHR—FORM 2–A Edit-Checking program file
HERC.BGI—FORM 2–A Edit-Checking program file
JENNER.TXT—A documentation file for JENNER.EXE
TRIP.CHR—FORM 2–A Edit-Checking program file

[FR Doc. 92–5684 Filed 3–10–92; 8:45 am]
BILLING CODE 6717–01–M

[Docket Nos. CP92–371–000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline

[Docket No. CP92–371–000]

March 2, 1992.

Take notice that on February 27, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92–371–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to establish a new delivery point for its existing firm sales customer, the Town of Adamsville, Tennessee (Adamsville), and construct and operate the appurtenant facilities under the authorization issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that it currently provides natural gas service to Adamsville under the terms and conditions of Tennessee's Rate Schedule GS–1 and a gas sales contract dated June 3, 1982. Tennessee states that it has one authorized delivery point to Adamsville, the Milledgeville Sales Meter Station, located in Chester County, Tennessee, with a maximum daily quantity (MDQ) of 1,324 Dth.

According to Tennessee, Adamsville has requested and Tennessee has agreed to provide an additional delivery point, to be known as the Leapwood Sales Meter Station, located near Adamsville, McNair County, Tennessee. It is stated that the MDQ of gas to be delivered at the Milledgeville and Leapwood delivery points is 1,324 Dth, provided that the total MDQ to be delivered to Adamsville would be 1,324 Dth. Tennessee states that Adamsville expects growth of 20–30 percent over the next three to five years that necessitates the additional delivery point.

It is stated that the new delivery point will require the construction of a two-inch hot tap, interconnecting pipeline and meter near Tennessee's M.P. 74–1+7.5 in McNair County, Tennessee. Tennessee submits that it will install, own, operate and maintain these facilities. If is further stated that Adamsville has agreed to reimburse Tennessee for all costs associated with the construction and installation of the facilities, which costs are estimated to be $82,000.

Tennessee submits that the new delivery point will have no impact on its peak day and annual deliveries. In addition, it is stated that the total quantities of natural gas to be delivered after establishment of the new delivery point will not exceed presently authorized quantities. Tennessee states that it has sufficient authorized capacity in its system to accomplish delivery of the gas to the proposed delivery point without detriment or disadvantage to any other customer.

Comment date: April 16, 1992, in accordance with Standard Paragraph G at the tend of this notice.

2. Tennessee Gas Pipeline Co.

[Docket No. CP92–368–000]

March 2, 1992.

Take notice that on February 26, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92–368–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate a new delivery point to serve Tenngasco Corporation (Tenngasco), a marketer of natural gas, under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to construct facilities for a delivery point for service to Tenngasco in Montgomery County, Texas. It is stated that Tennessee would receive up to 300 dt equivalent of gas per day from Tenngasco for transportation by Tennessee pursuant to Tennessee's Rate Schedule IT. It is explained that the cost of the proposed facilities is $5,586, and that Tennessee would be reimbursed for the construction cost. It is asserted that the deliveries would have no impact on Tennessee's peak day and annual deliveries and that the volumes are within Tenngasco's currently authorized entitlement from Tennessee. It is further asserted that Tennessee can effect the deliveries without detriment or disadvantage to Tennessee's other customers.

Comment date: April 16, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Co.

[Docket No. CP92–357–000]

March 2, 1992.

Take notice that on February 20, 1992, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP–357–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for and exchange of natural gas with Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG proposes to abandon the transportation and exchange for Northwest which were authorized by the Commission in Docket No. CP78–232 and were carried out pursuant to the provisions of a Gas Transportation and Exchange Agreement between CIG and Northwest dated April 7, 1976, on file with the Commission as CIG's Rate Schedule X–13. CIG states that in a letter agreement dated September 20, 1990, CIG and Northwest agreed to terminate the transportation and gas storage service. It is asserted that the proposal involves no abandonment of facilities. It is stated that no other customers of CIG would be affected by the proposed abandonment.

Comment date: March 23, 1992, in accordance with Standard Paragraph F at the end of this notice.

4. OXY USA Inc., et al.

[Docket No. CI87–223–007,[1] *et al.*]

March 3, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Comment date: March 16, 1992, in accordance with Standard Paragraph J at the end of this notice.

APPENDIX

Docket No.	Date filed	Applicant
CI87–223–007	2/26/92	OXY USA Inc., 110 West 7th Street, Tulsa, Oklahoma 74119.
CI86–74–005 [1]	2/24/92	Panhandle Trading Company, P.O. Box 1354, Houston, Texas 77251–1354.
CI89–332–004	2/25/92	Columbia Gas Development Corporation, P.O. Box 1350, Houston, Texas 77251–1350.
CI89–501–004 [2]	2/24/92	Enserch Gs Company, Suite 504 North, 301 South Harwood, Dallas, Texas 75201.

[1] Applicant also requests amendment of its certificate to include authorization to make sales for resale in interstate commerce of imported natural gas including liquefied natural gas, ANGTS prebuild gas, and gas purchased from non-first sellers such as intrastate pipelines, local distributon companies, and pipeline suppliers under an interruptible sales certificate (ISS gas).

[2] Applicant also requests amendment of its certificate to include authorization to make sales for resale in interstate commerce of gas purchased from non-first sellers including intrastate pipelines and local distributon companies.

5. United Gas Pipe Line Co.

[Docket No. CP92–374–000]

March 3, 1992.

Take notice that on February 27, 1992, United Gas Pipeline Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP92–374–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act 18 CFR 157.205) to construct and operate a sales tap in Jasper County, Mississippi, for service to Entex, a local distribution company, under United's blanket certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, United proposes to install a one-inch tap for the sale of natural gas to Entex for resale to one industrial customer in Stonewall, Mississippi. It is indicated that the tap would be located on United's 12-inch Plant Sweatt line in Jasper County. It is asserted that the tap would be used for delivery of 105 MMBtu equivalent of gas on a peak day and 11,318 MMBtu equivalent on an annual basis. It is further asserted that

the deliveries would be within Entex's currently effective entitlement from United and that United can make the proposed deliveries without detriment or disadvantage to its other existing customers. It is stated that United would be reimbursed by Entex for all costs resulting from the proposed installation.

Comment date: April 17, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. Tennessee Gas Pipeline Co.

[Docket No. CP92-372-000]

March 4, 1992.

Take notice that on February 27, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-372-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act 18 CFR 157.205, 157.212) for authorization to construct and operate a delivery point to accommodate the delivery of natural gas to Trans Louisiana Gas Company (TransLa), a local distribution company, under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee states that it proposes to install a 2-inch hot tap at milepost 830-1+11.56 in La Salle Parish, Louisiana, in accordance with a transportation agreement with TransLa. Also, Tennessee states that the transportation agreement further provides for the transportation of 450 Dekatherms equivalent per day of natural gas on a firm basis under Tennessee's Rate Schedule FT-A. Tennessee additionally states that the projected cost of the proposed facilities is $10,322, which cost would be reimbursed by TransLa.

Tennesee further states that the natural gas would be transported under its blanket transportation authorization issued in Docket No. CP87-115-000.

Comment date: April 17, 1992, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capital Street, NW., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5686 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP90-69-012 and RP87-30-036]

Colorado Interstate Gas Co.; Report of Refunds

March 4, 1992.

Take notice that on January 15, 1992, Colorado Interstate Gas Company (CIG) filed a refund report showing that on December 18, 1991, it refunded $925,576.00 ($893,702.10 in principal and $31,873.90 in interest) to various jurisdictional customers.

CIG states that the refund report summarizes sales, storage, and transportation refunds for the period April 1, 1991, through October 31, 1991, made pursuant to the Commission's Orders of August 5, 1991, in Docket Nos. RP90-69-007 and RP87-30-036 (Phase II) and September 16, 1991, in Docket Nos. RP90-69-009 and RP87-30-038 (Phase II).

CIG states that copies of the filing have been served on CIG's jurisdictional customers, interested state commissions, and all parties to the proceedings.

Any person desiring to protest said filing should file protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5624 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-2-32-000]

Colorado Interstate Gas Co.; Filing

March 4, 1992.

Take notice that on February 28, 1992 Colorado Interstate Gas Company ("CIG") submitted for filing an original and five copies of Fourth Revised Sheet Nos. 7.1 through 8.2. CIG requests that these proposed tariff sheets be made effective on April 1, 1992.

CIG states that the instant purchased gas adjustment (PGA) filing is made pursuant to section 154.308 of the Commission's Regulations implementing Order 483, *et seq.* Fourth Revised Sheet Nos. 7.1 through 8.2 reflect a 0.05 cent/Mcf decrease in the commodity rate for the G-1, P-1, SG-1, H-1, F-1 and PS-1 Rate Schedules. There is no change in the Demand-1 and Demand-2 rates because CIG does not currently incur "as billed" charges from its suppliers.

CIG states that copies of this filing are being served on all jurisdictional customers and interested state commissions, and are otherwise available for public inspection at CIG's offices in Colorado Springs, Colorado.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5625 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-8-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

March 4, 1992.

Take notice that on February 28, 1992, Granite State Gas Transmission, Inc. (Granite State), 300 Friberg Parkway, Westborough, Massachusetts 01581-5309 tendered for filing with the Commission Twelfth Revised Sheet No. 21 in its FERC Gas Tariff, Second Revised Volume No. 1, containing proposed changes in rates for effectiveness on March 1, 1992.

According to Granite State, it is filing this out-of-cycle purchased gas cost adjustment to reflect reduced costs for projected purchases of spot market supplies during the remainder of the first quarter of 1992. Granite State further states that the net effect of its revisions in projected purchases is a reduction of approximately $2,400,000 in gas costs reflected in its revised sales rates.

It is stated that the proposed rate changes are applicable to Granite State's jurisdictional sales services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5626 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-189-000]

Midwestern Gas Transmission Co.; Informal Settlement Conference

March 4, 1992.

Take notice that an informal settlement conference will be convened in the above-captioned proceeding on March 13, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 395.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214) (1991).

For additional information, contact Arnold H. Meltz at (202) 208-2161 or Marc G. Denkinger at (202) 208-2215.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5629 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-4-16-000]

National Fuel Gas Supply Corp., Proposed Changes in FERC Gas Tariff

Take notice that on February 28, 1992, National Fuel Gas Supply Corporation ("National") submits for filing the following revised tariff sheet as part of its FERC Gas Tariff, Second Revised Volume No. 1, to become effective on April 1, 1992:

Third Revised Eighteenth Revised Sheet No. 5

National states that the purpose of the filing is to reflect a quarterly Purchased Gas Cost Adjustment ("PGA"). The revised tariff sheet reflects a commodity current adjustment of 21.65 cents per dekatherm ("Dt"), from National's Update to Annual PGA on December 2, 1991, in Docket No. TQ92-2-16-000. The revised RQ and CD sales commodity rate of 322.48 cents per Dt is based upon a current average cost of purchased gas of 301.62 cents per Dt (in unit of purchases), or 312.93 cents per Dt (in unit of sales).

National further states that copies of this filing were served on National's jurisdictional customers and on the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5630 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-5-59-000]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 4, 1992.

Take notice that Northern Natural Gas Company (Northern), on February 28, 1992, tendered for filing changes in its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2.

Northern states that it is filing the revised tariff sheets to adjust its Base Average Gas Purchase Cost in accordance with the Quarterly PGA filing requirements codified by the Commission's Order Nos. 483 and 483-A. Northern states that the instant filing reflects a Base Average Gas Purchase Cost of $1.4759 per MMBtu to be effective April 1, 1992, through June 30, 1992. Northern further states that it intends to use its flexible PGA, as necessary, to reflect actual market conditions throughout this time period.

Northern states that the instant filing establishes, when necessary, new Demand rates in compliance with the above referenced PGA rulemaking. Such required Northern to adjust its PGA demand rate components on a quarterly versus annual basis. Northern states that the filing will establish a new Demand rate component of $6.808 per MMBtu. This rate will be effective April 1, 1992 through June 30, 1992.

Northern states that copies of the filing were served upon Northern's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules of Regulations. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5631 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-7-37-000]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

March 4, 1992.

Take notice that on February 28, 1992, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance the following tariff sheets with a proposed effective date of April 1, 1992:

Second Revised Volume No. 1:

Twelfth Revised Sheet No. 13

First Revised Volume No. 1-A

Second Revised Sheet No. 202

Original Volume No. 2

Thirteenth Revised Sheet No. 2.2
Twenty-Fourth Revised Sheet No. 2-B

Northwest states that the above tariff sheets were filed to propose new Fuel Reimbursement Percentages, based on Northwest's actual fuel use for the prior calendar year. Northwest states that the proposed percentages are 1.40% for mainline transportation services and 1.76% for gathering service.

Northwest states that copies of the filing were served upon Northwest's jurisdictional customers list, affected state regulatory commissions, and on Public Interstate Transmission Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5633 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-6-37-000]

Northwest Pipeline Corp.; Proposed Change in FERC Gas Tariff

March 4, 1992.

Take notice that on February 28, 1992, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets:

Second Revised Volume No. 1

Eighteenth Revised Sheet No. 10
Seventeenth Revised Sheet No. 11
Eleventh Revised Sheet No. 13

First Revised Volume No. 1-A

Twelfth Revised Sheet No. 201

Original Volume No. 2

Twenty-Seventh Revised Sheet No. 2.3

Northwest states that the purpose of this filing is to update its Commodity SSP Surcharge effective April 1, 1992, to reflect (1) interest applicable to January, February and March 1992, and (2) the amortization of principal and interest. The proposed Commodity SSP Charge contained in this instant filing is 3.92¢ per MMBtu for the three months commencing April 1, 1992. Northwest states that this instant filing, and the Commodity SSP Surcharge included herein, was prepared in a manner consistent with the provisions of Commission orders, issued in Docket Nos. TM91-6-37 and TM92-2-37, which relate to the level of billing determinants to be used in the calculation of the Commodity SSP Surcharge.

Northwest has challenged the Commission's orders requiring it to calculate its Commodity SSP Surcharge based upon billing determinants other than those approved in the settlement of Phase I of Docket No. RP88-47. Northwest reserves the right and gives notice that it will refile its Commodity SSP Surcharge rates for any affected periods, including the three months beginning April 1, 1992, should Northwest ultimately be successful in its court appeals.

Northwest states that a copy of this filing has been served upon all parties of record in Docket No. RP89-137 and upon Northwest's jurisdictional customer list and affected state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5634 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-138-000]

Tennessee Gas Pipeline Co.; Filing

March 4, 1992.

Take notice on March 2, 1992, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following revised tariff sheet in Third Revised Volume No. 1 of its FERC Gas Tariff to be effective on April 1, 1992:

First Revised Sheet No. 228A

Tennessee states that this filing is being made to alter the nomination procedures for the transportation of plant thermal reduction (PTR). Tennessee's tariff currently provides that a nomination for the transportation of PTR will be automatically triggered when a shipper nominates to deliver the gas that is associated with the PTR quantities. Tennessee has indicated that this procedure is not workable at this time. First, the necessary computer system support is not in place at this time. Second, Tennessee indicated that producers often change their decision of whether to process the gas stream from individual sources. Currently, Tennessee is not informed of the producers' processing decisions until after the gas has flowed. Tennessee states that the current process makes it impossible to track PTR nominations. As a result, Tennessee has proposed that producers or other parties retaining processing rights be required to submit nominations for the transportation of PTR quantities just like all other shippers.

Tennessee states that copies of its filing are available for inspection at its principal place of business in the Tenneco Building, Houston, Texas, and have been mailed to all affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5635 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-8-010]

Transcontinental Gas Pipe Line Corporation; Tariff Filing

March 4, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on February 26, 1992 certain substitute and revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Third Revised Volume No. 1, which tariff sheets are enumerated in appendix A attached to the filing. Transco states that the tariff sheets are proposed to be effective as indicated on appendix A.

Transco states that the purpose of the instant filing is to implement the rates approved by the Commission in its order dated January 24, 1992, wherein the Commission accepted Transco's Stipulation and Agreement (Agreement) filed September 6, 1991, in Docket Nos. RP90-8-006 and RP90-8-007. The Agreement resolves the remaining outstanding issues concerning the rates for transportation service on Transco's onshore Mobile Bay pipeline facilities. Transco states that the settlement rates contained on the tariff sheets in the instant filing pertain to three separate time periods, beginning April 10, 1990, the effective date of Docket No. RP90-8 and terminating upon expiration of the Docket No. RP90-8 rate period.

Transco states that it served a copy of the instant filing to all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5636 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA91-1-30-002]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

March 4, 1992.

Take notice that Trunkline Gas Company (Trunkline) on February 21, 1992, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Fifth Revised Sheet No. 21-F.1
Seventh Revised Sheet No. 21-I

The proposed effective date of these revised tariff sheets is March 22, 1992.

Trunkline states that the above-referenced tariff sheet is being filed in compliance with the Commission's letter order of January 23, 1992 in Docket No. TA91-1-30-000.

Trunkline states that the Commission's January 23, 1992 letter order directed Trunkline to revise its tariff language to provide that its sales rates will not reflect costs associated with non-sales service fuel use and lost and unaccounted for gas costs.

Trunkline states that copies of this filing have been served on all jurisdictional sales customers and applicable state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5637 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-2-35-000]

West Texas Gas, Inc.; Filing

March 4, 1992.

Take notice that on March 2, 1992, West Texas Gas, Inc. ("WTG") filed First Revised Sheet No. 4 and Alternate First Revised Sheet No. 4 to its FERC Gas Tariff, Revised Volume No. 1, proposed to be effective April 1, 1992. These tariff sheets and the accompanying explanatory schedules constitute WTG's quarterly PGA filing submitted in accordance with the Commission's purchased gas adjustments regulations.

WTG's filing explains that two tariff sheets relating to Revised Volume No. 1 of WTG's FERC Gas Tariff are included with this filing because of WTG's recently filed restatement of base rates proposed to become effective on March 29, 1992. "First Revised Sheet No. 4" reflects rates consistent with WTG's existing base rates (i.e., those in effect today). "Alternate First Revised Sheet No. 4" reflects rates consistent with WTG's restated base rates filed on February 28, 1992, in Docket No. RP92-135-000. WTG states that the submission of alternative tariff sheets with its required quarterly PGA filing is intended to permit the Commission to make effective on April 1, 1992, whichever rates reflect the Commission action taken on WTG's proposed restated base rates between now and March 29, 1992.

WTG states that copies of the filing were served upon WTG's customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5638 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-135-000]

West Texas Gas, Inc.; Filing

March 4, 1992.

Take notice that on February 28, 1992, West Texas Gas, Inc. ("WTG") filed First Revised Volume No. 1 of its FERC Gas Tariff, superseding Original Volume No. 1. WTG's First Revised Volume No. 1 includes a tariff page setting forth restated base rate proposed to be effective March 29, 1992. Accompanying WTG's filing were cost-of-service schedules and explanatory text supporting WTG's proposed rates. First Revised Volume No. 1 and the accompanying explanatory schedules constitute WTG's base rate restatement filing submitted in accordance with the Commission's purchased gas adjustments regulations.

Based on the analysis contained in its schedules, WTG states that a weighted average unit transmission of $.3570 and a gas commodity rate of $1.7504 are necessary under present conditions for WTG to recover its FERC jurisdictional cost of service. As compared with the rates under WTG's presently effective tariff, WTG states that its proposed unit transmission rates reflect an approximate reduction of $0.0613 in the unit transmission rate under rate schedule GS-1, a $0.0685 reduction in the unit transmission rate of rate schedule IS-1, and a $0.0705 reduction in the unit transmission rate under rate schedule I-1.

In its letter transmitting the tariff filing, WTG requests waiver of the Commission's electronic filing requirements to the extent necessary to permit WTG to submit its cost-of-service schedules in Lotus 1-2-3 spreadsheet form.

WTG states that copies of the tariff filing and accompanying schedules were served upon WTG's jurisdictional customers and interested state commissions.

Any persons desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 214. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5639 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-3-52-000]

Western Gas Interstate Co.; Proposed Changes in FERC Gas Tariff

March 4, 1992.

Take notice that on February 28, 1992, Western Gas Interstate Company ("Western"), tendered for filing proposed changes to its FERC Gas Tariff, Second Revised Volume No. 1. The proposed effective date for the tariff sheets is March 1, 1992.

Western states that, its out of period Purchased Gas Adjustment Filing proposes a decrease in its Northern Division rates.

Western further states that the proposed changes provide for a decrease in purchased gas cost under Western's Rate Schedule CD-N of $.2265 per MMBTU.

Finally, Western states that copies of the filing were served upon Western's tranamission system customers and interested state regulatory commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Regulations. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5640 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-43-000, TM92-6-43-000 and RP92-136-000]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 4, 1992

Take notice that Williams Natural Gas Company (WNG) on February 28, 1992, tendered the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Eighth Revised Sheet No. 6
Ninth Revised Sheet No. 6A
Eighth Revised Sheet No. 9
Second Revised Sheet Nos. 232 and 233
Third Revised Sheet No. 260
Second Revised Sheet Nos. 261-264

WNG states that pursuant to the Purchased Gas Adjustment in Article 18 of its FERC Gas Tariff, it proposes to increase its rates effective May 1, 1992 to reflect:

(1) A $.5859 per Dth increase in the Cumulative Adjustment due to an increase in WNG's projected gas purchase costs.

(2) A $.3721 per Dth decrease in the Surcharge Adjustment (to a positive $.0946 per Dth from a positive $.4667 per Dth) to amortize the Deferred Purchased Gas Cost Subaccount Balance.

(3) A $.0436 per Dth decrease in the Take-or-Pay Surcharge Adjustment (to $.0000 per Dth from a positive $.0436).

WNG states that Second Revised Sheets Nos. 232 and 233 are being filed to add language to WNG's FERC Gas Tariff to enable WNG, with approval from the Commission, to directly assign any accumulated and unamortized balance(s) in its Account No. 191 to all sales customers in the event of suspension or termination of Article 18 to WNG's FERC Gas Tariff, First Revised Volume No. 1, or upon implementation of superseding rate schedules.

WNG states that Third Revised Sheet No. 260 is being filed to clarify that WNG has the right to file for collection of additional Take-or-Pay Settlement costs after April 30, 1992, the expiration of the initial 36-month recovery period, and to propose new collection periods for the Take-or-Pay Fixed Charge and the Take-or-Pay Volumetric Surcharge. Additionally, the expiration of sales service agreements shall not relieve customers of their share of the Take-or-Pay Fixed Charge. Second Revised Sheet Nos. 261-264 are being filed for pagination purposes only.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5641 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-149-002]

Williston Basin Interstate Pipeline Co.; Compliance Filing

March 4, 1992.

Take notice that on February 28, 1992, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, suite 300, Bismarck, North Dakota 58501, tendered for filing revised tariff sheets and additional information in compliance with the Commission's Order dated February 19, 1992.

The proposed effective date of the tariff sheets is March 1, 1992.

Williston Basin states that the tariff sheets contained in Appendix A to the instant filing effectuate the Company's December 23, 1991 Offer of Settlement which was accepted to be effective March 1, 1992 in the Commission's Order dated February 19, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5642 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL89-48-001]

Wisconsin Power & Light Co.; Filing

March 4, 1992.

Take notice that on January 31, 1992, Wisconsin Power & Light Company tendered for filing its filing in compliance with the Commission's earlier order of November 6, 1991 in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 9, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5643 Filed 3-10-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[Docket EA-58-D]

Notice of Application To Amend Electricity Export Authorization

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application by Detroit Edison to amend electricity export authorization.

SUMMARY: The Detroit Edison Company has filed, on behalf of itself and Consumers Power Company, an application with the Office of Fuels Programs to amend its existing authorization to export electricity to Ontario Hydro.

DATES: Comments, protests or requests to intervene must be submitted on or before April 10, 1992.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE-52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket Number EA-58-D should appear clearly on the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) at 202-586-9624 or Lise Courtney M. Howe (Program Attorney) at 202-586-2900.

SUPPLEMENTARY INFORMATION: On February 25, 1992, the Detroit Edison

Company (Detroit Edison) applied on behalf of itself and Consumers Power Company (Consumers) for an amendment to their existing electricity export authorization. The existing authorization, issued by the Federal Power Commission on October 10, 1972, allows Detroit Edison and Consumers (the Michigan Companies) to export to Ontario Hydro up to 4,000,000,000 KWH of electric energy annually at a maximum rate of 2,200,000,000 volt-amperes (2,200 MVA). The application requests that DOE amend the existing authorization by waiving, for calendar year 1992, the annual energy limit while leaving the 2,200 MVA capacity limitation unchanged.

In their application filed pursuant to section 202(e) of the Federal Power Act, 16 U.S.C. 824(e), and 18 CFR section 205.300, *et seq.*, the Michigan Companies assert that if the waiver is granted, economic energy transactions with Ontario Hydro will be scheduled to flow over the existing Detroit Edison-Ontario Hydro interconnections in such a manner so as to minimize loop flows and to avoid detriment to the other regional interconnected utilities.

The electrical systems of the Michigan Companies and Ontario Hydro presently are interconnected at four points on the U.S.-Canadian border. Each interconnection has been authorized by a Presidential permit issued under Executive Order 10485.

The Michigan Companies assert that removal of the annual energy limits is warranted because such a condition is not necessary to maintain the reliability of the U.S. electric power supply system. Instead, the Michigan Companies argue, the reliability of their transmission system depends on keeping maximum flows on the transmission facilities within their capabilities for the system conditions encountered on a continuous basis.

Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedures (18 CFR 385.211, 385.214).

Any such petitions and protests should also be filed directly with: Raymond N. Shibley/Bruce W. Neely, LeBoeuf, Lamb, Leiby & MacRae, suite 1100, 1333 New Hampshire Ave., NW., Washington, DC 20036; Raymond O. Sturdy, Jr., Senior Attorney, The Detroit Edison Company, 2000 Second Avenue–688 WCB, Detroit, MI 48226 and William M. Lange, Assistant General Counsel, Consumers Power Company, Fifth Floor, 1016 16th Street, NW., Washington, DC 20036.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioner's interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final determination will be made on this application after considering all available information and a determination can be made by the DOE that the proposed action will not impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the DOE.

Before an export authorization may be issued, the environmental impacts of the proposed DOE action must be evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA). The NEPA compliance process is a cooperative, nonadversarial process involving members of the public, State governments, and the Federal Government. The process affords all persons interested in or potentially affected by the environmental consequences of a proposed action an opportunity to present their views, which will be considered in the preparation of the environmental documentation for the proposed action. Intervening and becoming a party to this proceeding will not create any special status for the petitioner with regard to the NEPA process. Should a public proceeding be necessary in order to comply with NEPA, notice of such activities and information on how the public can participate in those activities will be published in the **Federal Register**, local newspapers and public libraries and/or reading rooms.

Copies of this application will be made available, upon request, for public inspection and copying at the address above from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 5, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–5712 Filed 3–10–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Cases Filed Week of January 31 Through February 7, 1992

During the week of January 31 through February 7, 1992, the appeal and the applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date or receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 5, 1992.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 31 to February 7, 1992]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 3, 1992	Gulf/Mitzschke Oil Company, Remsen, IA	RR300–129	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The April 26, 1989 Decision and Order (Case No. RF300–3942) issued to Mitzschke Oil Company would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
Feb. 3, 1992	Gulf/Walter Dotson Gulf Service, Harley, VA	RR300–126	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 3, 1992 Dismissal Letter (Case No. RF300–12981) issued to Walter Dotson Gulf Service Station would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
Feb. 5, 1992	Eason Oil Company, Washington, DC	LEF–0040	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR part 205, Subpart V, in connection with the May 3, 1991, Consent Order entered into with Eason Oil Company and ITT Corporation.
Feb. 5, 1992	Gulf/Barnhill's Gulf, Woodbridge, VA	RR300–130	Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 3, 1992 Dismissal Letter (Case No. RF300–12953) issued to Barnhill's Gulf would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding.
Feb. 5, 1992	Hardy, Milutin & Johns, Houston, TX	LFA–0183	Appeal of an Information Request Denial. If granted: Hardy, Milutin & Johns would receive access to documents requested regarding hydrogen fluoride tests conducted in 1966 and August 1968 at DOE's Liquified Gaseous Fuels Spill Test in Nevada.
Feb. 7, 1992	Texas/Landmark Baptist Temple, Washington, DC	RR321–108	Request for Modification/Rescission in the Texas Refund Proceeding. If granted: The July 22, 1991 Decision and Order (Case No. RF321–9249) issued to Landmark Baptist Temple would be modified regarding the firm's application for refund submitted in the Texas refund proceeding.

REFUND APPLICATIONS RECEIVED

Week of January 31 to February 7, 1992

Date received	Name of refund proceeding/name of refund applicant	Case number
01/31/92	Owen's Gas Forless.	RF342–136
01/31/92	Larry's Clark Super 100.	RF342–137
01/31/92	Bill's Clark Service.	RF342–138
01/31/92	Tony's Texaco	RF321–18448
02/03/92	Coastal States Trading, Inc.	RF340–63
02/03/92	Mike's Clark Super 100.	RF342–139
02/03/92	Jerry's Super 100	RF341–140
02/02/92	Perrine's Clark Service, Inc.	RF342–141
02/03/92	Clark Super 100 Station.	RF342–142
01/27/92	Milliken & Company.	RC272–155
01/29/92	Tower Bottled Gas.	RF340–56
01/29/92	Independent Oil Company.	RF340–57
01/29/92	Ozona Butane Company, Inc.	RF340–58
01/29/92	Navasota LP-Gas Co., Inc.	RF340–59
01/30/92	Terreliges, Inc	RF340–60
01/30/92	Henry Oil & Gas Co.	RF340–61
01/31/92	Shell Oil Company.	RF340–62
01/31/92	Glen's Super 100	RF342–134
01/31/92	Joe's Clark Station.	RF342–135

REFUND APPLICATIONS RECEIVED—Continued

Week of January 31 to February 7, 1992

Date received	Name of refund proceeding/name of refund applicant	Case number
02/04/92	Patrons Oil Company.	RF325–324
02/04/92	Big 4 Shell	RF315–10181
02/04/92	Economy Gas Company.	RF340–64
02/04/92	Bo Ramer Bottled Gas.	RF340–65
02/04/92	Leon Gas Company.	RF340–66
02/04/92	Al's Clark Super 100.	RF342–143
02/06/92	Stanton Propane	RF340–67
02/07/92	Clark Super 100, Chicago S–20.	RF342–144
02/07/92	Lyle Oil Co	RF340–68
02/07/92	Ginger's Service Station.	RF323–32
01/31/92 thru 02/07/92.	Texaco refund applications received.	RF321–18423 thru RF321–18443
01/31/92 thru 02/07/92.	Crude oil applications received.	RF272–91516 thru RF272–91579
01/31/92 thru 02/07/92.	Gulf oil applications received.	RF300–19485 thru RF300–19537
01/31/92 thru 02/07/92.	Atlantic Richfield applications received.	RF304–12788 thru RF304–12822

[FR Doc. 92–5711 Filed 3–10–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[PF–560; FRL–4050–3]

Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions (PP) and food and feed additive petitions (FAP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on certain agricultural commodities. This document also corrects a previous filing.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for

inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the product manager (PM) named in each petition at the following office location/telephone number:

Product Manager	Office location/ telephone number	Address
George LaRocca (PM-13).	Rm. 202, CM #2, 703-305-6100.	1921 Jefferson Davis Hwy., Arlington, VA
Phil Hutton (PM-18).	Rm. 213, CM #2, 703-305-7690.	Do.
Dennis Edwards (PM-19).	Rm. 207, CM #2, 703-305-6386.	Do.
Susan Lewis (PM-21).	Rm. 227, CM #2, 703-557-1900.	Do.
Joanne Miller (PM-23).	Rm. 237, CM #2, 703-305-7830.	Do.
Robert Taylor (PM-25).	Rm. 241, CM #2, 703-557-1800.	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions and food/feed additive petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

Initial Filings

1. *PP 1F4008.* BASF Corp., Agricultural Chemicals, P.O. Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR 180.380 by establishing a regulation to permit combined residues of the fungicide vinclozolin, 3-(3,5-dichloro-phenyl)-5-ethenyl-5-methyl-2,4 oxazolidinedione and its metabolites containing the 3,5-dichloro-aniline moiety, in or on potatoes at 0.1 ppm. (PM-21)

2. *FAP 2H5623.* BASF Corp., Agricultural Chemicals, P.O. Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR part 185 by establishing a food additive regulation to permit combined residues of vinclozolin, 3-(3,5-dichloro-phenyl)-5-ethenyl-5-methyl-2,4 oxazolidinedione, and its metabolites containing the 3,5-dichloro-aniline moiety in or on dry potato peel at 3.0 ppm and potato granules, flakes, and chips at 0.2 ppm. (PM-21)

3. *PP 1F4011.* ICI Americas, Inc., Agricultural Products, Wilmington, DE 19897, proposes to amend 40 CFR part 180 by establishing a regulation to permit combined residues of the herbicide acetochlor, 2-chlor-N-(ethoxymentyl)-N-(ethyl-6-methylphenyl)-acetamide, in or on corn grain at 0.05 ppm, corn forage at 1.0 ppm, and corn fodder at 1.5 ppm. (PM-23)

4. *PP 1F4013.* American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08543-0400, proposes to amend 40 CFR 180.447 by establishing a regulation to permit combined residues of imazethapyr, (2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-yl]-5-ethyl-3-pyridine-carboxylic acid) as its ammonium salt, and its metabolite 2-[4,5-di-hydro-4-methyl-4-(1-methylethyl-5-oxo-1H-imidazol-2-yl-5-(1-hydroxyethyl)-3-pyridine carboxylic acid both free and conjugated in or on alfalfa forage and hay at 3.0 ppm. Analytical method used is gas chromatography. (PM-25)

5. *PP 1F4016.* Ciba-Geigy Corp., Agricultural Division, P. O. Box 18300, Greensboro, NC 27419-8300, proposes to amend 40 CFR 180.414 by estab- lishing a regulation to permit combined residues of insecticide cyromazine, N-cyclo-propyl-1,3,5-triazine-2,4,6-triamine, plus its major metabolite melamine, 1,3,5-triazine-2,4,6-triamine, calculated as cyromazine in or on the leafy vegetables crop group at 10 ppm. (PM-18)

6. *PP 1F4029.* E. I. Du Pont Co., Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR 180.428 by establishing a regulation to permit combined residues of the herbicide metsulfuron methyl, 2-[[[[(4- methoxy-6-methyl-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]benzoate), and its metabolite methyl 2-[[[[(4methoxy-6-methyl-1-3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate in or on wheat grain at 0.1 ppm, wheat straw at 0.3 ppm, barley grain at 0.1 ppm, and barley straw at 0.3 ppm. (PM-25)

7. *PP 1F4030.* Rohm & Haas Co., Regulatory Affairs Department, Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 180.443, by establishing a regulation to permit combined residues of the fungicide myclobutanil, alpha-butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and its metabolite alpha-(3-hydroxybutyl)-alpha-4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (free and bound) in or on tomatoes at 0.3 ppm. (PM-21)

8. *PP 1H5616.* Rohm & Haas Co., Regulatory Affairs Department, Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 180.443 by establishing a regulation to permit combined residues of the fungicide myclobutanil, alpha-butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile, and its metabolite alpha-(3-hydroxybutyl)-alpha-4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (free and bound) in or on tomato (puree) at 0.4 ppm, tomato (catsup) at 0.7 ppm, tomato (paste juice) at 0.8 ppm, tomato (paste) at 2.0 ppm, tomato (wet pomace) and tomato (juice) at 3.0 ppm, and tomato (dry pomace) at 5.0 ppm. (PM-21)

9. *PP 2F4036.* DowElanco, 9002 Purdue Rd., Indianapolis, IN 46268-1189, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide N-(2-6-difluorophenyl)-5-methyl-(1,2,4)-triazolo[1,5a]-pyrimidine-2-sulfonamide, coded DE-498, in or on corn, fodder at 0.05 ppm; corn, forage, at 0.05 ppm; corn, grain at 0.05 ppm; and soybeans at 0.05 ppm. (PM-23)

10. *PP 2F4039.* Sentry, Inc., P. O. Box 426, Buckeye, AZ 85326-0090, proposes to amend 40 CFR part 180 by establishing a regulation to exempt from the requirement of a tolerance the tomato pinworm insect pheromone NoMate TPW Spiral [[E/Z]-4-tridecen-1-yl acetates]. (PM-18)

11. *PP 2F4040.* Espro, Inc., 1015 15th St., NW., Washington, DC 20005, proposes to amend 40 CFR part 180 by establishing a regulation to exempt from the requirement of a tolerance SPOD-X (spodoptera exiqua) for use against the beet armyworm. (PM-18)

12. *PP 2F4041.* BASF Corp., Agricultural Products Group, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR 180.412 by establishing a regulation to permit combined residues of Poast herbicide, 2-[1-(ethoxyimino)butyl]-5-[2-ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one moiety (calculated as the herbicide), in or on canola/rape seed at 35.0 ppm and canola/rape forage at 3.5 ppm. Analytical method used is gas chromatography. (PM-25)

13. *PP 2F4046.* AgriDyne Technologies, Inc., 417 Wakara Way, Salt Lake City, UT 84108, proposes to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for azadirachtin as an insect growth regulator and/or antifeedant applied to seeds, cuttings, transplants, and plants. (PM-18)

14. *PP 2F4053.* Ciba-Geigy Corp., Agricultural Division, P. O. Box 18300, Greensboro, NC 27419, proposes to amend 40 CFR 180.414 by establishing a regulation to permit combined residues of the insecticide cyromazine (N-cyclopropyl-1,3,5-triazine-2,4,6-triamine), and its principal metabolite, melamine (1,3,5-triazine-2-4,6-triamine), calculated as cyromazine in or on cucurbit vegetables at 2.0 ppm. (PM-18)

15. *PP 2F4055.* Hoechst-Roussel Agri-Vet Co., Route 202-206, P.O. Box 2500, Somerville, NJ 08876-1258, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the insecticide deltamethrin (1R,3R)-3(2,2-dibromovinyl)dimethylcyclopropane-carboxylic acid (S)-alpha- cyano-3-phenoxybenzyl ester and its metabolites, trans-deltamethrin: (1R,3S)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropane-carboxylic acid (S)-alpha-cyano-3-phenoxybenzyl ester and alpha-R-deltamethrin: (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropane-carboxylic acid (R)-alpha-cyano-3-phenoxybenzyl ester calculated as parent, in or on cottonseed at 0.02 ppm. (PM-15)

16. *PP 2F4058.* Regulatory Assistance Corp., 17 Clearview Circle, Hopewell Junction, NY 12533, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of herbicide UMP-488, 1-methoxy-1-methyl-3-[4-(3,4-dihydro-2-methoxy-2,4,4-trimethyl-7-benzopyranyloxy) phenyl] urea, in or on field corn grain, forage, fodder, and silage at 0.01 ppm. (PM-23)

17. *PP 2F4061.* Du Pont, Agricultural Products, Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR 180.294 by establishing a regulation to permit residues of benomyl, methyl 1-(butylcarbamoyl-2-benzimidazolecarbamate, in or on rice straw at 20.0 ppm. (PM-21)

18. *PP 2F4063.* Ciba-Geigy Co., Agricultural Division, P.O. Box 18300, Greensboro, NC 27419-8300, proposes to amend 40 CFR 180.408, by establishing a regulation to permit combined residues of the fungicide metalaxyl, N-[2,6-dimethylphenyl)-N-(methoxyacetyl)alanine methyl ester, and its metabolites containing the 2,6-dimethylaniline moiety, and N-(2-hydroxymethyl-6-methylphenyl)-N-(methoxyacetyl)alanine methyl ester, each expressed as metalaxyl equivalents, in or on grass forage at 10.0 ppm and grass hay at 20.0 ppm. (PM-21)

19. *PP 2F4067.* E.I. du Pont de Nemours & Co., Inc., Agricultural Products, Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR 180.253 by establishing a regulation to permit residues of the insecticide methomyl, (S-methyl N-[methylcarbamoyl)oxy] thioacetimidate, in or on dried pea seed at 0.2 ppm, pea hay at 10.0 ppm, bean hay at 10.0 ppm, lentil forage at 10.0 ppm, lentil hay at 10.0 ppm, and soybean hay at 10.0 ppm. (PM-19)

20. *FAP 2H5624.* NOR-AM Chemical Co., 3509 Silverside Rd., P.O. Box 7495, Wilmington, DE 19803, proposes to amend 40 CFR 186.278, by establishing a food additive regulation to permit residues of the herbicide phenmedipham, 3-methoxycarbonylaminophenyl-3'-methylcarbanilate in or on sugar beet pulp, dehydrated at 0.5 ppm and sugar beet molasses at 0.2 ppm. (PM-25)

Corrected Filing

In the **Federal Register** of December 13, 1991 (56 FR 65081), EPA issued incorrectly an initial filing of PP 1F4004. It is corrected to read as follows:

PP 1F4004. Valent U.S.A. Corp., 1333 North Carolina Blvd., Suite 600, P.O. Box 8025, Walnut Creek, CA 94596-8025, proposes residues of (E)-(R)-1-(2,4-dichlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol and its related isomers in or on peanuts and peanut hulls and for residues of (R)-1-(2,4-dichlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pent-1-en-3-ol, its related isomers and its metabolite, (E)-(R)-1-(2,4-dichlorophenyl)-4-methyl-4-hydroxymethyl-2-(1H-1,2,4-triazol-1-yl)-pent-1-en-3-ol in meat, milk, eggs, and the appropriate byproducts resulting from application of SPOTLESS 25W according to the proposed label of SPOTLESS 25W at rates ranging from 5 to 16 oz/acre (total individual treatment rates up to 8 oz/acre and a phi of 28 days for the higher rates). The grazing of peanut hay and vines is restricted by the proposed label. Peanut nutmeats at 0.1 ppm, peanut hulls at 3.0 ppm, eggs at 0.01 ppm, milk at 0.01 ppm, meat and fat of cattle, goats, hogs, horses, poultry, and sheep at 0.01 ppm, meat byproducts (except liver) of cattle, goats, hogs, horses, and sheep at 0.01 ppm, meat byproducts of poultry at 0.01 ppm, liver of cattle, goats, hogs, and horses and sheep at 0.50 ppm. Tolerances are also proposed for residues of (E)-(R)-1-(2,4-dichlorophenyl)-2,4-dimethyl-2-(1H-1,2,4,-triazol-1-yl)pent-1-en-3-ol and its related isomers in or on commodities of rotational crops planted no sooner than at specified intervals in the proposed label after a final application of SPOTLESS 25W to peanut plants. Wheat forage and straw at 0.2 ppm, corn silage and forage at 0.05 ppm, corn fodder at 0.1 ppm, sorghum, silage, fodder, hay and forage at 0.05 ppm, soybean hay and forage at 0.05 ppm, peanuts, vines, and hay at 0.05 ppm. (PM-21)

Authority: 7 U.S.C. 136a.

Dated: February 21, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-5063; Filed 3-10-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50698; FRL-3714-6]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Modified Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from the Agricultural Research Service, U.S. Department of Agriculture, a notification of intent to conduct small-scale field testing in Maryland, Delaware, and Tennessee of a UV-induced mutant strain of the fungus *Verticillium leconni* as a potential biological control agent of soybean cyst nematodes.

DATES: Comments must be received on or before March 25, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan T. Lewis, Product Manager

(PM-21), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), dated December 31, 1991, has been received from the Agricultural Research Service, U.S. Department of Agriculture. The purpose of the proposed testing is to evaluate the efficacy of a UV-induced mutant strain of *Verticillium lecanii* for the control of soybean cyst nematodes on soybean plants. The proposed field tests would be conducted in cooperation with Crop Genetics International in the States of Maryland, Delaware, and Tennessee on a total area of less than 10 acres. The proposed testing of this organism is a continuation of testing in Maryland, which was approved without requiring an Experimental Use Permit under EPA's Notification procedures in 1990 and 1991.

Dated: February 18, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-5064 Filed 3-10-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180864; FRL 4049-9]

Receipt of Application for Emergency Exemption to use Quinclorac; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant") for use of the pesticide Quinclorac (CAS No. 84087-01-4) to control broadleaf weeds on up to 75,000 acres of rice in Mississippi. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 26, 1992.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180864," should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2 1921 Jefferson Davis Highway, Arlington, VA. Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Va, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-7889).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of the herbicide, quinclorac, available as Facet 50WP from BASF Corporation, to control broadleaf weeds on up to 75,000 acres of rice in Mississippi. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

According to the Applicant, a herbicide is needed to control certain broadleaf weeds (*hemp sesbania, morningglory,* and *cocklebur*) in rice due to restrictions on the use of the registered herbicides, 2,4-D and MCPA. Uncontrolled weeds reduce both rice yield and quality. The Applicant estimates that if quinclorac is not available to control broadleaf weeds, net revenue will be reduced from approximately $125 per acre to minus $13 per acre, representing a total net loss of $1.0 million over the entire 75,000 acres of rice.

Under the proposed exemption, a single ground application of quinclorac would be made at a maximum rate of 0.5 pounds of active ingredient per acre. A maximum of 37,500 pounds of active ingredient may be needed to treat up to 75,000 acres of rice. Applications would be made by or under the direct supervision of certified applicators. A pre-harvest interval of 80 days would be observed.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)].

Quinclorac is a new chemical. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Mississippi Department of Agriculture and Commerce.

Dated: February 18, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-5255 Filed 3-10-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180863; FRL 4049-3]

Receipt of Application for Emergency Exemption to use Quinclorac; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Arkansas State Plant Board (hereafter referred to as the "Applicant") for use of the pesticide Quinclorac (CAS No. 84087-01-4) to control grass weeds on up to 300,000 acres of rice in Arkansas. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 26, 1992.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180863," should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-7889).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of the herbicide, quinclorac, available as Facet 50WP from BASF Corporation, to control barnyardgrass on up to 300,000 acres of rice in Arkansas. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, barnyardgrass (*Echinochloa crusgalli*) infests 100 percent of Arkansas rice fields. The herbicide propanil has been used for thirty years to control this grass weed; however, in recent years, propanil's effectiveness has declined significantly. The Applicant attributes the poor control using propanil to development of propanil-tolerant barnyardgrass. Recent greenhouse studies on barnyardgrass grown from seed around the state indicate that the tolerant barnyardgrass is much more widespread than previously thought. The problem is most serious in Poinsett and adjacent counties. The Applicant claims that if quinclorac is not available for use, rice yields will be reduced by an estimated 50 percent, resulting in economic losses of $31.4 million over the entire state.

Under the proposed exemption, a single ground or aerial application of quinclorac would be made at a maximum rate of 0.5 pounds of active ingredient per acre. A maximum of 150,000 pounds of active ingredient may be needed to treat up to 300,000 acres of rice. Applications would be made by or under the direct supervision of certified applicators. A pre-harvest interval of 80 days would be observed.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)].

Quinclorac is a new chemical. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Arkansas State Plant Board.

Dated: February 14, 1992.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-5254 Filed 3-10-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

L.A. Cruise Ship Terminal, et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200629.

Title: L.A. Cruise Ship Terminals/Princess Cruises Customer Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("L.A. Cruise") Princess Cruises.

Synopsis: This proposed agreement would permit L.A. Cruise to provide terminal facilities and services to Princess Cruises at the Port of Los Angeles, California.

Agreement No.: 203-011367-002.

Title: Colombia Discussion Agreement.

Parties: Lykes Bros. Steamship Co., Inc., Flota Mercante Grancolombiana S.A. (F.M.G.), Frontier Liner Services, Compania Sud Americana De Vapores.

Synopsis: The proposed amendment would add Crowley Caribbean Transport Inc./CTMT as a party to the Agreement.

Agreement No.: 203-011368.

Title: The "8900" Lines/Lykes Lines Discussion Agreement.

Parties: The "8900" Lines, Lykes Bros. Steamship Co., Inc.

Synopsis: The proposed Agreement authorizes the parties to discuss, exchange information and agree upon all aspects of transportation and service in the trade from U.S. Atlantic, Gulf and Pacific ports and inland points to Saudi Arabian, Persian Gulf and other Middle Eastern ports except Aden and Karachi, and inland points via such ports. The parties have no obligation under this Agreement, other than voluntarily, to adhere to any consensus or agreement reached.

By Order of the Federal Maritime Commission

Dated: March 5, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-5602 Filed 3-10-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. 7100-0124, (FR Y-6A)]

Bank Holding Company Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final approval of Agency Forms.

BACKGROUND: Notice is hereby given of final approval by the Board of Governors of the Federal Reserve (Board) of changes to the bank holding company reporting requirements identified below, under delegated authority from the Office of Management and Budget (OMB), as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public). The changes to the reporting requirements are to be effective for transactions occurring on or after January 1, 1992, for reports submitted according to a gradual phase-in period described below. No public comments were received and the Board has determined that the changes as approved on an interim basis should become final.

SUMMARY: Under the Bank Holding Company Act of 1956, as amended, the Federal Reserve is responsible for the supervision and regulation of all bank holding companies. The Board has approved revisions to the Bank Holding Company Report of Changes in Investments and Activities (FR Y–6A; OMB No. 7100–0124). The revisions are to be implemented effective with transactions occurring on or after January 1, 1992.

The Bank Holding Company Report of Changes in Investments and Activities is an event-generated report filed by top-tier bank holding companies to report changes in regulated investments and activities made pursuant to the Bank Holding Company Act and Regulation Y. The report collects structure information on subsidiaries and regulated investments of bank holding companies engaged in both banking and nonbanking activities.

The approved revisions involve a modification to the reporting schedule from a quarterly basis to an event-driven basis in which reports must be submitted within 30 calendar days of the occurrence of a reportable transaction. Additionally, the report form and instructions have been modified to improve clarity. Changes to the content of the report include the elimination of legal address and activity rank information, and the inclusion of certain non-voting equity investments and Small Business Investment Corporation (SBIC) investments.

To allow adequate time to adjust to the new reporting schedule and revised reporting form, the Federal Reserve requires all changes in investments or activities that occur during the first quarter of 1992 be filed within thirty days after the end of the quarter. The 30-day flow reporting schedule will be fully implemented for transactions that occur on or after April 1, 1992.

Revisions Approved Under OMB Delegated Authority—the Approval of the Collection of the Following Report:

1. *FR Y–6A* (OMB No. 7100–0124), Bank Holding Company Report of Changes in Investments and Activities;

This report is to be filed by all top-tier bank holding companies. The following bank holding companies are exempt from filing the FR Y–6A, unless the Board specifically requires an exempt company to file the report: bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by § 211.23(b) of Regulation K. The revised report is to be implemented on a flow basis as of January 1, 1992, with a submission date of 30 days after the occurrence of a reportable transaction. The implementation of the report is subject to a gradual phase in of the new requirement.

Report Title: Bank Holding Company Report of Investments and Activities
Agency Form Number: FR Y–6A
OMB Docket Number: 7100–0124
Frequency: Flow-basis
Reporters: Bank Holding Companies
Annual Reporting Hours: 2,000
Estimated Average Hours per Response: 1.0
Number of Respondents: 1,000

The information collection is mandatory (12 U.S.C. 1844) and the information is not routinely given confidential treatment. However, confidential treatment for information, in whole or in part, can be requested in accordance with the instructions to the form.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Manager, Policy Implementation, Division of Banking Supervision and Regulation (202/452–3622) or Alison Waldron, Senior Financial Analyst, Division of Banking Supervision and Regulation (202/452–2538). The following individuals may be contacted with respect to issues related to the Paperwork Reduction Act of 1980: Stephen Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division, (202/452–3920); Frederick J. Schroeder, Chief, Financial Reports, Division of Research and Statistics (202/452–3829); and Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve has granted final approval under delegated authority from the Office of Management and Budget (OMB), of revisions to the FR Y–6A (OMB No. 7100–0124), the Bank Holding Company Report of Changes In Investments and Activities.

The Bank Holding Company Report of Changes in Investments and Activities requests information from all top-tier bank holding companies on changes in investments and activities. This report is event-generated and is filed by bank holding companies only when they have changes in structure. The report collects information relating to acquisitions, divestitures, changes in relationships between a parent company and its subsidiaries, changes in activities, and legal authority. The response rate for the FR Y–6A varies depending on the reportable activity engaged in by each bank holding company.

In addition to a redesign of the reporting form and instructions, substantive changes to the FR Y–6A include a revision to the reporting cycle, the revision of existing reporting requirements to eliminate the collection of unnecessary information, and the addition of information required by users of the report.

The Bank Holding Company Report of Changes in Investments and Activities (FR Y–6A) is collected by the Federal Reserve to monitor compliance by bank holding companies with the Bank Holding Company Act of 1956, as amended, and Regulation Y. Structure data are used to support the financial data collected by the Federal Reserve, and to support studies focusing on nonbanking trends of bank holding companies.

In addition to facilitating compliance monitoring by the staff of the Federal Reserve, the structure data are utilized to provide information on the investments and nonbanking activities of bank holding companies to the Federal Reserve.

Report Form Revisions

The Board has granted final approval of the following changes to the Bank Holding Company Report of Changes in Investments and Activities (FR Y–6A):

1. *Revise the Reporting Cycle*—Change the existing quarterly reporting requirement to a flow-basis requirement. Bank Holding Companies will have 30 calendar days following a reportable change in investments or activities to submit the FR Y–6A to the Federal Reserve.
2. *Cease Collection of Certain Information*
   —Cease the collection of structure information on companies in the bank holding company organization that have not yet conducted any business activity.
   —Cease collection of information on the number of offices operated by nonbanking subsidiaries.
   —Cease collection of legal address information for bank holding companies.
   —Change requirement for ranking all business activities by order of importance to a requirement that only the primary activity be indicated.
3. *Add Certain Reporting Requirements*
   —Require that controlling ownership interests based on nonvoting equity be reported.
   —Require that investments made through Small Business Investment Corporations registered with the Small Business Administration be reported.
4. *Redesign the Reporting Form and Instructions*—Redesign the FR Y–6A reporting form and rewrite the instructions to correspond with the new form and to improve clarity.

Legal Status and Confidentiality

The reports are required by law (12 U.S.C. 1844 (b) and (c) and 12 CFR 225.5(b)).

The Federal Reserve has not considered the data in these reports to be confidential. However, a company may request confidential treatment pursuant to section (b)(4) and (b)(6) of the Freedom on Information Act (5 U.S.C. 552 (b)(4) and (b)(6)). Section (b)(4) provides exemption for "trade secrets and commercial or financial information obtained from a person and privileged or confidential." Section (b)(6) provides exemption for "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

Board of Governors of the Federal Reserve System, March 5, 1992.
William W. Wiles,
Secretary of the Board.
[FR Doc. 92–5653 Filed 3–10–92; 8:45 am]
BILLING CODE 6210–01–M

[Docket No. 7100–0124 (FR Y–6) and 7100–0218 (FR Y11I)]

Bank Holding Company Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Approval of Agency Forms.

BACKGROUND: Notice is hereby given of final approval by the Board of Governors of the Federal Reserve (Board) of changes to the bank holding company reporting requirements identified below, under delegated authority from the Office of Management and Budget (OMB), as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public). The change to the reporting requirements are to be effective with the December 31, 1991, reporting date. No public comments were received, and the Board has determined that the changes as approved on an interim basis should become final.

SUMMARY: Under the Bank Holding Company Act of 1956, as amended, the Federal Reserve is responsible for the supervision and regulation of all bank holding companies. The Board has approved revisions to the Annual Report of Bank Holding Companies (FR Y–6; OMB No. 7100–0124) and the Annual Report of Selected Financial Data for Nonbank Subsidiaries of Bank Holding Companies (FR Y–11I; OMB No. 7100–0218).

The Annual Report of Bank Holding Companies (FR Y–6) is filed annually as of the holding company's fiscal year-end by top-tier bank holding companies. It contains financial statements for the consolidated company, parent company only, and the holding company's nonbank subsidiaries, all in the company's own format; a list of the officers, directors, and shareholders, and their pecentage ownership of the holding company; and details on insider lending by the bank holding company. Currently, a bank holding company with total consolidated assets of $150 million or more is required to have the financial statements it submits with its FR Y–6 certified by an independent public accountant. Two minor revisions to the FR Y–6 have been approved. The first revision requires bank holding companies to list changes, during the fiscal year, in shareholders that own or control five percent or more of any class of voting securities in the bank holding company. The second revision requires a bank holding company to report at the end of its organizational chart a list of banking companies in which it holds 25 percent or more of nonvoting equity shares and which would not otherwise be contolled subsidiaries.

The Annual Report of Selected Financial Data for Nonbank Subsidiaries of Bank Holding Companies (FR Y–11I) is submitted annually by all bank holding companies and provides selected balance sheet and income information on the nonbank subsidiaries of the bank holding company. The following revisions to the FR Y–11I reporting form and instructions have been approved:

1. Clarification of instructions and reporting form to indicate that inactive subsidiaries are only reportable if the subsidiary previously conducted an activity (i.e., is temporarily inactive or in the process of liquidation). Those subsidiaries that have never engaged in any business activity are not reportable.
2. Clarification of the reporting instructions to indicate that financial data for mortgage banking and consumer finance organizations should only be consolidated in instances where the bank holding company has established separate corporations in various states in order to operate offices in those states. That is, financial data should only be consolidated for organizations that are the functional equivalent of branches.
3. Elimination of the Supplemental Cover Sheet for tiered bank holding companies.

Revisions Approved under OMB Delegated Authority—The Approval of The Collection of the Following Reports:

1. *FR Y–6* (OMB No. 7100–0124), Annual Report of Bank Holding Companies;

This report is to be filed by all top-tier bank holding companies. The following bank holding companies are exempt from filing the FR Y–6, unless the Board specifically requires an exempt company to file the report: bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act; and foreign banking organizations as defined by section 211.23(b) of Regulation K. The revised report is to be implemented on an annual basis as of December 31, 1991; reports are to be submitted 90 days after the "as of" date.

Report Title: Annual Report of Bank Holding Companies.
Agency Form Number: FR Y–6.
OMB Docket Number: 7100–0124.
Frequency: Annual.
Reporters: Bank Holding Companies.
Annual Reporting Hours: 44,784.
Estimated Average Hours per Response: 8.0.
Number of Respondents: 5,598.

The information collection is mandatory [12 U.S.C. 1844]. Confidential treatment is not routinely given to the information filed. However, confidential treatment for the information, in whole or in part, can be requested in accordance with the instructions to the form.

2. *FR Y–11I* (OMB No. 7100–0218), Annual Report of Selected Financial Data for Nonbank Subsidiaries of Bank Holding Companies;

This report is to be filed by all bank holding companies that have nonbank subsidiaries. The report is filed for each individual nonbank subsidiary of the holding company. The following bank holding companies are exempt from filing the FR Y–11I, unless the Board specifically requires an exempt

company to file the report: bank holding companies that have been granted a hardship exemption by the Board under section 4(d) of the Bank Holding Company Act and foreign banking organizations as defined by section 211.23(b) of Regulation K. The revised report is to be implemented on a quarterly basis as of December 31, 1991, with a submission date of 60 days after the "as of" date.

Report Title: Annual Report of Selected Financial Data for Nonbank Subsidiaries of Bank Holding Companies.

Agency Form Number: FR Y–11I.

OMB Docket Number: 7100–0218.

Frequency: Annual.

Reporters: Bank Holding Companies.

Annual Reporting Hours: 1,693.

Estimated Average Hours per Response: 0.6.

Number of Respondents: 2,822.

The information collection is mandatory [12 U.S.C. 1844]. Confidential treatment is not routinely given to the information on the form. However, confidential treatment for the information can be requested in accordance with the instructions to the form.

FOR FURTHER INFORMATION CONTACT: Stephen M. Lovette, Manager, Policy Implementation, Division of Banking Supervision and Regulation (202/452–3622) or Alison Waldron, Senior Financial Analyst, Division of Banking Supervision and Regulation (202/452–2538). The following individuals may be contacted with respect to issues related to the Paperwork Reduction Act of 1980: Stephen Siciliano, Special Assistant to the General Counsel for Administrative Law, Legal Division, (202/452–3920); Frederick J. Schroeder, Chief, Financial Reports, Division of Research and Statistics (202/452–3829); and Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve has granted final approval under delegated authority from the Office of Management and Budget (OMB), to revisions in the following reports.

1. *FR Y–6* (OMB No. 7100–0124), Annual Report of Bank Holding Companies;

2. *FR Y–11I* (OMB NO. 7100–0218), Annual Report of Selected Financial Data for Nonbank Subsidiaries of Bank Holding Companies;

FR Y–6

The FR Y–6 is an annual report filed by top-tier bank holding companies. It consists of financial statements for the consolidated entity (when the total consolidated assets of the company are $150 million or more) and the parent company only statement for all holding companies in the company's own format. The Form 10–K filed with the SEC usually satisfies the requirement for the consolidated statement. Additionally, financial statements for the nonbank subsidiaries of the holding company and information on the identity, percentage ownership, and business interests of principal shareholders, directors, and executive officers are included in the report. Amendments to the organizational documents, information on insider loans, and an organization chart are also required.

The Annual Reprot of Bank Holding Companies (FR Y–6) is the Federal Reserve's principal source of internally generated and independently audited financial data on individual bank holding companies, their banking and nonbanking subsidiaries, and their other regulated investments. The external audit by an independent public accountant, which is required in connection with this report for holding companies with total consolidated assets of $150 million or more, promotes continued safe and sound operations. The report enables the Federal Reserve (1) to monitor holding company operations and to ensure that the operations are conducted in a safe and sound manner; and (2) to determine holding company compliance with the provisions of the Bank Holding Company Act and Regulation Y (12 CFR 225).

The information collected by the FR Y–6 on the identity, percentage ownership, and business interests of principal shareholders, directors, and executive officers is also important for supervisory purposes. First, data on outside business interests (including interests in other financial institutions) aid in identifying chain banking organizations by indicating when an individual owns 25 percent or more of each of two or more banking organizations. Second, information on the principal owners and directors is of critical supervisory importance since these individuals have a significant impact on the policies and condition of banking organizations. Experience has shown that this information is extremely valuable in identifying potential problem situations and in developing supervisory follow-up programs. Third, information on the outside business interests of insiders can be useful in uncovering situations that involve a conflict of interest or preferential treatment in the granting of credit. Information on significant borrowings by holding company insiders assists in highlighting situations involving potential insider abuse. Finally, information on ownership helps the Federal Reserve monitor compliance with the Change in Bank Control Act.

Annual reporting of this information in the FR Y–6 is essential for supervisory purposes because it provides infomation between bank holding company inspections. The timely collection of these data in a supervisory report enhances the Federal Reserve's efforts to monitor the activities of bank holding companies.

FR Y–11I

The FR Y–11I consists of 13 selected financial items and certain other information collected annually from individual nonbank subsidiaries. The FR Y–11I must be submitted for each directly or indirectly held nonbank subsidiary. A subsidiary, for purposes of this report, is defined by Section 225.2 of Federal Reserve Regulation Y, which generally includes companies 25 percent or more owned or controlled by another company. Edge or Agreement corporations, foreign subsidiaries, and nonbank subsidiaries held directly by a bank are exempt from FR Y–11I reporting.

The information collected on this report is used by the Federal Reserve to assess the financial condition of individual nonbank subsidiaries and their impact on the consolidated financial entity.

The FR Y–11I is the only source of standardized financial information on individual nonbank subsidiaries of bank holding companies. This information is essential in light of their potential impact on the subsidiary bank's condition; the different types and degrees of risk inherent in these activities; the trend toward nonbank deregulation; an the potential for nonbank holding company entities to have an adverse impact on affiliated banks due to the volume of intercompany transactions and the complex interrelationships that can exist between holding companies and their bank and nonbank affilitates.

The Federal Reserve has an increasing interest in and a need for information on the nonbank operations of bank holding companies. Experience has shown that nonbank problems can cause funding, earnings, and asset quality problems for the consolidated holding company, and that nonbank subsidiaries can create serious supervisory problems in bank subsidiaries. Consolidated reports do not reveal the extent of the problems of nonbank subsidiaries because the size of the subsidiary bank can obscure the operations of nonbank subsidiaries at the consolidated level. Consequently, a principal focus of the holding company supervisory effort is to evaluate the condition of nonbank companies and their potential impact on affiliated subsidiary banks.

Annual reporting on the FR Y–11I enables the staff to place an emphasis on monitoring the capitalization and leverage of the nonbank subsidiaries in relation to industry norms and applicable regulations. In addition, the data submitted on the FR Y–11I are also frequently used to respond to requests from Congress and from the public for information on nonbank subsidiaries.

Report Form Revisions

The Board has granted final approval to the following changes to the Annual Report of Bank Holding Companies (FR Y–6):

1. Modify Report Item 5, the list of shareholders, to require the reporting of changes (both additions and deletions), during the fisal year, in shareholders that own or control five percent or more of any class of voting securities in the bank holding company. Both the name and percent ownership would be reported.

2. Require each bank holding company to report at the end of its organizational chart a list of banks or bank holding companies in which it holds 25 percent or more of nonvoting equity shares and which would not otherwise be considered controlled subsidiaries.

The Federal Reserve has granted final approval to the following changes to the Annual Report of Selected financial Data for Nonbank Subsidiaries (FR Y–11I):

1. The reporting instructions will be modified to clarify that inactive nonbank companies are only reportable if they have previously engaged in any business activity. Those companies that are part of the holding company organization but have not yet engaged in any business activity are not reportable.

2. The reporting instructions will be modified to indicate instances where more than one nonbanking subsidiary may be consolidated for reporting purposes. Mortgage banking and consumer finance subsidiaries may be consolidated on the FR Y–11I if they operate as the functional equivalent of branches of a mortgage banking or consumer finance operation. In certain instances, a bank holding company will establish separate corporations in various states in order to operate offices in those states. These separate corporations may be consolidated when reporting on the FR Y–11I.

3. Clarifications to the FR Y–11I cover sheet and reporting form, including the elimination of the supplemental cover page for use by tiered bank holding companies.

Time Schedule for Information Collection and Publication

The FR Y–6 is collected annually as of the end of the bank holding company's fiscal year. This report must be submitted to the Federal Reserve within 3 months following the date of the report.

The FR Y–11I is reported annually as of the last calendar day of December. The FR Y–11I must be submitted to the appropriate Federal Reserve Bank within 60 days after the date of the report.

The data from these reports that are not given confidential treatment are available to the public. Data from these reports will generally not be published.

Legal Status and Confidentiality

The reports are required by law [12 U.S.C. 1844 (b) and (c) and 12 CFR 225.5(b) of Regulation Y].

The Federal Reserve has not considered the data in these reports to be confidential. However, a bank holding company may request confidential treatment pursuant to section (b)(4) and (b)(6) of the Freedom of Information Act [5 U.S.C. 522(b)(4) and (b)(6)]. Section (b)(4) provides exemption for "trade secrets and commercial and financial information obtained from a person and privileged or confidential." Section (b)(6) provides exemption for "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

Board of Governors of the Federal Reserve System, March 5, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–5655 Filed 3–10–92; 8:45 am]

BILLING CODE 6210–01–M

[Docket No. 7100–0042]

Member Bank Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Agency forms under review.

BACKGROUND: Notice is hereby given of initial approval of the extension of information collections by the Board of Governors of the Federal Reserve System (Board) under delegated authority, as per 5 CFR 1320.9 [OMB Regulations on Controlling Paperwork Burdens on the Pubic].

SUMMARY: The Board of Governors of the Federal Reserve System proposes to give approval under delegated authority from the Office of Management and Budget (OMB) to an extension for three years, with revision, of the Applications for Subscription to and Cancellation of Federal Reserve Bank Stock (FR 2030,a; FR 2086a,b; and FR 2067: OMB No. 7100–0042). A three-year extension, with minor revision, is proposed for the Application for Adjustment in Holding of Federal Reserve Bank Stock (FR 2056; OMB No. 7100–0042). The applications, which are required by provisions of the Federal Reserve Act and Regulation I, are submitted to the various Federal Reserve Banks by member commercial banks to request the issuance or cancellation of Federal Reserve Bank stock. The proposed revision to the FR 2056 would eliminate the requirement that each adjustment in a member bank's Federal Reserve Bank stock be reported to the member bank's board of directors at its next meeting. Instead, the new form would require the certification by appropriate bank officers of the accuracy of the information submitted to the Board on the form.

DATES: Comments must be submitted on or before April 10, 1992.

ADDRESSES: Comments, which should refer to the OMB Docket number 7100–0042, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed forms, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once

approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3892).

SUPPLEMENTARY INFORMATION:

Proposal To Approve Under OMB Delegated Authority the Extension Without Revision of the Following Reports

Report title: Applications for the Issuance and Cancellation of Federal Reserve Stock—National Bank, Nonmember Bank, Member Bank.

Agency form number: FR 2030, FR 2030a, FR 2086a, FR 2086b, and FR 2087.

OMB Docket number: 7100–0042.

Frequency: On occasion.

Reporters: National, State Member and Nonmember Banks.

Annual Reporting Hours: 165: 84 (FR 2030), 18 (FR 2030a), 19 (FR 2086a), 13 (FR 2086b), and 31 (FR 2087).

Estimated average hours per response: 0.5 (for each form).

Number of respondents: 328: 167 (FR 2030), 36 (FR 2030a), 37 (FR 2086a), 26 (FR 2086b), and 62 (FR 2087).

Small businesses are affected.

General description of report: These information collections are mandatory [12 USC 35, 222, 282, 286, and 321] and are not given confidential treatment.

Proposal To Approve Under OMB Delegated Authority the Extension With Revision of the Following Report

Report title: Application for Adjustment in Holding of Federal Reserve Bank Stock.

Agency form number: FR 2056.

OMB Docket number: 7100–0042.

Frequency: On occasion.

Reporters: National, State Member and Nonmember Banks.

Annual reporting hours: 766.

Estimated average hours per response: 0.5 hour.

Number of respondents: 1,531.

Small businesses are affected.

General description of report: This information collection is mandatory [12 U.S.C. 287] and is not given confidential treatment.

ABSTRACT: These Federal Reserve Bank stock application forms are required to be submitted to the Federal Reserve System by any national bank, state member bank, or nonmember bank wanting to purchase stock in the Federal Reserve System, increase or decrease its Federal Reserve Bank stock holdings, or cancel such stock. The proposed revision to the FR 2056 would eliminate the current requirement that each adjustment in a member bank's Federal Reserve Bank stock be reported to the member bank's board of directors at its next meeting. Instead, the new form would require the certification by appropriate bank officers of the accuracy of the information submitted to the Board on the form.

LEGAL STATUS AND CONFIDENTIALITY: The provisions of law, cited above, which require these applications relate to the requirement for purchase of stock in Federal Reserve Banks by national banks, adjustments to ownership in Reserve Bank stock to reflect changes in capital and surplus of member banks, proper disposition of Reserve Bank stock when a member bank merges or consolidates with a nonmember bank or when a national bank converts to state nonmember status, and proper disposition of Reserve Bank stock upon the insolvency of a member bank. In each case, the provisions require certain actions, such as the issuance or cancellation of Reserve Bank stock.

REGULATORY FLEXIBILITY ACT ANALYSIS: The Board certifies that the Federal Reserve Bank stock applications are not expected to have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

When a bank receives approval for membership in the Federal Reserve System, the bank agrees to certain conditions of membership which are contained in an approval letter sent to the bank by the Federal Reserve Bank in whose district the bank is located. The Reserve Banks provide the applying banks with application forms for the initial subscription of Federal Reserve Bank stock and for any subsequent adjustments to the holdings of such stock. The forms are provided by the Reserve Banks to the applying banks and are prescribed under authority of Regulation I to ensure proper recordation of the number of shares of Federal Reserve Bank stock issued or cancelled in a transaction involving a particular bank. The application forms are used exclusively by the applying banks and the Federal Reserve Banks. The information collected by the forms is not available from any other source.

Board of Governors of the Federal Reserve System, March 5, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92–5654 Filed 3–10–92; 8:45 am]

BILLING CODE 6210–01–M

Bank Corporation of Georgia, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 6, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Bank Corporation of Georgia, Macon, Georgia; to acquire 100 percent of the voting shares of First South Bank of Ben Hill County, N.A., Fitzgerald, Georgia; First South Bank of Coweta County, N.A., Newnan, Georgia; and First South Bank of Jones County, N.A., Gray, Georgia, all of which are *de novo* banks.

2. Corte Banc Corporation, New Orleans, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank and Trust, New Orleans, Louisiana.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First Community Bancshares Corp., Anamosa, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Lesernal Corporation, Anamosa, Iowa, and thereby indirectly acquire Citizens Savings Bank, Anamosa, Iowa; and First Community Bancshares Corp., Milton, Wisconsin, and thereby indirectly acquire First Community Bank, Milton, Wisconsin.

2. Princeton National Bancorp, Inc., Princeton, Illinois; to acquire 100 percent of the voting shares of Illinois Valley Bancshares, Inc., Princeton, Illinois, and thereby indirectly acquire Colonial Bank and Trust Co. of Bureau County, Princeton, Illinois, and Colonial Bank and Trust Company of LaSalle County, Peru, Illinois.

3. State Financial Services Corporation, Hales Corner, Wisconsin; to acquire 100 percent of the voting shares of Eastbrook State Bank, Brookfield, Wisconsin.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. South Central Bancshares, Inc., Russellville, Kentucky; to merge with First Midwest Bancshares, Inc., Princeton, Kentucky, and thereby indirectly acquire First Bank and Trust Company, Princeton, Kentucky.

D. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Integrity Bancorporation, Inc., Staples, Minnesota; to merge with Frazee Bancorporation, Inc., Frazee, Minnesota, and thereby indirectly acquire Peoples State Bank of Frazee, Frazee, Minnesota.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5661 Filed 3–10–92; 8:45 am]

BILLING CODE 6210–01–F

Commercial Bancorp of Georgia, Inc.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Commercial Bancorp of Georgia, Inc., Atlanta, Georgia; to engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted throughout Metropolitan Atlanta.

2. SouthTrust Corporation, Birmingham, Alabama; to engage *de novo* through its subsidiary, SouthTrust Community Reinvestment Corporation, Birmingham, Alabama, in community development activities, including building, acquiring, renovating, and owning low to moderate income multi-family rental housing properties pursuant to § 225.25(b)(6) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Honor Bancorp, Inc., Honor, Michigan; to engage *de novo* through its subsidiary, Honor Recovery Agency, Inc., Honor, Michigan, in the collection of bad debts and the provision of a repossession service pursuant to § 225.25(b)(23); and in the servicing of debts pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. Marquette National Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, Marquette Community Development Corporation, Chicago, Illinois, in community development activities pursuant to § 225.25(b)(6) of the Board's Regulation Y. These activities will be conducted in Chicago, Illinois.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5660 Filed 3–10–92; 8:45 am]

BILLING CODE 6210–01–F

Fifth Third Bancorp; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Fifth Third Bancorp, Cincinnati, Ohio; to acquire 100 percent of the voting shares of First Lima National Bank of Lima, Lima, Ohio.

In connection with this application, Applicant also proposes to acquire First Federal Savings and Loan Association of Lima, Lima, Ohio, and thereby convert Company into First Lima National Bank of Lima immediately upon acquisition.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5659 Filed 3-10-92; 8:45 am]

BILLING CODE 6210-01-F

Fleet/Norstar Financial Group, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 6, 1992.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Fleet/Norstar Financial Group, Inc., Providence, Rhode Island; to acquire BancNewEngland Mortgage Company, Inc., East Providence, Rhode Island, and thereby engage in acquiring and originating loans for Company's own account and the accounts of others, servicing loans for Company's own account and the accounts of others, and selling mortgage loans to the secondary market pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Big Sioux Financial, Inc., Estelline, South Dakota; to acquire Hamlin County Agency, Hayti, South Dakota, and thereby engage in general insurance agency activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in the communities of Hayti and Hazel, South Dakota, both communities with populations of less than 5,000.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Orange National Bancorp, Orange, California; to acquire ONB Mortgage Corporation, Orange, California, and thereby engage in acquiring, selling, and servicing real estate loans for its account and the accounts of others pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5658 Filed 3-10-92; 8:45 am]

BILLING CODE 6210-01-F

KSAD, Inc., et al.; Formation of; Acquisition by; or Merger of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 92-4858) published at page 7588 of the issue for Tuesday, March 3, 1991.

Under the Federal Reserve Bank of Chicago, the entry for KSAD, Inc. is revised to read as follows:

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. KSAD, Inc., Council Bluffs, Iowa; to merge with Nevada National Company, Omaha, Nebraska, and thereby indirectly acquire Nevada National Bank, Nevada, Iowa; and Williamsburg Holding Company, Omaha, Nebraska, and thereby indirectly acquire Security Savings Bank, Williamsburg, Iowa. Applicant has also applied to acquire 100 percent of the voting shares of Rainwood Corporation, Omaha, Nebraska, and thereby indirectly acquire Valley State Bank, Rock Valley, Iowa.

Comments on this application must be received by March 30, 1992.

This notice corrects a previous **Federal Register** notice (FR Doc. 91-29132) published at page 63737 of the issue for Thursday, December 5, 1991.

Under the Federal Reserve Bank of Chicago, the entry for John G. Kulhavi is revised to read as follows:

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. John G. Kulhavi, Kingston, Michigan; to acquire 24.99 percent of the voting shares of KSB Financial, Inc., Kingston, Michigan, and thereby indirectly acquire Kingston State Bank, Kingston, Michigan.

Comments on this application must be received by March 17, 1992.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5657 Filed 3-10-92; 8:45 am]

BILLING CODE 6210-01-F

John D. Stephens, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 6, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. John D. Stephens, Stone Mountain, Georgia; to acquire 37.30 percent of the voting shares of The Gwinnett Financial Corporation, Lawrenceville, Georgia, and thereby indirectly acquire Bank of Gwinnett County, Lawrenceville, Georgia.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Jimmie Luecke, Timothy A. Kleinschmidt, as trustee for the Susan Luecke Trust and the Fred Luecke Trust; to acquire 11.52 percent of the voting shares of Giddings Bancshares, Inc., Giddings, Texas, and thereby indirectly acquire First National Bank of Giddings, Giddings, Texas.

Board of Governors of the Federal Reserve System, March 5, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-5656 Filed 3-10-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Intent To Prepare an Environmental Impact Statement for the Proposed Construction of a New Federal Building—U.S. Courthouse, Minneapolis, MN

The General Services Administration is preparing an Environmental Impact Statement (EIS) for the proposed action to construct a new 300,000 occupiable square foot (osf) Federal Building—U.S. Courthouse in Minneapolis, Minnesota. This new Federal Facility is to be located on the block bounded by Fourth Street, Fourth Avenue, Third Street and Third Avenue in Minneapolis and will include a plaza, owned and maintained by GSA. For employee parking at the Federal Building—U.S. Courthouse, 225 underground parking spaces are included in the project. In addition, the City of Minneapolis and the Minneapolis Community Development Agency (MCDA) will fund construction by GSA of up to 350 municipal parking spaces. To clear the proposed site for the construction of the new Federal Facility and the plaza, all buildings on the block other than the Flour Exchange Building will be demolished, including a City owned parking facility.

The EIS will evaluate potential environmental and socioeconomic impacts resulting from the different project alternatives. The construction of a new Federal Building—U.S. Courthouse, the no action alternative, postponing of action until further study, renovation and/or expansion of existing facilities, acquisition and renovation of existing non-Federal buildings or facilities, alternative sites for construction, and alternatives requiring different actions which would provide similar benefits and different environmental impacts shall be examined. Any alternative eliminated earlier from detailed study will also be described, with reasons for its elimination. Additional alternatives which are identified through the scoping process will be reviewed with GSA as to their appropriateness for detailed analysis.

The physical, socioeconomic, land use, architectural, historical, cultural, urban quality, transportation, utilities and services, and real estate market activity, characteristics of the project area affected by the proposed action will be assessed in the EIS. Potential short-term and long-term impacts will also be discussed.

A scoping meeting is scheduled to provide interested parties with an opportunity to identify the significant issues which will arise as a result of the proposed project and alternatives. The details of the meeting are described below.

Scoping Meeting

Date: Wednesday March 18, 1992.
Time: 6 p.m.
Place: U.S. Courthouse, Conference Room B15, 110 South 4th Street, Minneapolis, Minnesota 55401

All participants are requested to register by mail or in person if they elect to make an oral presentation at the meeting. Oral presentations will be limited to ten (10) minutes. Written comments will be accepted for incorporation into the record at the meeting and for ten (10) workdays following the meeting.

To register to make an oral presentation, or for further information please contact: Sharon Malloy, Planning Staff—5PL, General Services Administration, 230 South Dearborn Street, room 3670, Chicago, Illinois 60604, (312) 353-5610.

Dated: March 3, 1992.

Donald L. Zito,

Regional Administrator, General Services Administration, Region 5.

[FR Doc. 92-5604 Filed 3-10-92; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0065]

Syntex Animal Health; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by Syntex Animal Health, Division of Syntex Agribusiness, Inc. The NADA provides for the use of Flucorticin® Aqueous Suspension (penicillin G procaine in dihydrostreptomycin sulfate solution with flumethasone) in cats, dogs, and horses. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8749.

SUPPLEMENTARY INFORMATION: Syntex Animal Health, Division of Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94303, is the sponsor of NADA 55-029 which provides for the use of Flucorticin® Aqueous Suspension (penicillin G procaine in dihydrostreptomycin sulfate solution with flumethasone) as a prescription, intramuscular injectable antibiotic in treating cats, dogs, and horses. By letter dated November 18, 1991, the sponsor stated that the product is not being marketed and requested withdrawal of approval of the NADA.

Therefore, under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 55-029 and all supplements and amendments thereto is hereby withdrawn, effective March 23, 1992.

Dated: March 4, 1992.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 92-5701 Filed 3-10-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91D-0123]

Draft Guideline for Submitting Supporting Chemistry Documentation in Radiopharmaceutical Drug Applications; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to May 18, 1992, the comment period for its draft guideline for the submission of supporting chemistry documentation in radiopharmaceutical drug applications. The notice of availability of this draft guideline was published in the **Federal Register** of December 18, 1991 (56 FR 65737). The draft guideline is intended to furnish drug manufacturers with guidance in submitting to FDA adequate chemistry documentation in marketing applications for radiopharmaceutical drugs. FDA is taking this action in response to two requests for an extension of the comment period.

DATE: Comments by May 18, 1992.

ADDRESS: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rebecca H. Wood, Center for Drug Evaluation and Research (HFD-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 18, 1991 (56 FR 65737), FDA published a notice of availability of a draft guideline for submitting chemistry documentation in radiopharmaceutical drug applications. This draft guideline is intended to assist drug firms in preparing the chemistry section of marketing applications for radiopharmaceutical drugs under 21 CFR 314.50(d)(1). Interested persons were given until March 18, 1992, to submit written comments on the notice.

FDA has received requests from the Committee on Radionuclides and Radiopharmaceuticals of the U.S. Council for Energy Awareness and the Radiopharmaceutical Division of the du Pont Merck Pharmaceutical Co. to extend the comment period for an additional 60 days to consider the issues and aspects of the guideline and to comment accordingly.

The agency has carefully considered these requests and has decided to extend the comment period in which interested persons may evaluate the draft guideline and submit meaningful comments to the agency. Accordingly, the comment period is extended to May 18, 1992.

Interested persons may, on or before May 18, 1992, submit to the Dockets Management Branch (address above) written comments regarding the draft guideline. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Date: March 5, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5690 Filed 3-10-92; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Methods for Voluntary Weight Loss and Control; Technology Assessment Conference

Notice is hereby given of the NIH Technology Assessment Conference on "Methods for Voluntary Weight Loss and Control," which will be held on March 30-April 1, 1992 in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. This conference is sponsored by the NIH Nutrition Coordinating Committee and the NIH Office of Medical Applications of Research. The conference begins at 8:30 a.m. each day.

Overweight has serious adverse effects on health and longevity. It is associated with elevated serum cholesterol, elevated blood pressure, and noninsulin-dependent diabetes. Overweight also increases risk for gallbladder disease and some types of cancer and has been implicated in the development of osteoarthritis of the weight-bearing joints.

Although a health-oriented definition of overweight is not currently available, overweight clearly affects a large proportion of the U.S. population, and the prevalence of overweight has not declined among adults for more than two decades. The burdens of overweight are borne disproportionately by women, the poor, and members of certain ethnic groups. Overweight is multifactorial in origin, reflecting inherited, environmental, cultural, socioeconomic, and psychological conditions.

Many persons attempt to lose weight employing methods such as caloric restriction, exercise, behavior modification, drugs, or combinations of these methods, with or without medical supervision. Such attempts may be successful in the short term, but most often the weight lost is regained. Repeated weight gain and loss may have harmful physiological, psychological, and economic effects.

The NIH has convened this conference to ascertain the practices being employed to achieve weight loss and control, to evaluate the evidence for the success of various methods for weight loss and control, and to assess the beneficial and adverse effects of weight loss, in order to provide the best possible advice to the public on methods for voluntary weight loss and control.

Following a day and half of presentations by experts and discussion by the audience, an independent, non-Federal panel will weigh the scientific evidence and write a draft statement in response to the following questions:

—How often and in what ways do Americans try to lose weight?
—How successful are various methods for weight loss and control? What are the attributes of and barriers to successful weight loss methods/approaches?
—What are the short- and long-term benefits and adverse effects of weight loss?
—What are the fundamental principles that should be used to select a personal weight loss and control strategy?
—What should be the future directions for research on weight loss and control?

On the third day of the conference, the panel chair will read the draft statement to the audience and invite comments and questions.

Information on opportunities for organizations to submit data regarding the results of weight loss programs to be considered by the panel as part of its deliberations or to provide public comment during the conference may be obtained from: Jerry Elliott, Office of Medical Applications of Research, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-1144.

Information on the program may be obtained from: Janine Joyce, Prospect Associates, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 468-MEET.

Dated: March 3, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92-5704 Filed 3-10-92; 8:45 am]

BILLING CODE 4160-01-M

National Institute of Child Health and Human Development; Meeting of the National Advisory Board on Medical Rehabilitation Research

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Board on Medical Rehabilitation Research, National Institute of Child Health and Human Development, March 20, 1992, Marriott Suites Hotel, 6711 Democracy Boulevard, Bethesda, Maryland 20817.

The one-day meeting will be open to the public from 8:30 a.m. to adjourment. Attendance by the public will be limited to space available. The Board will discuss outcomes of the three medical rehabilitation research regional meetings, review and assess ongoing and future Federal research priorities, activities, and findings regarding medical rehabilitation research and finalization on the provisions of the statute-required comprehensive plan for the conduct and support of medical rehabilitation research.

Ms. Mary Plummer, Committee Management Officer, NICHD, Executive Plaza North, room 520, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 396-1485, will provide a summary of the meeting and a roster of Advisory Board members as well as substantive program information. If you have specific disability-related requirements please call.

Dated: March 6, 1992.

Susan K. Feldman,

Committee Management Office, NIH.

[FR Doc. 92-5705 Filed 3-10-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-4214-10; GP2-1326; OR-48056(WASH)]

Proposed Withdrawal and Opportunity for Public Meeting; Washington.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw 110.00 acres of National Forest System lands to protect the Peony, Polepick, and Frank Burge Seed Orchards in the Okanogan National Forest. This notice closes the lands for up to two years from mining. The lands will remain open to mineral leasing.

DATE: Comments and requests for a public meeting must be received by June 9, 1992.

ADDRESS: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland, Oregon 97208-0039.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon State Office, 503-280-7171.

SUPPLEMENTARY INFORMATION: On February 7, 1992, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (30 U.S.C. ch. 2), subject to valid existing rights:

Willamette Meridian

Okanogan National Forest

T. 35 N., R. 20 E.,
Sec. 12, S½SE¼NW¼, N½NE¼SW¼, and N½S½NE¼SW¼.
T. 33 N., R. 23 E.,
Sec. 23, E½NE¼SE¼ and †E½'W'
⁄NE¼SE¼.
T. 36 N., R. 29 E.,
Sec. 20, E½E½NE¼SE¼;
Sec. 21, W½NW¼SW¼.

The areas described aggregate 110.00 acres in Okanogan County, Washington.

The purpose of the proposed withdrawal is to protect the Peony, Polepick, and Frank Burge Seed Orchards.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are other National Forest management activities, including permits, licenses, and cooperative agreements, that are compatible with the intended use under the discretion of the authorized officer.

Dated: February 21, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-5666 Filed 3-10-92; 8:45 am]

BILLING CODE 4310-33-M

[ID-020-4320-12]

Meeting and Agenda for Burley District Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is hereby given that the Burley District Grazing Advisory Board will meet on April 16, 1992. The meeting will convene at 9:30 a.m. in the conference room of the Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

Agenda items for the meeting will include: (1) Range Improvement Funding Sources; (2) NoMan's Land and Basalt Seeding AMP's; (3) Trichomoniasis Testing Requirements; (4) Review FY-92 Proposed Range Improvement Projects; (5) Secretary/Treasurer's Report; (6) Current Drought Situation; (7) Items of Information (a) Districtwide "Resource Management Plan (RMP); (b) Shoshone Creek Pilot Riparian Project Dedication.

The public is invited to attend the meeting. Interested persons may make an oral statement to the Board beginning at 11:30 a.m. or they may file a written statement for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by April 15, 1992 for inclusion in the meeting schedule.

Detailed minutes of the Board meeting wil be maintained in the District Office and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday

thru Friday) within 30 days following the meeting.

DATES: April 16, 1992.

ADDRESSES: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Gerald L. Quinn, District Manager, (208) 678–5514.

Dated: March 2, 1992.

Gerald L. Quinn,

District Manager.

[FR Doc. 92–5674 Filed 3–10–92; 8:45 am]

BILLING CODE 4310–GG–M

[AZ–040–7122–09–5441]

Availability of Draft Environmental Impact Statement (DEIS) for Plan of Operations, Case Number A 25564; Gila Resource Area, Graham County, AZ

AGENCY: Bureau of Land Management (BLM), Safford District, AZ., Interior.

ACTION: Notice of availability of DEIS.

SUMMARY: The BLM, Gila Resource Area, has prepared a DEIS for a proposed open pit copper mine near Safford, Arizona. This DEIS was prepared to comply with the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act of 1969 (40 CFR parts 1500–1508) and BLM regulations for surface mining on public lands (43 CFR 3809). The applicant, AZCO Mining, Inc. (AZCO), submitted a Plan of Operations to the BLM Gila Resource Area pursuant to the Federal Land Policy and Management Act of 1976 (90 Stat. 2744; 43 U.S.C. 1701) as implemented by 43 CFR 3809. This DEIS (1) assesses the environmental impacts of the proposed mine as described in the Plan of Operations, other reasonable alternatives, and the No Action Alternative; (2) determines if there are significant and cumulative impacts; and (3) identifies necessary mitigative measures.

DATE: Comments relating to the DEIS will be accepted until May 11, 1992.

ADDRESS: Send comments to the Bureau of Land Management, Safford District Office, Attention: Larry Thrasher, Project Manager, 425 E. 4th Street, Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: The Plan of Operations calls for mining the Sanchez copper orebody, located on 581 unpatented lode and millsite claims at the southeast end of the Gila Mountains, about 10 miles east-northeast of the city of Safford, Graham County, in southeastern Arizona. The orebody will be mined using conventional open pit mining techniques and mining equipment. The planned ore mining rate is 10 million tons per year. Waste rock and alluvium will be mined at an average rate of about 13 million tons per year. The expected life of the mine is 17 years. The pit will ultimately measure about 4,000 feet in diameter and 1,200 feet deep.

Ore from the pit will be transported to a crushing and screening plant prior to being conveyed to leach pads. There, the crushed ore will be treated with a weak sulfuric acid solution. The pregnant leach solution will be piped to a solvent extraction-electrowinning plant, where the copper will be extracted and concentrated.

Reclamation will involve minimizing public safety hazards, ensuring long-term protection of the environment, and restoring the site to a condition consistent with planned long-term use. The BLM would require a reclamation bond be posted prior to any surface disturbances.

Complete records of all phases of the planning process are available for public review at the Safford District Office, 425 4th Street, Safford, Arizona.

FOR INFORMATION CONTACT: Larry Thrasher, Project Manager, BLM Safford District Office, Division of Resource Management, (602) 428–4040.

Dated: March 3, 1992.

Ray A. Brady,

District Manager.

[FR Doc. 92–5667 Filed 3–10–92; 8:45 am]

BILLING CODE 4310–32–M

[AZ 020–02–4212–12 (AZA 26495)]

Realty Action: Exchange of Public Land, Pima Co. AZ

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

The following described public lands are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 15 S., R. 11 E.,
Sec. 12, lands lying south of Ajo Highway in SE¼.
T. 14 S., R. 12 E.
Sec. 30, lots 17 to 28, incl., lots 45 to 54 incl., lots 65 to 72, incl;
Sec. 35, lot 7.
T. 15 S., R. 12 E.,
Sec. 1, lots 24 to 31, incl.;
Sec. 3, lots 1, 2, 9 to 16, incl. SW¼SE¼NE¼, N½SE¼NE¼, N½SE¼NE¼, SW¼NW¼;
Sec. 4, lots 9, 10, S½ of lot 1, SE¼NE¼;
Sec. 7, lots 5 to 15, incl., lots 17 to 20, incl., and that portion of lot 4 and the SE¼SW¼ lying south of Ajo Highway;
Sec. 8, lots 58 and 59;
Sec. 9, SW¼SE¼NW¼;
Sec. 10, lots 69 to 82, incl.;
Sec. 14, SW¼SE¼SE¼;
T. 15 S., R. 13 E.,
Sec. 7, lot 64;
Sec. 19, W½NE¼NW¼.

Final determination on the disposal of the above-described 694.55 acres will await completion of an environmental assessment.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands and minerals from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document coveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 3, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92–5668 Filed 3–10–92; 8:45 am]

BILLING CODE 4310–32–M

Fish and Wildlife Service

Notice of Availability of the Agency Draft Recovery Plan for Spreading Avens for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for spreading avens (*Geum radiatum*). This rare perennial herb grows in full sun on the shallow acidic soils of high-elevation cliffs, outcrops, and steep slopes on a few scattered mountaintops in western North Carolina and eastern Tennessee. Only 11 populations of spreading avens are currently known to exist. The Service solicits review and comment from the public on this draft plan.

DATE: Comments on the draft recovery plan must be received on or before May 11, 1992 to receive consideration by the Service.

ADDRESS: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Nora Murdock at the above address (704/665–1195, Ext. 231).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of time and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended [16 U.S.C. 1531 *et seq.*], requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is spreading avens (*Geum radiatum*). The areas of emphasis for recovery actions are high-elevation mountains in Ashe, Avery, Transylvania, Watauga, Buncombe, Mitchell, and Yancey Counties, North Carolina, and Sevier and Carter Counties, Tennessee. Habitat protection, reintroduction, and preservation of genetic material are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 3, 1992.

Nora A. Murdock

Acting Field Supervisor.

[FR Doc. 92–5671 Filed 3–10–92; 8:45 am]

BILLING CODE 4310–55–M

Availability of the Revised Finding of No Significant Impact Proposed Land Acquisition for National Education and Training Center Vicinity of Harper's Ferry, Shepherdstown, WV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service (Service is proposing to acquire property near Shepherdstown, West Virginia, for the Service's National Education and Training Center (NETC). Based on a review and evaluation of an Environmental Assessment and other supporting documentation, it was determined that the acquisition designated as Site D for the Service's NETC is not a major Federal action which would significantly affect the quality of the human environment with the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, preparation of an environmental impact statement on the proposed action is not required.

EFFECTIVE DATE: February 20, 1992.

ADDRESSES: Comments should be addressed to: Director, United States Fish and Wildlife Service, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Geoffrey L. Haskett, Acting Chief, Division of Realty, United States Fish and Wildlife Service, 1849 C Street NW., Washington, DC 20240. (703) 358–1713.

SUPPLEMENTARY INFORMATION: An Environmental Assessment (EA) was prepared which addressed five alternative land acquisition sites and a no-action alternative. The acquisition of a selected site is an essential first step in meeting the Service's goal to construct a facility that would provide a training center for Service staff and scientists. General considerations were that the site would accommodate a development envelope of at least 250 acres and that the selected site would fully conform with Federal, state, and local plans and requirements.

A notice of availability for the EA and Finding of No Significant Impact (FONSI) was published in the **Federal Register** on July 9, 1991. At that time, the selected alternative was Site E—Driggs (Quarry) and Springs Run. However, due to the difficulty in remediating minor contamination on the site, the Service has determined that it is not in the best interest of the government to acquire Site E.

The new selected alternative is Site D—Terrapin Neck. Site D is located approximately three miles north of Shepherdstown, West Virginia. The Potomac River serves as the northern boundary, with Terrapin Neck Road to the east, and Shepherd Grade Road bordering the southwestern sections of the site. The site occupies approximately 525 acres and is comprised of forested land, agricultural land, and open fields.

Site D was selected because it has many of the amenities which would be supportive of the NETC goal. The picturesque site overlooks the Potomac River Valley and is surrounded by a diversity of habitats. Several 18th and 19th century buildings occur on the site that will be maintained for their historical value. Community acceptance of Site D is anticipated to be good. Although some minor improvements may be needed, the capacity of existing roadways appears adequate. We anticipate no adverse impacts to State or Federal rare, threatened, or endangered species that may occur on the site.

The other land acquisition alternatives considered were the Gibson and Capriotti Properties, Cooper Farm, Nalls Property, Driggs (Quarry)/Springs Run, and no-action. The previous plan to include a public education (habitat) component to the NETC has been dropped.

A small portion of riverine wetlands system is located in the northern part of the site and small pond occurs near the farm buildings. All reasonable alternatives were considered in the evaluation of this project. Any project-caused wetland and floodplain impacts will be minor to negligible. The project complies with the provisions of Executive Orders 11988 and 11990.

Dated: March 4, 1992.
Richard N. Smith,
Acting Director.
[FR Doc. 92-5603 Filed 3-10-92; 8:45 am]
BILLING CODE 4310-55-M

Availability of an Environmental Assessment and Receipt of an Application to Amend the San Bruno Mountain Habitat Conservation Plan Pursuant to Section 10(a) of the Endangered Species Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The city of Daly City (Daly City) has applied to the U.S. Fish and Wildlife Service (Service) for an amendment to the San Bruno Mountain Habitat Conservation Plan (Plan) and incidental take permit pursuant to section 10(a) of the Endangered Species Act (Act). The proposed amendment, the Linda Vista II Project Equivalent Exchange Amendment, would authorize for a period of one year incidental take of the endangered mission blue butterfly (*Icaricia icariodes missionensis*) in an area originally designated in the Plan as "conservation habitat." In exchange, a 12,600-square-foot site formerly slated for development will be conserved. The proposed amendment was necessitated by the construction of a natural gas pipeline. The Service has prepared an environmental assessment (EA) for the incidental take permit amendment. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and EA should be received on or before 30 days from publication.

ADDRESSES: Comments regarding the application or adequacy of the EA should be addressed to Field Supervisor, Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, room E-1823, Sacramento, California 95825-1846.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Nagano, Staff Entomologist, Sacramento Field Office, at the above address (916-978-4866 or FTS 460-4866). Individuals wishing copies of the EA for review should contact the above individual.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Act prohibits the "taking" of endangered species, like the mission blue butterfly. However, the Service, under limited circumstances may issue permits to take endangered wildlife species incidental to, and not the purpose of otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

In 1983, the Service issued the county of San Mateo a permit for the incidental take of mission blue butterfly on San Bruno Mountain. The city of Daly City has requested an amendment to section 10(a) permit No. PRT 2-9818 for the San Bruno Mountain Habitat Conservation Plan (SBM HCP). The proposed Equivalent Exchange Amendment is for the Linda Vista II project. The proposed Linda Vista II Equivalent Exchange Amendment would authorize for a permit of one year the incidental take of the endangered mission blue butterfly (*Icaricia icariodes missionensis*) in an 12,600-square-foot area originally designated in the Plan as conserved habitat. In exchange, a 12,600-square-foot area formerly slated for development will be conserved. In an analysis of the impacts resulting from the proposed exchange, the Plan Operator concluded that the value of the new conserved area is "equivalent or greater in biological value" to that of the previously conserved area. The alternatives in the EA to the proposal include: (1) Do not submit an equivalent exchange amendment action and utilize the existing development areas. This was rejected because of logistical reasons. (2) Re-route the pipeline down Carter to Martin Street. This was rejected because of traffic and safety reasons. (3) Re-route the pipeline just to the south of the project site. This was rejected because of logistical reasons.

Author

The primary author of this notice is Mr. Chris Nagano, Staff Entomologist, Sacramento Field Office, at the above address.

Authority: The authority for this action is the Endangered Species Act [16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted].

(Notice: Availability of an Environmental Assessment and Receipt of an Application to Amend a section 10(a) Permit of the Endangered Species Act (PRT 2-9818))

Dated: February 14, 1992.
Don Weathers,
Acting Regional Director.
[FR Doc. 92-5628 Filed 3-10-92; 8:45 am]
BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting Jeane Kalas at (303) 231-3046. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer at the telephone listed below and to the Office of Management Budget; Paperwork Reduction Project, Washington, DC 20503, telephone (202) 395-7340.

Title: Royalty Rate Reduction Program for Federal Stripper Oil Properties.

Abstract: This is a new information collection. To encourage continued production, provide an incentive for enchanced oil recovery projects, discourage abandonment of properties producing less than 15 barrels of oil each well day, and to reduce operator's expenses, the Bureau of Land Management (BLM) proposes to amend regulations at 43 CFR 3103.4-1 to establish the conditions under which an operator of stripper oil property can obtain a reduced royalty rate. Operators will be required to provide the royalty rate for each property to the Minerals Management Service, Royalty Management Program (RMP) to ensure that the correct rate is used in RMP financial and production auditing systems.

Bureau Form Number: MMS-4377.
Frequency: Annually.
Description of Respondents: Operators of stripper oil properties on Federal lands.
Estimated Completion time: 30 minutes.
Annual Responses: 4,000.
Annual Burden Hours: 2,600.
Bureau Clearance Officer: Dorothy Christopher (703) 787-1239.

Dated: October 3, 1991.
Jimmy W. Mayberry,
Acting Associate Director for Royalty Management.
[FR Doc. 92-5597 Filed 3-10-92; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research, The Bonding Consortium; Notification

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("The Act"), The Bonding Consortium on January 9, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objective of the venture. The notification was filed for the prupose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture, and its general areas of planned activities, are given below.

The Bonding Consortium (the "Organization") is a Rhode Island non-profit corporation with its principal place of business in Portsmouth, Rhode Island.

The members of the Organization as of January 9, 1992, are Adtran of Huntsville, Alabama; Ascend Communications, Inc. of Alameda, California; Axxess Communications of Medford, New Jersey; Coastcom of Concord, California; Digital Access Corporation of Reston, Virginia; General Datacom, Inc. of Middlebury, Connecticut; Integrated Network Corporation of Bridgewater, New Jersey; Larse Corporation of Santa Clara, California; Newbridge Networks, Inc. of Kanata, Ontario, Canada; Premisys Communications of Palo Alto, California; Promptus Communications, Inc. of Portsmouth, Rhode Island; Scitec Communications Systems, Inc. of Fremont, California; Telco Systems of Fremont, California; Teleos Communications, Inc. of Eatontown, New Jersey; Timeplex, Inc. of Woodcliff Lake, New Jersey; Transtream, Inc. of Agoura Hills, California; Tylink of Norton, Massachusetts; and Verilink Corporation of San Jose, California.

The purpose of the Organization is to develop and/or adopt common control and synchronization algorithms for dial-up, high bandwidth transmission equipment, the presentation of such algorithms to national and international standards bodies, and the promotion of acceptance and use of such algorithms.

Membership in the Organization remains open, and the Organization intends to file additional written notifications disclosing all changes in membership of the Organization.

Joseph H. Widmar,
Director of Operations, Antitrust Division.
[FR Doc. 92-5607 Filed 3-10-92; 8:45 am]
BILLING CODE 4410-01-M

International Pharmaceutical Aerosol Consortium for Toxicology Testing of HFA-227 (IPACT-II); National Cooperative Research Notification

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the International Pharmaceutical Aerosol Consortium for Toxicology Testing of HFA-227 ("IPACT-II"), on February 7, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of invoking the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The new members of IPACT-II are:
ASTA Medica AG, Frankfurt, Germany;
CIBA-GEIGY Limited, Basel, Switzerland;
Hoffman-La Roche, Inc., Nutley, NJ;
Minnesota Mining and Manufacturing Company, St. Paul, Minnesota; and
Schering Plough Corporation, Madison, NJ

Also, because of a corporate reorganization, the name of Rhone-Poulenc Rorer S.A. has changed to Rhone-Poulenc Rorer Pharmaceuticals, Inc.

No other changes have been made in the membership, objectives or planned activities of IPACT-II.

On February 21, 1991, IPACT-II filed its original notification pursuant to section 6(a) of the Act, notice of which the Department of Justice published in the **Federal Register** pursuant to section 6(b) of the Act on April 2, 1991, (56 FR 13489).

Joseph H. Widmar,
Director of Operations, Antitrust Division.
[FR Doc. 92-5608 Filed 3-10-92; 8:45 am]
BILLING CODE 4410-01-M

National Air Duct Cleaners Association Standards Committee; National Cooperative Research Notification

Notice is hereby given that, on January 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C 4301 *et seq.* ("the Act"), the National Air Duct Cleaners Association Standards Committee (the "NADCA Standards Committee") filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the project and (2) the nature and objectives of the project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the project and its general areas of planned activities are given below.

The NADCA Standards Committee project consists of the following parties: National Air Duct Cleaners Association Standards Committee, Washington, DC; Rite Way Co., Cheverly, Maryland; Texas Power Vac, Inc., Waco, Texas; Ductbusters, Dunedin, Florida; Cochrane Ventilation, Wilmington, Massachusetts; and Lester Fox Consultants, Bethesda, Maryland.

The NADCA Standards Committee project will engage in research and development activity to identify and study effective methods for cleaning and inspecting air conveyance systems (including but not limited to ductwork, fans, and coils typically found in heating, ventilating, and air conditioning systems). The results of these activities will guide and inform the NADCA Standards Committee in its efforts to develop voluntary industry standards for cleaning and inspecting air conveyance systems and will validate the resultant NADCA standards. Any entity or individual that is not a party to the project may receive additional information concerning the project or the associated efforts of the NADCA Standards Committee, provided that such entity or individual (1) pay reasonable fees to defray the parties' cost of providing the additional information and (2) respect and protect the intellectual property rights of the parties.

Joseph H. Widmar,
Director of Operations, Antitrust Division.
[FR Doc. 92-5609 Filed 3-10-92; 8:45 am]
BILLING CODE 4410-01-M

National Center for Manufacturing Sciences, Inc.; National Cooperative Research Notification

Notice is hereby given that, on January 27, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center for Manufacturing Sciences, Inc. ("NCMS"), filed a written notification

simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and describing the status of its research projects. The notification was filed for the purpose of invoking the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following companies recently were accepted as active members of NCMS:

BAXTER HEALTHCARE CORPORATION, an Illinois corporation, having a principal place of business at 1 Baxter Parkway, Deerfield, Illinois, 60015;

CIMPLEX CORPORATION, a California corporation, having a principal place of business at 1500 East Hamilton, Suite 100, Campbell, California, 95008;

FANAMATION, INC., a Delaware corporation, having a principal place of business at 555 West Victoria Street, Compton, California, 90220;

GKS INSPECTION SERVICES, INC., a Michigan corporation, having a principal place of business at 1330 19 Mile Road, Sterling Heights, Michigan, 48314;

MAINSTREAM SOFTWARE CORPORATION, a Delaware corporation, having a principal place of business at 411 Waverly Oaks Road, Waltham, Massachusetts, 02154–8414;

McSPADDEN ASSOCIATES, INC., a Massachusetts corporation, having a principal place of business at 1 Farmer Street, Suite 200, North Billerica, Massachusetts, 01862; and

UNIVERSITY SCIENCE PARTNERS, INC., a Michigan corporation, having a principal place of business at 717 East Huron Street, Ann Arbor, Michigan, 48104.

The following organizations recently were accepted as affiliate members of NCMS:

CLEVELAND ADVANCED MANUFACTURING PROGRAM, an Ohio corporation, having a principal place of business at 17325 Euclid Avenue, Cleveland, Ohio, 44112;

INSTITUTE OF ADVANCED MANUFACTURING SCIENCES, an Ohio corporation, having a principal place of business at 1111 Edison Drive, Cincinnati, Ohio, 45216;

ROCHESTER INSTITUTE OF TECHNOLOGY, a New York corporation, having a principal place of business at 1 Lome Memorial Drive, P.O. BOX 9887, Rochester, New York, 14623–0887; and

STATE BOARD OF TECHNICAL COLLEGES, a Minnesota corporation, having a principal place of business at 550 Cedar Street, Saint Paul, Minnesota, 55101.

The NCMS membership of the following active members has expired:

THE CINCINNATI GILBERT MACHINE TOOL COMPANY, an Ohio corporation, having a principal place of business at 3366 Beekman Street, Cincinnati, Ohio, 45223–2424; and

TURCHAN ENTERPRISES, INC., a Michigan corporation, having a principal place of business at 12825 Ford Road, Dearborn, Michigan, 48126.

Except as indicated above, no other changes have been made in the membership, objectives, or planned activities of NCMS.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act, notice of which the Department of Justice published in the **Federal Register** pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375). NCMS filed additional notifications on April 15, 1988, and May 5, 1988, notice of which the Department published in the **Federal Register** on June 2, 1988 (53 FR 20194). NCMS also filed additional notifications on July 11, 1988, September 13, 1988, December 8, 1988, March 9, 1989, August 10, 1989, November 3, 1989, January 29, 1990, April 27, 1990, July 31, 1990, November 7, 1990, February 5, 1991, March 18, 1991, April 29, 1991, July 25, 1991, and October 31, 1991, notices of which the Department published in the **Federal Register** on August 19, 1988 (53 FR 31771), November 4, 1988 (53 FR 44680), January 18, 1989 (54 FR 2006), April 13, 1989 (54 FR 14878), September 18, 1989 (54 FR 38461), November 29, 1989 (54 FR 49122), February 28, 1990 (55 FR 7045), June 5, 1990 (55 FR 22964), August 28, 1990 (55 FR 35194), December 10, 1990 (55 FR 50786), March 12, 1991 (56 FR 10444), May 16, 1991 (56 FR 22740), June 13, 1991 (56 FR 27273), September 4, 1991 (56 FR 43796) and February 3, 1992 (57 FR 4062), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–5610 Filed 3–10–92; 8:45 am]

BILLING CODE 4410–01–M

Petroleum Environmental Research Forum; National Cooperative Research Notification

Notice is herby given that, on February 7,1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 90–05 filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing an expanded scope of the research program for Project No. 90–05. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notifications stated that the scope of the testing program for Project No. 90–05 has been expanded to cover the effect of leak rate of valve packing aging over the winter.

The original participants, except for BP Research, Cleveland, Ohio, in this Project have provided their written agreement to participate in the expanded scope. BP Research has indicated its intent to participate, however, written confirmation has not yet been received.

No other changes have been made in either the participants or the planned activities of Project No. 90–05.

On March 19, 1991, the participants in PERF Project No. 90–05 filed their original notifications pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 24, 1991, (56 FR 18837). On June 10, 1991, the participants in PERF Project No. 90–05 filed additional written notifications. The Department published a notice in the **Federal Register** in response to these additional notifications on July 5, 1991, (56 FR 30772).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–5611 Filed 3–10–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Spray Drift Task Force

Notice is hereby given that, on February 4, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Spray Drift Task Force filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of the parties to the Spray Drift Task Force Joint Data Development Agreement. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. The change consists of the addition of the following party of the Spray Drift Task Force: Wilbur-Ellis Company, Fresno, California.

In addition, Task Force member Makteshim-Agan (America), Inc., located in New York, New York, has changed its corporate name to Makteshim-Agent of North America Inc.; Task Force member Mobay Corporation, located in Stillwell, Kansas, has changed its corporate name to Miles, Inc.; and Task Force member Sandoz Crop Protection, located in Corpus Christi, Texas, has become Sandoz Agro Incorporated. No other changes have been made in either the membership, corporate names or planned activities of the venture.

On May 15, 1990, the Spray Drift Task Force filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 5, 1990, (55 FR 27701). On July 16, 1990, September 17, 1990, March 25, 1991, July 23, 1991, and October 10, 1991, the Spray Drift Task Force filed additional written notifications. The Department of Justice published notices in the **Federal Register** in response to these additional notifications on August 22, 1990, (55 FR 34357), October 18, 1990, (55 FR 42281), April 24, 1991, (56 FR 18837), August 29, 1991, (56 FR 42759), and November 14, 1991, (56 FR 57903), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–5612 Filed 3–10–92; 8:45 am]

BILLING CODE 4410–01–M

City of Joliet; Lodging of Joint Motion and Stipulation To Modify Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a Joint Motion and Stipulation of the Parties to Modify Consent Decree ("Joint Motion") in *United States v. City of Joliet*, Civil Action No. 88–C–5661, was lodged with the United States District Court for the Northern District of Illinois on February 28, 1992. The Joint Motion arises from violations of a Consent Decree in a civil action brought pursuant to section 309 of the Clean Water Act, 33 U.S.C. 1319. The Joint Motion addresses Joliet's violations of effluent limitations and Joliet's failure to meet a construction schedule for improvements in Joliet's wastewater sewage and treatment facilities. The Consent Decree requires Joliet to pay the United States stipulated penalties in the amount of $90,000, and to comply with a revised planning and construction schedule for the improvements.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Joint Motion. Comments should be addressed to the Chief, Environmental Enforcement Section, Environment and Natural Resources Divison, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Joliet* (N.D. Ill.) and DOJ Ref. No. 90–5–1–1–3155A. The Joint Motion may be examined at the office of the United States Attorney, Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604; the office of the Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, Illinois 60604–3590; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., P.O. Box 1097, Washington, DC 20004, (202) 347–2072. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $2.75 (25 cents per page reproduction costs) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section.

[FR Doc. 92–5606 Filed 3–10–92; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 90–53]

Richard A. Cole, M.D.; Revocation of Registration

On July 25, 1990, the then-Acting Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause and Immediate Suspension of Registration to Richard A. Cole, M.D. (Respondent), of 3504 State Street, Erie, Pennsylvania, seeking to revoke DEA Certificate of Registration, AC8141626, and to deny any pending applications for renewal of that registration. The grounds for the issuance of the Order to Show Cause and Immediate Suspension of Registration were that Respondent's continued ⅛ registration is inconsistent with the public interest and would constitute an imminent danger to the public health and safety during the pendency of any administrative proceedings involving his registration. 21 U.S.C. 824(d).

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held on November 6 and 7, 1990, in Arlington, Virginia. Proposed findings of fact, conclusions of law and argument were filed by both parties on January 8, 1991.

On April 10, 1991, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision, recommending that Respondent's DEA registration be revoked. On May 2, 1991, the Government filed a Request for *In Camera* Inspection of Information advising that one of the Government's witnesses at the hearing "failed to disclose information in response to certain questions asked during cross-examination." Counsel for the Government also requested permission to file a written statement for *in camera* inspection for the purpose of disclosing the information and to obtain a ruling on issues regarding disclosure to Respondent and relevancy to this proceeding.

Respondent filed an opposition to the Government's request on May 7, 1991, arguing, in part, that due process required the Government to provide the information at issue to the Respondent. Respondent further requested a hearing to determine whether the failure to disclose the information earlier violated his due process rights. On May 16, 1991, following a telephonic conference with counsel, the administrative law judge issued a ruling denying both the Government's request for *in camera* inspection and Respondent's request for a hearing. The administrative law judge then provided the Government with three options: (a) To disclose the information to the administrative law judge and the name of the witness and the subject matter to the Respondent, in which case the judge would determine how much of the information would be disclosed to Respondent; (b) to disclose to both the administrative law judge and Respondent the name of the witness and the subject matter of the information, in which case the judge would strike the witness' related testimony; or (c) to disclose only the name of the witness, in which case the judge would strike the entirety of the witness' testimony and would reconsider her recommended decision in light of the modified record. Government counsel selected the third option and disclosed only the name of the witness. On May 30, 1991, the administrative law judge rescinded her

opinion and recommended ruling, findings of fact, conclusions of law and decision, striking the witness' entire testimony. Both parties were afforded an opportunity to again file proposed findings of fact, conclusions of law and argument on the modified record. Both parties filed briefs and, on August 8, 1991, the administrative law judge issued a second opinion and recommended ruling, findings of fact, conclusions of law and decision, concluding that Respondent's registration was contrary to the public interest and recommending that the Administrator revoke such registration. Counsel for the Respondent filed exceptions to Judge Bittner's opinion and recommended ruling and counsel for the Government filed a response thereto. On September 25, 1991, the administrative law judge transmitted the record of these proceedings, including Respondent's exceptions and the Government's response, to the Administrator.

The Administrator has considered the entire record of this matter and, pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. After such consideration of the record, the Administrator has adopted the administrative law judge's findings of fact and conclusions of law in their entirety. They are incorporated into this final order as though they were set forth at length herein. The adoption of the judge's opinion is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Administrator finds that in March 1989, investigators reviewed the prescription files at various pharmacies and noted that Respondent had issued a large number of prescriptions for Dexedrine, a Schedule II controlled substance containing dextro-amphetamine sulfate. Subsequently, during the fall of 1989, pharmacists complained to law enforcement authorities that Respondent was issuing prescriptions for Dexedrine and Nardil simultaneously. While Nardil is not a controlled substance, its use in combination with amphetamines is contra-indicated. As a result of the complaints, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Pennsylvania State Police, and local police departments initiated an investigation of Respondent's medical practice.

The investigation revealed that for the period between January 1, 1985 and July 31, 1990, one pharmacy dispensed 94,439 dosage units of Dexedrine pursuant to Respondent's prescriptions. Notations on the prescriptions revealed that seventy-three percent of these drugs were prescribed for the treatment of "idiopathic edema." Another prescription survey, covering the period from January 1989, through May 1990, revealed that Respondent had issued 779 prescriptions for Dexedrine. These prescriptions were issued to 170 patients and totalled 66,322 dosage units of Dexedrine. A review of the evidence shows that 99.6% of the prescriptions bore the specific notation "idiopathic edema", and that 46 of the patients to whom the prescriptions were issued were men. Edema is a collection of fluid outside the circulatory system. Edema has numerous causes, including heart failure, liver and kidney disease, blood and lymphatic disorders, and local injuries. Idiopathic edema has no obvious cause and physicians are unable to attribute its symptoms to any of the several diseases normally associated with edema. Idiopathic edema almost exclusively afflicts women and is rarely encountered in male patients.

As a Schedule II controlled substance, Dexedrine has a high potential for abuse, which abuse may lead to severe physical and psychological dependency. The "physicians' Desk Reference" states that amphetamines, such as Dexedrine, have been extensively abused and should be prescribed in the least amount feasible, particularly to patients with even mild hypertension. The record as a whole establishes that Dexedrine is an extremely dangerous drug which should neither be prescribed, nor taken, carelessly. The record also establishes that the Respondent prescribed huge quantities of Dexedrine, indicating on the prescriptions that they were issued for the treatment of idiopathic edema. Consequently, a major issue in this case is whether the patients who received these prescriptions in fact had idiopathic edema and, if so, whether the Respondent appropriately prescribed Dexedrine to them.

The record in this matter clearly establishes that idiopathic edema is an extremely rare disorder. It is highly unlikely that a large number of Respondent's patients suffered from this condition. Many of Respondent's patients were interviewed during the course of the investigation. Several patients were discussed at length by the administrative law judge who concluded that the record fails to support a finding that any of them had idiopathic edema. Indeed, Judge Bittner concluded that very few of these people suffered from any form of fluid retention. Several of the patients interviewed said that they had no symptoms of idiopathic edema and did not believe they had the condition. Accordingly, it is not unreasonable to conclude that Respondent's diagnosis of idiopathic edema was ruse used to justify the prescribing of amphetamines.

Even if the record supported a finding that a significant number of Respondent's patients suffered from idiopathic edema, the question would remain whether Respondent was justified in prescribing the amount of Dexedrine he did. Amphetamine is not properly prescribed for edema until it is definitively established that the edema is idiopathic and other treatment modalities have been tried without success. To diagnose edema as idiopathic, one must rule out other causes through various diagnostic procedures. Appropriate exclusionary diagnosis would preclude a definitive finding and the prescribing of Dexedrine on a patient's first visit. The administrative law judge found that Respondent made little or no attempt to use other treatments before resorting to amphetamines, concluding that Respondent had no basis for his diagnosis of idiopathic edema and that he was not justified in prescribing Dexedrine. Judge Bittner thus concluded that Respondent prescribed Dexedrine without legitimate medical purpose.

Respondent was inconsistent in what he said to patients about Dexedrine. He warned some patients about the addictive qualities of the drug, did not discuss the matter at all with others, and told still another group that the drug was not addictive. During the course of the investigation, Respondent told an investigator that he did not know that Dexedrine was a Schedule II controlled substance. If Respondent indeed meant what he said, it is most disturbing that a physician who purports to be an expert on the benefits of a Schedule II drug should be so ignorant of the drug's legal status. If, on the other hand, he did not mean what he said, his disingenuous comment reflects at best a cavalier indifference to the responsibilities of a DEA registration.

Respondent prescribed Dexedrine and Nardil simultaneously, although this combination of medications is contraindicated except in extraordinary circumstances not shown in this record. He prescribed Dexedrine to patients with severe hypertension. He took some diabetic patients off of insulin and prescribed Dexedrine to them instead. In some individuals, such lack of concern for patients' health and safety could be attributed to lack of knowledge. Such was not the case with Respondent. In November 1989, Respondent was formally notified by the then-Chairman of the Department of Medicine at Erie's St. Vincent Health Center of concerns over various aspects of his practice, including his prescribing of Dexedrine. Respondent was unable or unwilling to modify his practice, demonstrating not only a lack of concern for his responsibilities as a registrant, but an abandonment of his responsibilities as a physician. On May 8, 1990, Respondent's privileges at St. Vincent's Health Center were suspended. Several reasons were given for the hospital's action, among them was Respondent's continued use of psychotropic medications, including Dexedrine, in an unacceptable manner, despite a formal warning from the Chairman of the Department of Medicine.

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Administrator may revoke a DEA Certificate of Registration and may deny an application for renewal of such registration if he determines that continued registration would be inconsistent with the public interest. Section 823(f) provides for consideration of the following factors in determining where the public interest lies:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority;

(2) The applicant's experience in dispensing or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution or dispensing of controlled substances.

(4) Compliance with applicable State, Federal or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive. That is, the Administrator may properly rely on any one or a combination of those factors, giving each the weight he deems appropriate in determining whether a registration should be revoked, or an application denied. See, *Henry J. Schwarz, Jr., M.D.*, Docket No. 88-42, 54 FR 16422 (1989).

The Administrator finds that the second, fourth and fifth factors are relevant to the adjudication of this matter. The record clearly establishes that Respondent prescribed very large amounts of Dexedrine to patients who were not afflicted with the condition Respondent was purporting to treat. He prescribed without legitimate medical purpose. Respondent used his DEA registration recklessly and irresponsibility. He prescribed a Schedule II amphetamine in contraindicated combinations and in patients whose physical condition required that amphetamines be used with extreme caution. His lack of concern with appropriate medical standards was noticed by his peers and he was warned that his prescribing practices were inappropriate. Respondent's hospital privileges were suspended when he failed to modify his practice. Respondent disregarded both his physician's responsibility for the health of his patients and his legal obligations as a registrant under the Controlled Substances Act. The administrative law judge's conclusion that Respondent has egregiously abused the privileges conferred by his DEA registration is supported by overwhelming evidence. As far as the record indicates, Respondent has never acknowledged that any of his conduct was improper. The administrative law judge concluded the Respondent's continued registration is not in the public interest. The Administrator concurs in this evaluation and further concludes that consideration of the public interest demands that Respondent's registration be revoked.

Extensive exceptions to the administrative law judge's opinion, findings and conclusions have been filed on behalf of the Respondent. The Government has responded to those exceptions. Having considered the entirety of the record, including the aforementioned exceptions and response, the Administrator finds no merit in Respondent's exceptions to the administrative law judge's opinion and rulings. As previously stated, the exceptions were extensive. They are part of the record and shall not be restated at length herein.

Given the unusual circumstances which arose in this case, the Administrator finds that Respondent was not prejudiced by the process which resulted in the exclusion of all testimony given by, or relating to, a Government witness, as well as all documentary evidence introduced through her testimony. When the administrative law judge struck the entirety of the witness' testimony, including tape recordings of undercover conversations between the witness and the Respondents, it was as though the testimony had never been given. Accordingly, there could be no prejudice to Respondent's defense strategy. Upon discovering that the witness had failed to disclose certain information during cross-examination, Government counsel notified the administrative law judge and proposed an *in camera* inspection to allow the judge to determine whether the information should be disclosed. Alternatively, counsel suggested a conference during which the information could be disclosed subject to a protective order. Respondent opposed both of these suggestions and they were rejected by the administrative law judge. As stated above, the judge gave the Government three options, one of which ultimately resulted in the striking of the entirety of the witness' testimony and the exclusion of all related testimony and documentary evidence. Respondent could have accepted one of the two suggestions offered by Government counsel, permitting either *in camera* inspection by the judge or protected disclosure, either of which would have allowed a determination as to whether the information was exculpatory or otherwise favored Respondent. Respondent rejected these suggestions.

Respondent's exceptions with respect to the judge's recommended findings pertaining to idiopathic edema and the treatment thereof are likewise without merit. The administrative law judge was of course present during the testimony of the Government's medical witness and she very clearly considered the opposing evidence introduced through the affidavit of the Respondent's medical expert. The judge adequately discussed her reasons for crediting one witness' opinion over that of the other. In reviewing the evidence herein, the Administrator reaches the same conclusions regarding the rarity of idiopathic edema and the appropriateness of Respondent's treatment thereof.

Likewise, the Administrator finds no merit in Respondent's exception to the judge's ruling excluding Respondent's affidavit explaining notations in his patient charts. The affidavit was not timely tendered and was objected to on that basis. Counsel knew, or should have know, that there would be testimony concerning Respondent's medical records and therefore should have disclosed in advance the information concerning Respondent's medical recordkeeping or testimony as part of Respondent's case-in-chief. Respondent chose not to do so and the Administrator will not now disturb the judge's ruling on the objection.

Respondent has cited numerous prior DEA cases in which a registration was revoked based upon a felony conviction or such conviction supported a finding that continued registration was contrary to the public interest. Conviction of a crime relating to controlled substances

is indeed a separate ground for revoking a registration and a factor to be considered as part of the public interest ground for such action. Conviction is not, however, the only ground or factor. Respondent's experience in dispensing controlling substances, his compliance with laws relating to these drugs and other conduct which may threaten the public health and safety may likewise support the revocation of a registration. The evidence supporting the administrative law judge's findings, conclusions and recommended decision were indeed substantial. Based on that evidence, the judge has recommended revocation. While less onerous sanctions may exist, revocation is an allowable remedy in cases such as this one. Accordingly, the Administrator rejects Respondent's exceptions.

Respondent asserts that the administrative law judge erred in not considering alternative "punishments" short of the complete revocation of Respondent's registration. The revocation of a physician's controlled substance registration is a remedy of substantial impact. It is not a remedy which the Administrator entertains lightly or without due consideration of alternatives. The remedies or sanctions authorized by section 824 are not punitive. This is not a panel measure. The Administrator is charged with protecting the public from the harm which can result from the improper prescribing of legitimately produced controlled substances. In this case, the Administrator has concluded that Respondent has prescribed extremely large quantities of a Schedule II controlled substance without medical justification. The public health and safety is endangered by such practices and revocation of a registration is a justifiable remedy designed to prevent such danger.

As stated above, the Administrator has adopted the recommended rulings, findings of fact, conclusions of law and decision of the administrative law judge. The Administrator has determined that Respondent's continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 824(a)(4) and the concluded that protection of the public health and safety requires that Respondent's registration be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AC8141626, previous issued to Richard A. Cole, M.D., be, and it hereby is, revoked. It is further ordered that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective immediately upon publication in the **Federal Register**.

Dated: March 4, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-5619 Filed 3-10-92; 8:45 am]

BILLING CODE 4410-09-M

Mortimer Levin, D.O., Denial of Application

On November 27, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Mortimer Levin, D.O., 1746 Shore Club Drive, St. Clair Shores, Michigan 48080, proposing to deny his application, dated August 23, 1990, for registration as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action is that granting such a registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

By undated letter, received by DEA on January 13, 1992, Dr. Levin specifically waived his opportunity for a hearing and, instead, filed a written statement regarding his position on the matters of fact and law involved. 21 CFR 1301.54(c). The Administrator has considered the entire record in this matter, including Dr. Levin's written statement and the enclosures received therewith. The Administrator hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth. 21 CFR 1301.57.

The Administrator finds that Dr. Levin previously submitted an application for a DEA Certificate of Registration in November 1988. The then-Administrator of the DEA, after finding that the issuance of a registration would be inconsistent with the public interest, denied Dr. Levin's application. See, *Mortimer B. Levin, D.O.*, Docket No. 89-58, 55 FR 8209 (March 7, 1990). The Administrator hereby adopts his predecessor's findings of fact and conclusions of law and incorporates herein the above-referenced final order as though it was set forth at length.

Dr. Levin has a long criminal record. In 1980, he was convicted of violating 42 U.S.C. 1395NN, a felony relating to the Medicare program and, in 1985, he was convicted of violating 21 U.S.C. 843(a)(2), a felony offense under the Controlled Substances Act. In 1983 and 1984, the Federal Bureau of Investigation (FBI) conducted an investigation of Dr. Levin's practice. The investigation revealed that he was responsible for diverting thousands of dosage units of Schedule II controlled substances and that he was interested in opening a "script mill" which he hoped would produce $10,000 to $15,000 a month. During the course of the investigation, Dr. Levin prescribed hundreds of dosage units of Dilaudid, a potent Schedule II narcotic, to an undercover FBI Special Agent who was at that time seven months pregnant. Had the Agent take the drugs prescribed, she would have endangered both herself and her unborn child.

With the written statement he filed in the instant case, Dr. Levin submitted a volume of documents including letters and affidavits of support authored by colleagues and documents which were part of the record of his reinstatement hearing before the Michigan Department of Licensing and Regulation, Board of Osteopathic Medicine and Surgery. These documents were also filed in the previous DEA matter. Dr. Levin now admits the error of his past prescribing practices. However, while he states that economic circumstances do not excuse his actions, Dr. Levin continues to state that he was driven to prescribe controlled substances outside of the course of his medical practice by circumstances which included bad investments, fraud and the advent of health maintenance organizations which competed with his practice. Dr. Levin maintains that he did not believe that he was endangering the pregnant FBI Agent when he gave her prescriptions for massive quantities of narcotics since he thought that she would sell them, and not use them herself.

In requesting that he now be registered, Dr. Levin states that he has been severely penalized for his past deeds. He writes that he has served a term of imprisonment, his reputation has been damaged, and he has suffered inconvenience in his practice, limited employment opportunity and denial of medical malpractice insurance due to his conviction and lack of a DEA registration. Dr. Levin states that he has behaved responsibly since his medical license was reinstated.

In granting or denying an application for registration, the Administrator must consider the factors which are set forth in 21 U.S.C. 823(f). Those factors are: (1) The recommendation of the appropriate state licensing board or professional disciplinary authority; (2) The applicant's experience in dispensing or conducting research with respect to controlled substances; (3) The applicant's conviction record under Federal or state laws relating to the manufacture, distribution or dispensing of controlled substances; (4) Compliance with applicable state, Federal, or local laws relating to controlled substances; and (5) Such other conduct which may threaten the public health and safety. It is well established that these factors are to be considered in the disjunctive, i.e., the Administrator may properly rely on any one or a combination of factors, and give each factor the weight he deems appropriate. See, for example, *Henry J. Schwarz, Jr., M.D.*, Docket No. 88-42, 44 FR 16422 (1988).

In this case, the state licensing authority has reinstated the applicant's medical license. While the licensing board's action has been given considerable weight, reinstatement is not dispositive. While a medical board must consider a large number of factors, including an applicant's medical ability as well as any past misconduct, the Controlled Substances Act requires that the Administrator of the DEA make an independent determination as to whether the granting of controlled substance privileges would be in the public interest.

Dr. Levin's past experience in handling controlled substances is dismal at best. In his quest for money, he resorted to prescribing the most dangerous of controlled substances without any medical justification. He allied himself with persons of unsavory character and reputation, and carefully conceived a plan to maximize his profits by establishing a prescription mill. While Dr. Levin now admits the error of his past practices, he continous to attribute his misconduct to economic misfortune and attempts to minimize the prescribing of narcotics to a pregnant woman by asserting that he believed she was a dealer, not a user. Dr. Levin's misconduct led to his indictment and eventual conviction of a felony relating to controlled substances. His prescribing practices endangered the health and safety of both his patients and the community in which he practiced. In view of all of the preceding, the Administrator concludes that Dr. Levin cannot be entrusted to handle potentially dangerous controlled substances responsibly. The granting of his application would not be in the public interest.

Having concluded that there are lawful bases for the denial of Dr. Levin's application, and having concluded that such application must be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application for registration executed by Mortimer Levin, D.O., on August 23, 1990, be, and it hereby is, denied.

This order is effective March 11, 1992.

Dated: March 4, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-5620 Filed 3-10-92; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Susbtances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on November 15, 1991, Johnson Matthey, Inc., Custom Pharmaceuticals Department, 2002 Nolte Drive, West Deptford, New Jersey 08066, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Adminstrator, Office of Diversion Control, Drug Enforcement Adminstration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 10, 1992.

Dated: March 3, 1992.

Gene R. Haislip,

Deputy Assistant Adminstrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92-5617 Filed 3-10-92; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on December 2, 1991, Radian Corporation, P.O. Box 201088, 8501 Mopac Blvd., Austin, Texas 78758, made written request to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance normorphine (9313).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47. The firm plans to manufacture small quantities of this material to make exempt deuterated drug reference standards.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 10, 1992.

Dated: March 3, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92-5618 Filed 3-10-92; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 90-61]

Samuel Kump Roberts, M.D.; Revocation of Registration

On November 16, 1990, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued on Order to Show Cause to Samuel Kump Roberts, M.D., (Respondent), proposing to revoke his DEA Certificate of Registration, AR8137158, as a practitioner under 21 U.S.C. 824(a)(4), and deny any pending applications for renewal of registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause was issued alleging that Respondent's continued registration would be inconsistent with the public interest.

By letter dated November 21, 1990, Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held before Judge Bittner in Washington, DC on June 4 and 5, 1991. On October 3,

1991, the administrative law judge issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. On December 4, 1991, Respondent filed exceptions to the recommendation of the administrative law judge, filing an addendum to his exceptions on December 10, 1991. On December 16, 1991, the Government responded to the Respondent's exceptions and the addendum thereto, objecting to the addendum. On December 23, 1991, the administrative law judge entered into the record a memorandum to counsel and rulings, refusing to consider the addendum to Respondent's exceptions, but noting that the addendum would be transmitted to the Administrator with the remainder of the record. On January 2, 1992, the administrative law judge transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67 hereby adopts the findings, conclusions and recommendations of the administrative law judge and issues his final order in this matter.

The administrative law judge found that the Respondent had both used and supplied cocaine, and had illegally prescribed controlled substances to at least four individuals, one of whom was an obvious addict. The record reflects that the Respondent did not deny his use of cocaine, but claimed that he had been rehabilitated. Further, the record indicates that the Respondent pled guilty in the United States District Court for the Southern District of West Virginia to five misdemeanor counts of possession of cocaine, and was sentenced on October 30, 1987, to a suspended sentence with a five year probation and various conditions, including counseling and fluid testing.

Nowhere in the record is there any indication of Respondent's incentive rehabilitation therapy such as that commonly seen in cocaine addiction cases. Rather, Respondent relied on his treatment by a professional in addictionology as evidence of his rehabilitation. The record further indicates that the Respondent underwent a relatively insignificant number of urine screens during his rehabilitation efforts, and that he was not subjected to the rigorous monitoring and screening which would have given a clear indication of Respondent's dedication to his rehabilitation.

The administrative law judge found that the Respondent failed to acknowledge any wrongdoing, denying that he had provided cocaine and illegal prescriptions for controlled substances to the individuals about whom testimony was provided by two West Virginia State Troopers. The Respondent testified on his own behalf that he had written prescriptions for controlled substances to two of the named individuals, but that the prescriptions had been for a legitimate medical purpose. The record indicates otherwise. As was noted by the administrative law judge, the Respondent appears to have tailored his testimony to fit his defense theory.

The factors to be considered by the Administrator are set forth in 21 U.S.C. 823(f) and in the opinion and recommended ruling of the administrative law judge. The administrator has considered all of the factors and concludes that the Respondent's DEA Certificate of Registration must be revoked. Respondent's illegal behavior was proven in the record before the administrative law judge. Respondent's efforts to prove rehabilitation fell well short of a convincing threshold. Due to the overwhelming evidence in the record, the public interest is best served by a revocation of Respondent's registration. The Respondent presented evidence that he serves a much neglected portion of the population in rural West Virginia. The Drug Enforcement Administration does not propose to deplete the already lacking number of health care professionals in rural communities; however, the administrator cannot allow a practitioner to continue to handle controlled substances when it is those very controlled substances which proved to be a burden too great for the practitioner to bear. The DEA cannot allow such an individual as the Respondent to continue to handle controlled substances.

The Respondent raised several procedural issues which must be addressed herein. The Respondent, in his exceptions, argued that he had not been afforded his right to due process, remaining uninformed throughout the administrative proceedings of the details of the action against him. This argument could not be further from the true state of the administrative procedures herein. The administrative proceedings provide for the filing of detailed documentation prior to the hearing of proposed testimony of witnesses for both the Government and the Respondent and there has been no indication that the Government did not comply with the mandates of the administrative law judge in this case. The Respondent can hardly argue that he was unprepared to defend himself when the testimony presented at the hearing was set forth almost verbatim in prehearing documents.

The Respondent also claimed that he was prejudiced by the refusal of the administrative law judge to allow him to present testimony of a witness when the Government was not given advance notice that the witness would appear. The Respondent had ample opportunity to provide the Government notice that the witness would be presented, yet failed to do so, waiting until late in the proceedings to give any indication that the witness would be called. The administrative law judge was correct in her ruling that the witness should not have been allowed to testify under the circumstances. Had the Respondent complied with the rules relating to prehearing procedures, the Government would have had no grounds to object to the production of the contested witness. As it happened, the Respondent failed to comply with those procedures and the administrative law judge's decision was appropriate.

The record further indicates that the Respondent filed an addendum to his exceptions, to which the Government objected. 21 CFR 1316.66(c) clearly states that each party is entitled to only one filing under the section providing for exceptions. The Respondent had his opportunity to file exceptions, which opportunity was extended in length on at least two occasions and culminated in the filing of the initial exceptions. In keeping with the rules provided in the Code of Federal Regulations, the Administrator will not consider the addendum to exceptions filed by the Respondent.

Based on the record herein, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him under the provisions of 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AR8137158, previously issued to Samuel Kump Roberts, M.D., be, and it is hereby, revoked. It is further ordered that any pending applications for renewal of that registration be, and they are hereby, denied.

This order is effective April 10, 1992.

Dated: March 4, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-5621 Filed 3-10-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-26,573]

Lynchburg, Foundry Co., Radford, VA; Affirmative Determination Regarding Application for Reconsideration

On February 25, 1992, Local #2969 of the United Steelworkers of America (USW) with Congressional support requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on February 6, 1992 and published in the **Federal Register** on February 25, 1992 (57 FR 6528).

The union claims that one of Lynchburg Foundry's customers decreased its purchases of crankshaft castings from Lynchburg in 1991 and increased its import purchases of crankshaft castings from a Canadian foundry.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 3rd day of March 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-5713 Filed 3-10-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,236]

Telechron, Inc., Ashland, MA; Notice of Revised Determination on Reopening

On October 21, 1991 the Department issued a Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers of Telechron, Inc., in Ashland, Massachusetts. The notice was published in the **Federal Register** on October 29, 1991 (56 FR 55690).

The Department, at the request of Local #205 of the United Electrical Workers, reopened the investigation for workers of Telechron, Inc., in Ashland, Massachusetts.

Investigation findings show that the workers produce timers and motors and that they were not separately identifiable by product. The findings show that the revenues from timers accounted for a substantial percent of total production in 1989, 1990 and in 1991.

New findings on reopening show that timer sales declined substantially in 1990 compared to 1989.

Other findings on reopening show that Telechron lost an important customer of timers in 1990. The customer ceased purchasing from Telechron in 1990 and began purchasing its timers from a corporate plant in Mexico. Worker separations and production declines resulting from the loss of this customer began in August, 1990. The loss of this customer accounted for a substantial portion of Telechron's 1990 sales decline of timers.

U.S. aggregate imports of Measuring and Controlling Instruments which include timers increased absolutely and relative to domestic shipments in 1990 compared to 1989.

Conclusion

After careful consideration of the new facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with timers produced by Telechron, Inc., in Ashland, Massachusetts contributed importantly to the total or partial separation of workers at Telechron, Inc. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Telechron, Inc., in Ashland, Massachusetts who became totally or partially separated from employment on or after July 8, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 3rd day of March 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-5714 Filed 3-10-92; 8:45 am]

BILLING CODE 4510-30-M

Emergency Unemployment Compensation; General Administration Letter for Implementing Title I of the Emergency Unemployment Compensation Act of 1991

On November 15, 1991, the President signed into law the Emergency Unemployment Compensation Act of 1991 (Pub. L. 102-164), which in Title I created the Emergency Unemployment Compensation (EUC) program. On December 4, 1991, the President signed into law Public Law 102-182, which provided amendments to the Emergency Unemployment Compensation Act of 1991, as if such amendments were included in that Act, as of its effective date (weeks of unemployment beginning on and after November 17, 1991). On February 7, 1992, the President signed into law Public Law 102-244, further amending the Emergency Unemployment Compensation Act of 1991, effective for weeks of unemployment beginning after the date of enactment.

In its role as principal in the EUC program, the Department of Labor issued controlling guidance for the States and cooperating State agencies in the operating instructions set forth in the Attachments to GAL 4-92, dated November 27, 1991. Based on issues raised by the States and cooperating State agencies, GAL 4-92, Change 1 was issued February 10, 1992, providing changes to, and clarifications of, the operating instructions set forth in the Attachments to GAL 4-92. In order to assure knowledge to the public of these operating instructions, both of these documents were published in the **Federal Register** on February 14, 1992 (57 FR 5472).

GAL 4-92, Change 2 was issued February 13, 1992, providing changes to the operating instructions set forth in the Attachments to GAL 4-92 because of the amendments enacted February 7, 1992 (Pub. L. 102-244).

Therefore, GALs 4-92; 4-92, Change 1; and 4-92, Change 2 (or any subsequent or supplemental operating instructions) provide the essential operating instructions to the States, which administer the EUC program pursuant to agreements between the States and the Secretary of Labor.

Since the States and cooperating State agencies may not vary from the operating instructions in GALS 4-92; 4-92, Change 1; and 4-92, Change 2 (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor, GAL 4-92, Change 2 is published below as a continuation of assuring public notification of the required procedures.

Signed at Washington, DC on March 3, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

Classification UI/EUC

Correspondence Symbol TEUMI

Date: February 13, 1992.

Directive: General Administration Letter No. 4-92, Change 3

To: All State Employment Security Agencies

From: Donald J. Kulick, Administrator for Regional Management

Subject: Emergency Unemployment Compensation Act of 1991, as Amended by Public Law 102–244

1. *Purpose.* To provide implementing instructions for States and State Employment Security Agencies (SESAs) for the administration of the provisions of title I of the Emergency Unemployment Compensation Act of 1991, as amended by Public Law 102–244.

2. *References.* Title I of the Emergency Unemployment Compensation Act of 1991, Public Law 102–164, as amended by Public Law 102–182 and Public Law 102–244 (H.R. 4095); the Federal-State Extended Unemployment Compensation Act of 1970, as amended; 20 CFR part 615; GAL 4–92 and GAL 4–92, Change 1; UIPL 9–92 and Changes.

3. *Background.* Title I of the Emergency Unemployment Compensation Act of 1991 created the Emergency Unemployment Compensation (EUC) program. The EUC program, as established by Public Law 102–164, provided 13 or 20 weeks of benefits depending on the State's total unemployment rate or a combination of the State's insured unemployment rate and exhaustions. EUC is payable to individuals who have no rights to regular, extended, or additional benefits under any State or Federal law. Except where inconsistent with the operating instructions in GAL 4–92 (and changes thereto), the terms and conditions of State law which apply to claims for extended benefits and to the payment thereof shall apply to claims for EUC.

Public Law 102–164 was enacted November 15, 1991 and the EUC program became effective in all States for weeks of unemployment beginning on and after November 17, 1991. The Employment and Training Administration issued controlling guidance for the States and State agencies in the operating instructions in GAL 4–92, dated November 27, 1991 and GAL 4–92, Change 1, dated February 10, 1992.

Based on enactment of Public Law 102–244, which was signed by the President on February 7, 1992, this Change 2 to GAL 4–92 includes changes to, and clarifications of, the operating instructions set forth in the Attachments to GAL 4–92.

Title I of the Emergency Unemployment Compensation Act of 1991, as amended by Public Law 102–244, provides, for weeks of unemployment after the date of enactment (February 7, 1992), a maximum of 26 or, in the case of a State triggered "on" a "high unemployment period", 33 weeks of benefits for individuals who were, are, or will become eligible for a payment of EUC through a week of unemployment including June 13, 1992. In addition, the account established for the above individuals must be based on the lesser of 130 percent of their original claim for regular compensation entitlement or their average weekly benefit amount (as determined under 20 CFR 615.6(a)) times the maximum number of weeks available in the State.

For individuals establishing entitlement to EUC for a week of unemployment beginning after June 13, 1992, or for individuals paid EUC for the week including June 13, 1992, who do not claim consecutive weeks thereafter up to the week including July 4, 1992, an account reflecting a maximum 13 or 20 weeks of benefits times the individual's average weekly benefit amount may be payable depending on whether or not the State is triggered "on" a "high unemployment period", or if lesser, 100 percent of the individual's original regular State UI claim entitlement (reversion back to the provisions of Public Law 102–164). The amendments also provide that the ending date of the EUC program is extended to July 4, 1992.

The operating instructions in GAL 4–92, GAL 4–92, Change 1, and this Change 2 (including Attachments A, B, and C) are issued to the States and the cooperating State agencies and constitute the controlling guidance provided by the Department of Labor in its role as the principal in the EUC program. As agents of the United States, the States and the cooperating State agencies may not vary from the operating instructions in GAL 4–92 and GAL 4–92, Change 1 or this Change 2 (or any subsequent or supplemental operating instructions) without the prior approval of the Department of Labor.

4. *Attachment A—Changes to Operating Instructions.*

a. On page 1 of Attachment A, change the heading of Section I. to read:

"I. *Section-by-Section Explanation of Title I of Public Law 102–164, as amended by Public Law 102–182 and further amended by Public Law 102–244.*"

b. In section I.B.5. of Attachment A (pg. 2), entitled *"Election."*, delete the phrase "in a 13 or 20 week period".

c. In section I.C.2.a. of Attachment A (pg. 2), change the phrase "100 percent" to read "130 percent".

Note: As provided below, and discussed in this Change 2, any individual filing a new EUC claim for a week of unemployment beginning after June 13, 1992, will have entitlement computed based on a reversion back to the 100 percent factor.

d. In section I.C.3. of Attachment A, entitled "*Applicable Limit.*" (pgs. 2–3), change paragraph "a." (top of pg. 3) to read, "33, in the case of weeks beginning during a high unemployment period." Change paragraph "b." to read, "26 in the case of weeks not beginning during a high unemployment period."

In addition, add the following new paragraph "c.":

"c. Reduction For Weeks After June 13, 1992—In the case of weeks beginning after June 13, 1992—

(i) substitute 20 for 33 in paragraph a. and 13 for 26 in paragraph b., and

(ii) substitute 100 percent for 130 percent in paragraph a. in section I.C.2. [above—on pg. 2].

In the case of an individual who is receiving EUC for a week which includes June 13, 1992, the above provisions [(i) and (ii)] shall not apply in determining the EUC payable to such individual for consecutive weeks thereafter in which the individual meets the eligibility requirements of the Act."

Note: The above provision requires consecutive weeks after June 13, 1992 to the week of expiration of the program (July 4, 1992). Therefore, if an individual does not have consecutive weeks after the week including June 13, 1992, and before the week including the expiration date of the program, such individual must be recomputed in accordance with the provisions stated above (i.e., maximum of 13 or 20 weeks utilizing the 100 percent factor).

e. In section I.C.4. of Attachment A (pg. 3), entitled, *"No Reduction of Applicable Limit."*, add the following phrase at the beginning of the paragraph, "Except as provided in 3.c., [above] and change the capitalized word "An" to "an".

f. In section I.C.8. of Attachment A (pg. 3), entitled *"Periods."*, delete the designation of paragraph "a.". Then, in the paragraph, change the phrase "20-week period" to read "high unemployment period" and substitute thereafter in the paragraph, the phrase "high unemployment" for "20-week". In addition, delete paragraph "b." entirely.

g. In section I.C.9. of Attachment A, entitled *"Special Rules."* (pg. 4), delete all of paragraphs "a." and "b." and replace with the following new paragraph "a.".

"a. *Minimum Duration.* A high unemployment period shall last for not less than 13 weeks."

In addition, redesignate paragraph "c." as paragraph "b." and replace the phrase "20-week period or a 13-week period" with the phrase "high unemployment period".

h. In section I.C.10. of Attachment A, entitled, *"Effective Dates."* (pg. 4), replace the language in paragraph "b." with the following:

"b. The program terminates July 4, 1992 and no new claims for EUC may be approved for any week of unemployment beginning after such date. Provided, however, that any individual paid EUC for the week including July 4, 1992, and who still has a remaining balance in his/her EUC account, may be paid EUC for consecutive weeks thereafter until such individual has no remaining balance or does not meet the eligibility requirements under the Act.".

i. In section I.C.12. of Attachment A, entitled *"Transitional and Special Rules."* (pg. 5), substitute for the phrase "20-week period", the phrase "high unemployment period", as appropriate.

j. In section I.G.2. of Attachment A, entitled *"Period of Eligibility."* (pg. 7), change the date in paragraph "b." from "June 13, 1992" to "July 4, 1992."

k. In sections II. and II.A., beginning on page 8, numerous references are made to a "20-week period" or a "13-week period". Throughout these sections, such phrases should be changed to reflect a "high unemployment period" or "not in a high unemployment period", or similar language as appropriate. In addition, the Table beginning on page 11 provides obsolete data but is not changed, as later data is available.

l. In section III.A., definition 3., "Period of Eligibility" (pgs. 12–13), the date of "June 13, 1992" should be changed to "July 4, 1992".

m. On page 15 of Attachment A, in the third paragraph under section III.B., change the "June 13, 1992" dates in the paragraph to "July 4, 1992".

n. In section III.C.3. of Attachment A (pg. 16), first paragraph, the date of "June 13, 1992" should be changed to "July 4, 1992".

o. In section III.E.1. of Attachment A (pg. 22), entitled *"Accounts."* insert the following *new paragraph "a." after the phrase "lesser of":*

"a. *For EUC claims filed for weeks beginning after February 7, 1992 through the week which includes June 13, 1992.* (i) 130 percent of the total entitlement to regular benefits (including dependents' allowances) payable to the individual with respect to the most recent benefit year, from which the individual received benefits, or

(ii) The maximum EUC payable in the State as prescribed by the applicable limit."

In the same section, redesignate existing paragraphs "a." and "b." as subparagraphs "(i) and (ii)". In addition, insert the following phrase as newly designated paragraph "b." and before newly designated subparagraph "(i)":

"b. *For EUC claims filed for a week beginning after June 13, 1992.*".

p. In section III.E.2. of Attachment A (pg. 22), entitled *"Maximum EUC Payable in a State—Applicable Limit."*, remove existing subparagraphs "a." and "b." and substitute the following new paragraphs "a." and "b.":

"a. *For EUC claims filed for weeks beginning after February 7, 1992 through the week which includes June 13, 1992.* (i) *Twenty-six weeks.* The maximum amount of EUC payable is *up to* 26 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that *are not* in a high unemployment period, or

(ii) *Thirty-three weeks.* The maximum amount of EUC payable is *up to* 33 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that *are* in a high unemployment period.

(iii) Any individual who files a new EUC claim or whose existing EUC claim has been redetermined under the provisions of paragraph a. in section III.E.1. and this section III.E.2., subparagraphs (i) and (ii), shall have the amount in his/her account reduced to be in accord with Section III.E.1.b. and this section III.E.2.b., if such individual does not have consecutive weeks of EUC paid after the week including June 13, 1992 and beginning before the week of expiration of the EUC program. *Provided,* any such individual, so redetermined, shall have their maximum account balance reduced by the amount of EUC paid for weeks prior to such week, but not below zero. If no balance remains, such individual shall not be entitled to any further EUC.

b. *For EUC claims filed for a week beginning after June 13, 1992.* (i) *Thirteen weeks.* The maximum amount of EUC payable is *up to* 13 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that *are not* in a high unemployment period, or

(ii) *Twenty weeks.* The maximum amount of EUC payable is *up to* 20 times the individual's weekly benefit amount, as computed under 20 CFR 615.6, in all States that *are* in a high unemployment period."

5. *Attachment B—Fiscal Instructions.*

a. In section 1.b., add the following paragraph at the end of the Section (pg. 2) before section 2.:

State agencies will receive additional administrative funds to perform monetary redeterminations on current EUC claimants due to a change in trigger status (change to a "high unemployment period") and law changes (e.g., P.L. 102–244) through the contingency funding process. Staffyears earned for redetermination of EUC claims will be computed by using an MPU value of no more than 20 minutes. States have the option to use a lesser value MPU if they deem appropriate. This information should be included on line 5 of the regular UI–3 worksheet, Section B. States should show this calculation and the calculation for UCX redeterminations at the bottom of the additional costs worksheet. Staffyears used for this activity should be included on line 1, Section A.

6. *Action Required.* SESA Administrators shall:

a. Provide the above controlling guidance to appropriate staff.

b. Ensure that a public notice in the appropriate news media in the State is issued announcing the changes due to enactment of Public Law 102–244.

c. Ensure that current EUC claimants are notified of the changes and recalculate their EUC entitlement based on the amendments.

d. Review files to identify EUC claimants who have exhausted EUC.

e. Notify and advise EUC exhaustees of the new limits and recalculate EUC eligibility and/or process a reopened, additional or new claim, as appropriate.

f. Perform all other actions needed for proper payment of EUC to eligible individuals.

7. *Inquiries.* Direct questions to the appropriate Regional Office.

[FR Doc. 92–5717 Filed 3–10–92; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

[Application No. D–8797, et al.]

Proposed Exemptions; Edward S. Lane, D.D.S., Target Benefit Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N–5649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N–5507, 200 Constitution Avenue NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons

are referred to the applications on file with the Department for a complete statement of the facts and representations.

Edward S. Lane, D.D.S. Target Benefit Plan (the Plan), Located in Memphis, Tennessee [Application No. D–8797].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) of the Act through (E) of the Code shall not apply to the past and continuing loan made by the Plan to Edward S. Lane, D.D.S. (Dr. Lane), a trustee of the Plan and a party in interest with respect to the plan, provided the following conditions are satisfied: (1) The Loan represents less than 25 percent of the assets of Dr. Lane's account (the Account) in the Plan; (2) the interest rate for the loan was at terms at least as favorable to the Plan as those required by a third party lender at the time the loan was entered into; (3) the loan is collaterized by real property having an appraised fair market value not less than 1½ times the principal amount of the loan; and (4) Dr. Lane is the only participant in the Plan to be affected by the transaction.

EFFECTIVE DATE: If this proposed exemption is granted, it will be effective December 31, 1990.

Summary of Facts and Representations

1. The Plan is a target benefit plan with four participants. As of December 31, 1990, the Plan had total assets of approximately $775,820. Of those assets, Dr. Lane's Account amounted to $759,637.

2. On July 31, 1980, a loan of $47,000 was made from the Memphis Periodontal Group, P.C. Profit Sharing Trust (the PS Plan) to Dr. Lane, a participant in the PS Plan. The loan was to be paid off in 240 equal monthly payments of principal and interest, beginning September 1, 1980. The interest rate for the loan was 13 percent.

3. On December 31, 1990, Dr. Lane sold ownership of the Memphis Periodontal Group, P.C. to his son and became the owner of the sole proprietorship, Edward S. Lane, D.D.S. The PS Plan and the then-existing target benefit plan were merged effective December 31, 1990, and Edward S. Lane, D.D.S, became the sponsor of the remaining Plan. The loan thus became an investment of the Plan.

4. The applicant represents that the original loan was made in accordance with the conditions contained in the statutory exemption contained in section 408(b)(1) of the Act. However, as of December 31, 1990, the employer sponsoring the Plan, Edward S. Lane, D.D.S., has been a sole proprietorship. As a result, Dr. Lane, as an owner-employee, was precluded under section 408(d) of the Act from taking a participant loan. Thus, the loan became a prohibited transaction under section 406 of the Act.[1]

5. Dr. Lane ascertained the loan terms required by a local bank, Home Federal Savings Bank (the Bank) of Memphis, Tennessee, at the time the loan was consummated. As of August 1, 1980, the Bank would have loaned the money to Dr. Lane at an interest rate of 12.75 percent per annum, plus a 3 percent commitment fee. The applicant represents that the interest rate of 13 percent paid to the Plan would provide a better return to the Plan over the duration of the loan than the terms required by the Bank.

6. The loan has been secured by real property (the Property) consisting of a condominium located at Unit #5, Yorkshire Gardens Condominiums, 5676 Quince #8, Memphis, Tennessee. The Deed of Trust evidencing the Plan's security interest in the Property was recorded with the Recorder of Deeds for Shelby County, Tennessee. The Property has been appraised by Mr. E. Roger Hansen, of Statewide Appraisal Service, an independent appraiser in Memphis, Tennessee, as having a fair market value of $56,500 as of December 1, 1991. This value is more than 1½ times the principal balance of the loan, which was $34,428.89 as of that date.

7. In summary, the applicant represents that the subject transaction has satisfied and will continue to satisfy the criteria of section 408(a) of the Act because: (1) The loan represents approximately 4.8 percent of the assets in the Account; (2) the interest rate on the loan exceeded the rate required by a third party lender at the time the loan was made; (3) the Property securing the loan has been appraised by a qualified independent appraiser as having a fair market value more than 1½ times the principal balance of the loan; and (4) Dr. Lane is the only Plan participant to be affected by the transaction, and he desires that the loan be continued as an investment of the Account.

Notice to Interested Persons: Because Dr. Lane is the only Plan participant to be affected by the transaction, it has been determined that it is not necessary to distribute this notice of proposed exemption to interested persons. Comments and requests for a public hearing are due 30 days from the date of publication of this notice in the **Federal Register**.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Ricks Exploration, Inc. 401(k), Trust (the Plan), Located in Oklahoma City, Oklahoma [Application No. D–8894].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed sale by the Plan of a Guaranteed Investment Contract (the GIC) of Mutual Benefit Life Insurance Company (MBL) to Ricks Exploration, Inc. (Ricks), a party in interest with respect to the Plan, provided the following conditions are satisfied: (1) The sale is a one-time transaction for cash; (2) the Plan receives no less than the fair market value of the GIC at the time of the transaction; (3) the Plan's independent fiduciary, PW Trust Company (PW) has determined that the proposed sales price is not less than the current fair market value of the GIC; and (4) PW has determined that the proposed transaction is appropriate for the Plan and in the best interests of the Plan and its participants and beneficiaries.

Summary of Facts and Representations

1. Ricks, the Plan's sponsor, is a corporation that engages in oil and gas exploration. It is headquartered in Oklahoma City, Oklahoma. The Plan is a Code section 401(k) defined contribution plan which had 29 participants and assets with a fair market value of approximately $50,411 as of November 7, 1991.

2. One of the investment options offered to participants under the Plan is a fixed income fund which includes the GIC issued by MBL. The GIC was issued by MBL on April 1, 1991 as Contract No. GA–8242, and provides a guaranteed rate of interest of 7.25%. The GIC has a maturity date of March 31, 1994. As of December 31, 1991, the par value of the GIC (face value plus accrued interest) was $4,364.04.

3. On July 16, 1991, MBL by court order was placed in conservatorship under the supervision of the New Jersey Commissioner of Insurance. As a result of the conservatorship, all of the assets of MBL have been frozen. The applicant represents that as a result of this development, Ricks is concerned about MBL's ability to honor its contractual obligations under the GIC.

4. Ricks proposes to protect the interests of the affected participants by purchasing the GIC from the Plan at face value plus accrued interest through the date of purchase, at the GIC's guaranteed interest rate of 7.25%. PW, the Plan's independent trustee, has determined that the proposed purchase price for the GIC equals or exceeds the current fair market value of the GIC in light of the financial condition of MBL. PW, an affiliate of PaineWebber Incorporated, has been retained by the Plan as independent fiduciary to review the proposed transaction in order to determine whether the transaction is appropriate for the Plan.

5. The applicant represents that it has reviewed MBL's rating as an insurer and as an issuer of GICs. As of September 30, 1991, A.M. Best Company rated MBL as NA–10, Under State Supervision; Duff & Phelps Credit Rating Company suspended MBL's rating; and Moody's Investors Service rated MBL as Caa—Very Poor. PW represents that under these circumstances, it has determined that the proposed sale of the GIC to Ricks is appropriate for the Plan and in the best interest of the Plan's participants and beneficiaries.

6. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act because: (1) The Plan will receive cash for the GIC in the amount of the face value of the GIC plus accrued interest as of the sale date, which PW has determined to be equal to or in excess of the fair market value of the GIC; (2) the transaction will enable the Plan to avoid any risk associated with the continued holding of the GIC and to redirect assets to safer investments; (3) the Plan will not incur any expenses related to the transaction; and (4) PW has determined that the proposed sale of the GIC by the Plan to Ricks at the proposed price is in the best interests of the participants and beneficiaries of the Plan.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Hi-Tech Communications Defined Benefit Trust, Located in Dickinson, Texas [Exemption Application No. D–8858].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale, for not less than $79,000, of certain real property (the Property) by the Hi-Tech Defined Benefit Trust (the Plan) to Hi-Tech Communications, Inc. (Hi-Tech), the employer and sponsor of the Plan, provided that: (a) The sales price of the Property will be based on an appraisal performed by an independent, qualified appraiser; (b) the terms of the sale will permit the Plan to receive cash in the amount of $79,000, or the fair market value at the time of the sale, whichever is higher; and (c) the Plan will incur no real estate commissions or fees in connection with the sale.

Summary of Facts and Representations

1. Hi-Tech is located in Dickinson, Texas and is engaged in the business of installing, maintaining, and selling microwave communications systems and equipment. Its customers include several domestic and overseas corporations and various governmental bodies such as the United States Coast Guard and the United States Forest Service.

2. The Plan is a defined benefit plan created through the termination and merger of the Hi-Tech Communications, Inc., Profit Sharing Plan and the Hi-Tech Communications, Inc., Defined Benefit Plan. All assets of the two previous plans were transferred to the Plan on October 1, 1989. As of October 1, 1990 the Plan's total assets were $255,766 and its total number of participants were eighteen. The trustees of the Plan (the Trustees) are Paul V. Duffy, President of Hi-Tech, and Billie J. Duffy, Secretary and Treasurer of Hi-Tech. Investment decisions for the Plan are made solely by the Trustees.

3. Among the assets of the Plan is the Property which consists of 6.472 acres of unimproved land. The Property is located on the corner of Avenue F and 17th Street in League City, Texas. The Plan purchased the Property from an unrelated third party on April 17, 1990 for $52,831. The applicant represents that the Plan purchased the Property because they believed that a multi-million dollar automobile raceway was to be constructed at a site near the Property.[2] Subsequent to the purchase, however, the raceway's sponsor permanently withdrew plans to construct the raceway due to community opposition to its construction.

The applicant represents that once plans to construct the raceway were abandoned, the Plan has no other use for the Property. In addition, the Plan was required to pay holding costs associated with the Property in the amount of $2,490 per year. For these reasons the Trustees of the Plan decided it was in the best interests of the participants and beneficiaries of the Plan to divest the Property from the Plan's assets. The employee and sponsor of the Plan has agreed to purchase the Property from the Plan.

4. On December 21, 1990, after the raceway's sponsor permanently withdrew plans to construct the raceway, the Property was appraised by Tarin & Coon, Inc. (Tarin & Coon) real estate appraisers of Houston, Texas. The applicant represents that Tarin & Coon is qualified to conduct real estate sales and appraisals and is independent of the sponsor and the Trustees of the Plan. Tarin & Coon inspected the Property, the area surrounding the Property and comparable property sales in the area to determine the fair market value of the Property. Tarin & Coon placed the Property's fair market value at $79,000 as of December 11, 1990.

5. The Plan proposes to sell the Property to Hi-Tech for cash in the amount of $79,000, or the fair market value at the time of the sale, whichever is higher. The applicant represents that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries because: (a) The terms of the sale will permit the Plan to receive cash proceeds equivalent to the

[1] Although a loan between a plan and a party in interest may meet the statutory exemption under section 408(b)(1) of the Act when entered into, if the party in interest later becomes an owner-employee pursuant to section 408(d), the loan, as a continuing transaction, becomes a prohibited transaction, for which no relief is available under section 406(b)(1). The Department is providing no views herein as to whether the original loan met the conditions of section 408(b)(1).

[2] The Department expresses no opinion herein as to whether the acquisition of the Property constitutes a violation of any of the provisions of part four of Title I.

current fair market valuation of the Property; (b) the sale will enable the Plan to divest itself of an asset producing no income and avoid further holding costs associated with the Property; (c) the Plan will incur no real estate commissions or fees in connection with the sale; and (d) the sale will enable the Plan to improve its liquidity position and enable diversification of the Plan's investments into income-producing assets. 6. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sale will be a one-time transaction for cash; (b) the sales price of the Property will be based on an independent appraisal; (c) the terms of the sale will permit the Plan to receive cash in the amount of $79,000, or the fair market value at the time of the sale, whichever is higher; (d) the sale will enable the Plan to divest itself of an asset producing no income and avoid further holding costs associated with the Property; (e) the Plan will incur no real estate commissions or fees in connection with the sale; (f) the sale will allow the Plan to improve it liquidity position and enable diversification of the Plan's investments into income-producing assets; and (g) the applicant represents that the proposed transaction is in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Ms. Jean Anderson of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Prison Fellowship Ministries; Prison Fellowship International; and Justice Fellowship, Located in Reston, Virginia, Application Nos. D–8816, D–8817, and D–8818.

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale by the Prison Fellowship Ministers Unit Benefit Pension Plan (the Plan) of a note (the Note) to the Pension Fellowship Ministries, one of the contributing employers to the Plan and the holder of another note secured by the same collateral that secures the Note, provided that the following conditions are met: (a) The fair market value of the Note is determined by an independent qualified appraiser, (b) the Plan receives on the date of the sale the greater of the fair market value of the Note, or the principal balance plus accrued interest due under the Note; and (c) the sale will be for cash and the Plan will pay no costs of expenses associated with the transaction.[3]

Summary of Facts and Representations

1. Prison Fellowship Ministries (PFM), Prison Fellowship International (PFI), and Justice Fellowship (JF) are public charities and non-profit corporations incorporated under the laws of the District of Columbia with offices in Reston, Virginia. It is represented that the Internal Revenue Service has determined that PFM, PFI, and JF are exempt from Federal income tax, as organizations described in section 501(c)(3) of the Code. PFM, PFI, and JF employ individuals to assist the church in the prisons and in the community. PFM provides assistance to prisoners and ex-prisoners and their families and promotes biblical standards of justice. PFI shares the same purpose as PFM but on an international scale. JF promotes biblical standards of justice in the American criminal justice system.

For their eligible employees, PFM, PFI, and JF each sponsor the Plan. As employers any of whose employees are covered by a plan, PFM, PFI, and JF (collectively, the Employers) are parties in interest with respect to the Plan, as defined in section 3(14)(C) of the Act.

2. The Plan is a defined benefit pension plan which, as of December 31, 1990, had assets of approximately $923,393. There are 146 participants and beneficiaries of the Plan, including active employees, retirees, and vested terminated participants. The Plan holds its assets in a common trust (the Trust). The trustees of the Trust (the Trustees) also serve on the Board of Directors of PFM. The Trustees are Dois Rosser Jr. Jack Eckerd, and Edwin J. Simcox.

3. On September 30, 1988, the Trustees, on behalf of the Plan, entered into a five (5) year loan agreement (the Loan) with third party obligers. The principal amount of the loan was $340,000 which at that time constituted approximately 75.5% of the assets of the Plan. The interest rate on the note was 10.5%. Payments of interest only in the amount of $2,975 are due monthly with the principal of $340,000 due on September 30, 1993. The Loan was secured by real property and improvements known as South Towne Apartment Complex (the Property) located in Fulton County, Georgia and by the assignment of rents from the Property. The Property consists of 18.5 acres of land which are improved with 37 buildings containing 148 one and two bedroom apartments. The Loan was evidenced by the Note. The Note was one of two five (5) year notes executed on the same day with the same third party obligors under identical interest rates and other terms, except that the principal amount of the other note was $460,000. Both the notes were secured by the same Property. The holder of the other note is PFM.[4]

4. The Employers decided to terminate the Plan, effective December 31, 1990. Notice of termination was filed March 27, 1991. In connection with the Plan's termination, all of the Plan's assets will be liquidated, including the Note. Accordingly, it is proposed that the Plan sell its interest in the Note to PFM for cash in an amount equal to the greater of (a) the current principal balance of the Note, plus accrued interest at the time of the sale, or (b) the fair market value of the Note on the date of the sale. The fair market value of the Note constitutes approximately 36.8% of the total assets of the Plan, as of September 3, 1991.

It is represented that the assets of the Plan, including the cash proceeds from the sale of the Note, will be distributed to the participants upon termination of the Plan, and will be available for investment in other assets or for rolling over into individual retirement accounts. The proposed transaction is in the interest of participants in that it would avoid: (a) The forced sale of the Note for a reduced price, and (b) the distribution in kind of unmarketable fractional interests in the Note.

PFM represents that it will pay all the costs associated with the sale of the Note, and that the Plan will not pay any of the costs involved in the proposed transaction.

[3] For purposes of this proposed exemption references to specific provisions of title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[4] The Department notes that the decisions of the Trustees, on behalf of the Plan, in connection with the making of the Loan, the holding of the Note, and the operation of the Plan's investment portfolio under circumstances where PFM, a party in interest with respect to the Plan, was a holder of another note secured by the same collateral, are governed by the prohibited transaction provisions and fiduciary responsibility requirements of part 4, subpart B, of title I. The Department expresses no opinion, herein, as to whether any of the relevant provisions of part 4, subpart B, of title I have been violated regarding such investment and no exemption for such provisions is proposed herein.

5. The value of the Note has been determined by independent, qualified appraisers, Henry J. Wise, MAI, and Thomas A. Plunkett of Pritchett, Ball & Wise, Inc. (formerly, Pritchett, Ball, and White, Inc.) of Atlanta, Georgia. According to the appraisers, the fair market value of the Note, as of August 1, 1991, is $289,000.

In determining the value of the Note, the appraisers reviewed a April 16, 1991 appraisal of the fee simple value of the Property, prepared by Joe W. Ball, M.A.I. and Thomas A. Plunkett of the same firm. The April 16th appraisal determined the value of the Property to be $1,320,000. After inspecting the Property and reviewing its rent roll and operating data for the first six months of 1991, the appraisers concluded that there had been no significant change in the value of the Property and that the fair market value of the Property, as of August 1, 1991, remained $1,320,000. It is represented that the principal value ($340,000) of the Note represents 25.8% of the value of the Property and that the amount of the entire debt ($800,000) on the Property represents only 60.6% of its value.

In discounting the face value of the Note to present value, the appraisers selected a rate of 15%. In setting the discount rate, the appraisers took into consideration the following factors: (a) The nature and condition of the real estate market, (b) the quality and condition of the collateral, including the value of the Property and the assignment of the rents, (c) the significant decrease in the value of the Property since the Plan acquired the Note, (d) the financial condition of the obligors, and (e) the fact any third party purchaser would share a first mortgage interest in the collateral with PFM. In the opinion of the appraisers, the discount rate selected is reasonable, even though PFM is not an unrelated third party purchaser, because in acquiring the Note, PFM would not receive any additional benefits from having a 100% interest in the collateral.

6. In summary, the Employers, as the applicants, represent that the proposed transaction satisfies the criteria of section 408(a) of the Act because:

(a) The sale of the Note is a one time transaction for cash;

(b) the Plan will receive the greater of the fair market value of the Note or the principal balance (plus accrued interest) due under the Note;

(c) the sales price is based on a fair market appraisal of the Note as prepared by independent, qualified appraisers;

(d) the Plan will pay no commissions or fees in regard to the transactions; and

(e) the Plan participants will receive timely distributions of their accrued benefits from the cash proceeds of the sale of the Note.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 6th day of March 1992.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 92–5698 Filed 3–10–92; 8:45 am]

BILLING CODE 4510–29–M

[Application Number T–7840]

Amendment to Prohibited Transaction Exemption (PTE) T88–1 Involving Class Exemptions for the Thrift Savings Fund

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Adoption of amendment to PTE T88–1.

SUMMARY: This document amends PTE T88–1. PTE T88–1 adopted, for purposes of the prohibited transaction provisions of section 8477(c)(2) of the Federal Employees' Retirement System Act of 1986 (FERSA or the Act), certain prohibited transaction class exemptions (the Class Exemptions) which were granted pursuant to section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA). The amendment affects participants and beneficiaries of the Thrift Savings Fund (the Fund), a fund established pursuant to provisions of FERSA, and parties in interest with respect to the Fund.

EFFECTIVE DATE: The amendment to PTE T88–1 is effective as of January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Lyssa E. Hall, Office of Exemption Determinations, Pension and Welfare Benefits Administration, (202) 523–8971 (this is not a toll-free number), or Cynthia Caldwell Weglicki, Plan Benefits Security Division, Office of the Solicitor, (202) 523–0592 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 3, 1991, notice was published in the **Federal Register** (56 FR 25140) of the pendency before the Department of Labor (the Department) of a proposed amendment to PTE T88–1 (53 FR 523838, December 29, 1988). PTE T88–1 adopted, for purposes of the prohibited transaction provisions of section 8477(c)(2) of FERSA, certain prohibited transaction class exemptions which were granted pursuant to section 408(a) of ERISA.[1] The Class Exemptions were

[1] The following class exemptions were adopted in Prohibited Transaction Exemption T88–1: PTE 75–1 (40 FR 50845, October 31, 1975), exempting certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers

Continued

adopted only to the extent that they provide exemptive relief from the restrictions of section 406(b) of ERISA or subsections thereunder, which are parallel to those of section 8477(c)(2) of FERSA.

The amendment adopted by this notice was proposed pursuant to the authority of the Secretary of Labor (the Secretary) established in section 8477(c)(3) of FERSA. Subparagraph (E) of section 8477(c)(3) provides that the Secretary may adopt exemptions granted for any class of fiduciaries or transactions under section 408(a) of ERISA for purposes of section 8477(c)(2) of FERSA, upon publication of notice in the **Federal Register**. The Department proposed the amendment on its own motion in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990), specifically section 2570.32 of that Procedure. The notice of pendency gave interested persons an opportunity to comment on the proposal. No public comments were received.

The amendment modifies PTE T88–1 to include, for purposes of applying the Class Exemptions to the prohibitions of section 8477(c)(2) of FERSA, any amendments of the Class Exemptions which are granted pursuant to section 408(a) of ERISA unless the Department expressly determines, as part of the proceeding to amend the class exemption under consideration, that the amendments shall not apply for FERSA purposes.[2]

and banks: PTE 78–19 (43 FR 58915, December 22, 1978), exempting certain transactions involving insurance company pooled separate accounts; PTE 80–26 (45 FR 28545, April 29, 1980, technically corrected at 45 FR 35040, May 23, 1980), exempting certain interest free loans to employee benefit plans; PTE 80–51 (45 FR 49709, July 25, 1980, technically corrected at 45 FR 52940, August 8, 1980), exempting certain transactions involving bank collective investment funds; PTE 82–63 (47 FR 14804, April 6, 1982, technically corrected at 47 FR 16437, April 16, 1982), exempting certain payments of compensation to plan fiduciaries for the provision of securities lending services; and PTE 86–128 (51 FR 41686, November 18, 1986, amended at 52 FR 8678, March 19, 1987), exempting certain securities transactions involving employee benefit plans and broker-dealers. Subsequent to the adoption of PTE T88–1, PTE 78–19 and PTE 80–51 were amended and redesignated as PTE 90–1, 55 FR 2891, January 29, 1990, and PTE 91–38, 56 FR 31966, July 12, 1991, respectively. As a result of the amendment adopted with today's notice, both will be applicable to FERSA.

[2] The Department notes that PTE T88–1 adopted the Class Exemptions only to the extent that they provide exemptive relief from the restrictions of section 406(b) of ERISA or subsections thereunder, which are parallel to those of section 8477(c)(2) of FERSA. Therefore, an amendment to a Class Exemption will be applicable with respect to FERSA only to the extent that the amendment relates to the provision of exemptive relief from the restrictions of section 406(b) of ERISA.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption from the prohibitions of section 8477(c)(2) of FERSA, pursuant to section 8477(c)(3) of FERSA, does not relieve a fiduciary from any other provisions of FERSA, including, but not limited to any prohibited transaction provisions to which the exemption does not apply, and the general fiduciary responsibility provisions of section 8477(b) of FERSA. Among other things, this section requires a fiduciary to discharge his duties respecting the Fund solely in the interest of participants and beneficiaries and in a prudent manner in accordance with section 8477(b)(1)(B) of FERSA.

(2) Before an exemption may be granted under section 8477(c)(3) of FERSA, the Department must find that the exemption is administratively feasible, in the interests of the Fund and its participants and beneficiaries, and protective of the rights of the participants and beneficiaries of the Fund.

(3) The amendment is supplemental to, and not in derogation of any other provisions of FERSA.

(4) The fact that a transaction is subject to an administrative exemption pursuant to section 8477(c)(3) of FERSA is not dispositive of whether the transaction is in fact a prohibited transaction.

(5) The Class Exemptions are applicable to particular transactions only if the conditions specified in the particular exemption are satisfied.

(6) The Department's record with respect to any amendment to a class exemption, including, but not limited to applications for such amendment, notices of the proposal of the amendment, public comments received by the Department with respect to such proposals, and testimony which was part of any public hearing held with regard to any of the amendments and notices of the granting of the amendments shall constitute the record for purposes of the adoption of this amendment.

Exemption

Accordingly, under the authority of section 8477(c)(3) of FERSA and in accordance with the procedures set forth in 29 CFR part 2570 subpart B, the Department is amending PTE T88–1 as set forth below.

Section II, Specific Terms, is amended to read as follows: For purposes of applying the Class Exemptions to the prohibitions of section 8477(c)(2) of FERSA, (1) Any amendment to one of the Class Exemptions granted pursuant to section 408(a) of ERISA and the procedures in 29 CFR part 2570, subpart B (55 FR 32736, 32847, August 10, 1990) relating to the relief provided from the prohibitions of section 406(b) of FERSA or subsections thereunder, shall be deemed to apply for purposes of FERSA, unless the Department expressly determines, as part of the proceeding to amend such class exemption, that the amendment is not applicable with respect to the Fund. (2) Any reference in the Class Exemptions to "section 406," "section 406 of the Act," "section 406(b)" or "section 406(b) of the Act" shall be deemed to apply to section 8477(c)(2) of FERSA. Reference to subsections of section 406(b) of ERISA shall be deemed to apply to the corresponding subsection of section 8477(c)(2) of FERSA. Thus, reference to "section 406(b)(1)" shall mean section 8477(c)(2)(A) of FERSA; reference to "section 406(b)(2)" shall mean section 8477(c)(2)(B) of FERSA; and reference to "section 406(b)(3)" shall mean section 8477(c)(2)(C) of FERSA. (3) The term "fiduciary" as used in the Class Exemptions shall be construed to mean "fiduciary" as defined in section 8477(a)(3) of FERSA. (4) The terms "employee benefit plan(s)" and "plan(s)" shall be construed to mean "Thrift Savings Fund" as established under section 8437 of FERSA. (5) The term, "party in interest" shall be construed to mean "party in interest" as defined in section 8744(a)(4) of FERSA. (6) Reference in the Class Exemptions to "section 502(i) of the Act" shall be deemed to apply to section 8477(e)(1)(B) of FERSA. (7) References in the Class Exemptions to "subsections (a)(2) and (b) of section 504 of the Act" shall be deemed to apply to section 8478a of FERSA. (8) References in the Class Exemptions to section 4975 of the Internal Revenue Code (the Code) or subsections thereunder are not applicable with respect to the Fund, pursuant to sections 4975(g) and 414(d) of the Code. (9) For purposes of section I(b)(2) of PTE 86–128, the term "relative (as defined in section 3(15) of ERISA)" shall mean any spouse, ancestor, lineal descendant, or spouse of a lineal descendant. (10) For purposes of PTE 78–19 (redesignated as PTE 90–1, 55 FR 2891, January 29, 1990) and PTE 80–51 (redesignated as PTE 91–38, 56 FR 31966, July 12, 1991), the phrase "by reason of a relationship to a service provider described in section 3(14)(F), (G), (H), or (I) of the Act," shall mean "by reason of a relationship to a service provider described in section 8477(a)(4)(F), (G), (H), (I) or (J) of FERSA."

Signed at Washington, DC, this 5th day of March, 1992.

Alan D. Lebowitz,

Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefit Administration, U.S. Department of Labor.

[FR Doc. 92–5699 Filed 3–10–92; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92–19]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by April 10, 1992. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Mr. D. A. Gerstner, NASA Agency Clearance Officer, Code JTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700–0052), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 453–8697.

Reports

Title: NASA FAR Supplement, Part 18–27, Patents, Data and Copyrights.
OMB Number: 2700–0052.
Type of Request: Extension.
Frequency of Report: As reportable action occurs.
Type of Respondent: State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Number of Respondents: 2,247.
Responses per Respondent: 1.2.
Annual Responses: 2,696.
Hours per Response: 8.
Annual Burden Hours: 21,568.
Abstract-Need/Uses: Records and reports regarding patents and data are required to comply with statutes and the OMB and NASA implementing regulations.

Dated: March 5, 1992.

D. A. Gerstner,

Chief, IRM Policy and Acquisition Management Office.

[FR Doc. 92–5652 Filed 3–10–92; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by April 10, 1992.

ADDRESSES: Send comments to Mr. Dan Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202–395–7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401).

FOR FURTHER INFORMATION CONTACT: Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202–682–5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: International Fellows Pilot Program.
Frequency of Collection: One time.
Respondents: State or local governments; non-profit organizations.
Use: Guidelines instructions and applications elicit relevant information from arts organizations that apply for funding under specific International Program catagories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.
Estimated Number of Respondents: 100.
Average Burden Hours per Response: 12.
Total Estimated Burden: 1,200.

Judith E. O'Brien,

Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 92–5650 Filed 3–10–92; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #1 Section) to the National Council on the Arts will be held on March 18–19, 1992 from 9 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of

section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–5739 Filed 3–10–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Cross-Disciplinary Activities; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended) the National Science Foundation announces the following meeting.

NAME: Special Emphasis Panel in Cross-Disciplinary Activities.

DATE AND TIME: March 23, 1992 8:30 a.m. to 5 p.m.

PLACE: National Science Foundation 1800 G. Street, NW., Washington, DC 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: John C. Cherniavsky, Acting Head, Office of Cross-Disciplinary Activities, Room 436, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–7349.

PURPOSE OF MEETING: To provide advice and recommendations concerning research proposals submitted to NSF for financial support.

AGENDA: Panel to review and evaluate research proposals.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b. (c)(4) and (6) the Government in the Sunshine Act.

Dated: March 5, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5613 Filed 3–10–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–528–OLA–3, 50–529–OLA–3, 50–530–OLA–3, ASLBP No. 92–654–01–OLA–3 (Automatic Closure Interlock for Shutdown Cooling Valves)]

Arizona Public Service Company, et al. (Palo Verde Nuclear Generating Station, Units 1, 2, and 3); Cancelling Prehearing Conference

March 4, 1992.

Please take notice that the prehearing conference in the above-identified proceeding scheduled for March 24, 1992, in Phoenix, Arizona, has been cancelled.

The Petition for Leave to Intervene and Request for Hearing submitted by Allan L. Mitchell and Linda E. Mitchell, dated November 25, 1991, has been denied by the Licensing Board in view of Petitioners' failure to comply with the Licensing Board's prehearing Order issued on January 2, 1992. The Licensing Board dismissed Petitioners from this proceeding and terminated the proceeding in a Memorandum and Order entered on March 4, 1992.

Issued at Bethesda, Maryland, this 4th day of March 1992.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge.

[FR Doc. 92–5681 Filed 3–10–92; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR part 39—Licenses and Radiation Safety Requirements for Well Logging.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Applications for new licenses and amendments may be submitted at any time. Applications for renewal are submitted every five years. Reports are submitted as events occur.

5. Who will be required or asked to report: Applicants for and holders of specific licenses authorizing the use of licensed radioactive material in well logging.

6. An estimate of the number of responses: An average of slightly over 10 annually per respondent for 85 respondents. The estimated total number of responses annually for the industry is 863.

7. An estimate of the total number of hours needed to complete the requirement or request: Approximately 0.3 hours per response for reports, plus approximately 214 hours annually per recordkeeper. The industry total burden is 18,419 hours annually.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: NRC regulations in 10 CFR part 39 establish radiation safety requirements for the use of radioactive material in well logging operations. The information in the applications, reports and records is used by the NRC staff to ensure that the health and safety of the public is protected and that licensee possession and use of source and byproduct material is in compliance with license and regulatory requirements.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Ronald Minsk, Paperwork Reduction Project (3150–0130), Office of Information and Regulatory Affairs, NEOB–3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084. The NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 26th day of February 1992.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official, for Information Resources Management.

[FR Doc. 92–5675 Filed 3–10–92; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S): (1) *Collection title:* Repayment of Debt.

(2) *Form(s) submitted:* ID–22 and G–145.

(3) *OMB Number:* 3220–0165.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Revision of currently approved collection.

(6) *Frequence of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 225.

(9) *Total annual responses:* 225.

(10) *Average time per response:* .053 hours.

(11) *Total annual reporting hours:* 12.

(12) *Collection description:* Section 2 of the Railroad Unemployment Insurance Act (RUIA) provides unemployment and sickness benefits for qualified railroad workers. When the RRB determines that an overpayment of RUIA benefits has occurred, it initiates prompt action to notify the claimant of the overpayment and to recover the amount owed the RRB. The collection obtains information needed by the RRB to allow for the repayment of the amount owed by the claimant by means of a credit card, in addition to the customary form of payment by check or money order.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, room 3002, New Executive Officer Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–5673 Filed 3–10–92; 8:45 am]

BILLING CODE 7905–01–M

SECURITES AND EXCHANGE COMMISSION

[Release No. 34–30445; File No. SR–Amex–91–25]

Self-Regulatory Organizations; the American Stock Exchange, Inc.; Order Approving Proposed Rule Change, Granting Accelerated Approval to Amendment No. 1 and Notice and Order Granting Accelerated Approval to Amendment No. 2 Relating to New Listing Standards for an Emerging Company Marketplace

March 5, 1992.

I. Introduction

On October 1, 1991, the American Stock Exchange ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Amex's Company Guide to add a new section establishing listing criteria for an Emerging Company Marketplace ("ECM"). The ECM would be a new marketplace designed to accommodate the listing of companies which are currently too small to meet the Exchange's regular listing criteria. Notice of the proposal appeared in the **Federal Register** on October 30, 1991.[3] The Commission received four comment letters regarding the proposal rule change.[4] On February 4, 1992, the Amex amended the proposal.[5] Notice of that amendment appeared in the **Federal Register** on February 13, 1992.[6] The Commission received one comment letter on the amended proposal.[7] Thereafter, the Amex further amended the proposal on February 18, 1992.[8] This order approves the proposal.

II. Description of the Proposal

A. Overview

The ECM would consist of a new "junior" tier of listed securities that would not meet the Amex's current listing standards, but would otherwise be subject to many of its Exchange's regulatory requirements (*e.g.*, last sale reporting, trading and specialist allocation rules, certain corporate governance requirements, and surveillance procedures). The Amex believes that enabling these smaller companies, most of which are trading currently in the over-the-counter ("OTC") market,[9] to list their equity securities on the Amex would provide them with the opportunity to have their securities traded in an auction market and would raise their profits in the investment community.

B. Initial and Continued Listing Criteria

The proposed ECM listing criteria are comparable to the present eligibility standards for NASDAQ/non-NMS securities, but with more stringent

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] Securities Exchange Act Release No. 29851 (October 23, 1991), 56 FR 61288.

[4] See letters from Thomas S. Sayles, Commissioner of Corporations, State of California, Department of Corporations, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated January 8, 1992; Stephen D. Hickman, Secretary, National Association of Securities Dealers, Inc., to Jonathan G. Katz, Secretary, SEC, dated January 16, 1992; Robert M. Lam, Chairman, Pennsylvania Securities Commission, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated January 21, 1992; and Richard D. Latham, Securities Commissioner, State of Texas, State Securities Board, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 4, 1992. See *infra* notes 41–55 and accompanying text for a discussion of the specific comments.

[5] Amendment No. 1 amends: (1) Amex Rule 462, concerning margin, to require 100 percent maintenance margin for ECM securities (unless the securities would satisfy the criteria for inclusion in the Federal Reserve Board's Over-the-Counter Margin List); and (2) the text of the Company Guide to clarify that: (a) the numerical criteria for ECM securities are mandatory requirements that will be applied strictly and not waived; and (b) that the Exchange will delist the securities of any issuer if those securities fail to remain "eligible securities" under the Consolidated Tape Plan. The Amendment also clarifies that transactions in ECM stocks will be consolidated through the Consolidated Tape Association ("CTA") on a real time basis.

[6] Securities Exchange Act Release No. 30348 (February 6, 1992), 57 FR 5280.

[7] See letter from Thomas S. Sayles, Commissioner of Corporations, State of California, Department of Corporations, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 20, 1992.

[8] Amendment No. 2 revises the text of the Company Guide in three respects. First, the text will be clarified to state that the public float requirement will be calculated exclusive of the holdings of officers, directors, controlling shareholders and other concentrated or family holdings. Second, the text will reflect that the term "capital and surplus" refers to stockholders' equity. Finally, the text will state that the Exchange will delist the issues of any company which fails to take appropriate steps to ensure that no ECM-listed securities are sold in its behalf in reliance upon the exemption from state securities registration which is otherwise available to companies listed on the Exchange.

[9] The term "OTC market" encompasses all non-exchange traded securities. It is composed of several distinct sub-groups of securities, including securities that are traded in the NASDAQ system [NASDAQ securities may be designated as National Market System ("NMS") securities, and thus subject to real-time trade reporting, or as non-NMS securities], securities that are quoted on the NASD's Bulletin Board Service, and securities quoted in the Pink Sheets. The Bulletin Board Service provides a real-time quotation medium for OTC securities that are not included in the NASDAQ system. The Pink Sheets, which are distributed by the National Quotation Service of the National Quotation Bureau, Inc., provide quotations and the names of brokers and market-makers for many OTC equity securities that are not quoted on NASDAQ.

public float and market value requirements. The proposed ECM criteria are described below.[10]

1. Numerical Listing Criteria

a. Basic Criteria. Under the Amex proposal, companies presently traded in the NASDAQ system) [11] and currently satisfying the National Association of Securities Dealers, Inc.'s ("NASD") standards for continued inclusion on NASDAQ are eligible to apply for a listing on the ECM if they also have a public float of at least 250,000 shares) [12] and outstanding shares with a total market value of at least $2,500,000. Companies that are not presently trading on NASDAQ, but that meet the NASDAQ initial eligibility criteria, would be eligible to apply for a listing on the ECM if they have a public float of at least 250,000 shares and outstanding shares with a total market value of at least $2,500,000. Amex ECM listing standards would require at least 150,000 shares in public float and $1,500,000 in minimum market value more than current NASDAQ/non-NMS standards.

The Amex believes that companies with a higher aggregate market value generally have a more significant investor following and a greater demonstrated ability to raise necessary capital. Consequently, the Amex believes that requiring distribution and market value criteria higher than the comparable NASDAQ standards should help assure that only those issues that already have attracted significant investor interest, and thus are likely to benefit from auction market trading, would be eligible for an ECM listing. The Amex believes that these companies are often research and development-type ("R&D") companies which issue large numbers of shares to finance their growth. Moreover, the Amex states that its proposed criteria reflect its judgment that, in cases where companies have a large public distribution and a high market value of shares, the "price per share" and "capital and surplus" [13] criteria are less important as indicators of future viability.

b. Alternate Criteria. In addition to the basic criteria, the Amex proposes separate alternate criteria for companies presently traded on NASDAQ and for companies not presently traded on NASDAQ. For companies traded on NASDAQ, the Amex proposes a higher capital and surplus requirement and a lower minimum price per share. Similarly, for companies not presently traded on NASDAQ, the Amex proposed lower total assets and minimum price per share requirements, with higher public float and minimum market value requirements.[14] For instance, if an issuer is presently trading on NASDAQ and fails to meet one of the ECM criteria applicable to these issuers (*e.g.*, the issuer's security is currently trading at a price below $1), then the issuer would be required to satisfy the alternate criteria for companies presently traded on NASDAQ. Similarly, if an issuer is not presently trading on NASDAQ and fails to meet any of the criteria applicable to these companies (*e.g.*, the market value of the issuer's outstanding shares is not at least $2,500,000), then the issuer would have to meet the alternate listing criteria for companies not presently traded on NASDAQ.

c. Other Listing Criteria and Amex Review Process. Potential ECM issuers would be subject to a two-tiered screening process. First, as is the case with any potential candidate for a regular Exchange listing, financial analysts in the Exchange's Corporate Finance and Analysis Department would review issuers seeking an ECM listing to determine whether they meet the numerical criteria. The Exchange's proposed numerical criteria, whether basic or alternative, would be mandatory standards that must be satisfied by an issuer in order to be eligible for an ECM listing.[15] Upon a favorable recommendation (*i.e.*, the applicant satisfies the relevant numerical criteria), the application of the ECM candidate would be submitted to a new "Blue Ribbon" Committee to be appointed by the Exchange for the sole purpose of making final listing determinations on ECM issuers. The Blue Ribbon Committee would evaluate the prospects and suitability of each potential ECM issuer for auction market trading by considering such factors as: the nature of the company's business; its commercial prospects and future outlook; the reputation of its management; its historical record and pattern of growth; and its financial integrity. The Exchange states that members of the Blue Ribbon Committee would have expertise in evaluating the prospects and trading characteristics of small issuers.[16]

2. Maintenance Criteria

In order to satisfy the Amex's proposed criteria for continued listing on the ECM ("maintenance criteria"), ECM issuers must meet the present NASDAQ eligibility standards for continued inclusion and also have a public float of at least 250,000 shares and outstanding shares with a total market value of at least $500,000.[17] As with the initial ECM listing criteria, the Amex proposes alternate maintenance criteria for ECM issuers with greater capital and surplus and a higher market value for publicly-held shares, but which have a lower minimum price per share.[18]

3. Delisting Procedures

As with its initial listing criteria, the Amex's maintenance criteria for ECM issuers would be enforced strictly by the Exchange. This, if an ECM-listed company failed to adhere to the maintenance listing criteria, the Exchange would promptly notify that issuer, in writing, of the deficiency. Under the proposal, if a deficiency in market value or price continues for 10 consecutive trading days, Amex would delist the securities 90 calendar days thereafter, if the market value or price did not meet or exceed the maintenance criteria. Companies with a deficiency in any other maintenance requirement would be subject immediately to delisting proceedings in accordance with the Exchange's procedures for delisting a security set forth in Part 10 of the Company Guide.

In addition, the CTA plan provides that a security will no longer be eligible for reporting through CTA if "during the immediately preceding 12-month period less than 25% of the transactions in that security * * * have been executed on national securities exchange * * *." Therefore, the Amex proposal provides that the Exchange will delist an ECM security if it does not remain eligible for reporting through CTA facilities.[19] Further, as described in greater detail below, the Exchange will delist the issues of any ECM company which fails to take appropriate steps to ensure that its securities are not sold in reliance upon the exemption from state securities registration which is otherwise available to companies listed on the Exchange.[20]

C. State Law Concerns

Under the proposal, ECM issuers would not be permitted to avail themselves of the exemption from state securities registration requirements normally accorded to securities listed on the Amex under state "blue sky" laws. Thus, unless registration is not required, or the ECM issuer is otherwise exempt (other than by virtue of listing securities on the Amex), any offering of securities by an ECM issuer or an underwriter on its behalf would have to be registered with the appropriate state securities regulatory agency in each state in which the securities would be sold.

Amex has taken steps to ensure that ECM issuers would continue to remain fully subject to state registration and rules.[21] As stated above, under the proposal, the Amex criteria for continued listing on the ECM would state that the Exchange will delist the issues of an ECM company which fails to take appropriate steps to ensure that its securities are not sold in reliance upon the exemption from state securities registration which is otherwise available to companies listed on the Exchange.[22] Similar language would be included in the ECM listing agreement.[23]

ECM companies would be approved for listing on separate, non-Amex letterhead. The letter would advise the issuer that the exemption from state securities registration requirements applies only to regular Amex-listed securities and not to ECM companies. ECM securities also would not be approved for listing "upon notice of issuance." [24] Finally, the Amex states that it intends to monitor the activities of ECM issuers by obtaining a copy of the underwriter's "blue sky memorandum" to ensure that the memorandum reflects accurately the unavailability to ECM issuers of the listed security exemption.

Further, the Amex will provide to its membership an Information Circular advising that neither the initial nor the secondary trading "blue sky" exemption from state registration requirements for regular Amex-listed companies will be available for transactions in ECM securities, and requiring member firms that do a retail business to institute appropriate procedures to assure that such transactions are effected in compliance with applicable state law.[25] The Amex represents that it has the authority under its existing rules to bring a disciplinary action against a member organization that allowed an ECM-listed security to be sold in reliance on the regular Amex exemption from state "blue sky" laws.[26] Specifically, Article V, Section 4(h) of the Amex Constitution, which allows the Exchange to suspend or expel from membership any member who engages in conduct inconsistent with just and equitable principles of trade, would provide Amex with the authority needed to undertake such an action.

D. Trading Environment and Applicable Governance Requirements

1. Trading Environment

Securities listed on the ECM would be allocated to a specialist unit and traded in the same way as regular Amex-listed equity securities.[27] The quality of the specialist unit's performance would be considered in evaluating its eligibility for further allocations of both regular Amex-listed securities and ECM securities.[28]

Trades in ECM securities would be subject to the full panoply of both the Commission's and the Amex's trading rules. In particular the tick test of rule 10a-1 under the Act ("short sale" rule) would apply to trades in ECM securities that occur on the Exchange or on NASDAQ or in the OTC markets.[29] In addition, the Amex's own short sale rule (Amex Rule 7) would apply to trades effected on the Exchange. Furthermore, all of the Exchange's equity surveillance procedures would be applied to ECM transactions.

Transactions in ECM securities, whether effected on an exchange or OTC, would be consolidated and disseminated on Network B of the CTA

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[10] Exhibit A to this approval order sets forth the proposed numerical ECM initial and maintenance listing criteria.

[11] Current NASDAQ non-NMS standards for initial inclusion are: total assets of $4,000,000; capital and surplus of $2,000,000; a minimum price per share of $3; minimum market value of publicly-held shares of at least $1,000,000; 300 public shareholders; public float of at least 100,000 shares; and at least two market makers registered to trade in the issue. Current NASDAQ non-NMS standards for continued inclusion are: total assets of $2,000,000; capital and surplus of $1,000,000; a minimum price per share of $1 (or $1,000,000 in market value and capital and surplus of $2,000,000); a minimum market value of publicly-held shares of at least $200,000; 300 public shareholders; public float of at least 100,000 shares; and at least two market makers registered to trade in the issue. See NASD By-Laws, Schedule D.

[12] The public float is the total number of publicly-held outstanding shares of a particular issue. For the purposes of the ECM criteria, this requirement will be calculated exclusive of the holdings of officers, directors, controlling shareholders, and other concentrated or family holdings. See Amendment No. 1. A concentrated holder is a holder of 5 percent or more of a security. See Distribution and Trading Information Form (ECM-2).

[13] For the purposes of the ECM criteria, the terms "capital and surplus" refer to stockholders' equity. See Amendment No. 2.

[14] See Exhibit A for a complete description of the alternate listing criteria. The Amex believes that smaller companies meeting these alternate criteria may be bona fide companies worthy of an ECM listing.

[15] See Amendment No. 1 to the filing which amends the text of the new rule to make clear that the numerical criteria are mandatory requirements that will be strictly applied and not waived. See also letter from James F. Duffy, Senior Vice President and General Counsel, Legal and Regulatory Policy Division, Amex, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated December 20, 1991 (reiterating that numerical criteria are mandatory standards).

[16] See Amendment No. 1 which discusses the standards that will be used by the Blue Ribbon Committee in evaluating potential issuers.

[17] The Amex uses the same rationale for requiring higher public float and outstanding share maintenance requirements than the comparable NASDAQ standards as it used for requiring higher public float and market value requirements for its initial listing standards, namely that companies that are able to build and maintain an investor following and meaningful level of market capitalization generally have, or are developing, a bona fide product.

[18] See Exhibit A to this approval order which describes the proposed ECM numerical maintenance listing criteria.

[19] The Amex added this provision to the text of the Company Guide to ensure that the Amex is able to attract a minimum level of market share if ECM stocks are traded in multiple markets. *See* Amendment No. 1 and discussion *infra*.

[20] See Amendment No. 2 and discussion *infra*.

[21] Amex has implemented several safeguards, as described in greater detail below, after discussions with the North America Securities Administrators Association ("NASAA").

[22] See Amendment No. 2.

[23] The listing agreement for ECM companies would be different from the listing agreement for regular Amex-listed companies.

[24] Many state jurisdictions provide an automatic exemption from state securities registration requirements for subsequent securities issuances for securities listed "upon notice of issuance."

[25] See Information Circular No. 92-2 (January 6, 1992).

[26] See letter from Claudia Crowley, Special Counsel, Legal and Regulatory Policy Division, Amex, to Mary Revell, Branch Chief, Exchange Regulation, SEC, dated February 14, 1992.

[27] The Amex states that the Exchange will use its existing systems to operate the ECM. The Amex represents that system capacity and operation on the Exchange during trading hours will not be affected adversely by implementation of the ECM. Similarly, the Amex represents that the Exchange's current system capacity is sufficient to meet expected demand. The Amex represents further that security and contingency plans for existing trading systems would be unaffected by the ECM. Accordingly, the Amex represents that, based upon previously conducted tests, it has concluded that its systems should not be adversely affected by the listing of these additional issues.

[28] Currently, the Amex has in place procedures for the evaluation of specialist performance and for the allocation and reallocation of securities. These procedures are designed to measure, among other things, the quality of specialist performance utilizing certain performance-based criteria and to provide an incentive for quality performance both through the Exchange's allocation process and through the imposition of nondisciplinary sanctions, including the reallocation of stocks for continued unsatisfactory specialist performance.

[29] Paragraph (a) of Rule 10a-1 covers transactions in any security registered on, or admitted to unlisted trading privileges ("UTP") on, a national securities exchange ("exchange-traded securities"), if trades in such security are reported pursuant to an effective transaction reporting plan. Paragraph (a), therefore, also applies to OTC transactions in exchange-registered securities (*i.e.*, third market transactions) that are reported pursuant to an effective transaction reporting plan. Since trades in ECM securities will be reported pursuant to an effective transaction reporting plan (*i.e.*, to the Consolidated Tape), transactions in these securities, whether effected on the Amex or otherwise, will be subject to paragraph (a). *See infra* notes 30–32 and accompanying text.

("Tape B") [30] on a real-time basis.[31] Under the proposal, specialists would be required to post firm quotations in ECM issues. Furthermore, the Exchange will delist any issue which fails to remain an "eligible security" under the CTA Plan.[32] Transactions in ECM securities would be identified separately by an ".EC" suffix in the ticker symbol so that they can be distinguished on the Tape from other Amex issuers. The Amex anticipates that closing prices and volume in ECM transactions would be published in all newspapers which carry the Amex stock table.

2. Corporate Governance Requirements

ECM issuers would be subject to some of the Exchange's corporate governance requirements.[33] For instance, ECM issuers would be required to file annual and quarterly reports with the Exchange (and with the Commission). These issuers would be held to the same standards of corporate disclosure as are other Amex-listed companies, including immediate and thorough public disclosure of material information, clarification or confirmation of rumors and reports, response to unusual market action, and prohibitions on insider trading. ECM issuers also would be required to solicit proxies, hold annual shareholder meetings, and maintain transfer and registry facilities for their listed securities.[34]

Under the proposal, ECM issuers would not be subject to the Exchange's requirements for independent directors, audit committees, shareholder quorums, shareholder approval, common stock voting rights, and conflicts of interest, as well as certain other governance requirements. The Amex believes that these exemptions from the corporate governance standards applicable to regular Amex-listed issuers will result in standards comparable to the standards for NASDAQ/non-NMS issuers and will reduce costs to ECM issuers compared to issuers of non ECM Amex-listed securities.[35]

E. Marginability of ECM Securities

In general, securities registered on a national securities exchange are deemed "margin securities" pursuant to Regulation T of the Board of Governors of the Federal Reserve System ("FRB").[36] Consequently, upon listing on the Amex, ECM securities would become margin securities in accordance with the provisions of Regulation T and would be subject to the FRB's initial margin requirements [37] and the Amex's maintenance margin requirements.[38] In contrast, NASDAQ/NON-NMS securities are not marginable unless they are included in the FRB's List of Margin Stocks.

The Amex has determined to amend its maintenance margin rule to place ECM issuers in a status analogous to NASDAQ/NON-NMS issuers. Specifically, the proposal would amend the Amex's margin rule, Exchange rule 462, to require that companies listed on the ECM be subject to a 100% maintenance margin requirement. If the Amex determines, however, that an ECM company meets the criteria under Regulation T of the FRB for initial inclusion on the FRB's List of OTC Margin Stocks (with the exception that ECM securities would not have to meet the market maker criterion),[39] then it would apply its existing maintenance margin requirement of 25%. To continue to be subject to the 25% maintenance margin standard, such ECM security would have to meet the FRB's criteria for continued marginability.[40]

Under the Amex proposal, the Exchange would determine which ECM stocks satisfy the FRB criteria for marginability, and publish periodically a list of all ECM stocks which are eligible for margin credit ("ECM Margin List"). The Amex ECM Margin List likely would be published concurrently with the FRB's quarterly publication of the OTC Margin List. Moreover, under the proposal, if an ECM stock or its issuer ceases to be listed on the ECM or the stock no longer meets the criteria for continued inclusion on the OTC Margin list, the Exchange would remove the stock from the ECM Margin List.

F. Listing Fees

Under the Amex proposal, issuers applying for an ECM listing would be required to pay an original listing fee of $5,000. The fee would not be charged to any company approved for listing prior to the date on which the ECM's inaugural trades take place. If an ECM company applies later to become a regular Amex-listed issuer, it would receive a credit for the ECM original listing fee. Annual listing fees for ECM issuers would be computed using the same schedule applicable to regular Amex-listed companies.

[30] The Consolidated Tape, operated by the CTA, compiles current last sale reports in certain listed securities from all exchanges and market makers trading such securities and disseminates these reports to vendors on a consolidated basis. Amex-listed stocks and qualifying regional listed stocks are reported on CTA Tape B.

[31] It is possible that an issuer could remain listed on NASDAQ and, at the same time, become listed on the Amex's ECM. *See infra* for a discussion of how trades in ECM securities that are effected on NASDAQ would be reported.

[32] See section VI(c)(iii) of the CTA Plan.

[33] The specific sections of the Amex Company Guide that would be applicable to ECM issuers are: part 1, sections 130 (Original Listing Applications), 141 (Annual Fees), and 146 (Refunds of Listing Fees); part 2, sections 201–214 and 217–222 (Original Listing Procedures); part 3, sections 340–343 (Subscription Rights, Backdoor Listing, Paired Securities); part 4 (Disclosure Policies); part 5 (Dividends and Stock Splits); part 6 (Accounting, Annual, and Quarterly Reports); part 7, sections 701–704 (Shareholders' Meetings) and 720–726 (Voting by Exchange Members, Transmission of Proxy Materials); part 8 (Transfer Facilities, Certificate Requirements); part 9, Sections 903–904 (Treasury Shares); Part 10, sections 1001–1002 (General Suspension and Delisting Policies), 1010–1011 (Delisting Procedures); and part 11 (Guide to Filing Requirements) (all sections, except "Additional Listing Applications").

[34] In the original rule filing, Part 8 of the Company Guide, which sets forth the Exchange's transfer and registry requirements, was not made applicable to ECM issuers. Subsequently, the Amex amended the filing to make part 8 applicable to ECM issuers. See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Elizabeth a. Pacciarelli, Attorney, Branch of Exchange Regulation, Division of Market Regulation, SEC, dated October 25, 1991.

[35] The Amex believes that the ECM will attract issuers which have not been exposed to the level of regulation imposed on regular Amex-listed issuers. Therefore, because of the potentially burdensome costs associated with regulatory compliance by small issuers, Amex does not want to impose corporate governance requirements on ECM companies which exceed the comparable level of regulation required for NASDAQ/non-NMS issuers.

[36] 12 CFR 220.2(q)(1) and 220.2(x)(1) (1991).

[37] The FRB's current margin requirement for equity securities is 50 percent of the current market value of the security or the percentage set by the regulatory authority, whichever is greater. 12 CFR 220.18(a) Upon listing on the Amex, ECM securities also would become subject to the Amex's initial margin requirement which provides that margin deposits must be equal to the greater of $2,000 or the initial margin requirement specified by the FRB. Amex Rule 462(a).

[38] The margin which must be maintained in margin accounts of customers is 25% of the current market value of the security. Amex Rule 462(b).

[39] For inclusion on the FRB's OTC Margin List, a stock must meet the following requirements: have at least four market makers; have a minimum average bid price of $5 per share; be registered under Section 12 of the Act (or registered under the Investment Company Act of 1940, if applicable) or be the stock of an issuer required to file reports under Section 15(d) of the Act; have daily quotations for both bid and asked prices for the stock that are continuously available to the general public; have been publicly traded for at least six months; have $4,000,000 in capital, surplus and undivided profits; have a public float of 400,000 shares and 1,200 holders of record; and have an issuer or a predecessor in interest that has been in existence for at least three years. 12 CFR 220.17(a) (1991).

[40] For continued inclusion on the List, a stock must: have at least three market makers; have a minimum average bid price of $2; be registered under section 12 of the Act (or registered under the Investment Company Act of 1940, if applicable) or be the stock of an issuer required to file reports under section 15(d) of the Act; have daily quotations for both bid and asked prices for the stock that are continuously available to the general public; have been publicly traded for six months; have $1,000,000 of capital, surplus, and undivided profits; and have a public float of 300,000 shares and 800 holders of record. 12 CFR 220.17(b) (1991).

In its filing, the Amex states that it is hopeful that companies which reach financial maturity on the ECM would choose eventually to become regular Amex-listed companies. In those cases, companies would be required to apply to list on the Amex and meet the same requirements as other companies.

III. Comments

The Commission received comment letters from the NASD and the securities commissioners in California, Pennsylvania, and Texas [specifically, the State of California, Department of Corporations ("CDOC" or "California letter"), the Pennsylvania Securities Commission ("PSC" or "Pennsylvania letter"), and the State of Texas, State Securities Board ("TSB" or "Texas letter")]. These letters raised various issues and concerns with respect to the Amex proposal.[41]

The Amex responded to the concerns raised by the NASD in a letter dated February 3, 1992.[42] The Amex responded to the concerns raised by the CDOC in a letter dated January 31, 1992.[43] The Amex states that, because its response letter to the CDOC also addresses the concerns raised by the PSC, the Exchange did not respond separately to the PSC letter. The Amex responded to the second comment letter submitted by the CDOC in a letter dated February 24, 1992.[44]

In its letter, the NASD raises several issues that it believes the Amex proposal does not address fully, including consolidated quotations and transaction reporting facilities, CTA standards, off-board trading restrictions, mandatory listing standards, and blue sky and margin treatment of ECM securities. First, the NASD states that, because an issuer could remain listed on NASDAQ and, at the same time, become listed on the Amex's ECM, the Amex proposal should address the issues of consolidated quotation and trade reporting.[45] Second, because it believes that ECM securities would not be "listed" securities and thus would not meet the CTA Plan definition of "eligible securities," the NASD believes that ECM securities would not be eligible for Tape B reporting. Third, the NASD asks the Commission to clarify the extent to which rule 19c–3 [46] under the Act would apply to ECM securities.

Fourth, the NASD expressed concern that confusion may arise with regard to the blue sky and margin treatment afforded to ECM securities. The NASD does not believe that a separate designator identifying trades in ECM securities will be adequate to make the distinction between regular Amex-listed securities and Amex ECM securities. In addition, the NASD expresses concern about the margin treatment of ECM securities.[47]

The NASD also expresses concern that the delisting restrictions applicable to ECM companies found in Section 1011 of the Amex *Company Guide* may impose an unnecessary competitive burden on issuers. The NASD believes that requiring an issuer that has left NASDAQ, joined the ECM, and subsequently has elected to relist on NASDAQ to file a delisting application stating that it is no longer eligible for continued dealings on the Exchange may restrict free movement back to NASDAQ.[48] Finally, the NASD letter expresses concern that the Amex proposal does not make clear that the proposed ECM numerical criteria would be mandatory standards, not merely financial guidelines that the Exchange would consider in evaluating a company for potential listing.[49]

The CDOC, PSC, and TSB letters express concerns about the possible availability of blue sky registration exemptions to ECM issuers, as well as general concerns relating to various provisions of the Amex proposal. The primary concern articulated by these state securities commissioners is that the ECM proposal does not provide adequate restrictions to prevent ECM issuers from relying on the exemption from state securities law registration requirements available to securities listed on the Amex. Because they believe that questions will arise as to the scope of the state securities law exemptions for Amex-listed securities, the CDOC and the TSB urge the Amex to clarify that the ECM is a separate marketplace from the regular Amex marketplace, similar to the separation existing between the NASDAQ/NMS and non-NMS marketplaces.[50] In addition, the PSC suggests that the Amex adopt as a delisting criterion a provision that would result in the delisting of an ECM issuer that seeks to rely upon the exemption afforded to exchanges from state registration requirements.[51]

The California letter raises additional issues in connection with the Amex proposal. First, the CDOC states that the name the Amex has chosen for its new marketplace—the Emerging Company Marketplace—is inappropriate and misleading because the implication of the use of the word "emerging" is that a company will continue to grow, thereby providing a significant investment

[41] See letters from Thomas S. Sayles, Commissioner of Corporations, CDOC, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated January 8, 1992; Stephen D. Hickman, Secretary, NASD, to Jonathan G. Katz, Secretary, SEC, dated January 16, 1992; Robert M. Lam, Chairman, PSC, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated January 21, 1992; Richard D. Latham, Securities Commissioner, State of Texas, State Securities Board, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 4, 1992; and Thomas S. Sayles, Commissioner of Corporations, CDOC, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 20, 1992.

[42] See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Howard Kramer, Assistant Director, Division of Market Regulation, SEC, dated February 3, 1992.

[43] See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Honorable Thomas S. Sayles, Commissioner of Corporations, CDOC, dated January 31, 1992.

[44] See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Honorable Thomas S. Sayles, Commissioner of Corporations, CDOC, dated February 24, 1992.

[45] The Amex has amended the filing to clarify that all transactions in ECM securities would be consolidated through CTA. See Amendment No. 1 and *supra* notes 30–32 and accompanying text for a discussion of consolidated reporting of ECM trades.

[46] 17 CFR 240.19c–3 (1991). Rule 19c–3 prohibits exchanges from extending off-board trading restrictions to reported securities listed on the exchange or traded subject to UTP after April 1979. For the purposes of Rule 19c–3, a reported security is any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan.

[47] Subsequent to the filing of the NASD comment letter, the Amex amended the ECM proposal to require that members maintain 100% margin in the margin accounts of their customers. See Amendment No. 1.

[48] In its letter responding to the NASD's comments, the Amex states that the NASD's comment in this area is based upon a misreading of the Amex rules. *See* letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Honorable Thomas S. Sayles, Commissioner of Corporations, CDOC, dated January 31, 1992. In the letter, the Amex states the provision in Section 1011 of the Company Guide providing that an issuer is required to state that it is ineligible for further dealings on the Exchange is applicably only to companies which no longer meet the Exchange's listing standards and desire to voluntarily delist prior to being delisted by the Exchange. Companies that meet Amex's ECM maintenance criteria but nonetheless have determined to delist their securities may do so without making any such statement.

[49] As clarified by Amendment Number 1, the ECM numerical criteria would be mandatory standards which an issuer would be required to satisfy in order to be considered for an ECM listing. See *supra* note 15 and accompanying text.

[50] The Commission believes that the identifying suffix that will mark ECM trades ".EC" will assist members, issuers, and others in differentiating between transactions in ECM securities and transactions in regular Amex-listed securities. See discussion *infra*.

[51] Amex subsequently amended the text of the Company Guide to state that the Exchange will delist the issues of any company which fails to take appropriate steps to ensure that no ECM-listed securities are sold in its behalf in reliance upon the exemption from state securities registration which is otherwise available to companies listed on the Exchange. See Amendment No. 2.

opportunity for an investor. Because not all ECM companies will grow, the CDOC believes the Amex should choose another, more accurately descriptive name for its new marketplace.[53]

Second, the CDOC expresses concern that the proposal does not articulate the specific standards that would be used by the Exchange's Blue Ribbon Committee to evaluate potential ECM issuers.[54] Third, the CDOC asserts that the Amex proposal does not state explicitly that, in calculating the publicly-held shares requirement, the Exchange would subtract from total shares outstanding the shares held by officers, directors, and other beneficial owners.[55]

In addition, the CDOC believes that the delisting procedures for ECM securities are unclear. The CDOC letter also questions Amex's decision to exempt ECM issuers from the requirements of Sections 120–125 and 320–21 of the Company Guide. Those sections concern conflicts of interest, independent directors, common voting rights, quorum requirements, stock options and stock dividends, preferred voting rights, and remedies available to bondholders upon default. Finally, the CDOC letter states that the Amex proposal does not contain criteria for convertible debt or for shares of a foreign issuer/American Depository Receipts.[56]

The CDOC submitted an additional comment letter in response to Amendment Number 1. The CDOC believes that the proposed rule change should be amended so that the text of the new language in the Company Guide describing the ECM would clearly and accurately present the requirements for listing ECM securities. The CDOC believes that this change would ensure that all the criteria and policies applicable to ECM companies would be located in one place.[58]

IV. Discussion

A. Introduction

After careful consideration of the comments received and applicable statutory provisions, the Commission believes that the Amex's proposal to create an ECM is reasonably designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and remove impediments to and perfect the mechanism of a free and open market and a national market system. For these reasons and for the additional reasons set forth below, the Commission finds that approval of the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b)(4), 6(b)(5) and 11A.[57]

B. Benefits of the ECM

The Commission believes that the Amex's ECM proposal will provide small companies with the opportunity to list their securities on an exchange. The Commission believes further that the availability of an exchange listing as an alternative to solely OTC trading will provide alternative trading mechanisms and could increase capital committed to trading ECM securities, increase the liquidity of ECM securities, and enhance ECM issuer access to U.S. capital markets.

Smaller companies listing on the ECM also will secure additional benefits attendant to an exchange listing. For instance, as discussed above, transactions in ECM stocks would be consolidated through Tape B of the CTA on a real-time, last-sale basis. This real-time reporting and wide dissemination of transactions in ECM securities should result in a more efficient and fair market for these securities.

Another important benefit is that trading in ECM issues will be subject to the Amex's trading and surveillance rules. Furthermore, the Amex will allocate ECM securities to an Amex specialist in accordance with the Exchange's specialist evaluation and allocation rules and thereafter will evaluate the performance of specialists in their dealings in ECM securities using the same rules and procedures the Exchange uses currently to evaluate specialist performance in regular Amex-listed issues. This should help assure the quality of market making in ECM securities.

While the Amex will apply only some of its corporate governance standards to ECM issuers, the standards that will be applied to ECM companies are equivalent to those applicable to NASDAQ/non-NMS issuers and are higher than those applicable to non-NASDAQ OTC securities. Because the companies listing on the ECM will not be NMS-quality issuers, it is not unreasonable for the Amex to require corporate governance standards similar to the NASDAQ/non-NMS standards. Moreover, ECM issuers that subsequently become regular Amex companies will be subjected to all of the Amex's corporate governance standards.[59]

C. Listing and Maintenance Criteria

The development and enforcement of adequate standards governing the initial and continued listing of equity securities of an exchange is important to ensure that only bona fide companies with substantial public float, investor base, and trading interest will be listed. These standards enable an exchange to assure that a fair and orderly market can be maintained in the security and to verify the bona fides of the company.

The Commission believes that the initial listing and maintenance criteria for ECM issuers, as described above, are consistent with sections 6(b)(5) and 11A of the Act in that these criteria should help to ensure the maintenance of fair and orderly markets on the ECM, as well as enhance benefits and protections for investors who trade in these securities.[59] The proposed criteria are comparable to the present NASDAQ/non-NMS eligibility standards for initial and continued inclusion, but with more stringent public float and market value requirements. These criteria should help ensure a wider public distribution of the securities of ECM issuers. This in turn should decrease the opportunities for manipulation, as well as help create a more liquid market for trading.

The Commission recognizes that the listing standards for ECM issuers are significantly lower than those for regular Amex-listed issuers and that the markets for ECM securities may not be as liquid and deep as those for regular Amex-listed or NASDAQ NMS securities. Nevertheless, the Commission believes that the ECM listing standards are adequate to ensure that fair and orderly markets can be maintained.[60] Indeed, this conclusion is reinforced by the Amex's decision not to grant any waivers to the ECM numerical listing criteria. The Commission believes that making the listing criteria mandatory standards should help to safeguard the integrity of the exchange market by ensuring that the numerical listing criteria are true minimum standards and not subject to arbitrary waiver. The Commission also believes that the expertise of the members of the Blue Ribbon Committee, combined with application of these factors, should act as a useful means to ensure the bona fides of ECM applicants. Moreover, affixing the identifying suffix (".EC") to transactions in ECM securities should help alert investors that these securities are of a different quality than securities on the regular Amex list.

D. State Law Concerns

The Commission believes that the safeguards Amex has established respond adequately to the state law concerns raised by the NASD and the securities commissioners from the states of California, Pennsylvania, and Texas. These safeguards should make clear to Amex members, issuers, and the bar that the offer and sale of ECM securities are subject to state registration and rules.

The Amex proposal would prohibit ECM issuers from using the exemption from registration requirements which the securities laws of most states currently make available to other Amex-listed companies. To accomplish this, the Amex has included in its proposal various safeguards designed to ensure that ECM issuers remain fully subject to state review. For instance, the ECM listing agreement and the letter approving the listing of securities on the ECM would state clearly that ECM issuers would not be able to take advantage of existing exemptions in state securities registration requirements accorded to regular Amex-listed securities. In addition, the text of the Company Guide would require the Exchange to delist the issues of any company which fails to take appropriate steps to ensure that no ECM-listed securities are sold on its behalf in reliance upon the exemption from state securities registration which is otherwise available to companies listed on the Exchange. The Commission believes these steps should help put issuers on notice of the "blue sky" status of ECM securities and should serve further to ensure that ECM issuers do not avail themselves of the "Amex exemption" from state blue sky laws.[61]

Moreover, the Commission believes that the new Information Circular to members will be of additional assistance in providing information regarding the "blue sky" status of ECM securities. The Information Circular, which is directed to Amex members and member organizations, states that firms doing a retail business are obligated to initiate appropriate procedures to assure that primary and secondary offerings of ECM-listed securities are effected in compliance with applicable state law. Furthermore, the Commission believes that the identifying suffix that will mark ECM trades ".EC" will assist members, issuers, and others in differentiating between transactions in ECM securities from transactions in regular Amex-listed securities. Finally, the Amex has represented that it has the authority and commitment to discipline a member organization that allows an ECM-listed security to be sold in reliance on the regular Amex exemption from state "blue sky" laws will be of additional assistance in preventing use of blue sky exemptions for transactions in ECM securities.[62] As discussed above, Article V, Section 4(h) of the Amex Constitution, which allows the Exchange to suspend or expel from membership any member who engages in conduct inconsistent with just and equitable principles of trade, would provide the Amex with the authority needed to undertake such an action.

E. Marginability of ECM Securities

As discussed above, the Exchange proposes to amend rule 462 to require that companies listed on the ECM be subject to a 100% maintenance margin requirement. ECM companies that the Amex finds meet the criteria under Regulation T of the FRB for initial inclusion on the FRB's List of OTC Margin Stocks (with the exception that ECM securities would not have to meet the market maker criterion) would be subject to the Amex's regular maintenance margin of 25%. Under the proposal, the Exchange would determine which ECM stocks satisfy the criteria for marginability and would publish periodically an ECM Margin List indicating all of the ECM stocks that are eligible for margin credit.

The Commission agrees with the maintenance margin approach proposed by the Amex. The ECM is intended to be a new marketplace of the Amex that attracts issuers that otherwise would trade OTC. It is logical that the maintenance margin treatment for OTC non-NMS securities would apply to ECM issuers, rather than the treatment accorded regular Amex companies. Currently, non-NMS OTC securities are not marginable, unless they are included in the FRB's OTC Margin List. Establishing a maintenance margin of 100% for ECM securities will place ECM

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[53] In an additional comment letter, the CDOC reiterates its concern that the name—Emerging Company Marketplace—is confusing. The CDOC suggests that a more appropriate name would be the "Tier 1" or "incubator" marketplace. See letter from Thomas S. Sayles, Commissioner of Corporations, CDOC, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 20, 1992.

[54] In its letter responding to the CDOC's concerns, the Amex notes that the criteria are set forth in the Company Guide. See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Honorable Thomas S. Sayles, Commissioner of Corporations, CDOC, dated January 31, 1992. The CDOC also notes that the proposed ECM criteria do not define the terms "total assets" and "surplus and capital." In Amendment No. 2, however, the Amex defines the terms "capital and surplus" for the purposes of the ECM criteria to mean "stockholders' equity." Because the term "stockholders' equity" is a uniform standard devoid of subjectivity and is used in accordance with generally accepted accounting principles ("GAAP"), the Commission believes that the Amex's reference to it in the text of the Company Guide is adequate to make clear to potential issuers the standards that the Exchange will use in determining whether an issuer satisfies the "capital and surplus" criterion. Furthermore, the Commission believes that it is unnecessary for the Amex to define the term "total assets" in the Company Guide because the GAAP meaning of that term is clear.

[55] Subsequent to the CDOC letter, the Amex amended the text of the new rule to state that public float will be calculated exclusive of the holdings of officers, directors, controlling shareholders, and other concentrated or family holdings. See Amendment No. 1. See also note 12.

[56] In its response letter to the CDOC, the Amex states that it has no present plans to list debt securities on the ECM. See letter from Michael S. Emen, Vice President and Counsel, Securities Division, Amex, to Honorable Thomas S. Sayles, Commissioner of Corporations, CDOC, dated January 31, 1992. If the Exchange later determines to list debt securities on the ECM, however, it will file a proposed rule change with the Commission.

[58] The CDOC also reiterated its concern that the name—Emerging Company Marketplace—is inappropriate and misleading.

[57] 15 U.S.C. sections 78f(b)(4), (b)(5) and 78k–1 (1988).

[59] The Commission believes that, in addition to its regular surveillance procedures, the Amex should monitor carefully any companies currently listed on the Amex that seek to change their listing status from that of an Amex-listed issuer to that of an ECM issuer in an attempt to avoid certain Amex corporate governance standards applicable only to regular Amex-listed companies. In this regard, the Amex should consider adopting a policy to prohibit regular Amex-listed issuers from delisting with a view to listing on the ECM.

[60] The Commission recognizes that the NASD may amend its listing criteria from time to time. Because the proposed ECM numerical listing criteria are comparable to the present NASDAQ/non-NMS standards, the Commission would expect that if the NASD modified any of its listing standards, the Amex would submit a proposed rule change under Rule 19b–4 of the Act to ensure that the ECM standards remain adequate to maintain the integrity of the ECM.

[59] Amex's proposed two-tiered screening process for ECM issuers also will help to ensure further the quality of the ECM. The sole responsibility of the Blue Ribbon Committee will be to evaluate the prospects of companies for potential ECM listing. The Amex has set forth specific standards to be used by the Blue Ribbon Committee to evaluate these companies, including the nature of a company's business; its commercial prospects and future outlook; its commercial prospects and future outlook; the reputation of its management; its historic record and pattern of growth; and its financial integrity.

[61] Furthermore, if an ECM issuer were to rely on the Amex's present exemptions under state "blue sky" laws, and the Amex did not promptly act to delist the issuer, it would raise concerns as to whether the Amex abdicated its regulatory responsibility as a national securities exchange with regard to the enforcement of its rules concerning the securities approved for listing and trading on the exchange, in violation of Sections 19(g)(1) and 19(b)(4) of the Act. [15 U.S.C. §§ 78s(g)(1) and (b)(4) (1988)].

[62] See letter from Claudia Crowley, Special Counsel, Legal and Regulatory Policy Division, Amex, to Mary Revell, Branch Chief, Exchange Regulation, SEC, dated February 14, 1992.

securities in a comparable posture to that of non-marginable OTC securities. For those ECM securities that would meet the FRB's requirements for inclusion in the OTC Margin List, it is reasonable to accord them the same maintenance margin treatment. Because ECM issuers will be assigned to a specialist, who will be subject to the affirmative and negative market making obligations with respect to the assigned ECM security, the FRB's market maker requirement for inclusion in the OTC Margin List is unnecessary.[65]

F. Transaction Reporting

As discussed above, the Amex will report trades in ECM-listed securities through CTA, Network B facilities.[64] The CTA Plan ("Plan") provides that any security "registered on [Amex] * * * and which * * * substantially meets the original listing requirements of the * * * Amex" is an "eligible security" and is reportable pursuant to the terms of the Plan.[65] The Plan requires that all trades in eligible securities, wherever effected, be reported and disseminated through CTA facilities. Thus, the proposal provides for consolidated reporting of all trades in ECM securities through the Network B facilities.

In its comment letter the NASD raised concerns about consolidated trade reporting for transactions in ECM-listed stocks. The NASD argued that the Plan, by its terms, should not apply to transactions in ECM-listed securities because the ECM listing requirements are not the Amex's "original listing requirements" referred to in the CTA plan and that these securities thus cannot be "eligible securities" under the Plan.

The Commission believes that the Amex correctly interprets the Plan's definition of "eligible securities" to be broad enough to include ECM securities. The Plan has, since it was originally approved by the Commission, always contained the above standard for determining the eligibility of a security to be included in CTA.[66] The term "original listing requirements" has always been understood to refer to those listing standards that a security must meet to be listed on the Amex, as distinguished from maintenance standards, which set minimum criteria for continued listing. In addition, the Plan quite clearly anticipates that the original listing requirements of the Amex will be amended from time to time.

The Amex has adopted different listing requirements in the past to accommodate new types of stocks and warrants listed on the Amex [67] and those securities have always been deemed to be CTA-eligible. The Commission believes that the adoption of the ECM listing standards is analogous to those earlier amendments to the Amex's listing standards.

Finally, the Commission believes that policy reasons exist for including ECM securities in the CTA reporting stream. Issuers that are included in the ECM must affirmatively choose to list their securities on the Amex. Where an issuer makes that choice, the Commission is hard-pressed to conclude, assuming that the Amex is the primary market for these securities, that CTA Network B is an inappropriate vehicle for reporting trades in these securities. The Commission reserves judgment, however, on the question of such reporting if the Amex were not the primary market for these securities and there were currently a mechanism in place that would permit consolidation through OTC facilities.[68]

An important basis for the conclusion that it is not inappropriate to include ECM securities in CTA, however, is the fact that the Plan provides that a security will no longer be eligible for reporting through CTA if, "during the immediately preceding 12-month period less than 25% of the transactions in that security * * * have been executed on national securities exchange * * *." [69] The Commission believes that this requires appropriately that some minimum level of trading be effected on the exchanges as a condition of continued CTA eligibility. Nevertheless, the Commission raised concerns that this provision could operate to permit trading of ECM stocks in multiple markets without consolidated reporting, if the Amex were unable to attract a minimum level of market share. Accordingly, the Amex amended the filing to provide that it would delist an ECM security if it was no longer eligible for reporting through CTA facilities.

G. Other Issues Raised By Commenters

The Commission is satisfied that the Amex has addressed adequately all of the remaining issues and concerns raised by the commentators.

1. Rule 19c–3

In its comment letter, the NASD asked the Commission to clarify the applicability of rule 19c–3 to ECM securities. In response, the Amex states that ECM securities are "reported securities" and therefore are subject to the requirements of Rule 19c–3.

The Commission concurs in the Amex's statement of the applicability of rule 19c–3. As discussed above, ECM securities would be eligible securities in accordance with the Plan and trades in those securities during reporting hours would be reported via Tape B of the CTA. Therefore, because ECM securities would be "reported" securities for the purposes of rule 19c–3, the Rule's prohibition on the extension of off-board trading restrictions would apply to ECM securities.

2. Name

The CDOC states that the name the Amex has chosen for its new marketplace—the Emerging Company Marketplace—is inappropriate and misleading. The Commission will not interfere with an Exchange's decision so long as the name is not misleading to members, issuers, and the investing public. In light of the Amex's ECM listing standards and selection procedures, the Commission does not believe that the name ECM, by itself, is misleading.

3. Delisting Procedures

In its comment letter, the CDOC states that the delisting procedures for ECM securities are unclear. In response, the Amex states that, if an issuer falls below the ECM maintenance standards for price or market value and fails to satisfy the relevant criteria within 90 days, that issue would be delisted immediately. The Amex notes that a delisting for failure to comply with the financial maintenance criteria would be processed in accordance with the provisions set forth in Section 1010 of the Amex *Company Guide*. The Commission believes that these proposed delisting procedures, which are similar to the delisting procedures for regular Amex-listed companies, are sufficiently clear.

H. Amendments Number 1 and 2

Finally, the Commission finds good cause for approving Amendment Numbers 1 and 2 prior to the 30th day after the date of publication of notice of filing thereof. As discussed above, both amendments clarify various aspects of the proposal; neither amendment modifies the proposal in any substantive manner. In addition, the Amex has responded to the various concerns and issues raised by the commenters.

Therefore, the Commission finds that accelerated approval of Amendment Numbers 1 and 2 is necessary in order for the Exchange to have the necessary rules in place before trading begins on the ECM.

Interested persons are invited to submit written data, views and arguments concerning Amendment Number 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–91–25 and should be submitted by April 1, 1992.

For the reasons described above, the Commission finds that the Amex's proposed rule change creating an ECM is consistent with the requirements of sections 6(b)(4), 6(b)(5) and 11A of the Act and the rules and regulations thereunder. Accordingly, the proposed rule change is approved.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[70] that the proposed rule change is approved.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

PROPOSED NUMERICAL CRITERIA

	Original		Companies presently traded in NASDAQ		Maintenance (all)	
	Companies not presently traded in NASDAQ					
	Regular	Alternate	Regular	Alternate	Regular	Alternate
Total assets	$4M	$3M	$2M	$2M	$2M	$2M.
Capital & surplus	$2M	$2M	$1M	$2M	$1M	$2M.
Total mkt. value	$2.5M	Over $10M	$2.5M	$2.5M	$500,000	$1M.
Public float	250,000 shs	400,000 shs	250,000 shs	250,000 shs	250,000 shs	250,000 shs.
Public shareholders	300	300	300	300	300	300.
Minimum price	$3	$2	$1	Below $1	$1	Below $1.

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[65] See supra note 39.

[66] In addition, quotes in ECM securities will be reported through Consolidated Quotation System ("CQS")

[67] See section VI(c)(iii) of the CTA Plan.

[68] See Securities Exchange Act Release No. 10787 [4 SEC Docket (CCH) 271 (1974)].

[69] For example, the Amex has adopted alternate listing standards for certain foreign issuers and for certain domestic growth companies that could not meet some of the Amex's listing requirements. See Securities Exchange Act Release No. 15376 [16 SEC Docket (CCH) 33 (1978)].

[70] The NASD has filed a proposed rule change to provide for real-time reporting of all NASDAQ securities, which is currently pending before the Commission. See Securities Exchange Act Release No. 30392 (February 21, 1992). In addition, the exchanges and the NASD have, over the course of several years, negotiated the terms of a consolidated trade reporting plan for NASDAQ/NMS securities traded on an exchange. See Securities Exchange Act Release No. 28146 (June 20, 1990), 55 FR 27917. The terms of that plan do not extend to NASDAQ/non-NMS securities, however, and there is thus no current OTC mechanism in place that could consolidate trade reports in these securities. Of course, if the Commission approves the NASD's NASDAQ trade reporting proposal, the OTC/UTP plan could be amended. The Commission specifically reserves for later consideration the issue of which consolidated system would be most appropriate if, in the future, a significant amount of trading in ECM securities is occurring in the OTC market.

[71] See Section VI(c) of the CTA plan.

[Release No. 34–30447; File No. SR–NASD–91–65]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Permitting Direct Participation Program Principals and Representatives to Offer and Sell Direct Participation Program Debt

March 4, 1992

The National Association of Securities Dealers, Inc. ("NASD") submitted on November 27, 1991 a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 [2] thereunder to amend Parts II and III of Schedule C to the NASD By-Laws to permit Direct Participation Program ("DPP") principals and representatives to offer and sell direct participation program debt.

Notice of the filing and the terms of substance of the proposed rule change, as modified by amendment 1, was given by the issuance of a Commission release (Securities Exchange Act Release No. 30279, January 22, 1992) and by publication in the **Federal Register** (57 FR 3451, January 29, 1992.)

The Commission received no comment letters on the proposed rule change. The proposed rule change permits persons who are registered as DPP principals and representatives to offer and sell direct participation program debt instruments. Specifically, the proposed rule change amends part II, section 2(e)(i)a and part III, section 2(c)(i) a of Schedule C to add language specifying that a person may register as a DPP principal or representative, respectively, if his securities activities are "limited solely to the solicitation, purchase and/or sale of equity interests in or the debt of direct participation programs * * *." This change would specify that the sale of both DPP equity and debt instruments is permissible under the limited DPP registrations.

Schedule C currently allows a person to qualify to sell all types of securities by passing the Series 7 examination or to qualify to sell a specific category of security by passing a more limited examination such as the Series 22 (DPP examination). The current definition of direct participation program contained in Schedule C does not specify debt securities as instruments which a DPP registered person is permitted to sell.

The NASD believes, while DPP salesmen must be familiar with the structure and tax consequences of a DPP offering, selling a DPP debt security does not require general market knowledge or knowledge of the debt securities market because DPP debt securities are typically sold to retirement plans that intend to hold

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[70] 15 U.S.C. 78s(b)(2) (1988).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

them to maturity. Consistent with this position, the proposed rule change would not permit a DPP registered person to buy or sell DPP debt securities in the secondary market. The NASD believes that there is no discernable difference between the knowledge required for the initial sale of debt and equity instruments issued by a DPP and, accordingly, believes that DPP principals and representatives should be permitted to offer and sell such instruments.[3]

The Commission believes that permitting associated persons who have successfully completed the DPP representative or principal exam to sell DPP debt, is reasonable.[4] The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder. Specifically, the Commission believes that the proposed rule change is consistent with the provisions of section 15A(b)(3) of the Act [5] in that the proposed rule change allows persons engaged in specific types of activity (the offer and sale of DPP debt instruments), without being required to pass the more extensive Series 7 examination, to become associated with NASD members.

It is therefore ordered, pursuant to section 19(b)(2) of he Act, that SR-NASD-01-65 be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-5728 Filed 3-10-92; 8:45 am]

BILLING CODE 8010-01-M

[3] The NASD indicated that DPP syndicators are offering debt securities of DPP's to pension plans and other institutional accounts which are considered "qualified plans" under the Employee Retirement and Income Security Act ("ERISA"). The NASD also indicated that it has been informed that syndicators are offering such debt instruments in order to avoid having distributions classified as "unrelated business taxable income" under Internal Revenue Service Regulations.

[4] DPP registered persons are not permitted, by this proposal, to buy or sell DPP debt securities in the secondary market.

[5] Section 15A(b)(3) of the Act requires, in pertinent part, that "the rules of the Association provide that any registered broker or dealer may become a member of such Association and any person may become associated with a member thereof."

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2550]

Commonwealth of Puerto Rico; Amendment #1, Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated February 8, 1992, to the President's major declaration of January 22, to include the municipality of Gurabo in Commonwealth of Puerto Rico as a disaster area as a result of damages caused by severe storms and flooding which occurred January 5-6, 1992.

All other information remains the same, i.e., the termination date for filing applications for physical damage is March 23, 1992, and for economic injury until the close of business on October 22, 1992.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Date: March 2, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-5647 Filed 3-10-92; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2545]

Texas Amendment #4, Declaration of Disaster Loan Area

The above-numbered Declaration is hereby amended in accordance with an amendment dated February 21, 1992, to the President's major disaster declaration of December 26, to include the counties of Matagorda and Robertston in the State of Texas as a disaster area as a result of damages caused by severe thunderstorms and flooding beginning on December 20, 1991 and continuing through January 14, 1992.

The Notice of Amendment cited above was issued less than 30 days from the February 24 deadline for filing applications for physical damage. Therefore, applications for physical damage for victims located in Matagorda and Robertston Counties will be accepted until the close of business on March 24, 1992. The termination date for filing applications for economic injury remains the close of business on September 28, 1992.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: March 2, 1991.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-5648 Filed 3-10-92; 8:45 am]

BILLING CODE 8025-01-M

Small Business Administration Licensee Surrender

Wilbur Venture Capital Corp.

[License No. 09/09-0372]

Notice is hereby given that Wilbur Venture Capital Corporation, 4575 South Palo Verde, suite 305, Tucson, Arizona, has surrendered its license to operate as a small business investment company under section 301(c) of the Small Business Investment Act of 1958, as amended (the Act). Wilbur Venture Capital Corporation was licensed by the Small Business Administration on May 11, 1987.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the licensee was accepted on March 3, 1992 and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 5, 1992.

Wayne S. Foren,

Associate Administrator for Investment.

[FR Doc. 92-5646 Filed 3-10-92; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC, 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (EB 4B), Chattanooga, TN 37402-2801; (615) 751-2523.

Type of Request: Regular submission.

Title of Information Collection: Input Card for TVA Recreation Areas.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 8000.

Estimated Total Annual Burden Hours: 400.

Estimated Average Burden Hours Per Response: .05.

Need For and Use of Information: This information collection asks visitors to selected TVA public use areas to provide feedback on the condition of the facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 92-5670 Filed 3-10-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Knox County, NE and Bon Homme County, SD

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed bridge project over the Missouri River between Knox County, Nebraska and Bon Homme County, South Dakota.

FOR FURTHER INFORMATION CONTACT: Mr. Philip E. Barnes, District Engineer, Federal Highway Administration, Federal Building, room 220, 100 Centennial Mall North, Lincoln, Nebraska 68508, Telephone: (402) 437-5521. Mr. Arthur Yonkey, Project Development Engineer, Nebraska Department of Roads, P.O. Box 94759, Lincoln, Nebraska 68509, Telephone: (402) 479-4795.

Mr. Lawrence Weiss, Chief Road Design Engineer, South Dakota Department of Transportation, Transportation Building, 700 East Broadway, Pierre, South Dakota 57501, Telephone: (605) 773-3433.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Dakota Department of Transportation, and the Nebraska Department of Roads will prepare an environmental impact statement (EIS) for a proposal to construct a bridge over the Missouri River. The proposed project would connect Bon Homme County, South Dakota, and Knox County, Nebraska, in the vicinity of Niobrara, Nebraska.

Alternatives under consideration include (1) taking no action; and (2) constructing the proposed project.

The proposed project would consist of constructing a two-lane highway which would include a bridge and appropriate approach roadways to tie into the existing highway systems, all on new location. Project length will vary with alternatives developed. The project would cross the Missouri River flood plain, and encroachment on wetlands is anticipated.

A scooping meeting will be held, A Draft EIS will be prepared and a public hearing will be held. Public notice will be given of the meeting and hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA or the Nebraska Department of Roads at the address provided.

(Catalog of Federal Domestic Assistance Project Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on federal programs and activities apply to this program)

Philip E. Barnes

District Engineer, Nebraska Division, Federal Highway Administration, Lincoln, Nebraska.

[FR Doc. 92-5665 Filed 3-10-92; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 6, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1163.
Form Number: IRS Form 8822.
Type of Review: Revision.
Title: Change of Address.
Description: Forms 8822 is used by taxpayers to inform IRS of their change of address. IRS will use this information to update the taxpayer's address of record.
Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 1,500,000.
Estimated Burden Hours Per Respondent: 16 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 390,626 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-5693 Filed 3-10-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review.

Dated: March 5, 1992.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Departmental Offices

OMB Number: 1505–0131.
Form Number: None.
Type of Review: Extension.
Title: Registration of Claims of U.S. Citizens Against Cambodia.
Description: The information will be used to conduct negotiations concerning normalization of relations with Cambodia.
Respondents: Individuals or households, Businesses or other for profit.
Estimated Number of Respondents: 30.
Estimated Burden Hours Per Response: 2 hours.
Frequency of Response: Other (single report).
Estimated Total Reporting Burden: 60 hours.
Clearance Officer: Lois K. Holland (202) 566–6579, Departmental Offices, Room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–5694 Filed 3–10–92; 8:45 am]

BILLING CODE 4815–25–M

Internal Revenue Service

[Delegation Order No. 67 (Rev. 20)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization to sign the name of, or on behalf of, Shirley D. Peterson, Commissioner of Internal Revenue. The text of the Delegation Order appears below.

EFFECTIVE DATE: February 3, 1992.

FOR FURTHER INFORMATION CONTACT: Melvin M. Mitchell, PR:P:D, Room 3139, 1111 Constitution Avenue, NW., Washington DC 20224 (202) 566–4273 (Not a Toll-Free Telephone call).

Order No. 67 (Rev. 20)

Effective date: 2–3–92.

Signing the Commissioner's Name or on Her Behalf.

Effective 10 a.m., February 3, 1992, all outstanding authorizations to sign the name of, or on behalf of, Fred T. Goldberg, Jr., Commissioner of Internal Revenue, are hereby amended to authorize the signing of the name of, or on behalf of, Shirley D. Peterson, Commissioner of Internal Revenue.

Delegation Order No. 67 (Rev. 19) effective July 5, 1989, is superseded.

Dated: February 25, 1992.

Approved:

Shirley D. Peterson,

Commissioner.

[FR Doc. 92–5616 Filed 3–10–92; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 48
Wednesday, March 11, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Monday, March 16, 1992, 9 a.m.-5 p.m.

PLACE: United States Commission on Civil Rights, 1121 Vermont Avenue, NW., Room 512, Washington, D.C. 20425.

STATUS: Open to the Public.

March 16, 1992

I. Approval of Agenda
II. Announcements
III. Planning for Future Hearings
IV. Review of the Hearing Manual

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications, (202) 376–8312.

Dated: March 5, 1992.

Emma Monroig,

Solicitor.

[FR Doc. 92–5859 Filed 3–9–92; 3:50 pm]

BILLING CODE 6335–01–M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10 a.m., March 16, 1992.

PLACE: 5th Floor, Conference Room 805 Fifteenth Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED

1. Approval of the minutes of the last meeting.
2. Thrift Savings Plan activities report by the Executive Director.
3. Review of the KPMG Peat Marwick audit report entitled "Pension and Welfare Administration Review of the Thrift Savings Plan System Enhancements and Software Change Controls at the United States Department of Agriculture, Office of Finance and Management, National Finance Center."

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523–5660.

Dated: March 6, 1992.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 92–5734 Filed 3–6–92; 4:50 pm]

BILLING CODE 6760–01–M

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federal register

Wednesday
March 11, 1992

Part II

Department of Transportation

Coast Guard

33 CFR Part 154
Facility Response Plans; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 154

[CGD 91-036]

RIN 2115-AB82

Facility Response Plans

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is soliciting comments relating to facility response plans and required pollution response equipment. This advance notice of proposed rulemaking (ANPRM) addresses all marine transportation-related offshore facilities, except pipelines, and marine transportation-related onshore facilities that could be reasonably expected to cause substantial harm to the environment by the discharge of oil into or on the navigable waters of the United States, adjoining shorelines, or the exclusive economic zone. Regulations requiring response plans and discharge removal equipment are mandated by the Federal Water Pollution Control Act (FWPCA), as amended by the Oil Pollution Act of 1990. The purpose of requiring response plans and discharge removal equipment is to enhance private sector planning and response capabilities to minimize the environmental impact of spilled oil.

DATES: Comments must be received on or before April 27, 1992.

ADDRESSES: Comments must be in writing and may be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3406) (CGD 91-036), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Walter Hunt, Project Manager, Oil Pollution Act (OPA 90) Staff, (G-MS-1), (202) 267-6740. This telephone is equipped to record messages on a 24 hour basis and will do so if the project manager is not available.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in the early stages of this rulemaking by submitting written views, data, or arguments. It is recommended that you closely examine all sections of this ANPRM and consider how you will be involved or affected by the rulemaking. Persons submitting comments should include their name and address, identify this specific ANPRM (CGD 91-036) and the specific section of the ANPRM being addressed or the issue to which each comment applies, and give the basis for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before proposed rules are drafted. Late submittals will be considered to the extent practicable without delaying the publication of proposed rules.

At this time, the Coast Guard has not scheduled any public hearings. Persons may request a public hearing by writing to the Executive Secretary, Marine Safety Council at the address under **ADDRESSES**. Requests should indicate why a public hearing is considered necessary. If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Lieutenant Commander Walter (Bud) Hunt, Project Manager, and Mary-Jo Cooney Spottswood, Project Counsel, Oil Pollution Act (OPA 90) Staff, (G-MS-1).

Background and Purpose

In recent years several catastrophic oil spills have threatened the marine environment of the United States. Among these were the EXXON VALDEZ in Prince William Sound, the AMERICAN TRADER in California's coastal waters, the MEGA BORG in the Gulf of Mexico, and the major discharge from the Ashland Oil Terminal into the Monongahela River at Floreffe, Pennsylvania. These spills had extensive impact on the marine environment, including the loss of fish and wildlife.

In response to these disasters and others, Congress passed the Oil Pollution Act of 1990 (OPA 90), Public Law 101-380. Section 4202(a) of OPA 90 amended section 311(j) of the FWPCA (33 U.S.C. 1321(j)) and sets out as sections 311 (j)(5) and (j)(6) the requirements for tank vessel and facility response plans and discharge-removal equipment. Section 4202(b)(4) of OPA 90 established an implementation schedule for these provisions of section 311(j) of the FWPCA.

The new section 311(j)(5) of the FWPCA requires owners and operators of certain facilities to submit individual response plans to the President. This requirement applies to all marine transportation-related offshore facilities and marine transportation-related onshore facilities, including marine facilities transferring oil in bulk, that could be reasonably expected to cause "substantial harm" to the environment by the discharge of oil or a hazardous substance into or on the navigable waters of the United States, adjoining shorelines, or the exclusive economic zone.

The President is required to issue regulations implementing the new FWPCA requirements for facility response plans. This authority has been delegated by Executive Order 12777 to the Administrator of the Environmental Protection Agency (EPA), the Department of Interior's Minerals Management Service (MMS), and the Secretary of the Department of Transportation. In anticipation of being delegated the responsibility assigned to the Secretary of Transportation for transportation-related facilities, the Coast Guard is soliciting public comments on implementing regulations for facility response plans for marine transportation-related offshore facilities, except pipelines, and marine transportation-related onshore facilities.

Federal agencies recognize the need for cooperative efforts and a consistent approach to facility response plan requirements. As a result, an interagency group has been meeting to discuss and coordinate development of regulations for facility response plans based on the delegation of authorities for section 311 of the FWPCA contained in Executive Order 12777. These regulations will be the subject of several separate rulemaking actions. The EPA is drafting regulations for non-transportation-related fixed onshore facilities. MMS is drafting regulations for response plans for non-transportation-related offshore facilities and transportation-related pipelines linking oil production platforms to onshore facilities. The Department of Transportation is responsible for drafting regulations for transportation-related onshore facilities and deepwater ports subject to the Deepwater Ports Act of 1974, as amended (33 U.S.C. 1501 *et seq.*). Within the Department of Transportation, the Coast Guard is drafting regulations for marine transportation-related facilities, both onshore and offshore (including deepwater ports), as discussed in this ANPRM.

This ANPRM addresses sections 311 (j)(5) and (j)(6) of the FWPCA, as amended by OPA 90. The requested information will assist the Coast Guard in developing proposed rules to implement requirements for facility response plans. It will also assist in developing requirements for availability and inspection of facility discharge removal equipment.

This ANPRM also addresses section 5005 of OPA 90 which contains requirements for facilities located in Prince William Sound, Alaska, and which are permitted under the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 *et seq.*). These are in addition to the requirements imposed by sections 311 (j)(5) and (j)(6) of the FWPCA, as amended by OPA 90.

The FWPCA requires that owners or operators of facilities develop response plans for "oil or hazardous substance" discharges. However, section 4202(b)(4)(B) of OPA 90 prohibits the handling, storage, or transportation of oil after February 18, 1993, if a response plan has not been submitted. Under this rulemaking, the Coast Guard intends to require facility response plans for marine transportation-related facilities that handle, store, or transport oil and could reasonably be expected to cause either "substantial harm" or "significant and substantial harm" to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone. Response plans for marine transportation-related facilities that handle, store, or transport hazardous substances will be the subject of a separate rulemaking at a later time.

A separate ANPRM has been published in the **Federal Register** addressing tank vessel response plans and associated spill removal equipment. See CGD 91-034/CGD 90-068, 56 FR 43534, August 30, 1991.

Facility Response Plans

Section 311(j)(5) of the FWPCA creates two specific facility response plan categories that provide for different treatment of onshore facilities based on the expected impact of a discharge into or on the navigable waters, adjoining shorelines, or the exclusive economic zone. As addressed in this ANPRM, these response plan categories are as follows:

(1) Any marine transportation-related onshore facility that, because of its location, could reasonably be expected to cause "substantial harm" to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone will be required to prepare and submit a response plan to the Coast Guard;

(2) Any marine transportation-related onshore facility that, because of its location, could reasonably be expected to cause "significant and substantial harm" to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone will be required to prepare and submit a response plan that will require review by the Coast Guard. The Coast Guard will return for amendment any plan that does not meet the requirements set forth under the provisions of the amended section 311(j)(5) of the FWPCA and approve any plan that does comply with those provisions.

OPA 90 does not provide a definition of the terms "substantial harm" or "significant and substantial harm." The OPA 90 Conference Report (Report 101-653) states that the President is to develop nationwide criteria to determine those facilities which could reasonably be expected to cause "substantial harm" and are therefore required to submit plans. The report also states that the criteria should result in a broad requirement for facility owners and operators to prepare and submit response plans. Additional criteria are to be developed to select those onshore facilities which could cause both "significant and substantial harm" to the environment. The intent is to require only some proportion of all submitted onshore facility response plans to be reviewed and approved. In the case of a facility that could reasonably be expected to cause "substantial harm", and is required only to submit a response plan, neither OPA 90 nor the Conference Report are clear as to how the adequacy of the response plan is determined if the plans are not reviewed. There is also a question as to how to implement the requirement for a facility that could reasonably be expected to cause "substantial harm" to resubmit a plan for approval of each significant change, as specified in section 311(j)(5)(C)(vi) of the FWPCA if the original plan is not reviewed and approved. The public is requested to comment on Coast Guard review of response plans for facilities that are only required to submit plans under section 311(j)(5)(B)(iii).

The Coast Guard and EPA have been discussing alternative methods to determine whether a discharge from a specific facility that could reasonably be expected to cause either "substantial harm" or "significant and substantial harm" to the environment. These terms are in the process of being defined. Various methods are being discussed to determine those facilities that have to prepare and submit a response plan and those facility plans that need to be reviewed and approved by the Coast Guard.

The EPA has been developing a screening document based on facility-specific and location criteria to determine whether a discharge from a specific facility could reasonably be expected to cause either "substantial harm" or "significant and substantial harm" to the environment in the event of a spill or discharge. The criteria being considered include: Type of facility; storage capacity and material stored; number of tanks; age of tanks; presence of secondary containment; proximity to navigable waters and public water supply intakes or wells; proximity to sensitive environmental areas; spill history; and the likelihood for the occurrence of natural disasters such as floods, hurricanes, or earthquakes.

The Coast Guard will also use this screening document but modify it to include additional criteria deemed appropriate to marine transportation-related facilities. In addition to the above mentioned criteria, the Coast Guard is considering operational criteria for marine transportation-related facilities such as: Number of annual tank barge or tank vessel transfers; type and quantity of product transferred annually; and the ability of the facility to conduct multiple transfers. The Coast Guard will consider additional risk factors to identify facilities required to submit response plans. For marine transportation-related facilities, the Coast Guard Captain of the Port (COTP) will review this information to determine whether a response plan will be required and whether it will be reviewed and approved by the COTP.

Section 311(j)(5) of the FWPCA requires that in a facility response plan, an owner or operator identify and ensure by contract, or other means approved by the President, the availability of private personnel and equipment sufficient to remove, to the maximum extent practicable, a worst case discharge and to mitigate or prevent substantial threat of such a discharge. A worst case discharge for an onshore of offshore facility is defined in section 311(a)(24) of the FWPCA, as

amended by section 4201 of OPA 90, as the largest foreseeable discharge in adverse weather conditions. The Coast Guard and EPA are developing general criteria that will quantify the largest foreseeable discharge from any given facility.

A major intention of the amendments made by section 4202(a) of OPA 90 is to create a system in which private parties supply the majority of any personnel and equipment needed for oil spill response in a given area. Additional cleanup resources will be required by vessels and facilities to meet the intent of the national planning and response system. For example, the response plans must identify and ensure the availability of personnel and equipment necessary to remove, to the maximum extent practicable, a worst case discharge, including a discharge from fire or explosion. If a response plan lists a port's municipal fire-fighting capabilities as part of its spill response plan in the case of fire or explosion, then it may be necessary to assess the port's municipal fire-fighting capabilities in order to determine the adequacy of the response plan.

Many facilities and vessels will rely primarily on private spill contractors and spill cooperatives. The equipment, training, and experience of these organizations are likely to be central to any successful pollution response effort. The Coast Guard is concerned that some contractors may overstate or misrepresent their capabilities or have insufficient training and experience. To minimize problems associated with contractor reliability, the Coast Guard is interested in examining a pollution contractor certification process. Preliminary discussions have identified three possible sources of certification: Federal Government, State government, or third party certification.

OPA 90 has mandated several deadlines with regard to facility response plans. After February 18, 1993, a facility required to have a response plan may not handle, store, or transport oil unless a plan has been submitted. After August 18, 1993, a facility required to have a response plan may not perform any of these three functions unless it is operating in compliance with that plan. The responsible regulatory agency under Executive Order 12777 may authorize a facility that has submitted a response plan to continue to operate for up to two years without agency approval of the response plan. However, the owner or operator of the facility must certify to the regulating agency that the owner or operator has ensured by contract or other means acceptable to the agency the availability of private personnel adequate to respond, to the maximum extent practicable, to a worst case discharge or substantial threat of such a discharge.

Equipment Requirements and Inspection

Section 311(j)(6) of the FWPCA requires periodic inspection of containment booms, skimmers, vessels, and other major equipment used to remove discharges to begin not later than August 18, 1992. Comments are requested on the major discharge removal equipment that should be inspected, and the frequency, and timing of inspection.

The Coast Guard and EPA seek consistency in the amount of equipment required to respond to a pollution incident. This may result in guidelines or standards for the Coast Guard COTP or EPA Regional Administrator (RA) to apply in determining whether a facility has sufficient equipment to respond to a specified scenario. The Coast Guard specifically requests comments on methods to determinate the quantity of equipment required considering factors such as geography, climate, petroleum products handled, and facility size. Comments are also solicited on other factors that influence the amount of required equipment.

Areas of Regulation Under Consideration

Regulations covering the following areas are being considered to implement the response plan requirements of section 311(j) of the FWPCA. Comments and suggestions from interested parties are invited.

1. Facility Response Plans

(a) Using criteria under development by the Coast Guard, the COTP will determine those facilities which could reasonably be expected to cause "substantial harm" to the environment in the event of a discharge. These facilities will be required to prepare and submit response plans. These plans will be useful in drafting and updating the Area Contingency Plan. These criteria will also be used by the COTP to determine those facilities which could reasonably be expected to cause "significant and substantial harm" to the environment in the event of a discharge. Response plans from these facilities will require subsequent review and approval by the COTP. The Coast Guard expects that, using these criteria, most marine transportation-related facilities will reasonably be expected to cause "significant and substantial harm" to the environment in the event of a discharge. Therefore, marine transportation-related facilities identified in 33 CFR 154.100(a), which handle oil and possess a Letter of Adequacy from the COTP under 33 CFR 154.325, will be required to prepare and submit response plans which will be reviewed and approved by the COTP. In addition, the Coast Guard may identify additional marine transportation-related facilities handling oil and regulated under 33 CFR 154.100(b) which will be required to prepare and submit response plans.

(b) Upon request from the COTP, the RA will consult with the COTP to comment on response plans for non-transportation-related facilities located in the zone where the Coast Guard COTP is the predesignated Federal On-Scene Coordinator (Coastal zone as defined in 40 CFR 300.5). The Coast Guard does not intend to comment on response plans for all non-transportation-related facilities located in the coastal zone. However, a mechanism must be established to identify response plans for those facilities determined by the COTP, on a case-by-case basis, to be specifically considered in the preparation of the Area Contingency Plan under the COTP's cognizance. The RA will retain authority for required plan approval for non-transportation related facilities. Similarly, upon request from the RA, the COTP will extend the opportunity for the RA to review response plans for marine transportation-related facilities located in the zone where EPA provides the predesignated Federal On-Scene Coordinator (Inland zone as defined in 40 CFR 300.5). The Coast Guard will retain authority for plan approval for these facilities.

(c) Some oil facilities are composed of both transportation-related and non-transportation-related facilities as defined in the 1971 Memorandum of Understanding between the Environmental Protection Agency and Department of Transportation (36 FR, No. 244, Dec 18, 1971). This combination of transportation-related and non-transportation-related facilities will be considered a complex and will be subject to multi-agency jurisdiction. A response plan will be required for a complex that could reasonably be expected to cause either "substantial harm" or "significant and substantial harm" to the environment by discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone. The Coast Guard, the EPA, and other Federal agencies are discussing which agency will have ultimate responsibility for response plan requirements for such a complex.

(d) Each plan will be required to address a response to a worst case discharge of oil and substantial threat of such a discharge. Responsible Federal agencies are currently discussing three different criteria to establish the worst case discharge: (1) Loss of the entire facility; (2) loss of the single largest tank or battery of tanks within the same secondary containment system; or (3) the criteria stated in option (2) plus an additional quantity based on risk factors associated with the facility. In addition to the worst case discharge, the Coast Guard is considering a requirement that two other scenarios also be addressed in the plan. They include planning for an average discharge and a maximum most probable discharge. Definitions for these other two discharge scenarios are still under discussion.

(e) Response plans will be required to be consistent with the requirements in the National Contingency Plan (40 CFR part 300) and the Area Contingency Plan.

(f) A qualified individual must be identified in the response plan with authority to activate the plan and obligate funding. A "qualified individual" is a representative of the facility, with written authority to engage in contracting with response companies and to obligate necessary funds from the facility owner or operator to carry out cleanup activities. This individual should have sufficient training to implement initial removal actions.

(g) The response plan will be required to contain a communications network, such as a spill response telephone list, to identify those parties which must be contacted (i.e. Federal, State, and local officials, contractors, and company personnel) and how those communications channels will be established. The individual qualified to activate the response plan must have the means for immediate communication with the appropriate Federal official and the persons providing personnel and equipment for discharge removal.

(h) Facility owners or operators will be required to identify and ensure, by contract or other means acceptable to the Coast Guard, the availability of private personnel and equipment necessary to respond to a discharge. It may be advantageous for facilities to have retainers with cleanup contractors or spill cooperatives for their services. The Coast Guard intends to provide guidelines regarding what type and amount of equipment are required for a spill from a facility of a given capacity. Other factors such as location, environmental sensitivity, and proximity to drinking water supplies will also be considered in determining the type and amount of required response equipment.

(i) The Coast Guard anticipates an oversight and enforcement role in verifying the contractual availability of equipment and personnel between pollution contractors and facilities. The local COTP representative will have the responsibility to determine that local contractors do in fact possess, and maintain in a ready condition, the necessary response inventory to handle the size of spills for which they contract. Some other form of contractor certification may also be considered. In addition, as permitted in section 311(j)(5)(F) of the FWPCA, the Coast Guard will review the contract arrangements between the facility and contractor for the interim period when the response plans are submitted but not yet approved.

(j) The plan will be required to address training, equipment testing, periodic unannounced drills, and the response actions of facility personnel. The regulations will specify criteria describing acceptable levels of training and the frequency of tests and drills. Response actions and assigned personnel will be listed in the facility response plan.

(k) All plans will be required to follow a specific format which has not yet been established. The Coast Guard and EPA have been working together to develop a format that is appropriate for facilities regardless of the agency to which the plan is submitted. Each plan will be required to contain at least the following information:

- Facility—specific information (description, location, owner or operator).
- Emergency notification procedure (name/phone number of Federal, State, local officials to be notified).
- Name of facility response coordinator (qualified individual who can implement the response plan).
- List/location of spill response/fire extinguishing equipment (including equipment staged at facility, spill cooperative equipment, spill contractor equipment, municipal equipment).
- Training of facility response personnel and contractor response personnel.
- Cargo hazard identification including any hazardous chemicals stored in bulk at the oil facility.
- Emergency response procedures, i.e. containment, countermeasures and cleanup activities to be undertaken by facility and/or spill contractor.
- Emergency response scenarios, i.e. worst case discharge, maximum most probable discharge, average discharge, fires/explosions.
- Waste disposal.
- Worker health and safety.
- Potential threat to environment, public health, and safety for each response scenario.
- List of prioritized actions to be initiated for each response scenario.

(l) Facilities required to submit response plans to the COTPs for approval will be required to resubmit plans for approval of each significant change. Examples of significant changes include: A change in facility capacity, configuration or type of oil handled, the name of the person qualified to activate the response plan, or contracting with new cleanup operators. The COTP may also request a facility owner or operator to revise and resubmit a response plan due to a recent discharge from the facility.

(m) Response plans will be required to be updated periodically. Required updating and review by the COTP (when necessary) will be in conjunction with the annual facility inspection conducted by the COTP.

2. Facilities Permitted Under the Trans-Alaska Pipeline Authorization Act

Section 5005 of OPA 90 is a free standing provision establishing additional oil spill removal requirements for a tank vessel transiting Prince William Sound or a facility permitted under the Trans-Alaska Pipeline Authorization Act. The statute does not impose any direct requirements on a vessel or facility or specify which is responsible for the additional equipment, personnel, and training. It does specify that the response plan for each facility or tank vessel shall "provide for" the additional requirements. The Coast Guard does not interpret this section as requiring each individual vessel to independently provide prepositioned equipment and personnel. The Coast Guard's position is that these requirements can be met by a consortium of vessel owners, by a facility, or by independent organizations. This section also requires two practice exercises per year for the additional equipment and personnel in the Prince William Sound area, not to each vessel transiting Prince William Sound. The Coast Guard does intend, however, that the practice exercises involve the participation of facilities and one or more vessels to ensure a realistic exercise.

(a) The response plan for a facility will be required to cover the use of prepositioned oil spill containment and removal equipment in strategic locations

within the geographic boundaries of Prince William Sound, including: escort vessels with skimming capability; barges to receive recovered oil; heavy duty sea boom, pumping, transferring, and lightering equipment; and other equipment to protect the environment and fish hatcheries.

(b) The response plan for a facility will be based on the following:

(i) Establishment of an oil spill removal organization with resources located at appropriate locations in Prince William Sound, consisting of trained personnel in sufficient numbers to immediately remove, to the maximum extent practicable, a worst case discharge or a discharge of 200,000 barrels of oil, whichever is greater.

(ii) Training in oil removal techniques for local residents and individuals engaged in cultivation or production of fish or fish products in Prince William Sound.

(c) A facility permitted under the Trans-Alaska Pipeline Authorization Act and owners or operators of vessels transiting Prince William Sound will be required to participate in practice exercises scheduled by the Coast Guard.

3. Containment and Removal Equipment

The regulations for the containment and removal equipment may address the following areas:

(a) The type, quantity, and capacity of containment and removal equipment required to be available in the event of a spill by the facility.

(b) The periodic inspection, testing, and certification of containment and removal equipment, including the standards of inspection to apply for containment and removal equipment.

(c) The method for enforcement, whether through required record-keeping or other means including Federal, State, or third party monitoring or inspection.

(d) Pollution contractor certification by Federal, State, or third party.

Questions

To adequately address these issues, additional information is needed. Responses to the following questions will be particularly useful in developing a future Notice of Proposed Rulemaking.

Response Plans

1. What information should be required for the facility response plans?

2. How often should the response plans be reviewed and updated?

3. Who should be designated as the qualified individual capable of activating the response plan at a facility?

4. Should operating personnel at a facility be required to do more than attempt to control or stop the discharge and simultaneously report the incident to the Coast Guard, State authorities, local authorities, and the owner/operator of the facility?

5. Should oil spill cleanup contractors listed by a facility (as a condition of approving the facility's response plan) be required to develop a local response plan consistent with the Area Contingency Plan?

6. (a) What is an acceptable response time for spills defined in the National Contingency Plan (40 CFR 300.5) as minor, medium, major or for a worst case discharge, as defined in § 311(a) of the FWPCA?

(b) What is an acceptable response time for an average discharge or maximum most probable discharge?

(c) How is response time best determined? Is response time best measured by distance of the response equipment from the spill, distance from the closest equipment launching facility, or by another means?

7. What criteria should be used in response plans to identify the amount of oil that may be discharged during an average discharge and the maximum most probable discharge?

8. (a) Is a general or corporate response plan adequate for all facilities operated by a facility owner or operator?

(b) Is it preferable for a facility owner or operator to develop and maintain a response plan for each operating facility?

(c) Is it advantageous for the facility owner or operator to develop and maintain an abbreviated local plan, in addition to the general or corporate response plan, for site-specific issues at the facility?

9. Is there an advantage to incorporating response plans as an annex to the facility Operations Manual required under 33 CFR part 154, subpart B?

10. Should plans require an assessment of a local port's municipal capabilities to respond to an oil spill, including fire-fighting capabilities?

11. What additional methods, other than contractual, should the Coast Guard consider to ensure the availability of personnel and equipment to respond to a worst case discharge or threat of discharge?

12. What operational or organizational impact will these regulations have on facilities?

13. What activities are the oil transportation, storage, and refining industries taking with regard to facility response planning in anticipation of Federal regulations and implementation dates established in OPA 90?

14. The following questions pertain to an oil complex subject to multi-agency jurisdiction:

(a) Is it preferable for the response plan to be reviewed and approved jointly by all regulating Federal agencies? Or should one agency be designated as the lead agency for review and approval of response plans (e.g. predesignated Federal On-Scene Coordinator)?

(b) In the event that one agency is designated as the lead agency for review and approval of response plans, what factors should be considered when designating the lead agency?

15. What criteria will provide adequate predictors of "substantial harm" or "significant and substantial harm" to the environment as a result of oil discharging into or on the navigable waters, adjoining shorelines, or the exclusive economic zone? Criteria under consideration includes but is not limited to operational, locational, natural disaster, spill history, and environmental concerns.

Availability, Amount, and Inspection of Containment and Removal Equipment

16. (a) Should each facility required to have a response plan also be required to stage equipment at the facility for responding to other than a worst case scenario?

(b) How large a discharge should the removal equipment staged at the facility be capable of handling?

17. (a) Are there any recognized industry standards or guidelines for determining equipment necessary for a specific discharge size?

(b) What attempt should be made to standardize the amount and type of containment and removal equipment required to respond to similar spills?

18. What equipment-inspection requirements are appropriate?

19. What major equipment, other than containment booms, skimmers, and vessels, needs to be inspected?

20. (a) How frequently should equipment be inspected?

(b) Should the inspection be the responsibility of the facility owner or operator?

(c) Should third-party inspection be used?

(d) Who should be required to maintain the inspection record, where should it be located, and how long should the inspection record be retained?

21. (a) Should examinations of the equipment be made by Coast Guard personnel as part of the annual facility inspection?

(b) Should these examinations be conducted during spot checks of facilities?

(c) Should the examination be conducted during or be limited to the periodic drills?

22. What action should be taken if required equipment is missing or in disrepair? The alternatives range from a warning from the COTP along with a strict deadline to provide or repair the equipment to a civil penalty action along with the facility being shut down until the equipment is provided or repaired.

23. What inspection requirements are appropriate for equipment maintained by a cooperative or an independent organization under contract or identified in a facility response plan but not located, staged, or stored at the facility?

24. (a) What, if any, response equipment should be approved by the Coast Guard?

(b) What other means of equipment certification are available or appropriate?

25. (a) Should pollution contractors and spill cooperatives be certified by the Federal or State governments?

(b) Should some type of self-certification, industry certification, or third-party certification be used?

(c) What qualifications should be required of the certifying parties?

26. What factors should be considered in the certification process?

27. (a) What prohibition should there be, if any, on the lending of equipment identified in a response plan to other facilities or agencies?

(b) Should there be some geographical or response time limitation placed on this practice?

28. What involvement, if any, should state or local authorities have in the approval or inspection of response equipment?

Training

29. What training, if any, in the use of containment and removal equipment should be required for facility personnel?

30. What employees at a facility should be required to have response training?

31. (a) What training should be required for spill contractors and cooperatives?

(b) Should training include on-the-job activity when conducting spill response?

32. Should the Coast Guard certify providers of this training?

33. What training in the implementation of the required response plans should be included?

Drills

34. How often should spill response drills be conducted (i.e. quarterly, during annual Coast Guard inspections, during Coast Guard spot checks, etc.)?

35. (a) Should there be a requirement to maintain a record of drills?

(b) Who should be required to maintain the record of drills, where should it be located, and how long should the record be retained?

36. (a) How should drill performance be measured?

(b) What is considered acceptable performance (i.e. boom deployment time)?

(c) What effect should poor performance during a facility drill have on the continued operation of a facility?

Facilities Permitted Under the Trans-Alaska Pipeline Authorization Act in Prince William Sound, Alaska

37. What prepositioned oil spill containment and removal equipment should be required for a facility operating in Prince William Sound?

38. What organization(s) should own the containment and removal equipment and what arrangement must a facility have for its use?

39. (a) What should be the structure of oil spill removal organization(s)?

(b) What should participate, organize, and manage the oil spill removal organization(s)?

40. (a) Who should be responsible for training local residents in oil removal techniques?

(b) What level of training should be expected?

41. Who should be required to participate in the biannual practice exercises?

42. (a) How frequently should the periodic testing and certification of oil spill containment and removal equipment be conducted?

(b) Who should be responsible for periodic testing and certification of oil spill containment and removal equipment? Potential responsible parties include the facility owner, operator, or the oil spill removal organization under contract to the facility.

(c) Who should be required to maintain the testing and certification records, where should they be located, and how long should the testing and certification records be retained?

(d) Should third-party testing and certification be used?

(e) Should examinations of the equipment be made by Coast Guard personnel as part of the annual facility inspection? Should these examinations be conducted during spot checks of facilities?

(f) Should the examination be conducted during or be limited to the periodic drills?

Economic Issues

43. What will be the economic impact of requiring facilities to develop and implement an oil spill response plan?

44. What will be the economic impact for facility owners or operators of maintaining contracts with spill response companies?

45. What will be the economic impact on facility owners or operators of reviewing and updating oil spill response plans?

46. What will be the economic impact on facility owners or operators of maintaining oil spill containment and removal equipment at the facility?

47. What will be the economic impact on the cleanup industry of enhancing containment and removal equipment capabilities?

48. What will be the economic impact on the cleanup industry of some form of certification by Federal or State governments, industry, or an independent third party?

49. What will be the economic impact of requiring facility owners or operators to train and drill personnel in spill response?

50. What will be the economic impact of these regulations on "small entities", under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b))?

Comments are not limited to the above and are invited on any aspect of implementing the requirements for facility response plans and the availability, deployment, and inspection of discharge containment and removal equipment.

Regulatory Impact Analysis

At this early stage in the rulemaking process, the Coast Guard anticipates that any final rule may be considered major under Executive Order 12291. It is significant using a number of criteria under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). This rulemaking will initiate a substantial Federal regulatory program and may have a substantial effect on States that have or are developing facility response plan requirements. It may also affect domestic shipment, storage, and handling of oil. It could possibly affect international shipment of oil to and from the United States and may generate substantial public interest and controversy.

The primary economic impact of these regulations will be on those facility owners that have to comply with any

new requirements. There are 3,500 marine oil transfer facilities currently inspected by the Coast Guard under 33 CFR part 154. Most of these facilities could reasonably be expected to cause "significant and substantial" harm to the environment and will therefore be required to prepare and submit response plans to the Coast Guard for review and approval. The cost to develop a response plan for a small to moderate facility has been estimated at between $20,000 to $70,000. This would put the estimated first year cost for all oil facilities currently regulated under 33 CFR 154.100(a) to develop a response plan between $70,000,000 to $245,000,000. This does not include the cost of any additional pollution response equipment that may be required, the cost of having pollution contractors on retainer, or the cost of belonging to a spill cooperative. In addition, it includes neither the cost of personnel training nor the cost of conducting routine response drills.

An additional unknown number of marine transportation-related facilities which handle oil and are currently regulated by the Coast Guard under 33 CFR 154.100(b) may also reasonably be expected to cause either "substantial" or "significant and substantial" harm to the environment. These facilities will also be required to prepare and submit response plans to the Coast Guard and, if applicable, be subjected to Coast Guard review and approval of the plans. These regulations may also impact private spill cleanup contractors and oil spill cooperatives.

An indirect financial impact may occur for vessels carrying oil in United States waters. These vessels include the 3,950 United States-flag tank vessels (ships and barges) inspected by the Coast Guard and approximately 1,200 foreign-flag tank vessels, based on the number of these vessels that called in United States waters in 1990. These vessels may expect to rely on facility response plans to augment their own vessel response plans required under Section 311(j)(5) of the FWPCA. Facility response plans may lessen the financial burden on these vessels.

Two alternatives for implementing the rulemaking for response plans for marine transportation-related facilities have been identified: (1) Requiring response plans for all marine transportation-related facilities; and (2) requiring response plans for marine transportation-related facilities that could reasonably be expected to cause either "substantial harm" or "significant and substantial harm" to the environment by the discharge of oil into or on the navigable waters of the United States, adjoining shorelines, or the exclusive economic zone.

The full extent of the economic and operational impact cannot be quantified at this stage. The primary purpose of this ANPRM is to help the Coast Guard to develop the regulations and to determine the cost of any new requirements, to the extent that they exceed current legal and regulatory requirements or current industry practice. The Coast Guard anticipates that the public response to this ANPRM will assist it in writing proposed rules and a draft regulatory impact analysis.

Collection of Information

The Coast Guard cannot yet estimate the paperwork burden associated with this rulemaking since it remains to be determined which facilities will be required to prepare plans. However, at a future stage, the Coast Guard will require that affected facility owners or operators prepare and submit response plans, retain records of response plan approvals, and equipment inspections. These records must be available for examination upon request by the Coast Guard. The Coast Guard expects that comments received on this ANPRM will assist it in estimating the potential paperwork burden, as required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Once determined, the Coast Guard will submit this record-keeping requirement to the Office of Management and Budget for approval.

Small Entities

There is a potential significant impact on a substantial number of small businesses, small not-for-profit organizations, and small State and local governments. Because specific requirements have not yet been proposed, the Coast Guard is currently unable to determine the effect of regulations upon small entities. The Coast Guard expects that the comments received on this ANPRM will assist it in determining the number of affected small entities, and in weighing the impacts of various regulatory alternatives for the purpose of drafting these regulations. "Small entities" include independently owned and operated small businesses that are not dominant in their field and otherwise qualify as small business concerns under section 3 of the Small Business Act (15 U.S.C. 632).

If you think that your business qualifies as a small entity and that this rulemaking will have a significant economic impact on your business, please submit a comment (see "**ADDRESSES**") explaining why you think your business qualifies and in what way and to what degree this proposal will economically affect your business.

Environment

This proposed rulemaking should have a positive impact on the environment by ensuring that oilspill response plans are available for facilities for the purpose of enhancing preparedness to contain and recover spills of these products. Before a proposed rule is published, a document will be prepared in accordance with Coast Guard publication COMDTINST M16475.1B, "Implementing Procedures and Policy for Considering Environmental Impacts Under the National Environmental Policy Act". That document, which will describe the anticipated environmental effects of the proposed rulemaking, will be placed in the docket for inspection or copying at a location indicated in the proposed rule. The Coast Guard invites comments addressing possible effects this proposal may have on the human environment, or on potential inconsistencies with any Federal, State, or local law or administrative determinations relating to the environment. A final determination regarding the scope of the environmental assessment will be made after receipt of relevant written comments.

Federalism

This ANPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. Based on the information available to it at this time, the Coast Guard is unable to determine whether this rulemaking would have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The Oil Pollution Act of 1990 prohibits Federal preemption. However, some standardization of response plan requirements is necessary since facilities may be regulated by other Federal agencies and some States may impose Federal response plan requirements. Many facilities operate in the national marketplace and excessive variation in the requirements would be economically burdensome and potentially unsafe. The Coast Guard specifically seeks public comment on the federalism implications of this proposal.

Dated: March 6, 1992.

J.W. Kime,

Admiral, U.S. Coast Guard, Commandant.

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federal register

Wednesday
March 11, 1992

Part III

The President

Executive Order 12791—Nuclear Cooperation With Euratom

Federal Register
Vol. 57, No. 48
Wednesday, March 11, 1992

Presidential Documents

Title 3—

The President

Executive Order 12791 of March 9, 1992

Nuclear Cooperation With Euratom

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 126(a)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to section 126(a)(2) of such Act and extended for 12-month periods by Executive Orders Nos. 12193, 12295, 12351, 12409, 12463, 12506, 12554, 12587, 12629, 12670, 12706, and 12753, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1993. Executive Order No. 12753 shall be superseded on the effective date of this Executive order.

George Bush

THE WHITE HOUSE,
March 9, 1992.

[FR 92-5890
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Thursday
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March 12, 1992

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 104CE, Special Condition 23-ACE-71]

Special Conditions; Beech Model 58 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are being issued to Hartzog Aviation for a Supplemental Type Certification (STC) on the Beech Model 58 Series airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is April 13, 1992.

Comments must be received on or before April 13, 1992.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 104CE, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 104CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Aerospace Engineer, Standards Office (ACE-110), Aircraft Certification Service, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA has determined that good cause exists for making these special conditions effective 30 days after issuance; however, interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this request must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 104CE." The postcard will be date stamped and returned to the commenter.

Background

On December 20, 1991, Hartzog Aviation, Greater Rockford Airport, P.O. Box 6107, Rockford, IL 61125, made an application to the FAA for a supplemental type certificate (STC) for the Beech Model 58 airplane. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an electronic flight instrument system (EFIS), that is vulnerable to HIRF external to the airplane.

Supplemental Type Certification Basis

The type certification basis for the Beech Model 58 Series airplane is as follows: Part 23 of the FAR, § 23.775 of amendment 23-7; §§ 23.773, 23.929, and 23.1419 of amendment 23-14; § 23.1309 of amendment 23-17; §§ 23.1335, 23.1327, 23.1351, 23.1357 and 23.1547(e) of amendment 23-20; §§ 23.1416, 23.1559, and 23.1583(h) of amendment 23-23; and part 25 of the FAR, §§ 25.1323(e), dated February 1, 1965, and the special conditions adopted herein.

Discussion

Hartzog Aviation plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are susceptible to the HIRF environment and that were not envisaged by the existing regulations, for this type of airplane.

Special conditions may be issued and amended, as necessary, as part of the supplemental type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the supplemental type certification basis, as provided by § 21.17(a)(2).

Protection of System From High Intensity Radiated Fields (HIRF)

Recent advances in technology have given rise to the application in airplane designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state components in analog and digital electronics circuits, these advanced systems are readily responsive to the transients effects of induced electrical current and voltage caused by the HIRF incident on the external surface of airplanes. These induced transient currents and voltages can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the electromagnetic environment has undergone a transformation that was not envisaged when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the population of transmitters has increased significantly.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in airplanes, to the defined HIRF environment in paragraph 1 or, as an alternative to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment, defined below:

TABLE I—FIELD STRENGTH VOLTS/METER

Frequency	Peak	Average
10-500 KHz	60	60
500-2000	80	80
2-30 MHz	200	200
30-100	33	33
100-200	150	33
200-400	56	33
400-1000	4020	935
1-2 GHz	7850	1750
2-4	6000	1150
4-6	6800	310
6-8	3600	686
8-12	5100	1270
12-18	3500	551
18-40	2400	750

The envelope given in paragraph 1 above is a revision to the envelope used in previously issued special conditions in other certification projects. It is based on new data and SAE AE4R subcommittee recommendations. This revised envelope includes data from Western Europe and the U.S. It will also be adopted by the European Joint Airworthiness Authorities.

or

(2) The applicant may demonstrate by a laboratory test that the electrical and electronic systems that perform critical functions can withstand a peak of electromagnetic field strength of 100 volts per meter (v/m) or the external HIRF environment, whichever is less, in a frequency range of 10KHz to 18GHz. When using a laboratory test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant for approval by the FAA to identify electrical and/or electronic systems that perform critical functions. The term *critical* means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or a combination thereof. Service experience alone is not acceptable since such experience in normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Conclusion

In view of the design features discussed for the Beech Model 58 Series airplane, the following special conditions are issued. This action is not a rule of general applicability and affects only those applicants who apply to the FAA for approval of these features on these airplanes.

The substance of these special conditions has been subject to the notice and public comment procedure in several prior instances. For example, the Piper PA-42 (51 FR 37711, October 24, 1986), the Dornier 228-200 (53 FR 14782, April 28, 1988), and the Cessna Model 525 (56 FR 49396, September 30, 1991). For this reason, and because a delay would significantly affect the applicant's installation of the system and certification of the airplane, which is imminent, the FAA has determined that good cause exists for adopting these special conditions without notice; therefore, special conditions are being issued without substantive changes for this airplane and made effective 30 days after issuance.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety. The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.101; and 14 CFR 11.28 and 11.49.

Adoption of Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for the modified Beech Model 58 Series airplane:

1. *Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF).* Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these systems to perform critical functions are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definitions apply: *Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on March 3, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5761 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 39

[Docket No. 91-CE-90-AD; Amendment 39-8201; AD 92-07-05]

Airworthiness Directives; Beech 90, 99, and 100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 91-12-12, which currently requires a one-time inspection of the rudder trim tab drainage area for proper drainage provisions on certain Beech 90, 99, and 100 series airplanes, and subsequent modification if correct drainage provisions do not exist. The Federal Aviation Administration (FAA) has determined that the actions specified by AD 91-12-12 should also apply to other serial numbered airplanes currently not affected by that AD. The actions specified by this AD are intended to prevent structural damage or imbalance to the rudder caused by improper drainage of water from the rudder trim tab.

DATES: Effective April 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128; Facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Beech 90, 99, and 100 series airplanes was published in the Federal Register on December 23, 1991 (56 FR 66379). The action proposed to supersede AD 91-12-12, Amendment 39-7023 (56 FR 26020, June 6, 1991), with a new AD that would (1) expand the applicability of the Model C90A airplanes; and (2) retain the requirements of AD 91-12-12, which required a one-time inspection of the rudder trim tab drainage area for proper drainage provisions and subsequent modification if correct drainage provisions do not exist. The inspection and possible modification would be accomplished in accordance with Beech Service Bulletin No. 2365, Revision 1, dated December 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2,068 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $113,740. However, AD 91-12-12 required the same actions as the proposed AD on 2,032 airplanes. This AD will pose an additional cost impact on U.S. operators of $1,980 (36 airplanes times 1 workhour at $55) than that already required by AD 91-12-12.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13—[Amended]

2. Section 39.13 is amended by removing AD 91-12-12, Amendment 39-7023 (56 FR 26020, June 6, 1991), and adding the following new AD:

92-07-05 Beech: Amendment 39-8201; Docket No. 91-CE-90-AD. Supersedes AD 91-12-12, Amendment 39-7032.

Applicability: Models 65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, B90, and C90 airplanes (all serial numbers (S/N)); Model C90A airplanes (S/N LJ-1063 through LJ-1280); Models E90, H90, 99, 99A, A99A, B99, C99, 100, A100, and B100 airplanes (all S/N), certificated in any category.

Compliance: Required within the next 150 hours time-in-service after the effective date of this AD, unless already accomplished (superseded AD 91-12-12, Amendment 39-7023).

To prevent structural damage or imbalance to the rudder caused by improper drainage of water from the rudder trim tab, accomplish the following:

(a) Inspect the rudder trim tab for proper moisture drainage provisions in accordance with the instructions in Beech Service Bulletin No. 2365, Revision 1, dated December 1991. If the correct drainage provisions do not exist, prior to further flight, modify the rudder trim tab in accordance with the instructions in the referenced service bulletin.

Note: The requirements of this AD may have already been accomplished in accordance with superseded AD 91-12-12, Amendment 39-7023. A change in the Applicability paragraph is the only difference between this action and superseded AD 91-12-12.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance

Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(d) The inspection and possible modification required by this AD shall be done in accordance with Beech Service Bulletin No. 2365, Revision 1, dated December 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(e) This amendment (39–8201) supersedes AD 91–12–12, Amendment 39–7023.

(f) This amendment (39–8201) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5679 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–ASW–46, Amdt. 39–8192; AD 92–06–12]

Airworthiness Directives; Bell Helicopters Textron, Inc. (BHTI), Model 206A, 206B, 206L, 206L–1 and 206L–3 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to BHTI Model 206A, 206B, 206L, 206L–1 and 206L–3 helicopters that requires the removal from service and replacement of certain main transmission sungears and mating spur gears. This amendment is needed to prevent premature wear of the sungear teeth and mating parts which, if uncorrected, could result in transmission failure and loss of control of the helicopter.

EFFECTIVE DATE: April 13, 1992.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, Rules Docket, 4400 Blue Mound Road, Bldg. 3B, room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Donovan C. Duncan, Rotorcraft Directorate, Rotorcraft Certification Office, ASW–170, FAA, Southwest Region, Fort Worth, Texas 76193–0170, telephone (817) 624–5315.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to BHTI Model 206A, 206B, 206L, 206L–1 and 206L–3 helicopters, was published in the **Federal Register** on June 26, 1991 (56 FR 29197). That notice proposed to require inspection of the sungear and mating spur gears and the removal and replacement of specified gears.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. Since the Model 206B includes the commercial 206BIII configuration that was listed separately in the NPKM, the Model 206BIII designation has been removed from the final rule to avoid confusion. Additionally, a new paragraph has been added to provide an alternative means of compliance. These changes neither increase the economic burden on persons nor increase the scope of the AD. Therefore, with the exception of these minor changes, the amendment is adopted as proposed.

There are approximately 31 BHTI Model 206A, B, L, L–1 and L–3 helicopters that will be affected by this AD. It is estimated that it will take approximately 16 work hours per helicopter to accomplish the required actions, and that the average labor rate is $55 per manhour. Required parts will cost approximately $2,550 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $106,330.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final regulatory evaluation prepared for this action is contained in the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

AD 92–06–12 Bell Helicopter Textron, Inc.: Amendment 39–8192 Docket 90–ASW–46.

Applicability: All Model 206A, 206B, 206L, 206L–1, and 206L–3 helicopters, certificated in any category, with the main transmission sungear, part number (P/N) 206–040–662–101, installed.

Compliance: Required as indicated, unless already accomplished.

To prevent premature wear of the sungear and mating spur gears which could result in transmission failure, accomplish the following:

(a) At the next inspection interval for the main transmission sungear, P/N 206–040–662–101, but no later than 1,500 hours' time in service after the effective date of this AD, remove and replace sungears which have the following serial numbers:

SD–0005 SD–0010 SD–0020 SD–0022 SD–0023 SD–0024 SD–0025 SD–0026 SD–0027 SD–0031 SD–0033 SD–0034 SD–0035 SD–0036 SD–0037 SD–0039 SD–0040 SD–0043 SD–0044 SD–0046 SD–0054 SD–0055 SD–0057 SD–0060 SD–0062 SD–0065 SD–0066 SD–0067 SD–0068 SD–0069 SD–0071

(b) In conjunction with (a), inspect the pinion spur gears which mate with the above listed sungears for micro pitting or hardlines in the gear teeth due to the insufficient tip relief, or improper tooth profile of the sungear. Determine if wear or damage is within specified limits according to the applicable BHTI maintenance, repair and overhaul manuals.

(c) If wear or damage exceeds the specified limits, remove and replace the affected spur gears with serviceable parts before further flight.

(d) An alternative method of compliance or adjustment of the compliance times which provides an acceptable level of safety may be used if approved by the manager, Rotorcraft

Certification Office, ASW–170, Rototcraft Directorate, Aircraft Certification Service, FAA, Fort Worth, Texas, 76193–0170.

(e) Bell Helicopter Textron, Inc., Alert Service Bulletins No. 206–90–56, Rev. A, dated 1/15/91 or 206L–90–69, Rev. A, dated 1/15/91, as applicable, provide an acceptable, alternate means of compliance with this AD.

(f) This amendment becomes effective on April 13, 1992.

Issued in Forth Worth, Texas, on February 26, 1992.

Henry A. Armstrong,

Acting Manager, Rotocraft Directorate, Aircraft Certification Service.

[FR Doc. 92–5763 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–CE–72–AD; Amendment 39–8202; AD 92–07–06]

Airworthiness Directives; British Aerospace (BAe), Regional Aircraft Limited, Beagle B121 Pup Series 1, 2, and 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that will supersede AD 83–07–01, which currently requires an inspection of each wing spar web in the area of the root rib for cracks on BAe, Regional Aircraft Limted, Beagle B121 Pup series 1, 2, and 3 airplanes, repair if cracks are found, and the incorporation of a repair scheme. The Federal Aviation Administration (FAA) has received reports of cracking in the root rib area of wing spars on affected airplanes that have accumulated 2,000 hours time-in-service (TIS). This action retains the actions of AD 83–07–01, but reduces the compliance time from 2,000 hours TIS to 1,300 hours TIS. The actions specified by this AD are intended to prevent failure of each wing spar, which could result in loss of control of the airplane.

DATES: Effective April 30, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 30, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from British Aerospace, Regional Aircraft Limited, Manager Product Support, Regional Aircraft Ltd, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44–292) 79888; Facsimile (44–292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041; Telephone (703) 435–9100; Facsimile (703) 435–2628. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain British Aerospace (BAe), Regional Aircraft Limited, Beagle B121 Pup series 1, 2, and 3 airplanes was published in the **Federal Register** on October 25, 1991 (56 FR 55242). The action proposed an inspection of each wing spar web in the area of the root rib for cracks upon the accumulation of 1,300 hours time-in-service (TIS) in accordance with BAe Pup Mandatory Service Bulletin B121/79, Revision 1, dated February 15, 1991, repair if cracks are found, and the incorporation of Repair Scheme No. BE.03.10169 in accordance with Drawing No. BE.20.10313. The proposed action would supersede AD 83–07–01, Amendment 39–4598 (48 FR 13400, March 31, 1983).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the one comment received.

The comment is from the manufacturer (British Aerospace), who states that the drawing referenced in paragraph (a)(2) of the proposed AD should be Drawing No. BE.03.10169 instead of BE.20.10313. The manufacturer states that this would also agree with the referenced service bulletin. The FAA concurs with the comment and has revised the AD accordingly.

After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the change in the drawing number described above and minor editorial corrections. The FAA has determined that these minor corrections and the change in drawing number will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 3 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 10 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $18 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,704. The above cost analysis is the same as that of AD 83–07–01, which will be superseded by this AD. This action will only reduce the compliance time from 2,000 hours TIS to 1,300 hours TIS and would pose no additional cost impact on U.S. operators than that presently required by AD 83–07–01.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.69.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 83-07-01, Amendment 39-4598 (48 FR 13400, March 31, 1983), and adding the following new AD:

92-07-06 British Aerospace, Regional Aircraft Limited: Amendment 39-8202; Docket No. 91-CE-72-AD. Supersedes AD 83-07-01, Amendment 39-4598.

Applicability: Beagle B121 Pup series 1, 2, and 3 (all serial numbers) airplanes without Modification No. BE.214 incorporated on both mainplanes, certificated in any category.

Note 1: Modification No. BE.214 is a replacement of the wing/fuselage joint plate that is equivalent to the requirements of this AD action.

Compliance: Required upon the accumulation of 1,300 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

Note 2: The requirements of this AD may have been accomplished in accordance with superseded AD 83-07-01, Amendment 39-4598.

To prevent failure of each wing spar, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect each wing spar web in the area immediately outboard of the root rib by accomplishing paragraphs 3.2.2 through 3.2.4 of paragraph 3. ACTION in BAe Pup Mandatory Service Bulletin (SB) B121/79, Revision 1, dated February 15, 1991.

(1) If found cracked, prior to further flight, obtain an FAA-approved repair scheme from the manufacturer through the Brussels Aircraft Certification Office at the address specified in paragraph (d) of this AD, and incorporate this repair scheme.

(2) If cracks are not found, prior to further flight, modify each wing spar web by incorporating Repair Scheme BE.03.10169 in accordance with Drawing No. BE.03.10169, and accomplish paragraphs 3.2.6 and 3.2.7 of paragraph 3. ACTION in BAe Pup Mandatory SB B121/79, Revision 1, dated February 15, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) The inspection and modification required by this AD shall be done in accordance with British Aerospace Pup Mandatory Service Bulletin (SB) B121/79, Revision 1, dated February 15, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Regional Aircraft, Ltd., Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW.; room 8401, Washington, DC.

(f) This amendment (39-8202) supersedes AD 39-07-01, Amendment 39-4598.

(g) This amendment (39-8202) becomes effective on April 30, 1992.

Issued in Kansas City, Missouri, on March 5, 1992.

Larry E. Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5096 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-ANE-58; Amendment 39-8179; AD 92-04-08]

Airworthiness Directives; General Electric Company (GE); CF6-80A Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to GE CF6-80A series turbofan engines, that requires removal from service of certain high pressure turbine rotor (HPTR) stage 1 disk/shafts that may have surface damage in the bore area. This AD also requires a one-time eddy current and fluorescent penetrant inspection of the HPTR stage 1 disk/shaft bore area. This amendment is prompted by a report of an uncontained separation of a CF6-80A HPTR stage 1 disk/shaft. This condition, if not corrected, can result in an uncontained engine failure, inflight engine shutdown, and damage to the aircraft.

DATES: Effective March 27, 1992.

Comments must be received no later than April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 27, 1992.

ADDRESSES: Send comments in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ANE-58, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, or deliver in duplicate to room 311 at the above address.

Comments may be inspected at the above location between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Karen M. Grant, Engine Certification Office, ANE-140, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (617) 273-7096.

SUPPLEMENTARY INFORMATION: There have been three reports of surface damage in the bore area of CF6-80A HPTR stage 1 disk/shafts. One incident resulted in separation of the HPTR stage one disk/shaft due to a crack located on the aft bore face of the HPTR stage 1 disk causing an uncontained engine failure. Metallurgical examination of the fracture surface revealed a single crack which initiated from surface damage in the bore area and propagated to failure in low cycle fatigue. The FAA has determined that the surface damage resulted from an electrical arc which occurred during a chrome plating repair process. HPTR stage 1 disk/shafts that have gone through a similar chrome plating repair process have a high probability of sustaining surface damage from an electrical arc. This condition could propagate to failure prior to the HPTR stage 1 disk/shaft reaching its life limit. This condition, if not corrected, can result in an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft.

The FAA has reviewed and approved the technical contents of GE CF6-80A SB 72-605, dated December 20, 1991, which describes the removal and inspection requirements for the affected HPTR stage 1 disk/shafts.

Since this condition is likely to exist or develop on other engines of this same type design, this AD requires a one time inspection of all affected HPTR stage 1 disk/shafts and removal and replacement of disk/shafts found damaged in accordance with the SB previously described.

Since a situation exists that can result in an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft, there is a need to minimize the exposure of revenue service aircraft to operation with HPTR stage 1 disk/shafts with surface damage. Based on this condition, a situation exists that requires immediate adoption of this regulation. Therefore, it is found that prior notice and opportunity for public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Although this action is in the form of a final rule, which involves an emergency and, thus, was not preceded by notice and public procedure, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ANE-58, 12 New England Executive Park, Burlington, Massachusetts 01803-5299. All communications received by the deadline date indicated above will be considered by the Administrator, and the AD may be changed in light of the comments received. The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g), and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive (AD):

92-04-08 General Electric Company: Amendment No. 39-8179, Docket No. 91-ANE-58

Applicability: General Electric Company (GE) CF6-80A series turbofan engines installed on, but not limited to, Airbus A310 and Boeing 767 aircraft.

Compliance: Required as indicated, unless previously accomplished.

To prevent an uncontained engine failure, an inflight engine shutdown, and damage to the aircraft, accomplish the following:

(a) Prior to further flight, after the effective date of this AD, remove from service CF6-80A high pressure turbine rotor (HPTR) stage 1 disk/shafts identified by the following part number (P/N) and serial number (S/N):

Part number	Serial number
9362M58	MPOP8483.
9362M58	MPOS1676.

Prior to returning affected engines to service replace with a serviceable part.

(b) Eddy current and fluorescent penetrant inspect, CF6-80A HPTR stage 1 disk/shafts identified by the following P/N and S/N, in accordance with the Accomplishment Instructions of GE CF6-80A Service Bulletin (SB) 72-605, dated December 20, 1991, within the next 400 cycles in service (CIS) after the effective date of this AD, not to exceed 3,400 total CIS since last chrome plating repair procedure:

Part number	Serial number
9234M67	MPOP2707.
9234M67	MPON5442.
9234M67	MPOP7075.
9362M58	MPOS4048.

(c) Remove from service CF6-80A HPTR stage 1 disk/shafts which exceed the serviceable limits defined in Paragraphs 2.C.(6) and 2.D. of the Accomplishment Instructions of GE CF6-80A SB 72-605, dated December 20, 1991.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon submission of substantiating data by an owner or operator through an FAA Inspector (maintenance, avionics, or operations, as appropriate), an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine & Propeller Directorate, Aircraft Certification Service, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

(f) The inspections shall be done in accordance with the following General Electric document:

Document No.	Page No.	Issue	Date
GE CF6-80A ... SB 72-605 ... Total pages: ...	1-29 29	Original ...	Dec. 20, 1991.

This incorporation was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, room 132, 111 Merchant Street, Cincinnati, Ohio 45246. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, room 311, 12 New England Executive Park, Burlington, Massachusetts, or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

(g) This amendment (39-8179, AD 92-04-08) becomes effective March 27, 1992.

Issued in Burlington, Massachusetts, on January 30, 1992.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 92-5817 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

Patent Surveys: Period of Eligibility

AGENCY: Customs Service, Department of the Treasury.

ACTION: General notice of policy.

SUMMARY: The United States Customs Service wishes to clarify its position with respect to the period during which patent surveys may be requested pursuant to title 19, Code of Federal Regulations, § 12.39a.

Title 19, Code of Federal Regulations, § 12.39a permits the owner of a patent registered in the United States to request Customs assistance in obtaining the names and addresses of importers of merchandise which appears to infringe

the patent. Title 35, United States Code, section 286 provides for a six year statute of limitations during which a patent owner may initiate an action for infringement. This six year period extends beyond the expiration of a patent's term of registration with respect to any infringement that occurred while the registration was still in force.

It is Customs position, as a matter of policy and consistent with patent law, that this six year period is available with respect to patent surveys as well. The information obtained during a patent survey may be central to the patent owner's ability to prosecute violations of its rights within the established statute of limitations. Therefore, the owner of a patent for which the registration has expired may request a patent survey during the six years immediately following the expiration of that registration. Under no circumstances will patent surveys commenced during this six year period remain in effect beyond the sixth anniversary of the expiration of the patent registration.

EFFECTIVE DATE: March 12, 1992.

FOR FURTHER INFORMATION CONTACT: John F. Atwood, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., Washington, DC 20229, (202) 566–6956.

Dated: March 3, 1992.

Stuart P. Seidel,

Director, International Trade Compliance Division.

[FR Doc. 92–5692 Filed 3–11–92; 8:45 am]

BILLING CODE 4820–02–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91–311; RM–7828]

Radio Broadcasting Services; Felton, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 229A to Felton, California, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of W. Robert Morgan. *See* FR 56489, November 5, 1991. Coordinates for Channel 229A at Felton are 37–06–17 and 121–11–10. With this action, the proceeding is terminated.

DATES: *Effective:* April 20, 1992. The window period for filing applications for Channel 229A at Felton, California, will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau, (202) 632–0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–311, adopted February 25, 1992, and released March 5, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Felton, Channel 229A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5710 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–345; RM–7109]

Radio Broadcasting Services; Dade City, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 241A to Dade City, Florida, as the community's first local FM service at the request of Daniel A. and Paula C. Bernath. See 56 FR 64228, December 9, 1991. Channel 241A can be allotted to Dade City in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.4 kilometers (3.4 miles) east, in order to avoid short-spacings to Station WMTX(FM), Channel 239C1, Clearwater, Florida, and Station WRXK(FM), Channel 241C, Bonita Springs, Florida. The coordinates are North Latitude 28–22–15 and West Longitude 82–08–05. With this action, this proceeding is terminated.

DATES: *Effective:* April 20, 1992; The window period for filing applications will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–345, adopted February 27, 1992, and released March 6, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Dade City, Channel 241A.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5720 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–130; RM–7593]

Radio Broadcasting Services; Ilwaco, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Michael T. McKenna, allots Channel 280C3 at Ilwaco, Washington, as the community's first local aural transmission service. See 56 FR 21465, May 9, 1991. Channel 280C3 can be allotted to Ilwaco in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.3 kilometers (2.0 miles) north to avoid a short-spacing to Station KTIL–FM, Channel 281C3, Tillamook, Oregon. The coordinates for Channel 280C3 at Ilwaco are North Latitude 46–20–22 and West Longitude 124–02–51. Canadian concurrence has been obtained, since Ilwaco is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: *Effective:* April 20, 1992. The window period for filing applications will open on April 21, 1992, and close on May 21, 1992.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–130, adopted February 25, 1992, and released March 5, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Ilwaco, channel 280C3.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–5719 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 80

[PR Docket No. 91–294, FCC 92–56]

Synthesized Voice for Distress Communications on VHF Marine Channel 16

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document authorizes and provides standards for the use of synthesized voice messages on VHF, MF, and HF marine distress frequencies. Such an amendment will permit marine electronics equipment manufacturers to incorporate synthesized voice as an integral part of transmitters or as ancillary equipment to existing marine transmitters.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Susan Jones, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in PR Docket No. 91–294, FCC 92–56, adopted February 13, 1992, and released February 26, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036.

Summary of Report and Order

Mr. Robert Tendler filed with the Commission a Request for an Issuance of Declaratory Ruling, asking the Commission to interpret part 80 of the Commission's Rules to permit the use of automated synthesized voice on VHF marine channel 16 for distress transmissions. The Commission denied this Request, proceeding instead with a Notice of Proposed Rule Making, 56 FR 57501 (1991), 6 FCC Rcd 5994 (1991), [Notice] full rule making so that the issue could have adequate opportunity for public review and comment. All commenters to the Notice supported permitting the use of synthesized voice for distress communications to improve marine safety. Several commenters suggested that the equipment used to generate a synthesized voice message should include technology to guard against excessive repetition, the unreasonable length of messages, and inadvertant activation. Other commenters suggested permitting synthesized voice on HF and MF distress frequencies, in addition to the VHF frequency as was initially proposed. The Report and Order, incorporates the public comments to adopt the Notice substantially as it was proposed.

Ordering Clause

In accordance with the above discussion, and pursuant to the authority contained in section 4(i) and 303(f) of the Communication Act of 1934, as amened, 47 U.S.C. 4(i) and 303(f). Part 80 of the Commission's Rules, 47 CFR part 80, is amended, as set forth below.

List of Subjects in 47 CFR Part 80

Marine safety, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 80 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for part 80 continues to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. § 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.203 is amended by adding a new paragraph (m) to read as follows:

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(m) Ship station MF, HF, and VHF transmitters may employ external or internal devices to send synthesized voice transmissions for distress and safety purposes on any distress and safety frequency authorized for radiotelephony listed in § 80.369, provided the following requirements are met:

(1) The technical characteristics of the distress transmissions must comply with this part.

(2) A transmitter and any internal device capable of transmitting a synthesized voice message must be type accepted as an integral unit.

(3) The synthesized voice distress transmission must begin with the words "this is a recording" and should be comprised of at least:

(i) the radiotelephone distress call as described in § 80.315(b) and the ship's position as described in § 80.316(c); or

(ii) the radiotelephone distress message as described in § 80.316(b). If available, the ship's position should be reported as described in § 80.316(c).

(4) Such transmission must be initiated manually by an off-switch that is protected from inadvertent activation and must cause the transmitter to switch to an appropriate distress and safety frequency. The radiotelephone distress call and message described in

§§ 80.203(m)(3) (i) and (ii), respectively, may be repeated. However, the entire transmission including repeats must not exceed 45 seconds from beginning to end. Upon ending the transceiver must return to the receive mode and must not be capable of sending the synthesized distress call for at least thirty seconds. Placing the switch to the off position must stop the distress transmission and permit the transmitter to be used to send and receive standard voice communications.

(5) Use of the microphone must cause the synthesized voice distress transmission to cease and allow the immediate use of the transmitter for sending and receiving standard voice communications.

[FR Doc. 92-5834 Filed 3-11-92; 8:45 am]
BILLING CODE 8712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 920124-2024]

RIN 0648-AD01

Atlantic Bluefin Tuna Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to (1) reduce the daily catch limit in the Angling category from four to two Atlantic bluefin tuna per person for fish less than 77 inches (196 cm), of which only one may be a medium; and (2) reduce the daily vessel limit for mediums from four to two for vessels having two or more anglers. This action is necessary to improve management of the angling sector, which in recent years has exceeded the assigned annual quota. The intent of this action is to help ensure that the United States fulfills its obligations to conserve and manage the Atlantic bluefin tuna resource in accordance with the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

EFFECTIVE DATE: April 13, 1992.

ADDRESSES: Copies of the environmental assessment and final regulatory flexibility analysis referred to in this rule, as well as other previously published reports, are available from Richard Schaefer, National Marine Fisheries Service, Office of Fisheries Conservation and Management, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Stone, (301) 713-2347 or Kathi Rodrigues, (508) 281-9324.

SUPPLEMENTARY INFORMATION:

Background

On March 11, 1991, NMFS published a proposed rule at 56 FR 10227 to amend the regulations governing the Atlantic bluefin tuna fishery (50 CFR part 285). The rule was intended to prevent a directed fishery for Atlantic bluefin tuna in the Gulf of Mexico (Gulf) and improve management of the angling sector. The rule also proposed technical revisions to improve the effectiveness of existing regulations. On October 3, NMFS published a final rule implementing one of the technical revisions which required annual renewal of Atlantic bluefin tuna fishing permits (56 FR 50061). On January 6, 1992 (57 FR 365), NMFS published a final rule implementing regulations concerning the Gulf and the remaining technical revisions. Portions of the proposed rule concerning the angling sector were withheld pending a determination that they would be consistent with new measures adopted at the November 1991 ICCAT meeting. This final rule implements the remaining measures to improve management of the angling sector.

Public comment on the proposed rule was initially invited through April 25, 1991. NMFS also held a series of public hearings in New England, Mid-Atlantic and Gulf states. In response to concerns expressed at the public hearings, the comment period was reopened until May 10, 1991 (56 FR 20183; May 2, 1991).

This final rule is not intended to present a new management strategy for Atlantic bluefin tuna. The Fishery Conservation Amendments of 1990 (Pub. L. 101-627) brought all tunas under the Magnuson Fishery Conservation and Management Act (Magnuson Act) authority on January 1, 1992, and NMFS is currently in the early stages of development of a fishery management plan for tunas. NMFS is also in the early phase of developing a rulemaking to implement the recently adopted ICCAT recommendations. A series of public scoping meetings has been completed and a proposed rule is being developed. This final rule is intended to address a specific concern and to take a step toward improving management of the Angling sector and thus help ensure that the United States fulfills its current obligations to ICCAT.

This final rule addresses the overharvest of the Angling category quota. In recent years, the Angling category quota of 126 metric tons (mt) has been exceeded by an average of 146 mt each year, and by over 400 mt in 1990. Overages in the Angling category have occurred because of the lack of timely catch data for this sector of the fishery. To monitor quotas, NMFS relies on catch figures from mandatory dealer reports for fish that are sold, and a recreational survey to estimate the unsold portion of the catch. However, the recreational survey cannot provide results until 8-12 months after the fishery has ended. Most of the angler catch is not sold and the dealer-reported catch figures are usually not large enough to close the fishery. As a result, the fishery has operated longer than it should at too high a catch rate, and the quota has been exceeded by a significant amount.

Recent information indicates that, on average, 98 percent of the Angling category quota is harvested by the end of June, and 130 percent has been harvested by the end of July. Given the difficulty in closing this fishery at the appropriate time in the past and, until data collection can be improved, NMFS intends to rely more heavily on the previous years' data to project the date when the quota will be attained.

The measures in the proposed rule would have reduced the daily Angler limit to one fish, with a vessel limit of four mediums per vessel. NMFS received overwhelming opposition to the proposed daily angler limit (one bluefin), particularly from the charter/partyboat industry. That segment of the industry felt that its customers would not find it worthwhile to fish for one bluefin, resulting in severe industry financial losses. Many charter/partyboat owners and operators did feel, however, that their customer base could be maintained if the daily angler limit was set initially at two. However, industry representatives pointed out that their greatest losses would occur from early season closure and many favored flexibility to reduce to one fish per angler per day to extend the season.

NMFS also received comments requesting that serious consideration be given to protecting medium-sized bluefin that also fall under the Angling category and contribute to the quota overage. Landings of medium fish have increased in recent years. Currently, anglers are allowed to land four medium bluefin per vessel for vessels having four or more anglers on board. Many commenters believed medium bluefin should receive more protection because these fish are essential to a recovery of the spawning stock.

In response to these points, NMFS has revised the daily angler limit from the one-fish limit in the proposed rule, to two fish, initially, with an option to reduce to one fish to extend the season as much as possible. NMFS agrees with many of the commenters that a reduction of the allowable vessel limit from four to two medium-sized fish daily is necessary to discourage the development of a significant fishery for medium bluefin. This measure is expected to have little impact on current practices in the fishery because most vessels land only one or two mediums per trip. This measure is not intended to reduce significantly landings of mediums, because more drastic action may only serve to shift effort to smaller fish, which would have a greater negative impact on the stock. Instead, the measure addresses NMFS' concern that the potential for vessels to increase catches of medium bluefin up to the current four-fish limit should be curtailed. A reduction of the daily vessel limit should stabilize this sector of the fishery.

Discussion of Public Comments

NMFS received 150 comments on the measure to reduce the daily catch limit to from four to one; approximately 80 percent of the commenters opposed that measure. Comments were submitted by congressional representatives, a state assembly, state legislators, a township council, state wildlife agencies, fishing associations, marine research and conservation organizations, charter boat owners and operators, recreational fishermen, and other individuals. Only the portions that pertain to the measures implemented by this rulemaking are addressed below.

Comment: Several commenters expressed concern that the proposed actions are not consistent with ICCAT intentions; some felt that the proposed actions fall short of those required for conservation and management, while others felt that the actions will result in underharvest of the ICCAT quota.

Response: The primary conservation measures for Atlantic bluefin tuna are a quota and size limit established by ICCAT. NMFS' management measures allow U.S. fisheries to operate within the ICCAT constraints. Since the measures implemented by this final rule are intended to improve quota compliance, NMFS believes that they will further ICCAT's conservation goals. The measure pertaining to the reduced daily angler limit is specifically designed to address ICCAT's concern for the overharvest of small fish.

Comment: Many commenters expressed concern that participants in the Angling category are discriminated against. Several said they would not oppose the change in the Angling category if other categories were also affected. Several believed that the proposed rule would reduce the quota in the Angling category.

Response: Some commenters appear to have interpreted the reduction in the daily angler limit to be a reduction in the quota allocated to the Angling category. NMFS reiterates that the final rule does not reduce the Angling category quota, only the rate of harvest. NMFS does not agree that further restrictions are needed for categories that do not exceed their quota.

Comment: Many commenters challenged NMFS' determination that the measures will not have significant economic impacts, and indicated they believe there will be severe impacts on recreational fishing businesses and associated coastal enterprises.

Response: The quota system currently in place has been the basis of bluefin tuna management since 1983 and the impacts of implementing the system were analyzed at that time. The 126 mt quota allocated to the Angling category was based on the performance of that sector and, therefore, did not significantly affect the participants. If additional investment has occurred in the fishery since 1983, however, it occurred with full knowledge of NMFS' intent to maintain the harvest at 126 mt per year. NMFS is seeking to maintain this same allowable level of harvest in the least economically disruptive manner, i.e., by reduction of daily takes rather than by early closure, if possible. In addition, NMFS does not believe the bag limit reduction will have a significant economic effect on anglers because the fishery is primarily of a recreational nature and catch and release can continue under the tag and release program after the daily limit is reached and after the total Angling category quota is harvested. The Angling category quota is not reduced by this action.

Comment: One commenter requested that charterboat operations be exempt from the new Angler limit for economic reasons.

Response: The ICCAT quota for U.S. vessels is divided into allocations for fishing categories based on gear type, regardless of whether the vessel is a charterboat, commercial vessel or recreational fishing boat. Under the current management regime, NMFS counts all bluefin tuna landed against the appropriate quota.

Comment: Many commenters suggested that a prohibition of the sale of recreationally caught fish would be more effective in managing the Angling category quota and would eliminate any commercial overtones in the fishery. Some proposed that sale be prohibited only for small school fish. One commenter disagreed with the statement in the proposed rule that most of the small Angling category catch is not sold.

Response: NMFS agrees to reconsider no-sale provisions by preparing the required economic impact analyses for subsequent rulemaking. The commenter indicated that he believes many small bluefin tuna are sold; however, these sales are not reflected in the dealer logbook system and hence, would be illegal. Any information concerning sale of bluefin to unlicensed dealers or unreported sales should be brought to the immediate attention of the Offices of Enforcement at 508-281-9261 in the Northeast, and 305-361-4224 in the Southeast.

Comment: One angling association and a state assembly opposed the reduction in the daily angler limit because they calculated that it will result in a catch level lower than that permitted under the ICCAT quota.

Response: NMFS disagrees with the commenters and believes the daily angler limit reduction may not go far enough to prevent early closure of the fishery. This is based on an analysis that assumed the daily angler limit reduction had been implemented in previous years. The results showed that the quota would be attained.

Comment: Two conservation organizations opposed the reduction because they calculated that it will not be effective in bringing the harvest within the quota limit.

Response: NMFS agrees that this measure alone will not be sufficient to keep the harvest within the quota and, therefore, intends to make better use of projections using landings data from previous years to close the fishery. NMFS will consider other measures in a future rulemaking.

Comment: One commenter opposed the proposed rule because he believes it shifts the share of the catch from recreational anglers to commercial fishermen instead of reducing the quota for the category.

Response: NMFS has not changed the quota in any of the fishing categories, so there is no shift in share of catch from anglers to commercial fishermen. The reduction of the daily catch limit is intended to prevent the Angling category from exceeding the existing quota. The proposal to reduce the quota allocated to the Angling category goes beyond the scope of this rulemaking.

Comment: Another commenter asked why the revised regulation increases the Angling category quota.

Response: The commenter is mistaken. The final rule does not alter any quotas in any way.

Comment: Two commenters opposed the daily angler limit reduction because it will increase discards as anglers continue to fish for the best "keeper" of the day.

Response: The existing regulations prohibit anyone from fishing for, catching or possessing Atlantic bluefin tuna in excess of catch limits, except as specified under the tag and release program, so such behavior is illegal. NMFS recognizes that enforcement of this provision is difficult; however, fishermen who continue to fish for bluefin after reaching their daily limit are as likely to do so whether or not the limit is four fish (current), or two fish (revised).

Comment: A charterboat organization opposed the reduced daily angler limit because members believe that estimates of fishing effort in the Angling category are broadly exaggerated and that the data show an inflated fishing effort. They proposed that regulations to protect further giant bluefin would result in more effective conservation.

Response: The calculation of angler harvest is based on the best available data and shows that the Angling category has exceeded its quota each year since 1984. The harvest calculation has been accepted by a technical committee and the Scientific Committee on Research and Statistics of ICCAT. Protecting giant bluefin is also important to bluefin conservation goals and, therefore, giants are also regulated by a quota.

Comment: The majority of commenters opposed the reduction of the daily angler limit to one per angler because they felt it would be too restrictive. Many acknowledged the need to reduce the catch of bluefin in the Angling category and suggested a less drastic reduction of the catch limit to two or three fish per angler per day. Several pointed out that the limit can be reduced to one fish per angler per day in the future if the first step does not produce the desired result.

Response: As explained above under "Background," NMFS has adopted this alternative in the final rule. NMFS has added authorization for the Assistant Administrator for Fisheries (Assistant Administrator) to reduce the daily angler limit to one fish to extend the season if conditions in the fishery warrant.

Comment: Many commenters expressed concern that the proposed rule would not conserve medium fish, which are nearing spawning age. They suggested that a reduction in the allowed catch of mediums is desirable for conservation reasons and would improve quota compliance. A state fisheries agency believed that the overharvest in the Angling category is due to the catch of mediums, rather than the school catch, and that any rule to bring the catch within the quota should address the catch of mediums. Some commenters proposed the combination of a less stringent angler catch limit (two or three per day) with a more stringent limit on mediums (one or two per boat per day) to bring the category within the quota. One commenter requested estimates of how much the proposed rule would increase the catch of mediums and what the short-term effect on the spawning stock would be.

Response: NMFS agrees with the commenter and has revised the final rule to address the impact of the Angling sector on medium fish. The final rule adopts the commenters' alternative and reduces the daily angler limit to two Atlantic bluefin tuna, only one of which may be a medium; it also reduces the daily vessel limit for medium bluefin from four to two mediums for vessels having two or more anglers on board. An explanation of this change is found in "Background" above.

Comment: One commenter requested a revision in the regulation to exclude the captain and crew of charterboats from the calculation of allowed angler catch.

Response: NMFS sees no compelling reason to prevent captains or crew members on charterboats from angling.

Classification

An environmental assessment (EA) was prepared in 1983 to implement the ICCAT recommendations of 1982. The EA concluded that there would be no additional significant environmental impacts resulting from the action that were not addressed in the Environmental Impact Statements published in 1980 and 1982. This rule does not alter the scope or intent of those regulations. Copies of the EA may be obtained (see **ADDRESSES**).

The Assistant Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The action will not have a cumulative effect on the economy of $100 million or more, nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse effects on competition, employment, investment, productivity, innovation, or competitiveness of U.S.-based enterprises are anticipated.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. A summary of the reasons for this certification was published at 47 FR 10277 (March 11, 1991). As a result, a regulatory flexibility analysis was not prepared. All of the vessels operating in the Atlantic bluefin tuna fishery are considered small entities. These measures do not reduce the total amount of bluefin tuna allocated for harvest by U.S. fishermen and are not expected to result in under-harvesting of any of the quotas established for bluefin tuna. The reduction of the daily catch allowance of the Angling category should not significantly affect anglers economically because this category is primarily of a recreational nature, it should stabilize or only slightly affect current practices and because smaller sized fish are of comparatively little commercial value. The opportunity to participate in a recreational fishing activity, and the benefits derived from this, are preserved.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: March 9, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 285 is amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. Section 285.24 is amended by revising paragraph (c) to read as follows:

§ 285.24 Catch limits.

* * * * *

(c) Persons angling in the regulatory area may catch and retain no more than two Atlantic bluefin tuna other than giant Atlantic bluefin tuna each day, only one of which may be a medium, provided that no more than two medium Atlantic bluefin tuna per day may be caught and retained per vessel for vessels having two or more anglers aboard. The Assistant Administrator may adjust the angler catch limit to one school or medium Atlantic bluefin tuna per day based on a review of available information on landing trends, or any other relevant factors, to provide for a longer fishing season. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the daily angler catch limit made under this paragraph. Persons angling in the regulatory area may possess Atlantic bluefin tuna in an amount not to exceed a single day's catch as allowed by the daily catch limit.

[FR Doc. 92-5636 Filed 3-11-92; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[No. 91-500]

RIN 1550-AA41

Savings Association Membership in the Federal Home Loan Bank System

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Proposed rule.

SUMMARY: The Office of Thrift Supervision ("OTS"), as primary federal regulator of all savings associations, proposed to adopt a rule that requires all savings associations to have and maintain Federal Home Loan Bank ("FHLBank") membership. The proposed is intended to address questions that have arisen regarding the interrelationship between thrift safety and soundness and Federal Home Loan Bank membership.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Please send comment letters to the Director, Information Services Section, Office of Communications, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552. Comment letters will be available for inspection at 1776 G Street, NW., Street Level.

FOR FURTHER INFORMATION CONTACT: Deborah Dakin, Assistant Chief Counsel, (202) 906-6445; Karen Solomon, Deputy Chief Counsel, (202) 906-7240; or Julie L. Williams, Senior Deputy Chief Counsel, (202) 906-6459; Chief Counsel's Office; Robyn Dennis, Senior Program Manager, (202) 906-5751; or John Price, Deputy Assistant Director, (202) 906-5745; Policy; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

A. Introduction; Description of the Proposal

Since the enactment of the Financial Institutions Reform, Recovery and Enforcement Act, Public Law 101-73, 103 Stat. 183 (Aug. 9, 1989) ("FIRREA"), questions have arisen as to whether savings associations are, or should be, required to be members of the FHLBanks. To date, through the enforcement of insurance agreements of the former Federal Savings and Loan Insurance Corporation ("FSLIC"),[1] the OTS has required all savings associations, including state-chartered associations, to maintain their FHLBank membership.

This proposal would impose a requirement of FHLBank membership for all savings associations by regulation. It would require all savings associations to obtain and maintain FHLBank membership, and would preclude their withdrawal from membership. It would apply equally to federally and state-chartered savings associations and with equal force whether or not the association's insurance agreement contained explicit language conditioning deposit insurance on FHLBank membership.

Set forth below are: A summary of the statutory and regulatory background against which the OTS proposes to make Bank System membership mandatory; a description of the factors that will influence the OTS's decision in this regard; and a solicitation of comment identifying specific issues related to the broader question of what role the Bank System can or should play in assisting thrifts to fulfill their statutory mission of providing housing credit safely and soundly.

B. Statutory Provisions Affecting FHLBank Membership Requirements

Section 5(f) of the House Owners' Loan Act ("HOLA") provides that every Federal savings association "shall become automatically" a member of a FHLBank upon receipt of its charter. Federal associations "shall qualify" for FHLBank membership "in the manner provided in the Federal Home Loan Bank Act with respect to other members." Section 6(e) of the Federal Home Loan Bank Act ("FHLBA") precludes Federal associations from voluntarily withdrawing from FHLBank membership.

No similar statutory requirements apply to state-chartered savings associations. Section 6(h) of the FHLBA provides, however, that an institution that withdraws from FHLBank membership may not be readmitted to membership for 10 years after its withdrawal.[2]

The OTS has the authority to require all savings associations, including state-chartered associations, to belong to a FHLBank. This authority derives from its regulatory and supervisory powers to ensure the safe and sound operation of savings associations.

The former FSLIC required all savings institutions to be FHLBank members in order to obtain deposit insurance. The condition was continuing: the FSLIC's purpose in imposing it was not merely to ensure that an association would qualify for and obtain FHLBank membership, but that the savings association would remain a FHLBank member for as long as it was covered by deposit insurance.[3] The legislative history of FIRREA demonstrates that Congress was aware of this condition of deposit insurance and intended it to survive the enactment of the legislation. The relevant portion of the Conference Report [4] states:

> Institutions insured by the FSLIC are presently required to maintain membership in their Bank as a condition of their FSLIC insurance. Under the Act, the existing obligation of such agreements remain[s] in effect and institutions would continue to be precluded from terminating their Bank membership as long as they were paying

[1] FIRREA abolished the FSLIC and provided that savings associations were to be insured by the Savings Association Insurance Fund ("SAIF") of the Federal Deposit Insurance Corporation ("FDIC"). See 12 U.S.C.A. 1437 note (West 1989 & Supp. 1990); 12 U.S.C.A. 1814(a)(2).

[2] FHLBank membership is not limited to savings associations. "Any building and loan association, savings and loan association, cooperative bank, homestead association, insurance company, savings bank, or any insured depository institution * * * shall be eligible to become a member of a Federal Home Loan Bank" provided it meets certain statutory requirements. 12 U.S.C.A. 1424(a).

[3] Title IV of the National Housing Act ("NHA"), which was repealed by FIRREA, contemplated that all conditions of deposit insurance would bind the savings association for as long as it was insured. Title IV of the NHA provided that an association's violation of its insurance agreement with the FSLIC was grounds to initiate proceedings to terminate deposit insurance. 12 U.S.C. 1726(b), 1730(b)(1).

[4] Joint Explanatory Statement of the Committee of Conference, H.R. Rep. No. 222, 101st Cong., 1st Sess. 428 (1989).

premiums to the Savings Association Insurance Fund.

The text of FIRREA, at section 401(h), carries forward "all orders, resolutions, determinations, and regulations" of the Bank Board and the FSLIC until they are affirmatively superseded by the appropriate successor agency. 12 U.S.C.A. 1437 note. This language encompasses conditions of deposit insurance imposed by the FSLIC. To date, the condition of FHLBank membership has not been superseded by either the OTS or the FDIC.

The OTS and the FDIC have jointly published a notice providing that the OTS may enforce conditions imposed in connection with the approval of applications for FSLIC insurance of accounts. See Allocation of Regulations and Orders Pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989, 54 FR 41359, 41361 (Oct. 6, 1989). Thus, at its discretion, the OTS may continue to require savings associations to comply with existing conditions of their insurance, including the requirements of FHLBank membership.

Similarly, in exercising its authority to approve a savings association's conversion to a commercial or savings bank with SAIF insurance or to approve the merger of a SAIF-insured savings association with a BIF-insured bank subsidiary of a bank holding company, the OTS has required the resulting entity to continue its participation in the Bank System,[5] in accordance with the requirements of the Federal Housing Finance Board for as long as the resulting entity has SAIF-insured deposits.

The OTS is not statutorily required to enforce FHLBank membership as a condition of insurance, nor is it statutorily bound to require resulting institutions in permissible conversion transactions to continue their participation in the FHLBank System. If it is persuaded that mandatory FHLBank membership does not contribute significantly to safety and soundness, the OTS could lawfully refrain from imposing these requirements.

C. Factors Affecting Mandatory FHLBank Membership

1. Safety and Soundness Issues

The Director of the OTS is the primary federal regulator of all savings associations. See 12 U.S.C. 1813(q)(4). Section 3(a)(1) of the Home Owners' Loan Act ("HOLA") authorizes the Director to "provide for the examination, safe and sound operation, and regulation of savings associations." 12 U.S.C. 1463(a)(1). He "may prescribe such regulations and issue such orders as are necessary" to carry out all laws within his jurisdiction. 12 U.S.C. 1462a(b)(3). He must exercise his statutory powers to "encourage savings associations to provide credit for housing safely and soundly." 12 U.S.C. 1463(a)(3).

This authority provides an independent ground on which the OTS may require all state-chartered savings associations to retain membership in their FHLBanks. Membership in the FHLBanks contributes to the safety and soundness of both the thrift industry as a whole and individual savings associations. It provides savings associations with a potential source of borrowings to use as a tool to manage their interest rate risk effectively and to meet their liquidity requirements.

Savings associations are, in general, subject to significant interest rate risk. They have long operated as specialized financial intermediaries, gathering funds (mostly short-term deposits) and making long-term mortgage loans. This general practice of funding long-term assets with short-term deposits leaves savings associations vulnerable to interest rate volatility. This is true even for institutions that make adjustable rate, long-term loans, because these loans have annual and lifetime rate adjustment limitations on the allowable increases.

Because the FHLBank System makes medium and long-term borrowings available to savings associations, it may serve as an important resource to help them manage their interest rate risk. As the thrift industry adjusts to the new and more stringent Qualified Thrift Lender [6] test, which requires increased investment in housing-related assets, the problem of managing this interest rate risk will become even more acute. Any association that exists from its FHLBank is precluded by law from re-entering the System for a period of ten years. 12 U.S.C. 1426(h). In the prevailing economic environment, it may be imprudent for any association to preclude itself from access to such borrowings.

The FHLBank System can also play a crucial role in assisting associations to manage their short-term liquidity needs. While savings associations that are healthy and that have access to other sources of liquidity may not currently need to rely on advances and borrowings from a FHLBank, they may have nowhere else to turn except to the Bank System or the discount window of the Federal Reserve Bank in times of economic distress. It could therefore be imprudent for a savings association to preclude itself from obtaining help from one of only two emergency sources of liquidity for a ten-year period.

Finally, departures from the FHLBank System could further undermine the safety soundness of the entire thrift industry. Redemption of the capital stock of withdrawing members would diminish the capital of the FHLBanks, having an uncertain effect on the remaining members' capital investment. This, in turn, could reduce the ability of the FHLBanks to provide credit and liquidity to remaining members. As a result, the safety and soundness of remaining members could be adversely affected. Further study to quantify the effects of voluntary membership on the return to equity and the capital level of the system appears to be needed.

2. Consistency With FIRREA's Funding Scheme

Under FIRREA, the FHLBanks are instrumental in funding the resolution of the thrift crisis. The FHLBanks are obligated by FIRREA to purchase the stock of the Resolution Funding Corporation ("REFCORP"), which in turn provides funds to the Resolution Trust Corporation ("RTC") for the resolution of insolvent savings associations. In addition to capitalizing the principal fund of REFCORP, the FHLBanks may also be required to pay $300,000,000 per year toward the interest on REFCORP obligations. FIRREA assigns, on a *pro rata* basis, each FHLBank's contribution to the interest payment on REFCORP bonds. 12 U.S.C. 1441b.

FIRREA also mandates that each FHLBank establish an Affordable Housing Program to subsidize the interest rate on advances to members who provide loans to specified individuals, governmental agencies, or non-profit organizations to purchase, construct, or rehabilitate housing for low- and moderate-income persons. 12 U.S.C. 1430(j)(3). Each FHLBank must contribute annually a prescribed portion of its annual net earnings to support subsidized advances through the Affordable Housing Program. 12 U.S.C. 1430(j)(5). This Program depends on the earnings and profitability of the FHLBanks, which may be adversely

[5] FIRREA specifically excepts these types of transactions from the otherwise applicable moratorium on "conversion transactions," that is, certain transactions involving both a BIF-insured and a SAIF-insured depository institution. See 12 U.S.C. 1815(d)(2), (d)(3).

[6] See 12 U.S.C. 1467a(o); 56 FR 31081 (July 9, 1991) (post-FIRREA Qualified Thrift Lender test; effective July 1, 1991).

affected in the absence of a requirement for FHLBank membership.

Accordingly, OTS finds additional support for its proposal in the FIRREA provisions indicating that savings associations' support of the FHLBanks through their membership is a vital component of the funding of REFCORP and the Affordable Housing Program.

3. Equal Membership Requirements for Federal and State-Chartered Savings Associations

The HOLA provides that every Federal savings association must automatically become a FHLBank member upon receipt of its charter. The Federal Home Loan Bank Act precludes Federal savings associations from voluntarily withdrawing from the FHLBank System. The Director of the OTS is the primary Federal regulator of all savings associations and in that capacity is concerned about any unequal advantages gained exclusively on the basis of charter. Permitting voluntary membership only for state-chartered savings associations could create such an advantage.

D. Solicitation of Comment

The OTS solicits comment on all aspects of today's proposal. The OTS is aware that the proposal raises important issues about the FHLBank System's contribution to the safe and sound operation of the thrift industry and encourages comments that address this larger issue. Because of the importance of this issue, OTS requests commenters to provide a detailed analysis on the effect of this proposal on the level of capital, the returns to capital, and the net income of the FHLBank System. In addition, commenters may wish to focus on the following specific aspects of the issue:

1. Savings association are required to maintain liquid assets in a specified amount in order to meet their statutory liquidity requirement and to operate safely and soundly. The FFHLBank System provides one source of liquidity to thrifts. Could the OTS adequately address liquidity concerns by requiring savings associations wishing to exit the FHLBank System to demonstrate that they will be able to satisfy their liquidity needs—including "emergency" liquidity needs—without resort to a FHLBank? To what extent does savings associations' access to the Federal Reserve System substitute for access to the FHLBank System?

2. Section C, above, describes how the FHLBank System may help thrifts to manage their interest-rate risk. Does the FHLBank System actually perform this function? Are FHLBank rates for medium- and long-term borrowings sufficiently competitive that thrifts rely on FHLBank borrowings for this purpose? Are thrifts instead more likely to manage their interest-rate risk by borrowing or hedging elsewhere? Why?

3. How are the operations of the FHLBanks likely to change in the near term and what impact will that change have on the FHLBank System's relationship to the thrift industry? Will the business of the FHLBanks come more closely to resemble that of the existing government sponsored enterprises like the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation? If so, then in some lines of business the FHLBanks may compete with the thrift industry. They may, for example, be able to access funds more cheaply than thrifts and, with those funds, buy mortgages and issue mortgage-backed securities. If competition develops between the thrift industry and the FHLBanks in certain lines of business, should the thrift industry be required, through a requirement of mandatory membership, to support its competitors?

4. From a policy perspective, is it appropriate to require FHLBank System membership even if dividends on FHLBank stock decline to a rate of return significantly below a savings association's cost of funds?

Executive Order 12291

The Office has determined that this regulation does not constitute a "major rule" and, therefore, does not require the preparation of a final regulatory impact analysis.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that this proposal will not have a significant economic impact on a substantial number of smaller entities. Accordingly, a Regulatory Flexibility Act Analysis is not required.

List of Subjects in 12 CFR Part 563

Accounting, Advertising, Crime, Currency, Flood insurance, Investments, Reporting and recordkeeping requirements, Savings associations, Securities, Surety bonds.

Accordingly, the Office of Thrift Supervision proposes to amend part 563, subchapter D, chapter V, title 12, Code of Federal Regulations, as set forth below.

Subchapter D—Regulations Applicable to all Savings Associations

PART 563—[AMENDED]

1. The authority citation for part 563 continues to read as follows:

Authority: Sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec 4, as added by sec. 301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 10, as added by sec. 301, 103 Stat. 138 (12 U.S.C. 1467a); sec. 11, as added by sec. 301, 103 Stat. 342 (12 U.S.C. 1468); sec. 18, 64 Stat. 601, as amended by sec. 321, 103 Stat. 267 (12 U.S.C. 1828); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); sec. 202, 87 Stat. 982, as amended (42 U.S.C. 4106).

2. Section 563.49 is added to read as follows:

§ 563.49 Membership in a Federal Home Loan Bank.

Each savings association shall obtain membership in a Federal Home Loan Bank and subsequently maintain such membership. No savings association may voluntarily withdraw from membership in a Federal Home Loan Bank.

Dated: August 19, 1991.

The Office of Thrift Supervision.

Timothy Ryan.

Director.

Editorial note: This document was received at the Office of the Federal Register March 9, 1992.

[FR Doc. 92-5788 Filed 3-11-92; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-08-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Boeing Model 747 Series airplanes equipped with certain emergency escape system packaboards. This proposal would require replacing the plastic pulley guards installed on the emergency escape slide system packboards with metal ones. This proposal is prompted by a recent

emergency evacuation, during which a broken plastic pulley guard caused the release cable to come loose from the pulley before the escape system released from the packboard; this caused the passenger door to jam in the partially open position, preventing the exit door from being used. The actions specified by the proposed AD are intended to prevent jamming of the passenger door, which could delay the egress of passengers in the event of an emergency evacuation.

DATES: Comments must be received by April 27, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-08-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2784; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-08-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-08-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion:

The main deck escape system on certain Boeing Model 747 series airplanes is installed on passenger doors by a packboard and on the floor of the airplane by a girt bar and floor brackets. When the passenger door is opened in the automatic mode to deploy the escape system, cables that are attached to the girt bar and the pulleys on the packboard release mechanism tighten and start to rotate the pulley, which, in turn, starts to release the escape system from the packboard. The cables are retained in the pulley by a plastic pulley guard; the pulley guard prevents the cable from releasing until the escape system has released from the packboard.

During one emergency evacuation, the plastic pulley guard on the packboard release mechanism was broken. This caused the release cable to come loose before the escape system released from the packboard, which caused the passenger door to jam in the partially open position. The operator of the airplane involved in this incident conducted a fleet inspection and detected 55 broken plastic pulley guards on other airplanes. This condition, if not corrected, could cause the main deck passenger door to jam, which could delay the egress of passengers in the event of an emergency evacuation.

Since an unsafe condition has been identified that likely to exist or develop on other Model 747 series airplanes equipped with emergency escape system packboards of this same type design, the proposed AD would require replacing the plastic pulley guards, currently installed on the emergency escape slide system packboards, with metal pulley guards.

There are approximately 200 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 75 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 100 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $487,500.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-08-AD.

Applicability: Model 747 series airplanes; equipped with escape slides listed in Boeing Service Bulletin 747-25-2131, dated September 17, 1971; or equipped with escape systems installed in accordance with Supplemental Type Certificate SA574GL, SA575GL, SA744GL, SA745GL, or SA1215EA; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of an emergency exit door, accomplish the following:

(a) Within 9 months after the effective date of this AD, replace the plastic pulley guards on the emergency slide system packboard release mechanism, Boeing part number (P/N) 69B51507–1 and –2, with metal pulley guards, Boeing P/N 69B54562–1 and –2, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5739 Filed 3–11–92; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1E4001/P538; FRL–4043–4]

RIN 2070–AC18

Exemption from the Requirement of a Tolerance for Gibberellins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes an exemption from the requirement of a tolerance for residues of the class of biochemical plant growth regulators known as gibberellins in or on the raw agricultural commodity (RAC) watercress at a rate of less than 20 grams of active ingredient per acre (20 g ai/A) per application when applied to the growing crop. This proposed regulation was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E4001/P538), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 1E4001 to EPA on behalf of the IR-4 and the Agricultural Experiment Station of Florida requesting an exemption from tolerance requirement under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for residues of gibberellins (GA_3) in watercress. Gibberellins are exempted from the requirement of a tolerance when used as a plant growth regulator at application rates less than 20 grams of active ingredient per acre (20 g ai/A) in or on a substantial number of raw agricultural commodities (RACs) as stated in the **Federal Register** of November 14, 1990 (55 FR 47475).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered include an acute oral toxicity study (rats) with no deaths at 5,050 milligrams per kilogram (mg/kg); an acute dermal toxicity study (rabbit) with no deaths at 2,020 mg/kg; an acute inhalation toxicity study (rat) with no deaths at 3.82 milligrams per liter (mg/L); an acute eye irritation study (rat) showing "minimal effects clearing in less than 24 hours"; a dermal irritation study (rabbits) with a score of "mildly or slightly irritating; and a dermal sensitizer." All other toxicology data requirements, including subchronic and chronic feeding studies, carcinogenicity, reproduction, teratology, and mutagenicity studies are waived due not only to minimum (if any) health risks associated with gibberellins, but to proposed low-volume use pattern. Dietary exposure (residue chemistry) data requirements have also been waived since the rate of application is less than 20 g ai/A/application. In this case, the maximum single application rate is 10 g ai/A. An analytical method (a fluorimetric method with a sensitivity of 0.01 ppm) is available for enforcement purposes in the Pesticide Analytical Manual (PAM), Vol., II.

Gibberellins are naturally occurring plant compounds affecting plant growth. In this instance, gibberellins are produced by batch fermentation using *Gibberella fujikuroi*, a naturally occurring fungal species. Gibberellins are not expected to present an unacceptable hazard to humans, fish, and wildlife, or the environment.

The data submitted in the petition and other relevant material have been evaluated. Based on the above information considered by the Agency the exemption from the requirement of a tolerance established by amending 40 CFR 180.1098 would protect the public health. Therefore, it is proposed that the tolerance exemption be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (PP 1E4001/P538). All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1098 is revised to read as follows:

§ 180.1098 Gibberellins (GA_3); exemption from the requirement of a tolerance.

Gibberellins (GA_3) are exempted from the requirement of a tolerance when used as a plant growth regulator at application rates less than 20 grams of active ingredient per acre (20 g ai/A) in or on the following raw agricultural commodities: Barley, beans, beets (sugar), broccoli, brussels sprouts, cabbage, cauliflower, corn (field, sweet, and popcorn), cotton, cucumber, grapefruit, lemons, lettuce, melons, mint (peppermint and spearmint), mustard greens, oats, onions, oranges, peanuts, peppers, potatoes, rice, rye, sorghum (milo), soybeans, spinach, squash, strawberries, sugarcane, tomatoes, turnips, watercress, and wheat.

[FR Doc. 92–5820 Filed 3–11–92; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 1E3948/P536; FRL–4042–5]

RIN 2070–AC18

Pesticide Tolerances for Aluminum Tris (O-Ethylphosphonate)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to remove the tolerance established for regionally restricted registration of the fungicide aluminum tris (O-ethylphosphonate) in or on the raw agricultural commodity fresh ginseng root and add it for nonregionally restricted registration. This amendment was requested by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E3948/P536), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: A tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for residues of the fungicide aluminum tris (O-ethylphosphonate) (also referred to as fosetyl-Al) in or on the raw agricultural commodity fresh ginseng root at 0.1 part per million (ppm) was established in the **Federal Register** of April 26, 1989 (54 FR 17949). The tolerance was established in support of registration for use of fosetyl-Al on ginseng in Wisconsin based on the geographical representation of the residue data available at the time the tolerance was established.

Additional field residue data for ginseng were submitted by IR-4 from Kentucky. These data show that use of fosetyl-Al in another production area is not likely to result in residues in excess of the established tolerance for ginseng (0.1 ppm). It is, therefore, no longer necessary for the Agency to regionally restrict registration for use of fosetyl-Al on this commodity. To allow geographical expansion of the registration for fosetyl-Al on ginseng, IR-4 proposes amending 40 CFR 180.415 by inserting the raw agricultural commodity "ginseng root, fresh" at 0.1 ppm in paragraph (a) and by deleting the raw agricultural commodity "ginseng root, fresh" at 0.1 ppm in paragraph (b).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed amendment to the tolerance include:

1. A 2-year dog feeding study with a no-observed-effect level (NOEL) of 10,000 ppm (equivalent to 250 milligrams (mg)/kilogram (kg) body weight (bw)/day).

2. A carcinogenicity study in mice fed diets containing 2,500, 10,000, and 20,000/30,000 ppm (highest dose level equivalent to 4,286 mg/kg/day) with no carcinogenic effects observed under the conditions of the study.

3. A 2-year feeding study in rats fed diets containing 2,000, 8,000, and 32,000 ppm monosodium phosphide (metabolite of fosetyl-Al) with a systemic NOEL of 8,000 ppm (equivalent to 400 mg/kg/day) based on reduced mean body weights and reduction of calcium and postassium blood values. There were no carcinogenic effects observed under the conditions of the study.

4. A three-generation reproduction study in rats with a NOEL of 6,000 ppm (equivalent to 300 mg/kg (bw)/day) based on decreased litter and pup weight in both matings of each generation.

5. A teratology study in rabbits with no embryotoxic, fetotoxic, or developmental toxicity at the highest dose tested (500 mg/kg/day).

6. A teratology study in rats with NOEL's for maternal and developmental toxicity of 1,000 mg/kg/day based on significantly reduced litter and fetal weight, a slight increase in malformations and increased skeletal variations.

7. Ames mutagenicity assays, *E. coli* phage induction tests, micronucleus tests in mice, DNA repair tests using *E. coli* and *Saccharomyces cerevisiae* yeast assays that were negative for mutagenic effects.

8. A 2-year feeding/carcinogenicity study in rats with statistically significant elevated incidence of urinary bladder tumors (adenomas and carcinomas combined) in male rats at the highest dose level tested (2,000/1,500 mg/kg/day). In this study, Charles River CD-1 rats were dosed with aluminum tris (O-ethylphosphonate) at levels 0, 100, 400, and 2,000/1,500 mg/kg (bw)/day. The high-dose level was reduced to 1,500 mg/kg/ (bw)/day after 2 weeks. The highest dose level appeared to approximate a maximum tolerated dose based on the finding of urinary tract hyperplasia in male rats at the 2,000/1,500 mg/kg (bw)/day level during the first 2 weeks of the study. Tumors were mainly observed in surviving males at the time of terminal sacrifice. Additional information regarding the Agency's evaluation of the 2-year rat feeding/carcinogenicity study is provided in detail in final rule documents on aluminum tris(O-ethylphosphonate), published in the **Federal Register** of May 21, 1986 (51 FR 13585) and April 4, 1990 (55 FR 12485).

The Agency has concluded that the available data constitute limited evidence for the carcinogenicity of aluminum tris(O-ethylphosphonate) in male Charles River CD-1 male rats and has classified the pesticide as a Category C carcinogen (possible human carcinogen with limited evidence of carcinogenicity in animals). The Agency has further decided not to develop a quantitative estimation of the carcinogenic potential for aluminum tris (O-ethylphosphonate) for the following reasons:

a. The carcinogenic response observed in the rat chronic feeding/carcinogenicity study was confined solely to high-dose males at one site (urinary bladder) in Charles River CD-1 rats. The tumors were mainly seen in surviving animals at the time of terminal sacrifice. Moreover, the unusually high dose at which carcinogenic effects were observed (2,000/1,500 mg/kg body weight (bw)/day) approached a level in the diet at which the nutritional status of the experimental animal may begin to be compromised.

b. No carcinogenic effects were observed in a carcinogenicity study performed in mice at dose levels up to 4,286 mg/kg (bw) per day.

c. The urinary metabolite of aluminum tris (O-ethylphosphonate) was not carcinogenic when administered in the diet to Charles River CD-1 rats at dose levels up to 32,000 ppm (1,600 mg/kg (bw)/day).

d. No adverse effects on the urinary bladder or the adrenal gland were produced by aluminum tris (O-ethylphosphonate) in a 2-year chronic toxicity study performed in dogs at dose levels up to 40,000 ppm (1,000 mg/kg/(bw)/day).

e. Mutagenic assays for aluminum tris(O-ethylphosphonate) were negative for mutagenic effects.

The reference dose (RfD) is based on the 2-year dog feeding study with a NOEL of 250 mg/kg/day. Using a 100-fold safety factor, and rounding to the largest whole number, the RfD is calculated to be 3.0 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) for the overall U.S. population from established and proposed tolerances is calculated to be 0.001345 mg/kg/day; the current action will not increase the TMRC. Published tolerances utilize less than 1.0 percent of the RfD (.041 percent).

The nature of the residue is adequately understood, and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. Because of the long lead time from establishing this tolerance to publication of the enforcement methodology in the Pesticide Analytical Manual (PAM), Vol. II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128C, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.415 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 1E3948/P536]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.415, paragraphs (a) and (b) are amended by revising the tables therein, to read as follows:

§ 180.415 Aluminum tris (O-ethylphosphonate); tolerances for residues.

(a) * * *

Commodity	Parts per million
Caneberries	0.1
Citrus	0.5
Ginseng root, fresh	0.1
Pineapple	0.1
Pineapple fodder	0.1
Pineapple forage	0.1

(b) * * *

Commodity	Parts per million
Asparagus	0.1

[FR Doc. 92-5821 Filed 3-11-92; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 180

[PP 1E3978/P539; FRL-4043-5]

RIN 2070-AC18

Pesticide Tolerance for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide glyphosate in or on the raw agricultural commodity pomegranates. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E3978/P539), must be received on or before April 13, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1128, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 1E3978 to EPA on behalf of the IR-4 and the Agricultural Experiment Stations of California and Texas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose the establishment of tolerances for residues of the herbicide (N-(phosphonomethyl) glycine) and its metabolite amino-methylphosphonic acid (AMPA) resulting from the application of the isopropylamine salt of glyphosate in or on the raw agricultural commodities pomegranates and prickly pear cactus (fruit and pad) at 0.2 part per million (ppm). The petition was subsequently amended by IR-4 by withdrawing without prejudice to the future filing of the tolerance proposal for prickly pear cactus.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A multi-generation reproduction toxicity study in rats with a parental no-observed-effect level (NOEL) of 30 milligrams (mg)/kilogram (kg)/day (highest dose tested) and a NOEL for developmental toxicity of 10 mg/kg/day based on an increased incidence of focal tubular dilation of the kidney of male F_{3b} weanlings (pups) at 30 mg/kg/day.

2. A chronic feeding/carcinogenicity study in rats with a systemic NOEL of 31 mg/kg/day, and no observed carcinogenicity under the conditions of the study at all feeding levels tested (0, 3, 10, and 31 mg/kg/day). Although the rat study meets the requirement for a chronic feeding study, it does not satisfy guideline requirements for a carcinogenicity study. There is no evidence that the highest dose tested (31 mg/kg/day) was a toxic or maximum-tolerated dose (MTD).

3. A chronic feeding study in dogs fed capsules containing 0, 20, 100, and 500 mg/kg/day with a NOEL greater than 500 mg/kg/day. No toxic effects were observed under the conditions of the study.

4. A rat teratology study with NOEL's for maternal and developmental toxicity at 1,000 mg/kg/day. An increase in the number of litters and fetuses with unossified sternebrae and a decrease in fetal body weight was observed at 3,500 mg/kg/day.

5. A rabbit teratology study with a maternal NOEL of 175 mg/kg/day and no developmental toxicity observed at the highest dose tested (350 mg/kg/day).

6. Mutagenicity studies as follows: structural chromosomal aberration assay (cytogenetics in vivo), negative; gene mutation assay (Ames test) with and without metabolic activation, negative; gene mutation assay (mammalian cell) with and without S-9 activation, negative; genotoxicity assays (rec-assay in *Bacillus subtilis*), negative.

7. A 2-year carcinogenicity study in CD-1 mice fed diets containing 1,000, 5,000, and 30,000 ppm (equivalent to 150, 750, and 4,500 mg/kg/day, respectively). In this study, glyphosate produced an equivocal carcinogenic response, possibly causing a slight increase in the incidence of renal tubular adenomas (a benign tumor of the kidney) in male mice at the highest dose tested (30,000 ppm).

Because of the equivocal nature of the carcinogenic response in mice and the lack of an acceptable carcinogenicity study in rats, the Agency referred the issue of carcinogenicity of glyphosate to the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Science Advisory Panel (SAP) for a Weight-of-the-Evidence recommendation. The SAP concluded that the carcinogenic potential of glyphosate could not be determined from the available information. They recommended that the rat and/or mouse carcinogenicity studies be repeated to clarify the equivocal findings.

A second rat study has been submitted and reviewed by EPA. This study reported a systemic NOEL at 8,000 ppm in rats fed diets containing 0, 2,000, 8,000, 20,000 ppm (equivalent to 0, 100, 400, 1,000 mg/kg/day, respectively) and no carcinogenic effects observed under the conditions of the study.

The Health Effects Division (HED) Carcinogenicity Peer Review Committee (CPRC) evaluated the weight-of-the evidence for glyphosate with particular emphasis on its carcinogenic potential. They concluded that the glyphosate classification should be amended from a "Group D Carcinogen" to a "Group E Carcinogen" (evidence of noncarcinogenicity for humans), based upon adequate studies in two animal species (rat and mouse) which indicate the lack of convincing carcinogenicity evidence. As for the mouse study, CPRC concluded that the renal tubular

neoplasms in high-dose male mice were not compound-related.

The reference dose (RfD), based on the NOEL of 10 mg/kg/day from the rat reproduction study and using an uncertainty factor of 100, is calculated to be 0.1 mg/kg of body weight (bw)/day. The theoretical maximum residue contribution (TMRC) for the overall U.S. population from published and pending uses of glyphosate is estimated at 0.010671 mg/kg/day, which represents 11 percent of the RfD. The proposed use of glyphosate on pomegranates would add less than 0.000001 mg/kg/day, less than 0.01 percent of the RfD.

The nature of the residue is adequately understood, and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since pomegranates are not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.364 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 1E3978/P539]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.364, by amending paragraph (a) in the table therein by adding and alphabetically inserting the raw agricultural commodity "pomegranates" to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	
Pomegranates	0.2
* * * *	

[FR Doc. 92-5822 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-50-F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

48 CFR Parts 5446 and 5452

DLA Acquisition Regulation; Statistical Process Control

AGENCY: Defense Logistics Agency, DOD.

ACTION: Correction to proposed rule and reopening of comment period.

SUMMARY: This document contains corrections to the proposed rule appearing at 56 FR 66008, December 20, 1991. We inadvertently stated that the Paperwork Reduction Act does not apply. This document is to alter that language to apply. In addition, we are reopening the comment period.

DATES: Comments should be submitted to the address shown below on or before April 20, 1992, to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Logistics Agency, Directorate of Contracting, Policy Branch (DLA-PPR), ATTN: Ms. Ynette Shelkin, Cameron Station, Alexandria, VA 22304-6100.

FOR FURTHER INFORMATION CONTACT: Ms. Ynette Shelin, Defense Logistics Agency, DLA-PPR (703) 274-0431.

CORRECTION OF PUBLICATION:

On page 66008, column 3, paragraph C, Paperwork Reduction Act, is corrected to read "The Paperwork Reduction Act applies to this proposed rule because it contains information collection and recordkeeping requirements which require the approval of OMB under 44 U.S.C. 3501 et seq. A request for clearance has been submitted to OMB.

By Order of the Director.

Gary C. Tucker,

Colonel, USA, Staff Director, Administration.

[FR Doc. 92-5389 Filed 3-11-92; 8:45 am]

BILLING CODE 3820-01-M

Notices

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Regulation; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Regulation of the Administrative Conference of the United States. The meeting will be held at 9:30 a.m. on Tuesday, March 24, 1992, at the Administrative Conference of the United States, suite 500, 2120 L Street, NW., Washington, DC 20037 (Library, 5th floor).

The committee will meet to continue discussion of a project concerning the coordination of migrant and seasonal farmworker service programs. The Conference's consultants for this study are Professor David A. Martin, University of Virginia School of Law, and Professor Philip L. Martin, University of California at Davis, Department of Agricultural Economics.

For further information concerning this meeting, contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC (Telephone: 202-254-7020).

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: March 10, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92-5908 Filed 3-11-92; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 6, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Revision

• Agriculture Stabilization and Conservation Service.

7 CFR part 12, 718, and 1404 Report of Acreage, Highly Erodible Land and Wetland Conservation Certification Requirements, and Assignment of Payments.

AD-1026, 1026B, 1026C, 1026U, 1068, 1069, 1026A Supplement; ASC-578, 492; CCC-21, 36, 37, 251, 252.

On occasion; Annually.

Individuals or households; Farms; Small businesses or organizations; 5,147,538 responses; 1,874,723 hours.

Lavonne Maas (202) 720-6128.

Extension

• Farmers Home Administration.

7 CFR 1940-G, Environmental Program.

Form FmHA 1940-20.

On occasion.

Individuals or households; State or local governments; Farms; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 5,360 responses; 57,120 hours.

Jack Holston (202) 720-9736.

• Agriculture Research Service.

Taxonomic Data Input Form—Beetle genus and species ARS 125, ARS 126.

On occasion.

State or local government; 80 responses; 800 hours.

Robert D. Gordon (202) 382-1792.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 92-5737 Filed 3-11-92; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Exemption of Certain Recovery Projects From Administrative Appeals

SUMMARY: Pursuant to 36 CFR 217.4(a)(11), the Regional Forester for the Rocky Mountain Region has determined there is good cause to exempt from administrative appeal timber sales to reduce mountain pine beetle populations and harvest mountain pine beetle infested dead, dying, and green trees in the Bearhouse Project Area on the Black Hills National Forest, Harney Ranger District.

EFFECTIVE DATE: Effective on issuance.

FOR FURTHER INFORMATION CONTACT: John P. Halligan, Appeals and Litigation Coordination, Rocky Mountain Region, USDA Forest Service, 11177 West 8th Avenue, P.O. Box 25127, Lakewood, CO 80225, (303) 236-9430 or Roberta Moltzen, Forest Supervisor, Black Hills National Forest, RR 2, Box 200, Custer, SD 57730, (605) 673-2251.

SUPPLEMENTARY INFORMATION: Large losses of timber volume have already occurred with larger losses predicted if no action is taken. Wood fiber production potential is being and will be reduced if the mountain pine beetle epidemic is allowed to run its course without forest management.

Fuel loadings would also increase as a result of the tree mortality. This would increase the risk of catastrophic fires and the difficulty of fire control.

With full consideration given to environmental values and forest plan

standards and guidelines; specific management objectives for the area are to:

(1) Reduce the susceptibility of the area to mountain pine beetle infestation,

(2) Reduce the population levels of the mountain pine beetle,

(3) Reduce the potential heavy fuel loading,

(4) Maintain wood fiber production capability, and

(5) Increase the amount of vegetable and structural diversity.

Environmental analysis of proposed actions is currently under way. Pursuant to 40 CFR 1501.7, scoping is now in progress. Scoping is being conducted by the Harney District Ranger to determine the issues to be addressed in the environmental analysis.

The Harney Ranger District is expected to complete the environmental analysis and documentation in May 1992. Decisions are expected at the time. The environmental documents will be available for public review at the Harney Ranger District Office, HCR 87, Box 51, Hill City, SD 57745.

Background

Mountain pine beetle populations have greatly increased in size the past three years in the Bearhouse area. The Bear Basin portion of the area (1,700 acres) is estimated to have forty to fifty percent of the trees killed. There are numerous areas twenty to forty acres in size where all trees have been killed.

The Whitehouse portion of the area is currently only lightly infested but insect inventories conducted by Research Station personnel indicate the potential for a large population to emerge during August 1992. Current mortality is approximately five to ten percent of the trees in a 3,200-acre area. However, if the number of trees are not reduced there is the potential to develop the same amount of mortality as described for the Bear Basin area.

The Bearhouse area is located in the south central portion of the Harney Ranger District, approximately 8 miles southwest of Hill City and 10 miles northwest of Custer. The project area is approximately 4,900 acres in size. There are a number of management areas in the project area which emphasize wood fiber production, perpetuation of aspen and birch, livestock grazing on mountain and prairie grasslands, and riparian area management, respectively. The Black Hills Land and Resource Management Plan defines the objectives for these management areas.

Planned Actions

The interdisciplinary team is planning to salvage harvest the merchantable dead and dying trees and harvest surrounding areas to reduce the susceptibility to mountain pine beetle attack. Timber harvesting is expected on approximately 3,200 acres using shelterwood seed cuts, thinnings (commercial and pre-commercial), uneven aged harvesting (group or individual tree selection), and clearcuts. Timber harvest treatments are being coordinated with forest pest specialists and Research Station personnel in Rapid City, South Dakota, and Ft. Collins, Colorado. There would be only limited road construction. Some reconstruction and maintenance of existing roads would occur.

The interdisciplinary team has reviewed the area and concluded that a large portion of the Bear Basin area has been heavily damaged by mountain pine beetle infestations. Further, that the surrounding area is highly susceptible to mountain pine beetle attacks with a high probability of further losses of timber volume and value and wood fiber production. The amount of losses and the expected mountain pine beetle population is currently being estimated.

If salvage and other harvesting is not completed before spring of 1993, the mountain pine beetle population can be expected to continue increasing in size with corresponding losses of timber volume and value and wood fiber production. The beetle population will increase on public as well as adjacent forested private lands. The greatest concern is that trees showing sign of infestation be removed between August of 1992 and August of 1993 before the next mountain pine beetle generation is developed. To accomplish this, environmental analysis and timber sale preparation must be completed during the summer of 1992 so that the resulting timber sales can be sold and harvested prior to August 1993. Therefore, I am exempting those and attendant actions, including road construction and reconstruction, from appeal under provisions of 36 CFR part 217 if, through environmental analysis, it is found these actions are feasible.

The timber sales, including salvage sales, and attendant actions to which this exemption applies will be identified in any documentation as part of the Bearhouse Project.

Dated: March 5, 1992.

Glen E. Hetzel,

Acting Regional Forester.

[FR Doc. 92-5790 Filed 3-11-92; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Posting of Stockyards

Pursuant to the authority provided under section 302 of the Packers and Stockyards Act (7 U.S.C. 202), it was ascertained that the livestock markets named below were stockyards as defined by section 302(a). Notice was given to the stockyard owners and to the public as required by section 302(b), by posting notices at the stockyards on the dates specified below, that the stockyards were subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq*).

Facility No., name, and location of stockyard	Date of posting
IA-261—North Iowa Feeder Pigs, St. Ansgar, IA.	Feb. 5, 1992
MO-272—Patton Junction L/S Auction, Inc., Patton, MO.	Jan. 27, 1992

Done at Washington, DC this 6th day of March, 1992.

Harold W. Davis,

Director, Livestock Marketing Division, Packers and Stockyards Administration.

[FR Doc. 92-5736 Filed 3-11-92; 8:45 am]

BILLING CODE 3410-30-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 2 p.m. on Wednesday, April 1, 1992, at the County Square, 301 University Ridge, Conference Room A, Greenville, South Carolina, and adjourn at 5 p.m. The purpose of the meeting is to discuss the status of the Commission and the Advisory Committee. In addition, the committee will hold a briefing session to receive information from community leaders on racial tensions in South Carolina (Greenville).

Persons desiring additional information, or planning a presentation to the Committee, should contact South Carolina Chairperson Gilbert Zimmerman (803/525-7530), or Bobby Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476; TDD 404/730-2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, DC, March 4, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-5791 Filed 3-11-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: U.S.-Japan Semiconductor Arrangement Data Collection Program.

Form Number: ITA-4115.

OMB Approval Number: None.

Type of Request: Approval of existing collection in use without OMB approval.

Burden: 408 hours.

Number of Respondents: 34.

Avg Hours Per Response: 1 hour.

Needs and Uses: Commerce is required to gather, under the terms of the 1991 U.S.-Japan Semiconductor Arrangement, information on U.S. sales in Japan.

Affected Public: Semiconductor producers.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395-7340.

Agency: International Trade Administration.

Title: Format for Petition Requesting Relief Under U.S. Countervailing duty Law.

Form Number: ITA-366P.

OMB Approval Number: 0625-0148.

Type of Request: Extesnion of the expiration date of a currently approved collection.

Burden: 560 hours.

Number of Respondents: 4.

Avg Hours Per Response: 40 hours.

Needs and Uses: The International Trade Administration is required to conduct a countervailing duty (CVD) investigation when an acceptable petition is received from an interested party. The purpose of a CVD investigation is to determine whether a foreign government is providing subsidies to products exported to the United States and whether those subsidized imports are causing injury to a U.S. industry. The petition provides information about the imported product which is allegedly subsidized, a description of the alleged subsidies on the imported merchandise, and the extent to which the domestic industry is being injured by the imported product.

Affected Public: Businesses or other for-profit institutions and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman, (202) 395-7340.

Agency: Minority Business Development Agency.

Title: Automated Business Enterprise Locator System (ABELS).

Form Number: MBDA 136.

OMB Approval Number: 0640-0002.

Type of Request: Revision of a currently approved collection.

Burden: 2,500 hours.

Number of Respondents: 100.

Avg Hours Per Response: 15 minutes.

Needs and Uses: This form is used to collect information on minority business capabilities for referral to procurement officials interested in extending contract bidding opportunities to minority firms. Respondents are minority owners of business firms capable of and interested in selling goods and servics to government agencies and other businesses.

Affected Public: Businesses or other for-profit institutions and small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395-7340.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.0

Written comments and recommendations for the proposed information collections should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 9, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc 92-5787 Filed 3-11-92; 8:45 am]

BILLING CODE 3510-CW

Bureau of the Census

Census Advisory Committee (CAC) of the American Economic Association (AEA), the CAC of the American Marketing Association (AMA), the CAC of the American Statistical Association (ASA), and the CAC on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), we are giving notice of a joint meeting followed by separate and jointly held (described below) meetings of the CAC of the AEA, CAC of the AMA, CAC of the ASA, and CAC on Population Statistics. The joint meeting will convene on April 9-10, 1992 at the Bureau of the Census, room 1630, Federal Building 3, Suitland, Maryland.

The CAC of the AEA is composed of nine members appointed by the president of the AEA. It advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and censuses; reviews major aspects of the Census Bureau's programs; and advises on the role of analysis within the Census Bureau.

The CAC of the AMA is composed of nine members appointed by the chairman of the board of the AMA. It advises the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The CAC of the ASA is composed of 12 members appointed by the president of the ASA. It advises the Director, Bureau of the Census, on the Census Bureau's programs as a whole and on their various parts; considers priority issues in the planning of censuses and surveys; examines guiding principles; advises on questions of policy and procedures; and responds to Census Bureau requests for opinions concerning its operations.

The CAC on Population Statistics is composed of four members appointed by the Secretary of Commerce and five members appointed by the president of the Population Association of America from the membership of that Association. The CAC on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The agenda for the April 9 combined meeting that will begin at 9 a.m. and end at 10:10 a.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) 1990 census update; and (3)

Economic and agriculture censuses update.

The agendas for the four committees in their separate and jointly held meetings that will begin at 10:30 a.m. and adjourn at 5:45 p.m. on April 9 are as follows:

The CAC of the AEA: (1) Census Bureau responses to recommendations and activities of special interest to the CAC of the AEA, (2) update on Bureau of Labor Statistics matching activities, (3) 2000 census alternatives (joint with the CAC of the AMA), and (4) standard industrial classification conference and update on activities (joint with the CAC of the AMA).

The CAC of the AMA: (1) Total quality management, (2) Census Bureau responses to recommendations and activities of special interest to the CAC of the AEA, (3) 2000 census alternatives (joint with the CAC of the AEA), and (4) standard industrial classification conference and update on activities (joint with the CAC of the AEA).

The CAC of the ASA: (1) Census Bureau responses to recommendations and activities of special interest to the CAC of the ASA, (2) cognitive research to redesign Survey of Income and Program Participation data collection, and (3) 2000 census alternatives (joint with the CAC on Population Statistics).

The CAC on Population Statistics: (1) Census Bureau responses to recommendations and activities of special interest to the CAC on Population Statistics, (2) postcensal estimates and projections of population, and (3) 2000 census alternatives (joint with the CAC of the ASA).

The agendas for the April 10 meeting that will begin at 9 a.m. and adjourn at 1 p.m. are:

The CAC of the AEA: (1) National Academy of Sciences report on foreign trade statistics, (2) expanded services censuses (joint with the CAC of the AMA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC of the AMA: (1) 1992 economic censuses promotion, (2) expanded services censuses (joint with the CAC of the AEA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC of the ASA: (1) Measurement changes in the redesigned Current Population Survey questionnaire (joint with the CAC on Population Statistics), (2) expanded use of administrative sources for monthly and annual surveys in Business Division, (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

The CAC on Population Statistics: (1) Measurement changes in the redesigned Current Population Survey questionnaire (joint with the CAC of the ASA, (2) measuring housing affordability, (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for next meeting, and (c) comments by outside observers.

All meetings are open to the public, and a brief period is set aside on April 10 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer at least 3 days before the meeting.

Persons wishing additional information regarding these meetings or who wish to submit written statements may contact the Committee Liaison Officer, Mrs. Phyllis Van Tassel, room 2423, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, DC 20233). Telephone: (301) 763–5410.

Dated: March 6, 1992.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 92–5730 Filed 3–11–92; 8:45 am]

BILLING CODE 3510-07-M

National Institute of Standards and Technology

Meeting of Fastener Quality Act Advisory Committee

AGENCY: National Institute of Standards and Technology, DoC.

ACTION: Notice of advisory committee meeting open to the public.

SUMMARY: The National Institute of Standards and Technology (NIST) will hold a meeting of the Fastener Advisory Committee on March 25 and 26, 1992. The meeting will be for the purpose of providing advice to the Department of Commerce, pursuant to statute, on the implementation of the Fastener Quality Act of 1990 (Public Law 101–592).

DATES: The meeting will be held on March 25, 1992 from 9 a.m. to 5 p.m., and on March 26, 1992 from 8:30 a.m. to 3 p.m., or earlier if so adjourned.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, in the Green Auditorium, Gaithersburg, MD 20899.

AGENDA: NIST and the Advisory Committee will discuss recommended changes to draft implementing regulations. The Committee will discuss the report presented at the January meeting by the Cost Effectiveness Working Group on the results of its work in identifying fasteners that are either covered under the Fastener Quality Act or that should be exempted by the Secretary of Commerce under Section 4 authority.

PUBLIC PARTICIPATION: The meeting is open to the public. Attendance shall be on a first-come, first-serve basis in so far as seating is concerned, up to the reasonable and safe capacity of the meeting room. The public may file written statements with the Advisory Committee at any time before or after the meeting. An effort shall be made to set aside a portion of the meeting for public participation. To the extent that the meeting time and agenda permits, interested persons will be allowed to present oral statements or to participate in the discussions.

FOR FURTHER INFORMATION CONTACT: Mr. David E. Edgerly, Deputy Director, Technology Services, National Institute of Standards and Technology, Building 221, room A363, Gaithersburg, MD 20899, Telephone (301) 975–4500.

Dated: March 6, 1992.

Samuel Kramer,

Acting Director.

[FR Doc. 92–5789 Filed 3–11–92; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487–4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487–4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

Department of Health and Human Services

7–322,266	(U.S. 5,061,564) Computer-Assisted Design of Anti-Peptides Based on the Amino Acid Sequence of a Target Peptide.
7–351,448	(U.S. 5,062,927) Selectively Cytotoxic Fusion Protein.
7–637,074	Treatment of Vascular Injury.
7–648,971	Prokaryotic Expression in Eukaryotic Cells.
7–684,197	Michellamines Useful as Antiviral Agents, Composition and Method of Treatment.
7–707,055	Eukaryotic Expression Vectors with Regulation of RNA Processing.
7–709,029	A New, Reliable Bioassay for Evaluation of Environmental Neurotoxins.
7–751,926	Heat Labile Toxin and Bordetella.
7–759,999	Attenuation of the Opioid Withdrawal Syndrome by Inhibitors of Nitric Oxide Synthase.
7–762,132	cDNA Encoding a Dopamine Transporter and Protein Encoded Thereby.
7–762,531	Miniature Cryosorption Vacuum Pump.
7–767,621	Phosphonoalkyl Phenylalanine Compounds Suitably Protected for Use in Peptide Synthesis.
7–769,623	Adenovirus-Mediated Transfer of Genes to the Lung.
7–771,554	Assay for Retroviral Aspartyl Protease Enzyme.
7–782,054	cDNA Encoding the Cocaine-Sensitive Bovine Dopamine Transporter.
7–782,298	cDNA Clone of a Rat Serotonin Transporter and Protein Encoded Thereby.
7–786,004	Prevention of Drug-Induced Agranulocytosis with Free Radical Scavengers.

Department of Agriculture

7–519,195	(U.S. 5,062,141) Device for Signulating Particles.
7–369,567	(U.S. 5,062,672) Enzymatic Deamidation of Food Proteins for Improved Food Use.
7–603,505	(U.S. 5,072,981) Soil Moisture Tube Extraction Device.
7–622,590	(U.S. 5,082,673) Method of Making Soluble Dietary Fiber Compositions from Cereals.
7–694,534	(U.S. 5,081,788) Wind Oriented Funnel Trap.

[FR Doc. 92–5792 Filed 3–11–92; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE
GENERAL SERVICES ADMINISTRATION
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0012]

OMB Clearance Request for Termination Settlement Proposal Forms (Standard Forms 1435–1440)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for an extension to an existing OMB clearance (9000–0012).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning OMB Control No. 9000–0012, Termination Settlement Proposal Forms (Standard Forms 1435–1440).

DATES: Comments may be submitted on or before May 11, 1992.

ADDRESSES: Send comments to Mr. Peter Weiss, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Beverly Fayson, Office of Federal Acquisition Policy, GSA, (202) 501–4755.

SUPPLEMENTARY INFORMATION:

A. Purpose

The termination settlement proposal forms (Standard Forms 1435–1440) provide a standardized format for listing essential cost and inventory information needed to support the terminated contractor's negotiation position. Submission of the information assures that a contractor will be fairly reimbursed upon settlement of the terminated contract.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, *600*; responses per respondent, *1*; total annual responses, *600*; preparation hours per response, *2.5*; and total response burden hours, *1,500*.

Obtaining Copies of Proposals

Requester may obtain copies of OMB applications or justifications from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0012, Termination Settlement Proposal Forms, in all correspondence.

Dated: March 6, 1992.

Laurie A. Frazier,

FAR Secretariat.

[FR Doc. 92–5793 Filed 3–11–92; 8:45 am]

BILLING CODE 6820-JC-M

DEPARTMENT OF EDUCATION

[CFDA No.: 84.051]

National Center or Centers for Research in Vocational Education

ACTION: Notice of intent to invite applications for new awards for fiscal year (FY) 1993.

SUMMARY: The Secretary of Education plans to publish an application notice inviting applications for one or two new awards for FY 1993 under section 404, part A, title IV of the Carl D. Perkins vocational and Applied Technology Education Act of 1990 (the Act) for a National Center or Centers for Research in Vocational Education. A notice of proposed rulemaking for this program was published in the **Federal Register** on October 11, 1991 (56 FR 51511–51514). The Secretary expects to publish the final regulations in late April, 1992. The purpose of this notice of intent is to alert eligible institutions of higher education (IHEs) or consortia of IHEs of the Secretary's plan to publish an application notice at the same time the final regulations for this program are published in order to allow eligible institutions sufficient time to plan for this grant competition. The Secretary will allow 60 days for the receipt of applications from the date that the application notice in published.

FOR FURTHER INFORMATION CONTACT: Jackie Friederich, Education Research Analyst, Program Improvement Branch, Division of national Programs, Office of Vocational and Adult Education, U.S. Department of Education (Mary E. Switzer Building, room 4526), 400

Maryland Avenue, SW., Washington, DC 20202-7120. Telephone: (202) 732-2371. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington DC 202 area Code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: March 5, 1992.

Betsy Brand,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 92-5747 Filed 3-11-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP88-171-000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

March 5, 1992.

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP88-171-021]

Take notice that on February 26, 1992, Tennessee Gas Pipeline Company (Tennessee), 1010 Milam Street, Houston, Texas 77002, filed a petition pursuant to section 7(c) of the Natural Gas Act to amend its certificate of public convenience and necessity to substitute a single receipt point for the five receipt points currently authorized for Tennessee's firm transportation for Flagg Energy Development Corporation (Flagg Energy), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tennessee states that on May 2, 1990, the Commission issued Tennessee a certificate of public convenience and necessity that authorizes Tennessee to, among other things, provide a firm transportation service of 4,140 Dth per day on behalf of Flagg Energy. That certificate established five receipt points for Tennessee's service to Flagg Energy. Tennessee seeks to substitute for those five previously-authorized receipt points a single new receipt point at the Cameron Meadows Plant, Cameron Parish, Louisiana.

Tennessee states that until the amendment is granted, Flagg Energy cannot fully use the firm transportation service and therefore is exposed to the necessity to use No. 2 fuel oil to replace the gas it cannot access. Tennessee states that this change in receipt points would not require the construction of any additional facilities, and that there is no additional cost or environmental impact associated with the requested amendment.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP92-381-000]

Take notice that on March 2, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-381-000 a request pursuant to §§ 157.205 and 157.211(a) of the Commission's Regulations under the Natural Gas Act for authorization to replace a one-inch tap with a two-inch tap located in Scott County, Mississippi, under its blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United requests authorization to replace the existing one-inch tap with a two-inch tap to supply Entex, a local distribution company, with an estimated 269 MMBtu per day of natural gas for resale use to one industrial customer. United further states that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Boston Gas Company

[Docket No. CI92-27-000]

Take notice that on February 28, 1992, Boston Gas Company (Boston) of One Beacon Street, Boston, Massachusetts 02108, a local distribution company, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing sales for resale in interstate commerce of natural gas (1) subject to the jurisdiction of the Commission under the NGA and the NGPA, (2) purchased from producers, importers, marketers, interstate or intrastate pipelines and local distribution companies, and imported or domestic, gaseous or liquefied, from whatever sources, without rate restrictions, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: March 24, 1992, in accordance with Standard Paragraph J at the end of this notice.

4. Mississippi River Transmission Corporation

[Docket No. CP92-359-000]

Take notice that on February 21, 1992, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP92-359-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to partially abandon firm gas sales service to Laclede Gas Company (Laclede), a local distribution company, all as more fully set forth in the application which is on file with the Commission and is open to public inspection.

MRT proposes to reduce Laclede's maximum daily contract demand, which MRT provides under its Rate Schedule CD-1, from 668,819 MMBtu to 652,660 MMBtu. MRT proposes to implement this reduction through a new Service Agreement with Laclede to be effective April 1, 1992. MRT states that Laclede has requested that MRT make this adjustment to its maximum daily contract demand, to reflect reduced firm sales obligation of Laclede, resulting from Laclede customers permanently purchasing all or some of their natural gas requirements from other sources.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of the notice.

5. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP92-380-000]

Take notice that on March 2, 1992, Arkla Energy Resources, a division of Arkla, Inc. (AER), 525 Milam Street, P.O. Box 21734, Shreveport, Louisiana 77151, filed in Docket No. CP92-380-000 a request pursuant to §§ 157.205, 157.211, and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, and 157.212) for authorization to construct and/or operate certain facilities in Louisiana and Arkansas, under its blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

AER proposes to construct and/or operate the following facilities:

(1) A new one-inch tap on AER's Line BM-21, Cleburne County, Arkansas for initial service to the domestic customers of Arkansas Louisiana Gas Company (Arkla), Miner D. Lester and Alvie Trawick, using approximately 170 Mcf annually and 4 Mcf on a peak day, and costing an estimated $1,537;

(2) A new two-inch tap on AER's Line JM-7, Jackson County, Arkansas, for initial service to domestic, commercial and industrial customers from Arkla's new Rural Extension No. 1301, using approximately 83,340 Mcf annually and 3,570 Mcf on a peak day, and costing an estimated $41,400;

(3) An existing two-inch tap on AER's Line BT-11, Johnson County, Arkansas, for initial service to Arkla's domestic customer, Phillip Oberste, using approximately 85 Mcf annually and 1 Mcf on a peak day. It is indicated that this customer would manifold on to the existing tap and new construction would not be necessary;

(4) An upgrade of an existing one-inch tap on AER's Line FT-3, Lincoln Parish, Louisiana, for increased service to domestic and commercial customers from Arkla's Rural Extension No. 1302, using approximately 6,028 Mcf annually and 20 Mcf on a peak day, and costing an estimated $13,720;

(5) An upgrade of an existing one-inch tap on AER's Line AM-153, Clark County, Arkansas, for increased service to domestic, commercial and industrial customers from Arkla's existing Rural Extension No. 307, using approximately 3,700 Mcf annually and 35 Mcf on a peak day, and costing an estimated $15,730.

AER states that the gas would be delivered from its general system supply, which it states is adequate to provide the service.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. LaSER Marketing Company, et al.

[Docket No. CI85-673-011, *et al.*] [1]

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 19, 1992, in accordance with Standard Paragraph J at the end of this notice.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI85-637-011	2/26/92	LaSER Marketing Company, P.O. Box 3327, Houston, Texas 77253.
CI87-433-005	2/26/92	Texaco Gas Marketing Inc., 1111 Bagby Street, room 2786, Houston, Texas 77002.
CI88-452-004 [2]	3/2/92	ALG Gas Supply Company, *et al.*,[1] c/o Arkansas Louisiana Gas Company, 400 East Capitol Street, Little Rock, Arkansas 72202.
CI91-70-001	2/26/92	North American Resources Company, 40 East Broadway, Butte, Montana 59701.

[1] The *et al.* parties are ALG Gas Supply Company of Arkansas, ALG Gas Supply Company of Kansas, ALG Gas Supply Company of Louisiana, ALG Gas Supply Company of Oklahoma and ALG Gas Supply Company of Texas.

[2] Applicant also requests (1) removal of the rate restrictions on sales for resale of interruptible sales service gas (ISS gas) purchased from affiliated pipelines and (2) amendment of its certificate to include sales for resale of imported natural gas, including liquified natural gas, and non-first seller gas including gas purchased from intrastate pipelines and local distribution companies.

7. TOMCAT

[Docket No. CP92-134-001]

Take notice that on February 28, 1992,[2] TOMCAT, 14811 St. Mary's Lane, suite 200, Houston, Texas 77079, filed an amendment in Docket No. CP92-134-001 to the pending petition for declaratory order and conditional request for a blanket certificate filed in Docket No. CP92-134-000 requesting that the Commission declare that TOMCAT's facilities are gathering facilities exempt from the Commission's Regulations pursuant to section 1(b) of the Natural Gas Act (NGA), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

TOMCAT states that in the original petition, it requested that the Commission declare that the transportation and delivery of non-NGA gas by TOMCAT to its intrastate pipeline customers be exempt from NGA jurisdiction and, also, that such transportation be provided by TOMCAT was an intrastate pipeline under state authority without the necessity of any Natural Gas Policy Act of 1978 (NGPA) section 311(a)(2) authorization. TOMCAT also requested that, in the event the Commission determined that its future transportation of gas for both interstate and intrastate pipelines could not be performed as an intrastate pipeline, the Commission determine that (1) TOMCAT is a Hinshaw pipeline under section 1(c) of the NGA, (2) to the extent TOMCAT delivers gas to intrastate pipelines, such transportation could be effected under state authority as a Hinshaw pipeline without resort to NGA or NGPA authority and (3) to the extent TOMCAT transports gas for delivery to interstate pipelines, it be issued a blanket certificate pursuant to § 284.224 of the Commission's Regulations to effect this transportation.

TOMCAT states that subsequent to the filing of TOMCAT's original petition, the Commission on February 5, 1992, issued a declaratory order in Blue Dolphin Pipe Line Company, 58 FERC ¶ 61,103 (referred to as Blue Dolphin), where the Commission found that facilities which function in the same manner, and have the same general configuration as those of the integrated TOMCAT system are non-jurisdictional gathering facilities. TOMCAT requests that in lieu of the relief requested in TOMCAT's original petition, the Commission declare that the TOMCAT system and services that it provides are exempt from the Commission's NGA and NGPA jurisdiction pursuant to section 1(b) of the NGA.

TOMCAT states that in Blue Dolphin, the Commission declared that approximately 49.75 miles of 20-inch and 16-inch pipeline qualify as gathering. It is indicated that those facilities consist of 1.75 miles of 20-inch pipeline that interconnect platforms located on the Outer Continental Shelf, extend from one of the platforms for 38.8 miles, through a 20-inch pipeline, to an onshore processing plant, and thereafter continuing beyond the tailgate of the plant for an additional 9.2 miles through a 16-inch pipeline to both an intrastate pipeline and to chemical plants owned by a third party. It is stated that the Commission concluded that Blue Dolphin qualified as a gatherer because its facilities satisfied the "modified primary function" test set fourth in Amerada Hess Corp., et al, 52 FERC ¶ 61,268 (1990), ("Amerada Hess"). It is indicated that under that test the Commission applies five criteria to determine the jurisdictional status of a facility: (1) The diameter and length of a facility; (2) the location of compressors and processing plants; (3) the extension

[2] The amended petition was tendered for filing on February 21, 1992; however, the fee required by § 381.202 of the Commission's Regulations (18 CFR 381.202) was not paid until February 28, 1992. Section 381.103 of the Commission's Rules provides that the filing date is the date on which the fee is paid.

of facilities beyond a central point in the field; (4) the location of wells along all or part of the facility; and (5) the geographic configuration of the system.

It is also stated that the Commission also based its decision in Blue Dolphin on four additional factors: (1) Almost all of the gas brought onshore by Blue Dolphin through its offshore facilities is untreated gas; (2) the 9.2 miles of 16-inch line is Blue Dolphin's only connection to a market; (3) the size and length on the pipeline facilities are simply a function of the size and geographic/geologic characteristics of the field from which gas is produced; and (4) Blue Dolphin is a small company whose other activities are non-jurisdictional and whose primary business is production and gathering. TOMCAT argues that application of these factors to the TOMCAT system demonstrates that it also qualifies as a gatherer exempt from NGA and NGPA jurisdiction.

TOMCAT states that the facilities which together comprise the integrated TOMCAT gathering system consist of four separate lateral line systems of various lengths and diameter owned by third parties which converge at a platform located in Texas state waters in Matagorda Island, State Tract 558 and another segment of line owned by TOMCAT which extends from State Tract 558 across Matagorda Bay for 28.23 miles to an onshore separation plant and thence a short distance to interconnections with three intrastate pipelines and one interstate pipeline in the Magnolia Beach Area, Calhoun County, Texas. It is indicated that three of the systems extend across the federal/state boundary at State Tract 558 and the fourth line, which is not currently in service, is located entirely in state waters. TOMCAT states that, of the three laterals in service, two are owned by Tejas Power Corporation and Transco Offshore Gathering Company, affiliates of TOMCAT and the other is owned by the same two companies and an independent producer.

TOMCAT states that the first system, referred to as the MIAGS System, consists of approximately eleven miles of 6-inch, 8-inch, and 14-inch lines, and operates at pressures of 1,040 to 1,120 psig. It is indicated that the second system, referred to as the "Matagorda Island 604 System", consists of a single 16-inch line approximately eleven miles in length and operates at pressures from 1,080 to 1,160 psig. It is further indicated that the third line, referred to as the "Matagorda Island 672 System", consists of three miles of 8-inch, one mile of 12-inch, and twenty one miles of 16-inch line operating at pressures varying from 1,070 to 1,215 psig. It is also indicated that the line located in state waters, referred to as the" Walter Oil and Gas System", consists of a single three mile segment of 4-inch line, is not currently in service.

TOMCAT argues that the length and configuration of the facilities that comprise the consolidated TOMCAT system are solely a function of the geographic/geologic location of the reserves attached to the consolidated TOMCAT system, and are typical of other systems that have been granted gathering status by the Commission.

TOMCAT also argues that it further meets the modified primary test because neither the laterial line systems nor the 20-inch diameter segment are attached to compression facilities. It is also indicated that gas and liquids are gathered and transported to the onshore plant, where dehydration and separation of the gas occurs onshore near the terminus of the facilities in order to render the gas of pipeline quality.

TOMCAT also states that, with respect to the extension of facilities beyond a central point in the field, the primary purpose of all of its facilities is to gather gas from the offshore domain for delivery to onshore locations where TOMCAT's facilities come onshore and interconnect with intrastate and interstate pipelines.

It is also argued that the configuration of the integrated facilities supports its status as a gatherer. TOMCAT indicates that it does not currently transport gas from wells along the entire length of its system because of the current lack of drilling activity of producers and a reluctance of shippers to use the services of TOMCAT because it is transporting gas pursuant to section 311(a)(2) of the NGPA. It is argued that the configuration of TOMCAT, which is characterized by connections to wells only at the beginning of the system, is solely a function of those reserves that TOMCAT currently is able to reach.

TOMCAT also states that it also satisfies the additional criteria considered by the Commission set forth in Blue Dolphin. It is indicated that TOMCAT makes no sales of gas and has no system supply. It is also argued that, like Blue Dolphin, TOMCAT operates in a competitive environment. Finally, TOMCAT states that the Commission's analysis of the primary business activity of Blue Dolphin further supports TOMCAT's position that it also is a gatherer within the meaning of section 1(b) of the NGA. TOMCAT states that, like Blue Dolphin, the primary focus of each of the owners of the various segments of the integrated TOMCAT system is either to explore for, produce and sell gas, or to provide non-jurisdictional marketing and gathering services, rather than jurisdictional sales or transportation services under either the NGA or the NGPA.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. United Gas Pipe Line Company

[Docket No. CP92-382-000]

Take notice that on March 2, 1992, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP92-382-000 a request pursuant to § 157.205 of the Commission's Regulations to construct a sales tap at a point in Tarrant County, Texas to transport natural gas for Laser Marketing Company (Laser) to be delivered to Bunge Foods, Inc. (Bunge) in Tarrant County, Texas under United's blanket certificate issued in Docket No. CP82-430-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to construct and operated a four-inch delivery tap, flow computer and related facilities on United's 20-inch Hodge Junction to Texas Electric Service Line in Tarrant County, Texas to transport, on an interruptible basis, for Laser an estimated maximum volume of 2,000 Mcf per day of natural gas to be delivered to Bunge. United states that United is authorized in Docket No. ST92-2340-000 to provide Laser's natural gas requirements pursuant to a transportation agreement dated February 14, 1992, under United's Rate Schedule ITS. United states the proposed tap would not have an impact on United's curtailment plan since interruptible transportation service is being provided pursuant to United's blanket certificate. United states that Bunge would reimburse United for the cost of the facilities which is estimated to be $15,612.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

9. Tennessee Gas Pipeline Company

[Docket No. CP92-379-000]

Take notice that on March 2, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-379-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for

Transcontinental Gas Pipe Line Corporation (Transco) which was authorized in Docket No. CP78-422, all as more fully set forth in the application on file with the Commission and open to public inspection.

Tennessee proposes to abandon a transportation service rendered for Transco under the provisions of a transportation agreement dated June 2, 1978, as amended October 3, 1979. Tennessee states that the agreement is on file as Tennessee's Rate Schedule T-79. Tennessee states that by orders issued in Docket No. CP78-422 on November 22, 1978 (5 FERC ¶ 61,165) and as amended on January 17, 1980 (10 FERC ¶ 61,056), Tennessee was authorized to receive and deliver certain specified quantities of gas (25,000 Mcf) for and to Transco at certain interconnection points and Transco was authorized to receive and deliver certain specified quantities of gas (51,400 Mcf) for and to Tennessee at specified interconnection points in Texas and Louisiana and/or other mutually agreeable points as specified. Tennessee additionally states that Transco filed a related abandonment application currently pending in Docket No. CP92-348-000. Tennessee advises that Tennessee and Transco have mutually agreed to terminate the agreement since neither party has need for the service as authorized.

Tennessee further states that no facilities would be abandoned as a result of its proposal.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

10. Texas Eastern Transmission Corporation

[Docket No. CP92-384-000]

Take notice that on February 25, 1992, Texas Eastern Transmission Corporation, (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in Docket No. CP92-384-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act for authorization to increase deliveries at an existing delivery point to an existing service agreement with Philadelphia Electric Company (PECo) under Texas Eastern's blanket certificate issued on November 5, 1992, in Docket No. CP82-535-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Pursuant to § 157.212 of the Commission's Regulations, and amended, Texas Eastern proposes to increase deliveries at an existing delivery point to the individual service agreement covering service to PECo under Rate Schedule FT-1 of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1.

Texas Eastern states that upon receipt of Commission authorization, Texas Eastern and PECo will execute an individual superseding service agreement providing for the delivery by Applicant to PECo of quantities of natural gas presently certificated under Texas Eastern's Rate Schedule FT-1. The superseding service agreement will establish a Maximum Daily Standby Quantity (MDSQ) for the modified delivery point as follows: 14,076 dekatherms (dth) Standby Service for Rate Schedule FT-1 as related to Rate Schedule CD-1 and 30,000 dth Standby Service for Rate Schedule FT-1 as related to Rate Schedule CD-2. Texas Eastern states that there will be no change in MDSQ at the other existing delivery point in the superseding agreement, nor any increase in the total contract quantities. The natural gas quantities delivered to PECo will be utilized to deliver natural gas quantities to an electric generating station.

Texas Eastern states that the additional delivery to the existing M&R No. 033 will have no effect on Texas Eastern's peak day or annual deliveries. To the extend deliveries are made at M&R No. 033, deliveries may be reduced at the other points of delivery to PECo on a day-to-day operational basis. Therefore, the additional volumes of gas to the service agreement as proposed will not result in any change in the total quantities deliverable under the individual service agreements providing for service to PECo pursuant to Texas Eastern's Rate Schedules CD-1 and CD-2. Texas Eastern submits that its proposal will be accomplished without detriment or disadvantage to Texas Eastern's other customers.

Further, Texas Eastern states that the service it renders to PECo will be performed pursuant to Rate Schedule FT-1 of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1 and that Texas Eastern's existing tariff does not prohibit the additional volumes.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

11. Northern Natural Gas Company

[Docket No. CP92-373-000]

Take notice that on February 27, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000 filed in Docket No. CP92-373-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to operate and maintain ten existing delivery points and appurtenant facilities for jurisdictional service under Northern's CD-1 Service Agreement and to add one existing jurisdictional delivery point to Northern's CD-1 Service Agreement with Peoples Natural Gas Company, Division of Utilicorp United Inc. (Peoples) under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that the existing delivery points were constructed and operated pursuant to section 311 of the Natural Gas Policy Act. Northern further states that on July 10, 1991, in Docket No. CP91-2085-000, Northern was authorized to operate and maintain the Enron Gas Liquids/Plattsmouth delivery point for jurisdictional service. No increase in capacity at these stations is required.

Northern asserts that the volumes to be delivered to Peoples at the various delivery points would be within the currently authorized level of firm entitlements for Peoples as set forth in Northern's currently effective CD-1 Service Agreement.

The facilities are located in Iowa, Minnesota and Iowa, it is stated.

Northern asserts that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the proposed changes without detriment to Northern's other customers.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

12. Williams Natural Gas Company

Docket No. CP92-377-000]

Take notice that on February 26, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-377-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a 1,000 horsepower gas supply compressor, which construction and operation was authorized in Docket No. CP75-98, all as more fully set forth in the application on file with the Commission and open to public inspection.

WNG proposes to abandon by reclaim a 1,000 horsepower 3-stage skid-mounted compressor unit at the Webb booster station, located in Grant County, Oklahoma. WNG states that the compressor was constructed in 1975 and

certificated in Docket No. CP75–98 under budget-type authorization. WNG explains that the compressor has been used to compress natural gas subject to a Wil-Mc Corporation (Wil-Mc) contract, which gas was gathered and dehydrated by Wil-Mc for delivery into WNG's Straight-Blackwell 28-inch high pressure pipeline. WNG further explains that, at the present time, there are two wells producing into the Webb booster and one of those is shut in. WNG states that gas from those two wells can be delivered into the pipeline against the 200 psig line pressure. WNG also states that the situation has permitted higher suction pressure at the Webb booster, thereby requiring less horsepower to compress the gas and enabling WNG to retire the 1,000 horsepower unit and install a smaller, more efficient 270 horsepower unit. WNG advises that the 270 horsepower unit is being installed on the existing pad with minimal piping changes, and the 270 horsepower unit would continue to move approximately the same volume of gas as the 1,000 horsepower compressor. WNG further advises that the 270 horsepower replacement compressor would be covered by WNG's blanket authorization issued in Docket No. CP82–479–000.

WNG further states that the cost of abandoning the compressor would be approximately $15,340 and the salvage value would be $120,000.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

13. Southern Natural Gas Company

[Docket No. CP92–375–000]

Take notice that on February 28, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP92–375–000 an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon an authorized firm sales service to the City of Vicksburg, Mississippi (Vicksburg), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that Vicksburg's current service agreement with Southern, which provides for a contract demand of 15,000 Mcf per day, expired on December 1, 1991. Southern also states that since that time Southern and Vicksburg have been unable to agree on the terms under which Southern would continue to provide sales service to Vicksburg. It is indicated that since Vicksburg is primarily served by other pipeline suppliers and has taken minimal levels of its gas requirements from Southern, Southern requests authority to abandon the firm sales service provided to Vicksburg under its Rate Schedule OCD–1, effective December 1, 1991. No abandonment of facilities is proposed.

Comment date: March 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5740 Filed 3–11–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04274T Texas-3 Addition 10]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 5, 1992.

Take notice that on March 2, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that portions of the Cisco-Canyon Sandstone Formation in Sterling County, Texas, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application consists of 34,004 acres as described in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portions of the Cisco-Canyon Sandstone Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

Area I

All of Sections 15 through 18 of Block T, T&P RR Co. Survey; all of Section 6 of the J.B. Hiler Survey, A–724; a 316.80 acre tract in the easternmost portion of Section 7, J.B. Hiler Survey, A–88; all of Sections 7, 13 through 22, and 27 through 33 of Block 13, S&P RR Co. Survey; all of Sections 1, 5 through 8, 10 through 12, and 14 through 17 of Block 21, H&TC RR Co.; all of Section 2 of C&M RR Co. Survey, A–1090; all of Section 1 of the F.M. Askey Survey, A–1245; and the west 148 acre tract in the J. Spence Survey, A–349.

Area II

All of Section 3 of the J.G. Soulard Survey, A–353; the west 473 acres in Section 2, J.G. Soulard Survey, A–351; all of Sections 2 through 10, and 16 through 18 of Block 22, H&TC RR Co. Survey; and all of Section 20, Block 31 of the T&P RR Co. Survey.

[FR Doc. 92–5750 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

[Docket No. CP92–378–000]

Transcontinental Gas Pipe Line Corp.; Application of Transcontinental Gas Pipe Line Corporation for Order Issuing Certificate of Public Convenience and Necessity and Order Amending Certificate of Public Convenience and Necessity

March 3, 1992.

Please take notice that on March 2, 1992, pursuant to section 7(c) of the Natural Gas Act, and § 157.7(a) of the Regulations of the Federal Energy Regulatory Commission (Commission), 18 CFR 157.7(a), Transcontinental Gas Pipe Line Corporation (Transco) requested that the Commission grant Transco authority to implement an interrelated set of regulatory programs which Transco states are designed to foster procompetitive rates and market-based transactions on the Transco system. Transco states that the initiatives proposed in the application are integral to establishing the open access policy goals of the Commission advanced in its "Mega-NOPR" proceeding in Docket No. RM91–11–000.

Specifically, Transco requests a certificate (or, if necessary, certificates) of public convenience and necessity to allow Transco to establish (1) an incentive ratemaking regime on the Transco system; (2) a deregulated secondary market capacity assignment program for market area FT capacity holders on the Transco system, and (3) a capacity release program on the Transco system under which Transco could participate in the Secondary firm capacity market by negotiating with such FT capacity holders for the purchase of firm capacity and the resale of such capacity at unregulated rates under a proposed Negotiated Transportation Services (NTS) Rate Schedule.[1]

To summarize its application, Transco states that under the incentive ratemaking regime, called "yardstick competition," Transco's rates (except for its gas costs) would be directly tied to industry average cost levels and would be adjusted annually pursuant to annual changes in industry average cost levels. Therefore Transco's level of profit would be directly tied to its ability to establish and maintain its costs at levels at or below industry average cost levels. Under the capacity assignment program, Transco requests authority to allow the holders of firm market area transportation capacity rights under Transco's Rate Schedule FT to sell, trade or reassign their rights to each other or to third parties in an unregulated secondary market. Under the capacity release program, the holders of firm market area transportation capacity rights under Transco's Rate Schedule FT may negotiate with Transco to sell their firm capacity to Transco, for resale by Transco under the NTS Rate Schedule. Under Rate Schedule NTS, Transco could (1) remarket firm capacity purchased under the capacity release program on a firm or interruptible basis at rates above or below the regulated rates, (2) negotiate with willing purchasers for interruptible transportation services at rates above or below the regulated IT rate, and (3) renegotiate with current FT capacity holders the rates that such capacity holders otherwise pay under Transco's Rate Schedule FT.

[1] Transco recognizes that it may be appropriate to authorize the capacity assignment program and the capacity release program and accompanying NTS Rate Schedule by amendment of the blanket certificate of public convenience and necessity previously issued to Transco pursuant to subpart G of part 284 of the Commission's Regulations. *Transcontinental Gas Pipe Line Corporation*, 43 FERC ¶ 61,196 (1988).

Any person desiring to be heard or to make protest with reference to said application should on or before March 19, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity.

If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5751 Filed 3–11–92; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Floodplain/Wetlands Involvement for the Casper Area Transmission Line Modifications Project, Natrona and Carbon Counties, WY

AGENCY: Western Power Administration, DOE.

ACTION: Floodplain/Wetlands Involvement and Opportunity to Comment.

SUMMARY: The Department of Energy, Western Area Power Administration (Western), is proposing to remove and replace portions of existing transmission

lines and an abandoned phone line near Casper in Natrona and Carbon Counties, Wyoming. Because the transmission lines and phone line cross or lie near the 100-year floodplain of the North Platte River, Western will prepare a Floodplain/Wetlands Assessment.

DATES: Public comments or suggestions concerning the floodplain involvement of Western's proposed actions are invited. Comments are due no later than April 1, 1992.

ADDRESSES: Comments or suggestions should be sent to: Mr. Stephen A. Fausett, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7200.

FOR FURTHER INFORMATION CONTACT: Rodney D. Jones, Environmental Specialist, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7371.

SUPPLEMENTARY INFORMATION: Pursuant to DOE'S "Compliance with Floodplain/Wetlands Environmental Review Requirements," 10 CFR Part 1022, Western has determined that this proposed project may involve activities within a floodplain area. Western will prepare a floodplain/wetlands assessment in accordance with Executive Order 11988—Floodplain Management, and Executive Order 11990—Protection of Wetlands. The assessment will address the proposed activity at North Platte River crossings and other major stream or floodplain crossings.

The existing transmission lines and phone line were constructed by the Bureau of Reclamation in the late 1030's. Many of the transmission lines were constructed to link the Seminoe, Kortes, and Alcova powerplants with the 115-kV and 69-kV transmission line systems serving Casper, Wyoming and surrounding areas. Currently the powerplants are linked to the power grid through a system of upgraded transmission lines built by Western in the late 1970's and early 1980's. These projects included the Thermopolis-Alcova-Casper Project, the Casper-Dave Johnston Project, and the Miracle Mile Project. Western is now proposing to remove abandoned and obsolete segments of this system including approximately 48 miles of transmission lines supported by wood pole H-frame structures.

Based on U.S. Geological Survey topographic maps and Federal Emergency Management Agency (FEMA) maps, the existing transmission lines and phone line lie on the apparent boundary of the 100-year floodplain of the North Platte River. Field investigations indicate the transmission lines and phone line span most floodplain areas; however, approximately 56 transmission line structures are located in the floodplain. All transmission line and phone line removal activities would be confined to the existing right-of-way and access roads. Once the lines are removed, Western would abandon the right-of-way easement.

Issued at Golden, Colorado, March 2, 1992.

William H. Clagett,

Administrator.

[FR Doc. 92–5832 Filed 3–11–92; 8:45 am]

BILLING CODE 6450–01–M

Floodplain/Wetlands Involvement for the Lingle Substation, Goshen County, Wyoming

AGENCY: Western Power Administration, DOE.

ACTION: Floodplain/Wetlands involvement and opportunity to comment.

SUMMARY: The Department of Energy, Western Area Power Administration (Western), is proposing to repair and replace concrete structures at its existing Lingle Substation in Goshen County, Wyoming. Western is also planning to provide oil spill containment at the substation. All construction activities would be within the existing substation boundaries. Pursuant to DOE's "Compliance with Floodplain/Wetlands Environmental Review Requirements," 10 CFR Part 1022, Western has determined that this proposed project would involve activities within a floodplain area. Western will prepare a floodplain/wetlands assessment in accordance with Executive Order 11988-Floodplain Management, and Executive Order 11990-Protection of Wetlands. The assessment will address the proposed construction at the site.

DATES: Public comments or suggestions concerning the floodplain involvement of Wester's proposed actions are invited. Comments are due no later than April 1, 1992.

ADDRESSES: Comments or suggestions should be sent to: Mr. Stephen A. Fausett, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539, (303) 490–7200.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney D. Jones, Environmental Specialist, Loveland Area Office P.O. Box 3700, Loveland, CO 80539, (303) 490–7371.

SUPPLEMENTARY INFORMATION: The Lingle Substation was constructed in 1933 to connect the Lingle Powerplant with the 34.5–kV transmission line system. The powerplant was abandoned in 1957. Currently, the substation transforms power for the cities of Fort Laramie, Lingle, and Torrington, Wyoming. Western is planning on replacing or repairing concrete structures and removing excess concrete from the site. An oil spill containment structure (tank) will be installed within the fenced boundaries of the substation. Based on U.S. Geological Survey topographic maps and Federal Emergency Management Agency (FEMA) maps, the existing substation lies near the 100-year floodplain of the North Platte River. Field investigations indicate the substation is located on a small bluff at an elevation of 4,164 feet, about 14 feet above the 100-year flood elevation.

Issued at Golden, Colorado, March 2, 1992.

Williams H. Clagett,

Administrator.

[FR Doc. 92–5831 Filed 3–11–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4114–5]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Low-Cost, Small System Technology Data Collection (ICR # 1612.01.)

Abstract: Under the Safe Drinking Water Act, EPA must regulate contaminants in drinking water and identify those water treatment methods which are the most effective in achieving maximum contaminant limits

Water systems must submit their plans for water treatment technologies to the States for review and approval. The State engineers who conduct this review need information on new, low-cost water treatment technologies, espécially for smaller water systems. The present data collection is designed to assemble such information for their use in apprising the systems of newly available technology.

To bring together the relevant data, EPA will contact State drinking water administrators as well as manufacturers and distributors of low-cost treatment technologies, and will place calls for information in several trade publications. Respondent participation will be voluntary, and will consist of completion of a four-page form.

The form, known as the "National Drinking Water Clearinghouse Questionnaire," will solicit information identifying public water systems using low-cost technologies, and will request financial as well as technical information on system design and performance in improving water quality.

Data assembled in this collection will be centralized in a clearinghouse, which will support direct communication with State engineers, industry personnel, utility managers and EPA regulators.

When the State personnel gain ready access to information on new technology, they will be able to make suggestions to operators of small water systems, who otherwise may have little knowledge about current water treatment technology.

Burden Statement: The average burden imposed by the Low-Cost, Small System Data Collection is 2.5 hours per response. This total includes time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: State drinking water administrators, manufacturers and distributors of water treatment technologies.

Estimated No. of Respondents: 1006.

Estimated Total Annual Burden on Respondents: 10,180 hours.

Frequency of Collection: One-time.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460,

and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 6, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–5825 Filed 3–11–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4110–6]

Intent To Grant BP Chemicals, Inc., an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) Regarding Injection of Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to grant an exemption.

SUMMARY: The United States Environmental Protection Agency (USEPA or Agency) today is proposing to grant an exemption from the ban on disposal of hazardous wastes through injection wells to BP Chemicals, Inc. (BPCI) of Lima, Ohio. BPCI, therefore, may continue to inject Resource Conservation and Recovery Act (RCRA) regulated hazardous wastes, codes K011, K013, K014, F039, and various D, U, and P listed materials through Waste Disposal Wells (WDWs) No. 1, 2, 3, and 4 (if WDW No. 4 is permitted by the Ohio Environmental Protection Agency [Ohio EPA]) if the exemption is granted. BPCI submitted a petition to the USEPA under 40 CFR part 148, which allows any person to petition the Administrator to determine whether its continued injection of hazardous wastes is protective of human health and the environment. After the comprehensive review of all material submitted, the USEPA has determined that there is a reasonable degree of certainty that BPCI's injected wastes will not migrate out of the injection zone within the next 10,000 years.

DATES: The USEPA requests public comments on today's proposed decision. Comments will be accepted until April 8, 1992. Comments post-marked after the close of the comment period will be stamped "Late". A public hearing to allow comment on this proposed action will be scheduled and notice of this hearing will be given in a local paper and to all people on a mailing list developed by the Ohio EPA. If you wish to be notified of the date and location of the public hearing please contact the person listed below.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Section (5WD–17J), 77 West Jackson Street, Chicago, Illinois 60604, Attn: Richard J. Zdanowicz, Chief.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish, Lead Petition Reviewer, UIC Section, Water Division, Office Telephone Number: (312) 886–2939, 17th floor Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA section 3004 (d)(1), (e)(1), (f)(2), (g)(5)). The state specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA section 3004(k)). After the effective date of prohibition, hazardous waste can only be injected under two circumstances:

(1) When the waste has been treated in accordance with the requirements of 40 CFR part 268 pursuant to section 3004(m) of RCRA, (the USEPA has adopted the same treatment standards for injected wastes in 40 CFR part 184, subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking an exemption from the ban must demonstrate either:

(a) That the waste undergoes a chemical transformation so as to no longer pose a threat to human health and the environment; or

(b) By use of mathematical models (40 CFR 148.20(a)), that fluid flow is such that injected fluids would not migrate vertically upward out of the injection zone to a point of discharge in a period of 10,000 years.

The USEPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the disposal prohibition (40 CFR part 148). A time frame of 10,000 years was specified for the demonstration, not because migration after that time is of no concern, but because a demonstration which can meet a 10,000-year time frame

will likely provide containment for a substantially longer time period, and also to allow time for geochemical transformations which would render the waste immobile. The Agency's standard thus does not imply that leakage will occur at some time after 10,000 years; rather, it is showing that leakage will not occur within that time frame.

B. Facility Operation and Process

The BPCI facility in Lima, Ohio produces acrylonitrile and associated products. The process combines propylene, ammonia, and air in the presence of a catalyst to form acrylonitrile, water, acetonitrile, and hydrogen cyanide. Process waste water which cannot be recycled normally exits the process as bottoms from the wastewater stripper columns (K011) and bottoms from the recovery stripper (K013). Process waste water from the purification of acetonitrile is removed at the kill kettle and batch still. This waste has been reported by BPCI as hazardous waste K014, bottoms from acetonitrile purification columns although it is not, genetically, bottoms from purification columns.

Five waste streams from three process units are commingled, treated, and injected. Treatment consists principally of the removal of particles. Waste water from the catalyst unit can have pH>2 (D002), and can contain chromium concentrations exceeding the Toxicity Characteristic (TC) limit (D007) at the point of generation.

The waste stream is currently injected into WDWs No. 1, 2, and 3, which are Class I Hazardous Waste injection wells completed in one or more of the Middle Run, Mt. Simon and Eau Claire Formations. Following proposed recompletion of the wells, all waste will be injected into the Mt. Simon Formation. In addition, an application has been made for a permit-to-operate for a well drilled to collect geological data for the no-migration demonstration. If this well is permitted as WDW No. 4, it will add additional injection capacity. This capacity will not be used to increase the volume of waste injected. Rather, it will allow injection at lower pressure. Injection of wastewater averages 435 gallons per minute (gpm); recently, BPCI has disposed of 150 to 250 million gallons per year.

C. Waste Minimization

BPCI has emphasized waste minimization through source reduction and recycling as a strategy for managing liquid waste. Through recycling and improvements in efficiency, BPCI has decreased the amount of waste water generated per unit of product by 33% since deep-well injection began in 1988. Hydrogen cyanide is now sold as a by-product and only non-recoverable amounts are disposed as waste. BPCI has developed an improved catalyst which is now being tested. It is expected to allow additional production with a further reduction in waste generation. The company will continue to assess waste minimization and identify and implement cost effective approaches to reduce the volume and toxicity of the waste generated.

D. Submission

On August 9, 1988, BPCI submitted a petition for exemption from the land disposal restrictions on hazardous waste injection under the HSWA Amendments of RCRA (40 CFR part 148). This submission was reviewed for completeness and, in response to Agency comments, revised documents were received on November 17, 1989, and January 29, 1990. In January of 1991, BPCI determined that additional information was needed to support the demonstration of no migration from the injection zone and that a test well would be drilled. On November 19, 1991, a complete submission incorporating data gathered through drilling and testing this well by itself and in concert with the existing wells was received. Several supplemental submissions were made thereafter for confirmation and clarification. The total submission was reviewed by staff at the USEPA, the Ohio EPA, the Ohio Division of Geological Survey, and by consultants hired by the Agency to assist in the determination.

II. Basis for Determination

A. Waste Description and Analysis (Section 148.22)

The wastes to be injected are principally process waste waters defined under 40 CFR Part 261 as bottom stream from the wastewater stripper, (K011), bottom stream from the acetonitrile column (K013), and bottoms from the acetonitrile purification column (K014), all in the production of acrylonitrile. At the point of generation, one waste stream is sometimes hazardous due to corrosivity, D002, and chromium content, D007. The waste stream sometimes contains de minimus amounts of ammonia blowdown, scrubber water, slopwater, contaminated stormwater, pump seal water, water from the loading/unloading sump, contaminated groundwater (F039), equipment washwater, solutions that are compatible with the waste stream, contaminated product, and laboratory wastes. In addition with K011, K013, and K014, the hazardous materials which may be deep-well disposed and for which this decision is proposed include:

Ignitability	D001
Corrosivity	D002
Cyanides	D003
Arsenic	D004
Barium	D005
Cadmium	D006
Total chromium	D007
Lead	D008
Mercury	D009
Selenium	D010
Silver	D011
Benzene	D018
Carbon tetrachloride	D019
Pyridine	D038
Multi-Source leachate	F039
Acrolein	P003
Allyl alcohol	P005
Hydrogen cyanide	P063
Potassium cyanide	P098
Sodium cyanide	P106
Acetaldehyde	U001
Acetone	U002
Acetonitrile	U003
Acrylic acid	U008
Acrylonitrile	U009
Benzene	U109
Chloroform	U044
Crotonaldehyde	U053
Cyclohexane	U057
Methylene chloride	U080
Ethyl acetate	U112
Formaldehyde	U122
Formic Acid	U123
Furan	U124
Furfural	U125
Lindane	U129
Isobutyl alcohol	U140
Maleic anhydride	U147
Mercury	U151
Methacrylonitrile	U152
Methanol	U154
Methyl ethyl ketone	U159
Methyl isobutyl ketone	U161
Nitrobenzene	U169
Phenol	U188
Pyridine	U196
Carbon tetrachloride	U211
Tetrohydrofuran	U213
Toluene	U220
Xylene	U239

These constituents are incidental to the normal wastestream composition and do not affect the physical characteristics of the injectate. Because of their low concentrations and infrequent appearance in the waste stream, they do not affect the waste plume extent.

B. Well Construction and Operation (Section 148.22)

The construction of the BPCI wells consists of at least two strings of casing for each well; the casing is cemented to the surface to preclude potential avenues of the injected fluid to escape the injection zone (see Figure 1)

Injection takes place through a tubing set on a packer and isolated from the casing by a fluid-filled annulus which is continuously monitored for pressure change. The monitoring system is designed to trigger alarms and shut off injection if the injection pressure exceeds the maximum permitted levels, or if the difference between the injection and annulus pressures falls below the minimum permitted level.

During review of early results of testing performed to gather information for the no-migration demonstration, an anomalous relationship between injection rate and pressure response was noted. At higher pressure, the injectivity, that is, the change in injection rate occurring per unit injection pressure change, increased. Such an anomaly during normal injection operations is commonly caused by fracture opening or propagation. Propagation of fractures is prohibited (through a limitation of injection pressure) by EPA regulations at 40 CFR 146.13(a)(1).

BPCI reviewed and analyzed all available information, conducted many tests during the drilling of the test well and other tests following the completion of the test well to ascertain the cause of the anomaly. Although some lines of evidence indicated that fracture flow was not the cause of the changing pressure-rate relationship, there has been no convincing demonstration that injection at the modeled pressure cannot result in fracture growth.

Several kinds of testing indicate that the fracture closure pressure, the minimum pressure which will prevent an opened fracture from closing, is related to depth at the BPCI facility by a ratio of 0.69 psi/ft. The minimum pressure required to propagate existing fractures is virtually impossible to determine; however, it is always above closure pressure. To ensure that fractures are not propagated, Region 5 has taken the conservative position that injection pressure should be maintained below closure pressure to maintain a margin of safety. Therefore, the exemption proposed by this decision is conditioned on operation of the wells employing injection pressure below closure pressure.

Notwithstanding the above determination, BPCI has demonstrated that the waste is not migrating vertically out of the injection interval due to the existence of fractures. The effects possibly due to the propagation of fractures are confined to a portion of the openhole interval below 2,900 feet, approximately 100 feet below the casing of the existing waste disposal wells.

The demonstration of no migration assumed that the currently permitted pressure of 844 psig existed throughout the operational period. Limiting injection pressure to fracture closure pressure, about 700 psig measured at the well head, provides a substantial measure of conservatism to the demonstration.

C. Mechanical Integrity Test Information

To assure that the waste does not leak from the tubing prior to reaching the injection zone, Mechanical Integrity Test (MITs) of the wells are required. 40 CFR 146.20(a)(2)(iv) requires submission of results from a satisfactory MIT, including a Radioactive Tracer Survey, performed within one year of petition submission. The BPCI wells were tested during the Summer of 1991. The Standard Pressure Test as described in 40 CFR 146.8 and Radioactive Tracer Tests were conducted for each well. Results of these tests confirmed that the wells have mechanical integrity.

1. Site Description

The BPCI injection wells are located within the City of Lima in Allen County, Ohio. They are in west central Ohio on the western limb of the Findlay Arch. Locally, dip is to the north at about 10 feet per mile. About 3,100 feet of Paleozoic sedimentary rocks covered by a thin vener of glacially deposited materials overlie the Precambrian Middle Run Formation which consists of several thousands of feet of impermeable sandstone deposited upon the granitic basement.

The injection wells at the BPCI facility have approximately 2,000 feet of separation between the lowermost underground source of drinking water (USDW), found in the "Sub-Lockport Dolomite" (upper Cincinnatian shale group) at about 400 feet in depth and the top of the injection zone (Middle Run, Mt. Simon, and Eau Claire Formations). This separation zone is composed of dolomites, shales, sandstones and siltstones; the separating formations are predominantly characterized by low permeability at this location. In addition several zones are composed of sand or dolomitized limestone which have higher porosity and permeability and can function as pressure bleed-off zones. BPCI has divided the stratigraphic column into layers based upon formation boundaries and lithologic character to facilitate discussion.

The BPCI site is located 15 to 20 miles north of the Anna Seismic Region. During the 1930's several earthquakes having body wave magnitudes (m_B) between 4 and 5 occurred. The epicenters of these earthquakes were deep within the Precambrian basement, between five and eight times deeper than the injection zone for the BPCI wells. A seismic monitoring network maintained by the University of Michigan has been installed to monitor seismic activity in the Anna region and a seismic monitoring device has been installed at the BPCI facility to detect microseisms which might be associated with injection activities. At this time, the EPA has no reason to connect any seismic event with injection activities at the BPCI plant.

An analysis was performed to investigate the potential for damage to the injection well construction materials at BPCI site by seismic events in the Anna Seismic Region releasing the maximum anticipated energy. This analysis showed no potential for damage to the injection wells.

2. Injection Zone Description

The injection zone must have sufficient permeability, porosity, thickness and areal extent to prevent migration of fluids into USDWs. The injection zone for the BPCI facility consists of 793 feet of reservoir and arrestment strata including part of the Middle Run Formation and all of the Mt. Simon and Eau Claire Formations at depths 3,223 to 2,430 feet below the surface. (All depths are measured in the stratigraphic test well.) Each of these formations extends far beyond the vicinity of the BPCI facility. The Middle Run Formation is nowhere exposed at the surface and the Mt. Simon and Eau Claire Formations reach the surface only in Wisconsin, hundreds of miles from the BPCI facility. BPCI has subdivided the injection zone into an effective injection interval (which is again subdivided into an active and a passive injection interval), and an arrestment interval (Figure 1). Waste is injected only into the active injection interval. Both the passive injection interval and the arrestment interval prevent migration of hazardous materials out of the injection zone. Together they make up what other petitioners have commonly called the containment interval.

Injection is directly into the active injection interval from the open-hole portion of the waste disposal wells. The active injection interval is composed of the entire Mt. Simon Formation and portions of the underlying Middle Run Formation and the overlying Eau Claire Formation. BPCI has named layers in these formations to facilitate discussions (Figure 1). The Middle Run Formation lies below 3,153 feet; its thickness is unknown. The Formation is

composed of highly indurated, argillaceous sandstone and siltstone; porosity and permeability are due to extensive fracturing which appears to be limited to the uppermost 70 feet of the formation (3,153 to 3,223 feet). The average porosity is just 1.9 percent; however, because of intense natural fracturing, average permeability is over 10 millidarcies (md), enough to allow significant lateral flow. The Mt. Simon Formation is composed of sandstone, and is between 2,813 and 3,153 feet deep. The Mt. Simon has porosities as high as 20 percent and the porosity averages 12 percent for the entire formation. Permeabilities in the Mt. Simon range from .0005 to 695 md for core samples and average as much as 84 md for the MS [1] layer. EC [1], the Eau Claire portion of the active injection interval, is between 2,775 and 2,813 feet in depth. It is composed mainly of veriegated sandstones having porosities ranging from 3.5 to 17 percent and an average permeability of 300 md.

The passive injection interval is a portion of the injection interval, above the active injection interval, which does not accept waste directly from the well bore. Some movement of waste into this interval does occur by vertical migration from the active injection interval; however, it is most important because of its capacity to dissipate pressure transmitted from the active injection interval. This allows injection at any rate to occur with less long-term pressure build up than otherwise would be the case. The passive injection interval is between 2,640 and 2,775 feet deep and consists of EC_4 and EC_3 layers of the Eau Claire Formation which are composed of sandstone and silty sandstones with generally moderate porosity (>8 percent) and low average permeability (5 md, horizontal, and 0.004 md, vertical, for EC_4, and 1 md, horizontal, and 0.003 md, vertical, for EC_3) due to occlusion of pore spaces by shale and dolomite. The passive injection interval is marked by a near absence of any except coring induced fractures, so fractures are an unlikely route for vertical waste migration.

BPCI applies the term "arrestment interval" to the portion of the injection zone above the injection interval which contains confining units (dense carbonates and shales) and pressure bleed-off units (porous carbonates and sandstones). The arrestment interval consists of the EC_1, EC_2, and EC_3 layers of the Eau Claire Formation between the depths of 2,430 and 2,630 feet. These layers consist mostly of dolomite with some interbedded shale and sand. Analayses of numerous core samples indicate that the effective vertical permeability of the dolomite is less than 0.00005 md. The interbedded shale further reduces the potential for upward movement due either to advection (pressure driven flow) or diffusion (movement at the molecular level due to concentration gradients. Fracture logging of the core from the stratigraphic test well indicated only closed and mineralized closed fractures in the arrestment interval. No transmissive fractures or faults are known to exist in the arrestment interval. The pore pressures measured during the drilling and completion of the wells, particularly the test well, demonstrate that there is no natural hydrologic connection across the arrestment interval. Therefore, the arrestment interval is suitable for long-term waste confinement.

3. Confining Zone Description

The confining zone must be (1) laterally continuous, (2) free of transecting, transmissive faults or fractures over an area sufficient to prevent fluid movement and, (3) of sufficient thickness and lithologic and stress characteristics to prevent vertical propagation of fractures. The immediate confining zone above the injection zone at BPCI is made up of layers KD_1 and KD_2 in the lower part of the Knox Dolomite (see Figure 1), from 2,100 to 2,430 feet in depth. This confining zone is 330 feet in thickness, and is located 1,700 feet below the lowermost USDW. The confining zone is divided into two layers. The lower, KD_1, is between 2,310 and 2,430 feet deep, consists of vugular dolomite characterized by higher porosity (ranging from five to 15 percent and averaging eight percent) and good permeability (ranging from less than 0.01 to 24 md), while the upper, HD_2 between 2,100 and 2,310 feet, is interbedded silty dolomite and dolomitic shale characterized by lower porosity (one percent average) and permeability (0.0003 md average). The Knox Dolomite or equivalents extend throughout Ohio and into the surrounding states as indicated by numerous lithologic logs. No transmissive faults or fractures are known to exist in the Knox Dolomite in the Area of Review. The porous, permeable lower unit, KD_1, would be effective as a barrier to induced fractures and pressure induced vertical migration because it is capable of conducting liquid away laterally, thereby reducing the pressure within the pore system or any fracture. The upper unit, KD_2, would resist vertical migration because of its low natural permeability. A measurement of the tectonic stresses at 2,125 feet shows that the pressure required to fracture the Knox Dolomite is 0.76 psi or higher for each foot of depth. Because pressure would be lost due to bleed off in the lower Knox as well as in the Mt. Simon and Eau Claire, the Knox Dolomite presents an effective barrier to flow through any fractures as well as to migration through intergranular pore spaces.

The confining zone must be separated from the lowermost USDW by at least one sequence of permeable and less permeable strata that will provide added layers of protection by either providing additional confinement (low permeability units) or allowing pressure bleed-off (high permeability units). Overlying the KD_2 unit, the KD_3 unit between 1,855 and 2,100 feet and the Trenton dolomitized portion of the Trenton Limestone between 1,265 and 1,290 feet are more porous and permeable than the over and underlying strata, allowing for pressure bleed-off. The Wells Creek Shale and Black River Dolomite, 1,438 to 1,855 feet and the Cincinnatian Shales between 373 and 1,265 feet, have very low porosity and permeability. These units provide an alternative sequence of thick units with low permeability and more porous and permeable units. The layers are continuous for hundreds of square miles. Thus, the added layers of protection are well provided.

4. Geochemical Conditions

The characteristics of the injection and confining zone fluids and lithologies must be adequately described in order to determine the waste stream's compatibility with the zones. The injection zone is composed mainly of quartz sandstone, with minor amounts of siltstone and dolomite. These rocks are generally very resistant to chemical degradation, and therefore little, if any, compatibility problems are expected. Following completion of WDW No. 1, mixing tests indicated a reaction between the natural formation waters and the injection which would result in reduced permeability. To alleviate this, BPCI injected fresh water to serve as a buffer between the formation water and the injectate during the completion of WDW No. 2 and No. 3. BPCI has injected approximately 4 billion gallons of wastewater during the period from 1988 to 1992. During this time, the loss of permeability has not necessitated the use of excessive injection pressure. In 1991 BPCI worked over WDW No. 1 to remediate existing damage and plans additional workovers of the other wells to lower the pressure required to inject. The confining zone is composed of silty shale and shaley dolomite and should have no compatibility problems with the injected fluid.

5. Area of Review

The area of review (AOR) is the minimum area within which the petitioner must identify all wells which penetrate the confining zone and demonstrate whether they have been properly completed or plugged and abandoned. The radius of the AOR is fixed at 2 miles unless enlarged at the Director's discretion to include the cone of influence. The cone of influence is the area within which pressurization of the injection interval can raise a column of formation fluid or injected fluid sufficiently to cause contamination of the lowest USDW. The cone of influence for the BPCI injection wells has a radius of 3.1 miles from the center of the well group. BPCI designated a well search area having a radius of 10 miles. This well search area covers both the cone of influence and the maximum plume radius (5.4 miles) through the 10,000-year period of interest. The only wells which penetrate the confining zone within the well search area are the BPCI wells and an abandoned well that was drilled to 2630 feet, reportedly in the Knox Formation approximately 8 miles from the injection facility. Because no improperly constructed well penetrates the confining zone is located within the cone of influence or the projected plume radius, no corrective action is required for this facility.

E. Model Demonstration of No Migration

The demonstration of no migration of hazardous constituents from the injection zone involves the use of predictive mathematical models. A combination of analytical and numerical models was used in BPCI's demonstration.

Models used for the "no-migration" demonstration must be adequately verified and validated. The verification process has two principal objectives: (1) To ensure that the simulation code is mathematically accurate, and (2) to ensure that the various features of the code are used correctly. The objective of model validation is to demonstrate that the model adequately represents the type of rock layers, the physical processes of the injection zone, and the boundary conditions of the modeled interval.

The BPCI modeling demonstration used a numerical code known as SWIFT II (Sandia Waste-Isolation Flow and Transport Model) to predict the increase of pressure and the lateral flow of waste from the BPCI injection wells. The SWIFT II code has been used and verified extensively, as reported in various Federal publications. The long history of development and successful use of SWIFT codes for sites similar to BPCI provide confidence that the basic processes are accurately represented by the model.

The vertical migration of waste was modeled using a stochastic approach, designed to assign a range of probable permeabilities to a layered interval in which the waste is contained in order to evaluate the model uncertainty through probabilities of vertical migration distance. The model calculates migration velocity based on an analytical solution using pressures predicted by SWIFT as the initial drive mechanism. Other analytical models were also used to determine various components of the waste migration. All of the models used have been verified and validated as recorded in the model documentation, or in references to techniques that are widely accepted by the technical community.

1. Model Development and Calibration

The development of the BPCI model was a two-step process. First, a conceptual model was developed using information developed from well logs and core testing for the rock layers extending from the base of the MR_2 layer of the Middle Run Sandstone through the Knox Dolomite. The data from the recently drilled test well were particularly important. The model included hydrogeologic information such as porosity, permeability and thickness. Next, this initial set of hydraulic parameters was calibrated or "fine-tuned" by comparing pressure response to injection histories predicted using these parameters to pressure records from interference tests involving the test well and two of the injection wells run during August, 1991. Hydraulic parameters for the active injection interval which were developed from the calibration exercise include:

Layer	Porosity Percent	Permeability millidarcies	Thickness feet
EC_1	11	300	25
MS_3	12	50	40
MS_2	12	7.7	130
MS_1	12	63.7	183
MS_2	3	10.7	70

Other model parameters, such as viscosity, and diffusion coefficients, were assigned from site-specific information when possible, and otherwise based on accepted literature vanes. Where parameters, were uncertain, reasonably conservative values were chosen. For those parameters most affecting pressure build up and waste migration, such as permeability, a range of values was modeled so that pressure and migration under less favorable conditions could be determined. Sensitivity analysis indicated that containment of waste within the injection zone would occur even if actual conditions are much less favorable than there is reason to suspect.

2. Model Predictions

Two simulation time periods were considered in the demonstration: A 43-year operational period and a 10,000-year post-operational period. For the operational period, pressure increase due to injection and the lateral and vertical migration due to this pressure were modeled. For the post-operational period, additional lateral migration due to the natural flow gradient and buoyancy, and additional vertical migration due to molecular diffusion were modeled. Modeling results, and the parameter choices which ensure that these results represent reasonably conservative conditions, are presented below.

For the operational period prior to the modeling exercise, actual injection rates averaged for 2 to 5-year periods from July 1, 1988 to the end of September, 1992 were used to predict pressure increase in the injection zone and lateral migration. For the future operational period a combined rate of 560 gpm was used. This exceeds the actual average injection rates of 330 to 340 gpm for the last five years and provides a conservative cushion to the demonstration by causing an over-prediction of waste migration. To be conservative, the current maximum permitted injection pressure was assumed to exist throughout the operational period. This is conservative because the actual injection pressure is controlled below that level. The maximum pressure is controlled below that level. The maximum pressure in the Mt. Simon Sandstone is controlled by the permit issued by the Ohio EPA and must be equal to or lower than the pressure modeled in this demonstration and must not allow fracture initiation or propagation in the injection zone. Pressure buildup is greatest near the injection wells and decreases outward, declining to less than 180 psi (1,230 psig) at a distance of 3.1 miles (the edge of the regulatory Area of Review).

Particle tracking was used to predict vertical waste migration. This method modeled the movement of a representative particle at 2,775 feet, one inch above the active injection interval, on the first day of injection. The

differential pressure at the boundary of the active and passive injection intervals was assumed to be correlative to the maximum permitted pressure throughout the entire operational period and this was used to calculate particle velocity. The approach is conservative because it over-estimates the pressure for portions of the operational period at which wells are not operating at full capacity. A combination of the most probable values for the parameters controlling vertical movement resulted in a migration distance of about 21 feet, to a depth of 2,754 feet, during the operational period. A combination of parameter values chosen to represent a worst-case scenario (porosity of each layer within the passive injection interval and arrestment interval was decreased to the minimum measured value in that layer, horizontal permeability was decreased by a factor of 48 for EC_2 and 10 for EC_3 and vertical permeability of each layer within the passive injection interval and the arrestment interval was increased by a factor of 10) resulted in vertical movement of 136 feet, to 2,639 feet. This is one foot above the boundary between the passive injection interval and the arrestment strata, leaving the waste well within the injection zone during the predicted operational period.

During the post-operational period, molecular diffusion is the primary migration mechanism. Using actual coefficients of molecular diffusion for each major waste constituent, the maximum vertical transport of the waste front during the post-operational period is 184 feet from the assumed starting point at 2,640 feet, that is, to 2,456 feet, 26 feet below the top of the injection zone. This is a conservative estimate because:

(1) It assumes constant concentration at maximum injectate levels at the starting point for the entire post-operational period

(2) The starting point is approximately at the point indicated by modeling with very unfavorable rather than expected conditions, and

(3) The tortuosity of the entire arrestment interval is set equal to the most unfavorable (0.123) of a number of determinations made using core samples.

Therefore, the waste will be contained within the permitted injection zone throughout the post-operational period.

Lateral migration of the waste plume during the operational period is driven almost exclusively by injection pressure and, when determined at the 0.01 concentration ratio (initial concentration/final concentration), is modeled to extend a maximum of 7,325 feet east of the well group's center in layer EC_4 and 6,535 feet west of the centroid in layer MS_1, using realistic site-specific parameters deduced from the calibration exercises mentioned above. To add an additional measure of conservatism, BPCI increased this lateral-migration distance by 20% to 8,790 feet in EC_4 and 7,845 feet in MS_1 for the petition.

During the post-operational period, the modeled movement of the waste plume considered buoyancy forces and the natural flow gradient within the Mt. Simon and Eau Claire Formations. Buoyancy forces resulting from a lighter waste being injected into a more dense formation water result in a substantial movement of the waste front in layer MS_1 because of its thickness which causes development of a greater vertical pressure differential than in any other layer within the active injection interval. The increase in plume radius due to buoyancy at the 0.01 concentration ratio is about 325 feet in 10,000 years. Natural groundwater flow velocity is conservatively estimated to be 0.5 ft./year.

Several investigators have estimated the groundwater flow velocity in this formation at less than 0.5 ft./year at this site. Because the direction of this flow is uncertain, it is conservatively assumed that a flow velocity of 0.5 ft./year exists in approximately the direction of greatest plume development at the BPCI site. This results in an additional 5,000 feet of drift of the waste plume westward to a point 14,325 feet of the BPCI site in 10,000 years. For conservatism, this distance was increased by 20%. From that point an analytical method was used to account for dispersive spread and project plume movement to the health-based limits. Acrylamide, found in the waste at a concentration of 1,500 parts per million (ppm) must be diluted more than any other hazardous constituent to reach its health-based limit of 9.0×10^{-6} ppm. Dispersion will cause reduction to the health-based limit 11,390 feet beyond the 0.01 ratio contour. At this distance, all hazardous constituents will be below the health-based levels or detection limits. Therefore, the maximum predicted lateral migration of waste at the BPCI site is 28,580 feet (5.41 miles). This is within the permitted injection zone and, although outside of the regulatory AOR, it is within the area which BPCI searched and EPA found to have no improperly constructed or plugged wells.

Therefore, BPCI has demonstrated to a reasonable degree of certainty that hazardous constituents will not migrate vertically out of the injection zone nor laterally to a point of discharge in a 10,000 year period.

F. Quality Assurance and Quality Control

BPCI and its consultants have demonstrated that adequate quality assurance and quality control plans were followed in preparing the petition. BPCI has followed appropriate protocol for locating records for penetrations in the AOR, for collection and analyses of geologic and hydrogeologic data, for waste characterization, and for all tasks associated with the modeling demonstration.

III. Conditions of Petition Approval

In order to receive this exemption from the ban on injection of certain hazardous wastes, the BPCI injection operation must meet the no-migration standard and the operation must be protective of human health and the environment. Federal regulations at 40 CFR 146.13(a) establish the standard for a safe injection pressure. Region 5 has determined that operation at or below fracture closing pressure is the best means of assuring that the facility's injection pressure will be protective of human health and the environment. Therefore, as a condition of granting this exemption from the ban on injection of certain hazardous wastes, the USEPA will require that the following conditions be met:

(1) The permitted injection zone must be comprised of the Middle Run, St. Simon, and Eau Claire Formations;

(2) Injection shall occur only into the Mt. Simon Sandstone in WDWs No. 2, 3, and 4 (if permitted), and in WDW No. 1 into the Mt. Simon and that portion of the Eau Claire Formation which is below 2,783 feet (EC_1);

(3) The combined monthly injection volume for the site must not exceed 24 million gallons;

(4) The final report of reflection seismic investigations carried out from 1988 through 1990 shall be completed and submitted to the Ohio EPA in a form acceptable to USEPA by May 8, 1992, and

(5) The petitioner shall fully comply with all requirements set forth in the Underground Injection Control Permit-to-Operate issued by the Ohio EPA.

(6) The injection pressure at the well head shall be limited to closure pressure at the casing shoe (0.69 psi/ft. × depth) with allowance for the hydrostatic pressure and friction in the injection tubing.

Dated: February 20, 1992.

Dale S. Bryson,

Director, Water Division, Region 5, U.S. Environmental Protection Agency.

BILLING CODE 6560-50-M

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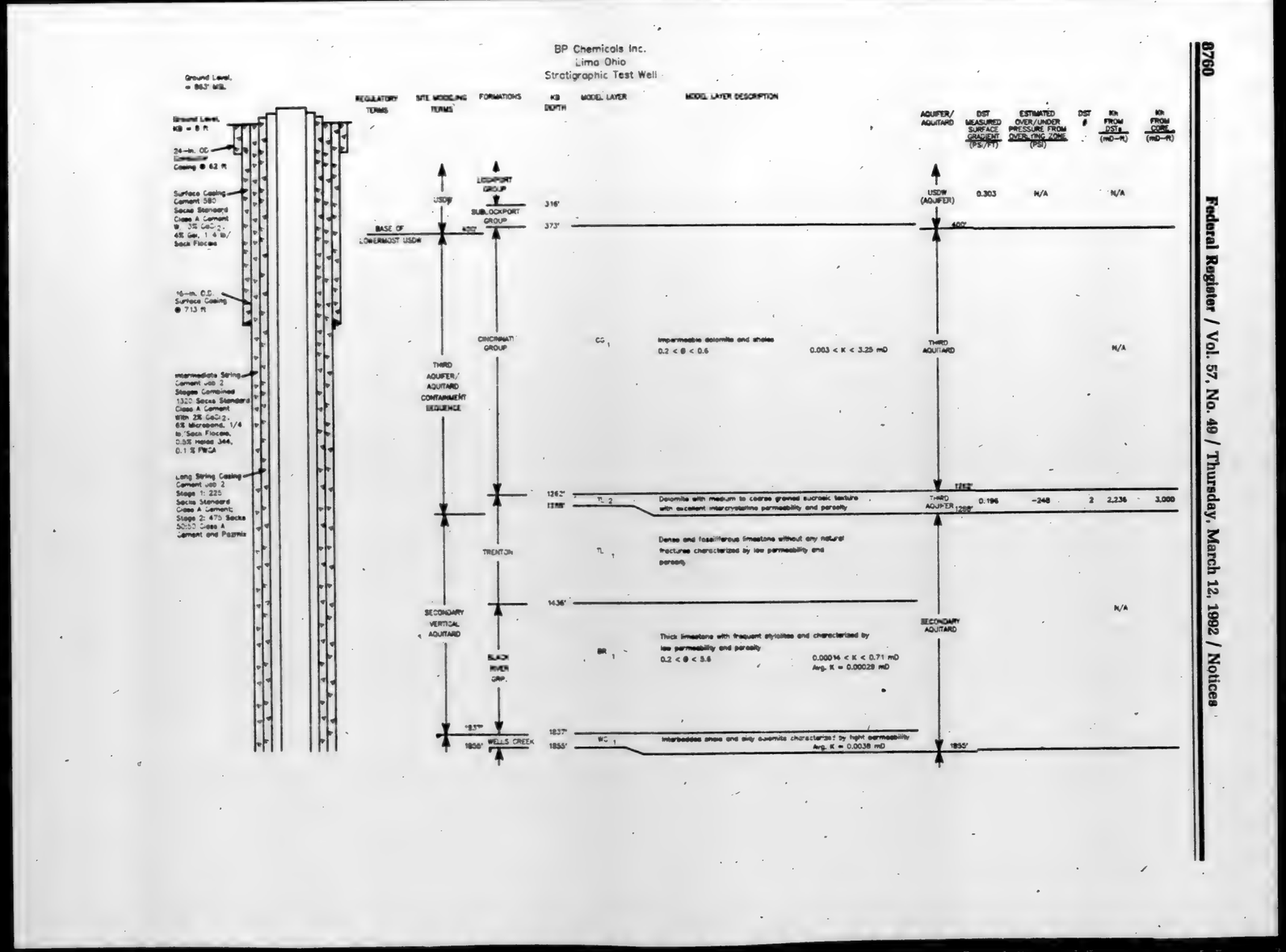

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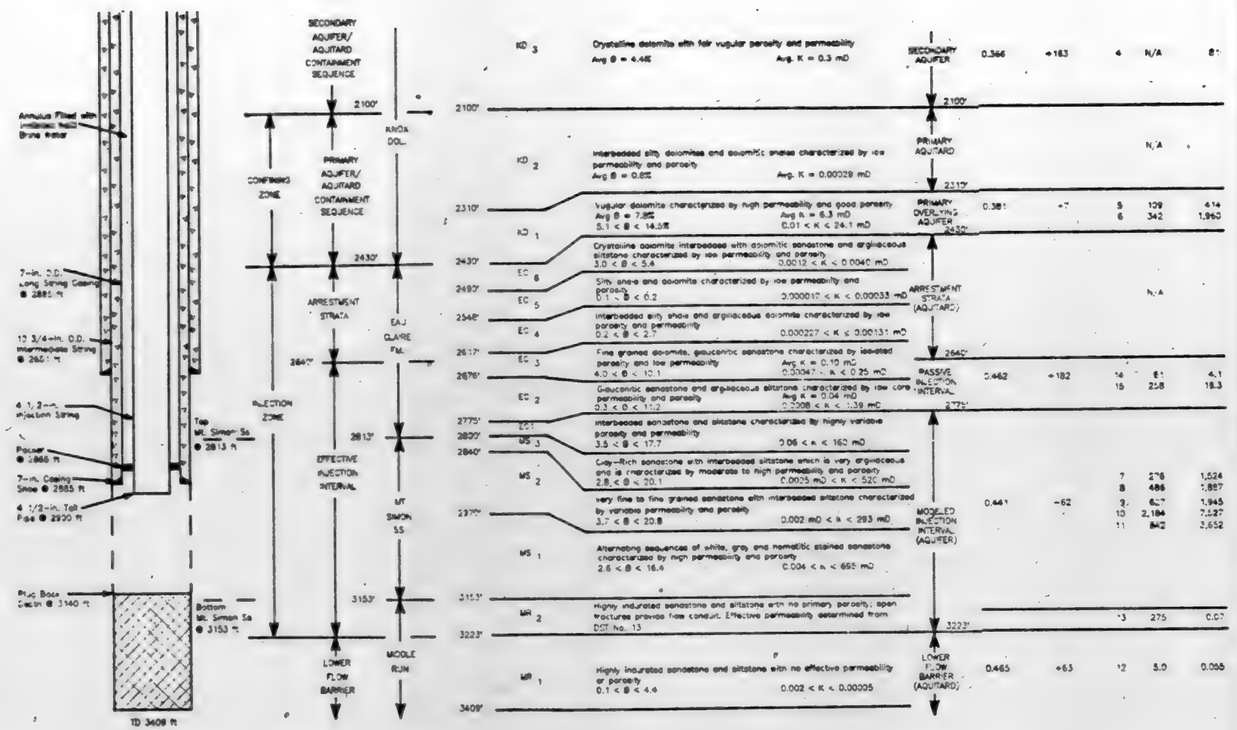

Figure 1 Illustration of multiple vertical containment layers at the Lima site.

[FR Doc. 92-5013 Filed 3-11-92; 8:45 am]

BILLING CODE 6560-50-C

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposal To Conduct a Pilot Survey of Americans With Disabilities in Private Industry; Cancellation of Public Hearing

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed change: Cancellation of hearing.

SUMMARY: Notice is hereby given that the Commission is cancelling the public hearing on the above proposal to conduct a pilot survey of Americans with disabilities in private industry. The Commission did not receive any notices of intent to give oral testimony at the hearing within the thirty-day time period specified in the hearing notice of December 23, 1991, 56 FR 66445. Therefore, it will not be necessary to hold the hearing.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Survey Division at (202) 663–4958 (voice) or (202) 708–9300 (TDD), Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507.

Signed this day at Washington, DC.
For the Commission.

Evan J. Kemp, Jr.,

Chairman.

[FR Doc. 92–5826 Filed 3–11–92; 8:45 am]

BILLING CODE 6570–01–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 4, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452–1422. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–4814.

OMB Number: 3060–0360.

Title: Section 80.409(c), Public Coast Station Logs.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 316 recordkeepers; 95 hours average burden per recordkeeper; 30,020 hours total annual burden.

Needs and Uses: The recordkeeping requirement contained in this rule section is necessary to document the operation and public correspondence service of public coast radiotelegraph, public coast radiotelephone stations and Alaska-public fixed stations, including the logging of distress and safety calls where applicable. A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, or any claim or complaint. If the information were not collected, documentation concerning the above stations would not be available.

OMB Number: 3060–0364.

Title: Section 80.409(d) and (e), Ship radiotelegraph logs, ship radiotelephone logs.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 10,950 recordkeepers; 47.3 hours average burden per recordkeeper; 517,935 hours total annual burden.

Needs and Uses: The recordkeeping requirement contained in these rule sections is necessary to document that compulsory radio equipped vessels and high seas vessels maintain listening watches and logs as required by statutes and treaties (including treaty requirements contained in appendix 11 of the international Radio Regulations, chapter IV, Regulation 19 of the International Convention for the Safety of Life at Sea, the Bridge-to-Bridge Radiotelephone Act, The Great Lakes Agreement, and the Communications Act of 1934, as amended). A retention period of more than one year is required where a log involves communications relating to a disaster, an investigation, any claim of complaint. If the data were not collected, documentation concerning station operations would not be available and treaty requirements would not be complied with.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92–5835 Filed 3–11–92; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Home Mortgage Disclosure Act; Categorization of Income for Disclosure Statements and Aggregate MSA Reports

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Notice of proposed changes.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC) is proposing a change in the way it categorizes income for purposes of preparing Home Mortgage Disclosure Act disclosure statements for covered depository institutions and aggregate reports distributed to central data depositories. The proposed change does not affect how income is reported by covered institutions.

DATES: Comments must be received on or before April 13, 1992.

ADDRESSES: Comments should be sent to Barbara Kenlaw, Federal Financial Institutions Examination Council, suite 850B, 1776 G Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Glenn G. Canner, Senior Economist, (202) 452–2910, Board of Governors of the Federal Reserve System, Washington, DC 20551 or Barbara Kenlaw, (202) 357–0177, Federal Financial Institutions Examination Council, suite 850B, 1776 G Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

1. General

In August 1989, the Financial Institutions Reform, Recovery and Enforcement Act amended the Home Mortgage Disclosure Act (HMDA) to require covered institutions to report data on the income, race or national origin, and gender of applicants and borrowers, as well as the disposition of applications for home purchase and home improvement loans. The FFIEC processes data relating to individual transactions and aggregates the data for each covered lender and for the complete lending activity in each metropolitan statistical area (MSA) where home lending activity was reported.

2. Income Categories

When processing data to prepare its reports, the FFIEC categorizes loan applicants into one of four income groups. The applicant's income, as recorded on a loan application register, is compared to the estimated current median family income level for the particular MSA where the property the applicant is seeking to buy or improve is located. The four income groups are: Less than 80 percent of the median MSA family income, 80–99 percent of the median MSA family income, 100–120 percent of the median MSA family income, and more than 120 percent of the median MSA family income.

For the 1990 disclosure reports, the current median family income level used for a particular MSA was derived by multiplying the estimated 1980 MSA median family income by an inflation adjustment factor. The factor was uniform across all MSAs. The inflation adjustment factor used for 1990 reports was 1.6424, which reflected changes in the consumer price index between December 1979 and December 1989. The estimation technique currently employed by the FFIEC has two main weaknesses. First, by accounting only for changes in price levels it fails to account for changes in real family income over time. Second, it fails to reflect changes in the economic conditions across MSAs.

The FFIEC is seeking public comment on a proposed change to the methodology used to estimate the current level of median family incomes for MSAs. Specifically, the FFIEC would apply the annual median family income figures as published by the Department of Housing and Urban Development (HUD) rather than the inflation-adjusted estimates described above. The annual MSA median family income estimates derived by HUD reflect the latest available data on wage changes from the County Business Patterns and from median family income data from the Bureau of the Census Current Population Reports, P–60 Series. (For interested parties, the precise methodology used by HUD to calculate their estimates of current MSA median family incomes can be obtained from the FFIEC.) The estimation techniques employed by HUD takes advantage of the most up-to-date information available for estimating current levels of MSA median family incomes.

The median family income figures published by HUD are widely used in government housing programs and a switch by the FFIEC to the income estimates derived by HUD would establish uniformity across government agencies.

If the FFIEC changes to the annual HUD MSA income estimates, it would begin using these figures with the preparation of HMDA disclosure reports reflecting 1991 lending and loan application data. The MSA median income figures that would be used to prepare 1991 reports would be the HUD estimates for Fiscal Year 1991. The proposed change would affect standard disclosure tables 3, 4.1–4.6, 5.1–5.6, 6.1–6.6 and 8.1–8.6.

Dated: March 5, 1992.

Joe M. Cleaver,

Executive Secretary.

[FR Doc. 92–5805 Filed 3–11–92; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Grants and Cooperative Agreements

AGENCY: Office for Substance Abuse Prevention, ADAMHA, PHS, HHS.

ACTION: Program Announcement Update and Reissuance.

The Office for Substance Abuse Prevention (OSAP) is reannouncing the following grant program:

Substance Abuse Prevention Conference Grants

Under the authority of section 508 of the Public Health Service Act, OSAP will accept applications to support domestic conferences from public and private, profit, and not for profit entities for the purpose of coordinating, exchanging, and disseminating information in furtherance of OSAP's mission to prevent alcohol and other drug abuse, particularly as it pertains to high risk youth. Applications are invited for regional and national conferences relating to substance abuse prevention, including conferences for the purposes of information dissemination to the services community and the general public, and national strategy development for substance abuse prevention. Approximately $2 million will be available for constituency-initiated conferences annually. Awards will be limited to no more than $50,000 for any one conference. The Catalog of Federal Domestic Assistance number for this program is 93.174.

The announcement has been updated and revised to provide clarification of the application and review process, and to incorporate new receipt dates. The OSAP will now accept applications in response to this announcement on January 20, May 20, and September 20 of each year.

Application kits including a copy of the complete program announcement and guidance for submission are available from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20852, (301) 468–2600, 1–800–729–6686.

For additional information regarding the program and/or application procedures, contact: Budget, Planning and Evaluation Unit, Office for Substance Abuse Prevention, ADAMHA, Rockwall II Building, 9th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0980.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92–5786 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–20–M

Agency for Toxic Substances and Disease Registry

[Announcement Number 206]

Public Health Conference Support Grant Program

Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of funds in Fiscal Year 1992 for the Public Health Conference Support Grant Program. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the Section *Where to Obtain Additional Information.*)

Authority

This program is authorized under sections 104(i) (14) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, (42 U.S.C. 9604(i) (14) and (15)).

Eligible Applicants

Eligible applicants are states, and political subdivisions thereof, which may include state universities, state colleges, state research institutions, state hospitals, state and local health departments, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Federated

States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Northern Mariana Islands, American Samoa, and federally-recognized Indian Tribal governments.

Availability of Funds

Approximately $50,000 will be available in Fiscal Year 1992 to fund approximately 5 awards. It is expected that the average award will be $10,000, ranging from $7,500 to $12,500. The awards will be made for a 12-month budget and project period. Funding estimates may vary and are subject to change.

1. Grant funds may be used for direct cost expenditures: salaries, speaker fees, rental of necessary equipment, registration fees, transportation costs (not to exceed economy class fare) for non-Federal employees.

2. Grant funds may not be used for the purchase of equipment, payments of honoraria, alterations or renovations, organizational dues, entertainment/personal expenses, cost of travel and payment of a full-time Federal employee, for per diem or expenses other than local mileage for local participants, or reimbursements of indirect costs. Although the practice of handing out novelty items at meetings is often employed in the private sector to provide participants with souvenirs, Federal funds cannot be used for this purpose.

Purpose

This program will provide partial support for non-Federal conferences on disease prevention, health promotion and information/education projects. Applications are being solicited for conferences on: (1) Health effects of toxic substances; (2) disease and exposure registries; (3) hazardous substance removal and remediation; (4) emergency response to toxic and environmental disasters; and (5) risk communication, disease surveillance and investigation and research on hazardous substances. Because conference support by ATSDR creates the appearance of ATSDR co-sponsorship, there will be active participation by ATSDR in the development and approval of those portions of the agenda supported by ATSDR funds. In addition, ATSDR will reserve the right to approve or reject the content of the full agenda, speaker selection, and site selection. ATSDR funds will not be expended for non-approved portions of meetings. Contingency awards will be made allowing usage of only 10% of the total amount to be awarded until a final full agenda is approved by ATSDR. This will provide funds for costs associated with preparation of the agenda. The remainder of funds will be released only upon approval of the final full agenda. ATSDR reserves the right to terminate co-sponsorship if it does not concur with the final agenda.

Program Requirements

A. Manage all activities related to program content (e.g., objectives, topics, attendees, session design, workshops, special exhibits, speakers, fees, agenda composition and printing). Many of these items may be developed in concert with assigned ATSDR project personnel.

B. Provide draft copies of the agenda and proposed ancillary activities to ATSDR for approval. Submit copy of final agenda and proposed ancillary activities to ATSDR for approval.

C. Determine and manage all promotional activities (e.g., title, logo, announcements, mailers, press, etc.). ATSDR must review and approve of any materials with reference to ATSDR involvement or support.

D. Manage all registrants (e.g., travel, reservations, correspondence, conference materials and hand-outs, badges, registration, (procedures, etc.).

Plan, negotiate, manage conference site arrangements, including all audio-visual needs.

F. Develop and conduct education and training programs on prevention.

G. Plan and conduct appropriate evaluation of education and training on prevention.

H. Collaborate with ATSDR staff in reporting and disseminating results and relevant prevention education and training information to appropriate Federal, state, and local agencies, and the general public.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria (*Total 100 Points*):

A. Proposed Program and Technical Approach: 50 Points

The description of (a) the public health significance of the proposed conference including the degree to which the conference can be expected to influence public health practices; (b) the feasibility of the conference in terms of an operational plan; (c) clearly stated conference objectives and the potential for accomplishing those objectives; and (d) the method of evaluating the conference.

B. The Qualification of Program Personnel: 30 Points

Evaluation will be based on the extent to which the proposal has described (a) the qualifications, experience, and commitment of the principal staff person, and his/her ability to devote adequate time and effort to provide effective leadership, and (b) the competence of associate staff persons, discussion leaders, speakers and presenters to accomplish the proposed conference.

C. Applicant Capability: 20 Points

Evaluation will be based on the description of (a) the adequacy and commitment of institutional resources to administer the program, and (b) the adequacy of the facilities to be used for the conference.

D. Budget Justification and Adequacy of Facilities: Not Scored

The proposed budget will be evaluated on the basis of its reasonableness, concise and clear justification, and consistency with the intended use of grant funds. The application will also be reviewed as to the adequacy of existing and proposed facilities and resources for conducting conference activities.

Executive Order 12372 Review

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs (45 CFR 100).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number is 93.161.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 shall be submitted in accordance with the schedule below.

Application deadline: July 15, 1992.

Applications must be submitted on or before the deadline date to: Mr. Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305. By formal agreement, the CDC Procurement and Grants Office will act on behalf of and for ATSDR on this matter.

1. Deadline

Applications shall be considered as meeting the deadline if they are either: a. Received on or before the deadline date; or b. Sent on or before the deadline date and received in time for submission to the review committee. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications

Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description and information on application procedures are contained in the application package. Business management assistance may be obtained from Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842–6797. Programmatic technical assistance may be obtained from Jim Carpenter, Project Officer, Agency for Toxic Substances and Disease Registry, Division of Health Studies, 1600 Clifton Road, NE., Mailstop E–33, Atlanta, Georgia 30333, (404) 639–6206.

Please refer to announcement number 206 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the **Introduction** through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: (202) 783–3238).

Dated: March 4, 1992.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 92–5757 Filed 3–11–92; 8:45 am]

BILLING CODE 4160–70–M

Centers for Disease Control

[Announcement Number 212]

HIV-Related Tuberculosis Demonstration Cooperative Agreements

Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces that cooperative agreement applications are to be accepted for tuberculosis (TB) and human immunodeficiency virus (HIV) preventive therapy follow-up demonstration projects

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of HIV Infection and Immunization and Infectious Diseases. (For ordering a copy of Healthy People 2000, see the section *Where To Obtain Additional Information*).

Authority

This program is authorized by the Public Health Service Act: section 301(a) [42 U.S.C. 241(a)] as amended; and Section 317(k) [42 U.S.C. 247b(k)]. Regulations governing programs for preventive health services are codified at 42 CFR part 51b. Subpart A contains general provisions relating to this program.

Eligible Applicants

Eligible applicants for this program include states, political subdivisions of states, and the other public and private nonprofit organizations. Priority consideration will be given to applicants who have successfully identified, recruited, and maintained a registry of dually-infected (HIV/TB) persons in a preventive therapy trial and have exhibited the ability to perform follow up procedures and evaluate participants receiving preventive therapy. Applicants must be able to locate and monitor a minimum of 50 dually-infected persons who have previously been given tuberculosis preventive therapy.

Availability of Funds

Approximately $800,000 is available in Fiscal Year 1992 to fund one to four preventive therapy follow-up studies. Awards are expected to range from $150,000 to $500,000. The awards will begin on or about July 1, 1992, for a 12-month budget period within a 2-year project period. Funding estimates may vary and are subject to change. Continuation awards within an approved project period will be made on the basis of satisfactory performance and the availability of funds.

Purpose

The purpose of this program is to improve the prevention and treatment of HIV-related TB through demonstration and applied research. Applied research, as used in the context of this announcement, means the process of developing and evaluating practical operational approaches and solutions to HIV-related TB problems and the evaluation of new technology (e.g., new drugs, new diagnostic tests) in clinical settings to determine its efficacy, feasibility, and applicability.

In Fiscal Year 1992, one of the priority areas of interest is to determine the efficacy of current drugs and drug regimens for TB preventive therapy in persons with both HIV and M. tuberculosis infections. It is extremely important to assess persons during various stages of HIV infection and the possible effect of tuberculosis preventive therapy on the progression of HIV infection.

National Goals

The ultimate goal of tuberculosis prevention and control efforts is disease elimination (a case rate of less than 0.1 per 100,000 population) by the year 2010, with an interim target goal of no more than 3.5 cases per 100,000 population by the year 2000.

The Healthy People 2000 national goals relating to tuberculosis and HIV infection are to:

A. Assess the impact of HIV infection on tuberculosis morbidity and mortality.

B. Develop more effective tools for the diagnosis of tuberculous infection and disease in persons with HIV infection.

C. Determine optimal drug regimens for the treatment of tuberculosis in persons with HIV infection.

D. Develop optimal tuberculosis preventive therapy regimens for dually-infected persons.

E. Prevent tuberculosis disease among dually-infected persons.

Program Requirements

In conducting activities to achieve the purpose of the program, the recipient shall be responsible for conducting activities under A., below, and CDC will be responsible for conducting activities under B., below:

a. *Recipient Activities*: Develop and implement strategies that are applicable to TB/HIV-infected persons in the United States and that include a description of the methods to be used to monitor and insure compliance, assess toxicity, and evaluate patients for 2 years after completion of preventive therapy.

Applicants are required to provide HIV antibody testing to determine a person's HIV infection status; therefore they must comply with State laws and regulations and CDC guidelines regarding pre-test and post-test counseling and partner notification of HIV-seropositive patients. Applicants must comply with State and local health department requirements regarding specific reportable diseases or conditions. Applicants will also be

required to provide referrals for HIV diagnosis and treatment. Specific recipient activities are:

1. Implement follow-up procedures used to monitor dually-infected (TB/HIV) individuals receiving preventive therapy.

2. Develop/implement methods for the follow-up of dually-infected (TB/HIV) individuals not receiving preventive therapy.

3. Develop/implement an evaluation plan that measures the effectiveness of the trial regimen or regimens employed.

4. Prepare and publish findings.

B. *CDC Activities:*

1. Provide consultation and technical assistance in planning, operating, and evaluating strategies and protocols.

2. Provide up-to-date scientific information and coordinate the exchange of information among recipients.

3. Assist in data management, analysis, and the evaluation of programmatic activities.

4. Assist recipients in collaborating with State and local health departments and other PHS-supported tuberculosis and HIV/AIDS recipients.

5. Assist in the preparation and publication of results.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria: (Maximum of 100 total points)

A. The ability of the applicant to determine the extent of the problem of tuberculosis and HIV infection in their area to include: a. the number of tuberculosis cases; b. the number of AIDS cases; c. the number of tuberculosis cases with AIDS/HIV infection; d. the estimated prevalence of HIV seropositivity in various population groups; and e. the estimated prevalence of tuberculin reactivity among AIDS risk groups. (15 points)

B. The ability of the applicant to perform active follow-up procedures to all participants who have received preventive therapy (currently still receiving drugs or those who have completed the drug therapy portion of their treatment) including methods to deal with noncompliant patients; and the extent to which qualified and experienced personnel are available to carry out the proposed activities. (30 points)

C. The extent to which the applicant's short- and long-term objectives are realistic, measurable, time-phased, and consistent with the purpose of the program. (15 points)

D. The overall potential effectiveness of the applicant's proposed activities and methods for meeting the stated objectives. (20 points)

E. The adequacy of plans to evaluate progress in implementing methods and achieving objectives. (20 points)

Consideration will also be given to the extent to which the budget request is clearly explained, adequately justified, reasonable, and consistent with the intended use of funds.

Funding Priorities

Although new applicants will be considered, priority for funds will be given to continuation of existing preventive therapy programs which have demonstrated the ability to perform follow up services and evaluate participants receiving preventive therapy.

Other Requirements

Recipients must comply with the document titled: *Contents of HIV/AIDS-Related Written Materials, Pictorials, Audiovisual, Questionnaires, Survey Instruments, and Educational Sessions,* a copy of which is included in the application packet.

Applicants must have in place systems to insure the confidentiality of all patient records. This project, which involves human subjects, will not be awarded until an acceptable assurance has been given that the human subjects protocol will be subject to initial and continuing review by an appropriate institutional committee(s) as described in 45 CFR part 46.

Executive Order 12372 Review. Applications are subject to the Intergovernmental review of Federal Programs as governed by Executive Order 12372. E.O. 12372 sets up a system for state and local government review of processed federal assistance applications. Applicants (other than federally-recognized Indian tribal government) should contact their state Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For proposed projects serving more than one state, the applicant is advised to contact the SPOC for each affected state. A current SPOC lists is included in the application kit. If SPOCS have any state process recommendations on application submitted to CDC, they should forward them to: *Edwin L. Dixon,* Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control 255 East Paces Ferry Road NE., room 300, Atlanta, GA 30305 no later than June 30, 1992. CDC does not guarantee to "accommodate or explain" for state process recommendations it receives after June 30, 1992.

Catalog of Federal Domestic Assistance Number. The catalog of Federal Domestic Assistance Numbers are 93.116, Project Grants and Cooperative Agreements for Tuberculosis Control Programs; and 93.118, Acquired Immunodeficiency Syndrome (AIDS) activities.

Application and Submission Deadline. The original and two copies of the application (Form PHS-5161-1) must be submitted to *Edwin L. Dixon,* Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E-14, Atlanta, GA 30305 on or before May 1, 1992.

1. *Deadline:* Applications shall be considered as meeting the deadline if they are:

a. Received on or before the deadline date, or

b. Sent on or before the deadline date and received in time for submission to the independent review committee. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.a. or 1.b. are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information. A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from *Lynn Mercer,* Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., room 300, Atlanta, GA 30305, (404) 842-6640 or FTS 236-6640.

Programmatic technical assistance may be obtained from *Lawrence J. Geiter,* Division of Tuberculosis Control, National Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, (404) 639-2530 or FTS 236-2530.

Please refer to Announcement 212, *Tuberculosis and Human Immunodeficiency Virus (HIV) Preventive Therapy Follow-up Demonstration Projects,* when requesting information or submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Dated: Mar. 6, 1992.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

[FR Doc. 92-5756 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-18-M

Hanford Thyroid Morbidity Study Advisory Committee: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: Hanford Thyroid Morbidity Study Advisory Committee.

Time and Date: 9 a.m.-5 p.m., March 27, 1992.

Place: Days Hotel at Lenox, 3377 Peachtree Road, NE., Atlanta, Georgia 30326.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with providing advice and guidance to the Director, CDC, regarding the scientific merit and direction of the Hanford Thyroid Morbidity Study. The Committee will review development of the study protocol and recommend changes of scientific merit to CDC, advise on the conduct of the pilot study using the approved protocol, and assist in determining the feasibility of a full-scale epidemiologic study. If the full-scale epidemiologic study is carried out, the Committee will advise CDC on the design and conduct of the study and analysis of the results.

Matters to be Discussed: The Committee will comment on the status of various components of the Hanford Thyroid Morbidity Study. Specifically, the discussions will focus on sampling frame, tribal activities and plans, confidentiality assurance, and status reports on the pilot study procedures.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Nadine Dickerson, Program Analyst, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE., (F-28), Atlanta, Georgia 30333, telephone 404/488-4613 or FTS 236-4613.

Dated: March 6, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-5754 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-18-M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Medical Classification Systems: Meeting

Pursuant to Public Law 92-463, the National Center for Health Statistics (NCHS), Centers for Disease Control, announces the following meeting.

Name: NCVHS Subcommittee on Medical Classification Systems.

Times and Dates: 9:30 a.m.-5 p.m., April 21, 1992. 9 a.m.-1 p.m., April 22, 1992.

Place: Room 503A-529A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The Subcommittee will discuss the proposed chapter revisions to Volume 3 of the International Classification of Diseases (ICD), 9th Revision, Clinical Modification; implementation plans for ICD, 10th Revision; status of a proposed computer-based record system; and the Subcommittee's workplan.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436-7050 or FTS 436-7050.

Dated: March 6, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-5755 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-18-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of April 1992:

Name: National Advisory Council on Migrant Health.

Date and Time: April 4-5, 1992-8 a.m.

Place: Sheraton Harbor Island, 1380 Harbor Island Drive, San Diego, California 92101.

The meeting is open to the public.

Purpose: The Council is charged with advising, consulting with, and making recommendations to the Secretary and the Administrator, Health Resources and Services Administration, concerning the organization, operation, selection, and funding of Migrant Health Centers and other entities under grants and contracts under section 329 of the Public Health Service Act.

Agenda: The agenda includes a overview of Council general business activities and priorities. Saturday, April 4, 10 a.m. to 11:30 a.m. and 1 p.m. to 5 p.m. public hearings are scheduled at the above hotel where the Council will solicit oral and written comments from farmworkers and organizations serving farmworkers specific to migrant/seasonal farmworker health and migrant health program issues. Sunday, April 5 the Council will resume the general business meeting.

This Council meeting is being held in conjunction with the 1992 Migrant Health and Migrant Clinical Issues Conference, April 4-8.

The Council has a workshop planned during the National Conference for Tuesday, April 7, 10:30 a.m.-12 p.m., "National Advisory Council on Migrant Health: Future Collaboration and Responsibilities". The Council will review the 1992 Recommendations and then solicit participation and comments from ALL migrant health center staff.

Anyone requiring information regarding the subject Council should contact Mr. Jack Egan, Acting Executive Secretary, National Advisory Council on Migrant Health, room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1153.

Agenda items are subject to change as priorities dictate.

Dated: March 6, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-5785 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

National Vaccine Advisory Committee, Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing the forthcoming meeting of the National Vaccine Advisory Committee.

DATES: Date, Time and Place: April 20, 1992 at 9 a.m.; and April 21, at 8:30 a.m.; Hubert H. Humphrey Building, room 703A, 200 Independence Avenue, SW., Washington, DC 20201. The entire meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate should be sent to Kenneth J. Bart, M.D. M.P.H., Executive Secretary, National Vaccine Advisory Committee, National Vaccine Program, 5600 Fishers Lane, Parklawn Building, room 13A-56, Rockville, Maryland 20857, (301) 443-0715.

AGENDA:

Open Public Hearing: Interested persons may formally present data, information, or views orally or in writing on issues pending before the Advisory Committee or on any of the duties and responsibilities of the Advisory Committee as described below. Those

desiring to make such presentations should notify the contact person before April 10, 1992, and submit a brief statement of the information they wish to present to the Advisory Committee. Those requests should include the names and addresses of proposed participants and an indication of the approximate time required to make their comments. A maximum of 15 minutes will be allowed for a given presentation. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting will be allowed to make an oral presentation at the conclusion of the meeting, if time permits, at the chairperson's discretion.

Open Advisory Committee

Discussion: There will be introductions on the four new committee members to the NVAC; updates on the National Vaccine Program, and the National Vaccine Compensation Program. There will be reports and discussions on the four working subcommittees: Access to Services; Adult Immunization; Planning; and State and Local Impediments to Immunization Services. Presentations on vaccine supply issues will also be on the agenda. Meetings of the Advisory Committee shall be conducted, insofar as is practical, in accordance with the agenda published in the **Federal Register** notices. Changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may ascertain from the contact person the approximate time of discussion. A list of Advisory Committee members and the charter of the Advisory Committee will be available at the meeting. Those unable to attend the meeting may request this information from the contact person. Summary minutes of the meeting will be made available upon request from the contact person.

Dated: March 3, 1992.

Kenneth J. Bart,

Executive Secretary, NVAC.

[FR Doc. 92-5731 Filed 3-11-92; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Lead-Based Paint Abatement and Poisoning Prevention

[Docket No. N-92-3406]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comment due date: April 2, 1992.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to:

Jennifer Main, OMB Desk, Office of Management and Budget, New Executive Office Building, Washington, DC 20503

Joan Campion, Rules Docket Clerk, Department of HUD, 451 7th Street, SW., Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Kay Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest Washington, DC 20410, telephone (202) 708-0055. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for expedited processing, an information collection package with respect to a Notice of Fund Availability (NOFA) for HUD's Great Program for Lead-Based Paint Abatement in Low and Moderate Income Housing. HUD is requesting a 21-day OMB review of this information collection.

The funds for this technical assistance were appropriated by the VA, HUD and IAA Act of 1992 (Pub. L. 102-139 approved October 28, 1991).

HUD intends to provide $47,700,000 under the NOFA to State and local governments and Indian Tribes for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner-occupied and units and low-income privately owned rental units.

The NOFA describes: (1) The nature and scope of eligible activities; (2) the application process and the factors that HUD will use in evaluating all applications; and (3) the selection and approval procedures.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35):

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable

(5) What members of the public will be affected by the proposal;

(6) How frequently information submission will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507, section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 4, 1992.

Arthur S. Newburg,

Director, Office of Lead-Based Paint, Abatement & Poisoning Prevention.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Funding Availability for 1992—HUD's Grant Program for Lead-Based Paint Abatement in Low and Moderate Income Housing.

Office: Office of Lead-Based Paint Abatement and Poisoning Prevention.

Description of the Need for the Information and its Proposed Use: This information collection is required in connection with the issuance of a Notice of Fund Availability, which announces the availability of $47,700,000 for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner occupied units and low income rental units.

Form Number: None.

Respondents: State and local governments and Indian Tribes.

Frequency of Submission: One Time Only.

Reporting Burden:

No. of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development		30		1		50 1,500

Total Estimated Burden Hours: 1,500.

Status: New.

Contact: Ellis G. Goldman, HUD (202) 755-1822. Jennifer Main, OMB (202) 395-6880.

Date: March 4, 1992.

Supporting Statement for Information Collection

The items in the NOFA that impose information collection requirements are attached.

A. Justification

1. The HUD Appropriations Act, Public Law 102-139 directs the Department of Housing and Urban Development to conduct a grant program for state and local governments for the abatement of significant lead-based paint and lead dust hazards in low and moderate income owner occupied units and low income privately-owned rental units. The collection of information from applicants is necessary to determine the most capable grantee in a competitive grant process to be announced in a Notice of Fund Availability (NOFA).

2. The information provided by the applicants will be reviewed and evaluated against the ranking factors contained in the NOFA for possible funding. The applicants will be notified of their selection/rejection. The information is necessary so that the applicants can apply and compete for funding opportunities.

3. The Department has not considered the use of improved technology since there is no other way to obtain the information except directly from the resident groups.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for this propose.

6. Not applicable.

7. The information will be collected on a one-time basis.

8. There are no special circumstances that require the collection to be conducted in a manner which is inconsistent with the guidelines in 5 CFR 1320.6.

9. There has been no outside consultation on this information collection.

10. No assurance of confidentiality is provided.

11. No sensitive questions are asked.

12. The Department estimates that there will not be any additional cost to the Federal Government. The applications will be reviewed in accordance with HUD's existing review requirements. Annual cost of the respondent is estimated to be minimal since the applications submission will be prepared by state and local government personnel already preparing or dealing with such information.

13. The Department estimates that the information requirements of the proposed NOFA will have the following reporting burdens.

No. of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development		30		1		50 1,500

Total Reporting Burden.....1,500

14. Not Applicable.

15. The Department does not plan to publish the information collected in this NOFA for statistical use.

Exhibit

What follows is an excerpt from the as-yet unpublished Notice of Fund Availability (NOFA) for Lead-Based Paint Abatement in Low- and Moderate-Income Housing.

The NOFA, when published as an invitation to applicants to request funding, will further explain the operations of the program and will specify application due dates. (The application due date will be no less than 30 days after the publication date of the NOFA.)

The excerpt published today is intended only to inform the public about the nature and extent of the information collection requirements that will be associated with the application process.

Project Design Standards and Requirements

Grantees will be afforded considerable latitude in designing and implementing the methods of hazard reduction to be employed in their jurisdiction. HUD is interested in promoting innovative and creative approaches that result in the reduction of this health threat for the maximum number of low- and moderate-income residents, and that demonstrate replicable techniques that are better, faster, less expensive or more effective than current practices. Flexibility will be allowed within the parameters established below. It is critical that procedures for all phases of testing and abatement be clearly established in writing and adhered to by all applicants and their sub-contractors. It is only in this manner that research and evaluation of the cost-effectiveness of the methods employed can be undertaken. Grantees shall be required to collect the data necessary to document the various methods employed in order to determine the relative effectiveness of these methods in reducing lead hazards. Pre- and post-abatement blood testing of children under seven shall be a major determinant of effectiveness. The following is provided to guide applicants.

a. Thresholds for Abatement. While the Department employs two thresholds, one milligram per square centimeter (1 mg/cm^2) or .5 percent by weight, applicants may utilize other thresholds, provided that the alternative threshold, with justification, is accepted by HUD.

b. Surfaces to be Abated. While the Department's Interim Guidelines for Hazard Identification and Abatement in Public and Indian Housing (available from HUD USER, 1-800-245-2692) require the abatement of all interior and

exterior surfaces, the applicant may choose to abate fewer surfaces or apply any other partial abatement techniques, provided that an adequate rationale is established and accepted by HUD.

c. Clean-Up. The applicant may employ post-abatement clean-up procedures that differ from the HUD Interim Guidelines, provided that an adequate justification is established and approved by HUD.

d. Waste Disposal. The Federal Resource Conservation Recovery Act (RCRA) administered by EPA shall govern all waste disposal.

e. Worker Protection. The grantee shall observe the procedures for worker protection established by the Federal Occupational Safety and Health Administration under its general industry lead standard (29 CFR 1910.1025).

f. Relocation. The Department will require adherence to the relocation requirements of the HUD Interim Guidelines, as well as the general Departmental temporary relocation requirements under the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended (URA) implementing resolutions at 49 CFR part 24 and HUD Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition. Under no circumstances shall residents be put at risk by the activities of the grant program.

g. Post-Abatement Clearance. The grantee shall be required to meet the post-abatement wipe test clearance thresholds contained in the HUD Interim Guidelines. Units shall not be reoccupied until clearance levels are achieved.

h. Prohibited Abatement Methods. The only abatement methods that will not be allowed are open-flame burning or machine sanding without HEPA attachments. The grantee is cautioned that methods that generate high levels of lead dust such as abrasive sanding shall be undertaken only with requisite worker protection, containment of dust and debris, and increased clean-up.

Funding Award Process: Compliance With HUD Reform Act

a. Section 103. In accordance with the requirements of section 103 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and HUD's implementing regulations at 24 CFR part 4, no selection information will be made available to applicants or other persons not authorized to receive this information during the period of HUD review and evaluation of applications. However, applicants that are declared ineligible or late will be notified of their ineligibility at the time such determination is made.

1. Documentation and public access. HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

The disclosure prohibition of section 103 applies to this a competition for the distribution of the assistance under the HUD Lead Abatement Grant Program. If HUD determines that competition is not necessary because there are sufficient funds to award all projects, then HUD will begin the process of awarding funds to each eligible project.

Noncompetitive individual funding allocations and announcements will be made as funding determinations are completed, through the HUD Regional or Field Offices after notification to Congressional delegations. No information regarding any unfunded application or any competition in any other category will be made available to the public. A list of all awards will be disclosed publicly at the conclusion of the entire selection process.

Ranking Factors

The ranking factors are listed in the order of the maximum number of points to be awarded. HUD reserves the right to fund applicants, if necessary, to assure geographic diversity or to enhance data reliability.

a. Quality of the proposed lead-based paint testing and abatement strategy, including the testing and inspection of pre-1978 housing, blood screening of young children, the abatement program, community education, temporary relocation, and the degree to which the strategy focuses upon high hazard units occupied by low- and moderate-income owners and renters with children under seven. Strategies which promote new or innovative cost-effective methods will be awarded a higher number of quality ranking points than those of otherwise equal quality ranking that propose only conventional testing and abatement techniques. (35 Points)

b. Applicant capacity. The ability of the applicant to successfully initiate and carry out the lead-based paint testing and abatement program. Elements to be considered include: (1) Demonstrated knowledge and experience of the proposed project manager in planning and managing large and complex interdisciplinary programs involving housing rehabilitation, public health, and environmental management; (2) demonstrated knowledge and experience of the staff in carrying out such undertakings; (3) the ability of the applicant to commence testing and abatement activity within 6 months* of the date of grant award and to complete abatement activity within 18 months* of the date of commencement of such activity; (4) the extent of cooperation among the applicant's housing, health and environmental agencies, especially with regard to medical referrals of children with elevated blood-lead levels, and (5) the willingness of the jurisdiction to cooperate fully with any health-related research associated with this grant program. (30 Points)

c. Leveraging. The degree to which the requested grant resources would be leveraged through coordination with other housing and/or health programs from both public and private sources. Funds from other Federal programs will be in included in the analysis of leveraged resources. (15 Points)

d. Matching Share. Amount of local matching funds to be provided either in cash or in-kind contributions, including the cost of blood testing and medical follow-up. A maximum of 15 percent shall be allowed for general administrative costs. Federal resources will be excluded from a computation of local match. (15 Points)

e. Community Participation. The degree to which the applicant proposes to enlist the active participation of community- or neighborhood-based groups or organizations through consultation, employment, or other activities. (5 Points)

f. *Special Ranking Category: Volume Production for Lead-Based Paint Abatement*

*For States having to enact legislative authority and/or to develop institutional capability for certification, the commencement of testing and abatement requirement shall be 12 months and the completion requirement shall be 24 months.

The Department is especially interested in considering new or innovative ways to abate large numbers of units on an expedited basis. The magnitude of the lead-based paint hazard makes it imperative that cost-effective strategies that eliminate or mitigate this hazard in large numbers of units be actively encouraged. It is the Department's expectation that volume production, utilizing similar cost-effective abatement methods and techniques, represents the best opportunity to demonstrate a firm cost basis for particular abatement strategies. Accordingly, HUD encourages applications such as one in which essentially similar housing units in an area are abated with an identical strategy employing a combination of removal, enclosure, and replacement methods, or one in which essentially similar housing units in an area are abated with differentiated strategies, depending upon the condition of the unit, extent of the hazard, and occupant preferences. Accordingly, any proposals that emphasize cost-effective, large scale abatement, i.e., a minimum of 300 units within a 24-month period, will be considered in a separate funding category. Such proposals will be scored on the basis of the above referenced factors (a) through (e) as part of an overall ranking for this category, except that in factor (b) commencement of testing and abatement shall be within 12 months of award and completion of abatement shall be within 24 months of commencement. Because of the potential costs of volume production proposals, a maximum of four grants will be made under this special category.

II. Application Process

A. General

To be considered for funding, the original and three copies of the application must be received at the address set forth at the beginning of this document no later than 5:15 p.m. (Eastern daylight saving time) (date to be specified when NDFA is published.)

B. Application Threshold Requirements

No formal application forms are required for this program. The minimum application content and format requirements are set forth under Section III. "Checklist of Application Submission Requirements."

1. HUD will review each application not determine if it meets all of the threshold criteria contained in this section. Non-responsive applications will be declared ineligible for further consideration. Applications that meet all of the threshold criteria will be eligible to be scored and ranked.

2. Each eligible application will be scored and ranked based on the number of points allocated for each of the ranking factors.

3. Within the dollar resources of the enabling legislation, HUD will fund the final list of highest-ranked applications, but it reserves the right to advance in funding rank other eligible applicants, if necessary, to assure geographic diversity or to enhance data reliability.

4. Eligibility to Receive Assistance. The applicant must demonstrate that it is a State, general unit of local government above 50,000 population, or Indian Tribe.

5. Financial Responsibility. For purposes of this program, HUD has determined that all governmental entities, including Indian Tribes, are deemed to meet the requirements for accounting and financial responsibility. The applicant shall be responsible for the performance of all consortium members, partners, subcontractors, and/or joint venture participants.

6. Legal Authority and Organizational Capacity. Each applicant must demonstrate that it has or will secure within six months of the grant award the legal authority and the organizational capacity to carry out activities associated with this program.* This is essential to assure that all detection and abatement activities are carried out by Federal or State certified persons or entities, as required under the enabling statute. In the absence of existing legislative authority at the time of application, the applicant must provide letters of intent from both the chief executive officer and the legislative body of the State or local government or tribe that such legal authority will be enacted within six months of grant award. If this commitment to secure necessary legal authority and organizational capacity is not fulfilled within the stated time, the grant agreement shall immediately terminate.

7. Additional Assurances. The applicant shall provide written assurances with regard to the following:

(a) All grant funds shall be used to establish programs that primarily assist low- and moderate-income occupants or rental units that serve low-income families or individuals.

(b) Priority shall be given to units constructed before 1978 that are occupied by children under the age of seven and that have deteriorated lead-based-paint and/or excessive levels of dust lead.

(c) Grantees shall conduct dust-wipe testing in all units abated both prior to and after the abatement.

(d) Grantees shall test the blood-level of all children under the age of seven occupying affected units prior to abatement. The grantee must also test affected children at six months and one year after abatement is completed. Abatement of a unit shall not commence until blood-lead tests have been administered to children under the age of seven occupying said unit. Children determined to have elevated blood-lead levels shall be provided appropriate medical treatment.

(e) Grantees shall agree to cooperate with any federally sponsored or endorsed monitoring or evaluation efforts carried out in conjunction with the grantee's lead-based paint activities under this program. This includes providing documentation of all testing, inspection, and abatement.

(f) Grantees shall provide a minimum matching contribution equal to 10 percent of the Federal funds. This may be in the form of cash or in-kind services.

(g) All inspection and abatement work shall be carried out by contractors that have been certified and/or licensed by Federal or State government. In addition, all workers employed by these contractors must be trained in lead-based paint as it affects their specialty through a Federal or State accredited program. To facilitate this, there will be an Ad Hoc Federal Certification Advisory Committee whose principal mission shall be to assist States instituting new or revised certification programs.

(h) All units abated under this program shall continue to be occupied by low- and moderate-income residents.

(i) Maintenance of effort. Assistance provided under this grant program may not be used to supplant other resources provided for or available to the proposed project. For purposes of this clause, "other resources" means resources provided from any source other than the HUD Office of Lead-Based Paint Abatement and Poisoning Prevention.

III. Checklist of Application Submission Requirements

Each Application Must Include a Table of Contents Indicating the Location of Information That Addresses threshold Criteria and Ranking Factors.

A. Applicant Data

1. The application shall include the name, mailing address, telephone number, and contact person of the

*Twelve months for States.

applicant. If the applicant has consortium associates, partners, major subcontractors and/or joint venture participants, similar information shall be provided for each of them.

2. The applicant must demonstrate that it has the authority and capability to carry out activities associated with this program, or the applicant must provide letters of intent from both the chief executive officer and responsible members of the legislative body that such legal authority and capability will be provided within six months of grant award.*

3. The application must include evidence of the applicant's commitment to eliminating significant lead-based paint hazards in housing.

4. The application must contain evidence of a continuing capacity of the applicant to effectively undertake a lead-based paint testing and abatement program.

B. Proposed Activities

1. Affected population to be served. The applicant must describe the size and general characteristics of the pre-1978 housing stock within its jurisdiction, including a description of its location, condition, and occupants, and a current estimate of the number of children in these units under the age of seven. Maps should be included. In addition, the applicant should provide information on the number of children diagnosed as being lead poisoned within the previous five years and the remedial measures taken to respond to these diagnoses.

2. A description of the proposed lead-based paint activities to be conducted including:

(a) Overall strategy, including priority setting

(b) Specific neighborhood, area, community or other locator of the housing units targeted for abatement; area and local maps should be included

(c) Inspection and testing of housing

(d) Blood testing of children under the age of seven and medical referral for children found to have elevated blood-lead levels.

(e) Abatement methods.

(f) Community education.

(g) Relocation.

(h) Coordination with public health and housing programs.

(i) Data collection and documentation.

(j) Proposed mechanisms that the grantee will employ to provide financial assistance for abatement under this grant program to low- and moderate-income owners and renters.

(k) Proposed schedule for the start and completion of each set of project activities

(l) Proposed schedule of funds to be released (percent of total grant or specific dollar amount) upon completion of each project activity, including up to ten (10) percent for startup activities and not less than fifteen (15) percent upon completion of all activities and delivery of final report summarizing the activities and findings of the project.

[FR Doc. 92-5741 Filed 3-11-92; 8:45 am]

BILLING CODE 4210-01-M

* Twelve months for States.

[Docket No. D-92-980]

Office of the Manager, Newark Office; Designation

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Acting office Manager is designating officials who may serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Acting Office Manager.

EFFECTIVE DATE: This designation is effective March 2, 1992.

FOR FURTHER INFORMATION CONTACT: Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-2761. (This is not a toll-free number.)

Designation

Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Acting Office Manager during the absence, disability, or vacancy in the position of the Acting Office Manager, with all powers, functions, and duties redelegated or assigned to the Acting Office Manager: *Provided*, That no official is authorized to serve as Acting Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager.
2. Director, Community Planning and Development Division.
3. Director, Housing Development Division.
4. Director, Housing Management Division.
5. Director, Public Housing Division.
6. Chief Counsel.
7. Director, Fair Housing and Equal Opportunity Division.

The designation supersedes the designation effective February 7, 1985.

Authority: Delegation of Authority, 27 FR 4319 (1962); section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: March 2, 1992.

Anthony M. Villane, Jr.,

Regional Administrator, Regional Housing Commissioner, Region II.

[FR Doc. 92-5743 Filed 3-11-92; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[G010-4333-12/G2-0108]

Albuquerque District, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of seasonal closure on approximately 15 miles of the Rio Grande in north-central New Mexico to boating use.

SUMMARY: Notice is hereby given that a seasonal closure will be applied to boating use on approximately 15 miles of the Rio Grande from the Colorado/New Mexico State line in Section 24, T. 32 N., R. 11 E., to Lee's Trail in the NE¼NE¼ of Section 30, T. 30 N., R. 12 E. The closure made under the authority of 43 CFR 8364.1 will provide habitat protection and privacy for several raptor species. A copy of the closure order will be posted at the Bureau of Land Management Office in Alamosa, Colorado and Taos, New Mexico and at points of public access to the 15 miles of the Rio Grande.

Under the authority and requirements of 43 CFR 8364.1, the public lands and related waters as described above would be closed to boating use except for emergency water craft. BLM, other Federal, State or local agency water craft in performance of an official duty and other water craft on official business specifically approved by the Taos Area Manager of the Bureau of Land Management.

Any person who fails to comply with this closure order may be subject to the penalties provided by 43 CFR 8360.0-7 which include a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

DATES: This seasonal closure order is in effect from April 1 to May 31 annually and shall remain in effect unless revised, revoked or amended.

ADDRESSES: Copies of this order are available from the Bureau of Land Management, Taos Resource Area Office, 224 Cruz Alta Road, Taos, New Mexico 87571. Maps of the affected area are available for public inspection at the Bureau of Land Management Offices in Alamosa, Colorado, 1921 State Avenue, and in Taos, New Mexico, 224 Cruz Alta Road.

FOR FURTHER INFORMATION CONTACT: Sam DesGeorges, Wildlife Biologist or Tom Mottl, River Manager, Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico 87571, Phone (505) 758-8851.

SUPPLEMENTARY INFORMATION: Over the past eight years, boating use has been suspected of harming the success of raptors nesting within the confines of the length of the Rio Grande Canyon. A temporary closure was placed on the above section from April 1 through May 31 in 1991, while a study was initiated to determine if the closure would be effective. Since the results of the study over one season of use were inconclusive, the closure is being reissued to accommodate the need for additional studies. This may require up to three years while experiments are carried out on the interaction between boating and wildlife. The results of these studies may allow for a modification of the closure order or other forms of restricted access such as a permit system to limit the number of boats, people or trips per unit of time.

Dated: March 4, 1992.

Patricia E. McLean,

Associate District Manager.

[FR Doc. 92-5800 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-FB-M

[OR-123-02-6334-10; GP-109]

Closures and Restrictions

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closures and restrictions, Dean Creek Elk Viewing Area.

SUMMARY: Pursuant to 43 CFR part 8364, the BLM will close designated areas of the Dean Creek Elk Viewing Area to the public. Subject to valid existing rights, use of 1,033 acres of Dean Creek Elk Viewing Area outside of designated parking areas, viewing areas or interpretive trails by foot, automobile, or off-road motorized vehicles is prohibited. This Closure shall apply year round. Hunting, shooting firearms, and igniting fireworks or other explosive devices is prohibited. Vehicular parking, for a period of more than twelve hours in a twenty four hour period is prohibited. Designated public use areas will be open from dawn to dusk, overnight use is prohibited. Any Bureau of Land Management, Oregon Department of Fish and Wildlife, employee, agent, contractor or cooperator, while in the performance of official duties are exempt from this closure. Either agency may authorize volunteers, or other parties to enter Dean Creek for administrative, maintenance or other authorized purposes.

The pastures at the Dean Creek Elk Viewing Area support a large herd of resident Roosevelt elk that are highly visible from the highway. The purpose of this closure and restriction notice is to provide a means by which the Secretary of the Interior through the Bureau of Land Management, may control and manage public use of the area to effectively carry out management objectives and provide wildlife with habitat that is free from public disturbance or harassment. The area is designated as a watchable wildlife site; the closure will also provide for public safety by designating sale viewing areas with greater opportunities to view wildlife.

The closed area is depicted on a Dean Creek Elk Viewing Area Map. The map and copies of this closure and restriction notice are available from the Coos Bay District Office, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

This closure and restriction order is effective immediately and shall remain in effect until revised, revoked or amended by the authorized officer pursuant to 43 CFR 8360.

Any person who violates this closure and restriction notice may be subject to a maximum fine of $1,000 and/or imprisonment not to exceed 12 months under authority of 43 CFR 8360.0-7.

Closed Areas

Dean Creek Elk Viewing Area is located approximately 3 miles east of Reedsport, Oregon, adjacent to Oregon State Highway 38 and is further described as follows:

Township 21 South, Range 11 West, Willamette Meridian

Sec. 31 M & B within lot 4 So. of Hwy 38
Sec. 32 M & B within lots 5, 6, 7 and 8
Sec. 33 M & B within S½SW¼, SW¼SE¼ So. of Hwy 38, SE¼SE¼, lot 8
Sec. 34 lots 5 and 6

Township 22 South, Range 11 West, Willamette Meridian

Sec. 3 lot 15, M & B within lot 14
Sec. 4 NW¼, W½NE¼, NE¼NE¼, M & B SE¼NE¼
Sec. 5 W½NE¼, N½NW¼, W½NW¼, SW¼NW¼
Sec. 6 SE¼NE¼, M & B within NE¼, lots 1, 2 and 3.

All south of Oregon State Highway 38.

FOR FURTHER INFORMATION CONTACT: Kathy Jo Wall, Natural Resource Specialist, Umpqua Resource Area, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459 (telephone 503/756/0100).

Terry A. Richards,

Umpqua Area Manager.

[FR Doc. 92-5796 Filed 3-11-92; 8:45 am]

BILLING CODE 4334-16-M

[UT-050-4333-12-241A]

Emergency Closure and Restrictions on Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure and restriction on public land.

SUMMARY: Notice is hereby given of limited closure to off-highway vehicles effective April 15, 1992, of all public lands within the Yuba Reservoir Special Recreation Management Area (SRMA). This closure also includes an area within 300 yards of the state parks living quarters and maintenance area. The area west of old U.S. Highway 91 to the top of the ridge is excepted from this closure during daylight hours. The excepted area will also be closed between the hours of 10 p.m. and 6 a.m. daily. Off-highway vehicles include, motorcycles, dunebuggies, and all-terrain vehicles as defined in 41-22-2 of title 41, chapter 22, Utah Code Annotated 1953 As Amended. Personnel that are exempt from the area limitation include any Federal, State, or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized by the Bureau.

The SRMA contains approximately 15,940 acres of which 13,900 lie within Juab County and 2,040 in Sanpete County. The closed area contains approximately 14,850 acres and the area open during daytime hours contains approximately 1,090 acres. For additional information, maps are available upon request at the House Range Resource Area Office in Fillmore, Sevier River Resource Area and Richfield District Office located in Richfield, Utah.

The objectives of this closure are to provide a safe, enjoyable, water oriented, outdoor recreation environment; to protect the archaeological, watershed and visual

resources that surround the reservoir; and to eliminate the operation of off-highway vehicles on and near the beaches where they have become a significant safety hazard.

The authority for this closure is 43 CFR 8341.2. The impacts of making this closure permanent will be reviewed in an environmental assessment that will also analyze the impacts of implementing the Yuba Reservoir Recreation Area Management Plan. The House Range Resource Management Plan will be amended to show the closure if the decision is to permanently close the area.

PENALTIES: Violators are subject to fines not to exceed $1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Rex Rowley, House Range Resource Area Manager, P.O. Box 778, Fillmore, UT 84631 or phone 801–743–6811.

Dated: March 4, 1992.

Jerry Goodman,

District Manager.

[FR Doc. 92–5705 Filed 3–11–92; 8:45 am]

BILLING CODE 4310-DQ-M

[WY-030-92-4111-16]

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Development of a Natural Gas Field, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) on the proposed development of a natural gas field in south-central Wyoming.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as amended, the Bureau of Land Management, Great Divide Resource Area, will be directing the preparation of an EIS to be prepared by a third party contractor on the potential impacts of the proposed development of a natural gas filed—the Mulligan Draw Project—on public and private lands in Sweetwater County, Wyoming.

DATES: Comments on the scoping process will be accepted through March 23, 1992.

ADDRESSES: Comments should be sent to Area Manager, Bureau of Land Management, Great Divide Resource Area, P.O. Box 670, Rawlins, WY 82301, Attn: Mulligan Draw Project.

FOR FURTHER INFORMATION CONTACT: For further information contact either Bob Tigner at the Rawlins District Office, phone number (307) 324–7171 or John Husband at the Great Divide Resource Area, phone number (307) 324–4841.

SUPPLEMENTARY INFORMATION: Celsius Energy Company (Celsius) has notified the Bureau of Land Management (BLM) Great Divide Resource Area, that the company and other operators intend to drill exploratory and development wells in the Mulligan Draw Area, Sweetwater County, Wyoming. The proposed Mulligan Draw Area Natural Gas Field Development (the Mulligan Draw Project), entails the drilling, completion, and operation of a natural gas field in southeastern Sweetwater County. The proposed project would use standard procedures as currently used in other similar gas field developments throughout Wyoming and the surrounding region.

The Mulligan Draw Project lies within portions of Townships 14, 15, and 16 North, Ranges 94, 95, and 96 West, approximately 20 miles south of Wamsutter and 25 miles northwest of Baggs. Access to the area is south from Wamsutter or north from Baggs along improved roads currently used for access to existing wells in and adjacent to the Mulligan Draw Project Area. The approximately 47,300-acre study area encompasses lands proposed for development and a 0.5 to 2.0-mile buffer around the well sites. The Mulligan Draw Project Area consists of Federal (37,400 acres), state (3,200 acres), and private (6,700 acres) lands. Approximately 70 percent of the area is in the Great Divide Resource area and the remaining portion, in the northwest corner of the area, is in the Green River Resource Area. The Mulligan Draw Project Area presently contains one well that produces natural gas from the Almond Formation, two wells nearing completion, and one well being drilled. Applications for Permit to Drill (APDs) for two additional exploration/production wells have been approved and these two wells should be drilled within the next two months.

Definitive prediction of total wells and timing of drilling is not possible; however, for purposes of the environmental analysis, Celsius anticipates that, assuming positive results of future drilling, an additional 42 wells could be drilled within the Mulligan Draw Study Area (45 total wells). The total number of wells drilled within the study area could increase or decrease based on results of future drilling and testing. Prudent development of the Almond formation would occur on 640 acre spacing. If additional wells were proposed on closer spacing in the future, they would be analyzed in accordance with NEPA.

Full field development of 45 wells will require the construction of approximately 34 miles of new road in addition to the 23 miles of existing roads. Some of the existing roads would be improved to meet standards. The gas produced will be transported by existing pipelines, new pipelines, and new gathering lines with hook-ups to two interstate pipelines in the area. Approximately four miles of pipeline is currently present in the study area, and approximately 41 additional miles of pipeline will be needed for the proposed project.

It is anticipated that full field development would take several years; however, as many wells as possible (i.e., 8 to 15) will be drilled early in the project to take advantage of tax credits for developing nonconventional sources. Construction of road and pipelines would occur concurrently with drilling. The potential drilling schedule could initially require two to three rigs. During peak periods, a fourth or fifth rig may be required to maintain the drilling schedule. Although some level of activity will be continual, peak drilling and construction activities will be scheduled for summer and fall. The productive life of the project is expected to be approximately 30 years, after which facilities will be removed or abandoned and the area reclaimed.

The portion of the proposed project in the Great Divide Resource Area will occur within the area covered by the EIS for the Great Divide Resource Management Plan (RMP). The RMP and EIS for the Green River Resource Area are presently under development; the Salt Wells Management Framework Plan (MFP) and Big Sandy/Salt Wells EA are the current land use and NEPA documents for the portion of the study area within the Green River Resource Area. The development of oil and gas within the area is in conformance with the existing land use plans. The environmental study that will be prepared on the Mulligan Draw Project will be tiered to and incorporate appropriate decisions, terms, and conditions of use described in the existing environment analyses.

Use authorizations (i.e., rights-of-way, permits, etc.) for roads, powerlines, pipelines, and well site facilities would be processed through the usual Application for Permit to Drill (APD) and Sundry Notice permitting processes as long as the facilities remain on-lease and are owned and operated by the unit operator. Any facility located off-lease would require individual rights-of-way and surface use permits. APDs will be required for each well on public lands or public mineral estate and all such wells and facility applications will be reviewed to ensure site-specific NEPA compliance.

Some leases within the proposed development area include special stipulations on occupancy. These are in addition to the standard lease terms and are designed to protect surface resources such as soils, water, and wildlife by restricting periods of activity and areas of disturbance.

An Interdisciplinary Team (IDT) of resource specialists will be involved in the analysis of potential impacts resulting from the proposed action and no action alternatives. The IDT includes wildlife, cultural resources, soils, watershed, range, surface protection, hydrology, geology, recreation, visual, lands, and engineering specialists. Additional team specialists may be added based on review of comments received during the scoping process or additional issues identified during development of the document.

The Bureau of Land Management encourages public input throughout the environmental analysis process. Scoping for the EIS will include the identification of issues to be addressed and notifying interested groups, individuals, and agencies to further define these issues and obtain additional information. The scoping process will consist of letters inviting participation in the process and a scoping statement documenting the proposed action and significant issues being considered. The scoping statement will be distributed to interested parties and is available upon request. News releases announcing the start of the EIS process will also be distributed to local and regional media.

The tentative project schedule is as follows:

Initiate Scoping—November 1991.
Draft EIS Available and Start of Public Comment Period—March 1992.
Public Meeting—April 1992.
File final EIS—June 1992.
Record of Decision—July 1992.
Project Initiation—July 1991.

Dated: March 5, 1991.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 92–5780 Filed 3–11–92; 8:45 am]

BILLING CODE 4310-22-M

[WY-030-92-4111-16]

Intent to Prepare an Environmental Impact Statement for the Proposed Development of a Coalbed Methane Gas Field, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS) on the proposed development of a coalbed methane gas field in south-central Wyoming.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPAP) of 1969 as amended, the Bureau of Land Management, Great Divide Resource Area, will be directing the preparation of an EIS to be prepared by a third party contractor on the potential impacts of the proposed development of a coalbed methane gas field—the MetFuel Hanna Basin Coalbed Methane Project—on public and private lands in Carbon County, Wyoming.

DATES: Written comments will be accepted until March 23, 1992.

ADDRESSES: Comments should be sent to Area Manager, Bureau of Land Management, Great Divide Research Area, P.O. Box 670, Rawlins, WY 82301, attn: MetFuel Hanna Basin Coalbed Methane Project.

FOR FURTHER INFORMATION CONTACT: For further information contact either Bob Tigner at the Rawlins District Office, phone number (307) 324–7171 or John Husband at the Great Divide Resource Area, phone number (307) 324–4841.

SUPPLEMENTARY INFORMATION: MetFuel, Inc. (MetFuel) has notified the Bureau of Land Management, Great Divide Resource Area that, if feasible, the company proposes to drill approximately 100 to 130 coalbed methane wells on approximately 28,800 acres of private and public land (17,950 acres private; 10,310 acres Federal; and 640 acres State) in the Hanna Basin of Carbon County, Wyoming. The area is approximately 55 miles northeast of Rawlins, Wyoming, and access to the area would be from U.S. Highway 30/287 to Hanna and north along Carbon County Road 291.

The proposed development area presently contains two exploration wells, and four more permitted evaluation wells will be drilled before March 1, 1992. Decisions regarding full field development (potentially 4 wells/section) would be based upon the productivity achieved from the four new wells. The two existing exploration wells show good methane recovery potential. Water produced from these wells will be disposed of in unlined pits located at each well pad.

The intent of the project is to recover methane gas reserves from non-minable deep coalbeds in the Hanna Basin. Gas would be collected in new pipelines and transported from the area through existing interstate pipelines located south of the gas field. If feasible, field development (drilling and construction) will begin in July 1992. Drilling will likely be completed in 1993. All construction and drilling activities would adhere to Wyoming Oil and Gas Conservation Commission and BLM guidelines. The project will be conducted to avoid construction and drilling in areas containing critical resources during crucial periods (i.e., raptor nests, sage grouse leks, crucial big game winter range). In addition to drilling activities, production facilities, roads, powerlines and pipelines would also be constructed. The total disturbance area would be approximately 490 to 600 acres (125–163 acres for well pads, 365–437 acres for roads, pipelines, powerlines, and ancillary facilities), approximately two percent of the project areas.

During construction and drilling phases, the proposed project would require from five to ten drilling rigs and employ approximately 75–150 individuals, while during production operations phases, the number of employees would be 25–30. The anticipated life of the field is approximately 25 years.

The proposed development would occur within the area covered by the EIS for the Great Divide Resource Management Plan (RMP). The environmental analysis that would be prepared for the proposal would be tiered to the Great Divide RMP/EIS. The analysis would incorporate appropriate materials and discussions from the RMP/EIS as they pertain to the Hanna Basin area. Management prescriptions for the resources present on public lands in the project area have been specified in the RMP. All minerals actions will comply with established goals, objectives, and resource restrictions (mitigations) required to protect natural resource values in the planning area.

Use authorizations (i.e., rights-of-way, permits, etc.) for roads, pipelines, and well site facilities would be processed through usual Application for Permit to Drill (APD) and Sundry Notice processes for facilities located on existing leases. All facilities located off existing leases would require individual rights-of-way and surface use permits. APD's will be required for each well on public lands or

public mineral estates, and all such wells and facility applications will be reviewed to ensure site specific NEPA compliance. Additionally, some leases within the proposed development area include special stipulations on occupancy and are designed to protect surface resources such as soils; water, and wildlife by restricting periods of activity and areas of disturbance.

An Interdisciplinary Team (IDT) of resource specialists will be involved in the analysis of potential environmental impacts resulting from the proposed action. The IDT will include wildlife, cultural resources, soils and watershed, range, surface protection, hydrology and geology, recreation, visual, lands, and engineering specialists. Additional team specialists may be added based upon final review of public, State, and other Federal agency comments received during the scoping process.

A no-action alternative will be analyzed in the EIS. Items to be considered for analyses within the proposed action and no-action alternatives include, but are not limited to: (1) Well pad, road, pipeline, and powerline locations; (2) threatened and endangered species, (3) crucial wildlife habitats; (4) surface and ground water quality and quantity; (5) erosional stability; (6) cultural resources, and; (7) socioeconomic.

The Bureau of Land Management encourages public input throughout the environmental analysis process. Scoping for the EIS will include the identification of issues to be addressed and notifying interested groups, individuals, and agencies to further define these issues and obtain additional information. The scoping process will consist of letters inviting participation in the scoping process and a scoping statement clarifying the proposed action and significant issues being considered distributed to interested parties and available upon request. News releases announcing the start of the EIS process will also be distributed to various local and regional media.

The tentative project schedule is as follows:

Initiate Scoping—January 1992.
Draft EIS Available and Start of Public Comment Period—Early April 1992.
Public Meeting—Late April 1992.
File final EIS—Mid-June 1992.
Record of Decision—Mid-July 1992.
Project Initiation—Mid-July 1992.

Dated: March 5, 1992.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 92-5779 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[UT-040-02-4830-12]

Cedar City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Cedar City District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Public Law 92-463 of a meeting of the Cedar City District Advisory Council. The agenda will be an orientation by program leaders and Area Managers for the newly appointed Council members, and election of officers. The orientation will highlight major program issues in the Division of Lands and Renewable Resources, and the four Resource Areas which will include the Dixie and Kanab/Escalante Resource Management Plans, resource area boundaries, and volunteer projects.

DATES: April 10, 1992. The meeting will begin at 9:30 a.m. in the Cedar City District Office, 176 East D.L. Sargent Drive, Cedar City, Utah.

FOR FURTHER INFORMATION CONTACT: Gordon R. Staker, District Manager, Cedar City District, 176 D.L. Sargent Drive, Cedar City, Utah 84720. Telephone: 801-586-2401.

SUPPLEMENTARY INFORMATION: Advisory Council meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Anyone wishing to make a statement notify the District Manager or the Public Affairs Officer by Tuesday, April 14, 1992. A time limit may be established by the District Manager.

Dated: March 2, 1992.

Gordon R. Staker,

District Manager.

[FR Doc. 92-5801 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-DQ-M

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Susanville District Grazing Advisory Board, Susanville, CA.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Susanville District Grazing Advisory Board, created under the Secretary of Interior's discretionary authority on May 14, 1986, will meet on April 22, 1992.

The April 22 meeting will begin at 10 a.m. at the Alturas Resources Area Office, Bureau of Land Management, 608 W. 12th Street, Alturas, California.

The meeting will consist of a review of base property leases and livestock control agreements of permittees using lands governed by section 3 of the Taylor Grazing Act, in allotments with Allotment Management Plans, in the Susanville District.

The meeting is open to the public.

Summary minutes of the Board Meeting will be maintained in the District Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Robert J. Sherve,

Associate District Manager.

[FR Doc. 92-5806 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-40-M

[WY-920-41-5700; WYW106364]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

March 5, 1992.

Pursuant to the provisions of 30 U.S.C. 188(d), and 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW106364 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW106364 effective November 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

FR Doc. 92-5799 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-41-5700; WYW103561]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

March 5, 1992.

Pursuant to the provisions of Public Law 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW103561 for lands in Washakie County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW103561 effective August 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Theresa M. Stevens,

Acting Supervisory Land Law Examiner.

[FR Doc. 92-5798 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-22-M

[AZ-920-02-4212-13-; AZA-22792-B]

Arizona; Exchange of Public and Private Lands in Pinal and Yavapai Counties; Correction

March 2, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Correction in Agency Administration.

SUMMARY: This notice corrects the agency administration for a certain parcel of land in the exchange notice previously published in the **Federal Register**, February 17, 1989, (54 FR 7286). The following described land lies within and is a part of the Tonto National Forest; administered by the National Forest Service and subject to all the laws, rules, and applicable regulations.

Gila and Salt River Meridian, Arizona

T. 10 N., R. 4 E.,
Sec. 34, Exchange Survey 667.
The survey contains 60.03 acres.

There is no change in the agency administration of the remaining lands, which is the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Laura Wood, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011. Telephone (602) 640-5534.

Mary Jo Yoes,

Chief, Branch of Lands Operations.

[FR Doc. 92-5797 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-32-M

[ES-030-2-4212-18]

Realty Action; Sale of Public Land in Aitkin County, MN

AGENCY: U.S. Department of the Interior, Bureau of Land Management.

ACTION: Realty action noncompetitive sale.

SUMMARY: The following land has been found suitable for direct sale under section 205 of the Minnesota Public Lands Improvement Act of 1990 (104 Stat. 1019) at the estimated fair market value less equities presented by the applicant. The land will not be offered for sale until at least 60 days after the date of this notice.

Fourth Principal Meridian,

T.46N., R.27W.,
Sec. 7, Tract #37.
Containing approximately 0.23 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Anne P. Hauge. It has been determined that the subject parcel contains no known mineral values; therefore, mineral interest may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests under section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713).

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, suite 225, Milwaukee, Wisconsin 53203.

DATES: On or before April 27, 1992, interested parties may submit comments to the District Manager, Milwaukee District, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suites 225, Milwaukee, Wisconsin 53203 or by calling Larry Johnson at 414-297-4413.

Gary D. Bauer,

District Manager.

[FR Doc. 92-4496 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-GJ-M

[NV-930-02-4212-11; N-55370 et al.]

Realty Action; Lease/Purchase for Recreation and Public Purposes Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been identified and examined and will be classified as suitable for lease/purchase under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.). The lands will not be offered for lease/purchase until at least 60 days after the date of publication of this notice in the **Federal Register**.

Mount Diablo Meridian, Nevada

Serial No.	Legal description	Acres	Purpose
	T. 19 S., R. 60 E.,		
N-52822	Sec. 18, SW¼SE¼NW¼, E½SE¼SW¼NW¼	15	Elementary school.
N-52821	Sec. 32, W½SW¼NE¼NE¼, SE¼NW¼NE¼	15	Elementary school.
	T. 19 S., R. 61 E.,		
N-52824	Sec. 22, SE¼NW¼, SW¼NE¼, NW¼SE¼	120	Elementary complex.
	T. 20 S., R. 60 E.,		
N-41567-04	Sec. 5, S½NE¼NW¼SE¼, N½SE¼NW¼SE¼	10	Elementary school.
N-41565-07	Sec. 27, SW¼NE¼NW¼	10	Elementary school.
	T. 21 S., R. 60 E.,		
N-41569-16	Sec. 19, SW¼NE¼SW¼	10	Elementary school.
N-41568-07	Sec. 29, N½SW¼SE¼	20	Jr. high school.
N-41569-16	Sec. 29, NW¼SE¼SW¼	10	Elementary school.
N-52823	Sec. 29, W½SE¼NE¼NW¼, SW¼NE¼NW¼	15	Elementary school.

Serial No.	Legal description	Acres	Purpose
N-41569-11	Sec. 30, S½NE¼SW¼	20	Jr. high school.
	T. 22 S., R. 60 E.,		
N-41569-11	Sec. 11, E½SW¼NW¼NE¼, W½SE¼NW¼NE¼	10	Elementary school.
N-41566-14	Sec. 15, S½NE¼NE¼	20	Jr. high school.
N-41567-02	Sec. 16, NW¼SE¼SW¼	10	Elementary school.
	T. 22 S., R. 61 E.,		
N-55370	Sec. 14, NE¼NE¼SW¼, N½SE¼NE¼SW¼, W½SE¼SE¼NE¼SW¼, SW¼SE¼NE¼SW¼.	18.75	Elementary school.
N-41566-04	Sec. 20, NE¼SW¼NW¼	10	Elementary school.
N-54882	Sec. 26, N½NW¼SE¼, NW¼NE¼SE¼	30	Jr. high school.
N-54883	Sec. 27, NW¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼SE¼NW¼NE¼, E½NE¼NW¼NE¼.	22.5	Jr. high school.
	T. 23 S. R. 62 E.,		
N-54046	Sec. 6, NW¼NE¼NE¼	10	Elementary school.

The Clark County School District intends to use the land for school sites. The lease and/or patent when issued will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. The right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County/ the City of Las Vegas.

2. All valid and existing rights.

The land is not required for any federal purpose. The lease/purchase is consistent with the Bureau's planning for this area.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas District, 4765 W. Vegas Drive, Las Vegas, Nevada.

Upon publication of this notice in the **Federal Register** the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the lands described in this Notice will become effective 60 days from the date of publication in the **Federal Register**.

Dated: March 2, 1992.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 92-5729 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-HC-M

[CO-932-4214-10; COC-0124534]

Proposed Extension of Withdrawal; Opportunity for Public Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to extend Public Land Order No. 6649, which withdrew public lands and public minerals for protection of the Fort Carson-Pinon Canyon Military Reservations, for an additional five years. The lands have been and will remain open to mineral leasing. This notice also gives an opportunity to comment on the proposed action and to request a public meeting.

DATES: Comments and requests for a public meeting must be received by June 19, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215-7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 303-239-3706.

SUPPLEMENTARY INFORMATION: On June 23, 1967, Public Land Order No. 6649 withdrew public lands and public minerals from operation of the public land laws, including the mining laws, for 5 years to protect the Fort Carson-Pinon Canyon Military Reservations. These Reservations exceed the 5,000 acre limitation and require legislation under the Engle Act. This legislation has not yet been approved and the segregation provided by the 5-year withdrawal will terminate June 22, 1992. It is proposed that Public Land Order No. 6649 be extended for 5 years to continue the segregation provided by this withdrawal.

The Fort Carson-Pinon Canyon Reservations aggregate approximately 2,517 acres of public lands and 141,555 acres of reserved mineral interests and are located in Las Animas, El Paso, Freemont, and Pueblo Counties, Colorado. The public lands and the lands containing reserved public minerals are identified in Public Land Order No. 6649. A complete description of the lands can be provided by the Colorado State Office at the address listed above.

The purpose of this extension is to continue the protection of the Reservations until Congress makes a final determination on the Engle Act Legislation.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed extension may present their views in writing to the Colorado State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is accorded in connection with the proposed extension. A public meeting was held concerning the proposed withdrawal on April 25, 1985. Since no parties appeared or requested to be heard concerning the withdrawal and closure of the land, a public meeting has not been scheduled on the proposed extension. Any parties who feel that a public meeting would provide important information and should be held, must submit their request to the Colorado State Director within 90 days from the date of publication of this notice If the authorized officer determines that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days prior to the scheduled date of the meeting.

This extension will be processed in accordance with the regulations set forth in 43 CFR part 2310.

The lands will continue to be managed in accordance with the regulations governing the Fort Carson-Pinon Canyon Reservations.

Robert S. Schmidt,

Chief, Branch of Realty Programs.

[FR Doc. 92-5753 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-JB-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 765723

Applicant: San Diego Zoological Society, San Diego, CA.

The applicant requests a permit to import one captive-born Barbary deer (*Cervus elaphus barbarus*) from the Parc Zoologique de Belvedere, Tunis, for the purpose of enhancement of propagation and survival of the species.

PRT 766067

Applicant: Zoo Atlanta, Atlanta, GA.

The applicant requests a permit to remove from the wild 4 pairs of Eastern Indigo Snakes (*Drymarchon corais couperi*) for breeding and reintroduction of offspring into Southern Georgia.

PRT 744707

Applicant: Michael J. O'Farrell, Las Vegas, NV.

The applicant requests a permit to live-trap, mark, measure, and release endangered subspecies of (*Dipodomys nitratoides*) including: *D. n. exilis, D.n. nitratoides, D. n. brevinasus,* as well as *D. ingens* and *D. heermanni morroensis.* Take activities will be done throughout these species' ranges for population surveys and scientific research.

PRT 765886

Applicant: Triple S Game Farm, Edmond, OK.

The applicant requests a permit to import three male and two female captive-hatched white-eared pheasants (*Crossoptilon crossoptilon*) from South View Aviaries, Burnaby, British Columbia, Canada, for captive-breeding.

PRT 763477

Applicant: Tierra Madra Consultants, Riverside, CA.

The applicant requests a permit to capture, handle, and release the Stephens' kangaroo rat (*Dipodomys stephensi*) during surveys for this species in Riverside County, California, for purposes of enhancement of propagation and survival of the species. Data collected will be used to document habitat occupied by this species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: March 6, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92-5745 Filed 3-11-92; 8:45 am]

BILLING CODE 4310-55-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Meeting; Research Advisory Committee

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on Thursday and Friday, April 9-10, 1992, in suite 800 of the TRW Corporation, at 1001 19th Street, Roslyn, Virginia. The Committee will hear Subcommittee reports on Priorities of the PSTC (Program in Science and Technology Cooperation) and on Research Performance Indicators. Members will continue to address the role of research in the Agency for International Development reorganization and will likewise discuss proposals for a study of Technologies of Opportunity and one on Water and Sanitation. The CGIAR Research Priorities Exercise is also on the agenda. The meeting will begin at 8:30 a.m. on Thursday, April 9, adjourning at 5 p.m. and at 8:30 a.m. on Friday, April 10, with adjournment scheduled for 5 p.m. Minutes of the meeting will be available upon request.

The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent time for the meeting permits. Due to security measures at TRW, visitors are required to present photo identification to the receptionist before they can be admitted to the conference room. All visitors are required to wear proper identification at all times within the building. To facilitate admittance, those planning to attend should advise Ms. Martha Haubert, Metrica, Inc., (703) 525-0045 or Ms. Victoria Ose, AID/R&D/R, (703) 525-4444, before April 8, 1992; provide your full name, name of employer or organization, address and telephone.

Dr. John A. Daly, Science Program Director, Office of Research, Bureau of Research and Development, is designated as the A.I.D. Representative at the meeting. Persons who desire more information should contact Dr. Daly at (703) 875-4789.

Dated: March 4, 1992.

John A. Daly,

A.I.D. Representative Research Advisory Committee.

[FR Doc. 92-5794 Filed 3-11-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-519 (Final)]

Gray Portland Cement and Cement Clinker From Venezuela

AGENCY: United States International Trade Commission.

ACTION: Suspension of Investigation.

SUMMARY: On February 27, 1992, the Department of Commerce suspended its antidumping investigation involving gray portland cement and cement clinker from Venezuela (57 FR 6706). The basis for the suspension is an agreement by Venezolana de Cementos, S.A.C.A and Cementos Caribe, C.A., producers/exporters which account for substantially all imports of these products from Venezuela, to make any necessary price revisions to eliminate completely any amount by which the foreign market value of their merchandise exceeds the United States

price of the subject merchandise. Accordingly, the United States International Trade Commission gives notice of the suspension of its antidumping investigation involving imports from Venezuela of gray portland cement and cement clinker, provided for in subheadings 2523.29.00 and 2523.10.00 of the Harmonized Tariff Schedule of the United States.

EFFECTIVE DATE: February 27, 1992.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Authority: This investigation is being suspended under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 10, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–5986 Filed 3–11–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[No. 40688]

Proposed Exemption From Tariff Filing Requirements for Motor Contract Carriers of Passengers; Susquehanna Transit Co., D/B/A Susquehanna Trailways

The above named motor contract carrier of passengers seeks exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The Commission has issued a decision proposing to grant an exemption for existing and future contracts. The petition may be inspected at the Public Docket Room (room 1227) of the Commission in Washington, DC. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927–7428. [TDD for hearing impaired: (202) 927–5721.]

Any interested party may file a comment in this proceeding. Comments are due by March 27, 1992. If no timely filed adverse comments are received, the sought relief will automatically become effective at the close of the comment period. If adverse comments are filed, the comments will be considered, and, within 20 days of the close of the comment period, the Commission will issue a final decision. Send an original and 10 copies of comments referring to the above docket number and carrier name to: Office of the Secretary, Case Control Branch, room 1324, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202) 927–5610 [TDD for hearing impaired: (202) 927–5721.]

Decided: March 3, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5828 Filed 3–11–92; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data for Use By ALK Associates, Inc.

The Commission has received a request from ALK Associates, Inc. for permission to use certain data from the Commission's 1989 and 90 ICC Waybill Samples.

A copy of the request (WB662—2/7/92) may be obtained from the ICC Office of Economics.

The Waybill Sample contains confidential railroad and shipper data; therefore, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data [Ex Parte 385 (Sub–No. 2)] are codified at 49 CFR 1244.8.

Contact: James A. Nash, (202) 275–6864.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–5827 Filed 3–11–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) National Prisoner Statistics—Prison Population Reports: NPS–1A Midyear Population Counts; NPS–1B Advance Yearend Population Counts.

(2) NPS–1A, NPS–1B. Office of Justice Programs, Bureau of Justice Statistics.

(3) Annually.

(4) State or local governments, Federal agencies or employees. These data will provide midyear and advance yearend measures on the number of persons incarcerated and the degree of crowding in correctional institutions. The data will form the basis for historical trend analysis. Respondents are personnel in the correctional departments of each state, the District of Columbia, and the U.S. Bureau of Prisons.

(5) 104 annual responses at 1.25 hours per response.

(6) 130 annual burden hours.

(7) Not applicable under 3504(h).

(1) Report of Public Safety Officer's Death.

(2) OJP Form 3650/6. Office of Justice Programs, Bureau of Justice Assistance.

(3) One-time submission.

(4) State or local governments. This form is filed by the agency of a public safety officer killed in the line of duty. It is filed with the Bureau of Justice Assistance as part of a claim for survivors' benefits under the Public Safety Officers' Benefits Act.

(5) 320 annual responses at 2.5 hours per response.

(6) 800 annual burden hours.

(7) Not applicable under 3504(h).

(1) Claim for Death Benefits.

(2) OJP Form 3650/5. Office of Justice Programs, Bureau of Justice Assistance.

(3) One-time submission.

(4) Individuals or households. This form is filed out by survivors of public safety officers killed in the line of duty. It is filed with the Bureau of Justice Assistance to obtain benefits under the Public Safety Officer's Benefits Act.

(5) 320 annual responses at 1.2 hours per response.

(6) 384 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 6, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92–5738 Filed 3–11–92; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to section 604(c) of the Motor Vehicle Information and Cost Savings Act, which was added to the Motor Vehicle Theft Law Enforcement Act of 1984, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the National Highway Traffic Safety Administration (49 CFR 501.2(f)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 31.1 percent from its 1984 base period annual average of 311.1 to its 1991 annual average of 408.0.

Signed at Washington, DC, on the 27th day of February 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92–5784 Filed 3–11–92; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

[TA–W–26,839]

Honeywell, Inc.; Fort Washington, PA; Public Hearing

The Department, in accordance with 19 U.S.C. 2271 of the Trade Act and 29 CFR 90.13 of the Code of Federal Regulations, has scheduled a public hearing at the request of the workers' counsel. The public hearing is scheduled for 7 p.m. on Thursday, March 26, 1992 at the VFW Hall, North Penn Post 676, 2519 Jenkintown Road, Glenside, Pennsylvania.

The public hearing is for petitioners or any other persons showing a substantial interest in the proceedings to furnish additional testimony and evidence of a relevant and material nature bearing upon the investigation regarding petition TA–W–26,839 filed on behalf of workers and former workers at Honeywell, Inc., Fort Washington, Pennsylvania.

Such individuals who desire to furnish additional testimony as evidence should inform the Director, OTAA, Department of Labor of their intention to appear not later than Tuesday, March 24, 1992. Mr. Marvin M. Fooks, Director, OTAA, can be reached in Washington, DC at (202) 523–0555. The Director's Office is in room C–4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this March 5, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–5783 Filed 3–11–92; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meeting

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its fifteenth meeting on Friday, March 27, 1992, during a conference call between Commission members and staff. The Commission was established by Public Law 100–297, April 28, 1988.

DATE, TIME, AND PLACE: Friday, March 27, 1 to 4 p.m., at 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

STATUS: Audio equipment provided for public attendance. Limited seating available.

AGENDA: Deliberations on state administration of migrant education programs.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492–5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 92–5811 Filed 3–11–92; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #2 Section) to the National Council on the Arts will be held on March 26, 1992 from 9 a.m.–5:30 p.m. and March 27 from 8 a.m.–4 p.m. in room M–09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, a amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, as amended, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 5, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations National Endowment for the Arts.

[FR Doc. 92–5742 Filed 3–11–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by April 12, 1992. Comments may be submitted to:

(A) *Agency Clearance Officer:* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357–7335. and to:

(B) *OMB Desk Officer:* Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

Title: Baseline Data for Undergraduate Faculty Enhancement Program.

Affected Public: Non-profit Institutions.

Respondents/Reporting Burden: 60 respondents; 30 minutes per response.

Abstract: The Undergraduate Faculty Enforcement Program provides support for colleges and universities to conduct regional and national short courses which enables faculty to remain current in their fields. The purpose of the questionnaire is to obtain baseline information on the participants in the workshop.

Dated: March 6, 1992.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 92–5735 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Chemistry; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemistry.

Date and Time: April 2, 1992; 8 a.m. to 5 p.m., April 3, 1992; 8 a.m. to 4 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. John S. Showell, Program Director, 1800 G Street, NW., room 340, Washington, DC 20550. Telephone: (202) 357–7501.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the NSF Young Investigator Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 B. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5773 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Design and Manufacturing Systems.

Date and Time: April 2 & 3, 1992, 9 a.m. to 5 p.m.

Place: 500–D & E, 1110 Vermont Ave., National Science Foundation, Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. Thom J. Hodgson, Division Director, Design and Manufacturing Systems, National Science Foundation, room 1128, Washington, DC 20550. Telephone: (202) 357–7508.

Minutes: Ms. Sandra Williams, Division Secretary, Design and Manufacturing Systems, National Science Foundation, room 1128, 1800 G St., NW., Washington, DC 20550. Telephone: (202) 357–7508

Purpose of Meeting: To provide advice and recommendations concerning support for research in the Division of Design and Manufacturing Systems.

Agenda: Review of NSF program performance and long range planning for Design and Manufacturing Systems programs.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5772 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Earth Sciences; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 920463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Earth Sciences.

Date: April 1, 2 and 3, 1992.

Time: 8:30 a.m. to 5:30 p.m. each day.

Place: The Gould Simpson Building, room 404, University of Arizona, Tucson AZ 85721.

Type of Meeting: Closed.

Contact Person: Dr. Ian D. MacGregor, Head, Major Project Section, Division of Earth Sciences, room 602, National Science Foundation, Washington, DC 20550, (202) 357–9591.

Purpose of Meeting: To provide advice and recommendations concerning support for research in the Instrumentation and Facilities Program, Division of Earth Sciences.

Agenda: Site visit and review of the NSF-Arizona Accelerator Mass Spectrometry Facility. Review of proposals to the Instrumentation and Facilities Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C., 552b(c), Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5770 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems.

Date and time: March 30–31, 1992; 8:30 a.m. to 5 p.m. .

Place: Room 500–E, National Science Foundation (NSF), 1110 Vermont Avenue, NW., Washington, DC 20005.

Type of Meeting: Closed.

Contact Person: Dr. George K. Lea, Program Director, Division of Electrical and Communications Systems, NSF, 1800 G Street, NW., room 1151, Washington, DC 20550. Telephone: (202) 357–9618.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals submitted to the Young Investigators Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5765 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Engineering; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering.

Date and Time: March 30 and 31, 1992 9:30 a.m.–5 p.m., Monday, March 30 9 a.m.–12 Noon, Tuesday, March 31

Place: National Science Foundation, 1800 "G" Street, NW., room 540, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. William S. Butcher, Advisory Committee for Engineering, room 1126, National Science Foundation, Washington, DC 20550, Telephone: (202) 357–9571.

Minutes: Dr. William S. Butcher at the above address.

Purpose of Meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda: Discussion on issues, opportunities and future directions for the Engineering Directorate; discussion of Engineering Directorate budget situation as well as other items.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5766 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: March 30, 1992; 8:30 a.m. to 5 p.m., March 31, 1992; 8:30 a.m. to 5 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Margaret E.M. Tolbert, Program Director, 1800 G Street, NW., rm. 1225, Washington, DC 20550. Telephone: (202) 357–7350.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Research Improvement in Minority Institutions Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5767 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Industrial Science & Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science & Technological Innovation.

Place: National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC, room 500C.

Date & Time: March 31, 1992; 8:30 a.m.–5 p.m., April 1, 1992; 8:30 a.m.–5 p.m., April 2, 1992; 8:30 a.m.–12 noon.

Type of Meeting: Closed.

Contact Person: Richard L. Schoen, Deputy Division Director, Division of Industrial Science and Technological Innovation, room V–502, Washington, DC 20550, Phone: (202) 653–5202.

Purpose of Meeting: To provide oversight review of the Small Business Innovation Research Program.

Agenda: To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if it were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5769 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following five meetings:

Name: Special Emphasis Panel in Materials Research.

Date & Time: April 6, 1992 and April 7, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500E, 1110 Vermont Ave., NW., Washington, DC.

Contact: Dr. Ralph P. Hudson, Dr. Franklin Wang, Program Directors, rm. 408, DMR, 202–357–9788.

Date & Time: April 15, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 411, 1800 G St. NW., Washington, DC.

Contact: Dr. Clive H. Perry, Program Director, DMR, rm 408, 202–357–9787

Date & Time: April 23, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 403, 1800 G St. NW., Washington, DC.

Contact: Dr. Clive H. Perry, Program Director, DMR, rm 408, 202–357–9787.

Date & Time: May 5, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 411, 1800 G Street, NW., Washington, DC.

Contact: Dr. Franklin Wang, Program Director, rm. 408, DMR, 202–357–9789.

Types of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Agenda: To review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–5777 Filed 3–11–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mathematical Sciences.

Date and Time: March 30–31, 1992 (9 a.m. to 5 p.m.)

Place: National Science Foundation, 1800 G Street, NW., room 536, Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Gary Cornell or Dr. Jerry Bebernes Division of Mathematical Sciences, National Science Foundation, 1800 G Street, NW., room 339. (202) 357–3925 or 357–3686.

Purpose of Meeting: To evaluate applications and provide recommendations on those applications as part of the selection process for the NSF Research Opportunities for Women.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552

b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5768 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92463, as amended) the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date: April 2, 1992, 8:30 a.m. to 5 p.m., April 3, 1992, 8:30 a.m. to 3 p.m.

Place: State Plaza Hotel, Ambassador Room and Energy Room, 2117 E Street, NW., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, 1800 G Street, NW., rm 1108, Washington, DC 20550, Telephone: (202) 357-9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate NSF NYI proposals submitted to the Division of Mechanical and Structural Systems.

Reason of Closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5771 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announced the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date and Time: April 3, 1992, 8:30 a.m. to 5 p.m.

Place: 1800 G Street, NW., room 1108a, Washington, DC 20550.

Notice of Meeting: Closed.

Contact Person: Dr. Mehmet T. Tumay, Program Director, 1800 G Street, NW., room 1108, Washington, DC 20550. Telephone: (202) 357-9542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate Mechanical and Structural Systems NSF NYI proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the exemptions 4 and 6 of 5 U.S.C. 552b. (c), (b), and (6) the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5770 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Physics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Physics.

Date: March 30, 1992.

Time: 8:30 a.m.-5 p.m.

Place: National Science Foundation (NSF), Conference Room 340, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Rolf M. Sinclair, Program Director for Cross Directorate Programs, PHY, room 341, NSF (202) 357-7998.

Purpose of Meeting: To review and provide recommendations on nominations for the NYI program..

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5764 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Teacher Preparation and Enhancement; Meeting

The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Teacher Preparation and Enhancement.

Dates: 2-4 April 1992.

Times: 2 April 1992—5 p.m.—General Session Meeting, 2 April 1992—7 p.m. to 9:30 p.m.—Panels in Breakout Rooms, 3 April 1992—8 a.m. to 6 p.m.—Panel, 4 April 1992—8 a.m. to 2 p.m.—Panel.

Place: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 20008, (202) 328-2000.

Meeting Rooms: Park Tower Building.

Type of Meeting: Closed.

Purpose: To review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Agenda: Review and evaluate Teacher Enhancement Proposals.

Contact: Mrs. Ethel Schultz, Head, Institutes and Recognition Section, Division of Teacher Preparation and Enhancement, Directorate for Education and Human Resources, National Science Foundation, room 635B, Washington, DC 20550, (202) 357-7073.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5774 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Teacher Preparation and Enhancement; Meeting

The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Teacher Preparation and Enhancement.

Dates: 2-4 April 1992.

Times: 2 April 1992—5 p.m.—General Session Meeting, 2 April 1992—7 p.m. to 9:30 p.m.—Panels in Breakout Rooms, 3 April 1992—8 a.m. to 6 p.m.—Panel, 4 April 1992—8 a.m. to 2 p.m.—Panel.

Place: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 20008, (202) 328-2000.

Meeting Rooms: Park Tower Building.

Type of Meeting: Closed.

Purpose: To review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Agenda: Review and evaluate Teacher Preparation Proposals.

Contact: Dr. Susan Snyder, Head, Networking and Teacher Preparation Section, Division of Teacher Preparation and Enhancement, Directorate for Education and Human Resources, National Science Foundation, room 635B, Washington, DC 20550, (202) 357-7069.

Dated: March 9, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-5775 Filed 3-11-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

Indiana Michigan Power Co., Donald C. Cook Nuclear Plant, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company, (the licensee), for operation of the Donald C. Cook Nuclear Plant Units 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to TS Section 5.6.1.1 "Criticality—Spent Fuel," for both units. Specifically, the current TS requirement to store Westinghouse Fuel assemblies with fuel enrichments of greater than 3.95 weight percent uranium-235 enrichment and burnup of less than 5,500 MWD/MTV in Region I of the spent fuel pool in a 3-out-of-4 array (one storage cell in each symmetrical array empty) is modified to allow an array of highly reactive fuel "checkerboarded" with adequately burnt fuel with no empty storage locations.

The proposed action is in accordance with the licensee's application for amendment dated February 15, 1991, as supplemented by letters dated October 8, 1991 and January 14, 1992.

The Need for the Proposed Action

The proposed change to the TS is required in order to provide the licensee the ability to store fresh fuel in the spent fuel pool, to provide easier fuel handling operations and to optimize the available storage space in the spent fuel pool racks.

Enviromental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS and concludes that the proposed change does not involve a significant hazards consideration. The proposed amendment would modify the current TS requirement which allows storage of fuel assemblies with fuel enrichments of greater than 3.95 weight percent uranium-235 and burnup of less than 5,500 MWD/MTV in Region I of the spent fuel pool in a 3-out-of-4 array to allow an array of highly reactive fuel "checkerboarded" within adequately burnt fuel with no empty storage locations. The storage of the higher enriched fuel in the above proposed pattern would not significantly increase the probability or consequences of any accident previously analyzed. Since the proposed change does not increase the probability or consequences of an accident, no changes are being made in the types or amounts of any radiological effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves a change in the installation or use of a facility component located within the restricted area as defined by 10 CFR part 20. The proposed change does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Donald C. Cook Nuclear Power Plant Units 1 and 2, dated August 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

For further details with respect to this action, see the application for amendment dated February 15, 1991 and supplements dated October 8, 1991 and January 14, 1992, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Rockville, Maryland, this 3rd day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stang,

Acting Director, Project Directorate III-1, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5613 Filed 3-11-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-16, issued to GPU Nuclear Corporation (GPUN, the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The proposed amendment would delete the Auto-Start Logic of the Containment Spray System by plant modifications in the 14R refueling outage. In order to achieve this and not be in violation of the Appendix A Technical Specifications, the Technical Specifications Change Request proposes revisions to Technical Specification 3.1 and 3.4 Bases sections; deletion of the Instrumentation requirements of Table 3.1-1 Section E; deletion of the Containment Spray System from Table 4.1.2 (which lists surveillance test frequencies for Automatic Trip Systems); and deletion of the surveillance requirement of Technical Specification 4.4.C.2 for auto-start actuation test.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended

(the Act and the Commission's regulations.

By April 13, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753. If a request for a hearing or petition for leave to intervene is filed by the above data, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for level to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect or any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law of fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Earnest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, for presiding officer or the presiding Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 19, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 5th day of March 1992.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5815 Filed 3–11–92; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Protected Areas Amendments

March 3, 1992.

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of proposed protected areas amendments to the Columbia River Basin Fish and Wildlife Program and the Northwest Conservation and Electric Power Plan, hearings and opportunity to comment.

SUMMARY: On November 15, 1982, pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, *et seq.*) the Pacific Northwest Electric Power and Conservation Planning Council (Council) adopted a Columbia River Basin Fish and Wildlife Program (program). The Council adopted the Northwest Conservation and Electric Power Plan (power plan) on April 27, 1983. The program and the power plan have been amended from time to time since then. In August, 1988, the Council incorporated into the program and the plan "protected areas" measures to protect critical fish and wildlife habitat from new hydropower development. The protected areas provisions provided processes for amending protected areas on various grounds. In November, 1991, in response to an announcement by the Council, the Council received a number of petitions to amend protected areas. On the basis of these petitions, at its February 11–12, 1992 meeting, the Council voted to initiate rulemaking pursuant to section 4(d)(1) of the Northwest Power Act to consider amending certain protected areas provisions of the program and the power plan. This notice contains a brief description of the proposed amendments, describes how to obtain a full copy of the proposed amendments and background information concerning them, and explains how to participate in the amendment process.

PUBLIC COMMENT: All written comments must be received in the Council's central office, 851 SW. Sixth Avenue, suite 1100, Portland, Oregon, 97204, by 5 p.m. Pacific time on Friday, May 1, 1992. Comments should be submitted to Steve Crow, Director of Public Affairs, at this address. Comments should be clearly marked "Protected Areas Comments."

After the close of written comment, the Council may hold consultations with interested parties to clarify points made in written comment, and will supply notice of such consultations to persons requesting such notice. Consultations may be held up to the time of the Council's final action in this rulemaking.

HEARINGS: Public hearings will be held in Idaho, Montana, Oregon, and Washington, in March and April, 1992. If you wish to obtain a schedule of the hearings, more information about this process or reserve a time period for presenting oral comments at a hearing, contact the Council's Public Affairs Division, 851 SW. Sixth Avenue, suite 1100, Portland, Oregon 97204 or (503) 222–5161, toll free 1–800–222–3355 in Idaho, Montana, Oregon and Washington. Requests to reserve a time period for oral comments must be received no later than two work days before the hearing.

FINAL ACTION: The Council expects to take final action on the proposed protected areas amendments at its May or June 1992 meeting. The actual date on which the Council will make its final decision will be announced in accordance with applicable law and the Council's practice of providing notice of its meeting agendas.

SUPPLEMENTARY INFORMATION: Thirteen petitions have been received. Eight of the petitions seek removal of protected status so that hydro projects can proceed. Five petitions would add protected status to various reaches or subbasins. No petitions have been received for protected areas in Montana or Oregon.

One of the petitions proposes protected area status based on a decision of the Idaho Legislature that the reach should be protected. On its own motion, the Council has also included other Idaho river reaches with a similar status.

FOR FURTHER INFORMATION CONTACT: Those wishing to receive a fuller version of this notice, including a list of affected river reaches or copies of particular petitions, should contact the Public Affairs Division at the address or telephone numbers listed above.

Edward Sheets,

Executive Director.

[FR Doc. 92–5807 Filed 3–11–92; 8:45 am]

BILLING CODE 0000–00–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following propose(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Propose(s)

(1) *Collection title:* Railroad Service and Compensation Reports.

(2) *Form(s) submitted:* BA–3a and BA–4.

(3) *OMB Number:* 3220–0008

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* Monthly, Quarterly and Annually.

(7) *Respondents:* Businesses or other for-profit and Small businesses or organizations.

(8) *Estimated annual number of respondents:* 656.

(9) *Total annual responses:* 1,100.

(10) *Average time per response:* 47.2409 hours.

(11) *Total annual reporting hours:* 51,965.

(12) *Collection description:* Under the Railroad Unemployment Insurance and Railroad Retirement Acts, employers are required to report service and compensation for each employ to update Railroad Retirement Board records for payment of benefits.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312–751–4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board 844 Rush street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 92–5808 Filed 3–11–92; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF STATE

Bureau of Oceans and International Environmental and Scientific Affairs

[Public Notice 1583]

U.S. MAB Request for Proposals for Environmental Projects

The United States Man and the Biosphere (U.S. MAB) Program, hereby announces its request for proposals to continue to provide its assistance to the U.S. Peace Corps in the development of a worldwide environmental projects initiative as described below.

U.S. MAB will accept proposals of a maximum length of six (6) pages which outline how the objectives described below could be accomplished. A curriculum vitae (c.v.) of a maximum length of four (4) pages for each principal(s), which clearly demonstrates a history of competency in the implementation of such tasks, must accompany the proposal. Proposals may

not request more than the sum of sixty thousand ($60,000) dollars to implement this initiative. All proposals must specify that all tasks will be completed within twelve months at the headquarters of the U.S. Peace Corps or at other appropriate sites, as directed, beginning during the last week of April 1992. Payments will be made on a quarterly basis in equal installments.

All proposals and accompanying documents must be received by the U.S. MAB Secretariat no later than the close of business (COB) on April 15, 1992. Proposals and c.v.s. will be evaluated by the criteria noted in the following section.

Selection will be made during the week of April 20, 1992. Selected candidate principals must be prepared to implement their proposals on or about April 27, 1992.

Proposals should be sent to: U.S. MAB Secretariat, Room 608 SA-37, OES/EGC/MAB, U.S. Department of State, Washington, DC 20522-3706.

Proposals may be sent via facsimile (FAX) to (703) 235-3002.

If candidates choose to send their proposals via a courier or an overnight delivery service, the address is: U.S. MAB, Room 608, 1555 Wilson Boulevard, Rosslyn, Virginia 22209.

The objective of this request for proposals is to assist the Peace Corps' Worldwide Environmental Projects initiative in the development of projects for providing technical assistance, including but not limited to those to:

Conduct rapid needs assessments of third world countries that have illustrated an interest in environmentally oriented projects (Minimum of three);

Design and conduct country specific environmental project planning and implementation workshops for Peace Corps program offices and staff of private voluntary organizations (Minimum of two);

Develop In-Service Training (IST) model(s) and Pre-Service Training model(s) (PST) for peach Corps Volunteers (PCVs) working in environmentally oriented projects and for local level host country counterparts as well, to implement country specific ISTs based on these models (minimum of six);

Spend up to fifty percent of his/her time working directly with U.S.A.I.D. staff members in the Office of Forestry, Environment, and Natural Resources (R&D/FENR); the Latin American Bureau; Asian Bureau; African Bureau; Central and Eastern European Bureau; and the Former Soviet Union Countries to:

• Write proposal for additional support to enhance current programming and to secure additional funds for new initiatives;

• Act as a liaison between U.S.A.I.D. and Peace Corps regarding ongoing collaborative programming that focuses on environmental education, biodiversity, park management or forestry initiatives;

• Prepare documentation of sector activities and collaborate with other sectors in the Office of Training and Program Support (OTAPS), as needed, for A.I.D. support and reporting;

• Initiate new programming activities that enhance U.S.A.I.D. and Peace Corps priorities; and

• Represent Peace Corps at relevant U.S.A.I.D. meetings, conferences and seminars.

Support the agency in the implementation of the Programming and Training System (PATS), including project design, monitoring, and evaluation assistance. In addition, collaborate with incumbent Sector Specialists in the following tasks:

• Participate in project plan reviews for environmental projects;

• Undertake annual reviews of country programs and technical assistance requests.

The following selection criteria will be applied to proposals:

• Demonstrated ability of the proposer to design and deliver training for environmental education;

• Demonstrated ability of the proposer to prepare grant proposals in support of U.S.A.I.D./Peace Corps collaboration;

• Demonstrated ability of the proposer to conduct needs assessments and develop project design; and

• Fluency in Spanish preferred.

For further information concerning technical or grant performance related inquires, please contact: George Mahaffy, Director, Office of Training and Program Support, U.S. peace Corps, Room 800, 1990 K Street, NW., Washington, DC 20526, Telephone: (202) 606-3100.

For further information concerning administrative and grant management related inquiries, please contact: Roger E. Soles, Executive Director U.S. MAB, Room 608 SA-37, OES/EGC/MAB, U.S. Department of State, Washington, DC 20522-3706, Telephone: (703) 235-2946.

Dated: March 3, 1992.

Roger E. Soles,

Executive Director, U.S. Man and the Biosphere Program.

[FR Doc. 92-5809 Filed 3-11-92; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-015]

New York Harbor Traffic Management Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 USC App. I), notice is hereby given of a meeting of the New York Harbor Traffic Management Advisory Committee to be held on April 15, 1992, in the Conference Room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park, New York, New York, beginning at 10 a.m..

The agenda for this meeting of the New York Harbor Traffic Management Advisory Committee is as follows:

1. Introductions.
2. Update of Marine Events.
3. Update of dredging operations in New York harbor.
4. Update on Vessel Traffic Service.
5. Update on Coast Guard regulatory initiatives.
6. Bayonne Bridge work.
7. Topics from the floor.
8. Review of agenda topics and selection of date for next meeting.

The New York Harbor Traffic Management Advisory Committee has been established by Commander, First Coast Guard District to provide information, consultation, and advice with regard to port development, maritime trade, port traffic, and other maritime interests in the harbor. Members of the Committee serve voluntarily without compensation from the Federal Government.

Attendance is open to the interested public. With advance notice to the Chairperson, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director no later than one day before the meeting. Any member of the public may present a written statement to the Committee at any time.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander J. E. BUSSEY, USCG, Executive Secretary, NY Harbor Traffic Management Advisory Committee, Vessel Traffic Service, Building 333 Third floor, Governors Island, New York, NY 10004-5070; or by calling (212) 668-7429.

Dated: February 18, 1992.

R. M. Larrabee,

Captain, U.S. Coast Guard Captain of the Port New York NYHTMAC Executive Director.

[FR Doc. 92-5812 Filed 3-11-92; 8:45 am]

BILLING CODE 491-014-M

Federal Aviation Administration

[Summary Notice No. PE-92-7]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 1, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 6, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 23455.
Petitioner: Reeve Aleutian Airways, Inc.
Sections of the FAR Affected: 14 CFR 121.574(a)(1), (a)(3), and (a)(4).
Description of Relief Sought: To extend Exemption No. 4292 that allows Reeve Aleutian Airways to continue to carry and operate oxygen storage and dispensing equipment for medical use by passengers requiring this medical attention as long as this equipment is furnished by a medical entity, and administered by qualified persons.

Docket No.: 26095.
Petitioner: Cochise Community College.
Sections of the FAR Affected: 14 CFR 141.65.
Description of Relief Sought: To extend Exemption No. 5225 which allows the petitioner to hold examining authority for its Flight Instructor Certification Course—Airplane Single Engine.

Docket No.: 26111.
Petitioner: American Airlines.
Sections of the FAR Affected: 14 CFR 121.133(c).
Description of Relief Sought: To extend Exemption No. 5184 which allows American Airlines to continue to use Compact Disc-Read Only Memory (CD-ROM) technology to maintain certain maintenance information and instructions for aircraft in lieu of printed page form or microfilm.

Docket No.: 26349
Petitioner: Vocational Industrial Clubs of America
Sections of the FAR Affected: 14 CFR 147.21.
Description of Relief Sought: To extend Exemption No. 5297 which allows students in aviation maintenance technician schools that are certified under the provisions of part 147 of the FAR to participate in the Vocational Industrial Clubs of America airframe and powerplant aviation skill competition at both state and national levels without the student or school being in violation of § 147.21.

Docket No.: 26691.
Petitioner: American Cyanamid Company.
Sections of the FAR Affected: 14 CFR 61.57(d) and 135.247(a)(2).
Description of Relief Sought: To allow the petitioner to operate without the recency of flight experience required by § § 61.57(d) and 135.247(a)(2).

Docket No.: 26767.
Petitioner: Continental Micronesia, Inc.
Sections of the FAR Affected: 14 CFR 121.358.
Description of Relief Sought: To allow Continental Micronesia, Inc., to delay installation of windshear equipment beyond the date specified in the regulation.

Docket No.: 26793.
Petitioner: Delta Airlines.
Section of the FAR Affected: 14 CFR 121.310(f)(5).
Description of Relief Sought/Disposition: To allow petitioner to operate the MD-11 with a door installed in the partition between the first class and business class passenger compartments. Grant, March 4, 1992, Exemption No. 5413, until June 15, 1992, to allow Delta to operate the MD-11 under the conditions of Exemption No. 5413 during the consideration of public comments. Exemption No. 5413 is the Part 121 operating rule counterpart to Exemption No. 5405, issued to McDonnell Douglas Corporation on February 11, 1992, from 14 CFR 25.813(e), to permit installation of a door in the partition between the first class and business class passenger compartments in the MD-11 airplane.

Docket No.: 23713.
Petitioner: Simuflite Training International.
Sections of the FAR Affected: 14 CFR 6156(b)(1), 61.57(c) and (d); 6158(c)(1) and (d); 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (d)(2) and (e)(1) and (e)(2); Appendix A of Part 61; and appendix H of part 121.
Description of Relief Sought/Disposition: To renew Exemption No. 3931F which permits Simuflite Training International to use FAA-approved simulators to meet certain training and testing requirements of § § 61.56(b)(1), 61.57(c) and (d); 61.58(c)(1) and (d); ; 61.63(d)(2) and (3); 61.67(d)(2); 61.157(d)(1) and (d)(2) and (e)(1) and (2); Appendix A of Part 61; and Appendix H of Part 121 of the Federal Aviation Regulations.

Grant, February 28, 1992. Exemption No. 3931G.

Docket No.: 26760
Petitioner: Business Express.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief Sought/Disposition: To allow Business Express to submit a request for approval of a retrofit schedule after the June 1, 1990 deadline to the Flight Standards

Division Manager in the region of the certificate holding district office.

Grant, February 24, 1992, Exemption No. 5410.

[FR Doc. 92-5728 Filed 3-11-92; 8:45am]

BILLING CODE 4910-13-M

Air Carrier/General Aviation Maintenance Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee Air Carrier/General Aviation Maintenance Subcommittee.

DATES: The meeting will be held on April 8, 1992, at 9 a.m. Arrange for oral presentations by March 30, 1992.

ADDRESSES: The meeting will be held in the Board Room, Air Transport Association, 1709 New York Avenue, NW., Washington, DC, at 9 a.m.

FOR FURTHER INFORMATION CONTACT: Ms. Jacqueline Renaud, Meeting Coordinator, Aircraft Maintenance Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-7461.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Air Carrier/General Aviation Maintenance Subcommittee to be held on April 8, 1992. The agenda for the meeting will include reports from the working groups dealing with establishment of current standard weights for passengers and baggage, development of a notice of proposed rulemaking (NPRM) for part 65 of the Federal Aviation Regulations (FAR), development of an NPRM for reporting requirements of §§ 121.703 and 121.705 of the FAR, development of an advisory circular for Special Federal Aviation Regulation (SFAR) 36, and development of an NPRM and advisory circular for maintenance recordkeeping and retention of records.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements on or before March 30, 1992, to present oral statements at the meeting. Written statements (75 copies) may be presented to the committee at any time through the meeting coordinator. Arrangements may be made by contacting the meeting coordinator listed under the heading "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Washington, DC, on March 5, 1992.

William J. White,

Executive Director, Air Carrier/General Aviation Maintenance Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92-5760 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Wayne and Mingo Counties, WV

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Wayne and Mingo Counties, West Virginia.

FOR FURTHER INFORMATION CONTACT: Billy R. Higginbotham, Division Administrator, Federal Highway Administration, 550 Eagan Street, suite 300, Charleston, West Virginia 25301, Telephone: (304) 347-5928.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the West Virginia Division of Highways, will prepare an environmental impact statement (EIS) on a proposal to improve US Route 52 (US 52) in Wayne and Mingo Counties, West Virginia. The proposed improvement would involve the construction of a four-lane, partial access roadway, either on existing or new alignment, between the towns of Kenova and Nolan for a distance of about 60 miles.

Improvements in the area are considered necessary due to existing and projected heavy truck volumes, and due to the number of fatal accidents on US 52. Alternates under consideration include (1) taking no action; (2) where possible, widening the existing two-lane highway to four lanes; and (3) constructing a four-lane, partial access highway on new location. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

A scoping meeting will be scheduled for this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed, or are known to have, interest in this proposal. Public meetings and public hearings will be held. Public notice will be given of the times and places for the meetings and hearings. The draft EIS will be available for public and agency review and comment prior to the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities to this program.)

Billy R. Higginbotham,

Division Administrator.

[FR Doc. 92-5802 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[BS-AP-No. 3087]

Washington Central Railroad Co.; Public Hearing

The Washington Central Railroad Company has petitioned the Federal Railroad Administration (FRA) seeking approval of the following:

1. The discontinuance and removal of the automatic block signal system consisting of 50 automatic signals between Kennewick, Washington, milepost 1.7 and Union Gap, Washington, milepost 84.4, and

The removal of two slide fences and two associated signals, one at milepost 31.0 and the other at milepost 36.0.

This proceeding is identified as FRA Block Signal Application Number 3087.

The FRA has issued a public notice seeking comments of interested parties and conducted a field investigation in this matter. After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, April 23, 1992, in Council Chambers, on the first floor of Yakima City Hall located at 129 North Second Street in Yakima, Washington.

Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with rule 25 of the FRA Rules of Practice (49 CFR 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC on March 3, 1992.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 92-5746 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-06-M

Maritime Administration

[Docket S-889]

Mormac Marine Transport, Inc.; Application for Permission Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

By letter dated March 9, 1992, Mormac Marine Transport, Inc. (formerly Moore-McCormack Bulk Transport, Inc.), (Mormac) has requested pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended (Act), and Article II-13 of Operating-Differential Subsidy Agreement (ODSA), Contract No. MA/MSB-295, written permission to expand the scope of domestic operations permitted under the ODSA MA/MSB-295 to include the management and operation of the vessel *M/V George A. Stinson* for Stinson, Inc. pursuant to a management agreement to be entered into between The Interlake Steamship Company (Interlake), Interlake Holding Company (Interlake Holding) and Stinson, Inc., (Stinson).

Mormac states that Mormac is owned by Mormac Marine Group, Inc. (Mormac Marine). Interlake is owned by Interlake Holding and owns and operates vessels in the domestic coastwise Great Lakes service. Lakes Shipping Company, Inc. (Lakes) is also involved in the domestic coastwise Great Lakes service. Mormac Marine, Interlake Holding and Lakes have common ownership as well as common officers and directors. Approval for such common ownership, officers and directors was granted pursuant to section 805(a) on March 23, 1987, as amended by permissions granted on August 3, 1988, and March 23, 1989.

Pursuant to a management agreement to be entered into between Stinson, Interlake Holding and Interlake, Interlake will become the manager of the self-unloading cargo vessel, the *M/V George A. Stinson*. This vessel will be used exclusively in service to the Great Lakes in the same manner as its current service. The vessel will be used primarily to carry iron ore for National Steel Corporation. The vessel does not operate in the competitive market on the Great Lakes. Since the vessel will essentially continue its services as it has been used by Stinson, the management of this vessel by Interlake will not result in any change in competitve conditions for U.S.-flag vessels providing service on the Great Lakes. In addition, Interlake and Mormac are entirely separate corporate entities that will maintain separate and discreet accounts so there will be no issue of subsidy leakage. Furthermore, the only benefit which Interlake will receive of the operation of the vessel will be a fixed management fee, and all other benefits of operations will redound to Stinson.

No U.S.-flag competitor of the vessel will be subject to any changed circumstances or unfair competition as a result of the change in management of the vessel, nor will the operation of the vessel by an affiliate of Mormac be prejudicial to the purposes and policies of the Act.

Mormac is requesting that the scope of domestic operations permitted under ODSA MA/MSB-295 be modified to incorporate the management and operation of the vessel.

Mormac states that Interlake will assume the management responsibilities of the vessel at the commencement of the 1992 shipping season. The vessel is scheduled to be brought out for service on March 28, 1992.

Any person, firm, or corporation having any interest in the application for section 805(a) permission and desiring to submit comments concerning the application must file written comments in triplicate, to the Secretary, Maritime Administration, room 7300, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590, by close of business p.m. on March 20, 1992. If such comments deal with section 805(a) issues, they should be accompanied by a petition for leave to intervene. The petition should state clearly and concisely the grounds of interest and the alleged facts relied on for relief.

If no petitions for leave to intervene on section 805(a) issues are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or international service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic operations.

(Catalog of Federal Domestic Assistance Program Nos. 20.804 Operating-Differential Subsidies (ODS)).

By order of the Maritime Administrator.

Dated: March 10, 1992.

James E. Saari,

Secretary.

[FR Doc. 92-5964 Filed 3-11-92; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Department Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date of the next meeting and on Commercial Operations of the U.S. Customs Service.

DATE: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will held on Friday, March 27, 1992 at 9:30 a.m. in room 4121, U.S. Treasury Department, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Assistant Secretary (Enforcement), room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Tel.: (202) 566-8435.

SUPPLEMENTARY INFORMATION: Agenda items for the fifth meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service on March 27, 1992 will include:.

I. Old Business

1. The Customs Modernization Act and the Joint Industry Group legislative initiatives.

2. Update on the North American Free Trade Area negotiations.

3. Increase in the Merchandise Processing Fee.
4. Harbor Maintenance Fee Issues.
5. H.R. 2731—Customs Liability under the Tort Claims Act.
6. Customs' Office of Organizational Effectiveness.
7. Inspector Shift Changes.

II. New Business

1. Presidential Initiative to Reduce Regulatory Burdens.
2. The Pre-Importation Review Program.
3. Standardization of Invoice Information.
4. Customs Efforts to Promote Conversion to EDIFACT.
5. Modification of Custom's Automated Broker Interface to Include U.S. Military Documentation.
6. Dutiability of Movement of Goods between Foreign Trade Zones prior to Entry.

The agenda may be modified prior to the meeting date.

The meeting is open to the public. Owing to the security procedures in place at the Treasury Building, it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the building to attend the meeting, please notify Ms. Theresa Manning or Ms. Helen Belt at (202) 566-8435, no later than Friday, March 20, 1992.

Dated: March 6, 1992.

Peter K. Nunez,

Assistant Secretary, (Enforcement).

[FR Doc. 92-5733 Filed 3-11-92; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

El Salvador; Determination To Extend Emergency Ban on Pre-Hispanic Material Originating in the Cara Sucia Archaeological Region

AGENCY: United States Information Agency.

ACTION: Determination to extend emergency ban on pre-Hispanic material originating in the Cara Sucia Archaeological Region, El Salvador.

Convention on Cultural Property Implementation Act (Pub. L. 97-446); Import Ban on Archaeological Material from El Salvador. Pursuant to the authority vested in me under Executive Order 12555 and Delegation Order No. 86-3 of March 18, 1986 [51 FR 10137], I hereby find:

Pursuant to the requirements of section 304(c)(3) of the Act, 19 U.S.C. 2603(c)(3), with respect to the extension of an emergency import ban on pre-Hispanic material originating in the Cara Sucia Archaeological Region of El Salvador; and consistent with the favorable recommendation received from the Cultural Properly Advisory Committee; and pursuant to the emergency provision under section 304(a)(2), 19 U.S.C. 2603(a)(2),—

(1) That the material is archaeological and identifiable as coming from sites within the Cara Sucia Archaeological Region recognized to be of high cultural significance—that the sites in the Cara Sucia Archaeological Region represent a continuum of Mesoamerican civilization from the pre-Classic period into the 16th century and some sites may have a relationship to early pre-Classic sites in other parts of Central America lending archaeological significance to the Region;

(2) That the Cara Sucia Archaeological Region continues to be in jeopardy from pillage, which is, or threatens to be of crisis proportions—that apparent low-level pillage continues in the Cara Sucia Archaeological Region; that there is evidence of pillage in areas adjacent to the Region, in areas around the significant site of El Ceren in northern El Salvador, and at sites in the western part of the country; that an ambience conducive to further looting continues to exist in El Salvador, thereby posing a continuing threat of crisis proportions to the Cara Sucia Archaeological Region which has already suffered extensive irreversible depredation;

(3) That the emergency import ban would continue, on a temporary basis, in whole or in part, to reduce the incentive for pillage—that the emergency import ban has resulted in an apparent decline in the level of looting of the Cara Sucia Archaeological Region.

Determination

Now, therefore, in accordance with the aforementioned authority vested in me, and pursuant to section 304(c)(3) of the Act, 19 U.S.C. 2603(c)(3), I hereby determine:

(1) That the emergency condition continues to apply with respect to the pre-Hispanic archaeological material originating in the Cara Sucia Archaeological Region of El Salvador;

(2) That the emergency import ban that went into effect on March 13, 1987, is extended for a period of three more years effective March 13, 1992.

Dated: March 6, 1992.

Eugene P. Kopp,

Deputy Director, United States Information Agency.

[FR Doc. 92-5833 Filed 3-11-92; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of Systems of Records Notice

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Privacy Act of 1974, 5 U.S.C. 522a(e)(4), requires that all agencies publish in the **Federal Register** a notice of the revision of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is revising an existing systems of records, "Representatives' Fee Agreement Records System—VA" (81VA01).

In *In the Matter of the Fee Agreement of William G. Smith in Case Number 90-58*, U.S. Vet. App. No. 91-619 (Oct. 7, 1991), the United States Court of Veterans Appeals held that the Chairman of the Board of Veterans' Appeals may not be the sole reviewer of representatives' fee agreements, but that such agreements may only be reviewed by a section of the Board. This change in procedure necessitates a change in the flow within VA of documents relating to the review of fees and expenses which representatives charge to VA claimants/appellants. This change in document flow, in turn, necessitates revision of document safeguard procedures. This notice serves to inform the public of the changes in those procedures, as well as to update two citations to reflect recent changes in the numbering of Title 38 of the United States Code, to reflect a modification in the description of categories of records in the system, and to correct the title of the system manager.

Two typographical errors in the notice of the establishment of this system of records at 56 FR 18875 ("attorneys-aw-law" under the heading "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM" and "applied" versus the correct "appealed" in paragraph 1 under the heading "ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:") have been corrected.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revised system of records to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before April 13, 1991, will be considered. All written comments received will be available for public inspection in room 170 at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until April 21, 1992.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the amendments to 81VA01 included herein are effective April 13, 1992.

Approved: March 5, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

Notice of Amendment to System of Records

The system identified as 81VA01, "Representatives' Fee Agreement Records System—VA", 56 FR 18874, is amended to read as follows:

81VA01

SYSTEM NAME:

Representatives' Fee Agreement Records System—VA.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

* * * before the Department; the attorneys-at-law and agents who represent them; and * * *.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include copies of written fee agreements, documents relating to the filing and review of fee agreements, and magnetic media computer records. The computer * * *.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 5904.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to the United States Court of Veterans Appeals when an order of the Board has been appealed to that Court in accordance with the provisions of 38 U.S.C. 5904(c)(2).

* * * * *

SAFEGUARDS:

Files are under the custody of designated VA employees, with access limited to employees who have a need to know the contents of the system of records in order to perform their duties. No personal identifiers are used in statistical and management reports and personal identifiers are removed from all records in this system before they are made available to the public by VA.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Chairman (01), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC. 20420.

* * * * *

[FR Doc. 92-5752 Filed 3-11-92; 8:45 am]

BILLING CODE 8320-01

Sunshine Act Meetings

Federal Register
Vol. 57, No. 49
Thursday, March 12, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:00 p.m. on Sunday, March 8, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a proposed settlement of litigation relating to Michael R. Milken and other individuals.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Chairman William Taylor and Ms. Judith A. Walter, acting in the place and stead of Director Stephen R. Steinbrink (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5936 Filed 3–10–92; 11:45 am]

BILLING CODE 6714-0-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 8:03 a.m. on Monday, March 9, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a proposed settlement of litigation relating to Michael R. Milken and other individuals.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–5937 Filed 3–10–92; 11:45 am]

BILLING CODE 6714-0-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, March 18, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 10, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–5989 Filed 3–10–92; 3:14 pm]

BILLING CODE 6210-01-M

federal register

Thursday
March 12, 1992

Part II

Department of Education

Rehabilitation Long-Term Training; Final Priorities and Invitation for Applications for New Awards for Fiscal Year 1992; Notices

DEPARTMENT OF EDUCATION

Rehabilitation Long-Term Training

AGENCY: Department of Education.

ACTION: Notice of final priorities for Fiscal Year 1992.

SUMMARY: The Secretary announces priorities for fiscal year 1992 under the Rehabilitation Long-Term Training program. The Secretary takes this action to focus Federal financial assistance on academic and non-academic training in areas of personnel shortages in the field of rehabilitation, as identified through data collection, analysis, needs assessments, and professional literature. These priorities are intended to increase the number of qualified rehabilitation professionals serving the State-Federal program of vocational rehabilitation (VR) for individuals with disabilities.

The Rehabilitation Long-Term Training program and these final priorities support AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing training for vocational rehabilitation personnel to upgrade their skills and thereby assist individuals with disabilities in improving their skills. National Education Goal 5 specifically calls for every adult American to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

EFFECTIVE DATES: These priorities take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Melia, U.S. Department of Education, 400 Maryland Avenue, SW., room 3324 Switzer Building, Washington, DC 20202–2649. Telephone: (202) 732–1400. Deaf and hearing impaired individuals may call the Federal Daul Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m. Eastern time.

SUPPLEMENTARY INFORMATION:

The Rehabilitation Long-Term Training program is authorized by Title III, section 304 of the Rehabilitation Act of 1973, as amended. Under this discretionary grant program, Federal support may be provided for the purpose of academic and non-academic training in areas of personnel shortages relating to the provision of vocational, medical, social, and psychological rehabilitation services.

The Rehabilitation Long-Term Training program provides financial assistance for—(1) projects that provide basic or advanced training leading to an academic degree in designated fields of study related to vocational rehabilitation; (2) projects that provide a number of interrelated training activities designed to improve the professional competence of employed rehabilitation workers in one of the designated fields but not directly related to the awarding of an academic degree; (3) projects that provide undergraduate medical students with an orientation to the concepts and techniques of rehabilitation medicine; and (4) projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

On November 22, 1991 the Secretary published a notice of proposed priorities for this program in the **Federal Register** [56 FR 59164].

Note: This notice of final priorities does not solicit applications.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, eight parties submitted comments. An analysis of the comments follows. Please note that this section addresses only those proposed priorities on which substantive comments were received or priorities that have been substantively changed as a result of the Secretary's review. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Absolute Priority 2—Client Assistance—Projects of National Scope

Comments: Two of the commenters recommended that training to Client Assistance Program (CAP) personnel should be provided by an agency or organization that has demonstrated experience in this area.

Discussion: With regard to the agency or organization that will provide training to CAP personnel, the Secretary does not want to limit the applicants for this category. Selection criteria for these projects in 34 CFR 385.32(b), 385.32(e), 386.30(b), and 386.30(e) require that the applicant demonstrate the quality of key personnel and adequacy of resources to carry out the program. In addition, 34 CFR 385.33(b) allows the Secretary to consider the past performance of an applicant in carrying out similar projects.

Changes: None.

Comments: Six commenters suggested that CAP program personnel receive on-going technical assistance. In addition, four of the parties recommended that a center be specifically established to provide the technical assistance.

Discussion: Under the long-term training program a grantee is not prohibited from providing technical assistance to CAP personnel. However, the provision of technical assistance with regard to compliance with Federal mandates for CAP programs is the responsibility of the Rehabilitation Services Administration (RSA) through its regional offices. Additionally, the provision of technical assistance by a long-term training grantee would not encompass the use of on-site "peer reviews" since on-site monitoring is also the role of the RSA regional offices.

In addition, the regulations governing the Rehabilitation Long-Term Training program in 34 CFR part 386 do not permit funds to be used for the establishment of a center for technical assistance.

Changes: None.

Comments: One commenter noted the need to coordinate training and technical assistance activities funded by RSA with similar training and technical assistance activities funded by the National Institute of Mental Health and the Administration on Developmental Disabilities.

Discussion: RSA already coordinates and exchanges information with the Administration on Developmental Disabilities and the National Institute of Mental Health through its participation on the Advocacy Subcommittee of the Interagency Committee on Developmental Disabilities.

Changes: None.

Comments: One commenter suggested that the training provided to the CAP personnel include information about specific disabilities as well as the latest information on technology and equipment.

Discussion: The training proposed for CAP personnel in the notice of proposed priorities published in the **Federal Register** (56 FR 59164) on November 22, 1991, was based on input on training needs from CAP agencies. The CAPs will be able to identify other specific training needs in RSA's 1992 training needs assessment.

Changes: None.

Priorities

Under 34 CFR 75.105(c)(3) and 34 CFR 386.1, the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under these competitions only applications that meet one of these absolute priorities:

Absolute Priority 1—Rehabilitation Counseling—Doctoral Level Programs

Background

The 1989 National Survey of Personnel Shortages and Training Needs in Vocational Rehabilitation study by Pelavin Associates (September, 1989) identified significant shortages of rehabilitation counselors employed by State VR agencies and other service providers. The study recommended targeting training for rehabilitation counseling as a major priority. At the Department of Education public meeting on the Rehabilitation Training Program (May 9, 1991), several presenters (State agencies and universities) indicated that faculty available to train new counselors is dwindling in number. Many of the master's level programs in Rehabilitation Counseling began over 25 years ago, and many of the faculty and department heads are nearing retirement. Therefore, doctoral level Rehabilitation Counseling programs are needed to train a new generation of faculty and administrators for university-based programs as well as State VR agencies and other related agencies and nonprofit organizations servicing individuals with severe disabilities.

Priority

Projects must prepare doctoral graduates to serve as faculty in institutions training vocational rehabilitation professionals for service in the State-Federal VR program and prepare doctoral graduates to serve in leadership positions in the State-Federal VR program. Programs must include training in teaching skills, research, and rehabilitation administration.

Absolute Priority 2—Client Assistance—Projects of National Scope

Background

Client Assistance Programs (CAPs) are authorized under section 112 of the Rehabilitation Act of 1973, as amended (Act), and the regulations in 34 CFR part 370 to—(1) provide assistance in informing and advising individuals who are seeking or receiving services under the Act of all available benefits under the Act; (2) assist those individuals in their relationships with projects, programs, and facilities providing services to them under the Act; and (3) provide information on available services under the Act to any individual with a disability in the State. In addition, CAPs are authorized to help individuals with disabilities understand rehabilitation services programs under the Act; help individuals with disabilities by pursuing, or assisting them in pursuing, legal, administrative, and other available remedies if necessary to ensure the protection of their rights under the Act; advise State and other agencies of identified problem areas in the delivery of rehabilitation services to individuals with disabilities and suggest methods and means of improving agency performance; and provide information to the public concerning the client assistance program.

The Department of Education public meeting on the Rehabilitation Training Program (May 9, 1991) and written comments received in response to a notice in the **Federal Register** (May 1, 1991) included statements regarding the training needs of CAP personnel. These needs included additional training in topic areas such as client and counselor issue identification; analysis of service delivery problems; problem-solving; mediation, negotiation, and dispute resolution; and techniques to address system-level issues.

Priority

Projects must provide training to administrative and service delivery personnel employed by CAPs in areas related to the needs identified in the background section of this priority. Projects must be national in scope. Projects can provide training through a national seminar or workshop or a structured series or regional seminars of workshops.

Absolute Priority 3—Other Fields Contributing to the Rehabilitation of Individuals With Handicaps, Especially Individuals With Severe Handicaps, Including Homebound or Institutionalized Individuals—National Clearinghouse of Rehabilitation Training Materials

Background

RSA has funded a clearinghouse for rehabilitation training materials since 1961. Over the years, the clearinghouse has facilitated the development and dissemination of material with potential use in the training of rehabilitation personnel. Regulations for the Rehabilitation Training Program in 34 CFR 385.42 state that "a set of any training materials developed under the Rehabilitation Training Program must be submitted to any information clearinghouse designated by the Secretary." The project awarded under this priority will be designated to receive training materials developed during the project's duration. Users of the clearinghouse cover the range of rehabilitation professionals, but most frequently include State VR agency personnel, other rehabilitation counselors, rehabilitation educators, and rehabilitation facility personnel.

Priority

Projects must establish a national clearinghouse of rehabilitation training materials. Projects must—(1) identify and gather rehabilitation information and training materials for use in preparing pre-service and post-employment education and training for rehabilitation personnel; and (2) disseminate, in a cost-effective manner, rehabilitation information and training materials for use in preparing pre-service and post-employment training education and training for rehabilitation personnel.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR parts 385 and 386.

Program Authority: 29 U.S.C. 774.

(Catalog of Federal Domestic Assistance Number 84.129, Rehabilitation Long-Term Training)

Dated: March 3, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92–5748 Filed 3–11–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.129]

Rehabilitation Long-Term Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide grants to increase the supply of qualified personnel available for employment in public and private agencies and institutions involved in the vocational rehabilitation and independent living rehabilitation of individuals with disabilities, especially those individuals

with the most severe disabilities, and to maintain and upgrade the skills and knowledge of personnel employed as providers of vocational, social, or psychological rehabilitation services.

The Rehabilitation Long-Term Training program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing training for vocational rehabilitation personnel to upgrade their skills and thereby assist individuals with disabilities in improving their skills. National Education Goal 5 specifically calls for every adult American to be literate and to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: State agencies and other public or nonprofit agencies and organizations, including institutions of higher education, are eligible to apply for awards under this program.

Deadline for Transmittal of Applications: May 8, 1992.

Deadline for Intergovernmental Review: July 6, 1992.

Applications Available: March 19, 1992.

Available Funds: $700,000.

Awards are to be made in three absolute priority categories. Specific information regarding the available funds, estimated average size of awards, estimated number of awards, and estimated range of awards for each category appears in the chart in this notice.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR parts 385 and 386.

Priorities: The priorities in the notice of the final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

For Applications or Information Contact: Bruce Rose, U.S. Department of Education, 400 Maryland Avenue, SW., room 3320, Switzer Building, Washington, DC 20202–2649. To request an application, call (202) 732–1325. Deaf and hard of hearing persons may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 29 U.S.C. 774.

Dated: March 6, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

REHABILITATION LONG-TERM TRAINING

CFDA No.	Categories	Available funds	Estimated average size of awards	Estimated number of awards	Estimated range of awards
84.129B-3	Rehabilitation counseling—doctoral level program	$300,000	$60,000	5	$50,000–70,000
84.129S	Other fields contributing to the rehabilitation of individuals with handicaps, especially individuals with severe handicaps, including homebound or institutionalized individuals—national clearinghouse of rehabilitation training materials.	200,000	200,000	1	200,000
84.129S-3	Client assistance—projects of national scope	200,000	100,000	2	90,000–110,000

[FR Doc. 92–5749 Filed 3–11–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
March 12, 1992

Part III

Department of Commerce

International Trade Administration

Countervailing Duties: Softwood Lumber Products From Canada; Notice

DEPARTMENT OF COMMERCE

International Trade Administration

[C-122-816]

Preliminary Affirmative Countervailing Duty Determination: Certain Softwood Lumber Products From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 12, 1992.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers or exporters in Canada of certain softwood lumber products, as described in the "Scope of Investigation" section of this notice. The estimated net subsidy is 14.48 percent *ad valorem*.

FOR FURTHER INFORMATION CONTACT: Bernard Carreau or Kelly Parkhill, Office of Countervailing Compliance, Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2786.

Preliminary Determination

Case History

Since the publication of the Self-Initiation of Countervailing Duty Investigation: Certain Softwood Lumber Products From Canada (Notice of Self-Initiation) 56 FR 56055 (October 31, 1991), and Notice of Amendment to Self-Initiation of Countervailing Duty Investigation 56 FR 56058 (October 31, 1991), in the **Federal Register** the following events have occurred. On November 8, 1991, we issued a questionnaire to the Government of Canada (GOC) in Washington, DC concerning Canadian stumpage programs. At the GOC's request, we extended the due date for the questionnaire responses until December 13, 1991.

On December 27, 1991, the International Trade Commission (ITC) announced its preliminary determination that imports of certain softwood lumber products from Canada materially injure a U.S. industry. Softwood Lumber from Canada (56 FR 67099).

On December 13, 1991, we received responses from the GOC on behalf of the Northwest Territories and Yukon Territory (the Territories) and the provincial Governments of Alberta, British Columbia (BC), Manitoba, Ontario, Quebec, and Saskatchewan. On December 20, 1991, we presented the GOC with supplemental/deficiency questionnaires concerning federal and provincial responses. At the GOC's request, we extended the due date for the supplemental/deficiency questionnaire responses until January 9, 1992.

On December 3 and 13, 1991, the Coalition for Fair Lumber Imports (the Coalition), an interested party representing the U.S. industry, alleged that log export restrictions in BC, and Alberta, Ontario, and Quebec, respectively, constitute subsidies within the meaning of the countervailing duty law. On December 23, 1991, we found that these allegations contained sufficient information for the Department to investigate whether such export restrictions constitute subsidies. On December 24, 1991, we issued a questionnaire to the GOC concerning the log export restrictions in these provinces. At the request of the GOC, we extended the due date for these responses until January 21, 1992. On January 27, 1992, we issued a supplemental/deficiency questionnaire concerning log export restrictions and an additional supplemental/deficiency questionnaire concerning provincial stumpage programs to the GOC. At the request of the GOC, we extended the due date for this response until February 10, 1992.

Pursuant to 19 CFR 355.15(b), we postponed the preliminary determination for 30 days, until February 24, 1992, because we found this investigation to be extraordinarily complicated, 57 FR 397 (January 6, 1992). On February 4, 1992, we determined that additional time was necessary to make our preliminary determination and postponed the preliminary determination an additional 10 days until March 5, 1992, 57 FR 4989 (February 11, 1992).

Company Exclusion Requests

On December 9, 1991, 334 companies, claiming not to have benefitted from any net subsidy, requested exclusion from any possible countervailing duty order in this case. Under 19 CFR 355.14(c), the Department is required to investigate requests for exclusion to the extent practicable.

We found that investigating 334 company exclusion requests was impracticable. However, we determined that one category of companies seeking exclusion would not pose an extraordinary administrative burden: Companies that produce lumber solely from U.S.-origin logs. We identified 11 companies that properly certified that they produce lumber solely from U.S.-origin logs. (See Decision Memorandum, Company Exclusions, January 17, 1992, in the public file, room B099, of the Department of Commerce.) On January 17, 1992, we presented the GOC with questionnaires concerning the volume and value of U.S.-origin logs purchased by these 11 companies.

On January 31, 1992, we received the 11 requested exclusion questionnaire responses from the GOC. The GOC also submitted 13 unsolicited exclusion responses. These additional responses were among those originally certified by the GOC and included companies that, because they purchased insignificant amounts of non-U.S.-origin logs, may have received no net subsidy during the period of investigation (POI).

We reviewed the responses (both the 11 requested and the 13 unrequested) and calculated a subsidy rate for the companies by applying an estimated country-wide rate (7.30 percent), based on the individual provincial rates in our Notice of Self-Initiation, to the percentage of a company's purchases of private logs, Crown logs, and Crown lumber. If a company had a *de minimis* rate (*i.e.*, below 0.5 percent), we concluded that it was eligible for further consideration. (See Decision Memorandum, Company Exclusion Requests, February 24, 1992, in the public file, room B099, the Department of Commerce.)

On February 25, 1992, we presented a supplemental exclusion questionnaire to the GOC requesting additional information from 14 of the 24 companies. Based on our analysis, the other 10 companies no longer warranted consideration. We received responses to this questionnaire on March 2, 1992.

Based on our review of the responses and certifications received, we have preliminarily excluded six companies from this investigation. In determining which companies to preliminarily exclude, we first identified those companies which used only U.S.-origin logs in their lumber production during the POI. There were four such companies. However, one of these companies did not export the subject merchandise to the United States during the POI. Therefore, three companies which used U.S.-origin logs only have been preliminarily excluded. Next, we identified those companies which purchased both U.S.-origin logs as well as non-U.S.-origin logs and lumber. For these companies we calculated a weighted-average subsidy rate. This rate was calculated by applying the subsidy rate as calculated for this preliminary determination to the value of each company's purchases of private logs, Crown logs, and Crown lumber, and a zero rate to the value of each company's purchases of U.S.-origin logs. If, after summing these two rates, a company had an overall *de minimis* subsidy rate, it was preliminarily excluded. All other respondents requesting exclusions [i.e., those companies with rates above *de minimis*) were not excluded.

The names of the companies preliminarily excluded are listed in the "Suspension of Liquidation" section of this notice. The final decision on exclusion of these companies will depend on verification of the submitted information and the final subsidy rate determined.

We have adjusted our country-wide rate and the appropriate provincial rate calculations to remove the effect of the companies we have preliminarily excluded.

Scope of Investigation

The products covered by this investigation are: (1) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding six millimeters; (2) coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed; (3) other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed; (4) coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbitted, chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed. Such products are currently provided for under subheadings 4407.1000, 4409.1010, 4409.1090, 4409.1020, respectively, of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding remains dispositive.

We received a number of letters from U.S. importers of lumber products made from various specialized grades or certain species requesting that imports of these specialized grades and species be excluded from the scope of this investigation. Since the scope of our investigation includes those products covered by the U.S.-Canada Memorandum of Understanding on Softwood Lumber (MOU), which includes not only dimension lumber but a wide variety of other lumber products, all of these products are considered to fall within the scope of this investigation.

Analysis of Programs

We have relied on aggregate information (*i.e.*, data for the manufacturers, producers and exporters in all provinces and territories subject to investigation) provided by the GOC and the provincial governments for this preliminary determination because of the large number of producers of softwood lumber products covered by this investigation. Although we received a number of requests for company-specific rates, we determined not to issue any company-specific rates in this investigation.

Unless otherwise specified, all values referred to are denominated in Canadian dollars.

For purposes of this preliminary determination, the period for which we are measuring subsidies (the POI) is the GOC's fiscal year, April 1, 1990, through March 31, 1991. Based upon our analysis of the responses to our questionnaires, we preliminarily determine the following:

Programs Preliminarily Determined to be Countervailable

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Canada of the subject merchandise under the following programs:

A. Stumpage Programs

On October 31, 1991, we self-initiated an investigation of the provincial stumpage programs of Alberta, BC, Manitoba, Ontario, Quebec, and Saskatchewan and the stumpage programs in the Territories. Stumpage program in the Territories are administered by the federal government. The vast majority of forest land in the provinces is owned by the provincial governments, while the vast majority of forest land in the Territories is owned by the federal government.

For purposes of our analysis we are using the term "stumpage" to refer to standing softwood timber. Softwood timber is the good which is the primary input into the production of softwood lumber. Stumpage on provincial and federal lands is provided to companies by the provincial and federal governments under various tenure arrangements. These arrangements are described in detail in the public responses on file in room B099, Department of Commerce.

Specificity

In order to determine whether a government program provides a domestic subsidy that is actionable under U.S. countervailing duty law, the Department must perform a dual analysis. The first part of that analysis is codified in section 771(5)(A)(ii) and section 771(5)(B) of the Tariff Act of 1930, as amended (the Act). Section 771(5)(A)(ii) states that:

> The term 'subsidy' includes, but is not limited to * * * domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries, whether publicly or privately owned and whether paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise * * *"

Section 771(5)(B) was added in 1988 as a clarification to subparagraph A (supra) and directs the Department to determine:

> whether the bounty, grant, or subsidy in law or in fact is provided to a specific enterprise or industry, or group of enterprises or industries. Nominal general availability, under the terms of the law, regulation, program, or rule establishing a bounty, grant, or subsidy, of the benefits thereunder is not a basis for determining that the bounty, grant, or subsidy is not, or has not been, in fact provided to a specific enterprise or industry, or group thereof.

If the Department determines that, in accordance with sections 771(5)(A) and (B), a domestic subsidy is provided to a specific enterprise or industry, or group of enterprises or industries, it then proceeds to the second part of the dual analysis. In the case of a government-provided good or service, the Department must determine whether the good or service is provided at preferential rates in accordance with section 771(5)(A)(ii)(II) of the Act (see Preferentiality section below). Determinations that a program is both specific and preferential are necessary in order for the Department to conclude that a program is countervailable. An affirmative determination with respect to only one of the requisite factors, *i.e.*, specifically or preferentiality, would compel the Department to find the program not countervailable.

In this section, we will address the first aspect of our domestic subsidy analysis: Specificity. An evaluation of the provision of stumpage by both the Canadian federal (with regard to the Territories) and the provincial governments identified in our Notice of Self-Initiation has led the Department to

determine preliminarily that stumpage programs are in fact limited to a group of industries, the primary timber processing industries, and, therefore, are specifically provided within the meaning of the Act.

This is not the first time the Department has confronted the issue of the specificity of Canadian stumpage programs. In 1983, the Department determined in its Final Negative Countervailing Duty Determination: Certain Softwood Products from Canada, 48 FR 24159 (May 31, 1983) (Lumber I) that stumpage programs were not specific because: (1) Any limitation on use was not a result of government action, but rather was due to the inherent nature of the products under investigation, and (2) stumpage was used by several specifically-named groups of industries (the lumber and wood products industries, the pulp and paper industries, and the furniture industries). Although the Department found that nonstumpage benefits provided to the "forests products industries" were specific, in the case of stumpage, the Department reasoned that a finding of no specificity was warranted because the universe of users of stumpage was limited by the inherent characteristics and uses of raw timber.

In 1986, the Department preliminarily determined in the Preliminary Affirmative Countervailing Duty Determination: Certain Softwood Lumber Products from Canada, 51 FR 37435 (October 22, 1986) (Lumber II) that stumpage programs were specific based on the use of "best information available." Using petitioner's information, we found that various actions of the provincial governments, such as not granting stumpage rights on a first-come, first-served basis, and requiring the construction of sawmills, constituted the exercise of discretion and skewed the allocation of stumpage rights toward lumber producers.

Furthermore, in Lumber II, we stated that we had improperly found there to be three separate groups of industries in Lumber I. We found that one of the three groups, the furniture industries, did not own significant stumpage rights, if at all, and that certain facts called into question the earlier conclusion that stumpage rights were not, in fact, limited to one group of industries. Lumber II was terminated as a result of the MOU between the United States and Canada and petitioner's subsequent withdrawal of its petition. (See Termination of Countervailing Duty Investigation; Certain Softwood Lumber Products from Canada, 52 FR 315 (January 5, 1987)).

Notwithstanding this history, in analyzing the issue of specificity for purposes of this proceeding, we have given limited weight to these prior determinations. First, as a general matter, there is no principle of administrative *stare decisis*. Administrative agencies are free to overturn prior precedent, provided they have a reasonable basis for doing so. In addition, insofar as Lumber II is concerned, the Department normally accords little, if any, precedential value to preliminary determinations.[1]

More important, however, is that in the interim between Lumber II and the current investigation, Congress amended the relevant statutory provisions. Section 1312 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418 (Aug. 23, 1988), 102 Stat. 1184 (1988 Act), added a new provision on specificity to the Act, codified at 19 U.S.C. 1677(5)(B). Although the text of this provision is not markedly different from pre-1988 Commerce administrative practice with respect to specificity, the legislative history of section 1312 does reveal a congressional intent to clarify the application of "the specificity test" to programs like stumpage programs. Specifically, in the Department's opinion, Congress indicated that the Department should not rely on the "inherent characteristics" rationale as a basis for finding subsidy programs nonspecific. In order to understand the basis for this conclusion, it is necessary to examine the legislative history of section 1312.

Lumber I was one of a series of Department determinations involving so-called "natural resource subsidies"; *i.e.*, subsidies involving the government provision of a natural resource. Other determinations involved Mexico's dual-pricing system for oil, natural gas, and derivative products. In those determinations, the Department, following the "inherent characteristics" rationale first articulated in Lumber I, declined to find such subsidies to be specific. In particular, in its Final Affirmative Countervailing Duty Determination: Carbon Black from Mexico, 48 FR 29564 (June 27, 1983) (Carbon Black from Mexico), the Department ruled that the provision by the Mexican Government of natural gas and carbon black feedstock (CBFS) was nonspecific, notwithstanding the fact that there were only two users of CBFS.

In connection with the passage of the Trade and Tariff Act of 1984, there was an effort by certain members of Congress to alter the results of these determinations through legislation (see *e.g.*, H.R. Rep. No. 725, 98th Cong., 2d Sess. (1984)). Although these efforts were not successful, and, in any event, did not focus on the specificity test, the fact that the bills were proposed indicates that Congress was concerned with the Department's approach. In 1985, however, as a result of the decision by the U.S. Court of International Trade (CIT) in *Cabot Corp.* v. *United States*, 620 F. Supp. 722 (1985), appeal dis., 788 F.2d. 1539 (Fed. Cir. 1986), vacated as moot, Order dated Nov. 20, 1986 (Cabot), the natural resource subsidy issue was resurrected, and this time the issue was focused on the specificity test.

Cabot involved a challenge to the Department's final determination in Carbon Black from Mexico, *supra*. In the decision, the CIT ruled that the Department had applied an incorrect test in finding the provision of natural gas and CBFS nonspecific. The Court remanded the case to the Department for reconsideration.

Cabot spawned multiple interpretations of what the CIT actually had decided. Although there are many aspects of the Cabot decision with which we took issue, we agreed with the Court that the Department should apply a *de facto* test for specificity. However, some parties argued that Cabot required the Department to adopt a radically new approach prusuant to which the Department would assess the "effects" of a benefit on individual recipients, *i.e.*, whether some firms received a "competitive advantage" vis-a-vis other firms receiving the benefit. See, *e.g.*, W. Hunter and S. Kuhbach, "Subsidies and Countervailing Duties: Highlights Since 1984," Commerce Department Speaks 491, 506-543 (Practising Law Institute 1987). These parties, using this interpretation, pushed for an amendment to the statutory provision on specificity. This radical interpretation would have had the potential effect of greatly expanding the types of programs that we might find to be specifically provided. The Department has never espoused this radical interpretation.[2]

[1] In this regard, we note that, at least for certain purposes, respondents have argued that in an amendment to its termination notice in Lumber II the Department stated that the preliminary determination in that case was "without legal force and effect." 52 FR 2751 (1987). This statement was made pursuant to an express provision of the Lumber MOU. In light of Canada's unilateral termination of the MOU, the Department no longer is bound by this, and the preliminary determination in Lumber II has the same precedential value as any other Department preliminary determination.

[2] In an appeal of the Carbon Black review, the CIT appeared to retreat from this radical interpretation, *i.e.*, the need to measure "competitive advantage" (*Cabot Corp.* v. *U.S.*, 694 F. Supp. 949 (Ct. Int'l. Trade 1988)) (Cabot II). Although this decision postdated the Congressional debates leading up to the 1988 Act, and, therefore, was not

Continued

In the meantime, the Department completed its Final Results of Countervailing Duty Administrative Review; Carbon Black from Mexico, 51 FR 30385 (August 26, 1986) (Carbon Black). In that review, the Department reversed its decision in the original final determination, finding that the provision of CBFS by the Mexican Government was specific. Essentially, the Department stated that in the original final determination it had placed excessive emphasis on the inherent characteristics rationale, and that, even though CBFS was available to anyone in Mexico who wished to purchase it, there simply were too few users of CBFS to justify a finding of nonspecificity. With respect to the provision of natural gas, the Department continued to find that the users in Mexico were too numerous, and the diversity of industries too broad, to warrant a finding of specificity.

Following the Department's decision in Carbon Black, Congress took up consideration of the specificity test as part of what became the 1988 Act. Both the House and the Senate passed versions of a new specificity test, and although the texts of the two versions were similar, the legislative histories were quite different. The House version clearly was intended to codify the radical "competitive advantage" interpretation of Cabot referred to above. H.R. Rep. No. 40, 100th Cong., 1st Sess., part I, 123 (1987). The Senate version, on the other hand, generally is regarded as intended to codify the more traditional *de facto* analysis, as articulated in Cabot. S. Rep. No. 71, 100th Cong., 1st Sess. 123 (1987) (Senate Report). The Conference Committee adopted the Senate version of the specificity test, but the Committee report obscured the differences in the House and Senate versions. H.R. Rep. No. 576, 100th Cong., 2d Sess. 587 (1988). It required a floor statement from Senator Lloyd Bentsen, Chairman of the Senate Finance Committee, to clarify that the Conference did adopt the Senate version and that there were significant differences between the two versions. Cong. Rec. S4903 (daily ed. April 27, 1988).

Of greatest significance, for our purposes, is what the Senate had to say about the administrative review in Carbon Black. In the Senate Report, the Finance Committee stated that the purpose of the specificity provision was to correct past Department practice, and the Committee then described how the Department had erred. The Committee then stated:

> In a subsequent review of the determination under review in the Cabot case, the Commerce Department recognized that it had applied this test in an overly restrictive manner and determined that there were too few users of carbon black feedstock in Mexico to find that the benefit * * * was generally available. Senate Report, at 123.

Although the Finance Committee did not expressly use the word "approval" in describing the Department's action, it is clear that the Committee understood what the Department had decided in the Carbon Black review, and that it regarded the Department's decision as the correct approach to specificity.

The Finance Committee's statements concerning Carbon Black are relevant to this investigation because respondents have argued that some form of "purposeful government action" to limit the availability or use of a benefit is a prerequisite to a finding of specificity. This position is inconsistent with Carbon Black, however, because the Department did not base its finding of specificity in that case on any such government action. As noted above, the Department based its finding solely on the fact that, regardless of the reasons, there were too few users of CBFS to justify a finding of nonspecificity. In this regard, respondents in this investigation also have suggested that there was "purposeful government action" in Carbon Black in that the Mexican Government had a choice as to whether to turn "catcracker bottoms" into CBFS or some alternative product. Again, this was not something which the Department took into account in making its specificity finding in Carbon Black, nor is it something which the Finance Committee considered in endorsing the Department's decision in that case. Thus, the fact that the Canadian provincial governments may not have acted to limit the availability of stumpage, if true, does not preclude a finding of specificity in light of the 1988 Act.

It also must be emphasized that neither in the Trade Agreements Act of 1979 nor in the 1988 Act did Congress attempt to define precisely the key phrase "specific enterprise or industry, or group of enterprises or industries." Instead, Congress has delegated to the administering authority, currently the Department, the authority to establish the parameters of the phrase. In this regard, the Department, in 1989, promulgated proposed regulations concerning the specificity test (Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments, 54 FR 23366 (May 31, 1989) (the Proposed Rules)). Section 355.43(b)(2) of the Proposed Rules states that:

> In determining whether benefits are specific (to an enterprise or industry, or group of enterprises or industries), the Secretary will consider, among other things, the following factors:
>
> (i) The extent to which a government acts to limit the availability of a program;
>
> (ii) The number of enterprises, industries, or groups thereof that actually use a program;
>
> (iii) Whether there are dominant users of a program, or whether certain enterprises, industries, or groups thereof receive disproportionately large benefits under a program; and
>
> (iv) The extent to which a government exercises discretion in conferring benefits under a program.

As previously stated, we have preliminarily determined that stumpage programs are in fact limited to a group of industries, the primary timber processing industries. According to various industry sources and government forestry agencies in both the United States and Canada, the primary timber processing group is comprised of two basic manufacturing industries: solid wood products and pulp and paper products. For example, this definition is used in Wood Use: U.S. Competitiveness and Technology, Congress of the United States, Office of Technology Assessment, p. 7. In addition, The State of Forestry in Canada: 1990 Report to Parliament, Forestry Canada, 1991, p. 47, states:

> From its start in eastern Canada in the early 1800's, Canada's forest industry has diversified into a variety of products and services. Of these, the solid wood products and pulp and paper sectors provide the backbone of the industry.

The Forest Resources Commission: The Future of Our Forests—April 1991, Province of British Columbia, p. 91, states:

> In the context of studies for this report (the forest sector) consists of the following industries: extractive logging and forestry, wood mills (*e.g.*, lumber, plywood, shakes and shingles), and pulp, paper and allied.

In a report prepared for a review of Canada's trade policies under the General Agreement on Tariffs and Trade's Trade Policy Review Mechanism (Trade Policy Review: Canada 1990 (Part B: Report by the Government of Canada, p. 89 (1991), at paragraph 353)), the GOC states:

> Canada's forest products sector is comprised of three major sub-sectors: the logging industries, the wood industries, and

considered by Congress, the CIT in Cabot II, by explicitly moving away from the radical interpretation and relying more heavily on the traditional *de facto* analysis for specificity, implicitly supported the Department's interpretation of the earlier Cabot decision.

the pulp and allied industries. The three groups may be characterized as falling into primary producers (logs, pulpwood), secondary producers (lumber, plywood and other wood-based panels, market pulp, newsprint, and shingles and shakes), and producers of converted wood and paper products (paper products, packaging material, doors and windows, kitchen cabinets, furniture parts and manufactured housing, etc.).

We note that, in this instance, the primary timber processing industries group represents the first stage of industrial manufacturing, and is equivalent to the "secondary producers" group cited above. Furthermore, in The Canada-U.S. Free Trade Agreement and the Forest Products Sector: An Assessment (Industry, Trade and Technology Branch, Canadian Forestry Service, 1988, p. 1), the Canadian Forestry Service observes:

> In assessing the impact of the Canada-U.S. Free Trade Agreement, it is useful to distinguish the three major components or categories of subsectors making up Canada's forest industry. The first group includes the primary producers (lumber, pulp, newsprint, and shingles and shakes) * * *. The second group includes producers of higher value-added or intermediate forest products such as paper, and paperboard, waferboard, particleboard * * *.

The solid wood products and pulp and paper products industries use the same input, timber, and have in common the first stage of processing. Products made from timber must first be processed through a primary mill. Whether that mill is classified as a lumber mill, plywood, panel or veneer mill, pulp and paper mill, or pole and post mill, the common denominator is the milling operation. In fact, the GOC and the Government of Ontario state in their submissions regarding the Appendix to Joint Memorandum Concerning Specificity: "The raw material for all forest products industries must be processed initially in some type of mill * * *."

While the questionnaire responses in this investigation provide lists of numerous end-products ranging from tissue paper to coffins, these are all final stage products that must first pass through the primary timber processing stage, and as such are not products of the primary timber processing industries themselves. A U.S. Forest Service publication notes that:

> The primary timber processing industries are the point at which consumer demand for wood products and available timber supplies first meet. These industries provide the initial conversion of the timber resource into the wood products demanded by consumers. The secondary wood processing industries are dependent upon the products of the primary timber processing industries for their raw materials to further process wood products for final consumption.

An Analysis of the Timber Situation in the United States 1989–2040, United States Department of Agriculture; Forest Service; General Technical Report RM–199, p. 59.

Although not essential to our determination that the solid wood products industry and the pulp and paper products industry constitute a group of industries within the meaning of the Act, we note that the solid wood products and pulp and paper industries have become increasingly interdependent. According to the questionnaire responses, in BC, the largest softwood lumber-producing province in Canada, pulp and paper mills are required to obtain their needed inputs (*i.e.*, chips) from solid wood products mills (*i.e.*, sawmills, plywood mills, panel and veneer mills) before acquiring their own rights to harvest.

Also not essential, but equally relevant, to our determination that the solid wood products industry and the pulp and paper products industry constitute a specific group of industries within the meaning of the Act is that in many cases the solid wood products industry and the pulp and paper products industry are integrated. For example, according to BC's response, 86 percent of BC's noncompetitive annual allowable cut is harvested by integrated companies. In Ontario, where 61 percent of the harvest rights are held by companies associated with pulp and paper mills, the questionnaire responses indicate that the provincial government encourages integration of these mills by offering a lower stumpage price to companies that own sawmills as well. The increasing interdependence and integration of the solid wood products and pulp and paper industries serve to underscore the interrelationship between the two industries and support our conclusion that the two do, in fact, constitute a single group of industries.

We note that although we used the Standard Industrial Classification (SIC) system in Lumber I as support for the conclusion that there were three separate groups of industries for purposes of our analysis of stumpage programs, such use overemphasizes the SIC's use of the word "group". The SIC uses the word "group" at both the two-digit and three-digit level of classification. Any similar term, such as sector, class, or category could have been used by the SIC in its classification system. As such, the SIC's use of the word "group" for its purposes does not interfere with the meaning of a "group of industries" as intended under the Act. Moreover, there is no evidence that Congress intended the term "group", as used in section 771(5)(B), to equate to SIC terminology.

With respect to the first factor in the Proposed Rules, government limitation, the extent to which the government acts to limit the availability of a program is not instructive in this case because a government need not take any further action, through special rules, regulations or eligibility criteria, to limit the availability or use of a program that is already in fact limited by the nature of the input provided.

With respect to the second factor, the number of enterprises, industries, or groups thereof that actually use a program, we have already noted that there is only one group of industries that uses stumpage: the primary timber processing industries, which is comprised of two major industries, the solid wood products industry and the pulp and paper products industry. While this may be due to the inherent characteristics of raw timber, as we have discussed, the fact that the inherent characteristics of stumpage limit the number of users is not an indication of nonspecificity.

The third factor, the extent to which dominant users or disproportionately large beneficiaries of a program exist, is not particularly helpful in this case. When the potential recipients of the benefit of a program span many industries, the breadth of the potential universe can make the examination of dominant use or disproportionately large benefits a useful tool in an analysis of specificity. However, when, as in this case, the universe of recipients is limited by the nature of the benefit, the factors of dominant use or disproportionality provide little, if any, guidance.

The last factor, government discretion, is also not instructive in this case because the inherent characteristics of the input limit its use to the primary timber processing industries. Although in our Notice of Self-Initiation we cited examples of government discretion as part of the evidence indicating that stumpage was specifically provided, we preliminarily determine that we do not need to reach the issue of whether the government exercises discretion in this case, because irrespective of whether discretion was exercised, it would not alter our conclusion.

In this investigation, we have considered both legislative history and case precedent in preliminarily determining that stumpage is provided to a specific group of industries. The guidance provided by Congress and the courts directs the Department to consider specificity on both a *de jure* and a *de facto* basis. A *de facto* analysis of provincial stumpage programs indicates that the programs are used by only one group of industries, the primary timber processing industries. While we recognize that the inherent characteristics of stumpage are, in and of themselves, limiting, we do not believe that it was Congress' intent to render such programs beyond the purview of the countervailing duty statutes because of this fact.

Having preliminarily determined that the stumpage programs administered by Alberta, BC, Manitoba, Ontario, Quebec, Saskatchewan, and the Territories are provided to the primary timber processing industries group, the next section addresses whether stumpage is provided at preferential rates.

Preferentiality

We must examine whether stumpage is provided at preferential rates pursuant to section 771(5)(A)(ii)(II) of the Act. Under this statutory standard, the Department examines whether government provision of a good is preferential by comparing the price charged by the government with a nonpreferential benchmark price.

To determine the appropriate benchmark, we have referred to the Preferentiality Appendix attached to Carbon Black (the preliminary results of review), which is included in the Proposed Rules, and our application of the principles of the Preferentiality Appendix and our consideration of the Proposed Rules in past cases. As discussed in the Proposed Rules, the Department's preferred test for determining whether a good or service is provided at a preferential rate is to examine whether the government provides the same good or service at a price that is lower than the price the government charges to the same or other users of that product within the same political jurisdiction.

In the review of Carbon Black, we determined that it would not be appropriate to make use of this preferred test because, in that case, the government was providing the good to all users of the input at the same price, and the number of users was too small to constitute more than a specific enterprise or industry, or group or enterprises or industries. Because we were not able to use the traditional price discrimination test to determine preference, we turned to the alternatives outlined in the Preferentiality Appendix and Proposed Rules. These alternatives are, by order of preference: (1) The price charged by the government for a similar or related good, (2) the price charged within the same jurisdiction by private sellers for an identical good or service, (3) the government's cost of producing the good or service, and (4) the price paid for the identical good or service outside of the political jurisdiction in question.

As noted above, the Proposed Rules state that the benchmark the Department uses to measure preference will normally be a "nonspecific" price, *i.e.*, a price that is provided to more than a specific enterprise or industry, or group of enterprises or industries. However, where we have been able to determine that a price—although specific to an enterprise or industry, or group of enterprises or industries—does not convey a preference toward those who pay it, we have used that "specific" price as the benchmark. See, *e.g.*, Final Affirmative Countervailing Duty Determination: Aluminum Sulfate from Venezuela, 54 FR 43440 (October 25, 1989). In that case, we were satisfied that one government price charged to a producer was "nonpreferential" and could therefore be used as a measure of preference vis-a-vis the price the government charged another producer. Consistent with this approach, where a government provides a good at more than a single administratively-set price to a specific group of enterprises or industries (*i.e.*, goods at all prices are specifically provided), but where we determine that one (or more) of the prices for a good or service is provided on a nonpreferential basis, we may use that administratively-set price as the basis for measuring the degree of preference conferred via the other administratively-set price.

For purposes of this preliminary determination, in BC, Ontario, and Alberta, we have relied on the traditional measure of preference, price discrimination. In those situations where we have used a "specific" benchmark, we have done so because we find the "specific" price to be nonpreferential. For Quebec, we have relied on prices charged within the jurisdiction by private sellers for an identical good or service, the second alternative in the Proposed Rules, as a measure of preferentiality because we have no information on either price discrimination by the Government of Quebec or on the first preferentiality alternative, prices charges by the government for a similar or related good. The following is a detailed discussion of the methodology used in each province to determine whether stumpage is provided at preferential rates.

British Columbia

Although there are varying types of provincial tenures under which companies harvest timber in BC, the timber-pricing systems for all tenures can generally be separated into two distinct types—administratively-set stumpage and competitively-bid stumpage. According to the questionnaire responses, most administratively-set stumpage is determined using the Comparative Value Pricing system, whereas competitively-bid timber sales are awarded based solely on the highest bid. Since the government provides stumpage to some companies at an administratively-set price that, even after accounting for differences in forest management and harvesting obligations (as described below), is generally lower than the competitively-bid price that the government obtains from other companies, we preliminarily determine that the BC provincial government is providing stumpage at a preferential rate.

Competitively-bid stumpage is sold only through section 16 of the Small Business Forest Enterprise Program (SBFEP), which was created to stimulate new opportunities for forest products industries and the production of specialty products. SBFEP section 16 tenures are generally short in duration (typically one to three years) and provide smaller volumes of timber than administratively-set stumpage tenures. During the POI these tenures accounted for nine to ten percent of the provincial softwood sawlog harvest. The BC Ministry of Forests (MOF) sets a minimum bid for competitively-bid sales but does not set an upper limit to the bid. Because the prices for SBFEP section 16 sales are determined solely by market forces, we preliminarily determine that these competitively-bid prices are nonpreferential. Other sections of the SBFEP, accounting for approximately 13 percent of the SBFEP harvest during the POI, include a partially competitive section (section 16.1) and a wholly uncompetitive section (section 18). For purposes of our analysis, we do not consider these sales to be completely market-driven and, therefore, did not include them in our calculations of the competitive benchmark rate.

All other stumpage prices are administratively set. Tenures associated with administratively-set stumpage are usually long-term (up to 25 years, with some opportunities for tenure renewals). These tenures also provide larger volumes of timber, and include greater

forest management and timber-harvesting obligations. During the POI, stumpage sold at administratively-set price accounted for approximately 90 percent of the softwood sawlog harvest. (For the remainder of this discussion, harvesters of competitively-bid stumpage (*i.e.*, SBFEP section 16 sales) will be referred to as "SBFEP tenure holders", while harvesters of administratively-set stumpage, including the 13 percent of total SBFEP sales provided under sections 16.1 and 18, will be referred to as "major tenure holders.")

Although the price-determining factors are clearly different between competitively-bid and administratively-set stumpage sales, an examination of stumpage prices alone is not sufficient to determine whether timber is provided at a preferential rate because major tenure holders are required to fulfill certain forest management and timber-harvesting obligations that are not required of SBFEP tenure holders. Therefore, in order to determine whether stumpage is provided at a preferential rate, we have compared the total, per unit (on a per cubic meter harvested basis) expenses, both monetary and in-kind, incurred by major tenure holders with those incurred by SBFEP tenure holders.

We determined the competitive stumpage rate by calculating the average, per unit stumpage rate for provincial SBFEP section 16 softwood sawlog timber sales. We calculated this rate, and all expenses in this calculation, for two distinct regions in BC: The Coast and the Interior. This avoided any distortions being introduced into the calculation by reason of differing relative harvesting levels in each region. We added payments for reserving the right to cut, which are referred to as ground rent, to the stumpage rates to obtain the competitively-bid benchmarks.

We determined the noncompetitive stumpage rates by calculating the average stumpage rate for all provincial softwood sawlog sales in each region that were not purely competitive. We made the following adjustments to the noncompetitive rate in order to obtain an appropriate comparison with the competitive benchmark rate:

- Annual ground rents were included in the noncompetitive rate because, even though both types of tenure holders pay ground rent, the major tenure holders pay significantly more than SBFEP tenure holders.
- Using BC MOF appraisal data for timber sold at both administratively-set and competitively-bid prices, we adjusted for quality differences (*i.e.*, species, grade, accessibility, etc.) between the timber harvested by major tenure holders and the timber harvested by SBFEP tenure holders.
- Major tenure holders are required to perform certain activities pertaining to the reforestation of their timber stands. These activities, referred to as silviculture, are broken down into two types—basic and incremental. Major tenure holders must perform the former, while SBFEP tenure holders are not required to perform either. As a result, we added basic silviculture costs incurred by major tenure holders to the noncompetitive rate. We made no adjustment for incremental silviculture costs because neither major tenure holders nor SBFEP tenure holders are required to perform these activities.
- Major tenure holders are also required to perform fire and pest suppression activities, which SBFEP tenure holders are not required to do. Therefore, these additional costs were added to the noncompetitive rates.
- We included three components of road costs in the adjustments: costs for road building, road maintenance, and an allocation of general and administrative expenses for these two activities. Because, as described below, SBFEP tenure holders appear to bear some of these costs as well, a downward adjustment to the costs reported for major tenure holders is necessary.

There are two general classifications of roads specifically associated with logging in BC. "Cutblock" (or "on block") roads provide a single tenure holder access to a particular timber stand. These are temporary roads (typically used for a single season) that require little, if any, maintenance. Both major tenure holders and SBFEP tenure holders are responsible for building (or contracting out) all of their own cutblock roads. Therefore, no adjustment was made for these expenses. However, according to a supplemental response, some portion of these expenses may have been included in the road building costs reported for major tenure holders. This is one reason for reducing the reported road building adjustment.

The second category of roads, main roads, are more permanent and may serve numerous stands over a number of seasons. The questionnaire response states that most main roads are built by the major tenure holders, including those used by SBFEP tenure holders. The response also indicates that the BC MOF may build roads for SBFEP tenure holders depending on the technical and financial capability of the SBFEP tenure holder, the number of timber sales served by the road in question, and the budgetary limitations of the BC MOF. Since the questionnaire response did not provide data concerning the SBFEP tenure holders' expenses for building main roads, we asked in a supplemental questionnaire for information regarding SBFEP tenure holders' road building expenses. In its response, BC stated that: "From a licensee's perspective, the difference between the two programs is the cost of main road development. Major licensees incur all of that cost; SBFEP licensees rarely incur any cost."

Based on the above information, it appears that there are some overlapping road building obligations, which points out the need to reduce the adjustment for road building costs reported for major tenure holders. However, since respondents provided neither the costs borne by SBFEP tenure holders nor an estimate of an appropriate reduction in the costs borne by major tenure holders, we used the only information on the record, an adjustment figure of 25 percent submitted by the Coalition, as the best information available.

- Data provided in the questionnaire responses for road maintenance costs are also imprecise. The responses provide information on road maintenance costs for major tenure holders. However, the responses also indicate that "(s)urface maintenance of all forest roads is the responsibility of the industrial user, whether SBFEP or other tenure holder." In a supplemental questionnaire, we requested data on the expenses borne by SBFEP tenure holders for surface maintenance, or an estimate of an appropriate downard adjustment, but we received no information concerning the road surface maintenance responsibilities of SBFEP tenure holders. Since respondents did not provide the value of these obligations for SBFEP tenure holders, and did not estimate them, we reduced the reported road maintenance costs borne by major tenure holders by the ratio of surface maintenance costs to total road maintenance costs incurred by the BC MOF in fiscal year 1989–90, as reported in the BC MOF's Annual Report, the most recent year for which such information is available in published form.
- We reduced the reported allocation of general and administrative expenses (associated with road building and maintenance costs) borne by major tenure holders by the same percentage that we reduced the reported road building and road maintenance costs.
- The BC questionnaire responses list eight categories of miscellaneous expenses that are borne by major tenure holders, as well as an allowance for general and administrative expenses attributable to those activities. The eight miscellaneous expenses include resource management, engineering and layout, scaling, scaling fees, cruising, residue and waste, head office forestry and engineering, and regional office forestry and engineering. The responses give conflicting information as to whether SBFEP tenure holders incur some of these expenses. Moreover, we received no information regarding miscellaneous expenses borne by SBFEP tenure holders that are not borne by major tenure holders, such as bid preparation. Therefore, we had to determine which of these expenses are incurred by SBFEP tenure holders in order to know which ones to allow as an adjustment.

Based on our analysis of standard harvesting practices, as well as discussions with a U.S. Department of Agriculture forestry expert, we preliminarily determine that only resource management and residue and waste expenses should be included in our adjustment. All remaining activities appear to be ones incorporated in all harvesting operations and, therefore, would also be borne by SBFEP tenure holders. For these reasons, we reduced the miscellaneous expenses adjustment amount by the value of the remaining six categories. We also reduced the reported allocation for general and administrative expenses by the same proportion by which we reduced the total miscellaneous expenses.

We added all adjustments to each regional (*i.e.*, Coast and Interior) noncompetitive stumpage rate to obtain the total, per unit rates paid by major tenure holders. We then subtracted the regional noncompetitive per unit rate from the appropriate regional competitive per unit benchmark rate. We multiplied the regional differentials by the regional softwood sawlog harvests to obtain the aggregate benefit for each region. We used the softwood sawlog harvest in order to calculate the benefit to producers of softwood lumber products. We then combined the aggregate benefits for each region to obtain the total provincial benefit. This figure serves as the numerator in the subsidy calculation.

We divided the total provincial benefit by the value of BC softwood lumber shipments, plus the value of shipments of another product produced in sawmills from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips and sawdust). On this basis, we calculated a rate of 6.88 percent.

Quebec

According to the questionnaire responses, over 95 percent of the stumpage harvested on provincial lands in Quebec is harvested under Timber Supply Forest Management Agreements (TSFMAs). For purposes of setting stumpage rates under TSFMAs, Quebec is divided into 28 tariffing zones, the boundaries of which, according to Quebec, were set so as to ensure that for each zone the factors that influence the market value of standing timber (average tree size, type of soil, topography, transportation distances, etc.) were as homogeneous as possible. A different stumpage rate is set for each tariffing zone and that rate applies uniformly throughout the zone. The stumpage rate for each tariffing zone is set based on a "parity technique", which uses information on stumpage rates from private forest to calculate the market value of standing timber (MVST) of the provincial forest land in each tariffing zone. The stumpage rate charged in a tariffing zone is equivalent to the MVST for that zone. In order to obtain private stumpage rates, the government conducts a "full census" of the private market once every three years and a survey in the intervening years. The first and only "full census" was conducted in 1988, and was used to set stumpage rates during the POI without any adjustments.

In setting the stumpage rates, the Government of Quebec makes no distinction between sawlogs and pulplogs. Because all stumpage users pay the same prices, we have no basis for determining whether a benefit exists by reason of government price discrimination under the preferred methodology. Therefore, we must turn to the hierarchy of benchmarks outlined in the Proposed Rules. Since we do not consider that there are goods similar to stumpage for which appropriate price adjustments could be made, we preliminarily determine that the first alternative test for preferentiality is not applicable. We do, however, consider that we can use the second alternative for measuring preferentiality, the prices charged by other sellers for an identical good. Because the prices for private stumpage are set solely by market forces, we preliminarily determine that the private prices provide a reliable benchmark for comparison purposes. In addition, the private data is a reliable preferentiality benchmark because a significant amount of provincial harvest is done on private lands and the systematic and extensive private data collection by the government (in connection with the parity technique) is sufficient to capture the prevailing average private stumpage rate.

In order to make an equitable comparison, we have had to account for the fact that TSFMA holders are required to fulfill certain forest management and timber-harvesting obligations that may not be required of those harvesting from private lands. Therefore, to determine whether provincial stumpage is provided at a preferential rate, we have attempted to adjust for all of the expenses, on a per cubic meter basis, that are incurred by TSFMA holders that are not borne by those harvesting privately-owned timber.

We calculated the private stumpage benchmark by weight-averaging the private stumpage rates collected in the provincial government private market surveys in the calendar years 1990 and 1991, to reflect Quebec's fiscal year. No adjustments were made to this figure as it was unclear from the questionnaire responses what expenses were incurred, both monetary and in-kind (other than stumpage fees) by those harvesting on private lands.

We determined the noncompetitive stumpage rate by dividing the actual total stumpage fees paid by sawmills and lath producers during the POI (most laths are within the scope of this investigation) by the actual amount of stumpage used by sawmills/lath producers during the POI reported in the questionnaire responses. To this were made the following adjustments (on a per cubic meter basis) for obligations which our analysis indicated were not incurred by private stumpage harvesters:

- Under the TSFMA tenure arrangements, companies must perform all silviculture treatments in order to achieve sustained yield. Most of the cost of this silviculture is credited toward a company's stumpage fees, but some costs, such as planning and transportation of seedlings are not credited. The responses report the total noncredited silviculture expenses under all TSFMAs. In order to obtain Quebec's private silviculture reimbursement under the Private Forest Development Program, private woodlot owners must also incur some silviculture costs for which they receive no reimbursement. According to the responses, the reimbursement "was calculated to cover 90 (percent) of the estimated cost of the treatments." At a minimum, therefore, private woodlot owners incur 10 percent of the total silviculture costs of treatments eligible for reimbursement. Any other silviculture costs would be borne entirely by the private woodlot

owner. However, we have no information on the record regarding what the additional costs of these activities, if they were performed, would be. Therefore, we have used the 10 percent figure as best information available to calculate the noncredited silviculture costs of private woodlot owners. In order to calculate the proper adjustment for noncredited silviculture costs accounted for by softwood sawlog producers under TSFMAs, we calculated the differential between the per unit, noncredited silviculture costs of TSFMA tenure holders and private woodlot owners.

• The Government of Quebec's responses refer to "control of utilization" costs, which are new costs borne by companies harvesting under TSFMAs since the new forest system came into effect in 1987. These costs are mainly attributable to the preparation of the general forest management plan, the five year forest management plan, the annual plan of action, and the cost of negotiations when several TSMFAs cover the same forest area. In order to calculate the per unit adjustment, we divided the cost for "control of utilization" incurred by TSFMA holders by total harvest under TSFMA.

• According to Quebec's Forest Act, TSFMA holders are required to prevent and extinguish forest fires within timber limits. In order to fulfill this requirement, each TSFMA holder must belong to a forest protection agency. The government assumes 50 percent of the cost of fire protection and extinction while the forest protection agency assumes the other 50 percent. Because we have no information indicating that private stumpage holders are also required to belong to a forest protection agency, we divided the total amount of the cost of the fire protection and extinction incurred by TSFMA holders through the forest protection agency by total harvest under TSFMAs.

• TSFMA holders are also required to belong to an organization for the protection of the forest against insects and diseases. As with fire protection, the government assumes 50 percent of the cost and we have no information indicating that private stumpage holders are also required to belong to a forest protection agency. We made the adjustment for insect and disease protection in a similar manner to the adjustment for fire protection.

The questionnaire responses also listed road building and maintenance, and environmental standards as costs incurred by TSFMA holders but not credited toward stumpage fees. We have not included these costs in our adjustment. Regarding road building and maintenance, we asked the Government of Quebec to explain the obligations associated with road building on private lands during the POI. However, the responses provided an unclear picture as to the actual amount of these expenses, as well as which party bears the responsibility for them. Although an aggregate average cost of private forest harvest was provided, road building costs were not broken out. Since the information on the record indicates that private stumpage harvesters incur road building expenses, we have not made an adjustment to the administratively-set TSFMA price for road building costs.

The responses also list costs incurred by TSFMA holders for meeting environmental standards as an expense not credited toward stumpage fees. However, the responses indicate that these costs are incurred for meeting the environmental standards for the logging industry as a whole. We have assumed that these environmental standards apply to the entire logging industry, including those companies harvesting timber on private lands, and have not made an adjustment to the administratively-set price.

We added the adjustments described above to the administratively-set stumpage rate to obtain the total, per unit rate paid by TSFMA holders harvesting softwood sawlogs. Comparing this rate to the private rate, we preliminarily determine that the Government of Quebec is providing stumpage to lumber producers at preferential rates. To calculate the benefit, we subtracted the administratively-set per unit rate from the private per unit benchmark rate. We multiplied the differential between the benchmark rate and the administratively-set rate by the total softwood sawlog harvest during the POI to obtain the aggregate benefit from the administratively-set stumpage program.

In the questionnaire responses, the Government of Quebec indicates that private woodlot owners were reimbursed by the government under Quebec's Private Forest Development Program to cover the cost of silviculture treatments. We preliminarily determine that such reimbursement is limited to a specific group of enterprises or industries (*i.e.*, private stumpage holders) and that the reimbursement provides a countervailable benefit. We multiplied the total amount of this silviculture reimbursement by the percentage of total private timber harvest accounted for by sawmills and lath producers to obtain the total benefit to lumber producers in Quebec.

We divided the total benefit by the value of Quebec softwood lumber shipments, plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, and shavings). On this basis, we calculated a rate of 3.78 percent.

Ontario

According to the questionnaire responses, the Government of Ontario charges two rates for equivalent stumpage harvested from provincial lands: the integrated rate and the nonintegrated rate. Both of these rates are administratively set. Generally, the integrated rate is paid by pulp producers, and the nonintegrated rate is paid by lumber producers. The integrated rate is charged to integrated licensees which, under Regulation 234 of the Crown Timber Act, are defined as companies that own or operate a pulp mill. (Pulp is manufactured either from whole logs or from the chips produced as a byproduct of lumber.)

However, if the stumpage harvested by an integrated licensee is destined for a sawmill, the nonintegrated rate is charged. The nonintegrated rate is also charged to nonintegrated licensees (*i.e.*, licensees which do not own or operate a pulpmill). Over 99 percent of the softwood stumpage in Ontario is paid for on the basis of one or the other of these rates.

The nonintegrated rate is lower than the integrated rate. In setting these rates, however, the Government of Ontario has not made a distinction in physical characteristics (*e.g.*, grade, species, or size) between a sawlog and a pulplog. A pulplog is simply defined as a log that enters a pulpmill, and a sawlog is defined as a log that enters a sawmill. Because of technological advances that enable sawmills to obtain lumber from smaller diameter logs, which comprise the overwhelming majority of the Ontario harvest, there is little difference in the timber consumed by pulpmills and sawmills. Thus, the sole factor affecting the price that a licensee will pay is whether the log is processed in a pulpmill or in another type of mill (*e.g.*, a sawmill). Since the government provides stumpage to some companies (*i.e.*, nonintegrated licensees) at a price that is lower than the price the government charges to other companies (*i.e.*, integrated licensees), we preliminarily determine that the Government of Ontario is providing stumpage at a preferential rate.

Having preliminarily determined that stumpage is provided to a specific group of industries that includes the pulp and paper industry, we must examine whether the higher integrated rate paid by pulp producers for stumpage is itself nonpreferential. The Government of Ontario provided survey information on private prices for stumpage in Ontario. Although the survey information is not comprehensive, and is not used by the Government of Ontario to establish stumpage rates, these private prices do provide us with an indication of whether the rate paid by integrated licensees for pulp is nonpreferential. Comparing private stumpage prices from the survey with the provincial integrated stumpage price shows that the integrated rate is higher. Therefore, we preliminarily determine that the integrated rate is nonpreferential and have used it as the benchmark price.

It is not necessary to make any adjustments to the integrated and nonintegrated stumpage prices because licensees paying the integrated rate and licensees paying the nonintegrated rate share the same obligations (such as road building and silviculture) on their respective tenure arrangements.

To calculate the benefit, we have deducted the per cubic meter nonintegrated rate from the per cubic meter integrated rate and multiplied the difference by the volume of stumpage sold at the nonintegrated rate. We divided the result by the value of Ontario softwood lumber shipments, plus the value of shipments of another product produced in sawmills from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, fuel wood, and shavings). On this basis, we calculated a rate of 5.21 percent.

Alberta

The Alberta Forest Service provides stumpage under three types of tenure arrangements: (1) Forest Management Agreements (FMAs), (2) Timber Quota Certificates (TQs), and (3) Commercial Timber Permits (CTPs). FMAs are provided to companies that require the security of a long-term tenure. In addition to paying stumpage fees, or "Crown dues", FMA holders are responsible for a number of in-kind services, including construction and maintenance of roads, reforestation of all areas harvested, and any other obligations required by the Forest Service. The Crown dues paid by FMA holders are either administratively set by the Alberta Forest Service in its schedule of General Rate of Crown Dues, or they are negotiated between the Forest Service and the FMA holder.

TQs are also long-term tenure arrangements. TQ holders obtain the right to harvest a percentage of the annual allowable cut established by the Forest Service. Unlike FMA holders, a timber license is required for a TQ holder to harvest the timber. TQ holders are responsible for road construction and maintenance, reforestation of all areas harvested, and operational planning. Together, FMA and TQ holders accounted for approximately 94 percent of the softwood sawlog harvest on provincial forest lands in fiscal year 1990/91.

The third form of tenure arrangement, CTPs, provides timber harvesting rights on a shorter-term basis, (*i.e.*, for two to three years. The CTP holder pays a reforestation levy to the Alberta Forest Service, which then carries out the majority of reforestation activities. The CTP holder is responsible, however, for the construction and maintenance of certain roads.

For the reasons stated below, we preliminarily determine that stumpage is provided at preferential rates to softwood lumber producers because the Government of Alberta provides stumpage to sawmills at a price that is lower than the nonpreferential price the government charges to certain FMA holders.

According to the questionnaire responses, certain elements of the TQs and CTPs are competitively bid. The TQ holder pays a one-time bonus bid at the time of acquiring its quota. This bonus bid is amortized over time. However, the actual stumpage rate paid by TQ holders is not competitively bid, but rather is comprised of the Crown dues rate plus an appraisal factor.

In many circumstances where a government provides a good at both an administratively-set price and a competitively-bid price, we would consider there to be price discrimination and would use the competitively-bid price as the nonpreferential benchmark. However, in this case, we do not consider the stumpage fee paid by TQ holders to be a *bona fide* competitively-bid price.

The "bid" associated with the TQ pertains to the right to acquire the quota, not the price actually paid for the stumpage to be harvested. There is no provision in the TQ that allows for adjustment to the stumpage price during the life of the quota. Although the responses state that "quota stumpage fees are not adjusted, because quotas are sold through a competitively-bid process which is designed to capture any revenues above the normal stumpage fees and inkind costs that attach to the timber rights being sold", we do not consider this one-time bonus bid for a twenty-year tenure to reflect a competitive price for stumpage actually harvested under that tenure in any given years because the "bid" itself does not affect the stumpage price paid.

Accordingly, we preliminarily determine that the stumpage price paid under TQs is set administratively and cannot be used as, or in the calculation of, a benchmark price.

Under CTPs, there are both administratively-set and competitively-bid stumpage prices. In the questionnaire responses, the Government of Alberta reported a single weighted-average stumpage price for all CTPs. Because we cannot separate the competitively-bid price from the administratively-set price, we are unable to consider whether the competitively-bid prices on CTPs could serve as a benchmark.

Under the FMAs, prices charged for timber used in pulp production are different from the prices charged for timber used for other types of production. However, as in the case of Ontario, the Government of Alberta has indicated that sawlogs and pulplogs are indistinguishable prior to processing; the distinction in name relates exclusively to their ultimate mill destination.

In the FMAs for the pulplogs, the stumpage price for pulplogs is negotiated between the tenure holder and the Forest Service. Under these same FMAs, there is a provision that the negotiated pulp price will be adjusted annually according to a price published in the *Pulp & Paper Week*. For all other stumpage harvested by these FMA holders, other than that destined for pulpmills, these FMAs state that the holder will pay the rate of Crown dues established in the schedule of General Rate of Crown Dues. In FMAs for lumber producers, the price paid for all stumpage harvested is also the rate of Crown dues established in the schedule of General Rate of Crown Dues. In this schedule, stumpage fees are established for all types of logs except pulplogs, which the schedule indicates are sold at the negotiated "agreement rate."

Because the price paid by FMA holders for pulplogs is negotiated rather than set administratively, we preliminarily determine that the pulplog price is nonpreferential and, therefore, can be used as our benchmark for sawlog prices. Because no distinction is made between what constitutes pulplogs and what constitutes sawlogs, we do not need to make any adjustments for differences in the grade, species, size, or quality of the timber. However, adjustments to both the nonpreferential pulplog price and the administratively-set price paid by lumber producers must be made to reflect differences in fees

and in-kind services required under each of the tenure arrangements.

These adjustments were made using information provided in the questionnaire responses concerning stumpage fees, plus all additional fees charged by the government and all forest management obligations incurred by tenure holders. The obligations reported by respondents include cash payments, such as holding and protection charges, and in-kind services such as road building and maintenance, reforestation, and miscellaneous charges that include, among other things, forest management and scaling. Because all tenure holders, including holders of pulplog FMAs, incur these additional fees and in-kind services, adjustments had to be made to both the benchmark price and the administratively-set prices.

We accepted all adjustments reported in the questionnaire responses except for certain adjustments reported as being incurred by CTP holders. In reporting CTP holders' in-kind services, the government used the TQ holders' in-kind costs as a surrogate. Therefore, we have disallowed the claimed in-kind service costs for CTP holders.

Based on these adjustments, we calculated a weighted-average per unit price for sawlogs and compared it to the weighted-average per unit price for pulplogs reported in the response for pulplog FMAs. This comparison shows that the stumpage price paid by pulplog FMA holders for pulplogs is greater than the stumpage price paid for sawlogs by all tenure holders. Therefore, we preliminarily determine that stumpage is being provided to lumber producers at preferential rates.

To calculate the benefit, we multiplied the difference between the weighted-average per cubic meter price for pulplogs and the weighted-average per cubic meter price for sawlogs by the total softwood sawlog harvest. We divided this benefit by the value of Alberta softwood lumber shipments, plus the value of shipments of products produced during the lumber-manufacturing process (*i.e.*, chips, sawdust, fuel wood, and shavings). On this basis, we calculated a subsidy rate of 4.16 percent.

Manitoba, Saskatchewan, the Northwest Territories, and the Yukon Territory

As discussed above, we have found the stumpage programs in the provinces and in the territories to be specifically provided to a group of industries.

Although these programs are specifically provided, we do not need to reach the issue of preferentiality with respect to Manitoba, Saskatchewan, and the Territories. The export volumes of the subject merchandise from these provinces and territories represent approximately one percent of the total exports under investigation during the POI. Because the export volumes are so small, even if we were to apply the highest rates on the record, which are the rates provided by the Coalition in their January 30, 1992 submission, the resulting benefits would have a *de minimis* effect on the country-wide rate that will be applied to all exports of certain softwood lumber products to the United States that are subject to this investigation. Therefore, for purposes of this preliminary determination, we have assigned Manitoba, Saskatchewan, and the Territories the weighted-average country-wide rate.

Calculation of the Country-Wide Rate for Stumpage Programs

In order to calculate a country-wide program rate, we multiplied the rates calculated for BC, Quebec, Ontario, and Alberta by their relative share (or weight) of total Canadian softwood lumber exports to the United States during the POI which are subject to this investigation. This resulted in a weighted-average country-wide program rate of 0.25 percent.

B. Log Export Restrictions

The Coalition has alleged that the provinces of Alberta, BC, Ontario and Quebec restrict the export of logs. These restrictions allegedly result in an artificial increase in the domestic supply of logs and a subsequent lowering of the price of logs—the major input into lumber—thus providing an indirect benefit to lumber producers. As discussed below, we have evaluated all information regarding these export restrictions submitted in the context of this investigation and preliminarily determine that only the log export restrictions in BC provide an indirect domestic subsidy to lumber producers within the meaning of section 771(5)(A) of the Act. We also preliminarily determine that the log export restrictions in Alberta, Ontario and Quebec do not provide a subsidy to lumber producers.

Canadian Federal Government Log Export Controls

The Canadian federal government is granted jurisdiction over trade and commerce under section 91(2) of the Constitution Act of 1867. This act also grants the Canadian provincial governments jurisdiction over, *inter alia*, the development, conservation, taxation and exportation (from the province to another part of Canada) of nonrenewable natural resources and forestry resources in the province. The Constitution Act of 1867 also grants the provincial governments jurisdiction over the management and sale of public lands owned by the provinces and over the timber on those public lands.

The Canadian federal government controls the export of all logs from Canada primarily through the Export and Import Permit Act (EIPA), which was first enacted in 1947. The EIPA allows the Canadian government, among other things, to place certain goods on an Export Control List and require that anyone wishing to export these goods obtain an export permit from the federal government. The Federal Export Permit Regulations contain a special provision concerning the export of logs from BC.

A "Notice to Exporters" from the federal government, dated January 1, 1986, states that those persons wishing to export logs harvested from lands under federal jurisdiction (exports of logs from BC lands under federal jurisdiction constituted approximately 13 percent of total exports during the POI) located in BC must first receive a BC provincial log export permit (the federal regulations, by mandating BC export permits, effectively cover the remaining lands in BC, which are under provincial jurisdiction). To obtain this permit, the exporter must first receive an exemption from the BC domestic-processing requirements (as discussed below). According to the "Notice to Exporters," the exporter must apply to the BC MOF to acquire this exemption.

Upon receipt of the application, the MOF notifies potential domestic purchasers that the logs are available for domestic sale and that they may place a bid on the logs within 14 days of notification. If no offers are received within 14 days, the logs are deemed "surplus to domestic needs," and the exporter may then apply for a BC export permit. Upon receipt of the BC export permit, the exporter is eligible to apply for a federal export permit. If an offer to purchase the logs is received from a potential domestic purchaser, a Timber Export Advisory Committee (TEAC), made up of industry specialists, evaluates the offer. If the TEAC deems the offer "reasonable," the exemption is denied and no export permit can be granted. However, there is no requirement that a potential purchaser who makes a reasonable offer actually purchase the logs.

In its questionnaire response, the GOC states that it does not differentiate among applicants regarding log exports, and that all federal applications regarding log exports are "routinely granted and granted quickly."

British Columbia Log Export Controls

In addition to the federal laws that restrict the export of logs from BC lands, the BC government has had its own restrictions on the export of logs since 1906. Shipments of logs from lands under provincial jurisdiction constituted approximately 87 percent of total exports during the POI. Currently, the exportation of logs from BC is controlled by the 1979 Forest Act. The provincial Forest Act requires that all timber harvested in BC must be used or manufactured in the province, unless exempted. This provision applies to all lands under provincial jurisdiction. The BC Lieutenant Governor in Council may grant an exemption from the requirement to process logs in BC. The primary basis for receiving an exemption is whether the logs are deemed "surplus" to provincial needs.

The procedures for determining if the logs are surplus to provincial needs are similar to those described in the federal "Notice to Exporters," discussed above. After logs have passed the "surplus" test and an exemption for export has been granted, the exporter must apply for a provincial export permit. A fee-in-lieu-of-manufacture (*i.e.*, an export tax) amounting to 100 percent of the difference between the export and domestic market values for the logs to be exported must be paid before the export permit is granted. Exports from lands under federal jurisdiction are not subject to the fee-in-lieu-of-manufacture.

Tenure holders under the SBFEP, in contrast to other tenure holders, are precluded from applying for an exemption because, according to the questionnaire responses of BC, "approval of an application for exemption from manufacture by a holder of such a license would be contrary to the objective of these licenses." In addition, BC has a complete ban on the exportation of western red cedar, yellow cedar, and cypress logs.

Alberta Log Export Controls

The Alberta Forests Act restricts the exportation of logs of any species from any provincial forest land (logs harvested on federal and private lands can be freely exported). The Forests Act gives the Minister of Forestry, Lands and Wildlife broad authority to grant an exemption from these restrictions for logs from any specified forest land for a one-year period. During the POI, Alberta received only one request to export softwood logs, but the prospective buyer canceled the order while the request was pending.

Ontario Log Export Restrictions

Section 15 of the Crown Timber Act states that all timber harvested on Crown (provincial) lands in Ontario must be manufactured in Canada unless certain conditions are met. The Crown Timber Act does not apply to privately held lands or federal lands.

The export restrictions embodied in the Crown Timber Act are subject to exemptions created in a 1968 Order in Council that set annual export quotas, with an accompanying levy (which ranges from $0.04 to $0.42 per cubic meter). The export quotas are 100,000 cords of popular and white birch and 50,000 cords of spruce, balsam, fir, and jack pine. These quotas have never been met. Any Crown licensee may apply for a portion of the annual export quota by submitting a request to the Ministry of Natural Resources and providing certain information. The applicant may be asked to document that the logs to be exported have been offered to local Canadian mills at a fair market price, that none was willing to purchase the logs, and that the logs are otherwise domestically unmarketable.

Quebec Log Export Restrictions

Quebec's Forest Act states that all timber harvested on Crown (provincial) lands must be completely processed in Quebec. The Quebec government may authorize shipment outside of the province of logs harvested from Crown lands if "it appears contrary to the public interest to do otherwise." The provincial log export restrictions of the Forest Act do not apply to timber harvested from private or federal lands.

Comparison of Log Export Restrictions in British Columbia and Other Provinces

There are important differences between the export restrictions in BC and the restrictions in Alberta, Ontario, and Quebec. These differences can be seen not only in the structure of the laws, regulations and procedural requirements governing the various programs, but in the effects of the programs as well. For purposes of our analysis, we have examined provincial differences in legal and procedural requirements, as well as differences in such factors as the quantity of private and provincial timber exported, the quantity of logs imported, the markets to which provincial logs are directed, and provincial transportation factors.

The restrictions on the export of logs in BC are explicitly mandated by both federal and provincial law. The federal regulations, enacted in 1986, require that those seeking to export logs from BC obtain an exemption from BC domestic processing requirements and receive a BC export permit in order to qualify for federal approval to export. However, the federal regulations contains no such provisions with respect to the other provinces under investigation. The federal regulations regarding the export of logs from these provinces merely place logs on an export control list and require an export permit, which is routinely granted, but leave discretion to the provinces (*i.e.*, it is the law of each province that is controlling).

BC's legal and regulatory procedures for export are considerably more restrictive than those in Alberta, Ontario, and Quebec. The laws governing export restrictions in BC are complex, the regulations and procedures are highly formalized and, as noted above, the entire BC legal framework is explicitly linked with the federal law. The federal and provincial laws affect all provincial, federal, and private lands in the province. In BC, the procedures for exporting logs are more restrictive (involving a series of applications at both the provincial and federal levels) than in the other three provinces. Only BC maintains such a prohibitive export tax; the other three provinces require only minimal, if any, export charges.

In terms of the actual application of the export restrictions in Alberta, Ontario and Quebec, none of the three provinces restricts log exports from either private or federal lands, and each province has routinely granted requests for export from provincial lands. In Alberta, federal and private lands comprise 1.8 percent of the total harvest. During the POI, Alberta received only one application to export logs, but the order was canceled while the application was pending. Ontario exporters may be asked to document that the logs to be exported have been offered to local mills at a fair market price. Historically, applications to export logs from Ontario have been routinely granted. Federal and private lands comprised seven percent of the total harvest in Ontario during the POI. In Quebec, federal and private lands comprised 17.5 percent of the total softwood harvest during the POI.

Having examined the legal and regulatory requirements governing the export of logs from all four provinces, we then reviewed the actual occurrence of log exports from each province. Despite having the most pervasive regulatory impediments to log exports among the four provinces, BC exported about one percent of total softwood harvest during the POI. In absolute

terms, BC exported 667,000 cubic meters of softwood logs compared with only 6,435 cubic meters for the other three provinces combined. In other words, BC exported one hundred times the amount of logs exported by the other three provinces combined. Consequently, while BC's legal and regulatory requirements have clearly had the effect of preserving nearly all (99 percent) of the province's softwood harvest for domestic processing, BC logs have nonetheless captured the major proportion of Canada's external trade in logs.

As discussed, unlike BC, the provinces of Alberta, Ontario and Quebec do not place restrictions on the export of logs from private lands. Despite this, there are no significant exports of logs from private lands in these three provinces.

In Quebec, the private softwood harvest represents 17.3 percent of the total softwood harvest. The majority of private timber is harvested in the south of the province, closest to U.S. markets and outlets to European markets. Despite this proximity, only 0.02 percent (972 cubic meters) of the total private softwood log harvest in Quebec was actually exported during 1990. Because the majority of provincial land is located further north in the province, where transportation costs to available export markets would be even higher, it is likely that an even lower percentage of logs would be exported from provincial lands if they were unrestricted. Furthermore, while the softwood harvest represents 65 percent of the total private harvest in Quebec, softwood exports represent only 15 percent (972 cubic meters) of total log exports from Quebec. This suggests that there is much greater external demand for hardwood logs from Quebec than for softwood logs. In contrast, BC exports almost exclusively softwood logs (99 percent).

Alberta and Ontario have only minimal exports of logs from unrestricted private lands. According to questionnaire responses submitted to the Department, Alberta did not export any logs from private lands during the period of review. Even though official federal government data indicate that there were exports from Alberta, the Government of Alberta claims that these were transshipments from BC. In addition, in the case of Alberta, which has a small private logging sector, there have been very few applications to export logs. According to the questionnaire responses submitted by Alberta, an evaluation of the cost to transport generally poor quality logs from harvesting sites in Alberta to mills across the border in the United States indicates that transportation costs alone would be prohibitive. The majority of the timber harvest in Alberta is located more than 150 miles from the United States border. Moreover, affidavits submitted by the Coalition on behalf of U.S. importers along the Canadian border indicate that lumber producers generally do not transport logs more than 150 miles by land. See February 21, 1992, submission by counsel for the Coalition (Exhibit 11).

Ontario softwood log exports from private lands totaled 5,463 cubic meters during the POI. The total softwood harvest on private land was 983,691 cubic meters, meaning that only 0.6 percent of the total Ontario private softwood harvest was exported during the POI. In addition, Ontario has put into place an export quota system for logs exported from provincial lands. Despite the fact that log export requests are virtually always granted, export quotas in Ontario have never been filled. Thus, the low level of exports from Ontario would seem to be explained by factors other than the presence of export restrictions.

In sum, BC exporters, despite facing substantial impediments to export, still export about one percent (667,000 cubic meters) of their total softwood harvest (67,318,692 cubic meters), whereas exporters in the other three provinces, despite less stringent impediments, export 0.1 percent (6,435 cubic meters) of the total unrestricted private and federal softwood harvest (5,421,218 cubic meters). This suggests that if BC's restrictions were lifted, an even greater quantity of logs would be exported, whereas if the export restrictions were lifted in the other three provinces, there would be no noticeable effect.

Another factor we considered is the balance of trade in softwood logs, that is, log imports in relation to log exports. During fiscal year 1990–1991, 664,000 cubic meters of logs were exported from BC, while only 281,513 cubic meters of logs were imported (mostly from the United States).

The Province of Quebec, in contrast to BC, imports many more softwood logs than it exports. During 1990, 3,087,974 cubic meters of logs were imported, as opposed to only 28,417 cubic meters exported. There are also some companies in Quebec that use primarily U.S.-origin logs in their production process. These patterns of trade seem to indicate that the demand in Quebec for U.S. logs is greater than external demand for Quebec logs. If the price for logs of comparable species and quality in Quebec were artificially low as a result of the export restrictions, U.S. loggers would be unable to compete in that market. Further, if logs commanded a higher price in the United States than in Quebec, it would seem that, with no export limitations, more logs would be exported to the United States from private lands in Quebec. This is not the case.

In Ontario, a similar pattern is evident. Ontario imports many more logs than it exports. During the POI, softwood log imports totaled 250,153 cubic meters, while exports were only 5,463 cubic meters. All exports were from private lands.

Another meaningful factor affecting the conditions between the log export restrictions in BC and those in the other three provinces is different foreign market demand. Because of BC's geographical location, its log exports are primarily destined for the Pacific Rim market. In fact, during the POI, 89 percent of BC's log exports were to the Pacific Rim. In contrast, less than one percent of the exports from the other three provinces went to that market.

BC is located in the Pacific Northwest, which has one of the most active log markets in the world. The Pacific Rim log market is supplied with logs from the United States, BC, and Russia. In the past few years the supply of logs to the Pacific Rim from the northwest United States has decreased dramatically as a result of restrictions on harvesting timber from old growth forests, set-asides for the spotted owl, and other environmental considerations. At the same time, Canada is the largest producer of certain species of timber, such as clear hardwood, cedar, and cypress, which are in high demand in the Pacific Rim, but these and other species have been subject to increasing export restrictions in BC. This combination of factors has limited the availability of logs in the Pacific Rim market. Therefore, it is likely that if BC's export restrictions were lifted, more logs would be exported to satisfy the demand.

The provinces of Alberta, Quebec and Ontario do not have direct access to the Pacific Rim market. Transportation costs alone would preclude any significant shipment of logs from Alberta, Quebec or Ontario to the Pacific Rim. Furthermore, the markets to which these provinces do export (the north central and eastern United States and, to some extent, Europe) do not face the same supply constraints (*i.e.*, environmental limitations and rigorous export controls) found in the northwestern United States and BC.

According to Timber Trends and Prospects for North America, prepared by Forestry Canada and the USDA Forest Service; United Nations Economic Commission for Europe, Geneva; Food and Agriculture Organization of the United Nations, Rome 1990, (p. 37):

> (North America) is a net exporter of coniferous sawnwood, paper, paperboard, woodpulp, pulpwood and logs. Pulpwood and coniferous (*i.e.* softwood) logs have the Pacific Rim as the major market. Sawnwood (lumber) and fiber based products have a more diversified market which includes Europe.

The United Nations report continues:

> One of the most visible market developments for the North American timber industry has been the sale of coniferous logs to the Pacific Rim markets. From small volumes in the early 1960's, the market expanded to nearly 15 million cubic meters in 1985. The origin of the logs has been primarily the states of Washington and Oregon and secondarily the Province of British Columbia and the State of Alaska. Japan and, since 1980, the People's Republic of China are the primary destinations. (p. 38)

In conclusion, our analysis of both the legal and commercial factors affecting the export of softwood logs from Alberta, BC, Ontario, and Quebec indicates that two separate phenomena appear to exist. First, notwithstanding the restrictiveness of BC's legal impediments to export, which cover federal, provincial, and private lands, a considerable market for BC logs exists outside of the province. In spite of these tight restrictions, BC still manages to export 100 times more than the three other provinces. This, among the other factors we examined, shows that the restrictive net in BC acts to stifle what would otherwise be a significant flow of log shipments abroad, resulting in a domestic supply of logs in BC that is artificially high. In contrast, despite the lack of restrictions on private lands in Alberta, Ontario and Quebec, as well as other factors we examined, private land exports from those three provinces are insignificant, indicating that exports are not suppressed, resulting in no effect on the domestic supply of logs in those three provinces.

Effect of British Columbia Export Restrictions

As described above, the restrictions governing the export of logs from BC arise from a compilation of laws and regulations that, taken together, result in a near total embargo on the export of logs from BC. The primary restraint is the requirement that all logs harvested in BC must be processed in BC (see the Forest Act of BC). Only if logs are deemed "surplus" may the provincial authorities (and, subsequently, the federal government) even consider allowing an exemption to the provincial processing requirement. The fact that exempted surplus logs are subject to an additional 100 percent tax on the differential between the domestic price and the export price is, in fact, only a secondary hurdle to the export of logs. While it is certain that the tax further reduces any remaining incentive to export, the greatest effective impediment to export is the requirement that logs be proven to be surplus.

The export tax requirement is, therefore, not our exclusive focus. Rather, it is the cumulative impact of this web of regulatory and procedural impediments, which together amount virtually to a *de facto* embargo on the export of logs, that the Department must evaluate in the context of the Act.

Following our analysis under the previous section, we preliminarily determine that these export restrictions, *in toto*, suppress what would otherwise be a substantial flow of logs out of BC. This artificially imposed reduction in the quantity of logs exported yields a corresponding increase in the quantity of logs available in the BC domestic market.

According to generally accepted principles of economics, when domestic supply is increased, as occurs in the case of BC logs, there will be a concomitant decrease in the price or value of logs on the domestic market. This will occur regardless of whether lumber producers purchase logs on the open market or harvest and mill logs themselves. In the first instance, the nonintegrated lumber producer purchases a lower priced input (*i.e.*, logs) in an arm's length transaction. In the second instance, the artifically depressed price for the logs milled by the integrated producer discourages the sale of logs and encourages processing (*i.e.*, milling) of the higher value product—lumber. If the export restrictions on logs were lifted and the domestic price or value of logs rose, integrated producers would likely sell more logs in relations to lumber, either in the export or domestic market. This would lead to a relative decrease in the BC domestic supply of logs and a corresponding increase in the BC domestic price or value of logs—the major input into lumber.

Because the export restrictions on logs in BC affect all users of logs and are not contingent upon export performance, the restrictions do not constitute an export subsidy. Rather, the export restrictions benefit the production of all lumber produced, whether sold domestically or exported. For this reason, the export restrictions in BC confer a domestic subsidy. In accordance with section 771(B), we preliminarily determine that these restrictions are provided to a specific enterprise or industry, or group of enterprises or industries. The export restrictions benefit a specific group of industries, the primary timber processing industries. (For a definition of the primary timber processing industries, see Specificity of Stumpage Programs above).

Section 771(5)(A) of the Act provides the following definition for the term "domestic subsidies":

> (A) In General.—The term "subsidy" has the same meaning as the term "bounty or grant" as that term is used in section 303, and includes, *but is not limited to*, the following:
>
> * * * * *
>
> (ii) The following domestic subsidies, if provided or required by government action to a specific enterprise or industry, or group of enterprises or industry, whether publicly or privately owned and whether paid or bestowed *directly or indirectly* on the manufacture, production or export of any class or kind of merchandise:
>
> (I) The provision of capital, loans or loan guarantees on terms inconsistent with commercial considerations.
>
> (II) The provision of goods or services at preferential rates.
>
> (III) The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.
>
> (IV) The assumption of any costs or expenses of manufacture, production or distribution.
>
> (emphasis added).

In this provision, Congress offers general guidance for identifying a domestic subsidy. Section 771(5)(A) cites four examples that may be considered to be domestic subsidies. However, as noted specifically in this provision, these examples are intended only to be illustrative of some of the range of government practices which Congress envisaged would be encompassed by the term "domestic subsidies" ("the term 'subsidy' * * * includes, *but is not limited to*, * * *") (emphasis added). Indeed, the report of the Committee on Ways and Means, House of Representatives (H.R. No. 96–317, 96th Cong., 1st Sess. (1979)) states:

> The Committee does not intend for this to be a comprehensive, exclusive enumeration of domestic practices which will be considered subsidies. It is a *minimum* list, an identification, for purposes of clarification, of those practices which are definitely subsidies. In deciding whether any other practice is a subsidy, the standard remains that presently used with regard to a "bounty or grant" under section 303. However, to the extent the enumerations under this provision might provide a basis for expanding the present standard consistent with the underlying principles implicit in these

enumerations, then the standard shall be so altered.
(emphasis added).

Similar language appears in the Senate Report. See S. Rep. No. 96–249, 96th Cong., 1st Sess. (1979).

Therefore, the examples in the statute are illustrative only; the standard for determining whether a government program confers a domestic subsidy is expected to be defined by "the underlying principles implicit in these enumerations," and not be limited by those examples.

The Department has recognized, in numerous other cases, "that subsections (i)–(iv) do not constitute an all-inclusive list of domestic subsidies," and the administrative practice of the Department has not restricted findings of countervailability concerning domestic programs to only the four examples cited above. (See, *e.g.*, Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Carbon Black from Mexico, 48 FR 29564 (June 27, 1983); and Final Negative Countervailing Duty Determination; Anhydrous and Aqua Ammonia from Mexico, 48 FR 28522 (June 22, 1983)).

Because the reduction in log prices does not result from direct government control of those prices, but comes about indirectly from a government-induced increase in the domestic supply of logs, the Department considers that the export restrictions on logs from BC, as described above, provide an indirect, rather than a direct, benefit to BC softwood lumber producers.

We have addressed the indirect provision of a subsidy in prior cases. For example, we stated:

> Under the Act, the Department is required to determine whether respondents have received subsidies within the meaning of the Act. To do so, the Department seeks to determine whether or not respondents have received directly or indirectly an economic benefit. Whereas this is relatively easy in the case of a direct bestowal of a grant, it is quite difficult with regard to indirect subsidies allegedly conferred through the subsidization of inputs used in a final product.

See Final Determination and Countervailing Duty Order; Certain Steel Products from the Federal Republic of Germany 47 FR 39353 (September 7, 1982).

In past proceedings, the Department has countervailed a variety of subsidies that indirectly benefitted producers or exporters of the merchandise under investigation. For example, the preference for export loans over domestic loans, created by a preferential rediscounting system of the Government of Korea, encouraged commercial banks to provide export loans over domestic loans to large companies. Even though the interest rates on both export and domestic loans were the same, the Department found that the government was providing an indirect benefit to the manufacturer because a pool of loans was available to the manufacturer that would not have been available absent government intervention in the commercial banking system. See Final Affirmative Countervailing Duty Determination; Oil Country Tubular Goods from Korea, 49 FR 46776 (November 28, 1984).

In the Final Affirmative Countervailing Duty Determinations on Stainless Steel Sheet, Strip, and Plate from the United Kingdom, 48 FR 19052 (April 27, 1983), we stated:

> Subsidies used to close redundant facilities or to purchase idled assets clearly constitute countervailable benefits under the statutory definition of "subsidy." Section 771(5)(B) of the Act defines "subsidy" to include various types of benefits "paid or bestowed directly or indirectly on the manufacture, production, or export of any class or kind of merchandise." Clearly, redundancy funds and plant closures make the recipient more efficient and relieve it of significant financial burdens. Thus, such funds are unquestionably indirect, if not direct benefits to BSC's manufacture, production or export of steel and consequently are countervailable.

Finally, we note that the notion of subsidies indirectly benefitting a good is well grounded in the relevant provisions of the General Agreement on Tariffs and Trade (GATT). Both Article VI of the General Agreement and Article 1 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the GATT (the GATT Subsidies Code) explicitly provide for the term "countervailing duty" to mean "a special duty levied for the purpose of off-setting any bounty or subsidy bestowed directly *or indirectly* upon the manufacture, production or export of any merchandise * * *" (emphasis added). See Article 1 of the GATT Subsidies Code; Footnote 4.

We most recently considered the effect of export restrictions in Leather from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order, 55 FR 40212 (October 2, 1990) (Leather). In Leather, we found that an embargo on the export of hides served to decrease the domestic price for those hides, thereby providing a benefit to leather producers by decreasing the price of the primary input. The export restrictions in BC are analogous to the embargo in Leather. In Leather, we concluded that the low domestic hide prices were linked to the hide embargo. Further, we determined that this price effect provided a countervailable benefit to leather producers.

In Leather, the standard we used for determining whether the embargo affected hide (the input product) prices was whether it had a "direct and discernible effect" on those prices in Argentina (the standard we articulated was whether there is a direct effect on the input product, even though we recognize that the effect on the processed product under investigation is indirect). We measured the benefit by comparing Argentine hide prices over approximately a 30-year period in relation to a benchmark based on U.S. prices over the same period. We determined that domestic prices for hides were directly linked to the hide embargo by analyzing the hide prices during periods in which the embargo was in effect and periods in which the embargo was not in effect.

To determine whether the impact of log export restrictions in BC has a direct and discernible effect on the price of logs, we have reviewed studies on the record in this investigation. These studies indicate that the export restrictions on logs directly affect the domestic price of logs in BC.

One study we evaluated was The Economic Impact of Removing Log Export Restrictions in British Columbia (Michael Margolick and Russell Uhler Information Report 86–2; April 1986) (the Margolick Study). The Margolick study analyzes the effects on the BC provincial economy of the complete removal of the restrictions on the quantity of logs exported. The study, completed in 1986, and partially funded by the Canadian Forestry Service, attributes a 22 percent decrease in the BC export price for logs to the removal of the log export restriction.

The study, based on 1983 data, held constant such factors as the policies of other major actors in the Pacific Rim market, including the United States and Japan. Since 1983, the export restrictions have only increased. The 22 percent decrease in export prices measured by Margolick reflects only the effect of lifting BC's export restrictions.

In reviewing this study, we gave particular attention to whether the price reductions were actually the effect of the export restrictions, or were attributable to other factors, such as species and grade differences and transportation costs. We have taken into account the price differentials that occur as a direct result of the export restrictions (see Measurement of the Benefit section below).

Another study we reviewed indicates that the *de facto* embargo on log exports causes the BC domestic price of logs to remain artificially low, while allowing the wood processing industry to increase production because of lower "wood costs" (*i.e.*, log prices). See Forest Management and Economic Growth in BC, M.B. Percy, Canadian Government Publishing Center, 1986.

As distinct from Leather, the factual circumstances in this case are made more complicated by the fact that export restrictions in BC have been in place since 1906. However, some conclusions may be drawn from minor changes in export restrictions that have occurred. The only observable different in recent years stems from a change in the amount of the export tax rate. When the export tax increased from 40 percent to 100 percent of the differential between export and domestic prices, exports decreased by over 60 percent (from approximately three percent of the total BC harvest to one percent). However, because the supply of logs on the domestic market increased by only a small amount (since 97 percent of the domestic log harvest was not exported), there was apparently no change in the considerable price differential that already existed between export and domestic prices as a result of the increase in the export tax.

The change in the export tax also demonstrates that the factor most likely to affect the quantity of logs exported, and consequently the domestic price of logs, is the domestic processing requirement. As discussed above, we have preliminarily determined that it is the combination of the legal and regulatory requirements maintained in BC that is tantamount to an export embargo. Further, as noted above, these requirements can be linked directly to the increase in supply and, as supported by the findings of the Margolick study, the resulting artificially low price of logs in BC. Margolick states at p. 4:

> The prices can only remain different as long as the two markets are effectively separated by export quantity or tax restrictions. * * * If these restrictions are completely removed, then the markets will become a single integrated market with a single price given at the point where the excess supply in British Columbia equals the excess demand in the Pacific Rim market.

Although Margolick refers to tax restrictions above in the generic sense, we have already established that it is the compilation of laws and procedural requirements, together with the tax, that constitute a virtual embargo.

Measurement of the Benefit

As discussed above, log export restrictions in BC result in an increase in the domestic supply of logs and a decrease in the domestic log price. Because logs are the primary input into lumber, the decrease in the domestic log price caused by export restrictions artificially reduces the production costs of lumber producers. In order to measure the benefit to lumber procedures during the POI, we examined the difference between the current domestic log price and the price that would exist if the restrictions were not in place.

The export price that would prevail absent the export restrictions was derived using the following methodology. First, we calculated the BC weighted-average unit value of softwood sawlog exports during the POI. Unit values were reported by species. Actual export prices were requested from the BC government, but BC submitted only the aggregate volume and value data for softwood log exports (*i.e.*, sawlog, pulplog, and veneer log), as reported by Statistics Canada. The Coalition submitted more detailed information from Statistics Canada that broke out sawlogs, by species, separately. Therefore, we used the sawlog unit values, as reported by Statistics Canada, as a surrogate for the actual export prices.

BC also provided detailed data on export volume by species and grade for the coastal region of BC. For the interior, the provincial government provided export volume by species only. During the POI, 52 percent of total exports were from the coast and 48 percent were from the interior. Thus, it is clear that the weighted-average unit value from Statistics Canada represents a mix of coast and interior export prices. Furthermore, as indicated by these data, log exports from both the coast and the interior fall primarily into two species categories: hembal (*i.e.*, hemlock and balsam fir) and spruce.

According to the Margolick Study, discussed above, if the log export restrictions were lifted, the supply of logs to the Pacific Rim market (the market for 99 percent of BC exports) would increase and the price for logs would decrease by 22 percent. We have applied Margolick's results in our calculation by decreasing the weighted-average price of logs exported from BC by 22 percent to arrive at the BC export price that would result from lifting the restrictions.[3] Furthermore, although the Margolick study concentrates on the effect of the restrictions on BC coastal log prices, it is reasonable to conclude that lifting the export restrictions would affect the export price of the interior region approximately to the same degree as the coastal region because, as noted above, approximately one-half of the exports of softwood sawlogs during the POI were from the interior of BC, and both coastal and interior exports fall predominantly into two species categories, hembal and spruce.

We then deducted from this new price the additional costs involved in exporting logs. We accepted the following costs as reported in the BC questionnaire response for purposes of this preliminary determination: Dry land sorting, volume lost, and export transportation. BC indicated that exporters only incurred the reported per cubic meter export transportation cost on approximately 25 percent of their exports. We therefore multiplied the reported cost by 25 percent to obtain the correct per cubic meter deduction. The final price after these adjustments is the benchmark (*i.e.*, the price absent the restrictions). BC claims that export prices should be adjusted for "falldown sort costs." This claim is based on the fact that when log rafts are sorted into export and domestic components, the domestic component is no longer a true domestic sort. Rather, it is a "domestic falldown" sort, containing small and low grade logs which command a price considerably lower than a "true" domestic sort. We did not make any adjustment for falldown sort costs because any adjustment of this type would be duplicative of our species/grade adjustment (see below).

Because the original export unit value used to calculate the benchmark was based on weighted-average unit values from the coast and interior, we calculated a similar weighted-average BC domestic log price. BC records domestic log prices from the Vancouver log market in order to appraise timber stands in the coastal region. BC reported these price data on a weighted-average basis by species and grade. The province stated that information on interior log prices is not available.

According to various industry and government forestry sources, it is commonly accepted in the industry that the price of a log is equivalent to stumpage costs plus logging costs. Therefore, we constructed an interior log price based on the average interior competitive SBFEP stumpage rate plus logging costs (road costs, tree-to-truck logging costs, post-logging costs, haul

[3] We did not account for western red cedar in our adjustment of the export price, which Margolick estimates would yield a 25 percent decrease in the BC export price, because of the outright export ban on this species and the virtual absence of exports of this species. Including red cedar in the adjustment would distort the calculation by accounting for a species that is not in the current export mix.

costs, general and administrative costs) and profit.

We used the competitive SBFEP stumpage rate in our calculation because it was the only market-based stumpage rate available. We do not have stumpage prices for private timber in the interior, and we have preliminarily determined that administratively set stumpage rates for major tenufe holders confer a subsidy. To include the preferential rates in our constructed price would underestimate the market price of an interior log and overestimate the benefit of the log export restrictions by the amount of the stumpage benefit (the difference between the administratively set stumpage rates and the competitive SBFEP stumpage rates). A constructed price using this competitive stumpage rate more accurately reflects the market price for domestic logs because of the link between the competitive SBFEP rate and the domestic log price. The greater flexibility of their tenures allows competitive SBFEP tenure holders to more readily use the domestic log market as an alternative or a supplement to their own harvests. Clearly, tenure holders in the competitive SBFEP program will not rationally bid for stumpage above a rate equivalent to the market price for domestic logs less logging costs. Absent actual prices, the competitive SBFEP rate plus the above-noted logging costs provide the best estimate for the interior domestic log price.

Logging costs were taken from information submitted by BC in its responses. We applied the same per unit annual rent charges used in the BC stumpage calculation for competitive SBFEP tenure holders in the interior. Road costs were broken down into two components: Road building and road maintenance. We estimated that road building costs for competitive SBFEP tenure holders were approximately 25 percent of the road building costs incurred by major tenure holders as described in the stumpage subsidy calculation. We estimated that surface maintenance costs for competitive SBFEP tenure holders were approximately 41.5 percent of the total road maintenance costs incurred by major tenure holders. As we could not determine average tree-to-truck logging costs and post-logging costs from the Interior Appraisal Manual, we estimated an interior average for these costs by applying the actual costs reported in the sample appraisal submitted by BC. Average general and administrative costs were calculated from the regional interior averages listed in the manual. We could not calculate average log haul costs directly from the manual. However, minimum highway and off-highway log haul rates were listed. We, therefore, used a simple average of these two minimum rates as a surrogate for the average log haul rate. Because profit figures for interior logging operations were unavailable, we applied the eight percent profit rate provided for in the antidumping statute. (See, section 773(e)(B)(ii) of the Act.)

The constructed interior price and the actual coastal log price were then weight-averaged according to their respective share of the total BC harvest in order to construct a BC domestic log price. Next, because the species and grade mix in the export and domestic markets are different, we adjusted this weighted-average domestic log price for the different species/grade distributions between the two markets. This was done so that the domestic price would mirror the benchmark price and a fair comparison could be made.

After adjusting for differences in species, grades and certain additional costs associated with exporting, we calculated the difference between the benchmark price and our adjusted domestic price. This difference represents the per cubic meter benefit to lumber producers. We multiplied this per cubic meter benefit by the total softwood sawlog harvest for BC (including private and federal lands from which log exports are also restricted). We divided this benefit by the value of BC softwood lumber shipments, plus the value of shipments of another product produced in sawmill from softwood sawlogs (*i.e.*, railway ties), plus the value of shipments of products produced during the lumber manufacturing process (*i.e.*, chips and sawdust). On this basis, we calculated a subsidy rate for BC of 10.54 percent.

Calculation of The Country-Wide Program Rate for Log Export Restrictions

In order to calculate a country-wide program rate, we multiplied the rate calculated for BC by its relative share (or weight) of total Canadian softwood lumber exports to the United States during the POI which are subject to this investigation. We assigned Quebec, Ontario, Alberta, Manitoba, Saskatchewan, and the Territories zero rates for the reasons outlined above. This resulted in a weighted-average country-wide program rate of 8.23 percent.

Verification

In accordance with section 776(b) of the Act, we will verify the information used in making our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Canada, except for the provinces of Prince Edward Island, Nova Scotia, New Brunswick, and Newfoundland (the Maritime Provinces), which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for all entries of this merchandise equal to 14.48 percent *ad valorem* for each entry of this merchandise. Because exports to the United States of certain softwood lumber products produced in the Maritime Provinces were exempt from payment of the export charge under the MOU, the Maritime Provinces are exempt from this investigation.

The following companies are preliminarily excluded from the suspension of liquidation:

1. J.A. Fontaine et Fils, Inc.
2. J.D. Irving
3. Marcel Lauzon, Inc.
4. Les Produits Forestiers D&G, Limited
5. Francois Giguere, Inc.
6. Real Grondin, Inc.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

Our final determination is scheduled for May 19, 1992. If our final determination is affirmative, the ITC will make its final determination within 45 days of the Department's final determination.

Public Comment

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination, on April 24, 1992, at 10 a.m. Please contact the individuals listed in the "For Further Information Contact" section above for the hearing location. Individuals who wish to request a hearing must submit such a request within ten days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests must contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, fifteen copies of the business proprietary version and five copies of the nonproprietary version of the case briefs must be submitted to the Assistant Secretary no later than April 17, 1992. Fifteen copies of the business proprietary version and five copies of the nonproprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than April 22, 1992. If the case brief and rebuttal brief contain only nonproprietary information, then fifteen copies of each respective brief must be submitted to the Department. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 355.38 and will be considered if received within the time limits specified above.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)) and 19 CFR 355.15.

Dated: March 5, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-5829 Filed 3-11-92; 8:45 am]

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March 12, 1992

Part IV

Department of Labor

Employment and Training Administration

Job Training Partnership Act Titles II-A and III: Proposed Reporting of Standardized Participant Information; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act Titles II–A and III: Proposed Reporting of Standardized Participant Information

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed reporting of standardized participant information; request for comment.

SUMMARY: The Department of Labor (Department) is requesting comments on a proposed reporting system for programs funded under Titles II–A and III of the Job Training Partnership Act. This reporting system would require States to maintain demographic, program participation and outcome information on each participant enrolled in the above referenced programs and to transmit this information annually to the Department. Information on program expenditures is excluded from the proposed record-keeping system and will be required in a separate financial report.

DATES: Written comments are invited from interested parties. Comments must be submitted on or before April 13, 1992.

ADDRESSES: Comments shall be addressed to the Assistant Secretary of Labor, Employment and Training Administration, U.S. Department of Labor, room N5629, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Karen Greene, Chief, Division of Performance Management and Evaluation.

FOR FURTHER INFORMATION CONTACT: Karen Greene, Telephone (202) 535–0680 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor (Department or DOL) is soliciting broad comment on the proposed data elements and their definitions, as well as on questions pertaining to the implementation of the data management system needed to maintain and transmit the required information.

A. Authority and Purpose

Section 165 of the Job Training Partnership Act (JTPA) requires that grant recipients maintain and submit information that the Secretary of Labor (Secretary) needs to appraise the performance of Departmental programs. In particular, section 165(c)(2) requires the maintenance of a management information system designed to facilitate the uniform compilation and analysis of programmatic data necessary for reporting, monitoring and evaluation purposes. The Department is proposing refinements to its current management information system which will ensure greater data consistency and improved access to participant-level information. These refinements will enable all levels of JTPA policymakers to make more meaningful comparisons of client characteristics, service delivery and program results thus, contributing to improved client services and better program management.

B. Reasons for Reporting Participant-Level Information

JTPA policymakers at all levels—Federal, State and local—need more meaningful feedback on whether policies that create changes in program design and client participation actually result in performance improvements. Proactive program management is dependent on adequate and timely information on what local JTPA programs are accomplishing and how they are achieving these results. JTPA policymakers and program managers can use participant-level information to stimulate improved program performance, to communicate the value of public programs to elected officials and budgetary bodies, to strengthen public confidence in federal employment and training activities and to leverage resources to maintain and enhance program operations.

Uniform participant-level data are needed to address important issues regarding the quality of services and the nature of employment that JTPA is providing to its clients, particularly those hardest-to-serve. Improved program accountability is not only a concern at the federal level, but States and localities are becoming increasingly interested in determining how equitably services are provided to clients, how likely participants are to get placed in and retain employment, and what combinations of training and services appear to be the most effective in leading to quality employment for different client groups.

Inadequacy of Current Federally Required Reporting

Increased earnings and employment quality have been longstanding objectives of the program. Current federal reporting provides no information on the kinds of jobs and wage rates that various client groups obtain through program participation, and the nature of the occupational training that may contribute to earnings and employment gains. This is due to the fact that Federal reporting only involves the collection of aggregate data. Such information provides estimates of program performance and forms the basis of JTPA's performance standards. It cannot be used, however, to determine what services different demographic groups receive or what happens to them after they leave the program.

The only source of regulatory collected participant-level data for JTPA Titles II–A and III is the Job Training Quarterly Survey (JTQS). JTQS data are drawn from a sample of Service Delivery Areas (SDAs) and Substate Areas (SSAs). Census employees manually extract information from SDA records to complete a standardized form for each of a sample of participants. Items are entered on the standardized form if they are found.

Inadequacy of the Job Training Quarterly Survey

Both the usefulness and validity of the survey are severely limited because of low response rates on many items. Many important questions have non-response rates of 40 percent and more, making them problematic for analysis. This is particularly true of information that is not federally required for administrative reporting.

Because recorded items that are not now required for federal reporting are defined differently by each SDA, the JTQS data also suffer from lack of consistency. Census employees are not equipped to make subtle distinctions between definitions used in local offices and those used on the JTQS forms.

Establishing a national database with uniform information on JTPA clients will enable the Secretary to examine the program at different levels—nationally, or at a regional, State or local level. Availability of information derived from individual participant records will lessen the need for Employment and Training Administration (ETA) and other data users to undertake costly field surveys that also are disruptive to State and local operations. It will maximize program accountability by enabling the Department to respond to a variety of requests for detailed information on the characteristics of those enrolled in various activities and services and the outcomes they obtain. The proposed data system will also provide, for the first time, a suitable national data base for the Department to use in providing technical guidance to SDAs when estimating performance goals for local service providers.

C. Description of the Standardized Participant Information To Be Reported

This proposal requires each State to maintain selected standardized information on all program participants in JTPA Title IIA (78% and 6% funded programs) and Title III (Federal discretionary, State and substate programs) and to report this information after participants have terminated, using a prescribed machine readable format and coding scheme. It shall be transmitted to a data base contractor that will assist the Department. For Program Year (PY) 1992 (July 1, 1992-June 30, 1993), client characteristics, program activity and outcome data, including available follow-up information on all participants terminating during the full program year, must be reported no later than 135 days after the end of the program year. (At a minimum, follow-up information will be reported for a sample of participants chosen according to instructions in the JTPA Annual Status Report (JASR) and Worker Adjustment Annual Program Report (WAPR).) The first data transmission (for PY 1992 data) will be due no later than November 15, 1993. In addition, for PY 1992, aggregate data reported in the JASR and WAPR will continue to be due no later than 45 days after completion of the program year. The timing and frequency of reporting will be reviewed by the Department after the first year of operation, when the capacities of the system are more clearly understood, and may be modified to better meet the needs of data users.

Sampling Versus Universal Reporting

The Department has given serious consideration to whether States should be required to report information on all records or to report on a sample of records. Acting on the advice of a technical work group, the Department is proposing universal reporting. Sampling was rejected because of the complexity of a sample design needed to produce appropriate estimates of client subgroups at both the State and local level, the burden on States to ensure proper samples are drawn each year, and the potential for seriously biased results if precise sampling procedures are not followed. In addition, advances in computer technology now makes data collection and universal reporting more timely and less expensive than if complex sampling procedures had to be followed and monitored. Finally, in the absence of universal reporting, other administrative reports could not be replaced.

The specific items to be reported are listed and defined in the appendices to this notice. Most items are already required for Federal reporting and definitions for these have not been changed. Definitions have been developed for program activities, supportive services and "other" terminations. Two areas of newly required information which may create additional burden or refinements in current Management Information System (MIS) practice involve (1) the coding of a participant's occupational training and employment at termination, and (2) selecting the most appropriate approach to determine training intensity.

Participants Included in Reporting System

Ideally the Department would like to have records reported for all programs funded by JTPA Title II and Title III. For Title IIB programs it was decided, however, that the advantages of expanding the current aggregate reporting would not justify the increased burden. On the other hand, there is currently no federal reporting of participant characteristics in the three percent and eight percent set-aside programs. While the Department is not proposing collecting participant-level data on the set-aside, it will consider creating an aggregate reporting system similar to the Title IIB system for these programs.

Coding Occupational Skill Training and Employment at Termination

In order to obtain more information on the nature of the job training and placements in JTPA, the proposed reporting will require coding of both occupational skills training and employment at termination using a single occupational classification system. Because there are several systems which local JTPA programs are currently using, ETA has asked the National Occupational Information Coordinating Committee (NOICC) to review current occupational coding systems and to recommend an appropriate approach for JTPA use. In the interim, the Department is also soliciting public comment on what program operators are using currently to classify jobs and, where appropriate, job-related training. Criteria the Department is considering in selecting the most appropriate classification system include whether it: (1) Is nationally recognized and standardized; (2) can be kept current and updated to reflect changes in training and employment; (3) employs a level of detail and aggregation suitable to accurately depict client service objectives and outcomes; and (4) relates to other sources of labor market information used for planning and evaluation activities.

Training Activities

Recording some measure of training intensity has been the subject of lengthy debate within the JTPA community. Following the suggestion of its technical work group, the Department is proposing that hours in training be used as the unit of measure for each activity. Hours are a more valid indicator of training intensity than length of stay in an activity expressed in days or weeks. Units of training time that are longer than hours may include periods of training inactivity which will make the results difficult to interpret.

In addition, the work group suggested that it would be easier for local programs to report planned hours and whether training is completed rather than requiring them to account for a participant's actual hours spent in each activity. Planned hours would be derived from the individual's service strategy, training specifications in service provider contract, or an estimated average based on the program's previous experience. The activity would be considered completed if the individual achieves the employment development plan objectives or remains in the activity for the specified duration. Recording actual time spent in training requires local programs to track and report multiple transactions in each activity. The Department is interested in comments from the field on the preferability of reporting every training transaction and the amount of time spent in that transaction as compared to the proposed approach which aggregates planned hours spent in each activity.

Training Costs

Federal reporting reveals how much is spent in total by an SDA/SSA, but does not provide information on how much is spent on different types of training. Relating training costs to individuals is particularly problematic because of differences in service delivery from place to place and variations in the average cost of training for certain types of training. Variations in unit costs occur depending on such programmatic issues as whether the SDA shares the costs of training with other JTPA and non-JTPA providers or combines multiple training activities into a single program. In addition, there are accounting issues to consider, such as how the program typically allocates direct vs. indirect costs of training. Non-comparability of data raises serious problems in interpreting training cost results; and for this reason, the Department will not include cost

reporting in the proposed participant record. The Department will continue to examine ways of obtaining more comparable and meaningful data on training costs for future use in assessing the relative costs of providing more intensive services to client subgroups.

D. Technical Assistance Contractor

During PY 1992 a database management contractor will be retained by ETA to establish a system for data transmission, design State specific transmission procedures, and provide needed support and technical assistance for their implementation. To minimize disruption and burden, the contractor will adapt its procedures to take advantage of existing automated systems in each State and will continue to address technical problems that arise after data transmission is implemented.

States will provide the contractor with information about the capabilities of their systems and will supply sample transmissions during the development process. States will cooperate with the contractor in identifying problems in the reporting and will take responsibility for implementing corrective measures both during development and ongoing system operation.

E. Public Comment and Participation

The Department is committed to a participatory process in the development of this reporting requirement. A prototype participant record was circulated by ETA's ten regional offices for field comment in October 1991.

The Department has consulted with representatives from all levels of the JTPA system in the development of this reporting system and its implementation at the State and local level. Many recommendations from these discussions have been incorporated into this **Federal Register** Notice.

This request for comment is another important part of the process. The Secretary especially requests comments on the following issues:

- Cost and burden associated with the implementation of the proposed reporting system.
- Specific problems that will be encountered by States/localities in collecting, maintaining and reporting the required information.
- Suggestions on how DOL might assist States/localities in data quality control and data system management to ensure that the reporting process is timely and efficient and can be used to reflect program operations and outcomes in a valid manner
- Technical problems associated with State/local collection of new data items not now federally required or mandated by States. Examples of data elements that may not be currently collected are:
  —Total planned hours for training activities and
  —Classification of occupational training and employment at termination.
- Accuracy and utility of new definitions.
- Timing of reporting after PY 1992. Alternatives include reporting all data only in November and reporting available data in August with follow-up data updating in November.
- Advantages and disadvantages of the proposed method of tracking training intensity using aggregated planned hours in training as compared to reporting each individual training transaction.
- Identification of occupational coding systems that are being used by States/localities to classify the placement occupation and/or skill level of training. (Indicate whether this coding system meets your needs.)
- Desirability of establishing an independent reporting system that collects aggregate characteristic data on participants in the three percent and eight percent set-aside programs.

E. Cost to the System

Most of the information required in this proposed system is already collected at the local level and reported to the States. States will incur administrative costs to extract required information from existing databases and transmit individual participant records. In the future, when other administrative reporting is eliminated, States may actually have a reduced reporting burden. This proposed reporting system will replace the federally-funded national survey of JTPA participants, the JTQS. Once the system is fully implemented in PY 1993, the Department will develop the capacity to generate data for the aggregate JASR and the WAPR.

Obtaining information from participants on those new data items that they are not now collecting will likely result in local programs incurring increased data collection and reporting costs. In instances where it is necessary to introduce occupational coding into training and placement operations, additional costs also will be incurred. In addition, there will be a one-time cost in revising local and State management information systems to accommodate the new data system.

An increased programmatic reporting burden of 6,031 hours has been submitted to Office of Management and Budget, along with an additional 12,062 hours of recordkeeping burden. This total of 18,093 additional hours represents an average of 13.4 hours per each SDA/SSA annually.

F. OMB Submission

The documents appended to this notice have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act as a revision to a currently approved collection system.

Signed at Washington, DC, this 9th day of March, 1992.

Roberts T. Jones,

Assistant Secretary of Labor

Standardized Participant Information Record Format

Section I. Identification

1. State name
2. SDA/SSA name
3. Participant identification number
4. Title of funding:
   01 Title IIA SDA (78 and 6 percent)
   02 Title III Governor's reserve
   03 Title III substate Grantee
   04 Title III national reserve
5. Date of participation
6. Concurrent participation:
   01 Yes, JTPA
   02 Yes, non-JTPA
   03 No

Section II. Background and Characteristics (at application)

7. Age
8. Gender:
   01 Male
   02 Female
9. Race/ethnicity:
   01 White (Not Hispanic)
   02 Black (Not Hispanic)
   03 Hispanic
   04 American Indian or Alaskan Native (Not Hispanic)
   05 Asian or Pacific Islander (Not Hispanic)
10. Family Status:
    01 Single parent
    02 Parent in two parent family
    03 Other family member
    04 Nondependent individual
11. Number of participant's children, under age 18, living in household
12. Economically disadvantaged (Title IIA only):
    01 Yes
    02 No
13. Public assistance recipient: 01 Yes 02 No
    13a. Receiving AFDC: 01 Yes 02 No
    13b. Receiving general assistance: 01 Yes 02 No
    13c. Receiving refugee cash assistance: 01 Yes 02 No
    13d. Receiving SSI: 01 Yes 02 No
    13e. Receiving food stamps: 01 Yes 02 No
14. Educational status:
    01 School dropout
    02 Student (high school or less)
    03 High school graduate (no post)
    04 Post High school attendee
    05 College graduate and above
15. Veteran: 01 Yes 02 No
    15a. Vietnam era veteran: 01 Yes 02 No
    15b. Disabled veteran: 01 Yes 02 No
16. Labor force status:
    01 Employed
    02 Unemployed
    03 Not in labor force
17. Unemployed: 15 or more weeks of prior 26 weeks:
    01 Yes
    02 No
18. Unemployment compensation status:
    01 Claimant
    02 Exhaustee
    03 No
19. Preprogram wage:
    For Title IIA, indicate current or last hourly wage if worked in last 26 weeks.
    For Title III, indicate the hourly wage of the job of dislocation.
20. Barriers to employment (indicate all that apply):
    20a. Limited English language proficiency: 01 Yes 02 No
    20b. Individual with disability: 01 Yes 02 No
    20c. Offender: 01 Yes 02 No
    20d. Reading skills below the 7th grade level: 01 Yes 02 No
    20e. Displaced homemaker: 01 Yes 02 No
    20f. Homeless: 01 Yes 02 No
    20g. Lacks significant work history 01 Yes 02 No
    20h. Long-term AFDC recipient: 01 Yes 02 No
    20i. JOBS program participant: 01 Yes 02 No
    20j. Pregnant or parenting teen: 01 Yes 02 No

Section III. Activity/Services Record

21. Indicate each training activity/service received by recording the total planned hours for that activity/service, and
22. If received, whether the activity/service was completed.

	Total planned hours	Completed
21a. Basic skills training	_____	22a. 01 Yes 02 No
21b. Occupational skills training (non-OJT)	_____	22b. 01 Yes 02 No
21c. On-the-job training	_____	22c. 01 Yes 02 No
21d. Work experience	_____	22d. 01 Yes 02 No
21e. Job search assistance	_____	22e. 01 Yes 02 No
21f. Other employment skills training	_____	22f. 01 Yes 02 No
21g. Basic readjustment services	_____	22g. 01 Yes 02 No

23. If occupational skills training, record the _____ digit DOT code, OES code or SOC (to be determined later)
24. Indicate each type of support service received:
    24a. Transportation: 01 Yes 02 No
    24b. Health care: 01 Yes 02 No
    24c. Child care: 01 Yes 02 No
    24d. Housing or rental assistance: 01 Yes 02 No
    24e. Counseling: personal, financial or legal: 01 Yes 02 No
    24f. Needs-based/related payments: 01 Yes 02 No
    24g. Other: 01 Yes 02 No

Section IV. Outcomes

25. Date of termination
26. Entered unsubsidized employment:
    01 Yes
    02 No
27. Placement information
    27a. Hours worked per week
    27b. Wage at placement
    27c. DOT, OES, or SOC code that best describes placement
    27d. Relocated out of area (Title III only): 01 Yes; 02 No
    27e. Called back/remained with layoff employer (Title III only): 01 Yes; 02 No
28. Adult/Youth employability enhancement: 01 Yes 02 No
    If yes, indicate all that apply:
    28a. Attained adult/youth competencies: 01 Yes 02 No
    28b. Attained Pre-employment/work maturity skills (youth only): 01 Yes 02 No
    28c. Attained Basic education skills: 01 Yes 02 No
    28d. Attained Job/specific/occupational skills: 01 Yes 02 No
    28e. Returned to full-time school (youth only): 01 Yes 02 No
    28f. Remained in school (youth only): 01 Yes 02 No
    28g. Completed major level of education: 01 Yes 02 No
    28h. Entered non-Title II training: 01 Yes 02 No
29. If both 26. and 28. are no, indicate which other termination best applies:
    01 Institutionalized
    02 Health/Medical
    03 Family care
    04 Transportation
    05 Laid-off (OJT)
    06 Cannot Locate
    07 All other voluntary
    08 All other involuntary

Follow-up information

30. Contacted
    01 Yes
    02 No
    03 Not in sample
31. Employed at follow-up: 01 Yes 02 No
    If yes:
    31a. Record hourly wage
    31b. Record hours worked per week
    31c. Record if employed with same employer as at termination: 01 Yes; 02 No
32. Number of weeks worked in follow-up period

Standardized Participant Information Reporting Format Instructions and Definitions

General Instructions

The Governor will collect and maintain a core set of socio-economic, program participation and outcome information on each participant in programs funded under Titles IIA (78 and 6 percent only) and III of the Job Training Partnership Act (JTPA) and annually transmit this information for participants who have terminated from the programs.

The following instructions describe the format that will be used to transmit the terminee information each year. Initially transmission will be on magnetic tape or equivalent. Facilities, however, for direct electronic transmission will be developed as soon as feasible.

Characteristic, activity, outcome and follow-up data for all participants

terminating during a program year must be reported no later than 135 days after the end of each program year.

Description of Format for Reporting Standardized Participant Information

A. Section I. Identification

1. *State name.* Record the name of the State reporting this record.

2. *SDA/SSA name.* Record the name and the ETA assigned SDA/SSA number of the area in which the participant entered the JTPA program.

3. *Participant identification number.* Record a coded participant identification number that will be based on the participant's social security number.

4. *Title of funding.* Record the appropriate code.

5. *Date of participation.* Record the date on which the individual *began* to receive program services after intake. Intake includes the screening of an applicant for eligibility and: (1) A determination of whether the program can benefit the individual; (2) an identification of the employment and training activities and services that would be appropriate for the individual; (3) a determination of the availability of an appropriate employment and training activity; (4) a decision on selection for participation and (5) the dissemination of information on the program.

6. *Concurrent participation.* Indicate yes, if the individual's initially determined training objective will require concurrent participation in more than one program/title, including non-JTPA programs, not multiple activities in a single program or title.

B. Section II. Background and Characteristics (at Application)

7. *Age.* Record the age of the individual at application.

8. *Gender.* Record the code for male or female.

9. *Race/ethnicity.* Record one designation of the participant's race/ethnic group from among the following categories.

01 *White (not Hispanic).* A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

02 *Black (not Hispanic).* A person having origins in any of the black racial groups of Africa.

03 *Hispanic.* A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin (including Spain), regardless of race.

Note: Among persons from Central and South American countries, only those who are of Spanish origin, descent, or culture should be included in the Hispanic category. Persons from Brazil, Guiana, and Trinidad, for example, would be classified according to their race, and would not necessarily be included in the Hispanic category. Also the Portuguese should be excluded in the Hispanic category and should be classified according to their race.

04 *American Indian or Alaskan Native* (not Hispanic). A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

05 *Asian or Pacific Islander (not Hispanic).* A person having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent (e.g., India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim, and Bhutan), or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa. Hawaiian natives are to be recorded as Asian or Pacific Islanders.

10. *Family status.* Record *one* designation describing the participant's family status from among the following categories:

01 *Single parent.* The participant is a single, abandoned, separated, divorced or widowed individual who has responsibility for support of one or more dependent children.

02 *Parent in two-parent family.* A parent in a family of three or more where both parents are present.

03 *Other family member.* A member of a family of two or more persons, but not a parent. This would include married persons with no dependents living in the household.

04 *Nondependent individual.* The individual is either (1) living with his/her family, 16 or older, receiving less than 50 percent maintenance from the family and not one or the parents or the family; or (2) 14 or older and not living with his/her family and is receiving less than 50 percent maintenance (e.g., shelter, food, clothing, etc.) from the family; or (3) a foster child on behalf of whom State or local government payments are made. All such individuals should be considered as families of one.

11. *Number of participant's children, under age 18, living at home.* Record the number of the participant's children who live in the same household as the applicant.

12. *Economically disadvantaged.* For Title IIA only, indicate yes if the participant:

(1) receives, or is a member of a family which receives, cash welfare payments under a federal, State or local welfare program;

(2) has, or is a member of a family which has, received an annual family income, in relation to family size and location, that did not exceed either:

(a) The most recently established poverty levels determined in accordance with criteria established by the Office of Management and Budget (OMB) or,

(b) 70 percent of the lower living standard income level, whichever is greater.

(3) is receiving Food Stamps pursuant to the Food Stamp Act of 1977;

(4) is a foster child on behalf of whom state or local government payments are made;

(5) is an adult disabled individual whose own income meets the requirements of (1) or (2) above, but who is a member of a family whose income does not meet such requirements.

13. *Public assistance recipient.* Record whether the individual is receiving public assistance such as AFDC, Refugee Assistance, General Assistance, Food Stamps, or foster child payments.

Indicate whether the participant or the participant's family is receiving benefits from any of the following programs:

13a. Aid to Families with Dependent Children (AFDC)

13b. General assistance

13c. Refugee cash assistance

13d. Supplemental Security Income (SSA Title XVI)

13e. Food stamps (Food Stamp Act of 1977)

14. *Educational status.* Indicate which one of the following categories best describes the individual's educational status.

01 *School dropout.* An adult or youth (aged 14–21) who is not attending school full-time and has not received a high school diploma or a GED certificate.

02 *Student.* An adult or youth (aged 14–21) who has not received a high school diploma or GED certificate and is enrolled in and attending full-time a secondary or postsecondary-level vocational, technical, or academic school or is between school terms and intends to return to school.

03 *High school graduate or equivalent, (no post-high school).* An adult or youth (aged 14–21) who has received a high school diploma or GED certificate, but who has not attended any post-secondary vocational, technical, or academic school.

04 *Post-high school attendee.* An adult or youth (aged 14–21) who has received a high school diploma or GED certificate and has attended (or is attending) any postsecondary-level vocational, technical, or academic school, but who has not graduated from college.

05 *College graduate and above.* An adult or youth (aged 14–21) who has received a degree (usually a BA or BS) conferred by a four-year college, university or professional school or an advanced degree from one of these institutions.

15. *Veteran status.* Record whether the participant is a person who served on active duty in the military service (of the U.S.) for a period of more than 180 days and who was discharged or released with other than a dishonorable discharge or was discharged or released from active duty because of a service-connected disability or as a member of a reserve component under an order to active duty pursuant to Section 672 (a), (d), or (g), 673, or 673b of title 10, which served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged from such duty with other than a dishonorable discharge. (38 U.S.C. 2011(4))

15a. *Vietnam era veteran.* Record whether the participant is a veteran, any part of whose active military, naval or air service occurred between August 5, 1964 and May 7, 1975.

15b. *Disabled veteran.* Record whether the participant is a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or who was discharged or released from active duty because of a service-connected disability.

16. *Labor force status.* Record, at the time of application, which of the following classifications best describes the individual's labor force status.

01 *Employed.* An employed individual is one who, during the 7 consecutive days prior to application, did any work at all as a paid employee, in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

02 *Unemployed.* An unemployed individual is one who did not work during the 7 consecutive days prior to application, who made specific efforts to find a job within the past 4 weeks prior to application, and who was available for work during the 7 consecutive days prior to application. Also included as unemployed are those who did not work, and (a) were waiting to be called back to a job from which they had been laid off, or (b) were waiting to report to a new wage or salary job scheduled to start within 30 days.

03 *Not in labor force.* An individual not in the labor force is a civilian 14 years of age or over who did not work during the 7 consecutive days prior to application for a JTPA program and is not classified as employed or unemployed.

17. *Unemployed: 15 or more weeks of the prior 26 weeks.* Record whether an individual was unemployed at the time of eligibility determination and has been unemployed for any 15 or more of the 26 weeks immediately prior to such determination, has made specific efforts to find a job throughout the period of unemployment, and is not classified as "Not in Labor Force".

18. *Unemployment compensation status.* Record the applicant's U.C. Status in one of the following categories.

01 *Eligible claimant.* Record whether the individual has filed a claim and has been determined monetarily eligible for benefit payments under one or more State or Federal unemployment compensation programs, and who has not exhausted benefit rights or whose benefit year has not ended.

02 *U.C. exhaustee.* Record whether the applicant has exhausted his/her U.C. benefit rights for which the applicant has been determined monetarily eligible.

03 *None.*

19. *Preprogram wage.* For Title IIA participants, record the last or most recent hourly wage paid to the participant for the last or most recent job the person held during the 26 weeks prior to application.

For Title III participants, record the hourly wage paid to the participant in the job from which the person was dislocated.

20. *Barriers to employment.* The applicant should be recorded in as many of the following groups as appropriate.

20a. *Limited English language proficiency.* The inability of an individual, whose native language is not English, to communicate in English, resulting in a job handicap.

20b. *Individual with a disability.* An individual who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such an impairment; or is regarded as having such an impairment. This definition includes disabled veterans for reporting purposes. NOTE: This definition will be used for performance standards purposes, but is not required to be used for program eligibility determination (Sec. 4(8)(E)).

20c. *Offender.* Any adult or youth who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction (excluding misdemeanors).

20d. *Reading skills below the 7th grade level.* Any adult or youth assessed as having English (except in Puerto Rico) reading skills below the 7th grade level on a generally accepted standardized test.

20e. *Displaced homemaker.* An individual experiencing difficulty in obtaining or upgrading employment and who meets the following definition:

An individual who (A) was a full-time homemaker for a substantial number of years; and (B) derived the substantial share of his/her support from (i) a spouse and no longer receives such support due to death, divorce, permanent disability of, or permanent separation for the spouse, or (ii) public assistance on account of dependents in the home and no longer receives such support.

20f. *Homeless.* An adult or youth who lacks a fixed, regular, adequate nighttime residence; and any adult or youth who has a primary nighttime residence that is a public or private operated shelter for temporary accommodation; an institution providing temporary residence for individuals intended to be institutionalized; or a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings. The term does not include a person imprisoned or detained pursuant to an Act of Congress or State law.

20g. *Lacks significant work history.* An adult or youth who has not worked for the same employer for longer than three consecutive months in the two years prior to application.

20h. *Long-term AFDC recipient.* An adult or youth listed on the welfare grant who has received cash payments under AFDC (SSA Title IV) for any 24 or more of the 30 months prior to JTPA eligibility determination and who was a welfare recipient at the time of such determination.

20i. *JOBS program participant.* Any individual (AFDC client) who is a participant (or has been a participant within the prior six months) in assessment or employability planning or is assigned to one of the JOBS program components defined in the approved State JOBS program plan, including self-initiating activities, at the time of eligibility determination for JTPA title IIA.

20j. *Pregnant or parenting teen.* An individual who is under 20 years of age and who is pregnant, or a male or female who is providing full-time care of a child.

C. Section III. Activity and Services Record

Indicate each of the following training activities or services received, record the total planned hours for that activity/service and whether or not it was completed. Include activities partially or completely funded by non-JTPA sources but included in the participant's JTPA service strategy.

21. *Total planned hours* is the total number of hours that the participant would normally be expected to be engaged in an activity in order to successfully complete it. When possible use hours indicated in the participant's service strategy or in a vendor contract. If these are not available, use an estimate.

22. The activity is completed if the individual achieves the activity's goal or if the individual participates in the activity's total planned duration.

a. *Basic skills training:* Instruction normally conducted in an institutional setting and designed to upgrade basic skills and prepare the individual for further training, future employment, or advancement in present employment. Includes remedial reading, writing, mathematics, English for non-English speakers, GED preparation (including computer assisted instruction) and basic skills competency training.

b. *Occupational skills training (non-OJT):* Instruction normally conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs such as auto mechanics, health services, or clerical training. Includes job specific competency training, job specific school-to-work programs and preapprenticeship training.

c. *On-the-Job Training (OJT):* Training in the public or private sector given to an individual, who has been hired first by the employer, while s/he is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job.

d. *Work experience:* A short-term or part-time work activity which provides an individual with the opportunity to acquire the skills and knowledge necessary to perform a job, including appropriate work habits and behaviors.

e. *Job search assistance:* A service or training activity that helps a participant seek, locate, apply for and obtain a job. It may include classes/clinics/workshops in job-finding skills, orientation to the labor market, job development, referrals to job openings, job clubs, and relocation assistance.

f. *Other employment skills training:* Includes activities such as pre-employment/work maturity training, vocational exploration, career counseling, tryout employment and non-job-specific school-to-work programs.

g. *Basic readjustment services:* (Title III only) Includes services designed to provide basic readjustment assistance to eligible dislocated workers such as orientation, skills determination, pre-layoff assistance, job development/referral assistance, and relocation assistance.

23. *Occupational training.* If "Yes" is recorded for Items 23b. or 23c. (participant is receiving occupational skill training or OJT), record the [DOT code, OES code or SOC—to be determined later] that best describes the training.

24. Indicate each supportive service received. The term *supportive services* means services which are necessary to enable an individual eligible for training under JTPA, but who cannot afford to pay for such services, to participate in a training program funded under the Act.

24a. *Transportation.* A supportive service which is arranged or financed for participants to ensure mobility between home and the location of employment, training and/or other supportive services.

24b. *Health care.* Includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatments or services are necessary to enable a participant to obtain or retain employment.

24c. *Child care.* A service or support which helps parent(s) meet their child care needs. Child care ranges from day care outside the home or in-house to after-school programs (outside the home or in-house). It usually includes supervision and shelter, and may include subsistence and transportation.

24d. *Housing or rental assistance.* A supportive service which assists participants in maintaining or obtaining adequate shelter for themselves and their families while they are receiving employment, training or other supportive services.

24e. *Counseling: personal, financial, or legal.* The process of assisting participants in realistically assessing their needs, abilities, and potential; of providing guidance in the development of vocational goals and the means to achieve them; and of helping with the solution of a variety of personal problems occurring during participation.

24f. *Needs-based/related payments.* In Title IIA, amounts paid to participants who could not afford to participate in a training program without such needs-based assistance. Payments based on need may be provided to a participant in accordance with a locally developed formula or procedure if such payments are necessary to enable the individual to participate in a training program funded under JTPA.

In Title III, needs-related payments to an eligible dislocated worker who does not qualify or has ceased to qualify for unemployment compensation, in order to enable such worker to participate in training or education programs funded under Title III. To be eligible for such payments, an eligible dislocated worker who has ceased to qualify for unemployment compensation must have been enrolled in training by the end of the 13th week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after an employee is informed that a short-term layoff will, in fact, exceed six months.

24g. *Other.* Any supportive service(s), not included above, arranged or financed by the JTPA program and provided to eligible individuals to enable them to participate in planned activities.

D. Section IV. Program Outcomes

25. *Date of termination.* Record the date at which an individual is no longer receiving employment, training or services (except post-termination services) funded under that title.

Note: Individuals may continue to be considered as participants for a single period of 90 days after last receipt of employment or training funded under a given title. (If "services only" in Title IIA, the period is 30 days.)

26. *Entered unsubsidized employment:* Indicate whether or not the terminee entered full- or part-time employment not financed by funds provided under the Act and includes entry into the Armed Forces, entry into employment in a registered apprenticeship program, and terminees who become self-employed.

27. *Employment information:* For Items a. through e., record information only for those individuals who entered unsubsidized employment at termination (Yes in item 26.)

27a. Record the usual number of hours worked per week.

27b. Record the hourly wage at placement.

27c. Determine the [DOT code, OES code or SOC—to be determined later] most appropriate for the job.

27d. For Title III participants, indicate whether the participant relocated out of the area.

27e. For Title III participants, indicate whether participant was called back or remained with the layoff employer.

28. *Adult/youth employability enhancement:* Indicate whether the terminee obtained outcome(s) other than entered unsubsidized employment, which are recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment.

Indicate all that apply:

28a. *Attained adult employability skills/PIC recognized youth employability competencies: Adults:* Adults who, at time of termination, have demonstrated proficiency as defined by the local area in one or more of the following two skill areas in which the terminee was deficient at enrollment: Basic education skills (indicate in Item 28c.) and occupational skills (indicate in Item 28d). Employability skill gain must be achieved through active program participation and must be the result of a prior employability development planning process which identifies the participant's skill deficiencies, the training needed to overcome the deficiencies and the level of proficiency needed for attainment of the employability skill.

Youth: Youth who, at time or termination, have demonstrated proficiency as defined by the PIC in two or more of the following three skill areas in which the terminee was deficient at enrollment: Pre-employment/work maturity (indicate in Item 28b.); basic education (indicate in Item 28c.); or job-specific skills (indicate in Item 28d). Competency gains must be achieved through sufficiently developed systems that must include: quantifiable learning objectives, related curricula/training modules, pre- and post-assessment, employability planning, documentation, and certification.

Indicate in Items 28b. through 28d. each competency attained regardless of whether Item 28a. is Yes or No.

28b. *Attained pre-employment/work maturity skills (youth only): Pre-employment skills:* World-of-work awareness, labor market knowledge, occupational information, values clarification and personal understanding, career planning and decision-making, and job search techniques (resumes, interviews, applications, and follow-up letters). They also encompass survival/daily living skills such as using the phone, telling time, shopping, renting an apartment, opening a bank account, and using public transportation; *and*

Work maturity skills: Positive work habits, attitudes, and behavior such as punctuality, regular attendance, presenting a neat appearance, getting along and working well with others, exhibiting good conduct, following instructions and completing tasks, accepting constructive criticism from supervisors and co-workers, showing initiative and reliability, and assuming the responsibilities involved in maintaining a job. This category also entails developing motivation and adaptability, obtaining effective coping and problem-solving skills, and acquiring an improved self image.

28c. *Attained basic education skills (adult and youth):* Reading comprehension, math computation, writing, speaking, listening, problem-solving, reasoning, and the capacity to use these skills in the workplace.

28d. *Attained job-specific occupational skills (adult and youth):* Primary job-specific skills which encompass the proficiency to perform actual tasks and technical functions required by certain occupational fields at entry, intermediate or advanced levels. Secondary job-specific skills entail familiarity with and use of set-up procedures, safety measures, work-related terminology, recordkeeping and paperwork formats, tools, equipment and materials, and breakdown and clean-up routines.

28e. *Returned to full-time school (youth only):* A youth who, prior to termination, (1) had returned to full-time secondary school (e.g., junior high school, middle school and high school, including alternative school), and (2) had been retained in school for one semester or at least 120 calendar days. The youth was not attending school, exclusive of summer, at the time of intake and had not obtained a high school diploma or equivalent.

28f. *Remained in school (youth only):* A youth who, prior to termination, had been retained in a full-time secondary school, including alternative school, for one semester or at least 120 calendar days. The youth must be attending school at the time of intake, had not obtained a high school diploma or equivalent, and be considered "at risk of dropping out of school" as defined by the Governor in consultation with the State Education Agency.

28g. *Complete major level of education:* An adult or youth who, prior to termination, had completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and postsecondary. Completion standards shall be governed by State standards and shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the postsecondary level.

Note: Completion of a major level of education must result primarily from active JTPA program participation of at least 90 calendar days or 200 hours, usually prior to such completion.

28h. *Entered non-Title II training:* An adult or youth who, prior to termination, had entered an occupational-skills employment/training program, not funded under Title II of the JTPA, which builds upon and does not duplicate training received under Title II.

Note: The participant must have been retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-Title II training, s/he may or may not have received JTPA Title IIA services. Include here intertitle transfer terminees, such as to Title I, Section 123, 8% programs.

29. *Other terminations:* If both Items 26. and 28. above are answered no, indicate which one of the following other terminations best applies.

01 *Institutionalized.* The participant is residing in an institution or facility providing 24-hour support such as a prison or hospital.

02 *Health/medical.* The participant is receiving medical treatment which precludes entry into unsubsidized employment or continued participation in the JTPA program.

03 *Family care.* The participant is responsible for the care of one or more family members which precludes entry into unsubsidized employment or continued participation in the JTPA program.

04 *Transportation.* The participant is without his/her own means of mobility, is unable to arrange for private transportation, or has no public transportation between home and the location of employment/training and/or other supportive services.

05 *Laid-off (OJT).* The participant is terminated from employment under an OJT contract as a result of a temporary or permanent closure or any substantial layoff at a plant, facility or enterprise.

06 *Cannot locate.* The participant cannot be located after utilizing the address/phone number provided by the participant and additional alternative contact measures, addresses and phone numbers provided by the participant.

07 *All other voluntary.* The participant voluntarily left the JTPA program for reasons other than those above.

08 *All other involuntary.* The participant was separated from the program for administrative reasons other than those above.

Follow-up information. Record follow-up information for the sample of terminees contacted 13 weeks after termination. The sample will be chosen and used according to instructions in the JASR and the WAPR.

30. Indicate whether the terminee was in the sample, and, if so, whether s/he was contacted or not.

31. Indicate whether the former participant was employed at follow-up (13th week after termination).

If employed:

31a. Record the hourly wage.

31b. Record the hours worked that week.

31c. Record whether the s/he is employed by the same employer as at termination.

32. Record the total number of weeks worked during the follow-up period.

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federal register

Thursday
March 12, 1992

Part V

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 26806; Notice No. 92-4]

RIN 2120-AD75

Temporary Restriction of Instrument Approaches and Certain Visual Flight Rules Operations in High Pressure Weather Conditions

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to amend part 91 of the Federal Aviation Regulations (FAR) to authorize the issuance of temporary flight restrictions to certain operations when accurate altitude information is not available. The proposal is warranted because barometric pressure higher than 31.00 inches of mercury (inHg) exceeds the capability of standard aircraft pressure altimeters and prevents the display of accurate altitude information. This proposal provides restrictions on certain flight operations during periods of abnormal atmospheric pressure conditions. This action is necessary to promote flight safety during certain operations for which accurate altitude information is critical.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 26806, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 26806. Comments may be examined in room 915G weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Regulations Branch (AFS-240), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SE., Washington, DC 20591, Telephone: (202) 267-8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26806." The postcard will be date stamped and mailed to the commenter

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRM's should request from the above office a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

For several days in January 1989, weather observers in various locations in the State of Alaska recorded record-breaking barometric pressure higher than 31.00 inHg (1049.8 millibars). These extremely high barometric pressures exceeded the capability of standard aircraft pressure altimeters and prevented the display of accurate altitude information on aircraft pressure altimeters. This condition occasionally extends to northern portions of the contiguous United States.

Aircraft altimeters indicate altitude based on a reading of the air pressure surrounding the aircraft. These altimeters incorporate an adjustment for environmental barometric pressure that permits pilots to manually set the correct pressure reading in the instrument. If the pressure set in the instrument is incorrect, the altitude readout also will be incorrect. Because barometric readings of 31.00 inHg, or higher, seldom occur, standard altimeters do not permit barometric pressures to be set above that level and are not calibrated to indicate accurate aircraft altitude above 31.00 inHg. As a result, many U.S.-manufactured altimeters cannot be set to display accurate altitude readouts to pilots in conditions such as those that were experienced during the high pressure conditions in Alaska.

It is possible to estimate the error in altitude for pressures above 31.00 inHg by adding 100 feet in aircraft altitude for each .10 inHg. However, significant recurring training would be required to ensure that all pilots correctly apply the appropriate correction during the appropriate phase of flight. If two pilots flying aircraft in the same vicinity are not applying the same correction, a highly dangerous situation is created.

Accurate altitude information is essential for normal flight operations and critical to certain phases of flight. Without an accurate altitude reading, a pilot cannot safely execute an instrument approach in instrument weather conditions unless certain restrictions are followed.

The Proposal

On the basis of the above discussion, the FAA finds that the occurrence of abnormally high barometric pressure conditions creates an operational situation that requires remedial action to maintain safety of flight in the affected areas. The FAA proposes to issue temporary restrictions on certain IFR approaches and VFR operations while extreme weather conditions exist.

The specific restrictions authorized by this proposed rule would be issued in a Notice to Airmen (NOTAM) by each affected FAA region when any information indicates the barometric pressure will exceed 31.00 inHg. Paragraph 7-531(a)(2) of the FAA Airman's Information Manual suggests the same procedures that the proposed rule would put into effect by NOTAM when the pressure is above 31.00 inHg.

These restrictions may include, but would not be limited to, the following:

1. All aircraft: Set altimeters to 31.00 inHg for en route operations below 18,000 feet mean sea level (MSL). Maintain this setting until the aircraft is beyond the affected area or until reaching the final approach segment. At the beginning of the final approach segment, set the altimeter to the current barometric pressure, if possible. If not possible, leave the altimeter set at 31.00 inHg throughout the approach. Altimeters on departing aircraft or on aircraft on missed approach will be set to 31.00 inHg before the aircraft reaches any mandatory/crossing altitude, or 1,500 feet above ground level (AGL), whichever is lower.

2. During preflight, altimeters shall be checked, to the extent possible, for normal operation.

3. If the aircraft is being operated into or out of airports with the capability of measuring the current barometric pressure and the aircraft is equipped with an altimeter that has the capability to be set to the current barometric pressure, no additional restrictions apply.

4. For aircraft operating under VFR, there are no additional restrictions; however, extra diligence is essential in flight planning.

5. Airports without the capability for accurate measurement of barometric pressures have 31.00 inHg will report the barometric pressure as "in excess of 31.00 inHg." Flight operations to and from those airports are restricted to VFR weather conditions.

6. For aircraft operating under IFR and equipped with an altimeter that does not have the capacity to be set at the current barometric pressure:

a. To determine the suitability of departure alternate airports, destination airports, and destination alternate airports, increase ceiling requirements by 100 feet and visibility requirements by ¼ mile for each .10 inHg of pressure, or any portion thereof, over 31.00 inHg. These adjusted values are to be applied in accordance with the requirements of the applicable operating regulations and operations specifications.

b. On approach, 31.00 inHg will remain set on the altimeter. Decision height or minimum descent altitude shall be deemed to have been reached when the published minimum altitude is displayed on the altimeter.

c. These restrictions do not apply to authorized Category II and Category III ILS operations nor do they apply to certificate holders using approved QFE (absolute altitude) altimetry systems.

7. The Regional Flight Standards Division manager of the affected area is authorized to approve temporary waivers to permit emergency resupply or emergency medical services operations.

The NOTAM issuing the temporary restrictions would incorporate a reference to the proposed rule.

Regulatory Evaluation Summary

Introduction

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State, and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or to modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or is highly controversial.

The FAA has determined that the proposed rule is not major as defined in Executive Order 12291; therefore, a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, a Regulatory Evaluation, that analyzes only the proposed rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96-354) and an international trade impact assessment. If more detailed economic information than is contained in this summary is desired, the reader is referred to the full regulatory evaluation contained in the docket.

Benefits

The benefits of the proposed rule come from enhancing safety. In particular, the proposed rule would reduce the risk of midair collisions during extremely high barometric pressure conditions. Because of limitations on most altimeters, periods of extremely high barometric pressure increase the risk of pilots not knowing their altitude. This additional risk increases the likelihood of a midair collision. If just one midair collision were avoided over the next decade due to the proposed rule, the annualized value of the resulting savings is estimated at $2.7 million.

Costs

The proposed rule involves additional costs as a result of delays in flying to airports experiencing extremely high barometric pressure. The cost of delay varies depending on its duration, airport activity, and aircraft type.

Based on historical weather observations, at airports above 64° north latitude, 15 hours of annual delay due to extreme high pressure is assumed; for airports located between 61° north latitude and 64° north latitude, 3 hours is assumed. The FAA has projected the estimated costs for these delays over a 10-year period, using the values of $35 per hour for each passenger and $1,268 per hour of ground delay for air carrier operations; no ground operating costs were assumed for other types of operations. Based on these assumptions, the annualized cost of delays related to the proposed rule is estimated at $330,000.

Benefit/Cost Comparison

The FAA estimates the annualized cost of the proposed rule at $330,000 over the next 10 years. This cost is based on historical weather data and represents the high end of possible costs that this rule would impose. One element mitigating this cost is that many of the delays counted in this analysis would nonetheless occur without this proposed rule through NOTAM's.

As a benefit, the proposed rule would reduce the risk of a midair collision during extremely high barometric pressure. The annualized value of avoiding one midair collision in the next 10 years is $2.7 million. The maximum expected cost of the proposed rule equals less than one-eighth of the costs that would be saved in avoiding one such accident. Hence, the FAA has determined that the expected benefits from the proposed rule exceed the expected costs.

International Trade Impact Analysis

This proposed rule would have no effect on foreign aviation products or services in the United States. No change would occur in demand or supply of avionics as a result of the proposed rule. Also, the proposed rule does not affect the sale of U.S. products or services in foreign countries.

Regulatory Flexibility Determinations

The Regulatory Flexibility Act (RFA) of 1980 requires Federal agencies to specifically review rules which may have a "significant economic impact on a substantial number of small entities." The FAA has adopted criteria and guidelines for rulemaking officials to

apply when determining if a proposed or existing rule has any significant economic impact on a substantial number of small entities.

The FAA defines "small entity" as a small operator who owns, but does not necessarily operate, nine airplanes. A substantial number of small entities is one-third of the small entities provided 11 or more small entities are substantially impacted. The FAA defines a significant economic impact as $4,200 per year for unscheduled operators, $59,400 per year for scheduled operators, and $106,100 per year for scheduled operators whose fleets are entirely composed of aircraft with 60 or more passenger seats.

This proposed rule is deemed to affect only operations in Alaska because extremely high barometric pressure occurs so infrequently in the lower 48 States as to be negligible. In certain cases, the cost of delays to small entities, commuter, or air taxi might exceed the threshold, but the number of small entities potentially affected is small. The proposed rule would not affect more than one-third of U.S. commuters or air taxis. Of the 77 scheduled part 135 operators in the United States with 9 or fewer aircraft, only 15 (19 percent) are located in Alaska and are likely to be affected by this proposed rule. For unscheduled part 135 operators (air taxis) with 9 or fewer aircraft, only 6 percent of the 2,634 such operators in the United States operate out of Alaska. In each instance, the proportion of small entities exposed to costs under the proposed rule is less than 33 percent.

Thus, the FAA determines that the proposed rule would not have significant economic impact on a substantial number of small entities.

Federalism Implications

The proposed regulation herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposed regulation would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. The proposed regulation is not considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 91

Aviation safety, Visual flight rules, Instrument flight rules, Special visual flight rules.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 91 of the Federal Aviation Regulations (14 CFR part 91) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. App. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 (as amended by Pub. L. 100–223), 1422 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq; E.O. 11514; Pub. L. 100–202; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. Section 91.92 is added to read as follows:

§ 91.92 Temporary Restriction on Flight Operations During Abnormally High Barometric Pressure Conditions.

(a) *Special flight restrictions.* When any information indicates that barometric pressure on the route of flight has exceeded or will exceed 31 inches of mercury, no person may operate an aircraft or initiate a flight contrary to the requirements established by the Administrator and published in a Notice to Airmen issued under this section.

(b) *Waivers.* The Administrator is authorized to waive any restriction issued under paragraph (a) of this section to permit emergency supply, transport, or medical services to be delivered to isolated communities, where the operation can be conducted with an acceptable level of safety.

Issued in Washington, DC, on February 28, 1992.

David R. Harrington,

Acting Director, Flight Standards Service.

[FR Doc. 92–5758 Filed 3–11–92; 8:45 am]

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federal register

Thursday
March 12, 1992

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR Parts 107 and 108

Unescorted Access Privilege; Proposed Rule; Extension of Comment Period

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107 and 108

[Docket No. 26763; Notice No. 92-3A]

RIN 2120-AE14

Unescorted Access Privilege

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document announces an extension of the comment period on the Unescorted Access Privilege Notice of Proposed Rulemaking (NPRM) (57 FR 5352; February 13, 1992). This comment period is extended from March 16, 1992, until May 15, 1992. The extension responds to the request of the San Diego Unified Port District (District) and the joint request from the Air Transport Association of America (ATA), American Association of Airport Executives (AAAE), and the Airport Association Council International (AACI). The extension is needed to permit these organizations, as representatives of the affected parties, additional time to develop comments responsive to the NPRM. It also will provide the FAA with sufficient time to hold one or more public meetings on the proposed rule.

DATES: The comment period is being extended from March 16, 1992, to May 15, 1992.

ADDRESSES: Comments on the NPRM should be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Docket No. 26763, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Andrew V. Cebula, Office of Civil Aviation Security Policy and Plans, Policy and Standards Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8293.

SUPPLEMENTARY INFORMATION: On February 13, 1992, the FAA issued Notice No. 92-3, titled Unescorted Access Privilege. This proposal is intended to implement the requirements of section 105(a) of the Aviation Security Improvement Act of 1990, which requires the FAA Administrator to issue regulations that subject individuals with unescorted access to U.S. or foreign air carrier aircraft, or to secured areas of U.S. airports, to employment investigations and criminal history records checks. The Act also requires the Administrator to prescribe procedures for taking fingerprints and to establish requirements to limit the dissemination of criminal history information received from the Federal Bureau of Investigation. The proposed rule set forth regulations for employment investigations and criminal history records checks. The proposed rule affects individuals who have, or who may authorize others to have, unescorted access privileges to security identification display areas of U.S. airports.

By letter dated February 21, 1992, the District requested that the comment period be extended from 30 to 90 days. The District asserted that it is impossible for it to analyze, understand and respond to the NPRM within 30 days. Additionally, the District stated that it believes an extension to 90 days is fully within the spirit of President Bush's moratorium on new rules with significant economic impact.

By letter dated February 24, 1992, the ATA, AAAE, and AACI requested that the comment period be extended 60 days or until May 15, 1992. These organizations indicated that this extension is needed so that information can be gathered from numerous airport operators, air carriers, and airport vendors regarding the potential cost and operational implications of the proposed rule. The organizations contend that the NPRM raises a number of significant issues. In order to fully understand the implications of the NPRM, the organizations state that the affected parties must be contacted and asked to assess the potential effects of the proposed rule. The organizations indicated, for example, that the over 400 U.S. airports that air carriers serve will be canvassed and their responses analyzed. They contend that this task cannot be accomplished by the March 16, 1992, deadline for comments. The organizations believe that the proposed background requirement will have a very substantial cost and operational effect. The organizations further assert that their comments will permit a more thorough identification of those effects, and therefore, a more complete analysis of the consequences of the proposed rule.

In view of the likelihood that these parties will provide additional substantive information which will be helpful in formulating an effective final rule, the FAA agrees that it would be in the public interest to grant their request. Additionally, extending the comment period will allow the FAA to provide the affected parties an opportunity to make an oral presentation on the NPRM at one or more public meetings. The date and location of each public meetings will be announced in a future **Federal Register** notice. Accordingly, the comment period is being extended to May 15, 1992, to afford all interested persons the opportunity to comment on this notice.

Issued in Washington, DC, on March 9, 1992.

Bruce R. Butterworth,

Director, Office of Civil Aviation Security Policy and Planning.

[FR Doc. 92-5816 Filed 3-11-92; 8:45 am]

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H.R. 355/P.L. 102–250

Reclamation States Emergency Drought Relief Act of 1991. (Mar. 5, 1992; 106 Stat. 53; 7 pages) Price: $1.00

H.R. 3866/P.L. 102–251

To provide for the designation of the Flower Garden Banks National Marine Sanctuary. (Mar. 9, 1992; 106 Stat. 60; 8 pages) Price: $1.00

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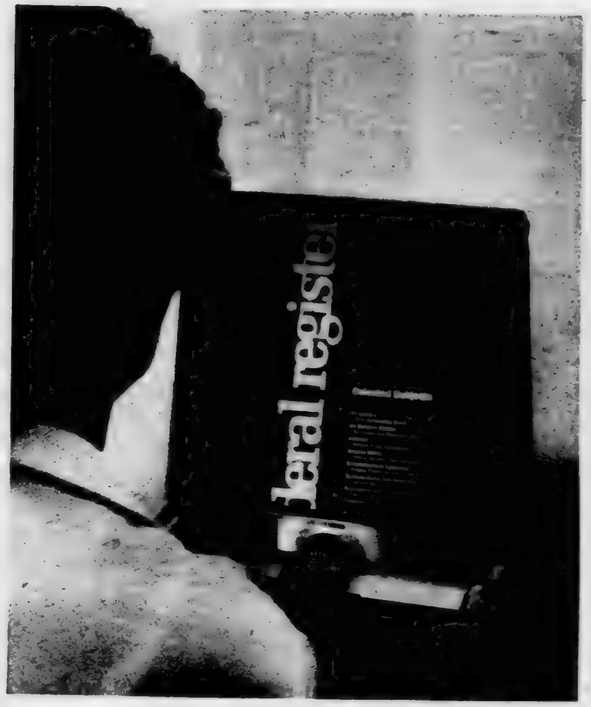

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Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

Presidential Documents

Title 3—

The President

Proclamation 6410 of March 10, 1992

Girl Scouts of the United States of America 80th Anniversary Day

By the President of the United States of America

A Proclamation

Since Juliette Gordon Low founded the first troop on March 12, 1912, millions of Girl Scouts have embarked on great adventures in learning—adventures that have combined the joys of self-discovery with the rewards of friendship and voluntary service to others. By fostering the social, spiritual, and intellectual development of its members, the Girl Scouts of the U.S.A. has not only helped them to prepare for the challenges and opportunities of adulthood but also enriched our communities and country.

From the Daisy and Brownie levels to the ranks of Junior, Cadette, and Senior, participation in the Girl Scouts is about becoming a good neighbor and citizen while at the same time striving to reach one's fullest potential. The fundamentals of scouting—and life—are summarized in the Girl Scout Promise, which states:

> On my honor, I will try
> To serve God and my country
> To help people at all times
> And to live by the Scout Law.

The Scout Law, in turn, upholds virtues such as honesty, fairness, self-respect, and respect and consideration for others. The first five words of the Law, "I will do my best," emphasize that virtually every aim of scouting is rooted in a commitment to excellence.

Learning is a key to excellence, of course, and one way that Girl Scouts gain valuable knowledge and experience is through voluntary service to others. Every Girl Scout has pledged "to help where I am needed . . . [and] to protect and improve the world around me." Hence, Girl Scouts serve as shining Points of Light in their communities; each year, they devote thousands of hours to activities such as visiting residents of nursing homes, collecting food and clothing for the poor, or planting and caring for trees. Moreover, the Girl Scout organization, which includes more than 200,000 troops across the United States, is staffed almost entirely by adult volunteers.

By affirming the importance of serving others and by upholding the traditional moral and spiritual values on which this great Republic rests, the Girl Scouts of the U.S.A. has become known as an "all-American" organization. Yet through its membership in the World Association of Girl Guides and Girl Scouts, the Girl Scouts of the U.S.A. is part of a global family of young women and adults who profess the timeless ideals contained in the Scout Promise and Scout Law.

When she brought scouting to the girls of America 80 years ago, Juliette Gordon Low could not have envisioned the immense popularity and stature that it enjoys today. In a 1924 letter to members of the Girl Scouts, she wrote:

I hope that during the coming year we shall all remember the rules of this Girl Scouting game of ours. They are: To play fair. To play in your place. To play for your side and not for yourself. And as for the score, the best thing in a game is the fun and not the result . . . .'

For millions of American women, participation in the Girl Scouts has proved to be excellent preparation for life, and Ms. Low's words are well worth remembering today.

The Congress, by House Joint Resolution 343, has designated March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby recognize March 12, 1992, as the 80th anniversary of the Girl Scouts of the United States of America. I invite all Americans to observe this occasion with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-6094
Filed 3-11-92; 2:07 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 360

[Docket No. 91-189]

RIN 0579-AA46

Noxious Weeds; Addition to List

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the noxious weed regulations by adding a weed, *Melaleuca quenquinervia* (Cav.) Blake, referred to as broadleaf paper bark tree, to the list of noxious weeds. Listed noxious weeds may be moved into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action appears to be necessary to prevent the artificial spread of the weed into noninfested areas of the United States.

EFFECTIVE DATE: April 13, 1992.

FOR FURTHER INFORMATION CONTACT: Thomas G. Flanigan, Operations Officer, Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, room 646, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

The noxious weed regulations (referred to below as the regulations) were established under authority of the Federal Noxious Weed Act of 1974 (referred to below as the Act) and are set forth in 7 CFR part 360. They contain restrictions on the movement of noxious weeds into or through the United States, but do not affect the movement of listed noxious weeds that are moved solely intrastate.

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the importation and movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

The list of noxious weeds in the regulations is divided into aquatic weeds, parasitic weeds, and terrestrial weeds. This document adds *Melaleuca quenquinervia* (CAV.) Blake (commonly known as *Melaleuca;* referred to below as broadleaf paper bark tree) to the list of noxious aquatic weeds.

In 1990, a notice of two public meetings and request for comments was published in the **Federal Register** (Docket No. 90-158, September 24, 1990, 55 FR 39010), with two subsequent notices of reschedulings (Docket No. 90-217, October 30, 1990, 55 FR 45611; and Docket No. 90-225, November 15, 1990, 55 FR 47776). Two meetings were held in December to gather information concerning whether broadleaf paper bark tree should be designated as a noxious weed. A total of 27 people gave testimony, and 35 written statements were received. Interest about broadleaf paper bark tree was expressed by a U.S. Congressman, private individuals recalling their personal experiences with the plant, and representatives of over 20 organizations including city, county, State, and Federal governmental agencies, environmental groups, and nurserymen. All speakers supported listing broadleaf paper bark tree as a noxious weed.

Of major concern was that the weed out competes or replaces native vegetation in Florida. Other expressed concerns included the adverse effects of the weed on wildlife and fish, biodiversity, the water table, public health, fire control in residential areas, and on navigation. Testimony and written comments were supportive of listing broadleaf paper bark tree as a noxious weed. The only comment opposing the designation of broadleaf paper bark tree as a Federal noxious weed asserted that doing so would restrict interstate movement. However, the commenter acknowledged that, as long as the nursery industry could continue to sell the plant in California, losing sales from another State would not adversely impact the industry.

Based on the supportive response to the two meetings and request for comments, a proposed rule requesting comments and offering the opportunity for a public hearing was published in the October 17, 1991, **Federal Register** (Docket No. 91-084, 56 FR 52005). The document proposed amending the Federal noxious weed regulations by adding broadleaf paper bark tree to the list of noxious weeds. Comments were required to be received on or before December 16, 1991. We received 14 timely comments, with no public hearing requests. All responses were in favor of adding broadleaf paper bark tree to the Federal list of noxious aquatic weeds.

Commenters again included a U.S. Congressman, representatives of five State governments, environmental interest groups, a water management district, scientists, and concerned individuals. Major concerns continued to center around the hazard this "biological pollutant" presents to the ecosystem, threatening the water supply and habitat of native plants and animals. Commenters repeatedly pointed out the costs to human health and the natural environment which the spread of this pest is capable of causing, and questioned any value to any plant or animal species, locale, or industry.

This change to the regulations will help protect areas not infested from becoming infested through artificial movement of the weed. Designating broadleaf paper bark tree as a noxious weed will allow APHIS to cooperate with other Federal and State agencies in conducting biological control activities. By providing this service, it is possible that wetlands lost to this weed could revert back to a wetland status. This, in turn, will improve the quality of life for citizens living in or around infested areas, improve habitat for wildlife and fish, and increase biodiversity of the fauna and flora communities.

The lone opponent of adding broadleaf paper bark tree to the list of Federal noxious weeds in the previous request for comments also responded to the proposed rule. His reply was supportive of adding broadleaf paper bark tree to the Federal noxious weed list as long as nurseries in his State could continue to ship this plant material intrastate. The regulations will allow for the movement of the plant into

or through the United States only under a written permit and under conditions not involving a danger of dissemination of the weed, and makes no provisions for, or against, intrastate movement.

Therefore, we are amending § 360.200(a) by adding *Melaleuca quenquinervia* (Cav.) Blake to the list of aquatic weeds regulated under the noxious weed regulations.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule will amend the noxious weed regulations by adding *Melaleuca quenquinervia* (Cav.) Blake, referred to as broadleaf paper bark tree, to the list of aquatic noxious weeds. A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed will not involve a danger of dissemination of the noxious weed in the United States.

Broadleaf paper bark tree grows in parts of the United States where the weather is warm and humid and winter freezing does not occur. Present coverage is approximately 3 million acres in California, Florida, Hawaii, Puerto Rico, and Texas.

The State of Florida has declared the broadleaf paper bark tree a noxious weed, making the growth and sale of the plant illegal in the State. According to the economic impact assessment made by the Florida Division of Resource Management, the anticipated benefits of the proposed rule far outweigh the costs. The direct and indirect costs to associated industries within Florida have been estimated to be about $12.3 million, while the direct and indirect benefits are about $160 million. The addition of broadleaf paper bark tree to the Federal noxious weed list is not expected to have a greater economic impact in Florida than the State amendment.

Broadleaf paper bark tree is grown as an ornamental tree in Southern California. There are about 583 wholesale and 1,026 retail nurseries currently in operation in California. However, it is not known how many of these establishments carry broadleaf paper bark tree. According to the information obtained from representative retail nusery establishments, the total sale of broadleaf paper bark tree plants is estimated to be about $1.5 million to $2 million. This represents less than 0.35 percent of the total sales of the nursery industry in California. Most of the contacted nurseries reported that either they have never engaged in interstate commerce in broadleaf paper bark trees or they have discontinued this practice. The only reported interstate transaction involves the movement of seeds from California to Hawaii.

The Hawaii Department of Land and Natural Resources' Forestry Division raises about 14,000 seedlings annually from seeds which are imported from the mainland. A package of 1000 seeds is sold at an average price of about $3.50. The economic impact of the rule change on this volume of commerce is minor.

By listing broadleaf paper bark tree as a noxious weed, persons seeking to move any broadleaf paper bark tree into or through the United States will be required to obtain a written permit as provided in the regulations. Any resultant inconvenience is not expected to increase broadleaf paper bark tree seed prices. Since the volume of commerce into or through the United States of broadleaf paper bark tree is minimal, APHIS concludes that adding it to the aquatic noxious weed list is unlikely to have any significant impact on U.S. producers and consumers.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This final rule adds the aquatic weed broadleaf paper bark tree (*Melaleuca quenquinervia*) to the list of noxious weeds. The listing of the broadleaf paper bark tree as a noxious weed under the Federal Noxious Weed Act will preempt State and local laws, regulations, or policies with regard to the importation, movement through the United States, and other transactions in foreign commerce of the broadleaf paper bark tree. States and local jurisdictions will not be preempted from imposing restrictions on other movements or transactions regarding the broadleaf paper bark tree provided that any such laws, regulations, or policies are not inconsistent with the Federal Noxious Weed Act and regulations promulgated thereunder. No retroactive effect is to be given to this rule. This rule will not require administrative proceedings before parties may file suit in court.

Paperwork Reduction Act

In accordance with section 3507 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection provisions that are included in this final rule have been submitted for approval to the Office of Management and Budget.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 7 CFR Part 360

Imports, Plants (Agriculture), Quarantine, Transportation, Weeds.

Accordingly, 7 CFR part 360 is amended as follows:

PART 360—NOXIOUS WEED REGULATIONS

1. The authority citation for part 360 is revised to read as follows:

Authority: 7 U.S.C. 2803 and 2809; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 360.200, paragraph (a) listing aquatic weeds is amended by adding the following in alphabetical order:

§ 360.200 Designation of noxious weeds.[1]

* * * * *

(a) * * *

Melaleuca quenquinervia (Cav.) Blake (broadleaf paper bark tree).

* * * * *

Done in Washington, DC, this 10th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-5912 Filed 3-12-92; 8:45 am]

BILLING CODE 3410-34-M

[1] One or more common names of weeds are given in parentheses after most scientific names to help identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-114-AD; Amendment 39-8175; AD 91-24-11 R1]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This amendment corrects information in an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires inspection for cracks and web separation of the body station (BS) 870 terminal fitting, cold working certain fastener holes, and repair or replacement of the fitting, if necessary. This action corrects the final rule by deleting a requirement to remove weather caulking under certain circumstances.

DATES: Effective January 7, 1992.

The incorporation by reference of certain publications listed in the regulations was previously approved by the Director of the Federal Register as of January 7, 1992 (56 FR 61354).

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Kathi N. Ishimaru, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2778; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: On November 5, 1991, the FAA issued AD 91-24-11, Amendment 39-8097, which is applicable to certain Boeing Model 727 series airplanes. That AD was published in the **Federal Register** on December 3, 1991 (56 FR 61354). That action requires inspection for cracks and web separation of the body station (BS) 870 terminal fitting, cold working certain fastener holes, and repair or replacement of the fitting, if necessary. That action was prompted by reports of cracks and web separations of the BS 870 terminal fitting. The requirements of the AD are intended to prevent failure of the fitting and depressurization of the airplane.

In the notice of proposed rulemaking (NPRM) that preceded the final rule, the FAA had proposed an action that would have required the removal of weather caulking material from the fuselage skin butt splice cavity in acccordance with Figure 1 of Boeing Service Bulletin 727-53-0194, dated November 8, 1990. Based on comments received in response to the NPRM, the FAA determined that removal of the weather caulking material was not necessary, and that the proposed requirement should be removed from the final rule. (This determination was discussed in the preamble to the final rule.) Upon publication of the final rule in the **Federal Register**, however, the requirement to remove the weather caulking was inadvertently included in paragraph (a).

Action is taken herein to correct the rule by adding a sentence to paragraph (a) to specify that removal of weather caulking is not required, and to correctly add the AD as an amendment to § 39.13 of the Federal Aviation Regulations (FAR). No other change has been made to the substance of the rule. The effective date of the rule remains January 7, 1992.

The final rule is being reprinted in its entirety (as follows) for the convenience of affected operators.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by correctly adding the following airworthiness directive:

91-24-11 R1. Boeing: Amendment 39-8175. Docket No. 91-NM-114-AD.

Applicability: Model 727 series airplanes, line numbers 001 through 875, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent failure of the body station (BS) 870 terminal fitting and depressurization of the airplane, accomplish the following:

(a) Prior to the accumulation of 25,000 total flight cycles or within the next 3,000 flight cycles after the effective date of this AD, whichever occurs later, conduct visual, eddy current, and ultrasonic inspections of the body station (BS) 870 terminal fitting for cracks and web separations, in accordance with Figure 1 of Boeing Service Bulletin 727-53-0194, dated November 8, 1990. During the initial inspection, rework uncracked fastener holes and install oversized fasteners, in accordance with Figure 1 of the service bulletin. Removal of weather caulking material from the fuselage skin butt splice cavity, as shown in Figure 1 of the service bulletin, is not required by this AD.

(b) If cracks or separations are found, prior to further flight, repair the BS 870 terminal fitting in accordance with Boeing Service Bulletin 727-53-0194, dated November 8, 1990. After repairs, repeat the inspection requirements of paragraph (a) of this AD as follows:

(1) For airplanes on which outboard flange cracks are removed by oversizing the fastener holes, repeat the inspections at intervals not to exceed 6,000 flight cycles or 3 years, whichever occurs first.

(2) For airplanes on which the external doubler is used to repair only outboard flange cracks, repeat the inspections at intervals not to exceed 6,000 flight cycles or 3 years, whichever occurs first.

(3) For airplanes on which the external doubler is used to repair either web separations, or web separations and outboard flange cracks, repeat the inspections at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

(c) If no cracks or separations are found, repeat the inspection requirements of paragraph (a) of this AD at intervals not to exceed 6,000 flight cycles or 3 years, whichever occurs first.

(d) The partial replacement of the body station (BS) 870 terminal fitting in accordance with Boeing Service Bulletin 727-53-0194, dated November 8, 1990, constitutes terminating action for the inspection requirements of this AD, for the replaced portion of the fitting. Unreplaced portions must continue to be inspected in accordance with this AD.

(e) The complete replacement of the body station (BS) 870 terminal fitting in accordance with Boeing Service Bulletin 727-53-0194, dated November 8, 1990, constitutes terminating action for the inspection requirements of this AD.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

(h) The inspection and repair requirements shall be done in accordance with Boeing Service Bulletin 727-53-0194, dated November 8, 1990. This incorporation by reference was previously approved by the Director of the Federal Register as of January 7, 1992 (56 FR 61354), in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(i) This amendment (39-8175), AD 91-24-11 R1, is effective January 7, 1992.

Issued in Renton, Washington, on January 23, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5961 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 91-AWP-9]

Amendment to Time of Designation for Restricted Area R-2530; Sierra Army Depot, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the time of designation for Restricted Area R-2530 Sierra Army Depot, CA. The current published time of designation is "0800 to 1800 p.s.t., Monday to Friday." The U.S. Army's munitions disposal workload has increased to the point where the existing time designation does not allow sufficient time for this mission to be accomplished. This amendment adds the provision, "other times by NOTAM" to the existing time to enable the Army to temporarily extend the restricted area hours in order to accommodate the increased workload.

EFFECTIVE DATE: 0901, u.t.c., April 30, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Ullom, Military Operations Program Office (ATM-420), Office of Air Traffic System Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-7683.

SUPPLEMENTARY INFORMATION:

History

On October 21, 1991, the FAA proposed to amend part 73 of the Federal Aviation Regulations (14 CFR part 73) to amend the time of designation of R-2530 Sierra Army Depot, CA (56 FR 52492). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 73.25 of part 73 of the Federal Aviation Regulations was republished in Handbook 7400.8 dated November 1, 1991.

The Rule

This amendment to part 73 of the Federal Aviation Regulations amends the time of designation of R-2530 Sierra Army Depot, CA, by adding the "other times by NOTAM" provision to the existing time of designation of "0800-1800 p.s.t., Monday to Friday." The U.S. Army's munitions disposal workload has increased to the point where the existing time designation does not allow sufficient time for this mission to be accomplished. The "other times by NOTAM" provision is necessary to enable the Army to temporarily extend the restricted area hours in order to accommodate the increased workload. Furthermore, adding the "other times by NOTAM" provision will provide the operational flexibility needed to meet future requirements for timely munitions disposal.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluaton as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 73 of the Federal Aviation Regulations (14 CFR part 73) is amended, as follows:

PART 73—SPECIAL USE AIRSPACE

1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510, 1522; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 73.25 [Amended]

2. Section 73.25 is amended as follows:

R-2530 Sierra Army Depot, CA [Amended]

By removing the existing Time of designation and substituting the following:

Time of designation. 0800-1800 p.s.t., Monday to Friday; other times by NOTAM.

Issued in Washington, DC, on February 10, 1992.

Jerry W. Ball,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 92-5957 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-13-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table rate series for the month of April 1992.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (See 5 U.S.C. 553 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the regulatory flexibility act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest Rates.*

For valuation dates occurring in the month:	The values for i_t are:															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
April 1992	.0675	.06625	.0650	.06375	.0625	.06125	.06125	.06125	.06125	.06125	.06	.06	.06	.06	.06	.05875

Issued at Washington, DC, on this 9th day of March 1992.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 92-5909 Filed 3-12-92; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300240A; FRL-4049-5]

RIN 2070-AB78

L-Glutamic Acid; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of L-glutamic acid (CAS Registry No. 68-86-0) when used as an inert ingredient (nutrient) in pesticide formulations applied to growing crops only. This regulation was requested by Farrson Chemicals.

EFFECTIVE DATE: This regulation becomes effective on March 13, 1992.

ADDRESSES: Written objections, identified by the document control number, [OPP-300240A], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry Leifer, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Progama, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 711L, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-5180.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 13, 1991 (56 FR 65035), EPA gave notice that at the request of Farrson Chemicals, P.O. Box 7134, Kennewick, WA 99336, and pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), EPA proposed to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for the chemical L-glutamic acid when used as an inert ingredient (nutrient) in pesticide formulations applied to growing crops only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the exemption from the requirement of a tolerance for L-glutamic acid will protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestor's contentions on each such issue. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that

regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 28, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended in the table therein by adding and alphabetically inserting the following inert ingredient, to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
L-glutamic acid ($C_5H_9NO_4$; Cas Reg. No. 56-86-0)	Seed treatment use only.	Plant nutrient.
* * * * *		

[FR Doc. 92-5823 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 9F3725/R1124; FRL-3932-2]

RIN 2070-AB78

Oxadixyl; Establishment of Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances in or on raw agricultural commodities of plant origin for the combined residues of the fungicide oxadixyl (2-methoxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2',6'-xylidide) and its desmethyl (M-3) metabolite (2-hydroxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2',6'-xylidide), calculated as oxadixyl. This rule to establish maximum permissible levels of combined residues of the pesticide and its metabolite in or on the commodities was requested by Sandoz Crop Protection Corp.

EFFECTIVE DATE: Effective on February 25, 1992.

ADDRESSES: Written objections, identified by the document control number [PP 9F3725/R1124], may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, rm. M-3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H-7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of March 23, 1989 (54 FR 12009), proposing to amend 40 CFR part 180 by establishing tolerances under section 408 of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 346a) for the fungicide oxadixyl and its metabolite (expressed as the fungicide) in or on various raw agricultural commodities. The company subsequently revised the list of raw agricultural commodities to include the crop groupings fruiting vegetables (except cucurbits) group, cucurbit vegetables group, leafy vegetables (except Brassica vegetables) group, Brassica (cole) leafy vegetables group, cotton seed, peas, soybeans, sunflower seed, root and tuber vegetables group, cereal grains group (except wheat), grass forage, fodder and hay group, and nongrass animal feeds (forage, fodder, straw, and hay) group at 0.10 part per million (ppm).

There were no comments received in response to the notice of filing. To clarify the residues of regulatory concern, the Agency has decided that the tolerance expression for plant commodities should consist of oxadixyl and its desmethyl metabolite, calculated as oxadixyl.

The data submitted in support of the petition and other relevant materials have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the tolerances include the following:

1. A 2-year feeding/oncogenicity study with male and female rats using dietary concentrations of 0, 100, 250, and 1,000 ppm, equivalent to 0, 4.79, 10.9, and 47.9 mg/kg/day was conducted. There was a statistically significant increase in hepatocellular adenomas at the high dose in both males and females. No evidence of early onset of these tumors was seen since no hepatocellular adenomas or carcinomas were seen in any animals sacrificed at 55 and 81 weeks. Historical control data indicated that the spontaneous rate for hepatocellular adenomas was 1.64 percent for males and 2.62 percent for females. Incidence of this tumor type at the highest dose tested was much greater than the historical controls for both males and females. Survival was unaffected in males and was slightly but statistically significantly better in females. Liver weights were significantly increased in males but not females at the high dose. Mean body weights were slightly increased in males but 2 to 10 percent lower in females at the high dose.

Based on this evidence, the Agency classified this chemical as a Group C (possible human) carcinogen in accordance with the EPA Guidelines for Carcinogen Risk Assessment (see the Federal Register of September 24, 1986 (51 FR 33992)). This evaluation was confirmed by the Agency's Scientific Advisory Panel on December 15, 1987. The Panel did not believe that a quantitative risk assessment should be conducted since only benign lesions were induced. However, since the incidence of tumors was low, a reevaluation of the liver slides from the study was requested. The reevaluation indicated a shift from mostly benign to mostly malignant tumors due to a difference in classification schemes used by the pathologists. The HED Peer Review Committee therefore felt that a quantification of risk was warranted and that the quantification of risk performed using the original combined benign and malignant tumor numbers would be satisfactory since the numbers would not change significantly using the new data.

The systemic NOEL in rats was 250 ppm (10.9 mg/kg/day), and the systemic LEL was 1,000 ppm (47.9 mg/kg/day) based on decreased body weight gain in females and increased liver weights in males. Hepatocellular adenomas were present in both male and female rats at the 1,000 ppm level.

2. A 2-year chronic feeding/oncogenicity study in mice was conducted using dietary concentrations of 0, 40, 100, and 400 ppm, equivalent to 0, 6, 15, and 60 mg/kg/day. In this study, the only effect of treatment seen was an increase in relative liver weights which was statistically significant in male and female mice at 97 weeks. There was no incidence of tumor formation at 400 ppm (HDT). The systemic NOEL was 100 ppm, and the systemic LEL was 400 ppm (HDT) based on relative liver weight increases in both male and female mice.

3. A 13-week feeding study in rats using doses of 0, 100, 250, and 1,000 ppm resulted in a NOEL for males of 6.6 mg/kg/day (100 ppm). Based on decreased hemoglobin, mean corpuscular hemoglobin, total blood protein and blood calcium, the LEL (males) was equivalent to 16.5 mg/kg/day (250 ppm). For females, the NOEL was 8.2 mg/kg/day (100 ppm). Based on decreased total blood protein, albumin, calcium, and chloride, the LEL for females was 21.5 mg/kg/day (250 ppm).

4. A 1-year feeding study using male and female beagle dogs was conducted at levels of 0, 25, 50, and 500 ppm (equivalent to 0, 0.625, 1.25, and 12.5 mg/kg/day). There were no definitive toxic effects in dogs fed at the highest dose tested. A significant decrease in mean thyroid weight was observed in all dosed groups of females, but no effects were noted in males. This was considered an incidental finding in the absence of further supporting data. Based on the lack of systemic effects at any dose tested, the systemic NOEL was considered to be greater than or equal to 12.5 mg/kg/day.

5. A teratology study was conducted in rabbits by administering dosage rates of 0, 50, 100, and 200 mg/kg body weight by gavage. The maternal NOEL was 50 mg/kg, and the LEL was 100 mg/kg based on increased resorptions. The teratogenic NOEL was 200 mg/kg (highest dose tested).

6. A teratology study using rats was conducted by administering levels of 0, 250, 500, or 1,000 mg/kg/day by gavage. The maternal NOEL in this test was 250 mg/kg/day, and the maternal LEL (decreased body weight gain) was 500 mg/kg/day. The developmental NOEL was 500 mg/kg/day, and the LEL was 1,000 mg/kg/day based on decreased fetal body weight gain, increased resorptions, increased incidence of retardation of fetal kidney development, and increased incidence of skeletal variations. The A/D ratio was determined to be 0.5.

7. In a three-generation rat reproduction study, dose levels of 0, 100, 250, and 1,000 ppm in feed resulted in a NOEL of 250 ppm (equivalent to 22 mg/kg/day for dams) for effects on reproduction and development up to lactational day 21 and an LEL of 1,000 ppm (88 mg/kg/day for dams) for weight loss on lactational day 21 in F1a and F2a pups. The NOEL for other systemic effects was 250 ppm (22 mg/kg/day), and the LEL was 1,000 ppm (88 mg/kg/day) for a marginal body weight loss and food consumption increase in females prior to mating, at conception, and during lactation. Potassium and glucose levels were significantly increased in males at the highest dose tested in two of the three generations tested.

8. Oxadixyl was negative for mutagenicity in the Ames *Salmonella* assay for point mutations, mouse micronucleus assay, *Saccharomyces cerevisiae* reverse mutation induction assay, *Saccharomyces cerevisiae* mitotic induction assay, UDS in rat hepatocytes, and transformation in Balb/C-3T3 cells.

The Reference Dose (RfD) based on the 2-year rat feeding study (NOEL of 10.9 mg/kg body weight) and using an uncertainty factor of 100, is calculated to be 0.11 mg/kg body weight/day. The data from the 2-year rat feeding study was selected for this calculation because the data indicate that the rat is the species most sensitive to oxadixyl. The anticipated residue contribution (ARC) of the proposed tolerances is 0.000034 mg/kg body weight/day and utilizes 0.031 percent of the RfD for the total population, and the percents of the RfD are 0.074 and 0.058 percent for nonnursing infants and children ages 1 to 6, respectively. Since chronic exposure estimates are less than 1 percent of the Reference Dose, the risk of toxic effects other than cancer appears to be negligible.

Oxadixyl has been classified as a Group C (possible human) carcinogen with a carcinogenic potency factor (Q_1^*) of 0.053 $(mg/kg/day)^{-1}$. The upper bound carcinogenic risk estimate (1.8×10^{-6}), calculated based on the ARC, may slightly exceed the level generally considered negligible by the Agency. However, the risk estimate is based on the assumption that 100 percent of the crop that is grown in the U.S. will be treated with this chemical. This assumption is unrealistic since alternative pesticides are available and disease situations requiring the pesticide will not occur everywhere. A true estimate of the actual use of this pesticide is not possible, but realistically, the use level would be less than 100 percent. Therefore, the carcinogenic risk estimate would reasonably be less than that calculated.

The nature of the residue is adequately understood. Adequate analytical methods are available for enforcement purposes. The method for plants has been submitted to the FDA for publication in the Pesticide Analytical Manual, Vol. II (PAM II). Because of the long lead time for establishing this tolerance to publication of the enforcement methodology in the PAM II, the analytical methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 242, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-4432.

The pesticide is considered useful for the purposes for which the tolerances are sought. Based on the information and data considered, the Agency concludes that the establishment of the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections and/or a request for a hearing with the Hearing Clerk, at the address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objection. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestor's contentions on each such issue. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims to the contrary; and resolution of factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the

requirement of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements

Dated: February 25, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new § 180.456, to read as follows:

§ 180.456 Oxadixyl; tolerances for residues.

Tolerances are established for the combined residues of the fungicide oxadixyl [2-methoxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2',6'-xylidide] and its desmethyl (M-3) metabolite (2-hydroxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2',6'-xylidide), calculated as oxadixyl in or on the raw agricultural commodities cotton seed, peas, soybeans, sunflower seed and the crop groupings fruiting vegetables (except cucurbits) group, cucurbit vegetables group, leafy vegetables (except Brassica vegetables) group, Brassica (cole) leafy vegetables group, root and tuber vegetables group, cereal grains group (except wheat), grass forage, fodder and hay group, and nongrass animal feeds (forage, fodder, straw, and hay) group at 0.1 part per million.

[FR Doc. 92-5816 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 8F3658/R1142; FRL-4047-9]

RIN 2070-AB78

Pesticide Tolerances for Triasulfuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-chloroethoxy)phenyl-sulfonyl)urea] in or on the raw agricultural commodities (RACs) barley and wheat grain at 0.02 part per million (ppm); barley and wheat straw at 2.0 ppm; barley and wheat forage at 5.0 ppm; meat, fat, and meat byproducts (excluding kidney) of cattle, goats, hogs, horses, and sheep at 0.1 ppm; kidney of cattle, goats, hogs, horses, and sheep at 0.2 ppm; and milk at 0.02 ppm. Ciba-Geigy Corp. requested these tolerances in petitions submitted to EPA.

EFFECTIVE DATES: This regulation becomes effective March 13, 1992. The tolerances will expire on March 13, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 8F3658/R1142], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. M3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6800.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 12, 1988 (53 FR 39783), EPA issued a notice announcing that Ciba-Geigy Corp., Agricultural Division, P.O. Box 18300, Greensboro, NC 27419, had submitted a pesticide petition (PP 8F3658) proposing to amend 40 CFR part 180 by establishing a regulation under section 408(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)) to permit the residues of the herbicide 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea in or on barley forage and wheat forage at 1 ppm; milk, barley grain, and wheat grain at 0.02 ppm; barley hay and wheat hay at 6 ppm; barley straw and wheat straw at 2 ppm; kidney of cattle, goats, hogs, horses, and sheep at 0.2 ppm; and meat, fat, and meat byproducts (excluding kidney) of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The petitioner subsequently amended the petition by submitting a revised Section F deleting the proposed tolerances on barley hay and wheat hay and proposing to establish tolerances for residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the RACs barley forage and hay forage at 5 ppm; barley grain and wheat grain at 0.02 ppm; barley straw and wheat straw at 2 ppm; milk at 0.02 ppm; kidney of cattle, goats, hogs, horses, and sheep at 0.2 ppm; and meat, fat, and meat byproducts, excluding kidney, of of cattle, goats, hogs, horses, and sheep at 0.1 ppm. On April 3, 1991 (56 FR 13641), EPA published an amended filing notice in the **Federal Register** proposing these tolerances.

There were no comments or requests for referral to an advisory committee received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data listed below were considered in support of these tolerances.

1. Several acute studies placing technical-grade triasulfuron in Toxicity Categories III and IV.

2. A subchronic feeding study in rats fed dosages of 0, 10, 500, and 1,000 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 10 mg/kg/day based on decreased body weight, decreased food intake, and increased kidney atrophy and epithelial hyperplasia at 500 mg/kg/day.

3. A 1-year feeding study with dogs fed dosages of 0, 2.5, 25, and 125/250 mg/kg/day with a NOEL of 2.5 mg/kg/day based on increased relative liver weight and prostate cystic hyperplasia at 25 mg/kg/day.

4. A 2-year chronic feeding/carcinogenicity study in rats fed dosages of 0, 0.5, 32.1, and 220.1 mg/kg/day with no carcinogenic effects observed under the conditions of the study at dose levels up to an including 220.8 mg/kg/day (highest dost tested [HDT]) and a systemic NOEL of 32.1 mg/kg/day based upon a decrease in mean weight gain in both sexes throughout the study and, in males, a decrease in mean absolute heart and testes weight at 220.8 mg/kg/day (HDT).

5. A 2-year feeding/carcinogenicity study in mice fed dosages of 0, 1.2, 129, 750, and 1,500 mg/kg/day with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 750 or 1,500 mg/kg/day (HDT) and a systemic NOEL of 1.2 mg/kg/day based on centrilobular hepatocytomegaly in males at 750.

6. A developmental toxicity study in rats fed dosages of 0, 100, 300, and 900 mg/kg/day with a developmental NOEL of 300 mg/kg/day, based on dumbell-shaped thoracic vertebrae at 900 mg/kg/day (HDT), and a maternal NOEL of 100 mg/kg/day, based on decreased body weight at 300 mg/kg/day.

7. A developmental toxicity study in rabbits fed dosages of 0, 40, 120, and 240 mg/kg/day with a developmental NOEL greater than 240 mg/kg/day (HDT) and a maternal NOEL of 120 mg/kg/day (HDT) based on depressed body weight at 240 mg/kg/day (HDT).

8. A two-generation reproduction study in rats fed dosages of 0, 0.5, 50, and 250 mg/kg/day with a reproductive NOEL of 50 mg/kg/day based on reduced pup weight at birth and during lactation at 250 mg/kg/day (HDT) and a parental NOEL of 50 mg/kg/day based on decreased body weight gain at 250 mg/kg/day (HDT).

9. Mutagenicity studies include an Ames test, a mouse lymphoma mutagenicity test, a DNA damage/repair *in vitro* (HPC/UDS) test, and a micronucleus in Chinese hamsters (all negative).

The acceptable daily intake (ADI), based on a 2-year feeding study with mice (NOEL of 1.2 mg/kg/day) and using a hundred-fold safety factor, is calculated to be 0.01 mg/kg/day. The theoretical maximum residue contribution (TMRC) of the overall U.S. population is 0.000463 mg/kg body weight/day and utilizes 4.63 percent of the ADI. The estimated TMRCs for nonnursing infants and children ages 1 to 6 are 0.001543 mg/kg/day (15.4 percent of the ADI) and 0.001090 mg/kg/day (10.9 percent of the ADI), respectively. There are no published or other proposed tolerances for this chemical.

The pesticide is useful for the purposes for which these tolerances are sought. The nature of the residue is adequately understood for the purpose of establishing tolerances. Adequate analytical methodology—high-peroformance liquid chromatography (HPLC) using column switching and ultraviolet detection—is available for enforcement purposes. Because of the long lead time from establishing these tolerances to publication, the enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response Branch, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 242, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-4432.

There are currently no actions pending against the registration of this chemical. Any secondary residue occurring in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk will be covered by the tolerances in this action. There is no reasonable expectation that finite residues of trisulfuron will occur in poultry tissues and eggs as a result of the proposed use on wheat and barley.

Based on the information cited above, the Agency has determined that the establishment of the tolerances by amending 40 CFR part 180 will protect the public health; therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested and the requestor's contentions on each such issue. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 28, 1992.

Susan H. Wayland,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new § 180.459, to read as follows:

§ 180.459 Triasulfuron; tolerances for residues.

Tolerances, to expire on March 13, 1995, are established for residues of the herbicide triasulfuron [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, forage	5.0
Barley, grain	0.02
Barley, straw	2.0
Cattle, fat	0.1
Cattle, kidney	0.2
Cattle, mbyp except kidney	0.1
Cattle, meat	0.1
Goats, fat	0.1
Goats, kidney	0.2
Goats, mbyp except kidney	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, kidney	0.2
Hogs, mbyp except kidney	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, kidney	0.2
Horses, mbyp except kidney	0.1
Horses, meat	0.1
Sheep, fat	0.1
Sheep, kidney	0.2
Sheep, mbyp except kidney	0.1
Sheep, meat	0.1
Milk	0.02
Wheat, forage	5.0
Wheat, grain	0.02
Wheat, straw	2.0

[FR Doc. 92-5824 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket No. 91-122; FCC 92-60]

Broadcast Services; Commission Policies Regarding Spousal Attribution

AGENCY: Federal Communications Commission.

ACTION: Final rule; policy statement.

SUMMARY: In this decision, the Commission eliminates the presumption of spousal attribution, pursuant to which the media interests of one spouse have been presumptively attributed to the other for purposes of the multiple

ownership and cross ownership rules. The policy adopted by the Commission establishes the same attribution standards for spousal relationships that currently govern attribution for all other family relationships. Under the amended policy, spouses' media interests will no longer be presumptively attributed solely on the basis of the spousal relationship. Rather, attribution issues will be determined based on the relationship between the spouses and their respective media interests. As with all family relationships, the Commission will review spouses' disclosures regarding their media interests to determine that those interests are separate and independent and are not subject to common influence or control. Spouses' media interests will not be attributed where their disclosures confirm that their media interests are separate and independent and do not pose a threat to economic competition and diversity.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Jacqueline Chorney, Mass Media Bureau, Policy and Rules Division, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Policy Statement

Adopted: February 13, 1992. *Released:* March 9, 1992.

By the Commission:

Introduction

1. This Policy Statement concludes the Commission's inquiry into its spousal attribution policy, under which the media interests of one spouse are presumptively attributed to the other for purposes of the multiple ownership and cross-ownership rules (the "ownership rules").[1] The policy adopted herein eliminates the presumption of spousal attribution and establishes the same attribution standards for spousal relationships that govern the attribution of media interests for other family relationships.[2] Hereafter, the media interests of one spouse will not be presumptively attributed to the other solely on the basis of marital status. Rather, the Commission will review the relationship between the spouses and their respective media interests to determine whether attribution of their media interests is necessary to preserve the objectives of economic competition and diversity. As with all family relationships, spouses' media interests will not be attributed where the spouses' disclosures confirm that such media interests are independently held and are not subject to common influence or control. This revision in our spousal attribution policy will remove undue restrictions on spouses acquiring separate and independent media interests and afford marital status treatment similar to that afforded to other family relationships. The policies we adopt herein also will serve the public interest by ensuring that the economic competition and diversity interests that underlie the ownership rules are not improperly compromised.

Background

2. The Commission first established the presumption of spousal attribution in *Lady Sarah McKinney-Smith*.[3] In that 1976 decision, the Commission held that the owners of two AM stations with overlapping signals, who planned to marry, would have their respective media interests attributed to each other upon their marriage. The Commission's rationale for establishing this presumption of attribution, which differed from the treatment of other family relationships, was that the marital relationship is typically a closer relationship characterized by less independence than other family relationships. For this reason, we concluded that the spousal relationship was not likely to result in the normally expected arm's length competition in the operation of two separately owned stations.[4]

3. Notwithstanding its determination that the marital relationship would result in a presumption of attribution, the Commission waived the multiple ownership rules in that case, finding that: (1) No acquisition of a license was involved; (2) the national ownership limits would not be violated; (3) the facts showed a lack of intent to evade the ownership rules (since both parties held their respective interests before marrying); (4) the parties entered into a prenuptial agreement ensuring that the operation and control of each station would remain independent; and (5) a large number of similar requests was unlikely to result. This analytic framework evolved into the criteria for granting waivers of the ownership rules in subsequent spousal attribution cases.[5]

4. Later, in Attribution Reconsideration Decision, where we revised the attribution rules, we stated that despite the near "conclusive nature" accorded the presumption of spousal attribution, the Commission would "henceforth permit this presumption to be rebutted, on a case-by-case basis, in 'appropriate circumstances.' " With respect to family relationships generally, we indicated that we would continue to evaluate the facts and circumstances in specific cases to determine whether or not it was appropriate to attribute interests on the basis of a close familial relationship.[6]

5. In *Marvin J. Diamond*,[7] we found for the first time that sufficient facts had been presented to rebut the presumption of spousal attribution.[8] In that case, Paramount Communications Corporation intended to acquire an interest in TVX Broadcast Group. The Senior Vice President and Chief Financial Officer of Paramount was married to the Treasurer of Times Mirror Corporation, and attribution of their interests would have resulted in numerous violations of the multiple ownership rules. In finding that the presumption of attribution was successfully rebutted, the Commission relied on the following facts: (1) The spouses' employers were both large multi-faceted companies with diverse interests; (2) neither spouse was exclusively concerned with his or her employer's media interests; (3) both spouses had long pursued independent careers and had not acted personally to initiate the acquisition involved; and (4) the spouses entered into an agreement requiring them to insulate their business activities from one another.

Proposal

6. The presumption of spousal attribution is premised on the view that the marital relationship, by its nature, is not conducive to arm's length competition or the promotion of diversity. However, as we explained in the NOI in this proceeding, we are concerned that the consequences of the presumption of spousal attribution are unduly restrictive and serve to hamper the media activities of married couples. Additionally, we recognize that as more women enter the broadcast industry, the presumption of spousal attribution will increasingly impede their entry into ownership and managerial positions, thus placing our attribution policy at odds with our equal employment opportunity policies encouraging the entry and advancement of women in the broadcast industry. As a consequence, we proposed to relax the standards applicable to the presumption of spousal attribution.

7. Specifically, the NOI proposed that, with respect to the ownership rules, a presumption of no spousal attribution would operate when spouses demonstrate a history of separate business interests and independent careers and expressly represent that this past independence will continue. We suggested that the indicia used to demonstrate the requisite independence might include, but would not be limited to, a showing that neither spouse hold any financial interest in the other spouse's media interest or its communications subsidiary; that neither provides services for or on behalf of the other spouse's media company; and that neither is involved in the management, operation or finances of the other's media company. Further, we stated that, at a minimum, spouses making the representation of continued independence would be required to disclose whether and to what extent any financial interest or relationship exists between each spouse and the other spouse's media employer.

8. The NOI solicited comments on the sufficiency of these proposed criteria for establishing a presumption of non-attribution, and on whether we should broaden or narrow the circumstances in which we would apply the presumption. We also inquired as to the relevance of the type of ownership interest involved and the circumstances of the market at issue. Specifically, we questioned: (1) Whether greater assurances as to a spouse's independence should be required where stations are in the same service and in same market than where the national ownership limits are at issue; and (2) whether the availability of alternative services should be considered where the stations are located in the same market. The NOI tentatively concluded that the proposed guidelines would serve the public interest by removing undue restrictions on married couples pursuing independent media careers, while preserving the purposes of the spousal attribution policy by ensuring arm's length competition and promoting diversity. Five parties filed comments in this proceeding.[9]

Comments

9. All of the commenting parties generally supported our endeavor to reform the spousal attribution policy. Most commenters, however, indicated that the proposal contained in the NOI continues to be unduly restrictive and represents an insignificant modification of our established policy. In addition, most of the commenters stated that the requisite showing of a "history of separate business interests and independent careers" unfairly excludes from consideration spouses who have had common business interests in the past or who have not yet established careers. A majority of commenters recommended eliminating the presumption of spousal attribution entirely.[10]

10. AWRT advocates that we abolish the presumption of spousal attribution and implement a presumption of no attribution, which may be rebutted by a challenger. Rather than forcing spouses to make a threshold showing of independence in order to be entitled to a presumption of no attribution, as the NOI suggested, AWRT proposes that spouses be required to disclose all media interests and certify that such interests are and will remain independent. Athens, Gammon & Grange and Withers advocate that we abolish the presumption of spousal attribution and apply the same attribution criteria that we apply to all non-marital family relationships. Under those criteria, the existence of such a family relationship alone is insufficient to create a presumption of common control for purposes of applying the ownership rules.[11] Rather, Commission practice is to evaluate the facts and circumstances on an *ad hoc* basis to determine whether or not a close family relationship justifies attribution.

11. Only Paramount supports the specific proposal contained in the NOI. Paramount suggests, however, that the criteria established by the Commission in *Marvin J. Diamond* to rebut the presumption of attribution be employed as the criteria to demonstrate independence with respect to spouses' media interests.[12] Paramount suggests that such criteria be incorporated in a note to the Commissions' ownership rules, and that all applicants seeking non-attribution be required to certify their present and future compliance with these criteria.

Discussion

12. After reviewing the comments submitted in this proceeding and reconsidering the issue of spousal attribution, we are persuaded that the presumption of spousal attribution should be eliminated and the spousal relationship should be afforded treatment similar to that afforded other close family relationships. As noted in the NOI, since we first created the presumption of spousal attribution in 1976, there has been a significant increase in the number of married couples in which both spouses pursue separate and independent careers.[13] Because of this increase, we believe that it is no longer appropriate to presume that married couples are unlikely to act independently of each other and thus that the spousal relationship poses a threat to economic competition and diversity. In addition, we believe that the presumption of spousal attribution necessarily impedes the entry of married individuals into ownership and managerial positions in the broadcast industry by requiring divestiture of interests that, if attributed, would result in a violation of the ownership rules.

13. We conclude that the public interest would be better served if attribution in spousal relationships, like all other family relationships, is

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[1] 47 CFR 73.3555, 76.501 (1990). See Attribution of Ownership Interests, 49 FR 19482 (May 8, 1984); 97 FCC 2d 997, reconsidered in part, 50 FR 27438 (July 3, 1985); 58 RR 2d 604 ("Attribution Reconsideration Decision"), further reconsidered, 52 FR 1630 (January 15, 1987); 1 FCC Rcd. 802.

[2] The Notice of Inquiry (NOI), 56 FR 23260 (May 21, 1991); 6 FCC Rcd 2492, expressly limited the scope of this proceeding to the application of spousal attribution to the ownership rules. Therefore, the policies we adopt today are similarly restricted and do not address the application of spousal attribution in determining integration or diversification credit in the context of comparative hearings.

[3] 39 FCC 2d 300 (1976) ("*McKinney-Smith*").

[4] *McKinney-Smith*, 39 FCC 2d at 401.

[5] See, e.g., *Richard R. Zaragoza*, 2 FCC Rcd 5078 (1987); *Marvin J. Diamond*, 4 FCC Rcd 8526 (1989).

[6] *Attribution Reconsideration Decision*, 50 FR at 27446; 58 RR 2d at 620.

[7] *Marvin J. Diamond*, 4 FCC Rcd at 8528.

[8] In the earlier spousal attribution decisions the Commission attributed spouses' media interests but granted waivers of the ownership rules.

[9] The commenting parties were: American Women in Radio and Television, Inc. ("AWRT"), Athens Broadcasting Inc. ("Athens"), Gammon & Grange, Paramount Communications, Inc. ("Paramount"), and Russell Withers, Jr. and Kathy J. Withers ("Withers").

[10] The pleadings of AWRT, Athens, Gammon & Grange and the Withers recommended eliminating the presumption of spousal attribution.

[11] *Stuart W. Epperson*, 1 RR 2d 521, 525 (Rev. Bd. 1963); *L&S Broadcasting Co.*, 9 RR 2d 423, 426 (1967); *KTRB Broadcasting Company, Inc.*, 46 FCC 2d 605, 607 (1974); *Alabama Radio Corporation*, 69 FCC 2d 1256, 1263 (1978).

[12] *Marvin J. Diamond*, 4 FCC Rcd 8528 (1989). Paramount characterizes the criteria established in this case as requiring spouses to represent that they will not: (1) Acquire interests in each other's media company; (2) hold any joint interests in any media company subject to FCC regulation; (3) provide each other with non-public business records pertaining to their media interests; (4) act as an employee, agent or contractor for, or participate in the management or operation of, the other's media company; (5) provide financial assistance for the other's media interests; or (6) exchange personnel, equipment, or nonpublic information regarding the operations or planning of their media companies.

[13] NOI, 56 FR at 23261; 6 FCC Rcd at 2493. According to the Bureau of Labor Statistics, the percentage increase from 1976 to 1991 of total married couples with both spouses earning income rose from 48 percent to 59 percent. See U.S. Department of Labor, Bureau of Labor Statistics—Unpublished Data from Current Population Survey, March 1991; U.S. Department of Labor, Bureau of Labor Statistics, Handbook of Labor Statistics, August 1989, Bulletin 2340, Table 61, page 255.

determined based on the specific facts and circumstances presented. While this approach differs slightly from the proposal set forth in the NOI (in that we are not requiring an initial showing that an applicant is entitled to a presumption of non-attribution), we have retained the elements of that proposal designed to protect our legitimate interests in competition and diversity. Under our adopted approach, the Commission must be satisfied in each case that the spouses' media interests are independent, and that a marital relationship is not being used to evade the ownership rules. To that end, all family relationships must be disclosed and described in full, and we retain the option of requiring submission of further information and explanation if necessary. This process will enable us to evaluate carefully whether the spouses in fact will act independently of each other, and at the same time will avoid imposing burdensome and potentially misplaced presumptions on married individuals.

14. In considering the presumption of spousal attribution, we reviewed the treatment of spousal attribution in other regulatory contexts. As we noted in Attribution of Ownership Interests, no other regulation "more closely parallels in purpose our own concerns [in defining attributable ownership interests] than the stockholding disclosure requirements of the Securities and Exchange Commission." [14] In this regard, it is significant to note that SEC policy does not presume attribution of stock ownership between spouses for purposes of its filing requirements. The purpose of the SEC disclosure requirement is to provide the public with information about entities that have acquired significant ownership interests in, and are therefore in a position to influence the operation of, publicly traded companies. Our attribution rules are similarly concerned with identifying ownership interests that confer on the holder of such interest the ability to influence or control station decisions.

15. Under existing policy, applicants for new construction permits and for transfers or assignments of licenses are required to report the broadcast interests of all immediate family members (parents, siblings and offspring, as well as spouses) of any party to the application. In addition, applicants must file exhibits to these applications, which provide full disclosure regarding the nature and extent of such familial interests. The Commission reviews these disclosures to determine whether the media interests of family members are subject to the common ownership, influence or control of other family members. Where family relationships are intertwined with business interests the Commission has a legitimate concern as to compliance with the ownership rules, and in such situations, family members have the burden of establishing in their applications that, despite a close family relationship, the broadcast interests involved are (or will be) independently owned and operated.[15] We believe that these disclosure procedures have fully safeguarded competition and diversity in the context of close family relationships, and will effectively serve the same end if applied as well to spousal relationships.

16. The factors the Commission has relied upon in finding the requisite degree of independence with respect to other family relationships should serve as a guide for spouses seeking to establish independence. The Commission's policy with respect to attribution in family relationships has always been to attribute such interests only in those circumstances in which our policies favoring economic competition and diversity are implicated. In deciding attribution issues in the context of close family relationships, the Commission has considered the following factors to be relevant:

(1) Representations that the media interests of close family members will be independent and will not be subject to common influence or control; [16]

(2) Commingling of ownership or other interests in media businesses; [17]

(3) Participation by family members in the financial affairs, programming and personnel decisions of each other's media interests; [18]

(4) Prior broadcast experience of the individual seeking to establish independent interests; [19]

(5) Financial independence; [20]

(6) Sharing of personnel, equipment, contractors or information regarding programming; [21]

(7) Involvement by family members in the acquisition or application process.[22]

17. In evaluating non-spousal family relationships, we have recognized that family relationships have many characteristics, such as financial and business ties, which in a non-family relationship would be indicia of common ownership or control.[23] We do not, however, attribute interests based solely on these characteristics since they are often part and parcel of the relationship, and attribution would thus create unfair obstacles to media ownership. Similarly, we recognize that spousal relationships possess certain qualities that in other family relationships may indicate common influence or control, but which, if used to justify attribution in a spousal setting, would undermine our efforts in this proceeding. Independence, for example, has been shown where adult children demonstrate emancipation and financial independence from their parents.[24] Spouses, on the other hand, live together and may not have segregated finances. In a spousal setting, however, these attributes are not particularly indicative of a lack of independence; rather they are common characteristics of a marriage relationship. Accordingly, these circumstances alone would not be sufficient to question the assertion of independence in a spousal situation.

18. Where the Commission finds that the media interests of spouses are subject to common influence or control, their media interests will be attributed to one another. If we are unable to determine the independence of spouses' media interests based on the disclosure provided, we may in our discretion request additional information necessary to make such a determination. As has always been our policy, if it appears that spouses (or other family members) have misrepresented the nature or extent of their media interests in order to evade the ownership rules, we will apply the full weight of available sanctions.

19. In the NOI we questioned whether the nature of the spouses' media interests should affect the level of assurance we require to establish independence. Paramount asserts that the nature of the attributable interest should not affect the Commission's determination as to whether spouses are independent. AWRT advocates the adoption of a policy of no spousal attribution in situations involving spouses who hold positional interests, such as officers or directors, in different media companies in the same market. Given that the presumption of spousal attribution is eliminated herein, we believe that it is unnecessary to amend our attribution standards to distinguish generally between ownership and positional interests in cases involving spousal attribution. Where the spouses' disclosure confirms that the spouses' media interests are independent, they will not be mutually attributable regardless of the nature of the media interests at issue.[25] Where independence is not established, the positional interest at issue can still be determined not to be attributable on the basis of the nature of the position and its impact on or relevance to broadcast operations.[26]

20. With respect to the issue we raised in the NOI regarding the relevance of market conditions, we conclude that market conditions should not influence our determination of whether spouses' interests are attributable. As Paramount indicated in its pleadings, the relevant issues for purposes of attribution are the relationship between the spouses and their respective media interests, not the number of other media outlets in the market. Market conditions, such as the size of the market and the level of alternative service, are not relevant to the determination of whether spouses' media interests are subject to common influence or control.[27]

Conclusion

21. We believe that the elimination of the presumption of spousal attribution is necessary to effect equity and consistency in the application of the ownership rules. We are confident that the less restrictive attribution standards we apply to all other family relationships are fully adequate to safeguard the objectives of the ownership rules in the context of spousal relationships. As with all family relationships, the Commission will review spouses' disclosures regarding their media interests to determine that those interests will be managed independently. If, on the basis of such disclosures, we are satisfied that the spouses' media interests are independent and are not subject to common influence or control, such interests will not be attributed. The foregoing policies will serve the public interest by removing undue restrictions on married couples pursuing separate and independent media interests while ensuring that the objectives of economic competition and diversity inherent in the ownership rules are protected. To further ensure such protection, we note that in individual cases the Commission may on its own initiative request any additional relevant information or assurances it deems necessary in order to assess whether family relationships, including spousal relationships, should give rise to attribution of ownership.

Ordering Clauses

22. For the foregoing reasons, *it is ordered*, That, pursuant to the authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154 and 303, the language explaining our prior presumption of spousal attribution will be deleted from all relevant Federal Communication Commission forms and reports.

23. *It is further ordered*, That the policies adopted herein will become effective upon publication of this Policy Statement in the **Federal Register**. See 5 U.S.C. § 553(d)(2).

24. For further information about this proceeding, contact Jacqueline Chorney, Federal Communications Commission, Policy and Rules Division, Mass Media Bureau, Washington, DC 20554, (202) 632-7792.

List of Subjects

47 CFR Part 73

Radio broadcasting, Television broadcasting.

47 CFR Part 76

Cable television.

Donna R. Searcy,

Secretary.

[FR Doc. 92-5875 Filed 3-12-92; 8:45 am]

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[15] 49 FR 19485; 97 FCC 2d at 1009.

[16] *Alabama Radio Corporation*, 69 FCC 2d at 1282; *Arnold L. Chase*, 97 RR 2d 815, 818 (1990).

[17] *Southern Indiana Broadcasters, Inc.*, 14 RR 117, 120 (1956); *KTRB Broadcasting Company, Inc.*, 46 FCC 2d 605, 608-09 (1974); *High Sierra Broadcasting, Inc.*, 98 FCC 2d 423, 435 (Rev. Bd. 1983).

[18] *Arnold J. Chase*, 97 RR 2d at 817-18; *Southern Indiana Broadcasters, Inc.*, 14 RR at 120.

[19] *Rayne Broadcasting Co., Inc.*, 97 RR 2d at 1503; *Dorothy J. Owens*, 66 RR 2d at 840; *Stuart W. Epperson*, 1 RR 2d at 526-27.

[20] *Stuart W. Epperson*, 1 RR 2d at 525; *Southern Indiana Broadcasters, Inc.*, 14 RR at 117. (That such experience was obtained from employment in a family owned media company is not necessarily indicative of common influence or control.)

[21] *Stuart W. Epperson*, 1 RR 2d at 526; *High Sierra Broadcasting Inc.*, 98 FCC 2d at 435; *Dorothy J. Owens*, 66 RR 2d at 866. (The provision by family members of financial assistance, loans or loan guarantees in arm's length transactions is not necessarily indicative of common ownership, influence or control unless coupled with the ability or intent to exercise control to protect financial position.) But see *Arnold J. Chase*, 97 RR 2d at 818; *Rayne Broadcasting Co., Inc.*, 97 RR 2d at 1503.

[22] *Arnold J. Chase*, 97 RR 2d at 818; *Alabama Radio Corporation*, 69 FCC 2d at 1282.

[23] *Rayne Broadcasting Co., Inc.*, 97 RR 2d at 1502-03.

[24] *Rayne Broadcasting Co., Inc.*, 97 RR 2d 1501, 1503 (Rev. Bd. 1990); *Dorothy J. Owens*, 66 RR 2d 842, 846 (1990); *Arnold L. Chase*, 97 RR 2d 815, 818 (1990).

[25] *Valley Broadcasting Co.*, 50 FR 31424, 31425 (August 2, 1985) 58 RR 2d 945, 946. But see *KTRB Broadcasting Co., Inc.*, 46 FCC 2d 605 (1974) (holding that student son living at home was independent of his father whom he replaced as an investor in the acquisition of a broadcast station).

[26] Under the policy established herein, disclosure of facts similar to those presented in *Marvin J. Diamond* would be considered sufficient confirmation of independence and would thus not lead to attribution.

[27] See, e.g., *Attribution of Ownership Interests*, 49 FR at 19493; 97 FCC 2d at 1025-26.

[28] Although not relevant to spousal attribution determinations, market conditions would of course still be relevant to requests for waivers of the underlying ownership rules. See *e.g.*, 47 CFR 73.3555, n. 7 (1990).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: NMFS has established a directed fishing allowance and is prohibiting directed fishing for pollock in statistical area 61 in the Gulf of Alaska (GOA). This action is necessary to prevent the first quarter allowance of total allowable catch (TAC) for pollock in statistical area 61 of the GOA from being exceeded. The intent of this action is to promote optimum use of groundfish while conserving pollock stocks.

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 10, 1992, through 12 midnight March 29, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, (907) 586-7228.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the GOA are managed by the Secretary of Commerce under the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery (FMP) under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is TAC, as defined at § 672.20(c). Under the final notice of specifications (57 FR 2844; January 24, 1992), the TAC of pollock for the combined Western/Central (W/C) Regulatory areas in the GOA was established as 84,000 metric tons (mt).

Under regulations found at 50 CFR 672.20(a)(2)(iv), the TAC for pollock in the combined W/C Regulatory areas is

apportioned among statistical areas 61, 62, and 63, in proportion to the distribution of the pollock biomass as determined by the most recent NMFS surveys. Each apportionment is divided equally into the four quarterly reporting periods of the fishing year. The apportionment to statistical area 61 is 19,320 mt. This amount is further divided into quarterly allowances of 4,830 mt.

Within any fishing year, any unharvested amount of any quarterly allowance of TACs will be added in equal proportions to the quarterly allowances of the following quarters, resulting in a sum for each quarter not to exceed 150 percent of the initial quarterly allowance. Within any fishing year, harvests in excess of a quarterly allowance of any TAC will be deducted in equal proportions from the quarterly allowances of each of the remaining quarters of that fishing year.

Under § 672.20(c)(2), the Director, Alaska Region, NMFS (Regional Director), has determined that the apportionment for pollock in statistical area 61 will soon be reached. NMFS has established a directed allowance of 3,185 mt, and is setting aside the remaining 1,645 mt of the current apportionment as bycatch to support other anticipated groundfish fisheries. The Regional Director has determined that the directed fishery soon will catch its allowance. Consequently, under § 672.20(c)(2), NMFS is prohibiting directed fishing for pollock in GOA statistical area 61, effective from 12 noon A.l.t., March 10, 1992, through 12 midnight, A.l.t., March 29, 1992.

After this closure, in accordance with § 672.20(g)(4), amounts of pollock retained on board a vessel in the GOA statistical area 61 (Shumagin District) may not equal or exceed 20 percent of the aggregate amount of all other fish species retained at the same time by the vessel during the same trip as measured in round weight equivalents.

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 10, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service

[FR Doc. 92-5955 Filed 3-10-92; 12:57 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 911177-2016]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Inseason adjustment; request for comments; correction.

SUMMARY: This action corrects a notice that announced the closure of the directed fishing season for pollock in part of reporting area 515 of the Bering Sea and Aleutian Islands Management Area (BSAI) that is west of 167° W. longitude. The statutory authority cited in the original notice was incorrect. This correction notice is necessary to inform the public of the statutory authority upon which the action was based.

EFFECTIVE DATES: Effective at 0001 hours, Alaska local time (A.l.t.) January 17, 1992 through December 31, 1992.

SUPPLEMENTARY INFORMATION: In rule document 92-1665 beginning on page 2688 in the issue of Thursday, January 23, 1992, make the following correction: On page 2689, third column, in the Authority citation, change "16 U.S.C. 1801 *et seq.*" to read "16 U.S.C. 1801 *et seq.*"

Dated: March 9, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-5956 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FARM CREDIT ADMINISTRATION

12 CFR Part 603

RIN 3052-AB31

Privacy Act Regulations; New Exempt System of Records

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA) is establishing a new system or records under the Privacy Act to consist of the investigatory files of the FCA's Office of the Inspector General (OIG). The FCA proposes to exempt the system from certain Privacy Act provisions, due to the law enforcement nature of the records. This proposed rule amendment is required in order to invoke the relevent exemptions. The new system of records facilitates the OIG's ability to collect, maintain, use, and disclose information pertaining to individuals, thus helping to ensure that the OIG may efficiently and effectively perform its investigations and other authorized duties and activities.

DATES: Comments must be received on or before April 13, 1992.

ADDRESSES: Comments must be submitted in writing, in triplicate, to Jean Noonan, General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of General Counsel, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Elizabeth M. Dean, Counsel to the Inspector General, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4030,

or

Rebecca S. Orlich, Attorney, Regulatory and Legislative Law Branch, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: On February 21, 1992, the FCA published a proposed system notice to establish a new system of records, "Office of Inspector General Investigative Files—FCA," under the Privacy Act, 5 U.S.C. 552a, as amended. See 57 FR 6221. The following proposed amendment of FCA regulation 12 CFR 603.355, is necessary to exempt the new system of records from certain provisions of the Privacy Act. These provisions require, among other things, that the agency provide notice when collecting information, account for certain disclosures, permit individuals access to their records, and allow them to request that the records be amended. These provisions would interfere with the conduct of OIG investigations if applied to the OIG's maintenance of the proposed system of records.

Accordingly, the FCA proposes to exempt the system of records under subsections (j)(2) and (k)(2) of the Privacy Act. Subsection (j)(2), 5 U.S.C. 552a(j)(2), exempts a system of records maintained by "the agency or component thereof which performs as its principal function any activity pertaining to enforcement of criminal laws * * *." Subsection (k)(2), 5 U.S.C. 552a(k)(2), exempts a system of records consisting of "investigatory materials compiled for law enforcement purposes," where such materials are not within the scope of the (j)(2) exemption pertaining to criminal law enforcement.

Where applicable, subsection (j)(2) may be invoked to exempt a system of records from any Privacy Act provision except: 5 U.S.C. 552a(b) (conditions of diclosure); (c) (1) and (2) (accounting of disclosures and retention of accounting, respectively); (e) (4) (A) through (F) (system notice requirements); (e) (6), (7), (9), (10), and (11) (certain agency requirements relating to system maintenance); and (i) (criminal penalties). Subsection (k)(2) may be invoked to exempt a system of records from: 5 U.S.C. 552a(c)(3) (making accounting of disclosures available to the subject individual); (d) (access to records); (e)(1) (maintaining only relevant and necessary information); (e)(4) (G), (H), and (I) (notice of certain procedures); and (f) (promulgation of certain Privacy Act rules).

The proposed system of records consists of information covered by (j)(2) and (k)(2) exemptions. The OIG investgatory files are maintained pursuant to official investigational and law enforcement functions of the FCA's Office of Inspector General under the authority of the 1988 amendments to the Inspector General Act of 1978. See Public Law No. 100-504, amending Public Law No. 95-452, 5 U.S.C. app. 3. Furthermore, the OIG constitutes an agency component that performs as one of its principal functions activities pertaining to the enforcement of criminal laws. See 5 U.S.C. 552a(j)(2). Information covered under the (j)(2) exemption includes, but is not limited to, information compiled for the purpose of identifying criminal offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or reports of enforcement of the criminal laws for arrest or indictment through release from supervision. *Id.* Information contained in OIG investigative files under the (k)(2) exemption related to noncriminal law enforcement matters, such as information pertaining to the investigation of civil, administrative, or regulatory violations and similar wrongdoing.

Access by subject individuals, among others, to this system of records, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OIG investigations. Knowledge of such investigations could enable suspects to take action to prevent detection of unlawful activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their families, and could jeopardize the safety and well-being of investigative and related personnel and their families. The imposition of certin restrictions on the manner in which investigative information is collected, verified or retained would significantly impede the effectiveness of OIG investigatory

activities and, in addition, could preclude the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

For these reasons, the FCA proposes to exempt the proposed system of records containing the OIG investigative files under exemptions (j)(2) and (k)(2) of the Privacy Act by amending 12 CFR 603.355, in which the FCA specifies its systems of records that are exempt under the Privacy Act.

List of Subjects in 12 CFR Part 603

Privacy.

For the reasons stated in the preamble, part 603 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 603—PRIVACY ACT REGULATIONS

1. The authority citation for part 603 is revised to read as follows:

Authority: Secs. 5.9, 5.17; 12 U.S.C. 2243, 2252, 5 U.S.C. 552 app. 3

2. Section 603.355 is amended by adding the following text to the end of the existing text:

§ 603.355 Specific exemptions.

* * * * *

Office of Inspector General Investigative Files—FCA.

In addition, pursuant to 5 U.S.C. 552a(j)(2), investigatory materials maintained by an agency component in connection with any activity related to criminal law enforcement in the following systems of records is exempt from all subsections of 5 U.S.C. 552a, except (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i).

Office of Inspector General Investigative Files—FCA.

Dated: March 10, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-5963 Filed 3-12-92; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 85-096]

RIN 2115-AC03

Navigation on Certain Waterways Tributary to the Gulf of Mexico

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearings; Extension of comment-period.

SUMMARY: On September 26, 1991, the Coast Guard published a notice of proposed rulemaking (NPRM) concerning navigation on certain waterways tributary to the Gulf of Mexico (56 FR 48773); on December 18, 1991, the Coast Guard extended the comment-period through March 26, 1992 (56 FR 65720). In response to several requests among the comments to the docket, the Coast Guard will hold a series of three public hearings. Also, the Coast Guard will now extend the comment-period another 30 days, to allow time for any written comments that may arise from the hearings.

DATES: The dates of the public hearings are March 24, March 25, and March 27, 1992, as further explained in **SUPPLEMENTARY INFORMATION**, below. The comment-period for the proposed rulemaking is extended to, and comments must be received on or before, April 27, 1992.

ADDRESSES: The sites of the public hearings are Corpus Christi, TX; Galveston, TX; and New Orleans, LA. The time and location of each public hearing are specified in **SUPPLEMENTARY INFORMATION**, below. Comments may be mailed to the Excutive Secretary, Marine Safety Council (G-LRA-2, 3406) [CGD 85-096], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments will become part of the public docket for this rulemaking and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquaters.

FOR FURTHER INFORMATION CONTACT: Mr. Harry C. Robertson, Short-Range Aids to Navigation Division, U.S. Coast Guard Headquarters, (202) 267-0405; or Lieutenant Commander John M. Fidaleo, Aids to Navigation Branch, Eighth Coast Guard District, (504) 589-4686.

SUPPLEMENTARY INFORMATION: The Coast Guard is holding public hearings and extending the comment-period for the NPRM, which concerns navigation on certain waterways tributary to the Gulf of Mexico. The Coast Guard has received several requests for hearings. There are organizations, such as the American Waterways Operators, the Lower Mississippi River Waterway Safety Advisory Committee, and the Towing Safety Advisory Council, that have held meetings over the winter. Members of some of these organizations would like the opportunity to discuss the NPRM in public hearings as well as to send their comments to the docket. Holding public hearings may also let some citizens, who might not ordinarily write letters to the docket, express themselves for the record. Therefore, in recognition of the need for meaningful dialogue and information to assist in completing this rulemaking, the Coast Guard is holding public hearings at the following times and places:

March 24, 1992 (Tuesday), at 1p.m. Hearing Room, Room 223, Marine Safety Office Corpus Christi, Government Plaza Building, 400 Mann Street, Corpus Christi, TX 78403.

March 25, 1992 (Wednesday), at 1 p.m., Rosenberg Library, 2310 Sealy, Galveston, TX 77550.

March 27, 1992 (Friday), at 1 p.m., Ninth-Floor Hearing Room, Marine Safety Office New Orleans, Tidewater Building, 1440 Canal Street, New Orleans, LA 70112.

For the same reason, the Coast Guard is extending the comment-period by 30 days.

The Coast Guard strongly encourages comments on all aspects of this rulemaking. (In particular, it welcomes any suggestions that may help with the Environmental Assessment.) It strongly encourages all that may be affected by its allowing double-wide tows on the Gulf Intracoastal Waterway as a matter of course to offer comments, whether in person, by letter, or both. The spectrum of interests is potentially very broad and includes—as well as maritime towing interests and their insurers—individuals, environmental organizations, and governments at every level, among others.

Persons wishing to offer spoken comments at any of the hearings should notify the Executive Secretary, Marine Safety Council, at the address cited in **ADDRESSES**, above, in writing; or either of those listed in **FOR FURTHER INFORMATION**, above, by telephone.

Dated: March 10, 1992.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 92-5918 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 14

RIN 2900-AF50

Recognition of Organizations

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend the regulations regarding recognition of organizations which represent claimants for benefits before VA. The amendment would remove the requirement that a veterans' service organization be chartered by act of Congress in order to be recognized as a "national" organization. This amendment will remove a requirement which the Department no longer considers a reliable indicator of the national scope of an organization.

DATES: Comments must be received on or before April 13, 1992. Comments will be available for public inspection until April 22, 1922. It is proposed to make these amendments effective on the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these proposed amendments to: Secretary of Veterans Affairs (271A), 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Service Unit, room 170 of the above address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until April 22, 1992.

FOR FURTHER INFORMATION CONTACT: Richard J. Hipolit, Deputy Assistant General Counsel, (202) 523-3455.

SUPPLEMENTARY INFORMATION: VA proposes an amendment to § 14.628 of title 38, Code of Federal Regulations, to remove the requirement contained in paragraph 14.628(a)(2) that a veterans' service organization be chartered by act of Congress in order to be recognized by VA as a "national" organization. Other existing criteria for recognition as a "national" organization, such as those relating to size and geographic dispersion, would be retained.

VA is authorized under section 5902 of title 38, United States Code, to recognize representatives of approved organizations to assist veterans in the preparation, presentation, and prosecution of claims for veterans' benefits before VA. Under this authority,VA recognizes a variety of national, state, and local veterans'service organizations. A Federal charter is not a prerequisite for recognition under VA regulations, and VA recognizes a number of private organizations which have not been chartered by Congress.

Under the provisions of 38 U.S.C. 5902(a)(2), only those VA-recognized service organizations qualifying as "national" may be provided VA office space and facilities on a space available basis. VA's regulation at 38 CFR 14.628(a), defining the criteria for recognition of a national organization, as opposed to a "state" or "other" organization, requires that organizations other than those recognized by VA prior to October 10, 1978, have a Federal charter in order to be considered "national" in character.

Congressional chartering has largely lost its significance for VA recognition purposes since VA amended its recognition criteria in 1988 to add specific requirements concerning the size and scope of organizations recognized as national. These criteria provide a more complete and appropriate test of whether an organization may be considered "national" for VA purposes. Further, the Department has been advised by Congressmen Barney Frank, Chairman of the House Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, and G.V. (Sonny) Montgomery, Chairman of the House Committee on Veteran's Affairs, that Congressman Frank's Subcommittee, which is responsible for matters relating to issuance of such charters, is ceasing action on such charters. The Committee reportedly receives many requests for charters; but does not have the resources to investigate or monitor numerous organizations to determine if they are worthy of receipt or continued receipt of such charters. Under such circumstances, it appears that Federal chartering has lost whatever significance it may have had for VA recognition purposes.

This proposed amendment, by removing the requirement that service organizations recognized on or after October 10, 1978, have a Federal charter in order to qualify as a "national" organization, would result in more organizations potentially being able to qualify for "national" status so that they might request space at VA facilities. Any such request, however, would be subject to availability of space at VA facilities for use by these organizations.

Since the proposed amendment would relieve a restriction, it is contemplated that this amendment will be made effective the date of publication of the final rule in the **Federal Register**.

The Secretary hereby certifies that this proposed regulatory amendment will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reasons for this certification is that the proposed regulatory amendment would affect only a small portion of those organizations or individuals recognized by VA for claim representation purposes, that the organizations affected would be national in scope, and that the economic impact on those organizations would not be significant. Pursuant to 5 U.S.C. 605(b), this proposed regulatory amendment is therefore exempt from the initial and final regulatory-flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

There is no Catalog of Federal Domestic Assistance Number.

List of Subjects in 38 CFR Part 14

Administrative practice and procedure, Claims, Organization and functions of government agencies, Veterans.

Approved: February 19, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, it is proposed that 38 CFR part 14 be amended as set forth below:

PART 14—LEGAL SERVICES, GENERAL COUNSEL

1. The authority citation for Part 14 is revised to read as follows:

Authority: 38 U.S.C. 501(a), 5502, 5902-5905, unless otherwise noted.

2. In § 14.628, the introductory text in paragraph (a)(2) is revised, and the authority citation for § 14.628 is revised to read as follows:

§ 14.628 Recognition of organizations.

* * * * *

(a) National organization.

* * * * *

(2) It satisfies the following requirements:

* * * * *

(Authority: 38 U.S.C. 501(a), 5902)

[FR Doc. 92-5911 Filed 3-12-92; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 91-170; DA 92-222]

Spectrum Efficiency in the Private Land Mobile Radio Bands in Use Prior to 1968

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order extending reply comment period.

SUMMARY: The Chief, Land Mobile & Microwave Division, Private Radio Bureau has adopted an Order extending the time periods in which to file reply comments to the Notice of Inquiry in this proceeding on spectrum efficiency in the Private Land Mobile Radio bands in use prior to 1968 . The new date for reply comments is March 16, 1992. This action will provide additional time for the public to reply to the numerous comments filed in response to the Notice of Inquiry.

DATES: Reply comments on the Notice of Inquiry must be filed on or before March 16, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Doron Fertig, Policy and Planning Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Order Extending Reply Comment Period

Adopted: Febraury 24, 1992.

Released: Febraury 26, 1992.

By the Chief, Land Mobile & Microwave Division, Private Radio Bureau.

1. On July 2, 1991, the Commission released a Notice of Inquiry, 6 FCC Rcd 4126 (1991) (56 FR 31097, July 9, 1991), in this proceeding. The specified deadlines for comments and reply comments were October 25, 1991 and December 13, 1991, respectively. On September 23, 1991, we released an Order Extending Comment and Reply Comment Periods, 6 FCC Rcd 5513 (1991), (56 FR 49875, October 2, 1991), extending the deadline for filing comments and reply comments to January 15, 1992, and March 2, 1992, respectively. On February 14, 1992, the Special Industrial Radio Service Association, Inc. filed a petition on behalf of itself, the National Association of Business and Educational Radio, Inc., the American Petroleum Institute, the American Mobile Telecommunications Association, Inc., the Telephone Maintenance Frequency Advisory Committee, and the Council of Independent Communication Suppliers ("Joint Commenters"), requesting that we extend the date for filing Reply Comments in this proceeding to May 1, 1992. On February 21, 1992, the Utilities Telecommunications Council (UTC) filed a petition requesting that we extend the date for filing Reply Comments by two to four weeks.

2. As the basis for its request, the Joint Commenters cited the importance of the proceeding, the large number of comments filed, the International Mobil Communications Exposition, and deadlines on other rule making proceedings. UTC also cited the number and complexity of comments filed. Because there are over sixty comments subject to reply in this Docket, we concluded it is in the public interest to extend the reply comment deadline. We find, however, that an extension of more than 14 days is excessive, especially given that we already extended the reply comment deadline by eighty days. Accordingly, *It is Ordered*, based on the authority in § 0.331 of the Commission's Rules and Regulations, 47 CFR 0.331, that the petition of UTC *Is Granted*, that the petition of the Joint Commenters *Is Denied*, and that the deadline for filing rely comments in the subject Notice of Inquiry is extended to March 16, 1992.

Federal Communications Commission.

Richard J. Shiben,

Chief, Land Mobile & Microwave Division, Private Radio Bureau.

[FR Doc. 92-5073 Filed 3-12-92; 8:45 am]

BILLING CODE 6712-10-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 505, 515, 516, 538 and 552

[GSAR Notice No. 5-288]

General Services Administration Acquisition Regulation, Multiyear Contracting Under Federal Supply Service (FSS) Multiple Award Schedule Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would revise section 505.203 to establish additional requirements for synopsizing Multiple Award Schedule (MAS) solicitations in the Commerce Business Daily; revise paragraphs referenced in section 515.412; revise section 516.203-4 to provide additional guidance concerning the use of an economic price adjustment clause in MAS solicitations and contracts; revise section 516.203-70 to delete duplicative material, make editorial changes, and lower the approval level necessary to adjust price ceilings in contracts containing economic price adjustment clauses; revise section 538.203 to provide guidance on solicitation preparation under FSS multiyear MAS; revise sections 538.203-71 to prescribe the clauses at 552.238-71, No "Open Season", and 552.238-73, "Open Season" for the Consideration of New Offers; add section 538.204; and add sections 552.238-71 and 552.236-73 to provide the text of the No "Open Season" and "Open Season" for the Consideration of New Offers clauses, respectively.

DATES: Comments are due in writing on or before April 13, 1992.

ADDRESSES: Comments should be addressed to Ms. Marjorie Ashby, Office of GSA Acquisition Policy (VP), 18th and F Streets, NW., room 4026, Wasington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA believes that this proposed rule will not have a significant economic impact on a substantial number of small entities, since multiyear contracting in connection with the MAS Program under the procedures outlined in this proposed rule has been determined not to be in derogation of the purpose of Federal advertising statutes. Therefore, no regulatory flexibility analysis has been prepared. However, comments from small entities are hereby solicited and will be considered in accordance with section 610 of the Regulatory Flexibility Act. This rules does not contain any information collection requirements that require OMB approval under the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 505, 515, 516, 538 and 552

Government procurement.

1. The authority citation for 48 CFR parts 505, 515, 516, 538 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 505—PUBLICIZING CONTRACT ACTIONS

2. Section 505.203 is amended by adding paragraph (c) to read as follows:

505.203 Publicizing and response time.

* * * * *

(c) The CBD synopsis for a Federal Supply Service (FSS) Multiple Award Schedule (MAS) solicitation must state the length of the contract period and either disclose the number of times when the solicitation will be reopened to consider new offers (an "open season") or include a statement that the solicitation will not be reopened for new offers at any time during the contract period ("no open season") (see 538.203). Additionally, a synopsis must be published in the CBD at least 15 calendar days before the beginning of any open season. The synopsis must specify (1) a minimum of 30 calendar days for receipt of new offers, (2) any new SINs being added to the schedule that were not included in the original solicitation, and (3) whether or not the solicitation will be reopened for a subsequent open season during the contract period.

PART 515—CONTRACTING BY NEGOTIATION

3. Section 515.412 is amended by revising paragraph (a) to read as follows:

515.412 Late proposals and modifications.

(a) Contracting officers in the Federal Supply Service have been authorized to deviate from the FAR provision at 52.215-10, Late Submissions, Modifications, and Withdrawals of Proposals in solicitations for multiple award schedules by deleting paragraph (a)(4). The effect of this deviation is to establish the closing date for receipt of proposals in block 9 of the Standard Form 33, Solicitation, Offer and Award, as a firm cut-off date for receipt of proposals. Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered unless it qualifies under paragraphs (a)(1), (a)(2), (a)(3), or (b) of FAR 52.215-10.

* * * * *

PART 516—TYPES OF CONTRACTS

4. Section 516.203-4 is amended by revising paragraph (b) to read as follows:

516.203-4 Contract clauses.

* * * * *

(b) *Federal Supply Service (FSS) Multiple Award Schedules (MAS).*

(1) The contracting officer will generally include an economic price adjustment (EPA) clause in multiyear solicitations and contracts, but not in 1-year solicitations and contracts. For multiyear solicitations, the contracting officer's determination required by FAR 16.203-3 must be documented in the acquisition plan. The determination to include an EPA clause in a 1-year contract or to provide for price increases during the first 12 months of a multiyear contract must be approved by the Contracting Director and the supporting rationale included in the contract file.

(2) When the determination to include an EPA clause has been made, in lieu of FAR 52.216-2, 3, or 4, the contracting officer shall include the clause at 552.216-71 in 1-year solicitations and contracts when prices will be negotiated on the basis of discounts from established commercial catalogs or pricelists from which substantial sales have been made to the general public at published prices. In multiyear solicitations and contracts, the clause at 552.216-71 (Alternate I) must be used, except when items will be awarded based on factors other than those previously stated above. Under those circumstances, an alternate clause may be developed (see chapter 52 of the HB, FSS P 2901.2A) with the approval of the Acquisition Management Center (FCO). An offer granting concessions predicated upon price increases during the first 12 months or a multiyear contract may be negotiated on that basis after obtaining the necessary approval provided for in (1), above. The EPA clause for the resultant contract must be modified accordingly.

* * * * *

5. Section 516.203-70 is revised to read as follows:

516.203-70 EPA in FSS multiple award schedules.

(a) If the FSS multiple award schedule solicitation contains an EPA clause, the contracting officer should establish negotiation objectives reflecting the terms of the clause and seek appropriate discounts. If the clause is not included in the initial solicitation, approval to include such a clause must be obtained from the Center Director and the appropriate clause included in the contract at the time of award.

(b) The contract price ceiling (the aggregate of permitted price increases during a 12-month period) may be raised during the contract period only under the following conditions:

(1) Analysis of the current market conditions, conducted in conjunction with the Office of Commodity Management (FC), reveals that the original contract price ceiling is inadequate.

(2) The causes which require an increase in the price ceiling are not unique to an individual contractor, but affect all suppliers for similar products.

(3) The Contracting Director approves the determination to raise the ceiling.

PART 538—GSA SCHEDULE CONTRACTING

6. Section 538.203 is revised to read as follows:

538.203 Solicitation preparation.

(a) FSS Multiple Award Schedules (MAS), other than New Item Introductory Schedules (NIIS), may be established providing for contract periods not to exceed 5 years. NIIS may be established for not more than 3 years. The length of the schedule contract period and the number of "open seasons" (period(s) of time when the solicitation will be reopened for receipt of new offers) must be determined prior to solicitation issuance, reflected in the acquisition plan, and stated in the CBD synopsis (see 505.203(c)) and solicitation.

(b) Except as provided in this paragraph (b), at least one open season must be provided for in current solicitations (except 2-year schedules) and in any newly established MAS schedule. A previously established 2-year schedule must provide for an open season, unless there is a determination approved by the Contracting Director. Five-year multiyear solicitations must provide for at least two open seasons.

(c) The solicitation used for soliciting offers during an open season must be the same solicitation used for the initial procurement as amended to reflect current requirements of procurement law or regulation and add new SINs. The deviation to FAR 52.215-10 provided for in 515.412, will be included in solicitations and be applicable to any offer received after the date established for receipt of offers in the amended solicitation and CBD synopsis (see 505.203(c)). No contract will be awarded as a result of an open season to a new supplier for products identical to those already under contract.

(d) Regardless of the award date, all contracts awarded under a MAS solicitation, including contracts awarded as a result of any open season, must state a common expiration date.

7. Section 538.203-71 is revised to add paragraphs (c) and (d) to read as follows:

538.203-71 Contract clauses.

* * * * *

(c) The contracting officer shall insert the clause at 552.238–71, No "Open Season", in 2-year multiyear solicitations subject to the determination provided for in 538.203(b).

(d) The contracting officer shall insert the clause at 552.238–73, "Open Season" for Consideration of New Offers, in multiyear solicitations that provide for an annual open season. For a 3-, 4-, or 5-year solicitation with an open season every 18-months, the clause at 552.238–73 shall be used with Alternate I. For a 3-, 4-, or 5-year solicitation with an open season every 24-months, the clause at 552.238–73 shall be used with Alternate II.

8. Section 538.204 is added to read as follows:

538.204 Schedule preperation.

Contracts awarded as a result of an open season must be included in the cumulative FSS schedule.

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

9. Sections 552.238–71 and 552.238–73 are added to read as follows:

552.238–71 No "Open Season".

As prescribed in 538.203–71(c), insert the following clause:

No "Open Season" (XXX 1992)

(a) Contracts awarded pursuant to this solicitation will be in effect for two years or less. The specific schedule contract period can be found on the solicitation cover page and in the Section A clauses of the solicitation.

(b) Offerors are hereby notified that the Government will not reopen this solicitation for new offers (no "open season"). Therefore, offerors shall submit offers in accordance with the provisions of block 9 of the SF 33, Solicitation, Offer and Award, in order to be considered for award for items contained in this solicitation. Failure to respond by the date and time shown in this block will result in the offeror being excluded from consideration for the duration of the schedule period.

(End of Clause)

552.238–73 "Open Season" for consideration of new offers.

As prescribed in 538.203–71(d), insert the following clause:

"Open Season" for Consideration of New Offers (XXX 1992)

(a) This standing solicitation will result in contracts that will remain in effect for periods in excess of one (1) year. The specific schedule contract period can be found on the solicitation cover page and in the Section A clauses of the solicitation.

(b) New offers will be solicited annually (an "open season"). The solicitation will be reopened for receipt of new offers sometime during the last 6 months of each 12 month period. When the solicitation is reopened, the original solicitation will be amended to reflect statutory and regulatory changes which became effective after the original solicitaiton was issued. No open season will be held during the last year of the schedule period.

(c) Contracts awarded pursuant to the basic solicitation will be in effect from the date of award or the schedule beginning date (whichever is later) through the end of the schedule completion date (unless otherwise canceled or terminated). The effective date for contracts awarded as a result of open season soliciting will be the first day of the succeeding year of the schedule period, or date of award (whichever is later) through the scheule completion date.

(d) Open seasons will remain in effect for 30 days to provide for submission of new offers. All open seasons will be publicized in the Commerce Business Daily. New offers will be considered only if received during the specified open seasons.

(e) No contract will be awarded for products identical to those already under contract. Offers submitted after the end of the 30-day period will be processed in accordance with the solicitation provisions entitled "Late Submissions, Modifications, and Withdrawals of Proposals" amd "Late Proposals".

(End of Clause)

Alternate I (XXX 1992). When providing for an open season every 18 months, substitute paragraphs (b) and (c) for paragraphs (b) and (c) of the basic clause:

(b) New offers will be solicited * (an "open season"). When the solicitation is reopened, the original solicitation will be amended to reflect statutory and regulatory changes which became effective after the original solicitation was issued. No open season will be held during the last year of the schedule period.

(c) Contracts awarded pursuant to the basic solicitation will be in effect from the date of award or the schedule beginning date (whichever is later) through the end of the schedule completion date (unless otherwise canceled or terminated). The effective date for contracts awarded as a result of open season soliciting will be either: (1) The 19th month of a 3-year schedule, or date of award (whichever is later), or (2) the 19th and 37th month of a 4-year and 5-year schedule, or date of award (whichever is later).

Alternate II (XXX 1992). If the solicitation provides an open season every 24 months, substitute paragraphs (b) and (c) for paragraphs (b) and (c) of the basic clause:

(b) New offers will be solicited at least 6 months prior to the ** month of the schedule contract period (an "open season"). When the solicitation is reopened, the original solicitation will be amended to reflect statutory and regulatory changes which became effective afer the original solicitation was issued. No open season will be held during the last year of the schedule period.

(c) Contracts awarded pursuant to the basic solicitation will be in effect from the date of award or the schedule beginning date (whichever is later) through the end of the schedule completion date (unless otherwise cancelled or terminated). The effective date for contracts made as a result of open season soliciting will be either: (1) The 13th or 25th month of a 3-year schedule, or date of award (if it is later); (2) the 25th month of a 4-year schedule, or date of award (whichever is later); or (3) the 25th and 49th month of a 5-year schedule, or date of award (whichever is later).

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* The Contracting Officer shall insert the phrase "at least 6 months prior to the 10th month of the schedule contract period" in 3-year solicitations with one open season or the phrase "at least 6 months prior to the 19th month and at least 6 months prior to the 37th month of the schedule contract period" in 4- and 5-year solicitations with two open seasons.

** The Contracting Officer shall insert either the ordinal number "13th" or "25th" in 3-year solicitations with one open season. The latter ordinal number shall be used in 4-year solicitations with one open season. When used in 5-year solicitations with two open seasons, delete the word "the" before the "asterisk" and insert the phrase, "both the 25th and 49th."

Dated: March 4, 1992.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92–5846 Filed 3–12–92; 8:45 am]

BILLING CODE 6820–01–M

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48 CFR Parts 517 and 552

[GSAR Notice 5–337]

General Services Administration Acquisition Regulation; Use and Exercise of Options

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would revise subpart 517.2, Options, to facilitate the use and exercise of options in appropriate circumstances and link the use and exercise of options with GSA's objective of pursuing longer term contractual relationships with quality vendors. The proposed change would also add section 552.217–71 to provide the text of the provision, Notice Regarding Option(s).

DATES: Comments are due in writing on or before April 13, 1992.

ADDRESSES: Comments should be submitted to Marjorie Ashby, Office of GSA Acquisition Policy (VP), 18th and F Streets NW., room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Background

GSA proposes to deviate from the current Federal Acquisition Regulation (FAR) coverage on the use of options in order to support its Quality Contractor Program. However, GSA believes these changes may be appropriate for Governmentwide use. Accordingly, GSA has recommended the FAR be revised in a similar manner.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule.

C. Regulatory Flexibility Act

The proposed rule does not appear to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and a waiver of the requirement for both an initial and final Regulatory Flexibility Analysis is believed to be appropriate. Comments from small entities concerning the proposed rule will be considered in accordance with 5 U.S.C. 610, however.

D. Paperwork Reduction Act

This proposed rule does not contain any recordkeeping or information collection requirements that require the approval of OMB under 44 U.S.C. 3501 *et seq.*

List of Subjects in 48 CFR Parts 517 and 552

Government procurement.

Accordingly, it is proposed to amend 48 CFR parts 517 and 552 as follows:

1. The authority citation for 48 CFR parts 517 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 517—OPTIONS

2. Section 517.200 is added to read as follows:

517.200 Scope of subpart.

This subpart prescribes policies and procedures for the use and exercise of options. When a requirement in this subpart is inconsistent with FAR 17.2, this subpart takes precedence. A class deviation from the FAR has been approved to implement GSA's Quality Contractor Program. This subpart extends its coverage and FAR 17.2 to contracts including those for:

(a) Services involving the construction, alteration, or repair (including dredging, excavating, and painting) of buildings and other kinds of real property;

(b) Architect-engineer services;

(c) Automatic data processing (ADP) equipment and services; and

(d) Telecommunications equipment and services.

3. Section 517.202 is added to read as follows:

517.202 Use of options.

(a) The inclusion of options in contracts under appropriate circumstances is encouraged. The use of options may reduce procurement leadtime and associated costs, ensure continuity of contract support, improve overall contractor performance, and facilitate longer term contractual relationships with those contractors that continuously meet or exceed quality performance expectations outlined in the contract.

(b) Inclusion of an option is normally in the Government's interest where—

(1) Additional supplies or services may be required during the contract term;

(2) Additional supplies or services may be required beyond the initial contract term and either multiyear contracting authority is not available or its use is inappropriate;

(3) There is a need for continuity of supply or services support;

(4) Funds are not available for the entirety of the Government's needs, but are likely to become available during the contract term; or

(5) The contract is with an emerging small business with minimal performance history in the contract supply or service and the basic quantity is intended to be a learning or testing quantity.

(c) Inclusion of an option may not be appropriate where—

(1) The contractor will incur undue risks; e.g., the price or availability of necessary materials or labor is not foreseeable;

(2) The Government's requirements are firm and funds are available, unless the basic quantity is intended to be a learning or testing quantity; or

(3) Use of an indefinite delivery or requirements contaract may be more appropriate (such contracts may, themselves, include options).

4. Section 517.203 is added to read as follows:

517.203 Solicitations.

Solicitations containing options to extend (see FAR 17.208(f) and (g)) should normally inform offerors of the potential for entering into a long term contractual relationship with the GSA subject to a continuing need and the successful offeror's ability to perform at levels which meet or exceed the agency's quality performance expectations.

5. Section 517.205 is added to read as follows:

517.205 Documentation.

The contracting officer shall document in the contract file the rationale for including the quantities and/or additional term under the option, the notification period for exercising the option, and any limitation on the option price under FAR 17.203(g).

6. Section 517.207 is amended to add paragraph (c) to read as follows:

517.207 Exercise of options.

* * * * *

(c) The contracting officer may exercise options after determining that—

(1) Funds are available;

(2) The requirement covered by the option fulfills an existing Government need;

(3) The contractor's performance under the contract has met or exceeded the Government's expectation for quality performance, or that another circumstance exists that would warrant an extended contractual relationship; and

(4) The option price is reasonable.

7. Section 517.208 is revised to read as follows:

517.208 Solicitation provision and contract clauses.

(a) In addition to applicable clauses prescribed by FAR 17.208 (d), (e), or (g), the contracting officer shall insert a provision substantially the same as the provision at 552.217–71, Notice Regarding Option(s), in solicitations for supplies or services when necessary to inform offerors of the potential for purchasing additional quantities of supplies or services, for a longer term contractual relationship, or for purchasing additional quantities and extending the term and of the importance GSA will place on past performance when considering whether to exercise options.

(b) The contracting officer shall insert a provision substantially the same as the provision at 552.217–70, Evaluation of Options, in solicitations for procurements under the Federal Supply Service (FSS) stock or special order program when:

(1) The solicitation contains an option to extend the term of the contract, and

(2) A firm-fixed price contract with economic price adjustment based on the

Producer Price Index or alternative indicator of market price changes is contemplated.

8. Section 552.217–71 is added to read as follows:

552.217–71 Notice regarding option(s).

As prescribed in 517.208(a), insert the following provision:

Notice Regarding Option(s) (XXX 1992)

The General Services Administration (GSA) has included an option to [Insert "purchase additional quantities of supplies or services" or "extend the term of this contract" or "purchase additional quantities of supplies or services and to extend the term of this contract"] in order to demonstrate the value it places on quality performance by providing a mechanism for continuing a contractual relationship with a successful Offeror that performs at a level which meets or exceeds GSA's quality performance expectations. When deciding whether to exercise the option, the Contracting Officer will consider the quality of the contractor's past performance under this contract.

(End of Provision)

Dated: March 4, 1992.

Richard H. Hope, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92–5844 Filed 3–12–92; 8:45 am]

BILLING CODE 6820–61–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1001

[Ex Parte No. MC–204]

Historical Retention of International Joint Ocean-Motor Through-Rate Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to eliminate the historical retention of international joint ocean-motor through-rate tariffs at the Commission filed by carriers which are required by law to file the same tariff information with the Federal Maritime Commission (FMC). FMC, which retains its copies of these tariffs in paper or microfiche form, would make them available for public inspection and coping.

This change is proposed to alleviate the Commission's shortage of storage space and personnel and to eliminate the accompanying costs. The Section of Tariffs (Bureau) received roughly 75,000 FMC–ICC tariff publications per year and, under the current schedule, retains them for 10 years after cancellation.

The proposed change would require amending 49 CFR part 1001, Inspection of Records. In addition, after comments are received, and before adopting this proposal as a final rule, the Commission will obtain any necessary approval for changes in its schedule of records retention from the National Archives and Records Service pursuant to the Federal Records Act, 44 U.S.C. 3301, *et seq.* Comments on this proposal are requested.

DATES: Comments are due April 27, 1992.

ADDRESSES: Send an original and 10 copies of comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James W. Greene, (202) 927–5597; Charles E. Langyher, III, (202) 927–5160; (TDD for hearing impaired (202) 927–5721.)

SUPPLEMENTARY INFORMATION: Under the existing regulatory scheme, carriers participating in international joint ocean-motor through-rate tariffs must file duplicate tariffs at the Commission and at the FMC.[1] Requests from the public to review such tariffs at the Commission are very rare. Due to a severe shortage of space and personnel, the Commission proposes that, instead of the current 10-year retention period, the tariffs be retained only until the expiration of the notice period or when the tariff becomes effective. Bureau would continue to make the appropriate review of the tariffs at the time they are filed with the Commission, and make them available for initial public review. However, after the tariff becomes effective, the Commission's copy would be destroyed. Under the proposal, any requests for historical tariff information would be referred to the FMC.

The practice of referring the public to FMC has been in effect informally for some time without apparent problems. FMC, in an exchange of letters, has indicated its willingness to see this system formalized. We do not foresee any circumstances under which the proposed rule would impose an unreasonable burden on carriers or shippers.

The Commission finds that it has the statutory authority to institute this change. However, it is necessary to amend 49 CFR part 1001. In addition, assuming the public comments support this proposal, the Commission will obtain the necessary approval to effect any changes in its record retention schedules under the Federal Records Act and implementing regulations.

This proposed rule is consistent with the Paperwork Reduction Act, 44 U.S.C. 3501. This proposed rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, 5 U.S.C. 601, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 49 CFR Part 1001

Confidential business information, Freedom of Information.

Decided: March 2, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Simmons dissented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, the Commission proposes to amend Title 49, Chapter X, Part 1001 of the Code of Federal Regulations as follows:

PART 1001—INSPECTION OF RECORDS

1. The authority citation for part 1001 continues to read as follows:Q04

Authority: 5 U.S.C. 552 and 49 U.S.C. 10301 and 10321.

2. In § 1001.1, paragraph (a) is proposed to be revised to read as follows:

§ 1001.1 Records available at the Commission's Washington office.

* * * * *

(a) Copies of tariffs *(except those specified in § 101.3)*, rate schedules, quotations or tenders under 49 U.S.C. 10721(b)(2); classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to 49 U.S.C. 10762, 10764, 10765, 10766, 10721.

* * * * *

3. Sections 1001.3, 1001.4 and 1001.5 are proposed to be redesignated as §§ 1001.4, 1001.5, and 1001.6, respectively, and a new § 1001.3 is proposed to be added to read as follows:

§ 1001.3 Records available at the Federal Maritime Commission.

Copies of international joint ocean-motor through-rate tariffs filed with the Commission will not be retained past the expiration of the notice period or when the tariff becomes effective. These tariffs are also filed with the Federal Maritime Commission (FMC) and are available to the public at the FMC's Washington, D.C. office for inspection, in either paper or microfiche form, during its regular business hours.

[FR Doc. 92–5923 Filed 3–12–92; 8:45 am]

BILLING CODE 7035–01–M

[1] 46 CFR 1312.27 and 1314.15 establish procedures under which abbreviated tariffs can be filed with the Commission, but many carriers have apparently elected to file complete tariffs with both agencies.

Notices

Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Appalachian Power Company Transmission Line Construction—Cloverdale, VA, to Oceana, WV; Jefferson National Forest, Appalachian National Scenic Trail, the New River, and R.D. Bailey Lake Flowage Easement Land; Virginia counties of Botetourt, Roanoke, Craig and Giles, and the West Virginia Counties of Monroe, Summers, Mercer and Wyoming

AGENCY: Forest Service, USDA.

ACTION: Revised notice; extends written comment period, establishes the date, time, and location for the public meetings, and incorporates the National Forest Management Act requirement for a consistency determination.

SUMMARY: The Forest Service has extended the written comment period and established the dates, times, and locations for the public meetings being held to identify significant issues and alternatives to be considered in the environmental impact statement. The environmental impact statement is being prepared for a proposed action to authorize the Appalachian Power Company to construct a 765,000-volt transmission line across approximately twelve miles of the Jefferson National Forest, as well as portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake) and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River). As required by the National Forest Management Act, any alternative selected that involves National Forest System land must be consistent with the existing Jefferson Land and Resource Management Plan; if it is not, the Plan will be amended accordingly.

DATES: The due date for submitting written comments on the proposed action is changed from March 31, 1992, to May 22, 1992.

ADDRESSES: Send written comments to: Joy E. Berg, Forest Supervisor; Jefferson National Forest; Attention—Power Line Project; 210 Franklin Road, SW.; Caller Service 2900; Roanoke, Virginia 24001.

FOR FURTHER INFORMATION CONTACT: Frank Bergmann, Forest Service Project Coordinator, (703) 982–4348.

SUPPLEMENTARY INFORMATION: The Notice of Intent for the proposed action to authorize the Appalachian Power Company to construct a 765,000-volt transmission line across approximately twelve miles of the Jefferson National Forest, as well as portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake) and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River) was published in the Federal Register on November 21, 1992 (56 FR 58677–58679).

The notice indicated that the dates, times, and locations for public meetings would be made known to the public through the Federal Register. The following public meetings have been scheduled to hear comments related to the proposed action and to develop the significant issues and route alternatives to be considered in the analysis. The public meetings will begin at 3 p.m. and end at 9 p.m.

April 13, 1992, Union Firehall, Third Street, Union, West Virginia.
April 16, 1992, New Castle Senior Citizen Center, 312 Main Street, New Castle, Virginia.
April 14, 1992, Concord College, Fine Arts Building—room 105, Athens, West Virginia.
April 20, 1992, Lindside Senior Citizen Center, Route 219, Lindside, West Virginia.
April 21, 1992, Salem Civic Center—Parlor A, 1001 Roanoke Boulevard, Salem, Virginia.

Dated: March 5, 1992.

Joy E. Berg,

Forest Supervisor, Jefferson National Forest.

[FR Doc. 92–5860 Filed 3–12–92; 8:45 am]

BILLING CODE 3410–11–M

Amendment to the Forest Five-Year Noxious Weed Control Program 1986–1990; Lewis and Clark National Forest, Cascade County, MT

SUMMARY: The Lewis and Clark National Forest has approved an amendment to the July 8, 1986 Record of Decision dealing with the Lewis and Clark National Forest Five-Year Noxious Week Control Program 1986–1990. This amendment covers the period through the 1992 field season, or until December 31, 1992. Prior to December 31, 1992, the Lewis and Clark National Forest will prepare a supplement to the Forest's Five-Year Noxious Week Control Program to cover the period 1993–1997.

DATES: Written appeals concerning the extension of this Record of Decision through the 1992 field season, or until December 31, 1992 must be received by April 20, 1992.

FOR FURTHER INFORMATION CONTACT: John D. Gorman, Forest Supervisor, Lewis and Clark National Forest, PO Box 869, Great Falls, Montana 59403, (406) 791–7700.

Dated: March 4, 1992.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 92–5840 Filed 3–12–92; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Nebraska Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that the Nebraska Advisory Committee to the U.S. Commission on Civil Rights will hold a planning meeting on April 3, 1992 in Lincoln. The meeting will be held at Ramada Inn-Airport, 2301 NW. 12th Street, from 10 a.m. until 3 p.m. The purpose of the meeting is to discuss program planning and subcommittee reports for future Advisory Committee projects.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426–5253, (TTY 816–426–5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 10, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-5962 Filed 3-12-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-803 and C-533-804]

Termination of Antidumping Duty and Countervailing Duty Investigations; Bulk Ibuprofen From India

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hager or Paulo F. Mendes, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-5055 or (202) 377-5050, respectively.

Case History

Since publication of the Department's preliminary antidumping and countervailing duty determinations (57 FR 7567, March 3, 1992, and 56 FR 66432, December 23, 1991, respectively), we received briefs and rebuttal briefs with regard to the preliminary determination in the countervailing duty investigation.

Scope of Investigation

The product covered by this investigation is bulk ibuprofen from India. Ibuprofen, a white powder, is a non-steroidal anti-inflammatory agent which also has analgesic and antipyretic activity. It is used in the symptomatic treatment of acute and chronic rheumatoid arthritis, osteoarthritis, primary dysmenorrhea and for the relief of mild to moderate pain. The chemical description of ibuprofen is 2-(4-isobutylphenyl) propionic acid, $C_{13}H_{18}O_2$. The product covered by this investigation does not include ibuprofen sold in tablet, capsule or similar forms for direct human consumption. Ibuprofen is provided for in the *Harmonized Tariff Schedule* (HTS) subheading 2916.39.15. Although the HTS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Termination of Investigations

In a letter dated March 4, 1992, petitioner notified the Department that it was withdrawing its July 31, 1991 petition, and requested that the Department terminate the antidumping and countervailing investigations.

Under sections 19 CFR 353.17(a) and 355.17(a), the Department may terminate an investigation after the withdrawal of the petition by the petitioner, after notifying all parties to the proceeding and after consultation with the International Trade Commission (ITC). The Department may not terminate an investigation unless it concludes that the termination is in the public interest. We have notified all parties to the proceeding and consulted with the ITC. In addition, we have concluded that termination of the investigation is in the public interest. Accordingly, we are terminating the antidumping and countervailing duty investigations of bulk ibuprofen from India. This action is taken pursuant to sections 734(a)(1) and 704(a)(1) of the Tariff Act of 1930, as amended.

Dated: March 6, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-5970 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-814, A-403-803, C-122-815]

Postponement of Final Antidumping Duty Determinations of Pure and Alloy Magnesium From Canada and Norway, and Final Countervailing Duty Determination of Pure and Alloy Magnesium From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Stephanie L. Hager, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3530 or (202) 377-5055, respectively.

Postponement

On February 20, 1992, the Department of Commerce ("the Department") published its preliminary determinations of sales at less than fair value for pure and alloy magnesium from Canada and Norway. The notices stated that we would issue our final determinations on or before April 27, 1992 (57 FR 6092 and 6094, February 20, 1992).

On February 11, 1992, we received a request from petitioner to extend the due date for the final countervailing duty determination to coincide with the date of the final determination in the antidumping duty investigation of pure and alloy magnesium from Canada. Accordingly, we extended the final determination in the countervailing investigation to not later than April 27, 1992.

On February 24, and March 3, 1992, counsel for respondents in the antidumping duty investigations requested that the Department postpone the final antidumping duty determinations in these investigations until May 18, 1992. We find no compelling reason to deny respondents' requests. Therefore, pursuant to 19 CFR 353.20(b)(1), we are postponing the date of the final determination in these investigations until not later than May 18, 1992. In accordance with 705(a)(1) of the Act (19 U.S.C. 1671d(a)(1)), the final determination in the countervailing duty determination will also be postponed until not later than May 18, 1992.

Case briefs for both antidumping duty investigations are now due on April 22, 1992. Rebuttal briefs are due on April 29, 1992. The hearing for the antidumping investigations for Norway and Canada will be held on May 1, 1992, at 10 a.m. and 1 p.m., respectively, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 735(d) of the Tariff Act of 1930, as amended ("the Act").

This notice is published pursuant to section 735(a)(2) of the Act and 19 CFR 353.20(b)(2)

Dated: March 6, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-5971 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-401]

Certain Apparel From Thailand; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain apparel from Thailand.

Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1992.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1985, the Department of Commerce (the Department) published a countervailing duty order on certain apparel from Thailand (48 FR 9819). The Department has not received a request to conduct an administrative review of the countervailing duty order on certain apparel from Thailand more than four consecutive annual anniversary months.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by section 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity To Object

Not later than March 31, 1992, interested parties, as defined in section 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by March 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 3, 1991.

Roland L. MacDonald,

Acting Deputy Assistance Secretary for Compliance.

[FR Doc. 92-5966 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DM-M

[C-427-603]

Brass Sheet and Strip From France; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on brass sheet and strip from France. Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1992.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the Department of Commerce ("the Department") published a countervailing duty order on brass sheet and strip from France (52 FR 6996). The Department has not received a request to conduct an administrative review of the countervailing duty order on brass sheet and strip from France for more than four consecutive annual anniversary months. This is the fifth annual anniversary month.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by section 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity To Object

Not later than March 31, 1992, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by March 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 6, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5967 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-505]

Porcelain-on-Steel Cookware From Mexico; Termination of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Termination of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce ("the Department") has terminated the countervailing duty administrative review of porcelain-on-steel cookware from Mexico initiated on January 23, 1992 (57 FR 2704).

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Dana S. Mermelstein or Maria P. MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: On December 31, 1991, Aceros Porcelanizados, S.A. (APSA) requested a countervailing duty administrative review of porcelain-on-steel cookware from Mexico for the period January 1, 1991 through December 31, 1991. No other interested party requested the review. On January 23, 1992, the Department initiated the administrative review for that period (57 FR 2704).

APSA withdrew its request for review on February 21, 1992. The withdrawal was timely within the meaning of 19 CFR 355.22(a)(3). As a result, the Department has terminated the review.

This notice is published in accordance with 19 CFR 355.22(a)(3).

Dated: March 6, 1992.

Joseph A. Spetrini

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5969 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-489-502]

Certain Welded Carbon Steel Pipe and Tube Products From Turkey; Intent To Revoke Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of intent to revoke countervailing duty order.

SUMMARY: The Department of Commerce is notifying the public of its intent to revoke the countervailing duty order on certain welded carbon steel pipe and tube products from Turkey. Interested parties who object to this revocation must submit their comments in writing not later than March 31, 1992.

EFFECTIVE DATE: March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Allan Christian or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 1988, the Department of Commerce ("the Department") published a countervailing duty order on certain welded carbon steel pipe and tube products from Turkey (51 FR 7984). The Department has not received a request to conduct an administrative review of the countervailing duty order on certain welded carbon steel pipe and tube products from Turkey for more than four consecutive annual anniversary months. This is the fifth anniversary.

In accordance with 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no interested party objects to revocation or requests an administrative review by the last day of the fifth anniversary month. Accordingly, as required by § 355.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke this order.

Opportunity to Object

Not later than March 31, 1992, interested parties, as defined in § 355.2(i) of the Department's regulations, may object to the Department's intent to revoke this countervailing duty order.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review or object to the Department's intent to revoke by March 31, 1992, we shall conclude that the order is no longer of interest to interested parties and shall proceed with the revocation.

This notice is in accordance with 19 CFR 355.25(d).

Dated: March 6, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-5968 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Endangered and Threatened Wildlife and Plants: Recovery Plans

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability.

SUMMARY: The final Recovery Plans for the Northern Right Whale (*Eubalaena glacialis*) and Humpback Whale (*Megaptera novaeangliae*) have been approved by NMFS and are available upon request.

The plans were developed by the Northern Right Whale and Humpback Whale Recovery Teams which were appointed by the Assistant Administrator for Fisheries. Membership on the teams included scientists, biologists, and resource managers from Center for Whale Studies, College of the Atlantic, The Georgia Conservancy, Living Resources, Inc., Commonwealth of Massachusetts, NMFS, New England Aquarium, University of Guelph, University of Rhode Island, University of Washington, Victoria University of Wellington (New Zealand), Whale and Dolphin Conservation Society, and Woods Hole Oceanographic Institution.

ADDRESSES: Requests for either recovery plan should be addressed to Recovery Plans, F/PR2, Office of Protected Resources, National Marine Fisheries Service, 1335 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro (Northern Right Whale) or Gloria Thompson (Humpback Whale) at 301-713-2322.

SUPPLEMENTARY INFORMATION: The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et seq.) requires that the agencies responsible for listed species develop and implement recovery plans for the conservation and survival of threatened and endangered species, unless it is determined that such plans will not promote the conservation of the species. Accordingly, NMFS appointed the recovery teams to assist in the development of the recovery plans for the northern right whale and humpback whale. The recovery plans discuss the natural history, current status of the Western North Atlantic and North Pacific populations of both species, and the known and potential human impacts on the species. Actions that would promote the recovery of right whales and humpback whales are identified and discussed in the respective plans and the recovery plans will be used to direct U.S. activities to promoter recovery.

Comments were solicited on the draft recovery plans. Comments ranged from complete agreement with the objectives of the plans to near total disagreement with the objectives. Specific comments included why are there no priority 1 tasks in the humpback plan (NMFS Recovery Planning Guidelines indicate that a task is priority 1 only when a species will become extinct if the task is not performed. There are no priority one tasks in the humpback whale recovery plan). Many commentors encouraged NMFS to engage in cooperative programs with Canada for each species (NMFS is participating in cooperative efforts on both the right whale and humpback whale). Many comments were received on research needs, most of which concerned the use of satellite monitored tags and determining the effects of vessel noise on these species (these subjects are integral parts of the implementation schedules). Comments were also received on vessel traffic and collisions with right whales (this issue is a priority 1 task and will be addressed as implementation begins). Comments were also received on the petitioned critical habitat for the northern right whale and the need to protect essential habitat for the humpback whale in Hawaiian waters (all essential habitats are being reviewed to determine what areas if any should be designated as critical habitat.) Additional comments were also received on the structure of the plans. NMFS incorporated appropriate comments into the plans and implementation schedules and in some cases contacted the commentor for further clarification.

Dated: March 10, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources.

[FR Doc. 92-5981 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Receipt of applications for permits (P772#59 and P502).

Notice is hereby given that the following applicants have applied in due form for Permits to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and the regulations governing endangered fish and wildlife (50 CFR part 217-222).

Application No. 1 (P772#59). The Southwest Fisheries Science Center, National Marine Fisheries Service, La Jolla, CA 92038, requests authorization to take 1200 Hawaiian monk seals (*Monachus schauinslandi*) over a two-year period for scientific research. These seals will be injected with Passive Implanted Transponder (PIT) tags. Some may require a second injection at a later date, if researchers are unable to implant two tags simultaneously. Up to 100 of these animals may require replacement of previously attached flipper tags. Up to 300 of these seals will be restrained for weighing and measuring, and 250 will be dye-marked. Up to 30 of those animals restrained for weighing will have blood drawn for disease screening. Four of the 1200 animals will be captured, instrumented with satellite transmitters, released and subsequently recaptured to retrieve the instruments.

Application No. 2 (P502). The Marine Mammal Resource Center, 2201 34th Avenue, West, Seattle, WA 98199, requests a permit to take by incidental harassment up to 1000 harbor seals (*Phoca vitulina*) annually on rookeries in Puget Sound. The animals might be harassed while collecting dead harbor seal pups and adults over a 5-year period. Specimens will be collected under the authority of the Northwest Regional Stranding Network and will be subjected to toxicological screening and histopathological analyses.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for public hearings on these applications should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7234, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on a particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in these applications are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above applications are available for review by interested persons in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713-2289);

(P772#59)—Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, (310/980-4016).

(P502)—Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE BIN C15700, Seattle, WA 98115 (206/526-6150); and Director, Alaska Region, National Marine Fisheries Service, Fed. Bldg., 709 W. 9th Street, Juneau, AK 99802 (907/586-7221).

Dated: March 6, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources.

[FR Doc. 92-5855 Filed 3-12-92; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 13, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the Government and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List:

Commodities

Strap, Webbing
5340-01-164-4930
(Remaining Government Requirement)

Drawers, Extreme Cold Weather
8415-00-782-3226
8415-00-782-3227
8415-00-782-3228
8415-00-782-3229
8415-01-051-1175

Pad, Comfort, Parachutist
8470-00-NIB-0001
(Requirements for the Army and Air Force Exchange Command, Dallas, Texas)

Services

Janitorial/Custodial, Federal Building, U.S. Courthouse and Customhouse, Fort Lauderdale, Florida.

Janitorial/Custodial, Building 323, Robins Air Force Base, Georgia.
Mailing Service, U.S. Department of State, Office of Recruitment, Examination and Employment, Arlington, Virginia.

Beverly L. Milkman,

Executive Director.

[FR Doc. 92-5051 Filed 3-12-92; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in ferrous scrap futures. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by the Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before April 13, 1992.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the ferrous scrap futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact Richard Shilts of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202-254-7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the CBT in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed contract, or with respect to other materials submitted by the CBT in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on March 9, 1992.

Gerald Gay,

Director.

[FR Doc. 92-5856 Filed 3-12-92; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Intent To Prepare an Environmental Impact Statement Space Nuclear Thermal Propulsion Program

The Department of the Air Force is conducting the Space Nuclear Thermal Propulsion (SNTP) Program to develop the technology for a nuclear thermal propulsion system. The SNTP Program Office at Phillips Laboratory, Kirtland AFB, NM is managing program activities and intends to study the environmental issues associated with the SNTP program. To this end, the Air Force Center of Environmental Excellence (AFCEE) will prepare an Environmental Impact Statement (EIS) for use in the decision-making process.

Successful development of nuclear thermal propulsion system technology would allow future consideration of the acquisition of a cost-effective rocket to support national defense and civil space missions.

SNTP Program decisions to be made include: (a) Whether or not to continue the SNTP program through the development of nuclear thermal propulsion technology; (b) whether or not to construct and operate a ground test facility; and (c) where to locate the ground test facility if the program is to continue. Decisions on whether to build a rocket for flight testing and the acquisition of operational rockets are not included in the proposed action; these decisions are not part of the SNTP technology development program.

The SNTP ground test facility is proposed to be located at either the Nevada Test Site or the Idaho National Engineering Laboratory.

Scoping will be conducted to identify environmental concerns and issues that need to be addressed in the EIS. The EIS will assess the issues pertaining to the decisions to be made. Two public scoping meetings will be held as part of the process (one each in Las Vegas, NV, and Idaho Falls, ID) to determine the environmental issues and concerns that should be addressed. The scoping meetings are tentatively scheduled for April 1992. Notice of the exact time and place of the meeting will be published in the news media.

Public input and comments are solicited concerning the environmental aspects of the proposed program. To assure the program office will have sufficient time to fully consider public inputs on issues, written comments should be mailed to ensure receipt no later than May 15, 1992.

Comments concerning the proposed project or the EIS should be addressed to: Lt. Col. Gary Baumgartel, Director of Environmental Planning AFCEE/ESE, Building 1155, Brooks AFB, TX 78235-5000, (512) 536-3907.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-5703 Filed 3-12-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Record of Decision to Homeport and Construct Support Facilities for Two Fast Combat Support Ships at Naval Shipyard Puget Sound, Bremerton, WA

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR part 1500-1508), the Department of the Navy announces its decision to homeport and construct support facilities for two Fast Combat Support Ships (AOE-6 Class) at Naval Shipyard (NAVSHIPYD) Puget Sound, Bremerton, Washington. This action was identified as the preferred alternative in the Final Programmatic Environmental Impact Statement (FPEIS) that was distributed to the public on September 13, 1991.

The U.S. Navy is acquiring new design auxiliary ships over the next ten years. Those AOE-6 Class ships will provide fuel, ammunition, and dry and refrigerated stores to operational forces in the U.S. Pacific Fleet. At the present rate of ship funding and acquisition, two AOE-6 Class ships will require a homeport on the U.S. west coast within the next two or three years. While ship construction proposals indicate that additional ships could be funded and built in the future, only two ships are currently proposed from homeporting on the U.S. west coast.

To identify a homeport for the first two AEO-6 Class ships to be homeported, and additional AOE-6 Class ships that may be acquired by the Navy, a program for identifying the most practicable west coast locations for hoemporting was implemented. This program evaluated seventeen naval installations along the U.S. west coast, along with the no action alternative. The potential for unacceptable, adverse environmental impact, along with operational concerns, eliminated thirteen sites.

Four sites were studied in detail in the Draft Programmatic Environmental Impact Statement (DPEIS), which was distributed to the public on April 12, 1991. The four sites are NAVSHIPYD Puget Sound, Bremerton, Washington; Naval Station Long Beach, California; Naval Air Station North Island, San Diego, California; and Naval Station San Diego, California. Naval Weapons Station Seal Beach, California, was also evaluated for providing ordnance support to any of the three potential southern California homeport sites.

Based on environmental and operational considerations, NAVSHIPYD Puget Sound is the preferred alternative for the homeporting action. Part II of the PEIS included a tiered analysis with respect to the selection of NAVSHIPYD Puget Sound. While this decision involves constructing support facilities needed to homeport two AOE-6 Class ships at NAVSHIPYD, it does not include final decisions for homeporting additional AOE-6 Class ships at Long Beach or San Diego. No proposal presently exists to homeport ships at Long Beach or San Diego. Decisions regarding homeporting at these sites will be made as subsequent homeporting proposals are developed, and are studied in tiered environmental impact statements. Ordnance loadout capabilities and requirements will be addressed, as appropriate, in tiered documentation.

Support facilities to be constructed in support of the homeporting action at NAVSHIPYD include the upgrade of Pier D by dredging 170,400 cubic yards of material adjacent to both sides of the pier and upgrade of utility systems. This will deepen the berthing area from −42 feet mean lower low water (MLLW) to −49.4 feet MLLW to accommodate the AOE-6 draft. A new platform at Mooring G and a new off-shore powered mooring facility in Sinclair Inlet will be constructed for stowage of inactive ships displaced from Pier D, or for inactive ships to be received in the future which had been planned to be located at Pier D. The mooring site in Sinclair Inlet best meets operational needs and reduces impacts because it expands on the area already used for stowage at the existing mooring buoy. Alternative configurations of the mooring assembly were presented in the FPEIS because the specific ship mix to be moored is uncertain at this time. Either configuration would impact only an additional 15 acres of surface area over that of the existing buoy (30 acres). These facilities replace the inactive ship stowage capacity that will be lost with the redesignation of Pier D to AOE-6 berthing.

About 17 acres of privately owned property adjacent to NAVSHIPYD will be acquired. Fleet parking, morale/welfare and recreation facilities, fleet support facilities including shop and warehouse buildings, and various site improvements will be constructed on the land. No cultural resources listed or determined eligible of listing on the National Register of Historic Places will be affected by property acquisition or development

All practicable means to avoid or minimize environmental impacts at NAVSHIPYD have been adopted. Sediment analysis for dredged material has been performed, and all material unacceptable for in-water disposal will be disposed in an approved upland location. Necessary permits from the U.S. Army Corps of Engineers and the Puget Sound Dredge Disposal Agency will be obtained prior to dredging operations. Further public review concerning dredged material disposal will be afforded during the permitting process.

In response to public comments, the proposed action was revised to allow Callow Avenue to remain open and to avoid potentially significant traffic related impacts.

Property acquisition and relocation of residents and business in the land purchase area will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act. In furtherance of this federal law, it is the policy of the Navy to treat all owners and tenants fairly and equitably throughout the purchase and relocation process.

The continued development of the property to be acquired will not affect any substantial wildlife habitat, nor will it affect any sensitive or protected wildlife species.

The Suquamish Tribe, which has treaty fishing rights for areas of Puget Sound including Sinclair Inlet, has commented that their access to what the Tribe identifies as a critical terminal fishery within the established, usual, and accustomed fishing areas would be impacted by the placement or a mooring in the inlet. The Navy has determining that constructing a fleet mooring in Sinclair Inlet falls within the rights of navigational servitude held by the U.S. government which is dominant to other uses, and, therefore, can be accomplished without a requirement to compensate the Suquamish Tribe for any economic loss it might suffer.

Comments received from the public on the DPEIS included concerns about land acquisition and relocation, dredged material disposal, and impacts to treaty fishing waters resulting from homeporting at Bremerton. Comments regarding homeporting at Long Beach and San Diego included concerns about air emissions, water quality, dredge material disposal, visual aesthetics, littoral transport of sand, traffic impacts, and impacts to outdoor recreational opportunities. In addition, a comment on the FPEIS from the Bureau of Indian Affairs reiterated the concerns raised about impacts to treaty fishing rights at Bremerton and requested a revised EIS. All these comments were addressed in the FPEIS, or in this Record of Decision, and the Navy believes that there are no outstanding issues to be resolved with respect to this project. Therefore, a revised Environmental Impact Statement is not required.

Questions regarding the Environmental Impact Statement prepared for this action may be directed to Chesapeake Division, Naval Facilities Engineering Command, Washington Navy Yard, Washington, DC 20374 (Attn: Mr. Robert Schwarz), telephone (202) 433-3387.

Dated: March 10, 1992.

Elsie L. Munsell,

Deputy Assistant Secretary of the Navy, (Environment and Safety).

[FR Doc. 92-5925 Filed 3-12-92; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 13, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 10, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Postsecondary Education

Type of Review: Extension.
Title: Perkins Loan Program (formerly National Direct/Defense Student Loan Program) Assignment Form.
Frequency: Discretion of Institution.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 60,000.
Burden Hours: 30,000.
Recordkeeping Burden:
Recordkeepers: 3,000.
Burden Hours: 1,500.
Abstract: This form is used to collect pertinent data regarding defaulted student loans from institutions participating in the Perkins Loan Program. The ED form 553 serves as the transmittal document in the assignment of defaulted student loans to the Federal Government for collection.

Office of Civil Rights

Type of Review: Reinstatement.
Title: Fall 1992 Elementary and Secondary School Civil Rights Survey.
Frequency: Biennially.
Affected Public: State or local governments.
Reporting Burden:
Responses: 53,900.
Burden Hours: 431,200.
Recordkeeping Burden:
Recordkeepers: 90,000.
Burden Hours: 90,000.
Abstract: This survey will collect information from public school districts and schools for determining compliance with applicable civil rights laws. The Department uses this information to make its annual report to Congress.

[FR Doc. 92–5974 Filed 3–12–92; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.162]

Emergency Immigrant Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: This program provides financial assistance for supplementary educational services and costs for eligible immigrant children enrolled in elementary and secondary public and nonpublic schools. The program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by helping immigrant children reach high levels of academic achievement and, ultimately, graduate from high school, obtain productive employment, and exercise the rights and responsibilities of citizenship.

Eligible Applicants: State educational agencies (SEAs).

Deadline for Transmittal of Applications: May 15, 1992.

Deadline for Intergovernmental Review: July 14, 1992.

Applications Available: March 16, 1992.

Available Funds: $30 million.

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 581.

Programmatic Information: An SEA may apply for a grant if it meets the eligibility requirements specified in 34 CFR 581.2. An eligible SEA must provide a count, taken during April 1992, of the number of immigrant children enrolled in public and nonpublic schools in accordance with the requirements specified in 34 CFR 581.11. The term "immigrant children" means children who were not born in any State and who have been attending schools in any one or more States for less than three complete academic years.

The Education Department is required to reduce a State's grant award under this program by the amount of Federal funds that the State received in the same fiscal year for the same purpose as the Emergency Immigrant Education Program (EIEP) funds. However, a reduction must be made only to the extent that such other Federal funds are made available specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served. States must in their EIEP application provide information regarding any other Federal assistance requested for the same fiscal year for the same purpose as the EIEP funds.

For Applications or Information Contact: Harpreet K. Sandhu, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Mary E. Switzer Building, Washington, DC 20202–6641. Telephone: (202) 732–5708. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3121–3130.

Dated: March 6, 1992.

Rita Esquivel,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 92–5976 Filed 3–12–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver Pursuant to Section 602(c) of the Department of Energy Organization Act (Pub. L. 95–91)

Section 602(a) of the Department of Energy ("DOE") Organization Act (Pub. L. 95–91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined in section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined in section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases where the interest is a pension, insurance, or other similarly vested interest.

Mr. Thomas M. Torkos is under consideration for the position of Deputy Director, Pittsburgh Energy Technology Center. As a result of his previous employment with Gulf Research and Development Co., which was subsequently purchased by Chevron Corp., Mr. Torkos has a vested pension interest, within the meaning of section 602(c) of the Act, in the Chevron Retirement Plan. I have granted Mr. Torkos a waiver of the divestiture requirement of section 602(a) of the Act for the duration of his employment with the Department as a supervisory employee with respect to this pension interest.

In accordance with section 208, title 18, United States Code, Mr. Torkos has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon Chevron Corp.

Dated: March 2, 1992.

James D. Watkins,

Admiral, U.S. Navy (Retired), Secretary of Energy.

[FR Doc. 92–5962 Filed 3–12–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 2711–002 Wisconsin]

Northern States Power Co.; Availability of Environmental Assessment

March 9, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a minor license for the existing Trego Hydroelectric Project located on the Namekagon River in the town of Trego, Washburn County, Wisconsin, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the continued operation of the project and has concluded that approval of the application for new license, with appropriate enhancement measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5874 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04384T Oklahoma–11]

State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 6, 1992.

Take notice that on March 4, 1992, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Medrano Formation underlying a portion of Grady County qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated area is described as sections 9, 15, 16, 21, 22, 23, 26, 27, 28, 34, and 35 of Township 6 North, Range 7 West, Grady County, Oklahoma.

The notice of determination also contains Oklahoma's findings that the referenced portion of the Medrano Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5869 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04349T Texas–50]

State of Texas; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 6, 1992.

Take notice that on March 3, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that portions of the Austin Chalk Formation in Polk County, Texas, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application consists of the following surveys in Polk County, Texas:

J.H. Beazley	A–935
J.T. Brackenridge	A–811
J.T. Brackenridge	A–815
Macedonia Carmona	A–18
E.H. Chandler	A–191
S. Crissman	A–22
Calvin Gage	A–801
S. Harrison	A–283
Noah Hayman	A–781
Houston Co. Sch. Land	A–271
George Jameson	A–41
J. Poitevent	A–497
J. Poitevent	A–499
J. Poitevent	A–499
S.S. Skaines	A–550
W.A. Stagner	A–736
Barna Stanley	A–1046

The notice of determination also contains Texas' findings that the referenced portions of the Austin Chalk Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5868 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI89-302-004, et al.]

Chevron U.S.A. Inc., et al.; Applications for Extension of Blanket Limited-Term Certificates With Pregranted Abandonment [1]

March 9, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 20, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Appendix

Docket No.	Date filed	Applicant
CI89-302-004	3-4-92	Chevron U.S.A. Inc., P.O. Box 3725, Houston, Texas 77253-3725.
CI89-479-005	3-4-92	Western Gas Resources, Inc., suite 230, 12200 N. Pecos Street, Denver, Colorado 80234.

[FR Doc. 92-5873 Filed 3-12-92; 8:45 am]

BILLING CODE 6717-01-M

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. TQ92-9-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

March 9, 1992.

Take notice that on March 5, 1992, the Granite State Gas Transmission, Inc. (Granite State), 300 Fiberg Parkway, Westborough, Massachusetts 01581-5309 tendered for filing with the Commission Fourteenth Revised Sheet No. 21 in its FERC Gas Tariff, Second Revised Volume No. 1, containing proposed changes in rates for effectiveness on April 1, 1992.

According to Granite State, its filing is its regular quarterly purchased gas cost adjustment based on projected gas costs and sales for the second quarter of 1992. Granite State further states that the revised rates for sales services reflect substantial reductions in projected gas costs beginning April 1, 1992.

It is stated that the proposed rate changes are applicable to Granite State's jurisdictional sales services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with rules 211 and 214 of the Commission's rules of practice and procedures (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 16, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5870 Filed 3-12-92; 8:45 am]

BILLING CODE 6717-01-M

Application Filed With the Commission

March 9, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfer of License.

b. *Project No.:* 400-022.

c. *Date Filed:* March 6, 1992.

d. *Applicant:* Colorado-Ute Electric Association, Inc. (Transferor) and Public Service Company of Colorado (Transferee).

e. *Name of Project:* Tacoma-Ames Project.

f. *Location:* On the Animas and San Miguel Rivers and their tributaries in La Plata, San Juan, and San Miguel Counties, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Amy S. Koch, LeBoeuf, Lamb, Leiby & MacRae, 1875 Connecticut Avenue, NW., suite 1200, Washington, DC 20009, (202) 986-8000.

i. *FERC Contact:* Michael Spencer at (202) 219-2846.

j. *Comment Date:* March 25, 1992.

k. *Description of the Project:* Colorado-Ute Electric Association, Inc., proposes to transfer the license for the Tacoma-Ames Project to the Public Service Company of Colorado. The requested transfer is part of a larger transaction in which Public Service Company of Colorado and others are acquiring the assets of Colorado-Ute pursuant to a plan approved by the United States Bankruptcy Court for Colorado. The proposed transfer will not result in any changes to the existing development. The Transferor certifies that it has fully complied with the terms and conditions of the license. The Transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it were the original licensee.

l. *This notice also consists of the following standard paragraphs:* B and C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's Regulations to: the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027-UPC, at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5878 Filed 3-12-92; 8:45 am]

BILLING CODE 6717-01-M

Application Filed With the Commission

March 9, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfer of License.

b. *Project No:* 733-004

c. *Date Filed:* March 6, 1992.

d. *Applicant:* Colorado-Ute Electric Association, Inc. (Transferor) and Public Service Company of Colorado (Transferee).

e. *Name of Project:* Ouray Project.

f. *Location:* On the Uncompahgre River in Ouray County, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Amy S. Koch, LeBoeuf, Lamb, Leiby & MacRae, 1875 Connecticut Avenue, NW., suite 1200, Washington, DC 20009, (202) 986-8000.

i. *FERC Contact:* Michael Spencer at (202) 219-2846.

j. *Comment Date:* March 25, 1992.

k. *Description of the Project:* Colorado-Ute Electric Association, Inc., proposes to transfer the license for the Ouray Project to the Public Service Company of Colorado. The requested transfer is part of a larger transaction in which Public Service Company of Colorado and others are acquiring the assets of Colorado-Ute pursuant to a plan approved by the United States Bankruptcy Court for Colorado. The proposed transfer will not result in any changes to the existing development. The Transferor certifies that it has fully complied with the terms and conditions of the license. The Transferee accepts all the terms and conditions of the license and agrees to be bound thereby to the same extent as though it were the original licensee.

l. *This notice also consists of the following standard paragraphs:* B and C.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "COMPETING APPLICATIONS," "PROTEST" OR "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and the number of copies required by the Commission's Regulations to: the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027-UPC, at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5879 Filed 3-12-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-2-5-000]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

March 6, 1992.

Take notice that on February 28, 1992, Midwestern Gas Transmission Company (Midwestern) filed the following revised tariff sheet to First Revised Volume No. 1 of its FERC Gas Tariff to be effective April 1, 1992.

Substitute Thirty-First Revised Sheet No. 5.

Midwestern states that the purpose of this revision is to resubmit the change in rates on Midwestern's system through the annual Purchased Gas Adjustment (PGA) in response to the Commission's Order of February 6, 1992, in Docket TA92-1-5.

Midwestern states that the Current Purchased Gas Cost Rate Adjustments reflected on Substitute Thirty-First Revised Sheet No. 5 consist of $(.3095) per dekatherm adjustment to the gas rate, and a ($1.47) per dekatherm adjustment to the demand rate.

Midwestern states that the revisions also reflect a $.0491 per dekatherm surcharge adjustment to the gas rates and a ($.01) per dekatherm surcharge adjustment to the demand rate for amortizing the Unrecovered Gas Cost Account.

Midwestern states that all copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before March 23, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-5865 Filed 3-12-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-139-000]

Northern Border Pipeline Company; Request for a One-Time Waiver

March 6, 1992.

Take notice that on March 3, 1992, Northern Border Pipeline Company (Northern Border) tendered for filing a request for waiver of Subsection 6.63 of its General Terms and Conditions in its FERC Gas Tariff, Original Volume No. 1, pursuant to Rule 101 of the Commission's Rules of Practice and Procedure, 18 CFR 385.101(e).

Northern Border states that it bills its firm Shippers on the basis of semiannual estimates of its cost of service. Northern Border states that the monthly differences between the estimated and the actual cost of service are accumulated and adjusted on the Shipper's bills in the next six month billing period. Northern Border states that the current accumulation period (October 1991–March 1992) shows an overpayment balance of $9.1 million as of January 31, 1992; and this balance is expected to be over $10 million by the end of March. Northern Border believes it is appropriate to provide its customers with the benefit of these funds and requests a waiver of Subsection 6.83 of its General Terms and Conditions to lower the current accumulation period overpayment balance by making a one-time payment of $10.0 million to the firm Shippers. Northern Border further states that the retroactive adjustment of the firm Shipper's overpayment balance would only effect the timing of the payments to firm Shippers and will not change interruptible rates or the cost of service calculation.

Northern Border has requested approval of this waiver by March 25, 1992.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5864 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–3–59–000]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 9, 1992.

Take notice that Northern Natural Gas Company (Northern), on March 6, 1992, tendered for filing changes in its FERC Gas Tariff, Third Revised Volume No. 1 (Volume No. 1 Tariff).

On March 6, 1992, Northern filed revised tariff sheet 1 Rev Twenty-Third Revised No. 4H to establish the February 1992 Index Price for determining the dollar/volume equivalent for any transportation imbalances that may exist on contracts between Northern and its Shippers.

Northern states that copies of the filing were served upon Northern's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 385.44 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 16, 1992. Protests will be considered by the Commission in determining the appropriate proceeding, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5871 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–208–005]

Ozark Gas Transmission System; Proposed Change in FERC Gas Tariff

March 6, 1992.

Take notice that Ozark Gas Transmission System ("Ozark") on February 28, 1992, submitted the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 4
First Revised Sheet No. 128

Ozark states that the purpose of this filing is to comply with the orders issued by the Commission in the referenced docket on September 6, 1991, and December 6, 1991. The proposed effective date is April 1, 1992. Ozark states that copies of the filing were served upon its jurisdictional customers and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5866 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA91–1–41–004, RP88–227–031]

Paiute Pipeline Co.; Compliance Filing

March 9, 1992.

Take notice that on February 28, 1992, Paiute Pipeline Company (Paiute) submitted a compliance filing to the Commission with respect to Paiute's clearance of its Account No. 191 balance following the implementation of full conversions by its sales customers to firm transportation service under a settlement approved by the Commission in Docket Nos. RP88–227, et al. (Settlement). Paiute states that its filing is being submitted in compliance with an order issued by the Commission in Docket Nos. TA91–1–41–002 and RP88–227–028 on January 21, 1992, as well as the Commission's orders approving the Settlement.

Paiute states that its compliance filing is the second filing that Paiute has submitted concerning the clearance of its Account No. 191 balance following the termination of Paiute's sales service. On September 16, 1991, Paiute submitted a filing in Docket No. RP88–227–028 which addressed the treatment of Paiute's Account No. 191 balance as of July 31, 1991. In that filing, Paiute reported that it made a distribution on July 31, 1991 to its four former sales customers of an estimated credit balance of $271,548, and also noted that it anticipated that it would be paying or receiving additional amounts attributable to its Account No. 191.

Paiute states that the Commission's January 21, 1992 order addressed Paiute's September 16, 1991 compliance filing in Docket No. RP88–227–028 as well as a compliance filing submitted by Paiute on November 30, 1990 in Paiute's annual PGA proceeding in Docket No. TA91–1–41. Paiute further states that the Commission in such order directed Paiute to respond to certain matters discussed in the order and to file a revised report concerning its closeout of its Account No. 191.

Paiute indicates that in its instant compliance filing it has included responses to the specific matters raised by the Commission in its January 21, 1992 order. Paiute also states that it has reflected in its filing additional amounts attributable to its preconversion sales service that have been billed or refunded to Paiute since its September 16, 1991 filing in Docket No. RP88–227–028, as well as certain corrections and adjustments to its purchased gas cost accounts that Paiute has recorded or discovered in reviewing such accounts since that prior filing. Paiute states that the entries, adjustments, and corrections to its Account No. 191 reflected in its filing result in an additional credit balance of $566,161 over that reflected in Paiute's September 16, 1991 filing, as of February 29, 1992. Paiute states that it intends to make a distribution of this amount to its four former sales customers on February 29, 1992, using the allocation procedure prescribed in the Settlement.

Paiute requests that the Commission approve Paiute's distribution of its Account No. 191 balance as proposed in its filing, including approval of the level of the balance that Paiute will distribute on February 29, 1992. Paiute also renews its request that the Commission approve Paiute's July 31, 1991 distribution of Account No. 191 amounts as discussed in its September 16, 1991 filing in Docket No. RP88–227–028.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 16, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5872 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP89–141–007 and TM92–2–5–000]

Sea Robin Pipeline Co; Proposed Changes in FERC Gas Tariff

March 9, 1992.

Take notice that on February 28, 1992, Sea Robin Pipeline Company (Sea Robin) tendered for filing the following tariff sheet as part of its FERC Gas Tariff, Original Volume No. 1, to become effective April 1, 1992:

Second Revised Sheet No. 4D

Sea Robin states that the purpose of the proposed tariff filing is to make an annual reconciliation filing to adjust for interest payable annually on the transportation credit balance for certain non-cash consideration recovered by Sea Robin under take-or-pay settlement agreements. This interest has been allocated to United Gas Pipe Line Company and Southern Natural Gas Company by Sea Robin under its direct bill approved in these proceedings.

Sea Robin states that copies of the filing are being served on all parties to the proceeding

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 16, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5877 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF92–91–000]

Tenaska Washington Partners L.P.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 9, 1992.

On March 3, 1992, Tenaska Washington Partners L.P. (Applicant), of 407 North 117th Street, Omaha, Nebraska 68154, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the BP Oil Company Refinery in Ferndale, Washington, and will include two combustion turbines, a waste heat recovery steam generator, and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be used by BP Oil Company for industrial processes. The maximum electric power production capacity of the facility will be 245 NW. The primary fuel will be natural gas. Construction of the facility will begin on or about April, 1992.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5875 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–5–29–000]

Transcontinental Gas Pipe Line Corporation; Tariff Filing

March 6, 1992.

Take notice Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 3, 1992 certain revised tariff sheets to Third Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff, which tariff sheets are enumerated in Appendix A attached to the filing. The proposed effective date of the tariff sheets is April 1, 1992.

Transco states that the purpose of the instant filing is to revise the fuel retention percentages (FRPs) applicable to its transportation and storage rate schedules effective April 1, 1992, pursuant to the provisions of Section 38 of the General Terms and Conditions of its FERC Gas Tariff. Transco states that in calculating the revised fuel retention percentages, Transco reflected a net debit adjustment of approximately $13.9 million in its Deferred GRO Account representing the estimated fuel refunds to be made in Docket Nos. CP88–391, *et al.* for the locked-in period April 10, 1990

through July 31, 1991. Transco states that the Commission's order on rehearing issued December 17, 1991 in Docket Nos. CP88–391–005, *et al.* granted Transco's proposed clarification that it be allowed to take such fuel refunds into account in its next fuel tracker filing.

Transco states that Appendices B and C attached to the filing are the workpapers supporting the calculation of the revised fuel retention percentages reflected on the tariff sheets included in the filing.

Transco states that copies of the instant filing are being mailed to its customers, state commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5863 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA90–1–29–006 and TA91–1–29–002]

Transcontinental Gas Pipe Line Corp.; Compliance Filing

March 6, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on February 28, 1992 written explanations and supporting information in compliance with the Commission's Order issued January 29, 1992 in Docket Nos. TA90–1–29–002, 004, and 005 and TA91–1–29–000.

Transco states that copies of the filing are being mailed to affected customers, interested State Commissions and parties to the aforementioned Docket Nos. In accordance with provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco's main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 13, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5867 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–48–016]

Transwestern Pipeline Co.; Compliance Filing

March 9, 1992.

Take notice that Transwestern Pipeline Company ("Transwestern") on March 3, 1992 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective April 1, 1992

6th Revised Sheet No. 4
1st Revised Sheet No. 4A
1st Revised Sheet No. 4B
1st Revised Sheet No. 4C
1st Revised Sheet No. 4D
95th Revised Sheet No. 5
59th Revised Sheet No. 6
1st Revised Sheet No. 6B
5th Revised Sheet No. 6C
5th Revised Sheet No. 24
7th Revised Sheet No. 25
5th Revised Sheet No. 28
8th Revised Sheet No. 29
1st Revised Sheet No. 29.1
8th Revised Sheet No. 29A
5th Revised Sheet No. 30
3rd Revised Sheet No. 31A
10th Revised Sheet No. 32
4th Revised Sheet No. 34D
6th Revised Sheet No. 34E
7th Revised Sheet No. 48
2nd Revised Sheet No. 51A
3rd Revised Sheet No. 52
3rd Revised Sheet No. 53
3rd Revised Sheet No. 54
3rd Revised Sheet No. 55
2nd Revised Sheet No. 57
2nd Revised Sheet No. 58
5th Revised Sheet No. 68A
2nd Revised Sheet No. 68B
1st Revised Sheet No. 80B
8th Revised Sheet No. 81
4th Revised Sheet No. 81A
8th Revised Sheet No. 90A
4th Revised Sheet No. 91
2nd Revised Sheet No. 92C
6th Revised Sheet No. 34C
3rd Revised Sheet No. 129
3rd Revised Sheet No. 140
2nd Revised Sheet No. 141
2nd Revised Sheet No. 143
2nd Revised Sheet No. 144
2nd Revised Sheet No. 92D
2nd Revised Sheet No. 92E
Original Sheet No. 93
8th Revised Sheet No. 94–104
6th Revised Sheet No. 128

Transwestern states that the tariff sheets are being filed by Transwestern to implement, effective April 1, 1992, the Stipulation and Agreement filed on June 22, 1990 in its rate proceeding at Docket No. RP89–48, *et al.*, as modified by the Commission's initial order and subsequent order approving the Stipulation and Agreement. Transwestern states that such implementation will result in a rate decrease for Transwestern's customers.

Transwestern states that it and the Supporting Parties to the Stipulation and Agreement (the Public Utilities Commission of the State of California, Southern California Gas Company, and Yates Petroleum Corporation) are concurrently notifying the Commission that they accept the modifications and conditions required in the orders issued by the Commission in Docket No. RP89–48, *et al.*, on March 20, 1991 and August 14, 1991 in accordance with Article IX (section B) and Article X (section B) of the Stipulation and Agreement.

Transwestern requests waiver of any Commission Regulation and its tariff provisions as may be required to allow the tariff sheets referenced above to become effective on April 1, 1992.

Transwestern states that copies of the filing were served on its jurisdictional customers, interested state commissions, and all parties of record in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 16, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5876 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP92–122–000, RP81–85–000, RP92–123–000, RP92–124–000, RP92–126–000, RP87–15–000, RP89–160–000, RP92–125–000, RP92–127–000, RP92–128–000]

Trunkline LNG Co.; Trunkline Gas Company, Panhandle Eastern Pipe Line Co.; Conference

March 6, 1992.

A conference in the above-captioned proceedings will convene on March 17, 1992 at 9:30 a.m. The purpose of the conference is to enable the pipeline to explain the rate filings made in these proceedings on February 27, 1992, to discuss with staff and interested parties information relevant to these filings, and to resolve at an early stage of the proceedings as many issues as possible. In addition, the conference is intended to provide an opportunity to explore settlement possibilities in Trunkline Gas Company's proceedings in Docket Nos. RP87–15–000 and RP89–160–000, and in Trunkline LNG Company's proceeding in Docket No. RP81–85–000. In particular, the settlement discussions are intended to address any remaining issues in Docket No. RP81–85–000, all issues but rate design issues in Docket No. RP87–15–000, and the issues of Trunkline LNG minimum bill credits in Docket No. RP89–160–000. The conference will be held in the Commission Meeting Room, 825 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92–5862 Filed 3–12–92; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140177; FRL–4051–1]

Access to Confidential Business Information by ICF International, Incorporated

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, ICF International, Incorporated (ICF), of Fairfax, Virginia, and Washington, DC, for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than March 27, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D6–0116, contractor ICF, of 9300 Lee Highway, Fairfax, VA, and 1850 K St., NW., Suite 1000, Washington, DC, will assist the Office of Pollution Prevention and Toxics (OPPT) in performing economic and regulatory analyses of actual or potential EPA actions taken under TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D6–0116, ICF will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ICF personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the **Federal Register** of November 1, 1991 (56 FR 56216), ICF was authorized for access to CBI submitted to EPA under all sections of TSCA. EPA is issuing this notice to extend ICF's access to TSCA CBI under a contract extension.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ICF access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters, and ICF's Fairfax, VA and Washington, DC facilities only.

ICF will be authorized access to TSCA CBI at its facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before access to TSCA CBI is authorized at ICF's sites, EPA will approve ICF's security certification statements, perform the required inspection of its facilities, and ensure that the facilities are in compliance with the manual. Upon completing review of the CBI materials, ICF will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 1992.

ICF personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: March 5, 1992.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–5954 Filed 3–12–92; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–00118; FRL–4045–6]

Carpet Policy Dialogue; Receipt of Public Information Brochure

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA has received a brochure entitled "Indoor Air Quality and New Carpet - What You Should Know" from the Carpet Policy Dialogue. The brochure provides the general public with information about indoor air quality and new carpet.

FOR FURTHER INFORMATION CONTACT: Dave Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554–1404, TDD: (202) 554–0557, or FAX (202) 554–5603 (document requests only). For further information on the Carpet Policy Dialogue Project contact Richard W. Leukroth Jr., Carpet Policy Dialogue Coordinator, Telephone: (202) 260–1832. Copies of the brochure may be obtained from the Environmental Assistance Division at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The Carpet Policy Dialogue (August 21, 1990 to September 27, 1991) was part of the Agency's response to a petition under section 21 of TSCA (55 FR 17404, April 24, 1990; 55 FR 31640, August 3, 1990; and 56 FR 67317, December 30, 1991). EPA charged the Dialogue to work out details for voluntary product testing programs, examine process engineering aspects of carpet floor covering materials, and to provide the interested public with information about new carpet and total volatile organic compound (TVOCs) emissions. The objective of the Carpet Policy Dialogue was to take practical steps to help reduce the public's exposure to TVOCs that emit from new carpet floor covering materials including carpet, carpet cushion, and carpet installation adhesives.

II. Carpet Policy Dialogue - Public Information Brochure

In conjunction with the public outreach activities of the Carpet Policy Dialogue, a public information brochure entitled "Indoor Air Quality and New Carpet - What You Should Know" was submitted to EPA. This brochure provides the interested public with information about TVOCs, new carpet floor covering materials, and indoor air quality. It lists steps the public can take to reduce exposure. The brochure also lists sources where the intereated public can find additional information about this topic.

Fifteen (15) organizations that participated in the Carpet Policy Dialogue are listed on the brochure to indicate that representatives from these organizations participated in the development of the brochure and worked cooperatively to address indoor air quality issues. These organizations include: the U.S. EPA [Office of Pollution Prevention and Toxics (OPPT), Office of Air and Radiation (OAR), Office of Research and Development (ORD)], U.S. Consumer Product Safety Commission (CPSC), U.S. General Services Administration (GSA), National Institute of Standards and Technology (NIST), Adhesive and Sealants Council, Inc. (ASC), American Federation of State, County and Municipal Employees (AFSME), American Fiber Manufacturers Association (AFMA), American Lung Association (ALA), American Textile Manufacturers Institute (ATMI), Carpet Cushion Council (CCC), Carpet and Rug Institute (CRI), Floor Covering Adhesives Manufacturers Committee (FCAMC) of the National Association of Floor Covering Distributors (NAFCD), Floor Covering Installation Contractors Association (FCICA), Georgia Tech Research Institute (GTRI), and Styrene Butadiene Latex Manufacturers Council (SBLMC).

The brochure is a product of the Public Communications Subgroup of the Carpet Policy Dialogue. It was reviewed and approved for submission to EPA by the Carpet Policy Dialogue Plenary at a meeting held on September 27, 1991.

EPA submitted the brochure (EPA/560/2-91-003) to the TSCA Carpet Emissions Administrative Record on March 12, 1992.

III. Administrative Record

The Carpet Policy Dialogue: Public Information Brochure entitled: "Indoor Air Quality and New Carpet - What You Should Know" is available to the public in the Carpet Emissions Administrative Record. This Administrative Record is available for reviewing and copying in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Dated: March 4, 1992.

Mark A. Greenwood,

Director, Office of Pollution Prevention and Toxics.

[FR Doc.92-5819 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-F

[ER-FRL-4114-7]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5073 or (202) 260-5075.

Availability of Environmental Impact Statements Filed March 2, 1992 Through March 6, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920067, Final EIS, SCS, WV, Lower Mud River Watershed Protection and Flood Plan, Implementation, Section 404 Permit, City of Milton Cabell, Lincoln and Putnam, Counties, WV, Due: April 13, 1992, Contact: Rollin N. Swank (304) 291-4151.

EIS No. 920068, Draft EIS, SFW, NJ, Delaware River Watershed Basin, Introduction of an Anadromous Salmonid-Species, Implementation and Funding, Delaware River, NJ, Due: April 27, 1992, Contact: Ronald Essig (617) 965-5100.

EIS No. 920069, Draft Supplement, BLM, NV, Egan Resource Management Plan (RMP), Oil and Gas Leasing Amendment, Implementation and Approval, Ely District, White Pine, Lincoln and Nye Counties, NV, Due: June 5, 1992, Contact: Gene L. Drais (702) 289-4865.

EIS No. 920070, Draft EIS, IBR, CA, Los Vaqueros Water Supply Project, Implementation, Contra Costa Water District, Funding, section 404 and section 10 Permits, Contra Costa County, CA, Due: May 12, 1992, Contact: Wayne Deason (303) 236-9336.

EIS No. 920071, Draft EIS, COE, NC, Hobucken Bridge Replacement, Atlantic Intracoastal Waterway Bridge (AIWW), Implementation, Pamlico County, NC, Due: April 27, 1992, Contact: Coleman Long (919) 251-4751.

EIS No. 920072, Draft EIS, FAA, WA, Seattle-Tacoma International Airport Improvement, South Aviation Support Area, Airport Layout Plan, Airport Master Plan, Funding, section 10 and 404 Permits and NPDES Permit, Port of Seattle, King County, WA, Due: April 27, 1992, Contact: Ms. Sarah Dalton (206) 227-2661.

EIS No. 920073, Final EIS, COE, CA, American River Watershed Flood Plain Protection Project, Construction, Operation and Maintenance, Implementation, Sacramento, Placer and Sutter Counties, CA, Due: April 13, 1992, Contact: Mike Welsh (916) 557-6718.

EIS No. 920074, Final EIS, UAF, CA, George Air Force Base (AFB) Disposal and Reuse, Implementation, San Bernardino, CA, Due: April 13, 1992, Contact: Ltc. Thomas J. Bartol (714) 382-4891.

EIS No. 920075, Final EIS, BOP, WV, Beckley Federal Correctional Institution, Construction and Operation, Raleigh County, WV, Due: April 13, 1992, Contact: Patricia Sledge (202) 514-6470.

EIS No. 920076, Draft EIS, BLM, AZ, Sanchez Open Pit Heap Leach Copper Mine Project, Construction and Operation, Permits Approval, Gila Mountain, Graham County, AZ, Due: May 11, 1992, Contact: Larry Thrasher (602) 428-4040.

Dated: March 10, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-5978 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4114-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 24, 1992 through February 28, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 5, 1991 (56 FR 14096).

Draft EISs

ERP No. D-FHW-F40320-WI Rating EC2, US-53/Hastings Way Study Corridor Transportation Improvement, I-94 to U.S. 53/WI 124 Interchange, Funding and Possible Section 404 Permit, Eau Claire and Chippewa Rivers, Eau Claire and Chippewa Counties, WI.

Summary

EPA recommends alternative 2A as the environmentally preferrable build alternative and asks that the noise impacts be satisfactorily addressed.

ERP No. D-FHW-K50007-CA Rating EO2, Benicia-Martinez Bridge System Project, Construction/Reconstruction, Portions of I-680, I-780 ad I-80 Corridors, Funding, U.S. CGD Bridge Permit and COE section 10 and 404 Permits, Contra Costa and Solano Counties, CA.

Summary

EPA expressed environmental objections with the proposed project because conformity with the Clean Air Act was not shown, specifically whether the project would interfere with attainment and maintenance of Federal air quality standards and it is unknown whether the alternative eventually selected would be the least damaging practicable alternative under section 404 of the Clean Water Act. The DEIS does not provide sufficient information on water quality impacts.

ERP No. D-NOA-A91058-00 Rating EC2, Atlantic Ocean Sharks Fishery Management Plan (FMP), Implementation, Possible NPDES, COE and Coast Guard Permits, Exclusive Economic Zone (EEZ) the Gulf of Mexico, Atlantic Ocean and the Caribbean Sea.

Summary

EPA has concerns on (1) the shark finning process, (2) data collection process, (3) foreign fleet impacts, and (4) small coastal shark exploitation. EPA recommended clarity of certain aspects and the provision of additional information.

ERP No. D-SFW-K90026-CA Rating EC2, Tijuana Estuary Tidal Restoration Project, Implementation, Tijuana River National Estuarine Research Reserve, section 10 and 404 Permits and Special Use Permit, San Diego County, CA.

Summary

EPA expressed environmental concerns regarding the discharge of dredged materials and potential impacts to water quality, wetlands and endangered species. EPA requested that additional documentation be presented concerning the results of a sediment analysis and the selected method of disposal, and that potential impacts to threatened and endangered species be assessed before moving ahead with the project.

ERP No. DA-NPS-K91029-CA Rating EC2, Yosemite National Park, General Management Plan (GMP), Implementation, Concession Services Plan (CSP), Tuolumne, Mariposa and Madera Counties, CA.

Summary

EPA expressed environmental concerns regarding potential project impacts to air quality and water quality, and urged the National Park Service to implement various pollution prevention measures such as energy and water conservation and source reduction of hazardous materials. EPA stated that several actions affecting Yosemite should have been assessed in the EIS, including proposed Yosemite housing and changes to the park's transportation system as well as the concession services plan.

Other

ERP No. RS-IBM-A99190-00 40 CFR-1500-1508—DOI Manual 516 DM 6, Appendix 6 Managing the NEPA Process for the Bureau of Mines, Revised Proposed Rulemaking (57 FR 8436).

Summary

EPA recommended that the proposed revisions reference relevant sections of the CEQ regulations, the DOI manual, and Bureau NEPA guidelines to reflect consistency. EPA also recommended adding a section on environmental assessments.

Dated: March 10, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-5979 Filed 3-12-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Central Florida Educational Foundation, Inc.; Union Park, FL	BPED-881207MA	92-33
B. Bible Broadcasting Network, Inc.; Conway, FL	BPED-890412MJ	
C. Palm Bay Public Radio, Inc.; Mims, FL	BPED-891127MB	
D. Southwest Florida Community Radio, Inc.; Conway, FL	BPED-891127MC	
E. Mims Community Radio, Inc.; Oak Hill, FL	BPED-891127MD	
F. Hispanic Broadcast System, Inc.; Lake Mary, FL	BPED-891128ME	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Environmental Impact, A,B,C,D,E,F
2. 307(b)-Noncommercial Educational, A,B,C,D,E,F
3. Contingent Comparative—Noncommercial Educational FM, A,B,C,D,E,F
4. Ultimate, A,B,C,D,E,F

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, room 246, 1919 M Street NW., Washington, DC 20554 (telephone (202)-659-8657).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 92-5972 Filed 3-12-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter

35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Title: Application for assistance to operating insured banks and savings associations.

Form Number: None (letter application).

OMB Number: 3064–0071.

Expiration Date of OMB Clearance: May 31, 1992.

Respondents: Operating insured depository institutions in danger of failing and wishing to apply to the FDIC for financial assistance.

Frequency of Response: On occasion.

Number of Respondents: 100.

Number of Responses per Respondent: 1.

Total Annual Responses: 100.

Average Number of Hours per Response: 40.

Total Annual Burden Hours: 4,000.

OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0071, Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, room F–400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted by May 12, 1992.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC has statutory authority to provide financial assistance to an operating insured depository institution which is in danger of failing. The FDIC uses the information collected in letter applications to evaluate the factors required by statute before approving applications.

Dated: March 9, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–5858 Filed 3–12–92; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Spain-Italy/Puerto Rico Island Pool; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212–011213–026.

Title: Spain-Italy/Puerto Rico Island Pool Agreement.

Parties:

Compania Trasatlantica Espanola, S.A.
d'Amico Societa de Navigazione, S.p.A.
Nordana Line A/S
Sea-Land Service, Inc.

Synopsis: The proposed amendment would delete d'Amico Societa de Navigazione, S.p.A. as a party to the Agreement.

Agreement No.: 217–011245–001.

Title: Euro-Gulf International, Inc./Tecomar, S.A. Space Charter Agreement.

Parties:

Tecomar, S.A. de C.V.,
Euro-Gulf International, Inc.

Synopsis: The proposed amendment would expand the Agreement's geographic scope to include Mediterranean service, as well as the port of Felixstowe, and deletes reference to foreign-to-foreign service. The parties have requested a shortened review period.

Agreement No.: 217–011362–001.

Title: Tecomar, S.A. de C.V./Transportacion Maritima Mexicana, S.A. de C.V./Euro-Gulf International, Inc. Slot Charter Agreement.

Parties:

Tecomar, S.A. de C.V.
Transportacion Maritima Mexicana, S.A. de C.V.
Euro-Gulf International, Inc.

Synopsis: The proposed amendment would expand the geographic scope to include service between U.S. Atlantic and Gulf ports and the Mediterranean. The parties have requested a shortened review period.

Dated: March 10, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5927 Filed 3–12–92; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–010889–001.

Title: Port of Galveston/Container Terminal of Galveston, Inc. Terminal Agreement.

Parties:

Board of Trustees of the Galveston Wharves
Container Terminal of Galveston, Inc

Synopsis: The proposed modification permits the parties to jointly purchase two container lift trucks to be used at the East End Container Terminal.

Dated: March 9, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–5850 Filed 3–12–92; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Federal Allotments to States for Developmental Disabilities, Basic Support, and Protection, and Advocacy Formula Grant Programs for Fiscal Year 1993

AGENCY: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notification of fiscal year 1993 federal allotments to States for developmental disabilities basic support and protection and advocacy formula grant program.

SUMMARY: This notice sets forth the individual allotments to States for Fiscal year 1993, pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act (Act). The allotments to the States published herein are based upon Fiscal Year 1992 funding levels, and are contingent upon Congressional appropriations for Fiscal Year 1993. If Congress enacts and the President approves an amount different from the Fiscal Year 1992 funding levels, the allotments will be adjusted accordingly.

EFFECTIVE DATE: October 1, 1992.

FOR FURTHER INFORMATION CONTACT: Bettye J. Mobley, Office of Financial Management, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 245–7220.

SUPPLEMENTARY INFORMATION: Section 125(a)(2) of the Act requires that adjustments in the amounts of State allotments may be made not more often than annually and that States are to be notified not less than six (6) months before the beginning of any fiscal year of any adjustments to take effect in that fiscal year.

The Administration on Developmental Disabilities has updated the data elements for issuance of Fiscal Year 1993 allotments for the Developmental Disabilities formula grant programs. The data elements used in the update are:

A. The number of beneficiaries in each State and Territory under the Childhood Disabilities Beneficiary Program, December 1990, are from Table 5.J10 of the "Social Security Bulletin: Annual Statistical Supplemental 1991" issued by the Social Security Administration, U.S. Department of Health and Human Services. The numbers for the Northern Mariana Islands and the Trust Territories of the Pacific Islands, included under 'Abroad' in the Table, were obtained from the Social Security Administration;

B. State data on Average Per Capita Income, 1985–90, are from Table 1, page 30 of the "Survey of Current Business," August 1991, issued by the Bureau of Economic Analysis, U.S. Department of Commerce; comparable data for the Territories also were obtained from that Bureau; and

C. States and Territories total population are from the 1990 Census Population Counts. Data for the States were issued in the U.S. Department of Commerce, Bureau of the Census report entitled, "Census Population—Housing" (CPH–L–4, Summer 1991); and the Territories data were issued individually by "Census Bureau Press Releases" (CB91–142, CB91–242, CB91–243, CB91–244, CB91–263, and CB91–276, July, 1991). States' data for the Working Populations (ages 18–64) are also based upon the 1990 Census Population Counts. The Territories Working Populations were issued in the Bureau of Census report, "General Characteristics Report: 1980," which is the most recent data available from the Bureau.

ESTIMATED FY 1993 ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Basic support	Protection and advocacy
Total	$57,708,000	$22,500,000
Alabama	1,303,912	401,556
Alaska	420,475	214,470
Arizona	899,956	274,948
Arkansas	750,222	234,889
California	5,886,526	1,772,122
Colorado	724,681	233,196
Connecticut	658,458	221,549
Delaware	420,475	214,470
District of Columbia	420,475	214,470
Florida	2,889,863	895,590
Georgia	1,849,578	515,908
Hawaii	420,475	214,470
Idaho	420,475	214,470
Illinois	2,606,817	815,810
Indiana	1,450,509	453,714
Iowa	777,884	243,511
Kansas	607,610	214,470
Kentucky	1,220,709	371,577
Louisiana	1,358,079	424,847
Maine	420,475	214,470
Maryland	933,412	291,535
Massachusetts	1,276,054	389,474
Michigan	2,366,485	740,946
Minnesota	1,013,970	316,925
Mississippi	922,804	287,401
Missouri	1,320,572	413,173
Montana	420,475	214,470
Nebraska	420,475	214,470
Nevada	420,475	214,470
New Hampshire	420,475	214,470
New Jersey	1,466,621	453,677
New Mexico	457,476	214,470
New York	4,126,703	1,238,561
North Carolina	1,807,534	585,409
North Dakota	420,475	214,470
Ohio	2,859,522	884,966
Oklahoma	868,472	267,313
Oregon	700,885	225,257
Pennsylvania	3,105,377	955,945
Rhode Island	420,475	214,470
South Carolina	1,039,891	323,305
South Dakota	429,475	214,470
Tennessee	1,422,509	445,179
Texas	5,269,179	1,264,836
Utah	520,190	214,470
Vermont	420,475	214,470
Virginia	1,362,844	432,540
Washington	1,078,298	327,227
West Virginia	765,389	241,219
Wisconsin	1,299,864	404,973
Wyoming	420,475	214,470
American Samoa	220,750	114,741
Guam	220,750	114,741
Puerto Rico	2,490,566	725,863
Trust Territories	287,562	114,741
Virgin Islands	220,750	114,741
Northern Mariana Islands	220,750	114,741

ESTIMATED FY 1993 ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

Dated: March 9, 1992.

Deborah L. McFadden,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 92–5960 Filed 3–12–92; 8:45 am]

BILLING CODE 4130–01–M

Centers for Disease Control

Advisory Council for the Elimination of Tuberculosis; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control (CDC) announces the following council meeting:

Name: Advisory Council for the Elimination of Tuberculosis (ACET).

Time and Date: 8 a.m.–5 p.m., April 2–3, 1992.

Place: Holiday Inn Decatur Conference Plaza, Decatur Ballroom A, 130 Clairemont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available.

Purpose: This council advises and makes recommendations to the Secretary, Department of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters to be Discussed: Council Progress Report; TB Laws/Regulations; and TB

Infrastructure. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Dixie E. Snider, Jr., M.D., Director, Division of Tuberculosis Elimination, and Executive Secretary, ACET, National Center for Prevention Services, CDC, 1600 Clifton Road, NE., Mailstop E-10, Atlanta, Georgia 30333, telephone 404/639-2501 or FTS 236-2501.

Dated: March 9, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-5903 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-18-M

National Committee on Vital and Health Statistics (NCVHS) Executive Subcommittee; Meeting

Pursuant to Public Law 92-463, the National Center for Health Statistics (NCHS), Centers for Disease Control, announces the following committee meeting:

Name: NCVHS Executive Subcommittee.

Time and Date: 8:30 a.m.-5 p.m., April 7, 1992.

Place: Columbia Square Building, Seventh Floor, 555 Thirteenth Street, NW., Washington, DC 20004-1109.

Status: Open.

Purpose: The purpose of this meeting is for the Executive Subcommittee to review the work plans of NCVHS and other subcommittees. The Executive Subcommittee will plan the June 2-4, 1992, NCVHS meeting.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436-7050 or FTS 436-7050.

Dated: March 9, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-5902 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-18-M

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772-67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 57 FR 6329, dated February 24, 1992) is amended to reflect the revision of the functional statement for the Office of the Director, Financial Management Office, Office of Program Support.

Section HC-B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the functional statement for the Office of the Director (HCA531) and substitute the following:

(1) Provides leadership and guidance in all areas of financial management; (2) serves as CDC witness in budget hearings before Committees of Congress, Office of Management and Budget, Department of Health and Human Services, and Public Health Service; (3) participates with top management in program planning and policy determinations, evaluations conferences, and decisions concerning financial resources; (4) provides a centralized source for current information on financial management legal and regulatory requirements govening the prevention and control of diseases; (5) advises the Director, CDC, concerning reprogramming of funds; (6) provides consultation and assistance in financial management to State and local health departments when requested by CDC officials.

Dated: March 2, 1992.

William L. Roper,

Director, Centers for Disease Control.

[FR Doc. 92-5901 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 92N-0127]

Drug Export; Anti-Human Globulin Reagent Anti-IgG (Rabbit) (Green) Ortho BioVue™ System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the biological product Anti-Human Globulin Reagent Anti-IgG (Rabbit) (Green) Ortho BioVue™ System to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FUTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation And Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)((B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ortho Diagnostic Systems, Inc., Route 202, Raritan, NJ 08869, has filed an application requesting approval for the export of the biological product Anti-Human Globulin Reagent Anti-IgG (Rabbit) (Green) Ortho BioVue™ System to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Anti-Human Globulin Reagent Anti-IgG (Rabbit) (Green) Ortho BioVue™ System are qualitative antiglobulin tests that demonstrate the presence or absence of immunoglobulin on the surface of red blood cells. The application was received and filed in the Center for Biologics Evaluation and Research on February 26, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 23, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: March 3, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92-5982 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0126]

Drug Export; Anti-Human Globulin Reagent (Rabbit and Murine Monoclonal) (Green) Anti-IGG, -C3D; Polyspecific, Ortho Biovue™ System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ortho Diagnostic Systems, Inc., has filed an application requesting approval for the export of the biological product Anti-Human Globulin (Rabbit and Murine Monoclonal) (Green) Anti-IgG, -C3d; polyspecific, Ortho BioVue™ System to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Anti-Human Globulin Reagent (Rabbit and Murine Monoclonal) (Green) Anti-IgG, -C3d; polyspecific, Ortho BioVue™ System is a glass bead column agglutination in vitro diagnostic test for detection of antibodies in human serum or for the detection of gamma globulin or beta globulin on the surface of red blood cells. The application was received and filed in the Center for Biologics Evaluation and Research on February 26, 1992, which shall be considered the filing date for purposes of the act.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act required that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Ortho Diagnostic Systems, Inc., Route 202, Raritan, NJ 08869, has filed an application requesting approval for the export of the biological product Anti-Human Globulin Reagent (Rabbit and Murine Monoclonal) (Green) Anti-IgG, -C3d; polyspecific, Ortho BioVue™ System to Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and The United Kingdom. The Anti-Human Globulin Reagent (Rabbit and Murine Monoclonal) (Green) Anti-IgG, -C3d; polyspecific, Ortho BioVue™ System is a glass bead column agglutination in vitro diagnostic test for detection of antibodies in human serum or for the detection of gamma globulin or beta globulin on the surface of red blood cells. The application was received and filed in the Center for Biologics Evaluation and Research on February 26, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 23, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: March 3, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92-5983 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Dermatologic Drugs Advisory Committee

Date, time, and place. April 9 and 10, 1992, 8:30 a.m., Bethesda Holiday Inn, Versailles Ballrooms III and IV, 8120 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 9, 1992, 8:30 a.m. to 9 a.m., unless participation does not last that long; open committee discussion, 9 a.m. to 4:30 p.m.; open public hearing, April 10, 1992, 8:30 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4:30 p.m.; Adele S. Seifried, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of dermatologic diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 1, 1992, and submit a brief statement of the general

nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On April 9, 1992, the committee will discuss: (1) General efficacy parameters relative to the assessment of repair of photodamaged skin, and (2) new drug application (NDA) 19-963 (tretinoin emollient cream 0.05 percent) for treatment of photodamaged skin. On April 10, 1992, the committee will discuss continued over-the-counter (OTC) marketing availability of benzoyl peroxide for the treatment of acne while further testing of the ingredient's safety is being conducted. The committee will also consider the National Consumer League's request for warning information in the labeling of these products.

The committee's discussion and recommendation regarding benzoyl peroxide may be considered by the agency in its preparation of an amendment of the final monograph for OTC topical acne drug products. An amendment to the tentative final monograph for OTC topical acne drug products, in which benzoyl peroxide was reclassified from Category I (recognized as safe and effective) to Category III (more-data-needed), was published in the **Federal Register** of August 7, 1991 (56 FR 37622). The final monograph for OTC topical acne drug products, covering all ingredients except benzoyl peroxide, was published in the **Federal Register** of August 16, 1991 (56 FR 41008).

Science Advisory Board to the National Center for Toxicological Research

Date, time, and place. April 13, 1992, 1 p.m. and April 14, 1992, 8:30 a.m., Bldg. 13, Conference Rm., National Center for Toxicological Research, Jefferson, AR.

Type of meeting and contact person. Open board discussion, April 13, 1992, 1 p.m. to 4 p.m.; open public hearing, 4 p.m. to 5 p.m., unless public participation does not last that long; open board discussion, April 14, 1992, 8:30 a.m. to 12 noon; Ronald F. Coene, National Center for Toxicological Research (HFT-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3155.

General function of the board. The board advises the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs in fulfilling his regulatory responsibilities. The board provides the extra-agency review in ensuring that research programs and methodology development at the National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the board. Those desiring to make formal presentations should notify the contact person before April 8, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open board discussion. The board will be presented with an overview of the 12 research programs of the National Center for Toxicological Research. The board will discuss the processes that will involve the board's participation in an indepth and ongoing review of each of the 12 programs.

Antiviral Drugs Advisory Committee

Date, time, and place. April 20, 1992, 8:30 a.m., and April 21, 1992, 7:30 a.m., Bethesda Ramada Inn, Embassy Ballrooms I, II, and III, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 20, 1992, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 6 p.m.; open public hearing, April 21, 1992, 7:30 a.m. to 8:30 a.m., unless public participation does not last that long; open committee discussion, 8:30 a.m. to 3:30 p.m.; Lee L. Zwanziger, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4695.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections.

Agenda—Open public hearing. Interested persons may present data, information, or views orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 8, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On April 20, 1992, the committee will discuss: (1) New drug application (NDA) 20-154 (Videx, ddI (dideoxyinosine), Bristol-Myers Squibb Co.), (2) CD4 cell count as a surrogate marker in studies of drugs to treat human immunodeficiency virus infection, and (3) NDA 20-199 (ddC (dideoxycytidine), Hoffmann LaRoche Co.) also for use to treat human immunodeficiency virus infection. On April 21, 1992, the committee will continue discussion of NDA 20-199.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting.

Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a..m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Inforamation Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Dated: March 9, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5904 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following district consumer exchange meeting: Cincinnati District Office, chaired by James Simmons, District Director. The topics to be discussed are regulations and labeling of dietary supplements and regulation of seafood.

DATES: Thursday, March 26, 1992, 1 p.m. to 3 p.m.

ADDRESSES: Jefferson County Cooperative Extension Service, 8012 Vinecrest Ave., Suite 1, Louisville, KY 40222-4690.

FOR FURTHER INFORMATION CONTACT: Ruth E. Weisheit, Public Affairs Specialist, Food and Drug Administration, P.O. Box 838, 3820 Center Rd., Brunswick, OH 44212, 216-273-1038.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's district offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: March 9, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5906 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91N-0291]

Order for Transitional Class III Devices; Submission of Safety and Effectiveness Information Under Section 520(1)(5)(A) of the Federal Food, Drug, and Cosmetic Act; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of November 14, 1991 (56 FR 57980), regarding the submission of safety and effectiveness information for class III devices. The document states that class III devices are required to have an approved premarket approval application (PMA) prior to distribution. The notice is being corrected to reflect that class III devices that are preamendments devices (i.e., devices marketed before the enactment of the 1976 amendments) and postamendments devices (i.e., devices that first were marketed on or after the enactment of the 1976 amendments) that have been found to be substantially equivalent to a class III preamendments device, may continue to be distributed prior to premarket approval until the deadline for submission of a PMA and, if a PMA is submitted and accepted for filing by FDA, during the pendency of the review period. (See 21 U.S.C. 351(f).) In addition to this correction, the notice corrects other editorial errors.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4674.

In FR Doc. 91-27426, appearing on page 57960 in the **Federal Register** of Thursday, November 14, 1991, the following corrections are made:

1. On page 57960, in the third column, the first complete sentence is corrected and a sentence is added to read "A class III device is required to have an approved premarket application prior to distribution, unless such device is a preamendments device (i.e., it was marketed before the enactment of the 1976 amendments) that was classified by regulation into class III, or it is a postamendments device (i.e., a device that first was marketed on or after the enactment of the 1976 amendments) that has been found to be substantially equivalent to a class III preamendments device. These types of class III devices may continue to be distributed prior to premarket approval until the deadline for submission of a PMA and, if a PMA is submitted and accepted for filing by FDA, during the pendency of the review period. (See 21 U.S.C. 351(f).)"; and in the third complete paragraph, in line 2, "seven" is corrected to read "nine".

2. On page 57961, in the second column, in the first complete paragraph, in the last sentence, "device effectiveness" is corrected to read "device safety and effectiveness."

Dated: March 9, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-5905 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Hearing; Reconsideration of Disapproval of Connecticut State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration, HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on April 30, 1992 at 10 a.m. in room 1211, 12th Floor Conference Room, J.F.K. Federal Building, Boston, Massachusetts to reconsider our decision to disapprove Connecticut SPA 89-52.

CLOSING DATE: Request to participate in the hearing as a party must be received by the Docket Clerk by March 30, 1992.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, 1849

Gwynn Oak Avenue, Meadowwood East Building, Groundfloor, Baltimore, Maryland 21207, Telephone: (410) 597-3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Connecticut State plan amendment (SPA) number 89-52.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Health care Financing Administration (HCFA) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Connecticut submitted SPA 89-52 on February 16, 1989, to implement various resource and income policies that apply to individuals eligible for Medicaid in various eligibility groups. The State requested that these policies be protected under the moratorium provisions of the Deficit Reduction Act (DEFRA) of 1984. Additional information on SPA 89-52 was received from the State on September 5, 1991.

The issues in this matter are as follows: (1) Do the income methods which were denied protection under the DEFRA moratorium qualify for protection under that moratorium? (2) Do 42 CFR 430.20 and the relevant appropriations acts governing the Department of Health and Human services preclude approving the income methodologies contained in the amendment with a retroactive effective date earlier than the beginning of the calendar quarter in which the amendment was submitted? (3) Would the approval of the disapproved income methodologies violate section 1902(a)(4) and (a)(19) of the Act insofar as the State has not provided assurances in the amendment that approval of these methodologies would not result in claims for Federal financial participation (FFP) which would exceed the limitations specified in section 1903(f) of the Act?

On December 4, 1991, HCFA disapproved portions of SPA 89-52. HCFA provided the following reasons for the disapproval: The more liberal treatment of income specified in the amendment violated 42 CFR 430.20 and the Department's appropriations acts which limit retroactive approval of expansions of eligibility to the beginning of the quarter in which the amendment was submitted. In addition, those more liberal income methods included in the amendment violated the requirements of section 1903(f) of the Act because the State's income levels for the affected groups are already at the maximum permitted for purposes of FFP. Accordingly, HCFA concluded these income methods were disapprovable under sections 1902 (a)(4) and (a)(19) of the Act.

Although the plan amendment was disapproved, HCFA granted protection under the DEFRA moratorium for certain policies contained in its amendment but denied moratorium protection for other policies. By letter dated February 5, 1992, the State of Connecticut Department of Income Maintenance requested reconsideration of the disapproval of those income methodologies which were not granted moratorium protection because they may violate the FFP limits in section 1903 of the Act.

Under the DEFRA moratorium the Secretary is prohibited from taking certain adverse actions against States for using more liberal income and resource methods than those of the cash assistance programs (Aid to Families with Dependent Children and Supplemental Security Income) for determinations of eligibility for the medically needy and limited categorically needy groups (section 2373(c) of the DEFRA of 1984). The moratorium covers the period of October 1, 1981 through February 17, 1989. It is HCFA's position that the adverse actions which the Secretary is prohibited from taking do not include disapproving SPAs.

Thus, HCFA disapproved SPAs for which the State sought protection under the DEFRA moratorium, if those amendments violated the requirements of Title XIX of the Act which were in effect during the moratorium period. However, if the amendment satisfied the criteria of the moratorium and did not violate other provisions of the Medicaid statute for which the moratorium did not afford protection, HCFA would advise the State that the policies in the amendment qualified for moratorium protection. The Department would not take any adverse actions against a State resulting from policies which were protected under the moratorium.

SPA 89-52 sought DEFRA moratorium protection for three income policies, which it applied to the following groups: Individuals eligible under sections 1902(a)(10)(A)(ii)(IV), (V), (VI) and 1902(a)(10)(C)(i)(III). The policies for which protection was sought were as follows.

- *Income-in-Kind*—Income-in-kind is excluded from consideration as income except when provided through General Assistance or for the performance of services.
- *Irregular Income*—Gifts received too irregularly or infrequently to be counted, but not more than $30 per calendar quarter, are excluded.
- *Inaccessible Income*—Inaccessible income is money which an assistance unit member is due, but neither receives nor benefits from due to circumstances beyond his or her control. Any income which meets the definition of inaccessible income is not counted.

SPA 89-52 sought DEFRA moratorium protection for three additional income policies, but limits application to the following groups: Individuals eligible under sections 1902(a)(10)(A)(ii)(IV) and 1902(a)(10)(C)(i)(III) (medically needy aged, blind, and disabled only). The policies for which protection was sought were as follows:

- *Earned Income Disregard*—$65 per month plus ⅓ of the remainder is disregarded from the earning of applicants or recipients of assistance to the blind.
- *Deeming Methodology*—The assistance unit's needs include the needs of the spouse of the unit member when they are living together in the community. Spouses living together in the community who are both recipients of, or eligible applicants for Medicaid are each entitled to the appropriate earned and unearned income disregards when determining eligibility.
- *Unearned Income Disregards*—An unearned income disregard, based upon the individual's living arrangement, is deducted from the unit member's total gross income.

While the last three policies are more liberal than the cash assistance policies, they are not more liberal than policies already in the approved State plan for individuals eligible under a State supplementary payment (section 1902(a)(10)(ii)(IV)). However, the use of policies identical to approved policies does not violate the requirements of the DEFRA moratorium.

Because the income standards for the groups to which these more liberal policies were to apply were already at the maximum level permitted by section 1903(f) of the Act, all of the policies cited above have the potential for violating the FFP limits set forth in section 1903(f) of the Act. Therefore, HCFA disapproved these income policies as violating the requirements of title XIX of the Act during the period covered by the DEFRA moratorium. Further, we did not grant DEFRA moratorium protection for those policies because they may violate the FFP limits at section 1903(f).

The notice to Connecticut announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Ms. Audrey Rowe,
Commissioner,
Department of Income Maintenance, 110 Bartholomew Avenue, Hartford, Connecticut 06106.

Dear Ms. Rowe: I am responding to your request for reconsideration of the decision to disapprove Connecticut State Plan Amendment (SPA) 89-52.

Connecticut submitted SPA 89-52 on February 16, 1989, to implement various resource and income policies that apply to individuals eligible for Medicaid in various eligibility groups. The State requested that these policies be protected under the moratorium provisions of the Deficit Reduction Act (DEFRA) of 1984. Additional information on SPA 89-52 was received from the State on September 5, 1991.

The issues in this matter are as follows: (1) Do the income methods which were denied protection under the DEFRA moratorium qualify for protection under that moratorium? (2) Do 42 CFR 430.20 and the relevant appropriations acts governing the Department of Health and Human Services preclude approving the income methodologies contained in the amendment with a retroactive effective date earlier than the beginning of the calendar quarter in which the amendment was submitted? (3) Would the approval of the disapproved income methodologies violate section 1902(a)(4) and (a)(19) of the Act insofar as the State has not provided assurances in the amendment that approval of these methodologies would not result in claims for Federal financial participation which would exceed the limitations specified in section 1903(f) of the Act?

I am scheduling a hearing on your request for reconsideration to be held on April 30, 1992 at 10 a.m. in room 1211, 12th Floor Conference Room, J.F.K. Federal Building, Boston, Massachusetts. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (410) 597-3013.

Sincerely,

Gail R. Wilensky,
Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: March 6, 1992.

Gail R. Wilensky,
Administrator, Health Care Financing Administration.

[FR Doc. 92-5857 Filed 3-12-92; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Availability of Funds for Community and Migrant Health Center Activities, for the Provision of Technical and Non-Technical and Non-Financial Assistance to Community and Migrant Health Centers, and for Cooperative Agreements of Support Community and Migrant Health Centers

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration announces that for fiscal year (FY) 1992 approximately $588.8 million will be available for grants for Community and Migrant Health Center (C/MHC) activities, cooperative agreements to support C/MHCs and other community-based providers of primary care, and awards for the provision of technical and other non-financial assistance to C/MHCs.

C/MHC grants will include both new and continuing awards. This announcement is made to assure that continuation grants can be awarded in a timely fashion consistent with the needs of the program as well as to provide for distribution of funds throughout the fiscal year. A subsequent notice will be issued in the **Federal Register** to announce the availability of funds for C/MHC new starts and expansion grants.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led national activity for setting priority areas. The health center program directly addresses the Healthy People 2000 objectives by improving access to preventive and primary care services for underserved populations, especially minority and other disadvantaged populations. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-01) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-01) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone 202-783-3238).

1. Community and Migrant Health Center Activities

Grant Amounts: Approximately $479 million in discretionary grants for continuation of C/HC activities (i.e., approximately $446 million for general primary care services delivery and $33 million for Comprehensive Perinatal Care Program (CPCP) activities) and approximately $51 million in discretionary grants for continuation of MHC activities (i.e., approximately $49 million for general primary care services delivery and $2 million for CPCP activities) will be available under sections 330 and 329 of the Public Health Service (PHS) Act (42 U.S.C. 254c and 254b, respectively).

Number of Awards: A total of 450 C/MHC grants will be made available under sections 330 and 329, of which approximately 200 ($190 million) will be for competing continuation grants and approximately 349 ($340 million) will be for noncompeting continuation grants. Approximately 305 of these grants will include CPCP activities and all will range from approximately $200,000 to approximately $2 million for general primary care services delivery (C/MHCs) under the sections 329 and 330 authorities. Awards will be made for a one year budget period. Project periods will be for up to three years.

A. General Care Services Delivery

Eligible Applicants: Sections 329 and 330 grants for general primary care services delivery include both new and continuing awards. Eligible applicants for sections 329 and 330 awards to continue to provide health services in medically underserved areas are health centers currently funded under sections 329 and 330. A notice will be published in the near future announcing the availability of approximately $30 million in grants for new starts and to expand existing C/MHC programs in new areas.

Review Criteria: When determining whether Federal support will be made available for continuing awards, the Department will review C/MHCs for compliance with standard criteria stipulated in the program regulations (42

CFR part 51c for CHC and part 56 for MHC activities) and use of previously awarded sections 330 and 329 funds. This year's reviews will continue to emphasize need and community impact, health services, management and finance, and governance. Specifically, applications will be evaluated based on: (1) The demonstrated need for services based on geographic, demographic, and economic factors, resources in the area, and health status; (2) the capacity to provide primary health services as appropriate to meet the needs of the community, as evidenced by such attributes as an adequate medical provider staff (e.g., in number, specialty mix, and qualifications), critical linkages to other relevant entities (e.g., State or local health departments, health professions training programs), and coordination with other levels of care; (3) appropriate leadership, management structures and financial systems to enable delivery of health services efficiently and effectively; (4) appropriateness of governing board composition, committee structure, and performance to enable the board to function fully and effectively in its fiduciary role; and, (5) the degree to which the applicant intends to integrate services supported by a grant with other health services provided under other Federally assisted health services or reimbursement programs.

Approximately $15 million is available to support improvement activities that go beyond the current level. These requests will be held for review during the fourth quarter of the fiscal year and awards will be made by September 30, 1992. Emphasis for improvement activities will be on retention and recruitment of primary care providers; correction of cited fire and life safety code violations involving imminent danger to patients and staff and that requires less than $100,000 in additional Federal funds; and, provision of translation and culturally sensitive services to people of limited English-speaking ability as authorized under the Disadvantaged Minority Health Improvement Act of 1990 (Pub. L. 101–527), specifically section 9 of the Act which amended section 330.

One to two million dollars will also be awarded for improvement activities that either establish or expand linkages between C/MHC and graduate or undergraduate education programs for primary care physicians. These linkages must strengthen community based primary care to the underserved, reinforce the program expectations of the Section 329/330 program, and contribute both to the recruitment and retention of C/MHC clinicians and the quality of care.

Within the $15 million estimated for improvements, it is anticipated that approximately $3 to $5 million will be available to support applications for major capital improvement, i.e., requests for PHS support in excess of $100,000. Eligible applicants are existing C/MHCs. In order to be considered for funding, these applications will be due on May 1, 1992. The preference for funding is proposals to correct existing fire and life safety code violations for which the grantee has been officially cited, and for which the total amount of C/MHC funds requested exceeds $100,000.

B. Comprehensive Perinatal Care Program

Eligible Applicants: All CPCP awards are expected to be made to current recipients of CPCP funding which are performing satisfactorily.

Review Criteria: Funding determinations regarding current CPCP activities will depend on: (1) The extent to which the center has documented the need for prenatal, neonatal, and infant care of residents of its community; (2) the adequacy and feasibility of the new or expanded efforts proposed to meet the needs of the population and to improve pregnancy outcomes by reducing the incidence of infant mortality and morbidity and reducing low birth weight; (3) the adequacy of the center's plan to evaluate the results of the activity in terms of improved health status; and, (4) the appropriateness of the proposed budget. Perinatal care funds are distributed after consideration of infant mortality rates (IMR), which may be adjusted to apply to a particular area or population. Highest priority is given to centers in areas with an IMR greater than the national average which have demonstrated success in enrolling pregnant women into early prenatal care and have systems in place to ensure the appropriate number of visits and postpartum follow-up in a cost-effective way. However, some funds may be targeted to C/MHCs in areas with a relatively lower adjusted IMR that serve unusually high risk subpopulations that have increasing infant death rates. In addition, funds may be targeted to C/MHCs that enroll high risk pregnant women from special populations (such as homeless, HIV-infected, or substance abusers) into prenatal care.

Priority is given to applicants with the ability to: (1) Integrate a case management approach to perinatal and infant care into their overall care delivery program; (2) demonstrate strong linkages with State and local health departments and targeted programs such as the Healthy Start program; (3) document the results of the comprehensive perinatal care activity in terms of improved health status of the target population; and/or, (4) provide arrangements in which multiple services (e.g., clinical, financial, nutritional, social and/or eligibility services) are offered in one location.

2. Cooperative Agreements

Grant Amounts: Approximately $4.6 million under section 333(d) of the PHS Act will be made available to support cooperative agreements with qualified statewide organizations and approximately $700,000 will be made available for awards to national organizations to provide assistance in the development and coordination of primary health care services in needy areas.

Number of Awards: Up to 53 statewide cooperative agreements, the majority of which will provide approximately $100,000, and 4 national cooperative agreements ranging from $125,000 to $200,000 will be made under the section 333(d) authority. Awards will be made for a one year budget period. Project periods will be for up to three years.

Eligible Applicants: Section 333(d) awards are anticipated to be awarded primarily to continuation grantees, but may include up to 6 States for new cooperative agreement funding. An applicant for section 333(d) funds must be an agency of State government; a statewide public or private nonprofit entity that operates solely within one state; or, a national organization that represents State, local or community-based health constituencies, and that satisfies the Secretary that it is able to meet program requirements.

Review Criteria: Applications for statewide cooperative agreements under section 333(d) will be evaluated according to their ability to perform State-specific activities in five program areas: (1) Primary care access; (2) recruitment and retention of professional staff and clinical effectiveness; (3) health care financing; (4) maternal and child health; and, (5) other special populations. Appropriate activities for cooperative agreements include, but are not limited to: identifying health professional shortage areas and determining the need for National Health Service Corps (NHSC) and other primary care providers; assisting C/MHCs and other community-based organizations and primary care providers in areas of high need in recruiting and retaining health care personnel; promoting the use of State resources (including Medicaid, Maternal and Child Health and special population funding) for primary care purposes; promoting partnerships and affiliations with State and local health departments, Area Health Education Centers, hospitals, specialty and social service providers and primary care residency training programs; coordination of activities with PHS and NHSC State loan repayment activities and other State health profession loan repayment/scholarship programs and programs encouraging students to pursue careers in primary care; and, planning and resource development for activities in support of the perinatal life cycle as well as activities targeted towards special needs groups such as the homeless, substance abusers, HIV-infected individuals, the elderly, and migrant/seasonal farmworkers.

In addition to performing State-specific activities in the five program areas identified above, all section 333(d) recipients will be required to perform the following key activities: (1) In the area of primary care access, recipients will be required to produce county-specific primary care access plans, including elements regarding health professions personnel and primary care delivery systems; (2) in the area of recruitment and retention, recipients will be required to compile information on the State's health professions training, address financial support activities, and facilitate the activities of Area Health Education Centers, the State, the regional offices, and State and regional primary care associations regarding the development of retention, recruitment and residency/training linkages; (3) in the area of maternal and child health, recipients will be required to participate in, and coordinate with, the State's Maternal and Child Health Title V planning activities; and, (4) in the area of health care financing, grantees will be required to monitor and report on their States' implementation of the Federally Qualified Health Center (FQHC) Medicaid provisions. Additionally, recipients in States with Healthy Start grantees are expected to provide technical assistance to the consortia and facilitate coalition building and State linkages. Priority for funding of State-specific activities will be give to applications received from agencies of State government.

Grant funding will be available to support FY 1992 priorities for statewide cooperative agreements which include: service education linkages; primary care access; retention/recruitment/clinical effectiveness; and, health care financing. Preference for funding innovative one-time activities beyond basic, ongoing operations (i.e., improvement packages) will be accorded to requests in these areas. These requests will be held for review during the fourth quarter of the fiscal year and awards will be made by September 30, 1992.

All national organizations seeking cooperative agreements under the authority of section 333(d) will be evaluated according to their ability to address activities in one or more of the following priority areas: (1) Enhanced access to primary care; (2) management and enhanced financing for primary care services; (3) health care services for minorities; and, (4) retention and recruitment of health care providers in medically underserved areas and to medically underserved populations.

Federal Responsibilities under the Cooperative Agreements Under Section 333(d) of the PHS Act: Federal responsibilities under the statewide cooperative agreements under section 333(d) of the PHS Act, in addition to the usual monitoring and technical assistance provided under grants, will include the following: (1) The exercise of responsibility for final authority on the award of Federal grants, Federal health personnel placement, and overall program management of Federal resources in the context of fulfilling the State program as developed under the agreement; (2) the detail or assignment of Federal personnel of the statewide organization; (3) the recruitment and assignment of NHSC personnel in accordance with the program developed under the cooperative agreement; and, (4) participation in the development of and approval of statewide plans at various stages during their development.

3. Technical and Non-Financial Assistance

Grant Awards: Approximately $8.5 million in discretionary grants to provide technical and non-financial assistance, including awards to national organizations, of which approximately $6.7 million would be awarded under section 330(f)(1) and approximately $1.8 million would be awarded under 329(g)(1) of the PHS Act.

Number of Awards: Up to 35 awards, the majority of which will amount to approximately $100,000, will be made under the section 330(f)(1) authority for the performance of State-specific and/or regional activities. Approximately 5 national awards ranging from $125,000 to $1.2 million will be made under the section 329(g)(1) and 330(f)(1) authorities. Awards will be made for a one year budget period. Project periods will be for up to three years.

Eligible Applicants: Sections 330(f)(1) and 329(g)(1) awards are anticipated to be awarded primarily to continuation grantees. Eligible applicants for section 329(g)(1) and 330(f)(1) funds are private nonprofit entities, including previously existing and newly established State and regional primary care associations.

Review Criteria: Applicants for funding under section 330(f)(1) to provide technical and non-financial assistance to C/MHCs and other similar providers will be evaluated according to their ability to perform State-specific activities in five program areas: (1) Primary care access; (20 recruitment/retention/clinical development; (3) health care financing; (4) maternal and child health (MCH); and, (5) other special populations. Appropriate activities for section 330(f)(1) grantees include: promoting the use of State resources (including Medicaid, Maternal and Child Health and special population funding) for primary care purposes; assisting C/MHCs and other similar providers in preparing their applications for Federal, State and local funding; providing training and technical assistance in management and governance; developing shared services and joint purchasing arrangements; assisting C/MHCs and other similar providers in recruiting and retaining primary care providers; promoting partnerships and affiliations with State and local health departments, Area Health Education Centers, hospitals, specialty and social service providers and residency programs; coordinating activities with PHS and NHSC State loan repayment activities, and other State health profession loan repayment/scholarship programs and programs encouraging students to pursue careers in primary care; and, planning and developing resources for activities in support of pregnant women and children as well as activities targeted towards special needs populations such as the homeless, substance abusers, HIV-infected individuals, the elderly and migrant/seasonal farmworkers.

In addition to performing State-specific activities in the program areas identified above, all section 330(f)(1) recipients will be required to perform the following key activities: (1) in the area of primary care access, recipients will be required to actively participate with the recipient of the appropriate State cooperative agreement in the production of a county-specific primary care access plan; (2) in the area of recruitment and retention, recipients will be required to develop, support, and coordinate clinical networks and other appropriate means of securing

substantial input to their activities in the five program areas from primary care program clinicians; and, (3) in the area of health care financing, recipients will be required to perform activities to enhance the reimbursement of C/MHCs and similar providers of primary care through improvements in rates from cost-based programs such as FQHC, Rural Health Clinic (RHC) and fee-for-service determinations, eligibility requirements in programs such as the Migrant Medicaid Interstate Compact, and benefits in programs such as Early and Periodic Screening, Diagnostic, and Treatment (EDSDT). In a State where no cooperative agreement exists, the recipient will assume primary responsibility for producing the State primary care access plan mentioned as core activity #1. Additionally, in States with Healthy Start grantees, recipients will be expected to provide technical assistance to the consortium and its community-based provider members and to coordinate activities with the State Cooperative Agreement, if any.

Limited grant funding will be available to support FY 1992 priorities for primary care associations which include: primary care access; retention/recruitment/clinical effectiveness; and health care financing. Preference for funding innovative one-time activities beyond basic, ongoing operations (i.e., improvement packages) will be accorded to requests in these areas. These requests will be held for review during the fourth quarter of the fiscal year and awards w3ill be made by September 30, 1992.

All recipients of national awards funded under sections 329(g)(1) and 330(f)(1) authority will be evaluated according to their ability to address activities in one or more of the following priority areas: (1) enhanced access to primary care/recruitment and retention of health providers; (2) improved management for primary care services; (3) health care services for special populations; (4) integration/collaboration with public and other external organizations; and, (5) clinical strategies for primary care clinicians.

Opportunity for Comment: Interested persons are invited to comment on the proposed funding priorities for C/MHC activities under section 330 and 329, cooperative agreements under section 333(d) and technical and non-financial assistance under sections 330(f)(1) and 329(g)(1). Normally, the comment period would be 60 days. However, due to need to implement any changes for the fiscal year 1992 award cycle, the comment period has been reduced to 30 days. All comments received on or before April 13, 1992 will be considered before the proposed funding priorities are finalized. No funds will be allocated or final selections made until a final notice is published indicating whether the proposed funding priorities will be applied.

Written comments should be addressed to: Richard C. Bohrer, Director of Primary Care Services, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, room 7a–55, Rockville, MD 20857 (301) 443–2280.

All comments received will be available for public inspection and copying at the Division of Primary Care Services, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Application Deadlines: Competing and non-competing continuation applications by existing grantees for section 329 and/or 330 funds to provide essential services are due 120 days prior to the expiration of the current grant award unless otherwise specified. Proposals for grants to provide technical and non-financial assistance under section 330(f)(1), and for new and continuation cooperative agreements under section 333(d) must be received no later than July 1, 1992, unless otherwise specified. Applications shall be considered to have met the deadline if they are: (1) Received on or before the deadline; or, (2) postmarked before the deadline date and received in time for orderly processing. Untimely applications will be returned to the applicant. Applicants should obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service or request a legibly dated U.S. Postal Service postmark. Private metered postmarks shall not be accepted as proof of timely mailing.

ADDRESSES: The PHS Regional Grants Management Officers (RGMOs) whose names and addresses are provided in the appendix to this document are responsible for distributing application kits and guidance (Form PHS 5161–1 with revised face sheets DHHS Form 424, as approved by the OMB under control numbers 0937–0189), and competed applications must be submitted to them. The kits and guidance will be sent to existing grantees; new applicants should contact the appropriate RGMO. The RGMOs are available to provide assistance on business management issues.

FOR FURTHER INFORMATION CONTACT: For technical assistance and general program information about the availability of section 329 and 330 funds, contact Richard C. Bohrer, (301) 43–2260. For additional information about funding under sections 329(g)(1), contact Jack Egan, (301) 443–1153. Additional information about funding under sections 330(f)(1) and 333(d) can be obtained from Bonnie Lefkowitz, (301) 443–2270. For assistance on section 333(d) State-specific cooperative agreement retention and recruitment issues, contact Donald L. Weaver, M.D., (301) 443–2900. Additional information about current comprehensive perinatal care activities can be obtained from Beverly Wright (301) 443–7587.

SUPPLEMENTARY INFORMATION: Application kits contain guidance information which incorporates new and updated program requirements arising from changes in the program's authorizing legislation. since CPCP activity is part of a C/MHC's total perinatal care program, a C/MHC is not required to submit a separate application for CPCP activities, but a center requesting CPCP funding is required to submit a separate budget and narrative report detailing the proposed uses of these funds.

Other Award Information: All grants to be awarded under this notice are subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kits will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for that review. Applicants (other than Federally recognized Indian governments) should contact their State Single Points of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. State process recommendations should be submitted to the appropriate Regional Office (see appendix). The due date for State process recommendations is 60 days after the appropriate application deadline date. The Bureau of Health care Delivery and Assistance does not guarantee that it will accommodate or explain its response to State process recommendations received after this date.

In the OMB Catalog of Federal Domestic Assistance, the Community Health Center program is listed as Number 93.224; the Migrant Health Center program is Number 93.246; the program of technical and other non-financial assistance, including national organizations is Number 93.129; and the Cooperative Agreements program, including national organizations, for development and coordination of comprehensive primary care services is Number 93.130.

Dated: January 9, 1992.

Robert G. Harmon,

Administrator.

Appendix—Regional Grants Management Officers

Region I: Mary O'Brien, Grants Management Officer, PHS Regional Office I, John F. Kennedy Federal Building, Boston, MA 02203, (617) 565–1482

Region II: Steve Wong, Grants Management Officer, PHS Regional Office II, Room 3300, 26 Federal Plaza, New York, NY 10278, (212) 264–4496

Region III: Martin Bree, Acting Grants Management Officer, PHS Regional Office III, P.O. Box 13716, Philadelphia, PA 19101, (215) 596–6653

Region IV: Wayne Cutchens, Grants Management Officer, PHS Regional Office IV, Room 1106, 101 Marietta Tower, Atlanta, GA 30323, (404) 331–2507

Region V: Lawrence Poole, Grants Management Officer, PHS Regional Office V, 105 West Adams Street, 17th Floor, Chicago, IL 60603, (312) 253–8700

Region VI: James A. Doss, Acting Grants Management Officer, PHS Regional Office VI, 1200 Main Tower, Dallas, TX 75202, (214) 767–3885

Region VII: Michael Rowland, Grants Management Officer, PHS Regional Office VII, Room 501, 601 East 12th Street, Kansas City, MO 64016, (816) 426–5841

Region VIII: Jerry F. Wheeler, Grants Management Officer PHS Regional Office VIII, 1961 Stout Street, Denver, CO 80294, (303) 844–4461

Region IX: Linda Gash, Grants Management Officer, PHS Regional Office IX, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–2595

Region X: James Tipton, Grants Management Officer, PHS Regional Office X, Mail Stop RX 20, 2201 Sixth Avenue, Seattle, WA 98121, (206) 553–7907

[FR Doc. 92–5984 Filed 3–12–92; 8:45 am]

BILLING CODE 4160–15–M

Emergency Medical Services for Children Demonstration Grants

AGENCY: Health Resources and Services Administration (HRSA).

ACTION: Notice of availability of funds.

SUMMARY: The HRSA and the National Highway Traffic Safety Administration (NHTSA) announce fiscal year (FY) 1992 funds are available for grants authorized under section 1910 of the PHS Act. These discretionary grants will be made to States or accredited schools of medicine to support projects for the expansion and improvement of emergency medical services for children (EMSC). Funds appropriated by Public Law 102–170 will be used for this purpose. Under the EMSC program authority, awards are made for project periods of up to 2 years. The authority to award grants expires on September 30, 1992.

The NHTSA has participated with the HRSA in developing the program priorities announced under the EMSC program for FY 1992. The NHTSA will also share the Federal monitoring responsibilities for EMSC awards made during FY 1992 as well as continue to provide ongoing technical assistance and consultation in regard to the required collaboration/linkages between applicants and their Highway Safety Offices and Emergency Medical Services Agencies for the State(s).

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS led national activity for setting priority areas. The EMSC grant program will directly address the Healthy People 2000 objectives related to emergency medical services and trauma systems linking prehospital, hospital, and rehabilitation services in order to prevent trauma deaths and long-term disability. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202 783–3238).

DATE: To receive consideration, grant applications for the EMSC should be submitted to the Chief, Grants Management Branch, Maternal and Child Health Bureau (MCHB), Health Resources and Services Administration, room 16–12, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857.

These applications must be received or postmarked on or before April 30, 1992. Applications will be considered as meeting this deadline if they are either:

1. Received on or before the deadline date, or
2. Postmarked on or before the deadline date and received in time for submission to the review group.

A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Applications received after the deadline will be considered late applications and will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to Mr. Pete Conway, Division of Maternal, Infant, Child and Adolescent Health, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18A–30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301 443–2250 or Jean Athey, Ph.D., Division of Maternal, Infant, Child and Adolescent Health, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18A–39, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301 443–4026.

Grant applications (PHS form 5161–1, approved under OMB #0937–0189) and additional information regarding business, administrative or fiscal issues related to the awarding of grants under this notice may be obtained from: Chief, Grants Management Branch, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18A–30, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301 443–1440.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

The Emergency Medical Services for Children statute, (section 1910 of the PHS Act, as amended), establishes a program of grants to States and accredited medical schools for demonstration projects for the expansion and improvement of emergency medical services for children who need treatment for trauma or critical care. For purposes of this grant program, the term "State" includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Northern Mariana Islands, Guam, American Samoa, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. The term "school of medicine" for purposes of this program is defined as having the same meaning as set forth in section 701(4) of the PHS Act (42 U.S.C. 292a(4)). "Accredited" in this context has the same meaning as set forth in section 701(5) of the PHS Act (42 U.S.C. 292a(5)).

It is the intent of this grant program to stimulate further development or expansion of ongoing efforts in the States to reduce the problems of life-threatening pediatric trauma and critical illness. The Department does not intend to award grants which would duplicate grants previously funded under the Emergency Medical Services Systems

Act of 1972 or which would be used simply to increase the availability of emergency medical services funds allotted to the State under the Preventive Health Services Block Grant.

Funding Category

There will be a single program category open for competition this year—implementation grants for the purpose of initiating or improving the capacity of a State's Emergency Medical Services program to address the particular needs of children. Implementation grants are to be demonstrations of the use of existing research-based knowledge, state-of-the-art systems development approaches, and the experience and products of previous EMSC grantees in meeting program goals. Budget requests for these grants should not exceed $250,000 per year. Up to four grants will be awarded. For this competition, applications from States (and medical schools within those States) which have not as yet received support under this program will receive preference for funding. This means that approved applications from States (and medical schools within those States) with no previous EMSC program support will be funded ahead of approved applications from outside this group.

This year's funding category is not being proposed for public comment. Owing to limited resources available for new competition, this category is the only one of three priority areas funded in FY 1991 (published at 56 FR 9366 on March 6, 1991) to be open for competition in FY 1992. It is being extended because of continuing and documented demand from or within States that have not benefited from this assistance to improve the capacity of State EMSC services. Its selection was based on consultation with national leaders, EMSC grantees, and other Federal program staff, representing substantial public input from those most involved in the issue.

By statute, the project period for EMSC grants is up to 2 years. The legislative authority for the award of grants under the program expires on September 30, 1992.

Availability of Funds

Approximately $4,880,000 is available for grants under the EMSC program, of which approximately $850,000 will be used for new, competing grants. We estimate funding approximately 3–4 new grants. The remaining funds will be used for continuation support of the 18 existing EMSC projects.

Special Concern

The MCHB places special emphasis on improving service delivery to women and children from culturally identifiable populations who have been disproportionately affected by barriers to accessible care. This means that EMSC projects are expected to serve and appropriately involve in project activities members of ethnoculturally distinct groups, unless there are compelling programmatic or other justification for not including either women or persons from culturally distinct populations. The MCHB's intent is to insure that project outcomes are of benefit to culturally distinct populations and to insure that the broadest possible representation of culturally distinct and historically under-represented groups is supported through programs and projects sponsored by the MCHB.

Consistent with the statutory purpose and with particular attention to the appropriate involvement of women and persons from culturally distinct populations, the Department will review applications for funds under the above mentioned category as competing applications and will fund those which, in the Department's view, best meet the purposes of the EMSC program and address achievement of applicable Healthy People 2000 objectives related to emergency medical services and trauma systems.

Eligible Applicants

Applications for funding under section 1910 will be accepted from States and accredited schools of medicine. Applicants are encouraged to seek the participation and support of interested entities within the State, such as local government and health and medical organizations in the private sector including local or regional trauma centers, in developing the proposed project.

Review Criteria

The review of applications will take into consideration the following criteria:

—The adequacy of the applicant's description of the problem of pediatric trauma and critical illness in the grant locale. The adequacy of sections of the application devoted to the special problems of (a) handicapped children and families; and (b) minority children and families (including Native Americans).
—The appropriateness of project objectives and outcomes in relation to the specific nature of the problems identified by the applicant.
—The soundness (in relation to the state of the art), appropriateness, comprehensiveness, cost effectiveness and responsiveness of the proposed methodology for achieving project goals and outcome objectives.
—The soundness of the plan for evaluating progress in achieving project objectives and outcomes.
—The extent of collaboration and coordination with other appropriate organizations involved in emergency medical services, health care, and public health and safety (e.g., injury prevention activities, the State Emergency Medical Services agency, the State Maternal and Child Health program, State Highway Safety Offices, rehabilitation programs) and the degree of involvement of the "community" (e.g., private sector, voluntary organizations).
—The soundness of the proposal, as set forth in the application, in terms of fiscal management, effective use of personnel, and ability to complete the proposal within the grant period.
—The extent to which the applicant proposes to employ products and expertise of EMSC programs in other States, especially of current and former grantees of the Federal EMSC program. Such resources include, but are not limited to, technical assistance and consultation.
—The extent to which the project gives special emphasis to improving service delivery to women and children from culturally identifiable populations who have been disproportionately affected by barriers to accessible care and ensures that members of culturally distinct groups are appropriately represented in the activities of approved grants and cooperative agreements.

Allowable Costs

The basis for determining if costs charged to PHS grants are allowable or allocable is set forth in 45 CFR part 92.22. The five separate sets of cost principles prescribed for grant recipients are: (1) OMB Circular A–87 for State and local governments; (2) OMB Circular A–21 for institutions of higher education; (3) 45 CFR part 74, appendix E for hospitals; (4) OMB Circular A–122 for nonprofit organizations; and (5) 48 CFR chapter 1, subpart 31.2 for for-profit (commercial) organizations.

Executive Order 12372

This program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up such a review system and will provide a single point of contact (SPOC) in the States for review. Applicants (other than federally-recognized Indian tribal governments) should contact their State SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

OMB Catalog of Federal Domestic Assistance

The OMB Catalog of Federal Domestic Assistance number is 93.127.

Dated: January 9, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–5985 Filed 3–12–92; 8:45 am]

BILLING CODE 4165–15–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, February 28, 1992.

(Call PHS Reports Clearance Officer on 202–245–2100 for copies of package)

1. Screener/Baseline Round of the Feasibility Study for the Household Component of the National Medical Expenditure Survey (NMES)—New—This feasibility study will test methods for enhancing the quality of data on medical care and expenditures, for improving the efficiency of data collection and assess the willingness of potential respondents to participate. Respondents: Individuals or households; Number of Respondents: 1,736; Number of Responses per Respondent: 1; Average Burden per Response: .89 hours; Estimated Annual Burden: 1,538 hours.

2. HRSA Noncompeting Training Grant Application Form PHS 6025–2—0915–0061—The Health Resources and Services Administration uses the information to determine the eligibility of a grantee to continue their previously approved grant project. The review includes calculation of the amount of each award, evaluation of progress made, and assessment of the grantee's responsiveness to the programs funding preferences. Respondents: Non-profit institutions; Number of Respondents: 977; Number of Responses per Respondent: 1; Average Burden per Response: 25.5 hours; Estimated Annual Burden: 24,914 hours.

3. Automatic Detention and Private Laboratory Testing of FDA Regulated Products for Import Entry—0910–0261—The Food and Drug Administration has the responsibility for assuring the admissibility of foods, drugs, medical devices and cosmetics offered for import into the United States. The automatic detention program exists to assure the quality of incoming products where a history of violation exists. This has resulted in increased use of private laboratories for testing purposes because laboratory results for each shipment of a product in automatic detention must be accepted by the agency before it is allowed entry into the United States. Respondents: Businesses or other for-profit; Number of Respondents: 4,000; Number of Respondents Per Respondent: 2.25; Average Burden per Response: 5.25 hours; Estimated Annual Burden: 48,500 hours.

4. Community Mental Health Centers (CMHC) Construction Grantee Checklist—0930–0104—To insure that CMHC facilities built with Federal assistance provide mental health service for a 20-year period as required, the National Institute of Mental Health will: (1) Survey the universe of CMHC construction grantees annually through a compliance checklist; and (2) utilize survey results to determine appropriate follow up, e.g., waivers/recovery activities. Respondents: State or local governments, Non-profit institutions, Small businesses or organizations; Number of Respondents: 389; Number of Responses per Respondent: 1 hour; Average Burden per Response: .33 hours; Estimated Annual Burden: 130 hours.

5. Evaluation of Physician Adherence to Tuberculosis Prevention and Treatment Recommendations—New—The Centers for Disease Control will conduct a mail survey of a sample of primary health care providers concerning their screening, treatment, and management practices for patients with tuberculosis infection or tuberculosis. The data will assist in explaining why some physicians fail to comply with current TB recommendations that are essential to assuring necessary prevention and control practices. Respondents: Individuals or households; Number of Respondents: 2,927; Number of Responses per Respondent: 1; Average Burden per Response: .317 hours; Estimated Annual Burden: 927 hours.

6. A Case Control Study of Attempted Suicide, Harris County, Texas—New—Respondents will be selected from 15–34 year old residents of Harris County, Texas that meet the study criteria. Respondents will include suicide attempters and controls in the community. Information learned from this study will help in targeting suicide prevention efforts directed at this age group. One of the Year 2000 health objectives is to reduce violent and abusive behavior and to provide for better health education and access to preventive services for all Americans. Respondents: Individuals or households; Number of Respondents: 510; Number of Responses per Respondent: 1; Average Burden per Response: 0.75 hours; Estimated Annual Burden: 383 hours.

7. A Methodologic Study to Improve Procedures to Assess Exposure to Pesticides—New—Epidemiologic studies have noted associations between farmers' use of pesticides and certain cancers. The major limitation in these investigations is the accuracy of determining historical exposure to pesticides. This project is designed to integrate information from interviews and monitoring to improve exposure assessment in epidemiologic studies. Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations; Number of Respondents: 468; Number of Responses per Respondent: 6.31; Average Burden per Response: 0.188 hours; Estimated Annual Burden: 554 hours.

8. IHS Community Health Representative (CHR) Activity Reporting Sample—0917–0010—The Indian Health Service CHR Program obtains data on: service category, health area setting, patient's age and sex, referral from, referral to, and minutes providing service or in travel. This information is used for program planning, allocation of resources, and evaluation purposes. Respondents: State

or local Governments; Number of Respondents: 1,512; Number of Responses per Respondent: 4; Average Burden per Response: 1.5 hours; Estimated Annual Burden: 9,072 hours.

9. National Home and Hospice Care Survey—New—This survey will be conducted by personal interviewers among a sample of hospices and home health agencies about the patients they serve. The National home and hospice Care Survey will provide estimates of the characteristics of people being served by hospices and home health agencies. Respondents: Businesses or other for profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations. Number of Respondents: 1,400; Number of Responses per Respondent: 19; Average Burden per Response: .202 hours; Estimated Annual Burden: 5,368 hours.

10. Survey of Physicians HIV Prevention and Treatment Practices—New—The Centers for Disease Control will conduct a survey among physicians to determine their prevention and treatment practices for patients with HIV. CDC will use the data to help physicians identify potential improvements in HIV prevention and treatment delivery. Respondents: Individuals or households; Number of Respondents: 12,075; Number of Responses per Respondent: 1; Average Burden per Response: .169 hours; Estimated Annual Burden: 2,283 hours.

11. Nominations for ATSDR Community Assistance Panels—New—This information collection provides a mechanism for communities near hazardous waste sites to nominate residents to serve on a Community Assistance Panel. The Panel facilitates data collection, community cooperation and understanding, and public health education regarding exposures to toxic substances. Respondents: Individuals or households; Number of Respondents: 5,400; Number of Responses per respondent: 1; Average Burden per Response: .1666 hours; Estimated Annual Burden: 899 hours.

OMB Desk Officer: Shannah Koss-McCallum

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, Room 3002, Washington, DC 20503.

Dated: March 10, 1992.

Sandra K. Mahhorn,

Deputy Assistant Secretary for Public Health Policy.

[FR Doc. 92-5829 Filed 3-12-92; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 96-511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on February 21, 1992.

(Call Reports Clearance Office on (410) 965-4149 for copies of package)

1. Application For Benefits Under The Italy-U.S. International Social Security Agreement—0960-0445. The information collected on the form SSA-2528 is used to determine eligibility for Social Security benefits. The respondents are applicants who live in Italy.

Number of Respondents 100
Frequency of Response 1
Average Burden Per Response 20 minutes
Estimated Annual Burden 60 hours

2. Disability Hearing Officer's Report Of Disability Hearing—0960-0440. The form SSA-1205 is used by disability hearing officers to conduct disability hearings. The form serves as a guide in conducting the hearings and ensures that all pertinent issues are considered. It, also, provides a record of the hearing. The respondents are disability hearing officers in the State Disability Determinations Staffs.

Number of Respondents 8,354
Frequency of Response 1
Average Burden Per Response 1 hour
Estimated Annual Burden 8,354 hours

3. Disability Hearing Officer's Report Of Disability Hearing—0960-XXXX. The form SSA-1204 will be used by disability hearing officers to conduct disability hearings. The form will serve as a guide in conducting the hearing and ensure that all pertinent issues are considered. The respondents will be disability hearing officers in the State Disability Determinations Staffs.

Number of Respondents 2,500
Frequency of Response 1
Average Burden Per Response 1 hour
Estimated Annual Burden 2,500 hours

4. Statements Regarding Chinese Custom Marriage—0960-0068. The information collected on the forms SSA-1344/SSA-1345 is used to determine if a number holder and an alleged spouse are legally married for the purpose of paying Social Security benefits. The respondents are individuals applying for benefits based on an alleged Chinese custom marriage or individuals who attended the marriage.

Number of Respondents 200
Frequency of Response 1
Average Burden Per Response 14 minutes
Estimated Annual Burden 47 hours

5. Statement of Income and Resources—0960-0124. The information is used to determine the eligibility of certain individuals for supplemental security income (SSI) payments. The respondents are parents, sponsors and ineligible children living in the same household of an SSI applicant or recipient.

Number of Respondents 460,000
Frequency of Response 1
Average Burden Per Response 20 minutes
Estimated Annual Burden 153,333 hours

6. Representative Payee Questionnaire—Individual Representative Payee Questionnaire-Individual Representative Payee Questionnaire Institution—0960-0493. The information collected on the forms SSA-622 and SSA-6220 will be used to create a "Master Representative Payee File" data base as required by law. The respondents are individuals, institutions or agencies receiving benefits on behalf of beneficiaries.

Number of Respondents 4,770,000
Frequency of Response 1
Average Burden Per Response 5 minutes
Estimated Annual Burden 363,917

OMB Desk Officer: Laura Oliven.

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: March 2, 1992.

Charlotte Whitenight,

Chief of Design and Development Branch, Division of Publications.

[FR Doc. 92-5350 Filed 3-12-92; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-69]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 57 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intentions to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as a suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265, (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

The more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P, rm. 1E671, Pentagon, Washington, DC 20310-2600; (202) 693-4583; (This is not a toll-free number).

Dated: March 6, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 03/13/92

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. T00220
Fort McClellan
Fort McClellan, Co: Calhoun, AL 36205-5000
Location: Take left turn off Baltzell Gate Road
Landholding Agency: Army
Property Number: 219110041
Status: Underutilized
Comment: 1040 sq. ft.; 1 story wood frame; needs major rehab; termite infested; off-site use only.

Bldg. T00221
Fort McClellan
Fort McClellan, Co: Calhoun, AL 36205-5000
Location: Take left turn off Baltzell Gate Road
Landholding Agency: Army
Property Number: 219110042
Status: Underutilized
Comment: 4125 sq. ft.; one story wood frame; needs major rehab; termite infested; presence of asbestos; off-site use only.

Bldg. T00796
Fort McClellan
Fort McClellan, Co: Calhoun, AL 36205-5000
Location: Intersection of 19th and 20th Streets.
Landholding Agency: Army
Property Number: 219110043
Status: Underutilized
Comment: 1340 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T00883
Fort McClellan
3rd Avenue
Fort McClellan, Co: Calhoun, AL 36205-5000
Landholding Agency: Army
Property Number: 219110044
Status: Underutilized
Comment: 760 sq. ft.; one story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldgs. T01121, T01123, T01124
Fort McClellan
MacArthur Avenue
Fort McClellan, Co: Calhoun, AL 36205-5000

Landholding Agency: Army
Property Number: 219110046-219110050
Status: Underutilized
Comment: 2400 sq. ft.; two story wood frame; needs major rehab; presence of asbestos; off-site use only.

Bldg. T01125
Fort McClellan
21st Street and MacArthur Avenue
Fort McClellan, Co: Calhoun, AL 36205-5000

Landholding Agency: Army
Property Number: 219110051
Status: Underutilized
Comment: 2556 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T01394
Fort McClellan
4th Avenue in Area 13 of Post
Fort McClellan, Co: Calhoun, AL 36205–5000

Landholding Agency: Army
Property Number: 219110052
Status: Underutilized
Comment: 101 sq. ft.; 1 story tin and lumber building; needs major rehab; termite infested; off-site use only.

Bldg. T01692
Fort McClellan
25th Street
Fort McClellan, Co: Calhoun, AL 36205–5000

Landholding Agency: Army
Property Number: 219110053
Status: Underutilized
Comment: 4404 sq. ft.; one story wood frame; needs rehab; presence of asbestos; off/site use only.

Bldgs. T02264, T02266
Fort McClellan
Fort McClellan, Co: Calhoun, AL 36205–5000
Landholding Agency: Army
Property Numbers: 219110054–219110055
Status: Underutilized
Comment: 664 sq. ft.; 1 story wood frame; needs major rehab; electrical hazard; present of asbestos; off-site use only.

Bldg. T00123
Post Chapel—Fort Rucker
5th Avenue
Fort Rucker, Co: Dale, AL 33362–
Landholding Agency: Army
Property Number: 219110145
Status: Underutilized
Comment: 4796 sq. ft.; 1 story wood structure; minor repairs.

Bldg. T00307
Post Chapel—Fort Rucker
3rd Avenue
Fort Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219110146
Status: Unutilized
Comment: 3739 sq. ft.; 1 story wood structure; minor repairs.

Bldg. T09309
Fort Rucker—Education Facility
3rd Avenue
Fort Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219110147
Status: Unutilized
Comment: 1500 sq. ft.; 1 story wood structure; minor repairs.

Bldg. T5020—Fort Rucker
3rd Avenue
Fort Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219120108
Status: Unutilized
Comment: 2500 sq. ft.; 1 story, possible asbestos, off-site use only.

Bldg. T08917—Fort Rucker
Corner of Division Road & 7th Avenue
Fort Rucker, Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219120112
Status: Underutilized
Comment: 16004 sq. ft.; two story, possible asbestos, needs rehab.

Bldg. T00108
Fort Rucker
6th Avenue
Fort Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219120270
Status: Underutilized
Comment: 24992 sq. ft.; 1 story wood structure; most recent use—youth center gymnasium, possible asbestos, off-site use only.

Bldgs. 5119, 5120, Fort Rucker
3rd Avenue
Ft. Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Numbers: 219140023–219040024
Status: Unutilized
Comment: 2500 sq. ft. each, 1 story, most recent use—supply buildings, off-site use only.

Bldg. 8913, Fort Rucker
7th Avenue
Ft. Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219140025
Status: Unutilized
Comment: 3100 sq. ft., 1 story wood, most recent use—chaplain's conference room, off-site use only.

Bldg. 8914, Fort Rucker
7th Avenue
Ft. Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219140026
Status: Unutilized
Comment: 2250 sq. ft., 1 story wood, most recent use—chaplain's headquarters, off-site use only.

Arizona

Bldg. S–306
Yuma Proving Ground
Main Admin. Area—near inter. 1st & D Sts.
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Landholding Agency: Army
Property Number: 219011725
Status: Underutilized
Comment: 2 story wood and stucco frame; needs structural upgrading; portion of 2nd floor vacant.

Bldg. S–1003
Yuma Proving Ground
Main Admin. Area—5th & Barranca Road
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Landholding Agency: Army
Property Number: 219011727
Status: Underutilized
Comment: 2227 sq. ft.; two-story wood and stucco frame; 2 floor wood and frame; possible asbestos; bldg. committed to Congress for disposal.

Bldg. S–503
Yuma Proving Ground
Main Admin. Area—2nd St. bet. D & F Sts.
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Landholding Agency: Army
Property Number: 219011746
Status: Underutilized
Comment: 2123 sq. ft.; possible asbestos; 2nd floor vacant; structural upgrading needed; bldg. scheduled for renovation and used as community center.

Bldg. S–501
Yuma Proving Ground
Main Admin. Area—D & 2nd Sts.
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Landholding Agency: Army
Property Number: 219011747
Status: Unutilized
Comment: 4000 sq. ft.; possible asbestos; scheduled for renovation; to be used as "Army Continuing Education Facility"; 2 floors.

Bldg. S–611
Yuma Proving Ground
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Location: Main Administrative Area—Near intersection of 5th and D Streets.
Landholding Agency: Army
Property Number: 219013928
Status: Unutilized
Comment: 1840 sq. ft.; 1 story wood and stucco frame; most recent use—child care center.

Bldg. S–1005
Yuma Proving Ground
Yuma, Co: Yuma/La Paz, AZ 85365–0102
Location: Main Administrative Area—Near intersection of 7th and F Streets.
Landholding Agency: Army
Property Number: 219013930
Status: Unutilized
Comment: 176 sq. ft.; 1 story wood and stucco frame; most recent use—cold storage and refrigeration facility.

Bldg. T67208
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120113
Status: Unutilized
Comment: 2546 sq. ft., one story wood, most recent use—storage.

Bldg. T70224
U.S. Army Intelligence Center
Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120149
Status: Unutilized
Comment: 1252 sq. ft., one story wood; most recent use—Administrative.

Bldgs. 70117–70120
Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Numbers: 219120306–219120309
Status: Excess
Comment: 3434 sq. ft. each, 1 story wood structures, presence of asbestos, most recent use—general instructional.

Bldg. 70225—Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120310
Status: Excess

Comment: 3813 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

Bldg. 83006—Fort Huachuca
Sierra Vista, Co: Chochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120311
Status: Excess
Comment: 2062 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

Bldg. 83007—Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120312
Status: Excess
Comment: 2000 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

Bldg. 83008—Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120313
Status: Excess
Comment: 2192 sq. ft., 2 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

Bldg. 83015—Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219120314
Status: Excess
Comment: 2325 sq. ft., 1 story wood structure, presence of asbestos, most recent use—admin. gen. purpose.

Arkansas

Fort Chaffee
U.S. Army Garrison
1095 4th Avenue
Barling, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219012811
Status: Underutilized
Comment: 3634 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1094 4th Avenue
Barling, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219012812
Status: Underutilized
Comment: 2181 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1092 4th Avenue
Barling Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219012813
Status: Underutilized
Comment: 3321 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

U.S. Army Garrison
Fort Chaffee
1070 2nd Avenue
Barling, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219013267
Status: Underutilized
Comment: 3191 sq. ft.; 2 story wood frame; possible asbestos: selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
260 Taylor Avenue
Fort Chaffee, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219110112
Status: Underutilized
Comment: 173 sq. ft; one story; no water or heat in bldg.; most recent use—administration.

U.S. Army Garrison
Fort Chaffee
263 Taylor Avenue
Fort Chaffee, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219110113
Status: Underutilized
Comment: 707 sq. ft.; one story; no water or heat in bldg.; needs rehab; most recent use—storage.

California

Bldgs. T–1771 thru T–1775
Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Numbers: 219010736, 219010740, 219010742–219010745
Status: Unutilized
Comment: 2 story each; possible asbestos, needs extensive repairs.

Bldgs. 608–610, 612–619, 621–629
Parks Reserve Forces Training Area
Dublin, Co: Alameda, CA 94129–
Landholding Agency: Army
Property Numbers: 219012855–219012874
Status: Unutilized
Comment: 49500 sq. ft. each; 2 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 856–869, 875, 881–887, 889–890
Parks Reserve Forces Training Area
Dublin, Co: Alameda, CA 94129–
Landholding Agency: Army
Property Numbers: 219012884–219012897, 219012902–219012911
Status: Unutilized
Comment: 63290 sq. ft. each; 2 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 988, 906–909, 912–919, 924–938, 942–950, 966–969, 971–972, 976–979, 987
Parks Reserve Forces Training Area
Dublin, Co; Alameda, CA 94129–
Landholding Agency: Army
Property Numbers: 219012918, 219012923–219012925, 219012929–219012936, 219012938–219012970, 219012975–219012978, 219012980–219012981, 219012984–219012987, 219012995
Status: Unutilized
Comment: 11300 sq. ft. each; 1 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 218–219, 227–229, 237–249, 252–269, 279, 282, 283, 286–289
Parks Reserve Forces Training Area
Dubin, Co: Alameda, CA 94129–
Landholding Agency: Army
Property Numbers: 219013002–219013003 219013011–219013013, 219013021–219013033, 219013036–219013053, 219013062, 219013065–219013068, 219013088–219013071
Status: Unutilized
Comment: 11500 sq. ft. each; 3 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 920–922, 940–941
Parks Reserve Forces Training Area
Dublin, Co: Alameda, CA 94129–
Landholding Agency: Army
Property Numbers: 219030289–219030291, 219030293–219030294
Status: Unutilized
Comment: 11300 sq. ft. each; 1 story wood frame; needs major rehab; extensive asbestos present.

EM Barracks, T–1201 thru T–1204, T–1208, T–1214
Sierra Army Depot
DS Hall Avenue
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Numbers: 219110117–219110122
Status: Underutilized
Comment: 5310 sq. ft. each; two story wood frame; security restrictions.

Open Mess & NCO Club, T–1218
Sierra Army Depot
DS Hall Avenue
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219110123
Status: Underutilized
Comment: 8694 sq. ft.; one story wood frame; needs rehab; presence of asbestos; security restrictions.

Bldg. 60
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120315
Status: Unutilized
Comment: 1024 sq. ft., 2 story concrete-wood plaster, possible asbestos, off-site use only, most recent use—nose hanger.

Bldg. 95
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120316
Status: Unutilized
Comment: 392 sq. ft., 1 story raised portable, off-site use only, most recent use—radar maint. shop.

Bldg. 186
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120317
Status: Unutilized
Comment: 996 sq. ft., 1 story steel, off-site use only, most recent use—storage

Bldg. 196
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120318
Status: Unutilized
Comment: 1029 sq. ft., stucco structure, off-site use only, most recent use—storage

Bldg. 197
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120319
Status: Unutilized
Comment: 720 sq. ft., 1 story stucco structure, off-site use only, most recent use—storage, possible asbestos

Bldgs. 262–263, 265, 268
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Numbers: 219120320–219120323
Status: Unutilized
Comment: 448 sq. ft. trailers, off-site use only, most recent use—storage

Colorado

Bldg. 1642, Fort Carson
Specker Avenue
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Number: 219140077
Status: Unutilized
Comment: 1575 sq. ft., 1 story wood, needs rehab, most recent use—admin. bldg., presence of asbestos

Bldgs. 2218, 2327, 2335, 2330, 2435
Fort Carson
Specker Avenue
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Numbers: 219140078, 219140091, 219140170, 219140171, 219140178
Status: Unutilized
Comment: 2488 sq. ft. each, 1 story wood, needs rehab, presence of asbestos

Bldgs. 2222, 2225–2226, 2317, 2320–2321, 2323–2325, 2330, 2333–2334, 2416, 2422, 2424
Fort Carson
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Numbers: 219140079, 219140082–219140089, 219140166, 219140168–219140169, 219140172, 219140174–219140175
Status: Unutilized
Comment: 5310 sq. ft. each, 2 story wood, needs rehab, presence of asbestos.

Bldgs. 2223–2224, Fort Carson
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Numbers: 219140080–219140081
Status: Unutilized
Comment: 4720 sq. ft. each, 2 story wood, needs rehab, presence of asbestos.

Bldg. 2419, Fort Carson
Polio Street
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Number: 219140173
Status: Unutilized
Comment: 1852 sq. ft., 1 story wood, needs rehab, most recent use—education center, presence of asbestos.

Bldg. 2425, Fort Carson
Polio Street
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Number: 219140176
Status: Unutilized
Comment: 2700 sq. ft., 1 story wood, needs rehab, most recent use—admin. bldg., presence of asbestos.

Bldg. 2433, Fort Carson
Specker Avenue
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Number: 219140177
Status: Unutilized
Comment: 3106 sq. ft., 1 story wood, needs rehab, most recent use—education center, presence of asbestos.

Bldg. 2331, Fort Carson
Mister Street
Colorado Springs, Co: El Paso, CO 80913–
Landholding Agency: Army
Property Number: 219140167
Status: Unutilized
Comment: 1850 sq. ft., 1 story wood, needs rehab, most recent use—storage, presence of asbestos.

Georgia

Bldgs. 4920, 4921, 4910–4911, 4928
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010002–219010003, 219010105–219010108, 219010106
Status: Unutilized
Comment: 1868 sq. ft. each; most recent use—barracks; needs rehab.

Bldg. 4915
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010004
Status: Unutilized
Comment: 1297 sq. ft., most recent use—headquarters building; needs rehab

Bldg. 4914
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010005
Status: Unutilized
Comment: 810 sq. ft., most recent use—arms building; needs rehab

Bldg. 4927
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010107
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—classrooms; 2-stories; needs rehab.

Bldgs. 5288–5290
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010109–219010111
Status: Unutilized
Comment: 1216 sq. ft., each; most recent use—arms buildings; needs rehab.

Bldgs. 5291, 5293–5295
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010112, 219010114–219010116
Status: Unutilized
Comment: 2529 sq. ft. each; most recent use—dining room; needs rehab.

Bldg. 5292
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010113
Status: Unutilized
Comment: 2525 sq. ft.; most recent use—snack bar; needs rehab.

Bldg. 5297
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010117
Status: Unutilized
Comment: 1080 sq. ft.; most recent use—storehouse; needs rehab.

Bldgs. 5298–5299
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010118–219010119
Status: Unutilized
Comment: 3759 sq. ft. each; most recent use—general; needs rehab.

Bldgs. 5300, 5302
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010120, 219010122
Status: Unutilized
Comment: 1400 sq. ft. each; most recent use—day room; needs rehab.

Bldgs. 5301, 5303–5305
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010121, 219010123–219010125
Status: Unutilized
Comment: 2124 sq. ft. each; most recent use—barracks; needs rehab.

Bldg. 5306
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010126
Status: Unutilized
Comment: 2408 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5307
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010127
Status: Unutilized
Comment: 1216 sq. ft.; most recent use—arms building; needs rehab.

Bldg. 5308
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010128
Status: Unutilized
Comment: 1680 sq. ft.; most recent use—storehouse; needs rehab.

Bldg. 5309
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010129
Status: Unutilized
Comment: 1829 sq. ft.; most recent use—clinic; needs rehab.

Bldgs. 5310
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010130
Status: Unutilized
Comment: 3484 sq. ft.; most recent use—diagnostic center; needs rehab.

Bldg. 5311
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010131
Status: Unutilized
Comment: 5767 sq. ft.; most recent use—post exchange (store); needs rehab.

Bldg. 5315
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010132
Status: Unutilized
Comment: 2930 sq. ft.; most recent use—hdqts. bldg.; needs rehab.

Bldg. 5316
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010133
Status: Unutilized
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.

Bldg. 5320
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010134
Status: Unutilized
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Bldgs. 5366–5367
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010135–219010136
Status: Unutilized
Comment: 3759 sq. ft. each; most recent use—recreation bldg.; needs rehab.

Bldg. 5390
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010137
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5328
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010139
Status: Unutilized
Comment: 2486 sq. ft.; most recent use—arms bldg.; needs rehab.

Bldg. 5324
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010141
Status: Unutilized
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 5323
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010142
Status: Unutilized
Comment: 2525 sq. ft. ea.; most recent use—dining room; needs rehab.

Bldgs. 5322, 5321
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010143–219010144
Status: Unutilized
Comment: 2124 sq. ft. each; most recent use—barracks; needs rehab.

Bldgs. 5360, 5361, 5363
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219010145–219010146, 219010148
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5362
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010147
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5365
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010150
Status: Unutilized
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5392
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010151
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010152
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 4865
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011447
Status: Unutilized
Comment: 1098 sq. ft.; 1 floor, most recent use—storehouse, needs rehab.

Bldgs. 4867–4870
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011448, 219011450–219011452
Status: Unutilized
Comment: 1868 sq. ft. each, 2 floors; most recent use—trainee barracks; needs rehab/major construction to be habitable.

Bldg. 4871
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011453
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; needs major rehab/construction to be made habitable.

Bldg. 4875
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011455
Status: Unutilized
Comment: 1868 sq. ft.; 2 floors; most recent use—BN classrooms; major rehab/construction required to be habitable.

Bldg. 4872
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011458
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4873
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011465
Status: Unutilized
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4874
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011467
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldgs. 4877, 4876, 4878, 4880, 4902–4905
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011468, 219011470, 219011472, 219011474, 219011476–219011479
Status: Unutilized
Comment: 1868 sq. ft.; 2 floors; most recent use—trainee barracks; major rehab/construction required to be habitable.

Bldg. 4906
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011480
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldgs. 4907, 4908
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011481, 219011482
Status: Unutilized
Comment: 2183 sq. ft. each; 1 floor; most recent use—dining room facility; major construction required to be made habitable.

Bldg. 4909
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011483
Status: Unutilized
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4901
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011484
Status: Unutilized
Comment: 610 sq. ft.; 1 floor; most recent use—other inst st.; major rehab/construction to be made habitable is required.

Bldg. 4866
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011485
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms bldg.; major rehab./construction required to be made habitable.

Bldg. 4879
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army

Property Number: 219011486
Status: Unutilized
Comment: 794 sq. ft.; 1 floor; most recent use—arms building; major rehab/construction required to be habitable.

Bldgs. 4605, 4615
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011493–219011494
Status: Unutilized
Comment: 915 sq. ft.; buildings in poor condition, major construction needed to be made habitable.

Bldgs. 4642, 4643
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011495–219011496
Status: Unutilized
Comment: 3,068 sq. ft. each, buildings in poor condition, major construction needed to be made habitable.

Bldgs. 4747, 4834
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011497–219011498
Status: Unutilized
Comment: 794 sq ft. each, buildings in poor condition, major construction needed to be made habitable.

Bldg. 4835
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011499
Status: Unutilized
Comment: 1,501 sq ft., building in poor condition, major construction needed to be made habitable.

Bldgs. 4840, 4841
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011500–219011501
Status: Unutilized
Comment: 2,930 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4843
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011502
Status: Unutilized
Comment: 1,776 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4844
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011503
Status: Unutilized
Comment: 3,776 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4846
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011504
Status: Unutilized
Comment: 1,455 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4847
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011505
Status: Unutilized
Comment: 900 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4848
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011506
Status: Unutilized
Comment: 804 sq ft., building in poor condition, major construction needed to be made habitable.

Bldgs. 4851–4854, 4859–4862
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011507–219011510, 219011515–219011518
Status: Unutilized
Comment: 1,888 sq ft. each, buildings in poor condition, major construction needed to be made habitable.

Bldg. 4855
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011511
Status: Unutilized
Comment: 1,507 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4856
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011512
Status: Unutilized
Comment: 2,183 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4857
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011513
Status: Unutilized
Comment: 2,160 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4858
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011514
Status: Unutilized
Comment: 1,507 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4863
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011519
Status: Unutilized
Comment: 794 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4864
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011520
Status: Unutilized
Comment: 1,292 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4507
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011673
Status: Unutilized
Comment: 1,888 sq ft., most recent use—barracks, needs substantial rehabilitation, 2 floors.

Bldgs. 4506, 4505
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011675–219011676
Status: Unutilized
Comment: 2,145 sq ft. each; most recent use—dining facilities, needs substantial rehabilitation, 1 floor.

Bldg. 4487
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1,868 sq ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4484
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011682
Status: Unutilized
Comment: 1,098 sq ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2,584 sq ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldgs. 4481, 4479
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219011685–219011686
Status: Unutilized
Comment: 1507 sq. ft. each; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011694
Status: Unutilized

Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflamable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 5266
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012364
Status: Unutilized
Comment: 1400 sq. ft.; one story; most recent use—day room; in poor condition; needs major rehab.

Bldgs. 5267–5275, 5277–5283
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219012365, 219012367–219012370, 219012372–219012375, 219012378–219012379, 219012381–219012383, 219012385–219012386
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major repair.

Bldg. 4936
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012388
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4937
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012389
Status: Unutilized
Comment: 2183 sq. ft.; 1 story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4938
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012391
Status: Unutilized
Comment: 1320 sq. ft.; one story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 2285
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012392
Status: Unutilized
Comment: 1800 sq. ft.; one story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4951
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012394
Status: Unutilized
Comment: 2192 sq. ft.; one story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4953
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012395
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4954
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012397
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—custody fac.; poor condition; needs major rehab.

Bldg. 4928
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012398
Status: Unutilized
Comment: 1888 sq. ft.; 2 story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4925
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012400
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—classroom; poor condition; needs major rehab.

Bldg. 4924
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012401
Status: Unutilized
Comment: 2183 sq. ft.; one story; most recent use—dining room; poor condition; needs major rehab.

Bldgs. 4919, 4918, 4929, 4931, 4912, 4933, 4935
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219012403–219012404, 219012406, 219012410, 219012417–219012418, 219012422
Status: Unutilized
Comment: 1888 sq. ft. each; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldgs. 4917, 4930
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219012405, 219012406
Status: Unutilized
Comment: 810 sq. ft. each; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 5267
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012411
Status: Unutilized
Comment: 1216 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4934
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012419
Status: Unutilized
Comment: 1507 sq. ft.; one story; most recent use—dayroom; needs major rehab.

Bldg. 4932
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219012421
Status: Unutilized
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; needs rehab.

Bldgs. 34402, 34404, 35401
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Location: Located on Barnes Avenue and 20th street.
Landholding Agency: Army
Property Number: 219014285–210014287
Status: Unutilized
Comment: 4524 sq. ft. each; 2 story wood structure; needs major rehab; off-site use only.

Bldgs. 1235, 1236
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219014887–219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014889
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 2591
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014906
Status: Unutilized
Comment: 1663 sq. ft.; 1 story building; needs rehab; most recent use—General storehouse.

Bldg. 3005–3010
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219014907–219014912
Status: Unutilized
Comment: 7688 sq. ft. each; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3080
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014913
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 3081
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014914
Status: Unutilized
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4022
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014915
Status: Unutilized
Comment: 1712 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4491
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4500
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014917
Status: Unutilized
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—Arms Building.

Bldg. 4511
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014918
Status: Unutilized
Comment: 4720 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 4633
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014919
Status: Unutilized
Comment: 5089 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4634
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014920
Status: Unutilized
Comment: 5089 sq. ft. each; 1 story building; needs rehab; most recent use—Training Building.

Bldgs. 4646, 4600
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219014921, 219014923
Status: Unutilized
Comment: 1372 sq. ft. each; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4649
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014922
Status: Unutilized
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 4751
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014924
Status: Unutilized
Comment: 3960 sq. ft.; 1 story building; needs rehab; most recent use—Recreation building.

Bldg. 4752
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219014925
Status: Unutilized
Comment: 2284 sq. ft., 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 95
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120253
Status: Unutilized
Comment: 1006 sq. ft., 1 story, most recent use—fire station annex rehab.

Bldg. 1234
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120254
Status: Unutilized
Comment: 16148 sq. ft., 2 story, most recent use—officer's club, needs rehab.

Bldg. 1684
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120255
Status: Unutilized
Comment: 2671 sq. ft., 1 story needs rehab, most recent use—administration/general purpose.

Bldgs. 1724, 1827
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219120256, 219120257
Status: Unutilized
Comment: 943 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2150
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldgs. 2212, 2213
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Numbers: 219120259–219120260
Status: Unutilized
Comment: 4720 sq. ft. each, 2 story, needs rehab, most recent use—drug abuse center.

Bldg. 2214
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120261
Status: Unutilized
Comment: 2253 sq. ft., 1 story, needs rehab, most recent use—enlisted persons dining room.

Bldg. 2215
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120262
Status: Unutilized
Comment: 1844 sq. ft., 1 story, needs rehab, most recent use—day room.

Bldg. 2409
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120263
Status: Unutilized
Comment: 9348 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2540
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120264
Status: Unutilized
Comment: 2337 sq. ft., 1 story, needs rehab, most recent use—clinic w/o beds.

Bldg. 2590
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120265
Status: Unutilized
Comment: 3132 sq. ft., 1 story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3826
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 626 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldg. 5204
Fort Benning
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120267
Status: Unutilized
Comment: 5310 sq. ft., 2 story, needs rehab, most recent use—trainee barracks.

Indiana

Bldg. 719–1
Indiana Army Ammunition Plant
Charlestown Co: Clark, IN
Landholding Agency: Army
Property Number: 219013578
Status: Underutilized
Comment: 5000 sq. ft.; 1 story brick frame; secured area with alternate access; most recent use—administration.

Bldg. 703–1C
Indiana Army Ammunition Plant
Charlestown Co: Clark, IN
Location: Gate 22 off Highway 22

Landholding Agency: Army
Property Number: 219013761
Status: Underutilized
Comment: 4000 sq. ft.; 2 story brick frame; possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Indiana Army Ammunition Plant
End of 3rd Street
Charlestown Co: Clark, IN
Location: East of State Highway 62 at Gate 3
Landholding Agency: Army
Property Number: 219013762
Status: Underutilized
Comment: 4040 sq. ft.; 1 story concrete block frame; possible asbestos; secured area with alternate access; most recent use—office.

Bldg. 1001 (Portion of)
Indiana Army Ammunition Plant
Charlestown Co: Clark, IN
Location: South end of 3rd Street, East of Highway 62 at entrance gate.
Landholding Agency: Army
Property Number: 219013763
Status: Underutilized
Comment: 55630 sq. ft.; 1 story concrete block; possible asbestos; secured area with alternate access; most recent use—cloth bag manufacturing.

Bldg. 720
Indiana Army Ammunition Plant
Charlestown Co: Clark, IN
Landholding Agency: Army
Property Number: 219013765
Status: Underutilized
Comment: 5000 sq. ft.; 2 story brick frame; possible asbestos; secured area with alternate access; most recent use—administrative.

Kansas

Bldg. T–1383
Fort Riley
Fort Riley Co: Geary, KS 66442–
Landholding Agency: Army
Property Number: 219013774
Status: Unutilized
Comment: 3864 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T–2060
Fort Riley
Fort Riley Co: Geary, KS 66442–
Landholding Agency: Army
Property Number: 219013775
Status: Unutilized
Comment: 3852 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T–2324
Fort Riley
Fort Riley Co: Geary, KS 66442–
Landholding Agency: Army
Property Number: 219013777
Status: Unutilized
Comment: 3422 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrines.

Bldg. T–629
Fort Leavenworth—NCO Club Building
Combined Arms Command
Leavenworth Co: Leavenworth, KS 66027–
Landholding Agency: Army
Property Number: 219110146
Status: Unutilized
Comment: 17549 gross sq. ft.; 2 story wood frame; needs rehab; termite infested; possible asbestos; off-site use only.

Bldg. 1358–1360, 1363–1364, 1439, 1441–1442, 1445, 1454–1455, 1461, 1392, 1397–1399, 1403, 1405, 1407, 1410–1411
Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Numbers: 219140105–219140107, 219140110–219140111, 219140115, 219140117–219140118, 219140121, 219140127–219140128, 219140133, 219140141, 219140146–219140148, 219140152, 219140154, 219140156, 219140159–219140160
Status: Unutilized
Comment: 1075 sq. ft. each, 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—family housing.

Bldgs. 1361–1362, 1366–1367, 1440, 1453, 1456–1458, 1460, 1462, 1464, 1395–1396, 1402, 1404, 1406, 1409
Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Numbers: 219140108–219140109, 219140113–219140114, 219140116, 219140126, 219140129–219140132, 219140134, 219140136, 219140144–219140145, 219140151, 219140153, 219140155, 2191402158
Status: Unutilized
Comment: 863 sq. ft., 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—family housing.

Bldgs. 1365, 1443–1444, 1446–1449, 1463, 1465, 1401
Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Numbers: 219140112, 219140119–219140120, 219140122–219140125, 219140135, 219140137, 219140150
Status: Unutilized
Comment: 1025 sq. ft. each, 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—family housing.

Bldg. 1466A, Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Number: 219140138
Status: Unutilized
Comment: 1536 sq. ft., 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—detached garage.

Bldg. 1467, Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Number: 219140139
Status: Unutilized
Comment: 584 sq. ft., 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—office scout bldg.

Bldg. 1357, Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Number: 219140140
Status: unutilized
Comment: 1512 sq. ft., 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recet use—detached garage.

Bldg. 1393–1394, 1408, 1413, 1452
Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Numbers: 219140142–219140143, 219140157, 219140161, 219140164
Status: Unutilized
Comment: 1008 sq. ft. 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—detached garages.

Bldg. 1400, 1450, 1451
Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Numbers: 219140149, 219140162–219140163
Status: Unutilized
Comment: 1776 sq. ft. each, 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—detached garages.

Bldg. 1459, Fort Leavenworth
Pershing Park
Leavenworth, KS, Leavenworth, Zip: 66027–
Property Number: 219140165
Status: Unutilized
Comment: 1272 sq. ft., 1 story wood frame, needs rehab, off-site use only, presence of asbestos, most recent use—detached garage.

Kentucky

Bldg. 104
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010937
Status: Underutilized
Comment: 15066 sq. ft.; two story; possible asbestos; most recent use—barracks.

Bldg. 126, 141, 147, 149, 161, 165, 167, 169, 143
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Numbers: 219010938, 219010940–219010946, 219013139
Status: Underutilized
Comment: 12576 sq. ft. each two story; possible asbestos; most recent use—storage/child care/administration.

Bldg. 122
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010939
Status: Underutilized
Comment: 1488 sq. ft.; two story; possible asbestos; most recent use—storage and administration.

Bldg. 2244
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010948
Status: Underutilized
Comment: 4248 sq. ft.; possible asbestos; two story; most recent use—storage.

Bldg. 3110
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010950
Status: Underutilized

Comment: 1000 sq. ft.; one story; possible asbestos; most recent use—administration.

Bldg. 5954, 5956, 5958, 5960
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010953, 219010956, 219010958, 219010961
Status: Underutilized
Comment: 2179 sq. ft. each; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.

Bldg. 6605
Fort Campbell
Fort Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219010968
Status: Underutilized
Comment: 1968 sq. ft.; one story; most recent use—storage.

Bldg. 3146
Ft. Campbell
Ft. Campbell Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219013223
Status: Underutilized
Comment: 2200 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.

Bldg. 6301, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140015
Status: Unutilized
Comment: 3774 sq. ft.; 1 story wood frame, needs rehab, presence of asbestos, most recent use—office

Bldg. 6302, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140016
Status: Unutilized
Comment: 1487 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—office

Bldg. 6303, Fort Know
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140017
Status: Unutilized
Comment: 1254 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 6304, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140018
Status: Unutilized
Comment: 1062 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 6305, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140019
Status: Unutilized
Comment: 2257 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 6306, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140020
Status: Unutilized
Comment: 1941 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—office

Bldg. 6307, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140021
Status: Unutilized
Comment: 1611 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—office.

Bldg. 6308, Fort Knox
Ft. Knox Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140022
Status: Unutilized
Comment: 3113 sq. ft., 1 story wood frame, needs rehab, presence of asbestos, most recent use—classroom.

Louisiana

Bldg. 417
8th Street
Ft. Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012882
Status: Unutilized
Comment: 7070 sq. ft.; 2 story temporary wood frame, possible asbestos; most recent use—BOQ.

Bldg. 7124
Reserve Road
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012888
Status: Unutilized
Comment: 2500 sq. ft.; 1 story temporary wood frame; most recent use—recreation room.

Bldgs. 7129–7132, 7134–7135, 7161–7163, 7166–7168
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Numbers: 219012689–219012692, 219012694–219012695, 219012699–219012704
Status: Unutilized
Comment: 4957 sq. ft.; 2 story temporary wood frame; possible asbestos; most recent use—barracks.

Bldg. 7143
"D" Avenue
Ft. Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012696
Status: Unutilized
Comment: 2250 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. T–7157
Guard Road
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012698
Status: Unutilized
Comment: 4357 sq. ft.; 2 story; possible asbestos; most recent use—barracks.

Bldg. 7183
"D" Avenue
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012705
Status: Unutilized
Comment: 2630 sq. ft.; 1 temporary wood frame, possible asbestos; most recent use—dining facility.

Bldg. 7184
"D" Avenue
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012706
Status: Unutilized
Comment: 2630 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facilty.

Bldg. 7187
"D" Avenue
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012707
Status: Unutilized
Comment: 2250 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7304
Armored Road
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012712
Status: Unutilized
Comment: 6103 sq. ft; 2 story temporary wood frame; most recent use—storage.

Bldg. 7430
1st Street
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012715
Status: Unutilized
Comment: 4987 sq. ft.; 2 story temporary frame; most recent use—storage.

Bldg. 8026
10th Street
Fort Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012724
Status: Underutilized
Comment: 2580 sq. ft.; 1 story wood frame; most recent use—storage.

Bldg. 8226
12th Street
Ft. Polk Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012729
Status: Unutilized
Comment: 2050 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7175
Ft. Polk
3rd Street
Fort Polk Co: Vernon, LA 71459–
Landholding Agency: Army
Property Number: 219013770
Status: Excess
Comment: 7527 sq. ft.; temporary wood structure; scheduled for demolition; seriously deteriorated.

Bldg. T–4701
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140045
Status: Unutilized
Comment: 1000 sq. ft., 1 story, most recent use—office.

Bldg. T–4701B
Fort Polk

Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140046
Status: Unutilized
Comment: 660 sq. ft., 1 story, most recent use—storage.

Bldgs. T–4702, T–4703, T–4705, T–4706
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Numbers: 219140047–219140048, 219140050–219140051
Status: Unutilized
Comment: 5913 sq. ft. each, 2 story, most recent use—storage.

Bldg. T–4704
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140049
Status: Unutilized
Comment: 3040 sq. ft., 1 story, most recent use—storage.

Bldg. T–4707
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140052
Status: Unutilized
Comment: 1045 sq. ft., 1 story, most recent use—office.

3ldg. T–4708
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140053
Status: Unutilized
Comment: 2184 sq. ft., 1 story, most recent use—office.

Bldg. T–4709
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140054
Status: Unutilized
Comment: 3587 sq. ft., 1 story, most recent use—storage.

Bldgs. T–4710, to T–4724, T–4726 to T–4734
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Numbers: 219140055–219140063, 219140065–219140073
Status: Unutilized
Comment: 4357 sq. ft. each, 2 story, most recent use—barracks (storage).

Bldg. T–4725
Fort Polk
Ft. Polk, LA, Vernon, Zip: 71459–5000
Property Number: 219140064
Status: Unutilized
Comment: 3044 sq. ft., 1 story, most recent use—library.

Maryland

Bldg. 2030
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011418
Status: Unutilized
Comment: 3302 sq ft., one story, possible asbestos.

Bldg. 2174
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011419
Status: Unutilized
Comment: 3540 sq ft., poor condition; utilities disconnected; one story; possible asbestos.

Bldg. 3243
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011420
Status: Unutilized
Comment: 11800 sq ft., possible asbestos, two story, potential utilities.

Bldg. 3244
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011421
Status: Unutilized
Comment: 3302 sq ft., one story, possible asbestos, potential utilities.

Bldgs. 3621–3624, 3626–3629, 3634–3637, 3639–3642
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Numbers: 219011422–219011425, 219011427–219011430, 219011435–219011437, 219011439–219011442
Status: Unutilized
Comment: 4720 sq ft. each, two story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3625
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011426
Status: Unutilized
Comment: 2031 sq ft., one story, utilities disconnected, poor condition, possible asbestos.

Bldg. 3630
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011431
Status: Unutilized
Comment: 1750 sq ft., one story, possible asbestos, poor condition, utilities disconnected.

Bldgs. 3631, 3632
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Numbers: 219011432, 219011433
Status: Unutilized
Comment: 1513 sq ft. each, one story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3633
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011434
Status: Unutilized
Comment: 1754 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3638
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011438
Status: Unutilized
Comment: 18880 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3643
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011443
Status: Unutilized
Comment: 1750 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3644
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011444
Status: Unutilized
Comment: 1541 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3645
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011445
Status: Unutilized
Comment: 1541 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3646
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011446
Status: Unutilized
Comment: 1750 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. E4736
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012621
Status: Unutilized
Comment: possible contamination—under study; potential utilities.

Bldg. 4723
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012643
Status: Unutilized
Comment: 3250 sq. ft.; potential utilities; poor condition; possible asbestos.

Bldg. 5104
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012644
Status: Unutilized
Comment: 624 sq. ft.; trailer; potential utilities; poor condition.

Bldgs. E5878, E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Numbers: 219012652, 219012653
Status: Unutilized
Comment: 213 sq. ft. each; structural deficiencies; possible abestos; and contamination.

Bldg. E5974
Aberdeen Proving Ground

Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012654
Status: Unutilized
Comment: 272 sq. ft.; possible abestos; and contamination; most recent use—headquarters building.

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible abestos; most recent use—pumping stations.

Bldg. E5078
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012667
Status: Unutilized
Comment: 256 sq. ft.; 1 story; structural deficiencies; possible abestos and contamination; most recent use—general storehouse.

Bldg. E5075
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford, MD 21010–55425
Landholding Agency: Army
Property Number: 219012677
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structural deficiencies; most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 6020
Taylor Avenue
Fort Meade Co: Anne Arundel, MD 21061–
Landholding Agency: Army
Property Number: 219013605
Status: Unutilized
Comment: 1275 sq. ft.; 1 story frame with basement (216 sq. ft.); possible asbestos; termite damage.

Bldgs. 832, 2815
Fort Meade
Fort Meade Co: Anne Arundel, MD 21061–
Landholding Agency: Army
Property Numbers: 219013608, 219014855
Status: Unutilized
Comment: 2208 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab.

Bldg. 841
Fort Meade
15th Street
Fort Meade Co: Anne Arundel, MD 21061–
Landholding Agency: Army
Property Number: 219013610
Status: Unutilized
Comment: 3537 sq. ft.; 1 story with balcony; possible asbestos; needs major rehab.

Bldg. 2173
Aberdeen Proving Ground
Aberdeen City Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219013772
Status: Unutilized
Comment: 3540 sq. ft.; 1 story temporary frame; possible abestos; most recent use—barracks.

Bldg. 197
Fort George G. Meade
1st and Chisholm Streets
Fort Meade Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219014848
Status: Unutilized
Comment: 7670 sq. ft.; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 6599
Fort George G. Meade
Zimborski Road
Fort Meade Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219014852
Status: Unutilized
Comment: 4173 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access.

Bldgs. 378, 373
Fort George G. Meade
Fort Meade Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014853, 219014854
Status: Unutilized
Comment: 1144 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 2810
Fort George G. Meade
Chisholm Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014860
Status: Unutilized
Comment: 1676 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldgs. 543, 357, 2413
Fort George G. Meade
Chisholm Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014866, 219014871, 219014875
Status: Unutilized
Comment: 4720 sq. ft. each; 2 story wood frame; needs rehab.; secured area with alternate access; possible asbestos.

Bldg. 640
Fort George G. Meade
Chamberlain Avenue
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014864
Status: Underutilized
Comment: 2504 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternative access; needs rehab; most recent use—storage.

Bldg. 269
Fort George G. Meade
Chisholm Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014873
Status: Underutilized
Comment: 3537 sq. ft.; 1 story wood frame; possible asbestos; needs rehab; secured area with alternate access; most recent use—storage.

Bldg. 2419
Fort George G. Meade
Behind Bldg. 2427—Earnie Pyle Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Numbers: 219014878
Status: Underutilized
Comment: 2441 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—arms room.

Bldg. 2426
Fort George G. Meade
Earnie Pyle Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219014880
Status: Unutilized
Comment: 7670 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 2847
Fort George G. Meade
Earnie Pyle Street
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219014883
Status: Unutilized
Comment: 3663 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; most recent use—gym.

Bldg. 6599
Fort George G. Meade
6599 Zimborski Road
Fort Meade, Co: Anne Arundel, MD 20755–5115
Landholding Agency: Army
Property Number: 219030002
Status: Unutilized
Comment: 4173 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; most recent use—PX exchange facility.

Bldg. 533
Fort George G. Meade
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219040001
Status: Unutilized
Comment: 6525 sq. ft.; one story; wood frame; possible asbestos; needs major rehab; secured area w/alternate access.

Bldg. 523
Fort George G. Meade
Fort Meade, Co: Anne Arundel, MD 20755–5115
Landholding Agency: Army
Property Number: 219040002
Status: Unutilized
Comment: 4307 sq. ft.; one story; wood frame; possible asbestos; needs major rehab; secured area w/alternate access.

Massachusetts

Bldgs. T–2732, T–2281
Fort Devens
Fort Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Numbers: 219012343–219012344
Status: Unutilized
Comment: 6351 sq. ft. each; wood, two stories, most recent use—housing.

Bldg. T–201
Fort Devens

Fort Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219012363
Status: Unutilized
Comment: 1000 sq. ft.; wood structure—needs rehab, no sanitary facilities, most recent use—company admin/supply.

Bldg. KB–0021
Fort Devens
Ft. Rodman, MA 02744–
Landholding Agency: Army
Property Number: 219140027
Status: Unutilized
Comment: 4926 sq. ft., 1 story wood, presence of asbestos, most recent use—storage.

Bldg. KB–0100
Fort Devens
Ft. Rodman, MA 02744–
Landholding Agency: Army
Property Number: 219140028
Status: Unutilized
Comment: 9100 sq. ft., 1 story insulated monopanel, most recent use—reserve center.

Bldg. KB–0102
Fort Devens
Ft. Rodman, MA 02744–
Landholding Agency: Army
Property Number: 219140029
Status: Unutilized
Comment: 15480 sq. ft., 1 story concrete block, most recent use—reserve center.

Bldg. T–0208
Fort Devens
Fort Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219140030
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0209
Fort Devens
Fort Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219140031
Status: Unutilized
Comment: 4720 sq. ft., 2 story wood, presence of asbestos, needs rehab.

Bldg. T–0236
Fort Devens
Ft Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219140032
Status: Unutilized
Comment: 4613 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Bldg. T–2676
Fort Devens
Ft Devens, Co: Middlesex/Worce, MA 01433
Landholding Agency: Army
Property Number: 219140033
Status: Unutilized
Comment: 1176 sq. ft., 1 story wood, presence of asbestos, needs rehab.

Minnesota

Le Sueur USAR Center
620 Turill Street
Le Sueur, Co: Le Sueur, MN 56058–
Landholding Agency: Army
Property Number: 219013556
Status: Underutilized
Comment: 4316/1325 sq. ft.; 1 story; most recent use—storage.

Missouri

Bldgs. T375, T376, T385
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219140040–219140042
Status: Underutilized
Comment: 4720 sq. ft. each, 2 story wood frame, presence of asbestos, not handicapped accessible.

Bldg. 384
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219140043
Status: Underutilized
Comment: 1292 sq. ft., story wood frame, presence of asbestos, not handicapped accessible.

Bldg. T8618
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219140044
Status: Unutilized
Comment: 10092 sq. ft., 1 story concrete/block frame, presence of not asbestos, not handicapped accessible, limited utilities.

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, Co: Mineral, NV 89415–
Landholding Agency: Army
Property Numbers: 219011946–219011952, 219011954, 219011956, 219011959, 219011981, 219011984, 219011988, 219011970, 219011974, 219011976–219011978, 219011980, 219011982, 219011984, 219011987, 219011990, 219011994, 219011096
Status: Unutilized
Comment: 1310–1640 sq. ft. each, one floor residential, semi/wood construction, good condition.

New York

Bldg. 503
Fort Totten
Ordance Road
Bayside, Co: Queens, NY 11357–
Landholding Agency: Army
Property Number: 219012564
Status: Unutilized
Comment: 510 sq. ft., 1 floor, most recent use—storage, needs major rahab/no utilities.

Bldg. 323
Fort Totten
Story Avenue
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012567
Status: Unutilized
Comment: 30000 sq. ft., 3 floors, most recent use-barracks & mess facility, needs major rahab.

Bldg. 304
Fort Totten
Shore Road
Bayside, Co: Queens, NY 11358–
Landholding Agency: Army
Property Number: 219012570
Status: Unutilized
Comment: 9610 sq. ft., 3 floors, most recent use—hospital, needs major rehab/no utilities disconnected.

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012573
Status: Unutilized
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rahab, utilities disconnected.

Bldg. 332
Fort Totten
Theater Road
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012578
Status: Unutilized
Comment: 6286 sq. ft., 1 floor, most recent use—theater w/stage, needs major rahab, utilities disconnected.

Bldg. 504
Fort Totten
Ordance Road
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012580
Status: Unutilized
Comment: 490 sq. ft., 1 floor, most recent use—storage, no utilities, needs major rahab.

Bldg. 322
Fort Totten
322 Story Avenue
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012583
Status: Unutilized
Comment: 30000 sq. ft., 3 floors, most recent use—barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 328
Fort Totten
326 Pratt Avenue
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012586
Status: Unutilized
Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

Bldg. 627
U.S. Military Academy—West Point
Pitcher Road, North Dock
Highland, Co: Orange, NY 10996–1592
Landholding Agency: Army
Property Number: 219030185
Status: Unutilized
Comment: 23185 sq. ft.; 1 story wood frame; needs rehab; presence of asbestos; most recent use—storage warehouse.

Oklahoma

Bldg. T–2531, Fort Sill
2531 Sheridan Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army

Property Number: 219011248
Status: Unutilized
Comment: 1990 sq. ft.; structurally unsound; asbestos; wood frame, 2 floors, WWII Bldg.

Bldgs. T–2545, T–2546, T–2548
Fort Sill
2544 Sheridan Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011255, 219011257, 219011250
Status: Unutilized
Comment: 1994 sq. ft. each; asbestos; wood frame; 2 floors, no operating sanitary facilities; most recent use—barracks.

Bldg. T–2564
Fort Sill
2564 Currie Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011264
Status: Unutilized
Comment: 1165 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T–2565
Fort Sill
2565 Currie Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011266
Status: Unutilized
Comment: 1196 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T–2566
Fort Sill
2566 Currie Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011267
Status: Unutilized
Comment: 1179 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T–2601
Fort Sill
2601 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011272
Status: Unutilized
Comment: 1600 sq. ft.; 2 story wood frame; possible asbestos; possible structure deficiencies.

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T–2613
Fort Sill
2613 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011276
Status: Unutilized
Comment: 4800 sq. ft.; possible asbestos, wood frame; 2 floors; most recent use—barracks.

Bldgs. T–2614, T–2616
Fort Sill
2614 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011278, 219011279
Status: Unutilized
Comment: 3776 sq. ft. each; possible asbestos; wood frame; two floors; most recent use—barracks.

Bldg. T–2620
Fort Sill
2620 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011281
Status: Unutilized
Comment: 2370 sq. ft. each; 2 story wood frame; possible asbestos; possible structure deficiencies.

Bldg. T–2623
Fort Sill
2623 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011287
Status: Unutilized
Comment: 2400 sq. ft.; 2 story wood frame; asbestos; possible structure deficiencies.

Bldg. T–2624
Fort Sill
2624 Miner Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011288
Status: Unutilized
Comment: 3738 sq. ft.; possible asbestos, wood frame; 2 floors; most recent use—day room.

Bldgs. T–2625, T–2628
Fort Sill
2625 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011289, 219011294
Status: Unutilized
Comment: 3664 sq. ft. each; wood frame; 2 floors; possible asbestos; most recent use—barracks.

Bldgs. T–2629 thru T–2631
Fort Sill
2629 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Numbers: 219011290, 219011290, 219011209
Status: Unutilized
Comment: 3664 sq. ft. each; wood frame; 2 floors, possible asbestos, most recent use—barracks.

Bldg. T–2650
Fort Sill
250 Ringold Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011301
Status: Unutilized
Comment: 4021 sq. ft.; 2 story; possible asbestos; possible structure deficiencies.

Bldg. T–2931
Fort Sill
2931 Currie Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011313
Status: Unutilized
Comment: 435 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor.

Bldg. T–3507
Fort Sill
3507 Sheridan Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011315
Status: Unutilized
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel.

Bldg. T–3508
Fort Sill
3508 Sheridan Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011316
Status: Unutilized
Comment: 1964 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor, WWII Bldg.

Bldg. T–3514
Fort Sill
3514 Sheridan Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011322
Status: Unutilized
Comment: 1917 sq. ft.; possible asbestos; wood frame; most recent use—administrative.

Bldg. T–3516
Fort Sill
3516 Packard Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011324
Status: Unutilized
Comment: 1495 sq. ft.; possible asbestos; wood frame; most recent use—administrative.

Bldg. T–3562
Fort Sill
3562 Packard Street
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011334
Status: Unutilized
Comment: 1027 sq. ft.; possible asbestos; wood frame; most recent use—storage.

Bldg. T–3638
Fort Sill
3638 Scott Street
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011336
Status: Unutilized
Comment: 1618 sq. ft.; 2 story wood frame possible asbestos; possible structured deficiencies.

Bldg. T–3767
Fort Sill
3767 Hartell Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011339
Status: Unutilized
Comment: 2469 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldgs. T–3779, T–3780
Fort Sill
3779 Currie Road
Lawton, Co: Comanche, OK 73503–5100

Landholding Agency: Army
Property Numbers: 219011343, 219011344
Status: Unutilized
Comment: 4720 sq. ft. each; possible asbestos, wood frame, 2 floors, most recent use—barracks.

Bldg. T–4363
Fort Sill
4363 McKee Street
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011348
Status: Unutilized
Comment: 1947 sq. ft.; some utilities; possible structural deficiencies; possible asbestos.

Bldg. T–4521
Fort Sill
4521 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011352
Status: Unutilized
Comment: 3833 sq. ft.; 1 floor, wood frame, asbestos, most recent use—classroom.

Bldg. T–4375
Fort Sill
4375 Bragg Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011356
Status: Unutilized
Comment: 1102 sq. ft.; structurally unsound; possible asbestos.

Bldg. T–4525
Fort Sill
4524 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011363
Status: Unutilized
Comment: 1636 sq. ft., 1 floor, asbestos, wood frame, most recent use—Exchange Service Outlet.

Bldg. T–4526
Fort Sill
4526 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011366
Status: Unutilized
Comment: 3833 sq. ft., 1 floor, asbestos, wood frame, most recent use—recreation building.

Bldg. T–4367
Fort Sill
4387 Bragg Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011367
Status: Unutilized
Comment: 1968 sq. ft.; no sanitary facilities; structurally unsound; possible asbestos; two story wood frame.

Bldg. T–4502
Fort Sill
4502 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011376
Status: Unutilized
Comment: 2812 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T–4535
Fort Sill
4535 Hartell Blvd.
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011384
Status: Unutilized
Comment: 2816 sq. ft., 1 story wood frame, possible asbestos, possible structural deficiencies.

Bldg. T–4510
Fort Sill
4510 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011386
Status: Unutilized
Comment: 3006 sq. ft.; asbestos; wood frame; 1 floor; most recent use—medical storage

Bldg. T–4513
Fort Sill
4513 Wilson Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011389
Status: Unutilized
Comment: 3842 sq. ft.; asbestos; wood frame; 1 floor; most recent use—classroom.

Bldg. T–4556
Fort Sill
4556 Hartell Blvd.
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011401
Status: Unutilized
Comment: 2308 sq. ft.; possible asbestos; possible structural deficiencies; one story wood frame.

Bldg. T–4720
Fort Sill
4720 Hartell Blvd.
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219011405
Status: Unutilized
Comment: 13225 sq. ft.; visual asbestos; wood frame; 2 floors; most recent use—recreation bldg.

Bldg. T–4550
Fort Sill
4550 Hartell Blvd.
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219013795
Status: Unutilized
Comment: 2750 sq. ft.; 1 story wood frame; possible asbestos; most recent use—headquarters bldg.

Bldg. T–836
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton, Co: Comanche, OK 73503–
Landholding Agency: Army
Property Number: 219014328
Status: Unutilized
Comment: 1341 sq. ft.; 1 story wood frame; most recent use—storage; possible asbestos.

Bldg. T–4919
Fort Sill
4919 Post Road
Lawton, Co: Comanche, OK 73503–
Landholding Agency: Army
Property Number: 219014842
Status: Unutilized
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4541
Fort Sill
4541 Hartell Blvd.
Lawton, Co: Comanche, OK 73503–
Landholding Agency: Army
Property Number: 219014935
Status: Unutilized
Comment: 2340 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—administration.

Bldg. S–701
Fort Sill
701 Randolph Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219030183
Status: Unutilized
Comment: 19903 sq. ft.; steel/wood frame; 1 story; needs rehab; possible asbestos; most recent use—general instruction building.

South Carolina

Bldg. 5405
Jackson Blvd
Fort Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219012563
Status: Unutilized
Comment: 4764 sq. ft.; 1 floor; wood frame; needs rehab; to be vacated mid 1990.

Bldg. 2438, Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140003
Status: Unutilized
Comment: 3779 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—storage.

Bldg. 8562, Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140004
Status: Unutilized
Comment: 992 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—administrative.

Bldgs. 8564, 8568, 9618
Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Numbers: 219140005–219140006, 219140013
Status: Underutilized
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, needs rehab, most recent use—billets/travel office/storage.

Bldg. 8571, Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140007
Status: Underutilized
Comment: 3196 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—storage.

Bldg. 8572 Fort Jackson
Ft Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140008
Status: Underutilized
Comment: 2284 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—administrative.

Bldg. 8573, Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–

Landholding Agency: Army
Property Number: 219140009
Status: Unutilized
Comment: 720 sq. ft. 1 story wood frame, off-site removal only, needs rehab, most recent use—open sided waiting shelter.

Bldg. 8575, Fort Jackson
Fort Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140010
Status: Unutilized
Comment: 1029 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—open sided waiting shelter.

Bldg. 8576, Fort Jackson
Fort Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140011
Status: Unutilized
Comment: 3888 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—open sided waiting shelter.

Bldg. 9530, Fort Jackson
Fort Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140012
Status: Underutilized
Comment: 5782 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—administrative.

Bldg. 9630, Fort Jackson
Fort Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140014
Status: Underutilized
Comment: 1170 sq. ft., 1 story wood frame, off-site removal only, needs rehab, most recent use—storage.

Tennessee

Milan Army Ammunition Plant
Area Q—Housing Area—Q–27, Q–7, Q–12
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Numbers: 219010559, 219010605, 219010609
Status: Underutilized
Comment: two story; wood frame, temporarily empty due to personnel rotation.

Robert Joel Ridings
U.S. Army Reserve Center
920 Cherokee Avenue
Nashville, Co: Davidson, TN 37207–
Landholding Agency: Army
Property Number: 219011667
Status: Excess
Comment: 40,000 sq. ft., 3.67 acres; concrete block; utilities disconnected; site vandallized.

Area Q—Housing Area—Q–20, Q–21, Q–26
Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Numbers: 219014790, 219110032–219110033
Status: Underutilized
Comment: 2506 sq. ft. each; 2 story wood frame residence.

Area Q—Housing Area—Q–28, Q–9, Q–4, Q–15, Q–19
Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Numbers: 219110034, 219110102, 219120272, 219120273, 219120274
Status: Underutilized
Comment: 2024 sq. ft. each; 2 story; wood frame residence.

Texas

Bldg. T–227
Fort Sam Houston
San Antonio, Co: Bexar, TX 78234–
Landholding Agency: Army
Property Number: 219014275
Status: Excess
Comment: 2987 sq. ft., 1 story wood structure; major rehab needed.

Bldgs. 1189, 1192, T–1193
Fort Sam Houston
San Antonio, Co: Bexar, TX 78234–
Landholding Agency: Army
Property Numbers: 219014276–219014277, 219014280
Status: Excess
Comment: 9190 sq. ft., 1 story wood structure; needs major rehabilitation.

Bldgs. T–4001, T–4004
Fort Sam Houston
San Antonio, Co: Bexar, TX 78234–
Landholding Agency: Army
Property Numbers: 219014278, 219014279
Status: Underutilized
Comment: 48000 sq. ft. each, 2 story wood frame building with metal siding; needs rehab; possible asbestos.

Bldg. 2
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014815
Status: Unutilized
Comment: 94606 sq. ft., 1 story wood and metal frame, subject to sewer pipeline easement; needs rehab.

Bldg. 4
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014816
Status: Unutilized
Comment: 1350 sq. ft., 1 story wood and metal frame, subject to sewer pipeline easement; needs rehab.

Bldg. 17
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014817
Status: Unutilized
Comment: 68 sq. ft., wood and metal frame, subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 29
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014818
Status: Unutilized
Comment: 5028 sq. ft., 1 story wood and metal frame, subject to sewer pipeline easement; needs rehab.

Bldg. 30
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014819
Status: Unutilized
Comment: 5323 sq. ft., 1 story wood and metal frame, subject to sewer pipeline easement; needs rehab.

Bldg. 18
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014820
Status: Unutilized
Comment: 9560 sq. ft., 1 story wood and metal frame, subject to sewer pipeline easement; needs rehab.

Bldg. 6
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014821
Status: Unutilized
Comment: 1258 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 7
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014822
Status: Unutilized
Comment: 506 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 8
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014824
Status: Unutilized
Comment: 171 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—watch tower.

Bldg. 16
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014825
Status: Unutilized
Comment: 17,263 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 19
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014826
Status: Unutilized
Comment: 25,399 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 31
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014827
Status: Unutilized
Comment: 1392 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 9
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014828
Status: Unutilized

Comment: 244 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 25
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014829
Status: Unutilized
Comment: 1320 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—fire house.

Bldg. 10
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014830
Status: Unutilized
Comment: 354 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 26
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014831
Status: Unutilized
Comment: 3518 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 21
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014832
Status: Unutilized
Comment: 65 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 22
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014833
Status: Unutilized
Comment: 50,581 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 27
Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014834
Status: Unutilized
Comment: 228 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—control tower.

Bldg. 32
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014835
Status: Unutilized
Comment: 19546 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

T–4013
Fort Sam Houston
San Antonio Co: Bexar, TX 78234–
Landholding Agency: Army
Property Number: 1219030001
Status: Underutilized
Comment: 84087 sq. ft.; 1 story wood frame; needs rehab; limited utilities

Bldg. 856
Fort Bliss
856 Lufberry Road
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219030166
Status: Unutilized
Comment: 1770 net sq. ft.; 1 story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 4203
Fort Bliss
4203 Ellerthrope Avenue
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219110037
Status: Unutilized
Comment: 4200 net sq. ft.; one story wood frame; off-site use only; most recent use—bowling center.

Bldg. 4769
Fort Bliss
4769 Burgin Street, Logan Heights
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219110038
Status: Unutilized
Comment: 873 net sq. ft.; one story wood frame; off-site use only; most recent use—headquarters building.

Bldg. 4306—Fort Bliss, Tex.
4306 Link Road
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120121
Status: Unutilized
Comment: 4106 sq. ft., one story wood frame; needs rehab; most recent use—Skill Development Center; off-site use only.

Bldg. 4348—Fort Bliss, Tex.
4348 Leo Drive
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120122
Status: Unutilized
Comment: 1829 sq. ft., one story wood frame; most recent use—vehicle maintenance shop; off-site use only.

Bldg. 4349—Fort Bliss, Tex.
4349 Leo Drive
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120123
Status: Unutilized
Comment: 1829 sq. ft., one story wood frame; most recent use—vehicle maintenance shop; off-site use only.

Bldgs. 4820, 4868, 4877
Fort Bliss
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120133, 219120140, 219120142
Status: Unutilized
Comment: 873 net sq. ft. each, one story; most recent use—storage; off-site use only.

Bldgs. 4867, 4925
Fort Bliss, Tex.
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120130, 219120144
Status: Unutilized
Comment: 2169 sq. ft. each, one story wood frame; most recent use—general storage; off-site use only.

Bldg. 4921—Fort Bliss, Tex.
4921 Ketcham Avenue
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120143
Status: Unutilized
Comment: 1381 sq. ft., one story wood frame; possible friable asbestos; most recent use—Day room; off-site use only.

Bldg. 4936—Fort Bliss, Tex.
4936 Burgin Street
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120145
Status: Unutilized
Comment: 1770 sq. ft., one story wood frame; possible friable asbestos; most recent use—storage; off-site use only; limited utilities.

Bldg. 4940—Fort Bliss, Tex.
4940 Burgin Street
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120146
Status: Unutilized
Comment: 1792 sq. ft., one story wood frame; possible friable asbestos; most recent use—storage; off-site use only; limited utilities.

Bldg. 11190—Fort Bliss, Tex.
11190 SGT E. Churchill Street
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120147
Status: Unutilized
Comment: 600 sq. ft., one story wood frame, limited utilities; needs rehab; most recent use—storage; off-site use only.

Bldg. 11191—Fort Bliss, Tex.
11191 SGT E. Churchill Street
El Paso Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219120148
Status: Unutilized
Comment: 1140 sq. ft., one story wood frame; limited utilities; most recent use—storage; off-site use only.

Harlingen USARC
1920 East Washington
Harlingen Co: Cameron, TX 78550–
Landholding Agency: Army
Property Number: 219120304
Status: Excess
Comment: 19440 sq. ft., 1 story brick, needs rehab, with approx. 6 acres including parking areas, most recent use—Army Reserve Training Center.

Bldgs. 509–510
Fort Hood
Old Battalion Avenue
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Numbers: 219140001–219140002
Status: Unutilized
Comment: 2880 sq. ft. each, 2 story wooden structure, needs rehab, most recent use—storage/youth center.

Bldg. 912
Fort Hood
Central Drive
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 219140035
Status: Unutilized
Comment: 2763 sq. ft., 1 story, needs rehab, most recent use—storage.

Bldg. 913
Fort Hood
Central Drive
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 219140036
Status: Unutilized
Comment: 1215 sq. ft., 1 story, needs rehab, most recent use—storage.

Bldg. 944
Fort Hood
Old Park Avenue
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 219140037
Status: Unutilized
Comment: 1098 sq. ft., 1 story, needs rehab, most recent use—storage.

Bldg. 1035
Fort Hood
Battalion Avenue
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 219140038
Status: Unutilized
Comment: 23211 sq. ft., 1 story, needs rehab, most recent use—storage.

Bldg. 1067
Fort Hood
Battalion Avenue
Ft. Hood Co: Bell, TX 76544–
Landholding Agency: Army
Property Number: 219140039
Status: Unutilized
Comment: 17100 sq. ft., 1 story, needs rehab, most recent use—storage.

Virginia

Bldgs. T413–T415, T418, T421–T423, T426–T428, T431–T433, T441–T443, T446–T448, T1724, T1726–T1727, T1876–T1877, T2213, T2413–T2415, T2418–T2424, T2427–T2430, T2437–T2439, T2442–T2448, T2451–T2453, T2615–T2616, T1363–T1364, T2208, T2209, T1349–T1351, T1354–T1355, T3042–T3048, T1051–T3054
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010009–219010079
Status: Unutilized
Comment: 4292 sq. ft. each; Selected periods are reserved for military/training exercises.

Bldgs. T435–T438, T440, T1718, T2220, 1662, T2411–T2412, 2431, T2433–T2434, T2455–T2457, T2612–T2614, T2633, T2635–T2636, T2638, T2657, T2659, T1367, T1886, 1887, 2205, 2207, 2227, 2228, 2811, 2832, 2834–2835, 2837, 2856, 3016–3017, 3031, 3032–3036, T412, T424–425, T434, T444, T445, T1880, 2416, T2425, 2416, T2425, T2428, 2440–2441, 2449–2450, 2818, 2819, 2827, 2828, 2824, 2843, 2852, 1357, 1358, 2211, 2220–2221, 2826–2827, 2841–2842, 2850–2851, 3010, 3012, 3025, 3040–3041, 3049, 3050, 3057
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010080–219010104, 219011002, 219011004, 219011005–219011008, 219011011, 219011013, 219011015–219011016, 219011018–219011019, 219011021–219011022, 219011024–219011026, 219011028–219011030, 219011060, 219011064–219011065, 219011067–219011068, 219011070–219011071, 219011073–219011074, 219011076–219011077, 219011079–219011081, 219011063, 219011085–219011086, 219011088–219011089, 219011091, 219011093, 219011096–219011103, 219011105, 219011107, 219011114, 219011118, 219011121, 219011140, 219011143, 219011145–219011147, 219011031
Status: Unutilized
Comment: 2900 sq. ft. each; selected periods are reserved for military/training exercises.

Bldg. 1676
Fort Pickett
Blackstone Co: Nottoway, VA 23930–
Landholding Agency: Army
Property Number: 219010971
Status: Underutilized
Comment: 3300 sq. ft.; selected periods reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldgs. 1663, 1664, T2017, T2620–T2626, T2629–T2632, 2639, T2640, T2641, 2644–2646, 2647–2648, 2650, 2814, 2815, T2852–T2853, T2854–T2855
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010972, 219010976, 219010979, 219010982, 219010984, 219010987, 219010990, 219010993, 219010995, 219010998, 219011000, 219011003, 219011010, 219011012, 219011014, 219011017, 219011020, 219011023, 219011027, 219011032, 219011033–219011036, 219011038, 219011040, 219011043, 219011046, 219011047
Status: Underutilized
Comment: 4292 sq. ft. each; selected periods are reserved for military/training exercises, most recent use—barracks.

Bldg. 1677
Fort Pickett
Blackstone Co: Nottoway, VA 23930–
Landholding Agency: Army
Property Number: 219010973
Status: Underutilized
Comment: 3300 sq. ft.; selected periods reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldgs. 1666, 1667, 1696
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010974–219010975, 219010977
Status: Underutilized
Comment: 1300 sq. ft. each; selected periods are reserved for military/training exercises; most recent use—Hdqts. Bldgs.

Bldg. 1667
Fort Pickett
Blackstone Co: Nottoway, VA 23930–
Landholding Agency: Army
Property Number: 219010978
Status: Underutilized
Comment: 11000 sq. ft.; most recent use—mess hall; selected periods are reserved for military/training exercises.

Bldg. 1686
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219010980
Status: Underutilized
Comment: 11000 sq. ft.; most recent use—mess hall; selected periods are reserved for military/training exercises.

Bldg. 1690
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219010981
Status: Underutilized
Comment: 2300 sq. ft.; selected periods are reserved for military/training exercises; most recent use—storage.

Bldg. 2810
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219010983
Status: Underutilized
Comment: 3500 sq. ft.; most recent use—recreation; selected periods are reserved for military/training exercises.

Bldgs. 2800, 2801
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010985–219010986
Status: Underutilized
Comment: 1200 sq. ft. each; most recent use—recreation; selected periods are reserved for military/training exercises.

Bldgs. 2802, 2808
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010988–219010989
Status: Underutilized
Comment: 2200 sq. ft. each; most recent use—Recreation Bldg; selected periods are reserved for military/training exercises.

Bldgs. 1315, 1316
Fort Pickett
Blackstone Co: Nottoway, VA 23930–
Landholding Agency: Army
Property Numbers: 219010991–219010992
Status: Underutilized
Comment: 4038 sq. ft. each; most recent use—housing; selected periods are reserved for military/training exercises.

Bldgs. T1340, T1365, 1309, 2610
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219010994, 219010996–219010997, 219010999
Status: Underutilized
Comment: 2250 sq. ft. each; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. T3055
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219011001
Status: Underutilized
Comment: 2307 sq. ft.; most recent use—recreation facility; selected periods are reserved for military/training exercises.

Bldgs. 1662, 1665, 1668, 1669, 1691
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219011037, 219011039, 219011041–219011042, 219011044
Status: Underutilized
Comment: 2500 sq. ft. each; selected periods reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldgs. 2402, 2800, T2410, 3002, 3005
Fort Pickett
Blackstone Co: Nottoway, VA 23930–
Landholding Agency: Army
Property Numbers: 219011048–219011049, 219011051–219011052
Status: Underutilized
Comment: 1176 sq. ft. each; selected periods of time reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldgs. 1897, 2229, 2236–2239, 2373, 2462–2463, 2671, 2672–2673, 3864, 2865, 3061–3063
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219011050, 219011053–219011059, 219011061–219011063, 219011066, 219011069, 219011072, 219011075
Status: Underutilized
Comment: 2761 sq. ft. each; most recent use—veh. maint. shop; selected periods are reserved for military/training exercises.

Bldgs. 1725, 2800, 2851, 2803, 2817
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219011078, 219011082, 219011087, 219011090
Status: Underutilized
Comment: 2300 sq. ft. each; most recent use—dining fac; selected periods are reserved for military/training exercises.

Bldgs. 1352, 3028
Fort Pickett
Blackstone Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219011092, 219011095
Status: Underutilized
Comment: 3500 sq. ft. each; most recent use—dining fac; selected periods are reserved for military/training exercises.

Bldgs. 1932
Fort Belvoir
Goethals Road
Fort Belvoir Co: Fairfax, VA 22060–
Landholding Agency: Army
Property Number: 219012310
Status: Unutilized
Comment: 13780 sq. ft.; 2 floors; most recent use—storage; utilities disconnected; needs rehab, possible asbestos.

Bldg. 2222
Fort Belvoir
Fort Belvoir Co: Fairfax, VA 22060–
Location: West of Foster Road
Landholding Agency: Army
Property Number: 219012315
Status: Unutilized
Comment: 3800 sq. ft. per floor; 2 floors; concrete foundation/frame building; no utilities.

Bldg. T–6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee Co: Prince George, VA 23801–
Landholding Agency: Army
Property Number: 219012370
Status: Unutilized
Comment: 2124 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. T–6018
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee Co: Prince George, VA 23801–
Landholding Agency: Army
Property Number: 219012398
Status: Unutilized
Comment: 1575 sq. ft., 1 floor, no utilities, possible asbestos, needs rehab, off site use only.

Bldg. 227
Fort Belvoir
OPS General Purpose
Fort Belvoir Co: Fairfax, VA 22060–
Location: Off Middleton Road
Landholding Agency: Army
Property Number: 219012555
Status: Unutilized
Comment: 900 sq ft., 1 floor, most recent use—administration, needs major construction/rehab.

Bldg. T–12054
U.S. Army Logistics Center and Fort Lee
Logistics Circle
Fort Lee Co: Prince George, VA 23801–
Landholding Agency: Army
Property Number: 219030328
Status: Unutilized
Comment: 4095 sq ft.; 1 story sheet metal; needs rehab; presence of asbestos; off-site use only.

Bldg. No. 43—Admin. Gen. Purp. Bldg.
Fort Myer
Washington Avenue
Fort Myer Co: Arlington, VA 22211–
Landholding Agency: Army
Property Number: 219120100
Status: Unutilized
Comment: 1341 sq. ft., two story, brick/wood siding, needs major rehab, possible asbestos, off-site use only.

Washington

Bldg. 675
East 10th Street & Cabell Road
Vancouver Barracks
Vancouver Co: Clark, WA 98661–3898
Landholding Agency: Army
Property Number: 219011616
Status: Excess
Comment: 13,695 sq. ft., 2 story wood frame, extensive fire damage, Historic property.

Bldg. 701
SE Corner, McClelland & McLoughlin Road
Vancouver Barracks
Vancouver Co: Clark, WA 98661–3898
Landholding Agency: Army
Property Number: 219011628
Status: Unutilized
Comment: 1 story wood frame, needs extensive repairs, Historic property.

Wisconsin

Bldgs. T–1058, T–01027—T–01030, T–01035—T01040, T–01044, T–01048—T–01053, T–01059, T–01063, T–01069, T–01034, T–01041, T–01057, T–01071—T–01080, T–01082—T–01084
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013435, 219013471–219013480, 219013483, 219013485–219013493, 219013497, 219013502, 219013504–219013505, 219013519, 219013521–219013533
Status: Unutilized
Comment: 4829 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10122
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013436
Status: Unutilized
Comment: 1900 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10123
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013437
Status: Unutilized
Comment: 2405 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10135
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013438
Status: Unutilized
Comment: 97 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10136
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013439
Status: Unutilized
Comment: 96 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldg. T–10127
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013440
Status: Unutilized
Comment: 1148 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P–10119
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013441
Status: Unutilized
Comment: 215 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P–10137
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013442
Status: Unutilized
Comment: 192 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldgs. T–01088—T–01089, T–01090—T–01093, T–01094—T–01097, T–01014
Fort McCoy
Army Hospital Complex

Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013444–219013445, 219013446–219013449, 219013452–219013455, 219013457
Status: Unutilized
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10116
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013450
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10120
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013451
Status: Unutilized
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10113
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013456
Status: Unutilized
Comment: 2393 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10121
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013458
Status: Unutilized
Comment: 506 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10100—T–10103, T–10105, T–10107, T–10108
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013459–219013462, 219013463, 219013465–219013466
Status: Unutilized
Comment: 3944 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10106
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013464
Status: Unutilized
Comment: 4105 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10124
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013467
Status: Unutilized
Comment: 3115 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–10125—T–10126
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013468–219013469
Status: Unutilized
Comment: 3590 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10110
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013470
Status: Unutilized
Comment: 2548 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—vehicle storage.

Bldgs. T–01042, T–01043, T–01045, T–01060—T–01062, T–01022—T–01025, T–01064, T–01085—T–01086
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013481–219013482, 219013484, 219013494–219013496, 219013515–219013518, 219013520, 219013534–219013535
Status: Unutilized
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01065—T–01067
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013498–219013500
Status: Unutilized
Comment: 4793 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01068
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013501
Status: Unutilized
Comment: 4846 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01032
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013503
Status: Unutilized
Comment: 5586 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01054
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013506
Status: Unutilized
Comment: 4184 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01033
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013507
Status: Unutilized
Comment: 5241 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10112
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013508
Status: Unutilized
Comment: 1273 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—morgue.

Bldg. T–01031
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013509
Status: Unutilized
Comment: 4813 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01002
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013510
Status: Unutilized
Comment: 2573 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01010
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013511
Status: Unutilized
Comment: 8799 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10109
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013512
Status: Unutilized
Comment: 2000 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01098
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013513
Status: Unutilized

Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01099
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013514
Status: Unutilized
Comment: 3294 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01003
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013536
Status: Unutilized
Comment: 3386 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01001
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013537
Status: Unutilized
Comment: 3350 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01005
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013538
Status: Unutilized
Comment: 3253 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01020
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013539
Status: Unutilized
Comment: 4150 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01070, T–01081
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013540–219013541
Status: Unutilized
Comment: 7133 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01006—T–01007, T–01009, T–01012—T–01013, T–01015—T01018
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013542–219013544, 219013546–219013551
Status: Unutilized
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01011
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013542
Status: Unutilized
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01021
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013552
Status: Unutilized
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01004 T–01019
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Numbers: 219013553–21903554
Status: Unutilized
Comment: 2815 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01056
Fort McCoy
Army Hospital Complex
Sparta Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013555
Status: Unutilized
Comment: 15857 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01000
Fort McCoy
Army Hospital Complex
Sparta, Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013556
Status: Unutilized
Comment: 3378 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; more recent use—fire station.

Bldg. T–01055
Fort McCoy
Army Hospital Complex
Sparta, Co: Monroe, WI 54646–5000
Landholding Agency: Army
Property Number: 219013557
Status: Unutilized
Comment: 5471 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Land (by State)

Alaska

Eklutna Dispersal Site
Fort Richardson
Anchorage, Co: Anchorage, AK 99505–
Landholding Agency: Army
Property Number: 219014606
Status: Underutilized
Comment: 500 acres; parkland; environmentally protected.

Arkansas

Pine Bluff Arsenal
Pine Bluff, Co: Jefferson, AR 71602–9500
Location: 8 miles north of Pine Bluff on Highway 365
Landholding Agency: Army
Property Number: 219013041
Status: Unutilized
Comment: 1 acre and 3 acres; potential utilities; brush terrain; used as safety buffer; subject to easements.

Illinois

Arlington USAR Center
1515 W. Central Road
Arlington Height, Co: Cook, IL 60005–
Landholding Agency: Army
Property Number: 219013921
Status: Underutilized
Comment: 6 acres; access subject to negotiation.

Kansas

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, Co: Leavenworth, KS 66027–5020
Landholding Agency: Army
Property Number: 219012333
Status: Underutilized
Comment: 144+ acres.

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, Co: Leavenworth, KS 66027–5020
Landholding Agency: Army
Property Number: 219012336
Status: Underutilized
Comment: 281+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises.

Parcel 4
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, Co: Leavenworth, KS 66027–5020
Landholding Agency: Army
Property Number: 219012339
Status: Underutilized
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area.

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, Co: Leavenworth, KS 66027–5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Landholding Agency: Army
Property Number: 219012340
Status: Underutilized
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, Co: Leavenworth, KS 66027–5020
Landholding Agency: Army
Property Number: 219012552
Status: Unutilized
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton, Co: Ramsey, MN 55112–
Landholding Agency: Army
Property Number: 219120260
Status: Underutilized
Comment: Approx. 25 acres, possible contamination, secured area with alternate access.

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: South-southwest of Hawthorne along HWAAP'S South Magazine Area at western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road & utility easements; no utility hookup.

Tennessee

Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Location: Plant boundary in the northeast corner of the plant & housing area
Landholding Agency: Army
Property Number: 219010547
Status: Excess
Comment: 17.2 acres; right of entry legal constraint

Holston Army Ammunition Plant
Kingsport, Co: Hawkins, TN 61290–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Land Saginaw Army Aircraft Plt
Saginaw, Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014814
Status: Unutilized
Comment: 154.3 acres; includes buildings/structures/parking and air strip.

Suitable/Unavailable Properties

California

Bldg. 226
Parks Reserve Forces Training Area
Dublin, Co: Alameda, CA 94129–
Landholding Agency: Army
Property Number: 219013010
Status: Unutilized
Comment: 11500 sq. ft.; 3 story temporary wood; extensive asbestos present; most recent use—barracks.

Georgia

Bldg. 5325
Fort Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219010140
Status: Unutilized
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Kentucky

Bldg. 2945
Fort Campbell
Fort Campbell, Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219012543
Status: Underutilized
Comment: 4248 sq. ft.; 2 story; selected periods are reserved for military/training exercises; possible asbestos.

Bldgs. 144, 145
Fort Campbell,
Ft. Campbell, Co: Christian, KY 42223–
Landholding Agency: Army
Property Numbers: 219013140–219013141
Status: Underutilized
Comment: 12576 sq. ft. each; 2 story; possible asbestos; most recent use—basic training central issue facility.

Louisiana

Bldg. 8323
12th Street
Fort Polk, Co: Vernon, LA 71459–5000
Landholding Agency: Army
Property Number: 219012730
Status: Underutilized
Comment: 4015 sq. ft.; temporary wood frame; most recent use—motor pool maintenance shop.

Massachusetts

Bldg. T–206
Fort Devens
Fort Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219012345
Status: Underutilized
Comment: 1000 sq. ft., 1 story, wood, most recent use—day room.

Bldg. T–209
Fort Devens
Fort Devens, MA 01433–
Landholding Agency: Army
Property Number: 219030265
Status: Underutilized
Comment: 4070 sq. ft.; 2 story wood frame; needs rehab; most recent use—barracks.

New Jersey

Bldgs. 3315–B, 3316–C, 3329–C, 3329–E, 3346–C, 3349–B, 3349–C, 3350–B, 3350–E, 3350–G, 3356–A thru D
Nelson Family Housing
Harty Road
Frot Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Numbers: 219030194, 219030198, 219030206–219030207, 219030223, 219030227–219030228, 219030230–219030232, 219030235–219030238
Status: Unutilized
Comment: 879 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldgs. 3315–C, 3349–E, 3351–C&D, 3350–E
Nelson Family Housing
Harty Road
Fort Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Numbers: 219030195, 219030229, 219030233–219030234, 219030239
Status: Unutilized
Comment: 595 sq. ft. each; 1 story residence; structurally deteriorated; possible asbestos.

Bldgs. 3316–A&B, 3317–A, 3322–C, 3319–C, 3323–A&B, 3332–A&B, 3333–E, 3336–F, 3336–E, 3338–B, 3339–A, 3340–A, 3342–A, B, C, D, E, 3345–A, 3348–A, B, C
Nelson Family Housing
Singer Road
Fort Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Numbers: 219030196–219030197, 219030199, 219030201–219030204, 219030208–219030220, 219030222, 219030224–219030226
Status: Unutilized
Comment: 975 sq. ft. each; 2 story residences; structurally deteriorated; possible asbestos.

Bldgs. 3318–A, 3325–A, 3344–B
Nelson Family Housing
Singer Road
Fort Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Numbers: 219030200, 219030205, 219030221
Status: Unutilized
Comment: 1267 sq. ft. each; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3357–C
Nelson Family Housing
Lexington Avenue
Fort Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Number: 219030240
Status: Unutilized
Comment: 675 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldgs. 3357–D, 3357–E
Nelson Family Housing
Lexington Avenue
Fort Dix, Co: Burlington, NJ 08640–
Landholding Agency: Army
Property Numbers: 219030241–219030242
Status: Unutilized
Comment: 675 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Tennessee

Area Q—Housing Area—Q–1
Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Number: 219120271
Status: Underutilized
Comment: 2024 sq. ft., 2 story wood frame, most recent use—residence, intermittently used during selected periods.

Virginia

Bldg. 2809
Fort Pickett
Blackstone, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219030271
Status: Underutilized
Comment: 3500 sq. ft.; selected periods are reserved for military/training exercises; most recent use—recreation building.

Bldg. 2649
Fort Pickett
Blackston, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Number: 219030272
Status: Underutilized
Comment: 2900 sq. ft.; selected periods are reserved for military/training exercises; most recent use—dining facility.

Bldgs. 2212, 2417
Fort Pickett
Blackstone, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219030279–219030280
Status: Underutilized
Comment: 2256 sq. ft. ea.; selected periods are reserved for military/training exercises; most recent use—headquarters building.

Bldgs. 1693–1695
Fort Pickett
Blackstone, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219030281–219030283
Status: Underutilized
Comment: 6912 sq. ft. ea.; selected periods are reserved for military/training exercises; most recent use—barracks.

Bldgs. T–3029, 3030, T–3037 thru T–3039
Fort Pickett
Blackstone, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219030284–219030288
Status: Underutilized
Comment: 4292 sq. ft. ea.; selected periods are reserved for military/training exercises; most recent use—barracks.

Bldgs. 1356, 1360–1362, 1668–1675, 1678–1685
Fort Pickett
Blackstone, Co: Nottoway, VA 23824–
Landholding Agency: Army
Property Numbers: 219030295–219030314
Status: Underutilized
Comment: 11000 sq. ft. ea.; selected periods are reserved for military/training exercises; most recent use—mess hall.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 270
Los Alamitos Armed Forces Reserve Center
Main entrance on Lexington Dr.
Los Alamitos, Co: Orange, CA 90720–5001
Landholding Agency: Army
Property Number: 219120324
Status: Underutilized
Comment: 90 sq. ft., concrete/aluminum, off-site use only, most recent use—aircraft steam cleaning bldg.

Maryland

Bldg. 101
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, Co: Montgomery, MD 20910–
Landholding Agency: Army
Property Number: 219012678
Status: Underutilized
Comment: 18436 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 104
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, Co: Montgomery, MD 20910–
Landholding Agency: Army
Property Number: 219012679
Status: Underutilized
Comment: 12495 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 107
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, Co: Montgomery, MD 20910–
Landholding Agency: Army
Property Number: 219012680
Status: Underutilized
Comment: 4107 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Bldg. 120
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, Co: Montgomery, MD 20910–
Landholding Agency: Army
Property Number: 219012681
Status: Underutilized
Comment: 2442 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Unsuitable Properties

Buildings (by State)

Alabama

80 Bldgs.
Redstone Arsenal
Redstone Arsenal, Co: Madison, AL 35898–
Landholding Agency: Army
Property Number: 219014000, 219014003–219014005, 219014009, 219014012, 219014015–219014053, 219014055–219014061, 219014064, 219014066, 219014068–219014080, 219014291–219014292, 219110109–219110111, 219120247–219120251, 219130001, 219140614–219140615
Status: Unutilized
Reason:
Secured Area

Bldg. P00894
Fort McClellan
3rd Avenue in Area 8 Motor Pool
Fort McClellan, Co: Calhoun, AL 36205–5000
Landholding Agency: Army
Property Number: 219110046
Status: Unutilized
Reason:
Other
Comment: Gas station.

Bldg. T00862
Fort McClellan
Off 21st Street between 2nd & 3rd Avenue
Fort McClellan, Co: Calhoun, AL 36205–5000
Landholding Agency: Army
Property Number: 219130019
Status: Unutilized
Reason:
Other
Comment: Extensive deterioration.

Complex A, B, C, D
Anniston Army Depot
Wherry Housing—Terrace Homes Apt.
Anniston, Co: Calhoun, AL 36201–
Landholding Agency: Army
Property Number: 219130104–219130107
Status: Excess
Reason:
Other
Comment: Extensive deterioration.

Two Bedroom Apt.
Anniston Army Depot
Wherry Housing—Terrace Homes Apt.
Anniston, Co: Calhoun, AL 36201–
Landholding Agency: Army
Property Number: 219130108
Status: Excess
Reason:
Other
Comment: Extensive deterioration.

77 Bldgs.
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg, Co: Talladega, AL 35044–
Landholding Agency: Army
Property Number: 219210018–219210004
Status: Excess
Reason:
Secured Area

Bldgs. 5710, 5814, 5815
Fort Rucker
Ft. Rucker, Co: Dale, AL 36362–
Landholding Agency: Army
Property Number: 219210140–219210141
Status: Unutilized
Reason:
Other
Comment: Extensive deterioration.

Alaska

Bldgs. 4006, 3705
Fort Wainwright
6th Infantry Division
Fort Wainwright, Co: Fairbanks, AK
Landholding Agency: Army
Property Number: 219013778, 219013780
Status: Excess
Reason:
Secured Area

Bldg. 603
Fort Richardson
Fort Richardson, Co: Anchorage, AK 99505–
Landholding Agency: Army
Property Number: 219014289
Status: Excess
Reason:
Secured Area

Bldgs. P01024, 1186, 2050
Fort Wainwright, Co: Fairbanks, AK 99703–
Landholding Agency: Army
Property Number: 219014685–219014686, 219014690

Status: Unutilized
Reason:
Floodway
Bldgs. 1514, 1546, 1568
Fort Wainwright, Co: Fairbanks, AK 99703–
Landholding Agency: Army
Property Number: 219014687–219014689
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area
Bldgs. 1060, 1062
Officer's Military Housing
Fort Wainwright, Co: Fairbanks, AK 99703–
Location: North of Apple Street and West of 100th Street.
Landholding Agency: Army
Property Number: 219014691–219014692
Status: Underutilized
Reason:
Floodway
Bldgs. T00168, T01347
Fort Greely
Ft. Greely, AK 99790–
Landholding Agency: Army
Property Number: 219210124–219210125
Status: Unutilized
Reason:
Other
Comment: Extensive deterioration.

Arizona

49 Bldgs.
Yuma Proving Ground
Yuma, Co: Yuma/La Paz, AZ 85365–9102
Landholding Agency: Army
Property Number: 219011730, 219011744–219011745, 219013931–219013955, 219013962–219013964, 219013966–219013980
Status: Underutilized
Reason:
Secured Area
32 Bldgs.
Navajo Depot Activity
Bellemont, Co: Coconino, AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason:
Secured Area
10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont, Co: Coconino, AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason:
Secured Area
9 Bldgs.
Navajo Depot Activity
Bellemont, Co: Coconino, AZ 86015–5000
Location: 12 miles west of Flagstaff on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area
Bldgs. 15349, 15368, 22330, 84001
Fort Huachuca
Sierra Vista, Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219130003–219130004, 219210016–219210017
Status: Excess
Reason: Other
Comment: Extensive deterfomtion.

Arkansas

Fort Smith USAR Center
Fort Smith
1218 South A Street
Fort Smith, Co: Sebastian, AR 72901–
Landholding Agency: Army
Property Number: 219014928
Status: Unutilized
Reason:
Within 2000 ft. of FLammable or explosive material
U.S. Army Garrison
Fort Chaffee
428 Ellis Avenue
Fort Chaffee, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219110114
Status: Underutilized
Reason: Other
Comment: Fuel pumphouse.
U.S. Army Garrison
Fort Chaffee
1916 and 2520 1st Avenue
Fort Chaffee, Co: Sebastian, AR 72905–5000
Landholding Agency: Army
Property Number: 219110115–219110116
Status: Unutilized
Reason: Other
Comment: Fuel pumphouse.

California

P–12 Fort Ord
East Garrison
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010722
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
16 Bldgs., Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010724–219010727, 219010729–219010737, 219010739, 219010741, 219010744
Status: Underutilized
Reason:
Secured Area
(Some are also within 2000 ft. of flammable or explosive material)
T–1781 Fort Ord
4th St. and 1st Ave.
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010746
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Other environmental
Secured Area
Comment: Friable asbestos.
T–6, T–9, T–10, T–23, T–26, T–27, T–135 Fort Ord
East Garrison
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010747, 219010749, 219010754, 219010758, 219010761, 219010765, 219010774
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
T–1782, T–1783, T–1784, T–1785, T–1786, T–22 Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010748, 219010750, 219010752–219010753, 219010755–219010756
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Other environmental
Comment: Friable asbestos.
T–1801, T–1787 Fort Ord
4th St. and 1st Ave.
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010757, 219010021
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area
T–1806, T–1807 Fort Ord
4th St. 2nd Ave.
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010759–219010760
Status: Unutilized
Reason:
Other environmental
Secured Area
Comment: Contains friable asbestos.
10 Bldgs. Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010762–219010764, 219010770–219010773, 219010791, 219010827, 219010831
Status: Unutilized
Reason: Secured Area
56 Bldgs. Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010766–219010767, 219010769, 219010775–219010780, 219010792–219010808, 219010808–219010815, 219010818–219010819, 219010821, 219010823–219010824, 219010826, 219010828–219010829, 219013818–219013819, 219013821, 219013826–219013827
Status: Unutilized
Reason: Secured Area
6 Bldgs. Fort Ord
Fort Ord, Co: Monterey, CA 93940–
Landholding Agency: Army
Property Number: 219010807, 219010817, 219010820, 219010822, 219010825, 219013817
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Bldgs. P–99, T–324
Fort Hunter Liggett
Jolon, Co: Monterey, CA 93944–
Landholding Agency: Army
Property Number: 219012413, 219012420
Status: Unutilized
Reason: Other
Comment: Latrine, detached structure.
Bldgs. P–177, P–178, 325

Fort Hunter Liggett
Jolon, Co: Monterey, CA 93928–
Landholding Agency: Army
Property Number: 219012414–219012415, 219012600
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank, Co: Stanislaus, CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Secured Area
Bldgs. T–323, T–322
Fort Hunter Liggett
Mission Road
Jolon, Co: Monterey, CA 93928–
Landholding Agency: Army
Property Number: 219012601–219012602
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
Comment: Within 2,000 ft of sewage facility.
19 Bldgs.
Fort Ord
Fort Ord, Co: Monterey, CA
Landholding Agency: Army
Property Number: 219013574–219013577, 219013579–219013581, 219013622–219013623, 219013628–219013637
Status: Unutilized
Reason: Secured Area
9 Bldgs., Nos. 2–8, 18, 156
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank, Co: Stanislaus, CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013590
Status: Unutilized
Reason: Secured Area
9 Bldgs.
Fort Ord
Fort Ord, Co: Monterey, CA
Landholding Agency: Army
Property Number: 219013824, 219013836–219013839, 219014294–219014299
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area
9 Bldgs.
Oakland Army Base
Oakland, Co: Alameda, CA 94626–5000
Landholding Agency: Army
Property Number: 219013903–219013906, 219120048–219120051, 219140568
Status: Unutilized
Reason: Secured Area
Bldg. S–106
Sharpe Army Depot
Lathrop, Co: San Joaquin, CA 95331–
Location: Roth Road
Landholding Agency: Army
Property Number: 219014290
Status: Underutilized
Reason: Secured Area
6 Bldgs.
Fort Ord
Fort Ord, Co: Monterey, CA 93941–
Landholding Agency: Army
Property Number: 219013820, 219013825, 219014300–219014303
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.
Bldg. S–164
Fort Hunter Liggett
Ft. Hunter Liggett, Co: Monterey, CA 93928–
Location: POL Road
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area
17 Bldgs.
Sierra Army Depot
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219014695–219014700, 219014703–219014705, 219014713–219014717, 219014719–219014721
Status: Unutilized
Reason: Secured Area
Bldg. S–369
Sierra Army Depot
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219014706
Status: Unutilized
Reason: Other, Secured Area
Comment: Detached Latrine.
Bldg. P–88
Sierra Army Depot
Road Oil Storage
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219014707
Status: Unutilized
Reason: Other
Comment: Oil Storage Tank
P–C0707, P–C0708, P–C0606—Igloo
Sierra Army Depot
Magazine Area
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219014708–219014710
Status: Unutilized
Reason: Secured Area
Bldgs. 173, 177, 197
Roth Road—Sharpe Army Depot
Lathrop, Co: San Joaquin, CA
Landholding Agency: Army
Property Number: 219014940–219014942
Status: Unutilized
Reason: Secured Area
Bldg. 39 Bldgs., Nos. 3001–3040
Wherry Housing, Title VIII
Sierra Army Depot
Herlong, Co: Lassen, CA 96113–
Location: Intersection of Susanville Road and Flagler Blvd.
Landholding Agency: Army
Property Number: 219030128–219030167
Status: Unutilized
Reason: Secured Area
27 Bldgs.
Fort Ord
Fort Ord, Co: Monterey, CA 93941–5777
Landholding Agency: Army
Property Number: 219030160–219030162, 219030345–219030360, 219040379–219040381, 219110067–219110072
Status: Unutilized
Reason: Secured Area
Bldgs. S–321, T–136 Sierra Army Depot
Herlong, Co: Lassen, CA 96113–
Landholding Agency: Army
Property Number: 219120046–219120047
Status: Unutilized
Reason: Secured Area
7 Bldgs. Fort Ord
Fort Ord Co: Monterey, CA 93941–5777
Landholding Agency: Army
Property Number: 219120052–219120057, 21920099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank, Co: Stanislaus, CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area
Bldg. 81
Los Alamitos Armed Forces Reserve Center
Los Alamitos, Co: Orange, CA 90720–5001
Location: Main entrance on Lexington Dr.
Landholding Agency: Army
Property Number: 219120276
Status: Unutilized
Reason: Other
Comment: Detached latrine
Bldgs. S–80, S–115, S–133, S–136, S–206
Sharpe Site
Roth Road
Lathrop, Co: San Joaquin, CA 95331–
Landholding Agency: Army
Property Number: 219140262–219140266
Status: Unutilized
Reason: Secured Area

Colorado

87 Bldgs.
Pueblo Army Depot
Pueblo, Co: Pueblo, CO 81001–
Location: 14 miles East of Pueblo City on Highway 50
Landholding Agency: Army
Property Number: 219012209, 219012211, 219012214, 219012216, 219012221, 219012223–219012224, 219012226–219012228, 219012230–219012237, 219012239–219012257, 219012260–219012278, 219012280–219012288, 219012290–219012296, 219012300, 219012303, 219012743, 219012745, 219012747–219012748, 219014845, 219120058–219120063
Status: Unutilized
Reason: Secured Area
Bldgs. T–9643, T–9644
Fort Carson
Butts Airfield
Colorado Springs, Co: El Paso, CO 80913–5023
Landholding Agency: Army
Property Number: 219013603–219013604
Status: Unutilized
Reason: Secured Area

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart, Co: Hinesville, GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Other

Comment: Sewage treatment
Railway Spur and Bridge
Fort Gillem
Forest Park, Co: Clayton, GA 30050–
Location: Located on Highway 42, Southeast
Landholding Agency: Army
Property Number: 219014293
Status: Unutilized
Reason: Within airport runway clear zone
Facility 12304
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Other
Comment: Wheeled vehicle grease/inspection rack
Bldg. 5397
Fort Benning
Ft. Benning, Co: Muscogee, GA 31905–
Landholding Agency: Army
Property Number: 219120268
Status: Unutilized
Reason: Other
Comment: Detached lavatory bldg.
Bldgs. 19719, 19720
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Landholding Agency: Army
Property Number: 219140179–219140180
Status: Unutilized
Reason: Other
Comment: Extensive deterioration
26 Bldgs.
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Landholding Agency: Army
Property Number: 219140181–219140206
Status: Unutilized
Reason: Other
Comment: Structural damage
Bldgs. GT001, GT002, GT003, GT004, 11725–11727
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Landholding Agency: Army
Property Number: 219210136–219210139
Status: Unutilized
Reason: Secured Area

Hawaii

PU–01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa, Co: Wahiawa, HI 96786–
Landholding Agency: Army
Property Number: 219014636–219014637
Status: Unutilized
Reason: Secured Area
TMK 1–6–8–8–11
Dillingham Military Reservation
Waialua, Co: Wahiawa, HI 96791–
Location: Property adjacent to 68–000 Farrington Highway
Landholding Agency: Army
Property Number: 219014638
Status: Unutilized
Reason: Other environmental
Comment: Civil Defense—Tsunami Inundated area
TMK 1–6–9–1–29
Dillingham Military Reservation
Wailua, Co: Wahiawa, HI 96791–
Location: In Quarry site
Landholding Agency: Army
Property Number: 219014639
Status: Unutilized
Reason: Secured Area
P–001, PN–05
Kahuku Training Area
Kahuku Training Area Access Road
Kahuku, HI 96731–
Landholding Agency: Army
Property Number: 219030322–219030323
Status: Underutilized
Reason: Secured Area
P–III
Aliamanu Military Reservation
Honolulu, Co: Honolulu, HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Reason: Other environmental
Comment: Friable Asbestos
P–3304 East Range
Schofield Barracks
East Range Road
Wahiawa, Co: Wahiawa, HI 96786–
Landholding Agency: Army
Property Number: 219030361
Status: Unutilized
Reason: Secured Area
Bldg. T–007
Kahuku Training Area
Old Nike Site 2
Kahuku, Co: Kahuku, HI 96731–
Landholding Agency: Army
Property Number: 219140567
Status: Unutilized
Reason: Secured Area

Illinois

577 Bldgs.
Joliet Army Ammunition Plant
Joliet, Co: Will, IL 60436–
Landholding Agency: Army
Property Number: 219010153–219010317, 219010319–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.
Bldg. 251
Rock Island Arsenal
Rock Island, Co: Rock Island, IL 61299–5000
Landholding Agency: Army
Property Number: 219012357
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Bldg. 725
Fort Sheridan
Highwood, Co: Lake, IL 60037–5000
Landholding Agency: Army
Property Number: 219013769
Status: Underutilized
Reason: Secured Area
Bldgs. 58, 59 and 72, 69, 64, 105
Rock Island Arsenal
Rock Island, Co: Rock Island, IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108
Status: Unutilized
Reason: Secured Area
Bldg. 133, Rock Island Arsenal
Gillespie Avenue
Rock Island, Co: Rock Island, IL 61299–
Landholding Agency: Army
Property Number: 219210100
Status: Underutilized
Reason: Other
Comment: Extensive deterioration

Indiana

138 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown, Co: Clark, IN 47111–
Landholding Agency: Army
Property Number: 219010913–219010919, 219010925–219010926, 219010929–219010936, 219010952, 219010954–219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014620, 219014622–219014651, 219014653–219014683, 219030315, 219120168–219120171, 219140425–219140440
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
6 Bldgs.
Indiana Army Ammunition Plant
Charlestown, Co: Clark, IN 47111–
Landholding Agency: Army
Property Number: 219010920, 219010924, 219010927–219010928, 219014621, 219014652
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
55 Bldgs.
Newport Army Ammunition Plant
Newport, Co: Vermillion, IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151
Status: Unutilized
Reason: Secured Area
Bldg T–109
Fort Benjamin Harrison
Beaumont Road
Ft. Benjamin Harrison, Co: Marion, IN 47216–5450
Landholding Agency: Army
Property Number: 219011648
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
25 Bldgs.
Indiana Army Ammunition Plant
Charlestown, Co: Clark, IN 47111–
Landholding Agency: Army
Property Number: 219210152–219210155
Status: Unutilized
Reason: Secured Area

Iowa

14 Bldgs.
Iowa Army Ammunition Plant
Middletown, Co: Des Moines, IA 52638–
Landholding Agency: Army
Property Number: 219012603, 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219120172–219120174
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
33 Bldgs.
Iowa Army Ammunition Plant
Middletown, Co: Des Moines, IA
Landholding Agency: Army
Property Number: 219013706–219013738
Status: Unutilized
Reason: Secured Area

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons, Co: Labette, KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)
324 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto, Co: Johnson, KS 66018–
Landholding Agency: Army
Property Number: 219040005–219040006, 219040032–219040353
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area
25 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto, Co: Johnson, KS 66018–
Landholding Agency: Army
Property Number: 219040007–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway
Bldg. 9002
Sunflower Army Ammunition Plant
35525 W. 103rd Street
DeSoto, Co: Johnson, KS 66018–
Landholding Agency: Army
Property Number: 219110073
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
35 Bldgs.
Fort Riley
Ft. Riley, Co: Geary, KS 66442–
Landholding Agency: Army
Property Number: 219140207–219140240, 219210126
Status: Unutilized
Reason: Other
Comment: Extensive deterioration
33 Bldgs.
Sunflower Army Ammunition Plant
35425 West 103rd
Desoto, Co: Johnson, KS 66018–
Landholding Agency: Army
Property Number: 219140569–219140577, 219140580–219140592, 219140594, 219140599–219140601, 219140606–219140612
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Floodway
11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd
Desoto, Co: Johnson, KS 66018–
Landholding Agency: Army
Property Number: 219140578–219140579, 219140593, 219140595–219140598, 219140602–219140605
Status: Unutilized
Reason: Other
Comment: Detached Latrine

Kentucky

Bldg. 126
Lexington—Blue Grass Army Depot
Lexington, Co: Fayette, KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Other, Secured Area
Comment: Sewage treatment facility
Bldg. 12
Lexington—Blue Grass Army Depot
Lexington, Co: Fayette, KY 40511–
Location: 12 miles Northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Other
Comment: Industrial waste treatment plant.
Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton, Co: Carroll, KY 41008–
Landholding Agency: Army
Property Number: 219040416
Status: Unutilized
Reason: Other
Comment: Spring House
Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort, Co: Franklin, KY 40601–9909
Landholding Agency: Army
Property Number: 219040417
Status: Unutilized
Reason: Other
Comment: Coal Storage
Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort, Co: Franklin, KY 40601–9999
Landholding Agency: Army
Property Number: 219040418
Status: Unutilized
Reason: Other
Comment: Coal Storage
Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville, Co: Henry, KY 40057–
Landholding Agency: Army
Property Number: 219040419
Status: Underutilized
Reason: Other
Comment: 110 year old barn with crumbled foundation.
96 Bldgs.
Fort Knox
Ft. Knox, Co: Hardin, KY 40121–
Landholding Agency: Army
Property Number: 219140557–219140565, 219210156–219210242
Status: Unutilized
Reason: Other
Comment: Extensive deterioration
Bldgs. TO5650, T06136, TO6382, TO6486
Fort Campbell
Ft. Campbell, Co: Christian, KY 42223–
Landholding Agency: Army
Property Number: 219210132–219210135
Status: Unutilized
Reason: Secured Area
Comment: Extensive deterioration.

Louisiana

58 Bldgs.
Louisiana Army Ammunition Plant
Doylin, Co: Webster, LA 71023–
Landholding Agency: Army
Property Number: 219011668–219011670, 219011691, 219011700, 219011714–219011716, 219011718–219011724, 219011726, 219011728, 219011731, 219011733–219011737, 219012112, 219013571–219013572, 219013862–219013869, 219110124–219110137, 219120287–219120290, 219120303, 219140325–219140328, 219210147
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)
Staff Residences
Louisiana Army Ammunition Plant
Doyline, Co: Webster, LA 71023–
Landholding Agency: Army
Property Number: 219120284–219120286
Status: Excess
Reason: Secured Area

Maryland

55 Bldgs.
Aberdeen Proving Ground
Aberdeen City, Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219011408–219011417, 219012606, 219012610, 219012612, 219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012635, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 219030316, 219110140
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material) (Some are in a floodway)
P501
Installation #24235
Ballast House
La Plata, Co: Charles, MD 20646–
Location: At the end of the access road
Landholding Agency: Army
Property Number: 219011643
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
19 Bldgs.
Fort George G. Meade
Fort Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219014789, 219014847, 219120153–219120158, 219130034–219130044
Status: Unutilized
Reason: Secured Area
Bldg. 10401
Aberdeen Proving Ground
Aberdeen Area
Harford, Co: Harford, MD 21005–5001
Landholding Agency: Army

Property Number: 219110136
Status: Unutilized
Reason: Other
Comment: Sewage treatment plant

Bldg. 10402
Aberdeen Proving Ground
Aberdeen Area
Aberdeen City, Co: Harford, MD 21005–5001
Landholding Agency: Army
Property Number: 219110139
Status: Unutilized
Reason: Other
Comment: Sewage pumping station

Bldgs. 142–1407, USARC Gaithersburg
6510 Snouffers School Road
Gaithersburg, Co: Montgomery MD 20879–1624
Landholding Agency: Army
Property Number: 219120009–219120013
Status: Unutilized
Reason: Secured Area

92 Bldgs. Ft. George G. Meade
Ft. Meade, Co: Anne Arundel, MD 20755–
Landholding Agency: Army
Property Number: 219130045–219130059, 219140455–219140523, 219210116–219210123
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. 351, Fort Ritchie
Ft. Ritchie, Co: Washington, MD 21719–5010
Landholding Agency: Army
Property Number: 219210128
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown, Co: Middlesex, MA 02132–
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

14 Bldgs.
Fort Devens
Ft. Devens, Co: Middlesex/Worce, MA 01433–
Landholding Agency: Army
Property Number: 219140241–219140254
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Michigan

Bldgs. 602, 604
US Army Garrison Selfridge
Mt. Clemens, Co: Macomb, MI 48043–
Landholding Agency: Army
Property Number: 219012355–219012356
Status: Unutilized
Reason:
Within airport runway clear zone
Floodway
Secured Area

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren, Co: Macomb, MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area

33 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta, Co: Kalamazoo, MI 49102–0205
Landholding Agency: Army
Property Number: 219014947–219014963, 219120001–219120008, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Minnesota

Bldgs. 113, 575, 598
Twin Cities Army Ammunition Plant
New Brighton, Co: Ramsey, MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120167
Status: Unutilized
Reason: Secured Area

Bldgs. 573, 596
Twin Cities Army Ammunition Plant
Old Highway 8
New Brighton, Co: Ramsey, MN 55112–
Landholding Agency: Army
Property Number: 219210014–219210015
Status: Unutilized
Reason:
Secured Area
Within 2000 ft. of flammable or explosive material

Mississippi

Bldgs. 8301, 8303–8305, 9158
Mississippi Army Ammunition Plant
Stennis Space Center, Co: Hancock, MS 39529–7000
Landholding Agency: Army
Property Number: 219040438–219040442
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area

Missouri

Lake City Army Ammo. Plant
59, 59A, 59C, 59B
Independence, Co: Jackson, MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669
Status: Unutilized
Reason: Secured Area

Building—Stockton Lake Project
Old Mill Area
Co: Cedar, MO 65785–
Landholding Agency: Army
Property Number: 219040414
Status: Unutilized
Reason: Floodway

Bldg #1, 2, 3
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis, Co: St. Louis, MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120069
Status: Unutilized
Reason: Secured Area

79 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219140346–219140424, 219140634–219140635
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Nebraska

13 Bldgs.
Cornhusker Army Ammunition Plant
Grand Island, Co: Hall, NE 68802–
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013849–219013861
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Nevada

124 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Landholding Agency: Army
Property Number: 219011953, 219011955, 219011957–219011958, 219011960, 219011962–219011963, 219011965–219011967, 219011969, 219011971–219011973, 219011975, 219011979, 219011981, 219011983, 219011985–219011986, 219011988–219011989, 219011991–219011993, 219011995, 219011998–219012001, 219012003–219012004, 219012006–219012008, 219012010–219012012, 219012014–219012015, 219012017–219012020, 219012022–219012024, 219012026, 219012027, 219012029–219012030, 219012032–219012033, 219012035–219012036, 219012038–219012040, 219012042–219012043, 219012045–219012048, 219012050–219012055, 219012059–219012107, 219013613–219013614
Status: Unutilized
Reason: Secured Area

Bldg. 390
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne, Co: Mineral, NV 89415–
Location: East side of Decatur Street—North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason:
Within airport runway clear zone
Secured Area

64 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Landholding Agency: Army
Property Number: 219012002, 219012005, 219012009, 219012013, 219012016, 219012021, 219012025, 219012028, 219012031, 219012034, 219012037, 219012041, 219012044, 219013615–219013665
Status: Underutilized
Reason:
Secured Area
(Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized
Reason:
Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne, Co: Mineral, NV 89415–
Location: South & Central Mag. Areas

Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason:
Secured Area

New Jersey

194 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal, Co: Morris, NJ 07806–5000
Location: Route 15 north
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010839–219010721, 219012423–219012475, 219013787, 219014306–219014321, 219030269–219030270, 219140616–219140617
Status: Excess
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area

12 Bldgs.
Armament Reserve Dev. and Engineering Center
Route 15 North
Picatinny Arsenal, Co: Morris, NJ 07806–
Landholding Agency: Army
Property Number: 219012756–219012767
Status: Excess
Reason:
Secured Area

Bldg. 2337
Fort Monmouth
Charles Wood Area
Wall, Co: Monmouth, NJ 07719–
Landholding Agency: Army
Property Number: 219012828
Status: Unutilized
Reason:
Secured Area

18 Bldgs. (Evans Area)
Fort Monmouth
Wall, Co: Monmouth, NJ 07719–
Landholding Agency: Army
Property Number: 219012829–219012844, 219013786, 219210102
Status: Unutilized
Reason:
Secured Area

Bldgs. 13–14, 15A, 41, 100, 110–111
Military Ocean Terminal
Bayonne, Co: Hudson, NJ 07002–
Location: Foot of 32nd Street and Route 169.
Landholding Agency: Army
Property Number: 219013890–219013896
Status: Unutilized
Reason:
Floodway
Secured Area

New York

Bldgs. 10, 20, 40
Watervliet Arsenal
Watervliet, Co: Albany, NY 12189–4050
Landholding Agency: Army
Property Number: 219012514, 219012516, 219012519
Status: Underutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area

Bldg. 25
Watervliet Arsenal
Watervliet, Co: Albany, NY 12189–4050
Landholding Agency: Army
Property Number: 219012521
Status: Underutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area
Comment: Contamination.

Bldg. 110
Fort Totten
110 Duane Road
Bayside, Co: Queens, NY 11359–
Landholding Agency: Army
Property Number: 219012589
Status: Unutilized
Reason:
Other
Comment: Contamination.

Bldgs. 202, 204, Fort Totten
Bayside, Co: Queens, NY 11357–
Landholding Agency: Army
Property Number: 219210130–219210131
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna, Co: Portage, OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210140
Status: Unutilized
Reason: Secured Area

Oklahoma

Bldg. P–2505
Fort Sill
2505 Sheridan Road
Lawton, Co: Comanche, OK 73503–51000
Landholding Agency: Army
Property Number: 219011243
Status: Unutilized
Reason: Other
Comment: Latrine, detached structure.

553 Bldgs.
McAlester Army Ammunition Plant
McAlester, Co: Pittsburg, OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013792–219013793, 219013981–219013995, 219014081–219014102, 219014104, 219014107–219014137, 219014139, 219014141–219014159, 219014161–219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area
(Some are within 2000 ft. of flammable or explosive material)

P–3042, Fort Sill
3042 Austin Road
Lawton, Co: Comanche, OK 73503–5100
Landholding Agency: Army
Property Number: 219130060
Status: Unutilized
Reason: Other
Comment: Structurally unsound.

33 Bldgs.
Fort Sill
Lawton, Co: Comanche, OK 73503–
Landholding Agency: Army
Property Numbers: 219140524–219140556
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston, Co: Morrow/Umatilla, OR 97838–
Landholding Agency: Army
Property Numbers: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

24 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston, Co: Morrow/Umatilla, OR 97838–
Landholding Agency: Army
Property Numbers 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 219014782, 219014844, 219030362–219030363, 219120032
Status: Unutilized
Reason:
Secured Area

Pennsylvania

Defense Personnel Support Ctr.
2800 South 20th Street
Philadelphia, Co: Philadelphia, PA 19101–8419
Landholding Agency: Army
Property Numbers 219011664
Status: Underutilized
Reason:
Other environmental
Secured Area
Comment: Friable asbestos.

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh, Co: Allegheny, PA 15207–
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

58 Bldgs.
Fort Indiantown GAP
Annville, Co: Lebanon, PA 17003–5011
Landholding Agency: Army
Property Number: 219140267–219140324
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

South Carolina

14 Bldgs.—Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Numbers: 219140329, 219140331, 219140333, 219140337–219140347
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. D–5674
Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140330
Status: Unutilized
Reason: Other
Comment: Detached Latrine.

4 Bldgs.
Fort Jackson
Ft. Jackson, Co: Richland, SC 29207–
Landholding Agency: Army
Property Number: 219140332, 219140334–219140336
Status: Underutilized
Reason: Other
Comment: Structural damage.

Tennessee

Bldg. 100
Volunteer Army Ammo. Plant
Chattanooga, Co: Hamilton, TN 37422–
Landholding Agency: Army
Property Number: 219010475
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Area.

23 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga, Co: Hamilton, TN 37422–
Landholding Agency: Army
Property Number: 219010477, 219010479–219010500
Status: Underutilized
Reason:
Secured Area
(Some are within 2000 ft. of flammable on explosive material)

45 Bldgs.
Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Number: 219010501, 219010503, 219010505, 219010545, 219010551, 219010554, 219010557, 219010567, 219010569, 219010573, 219010576, 219010586, 219010600–219010602, 219010604, 219010606–219010607, 219010610–219010611, 219010613–219010622, 219010624–219010634, 219010122, 219030317–219030319
Status: Unutilized
Reason:
Secured Area
(Some are within 2000 ft. of flammable or explosive material)

201 Bldgs.
Milan Army Ammunition Plant
Milan, Co: Carroll, TN 38358–
Landholding Agency: Army
Property Number: 219010504, 219010506–219010508, 219010510, 219010515, 219010521, 219010523, 219010525–219010529, 219010531, 219010538–219010539, 219010544, 219010546, 219010548–219010550, 219010553, 219010555–219010556, 219010558, 219010561–219010566, 219010568, 219010570–219010572, 219010574–219010575, 219010577–219010582, 219010584–219010585, 219010588–219010595, 219010597, 219010599, 219010635–219010636, 219010923, 219014792–219014795, 219014797, 219014801–219014802, 219014804–219014811, 219030317–219030319, 219030321, 21911001–219110031, 219110074–219110101, 219120182–219120246
Status: Underutilized
Reason:
Secured Area
(Some are within 2000 ft. of flammable or explosive material)

23 Bldgs.
Holston Army Ammunition Plant
Kingsport, Co: Hawkins, TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613
Status: Unutilized
Reason:
Secured Area
(Some are within 2000 ft. of flammable or explosive material)

Texas

Saginaw Army Aircraft Plant
Saginaw, Co: Tarrant, TX 76079–
Landholding Agency: Army
Property Number: 219011605
Status: Unutilized
Reason: Other
Comment: Easement to city of Saginaw for sewer pipeline ending 5/15/2023.

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, Co: Bowie, TX 75505–0100
Landholding Agency: Army
Property Numbers: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason:
Within 2000 ft. of flammable or explosive material
Secured Areas

Bldgs. 0021A, 0027A
Longhorn Army Ammunition Plant
Karnack, Co: Harrison, TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Numbers: 219012546, 219012548
Status: Underutilized
Reason: Secured Area

Bldg. 14
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant, TX 76070–
Landholding Agency: Army
Property Number: 219014823
Status: Unutilized
Reason: Other
Comment: Pump house.

Bldg. 9042
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, Co: Palo Pinto, TX 76045–
Landholding Agency: Army
Property Number: 219040397
Status: Unutilized
Reason: Other
Comment: Detached latrine.

Bldg. 9046
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, Co: Palo Pinto, TX 76045–
Landholding Agency: Army
Property Number: 219040399
Status: Unutilized
Reason: Other
Comment: Sewage treatment plant.

Bldg. 9047
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, Co: Palo Pinto, TX 76045–
Landholding Agency: Army
Property Number: 219040400
Status: Unutilized
Reason: Other
Comment: Chlorine Building.

Bldg. 4801
Fort Bliss
4801 Drake Street
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219110064
Status: Unutilized
Reason: Other
Comment: Gas Station.

Bldg. 40A Red River Army Depot
Texarkana, Co: Bowie, TX 75505–
Landholding Agency: Army
Property Number: 219120054
Status: Unutilized
Reason: Secured Area

Bldg. T–1191, T–1196 Fort Sam Houston
San Antonio, Co: Bexar, TX 78234–5000
Landholding Agency: Army
Property Numbers: 219120065–219120066
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

27 Amunition Magazines
Fort Bliss Ammunition Supply Point
El Paso, Co: El Paso, TX 79916—
Landholding Agency: Army
Property Numbers: 219120072–219120098
Status: Unutilized
Reason: Other
Comment: Extensive deterioration.

Bldg. 05
Red River Army Depot
18 miles W. of Taxarkana, Hwy. 82
Texarkana, Co: Bowie, TX 75507–5000
Landholding Agency: Army
Property Number: 219130002
Status: Excess
Reason: Secured Area

Bldg. 247
Red River Army Depot
18 miles west of Texarkana U.S. Hwy. 82
Texarkana, Co: Bowie, TX 75507–5000
Landholding Agency: Army
Property Number: 219140255
Status: Underutilized
Reason: Secured Area

Bldg. 3474, Fort Hood
Training Road
Ft. Hood, Co: Coryell, TX 76544–
Landholding Agency: Army
Property Number: 219210129
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Utah

21 Bldgs.
Tooele Army Depot
Tooele, Co: Tooele, UT 84074–5008
Landholding Agency: Army

Property Numbers: 219012114–219012115, 219012121, 219012138, 219012140, 219012150, 219012153, 219012159, 219012162, 219012164–219012167, 219012169–219012170, 219012172, 219012752, 219012755, 219030366, 219120031, 219120283
Status: Unutilized
Reason: Secured Area

18 Bldgs.
Tooele Army Depot
Tooele, Co: Tooele, UT 84074–5008
Landholding Agency: Army
Property Numbers: 219012142–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012163, 219012171, 219012742, 219012750–219012751, 219014936, 219040003, 219120279, 219120281
Status: Underutilized
Reason: Secured Area

12 Bldgs.
Dugway Proving Ground
Dugway, Co: Toole, UT 84022–
Landholding Agency: Army
Property Numbers: 219013996–219013999, 219130008, 219130011–219130013, 219130015–219130016
Status: Underutilized
Reason: Secured Area

4 Bldgs.
Dugway Proving Ground
Dugway, Co: Toole, UT 84022–
Landholding Agency: Army
Property Numbers: 219014693, 219130009–219130010, 219130014
Status: Unutilized
Reason: Secured Area

Bldg. 104
Tooele Army Depot, North Area
Tooele, Co: Tooele, UT 84074–5008
Landholding Agency: Army
Property Number: 219120014
Status: Underutilized
Reason: Other
Comment: Extensive deterioration

13 Bldgs.
Tooele Army Depot, South Area
Tooele, Co: Tooele, UT 84074–5008
Landholding Agency: Army
Property Numbers: 219120015–21912027
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Virginia

165 Bldgs.
Radford Army Ammunition Plant
Radford, Co: Montgomery, VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Numbers: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120070–219120071, 219140618–219140633
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford, Co: Montgomery, VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Numbers: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010991, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other, Secured Area
Comment: Latrine, detached structure

4 Bldgs.
Fort Belvoir, Co: Fairfax, VA 22060–
Landholding Agency: Army
Property Numbers: 219012547, 219012553, 219012556, 219012562
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

22 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee, Co: Prince George, VA 23801–
Landholding Agency: Army
Property Number: 219120033–219120045, 219120160, 219130006–219130007, 219140256–219140261
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldg. 448, Fort Myer
Co: Arlington, VA 22211–
Landholding Agency: Army
Property Number: 219210127
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Bldgs. T–221, T–329, T–330, T–331
Vint Hill Farms Station
Warrenton, Co: Fauquier, VA 22186–
Landholding Agency: Army
Property Number: 219210142–219210145
Status: Unutilized
Reason: Other
Comment: Extensive deterioration

Washington

6 Bldgs.
130–228th Street, S.W.
Federal Regional Center (FEMA) Labatory
Bothell, Co: Snohomish, WA 98021–
Landholding Agency: Army
Property Number: 219011637, 219011642, 219011644, 219011646–219011647, 219011649
Status: Unutilized
Reason: Secured Area

35 Bldgs.
Fort Lewis
Fort Lewis, Co: Pierce, WA 98433–5000
Landholding Agency: Army
Property Number: 219011651–219011652, 219011654–219011660, 219011662, 219013762, 219013862–219013868, 219013900, 219013907–219013920, 219110144, 219140566
Status: Unutilized
Reason: Secured Area

Bldgs. 209
Yakima Firing Center
Yakima, Co: Yakima, WA 98901–5000
Location: Exit 26 off I–82 on Yakima Firing Center Road
Landholding Agency: Army
Property Number: 219040363
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo, Co: Sauk, WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other environmental, Secured Area
Comment: Friable asbestos

154 Bldgs.
Badger Army Ammunition Plant
Baraboo, Co: Sauk, WI 53913–
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319, 219011320, 219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other environmental, Secured Area
Comment: Friable asbestos

Bldgs. P–10111
Fort McCoy
Army Hospital Complex
Sparta, Co: Monroe, WI 54656–5000
Landholding Agency: Army
Property Number: 219013443
Status: Unutilized
Reason: Other
Comment: Structure is boiler plant for hospital.

Bldg. 264
Badger Army Ammunition Plant
Bus Station
Baraboo, Co: Sauk, WI 53913–
Landholding Agency: Army
Property Number: 219013784
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

6 Bldgs.
Badger Army Ammunition Plant
Baraboo, Co: Sauk, WI
Landholding Agency: Army
Property Number: 219013870–219013875
Status: Underutilized
Reason: Secured Area

5 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219030275–219030276
Status: Unutilized
Reason: Secured Area

Bldgs. 6513–27, 6823–2, 6861–4
Badger Army Ammunition Plant
Baraboo, Co: Sauk, WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area
13 Bldgs., Fort McCoy
US Hwy. 21
Ft. McCoy, Co: Monroe, WI 54656–
Landholding Agency: Army
Property Number: 219210103–219210115
Status: Underutilized
Reason: Other
Comment: Extensive deterioration

Land (by State)

Alabama

23 acres and 2264 acres
Alabama Army Ammunition Plant
110 Hwy. 235,
Childersburg, Co: Talladega, AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area

Alaska

Dike Range
Fort Wainwright
Fort Wainwright, Co: Fairbanks, AK 99703–
Location: 14 miles south of Fairbanks
Landholding Agency: Army
Property Number: 219014684
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway
Eklutna Mountain & Glacier
Training Site
Fort Richardson, Co: Anchorage, AK 99505–
Location: 18 miles from Fort Richardson
Landholding Agency: Army
Property Number: 219014788
Status: Unutilized
Reason: Other
Comment: Unexploded ordanance
Davis Range
Fort Richardson
Fort Richardson, Co: Anchorage, AK 99505–
Location: SW Portion of Installation
Landholding Agency: Army
Property Number: 219030267
Status: Underutilized
Reason: Secured Area

Georgia

Facility EH001
Fort Gordon
Augusta, Co: Richmond, GA 30905–
Location: Located at the Eisenhower Army Medical Center
Landholding Agency: Army
Property Number: 219014786
Status: Unutilized
Reason: Other
Comment: Heliport—concrete pad

Illinois

Group 66A
Joliet Army Ammunition Plant
Joliet, Co: Will, IL 60436–
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Parcel 1
Joliet Army Ammunition Plant
Joliet, Co: Will, IL 60436–
Location: South of the 611 Magazine Area, adjacent to the River Road.
Landholding Agency: Army
Property Number: 219012610
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway
Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet, Co: Will, IL 60436–
Landholding Agency: Army
Property Number: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway
Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet, Co: Will, IL 60436–
Landholding Agency: Army
Property Number: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway
Homewood USAR Center
18760 S. Halsted Street
Homewood, Co: Cook, IL 60430–
Landholding Agency: Army
Property Number: 219014087
Status: Underutilized
Reason: Secured Area

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport, Co: Vermillion, IN 47966–
Landholding Agency: Army
Property Number: 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Louisiana

Land
Louisiana Army Ammunition Plant
Doyline, Co: Webster, LA
Landholding Agency: Army
Property Number: 219013923
Status: Unutilized
Reason: Other
Comment: Barrow pit, predominately under water

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, Co: Harford, MD 21010–5425
Landholding Agency: Army
Property Number: 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area

Nebraska

Land
Cornhusker Army Ammunition Plant
Potash Road
Grand Island, Co: Hall, NE 68802–
Location: 4 miles west of Grand Island.
Landholding Agency: Army
Property Number: 219013785
Status: Underutilized
Reason: Floodway

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal, Co: Morris, NJ 07806–
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area

New York

Watervliet Arsenal
Watervliet, Co: Albany, NY 12189–4050
Location: East of Main Arsenal Reservation
Landholding Agency: Army
Property Number: 219012508
Status: Excess
Reason: Other
Comment: Easement to N.Y. State, 6–lane highway construction.

Oklahoma

McAlester Army Ammo. Plant
McAlester, Co: Pittsburg, OK 74501–5000
Location: 10 miles south of McAlester OK
Landholding Agency: Army
Property Number: 219011671
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester, Co: Pittsburg, OK 74501–
Landholding Agency: Army
Property Number: 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Pennsylvania

Lickdale Railhead
Fort Indiantown Gap
Lickdale, Co: Lebanon, PA 17038–
Landholding Agency: Army
Property Number: 219012359
Status: Excess
Reason: Floodway

Land
Raystown Lake
Huntingdon, Co: Huntingdon, PA
Location: Downstream of Raystown Lake.
Landholding Agency: Army
Property Number: 219040420
Status: Excess
Reason: Other
Comment: Property Landlocked

Tennessee

Land
Volunteer Army Ammunition Plant
Chattanooga, Co: Hamilton, TN
Landholding Agency: Army
Property Number: 219013791
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
Volunteer Army Ammo. Plant
Chattanooga, Co: Hamilton, TN
Location: Area around VAAP—outside fence in buffer zone.
Landholding Agency: Army
Property Number: 219013880
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area
McClure Bend
Cordell Hull Dam and Reservoir
Carthage, Co: Smith, TN 37030–
Location: Highway 85 to McClure Bend Road.
Landholding Agency: Army
Property Number: 219040412
Status: Underutilized
Reason: Floodway
Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro, Co: Jackson, TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: Army
Property Number: 219040413
Status: Underutilized
Reason: Floodway
Cheatham Lock and Dam
Highway 12
Ashland City, Co: Cheatham, TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: Army
Property Number: 219040415
Status: Underutilized
Reason: Floodway

Virginia

Fort Belvoir Military Reservation—5.6 Acres
South Post Located West of Pohick Road
Fort Belvoir, Co: Fairfax, VA 22060–
Location: Rightside of King Road
Landholding Agency: Army
Property Number: 219012550
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area
Comment: 5.6 acres

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo, Co: Sauk, WI 53913–
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013763
Status: Unutilized
Reason: Secured Area

[FR Doc. 92–5744 Filed 3–12–92; 8:45 am]
BILLING CODE 4310–RM–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Amended Notice of Intent To Prepare an Environmental Impact Statement; Newmont Gold Company, Eureka and Elko Counties, NV

[NV–010–92–4130–09]

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to the notice of intent to prepare an environmental impact statement; Newmont Gold Company's gold quarry mine expansion.

SUMMARY: On February 14, 1992, a notice of intent to prepare the Gold Quarry Mine Expansion Environmental Impact Statement was published in the **Federal Register** on pages 5462–5463. Since the publication of the Notice of Intent, the Elko public scoping meeting has been relocated. The April 7, 1992, scoping meeting will now be held at the Elko Convention Center on 700 Moren Way Elko, Nevada. All other terms and conditions of the previous notice continue to apply.

Dated: March 3, 1992.

Rodney Harris,

Elko District Manager.

[FR Doc. 92–5840 Filed 3–12–92; 8:45 am]
BILLING CODE 4310–HC–M

[MT–070–02–4320–12–ADVB]

District Grazing Advisory Board Meeting; Montana

AGENCY: Bureau of Land Management, Butte District Office, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Butte District Grazing Advisory Board will be held Tuesday, April 7 in the conference room of the Butte district office 106 North Parkmont, Butte, Montana. The meeting will begin at 8 a.m. On the agenda will be a discussion of range work planned for FY92, biological control of weeds, the wild horse program, the riparian initiative, and the district's procedures for notifying the public of planned projects.

The meeting is open to the public. Interested persons may make oral statements to the board or file written statements for the board's consideration. Anyone wishing to make oral statements should make prior arrangements with the district manager. Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: James R. Owings, District Butte District, Bureau of Land Management, Box 3388, Butte, Montana 59702.

Dated: March 5, 1992.

James R. Owings,

District Manager.

[FR Doc. 92–5846 Filed 3–12–92; 8:45 am]
BILLING CODE 4310–DN–M

[OR–013–4320–02: GP2–164]

Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of a meeting of the Lakeview District Grazing Advisory Board.

SUMMARY: The meeting is scheduled for April 8, 1992, beginning at 10 a.m. in the Lakeview District conference room, located at 1000 South Ninth Street, Lakeview, Oregon. The purpose of the meeting is to review drought conditions and give an update on Lakeview District grazing projects. The public is welcome.

DATES: April 8, 1992, 10 a.m.

FOR FURTHER INFORMATION CONTACT: Judy Nelson or Lisa Swinney, Lakeview District Office, P.O. Box 151/1000 South Ninth Street, Lakeview, OR 97630, (Telephone 503–947–2177).

Judy Nelson,

District Manager.

[FR Doc. 92–5839 Filed 3–12–92; 8:45 am]
BILLING CODE 4310–33–M

[CA–060–01–4212–13; CA–20045]

Realty Action; Exchange of Public and Private Lands, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Amendment to notice of realty action.

SUMMARY: This notice amends the legal description of the selected public lands described in the Notice of Realty Action published in the **Federal Register** on Friday, May 17, 1991, in Vol. 56, No. 96, pages 22884, 22885, and 22886.

The land description is amended to include the following public land:

T. 5 S., R. 6 E.,
Sec. 28: NE1/4.
Riverside County, California Containing 160 acres, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the lands exchange is to acquire non-federal land within the Santa Rosa Mountains National Scenic Area (SRMNSA) and the Salt Creek ACEC. The exchange would create a more logical and efficient land management pattern and enhance the Bureau of Land Management's goal to dispose of isolated unclassified public lands in exchange for private lands within the above described special management areas. The proposed exchange would be processed in strict conformance with the Land-Tenure Adjustment Element of the California Desert Conservation Area (CDCA) Plan. Acquisition of private lands within the SRMNSA and Salt Creek ACEC is needed to protect wildlife, recreation, cultural and aesthetic values in the Santa Rosa Mountains and the Salt Creek ACEC, as described in the previous NORA publications cited above.

The public land proposed for disposal is unclassified in the CDCA Plan and is

an isolated parcel surrounded by private lands with limited or no public access. The exchange is being pursued with the view that disposal of the isolated public land and acquisition of offered private lands within the Salt Creek ACEC and the Santa Rosa Mountains National Scenic Area would serve the public interest.

The selected public land will be used to equalize land values for offered private lands within the Salt Creek ACEC and the SRMNSA pursuant to the exchange pooling agreement between The Nature Conservancy (TNC) and the Bureau of Land Management (BLM). The BLM has entered into a land exchange pooling agreement with TNC to acquire private lands within these special management areas through a series of land exchanges to occur within the next two years until the values of the offered and selected lands reach equal fair market value as described by regulation.

The lands to be transferred from the United States will be subject to the following reservations:

1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals will be conveyed unless following the completion of mineral reports the authorized officer will determine what, if any, mineral interests will need to be reserved to the United States based upon the presence and value of mineral deposits.

3. Those rights for a canal granted to the Bureau of Reclamation by right-of-way grant LA–061554, pursuant to the Act of December 5, 1924 (43 Stat. 672).

4. Those rights for a canal granted to the Bureau of Reclamation by right-of-way grant LA–098196, pursuant to the Act of December 5, 1924 (43 Stat. 672).

5. Those rights for a Federal Aid Highway granted to the California Department of Transportation (CALTRANS) by right-of-way grant, LA–051842, pursuant to the Act of November 9, 1921 (42 Stat. 212).

6. Those rights for a Federal Aid Highway granted to CALTRANS by right-of-way grant, R–2006, pursuant to the Act of August 27, 1958 (72 Stat. 916).

In addition to the above reservations, transfer of the public land from the United States to TNC will also be subject to the following third party rights:

1. Those rights for an existing reservoir and water transmission line granted to the City of Coachella by right-of-way grant, R–2748, pursuant to the Act of February 15, 1901 (31 Stat. 790).

2. Those rights for an existing telecommunications line granted to U.S. Sprint Communication Company, its successors or assigns, by right-of-way grant, CA–18888, pursuant to the Act of October 21, 1976 (90 Stat. 2776).

3. Those rights for an existing telecommunications line granted to General Telephone and Telegraph, its successors or assigns, by right-of-way grant, CA–2197, pursuant to the Act of March 4, 1911 (36 Stat. 1253).

Publication of this notice in the **Federal Register** segregates the public land from the operation of the public land laws and the mining laws, except for mineral leasing. This segregative effect will expire upon issuance of patent or two (2) years from the date of publication, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Russell L. Kaldenberg, Area Manager, Palm Springs-South Coast Resource Area, 63–500 Garnet Avenue, North Palm Springs, California, 92258–2000, (619) 251–0812.

Dated: March 5, 1992.

Jean Rivers-Council,

Acting District Manager.

[FR Doc. 92–5841 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–40–M

[CA–050–09–4333–13; CACA 27371]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands in Trinity County, California.

SUMMARY: The following described public lands are being considered for exchange to Irvin J. and Edith Smith, under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Note: Not all lands identified below may be involved in the exchange. Some may be deleted to eliminate possible conflicts that could arise during processing. The final selection of properties will be made to achieve comparable values between the offered and selected lands.

Selected Public Land

T. 33 N., R. 10 W.,
Section 17, S½SW¼; Section 19, Lots 15, 20,
Mount Diablo Meridian, California,
containing 103.58 acres, more or less.

In exchange for these lands, the Federal Government will acquire the surface and mineral estate, excluding the locatable mineral estate, of non-Federal lands described as follows:

T. 33 N., R. 11 W.,
Sec. 1,

All that portion of Trinity County AP# 12–12–42 lying west of the centerline of State Highway 299W, Mount Diablo Meridian, California, Containing 64.8 acres, more or less.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to block up public lands along the Trinity River, and to provide public access to the river for recreational use. This exchange is consistent with Bureau planning for the lands involved. The public interest will be well served by making the exchange.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

(1) A reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1890 (43 U.S.C. 945).

(2) Any authorized land uses, such as rights-of-ways, will be identified as prior existing rights.

This notice, as provided in 43 CFR 2201.1(b), shall segregate the public lands that are being considered for this exchange. By publication of this notice, those vacant, unappropriated and unreserved public lands described above are segregated from settlement, location, and entry under the public lands and minerals laws. The segregative effect shall terminate upon issuance of patent, or upon publication in the **Federal Register** of a termination of the segregation, or two years from the date of this notice, whichever occurs first.

EFFECTIVE DATE: On or before April 27, 1992. The public is invited to comment on the proposed exchange. Comments may be sent to the Area Manager, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination.

FOR FURTHER INFORMATION CONTACT: Patricia Cook, Realty Specialist, at the address above.

Dated: March 6, 1992.

Mark T. Morse,

Area Manager.

[FR Doc. 92–5843 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–40–M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1032–0116), Washington, DC 20503, telephone 202–395–3470.

Title: Mining and Mineral Resources Research Institute Program.

OMB approval number: 1032–0116.

Abstract: The purpose for collecting these data is to ensure prudent technical and fiscal monitoring of each grant by the Bureau of Mines. The data will be used to periodically track and evaluate grantee research success and conclusions; to evaluate the fiscal status of each grant; and to close each completed grant. The Bureau of Mines, Office of Mineral Institutes, which is responsible for the technical monitoring of each project, and the Bureau of Mines, Branch of Procurement, which is responsible for the sound administration of each grant will be using these data.

Bureau Form Numbers: 6–1603–S, 6–1604–A, 6–1607–A, 6–1608–A, and 6–1609–A.

Frequency: Semiannually and annually.

Description of Respondents: Universities.

Estimated Completion Time: 11 hours.

Annual Responses: 192.

Annual Burden Hours: 1,980.

Bureau Clearance Officer: Alice J. Wissman (202) 501–9569.

Dated: February 14, 1992.

Robert Doyle,

Acting Director, Bureau of Mines.

[FR Doc. 92–5940 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–53–M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Columbus Zoo, PRT–764235, Columbus, Ohio.

On February 13, 1992, a notice of application for a permit to import a pair of giant pandas was published. The applicant has amended this application in order to import two different pandas. The pandas they wish to import are both males captive-born on August 31, 1989, at Xian Zoo, Shaanxi Provence and October 4, 1989, at Chengdu Zoo, Sichuan Province. All other aspects of the application remain unchanged. We also note that the applicant will make a donation to the Chinese Ministry of Forestry which will be used to construct the nature preservation area for the giant panda in the Lao Hsien District, Shaanxi Province.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 20 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 20 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 9, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92–5854 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Aniakchak National Monument and the Chairperson of the Subsistence Resource Commission for Aniakchak National Monument announce a forthcoming meeting of the Aniakchak National Monument Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Introduction of commission members and guests.

(2) Superintendent's welcome: a. Review of SRC function and purpose.

b. Subsistence management report.

(3) Old Business: a. Review and approve minutes from last meeting.

b. Election of Chairperson.

c. Status of hunting plan recommendations.

(4) New Business: a. Federal Subsistence Program update.

b. Public and other agency comments.

(5) Subsistence hunting program recommendations work session.

a. Identify monument subsistence hunting issues.

b. Draft recommendations.

DATE: The meeting will begin at 9 a.m. on Tuesday, March 24, 1992, and conclude around 5 p.m. We will reconvene at 9 a.m. on Wednesday, March 25, 1992, and conclude at 12 noon.

LOCATION: The meeting will be held at the Port Heiden Fire Hall, Port Heiden, Alaska.

FOR FURTHER INFORMATION CONTACT: Alan Eliason, Superintendent, P.O. Box 7, King Salmon, Alaska 99613. Phone (907) 246–3305.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commission is authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operates in accordance with the provisions of the Federal Advisory Committees Act.

Paul F. Haertel,

Acting Regional Director.

[FR Doc. 92–5910 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–70–M

Cape Cod National Seashore, South Wellfleet, MA; Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1 section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, March 27, 1992.

The Commission was reestablished pursuant to Public Law 99–349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of section 4 and 5 of the Act establishing the Seashore.

The Commission will sponsor an informal panel discussion at Park

Headquarters, Marconi Station, South Wellfleet, MA from 10 a.m. until noon to address cooperative efforts between the National Park Service and state and local agencies and organizations on Cape Cod. The commission members will then meet at 1 p.m. for a regular business meeting which will also convene at Park Headquarters for the following reasons:

1. Adoption of Agenda.
2. Approval of Minutes of Previous Meeting.
3. Reports of Officers.
4. Old Business.
(a) Low impact use—walking trails.
(b) Highland Light update.
5. Superintendent's Report.
6. General Management Plan Update.
7. New Business.
8. Agenda for Next Meeting.
9. Date for Next Meeting.
10. Communications/public comment.
11. Adjournment.

The business meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663.

Dated: March 4, 1992.

Steven H. Lewis,

Acting Regional Director.

[FR Doc. 92-5907 Filed 3-12-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 413X)]

CSX Transportation, Inc.—Abandonment Exemption—In Webster County, WV

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 13.0-mile line of railroad between milepost BUG 10.5, near Bolair, and milepost BUG-23.5, near Jerryville, in Webster County, WV.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 12, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 23, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 18, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 3, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5919 Filed 3-12-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-No. 99X)]

Missouri Pacific Railroad Company—Abandonment Exemption—In Denton County, TX

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 7.97-mile line of railroad between milepost 721.53, near Denton, and milepost 729.5, near Coors, in Denton County, TX.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 12, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 23, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, Missouri Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 18, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 3, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5921 Filed 3-12-92; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

[Docket Nos. AB-3 (Sub-No. 100X) and AB-364 Sub No. IX]

Missouri Pacific Railroad Co.—Abandonment Exemption—In Grayson County, TX; and Mid-Michigan Railroad Co., Doing Business as Texas Northeastern Railroad—Discontinuance Exemption—In Grayson County, TX [1]

Missouri Pacific Railroad Company (MP) and Mid-Michigan Railroad Company d/b/a Texas Northeastern Railroad (MM), have filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments and Discontinuances for MP to abandon and MM to discontinue service over a 18.105-mile line of railroad between milepost 154.995, near Sherman, and milepost 173.10, near Whitesboro, in Grayson County, TX.

MP and MM have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment and discontinuance shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 12, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 23, 1992.[4] Petitions for reconsideration or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to MP's and MM's representative: Joseph D. Anthofer, Missouri Pacific Railroad Company, Mid-Michigan Railroad Company, 1416 Dodge Street, room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

MP and MM have filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment and discontinuance.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 18, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 9, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5922 Filed 3-12-92; 8:45 am]

BILLING CODE 7035-01-M

[1] By letter (telecopier) filed March 6, 1992, Mid-Michigan Railroad Company indicates that it is operating the line under the trade name Texas Northeastern Railroad.

[2] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[3] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

[Finance Docket No. 31973]

Santa Fe Southern Railway Inc.—Acquisition and Operation Exemption—the Atchison, Topeka and Santa Fe Railway Company

Santa Fe Southern Railway, Inc. (SFS), a non-carrier, has filed a verified notice for an exemption to acquire from The Atchison, Topeka and Santa Fe Railway

Company (ATSF) and operate the 18.12-mile Santa Fe Subdivision in Santa Fe County, NM. The line extends between milepost 0.01, at Lamy, and milepost 18.125, at Santa Fe, including ATSF's rail yard and Track No. 21 in Santa Fe. The exemption became effective on February 17, 1992 (SFS was to have closed on the acquisition February 19, 1992).[1]

Any comments must be filed with the Commission and served on: John D. Heffner, Gerst, Heffner, Carpenter & Podgorsky, 1700 K Street, NW., suite 1107, Washington, DC 20006.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 9, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-5820 Filed 3-12-92; 8:45 am]

BILLING CODE 7035-01-M

[1] SFS has invoked the class exemption at 49 CFR 1150.31 to acquire and operate an active rail line over which ATSF currently provides only freight service. SFS indicates that it "contemplates offering rail passenger service beginning in the spring or summer of 1992." The class exemption extends to the acquisition and operation of rail property. SFS does not contend that it has acquired any rights to provide passenger service from ATSF, and this exemption does not confer any rights to provide passenger service.

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

BACKGROUND: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

LIST OF RECORDKEEPING/REPORTING REQUIREMENTS UNDER REVIEW: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

- The Agency of the Department issuing this recordkeeping/reporting requirement.
- The title of the recordkeeping/reporting requirement.
- The OMB and/or Agency identification numbers, if applicable.
- How often the recordkeeping/reporting requirement is needed.
- Whether small businesses or organizations are affected.
- An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.
- The number of forms in the request for approval, if applicable.
- An abstract describing the need for and uses of the information collection.

COMMENTS AND QUESTIONS: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills ((202) 523-5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 ((202) 395-6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

CURRENT POPULATION SURVEY CATI/CAPI OVERLAP SAMPLE

Form No.	Affected public	No. of respondents	Freq	Ave. time per response
Revised CPS with Debriefing	Households	2,150	4	0.1667 Hours.

1,433.62 Total Hours in 1991.

The Current Population Survey is a household sample survey that is the primary source of data on the growth of the labor force and on trends in employment and unemployment. The overlap sample will benchmark differences in labor force estimates between the current system and the proposed system.

Extension

Bureau of Labor Statistics

Employment, Wages and Contributions Report (ES-202 Program)

1220-0012
BLS 3031
Quarterly
State or local governments
Small businesses or organizations are not affected
212 respondents
983,778 total burden hours
4,640.462 average hours per response

The Employment, Wages, and Contributions Report is a summary of employment, wage and contributions data collected by State Employment Security Agencies (SESA) from employers subject to the State unemployment insurance (UI) and Unemployment Compensation for Federal Employees (UCFF) laws. The data are used by Federal and State governments in the administration of unemployment programs, by the Bureau of Labor Statistics and Bureau of Economic Analysis for statistical purposes, by Federal agencies for administrative and research purposes, and by public and private researchers.

Reinstatement

Mine Safety and Health Administration

Annual Status Report and Certification and Weekly Inspections of Refuse Piles and Impoundments

1219-0015
Businesses and other for profit
Small businesses or organizations

Reporting/recordkeeping requirement	Respondents	Frequency	Average time per response
Annual Status Report and Certification	860	Annually	2 hours.
Weekly Inspections with Monitoring Instruments	332	Weekly	3 hours.
Weekly Inspection without Monitoring Instruments	496	Weekly	2 hours.
Total Burden Hours 105,304 hours.			

Requires coal mine operators to submit to MSHA an annual status report and certification on impoundments and hazardous refuse piles; and to keep records of the results of weekly examinations and instrumentation monitoring of impoundments.

Impoundment and Refuse Pile Plans and Revisions

1219-0060
On occasion
Businesses and other for profit
small businesses or organizations
210 respondents
79,300 total burden hours
377.62 average hours per response

Requires coal mine operators to submit plans, and revisions thereof, for construction of refuse piles and impoundment structures to MSHA for approval.

Escape and Evacuation Plan (30 CFR 57.11053)

1219-0045
Semi-Annually reporting; recordkeeping
Businesses or other for-profit; small businesses or organizations
315 respondents
7,560 total burden hours
24 hours average per response

Standard 20 CFR 75.11053 requires operators of metal and nonmetal underground mines to develop and keep current escape and evacuation plans for use in case of an emergency.

Respirator Program Records

1219-0048
On occasion
Businesses and other for profit
Small businesses or organizations
Written standard operating procedures; 600 responses; 5 hours per response; 375 total burden hours
Respirator fit testing records: 1,500 responses; 15 minutes per response; 375 total burden hours
Record date of inspections of emergency-use respirators; 750 responses; 24 seconds per response; 10 total burden hours
Record results of inspections of emergency-use respirators: 30 responses; 15 seconds; 1 burden hour

Respirator programs are required to be established when engineering controls fail to reduce airborne contaminants to permissible levels. Mine operators are also required to conduct fit testing of respirator devices and to keep records of the results. Fit-testing records are used to ensure that a respirator worn by an individual is in fact the one for which the individual received a tight fit. Emergency-use respirators are required to be inspected monthly to assure that they are in satisfactory working condition.

Bureau of Labor Statistics

Pricing Collecting Bargaining Settlements—Public Sector

1220-0048
BLS 3116B, BLS3116C
Annually, biennially, or other (usually every 2 or 3 years)
State or local governments
250 responses
150 hours
0.6 hours per response
2 forms

The Bureau of Labor Statistics series on State and local government collective bargaining agreements provides data on the size of negotiated changes in wages and compensation. This series covers about half of the unionized non-Federal policymakers, state and local government officials, and labor groups.

Signed at Washington, DC, this 9th day of March, 1992.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 92-5945 Filed 3-12-92; 8:45 am]

BILLING CODE 4510-24-M

Employment Standards Administration,

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment

procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) documents entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Correction to General Wage Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, section 1.6(d), the Administrator of the Wage and Hour Division may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume II

Wage Decision No. MN90-7, through Modification No. 4
Wage Decision No. MN90-8, through Modification No. 2
Wage Decision No. MN90-15, through Modification No. 2
Wage Decision No. MN91-7, through Modification No. 3
Wage Decision No. MN91-8, through Modification No. 2
Wage Decision No. MN91-15, through Modification No.3
Wage Decision No. MO91-9, through Modification No. 1
Wage Decision No. WI91-10, through Modification No. 2

Pursuant to the Regulations, 29 CFR part 1, section 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts" are listed by Volume, State, and page number(s).

Volume II

Iowa:
IA91-16 (MAR. 13, 1992)..... p.ALL
IA91-17 (MAR. 13, 1992)..... p.ALL

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:
FL91-15 (Feb. 22, 1991)..... p. 135, p. 136
FL91-17 (Feb. 22, 1991)..... p. 141, p. 142
Massachusetts:
MA91-1 (Feb. 22, 1991)..... p. 421, pp. 422-424, 426, p. 434
MA91-2 (Feb. 22, 1991)..... p. 439, pp. 440-442
MA91-3 (Feb. 22, 1991)..... p. 453, pp. 454-456
New York:
NY91-5 (Feb. 22, 1991)..... p. 817, p. 820
Pennsylvania:
PA91-1 (Feb. 22, 1991)..... p. 953, pp. 954-957
Virginia:
VA91-51 (Feb. 22, 1991)..... p. ALL
West Virginia:
WV91-2 (Feb. 22, 1991)..... p. 1421, p. 1424
WV91-3 (Feb. 22, 1991)..... p. 1445, p. 1447

Volume II

Iowa:
IA91-5 (Feb. 22, 1991)..... p. 41, pp. 42-48
IA91-12 (Feb. 22, 1991)..... p. ALL
Illinois:
IL91-1 (Feb. 22, 1991)..... p. 69, 73
IL91-16 (Feb. 22, 1991)..... p. 215, pp. 216-224a
IN91-6 (Feb. 22, 1991)..... p. 315, p. 320
Texas:
TX91-55 (Feb. 22, 1991)..... p. ALL
Wisconsin:
WI91-1 (Feb. 22, 1991)..... p. ALL

Volume III

Montana:
MT91-4 (Feb. 22, 1991)..... p. ALL
MT91-5 (Feb. 22, 1991)..... p. ALL

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington DC, this 6th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-5726 Filed 3-12-92; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, C 20210.

FOR FURTHER INFORMATION CONTACT: *Regarding the Attestation Process:* The Employment and Training Administration has established a voice-mail service for the H-1A nurse attestation process. Call Telephone Number: 202-535-0643 (this is not a toll-free number). At that number, a caller can:

(1) Listen to general information on the attestation process for H-1A nurses;

(2) Request a copy of the Department of Labor's regulations [20 CFR part 655, subparts D and E, and 29 CFR part 504, subparts D and E) for the attestation process for H-1A nurses, including a copy of the attestation form (form ETA 9029) and the instructions to the form;

(3) Listen to information on H-1A attestations filed within the preceding 30 days;

(4) Listen to information pertaining to public examination of H-1A attestations filed with the Department of Labor;

(5) Listen to information on filing a complaint with respect to a health care facility's H-1A attestation (however, see the telephone number regarding complaints, set forth below); and

(6) Request to speak to a Department of Labor employee regarding questions not answered by Nos. (1) through (4) above.

Regarding the Complaint Process: Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nurse profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 6th day of *March 1992.*

Robert J. Litman,

Acting Director United States Employment Service.

Division of Foreign Labor Certifications

[Approved Attestations 02/02/92 to 02/29/92]

CEO-name/Facility name/ Address	Approval	
	State	Date
Mr. Ray White, Cambridge Rehab. Ctrs., 2204 Whitesburg Dr., Huntsville 35801, 205-539-1776.	AL	02/28/92
Mr. Ronald TenBarge, Bullhead Comm. Hosp., Med. Envir. Inc., Bullhead City 86442, 602-763-2273.	AZ	02/27/92
Mr. Don Evans, Mesa Lutheran Hospital, 527 West Brown Road, Mesa 85201, 602-461-2634.	AZ	02/27/92
Mr. Dan Frank, Community Hosp. Med. Ctr., 6501 No. 19th Ave., Phoenix 85015, 602-249-3434.	AZ	02/27/92
Ms. Jocelyn Poblete, Pleasant Valley Rehab. and Co. Hospital, Oxnard 93033, 805-488-3596.	CA	02/10/92
Mr. J. Douglas Dent, Doctors Medical Ctr., 1441 Florida Avenue, Modesto 95350, 209-578-1211.	CA	02/10/92
Mr. Frank Puglisi, Merrithem Mem. Hosp., 2500 Alhambra Ave., Martinez 94553, 510-370-5144.	CA	02/10/92
Mr. Michael Sussman, Whittier Hosp. Med. Ctr., 15151 Janine Dr., Whittier 90605, 213-945-3561.	CA	02/10/92
Ms. Maria Boire, Cornerstone House of Santa Barbara, 908 El Rancho Rd., Santa Barbara 93108, 805-969-1569.	CA	02/10/92
Mr. John Adams, Care West Anza, Care Enterprises West, El Cajon 92020 714-544-4443.	CA	02/19/92
Mr. Bruce G. Satzger, Valley Med. Ctr. of Fresno, 445 South Cedar Ave., Fresno 93702, 209-453-0501.	CA	02/19/92
Mr. John Adams, Care West Burlingame, Care Enterprises West, Burlingame 94010, 714-544-4443.	CA	02/20/92
Mr. John Adams, Care West Park Central, Care Enterprises West, Fremont 94536, 714-544-4443.	CA	02/20/92
Mr. John Adams, Care West Huntington Valley, 8382 Newman Ave., Huntington Beach 92647, 714-544-4443.	CA	02/20/92
Mr. John Adams, Care West Washington Manor, Care Enterprises West, San Leandro 94578, 714-544-4443.	CA	02/20/92
Mr. John Adams, Care West Georgian Court, Care Enterprises West, San Diego 92123, 714-544-4443.	CA	02/20/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS—Continued

[Approved Attestations 02/02/92 to 02/29/92]

CEO-name/Facility name/Address	Approval State	Approval Date
Ms. Linda Stireman, Southern Monterey County Mem. Hosp., King City 93930, 408-385-6000.	CA	02/21/92
Mr. Ronald E. Dahlgren, Queen of Angeles Hollywood Presbyterian Med. Ctr., Los Angeles 90027, 213-913-4540.	CA	02/27/92
Mr. Nick Hilger, Swedish Medical Ctr., 501 E. Hampden Avenue, Englewood 80110, 303-788-5000.	CO	02/10/92
Mr. John P. Yeros, Int'l Nursing Services, 360 South Garfield St., Denver 80209, 303-393-1515.	CO	02/10/92
Sister Marianna Bauder, Saint Joseph Hospital, 1835 Franklin Street, Denver 80218, 303-837-7111.	CO	02/10/92
Mr. John P. Yeros, Staff Builders Travel Nurse Div., Denver 80209, 303-393-1515.	CO	02/20/92
Mr. John J. Meehan, Hartford Hospital, 80 Seymour Street, Hartford 06115, 203-524-3011.	CT	02/19/92
Ms. Christine St. Andre, The George Wash. U. Med. Ctr., c/o Int'l Services Office, Washington 20052, 202-994-5660.	DC	02/21/92
Sister Carol Keehan, Providence Hospital, 1150 Varnum Street, NE., Washington 20017, 202-269-7000.	DC	02/27/92
Mr. Douglas Shepherd, National Rehab. Hosp., 102 Irving St., NW., Washington 20010, 202-877-1660.	DC	02/28/92
Ms. Ira Clark, Jackson Memorial Hosp., 1611 NW. 12th Avenue, Miami 33136, 305-585-2999.	FL	02/10/92
Mr. Thomas F. Jones, Miami Children's Hosp., 6125 SW. 31st St., Miami 33155, 305-666-5511.	FL	02/10/92
Mr. J. Daniel Miller, Hudson Medical Ctr., HCA Bayonet Point, Hudson 34667, 813-863-2411.	FL	02/20/92
Ms. Josefina Lardizabal, GEM Care, 550 9th Street, Miami Beach 33139, 305-531-3321.	FL	02/27/92
Mr. Thomas G. Culbreth, Cedars Medical Center, 1400 NW. 12th Ave., Miami 33136, 305-325-5511.	FL	02/28/92
Mr. Ramsey Jennings, Bulloch Mem. Hosp., 500 East Grady St., Statesboro 30458, 912-764-6671.	GA	02/28/92
Mr. John A. Drew, Athens Reg'l Med. Ctr., 1199 Prince Ave., Athens 30613, 404-549-9977.	GA	02/28/92
Mr. Eric Rothner, Concord Nursing Home, 9401 S. Ridgeland, Oak Lawn 60453, 708-599-6700.	IL	02/10/92
Ms. Allison C. Laabs, St. John's Hospital, 800 East Carpenter Street, Springfield 62769, 217-544-6464.	IL	02/10/92
Mr. Morris Estormes, Morton Terrace, 191 East Queenland, Morton 61550, 309-266-5336.	IL	02/10/92
Jo Anne Fisher, Burgess Square Healthcare Center, 5801 South Cass Avenue, Westmont, Illinois 60559, 708-971-2645.	IL	02/19/92
Sister Teresa Mary Clarkson, Holy Cross Hospital, 2701 West 68th St., Chicago 60629, 312-471-8000.	IL	02/21/92
Mr. Yale Wolk, Thorek Hosp. & Med. Ctr., 850 W. Irving Park Rd., Chicago 60613, 312-525-6780.	IL	02/27/92
Mr. Victor D. Butler, St. Joseph Hosp. & Health Car Ctr., Chicago 60657, 312-975-9000.	IL	02/27/92
Mr. John Birdzell, St. Mary Medical Center, Lakeshore Health System, Gary 46402, 219-881-8140.	IN	02/19/92
Mr. A. Jason Geisinger, Hammersmith House Nur. Care Ctr., Saugus 01906, 617-233-8123.	MA	02/20/92
Sister Blanche LaRose, Bethany Health Care Ctr., Inc., 97 Bethany Rd., Framingham 01701, 508-872-6750.	MA	02/21/92
Mr. Stanley M. Fertel, Jewish Memorial Hospital, 59 Townsend Street, Boston 02119, 617-442-8760.	MA	02/27/92
Robert M. Heyssel, M.D.; The Johns Hopkins Hosp., c/o Nursing Admin./Adm. 220, Baltimore 21205, 410-955-4222.	MD	02/10/92
Mr. Ronald Marx, Washington Adventist Hosp., 7600 Carroll Ave.; Takoma Park 20912, 301-891-7600.	MD	02/27/92
Michael Opipari, M.D., Detroit Osteopathic Hosp., 12523 Third Ave., Highland Park 48203, 313-252-4060.	MI	02/10/92
Mr. Edward S. Thomas, Detroit Receiving Hosp. & U. Health Ctr., Detroit 48201, 313-745-3400.	MI	02/20/92
Mr. Phillip S. Schaengold, Sinai Hosp. of Detroit, 6767 West Outer Drive, Detroit 48235.	MI	02/21/92
Mr. A. Jason Geisinger, Wornall Healthcare Ctr., First Healthcare Corp. d.b.a., Kansas City 64145, 816-942-1676.	MO	02/20/92
Mr. W.L. Bradley, Lucy Lee Hospital-AMI, Poplar Bluff 63901, 314-785-7721.	MO	02/28/92
Mr. Jonathan M. Metsch, Jersey City Med. Ctr., 50 Baldwin Ave., Jersey City 07304, 201-915-2000.	NJ	02/10/92
Mr. Michael J. Sniffen, Overlook Hospital, P.O. Box 220, Summit 07902, 908-522-2236.	NJ	02/10/92
Mr. David Fletcher, Elizabeth Gen'l Med. Ctr., 925 East Jersey St., 07201, 908-289-8600.	NJ	02/10/92
Mr. Daniel A. Kane, Englewood Hospital, 350 Engle Street, Englewood 07631, 201-894-3000.	NJ	02/20/92
Mr. Frank L. Muddle, Irvington Gen'l Hosp., 832 Chancellor Ave., Irvington 07111, 201-399-6131.	NJ	02/27/92
Mr. Thomas L. Scott, Burdette Tomlin Mem. Hosp., Stone Harbor Blvd., Cape May Court House 08210, 609-463-2000.	NJ	02/27/92
Mr. Paul Cooper, South Jersey Hosp. System, 337 Irving Ave., Bridgeton 08302, 609-451-6600.	NJ	02/27/92
Mr. Victor T. Napenas, Valley Rest Nur. Home, Inc., 56 Bogert St., Totowa 07512, 201-942-2534.	NJ	02/27/92
Mr. Fred Long, Barnert Hospital, 680 Broadway, Paterson 07514, 201-977-6600.	NJ	02/28/92
Mr. Keith McLaughlin, Raritan Bay Med. Ctr., 530 New Brunswick Ave., Perth Amboy 08861, 908-442-3700.	NJ	02/28/92
Mr. Thomas G. Doherty, Queens Hospital, Immigration Program Ser., New York 10013, 212-788-3485.	NY	02/07/92
Mr. Alvin J. Conway, Catholic Med. Ctr. of Brooklyn and Queens, Inc., Jamaica 11432, 718-657-6800.	NY	02/10/92
Mr. David B. Skinner, The Society of the NY Hosp., 525 East 68th St., New York 10021, 212-746-4085.	NY	02/10/92
Ms. Jodee Berkowitz, Haym Solomon Home for the Aged, Brooklyn 11214, 718-373-1700.	NY	02/10/92
Ms. Olga Lipschitz, Cobble Hill Nursing Home, 380 Henry Street, Brooklyn 11021, 718-855-5789.	NY	02/10/92
Mr. Louis F. Parker, St. John's Riverside Hosp., 967 North Broadway, Yonkers 10701 914-964-4444.	NY	02/10/92
Mr. William Frohlich, Beth Abraham Hospital, 612 Allerton Ave., Bronx 10467, 212-920-6021.	NY	02/10/92
Mr. Krishin Bhatia, Victory Memorial Hosp., 699 92nd Street, Brooklyn 11228, 718-630-1268.	NY	02/19/92
Mr. David P. Rosen, The Jamaica Hospital, 89th Avenue & VanWyck Expwy., Jamaica 11418, 718-262-8000.	NY	02/20/92

DIVISION OF FOREIGN LABOR CERTIFICATIONS—Continued

[Approved Attestations 02/02/92 to 02/29/92]

CEO-name/Facility name/Address	Approval State	Approval Date
Mr. Michael New, Sephardic Home for the Aged, Inc., Brooklyn 11214, 718-266-8100.	NY	02/20/92
Mr. Irwin M. Langer, Peninsula Hosp. Ctr., 51-15 Beach Channel Dr., Far Rockaway 11691, 718-945-7100.	NY	02/21/92
Mr. Frederick D. Alley, The Brooklyn Hosp. Ctr., 121 Dekalb Ave., Brooklyn 11201, 718-403-8025.	NY	02/21/92
Mr. John R. Ahearn, The Hosp. for Special Surgery, 535 East 70th St., New York 10021, 212-606-1000.	NY	02/21/92
Mr. Louise Kane, Community Hosp. of Brklyn., 2525 Kings Hwy., Brooklyn 11229, 718-377-7900.	NY	02/21/92
Mr. Charles Meyer, The Brookdale Hosp. Med. Ctr., Linden Blvd. at Brookdale Plaza, Brooklyn 11218, 718-240-5958.	NY	02/25/92
Mr. Paul Svensson, The Parkway Hospital, 70-35 113th Street, Forest Hills 11373, 718-990-4100.	NY	02/27/92
Mr. Henry Olshin, Astoria General Hospital, 25-10 30th Avenue, Long Island City 11102, 718-932-1000.	NY	02/27/92
Mr. Hawa S. Idriss, United Hospital Med. Ctr., 406 Boston Post Road, Port Chester 10573, 914-939-7000.	NY	02/27/92
Sister Louise Garley, Benedictine Hospital, 105 Mary's Avenue, Kingston 12401, 914-338-2500.	NY	02/27/92
Mr. Harry J. Botwell, The Presbyterian Hosp., 622 West 168th Street, New York 10032, 212-305-4756.	NY	02/28/92
Ms. Thana Martin, CPC Cedar Hills Hospital, 10300 S.W. Eastridge St., Portland 97225, 503-297-2252.	OR	02/27/92
Ms. Lois Jean Moore, Harris County Hosp. Dist., 1504 Taub Hosp. Dist., 1504 Taub Loop, Houston 77030, 713-793-3480.	TX	02/10/92
Mr. Ernest Flores, Jr., Dimmit County Mem. Hosp., 704 Hospital Drive, Carrizo Springs 78834, 512-876-2424.	TX	02/10/92
Ms. Florita C. Tolentino, Omni Health Services, Omni Consortium, Inc. d/b/a, Houston 77080, 713-690-1971.	TX	02/20/92
Mr. Eddie A. George, HCA Spring Branch Med. Ctr., 8850 Long Point, Houston 77055, 713-984-3644.	TX	02/20/92
Charles A. LeMaistre, M.D., M.D. Anderson Cancer Ctr., The University of Texas, Houston 77030, 713-794-4505.	TX	02/27/92
Mr. Michael C. Waters, Hendrick Med. Ctr., 1242 North 19th St., Abilene 79601, 915-670-2000.	TX	02/27/92
Ms. Reza Khazeni, Professional Nursing Ser., 420 E. South Temple, Salt Lake City 84111, 801-532-4900.	UT	02/27/92
Total Attestations		89

[FR Doc. 92-5933 Filed 3-12-92; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 23, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than March 23, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Adminstration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 2nd day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
A.M.F.E.L.S., Inc. (Workers)	Brownsville, TX	03/02/92	02/20/92	26,901	Oil, gas drilling.
Babcock Industries, Inc/ACCO Group (Workers)	Dee Arc, AR	03/02/92	01/24/92	26,902	Automotive control cables.
BHP Petroleum, Inc. (Workers)	Houston, TX	03/02/92	02/19/91	26,903	Oil, gas.
Bovaird Supply Co (The) (Co)	Tulsa, TX	03/02/92	02/20/92	26,904	Oil and gas equipment.
Brandywine Country (Workers)	Reedsville, PA	03/02/92	02/17/92	26,905	Ladies lingerie, children's clothing.
Bull Rogers, Inc., (Workers)	Odessa, TX	03/02/92	03/14/91	26,906	Install pipe & casing for oil wells.
C & M Oilfield Service, Inc. (Co)	Northport, AL	03/02/92	02/16/92	26,907	Gas well service.
Cactus Drilling Co (Workers)	Midland, TX	03/02/92	02/24/92	26,908	Oil drilling.
Cipher Data Products (Co)	Ann Arbor, MI	03/02/92	02/21/92	26,909	Magnetic tape drives.
Dunmore Corp (UAW)	Racine, WI	03/02/92	01/24/92	26,910	Machine tools.
Exploration Employment Service (Workers)	Livingston, TX	03/02/92	01/28/92	26,911	Oil and gas permit agents.
Grant Tensor Geophysical Corp. (Workers)	Denver, CO	03/02/92	02/21/92	26,912	Seismic data.
Halliburton Services (Workers)	Norton, VA	03/02/92	02/21/92	26,913	Oil and gas.
Halliburton Services (Workers)	Belfield, ND	03/02/92	02/21/92	26,914	Oil and gas.
Halliburton Services (Workers)	Anchorage, AK	03/02/92	02/21/92	26,915	Oil and gas.
Halliburton Services (Workers)	Elkview, WV	03/02/92	02/21/92	26,916	Oil and gas.
Halliburton Services (Workers)	Artesia, NM	03/02/92	02/21/92	26,917	Oil and gas.

APPENDIX—Continued

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Halliburton Services (Workers)	Bossier City, LA	03/02/92	02/21/92	26,918	Oil and gas.
Halliburton Services (Workers)	Kalkaska, MI	03/02/92	02/21/92	26,919	Oil and gas.
Halliburton Services (Workers)	Helenwood, TN	03/02/92	02/21/92	26,920	Oil and gas.
Halliburton Services (Workers)	Anchorage, AK	03/02/92	02/21/92	26,921	Oil and gas.
Halliburton Services (Workers)	El Dorando, KS	03/02/92	02/21/92	26,922	Oil and gas.
Halliburton Services (Workers)	Fort Smith, AR	03/02/92	02/21/92	26,923	Oil and gas.
Halliburton Services (Workers)	Duncan, OK	03/02/92	02/24/92	26,924	Oil and gas.
Halliburton Services (Workers)	Brighton, CO	03/02/92	02/21/92	26,925	Oil and gas.
Halliburton Services (Workers)	Cortland, OH	03/02/92	02/21/92	26,926	Oil and gas.
Halliburton Services (Workers)	Indiana, PA	03/02/92	02/21/92	26,927	Oil and gas.
Halliburton Services (Workers)	Jackson, MS	03/02/92	02/21/92	26,928	Oil and gas.
Halliburton Services (Workers)	Amarillo, TX	03/02/92	02/21/92	26,929	Oil and gas.
Halliburton Services (Workers)	Cutbank, MT	03/02/92	02/21/92	26,930	Oil and gas.
Halliburton Services (Workers)	Flora, IL	03/02/92	02/21/92	26,931	Oil and gas.
Halliburton Services (Workers)	Vernal, UT	03/02/92	02/21/92	26,932	Oil and gas.
Halliburton Services (Workers)	Paintsville, KY	03/02/92	02/21/92	26,933	Oil and gas.
Halliburton Services (Workers)	Felda, FL	03/02/92	02/21/92	26,934	Oil and gas.
Halliburton Services (Workers)	Fort Smith, AR	03/02/92	02/21/92	26,935	Oil and gas.
Halliburton Services (Workers)	Anchorage, AK	03/02/92	02/21/92	26,936	Oil and gas.
Halliburton Services (Workers)	Evanston, WY	03/02/92	02/21/92	26,937	Oil and gas.
Halliburton Services (Workers)	Avenal, CA	03/02/92	02/21/92	26,938	Oil and gas.
Halliburton Services (Workers)	Billings, MT	03/02/92	02/21/92	26,939	Oil and gas.
Halliburton Services (Workers)	Ardmore, OK	03/02/92	02/21/92	26,940	Oil and gas.
Hardwick Knitwear, Inc (Co)	Hardwick, Vermont	03/02/92	02/17/92	26,941	Sew clothing.
John L. Cox (Workers)	Oklahoma City, OK	03/02/92	02/18/92	26,942	Oil, gas.
Maline Sewing Corp of Pennsylvania (ILGWU)	Philadelphia, PA	03/02/92	02/11/92	26,943	Ladies, skirts, pants, shorts.
Manville Sales Corp (Co)	Denver, CO	03/02/92	02/19/92	26,944	Coal.
Multnomah Plywood Corp (Workers)	St. Helens, OR	03/02/92	02/03/92	26,945	Softwood, plywood.
National Semi-Conductor (Workers)	South Portland, ME	03/02/92	02/19/92	26,946	Digital intergrated circuits.
Nestle Chocolate Co (RWDSU)	Fulton, NY	03/02/92	02/19/92	26,947	Cocoa beverages.
NGK Metals Corp (USWA)	Reading, PA	03/02/92	02/14/92	26,948	Beryllium and nickel alloys.
Ronni Fashions, Inc (ILGWU)	New Brunswick, NJ	03/02/92	02/18/92	26,949	Dresses.
Serac, Inc (Workers)	Spokane, WA	03/02/92	02/24/92	26,950	Skiwear and sportswear.
Somerset Knitting Mills (ILGWU)	Philadelphia, PA	03/02/92	02/12/92	26,951	Men's and womens sweaters.
Springs Industries, Inc (Workers)	Ft. Mill, SC	03/02/92	02/13/92	26,952	Yarn.
Teledyne Exploration Co (Workers)	Houston, TX	03/02/92	02/18/92	26,953	Seismograph services.
UAW Family Education Center (Workers)	Onaway, MI	03/02/92	02/11/92	26,954	Provide services for union members.
Western Company of North America (Co)	Eldorado, TX	03/02/92	02/18/92	26,955	Oil, gas well services.
Western Company of North America (Co)	Palestine, TX	03/02/92	02/18/92	26,956	Oil, gas well services.
Weyerhaeuser Kraft Mill (AWPPW)	Everett, WA	03/02/92	02/21/92	26,957	Pulp.

[FR Doc. 92-5938 Filed 3-12-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,566 CHERRY HILL, NJ, TA-W-26,566A ENCINO, CA, TA-W-26,566B FOSTER CITY, CA, TA-W-26,566C SUNRISE, FL, TA-W-26,566D ATLANTA, GA, TA-W-26,566E CHICAGO, IL, TA-W-26,566F WELLESLEY, MA, TA-W-26,566G ST. LOUIS, MO, TA-W-26,566H EAST RUTHERFORD, NJ, TA-W-26,566I NEW YORK, NY, TA-W-26,566J DUBLIN, OH, TA-W-26,566K HOUSTON, TX, TA-W-26,566L HERNDON, VA, TA-W-26,566M VIENNA, VA]

Gandalf Systems Corp.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 17, 1992, applicable to all workers of Gandalf Systems Corporation, Cherry Hill, New Jersey. The notice was published in the **Federal Register** on February 4, 1992 (57 FR 4218).

New information from the company shows that Gandalf had worker separations in California, Florida, Georgia, Illinois, Massachusetts, Missouri, New Jersey, New York, Ohio, Texas and Virginia. The former employees worked in administration, service and sales positions which supported the manufacturing operations in Cherry Hill, New Jersey. All the former employees were on the company payroll.

The intent of the Department's certification is to include all workers of Gandalf who were adversely affected by increased imports.

The amended notice applicable to TA-W-26,566 is hereby issued as follows:

All workers of Gandalf Systems Corporation, Cherry Hill, New Jersey; Encino, California; Foster City, California; Sunrise, Florida; Atlanta, Georgia; Chicago, Illinois; Wellesley, Massachusetts; St. Louis, Missouri; East Rutherford, New Jersey; New York, New York; Dublin, Ohio; Houston, Texas; Herndon, Virginia and Vienna, Virginia who became totally or partially separated from employment on or after October 31, 1990 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of March 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5935 Filed 3-12-92; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-26,415, 416, 416A, 417]

Schlumberger Technology Corp.; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of Schlumberger Technology Corp., d/b/a SWS NAM, Inc., Larose Offshore Office, Cutoff, Louisiana; TA-W-26,416 Schlumberger Technology Corp., d/b/a SWS NAM, Inc., Well Services Office, Belle Chasse, Louisiana; TA-W-26,416A Schlumberger Technology Corp., d/b/a SWS NAM, Inc., Special Services Office, Belle Chasse, Louisiana; TA-W-26,417 Schlumberger Technology Corp., d/b/a SWS NAM, Inc., Renovation Center, Belle Chasse, Louisiana.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 27, 1991, applicable to all workers of the subject firm. The notice was published in the **Federal Register** on December 20, 1991 (56 FR 66086).

At the request of the State Agency the Department reviewed the subject certifications. New information shows that all of the claimants' wages were reported under Schlumberger Technology Corporation, d/b/a SWS NAM Inc., Houston, Texas. Therefore, in order to properly reflect the correct worker group, the Department has changed the name from Schlumberger to Schlumberger Technology Corporation, d/b/a SWS NAM Inc.

The amended notice applicable to TA-W-26,415, TA-W-26,416, TA-W-26,416A and TA-W-26,417 is hereby issued as follows:

All workers of Schlumberger Technology Corporation, d/b/a SWS NAM Inc., Well Services Office, Belle Chasse, Louisiana (TA-W-26,416); Special Services Office, Belle Chasse, Louisiana (TA-W-26,416A); Renovation Center, Belle Chasse, Louisiana (TA-W-26,417); and Larose Offshore Office, Cutoff, Louisiana (TA-W-26,415) who became totally or partially separated from employment on or after January 1, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of March 1992.

Marvin M. Fooks,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-5939 Filed 3-12-92; 8:45 am]
BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

National Advisory Commission on Work-Based Learning; Open Meeting

SUMMARY: The National Advisory Commission on Work-Based Learning was established in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) on December 14, 1990, **Federal Register** December 26, 1990, pg. 53063). The Commission has broad responsibility to advise the Secretary of Labor on ways to increase the skill levels of the American work force and expand access to work-based learning. The Commission is developing strategic action plans for:

- A voluntary, industry-led system of skill standards and for certification;
- Integrating human resource development and technology diffusion efforts;
- Promoting labor-management cooperative efforts to implement work-based learning;
- Changing accounting methods to promote human resource development;
- Valuing diversity as a corporate strategic asset;
- Developing a national quality award for excellence in human resource development.

TIME AND PLACE: The meeting will be held on Tuesday, April 7, 1992, from 9 a.m. until 4:30 p.m. at the Grand Hotel, 2350 M Street, NW., Washington, DC 20037.

AGENDA: The agenda for the meeting will include.

Tuesday, April 7

9 a.m.—Call meeting to order
Discussion of Framework for Action
Break
Workgroup Reports
Workgroup Reports
Public Comment Period
Adjourn at 4:30 p.m.

Note: Lunch will be taken at 12 noon to 1:15 p.m. The meeting will be open to the public. Thirty minutes will be set aside for public comments. Seating will be available for the public on a first-come, first-serve basis. Handicapped individuals wishing to attend should contact the Commission on Work-Based Learning in advance, so that staff can make appropriate accommodations. Individuals or organizations wishing to submit written statements should send 10 copies to Peter Carlson, Managing Director, National Advisory Commission on Work-Based Learning, FPB S2028, 200 Constitution Avenue NW., Washington, DC 20210, by March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Peter E. Carlson, Managing Director, National Advisory Commission on Work-Based Learning, FPB S2028, 200 Constitution Avenue NW., Washington, DC 20210; Tel. (202) 523-8271.

Signed at Washington, DC, this 9th day of March, 1992.

Roberts T. Jones,
Assistant Secretary of Labor.

[FR Doc. 92-5934 Filed 3-12-92; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Production (Face) Area at Underground Coal Mines and Related Provisions; Meeting

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of advisory committee meeting.

SUMMARY: This notice provides the date, time and place for the first meeting of the Mine Safety and Health Administration's Advisory Committee on the Use of Air in the Belt Entry to Ventilate the Face Area at Underground Coal Mines and Related Provisions.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Ballston Tower #3, 4015 Wilson Boulevard, room 631, Arlington, Virginia 22203; phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: Under sections 101(a) and 102(c) of the Federal Mine Safety and Health Act of 1977, a public meeting of the advisory committee will be held between the hours of 9 a.m. and 5 p.m. on March 30 and 31, 1992, at the Ramada Renaissance Hotel (Gallery III Ballroom) located at 950 N. Stafford Street, Arlington, Virginia 22203.

The Secretary of Labor appointed this advisory committee to make recommendations on conditions under which belt entry air could be safely used in the face areas of underground coal mines. The advisory committee's charter reflects a broad mandate to assess the safety and health aspects surrounding the use of air in the belt entry to ventilate the production area at underground coal mines. The committee will discuss a wide variety of issues which relate to necessary protections for assuring safe and healthful mining environment.

The purpose of the meeting is: (1) To give an historical overview on the prohibition of the use of belt air to ventilate the working face in underground coal mines; (2) to allow the committee members to become familiar with the issues involved and (3) to set an agenda for the committee to follow during its six-month tenure.

The public is invited to attend. The chairperson will provide an hour at the end of the meeting to allow interested persons to make comments. Official records of the meeting will be available

for public inspection at the above address.

Dated: March 11, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-6054 Filed 3-12-92; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL COMMUNICATIONS SYSTEM

Federal Telecommunication Standards

AGENCY: National Communications System, Office of Technology and Standards.

ACTION: Notice for comment on proposed standard.

SUMMARY: The purpose of this notice is to solicit the views of Federal agencies, industry, the public, and State and local governments on proposed Federal Telecommunications Standard 1049; "Telecommunications: HF Radio Automatic Operation in Stressed Environments, Section 1: Linking Protection."

DATE: Comments are due by June 11, 1992.

ADDRESS: Send comments to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Courthouse Road, Arlington, VA 22204-2198.

FOR FURTHER INFORMATION CONTACT: Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Mr. Robert T. Adair, telephone (303) 497-3723, or Mr. David F. Peach, telephone (303) 497-5309.

SUPPLEMENTARY INFORMATION:

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunication standards for NCS interoperability and the computer communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Requests for copies of the November 14, 1991 draft proposed FED-STD-1049, Section 1 should be directed to the National Communications System, Office of Technology and Standards, Attn: NT, 701 South Courthouse Road, Arlington, VA 22204-2198.

Dennis Bodson,

Assistant Manager, NCS Office of Technology and Standards.

[FR Doc. 92-5950 Filed 3-12-92; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

Proposed National Career Development (Institute) Training Program

AGENCY: National Occupational Information Coordinating Committee.

ACTION: Notice; request for comment.

SUMMARY: The Congress has appropriated to the National Occupational Information Coordinating Committee (NOICC) $1.2 million which are to be used for—

The establishment of career development programs to train personnel in assisting students to understand themselves in the context of their career development, to be aware of the world of work, to understand the linkage between academic skills and work-related skills, and to make effective career decisions.

In keeping with the stated wishes of the Congress and in conjunction with State Occupational Information Coordinating Committee (SOICC's), the NOICC is seeking to establish a National Career Development (Institute) Training Program, the goals of which are:

- To develop and provide a National training capability for career development counselors, advisors, teachers, instructors, administrators and paraprofessionals that can be institutionalized in States and/or regions.
- To provide a National technical assistance role and evaluation capacity to support career development training throughout the NOICC/SOICC network.
- To expand and improve upon ongoing NOICC/SOICC career development training initiatives.
- To support a specified range of SOICC initiated career development projects and activities to enhance the base for the training and/or contribute to the training in State or local settings.

The NOICC plans to work with SOICC's and a nationally recognized university (or consortium of universities) to establish a National Career Development (Institute) Training Program and proposes to split on a roughly 50:50 basis appropriated resources between (1) the academic institute and (2) the SOICC's.[1] The university (or universities) will be responsible for establishing a National Career Development Training Institute that can formulate, facilitate, and evaluate a National career development training agenda through one or more cooperating regional centers or programs and the States. The SOICC's will be responsible for creating in each State an institutionalized capacity to assist in determining a National career development training agenda and in carrying out specific training or evaluation activity.

The Executive Director of the NIOCC is soliciting from SOICC's, selected Federal agencies, and key counseling, education, and employment and training organizations suggestions about the structure and content of the Career Development Training (Institute) Program. The Executive Director also wishes to hear opinions of the public at large on a number of basic program design questions and is, therefore, requesting comment on the same.

DATES: Written comments on this notice are invited. Comments shall be received by April 13, 1992.

ADDRESSES: Comments shall be mailed to Ms. Juliette Lester, Executive Director, National Occupational Information Coordinating Committee, 2100 M Street NW., suite 156, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Burton Carlson or Walton Webb at (202) 653-5671.

SUPPLEMENTARY INFORMATION: The NOICC is a Federal interagency committee established by Congress in 1976 to promote and coordinate the development and use of occupational, labor market and career information. It is authorized and funded through sections 125 and 464 of the Job Training Partnership Act (JTPA) and title IV, part C, sections 422(a) and 451(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (PVATEA).

The need to match worker skills with workplace demands is a topic of increasing National concern, both with respect to workers now employed across this nation and with respect to students leaving school and entering the workplace for the first time. Successful matching of worker skills with job requirements depends to a large measure on the individual worker and

[1] Funds going to a university or consortium of universities will also be channeled through a SOICC.

the extent to which he or she understands the kinds of jobs available, the skills required, and the relationship between academic preparation and job performance. The proposed National Career Development Training (Institute) Program seeks to address this issue by increasing the knowledge, tools, and skills of those persons who assist youth and adults with occupational preparation and career decisions.

Career development is a growth and learning process important to individuals across their lifespan. The persons who need career development assistance vary in age, sex, education, experience, the kinds of assistance needed, as does the context in which such assistance is provided. The persons rendering career development assistance represent a variety of agencies and situations and have studied or been trained in a variety of subjects and disciplines. They work with a variety of potential service groups. As a result, the structure and content of the proposed career development institute program raises a number of questions.

The questions that follow are, in the view of the NOICC, basic to the structure and content of the Career Development Training (Institute) Program. The public is, therefore, invited to respond to these questions and/or to add to the list any questions it believes the NOICC has left out. The specific questions are:

1. Should the primary focus of the National Career Development Training (Institute) Program be creation—at the individual State level—of a State capacity for developing and delivering career development training to counselors, counselor educators and others; or should the primary program be the development and direct provision of training through a National Institute? If State capacity building is the answer, should attention be directed to all States, or be limited to those States that demonstrate early commitment and ability to field training in a short period of time? If the answer is the direct provision of training, how can a National program with limited funds be structured to supply a sufficient amount of training to make a difference? Does regionalization of the program offer an acceptable option?

2. How should the National Career Development Training Institute be structured? Should a single university approach be used or should multiple universities be involved? If a multiple university arrangement is preferred, how should that relationship be structured?

3. What should the role of the National Institute be? Should it be confined to a developmental and train-the-trainer role, or should it engage in the actual delivery of training, or both? To what extent should a National Institute be expected to provide technical assistance to States and on what basis? Should the Institute engage in evaluation and research?

4. Should there be created a National Institute advisory or governing committee? If so, how should it be configured and what authority should it exercise?

5. If a National/Regional configuration is used for the Institute, should the roles of universities/centers at the two levels differ? Or should they be comparable?

6. What should the role of the NOICC be? Should the NOICC be limited to funding and oversight? Or is a more active involvement recommended? If so, what should that involvement include?

7. What should the role of SOICC's be? Should they be treated as planning/administrative entities only, or should they be directly involved in the delivery of career development training? What should be the SOICC's relationship to the National Institute? To any regional centers or programs?

8. Should training offered through the National Institute or States be targeted to individual State audiences, or should training be made available through the Center and States to interested parties on a regional or national basis?

9. Should the National Institute or States offer courses designed for a general audience, no matter what their experience or education; or should distinction be made between beginning and advanced curricula? What sort of admissions policies and procedures should be developed to make the best and widest use of the program?

10. Should the National training curriculum offer specialized courses to persons who work with specific populations, for example, teachers of elementary students or counselors in correctional facilities? Or should curriculum be organized solely by topics or subject matter applicable to all clientele and all situations? What topics might the curriculum include?

11. Should the National Institute or States be authorized to conduct or support "in-house" or "cooperative" career development training programs for "closed audiences"—such as the personnel of a single school district or Federal prison?

12. Should the National Institute or States conduct training specifically designed for paraprofessionals who have not completed a four-year degree program or received professional postsecondary certification?

13. Should the National Institute or State training be structured so that some sort of "grade" or certificate is given to persons successfully completing a course or session? Should satisfactory completion of training result in academic credit? If grades, certificates, or academic credit are to be issued, what sort of certification should be required of faculty and course content?

14. Should the National Institute or State training be provided free-of-charge, or should training be made available on a fee basis? If training is offered on a fee basis, should scholarships or financial assistance be made available to qualified persons who cannot afford the cost?

15. If training is offered on a fee basis, should the Institute or State training materials (textbooks, handbooks, videos) be published and disseminated to users who have not participated in related National Institute programs?

16. Should the National Institute and States, independent of NOICC, pursue grants and contracts from other public and private organizations to support the overall goals of the National Career Development Training Program?

Request for Public Comment

The NOICC is seeking public response to these questions and any other appropriate comments or suggestions interested parties wish to make.

Signed at Washington, DC, this 10th day of March, 1992.

Juliette Lester,

Executive Director.

[FR Doc. 92-5946 Filed 3-12-92; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit application received under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by April 17, 1992. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7817.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

1. Applicant

Gerald L. Kooyman, Physiological Research Lab 0204, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093.

Activity for Which Permit Requested

Taking. Import into USA. Enter Specially Protected Area. The applicant is conducting research on penguin foraging effort and breeding success. These studies will be the basis for a study of emperor penguins as environmental monitors in the Ross Sea. Up to 115 adult and 210 emperor penguin chicks will be captured to attach instruments, perform stomach lavage, weigh, or collect blood samples. Carcasses of 5 adults, 5 chicks, and 15 eggs will be salvaged for morphometric measurements.

Location

Cape Washington, Coulman Island, Cape Roget, Cape Crozier.

Dates

September 1992–December 1993.

Charles E. Myers,

Permit Officer, Division of Polar Programs.

[FR Doc. 92–5944 Filed 3–12–92; 8:45 am]

BILLING CODE 7555-01-M

Nuclear Regulatory Commission

Carolina Power & Light Co; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards; Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. 50–261 issued to Carolina Power & Light Company (the licensee) for operation of the H.B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment would add a footnote to Technical Specifications (TS) 3.14.3.2.a and 3.14.4.2.a that would suspend the requirements of these sections of the fire protection Technical Specifications for the duration of the containment Integrated Leak Rate Test (ILRT) and the Structural Integrity Test (SIT).

By letter dated March 6, 1992, the licensee requested exigent handling of the proposed amendment request. The licensee stated that they have exerted their best effort to make a timely application for the proposed amendment. Initial concerns regarding the ability to satisfy the required action statement of TS 3.14.3.2.a and 3.14.4.2.a were expressed during a review of the ILRT procedure on February 4, 1992. An investigation was initiated which involved a review of the test procedure, the applicable TS, testing practices used at other sites, and the approach used during a 1987 performance of this test. Without exigent handling, it is projected that the performance of the ILRT and SIT will be delayed approximately one week, which would likewise delay the start of critical containment work and would probably extend the outage completion date.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed amendment would provide a temporary exemption from the compensatory actions required when the specified pre-action system and fire hose stations are inoperable during concurrent performance of the Integrated Leak Rate Test (ILRT) and the Structural Integrity Test (SIT). This exemption will apply only to these very specific conditions for a finite period of time.

During the performance of the ILRT, the plant will be in cold shutdown. By de-energizing all components within the containment that are not required for either ILRT performance or maintenance of shutdown core cooling, potential fire ignitions sources will be minimized. Also, a thorough containment walkdown by the fire protection staff prior to initiation if the ILRT will ensure that any combustible materials are minimized or eliminated.

The fire hose station and Pre-Action Systems are not required for achieving and maintaining either hot or cold shut down.

It may be postulated that the consequences of a fire may be slightly increased due to an unspecified delay in confirming and responding to an actual fire in the containment. Upon receipt of alarms for two trains of the fire detection system, there will be some time required for assessment of the situation, and some unspecified delay in responding to the fire while the ILRT is suspended and containment is accessed. However, by de-energizing nonessential equipment within the containment, and minimizing or eliminating combustible materials prior to ILRT pressurization, the probability of a fire occurring will be extremely small. In fact, since the containment will be secured immediately following the fire protections walkdown, there will be no possibility of transient combustibles entering the area. As such, a once per shift inspection should be unnecessary since there should be no change in the "potential hazards for fire." In summary, although the proposed amendment may have a minor impact upon the ability to promptly respond to an actual life, the compensatory actions taken, together with the conditions imposed by the ILRT, ultimately demonstrate that there will be no significant increase in the probability or consequences of an accident previously evaluated.

The plant will be in cold shutdown throughout the duration of the ILRT when the proposed amendment will be in effect. The possibility of a fire occurring will be significantly reduced, if not eliminated, by the de-energization of nonessential equipment, and the pre-test walkdown of containment by the fire protection staff. The proposed amendment will not affect the ability of the plant to maintain safe shutdown conditions, and no unusual plant evolutions will take place. The accidents analyzed in Chapter 15 of the Updated Final Safety Analysis Report bound the conditions created by the proposed amendment. Therefore, the proposed change does not create the possibility of anew or different kind of accident from any accident previously evaluated.

2. The proposed amendment does not involve a significant reduction in the margin of safety.

As discussed in item 1, above, the margin of safety could be considered to be impacted by the proposed amendment. However, by de-energizing all nonessential components within the containment which are not required for ILRT performance or maintenance of shutdown core cooling, potential fire ignition sources will be minimized. Also, a thorough containment walkdown by the fire protection staff prior to ILRT pressurization will ensure that any combustible materials are minimized or eliminated. Since the containment will be secured following this walkdown, there will be no change in the combustible loading within the containment, and a once per shift inspection for fire hazards should not be needed.

Therefore, there is adequate assurance that any postulated impact on the margin of safety will be minimal and the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30 days, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that

failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to R.E. Jones, General Counsel, Carolina Power & Light Company, P.O. Box 1551, Raleigh, North Carolina 27602, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 6, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, located at Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Dated at Rockville, Maryland, this 10th day of March 1992.

For the Nuclear Regulatory Commission.

George F. Wunder,

Acting Project Manager, Project Directorate II–I, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6057 Filed 3–12–92; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–267]

Public Service Co. of Colorado; Consideration of Issuance of Orders Authorizing Decommissioning of Fort St. Vrain Nuclear Generating Station and Termination of Possession Only License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order to authorize Public Service Company of Colorado (PSC) to decommission the Fort St. Vrain Nuclear generating Station (FSV) and subsequently an order to terminate Possession Only License No. DPR–34. This action is in response to PSC's application dated November 5, 1990, as revised December 17 and 21, 1990, January 14, 1991, April 15 and 26, 1991, May 15, 1991, June 6 and 17, 1991, July 1, 1991, August 28 and 30, 1991, November 15, 1991, December 6, 1991, and January 9, 1992.

The proposed FSV Decommissioning Plan involves prompt decontamination of FSV and removal of radioactive components (DECON option) and a revision to the Technical Specifications (TS) to be consistent with the plan. The first order would be issued following the Commission's review and approval of PSC's detailed plan for decommissioning of FSV and the related TS revision. It would amend the FSV operating license to allow implementation of the FSV Decommissioning Plan and would also revise the TS. Following completion of FSV decommissioning and verification by the Commission that acceptable radioactive contamination levels had been achieved, the Commission would issue a second order terminating Possession Only License No. DPR–34 and any further NRC jurisdiction over the FSV 10 CFR Part 50 reactor facility. Before issuance of each order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By April 13, 1992, the licensee may file a request for a hearing with respect to issuance of the subject Orders and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" on 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room located at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who had been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the orders under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: Petitioner's name and telephone number; date petition was mailed; Public Service Company of Colorado; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. J. K. Tarpey, Public Service Company Building, room 900, 550 15th Street, Denver, Colorado 80202, attorney for licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the licensee's application dated November 5, 1990 as revised, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

Dated at Rockville, Maryland, this 6th day of March 1992.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 92–5943 Filed 3–12–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–445]

TU Electric Company; Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–87 issued to TU Electric Company (the licensee) for operation of the Comanche Peak Steam Electric Station, Unit 1, (CPSES) located in Somervell County, Texas.

The proposed amendment would revise the CPSES Technical Specifications (TS) by removing the Boron Dilution Mitigation System (BDMS) from the TS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident form any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The proposed change does not involve a significant increase in the probability or consequences of accidents previously evaluated.

The CPSES Unit 1 safety analyses were reviewed to determine the impact of removing the surveillance requirements and actions related to the BDMS from the CPSES Unit 1 Technical Specifications. This review concluded that the proposed changes to the CPSES Unit 1 Technical Specifications do not affect the failure scenarios leading to an inadvertent boron dilution event, but instead affect the transient response for an inadvertent boron dilution event initiated from MODE 3, 4, or 5. Furthermore, no additional failure scenario were identified that result in an inadvertent boron dilution event. Therefore, the probability of initiating an inadvertent boron dilution event is unaffected by the proposed changes.

The consequences of an inadvertent boron dilution event initiated from MODE 3, 4, or 5 are not increased by the proposed Technical Specification changes. These analyses provide reasonable confidence that the reactor operators have sufficient time to identify and mitigate an inadvertent boron dilution event prior to a return to critical. In addition, the inadvertent boron dilution event has been analyzed by both Westinghouse and the NRC. The results of these analyses have concluded that the consequences of an inadvertent boron dilution event are not severe enough to jeopardize the health and safety of the public, i.e., no fuel failure or system overpressurization is expected following a return to critical.

Thus, the proposed Technical Specification changes do not involve an increase in the probability of consequences of an accident previously evaluated.

(2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The CPSES Unit 1 safety analyses were reviewed to determine the impact of removing the surveillance requirements and actions related to the BDMS from the CPSES Unit 1 Technical Specifications. This review concluded that the proposed changes to the CPSES Unit 1 Technical Specifications affect only the transient response of an inadvertent boron dilution event initiated from MODE 3, 4, or 5. This review also concluded that the proposed changes do not create the possibility of an accident that is different than any accident previously evaluated. Furthermore, the proposed changes do not affect any equipment important to safety in such a way as to increase the probability of a previously evaluated malfunction or to create the possibility of a malfunction different than previously evaluated.

Therefore, the proposed Technical Specification changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change does not involve significant reductions in the margin of safety.

The CPSES Unit 1 safety analyses were reviewed to determine the impact of removing the surveillance requirements and actions related to the BDMS from the CPSES Unit 1 Technical Specifications. As described in the FSAR and the SER, the margin of safety is established by precluding a return to critical for a postulated boron dilution event initiated from MODE 3, 4, or 5. The inadvertent boron dilution event has been analyzed for CPSES Unit 1 to demonstrate that at least 15 minutes are available, from the initiation of the event, for the reactor operators to detect and mitigate an inadvertent boron dilution during MODE 3, 4, or 5. These analyses incorporate CPSES Unit 1 plant-specific requirements for available shutdown margin and administrative procedures to restrict the maximum dilution flow rate. Conservative assumptions with respect to active RCS volume for dilution, boron worth, and critical boron concentration are also incorporated into the analyses. These analyses provide reasonable confidence that the reactor operators have sufficient time to identify and mitigate an inadvertent boron dilution event. In addition, TU Electric will continue to implement controls equivalent to existing procedures, operator guidelines, and surveillance requirements for the BDMS and associated circuitry and subsystems. The use of the BDMS during CPSES Unit 1 operation provides additional assurance that an inadvertent boron dilution event will be detected and mitigated.

In addition, analyses of the inadvertent boron dilution event have been conducted by both Westinghouse and the NRC. These analyses have concluded that the consequences of an inadvertent boron dilution event are not severe enough to jeopardize the health and safety of the public, i.e., no fuel failures or system overpressurization is expected following a return to critical.

Due to the increased reliance on operator action the proposed change results in a reduction in the margin on safety. However, based on the analyses above and the controls established by TU Electric, it is concluded that the reduction in margin of safety is not significant.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within thirty (30) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 13, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, designated by the Commission or by the chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board Panel will issue a notice of hearing or an appropriate order. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Suzanne C. Black: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to George L. Edgar, Esq., Newman and Holtzinger, 1615 L Street NW., suite 1000, Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding office or the Atomic Safety and Licensing Board Panel that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 28, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 9th day of March 1992.

For the Nuclear Regulatory Commission.

Thomas A. Bergman,

Project Manager, Project Directorate IV-2, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-5940 Filed 3-12-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-03255, License 42-00084-06, EA 91-096]

Order Imposing Civil Monetary Penalty

I

In the matter of Department of Veterans Affairs, Veterans Administration Medical Center, Houston, Texas.

The Department of Veterans Affairs, Veterans Administration Medical Center (VAMC), Houston, Texas (Licensee) is the holder of NRC Materials License No. 42-00084-06 issued by the Nuclear Regulatory Commission (NRC or Commission) on August 27, 1986. The license authorizes the Licensee to possess a variety of radioactive byproduct materials for use in medical research, diagnosis and therapy in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on June 10-12 and June 18-20, 1991. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and Confirmatory Order Modifying License (Effective Immediately) were served upon the Licensee by letter dated November 15, 1991. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice in two letters dated December 11, 1991. In its response, the Licensee requested mitigation of the proposed penalty based on its contention that: (1) Three of the violations (F, I, and L) involved procedures not required at the time of the inspection; (2) the external audits described in the Confirmatory Order and internal audits described in the VAMC response to the Notice are sufficient to attain and maintain compliance with NRC requirements; and (3) the amount of the civil penalty was excessive.

III

After consideration of the Licensee's response and the statements of fact, explanation, and arguments for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice should be imposed by Order.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The Licensee pay a civil penalty in the amount of $25,000 within 30 days of the date of this Order, by check, draft, or money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555.

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attn: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, suite 1000, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in Violations F, I, and L of the Notice referenced in section II above, and

(b) Whether, on the basis of such violations, and the additional violations set forth in the Notice which the Licensee has admitted, this Order should be sustained.

Dated at Rockville, Maryland this 4th day of March 1992.

For the Nuclear Regulatory Commission.

Hugh L. Thompson Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix—Evaluations and Conclusions

On November 15, 1991, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) and Confirmatory Order were issued for violations identified during an NRC inspection. The licensee responded to the Notice on December 11, 1991. The licensee admitted all the violations with the exception of Violations F, I, and L, argued that the Confirmatory Order was sufficient to attain and maintain compliance, and requested mitigation of the civil penalty. The NRC's evaluation and conclusion regarding the licensee's request are as follows:

Restatement of Violations

A. License Condition 20 requires, in part, that licensed material be possessed and used in accordance with statements, representations, and procedures contained in the application dated May 22, 1985, and letter dated August 20, 1986.

1. Item 23.D.3(d) of the application dated May 22, 1985, specifies that a bioassay will be performed within 2 weeks of the last possible exposure to (volatile) I–125 or I–131 when operations (in research areas) are being discontinued or when the worker is terminating activities with potential exposure to radioiodine.

Contrary to the above, the licensee failed to perform a bioassay for an individual within 2 weeks of the individual's last exposure to (volatile) I–125 and I–131, at which time the worker had terminated activities involving the use of radioiodine. Specifically, the individual had last worked with millicurie quantities of liquid radioiodine at the licensee's facility in August 1990, and a bioassay was not performed until March 31, 1991.

2. Item 8 of the letter dated August 20, 1986, specifies, in part, that for bioassays, the radiation safety officer (RSO) will perform the counting and calculations necessary to determine the amount of activity present in the person.

Contrary to the above, as of June 20, 1991, the RSO had failed to perform the calculations necessary to determine the activity present in individuals for whom bioassays were performed. Specifically, the bioassays performed during the period from January 1990 to June 1991 for individuals working in nuclear medicine consisted of a thyroid count using a scintillation detection system, but did not include the calculations necessary to determine and evaluate the activity present in the individuals' thyroid glands.

3. Item 21.B.1 of the application dated May 22, 1985, specifies that xenon-133 will be stored in a RADX Corp. "Xenon-Kow II" located in the fume hood in room 747A of Building 1A.

Contrary to the above, the licensee did not limit the storage of xenon-133 to the RADX Corp. "Xenon-Kow II" within the designated fume hood in Room 747A of Building 1A, but also stored xenon-133 in Room B–11 of Building 28D on numerous occasions from January 1990 to June 1991.

This is a repeat violation.

4. Item 7.B(.3) of the application dated May 22, 1985, specifies that the radiation safety committee (RSC) will review the training and experience of users of radioactive material and determine that their qualifications are sufficient to enable them to perform their duties safely and in accordance with Nuclear Regulatory Commission regulations and the conditions of the license.

Contrary to the above, the RSC had not reviewed a physician user's training and experience prior to the individual's use of gold-198 brachytherapy sources for patient treatments during December 1989 and February 1990.

5. Item 3 of the letter dated August 20, 1986, specifies, in part, that all radioactive material ordered by the V. A. Medical Center is ordered through the RSO who insures that the individual ordering the material is approved for the activity being ordered and that the activity ordered does not exceed the individual's possession limit.

Contrary to the above, as of June 20, 1991, the RSO had failed to insure that an individual who ordered xenon-133 in curie quantities was approved for the activity ordered and that the activity ordered did not exceed the individual's possession limit. Specifically, the individual ordered and received 3-4 vials of xenon-133 containing 1 curie each per month over several years, although the individual was only approved by the RSC for maximum possession limit of 400 millicuries.

6. Item 1 of the letter dated August 20, 1986, describes the conditions required for radionuclide use requests and approval by the RSC. Item 1.B specifies, in part, that the procurement of all radioactive material must be approved by the Radionuclide Use Subcommittee (RUS) of the RSC.

Contrary to the above, from January 10, 1990, to June 20, 1991, the RUS and RSC failed to approve an individual's procurement of radioactive material. Specifically, the individual had procured microcurie quantities of hydrogen-3, a material that the individual had not been approved to use or procure.

7. Items 22.B.3 and 22.B.4 of the application dated May 22, 1985, specify, in part, that contaminated (animal) carcasses will be placed in labeled plastic bags and stored in labeled radioactive waste drums specifically [designed] for biological waste, and the drums will be turned over to the appropriate commercial firm for disposal.

Contrary to the above, during the week of May 27, 1991, the licensee failed to place four contaminated animal carcasses, containing approximately 1 millicurie total of cerium-141, strontium-85, scandium-46, and chromium-51, in a waste drum specified for radioactive biologic waste and to transfer the carcasses to a commercial firm for disposal. The carcasses were instead incinerated at the licensee's facility on May 30, 1991.

8. Item 15.H of the application dated May 22, 1985, specifies, in part, that the immediate areas, e.g., hoods, benches, etc., in which radioactive materials are used will be checked at least daily for contamination; that a log record will be maintained of these survey results which are entirely negative; and that any contamination observed will be clearly marked and the RSO notified.

Contrary to the above, from January 10, 1990, to June 20, 1991, the licensee failed to check at least daily for contamination in all laboratory areas where radioactive material was used, and failed to maintain a record of survey results for laboratory areas which were surveyed daily. Specifically, surveys were not conducted in Rooms 212 and 212A on each day of use, and records were not maintained for surveys conducted in rooms 116, 118, and 119.

9. Item 15.M of the application dated May 22, 1985, specifies, in part, that users will perform decontamination procedures when necessary. Item 15.R specifies, in part, that if contamination exceeds a level of 200 disintegrations per minute (dpm) per 100 square centimeters, decontamination will be done.

Contrary to the above, from January 10, 1990 to June 20, 1991, users of radioactive material had failed to routinely perform decontamination procedures when levels of contamination from phosphorus-32 exceeded 200 dpm per 100 square centimeters in room 207A, a research area.

10. Item 15.R of the application dated May 22, 1985, specifies, in part, that periodic surveys will be conducted monthly in areas where less than 200 microcuries of radioactive material are used and weekly in all other lab areas. Weekly and monthly surveys will consist of a measurement of radiation levels with a survey meter and a series of smear tests to measure contamination levels.

Contrary to the above, from December 1990 to June 1991, the licensee failed to conduct monthly surveys in laboratory areas where less than 200 microcuries of radioactive material were used, and failed to conduct weekly surveys in other laboratory areas where greater than 200 microcuries of radioactive material were used. Specifically, room 225, where less than 200 microcuries of phosphorus-32 were used, was not surveyed monthly between December 1990 and June 1991. Additionally, rooms 116, 118, and 119, were quantities in excess of 200 microcuries of phosphorus-32 were used, were not surveyed weekly between January and June 1991.

This is a repeat violation.

B. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the requirements of part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

10 CFR 20.202(a)(1) requires that each licensee supply appropriate personnel monitoring equipment to, and require the use of such equipment by, each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in 10 CFR 20.101(a).

10 CFR 20.101(a) requires that the license limit the whole body and extremity radiation dose of an individual in a restricted area to 1.25 and 18.75 rems per calendar quarter, respectively.

Contrary to the above, as of June 20, 1991, the licensee did not make surveys to assure compliance with that part of 10 CFR 20.101 that limits the radiation exposure to the whole body and extremities, and did not provide personnel monitoring equipment to each individual who entered a restricted area under circumstances such that they were likely to receive a dose in any calendar quarter in excess of 25 percent of the applicable values specified in 10 CFR 20.101(a). Specifically, the licensee failed to evaluate exposures for, or issue monitoring equipment to: (1) Two physicians who had physically implanted brachytherapy sources during patient treatments completed in December 1989 and February 1990, and (2) nuclear medicine technology students who physically withdrew and administered radiopharmaceutical doses during 1990. The licensee also failed to evaluate an exposure received by an individual during the fourth quarter of 1990, a period when the individual's monitoring badge was determined to have been overexposed while not in use.

This is a repeat violation.

C. 10 CFR 35.315(a)(8) requires, in part, that a licensee measure the thyroid burden of each individual who helped prepare or administer dosages of iodine-131 in amounts that required the patient to be hospitalized for compliance with 10 CFR 35.75, and that the measurements be performed within 3 days after the administration of the dosage.

Contrary to the above, on September 12, and October 16, 1990, the licensee administered to two patients approximately 100 millicuries each of iodine-131 (in liquid form), dosages which required hospitalization for compliance with 10 CFR 35.75, and the licensee did not measure the thyroid burden of the nuclear medicine technologists and physicians who helped prepare and administer the dosages until September 17 and October 23, 1990, respectively, periods in excess of 3 days.

D. 10 CFR 20.401(c)(1) requires, in part, that records of bioassays made pursuant to 10 CFR 20.108 be preserved until the Commission authorizes disposition. 10 CFR 20.108 states that where necessary or desirable in order to aid in determining the extent of an individual's exposure to concentrations of radioactive material, the Commission may incorporate appropriate provisions in any license directing the licensee to make available to the individual appropriate bioassay services. Item 23 of the license application dated May 22, 1985, describes the licensee's bioassay procedures.

Contrary to the above, as of June 20, 1991, records of bioassays made pursuant to the conditions of the license for bioassays performed during the third quarter of 1990 were not preserved. Specifically, records regarding routine bioassays for certain individuals in the research staff were not kept, although the NRC had not authorized their disposition.

E. 10 CFR 35.70(a) requires that a licensee survey with a radiation

detection survey instrument at the end of each day of use all areas where radiopharmaceuticals are routinely prepared for use or administered.

Contrary to the above, (1) from January 1990 to June 1991, the licensee failed to survey with a radiation detection instrument at the end of each day of use imaging rooms within the nuclear medicine department where radiopharmaceuticals were routinely administered; and (2) from April to June 1991, the licensee failed to survey with a radiation detection instrument at the end of each day of use the nuclear medicine hot lab where radiopharmaceuticals were routinely prepared.

F. 10 CFR 35.70(h) requires, in part, that a licensee retain a record of each survey required by 10 CFR 35.70(e). The record must include, among other items, the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters.

10 CFR 35.70(e) requires that a licensee survey for removable contamination once each week all areas here radiopharmaceuticals are routinely prepared for use, administered, or stored.

Contrary to the above, from April 1991 to June 1991, the licensee did not include in records of removable contamination surveys conducted in areas where radiopharmaceuticals were routinely prepared for use and administered, the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters.

This is a repeat violation.

G. 10 CFR 35.50(c) requires a licensee to perform appropriate checks for constancy and tests for accuracy, linearity, and geometry dependence required by 10 CFR 35.50(b) following adjustments or repair of the dose calibrator.

Contrary to the above, following the repair of the RADX Assayer I dose calibrator in March and April 1991, the licensee did not perform a test for geometry dependence, and such test was appropriate due to the nature of the repair. The licensee had used the dose calibrator to measure patient radiopharmaceutical doses form April to June 1991.

H. 10 CFR 35.51(a)(3) requires that a licensee conspicuously note the apparent exposure rate from a dedicated check source, as determined at the time of calibration, and the date of calibration on any survey instrument used to show compliance with 10 CFR part 35.

10 CFR 35.51(c) requires, in part, that a licensee check each survey instrument for proper operation with the dedicated check source each day of use.

Contrary to the above, from February to June 20, 1991, the licensee did not conspicuously note on a Ludlum Model 14C survey instrument (Serial No. 81934) used to show compliance with 10 CFR Part 35, the apparent exposure rate from a dedicated check source as determined at the time of calibration, and the date of calibration; and from February to June 20, 1991, the licensee routinely did not check its survey instrument with a dedicated check source on days when the instrument was used. Specifically, the licensee had used the survey instrument for routine surveys in the nuclear medicine department from February to June 1991.

This is a repeat violation.

I. 10 CFR 35.205(e) requires, in part, that a licensee check each month the operation of reusable collection systems for radioactive gases.

Contrary to the above, the licensee used two reusable collection systems for radioactive xenon-133 gas and did not check the operation of the collection systems from January 1990 to June 1991.

J. 10 CFR 35.59(g) requires, in part, that a licensee in possession of a sealed source or brachytherapy source shall conduct a quarterly physical inventory of all such sources in its possession.

Contrary to the above, the licensee did not conduct a physical inventory of three sealed sources containing cesium-137, iodine-125, and iodine-129 (Serial Nos. 052, 524927, and 222032179A, respectively) from January 10, 1990, to June 20, 1991, a period in excess of a calendar quarter.

This is a repeat violation.

K. 10 CFR 30.51(a) requires that each licensee keep records showing the receipt, transfer, and disposal of byproduct material.

Contrary to the above, as of June 20, 1991, the licensee did not keep records of the disposal of byproduct material. Specifically, no records were kept for the disposal of hydrogen-3 and iodine-125 via the sanitary sewerage system within the nuclear medicine RIA lab.

L. 10 CFR 35.92(b) requires that a licensee retain for 3 years a record of each disposal of byproduct material permitted under 10 CFR 35.92(a), and that the record include the date of the disposal, the date on which the byproduct material was placed in storage, the radionuclides disposed, the survey instrument used, the background dose rate, the dose rate measured at the surface of each waste container, and the name of the individual who performed the disposal.

Contrary to the above, from January 1990 to June 1991, the licensee's records of disposal of byproduct material permitted under 10 CFR 35.92(a) did not include the date on which the byproduct material was placed in storage.

M. 10 CFR 20.403(b) requires, in part, that each licensee shall within 24 hours of discovery of the event, report any event involving licensed material possessed by the licensee that may have caused or threatens to cause (1) a loss of 1 day or more of the operation of any facilities affected or (2) damage to property in excess of $2,000.

Contrary to the above, the licensee failed to report within 24 hours of discovery an event of May 30, 1991, involving licensed material which resulted in the loss of more than 10 days of operation of an incinerator at the licensee's facility, and damage which required decontamination of the incinerator assessed at $6,000.00. Specifically, the licensee incinerated animal carcasses containing licensed material on May 30, 1991, and the incinerator was not decontaminated and returned to operation until June 13, 1991.

Summary of Licensee's Response to Violations F, I, and L

The Licensee contended that three violations—Violations F, I and L in the Notice—were invalid. In each case, the Licensee argued that the license that was in effect during the inspection period did not require the Licensee to meet the specific 10 CFR part 35 requirement that was cited. The license in effect at the time of the inspection was issued on August 27, 1986, prior to the issuance of the subject requirements in 10 CFR part 35 that became effective on April 1, 1987. The Licensee relies upon their interpretation of an October 16, 1986 Federal Register Notice to argue that the provisions of such a license (issued prior to April 1, 1987) take precedence over the current part 35 regulations.

Based on the argument that the provisions of its license at the time of the inspection did not require it to maintain records of removable contamination surveys in units of disintegrations per minute 100 square centimeters (dpm/100cm^2), the License denies Violation F.

The Licensee denies Violation I and contends that their license does not require the performance of monthly operability checks of reusable radioactive gas collection systems for the same reasons as stated in Violation F.

Violation L is contested by the Licensee based on the same reasons as were stated in Violations F and I. The Licensee states that their license did not require that records of radioactive waste disposed of by decay-in-storage include the date waste was placed in storage.

NRC Evaluation of Licensee's Response to Violations F, I, and L

Violation F

The Licensee received a violation of 10 CFR 35.70(h) in an earlier Notice of Violation and Proposed Imposition of Civil Penalties issued on April 11, 1990. In the Licensee's response of May 10, 1990, the Licensee acknowledged that the violation had occurred and stated that future removable contamination survey results would be expressed in units of dpm rather than counts per minute. Thus, Violation F is a recurring violation initially identified by the NRC during the previous 1990 inspection.

The staff notes that the Licensee's application dated May 22, 1985, committed the VAMC to comply with the guidance of Appendix I of Regulatory Guide 10.8, Revision 1, October 1980, which did not state explicitly that removable contamination survey results be expressed in units of dpm/100cm^2. However, Appendix I stated that the method for performing such surveys will be sufficient to detect 200 dpm/100cm^2 and stated that areas will be cleaned if the contamination levels exceeded 200 dpm/100cm^2. Thus, the Licensee's practice of recording the results of such surveys in units of cpm/100cm^2 does not ensure compliance with procedures described in Appendix I.

Furthermore, the staff does not agree with the Licensee's reliance on the October 16, 1986 Federal Register notice (Volume 51, No. 200), which published significant revisions to 10 CFR part 35. The notice said: "The Commission has decided to resolve possible temporary inconsistencies between license conditions and the regulation by providing in the regulation a transition period between the effective date of the rule and the expiration date of each license. During this transition period, if there is an inconsistency between a provision in a license (issued prior to the regulation) and the regulation, the license condition takes precedence over the regulation."

10 CFR 35.999, which addressed the transition period, states: "If the rules in this part conflict with the licensee's radiation safety program as identified in its license * * * then the requirements in the license will apply."

In this case, there is no inconsistency or conflict between the provisions in the license and the regulation. Both the provisions in the license and regulation require (one implicitly and the other explicitly) that removable contamination survey results be recorded in units of dmp/100cm^2.

The staff concludes that the citation was valid.

Violation I

The Licensee's application dated May 22, 1985, committed the VAMC to comply with radioactive gas use procedures outlined in Item 21 of the application. These procedures established requirements for radioactive gas use and storage areas, but did not address the frequency of operability checks of reusable gas collection systems. 10 CFR 35.205(e) requires licensees to check the operation of such systems monthly.

Therefore, the Licensee's procedures were not inconsistent with and did not conflict with 10 CFR 35.25(e). The procedure simply neither addressed the frequency of operability checks nor made any reference to such checks. Since there is no inconsistency or conflict between the license and part 35, the staff does not agree with the Licensee's assertion that statements contained in the cited October 16, 1986 Federal Register notice exempt the Licensee from this requirement.

The staff concludes that the citation was valid.

Violation L

The Licensee's application dated May 22, 1985, committed the VAMC to comply with the provisions of Appendix J of Regulatory Guide 10.8, Revision 1, October 1980. Appendix J does not address recordkeeping requirements. 10 CFR 35.92(b) requires that records of byproduct material disposal permitted under 10 CFR 35.92(a) include the date on which the byproduct material was placed in storage.

However, nothing in the version of Appendix J referenced in the Licensee's application was inconsistent with or in conflict with the recordkeeping requirements of 10 CFR 35.92 because Appendix J simply did not address recordkeeping. Furthermore, recording the placed-in-storage date of waste that is held for decay before disposal is important in ensuring that the waste has been held for the required minimum time of the half-lives prior to its disposal. The staff does not agree with the Licensee's assertion that statements contained in the cited October 16, 1986 Federal Register notice would exempt the Licensee from this requirement.

The staff concludes that the citation was valid.

Summary of Licensee's Request for Mitigation

The Licensee's request for mitigation of the proposed penalty was based on: (1) Its contention that three of the violations (F, I and L) involved procedures not required at the time of the inspection; (2) its position that the external audits described in the Confirmatory Order and the internal audits described in the VAMC response to the Notice were sufficient to attain and maintain compliance with NRC requirements; and (3) its position that the amount of the civil penalty was excessive.

NRC Evaluation of Licensee's Request for Mitigation

Violations F, I, and L

As discussed above, the staff concludes that Violations F, I, and L were valid citations. Thus, the Licensee's argument for mitigation on this basis is not persuasive.

Confirmatory Order

The Licensee argues that a civil penalty is not necessary to achieve the goal of bringing VAMC procedure into compliance with all applicable NRC regulations. The Licensee contends that the Confirmatory Order, which makes the Licensee's voluntary audit plan a condition of its NRC license, and other actions taken by the Licensee to improve compliance with NRC requirements, will result in improved compliance and will assure that Licensee employees take their responsibilities seriously.

While NRC considers audits and the other actions taken by the Licensee important, the VAMC's actions to assure compliance with NRC requirements are not extraordinary measures given the circumstances that led NRC to take enforcement action. Measures to assure compliance are assumed when NRC grants a license. In this case, NRC found the measures taken by the VAMC lacking in 1990 and again in 1991, despite a penalty of $7,500 having been issued in 1990. As NRC said in the letter transmitting the Notice, "Inspection findings of this nature in successive inspections reduces NRC's confidence in the VAMC's ability to manage its NRC-licensed activities in a manner consistent with NRC's expectations of a holder of a broad-scope medical license."

The purpose of the civil penalty in this case is to emphasize the importance of establishing effective and lasting measures to assure licensee compliance, and to emphasize the responsibility

incumbent upon a broad-scope medical licensee to initiate measures to assure compliance with NRC requirements rather than relying upon NRC to discover noncompliance during its infrequent inspections. The VAMC argues that a civil penalty is not necessary to bring about the desired improvements. Prior to the 1990 and 1991 inspections, the VAMC had not properly conducted licensed activities in certain program areas. The VAMC now suggests it will conduct licensed activities in compliance with NRC requirements as it did both at the time of initial licensing and after the issuance of the Notice of Violation and Proposed Imposition of Civil Penalties on April 11, 1990. It is clear that based on past performance, a civil penalty is necessary in this case to emphasize continuous, lasting corrective actions and to deter future noncompliance.

The staff concludes that the issuance of the Confirmatory Order does not warrant reconsideration of he civil penalty.

Civil Penalty Amount Excessive

The Licensee argues that the civil penalty amount is excessive because: (1) The proposed penalty will have the unintended effect of decreasing funds available for patient care; (2) the amount of the penalty is out of proportion to the severity of he violations; (3) the proposed penalty exceeds $25,000 when the costs of the audits are included; and (4) the NRC's deviation from the civil penalty formula prescribed in its Enforcement Policy was unreasonable.

NRC would not expect a $25,000 civil penalty to have a significant financial impact on a facility with an annual operating budget of greater than $160 million. In addition, the VAMC should not fail to recognize the direct connection between patient care and radiation safety. As indicated in the letter transmitting the Notice, failing to follow radiation safety standards can affect the safety of VAMC employees, patients, and the general public. One of NRC's purposes in issuing the penalty was to emphasize to the VAMC its responsibility to take radiation safety seriously so as not to compromise personnel and patient safety.

NRC's Enforcement Policy permits it to consider violations collectively and to assign a single severity level to a number of violations, as was done in this case. The fact that the violations would not individually be classified at Severity Level III or above has no bearing on NRC's decision to treat the violations collectively. As was indicated to VAMC representatives at the enforcement conference and in the letter transmitting the Notice, NRC attached greater significance to the collection of violations because they indicated a potentially significant lack of attention to licensed responsibilities. This is the basis for classifying the violations at Severity Level III in the aggregate and assessing a civil penalty.

NRC considers the conduct of the audits a necessary step to ensure that the VAMC in fact maintains its programs in compliance with NRC radiation safety requirements. While the audits will certainly result in additional costs to the VAMC, NRC does not believe that the conduct of the audits negates the need to assess a civil penalty to emphasize the importance that NRC attaches to the situation. As indicated above, NRC believes that civil penalties ply an important role in assuring lasting corrective actions and in deterring future noncompliance.

NRC is authorized by law (Section 234 of the Atomic Energy Act of 1954, as amended) to assess civil penalties up to $100,000 per violation per day. As the Licensee notes in its reply, NRC has established, in Section V.B. of its Enforcement Policy, the usual base civil penalty values that reflect the class of licensee and the severity of the violation or violations, and a number of factors that may be considered in making adjustments to the usual base values. As stated in the policy, the civil penalty tables generally take into account the gravity of the violation as a primary consideration and the ability to pay as a secondary consideration, but the deterrent effect of civil penalties is best served when the amount of such penalties takes into account a licensee's ability to pay.

The opening paragraph of the Enforcement Policy states: "The Commission may deviate from this statement of policy as is appropriate under the circumstances of a particular case." Section V.B. of the Enforcement Policy states: "* * * ineffective licensee programs for problem identification or correction are unacceptable. In cases involving willfulness, flagrant NRC-identified violations, repeated poor performance in an area of concern, or serious breakdown in management controls, NRC intends to apply its full enforcement authority where such action is warranted, including issuing appropriate orders and assessing civil penalties for continuing violations on a per day basis up to the statutory limit of $100,000 per violation per day."

NRC clearly articulated in the letter transmitting the Notice a reasonable basis for deviating from its statement of policy. NRC's reasons included the following: (1) A large number of violations was found in each of two successive inspections conducted in 1990 and 1991, despite a $7,500 civil penalty being assessed in the 1990 inspection, indicating a failure of the VAMC to resolve fundamental shortcomings in management of licensed activities; (2) NRC inspectors discovered the violations as opposed to their having been detected and corrected by the Licensee; (3) six of the violations were identical to violations cited in 1990, indicating a failure of the VAMC to take specific corrective actions despite commitments to do so; and (4) in some instances the VAMC failed to act to correct violations that had been discovered by its own radiation safety staff.

In addition, in accordance with the statements in section V.B. of the Enforcement Policy, the staff believes that $25,000 is more likely to have a deterrent effect because, although still a small amount of money relative to the size of the VAMC's annual operating budget, it more appropriately reflects the Licensee's ability to pay than would application of the usual base civil penalty in Tables 1.A and 1.B of the Enforcement Policy.

The staff does not accept the Licensee's argument that the civil penalty proposed in this case was excessive.

NRC Conclusion

The NRC concludes that Violations F, I, and L, denied by the Licensee, occurred as stated. The NRC further concludes that the Licensee has not made a convincing argument for a reduction in the amount of the civil penalty. Consequently, the proposed civil penalty in the amount of $25,000 should be imposed.

[FR Doc. 92-5942 Filed 3-12-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-2 (50-280/281)]

Virginia Electric and Power Company; Issuance of Amendment to Materials License No. SNM-2501

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Materials License No. SNM-2501 held by the Virginia Electric and Power Company for the receipt and storage of spent fuel at the Surry Independent Spent Fuel Storage Installation, located on the Surry Power Station site, Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications making administrative changes which do not affect fuel receipt, handling, and storage safety.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that, pursuant to 10 CFR 51.22(c), an environmental assessment need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated November 20, 1991, and (2) Amendment No. 6 to Materials License No. SNM-2501, and (3) the Commission's letter to the licensee dated March 5, 1992. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room at the Swem Library, College of William and Mary, Williamsburg, Virginia, 23185.

Dated at Rockville, Maryland, this 5th day of March 1992.

For the U.S. Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Source Containment and Devices Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 92-5814 Filed 3-12-92; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Commission Visit

March 9, 1992.

On March 23, 1992, a Commission group comprising Commissioners and advisory staff members will visit the Advo, Inc. facility in Columbia, Maryland. A report of the visit will be filed with the Commission's Docket Room.

For further information, contact William Ferguson, the Commission's Assistant Director of Technical Analysis and Planning, at (202) 789-6855.

Charles L. Clapp,

Secretary.

[FR Doc. 92-5900 Filed 3-12-92; 8:45 am]

BILLING CODE 7710-FW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30449; File No. SR-OCC-92-2]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving a Proposed Rule Change Relating to the Addition of a Public Director to Its Board of Directors

March 6, 1992.

On January 10, 1992, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] a proposed rule change (File No. SR-OCC-92-2) relating to the addition of a Public Director to its Board of Directors. The Commission published notice of this proposed rule change in the **Federal Register** on February 7, 1992.[2] OCC amended its original filing on January 30, 1992.[3] No public comments were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

To broaden the viewpoint of OCC's Board of Directors, OCC is proposing to amend its By-Laws by adding a Public Director category. To help ensure that each Public Director will be a representative of the public, any person nominated to serve as a Public Director must be unaffiliated with any national securities exchange or national securities association or with any broker or dealer in securities.[4] Under the proposal, each Public Director will be nominated by the Chairman with the approval of the Board of Directors and will be elected by the stockholders at their annual meeting. Each Public Director will serve a two-year term. To ensure diversity in the position of Public Director, the amendments to the By-Laws provide that no person shall be eligible to serve as Public Director for consecutive two-year terms.[5]

OCC proposes to amend article III, sections 1 and 3 of its By-Laws to include one Public Director on OCC's Board of Directors and to revise the formula for determining the number of Member Directors. The formula is being amended to ensure that Member Directors will at all times constitute a majority of the Board of Directors regardless of the number of Exchange Directors and Public Directors. Amendments to article III, section 12 provide that a majority of the directors then in office, even though they may be less than a quorum, shall appoint a successor to fill any vacancy occurring in the position of Public Director. The person appointed to fill such a vacancy would serve for the remainder of the predecessor's term of office and until a successor is elected and qualified.

Finally, the remaining proposed changes to OCC's By-Laws would delete certain obsolete language and would conform other language more closely to Delaware law where OCC is chartered.

II. Discussion

The Commission believes that OCC's proposal is consistent with the Act and in particular with section 17A(b)(3)(C) thereunder.[6] That section requires that the rules of a clearing agency assure a fair representation of OCC's shareholders, members, and participants in the administration of its affairs. Because the Public Director will be unaffiliated with any national securities exchange, national securities association, or with any broker or dealer in securities, the Public Director's presence on OCC's board should provide a fresh perspective to the deliberations and decision making of OCC's Board of Directors in the administration of OCC's affairs. Moreover, addition of a Public Director also should enhance the composition of OCC's Board of Directors by including persons with different expertise and backgrounds.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act and in particular with section 17A thereunder.

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-OCC-91-2) be, and hereby is, approved.

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 30328 (January 31, 1992), 57 FR 4784.

[3] Amendment No. 1 revised the proposed rule change to include the requirement that Public Directors mut be elected by OCC's stockholders. As originally filed, in order to serve as a Public Director, a person needed only to be nominated by the Chairman with the approval of the Board of the Directors. The amendment was made to reflect the law of Delaware where OCC is chartered.

[4] OCC By-Laws, art. III, Section 6a.

[5] *Id.*

[6] 15 U.S.C. 78q-1(b)(3)(C) (1988).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-5941 Filed 3-12-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as amended by Public Law 99-591; Information Collection Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (EB 4B), Chattanooga, TN 37402-2801; (615) 751-2523.

Type of Request: Regular submission.

Title of Information Collection: Power Distributors Monthly Report to TVA.

Frequency of Use: Monthly.

Type of Affected Public: Businesses or other for-profit, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 1920.

Estimated Total Annual Burden Hours: 960.

Estimated Average Burden Hours Per Response: .5.

Need For and Use of Information: This monthly collection supplies TVA with financial information to assist in making timely management decisions on electric power rates, finances, and other long- and short-term plans.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 92-5837 Filed 3-12-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[(Order 92-3-16), Docket No. 47703]

Application of Reno Air, Inc.; For Certificate Authority Under Subpart Q

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Reno Air, Inc., fit, willing, and able and award it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation.

DATE: Persons wishing to file objections should do so no later than March 24, 1992.

ADDRESSES: Objections and answers to objections should be filed in Docket 47703 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2337.

Dated: March 9, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-5965 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-62-M

[(Order 92-3-12), Dockets No. 47828 and 47829]

Application of Airmark Aviation, Inc.; For Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Airmark Aviation, Inc., fit, willing, and able, and awarding it certificates of public convenience and necessity to engage in interstate, overseas and foreign charter air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than March 23, 1992.

ADDRESS: Objections and answers to objections should be filed in Dockets 47828 and 47829 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2340.

Dated: March 6, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-5914 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-62-M

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q during the Week Ended March 6, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48022.

Date filed: March 3, 1992.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 31, 1992.

Description: Application of Aerolineas Centrals De Colombia, S.A. d/b/a ACES, pursuant to section 402 of the Act, applies for a foreign air carrier permit to engage in the foreign air transportation of persons, property and mail as follows: Between Bogota and Medellin, Colombia, on the one hand, and Miami, Florida, on the other hand. ACES also requests exemption authority to engage in charter foreign air transportation of persons, property and mail.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-5913 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-62-M

[1] 17 CFR 200.30-3(a)(12).

Federal Aviation Administration

Approval of Noise Compatibility Program for Lanai Airport (LNY), Lanai City, Lanai, HI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the State of Hawaii, Department of Transportation under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On February 1, 1990, the FAA determined that the noise exposure maps submitted by the State of Hawaii, Department of Transportation under Part 150 were in compliance with applicable requirements. On January 28, 1992, the Administrator approved the Lanai Airport noise compatibility program. Two of the four recommendations of the program were approved, one was approved conditionally and no action was required on the fourth.

EFFECTIVE DATE: The effective date of the FAA's approval of the Lanai Airport noise compatibility program is January 28, 1992.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Engineer/Planner, Honolulu Airports District Office, Federal Aviation Administration, P.O. Box 50244, Honolulu, Hawaii 96850, Telephone: (808) 541-1243. Street Address: 300 Ala Moana Blvd, room 7116. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the Lanai Airport, effective January 28, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatability program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Honolulu, Hawaii.

The State of Hawaii, Department of Transportation submitted to the FAA on December 27, 1989, the noise exposure maps, descriptions, and other documentations produced during the noise compatibility planning study conducted from August 1988 through September 1989. The Lanai Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on February 1, 1990. Notice of this determination was published in the **Federal Register** on February 13, 1990.

The Lanai Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 1, 1991 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control. Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained four proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective January 28, 1992.

Outright approval was granted for two (2) of the four (4) specific program elements, one was approved conditionally and no action was required at this time on the fourth. Approved program measures include: Initiate negotiations to purchase all lands within the forecast 75 Ldn contour (conditional); monitor development proposals on Lanai; annually monitor aircraft noise levels and operations at Lanai Airport. No action was taken on

the measure to implement modifications to the informal runway use program.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on January 28, 1992. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the State of Hawaii.

Issued in Hawthorne, California on February 27, 1992.

Herman C. Bliss,

Manager, Airports Division, AWP-600, Western Pacific Region.

[FR Doc. 92-5958 Filed 3-12-92; 8:45am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program for Lihue Airport (LIH), Lihue, Kauai, HI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the State of Hawaii, Department of Transportation under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On May 17, 1990, the FAA determined that the noise exposure maps submitted by the State of Hawaii, Department of Transportation under part 150 were in compliance with applicable requirements. On January 28, 1992, the Administrator approved the Lihue Airport noise compatibility program. Four of the seven recommendations of the program were approved, two were disapproved and no action was required at this time on one.

EFFECTIVE DATE: The effective date of the FAA's approval of the Lihue Airport noise compatibility program is January 28, 1992.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Engineer/ Planner, Honolulu, Hawaii 96850, Telephone: (808) 541-1243. Street Address: 300 Ala Moana Blvd., room 7116. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the Lihue Airport, effective January 28, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violates the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented with the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Honolulu, Hawaii.

The State of Hawaii, department of Transportation submitted to the FAA on December 28, 1989, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from March 1987 through November 1989. The Lihue Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on May 17, 1990. Notice of this determination was published in the **Federal Register** on June 1, 1990.

The Lihue Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1995. It was requested that the FAR evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 1, 1991 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained seven (7) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAA Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective January 28, 1992.

Outright approval was granted for four (4) of the seven (7) specific program elements. Approved program measures include: Initiate negotiations to purchase all lands within the forecast 75 Ldn contour; monitor development proposals in the Lihue Airport environs; annually monitor aircraft noise levels and operations at Lihue Airport; initiate negotiations to relocate resident near Ahukini Landing. Measures disapproved include: Provide sound attenuation for residence near Ahukini Landing and the Vidinha Stadium announcer's booth. No action was taken on the measure to implement modifications to the informal runway use program.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on January 28, 1992. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the State of Hawaii.

Issued in Hawthorne, California on February 27, 1992.

Herman C. Bliss,

Manager, Airports Division, AWP-600, Western Pacific Region.

[FR Doc. 92-5959 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program for Molokai Airport (MKK), Kaunakakai, Molokai, HI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the State of Hawaii, Department of Transportation under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On August 1, 1991 the FAA determined that the noise exposure maps submitted by the State of Hawaii, Department of Transportation under part 150 were in compliance with applicable requirements. On January 28, 1992, the Administrator approved the Molokai Airport noise compatibility program. Three (3) of the four (4) recommendations of the program were approved and no action was required at this time on the fourth.

EFFECTIVE DATE: The effective date of the FAA's approval of the Molokai Airport noise compatibility program is January 28, 1992.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Engineer/ Planner, Honolulu Airports District Office, Federal Aviation Administration, P.O. Box 50244, Honolulu Hawaii 96850, Telephone: (808) 541-1243. Street Address: 300 Ala Moana Blvd, room 7116. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for the Molokai Airport, effective January 28, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures for FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatibile land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Honolulu, Hawaii.

The State of Hawaii, Department of Transportation submitted to the FAA on November 20, 1990, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from January 1990 through December 1990. The Molokai Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 1, 1991. Notice of this determination was published in the **Federal Register** on August 13, 1991.

The Molokai Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1995. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 1, 1991 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained four (4) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part

150 have been satisfied. The overall program, therefore, was approved by the Administrator effective January 28, 1992.

Outright approval was granted for three (3) of the four (4) of the specific program elements. Approved program measures include: Monitor development proposals in the Molokai Airport environs; annually monitor aircraft noise levels and operations at Molokai Airport; initiate a planning study to locate lands to exchange with Hawaiian Home Lands within the forecasted CY 2010 55 Ldn noise contour. No action was taken on the measure to implement modifications to the informal runway use program.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on January 28, 1992. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the State of Hawaii.

Issued in Hawthorne, California on February 27, 1992.

Herman C. Bliss,

Manager, Airports Division, AWP-600, Western Pacific Region.

[FR Doc. 92-5800 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Transit Administration

Announcement of Bus Testing Program Fee Sharing

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Transit Administration (FTA) announces an 80 percent Federal share of the testing fee for new model buses tested at the Altoona Bus Testing Center, as provided for under the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). This Federal sharing of costs associated with the testing program will reduce the financial burden for those who have vehicles required to be tested at the facility.

EFFECTIVE DATE: December 18, 1991.

FOR FURTHER INFORMATION CONTACT: For technical issues, Steven A. Barsony, Director, Office of Engineering, Office of Technical Assistance and Safety, (202) 366-0090; for legal issues, Richard Wong (202) 366-1936. The test facility can be reached by contacting Bohdan Kulakowski, Director, Bus Research and Testing Program (814) 863-1893.

SUPPLEMENTARY INFORMATION: On December 18, 1991, President Bush signed the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240). Section 3009 of ISTEA amends section 3 of the Federal Transit Act, as amended (49 U.S.C. app. 1602) to authorize the FTA to fund 80 percent of the cost of bus testing, subject to a ceiling of FTA funds of $1,500,000 for FY 1992, $2,000,000 in FY 1993, the lesser of $2,000,000 or an amount the Secretary determines to be necessary in each of the fiscal years 1994, 1995, and 1996, and the lesser of $3,000,000 or an amount the Secretary determines to be necessary in FY 1997.

FTA considers the "costs" of testing to be the fees established by the Altoona Bus Testing Center and approved by the Secretary of Transportation, as delegated to the Administrator of the FTA (49 CFR 1.51). These fees include the normal costs for testing, vehicle servicing and routine maintenance, inspections, and fuel. The requirement to pay testing fees, which are approved by FTA is included in the current bus testing regulation (49 CFR part 665).

FTA will pay the 80 percent fee share directly to the Pennsylvania Transportation Institute (PTI), the operator of the Altoona Testing Center, on a reimbursement basis for tests performed. The remaining 20 percent of the testing fee will be paid by the vehicle manufacturer to PTI, due in full at the time of the delivery of the bus for testing.

Since this provision was effective when President Bush signed the legislation into law (December 18, 1991), the FTA will pay the 80 percent share of the testing fee for buses that begin testing on or after December 18, 1991. For buses undergoing tests on December 18, 1991, the FTA will subsidize on a prorated basis 80 percent of the fee for those tests performed after December 17, 1991.

Issued on: March 9, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92-5815 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-57-M

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemptions or Applications to Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Application for Modification of Exemptions or Applications to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of applications have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix "X" denote a modification request. Application numbers with the suffix "P" denote a party to request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before March 30, 1992.

ADDRESS COMMENTS TO: Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Unit, room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
8611-X	Air Products and Chemicals, Inc., Allentown, PA [1].	8611
8686-X	Chilton Metal Products Div., Weston Industries, Chilton, WI [2].	8686
8556-X	Air Products and Chemicals, Inc., Allentown, PA [3].	8556
8814-X	Structural Composites Industries, Pomona, CA [4].	8814
8956-X	Oil Mock Company, Conroe, TX [5].	8956

[1] To modify the exception to decrease design pressure on non-DOT specification portable tanks from 1⅛ to 1¼, for shipment of helium, refrigerated liquid.

[2] To modify the exemption to include cargo vessel as an additional mode of transportation.

[3] To modify the exemption to provide for overstowage of portable tanks containing helium, refrigerated liquid.

[4] To modify the exemption to increase the maximum service pressure from 3000 to 5000 psig, for cylinders with higher service pressure in the water capacity range of 100 to 200 lbs., for shipment of certain flammable or nonflammable gas.

[5] To modify the exemption to increase disks burst pressure from 1800 psi, to up to 2800 psi., on non-DOT specification cylinders for shipment of flammable liquids; flammable or nonflammable gases.

[6] To increase sodium content per cell from 50 to 60 increase cells per enclosure from 360 to 480 and to add rail, water and cargo aircraft as additional modes of transportation.

Application	Applicant	Parties to exemption
5403-P	Brown & Root Industrial Services, Inc., Houston, TX.	5403
6614-P	Miami Products and Chemical Co., Dayton, OH.	6614
6691-P	Arkansas Specialty Company, Inc., El Dorado, AR.	6691
6691-P	Wakeman Industries, Inc., Claremont, NH.	6691
6691-P	Industrial Gas Products, Inc., Shreveport, LA.	6691
6762-P	Aqua Laboratories, Inc., Amesbury, MA.	6762
7052-P	Graseby Dynamics Ltd., Watford, Herts, England.	7052
7835-P	Oxygen Service Co., Inc., Orange, CA.	7835
7835-P	Post Welding Supply Company, Birmingham, AL.	7835
8445-P	K & B Trucking, Inc., Hatfield, PA.	8445
8445-P	DowElanco, Indianapolis, IN.	8445
8451-P	Tracor Aerospace, Inc., East Camden, AR.	8451
8554-P	Jack B. Kelley, Inc., Woods Cross, UT.	8554
9888-X	ABB Advanced Battery Systems Inc., Mississauga, Ontario, CN [6].	9888

Application	Applicant	Parties to exemption
8554-P	Explosives Supply Incorporated, Ringwood, NJ.	8554
8554-P	John Joseph, Inc., Ringwood, NJ.	8554
8723-P	Sandex, Inc., Las Vegas, NV.	8723
8988-P	Davis Great Guns Logging, Inc., Wichita, KS.	8988
8988-P	Brown & Root Industrial Services, Houston, TX.	8988
9222-P	Lasidaw Environmental Services, Inc., Columbia, SC.	9222
9507-P	Gas Tech, Inc., Milwaukee, WI.	9507
9723-P	Enviro-Chem Environmental Services, Inc., Apex, NC.	9723
9751-P	Implo Technologies Inc., Unionville, Ontario, ON.	9751
9781-P	DPC Industries, Inc., Houston, TX.	9781
9781-P	DXI Industries, Inc., Houston, TX.	9781
9781-P	DX Systems Company, Houston, TX.	9781
9819-P	Brown & Root Industrial Services Houston, TX.	9819
9991-P	TRW Vehicle Safety Systems Inc., Washington, MI.	9991
9997-P	Hornady Manufacturing Company, Grand Island, NE.	9997
10020-P	Clean Earth Manufacturing, Inc. Birmingham, AL.	10020
10022-P	Gas Tech, Inc., Milwaukee, WI.	10022
10325-P	Compagnie Des Containers Reservoirs, 92060 Paris, France.	10325

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 9, 1992.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 92-5916 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-60-M

Research and Special Programs Administration,

Office of Hazardous Materials Safety, Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Applications" portion of the table below as follows: 1—Motor vehicle, 2—Rail fright, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenager-carrying aircraft.

DATES: Comments must be received on or before (April 13, 1992.)

ADDRESS COMMENTS TO: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, room 8426, Nassif Building, 400 7th Street, SW. Washington, DC.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10745-N	Air Transport, International, Inc., Little Rock, AR.	49 CFR 172.101, 172.11, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the transportation of Class A, B, and C explosives which are forbidden for shipment by cargo aircraft or exceed quantity limitations authorized for cargo aircraft. (Mode 4.)
10747-N	Shell Oil Company, Houston, TX	49 CFR 171.2(b)+(c), 173.22(a)(2), 173.28(c)(2).	To authorize the transportation of a 1200 gallon non-DOT specification trailer mounted meter prover tank with residual vapors of flammable or combustible liquids. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10751-N	Ireco, Incorporated, Salt Lake City, UT	49 CFR 177.848	To authorize the transportation of oxidizers and high explosives contained in a separate compartment in the same vehicle. (Mode 1.)
10752-N	Miami Products and Chemical Company, Dayton, OH.	49 CFR 172.300, 172.400, 177.848, 178	To authorize the transportation of corrosive material and oxidizers exempted from segregation criteria. (Mode 1.)
10753-N	Pestcon Systems, Inc., Raleigh, NC	49 CFR 172.500(f), 172.504	To authorize transportation of aluminum phosphide, classed as a flammable solid, in private owned pest control vehicles without placards. (Mode 41.)
10754-N	Kern Testing & Inspection Corporation, Bakersfield, CA.	49 CFR 173.415	To exempt from testing a non-DOT specification box constructed of 19 inch gauge steel sheeting with electrically welded seams for use in transporting radioactive material. (Mode 1.)
10755-N	Minnesota Mining and Manufacturing Company, (3M) St. Paul, MN.	49 CFR 172.203, 172.400, 172.402 172.504, 173.116, 173.153, 173.244, 173.25, 173.345, 173.346, 173.359, 173.364, 173.370, 173.377, 174.380, 174.480, 174.580, 174.660, 175.25, 175.3, 175.33, 175.630(a)+(b), 176.331, 176.419, 176.600, 177.841.	To authorize the manufacture, mark, and sell of specially designed composite type packaging for use in transporting limited quantities of various classes of hazardous materials without labels and placards. (Modes 1, 2, 3, 4, 5)
10756-N	Taylor-Wharton Cryogenics, Theodore, AL	49 CFR 172.203, 173.318, 173.320, 178.30, 178.76(h).	To authorize the transportation of a non-DOT specification doubled vacuum portable tank with a working pressure of 20 psig. for transportation of argon and nitrogen. (Mode 1, 3.)
10757-N	BW/IP International, Inc. Van Nuys, CA	49 CFR 173.302(a)(4), 175.3, 178.65	To authorize the manufacture, mark and sell of non-DOT specification cylinder for a one-time shipment of helium, classed as nonflammable gas. (Mode 1, 2, 4.)
10758-N	PML Microbiologicals Spokane, WA	49 CFR 172.101, 173.153	To authorize the shipment of 0.74 grams of sodium borohydride, flammable solid, dangerous when wet, contained in a specially designed packaging, as essentially nonregulated. (Mode 1, 2, 3, 4.)

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 9, 1992.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 92-5917 Filed 3-12-92; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Alpha Indian Rock Federal Savings and Loan Association Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Alpha Indian Rock Federal Savings and Loan Association, Philadelphia, Pennsylvania, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5887 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Irvington Federal Savings Bank; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Irvington Federal Savings Bank, Glen Burnie, Maryland, on February 28, 1992.

Dated: March 9, 1992

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5888 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Lemont Federal Savings Association Lemont, IL; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Lemont Federal Savings Association, Lemont, Illinois, on February 28, 1992.

Dated: March 9, 1992

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5889 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Ludington Federal Savings Bank, Notice of Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Ludington Federal Savings Bank, Ludington, Michigan ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on February 7, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5898 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

United Savings of America, F.A., Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for United Savings of America, F.A., Melbourne, Florida, OTS No. 3078, on February 7, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5899 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Vista Federal Savings Association; Notice of Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Vista Federal Savings Association, Reston, Virginia, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5886 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Alpha Indian Rock Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Alpha Indian Rock Savings and Loan Association, Philadelphia, Pennsylvania, OTS No. 6590, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5890 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Centre Savings Association, F.A.; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Centre Savings Association, F.A., Arlington, Texas ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on February 21, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5891 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Century Federal Savings Bank, FSB; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Century Federal Savings Bank, FSB, Chicago, Illinois ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on January 31, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5892 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Co-Operative Federal Savings Bank; Notice of Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Co-Operative Federal Savings Bank, Westmont, Illinois ("Association") with the resolution Trust Corporation as sole Receiver for the Association on December 13, 1991.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5885 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Executive Savings Bank, FSB; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Executive Savings Bank, FSB, Marina Del Rey, California ("Association"), with the resolution Trust Corporation as sole Receiver for the Association on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5882 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Fidelity Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Fidelity Federal Savings and Loan Association, Austin, Texas, OTS No. 9320, on February 7, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5893 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

First Commerce Savings Bank, FSB; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for First Commerce Savings Bank, FSB, Lowell, Indiana ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on February 7, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5894 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings Association of Chickasha; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift

Supervision duly replaced the Resolution Trust Corporation as Conservator for First Federal Savings Association of Chickasha, Chickasha, Oklahoma ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on February 7, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5895 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Irvington Federal Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Irvington Federal Savings and Loan Association, Baltimore, Maryland, OTS No. 1903, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5896 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Lemont Savings Association, Lemont, IL; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Lemont Savings Association, Lemont, Illinois, OTS No. 6239, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5897 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

New Metropolitan Federal Savings Bank; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of Section 5 (d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for New Metropolitan Federal Savings Bank, Hialeah, Florida ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5894 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Republic Savings Bank, FSB; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Republic Savings Bank, FSB, Rockville, Maryland ("Association"), with the Resolution Trust Corporation as sole Receiver for the Association on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5893 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

Vista Federal Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Onwer's Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Vista Federal Savings Bank, Reston, Virginia, OTS No. 8207, on February 28, 1992.

Dated: March 9, 1992.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 92-5881 Filed 3-12-92; 8:45 am]

BILLING CODE 6720-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee (TPSC); Request for Comments Concerning Foreign Government Discrimination in Procurement

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of request for public comments.

SUMMARY: This notice requests written submissions from the public concerning discrimination against United States products and services by foreign governments in their procurement practices. This information will be used in compiling the annual report on foreign discrimination in government procurement specified by section 305 of the Trade Agreements Act of 1979 (Trade Agreements Act), as amended by title VII of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2515).

Section 305 of the Trade Agreements Act specifies that the President submit an annual report on the extent to which foreign countries discriminate against United States products or services in making government procurements. In the annual report, the President is required to identify any countries that:

(i) Are Signatories to the GATT Agreement on Government Procurement (Agreement) and are not in compliance with the requirements of the Agreement;

(ii) Are Signatories to the Agreement and are in compliance with the Agreement, but that maintain a significant and persistent pattern or practice of discrimination in the government procurement of products or services from the United States not covered by the Agreement, which results in identifiable harm to U.S. business, and whose products or services are acquired in significant amounts by the United States Government; or

(iii) Are not Signatories to the Agreement and maintain a significant and persistent pattern or practice of discrimination in government procurement of products or services from the United States, which results in identifiable harm to U.S. business, and whose products or services are acquired in significant amounts by the United States Government.

The functions vested in the President under section 305 of the Trade Agreements Act were delegated to the United States Trade Representative (USTR) pursuant to section 4-101 of Executive Order 12661 (54 FR 779).

On February 21, 1992, the Administration, as a result of an "Early Review" which it conducted, formally identified the European Community for the discriminatory procurement policies of government-owned telecommunications and electrical utilities in certain EC member states. Specifically cited was the EC's "Utilities Directive." Information provided for the Early Review need not be resubmitted.

DATES: Submissions containing the information described below must be received on or before March 30, 1992.

ADDRESSES: Comments must be submitted to the Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, 600 17th Street NW. Washington, DC 20506, and must include not less than twenty (20) copies. Submissions will be available for public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6. Any business confidential material must be clearly marked as such and accompanied by a nonconfidential summary thereof.

FOR FURTHER INFORMATION CONTACT: Richard Meier, Deputy Assistant United States Trade Representative for GATT Affairs, at (202) 395-6843. Legal questions should be directed to Sanford Reback, Assistant General Counsel, at (202) 395-7203.

SUPPLEMENTARY INFORMATION: Section 305 of the Trade Agreements Act specifies that the annual report be submitted no later than April 30, 1992, and annually thereafter through 1996, to the appropriate Committees of the House of Representatives and the Senate. The USTR is required to request consultations with any countries identified in the report to obtain their compliance with the Agreement or the elimination of their discriminatory procurement practices.

USTR invites submissions from interested parties concerning foreign government procurement practices that should be considered in developing the annual report. Pursuant to section 305(d)(5) of the Trade Agreements Act, submissions are sought from any interested parties in the United States and in countries that are Signatories to the Agreement, as well as in other foreign countries whose products or services are acquired in significant amounts by the United States Government.

Each submission should provide, in order, the following general information: (1) The party submitting the information; (2) the foreign country or countries that are the subject of the submission and the entities of each subject country's government whose practices are being identified, and (3) the U.S. products or services that are affected by the non-compliance or discrimination.

Each submission should provide, in order, the following specific information on non-compliance with the Agreement or discrimination: (1) The circumstances under which discrimination has occurred, including information regarding the date and nature of procurement(s) where discrimination was encountered; (2) policies or practices which are deemed to be discriminatory (where possible, include copies of discriminatory laws, policies or regulations), and (3) the extent to which noncompliance with the Code or discrimination has impeded the ability of U.S. supplies to participate in procurements on terms comparable to those available to suppliers of the country in question when they are seeking to sell goods or services to the United States Government. Wherever possible, submissions should address the extent to which countries identified:

(i) Use sole-sourcing or otherwise noncompetitive procedures for procurements that could have been conducted using competitive procedures; (ii) conduct what normally would have been one procurement as two or more procurements, in order to decrease the anticipated contract value below the Agreement's value threshold or to make the procurement less attractive to U.S. businesses; (iii) announce procurement opportunities providing inadequate time for U.S. businesses to submit bids, and (iv) employ specifications in such a way as to limit the ability of U.S. suppliers to participate in procurements.

Finally, each submission should: (1) Identify requirements of the Agreement which are not being observed by a country identified or describe how the country has maintained a significant and persistent pattern or practice of discrimination in government procurement; (2) identify the specific impact of the discriminatory policy or practice on United States businesses (including an estimate of the value of market opportunities lost and, if any, the cost of preparing bids which are rejected during the course of a procurement evaluation for discriminatory reasons), and (3) describe the extent to which the products or services of the country identified are acquired in significant amounts by the United States Government.

David Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 92-5977 Filed 3-12-92; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552(e)(2)), notice is hereby given that at its open meeting held at 10:03 a.m. on Tuesday, March 10, 1992, the Corporation's Board of Directors determined, on motion of director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Delegations of Authority to the Resolution Trust Corporation's Division of FSLIC Operations.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-6024 Filed 3-11-92; 9:01 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552(e)(2)), notice is hereby given that at its closed meeting held at 10:20 a.m. on Tuesday, March 10, 1992, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Director Stephen R. Steinbrink (Acting Comptroller of the Currency), Vice Chairman Andrew C. Hove, Jr., and Chairman William Taylor, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of matters relating to the Corporation's assistance agreements with certain financial institutions.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: March 10, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-6025 Filed 3-11-92; 9:01 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m. March 18, 1992.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573-0001.

STATUS: Open.

MATTER(S) TO BE CONSIDERED: Review of Agency Restrictions on Amendments to Service Contracts and Acceptance of Worldwide Service Contracts.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6023 Filed 3-10-92; 4:41 pm]

BILLING CODE 6730-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [57 FR 8383 March 9, 1992]

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Wednesday, march 4, 1992.

CHANGE IN THE MEETING: Additional items.

The following items were inadvertently omitted from the notice of the Commission's open meeting to be held March 11, 1992, announced in 57 FR 8383, March 9, 1992.

Consideration of whether to send to Congress proposed legislation that would amend:

The Investment Company Act of 1940 to:

(1) lessen restrictions in both the exception from the Act's regulation for "private" investment companies (section 3(c)(1)) and the exemption for "intrastate" investment companies (section 6(d));

(2) add two new provisions, one excepting companies whose securities are held exclusively by sophisticated investors, as defined by the Commission, and the other exempting certain state-regulated business and industrial development companies;

(3) to reduce the extent to which business development companies have to provide managerial assistance to small businesses, allow business development companies flexibility in acquiring portfolio securities from persons other than the issuer, permit business development companies to issue multiple classes of publicly held debt, and allow business development companies more flexibility in issuing warrants, options, and rights.

The Securities Act of 1933 to:

(1) increase the dollar limit of offerings over which the Commission has exemptive authority under Section 3(b) from $5,000,000 to $10,000,000.

Commissioner Schapiro, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272-2100.

Dated: March 10, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6060 Filed 3-11-92; 12:18 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 57, No. 50
Friday, March 13, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 546

Animal Drugs, Feeds, and Related Products; Change of Sponsor

Correction

In rule document 92-4926 appearing on page 7651 in the issue of Wednesday, March 4, 1992, make the following correction:

§ 546.180d [Amended]

In the third column, the section heading should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 483

[BDP-483-P]

RIN 0936-AD81

Medicare and Medicaid Programs; Omnibus Nursing Home Requirements

Correction

In proposed rule document 92-1510 beginning on page 4516, in the issue of Wednesday, February 5, 1992, make the following corrections:

§ 483.13 [Corrected]

1. On page 4531, in the first column, in § 483.13(a)(5)(i)(D), "(D)" should read "(E)".

2. On the same page, in the same column, § 483.13(a)(5)(i)(D) was omitted and should read as follows: "(D) Adequate drug monitoring has occurred;".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8385]

RIN 1545-AP75

Allocations Attributable to Partnership Nonrecourse Liabilities

Correction

In rule document 91-30843 beginning on page 66978 in the issue of Friday, December 27, 1991, make the following corrections:

1. On page 66979, in the 1st column, in the 3d paragraph, in the 12th line, "regulation" should read "regulations".

2. On page 66980, in the third column, in the third paragraph, in the sixth line from the bottom, remove "still".

3. On page 66981, in the first column, in the third line from the top of the page, after the word "are" insert "still".

4. On the same page, in the same column, in the 2d full paragraph, in the 13th line, "partner's" should read "partners'".

5. On page 66982, in the second column, in the third line from the bottom of the page, "But" should read "Both".

§1.704-2 [Corrected]

6. In § 1.704-2(a), in the table of contents, in (f)(2), in the seventh line, remove "capital" and in (f)(3), in the fifth line, insert "capital" after "certain".

7. On page 66984, in the third column, in § 1.704-2(d)(4)(ii), in the third line, the sentence beginning with "See paragraph ***" should be set flush, and in the seventh line after "increases" insert "or decreases".

8. On page 66985, in the third column, in § 1.704-2(f)(7), in *Example 1*, in the first paragraph, in the third line from the bottom, "partner's" should read "partners'".

9. On page 66986, in the first column, in § 1.704-2(g)(1)(ii), the second paragraph should be set flush; and in the first line, "§ 1.704(b)(2)(ii)(*d*)" should read "§ 1.704-1(b)(2)(ii)(*d*)".

10. On page 66987, in the third column, in § 1.704-2(j)(1)(i)(B) and (ii)(B), the second paragraphs, beginning with "Depreciation", should be set flush.

11. On page 66988, in the first column, in § 1.704-2(j)(2)(i)(B) and (ii)(B), the second sentences, beginning with "Gain", should be set flush.

12. On the same page, in the third column, in § 1.704-2(l)(1)(iii)(A), in the fourth line from the bottom, "section" should read "section)".

13. On page 66989:

a. In the second column, in § 1.704-2(l)(3)(ii), the second paragraph should be set flush.

b. In the same column, in § 1.704-2(m), in *Example 1*, in the second line, "partnership" should read "partnerships".

c. In the third column, in § 1.704-2(m), in the same example, in the tenth line, "§ 1.704-1(b)(2)(ii)(*b*)(T33)" should read "§ 1.704-1(b)(2)(ii)(*b*)(*3*)".

d. In the same column, in § 1.704-2(m), in the same example, in the 15th line, "section;" should read "section:".

e. In the same column, in § 1.704-2(m), in the same example, in the third line from the end of the paragraph, "percent of" should read "percent to".

f. In the same column, in § 1.704-2(m), in the same example, in the table, in the second and third columns, in the last two lines insert "$" before the numeric figures.

g. In the same column, in § 1.704-2(m), in the same example, the last paragraph should be set flush.

14. On page 66990:

a. In the first column, in § 1.704-2(m), in *Example 1*(i), in the table, in the second and third columns, in the last two lines insert "$" before the numeric figures but after "(".

b. In the same column, in § 1.704-2(m), in *Example 1*(i), in the second full paragraph, in the ninth line, "the" was misspelled.

c. In the second column, in § 1.704-2(m), in *Example 1*(ii), in the table, in the second and third columns, in the last two lines insert "$" before the numeric figures but after "(".

d. In the same column, in § 1.704-2(m), in *Example 1*(ii), the first full paragraph should be set flush; and in the third line from the bottom "percent of" should read "percent to".

e. In the third column, in § 1.704-2(m), in *Example 1*(iv), in the table, in the second and third columns, in the last two lines insert "$" before the numeric figures.

f. In the same column, in § 1.704-2(m), in *Example 1*(v), in the 1st full paragraph, "*priority*" should read "*priority.*"; in the 14th line, "the year" should read "that year"; and in the 15th

line, "(700,000)" should read "($700,000)".

15. On page 66991:

a. In the 1st column, in § 1.704-2(m), in *Example 1*(vi), in the 10th line, insert "$" before "95,000" but after "("; in the 12th line, "expenses" should read "expense"; and in the 14th line from the end of the paragraph, after "because" remove "of".

b. In the same column, in the table, in the third column, "(18,000" should read "(18,000)"; and in the second and third columns, in the last two lines insert "$" before the numeric figures.

c. In the same column, the last paragraph should be set flush.

d. In the same paragraph, in the last line, "(1,000,000)" should read "($1,000,000)" and insert "$" before "550,000".

e. In the 2d column, in § 1.704-2(m), in *Example 1*(vi), in the 19th line, "(200,000)" should read "($200,000)"; and in the third line from the end of the same paragraph, insert "$" before "180,000".

f. In the same column, in the table, "(403,000)" should read "($403,000)" and "(47,000)" should read "($47,000)".

16. On page 66992:

a. In the second column, in § 1.704-2(m), in *Example 3*, in the third and sixth, lines, "Example 3" should read "*Example 3*" and "*Examples 3*", respectively.

b. In the same column, in the 23d line from the end of the same paragraph, "§ 1.704-1(b)(2)(ii)–(*d*)" should read "§ 1.704-1(b)(2)(ii)(*d*)".

c. In the same column, in the table, insert "$" before "50,000" the last two times it appears.

d. In the same column, in § 1.704-2(m), in *Example 3*, the last paragraph should be set flush.

e. In the third column, in the table, insert "$" before "35,000" the last two times it appears.

17. On page 66993:

a. In the 3d column, in § 1.704-2(m), in the 1st full paragraph, in the 10th line, "year" should read "year."; and in the 15th line from the end of the same paragraph, insert a comma after "agreement".

b. In the same column, in the table, in the heading, "c" should read "C", and in the second and fourth columns, "(35,000)" should read "($35,000)", and there should be a horizontal rule inserted before the last line of numbers.

18. On the same page, in the first column, the first paragraph after the table, beginning with "Because", should be set flush.

19. On page 66994:

a. In § 1.704-2(m), in the table, in the second and fourth columns, "(75,000)" should read "($75,000)", and there should be a horizontal rule inserted before the last line of numbers.

b. In the first column, the first paragraph should be set flush and in the second to last line of the same paragraph, a comma should be inserted after "year".

c. In the same column, in the second table, a horizontal rule should be inserted before the last line of numbers.

d. In the third column, the last full paragraph should be set flush.

BILLING CODE 1505-01-D

federal register

Friday
March 13, 1992

Part II

Department of Commerce

National Oceanic and Atmospheric Administration

15 CFR Chapter IX

Natural Resource Damage Assessments; Advance Notice of Proposed Rulemaking

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Chapter IX

Natural Resource Damage Assessments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: NOAA is providing a status report concerning the natural resource damage assessment regulations being developed under section 1006 of the Oil Pollution Act of 1990 and is seeking additional comment concerning the content and procedures of the future regulations.

DATES: Written comments should be received no later than April 27, 1992.

ADDRESSES: Written comments are to be submitted to Randall Luthi, Project Manager, or Linda Burlington, Assistant Project Manager, Damage Assessment Regulations Team (DART), 6001 Executive Boulevard, room 422, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Randall Luthi, Office of General Counsel, NOAA, telephone (202) 377–1400, or Linda Burlington, Office of General Counsel, DART, 6001 Executive Boulevard, room 422, Rockville, Maryland 20852, telephone (301) 227–6332.

SUPPLEMENTARY INFORMATION: The Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*, provides for the prevention of, liability for, removal of and compensation for the discharge, or substantial threat of discharge, of oil into or upon the navigable waters of the United States, adjoining shorelines, or the Exclusive Economic Zone. Section 1006(e) requires the President, acting through the Under Secretary of Commerce for Oceans and Atmosphere, to develop regulations establishing procedures for natural resource trustees in the assessment of damages for injury to, destruction of, loss of, or loss of use of natural resources covered by OPA. Section 1006(b) provides for the designation of Federal, State, Indian tribal and foreign natural resource trustees to determine resource injuries, assess natural resource damages (including the reasonable costs of assessing damages), present a claim, recover damages and develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the natural resources under their trusteeship.

NOAA has published two **Federal Register** Notices, 55 FR 53478 (December 28, 1990), and 56 FR 8307 (February 28, 1991), requesting information and comments on approaches to developing damage assessment procedures. NOAA conducted a public meeting on March 20, 1991, to allow additional public participation into the process and held four regional workshops during 1991 in Rockville, Maryland; Houston, Texas; San Francisco, California; and Chicago, Illinois to learn of regional concerns in coastal and inland waters. One workshop held in Alexandria, Virginia, provided a forum for early discussions of various economic issues likely to be raised during the damage assessment rulemaking process. This Notice briefly summarizes the written comments received by the agency, summarizes many of the specific issues raised at the public meeting and workshops, identifies NOAA's possible position on many of the issues and invites further comment upon the issues addressed in this Notice. NOAA emphasizes that the possible positions indicated within this Notice are for the purpose of inviting discussion and comment and do not necessarily indicate any final positions or definitive assessment procedures. Following a thorough review of all comments received as a result of this Notice, in addition to those already received, NOAA will propose the assessment procedures by the statutory deadline of August 18, 1992.

The brief summary of oral and written comments is provided for background information and to indicate to the reader the range of views that have been expressed concerning possible assessment procedures. As such, the comments are not responded to by NOAA in this Notice. However, all comments received will be specifically addressed when the assessment/restoration procedures are proposed.

Introduction

In addition to specific issues identified in the earlier FR notices and the public meeting, NOAA raised various issues and possible positions during the workshops. This Notice provides a summary of information, concerns, recommendations received thus far in this rulemaking process and possible NOAA positions concerning certain assessment activities. Discussion points for the workshops serve as headings in this notice. These points include:

—Trustee Coordination
—Coordination with Response Agencies
—Coordination with the Public
—Role of the Responsible Party
—Preassessment Phase
—Early Resource Protection and Restoration Actions
—Baseline Determination, Early Sampling and Data Collection
—Coordination with Economists, and Economic Issues
—Range of Assessment Procedures
—Injury and Pathway Determination
—Restoration Guidance and Costs
—Coordination with Legal Counsel
—Coordination with State Law
—Use of Sums Recovered
—Definitions for OPA Regulations

These issues are certainly not inclusive of all of the issues to be determined in this rulemaking process, nor do they represent all of the issues involved in a natural resource damage assessment. Therefore, some initial explanation of how the agency is currently viewing these issues might be helpful in order to generate pertinent comments. The concepts and issues identified in this Notice represent the issues the agency considers important to discuss before the regulations are proposed. Many of the topics in this Notice are procedural and involve more planning than do technical aspects of an assessment. These topics (including Trustee Coordination, Coordination with Response Agencies, Coordination with the Public, Coordination with State Law, Coordination with Legal Counsel and the Role of the Responsible Party) are concepts that will essentially "set the tone" for any damage assessment. Many aspects of these issues apply to nearly all spills and questions of "who is going to do what" can be decided, or at least planned for, in advance.

The Preassessment Phase; Early Resource Protection and Restoration Actions; Baseline Determination, and Early Sampling and Data Collection, represent activities more technical and scientific in nature and are indicative of activities that should be completed in the first few days and weeks following a spill. Also in this scientific and technical category is Injury and Pathway Determination, which would play a vital role in any oil spills requiring a comprehensive damage assessment. This topic is being brought forward for additional comment at this time because of its complexity and overall importance to any damage assessment scheme.

The Range of Assessment Procedures section indicates the various assessment procedures currently being considered by NOAA in this rulemaking. After these procedures are selected and fully developed, they will be submitted for additional public review and comment.

OPA requires the measure of damages to be the costs of restoration, rehabilitation, replacement or acquisition of the equivalent resources, plus the diminution in value of those resources, pending restoration. Therefore, the Coordination with Economists and Economic Issues and Restoration Guidance and Costs sections represent very important aspects of this rulemaking and are being presented at this time to generate additional comments and discussion before the agency proposes the assessment regulations.

The Use of Sums Recovered section applies to the trustees' placement and use of any monetary recoveries received through OPA. Finally, the Definitions are provided for information and comment.

The agency recognizes that there is a current set of natural resource damage assessment procedures, located at 43 CFR part 11, that have been promulgated by the Department of the Interior, authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.* These regulations establish an administrative process as well as procedures for the assessment of damages for injuries to natural resources affected by a release of a hazardous substance or a discharge of oil. These regulations were formulated through an extensive rulemaking procedure and are the current standard for all damage assessments (both oil and hazardous substances) until the procedures in this rulemaking process are developed specifically for oil. After the OPA regulations are promulgated, the 43 CFR part 11 procedures will still be used to assess damages for natural resource injuries resulting from a release of a hazardous substance.

The procedures identified in 43 CFR part 11 have now been tested in the field and provide a solid base from which to identify assessment procedures to be promulgated under OPA. NOAA has asked for comment on the applicability to oil spills of 43 CFR part 11, as modified by the court decisions of *Ohio* v. *U.S. Department of the Interior*, 880 F.2d 432 (DC Cir. 1989) and *Colorado* v. *U.S. Department of the Interior*, 880 F.2d 481 (DC Cir. 1989). While this OPA rulemaking effort is separate and distinct from the existing regulation, it is possible that concepts from the existing regulations could be adopted, adapted or added to by NOAA in developing the OPA assessment procedures. In addition, NOAA and the Department of the Interior are coordinating their respective rulemakings to ensure consistency, when practicable, for the trustees and responsible parties in conducting natural resource damage assessments as a result of either a discharge of oil or release of a hazardous substance.

The starting point for NOAA's workshops and this Notice is some aspects of the existing natural resource damage assessment regulations. NOAA's discussion of the selected existing procedures is not intended to be exhaustive, nor to suggest changes to the existing regulations, but only to provide a point of departure for discussion of selected issues discussed in this Notice. Each section of today's Notice begins with a summary of the current damage assessment regulations as background information.

Today's Notice: (1) Summarizes the process for each issue under the current regulations; (2) summarizes comments received to date through the NOAA rulemaking and workshop process; (3) provides NOAA's possible proposal on each issue for comment and (4) in certain cases, provides additional issues for comment.

Discussion of Issues

Trustee Coordination

Current Status Under 43 CFR Part 11

The existing procedures suggest the designation of a lead authorized official (lead trustee) whenever multiple trustees are conducting a joint assessment. Designation of a lead trustee does not relieve the other trustees of their responsibility to protect and manage natural resources, but ensures coordination among the various trustees to avoid duplication of effort and/or gaps in the assessment process. The lead trustee, therefore, should consult with all affected trustees and could function as a decisionmaker when the trustees are unable to resolve a dispute.

Summary of Comments

Both written comments and discussions in the workshops reflected a consensus for coordination of many of the trustee activities. Most agreed that the natural resource trustees should anticipate the possibility of a discharge of oil that could affect resources under their jurisdiction and engage in pre-spill planning for such events.

Some commenters suggested that since OPA requires the formulation of area and regional contingency plans for response purposes, trustees could develop pre-spill plans on similar regional or local geographical bases simultaneously. Trustees could coordinate pre-spill planning and develop a Memorandum of Understanding (MOU) that assigns, or establishes the criteria for assigning, assessment responsibilities among the trustees. In addition, these plans should provide for the selection of a trustee's representative; selection of a lead administrative trustee; notification of the various trustees; coordination with the response agencies; coordination among trustees including their scientific, legal and economic staffs; development of an assessment and restoration plan including coordination of data gathering and other assessment studies; communication with the public; development of procedures governing receipt, management and allocation of funds for a given spill; and monitoring restoration of the natural resources. One commenter suggested that pre-spill planning should include identification of requirements of other regulatory or statutory schemes such as workers' health and safety provisions of the Occupational Safety and Health Act of 1970 (OSHA), 29 U.S.C. 651 *et seq.*

Finally, commenters indicated that lead administrative trustee duties should include: Scheduling meetings of the working groups or committees; preparing agendas; procuring space; coordinating pre-assessment data collection; and maintaining records. A lead administrative trustee should not have arbitration or veto authority over other trustees.

Discussion and Initial Proposal

In many spills, trustees have been able to reach agreement on coordinating assessment and restoration activities. In light of that experience, NOAA may well likely propose that Federal, State, Tribal and foreign trustees in logical geographical areas develop pre-spill plans. This planning process may be instituted through a general MOU between trustees on a state-by-state basis or on a local area or regional basis.

In order to facilitate discussion of trustee coordination, NOAA has provided a draft MOU that has been developed among Federal trustees for review and comment that could establish a coordination framework for trustees for pre-spill planning. This draft MOU is presented in appendix I of this notice. Trustees could develop general plans with provisions for specific areas such as bays, ports, waterways or areas of special sensitivity concerns. The plans could mirror the areas covered by Regional and/or Area Contingency Plans authorized by OPA under the National Contingency Plan. NOAA seeks additional comments regarding

the identification of appropriate areas for regional and local plans.

Without regulating the exact contents of the plans, NOAA may propose that the plans identify the responsibilities of the co-trustees in the event of a discharge of oil covered by OPA, including, but not limited to: Establishment of standing trustee working groups on a regional or local area basis; designation of a lead administrative trustee agency or provision for criteria for the selection of a lead administrative trustee agency; notification of affected trustees; coordination with response agencies; opportunity for participation by all affected trustees; and decision-making by consensus. The plans should identify: early spill/assessment activities, such as forming technical and scientific working groups; contain protocols for baseline determination, early sampling and data collection; identify resources at risk; provide guidelines for informing the public of assessment activities; and provide for health and safety considerations required by law, such as OSHA. The plans should outline long-range damage assessment and restoration management activities such as development of an assessment and restoration plan; acceptance, maintenance and use of funds available or recovered as a result of the incident; public release of data obtained in the assessment and restoration process; and procedures for contracting for scientific, economic and other services or studies. Trustees will be encouraged to develop the plans in cooperation with the response agencies, potentially responsible parties and groups with environmental expertise. The trustees will provide the opportunity for public review of and comment on these plans.

Whether planned for in advance of a spill or not, when assessments involve more than one trustee, trustees should select a Lead Administrative Trustee. The selection of a Lead Administrative Trustee will be by consensus and can be based on such factors as the trustee with a majority of resources at risk or the ability of a particular trustee agency to provide administrative support. While the Federal trustees are required to select a Lead Administrative Trustee under Executive Order 12777, 56 FR 54757 (October 22, 1991), the OPA regulations may not require that the Lead Administrative Trustee be a Federal agency when non-Federal trustees are involved. Where appropriate, trustees may designate co-Lead Administrative Trustees, consisting of a Federal Lead Administrative Trustee and the State, Tribal or foreign trustee. It is also possible that, under certain circumstances, it might be appropriate for the Lead Administrative Trustee to be a single non-Federal agency. In such cases, the Federal trustees will still select a Federal lead Administrative Trustee, who will coordinate Federal efforts with the Lead Administrative Trustee.

The Lead Administrative Trustee will not have veto or arbitration authority over the other trustees, but should be responsible for activities such as: Scheduling meetings of the trustees working group or committee, preparing agendas, procuring space, etc.; acting as a central contact point for trustee agencies involved in the incident, liaison with the appropriate On Scene Coordinator; coordinating preassessment data gathering and other activities; and establishing and maintaining records for trustees.

Coordination With Response Agencies

Current Status Under 43 CFR Part 11

The current rule incorporates the requirement that trustees be notified by the lead response agency when a potential natural resource injury may exist. Trustees once notified pursuant to section 104(b)(2) of CERCLA, shall coordinate their studies and investigations with the lead response agency.

Summary of Comments

Integration of natural resource damage assessment activities with spill response agencies, i.e, U.S. Coast Guard, EPA and State response agencies, was strongly encouraged in the comments and in workshop discussion. Several of the commenters suggested that information gathered through spill response activities should be shared with the trustees. It would be useful, for example, for the trustees to receive information pertaining to the characteristics of the spilled cargo obtained through the sampling efforts undertaken by the response agency, as well as from the data bases of ships' cargo that are maintained by the Coast Guard. To facilitate the exchange of information, the trustees should identify their data needs to the response agencies as part of pre-spill planning. Furthermore, when trustees need additional data, the Coast Guard could increase sampling efforts, share or split samples or provide the trustees with an opportunity to collect samples in conjunction with response activities on a reimbursable basis. A number of commenters noted, however, that the On Scene Coordinator's (OSC) ability to respond to the spill and collect data necessary to manage the response activities should take precedence over trustee assessment activities. Therefore, the OSC should not share information with the trustees or take additional samples if it would hinder rapid response to the spill. One commenter suggested that the trustee agencies should avoid potential interference with the response agencies by refraining from initiating damage assessment activities until after the response is completed.

Some commenters requested that the response and trustee agencies be notified of spills simultaneously. While some agency representatives expressed a desire to be notified of all spills no matter what the size, others were concerned that notification of all the trustees for every spill would overburden the OSC. To avoid this, some trustees indicated that notification by a FAX form every few days, for example, that listed all reported spills in that region would be sufficient. Other commenters requested that the response agencies consult early with the trustees during a spill in order to ensure that resources are not exposed to additional injury as a result of the cleanup. Another suggestion would require the trustee agency to identify important natural resources that would be impacted by a spill hierarchically in terms of value. The response agency could then develop a clean-up strategy that would address the most valuable resources. Other commenters identified mechanisms to coordinate the natural resource damage assessment activities with the response actions. To avoid duplication, improve communication, more efficiently use personnel and budgets and minimize cleanup impacts on resources, some commenters suggested that the damage assessments could be coordinated by the OSC.

Other commenters noted the possibility for a conflict of interest when the response agency is also a natural resource trustee since response activities could be curtailed to allow more assessment activities. These commenters expressed the need for accountability under this scenario. One of these commenters stated that non-trustee agencies should be given a formal role in both response and cleanup activities.

Commenters suggested that as part of pre-spill planning trustees could identify requirements for personnel and field equipment, and ascertain which of those requirements the response agency can provide. In addition, pre-spill plans could establish communication procedures between the response agency and the lead administrative trustee, and establish sampling agreements prior to an actual spill, particularly at the local level. Some commenters suggested that the trustees coordinate pre-spill planning within the established response structure of the National Contingency Plan, 40 CFR part 300, i.e., National Response Team, Regional Response Teams and local area committees authorized under OPA. Such pre-spill activities could include participation by the trustee agencies in spill drills sponsored by the response agencies. In the context of spill drills, the trustees could provide their natural resource expertise and technical assistance to the response agencies. Other pre-spill planning activities by the trustees in support of oil spill response could include mapping of sensitive areas and providing input into the sensitive area plans that industry is required to develop. To avoid inhibiting spill response and damage assessment due to the indecision of trustee agencies, pre-spill planning should include internal coordination within each trustee agency.

Discussion and Initial Proposal

OPA covers inland navigable waters as well as coastal areas. From a Federal perspective, as a general rule the U.S. Coast Guard directs response activities in the coastal zone including the Great Lakes. The U.S. EPA directs response activities in the inland zone. See the National Contingency Plan, 55 FR 8815, 8816 (March 8, 1990). State response agencies may also direct response activities.

Effective coordination with the various response agencies necessitates that coordination procedures be established prior to a spill. As stated in the previous section, the regulations may require the trustees to plan and coordinate their activities prior to a spill. Similarly, trustees will be encouraged to either develop pre-spill agreements with the response agencies or attempt to include them in the planning process outlined above. Agreements or joint-plans should address, but are not limited to, the following issues: establishment of communication roles; identification of a trustee and response contact; health and safety requirements; and development of joint activities, i.e., sampling, spill drills, identification of resources of particular concern and information and data sharing.

Trustees recognize that the response agencies should not be unduly hindered by the trustees' requests for use of equipment and/or information. Conversely, response agencies should recognize the trustees as a potential source of information concerning the weather, history and natural resource characteristics of a particular area.

Procedures for the use of the Oil Spill Liability Trust Fund (Fund) for trustee activities is also an issue appropriate for discussion. The Coast Guard has the responsibility for management of the Fund. The fund contains up to one billion dollars, of which $50 million is available on an annual basis, not subject to appropriations, for the costs of response and the initiation of natural resource damage assessments. The activities included under "the initiation of natural resource damages assessments" will be determined in subsequent regulations. The Federal trustees and the Coast Guard are working together to provide the necessary guidance to trustees on this matter as well as on general access to the fund for uncompensated trustee claims.

Coordination with the Public

Current Status Under 43 CFR Part 11

The current rule provides that the public can participate in a natural resource damage assessment by commenting on the Draft Assessment Plan, significant modifications to the Assessment Plan, the Draft Restoration Plan contained in the Assessment Plan (when developed separate from the Assessment Plan) and the Draft Restoration Plan based upon the amount of monies recovered. The public is notified of the availability of documents to review by publication in a paper of general circulation and in the **Federal Register**, where appropriate. The trustee has the discretion to extend the comment period. The current rule also requires that comments and responses be maintained as part of the administrative record.

Summary of Comments

Many commenters noted that OPA requires public involvement with respect to oil spills. Specifically, section 1006(c) directs natural resource trustees to develop and implement plans for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the natural resources under their trusteeship. Section 1006(c)(5) states that these plans shall be developed and implemented only after adequate public notice, opportunity for a hearing and consideration of all public comment.

Some commenters stated that there should be public participation in each phase of the assessment process, i.e., pre-spill planning through restoration. It was suggested that this participation could be accomplished through the use of oversight committees, consisting of representatives of environmental groups, local governmental officials and other interested individuals. These oversight committees would be in addition to the public meetings and the review and comment periods for the assessment/restoration plans. Having members of the public involved throughout the assessment process would also avoid negotiations by the trustees and responsible party (RP) that might result in less than full compensation to the public for injuries to natural resources. However, others indicated that, since the trustees represent the public, the opportunity for review and comment upon the assessment/restoration plans are sufficient to meet the requirements of OPA.

Some commenters noted that, where circumstances surrounding a spill are too dynamic or the spill is short-lived, it may not be possible to conduct timely public meetings. Such meetings would be so frequent and time consuming that they would drain the staff and budget of both the trustee agencies and private groups. In such cases, it was recommended that local and regional pre-spill plans should identify procedures the trustees will undertake in the event of such a spill. Since the public would be aware of how the trustees will respond to these spills by virtue of the public's involvement in pre-spill planning, separate spill-specific meetings would be unnecessary for many small spills.

Many of those expressing comments were concerned that, due to the possibility of litigation, the data collected during assessments are not made available to the public by those conducting the assessment. Commenters noted that data gathered for an assessment are valuable for understanding environmental processes, toxic effects of oil in the environment and cleanup strategies. Accordingly, some called for a modification of the assessment process to facilitate free exchange of information. Several others suggested that the assessment data be made available to the scientific community for publication in peer-reviewed journals as soon as possible. One commenter even requested that draft materials be made available to the public; however, others suggested that nonvalidated or confidential information should be withheld. One suggested method of sharing data was through the use of an administrative record. This would not only allow greater access to data collected, but would also result in a record that would be judicially

reviewable. Such a review would be limited to the record, which would reduce litigation time and costs. However, another commenter suggested that NOAA not limit the review to the administrative record, since there is sufficient law to guide the courts as to whether the review should be limited to the record.

Discussion and Initial Proposal

OPA requires public notice, opportunity for a hearing and consideration of all public comments prior to implementation of the restoration plan. NOAA, however, will not limit public involvement to the restoration plan alone. NOAA is of the opinion that because the natural resource damage assessment process will be enhanced by public comment, NOAA will seek public review of the natural resource damage assessment component in addition to the restoration plan. The regulations, therefore, may require that the trustees provide the public with an opportunity to review and comment on pre-spill plans discussed in earlier sections of this Notice as well as to comment on the natural resource damage assessment and restoration plans. Additional public involvement, i.e., oversight committees, open trustee meetings, public representation on trustee committees, etc., will be at the option of the trustee. In addition, to allow adequate public participation and to provide a basis for judicial review, NOAA may recommend the use of the open administrative record for appropriate assessments.

Open Record for Assessment

Section 1006(c) of OPA provides that trustees shall "develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship." 33 U.S.C. 2706(c)(1)(C), (c)(2)(B), (c)(3)(B) and (c)(4)(B). Section 1006(c)(5), 33 U.S.C. 2706(c)(5), provides that "plans shall be developed and implemented under this section only after adequate public notice, opportunity for a hearing and consideration of all public comment." Thus, Congress intended that restoration plans be developed by trustees pursuant to an administrative process that provides for adequate opportunity for public participation in the selection of restoration measures. Although Congress required public participation (through the comment process) only with respect to restoration plans, experience indicates that damage assessments should not be severed completely from restoration planning. The restoration plan represents the culmination of the assessment process, which consists of trustees selecting injury determination procedures and the identifying of restoration or acquisition methodologies. Therefore, NOAA may propose meeting these statutory mandates by requiring that trustees create an administrative record to document development of the Assessment/Restoration plan.

Adequate notice is an important component of effective public participation. Accordingly, NOAA may require that notice of the availability of the administrative record be published in the **Federal Register**, as well as a local newspaper of general circulation for appropriate spills. However, natural resource damages in the case of small spills and/or spills with a limited effect upon natural resources may be most appropriately determined through the use of a Compensation Table or another expedited process (See later section on Range of Assessment Procedures). NOAA may recommend notice only be provided in the local area in such cases. Identified RPs should also receive notice of the creation of the administrative record and of any opportunities for public participation in the development of the Assessment/Restoration Plan. In addition, publication of the availability of the administrative record in the **Federal Register** should provide the public and any additional RPs with sufficient notice of the opportunity for participation in the assessment/restoration process.

The administrative record has three basic purposes. First, it facilitates selection of restoration measures by providing a central repository for scientific data and by documenting the trustees' consideration of the relevant factors in selecting restoration measures. Second, it facilitates public participation by providing a public repository for information and by documenting compliance with public participation requirements. Third, it provides the basis for judicial review.

The administrative record, based upon current Federal practice, should contain all documents considered or relied upon by the trustees in selecting assessment and restoration measures whether or not they support the trustees' decision. The record should provide an essentially contemporaneous explanation of the basis for selection of the assessment and restoration measures. To the extent practicable, the record should be compiled as documents are generated or received by the trustees.

The specific documents contained in the administrative record will vary by spill. Ordinarily, the record should include documents such as response-generated documents concerning the nature of the spill; damage assessment documents such as preassessment determination, Damage Assessment/Restoration Plan, public comments, response to public comments, transcripts of public hearings, if any, all relevant investigation reports, scientific studies, work plans, quality assurance/quality control plans, quality assured scientific data, health studies, engineering evaluations, decision documents; and an index to the documents in the administrative record

The administrative record should include only documents reflecting information and decisions specifically relied upon in selecting restoration measures. For example, draft documents are generally not part of the record because they are superseded by a final document and therefore are not documents on which the trustee relies. Nevertheless, draft documents will be included in the administrative record if there is no final document at the time of selection of assessment/restoration measures and the draft is in fact relied upon in selecting assessment/restoration measures. Pre-decisional, deliberative internal agency memoranda will ordinarily not be included in the administrative record. Like draft documents, however, portions of these documents may be included if they contain information relied upon in selecting assessment/restoration measures and that information is not included in other documents. Documents relating exclusively to liability will ordinarily not be included in the administrative record unless they are relied upon in selecting restoration measures. Scientific data that fails quality assurance/quality control requirements should not be included in the administrative record except in the unusual case where it is specifically relied upon in some manner in selecting restoration measures.

In certain limited circumstances, the administrative record may require supplementation after selection of the Assessment/Restoration Plan. The administrative record is the body of documents that is considered or relied upon by an administrative agency in reaching a decision. Of course, documents received after the decision has been made cannot have been considered or relied upon in reaching the decision. Therefore, post-decisional documents are not properly part of the administrative record. The administrative record may require supplementation after selection of the Assessment/Restoration Plan. For example, the trustee may modify certain components of the Plan after it has been announced, in which case the documents considered or relied upon by the trustees in modifying the Plan should then be added to the administrative record. Alternatively, the Assessment/Restoration Plan may provide that certain components of restoration will be decided upon at a later date, *e.g.*, because of the need for more information to be obtained during implementation of the Plan. Documents considered or relied upon in selecting these further restoration measures should be added to the administrative record. Also, trustees may consider information submitted by interested parties after selection of the Assessment/Restoration Plan. Trustees may consider information submitted by RPs and/or interested parties outside the public comment period if the interested party did not receive actual or constructive notice of the proposed Assessment/Restoration Plan and the opportunity to comment on the Plan; the information submitted does not duplicate information already contained in the administrative record; and the information raises sufficiently significant issues regarding the scope, effectiveness or cost of the Plan as to warrant having the trustees reconsider their decision. The trustees have the discretion, of course, to reopen or reconsider the Plan at any time. However, the public will have the right to review and comment upon modifications that are, in the opinion of the trustee, significant. One of the most important aspects resulting from the use of the open record would be the level of judicial review to be accorded the Assessment/Restoration process. The use of an administrative record may provide for judicial review only upon the record, giving great deference to the trustee agency. For a detailed explanation of how a judicial review of the Assessment/Restoration record might be justified, see Appendix III.

Role of the Responsible Party

Current Procedures Under 43 CFR Part 11

The existing procedures allow significant involvement of the Potentially Responsible Party (PRP) in the assessment process. Following a release of a hazardous substance or a discharge of oil, the PRPs are identified (if possible) in the preassessment screen. If the trustees decide to conduct an assessment, reasonable efforts are made to locate the PRP and send the PRP a Notice of Intent to Perform An Assessment. This notice describes the nature of the spill and the resources potentially at risk. The trustees are to invite the PRP to participate in the development and scope of the assessment. The trustee is then to allow thirty calendar days, with reasonable extensions, for the PRP to respond before proceeding with the development of the Assessment Plan or any other assessment actions. Following trustee approval of the Assessment Plan, the public (including the PRP) has at least an additional thirty calendar days to review and comment upon the plan. Any significant modifications of the plan require additional public (including PRP) review.

Summary of Comments

Commenters indicated a wide range of views on this issue, from unlimited RP involvement to no RP involvement, except to pay the required damages. Other commenters addressed specific phases of an assessment. Many commenters indicated that the thirty-day waiting period after Notice of Intent To Perform An Assessment is not practicable for oil spills since the RP should assume there will be some level of "assessment." Some commenters reflected that it may be a fallacy to assume that every spill results in injury or recoverable damages.

Many commenters encouraged the early and continued involvement of responsible parties because they would be more likely to cooperate if involved from the start of an assessment. In addition, early cooperation between the responsible party and trustees makes a negotiated settlement easier to achieve. It was also argued that a responsible party is the key party in the assessment process and should therefore have procedural rights of due process including participation and access to information that should not be accorded to the public at large.

Other commenters stressed that cooperation must work both ways. The trustee should also be willing to cooperate with the responsible party. Many responsible parties have the financial and personnel resources to conduct an assessment, and should be permitted to do so, even though the ultimate responsibility for the assessment rests with the trustees. The commenters noted that it can be more expeditious for the RP to fund the work, with oversight or "audit" by the trustees. The RP has a vital interest in the costs/benefits of the assessment. Some suggested that public perception of the responsible party conducting the assessment might be helped by agreeing ahead of time upon a list of "pre-approved" consultants to assist in "peer review" and/or to carry out the actual studies. The use of assessment "oversight" groups consisting of RPs, scientists, environmental groups and the public was also suggested. Restoration activities, including monitoring, may also be conducted by the RP, provided appropriate performance standards were ensured.

Others submitting comments indicated a different view by suggesting that preferential treatment for the RP is not acceptable. In addition, while full and active participation of the RP is fair and rational in theory, in practice the RP should be limited to transferring funds to trustees to conduct damage assessments and reviewing and commenting on assessment plans and other publicly-available assessment documents. It was argued that the regulations should not provide too many incentives for RP participation nor allow the RP to hire a contractor to conduct the assessment, as it would likely appear to be the fox guarding the hen house. Commenters also claimed that it would be inappropriate for the RP to develop a plan, even if the plan was approved by the trustee. Still other commenters suggested that all assessment decisions should be left entirely with the trustees. The RP should be an active participant in the assessment process, but should be subordinate to the trustees.

During the workshops, NOAA presented the concept of a "phased joint-assessment," allowing the trustees and RPs to jointly conduct certain phases of an assessment. Commenters indicated that, for joint work, industry would need some assurance that the damages amount determined by the process is reasonable and supportable. Some comments received during the workshops indicated that the joint assessment process may work well for data collection and analysis determining the extent of injury to the natural resources. However, some thought this cooperation would be unacceptable in the economic valuation portion of the assessment process where the actual amount of damages is determined based upon that injury and because of the controversial nature of such damages.

Discussion and Initial Proposal

While liability and responsibility of the RP for removal and/or response activities are addressed clearly in OPA, little guidance is given in either the statutory language or the legislative history concerning the role of the RP in the assessment process.

The degree of involvement of the RP in the assessment process will likely have a direct bearing on several aspects of the assessment. For instance, active and early involvement of a cooperative responsible party may eliminate some of the problems trustees have encountered immediately following an oil spill, such as the lack of funding, personnel and equipment. In addition, a joint trustee/responsible party assessment may be more cost effective and avoid duplicate studies by the trustees and RPs. However, it is the trustees that have been entrusted with the responsibility for conducting assessments and while NOAA is considering proposing that trustees will be encouraged to involve the RPs, the timing and degree of their involvement will likely be at the discretion of the trustees. Trustees can ill afford to delay assessment activities while attempting to entice RP involvement. In addition, trustees are ultimately responsible for conducting natural resource damage assessments and there may be circumstances where it will be deemed inappropriate by the trustee to allow any RP involvement.

Pre-spill Activities

Just as coordination among the trustees and response agencies will assist in preparing for an effective damage assessment, so can potentially responsible parties be of assistance in identifying areas with a high potential for spills and establishing pre-spill contacts. Of course, it is impossible to identify RPs prior to a spill, but trustees will be encouraged to establish contacts with oil companies, transportation and shipping interests in the local areas where spills are most likely to occur. Trustees may be able to recommend to private response entities; such as the Marine Spill Response Corporation, coastal areas of particular concern from a natural resource aspect and assist in the development of plans for the protection of those areas in the event of a spill.

While the actual degree of involvement of the RP will be at the discretion of the trustee, NOAA may recommend that the RP be invited into the assessment process when practicable. To encourage cooperation between the trustees and the RP, NOAA is considering proposing a phased, joint assessment administrative procedure for conducting assessments.

Jointly-Conducted, Phased Assessments

The assessment process may be divided into distinct steps or phases and the responsible party may be invited to participate in the various steps. Prior to the beginning of each step or phase, the RP and trustees could enter into an enforceable agreement to conduct that particular step or phase. The responsibilities, including financial contributions, of each party will be identified in the agreement and there will be provisions for nonperformance. The agreement should identify who should collect the data and under what guidelines. In addition, the parties should agree who will analyze the data, and what criteria will be used in the analysis.

While it may be most expedient for the trustees and responsible parties to use internal personnel for data collection and analysis, should they not be able to agree upon the use of joint internal personnel, the data gathering and/or preliminary analysis of the data may be contracted out to an agreed upon third party.

A phased approach to conducting joint assessments is being considered due to the possible reluctance of RPs and trustees to agree to work together before the actual assessment process begins. The phased approach may allow a working relationship to develop between the RPs and trustees yet allow maximum freedom to both parties should the joint process be determined to be unworkable.

Management Structure

NOAA does not intend to require a specific management structure in order to conduct either a trustee or joint trustee-responsible party assessment. However, NOAA may recommend that trustees plan to establish committees or teams to manage the assessments. The core members of these committees may already be selected in the pre-spill plans. As discussed earlier, the committees should have a lead administrative trustee and include representatives from all affected trustee agencies and provide opportunities, ad hoc, for involvement from response agencies and other interests, as deemed necessary by the trustees.

Preassessment Phase

This step requires the gathering of basic data concerning the type of oil spilled, extent of the spill, initial effect of the spill upon natural resources and the potential for further injury to natural resources. Based upon this information, the trustees will determine whether to proceed with assessment procedures, and which procedures will be used. While there is no specific time limit for this preassessment phase, the earlier the trustees are able to gather that information, the more effective the phase will be. Since time is of the essence in this crucial phase, NOAA may recommend that it is the option of the trustee whether to invite the RP to participate or enter into an agreement to gather the preassessment phase information. In making this determination, trustees should consider, but not be limited to, the following factors: whether a RP has been identified; the degree and extent of the spill; the willingness of the responsible party to participate; and the ability of the trustees to conduct the preassessment phase in a timely and effective manner.

The completion of the preassessment phase includes the trustees notifying the RP, in writing, if the responsible party has been identified, of the trustees' decision of whether to proceed with further assessment procedures. If they have not done so already, the trustees may invite the RP to enter into an agreement with the trustees to proceed with the assessment. Further assessment procedures could include use of the Compensation Table, Type A model (pending revision), Expedited Damage Assessment Procedures, or the Comprehensive Damage Assessment Procedures.

NOAA will not propose whether the joint-agreement concept should be considered in connection with either the Compensation Formula or the Type A procedure until those procedures and the assumptions within those procedures are proposed and made available for public review.

Assessment Activities

The agreement to conduct portions of the assessment phase should be as specific as possible, with trustee and RP activities identified. NOAA may propose the following steps or phases be considered for joint agreements for Expedited and Comprehensive Damage Assessments: Injury determination data collection; analysis of injury determination data to quantify loss of resources' services; determination of restoration costs; and determination of use and nonuse (i.e., direct and indirect use) values. Whenever possible, NOAA will encourage the combining of data collection and analysis into one agreement, resulting in a more efficient assessment process.

Restoration Activities

The involvement of the appropriate RP in the Restoration Phase should be encouraged whenever possible. Since restoration activities should be identified before determining their costs, the development of a restoration plan is actually initiated in the assessment phase. Some responsible parties may want to actively assist in developing and implementing a restoration plan. Others may prefer to pay the damages and leave the restoration activities to the trustees. The degree of participation of the responsible party in the restoration phase is discretionary with the trustees, but the knowledge and expertise of many RPs in restoration methods could be invaluable to the trustees. Again, agreements should include specific responsibilities of the trustees and RPs. Such agreements could cover the following steps within the overall Restoration Plan: Determination of restoration activities and implementation of restoration activities. The jointly-collected data and analysis will be a part of the Administrative Record discussed in the Coordination with the Public section.

Other Party Involvement

NOAA is considering proposing that the trustees may provide for "outside" review of the assessment/restoration plan. Recommendations from other interested parties and the scientific community will be sought for appropriate reviewers and the reviewers' comments will be a part of the administrative record.

Also, the joint-management team will keep the public informed of the progress of the assessment process and will allow public review and comment of the on-going assessment and restoration plans. In addition, at the trustees' discretion, representatives of local interested groups may be invited to attend assessment management meetings to monitor the decision-making process.

Preassessment Phase

Current Status Under 43 CFR Part 11

The rule requires the trustee to complete a preassessment screen and make a determination as to whether an assessment shall be conducted. The preassessment screen is designed to be mainly a "desktop" review with minimal information gathered concerning characteristics of the spilled substance and which resources have or will likely be injured. The regulations provide criteria for use by the trustees in determining that there is a reasonable probability of making a successful claim before monies and efforts are expended in carrying out an assessment.

Summary of Comments

Some of the commenters spoke to the issue of a "preassessment screen." Generally, these commenters supported a preliminary decision-making step in a damage assessment. One of the commenters noted that a preliminary assessment could be used to establish a probable range of damages and would facilitate settlement negotiations, and which focus future assessment studies if settlement is not reached. Another commenter noted that a preassessment decision would be a good tool to use, should be flexible enough to guide the assessment, should clearly identify funds available for the assessment and could serve as a model of what needs to be done. Finally, another commenter stated that a preliminary hypothesis would be good if used to develop appropriate sampling plans and experimental design, but requiring trustees to meet certain criteria before an assessment is begun is unduly restrictive.

Discussion and Initial Proposal

NOAA is likely to propose that assessments begin with a "Preassessment Phase." The purpose of the preassessment phase is to determine if the discharge of oil warrants continuing a natural resource damage assessment. During this critical phase the trustees identify natural resources at risk from the oil and estimate the costs of the assessment and restoration activities. The trustees will be encouraged to involve the RP in the preassessment phase.

During the preassessment phase, trustees may also tentatively identify their overall plan for conducting the assessment/restoration process. This phase should supply the trustee with enough information regarding the effects of the spill so that the trustee may estimate what assessment and restoration actions will be contemplated and ensure that all such activities will be accomplished in a reasonable and cost-effective manner.

A natural resource damage assessment process generally begins with notification by the lead response agency to a natural resource trustee when a potential natural resource injury may exist, as set forth in the NCP, or when a natural resource trustee is aware of a discharge of oil. In instances where a natural resource trustee is the first to identify a possible injury to a resource under OPA and suspects an OPA-covered discharge as the source, the trustee is directed to the procedures in the NCP for reporting the discharge. Preassessment activities shall be coordinated with the lead response agency consistent with the NCP; and area response contingency plans, regional/local protocols and pre-spill plans developed pursuant to OPA.

Factors to be considered in the preassessment phase include identifying the source and possible distribution of the oil; natural resources at risk; immediate information needs and which assessment actions, if any, should follow the preassessment phase. Part of this review also involves the trustee's determination of whether the discharge is covered by any exclusions to liability contained in OPA or other Federal or State law. Specific information that NOAA may require to be collected during the preassessment phase concerning the spill site and discharge include: (1) The time, type, quantity, duration and frequency of the discharge; (2) response activities occurring at or near the site; and (3) responsible parties.

NOAA may recommend the trustees make a preliminary identification of pathways considering the circumstances of the discharge, the characteristics of the terrain or body of water involved, weather conditions and the known physical, chemical and toxicological properties of the oil. Trustees should also make a preliminary estimate based on information readily available from scientists and natural resource managers of the ecological functions, productivity or economic services of the resources identified as potentially affected. This estimate will be used in determining which resources to study if further assessment efforts are justified.

Based on information gathered during the preassessment phase and on information gathered pursuant to the NCP, NOAA may require that trustees make a preliminary determination that all of the five following criteria are met before proceeding with an assessment: (1) A discharge of oil has occurred; (2) natural resources for which the trustee may assert trusteeship have been or are likely to have been injured by the discharge of oil; (3) the quantity and concentration of the discharged oil is sufficient to potentially cause injury to those natural resources; (4) data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost and (5) response actions carried out or planned do not or will not sufficiently remedy the injury to natural resources or the public has not been adequately compensated for a significant loss of natural resource services.

If the trustee determines that the preassessment phase results in a determination that further assessment procedures are appropriate, the next phase is to continue the assessment. If the preassessment phase results in a determination that further assessment actions are not necessary, no further assessment actions are to be taken.

NOAA may recommend that the following categories of reasonable and necessary assessment (not response) costs may be incurred in the preassessment phase of the damage assessment: Discharge detection and identification costs; trustee coordination and notification costs; potentially injured resource identification costs; baseline determination, early sampling and data collection costs; early resource protection and restoration costs; early restoration planning, if appropriate; document preparation, and administrative costs; and any reasonable additional costs deemed necessary by the trustee to carry out the preassessment phase of the damage assessment. Such costs may include indirect costs, but shall not reflect regular activities performed by the trustee in management of the natural resource. Costs shall be supported by appropriate records and documentation. Such activities undertaken as part of the preassessment phase shall be taken in a reasonably cost-effective manner and are recoverable regardless of whether further assessment activities are conducted.

Early Resource Protection and Restoration

Current Status Under 43 CFR Part 11

Emergency "restorations" are for those limited situations where immediate action is required to avoid or reduce danger to natural resources, and where response actions are determined by the trustee to be insufficient. Emergency "restorations" are an exception to the requirement for review and comment, so the trustee must be able to demonstrate that the action was appropriate and that the costs were reasonable. If possible, the potentially responsible party and FOSC should be contacted prior to proceeding with emergency restorations.

Summary of Comments

Some commenters suggested that, in the event of a spill, there is a need to restore the resources and the public's confidence in the condition of the resources as quickly as possible. A restoration hierarchy may be required, preferring as close as possible "in kind" and "on site" restoration. The response agency could plan actions with trustee agencies to ensure that the best response actions for the particular spill and that recognition should be given to the difference between "cleanup" and "abatement". One commenter pointed out that the circumstances of each incident dictate how much response can do towards protection of the resources. Another commenter indicated that planning could be done relatively easily for the many rivers and streams that have already been "classified" under the Clean Water Act and may be useful in identifying "sensitive" areas. Another commenter also stressed the individuality of each event as dictating necessary emergency actions to protect natural resources.

Local area plans will be a vital component in initiating emergency actions so trustees, subject to budget constraints, should participate extensively in developing those plans. Another commenter suggested that involving the public in early spill decisions may not work since committees cannot make rapid decisions for emergency actions at the time of a spill.

Commenters indicated that some mechanism must be developed to provide fair and reasonable funding for restoration prior to the completion of the damage assessment process. Perhaps a phased damage assessment could be instituted, where injury to individual resources are identified as information is collected over time. A sliding scale, based on volume of oil spilled, habitats affected and other factors, could be used to provide up-front funding for both damage assessment and restoration as the process proceeds. Alternatively, actions approved and undertaken by the trustees under damage assessment and early restoration could be made reimbursable by billing the RP, just as cleanup costs approved by the FOSC are reimbursed under response.

It was suggested that industry may be willing to participate in the pre-spill planning for sampling and early restoration activities; such participation may entice a RP to provide up-front funding for early sampling and restoration activities. Industry routinely collects baseline data and may not be opposed to funding sampling or to split samples.

Discussion and Initial Proposal

OPA provides authority for emergency activities to prevent or minimize injury and to hasten recovery which may involve emergency protective actions. The proposed rule may provide guidance for determining whether an emergency exists, require that the emergency be reported to the FOSC and allow for emergency actions to be taken in the event the response agency or responsible party is not taking sufficient action.

Emergency activities are for those limited situations where immediate action is required to avoid or reduce danger to natural resources and where response actions are determined by the trustee to be insufficient. If possible under the circumstances, RPs should be contacted prior to the trustee's proceeding with emergency actions. This contact will give the RP the opportunity to offer financial or personnel resources to help with those actions. Contact can be made through the FOSC.

Any natural resource trustee may take emergency action to protect or abate injury to the habitat of any species that has been identified in a Federal or State list indicating special concern with regard to that species, e.g., those that are threatened or endangered. Emergency actions can only be taken by the trustees in order to prevent or reduce the imminent loss, or threat of imminent loss, of that resource. The trustee will determine whether these actions are necessary prior to the development of an assessment/restoration plan. Such actions and associated reasonable costs must be documented by the trustee. All costs, both direct and indirect, associated with emergency actions are part of the trustees' claim for damages.

Baseline Determination, Early Sampling and Data Collection

Current Status Under 43 CFR Part 11

The current rule states that trustees, prior to the development of an assessment plan, may take the minimum samples necessary to prevent loss of data on conditions that are ephemeral, e.g., injured or dead biological resources that are perishable. Sampling at this stage is not intended to represent average conditions; the rule does not require potentially costly random sampling techniques or sampling of control areas during the preassessment screen.

Summary of Comments

It was suggested that the damage assessment process allow for immediate collection of baseline data when a spill occurs, including biological and water samples and overflights to survey fish and/or protected species. Costs expended by the trustees for baseline data collection should be reimbursed even if no immediate damage is established. Base line data may be necessary to determine injury and accordingly, damages, which may not manifest themselves until more time elapses from the spill. Funding for baseline studies should be immediately available. To avoid missing the opportunity to collect baseline data, funding should not be subjected to lengthy approval process.

One writer pointed out that response agencies often have insufficient budgets to extensively sample during the initial phase of a spill, resulting in inadequate documentation of chemical conditions. Even where a response agency's budget will permit documentation of pre-spill impacts, the agency may not have the time or expertise to conduct proper sampling. Under these circumstances, the response agency must have consultants—a time consuming process—further jeopardizing collection of immediate documentation. Therefore, NOAA should develop regional protocols, in cooperation with state agencies and on a reimbursable basis to support pre-spill surveillance and monitoring schemes to provide adequate baseline information to evaluate natural resource impacts, and develop a cooperative Regional State-Federal Assessment Response and Planning Team.

Concern was expressed that adequate funding should be available to conduct early sampling and data collection so as not to be the limiting factor in conducting a sufficient sampling effort. One commenter pointed out that an important factor to remember in a spill assessment is the size of the company that is the RP. Another suggested that the RP pay for those actions approved by the trustees, and suggested that these actions and funding be pre-approved and incorporated into area contingency plans to be established under OPA. This same commenter stated that public involvement in early sampling and emergency actions can be accomplished through active contributions to pre-spill planning efforts, and advocated establishment of a citizens oversight committee to provide input into all aspects of the area contingency plan (to be established under OPA Sec. 4202).

One commenter suggested the regulations should include planning for sampling and restoration at three levels: a national plan to be described in the regulations that would consist of general guidelines for trustee coordination and sampling, the conduct of damage assessments and the use of initial data for response activities; regional plans that would be called for in the regulations to be developed subsequently and which will provide additional information on the roles of individual agencies, coordination and data acquisition; and local or specific area plans that would be developed for high risk situations. These local plans would provide for gathering and maintaining baseline information, and for early sampling of potentially affected resources immediately following a spill. These regional and local plans would include agency assignments and teams for data acquisition. Several additional participants and commenters indicated that the major planning effort be at the local level and one participant pointed out that local area contingency plans can identify environmental contacts.

Several workshop participants indicated sources of extant or baseline data—consultants, government agencies, academia, industry, waterway operators; and the existence of current data collection programs. One participant indicated that sampling protocols should identify the best indicator species, those that are sensitive to that spill. This same participant said that the sample protocols need scientific appraisals, and further suggested that certain ecosystems that are representative should be selected and that protocols be developed for those ecosystems.

One commenter recommended the inclusion of composition and activity of microbial communities which can serve as sensitive "indicators" of the degree of oil pollution of natural environments for recommended methods in damage assessment procedures. However, another commenter felt that flora and microbial communities should be given lower priority for sampling and indicated that high natural variability, difficulty of quantification and limited knowledge of oil impact influence this recommendation.

One writer pointed out the need for recognizing the importance of regional/local/specific QA/QC plans and indicated that a national plan would be helpful for outline or guidance only. Another commenter urged the use of current QA/QC protocols rather than trying to "reinvent the wheel."

One participant pointed out that because ecosystems are dynamically changing, old baseline data may no longer be accurate at the time of the event. Another commenter suggested that "baseline" data can be obtained from control (reference) areas.

Discussion and Initial Proposal

NOAA's regulations may provide a simple framework by which to encourage the gathering of baseline data both as a desktop exercise and as an immediate field sampling effort, and further encourage early sampling and data collection under appropriate circumstances. Guidance, perhaps in a separate document, will provide procedural methodologies for implementing this effort after an oil spill and provide direction for development of regional and/or local protocols. The information gathered under an early sampling and data collection effort should contribute to the trustee's decision in choosing among the various damage assessment procedures, and be an integral part of subsequent damage assessment/restoration studies.

Close coordination with response, containment and cleanup efforts is needed to identify resources that are at risk of injury and to minimize duplicating efforts. If the magnitude of the oil spill indicates that a Comprehensive Assessment (See Range of Assessment Procedures Section) may be conducted, time constraints may dictate that baseline, initial and early sampling for damage assessment be conducted before the completion of the preassessment phase.

NOAA encourages use of existing information sources, where appropriate, as a means to facilitate early sampling and data collection design. Because existing baseline information may be incomplete or outdated, sampling and data collection may be necessary to establish or to verify baseline levels and document deviations from these levels over a short period of time. NOAA expects this phase of sampling to be conducted immediately following an oil spill, prior to initiation of damage assessment/restoration studies and, possibly, simultaneously with the preassessment phase.

Careful early sampling methodology, adherence to strict QA/QC, chain-of-custody and initiation of data management procedures will be crucial to the overall success of formal studies and, further, the entire damage assessment/restoration process.

NOAA will encourage the development of regional/local protocols, consistent with the national guidance, to cover this phase of sampling, to include provision for Quality Assurance/Quality Control procedures and to recommend the early initiation of a data management program. If developed by local/regional trustees, these protocols will identify existing local/regional data bases, appropriate publications to the area of concern and draw upon local resources (fishermen, resource managers, etc.) to identify sensitive habitats, species and other sources of information. These protocols will also identify local agencies charged with assessing injury and should be developed in close coordination with other trustees and with agencies developing local area contingency plans. These protocols can identify physical and chemical parameters, and specific target organisms (biota) for consideration for sampling, identify ecosystems and habitats of especial

sensitivity, identify local agencies charged with assessing injury and provide detailed sampling methodologies.

The support document will provide generalized direction for the trustees and may indicate minimal requirements for inclusion in the development of regional/local protocols on baseline and early sampling procedures. Some of the topics being considered for inclusion in the supporting document are: factors to be considered by the trustees before initiating an early sampling and data collection effort; guidance and methodology on sampling physical and biological parameters for petroleum hydrocarbon analyses and biological measurements; identification of local key organisms and sensitive habitats; and identification of local natural resources agencies to be involved in early sampling and data collection.

The following are examples of the minimum early sampling efforts that should be conducted to prevent the loss of data from pre-spill or initial impact conditions and to collect chemical and biological data before the initiation of a damage assessment/restoration plan.

Baseline, or Benchmark, Sampling

Where possible and appropriate, samples of water, sediment and fauna and/or flora should be taken to demonstrate hydrocarbon concentrations and biochemical markers in these natural resources at uncontaminated levels. Some of the sampling should be conducted at sites for which previous data are available.

Identification of potential trophic interactions and food chain interactions particularly as they might affect predators, including man. This desktop exercise should identify the presence of various "indicator" organisms, i.e., mussels or other bivalve molluscs which, because of their ability to bioaccumulate hydrocarbons, have been extensively studied and the fate and effect of exposure to petroleum hydrocarbons in these species are well documented. Also, these same organisms often play an important role in the food chain which increases the importance of their consideration for sampling.

Early Sampling

For all sampling conducted in areas of impact, sampling of similar parameters and organisms should be conducted in adjacent areas that have not been contaminated. This reference data will be especially crucial if sampling had not or cannot be conducted in the contaminated area before impact of the oil spill. All sampling should be designed and conducted, where practicable, to allow valid statistical comparisons between impacted and non-impacted conditions to be inferred. Sampling might include:

Physical parameters. Where practicable, samples should include water, sediments and samples of the contaminant itself to document temporal changes which will affect toxicity. Sampling should be conducted to document spatial and temporal changes in hydrocarbon concentrations. Because the presence of petroleum hydrocarbons in the water column is often ephemeral, it is desirable to use a technique that can demonstrate exposure over a given period of time. This can be accomplished by transplanting mussels or other bivalve mollusks from a known hydrocarbon-free area to impacted areas, holding them in cages at appropriate depths, then sampling them and/or replacing them periodically.

Fauna, Invertebrates. For demonstration of hydrocarbon levels in tissues, live or moribund organisms should be sampled, where practicable. Of particular importance is collecting samples of native bivalve molluscan species identical to those used for the cage measurements. Organisms, both surface and burrowing, in the nearshore area and from beaches in area of impact, should be collected for hydrocarbon analyses. Data on spatial and temporal occurrence of dead organisms should be collected. In some cases, actual dead organisms should be collected and preserved or frozen. If practicable, data on biological parameters should be collected.

Fauna, Fish. (Procedures are similar to those mentioned for invertebrate fauna.) Sampling should be not only on resident fish, but also juvenile fish, if they migrate through the impacted area and adult fish if they migrate into the impact area to spawn or feed. Samples representing all life stages, as they occur, should be collected. A note of caution—fish are able to metabolize petroleum hydrocarbons, therefore, demonstrating correlations between specific levels of tissue hydrocarbons and a particular injury is difficult. Sampling here should have lower priority than sampling for invertebrate fauna. For fish that are suspected of being vulnerable to oil contamination, biological data should be collected as time allows.

Fauna, Other Vertebrates. Where practicable, boat or aircraft surveys should be conducted in the area of impact and in the path of the oil spill to determine the abundance and distribution of seabird and marine mammalian species in the area. Statistically valid survey methods should be employed to ensure the accuracy of the estimates. Terrestrial vertebrate fauna (amphibians, reptiles, birds, mammals) in the area of impact are generally dependent upon resources provided by the aquatic marine environment; consequently, they may be vulnerable to injury from exposure to petroleum hydrocarbons. If possible, biological data should be gathered from these organisms.

Carcasses should be collected and preserved, if practicable. Moribund animals (primarily birds and mammals) or otherwise obviously exposed animals may require transportation to rehabilitation centers specially created for this purpose. Animals that subsequently die should be necropsied and tissues preserved for histopathological and contaminant analyses.

Flora. Early sampling is important because of the perishable nature of most plant material. Species should include those both common and unique to the area of impact and should be sampled for both chemical (hydrocarbon) and biological parameters.

Subsequent Sampling

During the continuing active dispersal of the oil and after the major movement of oil, there should be repetitive sampling of water, sediments and contaminant. Sampling of biota and collection of dead flora/fauna should continue. Damage assessment/restoration study plans should be ready to be phased in and sampling for parameters not discussed above may be implemented. Besides specific studies there should be general, periodic monitoring continuing into the restoration phase. There should be close coordination here among all trustee agencies and their investigators for continual scrutiny for identification of impacts to natural resources that have been possibly overlooked.

Sampling Techniques/Procedures

Quality Assurance/Quality Control (QA/QC). To ensure the integrity of data and observations collected, all samples collected under this part will be subjected to QA/QC and chain-of-custody procedures as outlined in regional/local protocols and QA/QC plans. See appendix II for a sample plan.

General Field Methods

Transect lines, randomness of samples or subsamples (pooled), specific sampling methodology, hydrocarbon-free sampling containers and replicates are to be addressed in the regional and local protocols.

NOAA seeks comment on how interested parties could be encouraged to collect baseline information to be used in future assessments. What incentives would encourage parties to conduct these types of studies in areas prone to spills?

Coordination With Economists and Economic Issues

Current Status Under 43 CFR Part 11

Although not specifically mentioned in the existing regulations, economists are intended to play an essential role in translating injuries to natural resources into a dollar figure (damages). Since economists integrate the other components of the damage assessment, close consultation between resource specialists and economists facilitates accurate damage determination.

Quantification

The current rule provides that quantification of the change in the resource be expressed in terms of the change in the level of services that the resource provides. These services include, among others, flood and erosion control, habitat and food chains, as well as such human uses as recreation. The methodology to be used in the Damage Determination phase is critical in determining which services to measure in the Quantification phase.

Damage Determination

The current rule provides that, although the primary measure of damages is the cost of restoration or replacement of the injured resources, the damage claim shall also include the diminution in value of the injured resources pending restoration or replacement. This diminution of value is based upon the reduction in the level of services the injured resources provided to another resource or to humans as a result of the discharge or release. The economic value of the services to be restored or replaced may also be used to determine restoration priorities. In those instances where the trustee determines that the resources should be allowed to recover naturally, the primary measure of damages then will be the value of the lost services pending that natural recovery.

Summary of Comments

Although several comments dealing with economic issues were received in response to the two Advance Notices, many of the comments summarized below were given during the one workshop held in November 1991 that dealt solely with economic principles and issues. Therefore, the following summary of comments is given only to promote and focus additional comments on these issues.

General Comments

Most comments were consistent with the following framework of economic principles for natural resource damage assessment under OPA: Damages under OPA are compensatory rather than punitive; the measure of damages under OPA is the cost of restoration, rehabilitation, replacement or acquisition of the equivalent resources, costs of assessment, plus the diminution in value of those resources pending restoration; the law does not allow double recovery of damages; and any economic studies conducted should be based upon sound economic theory.

Several commenters specifically suggested components that should be included in the damage figure, including social and economic damages, and "stress" and "emotional distress" resulting from a spill. Others stated that the rule should suggest methods which account for the extra harm that might result from a spill in areas that are more susceptible to serious injury due to previous polluting events. Another suggested, however, that economists need to isolate the damage due to a specific spill event from damages due to concurrent events such as droughts, floods, etc. Some commenters suggested that natural resource damages should be limited to those directly resulting from injury to natural resources and are not intended to measure the total social costs of a spill. One commenter also suggested that increased resource impacts caused by an ill-advised cleanup action (e.g., cleanup where natural recovery would have been the best course of action) should not be assessed against the responsible party. Finally, one commenter pointed out that trustees should avoid the fallacy of the statement that "some number is better than no number."

Concerning methods to calculate damages, many commenters indicated that each economic methodology has some shortcomings so the trustee should consider how and when each methodology should be used. Some stated that the trustee should rely on market or behavior-based methods to value the losses, before using other methods. Several commenters stated that, in valuing resources, willingness to accept (or sell) should be the appropriate measure, rather than willingness to pay. Quite a few commenters stated that, if a rate for discounting future damages is specified in the rule, NOAA should not adopt the 10% discount rate contained in 43 CFR Part 11 and upheld in *Ohio* v. *U.S. Department of the Interior.*

Offsetting

Some suggested that benefits from the actions of the RP should be used to offset possible damages for lost use. For instance, where dredging was necessary for navigational enhancement, dredging undertaken by the RP as part of spill clean up should be offset against the damage claim. However, another commenter suggested that one should only count those offsetting benefits that are similar to the lost uses.

Public versus Private Recoveries

On the issue of "public" versus "private" recoveries, several commenters stated that the rule should recognize that the government has no right to recover damages for purely private causes of action, such as the increased transportation costs and economic rents that might result from a spill.

Grossly Disproportionate

Several commenters addressed the issue of when restoration costs might be "grossly disproportionate" to the value of the injured resources. Several commenters suggested that there should be no numeric factor applied to the ratio of "costs" to "value," although a few of the commenters did suggest a specific numeric factor. One commenter stated that attempts to quantify grossly disproportionate are irrelevant if the term "value" includes estimates of nonuse values, claiming that restoration costs would always be smaller than the estimated nonuse value of the injured resources. Finally, another commenter pointed out that according to OPA the "grossly disproportionate" consideration applies only to the trustees' decision to acquire equivalent resources rather than restore, rehabilitate or replace the injured resources.

Reasonable Cost

OPA includes reasonable assessment costs as part of the damage figure. Assessment costs are one of the three basic statutory elements of damages. Some commenters suggested that NOAA consider defining the term "reasonable cost" differently from the definition currently found in 43 CFR Part 11, which suggests that "reasonable" assessment costs would not be greater than the expected damage figure. Others suggested that the rule should not try to define the term since the determination of "reasonable" must be made on a

case-by-case basis and would vary, for example, depending upon the type of habitat affected.

Restoration

Several of the commenters addressed the economic component of restoration. One commenter stated that the trustee should restore "services," rather than resources, since replacing services is equal to restoring resources. Others stated that a trustee may be able to replace resources by restoring the services at a lesser cost than restoring the resources, but such replacement should be with "in kind" resources.

Finally, with respect to the hierarchy of restoration related remedies, one commenter suggested that the requirement in OPA to restore, rehabilitate or replace prior to acquiring equivalent resources is based on the assumption that economists cannot or do not fully identify and value services associated with a specific resource.

Resource Values

Many of the commenters dealt with the issue of valuing lost services. Some of these commenters noted that the important focus in a damage assessment is on the reduction in the flow of services caused by a spill. Other commenters suggested that there may be services for which economic values cannot be calculated. A few commenters specifically raised the issue of trying to put a value on indirect services provided by certain resources, e.g., cultural or religious values.

On the issue of what kinds of values one might include in a damage assessment under OPA, several of the commenters pointed out that OPA, its legislative history and the decision in *Ohio* v. *Department of the Interior*, 880 F.2d 432 (DC Cir. 1989), mandate the recovery of both lost use and nonuse values. There are many categorizations possible for lost services. "Nonuse" values generally refer to values which cannot be inferred from a person's behavior, e.g., the value of knowing that pristine areas continue to exist. Some commenters requested that the rule provide guidance in identifying the different components of resource value in a damage assessment.

Many other commenters suggested that "nonuse" values do not exist for many resources and that, furthermore, where injury is only temporary and resources can be restored, their value would not be diminished. Recovery for nonuse values would be punitive, in these cases, rather than compensatory. One of these commenters also argued that the *Ohio* decision could be, applicable to OPA assessments. As, such, damages could only include all "reliably calculated" values. Since methods to measure nonuse values are considered unreliable by some, this commenter claimed that nonuse values would not be allowable under the *Ohio* decision.

Measurement Methodologies

Some commenters stated that the rule should enumerate which methods can reliably estimate value. Other commenters, however, suggested that the rule should avoid specifying methodologies, and instead allow the trustees to use standard and acceptable economic valuation methodologies, such as travel cost, etc. By allowing the trustees' discretion to invoke standard, acceptable methodologies, the regulations should avoid limiting the use of new methodologies as they become available. Finally, one commenter stated that the rule should not prohibit any specific method.

Travel Cost Methodology

Some commenters stated that the travel cost models reflect people's actions rather than what people say, and are therefore preferable to non-market methods. Several comments were made about how travel cost models should be implemented. Some of these suggested that the rule should give guidance on when to use single-site models and when to use (and how many) multiple sites. Multiple site models may result in better estimates by accounting for substitute sites. These models, however, are more costly and time-consuming to implement. Some commenters pointed out that when using simultaneous equation models with multiple sites, the models must take into account congestion effects and differential quality of substitutes. Finally, some commenters raised the question of how economists should value the opportunity cost for time of the visitor.

Unit Day

One question raised by several of the commenters is whether it is cost-effective to conduct economic valuation studies for "small" spills. Some of the commenters suggested the use of "unit values," average per day values for resource uses, as a possible assessment tool for a small spill or small impacts. Some commenters cautioned that this methodology may be inappropriate where substitute sites are available or when used to quantify the reduced quality of experience.

Hedonic Property Models

Some commenters stated that the hedonic property models should be used in natural resource damage assessments. These models can be used to measure the effect of a spill on property values, i.e., measuring the reduction in value of environmental amenities. For example, one commenter pointed out that an oil spill can have long-term aesthetic impacts on beach-front property. A few of these commenters noted, however, that the use of the hedonic property model may not be cost-effective for most oil spills. One commenter suggested that "average" hedonic effects of oil spills might be inferred by comparing properties which are subject to chronic low level pollution with properties not subject to such pollution.

Other commenters noted that several factors may minimize the usefulness of hedonic property models in damage assessments. Some of these commenters pointed out that hedonic property value models depend upon long-term averages of housing markets and may not be useful to measure short-term effects of a spill. Another commenter indicated that the model should include data collected both before and after the spill. Finally, other commenters stated that it is hard to separate "public" from "private" values when using a hedonic property model.

Contingent Valuation Methodology

The use of Contingent Valuation Methodology (CVM) in natural resource damage assessments precipitated numerous comments. Although CVM is an established economic methodology, its use in measuring "nonuse" values is controversial. CVM is a valuation method which uses surveys to ask people about their values for certain goods or amenities, e.g., how much would they be willing to pay to restore an injured resource. Many of the commenters noted that CVM is a tool that should be available to trustees to measure nonuse values since there is currently no other method that can measure these values. Some of these commenters stated that the rule should place no constraints on the use of CVM. Other commenters suggested that certain factors should be considered in designing a CVM survey, e.g., geographic area covered and the possible effects of the public's outrage over the spill.

Many other commenters expressed reluctance in allowing the use of CVM to measure nonuse values. Since a rebuttable presumption is granted to the trustees for using the damage assessment procedures prescribed by the regulations, these commenters opposed the use of "unreliable methodologies." Other commenters suggested that limitations on the use of CVM should be imposed. They proposed that CVM, for example, should be used only where there is irreversible injury or unique resources involved. Some commenters suggested that the rule should describe the kinds of scenarios where CVM may be used and should provide guidance on how to apply CVM. For example, the rule should specify preference or guidance for: Mail, phone or in-person surveys; open-ended versus close-ended valuation questions; measuring willingness to pay versus willingness to accept; surveys about preventing all spills; broad environmental issues or specific events; testing with real world experiments; animosity towards spiller; what type of CVM survey; and how to test reliability of results. Finally, another commenter suggested that the trustees conduct a survey and other studies in sensitive areas before spills rather than after spills, to avoid "outrage" being a factor in the values, and compare the results to an "after" study to measure the values.

Many commenters noted that there is still much study needed on the use of CVM to measure nonuse values. One commenter suggested that NOAA should commission the National Academy of Sciences to evaluate the use of CVM in a damage assessment context. However, another commenter pointed out that there are no existing published papers measuring nonuse values from oil spills for the Academy to review.

Discussion and Initial Proposal

NOAA has not yet determined its initial position on the various economic issues raised in this section. Therefore, NOAA is seeking further comment concerning all the economic issues to be addressed in the rulemaking, particularly those concerning methodologies for selecting restoration projects, estimating the diminution in value of resources affected by a spill and determining how to avoid double counting. In addition, NOAA seeks comment on the use of contingent valuation methodology and/or alternative methodologies in natural resource damage assessments.

Range of Assessment Procedures

Current Status Under 43 CFR Part 11—The Type A Model

A computer model for estimating damages due to small spills of oil or hazardous substances is available for the Coastal and Marine Environments. The current model estimates injury based upon user input on certain parameters of the spill and bases damages upon average use values. The model is currently being revised to comply with *Colorado* v. *Department of the Interior* and *Ohio* v. *Department of the Interior* to incorporate restoration costs and nonuse values, as well as to update use values. It is expected that the Department of the Interior will propose a model for the Great Lakes in the near future. This model will estimate damages based upon restoration costs and average use and nonuse values.

The Type B Procedures

These procedures contain a step-by-step process for determining the degree of injury to natural resources as a result of the discharge of oil or release of a hazardous substance. They also detail how to quantify that injury, establish restoration costs and develop a compensable value for that injury. The Type B Procedures are also being revised in accordance with *Ohio* v. *Department of the Interior* and *Colorado* v. *Department of the Interior*.

Summary of Comments

Many commenters indicated a preference for providing a variety of assessment procedures, including simplified procedures as well as comprehensive procedures depending on the circumstances. Simplified procedures are most applicable for small spills that would otherwise not be addressed because the cost of conducting an assessment might be greater than the ultimate recovery. Commenters noted that the use of simplified procedures would be less costly to the trustees as well as the responsible party, and will result in more timely recoveries. The benefit of the rebuttable presumption should be granted for use of any of these authorized procedures.

Some commenters questioned whether any procedure less than a comprehensive damage assessment was sufficient under OPA. These commenters noted that only a comprehensive damage assessment would properly estimate use and nonuse values. Others noted that regardless of procedures chosen, OPA requires that the measure of damages must be based upon restoration costs plus use and nonuse values plus reasonable assessment costs. Other commenters represented a different view, indicating that since injuries as a result of oil spills are short-term, damages should be based upon restoration costs and lost use values alone. According to these commenters, since nonuse values cannot be accurately determined, their use in a model or compensation formula may produce recoveries far in excess of what is needed to restore the environment. Therefore, nonuse values, it was argued, should not be required by OPA.

With respect to freshwater/riverine spills, some commenters noted the need for simplified and cost-effective procedures. Regarding urban resources, some commenters noted a need for the development of efficient methods to account for these values.

Compensation Formula or Computer Model

Several commenters indicated that a compensation table or computer model must be based upon an accurate estimate of restoration costs and that such costs must bear a reliable relationship to actual injuries to natural resources as a result of the spill. Comments regarding this premise fell into two very different categories. The first category argued that the factors taken into account by the table or model should be limited. Since the OPA is compensatory and not punitive, a model or table should not incorporate values which may be difficult to measure. Accordingly, this category of commenters would not allow the use of any option or existence values. The second category expressed concern about the use of a model or table because of the possibility that either one would underestimate the injuries. Commenters in this category, therefore, argued for the inclusion of option and existence values. According to these commenters, even if the resource recovered, there will be some diminution in value over the recovery period. Similarly, option values may remain impaired until recovery.

Several commenters agreed that a compensation formula, table or model is practical. Such a scheme could be based upon existing fish kill tables and on similar tables which should be developed for birds. Other studies, including those for existence or option values as well as those that assess values for regional wetlands, could be converted into a database and incorporated into the table or model. Some of these commenters identified factors that the table or model should take into account. These include: The scarcity of a resource in a given area; the size of the spill; and assuring that the compensation value is a significant enough deterrent so that it does not merely become a cost of doing business.

In addition, the data should be periodically updated.

A number of commenters indicated that a table could be similar to a workmen's compensation scheme which includes predetermined values for injuries but requires that those injuries be verified. Another commenter expressed a similar desire for a "reality check" between the table and the observed extent of impact.

With respect to which databases should be incorporated in a table or model, some commenters indicated a preference for databases reflecting national values rather than regional values. Conversely, other commenters stated that any model or table should be developed using regional and local data to correspond more closely to local environments and resource characteristics. One commenter indicated that the values incorporated in either the model or the table should be compared to natural resource damage awards resulting from litigation.

Concerning the use of a computer model, commenters indicated that it would more accurately evaluate variables than a simplistic formula. Models incorporating a number of key variables could be a useful assessment tool and could provide a cost-effective, reliable and rapid assessment.

Expedited Damage Assessment

NOAA proposed an expedited procedure concept in the workshops. In an Expedited Damage Assessment (EDA) the trustee would determine the amount of area affected, observe the direct mortality and then initiate restoration planning based upon those estimates. EDA, therefore, would offer some focused injury determination studies and allow the initiation of restoration more quickly than if a full assessment were undertaken. Commenters suggested that the rule should clearly elaborate the differences between the types of assessment procedures. A poorly defined range of options opens up a good possibility for disputes. A number of commenters noted that the public should be involved in EDA. Other commenters noted that EDA would be particularly useful for scenarios where there is little information regarding impacts. While not directly related to an EDA, some commenters argued for an expedited process where no restoration is required. This would enable the RPs to settle early and would avoid subjecting the RP to an inappropriate penalty.

Comprehensive Damage Assessment

Many commenters indicated that the trustees should maintain the option of conducting a comprehensive damage assessment when simplified procedures would be inadequate to restore the affected resources and services. Other commenters indicated that industry may wish to compel the trustee to undertake a full NRDA where the RP disagrees with the trustee's decision to use a simplified procedure. Under those circumstances, some commenters suggested that industry might agree to be bound by the NRDA. Notwithstanding the fact that the RP would pay for the assessment, some trustees would oppose allowing the RP to compel the trustee to conduct a full NRDA.

Some commenters recommended that the regulations provide a mechanism to calculate the amount of oil spilled. One commenter proposed that the trustee be granted the assumption that the entire cargo was spilled. The RP, therefore, would have the burden to show that a lesser amount was spilled. However, other commenters indicated that such an assumption would be unfair to the responsible party.

Discussion and Initial Proposal

NOAA is considering providing the trustees with a variety of assessment procedures, and providing guidance to the trustees in selecting the procedure most appropriate for a particular spill. The trustees would be able to choose among the various procedures based upon the circumstances of the spill or the resources involved. The availability of a compensation table or computer model for a particular spill, for example, would not necessarily rule out the use of an expedited or comprehensive damage assessment procedure where the trustee finds that the either a compensation table or computer model would not be the best method for assessing damages. Parallel assessments using more than one procedure may be allowed, provided there is no double counting.

Compensation Table

NOAA is proceeding with the development of a compensation table, to be proposed later this year. A compensation table could be used for a range of spills, including smaller spills, spills in industrialized or biologically degraded areas, spills in open water and spills where it would be difficult to ascertain precise injury. It is likely the table would be based upon a dollar per gallon formula taking into account average restoration costs plus average lost use and non-use values pending restoration. The variables will be the amount and type of oil spilled and the region and habitat type in which the spill occurs. It will provide the trustees with procedures that have both national consistency and regional specificity. It is also contemplated that the table may even be estuary- or bay-specific for areas that are likely to experience numerous spills. When the compensation table is proposed, NOAA will provide all supporting documentation concerning the determination of damages to permit a thorough public review and comment opportunity.

Adoption of the Revised Type A Model

The use of the revised Type A model might be appropriate for a range of spills. NOAA is working closely with the Department of the Interior in the revision of the current Coastal and Marine Model, as well as the development of the Great Lakes Model, in anticipation of the recommendation that these models be adopted for certain spills under OPA.

Expedited Damage Assessment

Experience has indicated that where the trustees and responsible parties have best cooperated in conducting a damage assessment, the assessment has been neither a "Type A" nor "Type B" approach, as these are currently constituted, but often has combined aspects of both. To take advantage of this practical experience, NOAA may propose an EDA procedure. This procedure will require more field work than the typical "Type A" assessment including minimal, short-term injury determination studies. The goal of the EDA will be to facilitate early initiation of restoration.

The injury determination studies would be based upon initial mortality and the area and/or types of habitat affected by the oil spill. Predetermined use and nonuse values, possibly from the compensation table or revised Type A model, could also be included as damages. Alternatively, use and nonuse values could be determined through minimal and relatively quick economic studies. Using this initial basis, the trustee would then identify restoration activities that could be implemented in the near future.

While it is impossible to anticipate all the scenarios which would be appropriate for EDA procedures, the regulations will identify a number of factors that could indicate the use of an EDA. These factors include, among others, the size of the spill, environmental sensitivity of the impacted ecosystem to the spill, unique species, type of oil and the time of year. Any of these factors alone or in combination with each other could be sufficient to warrant use of expedited procedures.

Comprehensive Damage Assessment

The trustees may determine that the circumstances of the particular spill will require a more lengthy and detailed damage assessment. Such an assessment would be similar, in concept, to the Type B procedures. NOAA seeks further comment upon the applicability of the Type B procedures and how such procedures should be tailored to meet the requirements of OPA.

Injury and Pathway Determination

Current Status Under 43 CFR Part 11

To assert a natural resource damages claim, authorized officials must establish that an injury, i.e., an adverse change in the resource, occurred and must link that injury through a pathway to a discharge or release. Otherwise, further assessment actions cannot be taken and no assessment costs can be recovered. All of the natural resources specified by CERCLA have been placed into one of the following five groups: Surface water, ground water, air, geologic and biological resources. Specific definitions of injury are provided for each group which focus on the physical, chemical or biological properties of the resource that enable it to provide one or more services. To establish injury, there must be a measurable adverse change in the resource that is detectable by observation or scientific methods. The change must be to the physical or chemical quality or in the viability of the resource. The rule created new standards (based upon FDA standards, State health directives and eighteen measurable adverse changes in viability) that establish injury to biological resources. New injury definitions were also developed for geologic resources. Injury definitions for air, ground water and surface water resources are based upon state and Federal standards. Using these standards, trustees are able to determine that an injury has occurred without having to prove that the specific substance or oil was the sole cause of that injury.

In addition to the injury standards identified above, new standards for injuries may be established through the use of acceptance criteria. Under the current regulations, the acceptance criteria to be used for developing new biological resource viability standards include: (1) The biological response is often the result of exposure to oil or hazardous substances; (2) exposure to oil or hazardous substances is known to cause a given biological response in free-ranging organisms; (3) exposure to oil or hazardous substances is known to cause a given biological response in organisms in controlled experiments; and (4) the biological response measurement is practical to perform and produces scientifically valid results. New research necessary to develop new viability standards that meet the criteria would constitute costs beyond those which the trustees can claim as part of an assessment.

In addition to satisfying the injury definition, the pathway of the discharged or released substance to the resource must be demonstrated, and exposure of the resource to the substance must be confirmed.

Summary of Comments

Several commenters stated that oil spills do not result in permanent or long-lasting environmental impacts. Most of the environmental impacts are transient and are usually rapidly remedied by cleanup and natural processes. One of the commenters, therefore, suggested that any spill of 100 gallons or less should be exempted from the damage assessment process.

Other commenters noted that long-term impacts may not be evident for years after a spill and suggested more research regarding such effects on the environment. Some of the commenters suggested that the assessment should include studies on certain types of sublethal effects such as impacts on reproductive cycles, recovery of diversity and long-term health of the ecosystem itself. Until these effects are identified, each damage assessment should include compensation payment for unknown or cumulative effects. Such awards should be used for monitoring long-term research into such cumulative effects.

Several of the commenters stated that the acceptance criteria are too strict. Some of these commenters suggested that injury should be defined merely by demonstrating that resources were "at risk" as a result of the spill. The trustees, therefore, would be allowed to assume injury rather than meet some "threshold." Others suggested that trustees need only prove that injury to resources is, "more likely than not to have occurred." Other commenters, however, stated that the acceptance criteria should be sustained because they ensure that injuries claimed for are attributable to a spill.

Discussion and Initial Proposal

Certain viability standards that measure biological responses, such as eggshell thinning or death due to brain cholinesterase enzyme activity, which are codified at 43 CFR part 11 as injury standards, are specific to particular kinds of hazardous substances. These standards are inappropriate for the OPA regulations which address only oil, and, accordingly, will not be adopted. The remaining codified biological injury definitions can be linked to exposure to oil. NOAA seeks comment concerning which of the remaining definitions should be incorporated into the proposed rule.

Scientific literature has established that death, as well as certain types of sublethal effects on fish and wildlife, including mammals, can be linked to exposure to oil. For example, oil-induced injuries to fish include fin erosion, cancers, reduced fish reproduction and avoidance behavior. Reduced reproduction in bird populations has also resulted from exposure to oil. Finally, in wildlife, exposure to oil has led to overt external malformations, skeletal deformities, internal whole organ and soft tissue malformations, and histopathological lesions. NOAA seeks comment on whether any of these sublethal effects should be incorporated into the OPA regulations.

Injury definitions should also be addressed for the other resource categories considered in the current rule: Surface water, ground water, air and geologic resources. NOAA seeks comment on whether to develop different injury definitions for these resources, or to adopt or revise the current definitions.

The acceptance criteria in the current rule have been criticized as being too stringent. NOAA is seeking additional comment on the applicability of these acceptance criteria in developing additional adverse viability standards for injuries to biological resources under OPA. Under OPA, a trustee seeking compensation as a result of spills requiring more than a simplified assessment would still have to meet the causation requirement of demonstrating an adverse change in the resources, showing a pathway of contamination and confirming exposure of the resource to the oil. If these criteria are too stringent, what standards would be used to establish than an observed biological response is a measurable adverse change in the viability of that resource as a result of exposure to the discharge oil?

Restoration Guidance and Costs

Current Status Under 43 CFR Part 11

The existing procedures give guidance to trustees in developing a plan for the restoration, rehabilitation, replacement or acquisition of the equivalent of the natural resources under their trusteeship. The procedures allow for adequate public notice, opportunity for a hearing and consideration of all public comment before a final plan is developed and implemented. Trustees are to develop possible alternatives for restoration, rehabilitation, replacement, and/or acquisition of equivalent resources. For large, complex assessments involving a variety of resources and services, there may exist several restoration alternatives. The trustees may consider any combination of restoration, rehabilitation, replacement, and/or acquisition actions under these circumstances, provided that these actions return the injured natural resources and the services that they provide to the public to the levels before the spill.

Summary of Comments

There appeared to be general consensus that only guidance, not rigid requirements, should be provided in the regulations in determining damages through restoration planning and implementation of restoration activities. Concerning a possible hierarchy of restoration, comments varied depending on whether emphasis was on inland spills or coastal spills. The majority of the views expressed on the issue of coastal spills indicated that restoration of the natural resources should be the primary objective followed by replacement, and that acquisition should be considered only as a last resort. Commenters regarding inland spills suggested that the order of preference should be reversed. Some indicated that, in sites where trustees are not sure of how to restore, acquisition should not be a last resort. These commenters indicated that humans may lack the technology to restore an inland system and, furthermore, that restoration may cause more harm than good.

Concern was expressed that because there are few proven restoration techniques, remediation rather than restoration may be the only alternative. Accordingly, trustees indicated that the definition of "technically feasible" in the current rule is too stringent since it requires that restoration techniques be well known and that each element of a restoration plan have a reasonable chance of successful completion in an acceptable period of time. These trustees suggested that the rule allow the use of pilot studies where those studies have a reasonable chance of success.

Additional commenters indicated that timing of the restoration activities is important to facilitate natural biological cycles. Others noted that monitoring must be an integral part of any restoration plan to ascertain whether the restoration has been a success. Some commenters noted that it may be difficult to determine at what level services should be restored. For example, since lower population levels can result from natural variability as well as from the impact of an oil spill, trustees should account for this variability in undertaking a restoration.

Some commenters suggested that the trustees consider restoring systems rather than individual species. Other commenters indicated that trustees should consider the option of natural recovery since it may be infeasible to speed the recovery of local populations to their pre-spill densities. By letting nature perform many key functions, the cost of a restoration or rehabilitation project may meet a "reasonable cost" criterion. Some commenters suggested that natural recovery of an entire ecosystem may be a slow process and may never accomplish a full return to pre-spill species types and/or populations. Another commenter suggested, however, that recoveries for lost use pending restoration can compensate for lost services; perhaps replacing services by adding access to substitute sites.

Discussion and Initial Proposal

NOAA is considering providing the trustees with guidance on a variety of restoration techniques and on the selection of restoration alternatives most appropriate for a particular spill. However, NOAA will encourage the trustee to undertake full scale restoration projects only after pilot projects have been attempted.

The impacts of each oil spill are influenced by a number of factors, including the type and quantity of oil, site of the spill, season, temperature and wind speed and direction. At a minimum, all restoration plans must include some maintenance and monitoring. In addition, since restoration is an emerging technology, the plans must incorporate provisions allowing for mid-course corrections. NOAA will request trustees to address the following issues in their planning: What was the pre-spill condition of the site; is the site frequently exposed to spills; and what is the post-cleanup condition of the site. The answers to these and perhaps other questions (e.g., the amount of money available) should form the basis for defining the goals and objective criteria for restoration.

Cleanup and remediation actions will largely determine the type and amount of post-cleanup activities that trustees should conduct. In addition, the amount and quality of restoration that can be undertaken is largely dependent upon the limited ability of the responsible party to pay. If less than the cost for full restoration is obtained, priorities will have to be established among the natural resources that are candidates for restoration. NOAA may recommend that the approaches used be based on available funds from the settlement or award, scientific and management recommendations to the Restoration Plan and responses of the public during the public review process.

NOAA is considering the use of a range of restoration and/or replacement alternatives and seeks comment on the possible components of that hierarchy. These alternatives should include a "No Action—Natural Recovery" alternative as well as other alternatives that reflect varying rates of recovery, alternate priority resources, management actions or equivalent resource acquisition. Restoring, rehabilitating and replacing injured resources are similar activities, and may be considered simultaneously, however, NOAA may recommend that resource acquisition be selected as a last resort, when it is the only viable method of obtaining lost functions.

NOAA will recommend that all restoration plans include some monitoring and maintenance, as well as the ability to make mid-course corrections. Monitoring and maintenance should continue until there is clear evidence that the system has produced the expected succession of animal and plant assemblages and has stabilized.

While the actual degree of involvement of the RP will be at the discretion of the trustees, NOAA recommends that restoration planning activities be coordinated among the trustees and the responsible party. Decisions should be made by consensus of the trustees. The lead administrative trustee should be responsible for coordinating activities. Once preliminary agreement has been reached relative to the types of activities that are needed and feasible, notice of the preliminary plans should be made public and an opportunity provided for a public hearing for appropriate spills. Public comments should be considered during development of the final restoration plan.

From its research and experience in the area of resource and habitat restoration, NOAA can make certain recommendations in the area of restoration. The following discussion on possible restoration strategies and techniques is given as guidance, not requirements, to other trustees. These recommendations do not, by any means, cover all possible resources, incidents or services provided by resources.

Generally, residual oil or oil products that can impede development or growth, or taint the biota, should be removed from an oiled habitat and any alteration to the hydrology corrected. Sources of contamination must be eliminated for successful on-site restoration to be implemented. Where cleanup may cause additional injury, the trustees must decide if the additional injury and subsequent restoration is preferred to natural recovery. Recommended techniques may include, but are not limited to: Physical removal of contaminated sediments, whereby clean substrate is exposed for revegetation or recolonization. Clean sediment should be added so that the elevation profile and hydrography is restored if scraping is used. This technique applies to both intertidal and subtidal beaches and flats. Pressure spraying is another alternative; and enhanced bioremediation, whereby nutrients are added to enhance the microbial degradation of oil should be considered. Bioremediation has the potential to clean up the oil trapped beneath rocks and in the beach sediments.

Effects of direct mortality, as well as lowered fecundity, on population levels may be alleviated by cleaning up the oil and introducing suitable substrate to provide the opportunity for wild stocks to repopulate the site. Other techniques for restoration of fauna may include, but are not limited to: Limiting fishing or harvesting in order to allow time for species to repopulate an area; enhancing shellfish populations by covering shellfish beds with crushed oyster shells or gravel to enhance larval setting; harvesting natural resources that are in danger of being contaminated; constructing artificial reefs to attract finfish and shellfish into an area; and introducing hatchery-reared juveniles in extreme cases.

Oil in marshes can lead to changes in floral reproductive capacity, abnormalities in growth and seed formation and reduction in plant shoots. Thick layers of oil can prevent gaseous interchange between soil and air, which can lead to chlorotic symptoms and death in plants. Two alternative techniques will be recommended for restoring vegetation: Planting and natural recovery. Natural recovery is frequently recommended for mangroves. Planting is a viable option for restoring some vegetation. In all cases, hydraulic gradient must be appropriate and light attenuation conditions must be appropriate for seagrasses and other submergents. Injury to seagrass may be rectified by using seagrass plugs, bare roots or peat pots. The latter two approaches are thought to be more cost-effective and less labor intensive. Planting of 1–2 year old mangrove seedlings grown from propagules harvested in the wild is a recommended technique for restoring mangroves. Salt marsh transplanting also may be accomplished by bare root and plugs of wild stocks or greenhouse-reared plants. NOAA will recommend that the trustees consult published recommendations that are available.

NOAA may recommend that restoration plans should attempt to restore an injured site to a state that provides the greatest potential for recovery of all of its natural resources. NOAA, however, recognizes that a site cannot always be restored to a level that would be conducive to replenishing populations and services. It also recognizes that recovered damages may not be sufficient to permit adequate restoration. Under these conditions, other alternatives should be considered. Other damaged or altered sites could be rehabilitated to allow the lost populations to increase to a level that would compensate for their loss in the oil spill site. This might require the acquisition of privately-owned property. NOAA may recommend that preference be given to sites adjacent to the impacted site, sites within the same watershed, or sites that have similar resources in another watershed.

Measures that would facilitate or improve use of a site can be undertaken rather than restoring the natural resources where restoration is deemed infeasible or impossible by the trustee. These measures include upgrading a marina or adding a dock to facilitate access for recreational fishing, rather than restoring fish populations. NOAA may recommend that preference be given to sites that are closest to the impacted site. This, however, should be considered a least acceptable option since resources that have been impacted are not being replaced.

NOAA may recommend that costs of habitat restoration, as compensation for injury to trust resources or their uses, be determined from information from nationwide experience in previous, well-conducted restoration attempts, where practicable, and that they be measured by their effectiveness in restoring lost natural ecological function. Restoration is a new and emerging field. Thus, NOAA recommends that the cost estimates for restoration include a monitoring program, mid-course corrections, planning and management costs.

Coordination With Legal Counsel

Current Status Under 43 CFR Part 11

The current regulations do not require trustees to coordinate with respective agency counsel, other than to require that assessment activities must comply with other applicable laws. However, the preamble to the current rule encourages the use of an interdisciplinary team for assessments.

Summary of Comments

Some participants indicated that, since many assessments have been conducted under the threat of litigation, attorneys have more say than the scientists in the assessment process. Others indicated that early and frequent coordination is necessary in order for trustees to maximize claims that will be determined in court.

Discussion and Initial Proposal

Attorneys play a major role in the form and procedure of conducting a damage assessment. It is not likely the regulations will require that attorneys be officially involved in the assessment process. However, trustees should frequently seek their respective counsel's advice. Due to the possibility of litigation in a natural resource damage assessment, the attorneys will generally be a part of the process.

Coordination With State Law

Current Status Under 43 CFR Part 11

Under the current rule, all trustees (State, Federal and Indian tribal trustees) are urged to plan and implement damage assessments jointly. The current rule also recognizes that double recovery is prohibited by law. State law and regulations are used to establish injury threshold levels. Where Federal law allows, appropriate state procedural laws apply to assessment activities. Also, in conducting assessments, trustees are required to comply with any other applicable statutes.

Summary of Comments

Questions were raised on how natural resource trustees could conduct joint assessments and still fulfill their responsibilities. For example, state

compensation tables may not be based upon the same parameters as the OPA table.

Some commenters from potentially responsible parties indicated concern that they would have to deal with at least two sets of trustees and that state and Federal trustees might be conducting parallel, but separate, assessments. Many commenters suggested that the potential for conflicting law and regulations is an excellent reason for the trustees to plan and organize in advance of a spill.

Since the goal of the trustees should be to restore the resource, it was proposed that the trustees should conduct joint assessments and claim damages only for the amount necessary to restore. Otherwise, trustees might attempt to pursue claims under other laws that would allow recovered monies to be used for purposes other than restoration. In addition, it was suggested that the regulations require the trustees to select the statutory scheme, i.e., either State or Federal, at the time of the spill, under which to pursue a damages claim.

Discussion and Initial Proposal

OPA does not preempt state oil spill laws and related regulations, thus allowing for the potential for higher recoveries. However, OPA specifically prohibits the "double recovery" of damages as a result of injuries to natural resources, thus trustees cannot collect more than once for the same injury. Since section 1018 of OPA does not prevent states from establishing additional liability as a result of an oil spill, the OPA regulations cannot require state trustees to adopt or follow the procedures promulgated by NOAA in lieu of other state laws or damage assessment schemes. However, since OPA also prohibits the "double counting" of natural resource damages, all trustees will be encouraged to conduct joint assessments and present a total unified claim for damages. Such claims should be deemed sufficient by the trustees to restore the injured natural resources and services and for diminution in values until restoration is complete. As discussed in the "Use of Sums Recovered" section of today's Notice, any monies received under OPA must be used to restore, rehabilitate, replace or acquire the equivalent of the affected resources and services provided by those resources. NOAA will encourage trustees to concentrate upon "fixing the resources" and not be distracted by ill-fated ventures of attempting to divide the resources and pursue individual claims.

The unified trustee approach will also encourage participation from the responsible party, instead of a multi-assessment process that would encourage the responsible party to pursue litigation in order to lessen the number of claims. In addition, unified trustees will allow the pooling of resources for a more effective assessment and, if necessary, litigation.

NOAA also notes that state trustees should be encouraged to coordinate with Federal trustees, since section 7 of Executive Order 12777, 56 FR 54757 (October 22, 1991), requires that monies from the Oil Spill Liability Trust Fund for the "initiation of assessments" are provided to the Federal trustees. The Federal trustees may then allocate such monies to other trustees.

Use of Sums Recovered

Current Status Under 43 CFR Part 11

CERCLA requires that funds recovered for damages must be used to restore, replace or acquire the equivalent of the injured resource. To accomplish this objective, the current rule requires the establishment of an account into which all monies awarded pursuant to section 107 of CERCLA or section 311(f)(4) and (5) of the Clean Water Act for compensation for damages must be placed. For Federal trustees, this account shall be located in the United States Treasury. States or Indian tribe trustees are given the choice of setting up an account in their treasury or having the responsible party set up an interest-bearing fund. The purpose of these procedures is to ensure that monies obtained for restoration will be available for that use without requiring that the trustee go through the normal appropriations process.

All monies awarded to the Federal natural resource trustee go into non-interest bearing accounts in the Federal Treasury. This procedure requires an adjustment to take into consideration anticipated inflationary effects. Therefore, the rule provides that, for these Federal accounts, the damage award going into the non-interest bearing accounts shall be adjusted by the rate payable on Federal notes and bonds with a maturity that approximates the length of time required to complete the restoration. This procedure is meant to adjust for the effects of inflation when the restoration or replacement is expected to occur over a long period of time. The monies are spent in accordance with the final Restoration Plan.

Since amounts recovered for a type A assessment may be less than the amounts recovered as a result of a type B assessment, it may be infeasible to prepare a separate full-scale restoration plan for each type A assessment award. The rule provides that, when recoveries occur from type A assessments, the natural resource trustee may apply several type A recoveries to one restoration plan, so long as the plan is intended to address the same or similar resource injuries as those identified in each type A assessment.

Summary of Comments

Some commenters indicated that, whenever possible, trustees should establish a "Joint Trustee Fund." The fund would be managed by the Trustees as a group, with disbursements made in accordance with a jointly prepared Restoration Plan. However, it was also pointed out that joint accounts can only be accomplished through the Registry of the Court, do not yield a high rate of interest, and additionally, Federal judges do not like to add to the administrative load of the court.

A few commenters indicated that a joint fund system will only work if the trustees work well together and can agree to a process to manage and disburse the funds. There would have to be a dispute mechanism and a process for dissolving the partnership, if necessary. The issue of whether trustee disputes would result in the funds being tied up in the account rather than directed towards restoration activities was also raised.

One commenter raised the question of whether the responsible party should also have a role in the managing of the funds.

Discussion and Initial Proposal

NOAA may provide the trustees more than one option for the use of sums recovered from a responsible party.

Placement of Funds

NOAA may propose that trustees establish a "joint trustee account" under the registry of the applicable Federal district court. Such an account may be interest bearing, depending upon the rules of the court, and will be jointly managed by all the trustees through a trustee committee or council established by the trustees.

While the joint trustee account may be the preferred alternative, the trustees may also have the option of dividing the recoveries and depositing their respective amounts in their own separate accounts. Such funds shall be retained by the trustee in a revolving trust account, without further appropriation, for use only in the reimbursement or payment of costs of the trustees in performance of section 1006(c) of OPA. Funds under the

management of Federal trustees shall be placed in the interest bearing accounts authorized under section 1006(f) of OPA until expended for the purposes of implementing the final restoration plan. Regardless of the placement of recoveries, the trustees must maintain appropriate accounting and reporting methods to insure the proper use of sums recovered.

Use of the Sums Recovered

Upon the receipt of the monies by the court registry, the trustees may immediately petition the court for that part of the damages that represents the unreimbursed reasonable costs of assessing damages which would include the costs of initiating the development of the restoration plan. Expenditures from the joint fund will be allowed by petition to the court and all expenditures will be used to develop and implement the final restoration plan as approved by the trustees. Appropriate costs include the trustees' base and incremental costs in developing and implementing the restoration plan. In accordance with section 1006(f) of OPA, any funds in excess of the costs or reimbursements for the implementation of the restoration plan shall be transferred to the Oil Spill Liability Trust Fund.

Where the trustees have adopted an overall restoration plan for a specific area, i.e., bay or estuary, recoveries of co-trustees or recoveries from previous spills may be pooled until there is a sufficient amount of money to conduct restoration activities, including the costs of monitoring and maintenance, on an ecosystem, bay or area approach. This option for use of recoveries will likely be most useful in areas with long-term pollution effects where damages recovered from a single spill would be too small to improve the ecosystem. Where an overall restoration plan has not been adopted by the trustees, or is inappropriate for the particular spill, specific restoration plans must be developed in relation to the amount of damages recovered.

Definitions for OPA Regulations

NOAA may propose the following definitions in the regulations. Many of the definitions given here are taken, with some modification, from either OPA or 43 CFR 11.14.

"Acquisition of the equivalent" or "replacement" means the substitution for an injured resource with a similar resource that provides the same or substantially similar services.

"Air" or "air resources" means naturally occurring constituents of the atmosphere including those gases essential for human, plant and animal life.

"Assessment area" means the area or areas within which natural resources have been affected directly or indirectly by the discharge of oil.

"Baseline" means the condition or conditions of the natural resources that would have existed at the assessment area had the discharge of oil under investigation not occurred. The baseline takes into account natural variability that would have existed at the assessment area had the discharge of oil under investigation not occurred.

"Biological Resources" means those natural resources referred to in section 1001(20) of OPA as fish, wildlife and biota. Fish and wildlife include marine and freshwater aquatic and terrestrial species; game, nongame and commercial species; and species listed as endangered or threatened under Federal or State law. Biota encompasses shellfish, terrestrial and aquatic plants and other living organisms not otherwise listed in this definition.

"CERCLA" means Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*, frequently referred to as the "Superfund Act."

"Control area" or "control resource" means an area or resource unaffected by the discharge of oil under investigation. A control area or resource is selected for its comparability to the assessment area or resource and may be used for establishing the pre-spill condition and for comparison to injured resources. A "control" area or resource is also referred to as a "reference" area or resource.

"Cost-effective" or "cost effectiveness" means that when two or more activities provide the same or a similar level of benefits, the least costly activity providing that level of benefits will be selected.

"Damages" means the amount of money calculated to compensate for injury to, destruction of, loss of or loss of use of natural resources, including the reasonable costs of assessing or determining the damage, which shall be recoverable by a United States, State, Indian tribe or a foreign trustee.

"Destruction" means the total and irreversible loss of a natural resource.

"Discharge" means any emission of oil (other than natural seepage), intentional or unintentional and includes, but is not limited to, spilling, leaking, pumping, pouring, emptying or dumping.

"Drinking water supply" means any raw or finished water source that is or may be used by a public water system, as defined in the Safe Drinking Water Act, or as drinking water by one or more individuals.

"Exclusive economic zone" means the zone established by Presidential Proclamation Number 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in Article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

"Expedited damage assessments" (EDA) means a range of techniques to assess damages to natural resources that are intermediate between the type A procedure of 43 CFR part 11 and a comprehensive damage assessment. Those procedures include injury assessment studies that would yield sufficient data to make a claim for compensation but would not be so comprehensive as to constitute long-term data collection programs. The goal of an EDA is to enable the trustees to move more quickly into restoration.

"Exposed to" or "exposure of" means that all or part of a natural resource is, or has been, in physical contact with oil or with media containing oil.

"Fund" means the Oil Spill Liability Trust Fund, established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

"Geologic resources" means those elements of the Earth's crust such as soils, sediments, rocks and minerals, including petroleum and natural gas that are not included in the definitions of ground and surface water resources.

"Ground water resources" means water in a saturated zone or stratum beneath the rocks or sediments through which ground water moves. It includes ground water resources that meet the definition of drinking water supplies.

"Incident" means any occurrence or series of occurrences having the same origin, involving one or more vessels, facilities or any combination thereof, resulting in the discharge or substantial threat of discharge of oil.

"Injury" means a measurable adverse change, either long or short term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil.

"Lead administrative trustee[s]" means the trustee agency that is responsible for coordinating the injury determination, quantification, damage determination and restoration strategy selection processes in the event of a discharge. The lead administrative trustee[s] shall be designated by the Federal, State, Indian tribal and foreign

trustees that have natural resources which have sustained, or are in substantial threat of sustaining, injury, destruction, loss or loss of use as a result of a discharge or the substantial threat of a discharge.

"Loss" means a measurable adverse reduction of a chemical or physical quality or viability of a natural resource.

"Natural resources" or "resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies and other such resources belonging to, managed by, held in trust by, appertaining to or otherwise controlled by the United States (including the resources of the exclusive economic zone), and State or local government or Indian tribe or foreign government.

"Natural resource damage assessment" or "assessment" means the process of collecting, compiling and analyzing information, statistics or data through prescribed methodologies to determine damages for injuries to natural resources as set forth in this part.

"Navigable waters" means waters of the United States, including the territorial sea.

"Nonuse value or values" means the value that humans have for services provided by a resource where those humans do not have actual physical or visual contact with that resource. Such services encompass values associated with the option to use a resource in the future, and values associated with knowing that the resource exists or will be conserved in the future.

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredge spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of CERCLA and which is subject to the provisions of that Act. However, for any of the petroleum products that would be specifically listed or designated as a hazardous substance pursuant to the above referenced CERCLA provisions, but are a direct byproduct, component, or derivative of the oil discharge under investigation, then these petroleum products are included in the OPA definition of oil.

Inherent in this definition of oil is the recognition that oil is a complex substance with many chemical constituents. These "toxic" constituents are released during the process of weathering (which includes volatilization, decomposition and dispersion) and therefore, may be injurious to natural resources. Because these constituents are a direct result of the discharge and because they also cause injury to the natural resources that fall under the purview of OPA, constituents of oil that would otherwise be listed as a hazardous substance under CERCLA will be included within the OPA definition of oil, provided that these constituents are derived from the discharge of oil under investigation. The response agency, or the trustee, must make an initial determination at the time of the discharge as to how to classify the substance. If it falls within the hazardous substances classification of CERCLA at the time of the initial determination, then the discharge will be governed under CERCLA. However, once a discharge is classified as oil, as opposed to a hazardous substance, then the oil and its byproducts or constituents are regulated under OPA. This approach avoids the possibility of two complex statutory and regulatory schemes being applied to the same oil discharge incident.

"OPA" means Oil Pollution Act of 1990, 33 U.S.C. 2701 *et seq.*

"Pathway" means any physical, biological or chemical link that connects the natural resource injury to the discharged oil.

"Reasonable cost" means the amount that may be recovered for the cost of performing a damage assessment.

"Recovery Period" means the length of time required for the injured natural resources and the services that the natural resources provide to return to their baseline conditions.

"Reference area" or "reference resource" means an area or resource unaffected by the discharge of oil under investigation. A reference area or resource is selected for its comparability to the assessment area or resource and may be used for establishing the pre-spill condition and for comparison to injured resources. A "reference" area or resource is also referred to as a "control" area or resource.

"Replacement" or "acquisition of the equivalent" means the substitution of a similar resource that provides the same or substantially similar services as an injured resource.

"Responsible party or parties" means a person or persons described in or potentially described in one or more of the categories set forth in section 1003(32) of OPA.

"Restoration" or "rehabilitation" means actions undertaken to return injured natural resources to their baseline condition, as measured in terms of the injured resources' physical, chemical or biological properties and the services they previously provided.

"Services" or "natural resource services" means the physical, biological and aesthetic functions performed by the resource including the human uses of those functions. These services are derived from the physical, chemical or biological quality of the resource.

"Surface water resources" means the waters of the United States including the sediments suspended in water or lying on the bank, bed or shoreline and sediments in or transported through coastal and marine areas. This term does not include ground water or water or sediments in ponds, lakes or reservoirs designed for waste treatment under the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901–6987.

"Technical feasibility" or "technically feasible" means that the technology and management skills necessary to implement an Assessment Plan or Restoration Methodology Plan are well known and that each element of the plan has a reasonable chance of successful completion in an acceptable period of time.

"Trustee" means those officials of the Federal and State governments, of Indian tribes and of foreign governments designated according to section 1006(b) of OPA who may present a claim for and recover damages to natural resources.

"Type A procedure" means one of the simplified natural resource damage assessment procedures requiring minimal field observation, found in subpart D of 43 CFR part 11.

"Type B procedure" means an alternative protocol for comprehensive natural resource damage assessments, currently found in subpart E of 43 CFR part 11.

"Use value or values" means the value that humans have for services provided by a resource where those humans have actual physical or visual contact with that resource."

(33 U.S.C. 2706(e))

Dated: March 9, 1992.

Thomas A. Campbell,

General Counsel, National Oceanic and Atmospheric Administration.

Appendix I—Draft Memorandum of Understanding

I. Introduction

This Memorandum of Understanding (MOU) by and between the State of _____ (State), the National Oceanic and Atmospheric Administration of the United States Department of Commerce (NOAA), the United States Department of the Interior (DOI) and the United States Department of Agriculture (USDA) (collectively referred to as the Trustees) is entered into to ensure the coordination and cooperation of the Trustees in the initiation of assessment and assessment of damages for injuries to natural resources resulting from _____, and the application of any natural resource damages recovered toward the restoration, rehabilitation, replacement and/or acquisition of equivalent natural resources.

[Note: Obviously, in any given incident there may be more or fewer trustees than those indicated above.]

II. Parties

The following officials, or their designees, are parties to this MOU and act on behalf of the public as Trustees for natural resources under this MOU:

1. The _____ of the State of _____,
2. The Under Secretary for Oceans and Atmosphere, Administrator of the National Oceanic and Atmospheric Administration, acting on behalf of the Secretary of Commerce,
3. The Secretary of the Department of the Interior,
4. The Secretary of the Department of Agriculture,
5. [The Secretary of DOD, DOE and/or the designated trustee of a Tribe and any foreign [international] trustee.]

III. Location

This MOU is intended to address natural resources injured [damaged] * * *

[Identify as precisely as possible geographic location and incident(s) involved]

* * * (the Incident).

IV. Purpose

The Trustees recognize the importance of integrating and coordinating the assessment of natural resource damages for injuries to natural resources affected by the Incident, seeking compensation for those injuries to natural resources and the services they provide and restoration of those affected resources and services provided by those resources. The purpose of this MOU is to provide a framework for such coordination and cooperation between the Trustees, and for the implementation of the activities of the Trustees in furtherance of their natural resource trustee responsibilities. The Trustees' activities will primarily involve assessing damages for injuries to natural resources, seeking compensation for those injuries to natural resources and the services they provide and restoring the injured natural resources and the services provided by those natural resources affected by the Incident. Nothing in this MOU is to imply that any signatory trustee is in any way abrogating or ceding any responsibility or authority inherent in its control or trusteeship over natural resources.

V. Authority

The Trustees enter into this MOU in accordance with the natural resource trustee authorities provided for each Trustee by the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act of 1990, Public Law 101–380, the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 *et seq.*, and, if utilized, the Natural Resource Damage Assessment Regulations, 43 CFR part 11, or the OPA regulations, when promulgated.

VI. Organization

The Trustees recognize the importance of coordinating their efforts in order to effectively and efficiently meet their respective natural resource trustee responsibilities under applicable Federal and State law. Accordingly, there is hereby created a Trustee Council to implement the MOU to which each Trustee will designate a representative and an alternate. The Council may create subcommittees when they are deemed necessary to effect the purposes of this MOU. A representative designated by unanimous consent of the Trustee Council members will serve as Lead Administrative Trustee for administrative purposes. This representative shall fully coordinate its activities with and act under the direction of the Council. The Trustee Council will also seek advisory participation from the United States Department of Justice, the United States Department of Transportation (Coast Guard), the State Attorney General or other legal advisor and the United States Environmental Protection Agency, when appropriate.

VII. Duties and Responsibilities

On behalf of the Trustees, the Trustee Council shall coordinate and authorize all Trustee activities and matters under this MOU in accordance with the decision making requirements contained in section VIII. The Trustee Council may take whatever actions the Council, in its discretion, determines are necessary to fulfill the trust responsibilities of each Trustee under and to effectuate the purposes of applicable Federal and State law. It is expected that the Trustee Council, in accordance with applicable laws and policies, may take the following actions, among others, to address the Trustees' natural resource trustee responsibilities:

A. Conduct scientific and technical studies, sampling and other matters related to the assessment of natural resource damages for injury to natural resources with respect to trust resources which may be lost, injured or destroyed.

B. Seek compensation from responsible parties for the damages assessed by the Trustees and for the costs of planning and implementing the assessment.

C. Acting in concert with its attorneys, participate in negotiations with responsible parties.

D. In accordance with applicable law, supervise, manage and obligate any money paid to the Trustees by or on behalf of responsible parties for the purpose of assessing, restoring, replacing, rehabilitating, and/or acquiring the equivalent of the affected natural resources.

E. Oversee the development and the implementation of a plan for the restoration, replacement, rehabilitation, and/or acquisition of equivalent resources for those trust resources, and the services provided by those resources, that may be injured, destroyed or lost.

F. In accordance with applicable law, make all necessary decisions for the management and administration of funds pursuant to section IX.

G. In accordance with applicable law, arrange for one or more contracts with professional consultants, technical or otherwise, that the Trustee Council determines are necessary and best qualified to provide services to the Council.

H. Identify a contact for coordination with the Coast Guard regarding access to the Oil Spill Liability Trust Fund.

The duties of the Lead Administrative Trustee shall include, but are not limited to: Coordination and monitoring of the progress of the natural resource damage assessment process; scheduling of meetings of the Trustee Council, and preparation of agendas for those meetings; acting as a central contact point for the Trustee Council; establishment and maintenance of records and relevant documents; and such other duties as directed by the Trustee Council. The Lead Administrative Trustee will be responsible for informing the other Trustees of all pertinent developments on a timely basis.

VIII. Decisionmaking

The Trustees agree that all decisions implementing this MOU shall require unanimous approval. In the event that unanimous agreement cannot be reached among the members of the Trustee Council, the matter in dispute will be elevated to the Trustees for resolution. If necessary, the Trustees may establish further mechanisms by which disputes may be resolved. The Trustees further agree that decision making deliberations will focus upon the Trustees' mutual purpose of assessing, restoring, rehabilitating, replacing and/or acquiring the equivalent of the affected natural resources, rather than upon control or respective trusteeship over those resources.

IX. Funds

The Trustees agree to cooperate in good faith to attempt to establish, to the extent consistent with applicable law, a joint trust account for purposes of receiving, depositing, holding, disbursing, managing and expending all natural resource damage recoveries obtained or received by the Trustees relating to the natural resource injuries arising out of the incident and interest earned thereon. This joint trust account will be established under the registry of the applicable Federal district court. Such recovered damages shall be used for restoration activities conducted under this MOU to address those injuries to natural resources and the services that they provide. Any recoveries for injury to natural resources obtained or received by or on behalf of any Trustee shall be deposited in this joint trust account.

The Trustee Council, in accordance with its decision making process in section VIII, shall establish standards and procedures governing the joint use of all natural resource damages received by the Trustees for the purposes of restoring, replacing, rehabilitating and/or acquiring the equivalent of natural resources injured as a result of the Incident and the reduced or lost services

provided by such resources pursuant to the final Restoration Plan.

The Trustees further agree that the following damage assessment costs shall be advanced or reimbursed to each Trustee out of any damage assessment cost recoveries or payments thereon, including funds received from the Oil Spill Liability Trust Fund: reasonable unreimbursed costs jointly agreed upon for the planning, conduct, evaluation and coordination of all natural resource damage assessment activities pursued by the Trustee Council with respect to injuries incurred resulting from the Incident.

X. Confidentiality

The Trustees agree that it is in the public interest that all scientific data arising out of their review of the injury to natural resources as a result of the Incident be made public. Therefore, such data shall be made public as soon as publication will not prejudice the ongoing assessment. Public sharing of scientific data will be the general policy of the Trustees.

However, all parties to this MOU recognize that all written or oral communications related to the assessment and recovery of damages for injury to natural resources may be undertaken in anticipation of litigation. Accordingly, all oral and written communications and work product will be treated as privileged attorney-client communications, attorney work product or protected by other applicable privilege (or a combination thereof), as appropriate, and will be protected from disclosure to the maximum extent possible under applicable Federal or State law. They further agree that whenever a request for production of such a record is received pursuant to any applicable Federal or State law, the request will be forwarded for response to the Trustee or Trustees to which the privilege applies or whose representatives originally generated or contributed the record requested. Nothing contained herein shall be construed as prohibiting or restraining the Trustees or the Trustee Council from agreeing to release any record.

XI. Reservation of Rights

Except for the confidentiality agreement contained in Section X, all parties understand that this document is not intended to create any further legal rights or obligations between the parties, the Trustees or any other persons not a party to this MOU.

XII. Modification of Agreement

It is acknowledged that additional agreements may be executed by the Trustees with regard to natural resource damage claims that arise and to planning for the restoration, replacement, rehabilitation, and/or acquisition of equivalent natural resources that may be injured, destroyed or lost. Therefore, modification of this MOU must be in writing and upon approval of all Trustees currently parties to the MOU.

XIII. Termination

This MOU shall be in effect from the date of execution until termination by agreement of the Trustees. At any time the Trustees determine that the purposes underlying this MOU have been addressed, the MOU will terminate upon such a finding. In the event any Trustee withdraws from the MOU, such withdrawal must be in writing at least thirty days in advance of the withdrawal. In the event of such withdrawal, this MOU remains in full force and effect for the remaining parties.

In the event of the withdrawal of any Trustee, or at the termination of this MOU, there shall be a full and complete accounting of all funds received, deposited, held, disbursed, managed, expended pursuant to section IX of this MOU, or otherwise controlled in any joint account by the Trustees as a result of the Incident.

XIV. Limitation

Nothing in this MOU shall be construed as obligating the United States, the State or any other public agency, their officers, agents or employees, to expend any funds in excess of appropriations authorized by law.

XV. Third Party Challenges or Appeals

The rights and responsibilities contained in this MOU are subject to the availability of funding and are intended to be guidance for the respective Trustees. They may not be the basis of any third party challenges or appeals.

XVI. Execution: Effective Date

This MOU may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original MOU. The date of execution shall be the date of the final Trustee's signature.

Appendix II—Sample Federal/State/Tribal Damage Assessment Plan: Analytical Chemistry Quality Assurance/Quality Control Plan

This Appendix describes an example of a Quality Assurance/Quality Control (QA/QC) plan for analytical chemistry portions of a Damage Assessment/Restoration Plan for an oil spill. This Appendix also provides some minimum requirements for the development of QA/QC plans in Regional/Local Protocols or in Damage Assessment/Restoration Plans for specific oil spills. This can be used in conjunction with existing Analytical Chemistry Quality Assurance Programs of the Trustee Agencies. It describes only those minimum requirements necessary to validate the data generated by analytical chemistry laboratories. QA/QC requirements for other types of measurements are not addressed in this Appendix.

Further instructions in meeting the requirements described in this document should be developed in Regional/Local Protocols or in Assessment/Restoration Plans for specific oil spills. These instructions should include provision for training of field personnel in the collection of samples, methodology for field collection of samples for hydrocarbon analyses, specific chain-of-custody procedures and further detailed validation procedures for the analytical chemistry laboratories.

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1.0 Quality Assurance for Analytical Chemistry

Each trustee agency through their individual standard documented QA programs or through a specifically developed QA/QC plan, shall ensure that all data generated by or for that agency in support of a Damage Assessment/Restoration Plan are of known, defensible and verifiable quality.

These documented QA programs can include but are not limited to:

NOAA National Status and Trends Program, Mussel Watch Phase: Work/QA Project Plan

Quality Assurance of Chemical Analyses Performance Under Contract with the USFWS

EPA SW–846, Chpt 1, QA/QC Requirements

EPA Guidelines and Specification for Preparing Quality Assurance Project Plans, QAMS–005

In addition, an interagency team of leading scientists from the Trustee agencies, hereafter referred to as the Analytical Chemistry Group (ACG), shall develop and oversee a centralized data management program which will demonstrate the quality and comparability of the chemical data obtained by the Trustee agencies.

The major components of this centralized QA program will be: development of study-specific analytical chemistry QA plans; technical on-site system audits of field and laboratory data collection activities; development and provision of appropriate instrument calibration standards and control materials; laboratory performance evaluations by means of intercomparison exercises; and review of data delivesables and all supportive documentation to evaluate data quality.

1.1 Study-Specific Quality Assurance Plans

Prior to the initiation of each Damage Assessment/Restoration study, the study manager must prepare and submit a study-specific analytical chemistry quality assurance plan (QAP) to the ACG for review and concurrence. This plan shall specify each study's goals, sampling procedures, analytical procedures and all quality control measures associated with those procedures.

The QAP must be study-specific, however any documented QA guidance and/or appropriate Standard Operating Procedures (SOPs) used by the Trustee agencies may form the basis of individual study QAPs.

1.2 Technical System Audits

On-site system audits may be performed without prior notification by the ACG after consultation with the responsible Agency.

1.3 Standards and Quality Control Materials

Appropriate standards and quality control materials will be developed and provided. The National Institute of Standards and Technology (NIST) can provide this service.

1.4 Analytical Performance Evaluations

Prior to the initiation of work, each analytical laboratory will be required to demonstrate its capability. This will be accomplished by providing laboratory documentation on the performance of the proposed methods. Any changes in analytical methodology from that proposed in the original QA plan shall be validated under agency procedures and documented to the ACG.

A series of intercomparison exercises, utilizing blind analyses of prepared materials, extracts of environmental matrices (tissue, sediment and water) or the matrices themselves, will be conducted annually. Participation in these exercises is mandatory. Materials will be prepared by, and data returned to, the provider for statistical analysis. Unacceptable performance will result in the discarding of the associated data.

The ACG will review and provide written reports on the results of intercomparison studies to the Management Team.

1.5 Data Reporting and Deliverables

Data deliverables will be reviewed by the generating Agency to verify the quality of the data. A QC report on each data set will be provided to the ACG for review. All data and associated documentation will be held in a secure place under chain-of-custody procedures until the Trustees indicate otherwise.

2.0 Minimum Requirements: Sampling and Sampling Equipment

Sample collection methodology must be described in SOP's. The method of collection should not alter the samples. Samples shall be held in a secure place under appropriate conditions and under chain-of-custody until the Trustees indicate otherwise.

2.1 Sampling Identification and Labelling

An SOP will be in place for each study which describes procedures for the unique identification of each sample. A sample tag or label will be attached to the sample container. A waterproof marker must be used on the tag or label. Included on the tag are the sample identification number, the location of the collection site, the date of collection and the signature of the collector.

The information above will also be recorded in a field notebook, along with other pertinent information about the collection, and signed by the collecting scientist.

2.2 Samplé Field Chain-of-Custody

The field sampler will be personally responsible for the care and custody of the samples collected until they are transferred to another responsible party. Samples will be accompanied by a chain-of-custody record. When samples are transferred from one individual's custody to another's, the individuals relinquishing and receiving will sign, date and note the time on the record. Shipping containers will be custody-sealed for shipment. Whenever samples are split, a separate chain-of-custody record will be prepared for those samples and marked to indicate with whom the samples are being split.

Samples shall be maintained in a manner that preserves their chemical integrity from collection through final analysis. Sample shipper will arrange for sample receipt. After analysis, any remaining sample and all sample tags, labels and containers shall be held under chain-of-custody procedure until the Trustees indicate otherwise.

3.0 Minimum Requirements: Chemical Analysis

The applicable methodology must be referenced or described in detail for each measurement parameter. Method limits of the analytical method in terms of accuracy and precision must be demonstrated. Calibration must be verified at the end of each analysis sequence. Samples must be quantified within the demonstrated linear working range for each analyte. Standard curves must be established with at least 3 points besides 0. Field blanks, procedural blanks, reference materials, replicates and analyte recovery samples must be run at a minimum frequency of 5% each per sample matrix batch. A minimum list of the petroleum hydrocarbon compounds which are to be considered for identification and quantification in water, tissue and sediment include the volatiles, i.e., benzene, toluene, xylene and the polynuclear aromatic and aliphatic hydrocarbons will be provided in the Regional/Local Protocols and in specific Damage Assessment/Restoration Plans.

4.0 Minimum Requirements: Reporting and Data Deliverables

Measurement results as if three figures were significant. Results of quality control samples analyzed in conjunction with the study samples. Documentation demonstrating analytical control of precision and accuracy on an analyte and matrix specific basis.

Appendix III—Judicial Review of the Assessment/Restoration Process

Judicial review of Assessment/Restoration Plans developed pursuant to the procedures eventually specified in the OPA regulations should be conducted on the administrative record. Section 1006(c) of OPA, 33 U.S.C. 2706(c), explicitly provides that the trustees are to develop and implement plans for restoration of natural resources injured by oil spills. OPA does not define the standard of review for selection of assessment/restoration plans. Under general principles of administrative law, where a statute does not provide an explicit standard of review for non-adjudicatory agency action, the standard of review is provided by the Administrative Procedure Act (APA), 5 U.S.C. 706(2)(A). *See American Paper Institute, Inc.* v. *American Electric Power Service Corp.*, 461 U.S. 402, 412 n.7 (1983); *Camp* v. *Pitts*, 411 U.S. 138, 142 (1973); *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402, 413–14 (1971). The APA requires reviewing courts to sustain agency actions unless they are "arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law." 5 U.S.C. 706(2)(A). The scope of review is limited to the administrative record in existence when the action was taken. See *Florida Power & Light* v. *Lorion*, 470 U.S. 729, 743–44 (1985); *Camp* v. *Pitts*, 411 U.S. at 142; *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. at 420.

The proposal to develop an administrative record in order to document the selection of the assessment as well as the restoration plans finds support in the history of the selection of response actions by EPA under CERCLA. Prior to the enactment of the statutory provisions providing for judicial review, on the administrative record, of EPA's selection of response actions (section 113(j) of CERCLA, 42 U.S.C. 9613(j)), EPA adopted as policy the use of administrative record to document it's selection. The CERCLA provision, added by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99–499, 100 Stat. 1647 (1986) merely clarifies and confirms several cases holding S. Rep. No. 11, 99th Cong., 1st Sess. 57 (1985); H.R. Rep. No. 253, Pt. 1, 99th Cong., 1st Sess. 62 (1985). Thus, prior to the explicit provisions of section 113(j) of CERCLA, it was well established that judicial review of selection by EPA of response action under CERCLA was based upon the administrative record using an arbitrary and capricious standard of review. See *United States* v. *Seymour Recycling Corp.*, 679 F. Supp. 859, 861 (S.D. Ind. 1987); *see also United States* v. *Northeastern Pharmaceutical & Chemical Co., Inc.*, 810 F.2d 726, 748 (8th Cir. 1986); *United States* v. *Ward*, 618 F. Supp. 884, 900 (E.D.N.C. 1988), *United States* v. *Western Processing Co.*, No. C83–252M (W.D. Wash. Feb. 19, 1988) (1988 Westlaw 15691); *cf. United States* v. *Ottati & Goss, Inc.*, 900 F.2d 429, 434–36 (1st Cir. 1990) (administrative record review not required where government seeks injunctive relief under CERCLA); *United States* v. *Hardage*, 663 F. Supp. 1280, 1284 (W.D. Okla. 1987) (same).

Like earlier provisions of CERCLA, OPA does not require NOAA to document its selection of the assessment or restoration plan to be on the record nor does OPA require that judicial review be limited to the record. Nevertheless, NOAA may impose a regulatory requirement on the trustees to document selection on the record. Absent statutory language otherwise, whether judicial review will be on the administrative record is yet to be determined.

There are important policies underlying record review of assessment/restoration measures under OPA, as for response action under CERCLA. First, record review is necessary to carry out the congressional mandate that trustees select assessment/restoration measures. See 33 U.S.C. 2706(c). Congress intended that the Assessment/Restoration Plan be developed and implemented by the trustees pursuant to an administrative process, not by a courtroom battle of experts. See 33 U.S.C. 2706(c). Adequate evaluation of the complex

scientific issues involved in assessment/restoration is more likely to result from a public administrative process conducted by agencies with specialized scientific expertise. See, *e.g., United States* v. *Seymour Recycling Corp.*, 679 F. Supp. at 862 (technical and policy considerations involved in CERCLA response actions are entrusted to agencies with special expertise); *see generally, Marsh* v. *Oregon Natural Resources Council*, 109 S. Ct. 1851, 1860–61 (1989) (deferring to administrative agency on questions involving "technical expertise" and "scientific determination[s]").

Second, record review may be necessary to give effect to the congressionally-mandated public participation requirements of OPA. In the CERCLA context, the courts have recognized that trial *de novo* of response action is inconsistent with meaningful public involvement in selection of remedies for hazardous waste sites. *See United States* v. *Seymour Recycling Corp.*, 679 F. Supp. at 863. The general public does not have the resources or the procedural vehicle to protect its interests in the courtroom. Trial *de novo* is also more likely to become a contest between interest groups. Furthermore, trial *de novo* of assessment/restoration measures creates significant incentives for parties to withhold scientific data for use at trial. One of the most significant criticisms of the *Exxon Valdez* case noted by commenters was the unavailability of scientific data produced by the parties to the litigation. A public administrative process may create precisely the opposite incentive. The government will be required to publicly disclose its scientific data and conclusions in the administrative record developed in connection with the Assessment/Restoration Plan. Other parties will be required to publicly disclose their scientific data and conclusions in connection with the administrative development of the Assessment/Restoration Plan or risk waiving their objections to the Plan. Third, the development of an Assessment/Restoration Plan will result in a thorough and complete process geared towards the restoration of injured resources in a timely manner. As such, the assessment portion of the plan may be considered an interim agency decision and not eligible for judicial review. The development of the Restoration Plan will constitute a final agency action and will avoid a disjointed, piece-meal review of the assessment/restoration process. Also appropriate for discussion at this point is the concept that by fulfilling the public review and open record requirements throughout the entire assessment process, the trustees have also met the requirements of other environmental statutes. For example, the public involvement in this planning process may constitute a "functional equivalent" of the process required by the National Environmental Policy Act.

While it may be preferable that the record review standard apply to the entire assessment process, it is possible that concerns could be raised that economic damages (diminution of value) are not appropriate for record review. In the CERCLA context, some parties have argued that there is an inconsistency between administrative record review of restoration measures and the right to jury trial under the Seventh Amendment to the United States Constitution. Where the government has sought natural resource damages for both restoration costs and lost use and non-use values under CERCLA, several courts have held that there is a right to a jury trial. *See United States* v. *City of Seattle*, No. C90–395WD (W.D. Wash. Nov. 28, 1990); *In re Acushnet River & New Bedford Harbor: Proceedings re Alleged PCB Pollution*, 712 F. Supp. 994, 1000 (D. Mass. 1989); *United States* v. *Allied Chemical Co.*, No. C–83–5898 (N.D. Cal. Sept. 14, 1984).

These decisions should pose no obstacle to administrative record review of Assessment/Restoration Plans under OPA. First, oil spills from vessels fall within the admiralty jurisdiction of Federal courts where traditionally there is no right to jury trial. See, Rule 9(h) and Rule 38(e) of the Fed.R.Civ.P. See also, *United States* v. *Redwood City*, 640 F.2d 963, 969–70 (9th Cir. 1981) (pollution is a maritime tort wholly aside from any statutory bases of liability); *United States* v. *M/V BIG SAM*, 681 F.2d 432, 443 (5th Cir. 1983) (same). Moreover, spills into navigable waters squarely fall within the Supreme Court's general tests regarding admiralty jurisdiction. See, e.g., *Sission* v. *Ruby*, 497 U.S. ——, 111 L.Ed. 2d 292 (1990); *Foremost Ins. Co.* v. *Richardson*, 457 U.S. 668 (1982); *Executive Jet Aviation* v. *City of Cleveland*, 409 U.S. 249 (1972). Even marine spills into navigable waters which ultimately cause shoreside damage would also be within the admiralty jurisdiction of the Federal courts. Extension of Admiralty Act, 46 U.S.C. 740. Second, to the extent that other types of cases fall outside admiralty jurisdiction, no right to jury trial attaches to the components of the government's claim for natural resource damages, which are restitutionary in nature. *United States* v. *Wade*, 653 F. Supp. 11, 13 (E.D. Pa. 1984). Finally, where certain claims would otherwise be tried to a jury at common law, Congress can entrust those claims to determination by administrative agencies. The Supreme Court has repeatedly held that "the Seventh Amendment is not applicable to administrative proceedings." *Tull* v. *United States*, 481 U.S. 412, 418 n.4 (1987); *Chauffeurs, Teamsters and Helpers, Local No. 391* v. *Terry*, 110 S. Ct. 1339, 1345 n.4 (1990); *Atlas Roofing Co.* v. *OSHA*, 430 U.S. 442, 454–55. Thus, there is no constitutional impediment to effectuating the congressional intent that the trustees, not juries, determine the components of an Assessment/Restoration Plan. See 33 U.S.C. 2706(c).

For purposes of discussion in this Notice, if there is a right to jury trial over certain components of a natural resource damage claim under OPA, this right might easily be accommodated through carefully drawn jury instructions and established case management techniques. The right to a jury trial on certain components of a claim does not prevent the court from reserving to itself decisions on other equitable or administrative review components of claims. See, *e.g., Tull* v. *United States, supra.*

Trial of a natural resources claim under OPA may require integration of both administrative record review of the Assessment/Restoration Plan and the rebuttable presumption for the trustees' calculation of damages. See 33 U.S.C. 2706(e)(2). The factfinder, be it court or jury, will determine liability. The court has ample authority under the Federal Rules of Civil Procedure to bifurcate or consolidate the components of the case in the interest of resolving the litigation.

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federal register

Friday
March 13, 1992

Part III

Federal Election Commission

11 CFR Part 106

Allocation of Federal and Non-Federal Expenses; Final Rule

FEDERAL ELECTION COMMISSION

[Notice 1992–4]

11 CFR Part 106

Allocation of Federal and Non-Federal Expenses

AGENCY: Federal Election Commission.

ACTION: Final rule; transmittal of regulations to Congress.

SUMMARY: The Federal Election Commission has revised its regulations at 11 CFR 106.5 and 106.6. These rules implement the contribution and expenditure limitations and prohibitions established by 2 U.S.C. 441a and 441b, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA"), 2 U.S.C. 431 *et seq.*, by providing for allocation of expenses for activities that jointly benefit both federal and non-federal candidates and elections. Under the first revision, state and local party committees may add one additional non-federal point to the ballot composition ratio computed under 11 CFR 106.5(d). They may also include non-federal point(s) for local offices if partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. Second, the former 40-day "window" for transfers from a non-federal to a federal account, to reimburse the federal account for the non-federal portion of joint expenditures, at 11 CFR 106.5(g)(2)(ii)(B), has been expanded to 70 days. Finally, covered entities may now, under 11 CFR 106.5(f), recalculate the federal/non-federal ratio for a particular fundraising program or event within 60 days after that program or event, and make corresponding transfers between their federal and non-federal accounts. These latter two changes apply to all party committees that make disbursements on behalf of both federal and non-federal candidates and elections. Parallel changes are included for nonconnected committees and separate segregated funds. Further information is provided in the supplementary information which follows.

DATES: Further action, including the announcement of an effective date, will be taken after these regulations have been before Congress for 30 legislative days pursuant to 2 U.S.C. 438(d). A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219–3690 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Commission is publishing today the final text of revised regulations at 11 CFR 106.5 and 106.6. These rules implement the contribution and expenditure limitations and prohibitions established by 2 U.S.C. 441a and 441b, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act" or "FECA"), 2 U.S.C. 431 *et seq.*, by providing for allocation of expenses for activities that jointly benefit both federal and non-federal candidates and elections.

The final allocation rules were published on June 26, 1990 (55 FR 26058). They were the result of an extensive rulemaking process, the history of which is set forth in that document. The rules became effective, and the new forms implementing their reporting provisions took effect, on January 1, 1991 (55 FR 40377).

On March 26, 1991, the Commission received a Petition for Rulemaking from the Association of State Democratic Chairs ["ASDC"]. The petition requested reconsideration of three aspects of the allocation rules: (1) The ballot composition ratio, 11 CFR 106.5(d); (2) the payment, recordkeeping and reporting requirements, 11 CFR 104.10, 106.5(g); and (3) the requirement that state parties allocate their administrative expenses between federal and state elections before July of a federal election year.

The Commission published a Notice of Availability seeking comments on this ASDC petition on April 24, 1991. 56 FR 18780. It received 45 comments in response to this Notice.

The Commission believes that, with limited exceptions, it is premature to reopen this rulemaking before the end of the 1991–92 election cycle. These rules are the result of a lengthy and carefully considered rulemaking process. They serve the dual purposes of curbing the use of money raised outside of the FECA's requirements in federal elections, and of allowing the Commission and the public to monitor compliance with these requirements. *See Common Cause* v. *FEC*, 692 F.Supp. 1391 (D.D.C. 1987). Both the Commission and the regulated entities will be in a better position to evaluate what future adjustments might be needed to the allocation rules, after they have worked with these rules over the course of an entire election cycle.

However, after consideration of the petition and comments, the Commission decided to reopen the allocation rulemaking in the three areas discussed below. A Notice of Proposed Rulemaking seeking comments on these proposals was published in the **Federal Register** on November 14, 1991. 56 FR 57864.

The Commission received 24 comments in response to the NPRM. Most were from state party committees, although national party committees, public interest groups, and private individuals also submitted comments. After reviewing all of the comments, the Commission has decided to adopt the first two proposals as set forth in the NPRM, but has modified the third to make it more workable.

The NPRM also solicited comments on allocation reporting requirements, with the understanding that no changes in these requirements would be made at this time. Some comments did address these requirements; and, as stated in the Notice, these comments will be considered at the end of the cycle, as part of a general review of the reporting provisions.

Section 438(d) of title 2, United States Code, requires that any rules prescribed by the Commission to carry out the provisions of title 2 of the United States Code be transmitted to the Speaker of the House of Representatives and the President of the Senate thirty legislative days before they are finally promulgated. These regulations were transmitted to Congress on March 9, 1992.

Explanation and Justification

The new rules reflect the following revisions: First, state and local party committees, which are required to allocate their administrative expenses and generic voter drive costs using the "ballot composition method" set forth at 11 CFR 106.5(d), may add an additional non-federal point in computing this ratio. They may also include non-federal point(s) for local offices if partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. Second, the 40-day "window" for transfers from a committee's non-federal to its federal account, to reimburse the federal account for the non-federal share of joint expenditures, has been expanded to 70 days. 11 CFR 106.5(g)(2)(ii)(B). Finally, committees are specifically allowed, under 11 CFR 106.5(f), to recalculate the federal/non-federal ratio for a particular fundraising program or event within 60 days after that fundraising program or event, and make corresponding transfers between their federal and non-federal accounts. The latter two changes apply to all party committees, including national party committees. The Commission has made parallel amendments to 11 CFR 106.6, which parallels section 106.5 but applies to separate segregated funds ("SSF's") and nonconnected committees, to ensure continued consistency in these areas.

Part 106—Allocations of Candidate and Committee Activities

Section 106.5 Allocation of Expenses Between Federal and Non-Federal Activities by Party Committees

Paragraph 106.5(d) State and Local Party Committees; Method for Allocating Administrative Expenses and Costs of Generic Voter Drive Activity

This paragraph sets forth the ballot composition ratio by which party committees with separate federal and non-federal accounts must allocate their administrative and generic voter drive expenses. Paragraph (d)(1)(i) states that this method is "based on the ratio of federal offices expected on the ballot to total federal and non-federal offices expected on the ballot in the next general election to be held in the committee's state or geographic area." However, not all offices are included in this calculation. Rather, the Commission has specified various categories of offices which are assigned points to be used in computing the ratio.

The petition and most of the comments submitted in response to the Notice of Availability argued that the ratio underrepresented the percentage of funds spent on non-federal elections. After a comprehensive review, the Commission's NPRM proposed that state and local party committees be allowed to add one additional non-federal point in computing their ballot composition ratios, to compensate for underrepresentation of non-federal offices in the current formula. Because state situations differ widely, this point was not tied to a particular category of offices, such as partisan judicial elections or ballot questions. Rather, it was proposed as a generic point available to all state and local party committees.

Most of the comments to the NPRM supported the Commission's proposal to add an additional non-federal point to the ballot composition ratio. Some state party committees argued that still more non-federal points should be authorized, because of particular ballot situations in their states. One national committee supported adding the additional point, while another felt the original formula more accurately reflected federal/non-federal spending patterns.

The Commission notes that the ballot composition ratio was never anticipated to precisely reflect all state and local party activity in all states in all election cycles. It believes that the formula's use of the "average ballot concept," which reflects variations in different states and localities in each election, as well as the special rules for states that hold statewide elections in non-federal election years, provide the necessary flexibility in this area. This approach represents a reasoned balance between the need for greater standardization, required by a federal district court in *Common Cause* v. *FEC*, *supra* (which struck down the "any reasonable [allocation] method" standard then in use), and the need to reflect differences between different states and types of political committees.

Also, while many comments to both the Notice of Availability and the NPRM requested that greater weight be given to the non-federal share of expenses, they offered no viable suggestions as to how this might be done. The original petition and some of the comments to both Notices expressed the view that all state and local offices, partisan judicial offices, and ballot questions should be included in the ballot composition ratio. However, this approach could lead to an inappropriately low federal percentage, and thereby permit impermissible money to enter federal campaigns, especially in areas where the ballot contains large numbers of local offices or numerous ballot questions, and only two or three federal offices.

Two public interest groups argued that no transfers whatsoever should be allowed from the non-federal to the federal account—that is, that all joint expenditures should be paid entirely with funds meeting FECA requirments. However, the court in *Common Cause* v. *FEC* found that the Commission had not acted arbitrarily and capriciously in originally rejecting this approach, since some comments submitted in response to the 1984 petition "adamantly stated that there were no abuses of the type alleged" by the plaintiff (i.e., impermissible use of non-FECA money in federal campaigns). 692 F.Supp. at 1396.

While the court noted it was possible for the Commission to conclude that no method of allocation would effectuate the Congressional goal that all monies spent by state political committees on federal campaigns meet the FECA standards, *id.*, in which case it would be necessary that all joint expenditures be paid with funds raised consistent with FECA standards, this option proved unnecessary. Rather, the Commission was able to develop allocation rules which both prevent non-FECA money from entering federal campaigns, and allow for satisfactory monitoring of this process, as required by the court. Comments submitted in connection with the ASDC petition support the Commission's continued use of its present approach.

In addition to the generic non-federal point, the NPRM proposed that paragraph (d)(1)(ii) be amended to allow state and local party committees to include non-federal point(s) for local offices in their ballot composition ratios, if partisan local candidates were expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. Under the former rules, these committees computed their ratios based on the "next general election." The rules did not contemplate the situation in states where statewide officers are elected in even-numbered years, but local officers are elected in odd-numbered years.

Advisory Opinion 1991–25 authorized state party committees in such states to include a non-federal point for local offices in computing their ballot composition ratios. The NPRM proposed amending paragraph (d)(1)(ii), consistent with that ruling. It also proposed clarifying that local party committees may include up to two non-federal points for local offices, under these same circumstances.

Most comments that addressed this issue supported the proposed change. Two public interest groups opposed it, one characterizing this action as "allowing non-federal points for local offices to be taken in the year after the local election has occurred." However, with the exception of states that hold statewide elections in odd-numbered years, the ballot composition formula was intended to reflect the offices in each two-year congressional election cycle. The Explanation and Justification to the final rules, which added the non-federal point for partisan local offices, stated the Commission's intent to create a "non-federal slot [that would be] available to virtually every state party committee." 55 FR 26058, 26064. However, those rules did not comtemplate the situation in states where statewide offices are elected in even-numbered years, but local offices are elected only in odd-numbered years. The Commission believes that party committees in those states should be able to consider local elections in their ballot composition ratios, just as do party committees in states that hold elections for both statewide and local offices in even-numbered years. Paragraph (d)(1)(ii) has thus been amended to clarify that all state and local party committees may include non-federal points for partisan local offices

in computing their ballot composition ratios, if elections for such offices are held at any regularly scheduled election during the two-year congressional election cycle.

Paragraph 106.5(f) All Party Committees; Method for Allocating Direct Costs of Fundraising

This paragraph sets forth the rules by which all party committees are to allocate the direct costs of each fundraising program or event, where both federal and non-federal funds are collected by one committee through such program or event. It applies to national, state and local party committees.

Party committees must allocate the direct costs of each such fundraising program or event according to the funds received method. The committee estimates the federal/non-federal ratio for each program or event prior to the first disbursement made in connection with that activity, and later adjusts this ratio to reflect the actual ratio of funds received. The former rules did not specify at what points these adjustments were to be made, and could be read to require a readjustment whenever additional funds were received.

The Notice proposed that committees be given 60 days following each fundraising program or event to recalculate the appropriate ratio based on funds received, to apply the recalculated ratio to program or event expenditures, and to transfer funds between the federal and non-federal accounts to reflect the adjusted ratio. However, it stated that this amendment would not supersede the 60 day post-expenditure limit, contained in 11 CFR 106.5(g)(2)(ii)(B), for non-federal accounts to reimburse federal accounts for the non-federal share of joint expenditures.

After further consideration, however, the Commission has decided that the 60 day reimbursement window should be waived, for purposes of this limited exception. Under these new rules, committees are still required to allocate their pre-program or event expenditures based on their past experience. However, they are given an additional opportunity to transfer funds from their non-federal to their federal accounts: They have 60 days after the program or event to recalculate this ratio and transfer funds from the non-federal to the federal account, if receipts at that time indicate that the committee originally underestimated the non-federal percentage of these receipts. The Commission notes, however, that the new requirement does not rule out the possibility of further adjustments after that date, should additional Federal receipts come in.

In order to monitor these transfers, the Commission is also requiring, under this new rule, that committees report the date of the fundraising program or event, at the time they report any transfer made to reflect a readjusted ratio. (The former rules had no requirement that the date of a fundraising program or event be reported.) In the case of a telemarketing or direct mail campaign, the "date" for purposes of this rule is the last day of the telemarketing campaign, or the day on which the final direct mail solicitations are mailed.

Paragraph 106.5(g) Payment of Allocable Expenses by Committees With Separate Federal and Non-Federal Accounts

This paragraph sets forth the procedures by which party committees with separate federal and non-federal accounts are to pay the bills for their administrative expenses and shared federal and non-federal activities. These procedures apply to all covered expenditures, with the exception of the shared fundraising expenditures discussed under subsection 106.5(f), *supra*.

As originally promulgated, the "window" in paragraph (g)(2)(ii)(B), during which funds must be transferred from a non-federal to a federal account to reimburse the federal account for the non-federal share of joint activities, was 40 days, extending from 10 days before until 30 days after payment is made from the federal account for a particular allocable expense. This 40-day limit was adopted in place of the 10-day limitation contained in the 1988 NPRM, 53 FR 38012, 38017, and exceeds the 30-day limit advocated by comments to that NPRM. The deadline was extended to allow committees to consolidate monthly payments, rather than requiring every expense to be paid with two separate checks.

The ASDC petition and some of the comments to the Notice of Availability asked that further expansion of the reimbursement period be considered. They noted, for example, that a committee that pays its bills once a month could face cash flow problems under the 30-day post-payment deadline. After reviewing this material, the Commission proposed that the reimbursement "window" be extended to 70 days, from 10 days before until 60 days after the payment from the federal account.

This approach allows greater consolidation of payments than is possible under the current system, and should thus ease possible compliance and cash flow problems in this area. All of the party committees which submitted comments supported this proposed change; and no comments were received which opposed it.

Finally, the word "payment" in paragraph (g)(2)(ii)(B) has been amended to read, "payments." This clarifies that one check from the non-federal to the federal account may be used to reimburse the federal account for the non-federal share of more than one allocable expenditure.

Section 106.6 Allocation of Expenses Between Federal and Non-Federal Activities by Separate Segregated Funds and Nonconnected Committees

The amendments to paragraphs (d) and (e) of this section parallel those made in 11 CFR 106.5(f) and 106.5(g), respectively. These revisions have been made to maintain the consistency in treatment of party committees, nonconnected committees and separate segregated funds in these areas.

Effective Dates

One comment specifically inquired about possible retroactive application of the new rules, although most party committees asked that they be effectuated as soon as possible. The Commission believes it is appropriate, and consistent with past Commission action, to make the amendments to the ballot composition ratio contained in revised 11 CFR 106.5(d) retroactive to the start of the current allocation cycle, January 1, 1991. See Advisory Opinions 1991–15 and 1991–25.

While these rules will not be promulgated until after the expiration of the 30 legislative days review period pursuant to 2 U.S.C. 438(d), the Commission plans to include in its announcement of effective date a statement that the revisions to section 106.5(d) apply retroactively to January 1, 1991. State and local party committees that choose to apply the new rule retroactively will have 30 days after the publication of the effective date announcement in the **Federal Register** to calculate the ballot composition ratios pursuant to the revised formula, and make any necessary transfers from their non-federal to their federal accounts.

The other amendments will be effective when prescribed, following the expiration of the 30 legislative day review period required by 2 U.S.C. 438(d).

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached rules will not have a significant economic impact on a substantial number of small entities. The basis of this certification is that the rules modify provisions governing how political party committees, nonconnected committees and separate segregated funds allocate certain joint expenditures between their federal and non-federal accounts. This does not impose a significant economic burden, because any small entities affected are already required to comply with the Act's requirements in this area.

List of Subjects in 11 CFR Part 106

Campaign funds, Political candidates, Political committees and parties.

For the reasons set out in the preamble, subchapter A, chapter I of title 11 of the Code of Federal Regulations is amended as follows:

PART 106—ALLOCATIONS OF CANDIDATE AND COMMITTEE ACTIVITIES

1. The authority citation for Part 106 continues to read as follows:

Authority: 2 U.S.C. 438(a)(8), 441a(b), 441a(g).

2. Section 106.5 is amended by revising the final two sentences and adding an additional sentence to paragraph (d)(1)(ii), revising paragraph (f), and revising paragraph (g)(2)(ii)(B), to read as follows:

§ 106.5 Allocation of expenses between federal and non-federal activities by party committees.

* * * * *

(d) * * *

(i) * * *

(ii) * * * State party committees shall also include in the ratio one additional non-federal office if any partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. Local party committees shall also include in the ratio a maximum of two additional non-federal offices if any partisan local candidates are expected on the ballot in any regularly scheduled election during the two-year congressional election cycle. State and local party committees shall also include in the ratio one additional non-federal office.

* * * * *

(f) *All party committees; methods for allocating direct costs of fundraising.*

(1) If federal and non-federal funds are collected by one committee through a joint activity, that committee shall allocate its direct costs of fundraising, as described in paragraph (a)(2) of this section, according to the funds received methods. Under this method, the committee shall allocate its fundraising costs based on the ratio of funds received into its federal account to its total receipts from each fundraising program or event. This ratio shall be estimated prior to each such program or event based upon the committee's reasonable prediction of its federal and non-federal revenue from that program or event, and shall be noted in the committee's report for the period in which the first disbursement for such program or event occurred, submitted pursuant 11 CFR 104.5. Any disbursements for fundraising costs made prior to the actual program or event shall be allocated according to this estimated ratio.

(2) No later than the date 60 days after each fundraising program or event from which both federal and non-federal funds are collected, the committee shall adjust the allocation ratio for that program or event to reflect the actual ratio of funds received. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. If the federal account has paid more than its allocable share, the committee shall make any transfers of funds from its non-federal to its federal account to reflect the adjusted allocation ratio within the 60-day time period established by this paragraph. The committee shall make note of any such adjustments and transfers in its report for any period in which a transfer was made, and shall also report the date of the fundraising program or event which serves as the basis for the transfer. In the case of a telemarketing or direct mail campaign, the "date" for purposes of this paragraph is the last day of the telemarketing campaign, or the day on which the final direct mail solicitations are mailed.

(g) * * *

(2) * * *

(i) * * *

(B) Except as provided in paragraph (f)(2) of this section, such funds may not be transferred more than 10 days before or more than 60 days after the payments for which they are designated are made.

* * * * * *

3. Section 106.6 is amended by revising paragraphs (d) and (e)(2)(ii)(B), to read as follows:

§ 106.6 Allocation of expenses between federal and non-federal activities by separate segregated funds and nonconnected committees.

* * * * *

(d) *Method for allocating direct costs of fundraising.* (1) If federal and non-federal funds are collected by one committee through a joint activity, that committee shall allocate its direct costs of fundraising, as described in paragraph (a)(2) of this section, according to the funds received method. Under this method, the committee shall allocate its fundraising costs based on the ratio of funds received into its federal account to its total receipts from each fundraising program or event. This ratio shall be estimated prior to each such program or event based upon the committee's reasonable prediction of its federal and non-federal revenue from that program or event, and shall be noted in the committee's report for the period in which the first disbursement for such program or event occurred, submitted pursuant to 11 CFR 104.5. Any disbursements for fundraising costs made prior to the actual program or event shall be allocated according to this estimated ratio.

(2) No later than the date 60 days after each fundraising program or event from which both federal and non-federal funds are collected, the committee shall adjust the allocation ratio for that program or event to reflect the actual ratio of funds received. If the non-federal account has paid more than its allocable share, the committee shall transfer funds from its federal to its non-federal account, as necessary, to reflect the adjusted allocation ratio. If the federal account has paid more than its allocable share, the committee shall make any transfers of funds from its non-federal to its federal account to reflect the adjusted allocation ratio within the 60-day time period established by this paragraph. The committee shall make note of any such adjustments and transfers in its report for any period in which a transfer was made, and shall also report the date of the fundraising program or event which serves as the basis for the transfer. In the case of a telemarketing or direct mail campaign, the "date" for purposes of this paragraph is the last day of the telemarketing campaign, or the day on which the final direct mail solicitations are mailed.

(e) * * *

(2) * * *

(i) * * *

(B) Except as provided in paragraph (d)(2) of this section, such funds may not be transferred more than 10 days before

or more than 60 days after the payments for which they are designated are made.

* * * * *

Dated: March 6, 1992.

Joan D. Aikens,

Chairman, Federal Election Commission.

[FR Doc. 92-5778 Filed 3-12-92; 8:45 am]

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Friday
March 13, 1992

Part IV

Department of Education

34 CFR Part 791

Javits Gifted and Talented Students Education Grant Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 791

RIN 1850-AA38

Javits Gifted and Talented Students Education Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations governing the Javits Gifted and Talented Students Education Grant Program. These final regulations implement a program of discretionary grants authorized by the Jacob K. Javits Gifted and Talented Students Education Act of 1988 (Act), Part B of Title IV of the Elementary and Secondary Education Act of 1965, as amended. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by seeking to help gifted and talented students develop their abilities and reach the high levels of achievement called for by the Goals.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Beverly E. Coleman, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506 C, Washington, DC 20208-5644. Telephone: (202) 219-2187. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On October 9, 1991, the Secretary published a notice of proposed rulemaking (NPRM) for the Javits Gifted and Talented Students Education Grant Program in the **Federal Register** (Vol. 56, No. 196, Page 51122). On pages 51122-51123, the NPRM included a discussion of the major issues, including activities that may be funded under this program, funding priorities, selection criteria and other program requirements. Except for one change in § 791.22 where a phrase has been added to paragraph (a) to include, as a factor for selection, the extent to which funding an application would contribute to the provision of services to students with more than one of several enumerated characteristics, and some minor technical corrections, there are no differences between the NPRM and the final regulations.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, five parties submitted comments on the proposed regulations. One commenter fully supported the proposed regulations. An analysis of the remaining comments and of the change in the regulations since publication of the NPRM follows.

Selection Criteria—(§ 791.21)

Comment: One commenter was concerned that the selection criteria would place low priority on ensuring that projects will benefit the economically disadvantaged.

Discussion: Consistent with section 4105(b) of the Act (20 U.S.C. 3065(b)), the Secretary assures that in each fiscal year at least one-half of the applications approved contain a component designed to serve gifted and talented students who are economically disadvantaged individuals. In past competitions for this program at least ninety percent of the applications funded served economically disadvantaged populations.

Changes: None.

Comment: One commenter raised the issue that obtaining an evaluation control group, while not impossible, would pose a burden because of dire economic conditions in the writer's state. The commenter expressed concern that an applicant would be penalized for not providing an evaluation control group.

Discussion: Paragraph (f)(1)(ii)(B) of § 791.21 provides an applicant the opportunity to propose an alternative method of evaluation if the use of a control group is not feasible.

Changes: None.

Additional Factors—(§ 791.22)

Comments: Two commenters suggested that because of the special needs of deaf and hearing impaired students, a separate category and pool of funds should be established to ensure inclusion of this group.

Discussion: The Secretary recognizes that there are many students with disabilities, each with unique and specialized needs. The regulations require the Secretary to give priority to applications for projects that would serve students with disabilities, including those with hearing disabilities.

Changes: None.

Comments: Two commenters suggested that the paragraph describing students who are economically disadvantaged, limited English proficient, or disabled be revised to take into account that gifted and talented students may have a combination of these characteristics.

Discussion: The Secretary recognizes that gifted and talented students may have more than one of these characteristics.

Changes: A phrase has been added to paragraph (a) of § 791.22 to reference students with more than one of the enumerated characteristics.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States. Based on the response to the proposed rules and its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 791

Education Department, Elementary and secondary education, Gifted and talented grant programs—education, Indians—education, Institutions of higher education, Reporting and recordkeeping requirements, Local educational agencies, State educational agencies.

(Catalog of Federal Domestic Assistance Number: 84.206 Javits Gifted and Talented Students Education Grant Program)

Dated: February 25, 1992.

Lamar Alexander,

Secretary of Education.

The Secretary amends title 34 of the Code of Federal Regulations by adding a new part 791 to read as follows:

PART 791—JAVITS GIFTED AND TALENTED STUDENTS EDUCATION GRANT PROGRAM

Subpart A—General

Sec.

791.1 What is the Javits Gifted and Talented Students Education Grant Program?
791.2 Who is eligible for an award?
791.3 What activities may the Secretary fund?
791.4 What priorities may the Secretary establish?
791.5 What regulations apply?
791.6 What definitions apply?

Subpart B—Reserved

Subpart C—How Does the Secretary Make an Award?

791.20 How does the Secretary evaluate an application?
791.21 What selection criteria does the Secretary use?
791.22 What additional factors does the Secretary consider in making new awards?

Subpart D—What Conditions Must Be Met After an Award?

791.30 What are the conditions on the use of an award?
791.31 What are a grantee's responsibilities for serving students and teachers in private schools?

Authority: 20 U.S.C. 3061-3066, unless otherwise noted.

Subpart A—General

§ 791.1 What is the Javits Gifted and Talented Students Education Grant Program?

Under the Javits Gifted and Talented Students Education Grant Program, the Secretary supports activities designed to help build a nationwide capability in elementary and secondary schools to identify and meet the special education needs of gifted and talented elementary and secondary school students.

(Authority: 20 U.S.C. 3062)

§791.2 Who is eligible for an award?

The following are eligible to apply under this program:

(a) State educational agencies.

(b) Local educational agencies.

(c) Institutions of higher education.

(d) Other public agencies and private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Hawaiian native organizations).

(Authority: 20 U.S.C. 3064)

§791.3 What activities may the Secretary fund?

The Secretary may fund projects that are designed to meet the educational needs of gifted and talented elementary and secondary school students through such activities as—

(a) Pre-service or in-service training, or both, including summer institutes for teachers, administrators, counselors, and other educational personnel;

(b) Assessment and identification of gifted and talented students;

(c) Planning of gifted and talented programs;

(d) Demonstration of provision of services to gifted and talented students, which may include one or more of the following:

(1) Summer programs.

(2) Programs involving business and industry.

(3) Use of technology in instruction.

(4) Improving individualized instruction within the regular classroom.

(5) Activities to involve parents in all aspects of gifted and talented children's education.

(e) Collaboration among schools and other organizations;

(f) Development of curricula appropriate for gifted and talented students;

(g) Evaluation of established gifted and talented education programs;

(h) Technical assistance, and

(i) Dissemination.

(Authority: 20 U.S.C. 3064)

§791.4 What priorities may the Secretary establish?

Each fiscal year the Secretary may give funding priority to activities that support the Javits Gifted and Talented Program, including—

(a) One or more of the activities listed in § 791.3;

(b) One or more of the following subject areas—

(1) English, including literature;

(2) History, geography, and civics;

(3) Other subjects in the humanities, including philosophy, linguistics, archeology, and the history and theory of the arts;

(4) Social and behavioral sciences;

(5) Mathematics;

(6) Science;

(7) Computer science;

(8) Foreign languages; and

(9) Visual and performing arts; and

(c) One or more instructional levels such as elementary or secondary education.

(Authority: 20 U.S.C. 3064-3065)

§ 791.5 What regulations apply?

The following regulations apply to the Javits Gifted and Talented Students Education Grant Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), part 75 (Direct Grant Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government), part 81 (General Education Provisions Act—Enforcement), part 82 (New Restrictions on Lobbying), part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), and part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 791.

(Authority: 20 U.S.C. 3061-3066)

§ 791.6 What definitions apply?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Applications
Award
Budget period
Department
EDGAR
Equipment
Facilities
Grantee
Local educational agency (LEA)
Nonprofit
Project
Private
Public
Secretary
State educational agency (SEA)

(b) *Other definitions.* The following definitions also apply to this part:

Gifted and talented students means children and youth who—

(1) Give evidence of high performance capability in such areas as intellectual, creative, artistic, or leadership capacity or in specific academic fields; and

(2) Require services or activities not ordinarily provided by the school in order to develop those capabilities fully.

Hawaiian native means any individual whose ancestors were natives, prior to 1778, of the area that now comprises that State of Hawaii.

Hawaiian native organization means any organization recognized by the Governor of the State of Hawaii

primarily serving and representing Hawaiian natives.

Institution of higher education has the same meaning given that term in section 435(b) of the Higher Education Act of 1965, as amended.

(Authority: 20 U.S.C. 3063)

Subpart B—Reserved

Subpart C—How Does the Secretary Make an Award?

§ 791.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application according to the criteria in § 791.21.

(b) The Secretary awards up to 115 points, including a reserved 15 points distributed in accordance with paragraph (d) of this section for the criteria in § 791.21.

(c) Except for the reserved points distributed under paragraph (d) of this section, the maximum number of points for each criterion is indicated in parentheses.

(d) In a notice published in the **Federal Register**, the Secretary distributes the reserved 15 points among the criteria in § 791.21.

(Authority: 20 U.S.C. 3061–3068)

§ 791.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria to evaluate an application for a new grant under the Javits Gifted and Talented Students Education Grant Program:

(a) *Need for the project.* (15 points) The Secretary reviews each application to determine the need for the proposed project, including—

(1) The extent to which the applicant has demonstrated the magnitude of the need, including the scope and severity of the need for the project; and

(2) The extent to which the applicant has demonstrated the specific needs of the students, teachers, administrators, parents, or paraprofessionals who will participate in the project.

(b) *National significance.* (10 points) The Secretary reviews each application to determine the potential of the project to produce nationally significant results, including—

(1) The likely impact of the proposed project on nationwide issues of educational improvement;

(2) The contribution of the proposed project to building a nationwide capability to identify and meet the special educational needs of gifted and talented students; and

(3) The potential of project activities to be implemented elsewhere.

(c) *Plan of operation.* (30 points) The Secretary reviews each application to determine the quality of the design for the proposed project and the applicant's plan for carrying it out, including—

(1) The extent to which the methods, activities, and goals will meet the needs identified in a well-conceived and coherent manner;

(2) The extent to which the methods, activities, and goals will meet the needs identified in a comprehensive way;

(3) If the project will provide instruction to students, the extent to which the applicant will use techniques and methods for teaching gifted students that are appropriate to particular grade levels or subject areas;

(4) The extent to which the project is based on current and relevant research on effective educational practices; and

(5) For projects involving more than one eligible applicant, the extent to which all of the applicants were involved in the planning of the project and the extent to which the appropriate officials from each applicant have agreed to participate in the project.

(d) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(2) To determine the qualifications of personnel referred to in paragraphs (d)(1) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the project.

(e) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project;

(2) Costs, particularly equipment costs, are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which—

(1) The applicant's methods of evaluation—

(i) Are appropriate to the project;

(ii) In a project that will provide instruction to students—

(A) Compare the educational progress of students served by the project with the progress of a suitable control group; or

(B) If the applicant demonstrates that use of such a control group is not feasible, include an alternative evaluation measure that is both valid and reliable to assess the educational progress of students served by the project; and

(iii) Are likely to produce reliable, valid, and significant data; and

(2) The applicant's plan specifies the data to be collected in order to evaluate the project, including, if appropriate, socioeconomic, education, demographic, and assessment data.

(g) *Adequacy of resources.* (10 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment and supplies.

(Approved by the Office of Management and Budget under control number 1850–0635)

(Authority: 20 U.S.C. 3061–3068)

§ 791.22 What additional factors does the Secretary consider in making new awards?

In determining the order of selection for new awards—under EDGAR, 34 CFR 75.217(d)—the Secretary considers, in addition to the criteria in § 791.21, the extent to which funding an application would contribute to—

(a) The provision of services to gifted and talented students who are economically disadvantaged, are limited English proficient, or have disabling conditions, or who have any combination of these characteristics;

(b) The diversity of projects funded under this program; and

(c) The geographical distribution of projects funded under this program.

(Authority: 20 U.S.C. 3061–3068)

Subpart D—What Conditions Must Be Met After an Award?

§ 791.30 What are the conditions on the use of an award?

(a) A grantee shall use any funds received under the Javits Gifted and Talented Students Education Grant Program to supplement and make more effective the expenditure of State and local funds, and Federal funds under chapter 2 of Title I and Title II of the Elementary and Secondary Education Act of 1965, for the education of gifted and talented students.

(b) The Secretary may restrict the amount of funds used to purchase equipment and supplies.

(Authority: 20 U.S.C. 3062)

§ 791.31 What are a grantee's responsibilities for serving students and teachers in private schools?

If a project includes provision of services to students or teachers, the grantee shall provide for the equitable participation in the project of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in pre-service and in-service training programs for serving gifted and talented students.

(Authority: 20 U.S.C. 3066)

[FR Doc. 92–5852 Filed 3–12–92; 8:45 am]
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Friday
March 13, 1992

Part V

Department of Education

Javits Gifted and Talented Students Education Grant Program; Inviting Applications for New Awards for Fiscal Year (FY) 1992; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.206A]

Javits Gifted and Talented Students Education Grant Program; Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: To provide financial assistance for activities designed to help build a nationwide capability in elementary and secondary schools to identify and meet the special educational needs of gifted and talented students. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by helping to create better and more accountable schools for today's students.

Eligible Applicants: State educational agencies; local educational agencies; institutions of higher education; other public and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian Native organizations).

Deadline for Transmittal of Applications: 5/7/92.

Deadline for Intergovernmental Review: 7/7/92.

Applications Available: 3/23/92.

Available Funds: $4.8 Million.

Estimated Range of Awards: $100,000–$250,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) the regulations for this program in 34 CFR Part 791, as published in this issue of the **Federal Register**.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 791.4 the Secretary gives an absolute preference to applications that meet one or more of the following priorities. The Secretary funds under this competition only applications that meet one or more of these absolute priorities:

Absolute Priority 1—Early Childhood

Projects designed to meet the educational needs of gifted and talented elementary school students in grades K–3 through any one or more of the activities described under 34 CFR 791.3.

Absolute Priority 2—Subject Areas

Projects designed to meet the educational needs of gifted and talented elementary and secondary school students at any grade level in any one or more of the following subject areas:

(1) English, including literature; (2) History, geography and civics; (3) Mathematics; (4) Science; and (5) the Visual and performing arts.

Absolute Priority 3—In-Service and Pre-service Education

Projects designed to meet the educational needs of gifted and talented elementary and secondary school students through pre-service and in-service training, or both, including summer institutes for teachers, administrators, counselors and other educational personnel.

Selection Criteria: In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 791.21. The Secretary assigns the 15 additional points described in 34 CFR 791.20(b) as follows: 5 points will be added to National Significance; and 10 points will be added to Plan of Operation.

For Applications or Information Contact: Beverly E. Coleman, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506 C, Washington, DC 20208–5644. Telephone: (202) 219–2187. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: March 9, 1992.

Diane Ravitch,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 92–5853 Filed 3–12–92; 8:45 am]

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Friday
March 13, 1992

Part VI

Department of Education

34 CFR Parts 642 et al.

Training Program for Special Programs Staff and Leadership Personnel, Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 642, 643, 644, 645, 646 and 668

RIN 1840-AB53

Training Program for Special Programs Staff and Leadership Personnel; Talent Search, Educational Opportunity Centers, Upward Bound, and Student Support Services Programs; and Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Training Program for Special Programs Staff and Leadership Personnel; the regulations governing the Talent Search, Educational Opportunity Centers, Upward Bound, and Student Support Services programs; and the Student Assistance General Provisions regulations. These amendments conform those regulations to statutory changes in the Higher Education Act of 1965, as amended (HEA), that were made by Public Laws 100–369 and 102–73.

These regulatory amendments affect residents of and institutions located in the "Freely Associated States." These jurisdictions are the Federated States of Micronesia and the Republic of the Marshall Islands.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jerry M. Whitlock, Senior Policy Analyst, Office of Policy Development, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., room 4060, Regional Office Building 3, Washington, DC 20202–5444, Telephone: (202) 708–9069. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Public Law 102–73 made several amendments to the HEA. The amendment made by section 801(c) of Public Law 102–73 allows an otherwise eligible institution of higher education located in the "Freely Associated States" to receive TRIO Program grants (i.e., grants under the Training Program for Special Programs Staff and Leadership Personnel, and the Talent Search, Educational Opportunity Centers, Upward Bound, and Student Support Services Programs). The amendments made by section 801(a) of Public Law 102–73 allow residents of the Freely Associated States, who attend a public or nonprofit private institution of higher education located in the Freely Associated States, to receive financial aid under the Pell Grant, Supplemental Educational Opportunity Grant (SEOG) and College Work-Study (CWS) Programs. In addition, the latter section allows those residents to participate in TRIO Programs offered by such an institution. The Secretary is amending the TRIO Program regulations to conform those regulations to these statutory changes.

The Secretary is also amending the Student Assistance General Provisions regulations to conform § 668.7(a)(4)(iv) to statutory changes made by section 9 of Public Law 100–369. That section provided that residents of the Freely Associated States were eligible to receive assistance under the Pell Grant, Supplemental Educational Opportunity Grant, and College Work-Study Programs.

AMERICA 2000, the President's strategy for moving the Nation toward the National Educational Goals, seeks to create a nation of students. The amendments made by the National Literacy Act of 1991 and by Public Law 100–369 are consistent with this goal because the amendments expand the counseling, tutorial, and financial aid resources available to citizens of the Freely Associated States.

Waiver of Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, these final regulations merely conform the regulations to statutory changes. Accordingly, the Secretary finds that soliciting further public comment with respect to these regulations is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. The small entities affected by these proposed regulations are two institutions of postsecondary education in the Freely Associated States. These changes will not increase these institutions' workloads, or the costs associated with administering those title IV, HEA programs for which they are now eligible.

Assessment of Education Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

List of Subjects

34 CFR Part 642

Education, Education of disadvantaged, Education of handicapped, Grant programs—education, Training—personnel.

34 CFR Part 643

Education, Education of disadvantaged, Education of handicapped, Grant programs—education, Student aid.

34 CFR Part 644

Education, Education of disadvantaged, Grant programs—education, Student aid.

34 CFR Part 645

Education, Education of disadvantaged, Education of handicapped, Grant programs—education.

34 CFR Part 646

Bilingual education, Education, Education of disadvantaged, Education of handicapped, Government contracts, Grant programs—education.

34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Student aid.

(Catalog of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.032; Supplemental Loans for Students Program, 84.032; College Work-Study Program, 84.033; Perkins Loan Program, 84.038; Student Support Services, 84.042; Talent Search, 84.044; Upward Bound, 84.047; Pell Grant Program, 84.063; Eductional Opportunity Centers, 84.066; State Student Incentive Grant Program, 84.069; Training Program for Special Programs Staff and Leadership Personnel, 84.103; Income Contingent Loan Program, 84–226)

Dated: February 3, 1992.

Lamar Alexander,

Secretary of Education.

The Secretary amends parts 642, 643, 644, 645, 646, and 668 of title 34 of the Code of Federal Regulations as follows:

PART 642—TRAINING PROGRAM FOR SPECIAL PROGRAMS STAFF AND LEADERSHIP PERSONNEL

1. The authority citation for part 642 continues to read as follows:

Authority: 20 U.S.C. 1070d–1d, unless otherwise noted.

2. In § 642.5(b), the definition of "institution of higher education" is revised to read as follows:

§ 642.5 Definitions.

* * * * *

(b) * * *

Institution of higher education means an educational institution as defined in section 481, 1201(a), or 1204 of the Act.

(Authority: 20 U.S.C. 1088, 1141(a) and 1144a)

* * * * *

PART 643—TALENT SEARCH PROGRAM

3. The authority citation for part 643 continues to read as follows:

Authority: 20 U.S.C. 1070d–1, unless otherwise noted.

4. Section 643.3 is amended by removing "or;" after paragraph (a)(1)(iii), and by adding paragraphs (a)(1) (v) and (vi) to read as follows:

§ 643.3 Eligible project participants: General.

(a) * * *

(1)(i) * * *

(v) Is a citizen of the Republic of Palau; or

(vi) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands—and attends a public or nonprofit institution of higher education in the Freely Associated States;

* * * * *

5. In § 643.6(b), the definition of "institution of higher education" is revised to read as follows:

§ 643.6 Definitions that apply to the Talent Search Program.

* * * * *

(b) * * *

Institution of higher education means an educational institution as defined in section 481, 1201(a), or 1204 of the Act.

(Authority: 20 U.S.C. 1088, 1141(a), and 1144a)

* * * * *

PART 644—EDUCATIONAL OPPORTUNITY CENTERS PROGRAM

6. The authority citation for part 644 continues to read as follows:

Authority: 20 U.S.C. 1070d–1c, unless otherwise noted.

7. Section 644.3 is amended by removing "or;" after paragraph (a)(3), and by adding paragraphs (a) (5) and (6) to read as follows:

§ 644.3 Eligible project participants: General.

* * * * *

(a)(1) * * *

(5) Is a citizen of the Republic of Palau; or

(6) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands—and attends a public or nonprofit institution of higher education in the Freely Associated States;

* * * * *

8. In § 644.6(b), the definition of "institution of higher education" is revised to read as follows:

§ 644.6 Definitions that apply to the Educational Opportunity Center Program.

* * * * *

(b) * * *

Institution of higher education means an educational institution as defined in section 481, 1201(a), or 1204 of the Act.

(Authority: 20 U.S.C. 1088, 1141(a) and 1144a)

* * * * *

PART 645—UPWARD BOUND PROGRAM

9. The authority citation for part 645 continues to read as follows:

Authority: 20 U.S.C. 1070d–1a, unless otherwise noted.

10. Section 645.3 is amended by removing "or;" after paragraph (a)(1)(iii), and by adding paragraphs (a)(1)(v) and (vi) to read as follows:

§ 645.3 Eligible project participants: General.

(a) * * *

(1)(i) * * *

(v) Is a citizen of the Republic of Palau; or

(vi) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands—and attends a public or nonprofit institution of higher education in the Freely Associated States;

* * * * *

11. In § 645.6(b), the definition of "institution of higher education" is revised to read as follows:

§ 645.6 Definitions that apply to the Upward Bound Program.

* * * * *

(b) * * *

Institution of higher education means an educational institution as defined in section 481, 1201(a), or 1204 of the Act.

(Authority: 20 U.S.C. 1088, 1141(a) and 1144a)

* * * * *

PART 646—STUDENT SUPPORT SERVICES

12. The authority citation for part 646 continues to read as follows:

Authority: 20 U.S.C. 1070d–1b, unless otherwise noted.

13. Section 646.3 is amended by removing "or;" after paragraph (a)(3), and by adding paragraphs (a)(5) and (6) to read as follows:

§ 646.3 Eligible project participants: General.

* * * * *

(a)(1) * * *

(5) Is a citizen of the Republic of Palau; or

(6) Is a resident of the Freely Associated States—the Federated States of Micronesia or the Republic of the Marshall Islands—and attends a public or nonprofit institution of higher education in the Freely Associated States;

* * * * *

14. In § 646.6(b), the definition of "institution of higher education" is revised to read as follows:

§ 646.6 Definitions that apply to the Support Services Program.

* * * * *

(b) * * *

Institution of higher education means an educational institution as defined in section 481, 1201(a), or 1204 of the Act.

(Authority: 20 U.S.C. 1088, 1141(a), and 1144a)

* * * * *

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

15. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, and 1141, unless otherwise noted.

16. Section 668.7 is amended by revising paragraph (a)(4)(iv) and the authority citation at the end of the section to read as follows:

§ 668.7 Eligible student.

(a) * * *

(4) * * *

(iv) For purposes of the Pell Grant, SEOG, and CWS Programs—

(A) Is a resident of the Federated States of Micronesia; or

(B) Is a resident of the Republic of the Marshall Islands;

* * * * *

(Authority: 20 U.S.C. 1070a–1070c–1, 1077, 1078, 1078–1–1078–3, 1082, 1085, 1087a 1087cc, 1091, 42 U.S.C. 2753, section 9 of Pub. L. 100–369)

[FR Doc. 92–5851 Filed 3–12–92; 8:45 am]

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federal register

Friday
March 13, 1992

Part VII

Department of Education

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Projects in Science and the Humanities); Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.116K]

Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Projects in Science and the Humanities)

ACTION: Amendment of notice inviting applications for new awards for fiscal year (FY) 1992.

On September 18, 1991, the Secretary of Education published in the **Federal Register** (56 FR 47289) a notice inviting applications for FY 1992 under the Fund for the Improvement of Postsecondary Education—Special Focus Competition (Invitational Priority: Projects in Science and the Humanities). This amendment to that notice alerts potential applicants that, in the case of this competition, the Department of Education will accept applications mailed or delivered to the Department of Education (ED), the National Science Foundation (NSF), or the National Endowment for the Humanities (NEH).

The Department of Education, NSF, and NEH are collaborating to fund projects that link science, social science, and the humanities. To assist those applicants that are interested in applying to more than one of the collaborating agencies, each of the collaborating agencies has agreed to receive applications for the other two agencies.

Therefore, for the purposes of this Special Focus Competition, an application mailed or delivered to the National Endowment for the Humanities' Division of Education Programs: Projects in Science and the Humanities, or to the National Science Foundation's Division of Undergraduate Science, Engineering and Mathematics Education: Projects in Science and the Humanities, will be deemed to have been properly submitted to the Department of Education if the application meets the following criteria: (1) If mailed, the application is mailed to NEH, NSF, or ED on or before the deadline date of April 1, 1992, and shows proof of mailing in accordance with 34 CFR 75.102(d); (2) if hand delivered, the application is delivered to NEH, NSF, or ED by 4:30 p.m. (Washington, DC time) of the deadline date of April 1, 1992; (3) the application includes an appropriately signed and authorized Department of Education title page (Form ED0001, OMB No. 1840–0639, available in the Information and Application Procedures); and (4) except for an NEH or NSF mailing address or place of delivery, the application meets all other Department of Education submission requirements set forth in the Information and Application Procedures for this Special Focus Competition and in Department of Education regulations.

For Applications or Information Contact: For application materials and submission instructions, contact Brian Lekander, FIPSE, U.S. Department of Education, 400 Maryland Ave., SW., room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 708–5750. For further information about submitting applications to NSF, contact Bill Haver, USEME, room 639, National Science Foundation, 1800 G Street, NW., Washington, DC 20550. Telephone: (202) 357–7051. For further information about submitting applications to NEH, contact Susan Greenstein, National Endowment for the Humanities, Division of Education Programs, room 302, 1100 Pennsylvania Avenue, NW., Washington, DC 20506. Telephone: (202) 786–0380.

Program Authority: 20 U.S.C. 1135–1135a–3.

Dated: March 5, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92–5028 Filed 3–12–92; 8:45 am]

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federal register

Friday
March 13, 1992

Part VIII

Department of the Interior

Bureau of Land Management

43 CFR Parts 3150 and 3160

Onshore Oil and Gas Geophysical Exploration; Onshore Oil and Gas Operations; Interim Final Rule and Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3150 and 3160

[WO-610-4111-24-1A; Circular No. 2635]

RIN 1004-AC02

Onshore Oil and Gas Geophysical Exploration; Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Interim final rule.

SUMMARY: This interim final rule adds to 43 CFR part 3150 a section governing appeals of decisions and approvals relating to onshore oil and gas geophysical exploration operations to allow the decisions and approvals of an authorized officer to remain in full force and effect when an appeal is filed, unless the appellant shows sufficient justification to the Interior Board of Land Appeals (IBLA) that a stay is necessary. It similarly amends the section in part 3160 governing appeals of decisions and approvals relating to onshore oil and gas operations to allow the decision of an authorized officer to remain in full force and effect during the pendency of an appeal. Such provisions are needed to allow the IBLA to determine whether the issues involved in an appeal warrant a stay of onshore oil and gas activities and the accompanying delays and economic consequences. A proposed rule with similar provisions has been published simultaneously in this issue. The purpose of the proposed rule is to request public review and comment to aid the agency in determining whether or not to publish a subsequent and permanent final rule for these provisions, which would be effective prior to or concurrently with the expiration date of this interim final rule.

DATES: This interim final rule will be effective for a limited duration. It is effective March 13, 1992 and will expire on December 31, 1992.

ADDRESSES: Inquiries or suggestions should be sent to: Director, (140) Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Frank Lanzetta, (202) 653–2127, or Richard Hopkins (202) 653–2095.

SUPPLEMENTARY INFORMATION:

I. Background

The urgency to amend these regulations arises from an October 4, 1991, decision of the IBLA in the case, Utah Chapter of the Sierra Club, Southern Utah Wilderness Alliance, 121 IBLA 1, which was an appeal of a decision by a Bureau of Land Management (BLM) field office. The IBLA decision abruptly overturned previously well-established administrative precedents and BLM policy by allowing an appellant to render decisions regarding oil and gas operational activities temporarily ineffective without any showing that the appellant has a legally viable claim. Because of the urgency caused by this decision, BLM has good cause to dispense with the ordinary agency procedures for rulemaking.

Historically, decisions of the authorized officer concerning oil and gas activities such as Applications for Permits to Drill (APDs) were effective while the decision was pending appeal. This interim final rule is necessary to restore prior longstanding appeals procedures that have consistently been relied upon by the BLM and the public in the area of oil and gas operations under part 3160. This rule is also necessary to create appeals procedures for decisions and Notice of Intent approvals relating to exploratory activities under part 3150 so as to be consistent with the treatment of appeals from decisions made pursuant to part 3160.

The BLM has long operated its oil and gas program on the assumption that an appealed decision relating to operations for oil and gas remains in full force and effect during the pendency of the appeal unless affirmatively stayed by the IBLA. This policy was based on the BLM's understanding of 43 CFR 3165.4(c). In the Southern Utah Wilderness Alliance case, the IBLA ruled that this regulation did not apply to BLM decisions and approvals regarding operational activities, such as APDs. As a result of the decision, only operator appeals from compliance orders benefit from the full force and effect provisions of paragraph 3165.4(c). The Board held that the automatic stay provisions of 43 CFR 4.21(a) apply to appeals from BLM decisions and approvals related to all other operational activities under part 3160.

The result of the decision has caused great turmoil, not only within BLM's oil and gas program, but also within the oil and gas industry, which had come to rely on certain general timetables within which it planned its activities and financial commitments. These Federal and private plans are frustrated by the general application of § 4.21(a) to these activities. Significant potential exists for expiration of many existing leases, delays in drilling operations, decreases in revenues to the Treasury, decreases in revenue sharing with the affected States, additional strain on the industry, loss of employment opportunities, and additional and unnecessarily redundant costs to the government in re-leasing these areas. The BLM's previously well-settled practices have been relied upon by both the Federal and private sectors, and this rule, as it applies to part 3160, simply enables pre-existing expectations to continue. In addition, in order to allow exploratory decisions and approvals made under part 3150 to be handled consistently with appeals under part 3160, an appeals provision is added to part 3150.

Sixteen instances of pending appeals filed by third-party appellants in the areas of oil and gas exploration and operations currently exist. Growing numbers are expected. Without immediately remedying this disruption in government operations, the due and required execution of agency functions are unavoidably prevented while ordinary rulemaking proceeds. The Southern Utah Wilderness Alliance decision prevents BLM from meeting its mission to implement the Mineral Leasing Act, to carry out the terms of existing oil and gas leases, and to provide for multiple use of the public lands pursuant to the Federal Land Policy and Management Act. Therefore, using ordinary rulemaking procedures to restore the *status quo ante* would be impracticable.

Unless the rule is made final on an interim basis and is made effective immediately, appeals that are lacking in merit and are filed to prevent oil and gas activities from occurring on the public lands may now delay those activities for up to two years. Making this rule interim final is less disruptive to government operations and private interests than would be ordinary rulemaking procedures, since it is made to counter the disruptive effects of the October 4, 1991, decision by the IBLA. To slow the effectiveness of this rule would, therefore, be contrary to the public interest.

II. Agency Review and Public Involvement Prior to Oil and Gas Exploration and Development Operations

Many recent appeals, filed by appellants who are third parties to exploratory agreements between the BLM and operators or to lease agreements between the BLM and lessees or operators, are a result of concern for the BLM's compliance with environmental review requirements. The most effective time for such public participation in the environmental review process, however, is in the planning stage of oil and gas leasing. Beginning with the Resource Management Plan (RMP), which is an area-by-area plan for effective multiple-use of resources, public scoping meetings are conducted before any BLM planning and National Environmental Protection Agency (NEPA) documents are started. During these meetings, the BLM asks for comments from all interested and affected parties, identifies issues, and presents a schedule that will be followed during document preparation. These schedules are important because the BLM encourages and solicits public input and comment throughout the entire process. A draft document is prepared and a time period allowed for public review and comment in accordance with established regulatory requirements. Whenever a final document is prepared, public comments received on the draft document are addressed as to how the comments were accommodated or why they were not. After the proposed RMP is published, a 30-day protest period is provided. If any protest is filed, administrative review is completed before the RMP is approved. The process described above is standard before any oil and gas exploration, leasing, or operational activities are allowed to proceed.

III. 43 CFR 3150—Oil and Gas Exploration

Following completion of the planning document, BLM accepts Notices of Intent to Conduct Oil and Gas Exploration Operations in the areas open to such activities under the plan. Notices of Intent require approval from the authorized officer of BLM. Such approvals are experiencing third-party appeals. However, the existing regulations for oil and gas exploration in part 3150 are silent on the subject of appeals procedures and the effect of an appeal during pendency. Due to the silence of the regulations, it is not evident which appeals procedures apply. This rule will fill this void.

Prior to approval of oil and gas exploratory operations, such activities receive additional environmental scrutiny from the public and from the BLM. It is Department policy to encourage oil and gas exploration in an environmentally sound manner. When a specific action is proposed, such as a Notice of Intent to Conduct Oil and Gas Geophysical Exploration Operations, BLM receives the proposal and conducts several reviews. Before authorizing surface disturbing activities, the BLM conducts an environmental review of each proposed action and determines whether it conforms with the RMP provisions. If the conformance review determines that the RMP does not provide for the exploration operations or that the proposed operation cannot be modified, it is considered further through an appropriate NEPA document and/or plan amendment process. As a matter of policy, an environmental review is made of every proposed oil and gas activity involving surface disturbance. Those data collection activities which involve no surface disturbance are categorically excluded in the Department Categorical Exclusion list (516 DM 2, appendix 1.6).

The BLM must, therefore, balance the environmental review and other considerations with its mission to approve exploration in a timely manner for parties wishing to conduct it. Considerable investment of private finances is required to conduct geophysical exploration. Reasonable and timely returns are necessary on those investments in order for them to be undertaken. Prior to conducting exploration activities, large expenditures of time and money are needed for consultation with private, State, and other Federal agencies before a geophysical program can begin. Some exploration programs on BLM lands are restricted by time limitations. For example, a condition of approval may be that operations begin on a specified date and end on another date. Such limitations could be precipitated by a hunting season on the land in question, seasonal recreation restrictions, weather conditions, wildlife species habitat requirements, or other protective measures of other resource values, which are identified in the BLM planning and NEPA documents. In some areas there is very little time to complete exploration because of such timing limitations. Therefore, it is in the public interest and the operators' interests to complete an exploration program in accordance with BLM plan provisions. As stated above, without the added appeals provision in part 3150, appeals from approving decisions in the area of oil and gas exploration would be stayed pending the appeal. An automatic stay could cause seasonal windows of opportunity to be missed. This has great potential for economic hardship on operators who are trying in good faith to meet their responsibilities for environmental protection while at the same time remaining competitive in private enterprise. Therefore, the appeals language is added to part 3150 in this rule.

IV. 43 CFR 3160—Oil and Gas Operations

As to the oil and gas operations regulations found in part 3160, the existing regulations at 43 CFR 3165.4(c) provide that appeals of decisions of the authorized officer are to be handled under 43 CFR part 4, which provides in § 4.21(a) that an appeal stays the decision of the authorized officer until a decision is issued by the IBLA. Part 4 provides for a lifting of the stay if the IBLA or the Director of the Office of Hearing and Appeals determines that the effectiveness of the decision would be in the public interest. Subsection 3165.4(c) creates a clear exception for operator appeals of BLM compliance requirements, allowing compliance orders to remain in full force and effect. However, the topic of the effect of appeals by third parties is not addressed in the rule. That void will be filled by this rule.

The environmental review for oil and gas operations and the BLM's permit approval process under the regulations at 43 CFR 3162.3–1 and 3162.5–1 are designed to identify and fully address all concerns over proposed operations, to determine whether the proposed operations will be approved, and to require adequate environmental and public health and safety protective measures by the operator. It is unlikely that there would be any unidentified significant potential impacts raised in an appeal that would have not already been assessed and mitigated by the time a proposal is approved. The lessees and operators have, in good faith, properly applied to the BLM under part 3160 for approval to conduct operational activities. However, after their application proceeds through required public notification and comment period, and compliance with NEPA by the BLM, an appeal by any party opposed to the action may prevent the operators from acting on the BLM's approval. Under the current regulation, any approved activities are required to be discontinued upon the filing of any appeal, regardless of the merit of the appeal. For the stated reasons, the appeals procedures for part 3160 are amended by this rule.

V. Effect on Third-Party Appellants

The IBLA has affirmed on numerous BLM's determinations that its proposed actions will not have a significant impact on the quality of the human environment. On December 31, 1991, in an expedited review, the IBLA affirmed BLM's Record of Decision and Finding of No Significant Impact in the Southern

Utah Wilderness Alliance case, 122 IBLA 6. The requirements for coordination, public input, and environmental documentation will continue to be followed by the BLM, and therefore, this change in the regulations places some reasonable responsibilities on appellants without taking away any substantive appeal rights.

This change in the regulations places a burden on the appellant to show clearly why a stay of approved exploratory or operational activities is warranted. Parties pursuing appeals may obtain a stay of the BLM decision from the IBLA upon a showing of sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) whether the public interest favors granting the stay.

VI. Conclusion and Determinations

In conclusion, for the reasons stated above, we find that notice of proposed rulemaking and delay in the effective date would be impracticable and contrary to the public interest. Accordingly, such notice and delay are not required under 5 U.S.C. 553 (b) and (d).

Elsewhere in this issue of the **Federal Register** is published a proposed rule containing provisions identical to those in this proposed rule, but which allows a 30 day public comment period.

The principal authors of this interim final rule are Frank Lanzetta, Division of Fluid Mineral Lease and Reservoir Management, and Richard Hopkins, Division of Fluid Mineral Leasing, assisted by the staff of the Division of Legislation and Regulatory Management, BLM.

It is hereby determined that this interim final rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this rule would have no impact on any physical attributes of the public lands or any environmental resource values. By the time of the lodging of an appeal, under standard BLM procedures an environmental review and analysis will have been performed on the activity that is the subject matter of the appeal. Therefore, no additional environmental analysis is needed merely because this rule would change the effect of the pendency of an appeal.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule. A major rule is any regulation that is likely to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Expenses currently being incurred by geophysical exploration operators or lessees/operators for Federal lease operations will not increase. There are no expected increases in costs or prices for consumers. Costs may actually decline because of a possible decrease in the number of appeals. There would be no need for increase in Federal, State, or local agency budgets or personnel requirements to implement this rule. The gross annual effect on the United States economy is not likely to approach $100 million. Further, for the same reasons, and because the effect of the rule is to restore to small entities the authority to act that had been granted by the BLM, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that it will not have a significant economic impact on a substantial number of small entities.

The Department certifies that this interim final rule does not represent a governmental action capable of interference with constitutionally protected property rights. It does not infringe any private property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects

43 CFR Part 3150

Oil and gas exploration; Public lands—mineral resources.

43 CFR Part 3160

Environmental protection, oil and gas resources, Government contracts, Public lands—mineral resources, Reporting and recordkeeping requirements.

For reasons stated in the preamble, and under the authorities stated below, parts 3150 and 3160 of Group 3100, subchapter C, chapter II, subtitle B, of title 43 of the Code of Federal Regulations are proposed to be amended as follows:

PART 3150—ONSHORE OIL AND GAS GEOPHYSICAL EXPLORATION [AMENDED]

1. The authority citation for part 3150 is revised to read as follows:

Authority: 30 U.S.C. 181 *et seq.*, 30 U.S.C. 351–359, 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 3101 *et seq.*, 31 U.S.C. 483a, 42 U.S.C. 6504, 42 U.S.C. 6508.

2. Section 3150.2 is added to read as follows:

§ 3150.2 Appeals.

(a) A party adversely affected by a decision or approval of the authorized officer may appeal that decision to the Interior Board of Land Appeals as set forth in part 4 of this title.

(b) All decisions and approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph. The provisions of 43 CFR 4.21(a) shall not apply to any decision or approval of the authorized officer under this subpart. A petition for a stay of a decision or approval of the authorized officer shall be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, Department of the Interior, and shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) whether the public interest favors granting the stay.

PART 3160—OIL AND GAS OPERATIONS [AMENDED]

3. The authority citation for 43 CFR part 3160 continues to read as follows:

Authority: 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351–359; 30 U.S.C. 301–306; 25 U.S.C. 396; 25 U.S.C. 396a–396g; 25 U.S.C. 397; 25 U.S.C. 398; 25 U.S.C. 398a–398e; 25 U.S.C. 399; 43 U.S.C. 1457, see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); 40 U.S.C. 471 *et seq.*; 42 U.S.C. 4321 *et seq.*; 42 U.S.C. 6508; Pub. L. 97–78; 30 U.S.C. 1701 *et seq.*; and 25 U.S.C. 2102.

4. Section 3165.4 is amended by redesignating paragraphs (c), (d), and (e) as (d), (e), and (f), respectively, and adding a new paragraph (c) to read as follows:

§ 3165.4 Appeals.

(a) * * *

* * * * *

(c) *Effect of an appeal on an approved decision by the authorized officer.* All decisions and approvals of the authorized officer under this part shall remain effective pending appeal to the Interior Board of Land Appeals unless the Interior Board of Land Appeals determines otherwise upon consideration of the public interest. The provisions of 43 CFR 4.21(a) shall not apply to any decision or approval of the authorized officer under this subpart. A petition for a stay of a decision or approval of the authorized officer shall be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, Department of the Interior, and shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) whether the public interest favors granting stay.

Dated: January 28, 1992.

Richard Roldan,

Acting Assistant Secretary of the Interior.

[FR Doc. 92–5968 Filed 3–12–92; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3150 and 3160

[WO-610-4111-24-1A]

RIN 1004-AC02

Onshore Oil and Gas Geophysical Exploration; Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add to 43 CFR part 3150 a section governing appeals of decisions and approvals relating to onshore oil and gas geophysical exploration operations to allow an authorized officer's decision or approval to remain in effect when an appeal is filed, unless the appellant convinces the Interior Board of Land Appeals (IBLA) that a stay is necessary. It would also amend the section in part 3160 governing appeals of decisions relating to onshore oil and gas operations to allow an authorized officer's decision to remain in effect during the pendency of an appeal. Such provisions are needed to allow the IBLA to determine whether the issues involved in an appeal warrant a stay of onshore oil and gas activities and the accompanying delays and economic consequences. An interim final rule with similar provisions has been published in this issue also. That interim final rule will expire on December 31, 1992.

DATES: Comments should be submitted by April 13, 1992.

ADDRESSES: Comments should be sent to: Director, (140) Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street, NW., Washington, DC 20240. Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sie Ling Chiang, (202) 653-2127.

SUPPLEMENTARY INFORMATION: It is Department policy to encourage oil and gas exploration in an environmentally sound manner. The Bureau of Land Management (BLM) has the responsibility to approve operations in a timely manner for parties wishing to conduct exploration. Considerable investment of private finances is required to conduct geophysical exploration operations. Reasonable and timely returns are necessary on these investments for them to be profitable. Prior to conducting exploration operations, large expenditures of time and money are needed for negotiations with private, State, and other Federal agencies before a geophysical program can begin. Some exploration programs on BLM lands are restricted by time limitations. For example, a Condition of Approval (COA) may be that operations begin on a certain specified date and end on another specified date. These conditions could be due to a hunting season, recreation seasonal restrictions, wildlife species habitat requirements, weather conditions, or other circumstances or protection of other resource values, which are all identified in the BLM planning and assorted National Environmental Policy Act (NEPA) documents. In some areas there is very little time to complete operations because of timing limitations; therefore, it is in the public interest and the operators' interest to complete an exploration program in conformance with BLM plan provisions. An automatic stay resulting from an appeal could cause a work season to be missed. This has great potential to cause economic hardship on operators who are trying in good faith to meet their responsibilities for environmental protection and remain competitive in private enterprise.

The existing regulations governing onshore oil and gas operations are silent on the subject of filing of an appeal by any parties other than the operator. The current oil and gas regulations at 43 CFR 3165.4 provide that appeals of decisions of the authorized officer are handled under 43 CFR 4.21 General Provisions. Part 4 provides that an appeal stays the decision of the authorized officer until a decision is issued by the IBLA, whether the appeal has merit or not. Such stays can have and have had serious financial impacts on operators, by making it difficult or impossible for them to meet rigid deadlines to begin oil and gas operations. Delays in beginning drilling and other operations caused by stays due to appeals typically result in a significant economic impact. The IBLA routinely takes 9 months or longer to decide appeals, and even expedited reviews by IBLA can take 6 months or longer. Delay or cancellation of operations may reduce or eliminate royalty income to the Federal Government and States. Recent and current world events make it more imperative than ever that the United States develop domestic oil and gas resources in an acceptable manner to reduce its reliance on foreign oil.

Decisions by the BLM authorized officer to approve an operational proposal are required to conform to the planning documents, including the associated NEPA analysis. Before any BLM planning and NEPA documents are started, public scoping meetings are conducted as a part of the resource management planning process. During these meetings, the BLM asks for comments from all interested and affected parties, identifies issues, and presents a schedule that will be followed during document preparation. These schedules are important because the BLM encourages and solicits public input and comment throughout the entire process. A draft document is prepared and a time period allowed for public review and comment in accordance with established regulatory requirements. Whenever a final document is prepared, public comments received on the draft document are addressed as to how the comments were accommodated or why they were not. After the proposed resource management plan (RMP) is published, a 30-day protest period is provided. If any protest is filed, administrative review is completed before the RMP is approved.

When a specific action is proposed, such as a Notice of Intent to Conduct Geophysical Exploration, BLM receives the proposal and conducts several reviews. Before authorizing surface disturbing activities, the BLM conducts an environmental review of each proposed action and determines its conformance with RMP provisions. If the conformance review determines that the RMP does not provide for the exploration operations or that the proposed operation cannot be modified, it is considered further through an appropriate NEPA document and/or plan amendment process. An environmental review is made of every proposed action involving surface disturbance. Those data collection activities that involve no surface disturbance are categorically excluded in the Department Categorical Exclusion list (516 DM 2, appendix 1.6).

Similar circumstances apply to operations of onshore oil and gas lessees and operators. These operators have, in good faith, properly applied to the BLM under the regulations for approval to conduct activities. However, after their application proceeds through required public participation, and compliance with NEPA by the BLM, an appeal by any party opposed to the action may prevent the operators from acting on BLM's approval. The current regulations clearly address the effect of an appeal on operators' compliance requirements, but do not specify the effect of an appeal by a third party. In the absence of clear language in 43 CFR 3165.4 for an authorized officer's decision to remain effective pending

appeal to the IBLA, 43 CFR 4.21(a) will apply, so that any appeal properly filed will stay the approval or decision of the authorized officer.

The BLM's permit approval process under the regulations at 43 CFR 3162.3-1 is designed to identify and fully address all concerns over proposed operations, to determine whether the proposed operations will be approved, and to require adequate environmental and public health and safety protective measures by the operator. It is unlikely that there would be any unidentified significant potential impacts raised in an appeal that would have not already been assessed and mitigated by the time a proposal is approved.

The rule would add an Appeals section to the regulations in 43 CFR 3150, providing that all decisions and approvals of the authorized officer relating to geophysical exploration shall remain in full force and effect if appealed. It would also amend the Appeals section at 43 CFR 3165.4 to make it clear that a decision or permit approval by the authorized officer as to oil and gas operations remains in full force and effect during the pendency of an appeal by a third party. Both would allow decision approvals to be stayed upon a determination by the IBLA that a stay is warranted, and would state how petitions for stay of decisions may be filed. The rule would provide the IBLA the opportunity to determine whether the issue raised in an appeal and the potential for significant environmental or public health and safety impact, warrant a stay of an approval or decision until IBLA rules on the appeal. The BLM proposes these amendments to the regulations in order to simplify the appeal process. This proposed rule would not take away any substantive right of appeal that currently exists. It would require the appellant to be responsible for filing a petition for a stay pending appeal if the appellant desires a stay.

The IBLA has affirmed on numerous occasions BLM's determinations that its proposed actions will not have a significant impact on the quality of the human environment. The requirements for coordinations, public imput, and environmental documetation will continue to be followed by the BLM, and therefore, this proposed change in the regulations would place some reasonable responsibilities on appellants without taking away any substantive appeal rights that presently exist.

This proposed change in the regulations would place a burden on the appellant to show clearly why a stay of approved exploratory and operational activities is warranted. The proposed change in regulations would not remove any substantive appeal rights that currently exist. However, a stay of operations would only be allowed when appellant could justify the need for a stay to the IBLA.

Elsewhere in this issue of the **Federal Register** is published an interim final rule containing provisions identical to those in this proposed rule, but which is effective immediatley and will expire on December 31, 1992. The reasons for adopting that interim final rule are explained in the supplementary information accompanying the rule. The experience gained during the period that the interim final rule is in effect should also help the public and the BLM to evaluate whether the proposed amendments should be adoped as permanent changes to the oil and gas regulations.

The principal authors of this proposed rule are Frank Lanzetta, Divison of Fluid Mineral Lease and Reservoir Management, and Richard Hopkins, Division of Fluid Mineral Leasing, assisted by the staff of the Division of Legislation and Regulatory Management.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this proposed rule would have no impact on any physical attributes of the public lands or any environmental resource values. By the time of the lodging of an appeal, under standard BLM procedures an environmental review and analysis will have been performed on the activity that is the subject of the appeal. Therefore, no additional environmental analysis is needed merely because the proposed rule would change the effect of the pendency of an appeal.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule. A major rule is any regulation that is likely to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, innovation, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Expenses currently being incurred by geophysical exploration operators or lessees/operators of Federal leases will not increase. There are no expected increases in costs or prices for consumers. Costs may actually decline because of a possible decrease in the number of appeals. There would be no need for increase in Federal, State, or local agency budgets or personnel requirements to implement this rule. The gross annual effect on the United States economy is not likely to approach $100 million. Further, for the same reasons, and because the effect of the rule is to restore to small entities the authority to act that had been granted by the BLM, the Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that it will not have a significant economic impact on a substantial number of small entities.

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. It would not infringe any private property rights. Therefore, as required by Executive Order 12630, the Department of the Interior has determined that the rule would not cause a taking of private property.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects

43 CFR Part 3150

Oil and gas exploration; Public lands—mineral resources.

43 CFR Part 3160

Environmental protection, oil and gas resources, Government contracts, Public lands-mineral resources, Reporting and recordkeeping requirements.

For reasons stated in the preamble, and under the authorities stated below, parts 3150 and 3160 of Group 3100, subchapter C, chapter II, subtitle B, of title 43 of the Code of Federal Regulations are proposed to be amended as follows:

PART 3150—ONSHORE OIL AND GAS GEOPHYSICAL EXPLORATION [AMENDED]

1. The authority citation for part 3150 is revised to read as follows:

Authority: 30 U.S.C. 181 *et seq.*, 30 U.S.C. 351-359, 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 3101 *et seq.*, 31 U.S.C. 483a, 42 U.S.C. 6504, 42 U.S.C. 6508.

2. Section 3150.2 is added to read as follows:

§ 3150.2 Appeals.

(a) A party adversely affected by a decision or approval of the authorized officer may appeal that decision to the Interior Board of Land Appeals as set forth in part 4 of this title.

(b) All decisions and approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph. The provisions of 43 CFR 4.21(a) shall not apply to any decision or approval of the authorized officer under this subpart. A petition for a stay of a decision or approval of the authorized officer shall be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, Department of the Interior, and shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) whether the public interest favors granting the stay.

PART 3160—OIL AND GAS OPERATIONS [AMENDED]

3. The Authority Citation for 43 CFR part 3160 continues to read as follows:

Authority: 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351–359; 30 U.S.C. 301–306; 25 U.S.C. 396; 25 U.S.C. 396a–396g; 25 U.S.C. 397; 25 U.S.C. 398; 25 U.S.C. 398a–398e; 25 U.S.C. 399; 43 U.S.C. 1457, see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); 30 U.S.C. 471 *et seq.*; 42 U.S.C. 4321 *et seq.*; 42 U.S.C. 6508; Pub. L. 97–78; 30 U.S.C. 1701 *et seq.*; and 25 U.S.C. 2102.

4. Section 3165.4 is amended by redesignating paragraphs (c), (d), and (e) as (d), (e), and (f), respectively, and by adding a new paragraph (c) to read as follows:

§ 3165.4 Appeals.

(a) * * *

* * * * * *

(c) *Effect of an appeal on an approval/decision by the authorized officer.* All decisions or approvals of the authorized officer under this part shall remain effective pending appeal unless the Interior Board of Land Appeals determines otherwise upon consideration of the standards stated in this paragraph. The provisions of 43 CFR 4.21(a) shall not apply to any decision or approval of the authorized officer under this subpart. A petition for a stay of a decision or approval of the authorized officer shall be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, Department of the Interior, and shall show sufficient justification based on the following standards: (1) The relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of irreparable harm to the appellant or resources if the stay is not granted, and (4) whether the public interest favors granting the stay.

Dated: January 28, 1992.

Richard Roldan,

Acting Assistant Secretary of the Interior.

[FR Doc. 92–5947 Filed 3–12–92; 8:45 am]

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federal register

Friday
March 13, 1992

Part IX

Department of Health and Human Services

Administration for Children and Families

Office of Community Services; Request for Applications Under the Office of Community Services' Fiscal Year 1992 Community Food and Nutrition Program; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS 92-2]

Office of Community Services; Request for Applications Under the Office of Community Services' Fiscal Year 1992 Community Food and Nutrition Program

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications under the Office of Community Services' Community Food and Nutrition Program.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under section 681A of the Community Services Block Grant Act of 1981 as amended. This Program Announcement contains forms and instructions for submitting an application. Grants made under this program announcement are subject to the availability of funds for support of these activities.

CLOSING DATE: The closing date for submission of applications is June 11, 1992.

CONTACT: Office of Community Services, Division of Community Discretionary Programs, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 401-9345.

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Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act as amended authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits targeted to low-income people. This Program Announcement covers the grant authority found at section 681A, Community Food and Nutrition, which authorizes the Secretary to make funds available for grants to be awarded on a competitive basis to eligible entities for local and statewide programs (1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income communities; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and (3) to develop innovative approaches at the State and local levels to meet the nutrition needs of low-income people.

The act also requires that 20 percent of appropriated funds in excess of $6 million be awarded on a competitive basis to eligible agencies for nationwide programs, including programs benefitting Native Americans and Migrant Farmworkers.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

—Displaced worker: An individual who is in the labor market but has been unemployed for six months or longer.

—Indian tribe: A tribe, band, or other organized group of native American Indians recognized in the State or States in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

—Innovative project: One that departs from or significantly modifies past program practices and tests a new approach.

—Migrant farmworker: An individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of permanent residence in order to secure such employment.

—Seasonal farmworker: Any individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her place of permanent residence while employed.

—Underserved area (as it pertains to child nutrition programs): A locality in which less than one-half of the low-income children eligible for assistance participate in any child nutrition program.

—Budget Period: The term "budget period" refers to the interval of time into which a grant period of assistance (project period) is divided for budgetary and funding purposes.

—Eligible Entity: States and other public and private non-profit agencies/organizations including agencies which administer nationwide programs, and which have complied with all the terms of previous OCS and Federal government grants.

—Project Period: The term "project period" refers to the total time a project is approved for support, including any approved extensions.

—Self-Sufficiency: A condition where an individual or family does not need and is not eligible for public assistance.

Part B—Application Prerequisites

1. Eligible Applicants

Eligible applicants are States, public and private non-profit agencies/organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above. OCS encourages Historically Black Colleges and Universities to submit applications. In addition, applications for the set-aside must be either: (1) Indian tribes, (2) private non-profit groups whose governing board is comprised of a majority of Indians and whose primary purpose is serving Indian populations, or (3) groups whose sole purpose is serving migrant and seasonal farmworker populations.

Proof of non-profit status must be included in the Appendices of the Project Narrative where applicable.

2. Availability of Funds and Grant Amounts

a. FY 92 Funding

The funds available for grant awards under the CFN Program in FY 92 are;
General Projects—$2,400,000
Set-Asides—$400,000
Nationwide Programs—$200,000

b. *Grants Amounts*

No individual grant request will be considered for an amount which is in excess of $50,000, (except for Nationwide Programs).

c. *Mobilization of Resources*

OCS would like to mobilize as many resources as possible to enhance projects funded under this program. Proposals submitted by applicants whose programs will leverage other resources, either cash or third party in-kind, will be looked upon favorably and will be eligible to receive additional points in the competitive review process.

3. Project Periods and Budget Periods

For most projects OCS will grant funds for one year. However, in rare instances, depending on the characteristics of any individual project and on the justification presented by the applicant in its proposal, a grant may be made for a period of up to 17 months.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program.

OCS accepts approved indirect cost rates as allowable costs. Applicants should enclose a copy of the current approved rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this announcement must result in direct benefits targeted toward low-income people as defined in the most recent Annual Update of Poverty Income Guidelines published by DHHS.

Attachment A to this announcement is an excerpt from the most recently published guidelines. Annual revisions of these guidelines are normally published in the Federal Register in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent guidelines throughout the project period. The Federal Register may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

No other government agency or privately defined poverty guidelines are applicable to the determination of low income eligibility for this OCS program.

6. Number of Projects in Application

An application may contain only one project and this project must address the basic criteria found in Part C. Applications which are not in compliance with these requirements will be ineligible for funding.

7. Multiple Submittals

There is no limit to the number of applications that can be submitted as long as each application contains a proposal for a different project. However, no agency proposing to administer statewide or local projects may receive funds under this program in excess of $50,000.

8. Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the eligible applicant is primarily to serve as a conduit for funds to other organizations.

9. Previous Performance

An applicant must have fulfilled completely the terms and conditions of previous grants from OCS and Federal agencies, except grants which are within their initial project period. Applications which are not in compliance with these requirements will be ineligible for funding.

Part C—Purpose

The Department of Health and Human Services is committed to improving the health and well-being of individuals through improved preventive health care and promotion of personal responsibility. The Department seeks to unify the approach to health promotion and disease prevention activities with personal messages aimed at families and communities, in various settings and environments in which individuals and groups can most effectively be reached.

The Department is specifically interested in improving the health status of minority and low-income persons. HHS encourages community efforts to improve the coordination and integration of health services for all low-income families, and to identify opportunities for integrating other programs and services for this population.

1. Project Requirements

Projects funded under this program should:

a. Be designed and intended to provide nutrition benefits, including those which incorporate the benefits of disease prevention, to a targeted low-income group of people;

b. Provide outreach or public education to inform low-income individuals and displaced workers of the services available to them under the various Federally-assisted nutrition programs;

c. Focus on one or more legislatively mandated program activities:

(1) Coordination of existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations; (2) assistance to low-income communities in identifying potential sponsors of child nutrition programs and initiating new programs in underserved or unserved areas; and (3) development of innovative approaches at the national, state or local levels to meet the nutrition needs of low-income people.

2. Project Elements

Projects must: Focus on one or more of the legislatively mandated program activities in the above—Part C.

3. General Projects

The application should include a description of the target area and population to be served as well as a discussion of the nature and extent of the problem to be solved. The application must contain a detailed and specific work program that is both sound and feasible. Projects funded under this announcement must produce permanent and measurable results that fulfill the purposes of this program as described in the above Part C. The OCS grant funds, in combination with private and/or other public resources, must be targeted to low-income individuals and communities.

Applicants will certify in their submission that projects will only serve the low-income population as stipulated in the DHHS Poverty Income Guidelines (Attachment A). If an applicant is proposing a project which will affect a property listed in or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has

complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, applicant should consult with the State Historic Preservation Officer. The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to the Department of Health and Human Services. Failure to comply with the cited Act may result in the application being ineligible for consideration for funding.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, in the case of projects providing direct assistance to beneficiaries through grants funded under this program, beneficiaries must fall within the official DHHS Poverty Income Guidelines as set forth in Attachment A.

Submissions which propose the use of grant funds for the development of any printed or visual materials must contain convincing evidence that these materials are not available from other sources. OCS will not provide funding for such items if justification is not sufficient. Any films or visual presentations approved for development under the grant must be submitted to the Office of Community Services for clearance by the Department of Health and Human Services prior to dissemination. In cases where material outlays for equipment (audio and visual) are requested, specific evidence must be presented that there is a definite programmatic connection between the equipment (audio and visual) usage and the outreach requirements described in part C (1)(b) of the announcement.

OCS also is interested in projects that address the needs of homeless families, welfare families in public housing, low-income and minority health initiatives.

OCS welcomes project proposals which seek to develop innovative approaches to promote health particularly among low-income and minority populations. These proposals should have as their goals the reduction of incidences of premature death and chronic disease among these populations.

4. Set-Asides

In recognition of the special needs of Indians and Migrant and Seasonal Farmworkers, a set-aside will be established to afford priority consideration to proposals submitted by agencies serving these populations.

Applications which are not funded within this limited set-aside will also be considered competitively within the larger pool of eligible applicants.

See part D, section 2, (Criterion II) for special instructions on developing a work program.

5. Nationwide Programs

Projects funded must be nationwide in scope and must meet the requirements of part C.3 (General Projects).

Part D—Review Criteria

Applications which pass the initial screening and prerating review (See part F, section 5) will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in the Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements as described in part F.

Applicants should write their project narrative to the review criteria using the same sequential order.

(Note: The following review criteria reiterate collection of information requirements contained in part D of this announcement. These requirements are approved under OMB Control Number 0970–0062.)

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

1. Criterion I: Analysis of Needs/ Priorities (Maximum: 13 points)

(a) Target area and population to be served are adequately described (0–5 points).

In addressing the above criterion, the application should include the following: The applicant should include a description of the target area and population to be served including specific details on the minority population(s).

(b) Nature and extent of problem are adequately described and documented (0–8 points).

In addressing the above criterion, the applicant should include the following: Applicant should discuss the nature and extent of the problem including specific information on minority population(s).

2. Criterion II: Adequacy of Work Program (Maximum: 15 points).

(a) Set forth realistic quarterly time targets by which the various work tasks will be completed (0–7 points).

(b) Activities are adequately described and appropriately related to goals (0–8 points).

In addressing the above criterion, the applicant should include the following: The application should address the basic criteria and legislatively-mandated activities found in Part C (1.c) and should include:

(a) Project priorities and rationale for selecting them;

(b) Goals and objectives; and

(c) Project activities.

3. Criterion III: Significant and Beneficial Impact (Maximum 38 points).

(a) Applicant proposes to significantly improve or increase nutrition services to low-income people and such improvements or increases are quantified. (0–12 points).

(b) Project incorporates minority low-income health prevention activities along with nutritional services (0–8 points).

(c) Project will significantly leverage or mobilize other community resources and such resources are detailed and quantified (0–6 points).

(d) Project builds on an existing outreach activity (0–5 points).

(e) Proposal addresses a problem which can be resolved by one-time OCS funding or demonstrates that non-Federal funding is available to continue the project without Federal support (0–7 points).

Quantitative data must be provided with regard to items (a), (b), (c), and (d).

4. Criterion IV: Coordination/Services Integration (Maximum 15 points).

Proposal addresses applicant's understanding of the importance of improving the integration, coordination, and continuity of various HHS-funded services potentially available to families with children living in poverty, and the difficulty of undertaking collaborative efforts between organizations.

In addressing the above criterion, the applicant should include the following: Strategies should be identified which support coordinated community-based planning, maximize the efficient and effective use of scarce resources, reduce duplicative overhead, improve accountability, and result in measurable outcomes.

If the applicant is receiving funds from the State for community food and nutrition activities, the applicant should address how the funds are being utilized. If State funds are being used in the project for which OCS funds are being requested, their usage should be specifically described.

5. Criterion V: Organization Experience in Program Area and Staff Responsibilities (Maximum 12 points).

(a) Organization experience in program area (0–4 points).

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. Organizations which propose providing training and technical assistance have detailed competence in the specific program priority area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(b) Management History (0–4 points).

Applicants must fully detail their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also detail that they have consistently complied with financial and program progress reporting and audit requirements. Applicants should submit any available documentation on their management practices and progress reporting procedures along with a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(c) Staffing skills, Resources and Responsibilities (0–4 points).

The application describes in brief resume form the experience and skills of the proposed project director showing that the individual is not only well qualified, but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description which indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project.

The application must indicate that the applicant has adequate facilities and resources (i.e. space and equipment) to successfully carry out the work plan.

In addressing the above criterion, the applicant should include the following: The applicant must fully describe the experience and skills of the proposed project director showing that the individual is not only well qualified but that his/her professional capabilities are relevant to the successful implementation of the project. It must clearly show that sufficient time of the Project Director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

6. Criterion VI: Adequacy of Budget (Maximum: 7 points).

(a) Budget is adequate and administrative costs are appropriate in relation to the services proposed (0–7 points).

In addressing the above criterion, the applicant should include the following: The applicant should describe how the project will continue after the completion of the grant, including what funds will be available for its continuation.

Part E—Additional Instructions for Completing Application Package

(Approved by the OMB under Control Number 0970–0062)

The standard forms attached to this announcement shall be used when submitting applications for all funds under this announcement.

It is recommended that the applicant reproduce the SF–424 (Attachment B), SF–424A (Attachment C), and SF–424B (Attachment D), and that the application be typed on the copies. If an item on the SF–424 cannot be answered or does not appear to be related or relevant to the assistance requested, the applicant should write "NA" for "Not Applicable."

The application should be prepared in accordance with the standard instructions in Attachments B and C corresponding to the forms, as well as the OCS specific instructions set forth below:

1. SF–424 "Application for Federal Assistance"

Item

1. For the purposes of this announcement, all projects are considered "Applications"; there are no "Pre-Applications."

5/6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (CRS/EIN) and the Payment Identifying Number, if one has been assigned, in the Block entitled "Federal Identifier" located at the top right hand corner of the form.

7. If the applicant is a non-profit corporation, enter "N" in the box and specify "non-profit corporation" in the space marked "Other." Proof of non-profit status such as IRS determination, Articles of Incorporation, or by-laws, must be included as an appendix to the project narrative.

8. For the purposes of this announcement, all applications are "New".

9. Enter "DHHS–ACF/OCS".

10. The Catalog of Federal Domestic Assistance number for the OCS program covered under this announcement is [ ].

The title is "Community Services Block Grant Discretionary Awards—Community Food and Nutrition Program." 15a. For purposes of this Announcement, this amount should reflect the amount requested for the entire project period. 15b–e. These items should reflect both cash and third party in-kind contributions for the total project period.

2. SF–424A—"Budget Information-Non-Construction Programs"

See Instructions accompanying this page as well as the instructions set forth below:

In completing these sections, the "Federal Funds" budget entries will relate to the requestd OCS Community Food and Nutrition Program funds only, and "Non-Federal" will include mobilized funds from all other sources—applicants, state, and other. Federal funds other than those requested from the Community Food and Nutrition Program should be included in "Non-Federal" entries.

Sections A and D of SF–424A must contain entries for both Federal (OSC) and non-Federal (mobilized funds).

Section A—Budget Summary

Line 1–4
Col. (a):
Line 1 Enter "OCS Community Food and Nutrition Program";
Col. (b):
Line 1 Enter "93.033".
Col. (c) and (d): Not applicable
Col. (e)–(g)

For each line 1–4, enter in columns (e), (f) and (g) the appropriate amounts needed to support the project for the entire project period.

Line 5 Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column #1. If the budget/project period exceeds twelve (12) months, applicant should submit additional copies of SF–424A to

document the appropriate number of budget/project quarters for the specific budget project period.

Allowability of costs are governed by applicable cost principles set forth in 45 CFR parts 74 and 92.

A separate itemized budget justification should be included to explain fully and justify major items, as indicated below. The budget justification should immediately follow the Table of Contents.

Column 5: Enter total requirements for Federal funds by the Object Class Categories of this section.

Personnel—Line 6a: Enter the total costs of salaries and wages.

Justification. Identify the project director. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on line 6j.

Justification. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Travel—Line 6c. Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification. Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d: Enter the total costs of all non-expendable personal property to be acquired by the project. "Non-expendable personal property", for purposes of non-governmental entities, means tangible personal property having a useful life of more than two years and an acquisition cost per unit of $500. "Non-expendable personal property", for purposes of governmental entities, means tangible personal property having a useful life of more than one year and an acquisition value of $5,000 or more.

Justification. Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible personal property (surplus) other than that included on line 6d.

Other—Line 6h. Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (noncontractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Indirect Charges—Line 6j: Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or other Federal agencies. With the exception of local governments, applicants should enclose a copy of the current approved rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent DHHS Guide for Establishing Indirect Cost Rates, and submit it to the appropriate DHHS Regional Office.

It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not be also charged as direct costs to the grant.

The total amount shown in Section B, Column (5), Line 6k, should be the same as the amount shown in Section A, Line 5, Column (e).

Program Income—Line 7: Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Column 5: Carry totals from Column 1 to Column 5 for all line items.

Justification. Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of "Non-Federal" resources that will be used to support the project. "Non-Federal" resources mean other than OCS funds for which the applicant is applying. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See section B.6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8:
Col. (a) Enter the project title.
Col. (b) Enter the amount of cash or donations to be made by the applicant.
Col. (c) Enter the State contribution.
Col. (d) Enter the amount of cash and in-kind contributions to be made from all other sources.
Col. (e) Enter the total of columns (b), (c), and (d).
Lines 9, 10, and 11 should be left blank.
Line 12: Carry the total of each column of Line 8, (b) through (e).

The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification—Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13—Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the first 12 month budget period.
Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.
Line 15—Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21—Include narrative justification required under Section B for each object class category for the total project period.
Line 22—Enter the type of HHS or other Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services.
Line 23—Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. SF–424B "Assurances-Non-Construction"

All applicants must sign and return the "Assurances" with the application.

4. Project Narrative

Each narrative should include the following major Sections:

a. Analysis of Need.
b. Project Design (Work Programs).
c. Organizational Experience in Program Areas.
d. Management History.
e. Staffing and Resources.
f. Staff Responsibilities.

The project narrative must address the specific purposes mentioned in part C of this Program Announcement. The narrative should provide information on how the application meets the evaluation criteria in part D of this Program Announcement.

Part F—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part F and attachments B, C, and D to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting of applications. Copies of the **Federal Register** containing this announcement are available at most local libraries and Congressional District Offices for reproduction. If copies are not available at these sources they may be obtained by writing or telephoning the office listed in the section entitled "For Further Information" at the beginning of this announcement.

2. Application Submission

The date by which applications must be received is indicated under "Closing Date" at the beginning of this announcement. An application will be considered to be received on time under either one of the following two circumstances:

a. Applications may be mailed to: Administration For Children and Families, Division of Grants Management, 6th floor OFM/DGM, 370 L'Enfant Promenade, SW., Washington, DC 20447.

b. Hand delivered applications are accepted during normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: Administration For Children and Families, Division of Grants Management, 901 D Streets, SW., Sixth Floor OFM/DGM, Washington, DC 20447.

An application will be considered to be received on time if sent on or before the closing date as evidenced by a legible U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier. Private metered postmarks will not be considered acceptable as proof of timely mailing. Applications submitted by any means other than through the U.S. Postal Service or commercial carrier shall be considered as acceptable only if physically received at the above address before close of business on or before the deadline date.

Note: Applicants should note that the U.S. Postal Service does not uniformly provide a dated post mark. Before relying on this method, applicants should check with their local post office. In some instances packages presented for mailing after a pre-determined time are postmarked with the next day's date. In other cases, postmarks are not routinely placed on packages. Applicants are cautioned to verify that there is a date on the package, and that it list the correct date of mailing, before accepting a receipt.

Applications which have a postmark later than the closing date, or which are hand-delivered after the closing date, will be returned to the sender without consideration in the competition.

One signed original application and four copies is required. The first page of the SF–424 must contain in the lower right-hand corner, one of the following designations:

FN—for general grants.
SA—for projects where migrant and seasonal farmworker organizations and Indian tribes or Indian organizations are applying specifically for set-aside funds described in Part B.
NP—for grants to organizations with nationwide programs.

3. Intergovernmental Review

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Program," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Virginia, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these ten jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Applicants must submit any required material to the SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions, so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards. Therefore, the comment period for State processes will end 150 days after the date of publication of this Announcement to allow time for ACF to review, consider and attempt to accommodate SPOC input. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Grants Management, 6th Floor, 370 L'Enfant Promenade SW., Washington, DC, 20447.

A list of the Single Points of Contact for each State and Territory is included as Attachment G of this announcement.

4. Application Consideration

Applications which meet the screening requirements in section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered.

Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years: Comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record. Incomplete prior performance is grounds for rejecting the application.

5. Criteria for Screening Applications

a. Initial Screening

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notion that they were unacceptable.

(1) The application must contain a completed Standard Form (SF) 424.

(2) The SF–424 must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

b. Pre-rating Review

Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the section below and the specific requirements contained in part C of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this program announcement in the following areas:

(1) Eligibility: Applicant meets the eligibility requirements found in Part B.

(2) Number of Projects: The application contains only one project.

(3) Target Populations: The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in the DHHS Poverty Income Guidelines (Attachment A).

(4) Grant Amount: The amount of funds requested does not exceed $50,000, (except for nationwide programs).

(5) Program Focus: The application addresses the purposes described in part C of this announcement.

c. Evaluation Criteria

Applications which pass the initial screening and prerating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this announcement.

Part G—Contents of Application Package and Application

(Approved by the Office of Management and Budget under Control Number 0970–0062.)

Application Package

Each application submission must include:

A signed original and four additional copies of the application

Each copy of the application must contain in the order listed each of the following:

a. Table of Contents with page numbers noted for each major section and subsection of the proposal and each section of the appendices. Each page in the application, including those in all appendices, must be numbered consecutively.

b. Standard Form 424. Application for Federal Assistance. (See Attachment B) The SF–424 should be completed in accordance with instructions provided with the form, as well as OCS specific instruction set forth in part E of this Announcement.

Applicants must also be aware that the applicant's legal name as required in SF–424 (Item 5) must match that listed as corresponding to the Employer Identification Number (Item 6).

c. Standard Form 424A, Budget Information. (See Attachment C) Pages 1 and 2 should be completed.

d. Standard Form 424B, Assurances—Non-Construction Programs. (See Attachment D) This form must be signed and submitted with the Application.

e. Restriction on Lobbying Activities—Certification for Contracts, Grants, Loans, and Cooperative Agreements: (Required only if lobbying has actually taken place or is expected to take place in trying to obtain the grant for which the applicant is applying.) Fill out, sign and date form found at Attachment H.

f. Disclosure of Lobbying Activities—SF–LLL: Fill out, sign and date form found at Attachment H.

g. Project Narrative—(See part E, section 4.)

Please note the following:

—Applications may not exceed 30 pages in their entirety.

—The SF–424 must contain an original signature of the certifying representative of the applicant organization.

—Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore applications must be submitted on 8½ x 11 inch paper only. They must not include colored, oversized or folded materials, organizational brochures, or other promotional materials, slides, films, clips, etc., in the proposal. Such materials will be discarded if included.

—Applications should be submitted in ringbinders that will allow for easy separation and reassembly.

—While applications must be comprehensive, OCS encourages conciseness and brevity in the presentation of materials and cautions the applicant to avoid unnecessary duplication of information.

—All applicants will receive an acknowledgement postcard with an identification number which will be noted on the acknowledgement. This number must be referred to in all subsequent communications with OCS concening the application. If an acknowledgment is not received within three weeks after the deadline date, applicants must notify ACF by telephone (202) 401–9230.

—Applicant should also submit a mailing label for the acknowledgement card.

Part H—Award Recipient Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Notice of Grant Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR parts 74 (non-governmental) and 92 (governmental).

Grantees will be required to submit quarterly progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR parts 74 and 92. Note, with incomplete performance, the Grantee may be subject to financial penalties and refunding to the grant amount.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying when applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the nonappropriated funds and (3) to file quarterly up-dates about the use of lobbyists if any event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment H for certification and disclosure forms to be submitted with the applications for this program.

Attachment I indicates the regulations which apply to all applicants/grantees under the Discretionary Grants Program.

Dated: March 10, 1992.

Eunice S. Thomas,

Director, Office of Community Services.

Attachment A—1992 Poverty Income Guidelines for all States (Except Alaska and Hawaii) and the District of Columbia:

Size of family unit	Poverty guideline
1	$6,810
2	9,190
3	11,570
4	13,950
5	16,330
6	18,710
7	21,090
8	23,470

For family units with more than 8 members, add $2,380 for each additional member.

Poverty Income Guidelines for Alaska:

Size of family unit	Poverty guideline
1	$8,500
2	11,480
3	14,460
4	17,440
5	20,420
6	23,400
7	26,380
8	29,360

For family units with more than 8 members, add $2,980 for each additional member.

Poverty Income Guidelines for Hawaii:

Size of family unit	Poverty guideline
1	$7,830
2	10,570
3	13,310
4	16,050
5	18,790
6	21,530
7	24,270
8	27,010

For family units with more than 8 members, add $2,740 for each additional member.

BILLING CODE 4130–01–M

Attachment B—SF 424, Application for Federal Assistance and Instructions for the SF 424

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. Other (Specify) _____

8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award; B. Decrease Award; C. Increase Duration; D. Decrease Duration; Other (specify): _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. Federal	$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____
b. Applicant	$ .00	b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372
c. State	$ .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
d. Local	$ .00	
e. Other	$ .00	
f. Program Income	$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes," attach an explanation. ☐ No
g. TOTAL	$ .00	

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: — "New" means a new assistance award. — "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. — "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

ATTACHMENT C—SF 424A, BUDGET INFORMATION—NON-CONSTRUCTION PROGRAMS AND INSTRUCTIONS FOR THE SF–424A

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j – Show the amount of indirect cost.

Line 6k – Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Attachment D—SF 424B, Assurances—Non-Construction Programs

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

BILLING CODE 4150-01-C

Attachment E—U.S. Department of Health and Human Services Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR part 76, subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the U.S. Department of Health and Human Services determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of the grant, or governmentwide suspension or debarment.

A. The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Make it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (Street address, city, county, state, zip code):

_____

_____

_____

Attachment F—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and belief that its principals involved:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(b) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation for this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction. The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions", provided below, without modification in all lower tier covered transactions and in all solicitations for lower tier covered actions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Attachment G

State Single Points of Contact

Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125-0347, Telephone (205) 284-8905

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280-1315

Arkansas

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371-1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323-7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, room 520, Denver, Colorado 80203, Telephone (303) 866-2156

Connecticut

Under Secretary, Attn: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459, Telephone (203) 566-3410

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736-3326

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue NW., Washington, DC 20004, Telephone (202) 727-0111

Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, Telephone (904) 488-8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta, Georgia 30334, Telephone (404) 656-3855

Hawaii

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol, Honolulu, Hawaii 96813, Telephone (808) 548-3016 or 548-3085

Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-6630

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725

Kentucky

Robert Leonard, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382

Maine

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261

Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490

Massachusetts

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Telephone (617) 727-7001

Michigan

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373-7111

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834

Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444-5522

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, ATTN: John B. Walker, Clearinghouse Coordinator

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155

New Jersey

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-8613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025

New Mexico

Dorothy E. (Duffy) Rodriguez, Deputy Director, State Budget Division, Department of Finance & Administration, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499

North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0689

Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656

Please direct correspondence and question to: Review Coordinator, Office of Strategic Planning.

South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Telephone (803) 734-0493

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676

Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778

Utah

Utah State Clearinghouse, Attn: Carolyn Wright, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Telephone (801) 538-1547

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research and Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326

Washington

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH-51, Olympia, Washington 98504-4151, Telephone (206) 753-4078

West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, room 553, Charleston, West Virginia, 25305, Telephone (304) 348-4010

Wisconsin

James R. Klauser, Secretary, Wisconsin Department of Administration, 101 South Webster Street, GEF 2, P.O. Box 7864, Madison, Wisconsin 53707-7864, Telephone (608) 266-1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal-State Relations Office, Wisconsin Department of Administration, Telephone (608) 266-0267

Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574

Territories

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472-2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Telephone (809) 727-4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, Nos. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774-0750

Attachment H

Restrictions on Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall compete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Signature

Organization

Date

BILLING CODE 4120-01-M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* **Congressional District,** *if known:*	 **Congressional District,** *if known:*
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*	13. Type of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____

Federal Use Only:	Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form - LLL-A

Attachment I

The following DHHS regulations apply to all applicants/grantees under the Community Food and Nutrition Program.

Title 45 of the Code of Federal Regulations:

Part 16—Procedures of the Departmental Grant Appeals Board
Part 74—Administration of Grants (non-governmental)
Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):
§§ 74.62(a) Non-Federal Audits
74.173 Hospitals
74.174(b) Other Nonprofit Organizations
74.304 Final Decisions in Disputes
74.710 Real Property, Equipment and Supplies
74.715 General Program Income
Part 75—Informal Grant Appeal Procedures
Part 76—Debarment and Suspension Form Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964
Part 81—Practice and Procedures for Hearings Under Part 80 of this Title
Part 83—Non-discrimination on the basis of sex in the admission of individuals to training programs
Part 84—Non-discrimination on the Basis of Handicap in Programs
Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance
Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Government (Federal Register, March 11, 1988)
Part 93—New Restrictions on Lobbying
Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

Attachment J

Optional Checklist (for use of applicant only) to verify contents of applicction.

	Check
A. Application contains:	
1. Table of Contents	[ ]
2. Completed SF 424, Application for Federal Assistance	[ ]
3. completed SF 424A, Budget Information—Non-Construction Programs	[ ]
4. Signed SF 424B, Assurances—Non-Construction Programs	[ ]
5. A project narrative with the following components:	
a. Analysis of need	[ ]
b. Project design	[ ]
c. Organizational experience in program	[ ]
d. Management history	[ ]
e. Staffing and resources (resume or job description)	[ ]
f. Staff responsibilities	[ ]
6. Relevant portions of the organization's by-laws and articles of incorporation confirming eligibility	[ ]
7. A signed copy of Certification Regarding the Anti-Lobbying Provision;	[ ]
8. A completed Disclosures of Lobbying Activities form, if appropriate;	[ ]
9. A self-addressed mailing label which can be affixed to a postcard to acknowledge receipt of application.	[ ]
B. Application does not exceed a total of 30 pages.	[ ]
C. Application includes one original and four copies, printed on white 8½ by 11 inch paper, and presented in a ring binder.	[ ]
16. [For continuation projects only] The preliminary evaluation of the original project.	[ ]
17. A self-addressed mailing label which can be affixed to a postcard to acknowledge receipt of application	[ ]
B. Application does not exceed a total of 50 pages.	[ ]
C. Application includes one original and four copies, printed on white 8½ by 11 inch paper, two holed punched at the top center and fastened separately with a compressor slide paper fastener, such as an ACCO clip, or a binder clip. The submission of bound applications, or applications enclosed in binders, is specifically discouraged.	[ ]
D. Applicant is aware that in signing and submitting the application for funds under the DPP Program, it is certifying that it has read and understood the Federal Guidelines concerning a drug-free workplace and the debarment regulations set forth in attachments E and F respectively.	

[FR Doc. 92-5886 Filed 3-12-92; 8:45 am]
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H.J. Res. 395/P.L. 102–252

Designating February 6, 1992, as "National Women and Girls in Sports Day". (Mar. 10, 1992; 106 Stat. 68; 2 pages) Price: $1.00

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March 16, 1992

Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 6411 of March 12, 1992

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 504(a)(1) of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2464(a)(1)), the President may withdraw, suspend, or limit the application of the duty-free treatment afforded under the Generalized System of Preferences (GSP) with respect to any article or any country after considering the factors set forth in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)). Accordingly, after taking into account the factors set forth in sections 501 and 502(c) of the 1974 Act, I have determined that it is appropriate to withdraw the duty-free treatment afforded under the GSP to imports from Malaysia of vulcanized rubber thread and cord provided for in heading 4007.00.00 of the Harmonized Tariff Schedule of the United States (HTS).

2. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 501, 502(c), 504(a)(1), and 604 of the 1974 Act, do proclaim that:

(1) In order to provide that Malaysia should no longer be treated as a beneficiary developing country with respect to HTS heading 4007.00.00 for purposes of the GSP, the Rates of Duty 1–Special subcolumn for HTS heading 4007.00.00 is modified: (i) by deleting the symbol "A" in parentheses, and (ii) by inserting the symbol "A*" in lieu thereof.

(2) In order to provide that Malaysia should no longer be treated as a beneficiary developing country with respect to HTS heading 4007.00.00 for purposes of the GSP, general note 3(c)(ii)(D) to the HTS is modified by adding, in numerical sequence, "4007.00.00 Malaysia".

(3) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(4) The modifications to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-6215
Filed 3-12-92; 3:14 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 34

[TB-92-08]

Tobacco Seed and Plant Exportation Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is removing the regulations at 7 CFR part 34 containing the procedures for implementing the Tobacco Seed and Plant Exportation Act and reserving the Part for future use. These regulations are no longer needed as the legislation on which they are based has been repealed.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Chief, Market Information and Program Analysis Branch, Tobacco Division, AMS, USDA, P.O. Box 96456, room 506 Annex, Washington, DC 20090-6456, telephone (202) 205-0489.

SUPPLEMENTARY INFORMATION: On December 13, 1991, the President signed the Food, Agriculture, Conservation, and Trade Act Amendments of 1991, Public Law 102-237. Section 1019 of this Act repealed the Tobacco Seed and Plant Exportation Act, Public Law 76-543, 7 U.S.C. 516. Therefore, this final rule removes the regulations which were issued pursuant to the repealed legislative provisions.

This action has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be "non major" since it does not meet the criteria for major regulatory action as stated in the Order.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant impact on a substantial number of small entities since it relieves a restriction by deleting a requirement for a permit prior to exportation of tobacco seed and plants.

Moreover, pursuant to 5 U.S.C. 553, it is found and determined that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice concerning this action or engage in further public procedure with respect to this amendment, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**. This is because it merely removes regulations which were issued pursuant to legislative provisions which were repealed on December 13, 1991.

List of Subjects in 7 CFR Part 34

Exports, Plants, Seeds, and Tobacco.

For the reasons set forth in the preamble, the regulations at 7 CFR part 34 are removed and the part is reserved for future use.

PART 34—[REMOVED AND RESERVED]

Authority: Sec. 109, 105 Stat. 1818, December 13, 1991.

Dated: March 9, 1992.

Kenneth C. Clayton,
Acting Administrator.

[FR Doc. 92-6003 Filed 3-13-92; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 323

RIN 3064-AB05

Appraisals

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: In accordance with the proposed rule published September 17, 1991 (56 FR 47035), the FDIC is amending Part 323 to identify additional transactions for which the services of an appraiser are not required. This final rule: Eliminates the requirement for FDIC-regulated institutions to obtain appraisals by certified or licensed appraisers for real estate-related financial transactions having a value, as defined in the rule, of $100,000 or less; permits FDIC-regulated institutions to use appraisals prepared for loans insured or guaranteed by an agency of the federal government if the appraisal conforms to regulations or other written requirements of the federal insurer or guarantor; excepts appraisals involving 1-to-4 family residential properties from certain minimum appraisal standards under specified conditions; and adds a definition of "real estate" and "real property" to clarify that the appraisal regulation does not apply to transactions involving mineral rights, timber rights, growing crops, water rights, or similar interests in real estate when the transaction does not involve the associated parcel or tract of land.

The final rule also incorporates three technical amendments. The first technical amendment clarifies that the requirements of the appraisal regulation must be met for all real estate-related financial transactions except those in which the services of an appraiser are not required under the rule. The second technical amendment confirms that in accordance with the Federal Deposit Insurance Corporation Improvement Act of 1991, Public Law No. 102-242, 105 Stat. 2236, the FDIC has delayed until December 31, 1992, the date by which certified and licensed appraisers must be used for all federally related transactions. The third technical amendment clarifies that the appraisal regulation does not apply to loans not secured by real property.

EFFECTIVE DATE: This final rule is effective March 16, 1992.

FOR FURTHER INFORMATION CONTACT: (For information on supervisory issues) James D. Leitner, Examination Specialist, Division of Supervision (202) 898-6790, or Robert F. Miailovich, Assistant Director, DOS (202) 898-6916; (for information on legal issues) Walter P. Doyle, Counsel, Legal Division (202) 898-3682; (for information on liquidation issues) N. Jack Taylor, Senior Liquidation Specialist, Division of Liquidation, (202) 898-7326; FDIC, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

A. Background

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act

of 1989 ("FIRREA") directed the FDIC, and the other financial institutions regulatory agencies,[1] to publish appraisal rules for federally related transactions within the jurisdiction of each agency. In accordance with statutory requirements, the FDIC published an appraisal rule which established minimum standards for appraisals used in connection with federally related transactions and identified those federally related transactions that require a state certified appraiser and those that require either a state certified or licensed appraiser. The final rule was published August 20, 1990 (55 FR 33879).

On September 17, 1991, the FDIC published a proposal to amend its appraisal regulation to address concerns raised by regulated institutions. Their concerns related to complying with the appraisal regulation's requirements for certain low dollar amount real estate secured loans which have not caused them substantial losses, government guaranteed and insured loans, and transactions involving mineral rights, timber rights, and growing crops independent of the associated parcel or tract of land. To address these concerns, the FDIC proposed to: (1) Increase from $50,000 to $100,000 the threshold above which the services of certified and licensed appraisers would be required; (2) permit the use of appraisals prepared for loans insured or guaranteed by an agency of the federal government if the appraisal conforms to regulations or other written requirements of the federal insurer or guarantor; and (3) add a definition of "real estate" and "real property" to clarify that the appraisal regulation does not apply to mineral rights, timber rights, or growing crops.

B. Comments on the Proposed Rule

The FDIC received approximately 1775 comment letters on the proposed amendments to its appraisal rule. Of these, about 950 letters were received from banks and banking organizations while approximately 775 comment letters were received from appraiser organizations and appraisers. In addition, there were approximately 50 letters from other organizations and individuals. These comments are discussed below.

[1] These are: the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration. In addition, the Resolution Trust Corporation has issued appraisal rules under title XI of FIRREA.

Authority to Establish Threshold

Appraisers and appraiser associations argued that the FDIC lacked authority to establish any threshold level below which real estate-related financial transactions would not require the services of an appraiser. They asserted that Congress intended that appraisers were to be used in connection with all real estate-related financial transactions. Alternatively, they argued that title XI of FIRREA requires regulated institutions to use appraisers in all cases in which any form of evaluation of real estate is undertaken by or on behalf of the institution. The FDIC disagrees with these assertions.

Title XI of FIRREA establishes a framework for regulating appraisals and appraiser services used in connection with certain transactions involving real estate, referred to in the legislation as a "federally related transaction." Section 1121 of FIRREA, 12 U.S.C. 3350, defines a "federally related transaction" as a real estate-related financial transaction which, *inter alia*, requires the services of an appraiser. Consequently, by the express terms of the definitions in title XI of FIRREA, "real estate-related financial transaction" and "federally related transaction" are not equivalent. Instead, federally related transactions are a subset of real estate-related financial transactions, with one of the distinguishing factors being whether the services of an appraiser are required in connection with the transaction.

Title XI of FIRREA does not state when the services of an appraiser are required in connection with a real estate-related financial transaction. However, the legislation does state that its purpose is to protect "Federal financial and public policy interests in real estate related transactions." *See* section 1101 of FIRREA, 12 U.S.C. 3331. From a review of the legislation and the committee reports issued in conjunction with title XI of FIRREA, the FDIC understands these federal financial and public policy interests to include reducing losses to the deposit insurance funds due to faulty and fraudulent appraisals in connection with real estate-related financial transactions, improving the professional conduct and supervision of appraisers, and ensuring the stability of the residential mortgage markets. These considerations parallel our broader concern that banks not engage in unsafe and unsound banking practices when conducting their activities. See 12 U.S.C. 1818.

Consequently, in determining which real estate-related financial transactions should require appraisals, the FDIC examined whether the services of an appraiser were necessary either to protect federal financial and public policy interests in particular transactions, or as a matter of safe and sound banking practice. This approach to determining when the services of an appraiser are required not only ensures that the purposes of title XI of FIRREA are met, but also meets the FDIC's pre-existing statutory obligation to ensure that regulated institutions conduct their activities in accordance with principles of safe and sound banking. Using this approach, the FDIC concluded that neither title XI of FIRREA nor principles of safe and sound banking require the use of appraisers in connection with all real estate-related financial transactions.

By explicitly recognizing that the services of an appraiser are not required for all real estate-related financial transactions, title XI of FIRREA provides for the existence of evaluations of real estate that are not appraisals. The FDIC has incorporated this distinction in its appraisal regulation based on its conclusion that, for transactions of $100,000 or less, the use of evaluations meets the purposes of title XI of FIRREA, satisfies principles of safe and sound banking, and will reduce costs for regulated institutions and borrowers.

Different formulations of these arguments that the FDIC lacked authority to establish a threshold level for use of an appraiser in real estate-related financial transactions were repeated in other comment letters. For instance, a comment letter from a national association of appraisers argued that the premise of title XI of FIRREA is that the use of certified or licensed appraisers is required whenever the value of real estate collateral is a material factor in determining credit quality so that in the event of default the sale of the collateral will satisfy the indebtedness. Obviously, the use of a certified or licensed appraiser does not guarantee against a loss in foreclosed property.

Just as title XI of FIRREA does not require the use of an appraiser in connection with all real estate-related financial transactions, it also does not provide that the only persons who may evaluate real estate collateral are appraisers. An evaluation is an assessment of the probable value of a property. It would be performed by an individual who has the knowledge and experience necessary to make an informed assessment of the property's value, but who is not expected to render an appraisal of the property. Clearly, banking personnel and others have long performed such evaluations in connection with bank lending activities. To the extent that title XI requires a change in this practice, the change is mandated only where the services of an appraiser are necessary to protect federal financial and public policy interests in the real estate-related financial transactions involved. For these reasons, the FDIC concludes that there is no violation of the letter or intent of title XI of FIRREA by accepting an evaluation for real estate-related financial transactions when the services of an appraiser are not necessary to protect federal financial and public policy interests in those transactions.

Others assert that all transactions which were covered in the Guidelines for Real Estate Appraisal Policies and Review Procedures ("Guidelines") issued jointly by the FDIC, Office of the Comptroller of the Currency, and the Board of Governors of the Federal Reserve System, require appraisals by certified or licensed appraisers under title XI of FIRREA. Alternatively, some comment letters argued that title XI of FIRREA did not recognize a distinction between appraisals and evaluations and that there is no distinction between them. Again the FDIC does not agree. The Guidelines were issued prior to passage of title XI of FIRREA and generically referred to all evaluations of real estate, regardless of how informal or by whom they were performed, as appraisals.

The Threshold Level

Of the approximately 1775 comment letters received, over 1525 commented on whether the threshold level should be increased from $50,000 to $100,000. Of these, approximately 750 favored increasing the threshold level to $100,000 or more, while approximately 775 favored retaining or lowering the $50,000 threshold.

Comment letters that favored increasing the threshold level came primarily from bankers and bank related organizations. These letters stated that the institutions involved had experienced very few losses in connection with real estate transactions below $100,000. The majority of their losses were from loans greater than $100,000 and did not result from faulty or fraudulent appraisals, but rather from other factors including economic declines. Comment letters that opposed increasing the threshold, or suggested that it be lowered, came primarily from appraisal organizations and individual appraisers. Many of these letters argued that it is inappropriate to increase the threshold level from $50,000 to $100,000 in light of the losses experienced by insured depository institutions on real estate loans, including loans below the proposed $100,000 threshold. In addition, some argued that the $50,000 threshold level originally adopted by the FDIC was too high and was not supported by the rulemaking record.

After a careful review of the information provided in the comment letters on loss experience associated with real estate-related financial transactions of $100,000 or less, and based on FDIC's experience in examining banks, the FDIC concludes that the threshold may appropriately be set at $100,000. The FDIC has determined that the losses experienced by regulated institutions on transactions below this level are not sufficient to implicate federal financial and public policy interests in those transactions. Moreover, while requiring the use of certified or licensed appraisers may reduce the level of losses experienced on transactions of $100,000 or less, the FDIC does not believe that the aggregate reduction in losses would justify the continued imposition of this requirement for transactions between $50,001 and $100,000 as a matter of safe and sound banking practice.

In this regard it is important to note that by adopting the proposal to increase the threshold to $100,000, the FDIC is simply restoring the practices and procedures that were in place prior to the promulgation of the final appraisal rule for those transactions below the threshold level. This means that regulated institutions may continue to use the same reliable individuals to evaluate real estate in connection with transactions of $100,000 or less, as they used prior to adoption of the appraisal regulation. It recognizes that the evaluation prepared by these individuals will not be a written appraisal as defined in title XI of FIRREA and will not contain all of the detailed information and analysis required by the FDIC appraisal regulation, but instead will contain information and analysis that is consistent with the risk imposed by the transaction.

The FDIC requested comments on the current proposal to increase the threshold from $50,000 and $100,000 include specific information about the losses sustained on loans of $50,000 or less, of $50,001 to $100,000, and of more than $100,000. In addition, the FDIC requested that specific comments be provided on the estimated cost and delay in obtaining appraisals, prior to August 20, 1990, since August 20, 1990, and after the use of certified and licensed appraisers is requied for all federally related transactions. Approximately 575 banks provided loss information on real estate loans by size categories (loans of $50,000 or less, loans between $50,001 and $100,000 and loans of $100,000 or more). The following table shows the aggregate loss experiences based on the information provided.

TABLE A

Categories of loans secured by real estate (R.E. loans)	No. of R.E. loans (000)	Dollar amount of loans held by category ($000)	Loss on loans by category within 12 month period ($000)	Losses as a percent of dollar amount held by category (%)
Real Estate Secured Loans Above $100,000	34,213	13,695,756	188,103	1.37
Real Estate Secured Loans of $50,001 to $100,000	44,424	2,914,373	14,008	.48
Real Estate Secured Loans of $50,000 or below	259,582	5,046,966	15,470	.31

The schedule indicates that larger loans experience a higher loss ratio than smaller loans. Losses as a percent of amount held is 1.37% for loans above $100,000, 0.48% for loans of $50,001 to $100,000 and 0.31% for loans $50,000 or below. When comparing aggregate loss for each loan, loans greater than $100,000 average $5,498 of loss per loan while loans less than $100,000 average $98 per loan. The loss ratio and the average loss per loan clearly support the need for regulation for real estate loans above $100,000.

For real estate loans less than $100,000 it is probable that any reduction in average loss per loan that could be achieved through the appraisal regulation would be less than the cost of requiring an appraisal that meets all the regulatory requirements. An appraisal could not reduce the average loss of $90 per loan to $0 because poor quality appraisals are not the sole cause for real estate loan losses. Recessions or other economic conditions can cause a precipitous decline in local real estate values which can impact both the borrower's ability to repay as well as the level of collateral protection. Even when a conforming appraisal is available, lenders can make poor underwriting decisions by not properly assessing the borrower's financial condition or allowing excessive loan to value ratios. In addition, the appraisal regulation by itself does not assure "good" appraisals—it is only a supervisory tool for effecting corrective action and disciplining incompetent and/or unethical appraisers.

Banks were also asked to provide an estimate of the cost and time to obtain appraisals. It is difficult to tabulate the data because the respondents did not always specify the type of appraisal (such as commercial, farm or residential). It appears that the average cost of residential appraisals increased from approximately $150 before the effective date of the regulation to about $225 after the effective date. Bankers anticipated another $100 increase when the requirement for licensed and certified appraisers is in place. Similarly, bankers reported that on average the lapse of time between ordering and obtaining appraisals increased from approximately one week before the regulation's effective date to over two weeks currently. Banks anticipate the delay to increase to over three weeks in the future.

A few comment letters objected to basing any conclusing about the level of the threshold on the data provided in the comment letters. One letter argued that the data obtained would be unscientific because it was voluntarily provided and may not represent the experience of the banking system as a whole. The FDIC believes that the data provided in the comment letters is representative of the experience of the commercial banks and has generally confirmed the results shown by that data through experience gained during examinations.

Other financial entities also commented on losses on real estate loans. Citing $873 million in losses on 57,000 claims paid by its members in 1989, an association of mortgage insurance companies argued against increasing the threshold level in its comment letter and stated that the majority of the losses experienced by its members had occurred on properties valued less than $100,000. The association stated its belief that inadequately trained appraisers were the cause of a large part of their losses. Although the FDIC believes that the comments of the association of mortgage insurers is a basis of continuing to observe trends in losses on loan below the threshold level, there may be several reasons for loss experience of mortgage insurance companies. It could relate to the demographics of the mortgage insurer's portfolio, as well as their client base. Furthermore, if a majority of their portfolio of insured loans consists of transactions valued at $100,000 or less, then it would be a statistical necessity that the majority of their losses would occur in those transactions. It was also noted in a graph attached to the comment letter that the cumulative claim rate for loan amounts of $100,000 or greater is significantly higher than the claim rate for loan amounts less than $100,000. In addition, if the mortgage insurers are accepting loans originated by nonregulated institutions, those loans may not be underwritten to the same standards as those employed by banks.

Several letters from appraisers asserted that the $50,000 threshold should be retained as a means of protecting consumers from paying too much for their residences. Generally, bankers do not agree. They cite the cost and time delays associated with requiring the use of licensed and certified appraisers and conclude that the appraisal regulation hurts the consumer. In addition, the focus of title XI of FIRREA is to prevent losses to the deposit insurance funds resulting from faulty or fraudulent appraisals. While homebuyers may obtain an appraisal by a certified or licensed appraiser prior to purchasing a house, or request that a bank obtain an appraisal by a certified or licensed appraiser in connection with their purchase of a residence, the FDIC concludes that Congress did not intend to force homebuyers to bear the cost of obtaining an appraisal by a certified or licensed appraiser as a precondition to purchasing a home, or to confirm the purchaser's judgment with regard to entering into the transaction.

A large number of the comment letters from appraisers point out that approximately 50 percent of all home mortgages in the United States would be below the $100,000 threshold level given the current median price of housing in the United States. These letters suggest that because the services of a certified or licensed appraiser will not be required in connection with these loans, the losses attributable to these transactions will rise. As explained above, banks will be required to obtain an evaluation of the real estate which is the collateral for these loans as a matter of safe and sound banking practice. Evaluations for transactions which do not require an appraisal under the appraisal regulation must provide information that allows a bank to determine whether its participation in the transaction is consistent with the principles of safe and sound banking. For transactions below the threshold level, banks are expected to follow essentially the same practices they followed before adoption of title XI of FIRREA. Consequently, the FDIC does not expect an increase in losses for these transactions.

Another comment letter noted that the increased threshold would apply to real estate-related financial transactions involving commercial property as well as residential property. It argued that commercial properties require more complex analysis and, therefore, transactions involving these properties should require the services of an appraiser. The FDIC agrees that evaluations of commercial real estate can require more complex analyses than evaluations of 1-to-4 family residential properties. Furthermore, the regulation does not prohibit a bank from obtaining an appraisal when it determines one is needed to properly underwrite a transaction. However, as explained above, the losses sustained by banks on all loans of $100,000 or less when using the procedures and analyses in effect prior to enactment of title XI do not rise to a level which implicates federal financial and public policy interests.

In addition, some comment letters argued that title XI of FIRREA does not permit the cost of obtaining appraisals to be considered in determining whether the services of an appraiser are required for any class of real estate-related financial transactions. While title XI does not make cost or delay in obtaining appraisal services an explicit factor in determining whether the services of an appraiser are required to protect federal financial and public policy interests, these issues seem clearly relevant to all rulemaking. In this case, the primary complaint received from banks was that the cost and delay associated with obtaining appraisals that conform to the appraisal regulation were not justified by the risk of loss associated with these transactions. The FDIC cannot justify the imposition of additional costs or other burdens where not required to meet the purposes of title XI or bank safety and soundness.

One comment letter argued that maintaining the status quo is not acceptable under title XI of FIRREA and that past loss experience is not a good gauge of future losses or acceptable losses. The FDIC agrees that title XI is intended to reduce losses to the depository institutions insurance funds through improved appraisal practices in connection with federally related transactions. Consequently, with regard to federally related transactions, the FDIC has required substantial changes in the appraisals which regulated institutions must obtain, including requirements that exceed the minimums established by title XI of FIRREA.

Comment letters from a number of banks made various proposals for higher threshold levels. For instance, one bank proposed a higher threshold for community banks, while several comment letters suggested that a higher threshold was appropriate for commercial transactions. Another letter proposed that communities with populations of 10,000 or less be exempted from the requirements of title XI of FIRREA and in one letter a bank argued in favor of increasing the threshold level for commercial loans, noting the high cost of appraisals for small business borrowers. While the FDIC has concluded, on the basis of the data provided in the comment letters, that the threshold level may be set at $100,000 and still ensure that federal financial and public policy interests are adequately protected, we do not believe that there is sufficient information to support the establishment of higher threshold levels. However, it is noted that as a result of the passage of the Federal Deposit Insurance Corporation Improvement Act of 1991, the Office of Management and Budget ("OMB") is conducting a study of *de minimis* thresholds for commercial real estate. We intend to evaluate the information provided in that study and determine whether any further changes in the threshold level are warranted for real estate-related financial transactions.

Several comment letters cited other policy considerations in support of retaining the $50,000 threshold level. State certification and licensing agencies provided comment letters in which they opposed the increase in the threshold level because of its impact on the revenues to be collected by their states from issuing certificates and licenses to appraisers. The comment letters expressed the writers' belief that fewer individuals will choose to become certified or licensed appraisers if the threshold level is set at $100,000. We note that a large number of all real estate-related financial transactions will require the services of a certified or licensed appraiser under our appraisal regulation even after the $100,000 threshold is adopted. This will include almost 50 percent of all residential real estate transactions and the vast majority of all commercial real estate transactions. Moreover, while the FDIC does not require the use of certified and licensed appraisers for transactions below the threshold level, we encourage the use of certified or licensed appraisers for all real estate-related financial transactions including transactions below the threshold level and we expect that in many cases lenders will voluntarily use them. Consequently, the FDIC does not believe the increase in the threshold level will significantly reduce the number of individuals who will apply to become state certified or licensed appraisers.

Several letters argued that it was important to have an appraiser provide an independent verification of the value of the real estate offered as collateral since the compensation of real estate agents and loan officers frequently depends on completion of the transaction and the amount involved. We agree that it is important for the individual who is providing an evaluation of real estate collateral to exercise independent judgment. Consequently, the FDIC intends to address this issue in guidelines to be published concerning evaluation procedures.

Several letters identified other benefits, such as identification of hazardous waste problems associated with the property, which appraisers would provide through their participation in the transaction. While we encourage banks to use certified or licensed appraisers for transactions below the threshold level, it is our conclusion that the ability of appraisers to offer these benefits is not a sufficient reason for requiring the services of an appraiser in connection with these transactions.

Finally, several letters from appraisers argued that increasing the threshold sends the wrong message regarding the need for professionalism in the appraisal industry and undermines the congressional purpose of improving appraisal services. The FDIC disagrees with this assertion and believes that just the opposite is true. Under the appraisal regulation, the services of a professional appraiser are required where the risk is greatest, where the problems of valuing the real estate involved are most complex, and where the appraiser's experience and training can help bankers arrive at a thorough understanding of the value of the real estate involved so that the banker can accurately analyze risks associated with underwriting those loans. By contrast, evaluations by competent individuals are permitted for transactions below $100,000, where the majority of the transactions involve residential real estate, and where the issues involved do not demand the level of training and experience required of a professional appraiser.

Exemption for Government Guaranteed Loans

The FDIC also is adopting the proposal to exempt any transaction involving a loan insured or guaranted by an agency of the federal government from the requirement to obtain a second appraisal in accordance with the appraisal regulation, provided the loan is supported by a current appraisal that meets the standards of the federal agency providing the insurance or guarantee.

Approximately 125 comments were received regarding this amendment. Of these, approximately 100 were in favor of the change and 25 opposed. Several appraisal organizations and individual appraisers objected to exempting government guaranteed loans from the requirement to obtain a separate appraisal. Their comment letters generally argued that Congress wanted uniformity in appraisals and the qualifications of appraisers to protect federal financial and public policy interests. They further state that the FDIC lacked authority to delegate to another agency the determination of the content of the documentation of value for real estate collateral for transactions involving government guaranteed loans or the qualifications of the individuals who would provide the analysis of value. The FDIC does not agree with these assertions. Neither title XI of FIRREA nor the committee reports issued in connection with the legislation indicate that Congress intended the financial institutions regulatory agencies to impose their appraisal requirements on all other federal agencies. Instead, title XI of FIRREA requires the use of a state certified or licensed appraiser and adherence to specific appraisal requirements only when necessary to protect federal financial and public interests. For loans insured or guaranteed by an agency of the federal government, one of the principal concerns which prompted Congress to

enact title XI of FIRREA—the risk of loss to the deposit insurance funds—is minimized.

Moreover, all of these programs have been enacted to effectuate federal policy to favor lending to those who qualify for the insurance or guarantee program. Imposing bank appraisal requirements on these transactions may tend to frustrate the federal policies which underlie those programs. This is particularly true since additional appraisal requirements would add costs to participating in these programs and would not help to meet the principal objective which title XI of FIRREA was intended to achieve. In addition, some programs prohibit banks from charging for an appraisal which is not required by the insuring or guaranteeing agency with the result that some banks would not be able to afford to participate in the program. The FDIC concludes that Congress did not intend this result by enacting title XI of FIRREA and that the services of a second appraiser engaged by a regulated institution to meet the requirements to protect the federal financial and public policy interests in transactions involving loans insured or guaranteed by agencies of the federal government. This conclusion is supported by the current regulations of the Office of Thrift Supervision ("OTS") which exempt government guaranteed and insured loans from the agency's appraisal regulations. *See* 12 CFR 545.32(b). It also eliminates a competitive disadvantage suffered by banks compared to non-regulated lenders and institutions regulated by the OTS.

The comment letters contain several additional arguments for continuing to require a second appraisal in accordance with the appraisal regulation for transactions involving government guaranteed or insured loans. For instance, a comment letter argued that the requirements for the Veterans Administration and Federal Housing Administration appraisals are less rigorous than those set out in the FDIC regulation and argued that the other standards should not be substituted for those required in the FDIC rule. However, for transactions involving government guaranteed or insured loans, the FDIC has determined that the services of a professional appraisal and imposition of the FDIC appraisal requirements through a second appraisal are not necessary to protect the federal government's financial and public policy interests in these transactions since it is the guarantor or insurer which bears the major share of losses. However, when a bank needs additional information in order to satisfy principles of safe and sound banking, the bank is not prevented from obtaining that information through a second appraisal.

FNMA AND FHLMC

Several banks commented that the FDIC also should exempt loans that are originated by banks to be sold into the secondary market through the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC). Title XI of FIRREA, provides that it is violation of section 1120 of FIRREA, 12 U.S.C. 3349, for FNMA or FHLMC to knowingly contract for the performance of any appraisal by a person who is not a state certified or licensed appraiser in connection with any real estate-related financial transaction as defined in section 1121(5) of FIRREA. Therefore, many of the arguments which support exempting loans directly guaranted or insured by federal agencies apply to loans for 1-to-4 family residential properties which banks underwrite in accordance with FNMA and FHLMC standards. Thus, the minimum requirements of title XI of FIRREA would be met if the appraisals prepared in connection with those loans also meet the Uniform Standards of Professional Appraisal Practice ("USPAP") promulgated by the Appraisal Standards Board of the Appraisal Foundation and codified as appendix A of this part. Given the low levels of losses associated with loans for 1–to–4 family residential properties, the FDIC concludes that imposition of the additional appraisal standards set forth in § 323.4(a) (2)–(14) of this part are not necessary to ensure that these transactions are conducted in accordance with principles of safe and sound banking.

The OTS has reached a similar conclusion and currently does not require appraisals for loans involving 1-to-4 family residential properties and existing multi-family residential properties to comply with all of the appraisal standards set forth in their appraisal rule, provided the appraisals are prepared on forms approved by FNMA or FHLMC and in accordance with appraisal standards approved by those agencies. Based on the foregoing, the FDIC has amended 323.4 to allow regulated institutions to exempt appraisals of 1-to-4 family residential properties prepared in accordance with FNMA or FHLMC appraisal standards from the additional requirements in 323.4(a)(2)–(14). However, the FDIC has determined not to apply this exception to multifamily residential properties until it has had a further opportunity to review the impact of allowing regulated institutions to make loans on these properties without complying with all of the appraisal standards in 323.4.

Definition of Real Estate and Real Property

The third amendment in FDIC's September 17, 1991 proposal adds a definition of "real estate" and "real property" to the FDIC appraisal rule. Title XI of FIRREA does not define "real estate" or "real property" nor does the context in which these terms are used unambiguously suggest that the terms are intended to have different technical meanings. For instance, "real estate-related financial transaction" is defined as:

> Any transaction involving (A) the sale, lease, purchase, investment in or exchange of *real property*, including interests in property, or the financing thereof, (B) the refinancing of *real property* or interests in *real property*; and the use of *real property* or interests in *real property* as security for a loan or investment, including mortgage-backed securities.

FIRREA section 1121(5), 12 U.S.C. 3350 (emphasis supplied).

Title XI of FIRREA also directs the FDIC to issue regulations requiring "that real estate appraisals be performed in accordance with generally accepted appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation." The Appraisal Foundation's standards (USPAP) have separate definitions for real property ("the interest, benefits, and rights inherent in the ownership of real estate") and real estate ("an identified parcel or tract of land, including improvements, if any"). USPAP also recognizes that the terms are used interchangeably in some jurisdictions.

In its appraisal rule, the FDIC used "real property" and "real estate" interchangeably to mean interests in an identified parcel or tract of land and improvements. However, we did not intend these terms to include mineral rights, timber rights, or growing crops when considered separately from the parcel or tract of land, since valuation of such interests generally requires the services of a professional other than an appraiser. To clarify this distinction, the FDIC proposed to define "real property" and "real estate" for purposes of the appraisal regulation as "an identified parcel or tract of land, including easements, rights of way, undivided or future interests and similar rights in a tract of land, but excluding mineral rights, timber rights, or growing crops."

The FDIC received approximately 100 comment letters on this change to the appraisal regulation. Approximately 75 of the letters supported the amendment. Other comment letters either opposed the amendment or recommended changes to correct perceived problems with the original definition.

In many states, minerals, timber, and growing crops which have not been severed from the land are considered interests in real estate or real property. Consequently, if a bank customer pledges mineral rights as collateral for a loan in one of those states, a question arises whether the bank must obtain an appraisal of the parcel or tract of land to which the mineral rights are attached, but in which the bank has no interest, in order to satisfy the requirements of the appraisal regulation. The amendment was intended to clarify that banks are not required to obtain appraisals of the parcel of land to which mineral rights, timber rights or growing crops are attached, if the transaction only involves those mineral rights, timber rights or growing crops rather than the parcel or tract of land.

Where mineral rights, timber rights, or growing crops, *and* the associated parcel or tract of land, are the subject of a real estate-related financial transaction, then the services of an appraiser would be required in connection with that transaction unless one of the provisions in § 323.3(a) of this applied. In addition, the contribution of relevant mineral rights, timber rights, or growing crops should be included when appraising a parcel of land which possesses any of these features. However, valuation of these interests would not be required if they are not part of the transaction, or if they are not relevant to analyses which the appraiser needs to perform to arrive at an estimate of value for the parcel or tract of land. The definition adopted in the final rule has been changed to clarify that mineral rights, timber rights, growing crops, and other severable interests in a parcel or tract of land are excluded from the definition of real estate when the transaction involves only those interests.

A comment letter from a professional association of geologists favored adopting a definition of real estate and real property but proposed adding water rights and rights to other constituents of the earth which benefit or adversely affect mankind. The FDIC has adopted part of this suggestion by broadening the exclusion to cover water rights and similar interests which are severable from the land.

Finally, one comment letter suggested that the definition be modified to make it clear that improvements to the parcel or tract of land are considered part of the real estate or real property and must be included in the appraisal. The FDIC agrees that this change is needed and it is reflected in the final rule.

Other Comments

In addition to comments on the specific amendments to the regulation contained in the September 17, 1991 proposed rule, the FDIC received a number of comments on other provisions of the appraisal regulation. One comment letter suggested that the regulation needs a clearer statement of when an appraisal is required. The FDIC agrees that a technical amendment to § 323.3(a) would clarify that appraisals are required for all real estate-related financial transactions except those identified in that provision.

It was also called to our attention that a literal reading of the definition of "real estate-related financial transaction" in § 323.2 would cover a loan to finance the purchase of real estate even if it were unsecured or secured wholly by personal property and no lien on the real property is taken. We do not believe this was the intent of title XI of FIRREA and, accordingly, have added an exemption to the appraisal regulation covering loans not secured by real property. FDIC examiners will, however, be alert to any abuse of this exception by lenders who display a pattern of not taking a lien on real estate collateral merely for the sake of avoiding application of this regulation. Such a pattern of unsound credit underwriting will trigger appropriate supervisory corrective action.

Several comment letters also asked for clarifications and interpretations of the appraisal regulation which did not require amendment of the regulation. The FDIC, in conjunction with the other financial institutions regulatory agencies, intends to issue additional guidance on the appraisal regulation which will address many of these questions. The FDIC also will consider whether additional rulemaking is required to address any of these issues.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the FDIC certifies that these changes are not expected to have a significant economic impact on a substantial number of small entities.

Overall, the FDIC expects the changes to benefit consumers and regulated institutions regardless of size by reducing costs without substantially increasing the risk of loss for the banks arising from fraudulent or inaccurate evaluations or appraisals of real estate collateral. Accordingly, the changes should not substantially increase the risk of loss to the federal deposit insurance funds arising from the affected transactions.

D. Paperwork Reduction Act

The collection of information contained in this part 323 has been reviewed and approved by the Office of Management and Budget under control number 3064–0103 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) and the total burden hours have heretofor been estimated at 197,100 per year. Following the amendments now being adopted, the estimated average burden associated with the collection of information in this final rule is 21.2 hours per recordkeeper. The recordkeeping requirement associated with these changes to the FDIC's appraisal regulation will result in a reduction of 32,800 burden hours from the prior 197,100 burden hours per year.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Assistant Executive Secretary (Administration), room F–400, Federal Deposit Insurance Corporation, Washington, DC 20429, with a copy to the Office of Management and Budget, Paperwork Reduction Project (3064–0103), Washington, DC 20503.

Total Burden: 7750 recordkeepers × 21.2 hours = 164,300 total burden hours.

List of Subjects in 12 CFR Part 323

Banks, banking, Mortgages, Real estate appraisal, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, Part 323 of subchapter B of chapter III of title 12 of the Code of Federal Regulations is proposed to be amended as follows:

PART 323—APPRAISALS

1. The authority citation for part 323 is revised to read as follows:

Authority: 12 U.S.C. 1818, 1819; 12 U.S.C. 3331 *et seq.*

2. In § 323.2, existing paragraphs (g) through (k) are redesignated as paragraphs (h) through (l) and a new paragraph (g) is added to read as follows:

§ 323.3 Definitions.

* * * * *

(g) *Real estate* or *real property* means an identified parcel or tract of land, with improvements, and includes easements, rights of way, undivided or future interests and similar rights in a tract of land, but does not include mineral

rights, timber rights, growing crops, water rights and similar interests severable from the land when the transaction does not involve the associated parcel or tract of land.

* * * * *

3. In § 323.3, the introductory text of paragraph (a) and paragraphs (a)(1) and (4)(iv) are revised; paragraph (a)(5) is amended by removing the period at the end of the paragraph and replacing it with a semicolon; and new paragraphs (a)(6), (a)(7) and (d) are added to read as follows:

§ 323.3 Appraisal not required; transactions requiring a State certified or licensed appraiser.

(a) *Appraisal not required.* While supervisory guidelines, general banking practices or other prudent standards may also require an appropriate evaluation of real property collateral, an appraisal performed in accordance with this part is required for any real estate-related financial transaction other than one in which:

(1) The transaction value is $100,000 or less;

* * * * *

(4) * * *

(iv) There has been no obvious and material deterioration in market conditions or physical aspects of the property which would threaten the institution's collateral protection;

* * * * *

(6) A regulated institution makes or purchases a loan secured by real estate, which loan is insured or guaranteed by an agency of the United States government, provided the transaction is supported by an appraisal that conforms to the appraisal rules or other written appraisal requirements of the federal agency providing the insurance or guarantee; or

(7) A regulated institution makes or purchases a loan that is not secured by real property or any interest therein.

* * * * *

(d) *Effective date.* Regulated institutions are required to use state certified or licensed appraisers as set forth in paragraphs (b) and (c) of this section no later than December 31, 1992, unless otherwise required by law.

4. In § 323.4, existing paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), and a new paragraph (b) is added to read as follows:

§ 323.4 Appraisal standards.

* * * * *

(b) *Exception for certain appraisals of 1-to-4 family residential properties.* Appraisals for federally related transactions involving 1-to-4 family residential properties need not comply with the standards set forth in § 323.4(a)(2) through (a)(14), provided the appraisal complies with § 323.4(a)(1) and conforms to the standards approved by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

* * * * *

By order of the Board of Directors.
Dated at Washington, DC this 10th day of March 1992.
Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92-5997 Filed 3-13-92; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 602

[T.D. 8335]

RIN 1545-AO88

OMB Control Numbers Under the Paperwork Reduction Act; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the technical amendments to § 602.101(c) published as T.D. 8335 on Monday, March 4, 1991 (56 FR 8912). This regulation collects and displays the control numbers assigned to regulations by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 and the Paperwork Reduction Reauthorization Act of 1986, which require that agencies display control numbers assigned by that Office to regulations that solicit or obtain information from the public.

EFFECTIVE DATE: March 4, 1991.

FOR FURTHER INFORMATION CONTACT: Dale Goode at 202-566-3935.

SUPPLEMENTARY INFORMATION:

Background

The technical amendments to § 602.101(c) that are the subject of these corrections comply with the requirements of §§ 1320.7(f), 1320.12 and 1320.15 of 5 CFR part 1320 (OMB regulations implementing the Paperwork Reduction Act and amendments thereto by the Paperwork Reduction Reauthorization Act of 1986), for display of control numbers assigned by OMB to collections of information in Internal Revenue Service regulations.

Need for Correction

As published, the technical amendments contain errors which may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR, part 602, is corrected as follows:

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Paragraph 1. The authority for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Corrected]

Par. 2. § 602.101(c) is corrected by removing entries from the table as indicated in the following list:

CFR part or section where identified and described	Current OMB control No.
1.44C	1545-0214
1.44F-5	1545-0732
1.44F-5	1545-0732
1.44F-6	1545-0732
1.52-4	1545-0074
1.62-1	1545-0139
1.64	1545-0074
1.105-7	1545-0074
1.105-8	1545-0074
1.105-9	1545-0074
1.105-10	1545-0074
1.117-6	1545-0008
1.131-1	1545-0914
1.143(a)(5)	1545-0720
1.149-1	1545-0945
1.162-24	1545-0074
1.167(e)-2	1545-0172
1.168(d)-4	1545-1146
1.168(h)-2	1545-0923
1.168-1	1545-0172
1.168-2	1545-0172
1.168-3	1545-0172
1.168-4	1545-0172
1.168-6	1545-0172
1.170A-13T	1545-0908
1.172-11	1545-0074
1.216-1(d)(2)	1545-1041
1.217	1545-0052
1.254-1	1545-0074
1.267-1T	1545-0805
1.280A-3	1545-0074
1.337-1T	1545-0702
1.338(h)-1T	1545-0702
1.370-2	1545-0074
1.381-2	1545-0123
1.401(a)-11T	1545-0928
1.401(m)-1	1545-1039
1.402(e)(2)	1545-0193
1.402(e)(3)	1545-0193
1.402(e)(14)	1545-0193
1.402(e)-12	1545-0119
1.402(e)-13	1545-0119
1.402(e)-14	1545-0119
1.402(f)-1T	1545-0828
1.403(b)-2	1545-0096
1.403-1(h)	1545-0710

CFR part or section where identified and described	Current OMB control No.
1.408-8	1545-0203
1.441-1	1545-0123
1.441-2	1545-0123
1.445-6	1545-0123
1.446	1545-0735
1.448-1	1545-0152
1.448-2	1545-0152
1.451	1545-0736
1.456-1	1545-0879
1.461-3	1545-0096
1.461-4	1545-0096
1.465-1T thru 95	1545-0712
1.468A-3T	1545-0954
1.468A-4T	1545-0954
1.468A-5T	1545-0954
1.468A-6T	1545-0954
1.468A-7T	1545-0954
1.468A-8T	1545-0954
1.469-2	1545-0985
1.471	1545-0736
1.485-1	1545-0152
1.565-1T	1545-0043
1.565-2T	1545-0043
1.565-3T	1545-0043
1.565-5T	1545-0049
1.565-6T	1545-0043
1.642(e)-2	1545-0092
1.661-1	1545-0123
1.611-0	1545-0126
1.820	1545-0128
1.832-4	1545-0123
1.845-7	1545-0123
1.854-4	1545-0123
1.859-2	1545-0045
	1545-0123
1.860-4	1545-0123
1.860D-1	1545-1018
1.860F-4	1545-1018
1.861-9	1545-0126
1.861-12	1545-1072
1.892-1	1545-0126
1.904(f)-8	1545-1127
1.904(f)-9	1545-1127
1.904(f)-10	1545-1127
1.904(f)-11	1545-1127
1.905-3	1545-0122
1.905-4	1545-0122
1.913-1	1545-0067
1.913-2	1545-0067
1.913-3	1545-0067
1.913-4	1545-0067
1.913-5	1545-0067
1.913-6	1545-0067
1.913-7	1545-0067
1.913-8	1545-0067
1.913-9	1545-0067
1.913-10	1545-0067
1.913-11	1545-0067
1.913-12	1545-0067
1.913-12	1545-0067
1.921-2T	1545-0884
1.922-1T	1545-0884
1.924	1545-0904
1.924(d)-1T	1545-0904
1.927(f)-1T	1545-0884
1.927(f)-2	1545-0884
1.952-7T	1545-1142
1.953-2T	1545-1142
1.953-4T	1545-1142
1.953-5T	1545-1142
1.953-6T	1545-1142
1.954-1	1545-0123
	1545-0755
1.985-2T	1545-1051
1.995(f)-1	1545-0939
1.1058-1	1545-0770
1.1205-1	1545-0184
1.1205-2	1545-0184
1.1205-3	1545-0184
1.1205-4	1545-0184
1.1205-5	1545-0184
1.1221-4	1545-0096
1.1254-1	1545-0074
	1545-0184
1.1254-2	1545-0184
1.1254-3	1545-0074
	1545-0184
1.1254-4	1545-0184
1.1254-5	1545-0184
1.1271-3	1545-0887
1.1274-1	1545-0887
1.1274-2	1545-0887
1.1274-3	1545-0887
1.1274-4	1545-0887
1.1274-5	1545-0887
1.1274-6	1545-0887
1.1274A-1	1545-0887
1.1275-2	1545-0887
1.1275-3	1545-0887
1.1278-6	1545-0123
1.1287-1T	1545-0786
1.1361-1A	1545-0731
1.1362-3	1545-0146
1.1362-4	1545-0146
1.1362-5	1545-0146
1.1362-6	1545-0146
1.1362-7	1545-0146
1.1366-1	1545-1139
1.1368-2	1545-1139
1.1372-2	1545-0146
1.1372-3	1545-0146
1.1372-4	1545-0146
1.1373-1	1545-0130
1.1374-1	1545-0130
1.1375-1	1545-0130
1.1375-4	1545-0130
1.1375-6	1545-0130
1.1402(e)	1545-0169
1.1402(e)-5T	1545-0168
1.1442-4	1545-0096
1.1445-1T	1545-0902
1.1445-2T	1545-0902
1.1445-3T	1545-0902
1.1445-4T	1545-0902
1.1445-5T	1545-0902
1.1445-6T	1545-0902
1.1445-7T	1545-0902
1.1465-1	1545-0795
1.1502-20T	1545-1180
1.4441-3	1545-0089
1.6012(a)(7)	1545-0092
1.6012-0	1545-0067
1.6041	1545-0008
1.6041A-1	1545-0115
1.6045(T)(f)	1545-0115
1.6046-1T	1545-1142
1.6049-7	1545-1016
1.6049-8	1545-1050
1.6050K-1T	1545-0941
1.6050L	1545-0908
1.6050L-1T	1545-0908
1.6050-1	1545-0123
	1545-0597
1.6058-1	1545-0052
1.6081-4T	1545-0148
1.6083-3T	1545-0148
1.6262-1	1545-0087
1.6302-3	1545-0971
1.6655-6T	1545-0123
1.6681	1545-0869
1.7872-5	1545-0813
1.7872-6	1545-0813
1.7872-11	1545-0813
5.44B-1	1545-0219
5.51-1	1545-0219
5f.338-1	1545-0702
5f.338-2	1545-0702
5f.338-3	1545-0702
7.367(a)-1	1545-0126
11.401	1545-0197
11.402	1545-0193
13.16-1	1545-0125
13.16-7	1545-0074
18.1271-1	1545-0130
27.1-1	1545-0020
31.3121(a)(2)-2	1545-0008
31.3121(b)(3)-1	1545-0034
31.3231(e)-2	1545-0008
31.3401(a)(6)(A)-2	1545-0029
31.3402(h)-1	1545-0010
31.3406(b)2-3	1545-0112
31.3406(c)-1	1545-0112
31.3406(d)-1	1545-0112
31.3406(d)-4	1545-0112
31.3406(g)-3	1545-0112
31.3406(h)-2	1545-0112
31.3406(h)-3	1545-0012
31.3508-1	1545-0115
31.6015-3	1545-0008
31.6051	1545-0008
31.6051-4	1545-0112
31.6071(a)-1T	1545-0955
31.6301(c)-1AT	1545-0257
31.6301(c)-2AT	1545-0257
31.6302(c)-2AT	1545-0257
31.6302(c)-5	1545-0257
31.6413(a)-3	1545-0112
35.3405	1545-0415
	1545-0119
35.6053-1	1545-0714
36.3121(1)(3)(b)	1545-0123
36.3121(1)(1)-4	1545-0137
36.3121(2)(3)	1545-0123
41.4483-2T	1545-0143
41.4483-3T	1545-0143
41.6001-3T	1545-0143
45.4906-1	1545-0236
45.6001-1	1545-0236
46.6001-4	1545-0023
46.6302	1545-0257
47.4341-1	1545-0123
47.4345-1	1545-0123
47.6001-1	1545-0123
47.6001-2	1545-0123
48.0-1	1545-0723
48.401-5T	1545-0725
48.4042-12	1545-0023
48.4061-18	1545-0023
48.4091-1T	1545-1074
48.4253-3	1545-0023
48.4964-1	1545-0725
48.6011	1545-0823
	1545-1076
48.6416(b)-1	1545-0023
48.6416(b)-2	1545-0023
48.6416(b)-3	1545-0823
48.6416(b)-4	1545-0023
48.6416(b)-5	1545-0023
48.6420(f)-1	1545-0023
48.6420-0	1545-0723
48.6421(c)-1	1545-0024
48.6424-7	1545-0723
48.6427-1T	1545-0143
48.6427-2T	1545-0143
48.9091-0	1545-0725
48.9091-1	1545-0725
48.9091-2	1545-0725
48.9091-3	1545-0725
48.9091-4	1545-0725
48.9091-5	1545-0725
49.4243-11	1545-0023
49.4261	1545-0823
51.4996-5	1545-0264
51.6232	1545-0224
52.6011	1545-0028
52.6011(a)-1	1545-0023
52.6011(a)-2	1545-0023
53.4972-1	1545-0575
54.4979-1	1545-1039
56.4911	1545-0052

CFR part or section where identified and described	Current OMB control No.
57.6011(a)–2	1545–0023
57.6302(c)–1	1545–0023
	1545–0257
103.25	1545–0183
138.1–2	1545–0023
138.1–6	1545–0123
138.4064–1	1545–0242
142.1	1545–0023
145.1–1	1545–0745
145.1–2	1545–0745
145.1–3	1545–0745
145.1–6	1545–0745
145.1–7	1545–0745
145.4–1	1545–0023
145.5–4	1545–0143
154.1–1	1545–0014
	1545–0676
154.2–1	1545–0257
	1545–0685
154.3–1	1545–0023
301.6104–1	1545–0817
301.6104–2	1545–0817
301.6104–3	1545–0817
301.6104–4	1545–0817
301.6114–1T	1545–1126
301.6231	1545–0099
	1545–0790
301.6231–1T	1545–0790
301.6404–2	1545–0024
301.6404–3T	1545–0024
301.6501(b)	1545–0074
301.6501(c)	1545–0074
301.6511	1545–0024
301.7501–7	1545–0123
301.7701(b)–8	1545–0089
304.6402–1	1545–0823

Par. 3. Section 602.101(c) is corrected by adding the following entries in the table to read as follows:

CFR part or section where identified and described	Current OMB control No.
1.41–8(d)	1545–0732
1.465–1T	1545–0712

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–5998 Filed 3–13–92; 8:45 am]

BILLING CODE 4830–01–M

Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule; amendment.

SUMMARY: The Office of Foreign Assets Control is amending the Foreign Assets Control Regulations by the addition of § 500.612, providing for the registration of claims by U.S. nationals against Cambodia. The amendments impose a requirement that reports be filed under § 500.612 with respect to all outstanding claims held by U.S. nationals against the Government of Cambodia or a Cambodian government entity as of 5 p.m. EST, April 30, 1992. The reports are needed to obtain information, on a one-time basis, regarding claims by U.S. nationals against Cambodia, for planning and administrative purposes in contemplation of future claims settlement negotiations. The authorization number assigned by the Office of Management and Budget to the information collection requirements is also included.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Loren L. Dohm, Chief, Blocked Assets Division, Tel. : 202/535–4026, or William B. Hoffman, Chief Counsel, Tel.: 202/535–6020, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: The Foreign Assets Control Regulations, 31 CFR part 500 ("the Regulations"), were amended to authorize prospectively all new transactions by persons subject to U.S. jurisdiction involving property in which Cambodian or a national thereof has an interest. Property of the Government of Cambodia or Cambodian nationals that was blocked as of January 2, 1992, however, continues to be blocked, despite the lifting of the Cambodian embargo on January 3, 1992. 31 CFR 500.570, 57 FR 1872 (Jan. 16, 1992). New § 500.612 requires U.S. nationals having claims outstanding against the Government of Cambodia or any Cambodian government entity to report their claims by letter, including the information required by paragraph (f) of that section, by April 30, 1992. Observance of the filing deadline is extremely important. The reports are needed to obtain information, on a one-time basis, regarding claims by U.S. nationals against Cambodia, for planning and administrative purposes in contemplation of future claims settlement negotiations. For naturalized U.S. citizens, only claims arising after becoming a U.S. citizen should be reported. Similarly, an entity must have been organized under the laws of a U.S. jurisdiction at the time of loss to have a reportable claim.

The submission of a report of a claim against the Government of Cambodia does not constitute the filing with the United States Government of a formal claim for compensation. No formal claims adjudication program currently exists. However, failure to file a complete report with respect to claims in a timely fashion not only would constitute failure to comply with the Regulations, but would also prevent the inclusion of the information in U.S. Government planning and may therefore be prejudicial to the interests of the claimant and other U.S. claimants. Espousal of claims of U.S. nationals against a foreign government is within the discretion of the United States Government.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

This final rule is being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained herein has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1505–0131. Comments concerning the average annual burden and suggestions for reducing this burden should be directed to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, with copies to the Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW.—Annex, Washington, DC 20220. Any such comments should be submitted not later than 60 days from publication.

The collection of information in the Regulations is contained in § 500.612. This information is required by the Office of Foreign Assets Control for planning and administrative purposes in contemplation of future claims settlement negotiations. The likely respondents and recordkeepers are individuals and business organizations.

Estimated total annual reporting and/or recordkeeping burden: 60 hours.

The estimated annual burden per respondent/recordkeeper varies from 1 hour to 3 hours, depending on individual circumstances, with an estimated average of 2 hours.

Estimated number of respondents and/or recordkeepers: 30.

Estimated annual frequency of responses: 1.

List of Subjects in 31 CFR Part 500

Cambodia, Foreign claims, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 31 CFR part 500 is amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR 1938–1943 Cum. Supp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR 1943–1948 Comp., p. 748.

Subpart F—Reports

§ 500.90 [Revised]

2. Section 500.901 is revised to add the following sentence to the end thereto: "The information collection requirement in § 500.612 has been approved by the Office of Management and Budget and assigned control number 1505–0131."

3. Section 500.612 is addded to subpart F to read as follows:

§ 500.612 Registration of claims by U.S. nationals against Cambodia.

(a) *Requirement for reports.* Reports are required to be filed on or before April 30, 1992, in the manner prescribed in this section, with respect to all outstanding claims held by U.S. nationals against the Government of Cambodia or a Cambodian government entity.

(b) *Who must report.* A report must be submitted by each U.S. national having a claim outstanding against the Government of Cambodia or any Cambodian government entity. Reports should be submitted only by persons who were U.S. citizens or entities organized under the laws of a U.S. jurisdiction on the date of the loss.

(c) *How to register.* U.S. nationals filing reports of claims must submit a letter containing the information required by paragraph (f) of this section. The letter must be sent to the Blocked Assets Division, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220 to arrive by April 30, 1992. A copy of the submission should be kept by the claimant.

(d) *Certification.* Every report shall bear the signature of the claimant or a person authorized by the claimant to sign the report. The signature will certify that to the best of the reporter's knowledge, the statements set forth in the report, including any papers attached to or filed with the report, are true and accurate, and that all material facts in connection with the report have been set forth.

(e) *Confidentiality of reports.* Reports submitted pursuant to this section are regarded as privileged and confidential.

(f) *Contents of report.* The report must contain the following information (with responses numbered to correspond with the numbers used below):

(1) Identification of claimant.

(i) Claimant's Legal Name.

(ii) Claimant's Address.

(iii) Telephone number of individual to contact regarding the report.

(iv) If claimant is a naturalized citizen of the United States, state the place and date of naturalization.

(v) If claimant is a corporation or business, state the place of incorporation and principal place of business.

(2) Information concerning claim.

(i) Amount of loss in U.S. dollars (indicate exchange or interest rates and relevant dates utilized for any currency translation or interest calculation).

(ii) Describe the circumstances of the loss. Include the date of the loss and description of the property, business, obligation, injury or other damage which is the subject of the claim.

Dated: February 14, 1992.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: February 25, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–6076 Filed 3–11–92; 3:11 pm]

BILLING CODE 4810–25–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 147

[CGD11–92–02]

Safety Zone: Platform Irene, Pacific Ocean, Southern California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rulemaking establishes a 500 meter safety zone around Platform Irene, similar to the safety zones around other platforms off the Southern California coast. The safety zone will be indicated on navigational charts which will make the fixed structure more readily apparent to the mariner. The establishment of a safety zone around an offshore structure is one method recommended by the International Maritime Organization (IMO) to resolve the conflict between oil and gas activities and vessel navigation. The overall impact of this regulation will be to promote the safety of lives and property on Platform Irene, its appurtenances and attending vessels or adjacent waters.

DATES: This regulation becomes effective on March 16, 1992. Comments on this regulation must be received on or before April 15, 1992.

ADDRESSES: Comments should be mailed to Commander (mps), Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822–5399. The comments will be available for inspection and copying at the Marine Safety Division, Eleventh Coast Guard District, room 709, 400 Oceangate, Long Beach, CA 90822–5399. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign L.H. Akana, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822–5399. Phone number: (310) 499–5334.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been contrary to the public interest. Immediate action is needed to prevent loss of life and damage to Platform Irene by vessels transiting the area. Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulations may be changed.

Drafting Information

The drafters of this notice are Ensign L.H. Akana, project officer, and J.J. Jaskot, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

This final rule amends part 147 to reflect the addition of a new structure, Platform Irene, off the Southern California coast. The regulation contains a description of the area of the safety zone, including the location of the center of the structure and information pertinent to its safety zone. The regulation restricts the entry of vessels into the safety zone, except for

attending vessels, vessels under 100 feet in length overall not engaged in towing, or vessels authorized by the Commander, Eleventh Coast Guard District.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The Coast Guard certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.c of Commandant Instruction M16475.1B, it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements.

List of Subjects in 33 CFR Part 147

Outer Continental Shelf, Marine Safety, Navigation (water).

Final Regulation

In consideration of the foregoing, part 147 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 33 U.S.C. 2071; and 49 CFR 1.46.

2. Section 147.1116 is added to read as follows:

§ 147.1116 Platform IRENE safety zone.

(a) Description: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°–36'–37.5"N, 120°–43'–46"W.

(b) Regulation: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

Dated: January 21, 1992.

M. E. Gilbert,

Rear Admiral,

U. S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 92-6046 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 147

[CGD11-92-01]

Safety Zones: Platforms Harmony and Heritage, Pacific Ocean, Southern California

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rulemaking establishes 500 meter safety zones around Platforms Harmony and Heritage, similar to the safety zones around other platforms off the Southern California coast. The safety zones will be indicated on navigational charts which will make the fixed structures more readily apparent to the mariner. The establishment of a safety zone around an offshore structure is one method recommended by the International Maritime Organization (IMO) to resolve the conflict between oil and gas activities and vessel navigation. The overall impact of these regulations will be to promote the safety of lives and property on Platforms Harmony and Heritage, their appurtenances and attending vessels or adjacent waters.

DATES: This regulation becomes effective on March 16, 1992. Comments on this regulation must be received on or before April 15, 1992.

ADDRESSES: Comments should be mailed to Commander (mps), Eleventh Coast Guard District, Union Bank Building, 400 Oceangate, Long Beach, CA 90822–5399. The comments will be available for inspection and copying at the Marine Safety Division, Eleventh Coast Guard District, room 709, 400 Oceangate, Long Beach, CA 90822–5399. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign L.H. Akana, Marine Safety Division, Eleventh Coast Guard District, 400 Oceangate, Long Beach, CA 90822–5399. Phone number: (310) 499–5334.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been contrary to the public interest. Immediate action is needed to prevent loss of life and damage to Platforms Harmony and Heritage by vessels transiting the area. Although this regulation is published as a final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure that the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under **ADDRESSES** in this preamble. Commenters should include their names and addresses, identify the docket number for the regulations, and give reasons for their comments. Based upon comments received, the regulations may be changed.

Drafting Information

The drafters of this notice are Ensign L.H. Akana, project officer, and Commander J.J. Jaskot, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

This final rule amends part 147 to reflect the addition of two new structures, Platforms Harmony and Heritage, off the Southern California coast. The regulations contain descriptions of the areas of the safety zones, including the location of the center of the structure and information pertinent to each structure's safety zone. The regulations restrict the entry of vessels into the safety zone, except for attending vessels, vessels under 100 feet in length overall not engaged in towing, or vessels authorized by the Commander, Eleventh Coast Guard District.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The Coast Guard certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.c of Commandant Instruction M16475.1B, it will have no significant environmental impact and it is categorically excluded from further environmental documentation.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements.

List of Subjects in 33 CFR Part 147

Outer Continental Shelf, Marine safety, Navigation (water).

Final Regulation

In consideration of the foregoing, part 147 of title 33, Code of Federal Regulations, is amended as follows:

PART 147—[AMENDED]

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 33 U.S.C. 2071; and 49 CFR 1.46.

2. Sections 147.1114 and 147.1115 are added to read as follows:

§ 147.1114 Platform HARMONY safety zone.

(a) Description: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°–22'–36"N, 120°–10'–03"W.

(b) Regulation: No vessel may enter or remain in this safety zone except the following: (1) an attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

§ 147.1115 Platform HERITAGE safety zone.

(a) Description: The area within a line 500 meters from each point on the structure's outer edge. The position of the center of the structure is 34°–21'–01"N, 120°–16'–45"W.

(b) Regulation: No vessel may enter or remain in this safety zone except the following: (1) An attending vessel; (2) a vessel under 100 feet in length overall not engaged in towing; or (3) a vessel authorized by the Commander, Eleventh Coast Guard District.

Dated: January 21, 1992.

M. E. Gilbert,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 92-6044 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket Number FEMA-7041]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: These modified base flood elevations are currently in effect and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–2754.

SUPPLEMENTARY INFORMATION: Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 65.4.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains.

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State, county, and location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alaska: Anchorage Division, municipality of Anchorage.	Feb. 21, 1992 and Feb. 28, 1992, *Anchorage Daily News.*	The Honorable Tom Fink, Mayor, Municipality of Anchorage, P.O. Box 196650, Anchorage, Alaska 99519.	Jan. 31, 1992	020005
Arizona: Pima, city of Tucson	Jan. 31, 1992 and Feb. 7, 1992, *Arizona Daily Star.*	The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726-7210.	Jan. 27, 1992	040076
California: Ventura, unincorporated areas.	Jan. 24, 1992 and Jan. 31, 1992, *Star Free Press.*	The Honorable Maggie Erickson Kildee, Chairperson, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009.	Jan. 21, 1992	060413
Colorado: Adams and Arapahoe, city of Aurora.	Jan. 8, 1992 and Jan. 15, 1992, *Aurora Sentinel.*	The Honorable Paul E. Tauer, Mayor, City of Aurora, 1470 South Havana Street, Aurora, Colorado 80012.	Dec. 4, 1991	080002
Adams and Arapahoe, city of Aurora.	Jan. 8, 1992 and Jan. 15, 1992, *Aurora Sentinel.*	The Honorable Paul E. Tauer, Mayor, City of Aurora, 1470 South Havana Street, Aurora, Colorado 80012.	Jan. 3, 1992	080002
Summit, town of Frisco	Jan. 22, 1992 and Jan. 29, 1992, *Summit Sentinel.*	The Honorable Jim Spenst, Mayor, Town of Frisco, P.O. Box 370, Frisco, Colorado 80443.	Dec. 27, 1991	080245
Garfield, city of Glenwood Springs.	Dec. 6, 1991 and Dec. 13, 1991, *Glenwood Post.*	The Honorable Ted O'Leary, Mayor, City of Glenwood Springs, 806 Cooper Avenue, Glenwood Springs, CO 81601.	Nov. 15, 1991	080205
Connecticut: New Haven, town of Madison.	Dec. 19, 1991 and Dec. 26, 1991, *Shore Line Times.*	Mr. Gus Horvath, First Selectman of the Town of Madison, 8 Meetinghouse Lane, Madison, Connecticut 06443.	Dec. 13, 1991	090079 B
Florida: Nassau, unincorporated areas.	Dec. 18, 1991 and Dec. 25, 1991, *Fernandina Beach News Leader.*	The Honorable Jim B. Higginbotham, Chairman, Nassau County Board, P.O. Drawer 1010, Fernandina Beach, Florida 32034.	Nov. 20, 1991	120170
Kansas:				
Douglas, city of Lawrence	Dec. 27, 1991 and Jan. 3, 1992, *Journal World.*	The Honorable Bob Walters, Mayor, City of Lawrence, P.O. Box 708, Lawrence, Kansas 66044-0708.	Dec. 16, 1991	200090
Sedgwick and Sumner, city of Mulvane.	Jan. 2, 1992 and Jan. 9, 1992, *Mulvane News.*	The Honorable Gerald S. Wing, Mayor, City of Mulvane, 211 North Second Street, Mulvane, Kansas 67110.	Dec. 18, 1991	200325
Maryland: Anne Arundel, unincorporated areas.	Jan. 21, 1992 and Jan. 28, 1992, *The Capital.*	Mr. Robert R. Neall, Anne Arundel County Executive, 44 Calvert Street, Annapolis, Maryland 21401.	Jan. 10, 1992	240008 C
Massachusetts: Essex, town of Rockport.	Jan. 15, 1992 and Jan. 22, 1992, *Gloucester Daily Times.*	Ms. Priscilla Garlick, Chairperson of the Town of Rockport Board of Selectman, Essex County, Town Office Building, P.O. Box 329, Rockport, Massachusetts 01966.	Jan. 8, 1992	250100 B
Minnesota:				
Dakota, city of Lakeville	Dec. 30, 1991 and Jan. 6, 1992, *The Lakeville Life & Times.*	The Honorable Duane Zaun, Mayor, City of Lakeville, 20195 Holyoke Avenue West, Lakeville, Minnesota 55044.	Dec. 17, 1991	270107
Olmsted, unincorporated areas.	Jan. 10, 1992 and Jan. 17, 1992, *Rochester Post Bulletin.*	The Honorable James Roseman, Chairperson, Olmsted County Board of Commissioners, 515 Second Street, S.W., Rochester, Minnesota 55902.	Dec. 26, 1991	270626
New York: Cattaraugus, town of Allegany.	Dec. 5, 1991 and Dec. 12, 1991, *Olean Times Herald.*	Mr. Daniel F. Eaton, Sr., Supervisor of the Town of Allegany, Town Hall, 52 West Main Street, Allegany, New York 14706.	Nov. 25, 1991	360061 B
Ohio: Montgomery, city of Kettering.	Feb. 14, 1992 and Feb. 21, 1992, *Daily News.*	The Honorable Richard Hartmann, Mayor, City of Kettering, 3600 Shroyer Road, Kettering, Ohio 45429.	Jan. 31, 1992	390412
Texas:				
El Paso, city of El Paso	Jan. 21, 1992 and Jan. 28, 1992, *El Paso Times.*	The Honorable William S. Tilney, Mayor of the City of El Paso, El Paso County, Two Civic Center Plaza, El Paso, Texas 79961-1196.	Jan. 8, 1992	480214 B
Harris, unincorporated areas.	Feb. 5, 1992 and Feb. 12, 1992, *The Houston Chronicle.*	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Suite 911, Houston, Texas 77002.	Jan. 28, 1992	480287 G
Harris, unincorporated areas	Jan. 10, 1992 and Jan. 17, 1992, *Houston Chronicle.*	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Suite 911, Houston, Texas 77002.	Dec. 26, 1991	480287 G
Virginia: Fairfax, town of Herndon.	Nov. 22, 1991 and Nov. 29, 1991, *The Herndon Observer.*	The Honorable Thomas Davis Rust, Mayor of the Town of Herndon, P.O. Box 427, Herndon, Virginia 22070.	Nov. 7, 1991	510052
Washington: Spokane, unincorporated areas.	Jan. 24, 1992 and Jan. 31, 1992, *Spokesman Review.*	The Honorable John McBride, Chairman, Spokane County, Board of Commissioners, West 1116 Broadway Avenue, Spokane, Washington 99260.	Dec. 18, 1991	530174
Wisconsin: Green, village of Albany.	Jan. 16, 1992 and Jan. 23, 1992, *Albany Herald.*	The Honorable Bob Ames, Village President, Village of Albany, P.O. Box 342, Albany, Wisconsin 53502.	Jan. 8, 1992	550158

Issued: February 11, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6069 Filed 3-13-92; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

Federal Insurance Administration; Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

EFFECTIVE DATE: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

§ 65.4 [Amended]

State	County	Location	Date and name of newspaper where notice was published	Chief Executive Officer of community	Effective date of modification	community No.
Alabama	Jefferson (Docket No. FEMA-7025).	Unincorporated Areas	May 24, 1991, May 31, 1991 *Birmingham News.*	The Honorable Mary Buckelew, President, Jefferson County Board of Commissioners, County Courthouse, Room 211, Birmingham, Alabama 35293.	April 29, 1991	010217
Arizona	Maricopa	City of Phoenix (FEMA Docket No. 7036).	September 10, 1991, September 17, 1991 *The Arizona Republic.*	The Honorable Paul Johnson, Mayor, City of Phoenix, Municipal Building, 251 West Washington Street, Phoenix, Arizona 85002.	September 4, 1991	04013
California	Santa Barbara	Unincorporated Areas (Docket No. 7033).	August 15, 1991, August 22, 1991 *Santa Barbara News Press.*	The Honorable Diane Owens, Chairperson, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California 93101.	July 26, 1991	060331
Do	Santa Barbara	Unincorporated Areas (Docket No. 7036).	October 24, 1991, October 31, 1991 *Santa Barbara News-Press.*	The Honorable Diane Owens, Chairperson, Santa Barbara County Board of Supervisors, 105 East Anapamu Street, Santa Barbara, California 93101.	October 18, 1991	060331

State	County	Location	Date and name of newspaper where notice was published	Chief Executive Officer of community	Effective date of modification	community No.
Do	Ventura	Unincorporated Areas (Docket No. 7033).	August 23, 1991, August 30, 1991 *Star-Free Press.*	The Honorable John K. Flynn, Chairman, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009.	July 25, 1991	060413
Colorado	Jefferson	Unincorporated Areas (Docket No. 7035).	August 22, 1991, August 29, 1991 *Golden Transcript.*	The Honorable John P. Stone, Chairman, Jefferson County Commissioners, 1700 Arapahoe Street, Golden, Colorado 80419.	August 6, 1991	080087
Georgia	Chatham (Docket No. FEMA–7033).	Unincorporated Areas	August 2, 1991, August 9, 1991 *Savannah News Press.*	The Honorable Russell E. Abolt, County Manager, Chatham County, P.O. Box 8161, Savannah, Georgia 31412.	July 24, 1991	130030
Illinois	DuPage (Docket No. FEMA–7035).	Village of Glendale Heights.	August 16, 1991, August 23, 1991 *Daily Journal.*	The Honorable Michael Camera, Village President, Village of Glendale Heights, 300 Civic Center Plaza, Glendale Heights, Illinois 60139.	August 8, 1991	170206
Indiana	Marion (Docket No. FEMA–7036).	City of Indianapolis	August 29, 1991, September 5, 1991 *The Indianapolis Star.*	The Honorable William H. Hudnut, III, Mayor, City of Indianapolis, 2501 City-County Building, Indianapolis, Indiana 46204.	August 13, 1991	180159
Louisiana	Unincorporated Areas (FEMA Docket No. 7033).	St. Tammany Parish	August 1, 1991, August 8, 1991 *The Times-Picayune.*	Mr. Steve Stefancik, President of the St. Tammany Parish Police Jury, P.O. Box 628, Covington, Louisiana 70434.	July 25, 1991	225205 D
Minnesota	Olmsted (Docket No. FEMA–7035).	City of Rochester	September 6, 1991, September 13, 1991 *Rochester Post Bulletin.*	The Honorable Chuck Hazama, Mayor, City of Rochester, 224 1st Avenue, SW., Rochester, Minnesota 55902.	August 21, 1991	275246
Mississippi	Madison (Docket No. FEMA–7036).	Town of Madison	September 12, 1991, September 19, 1991 *Madison County Herald.*	The Honorable Mary Hawkins, Mayor, Town of Madison, P.O. Box 40, Madison, Mississippi 39110.	August 30, 1991	280229
North Carolina	Craven (Docket No. FEMA–7025).	Town of Trent Woods	June 6, 1991, June 13, 1991 *New Bern Sun Journal.*	The Honorable Leroy H. Price, Mayor, Town of Trent Woods, P.O. Box 2392, New Bern, North Carolina 28561–2392.	June 24, 1991	370434
Ohio	Lake (Docket No. FEMA–7035).	City of Mentor	August 16, 1991, August 23, 1991 *Willoughby News Herald.*	The Honorable Julian M. Suso, City Manager, City of Mentor, 8500 Civic Center Boulevard.	July 31, 1991	390317
South Carolina	Greenville (Docket No. FEMA–7035).	Unincorporated Areas	September 12, 1991, September 19, 1991 *Greenville News Piedmont.*	The Honorable William J. Estabrook, County Administrator, Greenville County, 301 University Ridge, Suite 100, Greenville, South Carolina 29601.	August 6, 1991	450089
Tennessee	Knox (Docket No. FEMA–7035).	City of Knoxville	September 10, 1991, September 17, 1991 *The News Sentinel.*	The Honorable Victor Ashe, Mayor, City of Knoxville, 400 Main Avenue, Knoxville, Tennessee 37901.	August 22, 1991	475434
Do	Knox (Docket No. FEMA–7035).	City of Knoxville	August 22, 1991, August 29, 1991 *The News Sentinel.*	The Honorable Victor Ashe, Mayor, City of Knoxville, P.O. Box 1631, Knoxville, Tennessee 37901.	August 14, 1991	475434

State	County	Location	Date and name of newspaper where notice was published	Chief Executive Officer of community	Effective date of modification	community No.
Do	Shelby (Docket No. FEMA–7035).	City of Germantown	August 22, 1991, August 29, 1991 *Germantown News.*	The Honorable Charles Salvaggio, Mayor, City of Germantown, P.O. Box 38909, Germantown, Tennessee 38183–0909.	August 6, 1991	470353
Do	Shelby (Docket No. FEMA–7035).	City of Memphis	September 12, 1991, September 19, 1991 *Memphis Daily News.*	The Honorable Richard C. Hackett, Mayor, City of Memphis, 125 N. Mid-America Mall, Memphis, Tennessee 38103.	August 26, 1991	470177
Do	Shelby (Docket No. FEMA–7035).	City of Memphis	August 29, 1991, September 5, 1991 *Memphis Daily News.*	The Honorable Richard C. Hackett, Mayor, City of Memphis, 125 N. Mid-America Mall, Suite 200, Memphis, Tennessee 38103.	August 13, 1991	470177
Texas	Bexar (FEMA Docket No. 7033).	Town of Shavano Park.	July 25, 1991, August 1, 1991 *The Northwest Recorder Times.*	The Honorable Linda Zuflacht, Mayor of the Town of Shavano Park, Bexar County, 99 Saddletree Road, San Antonio, Texas 78231.	July 18, 1991	480047 B
Virginia	Arlington (FEMA Docket No. 7021).	Unincorporated Areas	May 1, 1991, May 8, 1991 *The Arlington Journal.*	Mr. Albert C. Eisenberg, Chairman of the Arlington County Board of Supervisors, 2100 Clarendon Boulevard, Suite 300, Arlington, Virginia 22201.	April 24, 1991	515520 B
Wisconsin	Waukesha (Docket No. FEMA–7036).	City of Brookfield	September 12, 1991, September 19, 1991 *Brookfield News.*	The Honorable Kathryn C. Bloomberg, Mayor, City of Brookfield, 2000 North Calhoun Road, Brookfield, Wisconsin 53005.	August 30, 1991	550475

Issued: February 11, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92–6072 Filed 3–13–92; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67.

Flood insurance, Flood plains.

PART 67—[AMENDED]

The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood

Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
ARIZONA	
Show Low (city), Navajo County (FEMA Docket No. 7039)	
Show Low Creek:	
Approximately 1.57 miles upstream of U.S. Highway 60	*6,346
Approximately 5,380 feet downstream of Jaques Dam	*6,512
Approximately 1,050 feet downstream of Jaques Dam Weir	*6,552
Maps are available for review at the City Engineering Department, City Hall, 200 West Cooley Street, Show Low, Arizona.	
CALIFORNIA	
Perris (city), Riverside County (FEMA Docket No. 7037)	
Perris Valley Storm Drain:	
Approximately 1,500 feet downstream of Nuevo Road	*1,420
Just upstream of Nuevo Road	*1,424
At Orange Avenue	*1,430
Approximately 2,000 feet upstream of Rider Street	*1,444
Maps are available for review at the Civic Center, 101 North D Street, Perris, California.	
COLORADO	
Denver (city), Denver County (FEMA Docket No. 7037)	
Goldsmith Gulch:	
Approximately 100 feet upstream of Cherry Creek Drive South	*5,397
At Mexico Avenue	*5,406
At Jewel Avenue	*5,419
At Evans Avenue and South Monaco Street Parkway	*5,431
At Ilife Avenue	*5,437
At Yale Avenue	*5,457
At Hampden Avenue	*5,497
At Princeton Avenue	*5,525
At Quincy Avenue	*5,549
At Belleview Road	*5,591
Maps are available for review at the City and County of Denver Department of Public Works, 3840–G York Street, Denver, Colorado.	
CONNECTICUT	
Ansonia (city), New Haven County (FEMA Docket No. 7030)	
Beaver Brook:	
Approximately 620 feet upstream of confluence with Naugatuck River	*28
At downstream side of Quillman Reservoir Dam	*127
Whitemans Brook:	
At confluence with Beaver Brook	*96
Approximately 1,000 feet upstream of Doyle Drive	*398
Maps available for inspection at the Town Clerk's Office, 253 Main Street, Ansonia, Connecticut.	
Colchester (town), New London County (FEMA Docket No. 7034)	
Meadow Brook:	
Approximately 0.4 mile downstream of Levy Road	*276
Approximately 0.6 mile upstream of State Route 16	*310
Day Meadow Brook:	
At upstream side of River Road	*195
At downstream side of State Route 2	*278
Maps available for inspection at the Town Clerk's Office, 127 Norwich Avenue, Colchester, Connecticut.	
Cromwell (town), Middlesex County (FEMA Docket No. 7030)	
Mattabassett River:	
Approximately 105 feet upstream of State Route 72	*26
At upstream corporate limits	*30
Maps available for inspection at the Office of Public Works, 41 West Street, Cromwell, Connecticut.	
FLORIDA	
Manatee County (unincorporated areas) (FEMA Docket No. 7032)	
Braden River:	
Just upstream of Interstate 75	*14
Just downstream of State Road 70	*37
Braden River West Channel	
At mouth	*35
Just downstream of State Road 70	*37
Gap Creek:	
At mouth	*8
Just upstream of Saunders Road	*18
South Fork Little Manatee River:	
At downstream county boundary	*45
Just downstream of Bunker Hill Road (upstream crossing)	*95
Frog Creek:	
Just upstream of U.S. Route 41	*14
At confluence of Cedar Drain	*21
Buffalo Canal:	
At confluence of Cedar Drain	*21
About 2.3 miles upstream of confluence of Wade Canal	*32
Cabbage Slough:	
At mouth	*15
Just upstream of Moccasin Wallow Road	*24
Wade Canal:	
At mouth	*24
About 1.5 miles upstream of Erie Road	*35
Gamble Creek:	
Just upstream of Golf Course Road	*16
About 1100 feet upstream of divergence of Frye Canal	*26
Cedar Hammock Drainage Canal:	
Just upstream of 26th Avenue West	*16
Just upstream of 20th Street West	*20
Gates Creek:	
At mouth	*11
Just downstream of State Road 64	*26
Frye Canal:	
At mouth	*16
At divergence with Gamble Creek	*27
Mill Creek:	
About 1.25 miles downstream of State Road 64	*14
Just upstream of Trail Road	*33
Rattlesnake Slough:	
At mouth	*10
Just upstream of North Lockwood Ridge Road	*15
Wolf Slough:	
At mouth	*26
About 1.7 miles upstream of State Road 70	*35
Myakka River:	
Just upstream of State Road 70	*42
Just downstream of State Road 64	*74
Cooper Creek:	
At mouth	*15
Just downstream of University Parkway	*21
East Fork Cooper Creek:	
At mouth	*15
About 2900 feet upstream of Trail Road	*20
Cypress Strand:	
At mouth	*7
Just downstream of Landfill Road	*31
Williams Creek:	
At mouth	*8
Just upstream of Trail Road	*26
Maps available for inspection at the Development and Review Department, County Administrative Complex, 1112 Manatee Avenue, West, 4th Floor, Bradenton, Florida.	
Hillsborough County (unincorporated areas) (FEMA Docket No. 7039)	
Rocky Creek:	
Just upstream of Gunn Highway	*31
Just downstream of Lutz Lake-Fern Road	*35
Baker-Parkerson Creek:	
At mouth	*40
Just downstream of Forbes Road	*91
Tributary A:	
At mouth	*60
About 700 feet upstream of U.S. Route 92	*65
Spartman Branch:	
At mouth	*59
About 3500 feet upstream of Turkey Creek Road	*102
Brushy Creek:	
Just upstream of Gunn Highway	*33
Just downstream of Dale Mabry Highway	*56
Sweetwater Creek Diversion:	
At mouth	*10
About 3900 feet upstream of Hanley Road	*10
Sweetwater Creek	
Just upstream of divergence from Sweetwater Creek Diversion	*10
Just downstream of Water Control structure G-1	*10
Just upstream of Water Control Structure G-1	*16
Just downstream of Lake Magdalene Boulevard	*51
Curiosity Creek:	
Just upstream of West Fowler Avenue	*32
Just downstream of Bearss Avenue	*51
Brooker Drain:	
At county boundary	*20
Just downstream of Van Dyke Road	*53
Flint Creek:	
At mouth	*28
About 2900 feet upstream of Knights-Griffin Road	*40
Campbell Branch:	
Just upstream of confluence of Flint Creek	*40
Just downstream of Forbes Road	*92
Maps available for inspection at the Development Services Center, 800 Twigg Street, Room 101, Tampa, Florida.	
GEORGIA	
Fayette County (unincorporated areas) (FEMA Docket No. 7037)	
Murphy Creek:	
At mouth	*771
At confluence of Nash Creek	*792
Nash Creek: At State Route 54	*827
Flint River:	
About 0.63 mile downstream of Woolsey Road	*754
At confluence of Camp Creek	*793
Camp Creek: About 1000 feet upstream of State Route 54	*786
Morning Creek:	
At mouth	*758
About 1.22 miles upstream of mouth	*759
Maps available for inspection at the Fayette County Zoning Department, 105 Stonewall Avenue East, Fayetteville, Georgia.	
Decatur (city), DeKalb County (FEMA Docket No. 7039)	
Shoal Creek:	
About 2,500 feet downstream of Midway Run	*916
Just downstream of Kirk Road	*950
Just upstream of Kirk Road	*961
Just downstream of Hilldale Drive	*970
Just upstream of Hilldale Drive	*978
About 900 feet upstream of South Columbia Drive	*992
Shoal Creek West Tributary:	
At mouth	*931
Just downstream of South McDonough Street	*955
Just upstream of South McDonough Street	*971
Just downstream of Adams Street	*971
Just upstream of Adams Street	*976
Just downstream of Ansley Street	*998
Peavine Creek:	
At confluence of Peavine Creek Tributary	*935
Just downstream of Coventry Road	*935
Just upstream of Coventry Road	*945
About 1,000 feet upstream of Coventry Road	*945
Peavine Creek Tributary:	
At mouth	*935
Just downstream of West Ponce de Leon Avenue	*970
South Fork Peachtree Creek Tributary:	
Just downstream of North Decatur Road	*902
Just upstream of North Decatur Road	*907
Just downstream of Scott Boulevard	*911
Just upstream of Scott Boulevard	*917
Just downstream of Church Street	*927
Just upstream of Church Street	*936
Just downstream of Glendale Avenue	*949
Sugar Creek Tributary:	
About 700 feet downstream of Second Avenue	*982
About 1,050 feet upstream of Second Avenue	*989
Church Street Branch:	
At mouth	*923
Just downstream of Willow Lane	*925
Just upstream of Willow Lane	*930
Just downstream of Medlock Road	*944
Lamont Drive Branch:	
At mouth	*956
Just downstream of Wilton Drive	*964
Just upstream of Wilton Drive	*979
Maps available for inspection at the City Engineer's Office, Public Works Building, 2635 Talley Street, Decatur, Georgia.	
ILLINOIS	
Naperville (city), DuPage and Will Counties (FEMA Docket No. 7037)	
West Branch Tributary No. 6:	
At mouth	*600
Just upstream of downstream crossing of Hobson Mill Drive	*662
About 450 feet upstream of downstream crossing of Hobson Mill Drive	*662
Maps available for inspection at the City of Naperville, Department of Community Development, 175 West Jackson Avenue, Naperville, Illinois.	
LOUISIANA	
St. Mary Parish (unincorporated areas) (FEMA Docket No. 7037)	
Gulf of Mexico:	
At Southern Pacific Railroad west of Wax Lake Outlet	*8
At intersection of Wax Lake Outlet and Intracoastal Waterway	*12
Local rainfall: At western corporate limits of the Town of Patterson between Wax Lake Outlet and Lower Atchafalaya River	*1.5
Bayou Teche (West of Wax Lake Outlet):	
Approximately 2,100 feet upstream of Charenton Drainage and Navigation Canal	*10
Approximately 1.5 miles upstream of Charenton Drainage and Navigation Canal	*10
Maps available for inspection at the St. Mary Parish Courthouse, 5th Floor, Courthouse Building, Franklin, Louisiana.	
MARYLAND	
Elkton (town), Cecil County (FEMA Docket No. 7034)	
Elk River:	
At the downstream corporate limits	*12
At confluence of Big and Little Elk Creeks	*12
Big Elk Creek:	
At the confluence of Little Elk Creek	*12
Approximately 300 feet upstream of U.S. Route 40	*12
Little Elk Creek:	
At the confluence of Big Elk Creek	*12
Upstream side of CONRAIL	*12
Maps available for inspection at the Building Inspection's Office, 107 North Street, Elkton, Maryland.	
Montgomery County (unincorporated areas) (FEMA Docket No. 7034)	
Whetstone Run:	
At confluence with Great Seneca Creek	*323
At a point approximately 1.4 miles upstream of the confluence with Great Seneca Creek	*343
Muddy Branch:	
At confluence with Muddy Branch Tributary 1	*330
Approximately 0.8 mile upstream of Interstate Route 270	*421
Muddy Branch Tributary 1:	
At confluence with Muddy Branch	*330
At a point approximately .5 mile upstream of the confluence with Muddy Branch	*345
Maps available for inspection at the County Department of Environmental Protection, Stormwater Management, 250 Hungerford Drive, Rockville, Maryland.	
MASSACHUSETTS	
Amesbury (town), Essex County (FEMA Docket No. 7034)	
Powwow River:	
Approximately 700 feet upstream of Lake Gardner Dam	*80
Approximately 100 feet downstream of upstream crossing of Newton Road	*95
Maps available for inspection at the Town Hall, Friend Street, Amesbury, Massachusetts.	
MISSOURI	
Hanley Hills (village), St. Louis County (FEMA Docket No. 7034)	
Northeast Branch River Des Peres:	
At downstream corporate limits	*541
At upstream corporate	*545
Maps available for inspection at the Village Hall, 7713 Utica Drive, St. Louis, Missouri.	
NEW HAMPSHIRE	
Grantham (town), Sullivan County (FEMA Docket No. 7034)	
North Branch Sugar River:	
At downstream corporate limits	*914
At confluence of Stocker and Sawyer Brooks	*959
Stocker Brook:	
At confluence with North Branch Sugar River	*959
Approximately .4 mile upstream of Interstate Route 89	*1,028
Sawyer Brook:	
At confluence with North Branch Sugar River	*959
Approximately .5 mile upstream of Yankee Barn Road	*978
Skinner Brook:	
At confluence with Sawyer Brook	*971
Approximately 150 feet upstream of State Route 10 (second crossing)	*1,003
Buttermut Brook:	
At confluence with Eastman Pond	*1,110
Approximately 0.6 mile upstream of Mill Pond Dam	*1,140
Stocker Pond Outlet Channel:	
At confluence with Stocker Brook	*1,026
At Divergence from Stocker Brook	*1,028
Eastman Pond: Entire shoreline within community	*1,110
Stocker Pond: Entire shoreline within community	*1,026
Maps available for inspection at the Town Office Vault, Town Office, Grantham, New Hampshire.	
South Hampton (town), Rockingham County (FEMA Docket No. 7034)	
Powwow River:	
At downstream corporate limits	*90
Approximately 1,050 feet upstream of Chase Road	*105
Grassy Brook:	
Approximately .5 mile downstream of Main Avenue	*102
Approximately 800 feet upstream of Main Avenue	
Maps available for inspection at the Town Hall, 255 Kilidale Avenue, South Hampton, New Hampshire.	
NEW JERSEY	
Fairfield (township), Cumberland County (FEMA Docket No. 7037)	
Delaware Bay & its estuaries: Entire shoreline within community	*9
Maps available for inspection at the Township Municipal Building, Ferton-Gouldtown Road, Route 553, Fairton, New Jersey.	
Greenwich (township), Cumberland County (FEMA Docket No. 7037)	
Delaware Bay:	
At confluence of the Cohansey River	*9
At confluence of Stow Creek	*9
Maps Available for Inspection at the Township Clerk's Residence, Ye Great Street, Greenwich, New Jersey.	
OHIO	
Crestline (city), Crawford and Richland Counties (FEMA Docket No. 7037)	
East Branch Sandusky River:	
About 340 feet downstream of Thrush Avenue	*1132
Just downstream of North Street	*1141
West Branch Sandusky River:	
About 740 feet downstream of Park Road	*1129
About 1930 feet upstream of Patterson Street	*1154
Maps available for inspection at the City Building Department, 100 North Seltzer, Crestline, Ohio.	
North Olmsted (city), Cuyahoga County (FEMA Docket No. 7037)	
Fitch Lateral:	
At confluence with Roots Ditch	*770
About 840 feet upstream of confluence of Westerly Lateral	*774
Roots Ditch:	
Just downstream of Canterbury Road	*757
About 500 feet upstream of Canterbury Road	*765
About 790 feet upstream of Stearns Road	*778
Maps available for inspection at the Building Department, 5200 Dover Center Road, North Olmsted, Ohio.	
PENNSYLVANIA	
Butler (township), Schuylkill County (FEMA Docket No. 7037)	
Mahanoy Creek (Lower Reach):	
Upstream side of CONRAIL bridge	*888
Downstream side of Jula Street	*938
Shenandoah Creek:	
Downstream corporate limits	*956
Approximately 430 feet downstream of upstream corporate limits	*1,003
Maps available for inspection at the Municipal Building, 211 Broad Street, Fountain Springs, Ashland, Pennsylvania.	
Felton (borough), York County (FEMA Docket No. 7034)	
North Branch Muddy Creek:	
Approximately 80 feet upstream from corporate limits	*530
At upstream corporate limits	*543
Pine Run:	
At confluence with North Branch Muddy Creek	*533
Approximately 30 feet downstream of Main Street	*533
Tributary to North Branch Muddy Creek:	
At confluence with North Branch Muddy Creek	*599

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 20 feet downstream of Legislative Route 66100	*539
Maps available for inspection at the Building Permit Officer's home, 40 Water Street, Jacobus, Pennsylvania. Contact for appointment at (717) 428–1186.	
Lower Alsace (township), Berks County (FEMA Docket No. 7032)	
Tributary B:	
Approximately 260 feet upstream of the confluence with Antietam Creek	*391
At Route 73	*570
Antietam Creek:	
Approximately 400 feet downstream of upstream corporate limits	*539
At upstream corporate limits	*571
Maps available for inspection at the Township Municipal Building, 750 North 25th Street, Reading, Pennsylvania.	
Lower Southampton (township), Bucks County (FEMA Docket No. 7017)	
Poquessing Creek:	
Approximately 50 feet downstream of Trevose Road	*135
Approximately 950 feet upstream of Hickory Avenue	*187
Poquessing Creek Tributary No. 1:	
Approximately 650 feet upstream of confluence with Poquessing Creek	*137
At upstream corporate limits	*143
Mill Creek:	
Approximately 1,270 feet downstream of Bristol Road West	*90
Approximately 0.47 mile upstream of Bristol Road	*98
Maps available for inspection at the Public Works Department, 1500 Deare Avenue, Feasterville, Pennsylvania.	
Mercersburg (borough), Franklin County (FEMA Docket No. 7037)	
Johnston Run:	
At a point approximately 180 feet downstream of the downstream corporate limits	*529
At upstream corporate limits	*553
Maps available for inspection at the Borough Building, 113 South Main, Mercersburg, Pennsylvania.	
Somerset (township), Somerset County (FEMA Docket No. 7032)	
East Branch Coxes Creek:	
Approximately 1,500 feet downstream of Musselman Avenue	*2,099
Approximately 1,200 feet upstream of confluence with unnamed tributary to East Branch Coxes Creek at access road	*2,105
Unnamed Tributary to East Branch Coxes Creek:	
At confluence with East Branch Coxes Creek	*2,105
Approximately 300 feet upstream of corporate limits	*2,105
Maps available for inspection at the Township Municipal Building, Somerset, Pennsylvania.	
Upper Chichester (township), Delaware County (FEMA Docket No. 7037)	
Naamans Creek:	
At downstream corporate limits	*51
At upstream corporate limits	*142
Maps available for inspection at the Township Hall, Farey Road, Boothwyn, Pennsylvania.	
SOUTH CAROLINA	
Barnwell (city), Barnwell County (FEMA Docket No. 7037)	
Jordan Branch:	
Just upstream of Gallilee Road	*188
Just downstream of dam	*200
Just upstream of dam	*210
About 3100 feet upstream of Main Street	*217
Maps available for inspection at the City of Barnwell, 1908 Burr Street, Barnwell, South Carolina.	
TEXAS	
Bryan (city), Brazos County (FEMA Docket No. 7034)	
Carters Creek:	
At upstream side of University Drive	*262
Approximately 1.3 miles upstream of Old Reliance Road	*326
Burton Creek Tributary D:	
At confluence with Burton Creek	*258
At Texas Avenue	*295
Cottonwood Branch:	
Approximately 0.7 mile downstream of Industrial Boulevard	*279
Approximately 0.065 mile upstream of FM 2818	*295
Turkey Creek:	
Approximately 0.62 mile downstream of Villa Maria Road	*264
At downstream side of Villa Maria Road	*271
Thompsons Creek:	
Approximately 0.52 mile upstream of confluence of Thompsons Branch	*274
At downstream side of Mumford Road	*295
Thompsons Branch:	
Approximately 0.3 mile upstream of confluence with Thompsons Branch	*273
Approximately 0.06 mile upstream of U.S. Route 190	*307
Still Creek:	
Approximately 0.5 mile downstream of FM 2818	*276
Approximately 50 feet upstream of FM 2818	*290
Maps available for inspection at the City Hall, 300 S. Texas Avenue, Bryan, Texas.	
College Station (city), Brazos County (FEMA Docket No. 7034)	
Wolf Pen Creek:	
Approximately 1,600 feet upstream of confluence with Carters Creek	*247
Approximately 680 feet upstream of Anderson Street	*305
Wolf Pen Creek Tributary A:	
At confluence with Wolf Pen Creek	*276
Approximately 50 feet upstream of Dominik Drive	*290
Wolf Pen Creek Tributary B:	
At confluence with Wolf Pen Creek	*295
Approximately 1,300 feet upstream of State Route 30	*291
Wolf Pen Creek Tributary C:	
At confluence with Wolf Pen Creek	*292
Approximately 100 feet upstream of Jersey Street	*298
Lick Creek:	
Approximately 1.7 miles upstream of Peach Creek Road	*210
Approximately 3.5 miles upstream of the confluence of Spring Creek	*276
Alum Creek:	
At the confluence with Lick Creek	*217
Approximately 0.9 mile upstream of confluence with Lick Creek	*226
Stream AC-1:	
Approximately 1.0 mile upstream of confluence with Alum Creek	*244
Approximately 1.8 mile upstream of confluence with Alum Creek	*277
Carters Creek:	
Approximately 460 feet downstream of confluence of Bee Creek	*235
At upstream side of University Drive	*262
Bee Creek:	
At confluence with Carters Creek	*234
Approximately 1,500 feet upstream of confluence with Carters Creek	*236
Bee Creek Tributary B:	
Approximately 0.1 mile downstream of Welch Boulevard	*276
Approximately 250 feet upstream of Welch Boulevard	*279
Maps available for inspection at the City Hall, 1101 Texas Avenue, College Station, Texas.	
Mesquite (city), Dallas County (FEMA Docket No. 7034)	
North Mesquite Creek:	
Approximately 50 feet downstream of Town East Boulevard	*504
Approximately 100 feet upstream of Via Del Norte	*507
Unnamed Tributary to North Mesquite Creek:	
At the confluence with North Mesquite Creek	*505
Approximately 30 feet upstream of Green Canyon Drive	*513
Maps available for inspection at the Engineering Division, 1515 Galloway, Mesquite, Texas.	
Rockwall (city), Rockwall County (FEMA Docket No. 7031)	
Buffalo Creek Tributary 1:	
Approximately 80 feet upstream of County Road	*536
Approximately 0.6 mile upstream of confluence with Buffalo Creek Tributary 1.2	*565
Buffalo Creek Tributary 1.1:	
At confluence with Buffalo Creek Tributary 1	*536
Approximately 750 feet upstream of Industrial Boulevard	*552
Buffalo Creek Tributary 1.2:	
At confluence with Buffalo Creek Tributary 1	*547
Approximately 1,000 feet upstream of confluence with Buffalo Creek Tributary 1	*552
Maps available for inspection at the City Hall, 205 West Rusk, Rockwall, Texas	
Tom Green County (unincorporated areas) (FEMA Docket No. 7016)	
Concho River:	
Approximately 1.1 miles downstream of FM 1692	*1,701
Most upstream corporate limits of City of San Angelo	*1,796
Red Creek:	
At confluence with Concho Creek	*1,751
Approximately 1.5 miles upstream of Pipeline Road	*2,087
Red Creek Tributary 1:	
At confluence with Red River	*1,679
Approximately 1.5 miles upstream of Abandoned Railroad	*1,997
Red Creek Tributary 2:	
At confluence with Red Creek	*1,696
Approximately 2.0 miles upstream of confluence with Red Creek	*1,937
Red Creek Tributary 4:	
At confluence with Red Creek	*1,940
Approximately 0.4 mile upstream of Bristow Road	*2,015
North Concho River:	
At the upstream side of the O.C. Fisher Dam	*1,936
Approximately 1.7 miles upstream of Carlsbad Loop Road	*2,011
Lake Creek:	
At downstream corporate limits (Cauley Lane)	*1,916
Approximately 0.9 mile upstream of Navajo Road	*2,051
West Fork Lake Creek:	
At confluence with Lake Creek	*1,923
Approximately 0.7 mile upstream of Robbins Road	*1,993
Grape Creek Drain:	
At confluence with North Concho River	*1,906
Approximately 700 feet upstream of Wren Road	*1,966
Grape Creek:	
At confluence with North Concho River	*1,961
Approximately 1.3 miles upstream of Grape Creek Road	*2,020
Stream NC-1:	
At confluence with North Concho River	*1,990
Approximately 0.7 mile upstream of 9th Street	*2,070
South Concho River:	
Approximately 0.4 mile downstream of U.S. Routes 87 and 277	*1,823
At Twin Buttes Reservoir	*1,905
Pecan Creek:	
At confluence with South Concho River	*1,852

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 1.1 miles upstream of Frontage Road	*1,960
Red Creek Split:	
At confluence with Red Creek	*1,970
At the divergence from Red Creek	*1,986
Stream SCR-3:	
At confluence with South Concho River	*2,031
Approximately 0.7 mile upstream of confluence with South Concho River	*2,050
Stream SCR-4:	
At confluence with South Concho River	*2,032
Approximately 1.1 miles upstream of confluence with South Concho River	*2,065
Stream SCR-5:	
At upstream of U.S. Route 277	*2,035
Approximately 0.6 mile upstream of Ford Street	*2,123
Middle Concho River:	
Approximately 0.5 mile downstream of Twin Buttes Dam	*1,881
Approximately 0.8 mile upstream of confluence of Brushy Creek	*2,001
Spring Creek:	
At Twin Buttes Reservoir Dam	*1,959
Approximately 1.5 miles upstream of confluence of Stream SC1	*2,034
Spring Creek Tributary 1:	
At confluence with Spring Creek	*2,013
Approximately 150 feet upstream of U.S. Route	*2,037
Dove Creek:	
At confluence with Spring Creek	*1,964
A point approximately 860 feet upstream of County boundary	*2,115
Stream DC-1:	
At confluence with Dove Creek	*1,991
Approximately 200 feet upstream of FM 2335	*2,013
Stream DC-2:	
At confluence with Dove Creek	*1,995
Approximately 175 feet upstream of FM 2235	*2,026
Dove Creek Split 1:	
At confluence with Spring Creek	*1,972
At the divergence from Dove Creek	*1,980
Dove Creek Split 2:	
At confluence with Spring Creek	*1,966
At divergence from Dove Creek	*1,970
Maps available for inspection at the Public Health Building, 2 City Hall Plaza, San Angelo, Texas.	
WEST VIRGINIA	
Davis (town), Tucker County (FEMA Docket No. 7032)	
Blackwater River:	
At downstream corporate limits	*3,073
At upstream corporate limits	*3,078
Beaver Creek:	
At confluence with Blackwater River	*3,077
Approximately 100 feet upstream of the upstream corporate limits	*3,080
Maps available for inspection at the Town Hall, William Avenue, Davis, West Virginia.	
Hambleton (town), Tucker County (FEMA Docket No. 7032)	
Black Fork:	
At downstream corporate limits	*1,679
At upstream corporate limits	*1,694
Maps available for inspection at the Town Hall, Hambleton, West Virginia.	
Harrison County (unincorporated areas) (FEMA Docket No. 7032)	
West Fork River:	
Approximately 1.1 miles upstream of New Enterprise Road bridge	*907
At upstream County boundary	*998
Maps available for inspection at the Harrison County Courthouse, 301 West Main Street, Clarksburg, West Virginia.	
Hendricks (town), Tucker County (FEMA Docket No. 7032)	
Dry Fork:	
At confluence with Black Fork	*1,711
At upstream corporate limits	*1,720
Black Fork:	
At downstream corporate limits	*1,696
At confluence of Dry Fork	*1,711
Blackwater River:	
At confluence with Black Fork	*1,711
At upstream corporate limits	*1,720
Maps available for inspection at 135 Charles Street, Hendricks, West Virginia.	
Marion County (unincorporated areas) (FEMA Docket No. 7032)	
West Fork River:	
Approximately 500 feet upstream of the downstream City of Fairmont corporate limits	*878
Approximately 400 feet upstream of the confluence of Bingamon Creek	*903
Bingamon Creek:	
At the confluence with the West Fork River	*902
Approximately 25 feet downstream of U.S. Route 19	*902
Maps available for inspection at the City/County Building, Room 403, 200 Jackson Street, Fairmont, West Virginia.	
Parsons (town), Tucker County (FEMA Docket No. 7032)	
Shavers Fork:	
At downstream corporate limits	*1,644
At upstream corporate limits	*1,662
Black Fork:	
Approximately 300 feet downstream of downstream corporate limits	*1,644
At upstream corporate limits	*1,658
Maps available for inspection at the City Building, Parsons, West Virginia.	
Thomas (city), Tucker County (FEMA Docket No. 7032)	
North Fork Blackwater River:	
At downstream corporate limits	*2,916
At upstream corporate limits	*2,957
Maps available for inspection at the City Hall, Spruce Street, Thomas, West Virginia.	
Tucker County (unincorporated areas) (FEMA Docket No. 7032)	
Cheat River:	
Approximately 3,200 feet downstream of confluence of Clover Run	*1,543
At confluence of Black Fork and Shavers Fork	*1,638
Shavers Fork:	
At confluence with Cheat River	*1,638
At upstream County boundary	*1,812
Black Fork:	
At confluence with Cheat River	*1,638
At confluence of Dry Run and Blackwater River	*1,711
Haddix Run:	
At confluence with Shavers Fork	*1,678
Approximately 12,700 feet upstream of confluence of Fools Run	*2,017
Blackwater River:	
At confluence with Black Fork	*1,711
Approximately 450 feet upstream of the corporate limits of the Town of Hendricks	*1,726
At the downstream corporate limits of the Town of Davis	*3,073
Approximately 350 feet upstream of upstream corporate limits of the Town of Davis	*3,078
Dry Fork:	
At confluence with Black Fork	*1,711
Approximately 7,000 feet upstream of confluence of Red Run	*1,845
Horseshoe Run:	
Approximately 100 feet downstream of County Highway 9	*1,723
Approximately 700 feet upstream of the confluence of Wolf Run	*1,879
Pleasant Run:	
At confluence with Shavers Fork	*1,733
Approximately 650 feet upstream of confluence of Little Laurel Run	*1,926
North Fork Blackwater River:	
Approximately 1,530 feet downstream of County Highway 27	*2,842
Approximately 600 feet upstream of the upstream corporate limits of the Town of Thomas	*2,984
Beaver Brook:	
At confluence with Blackwater River	*3,077
Approximately 300 feet upstream of the upstream corporate limits	*3,080
Maps available for inspection at the County Courthouse, 213 1st Street, Parson, West Virginia.	
WISCONSIN	
Evansville (city), Rock County (FEMA Docket No. 7030)	
Allen Creek:	
About 0.86 mile downstream of Chicago and Northwestern Railroad	*880
Just upstream of East Main Street	*897
Just downstream of Lake Leota Dam	*902
Just upstream of Lake Leota Dam	*909
Maps available for inspection at the City Hall, 31 South Madison Street, Evansville, Wisconsin.	

Issued: February 11, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6071 Filed 3-13-92; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13 and 80

[PR Docket No. 90-480; FCC 92-19]

Maritime Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Parts 13 and 80 are amended to implement the Global Maritime Distress and Safety System (GMDSS) in the Commission's Rules. The new system will ultimately change international distress communications from manual ship-to-ship system based on 500 kHz Morse code telegraphy to an automated ship-to-shore system based on satellites and digital technology. The new carriage requirements apply to cargo ships of 300 gross tons and over and passenger ships, irrespective of size, that carry more than twelve passengers that sail internationally or in the open sea. The changes do not relieve ships from the requirements specified in the Communications Act of 1934, as amended (Communications Act). Ships that carry radiotelegraphy equipment must continue to carry radio officers until the Communications Act is amended.

DATES: Effective April 15, 1992. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 15, 1992.

FOR FURTHER INFORMATION CONTACT: Kathryn S. Hosford or Sean White, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554; or telephone (202) 632-7197/7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, PR Docket No. 90-480, adopted January 16, 1992, and released February 7, 1992.

The complete text of the Report and Order is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The full text also may be purchased from the Commission's copy contractor: Downtown Copy Center, 1114 21st Street NW., Washington, DC 20037; telephone 202-452-1422.

Summary of Report and Order

1. This Report and Order sets forth the amendments that are necessary to implement international revisions to the Safety of Life at Sea (SOLAS) Convention, 1974, into the Commission's Rules. These amendments implement the Global Maritime Distress and Safety System (GMDSS) for U.S. ships that are subject to the SOLAS Convention or part II of title III of the Communications Act of 1934, as amended. These are cargo ships over 300 gross tons that sail on international voyages or in the open sea, and passenger ships regardless of size carrying more than twelve passengers that sail on international voyages or in the open sea. These ships are called "compulsory ships."

2. The new GMDSS rules do not change or cancel the distress communications requirements specified in part II of title III of the Communications Act. Ships fitting with the GMDSS must continue to carry the equipment and personnel specified by the Communications Act until such time as the Act is amended. In adopting the GMDSS provisions for U.S. vessels, the Commission stated that the GMDSS represented significant improvements for maritime safety such as, worldwide alerting, coordinated search and rescue operations, and dissemination of maritime safety information. It noted that the GMDSS provisions are mandated by the SOLAS Convention, to which the United States is signatory. Compared to a ship equipped under the current distress and safety system, the Commission found that the GMDSS will enhance a ship's ability to communicate during a distress by ensuring multiple communications options. It noted that if U.S. vessels are delayed in implementing the GMDSS, American lives and property could be at risk by perpetuating an outmoded ship-to-ship system that is rapidly being replaced by other nations. Consequently, the Commission found that early implementation of the GMDSS to be in the public interest.

3. The GMDSS differs from the current distress and safety system in several ways. First, communication equipment requirements are based primarily on the areas in which the ship operates, rather than the size of the ship. Second, the GMDSS is primarily a ship-to-shore system, designed to communicate with rescue authorities on shore, where the current system is primarily ship-to-ship. Finally, the GMDSS will ultimately replace the current manual Morse telegraphy system with satellite technology and digital selective calling (DSC) radios. This equipment uses voice and narrow-band direct printing telegraphy for communications.

4. Equipment carriage requirements under the GMDSS depend on the sea area in which the ship is operating. A sea area is established by individual countries by equipping their shore stations with appropriate medium frequency (MF), high frequency (HF), or very high frequency (VHF), or satellite facilities to "cover" particular segments of ocean. Sea Area A1 is defined as the area within VHF radiotelephone coverage of shore stations (approximately 20-30 nautical miles from shore). Sea Area A2 is defined as the area within MF radiotelephone coverage of shore stations (approximately 75-150 nautical miles from shore). Sea Area A3 is the area within coverage of an INMARSAT geostationary satellite (approximately 70 degrees North to 70 degrees South). Sea Area A4 is the area outside of INMARSAT satellite coverage, essentially the polar seas, and it relies on HF communications.

5. The particular GMDSS equipment required for each ship varies by sea area and may have several alternatives. Depending upon the areas of the sea in which they travel, compulsory ships are required to carry digital selective calling (DSC) radiotelephones operating in the MH, HF, or VHF bands. Under the GMDSS rules, ships may also carry satellite earth stations in lieu of HF equipment. All ships must carry an emergency position-indicating radiobeacon operating on 406 MHz (406 MHz EPIRB), a NAVTEX receiver to receive maritime safety information, and a search and rescue transponder (SART) operating in the 9 GHz band. In addition to the NAVTEX receiver, most ships will also be capable of receiving maritime safety information from either the INMARSAT system or via HF narrow-band direct-printing telegraphy. The specific equipment required to set forth in the attached rules.

6. The new rules require all compulsory ships to carry a 406 MHz EPIRB and the NAVTEX receiver by August 1, 1993. The remaining GMDSS requirements become mandatory on February 1, 1995, for newly constructed compulsory ships, and February 1, 1996, for all compulsory ships. Ships may voluntarily start fitting the GMDSS as soon as equipment is authorized by the Commission for GMDSS use. Manufacturers may start applying for authorization of its equipment in accordance with the new GMDSS requirements upon the effective date of this Report and Order.

7. The Commission also established a new class of radio operator's license for the GMDSS, called the GMDSS Radio Operator's License. Under the new rules, each GMDSS ship is required to carry a licensed GMDSS radio operator who has primary responsibility for radiocommunications during distress situations, plus a second licensed GMDSS radio operator for backup purposes. The GMDSS system requires the carriage of a licensed, proficient radio operator, but the GMDSS radio operator need not be a radio officer. The GMDSS rules also permit ship owners the flexibility to choose from three methods of maintenance allowed by the SOLAS Convention: Shore-based maintenance, at-sea maintenance, and duplication of equipment. Most U.S. ships will be required to use two of these methods. The Commission concluded that at-sea maintenance was not the only means to ensure the availability of radiocommunications during a distress situation.[1] Ships which elect the at-sea maintenance option, however, must carry licensed GMDSS radio maintainers. At present, holders of the existing First and Second Class Radiotelegraph Certificates (T-1 and T-2) and the General Radiotelephone Permit (G) will function as GMDSS radio maintainers. Indicating that this is an interim measure, the Commission encouraged the industry to examine this matter further and make recommendations regarding the qualification standards and licensing procedures for GMDSS radio maintainers.

[1] The Commission concluded that the three maintenance options provided by the SOLAS Convention satisfactorily address radiocommunication requirements. It noted that whether ships need additional personnel as a "general electronics technician" for maintaining non-radiocommunications equipment, is a matter under the jurisdiction of the Coast Guard.

8. The decisions contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new information collection, recordkeeping, labeling, disclosure, or record retention requirements which will increase the burden imposed on the public. The new category of license, the GMDSS Radio Operator's License, will require the same information of applicants as the current T-1, T-2, and G licenses. The labeling requirement for GMDSS equipment will require no information collection, but merely a notation that the equipment has been type accepted by the Commission.

9. Accordingly, *It is Ordered*, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), that parts 13 and 80 of the Commission's Rules *Are Amended* as set forth below.

10. *It is further ordered* That a copy of this Report and Order be provided to the Chief Counsel for Advocacy of the Small Business Administration.

11. *It is further ordered* That this proceeding is *Terminated*.

List of Subjects

Part 13

Commercial radio operator licenses, Radio.

Part 80

Coast stations, Communications equipment, Incorporation by reference, Marine safety, Ship stations, Telegraph, Telephone.

Donna R. Searcy,
Secretary.

Amended Rules

Parts 13 and 80 of title 47 of the Code of Federal Regulations are amended as follows:

PART 13—[AMENDED]

1. The authority citation for part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

2. In Section 13.2, paragraph (b)(7) is added to read as follows:

§ 13.3 Classification of operator licenses and endorsements.

* * * * *

(b) * * *

(7) GMDSS Radio Operator's License (general radio operator's certificate).

* * * * *

3. In Section 13.21, paragraph (a)(7) is added to read as follows:

§ 13.21 Examination elements.

* * * * *

(a) * * *

(7) *GMDSS operating practices.* Radio operating procedures and practices of the knowledge and qualifications enumerated below:

(i) Detailed practical knowledge of the operation of all GMDSS sub-systems and equipment;

(ii) Ability to send and receive correctly by radio telephone and narrow-band direct-printing telegraphy;

(iii) Detailed knowledge of the regulations applying to radiocommunications, knowlege of the documents relating to charges for radiocommunications and knowledge of those provisions of the International Convention for the Safety of Life at Sea which relate to radio; and

(iv) Sufficient knowledge of English to be able to express themselves satisfactorily both orally and in writing;

(v) Knowledge of and ability to perform each of the functions listed in § 80.1061 of this chapter.

(vi) Knowledge covering the requirements set forth in IMO Assembly Resolution on Training for Radio Personnel (GMDSS), Annex 3.

* * * * *

4. In Section 13.22, paragraph (b)(6) is added to read as follows:

§ 13.22 Required qualifications.

* * * * *

(b) * * *

(6) *GMDSS Radio Operator's License.* Written examinations covering elements 1, 2, and 7.

* * * * *

PART 80—STATIONS IN THE MARITIME SERVICES

5. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

6. Part 80 is amended by adding subpart W, consisting of §§ 80.1065-80.1135, to read as follows:

* * * * *

Subpart W—Global Maritime Distress and Safety System (GMDSS)

General Provisions

80.1065 Applicability.

80.1067 Inspection of station.
80.1069 Maritime sea areas.
80.1071 Exemptions.
80.1073 Radio operator requirements for ship stations.
80.1074 Radio maintenance personnel for at-sea maintenance.
80.1075 Radio records.
80.1077 Frequencies.

Equipment Requirements for Ship Stations

80.1081 Functional requirements.
80.1083 Ship radio installations.
80.1085 Ship radio equipment—General.
80.1087 Ship radio equipment—Sea area A1.
80.1089 Ship radio equipment—Sea areas A1 and A2.
80.1091 Ship radio equipment—Sea areas A1, A2, and A3.
80.1093 Ship radio equipment—Sea areas A1, A2, A3, and A4.
80.1095 Survival craft equipment.
80.1099 Ship sources of energy.
80.1101 Performance standards.
80.1103 Equipment authorization.
80.1105 Maintenance requirements.

Operating Procedures for Distress and Safety Communications

80.1109 Distress, urgency, and safety communications.
80.1111 Distress Alerting.
80.1113 Transmission of a distress alert.
80.1115 Transmission of a distress alert by a station not itself in distress.
80.1117 Procedure for receipt and acknowledgement of distress alerts.
80.1119 Receipt and acknowledgement of distress alerts by coast stations and coast earth stations.
80.1121 Receipt and acknowledgement of distress alerts by ship stations and ship earth stations.
80.1123 Watch requirements for ship stations.
80.1125 Search and rescue coordinating communications.
80.1127 On-scene communications.
80.1129 Locating and homing signals.
80.1131 Transmissions of urgency communications.
80.1133 Transmissions of safety communications.
80.1135 Transmission of maritime safety information.

Subpart W—Global Maritime Distress and Safety System (GMDSS)

This subpart contains the rules applicable to the Global Maritime Distress and Safety System (GMDSS). Every ship of the United States subject to part II of title III of the Communications Act or the Safety Convention must comply with the provisions of this subpart. The rules in this subpart are to be read in conjunction with the applicable requirements contained elsewhere in this part; however, in case of conflict, the provisions of this subpart shall govern with respect to the GMDSS. For the purposes of this subpart, distress

and safety communications include distress, urgency, and safety calls and messages.

Note: No provision of this subpart is intended to eliminate, or in anyway modify, other requirements contained in this part with respect to part II of title III of the Communications Act.

General Provisions

§ 80.1065 Applicability.

(a) The regulations contained in § 80.1119 apply to public coast stations and coast earth stations as of February 1, 1992.

(b) The regulations contained within this subpart apply to all passenger ships regardless of size and cargo ships of 300 tons gross tonnage and upwards as follows:

(1) Ships must comply with §§ 80.1085(a)(4) and 80.1085(a)(6) not later than August 1, 1993.

(2) Ships constructed on or after February 1, 1992, must comply with § 80.1095 as of that date. All other ships must comply with § 80.1095 as of February 1, 1995.

(3) Ships constructed on or after February 1, 1995, must comply with all requirements of this subpart.

(4) Ships constructed before February 1, 1995, must comply with all requirements of this subpart as of February 1, 1999.

(5) During the period between February 1, 1992, and February 1, 1999, all ships must comply with:

(i) The requirements of this subpart;

(ii) The requirements of chapter IV of the International Convention for the Safety of Life at Sea, 1974, in force prior to February 1, 1992 (see subparts Q and R of this part); or

(iii) For ships operated solely on domestic voyages, the requirements of § 80.836.

(6) The expression "ships constructed" means "ships the keels of which are laid, or construction identificable with a specific ship begins and assembly of that ship has commenced comprising at least 50 tons gross tonnage or 1% of the estimated mass of all structural material, whichever is less.

(c) The requirements of this subpart do not modify the requirements for ships navigated on the Great Lakes or small passenger boats. The requirements contained in the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973, continue to apply (see subpart T of this part). The requirements contained in part III of title III of the Communications Act continue to apply (see subpart S of this part).

(d) No provision in this subpart is intended to prevent the use by any ship, survival craft, or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.

§ 80.1067 Inspection of station.

(a) Ships must have the required equipment inspected at least once every 12 months. If the ship is in compliance with the requirements of the Safety Convention, a Safety Certificate will be issued; if in compliance with the Communications Act, the license will be endorsed accordingly. The effective date of the ship safety certificate is the date the station is found to be in compliance or not later than one business day later.

(b) Certificates issued in accordance with the Safety Convention must be posted in a prominent and accessible place on the ship.

§ 80.1069 Maritime sea areas.

(a) For the purpose of this subpart, a ship's area of operation is defined as follows:

(1) *Sea area A1.* An area within the radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available as defined by the International Maritime Organization.

(2) *Sea area A2.* An area, excluding sea area A1, within the radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available as defined by the International Maritime Organization.

(3) *Sea area A3.* An area, excluding sea areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available.

(4) *Sea area A4.* An area outside sea areas A1, A2 and A3.

(b) Maritime sea areas are delineated in the International Maritime Organization Publication GMDSS Master Plan of Shore-Based Facilities. The Master Plan can be purchased from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom.

§ 80.1071 Exemptions.

(a) In certain circumstances, partial or conditional exemptions may be granted to individual ships from the requirements of §§ 80.1085, 80.1087, 80.1089, 80.1091, and 80.1093 provided: such ships comply with the functional requirements of § 80.1081 and a showing is made that such an exemption will not have a material effect upon the general efficiency of the service for the safety of all ships.

(b) An exemption may be granted under paragraph (a) of this section only:

(1) If the conditions affecting safety are such as to render the full application of §§ 80.1085, 80.1087, 80.1089, 80.1091, and 80.1093 unreasonable or unnecessary or otherwise not in the public interest;

(2) In exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped; or

(3) Prior to February 1, 1999, when the ship will be taken permanently out of service within two years of a requirement date specified in § 80.1065.

§ 80.1073 Radio operator requirements for ship stations.

(a) Ships must carry at least two persons holding GMDSS Radio Operator's Licenses as specified in § 13.2 of this chapter for distress and safety radiocommunications purposes. The GMDSS Radio Operator's License qualifies personnel as GMDSS radio operator for the purposes of operating GMDSS radio installation, including basic equipment adjustments as denoted in knowledge requirements specified in § 13.21 of this chapter.

(1) One of the qualified GMDSS radio operators must be designated to have primary responsibility for radiocommunications during distress incidents.

(2) A second qualified GMDSS radio operator must be designated as backup for distress and safety radiocommunications.

(b) A qualified GMDSS radio operator, and a qualified backup, as specified in paragraph (a) of this section must be:

(1) Available to act as the dedicated radio operator in cases of distress as described in § 80.1109(a);

(2) Designated to perform as part of normal routine each of the applicable communications described in § 80.1109(b);

(3) Responsible for selecting HF DSC guard channels and receiving scheduled maritime safety information broadcasts;

(4) Designated to perform communications described in § 80.1109(c);

(5) Responsible for ensuring that the watches required by § 80.1123 are properly maintained; and

(6) Responsible for ensuring that the ship's navigation position is entered, either manually or automatically through a navigation receiver, into all installed DSC equipment at least every four hours while the ship is underway.

§ 80.1074 Radio maintenance personnel for at-sea maintenance.

(a) Ships that elect the at-sea option for maintenance of GMDSS equipment (see § 80.1105) must carry at least one person who qualifies as a GMDSS radio maintainer, as specified in paragraph (b) of this section, for the maintenance and repair of equipment specified in this subpart. This person may be, but need not be, the person designated as GMDSS radio operator as specified in § 80.1073.

(b) The following licenses qualify personnel as GMDSS radio maintainers to perform at-sea maintenance of equipment specified in this subpart. For the purposes of this subpart, no order is intended by this listing or the alphanumeric designator.

(1) T–1: First Class Radiotelegraph Operator's Certificate;

(2) T–2: Second Class Radiotelegraph Operator's Certificate;

(3) G: General Radiotelephone Operator License.

(c) While at sea, all adjustments of radio installations, servicing, or maintenance of such installations that may affect the proper operation of the GMDSS station must be performed by, or under the immediate supervision and responsibility of, a qualified GMDSS radio maintainer as specified in paragraph (b) of this section.

(d) The GMDSS radio maintainer must possess the knowledge covering the requirements set forth in IMO Assembly on Training for Radio Personnel (GMDSS), Annex 5 and IMO Assembly on Radio Maintenance Guidelines for the Global Maritime Distress and Safety System related to Sea Areas A3 and A4.

§ 80.1075 Radio records.

A record must be kept, as required by the Radio Regulations and § 80.409 (a), (b) and (e), of all incidents connected with the radiocommunication service which appear to be of importance to safety of life at sea.

§ 80.1077 Frequencies.

The following table describes the frequencies used in the Global Maritime Distress and Safety System:

Alerting:	
406 EPIRBs	406–406.1 MHz (Earth-to-space). 1544–1545 MHz (space-to-Earth).
INMARSAT A or C SES.	1628.5–1645.5 MHz (Earth-to-space).
VHF DSC Ch. 70	156.525 MHz [1].
MF/HF DSC [2]	2187.5 kHz [3], 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12577 kHz, and 16804.5 kHz.
On-scene communications:	
VHF Ch. 16	156.8 MHz.
MF radiotelephony.	2182 kHz.
NBDP	2174.5 kHz.
Communications involving aircraft:	
On-scene, including search and rescue.	158.8 MHz [4], 121.5 MHz [5], 123.1 MHz, 136.9 MHz, 2182 kHz, 3023 kHz, 4125 kHz, and 5680 kHz [6].
Locating signals:	
406 MHz EPIRB beacons.	121.5 MHz.
9 GHz radar transponders.	9200–9500 MHz.
Maritime safety information (MSI):	
International NAVTEX.	518 kHz [7].
Warnings	490 kHz [8], 4209.5 kHz [9].
NBDP	4210 kHz, 6314 kHz, 8478.5 kHz, 12579 kHz, 16806.5 kHz, 19680.5 kHz, 22376 kHz, 26100.5 kHz.
Satellite	1530–1545 MHz (space-to-Earth) [10].
General distress and safety communications and calling:	
Satellite	1530–1544 MHz (space-to-Earth) and 1626.5–1645.5 (Earth-to-space) [10].
Radiotelephony	2182 kHz, 4125 kHz, 6215 kHz, 8291 kHz, 12290 kHz, 16420 kHz, and 156.8 MHz.
NBDP	2174.5 kHz, 4177.5 kHz, 6268 kHz, 8376.5 kHz, 12580 kHz, and 16695 kHz.
DSC	2187.5 kHz, 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12577 kHz, 16804.5 kHz, and 156.525 MHz.
Survival craft:	
VHF radiotelephony.	156.8 MHz and one other 156–174 MHz frequency.
9 GHz radar transponders.	9200–9500 MHz.

[1] Frequency 156.525 MHz can be used for ship-to-ship alerting and, if within sea area A1, for ship-to-shore alerting.

[2] For ships equipped with MF/HF equipment, there is a watch requirement on 2187.5 kHz, 8414.5 kHz, and one other frequency.

[3] Frequency 2187.5 kHz can be used for ship-to-ship alerting and, if within sea areas A2, for ship-to-shore alerting.

[4] Frequency 156.8 MHz may also be used by aircraft for safety purposes only.

[5] Frequency 121.5 MHz may be used by ships for aeronautical distress and urgency purposes.

[6] The priority of use for ship-aircraft communications in 4125 kHz, then 3023 kHz. Additionally, frequencies 123.1 MHz, 3023 kHz, and 5680 kHz can be used by land stations engaged in coordinated search and rescue operations.

[7] The international NAVTEX frequency 518 kHz is the primary frequency for receiving maritime safety information. The other frequencies are used only to augment the coverage or information provided on 518 kHz.

[8] Frequency 490 kHz cannot be used for MSI employing NBDP transmissions until February 2, 1999.

[9] Frequency 4209.5 kHz is not used in the United States (see 47 CFR 2.106 footnote 539A).

[10] In addition to EPIRBs, 1544–1545 MHz can be used for narrowband distress and safety operations and 1645.5–1646.5 MHz can be used for relay of distress alerts between satellites. Feeder links for satellite communications are assigned from the fixed satellite service, see 47 CFR 2.106.

Equipment Requirements for Ship Stations

§ 80.1081 Functional requirements.

Ships, while at sea, must be capable:

(a) Except as provided in §§ 80.1087(a)(1) and 80.1091(a)(4)(iii), of transmitting ship-to-shore distress alerts by at least two separate and independent means, each using a different radiocommunication service;

(b) Of receiving shore-to-ship distress alerts;

(c) Of transmitting and receiving ship-to-ship distress alerts;

(d) Of transmitting and receiving search and rescue co-ordinating communications;

(e) Of transmitting and receiving on-scene communications;

(f) Of transmitting and receiving signals for locating;

(g) Of transmitting and receiving maritime safety information;

(h) Of transmitting and receiving general radiocommunications to and from shore-based radio systems or networks; and

(i) Of transmitting and receiving bridge-to-bridge communications.

§ 80.1083 Ship radio installations.

(a) Ships must be provided with radio installations capable of complying with the functional requirements prescribed by § 80.1081 throughout its intended voyage and, unless exempted under § 80.1071, complying with the requirements of § 80.1085 and, as appropriate for the sea area of areas through which it will pass during its intended voyage, the requirements of either §§ 80.1087, 80.1089, 80.1091, or 80.1093.

(b) The radio installation must:

(1) Be so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;

(2) Be so located as to ensure the greatest possible degree of safety and operational availability;

(3) Be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;

(4) Be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and

(5) Be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.

(c) Control of the VHF radiotelephone channels required for navigational safety must be immediately available on the navigating bridge convenient to the conning position and, where necessary,

facilities should be availalbe to permit radiocommunications from the wings of the navigating bridge. Portable VHF equipment may be used to meet the latter provision.

§ 80.1085 Ship radio equipment—General.

This section contains the general equipment requirements for all ships subject to this subpart.

(a) Ships must be provided with:

(1) A VHF radio installation capable of transmitting and receiving:

(i) DSC on the frequency 156.525 MHz (channel 70), and it must be able to initiate the transmission of distress alerts on channel 70 from the position from which the ship is normally navigated; and

(ii) Radiotelephony on the frequencies 156.300 MHz (channel 6), 156.650 MHz (channel 13), and 156.800 MHz (channel 16);

(2) A dedicated, non-scanning radio installation capable of maintaining a continuous DSC watch on VHF channel 70 which may be separate from, or combined with, that required by paragraph (a)(1)(i) of this section;

(3) A radar transponder capable of operating in the 9 GHz bank, which must be stowed so that it is easily utilized (this transponder may be one of those required by § 80.1095(b) for a survival craft);

(4) A receiver capable of receiving international NAVTEX service broadcasts;

(5) If the ship is engaged on voyages in any area of INMARSAT coverage in which an international NAVTEX service is not provided, a radio facility for reception of maritime safety information by the INMARSAT enhanced group calling system, *i.e.*, SafetyNet, (this requirement does not apply to ships engaged exclusively on voyages in areas where an HF direct-printing telegraphy maritime safety information service, as identified by the IMO GMDSS Master Plan Publication, is provided and the ship is fitted with equipment capable of receiving such service); and

(6) A satellite emergency position-indicating radio beacon (satellite EPIRB) which must be:

(i) Capable of transmitting a distress alert through the polar orbiting satellite service operating in the 406 MHz band (406 MHz EPIRB); and

(ii) Installed in an easily accessible position, ready to be manually released and capable of being carried by one person into a survival craft, capable of floating free if the ship sinks and of being automatically activated when afloat, and capable of being activated manually.

(b) Until February 1, 1999, all ships must be equipped with a radio installation consisting of a radiotelephone distress frequency 2182 kHz watch receiver prescribed by § 80.807. This requirement does not apply to ships constructed on or after February 1, 1997.

(c) Until February 1, 1999, all ships, except ships engaged on voyages in sea area A1 only, must be equipped with a device for generating the 2182 kHz radiotelephone alarm signal as prescribed by § 80.807. This requirement does not apply to ships constructed on or after February 1, 1997.

(d) Ships must carry the most recent edition of the IMO publication entitled *GMDSS Master Plan of Shore-Based Facilities*. Notice of new editions will be published in the **Federal Register** and copies may be obtained from: International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom.

§ 80.1087 Ship radio equipment—Sea area A1.

This section contains the additional equipment requirements for ships that remain within sea area A1 at all times.

(a) In addition to meeting the requirements of § 80.1085, ships engaged on voyages exclusively in sea area A1 must be provided with a radio installation capable of initiating the transmission of ship-to-shore distress alerts from the position from which the ship is normally navigated, operating either:

(1) On VHF using DSC; or

(2) Through the polar orbiting satellite service on 406 MHz (this requirement may be fulfilled by the 406 MHz EPIRB, required by § 80.1085(a)(6), either by installing the 406 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

(3) On MF using DSC if the ship is engaged on voyages within coverage of MF coast stations equipped with DSC; or

(4) On HF using DSC; or

(5) Through the INMARSAT geostationary satellite service if within INMARSAT coverage. This requirement may be fulfilled by an INMARSAT ship earth station capable of two way communication.

(b) The VHF radio installation, required by § 80.1085(a)(1), must also be capable of transmitting and receiving general radiocommunications using radiotelephony.

§ 80.1089 Ship radio equipment—Sea areas A1 and A2.

This section contains the additional equipment requirements for ships that remain within sea areas A1 or A2 at all times. Ships fitting in accordance with this section satisfy the sea area A1 requirements denoted in § 80.1087.

(a) In addition to meeting the requirements of § 80.1085, ships engaged on voyages beyond sea area A1, but remaining within sea area A2, must be provided with:

(1) An MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies:

(i) 2187.5 kHz using DSC; and

(ii) 2182 kHz using radiotelephony;

(2) A radio installation capable of maintaining a continuous DSC watch on the frequency 2187.5 kHz which may be separate from or combined with, that required by paragraph (a)(1)(i) of this section; and

(3) Means of initiating the transmission of ship-to-shore distress alerts by a radio service other than MF operating either:

(i) Through the polar orbiting satellite service on 406 MHz (this requirement may be fulfilled by the 406 MHz EPIRB required by § 80.1085(a)(6), either by installing the 406 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

(ii) On HF using DSC; or

(iii) Through the INMARSAT geostationary satellite service if within INMARSAT coverage; this requirement may be fulfilled by an INMARSAT ship earth station.

(b) It must be possible to initiate transmission of distress alerts by the radio installations specified in paragraphs (a)(1) and (a)(3) of this section from the position from which the ship is normally navigated.

(c) Ships subject to this section must be capable of transmitting and receiving general radiocommunications using radiotelephony or direct-printing telegraphy by either:

(1) A radio installation operating on working frequencies in the bands between 1605–4000 kHz or between 4000–27500 kHz (this requirement may be fulfilled by the addition of this capability to the equipment required by paragraph (a)(1) of this section); or

(2) An INMARSAT ship earth station.

§ 80.1091 Ship radio equipment—Sea areas A1, A2, and A3.

This section contains the additional equipment requirements for ships that remain within sea areas A1, A2, or A3 at all times. Ships fitting in accordance with this section satisfy the requirements denoted in §§ 80.1087 or 80.1089 for sea-areas A1 and A2. Ships fitting in accordance to this section have the option to comply with either the requirements of paragraph (a) or (b) of this section.

(a) In addition to meeting the requirements of § 80.1085, ships subject to this section must be provided with:

(1) An INMARSAT ship earth station capable of:

(i) Transmitting and receiving distress and safety communications using direct-printing telegraphy;

(ii) Initiating and receiving distress priority calls;

(iii) Maintaining watch for shore-to-ship distress alert, including those directed to specifically defined geographical areas;

(iv) Transmitting and receiving general radiocommunications, using either radiotelephony or direct-printing telegraphy; and

(2) An MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies:

(i) 2187.5 kHz using DSC; and

(ii) 2182 kHz using radiotelephony; and

(3) A radio installation capable of maintaining a continuous DSC watch on the frequency 2187.5 kHz which may be separate from or combined with that required by paragraph (a)(2)(i) of this section; and

(4) Means of initiating the transmission of ship-to-shore distress alerts by a radio service operating either:

(i) Through the polar orbiting satellite service on 406 MHz (this requirement may be fulfilled by the 406 MHz EPIRB required by § 80.1085(a)(6), either by installing the 406 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

(ii) On HF using DSC; or

(iii) Through the INMARSAT geostationary satellite service, by an additional ship earth station.

(b) In addition to meeting the requirements of § 80.1085, ships subject to this section must be provided with:

(1) An MF/HF radio installation capable of transmitting and receiving on all distress and safety frequencies in the bands between 1605–27500 kHz using DSC, radiotelephony, and narrow-band direct-printing telegraphy; and

(2) Equipment capable of maintaining DSC watch on 2187.5 kHz, 8414.5 kHz and on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz, or 16804.5 kHz although it must be possible to select any of these DSC distress and safety frequencies at any time (this equipment may be separate from, or combined with, the equipment required by paragraph (b)(1) of this section); and

(3) Means of initiating the transmission of ship-to-shore distress alerts by a radiocommunication service other than HF operating either:

(i) Through the polar orbiting satellite service on 406 MHz (this requirement may be fulfilled by the 406 MHz EPIRB required by § 80.1085(a)(6), either by installing the 406 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated; or

(ii) Through the INMARSAT geostationary satellite service (this requirement may be fulfilled by an INMARSAT ship earth station).

(4) In addition, ships must be capable of transmitting and receiving general radiocommunications using radiotelephony or direct-printing telegraphy by an MF/HF radio installation operating on working frequencies in the bands between 1605–4000 kHz and between 4000–27500 kHz (this requirement may be fulfilled by the addition of this capability to the equipment required by paragraph (b)(1) of this section).

(c) It must be possible to initiate transmission of distress alerts by the radio installations specified in paragraphs (a)(1), (a)(2), (a)(4), (b)(1), and (b)(3) of this section from the position from which the ship is normally navigated.

§ 80.1093 Ship radio equipment—Sea areas A1, A2, A3 and A4.

This section contains the additional equipment requirements for ships that sail in all sea areas, *i.e.*, sea areas A1, A2, A3, and A4. Ships fitting in accordance with this section satisfy the requirements denoted in §§ 80.1087, 80.1089, and 80.1091 for sea areas A1, A2, and A3.

(a) In addition to meeting the requirements of § 80.1085, ships engaged on voyages in all sea areas must be provided with the radio installations and equipment required by § 80.1091(b), except that the equipment required by § 80.1091(b)(3)(ii) cannot be accepted as an alternative to that required by regulation § 80.1091(b)(3)(i), which must always be provided.

(b) Ships engaged on voyages in all sea areas also must comply with the requirements of § 80.1091(c).

§ 80.1095 Survival craft equipment.

(a) At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300–500 tons gross tonnage. Portable two-way VHF radiotelephones must be stowed in such locations that they can be rapidly placed in any survival craft other than liferafts required by Regulation III/26.1.4 of the SOLAS Convention. Alternatively, survival craft may be fitted with a fixed two-way VHF radiotelephone installation. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in § 80.1101. Two-way VHF radiotelephone apparatus provided on board ships prior to February 1, 1992, and not complying fully with the performance standards specified in § 80.1101, may be used until February 1, 1999, provided it is compatible with approved two-way VHF radiotelephone apparatus.

(b) At least one radar transponder must be carried on each side of every passenger ship and every cargo ship of 500 tons gross tonnage and upwards. At least one radar transponder must be carried on every cargo ship of 300 tons gross tonnage and upwards but less than 500 tons gross tonnage. Such radar transponders must conform to performance standards as specified in § 80.1101. The radar transponders must be stowed in such locations that they can be rapidly placed in any survival craft other than liferafts required on cargo ships in forward and aft areas (see Regulation III/26.1.4 of the SOLAS Convention). Alternatively, one radar transponder must be stowed in each survival craft other than those required by Regulation III/26.1.4 of the SOLAS Convention. One of these radar transponders may be radar transponder required by § 80.1085(a)(3).

(c) Survival craft equipment must be tested at intervals not to exceed twelve months. For batteries used for survival craft equipment, the month and year of its manufacture must be permanently marked on the battery. Also, the month and year upon which 50 percent of its useful life will expire must be permanently marked on both the battery and the outside of the transmitter. Batteries must be replaced if 50 percent of their useful life has expired or if the transmitter has been used in an emergency situation.

§ 80.1099 Ship sources of energy.

(a) There must be available at all times, while the ship is at sea, a supply of electrical energy sufficient to operate

the radio installations and to charge any batteries used as part of a reserve source of energy for the radio installations.

(b) A reserve source of energy to supply radio installations must be provided on every ship for the purpose of conducting distress and safety radiocommunications, in the event of failure of the ship's main and emergency sources of electrical power. The reserve sources of energy must be capable of simultaneously operating the VHF radio installation required by § 80.1085(a)(1) and, as appropriate for the sea area or sea areas for which the ship is equipped, either the MF radio installation required by § 80.1089(a)(1), the MF/HF radio installation required by §§ 80.1091(a)(2)(i) or 80.1093(a), or the INMARSAT ship earth station required by § 80.1091(a)(1) and any of the additional loads mentioned in paragraphs (d), (e) and (h) of this section for a period of at least:

(1) One hour, on ships constructed on or after February 1, 1995;

(2) One hour, on ships constructed before February 1, 1995, if the emergency source of electrical power complies fully with all relevant requirements of SOLAS, Chapter II–1, Regulation 42 or 43 (as amended); or

(3) Six hours, on ships constructed before February 1, 1995, and on cargo ships of less than 500 tons gross tonnage, if the emergency source of electrical power is not provided or does not comply fully with all relevant requirements of SOLAS, Chapter II–1, Regulation 42 or 43 (as amended).

(c) The reserve sources of energy need not supply independent HF and MF radio installations at the same time. The reserve sources of energy must be independent of the propelling power of the ship and the ship's electrical system.

(d) Where, in addition to the VHF radio installation, two or more of the other radio installations, referred to in paragraph (b) of this section, can be connected to the reserve sources of energy, they must be capable of simultaneously supplying, for one hour, as specified in paragraph (b) of this section, the VHF radio installation and:

(1) All other radio installations which can be connected to the reserve sources of energy at the same time; or

(2) Whichever of the other radio installations will consume the most power, if only one of the other radio installations can be connected to the reserve sources of energy at the same time as the VHF radio installation.

(e) The reserve sources of energy may be used to supply the electrical lighting required by § 80.1083(b)(4).

(f) Where a reserve source of energy consists of a rechargeable accumulator battery or batteries:

(1) A means of automatically charging such batteries must be provided which must be capable of recharging them to minimum capacity requirements within 10 hours; and

(2) The capacity of the battery or batteries must be checked, using an appropriate method, at intervals not exceeding 12 months. These checks must be performed when the vessel is not at sea.

(g) The accumulator batteries which provide a reserve source of energy must be installed to ensure: The highest degree of service, a reasonable lifetime, reasonable safety; that the battery temperatures remain within the manufacturer's specifications whether under charge or idle; and that when fully charged, the batteries will provide at least the minimum required hours of operation under all weather conditions.

(h) If an uninterrupted input of information from the ship's navigational or other equipment to a radio installation required by this subpart is needed to ensure its proper performance, means must be provided to ensure the continuous supply of such information in the event of failure of the ship's main or emergency source of electrical power.

(i) An uninterruptible power supply or other means of ensuring a continuous supply of electrical power, within equipment tolerances, shall be provided to all GMDSS equipment that could be affected by normal variations and interruptions of ship's power.

§ 80.1101 Performance standards.

(a) The abbreviations used in this section are as follows:

(1) International Maritime Organization (IMO).

(2) International Telegraph and Telephone Consultative Committee (CCITT).

(3) International Electrotechnical Commission (IEC).

(4) International Organization for Standardization (ISO).

(5) International Radio Consultative Committee (CCIR).

(b) All equipment specified in this subpart must meet the general requirements for shipboard equipment as listed below which are incorporated by reference.

(1) IMO Resolution A.694(17), "General Requirements for Shipborne Radio Equipment Forming Part of the Global Maritime Distress and Safety System (GMDSS) and for Electronic Navigational Aids," adopted 6 November 1991.

(2) CCITT Recommendation E.161, "Arrangement of Figures, Lettters and Symbols on Telephones and Other Devices that Can Be Used for Gaining Access to a Telephone Network," 1988.

(3) CCITT Recommendation Q.11, "Numbering Plan for the International Telephone Service," 1988.

(4) IEC Publication 92–101, "Electrical Installations in Ships," Third Edition 1980 with amendments through 1984.

(5) IEC Publication 533, "Electromagnetic Compatibility of Electrical and Electronic Installations in Ships," First Edition 1977.

(6) IEC Publication 945, "Marine Navigational Equipment," First Edition 1988.

(7) ISO Standard 3791, "Office Machines and Data Processing Equipment—Keyboard Layouts for Numeric Applications," First Edition 1976(E).

(c) The equipment specified in this subpart must also conform to the appropriate performance standards listed below which are incorporated by reference.

(1) *NAVTEX receivers*: (i) IMO Resolution A.525(13), "Performance Standards for Narrow-band Direct Printing Telegraph Equipment for the Reception of Navigational and Meteorological Warnings and Urgent Information to Ships," adopted 17 November 1983.

(ii) CCIR Recommendation 540–2, "Operational and Technical Characteristics for an Automated Direct-printing Telegraph System for Promulgation of Navigational and Meteorological Warnings and Urgent Information to Ships," 1990.

(2) *VHF radio equipment*: (i) IMO Resolution A.609(15), "Performance Standards for Shipborne VHF Radio Installations Capable of Voice Communication and Digital Selective Calling," adopted 19 November 1987.

(ii) CCIR Recommendation 493–4, "Digital Selective-calling System for use in the Maritime Mobile Service," 1990.

(3) *MF radio equipment*: (i) IMO Resolution A.610(15), "Performance Standards for Shipborne MF Radio Installations Capable of Voice Communication and Digital Selective Calling," adopted 19 November 1987.

(ii) CCIR Recommendation 493–4, "Digital Selective-calling System for use in the Maritime Mobile Service," 1990.

(4) *MF/HF radio equipment:* (i) IMO Resolution A.613(15), "Performance Standards for Shipborne MF/HF Radio Installations capable of Voice Communication, Narrow-band Direct Printing and Digital Selective Calling," adopted 19 November 1987.

(ii) CCIR Recommendations 493–4, "Digital Selective-calling System for use in the Maritime Mobile Service," 1990.

(iii) CCIR Recommendation 625–1, "Direct-printing Telegraph Equipment Employing Automatic Identification in the Maritime Mobile Service," 1990. Equipment may conform to CCIR Recommendation 476–4, "Direct-Printing Telegraph Equipment in the Maritime Mobile Service," 1986, in lieu of CCIR Recommendation 625–1, where such equipment was installed on ships prior to February 1, 1993.

(5) *406 MHz EPIRBs*:

(i) IMO Resolution A.611(15), "Performance Standards for Float-free Satellite Emergency Position-indicating Radio Beacons Operating on 406 MHz," adopted 19 November 1987.

(ii) IMO Resolution A.662(16), "Performance Standards for Float-free Release and Activation Arrangements for Emergency Radio Equipment," adopted 19 October 1989.

(iii) CCIR Recommendation 633–1, "Transmission Characteristics of a Satellite Emergency Position-indicating Radiobeacon (Satellite EPIRB) System Operating Through a Low Polar-orbiting Satellite System in the 406 MHz Band," 1990.

(iv) The 406 MHz EPIRBs must also comply with § 80.1061.

(6) *9 GHz radar transponders*: (i) IMO Resolution A.604(15), "Performance Standards for Survival Craft Radar Transponders for Use in Search and Rescue Operations," adopted 19 November 1987.

(ii) CCIR Recommendation 628–1, Technical Characteristics for Search and Rescue Radar Transponders," 1990.

(7) *Two-way VHF radiotelephone.* IMO Resolution A.605(15), "Performance Standards for Survival Craft Two-way VHF Radiotelephone Apparatus," adopted 19 November 1987.

(8) *INMARSAT–A SES:* (i) IMO Resolution A.698(17), "Performance Standards for Ship Earth Stations Capable of Two-way Communications," adoted 6 November 1991.

(ii) CCIR Recommendation 493–4, "Digital Selective-calling System for use in the Maritime Mobile Service," 1990.

(9) *INMARSAT–C SES:* (i) IMO Resolution A.663(16), "Performance Standards for INMARSAT Standard–C Ship Earth Stations Capable of Transmitting and Receiving Direct-printing Communications," adopted 19 October 1989.

(ii) CCIR Recommendation 493–4, "Digital Selective-calling System for use in the Maritime Mobile Service," 1990.

(10) *INMARSAT EGC:* IMO Resolution A.664(16), "Performance Standards for Enhanced Group Call Equipment," adopted 19 October 1989.

(d) The above-referenced documents have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Identification data and place to purchase for each of the above-referenced documents are listed as follows:

(1) Copies of IMO Resolutions, the 1974 SOLAS Convention, and the 1983 and 1988 amendments to the 1974 SOLAS Convention can be purchased from Publications, International Maritime Organization, 4 Albert Embankment, London SE1 7SR, United Kingdom.

(i) IMO Resolution A.525(13) is contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 13th Session, 1983, (IMO, London, 1984), Sales Number 073 84.07.E.

(ii) IMO Resolutions A.604(15), A.605(15), A.609(15), A.610(15), A.611(15) and A.613(15) are contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 15th Session, 1987, (IMO, London, 1988), Sales Number 130 88.03.E.

(iii) IMO Resolutions A.662(16), A.663(16) and A.664(16) are contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 16th Session, 1989, (IMO, London, 1990), Sales Number 136 90.04.E.

(iv) IMO Resolutions A.694(17) and A.698(17) can be ordered from IMO by requesting "A.694 and A.698 from the seventeenth session" until they are published in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 17th Session, 1991.

(2) CCIR Recommendations, ITU Radio Regulations, and CCITT publications can be purchased from the International Telecommunications Union (ITU), Place des Nations, CH–1211 Geneva 20, Switzerland.

(i) All CCIR Recommendations referenced in this Section are contained in Recommendations of the CCIR, 1990, Volume VIII, (ITU, Geneva, 1990), 92–61–0424104.

(ii) CCITT Recommendation E.161 is contained in CCITT Volume II—Telephone and Network ISDN—Operation, Numbering, Routing and Mobile Service, (ITU, Geneva, 1989), ISBN 92–61–03261–3.

(iii) CCITT Recommendation Q.11 is contained in CCITT Blue Book Volume VI, General Recommendation on Telephone Switching and Signalling, (ITU, Geneva, 1989), ISBN 92–61–03451–9.

(3) IEC Publications can be purchased from the International Electrotechnical Commission, 3 Rue de Varembe, CH–1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036, telephone (212) 642–4900.

(4) ISO Standards can be purchased from the International Organization for Standardization, 1 Rue de Varembe, CH–1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036, telephone (212) 642–4900.

(5) Copies of the publications listed in this Section that are incorporated by reference may be inspected at the Federal Communications Commission, 1919 M Street NW, Dockets Branch (Room 239), Washington, DC. or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC.

§ 80.1103 Equipment authorization.

(a) All equipment specified § 80.1101(b) must be type accepted in accordance with 47 CFR part 2, except equipment used in the INMARSAT space segment. Equipment intended for use in the INMARSAT space segment must be type-approved by INMARSAT and notified in accordance with 47 CFR part 2. The technical parameters of the equipment must conform to the performance standards as specified in § 80.1101.

(b) Applicants for type acceptance must submit with their applications measurement data sufficiently complete to ensure compliance with the technical parameters. The application must include the items listed in 47 CFR 2.983. Additional measurement data or information may be requested depending upon the equipment. For items not listed in § 2.983 of this chapter, the applicant must attest that the equipment complies with performance standards as specified in § 80.1101 and, where applicable, that measurements have been made that demonstrate the necessary compliance. Submission of representative data demonstrating compliance is not required unless requested by the Commission.

(c) Applicants for notification must attest that the equipment complies with performance standards as specified in § 80.1101 and, where applicable, that measurements have been made that demonstrate the necessary compliance. Submission of representative data demonstrating compliance is not

required unless requested by the Commission. An application must include the items listed in § 2.975 of this chapter and a copy of the INMARSAT type approval certificate indicating that equipment meets GMDSS standards and includes all peripheral equipment associated with the specific unit under review.

(d) Submission of a sample unit is not required unless specifically requested by the Commission.

(e) In addition to the requirements in part 2 of this chapter, equipment specified in § 80.1101(b) shall be labelled as follows: "This device complies with the GMDSS provisions of Part 80 of the FCC Rules."

§ 80.1105 Maintenance requirements.

(a) Equipment must be so designed that the main units can be replaced readily, without elaborate recalibration or readjustment. Where applicable, equipment must be constructed and installed so that it is readily accessible for inspection and on-board maintenance purposes. Adequate information must be provided to enable the equipment to be properly operated and maintained (see IMO Resolution A.569(14)).

(b) Radio equipment required by this subpart must be maintained to provide the availability of the functional requirements specified in § 80.1081 and to meet the performance standards specified in § 80.1101.

(c) On ships engaged on voyages in sea areas A1 and A2, the availability must be ensured by duplication of equipment, shore-based maintenance, or at-sea electronic maintenance capability, or a combination of these.

(d) On ships engaged on voyages in sea areas A3 and A4, the availability must be ensured by using a combination of at least two of the following methods: duplication of equipment, shore-based maintenance, or at-sea electronic maintenance capability.

(e) Irrespective of the maintenance methods used, a ship must not depart from any port unless and until the ship is capable of performing all distress and safety functions as specified in § 80.1081.

(f) Irrespective of the maintenance methods used, all manufacturers' instruction manuals and maintenance manuals for each piece of equipment required and installed must be available on-board ship. Adequate tools, spare parts, and test equipment appropriate to the methods used by the ship as recommended by the manufacturer should be provided. The manuals, tools, spare parts, and test equipment, as applicable, should be readily accessible.

(g) If the duplication of equipment maintenance method is used, the following radio installations, in addition to other equipment requirements specified in this subpart, must be available on-board ships for their sea areas as applicable. Equipment carried in accordance with this paragraph must comply with §§ 80.1101 and 80.1103. Additionally, each radio installation must be connected to a separate antenna and be installed and be ready for immediate operation.

(1) Ships, equipped in accordance with § 80.1067 for sea area A1, must carry a VHF radio installation complying with the requirements of § 80.1085(a)(1).

(2) Ships, equipped in accordance with § 80.1069 for sea areas A1 and A2, must carry a VHF radio installation complying with the requirements of § 80.1085(a)(1) and an MF radio installation complying with the requirements of § 80.1069(a)(1) and being able to fully comply with watch requirements as specified in § 80.1123(a)(2). The MF radio installation installed for duplication must also comply with the requirements § 80.1069(c).

(3) Ships, equipped in accordance with § 80.1091 for sea areas A1, A2, and A3, must carry a VHF radio installation complying with the requirements of § 80.1085(a)(1) and either an MF/HF radio installation complying with the requirements of § 80.1091(b)(1) and being able to fully comply with watch requirements as specified in § 80.1123(a)(2) or an INMARSAT ship earth station complying with the requirements of § 80.1091(a)(1). The MF/HF radio installation or the INMARSAT ship earth station installed for duplication must also comply with the requirements § 80.1091(c).

(4) Ships, equipped in accordance with § 80.1093 for sea areas A1, A2, A3, and A4, must carry a VHF radio installation complying with the requirement of § 80.1085(a)(1) and an MF/HF radio installation complying with the requirements of § 80.1091(b)(1) and being able to fully comply with watch requirements as specified in § 80.1123(a)(2). The MF/HF radio installation installed for duplication must also comply with the requirements § 80.1091(c).

(h) The radio installations specified in paragraph (g) of this section (referred as "duplicated equipment"), in addition to the appropriate radio equipment specified in § 80.1099 (referred as "basic equipment"), must be connected to the reserve sources of energy required by § 80.1099. The capacity of the reserve sources of energy should be sufficient to operate the particular installation (*i.e.*, the basic equipment or the duplicated equipment) with the highest power consumption, for the appropriate period specified in § 80.1099. However, the arrangement for the reserve sources of energy must be such that a single fault in this arrangement cannot affect both the basic and the duplicated equipment.

(i) If the shore-based maintenance method is used, the following requirements apply.

(1) Maintenance services must be completed and performance verified and noted in the ship's record before departure from the first port of call entered after any failure occurs.

(2) Each GMDSS equipment must be tested and performance verified and the results noted in the ship's record before departure from every port. To accomplish this, each ship shall carry a performance checkoff sheet listing each GMDSS equipment carried on a mandatory basis.

(j) If the at-sea maintenance method is used, the following requirements apply.

(1) Adequate additional technical documentation, tools, test equipment, and spare parts must be carried on-board ship to enable a qualified maintainer as specified in § 80.1074 to perform tests and localize and repair faults in the radio equipment.

(2) Only persons that comply with the requirements of § 80.1074 may perform at-sea maintenance on radio installations required by this subpart.

Operating Procedures for Distress and Safety Communications

§ 80.1109 Distress, urgency, and safety communications.

(a) Distress traffic consists of all messages relating to the immediate assistance required by the ship in distress, including search and rescue communications and on-scene communications. Distress traffic must as far as possible be on the frequencies contained in § 80.1077.

(b) Urgency and safety communications include: navigational and meteorological warnings and urgent information; ship-to-ship safety navigation communications; ship reporting communications; support communications for search and rescue operations; other urgency and safety messages and communications relating to the navigation, movements and needs of ships and weather observation messages destined for an official meteorological service.

(c) Intership navigation safety communications are those VHF radiotelephone communications conducted between ships for the purpose of contributing to the safe movement of ships. The frequency 156.650 MHz is used for intership navigation safety communications (see § 80.1077).

§ 80.1111 Distress alerting.

(a) The transmission of a distress alert indicates that a mobile unit or person is in distress and requires immediate assistance. The distress alert is a digital selective call using a distress call format in bands used for terrestrial radiocommunication or a distress message format, which is relayed through space stations.

(b) The distress alert must be sent through a satellite either with absolute priority in general communication channels or on exclusive distress and safety frequencies or, alternatively, on the distress and safety frequencies in the MF, HF, and VHF bands using digital selective calling.

(c) The distress alert must be sent only on the authority of the person responsible for the ship, aircraft or other vehicle carrying the mobile station or the mobile earth station.

(d) All stations which receive a distress alert transmitted by digital selective calling must immediately cease any transmission capable of interfering with distress traffic and must continue watch until the call has been acknowledged.

§ 80.1113 Transmission of a distress alert.

(a) The distress alert must identify the station in distress and its position. The distress alert may also contain information regarding the nature of the distress, the type of assistance required, the course and speed of the mobile unit, the time that this information was recorded and any other information which might facilitate rescue.

(b) The format of distress calls and distress messages must be in accordance with CCIR Recommendation 493 as specified in § 80.1101.

(c) Ship-to-shore distress alerts are used to alert Rescue Coordination Centers via coast stations or coast earth stations that a ship is in distress. These alerts are based on the use of transmissions via satellites (from a ship earth station or a satellite EPIRB) and terrestrial services (from ship stations and EPIRBs).

(d) Ship-to-ship distress alerts are used to alert other ships in the vicinity of the ship in distress and are based on the use of digital selective calling in the VHF, MF, and HF bands.

(e) Shore-to-ship distress alert relays are used by a station or Rescue Coordination Center to relay information about a ship in distress to, as appropriate, all ships, a selected group of ships, or a specific ship by satellite and/or terrestrial means. The distress alert relay must contain the identification of the mobile unit in distress, its position and all other information which might facilitate rescue.

§ 80.1115 Transmission of a distress alert by a station not itself in distress.

(a) A station in the mobile or mobile-satellite service which learns that a mobile unit is in distress must initiate and transmit a distress alert relay in any of the following cases:

(1) When the mobile unit in distress is not itself in a position to transmit the distress alert; or

(2) When the master or person responsible for the mobile unit not in distress or the person responsible for the land station determines that further help is necessary.

(b) A station transmitting a distress alert relay in accordance with paragraph (a) of this section or § 80.1121(c) must indicate that it is not itself in distress.

§ 80.1117 Procedure for receipt and acknowledgement of distress alerts.

(a) Acknowledgement by digital selective calling of receipt of a distress alert in the terrestrial services must comply with CCIR Recommendation 541, which is incorporated by reference.

(b) Acknowledgement through a satellite of receipt of a distress alert from a ship earth station must be sent immediately (see § 80.1119).

(c) Acknowledgement by radiotelephony of receipt of a distress alert from a ship station or a ship earth station must be given in the following form:

(1) The distress signal MAYDAY;

(2) The call sign or other identification of the station sending the distress message, spoken three times;

(3) The words THIS IS (or DE spoken as DELTA ECHO in case of language difficulties);

(4) The call sign or other identification of the station acknowledging receipt, spoken three times;

(5) The word RECEIVED (or RRR spoken as ROMEO ROMEO ROMEO in case of language difficulties);

(6) The distress signal MAYDAY.

(d) The acknowledgement by direct-printing telegraphy of receipt of a distress alert from a ship station must be given in the following form:

(1) The distress signal MAYDAY;

(2) The call sign or other identification of the station sending the distress alert;

(3) The word DE;

(4) The call sign or other identification of the station acknowledging receipt of the distress alert;

(5) The signal RRR;

(6) The distress signal MAYDAY.

(e) The acknowledgement by direct-printing telegraphy of receipt of a distress alert from a ship earth station must be given by the coast earth station receiving the distress alert by retransmitting the ship station identity of the ship transmitting the distress alert.

§ 80.1119 Receipt and acknowledgement of distress alerts by coast stations and coast earth stations.

(a) Coast stations that receive a distress alert should defer acknowledgement for a short interval so that receipt may be acknowledged by a Rescue Coordination Center. Where an acknowledgement is not forthcoming within 3 minutes, the coast station in receipt of distress alerts must ensure that they are routed to a Rescue Coordination Center as soon as possible. Coast stations must provide assistance for distress communications when requested to do so by the U.S. Coast Guard. (This subpart does not specify any radio watches for coast stations.)

(b) Coast earth stations in receipt of distress alerts must ensure that they are routed as soon as possible to a Rescue Coordination Center. Coast earth stations must relay, as soon as possible, an acknowledgement of a distress alert from a Rescue Coordination Center.

(c) Certain messages must be carried without charge, regardless of the means by which they are transmitted:

(1) Distress alert messages;

(2) Search and rescue coordination messages;

(3) Medical assistance messages where an imminent danger to life is present, or

(4) Urgent meteorological or navigational danger messages passed in the ship-to-shore direction.

§ 80.1121 Receipt and acknowledgement of distress alerts by ship stations and ship earth stations.

(a) Ship or ship earth stations that receive a distress alert must, as soon as possible, inform the master or person responsible for the ship of the contents of the distress alert.

(b) In areas where reliable communications with one or more coast stations are practicable, ship stations in receipt of a distress alert should defer acknowledgement for a short interval so that receipt may be acknowledged by a coast station.

(c) Ship stations operating in areas where reliable communications with a coast station are not practicable that receive a distress alert from a ship station which is, beyond doubt, in their vicinity, must, as soon as possible and if appropriately equipped, acknowledge receipt and inform a Rescue Coordination Center through a coast station or coast earth station (see § 80.1115(a)(2)). However, a ship station receiving an HF distress alert must not acknowledge it but must observe the requirements of § 80.1123, and must, if the alert is not acknowledged by a coast station within 3 minutes, relay the distress alert.

(d) A ship station acknowledging receipt of a distress alert in accordance with paragraphs (b) or (c) of this section should:

(1) Acknowledge receipt of the alert by using radiotelephony on the distress and safety traffic frequency in the band used for the alert;

(2) If acknowledgement by radiotelephony of the distress alert received on the MF or VHF distress alerting frequency is unsuccessful, acknowledge receipt of the distress alert by responding with a digital selective call on the appropriate frequency.

(e) A ship station in receipt of a shore-to-ship distress alert relay (see § 80.1113(e)) should establish communication as directed and render such assistance as required and appropriate.

§ 80.1123 Watch requirements for ship stations.

(a) While at sea, all ships must maintain a continuous watch:

(1) On VHF DSC channel 70, if the ship is fitted with a VHF radio installation in accordance with § 80.1085(a)(2);

(2) On the distress and safety DSC frequency 2187.5 kHz, if the ship is fitted with an MF radio installation in accordance with §§ 80.1089(a)(2) or 80.1091(a)(3);

(3) On the distress and safety DSC frequencies 2187.5 kHz and 8414.5 kHz also on at least one of the distress and safety DSC frequencies 4207.5 kHz, 6312 kHz, 12577 kHz, or 16804.5 kHz appropriate to the time of day and the geographical position of the ship, if the ship is fitted with an MF/HF radio installation in accordance with §§ 80.1091(a)(2)(ii) or 80.1093(a) of this part (this watch may be kept by means of a scanning receiver limited to six distress and safety DSC frequencies); and

(4) For satellite shore-to-ship distress alert, if the ship is fitted with an INMARSAT ship earth station in accordance with § 80.1091(a)(1).

(b) While at sea, all ships must maintain radio watches for broadcasts of maritime safety information on the appropriate frequency or frequencies on which such information is broadcast for the area in which the ship is navigating.

(c) Until February 1, 1999, every ship while at sea must maintain, when practicable, a continuous listening watch on VHF Channel 16. This watch must be kept at the position from which the ship is normally navigated or at a position which is continuously manned.

(d) Until February 1, 1999, every ship required to carry a radiotelephone watch receiver must maintain, while at sea, a continuous watch on the radiotelephone distress frequency 2182 kHz. This watch must be kept at the position from which the ship is normally navigated or at a position which is continuously manned.

(e) On receipt of a distress alert transmitted by use of digital selective calling techniques, ship stations must set watch on the radiotelephone distress and safety traffic frequency associated with the distress and safety calling frequency on which the distress alert was received.

(f) Ship stations with narrow-band direct printing equipment must set watch on the narrow-band direct-printing frequency associated with the distress alert signal if it indicates that narrow-band direct-printing is to be used for subsequent distress communications. If practicable, they should additionally set watch on the radiotelephone frequency associated with the distress alert frequency.

§ 80.1125 Search and rescue coordinating communications.

(a) The distress signal consists of the word MAYDAY, pronounced in radiotelephony as the French expression "M'aider". For distress traffic by radiotelephony, when establishing communications, calls must be prefixed by the distress signal MAYDAY.

(b) Error correction techniques, in accordance with CCIR Recommendation 625 as specified in § 80.1101, must be used for distress traffic by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the distress signal MAYDAY.

(c) Distress communications by direct-printing telegraphy should be in the ARQ mode when ships are communicating directly to the Coast Guard or other coast stations on channels which they normally guard. Other distress communications, including those on simplex channels provided for that purpose, should be in the broadcast forward error correction mode. The ARQ mode may subsequently be used when it is advantageous to do so.

(d) The Rescue Coordination Center responsible for controlling a search and rescue operation will also coordinate the distress traffic relating to the incident or may appoint another station to do so.

(e) The Rescue Coordination Center coordinating distress traffic, the unit coordinating search and rescue operations, or the coast station involved may impose silence on stations which interfere with that traffic. This instruction may be addressed to all stations or to one station only, according to circumstances. In either case, the following will be used:

(1) In radiotelephony, the signal SEELONCE MAYDAY, pronounced as the French expression "silence, m'aider";

(2) In narrow-band direct-printing telegraphy normally using forward-error correcting mode, the signal SILENCE MAYDAY. However, the ARQ mode may be used when it is advantageous to do so.

(f) Until they receive the message indicating that normal working may be resumed (see paragraph (h) of this section), all stations which are aware of the distress traffic, and which are not taking part in it, and which are not in distress, are forbidden to transmit on the frequencies in which the distress traffic is taking place.

(g) Stations following distress traffic that are able to continue normal service may do so when the distress traffic is well established and on condition that it observes the provisions of paragraph (f) of this section and that it does not interfere with distress traffic.

(h) When distress traffic has ceased on frequencies which have been used for distress traffic, the Rescue Coordination Center controlling a search and rescue operation must initiate a message for transmission on these frequencies indicating that distress traffic has finished.

(i) In radiotelephony, the message referred to in paragraph (h) of this section consists of:

(1) The distress signal MAYDAY;

(2) The call "Hello all stations" or CQ (spoken as CHARLIE QUEBEC) spoken three times;

(3) The words THIS IS (or DE spoken as DELTA ECHO in the case of language difficulties);

(4) The call sign or other identification of the station sending the message;

(5) The time when the distress situation has ceased;

(6) The name and call sign of the mobile station which was in distress;

(7) The words SEELONCE FEENEE pronounced as the French words "silence fini"

(j) In direct-printing telegraphy, the message referred to in paragraph (h) of this section consists of:

(1) The distress signal MAYDAY;

(2) The call CQ;

(3) The word DE;

(4) The call sign or other identification of the station sending the message;

(5) The time when distress situation has ceased;

(6) The name and call sign of the mobil station which was in distress; and

(7) The words SILENCE FINI.

§ 80.1127 On-scene communications.

(a) On-scene communications are those between mobile unit in distress and assisting mobile units, and between the mobile units and unit coordinating search and rescue operations.

(b) Control of on-scene communications is the responsibility of the unit coordinating search and rescue operations. Simplex communications must be used so that all on-scene mobile stations may share relevant information concerning the distress incident. If direct-printing telegraphy is used, it must be in the forward error-correcting mode in accordance with CCIR Recommendation 625 as specified in § 80.1101.

(c) The preferred frequencies in radiotelephony for on-scene communications are 156.8 MHz and 2182 kHz. The frequency 2174.5 kHz may also be used for ship-to-ship on-scene communications using narrow-band direct-printing telegraphy in the forward error correcting mode in accordance with CCIR Recommendation 625 as specified in § 80.1101.

(d) In addition to 156.8 MHz and 2182 kHz, the frequencies 3023 kHz, 4125 kHz, 5680 kHz, 123.1 MHz and 156.3 MHz may be used for ship-to-aircraft on-scene communications.

(e) The selection or designation of on-scene frequencies is the responsibility of the unit coordinating search and rescue operations. Normally, once an on-scene frequency is established, a continuous aural or teleprinter watch is maintained by all participating on-scene mobile units on the selected frequency.

§ 80.1129 Locating and homing signals.

(a) Locating signals are radio transmissions intended to facilitate the finding of a mobile unit in distress or the location of survivors. These signals include those transmitted by searching units and those transmitted by the mobile unit in distress, by survival craft, by float-free EPIRBS, by satellite EPRIBs, and by search and rescue radar transponders to assist the searching units.

(b) Homing singnals are those locating signals which are transmitted by mobile units in distress, or by survival craft, for the purpose of providing searching units with a signal that can be used to determine the bearing to the transmitting stations.

(c) Locating signals may be transmitted in the following frequency bands: 117.975–136 MHz, 121.5 MHz, 156–174 MHz, 406–406.1 MHz, and 9200–9500 MHz.

(d) The 9 GHz locating signals must be in accordance with CCIR Recommendation 628 as specified in § 80.1101.

§ 80.1131 Transmissions of urgency communications.

(a) In a terrestrial system the announcement of the urgency message must be made on one or more of the distress and safety calling frequencies specified in § 80.1077 using digital selective calling and the urgency call format. A separate announcement need not be made if the urgency message is to be transmitted through the maritime mobile-satellite service.

(b) The urgency signal and message must be transmitted on one or more of the distress and safety traffic frequencies specified in § 80.1077, or via the maritime mobile-satellite service or on other frequencies used for this purpose.

(c) The urgency signal consists of the words PAN PAN. In radiotelephony each word of the group must be pronounced as the French word "panne".

(d) The urgency call format and the urgency signal indicate that the calling station has a very urgent message to transmit concerning the safety of a mobile unit or a person.

(e) In radiotelephony, the urgency message must be preceded by the urgency signal, repeated three times, and the identification of the transmitting station.

(f) In narrow-band direct-printing, the urgency message must be preceded by the urgency signal and the identification of the transmitting station.

(g) The urgency call format or urgency signal must be sent only on the authority of the master or the person responsible for the mobile unit carrying the mobile station or mobile earth station.

(h) The urgency call format or the urgency signal may be transmitted by a land station or a coast earth station with the approval of the responsible authority.

(i) When an urgency message which calls for action by the stations receiving the message has been transmitted, the station responsible for its transmission must cancel it as soon as it knows that action is no longer necessary.

(j) Error correction techniques, in accordance with CCIR Recommendation 625 as specified in § 80.1101, must be used for urgency messages by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the urgency signal PAN PAN.

(k) Urgency communications by direct-printing telegraphy should be in the ARQ mode when communicating directly to the Coast Guard or other coast stations on channels which they normally guard. Other distress communications, including those on simplex channels provided for that purpose, should be in the broadcast forward error correction mode. The ARQ mode may subsequently be used when it is advantageous to do so.

§ 80.1133 Transmission of safety communications.

(a) In a terrestrial system the announcement of the safety message must be made on one or more of the distress and safety calling frequencies specified in § 80.1077 using digital selective calling techniques. A separate announcement need not be made if the message is to be transmitted through the maritime mobile-satellite service.

(b) The safety signal and message must normally be transmitted on one or more of the distress and safety traffic frequencies specified in § 80.1077, or via the maritime mobile satellite service or on other frequencies used for this purpose.

(c) The safety signal consists of the word SECURITE. In radiotelephony, it is pronounced as in French.

(d) The safety call format or the safety signal indicates that the calling station has an important navigational or meteorological warning to transmit.

(e) In radiotelephony, the safety message must be preceded by the safety signal, repeated three times, and the identification of the transmitting station.

(f) In narrow-band direct-printing, the safety message must be preceded by the safety signal and the identification of the transmitting station.

(g) Error correction techniques, in accordance with CCIR Recommendation 625 as specified in § 80.1101, must be used for safety messages by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the safetysignal SECURITE.

(h) Safety communications by direct-printing telegraphy should be in the ARQ mode when communicating directly to the Coast Guard or other coast stations on channels which they normally guard. Other distress communications, including those on simplex channels provided for that purpose, should be in the broadcast forward error correction mode. The ARQ mode may subsequently be used when it is advantageous to do so.

§ 80.1135 Transmission of maritime safety information.

(a) The operational details of the stations transmitting maritime safety information in accordance with this section are indicated in the ITU List of Radiodetermination and Special Service Stations and the IMO Master Plan of Shore-Based Facilities.

(b) The mode and format of the transmissions mentioned in this section is in accordance with the CCIR Recommendation 540 as specified in § 80.1101.

(c) Maritime safety information is transmitted by means of narrow-band direct-printing telegraphy with forward error correction using the frequency 518 kHz in accordance with the international NAVTEX system (see § 80.1077).

(d) The frequency 490 kHz may be used, after full implementation of the GMDSS, for the transmission of maritime safety information by means of narrow-band direct-printing telegraphy with forward error correction (see § 80.1077).

(e) Internationally, the frequency 4209.5 kHz is used for NAVTEX-type transmissions by means of narrow-band direct-printing telegraphy with forward error correction (see § 80.1077).

(f) Maritime safety information is transmitted by means of narrow-band direct-printing telegraphy with forward error correction using the frequencies 4210 kHz, 6314 kHz, 8416.5 kHz, 12579 kHz, 16806.5 kHz, 19680.5, 22376 kHz, and 26100.5 kHz (see § 80.1077).

(g) Maritime safety information is transmitted via satellite in the maritime mobile-satellite service using the band 1530–1545 MHz (see § 80.1077).

[FR Doc. 92–5724 Filed 3–13–92; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 620

[Docket No. 920239–2039]

General Provisions for Domestic Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; correction.

SUMMARY: NMFS is correcting errors in the preamble and implementing regulations for an emergency interim rule that appeared in the **Federal Register** on February 12, 1992 (57 FR 5078). The rule closed an area in the Mid-Atlantic to all fishing due to the potential adverse environmental conditions caused by the loss of drums containing arsenic trioxide from a cargo vessel.

EFFECTIVE DATE: February 6, 1992, through May 12, 1992.

FOR FURTHER INFORMATION CONTACT: Myles Raizin at (508) 281–9104, or One Blackburn Drive, Gloucester, MA 01930–2298.

SUPPLEMENTARY INFORMATION: NMFS has promulgated emergency regulations to address potential adverse environmental conditions due to the loss of arsenic trioxide drums in an area of the Mid-Atlantic Bight. The regulations define an area closed to all fishing activities. Errors were made in both the ordering of the coordinates defining the closed area and the calculation of total square miles affected by the closure.

In FR Doc. 92–3226 beginning on page 5078, in the issue of Wednesday, February 12, 1992, make the following corrections:

1. On page 5078, in the second column, in lines 11 through 14 of the first paragraph Under **SUPPLEMENTARY INFORMATION,** the listing of coordinates that reads, "(c) 38°50.0'N. latitude, 74°16.0'W. longitude; (d) 38°51.5'N. latitude, 74°18.5'W. longitude" is corrected to read:

"(c) 38°51.5'N. latitude, 74°18.5'W. longitude; (d) 38°50.0'N. latitude, 74°16.0'W. longitude".

2. On page 5078, in the second column, in lines 15 and 16 of the first paragraph under **SUPPLEMENTARY INFORMATION,** "4 square miles" is corrected to read "16 square miles".

§ 620.7 [Corrected]

3. On page 5079, in column 3, in section 620.7, paragraph (i) is corrected to read:

(i) Fish in the area of the Mid-Atlantic defined as a rectangle bounded by four straight lines connecting the following coordinates in the order stated:

Point	Latitude	Longitude
a	38°54.0'N.,	74°12.0'W.
b	38°55.5'N.,	74°14.5'W.
c	38°51.5'N.,	74°18.5'W.
d	38°50.0'N.,	74°16.0'W.
e	38°54.0'N.,	74°12.0'W.

Dated: March 10, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 92–6058 Filed 3–13–92; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 57, No. 51
Monday, March 16, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–32–AD]

Airworthiness Directives; Boeing of Canada, Ltd., de Havilland Division, Model DHC–7 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain de Havilland Division Model DHC–7 series airplanes, that currently requires repetitive functional checks of the ground spoiler control system to detect incorrect indications. This action would require modification of the ground spoiler control system. This proposal is prompted by an FAA determination that long-term continued operational safety should be assured by actual modification of the airplane rather than repetitive inspections. The actions specified by the proposed AD are intended to prevent inadvertent deployment of the ground spoilers and loss of lift.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–32–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing of Canada, Ltd., de Havilland Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Sol Maroof, Aerospace Engineer, Airframe Branch, ANE–172, FAA, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581; telephone (516) 791–6220; fax (516) 791–9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–32–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–32–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On October 13, 1983, the FAA issued AD 83–07–25, Amendment 39–4753 (48 FR 48803, October 21, 1983), to require repetitive functional checks of the ground spoiler control system to detect incorrect indications. That action was prompted by an in-service incident in which the ground spoilers were extended prior to takeoff. This condition was caused by both ground spoiler selector solenoid valves failing in the open position, holding the spoilers in the extended position. Investigation revealed that the "O" ring debris from the No. 1 hydraulic system pressure manifold had jammed the spool of each valve in mid-stroke, blocking off the return port. Illumination of the caution light occurs only when a difference in position exists between the valves. Due to both spools jamming in the same condition, the caution light did not illuminate. The requirements of that AD are intended to prevent inadvertent deployment of the ground spoilers and loss of lift.

Since the issuance of the AD, the FAA has determined that long-term continued operational safety should be assured by actual modification of the airplane rather than repetitive inspections. Modification of the ground spoiler control system will effectively prevent inadvertent deployment of the ground spoilers.

Boeing of Canada, Ltd., de Havilland Division, has issued Service Bulletin 7–27–46, Revision B, dated December 17, 1982, that describes procedures to modify the ground spoiler control system by removing the existing hydraulic pressure port reducer fittings and installing new reducer fittings which incorporate an integral filter. Transport Canada Aviation, which is the airworthiness authority of Canada, classified this service bulletin as mandatory.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, reviewed all available

information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 83-07-25 to require modification of the ground spoiler system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 42 airplanes of U.S. registry would be affected by this proposed AD. The FAA has been advised that the 42 affected airplanes have accomplished the modification proposed by this AD. However, should an unmodified airplane be imported and placed on the U.S. Register in the future, it would take approximately 2 work hours per airplane to accomplish the proposed actions, at an average labor rate of $55 per work hour. Required parts would be supplied by the manufacturer to the operators at no cost. Based on these figures, the total estimated cost impact of this AD would be $110 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-4753 (48 FR 48803, October 21, 1983), and by adding a new airworthiness directive (AD), to read as follows:

Boeing of Canada, Ltd., De Havilland Division: Docket 92-NM-32-AD. Supersedes AD 83-07-25, Amendment 39-4753.

Applicability: Model DHC-7 series airplanes; as listed in de Havilland Service Bulletin 7-27-46, Revision B, dated December 17, 1982, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent inadvertent deployment of the ground spoilers and loss of lift, accomplish the following:

(a) Within 15 hours time-in-service or 7 days after November 2, 1983 (the effective date of AD 83-07-25, Amendment 39-4753), whichever occurs first, perform a functional check of the ground spoiler control system, in accordance with the Accomplishment Instructions of de Havilland Alert Service Bulletin A7-27-46, Revision A, dated November 19, 1982, or Revision B, dated December 17, 1982.

(b) If the check required by paragraph (a) of this AD shows incorrect indications, operate the airplane in accordance with the Airplane Flight Manual Minimum Equipment List Supplement No. 4 until the requirements of paragraph (d) of this AD are accomplished.

(c) Repeat the functional checks required by paragraph (a) of this AD at intervals not to exceed 15 hours time-in-service, or 7 days, whichever occurs first.

(d) Within 6 months after the effective date of this AD, accomplish paragraph (d)(1) or (d)(2) of this AD in accordance with de Havilland Service Bulletin 7-27-46, Revision B, dated December 17, 1982:

(1) For airplane serial numbers 1 through 73 that have been retrofitted with Modification No. 7/1732; and airplane serial numbers 74 through 83, 85, 86, and 89: Incorporate Modification No. 7/2296, in accordance with the service bulletin.

(2) For airplane serial numbers 1 through 73 that have not been retrofitted with Modification No. 7/1732; and airplane serial numbers 84, 87, 88, and 90 through 93: Incorporate Modification No. 7/2294, in accordance with the service bulletin.

(e) Incorporation of Modification No. 7/2296 or 7/2294, as required by paragraph (d)(1) or (d)(2) of this AD, constitutes terminating action for the repetitive functional checks required by paragraph (c) of this AD.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6084 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORATION

14 CFR Part 39

[Docket No. 92-NM-33-AD]

Airworthiness Directives; Canadair, Ltd., Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Canadair Model CL-600, CL-601, and CL-601-3A series airplanes, that currently requires inspections for potential crossed wiring in the engine fire extinguishing system and the engine fire detection and warning system, and correction of any discrepancies. This action would require modification of the engine fire extinguishing system. This proposal is prompted by a report indicating that any disconnection and subsequent reconnection of the wiring or warning system wiring harnesses may lead to inadvertent crossed wiring. The actions specified by the proposed AD are intended to prevent severe damage to an airplane in the event of an engine fire.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-33-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station A, Montreal, Quebec, Canada H3C 3G9. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond O'Neill, Aerospace Engineer, Propulsion Branch, ANE-174, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 181 South Franklin Avenue, room 202, Valley Stream, New York 11581-1145; telephone (516) 791-7421; fax (516) 791-9024.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications recieved on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Coments to Docket Number 92-NM-33-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of the NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-33-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On January 9, 1992, the FAA issued AD 92-03-06, Amendment 39-8161 (57 FR 3006, January 27, 1992), to require inspections for potential crossed wiring in the engine fire extinguishing system and the engine fire detection and warning system, and correction of any discrepancies. That action was prompted by a report indicating that any disconnection and subsequent reconnection of the wiring or warning system wiring harnesses may lead to inadvertent crossed wiring. The requirements of that AD are intended to prevent severe damage to an airplane in the event of an engine fire.

Canadair, Ltd., has issued Alert Service Bulletins A600-0581 (for Model CL-600-1A11 series airplanes) and A601-0309 (for Model CL-600-2A12 and CL-600-2B16 series airplanes), both dated September 8, 1989, that describe procedures for installation of a modification to eliminate the possibility of future wiring harness cross connections in the engine fire extinguishing system. This modification consists of trimming the affected wiring harnesses to minimum required length and installing clamping. Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian AD CF-91-24 in order to assure the continued airworthiness of these airplanes in Canada.

In the preamble to AD-92-03-06, the FAA advised that the actions required by the AD are considered interim. Therefore, in this action, the FAA proposes modification of the engine fire extinguishing system. The FAA has determined that this modification of the engine fire extinguishing system fully addresses the unsafe condition.

This action reflects the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe rather than repetitive inspections.

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada Aviation, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AS 92-03-06 to require modification of the engine fire extinguishing system. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 100 airplanes of U.S. registry would be affected by this proposed AD. The actions previously required by AD 92-03-06 necessitated 2 work hours to accomplish, at an average labor charge of $55 per work hour; the total cost to affected U.S. operators was approximately $11,000, or $110 per airplane. The modification that would be required by this AD would require an additional 6 work hours to accomplish, at an average labor charge of $55 per work hour; required parts would be supplied by the manufacturer at no cost to the operators. Therefore, the additional cost to U.S. operators with regards to the proposed modification action is estimated to be $33,000, or $330 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $44,000, or $440 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" undet the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) If promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8161 (57 FR 3006, January 27, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Canadair, LTD: Docket 92-NM-33-AD. Supersedes AD 92-03-06, Amendment 39-8161.

Applicability: Model CL-600-1A11 series airplanes, serial numbers 1004 to 1085, except serial number 1057; Model CL-600-2A12 series airplanes, serial numbers 3001 to 3066; and Model CL-600-2B16 series airplanes, serial numbers 5001 to 5049; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent severe damage to an airplane in the event of an engine fire, accomplish the following:

(a) Within 30 days after February 11, 1991 (the effective date of AD 92-03-06, Amendment 39-8161), accomplish the following:

(1) For Model CL-600-1A11 series airplanes: Perform an inspection for potential crossed wiring in the engine fire extinguishing system, and inspect the electrical connectors for unlocked or inoperative pins, in accordance with Canadair Alert Service Bulletin A600-0581, dated September 8, 1989.

(2) For Model CL-6—2A12 and CL-600-2B16 series airplanes: Perform an inspection for potential crossed wiring in both the engine fire detection and warning system and the engine fire extinguishing system, and inspect the electrical connectors for unlocked or inoperative pins, in accordance with Canadair Alert Service Bulletin A601-0309, dated September 8, 1989.

(b) If any wiring discrepancies are detected as a result of the inspections required by paragraph (a) of this AD, prior to further flight, correct the discrepancies and replace any discrepant electrical connectors found, in accordance with Canadair Alert Service Bulletin A600-0581 (for Model CL-600-1A11 series airplanes), or A601-0309 (for Model CL-60-2A12 and CL-600-2B16 series airplanes), both dated September 8, 1989, as applicable.

(c) Within 120 days after the effective date of this AD, or the next time the fire bottles are removed from the airplane, whichever occurs first, modify the engine fire extinguishing warning harnesses and perform a functional test, in accordance with Canadair Service Bulletin A600-0581, dated September 8, 1989 (for Model CL-600-1A11 series airplanes); of Canadair Service Bulletin A601-0309, dated September 8, 1989 (for Model CL-600-2A12 and CL-600-2B16), as applicable.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office (ACO), ANE-170, FAA, Engine and Propeller Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, New York ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6085 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Temporary Placement of Methcathinone Into Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of intent.

SUMMARY: The Administrator of the Drug Enforcement Administration (DEA) is issuing this notice of intent to temporarily place methcathinone into Schedule I of the Controlled Substances Act (CSA) pursuant to the emergency scheduling provisions of the CSA (21 U.S.C. 811(h)). This intended action is based on a finding by the DEA Administrator, that the placement of methcathinone into Schedule I of the CSA is necessary to avoid an imminent hazard into the public safety. Finalization of this action will impose the criminal sanctions and regulatory controls of Schedule I on the manufacture, distribution and possession of methcathinone.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183.

SUPPLEMENTARY INFORMATION: The Comprehensive Crime Control Act of 1984 (Pub. L. 98-473), which was signed into law on October 12, 1984, amended section 201 of the Controlled Substances Act (CSA) (21 U.S.C. 811) to give the Attorney General the authority to temporarily place a substance into Schedule I of the CSA if he finds that such action is necessary to avoid an imminent hazard to the public safety. A substance may be temporarily scheduled under the emergency provision of the CSA if that substance is not listed in any other schedule under section 202 of the CSA (21 U.S.C. 812) or if there is no approval or exemption in effect under 21 U.S.C. 355 for the substance. The Attorney General has delegated his authority under 21 U.S.C. 811 to the Administrator of DEA by regulation (28 CFR 0.100). In making a finding that placing a substance temporarily into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in section 201(c) of the CSA (21 U.S.C. 811(c)). These factors are as follows:

(4) History and current pattern of abuse;

(5) The scope, duration and significance of abuse; and

(6) What, if any, risk there is to the public health. House Report 98-835 which accompanied Public Law 98-473 states that "This new procedure (emergency scheduling) is intended by the committee to apply to what has been called 'designer drugs', new chemical analogs or variations of existing controlled substances, which have a psychedelic, stimulant or depressant effect and have a high potential for abuse." Methcathinone is an analogue of methamphetamine, which is a Schedule II stimulant with a high potential for abuse, and as such is the type of substance which Congress intended to be considered for emergency scheduling.

Methcathinone, also called ephedrone or 2-methylamino-1-phenylpropan-1-one, is an N-methylated phenylisopropylamine that has a chemical structure substantially similar to that of methamphetamine. Available pharmacological data indicate that methcathinone produces amphetamine-like, psychomotor stimulant effects in laboratory animals.

Five clandestine laboratories concerned with methcathinone production have been encountered in the state of Michigan. Methcathinone is sold as a "legal" stimulant under the street name "cat." It is distributed as a powdered material and is administered via nasal inhalation.

There have been no reports of deaths or injuries specifically attributed to the abuse of methcathinone in the United States. However, in the scientific literature there is at least one report attributing overdose to ephedrone (methcathinone) in the former Soviet Union where this drug is supposedly abused under the street name "Jeff." Methcathinone's structural similarity to methamphetamine and its central nervous system stimulant activity strongly suggest that abuse of this substance will lead to health and safety risks similar to those produced by amphetamine and methamphetamine. Since methcathinone is only manufactured in clandestine laboratories, there are additional risks associated with its abuse. The health and safety hazards associated with the abuse of amphetamine and methamphetamine are well established. According to national estimates of emergency room mentions from the Drug Abuse Warning Network (DAWN), there were over 8500 and 5200 emergency room episodes associated with the use of methamphetamine and speed during 1989 and 1990, respectively. Abuse of methcathinone is likely to cause emergency episodes qualitatively similar to the types of emergency room episodes produced by methamphetamine.

The above data show that the continued, uncontrolled clandestine production, distribution and abuse of methcathinone will pose an imminent hazard to the public safety. DEA is not aware of any commercial manufacturer or supplier of methcathinone in the United States. DEA is also not aware of any recognized therapeutic use of this substance in the United States.

In accordance with the provisions of section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, the Administrator of DEA has considered the following factors relative to making a determination of whether temporarily scheduling methcathinone under the CSA is necessary to avoid an imminent hazard to the public safety:

(1) Its history and current pattern of abuse;

(2) The scope, duration and significance of abuse; and

(3) What, if any, risk there is to the public safety.

Based on a consideration of these factors and other relevant information, the Administrator, pursuant to section 201(h) of the CSA (21 U.S.C. 811(h)) and 28 CFR 0.100, finds that placement of methcathinone into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety.

As required by section 201(h)(4) of the CSA (21 U.S.C. 811(h)(4)), the Administrator has notified the Assistant Secretary for Health, delegate of the Secretary of the Department of Health and Human Services, of his intention to temporarily place methcathinone into Schedule I of the CSA. Comments submitted by the Assistant Secretary for Health in response to this notification, including whether there is an exemption or approval in effect for methcathinone under the Federal Food, Drug and Cosmetic Act, shall be taken into consideration before a final order is published. Because the Administrator finds that it is necessary to temporarily place methcathinone into Schedule I to avoid an imminent hazard to the public safety, the final order, if issued, will be effective on the date of publication in the Federal Register. Further, it is the intention of the Administrator to issue such a final order as soon as possible after the expiration of thirty days from the date of publication of this notice and the date that a notification has been transmitted to the Assistant Secretary for Health.

The Administrator of the Drug Enforcement Administration hereby certifies that this notice of intent to temporarily place methcathinone into Schedule I of the CSA will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 801 *et seq.*

The Temporary scheduling of methcathinone is not a major rule for the purposes of Executive Order (E.O.) 12291 of February 17, 1981. It has been determined that drug scheduling matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12291. Accordingly, this proposed emergency scheduling action is not subject to the provisions of E.O. 12778 which are contingent upon review by OMB. This regulation both responds to an emergency situation posing an imminent danger to the public health and safety, and is essential to a criminal law enforcement function of the United States. Accordingly, it is not subject to the 90-day moratorium on regulations ordered by the President of the United States in his memorandum of January 28, 1992.

The action has been analyzed in accordance with the principles and criteria in E.O. 12291, and it has been determined that the temporary placement of methcathinone into Schedule I of the CSA does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(h) of the CSA (21 U.S.C. 811(h)), and delegated to the Administrator of DEA by Department of Justice regulations (28 CFR 0.100), the Administrator hereby intends to order that 21 CFR part 1308 be amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871b, unless otherwise noted.

2. Paragraph (g)(3) is added to 1308.11 to read as follows:

§ 1308.11 Schedule I.

* * * * *

(g) * * *

(3) Methcathinone (Some other names: 2-Methylamino-1-phenylpropan-1-one; Ephedrone; Monomethylpropion), its salts, optical isomers, and salts of optical isomers.....1237

Dated: March 9, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-6051 Filed 3-13-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AE84

Veterans Education; Nonduplication of Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulations.

SUMMARY: The law prohibits the payment of educational assistance to a person who would otherwise be eligible for benefits under the Montgomery GI Bill—Active Duty when he or she is on active duty with the Armed Forces and the Armed Forces are paying for the course in which he or she is enrolled. Since this provision occurs in the law, but not in the regulations, users of the regulations have occasionally been confused. In order to eliminate that confusion, this proposal would include that prohibition in the regulations. In addition, some minor amendments to the wording of a similar prohibition

concerning Dependents' Educational Assistance and the Government Employees' Training Act is also included in this proposal.

DATES: Comments must be received on or before April 15, 1992. Comments will be available for public inspection until April 27, 1992.

ADDRESSES: Send written comments to: Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170 of the above address between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays) until April 27, 1992.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 233–2092.

SUPPLEMENTARY INFORMATION: 38 CFR 21.4025 is amended to show that a duplication of benefits exists with respect to Dependents' Educational Assistance and the Government Employees' Training Act only when the eligible person is being paid a full salary; the course is being paid for under the Act; and the eligible person is pursuing the course during normal duty hours.

38 CFR 21.7134 is amended to clarify that the prohibition against duplication of benefits also applies to a potential duplication between benefits paid under the Montgomery GI Bill—Active Duty and the Government Employees' Training Act.

The Department of Veterans Affairs has determined that these amended regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulations will not have a $100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Secretary of Veterans Affairs has certified that these amended regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), the amended regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because the amended regulations directly affect only individuals. They will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance numbers for the programs affected by this proposal are 64.117 and 64.124.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

For the reasons set out in the preamble, 38 CFR part 21, subparts D and K are amended as set forth below.

(1) The authority citation for part 21, subpart D is revised to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a).

2. Section 21.4025(a)(2) is revised and an authority citation is added to read as follows:

§ 21.4025 Nonduplication: Federal programs.

(a) *Chapter 35.* * * *

(2) For a unit course or courses which—

(i) Are being paid for entirely or partly by the United States under the Government Employees' Training Act during any period that full salary is being paid to him or her as an employee of the United States, and

(ii) Are pursued during the individual's normal duty hours in lieu of regular work duties, including hours of authorized personal leave; or

(Authority: 38 U.S.C. 3681)

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

3. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. chapter 30, Pub. L. 98–525; 38 U.S.C. 501(a).

4. In §21.7142 paragraph (c) and its authority citation are added to read as follows:

§ 21.7142 Nonduplication of educational assistance.

* * * * *

(c) *Nonduplication—Federal program.* Payment of educational assistance is prohibited to an otherwise eligible veteran or servicemember—

(1) For a unit course or courses which are being paid for entirely or partly by the Armed Forces during any period he or she is on active duty;

(2) For a unit course or courses which are being paid for entirely or partly by the Department of Health and Human Services during any period that he or she is on active duty with the Public Health Service; or

(3) For a unit course or courses which—

(i) Are being paid for entirely or partly by the United States under the Government Employees' Training Act during any period that full salary is being paid to him or hear as an employee of the United States, and

(ii) Are pursued during the individual's normal duty hours in lieu of regular work duties, including hours of authorized personal leave.

(Authority: 38 U.S.C. 3034, 3681)

[FR Doc. 92-6026 Filed 3-13-92; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7040]

Federal Insurance Administration; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
NEW JERSEY	
Mendham (Borough), Morris County	
North Branch Raritan River:	
At Ironia Road	*425
At Mountain Avenue	*497
Maps available for inspection at the Mendham Borough Hall, 2 West Main Street, Mendham, New Jersey.	
Send comments to The Honorable William Steerman, Mayor of the Borough of Mendham, Morris County, 2 West Main Street, Mendham, New Jersey 07945.	
TEXAS	
Buda, City (Hays County)	
Onion Creek:	
Approximately 350 feet downstream of State Route 967	*588
Approximately 0.50 mile upstream of State Route 967	*605
Maps available for inspection at the Buda City Hall, Main Street, Buda, Texas.	
Send comments to The Honorable James Hollis, Mayor of the City of Buda, Hays County, P.O. Box 1218, Buda, Texas 78610.	
Manor (city), Travis County	
Gilleland Creek:	
At upstream face of Parsons Street	*508
At downstream face of eastbound U.S. Route 290	*513
Maps available for inspection at the Manor City Hall, 201 E. Parsons, Manor, Texas.	
Send comments to The Honorable Gilbert Weiss, Mayor of the City of Manor, Travis County, 201 E. Parsons, Manor, Texas 78653.	
Hays County (unincorporated areas)	
San Marcos River:	
Approximately 0.4 mile downstream of confluence of Bypass Creek	*552
Approximately 1.8 miles upstream of confluence of Blanco River	*574
Plum Creek:	
At the old State Route 21	*542
Approximately 0.9 mile upstream of Union Pacific Railroad	*731
Stream Plum-1:	
At confluence with Plum Creek	*632
Approximately 0.7 mile upstream of Union Pacific Railroad	*727
Brushy Creek:	
At State Route 21	*543
Approximately 0.8 mile upstream of dam	*583
Stream Brushy-1:	

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence with Brushy Creek	*557
Approximately 640 feet upstream of County Route 131	*645
Stream Brushy-1A:	
At confluence with Stream Brushy-1	*587
Approximately 0.5 mile upstream of County Route 157	*651
Cottonwood Creek:	
Approximately 200 feet downstream of County Route 266	*568
Approximately 1,580 feet upstream of confluence of Stream CC-3	*648
Stream CC-1:	
At confluence with Cottonwood Creek	*602
At upstream corporate limits	*606
Stream CC-2:	
At confluence with Cottonwood Creek	*644
Approximately 0.3 mile upstream of County Route 2439	*711
Stream CC-2D:	
At confluence with Cottonwood Creek	*637
At upstream corporate limits	*641
Blanco River:	
At confluence with San Marcos River	*572
Approximately 6.2 miles upstream of County Route 181	*1,029
Lone Man Creek:	
At confluence with Blanco River	*767
Approximately 3.2 miles upstream of Deer Lake Road	*1,044
Smith Creek:	
At confluence with Lone Man Creek	*877
Approximately 1.0 mile upstream of Deer Lake Road	*1,015
Cypress Creek:	
At confluence with Blanco River	*841
Approximately 1.5 miles upstream of confluence of Stream Cypress-1	*1,004
Stream Cypress-1:	
At confluence with Cypress Creek	*971
Approximately 0.7 miles upstream of dam	*1,035
Wilson Creek:	
At confluence with Blanco River	*846
Approximately 0.9 mile upstream of dam	*1,006
Willow Springs Creek:	
At downstream corporate limits	*638
Approximately 0.5 mile upstream of McCarty Lane	*716
Stream Tributary WS-1:	
At confluence with Willow Springs Creek	*672
Approximately 600 feet upstream of McCarty Lane	*708
Purgatory Creek:	
At downstream corporate limits	*607
Approximately 3.8 miles upstream of SCS Dam No. 4	*910
Stream Tributary PC-1:	
At confluence with Purgatory Creek	*656
Approximately 1.2 miles upstream of McCarty Lane	*793
Sink Creek:	
At Limekiln Road	*588
Approximately 4.4 miles upstream of SCS Dam No. 1	*602
Onion Creek:	
Approximately 660 feet downstream of County boundary	*648
Approximately 6.1 miles upstream of U.S. Route 12	*1,148
Bear Creek:	
Approximately 100 feet downstream of County boundary	*605
Approximately 1.9 miles upstream of FM 1826	*903
Little Bear Creek:	
At most downstream County boundary	*655
Approximately 3.6 miles upstream of confluence of Stream LB-1	*815
Stream LB-1:	
At confluence with Little Bear Creek	*743
Approximately 1.4 miles upstream of confluence with Little Bear Creek	*791
Stream Bear-1:	
At confluence with Bear Creek	*646

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 140 feet upstream of County boundary	*924
Stream Bear-1A:	
At confluence with Stream Bear-1	*951
Approximately 1.9 miles upstream of FM 1826	*1,036
Stream Bear-2:	
At confluence with Bear Creek	*850
Approximately 0.9 mile upstream of confluence with Bear Creek	*920
Barton Creek:	
At County boundary	*951
Approximately 850 feet upstream of confluence of Schoolhouse Hollow	*1,135
Long Branch:	
At County boundary	*1,038
Approximately 125 feet upstream of dam	*1,160
Stream BC-1	
At confluence with Barton Creek	*955
Approximately 0.6 mile upstream of confluence of BC-1A	*1,151
Stream BC-1A	
At confluence with Stream BC-1	*1,086
Approximately 1,870 feet upstream of confluence with Stream BC-1	*1,124

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Roy Branch:	
At confluence with Barton Creek	*962
Approximately .4 mile upstream of Oakwood Lane	*1,105
Cottonwood Branch:	
At confluence with Roy Branch	*993
Approximately 1,820 feet upstream of Right Bank Dam	*1,096
Little Barton Creek:	
At confluence with Barton Creek	*996
Approximately 1.7 miles upstream of State Route 12	*1,246
Stream BC-2:	
At confluence with Barton Creek	*1,100
Approximately .9 mile upstream of confluence of Stream BC-2A	*1,227
Stream BC-2A	
At confluence with Stream BC-2	*1,154
Approximately 1.0 mile upstream of confluence with Stream BC-2	*1,236
Schoolhouse Hollow:	
At confluence with Barton Creek	*1,123
Approximately 275 feet upstream of confluence of Stream SH-1	*1,192

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Stream SH-1:	
At confluence with Schoolhouse Hollow	*1,186
Approximately 0.7 mile upstream of confluence with Schoolhouse Hollow	*1,262
Bypass Creek:	
Approximately .9 mile downstream of confluence of Bypass Creek Tributary-2	*567
Approximately 1 mile upstream of Uhland Road	*607
Bypass Creek Tributary-2:	
At downstream corporate limits	*580
Approximately 680 feet upstream of Uhland Road	*597

Maps available for inspection at the County Courthouse, Broadway, San Marcos, Texas.

Send comments to The Honorable Eddy Etheridge, Hays County Judge, Hays County Courthouse, San Marcos, Texas 78666.

3. The proposed modified base (100-year) flood elevations for selected locations are:

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arizona	City of Tucson Pima County.	Santa Cruz River	Approximately 5,750 feet downstream of El Camino Del Cerro.	*2,219	*2,218
			Approximately 50 feet upstream of El Camino Del Cerro.	*2,236	*2,234
			At Sweetwater Drive	*2,255	*2,256
			Approximately 100 feet downstream of the confluence with Silvercroft Wash.	*2,281	*2,279
			Approximately 200 feet upstream of West Grant Road.	*2,303	*2,305
			Approximately 100 feet upstream of West Speedway Boulevard.	*2,322	*2,323
			Approximately 50 feet downstream of West Congress Street.	*2,341	*2,343
			Approximately 100 feet upstream of Silverlake Road.	*2,367	*2,370
			Approximately 20 feet downstream of Ajo Way	*2,396	*2,397
			Approximately 100 feet upstream of Irvington Road.	*2,415	*2,415
			At Valencia Road	*2,456	*2,459
			Approximately 6,300 feet upstream of Valencia Road (at Tucson Corporate Limits).	*2,471	*2,475
		Rillito Creek	Approximately 2,000 feet downstream of North Oracle Road (U.S. Highways 80 and 89).	*2,294	*2,290
			Just upstream of North First Avenue	*2,322	*2,316
			Approximately 50 feet downstream of North Campbell Avenue.	*2,341	*2,337
			Approximately 3,400 feet downstream of Dodge Boulevard.	None	*2,374
			Just upstream of Dodge Boulevard	*2,383	*2,382
			Just downstream of Swan Road	*2,406	*2,406
		Sabino Creek	At the confluence of Tanque Verde Creek	*2,498	*2,492
			Approximately 1,200 feet upstream of the confluence with Tanque Verde Creek.	*2,501	*2,497
			Approximately 3,775 feet upstream of the confluence with Tanque Verde Creek.	*2,505	*2,506
			Approximately 4,800 feet upstream of the confluence with Tanque Verde Creek.	*2,508	*2,511
		Hidden Hills Wash	Approximately 100 feet downstream of Rosewood Street.	*2,629	*2,629
			Approximately 20 feet upstream of Fifth Street	*2,658	*2,656
			Approximately 80 feet downstream of Golden West Street.	*2,696	*2,684

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 175 feet downstream of East Broadway Boulevard.	*2,702	*2,702
		Enchanted Hills Wash	Approximately 120 feet upstream of the confluence with West Branch Santa Cruz.	*2,394	*2,396
			Approximately 80 feet upstream of Mission Road.	*2,415	*2,417
			Approximately 880 feet upstream of Mission Road.	*2,430	*2,426
			Approximately 1,320 feet upstream of Mission Road.	*2,435	*2,435
		Alamo Wash	Approximately 200 feet downstream of East Grant Road.	*2,485	*2,477
			Approximately 120 feet downstream of East Pima Street.	*2,510	*2,507
			Approximately 60 feet upstream of Speedway Boulevard.	*2,532	*2,534
			Approximately 20 feet upstream of East Broadway.	*2,571	*2,572
			Approximately 80 feet downstream of southbound Wilmot Road.	*2,584	*2,583
			Approximately 60 feet upstream of East 22nd Street.	*2,630	*2,631
			At Golf Links Road	*2,673	*2,670
			Approximately 60 feet upstream of Golf Links Road.	None	*2,672
		Robb Wash	Approximately 1,000 feet downstream of Pima Street.	*2,540	*2,540
			Approximately 550 feet downstream of Pima Street.	*2,547	*2,545
			Just upstream of Pima Street	*2,549	*2,549
		Arcadia Wash	Approximately 400 feet upstream of Glenn Street.	*2,448	*2,444
			Approximately 100 feet downstream of East Grant Road.	*2,463	*2,455
			Approximately 75 feet downstream of Seneca Street.	*2,475	*2,467
			Approximately 100 feet upstream of East Pima Street.	*2,483	*2,483
		Railroad Wash	At the confluence with Tucson Arroyo	*2,430	*2,430
			Just upstream of 18th Street	None	*2,434
			Just downstream of Aviation Avenue	None	*2,442
			Just downstream of 36th Street	None	*2,491
		Rodeo Wash	At Elizabeth Drive	None	*2,422
			At South 12th Avenue	None	*2,441
			At South Sixth Avenue	None	*2,473
			Just upstream of South Park Avenue	None	*2,506

Maps are available for review at the Tucson City Engineer's Office, County-City Public Works Building, 201 North Stone Avenue, Third floor, Tucson, Arizona.
Send comments to The Honorable George Miller, Mayor, City of Tucson, P.O. Box 27210, Tucson, Arizona 85726-7210.

California	City of Folsom Sacramento County	Humbug Creek	At East Bidwell Street	*265	*265
			One hundred feet upstream of Oak Avenue Parkway.	*343	*345
			Approximately 1,800 feet upstream of Oak Avenue Parkway.	None	*351

Maps are available for review at the Public Works Department, Engineering Division, 300 Persifer Street, Folsom, California.
Send comments to The Honorable John E. Kipp, Mayor, City of Folsom, 50 Natoma Street, Folsom, California 95630.

California	Lake County	Cache Creek	At the confluence with Copsey Creek	*1,330	*1,331
			Approximately 3,000 feet downstream of Lake Street.	*1,329	*1,331
			Approximately 1,000 feet downstream of Lake Street.	*1,328	*1,331
			At Lake Street	*1,329	*1,331
			At State Highway 53	*1,330	*1,331
		Seigler Canyon Creek	At the confluence with Cache Creek	*1,330	*1,331

Maps are available for review at the Lake County Flood Control and Water Conservation District, 255 North Forbes Street, Lakeport, California.
Send comments to The Honorable Gary Lambert, Chairperson, Lake County Board of Supervisors, 255 North Forbes Street, Lakeport, California 95453.

California	Town of Mammoth Lakes Mono County.	Mammoth Creek	Approximately 650 feet downstream of Old Mammoth Road.	None	*7,823
			Just upstream of Minaret Road	None	*7,878
			At Waterford Street	None	*7,928
			Just upstream of Sherwin Street	None	*7,976
			Approximately 350 feet upstream of Western Street.	None	*8,006

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Mammoth Creek Tributary	At convergence with Mammoth Creek	None	*7,887
			At Waterford Street	None	*7,929
			At divergence from Mammoth Creek	None	*7,950
		Sherwin Street Tributary	At convergence with Mammoth Creek	None	*7,942
			Just upstream of Sherwin Street		
			At divergence from Mammoth Creek	None	*7,992

Maps are available for review at City Hall, 437 Old Mammoth Road, Suite R, Mammoth Lakes, California.
Send comments to The Honorable Duffy Wright, Mayor, Town of Mammoth Lakes, P.O. Box 1609, Mammoth Lakes, California 93546.

California	Riverside County Unincorporated Areas	Perris Valley Storm Drain	At Orange Avenue	*1,432	*1,430
			Approximately 2,600 feet upstream of Orange Avenue.	*1,435	*1,434

Maps are available for review at the Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, California.
Send comments to the Honorable Norton Youngblove, Chairman, Riverside County Board of Supervisors, 4080 Lemon Street, 14th Floor, Riverside, California 92501.

Colorado	City of Aurora	Unnamed Creek	At the confluence with West Toll Gate Creek	*5,566	*5,561
			Approximately 3,000 feet upstream of the confluence with West Toll Gate Creek.	*5,580	*5,577
			Approximately 600 feet downstream of South Flanders Way.	*5,613	*5,614
			Approximately 1,300 feet upstream of South Flanders Way (at upstream limit of detailed study).	*5,626	*5,628
		East Toll Gate Creek	Approximately 1,900 feet upstream of First Avenue.	*5,433	*5,433
			Approximately 3,500 feet upstream of First Avenue.	*5,445	*5,446
			Approximately 1,250 feet downstream of Buckley Road.	*5,458	*5,451
			At Buckley Road	*5,464	*5,464
		Westerly Creek	Approximately 7,000 feet upstream of mouth	*5,306	*5,306
			At Montview Boulevard	*5,314	*5,314
			At Beeler Street	*5,321	*5,319
			At Sixth Avenue	*5,325	*5,324
			At 14th Avenue	*5,335	*5,331

Maps are available for review at the Engineering Department, 1470 South Havana Street, Aurora, Colorado.
Send comments to The Honorable Paul Tauer, Mayor, City of Aurora, 1470 South Havana Street, Aurora, Colorado 80012.

Colorado	City of Colorado Springs, El Paso County.	South Shooks Run	At the confluence with Fountain Creek	*5,899	*5,898
			Just downstream of Costilla Street	*5,955	*5,950
			Approximately 150 feet upstream of Willamette Avenue.	*6,009	*6,008
			Approximately 1,650 feet upstream of East San Miguel Street.	*6,063	*6,060
		Templeton Gap Floodway	Just downstream of Hopeful Drive	None	*6,460
			Just downstream of Barnes Road	None	*6,505
		Templeton Gap South Overflow.	At the confluence with Templeton Gap Floodway.	*6,358	*6,368
			At Academy Boulevard	None	*6,407
			Approximately 1,450 feet upstream of Half Turn Road.	None	*6,422
		Cheyenne Run	At the confluence with Cheyenne Creek	None	*5,930
			At Lorraine Street	None	*5,981
			Approximately 550 feet downstream of the intersection of Skyway Boulevard and Saturn Drive.	None	*6,045
			At the intersection of Skyway Boulevard and Mars Drive.	None	#1
		Templeton Gap South Tributary.	Just downstream of Hopeful Drive	None	*6,455
			Approximately 100 feet downstream of Picturesque Drive.	None	*6,472
		Spring Run	At the confluence with Fountain Creek	None	*5,856
			Just downstream of Southgate Road	None	*5,935
			Approximately 200 feet downstream of South Nevada Avenue.	None	*5,978
			Approximately 250 feet downstream of Springmeadow Drive.	None	*6,058
		Spring Run Overflow	At the confluence with Spring Run	None	*5,896
			Approximately 400 feet upstream of South El Paso Avenue.	None	*5,911
			Approximately 500 feet upstream of South El Paso Avenue.	None	#1
		Sand Creek West Fork	At the confluence with Sand Creek	None	*6,125

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			At Murray Boulevard	None	*6,208
			Just downstream of Colorado and Eastern Railroad.	None	*6,255
			Just downstream of Maizeland Road	None	*6,305
			Just downstream of Oro Blanco Drive	None	*6,436
			Approximately 2,350 feet upstream of Oro Blanco Drive.	None	*6,529
			At the intersection of Murray Boulevard and Galley Road.	None	#2

Maps are available for review at the Regional Building Department, 101 West Costilla Street, Colorado Springs, Colorado.
Send comments to The Honorable Robert M. Isaac, Mayor, City of Colorado Springs, 30 South Nevada Street, Colorado Springs, Colorado 80903.

Colorado	El Paso County Unincorporated Area.	Templeton Gap Floodway	Approximately 450 feet upstream of the Academy Boulevard bridge.	*6,423	6,422
			Approximately 50 feet downstream of the Hopeful Drive Bridge.	*6,459	*6,460
			Approximately 150 feet west of the intersection of Hopeful Drive and Blissful Circle North.	*6,459	#1
		Templeton Gap, South Tributary.	At the confluence with Templeton Gap Floodway.	*6,455	*6,460
			At the intersection of Hopeful Drive and Blissful Circle South.	None	*6,457
			Approximately 150 feet north of the intersection of Hopeful Drive and Blissful Circle North.	*6,459	#1
		Sand Creek Center, Tributary	Approximately 1,075 feet downstream of Galley Road.	*6,229	*6,229
			Just downstream of Omaha Boulevard	*6,297	*6,304
			Approximately 1,900 feet upstream of Omaha Boulevard.	None	*6,345
		Sand Creek Center, Tributary Overflow.	At the convergence with Sand Creek Center Tributary at Galley Road.	*6,425	*6,245
			At the intersection of Paonia Street and Paonia Court.	None	*6,273
			At the intersection of Paonia Street and Omaha Boulevard.	None	*6,302
			At the divergence from Sand Creek Center Tributary.	None	*6,304
		Sand Creek East Fork Subtributary.	At the confluence with Sand Creek East Fork	*6,418	*6,418
			Just downstream of Genoa Road	*6,501	*6,484
			Just upstream of Colorado and Eastern, Cadillac and Lake City Railroad.	*6,544	*6,545
			Approximately 1,600 feet upstream of Colorado and Eastern, Cadillac and Lake city Railroad.	*6,562	*6,562
		Crystal Creek	Approximately 100 feet upstream of Interstate 25.	None	*7,057
			Just upstream of Willow Parkway	None	*7,077
			Approximately 1,050 feet upstream of Willow Parkway.	None	*7,094
		Dirty Woman Creek	Approximately 3,100 feet downstream of South Park Drive.	None	*7,051
			Just upstream of South Park Drive	None	*7,114
			Approximately 400 feet upstream of Lake Woodmoor Drive.	None	*7,131
		Fisher Canyon	Just downstream of Maxwell Street	None	*5,779
			Just upstream of Interstate 25	None	*5,789
			Just downstream of B Street	None	*5,847
			Just downstream of Loomis Avenue	None	*5,853
		Jimmy Camp West Tributary	At the confluence with Jimmy Camp Creek	None	*5,572
			Just downstream of Mark Sheffel Road	None	*5,613
			At the divergence of Jimmy Camp Creek West Tributary south overflow.	None	*5,635
			Just upstream of dam	None	*5,677
			Approximately 5,000 feet upstream of dam	None	*5,705
		Jimmy Camp West Tributary South Overflow.	At the confluence with Jimmy Camp Creek	None	*5,608
			At the Furlong Circle bridge	None	*5,621
			Just upstream of Mark Sheffel Road	None	*5,633
			At the divergence from Jimmy Camp West Tributary.	None	*5,635

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at the Regional Building Department, 101 West Costilla Street, Colorado Springs, Colorado. Send comments to The Honorable Gary Shoup, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Street, Colorado Springs, Colorado 80903.					
Connecticut	Killingworth, Town, Middlesex County.	Hammonasset River	Upstream side of State Route 80	None	*214
			Approximately 2,000 feet upstream of State Route 79.	None	*315
Maps available for inspection at the Killingworth Town Office, 323 Route 81, Killingworth, Connecticut. Send comments to Mr. Gerald B. Lucas, First Selectman for the Town of Killingworth, Middlesex County, 323 Route 81, Killingworth, Connecticut 06419.					
Connecticut	Madison, Town, New Haven County.	Hammonasset River (upper reach).	Upstream side of State Route 80	None	*214
			Approximately 2,000 feet upstream of State Route 79.	None	*315
		Neck River	Upstream side of Goulds Pond Dam	None	*77
			Approximately 1,450 feet upstream of Bradley Comus Road.	None	*230
		Iron Stream	At State Route 80	None	*97
			At Race Hill Road	None	*217
Maps available for inspection at the Madison Town Clerk's Office, 8 Meetinghouse Lane, Madison, Connecticut. Send comments to Mr. Thomas R. Rylander, First Selectman for the Town of Madison, New Haven County, 8 Meetinghouse Lane, Madison, Connecticut 06443.					
Georgia	City of McCaysville, Fannin County.	Toccoa River	About 630 Feet downstream of Grand Street	None	*1460
			About 625 Feet upstream of CSX railroad	None	*1466
		Fightingtown Creek	About 1690 Feet downstream of West Tennessee Avenue.	None	*1459
			About 900 Feet upstream of West Tennessee Avenue.	None	*1463
Maps available for inspection at the City Hall, Tennessee Avenue, Highway 5, McCaysville, Georgia. Send comments to The Honorable Barbara Thomas, Mayor, City of McCaysville, P.O. Box 6, McCaysville, Georgia 30555.					
Illinois	City of Geneseo, Henry County.	Geneseo Creek	About 700 feet downstream of Elk Street	None	*615
			About 0.94 mile upstream of Interstate 80	*644	*643
Maps available for inspection at the City Hall, 101 South State Street, Geneseo, Illinois. Send comments to The Honorable Thomas Gorman, Mayor, City of Geneseo, 101 South State Street, P.O. Box 64, Geneseo, Illinois 61254.					
Iowa	City of Cascade, Dubuque and Jones Counties.	North Fork, Maquoketa River	About 3600 feet downstream of U.S. Highway 151.	None	*812
			About 2000 feet upstream of U.S. Highway 151	*823	*822
Maps available for inspection at the City of Cascade, City Clerk Office, 320 First Avenue West, Cascade, Iowa. Send commends to The Honorable Francie Mantemach, Mayor, City of Cascade, 320 First Avenue West, Cascade, Iowa 52033.					
Iowa	City of Clive, Polk and Dallas Counties.	Walnut Creek	Just upstream of 73rd Street	*832	*832
			Just downstream of U.S. Highway 6	None	*878
		South Walnut Creek	At mouth	None	*878
			Just downstream of Clive Lake Dam	None	*895
			Just upstream of Clive Lake Dam	None	*908
			About 3000 feet upstream of Clive Lake Dam	*909	*909
		North Walnut Creek	At mouth	*832	*832
			About 3050 feet upstream of University Avenue.	*836	*835
Maps available for inspection at the Building Department, 9280 Swanson Boulevard, Clive, Iowa. Send comments to The Honorable Gene Maddox, Mayor, City of Clive, 8505 Harbach Boulevard, Clive, Iowa 50325.					
Iowa	Unincorporated Areas of Polk County.	Des Moines River	About 2.3 miles downstream of State Highway 46.	None	*780
			Just downstream of Saylorville Dam	None	*812
		Rock Creek	At mouth	None	*812
			Just downstream of County Road	*813	*813
		Yeader Creek	About 1100 feet upstream of Indianola Road	None	*824
			About 400 feet downstream of Southeast 14th Street.	None	*831
		Easter Lake	Along shoreline	None	*818
		Raccoon River	Just upstream of First Street	None	*814
			Abut 1.7 miles upstream of Interstate 35	None	*831
		Saylor Creek	At mouth	None	*804
			About 500 feet downstream of State Highway 415.	None	*875
		Beaver Creek	At mouth	None	*805
			About 3200 feet upstream of Chicago and Northwestern Railroad.	None	*807

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Muchikinock Creek	At mouth	None	*839
			About 2300 feet upstream of Northeast 46th Street.	None	*921
		Spring Creek	Just upstream of Vandalia Drive	None	*781
			Just upstream of Southeast 82nd Street	*784	*784
		North Walnut Creek	At county boundary	*892	*890
			Just downstream of Northwest 100th Street	*907	*900
			About 300 feet upstream of Northwest 100th Street.	*913	*906
		Mud Creek	At mouth	None	*780
			Just upstream of Southeast 56th Avenue	*780	*780
Maps available for inspection at the Physical Planning Department, 5895 Northeast 74th Street, Des Moines, Iowa. Send comments to The Honorable Martha Willits, Chairperson, Polk County Board of Supervisors, Polk County Administration Building, 2nd & Court Streets, Des Moines, Iowa 50309.					
Iowa	City of Windsor Heights, Polk County.	North Walnut Creek	Just upstream of University Avenue	*834	*834
			Just downstream of Hickman Road	*847	*846
Maps available for inspection at the City Hall, 1133 66th Street, Windsor Heights, Iowa. Send comments to The Honorable Clarence Miltsap, Mayor, City of Windsor Heights, 1133 66th Street, Windsor Heights, Iowa 50331.					
Maine	Pittston, Town, Kennebec County.	Eastern River	At downstream corporate limits	None	*13
			Approximately 80 feet above State Route 194	None	*103
Maps available for inspection at the Town Office, State Route 126, Gardiner, Maine. Send comments to Mr. Roy Gutsfinski, First Selectman for the Town of Pittston, Kennebec County, Route 2, Box 9A, Gardiner, Maine 04345.					
Maryland	Perryville, Town, Cecil County.	Susquehanna River	For its entire shoreline affecting the community	*8	*12
Maps available for inspection at the Perryville Town Hall, 515 Broad Street, Perryville, Maryland Send comments to The Honorable Oakley Sumpter, Mayor of the Town of Perryville, Cecil County, P.O. Box 773, Perryville, Maryland 21903					
Massachusetts	Abington, Town Plymouth County.	Stream River	Approximately 140 feet downstream of Walnut Street.	None	*80
			Approximately 100 feet upstream of Ashland Street.	None	*127
Maps available for inspection at the Abington Town Hall, 33 Randolph Street, Abington, Massachusetts. Send comments to Ms. Susan Meier, Chairman of the Town of Abington Board of Selectmen, Plymouth County, P.O. Box 96, Abington, Massachusetts 02351					
Massachusetts	Lowell, City, Middlesex County.	Merrimack River	Downstream corporate limits	*59	*58
			Approximately 200 feet upstream of School Street.	*96	*95
	xl	Concord River	At confluence with Merrimack River	*65	*67
			Approximately 300 feet downstream of State Route 110 (Church Street).	*66	*67
	xl	Beaver Brook	At confluence with Merrimack River	*70	*71
			Downstream side of Beaver Street	*70	*71
Maps available for inspection at the Lowell City Hall, Planning and Zoning Department, 50 Arcand Drive, Lowell, Massachusetts. Send comments to Mr. James J. Campbell, Lowell City Manager, Middlesex County, City Hall, 375 Merrimack Street, Lowell, Massachusetts 01852.					
Massachusetts	Middlefield, Town Hampshire County.	Middle Branch	At the downstream County boundary	None	*778
		Westfield River	At the upstream corporate limits	None	*1,010
		West Branch	At the downstream County boundary	None	*732
		Westfield River	Approximately 820 feet upstream of CONRAIL	None	*746
Map available for inspection at the Middlefield Town Hall, Skyline Trail, Middlefield, Massachusetts. Send comments to Mr. Ronald Radwich, Chairman of the Town of Middlefield Board of Selectmen, Hampshire County, Middlefield Town Hall, Skyline Trail, Middlefield, Massachusetts 01243.					
Massachusetts	Pepperell, Town Middlesex County	Varnum Brook	At confluence with Nashua River	None	*185
			Approximately 65 feet upstream of Hollis Street.	None	*241
		Greens Brook	At confluence with Varnum Brook	None	*233
			Approximately 140 feet upstream of Elm Street	None	*256
Map available for inspection at the Pepperell Town Office, 1 Main Street, Pepperell, Massachusetts. Send comments to Mr. Scott Blackburn, Chairman of the Town of Pepperell Board of Selectmen, Middlesex County, 1 Main Street, Pepperell, Massachusetts 01463.					
Michigan	City of Kalamazoo, Kalamazoo County.	Portage Creek	At mouth	None	*762
			Just downstream of Bryant Mill Pond dam	None	*773
			Just upstream Bryant Mill Pond dam	None	*789
			Just downstream of Monarch Paper Mill dam	None	*802
			Just upstream of Monarch Paper Hill dam	None	*812
			About 2,200 feet upstream of Kilgore Road	None	*824

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
	Maps available for inspection at the City Hall, City Clerk's Office, 2nd floor, Kalamazoo, Michigan.				
	Send comments to The Honorable Edward Annen, Mayor City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo, Michigan 49007–4796.				
Minnesota	City of Hopkins, Hennepin County.	Minnehaha Creek	Just downstream of County Highway 73	*912	*912
			About 780 feet up stream of County Highway 73.	*914	*912
	Map available for inspection at the City Hall, 1010 First Street South, Hopkins, Minnesota.				
	Send comments to The Honorable Nelson Berg, Mayor, City of Hopkins, City Hall, 1010 First Street South, Hopkins, Minnesota.				
Minnesota	City of Independence, Hennepin County.	South Fork Crow River	Within community	*919	*915
	Map available for inspection at the Cith Hall, City Clerk's Office, 1790 County Road 90, Maple Plain, Minnesota.				
	Send comments to The Honorably Marvin Johnson, Mayor, City of Independence, 6325 County Road 6, Maple Plain, Minnesota 55259.				
Minnesota	City of Minnetonka, Hennepin County.	Minnehaha Creek	About 3000 feet downstream of County Highway 73.	*910	*910
			Just downstream of Burlington Northern Railroad.	*915	*913
			Just upstream of Interstate 494 Ramp	None	*931
	Maps available for inspection at the Engineering Department, 14600 Minnetonka Boulevard, Minnetonka, Minnesota.				
	Send comments to The Honorable James F. Miller, City Manager, City of Minnetonka, 14600 Minnetonka Boulevard, Minnetonka, Minnesota 55345.				
Mississippi	Town of Terry, Hinds County.	Rhodes Creek	Just downstream of Illinois Central Railroad	*264	*265
			Just downstream of East Frontage Road	*271	*275
	Maps available for inspection at the Town Hall, Terry, Mississippi.				
	Send comments to The Honorable Lester Williams, Mayor, Town of Terry, P.O. Box 327, Terry, Mississippi 39170.				
Missouri	City of Smithville, Clay County.	Little Platte River	About 1750 feet downstream of confluence of Owens Branch.	*811	*813
			About 1.1 miles upstream of confluence of Wilkerson Creek.	*815	*814
		Owens Branch	At mouth	*812	*813
			About 2880 feet upstream of State Highway KK.	*822	*814
			About 0.9 mile upstream of U.S. Highway 169	None	*845
		Second Creek	At mouth	*812	*814
			About 1500 feet upstream of Main Street	*826	*814
		Wilkerson Creek	At mouth	*813	*814
			About 1080 feet upstream of State Highway DD.	*817	*814
	Maps available for inspection at the City of Smithville, 107 West Main Street, Smithville, Missouri.				
	Send comments to The Honorable David Ross, Mayor, City of Smithville, 107 West Main Street, P.O. Box B, Smithville, Missouri 64089.				
Montana	City of Kalispell, Flathead County.	Ashley Creek	Approximately 1,850 feet downstream of Airport Road.	None	*2,921
			Approximately 100 feet downstream of Airport Road.	*2,922	*2,921
			Approximately 200 feet upstream of Airport Road.	*2,923	*2,922
			Approximately 50 feet downstream of Begg Park Drive.	*2,923	*2,922
			Approximately 50 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 1,150 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 2,500 feet upstream of Begg Park Drive.	*2,923	*2,924
			Approximately 250 feet northeast of the intersection of Fifth Avenue West and Sunnyside Drive.	None	*2,925
			Approximately 250 feet southeast of the intersection of Fifth Avenue West and Sunnyside Drive.	None	*2,925
			Approximately 1,500 feet downstream of Sunnyside Drive.	None	*2,925
			Approximately 5,000 feet downstream of Foys Lake Road.	None	*2,928
			Approximately 850 feet downstream of Foys Lake Road.	*2,930	*2,930

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
	Maps available for :eview at the City of Kalispell, Building Department, 248 Third Avenue East, Kalispell, Montana.				
	Send comments to The Honorable Douglas D. Rauthe, Mayor, City of Kalispell, P.O. 1997, Kalispell, Montana 59903–1997.				
Nebraska	City of Fairbury, Jefferson County.	Little Blue River	About 1.7 miles downstream of State Highway 15.	*1292	*1294
			Just downstream of Lea Mill Dam	*1305	*1306
			Just upstream of Lea Mill Dam	*1306	*1312
			Just downstream of Oklahoma, Kansas, Texas Railroad (upstream of U.S. Highway 136).	*1324	*1324
	Maps available for inspection at the City Hall, 612 D Street, Fairbury, Nebraska.				
	Send comments to The Honorable Lewis J. Mason, Mayor, City of Fairbury, City Hall, 612 D Street, Fairbury, Nebraska 68352.				
Nebraska	City of Scribner, Dodge County.	Pebble Creek	About 0.4 mile downstream of 11th Street	*1252	*1248
			About 0.8 mile upstream of County Road 13	*1262	*1262
	Maps available for inspection at the City Clerk's Office, 415 3rd Street, Scribner, Nebraska.				
	Send comments to The Honorable Dennis W. Baumert, Mayor, City of Scribner, P.O. Box 289, Scribner, Nebraska 68057.				
New Jersey	Pequannock, Township, Morris County.	East Ditch	Approximately 900 feet upstream of Sunset Road.	*191	*190
			Approximately 150 feet downstream of Mountain Avenue.	*196	*197
		Northern Tributary	Aproximately 575 feet upstream of confluence with East Ditch.	*191	*192
			Approximately 130 feet upstream of Mountain View Road.	None	*234
		Southern Tributary	At confluence with Northern Tributary	*191	*192
			Approximately 0.4 mile upstream of confluence with Northern Tributary.	None	*198
		Western Tributary	Approximately 250 feet upstream of confluence with Southern Tributary.	*197	*198
			Approximately 0.3 mile upstream of confluence with Southern Tributary.	None	*225
	Maps available for inspection at the Planning and Zoning Department, 530 Newark Pompton Turnpike, Pompton Plains, New Jersey.				
	Send comments to Mr. Thomas F. Kane, Pequannock Township Manager, Morris County, 530 Newark Pompton Turnpike, Pompton Plains, New Jersey 07444.				
New York	Afton, Town, Chenango County.	Susquehanna River	Approximately 200 feet downstream of the downstream corporate limits.	*963	*964
			Approximately 5,250 feet downstream of corporate limits.	*975	*976
	Maps available for inspection at the Afton Town Hall, 169 Main Street, Afton, New York.				
	Send comments to Mr. Robert D. Briggs, Afton Town Supervisor, Chenango County, R.D. 1, Box 950, Afton, New York 13730.				
New York	Afton, Village, Chenango County.	Susquehanna River	Approximately 600 feet upstream of downstream corporate limits.	*968	*969
			Approximately 700 feet downstream of the upstream corporate limits.	*970	*971
	Maps available for inspection at the Afton Village Clerk's Office, 105107 Main Street, Afton, New York.				
	Send comments to The Honorable C. Donald Hitchcock, Mayor of the Village of Afton, Chenango County, R.D. #2, Box 1399, Afton, New York 13730.				
New York	Colesville, Town, Broome County.	Susquehanna River	Approximately 1,200 feet downstream of the Ousquaga Bridge.	*930	*931
			Approximately 0.4 mile upstream of Nineveh Bridge.	None	*964
	Maps available for inspection at the Colesville Town Hall, Welton Street, Harpersville, New York.				
	Send comments to Mr. Edward Mosher, Colesville Town Supervisor, Broome County, R.D. Port Crane, Colesville, New York 13833.				
New York	Greenfield, Town Saratoga County.	Kayaderosseras Creek	Approximately .2 mile downstream of Galway Road.	None	*522
			Approximately 500 feet upstream of State Route 9N.	None	*589
		South Branch	At the confluence with Kayaderosseras Creek	None	*575
			Approximately 10 feet upstream of Allen Road	None	*671
		Mud Creek	At the confluence with Kayaderosseras Creek	None	*596
			Approximately 10 feet upstream of dam	None	*625
	Maps available for inspection at the Greenfield Town Hall, corner of Route 9N and Wilton Road, Greenfield Center, New York.				
	Send comments to Mr. Ralph Stacey, Greenfield Town Supervisor, Saratoga County, Town of Greenfield, P.O. Box 10, Greenfield Center, New York 12833.				
New York	Saugerties, Town Ulster County.	Kate Yaeger Kill	Approximately 0.40 mile upstream of Brady Road.	*507	*508
			Approximately 0.55 mile upstream of Brady Road.	*514	*516

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Saugerties Town Hall, Building inspector's Office, 310 Main Street, Saugerties, New York. Send comments to Mr. Vernon Benjamin, Saugerties Town Supervisor, Ulster County, Town Hall, Main Street, Saugerties, New York 12477.					
New York	Windsor, Town Broome County.	Susquehanna River	At a point approximately 800 feet upstream of the state boundary.	*914	*913
			At a point approximately 1,000 feet downstream of the upstream corporate limits.	*939	*940
Maps available for inspection at the Windsor Town Hall, Building and Zoning Department, 36 Main Street, Windsor, New York. Send comments to Mr. John J. Gray, Windsor Town Supervisor, Broome County, P.O. Box 42, Windsor, New York 13865.					
North Dakota	City of Emerado Grand Forks.	Hazen Brook Overflow	At the eastern corporate limits, approximately 100 feet upstream of County Highway No. 3.	None	*901
			Just upstream of East Hancock Avenue	None	*903
			Just upstream of West Court Drive	None	*907
		Hazen Brook	At the Burlington Northern Railroad Crossing of Hazen Brook.	None	*901
Maps available for review at City Hall, 101 Old Ham Street, City of Emerado, North Dakota. Send comments to The Honorable Richard Christensen, Mayor, City of Emerado, 23 West Court Drive, P.O. Box 132, Emerado, North Dakota 58228.					
Oklahoma	Bryan County Unincorporated Areas.	Red River	Approximately 2.2 miles downstream of State Route 120.	*515	*511
			Approximately 2.04 miles upstream of U.S. Routes 69 & 75.	*537	*536
		Lake Texoma (Washita River)	For its entire shoreline within the county	None	*647
Maps available for inspection at the Bryan County Courthouse, 402 Evergreen Street, 2nd Floor, Durant, Oklahoma. Send comments to Mr. Tony Morrison, Chairman of the Bryan County Board of Commissioners, Bryan County Courthouse, 402 Evergreen Street, Durant, Oklahoma 74701.					
Pennsylvania	Bristol, Township Bucks County.	Croydon Run	Approximately 100 feet downstream of Main Avenue and 4th Street.	*13	*12
			At downstream side of Dixon Avenue	*28	*27
Maps available for inspection at the Planning and Zoning Department, Bristol Township Office, 2501 Oxford Valley Drive, Levittown, Pennsylvania. Send comments to Mr. James Gallagher, Township of Bristol Executive, Bucks County, 2501 Oxford Valley Drive, Levittown, Pennsylvania 19057.					
Pennsylvania	Lower Chichester, Township Delaware County.	Naaman Creek	Approximately 150 feet downstream of downstream corporate limits.	None	*44
			At upstream corporate limits	None	*51
Maps available for inspection at the Lower Chichester Township Secretary's Office, Township Building, 1410 Market Street, Linwood, Pennsylvania. Send comments to Mr. Rocky Gaspari, President of the Township of Lower Chichester Board of Commissioners, Delaware County, 1410 Market Street, Linwood, Pennsylvania 19061.					
Pennsylvania	Montgomery, Township Franklin County.	Johnston Run	Approximately 275 feet downstream of Edwards Drive.	None	*517
			Approximately 350 feet upstream of Farm Access Road.	None	*572
Maps available for inspection at the Montgomery Township Building, 11364 Fort Loudon Road, Mercersburg, Pennsylvania. Send comments to Mr. Dean Metcalfe, Secretary-Treasurer of the Township of Montgomery, Franklin County, 12868 Fort Loudon Road, Mercersburg, Pennsylvania 17236.					
Pennsylvania	Peters, Township Franklin County.	Johnston Run	Approximately 275 feet downstream of T-404 (Edwards Drive).	None	*517
			Approximately 350 feet upstream of Farm Access Road.	None	*572
Maps available for inspection at the Peters Township Building, 5000 Steele Avenue, Lemasters, Pennsylvania. Send comments to Mr. John C. Brake, Chairman of the Township of Peters Board of Supervisors, Franklin County, P.O. Box 88, Lemasters, Pennsylvania 17231					
Pennsylvania	Springfield, Township, Montgomery County.	Sandy Run	Approximately 100 feet downstream of Valley Green Road.	*173	*178
			Approximately 125 feet upstream of the upstream corporate limits.	None	*184
		Wissahickon Creek	At Wissahickon Avenue	None	*140
			At upstream corporate limits	None	*141
Maps available for inspection at the Springfield Township Manager's Office, Township Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania. Send comments to Mr. Richard E. Buck, President of the Township of Springfield Board of Commissioners, Montgomery County, 1510 Papermill Road, Wyndmoor, Pennsylvania 19118.					
Tennessee	City of Chattanooga, Hamilton County.	Chattanooga Creek	Just upstream of Hamill Road	*658	*658 Just upstream of Hooker Road *656 *659

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			About 1,000 feet upstream of Burnt Mill Road	*663	*663
Maps available for inspection at the City Hall, Engineering Department, East 11th Street, Chattanooga, Tennessee. Send comments to The Honorable Gene Roberts, Mayor, City of Chattanooga, City Hall, East 11th Street, Chattanooga, Tennessee 37402.					
Tennessee	Town of Decherd, Franklin County.	Dry Creek	At mouth	*898	*898
			Just downstream of U.S. Highway 41A	None	*946
Maps available for inspection at the Town Hall, Decherd, Tennessee. Send comments to The Honorable Otis B. Smith, Jr., Mayor, Town of Decherd, Town Hall, P.O. Box 488, Decherd, Tennessee 37324.					
Tennessee	City of South Pittsburg, Marion County.	Poplar Spring Branch	Just downstream of CSX Railroad	None	*618
			About 1,000 feet upstream of Hughes Road	None	*678
		Battle Creek	At mouth	*614	*614
			About 3,700 feet upstream of mouth	None	*617
Maps available for inspection at the City Hall, 204 West 3rd Street, South Pittsburg, Tennessee. Send comments to The Honorable John Thompson, Mayor, City of South Pittsburg, City Hall, 204 West 3rd Street, South Pittsburg, Tennessee 38380.					
Texas	Austin, City, Travis and Williamson Counties.	Boggy Creek North	Approximately 400 feet upstream of Delwau Lane.	*434	*433
			Approximately 1,400 feet upstream of Wilshire Drive.	*594	*593
		Boggy Creek North Tributary 2 (Tannehill Branch).	At confluence with Boggy Creek North	*450	*445
			Approximately 1,590 feet upstream of Helen Street.	None	*661
		Stream BC-1	At confluence with Boggy Creek North	*452	*446
			Approximately 1,640 feet upstream of the confluence.	None	*452
		Bouldin Creek East	Approximately 320 feet downstream of Riverside Drive.	*444	*443
			Approximately 500 feet upstream of Fort McGruder Lane.	None	*650
		Bouldin Creek West	Approximately 70 feet upstream of Riverside Drive.	*445	*446
			Approximately 100 feet upstream of Clawson Road.	None	*640
		Bull Creek	Approximately 350 feet upstream of confluence with Colorado River.	*495	*496
			Approximately 200 feet upstream of Bull Creek Tributary 5.	*743	*753
		Bull Creek Tributary 1	At confluence with Bull Creek	*504	*508
			Approximately 448 feet upstream of FM 2222	*518	*519
		Bull Creek Tributary 2	At confluence with Bull Creek	*591	*599
			Approximately 1,125 feet upstream of Floral Park.	None	*741
		Bull Creek Tributary 4	At confluence with Bull Creek	*713	*718
			Approximately 850 feet upstream of the confluence.	*717	*718
		Cherry Creek	At confluence with Williamson Creek	*653	*656
			Approximately 1,120 feet upstream of Lazy Oaks Drive.	None	*756
		Cottonmouth Creek	At confluence with Onion Creek	*471	*479
			Approximately 50 feet upstream of U.S. Route 183.	None	*497
		Dry Branch	At confluence with Williamson Creek	*679	*678
			Approximately 425 feet upstream of Escarpment Boulevard.	None	*842
		Foster Branch	At confluence with Shoal Creek	*697	*696
			Approximately 1,050 feet upstream of Ceberry Street.	*750	*749
		Gilleland Creek Tributary 3	Approximately 440 feet downstream of downstream Interstate Route 35 Frontage Road.	None	*806
			Approximately 80 feet upstream of upstream Interstate Route 35.	None	*819
		Givens Park Tributary No. 1	Approximately 180 feet upstream of confluence with Boggy Creek North Tributary 2 (Tannehill Branch).	None	*484
			Approximately 100 feet upstream of Anchor Lane.	None	*558

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Givens Park Tributary No. 2	At confluence with Givens Park Tributary No. 1	None	*493
			Approximately 0.45 miles upstream of Martin Luther King Boulevard.	None	*572
		Hancock Branch	At confluence with Shoal Creek	*600	*667
			Approximately 290 feet upstream of Cullen Avenue.	None	*713
		Harris Branch	Approximately 1,900 feet downstream of Boyce Lane.	*None	*550
			Approximately 0.40 feet downstream of Harris Branch Tributary No. 4.	None	*592
		Harris Branch Tributary No. 5	At confluence with Harris Branch	None	*567
			Approximately 1,900 feet upstream of Cameron Road.	None	*587
		Hemphill Branch	At confluence with Waller Creek	*529	*530
			At West 33rd Street	None	*578
		Johnson Creek	Approximately 500 feet upstream of confluence with Colorado River.	*449	*448
			Approximately 170 feet upstream of Margarita Crescent North.	*570	*568
		Little Walnut Creek	At confluence with Walnut Creek	*467	*470
			Approximately 800 feet upstream of Golden Meadow Drive.	None	*725
		Little Walnut Creek Tributary 1.	At confluence with Little Walnut Creek	*537	*538
			Approximately 270 feet upstream of Interstate Route 35.	*674	*678
		Little Walnut Creek Tributary 2.	Approximately 220 feet upstream of confluence with Little Walnut Creek.	*606	*607
			Approximately 500 feet upstream of Rundberg Lane.	*666	*667
		Little Walnut Creek Tributary 3 (Quail Creek).	At confluence with Little Walnut Creek	*669	*670
			Approximately 0.41 feet upstream of Hunter's Trace.	*713	*714
		Marble Creek	At confluence with Onion Creek	*529	*538
			Approximately 300 feet upstream of Thaxton Road.	None	*561
		Onion Creek	Approximately 0.84 mile downstream of FM 973.	*444	*450
			Approximately 200 feet upstream of Interstate Route 35.	*596	*606
		Possum Trot Branch	At confluence with Johnson Creek	*478	*481
			Approximately 430 feet upstream of Enfield Road.	None	*548
		Shoal Creek	Approximately 480 feet downstream of West Avenue.	*446	*445
			Approximately 1,930 feet upstream of Union Pacific Railroad.	*None	*757
		Sunset Valley Tributary	At confluence with Williamson Creek	*647	*652
			At Westgate Boulevard	*656	*665
		Waller Creek	At the confluence with the Colorado River	*443	*444
			Approximately 960 feet upstream of Denson Drive.	*680	*651
		Walnut Creek	At downstream crossing of Southern Pacific Railroad.	*436	*437
			Approximately 50 feet upstream of Council Bluff Drive.	*763	*761
		Walnut Creek Tributary 1	Approximately 1,600 feet upstream of confluence with Walnut Creek.	*432	*431
			Approximately 0.84 feet upstream of upstream crossing of Southern Pacific Railroad.	None	*483
		Walnut Creek Tributary 2	At confluence with Walnut Creek	*436	*440
			At downstream face of Martin Luther King Jr. Boulevard.	None	*485
		Walnut Creek Tributary 3	At downstream face of U.S. Route 290 eastbound.	*522	*523
			Approximately 220 feet upstream of U.S. Route 290 westbound.	*524	*526
		Walnut Creek Tributary 4	Approximately 1,060 feet upstream of confluence with Walnut Creek.	*498	*500
			Approximately 1,540 feet upstream of confluence with Walnut Creek.	*499	*500
		Walnut Creek Tributary 5	Approximately 340 feet downstream of U.S. Route 290 eastbound.	*515	*512
			Approximately 300 feet upstream of U.S. Route 290 westbound.	*516	*517

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Walnut Creek Tributary 6	At confluence with Walnut Creek	*607	*610
			Approximately 0.45 mile upstream of Interstate Route 35 Frontage Road.	None	*681
		Walnut Creek Tributary 7	At confluence with Walnut Creek	*694	*693
			Approximately 840 feet upstream of Bull Run	*831	*832
		Walnut Creek Tributary 7A	At confluence with Walnut Creek Tributary 7	*742	*754
			Approximately 0.65 mile upstream with Walnut Creek Tributary 7.	None	*772
		Walnut Creek Tributary 8	Approximately 125 feet upstream of confluence with Walnut Creek.	*701	*702
			Approximately 100 feet upstream of Union Pacific Railroad.	None	*805
		Walnut Creek Tributary 9	At confluence with Walnut Creek	*709	*710
			Approximately 550 feet upstream of Howard Lane.	None	*776
		Walnut Creek Tributary 9 Diversion.	At confluence with Walnut Creek	*710	*711
			At diversion from Walnut Creek Tributary 9	*719	*720
		Walnut Creek Tributary 10	At confluence with Walnut Creek	*756	*757
			Approximately 1,420 feet upstream of Del Robles Drive.	*767	*769
		Wells Branch	At confluence with Walnut Creek	*625	*627
			At upstream face of Howard Lane	*733	*734
		West Bull Creek	At confluence with Bull Creek	*512	*518
			Approximately 0.63 mile upstream of most upstream crossing of FM 2222.	None	*605
		West Tributary 3	At confluence with Boggy Creek North Tributary 2 (Tannehill Branch).	*505	*506
			Approximately 40 feet upstream of Manor Road.	None	*550
		Williamson Creek	At the confluence with Onion Creek	*499	*524
			Approximately 0.7 mile upstream of Covered Bridge Drive.	None	*943
		Williamson Creek Tributary 1	At confluence with Williamson Creek	*504	*524
			Approximately 150 feet upstream of Knuckols Crossing Road.	None	*571
		Williamson Creek Tributary 2	At confluence with Williamson Creek	*508	*524
			Approximately 200 feet downstream of Knuckols Crossing Road.	*576	*579
		Williamson Creek Tributary 3	At confluence with Williamson Creek	*531	*538
			Approximately 320 feet upstream of Pino Lane	*568	*567
		Williamson Creek Tributary 4	At confluence with Williamson Creek	*585	*585
			At downstream face of Strassney Lane	*631	*632
		Williamson Creek Tributary 5	Approximately 300 feet upstream of confluence with Williamson Creek.	*848	*847
			Approximately 370 feet upstream of Southbrook Drive.	None	*913
		Williamson Creek Tributary 6	At confluence with Williamson Creek	*812	*813
			Approximately 0.75 mile upstream of William Cannon Drive.	None	*863
		Long Hog Hollow	At confluence with Bull Creek	*617	*624
			Approximately 1.6 miles upstream of confluence with Bull Creek.	*739	*741
		St. Edwards Branch	At confluence with Bouldin Creek East	None	*591
			Approximately 800 feet upstream of Congress Avenue.	None	*630
		North Fork Bouldin Creek West.	At confluence with Bouldin Creek West	None	*566
			Approximately 80 feet upstream of Glen Ora	None	*626
		Bull Creek Tributary 5	At confluence with Bull Creek	*741	*751
			Approximately 320 feet upstream of Spicewood Springs Road.	*750	*751

Maps available for inspection at the Austin City Hall, 505 Barton Springs Road, Austin, Texas.
Send comments to The Honorable Bruce Hall, Mayor of the City of Austin, Travis and Williamson Counties, P.O. Box 1088, Austin, Texas 78767.

Texas	Cleburne, City, Johnson County.	Unnamed Stream	Approximately 800 feet upstream of confluence with east Branch Buffalo Creek.	None	*718
			Approximately 110 feet downstream of West Henderson Street.	None	*813

Maps available for inspection at the Cleburne City Hall, 302 West Henderson, Cleburne, Texas.
Send comments to The Honorable Katherine Raines, Mayor of the City of Cleburne, Johnson County, P.O. Box 657, Cleburne, Texas 76033.

Texas	Fort Bend County, Unincorporated Areas.	Dry Creek	At Bryan Road	*92	*86
			Approximately 2,400 feet downstream of Bryan Road.	*89	*86

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the County engineer's Office, 3403 Avenue F, Rosenberg, Texas. Send comments to The Honorable Roy L. Cordes, Jr., Fort Bend County Judge, P.O. Box 368, Richmond, Texas 77469.					
Texas	Grayson County, Unincorporated Areas.	Lake Texoma	For its entire shoreline within the county	None	*647
Maps available for inspection at the County Courthouse, Sherman, Texas. Send comments to The Honorable John H. Crawford, Grayson County Judge, Grayson County Courthouse, Sherman, Texas 75090.					
Texas	Harden County, Unincorporated Areas.	Pine Island Bayou	Confluence with Neches River	None	*15
			Approximately 3 miles upstream of State Route 326.	None	*43
		Little Pine, Island Bayou	Confluence with Pine Island Bayou	None	*26
			Approximately 1.8 miles upstream of Lake Pinewood Dam.	None	*30
		Coon Marsh Gully	Confluence with Little Pine Island Bayou	None	*27
			At State Route 105	None	*34
		Clemons Gully	Confluence with Little Pine Island Bayou	None	*29
			Approximately 3.2 miles upstream of Pine Shadows Drive.	None	*32
		Goleman Gully	At confluence with Clemmons Gully	None	*30
			At State Route 105	None	*31
		Boggy Creek	At Boggy Creek Road	None	*19
			Approximately 140 feet upstream of Boggy Creek Road.	None	*19
		Village Creek	Approximately 5.5 miles upstream of the confluence with Neches River.	None	*29
			At State Route 418	None	*33
		Walton Creek	At confluence with Village Creek	None	*36
			At corporate limits, approximately 120 feet downstream of U.S. Route 96.	None	*42
		Village Creek Tributary	At confluence with Village Creek	None	*42
			At corporate limits, approximately 2,875 feet upstream of confluence with Village Creek.	None	*43
		Mill Creek	At confluence with Village Creek	None	*43
			Approximately 4,200 feet upstream of State Route 327.	*42	*50
		Mill Creek Tributary	At a point 1,300 feet upstream of confluence with Mill Creek.	None	*58
			At corporate limits, approximately 500 feet upstream of Lee Miller Road.	None	
Maps available for inspection at Hardin County Courthouse, Courthouse Square, 326 & Redwood, Kountze, Texas. Send comments to The Honorable Tom Mayfield, Hardin County Judge, P.O. Drawer 760, Kountze, Texas 77625.					
Texas	Harris County, Unincorporated Areas.	Spring Creek	Approximately 2.3 miles downstream of the confluence of Tributary 21.08 (J121-00-00).	*113	*114
			Approximately 3.2 miles upstream of the confluence of Willow Creek (M100-00-00).	*126	*127
		Willow Creek	At confluence with Spring Creek	*120	*121
			Approximately 1,300 feet upstream of the confluence with Spring Creek.	*120	*121
			Approximately 150 feet upstream of confluence with Willow Creek.	*120	*121
		Tributary 0.26 to Willow Creek	Approximately .6 mile upstream of confluence with Willow Creek.	*120	*121
Maps available for inspection at the County Courthouse, 301 Main Street, Houston, Texas. Send comments to The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.					
Texas	Lumberton, City Hardin County.	Village Creek	Approximately 8,500 feet downstream of Atchison, Topeka & Santa Fe Railway.	None	*30
			Approximately 600 feet upstream of Atchison, Topeka & Santa Fe Railway.	None	*34
			At U.S. Route 96	None	*37
			Approximately 17,500 feet upstream U.S. Route 96.	None	*39
		Walton Creek	At corporate limit approximately 100 feet downstream of U.S. Route 96.	*33	*36
			At a point approximately 600 feet upstream of Walton Road.	*35	*36
Maps available for inspection at the Lumberton City Hall, Highway 96, Lumberton, Texas. Send comments to The Honorable Wilton Dunaway, Mayor of the City of Lumberton, Hardin County, P.O. Box 8545, Lumberton, Texas 77711.					
Texas	Pasadena, City, Harris County.	Little Vince Bayou	At Richey Access Road	*12	*13
			Approximately 250 feet upstream of Wichita Street.	None	*26

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City Hall, 1211 East Southmore, Pasadena, Texas. Send comments to The Honorable John Ray Harrison, Mayor of the City of Pasadena, P.O. Box 672, Pasadena, Texas 77501					
Texas	Pflugerville, City, Travis County.	Gilleland Creek	Approximately 0.56 mile downstream of Dessau Road.	None	*651
			Approximately 0.57 mile upstream of Pflugerville Loop East.	None	*707
Maps available for inspection at the Pflugerville City Hall, 101 South 3rd, Pflugerville, Texas. Send comments to The Honorable Scott Winton, Mayor of the City of Pflugerville, Travis County, P.O. Box 589, Pflugerville, Texas 78660.					
Texas	Pleak, Village, Fort Bend County.	Coon Creek	Approximately 100 feet downstream of Band Road.	None	*82
			Approximately 0.24 mile upstream of upstream corporate limits.	None	*91
Maps available for inspection at the Pleak Village Hall, 6621 FM 2218, Richmond, Texas. Send comments to The Honorable Willie Ponicik, Mayor of the Village of Pleak, Fort Bend County, 5809 Pleak Road, Richmond, Texas 77469.					
Texas	Round Rock, City, Travis and Williamson Counties.	Gilleland Creek	Approximately 1,200 feet upstream of confluence of Gilleland Creek Tributary 3.	None	*792
			Approximately 330 feet upstream of Interstate Route 35.	None	*817
Maps available for inspection at the Round Rock City Hall, 221 E. Main Street, Round Rock, Texas. Send comments to The Honorable Mike Robinson, Mayor of the City of Round Rock, Travis and Williamson Counties, 221 E. Main Street, Round Rock, Texas 78664.					
Texas	Rose Hill Acres, City, Hardin County.	Pine Island Bayou	Approximately 700 feet upstream of U.S. Routes 69, 96 & 287.	*19	*18
			At confluence of Boggy Creek	*20	*19
		Boggy Creek	At confluence with Pine Island Bayou	*20	*19
			At Boggy Creek Road	*20	*19
Maps available for inspection at the Rose Hill Acres City Hall, 550 Jordan Road, Silsbee, Texas. Send comments to The Honorable Ruby Rives, Mayor of the City of Rose Hill Acres, Hardin County, 550 Jordan Road, Silsbee, Texas 777656.					
Texas	Rosenberg, City, Fort Bend County.	Dry Creek	Approximately 2,400 feet downstream of Bryan Road.	*89	*86
			Approximately 4,000 feet downstream of Bryan Road.	*66	*65
Maps available for inspection at the Public Works Department, 2110 Fourth Street, Rosenberg, Texas. Send comments to The Honorable Larry Wilkinson, Mayor of the City of Rosenberg, Fort Bend County, P.O. Box 32, Rosenberg, Texas 77471-0031.					
Texas	San Antonio, City, Bexar County.	Flood Storage Area 1A	North of Charles W. Anderson Drive (FM 1604) and between U.T.S.A. Tributary Leon Creek and Leon Creek.	None	*1,005
		Flood Storage Area 1B	North of Charles W. Anderson Drive (FM 1604) and between U.T.S.A. Tributary Leon Creek and Leon Creek.	None	*1,003
		Flood Storage Area 2	North of Charles W. Anderson Drive (FM 1604) and between U.T.S.A. Tributary Leon Creek and Leon Creek.	None	*991
		Flood Storage Area 3	North of Carles W. Anderson Drive (FM 1604) and between U.T.S.A. Tributary Leon Creek and Leon Creek.	None	*992
Maps available for inspection at the Public Works Department, Main Plaza Building, 7th Floor, 114 West Commerce, San Antonio, Texas. Send comments to The Honorable Nelson Wolff, Mayor of the City of San Antonio, Bexar County, P.O. Box 839966, San Antonio, Texas 78283-3966.					
Texas	Schertz, City, Bexar, Comal, and Guadalupe Counties.	Dietz Creek	Approximately 200 feet downstream of F.M. 3004.	None	*699
			Approximately 200 feet upstream of Maske Road.	None	*726
		East Branch Dietz Creek	Approximately 1.5 miles downstream of Woodland Oaks Drive.	None	*701
			Approximately .91 mile upstream of Crest Oak Lane.	None	*816
		Cibolo Creek	At downstream corporate limits	None	*686
			Approximately 1.46 miles upstream of Aviation Boulevard.	None	*725
Maps available for review at the City Hall, 1400 Schertz Parkway, Schertz, Texas. Send comments to The Honorable Earl W. Sawyer, Mayor of the City of Schertz, Bexar, Comal, and Guadalupe Counties, P.O. Drawer I, Schertz, Texas 78154.					
Texas	Silsbee, City, Hardin County.	Village Creek Tributary	At corporate limits approximately 2,100 feet downstream of Norwell Street.	None	*42

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 200 feet upstream of Norevell Street.	*41	*42
Maps available for inspection at the Silsbee City Hall, 105 S. 3rd Street, Silsbee, Texas. Send comments to Mr. Ronald Hickerson, Silsbee City Manager, Hardin County, 105 S. 3rd Street, Silsbee, Texas 77656.					
Texas	Sunset Valley, City, Travis County.	Dry Branch	At confluence with Williamson Creek	*679	*678
			Approximately 0.6 mile upstream of the confluence with Williamson Creek.	*688	*693
		Sunset Valley Tributary	At upstream face of Westgate Boulevard	*663	*665
			Approximately 0.8 mile upstream of Lone Oak Road.	*699	*700
		Williamson Creek	At upstream face of Westgate Boulevard	*664	*665
			Approximately 80 feet downstream of Brodie Lane.	*708	*707
Maps available for inspection at the Sunset Valley City Hall, 2 Lone Oak Trail, Austin, Texas. Send comments to The Honorable Helen Basse, Mayor of the City of Sunset Valley, 2 Lone Oak Trail, Austin, Texas 78745.					
Texas	Travis County, Unincorporated Areas.	Barton Creek	Approximately 0.75 mile downstream of Fitzhugh Road.	None	*940
			Approximately 50 feet upstream of Hays County-Travis County Boundary.	None	*951
		Bear Creek	At its confluence with Onion Creek	*612	*619
			At Hays County-Travis County boundary	None	*806
		Stream Bear-1	Approximately 360 feet downstream of Hays County-Travis County boundary.	None	*921
			Approximately 700 feet upstream of Hays County-Travis county boundary.	None	*930
		Boggy Creek South	At confluence with Onion Creek	*553	*560
			Approximately 140 feet upstream of Bluff Springs Road.	*559	*560
		Bull Creek	Approximately 1.2 miles upstream of confluence of Long Hog Hollow.	*653	*656
			At a point 200 feet upstream of Bull Creek Tributary 5.	*743	*753
		Bull Creek Tributary 4	Approximately 200 feet upstream of confluence with Bull Creek.	*713	*718
			Approximately 850 feet upstream of the confluence with Bull Creek.	*717	*718
		Cottonmouth Creek	Approximately 0.45 mile upstream of confluence with Onion Creek.	None	*481
			Approximately 50 feet upstream of Sasaman Road.	None	*606
		Dry Branch	Approximately 0.6 mile upstream of confluence with Williamson Creek.	*668	*683
			Approximately 425 feet upstream of Escarpment Boulevard.	None	*842
		Gilleland Creek	Approximately 450 feet downstream of Taylor Lane.	None	*419
			Approximately 200 feet upstream of Interstate Route 35.	None	*817
		Gilleland Creek Tributary 1	At confluence with Gilleland Creek	*447	*449
			Approximately 1,180 feet upstream of the confluence with Gilleland Creek.	*451	*450
		Gilleland Creek Tributary 2	At confluence with Gilleland Creek	None	*548
			At upstream face of Deesau Road	None	*675
		Gilleland Creek Tributary 3	At confluence with Gilleland Creek	None	*783
			At downstream side of Interstate Route 35 (Frontage Road).	None	*811
		Harris Branch	At confluence with Gilleland Creek	None	*529
			Approximately 0.72 mile upstream of Cape Cod Drive.	None	*742
		Harris Branch Tributary No. 3	At confluence with Harris Branch	*678	*663
			Approximately 1.75 mile upstream of the confluence.	None	*749
		Harris Branch Tributary No. 4	At confluence with Harris Branch	None	*603
			Approximately 50 feet upstream of Dessau Road.	None	*678
		Harris Branch Tributary No. 5	Approximately 60 feet downstream of Cameron Road.	None	*573
			Approximately 100 feet upstream of Yager Lane.	None	*5[illegible]
		Little Bear Creek	At confluence with Bear Creek	*633	*636
			At Hays County-Travis County boundary	*674	*675

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Long Branch	Approximately 0.55 mile downstream of Hays County-Travis County boundary.	None	*1,015
			At Hays County-Travis County boundary	None	*1,036
		Marble Creek	Approximately 160 feet downstream of Colton Bluff Springs Road.	None	*549
			Approximately 50 feet upstream of Old Lockhart Highway.	None	*643
		Onion Creek	Approximately 280 feet upstream of confluence with Colorado River.	*415	*414
			At Hays County-Travis County boundary	*637	*549
		Rinard Creek	At confluence with Onion Creek	*573	*578
			Approximately 1,400 feet upstream of Bradshaw Road.	*577	*578
		Slaughter Creek	At confluence with Onion Creek	*567	*573
			Approximately 0.79 mile upstream of confluence with Onion Creek.	*573	*574
		Walnut Creek	Approximately 1,160 feet downstream of confluence of Walnut Creek Tributary 3.	*485	*488
			Approximately 0.5 mile upstream of upstream crossing of Southern Pacific Railroad.	None	808
		Walnut Creek Tributary 3	At confluence with Walnut Creek	*488	*493
			Approximately 1.85 mile upstream of U.S. Route 290 westbound.	*575	*576
		Walnut Creek Tributary 4	At confluence with Walnut Creek	*497	*500
			Approximately 70 feet downstream of Springdale Road.	None	*545
		Walnut Creek Tributary 5	At confluence with Walnut Creek	*513	*512
			Approximately 0.50 mile upstream of Sansom Road.	*555	*556
		Walnut Creek Tributary 10	Approximately 360 feet upstream of Del Robles Drive.	*758	*759
			Approximately 50 feet downstream of McNeil Drive.	*802	*803
		Wells Branch	At upstream face of Howard Lane	*733	*734
			Approximately 750 feet upstream of Wells Branch Parkway.	None	*755
		Williamson Creek	Approximately 80 feet downstream of Brodie Lane.	*708	*707
			Approximately 1,650 feet upstream of Brodie Lane.	*719	*720
Maps available for inspection at Public Improvements and Transportation, 811 Barton Springs Road, Suite No. 750, Austin, Texas. Send comments to The Honorable Bill Aleshire, Travis County Judge, Stokes Building, 314 W. 11th Street, Austin, Texas 78704.					
Vermont	Concord, Town, Essex County.	Moose River	At downstream corporate limits	None	*607
			At Victory Road	None	*1,006
Maps available for inspection at the Concord Town Office, Main Street, Concord, Vermont 05824. Send comments to Mr. Milton Lunnie, Chairman of the Town of Concord Board of Selectmen, Essex County, Main Street, Concord, Vermont 05824.					
Washington	Spokane County, Unincorporated Areas.	Spokane River	At the eastern corporate limit of the City of Spokane and approximately 1.5 miles downstream of Argone Road.	None	*1,913
			Just upstream of Trent Road	None	*1,930
			At Sullivan Road	None	*1,955
			At Baker Road	None	*1,991
			Just upstream of Harvard Road	None	*2,012
			Approximately 700 feet downstream of Interstate Highway 90.	None	*2,037
		Forker Draw	Approximately 400 feet north of Progress Road	None	*2,070
			At Forker Road Bridge	None	*2,103
			Approximately 900 feet downstream of Bigelow Gulch Road.	None	*2,310
		Chester Creek	At the intersection of Dishman Road and Second Avenue.	None	*1,984
			At 24th Avenue	None	*1,994
			At the intersection of 28th Avenue and Raymond Avenue.	None	*1,999
			Just downstream of Bowdish Road	None	*2,005
			At the intersection of Madison Road and 43rd Avenue.	None	*2,009
			Just upstream of Mohawk Road	None	*2,042
			Just downstream of the most southern Farm Road.	None	*2,061
		Liberty Lake	At the intersection of Liberty Lake Road and Sprague Avenue.	None	*2,051

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 2,000 feet south of the intersection of Sprague Avenue and Clubhouse.	None	2,053

Maps are available for review at the Spokane County Broad of Commissioners, West 1116 Broadway Avenue, Spokane, Washington. Send comments to the Honorable John McBride, Chairman, Spokane County Board of Commissioners, West 1116 Broadway Avenue, Spokane, Washington 99260.

Issued: February 11, 1991.

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6070 Filed 3-13-92; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-92-21]

Commercial Driver's License; Waiver for Farm-Related Service Industries; Request for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of petitions; request for comment.

SUMMARY: The FHWA is requesting comments from interested parties on petitions submitted by representatives of various farm-related service industries (custom harvesters, farm retail outlets and suppliers, agri-chemical businesses, and livestock feeders), requesting relief from the requirements of the commercial driver's license regulations (49 CFR part 383). The FHWA is proposing to authorize the States to waive, at their option, seasonal employees of farm-related service industries from the CDL knowledge and skill testing requirements, and issue these employees restricted CDL's. The FHWA requests public comments on whether, if granted, the proposed grant of waiver authority would be contrary to the public interest or diminish the safe operation of commercial motor vehicles. No extension of the public comment period specified below is anticipated due to the necessity to reach a final determination in this matter before the effective date of the CDL requirements (April 1, 1992).

DATES: Comments must be received on or before March 26, 1992.

ADDRESSES: All signed, written comments should refer to the docket number that appears at the top of this document and should be submitted to the Federal Highway Administration, room 4232, Office of Chief Counsel, HCC-10, 400 Seventh Street SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Commenters who want to be notified that the FHWA received their comments should include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Jill L. Hochman, Office of Motor Carrier Standards, (202) 366-4001, or Mr. Raymond W. Cuprill or Mr. Eric Kuwana, Office of the Chief Counsel, HCC-20, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Driver's License (CDL) regulations, issued pursuant to the Commercial Motor Vehicle Safety Act of 1986 (title XII, Pub. L. 99-570, 100 Stat. 3207, 3207-170) (49 U.S.C. app. 2701 *et seq.*)), are found at 49 CFR part 383 (1991). Section 383.23 of the regulations sets forth the general rule that, effective April 1, 1992, no person shall operate a commercial motor vehicle unless such person: (1) Has taken and passed a knowledge test and, if applicable, a driving test, which meets Federal standards, and (2) possesses a CDL which is evidence of having passed the required tests. These Federal standards ensure that drivers of a commercial motor vehicle: (1) Have a single driver's license and a single driving record, (2) are tested for the knowledge and skills needed to drive a vehicle representative of the vehicle that they will be licensed to drive, and (3) are disqualified from driving a commercial vehicle when convicted of certain criminal or traffic violations. Drivers who will be operating commercial vehicles that haul hazardous materials are also required to take and pass specialized tests to obtain specific endorsements to their licenses.

Accordingly, drivers of commercial motor vehicles must have a CDL after April 1, 1992. The term commercial motor vehicle is defined to include, a motor vehicle:

(1) With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

(2) With a gross vehicle weight rating of 26,001 or more pounds; or

(3) Designed to transport 16 or more passengers, including the drive; or

(4) Used in the transportation of quantities of hazardous materials which require the vehicle to be placarded under the Hazardous Materials Transportation Regulations (49 CFR part 172, subpart F). 49 CFR 383.5 (1991).

CDL Waivers

Section 12013 of the Commercial Motor Vehicle Safety Act of 1986 (the Act) authorizes the Secretary of Transportation to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial vehicles. The regulatory procedures governing the issuance of waivers are found at 49 CFR 383.7 (1991).

The Federal Highway Administration (FHWA) has granted a CDL waiver to military personnel operating military vehicles and has authorized the States to exclude certain farmers and firefighters in implementing the CDL regulations. See 53 FR 37313, September 26, 1988. With respect to farmers, the States were authorized to exempt drivers of farms vehicles which are:

(1) Controlled and operated by a farmer;

(2) Used to transport either agricultural products, farm machinery, or farm supplies to or from a farm;

(3) Not used in the operations of a common or contract motor carriers; and

(4) Used within 150 miles of the person's farm. In this notice we will refer to this grant of waiver authority to the States as the "farm waiver."

The FHWA also received numerous petitions for waivers from farm-related service industries including custom harvesters, farm retailers and outlest, and agri-chemical businesses. These groups desired to be included in the farm waiver or be granted a similar waiver from the CDL regulations. The FHWA denied these petitions for waivers because the assertions made did not provide an adequate basis for making the required public interest and safety determinations.

Some of these industries sought relief through legislation, but the resulting statutory provision was very limited in scope. Section 4010 of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240, 105 Stat 1914) simply excluded custom harvesting farm machinery, such as combines and farm tractors, from the requirements of statutes and regulations dealing with CDL requirements. This legislative enactment did not provide the relief desired by custom harvesters and, as a result, administrative relief is still being sought.

Petitions

The FHWA has been requested to reconsider its previous determinations concerning the petitions for CDL waivers filed by custom harvesters, farm retail outlets and suppliers, and agri-chemical businesses. Livestock feeders have also requested similar waivers. In addition, we have received many comments requesting relief from the CDL requirements for these farm-related service industries in response to the regulatory review notice published by the Department. See 57 FR 4744, February 7, 1992 (OST Notice 92-1; FHWA Docket 92-12). This notice requested public comment on unnecessary or burdensome regulations that impede economic growth or impose needless cost on consumers. Copies of these petitions are being included in the docket established in this notice and may be examined by the public.

These farm-related service industries contend that the granting of a CDL waiver for their employees would not diminish highway safety because these employees are involved in transportation activities to no greater extent than farmers, which seasonal and mostly limited to secondary, rural roads, within close proximity of farms. Evidence was presented that the agricultural sector has an outstanding safety record when compared to the transportation industry as a whole. These industries also claim that the costs imposed by the CDL regulations will clearly outweigh the expected safety benefits. They state that imposition of the CDL requirements on their industries will create significant operational and financial burdens due to the seasonal nature of the agricultural business, where only a small pool of workers is available to assist during the periods of high transportation demand. Drivers are hired to transport agricultural products solely during "peak seasons," such as the very short planting and harvest seasons, and consequently, many of these employees are high school/college students and retired farm workers. These industries cannot afford the expensive overhead of maintaining an exclusive work force of full-time commercial drivers. They assert that imposition of the CDL requirements will increase agricultural transportation costs and would result in higher farm production costs and consumer prices.

Proposed Waiver for Farm-Related Service Industries

In order to provide relief to the above described farm-related service industries, the FHWA is proposing to authorize the States, at their option to waive seasonal employees of farm-related industries from the CDL knowledge and skill testing requirements, and issue these employees restricted CDL's. Only seasonal drivers hired by these industries that operate certain commercial motor vehicles would be eligible for this waiver. Each State will determine the drivers' eligibility to receive a restricted CDL as seasonal employees of farm-related service industries. The FHWA believes that a seasonal driver is a person employed in farming or agriculture, or performing farming or agricultural labor, whose employment is of the kind exclusively performed at certain seasons or periods of the year, or who moves from one seasonal activity to another while employed in farming or agricultural activities.

CDL requirements other than knowledge and skill testing would be applicable, such as the disqualification requirements and the requirement that the State conduct a complete check of the applicant's driving record. This limited waiver authority would ensure that issuance by the State of restricted CDL's would have no adverse effect on highway safety and would prevent full-time employees of these farm-related service industries from avoiding the CDL testing requirements.

Accordingly, the States would be authorized to waive drivers of farm-related service industries from the CDL knowledge and skill testing requirements, subject to the following conditions:

(1) Restricted CDL's—If a State adopts the waiver authority, the State would issue restricted CDL's to eligible drivers pursuant to existing State CDL licensing procedures. The restriction would be coded on the CDL and easily recognized by enforcement officials. Compliance with all CDL requirements (49 CFR part 383), except those related to knowledge and skill testing, would be required. Any restricted CDL issued by a State would be considered as a valid CDL and would be given full reciprocity by other States pursuant to 49 CFR 383.73(h).

(2) Drivers Covered—Only drivers possessing a valid operator's license issued by a State, who are seasonal employees of a farm-related service industry (custom harvesters, farm retail outlets and suppliers, agrichemical businesses, and livestock feeders), would be eligible for a restricted CDL. A restricted CDL issued to a seasonal driver would be valid only during such employment and while performing farm service activities related to such employment. The use of a restricted CDL to drive a commercial motor vehicle, in the performance of activities not related to such employment, would be grounds for revocation. Exemptions from the driver qualification requirements for drivers engaged in certain farm-related operations, found in 49 CFR 391.2, would remain unchanged.

(3) Vehicles Covered—The restricted CDL would authorize the transportation of the products listed below in motor vehicles included in CDL Vehicle Groups B or C (49 CFR 383.91).

(4) Products Covered—The restricted CDL would authorize the transportation of agricultural products, farm machinery, or farm supplies to and from a farm. The restricted CDL would not authorize the transportation of placarded quantities of hazardous materials, except for diesel fuel or fertilizers transported to and from a farm.

Request for Public Comment

The FHWA is requesting specific views, information, and data that it should consider when determining whether or not the proposed waiver would be contrary to the public interest or would diminish the safe operation of commercial motor vehicles. Commenters are strongly encouraged to provide any

additional facts or views pertaining to the proposed waiver.

(Title XII of Pub. L. 99-570, 100 Stat. 3207-170; 49 U.S.C. 3102; 49 U.S.C. app. 2505; 49 CFR 1.48.; 49 CFR 383.7.; 23 U.S.C. 315)

Issued on: March 12, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-6179 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-22-M

Notices

Federal Register
Vol. 57, No. 51
Monday, March 16, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 553]

Expansion of Foreign-Trade Zone 152 Burns Harbor, Indiana, Area

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

Whereas, the Indiana Port Commission, Grantee of Foreign-Trade Zone No. 152, has applied to the Board for authority to expand its general-purpose zone to include a site in Gary, Indiana, adjacent to the Chicago Customs port of entry;

Whereas, the application was accepted for filing on September 5, 1991, and notice inviting public comment was given in the **Federal Register** on September 12, 1991 (Docket 51-91, 56 FR 46410);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Burns Harbor area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board *Hereby Orders*:

That the Grantee is authorized to expand its zone in accordance with the application filed on September 5, 1991, subject to the Act and the Board's regulations (as revised, 56 FR 50790-50808, 10/8/91), including Section 400.28.

Signed at Washington, DC, this 9th day of March, 1992.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-6092 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 561]

Resolution and Order Approving the Application of the Bi-State Authority (Lawrence County, Illinois) for Special-Purpose Subzone Status at the Fedders North America, Inc., Plant (Room Air Conditioners); Effingham, IL

Proceedings of the Foreign-Trade Zones Board, Washington, DC.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Bi-State Authority, grantee of Foreign-Trade Zone 146, filed with the Foreign-Trade Zones Board (the Board) on January 9, 1991, requesting special-purpose subzone status for the room air conditioner manufacturing plant of Fedders North America, Inc., in Effingham, Illinois, adjacent to the Evansville-Owensboro Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The approval is subject to the FTZ Act and the FTZ Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), including § 400.28. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority for Subzone Status, Fedders North America, Inc., Plant; Effingham, IL

Whereas, By an Act of Congress approved June 18, 1934, an Act "To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, The Board's regulations (15 CFR part 400) provide for the establishment of subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, The Bi-State Authority (Lawrence County, Illinois), Grantee of Foreign-Trade Zone No. 146, has made application (filed 1-9-91, FTZ Docket 1-91, 56 FR 1791, 1-17-91) to the Board for authority to establish a subzone at the room air conditioner manufacturing plant of Fedders North America, Inc., in Effingham, Illinois;

Whereas, Notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, The Board has that found the requirements of the Act and the Board's regulations are satisfied and that the proposal is in the public interest;

Now, Therefore, In accordance with the application filed January 9, 1991, the Board hereby authorizes the establishment of a subzone at the Fedders North America,. Inc., plant in Effingham, Illinois, designated on the records of the Board as Foreign-Trade Subzone 146C, at the location described in the application, subject to the FTZ Act and the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), including § 400.28.

Signed at Washington, DC, this 9th day of March, 1992, pursuant to Order of the Board.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-6091 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings and suspension agreements with February anniversary dates. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Roland L. MacDonald, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-2104.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received timely requests, in accordance with § 353.22(a)(1) of the Department's regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements, with February anniversary dates.

Initiation of Reviews

In accordance with §§ 353.22(c) and 355.22(c) of the Department's regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews not later than February 28, 1993.

Antidumping duty proceedings and firms	Periods to be reviewed
Canada:	
Racing Plates (Aluminum Horseshoes) A-122-050	
Equine Forgings	2/1/91-1/31/92
Japan:	
Mechanical Transfer Presses A-588-810	
Aida Engineering Ltd., Hitachi Zosen Corporation, Ishikawajima-Harima Heavy Industries, Komatsu Ltd	2/1/91-1/31/92
Korea:	
Small Business Telephones & Subassemblies Thereof A-580-803	
Goldstar Telecommunications Co., Ltd., Samsung Electronics Co., Ltd	2/1/91-1/31/92
Peoples Republic of China:	
Sodium Thiosulfate A-570-805	
China National Chemicals Import and Export Corporation, Shanghai Chemical Import and Export Corporation, Henan Provincial Chemical Plant, Eeyer Hat Oil Chemical Plant	2/1/91-1/31/92
Countervailing Duty Proceedings	
Saudi Arabia:	
Carbon Steel Wire Rod C-517-501	1/1/91-12/31/91

Interested parties must submit applications for administrative protective orders in accordance with § 353.34(b) and § 355.34(b) of the Department's regulations.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 353.22(c) and 355.22(c) (1989).

Dated: March 9, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-6088 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-604]

Tapered Roller Bearings, and Parts Thereof, Finished and Unfinished, From Japan; Amendment to Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of amendment to final results of antidumping duty administrative review.

SUMMARY: On February 11, 1992, the Department of Commerce published the final results of its 1989-90 administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from Japan. The review covered four manufacturers/exporters of this merchandise to the United States during the period October 1, 1989, through September 30, 1990. Based on the correction of clerical errors, we have changed the margin for NSK from 4.09 percent to 1.52 percent and the margin for NTN from 45.95 percent to 21.49 percent.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Sheila Baker or Laurel LaCivita, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 4960), the final results of its administrative review of the antidumping duty order (52 FR 37352; October 6, 1987) on tapered roller bearings, and parts thereof, finished and unfinished, from Japan. After publication of our final results, two clerical errors were identified in the margin calculations used for NSK Ltd. (NSK), and three clerical errors were identified in the margin calculation used for NTN Toyo Bearing Co. (NTN). The two clerical errors affecting NSK consisted of some incorrect model matches and the incorrect rate for best information available on those models where appropriate information to calculate foreign market value was not provided. The three clerical errors affecting NTN's margin were the result of an error in the use of physical criteria data, an error in the creation of a level of trade variable for U.S. sales, and an error in computing foreign market value using both actual sales and split sales.

Amended Final Results of Review

As a result of our corrections of the clerical errors, we have determined weighted-average margins of 1.52 percent for NSK and 21.49 percent for NTN.

The Department shall determine and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of amended final results of administrative review for all shipments of the subject merchandise from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the companies affected by this amendment will be as outlined above; (2) the cash deposit rate for Nachi, as stated in the February 11, 1992, final results of this administrative review, will remain in effect; (3) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (4) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (5) the cash deposit rate for all other manufacturers or exporters will be 21.49 percent. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice is published pursuant to 19 CFR 353.28.

Dated: March 11, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-6090 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-054]

Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan; Amended Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of amendment to final results of antidumping duty administrative review.

SUMMARY: On February 11, 1992, the Department of Commerce published the final results of its 1989-90 administrative review of the antidumping finding on tapered roller bearing (TRBs), four inches or less in outside diameter, and certain components thereof, from Japan. The review covered three manufacturers/exporters of the subject merchandise to the United States during the period August 1, 1989, through July 31, 1990. Based on the correction of clerical errors, we have changed the margin for NSK from 4.92 percent to 2.72 percent.

EFFECTIVE DATE: March 16, 1992.

Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 4975), the final results of its administrative review of the antidumping finding (41 FR 34974; August 18, 1976) on tapered roller bearings, four inches or less in outside diameter, and certain components thereof, from Japan. After publication of our final results, NSK Ltd. alleged that clerical errors had been made regarding the adjustment for pre-sale freight and the exclusion of a home market model for model match purposes. We agree and have corrected these errors.

Amended Final Results of Review

As a result of our correction of the clerical errors, we have determined a weighted-average margin of 2.72 percent for NSK.

The Department shall determine and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of amended final results of administrative review for all shipments of the subject merchandise from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the companies affected by this amendment will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specified rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 16.35 percent. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice is published pursuant to 19 CFR 353.28.

Dated: March 11, 1992.

Marjorie A. Chorlins,

Acting Assistance Secretary for Import Administration.

[FR Doc. 92-6089 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-804]

Carbon Steel Butt-Weld Pipe Fittings From Thailand Termination of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of termination of countervailing duty administrative review.

SUMMARY: On February 24, 1992, the Department of Commerce (the Department) initiated an administrative review of the countervailing duty order on carbon steel butt-weld pipe fittings from Thailand. The Department is now terminating that review.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–2786.

Background

On January 28, 1992, the Department received a request for an administrative review of this countervailing duty order from Awaji Sangyo (Thailand) Co., Ltd. (AST), for the period January 1, 1991 through December 31, 1991. On February 24, 1992, we initiated the administrative review (57 FR 6314), and, on February 26, 1992, AST withdrew its request.

Since no other interested parties have requested an administrative review for this period, and since the letter of withdrawal was timely filed, the Department is now terminating this administrative review in accordance with 19 CFR 355.22(a)(3).

This notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and 19 CFR 355.22.

Dated: March 9, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92–6093 Filed 3–13–92; 8:45 am]

BILLING CODE 3510-DS-M

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The President's Export Council (PEC) is holding a meeting to review the work of each of the subcommittees and to discuss future projects. Issues relating to foreign market development, U.S. trade competitiveness, export promotion, export financing, and export controls will also be discussed. A report on the President's Asia Trip and the PEC's recent trade mission to Taiwan will be presented. The President's Export Council was established on December 20, 1973 and reconstituted May 4, 1979, to advise the President on matters relating to U.S. export trade.

DATES: March 31, 1992, from 9:15 a.m. to 12:30 p.m.

ADDRESSES: The Madison Hotel, Executive Chambers, 15th and M Street, NW., Washington, DC 20005.

Seating is limited and will be on a first come, first serve basis.

FOR FURTHER INFORMATION CONTACT: Ms. Annette Richard, President's Export Council, room 3215, Washington, DC 20230.

Dated: March 11, 1992.

Wendy H. Smith,

Staff Director and Executive Secretary, President's Export Council.

[FR Doc. 92–6062 Filed 3–13–92; 8:45 am]

BILLING CODE 3510-DR-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket Number: 92–015. *Applicant:* Washington University School of Medicine, Department of Cell Biology and Physiology, 660 South Euclid Avenue, Box 8228, St. Louis, MO 63110. *Instrument:* Two (2) Micromanipulators and Mounting Accessories, Models WR–89–L and MM–3–R. *Manufacturer:* Narishige Scientific Instruments, Japan. *Intended Use:* The instruments will be used to study ion channels in nerve cell membranes. Using the patch clamp technique experiments will involve recording the flow of ionic current through ion channels gated by the neurotransmitter glutamate in order to understand how the channels work—how glutamate causes them to open and how they conduct the ions through the membrane. *Application Received by Commissioner of Customs:* February 6, 1992.

Docket Number: 92–016. *Applicant:* Department of Veterans Affairs Medical Center, University and Woodland Avenues, Philadelphia, PA 19104. *Instrument:* Electron Microscope, Model H–7000. *Manufacturer:* Nissei Sangyo, Japan. *Intended Use:* The instrument will be used for ultrastructural examination of biological material, including human and animal tissues. This ultrastructural study provides more accurate, specific classification of tumors or other medical diseases and thereby enables a more specific and up-to-date treatment with obvious advantage to the patient. Various experiments are planned to study the etiology, pathogenesis and biological course of different diseases. In addition, the instrument will be used for training in electron microscopy. *Application Received by Commissioner of Customs:* February 11, 1992.

Docket Number: 92–017. *Applicant:* Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. *Instrument:* Stopped-Flow Spectrophotometer Fluorimeter, System, Model SF–61AFX. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used to study the cleavage of DNA mediated by the end-diyne class of antibiotics, which include the clinically important anti-cancer drugs bleomycin and neocarzinostatin. In addition, the instrument will be used to study fast chemical reactions catalyzed by several enzymes involved in nucleotide metabolism. *Application Received by Commissioner of Customs:* February 12, 1992.

Docket Number: 92–018. *Applicant:* Yale University School of Medicine, Department of Pathology, 310 Cedar Street, New Haven, CT 06510. *Instrument:* Electron Microscope, Model EM 910. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* The instrument will be used to conduct basic biomedical research. Some of the research projects include:

1. Morphometric and stereologic assessment of plasma membrane changes and immunocytochemical localization and quantitation of specific membrane, cytoskeletal and matrix proteins and quantitative in situ hybridization for localization of messenger RNA's of these proteins,
2. Examination of the cellular mechanisms of adaptation in principal cells and intercalated cells of the renal collecting duct,
3. Characterization of the determinants of mesangial cell proliferation and matrix accumulation using primary cultures of mesangial cells,
4. Studies of the mechanisms which are involved in development and maintenance of cell polarity of renal epithelial cells, and
5. Studies directed at examining the cellular processes involved in the restoration of cellular integrity of renal epithelial cells ischemic or toxic injury.

Application Received by Commissioner of Customs: February 12, 1992.

Docket Number: 92–019. *Applicant:* Yale University, 155 Whitney Avenue, New Haven, CT 06520. *Instrument:* Electron Microscope, Model EM 902. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* The instrument will be used in ongoing scientific investigations examining the basic biology and pathophysiology of axons and glial cells in the central and peripheral nervous systems. The objectives of these studies are to fully understand the physiology and pathobiology of axons, and their related glial cells, in the function of the nervous system, including brain, spinal cord and peripheral nerves. *Application Received by Commissioner of Customs:* February 14, 1992.

Docket Number: 92–020. *Applicant:* The University of Vermont, Burlington, VT 05405. *Instrument:* Xenon Flashlamp System, Model XF–10. *Manufacturer:* Hi-Tech Scientific, United Kingdom. *Intended Use:* The instrument will be used in biomedical research to excite single muscle cells in tissue culture in order to release intracellular chemicals. The experiments are designed to test the function of muscle cells in culture. In addition, the instrument will be used for educational purposes in the course "Techniques in Neurobiology." *Application Received by Commissioner of Customs:* February 14, 1992.

Docket Number: 92–021. *Applicant:* Western Washington University, Division of Purchases, Old Main, room 320, Bellingham, WA 98225–9012. *Instrument:* Stopped-Flow Rapid Kinetics Accessory. *Manufacturer:* Applied Photophysics Ltd., United Kingdom. *Intended Use:* The instrument will be used for studies of fast (100–1000 ms) chemical reactions of inorganic-metal complexes in solution during concentration and temperatures dependent kinetics experiments. In addition, the instrument will be used to provide students with hands-on experience in measuring reaction rates for fast chemical reactions in the course, Chemistry 464, 465: Physical/ Inorganic Chemistry Laboratory. *Application Received by Commissioner of Customs:* February 14, 1992.

Docket Number: 92–022. *Applicant:* All Children's Hospital, 810 6th Street, South, St. Petersburg, FL 33701. *Instrument:* Electorn Microscope, Model JEM–1210EX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instrument will be used for researching the ultrastructure of pediatric pathologies. Specimens studied will be from children with pathological disorders. Some specimens will be from normal children and some specimens will be from experimental animals. The experimentation and research will include but is not limited to the following:

1. Characterization of neoplastic tissues,
2. Identification of viruses associated with intestinal pathologies,
3. Cyto-skeletal structure of intestinal cilia,
4. Characterization of cell fractions obtained from kidney tissue,
5. Characterization of renal glomerus,
6. Morphology and characterization of resting and activated lymphocytes, and
7. Dynamics of deoxyribonucleic acid (DNA) specific stain models.

Application Received by Commissioner of Customs: February 14, 1992.

Docket Number: 92–023. *Applicant:* Wayne State University, Department of Chemistry, 5101 Cass Avenue, Detroit, MI 48202. *Instrument:* Kinetic Spectrometer, Model LKS.50. *Manufacturer:* Applied Photophysics Ltd., United Kingdom. *Intended Use:* The instrument will be used for studies of free radical intermediates produced by a laser flash. The studies are aimed to etablish kinetic scales for a number of radical reations. *Application Received by Commissioner of Customs:* February 19, 1992.

Docket Number: 92–024. *Applicant:* U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, VA 22092. *Instrument:* (3) Electron Microprobes, Model JXA–8900. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* The instruments will be used for the study of the chemical composition, elemental distribution and compositional zoning behavior of geologic materials. The experiments to be conducted consist of focussing a high voltage electron beam on a solid sample (usually a polished grain mount or thin section), generating characteristic x-rays, and measuring these x-rays quantitatively with wavelength and energy dispersive spectrometers. In addition, the instrument will be used for training USGS staff in the operation and maintenance of the instruments.

Application Received by Commissioner of Customs: February 19, 1992.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6083 Filed 3–13–92; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

[Project I.D. No. 06–10–92007–01]

Business Development Center Applications: Lubbock/Midland-Odessa MBDC

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) program to operate an MBDC for approximately a 3-year period, subject to Agency priorities, recipient's performance and the availability of funds. The cost of performance for the first budget period (12 months) is estimated as $223,250 in Federal funds, and a minimum of $39,397 in non-Federal (cost sharing) contributions from August 1, 1992 to July 31, 1993. An amount of $8,250 has been allocated for the audit fee and should be listed in the contractual line item under the Federal amount. Cost-sharing contributions may be in the form of cash contributions, client fees, in-kind contributions or combinations thereof.

The MBDC will operate in the Lubbock, Texas MSA geographic service area with a field office in Midland-Odessa. The geographic area will extend throughout the Central and Northwestern portion of the state of Texas. The funding breakdown is as follows: $173,250 Federal and $30,573 non-Federal for Lubbock and $50,000 Federal and $8,824 non-Federal for Midland-Odessa and other major cities in the Central and Northwest portion of the state.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can identify and coordinate public and

private sector resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purpose of the MBDC Program. The application will then be forwarded to the Department for final processing and approval, if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist them in this effort, MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

MBDCs performing satisfactorily may continue to operate after the initial competitive year for up to 2 additional budget period. MBDCs with year-to-date "commendable" and "excellent" performance ratings may continue to be funded for up to 3 or 4 additional budget periods, respectively. Under no circumstances shall an MBDC be funded for more than 5 consecutive budget periods without competition. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

In accordance, with OMB Circular A-129, "Managing Federal Credit Programs," applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department of Commerce are made to pay the debt.

Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. 15 CFR part 28 is applicable and prohibits recipients of Federal contracts, grants, and cooperative agreements from using appropriated funds for influencing or attempting to influence an officer or employee of any agency, A Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, or cooperative agreement. The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the MBDC has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of MBDC work requirements; and reporting inaccurate or inflated claims of client assistance or client certification. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

On November 18, 1988, Congress enacted the Drug-Free Workplace Act of 1988 Pub. L. 100-690, title V, subtitle D). The statute requires contractors and grantees of Federal agencies to certify that they will provide a drug-free workplace. Pursuant to these requirements, the applicable certification form must be completed by each applicant as a precondition for receiving Federal grant or cooperative agreement awards.

"Certification for Contracts, Grants, Loans, and Cooperative Agreement" and SF-LLL, the "Disclosure of Lobbying Activities" (if applicable) is required in accordance with Section 319 of Public Law 101-121, which generally prohibits recipients of Federal contracts, grants, and loans from using Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matter; Drug-Free Workplace Requirements and Lobbying" and, when applicable, the SF-LLL, are required.

Closing Date: The closing date for applications is April 25, 1992. Applications must be postmarked on or before April 25, 1992.

Note: Please mail completed application to the following address: Chicago Regional Office, 55 E. Monroe Street, suite 1440, Chicago, Illinois 60603.

For Application Kit or Other Information Contact: Dallas Regional Office, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, Attn: Yvonne Guevara, (214) 767-8001.

A pre-bid conference will be held on April 3, 1992 in the U.S. Federal Building, room 424, on 1205 Texas Ave., Lubbock, Texas at 10 a.m.

SUPPLEMENTARY INFORMATION:
Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Dated: March 10, 1992.

Melda Cabrera,
Regional Director, Dallas Regional Office.

[FR Doc. 92-6027 Filed 3-13-92; 8:45 am]
BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

[Docket No. 920255-2055]

Inspection and Certification Fees and Charges

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of 1992 inspection fees.

SUMMARY: NOAA announces a change in the established rates for voluntary Department of Commerce fishery product grading and cerification services consistent with its intent to provide inspection services at the lowest appropriate cost. The change represents an increase of 4.2 percent in the basic hourly rates and results from a pay raise of 4.2 percent for Federal employees effective January 1, 1992.

EFFECTIVE DATE: January 2, 1992.

FOR FURTHER INFORMATION CONTACT:
Richard V. Cano, Division Chief, Inspection Services Division, National Marine Fisheries Service, Silver Spring, MD 20910, Phone 301/713-2355.

SUPPLEMENTARY INFORMATION:
Regulations at 50 CFR 260.70 authorize the Secretary of Commerce to review and revise annually the rates for voluntary fishery products inspection, grading, and certification services by publishing a notice of fee changes in the Federal Register. The revised hourly rates reflect a 4.2 percent salary raise for Federal employees. Below is the schedule of fees effective January 1, 1992. The procedure to calculate the Type II hourly fee has been changed by adding 40 percent, rather than 50 percent, to the Type I fee. This change will be reflected in an amendment to the regulations. The fees outlined for the State of Alaska are for services provided by cross-licensed State of Alaska inspectors. Charges for services provided in Alaska by NMFS inspectors will be at the rates as specified, plus cost of living allowances. The rates outlined below for the State of Minnesota are for services provided by cross-licensed State of Minnesota inspectors. Charges for services provided in Minnesota by NMFS inspectors will be at the rates specified previously. The rates charged in the State of Minnesota are subject to change based on information supplied by the Minnesota Department of Agriculture.

(a) Type I—Official establishment and product inspection—contract basis:

	Per hour
Regular (except Alaska and Minnesota)	$32.45
Overtime (except Alaska and Minnesota)	48.70
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	64.90

(1) The contracting party will be charged at an hourly rate of $32.45 per hour for regular time; (2) $48.70 per hour for overtime in excess of 8 hours per shift per day; and (3) $64.90 per hour for Sunday and national legal holidays for services performed by inspectors at official establishment(s) operating under Federal inspection. In addition to any hourly service charge, a night differential fee equal to 10 percent of the employee's hourly salary will be charged for each hour of service provided after 6 p.m. and before 6 a.m. The contracting party will be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. Products designated in a contract will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate.

(b) Type II—Lot inspection—Official and unofficially drawn samples:

	Per hour
Regular (except Alaska and Minnesota)	$45.45
Overtime (except Alaska and Minnesota)	68.15
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	90.90
Minimum fee (except Alaska and Minnesota)	34.10

(1) For lot inspection services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday—$45.45 per hour.

(2) For lot inspection services performed at times Monday through Friday other than between 7 a.m. and 5 p.m., and on Saturdays (2 hrs. minimum)—$68.15 per hour. (3) Sunday and national legal holidays (2 hrs. minimum)—$90.90 per hour. (4) The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour will be $34.10.

(c) Type III—Miscellaneous inspection and consultative services.

When any inspection or related services such as, but not limited to, initial and final establishment surveys, appeal inspections, contract lot inspections, sanitation evaluations, Sanitary Inspected Fish Establishment (SIFE) inspections, sampling, product evaluations, and label and product specification reviews, requires charges to which the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular (except Alaska and Minnesota)	$40.55
Overtime (except Alaska and Minnesota)	60.85
Sunday and legal holidays (2 hrs. minimum) (except Alaska and Minnesota)	81.15
Minimum fee (except Alaska and Minnesota)	30.45

In keeping with the intent of the authorizing legislation and the policies of the Inspection Program to charge fees to recover, as nearly as possible, the costs of providing inspection services, the hourly rates charged to contract lot inspection users who provide complete and acceptable facilities which are used by U.S. Department of Commerce (USDC) inspectors to conduct the necessary official contract functions will be those delineated under Type I. In all other cases, contract lot inspection users will be charged Type III rates.

(1) For miscellaneous inspection and consultative services performed between the hours 7 a.m. and 5 p.m., Monday through Friday—$40.55 per hour. (2) For miscellaneous inspection and consultative services performed Monday through Friday, other than between 7 a.m. and 5 p.m., and on Saturdays (2 hrs. minimum)—$60.85 per hour. (3) For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hrs. minimum)—$81.15 per hour. (4) The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour will be $30.45.

(d) The hourly rates for the State of Alaska as performed by cross-licensed State of Alaska inspectors are as follows: Charges for services provided in Alaska by NMFS inspectors will be at the rate stated previously, plus cost of living allowances. For Type I inspection, in addition to any hourly service charge, a night differential fee equal to 10 percent of the employee's hourly salary will be charged for each hour of service provided after 6 p.m. and before 6 a.m.

STATE OF ALASKA—AREA

	Aleutian Chain Bristol Bay Dillingham	South East & South Central Anchorage, Kenai, Juneau, Ketchikan	Remainder of Alaska, Kodiak
Type I:	(Per hour)	(Per hour)	(Per hour)
Regular time	$45.55	$37.55	$40.25
Overtime	62.90	51.90	55.55
Sunday and legal holidays	78.40	64.65	69.25
Type II:			
Regular time	57.90	46.50	51.15
Overtime	79.90	66.90	72.65
Sunday and legal holidays	104.75	86.75	94.05
Minimum fee	47.50	39.60	41.95
Type III:			
Regular time	50.55	42.05	44.70
Overtime	67.25	56.40	60.40
Sunday and legal holidays	86.50	72.40	78.25
Minimum fee	45.00	37.45	40.25

(e) The hourly rates for the State of Minnesota as performed by cross-licensed State of Minnesota inspectors are as follows:

The rates outlined below for the State of Minnesota are for services provided by cross-licensed State of Minnesota inspectors. Charges for services provided in Minnesota by NMFS inspectors will be at the rates specified previously. The rates charged in the State of Minnesota are subject to change based on information supplied by the Minnesota Department of Agriculture.

State of Minnesota

Type I—Official establishment and product inspection services:	
Regular time	$33.15
Overtime	49.75
Sunday and legal holidays	66.30
Type II—Lot inspection—officially and unofficially drawn samples:	
Regular time	46.40
Overtime	69.65
Sunday and legal holidays	92.85
Minimum fee	34.80
Type III—Miscellaneous inspection and consultative services:	
Regular time	41.45
Overtime	62.15
Sunday and legal holidays	82.90
Minimum fee	31.10

(f) Analytical services: Applicants requesting specific analyses to be performed in a NMFS laboratory will be charged at the rates identified below.

Analyses performed in a private laboratory will be charged at the current rate of that laboratory. Charges based on these fees will be in addition to any hourly rates charged for lot, miscellaneous, and consultative inspection service, as well as to any hourly rates charged for inspection services provided under a contract at official establishments.

Microbiology:	
Total aerobic plate count	$11.96
Total coliform	11.96
Fecal coliform	11.96
E. coli	11.96
Staph. aureus	17.97
Salmonella BAM Method Step 1	17.97
Step 2	[1] 11.96
Step 3	[1] 17.97
Chemistry:	
Histamine	71.90
Indole	71.90
Ammonia	53.93
Sodium bisulfite	[2] 71.90
Isoelectric focusing (species identification)	[2] 71.90
Bioassay:	
Paralytic shellfish poison (minimum of 3 samples)	[2] 51.05

[1] Additional.
[2] Per sample.

Notes: The above costs are for analyses only. Sampling and travel time will be assessed using the Type II rates. Mileage costs will be assessed at the current rate. For other analyses not shown or not frequently requested, the charge will be assessed at the Type III hourly rate of $40.55.

All charges are per sample for sample sizes of six samples or less. These rates, except for asterisked items, should be discounted 30 percent per sample for sample sizes of seven or more run in a single day's analysis.

A surcharge of 20 percent of the total charge will be charged for administrative purposes.

Classification

This action is taken under the authority of 50 CFR 260.70 and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act. (16 U.S.C. 742e and 7 U.S.C. 1622, 1624).

Dated: March 9, 1992.

Samuel W. McKeen,

Program Management Officer.

[FR Doc. 92-6079 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-22-M

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council (Council) and the Council's Administrative Committee will hold public meetings on March 24–27, 1992, in the Conference Room at the Pierre Hotel, San Juan, Puerto Rico. Fishermen and other interested persons are invited to attend the meetings, which will be conducted in English. Simultaneous interpretation (English/Spanish) will be provided at the Council meeting. The public may submit oral or written statements regarding the agenda items.

Council—The Council will hold its 75th regular public meeting on March 25 and 26 beginning at 9 a.m., with recess at 5 p.m. on each day. The Council will reconvene the meeting on March 27 at 9 a.m., and adjourn at noon. Among other topics, the Council will discuss wthe Second Amendment to the Shallow-Water Reef Fish Coral and Conch Fishery Management Plans.

Administrative Committee—The Committee will begin its public meeting on March 24 at 2 p.m., to discuss matters pertaining to the Council's administrative operations, and adjourn at 5 p.m.

For more information contact Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, suite 1108, Hato Rey, Puerto Rico 00918-2577; telephone: (809) 766-5926.

Dated: March 10, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6019 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will hold a meeting of its Surf Clam Ocean Quahog Committee with industry advisors on March 31, 1992, beginning at 9 a.m., at the Sheraton Inn, 1570 N. DuPont Highway, Dover, DE., (telephone: 302-678-8500). This meeting will be followed by a meeting of the Executive Committee at 2 p.m., and a meeting of the Habitat Committee at 3 p.m.

The Council will begin its regular meeting on April 1, 1992, at 9 a.m. and adjourn at approximately 1 p.m., on April 2. In addition to reviewing committee reports, the Council may amend the Statement of Operating Practices and Procedures and other fishery management matters as deemed necessary. The meeting may be lengthened or shortened depending on the progress of the agenda. The Council may go into closed session (not open to the public) to discuss personnel and/or national security matters.

For more information, contact John Bryson, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (320) 674-2331.

Dated: March 10, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6020 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Cancellation of Meeting

The Commission of Fine Arts' meeting scheduled for Thursday, 19 March 1992, has been cancelled. The next Commission meeting is scheduled for 16 April 1992 at 10 a.m. in the Commission's offices in the Pension Building, suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the Commission offices (202-504-2200) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC 6 March 1992.

Charles H. Atherton,

Secretary.

[FR Doc. 92-6034 Filed 3-13-92; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with Guatemala on Certain Wool Textile Products

March 10, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Nicole Bivens Collinson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories for which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On February 28, 1992, under the terms of section 204 of the Agricultural Act of 1956, as amended, the Government of the United States requested consultations with the Government of Guatemala with respect to wool textile products in Category 448 (trousers, breeches and shorts), produced or manufactured in Guatemala.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of Guatemala, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of wool textile products in Category 448, produced or manufactured in Guatemala and exported during the twelve-month period which began on February 28, 1992 and extends through February 27, 1993, at a level of not less than 37,689 dozen.

A summary market statement concerning Category 448 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 448, or to comment on domestic production or availability of products included in Category 448, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 448. Should such a solution be reached in consultations with the Government of Guatemala, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Guatemala

Category 448—Women's and Girls' Wool Trousers, Slacks and Shorts

February 1992

Import Situation and Conclusion

U.S. imports of women's and girls' wool trousers, slacks and shorts, Category 448, from Guatemala reached 37,150 dozen in 1991, almost seven and one-half times the 5,026 dozen imported in 1990. In 1991, Guatemala became the second largest supplier of women's and girls' wool trousers, slacks and shorts to the U.S. accounting for 11 percent of total imports. In 1990, Guatemala ranked 17th among the major suppliers accounting for 1.5 percent of total Category 448 imports.

The sharp and substantial increase in Category 448 imports from Guatemala is disrupting the U.S. market for women's and girls' wool trousers, slacks and shorts.

U.S. Production and Market Share

U.S. production of women's and girls' wool trousers, slacks and shorts, Category 448, increased to 574,000 dozen in 1988, then declined in 1989, 1990, and 1991. Production fell to an estimated 218,000 dozen in 1991, eight percent below the 1990 level and 45 percent below the 1987 level. The domestic manufacturers' share of this market fell from 57 percent in 1987 to 39 percent in 1991, a decline of 18 percentage points.

U.S. Imports and Import Penetration

U.S. imports of women's and girls' wool trousers, slacks and shorts, Category 448, increased from 299,000 dozen in 1987 to 345,000 dozen in 1991, a 15 percent increase. The ratio of imports to domestic production reached 158 percent in 1991, double the 76 percent recorded in 1987.

Duty-Paid Value and U.S. Producers' Price

Approximately 84 percent of Category 448 imports from Guatemala in 1991 entered under the HTSUSA number 6204.61.0010—women's wool trousers and breeches. These trousers and breeches entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable trousers and breeches.

[FR Doc. 92-6028 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DR-F

Request for Public Comments on Bilateral Textile Consultations with the Government of the United Arab Emirates on Certain Cotton and Man-Made Fiber Textile Products

March 10, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories for which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On February 29, 1992, under the terms of section 204 of the Agricultural Act of 1956, as amended, the Government of

the United States requested consultations with the Government of the United Arab Emirates regarding Categories 313 (cotton sheeting) and 350/650 (cotton and man-made fiber robes and dressing gowns), produced or manufactured in the United Arab Emirates.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the Government of the United Arab Emirates, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 313 and 350/650, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on February 29, 1992 and extends through February 28, 1993 at levels of not less than 2,395,898 square meters (Category 313) and 29,655 dozen (Categories 350/650).

Summary market statements concerning Categories 313 and 350/650 follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 313 and 350/650, or to comment on domestic production or availability of products included in Categories 313 and 350/650, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 313 and 350/650. Should such a solution be reached in consultations with the Government of the United Arab Emirates, further notice will be published in the **Federal Register**.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—United Arab Emirates

Category 313—Cotton Sheeting Fabric

February 1992

Import Situation and Conclusion

U.S. imports of cotton sheeting fabric, Category 313, from the United Arab Emirates began in June 1991 and reached 2,766,230 square meters during June-December 1991. The United Arab Emirates is a new supplier of cotton sheeting fabric to the U.S. market. In the last seven months of 1991, the United Arab Emirates shipped an average of 395,200 square meters of cotton sheeting fabric per month, accounting for one percent of total Category 313 imports in 1991.

The sharp and substantial increase in Category 313 imports from the United Arab Emirates is disrupting the U.S. market for cotton sheeting fabric.

Import Penetration and Market Share

U.S. production of cotton sheeting fell to 523,388,000 square meters in 1990, 4 percent below the 1989 level and 11 percent below the 1988 level. Production continued downward in 1991, falling to 375,118,000 square meters during January-September 1991, 7 percent below the January-September 1990 level. In contrast, U.S. imports of Category 313 from all sources reached 391,316,118 square meters in 1991, an increase of 35 percent over the 1988 level.

The U.S. producers' share of the cotton sheeting market dropped 7 percentage points, falling from 67 percent in 1988 to 60 percent in 1990. The drop in the U.S. producers' market share continued in 1991, falling to 56 percent during January-September 1991. The ratio of imports to domestic production increased from 50 percent in 1988 to 67 percent in 1990, and reached 79 percent during January-September 1991.

Duty-Paid Value and U.S. Producers' Price

Approximately 92 percent of Category 313 imports from the United Arab Emirates during the year ending December 1991 entered the U.S. under HTSUSA number 5208.12.4040—Plain weave cotton sheeting fabric of yarn numbers 42 or lower, weighing more than 100 grams per square meter. These fabrics entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable fabrics.

Market Statement—United Arab Emirates

Category 350/650—Cotton and Man-Made Fiber Robes and Dressing Gowns

February 1992

Import Situation and Conclusion

U.S. imports of cotton and man-made fiber robes and dressing gowns, Category 350/650, from the United Arab Emirates reached 25,433 dozen in 1991, almost three times the 8,526 dozen imported in 1990 and the 9,075 dozen imported in 1989, the United Arab Emirates shipped 480 dozen to the U.S. in 1988.

The sharp and substantial increase in Category 350/650 imports from United Arab Emirates is causing disruption in the U.S. market for cotton and man-made fiber robes and dressing gowns.

U.S. Production, Import Penetration and Market Share

U.S. production of cotton and man-made fiber robes and dressing gowns, Category 350/650, declined from 3,385,000 dozen in 1987 to 2,274,000 dozen in 1990, a 33 percent decline. This decline continued in 1991, with production falling to 1,166,000 dozen during the January-September 1991 period, 29 percent below the 1,631,000 dozen produced a year earlier. In contrast, U.S. imports of cotton and man-made fiber robes and dressing gowns Category 350/650, increased from 1,342,000 dozen in 1987 to 1,983,000 dozen in 1991, an increase of 48 percent.

The ratio of imports to domestic production doubled, increasing from 40 percent in 1987 to 84 percent in 1990. This increase continued in 1991, with the ratio of imports to domestic production reaching 123 percent for January-September 1991 period. The domestic manufacturers' share of this market fell from 72 percent in 1987 to 54 percent in 1990, a drop of 18 percentage points. This decline in market share continued in 1991, with the domestic manufacturers' share falling to 45 percent for the January-September 1991 period.

Duty-Paid Value and U.S. Producers' Price

Approximately 81 percent of Category 350/650 imports from the United Arab Emirates in 1991 entered the U.S. under HTSUSA number 6208.91.1010—womens' cotton bathrobes and dressing gowns. These bathrobes and dressing gowns entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable bathrobes and dressing gowns.

[FR Doc. 92-6030 Filed 3-13-92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: DOD FAR Supplement part 251 and related clauses at part 252.251; OMB Clearance Number 0704-0252.

Type of Request: Extension.

Average Burden Hours/Minutes per Response: 30 minutes.

Responses per Respondent: 3.

Number of Respondents: 3,500.

Annual Burden Hours: 5,250.

Annual Responses: 10,500.

Needs and Uses: This information collection requirement concerns the use of government supply sources by contractors.

Affected Public: Businesses or other for-profit, non profit institutions and Small Businesses or Organizations.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain a benefit.

Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: March 9, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5091 Filed 3-13-92; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, part 244, Subcontracting Policies and Procedures; OMB Control Number 0704-0253.

Type of Request: Extension.

Average Burden Hours/Minutes Per Response: 80 hours.

Responses Per Respondent: 1.

Number of Respondents: 375.

Annual Burden Hours: 30,000.

Annual Responses: 375.

Needs and Uses: This request concerns information collection requirements related to Contractor Procurement Systems Reviews.

Affected Public: Businesses or other for-profit, nonprofit institutions, and Small Businesses or Organizations.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain a benefit.

Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

Dated: March 9, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5092 Filed 3-13-92; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, OMB Control Number 0704-0189.

Type of Request: Reinstatement.

Average Burden Hours/Minutes per Response: 24 hours.

Responses per Respondent: 3.

Number of Respondents: 20,000.

Annual Burden Hours: (Including Recordkeeping): 1,760,000.

Annual Responses: 60,000.

Needs and Uses: This information collection requirement concerns information supporting the administration of contracts (acquisition programs) resulting from solicitations issued prior to April 1, 1984, and are still in existence.

Affected Public: Businesses or other for-profit, non profit institutions, and Small Businesses or Organizations.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain a benefit.

Desk Officer: Mr. Peter Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DOD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Davis Highway, suite 1204, Arlington, Virginia, 22202-4302.

Dated: March 9, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-5994 Filed 3-13-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Support Panel) will meet on 1 April 1992, at ANSER Corporation, 1215 Jefferson Davis HWY, Arlington, VA, and on 2-3 April 1992, at Naval Training System Center, Orlando FL, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code,

specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-6000 Filed 3-13-92; 8:45 am]

BILLING CODE 3910-01-M

Department of The Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 30-31 March 1992.

Time: 0830-1630 hours daily.

Place: Ft Leavenworth, KS.

Agenda: The Land Warfare Combat Identification 1992 Summer Study Panel of the Army Science Board will meet for discussions of actions underway as part of the Combat ID Task Force Action Plan. Briefings will also be presented addressing fratricide experience assessments. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C. appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-5999 Filed 3-13-92; 8:45 am]

BILLING CODE 3710-8-M

Office of the Secretary

Contract Administration Working Group of the DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

AGENCY: Defense Systems Management College, Office of the Secretary, DoD.

ACTION: Request for public comment.

SUMMARY: The Contract Administration Working Group of the DOD Advisory Panel is reviewing the following laws relating to contract audit and access to records:

5 U.S.C. Appendix 3, Inspector General Act of 1978 Pub. L. 95-452, as amended by PL 97-252 and PL 100-504), specifically section 8 and section 9(a)(1)(C) pertaining to DoD

10 U.S.C. 2276 Inspection and audit of plant and books of contractor (The Advisory Panel has tentatively decided to recommend repeal of this section because it duplicates other provisions of law.)

10 U.S.C. 2313 Examination of books and records of contractor

10 U.S.C. 2408 Availability of cost and pricing records

18 U.S.C. 1516 Obstruction of Federal audit

Request responses to the following questions on each law:

—Is the law serving its intended purpose?
—Has the law created inefficiencies?
—Has it unduly burdened the buyer/seller relationship?
—Is it required for the continuing financial and ethical integrity of defense procurement programs?
—Is it required to protect the best interests of DOD?
—Is the law still relevant?
—Does it overlap, duplicate, or conflict with other laws?
—Does it contain ambiguous terms or provisions which have led to problems in interpretation?
—Should the law apply to commerical products?
—Should it apply to first tier subcontracts, or all subcontracts?

The panel also solicits suggestions of other laws relating to audit and access to records that should be considered.

Individuals and organizations wishing to provide information to the Working Group may provide the information to Ms. Diane Sidebottom, Acquisition Law Task Force, at Defense Systems Management College, 8580 Cinderbed, suite 800, Newington, VA 22122 (703-355-2066).

Dated: March 9, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison officer, Department of Defense.

[FR Doc. 92-5993 Filed 3-13-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Inspector General

Privacy Act of 1974; Addition of a Record System

AGENCY: Office of the Inspector General, DOD.

ACTION: Addition of Record System.

SUMMARY: The Office of the Inspector General is proposing to add a new exempt system of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C 552a), as amended.

DATES: The proposed action will be effective on April 15, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send any comments to the Assistant Director, FOIA/PA Division, Assistant Inspector General for Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884.

FOR FURTHER INFORMATION CONTACT: Ms. Nadine R. Dulacki at (703) 695-9568.

SUPPLEMENTARY INFORMATION: The Office of Inspector General record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were published in the **FEDERAL REGISTER** as follows:

50 FR 22279 May 29, 1985 (DOD compilation, changes follow)
52 FR 26547 Jul 15, 1987
52 FR 35754 Sep 23, 1987
54 FR 24377 Jun 7, 1989
54 FR 33956 Aug 17, 1989
55 FR 18152 May 1, 1990
55 FR 48661 Nov 21, 1990
56 FR 40678 Aug 16, 1991
56 FR 46171 Sep 10, 1991
56 FR 52016 Oct 17, 1991

A new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, was submitted on March 3, 1992, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985).

Dated: March 9, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG-16

SYSTEM NAME:

DOD Hotline Program Case Files.

SYSTEM LOCATION:

DOD Hotline Directorate, Office of the Assistant Inspector General for Departmental Inquiries, Office of the Inspector General, Department of Defense, 400 Army Navy Drive, Room 1016, Arlington, VA 22202-2884.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Individuals filing hotline complaints; individuals alleged to have been involved in criminal or administrative misconduct, including, but not limited to, fraud, waste, or mismanagement; or individuals identified as having been adversely affected by matters being investigated by the DOD Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records resulting from the referral of, and inquiry into, hotline complaints, such as the date of the complaint; the hotline control number; the name of the complainant; the actual allegations; referral documents to DOD components requesting investigation into DOD Hotline complaints; referral documents from DOD components transmitting the DOD Hotline Completion Report, which normally contains the name of the examining official(s) assigned to the case; background information regarding the investigation itself, such as the scope of the investigation, relevant facts discovered, information received from witnesses, and specific source documents reviewed; the investigator's findings, conclusions, and recommendations; and the disposition of the case; and internal DOD Hotline forms documenting review and analysis of DOD Hotline Completion Reports received from DOD components.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978 (Pub. L. 95-452), as amended; DOD Directive 5106.1 (32 CFR part 373); DOD Directive 7050.1 (32 CFR part 98).

PURPOSE(S):

To record information related to official hotline investigations. To compile statistical information to disseminate to other components within the Department of Defense engaged in the Hotline Program. To provide prompt, responsive, and accurate information regarding the status of ongoing cases. To provide a record of complaint disposition. Hotline complaints appearing to involve criminal wrongdoing will be referred to the Defense Criminal Investigative Service or other criminal investigative units of DOD components.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, AND PURPOSES OF SUCH USES:

The "Blanket Routine Uses" set forth at the beginning of the Office of the Inspector General compilation of record system notices apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and paper records pertaining to DOD Hotline investigations are stored in file folders and computerized data base.

RETRIEVABILITY:

By Hotline case number, by subject matter, by the names of complainant(s), by subject(s) of the complaint, and by individual(s) alleged to have been adversely affected by matters being investigated by the DOD Inspector General.

SAFEGUARDS:

Access is limited to DOD Hotline staff. Paper and automated records are stored in rooms protected by cipher lock. The automated system is password protected, and regular back-ups of data are performed.

RETENTION AND DISPOSAL:

Automated and paper records are retained within the DOD Hotline Program office for a period of five years following completion of final action. Thereafter, physical files are stored with the Federal Records Center, and automated data are archived within the DOD Hotline automated system for statistical purposes. Physical files and automated data are destroyed 15 years after the physical files are retired to the Federal Records Center.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries, either notarized or containing an unsworn declaration, to the Assistant Director, FOIA/PA Division, Office of the Assistant Inspector General for Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written, notarized authorization. Provision of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Assistant Director, FOIA/PA Division, Office of the Assistant Inspector General for Investigations, 400 Army Navy Drive, Arlington, VA 22202-2884.

The request should contain the individual's full name, address, and Social Security Number. Requests submitted on behalf of other persons must include their written, notarized authorization. Provision of the Social Security Number is voluntary and it will be used solely for identification purposes. Failure to provide the Social Security Number will not affect the individual's rights.

CONTESTING RECORD PROCEDURES:

The rules for access to records and for contesting and appealing initial determinations by the individual concerned are published at 32 CFR part 312 or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Sources, subjects, witnesses, all levels of Government, private businesses, and nonprofit organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this record system may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5) as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 312. For additional information contact the system manager.

[FR Doc. 92-5804 Filed 3-13-92; 8:45 am]

BILLING CODE 3810-01-F

DEPARTMENT OF ENERGY

Bonneville Power Administration

Extending the Scoping Period for the Joint Whatcom County/Bonneville Power Administration Environmental Impact Statement for the Joint BPA/Puget Sound Power & Light Northwest Washington Transmission Project

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice to extend the scoping period for BPA/Puget Sound Power & Light (Puget Power) Northwest Washington Transmission Project.

SUMMARY: To meet BPA reliability criteria, to maintain reliable service to the Northwest (NW) Washington area, and to improve transfer capability on the existing Canada-United States Intertie, BPA and Puget Power are proposing a joint project to upgrade transmission service in the area.

Whatcom County and BPA have agreed to undertake preparation of a joint environmental impact statement (EIS) on the project. They hereby extend the scoping period close of comment date to March 31, 1992.

DATES: BPA and Whatcom County will continue to solicit comments from affected landowners, special interests, local governmental and civic organizations, and concerned citizens during the extended scoping period with the aim of identifying environmental resources and issues to be addressed in the EIS. Written comments should be submitted by March 31, 1992, to the Public Involvement Manager, at the address below. Comments and suggestions received after the closing date will be considered to the extent practicable. The DEIS is scheduled to be circulated for public review and comment in the spring of 1993. Public meetings will be held after the release of the DEIS.

ADDRESSES: To have your name placed on the mailing list for this project, submit comment letters, or receive a copy of the DEIS, write to the Public Involvement Manager, Bonneville Power Administration—ALP, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: John Taves, Environmental Coordinator for Engineering—EFBG, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208–3621, 503–230–4995, or Jerry Mixon, Deputy SEPA Official Whatcom County, 284–D Kellogg Road, Bellingham, WA 98286, 206–676–6907, or you may write the Assistant Area Manager for Engineering, Puget Sound Area, Bonneville Power Administration, 210 Queen Anne Avenue North, suite 400, Seattle, Washington 98109–1030, or telephone (206) 553–0951.

Additional information is available from BPA's Public Involvement office at (503) 230–3478 in Portland; 800–622–4519 for Oregon outside Portland nationwide.

SUPPLEMENTARY INFORMATION: The Notice of Intent to prepare an EIS was published in the **Federal Register** November 15, 1991 (56 FR 58083). That Notice stated that the time for scoping meeting(s) and the end of scoping period would be defined by separate notices. BPA and Whatcom County held scoping meetings on February 5 (Sedro Wolley) and February 6 (Bellingham) as part of the environmental process. The end of the scoping period was defined as February 29, 1992. A letter to interested parties was prepared, notices were sent to local news media, and the meetings were held as scheduled.

At the Bellingham meeting citizens requested additional time to consider the proposal and to contribute to the scoping process. Accordingly, the scoping period will now close on March 31, 1992. All comments and ideas submitted during the extended period will be considered in defining the scope of the EIS.

Issued in Portland, OR, on March 5, 1992.

Jack Robertson,

Acting Administrator, Bonneville Power Administration.

[FR Doc. 92–6081 Filed 3–11–92; 4:31 pm]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER92–294–000, et al.]

Electric Rate, Small Power Production, and Interlocking Directorate Filing; The Montana Power Company, et. al.

March 6, 1992.

Take notice that the following filings have been made with the Commission:

1. The Montana Power Co.

[Docket No. ER92–294–000]

Take notice that on March 2, 1992, The Montana Power Company (Montana) tendered for filing with the Federal Energy Regulatory Commission an Amendment 1 to its original filing of a revised Index of Purchasers under FERC Electric Tariff, 2nd Revised Volume No. 1 (M–1 Tariff). This Amendment 1 provides additional information requested by Commission staff.

A copy of the filing was served upon Turlock Irrigation District, Western Area Power Administration (Loveland, Western Area Power Administration (Salt Lake City—for Montrose), and Deseret Generation & Transmission Co-operative.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. The Cincinnati Gas & Electric Company

[Docket No. ER92–174–000]

Take notice that on February 21, 1992, The Cincinnati Gas & Electric Company (CG&E) tendered for filing with the Commission supplemental information concerning the contracts submitted in this docket.

Copies of this filing were served upon Cleveland Public Power, The City of Piqua, Ohio, The Dayton Power & Light Company, American Electric Power Service Corporation and the Ohio Public Utilities Commission.

Comment date: March 18, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Central Louisiana Electric Company, Inc.

[Docket No. ES92–32–000]

Take notice that on March 3, 1992, Central Louisiana Electric Company, Inc. filed an application with the Federal Energy Regulatory Commission under § 204 of the Federal Power Act requesting authorization for a two-for-one split of its common stock.

Comment date: April 2, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Kimmon Quartz, Ltd.

[Docket No. QF92–68–000]

On March 4, 1992, Kimmon Quartz, Ltd. tendered for filing an admendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to technical data and the ownership structure of the cogeneration facility.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Company of New Hampshire

[Docket No. ER92–338–000]

Take notice that Public Service Company of New Hampshire, (PSNH) on March 2, 1992, tendered for filing as an initial rate scheduled an agreement between it and Central Vermont Public Service Corporation (Central Vermont) a Letter Agreement, dated as of January 30, 1992, for the sale of Seabrook Unit 1 capacity and related energy.

PSNH asks the Commission to waive its customary notice period and allow the agreement to become effective February 1, 1992. The agreement has been executed by PSNH and Central Vermont ad copies have been delivered to the customer and the public service commissions in New Hampshire and Vermont.

Comment date: March 23, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Central Vermont Public Service Corporation

[Docket No. ER91–113–000]

Take notice that Central Vermont Public Service Corporation (CVPS) on March 2, 1992 tendered for filing supplemental financial information in the above-referenced docket.

CVPS requests the Commission to waive its notice of filing requirements to permit the rate schedule to become effective according to its terms.

Comment date: March 23, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Consumers Power Company

[Docket No. ER92–332–000]

Take notice that on Febraury 27, 1992, Consumers Power Company (Consumers) tendered for filing a rate schedule change consisting of an unexecuted Coordinated Operating Agreement between Consumers and the Michigan Public Power Agency (MPPA) Wolverine Power Supply Cooperative, Inc. (Wolverine). The Agreement provides for various services, including: emergency service, short-term capacity and energy, interchange power, coordinated transmission service and kilovar supply. Consumers also tendered for filing Amendments No. 1 to its Service Agreement for Wholesale for Resale Electric Service with the Cities of Charlevoix, Harbor Springs, Lowell and Petoskey. Copies of the filing were served upon MPPA, Wolverine, the Michigan Public Service Commission and the Michigan cities of Charlevoix, Harbor Springs, Lowell and Petoskey.

Comment date: March 20, 1992, in accordance with Standard Paragraph E end of this notice.

8. Public Service Company of New Hampshire

[Docket No. ER92–329–000]

Take notice that on February 24, 1992, Public Service Company of New Hampshire (PSNH) tendered for filing a Notice of Cancellation of Rate Schedule FERC No. 137, a unit power agreement with Central Vermont Public Service Corporation.

PSNH proposes an effective date of February 29, 1992.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. PacifiCorp Electric Operations

[Docket No. ER92–271–000]

Take notice that PacifiCorp Electric Operations (PacifiCorp), on March 2, 1992, tendered for filing in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, an amendment to its filing under the above referenced docket.

Copies of this filing were supplied to Public Service Company of Colorado, Tri-State Generation and Transmission Association, the Public Utilities Commission of the State of Colorado, the Public Utility Commission of Oregon, the Utah Public Service Commission, Public Utilities Commission of the State of California, the Washington Utilities and Transportation Commission, the Montana Public Service Commission, the Public Service Commission of Wyoming and the Idaho Public Utilities Commission.

Comment date: March 23, 1992, in accordance with Standard Paragraph E end of this notice.

10. Southwestern Electric Power Company

[Docket No. ER92–340–000]

Take notice that on February 28, 1992, Southwestern Electric Company (SWEPCO) tendered for filing the final return on common equity (Final ROE) to be used in redetermining or "truing-up" cost-of-service formula rates for wholesale service in 1991 to Northeast Texas Electric Cooperative, Inc., the City of Bentonville, Arkansas, the City of Hope, Arkansas, the Oklahoma Municipal Power Authority, Rayburn Country Electric Cooperative, Inc., Cajun Electric Power Cooperative, Inc. and TEX–LA Electric Cooperative of Texas, Inc. SWEPCO provides service to these customers under contracts which provide for periodic changes in rates and charges determined in accordance with cost-of-service formulas, including a formulaic determination of the return on common equity.

Copies of the filing were served upon the affected wholesale customers, the Public Utility Commission of Texas, the Oklahoma Corporation Commission, the Louisiana Public Service Commission and the Arkansas Public Service Commission.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Public Service Company of New Hampshire

[Docket No. ER92–345–000]

Take notice that on March 2, 1992, Public Service Company of New Hampshire (PSNH) filed an Amendment to its Service Agreement No. 11 under FERC Electric Tariff, First Revised Volume No. 1 for non-firm transmission service to New England Power Company (NEP). PSNH states that the purpose of the Amendment is to establish NEP as an Eligible Entry under the Settlement Agreement in Docket Nos. ER89–207–004 and EL91–45–000, which the Commission approved on March 2, 1992. The Amendment is proposed to become effective on January 2, 1992, which is the effective date of the settlement rate under the Settlement Agreement.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Carolina Power & Light Company

[Docket No. ER92–342–000]

Take notice that Carolina Power & Light Company (Company) on March 2, 1992, tendered for filing the "General Terms and Conditions Applicable to North Carolina Eastern Municipal Power Agency's Use of the Santee Cooper New Resource" (Santee Cooper Terms and Conditions), and the "General Terms and Conditions Applicable to North Carolina Eastern Municipal Power Agency's Use of the Peaking Project New Resource" (Peaking Project Terms and Conditions). This filing supplements the Power Coordination Agreement dated July 30, 1981 (1981) (PCA) between the Company and the North Carolina Eastern Municipal Power Agency (Power Agency) designated Rate Schedule FERC No. 121.

The Santee Cooper Terms and Conditions set forth provisions related to Power Agency's use of certain firm power purchased from the South Carolina Public Service Authority (Santee Cooper) as a New Resource, as defined in, § 6.1(C)(1) of the 1981 PCA. The firm power purchases are provided by the Interutility Exchange Contract between Santee Cooper and Power Agency and Schedule D to the contract, both of which were executed on May 17, 1990. Under the Santee Cooper Terms and Conditions, the Company has agreed to dispatch the power from the Santee Cooper New Resource. Power agency has sole responsibility for arranging for the delivery of power from the Santee Cooper New Resource to the Company at the Company's interconnections with Santee Cooper. The effective date of the Santee Cooper Terms and conditions is May 4, 1992, and the termination date is December 31, 1991.

The Peaking Project Terms and Conditions set forth the provisions for the Power Agency's use of an unspecified number of peaking units that Power Agency has commited to construct and operate as a New Resource, as defined in Section 6.1(C)(1) of the 1981 PCA. The Company is informed and believes that the peaking units will be located at two sites (one near Rocky Mount, North Carolina and one near Battleboro, North Carolina), and the aggregate Maximum Net Dependable capacity of the peaking units will be between 142 megawatts and 190 megawatts. The Company has agreed to dispatch these peaking units. Power Agency has sole responsibility for all other aspects of these peaking units, including interconnection of the peaking units to electric systems,

providing for timely, accurate and reliable metering and operating and maintaining the peaking units. The effective date of the Peaking Project Terms and Conditions is May 4, 1992, and the termination date is December 31, 2015.

Copies of the filing were served upon Power Agency, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: March 20, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6006 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP92-383-000, et al.]

Northwest Pipeline Corporation, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP92-383-000]

March 6, 1992.

Take notice that on March 2, 1992, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah, 84158, filed in Docket No. CP92-383-000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its deferred exchange service with Westcoast Energy Inc. (Westcoast), the successor-in-interest to Westcoast Transmission Company Limited; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northwest states that it and Westcoast entered into a Deferred Exchange Agreement (Agreement) dated February 14, 1983, as amended February 16, 1984, in order to facilitate access by BC Gas Inc. (BC Gas) to the Jackson Prairie Storage Field in Washington. The Agreement currently is set forth in Northwest's FERC Gas Tariff, Original Volume No. 2, as Rate Schedule X-83, it is stated.

Northwest states that it has not engaged in deferred exchanges under the Agreement since late 1988 and that BC Gas has implemented alternative arrangements to import and export its storage gas. Accordingly, by a letter agreement dated March 1, 1991, Northwest and Westcoast mutually agreed to terminate the Agreement effective March 1, 1991.

Northwest further states that it does not proposes to abandon any facilities in conjunction with this proposed service abandonment.

Comment date: March 27, 1992, in accordance with Standard Paragraph F at the end of this notice.

2. Texas Eastern Transmission Corporation

[Docket No. CP92-390-000]

March 6, 1992.

Take notice that on March 4, 1992, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP92-390-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to add two additional, existing delivery points to service agreements with Consolidated Edison Company of New York (Con Ed) under Texas Eastern's blanket certificate issued in Docket No. CP82-535-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Eastern proposes to add two additional, existing delivery points to service agreements with Con Ed under Rate Schedules FT-1, CD-1, SS-1, SS-2 and FTS of Texas Eastern's FERC Gas Tariff, Fifth Revised Volume No. 1. Texas Eastern states that the delivery points to be added are (1) Transco-Linden Point, which is located in Union County, New Jersey and is designated as Texas Eastern's Meter Station 0244, and (2) Transco-Belle Meade Point, which is located in Somerset County, New Jersey, and designated as Texas Eastern's Meter Station 0919. It is indicated that gas would be delivered at the proposed delivery points to Transcontinental Gas Pipe Corporation (Transco) on a best-efforts basis and subject to Transco's agreement to receive the gas for the account of Con Ed.

Texas Eastern states that the additional sales, transportation and storage service made possible by the addition of the new delivery points would have no effect on Texas Eastern's peak day or annual deliveries. Texas Eastern explains that to the extent deliveries are made at the two delivery points, deliveries may be reduced at the other points of delivery to Con Ed on a day-to-day operational basis. Texas Eastern concludes that deliveries of volumes of gas as proposed would not result in any change in the total contract quantities deliverable under the individual service agreements providing for service to Con Ed pursuant to Texas Eastern's Rate Schedule FT-1, CD-1, SS-1, SS-2 and FTS.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. ANR Pipeline Company

[Docket No. CP92-385-000]

March 6, 1992.

Take notice that on February 25, 1992, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP92-385-000 a request pursuant to §§ 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) for authorization to operate as jurisdictional facilities under section 7 of the Natural Gas Act, certain transmission facilities which have been constructed or modified pursuant to section 311 of the Natural Gas Policy Act under the blanket certificate issued in Docket No. CP82-480-000, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, ANR proposes to operate as a jurisdictional facility and to provide jurisdictional services through, including transportation services under subpart G of part 284 of the Commission's Regulations, its one-half interest in approximately 31 miles of 30-inch pipeline extending from an interconnection with ANR's Line FT-18 in Ouachita Parish, Louisiana, to and including an interconnection with the facilities of ANR in Richland Parish, Louisiana [1] as well as an

[1] The remaining one-half interest in the pipeline is owned by Arkla Energy Resources, a division of Arkla, Inc. (Arkla). Arkla has contemporaneously filed a prior notice application under §§ 157.205 and 157.208 in Docket No. CP92-386-000 to operate its interest as a jurisdictional facility

interconnection between ANR's and Arkla's facilities in Custer County, Oklahoma (the Custer Interconnect) which is used to deliver gas from ANR's Southwest Leg to Arkla's Line AD. It is stated that the pipeline, known as Line FM-56, was initially constructed and completed in June 1987 solely to provide services authorized under section 311 of the Natural Gas Policy Act and subpart B of the Commission's Regulations. ANR further states that the Custer Interconnect was constructed and certificated in Docket No. CP76-25 to enable ANR to receive gas from Arkla. ANR indicates that certain of the Custer facilities were subsequently modified and operated pursuant to NGPA section 311 to enable ANR to deliver gas to Arkla at the interconnect.

ANR explains that it originally sought section 7(c) certificate authority for Line FM-56 and the Custer Interconnect in an application filed on September 28, 1989, in Docket No. CP89-2195-000 and the Arkla filed a companion application for its one-half interest in Line FM-56 in Docket No. CP89-2174-000. ANR further explains that although the Commission issued an order in Docket No. CP89-2174-000 on January 17, 1991, the order deferred consideration of Line FM-56 and the Custer Interconnect, thereby limiting service through those facilities to subpart B transactions. ANR states that since Line FM-56 and the Custer Interconnect now fall within the cost thresholds prescribed by § 157.208(d), it has elected to file for prior notice authorization. ANR indicates that upon approval of the authorization requested in this docket, it will file with the Commission to withdraw Line FM-56 and the Custer Interconnect from the authorizations sought in Docket No. CP89-2174-000.

It is explained that the depreciated original cost of the Line FM-56 and Custer Interconnect facilities are $7,300,386 and $397,015, respectively.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

4. Arkla Energy Resources, a Division of Arkla, Inc

[Docket No. CP92-386-000]

March 6, 1992.

Take notice that on February 25, 1992, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP92-386-000 a request pursuant to §§ 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) for authorization to operate as a jurisdictional facility and existing pipeline in Louisiana in which it holds a one-half ownership interest, under the blanket certificate issued in Docket Nos. CP82-384-000 and CP82-384-001, pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, Arkla proposes to operate as a juriadictiona facility and to provide jurisdictional services through, including transportation services under subpart G of part 284 of the Commission's Regulations, its one-half interst in approximately 31 miles of 30-inch pipeline extending from an interconnection with Arkla's Line FT-18 in Ouachita Parish, Louisiana, to and including an interconnection with the facilities of ANR Pipeline Company (ANR) in Richland Parish, Louisiana.[2] It is stated that the pipeline, known as Line FM-56, was initially constructed and completed in June 1987 solely to provide services authorized under section 311 of the Natural Gas Policy Act and subpart B of the Commission's Regulations.

Arkla explains that it originally sought section 7(c) certificate authority for Line FM-56 (and certain other minor facilities in the vicinity) in an application filed on September 27, 1989, in Docket No. CP89-2174-000. Arkla further explains that although the Commission issued an order in that docket on January 17, 1991, the order deferred consideration of Line FM-56 and certain other facilities, thereby limiting service through those facilities to subpart B transactions. Arkla states that since Line FM-56 now falls within the cost threshold prescribed by § 157.208(d), it has elected to file for prior notice authorization.[3] Arkla indicates that upon approval of the authorization requested in this docket, it will file with the Commission to withdraw Line FM-56 from the authorizations sought in Docket No. CP89-2174-000.

It is explained that the depreciated original cost of the Line FM-56 facilities is $7,278,742.

[2] The remaining one-half interest in the pipeline is owned by ANR. ANR has contemporaneously filed a prior notice application under §§ 157.205 and 157.208 in Docket No. CP92-385-000 to operate its interest as a jurisdictional facility.

[3] The other minor facilities for which Arkla sought certificate authority in Docket No. CP89-2174-000, with the exception of Line FM-57, have since been certificated under Arkla's blanket certificate pursuant to the automatic authorization in § 157.208(a). Arkla states that these facilities will be reported in Arkla's 1991 Annual Report filed pursuant to § 157.207 of the Regulations. Arkla further states that Line FM-57 will be authorized for subpart G transportation services pursuant to § 157.208(a) upon certification of Line FM-56.

Comment date: April 20, 1992, in Accordance with Standard Paragraph G at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP92-388-000]

March 6, 1992.

Take notice that on March 3, 1992, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92-388-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new delivery point for the purpose of providing jurisdictional services involving the deliver of natural gas to Entex, a Division of Arkla, Inc. (Entex), a local distribution company, under Natural's blanket certificate issued in Docket No. CP82-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that is on file with the Commission and open to public inspection.

Natural proposes to install a two-inch tap on its 30-inch Gulf Coast mainline in Montgomery County, Texas, and estimates that the total cost of the facilities would be $18,000. Natural states that the facilities would be constructed to be able to deliver up to 3,000 Mcf per day of natural gas to Entex. Natural also states that initially gas would be transported and delivered pursuant to transportation contracts subject to subpart G of part 284 of the Commission's regulations and covered by its blanket transportation certificate issued in Docket No. CP86-582-000.

Natural further states that Entex would use the gas as part of its system supply.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Company

[Docket No. CP92-373-000]

March 6, 1992.

Take notice that on February 27, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000 filed in Docket No. CP92-373-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to operate and maintain ten existing delivery points and appurtenant facilities for jurisdictional service under Northern's CD-1 Service Agreement and to add one existing

jurisdictional delivery point to Northern's CD-1 Service Agreement with Peoples Natural Gas Company, Division of Utilicorp United Inc. (Peoples) under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that the existing delivery points were constructed and operated pursuant to section 311 of the Natural Gas Policy Act. Northern further states that on July 10, 1991, in Docket No. CP91-2085-000, Northern was authorized to operate and maintain the Enron Gas Liquids/Plattsmouth delivery point for jurisdictional service. No increase in capacity at these stations is required.

Northern asserts that the volumes to be delivered to Peoples at the various delivery points would be within the currently authorized level of firm entitlements for Peoples as set forth in Northern's currently effective CD-1 Service Agreement.

The facilities are located in Iowa, Minnesota and Iowa, it is stated.

Northern asserts that the proposed activity is not prohibited by its existing tariff and that it has sufficient capacity to accommodate the proposed changes without detriment to Northern's other customers.

Comment date: April 20, 1992, in accordance with Standard Paragraph G at the end of this notice.

7. Tennessee Gas Pipeline Company

[Docket No. CP92-369-000]

March 9, 1992.

Take notice that on February 26, 1991, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-369-000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval for the abandonment of the transportation service provided to Natural Gas Pipeline Company of American (NGPL) to be effective February 1, 1992, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it is authorized to provide a firm transportation of up to 21,000 Mcf of natural gas to NGPL under Tennessee's Rates Schedule T-175. Tennessee also states that NGPL no longer uses or needs the transportation service provided under Rate Schedule T-175, and has requested the abandonment with an effective date of February 1, 1992. It is also stated the the abandonment would allow Tennessee to cancel its rate schedule and allow Tennessee's FERC tariff to accurately relect the services actually performed by Tennessee. Tennessee also states that no facilities are proposed to be abandoned.

Comment date: March 30, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. Natural Gas Pipeline Company of America

[Docket No. CP92-367-000]

March 9, 1992.

Take notice that on February 26, 1992, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92-367-000 and application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a total maximum daily withdrawal quantity (DWQ) of 10,945 Mcf of firm storage services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural states that through a survey of its Rate Schedule MS-2 storage customers, sixteen of its twenty-six customers no longer require the storage service. Therefore, Natural requests authority in the instant application to abandon a total of 10,945 Mcf of firm storage services authorized in Docket Nos. CP70-119, CP72-33 and CP72-43 for the sixteen storage customers under its MS-2 rate schedule. Natural also requests that the abandonment of its Rate Schedule MS-2 storage services be made effective on February 28, 1990 and March 1, 1992, dates which correspond with ther termination of Applicant's Rate Schedule MS-2 service agreements with these customers.

Comment date: March 30, 1992, in accordance with Standard Paragraph F at the end of this notice.

9. Eastern Shore Natural Gas Company

[Docket No. CP89-1024-002]

March 9, 1992.

Take notice that on February 28, 1992, Eastern Shore Natural Gas Company (Eastern Shore), P.O. Box 615, Dover, Delaware 19903-0615, Filed in Docket No. CP89-1024-002 a petition to amend the order issued May 4, 1990, in Docket Nos. CP89-1024-000 and CP89-1024-001 pursuant to section 7(c) of the Natural Gas Act so as to eliminate the variances in its customers' original requests for service as authorized in Docket Nos. CP89-1024-000 and CP89-1024-001 and those levels the customers actually contracted for with Easter Shore, to provide six existing customers with additional contract demand, CWS and CFSS storage service to enable them to meet their firm requirements through the 1993-1994 winter season, and to allow four existing customers to abandon previously certificated contract demand and T-1 transportation service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued May 4, 1990, Eastern Shore states that it was authorized to increase firm contract demand and firm storage service to several existing customers, provide a new 30-day firm storage service, provide firm storage service to Elkton Gas Service and construct and operate pipeline and compressor facilities required to provide the additional firm sales and storage service. In addition, it is stated that the May 4, 1990, order also authorized Eastern Shore to abandon firm storage service to Formosa Plastics Corporation.

Eastern Shore states that during the period subsequent to its amended application filed in Docket No. CP89-1024-001 and prior to initiating construction of the facilities authorized in the May 4, 1990 order, it became evident that a number of Eastern Shore's customers, for a variety of reasons, did not need service at the levels the customers had originally request from Eastern Shore. Therefore, Eastern Shore requests authorization to amend the order issued May 4, 1990, in Docket Nos. CP89-1024-000 and CP89-1024-001 in the following manner:

(1) Increase/(abandon) firm sales service (Mcf/day) to

Delaware Division	1,752
Citizens Division	674
Delmarva Power and Light	465
Cambridge Division	235
Akzo Chemie America	(2,800)
General Foods	(1,000)
James Thompson	(50)
Easton Utilities	(49)
Pet. Inc	(45)
Reichhold	(6)

for a net increase of 176 Mcfd over the present level of certificated firm sales demand;

(2) Increase/(abandon) CWS storage service (Mcf/day) to

Easton Utilities	841
American Mirrex	109
Delaware Division	(349)
Cambridge Division	(306)
Citizens Division	(155)

for a net change of 0 Mcfd from present overall CWS certificated levels;

(3) Increase/(abandon) CFSS storage service (Mcf/day) to

Easton Utilities	192
Delaware Division	108
Cambridge Division	3
Citizens Division	(110)

for a net increase of 193 Mcfd over the current authorized level

In addition, Eastern Shore requests authorization to provide General Foods with up to 10,000 Mcfd of interruptible sales service and permission and approval to abandon 1,599 Mcfd of T-1 transportation service authorized for Delmarva Power and Light.

Eastern Shore requests that the above changes in authorized service become effective November 1, 1992.

Comment date: March 30, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

10. Southern Natural Gas Company

[Docket No. CP92-370-000]

March 9, 1992.

Take notice that on February 26, 1992, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP92-370-000 an application under section 7(b) of the Natural Gas Act wherein it requests permission and approval to abandon an interruptible transportation service provided for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern states that by Commission order issued March 22, 1979, in Docket No. CP78-241 (6 FERC ¶61,258) it was authorized to transport on a best efforts basis up to 12,000 Mcf of natural gas per day for the account Transco and Transco as agent for others pursuant to a transportation Agreement (Agreement) dated March 10, 1978, which is designated as Rate Schedule X-41 in Southern's FERC Gas Tariff, Original Volume No. 2. Southern further states that in accordance with this Agreement gas was received by Southern from the Bolivar Point Area, Plaquemines Parish, Louisiana and redelivered to Transco at the interconnection of Southern's and Transco's pipelines near Jonesboro, Georgia.

Southern states that Transco has notified Southern that production dedicated to Transco in the Bolivar Point Area ceased in 1987 and therefore has requested that the transportation service be terminated effective June 1, 1992.

Southern further states that no abandonment of facilities by Southern is proposed in conjunction with the abandonment of this transportation service for Transco, and upon receipt of a Commission's order authorizing this abandonment, Southern will file revised tariff sheets to cancel its Rate Schedule X-41.

Comment date: March 30, 1992, in accordance with Standard Paragraph F at the end of this notice.

11. Columbia Gas Transmission

[Docket No. CP92-384-000]

March 9, 1992.

Take notice that on March 2, 1992, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP92-384-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes two separate mainline construction projects. Columbia proposes for the first project that approximately 1.6 miles of deteriorating 18-inch diameter pipeline in two segments in Madison County, Ohio be replaced with a like amount of 20-inch diameter pipeline. Columbia estimates the cost of this construction to be $605,000.

Columbia proposes the following for the second project:

(a) Increase the Maximum Allowable Operating Pressure (MAOP) of its Z-50 pipeline system from Howell Station in Green County, Ohio to the Rome-Hilliard point of delivery in Franklin County, Ohio;

(b) Construct and operate approximately 1.2 miles of 4- and 20-inch diameter pipeline to replace a like amount of 2-, 3- and 18-inch diameter pipeline in Clark, Madison and Franklin Counties, Ohio;

(c) Construct and operate approximately 0.4 mile of 4-inch diameter pipeline in Clark County, Ohio; and

(d) Construct two additional points of delivery to Columbia Gas of Ohio, Inc. (COH) for mainline tap customers, and abandon four existing points of delivery for mainline tap customers in Madison and Franklin Counties, Ohio.

Columbia states that the second project provides for an increase in deliveries at the Rome-Hilliard point of delivery to one of Columbia's existing wholesale customers, COH. Columbia indicates further that such additional deliveries will be within COH's currently certificated entitlements from Columbia. Columbia indicates the estimated cost of the second project to be $2,085,300, and that COH will provide a contribution in aid of construction of this project.

Columbia indicates that it does not request authorization for any new or additional service in either the first or second proposed project.

Comment date: March 30, 1992, in accordance with Standard Paragraph F at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 625 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be repreaented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to

§§ 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6008 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-2-1-001]

Alabama-Tennessee Natural Gas Co.; Proposed PGA Rate Adjustment

March 10, 1992.

Take notice that on March 5, 1992, Alabama-Tennessee Natural Gas Company ("Alabama-Tennessee"), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Sub. Twenty-Ninth Revised Sheet No. 4

This tariff sheet is proposed to become effective April 1, 1992. Alabama-Tennessee states that the purpose of this filing is to substitute corrected information to its quarterly PGA filing which it originally tendered on February 28, 1992 in this docket.

Alabama-Tennessee has also requested a limited waiver on a continuing basis of § 154.22 of the Commission's Regulations with regard to the filing of its quarterly PGA. Alabama-Tennessee proposes that it be permitted to file revisions to its quarterly PGA filing three days after the filing on the revised quarterly PGA of its upstream gas supplier, Tennessee Gas Pipeline Company ("Tennessee"), and that its filing become effective on less than thrity days' notice, on the same effective date as that of Tennessee's revised PGA.

Alabama-Tennessee has requested any necessary waivers of the Commission's Regulations in order to permit the tariff sheets to become effective as proposed.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6013 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-15-20-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 10, 1992

Take notice that Algonquin Gas Transmission Company ("Algonquin") on March 5, 1992, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the following revised tariff sheets:

Proposed to be effective March 1, 1992

9 Rev Sheet No. 41
9 Rev Sheet No. 42

Algonquin states that the revised tariff sheets are being filed to flow through changes in Texas Eastern Transmission Corporation's Rate Schedules SS-2 and SS-3, which underlie Algonquin's Rate Schedules STB and SS-III. Pursuant to Section 10 of Rate Schedule STB and Section 9 of Rate Schedule SS-III in Algonquin's FERC GAs Tariff, Third Revised Volume No. 1, Algonquin is hereby filing the above sheets to track the latest changes filed by Texas Eastern on February 27, 1992 in Docket No. TF92-4-17-000 to be effective March 1, 1992.

Algonquin further states that the effect of the filed tariff sheets is to decrease the STB and SS/III demand charges by 0.14¢ per MMBtu.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in Determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6012 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-10-000]

Cranberry Pipeline Corp.; Petition for Rate Approval

March 10, 1992.

Take notice that on February 24, 1992, Cranberry Pipeline Corporation (Cranberry) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of 61.1 cents per MMBtu for transportation of natural gas on its West Virginia system under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Cranberry states that it is an intrastate pipeline within the definition of section 2(16) of the NGPA and it owns and operates discrete facilities in the States of West Virginia, New York and Pennsylvania. Cranberry's West Virginia system is the subject of this petition. Cranberry states in its petition that its last approved rate for transportation on this system was 72 cents per MMBtu which was approved by the Commission in Docket No. ST98-2352-000.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transporation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 30, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6016 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-10-M

[Docket Nos. ER92-180-000 and EL92-17-000]

Detroit Edison Co., Initiation of Proceeding and Refund Effective Date

March 10, 1992.

Take notice that on March 2, 1992, the Commission issued an order in the above-indicated dockets initiating an investigation in Docket No. EL92-17-000 under section 206 of the Fedeal Power Act.

The refund effective date in Docket No. EL92-17-000 will be 60 days after publication of this notice in the **Federal Register.**

Lois D. Cashell,

Secretary.

[FR Doc. 92-6007 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. OR92-6-000]

Interstate Oil Pipeline Industry; Modification of time Schedule for Technical Conference on Oil Pipeline Matters

March 10, 1992.

By notice issued February 26, 1992 and amended on February 27, 1992, the Federal Energy Regulatory Commission scheduled a Technical Conference to consider matters pertinent to the regulation of the interstate oil pipeline industry.

A number of parties including the Association of Oil Pipe Lines, ARCO Transportation Alaska, Inc., ARCO Pipe Line Company, Four Corners Pipe Line Company, National Council of Farmer Cooperatives, Farmland Industries, Inc., Phillips Pipe Line Company, TE Products Pipeline Company, L.P., and Buckeye Pipe Line Company, L.P. have filed Motions requesting an extension of the proposed schedule. In their Motions, the parties state that the issues to be addressed at the Technical Conference are of great importance and as such, they need more time to fully and completely explore the issues in order to develop considered responses. The parties have requested various date extensions for the submission of information and for convening the Technical Conference.

In order to allow for full and considered participation and response by the oil pipeline industry, but not unduly delay moving this process forward, the dates for the Technical Conference are hereby modified.

The conference will be held Thursday, April 30, 1992, at 10 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426, in a Hearing Room to be announced. Any interested person can submit information prior to the meeting for consideration at the conference by addressing such information to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Any such information should reference Docket No. OR92-6-000 and be filed no later than April 17, 1992. Persons wishing to participate should also file with the Secretary of the Commission a separate written notification of their intention to participate no later than April 17, 1992.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6009 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP92-1-000 and CP92-71-000]

Northern Natural Gas Co.; Informal Settlement Conference

March 10, 1992.

Take notice that an informal settlement conference will be convened in the above-captioned proceeding at 1 p.m. on April 6, 1992, at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washigton, DC, for the purpose of exploring the possible settlement of the above-referenced dockets. The conference will resume at 10 p.m. on April 7.

Any party, as defined by 18 CFR 385.102(c), or any particpant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information please contact Michael D. Cotleur, (202) 208-1076, or John J. Keating, (202) 208-0762.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6011 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. FA90-19-000 and RP91-185-000]

Southern Energy Co.; Informal Settlement Conference

March 10, 1992.

Take notice that an informal settlement conference will be convened in this proceeding commencing on Friday, March 20, 1992, at 11 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Betsy R. Carr at (202) 208-1240.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6010 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-12-000]

The Tekas Corp.; Petition for Rate Approval

March 10, 1992.

Take notice that on February 28, 1992, The Tekas Corporation (Tekas) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of 25 cents per Mcf plus an allowance for fuel used and lost and unaccounted for volumes for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Tekas' petition states that it is an intrastate pipeline operating in the State of Kansas. Tekas further states that it is requesting approval of its existing maximum rate of 25 cents per Mcf which was approved by the Commission in Docket No. ST88-3008-000, *et al.* (54 FERC ¶ 61,045).

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 30, 1992. The petition for rate approval is on file with the

Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6013 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-210-006]

Tennessee Gas Pipeline Co.; Filing

March 10, 1992.

Take notice on March 5, 1992, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following revised tariff sheet in Third Revised Volume No. 1 of its FERC Gas Tariff to be effective on April 1, 1992:

Third Substitute First Revised Sheet No. 228

Tennessee states that this filing is being made to comply with the letter order of the Commission dated February 19, 1992. Tennessee states that the tariff sheet has been amended (1) to further clarify the relative priority of mid-day nomination changes and (2) to correct a typographical error.

Tennessee states that copies of its filing are available for inspection at its principal place of business in the Tenneco Building, Houston, Texas, and have been mailed to all affected customers.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6018 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-11-000]

Utah Gas Service Co.; Petition for Rate Approval

March 10, 1992.

Take notice that on February 24, 1992, Utah Gas Service Company (Utah Gas) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of 18 cents per MMBtu for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Utah Gas states that it is a natural gas distribution company with its rates and tariffs regulated by the Utah Public Service Commission. Utah Gas states that it received a § 284.224 blanket transportation certification in Docket No. CP86-188-000. Utah Gas is requesting approval of its existing maximum rate for transportation under its blanket which was established in Docket No. ST89-2401-000.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 30, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6014 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-10-015]

Williston Basin, Interstate Pipeline Co.; Compliance Filing

March 10, 1992.

Take notice that on March 6, 1992, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, suite 300, Bismarck, North Dakota 58501, tendered for filing revised tariff sheets in compliance with the Commission's Order dated February 20, 1992.

The proposed effective dates of tariff sheets included in appendix A of the filing encompass the locked-in period of May 2, 1986 through February 29, 1988 per Docket No. RP86-10-000. In accordance with the February 20, 1992 Order, additional tariff sheets included in appendix B were filed to become effective March 6, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6017 Filed 3-13-92; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Modification To Program Opportunity for Biomass Energy Projects Proposed for Development Within the Western Regional Biomass Energy Program Region

AGENCY: Western Area Power Administration, DOE.

ACTION: Program Opportunity Notice—modification.

SUMMARY: A Notice on the above subject appeared in the **Federal Register** 57 FR 1261 dated January 13, 1992. This notice described the intent of the Western Area Power Administration to issue a Program Opportunity Notice (PON) on behalf of the Western Regional Biomass Energy Program, to solicit cost-shared proposals for the development, demonstration, and/or commercialization of biomass energy projects that utilize low- or negative-value feedstocks.

The purpose of this notice is to extend the deadline for requesting a copy of the PON from February 12, 1992 to May 15, 1992.

Parties who would like to receive a copy of the PON should submit a written request to the contact listed below. All requests for a PON should be submitted by May 15, 1992, and should reference solicitation number DE-PN65-92WA09522.

FOR FURTHER INFORMATION CONTACT: Ms. Ruth Adams, Contract Specialist, Western Area Power Administration, P.O. Box 3402, Mail Code A1521, Golden, CO 80401, (303) 231-7709.

Issued at Golden, Colorado, March 4, 1992.

William H. Clagett,

Administrator.

[FR Doc. 92-6067 Filed 3-13-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4115-2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before April 15, 1992.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

OFFICE OF AIR AND RADIATION

Title: National Emissions Standards for Hazardous Air Pollutants: Radionuclide (EPA ICR #1100.04; OMB #2060-0191). This ICR requests an amendment to an existing clearance.

Abstract: Owners and operators of phosphogypsum stacks desiring to sell the material will be required to measure the concentration of radium-226 in the phosphogypsum and provide certification records to the purchasers of that material. These owners and operators must maintain records of these concentration measurements and certification documents for 5 years. Phosphogypsum distributors must maintain copies of certification documents and provide copies of such documents to those who purchase or receive phosphogypsum from them. All end users, except agricultural end-users, must maintain documentation describing their use of material. EPA will use this data to ensure that public health continues to be protected from the hazards of radon emitted by phosphogypsum.

Burden Statement: The public annual recordkeeping burden for this collection of information is estimated to average 304 hours per response for phosphogypsum stack owners/operators, 461 hours per response for distributors and 25 hours per response for end users, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Owners and operators of phosphogypsum stacks, phosphogypsum distributors and phosphogypsum end-users.

Estimated Number of Respondents: 41 owners/operators, 25 distributors and 100 end-users.

Estimated Total Annual Burden on Respondents: 24,184 hours.

Frequency of collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y) 401 M Street, SW., Washington, DC 20460

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20503.

Dated: March 10, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-6074 Filed 3-13-92; 8:45 am]

BILLING CODE 6560-60-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Thrift Depositor Protection Oversight Board

Thrift Depositor Protection Oversight Board Meeting

AGENCY: Thrift Depositor Protection Oversight Board, FDIC.

ACTION: Notice of meeting.

DATES: Wednesday, April 1, 1992, 3 to 4 p.m.

ADDRESSES: Federal Deposit Insurance Corporation (FDIC), 550 17th Street, NW., Sixth floor, room 6010, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bonnie Limbach, Director, Corporate Communications, 1777 F Street, NW., Washington, DC 20232, (202) 786-9672.

SUPPLEMENTARY INFORMATION: Discussion agenda:

- RTC Update.
- National Advisory Board Recommendations.
- National Housing Advisory Board Recommendations.
- Resolution Strategies Closed session to follow.

Dated: March 11, 1992.

Jill Nevius,

Committee Management Officer.

[FR Doc. 92-6043 Filed 3-13-92; 8:45 am]

BILLING CODE 2222-01-M

FEDERAL RESERVE SYSTEM

Credit Suisse; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 10, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Credit Suisse, Zurich, Switzerland, and CS Holding, Zurich, Switzerland; to engage *de novo* through one or more subsidiaries, including BEA Associates, in foreign exchange advisory and transactional services pursuant to § 225.25(b)(17); and providing investment advice on financial futures and options on futures pursuant to § 225.25(b)(19) of the Board's Regulation Y and thereby

provide investment advice, including counsel, publications, written analyses and reprots, as a commodity trading advisor registered with the Commodity Futures Trading Commission, with respect to the purchase and sale of futures contracts and options on futures contracts for the commodities and instruments referred to in § 225.25(b)(18) of the Board's Regulation Y on a worldwide basis.

Board of Governors of the Federal Reserve System, March 10, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6031 Filed 3-13-92; 8:45 am]

BILLING CODE 6210-01-F

First Pinellas Financial Group, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 10, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. First Pinellas Financial Group, Inc., St. Petersburg, Florida; to become a bank holding company by acquiring 60.09 percent of the voting shares of Rutland's Florida Gulf Bank, Seminole, Florida.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. NoDak Bancorporation, Mandan, North Dakota; to acquire 91 percent of the voting shares of First Southwest Bank-Bismarck, Bismarck, North Dakota, a *de novo* bank.

Board of Governors of the Federal Reserve System, March 10, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6032 Filed 3-13-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92M-0078]

Advanced Interventional Systems, Inc.; Premarket Approval of the AIS Excimer Laser Angioplasty System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Advanced Interventional Systems, Inc., Irvine, CA, for premarket approval, under section 515 of the Federal Food, Drug, and Cosmetic Act (the act), of the AIS Excimer Laser Angioplasty System. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of January 31, 1992, of the approval of the application.

DATES: Petitions for administrative review by April 15, 1992.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brad C. Astor, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 220850, 301-427-1044.

SUPPLEMENTARY INFORMATION: On May 2, 1990, Advanced Interventional Systems, Inc., 9 Parker, Irvine, CA 92718, submitted to CDRH an application for premarket approval of the AIS Excimer Laser Angioplasty System. The system is indicated for the percutaneous treatment of clinically significant obstructive coronary artery disease in patients who can be treated by the Model PC4020 laser catheter alone or followed by balloon angioplasty. Patients must meet all of the following conditions:

1. Acceptable candidates for coronary artery bypass graft surgery;

2. Atherosclerotic lesions in coronary arteries which are crossable by a guidewire; and

3. Coronary artery segments greater than 20 millimeters in length.

On October 29, 1990, the Circulatory System Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On January 31, 1992, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of the FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at time on or before April 15, 1992, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device

and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: March 6, 1992.

Elizabeth D. Jacobson,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 92-6029 Filed 3-13-92; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[OIS-016-N]

Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice lists HCFA manual instructions, substantive and interpretative regulations and other **Federal Register** notices, and statements of policy that were published during October, November, and December 1991 that relate to the Medicare program. Section 1871(c) of the Social Security Act requires that we publish a list of our Medicare issuances in the **Federal Register** at least every three months.

We also are providing the content of the revisions to the Medicare Coverage Issues Manual published during this quarter. On August 21, 1989 (54 FR 34555), we published the content of the Manual and indicated that we will publish quarterly any updates. Adding the Medicare Coverage Issues Manual changes to this listing allows us to fulfill this requirement in a manner that facilitates identification of coverage and other changes in our manuals.

FOR FURTHER INFORMATION CONTACT:

Allen Savadkin, (410) 966-5265 (For Instruction Information)

Sam Shekar, (410) 966-5316 (For Coverage Information)

Margaret Teeters, (410) 966-4678 (For All Other Information).

SUPPLEMENTARY INFORMATION:

I. Program Issuances

The Health Care Financing Administration (HCFA) is responsible for administering the Medicare program, a program that pays for health care and related services for 34 million Medicare beneficiaries. Administration of the program involves (1) providing information to beneficiaries, health care providers, and the public; and (2) effective communications with regional offices, State governments, various providers of health care, fiscal intermediaries and carriers who process claims and pay bills, and others. To implement the various statutes on which the program is based, we issue regulations under authority granted the Secretary under sections 1102 and 1871 and related provisions of the Social Security Act (the Act) and also issue various manuals, memoranda, and statements necessary to administer the program efficiently.

Section 1871(c)(1) of the Act requires that we publish in the **Federal Register** no less frequently than every three months a list of all Medicare manual instructions, interpretative rules, statements of policy, and guidelines of general applicability not issued as regulations. We published our first notice June 9, 1988 (53 FR 21730). As in prior notices, although both substantive and interpretative regulations published in the **Federal Register** in accordance with section 1871(a) of the Act are not subject to the publication requirement of section 1871(c), for the sake of completeness of the listing of operational and policy statements, we are including those regulations (proposed and final) published.

II. Coverage Issues

We receive numerous inquiries from the general public about whether specific items or services are covered under Medicare. Providers, carriers, and intermediaries have copies of the Medicare Coverage Issues Manual, which identifies those medical items, services, technologies, or treatment procedures that can be paid for under Medicare. On August 21, 1989, we published a notice in the **Federal Register** (54 FR 34555) that contained all the Medicare coverage decisions issued in that manual.

In that notice, we indicated that revisions to the Coverage Issues Manual will be published at least quarterly in the **Federal Register**. We also sometimes issue proposed or final national coverage decision changes in separate **Federal Register** notices. Table IV of this notice contains the text of revisions to the Coverage Issues Manual published between October 1 and December 31, 1991. Readers should find this an easy way to identify both issuance changes to all our manuals and the text of changes to the Coverage Issues Manual.

Revisions to the Coverage Issues Manual are not published on a regular basis but on an as needed basis. We publish revisions as a result of technological changes, medical practice changes, responses to inquiries we receive seeking clarifications, or the resolution of coverage issues under Medicare. If no Coverage Issues Manual revisions were published during a particular quarter, our listing will reflect that fact.

Not all revisions to the Coverage Issues Manual contain major changes. As with any instruction, sometimes minor clarifications or revisions are made within the text. We have reprinted manual revisions as transmitted to manual holders. The new text is shown in italics. We will not reprint the table of contents, since the table of contents serves primarily as a finding aid for the user of the manual and does not identify items as covered or not.

We issued or first update that included the text of changes to the Coverage Issues Manual on March 20, 1990 (55 FR 10290), our second on February 6, 1991 (56 FR 4830), our third on July 5, 1991 (FR 30752), our fourth on November 22, 1991 (56 FR 58913), and our fifth on January 22, 1992 (57 FR 2558). The issuance update found in Table IV of this notice, when added to material from the manual published on August 21, 1989, and the updates published on March 20, 1990, February 6, 1991, July 5, 1991, November 22, 1991, and January 22, 1992 constitute a complete manual as of December 31, 1991. Parties interested in obtaining a copy of the manual and revisions should follow the instructions in section IV of this notice.

III. How to Use the Listing

This notice is organized so that a reader may review the subjects of all manual issuances, memoranda, substantive and interpretative regulations, or coverage decisions published during this timeframe to determine whether any are of particular interest. We expect it to be used in concert with previously published notices. Most notably, those unfamiliar with a description of our manuals may wish to review Table I of our first three notices (53 FR 21730), 53 FR 36891, and 53 FR 50577); those desiring information on the Medicare Coverage Issues Manual may wish to review the August 21, 1989 publication; and those seeking information on the location of regional depository libraries may wish to review Table IV of our first notice. We have divided this current listing into four tables.

Table I describes where interested individuals can get a description of all previously published HCFA manuals and memoranda.

Table II of this notice lists, for each of our manuals or Program Memoranda, a transmittal number unique to that instruction and its subject matter. A transmittal may consist of a single instruction or many. Often it is necessary to use information in a transmittal in conjunction with information currently in the manuals.

Table III lists all substantive and interpretative Medicare regulations and general notices published in the **Federal Register** during this period. For each item, we list the date published, the title of the regulation, and the parts of the Code of Federal Regulations (CFR) which have changed.

Table IV sets forth the revisions to the Medicare Coverage Issues Manual that were published during this quarter. For each revision, we give a brief synopsis of the revision as it appears on the transmittal sheet, the manual section number, and the title of the section. We present a complete copy of the revised material, no matter how minor the revision, and identify the revision by printing in italics the text that was changed. If the transmittal includes material unrelated to the revised sections, for example, when the addition of revised material causes other sections to be repaginated, we do not reprint the unrelated material.

IV. How To Obtain Listed Material

A. Manuals

An individual or organization interested in routinely receiving any manual and revisions to it may purchase a subscription to that manual. Those wishing to subscribe should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses: Superintendent of Documents, Government Printing Office, ATTN: New Order, P.O. Box 371954, Pittsburgh, PA 15250–7954, Telephone (202) 783–3238, or fax your credit card order using (202) 512–2250; National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487–4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS will give complete details on how to obtain the publications they sell.

B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting the Government Printing Office at the same address indicated above for manual issuances. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

C. Rulings

Rulings are published on an infrequent basis by HCFA. Interested individuals can obtain copies from the nearest HCFA Regional Office or review them at the nearest regional depository library. We also sometimes publish Rulings in the **Federal Register**.

V. How To Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the Federal Depository Library Program, government publications are sent to approximately 1400 designated libraries throughout the United States. Interested parties may examine the documents at any one of the FDLs. Some may have arrangements to transfer material to a local library not designated as an FDL. To locate the nearest FDL, individuals should contact any library.

In addition, individuals may contact regional depository libraries, which receive and retain at least one copy of nearly every Federal Government publication, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

Superintendent of Documents numbers for each HCFA publication are shown in Table II, along with the HCFA publication and transmittal numbers. To help FDLs locate the instruction, use the Superintendent of Documents number, plus the HCFA transmittal number. For example, to find the Intermediary Manual, Part 3—Claims Process (HCFA–Pub. 13–3) transmittal entitled "Ambulatory Surgical Center PRICER Program," use the Superintendent of Documents No. HE 22.8/6 and the HCFA transmittal number 1543.

VI. General Information

It is possible that an interested party may have a specific information need and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing information contact persons to answer general questions concerning these items. Copies are not available through the contact persons. Individuals are expected to purchase copies or arrange to review them as noted above.

Questions concerning items in Tables I or II may be addressed to Allen Savadkin, Office of Issuances, Health Care Financing Administration, room 688 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–5265.

Questions concerning items in Table IV may be addressed to Sam Shekar, Office of Coverage and Eligibility Policy, Health Care Financing Administration, room 445 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–5316.

Questions concerning all other information may be addressed to Margaret Teeters, Regulations Staff, Health Care Financing Administration, room 132 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966–4678.

Table I.—Description of Manuals, Memoranda and HCFA Rulings

An extensive descriptive listing of manuals and memoranda was previously published at 53 FR 21730 and supplemented at 53 FR 36891 and 53 FR 50577. Also, for a complete description of the Medicare Coverage Issues Manual, please review 54 FR 34555.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, OCTOBER–DECEMBER 1991

Trans. No.	Manual/Subject/Publication Number
	Intermediary Manual, Part 1—Fiscal Administration (HCFA—Pub. 13–1) (Superintendent of Documents No. HE 22.8/6–3)
122	● HCFA Approval of Subcontracts and Requests for Automated Data Processing Systems and Operations Changes.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, OCTOBER–DECEMBER 1991—Continued

Trans. No.	Manual/Subject/Publication Number
	Intermediary Manual Part 2—Audits, Reimbursement, Program Administration (HCFA—Pub. 13–2) (Superintendent of Documents No. HE 22.8/6–2)
395	● Process Claims Functional Criterion. Audit Functional Criterion. Medical Review Functional Criterion. Medicare Secondary Payer Functional Criterion Financial Management Functional Criterion. Reimbursement Functional Criterion.
	Intermediary Manual, Part 3—Claims Process (HCFA—Pub. 13–3) (Superintendent of Documents No. HE 22.8/6)
1541	● Requesting or Providing Assistance to Resolve Common Working File Rejects. Payment Without CWF Approval.
1542	● PRO Reporting on Medical Review. Report on Revisions to Monthly PRO Adjustment Bill Report.
1543	● Ambulatory Surgical Center PRICER Program.
1544	● Review of Form HCFA–1450 for Inpatient and Outpatient Bills.
1545	● Payment for Epoetin. Laboratory Tests for Hemodialysis, Intermittent Peritoneal Dialysis, Continuous Cycling Peritoneal Dialysis and Hemofiltration. Payment of EPO—Free Standing and Provider Based Dialysis Facilities. Review of ESRD Bill Under Method I. Guidelines for Review of Claims for Epoetin.
1546	● Medical Review of Hospice Claims. Medical Review of Part B Intermediary OPT Bills. Medical Review of Part B Intermediary Outpatient Occupational Therapy Bills. Focused MR Analysis. Medical Review of Part B Intermediary OPT Bills.
1547	● Billing for Durable Medical Equipment and Orthotic/Prosthetic Devices.
1548	● Guidelines for Review of Claims for Epoetin Medical Review of Hospital Outpatient Claims.
1549	● Disclosure to Peer Review Organizations, Disclosure to Carriers.
1550	● Osteoporosis Injections as a HHA Benefit.
1551	● Home Health Denial Paragraphs.
1552	● Form HCFA–1450 Consistency Edits. Processing the HCFA–382, ESRD Beneficiary Selection.
1553	● Bone Marrow Transplantation. Allogeneic Bone Marrow Transplantation. Autologous Bone Marrow Transplantation Billing for Bone Marrow Transplantation. Notifying Carriers.
1554	● Review of Form HCFA–1450 for Inpatient and Outpatient Bills. Hospital Inpatient Bills—General. Outliers. Hospital Capital Payments Unders PPS DRG Grouper Program. PPS Pricer Program. Provider Specific Data Record Layout and Description.
1555	● Request for Information Required in the Development of Medicare Secondary Payer Claims. Medicare Secondary Payer Claims Processing Under Common Working File.
	Carriers Manual, Part 2—Program Administration (HCFA—Pub. 14–2) (Superintendent of Documents No. HE 22.8/7–3)
116	● Process Claims Functional Criterion. Medical Review Functional Criterion. Medicare Secondary Payer Functional Criterion. Pricing and Coding Functional Criterion. Financial Management Functional Criterion.
117	● Contractor Performance Evaluation Program FY .992. Carrier Performance Criteria—General. Common Working File Host Performance Evaluation Program FY 1992. Common Working File Host Performance Criteria—General.
	Carriers Manual, Part 3—Claims Process (HCFA—Pub. 14–3) (Superintendent of Documents No. HE 22.8/7)
1403	● Payment for Physicians' Services Furnished to Dialysis Inpatients.
1404	● Replicating Claims for Processing. Filing Part B Claims for Physicians' and Suppliers' Services. Claims Forms. Time Limitation on Filing Part B Reasonable Charge and Fee Schedule Claims. Filing Claims for Nonassigned Services. Physician and Supplier Billing Requirements for Services Furnished On or After September 1, 1990. HCFA–1490S Claims for Services On or After September 1, 1990. Obligation of Physician or Supplier to Bill for Services Which Are Not Covered. Claims Review—General. Contacts With Physicians, Suppliers or Beneficiaries for Additional Information. Physician or Supplier Refuses to Submit a Part B Bill to Medicare. Physician or Supplier Charges for Completing or Submitting a Medicare Claim or for Furnishing an Itemized Bill. Professional Relations. Explanatory and Denial Messages. Tables of EOMB Statements. Return of Beneficiary Submitted Bills for Services Furnished On or After September 1, 1990.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, OCTOBER–DECEMBER 1991—Continued

Trans. No.	Manual/Subject/Publication Number
	Monitoring Claims Submission Violations.
	Claim Submission Monitoring Reports.
	Sample Notification Letter.
	Violations That Are Not Developed for OIG Referral.
1405	● Place of Service.
1406	● Bill Review of Laboratory Services.
	Completion of Initial Claim for EPO, Hematocrit/Hemoglobin.
1407	● Additional Procedure Codes Deleted from the Assistant at Surgery Payment Restriction.
1408	● Medicare Secondary Payer Claims Processing Under Common Working File.
	Request for Information Required in the Development of Medicare Secondary Payer Claims.
1409	● Part B Medicare Claims Processing Under Common Working File.
	Carriers Manual, Part 4—Professional Relations (HCFA—Pub. 14–4) (Superintendent of Documents. No. HE 22.8/7–4)
5	● Purpose of Health Insurance Claim Form—HCFA–1500.
	Items 1—13—Patient and Insured Information.
	Items 14—33—Physician or Supplier Information.
	Health Insurance Claim Form HCFA–1500 (December 1990).
6	● Unique Physician Identification Number Cross-Referral Requirement.
	Rejections.
	Privacy Act Requirements.
	Release of UPINs.
	Release of UPINs to Physicians.
	File Transfer.
	Registry Customer Information Control System.
	UPIN Directory.
	Program Memorandum, Intermediaries (HCFA—Pub. 60A) (Superintendent of Documents No. HE 22.8/6–5)
A–91–8	● Change in Hospice Payment Rates (Note: This Program Memorandum was replaced by Program Memorandum A–91–11.)
A–91–9	● Implementation of Settlement Agreement in Tews v. Sullivan.
A–91–10	● Updated Data for Determining Additional Payment Amounts for Hospitals With a Disproportionate Share of Low Income Patients.
A–91–11	● Change in Hospice Payment Rates (Note: This Program Memorandum replaced Program Memorandum A–91–8.)
A–91–12	● Financial Arrangements Between Hospitals and Hospital-Based Physicians.
A–91–13	● Prospective Payment System and Other Bill Processing Changes.
A–91–14	● Changes in ICD–9–CM Coding.
A–91–15	● Letter to Participating Hospitals, Skilled Nursing Facilities, Hospices and Home Health Agencies Regarding Advance Directive Requirements.
	Program Memorandum, Carriers (HCFA—Pub. 60B) (Superintendent of Documents No. HE 22.8/6–5)
B–91–11	● 1992 Dear Doctor/Deer Supplier Letters; Physician, Practitioner and Supplier Participation Enrollment; Fee Schedule Disclosure Activities.
B–91–12	● Unique Physician Identification Number for Ordering and Referring Physician Items and Services on Medicare Claims.
	Program Memorandum, Intermediaries/Carriers, (HCFA—Pub. 60A/B) (Superintendent of Documents No. HE 22.8/6–5)
AB–91–7	● Current Status of Medicare Program Memorandums and Letters Issued Before Calendar Year 1991
	Program Memorandum, Regional Offices Medicare (HCFA—Pub. 52) (Superintendent of Documents No. HE 22.26/5:90–1)
91–2	● Disenrollment Request From HMOs.
	Hospital Manual (HCFA—Pub. 10) (Superintendent of Documents No. HE 22.8/2)
622	● Completion of Form HCFA–1450 for Inpatient and/or Outpatient Bills.
623	● Payment for Epoetin.
	Laboratory Tests for Hemodialysis, Intermittent Peritoneal Dialysis, and Continuous Cycling Peritoneal Dialysis Included in the Composite Rate.
	Completion of Form HCFA–1450 for Inpatient and/or Outpatient Billing.
	Special Instructions on Completion of the HCFA–1450 Billed by Hospital Based Renal Dialysis Facilities under Method I
	Payment of Epoetin.
624	● Billing for Durable Medical Equipment and Orthotic/Prosthetic Devices.
625	● General Admission Procedures
626	● Provider Electronic Billing File and Record Formats.
627	● Form HCFA–1450 Consistency Edits.
628	● Bone Marrow Transplantation.
	Allogeneic Bone Marrow Transplantation.
	Autologous Bone Marrow Transplantation.
	Billing for Bone Marrow Transplantation.
	Home Health Agency Manual (HCFA—Pub. 11) (Superintendent of Documents No. HE 22.8/5)
248	● Billing for Durable Medical Equipment and Orthotic/Prosthetic Devices.
249	● Collection of Deductible and Coinsurance From the Patients.
	Billing for Osteoporosis Injections.
	Skilled Nursing Facility, Manual (HCFA—Pub. 12) (Superintendent of Documents No. HE 22.8/3)
306	● Billing for Durable Medical Equipment and Orthotic/Prosthetic Devices.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, OCTOBER–DECEMBER 1991—Continued

Trans. No.	Manual/Subject/Publication Number
	Health Maintenance Organization/Competitive Medical Plan Manual (HCFA—Pub. 75) (Superintendent of Documents No. HE 22.8/21:989)
7	● General Information.
	Program Administration.
	Contract Eligibility.
	Renal Dialysis Facility Manual (Non-Hospital Operated) (HCFA—Pub. 29) (Superintendent of Documents No. HE 22.8/13)
51	● Payment for Epoetin
	Laboratory Tests for Hemodialysis, Intermittent Peritoneal Dialysis and Continuous Cycling Peritoneal Dialysis.
	Accessory Items.
	Blood Testing Supplies.
	Laboratory Tests For Hemodialysis, Peritoneal Dialysis, and CCPD Included in the Composite Rate.
	Epoetin.
	Value Codes and Amounts Required.
	Coverage Issues Manual (HCFA—Pub. 6) (Superintendent of Documents No. HE 22.8/14)
53	● Laboratory Tests—CRD Patients.
54	● Laparoscopic Cholecystectomy.
	Outpatient Physical Therapy and Comprehensive Outpatient Rehabilitation Facility Manual (HCFA—Pub. 9) (Superintendent of Documents No. HE 22.8/9)
104	● Billing for Durable Medical Equipment and Orthotic/Prosthetic Devices.
	Provider Reimbursement Manual, Part 1 (HCFA—Pub. 15–1) (Superintendent of Documents No. HE 22.8/4)
362	● Updated Per Diem Prospective Payment Rates for Skilled Nursing Facility General Inpatient Routine Services.
363	● Travel Expense.
364	● ESRD Laboratory Services Included Under the Composite Rate.
	Special Circumstances.
	(Note: This transmittal was reissued as Part 1—Chapter 27 of the Provider Reimbursement Manual.)
365	● Counting Patient Days for Maternity Patients.
	Provider Reimbursement Manual, Part 1—Chapter 27 (HCFA—Pub. 15–27) Reimbursement for ESRD and Transplant Services (Superintendent of Documents No. HE 22.8/4)
17	● ESRD Laboratory Services Included Under the Composite Rate.
	Special Circumstances.

TABLE III.—REGULATIONS AND NOTICES PUBLISHED OCTOBER–DECEMBER 1991

Publication date/cite	42 CFR part	Title
		Final Rules
10/09/91 (56 FR 50821)	414	Medicare Program; Continuous Use of Durable Medical Equipment.
10/17/91 (56 FR 51984)	417	Prepaid Health Care: Obsolete Provisions.
10/22/91 (56 FR 54539)	413, 482, and 483	Medicare Program; Swing-Bed Program Changes.
11/25/91 (56 FR 59502)	405, 413, and 415	Medicare Program; Fee Schedule for Physicians' Services.
12/03/92 (56 FR 61374)	411	Medicare Program; Reporting Requirements for Financial Relationships Between Physicians and Health Care Entities That Furnish Selected Items and Services.
12/20/91 (56 FR 65995)	414	Medicare Program; Payment for Customized Wheelchairs.
		Proposed Rules
10/07/91 (56 FR 50542)	409	Medicare Program; "Confined to the Home" Requirements for Home Health Services.
10/09/91 (56 FR 50834)	413	Medicare Program; Clarification of Medicare's Accrual Basis of Accounting Policy (Correction Notices Published 11/25/91 (56 FR 59240) and 11/26/91 (56 FR 59979)).
10/25/91 (56 FR 55382)	400, 409, 410, 411, 412, 413, 424, 440, 485, 486, and 489.	Medicare Program; Essential Access Community Hospitals (EACHs) and Rural Primary Care Hospitals (RPCHs).
11/06/91 (56 FR 56812)	400, 420, and 421	Medicare Program; Carrier Jurisdiction for Claims for Durable Medical Equipment, Prosthetics, Orthotics and Supplies, and Other Issues Involving Suppliers.

Notices

Publication date/cite	Title
10/03/91 (56 FR 50058)	Medicare and Medicaid Programs; Eligibility for Premium Hospital Insurance; State Buy-In Agreement (Correction of the Final Rule Published 08/12/91 (56 FR 30874)).
10/11/91 (56 FR 51334)	Medicare Program; Home Health Agencies: Conditions of Participation (Correction of the Final Rule Published 07/18/91 (56 FR 32987)).
11/05/91 (56 FR 56544)	Medicare Program; Criteria and Standards for Evaluating Intermediary and Carrier Performance (Correction of the Notice published 09/20/91 (56 FR 47758)).

TABLE III.—REGULATIONS AND NOTICES PUBLISHED OCTOBER–DECEMBER 1991—Continued

Publication date/cite	Title
11/15/91 (56 FR 58061)	Medicare Program; Inpatient Hospital Deductible and Hospital and Skilled Nursing Facility Coinsurance Amounts for 1992.
11/15/91 (56 FR 58062)	Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rates Beginning January 1, 1992 (Correction Notice Published 12/13/91 (56 FR 65112)).
11/15/91 (56 FR 58087)	Medicare Program; Part A Premium for 1992 for the Uninsured Age and for Certain Disabled Individuals Who Have Exhausted Other Entitlement.
11/22/91 (56 FR 58913)	Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions.
11/25/91 (56 FR 59813)	Physician Fee Schedule Update for Calendar Year 1992 and Physician Performance Standard Rates of Increase for Federal Fiscal Year 1992.
11/25/91 (56 FR 59218)	Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1992 Rates (Correction of the Final Rule Published 06/30/91 (56 FR 20778)).
11/25/91 (56 FR 59331)	Medicare and Medicaid Programs; Nurse Aid Training and Competence Evaluation Programs (Correction of the Final Rule Published 09/26/91 (56 FR 48880)).
11/29/91 (56 FR 61023)	Medicare Program; Standard Claim Forms for Part B Claims Completed and Submitted by Physicians, Suppliers and Other Persons.
12/09/91 (56 FR 64256)	Medicare Program; Schedule of Limits on Home Health Care Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1991.
12/10/91 (56 FR 65280)	Medicare Program; Conditional Designation of States in Which Medicare Select Insurance Policies May Be Issued (Correction of the General Notice with Comment Period Published 09/20/91 (56 FR 47763)).
12/31/91 (56 FR 67686)	Medicare Program; Update of Ambulatory Surgical Center Payment Rates and Additions to and Deletions from the Current List of Covered Surgical Procedures.

Table IV.—Medicare Coverage Issues Manual

(For the reader's convenience, new material and changes to previously published material are in italics. If any part of a sentence in the manual instruction has changed, the entire line is shown in italics. The transmittal includes material unrelated to revised sections. We are not reprinting the unrelated material.)

[Transmittal No. 53; section 50–17, Laboratory Tests—CRD Patients.

New Implementing Instruction—Effective Date: 11/12/91.

Section 50–17, Laboratory Tests—CRD Patients.

This section is revised to include hemoglobin as a routinely covered test for a CRD patient.]

50–17 Laboratory Tests—CRD patients

A. Laboratory tests are essential to monitor the progress of CRD patients. The following list and frequencies of tests constitute the level and types of routine laboratory tests that are covered. Bills for other types of tests are considered nonroutine. Routine tests at greater frequencies must include medical justification. Nonroutine tests generally are justified by the diagnosis. The routinely covered regimen includes the following tests: Per Dialysis

All hematocrit or hemoglobin and clotting time tests furnished incident to dialysis treatments.

[Transmittal No. 54, section 35–91, Laparoscopic Cholecystectomy.

New Implementing Instruction—Effective Date: Services performed on or after 11/18/91.

Section 35–91, Laparoscopic Cholecystectomy.—This section has been added to provide for coverage of laparoscopic cholecystectomy for the removal of the gall bladder.]

35–91 Laparoscopic Cholecystectomy (Effective for Services Performed on and After 11/18/91

Laparoscopic cholecystectomy is a covered surgical procedure in which a diseased gall bladder is removed through the use of instruments introduced via cannulae, with vision of the operative field maintained by use of a high-resolution television camera-monitor system (video laparoscope). Until a permanent national code is issued, use the following Q codes (temporary codes):

- *Q0059 Laparoscopy, surgical; cholecystectomy (any method), and*
- *Q0062 Laparoscopy, surgical; cholecystectomy (any method) with cholangiography. These codes will facilitate data-keeping in order to help evaluate this new technology.*

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 6, 1992.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 92–6053 Filed 3–13–92; 8:45 am]

BILLING CODE 4120–01–M

Health Resources and Services Administration

Pediatric Acquired Immune Deficiency Syndrome (AIDS); Health Care Demonstration Projects

AGENCY: Health Resources and Services Administration (HRSA), PHS, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Maternal and Child Health Bureau (MCHB), HRSA, announces that fiscal year (FY) 1992 funds are available for grants for Pediatric AIDS Health Care Demonstration Projects. Projects will be funded to demonstrate strategies and innovative models for medical intervention in pediatric AIDS and coordinated medical and social services for children, youth, women of childbearing age, and families affected by the Human Immunodeficiency Virus (HIV) infection, AIDS or other related conditions, or those at risk for developing infection. Funds were appropriated for this purpose by Public Law 102–170.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS national activity for setting priority areas. The pediatric AIDS Health Care Demonstration grant program directly addresses the Healthy People 2000 objectives related to the priority area of HIV infection. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock Number 017–001–0474–0) or Healthy People 2000 (Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238).

DATES: The deadline for receipt of applications is April 27, 1992. Applications shall be considered as meeting the deadline if they are either: (1) Received by the Grants Management Branch at the address below on or before the deadline date; or (2) postmarked on or before the deadline date, and received in time for submission to the review group. Applicants must obtain a legibly dated U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing. Grant applications received after the deadline date are subject to being returned to the applicant.

Applicants will be notified of grant awards in July 1992. Project periods of grantees begin August 1, 1992.

FOR FURTHER INFORMATION CONTACT: Additional information relating to technical and program issues may be obtained from: Beth Roy, Division of Services for Children with Special Health Needs, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443–9051.

Grant applications and additional information regarding business, administrative or fiscal issues related to the awarding of grants under this notice may be requested from: Chief, Grants Management Branch, Maternal and Child Health Bureau, Health Resources and Services Administration, room 18–12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–1440. The completed application must be submitted to the Grants Management Officer.

SUPPLEMENTARY INFORMATION:

Program Background and Objectives

Through September 1991, the Centers for Disease Control (CDC) have received reports of 195,718 cases of AIDS. Of these, 3,312 have been infants and children 0–12 years of age and 751 have been adolescents 13–19 years of age, and the number of new cases of AIDS among children is up 48 percent since 1989. Approximately one-half of the known cases in this pediatric population have died. Minority children comprise the vast majority of pediatric AIDS cases: 50 percent of cases are black and 24 percent are Hispanic. In addition, more than half of the hemophilia population has been exposed to HIV because of their reliance on blood products which were not tested for HIV antibody prior to May 1985, with the result that children with hemophilia ages 13–19 comprise 30 percent of all AIDS cases in that age group.

The cost of providing a full range of services in the pediatric population with AIDS is high, largely reflecting the long periods of high-cost hospitalization these children may experience. It has been MCHB's experience with other populations of children with complex health care needs that comprehensive, coordinated approaches to care in ambulatory community-based settings result in shorter hospital stays, thus tending to reduce medical costs. The Pediatric AIDS Demonstration Projects will address the incidence and cost of HIV/AIDS infection in children, youth, women, and families within the context of family-centered, community-based, coordinated systems of care that include outreach and support services.

The escalation in the number of women of childbearing age who have HIV infection has, through perinatal transmission, increased pediatric AIDS to epidemic proportions. The CDC has reported that from an estimated 18 cases in 1980, the number of AIDS cases in women between the ages 20–40 has increased to 14,427 cases as of September 1991. Acquired Immunodeficiency Syndrome is now one of the five leading causes of death among this age group. Faced with their own illness, many women must also be caregivers to HIV/AIDS-infected infants and mates. As more women become incapacitated or die, more children are orphaned, compounding the devastation of families. The Pediatric AIDS Demonstration Projects should develop family-centered, community-based, coordinated systems of care which will address problems confronting women with HIV/AIDS infection, such as access to comprehensive drug abuse treatment, access to needed health and supportive services, and access to clinical research trials that show therapeutic promise. The number of persons with HIV infection involved in clinical trials versus the number of people eligible for clinical trials is small. Women and children, especially minorities, are underrepresented in federally financed trials, although efforts are being made to involve them in such research. This limits access to experimental therapies as well as the basic health care services that many receive only through participation in trials. The projects must collaborate with federally-financed clinical trials located in their geographical areas in order to make such research accessible to more women and children.

Pediatric AIDS Demonstration Projects, initiated in 1988, are designed to further the coordination of services for children, youth, women, and families affected by the HIV infection, AIDS or related conditions, or those at risk for developing the HIV infection. This coordination includes those activites supporte by Title V of the Social Security Act, the existing Pediatric AIDS Health Care Demonstration Projects previously funded by MCHB, the established network of hemophilia treatment centers, and other departmental AIDS activities, particularly those funded under Title XXVI of the Public Health Service Act, known as the Ryan White C.A.R.E. Act. The comprehensive system of services for children, youth, women, and families affected by the HIV should be interwoven with the existing service and financing programs, including Medicaid, that generally serve children and families with special health care needs.

Purpose

The purpose of the funding is to improve and expand the system of comprehensive care services for children, youth, women, and families who are affected by the HIV and AIDS or are at risk. With funds authorized and appropriated under Public Law 102–170, the program will support innovative strategies and modes of service delivery to respond to the multiple problems arising from the epidemic of HIV infection and AIDS affecting children, youth, women, and families. Activities under the demonstration grants should address the following goals:

—Foster the development of comprehensive care systems that provide family-centered, community-based, coordinated care.
—Emphasize prevention within the comprehensive care system in order to reduce the spread of the HIV infection to vulnerable populations, especially minorities and adolescents.
—Increase the access of HIV-infected children, youth, women, and their families to comprehensive care services.
—Ensure the delivery of high quality care with an emphasis on ambulatory care services that may reduce unnecessary hospital stays.
—Sustain comprehensive care systems for HIV-infected children through appropriate financing mechanisms.

Funding Categories

Two categories of projects will be funded in FY 1992. Applications which do not fall within these program categories will not be considered. The first category of projects, the Pediatric AIDS Health Care Demonstration Projects, initiated in 1988, must (1) develope, organize, deliver, and arrange for culturally-relevant, community-based, family-centered, coordinated services to children, youth, women, and families affected by HIV; and (2) develop prevention programs to reduce perinatal transmission and the spread of

the infection to vulnerable populations, especially, minorities and adolescents. The projects should serve as models for other communities and should identify and coordinate the range of resources needed to provide appropriate and effective care to the target population of children, youth, women, and families affected by the HIV infection. These projects will focus on local capacity-building, making maximum use of all available public and private resources for reaching and providing health care and supportive services to the target population. These include other appropriate Federal, State, and local programs serving children with special health care needs (e.g., Medicaid, developmental disabilities, special education) and providers, payers, organizations, and support groups in the private sector with a similar focus.

Preference for funding under the Pediatric AIDS Health Care Demonostration Projects will be given to competing renewal projects that demonstrate an established model of family-centered, community-based, coordinated system of care that serve children, youth, women, and families affected by the HIV infection. This means that these projects will be funded ahead of other groups of applications in this category. Special consideration will be given to all applicants that provide HIV/AIDS services to the unserved or underserved target population. This means that merit reviewers will assign scores based on the extent to which applicants address this area of program interest.

A second category of projects is an initiative that should expand the capability of the Network of Hemophilia Treatment Centers to provide pediatric and family HIV/AIDS services to unserved or underserved HIV/AIDS affected populations. The devastating impact of HIV/AIDS on children and families with hemophilia has required the hemophilia treatment centers to expand their capacity to provide HIV medical services in addition to the ongoing provision of hemophilia comprehensive care services. As a result, hemophilia treatment centers have become a valuable resource within States and communities to provide care for children and youth with hemophilia who are HIV infected and have the potential to serve as a resource for the broader population of HIV affected children and families.

Funding to expand the efforts of the hemophilia treatment center network must be directed to expanding capacity to provide family-centered, community-based, coordinated services to unserved or underserved children and youth with hemophilia and other children and families affected with HIV/AIDS, especially minority populations. The funding must provide support to hemophilia center networks in geographic areas where the impact on HIV/AIDS-infected children with hemophilia has resulted in needs for an unserved or underserved population. In addition, funds should be used to expand the capability of hemophilia treatment centers to serve HIV-infected children and youth without hemophilia in geographic areas where no current services exist, such as in rural areas, or in areas where children and youth are currently underserved. This initiative should include efforts to increase the level of coordination and integration between the hemophilia treatment network and other programs serving children and families in the service area.

Special consideration under the second category will be given to those hemophilia treatment centers that provide pediatric and family HIV/AIDS services to the unserved or underserved population affected by the epidemic.

Availability of Funds

Approximately $19.4 million is available for Pediatric AIDS Health Care Demonstration Projects, of which approximately $3 million will be available for competing renewals and new competitive grants applications. We estimate that approximately $2.6 millions is available for applications in category (1), and it is anticipated that up to five grants will be awarded in this category. For category (2), approximately $400,000 is available, and it is anticipated that up to four grants will be awarded.

Special Concerns

Pediatric AIDS Health Care Demonstration Programs grantees supported by HRSA should coordinate their projects with the Federal, State and local governments concerned with AIDS, including but not limited to: (1) Title V programs: Maternal and Child Health Services Block Grants, including Hemophilia Services Projects, and other relevant Special Projects of Regional and National Significance grants under Title V; (2) HRSA activities and programs funded under authority of the Ryan White C.A.R.E. Act; (3) Healthy Start projects to reduce infant mortality in the communities where such projects are in operation (Aberdeen Area Indian Reservation communities, Baltimore, Maryland; Birmingham, Alabama; Boston, Massachusetts; Chicago, Illinois; Cleveland, Ohio; Detroit, Michigan; Lake County, Indiana; New Orleans, Louisiana; New York, New York; Oakland, California; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Pee Dee Regions, South Carolina; and Washington, DC); (4) Community Health Centers and Migrant Health Centers; (5) CDC HIV/AIDS prevention activities; (6) Medicaid; (7) the education, outreach, treatment, and prevention programs of the Alcohol, Drug Abuse, and Mental Health Administration, including the Office for Treatment Improvement, Office of Substance Abuse Prevention, and the National Insitute of Drug Abuse, especially those concerned with injecting drug users, their sexual partners and prostitutes; (8) HRSA Education Training Centers Grants; (9) grants concerned with mothers and children funded by the National Institute of Child Health and Human Development, National Institutes of Health (NIH); (10) the clinical drug trails or other relevant research conducted by other institutes of the NIH, such as the NIAID Clinical Trails Groups, NIAID Community Programs for Clinical Research on AIDS, and the General Clinical Research Centers; and (11) descretionary grants by the Administration for Children and Families to demonstrate innovative approaches to providing child welfare services for infants with AIDS.

To the maximum extent possible HRSA's Pediatric AIDS Health Care Demonstration Program grantees also should work closely with community-based AIDS service organizations, local AIDS service activities supported by the Robert Wood Johnson Foundation, or other foundations and organizations with AIDS activities. All grantees located in the 18 high priority metropolitan areas that presently meet the eligibility standard of 2601(a) of the PHS Act, as identified in the Ryan White C.A.R.E. Act should seek representation on the C.A.R.E. Planning Councils, either as individual grantees or through agency representation.

The NIH supports a number of studies involving women and children with HIV infection. It is especially important that the Pediatric AIDS Health Care Demonstration and the Hemophilia Treatment Center Network Projects located in the same geographic areas as the research studies facilitate appropriate access to the studies for the women and children they serve.

The MCHB places special emphasis on improving service delivery to women and children from culturally identifiable populations who have been disproportionately affected by barriers to accessible care. This means that Pediatric Health Care Demonstration projects are expected to serve and appropriately involve in project activities members of ethno-culturally distinct groups, unless there are compelling programmatic or other justification for not including either women or persons from culturally disinct populations. The Bureau's intent is to insure the project interventions and outcomes are of benefit to culturally distinct populations and to insure that the broadest possible representation of culturally distinct and historically under-represented groups is supported through programs and projects sponsored by the MCHB.

Consistent with the statutory purpose and with particular attention to inclusion of women and persons from culturally distinct populations, the Department will review applications for funds under the above mentioned categories as competing applications and will fund those which, in the Department's view, best meet the purposes of the Pediatric Health Care Demonstration program and address achievement of the Healthy People 2000 objectives related to HIV infection.

Eligible Applicants

Public and nonprofit and for-profit private entities are eligible to apply for these grant awards. Eligible entities include public or private hospitals, university medical centers, State or local health departments including drug abuse treatment agencies, health care and community organizations. Eligible applicants for the second funding category, the hemophilia demonstration initiative, will be limited to established hemophilia treatment centers.

Review Criteria

Grant applications will be reviewed and rated by objective review panels using the following review criteria.

—Severity of need—documentation of the impact of HIV/AIDS on children, youth, women, and families in the service area including: identification of HIV risk factors, description of trends in the HIV epidemic, and determination and documentation of unmet service needs.

—Applicant's ability to demonstrate an organized comprehensive system of family-centered, community-based, coordinated care. Documentation of collaboration/coordination with appropriate community agencies and providers, particularly Title V, Ryan White, and Healthy Start agencies.

—1992 Goals, Objectives, and Activities—clear delineation of goals and objectives with a timeline for proposed activities. The 1992 plan must be consistent with the Hemophilia and Pediatric AIDS Program goals and address the needs identified in the needs assessment.

—Reporting and evaluation requirements—adequacy of the strategy and proposed steps to implement a data and evaluation system and to use the information collected for program planning and management.

—Organizational structure and setting necessary to implement the proposed goals and objectives.

—Budget justification based on project methodology and required resources.

—For competing renewal applications, adequate documentation of progress related to meeting goals and objectives of the current project period.

Allowable Costs

The basis for determining if costs charged to PHS grants are allowable or allocable is set forth in 45 CFR part 74, subpart Q and 45 CFR part 92 for State and local governments. These regulations implement the five separate sets of cost principles prescribed for grant recipients, which are: OMB circular A–87 for State and local governments; OMB circular A–21 for insititutions of higher education; 45 CFR part 74, appendix E for hospitals; OMB circular A–122 for nonprofit organizations; and 48 CFR chapater 1, subpart 31.2 for for-profit (commercial) organizations. All sources of funding to support this project must be accurately reflected in the applicant's budget.

Reporting Requirements

A successful applicant under this notice will submit reports in accordance with the provisions of the general regulations which apply under 45 CFR part 74, subpart J, Monitoring and Reporting of Program Performance, with the exception of State and local governments to which 45 CFR part 92, subpart C reporting requirements will apply. Financial reporting will be required in accordance with 45 CFR part 74, subpart H, with the exception of State and local governments, to which 45 CFR 92.20 will apply.

Executive Order 12372

The Pediatric AIDS Health Care Demonstration Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice (Form PHS 5161–1 with revised face sheet HHS Form 424 and with Program Narrative and Checklist approved under OMB 0937–0189) will contain a listing of States which have chosen to set up such a review system and will provide a single point of contact (SPOC) in the States for review. Applicants (other than federally-recognized Indian tribal governments) should contact their State SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

(The OMB Catalog of Federal Domestic Assistance number for the Pediatric AIDS Health Care Demonstration Program is 93.153.)

Dated: January 9, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–5996 Filed 3–13–92; 8:45 am]

BILLING CODE 4165–15–M

Public Health Service

Reestablishment of Advisory Committee on Scientific Integrity, Public Health Service; Correction

The Notice published on page 6730 in the **Federal Register** issue of February 27, 1992, concerning the reestablishment of the Advisory Committee on Scientific Integrity, inadvertently indicated that this Committee would, unless appropriately renewed, terminate on February 20, 1995. This date was inaccurate. The Advisory Committee on Scientific Integrity will terminate on December 2, 1993, unless appropriately renewed.

Dated: March 10, 1992.

John Gilliver,

PHS Regulations Officer.

[FR Doc. 92–6062 Filed 3–13–92; 8:45 am]

BILLING CODE 4160–17–M

Health Resources and Services Administration; Statement of Organizations, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (47 FR 38409–24, August 31, 1982, as amended most recently at 56 FR 65739, December 18, 1991), is amended to reflect the redescription of the Office of Health Professions Analysis and Research (formerly the Office of Data Analysis and Management), Bureau of Health Professions and the Office of Program Support, Bureau of Health Professions.

Under Section HB–10, Organization and Functions, amend the following:

(1) Delete the Office of Data Analysis and Management (HBP15) in its entirety.

(2) Add the following statement in its place:

Office of Health Professions Analysis and Research (HBP15). Serves as the Bureau focal point for health professions data analytical studies, policy analysis, modeling, education research, technical assistance, and information resource management. Specifically: (1) Provides policy guidance and technical support and advice to the Office of the Director in the establishment and conduct of a cohesive and comprehensive Bureau analytical program involving both intramural and contract activities; (2) provides technical expertise to all Bureau components on methodologies for data collection, data development, forecasting, data analysis, and interpretation; (3) develops and conducts research on data collection and analytic methodologies, economic forecasting, and health personnel systems modeling, both intramurally and through contracts; (4) coordinates and provides leadership in the development of a health professions educational research program; (5) serves as the Bureau focal point for information resource management, including the planning and implementation of all ADP, word processing and telecommunication equipment and systems; (6) provides technical and other assistance and expertise to other Bureau components for the purpose of modifying, refining, updating, and developing health professions forecasting models employed in the preparation of forecasts and reports; (7) plans, coordinates, and reviews the development of health professions reports and studies which involve cross-discipline analysis or multiple Bureau components in their preparation; (8) develops, plans for, assembles, coordinates and directs ad hoc task forces consisting of various Bureau components for planning and completing multi-discipline and cross-cutting studies, surveys, fact books and black books, and major reports on health professions for the Bureau, Agency, Department, and others; (9) prepares technical reviews and data policy impact analyses of health professions studies, reports, and activities performed by other Bureau and non-Bureau components; (10) maintains the Bureau computerized health professions analytic data bases and data base systems and maintains and develops associated software systems for managing and accessing the data base, through use of intramural and contract mechanisms. Compiles, integrates, coordinates and provides to non-Bureau organizations data collected and compiled by the Office, other Bureau components and sources outside the Bureau into the Bureau analytic and information data bases, and provides technical assistance to other Bureau components to aid them in accessing and utilizing the data base in their program activities; (11) maintains and updates the bureau's computerized program information system, and maintains and develops associated software systems for managing and accessing the system, through both intramural and contract activities. Prepares program management reports and provides technical consultation and assistance to Bureau and Agency staff as well as congressional, academic, research, and other private and public organizations concerning Bureau program data; and (12) maintains liaison with governmental, professional, voluntary, and other public and private organizations, institutions and groups for the purpose of providing information exchange and assessing health professions data availability and needs related to cross-cutting Bureau activities.

(3) Amend the Office of Program Support (HBP12) by adding an "and" after item number (11), changing the semicolon to a period after item number (12), and deleting item number (13) in its entirety.

These organizational and functional changes are effective upon date of signature.

Dated: February 26, 1992.

Robert G. Harmon,

Administrator, HRSA.

[FR Doc. 92–5005 Filed 3–13–92; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–010–02–4320–02]

Craig Colorado Advisory Council Meeting

Time and Date: 9 a.m., April 22, 1992.

Place: BLM—Craig District Office, 455 Emerson Street, Craig, Colorado 81625.

Status: Open to public; interested persons may make oral statements at 9:30 a.m. Summary minutes of the meeting will be maintained in the Craig District Office.

Matters to be Considered:

1. Making plans to honor past Council members and permittees.
2. "People For The West".
3. Field trip to Trapper Mine and Cedar Mountain.

CONTACT PERSON FOR MORE INFORMATION: Mary Pressley, Craig District Office, 455 Emerson Street, Craig, Colorado 81625–1129, Phone: (303) 824–8261.

Dated: March 6, 1992.

William J. Pulford,

District Manager.

[FR Doc. 92–6001 Filed 3–13–92; 8:45 am]

BILLING CODE 4310–JB–M

Fish and Wildlife Service

Availability of the Draft Environmental Assessment and Land Protection Plan; Proposed Establishment of Mandalay National Wildlife Refuge; Terrebonne Parish, LA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of withdrawal for the Draft Environmental Assessment and Land Protection Plan for the proposed establishment of Mandalay National Wildlife Refuge.

SUMMARY: The above notice was prematurely published on February 28, 1992, at 57 FR 6847, and is hereby withdrawn. A new notice will be published at an appropriate date in the future.

DATES: The withdrawal of the notice is effective March 16, 1992.

ADDRESSES: For further information please contact Mr. Charles R. Danner, Chief, Project Development Branch, U.S. Fish and Wildlife Service, 75 Spring Street SW., Atlanta, Georgia 30303, commerical 404/331–3543 or FTS 841–3543.

Dated: March 9, 1992.

Harold W. Benson,

Acting Regional Director

[FR Doc. 92–6033 Filed 3–13–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Willow Beach Development Concept Plan, Lake Mead National Recreation Area, Arizona and Nevada; Intent To Prepare an Environmental Impact Statement

SUMMARY: The National Park Service will prepare a Supplemental Environmental Impact Statement (EIS) to the General Management Plan/Final Environmental Impact Statement (GMP/FEIS) for the Lake Mead National Recreation Area, in conjunction with an amended Development Concept Plan (DCP) for Willow Beach on the Arizona side of Lake Mohave. This notice is in accordance with 40 CFR 1501.7 and 40 CFR 1508.22, of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969, Public Law 91–150. The DCP/Supplemental EIS will describe and analyze a proposal and alternative for the future development of this portion of the national recreation area.

Background

A DCP for Willow Beach was contained in the 1986 GMP/FEIS for the national recreation area. The DCP addressed conceptually the location and extent of facilities and services. Since that time, additional flood plain mitigation analysis, hydrology and geological information require that the configuration and location of facilities be adjusted for safety and sanitation as well as service to visitors. As amended DCP and supplemental environmental impact statement is being prepared to address potential impacts from relocation and modification of facilities.

Any persons or organizations wishing to provide comments concerning the planning for Willow Beach, should do so in writing to: Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005, telephone (702) 293–8947. Comments concerning the scope of the DCP/Supplemental EIS should be received by April 30, 1992.

The responsible official is Stanley T Albright, Regional Director, Western Region, National Park Service. The draft DCP/Supplemental EIS is expected to be available for public review in fall, 1992, and the final DCP/Supplemental EIS and Record of Decision completed approximately one year

Dated: March 9, 1992.

Louis S. Albert,

Deputy Regional Director, Western Region.

[FR Doc. 92–6078 Filed 3–13–92; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISION

[Finance Docket No. 32027]

Duluth, Missabe and Iron Range Railway Co.—Trackage Rights Exemption—Burlington Northern Railroad Co.

Burlington Northern Railroad Company (BN) has agreed to grant overhead trackage rights to Duluth, Missabe and Iron Range Railway Company (DM&IR) over approximately 7,861 feet of rail line at Duluth, MN, between Union Depot (5th Avenue West) and Missabe Junction (28th Avenue West). The exemption became effective on March 3, 1992.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: K.J. Gallagher, Duluth, Missabe and Iron Range Railway Company, P.O. Box 68, 135 Jamison Lane, Monroeville, PA 15146.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: March 10, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6047 Filed 3–13–92; 8:45 am]

BILLING CODE 7035–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–359]

Fore River Railroad Corp., Discontinuance of Service Exemption, Norfolk County, MA; Findings

The Commission has issued a certificate authorizing Fore River Railroad Corporation to discontinue the lease of a 3.76-mile rail line between Quincy, MA, and an interchange with Consolidated Rail Corporation (Conrail) at East Braintree, MA, in Norfolk Country, MA. The certificate will become effective 14 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered fianancial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: March 10, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6073 Filed 3–13–92; 8:45 am]

BILLING CODE 7035–01–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Open Hearing

AGENCY: Judicial Conference of the United States.

SUBAGENCY: Advisory Committee on Rules of Appellate Procedure.

ACTION: Notice of open hearing.

SUMMARY: The Judicial Conference Advisory Committee on the Appellate Rules has proposed amendments to Rules 3(c) and 15 (a) and (e) of the Federal Rules of Appellate Procedure.

The Judicial Conference Standing Committee on Rules of Practice and Procedure has not approved these proposals but submits them herewith for expedited public comment. We request that all comments and suggestions with respect to them be placed in the hands of the Secretary as soon as convenient and, in any event, no later than May 11, 1992.

In order that persons and organizations wishing to do so may comment orally on the proposed amendments, a hearing will be held by the Advisory Committee on Appellate

Rules at the United States Court of Appeals in Chicago, Illinois, on April 8, 1992. Those wishing to testify should contact the Secretary of the Committee at the above address at least 10 days before the hearing.

All communications with respect to the proposals should be addressed to the Secretary of the Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544.

DATE OF HEARING: April 8, 1992.

ADDRESS: United States Court of Appeals, 219 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Joseph F. Spaniol, Jr., Secretary, Committee on Rules of Practice and Procedure, Washington, DC 20544, telephone (202) 633–6021.

Dated: March 6, 1992.

Joseph F. Spaniol, Jr.,

Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 92–6021 Filed 3–13–92; 8:45 am]

BILLING CODE 2210–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy at 28 CFR 50.7, notice is hereby given that on March 5, 1992, a proposed consent decree in *United States* v. *CPS Chemical Company, Inc.*, Civil Action No. J–C–90–43, was lodged with the United States District Court for the Eastern District of Arkansas. The complaint filed by the United States sought injunctive relief and civil penalties for violations by defendant CPS Chemical Company, Inc. (CPS) of sections 301 and 402 of the Clean Water Act and the terms and conditions of its National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency (EPA) in 1984, and the terms of five administrative orders issued by EPA during the life of the 1984 permit. The proposed consent decree imposes a $1 million penalty for these violations.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive written comments relating to the proposed consent decree from persons who are not parties to the action. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources # 90–5–1–1–3270.

The proposed consent decree may be examined at the offices of the United States Attorney for the Eastern District of Arkansas, 327 Post Office and Courthouse Building, 600 West Capitol, Little Rock, Arkansas 72203, and at the office of the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202 (Attention: Ralph Corley, Assistant Regional Counsel). A copy of the consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Washington, DC 20004. Copies of the decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center. Such requests should be accompanied by a check in the amount of $2.00 (25 cents per page reproduction charge) payable to "Consent Decree Library". When requesting copies, please refer to *United States* v. *CPS Chemical Company, Inc.*, DOJ # 90–5–1–1–3270.

Roger Clegg,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6035 Filed 3–13–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Respose, Compensation, and Liability Act of 1980

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(i), notice is hereby given that on March 2, 1992, a proposed consent decree in *United States of America* v *City of Portsmouth, et al.*, Civil Action No. 92–123–D, has been lodged with the United States District Court for the District of New Hampshire. The United States' complaint, filed at the same time as the consent decree, sought recovery of response costs and injunctive relief relating to source control at the Coakley Landfill Site in the Town of North Hampton, New Hampshire under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, against the City of Portsmouth, New Hampshire, and 30 other entities responsible for hazardous substances found at that site, which is a National Priorities List facility.

The consent decree provides that the settling Defendants will perform the remedial actions selected in the first operable unit Record of Decision dated June 28, 1990, as revised by the Explanation of Significant Differences dated March 22, 1991, issued by the U.S. Environmental Protection Agency (EPA), and reimburse EPA up to $450,000 for costs to be incurred by the United States in connection with oversight of the implementation of the remedial actions. The remedial work will include installing a multi-layer cap over the landfill, installing and operating a groundwater extraction system, constructing and operating a groundwater treatment system to remove metals and volatile organic compounds from extracted contaminated groundwater, and monitoring.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Portsmouth, et al.*, D.J. Ref. 90–11–2–678.

The proposed consent decree may be examined at the office of the United States Attorney, Federal Building, 55 Pleasant St. Concord, New Hampshire 03301 and at the Region I office of the Environmental Protection Agency, One Congress St., Boston, Massachusetts 02203. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Washington, DC 20004 (202–347–7829). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $26.00 (25 cents per page reproduction cost, exclusive of the costs of copying the appendices and signature pages) payable to the "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment & Natural Resources Division.

[FR Doc. 92–6037 Filed 3–13–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on February 28, 1992 a proposed consent decree in *United States* v *Shenango, Inc.*, Civil Action No. 85–933, was lodged with the United States District Court for the Western District of Pennsylvania. The action was brought under sections 301(a), 309 (b) and (d), and 402 of the Clean Water Act, 33 U.S.C. 1311(a), 1319 (b) and (d), and 1342, for unpermitted discharges of wastewater effluent from defendant's Neville Island steel production facility, located near Pittsburgh, Pennsylvania.

The proposed consent decree requires the defendant to pay civil penalties in the amount of $550,000.00. In addition, the consent decree requires the defendant to undertake remedial measures at the facility to control unpermitted wastewater discharges in order to achieve and maintain full compliance with the Clean Water Act and applicable regulations.

The Department of Justice will receive comments relating to the proposed consent decree for the period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Shenango, Inc.*, DOJ Ref. No. 90–5–1–1–2327.

Copies of the proposed consent decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 633 U.S. Post Office and Courthouse, Pittsburgh, Pennsylvania 15222. The proposed Consent Decreee may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097 Washington, DC 20004, (202) 347–7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $14.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6036 Filed 3–13–92; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 27, 1992, Mallinckrodt Specialty Chemicals Company, Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine Hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine intermediate-A (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (93300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extract (9620)	II
Opium tincture (9630)	II
Opium, powdered (9639)	II
Opium, granulated (9640)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 15, 1992.

Dated: March 5, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92–6004 Filed 3–13–92; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on November 15, 1991, UpJohn Company, 7171 Portage Road, Kalamazoo, Michigan 49001, made written request to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule I controlled substance 2,5-Dimethoxyamphetamine (7396).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 15, 1992.

Dated: March 5, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92–6005 Filed 3–13–92; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–26,500]

Ansdrill/Schlumberger, Scott, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100–418), the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 20, 1991, applicable to all workers of Anadrill/Schlumberger in Scott, Louisiana. The certification notice was published in the **Federal Register** on January 9, 1992 (57 FR 932).

At the request of the State Agency the Department reviewed the subject certification. New information from the company shows that the claimants' wages are being reported under an employer account number which bears the name of the Analysts, Inc., a name the subject firm had over 5 years ago which has never been changed with the State Agency.

The amended notice applicable to TA–W–26,500 is hereby issued as follows:

All workers of Anadrill/Schlumberger, a/k/a The Analysts, Inc., Scott, Louisiana who became totally or partially separated from employment on or after January 1, 1991 are eligible to apply for adjustment

assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this March 6, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6039 Filed 3-13-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,075, et al.]

Oryx Energy Co., Dallas, TX, et al.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of TA-W-26,076—Oryx Energy Co., Gulf Coast Production Region, Huston, Texas, and Operating at Various Locations in the Following States:
TA-W-26,076A—Texas
TA-W-26,076B—Mississippi
TA-W-26,076C—Louisiana
TA-W-26,077—Oryx Energy Co., Southwestern Production Region, Midland, Texas, TA-W-26,077A—Operating at Various Locations in Texas.
TA-W-26,078—Oryx Energy Co., Mid-Continent Production Region, Oklahoma City, Oklahoma, and Operating at Various Locations in the Following States:
TA-W-26,078A—Oklahoma
TA-W-26,078B—Colorado
TA-W-26,078C—New Mexico
TA-W-26,078D—California
TA-W-26,078E—Wyoming
TA-W-26,078F—Michigan
TA-W-26,078G—North Dakota
TA-W-26,078H—Kansas
TA-W-26,078I—Texas

In accordance with section 233 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 12, 1991, applicable to all workers of Oryx Energy Company, Dallas, Texas (TA-W-25,075); the Gulf Coast Production Region, Houston, Texas (TA-W-26,076) and operating at various locations in Texas, Louisiana and Mississippi (TA-W-26,076A-C); the Southwestern Production Region in Midland (TA-W-26,077) and the Mid-Continent Production Region, Oklahoma City, Oklahoma (TA-W-26,078) and operating at various other locations in Oklahoma, Colorado, New Mexico, California, Wyoming, Michigan, North Dakota and Kansas (TA-W-26,078A-H). The Notice was published in the **Federal Register** on October 2, 1991 (56 FR 49909).

At the request of the Texas Employment Commission, the Department reviewed the subject certification. New information from the company shows that worker separations occurred in other locations of Texas in the Southwestern Production Region of Oryx Energy Company and the layoffs are anticipated in other locations of Texas in the Mid-Continent Production Region of Oryx Energy Company.

The intent of the Department's certification is to include all workers of Oryx Energy Company who were adversely affected by increased imports of crude oil and natural gas.

The amended notice applicable to TA-W-26,075 through TA-W-26,078 is hereby issued as follows:

All workers of Oryx Energy Company, Dallas, Texas (TA-W-26,075); The Gulf Coast Production Region in Houston, Texas (TA-W-26,076) and operating at various locations in the following States: Texas, Mississippi, and Louisiana; the Southwestern Production Region in Midland, Texas (TA-W-26,077) and operating at various other locations in Texas; and the Mid-Continent Production Region in Oklahoma City, Oklahoma (TA-W-26,078) and operating at various other locations in Oklahoma, Colorado, New Mexico, California, Wyoming, Michigan, North Dakota, Kansas and Texas who become totally or partially separated from employment on or after July 31, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this March 6, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6040 Filed 3-13-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26, 846]

Valerie Fashions, Inc., Wind Gap, PA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 10, 1992 in response to a worker petition which was filed on behalf of workers at Valerie Fashions, Incorporated, Wind Gap, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 6th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6042 Filed 3-13-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Section) to the National Council on the Arts will be held on April 1, 1992 rom 9 a.m.-6 p.m. and April 2 from 9 a.m.-5:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on April 2 from 4:30 p.m.-5:30 p.m. The topic will be policy discussion.

The remaining portions of this meeting on April 1 from 9 a.m.-6 p.m. and April 2 from 9 a.m.-4:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Martha Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92-6038 Filed 3-13-92; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR part 72—Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses or amendments may be submitted at any time. Applications for renewal of licenses would be required every 20 years for an Independent Spent Fuel Storage Installation (ISFSI) and every 40 years for a Monitored Retrievable Storage (MRS) facility.

5. *Who will be required or asked to report:* Vendors of casks for the storage of spent fuel, licensees and applicants for a license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and the Department of Energy for licenses to receive, transfer, package and possess power reactor spent fuel, high-level waste, and other radioactive materials associated with spent fuel and high-level waste storage in an MRS.

6. *An estimate of the number of responses:* 93.

7. *An estimate of the total number of hours needed to complete the requirement or request:* 165 hours annually per response and 756 hours annually for eight recordkeepers. The estimated annual industry burden is 21,431 hours.

8. *An indication of whether Section 3504(h), Pub. L. 96-511 applies:* Not applicable.

9. *Abstract:* 10 CFR part 72 establishes requirements, procedures, and criteria for the issuance of licenses to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage, in an independent spent fuel storage installation, and requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials, in a monitored retrievable storage facility.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Ronald Minsk, Paperwork Reduction Project (3150-0132), Office of Information and Regulatory Affairs, NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395-3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 4th day of March 1992.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92-6055 Filed 3-13-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Meeting

The Office of Personnel Management announces the following meeting:

Name: Federal Labor Advisory Group (FLAG).
Date and Time: April 21, 1992, 2 p.m.
Place: Office of Personnel Management, 1900 E Street, NW., room 5A06A, Washington, DC 20415-0001.
Type of Meeting: Open.
Point of Contact: Allan D. Heuerman, Assistant Director for Labor Relations and Workforce Performance, Personnel Systems and Oversight Group, Office of Personnel Management, 1900 E Street, NW., room 7412, Washington, DC 20415-0001.
Purpose of Meeting: To discuss members' views on status of Federal labor-management relations program.
Agenda: Introduction; group organization and administration; discussion; public input; closing.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-5926 Filed 3-13-92; 8:45 am]

BILLING CODE 6325-01-M

RESOLUTION TRUST CORPORATION

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Resolution Trust Corporation.

ACTION: Notification of system of records.

SUMMARY: The Corporation is giving notice of a system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This proposal shall become effective without further notice on April 15, 1992, unless comments are received during or before that date which would result in a contrary determination.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Secretary of the Resolution Trust Corporation (RTC or Corporation), 801 175h Street, NW., Washington, DC 20435-0001. Comments should refer to the above title. A copy of each comment received will be available for public inspection and copying between the hours of 9 am and 5 pm on regular business days at the RTC's Public Reading Room, room 100, 801 17th Street, NW., Washington, DC 20434-0001.

FOR FURTHER INFORMATION CONTACT: Richard White, Privacy Act Attorney, RTC, Office of the Secretary, International Place, 1735 North Lynn Street, Rosslyn, VA 22209. Telephone (703) 908-6137. (This is not a toll-free number)

SUPPLEMENTARY INFORMATION: The system is the FDIC/RTC Employee Financial Disclosure Statements System, RTC-2. It will contain information on current and former employees of the Federal Deposit Insurance Corporation (FDIC) who work for or who have worked for the RTC. The information in the system is collected pursuant to section 502 of Executive Order 12674 as amended by Executive Order 12731, the Federal Home Loan Bank Act of 1932, 12 U.S.C. 1441A(b), as amended and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 1441p.

The information in the system will be used to determine if applicants for employment with the RTC or present employees of the FDIC who work for the RTC (FDIC/RTC employees) may have a conflict of interest with respect to the duties and responsibilities of their employment with the RTC and their or any of their family members' financial holdings, business interests, real estate

interests or outside employment or affiliations.

The system will also contain information on FDIC/RTC employees and their family members concerning extensions of credit, for secured or unsecured loans, from insured and non-insured depository institutions, and documentation relating to requests for approval of certain loans extended by insured depository institutions or affiliates thereof. Such information will be used to evaluate any possible conflict of interest the employee or any family member may have concerning a credit transaction and his/her employment with the FDIC/RTC.

The system will contain information on FDIC/RTC employees or their family members' ownership or control of any securities of insured depository institutions or affiliates thereof and any requests to purchase or retain present ownership of such securities. Such information is used to evaluate any possible conflict of interest resulting from the ownership and/or potential ownership of such securities and employment with the FDIC/RTC.

The system will contain information concerning an FDIC/RTC employee's prospective employment, the nature of the business of the prospective employer, the position the employee will occupy, the dates of negotiation for employment, and the employee's official involvement, if any, with the prospective employer. This information will be used to evaluate any possible conflict of interest between an employee's duties and responsibilities with FDIC/RTC and his/her prospective employment.

Finally, the system will contain an employee's acknowledgement of receiving FDIC/RTC standards of conduct training, including an affirmative acknowledgement of individual responsibility to adhere to the provisions of the standards of conduct.

Accordingly, the Corporation is establishing the following System of Records: FDIC/RTC Employee Financial Disclosure Statements System. RTC–2

RTC–2

SYSTEM NAME:

FDIC/RTC Employee Financial Disclosure Statements System. RTC–2.

SYSTEM LOCATION:

Confidential Statements of Employment and Finanical Interests, Reports of Interest in Bank Securities, Confidential Reports of Employment Upon Resignation, Employee Certification and Acknowledgement of FDIC/RTC Standards of Conduct Regulation, and any financial disclosure/conflict of interest or similar form required to be completed by the Office of Government Ethics, and related records are located in designated divisional, regional, or consolidated offices to which individuals covered by the system are assigned. Duplicate copies of the above records are maintained in the Office of Ethics and Protests, RTC, 801 17th Street, NW., Washington, DC 20434–0001, for the purpose of certification of review and resolution of conflicts of interest disclosed therein. Confidential Reports of Indebtedness and related records are located in the Office of Ethics. A list of the RTC's divisional, regional and consolidated offices is available from the RTC Reading Room, 801 17th Street, NW., Washington, DC 20434–0001. (202) 416–6940.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Federal Deposit Insurance Corporation officers and employees who are working for or who have worked for the RTC, and special government employees required to file any of the following forms: (1) Confidential Statement of Employment and Financial Interests; (2) Confidential Report of Indebtedness; (3) Report of Interest in Bank Securities and Interest in RTC Decision; (4) Confidential Report of Employment Upon Resignation; and (5) Employee Certification and Acknowledgement of FDIC/RTC Standards of Conduct Regulation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system includes data directly furnished by the individual on the following five forms or related records that may be generated in the course of the RTC's administration of Executive Orders 12674 and 12731 as amended or as superseded, and/or 12 CFR part 1605:

(1) Confidential Statement of Employment and Financial Interests—Contains statements of personal and family holdings, interests in business enterprises and real property, creditors, and outside employment.

(2) Confidential Report of Indebtedness—Contains information on extensions of credit (loans and credit cards) by insured and non-insured depository institutions and their affiliates; and may also contain memoranda and correspondence relating to requests for approval of certain loans extended by insured depository institutions or affiliates thereof.

(3) Report of Interest in Bank Securities and Interest in RTC Decision—Contains information on whether or not an employee owns or controls, directly or indirectly, any securities of insured depository institutions or affiliates thereof, and if so, lists specific securities, the nature and extent of such interests and the manner of acquisition, contains information on other outside interests which may have an impact on an employee's official duties, and may contain memoranda and correspondence relating to requests for approval of retention of securities of insured depository institutions by employees.

(4) Confidential Report of Employment Upon Resignation—Contains information as to the employee's prospective employer, the nature of the business or organization activities of the prospective employer, the position the employee will occupy, dates of negotiation for such employment, and the employee's official involvement, if any, with the prospective employer.

(5) Employee Certification and Acknowledgement of FDIC/RTC Standards of Conduct Regulation—Contains employee's certification and acknowledgement that he or she has received a copy of the standards of conduct, has viewed the FDIC/RTC Orientation Ethics Video, and has a positive responsibility to comply with the standards of conduct.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 502 of E.O. 12674, 3 CFR 215 (1989), as amended by E.O. 12731, 3 CFR 306 (1990); section 21A of the Federal Home Loan Bank Act of 1932 (12 U.S.C. 1441a(b)), as amended. The Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 1441(p).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be disclosed where the Director of the U.S. Office of Government Ethics or the RTC's Chief Executive Officer, or designee, determines that good cause has been shown for such use:

(1) To the appropriate federal, state, or local agency or authority responsible for investigating or procesuting a violation of or for enforcing or implementing a statute, rule, regulation, or order when the information indicates a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto.

(2) To a congressional office in response to an inquiry made at the request of the individual to whom the information pertains.

(3) To any source where necessary to obtain information relevant to a conflict-of-interest investigation or determination.

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation or settlement negotiations, or in connection with the criminal proceedings.

(5) To the United States Office of Personnel Managment, Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority, an aribtrator, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions with their respective jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders in Office of Ethics and Protests and designated divisional, regional, or consolidated offices to which individuals covered by the system are located, and on an automated tracking system.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable metal file cabinets in lockable offices and, on a password-protected automated index system.

RETENTION AND DISPOSAL:

Retained for six years and then destroyed by shredding except when the documents are relevant and/or needed in an ongoing investigation they will be retained until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Program Manager (Employees), RTC, 801 17th Street, NW., Washington, DC 20434–0001.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Secretary, RTC, International Place, 1735 North Lynn Street, Rosslyn, VA 22209. The request must contain the name and office of the individual covered by the system, and a notarized statement attesting to the individual's indentity may be required.

RECORD ACCESS PROCEDURE:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained or a person designated by him or her and from the RTC's Ethics Program Manager (Employees) and support personnel. Information may also be obtained from the other parties to whom the RTC has supplied information in connection with evaluating the records maintained in the Employee Financial Disclosure Statements system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated at Washington, DC this 10th day of March 1992.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 92–5990 Filed 3–13–92; 8:45 am]

BILLING CODE 6714–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

March 10, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities.

Coleman & Co., Inc.
Common Stock, $.01 Par Value (File No. 7–8183)

Callaway Golf Co.
Common Stock, $.01 Par Value (File No. 7–8184)

Musicland Stores Corp.
Common Stock, $.01 Par Value (File No. 7–8185)

Value Merchants, Inc.
Common Stock, $.01 Par Value (File No. 7–8186)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–6064 Filed 3–13–91; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30452; File No. SR–CBOE–92–07

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to March 1992 Expiration Series for Capped OEX Options

March 6, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 21, 1992, The Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Exchange Rule 24.9, Commentary .03(b), provides that the CBOE may list one at-the-money call and one at-the-money put capped-style option on the Standard & Poor's 100 Index ("OEX") with expirations of up to four months into the future. Commentary .03(b) also provides that additional at-the-money series with expirations of up to four months may be listed every two months. Accordingly, pursuant to Exchange Rule

24.9, the CBOE currently lists capped-style OEX options with April 1992 and June 1992 expirations. The CBOE proposes, on a limited basis, to modify Exchange Rule 24.9 to provide for an additional expiration month in OEX capped options so that there will be series with March, April and June 1992 expirations outstanding.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it recieved on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Exchange Rule 24.9, Commentary .03(b), provides that the CBOE may list one at-the-money call and one at-the-money put capped-style option on the Standard & Poor's 100 Index ("OEX") with expiration of up to four months into the future. Commentary .03(b) also provides that additional at-the-money series with expirations of up to four months may be listed every two months. Accordingly, pursuant to Exchange Rule 24.9, the CBOE currently lists capped OEX options with April 1992 and June 1992 expirations. Due to investor interest in capped OEX options, the CBOE proposes, on a limited basis, to modify Exchange Rule 24.9 to provide for an additional expiration month in OEX capped options so that there will be series with March, April and June 1992 expirations outstanding. With its filing, the CBOE has submitted a memorandum from the Options Price Reporting Authority ("OPRA") indicating that the addition of capped OEX options expiring in March 1992 will have a negligible impact on the capacity of OPRA and its vendors. [1]

(2) Basis

The CBOE believes that the proposal is consistent with section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change constitutes a state policy, practice or interpretation with respect to the administration of an existing CBOE rule. The Commission notes that the CBOE's rules provide the Exchange with some discretion to add additional expiration months. The CBOE proposes to add the March 1992 series as an additional expiration month. Accordingly, the proposal has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4.[2] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organiztion. All submissions should refer to the file number in the caption above and should be submitted by April 6, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 92–6067 Filed 3–13–92; 8:45 am]

BILLING CODE 8010–01–M

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[1] See memorandum from Joseph P. Corrigan, Executive Director, OPRA, to Joseph Levin, CBOE, dated February 18, 1992 ("OPRA Capacity Statement").

[2] The Commission notes that, should the CBOE propose to modify the expiration cycle for OEX capped options beyond this limited modification, a rule filing pursuant to section 19(b)(2) of the Act will be required.

[3] 17 CFR 200.30–3(a)(12) (1991).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

March 10, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12F–1 thereunder for unlisted trading privileges in the following securities:

American Income Holdings, Inc.
Common Stock, $.10 Par Value (File No. 7–8177)
Foodmaker, Inc.
Common Stock, $.01 Par Value (File No. 7–8178)
Reader's Digest Association
Class B Voting Common Stock, $.01 Par Value (File No. 7–8179)
Toastmaster, Inc.
Common Stock, $.10 Par Value (File No. 7–8180)
GFC Financial Corp.
Common Stock, $.01 Par Value (File No. 7–8181)
Dial Corporation
Common Stock, $1.50 Par Value (File No. 7–8182)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–6062 Filed 3–13–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

March 10, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

ACM Government Opportunity Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–8187)
ACM Managed Income Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7–8188)
ACM Managed Multi-Market
Common Stock, $0.01 Par Value (File No. 7–8189)
Callaway Golf Co.
Common Stock, $0.01 Par Value (File No. 7–8190)
Coleman Co., Inc.
Common Stock, $0.01 Par Value (File No. 7–8191)
Duty Free International, Inc.
Common Stock, $0.01 Par Value (File No. 7–8192)
Enhance Financial Services Group, Inc.
Common Stock, $.10 Par Value (File No. 7–8193)
General Motors Corp.
Series C Depositary Shares (representing 1/10th of a share of Series C Convertible Preferred Stock), $0.10 Par Value (File No. 7–8194)
Living Centers of America, Inc.
Common Stock, $.01 Par Value (File No. 7–8195)
Musicland Stores Corp.
Common Stock, $.01 Par Value (File No. 7–8196)
Sears, Roebuck & Co.
$3.75 Depositary Shares (each representing ¼ share of Series A Mandatory Exchangeable Preferred Share—PERCS (File No. 7–8197)
Strategic Global Income Fund
Common Stock, $.001 Par Value (File No. 7–8198)
Tandy Corp.
$2.14 Depositary Shares (each representing 1/100th of a share of Series C Convertible Preferred Stock), No Par Value (File No. 7–8199)
Tyco Toys, Inc.
Common Stock, $.01 Par Value (File No. 7–8200)
Universal Corp.
Common Stock, No Par Value (File No. 7–8201)
Value Merchants, Inc.
Common Stock, $.01 Par Value (File No. 7–8202)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–6061 Filed 3–13–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

March 10, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Aquarion Corporation
Common Stock, $.01 Par Value (File No. 7–8155)
Cross Timbers Royalty Trust
Common Stock, $.01 Par Value (File No. 7–8156)
Fidelity National Financial, Inc.
Common Stock, $.001 Par Value (File No. 7–8157)
Smith Barney Intermediate Municipal Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–8158)
Toastmaster, Inc.
Common Stock, $.10 Par Value (File No. 7–8159)
Valspar Corp.
Common Stock, $.50 Par Value (File No. 7–8160)
Warnaco Group, Inc.
Class A Common Stock, $0.01 Par Value (File No. 7–8161)
Arm Financial Corporation
Common Stock, $.001 Par Value (File No. 7–8162)
Enzo Biochem, Inc.
Common Stock, $0.01 Par Value (File No. 7–8163)
First City Bancorp, Inc.
Common Stock, No Par Value (File No. 7–8164)
Henley International, Inc.
Common Stock, $0.001 Par Value (File No. 7–8165)
Kent Electronics Corp.
Common Stock, No Par Value (File No. 7–8166)
Common Stock, No Par Value (File No. 7–8166)
Specialty Chemical Resources, Inc.
Class A Common Stock, $.10 Par Value (File No. 7–8167)
Tofutti Brands, Inc.
Common Stock, $0.01 Par Value (File No. 7–8168)
Arrhythmia Research Technology, Inc.
Common Stock, $.01 Par Value (File No. 7–8169)
Chase Manhattan Corp.
Prd. Stock 9.08 Series J. Cum., Par Value (File No. 7–8170)
Foodmaker, Inc.
Common Stock, $.01 Par Value (File No. 7–8171)
GFC Financial Corporation
Common Stock, $.01 Par Value (File No. 7–8172)
Olin Corporation
Series A Conv. Pfd. Stock, No Par Value (File No. 7–8173)
American Income Holding, Inc.
Common Stock, $.01 Par Value (File No. 7–8174)
Reader Digest Association, Inc.
Class B Voting Common Stock, $.01 Par Value (File No. 7–8175)
Wells Fargo & Company
Depositary Shares, No Par Value (File No. 7–8176)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1992, written data, views and arguments concerning the above-referenced

application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6063 Filed 3-13-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25487]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 6, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 30, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Central and South West Corporation (70-7940); Proposal To Issue and Sell Common Stock in Connection With the Adoption of a Long-Term Incentive Plan and Directors Restricted Stock Plan; Order Authorizing Proxy Solicitation

Central and South West Corporation ("CSW"), 1616 Woodall Rodgers Freeway, P.O. Box 660164, Dallas, Texas 75266, a registered holding company, has filed a declaration pursuant to sections 6(a), 7 and 12(e) of the Act and rules 50(a) (5), 62 and 65 thereunder.

CSW proposes to adopt, subject to shareholder approval at the 1992 annual meeting of shareholders to be held on April 16, 1992 ("1992 Annual Meeting"), (1) the Central and South West Corporation 1992 Long-Term Incentive Plan ("Incentive Plan") and (2) the Central and South West Corporation Directors Restricted Stock Plan ("Directors Plan"). In accordance with the requirements of rule 16b-3 under the Securities Exchange Act of 1934, the two plans will be submitted to the shareholders of CSW for approval at the 1992 Annual Meeting.

CSW states that the purpose of the Incentive Plan is to enable CSW to attract, retain and motivate key employees, and to align their interests with those of CSW shareholders. Pursuant to the Incentive Plan, employees selected by the Executive Compensation Committee ("Committee") of CSW's Board of Directors ("Board") will be eligible from time-to-time through December 31, 2001 for certain performance- and equity-based awards, including stock options and stock appreciation rights, performance units, phantom stock and restricted shares of CSW common stock. The terms, amounts and timing of such awards will be determined by the Committee in accordance with the terms of the Incentive Plan. No more than 4 million shares of CSW common stock, par value $3.50 per share ("Common Stock"), will be subject to awards under the Incentive Plan (after giving effect to the Common Stock split to be effected on March 6, 1992), subject to certain adjustments to reflect combinations, reclassifications or subdivisions of such shares.

CSW states that the purpose of the Directors Plan is to attract highly qualified individuals to serve as non-employee directors on the Board and to further align each non-employee director's interests with those of CSW's shareholders by increasing the amount of Common Stock of CSW owned by each non-employee director. The restricted stock will be provided as part of their annual retainer fee (currently $24,000). Each non-employee director will automatically participate in the Directors Plan if such director has not been an employee of CSW during the one year period immediately prior to and including the date of the grant of such restricted stock. Under the Directors Plan, CSW proposes to issue, from time-to-time through December 31, 2002, up to 100,000 shares of Common Stock (after giving effect to the Common Stock split to be effected on March 6, 1992), subject to certain adjustment to reflect combinations, reclassifications or subdivisions of such shares. Common Stock which may be issued under the two plans may be either authorized and unissued shares or issued shares which have been reacquired by CSW and which are being held as treasury shares.

CSW thus requests authority (1) to grant various awards pursuant to the two plans and, in connection therewith, to issue and sell up to 4 million shares of Common Stock under the Incentive Plan through December 31, 2001 and up to 100,000 shares of Common Stock under the Directors Plan through December 31, 2002, and (2) to solicit proxies from its shareholders for approval of the two plans at its 1992 Annual Meeting. CSW requests an exception from the competitive bidding requirements of Rule 50 under the Act pursuant to subsection (a)(5) in connection with any issuance or sale of Common Stock under the two plans.

CSW has filed with the Commission its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation of proxies for voting by its shareholders on the two plans be permitted to become effective as provided in rule 62(d).

It appearing to the Commission that CSW's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to Rule 62:

It Is Ordered, That the declaration regarding the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, under Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6065 Filed 3-13-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25488]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 6, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 30, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

American Electric Power Company, Inc. (70-7778)

American Electric Power Company, Inc. ("AEP"), 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, has filed a post-effective amendment under section 12(b) of the Act and Rule 45 thereunder to its application-declaration originally filed under sections 6(a), 6(b), 7 and 12(b) of the Act and Rules 45 and 50(a)(5) thereunder.

By Commission order dated December 7, 1990 (HCAR No. 25201), the Commission authorized AEP, among other things, to make cash capital contributions to Columbus Southern Power Company ("Columbus"), an electric public-utility subsidiary company of AEP, from January 1, 1991 through December 31, 1993, of up to $40 million. AEP now requests authorization to increase the total authorized capital contributions to Columbus from $40 million to $70 million. In addition, AEP requests authorization to make capital contributions to Indiana Michigan Power Company, an electric public-utility subsidiary company of AEP, of up to $30 million through December 31, 1993.

The Southern Company, et al. (70-7937)

The Southern Company ("Southern"), a registered holding company, 64 Perimeter Center East, Atlanta, Georgia 30346, and its public utility subsidiaries, Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, Georgia Power Company ("Georgia"), 333 Piedmont Avenue, NE., Atlanta, Georgia 30308, Gulf Power Company ("Gulf"), 500 Bayfront Parkway, Pensacola, Florida 32520, Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, Savannah Electric and Power Company ("Savannah"), 600 Bay Street East, Savannah, Georgia 31401, and Southern Electric Generating Company ("SEGCO"), 600 North 18th Street, Birmingham, Alabama 35291, a subsidiary of Alabama and Georgia (collectively, "Applicants"), have filed an application-declaration under section 6(a), 6(b) and 7 of the Act and Rule 50(a)(5) thereunder.

By Commission orders dated April 28, 1990 and April 25, 1991 (HCAR Nos. 25077 and 25302, respectively), the Applicants (other than Georgia) were authorized, among other things, to issue and sell, from time-to-time through March 31, 1992, up to the aggregate principal amounts of $500 million for Southern, $450 million for Alabama, $50 million for Gulf, $120 million for Mississippi, $40 million for Savannah, and $100 million for SEGCO: (1) Short-term and/or term loan notes to banks; (2) commercial paper to dealers; and/or (3) short-term non-negotiable promissory notes to public entities in connection with the financing of certian pollution control facilities through the issuance by such public entities of their revenue bond anticipation notes.

By Commission order dated November 30, 1990 (HCAR No. 25197), Georgia was authorized, among other things, to issue and sell, through September 1, 1992, up to $1 billion aggregate principal amount of: (1) Short-term notes; (2) term-loan notes; and/or (3) commercial paper in any combination.

The Applicants now propose to issue and sell, from time-to-time through March 31, 1994, up to the aggregate principal amounts of $500 million for Southern, $450 million for Alabama, $800 million for Georgia, $100 million for Gulf, $140 million for Mississippi, $80 million for Savannah and $100 million for SEGCO: (1) Short-term notes to banks ("Short-Term Notes"); (2) short-term or term notes to banks under revolving credit arrangements; (3) commercial paper ("Commercial Paper") to dealers; and/or (4) short-term non-negotiable promissory notes ("Pollution Control Notes") to public entities in connection with the financing of certain pollution control facilities through the issuance by such public entities of their revenue bond anticipation notes.

The Short-Term Notes to be issued by Alabama, Georgia, Gulf and Mississippi will have maturities of not more than nine months and will bear interest at: (1) The lending bank's prevailing rate offered to corporate borrowers of similar quality; (2) a margin over the London Interbank Offered Rate ("LIBOR"); (3) a margin over certificate of deposit rates ("CD Rate"); or (4) a rate not to exceed the prime rate. The Short-Term Notes to be issued by Savannah will have a maturity of not more than one year and will bear interest at rates in all cases less than the prime rate at the time of issuance and will not be prepayable without premium or penalty.

Compensation for the credit facilities is provided by: (1) For Alabama, the maintenance of balances of up to 5% of the lines or comparable fees in lieu of balances; (2) for Gulf and Mississippi, the maintenance of balances of up to 5% of the available facilities or by fees up to ⅛% per annum of the amount of the facilities; (3) for Georgia, fees of up to ½% of the unused amount of the unused portion of the respective line; and (4) for Savannah, fees equal to ¼% of the unused amount of the respective lines.

The revolving credit arrangement borrowings of Southern, Alabama, Georgia, and Mississippi will be evidenced by promissory notes to mature not more than two hundred seventy (270) days after the date of borrowing. Such short-term borrowings will be renewable at maturity and may be converted to term loans at the borrower's option. Under the term loan option, borrowings will be repaid in twelve (12) equal quarterly installments, beginning after the termination date in effect at the time of the borrowing, or at an earlier date at the borrower's option. The interest rate options available will be: (1) The lender's floating prime rate ("Base Borrowing"); (2) the lender's CD Rate adjusted for Federal Reserve Board reserve requirements imposed upon the lender ("Adjusted CD Rate") plus up to ¾% ("CD Borrowing"); and (3) LIBOR adjusted for Federal Reserve Board reserve requirements imposed upon the lender ("Adjusted LIBOR") plus up to

⅛% ("Eurodollar Borrowing"). Base Borrowings will be prepayable at any time without premium or penalty, whereas advances in connection with CD Borrowings and Eurodollar Borrowings will be prepayable only at the end of each interest period with respect thereto. Compensation for the revolving credit facilities will be provided by fees up to ½% of the unused portion of the bank's commitment or by comparable balances in lieu of such fees. It is proposed that Gulf and Savannah may be parties to and effect borrowings under certain of such agreements.

SEGCO's revolving credit borrowings will be evidenced by notes ("SEGCO Revolving Notes") to mature in not more than five (5) years after the date of issue. SEGCO has obtained specific commitments with group of seven (7) banks in the aggregate amount of $75 million. The SEGCO Revolving Notes will bear interest at one of the three rates, as selected by SEGCO at the time of each borrowing, based on: (1) The lender's floating prime rate, (2) the lender's Adjusted CD Rate plus ⅝% per annum at one of the banks and ½% at the other banks; or (3) Adjusted LIBOR plus ½% per annum at one of the banks and ⅜% at the other banks. SEGCO will pay the following fees for the lines of credit: (1) ½% per annum times an amount equal to 5% of average borrowings outstanding at one bank (or, at the option of SEGCO, by maintaining comparable balances); and (2) at the other banks, ⅜% per annum on the daily unused portion of such commitment to be payable quarterly in arrears. Borrowings which bear interest at the lender's prime rates are prepayable at any time without premium or penalty, whereas borrowings which bear interest at the other rates are prepayble only if amounts prepaid are accompanied by an amount equal to any loss or expense incurred by the lender due to such prepayment. Any future commitments other than the foregoing will be at an interest rate not in excess of the prime rate plus two percent per annum.

The Commercial Paper will be sold directly to or through dealers at a discount rate, including any commissions, not in excess discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. The Commercial Paper will not be prepayable and will have varying maturities, none in excess of nine months.

The Applicants, except Southern, propose to enter into agreements with public entities whereby such public entities will issue revenue bond anticipation notes, having a maturity of not more than one year, and will loan to the respective Applicant the proceeds thereof, and the Applicant will issue the Pollution Control Notes therefor. The payments on the Pollution Control Notes will be made at times and in amounts which will correspond to the payments with respect to the revenue bond anticipation notes.

The Applicants propose to issue and sell the Commercial Paper and issue the Pollution Control Notes under an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5).

The Applicants will use the proceeds of the proposed borrowings for working capital purposes, including the financing in part of their construction programs of the operating subsidiaries.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6066 Filed 3-13-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Bureau of Diplomatic Security

[Public Notice 1582]

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

SUMMARY: The American Embassy in Nicaragua has been holding discussions with the Government of Nicaragua concerning claims made by U.S. citizens whose property is alleged to have been confiscated by the Sandinista government. The proposed information collection will enable the Embassy to assist U.S. citizens more efficiently in attempting to pursue their claims.

The following summarizes the information collection proposal submitted to OMB:

Type of request—New

Originating office—United States Embassy, Managua, Nicaragua

Title of information collection—U.S. Citizens with Confiscation Claims against Nicaragua

Confiscation Cases:

Frequency—One-time filing.

Form No. DSP-116.

Respondents—U.S. citizens who claim to have properties that were confiscated by the Sandinista government.

Estimated number of respondents—125.

Average hours per response—30 minutes.

Section 3504(h) of P.L. 96.511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook, (202) 647-3538. Comments and questions should be directed to OMB, Lin Liu, (202) 395-7340.

Dated: March 2, 1992.

Sheldon J. Krys,

Assistant Secretary for Diplomatic Security.

[FR Doc. 92-6002 Filed 3-13-92; 8:45 am]

BILLING CODE 4710-43-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 92-017]

Navigation Safety Advisory Council; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. 2), notice is hereby given of a meeting of the Navigation Safety Advisory Council to be held in the Stevenson Room at the Best Western Old Colony Inn, 625 First Street, Alexandria, VA on Saturday through Tuesday, April 25-28, 1992. The Council will convene for a preliminary plenary session at 5 p.m. on Saturday, April 25, 1992.

Committees will meet on Saturday, April 25 from 5:30 to 8:30 p.m. and on Sunday, April 26 from 8:30 to 11:30 a.m. and 1 p.m. to 4 p.m. Committee discussions will include the following topics:

a. *Navigation Rules:*

1. Review of International Rule 5 and provisions of the STCW on lookout duties.

2. Review of lighting required for vessels moored to a buoy.

3. Consistency review of Navigation Rules.

b. *Routing Measures and Vessel Traffic Service (VTS) issues:*

1. National VTS regulations.

2. Oil Pollution Act of 1990 mandated tanker movement study.

c. *Human Factors in Navigation Safety:*

1. Bridge procedures and bridge management.

2. Fatigue.

d. *Marine Information and Communications:*

1. NTSB recommendation that 33 CFR 164.11(k) be amended to require that masters and pilots discuss and agree beforehand to the essential features and relevant checkpoints of maneuvers they expect to undertake.

The Council will convene in plenary session on Monday, April 27 at 8 a.m. to 3 p.m. and reconvene on Tuesday, April 28 at 8 a.m. to 12 noon to hear Committee status reports and any matters properly brought before the Council.

The meeting is open to the public. Persons wishing to make oral statements should notify the Executive Director at the address below no later than Friday, April 24, 1992. Any person may present a written statement to the Council at any time without advance notice.

FOR FURTHER INFORMATION CONTACT: Margie G. Hegy, Executive Director, Navigation Safety Advisory Council, U.S. Coast Guard (G-NSR-3), Washington, DC 20593-0001, Telephone (202) 267-0415.

Dated: March 9, 1992.

W. J. Ecker,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 92-6045 Filed 3-13-92; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 9, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington DC 20220.

Internal Revenue Service

OMB Number: 1545-0073.

Form Number: IRS Form 1310.

Type of Review: Extension.

Title: Statement of Person Claiming Refund Due a Deceased Taxpayer.

Description: Forms 1310 is used by a claimant to secure payment of a refund on behalf of a deceased taxpayer. The information enables IRS to send the refund to the correct person.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 7,500.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping: 7 minutes.

Learning about the law or the form: 3 minutes.

Preparing the form: 14 minutes.

Copying, assembling, and sending the form to the IRS: 17 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 5,100 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-6049 Filed 3-13-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review.

DATE: March 9, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington DC 20220.

Internal Revenue Service

OMB Number: 1545-0956.

Form Number: IRS Form 5500EZ.

Type of Review: Revision.

Title: Annual Return of One-participant (Owners and Their Spouses) Pension Benefit Plan.

Description: Form 5500EZ is an annual return filed by a one-participant or one-participant and spouse pension plan. The IRS uses this data to determine if the plan appears to be operating properly as required under the law or whether the plan should be audited.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 50,000.

Estimated Burden Hours PER Respondent/Recordkeeper:

Recordkeeping: 10 hours, 46 minutes.

Learning about the law or the form: 1 hour, 4 minutes.

Preparing the form: 2 hours, 13 minutes.

Copying, assembling, and sending the form to the IRS: 16 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 715,500 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-6050 Filed 3-13-92; 8:45 am]

BILLING CODE 4830-01-M

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 21]

Surety Companies Acceptable on Federal Bonds; Acceptance Insurance Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 revision, on page 30129 to reflect this addition:

Acceptance Insurance Company.

Business Address: 105 South 17th Street, suite 500, Omaha, NE 68102.

Underwriting Limitation b/$2,264,000.

Surety License c/: AL, AZ, CO, IA, MI, NE, ND. Incorporated In: Nebraska.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations.

area in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6696.

Dated: March 9, 1992.

Charles F. Schwan III,

Director, Funds Management Division.

[FR Doc. 92-6075 Filed 3-13-92; 8:45 am]

BILLING CODE 4810-35-M

DEPARTMENT OF TREASURY

Internal Revenue Service Project; Town Meeting

Forms Standardization (IRS)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Town Meeting.

SUMMARY: In reference to the previous announcement of the Forms Standardization Project's intent to have a multi-functional work group, we are holding an open town meeting on Thursday, April 9, 1992. The meeting will be held in room 3000 of the Ariel Rios Building. The building is located at 1200 Pennsylvania Avenue, NW, Washington, DC. The meeting will begin at 9 a.m., and should last no more than three hours. At this meeting, the Forms Standardization staff will share IRS form design standards as they relate to Tax System Modernization (TSM).

Note: Last minute changes to the date or time of meeting are possible and could prevent advance notice.

DATE: The Meeting, which will be open to the public, will be in a room that accommodates approximately 75 people, including members of Forms Standardization Project Office and IRS officials. Due to the limited conference space, notification of intent to attend the meeting must be made no later than April 3, 1992.

FOR FURTHER INFORMATION CONTACT: Please contact Faye Bruce at 202-786-8524 (not toll free), to confirm attendance or for additional information. If you wish to communicate by FAX, the number is 202-566-4964.

Dated: March 6, 1992.

Robert Carver,

Director, Returns Processing and Accounting Division R:R.

[FR Doc. 92-5861 Filed 3-13-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 92-3]

Stock Appraisals

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of policy statement on stock appraisals.

SUMMARY: The Office of the Comptroller of the Currency (OCC) has issued Banking Circular 259 to describe methods used by the OCC to estimate the value of a bank's share when a shareholder dissents to a conversion, consolidation, or merger involving a national bank, and to summarize the results of appraisals performed by the OCC between January 1, 1985, and September 30, 1991. This notice, which provides the full text of BC 259, is for the benefit of persons who do not normally receive banking circulars.

DATE: BC 259 was dated March 5, 1992.

SUPPLEMENTARY INFORMATION: On March 5, 1992, the OCC issued BC 259 describing methods used to estimate the value of a bank's shares and the results of appraisals performed by the OCC between January 1, 1985, and September 30, 1991. The full text of B 259 is set out below.

To: Chief Executive Officers of National Banks, Deputy Comptrollers (District), Departmenat and Division Heads, and Examining Personnel.

Purpose

This Banking Circular informs all national banks of the valuation methods used by the Office of the Comptroller of the Currency (OCC) to estimate the value of a bank's shares when requested to do so by a shareholder dissenting to the conversion, merger, or consolidation of its bank. The results of appraisals performed by the OCC between January 1, 1985, and September 30, 1991 are summarized.

References: 12 U.S.C. 214a, 215 and 215a; 12 CFR 11.590 (item 2)

Background

Under 12 U.S.C. 214a, a shareholder dissenting from a conversion, consolidation, or merger involving a national bank is entitled to receive the value of his or her shares from the resulting bank. A valuation of the shares shall be made by a committee of three appraisers (a representative of the dissenting shareholder, a representative of the resulting bank, and a third appraiser selected by the other two). If the committee is formed and renders an appraisal that is acceptable to the dissenting shareholder, the process is complete and the appraised value of the shares is paid to the dissenting shareholder by the resulting bank. If, for any reason, the committee is not formed or if it renders an appraisal that is not acceptable to the dissenting shareholder, an interested party may request an appraisal by the OCC. 12 U.S.C. 215 provides these appraisal rights to any shareholder dissenting to a consolidation. Any dissenting shareholder of a target bank in a merger is also entitled to these appraisal rights pursuant to 12 U.S.C. 215a.

The above provides only a general overview of the appraisal process. The specific requirements of the process are set forth in the statutes themselves.

Methods of Valuation Used

Through its appraisal process, the OCC attempts to arrive at a fair estimate of the value of a bank's shares. After reviewing the particular facts in each case and the available information on a bank's shares, the OCC selects an appropriate valuation method, or combination of methods, to determine a reasonable estimate of the shares' value.

Market Value

The OCC uses various methods to estimate the market value of shares being appraised. If sufficient trading in the shares exists and the prices are available from direct quotes from the Wall Street Journal or a market-maker, those quotes are considered in determining the market value. If no market value is readily available, or if the market value available is not well established, the OCC may use other methods of estimating market value, such as the investment value and adjusted book value methods.

Investment Value

Investment value requires an assessment of the value to investors of a share in the future earnings of the target bank. Investment value is estimated by applying an average price/earnings ratio of banks with similar earnings potential to the earnings capacity of the target bank.

The peer group selection is based on location, size, and earnings patterns. If the state in which the subject bank is located provides a sufficient number of comparable banks using location, size and earnings patterns as the criteria for selection, the price/earnings ratios assigned to the banks are applied to the earnings per share estimated for the subject bank. In order to select a reasonable peer group when there are too few comparable independent banks in a location that is comparable to that of the subject bank, the pool of banks from which a peer group is selected is broadened by including one-bank holding company banks in a comparable location, and/or by selecting banks in less comparable locations, including adjacent states, that have earnings patterns similar to the subject bank.

Adjusted Book Value

The OCC also uses an "adjusted book value" method for estimating value. Historically, the OCC has not placed any weight on the bank's "unadjusted book value", since that value is based on historical acquisition costs of the bank's assets, and does not reflect investors' perceptions of the value of the bank as an ongoing concern. Adjusted book value is calculated by multiplying the book value of the target bank's assets per share times the average market price to book value ratio of comparable banking organizations. The average market price to book value ratio measures the premium or discount to book value, which investors attribute to shares of similarly situated banking organizations.

Both the investment value method and the adjusted book value method present appraised values, which are based on the target bank's value as a going concern. These techniques provide estimates of the market value of the shares of the subject bank.

Overall Valuation

The OCC may use more than one of the above-described methods in deriving the value of shares of stock. If more than one method is used, varying weights may be applied in reaching an overall valuation. The weight given to the value by a particular valuation method is based on how accurately the given method is believed to represent market value. For example, the OCC may give more wieght to a market value representing infrequent trading by shareholders than to the value derived from the investment value method when the subject bank's earnings trend is so irregular that it is considered to be a poor predictor of future earnings.

Purchase Premiums

For mergers and consolidations, the OCC recognizes that purchase premiums do exist and may, in some instances, be paid in the purchase of small blocks of shares. However, the payment of purchase premiums depends entirely on the acquisition or control plans of the purchasers, and such payments are not regular or predictable elements of market value. Consequently, the OCC's valuation methods do not include consideration of purchase premiums in arriving at the value of shares.

Statistical Data

The chart below lists the results of appraisals the OCC performed between January 1, 1985, and September 30, 1991. The OCC provides statistical data on book value and price/earnings ratios for comparative purposes, but does not necessarily rely on such data in determining the value of the banks' shares. Dissenting shareholders should not view these statistics as determinative for future appraisals.

In connection with disclosures given to shareholders under 12 CFR 11.590 (Item 2), banks may provide shareholders a copy of this Banking Circular or disclose the information contained in the Banking Circular, including the results of OCC appraisals. If the bank discloses the past results of the OCC appraisals, it should advise shareholders that: (1) The OCC did not rely on all the information set forth in the chart in performing each appraisal; and, (2) the OCC's past appraisals are not necessarily determinative of its future appraisals of a particular bank's shares.

APPRAISAL RESULTS

Appraisal date *	Appraisal value	Price offered	Book value	Average price earnings ratio of peer group
1/1/85	107.05	110.00	178.29	5.3
1/2/85	73.16	NA	66.35	6.8
1/15/85	53.41	60.00	83.95	4.8
1/31/85	22.72	20.00	38.49	5.4
2/1/85	30.63	24.00	34.06	5.7
2/25/85	27.74	27.55	41.62	5.9
4/30/85	25.98	35.00	42.21	4.5
7/30/85	3,153.10	2,640.00	6,063.66	NC
9/1/85	17.23	21.00	21.84	4.7
11/22/85	316.74	338.75	519.89	5.0
11/22/85	30.28	NA	34.42	5.9
12/16/85	66.29	77.00	89.84	5.6
12/27/85	60.85	57.00	119.36	5.3
12/31/85	61.77	NA	73.56	5.9
12/31/85	75.79	40.00	58.74	12.1
1/12/86	19.93	NA	26.37	7.0
3/14/86	59.02	200.00	132.20	3.1
4/21/86	40.44	35.00	43.54	6.4
5/2/86	15.50	16.50	23.69	5.0
7/3/86	405.74	NA	612.62	3.9
7/31/86	297.34	600.00	650.63	4.4
8/22/86	103.53	105.67	136.23	NC
12/26/86	16.66	NA	43.57	4.0
12/31/86	53.39	95.58	69.66	7.1
5/1/87	186.42	NA	360.05	5.1
6/11/87	50.46	70.00	92.35	4.5
6/11/87	38.53	55.00	77.75	4.5
7/31/87	13.10	NA	20.04	6.7
8/26/87	55.92	57.52	70.88	NC
8/31/87	18.55	23.75	30.64	5.0
8/31/87	10.96	NA	17.01	4.2
10/6/87	56.48	60.00	73.11	5.8
3/15/88	297.63	NA	414.95	6.2
6/2/88	27.26	NA	28.45	5.4

APPRAISAL RESULTS—Continued

Appraisal date *	Appraisal value	Price offered	Book value	Average price earnings ratio of peer group
6/30/88	137.78	NA	215.36	6.0
8/30/88	768.62	877.00	1,090.55	10.7
3/31/89	773.62	NA	557.30	7.9
5/26/89	136.47	180.00	250.42	4.5
5/29/90	9.87	NA	11.04	9.9

*The "Appraisal Date" is the consummation date for the conversion, consolidation, or merger.
NA—Not Available.
NC—Not Computed.

For more information regarding the OCC's stock appraisal process, contact the Office of the Comptroller of the Currency, Bank Organization and Structure

Dated: February 26, 1992.
Robert L. Clarke,
Comptroller of the Currency.
[FR Doc. 92-6077 Filed 3-13-92; 8:45 am]
BILLING CODE 4810-33-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 51
Monday, March 16, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 18, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Pride in Public Service Award.*

The Commission will present the Pride in Public Service Award to March's recipient.

2. *Choking Hazards Options.*

The Commission will consider options to address choking hazards associated with : (1) Toys and other articles with small parts intended for children aged three years to approximately six years, (2) balloons, (3) marbles, and (4) small balls.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: March 12, 1992.
Sheldon D. Butts,
Deputy Secretary.
[FR Doc. 92-6189 Filed 3-13-92; 1:54 pm]
BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Thursday, March 19, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Actions to Gather Information About Risks Associated With Lead In Paint.*

The staff will brief the Commission concerning options for obtaining additional information concerning the appropriate regulatory level for lead in paint.

Closed to the Public

2. *Enforcement Matter OS 3146.*

The staff will brief the Commission on enforcement matter OS# 3146.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: March 12, 1992.
Sheldon D. Butts,
Deputy Secretary.
[FR Doc. 92-6190 Filed 3-12-92; 1:54 pm]
BILLING CODE 6355-01-M

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 F.R., Monday, March 2, 1992, Page No. 7433.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., Thursday, April 16, 1992.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously scheduled Oral Argument in Schering Corp., Docket No. 9232, from Thursday, April 16, 1992, at 2:00 p.m., to Tuesday, May 12, 1992, at 2:00 p.m.

Donald S. Clark,
Secretary.
[FR Doc. 92-6224 Filed 3-12-92; 3:58 pm]
BILLING CODE 6750-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

REAUTHORIZATION COMMITTEE MEETING

TIME AND DATE: The Board of Directors Reauthorization Committee will meet on April 5, 1992. The meeting is scheduled to commence at 2:00 p.m.

PLACE: The Hilton Palacio Del Rio Hotel, 200 South Alamo, The La Condesa Room, 22nd Floor, San Antonio, Texas 78205, (512) 222-1400.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of February 17, 1992 Meeting.
3. Public Comment regarding Inspector General's February 17, 1992 Comments on Proposed Reauthorization Legislation for the Corporation.
4. Staff Comment Regarding Proposed Reauthorization Legislation for the Corporation.
5. Consideration of Comments of the Inspector General Regarding Proposed Reauthorization Legislation for the Corporation.
6. Consideration of Proposed Reauthorization Legislation for the Legal Services Corporation.

CONTACT PERSON FOR INFORMATION: Members of the public wishing to comment on the above-described matters are requested to contact Patricia Batie at (202) 863-1839 not later than March 30, 1992.

Date issued; March 12, 1992.
Patricia D. Batie,
Corporate Secretary
[FR Doc. 92-6199 Filed 3-12-92; 1:55 pm]
BILLING CODE 7050-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 16, 1992.

A closed meeting will be held on Tuesday, March 17, 1992, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 17, 1992, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the

scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jonathan Gottlieb at (202) 272-2200.

Dated: March 12, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6222 Filed 3-12-92; 3:57 pm]

BILLING CODE 6015-01-M

Corrections

Federal Register

Vol. 57, No. 51

Monday, March 16, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

Correction

In notice document 92-4665 appearing on page 6832 in the issue February 28, 1992, make the following correction:

In the first column, in the **SUMMARY**, in the fourth line, "Boxton" should read "Boston".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0073]

Drug Export; Blood Grouping Reagent: Anti-C (Anti-Hr') (Monoclonal) Bioclone for Slide, Tube, and Microplate Test

Correction

In notice document 92-4184 appearing on page 6506 in the issue of Tuesday, February 25, 1992, make the following corrections:

1. In the second column, in the heading of the document, the subject heading should read as set forth above.

2. In the same column, in the **SUMMARY**, "Reagent -" should read "Reagent,".

3. In the third column, in the 13th line, after "Reagent" insert ", Anti-c".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Investigational New Drugs; Procedure To Monitor Clincal Hold Process; Meeting of Review Committee and Request for Submissions

Correction

In notice document 92-4601 beginning on page 6832 in the issue of Friday, February 28, 1992, make the following correction:

On page 6832, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, in the first line insert, "Deborah Wolf,".

BILLING CODE 1505-01-D

RESOLUTION TRUST CORPORATION

Real Property Disposal; Statement of Policy on Sale of Real Estate Property and Establishing Prices in Auctions Sales

Correction

In notice document 92-3918 beginning on page 6143 in the issue of Thursday, February 20, 1992, make the following correction:

On page 6143, in the third column, in the second paragraph, in the ninth line, "$1,000,000" should read "$100,000".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-263-AD; Amendment 39-8177; AD 92-04-06]

Airworthiness Directives; Airbus Model A320 Series Airplanes

Correction

In rule document 92-3904 beginning on page 6068 in the issue of Thursday, February 20, 1992, make the following correction:

§ 39.13 [Corrected]

On page 6069, in the third column, in § 39.13(a)(1)(i), in the third line, "not" should be removed.

BILLING CODE 1505-01-D

federal register

Monday
March 16, 1992

Part II

Office of Management and Budget

Rescissions and Deferrals; Cumulative Report; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 1992

This report is submitted in fulfillment of the requirement of section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress.

This report gives the status, as of March 1, 1992, of one rescission proposal and 11 deferrals contained in the three special messages for FY 1992. These messages were transmitted to Congress on September 30, and December 19, 1991, and on February 19, 1992.

Rescissions (Table A and Attachment A)

As of March 1, 1992, one rescission proposal totaling $16.7 million was pending before Congress. However, 32 rescission proposals for the Departments of Commerce, Defense, Health and Human Services, Housing and Urban Development, the Interior, and Transportation, which were included in the February 18th Supplement to the FY 1993 Budget, will be transmitted later this month in the Fourth and Fifth Special Messages.

Deferrals (Table B and Attachment B)

As of March 1, 1992, $2,621.5 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1992.

Information from Special Messages

The special messages containing information on the rescission proposal and deferrals that are covered by this cumulative report are printed in the **Federal Registers** cited below:

56 FR 50620, Monday, October 7, 1991.
56 FR 67402, Monday, December 30, 1991.
57 FR 6644, Wednesday, February 26, 1992.

Richard Darman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF FY 1992 RESCISSIONS

	Amounts (In millions of dollars)
Rescissions proposed by the President.....	16.7
Rejected by the Congress.....	---
Funding never withheld.....	---
Pending before the Congress.....	16.7

TABLE B

STATUS OF FY 1992 DEFERRALS

	Amounts (In millions of dollars)
Deferrals proposed by the President.....	5,631.1
Routine Executive releases through March 1, 1992...	-3,009.6
Overturned by the Congress.....	---
Currently before the Congress.....	2,621.5

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ATTACHMENT A
Status of FY 1992 Rescission Proposals
(Amounts in thousands of dollars)

As of March 1, 1992 Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Amount Rescinded	Amount Previously Withheld and Made Available	Date Made Available	Congressional Action
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program.....	R92-1	16,700		2-19-92				

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ATTACHMENT B
Status of FY 1992 Deferrals – As of March 1, 1992
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(-): Cumulative OMB/Agency	Releases(-): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 3-1-92
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	D92-1	244,777		09-30-91					
	D92-1A		1,623,312	12-19-91	1,079,466				788,623
Foreign military financing	D92-8	1,908,000		12-19-91	777,300				1,130,700
Agency for International Development									
International disaster assistance,									
Executive	D92-2	40,704		09-30-91					
	D92-2A		12,483	02-19-92					53,187
Demobilization and transition fund	D92-9	13,000		12-19-91					13,000
DEPARTMENT OF AGRICULTURE									
Forest Service									
Cooperative work	D92-3	482,378		09-30-91	135,434				346,944
Expenses, brush disposal	D92-10	101,006		12-19-91					101,006
Timber salvage sales	D92-11	131,549		02-19-92					131,549
DEPARTMENT OF DEFENSE – CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D92-4	1,416		09-30-91					1,416

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ATTACHMENT B
Status of FY 1992 Deferrals – As of March 1, 1992
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(-): Cumulative OMB/Agency	Releases(-): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 3-1-92
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses	D92-5	7,317		09-30-91					7,317
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund, executive	D92-6	30,053		09-30-91					
	D92-6A		24,750	12-19-91	7,000				47,803
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund)	D92-7	1,010,375		09-30-91	1,010,375				0
TOTAL, DEFERRALS		3,970,575	1,660,545		3,009,575	0		0	2,621,545

[FR Doc. 92-6080 Filed 3-13-92; 8:45 am]
BILLING CODE 3110-01-C

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federal register

Monday
March 16, 1992

Part III

The President

Executive Order 12792—National Commission on America's Urban Families

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Presidential Documents

Title 3—

The President

Executive Order 12792 of March 12, 1992

National Commission on America's Urban Families

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), a commission on America's urban families, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the National Commission on America's Urban Families ("Commission"). The Commission shall be composed of up to eight members appointed by the President.

(b) The President shall appoint a Chairman and Co-chairman from among the members of the Commission. The Chairman shall appoint an Executive Director.

Sec. 2. *Functions.* (a) The Commission shall:

- examine the current condition of urban families;
- consider how existing government policies and programs support or weaken the urban family structure;
- evaluate the potential for integrating the delivery of government services in ways to strengthen urban families;
- identify State, local, and Federal programs that have been successful in preserving and strengthening urban families;
- analyze ways to improve private/nonprofit efforts to preserve and strengthen urban families; and
- provide appropriate recommendations for government policies and programs and for actions by other institutions to strengthen families living in urban areas.

(b) The Commission shall make its report to the President on or before December 31, 1992.

Sec. 3. *Administration.* (a) The heads of executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for the purpose of carrying out its functions.

(b) Members of the Commission shall serve without any compensation for their work on the Commission. However, they shall be entitled to travel expenses, including per diem in lieu of subsistence, as authorized for persons serving intermittently in the Government service (5 U.S.C. 5701–5707 and 5 U.S.C. App. 2, 7(d)). The Executive Director shall be compensated at a rate of pay not to exceed the maximum allowable under section 7(d)(1)(A) of the Federal Advisory Committee Act, as amended.

(c) The Department of Health and Human Services shall provide the Commission with administrative services, facilities, staff, and other support services necessary for the performance of its functions. Funds for the operation of the Commission shall be provided by the Department of Health and Human Services.

(d) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, which are applicable to the Commission, except that of reporting to the Congress, shall be performed by the Secretary of Health and Human Services in accordance with guidelines issued by the Administrator of General Services.

(e) The Commission shall terminate 30 days after submitting its report.

George Bush

THE WHITE HOUSE,
March 12, 1992.

[FR Doc. 92-6207
Filed 3-13-92; 11:07 am]
Billing code 3195-01-M

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.J. Res. 350/P.L. 102–253
Designating March 1992 as "Irish-American Heritage Month". (Mar. 10, 1992; 105 Stat. 70; 1 page) Price: $1.00

H.J. Res. 343/P.L. 102–254
To designate March 12, 1992, as "Girl Scouts of the United States of America 80th Anniversary Day". (Mar. 11, 1992; 106 Stat. 71; 1 page) Price: $1.00

Last List March 13, 1992

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–017–00001–9)	$13.00	Jan. 1, 1992
3 (1990 Compilation and Parts 100 and 101)	(869–013–00002–1)	14.00	[1] Jan. 1, 1991
*4	(869–017–00003–5)	16.00	Jan. 1, 1992
5 Parts:			
1–699	(869–013–00004–8)	17.00	Jan. 1, 1991
700–1199	(869–013–00005–6)	13.00	Jan. 1, 1991
1200–End, 6 (6 Reserved)	(869–013–00006–4)	18.00	Jan. 1, 1991
7 Parts:			
0–26	(869–013–00007–2)	15.00	Jan. 1, 1991
27–45	(869–017–00006–1)	12.00	Jan. 1, 1992
46–51	(869–013–00009–9)	17.00	Jan. 1, 1991
52	(869–013–00010–2)	24.00	Jan. 1, 1991
*53–209	(869–017–00011–6)	19.00	Jan. 1, 1992
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700–899	(869–013–00015–3)	19.00	Jan. 1, 1991
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[2] The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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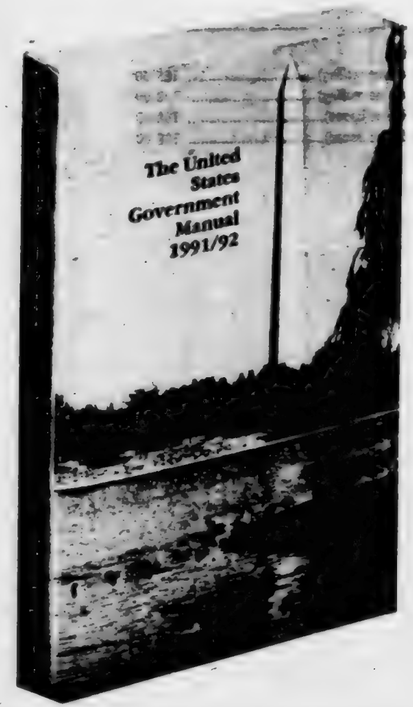

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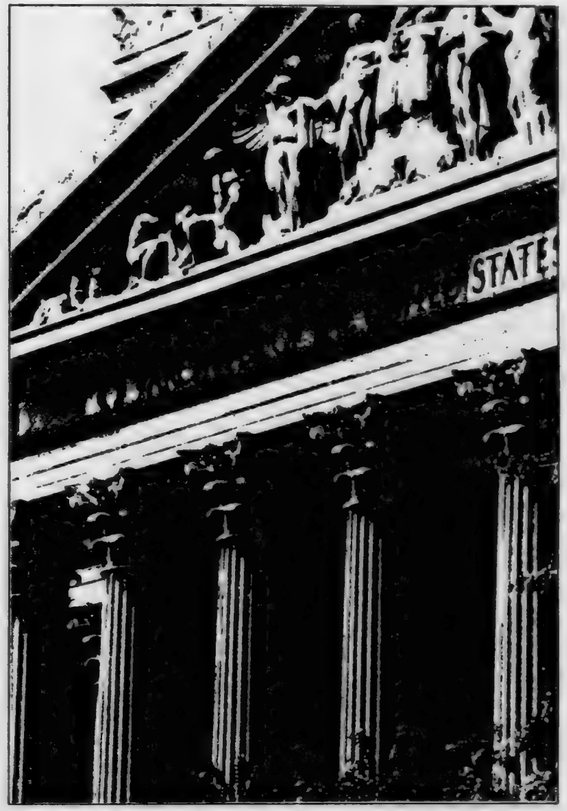

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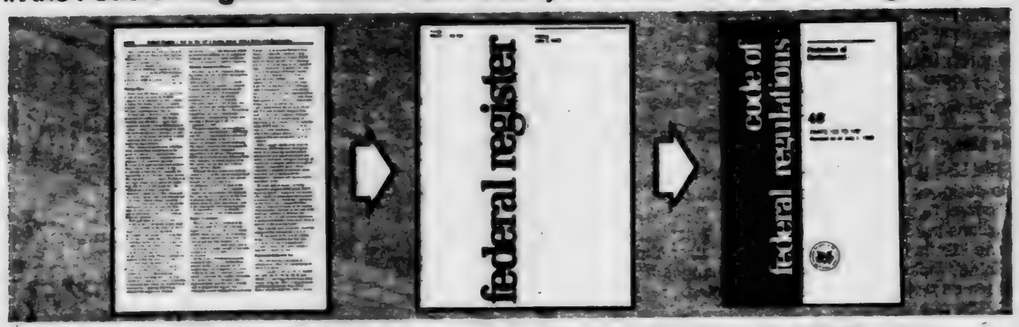

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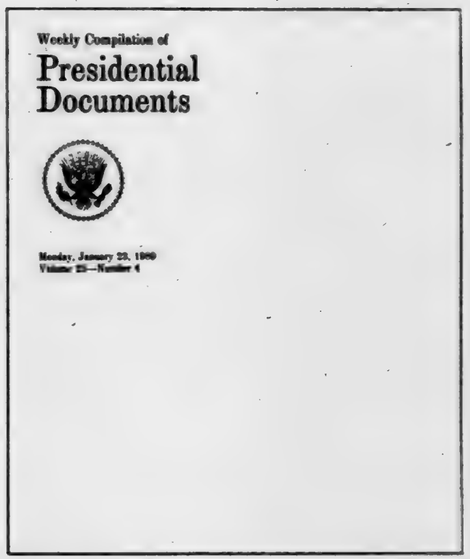

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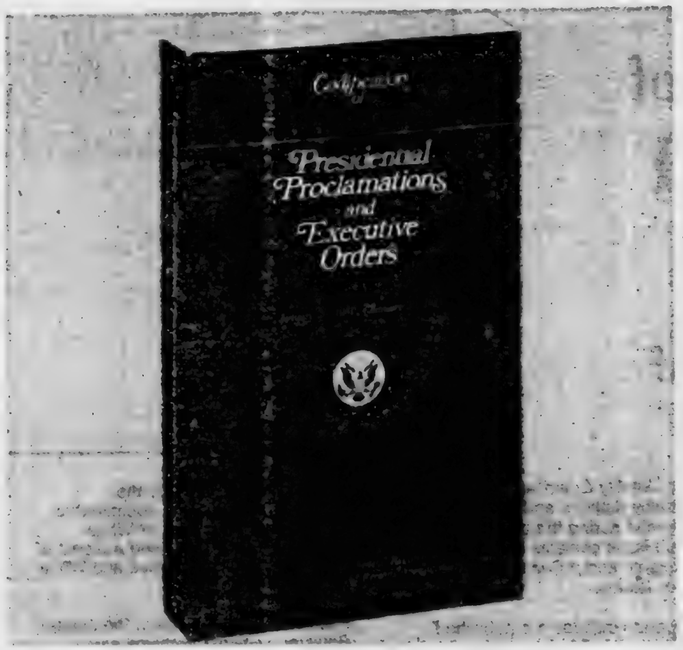

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Vol. 57 No. 52

Tuesday
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Tuesday
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Briefing on How To Use the Federal Register
For information on a briefing in Washington, DC, see announcement on the inside cover of this issue.

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Rules and Regulations

Federal Register
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Tuesday, March 17, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 29

[Docket No. 91-ASW-4; Special Condition 29-ASW-4]

Special Conditions; Aerospatiale Model AS-365N2 "Dauphin" Helicopter, Electronic Flight Instrument System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special condition.

SUMMARY: This special condition is issued for the Aerospatiale Model AS-365N2 "Dauphin" helicopter. This helicopter will have a novel or unusual design feature associated with the Electronic Flight Instrument System. This special condition contains additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATES: April 16, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Carroll Wright, FAA, Rotorcraft Standards Staff, Regulations Group, Fort Worth, Texas 76193-0111, telephone 817-624-5121.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1991, Keystone Helicopter Corporation, West Chester, Pennsylvania, submitted an application for a Supplemental Type Certificate (STC) for installation of an Electronic Flight Instrument System in an Aerospatiale AS-365N2 "Dauphin" helicopter. This aircraft is a 13-passenger, two-engine, 9,370-pound transport category helicopter. The Aerospatiale Model AS-365N2, as modified, will incorporate electrical/electronic systems that will be performing functions critical to the continued safe flight and landing of the helicopter. The Electronic Flight Instrument System performs the function of display of attitude. The display of attitude to the pilot is critical to the continued safe flight and landing of the helicopter for instrument flight rules (IFR) operations in instrument meteorological conditions.

Type Certification Basis

The certification basis of the Model AS-365N2 includes: FAR 21.29 and FAR 29 effective February 1, 1965, Amendments 29-1 through 29-11; Airworthiness Criteria for Helicopter Instrument Flight, dated December 15, 1978, for IFR certification; and Longitudinal Static Stability FAR 29.173. Aerospatiale has elected to comply with FAR 29, Amendments 29-12 through 29-16, except for FAR 29.397 as concerns rotorbrake.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an aircraft or installation.

Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become a part of the type certification basis, as provided by § 21.101(b)(2).

Discussion

Notice of Proposed Special Condition No. SC-91-4-SW was published in the **Federal Register** on December 26, 1991, (56 FR 66810). No comments were received. Therefore, the special condition is adopted as proposed.

The Aerospatiale Model AS-365N2 helicopter will incorporate one and possibly more electrical/electronic systems and equipment that will be performing functions critical to the continued safe flight and landing of the helicopter. The Electronic Flight Instrument System performs the function of display of attitude. The display of attitude to the pilot is critical to the continued safe flight and landing of the helicopter for IFR operation in instrument meteorological conditions. When the design is finalized, Keystone Helicopter Corporation will provide the FAA with a preliminary hazard analysis that will identify any other critical functions performed by electrical/electronic systems and equipment.

If it is determined that this helicopter incorporates other electrical/electronic systems performing critical functions, it will be necessary to show that those systems meet the requirements of this special condition.

Conclusion

This action would effect only certain unusual or novel design features on one series of rotorcraft. This rule is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the rotorcraft identified in this special condition.

List of Subjects in 14 CFR Parts 21 and 29.

Aircraft, Air transportation, Aviation safety, Rotorcraft, Safety.

The Authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2); 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11541; 49 U.S.C. 106(g) (Rev. Pub. L. 97-449, January 12, 1983).

The Special Condition

Accordingly, pursuant to the authority delegated to me by the Administrator of the Federal Aviation Administration, the following special condition is issued as part of the type certification basis for the Aerospatiale Model AS-365N2 "Dauphin" helicopter.

Protection for Electrical/Electronic Systems From High Intensity Radiated Fields

Each system that performs critical functions must be designed and installed to ensure that the operation and operational capabilities of these critical functions are not adversely affected when the helicopter is exposed to high intensity radiated fields external to the helicopter.

Issued in Fort Worth, Texas, on February 28, 1992.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 92-6086 Filed 3-16-92; 8:45 am]

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14 CFR Part 39

[Docket No. 91-NM-210-AD; Amendment 39-8187; AD 92-06-07]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that requires a one-time inspection, test, and repair or replacement, if necessary, of the guide arm assembly and associated hardware for the main entry doors, numbers 1 through 5, left and right sides. This amendment is prompted by a report of migrating guide arm assembly bearings which may have resulted from insufficient bearing retention during production rework. The actions specified by this AD are intended to prevent an inoperable emergency door power assist system and/or the inability to operate the door, which is required for emergency evacuation.

DATES: Effective April 21, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 21, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny C. Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2783; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes was published in the **Federal Register** on November 18, 1991 (56 FR 58193). That action proposed to require a one-time inspection, test, and repair or replacement, if necessary, of the guide arm assembly and associated hardware for the main entry doors, numbers 1 through 5, left and right sides.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support the proposed rule.

One commenter, the manufacturer, requests that the proposed rule be withdrawn, based on the results of a recent test conducted on a Boeing Model 747 series airplane entry door in which the two guide arm bearings common to the bellcrank link joint were deliberately removed. The results of that test indicated that, although smooth opening of the door was impaired, the door did not fail to open. The commenter concludes that airplane safety is not compromised since any damage to and/or loss of the subject bearings in the guide arm would be detectable by the operator during normal door operation, or certainly during a "747 Main Entry Door Minicheck," and, as indicated by the test, the operator would still be able to open the door. The FAA does not concur with the commenter's suggestion to withdraw the proposal. The FAA considers that the single test to which the commenter refers does not adequately represent the probability of occurrence of a failure, and that, in order to substantiate the commenter's claim, additional testing would be required to obtain more conclusive results. Specifically, of the four bearings in the guide arm assembly, the test described by the commenter involved only the removal of the two guide arm bearings that are common to the bellcrank link joint. However, other data have indicated that, if the additional two bearings, those common to the guide arm roller pin, are missing, the roller pin can become unrestrained and subsequently prevent proper operation of the door. A power-assisted, fully-opened door is required for emergency evacuation. Further, although door anomalies may be detected during a "747 Main Entry Door Minicheck," as the commenter suggests, the FAA notes that these checks are performed at intervals of 30 months. If adequate retention were not present, the bearings potentially could migrate out of the guide arm assembly well within that 30-month interval and, consequently, the door could fail to operate properly long before a Minicheck were scheduled.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 83 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 9 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,475.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-07. Boeing: Amendment 39-8187. Docket 91-NM-210-AD.

Applicability: Model 747 series airplanes, listed in Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure operation of the emergency door power assist system and door opening when required for emergency evacuation, accomplish the following:

(a) Within the next 60 days after the effective date of this AD, perform a visual inspection and test of the guide arm assembly and associated hardware for the main entry doors, numbers 1 through 5, left and right sides, in accordance with section III. of Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991.

(1) If all the conditions specified in subparagraphs a. through g., paragraph 4., Section III., of Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991, are found to exist, no further action is required.

(2) If any of the conditions specified in subparagraphs a. through f., paragraph 4., Section III., of Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991, do not exist, repair or replace before further flight, in accordance with Section III. of the service bulletin.

(3) If the condition specified in subparagraph g., paragraph 4., Section III., of Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991, does not exist, repair in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate.

(b) Within 7 days after the completion of the inspection required by paragraph (a) of this AD, submit to the FAA a report specifying the number of bearings in the guide arm assemblies of each airplane on which any of the condition specified in subparagraphs a., b., or c., paragraph 4., section III., of Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991, were not found to exist. The report must be submitted to the Manager, Seattle Manufacturing Inspection District Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056. (Facsimile messages may be sent via telephone: (206) 227-1181.) A copy of the report should also be submitted to the FAA Principal Maintenance Inspector (PMI). A report is not necessary for those airplanes on which all of the specified conditions are found to exist. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection, test, repair, and replacement shall be done in accordance with Boeing Alert Service Bulletin 747-52A2237, dated July 11, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(f) This amendment becomes effective on April 21, 1992.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6114 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-49-AD; Amendment 39-8183; AD 92-05-03]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which requires inspection and modification of the emergency escape system packboard assemblies. This amendment is prompted by reports of emerging escape systems not releasing from the door. This condition, if not corrected, could result in the emergency escape system not being available for emergency evacuation or the exit not being usable.

DATES: Effective April 21, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 21, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2784. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Boeing Model 747 series airplanes, was published in the **Federal Register** on November 15, 1991 (56 FR 57997). That action proposed to require inspection and modification of the emergency escape system packboard and hook connector assemblies.

Interested person have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

The other commenter requests that the proposed compliance time be extended to allow necessary modification of the packboard and cover assembly within 15 months after the effective date of the rule. This will allow the modification to be accomplished during the time of a regularly scheduled "C" check. The commenter considers that the adoption of the proposed compliance time of 12 months would require operators to schedule special times for the accomplishment of this modification, at additional expense. The FAA concurs with the commenter's request to extend the compliance time for the modification requirements. Extending the compliance time by 3 additional months will not adversely affect safety, and will allow the modification to be performed at a base during regularly scheduled maintenance where special equipment and trained maintenance personnel will be available. Paragraph (a)(2) of the final rule has been revised to specify a compliance time of 15 months.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 74 Model 747 series airplanes of the affected design in the worldwide fleet. The following table lists the approximate number of U.S.-registered airplanes that will be affected by this AD, and gives an estimate of the work hours that it will take to accomplish each of the required actions. The required modification parts are available at no charge.

Required action	Number of airplanes	Work hours per airplane
Inspection (Boeing Alert Service Bulletin 747-25A2889)	16	10
Modification (Boeing Alert Service Bulletin 747-25A2889)	16	200
Modification (Boeing Service Bulletin 747-25-2807, Revision 2)	10	50

The average labor cost will be $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $229,900.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-03. **Boeing:** Amendment 39-8183. Docket 91-NM-49-AD.

Applicability: Model 747 series airplanes, line number 696 and subsequent; equipped with evacuation system packboards and cover assemblies identified in the Boeing Service Bulletin 747-25-2807, Revision 2, dated August 22, 1991, and Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990; certificated in any category.

Compliance: Required as indicated, unless previously accomplished

To provide satisfactory reliability of the evacuation system, accomplish the following:

(a) For evacuation system packboard and cover assemblies identified in either Boeing Service Bulletin 747-25-2807, Revision 2, dated August 22, 1991, or Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990: Within the next 120 days after the effective date of this AD, inspect the evacuation system packboard and cover assemblies in accordance with part III, "Accomplishment Instructions," Paragraph B., of Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990.

(1) If the inspection reveals that the angle measured is 155 degrees or greater, prior to further flight, modify the packboard and cover assemblies in accordance with Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990, and Boeing Service Bulletin 747-25-2807, Revision 2, dated August 22, 1991, as applicable.

(2) If the inspection reveals that the angle measured is less than 155 degrees, within the next 15 months after the effective date of this AD, modify the packboard and cover assemblies in accordance with Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990, and Boeing Service Bulletin 747-25-2807, Revision 2, dated August 22, 1991, as applicable.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(d) The inspection and modification shall be done in accordance with Boeing Alert Service Bulletin 747-25A2889, dated November 1, 1990; and Boeing Service Bulletin 747-25-2807, Revision 2, dated August 22, 1991, which contains the following list of effective pages:

Page No.	Revision level	Date
1, 3-4	2	Aug. 22, 1991.
2, 5, 7, 8, and 17-18.	1	July 25, 1991.
6, 9-16	(original)	Dec 7, 1989.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 21, 1992

Issued in Renton, Washington, on February 20, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6113 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-206-AD; Amendment 39-8184; AD 92-06-04]

Airworthiness Directives; British Aerospace Model BAe 125-800A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 125-800A series airplanes, that requires installation of improved dimmer units and testing of the instrument integral lighting dimmer system. This amendment is prompted by a recent report of electrical shorting in a dimmer unit installed in the instrument integral lighting system. The actions specified by this AD are intended to prevent internal arcing in the dimmer unit and smoke emission into the cockpit.

DATES: April 21, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 21, 1992

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model 125-800A series airplanes, was published in the **Federal Register** on November 29, 1991 (56 FR 60944). That action proposed to require installation of improved dimmer units and testing of the instrument integral lighting dimmer system.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 108 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the vendor at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $17,820.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-04. **British Aerospace:** Amendment 39-8184. Docket 91-NM-206-AD.

Applicability: Model BAe 125-800A series airplanes, Post-Modification 253191A and Pre-Modification 253247A, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent internal arcing in the dimmer units and smoke emission into the cockpit, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the instrument integral lighting system by installing dimmer units having Page Modification AR1477 incorporated, and perform functional tests of the pilot's and co-pilot's instrument integral lighting dimmer system, in accordance with British Aerospace Service Bulletin 33-44-7670A, Revision 1, dated April 4, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with British Aerospace Service Bulletin 33-44-7670A, Revision 1, dated April 4, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 21, 1992.

Issued in Renton, Washington, on February 20, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6115 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-209-AD; Amendment 39-8185; AD 92-06-05]

Airworthiness Directives; British Aerospace Model DH/BH/HS/BAe 125 Series Airplanes.

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to British Aerospace Model DH/BH/HS/BAe 125 series airplanes, that requires inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary. This amendment is prompted by reports of fatigue cracks found in an NLG sidewall. The actions specified by this AD are intended to prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane.

DATES: Effective April 21, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 21, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of

the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to British Aerospace Model DH/BH/HS/BAe 125 series airplanes, was published in the **Federal Register** on November 29, 1991 (56 FR 60945). That action proposed to require inspections of the nose landing gear (NLG) bay sidewalls to detect damage and cracks, and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 420 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, an that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $46,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-05. **British Aerospace:** Amendment 39-8185. Docket 91-NM-209-AD.

Applicability: Model DH/BH/HS/BAe 125 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the fuselage and subsequent decompression of the airplane, accomplish the following:

(a) Prior to the accumulation of 4,000 landings, or within 60 days after the effective date of this AD, whichever occurs later, accomplish the following in accordance with British Aerospace Service Bulletin 53-73, Revision 2, dated May 18, 1991:

(1) Perform a visual inspection of the nose landing gear (NLG) bay left and right sidewalls to detect the presence of washers or spotface under nuts.

(i) If no spotface is found, perform a visual inspection to detect damage to the web caused by nuts or washers.

(ii) Blend out any damage found, excluding cracking, prior to further flight.

(2) Perform either a dye penetrant or eddy current inspection to detect cracks on the NLG bay left and right sidewalls. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections shall be done in accordance with British Aerospace Service Bulletin 53-73, Revision 2, dated May 18, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 21, 1992.

Issued in Renton, Washington, on February 21, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6116 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8400]

RIN 1545-AN26

Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions)

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to the taxation of gain or loss from certain foreign currency transactions and applies to taxpayers engaging in such transactions. This action is necessary because of changes to the applicable tax law made by the Tax Reform Act of 1986.

DATES: These regulations are effective for taxable years after December 31, 1986 with the following exceptions:

Section 1.267(f)-1, which is effective for transactions entered into after September 21, 1989;

The removal of §§ 1.988-0T through 1.988-5T are effective March 17, 1992.

Section 1.988-1 (a)(2)(iii), (a)(7)(ii), and (a)(8), which is effective for certain transactions entered into after October 21, 1988;

Section 1.988-1(a)(7)(iii), which is effective with respect to certain tiered partnerships for taxable years after March 17, 1992.

Section 1.988-2(a)(2)(v), which is effective for taxable years beginning after March 17, 1992.

Section 1.988-2(b)(2)(iii)(B), which is effective for taxable years beginning after March 17, 1992.

Section 1.988-2(b)(13), which is effective for exchanges of debt for stock effected after September 21, 1989;

Section 1.988-2(d)(2)(ii)(B), which is effective for transactions creating an offset after September 21, 1989;

Section 1.988-2(e)(3), which is effective for transactions entered into after September 21, 1989;

Section 1.988-3(b), which is effective for taxable years beginning on or after September 21, 1989, except for § 1.988-3(b)(5), which is effective for transactions entered into after March 17, 1992.

Section 1.988-3(c)(2) which is effective with respect to debt instruments acquired on or after June 24, 1987.

Section 1.988-5 is effective for transactions entered into on or after September 21, 1989, with the following exceptions:

Section 1.988-5(a)(3)(i) which, in the case of a contingent payment debt instrument, is effective for transactions entered into after March 17, 1992.

Section 1.988-5(a)(3)(ii), which is effective for transactions entered into after March 17, 1992.

Section 1.988-5(a)(6)(i) which is effective for transactions that leg into integrated treatment after March 17, 1992.

The second sentence of § 1.988-5(b)(2)(ii)(A) (which provides that a contract to buy or sell stock is considered an executory contract) is effective for contracts to buy or sell stock entered into on or after March 17, 1992.

The amendments to part 602 are effective March 17, 1992.

Taxpayers may rely on the temporary section 988 regulations for the period during which they were effective.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Dorfman of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:T:R (INTL-0485-89) (202-377-9059), not a toll-free call).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)) under control number 1545-1131. The estimated average annual burden per respondent is 40 minutes.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attention: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Background

On September 21, 1989, the **Federal Register** published proposed amendments (54 FR 38874) to the Income Tax Regulations (26 CFR parts 1 and 602) under sections 267 and 988 of the Internal Revenue Code. Pursuant to section 7805 (f) of the Internal Revenue Code, the Small Business Administration was given an opportunity to comment on the proposed amendments. Comments from the public are discussed below. No public hearing was requested or held. Accordingly, the proposed amendments are adopted as modified by this Treasury Decision.

Explanation of Provisions

Section 1.988-1 Certain Definitions and Special Rules

Section 1.988-(1)(a)(2) Description of Transactions

Section 1.988-1T(a)(2)(ii) of the temporary regulations provides that the accrual of a foreign tax liability is a section 988 transaction. The final regulations retain this rule except in the case of a dollar functional currency QBU branch of a domestic person that credits foreign taxes under section 901. A payable relating to accrued foreign taxes of that QBU branch is not treated as a section 988 transaction. This rule is necessary to insure that the taxpayer ultimately has a similar income inclusion and credit as a U.S. shareholder of a foreign corporation and a domestic person with a QBU branch that computes income under section 987. See, section 78 and Notice 89-74, 1989-1 C.B. 739.

Section 1.988-1(a)(2)(iii)(A) provides that a forward contract, futures contract, option, warrant, or similar financial instrument is a section 988 transaction only if the underlying property to which the instrument ultimately relates is a nonfunctional currency or is otherwise described in paragraph (a)(1)(ii) of this section. Commentators suggest bifurcation of financial instruments that contain both currency and noncurrency elements. For example, contracts to buy wheat or a machine for deferred delivery in a nonfunctional currency would be bifurcated into a currency component (the movement of the exchange rates between the contract date and the payment date) and a noncurrency component (the movement in the market price of wheat or the machine). Bifurcation of transactions described in section 988(c)(1)(B)(iii) is prohibited by section 988(b)(3) which provides that any gain or loss from a transaction described in section 988(c)(1)(B)(iii) is treated as foreign currency gain or loss. Accordingly, this suggestion is rejected.

The treatment under section 988 regarding certain nonfunctional currency denominated contingent payment bonds under § 1.1275-4(g) of the proposed regulations, dual currency bonds, and multi-currency bonds is reserved. However, see section 1.988-1 (a)(3), (4), and (5) of the proposed regulations.

Section 1.988-1(a)(10) Intra-Taxpayer Transactions

Section 1.988-1(a)(10) has been amended to provide that in the case of a gain or loss incurred in a transaction described in that section which does not have a significant business purpose, the Commissioner, in his or her discretion, may defer such gain or loss. This provision was added, in part, to prevent taxpayers from engaging in intrataxpayer transfers of section 988 transactions for the purpose of recognizing gains or losses on such transactions.

Section 1.988-1(d)(3) Spot Rate Convention

In response to comments, § 1.988-1(d)(3) has been amended to allow the use of spot rate conventions computed on a quarterly basis and to clarify that use of a prior month's end convention is allowable.

Section 1.988-1(e) Exchange Gain or Loss

Section 1.988-1(e) has been amended to clarify that generally the amount of exchange gain or loss from a section 988 transaction is separately computed for each section 988 transaction, and such amount is not integrated with gain or loss recognized on another transaction.

Section 1.988–1(g) Fair Market Value

Section 1.988–1(g) provides that the fair market value of an item shall, where relevant, reflect an appropriate premium or discount for the time value of money. In response to comments, this section has been amended to provide that if consistent with the taxpayer's method of financial accounting (and consistently applied from year to year), the rule described in the preceding sentence shall not apply to a financial instrument that matures within one year from the date of issuance or acquisition.

Section 1.988–2 Recognition and Computation of Exchange Gain or Loss.

Section 1.988 2(a)(1) Disposition of Nonfunctional Currency

Commentators have recommended adoption of a rule that would exempt a *de minimis* amount of exchange gain or loss realized by individuals during a taxable year. The Service does not have authority to adopt such a rule in light of section 988(e).

Section 1.988–2(a)(2) Computation of Exchange Gain or Loss

Commentators have suggested that the rule of § 1.988–2(a)(2)(iv) regarding the purchase and sale of stock or securities traded on an established securities market by a cash basis taxpayer be extended to accrual basis taxpayers. This rule has been adopted on an elective basis in § 1.988–2(a)(2)(v).

Section 1.988–2 (b) Translation of Nonfunctional Currency Interest Income or Expense

A commentator has suggested treating all exchange gain or loss on debt instruments as interest. This approach is being considered under § 1.861–9T for source of income and expense purposes. However, in order to simplify the translation of accrued interest income or expense with respect to a debt instrument subject to section 988, § 1.988–2(b)(2) (ii) and (iii)(B) allows a taxpayer on the accrual method of accounting for interest income or expense (including cash method taxpayers that accrue original issue discount) to elect to translate interest income and expense at the spot rate on the last day of the interest accrual period (and in the case of a partial accrual period, the spot rate on the last day of the taxable year). If the last day of the interest accrual period is within five business days of the date of receipt or payment, the taxpayer may translate interest income or expense at the spot rate on the date of receipt or payment. This elective spot rate convention eliminates the complexity of determining an average exchange rate and simplifies the computation of exchange gain or loss with respect to accrued interest.

A commentator recommends using the historic exchange rate (the date the debt instrument was issued) to accrue interest income or expense rather than the average rate for the accrual period currently in the regulations. The rationale is to provide similar treatment between a discount bond and a synthetically-created discount bond (composed of a par bond with the purchase of an annuity to defease the interest payments on the par bond). This approach has been rejected because excessive exchange gain or loss would result with respect to long term instruments. Further, compared to the elective spot rate convention, this approach would create greater computational complexity with respect to par bonds. Finally, a synthetically created discount bond is subject to the substance over form provision of § 1.988–2(f) which requires similar treatment of actual and synthetic discount bonds.

Commentators have pointed out a technical problem with definition or "principal amount" in § 1.988–2T(b) (5) and (6) that results in double counting of a portion of the principal for purposes of computing exchange gain or loss in certain cases (*e.g.*, in the case of a discount bond acquired at a market discount). Accordingly, the definition of principal amount has been amended.

Rules regarding nonfunctional currency debt for debt exchanges have been proposed under § 1.988–2(b)(14) of the proposed regulations.

Rules regarding exchange gain or loss with respect to debt instruments issued in hyperinflationary currencies have been proposed under § 1.988–2(b)(15) of the proposed regulations.

Section 1.988–2(c) Item of Expense or Gross Income or Receipts Which is To Be Paid or Received after the Date Accrued.

Certain commentators suggest that the current separate computation of exchange gain or loss on short term (60 days or less) payables and receivables be disregarded and treated as an adjustment to expense or income with respect to which the payables or receivables relate. In contrast, other commentators suggest allowing taxpayers to elect to mark to market such payables and receivables consistent with their method of financial accounting. It has been proposed to adopt the latter suggestion because it more clearly reflects gain or loss with respect to such transactions. See § 1.988–5(f) of the proposed regulations regarding election of a mark to market method of accounting for exchange gain or loss for nondealers.

Section 1.988–2(d) Exchange Gain or Loss With Respect to Forward Contracts, Futures Contracts and Option Contracts

A commentator suggests that the realization by offset rule of § 1.988–2(d)(2)(ii) be modified to allow realization of exchange gain or loss if a contract is offset by another contract with the same counterparty. This suggestion has been rejected because it results in a potential whipsaw to the government (*i.e.*, taxpayers can lock in a gain without realization by entering into an offsetting contract with a different counterparty, but lock in and realize a loss by entering into an offsetting contract with the same counterparty even though they are not out of pocket any cash). A commentator suggests that taxpayers be allowed to make an election whereby all offsetting positions are treated as terminated. This suggestion has been rejected as unnecessary in most cases in light of section 1256 and in contravention of section 1092.

A commentator suggests that the rule that recognizes the interest component in a historic rate rollover be limited to long term rollovers. This suggestion has been adopted in § 1.988–2(d)(2)(v), which provides that the amount attributable to the time value of any gain or loss recognized shall be treated as exchange gain or loss if the period beginning on the first date the contract is rolled over and ending on the date payment is ultimately made or received with respect to such contract does not exceed 183 days.

Section 1.988–2(e) Currency Swaps and Notional Principal Contracts

A commentator suggests clarification that all income and expense attributable to notional principal contracts described in § 1.988–2(e) is exchange gain or loss. With respect to currency swaps, it was clear under the temporary regulations that any income or loss is exchange gain or loss (except as provided in § 1.988–2(f) and § 1.988–5). With respect to notional principal contracts denominated in a single nonfunctional currency, a sentence has been added to § 1.988–2(e)(1) to clarify that such income or loss is exchange gain or loss (with certain exceptions). It should be noted, however, that § 1.861–9T may allocate and apportion exchange gain or loss like interest notwithstanding its character as exchange gain or loss.

Section 1.988–2(e)(1) has been amended to better coordinate with section 446.

Commentators pointed out a flaw in the definition of a currency swap, which required that the periodic interim payments be exchanged at the swap exchange rate. This requirement unintentionally prevented cross currency interest rate swaps from qualifying as a currency swap. Accordingly the definition of a currency swap in § 1.988–2(e)(2)(ii) has been amended to delete this requirement.

Commentators also suggest recognition of gain or loss on receipt or payment of swap principal, regardless of when such principal amounts are paid. Section 1.988–2(e)(2)(ii) requires that all of the swap principal amount be exchanged at maturity of the contract. If principal is prepaid on one side of the swap without a matching payment on the other side, taxpayers can generate gains and losses without economic substance. Accordingly, this suggestion was rejected. The definition of currency swap covers the overwhelming number of contracts marketed as currency swaps. Contracts that do not conform to the definition of currency swap but may nevertheless be notional principal contracts (such as a self-amortizing currency swap) are subject to rules under section 446.

Section 1.988–3 Character of Exchange Gain or Loss

A commentator suggests that the identification and verification requirements for electing capital gain or loss characterization are unduly burdensome for traders in foreign currency contracts. In response to this comment, § 1.988–3(b)(5) has been added to allow taxpayers to make the capital gain or loss election with respect to contracts in certain designated accounts.

Section 1.988–4 Source of Exchange Gain or Loss Realized on a Section 988 Transaction

The Service is studying and solicits comments on the proper method of attributing liabilities and hedges to a U.S. branch of a foreign corporation. For example, the issue may arise where under § 1.882–5 the amount of U.S. connected liabilities is less than the amount of liabilities shown on the books of a U.S. trade or business.

Section 1.988–5 Section 988(d) Hedging Transactions

(a) Integration of a Nonfunctional Currency Debt Instrument and a § 1.988–5(a) Hedge

A commentator suggests that the integration rules be extended to partial hedges of debt instruments. The commentator proposes that with respect to any payment made under a nonfunctional currency denominated debt instrument that is hedged into functional currency, the functional currency amount be substituted for the nonfunctional currency amount. In other words, the yield to maturity of a nonfunctional currency denominated debt instrument will be determined in units of nonfunctional currency, notwithstanding that a majority of the payments may be hedged into functional currency effectively altering the yield. This suggestion is rejected because the yield of such an instrument cannot be determined under this approach. However, § 1.988–5(a)(3)(ii) has been added to allow proportional hedging of debt instruments where the integrated yield with respect to such proportion is determinable.

In response to comments, the definition of qualifying debt instrument in § 1.988–5(a)(3)(i) has been amended retroactively to allow taxpayers to synthesize a functional currency borrowing into a nonfunctional currency borrowing consistent with Notice 87–11, 1987–1 C.B. 423. The prior exclusion was unintentional.

The definition of qualifying debt instrument in § 1.988–5(a)(3)(i) has been amended prospectively to include contingent payment debt instruments. If all payments of a contingent payment obligation are hedged such that a yield to maturity can be determined in another currency, then assuming the requirements of § 1.988–2(a) are satisfied, the transaction can be integrated. The term contingent payment debt obligation does not include dual currency or multi-currency debt instruments which were within the definition of qualifying debt instrument in § 1.988–5T(a)(3) and hence eligible for integration under the Temporary Regulations. The term contingent payment debt obligation does include reverse principal exchange rate linked securities such as the one described in Example 6 of § 1.988–5(a)(9)(iv) because the amount of principal paid upon maturity of the instrument is not determinable in any currency on the issue date (assuming, of course, that the instrument is unhedged).

In response to comments, an option is included in the definition of section 1.988–5(a) hedge if, when integrated with the qualifying debt instrument, it permits the calculation of a yield to maturity (under principles of section 1272) in the currency in which the synthetic debt instrument is denominated.

Commentators suggest liberalization of the rule in § 1.988–5(a)(5)(iii) that prohibits hedges with related persons. This suggestion was rejected because the integration rules are intended for transactions that in fact result in a hedged position. A hedge with a related person merely shifts the location for currency risk to that related person—there is no guarantee that the related person will hedge the risk it has assumed with an unrelated person.

A commentator asks for clarification that a self-amortizing currency swap may be used as a hedge. While not within the definition of currency swap set forth in § 1.988–2(e)(2)(ii), a self-amortizing currency swap may qualify as a hedge if, when integrated with the qualifying debt instrument, it permits the calculation of a yield to maturity (under principles of section 1272) in the currency in which the synthetic debt instrument is denominated. This was true under the Temporary Regulations and needs no clarification.

A commentator suggests that taxpayers should be able to integrate a debt instrument (or executory contract) incurred by a taxpayer with a hedge entered into by a foreign affiliate. This suggestion is rejected because of the administrative difficulty of auditing such transactions and of determining the corporation on whose books the integrated transaction should be reflected.

A commentator suggests deletion of the requirement that the hedge and the underlying transaction be recorded on the books of the same QBU. The rationale of the rule is to facilitate auditing integrated transactions by having the hedge and the underlying transaction recorded in one place. For administrative convenience, the rule is retained.

Section 1.988–5(a)(6)(i) has been amended to eliminate the need to obtain valuations of debt instruments that are part of a qualified hedging transaction when the taxpayer is legging into integrated treatment. If a taxpayer legs into integrated treatment by entering into a hedge after the qualifying debt instrument is issued or acquired, § 1.988–5(a)(6)(i) provides that only gain or loss from movements in exchange rates up to the leg in date is realized (and deferred).

Section 1.988–5(a)(6)(ii) contains an expanded definition of "legging out" to

clarify ambiguities in the temporary regulations. "Legging out" of integrated treatment means that the taxpayer disposes of or otherwise terminates all or a part of the qualifying debt instrument or hedge prior to maturity of the qualified hedging transaction, or the taxpayer changes a material term of the qualifying debt instrument (*e.g.*, exercises an option to change the interest rate or index, or the maturity date) or hedge (*e.g.*, changes the interest or exchange rates underlying the hedge, or the expiration date) prior to maturity of the qualified hedging transaction. A taxpayer that disposes of or terminates a qualified hedging transaction (*i.e.*, disposes of or terminates both the qualifying transaction and the hedge on the same day) shall be considered to have disposed of or otherwise terminated the synthetic debt instrument rather than as legging out.

Section 1.988–5(a)(6)(ii) (D) and (E) provide antiabuse rules for taxpayers that leg out of a qualified hedging transaction.

A commentator requests that the identification requirements be expanded to allow the sponsor of a trust issuing synthetic instruments to satisfy the identification requirements on behalf of the investors. This rule has been adopted in § 1.988–5(a)(8)(ii).

A commentator suggests that taxpayers be allowed to identify a hedged transaction in an electronic ledger, rather than a paper ledger. This suggestion has been adopted in § 1.988–5 (a)(8)(i) and (b)(3)(i) which merely requires that a taxpayer establish a record with the pertinent information.

The Service is considering whether to permit the rules of § 1.988–5 to be applied by treating consolidated group members as a single corporation. For example, if a domestic finance company enters into a transaction with an unrelated party that is intended to hedge a debt instrument issued by a domestic operating company that is a member of the same consolidated group, section 1.988–5 might be applied to treat the hedge as entered into by the domestic operating company.

The Service therefore seeks comments and information on the following issues:

(1) Which member(s) make the decision to hedge (or to leg out);

(2) How and when the hedge is identified and documented;

(3) Which member bears the cost of the hedge, *i.e.*, whether, how and when the cost of the hedge is charged to the hedged member;

(4) How payments made or received under the hedge are accounted for within the group;

(5) How the intercompany transaction rules of § 1.1502–13 should apply to such a hedged transaction; and

(6) What type of transactions should be permitted to be hedged on a consolidated basis.

(b) Hedged Executory Contracts

In response to comments that taxpayers frequently adjust hedges as contracts to purchase or sell goods and services change, the rule in § 1.988–5T(b)(2)(i)(C) which provided that the amount of an executory contract that is hedged cannot be decreased has been deleted.

Commentators have suggested that allowing integration treatment with respect to assets used in the ordinary course of a taxpayer's trade or business but not for stock purchases discriminates unfairly between two acquisition techniques. In response to this comment, § 1.988–5(b)(2)(ii) prospectively provides that a contract to buy or sell stock is an executory contract eligible for integration treatment.

A commentator suggests that options be included in the definition of hedge as defined in § 1.988–5(b)(2)(iii). We have responded to this comment by providing that the term hedge also includes an option contract described in § 1.988–1(a)(1)(ii) and (2)(iii), but only if the option contract's expiration date is on or before the accrual date. The premium paid for an option that lapses shall be integrated with the executory contract.

Commentators suggest that the requirement in § 1.988–5T(b)(2)(iii) of keeping a separate bank account for each hedge involving cash is overly restrictive. They suggest the use of a single account for all hedging transactions, combined with a convention for determining the basis of cash withdrawn. This suggestion has been adopted in § 1.988–5(b)(2)(iii)(D).

To address concerns of the Service regarding disposition of a hedge or an executory contract prior to the accrual date in a transaction between related persons (as defined in sections 267(b) and 707(b)), new § 1.988–5(b)(4)(iii)(C) has been added. This section provides that the Commissioner may redetermine the timing, source, and character of gain or loss from the hedge or the executory contract if he determines that a significant purpose for disposing of the hedge or terminating the executory contract prior to the accrual date was to affect the timing, source, or character of income, gain, expense, or loss for Federal income tax purposes.

(c) Hedges of Period Between Trade Date and Settlement Date on Purchase or Sale of Publicly Traded Stock or Security in the Case of Cash Basis Taxpayers

A commentator suggests that the provisions of § 1.988–5T(c) be extended to accrual basis taxpayers. This suggestion has been adopted in § 1.988–2(c). See § 1.6045–1(d)(6)(iii) of the proposed regulations for changes to the broker reporting rules in certain cases.

(d) Hedges of Certain Nonfunctional Currency Payments

This section is reserved in the final regulations. See § 1.988–5(d) of the proposed regulations for integration rules regarding certain dividend, rent and royalty payments.

Commentators have suggested that special timing rules be provided for hedges of the net investment of a U.S. corporation in a foreign corporation (hereafter referred to as "Hoover hedges"—see *Hoover Co.*, 72 T.C. 206 (1979)). Prior to the adoption of section 988, gains and losses realized with respect to Hoover hedges were characterized as capital gains and losses and the general timing rule of the Code applied. See *Hoover Co.*, supra; *Barnes Group, Inc.* v. *U.S.*, 697 F. Supp. 591 (D. Conn., 1988). Problems resulting from characterizing gains or losses realized on Hoover hedges as capital gains or losses are resolved under section 988(a)(1)(A) which characterizes such gains and losses as ordinary gains and losses (with a taxpayer election for capital gain or loss characterization). Some commentators have suggested, however, that special timing rules which parallel the financial accounting rules for Hoover hedges be adopted. See paragraphs 13 and 20(a) of the Statement of Financial Accounting Standards No. 52 which generally provide for deferral of gain or loss on a Hoover hedge until sale or liquidation of the foreign corporation. Other commentators have suggested complicated regimes for deferring gains and losses on Hoover hedges until dividends are paid to the U.S. corporation. Since the general timing rules of the Code as applied to Hoover hedges provide a reasonable timing result, complicated deferral regimes have been rejected.

(e) Advance Rulings Regarding Net Hedging and Anticipatory Hedging Systems

Several commentators have suggested adoption of special hedging rules applicable to hedges of net nonfunctional currency exposure (other than Hoover hedges) and anticipatory hedges of items of income or expense. Because corporations employ different systems for engaging in such hedging, adoption of specific rules is not practicable. However, § 1.988–5(e) provides that the Commissioner may issue an advance ruling addressing the income tax consequences of a taxpayer's system of hedging net nonfunctional currency exposure and anticipated nonfunctional currency exposure. The ruling may address the character, source, and timing of both the section 988 transaction(s) making up the hedge and the underlying transactions being hedged. The Commissioner will not issue a ruling regarding Hoover hedges. The Service anticipates publishing a revenue procedure addressing the procedural requirements for obtaining an advanced ruling.

(f) Mark to Market Method of Accounting for Taxpayers That Are Not Acting in the Capacity of a Dealer

Provisions regarding a mark to market method of accounting for exchange gain or loss with respect to taxpayers that are not acting in the capacity of a dealer are reserved. See § 1.988–5(f) of the proposed regulations.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted without response to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal authors of these regulations are Jeffrey Dorfman and Charles T Plambeck. Messrs. Dorfman and Plambeck are of the Office of Chief Counsel, Internal Revenue Service. Other personnel from the Internal Revenue Service and Treasury Department participated in developing the regulations

List of Subjects

26 CFR 1.261–1 Through 1.280H–1T

Income Taxes, Reporting and recordkeeping requirements.

26 CFR 1.985–0 Through 1.989(c)–1T

Income Taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and Recordkeeping Requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended to read as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority for part 1 is amended by adding a new citation to read as follows:

Authority: Sec. 7805, 68A Stat. 917; (26 U.S.C. 7805 * * * Sections 1.988–0 through 1.988–5 also issued under 26 U.S.C. 988. * * *

Par. 2. New § 1.267(f)–1 is added and § 1.267(f)–1T(h) is redesignated as § 1.267(f)–1(h) and newly designated paragraphs (h)(2) and (h)(3) are revised to read as follows:

§ 1.267(f)–1 Deferral of certain losses of controlled groups.

(a) through (g) [Reserved]

(h) * * *

(2) The loan is described in § 1.988–1(a)(2)(i);

(3) The loan is not in a hyperinflationary currency as defined in § 1.988–1(f); and

* * * * *

Par. 3. Sections 1.988–0T, 1.988–1T, 1.988–2T, 1.988–3T, 1.988–4T, and 1.988–5T are removed as of March 17, 1992.

Par. 4. New §§ 1.988–0 through 1.988–5 are added to read as follows:

§ 1.988–0 Taxation of gain or loss from a section 988 transaction; Table of Contents.

This section lists captioned paragraphs contained in §§ 1.988–1 through 1.988–5.

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(d) Spot rate.
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(2) Consistency required in valuing transactions subject to section 988.
(3) Use of certain spot rate conventions for payables and receivables denominated in nonfunctional currency.
(4) Currency where an official government established rate differs from a free market rate.
(e) Exchange gain or loss.
(f) Hyperinflationary currency.
(g) Fair market value.
(h) Interaction with sections 1092 and 1256 in examples.
(i) Effective date.

§ 1.988–2 Recognition and Computation of Exchange Gain or Loss.

(a) Disposition of nonfunctional currency.
(1) Recognition of exchange gain or loss.
(2) Computation of exchange gain or loss.
(b) Translation of interest income or expense and determination of exchange gain or loss with respect to debt instruments.
(1) Translation of interest income received with respect to a nonfunctional currency demand account.
(2) Translation of nonfunctional currency interest income or expense received or paid with respect to a debt instrument described in § 1.988–1(a)(1)(ii) and (2)(i).
(3) Exchange gain or loss recognized by the holder with respect to accrued interest income.
(4) Exchange gain or loss recognized by the obligor with respect to accrued interest expense.
(5) Exchange gain or loss recognized by the holder of a debt instrument with respect to principal.
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(7) Payment ordering rules.
(8) Limitation of exchange gain or loss on payment or disposition of a debt instrument.
(9) Examples.
(10) Treatment of bond premium.
(11) Market discount.
(12) Tax exempt bonds.
(13) Nonfunctional currency debt exchanged for stock of obligor.
(14)–(15) [Reserved]
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(c) Item of expense or gross income or receipts which is to be paid or received after the date accrued.
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(2) Determination of exchange gain or loss with respect to an item of gross income or receipts.
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(4) Examples.
(d) Exchange gain or loss with respect to forward contracts, futures contracts and option contracts
(1) Scope.
(2) Realization of exchange gain or loss.
(3) Recognition of exchange gain or loss.
(4) Determination of exchange gain or loss.
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(e) Currency swaps and notional principal contracts.
(1) Notional principal contract denominated in a single nonfunctional currency.
(2) Special rules for currency swaps.
(3) Amortization of swap premium or discount in the case of off market swaps.
(4) Treatment of taxpayer disposing of a currency swap.
(5) Examples.
(6) Special effective date for rules regarding currency swaps.
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(1) In general.
(2) Example.
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§ 1.988–3 Character of Exchange Gain or Loss

(a) In general.
(b) Election to characterize exchange gain or loss on certain identified forward contracts, futures contracts and option contracts as capital gain or loss.
(1) In general.
(2) Special rule for contracts that become part of a straddle after the election is made.
(3) Requirements for making the election.
(4) Verification.
(5) Independent verification.
(6) Effective date.
(c) Exchange gain or loss treated as interest.
(1) In general.
(2) Exchange loss realized by the holder on nonfunctional currency tax exempt bonds.
(d) Effective date.

§ 1.988–4 Source of Gain or Loss Realized on a Section 988 Transaction

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(b) Qualified business unit.
(1) In general.
(2) Proper reflection on the books of the taxpayer or qualified business unit.
(c) Effectively connected exchange gain or loss.
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(1) In general.
(2) Exception.
(3) Partner in a partnership not engaged in a U.S. trade or business under section 864(b)(2).
(e) Special rule for certain related party loans.
(1) In general.
(2) United States person.
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(4) 10 percent owned foreign corporation.
(f) Exchange gain or loss treated as interest under § 1.988–3.
(g) Exchange gain or loss allocated in the same manner as interest under § 1.861–9T.
(h) Effective date.

§ 1.988–5 Section 988(d) Hedging Transactions

(a) Integration of a nonfunctional currency debt instrument and a § 1.988–5(a) hedge.
(1) In general.
(2) Exception.
(3) Qualifying debt instrument.
(4) Section 1.988–5(a) hedge.
(5) Definition of integrated economic transaction.
(6) Special rules for legging in and legging out of integrated treatment.
(7) Transactions part of a straddle.
(8) Identification requirements.
(9) Taxation of qualified hedging transactions.
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(b) Hedged executory contracts.
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§ 1.988–1 Certain definitions and special rules.

(a) *Section 988 transaction*—(1) *In general.* The term "section 988 transaction" means any of the following transactions—

(i) A disposition of nonfunctional currency as defined in paragraph (c) of this section;

(ii) Any transaction described in paragraph (a)(2) of this section if any amount which the taxpayer is entitled to receive or is required to pay by reason of such transaction is denominated in terms of a nonfunctional currency or is determined by reference to the value of one or more nonfunctional currencies.

A transaction described in this paragraph (a) need not require or permit payment with a nonfunctional currency as long as any amount paid or received is determined by reference to the value of one or more nonfunctional currencies. The acquisition of nonfunctional currency is treated as a section 988 transaction for purposes of establishing the taxpayer's basis in such currency and determining exchange gain or loss thereon.

(2) *Description of transactions.* The following transactions are described in this paragraph (a)(2).

(i) *Debt instruments.* Acquiring a debt instrument or becoming an obligor under a debt instrument. The term "debt instrument" means a bond, debenture, note, certificate or other evidence of indebtedness.

(ii) *Payables, receivables, etc.* Accruing, or otherwise taking into account, for purposes of subtitle A of the Internal Revenue Code, any item of expense or gross income or receipts which is to be paid or received after the date on which so accrued or taken into account. A payable relating to cost of goods sold, or a payable or receivable relating to a capital expenditure or receipt, is within the meaning of this paragraph (a)(2)(ii). Generally, a payable relating to foreign taxes (whether or not claimed as a credit under section 901) is within the meaning of this paragraph (a)(2)(ii). However, a payable of a domestic person relating to accrued foreign taxes of its qualified business unit (QBU branch) is not within the meaning of this paragraph (a)(2)(ii) if the QBU branch's functional currency is the U.S. dollar and the foreign taxes are claimed as a credit under section 901.

(iii) *Forward contract, futures contract, option contract, or similar financial instrument.* Except as otherwise provided in this paragraph (a)(2)(iii) and paragraph (a)(4)(i) of this section, entering into or acquiring any forward contract, futures contract, option, warrant, or similar financial instrument.

(A) *Limitation for certain derivative instruments.* A forward contract, futures contract, option, warrant, or similar financial instrument is within this paragraph (a)(2)(iii) only if the underlying property to which the instrument ultimately relates is a nonfunctional currency or is otherwise described in paragraph (a)(1)(ii) of this section. Thus, if the underlying property of an instrument is another financial instrument (*e.g.*, an option on a futures contract), then the underlying property to which such other instrument (*e.g.*, the futures contract) ultimately relates must be a nonfunctional currency. For example, a forward contract to purchase wheat denominated in a nonfunctional currency, an option to enter into a forward contract to purchase wheat denominated in a nonfunctional currency, or a warrant to purchase stock denominated in a nonfunctional currency is not described in this paragraph (a)(2)(iii). On the other hand, a forward contract to purchase a nonfunctional currency, an option to enter into a forward contract to purchase a nonfunctional currency, an option to purchase a bond denominated in or the payments of which are determined by reference to the value of a nonfunctional currency, or a warrant to purchase nonfunctional currency is described in this paragraph (a)(2)(iii).

(B) *Nonfunctional currency notional principal contracts*—(*1*) *In general.* The term "similar financial instrument" includes a notional principal contract only if the payments required to be made or received under the contract are determined with reference to a nonfunctional currency.

(*2*) *Definition of notional principal contract.* The term "notional principal contract" means a contract (*e.g.*, a swap, cap, floor or collar) that provides for the payment of amounts by one party to another at specified intervals calculated by reference to a specified index upon a notional principal amount in exchange for specified consideration or a promise to pay similar amounts. For this purpose, a "notional principal contract" shall only include an instrument where the underlying property to which the instrument ultimately relates is money (*e.g.*, functional currency), nonfunctional currency, or property the value of which is determined by reference to an interest rate. Thus, the term "notional principal contract" includes a currency swap as defined in § 1.988–2(e)(2)(ii), but does not include a swap referenced to a commodity or equity index.

(C) *Effective date with respect to certain contracts.* This paragraph (a)(2)(iii) does not apply to any forward contract, futures contract, option warrant, or similar financial instrument entered into or acquired on or before October 21, 1988, if such instrument would have been marked to market under section 1256 if held on the last day of the taxable year.

(3)–(5) [Reserved]

(6) *Examples.* The following examples illustrate the application of paragraph (a) of this section. The examples assume that X is a U.S. corporation on an accrual method with the calendar year as its taxable year. Because X is a U.S. corporation the U.S dollar is its functional currency under section 985. The examples also assume that section 988(d) does not apply.

Example 1. On January 1, 1989, X acquires 10,000 Canadian dollars. On January 15, 1989, X uses the 10,000 Canadian dollars to purchase inventory. The acquisition of the 10,000 Canadian dollars is a section 988 transaction for purposes of establishing X's basis in such Canadian dollars. The disposition of the 10,000 Canadian dollars is a section 988 transaction pursuant to paragraph (a)(1) of this section.

Example 2. On January 1, 1989, X acquires 10,000 Canadian dollars. On January 15, 1989, X converts the 10,000 Canadian dollars to U.S. dollars. The acquisition of the 10,000 Canadian dollars is a section 988 transaction for purposes of establishing X's basis in such Canadian dollars. The conversion of the 10,000 Canadian dollars to U.S. dollars is a section 988 transaction pursuant to paragraph (a)(1) of this section.

Example 3. On January 1, 1989, X borrows 100,000 British pounds (£) for a period of 10 years and issues a note to the lender with a face amount of £100,000. The note provides for payments of interest at an annual rate of 10% paid quarterly in pounds and has a stated redemption price at maturity of £100,000. X's becoming the obligor under the note is a section 988 transaction pursuant to paragraphs (a) (1)(ii) and (2)(i) of this section. Because X is an accrual basis taxpayer, the accrual of interest expense under X's note is a section 988 transaction pursuant to paragraphs (a) (1)(ii) and (2)(ii) of this section. In addition, the acquisition of the British pounds to make payments under the note is a section 988 transaction for purposes of establishing X's basis in such pounds, and the disposition of such pounds is a section 988 transaction under paragraph (a)(1)(i) of this section. See § 1.988–2(b) with respect to the translation of accrued interest expense and the determination of exchange gain or loss upon payment of accrued interest expense.

Example 4. On January 1, 1989, X purchases an original issue for 74,621.54 British pounds (£) a 3-year bond maturing on December 31, 1991, at a stated redemption price of £100,000. The bond provides for no stated interest. The bond has a yield to maturity of 10% compounded semiannually and has £25,378.46 of original issue discount. The acquisition of the bond is a section 988 transaction as provided in paragraphs (a) (1)(ii) and (2)(i) of this section. The accrual of original issue discount with respect to the bond is a section 988 transaction under paragraphs (a) (1)(ii) and (2)(ii) of this section. See § 1.988–2(b) with respect to the translation of original issue discount and the determination of exchange gain or loss upon receipt of such amounts.

Example 5. On January 1, 1989, X sells and delivers inventory to Y for 10,000,000 Italian lira for payment on April 1, 1989. Under X's method of accounting, January 1, 1989 is the accrual date. Because X is an accrual basis taxpayer, the accrual of a nonfunctional currency denominated item of gross receipts on January 1, 1989, for payment after the date of accrual is a section 988 transaction under paragraphs (a) (1)(ii) and (2)(ii) of this section.

Example 6. On January 1, 1989, X agrees to purchase a machine from Y for delivery on March 1, 1990 for 1,000,000 yen. The agreement calls for X to pay Y for the machine on June 1, 1990. Under X's method of accounting, the expenditure for the machine does not accrue until delivery on March 1, 1990. The agreement to purchase the machine is not a section 988 transaction. In particular, the agreement to purchase the machine is not described in paragraph (a)(2)(ii) of this section because the agreement is not an item of expense taken into account under subtitle A (but rather is an agreement to purchase a capital asset in the future). However, the payable that will arise on the delivery date is a section 988 transaction under paragraphs (a) (1)(ii) and (2)(ii) of this section even though the payable relates to a capital expenditure. In addition, the disposition of yen to satisfy the payable on June 1, 1990, is a section 988 transaction under paragraph (a)(1)(i) of this section.

Example 7. On January 1, 1989, X purchases and takes delivery of inventory for 10,000 French francs with payment to be made on April 1, 1989. Under X's method of accounting, the expense accrues on January 1, 1989. On January 1, 1989, X also enters into a forward contract with a bank to purchase 10,000 French francs for $2,000 on April 1, 1989. Because X is an accrual basis taxpayer, the accrual of a nonfunctional currency denominated item of expense on January 1, 1989, for payment after the date of accrual is a section 988 transaction under paragraphs (a) (1)(ii) and (2)(ii) of this section. Entering into the forward contract to purchase the 10,000 French francs is a section 988 transaction under paragraphs (a) (1)(ii) and (2)(iii) of this section.

Example 8. On January 1, 1989, X acquires 100,000 Norwegian krone. On January 15, 1989, X purchases and takes delivery of 1,000 shares of common stock with the 100,000 krone acquired on January 1, 1989. On August 1, 1989, X sells the 1,000 shares of common stock and receives 120,000 krone in payment. On August 30, 1989, X converts the 120,000 krone to U.S. dollars. The acquisition of the 100,000 krone on January 1, 1989, and the acquisition of the 120,000 krone on August 1, 1989, are section 988 transactions for purposes of establishing the basis of such krone. The disposition of the 100,000 krone on January 15, 1989, and the 120,000 krone on August 30, 1989, are section 988 transactions as provided in paragraph (a)(1)(i) of this section. Neither the acquisition on January 15, 1989, nor the disposition on August 1, 1989, of the stock is a section 988 transaction.

Example 9. On May 11, 1989, X purchases a one year note at original issue for its issue price of $1,000. The note pays interest in dollars at the rate of 4 percent compounded semiannually. The amount of principal received by X upon maturity is equal to $1,000 plus the equivalent of the excess, if any, of (a) the Financial Times One Hundred Stock Index (an index of stocks traded on the London Stock Exchange hereafter referred to as the FT100) determined and translated into dollars on the last business day prior to the maturity date, over (b) £2.150, the "stated value" of the FT100, which is equal to 110% of the average value of the index for the six months prior to the issue date, translated at the exchange rate of £1=$1.50. The purchase by X of the instrument described above is not a section 988 transaction because the index used to compute the principal amount received upon maturity is determined with reference to the value of stock and not nonfunctional currency.

Example 10. On April 9, 1989, X enters into an interest rate swap that provides for the payment of amounts by X to its counterparty based on 4% of a 10,000 yen principal amount in exchange for amounts based on yen LIBOR rates. Pursuant to paragraphs (a) (1)(ii) and (2)(iii) of this section, this yen for yen interest rate swap is a section 988 transaction.

Example 11. On August 11, 1989, X enters into an option contract for sale of a group of stocks traded on the Japanese Nikkei exchange. The contract is not a section 988 transaction within the meaning of § 1.988–1(a)(2)(iii) because the underlying property to which the option relates is a group of stocks and not nonfunctional currency.

(7) *Special rules for regulated futures contracts and non-equity options*—(i) *In general.* Except as provided in paragraph (a)(7)(ii) of this section, paragraph (a)(2)(iii) of this section shall not apply to any regulated futures contract or non-equity option which would be marked to market under

section 1256 if held on the last day of the taxable year.

(ii) *Election to have paragraph (a)(2)(iii) of this section apply.* Notwithstanding paragraph (a)(7)(i) of this section, a taxpayer may elect to have paragraph (a)(2)(iii) of this section apply to regulated futures contracts and non-equity options as provided in paragraph (a)(7) (iii) and (iv) of this section.

(iii) *Procedure for making the election.* A taxpayer shall make the election provided in paragraph (a)(7)(ii) of this section by sending to the Internal Revenue Service Center, Examination Branch, Stop Number 92, Kansas City, MO 64999 a statement titled "Election to Treat Regulated Futures Contracts and Non-Equity Options as Section 988 Transactions Under Section 988 (c)(1)(D)(ii)" that contains the following:

(A) The taxpayer's name, address, and taxpayer identification number;

(B) The date the notice is mailed or otherwise delivered to the Internal Revenue Service Center;

(C) A statement that the taxpayer (including all members of such person's affiliated group as defined in section 1504 or in the case of an individual all persons filing a joint return with such individual) elects to have section 988(c)(1)(D)(i) and § 1.988–1(a)(7)(i) not apply;

(D) The date of the beginning of the taxable year for which the election is being made;

(E) If the election is filed after the first day of the taxable year, a statement regarding whether the taxpayer has previously held a contract described in section 988(c)(1)(D)(i) or § 1.988–1(a)(7)(i) during such taxable year, and if so, the first date during the taxable year on which such contract was held; and

(F) The signature of the person making the election (in the case of individuals filing a joint return, the signature of all persons filing such return).

The election shall be made by the following persons: in the case of an individual, by such individual; in the case of a partnership, by each partner separately; effective for taxable years beginning after March 17, 1992, in the case of tiered partnerships, each ultimate partner; in the case of an S corporation, by each shareholder separately; in the case of a trust (other than a grantor trust) or estate, by the fiduciary of such trust or estate; in the case of any corporation other than an S corporation, by such corporation (in the case of a corporation that is a member of an affiliated group that files a consolidated return, such election shall be valid and binding only if made by the common parent, as that term is used in § 1.1502–77(a)); in the case of a controlled foreign corporation, by its controlling United States shareholders under § 1.964–1(c)(3). With respect to a corporation (other than an S corporation), the election, when made by the common parent, shall be binding on all members of such corporation's affiliated group as defined in section 1504 that file a consolidated return. The election shall be binding on any income or loss derived from the partner's share (determined under the principles of section 702(a)) of all contracts described in section 988(c)(1)(D)(i) or paragraph (a)(7)(i) of this section in which the taxpayer holds a direct interest or indirect interest through a partnership or S corporation; however, the election shall not apply to any income or loss of a partnership for any taxable year if such partnership made an election under section 988(c)(1)(E)(iii)(V) for such year or any preceding year. Generally, a copy of the election must be attached to the taxpayer's income tax return for the first year it is effective. It is not required to be attached to subsequent returns. However, in the case of a partner, a copy of the election must be attached to the taxpayer's income tax return for every year during which the taxpayer is a partner in a partnership that engages in a transaction that is subject to the election.

(iv) *Time for making the election*—(A) *In general.* Unless the requirements for making a late election described in paragraph (a)(7)(iv)(B) of this section are satisfied, an election under section 988 (c)(1)(D)(ii) and paragraph (a)(7)(ii) of this section for any taxable year shall be made on or before the first day of the taxable year or, if later, on or before the first day during such taxable year on which the taxpayer holds a contract described in section 988(c)(1)(D)(ii) and paragraph (a)(7)(ii) of this section. The election under section 988(c)(1)(D)(ii) and paragraph (a)(7)(ii) of this section shall apply to contracts entered into or acquired after October 21, 1988, and held on or after the effective date of the election. The election shall be effective as of the beginning of the taxable year and shall be binding with respect to all succeeding taxable years unless revoked with the prior consent of the Commissioner. In determining whether to grant revocation of the election, recapture of the tax benefit derived from the election in previous taxable years will be considered.

(B) *Late elections.* A taxpayer may make an election under section 988(c)(1)(D)(ii) and paragraph (a)(7)(ii) of this section within 30 days after the time prescribed in the first sentence of paragraph (a)(7)(iv)(A) of this section. Such a late election shall be effective as of the beginning of the taxable year; however, any losses recognized during the taxable year with respect to contracts described in section 988(c)(1)(D)(ii) or paragraph (a)(7)(ii) of this section which were entered into or acquired after October 21, 1988, and held on or before the date on which the late election is mailed or otherwise delivered to the Internal Revenue Service Center shall not be treated as derived from a section 988 transaction. A late election must comply with the procedures set forth in paragraph (a)(7)(iii) of this section.

(v) *Transition rule.* An election made prior to September 21, 1989 which satisfied the requirements of Notice 88–124, 1988–51 I.R.B. 6, shall be deemed to satisfy the requirements of paragraphs (a)(7) (iii) and (iv) of this section.

(vi) *General effective date provision.* This paragraph (a)(7) shall apply with respect to futures contracts and options entered into or acquired after October 21, 1988.

(8) *Special rules for qualified funds*—(i) *Definition of qualified fund.* The term "qualified fund" means any partnership if—

(A) At all times during the taxable year (and during each preceding taxable year to which an election under section 988(c)(1)(E)(iii)(V) applied) such partnership has at least 20 partners and no single partner owns more than 20 percent of the interests in the capital or profits of the partnership;

(B) The principal activity of such partnership for such taxable year (and each such preceding taxable year) consists of buying and selling options, futures, or forwards with respect to commodities;

(C) At least 90 percent of the gross income of the partnership for the taxable year (and each such preceding year) consists of income or gains described in subparagraph (A), (B), or (G) of section 7704(d)(1) or gain from the sale or disposition of capital assets held for the production of interest or dividends;

(D) No more than a de minimis amount of the gross income of the partnership for the taxable year (and each such preceding taxable year) was derived from buying and selling commodities; and

(E) An election under section 988 (c)(1)(E)(iii)(V) as provided in paragraph (a)(8)(iv) of this section applies to the taxable year.

(ii) *Special rules relating to paragraph (a)(8)(i)(A) of this section*—(A) *Certain general partners.* The interest of a general partner in the partnership shall not be treated as failing to meet the 20 percent ownership requirement of paragraph (a)(8)(i)(A) of this section for any taxable year of the partnership if, for the taxable year of the partner in which such partnership's taxable year ends, such partner (and each corporation filing a consolidated return with such partner) had no ordinary income or loss from a section 988 transaction (other than income from the partnership) which is exchange gain or loss (as the case may be).

(B) *Treatment of incentive compensation.* For purposes of paragraph (a)(8)(i)(A) of this section, any income allocable to a general partner as incentive compensation based on profits rather than capital shall not be taken into account in determining such partner's interest in the profits of the partnership.

(C) *Treatment of tax exempt partners.* The interest of a partner in the partnership shall not be treated as failing to meet the 20 percent ownership requirements of paragraph (a)(5)(8)(A) of this section if none of the income of such partner from such partnership is subject to tax under chapter 1 of subtitle A of the Internal Revenue Code (whether directly or through one or more pass-through entities).

(D) *Look-through rule.* In determining whether the 20 percent ownership requirement of paragraph (a)(8)(i)(A) of this section is met with respect to any partnership, any interest in such partnership held by another partnership shall be treated as held proportionately by the partners in such other partnership.

(iii) *Other special rules*—(A) *Related persons.* Interests in the partnership held by persons related to each other (within the meaning of section 267(b) or 707(b)) shall be treated as held by one person.

(B) *Predecessors.* Reference to any partnership shall include a reference to any predecessor thereof.

(C) *Treatment of certain debt instruments.* Solely for purposes of paragraph (a)(8)(i)(D) of this section, any debt instrument which is described in both paragraph (a) (1)(ii) and (2)(i) of this section shall be treated as a commodity.

(iv) *Procedure for making the election provided in section 988(c)(1)(E)(iii)(V).* A partnership shall make the election provided in section 988(c)(1)(E)(iii)(V) by sending to the Internal Revenue Service Center, Examination Branch, Stop Number 92, Kansas City, MO 64999 a statement titled "QUALIFIED FUND ELECTION UNDER SECTION 988(c)(1)(E)(iii)(V)" that contains the following:

(A) The partnership's name, address, and taxpayer identification number;

(B) The name, address and taxpayer identification number of the general partner making the election on behalf of the partnership;

(C) The date the notice is mailed or otherwise delivered to the Internal Revenue Service Center;

(D) A brief description of the activity of the partnership;

(E) A statement that the partnership is making the election provided in section 988(c)(1)(E)(iii)(V);

(F) The date of the beginning of the taxable year for which the election is being made;

(G) If the election is filed after the first day of the taxable year, then a statement regarding whether the partnership previously held an instrument referred to in section 988(c)(1)(E)(i) during such taxable year and, if so, the first date during the taxable year on which such contract was held; and

(H) The signature of the general partner making the election.

The election shall be made by a general partner with management responsibility of the partnership's activities and a copy of such election shall be attached to the partnership's income tax return (Form 1065) for the first taxable year it is effective. It is not required to be attached to subsequent returns.

(v) *Time for making the election.* The election under section 988(c)(1)(E)(iii)(V) for any taxable year shall be made on or before the first day of the taxable year or, if later, on or before the first day during such year on which the partnership holds an instrument described in section 988(c)(1)(E)(i). The election under section 988(c)(1)(E)(iii)(V) shall apply to the taxable year for which made and all succeeding taxable years. Such election may only be revoked with the consent of the Commissioner. In determining whether to grant revocation of the election, recapture by the partners of the tax benefit derived from the election in previous taxable years will be considered.

(vi) *Operative rules applicable to qualified funds*—(A) *In general.* In the case of a qualified fund, any bank forward contract or any foreign currency futures contract traded on a foreign exchange which is not otherwise a section 1256 contract shall be treated as a section 1256 contract for purposes of section 1256.

(B) *Gains and losses treated as short-term.* In the case of any instrument treated as a section 1256 contract under paragraph (a)(8)(vi)(A) of this section, subparagraph (A) of section 1256(a)(3) shall be applied by substituting "100 percent" for "40 percent" (and subparagraph (B) of such section shall not apply).

(vii) *Transition rule.* An election made prior to September 21, 1989, which satisfied the requirements of Notice 88–124, 1988–51 I.R.B. 6, shall be deemed to satisfy the requirements of § 1.988–1(a)(8) (iv) and (v).

(viii) *General effective date rules*—(A) The requirements of subclause (IV) of section 988(c)(1)(E)(iii) shall not apply to contracts entered into or acquired on or before October 21, 1988.

(B) In the case of any partner in an existing partnership, the 20 percent ownership requirements of subclause (I) of section 988(c)(1)(E)(iii) shall be treated as met during any period during which such partner does not own a percentage interest in the capital or profits of such partnership greater than 33⅓ percent (or, if lower, the lowest such percentage interest of such partner during any period after October 21, 1988, during which such partnership is in existence). For purposes of the preceding sentence, the term "existing partnership" means any partnership if—

(*1*) Such partnership was in existence on October 21, 1988, and principally engaged on such date in buying and selling options, futures, or forwards with respect to commodities; or

(*2*) A registration statement was filed with respect to such partnership with the Securities and Exchange Commission on or before such date and such registration statement indicated that the principal activity of such partnership will consist of buying and selling instruments referred to in paragraph (a)(8)(viii)(B)(*1*) of this section.

(9) *Exception for certain transactions entered into by an individual*—(i) *In general.* A transaction entered into by an individual which otherwise qualifies as a section 988 transaction shall be considered a section 988 transaction only to the extent expenses properly allocable to such transaction meet the requirements of section 162 or 212 (other than the part of section 212 dealing with expenses incurred in connection with taxes).

(ii) *Examples.* The following examples illustrate the application of paragraph (a)(9) of this section.

Example 1. X is a U.S. citizen who therefore has the U.S. dollar as his functional currency. On January 1, 1990, X enters into a spot contract to purchase 10,000 British pounds (£) for $15,000 for delivery on January 3, 1990. Immediately upon delivery, X

acquires at original issue a pound denominated bond with an issue price of £10,000. The bond matures on January 3, 1993, pays interest in pounds at a rate of 10% compounded semiannually, and has no original issue discount. Assume that all expenses properly allocable to these transactions would meet the requirements of section 212. Under § 1.988–2(d)(1)(ii), entering into the spot contract on January 1, 1990, is not a section 988 transaction. The acquisition of the pounds on January 3, 1990, under the spot contract is a section 988 transaction for purposes of establishing X's basis in the pounds. The disposition of the pounds and the acquisition of the bond by X are section 988 transactions. These transactions are not excluded from the definition of a section 988 transaction under paragraph (a)(9) of this section because expenses properly allocable to such transactions meet the requirements of section 212.

Example 2. X is a U.S. citizen who therefore has the dollar as his functional currency. In preparation for X's vacation, X purchases 1,000 British pounds (£) from a bank on June 1, 1989. During the period of X's vacation in the United Kingdom beginning June 10, 1989, and ending June 20, 1989, X spends £500 for hotel rooms, £300 for food and £200 for miscellaneous vacation expenses. The expenses properly allocable to such dispositions do not meet the requirements of section 162 or 212. Thus, the disposition of the pounds by X on his vacation are not section 988 transactions.

(10) *Intra-taxpayer transactions*—(i) *In general.* Except as provided in paragraph (a)(10)(ii) of this section, transactions between or among the taxpayer and/or qualified business units of that taxpayer ("intra-taxpayer transactions") are not section 988 transactions. See section 987 and the regulations thereunder.

(ii) *Certain transfers.* Exchange gain or loss with respect to nonfunctional currency or any item described in paragraph (a)(2) of this section entered into with another taxpayer shall be realized upon an intra-taxpayer transfer of such currency or item where as the result of the transfer the currency or other such item—

(A) Loses its character as nonfunctional currency or an item described in paragraph (a)(2) of this section; or

(B) Where the source of the exchange gain or loss could be altered absent the application of this paragraph (a)(10)(ii). Such exchange gain or loss shall be computed in accordance with § 1.988–2 (without regard to § 1.988–2(b)(8)) as if the nonfunctional currency or item described in paragraph (a)(2) of this section had been sold or otherwise transferred at fair market value between unrelated taxpayers. For purposes of the preceding sentence, a taxpayer must use the translation rate that it uses for purposes of computing section 987 gain or loss with respect to the QBU branch that makes the transfer. In the case of a gain or loss incurred in a transaction described in this paragraph (a)(10)(ii) that does not have a significant business purpose, the Commissioner, may defer such gain or loss.

(iii) *Example.* The following example illustrates the provisions of this paragraph (a)(10).

Example. (A) X, a corporation with the U.S. dollar as its functional currency, operates through foreign branches Y and Z. Y and Z are qualified business units as defined in section 989(a) with the LC as their functional currency. X computes Y's and Z's income under section 987 (relating to branch transactions). On November 12, 1988, Y transfers $25 to the home office of X when the fair market value of such amount equals LC120. Y has a basis of LC100 in the $25. Under paragraph (a)(10)(ii) of this section, Y realizes foreign source exchange gain of LC20 (LC120—LC100) as the result of the $25 transfer. For purposes of determining whether the transfer is a remittance resulting in additional gain or loss, see section 987 and the regulations thereunder.

(B) If instead Y transfers the $25 to Z, exchange gain is not realized because the $25 is nonfunctional currency with respect to Z and if Z were to immediately convert the $25 into LCs, the gain would be foreign source. For purposes of determining whether the transfer is a remittance resulting in additional gain or loss, see section 987 and the regulations thereunder.

(11) *Authority to include or exclude transactions from section 988*—(i) *In general.* The Commissioner may recharacterize a transaction (or series of transactions) in whole or in part as a section 988 transaction if the effect of such transaction (or series of transactions) is to avoid section 988. In addition, the Commissioner may exclude a transaction (or series of transactions) which in form is a section 988 transaction from the provisions of section 988 if the substance of the transaction (or series of transactions) indicates that it is not properly considered a section 988 transaction.

(ii) *Example.* The following example illustrates the provisions of this paragraph (a)(11).

Example. B is an individual with the U.S. dollar as its functional currency. B holds 500,000 Swiss francs which have a basis of $100,000 and a fair market value of $400,000 as of October 15, 1989. On October 16, 1989, B transfers the 500,000 Swiss francs to a newly formed U.S. corporation, X, with the dollar as its functional currency. On October 16, 1989, B sells the stock of X for $400,000. Assume the transfer to X qualified for nonrecognition under section 351. Because the sale of the stock of X is a substitute for the disposition of an asset subject to section 988, the Commissioner may recharacterize the sale of the stock as a section 988 transaction. The same result would obtain if B transferred the Swiss francs to a partnership and then sold the partnership interest.

(b) *Spot contract.* A spot contract is a contract to buy or sell nonfunctional currency on or before two business days following the date of the execution of the contract. See § 1.988–2 (d)(1)(ii) for operative rules regarding spot contracts.

(c) *Nonfunctional currency.* The term "nonfunctional currency" means with respect to a taxpayer or a qualified business unit (as defined in section 989 (a)) a currency (including the European Currency Unit) other than the taxpayer's or the qualified business unit's functional currency as defined in section 985 and the regulations thereunder. For rules relating to nonrecognition of exchange gain or loss with respect to certain dispositions of nonfunctional currency, see § 1.988–2 (a)(1)(iii).

(d) *Spot rate*—(1) *In general.* Except as otherwise provided in this paragraph, the term "spot rate" means a rate demonstrated to the satisfaction of the District Director or the Assistant Commissioner (International) to reflect a fair market rate of exchange available to the public for currency under a spot contract in a free market and involving representative amounts. In the absence of such a demonstration, the District Director or the Assistant Commissioner (International), in his or her sole discretion, shall determine the spot rate from a source of exchange rate information reflecting actual transactions conducted in a free market. For example, the taxpayer or the District Director or the Assistant Commissioner (International) may determine the spot rate by reference to exchange rates published in the pertinent monthly issue of "International Financial Statistics" or a successor publication of the International Monetary Fund; exchange rates published by the Board of Governors of the Federal Reserve System pursuant to 31 U.S.C. section 5151; exchange rates published in newspapers, financial journals or other daily financial news sources; or exchange rates quoted by electronic financial news services.

(2) *Consistency required in valuing transactions subject to section 988.* If the use of inconsistent sources of spot rate quotations results in the distortion of income, the District Director or the Assistant Commissioner (International) may determine the appropriate spot rate.

(3) *Use of certain spot rate conventions for payables and receivables denominated in nonfunctional currency.* If consistent with the taxpayer's financial accounting, a taxpayer may utilize a spot rate convention determined at intervals of one quarter year or less for purposes of computing exchange gain or loss with respect to payables and receivables denominated in a nonfunctional currency that are incurred in the ordinary course of business with respect to the acquisition or sale of goods or the obtaining or performance of services. For example, if consistent with the taxpayer's financial accounting, a taxpayer may accrue all payables and receivables incurred during the month of January at the spot rate on December 31 or January 31 (or at an average of any spot rates occurring between these two dates) and record the payment or receipt of amounts in satisfaction of such payables and receivables consistent with such convention. The use of a spot rate convention cannot be changed without the consent of the Commissioner.

(4) *Currency where an official government established rate differs from a free market rate*—(i) *In general.* If a currency has an official government established rate that differs from a free market rate, the spot rate shall be the rate which most clearly reflects the taxpayer's income. Generally, this shall be the free market rate.

(ii) *Examples.* The following examples illustrate the application of this paragraph (d)(4).

Example 1. X is an accrual method U.S. corporation with the dollar as its functional currency. X owns all the stock of a Country L subsidiary, CFC. CFC has the currency of Country L, the LC, as its functional currency. Country L imposes restrictions on the remittance of dividends. On April 1, 1990, CFC pays a dividend to X in the amount of LC100. Assume that the official government established rate is $1=LC1 and the free market rate, which takes into account the remittance restrictions and which is the rate that most clearly reflects income, is $1=LC4. On April 1, 1990, X donates the LC100 in a transaction that otherwise qualifies as a charitable contribution under section 170 (c). Both the amount of the dividend income and the deduction under section 170 is $25 (LC100 x the free market rate, $.25).

Example 2. X, a corporation with the U.S. dollar as its functional currency, operates in foreign country L through branch Y. Y is a qualified business unit as defined in section 989 (a). X computes Y's income under the dollar approximate separate transactions method as described in § 1.985–3. The currency of L is the LC. X can purchase legally United States dollars ($) in L only from the L government. In order to take advantage of an arbitrage between the official and secondary dollar to LC exchange rates in L:

(i) X purchases LC100 for $80 in L on the secondary market when the official exchange rate is $1=LC1;

(ii) X transfers the LC100 to Y;

(iii) Y purchases $100 for LC100; and

(iv) Y transfers $95 ($100 less an L tax withheld of $35 on the transfer) to the home office of X.

Under paragraph (a)(7) of this section, the transfer of the LC100 by X to Y is a realization event. X has a basis of $80 in the LC100. Under these facts, the appropriate dollar to LC exchange rate for computing the amount realized by X is the official exchange rate. Therefore, X realizes $40 ($100–$60) of U.S. source gain from the transfer to Y. The same result would obtain if Y rather than X purchased the LC100 on the secondary market in L with $60 supplied by X, because the substance of this transaction is that X is performing the arbitrage.

(e) *Exchange gain or loss.* The term "exchange gain or loss" means the amount of gain or loss realized as determined in § 1.988–2 with respect to a section 988 transaction. Except as otherwise provided in these regulations (*e.g.*, § 1.988–5), the amount of exchange gain or loss from a section 988 transaction shall be separately computed for each section 988 transaction, and such amount shall not be integrated with gain or loss recognized on another transaction (whether or not such transaction is economically related to the section 988 transaction). See § 1.988–2 (b)(8) for a special rule with respect to debt instruments.

(f) *Hyperinflationary currency.* For the definition of hyperinflationary currency see § 1.985–2 (b)(2). Unless otherwise provided, the currency in any example used in §§ 1.988–1 through 1.988–5 is not a hyperinflationary currency.

(g) *Fair market value.* The fair market value of an item shall, where relevant, reflect an appropriate premium or discount for the time value of money (*e.g.*, the fair market value of a forward contract to buy or sell nonfunctional currency shall reflect the present value of the difference between the units of nonfunctional currency times the market forward rate at the time of valuation and the units of nonfunctional currency times the forward rate set forth in the contract). However, if consistent with the taxpayer's method of financial accounting (and consistently applied from year to year), the preceding sentence shall not apply to a financial instrument that matures within one year from the date of issuance or acquisition. Unless otherwise provided, the fair market value given in any example used in §§ 1.988–1 through 1.988–5 is deemed to reflect appropriately the time value of money. If the use of inconsistent sources of forward or other market rate quotations results in the distortion of income, the District Director or the Assistant Commissioner (International) may determine the appropriate rate.

(h) *Interaction with sections 1092 and 1256.* Unless otherwise provided, it is assumed for purposes of §§ 1.988–1 through 1.988–5 that any contract used in any example is not a section 1256 contract and is not part of a straddle as defined in section 1092. No inference is intended regarding the application of section 1092 or 1256 unless expressly stated.

(i) *Effective date.* Except as otherwise provided in this section, this section shall be effective for taxable years beginning after December 31, 1986. Thus, except as otherwise provided in this section, any payments made or received with respect to a section 988 transaction in taxable years beginning after December 31, 1986, are subject to this section.

§ 1.988–2 Recognition and computation of exchange gain or loss.

(a) *Disposition of nonfunctional currency*—(1) *Recognition of exchange gain or loss*—(i) *In general.* Except as otherwise provided in this section, § 1.988–1(a)(7)(ii), and § 1.988–5, the recognition of exchange gain or loss upon the sale or other disposition of nonfunctional currency shall be governed by the recognition provisions of the Internal Revenue Code which apply to the sale or disposition of property (*e.g.*, section 1001 or, to the extent provided in regulations, section 1092). The disposition of nonfunctional currency in settlement of a forward contract, futures contract, option contract, or similar financial instrument is considered to be a sale or disposition of the nonfunctional currency for purposes of the preceding sentence.

(ii) *Clarification of section 1031.* An amount of one nonfunctional currency is not "property of like kind" with respect to an amount of a different nonfunctional currency.

(iii) *Coordination with section 988(c)(1)(C)(ii).* No exchange gain or loss is recognized with respect to the following transactions—

(A) An exchange of units of nonfunctional currency for different units of the same nonfunctional currency;

(B) The deposit of nonfunctional currency in a demand or time deposit or similar instrument (including a certificate of deposit) issued by a bank or other financial institution if such instrument is denominated in such currency;

(C) The withdrawal of nonfunctional currency from a demand or time deposit or similar instrument issued by a bank or other financial institution if such

instrument is denominated in such currency;

(D) The receipt of nonfunctional currency from a bank or other financial institution from which the taxpayer purchased a certificate of deposit or similar instrument denominated in such currency by reason of the maturing or other termination of such instrument; and

(E) The transfer of nonfunctional currency from a demand or time deposit or similar instrument issued by a bank or other financial institution to another demand or time deposit or similar instrument denominated in the same nonfunctional currency issued by a bank or other financial institution.

The taxpayer's basis in the units of nonfunctional currency or other property received in the transaction shall be the adjusted basis of the units of nonfunctional currency or other property transferred. See paragraph (b) of this section with respect to the timing of interest income or expense and the determination of exchange gain or loss thereon.

(iv) *Example.* The following example illustrates the provisions of paragraph (a)(1)(iii) of this section.

Example. X is a corporation on the accrual method of accounting with the U.S. dollar as its functional currency. On January 1, 1989, X acquires 1,500 British pounds (£) for $2,250 (£1=$1.50). On January 3, 1989, when the spot rate is £1=$1.49, X deposits the £1,500 with a British financial institution in a non-interest bearing demand account. On February 1, 1989, when the spot rate is £1=$1.45, X withdraws the £1,500. On February 5, 1989, when the spot rate is £1=$1.42, X purchases inventory in the amount of £1,500. Pursuant to paragraph (a)(1)(iii) of this section, no exchange loss is realized until February 5, 1989, when X disposes of the £1,500 for inventory. At that time, X realizes exchange loss in the amount of $120 computed under paragraph (a)(2) of this section. The loss is not an adjustment to the cost of the inventory.

(2) *Computation of gain or loss*—(i) *In general.* Exchange gain realized from the sale or other disposition of nonfunctional currency shall be the excess of the amount realized over the adjusted basis of such currency, and exchange loss realized shall be the excess of the adjusted basis of such currency over the amount realized.

(ii) *Amount realized*—(A) *In general.* The amount realized from the disposition of nonfunctional currency shall be determined under section 1001(b). A taxpayer that uses a spot rate convention under § 1.988–1(d)(3) to determine exchange gain or loss with respect to a payable shall determine the amount realized upon the disposition of nonfunctional currency paid in satisfaction of the payable in a manner consistent with such convention.

(B) *Exchange of nonfunctional currency for property.* For purpose of paragraph (a)(2) of this section, the exchange of nonfunctional currency for property (other than nonfunctional currency) shall be treated as—

(*1*) An exchange of the units of nonfunctional currency for units of functional currency at the spot rate on the date of the exchange, and

(*2*) The purchase or sale of the property for such units of functional currency.

(C) *Example.* The following example illustrates the provisions of paragraph (a)(2)(ii)(B) of this section.

Example. G is a U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1989, G enters into a contract to purchase a paper manufacturing machine for 10,000,000 British pounds (£) for delivery on January 1, 1991. On January 1, 1991, when G exchanges £10,000,000 (which G purchased for $12,000,000) for the machine, the fair market value of the machine is £17,000,000. On January 1, 1991, the spot exchange rate is £1=$1.50. Under paragraph (a)(2)(ii)(B) of this section, the transaction is treated as an exchange of £10,000,000 for $15,000,000 and the purchase of the machine for $15,000,000. Accordingly, in computing G's exchange gain of $3,000,000 on the disposition of the £10,000,000, the amount realized is $15,000,000. G's basis in the machine is $15,000,000. No gain is recognized on the bargain purchase of the machine.

(iii) *Adjusted basis*—(A) *In general.* Except as provided in paragraph (a)(2)(iii)(B) of this section, the adjusted basis of nonfunctional currency is determined under the applicable provisions of the Internal Revenue Code (*e.g.*, sections 1011 through 1023). A taxpayer that uses a spot rate convention under § 1.988–1 (d)(3) to determine exchange gain or loss with respect to a receivable shall determine the basis of nonfunctional currency received in satisfaction of such receivable in a manner consistent with such convention.

(B) *Determination of the basis of nonfunctional currency withdrawn from an account with a bank or other financial institution*—(*1*) *In general.* The basis of nonfunctional currency withdrawn from an account with a bank or other financial institution shall be determined under any reasonable method that is consistently applied from year to year by the taxpayer to all accounts denominated in a nonfunctional currency. For example, a taxpayer may use a first in first out method, a last in first out method, a pro rata method (as illustrated in the example below), or any other reasonable method that is consistently applied. However, a method that consistently results in units of nonfunctional currency with the highest basis being withdrawn first shall not be considered reasonable.

(*2*) *Example.* The following example illustrates the provisions of this paragraph (a)(2)(iii)(B).

Example. (i) X, a cash basis individual with the dollar as his functional currency, opens a demand account with a Swiss bank. Assume expenses associated with the demand account are deductible under section 212. The following chart indicates Swiss franc deposits to the account, Swiss franc interest credited to the account, the dollar basis of each deposit, and the determination of the aggregate dollar basis of all Swiss francs in the account. Assume that the taxpayer has properly translated all the amounts specified in the chart and that all transactions are subject to section 988.

Date	Swiss francs deposited	Interest received	U.S. dollar basis	Aggregate U.S. dollar basis
1/01/89	1000 SF		$500	$500
3/31/89		50 SF	25	525
6/30/89		50 SF	24	549
9/30/89		50 SF	25	574
12/31/89		50 SF	26	600

(ii) On January 1, 1990, X withdraws 500 Swiss francs from the account. X may determine his basis in the Swiss francs by multiplying the aggregate U.S. dollar basis of Swiss francs in the account by a fraction the numerator of which is the number of Swiss francs withdrawn from the account and the denominator is the total number of Swiss francs in the account. Under this method, X's basis in the 500 Swiss francs is $250 computed as follows:

$$\frac{500\ SF}{1200\ SF} \times \$600 = \$250$$

(iii) X's basis in the Swiss francs remaining in the account is $350 ($600−$250). X must use this method consistently from year to year with respect to withdrawals of nonfunctional currency from all of X's accounts.

(iv) *Purchase and sale of stock or securities traded on an established securities market by cash basis taxpayer*—

(A) *Amount realized.* If stock or securities traded on an established securities market are sold by a cash basis taxpayer for nonfunctional currency, the amount realized with respect to the stock or securities (as determined on the trade date) shall be computed by translating the units of nonfunctional currency received into functional currency at the spot rate on the settlement date of the sale. This rule applies notwithstanding that the stock or securities are treated as disposed of on a date other than the settlement date under another section of the Code. See section 453(k).

(B) *Basis.* If stock or securities traded on an established securities market are purchased by a cash basis taxpayer for nonfunctional currency, the basis of the stock or securities shall be determined by translating the units of nonfunctional currency paid into functional currency at the spot rate on the settlement date of the purchase.

(C) *Example.* The following example illustrates the provisions of this paragraph (a)(2)(iv).

Example. On November 1, 1989 (the trade date), X, a calendar year cash basis U.S. individual, purchases stock for £100 for settlement on November 5, 1989. On November 1, 1989, the spot value of the £100 is $140. On November 5, 1989, X purchases £100 for $141 which X uses to pay for the stock. X's basis in the stock is $141. On December 30, 1990 (the trade date), X sells the stock for £110 for settlement on January 5, 1991. On December 30, 1990, the spot value of £110 is $165. On January 5, 1991, X transfers the stock and receives £110 which, translated at the spot rate, equal $166. Under section 453(k), the stock is considered disposed of on December 30, 1990. The amount realized with respect to such disposition is the value of the £110 on January 5, 1991 ($166). Accordingly, X's gain realized on December 30, 1990, from the disposition of the stock is $25 ($166 amount realized less $141 basis). X's basis in the £110 received from the sale of the stock is $165.

(v) *Purchase and sale of stock or securities traded on an established securities market by accrual basis taxpayer.* For taxable years beginning after March 17, 1992, an accrual basis taxpayer may elect to apply the rules of paragraph (a)(2)(iv) of this section. The election shall be made by filing a statement with the taxpayer's first return in which the election is effective clearly indicating that the election has been made. A method so elected must be applied consistently from year to year and cannot be changed without the consent of the Commissioner.

(b) *Translation of interest income or expense and determination of exchange gain or loss with respect to debt instruments*—(1) *Translation of interest income received with respect to a nonfunctional currency demand account.* Interest income received with respect to a demand account with a bank or other financial institution which is denominated in (or the payments of which are determined by reference to) a nonfunctional currency shall be translated into functional currency at the spot rate on the date received or accrued or pursuant to any reasonable spot rate convention consistently applied by the taxpayer to all taxable years and to all accounts denominated in nonfunctional currency in the same financial institution. For example, a taxpayer may translate interest income received with respect to a demand account on the last day of each month of the taxable year, on the last day of each quarter of the taxable year, on the last day of each half of the taxable year, or on the last day of the taxable year. No exchange gain or loss is realized upon the receipt or accrual of interest income with respect to a demand account subject to this paragraph (b)(1).

(2) *Translation of nonfunctional currency interest income or expense received or paid with respect to a debt instrument described in § 1.988–1(a)(1)(ii) and (2)(i)*—(i) *Scope*—(A) *In general.* Paragraph (b) of this section only applies to debt instruments described in § 1.988–1(a) (1)(ii) and (2)(i) where all payments are denominated in, or determined with reference to, a single nonfunctional currency. Except as provided in paragraph (b)(2)(i)(B) of this section, this paragraph (b) shall not apply to contingent payment debt instruments.

(B) *Nonfunctional currency contingent payment debt instruments*—(*1*) *Operative rules.* [Reserved]

(*2*) *Certain instruments are not contingent payment debt instruments.* For purposes of section 1275(d), a debt instrument denominated in, or all payments of which are determined with reference to, a single nonfunctional currency (with no contingencies) is not a contingent payment debt instrument. See § 1.988–1(a) (4) and (5) for the treatment of dual currency and multi-currency debt instruments.

(ii) *Determination and translation of interest income or expense*—(A) *In general.* Interest income or expense on a debt instrument described in paragraph (b)(2)(i) of this section (including original issue discount determined in accordance with sections 1271 through 1275 and 163(e) as adjusted for acquisition premium under section 1272(a)(7), and acquisition discount determined in accordance with sections 1281 through 1283) shall be determined in units of nonfunctional currency and translated into functional currency as provided in paragraphs (b)(2)(ii) (B) and (C) of this section. For purposes of sections 483, 1273(b)(5) and 1274, the nonfunctional currency in which an instrument is denominated (or by reference to which payments are determined) shall be considered money.

(B) *Translation of interest income or expense that is not required to be accrued prior to receipt or payment.* With respect to an instrument described in paragraph (b)(2)(i) of this section, interest income or expense received or paid that is not required to be accrued by the taxpayer prior to receipt or payment shall be translated at the spot rate on the date of receipt or payment. No exchange gain or loss is realized with respect to the receipt or payment of such interest income or expense (other than the exchange gain or loss that might be realized under paragraph (a) of this section upon the disposition of the nonfunctional currency so received or paid).

(C) *Translation of interest income or expense that is required to be accrued prior to receipt or payment.* With respect to an instrument described in paragraph (b)(2)(i) of this section, interest income or expense that is required to be accrued prior to receipt or payment (*e.g.*, under section 1272, 1281 or 163(e) or because the taxpayer uses an accrual method of accounting) shall be translated at the average rate (or other rate specified in paragraph (b)(2)(iii)(B) of this section) for the interest accrual period or, with respect to an interest accrual period that spans two taxable years, at the average rate (or other rate specified in paragraph (b)(2)(iii)(B) of this section) for the partial period within the taxable year. See paragraphs (b) (3) and (4) of this section for the determination of exchange gain or loss on the receipt or payment of accrued interest income or expense.

(iii) *Determination of average rate or other accrual convention*—(A) *In general.* For purposes of this paragraph (b), the average rate for an accrual period (or partial period) shall be a

simple average of the spot exchange rates for each business day of such period or other average exchange rate for the period reasonably derived and consistently applied by the taxpayer.

(B) *Election to use spot accrual convention.* For taxable years beginning after March 17, 1992, a taxpayer may elect to translate interest income and expense at the spot rate on the last day of the interest accrual period (and in the case of a partial accrual period, the spot rate on the last day of the taxable year). If the last day of the interest accrual period is within five business days of the date of receipt or payment, the taxpayer may translate interest income or expense at the spot rate on the date of receipt or payment. The election shall be made by filing a statement with the taxpayer's first return in which the election is effective clearly indicating that the election has been made. A method so elected must be applied consistently to all debt instruments from year to year and cannot be changed without the consent of the Commissioner.

(3) *Exchange gain or loss recognized by the holder with respect to accrued interest income.* The holder of a debt instrument described in paragraph (b)(2)(i) of this section shall realize exchange gain or loss with respect to accrued interest income on the date such accrued interest income is received or the instrument is disposed of (including a deemed disposition under section 1001 that results from a material change in terms of the instrument). Except as otherwise provided in this paragraph (b) (*e.g.*, paragraph (b)(8) of this section), exchange gain or loss realized with respect to accrued interest income shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. The amount of exchange gain or loss so realized with respect to accrued interest income is determined for each accrual period by—

(i) Translating the units of nonfunctional currency interest income received with respect to such accrual period (as determined under the ordering rules of paragraph (b)(7) of this section) into functional currency at the spot rate on the date the interest income is received or the instrument is disposed of (or deemed disposed of), and

(ii) Subtracting from such amount the amount computed by translating the units of nonfunctional currency interest income accrued with respect to such income received at the average rate (or other rate specified in paragraph (b)(2)(iii)(B) of this section) for the accrual period.

(4) *Exchange gain or loss recognized by the obligor with respect to accrued interest expense.* The obligor under a debt instrument described in paragraph (b)(2)(i) of this section shall realize exchange gain or loss with respect to accrued interest expense on the date such accrued interest expense is paid or the obligation to make payments is transferred or extinguished (including a deemed disposition under section 1001 that results from a material change in terms of the instrument). Except as otherwise provided in this paragraph (b) (*e.g.*, paragraph (b)(8) of this section), exchange gain or loss realized with respect to accrued interest expense shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. The amount of exchange gain or loss so realized with respect to accrued interest expense is determined for each accrual period by—

(i) Translating the units of nonfunctional currency interest expense accrued with respect to the amount of interest paid into functional currency at the average rate (or other rate specified in paragraph (b)(2)(iii)(B) of this section) for such accrual period; and

(ii) Subtracting from such amount the amount computed by translating the units of nonfunctional currency interest paid (or, if the obligation to make payments is extinguished or transferred, the units accrued) with respect to such accrual period (as determined under the ordering rules in paragraph (b)(7) of this section) into functional currency at the spot rate on the date payment is made or the obligation is transferred or extinguished (or deemed extinguished).

(5) *Exchange gain or loss recognized by the holder of a debt instrument with respect to principal.* The holder of a debt instrument described in paragraph (b)(2)(i) of this section shall realize exchange gain or loss with respect to the principal amount of such instrument on the date principal (determined under the ordering rules of paragraph (b)(7) of this section) is received from the obligor or the instrument is disposed of (including a deemed disposition under section 1001 that results from a material change in terms of the instrument). For purposes of computing exchange gain or loss, the principal amount of a debt instrument is the holder's purchase price in units of nonfunctional currency. See paragraph (b)(10) of this section for rules regarding the amortization of that part of the principal amount that represents bond premium and the computation of exchange gain or loss thereon. If, however, the holder acquired the instrument in a transaction in which exchange gain or loss was realized but not recognized by the transferor, the nonfunctional currency principal amount of the instrument with respect to the holder shall be the same as that of the transferor. Except as otherwise provided in this paragraph (b) (*e.g.*, paragraph (b)(8) of this section), exchange gain or loss realized with respect to such principal amount shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. The amount of exchange gain or loss so realized by the holder with respect to principal is determined by—

(i) Translating the units of nonfunctional currency principal at the spot rate on the date payment is received or the instrument is disposed of (or deemed disposed of); and

(ii) Subtracting from such amount the amount computed by translating the units of nonfunctional currency principal at the spot rate on the date the holder (or a transferor from whom the nonfunctional principal amount is carried over) acquired the instrument (is deemed to acquire the instrument).

(6) *Exchange gain or loss recognized by the obligor of a debt instrument with respect to principal.* The obligor under a debt instrument described in paragraph (b)(2)(i) of this section shall realize exchange gain or loss with respect to the principal amount of such instrument on the date principal (determined under the ordering rules of paragraph (b)(7) of this section) is paid or the obligation to make payments is transferred or extinguished (including a deemed disposition under section 1001 that results from a material change in terms of the instrument). For purposes of computing exchange gain or loss, the principal amount of a debt instrument is the amount received by the obligor for the debt instrument in units of nonfunctional currency. See paragraph (b)(10) of this section for rules regarding the amortization of that part of the principal amount that represents bond premium and the computation of exchange gain or loss thereon. If, however, the obligor became the obligor in a transaction in which exchange gain or loss was realized but not recognized by the transferor, the nonfunctional currency principal amount of the instrument with respect to such obligor shall be the same as that of the transferor. Except as otherwise provided in this paragraph (b) (*e.g.*, paragraph (b)(8) of this section), exchange gain or loss realized with respect to such principal shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. The amount of exchange gain or loss so realized by the obligor is determined by—

(i) Translating the units of nonfunctional currency principal at the spot rate on the date the obligor (or a transferor from whom the principal amount is carried over) became the obligor (or is deemed to have become the obligor); and

(ii) Subtracting from such amount the amount computed by translating the units of nonfunctional currency principal at the spot rate on the date payment is made or the obligation is transferred or extinguished (or deemed extinguished).

(7) *Payment ordering rules*—(i) *Debt instruments subject to the rules of sections 163(e), or 1271 through 1288.* In the case of a debt instrument described in paragraph (b)(2)(i) of this section that is subject to the rules of sections 163(e), or 1272 through 1288, units of nonfunctional currency (or an amount determined with reference to nonfunctional currency) received or paid with respect to such debt instrument shall be treated first as a receipt or payment of periodic interest under the principles of section 1273 and the regulations thereunder, second as a receipt or payment of original issue discount to the extent accrued as of the date of the receipt or payment, and finally as a receipt or payment of principal. Units of nonfunctional currency (or an amount determined with reference to nonfunctional currency) treated as a receipt or payment of original issue discount under the preceding sentence are attributed to the earliest accrual period in which original issue discount has accrued and to which prior receipts or payments have not been attributed. No portion thereof shall be treated as prepaid interest. These rules are illustrated by *Example 10* of paragraph (b)(9) of this section.

(ii) *Other debt instruments.* In the case of a debt instrument described in paragraph (b)(2)(i) of this section that is not subject to the rules of section 163(e) or 1272 through 1288, whether units of nonfunctional currency (or an amount determined with reference to nonfunctional currency) received or paid with respect to such debt instrument are treated as interest or principal shall be determined under section 163 or other applicable section of the Code.

(8) *Limitation of exchange gain or loss on payment or disposition of a debt instrument.* When a debt instrument described in paragraph (b)(2)(i) of this section is paid or disposed of, or when the obligation to make payments thereunder is satisfied by another person, or extinguished or assumed by another person, exchange gain or loss is computed with respect to both principal and any accrued interest (including original issue discount), as provided in paragraph (b)(3) through (7) of this section. However, pursuant to section 988(b) (1) and (2), the sum of any exchange gain or loss with respect to the principal and interest of any such debt instrument shall be realized only to the extent of the total gain or loss realized on the transaction. The gain or loss realized shall be recognized in accordance with the general principles of the Code. See *Examples 3, 4* and *6* of paragraph (b)(9) of this section.

(9) *Examples.* The preceding provisions are illustrated in the following examples. The examples assume that any transaction involving an individual is a section 988 transaction.

Example 1. (i) X is an individual on the cash method of accounting with the dollar as his functional currency. On January 1, 1992, X converts $13,000 to 10,000 British pounds (£) at the spot rate of £1=$1.30 and loans the £10,000 to Y for 3 years. The terms of the loan provide that Y will make interest payments of £1,000 on December 31 of 1992, 1993, and 1994, and will repay X's £10,000 principal on December 31, 1994. Assume the spot rates for the pertinent dates are as follows:

Date	Spot rate (pounds to dollars)
Jan. 1, 1992	£1=$1.30
Dec. 31, 1992	£1=$1.35
Dec. 31, 1993	£1=$1.40
Dec. 31, 1994	£1=$1.45

(ii) Under paragraph (b)(2)(ii)(B) of this section, X will translate the £1,000 interest payments at the spot rate on the date received. Accordingly, X will have interest income of $1,350 in 1992, $1,400 in 1993, and $1,450 in 1994. Because X is a cash basis taxpayer, X does not realize exchange gain or loss on the receipt of interest income.

(iii) Under paragraph (b)(5) of this section, X will realize exchange gain upon repayment of the £10,000 principal amount determined by translating the £10,000 at the spot rate on the date it is received (£10,000×$1.45=$14,500) and subtracting from such amount, the amount determined by translating the £10,000 at the spot rate on the date the loan was made (£10,000×$1.30=$13,000). Accordingly, X will realize an exchange gain of $1,500 on the repayment of the loan on December 31, 1994.

Example 2. (i) Assume the same facts as in *Example 1* except that X is an accrual method taxpayer and that average rates are as follows:

Accrual period	Average rate (pounds to dollars)
1992	£1=$1.32
1993	£1=$1.37
1994	£1=$1.42

(ii) Under paragraph (b)(2)(ii)(C) of this section, X will accrue the £1,000 interest payments at the average rate for the accrual period. Accordingly, X will have interest income of $1,320 in 1992, $1,370 in 1993, and $1,420 in 1994. Because X is an accrual basis taxpayer, X determines exchange gain or loss for each interest accrual period by translating the units of nonfunctional currency interest income received with respect to such accrual period at the spot rate on the date received and subtracting the amounts of interest income accrued for such period. Thus, X will realize $90 of exchange gain with respect to interest received under the loan, computed as follows:

Year	Spot value interest received	Accrued interest @ average rate	Exch. gain
1992	$1,350	$1,320	$30
1993	1,400	1,370	30
1994	1,450	1,420	30
Total			$90

(iii) Under paragraph (b)(5) of this section, X will realize exchange gain upon repayment of the £10,000 loan principal determined in the same manner as in *Example 1*. Accordingly, X will realize an exchange gain of $1,500 on the repayment of the loan principal on December 31, 1994.

Example 3. Assume the same facts as in *Example 1* except that X is a calendar year taxpayer on the accrual method of accounting that elects to use a spot rate convention to translate interest income as provided in § 1.988–2(b)(2)(iii)(B). Interest income is received by X on the last day of each accrual period. Under paragraph (b)(2)(ii)(C), X will translate the interest income at the spot rate on the last day of each interest accrual period. Accordingly, X will have interest income of $1,350 in 1992, and $1,400 in 1993, $1,450 in 1994. Because the rate at which the interest income is translated is the same as the rate on the day of receipt, X will not realize any exchange gain or loss with respect to the interest income. Under paragraph (b)(5) of this section, X will realize exchange gain upon repayment of the £10,000 loan principal determined in the same manner as in *Example 1*. Accordingly, X will realize an exchange gain of $1,500 on the repayment of the loan principal on December 31, 1994.

Example 4. Assume the same facts as in *Example 1* except that on December 31, 1993, X sells Y's note for 9,821.13 British pounds (£) after the interest payment. Under paragraph (b)(6) of this section, X will compute exchange gain on the £10,000 principal. The exchange gain is $1,000 [(£10,000×$1.40)−(£10,000×$1.30)]. This exchange gain, however, is only realized to the extent of the total gain on the disposition. X's total gain is

$749.58 [(£9,821.13×$1.40)−(£10,000×$1.30)]. Thus, X will realize $749.58 of exchange gain (and will realize no market loss).

Example 5. (i) The facts are the same as in *Example 1* except that Y becomes insolvent and fails to repay the full £10,000 principal when due. Instead, X and Y agree to compromise the debt for a payment of £8,000 on December 31, 1994. Under paragraph (b)(8) of this section, X will compute exchange gain on the £10,000 originally booked. The exchange gain is $1,500 [(£10,000×$1.45)−(£10,000×$1.30)=$1,500]. This exchange gain, however, is only realized to the extent of the total gain on the disposition. X realizes an overall loss on the disposition of $1,400 [(£8,000×$1.45)−(£10,000×$1.30)=($1,400)]. Thus, X will realize no exchange gain (and a $1400 market loss).

(ii) If the exchange rate on December 31, 1994, were £1=$1.25, rather than £1=$1.45, X would compute exchange loss under paragraph (b)(8) of this section, on the £10,000 originally booked. The exchange loss would be $500 [(£10,000×$1.25)−(£10,000×$1.30)=($500)]. X's total loss on the disposition would be $3,000 [(£8,000×$1.25)−(£10,000×$1.30)=($3,000)]. Thus, X would realize $500 of exchange loss and a $2,500 market loss on the disposition.

Example 6. (i) X is an individual with the dollar as his functional currency. X is on the cash method of accounting. On January 1, 1989, X borrows 10,000 British pounds (£) from Y, an unrelated person. The terms of the loan provide that X will make interest payments of £1,200 on December 31 of 1989 and 1990 and will repay Y's £10,000 principal on December 31, 1990. The spot rates for the pertinent dates are as follows:

Date	Spot rate [1]
Jan. 1, 1989	1=$1.50
Dec. 31, 1989	1=1.60
Dec. 31, 1990	1=1.70

[1] Pounds to dollars.

Assume that the basis of the £1,200 paid as interest by X on December 31, 1989 is $2,000, the basis of the £1,200 paid as interest by X on December 31, 1990, is $2,020 and the basis of the £10,000 principal paid by X on December 31, 1990 is $16,000.

(ii) Under paragraph (b)(2)(ii)(B) of this section, X translates the £1,200 interest payments at the spot rate on the day paid. Thus, X paid $1,920 (£1,200×$1.60) of interest on December 31, 1989 and $2,040 (£1,200×$1.70) of interest on December 31, 1990. In addition, X will realize exchange gain or loss on the disposition of the £1,200 on December 31, 1989 and 1990, under paragraph (a) of this section. Pursuant to paragraph (a)(2) of this section, X will realize an exchange loss of $80 [(£1,200×$1.60)−$2,000] on December 31, 1989 and exchange gain of $20 [(£1,200×$1.70)−$2,020] on December 31, 1990.

(iii) Under paragraph (b)(6) of this section, X will realize exchange loss on December 31, 1990 upon repayment of the £10,000 principal amount determined by translating the £10,000 received at the spot rate on January 1, 1989 (£10,000×$1.50=$15,000) and subtracting from such amount, the amount determined by translating the £10,000 paid at the spot rate on December 31, 1990 (£10,000×$1.70=$17,000). Thus, under paragraph (b)(6) of this section, X has an exchange loss with respect to the £10,000 principal of $2,000. Further, under paragraph (a)(2) of this section, X will realize an exchange gain upon disposition of the £10,000 on December 31, 1990. Under paragraph (a)(2) of this section, X will subtract his adjusted basis in the £10,000 ($16,000) from the amount realized upon the disposition of the £10,000 (£10,000×$1.70=$17,000) resulting in a gain of $1,000. Accordingly, X's combined exchange gain and loss realized on December 31, 1990 with respect to the repayment of the £10,000 is a $1,000 exchange loss.

Example 7. (i) X is a calendar year corporation on the accrual method of accounting and with the dollar as its functional currency. On January 1, 1989, X purchases at original issue for 82.64 Canadian dollars (C$) M corporation's 2 year note maturing on December 31, 1990, at a stated redemption price of C$100. The yield to maturity in Canadian dollars is 10 percent and the accrual period is the one year period beginning January 1 and ending December 31. The note has C$17.36 of original issue discount. Assume that the spot rates are as follows: C$1=U.S.$.72 on January 1, 1989; C$1=U.S.$.80 on January 1, 1990; C$1=U.S.$.82 on December 31, 1990. Assume further that the average rate for 1989 is C$1=U.S.$.76 and for 1990 is C$1=U.S.$.81.

(ii) Under paragraph (b)(2)(ii)(A) of this section, X will determine its interest income in Canadian dollars. Accordingly, under section 1272, X must take into account original issue discount in the amount of C$8.26 on December 31, 1989 and C$9.10 on December 31, 1990. Pursuant to paragraph (b)(2)(ii)(C) of this section, X will translate these amounts into U.S. dollars at the average exchange rate for the relevant accrual period. Thus, the amount of interest income taken into account in 1989 is U.S.$6.28 (C$8.26×U.S.$.76) and in 1990 is U.S.$7.37 (C$9.10×U.S.$.81). Pursuant to paragraph (b)(3)(ii) of this section, X will realize exchange gain or loss with respect to the accrued interest determined for each accrual period by translating the Canadian dollars received with respect to such accrual period into U.S. dollars at the spot rate on the date the interest is received and subtracting from that amount the amount accrued in U.S. dollars. Thus, the amount of exchange gain realized on December 31, 1990, is U.S.$.58 (U.S.$.49 from 1989+U.S.$.09 from 1990). Pursuant to paragraph (b)(5) of this section, X shall realize exchange gain or loss with respect to the principal (C$82.64) on December 31, 1990, computed by translating the C$82.64 at the spot rate on December 31, 1990 (U.S.$67.76) and subtracting the C$82.64 translated at the spot rate on January 1, 1989 (U.S.$59.50) for an exchange gain of U.S.$8.26. Thus, X's combined exchange gain is U.S.$8.84 (U.S.$.49+U.S.$.09+U.S.$8.26).

(iii) Assume instead that on January 1, 1990, X sells the note for C$86.95, which it immediately converts to U.S. dollars. X's exchange gain is computed under paragraph (b)(8) of this section with reference to the nonfunctional currency denominated principal amount (C$82.64) and the nonfunctional currency denominated accrued original issue discount (C$8.26). X will compute an exchange gain of U.S.$6.01 with respect to the issue price [(C$82.64×U.S.$.80)−(C$82.64×U.S.$.72)] and an exchange gain of U.S.$.33 with respect to the accrued original issue discount [(C$8.26×U.S.$.80)−(C$8.26×U.S.$.76)]. Accordingly, prior to the application of paragraph (b)(8) of this section, X's total exchange gain is U.S.$6.94 (U.S.$6.01+U.S.$.33), and X's market loss is U.S.$3.16 [(C$90.90−C$86.95)×U.S.$.80]. Pursuant to paragraph (b)(8) of this section, however, X's market loss on the note of U.S.$3.16 is netted against X's exchange gain of U.S.$6.94, resulting in a realized exchange gain of U.S.$3.78 and no market loss.

Example 8. (i) The facts are the same as in *Example 7* (i) except that on January 1, 1990, X contributes the M corporation note to Y, a wholly-owned U.S. subsidiary of X with the dollar as its functional currency, and Y collects C$100 from M corporation at maturity on December 31, 1990, when the spot rate is C$1=U.S.$.82. The transfer of the note from X to Y qualifies for nonrecognition of gain under section 351(a). On December 31, 1990, Y includes C$9.10 of accrued interest in income which translated at the average exchange rate of C$1=U.S.$.81 for the year results in U.S.$7.37 of interest income.

(ii) Y's exchange gain is computed under paragraph (b)(3) of this section with respect to accrued interest income and paragraph (b)(5) of this section with respect to the nonfunctional currency principal amount. Under paragraph (b)(3) of this section, Y will realize exchange gain or loss for each accrual period computed by translating the units of nonfunctional currency interest income received with respect to such accrual period at the spot rate on the day received and subtracting the amounts of interest income accrued for such period. Thus, Y will realize $.49 of exchange gain with respect to original issue discount accrued in 1989 [(C$8.26×U.S.$.82)−(C$8.26×U.S.$.76)=U.S.$.49] and $.09 of exchange gain with respect to original issue discount accrued in 1990 [(C$9.10×U.S.$.82)−(C$9.10×U.S.$.81)=$.09].

(iii) Pursuant to paragraph (b)(5) of this section, the nonfunctional currency principal amount of the M bond in the hands of Y is C$82.64, the amount carried over from X, the transferor. Y's exchange gain with respect to the nonfunctional currency principal amount is $8.26 [(C$82.64×U.S.$.82)−(C$82.64×U.S.$.72)=U.S.$8.26]. Accordingly, Y's combined exchange gain is U.S.$8.84 ($.49+$.09+$8.26). Because the amount realized in Canadian dollars equals the adjusted issue price (C$100) on retirement of the M note, there is no market loss, and the netting rule of paragraph (b)(8) of this section does not limit realization of the exchange gain.

Example 9. (i) X is a calendar year corporation on the accrual method of accounting and with the dollar as its functional currency. X elects to use the spot rate convention to translate interest income as provided in paragraph (b)(2)(iii)(B) of this section. On January 31, 1992, X loans £1000 to Y, an unrelated person. Under the terms of the loan, Y will pay X interest of £50 on July 31, 1992, and January 31, 1993, and will repay the £1000 principal on January 31, 1993. Assume the following spot exchange rates:

Date	Spot rate [1]
Jan. 31, 1992	£1=$1.50
July 31, 1992	£1=1.55
Dec. 31, 1992	£1=1.60
Jan. 31, 1993	£1=1.61

[1] Pounds to dollars.

(ii) Under paragraph (b)(2)(ii)(C) of this section, X will translate the interest income at the spot rate on the last day of each interest accrual period (and in the case of a partial accrual period, at the spot rate on the last day of the taxable year). Accordingly, X will have interest income of $77.50 (£50×$1.55) on July 31, 1992. Assuming under X's method of accounting that interest is accrued daily, X will accrue $86.50 (153/184×£50)×$1.60) of interest income on December 31, 1992. On January 31, 1993, X will have interest income of $13.60 ((31/184×£50)×$1.61). Because the rate at which the interest income is translated is the same as the rate on the day of receipt, X will not realize any exchange gain or loss with respect to the interest income received on July 31, 1992. However, X will realize exchange gain on the £41.50 (153/184×£50) of accrued interest income of $.41 [(£41.50×$1.61)−(£41.50×$1.60)=$.41].

(iii) Under paragraph (b)(5) of this section, X will realize exchange gain upon repayment of the £100 principal amount determined by translating the £100 at the spot rate on the date it is received (£100×$1.61=$161.00) and subtracting from such amount, the amount determined by translating the £100 at the spot rate on the date the loan was made (£100×$1.50=$150.00). Accordingly, X will realize an exchange gain of $11 on the repayment of the loan on January 31, 1993.

Example 10. (i) X, a cash basis taxpayer with the dollar as its functional currency, has the calendar year as its taxable year. On January 1, 1992, X purchases at original issue for 65.88 British pounds (£) M corporation's 5-year bond maturing on December 31, 1996, having a stated redemption price at maturity of £100. The bond provides for annual payments of interest in pounds of 1 pound per year on December 31 of each year. The bond has 34.12 British pounds of original issue discount. The yield to maturity is 10 percent in British pounds and the accrual period is the one year period beginning January 1 and ending December 31 of each calendar year. The amount of original issue discount is determined in pounds for each accrual period by multiplying the adjusted issue price expressed in pounds by the yield and subtracting from such amount the periodic interest payments expressed in pounds for such period. The periodic interest payments are translated at the spot rate on the payment date (December 31 of each year). The original issue discount is translated at the average rate for the accrual period (January 1 through December 31). The following chart describes the determination of interest income with respect to the facts presented and provides other pertinent information.

TABLE 1

Year (Dec. 31)	Periodic interest payments in pounds for the accrual period	Original issue discount in pounds for the accrual period	Issue price or adjusted issue price in pounds	Assumed spot rate on Dec. 31 (pounds to dollars)	Assumed average rate for accrual period (pounds to dollars)	Periodic interest payments in pounds multiplied by spot rate on the date of payment (column 2 times column 5)	Original issue discount in pounds multiplied by the average rate for the accrual period (column 3 times column 6)	Total interest income in dollars (column 7 plus column 8)	Adjusted issue price in dollars
1	2	3	4	5	6	7	8	9	10
Issue Date:			65.88	1=$1.20					$79.06
1992	1	5.59	71.47	1=1.30	1=$1.25	$1.30	$6.99	$8.29	86.05
1993	1	6.15	77.62	1=1.40	1=1.35	1.40	8.30	9.70	94.35
1994	1	6.76	84.38	1=1.50	1=1.45	1.50	9.80	11.30	104.15
1995	1	7.44	91.82	1=1.60	1=1.55	1.60	11.53	13.13	115.68
1996	1	8.18	100.00	1=1.70	1=1.65	1.70	13.50	15.20	129.18

(ii) Because X is a cash basis taxpayer, X does not realize exchange gain or loss on the receipt of the £1 periodic interest payments. However, X will realize exchange gain on December 31, 1996 totaling $7.88 with respect to the original issue discount. Exchange gain is determined for each interest accrual period by translating the units of nonfunctional currency interest income received with respect to such accrual period at the spot rate on the date received and subtracting from such amount, the amount computed by translating the units of nonfunctional currency interest income accrued for such period at the average rate for the period. The following chart illustrates this computation:

TABLE 2

Year	OID accrued in pounds for each accrual period	Assumed spot rate on date payment received (pounds to dollars)	Interest received times spot rate on the date received (col. 2 times col. 3)	Assumed average rate for accrual period (pounds to dollars)	100 in pounds times the average rate for the accrual period (col. 2 times col. 5)	Exchange gain or loss (col. 4 less col. 6)
1	2	3	4	5	6	7
1992	5.59	1=$1.70	$9.50	1=$1.25	$6.99	$2.51
1993	6.15	1=1.70	10.46	1=1.35	8.30	2.16
1994	6.76	1=1.70	11.49	1=1.45	9.80	1.69
1995	7.44	1=1.70	12.65	1=1.55	11.53	1.12
1996	8.18	1=1.70	13.90	1=1.65	13.50	.40

TABLE 2—Continued

Year	OID accrued in pounds for each accrual period	Assumed spot rate on date payment received (pounds to dollars)	Interest received times spot rate on the date received (col. 2 times col. 3)	Assumed average rate for accrual period (pounds to dollars)	IOD in pounds times the average rate for the accrual period (col. 2 times col. 5)	Exchange gain or loss (col. 4 less col. 6)
1	2	3	4	5	6	7
Total						$7.66

(iii) X will also realize exchange gain with respect to the principal of the loan (*i.e.*, the issue price of 65.88 British pounds) on December 31, 1996 computed by translating the units of nonfunctional currency principal received at the spot rate on the date principal is received (65.88 British pounds × $1.70=$112.00) and subtracting from such amount, the units of nonfunctional currency principal received translated at the spot rate on the date the instrument was acquired (65.88 British pounds × $1.20=$79.06). Accordingly, X's exchange gain on the principal is $32.94 and X's total exchange gain with respect to the accrued interest and principal is $40.82. It should be noted that, under this fact pattern, the total exchange gain may be determined in an alternative fashion. Exchange gain may be computed by subtracting the adjusted issue price in dollars at maturity ($129.16—see column 10 of Table 1) from the amount computed by multiplying the stated redemption price at maturity in pounds times the spot rate on the maturity date (£100×$1.70=$170), which equals $40.82.

Example 11. (i) The facts are the same as in *Example 10* except that X makes an election under paragraph (b)(2)(iii) of this section to translate accrued interest on the last day of the accrual period. Accordingly, columns 8, 9 and 10 in Table 1 would change as follows:

Year (Dec. 31)	Original issue discount in pounds multiplied by the spot rate on last day of accrual period (Dec. 31)	Total interest income in dollars (column 7 plus column 8)	Adjusted issue price in dollars
1	8	9	10	
			$79.06
1992	$7.27	$8.57	87.63
1993	8.61	10.01	97.64
1994	10.14	11.64	109.28
1995	11.90	13.50	122.78
1996	13.91	15.61	138.39

(ii) Because X is a cash basis taxpayer, X does not realize exchange gain or loss on the receipt of the £1 periodic interest payments. However, X will realize exchange gain on December 31, 1993 totaling $6.18 with respect to the original issue discount. Exchange gain is determined for each interest accrual period by translating the units of nonfunctional currency interest income received with respect to such accrual period at the spot rate on the date received and subtracting from such amount, the amount computed by translating the units of nonfunctional currency interest income accrued for such period at the spot rate on the last day of the accrual period. Accordingly, columns 5, 6 and 7 of Table 2 would change as follows:

Year	Spot rate on last day of accrual period	OID in pounds times the spot rate on the last day of the accrual period (col 2 times col. 3)	Exchange gain or loss (col. 4 less col. 6)
1	5	6	7
1992	$1.30	$7.27	$2.23
1993	1.40	8.61	1.85
1994	1.50	10.14	1.35
1995	1.60	11.90	0.75
1996	1.70	13.90	0.00
			6.18

(iii) X will realize exchange gain with respect to the principal amount of the loan as provided in the preceding example.

Example 12. (i) C is a corporation that is a calendar year accrual method taxpayer with the dollar as its functional currency. On January 1, 1989, C lends 100 British pounds (£) in exchange for a note under the terms of which C will receive two equal payments of £57.62 on December 31, 1989, and December 31, 1990. Each payment of £57.62 represents the annual payment necessary to amortize the £100 principal amount at a rate of 10% compounded annually over a two year period. The following tables reflect the amounts of principal and interest that compose each payment and assumptions as to the relevant exchange rates:

Date	Principal	Interest
Dec. 31, 1989	£47.62	£10.00
Dec. 12, 1990	£52.38	£5.24

Date	Spot rate £1=	Average rate for year ending
Jan. 1, 1989	$1.30	
Dec. 31, 1989	1.40	1.35
Dec. 31, 1990	1.50	1.45

(ii) Because each interest payment is equal to the product of the outstanding principal balance of the obligation and a single fixed rate of interest, each stated interest payment constitutes periodic interest under the principles of section 1273. Accordingly, there is no original issue discount.

(iii) Because C is an accrual basis taxpayer, C will translate the interest income at the average rate for the annual accrual period pursuant to paragraph (b)(2)(ii)(C) of this section. Thus, C's interest income is $13.50 (£10.00×$1.35) in 1989, and $7.60 (£5.24×$1.45) in 1990. C will realize exchange gain or loss upon receipt of accrued interest computed in accordance with paragraph (b)(3) of this section. Thus, C will realize exchange gain in the amount of $.50 [(£10.00×$1.40)−$13.50] in 1989, and $.26 [(£5.24×$1.50)−$7.60] in 1990.

(iv) In addition, C will realize exchange gain or loss upon the receipt of principal each year computed under paragraph (b)(5) of this section. Thus, C will realize exchange gain in the amount of $4.76 [(£47.62×$1.40)−(£47.62×$1.30)] in 1989, and $10.48 [(£52.38×$1.50)−(£52.38×$1.30)] in 1990.

(10) *Treatment of bond premium*—(i) *In general.* Amortizable bond premium on a bond described in paragraph (b)(2)(i) of this section shall be computed in the units of nonfunctional currency in which the bond is denominated (or in which the payments are determined). Amortizable bond premium properly taken into account under section 171 or § 1.61–12 (or the successor provision thereof) shall reduce interest income or expense in units of nonfunctional currency. Exchange gain or loss is realized with respect to bond premium described in the preceding sentence by treating the portion of premium amortized with respect to any period as a return of principal. With respect to a holder that does not elect to amortize bond premium under section 171, the amount of bond premium will constitute a market loss when the bond matures. See paragraph (b)(8) of this section. The principles set forth in this paragraph (b)(10) shall apply to determine the treatment of acquisition premium described in section 1272(a)(7).

(ii) *Example.* The following example illustrates the provisions of this paragraph (b)(10).

Example. (A) X is an individual on the cash method of accounting with the dollar as his functional currency. On January 1, 1989, X purchases Y corporation's note for 107.99 British pounds (£) from Z, an unrelated party. The note has an issue price of £100, a stated redemption price at maturity of £100, pays interest in pounds at the rate of 10% compounded annually, and matures on December 31, 1993. X elects to amortize the bond premium of £7.99 under the rules of section 171. Pursuant to paragraph (b)(10)(i) of this section, bond premium is determined and amortized in British pounds. Assume the amortization schedule is as follows:

Year ending 12/31	Bond premium amortized	Unamortized premium plus principal	Interest
		£107.99	
1989	£1.36	£106.63	£8.64
1990	£1.47	£105.16	£8.53
1991	£1.59	£103.57	£8.41
1992	£1.71	£101.86	£8.29
1993	£1.85	£100.00	£8.15

(B) The bond premium reduces X's pound interest income under the note. For example, the £10 stated interest payment made in 1989 is reduced by £1.36 of bond premium, and the resulting £8.64 interest income is translated into dollars at the spot rate on December 31, 1989. Exchange gain or loss is realized on the £1.36 bond premium based on the difference between the spot rates on January 1, 1989, the date the premium is paid to acquire the bond, and December 31, 1989, the date the bond premium is returned as part of the stated interest. The £1.36 bond premium reduces the unamortized premium plus principal to £106.63 (£107.99−£1.36). On December 31, 1993, when the bond matures and the £7.99 of bond premium has been fully amortized, X will realize exchange gain or loss with respect to the remaining purchase price of £100.

(11) *Market discount*—(i) *In general.* Market discount as defined in section 1278(a)(2) shall be determined in units of nonfunctional currency in which the market discount bond is denominated (or in which the payments are determined). Accrued market discount (other than market discount currently included in income pursuant to section 1278(b)) shall be translated into functional currency at the spot rate on the date the market discount bond is disposed of. No part of such accrued market discount is treated as exchange gain or loss. Accrued market discount currently includible in income pursuant to section 1278(b) shall be translated into functional currency at the average exchange rate for the accrual period. Exchange gain or loss with respect to accrued market discount currently includible in income under section 1278(b) shall be determined in accordance with paragraph (b)(3) of this section relating to accrued interest income.

(ii) *Example.* The following example illustrates the provisions of this paragraph (b)(11).

Example. (A) X is a calendar year corporation with the U.S. dollar as its functional currency. On January 1, 1990, X purchases a bond of M corporation for 96,530 British pounds (£). The bond, which was issued on January 1, 1989, has an issue price of £100,000, a stated redemption price at maturity of £100,000, and provides for annual pound payments of interest at 8 percent. The bond matures on December 31, 1991. X purchased the bond at a market discount of 3,470 pounds and did not elect to include the market discount currently in income under section 1278(b). X holds the bond to maturity and on December 31, 1991, receives payment of £100,000 (plus £8,000 interest) when the exchange rate is £1=$1.50.

(B) Pursuant to paragraph (b)(11) of this section, X computes market discount in units of nonfunctional currency. Thus, the market discount as defined under section 1278(a)(2) is £3,470. Accrued market discount (other than market discount currently included in income pursuant to section 1278(b)) is translated at the spot rate on the date the market discount bond is disposed of. Accordingly, X will translate the accrued market discount of £3,470 at the spot rate on December 31, 1991 (£3,470×$1.50=$5,205). No exchange gain or loss is realized with respect to the £3,470 of accrued market discount. See paragraphs (b) (3) and (5) of this section for the realization and recognition of exchange gain or loss with respect to accrued interest and principal.

(12) *Tax exempt bonds.* See § 1.988–3(c)(2), which characterizes exchange loss realized with respect to a nonfunctional currency tax exempt bond as a reduction of interest income.

(13) *Nonfunctional currency debt exchanged for stock of obligor*—(i) *In general.* Notwithstanding any other section of the Code other than section 267, 1091 or 1092, exchange gain or loss shall be realized and recognized by the holder and the obligor in accordance with the rules of paragraphs (b) (3) through (7) of this section with respect to the principal and accrued interest of a debt instrument described in paragraph (b)(2)(i) of this section that is acquired by the obligor in exchange for its stock, provided however, that such gain or loss shall be recognized only to the extent of the total gain or loss on the exchange (regardless of whether such gain or loss would otherwise be recognized). This rule shall apply whether the debt instrument is converted into stock according to its terms or exchanged pursuant to a separate agreement between the obligor and the holder. A debt instrument that is acquired by the obligor from a shareholder as a contribution to capital shall be treated for purposes of this section as exchanged for stock, whether or not additional stock is issued.

(ii) *Coordination with section 108.* Section 988 and this section shall apply before section 108. Exchange gain realized by the obligor on an exchange described in paragraph (b)(13)(i) of this section shall not be treated as discharge of indebtedness income, but shall be considered to reduce the amount of the liability for purposes of computing the obligor's income on the exchange under section 108(e)(4), section 108(e)(6) or section 108(e)(10).

(iii) *Effective date.* This paragraph (b)(13) shall be effective for exchanges of debt for stock effected after September 21, 1989.

(iv) *Examples.* The following examples illustrate the operation of this paragraph (b)(13). In each such example, assume that sections 267, 1091 and 1092 do not apply.

Example 1. (i) X is a calendar year U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1990 (the issue date), X acquired a convertible bond maturing on December 31, 1998, issued by Y corporation, a U.K. corporation with the British pound (£) as its functional currency. The issue price of the bond is £100,000, the stated redemption price at maturity is £100,000, and the bond provides for annual pound interest payments at the rate of 10%. The terms of the bond also provide that at any time prior to December 31, 1996, the holder may surrender all of his interest in the bond in exchange for 20 shares of Y common stock. On January 1, 1994, X surrenders his interest in the bond for 20 shares of Y common stock. Assume the following: (a) The spot rate on January 1, 1990, is £1=$1.30. (b) The spot rate on January 1, 1994, is £1=$1.50, and (c) The 20 shares of Y common stock have a market value of £200,000 on January 1, 1994.

(ii) Pursuant to paragraph (b)(13) of this section, X will realize and recognize exchange gain with respect to the issue price (£100,000) of the bond on January 1, 1994, when the bond is converted to stock. X will compute exchange gain pursuant to paragraph (b)(5) of this section by translating the issue price at the spot rate on the conversion date (£100,000×$1.50 = $150,000) and subtracting from such amount the issue price translated at the spot rate on the date X acquired the bond (£100,000×$1.30= $130,000). Thus, X will realize and recognize $20,000 of exchange gain. X's basis in the 20 shares of Y common stock is $150,000 ($130,000 substituted basis + $20,000 recognized gain).

Example 2. (i) X, a foreign corporation with the British pound (£) as its functional currency, lends £100 at a market rate of interest to Y, its wholly-owned U.S. subsidiary, on January 1, 1990, on which date

the spot exchange rate is £1=$1. Y's functional currency is the U.S. dollar. On January 1, 1992, when the spot exchange rate is £1=$.50, X cancels the debt as a contribution to capital. Pursuant to paragraph (b)(13) of this section, Y will realize and recognize exchange gain with respect to the £100 issue price of the debt instrument on January 1, 1992. Y will compute exchange gain pursuant to paragraph (b)(6) of this section by translating the issue price at the spot rate on the date Y became the obligor (£100×$1=$100) and subtracting from such amount the issue price translated at the spot rate on the date of extinguishment (£100×$.50=$50). Thus, Y will realize and recognize $50 of exchange gain.

(ii) Under section 108(e)(6), on the acquisition of its indebtedness from X as a contribution to capital Y is treated as having satisfied the debt with an amount of money equal to X's adjusted basis in the debt (£100). For purposes of section 108(e)(6), X's adjusted basis is translated into United States dollars at the spot rate on the date Y acquires the debt (£1=$.50). Therefore, Y is treated as having satisfied the debt for $50. Pursuant to paragraph (b)(13) of this section, for purposes of section 108 the amount of the indebtedness is considered to be reduced by the exchange gain from $100 to $50. Accordingly, Y recognizes $50 of exchange gain and no discharge of indebtedness income on the extinguishment of its debt to X.

(iii) If X were a United States taxpayer with a dollar functional currency and a $100 basis in Y's obligation, X would realize and recognize an exchange loss of $50 under paragraph (b)(5) of this section on the contribution of the debt to Y. The recognized loss would reduce X's adjusted basis in the debt from $100 to $50, so that for purposes of applying section 108(e)(6) Y is treated as having satisfied the debt for $50. Accordingly, under these facts as well Y would recognize $50 of exchange gain and no discharge of indebtedness income.

Example 3. (i) X and Y are unrelated calendar year U.S. corporations with the U.S. dollar as their functional currency. On January 1, 1990 (the issue date), X acquires Y's bond maturing on December 31, 1999. The issue price of the bond is £100,000, the stated redemption price at maturity is £100,000, and the bond provides for annual pound interest payments at the rate of 10%. On January 1, 1994, X and Y agree that Y will redeem its bond from X in exchange for 20 shares of Y common stock. Assume the following:

(a) The spot rate on January 1, 1990, is £1=$1.00,

(b) The spot rate on January 1, 1994, is £1=$.50,

(c) Interest rates on equivalent bonds have increased so that as of January 1, 1994, the value of Y's bond has declined to £90,000, and

(d) The 20 shares of Y common stock have a market value of £90,000 as of January 1, 1994.

(ii) Pursuant to paragraph (b)(13) of this section, X will realize and recognize exchange loss with respect to the issue price (£100,000) of the bond on January 1, 1994, when the bond is exchanged for stock. X will compute exchange loss pursuant to paragraph (b)(5) of this section by translating the issue price at the spot rate on the exchange date (£100,000×$.50=$50,000) and subtracting from such amount the issue price translated at the spot rate on the date X acquired the bond (£100,000×$1.00=$100,000). Thus, X will compute $50,000 of exchange loss, all of which will be realized and recognized because it does not exceed the total $55,000 realized loss on the exchange ($45,000 worth of stock received less $100,000 basis in the exchanged bond).

(iii) Pursuant to paragraph (b)(13) of this section, Y will realize and recognize exchange gain with respect to the issue price, computed under paragraph (b)(6) of this section by translating the issue price at the spot rate on the date Y became the obligor (£100,000×$1.00=$100,000) and subtracting from such amount the issue price translated at the spot rate on the exchange date (£100,000×$.50=$50,000). Thus, Y will realize and recognize $50,000 of exchange gain. Under section 108(e)(10), on the transfer of stock to X in satisfaction of its indebtedness Y is treated as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock (£90,000×$.50=$45,000). Pursuant to paragraph (b)(13) of this section, for purposes of section 108 the amount of the indebtedness is considered to be reduced by the recognized exchange gain from $100,000 to $50,000. Accordingly, Y recognizes an additional $5,000 of discharge of indebtedness income on the exchange.

Example 4. (i) The facts are the same as in *Example 3* except that interest rates on equivalent bonds have declined, rather than increased, so that the value of Y's bond on January 1, 1994, has risen to £112,500; and X and Y agree that Y will redeem its bond from X on that date in exchange for 25 shares of Y common stock worth £112,500. Pursuant to paragraphs (b)(13) and (b)(5) of this section, X will compute $50,000 of exchange loss on the exchange with respect to the £100,000 issue price of the bond. See Example 3. However, because X's total loss on the exchange is only $43,750 ($56,250 worth of stock received less $100,000 basis in the exchanged bond), under the netting rule of paragraph (b)(13) of this section the realized exchange loss is limited to $43,750.

(ii) Pursuant to paragraphs (b)(13) and (b)(6) of this section, Y will compute $50,000 of exchange gain with respect to the issue price. See *Example 3.* Under section 108(e)(10), Y is treated as having satisfied the $100,000 indebtedness with an amount of money equal to the fair market value of the stock (£112,500×$.50=$56,250), resulting in a total gain on the exchange of $43,750. Accordingly, under paragraph (b)(13) of this section Y's realized (and recognized) exchange gain on the exchange is limited to $43,750. Also pursuant to paragraph (b)(13) of this section, for purposes of section 108 the amount of the indebtedness is considered to be reduced by the recognized exchange gain from $100,000 to $56,250. Accordingly, Y recognizes no discharge of indebtedness income on the exchange.

(14)–(15) [Reserved]

(16) *Coordination with section 267 regarding debt instruments*—(i) *Treatment of a creditor.* For rules applicable to a corporation included in a controlled group that is a creditor under a debt instrument see § 1.267(f)–1(h).

(ii) *Treatment of a debtor.* [Reserved]

(17) *Coordination with installment method under section 453.* [Reserved]

(c) *Item of expense or gross income or receipts which is to be paid or received after the date accrued*—(1) *In general.* Except as provided in § 1.988–5, exchange gain or loss with respect to an item described in § 1.988–1(a) (1)(ii) and (2)(ii) (other than accrued interest income or expense subject to paragraph (b) of this section) shall be realized on the date payment is made or received. Except as provided in the succeeding sentence, such exchange gain or loss shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. If the taxpayer's right to receive income, or obligation to pay an expense, is transferred or modified in a transaction in which gain or loss would otherwise be recognized, exchange gain or loss shall be realized and recognized only to the extent of the total gain or loss on the transaction.

(2) *Determination of exchange gain or loss with respect to an item of gross income or receipts.* Exchange gain or loss realized on an item of gross income or receipts described in paragraph (c)(1) of this section shall be determined by multiplying the units of nonfunctional currency received by the spot rate on the payment date, and subtracting from such amount the amount determined by multiplying the units of nonfunctional currency received by the spot rate on the booking date. The term "spot rate on the payment date" means the spot rate determined under § 1.988–1(d) on the date payment is received or otherwise taken into account. Pursuant to § 1.988–1(d)(3), a taxpayer may use a spot rate convention for purposes of determining the spot rate on the payment date. The term "spot rate on the booking date" means the spot rate determined under § 1.988–1(d) on the date the item of gross income or receipts is accrued or otherwise taken into account. Pursuant to § 1.988–1(d)(3), a taxpayer may use a spot rate convention for purposes of determining the spot rate on the booking date.

(3) *Determination of exchange gain or loss with respect to an item of expense.* Exchange gain or loss realized on an item of expense described in paragraph (c)(1) of this section shall be determined by multiplying the units of nonfunctional currency paid by the spot rate on the booking date and subtracting from such amount the amount determined by multiplying the units of nonfunctional currency paid by the spot rate on the payment date. The term "spot rate on the booking date" means the spot rate determined under § 1.988–1(d) on the date the item of expense is accrued or otherwise taken into account. Pursuant to § 1.988–1(d)(3), a taxpayer may use a spot rate convention for purposes of determining the spot rate on the booking date. The term "spot rate on the payment date" means the spot rate determined under § 1.988–1(d) on the date payment is made or otherwise taken into account. Pursuant to § 1.988–1(d)(3), a taxpayer may use a spot rate convention for purposes of determining the spot rate on the payment date.

(4) *Examples.* The following examples illustrate the application of paragraph (c) of this section.

Example 1. X is a calendar year corporation with the dollar as its functional currency. X is on the accrual method of accounting. On January 15, 1989, X sells inventory for 10,000 Canadian dollars (C$). The spot rate on January 15, 1989, is C$1=U.S.$.55. On February 23, 1989, when X receives payment of the C$10,000, the spot rate is C$1=U.S.$.50. On February 23, 1989, X will realize exchange loss. X's loss is computed by multiplying the C$10,000 by the spot rate on the date the C$10,000 are received (C$10,000×.50=U.S. $5,000) and subtracting from such amount, the amount computed by multiplying the C$10,000 by the spot rate on the booking date (C$10,000×.55=U.S. $5,500). Thus, X's exchange loss on the transaction is U.S. $500 (U.S. $5,000−U.S. $5,500).

Example 2. The facts are the same as in *Example 1* except that X uses a spot rate convention to determine the spot rate as provided in § 1.988–1(d)(3). Pursuant to X's spot rate convention, the spot rate at which a payable or receivable is booked is determined monthly for each nonfunctional currency payable or receivable by adding the spot rate at the beginning of the month and the spot rate at the end of the month and dividing by two. All payables and receivables in a nonfunctional currency booked during the month are translated into functional currency at the rate described in the preceding sentence. Further, the translation of nonfunctional currency paid with respect to a payable, and nonfunctional currency received with respect to a receivable, is also performed pursuant to the spot rate convention. Assume the spot rate determined under the spot rate convention for the month of January is C$1=U.S. $.54 and for the month of February is C$1=U.S. $.51. On the last date in February, X will realize exchange loss. X's loss is computed by multiplying the C$10,000 by the spot rate convention for the month of February (C$10,000×U.S. $.51=U.S. $5,100) and subtracting from such amount, the amount computed by multiplying the C$10,000 by the spot rate convention for the month of January (C$10,000×U.S. $.54=$5,400). Thus, X's exchange loss on the transaction is U.S. $300 (U.S. $5,100−U.S. $5,400). X's basis in the C$10,000 is U.S. $5,400.

Example 3. The facts are the same as in *Example 2* except that X has a standing order with X's bank for the bank to convert any nonfunctional currency received in satisfaction of a receivable into U.S. dollars on the day received and to deposit those U.S. dollars in X's U.S. dollar bank account. X may use its convention to translate the amount booked into U.S. dollars, but must use the U.S. dollar amounts received from the bank with respect to such receivables to determine X's exchange gain or loss. Thus, if X receives payment of the C$10,000 on February 23, 1989, when the spot rate is C$1=U.S.$ .50, X determines exchange gain or loss by subtracting the amount booked under X's convention (U.S.$5,400) from the amount of U.S. dollars received from the bank under the standing conversion order (assume $5,000). X's exchange loss is U.S.$400.

(d) *Exchange gain or loss with respect to forward contracts, futures contracts and option contracts*—(1) *Scope*—(i) *In general.* This paragraph (d) applies to forward contracts, futures contracts and option contracts described in § 1.988–1(a) (1)(ii) and (2)(iii). For rules applicable to currency swaps and notional principal contracts described in § 1.988–1(a) (1)(ii) and (2)(iii), see paragraph (e) of this section.

(ii) *Treatment of spot contracts.* Solely for purposes of this paragraph (d), a spot contract as defined in § 1.988–1(b) to buy or sell nonfunctional currency is not considered a forward contract or similar transaction described in § 1.988–1(a)(2)(iii) unless such spot contract is disposed of (or otherwise terminated) prior to making or taking delivery of the currency. For example, if a taxpayer with the dollar as its functional currency enters into a spot contract to purchase British pounds, and takes delivery of such pounds under the contract, the delivery of the pounds is not a realization event under section 988(c)(5) and paragraph (e)(4)(ii) of this section because the contract is not considered a forward contract or similar transaction described in § 1.988–1(a)(2)(iii). However, if the taxpayer sells or otherwise terminates the contract before taking delivery of the pounds, exchange gain or loss shall be realized and recognized in accordance with paragraphs (d) (2) and (3) of this section.

(2) *Realization of exchange gain or loss*—(i) *In general.* Except as provided in § 1.988–5, exchange gain or loss on a contract described in § 1.988–2(d)(1) shall be realized in accordance with the applicable realization section of the Internal Revenue Code (*e.g.*, sections 1001, 1092, and 1256). See also section 988(c)(5). For purposes of determining the timing of the realization of exchange gain or loss, sections 1092 and 1256 shall take precedence over section 988(c)(5).

(ii) *Realization by offset*—(A) *In general.* Except as provided in paragraphs (d)(2)(ii) (B) and (C) of this section, exchange gain or loss with respect to a transaction described in § 1.988–1(a) (1)(ii) and (2)(iii) shall not be realized solely because such transaction is offset by another transaction (or transactions).

(B) *Exception where economic benefit is derived.* If a transaction described in § 1.988–1(a) (1)(ii) and (2)(iii) is offset by another transaction or transactions, exchange gain shall be realized to the extent the taxpayer derives, by pledge or otherwise, an economic benefit (*e.g.*, cash, property or the proceeds from a borrowing) from any gain inherent in such offsetting positions. Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain taken into account by reason of the preceding sentence. This paragraph (d)(2)(ii)(B) shall apply to transactions creating an offset after September 21, 1989.

(C) *Certain contracts traded on an exchange.* If a transaction described in § 1.988–1(a) (1)(ii) and (2)(iii) is traded on an exchange and it is the general practice of the exchange to terminate offsetting contracts, entering into an offsetting contract shall be considered a termination of the contract being offset.

(iii) *Clarification of section 988(c)(5).* If the delivery date of a contract subject to section 988(c)(5) and paragraph (d)(4)(ii) of this section is different than the date the contract expires, then for purposes of determining the date exchange gain or loss is realized, the term delivery date shall mean expiration date.

(iv) *Examples.* The following examples illustrate the rules of this paragraph (d) (1) and (2).

Example 1. On August 1, 1989, X, a calendar year corporation with the dollar as its functional currency, enters into a forward contract with Bank A to buy 100 New Zealand dollars for $80 for delivery on January 31, 1990. (The forward purchase contract is not a section 1256 contract.) On November 1, 1989, the market price for the purchase of 100 New Zealand dollars for delivery on January 31, 1990, is $76. On

November 1, 1989, X cancels its obligation under the forward purchase contract and pays Bank A $3.95 (the present value of $4 discounted at 12% for the period) in cancellation of such contract. Under section 1001 (a), X realizes an exchange loss of $3.95 on November 1, 1989, because cancellation of the forward purchase contract for cash results in the termination of X's contract.

Example 2. X is a corporation with the dollar as its functional currency. On January 1, 1989, X enters into a currency swap contract with Bank A under which X is obligated to make a series of Japanese yen payments in exchange for a series of dollar payments. On February 21, 1992, X has a gain of $100,000 inherent in such contract as a result of interest rate and exchange rate movements. Also on February 21, 1992, X enters into an offsetting swap with Bank A to lock in such gain. If on February 21, 1992, X pledges the gain inherent in such offsetting positions as collateral for a loan, X's initial swap contract is treated as being terminated on February 21, 1992, under paragraph (d)(2)(ii)(B) of this section. Proper adjustment is made in the amount of any gain or loss subsequently realized for the gain taken into account by reason of paragraph (d)(2)(ii)(B) of this section.

Example 3. X is a calendar year corporation with the dollar as its functional currency. On October 1, 1989, X enters into a forward contract to buy 100,000 Swiss francs (Sf) for delivery on March 1, 1990, for $51,220. Assume that the contract is a section 1256 contract under section 1256(g)(2) and that section 1256(e) does not apply. Pursuant to section 1256(a)(1), the forward contract is treated as sold for its fair market value on December 31, 1989. Assume that the fair market value of the contract is $1,000 determined under § 1.988–1(g). Thus X will realize an exchange gain of $1,000 on December 31, 1989. Such gain is subject to the character rules of § 1.988–3 and the source rules of § 1.988–4.

(v) *Extension of the maturity date of certain contracts.* An extension of time for making or taking delivery under a contract described in paragraph (d)(1) of this section (*e.g.*, a historical rate rollover as defined in § 1.988–5(b)(2)(iii)(C)) shall be considered a sale or exchange of the contract for its fair market value on the date of the extension and the establishment of a new contract on such date. If, under the terms of the extension, the time value of any gain or loss recognized pursuant to the preceding sentence adjusts the price of the currency to be bought or sold under the new contract, the amount attributable to such time value shall be treated as interest income or expense for all purposes of the Code. However, the preceding sentence shall not apply and the amount attributable to the time value of any gain or loss recognized shall be treated as exchange gain or loss if the period beginning on the first date the contract is rolled over and ending on the date payment is ultimately made or received with respect to such contract does not exceed 183 days.

(3) *Recognition of exchange gain or loss.* Except as provided in § 1.988–5 (relating to section 988 hedging transactions), exchange gain or loss realized with respect to a contract described in paragraph (d)(1) of this section shall be recognized in accordance with the applicable recognition provisions of the Internal Revenue Code. For example, a loss realized with respect to a contract described in paragraph (d)(1) of this section which is part of a straddle shall be recognized in accordance with the provisions of section 1092 to the extent such section is applicable.

(4) *Determination of exchange gain or loss*—(i) *In general.* Exchange gain or loss with respect to a contract described in § 1.988–2(d)(1) shall be determined by subtracting the amount paid (or deemed paid), if any, for or with respect to the contract (including any amount paid upon termination of the contract) from the amount received (or deemed received), if any, for or with respect to the contract (including any amount received upon termination of the contract). Any gain or loss determined according to the preceding sentence shall be treated as exchange gain or loss.

(ii) *Special rules where taxpayer makes or takes delivery.* If the taxpayer makes or takes delivery in connection with a contract described in paragraph (d)(1) of this section, any gain or loss shall be realized and recognized in the same manner as if the taxpayer sold the contract (or paid another person to assume the contract) on the date on which he took or made delivery for its fair market value on such date. See paragraph (d)(2)(iii) of this section regarding the definition of the term "delivery date." This paragraph (d)(4)(ii) shall not apply in any case in which the taxpayer makes or takes delivery before June 11, 1987.

(iii) *Examples.* The following examples illustrate the application of paragraph (d)(4) of this section.

Example 1. X is a calendar year corporation with the dollar as its functional currency. On October 1, 1989, when the six month forward rate is $.4907, X enters into a forward contract to buy 100,000 New Zealand dollars (NZD) for delivery on March 1, 1990. On March 1, 1990, when X takes delivery of the 100,000 NZD, the spot rate is 1NZD equals $.40. Pursuant to section 988(c)(5) and paragraph (d)(4)(ii) of this section, a taxpayer that takes delivery of nonfunctional currency under a forward contract that is subject to section 988 is treated as if the taxpayer sold the contract for its fair market value on the date delivery is taken. If X sold the contract on March 1, 1990, the transferee would require a payment of $1,070 [($.48×100,000NZD)−($.4907×100,000NZD)] to compensate him for the loss in value of the 100,000NZD. Therefore, X realizes an exchange loss of $1,070. X has a basis in the 100,000NZD of $48,000.

Example 2. Assume the same facts as in *Example 1* except that the contract is for Swiss francs and is a section 1256 contract. Assume further that on December 31, 1989, the value to X of the contract as marked to market is $1,000. Pursuant to section 1256(a), X realizes an exchange gain of $1,000. Such gain, however, is characterized as ordinary income under § 1.988–3 and will be sourced under § 1.988–4.

Example 3. X is a calendar year corporation with the dollar as its functional currency. On May 2, 1989, X enters into an option contract with Bank A to purchase 50,000 Canadian dollars (C$) for U.S. $42,500 (C$1=U.S. $.85) for delivery on or before September 18, 1989. X pays a $285 premium to Bank A to obtain the option contract. On September 18, 1989, when X exercises the option and takes delivery of the C$50,000, the spot rate is C$1 equals U.S. $.90. Pursuant to section 988(c)(5) and paragraph (d)(4)(ii) of this section, a taxpayer that takes delivery under an option contract that is subject to section 988 is treated as if the taxpayer sold the contract for its fair market value on the date delivery is taken. If X sold the contract for its fair market value on September 18, 1989, X would receive U.S. $2,500 [(C$50,000×U.S. $.90)−(C$50,000×U.S. $.85)]. Accordingly, X is deemed to have received U.S. $2,500 on the sale of the contract at its fair market value. X will realize U.S. $2,215 ($2,500 deemed received less $285 paid) of exchange gain with respect to the delivery of Canadian dollars under the option contract. X's basis in the 50,000 Canadian dollars is U.S. $45,000.

(5) [Reserved]

(e) *Currency swaps and other notional principal contracts*—(1) *In general.* Except as provided in paragraph (e)(2) of this section or in § 1.988–5, the timing of income, deduction and loss with respect to a notional principal contract that is a section 988 transaction shall be governed by section 446 and the regulations thereunder. Such income, deduction and loss is characterized as exchange gain or loss (except as provided in another section of the Internal Revenue Code (or regulations thereunder), § 1.988–5, or in paragraph (f) of this section).

(2) *Special rules for currency swaps*—(i) *In general.* Except as provided in paragraph (e)(2)(iii)(B) of this section, the provisions of this paragraph (e)(2) shall apply solely for purposes of determining the realization, recognition and amount of exchange gain or loss with respect to a currency swap contract, and not for purposes of determining the source of such gain or loss, or characterizing such gain or loss as interest. Except as provided in

§ 1.988–3(c), any income or loss realized with respect to a currency swap contract shall be characterized as exchange gain or loss (and not as interest income or expense). Any exchange gain or loss realized in accordance with this paragraph (e)(2) shall be recognized unless otherwise provided in an applicable section of the Code. For purposes of this paragraph (e)(2), a currency swap contract is a contract defined in paragraph (e)(2)(ii) of this section. With respect to a contract which requires the payment of swap principal prior to maturity of such contract, see paragraph (f) of this section. For purposes of this paragraph (e), the rules of paragraph (d)(2)(ii) of this section (regarding realization by offset) apply. See Example 2 of paragraph (d)(2)(iv) of this section.

(ii) *Definition of currency swap contract*—(A) *In general.* A currency swap contract is a contract involving different currencies between two or more parties to—

(*1*) Exchange periodic interim payments, as defined in paragraph (e)(2)(ii)(C) of this section, on or prior to maturity of the contract; and

(*2*) Exchange the swap principal amount upon maturity of the contract.

A currency swap contract may also require an exchange of the swap principal amount upon commencement of the agreement.

(B) *Swap principal amount.* The swap principal amount is an amount of two different currencies which, under the terms of the currency swap contract, is used to determine the periodic interim payments in each currency and which is exchanged upon maturity of the contract. If such amount is not clearly set forth in the contract, the Commissioner may determine the swap principal amount.

(C) *Exchange of periodic interim payments.* An exchange of periodic interim payments is an exchange of one or more payments in one currency specified by the contract for one or more payments in a different currency specified by the contract where the payments in each currency are computed by reference to an interest index applied to the swap principal amount. A currency swap contract must clearly indicate the periodic interim payments, or the interest index used to compute the periodic interim payments, in each currency.

(iii) *Timing and computation of periodic interim payments*—(A) *In general.* Except as provided in paragraph (e)(2)(iii)(B) of this section and § 1.988–5, the timing and computation of the periodic interim payments provided in a currency swap agreement shall be determined by treating—

(*1*) Payments made under the swap as payments made pursuant to a hypothetical borrowing that is denominated in the currency in which payments are required to be made (or are determined with reference to) under the swap, and

(*2*) Payments received under the swap as payments received pursuant to a hypothetical loan that is denominated in the currency in which payments are received (or are determined with reference to) under the swap.

Except as provided in paragraph (e)(2)(v) of this section, the hypothetical issue price of such hypothetical borrowing and loan shall be the swap principal amount. The hypothetical stated redemption price at maturity is the total of all payments (excluding any exchange of the swap principal amount at the inception of the contract) provided under the hypothetical borrowing or loan other than periodic interest payments under the principles of section 1273. For purposes of determining economic accrual under the currency swap, the number of hypothetical interest compounding periods of such hypothetical borrowing and loan shall be determined pursuant to a semiannual compounding convention unless the currency swap contract indicates otherwise. For purposes of determining the timing and amount of the periodic interim payments, the principles regarding the amortization of interest (see generally, sections 1272 through 1275 and 163(e)) shall apply to the hypothetical interest expense and income of such hypothetical borrowing and loan. However, such principles shall not apply to determine the time when principal is deemed to be paid on the hypothetical borrowing and loan. See paragraph (d)(2)(iii) of this section and *Example 2* of paragraph (d)(5) of this section with respect to the time when principal is deemed to be paid. With respect to the translation and computation of exchange gain or loss on any hypothetical interest income or expense, see § 1.988–2(b). The amount treated as exchange gain or loss by the taxpayer with respect to the periodic interim payments for the taxable year shall be the amount of hypothetical interest income and exchange gain or loss attributable to such interest income from the hypothetical borrowing and loan for such year less the amount of hypothetical interest expense and exchange gain or loss attributable to the interest expense from such hypothetical borrowing and loan for such year.

(B) *Effect of prepayment for purposes of section 956.* For purposes of section 956, the Commissioner may treat any prepayment of a currency swap as a loan.

(iv) *Timing and determination of exchange gain or loss with respect to the swap principal amount.* Exchange gain or loss with respect to the swap principal amount shall be realized on the day the units of swap principal in each currency are exchanged. (See paragraph (e)(2)(ii)(A)(*2*) of this section which requires that the entire swap principal amount be exchanged upon maturity of the contract.) Such gain or loss shall be determined on the date of the exchange by subtracting the value (on such date) of the units of swap principal paid from the value of the units of swap principal received. This paragraph (e)(2)(iv) does not apply to an equal exchange of the swap principal amount at the commencement of the agreement at a market exchange rate.

(v) *Anti-abuse rules*—(A) *Method of accounting does not clearly reflect income.* If the taxpayer's method of accounting for income, expense, gain or loss attributable to a currency swap does not clearly reflect income, or if the present value of the payments to be made is not equivalent to that of the payments to be received (including the swap premium or discount, as defined in paragraph (e)(3)(ii) of this section) on the day the taxpayer enters into or acquires the contract, the Commissioner may apply principles analogous to those of section 1274 or such other rules as the Commissioner deems appropriate to clearly reflect income. For example, in order to clearly reflect income the Commissioner may determine the hypothetical issue price, the hypothetical stated redemption price at maturity, and the amounts required to be taken into account within a taxable year. Further, if the present value of the payments to be made is not equivalent to that of the payments to be received (including the swap premium or discount, as defined in paragraph (e)(3)(ii) of this section) on the day the taxpayer enters into or acquires the contract, the Commissioner may integrate the swap with another transaction (or transactions) in order to clearly reflect income.

(B) *Terms must be clearly stated.* If the currency swap contract does not clearly set forth the swap principal amount in each currency, and the periodic interim payments in each currency (or the interest index used to compute the periodic interim payments

in each currency), the Commissioner may defer any income, deduction, gain or loss with respect to such contract until termination of the contract.

(3) *Amortization of swap premium or discount in the case of off-market currency swaps*—(i) *In general.* An "off-market currency swap" is a currency swap contract under which the present value of the payments to be made is not equal to that of the payments to be received on the day the taxpayer enters into or acquires the contract (absent the swap premium or discount, as defined in paragraph (e)(3)(ii) of this section). Generally, such present values may not be equal if the swap exchange rate (as defined in paragraph (e)(3)(iii) of this section) is not the spot rate, or the interest indices used to compute the periodic interim payments do not reflect current values, on the day the taxpayer enters into or acquires the currency swap.

(ii) *Treatment of taxpayer entering into or acquiring an off-market currency swap.* If a taxpayer that enters into or acquires a currency swap makes a payment (that is, the taxpayer pays a premium, "swap premium," to enter into or acquire the currency swap) or receives a payment (that is, the taxpayer enters into or acquires the currency swap at a discount, "swap discount") in order to make the present value of the amounts to be paid equal the amounts to be received, such payment shall be amortized in a manner which places the taxpayer in the same position it would have been in had the taxpayer entered into a currency swap contract under which the present value of the amounts to be paid equal the amounts to be received (absent any swap premium or discount). Thus, swap premium or discount shall be amortized as follows—

(A) The amount of swap premium or discount that is attributable to the difference between the swap exchange rate (as defined in paragraph (e)(3)(iii) of this section) and the spot rate on the date the contract is entered into or acquired shall be taken into account as income or expense on the date the swap principal amounts are taken into account; and

(B) The amount of swap premium or discount attributable to the difference in values of the periodic interim payments shall be amortized in a manner consistent with the principles of economic accrual. *Cf.*, section 171.

Any amount taken into account pursuant to this paragraph (e)(3)(ii) shall be treated as exchange gain or loss.

(iii) *Definition of swap exchange rate.* The swap exchange rate is the single exchange rate set forth in the contract at which the swap principal amounts are determined. If the swap exchange rate is not clearly set forth in the contract, the Commissioner may determine such rate.

(iv) [Reserved]

(4) *Treatment of taxpayer disposing of a currency swap.* Any gain or loss realized on the disposition or the termination of a currency swap is exchange gain or loss.

(5) *Examples.* The following examples illustrate the application of this paragraph (e).

Example 1. (i) C is an accrual method calendar year corporation with the dollar as its functional currency. On January 1, 1989, C enters into a currency swap with J with the following terms:

(1) the principal amount is $150 and 100 British pounds (£) (the equivalent of $150 on the effective date of the contract assuming a spot rate of £1=$1.50 on January 1, 1989);

(2) C will make payments equal to 10% of the dollar principal amount on December 31, 1989, and December 31, 1990;

(3) J will make payments equal to 12% of the pound principal amount on December 31, 1989, and December 31, 1990; and

(4) on December 31, 1990, C will pay to J the $150 principal amount and J will pay to C the £100 principal amount.

Assume that the spot rate is £1=$1.50 on January 1, 1989, £1=$1.40 on December 31, 1989, and £1=$1.30 on December 31, 1990. Assume further that the average rate for 1989 is £1=$1.45 and for 1990 is £1=$1.35.

(ii) Solely for determining the realization of gain or loss in accordance with paragraph (e)(2) of this section (and not for purposes of determining whether any payments are treated as interest), C will treat the dollar payments made by C as payments made pursuant to a dollar borrowing with an issue price of $150, a stated redemption price at maturity of $150, and yield to maturity of 10%. C will treat the pound payments received as payments received pursuant to a pound loan with an issue price of £100, a stated redemption price at maturity of £100, and a yield of 12% to maturity. Pursuant to § 1.988–2(b), C is required to compute hypothetical accrued pound interest income at the average rate for the accrual period and then determine exchange gain or loss on the day payment is received with respect to such accrued amount. Accordingly, C will accrue $17.40 (£12×$1.45) in 1989 and $16.20 (£12×$1.35) in 1990. C also will compute hypothetical exchange loss of $.60 on December 31, 1989 [(£12×$1.40)−(£12×$1.45)] and hypothetical exchange loss of $.60 on December 31, 1990 [(£12×$1.30)−(£12×$1.35)]. All such hypothetical interest income and exchange loss are characterized and sourced as exchange gain and loss. Further, C is treated as having paid $15 ($150×10%) of hypothetical interest on December 31, 1989, and again on December 31, 1990. Such hypothetical interest expense is characterized and sourced as exchange loss. Thus, C will have a net exchange gain of $1.80 ($17.40−$.60−$15.00) with respect to the periodic interim payments in 1989 and a net exchange gain of $.60 ($16.20−$.60−$15.00) with respect to the periodic interim payments in 1990. Finally, C will realize an exchange loss on December 31, 1990 with respect to the exchange of the swap principal amount. This loss is determined by subtracting the value of the units of swap principal paid ($150) from the value of the units of swap principal received (£100×$1.30=$130) resulting in a $20 exchange loss.

Example 2. (i) C is an accrual method calendar year corporation with the dollar as its functional currency. On January 1, 1989, when the spot rate is £1=$1.50, C enters into a currency swap contract with J under which C agrees to make and receive the following payments:

Date	C pays	J pays
December 31, 1989	$15.00	£12.00
December 31, 1990	41.04	12.00
December 31, 1991	0.00	12.00
December 31, 1992	150.00	112.00

(ii) Under paragraph (e)(2)(iii) of this section, C must treat the dollar periodic interim payments under the swap as made pursuant to a hypothetical dollar borrowing. The hypothetical issue price is $150 and the stated redemption price at maturity is $206.04. The amount of hypothetical interest expense must be amortized in accordance with economic accrual. Thus J must include and C must deduct periodic interim payment amounts as follows:

	Amount taken into account	Adjusted issue price
December 31, 1989	$15.00	150.00
December 31, 1990	$15.00	123.96
December 31, 1991	$12.40	135.36
December 31, 1992	13.64	

(iii) Gain or loss with respect to the periodic interim payments of the currency swap is determined under paragraph (e)(2)(iii)(A) of this section with respect to the dollar cash flow amortized as set forth above and the corresponding pound cash flow as stated in the currency swap contract. Gain or loss with respect to the principal payments (*i.e.*, $150 and £100) exchanged on December 31, 1992, is determined under paragraph (e)(2)(iv) of this section on December 31, 1992, notwithstanding that under the principles regarding amortization of interest $26.04 would have been regarded as a payment of principal on December 31, 1990.

Example 3. (i) X is a corporation on the accrual method of accounting with the dollar as its functional currency and the calendar year as its taxable year. On January 1, 1989, X enters into a three year currency swap contract with Y with the following terms. The swap principal amount is $100 and the Swiss franc (Sf) equivalent of such amount which equals Sf200 translated at the swap exchange rate of $1=Sf2. There is no initial exchange of the swap principal amount. The interest rates used to compute the periodic interim payments are 10% compounded annually for U.S. dollar payments and 5% compounded annually for Swiss franc payments. Thus, under the currency swap, X agrees to pay Y $10 (10%×$100) on December 31st of 1989, 1990 and 1991 and to pay Y the swap principal amount of $100 on December 31, 1991. Y agrees to pay X Sf10 (5%×Sf200) on December 31st of 1989, 1990 and 1991 and to pay X the swap principal amount of Sf200 on December 31, 1991. Assume that the average rate for 1989 and the spot rate on December 31, 1989, is $1=Sf2.5.

(ii) Under paragraph (e)(2)(iii) of this section, on December 31, 1989, X will realize an exchange loss of $6 (the sum of $10 of loss by reason of the $10 periodic interim payment paid to Y and $4.00 of gain, the value of Sf10 on December 31, 1989, from the receipt of Sf10 on such date).

(iii) On January 1, 1990, X transfers its rights and obligations under the swap contract to Z, an unrelated corporation. Z has the dollar as its functional currency, is on the accrual method of accounting, and has the calendar year as its taxable year. On January 1, 1990, the exchange rate is $1=Sf2.50. The relevant dollar interest rate is 8% compounded annually and the relevant Swiss franc interest rate is 5% compounded annually. Because of the movement in exchange and interest rates, the agreement between X and Z to transfer the currency swap requires X to pay Z $23.56 (the swap discount as determined under paragraph (e)(3) of this section).

(iv) Pursuant to paragraph (e)(4) of this section, X may deduct the loss of $23.56 in 1990. The loss is characterized under § 1.988–3 and sourced under § 1.988–4.

(v) Pursuant to paragraph (e)(3)(ii) of this section, Z is required to amortize the $23.56 received as follows. The amount of the $23.56 payment that is attributable to movements in exchange rates ($20) is taken into account on December 31, 1991, the date the swap principal amounts are exchanged, under paragraph (e)(3)(ii)(A) of this section. This amount is the present value (discounted at 10%, the rate under the currency swap contract used to compute the dollar periodic interim payments) of the financial asset required to compensate Z for the loss in value of the hypothetical Swiss franc loan resulting from movements in exchange rates between January 1, 1989 and January 1, 1990. This amount is determined by assuming that interest rates did not change from the date the swap originally was entered into (January 1, 1989), but that the exchange rate is $1=Sf2.50. Under this assumption, a taxpayer undertaking the obligation to pay dollars under the currency swap on January 1, 1990, would only agree to pay $8 for Sf10 on December 31, 1990 and $88 for Sf210 on December 31, 1991, because the exchange rates have moved from $1=Sf2 to $1=Sf2.50. Thus, Z requires $2 on December 31, 1990 and $22 on December 31, 1991 to compensate for the amount of dollar payments Z is required to make in exchange for the Swiss francs received on December 31, 1990 and 1991. The present value of $2 on December 31, 1990 and $22 on December 31, 1991 discounted at the rate for U.S. dollar payments of 10% is $20 ($1.82+$16.18). This amount is discounted at the rate for U.S. dollar payments (i.e., at the historic rate) because the amount of the $23.56 payment received by Z that is attributable to movements in interest rates is computed and amortized separately as provided in the following paragraph.

(vi) Pursuant to paragraph (e)(3)(ii)(B) of this section, Z is required to amortize the portion of the $23.56 payment attributable to movements in interest rates under principles of economic accrual over the term of the currency swap agreement. The amount of the $23.56 payment that is attributable to movements in interest rates (assuming that exchange rates have not changed) is the present value ($3.56) of the excess ($2.00 in 1990 and $2.00 in 1991) of the periodic interim payments Z is required to pay under the currency swap agreement ($10 in 1990 and $10 in 1991) over the amount Z would be required to pay if the currency swap agreement reflected current interest rates on the day Z acquired the swap contract ($8 in 1990 and $8 in 1991) discounted at the appropriate dollar interest rate on January 1, 1990. Thus, under principles of economic accrual (e.g., see section 171 of the Code), Z will include in income $1.72 on December 31, 1990, the amount that, when added to the interest ($.28) on the $3.56 computed at the 8% rate on the date Z acquired the currency swap contract, will equal the $2.00 needed to compensate Z for the movement in interest rates between January 1, 1989 and January 1, 1990. Z also will include in income $1.85 on December 31, 1991, the amount that, when added to the interest ($.15) on the $1.85 (the remaining balance of the $3.56 payment) computed at the 8% rate on the date Z acquired the currency swap contract, will equal the $2.00 needed to compensate Z for the movement in interest rates between January 1, 1990 and January 1, 1991. This amount is computed assuming exchange rates have not changed because the amount attributable to movements in exchange rates is computed and amortized separately under the preceding paragraph.

(6) *Special effective date for rules regarding currency swaps.* Paragraph (e)(3) of this section regarding amortization of swap premium or discount in the case of off-market currency swaps shall be effective for transactions entered into after September 21, 1989, unless such swap premium or discount was paid or received pursuant to a binding contract with an unrelated party that was entered into prior to such date. For transactions entered into prior to this date, see Notice 89–21, 1989–8 I.R.B. 23.

(7) [Reserved]

(f) *Substance over form*—(1) *In general.* If the substance of a transaction described in § 1.988–1(a)(1) differs from its form, the timing, source, and character of gains or losses with respect to such transaction may be recharacterized by the Commissioner in accordance with its substance. For example, if a taxpayer enters into a transaction that it designates a "currency swap contract" that requires the prepayment of all payments to be made or to be received (but not both), the Commissioner may recharacterize the contract as a loan. In applying the substance over form principle, separate transactions may be integrated where appropriate. See also § 1.861–9T(b)(1).

(2) *Example.* The following example illustrates the provisions of this paragraph (f).

Example. (i) On January 1, 1990, X, a U.S. corporation with the dollar as its functional currency, enters into a contract with Y under which X will pay Y $100 and Y will pay X LC100 on January 1, 1990, and X will pay Y LC109.3 and Y will pay X $133 on December 31, 1992. On January 1, 1990, the spot exchange rate is LC1=$1 and the 3 year forward rate is LC1=$.8218. X's cash flows are summarized below:

Date	Dollar	LC
1/1/90	(100)	100
12/31/90	0	0
12/31/91	0	0
12/31/92	133	(109.3)

(ii) X and Y designate this contract as a "currency swap." Notwithstanding this designation, for purposes of determining the timing, source, and character with respect to the transaction, the transaction is characterized by the Commissioner in accordance with its substance. Thus, the January 1, 1990, exchange by X of $100 for LC 100 is treated as a spot purchase of LCs by X and the December 31, 1992, exchange by X at 109.3LC for $133 is treated as a forward sale of LCs by X. Under such treatment there would be no tax consequences to X under paragraph (e)(2) of this section in 1990, 1991, and 1992 with respect to this transaction other than the realization of exchange gain or loss on the sale of the LC109.3 on December 31, 1992. Calculation of such gain or loss would be governed by the rules of paragraph (d) of this section.

(g) *Effective date.* Except as otherwise provided in this section, this section shall be effective for taxable years beginning after December 31, 1986. Thus, except as otherwise provided in this section, any payments made or received with respect to a section 988 transaction in taxable years beginning after December 31, 1986, are subject to this section.

§ 1.988–3 Character of exchange gain or loss.

(a) *In general.* The character of exchange gain or loss recognized on a section 988 transaction is governed by section 988 and this section. Except as otherwise provided in section 988(c)(1)(E), section 1092, § 1.988–5 and this section, exchange gain or loss

realized with respect to a section 988 transaction (including a section 1256 contract that is also a section 988 transaction) shall be characterized as ordinary gain or loss. Accordingly, unless a valid election is made under paragraph (b) of this section, any section providing special rules for capital gain or loss treatment, such as sections 1233, 1234, 1234A, 1236 and 1256(f)(3), shall not apply.

(b) *Election to characterize exchange gain or loss on certain identified forward contracts, futures contracts and option contracts as capital gain or loss*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, a taxpayer may elect, subject to the requirements of paragraph (b)(3) of this section, to treat any gain or loss recognized on a contract described in § 1.988–2(d)(1) as capital gain or loss, but only if the contract—

(i) Is a capital asset in the hands of the taxpayer;

(ii) Is not part of a straddle within the meaning of section 1092(c) (without regard to subsections (c)(4) or (e)); and

(iii) Is not a regulated futures contract or nonequity option with respect to which an election under section 988(c)(1)(D)(ii) is in effect.

If a valid election under this paragraph (b) is made with respect to a section 1256 contract, section 1256 shall govern the character of any gain or loss recognized on such contract.

(2) *Special rule for contracts that become part of a straddle after an election is made.* If a contract which is the subject of an election under paragraph (b)(1) of this section becomes part of a straddle within the meaning of section 1092(c) (without regard to subsections (c)(4) or (e)) after the date of the election, the election shall be invalid with respect to gains from such contract and the Commissioner, in his sole discretion, may invalidate the election with respect to losses.

(3) *Requirements for making the election.* A taxpayer elects to treat gain or loss on a transaction described in paragraph (b)(1) of this section as capital gain or loss by clearly identifying such transaction on its books and records on the date the transaction is entered into. No specific language or account is necessary for identifying a transaction referred to in the preceding sentence. However, the method of identification must be consistently applied and must clearly identify the pertinent transaction as subject to the section 988(a)(1)(B) election. The Commissioner, in his sole discretion, may invalidate any purported election that does not comply with the preceding sentence.

(4) *Verification.* A taxpayer that has made an election under § 1.988–3(b)(3) must attach to his income tax return a statement which sets forth the following:

(i) A description and the date of each election made by the taxpayer during the taxpayer's taxable year;

(ii) A statement that each election made during the taxable year was made before the close of the date the transaction was entered into;

(iii) A description of any contract for which an election was in effect and the date such contract expired or was otherwise sold or exchanged during the taxable year;

(iv) A statement that the contract was never part of a straddle as defined in section 1092; and

(v) A statement that all transactions subject to the election are included on the statement attached to the taxpayer's income tax return.

In addition to any penalty that may otherwise apply, the Commissioner, in his sole discretion, may invalidate any or all elections made during the taxable year under § 1.988–3(b)(1) if the taxpayer fails to verify each election as provided in this § 1.988–3(b)(4). The preceding sentence shall not apply if the taxpayer's failure to verify each election was due to reasonable cause or bona fide mistake. The burden of proof to show reasonable cause or bona fide mistake made in good faith is on the taxpayer.

(5) *Independent verification*—(i) *Effect of independent verification.* If the taxpayer receives independent verification of the election in paragraph (b)(3) of this section, the taxpayer shall be presumed to have satisfied the requirements of paragraphs (b) (3) and (4) of this section. A contract that is a part of a straddle as defined in section 1092 may not be independently verified and shall be subject to the rules of paragraph (b)(2) of this section.

(ii) *Requirements for independent verification.* A taxpayer receives independent verification of the election in paragraph (b)(3) of this section if—

(A) The taxpayer establishes a separate account(s) with an unrelated broker(s) or dealer(s) through which all transactions to be independently verified pursuant to this paragraph (b)(5) are conducted and reported.

(B) Only transactions entered into on or after the date the taxpayer establishes such account may be recorded in the account.

(C) Transactions subject to the election of paragraph (b)(3) of this section are entered into such account on the date such transactions are entered into.

(D) The broker or dealer provides the taxpayer a statement detailing the transactions conducted through such account and includes on such statement the following: "Each transaction identified in this account is subject to the election set forth in section 988(a)(1)(B)."

(iii) *Special effective date for independent verification.* The rules of this paragraph (b)(5) shall be effective for transactions entered into after March 17, 1992.

(6) *Effective date.* Except as otherwise provided, this paragraph (b) is effective for taxable years beginning on or after September 21, 1989. For prior taxable years, any reasonable contemporaneous election meeting the requirements of section 988(a)(1)(B) shall satisfy this paragraph (b).

(c) *Exchange gain or loss treated as interest*—(1) *In general.* Except as provided in this paragraph (c)(1), exchange gain or loss realized on a section 988 transaction shall not be treated as interest income or expense. Exchange gain or loss realized on a section 988 transaction shall be treated as interest income or expense as provided in paragraph (c)(2) of this section with regard to tax exempt bonds, § 1.988–2(e)(2)(ii)(B), § 1.988–5, and in administrative pronouncements. See § 1.861–9T(b), providing rules for the allocation of certain items of exchange gain or loss in the same manner as interest expense.

(2) *Exchange loss realized by the holder on nonfunctional currency tax exempt bonds.* Exchange loss realized by the holder of a debt instrument the interest on which is excluded from gross income under section 103(a) or any similar provision of law shall be treated as an offset to and reduce total interest income received or accrued with respect to such instrument. Therefore, to the extent of total interest income, no exchange loss shall be recognized. This paragraph (c)(2) shall be effective with respect to debt instruments acquired on or after June 24, 1987.

(d) *Effective date.* Except as otherwise provided in this section, this section shall be effective for taxable years beginning after December 31, 1986. Thus, except as otherwise provided in this section, any payments made or received with respect to a section 988 transaction in taxable years beginning after December 31, 1986, are subject to this section. Thus, for example, a payment made prior to January 1, 1987, under a forward contract that results in the deferral of a loss under section 1092 to a taxable year beginning after December 31, 1986, is not characterized as an ordinary loss by virtue of paragraph (a) of this section because payment was made prior to January 1, 1987.

§ 1.988–4 Source of gain or loss realized on a section 988 transaction.

(a) *In general.* Except as otherwise provided in § 1.988–5 and this section, the source of exchange gain or loss shall be determined by reference to the residence of the taxpayer. This rule applies even if the taxpayer has made an election under § 1.988–3(b) to characterize exchange gain or loss as capital gain or loss. This section takes precedence over section 865.

(b) *Qualified business unit*—(1) *In general.* The source of exchange gain or loss shall be determined by reference to the residence of the qualified business unit of the taxpayer on whose books the asset, liability, or item of income or expense giving rise to such gain or loss is properly reflected.

(2) *Proper reflection on the books of the taxpayer or qualified business unit*—(i) *In general.* Whether an asset, liability, or item of income or expense is properly reflected on the books of a qualified business unit is a question of fact.

(ii) *Presumption if booking practices are inconsistent.* It shall be presumed that an asset, liability, or item of income or expense is not properly reflected on the books of the qualified business unit if the taxpayer and its qualified business units employ inconsistent booking practices with respect to the same or similar assets, liabilities, or items of income or expense. If not properly reflected on the books, the Commissioner may allocate any asset, liability, or item of income or expense between or among the taxpayer and its qualified business units to properly reflect the source (or realization) of exchange gain or loss.

(c) *Effectively connected exchange gain or loss.* Notwithstanding paragraphs (a) and (b) of this section, exchange gain or loss that under principles similar to those set forth in § 1.864–4(c) arises from the conduct of a United States trade or business shall be sourced in the United States and such gain or loss shall be treated as effectively connected to the conduct of a United States trade or business for purposes of sections 871(b) and 882 (a)(1).

(d) *Residence*—(1) *In general.* Except as otherwise provided in this paragraph (d), for purposes of sections 985 through 989, the residence of any person shall be—

(i) In the case of an individual, the country in which such individual's tax home (as defined in section 911(d)(3)) is located;

(ii) In the case of a corporation, partnership, trust or estate which is a United States person (as defined in section 7701(a)(30)), the United States; and

(iii) In the case of a corporation, partnership, trust or estate which is not a United States person, a country other than the United States.

If an individual does not have a tax home (as defined in section 911(d)(3)), the residence of such individual shall be the United States if such individual is a United States citizen or a resident alien and shall be a country other than the United States if such individual is not a United States citizen or resident alien. If the taxpayer is a U.S. person and has no principal place of business outside the United States, the residence of the taxpayer is the United States. Notwithstanding paragraph (d)(1)(ii) of this section, if a partnership is formed or availed of to avoid tax by altering the source of exchange gain or loss, the source of such gain or loss shall be determined by reference to the residence of the partners rather than the partnership.

(2) *Exception.* In the case of a qualified business unit of any taxpayer (including an individual), the residence of such unit shall be the country in which the principal place of business of such qualified business unit is located.

(3) *Partner in a partnership not engaged in a U.S. trade or business under section 864(b)(2).* The determination of residence shall be made at the partner level (without regard to whether the partnership is a qualified business unit of the partners) in the case of partners in a partnership that are not engaged in a U.S. trade or business by reason of section 864(b)(2).

(e) *Special rule for certain related party loans*—(1) *In general.* In the case of a loan by a United States person or a related person to a 10 percent owned foreign corporation, or a corporation that meets the 80 percent foreign business requirements test of section 861(c)(1), other than a corporation subject to § 1.861–11T(e)(2)(i), which is denominated in, or determined by reference to, a currency other than the U.S. dollar and bears interest at a rate at least 10 percentage points higher than the Federal mid-term rate (as determined under section 1274(d)) at the time such loan is entered into, the following rules shall apply—

(i) For purposes of section 904 only, such loan shall be marked to market annually on the earlier of the last business day of the United States person's (or related person's) taxable year or the date the loan matures; and

(ii) Any interest income earned with respect to such loan for the taxable year shall be treated as income from sources within the United States to the extent of any notional loss attributable to such loan under paragraph (d)(1)(i) of this section.

(2) *United States person.* For purposes of this paragraph (e), the term "United States person" means a person described in section 7701(a)(30).

(3) *Loans by related foreign persons*—(i) *In general.* [Reserved]

(ii) *Definition of related person.* For purposes of this paragraph (e), the term "related person" has the meaning given such term by section 954(d)(3) except that such section shall be applied by substituting "United States person" for "controlled foreign corporation" each place such term appears.

(4) *10 percent owned foreign corporation.* For purposes of this paragraph (e), the term "10 percent owned foreign corporation" means any foreign corporation in which the United States person owns directly or indirectly (within the meaning of section 318(a)) at least 10 percent of the voting stock.

(f) *Exchange gain or loss treated as interest under § 1.988–3.* Notwithstanding the provisions of this section, any gain or loss realized on a section 988 transaction that is treated as interest income or expense under § 1.988–3(c)(1) shall be sourced or allocated and apportioned pursuant to section 861(a)(1), 862(a)(1), or 864(e) as the case may be.

(g) *Exchange gain or loss allocated in the same manner as interest under § 1.861–9T.* The allocation and apportionment of exchange gain or loss under § 1.861–9T shall not affect the source of exchange gain or loss for purposes of sections 871(a), 881, 1441, 1442 and 6049.

(h) *Effective date.* This section shall be effective for taxable years beginning after December 31, 1986. Thus, any payments made or received with respect to a section 988 transaction in taxable years beginning after December 31, 1986, are subject to this section.

§ 1.988–5 Section 988(d) hedging transactions.

(a) *Integration of a nonfunctional currency debt instrument and a § 1.988–5(a) hedge*—(1) *In general.* This paragraph (a) applies to a qualified hedging transaction as defined in this paragraph (a)(1). A qualified hedging transaction is an integrated economic

transaction, as provided in paragraph (a)(5) of this section, consisting of a qualifying debt instrument as defined in paragraph (a)(3) of this section and a § 1.988–5(a) hedge as defined in paragraph (a)(4) of this section. If a taxpayer enters into a transaction that is a qualified hedging transaction, no exchange gain or loss is recognized by the taxpayer on the qualifying debt instrument or on the § 1.988–5(a) hedge for the period that either is part of a qualified hedging transaction, and the transactions shall be integrated as provided in paragraph (a)(9) of this section. However, if the qualified hedging transaction results in a synthetic nonfunctional currency denominated debt instrument, such instrument shall be subject to the rules of § 1.988–2(b).

(2) *Exception.* This paragraph (a) does not apply with respect to a qualified hedging transaction that creates a synthetic asset or liability denominated in, or determined by reference to, a currency other than the U.S. dollar if the rate that approximates the Federal short-term rate in such currency is at least 20 percentage points higher than the Federal short term rate (determined under section 1274(d)) on the date the taxpayer identifies the transaction as a qualified hedging transaction.

(3) *Qualifying debt instrument*—(i) *In general.* A qualifying debt instrument is a debt instrument described in § 1.988–1(a)(2)(i), regardless of whether denominated in, or determined by reference to, nonfunctional currency (including dual currency debt instruments, multi-currency debt instruments and contingent payment debt instruments). A qualifying debt instrument does not include accounts payable, accounts receivable or similar items of expense or income.

(ii) *Special rule for debt instrument of which all payments are proportionately hedged.* If a debt instrument satisfies the requirements of paragraph (a)(3)(i) of this section, and all principal and interest payments under the instrument are hedged in the same proportion, then for purposes of this paragraph (a), that portion of the instrument that is hedged is eligible to be treated as a qualifying debt instrument, and the rules of this paragraph (a) shall apply separately to such qualifying debt instrument. See Example 8 in paragraph (a)(9)(iv) of this section.

(4) *Section 1.988–5(a) hedge*—(i) *In general.* A § 1.988–5(a) hedge (hereinafter referred to in this paragraph (a) as a "hedge") is a spot contract, futures contract, forward contract, option contract, notional principal contract, currency swap contract, similar financial instrument, or series or combination thereof, that when integrated with a qualifying debt instrument permits the calculation of a yield to maturity (under principles of section 1272) in the currency in which the synthetic debt instrument is denominated (as determined under paragraph (a)(9)(ii)(A) of this section).

(ii) *Retroactive application of definition of currency swap contract.* A taxpayer may apply the definition of currency swap contract set forth in § 1.988–2(e)(2)(ii) in lieu of the definition of swap agreement in section 2(e)(5) of Notice 87–11, 1987–1 C.B. 423 to transactions entered into after December 31, 1986 and before September 21, 1989.

(5) *Definition of integrated economic transaction.* A qualifying debt instrument and a hedge are an integrated economic transaction if all of the following requirements are satisfied—

(i) All payments to be made or received under the qualifying debt instrument (or amounts determined by reference to a nonfunctional currency) are fully hedged on the date the taxpayer identifies the transaction under paragraph (a) of this section as a qualified hedging transaction such that a yield to maturity (under principles of section 1272) in the currency in which the synthetic debt instrument is denominated (as determined under paragraph (a)(9)(ii)(A) of this section) can be calculated. Any contingent payment features of the qualifying debt instrument must be fully offset by the hedge such that the synthetic debt instrument is not classified as a contingent payment debt instrument. See Examples 6 and 7 of paragraph (a)(9)(iv) of this section.

(ii) The hedge is identified in accordance with paragraph (a)(8) of this section on or before the date the acquisition of the financial instrument (or instruments) constituting the hedge is settled or closed.

(iii) None of the parties to the hedge are related. The term "related" means the relationships defined in section 267(b) or section 707(b).

(iv) In the case of a qualified business unit with a residence, as defined in section 988(a)(3)(B), outside of the United States, both the qualifying debt instrument and the hedge are properly reflected on the books of such qualified business unit throughout the term of the qualified hedging transaction.

(v) Subject to the limitations of paragraph (a)(5) of this section, both the qualifying debt instrument and the hedge are entered into by the same individual, partnership, trust, estate, or corporation. With respect to a corporation, the same corporation must enter into both the qualifying debt instrument and the hedge whether or not such corporation is a member of an affiliated group of corporations that files a consolidated return.

(vi) With respect to a foreign person engaged in a U.S. trade or business that enters into a qualifying debt instrument or hedge through such trade or business, all items of income and expense associated with the qualifying debt instrument and the hedge (other than interest expense that is subject to § 1.882–5), would have been effectively connected with such U.S. trade or business throughout the term of the qualified hedging transaction had this paragraph (a) not applied.

(6) *Special rules for legging in and legging out of integrated treatment*—(i) *Legging in.* "Legging in" to integrated treatment under this paragraph (a) means that a hedge is entered into after the date the qualifying debt instrument is entered into or acquired, and the requirements of this paragraph (a) are satisfied on the date the hedge is entered into ("leg in date"). If a taxpayer legs into integrated treatment, the following rules shall apply—

(A) Exchange gain or loss shall be realized with respect to the qualifying debt instrument determined solely by reference to changes in exchange rates between—

(*1*) The date the instrument was acquired by the holder, or the date the obligor assumed the obligation to make payments under the instrument; and

(*2*) The leg in date.

(B) The recognition of such gain or loss will be deferred until the date the qualifying debt instrument matures or is otherwise disposed of.

(C) The source and character of such gain or loss shall be determined on the leg in date as if the qualifying debt instrument was actually sold or otherwise terminated by the taxpayer.

(ii) *Legging out.* With respect to a qualifying debt instrument and hedge that are properly identified as a qualified hedging transaction, "legging out" of integrated treatment under this paragraph (a) means that the taxpayer disposes of or otherwise terminates all or a part of the qualifying debt instrument or hedge prior to maturity of the qualified hedging transaction, or the taxpayer changes a material term of the qualifying debt instrument (*e.g.*, exercises an option to change the interest rate or index, or the maturity date) or hedge (*e.g.*, changes the interest or exchange rates underlying the hedge, or the expiration date) prior to maturity of the qualified hedging transaction. A taxpayer that disposes of or terminates a qualified hedging transaction (*i.e.*, disposes of or terminates both the qualifying transaction and the hedge on the same day) shall be considered to have disposed of or otherwise terminated the synthetic debt instrument rather than as legging out. If a taxpayer legs out of integrated treatment, the following rules shall apply—

(A) The transaction will be treated as a qualified hedging transaction during the time the requirements of this paragraph (a) were satisfied.

(B) If the hedge is disposed of or otherwise terminated, the qualifying debt instrument shall be treated as sold for its fair market value on the date the hedge is disposed of or otherwise terminated (the "leg-out date"), and any gain or loss (including gain or loss resulting from factors other than movements in exchange rates) from the identification date to the leg-out date is realized and recognized on the leg-out date. The spot rate on the leg-out date shall be used to determine exchange gain or loss on the debt instrument for the period beginning on the leg-out date and ending on the date such instrument matures or is disposed of or otherwise terminated. Proper adjustment to the principal amount of the debt instrument must be made to reflect any gain or loss taken into account. The netting rule of § 1.988–2(b)(8) shall apply.

(C) If the qualifying debt instrument is disposed of or otherwise terminated, the hedge shall be treated as sold for its fair market value on the date the qualifying debt instrument is disposed of or otherwise terminated (the "leg-out date"), and any gain or loss from the identification date to the leg-out date is realized and recognized on the leg-out date. The spot rate on the leg-out date shall be used to determine exchange gain or loss on the hedge for the period beginning on the leg-out date and ending on the date such hedge is disposed of or otherwise terminated.

(D) Except as provided in paragraph (a)(8)(iii) of this section (regarding identification by the Commissioner), that part of the qualified hedging transaction that has not been terminated (*i.e.*, the remaining debt instrument in its entirety even if partially hedged, or hedge) cannot be part of a qualified hedging transaction for any period subsequent to the leg out date.

(E) If a taxpayer legs out of a qualified hedging transaction and realizes a gain with respect to the terminated instrument, then paragraph (a)(6)(ii) (B) or (C) of this section, as appropriate, shall not apply if during the period beginning 30 days before the leg-out date and ending 30 days after that date the taxpayer enters into another transaction that hedges at least 50% of the remaining currency flow with respect to the qualifying debt instrument which was part of the qualified hedging transaction (or, if appropriate, an equivalent amount under the § 1.988–5 hedge which was part of the qualified hedging transaction).

(7) *Transactions part of a straddle.* At the discretion of the Commissioner, a transaction shall not satisfy the requirements of paragraph (a)(5) of this section if the debt instrument making up the qualified hedging transaction is part of a straddle as defined in section 1092(c) prior to the time the qualified hedging transaction is identified.

(8) *Identification requirements*—(i) *Identification by the taxpayer.* A taxpayer must establish a record and before the close of the date the hedge is entered into, the taxpayer must enter into the record for each qualified hedging transaction the following information—

(A) The date the qualifying debt instrument and hedge were entered into;

(B) The date the qualifying debt instrument and the hedge are identified as constituting a qualified hedging transaction;

(C) The amount that must be deferred, if any, under paragraph (a)(6) of this section and the source and character of such deferred amount;

(D) A description of the qualifying debt instrument and the hedge; and

(E) A summary of the cash flow resulting from treating the qualifying debt instrument and the hedge as a qualified hedging transaction.

(ii) *Identification by trustee on behalf of beneficiary.* A trustee of a trust that enters into a qualified hedging transaction may satisfy the identification requirements described in paragraph (a)(8)(i) of this section on behalf of a beneficiary of such trust.

(iii) *Identification by the Commissioner.* If—

(A) A taxpayer enters into a qualifying debt instrument and a hedge but fails to comply with one or more of the requirements of this paragraph (a), and

(B) On the basis of all the facts and circumstances, the Commissioner concludes that the qualifying debt instrument and the hedge are, in substance, a qualified hedging transaction,

then the Commissioner may treat the qualifying debt instrument and the hedge as a qualified hedging transaction. The Commissioner may identify a qualifying debt instrument and a hedge as a qualified hedging transaction regardless of whether the qualifying debt instrument and the hedge are held by the same taxpayer.

(9) *Taxation of qualified hedging transactions*—(i) *In general*—(A) *General rule.* If a transaction constitutes a qualified hedging transaction, the qualifying debt instrument and the hedge are integrated and treated as a single transaction with respect to the taxpayer that has entered into the qualified hedging transaction during the period that the transaction qualifies as a qualified hedging transaction. Neither the qualifying debt instrument nor the hedge that makes up the qualified hedging transaction shall be subject to section 263(g), 1092 or 1256 for the period such transactions are integrated. However, the qualified hedging transaction may be subject to section 263(g) or 1092 if such transaction is part of a straddle.

(B) *Special rule for income or expense of foreign persons effectively connected with a U.S. trade or business.* Interest income of a foreign person resulting from a qualified hedging transaction entered into by such foreign person that satisfies the requirements of paragraph (a)(5)(vii) of this section shall be treated as effectively connected with a U.S. trade or business. Interest expense of a foreign person resulting from a qualified hedging transaction entered into by such foreign person that satisfies the requirements of paragraph (a)(5)(vii) of this section shall be allocated and apportioned under § 1.882–5 of the regulations.

(C) *Special rule for foreign persons that enter into qualified hedging transactions giving rise to U.S. source income not effectively connected with a U.S. trade or business.* If a foreign person enters into a qualified hedging transaction that gives rise to U.S. source interest income (determined under the source rules for synthetic asset transactions as provided in this section) not effectively connected with a U.S. trade or business of such foreign person, for purposes of sections 871(a), 881, 1441, 1442 and 6049, the provisions of this paragraph (a) shall not apply and such sections of the Internal Revenue Code shall be applied separately to the qualifying debt instrument and the hedge. To the extent relevant to any foreign person, if the requirements of this paragraph (a) are otherwise met, the provisions of this paragraph (a) shall apply for all other purposes of the Internal Revenue Code (*e.g.*, for purposes of calculating the earnings and profits of a controlled foreign corporation that enters into a qualified

hedging transaction through a qualified business unit resident outside the United States, income or expense with respect to such qualified hedging transaction shall be calculated under the provisions of this paragraph (a)).

(ii) *Income tax effects of integration.* The effect of integrating and treating a transaction as a single transaction is to create a synthetic debt instrument for income tax purposes, which is subject to the original issue discount provisions of sections 1272 through 1288 and 163(e), the terms of which are determined as follows:

(A) *Denomination of synthetic debt instrument.* In the case where the qualifying debt instrument is a borrowing, the denomination of the synthetic debt instrument is the same as the currency paid under the terms of the hedge to acquire the currency used to make payments under the qualifying debt instrument. In the case where the qualifying debt instrument is a lending, the denomination of the synthetic debt instrument is the same as the currency received under the terms of the hedge in exchange for amounts received under the qualifying debt instrument. For example, if the hedge is a forward contract to acquire British pounds for dollars, and the qualifying debt instrument is a borrowing denominated in British pounds, the synthetic debt instrument is considered a borrowing in dollars.

(B) *Term and accrual periods.* The term of the synthetic debt instrument shall be the period beginning on the identification date and ending on the date the qualifying debt instrument matures or such earlier date that the qualifying debt instrument or hedge is disposed of or otherwise terminated. Unless otherwise clearly indicated by the payment interval under the hedge, the accrual period shall be a six month period which ends on the dates determined under section 1272(a)(5).

(C) *Issue price.* The issue price of the synthetic debt instrument is the adjusted issue price of the qualifying debt instrument translated into the currency in which the synthetic debt instrument is denominated at the spot rate on the identification date.

(D) *Stated redemption price at maturity.* In the case where the qualifying debt instrument is a borrowing, the stated redemption price at maturity shall be determined under section 1273(a)(2) on the identification date by reference to the amounts to be paid under the hedge to acquire the currency necessary to make interest and principal payments on the qualifying debt instrument. In the case where the qualifying debt instrument is a lending, the stated redemption price at maturity shall be determined under section 1273(a)(2) on the identification date by reference to the amounts to be received under the hedge in exchange for the interest and principal payments received pursuant to the terms of the qualifying debt instrument.

(iii) *Source of interest income and allocation of expense.* Interest income from a synthetic debt instrument described in paragraph (a)(9)(ii) of this section shall be sourced by reference to the source of income under sections 861 (a)(1) and 862(a)(1) of the qualifying debt instrument. The character for purposes of section 904 of interest income from a synthetic debt instrument shall be determined by reference to the character of the interest income from qualifying debt instrument. Interest expense from a synthetic debt instrument described in paragraph (a)(9)(ii) of this section shall be allocated and apportioned under §§ 1.861–8T through 1.861–12T or the successor sections thereof or under § 1.882–5.

(iv) *Examples.* The following examples illustrate the application of this paragraph (a)(9).

Example 1. (i) K is a U.S. corporation with the U.S. dollar as its functional currency. On December 24, 1989, K agrees to close the following transaction on December 31, 1989. K will borrow from an unrelated party on December 31, 1989, 100 British pounds (£) for 3 years at a 10 percent rate of interest, payable annually, with no principal payment due until the final installment. K will also enter into a currency swap contract with an unrelated counterparty under the terms of which—

(a) K will swap, on December 31, 1989, the £100 obtained from the borrowing for $100; and

(b) K will exchange dollars for pounds pursuant to the following table in order to obtain the pounds necessary to make payments on the pound borrowing:

Date	U.S. dollars	Pounds
December 31, 1990	5	10
December 31, 1991	5	10
December 31, 1992	105	110

(ii) The interest rate on the borrowing is set and the exchange rates on the swap are fixed on December 24, 1989. On December 31, 1989, K borrows the £100 and swaps such pounds for $100. Assume x has satisfied the identification requirements of paragraph (a)(8) of this section.

(iii) The pound borrowing (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the currency swap contract (which constitutes a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction as defined in paragraph (a)(1) of this section. Accordingly, the pound borrowing and the swap are integrated and treated as one transaction with the following consequences:

(A) The integration of the pound borrowing and the swap results in a synthetic dollar borrowing with an issue price of $100 under section 1273(b)(2).

(B) The total amount of interest and principal of the synthetic dollar borrowing is equal to the dollar payments made by K under the currency swap contract (i.e., $8 in 1990, $8 in 1991, and $108 in 1992).

(C) The stated redemption price at maturity (defined in section 1273(a)(2)) is $100. Because the stated redemption price equals the issue price, there is no OID on the synthetic dollar borrowing.

(D) K may deduct the annual interest payments of $8 under section 163(a) (subject to any limitations on deductibility imposed by other provisions of the Code) according to its regular method of accounting. K has also paid $100 as a return of principal in 1992.

(E) K must allocate and apportion its interest expense with respect to the synthetic dollar borrowing under the rules of §§ 1.861–8T through 1.861–12T.

Example 2. (i) K, a U.S. corporation, has the U.S. dollar as its functional currency. On December 24, 1989, when the spot rate for Swiss francs (Sf) is Sf1=$1, K enters into a forward contract to purchase Sf100 in exchange for $100.04 for delivery on December 31, 1989. The Sf100 are to be used for the purchase of a franc denominated debt instrument on December 31, 1989. The instrument will have a term of 3 years, an issue price of Sf100, and will bear interest at 6 percent, payable annually, with no repayment of principal until the final installment. On December 24, 1989, K also enters into a series of forward contracts to sell the franc interest and principal payments that will be received under the terms of the franc denominated debt instrument for dollars according to the following schedule:

Date	U.S. dollars	Francs
December 31, 1990	5.12	6
December 31, 1991	5.23	6
December 31, 1992	112.16	106

(ii) On December 31, 1989, K takes delivery of the Sf100 and purchases the franc denominated debt instrument. Assume K satisfies the identification requirements of paragraph (a)(8) of this section. The purchase of the franc debt instrument (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the series of forward contracts (which constitute a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction under paragraph (a)(1) of this section. Accordingly, the franc debt instrument and all the forward contracts are integrated and treated as one transaction with the following consequences:

(A) The integration of the franc debt instrument and the forward contracts results in a synthetic dollar debt instrument in an amount equal to the dollars exchanged under the forward contract to purchase the francs necessary to acquire the franc debt instrument. Accordingly, the issue price is $100.04 (section 1273(b)(2) of the Code).

(B) The total amount of interest and principal received by K with respect to the synthetic dollar debt instrument is equal to the dollars received under the forward sales contracts (i.e., $6.12 in 1990, $6.23 in 1991, and $112.16 in 1992).

(C) The synthetic dollar debt instrument is an installment obligation and its stated redemption price at maturity is $106.15 (i.e., $6.12 of the payments in 1990, 1991, and 1992 are treated as periodic interest payments under the principles of section 1273). Because the stated redemption price at maturity exceeds the issue price, under section 1273(a)(1) the synthetic dollar debt instrument has OID of $6.11.

(D) The yield to maturity of the synthetic dollar debt instrument is 6.00 percent, compounded annually. Assuming K is a calendar year taxpayer, it must include interest income of $6.00 in 1990 (of which $1.88 constitutes OID), $6.15 in 1991 (of which $2.03 constitutes OID), and $6.32 in 1992 (of which $2.20 constitutes OID). The amount of the final payment received by K in excess of the interest income includible is a return of principal and a payment of previously accrued OID.

(E) The source of the interest income shall be determined by applying sections 861(a)(1) and 862(a)(1) with reference to the franc interest income that would have been received had the transaction not been integrated.

Example 3. (i) K is an accrual method U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1992, K borrows 100 British pounds (£) for 3 years at a 10% rate of interest payable on December 31 of each year with no principal payment due until the final installment. The spot rate on January 1, 1992, is £1=$1.50. On January 1, 1993, when the spot rate is £1=$1.60, K enters into a currency swap contract with an unrelated counterparty under the terms of which K will exchange dollars for pounds pursuant to the following table in order to obtain the pounds necessary to make the remaining payments on the pound borrowing:

Date	U.S. dollars	Pounds
December 31, 1993	12.80	10
December 31, 1994	12.80	10
December 31, 1994	160.00	100

(ii) Assume that British pound interest rates are still 10% and that K properly identifies the pound borrowing and the currency swap contract as a qualified hedging transaction as provided in paragraph (a)(8) of this section. Under paragraph (a)(6)(i) of this section, K must realize exchange gain or loss with respect to the pound borrowing determined solely by reference to changes in exchange rates between January 1, 1992 and January 1, 1993. (Thus, gain or loss from other factors such as movements in interest rates or changes in credit quality of K are not taken into account). Recognition of such gain or loss is deferred until K terminates its pound borrowing. Accordingly, K must defer exchange loss in the amount of $10 [(£100×1.50)−(£100×1.60)].

(iii) Additionally, the qualified hedging transaction is treated as a synthetic U.S. dollar debt instrument with an issue date of January 1, 1993, and a maturity date of December 31, 1994. The issue price of the synthetic debt instrument is $160 (£100×1.60, the spot rate on January 1, 1993) and the total amount of interest and principal is $185.60. The accrual period is the one year period beginning on January 1 and ending December 31 of each year. The stated redemption price at maturity is $160. Thus, K is treated as paying $12.80 of interest in 1993, $12.80 of interest in 1994, and $160 of principal in 1994. The interest expense from the synthetic instrument is allocated and apportioned in accordance with the rules of §§ 1.861–8T through 1.861–12T. Sections 263(g), 1092, and 1256 do not apply to the positions comprising the synthetic dollar borrowing.

Example 4. (i) K is an accrual method U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1990, K borrows 100 British pounds (£) for 3 years at a 10% rate of interest payable on December 31 of each year with no principal payment due until the final installment. The spot rate on January 1, 1990, is £1=$1.50. Also on January 1, 1990, K enters into a currency swap contract with an unrelated counterparty under the terms of which K will exchange dollars for pounds pursuant to the following table in order to obtain the pounds necessary to make the remaining payments on the pound borrowing:

Date	U.S. dollars	Pounds
December 31, 1990	12.00	10
December 31, 1991	12.00	10
December 31, 1992	162.00	110

(ii) Assume that K properly identifies the pound borrowing and the currency swap contract as a qualified hedging transaction as provided in paragraph (a)(1) of this section.

(iii) The pound borrowing (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the currency swap contract (which constitutes a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction as defined in paragraph (a)(1) of this section. Accordingly, the pound borrowing and the swap are integrated and treated as one transaction with the following consequences:

(A) The integration of the pound borrowing and the swap results in a synthetic dollar borrowing with an issue price of $150 under section 1273(b)(2).

(B) The total amount of interest and principal of the synthetic dollar borrowing is equal to the dollar payments made by K under the currency swap contract (i.e., $12 in 1990, $12 in 1991, and $162 in 1992).

(C) The stated redemption price at maturity (defined in section 1273(a)(2)) is $150. Because the stated redemption price equals the issue price, there is no OID on the synthetic dollar borrowing.

(D) K may deduct the annual interest payments of $12 under section 163(a) (subject to any limitations on deductibility imposed by other provisions of the Code) according to its regular method of accounting. K has also paid $150 as a return of principal in 1992.

(E) K must allocate and apportion its interest expense from the synthetic instrument under the rules of §§ 1.861–8T through 1.861–12T.

(iv) Assume that on January 1, 1991, the spot exchange rate is £1=$1.60, interest rates have not changed since January 1, 1990, (accordingly, assume that the market value of K's bond in pounds has not changed) and that K transfers its rights and obligations under the currency swap contract in exchange for $10. Under § 1.988–2(e)(3)(iii), K will include in income as exchange gain $10 on January 1, 1991. Pursuant to paragraph (a)(6)(ii) of this section, the pound borrowing and the currency swap contract are treated as a qualified hedging transaction for 1990. The loss inherent in the pound borrowing from January 1, 1990, to January 1, 1991, is realized and recognized on January 1, 1991. Such loss is exchange loss in the amount of $10.00 [(£100×$1.50, the spot rate on January 1, 1990)—(£100×$1.60, the spot rate on January 1, 1991)]. For purposes of determining exchange gain or loss on the £100 principal amount of the debt instrument for the period January 1, 1991, to December 31, 1992, the spot rate on January 1, 1991 is used rather than the spot rate on the issue date. Thus, assuming that the spot rate on December 31, 1992, the maturity date, is £1=$1.80, K realizes exchange loss in the amount of $20 [(£100×$1.60)−(£100×$1.80)]. Except as provided in paragraph (a)(6)(iii) (regarding identification by the Commissioner), the pound borrowing cannot be part of a qualified hedging transaction for any period subsequent to the leg out date.

Example 5. (i) K, a U.S. corporation, has the U.S. dollar as its functional currency. On January 1, 1990, when the spot rate for Swiss francs (Sf) is Sf1=$.50, K converts $100 to Sf200 and purchases a franc denominated debt instrument. The instrument has a term of 3 years, an adjusted issue price of Sf200, and will bear interest at 5 percent, payable annually, with no repayment of principal until the final installment. The U.S. dollar interest rate on an equivalent instrument is 8% on January 1, 1990, compounded annually. On January 1, 1990, K also enters into a series of forward contracts to sell the franc interest and principal payments that will be received under the terms of the franc denominated debt instrument for dollars according to the following schedule:

Date	U.S. dollars	Francs
December 31, 1990	5.14	10
December 31, 1991	5.29	10
December 31, 1992	114.26	210

(ii) Assume K satisfies the identification requirements of paragraph (a)(8) of this section. Assume further that on January 1, 1991, the spot exchange rate is Sf1=U.S.$.5143, the U.S. dollar interest rate is 10%, compounded annually, and the Swiss franc interest rate is the same as on January

1, 1990 (5%, compounded annually). On January 1, 1991, K disposes of the forward contracts that were to mature on December 31, 1991, and December 31, 1992 and incurs a loss of $3.62 (the present value of $.10 with respect to the 1991 contract and $4.27 with respect to the 1992 contract).

(iii) The purchase of the franc debt instrument (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the series of forward contracts (which constitute a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction under paragraph (a)(1) of this section. Accordingly, the franc debt instrument and all the forward contracts are integrated for the period beginning January 1, 1990, and ending January 1, 1991.

(A) The integration of the franc debt instrument and the forward contracts results in a synthetic dollar debt instrument with an issue price of $100.

(B) The total amount of interest and principal to be received by K with respect to the synthetic dollar debt instrument is equal to the dollars to be received under the forward sales contracts (i.e., $5.14 in 1990, $5.29 in 1991, and $114.26 in 1992).

(C) The synthetic dollar debt instrument is an installment obligation and its stated redemption price at maturity is $109.27 (i.e., $5.14 of the payments in 1990, 1991, and 1992 is treated as periodic interest payments under the principles of section 1273). Because the stated redemption price at maturity exceeds the issue price, under section 1273(a)(1) the synthetic dollar debt instrument has OID of $9.27.

(D) The yield to maturity of the synthetic dollar debt instrument is 8.00 percent, compounded annually. Assuming K is a calendar year taxpayer, it must include interest income of $8.00 in 1990 (of which $2.86 constitutes OID).

(E) The source of the interest income is determined by applying sections 861(a)(1) and 862(a)(1) with reference to the franc interest income that would have been received had the transaction not been integrated.

(iv) Because K disposed of the forward contracts on January 1, 1991, the rules of paragraph (a)(6)(ii) of this section shall apply. Accordingly, the $3.62 loss from the disposition of the forward contracts is realized and recognized on January 1, 1991. Additionally, K is deemed to have sold the franc debt instrument for $102.86, its fair market value in dollars on January 1, 1991. K will compute gain or loss with respect to the deemed sale of the franc debt instrument by subtracting its adjusted basis in the instrument ($102.86—the value of the Sf200 issue price at the spot rate on the identification date plus $2.86 of original issue discount accrued on the synthetic dollar debt instrument for 1990) from the amount realized on the deemed sale of $102.86. Thus K realizes and recognizes no gain or loss from the deemed sale of the debt instrument. The dollar amount used to determine exchange gain or loss with respect to the franc debt instrument is the Sf200 issue price on January 1, 1991, translated into dollars at the spot rate on January 1, 1991, of Sf1 = U.S.$.5143. Except as provided in paragraph (a)(8)(iii) of this section (regarding identification by the Commissioner), the franc borrowing cannot be part of a qualified hedging transaction for any period subsequent to the leg out date.

Example 6. (i) K is a U.S. corporation with the dollar as its functional currency. On January 1, 1992, K issues a debt instrument with the following terms: the issue price is $1,000, the instrument pays interest annually at a rate of 8% on the $1,000 principal amount, the instrument matures on December 31, 1996, and the amount paid at maturity is the greater of zero or $2,000 less the U.S. dollar value (determined on December 31, 1996) of 150,000 Japanese yen.

(ii) Also on January 1, 1992, K enters into the following hedges with respect to the instrument described in the preceding paragraph: a forward contract under which K will sell 150,000 yen for $1,000 on December 31, 1996 (note that this forward rate assumes that interest rates in yen and dollars are equal); and an option contract that expires on December 31, 1996, under which K has the right (but not the obligation) to acquire 150,000 yen for $2,000. K will pay for the option by making payments to the writer of the option equal to $5 each December 31 from 1992 through 1996.

(iii) The net economic effect of these transactions is that K has created a liability with a principal amount and amount paid at maturity of $1,000, with an interest cost of 8.5% (8% on debt instrument, 0.5% option price) compounded annually. For example, if on December 31, 1996, the spot exchange rate is $1=100 yen, K pays $500 on the bond [$2,000−(150,000 yen/$100)], and $500 in satisfaction of the forward contract [$1,000−(150,000 yen/$100)]. If instead the spot exchange rate on December 31, 1996 is $1=200 yen, K pays $1,250 on the bond [$2,000−(150,000 yen/$200)] and K receives $250 in satisfaction of the forward contract [$1,000−(150,000 yen/$200)]. Finally, if the spot exchange rate on December 31, 1996 is $1=50 yen, K pays $0 on the bond [$2,000−(150,000 yen/$50), but the bond holder is not required under the terms of the instrument to pay additional principal]; K exercises the option to buy 150,000 yen for $2,000; and K then delivers the 150,000 yen as required by the forward contract in exchange for $1,000.

(iv) Assume K satisfies the identification requirements of paragraph (a)(8) of this section. The debt instrument described in paragraph (i) of this *Example 6* (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the forward contract and option contract described in paragraph (ii) of this example (which constitute a hedge under paragraph (a)(4) of this section and are collectively referred to hereafter as "the contracts") together are a qualified hedging transaction under paragraph (a)(1) of this section. Accordingly, with respect to K, the debt instrument and the contracts are integrated, resulting in a synthetic dollar debt instrument with an issue price of $1000, a stated redemption price at maturity of $1000 and a yield to maturity of 8.5% compounded annually (with no original issue discount). K must allocate and apportion its annual interest expense of $85 under the rules of §§ 1.861–8T through 1.861–12T.

Example 7. (i) R is a U.S. corporation with the dollar as its functional currency. On January 1, 1995, R issues a debt instrument with the following terms: the issue price is 504 British pounds (£), the instrument pays interest at a rate of 3.7% (compounded semi-annually) on the £504 principal amount, the instrument matures on December 31, 1999, with a repayment at maturity of the £504 principal plus the proportional gain, if any, in the "Financial Times" 100 Stock Exchange (FTSE) index (determined by the excess of the value of the FTSE index on the maturity date over the value of the FTSE on the issue date, divided by the value of the FTSE index on the issue date, multiplied by the number of FTSE index contracts that could be purchased on the issue date for £504).

(ii) Also on January 1, 1995, R enters into a contract with a bank under which on January 1, 1995, R will swap the £504 for $1,000 (at the current spot rate). R will make U.S. dollar payments to the bank equal to 8.15% on the notional principal amount of $1,000 (compounded semi-annually) for the period beginning January 1, 1995 and ending December 31, 1999. R will receive pound payments from the bank equal to 3.7% on the notional principal amount of £504 (compounded semi-annually) for the period beginning January 1, 1995 and ending December 31, 1999. On December 31, 1999, R will swap with the bank $1,000 for £504 plus the proportional gain, if any, in the FTSE index (computed as provided above).

(iii) Economically, both the indexed debt instrument and the hedging contract are hybrid instruments with the following components. The indexed debt instrument is composed of a par pound debt instrument that is assumed to have a 10.85% coupon (compounded semi-annually) plus an embedded FTSE equity index option for which the investor pays a premium of 7.15% (amortized semi-annually) on the pound principal amount. The combined effect is that the premium paid by the investor partially offsets the coupon payments resulting in a return of 3.7% (10.85%−7.15%). Similarly, the dollar payments under the hedging contract to be made by R are computed by multiplying the dollar notional principal amount by an 8.00% rate (compounded semi-annually) which the facts assume would be the rate paid on a conventional currency swap plus a premium of 0.15% (amortized semi-annually) on the dollar notional principal amount for an embedded FTSE equity index option.

(iv) Assume R satisfies the identification requirements of paragraph (a)(8) of this section. The indexed debt instrument described in paragraph (i) of this *Example 7* constitutes a qualifying debt instrument under paragraph (a)(3) of this section. The hedging contract described in paragraph (ii) of this *Example 7* constitutes a hedge under paragraph (a)(4) of this section. Since both the pound exposure of the indexed debt instrument and the exposure to movements of the FTSE embedded in the indexed debt instrument are hedged such that a yield to maturity can be determined in dollars, the transaction satisfies the requirement of paragraph (a)(5)(i) of this section. Assuming the transactions satisfy the other requirements of paragraph (a)(5) of this section, the indexed debt instrument and hedge are a qualified hedging transaction under paragraph (a)(1) of this section. Accordingly, with respect to R, the debt instrument and the contracts are integrated, resulting in a synthetic dollar debt instrument with an issue price of $1000, a stated redemption price at maturity of $1000 and a yield to maturity of 8.15% compounded semi-annually (with no original issue discount). K must allocate and apportion its interest expense from the synthetic instrument under the rules of §§ 1.861–8T through 1.861–12T.

Example 8. (i) K is a U.S. corporation with the U.S. dollar as its functional currency. On December 24, 1992, K agrees to close the following transaction on December 31, 1992. K will borrow from an unrelated party on December 31, 1992, 200 British pounds (£) for 3 years at a 10 percent rate of interest, payable annually, with no principal payment due until the final installment. K will also enter into a currency swap contract with an unrelated counterparty under the terms of which—

(A) K will swap, on December 31, 1992, £100 obtained from the borrowing for $100; and

(B) K will exchange dollars for pounds pursuant to the following table:

Date	U.S. dollars	Pounds
December 31, 1993	8	10
December 31, 1994	8	10
December 31, 1995	108	110

(ii) The interest rate on the borrowing is set and the exchange rates on the swap are fixed on December 24, 1992. On December 31, 1992, K borrows the £200 and swaps £100 for $100. Assume K has satisfied the identification requirements of paragraph (a)(8) of this section.

(iii) The £200 debt instrument satisfies the requirements of paragraph (a)(3)(i) of this section. Because all principal and interest payments under the instrument are hedged in the same proportion (50% of all interest and principal payments are hedged), 50% of the payments under the £200 instrument (principal amount of £100 and annual interest of £10) are treated as a qualifying debt instrument for purposes of paragraph (a) of this section. Thus, the distinct £100 borrowing and the currency swap contract (which constitutes a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction as defined in paragraph (a)(1) of this section. Accordingly, £100 of the pound borrowing and the swap are integrated and treated as one synthetic dollar transaction with the following consequences:

(A) The integration of £100 of the pound borrowing and the swap results in a synthetic dollar borrowing with an issue price of $100 under section 1273(b)(2).

(B) The total amount of interest and principal of the synthetic dollar borrowing is equal to the dollar payments made by K under the currency swap contract (i.e., $8 in 1993, $8 in 1994, and $108 in 1995).

(C) The stated redemption price at maturity (defined in section 1273(a)(2)) is $100. Because the stated redemption price equals the issue price, there is no OID on the synthetic dollar borrowing.

(D) K may deduct the annual interest payments of $8 under section 163(a) (subject to any limitations on deductibility imposed by other provisions of the Code) according to its regular method of accounting. K has also paid $100 as a return of principal in 1995.

(E) K must allocate and apportion its interest expense from the synthetic instrument under the rules of §§ 1.861–8T through 1.861–12T.

That portion of the £200 pound debt instrument that is not hedged (*i.e.*, £100) is treated as a separate debt instrument subject to the rules of § 1.988–2 (b) and §§ 1.861–8T through 1.861–12T.

Example 9. (i) K is an accrual method U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1992, K borrows 100 British pounds (£) for 3 years at a 10% rate of interest payable on December 31 of each year with no principal payment due until the final installment. On the same day, K enters into a currency swap agreement with an unrelated bank under which K agrees to the following:

(A) On January 1, 1992, K will exchange the £100 borrowed for $150.

(B) For the period beginning January 1, 1992 and ending December 31, 1994, K will pay at the end of each month an amount determined by multiplying $150 by one month LIBOR less 65 basis points and receive from the bank on December 31st of 1992, 1993, and 1994, £10.

(C) On December 31, 1994, K will exchange $150 for £100.

Assume K satisfies the identification requirements of paragraph (a)(8) of this section.

(ii) The pound borrowing (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the currency swap contract (which constitutes a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction as defined in paragraph (a)(1) of this section. Accordingly, the pound borrowing and the swap are integrated and treated as one transaction with the following consequences:

(A) The integration of the pound borrowing and the swap results in a synthetic dollar borrowing with an issue price of $150 under section 1273(b)(2).

(B) The total amount of interest and principal of the synthetic dollar borrowing is equal to the dollar payments made by K under the currency swap contract.

(C) The stated redemption price at maturity (defined in section 1273(a)(2)) is $150. Because the stated redemption price equals the issue price, there is no OID on the synthetic dollar borrowing.

(D) K may deduct the monthly variable interest payments under section 163(a) (subject to any limitations on deductibility imposed by other provisions of the Code) according to its regular method of accounting. K has also paid $150 as a return of principal in 1994.

(E) K must allocate and apportion its interest expense from the synthetic instrument under the rules of §§ 1.861–8T through 1.861–12T.

Example 10. (i) K is an accrual method U.S. corporation with the U.S. dollar as its functional currency. On January 1, 1992, K loans 100 British pounds (£) for 3 years at a 10% rate of interest payable on December 31 of each year with no principal payment due until the final installment. The spot rate on January 1, 1992, is £1=$1.50. Also on January 1, 1992, K enters into a currency swap contract with an unrelated counterparty under the terms of which K will exchange pounds for dollars pursuant to the following table:

Date	Pounds	Dollars
December 31, 1992	10	12
December 31, 1993	10	12
December 31, 1994	110	162

(ii) Assume that K properly identifies the pound borrowing and the currency swap contract as a qualified hedging transaction as provided in paragraph (a)(1) of this section.

(iii) The pound loan (which constitutes a qualifying debt instrument under paragraph (a)(3) of this section) and the currency swap contract (which constitutes a hedge under paragraph (a)(4) of this section) are a qualified hedging transaction as defined in paragraph (a)(1) of this section. Accordingly, the pound loan and the swap are integrated and treated as one transaction with the following consequences:

(A) The integration of the pound loan and the swap results in a synthetic dollar loan with an issue price of $150 under section 1273(b)(2).

(B) The total amount of interest and principal of the synthetic dollar loan is equal to the dollar payments received by K under the currency swap contract (i.e., $12 in 1992, $12 in 1993, and $162 in 1994).

(C) The stated redemption price at maturity (defined in section 1273(a)(2)) is $150. Because the stated redemption price equals the issue price, there is no OID on the synthetic dollar loan.

(D) K must include in income as interest $12 in 1992, 1993, and 1994.

(E) The source of the interest income shall be determined by applying sections 861(a)(1) and 862(a)(1) with reference to the pound interest income that would have been received had the transaction not been integrated.

(iv) On January 1, 1993, K transfers both the pound loan and the currency swap to B, its wholly owned U.S. subsidiary, in exchange for B stock in a transfer that satisfies the requirements of section 351. Under paragraph (a)(6) of this section, the transfer of both instruments is not "legging out." Rather, K is considered to have transferred the synthetic dollar loan to B in a transaction in which gain or loss is not recognized. B's basis in the loan under section 362 is $100.

(10) *Transition rules and effective dates for certain provisions—*(i) *Coordination with Notice 87–11.* Any transaction entered into prior to September 21, 1989 which satisfied the requirements of Notice 87–11, 1987–1

C.B 423, shall be deemed to satisfy the requirements of paragraph (a) of this section.

(ii) *Prospective application to contingent payment debt instruments.* In the case of a contingent payment debt instrument, the definition of qualifying debt instrument set forth in paragraph (a)(3)(i) of this section applies to transactions entered into after March 17, 1992.

(iii) *Prospective application of partial hedging rule.* Paragraph (a)(3)(ii) of this section is effective for transactions entered into after March 17, 1992.

(iv) *Effective date for paragraph (a)(6)(i) of this section.* The rules of paragraph (a)(6)(i) of this section are effective for qualified hedging transactions that are legged into after March 17, 1992.

(b) *Hedged executory contracts*—(1) *In general.* If the taxpayer enters into a hedged executory contract as defined in paragraph (b)(2) of this section, the executory contract and the hedge shall be integrated as provided in paragraph (b)(4) of this section.

(2) *Definitions*—(i) *Hedged executory contract.* A hedged executory contract is an executory contract as defined in paragraph (b)(2)(ii) of this section that is the subject of a hedge as defined in paragraph (b)(2)(iii) of this section, provided that the following requirements are satisfied—

(A) The executory contract and the hedge are identified as a hedged executory contract as provided in paragraph (b)(3) of this section.

(B) The hedge is entered into (*i.e.*, settled or closed, or in the case of nonfunctional currency deposited in an account with a bank or other financial institution, such currency is acquired and deposited) on or after the date the executory contract is entered into and before the accrual date as defined in paragraph (b)(2)(iv) of this section.

(C) The executory contract is hedged in whole or in part throughout the period beginning with the date the hedge is identified in accordance with paragraph (b)(3) of this section and ending on or after the accrual date.

(D) None of the parties to the hedge are related. The term related means the relationships defined in section 267(b) and section 707(c)(1).

(E) In the case of a qualified business unit with a residence, as defined in section 988(a)(3)(B), outside of the United States, both the executory contract and the hedge are properly reflected on the books of the same qualified business unit.

(F) Subject to the limitations of paragraph (b)(2)(i)(E) of this section, both the executory contract and the hedge are entered into by the same individual, partnership, trust, estate, or corporation. With respect to a corporation, the same corporation must enter into both the executory contract and the hedge whether or not such corporation is a member of an affiliated group of corporations that files a consolidated return.

(G) With respect to a foreign person engaged in a U.S. trade or business that enters into an executory contract or hedge through such trade or business, all items of income and expense associated with the executory contract and the hedge would have been effectively connected with such U.S. trade or business throughout the term of the hedged executory contract had this paragraph (b) not applied.

(ii) *Executory contract*—(A) *In general.* Except as provided in paragraph (b)(2)(ii)(B) of this section, an executory contract is an agreement entered into before the accrual date to pay nonfunctional currency (or an amount determined with reference thereto) in the future with respect to the purchase of property used in the ordinary course of the taxpayer's business, or the acquisition of a service (or services), in the future, or to receive nonfunctional currency (or an amount determined with reference thereto) in the future with respect to the sale of property used or held for sale in the ordinary course of the taxpayer's business, or the performance of a service (or services), in the future. Notwithstanding the preceding sentence, a contract to buy or sell stock shall be considered an executory contract. (Thus, for example, a contract to sell stock of an affiliate is an executory contract for this purpose.) On the accrual date, such agreement ceases to be considered an executory contract and is treated as an account payable or receivable.

(B) *Exceptions.* An executory contract does not include a section 988 transaction. For example, a forward contract to purchase nonfunctional currency is not an executory contract. An executory contract also does not include a transaction described in paragraph (c) of this section.

(C) *Effective date for contracts to buy or sell stock.* That part of paragraph (b)(2)(ii)(A) of this section which provides that a contract to buy or sell stock shall be considered an executory contract applies to contracts to buy or sell stock entered into on or after March 17, 1992.

(iii) *Hedge*—(A) *In general.* For purposes of this paragraph (b), the term hedge means a deposit of nonfunctional currency in a hedging account (as defined paragraph (b)(3)(iii)(D) of this section), a forward or futures contract described in § 1.988-1(a) (1)(ii) and (2)(iii), or combination thereof, which reduces the risk of exchange rate fluctuations by reference to the taxpayer's functional currency with respect to nonfunctional currency payments made or received under an executory contract. The term hedge also includes an option contract described in § 1.988-1(a) (1)(ii) and (2)(iii), but only if the option's expiration date is on or before the accrual date. The premium paid for an option that lapses shall be integrated with the executory contract.

(B) *Special rule for series of hedges.* A series of hedges as defined in paragraph (b)(3)(iii)(A) of this section shall be considered a hedge if the executory contract is hedged in whole or in part throughout the period beginning with the date the hedge is identified in accordance with paragraph (b)(3)(i) of this section and ending on or after the accrual date. A taxpayer that enters into a series of hedges will be deemed to have satisfied the preceding sentence if the hedge that succeeds a hedge that has been terminated is entered into no later than the business day following such termination.

(C) *Special rules for historical rate rollovers*—(*1*) *Definition.* A historical rate rollover is an extension of the maturity date of a forward contract where the new forward rate is adjusted on the rollover date to reflect the taxpayer's gain or loss on the contract as of the rollover date plus the time value of such gain or loss through the new maturity date.

(*2*) *Certain historical rate rollovers considered a hedge.* A historical rate rollover is considered a hedge if the rollover date is before the accrual date.

(*3*) *Treatment of time value component of certain historical rate rollovers that are hedges.* Interest income or expense determined under § 1.988-2(d)(2)(v) with respect to a historical rate rollover shall be considered part of a hedge if the period beginning on the first date a hedging contract is rolled over and ending on the date payment is made or received under the executory contract does not exceed 183 days. Such interest income or expense shall not be recognized and shall be an adjustment to the income from, or expense of, the services performed or received under the executory contract, or to the amount realized or basis of the property sold or purchased under the executory contract. For the treatment of such interest income or expense that is not considered part of a hedge, see § 1.988-2(d)(2)(v).

(D) *Special rules regarding deposits of nonfunctional currency in a hedging account.* A hedging account is an account with a bank or other financial institution used exclusively for deposits of nonfunctional currency used to hedge executory contracts. For purposes of determining the basis of units in such account that comprise the hedge, only those units in the account as of the accrual date shall be taken into consideration. A taxpayer may adopt any reasonable convention (consistently applied to all hedging accounts) to determine which units comprise the hedge as of the accrual date and the basis of the units as of such date.

(E) *Interest income on deposit of nonfunctional currency in a hedging account.* Interest income on a deposit of nonfunctional currency in a hedging account may be taken into account for purposes of determining the amount of a hedge if such interest is accrued on or before the accrual date. However, such interest income shall be included in income as provided in section 61. For example, if a taxpayer with the dollar as its functional currency enters into an executory contract for the purchase and delivery of a machine in one year for 100 British pounds (£), and on such date deposits £90.91 in a properly identified bank account that bears interest at the rate of 10%, the interest that accrues prior to the accrual date shall be included in income and may be considered a hedge.

(iv) *Accrual date.* The accrual date is the date when the item of income or expense (including a capital expenditure) that relates to an executory contract is required to be accrued under the taxpayer's method of accounting.

(v) *Payment date.* The payment date is the date when payment is made or received with respect to an executory contract or the subsequent corresponding account payable or receivable.

(3) *Identification rules*—(i) *Identification by the taxpayer.* A taxpayer must establish a record and before the close of the date the hedge is entered into, the taxpayer must enter into the record a clear description of the executory contract and the hedge and indicate that the transaction is being identified in accordance with paragraph (b)(3) of this section.

(ii) *Identification by the Commissioner.* If a taxpayer enters into an executory contract and a hedge but fails to satisfy one or more of the requirements of paragraph (b) of this section and, based on the facts and circumstances, the Commissioner concludes that the executory contract in substance is hedged, then the Commissioner may apply the provisions of paragraph (b) of this section as if the taxpayer had satisfied all of the requirements therein, and may make appropriate adjustments. The Commissioner may apply the provisions of paragraph (b) of this section regardless of whether the executory contract and the hedge are held by the same taxpayer.

(4) *Effect of hedged executory contract*—(i) *In general.* If a taxpayer enters into a hedged executory contract, amounts paid or received under the hedge by the taxpayer are treated as paid or received by the taxpayer under the executory contract, or any subsequent account payable or receivable, or that portion to which the hedge relates. Also, the taxpayer recognizes no exchange gain or loss on the hedge. If an executory contract, on the accrual date, becomes an account payable or receivable, the taxpayer recognizes no exchange gain or loss on such payable or receivable for the period covered by the hedge.

(ii) *Partially hedged executory contracts.* The effect of integrating an executory contract and a hedge that partially hedges such contract is to treat the amounts paid or received under the hedge as paid or received under the portion of the executory contract being hedged, or any subsequent account payable or receivable. The income or expense of services performed or received under the executory contract, or the amount realized or basis of property sold or purchased under the executory contract, that is attributable to that portion of the executory contract that is not hedged shall be translated into functional currency on the accrual date. Exchange gain or loss shall be realized when payment is made or received with respect to any payable or receivable arising on the accrual date with respect to such unhedged amount.

(iii) *Disposition of a hedge or executory contract prior to the accrual date*—(A) *In general.* If a taxpayer identifies an executory contract as part of a hedged executory contract as defined in paragraph (b)(2) of this section, and disposes of (or otherwise terminates) the executory contract prior to the accrual date, the hedge shall be treated as sold for its fair market value on the date the executory contract is disposed of and any gain or loss shall be realized and recognized on such date. Such gain or loss shall be an adjustment to the amount received or expended with respect to the disposition or termination, if any. The spot rate on the date the hedge is treated as sold shall be used to determine subsequent exchange gain or loss on the hedge. If a taxpayer identifies a hedge as part of a hedged executory contract as defined in paragraph (b)(2) of this section, and disposes of the hedge prior to the accrual date, any gain or loss realized on such disposition shall not be recognized and shall be an adjustment to the income from, or expense of, the services performed or received under the executory contract, or to the amount realized or basis of the property sold or purchased under the executory contract.

(B) *Certain events in a series of hedges treated as a termination of the hedged executory contract.* If the rules of paragraph (b)(2)(iii)(B) of this section are not satisfied, the hedged executory contract shall be terminated and the provisions of paragraph (b)(4)(iii)(A) of this section shall apply to any gain or loss previously realized with respect to such hedge. Any subsequent hedging contracts entered into to reduce the risk of exchange rate movements with respect to such executory contract shall not be considered a hedge as defined in paragraph (b)(2)(iii) of this section.

(C) *Executory contracts between related persons.* If an executory contract is between related persons as defined in sections 267(b) and 707(b), and the taxpayer disposes of the hedge or terminates the executory contract prior to the accrual date, the Commissioner may redetermine the timing, source, and character of gain or loss from the hedge or the executory contract if he determines that a significant purpose for disposing of the hedge or terminating the executory contract prior to the accrual date was to affect the timing, source, or character of income, gain, expense, or loss for Federal income tax purposes.

(iv) *Disposition of a hedge on or after the accrual date.* If a taxpayer identifies a hedge as part of a hedged executory contract as defined in paragraph (b)(2) of this section, and disposes of the hedge on or after the accrual date, no gain or loss is recognized on the hedge and the booking date as defined in § 1.988-2(c)(2) of the payable or receivable for purposes of computing exchange gain or loss shall be the date such hedge is disposed of. See *Example 3* of paragraph (b)(4)(iv) of this section.

(v) *Sections 263(g), 1092, and 1256 do not apply.* Sections 263(g), 1092, and 1256 do not apply with respect to an executory contract or hedge which comprise a hedged executory contract as defined in paragraph (b)(2) of this section. However, sections 263(g), 1092 and 1256 may apply to the hedged executory contract if such transaction is part of a straddle.

(vi) *Examples.* The principles set forth in paragraph (b) of this section are

illustrated in the following examples. The examples assume that K is an accrual method, calendar year U.S. corporation with the dollar as its functional currency.

Example 1. (i) On January 1, 1992, K enters into a contract with JPF, a Swiss machine manufacturer, to pay 500,000 Swiss francs for delivery of a machine on June 1, 1993. Also on January 1, 1992, K enters into a foreign currency forward agreement to purchase 500,000 Swiss francs for $250,000 for delivery on June 1, 1993. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3)(i) of this section. On June 1, 1993, K takes delivery of the 500,000 Swiss francs (in exchange for $250,000) under the forward contract and makes payment of 500,000 Swiss francs to JPF in exchange for the machine. Assume that the accrual date is June 1, 1993.

(ii) Under paragraph (b)(1) of this section, the hedge is integrated with the executory contract. Therefore, K is deemed to have paid $250,000 for the machine and there is no exchange gain or loss on the foreign currency forward contract. K's basis in the machine is $250,000. Section 1256 does not apply to the forward contract.

Example 2. (i) On January 1, 1992, K enters into a contract with S, a Swiss machine manufacturer, to pay 500,000 Swiss francs for delivery of a machine on June 1, 1993. Under the contract, K is not obligated to pay for the machine until September 1, 1993. On February 1, 1992, K enters into a foreign currency forward agreement to purchase 500,000 Swiss francs for $250,000 for delivery on September 1, 1993. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. On June 1, 1993, K takes delivery of machine. Assume that under K's method of accounting the delivery date is the accrual date. On September 1, 1993, K takes delivery of the 500,000 Swiss francs (in exchange for $250,000) under the forward contract and makes payment of 500,000 Swiss francs to S.

(ii) Under paragraph (b)(1) of this section, the hedge is integrated with the executory contract. Therefore K is deemed to have paid $250,000 for the machine and there is no exchange gain or loss on the foreign currency forward contract. Thus K's basis in the machine is $250,000. In addition, no exchange gain or loss is recognized on the payable in existence from June 1, 1993, to September 1, 1993. Section 1256 does not apply to the forward contract.

Example 3. The facts are the same as in *Example 2* except that K disposed of the forward contract on August 1, 1993 for $10,000. Pursuant to paragraph (b)(4)(iv) of this section, K does not recognize the $10,000 gain. K's basis in the machine is $250,000 (the amount fixed by the forward contract), regardless of the amount in dollars that K actually pays to acquire the Sf500,000 when K pays for the machine. K has a payable with a booking date of August 1, 1993, payable on September 1, 1993 for 500,000 Swiss francs. Thus, K will realize exchange gain or loss on the difference between the amount booked on August 1, 1993 and the amount paid on September 1, 1993 under § 1.988–2(c).

Example 4. (i) On January 1, 1992, K enters into a contract with S, a Swiss machine repair firm, to pay 500,000 Swiss francs for repairs to be performed on June 1, 1992. Under the contract, K is not obligated to pay for the repairs until September 1, 1992. On February 1, 1992, K enters into a foreign currency forward agreement to purchase 500,000 Swiss francs for $250,000 for delivery on August 1, 1992. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. On June 1, 1992, S performs the repair services. Assume that under K's method of accounting this date is the accrual date. On August 1, 1992, K takes delivery of the 500,000 Swiss francs (in exchange for $250,000) under the forward contract. On the same day, K deposits the Sf500,000 in a separate account with a bank and properly identifies the transaction as a continuation of the hedged executory contract. On September 1, 1992, K makes payment of the Sf500,000 in the account to S.

(ii) Under paragraph (b)(1) of this section, the hedge is integrated with the executory contract. Therefore K is deemed to have paid $250,000 for the services and there is no exchange gain or loss on the foreign currency forward contract or on the disposition of Sf500,000 in the account. Any interest on the Swiss francs in the account is included in income but is not considered part of the hedge (because the amount paid for the services must be set on or before the accrual date). In addition, no exchange gain or loss is recognized on the payable in existence from June 1, 1992, to September 1, 1992. Section 1256 does not apply to the forward contract.

Example 5. (i) On January 1, 1992, K enters into a contract with S, a Swiss machine manufacturer, to pay 500,000 Swiss francs for delivery of a machine on June 1, 1993. Under the contract, K is not obligated to pay for the machine until September 1, 1993. On February 1, 1992, K enters into a foreign currency forward agreement to purchase 250,000 Swiss francs for $125,000 for delivery on September 1, 1993. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. On June 1, 1993, K takes delivery of the machine. Assume that under K's method of accounting the delivery date is the accrual date. Assume further that the exchange rate is Sf1 = $.50 on June 1, 1993. On August 30, 1993, K purchases Sf250,000 for $135,000. On September 1, 1993, K takes delivery of the 250,000 Swiss francs (in exchange for $125,000) under the forward contract and makes payment of 500,000 Swiss francs (the Sf250,000 received under the contract plus the Sf250,000 purchased on August 30, 1993) to S. Assume the spot rate on September 1, 1993, is 1 Sf = $.5420 (Sf250,000 equal $135,500).

(ii) Under paragraph (b)(1) of this section, the partial hedge is integrated with the executory contract. K is deemed to have paid $250,000 for the machine [$125,000 on the hedged portion of the Sf500,000 and $125,000 ($.50, the spot rate on June 1, 1993, times Sf250,000) on the unhedged portion of the Sf500,000]. K's basis in the machine therefore is $250,000. K recognizes no exchange gain or loss on the foreign currency forward contract but K will realize exchange gain of $500 on the disposition of the Sf250,000 purchased on August 30, 1993 under § 1.988–2(a). In addition, exchange loss is realized on the unhedged portion of the payable in existence from June 1, 1993, to September 1, 1993. Thus, K will realize exchange loss of $10,500 ($125,000 booked less $135,500 paid) under § 1.988–2(c) on the payable. Section 1256 does not apply to the forward contract.

Example 6. (i) On January 1, 1990, K enters into a contract with S, a Swiss steel manufacturer, to buy steel for 1,000,000 Swiss francs (Sf) for delivery and payment on December 31, 1990. On January 1, 1990, the spot rate is Sf1 = $.50, the U.S. dollar interest rate is 10% compounded annually, and the Swiss franc rate is 5% compounded annually. Under K's method of accounting, the delivery date is the accrual date.

(ii) Assume that on January 1, 1990, K enters into a foreign currency forward contract to buy Sf1,000,000 for $523,800 for delivery on December 31, 1990. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. Pursuant to paragraph (b)(2)(iii) of this section, the forward contract constitutes a hedge. Assuming that the requirements of paragraph (b)(2)(i) of this section are satisfied, the executory contract to buy steel and the forward contract are integrated under paragraph (b)(1) of this section. Thus, K is deemed to have paid $523,800 for the steel and will have a basis in the steel of $523,800. No gain or loss is realized with respect to the forward contract and section 1256 does not apply to such contract.

(iii) Assume instead that on January 1, 1990, K enters into a foreign currency forward contract to buy Sf1,000,000 for $512,200 for delivery on July 1, 1990. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. On July 1, 1990, when the spot rate is Sf1 = $.53, K cancels the forward contract in exchange for $17,800 ($530,000 − $512,200). On July 1, 1990, K enters into a second forward agreement to buy Sf1,000,000 for $542,900 for delivery on December 31, 1990. K properly identifies the second forward agreement as a hedge in accordance with paragraph (b)(3) of this section. Pursuant to paragraph (b)(2)(iii) of this section, the forward contract entered into on January 1, 1990, and the forward contract entered into on July 1, 1990, constitute a hedge. Assuming that the requirements of paragraph (b)(2)(i) of this section are satisfied, the executory contract to buy steel and the forward agreements are integrated under paragraph (b)(1) of this section. Thus, K is deemed to have paid $525,100 for the steel (the forward price in the second forward agreement of $542,900 less the gain on the first forward agreement of $17,800) and will have a basis in the steel of $525,100. No gain is realized with respect to the forward contracts and section 1256 does not apply to such contracts.

(iv) Assume instead that on January 1, 1990, K enters into a foreign currency forward contract to buy Sf1,000,000 for $512,200 for delivery on July 1, 1990. K properly identifies the executory contract and the hedge in accordance with paragraph (b)(3) of this section. On July 1, 1990, when the spot rate is Sf1 = $.53, K enters into a historical rate rollover of its $17,800 gain ($530,000 − $512,200) on the forward agreement. Thus, K enters into a second foreign currency forward agreement to buy Sf1,000,000 for $524,210 for delivery on December 31, 1990. (The forward price of $524,210 is the market forward price on July 1, 1990 for the purchase of Sf1,000,000 for delivery on December 31, 1990 of $542,900 less the $17,800 gain on January 1, 1990 contract and less the time value of such gain of $890.) K properly identifies the second forward agreement as a hedge in accordance with paragraph (b)(3) of this section. On December 31, 1990, when the spot rate is Sf1 = $.54, K takes delivery of the Sf1,000,000 (in exchange for $524,210) and purchases the steel for Sf1,000,000. Pursuant to paragraph (b)(2)(iii) of this section, the forward contract entered into on January 1, 1990, and the forward contract entered into on July 1, 1990, which incorporates the rollover of K's gain on the January 1, 1990 contract, constitute a hedge. Assuming that the requirements of paragraph (b)(2)(i) of this section are satisfied, the executory contract to buy steel and the forward agreements are integrated under paragraph (b)(1) of this section. Because the period from the rollover date to the date payment is made under the executory contract does not exceed 183 days, the $890 of interest income is considered part of the hedge and is not recognized. Thus, K is deemed to have paid $524,210 for the steel and will have a basis in the steel of $524,210. No gain is realized with respect to the forward contracts and section 1256 does not apply to such contracts.

(v) Assume instead that on January 1, 1990, K purchases Sf952,380.95 (the present value of Sf1,000,000 to be paid on December 31, 1990) for $476,190.48 and on the same day deposits the Swiss francs in a separate bank account that bears interest at a rate of 5%, compounded annually. K properly identifies the transaction as a hedged executory contract. Over the period beginning January 1, 1990, and ending December 31, 1990, K receives Sf47,619.05 in interest on the account that is included in income and that has a basis of $25,714.29. (Assume that under § 1.988–2(b)(1), K uses the spot rate of Sf1 = $.54 to translate the interest income). On December 31, 1990, K makes payment of the Sf1,000,000 principal and accrued interest in the account to S. Pursuant to paragraph (b)(2)(iii) of this section, the principal in the bank account and the interest constitute a hedge. Under paragraph (b)(1) of this section, the hedge is integrated with the executory contract. Therefore K is deemed to have paid $501,904.77 (the basis of the principal deposited plus the basis of the interest) for the steel and there is no exchange gain or loss on the disposition of the Sf1,000,000. K's basis in the steel therefore is $501,904.77.

(5) *References to this paragraph (b).* If the rules of this paragraph (b) are referred to in another paragraph of this section (*e.g.*, paragraph (c) of this section), then the rules of this paragraph (b) shall be applied for purposes of such other paragraph by substituting terms appropriate for such other paragraph. For example, paragraph (c)(2) of this section refers to the identification rules of paragraph (b)(3) of this section. Accordingly, for purposes of paragraph (c)(2), the rules of paragraph (b)(3) will be applied by substituting the term "stock or security" for "executory contract".

(c) *Hedges of period between trade date and settlement date on purchase or sale of publicly traded stock or security.* If a taxpayer purchases or sells stocks or securities which are traded on an established securities market and—

(1) Hedges all or part of such purchase or sale for any part of the period beginning on the trade date and ending on the settlement date; and

(2) Identifies the hedge and the underlying stock or securities as an integrated transaction under the rules of paragraph (b)(3) of this section;

then any gain or loss on the hedge shall be an adjustment to the amount realized or the adjusted basis of the stock or securities sold or purchased (and shall not be taken into account as exchange gain or loss). The term hedge means a deposit of nonfunctional currency in a hedging account (within the meaning of paragraph (b)(2)(iii)(D) of this section), or a forward or futures contract described in § 1.988–1(a) (1)(ii) and (2)(iii), or combination thereof, which reduces the risk of exchange rate fluctuations for any portion of the period beginning on the trade date and ending on the settlement date. The provisions of paragraphs (b)(2)(i) (D) through (G), and (b)(2)(iii) (D) and (E) of this section shall apply. Sections 263(g), 1092, and 1256 do not apply with respect to stock or securities and a hedge which are subject to this paragraph (c).

(d) [Reserved]

(e) *Advance rulings regarding net hedging and anticipatory hedging systems.* In his sole discretion, the Commissioner may issue an advance ruling addressing the income tax consequences of a taxpayer's system of hedging either its net nonfunctional currency exposure or anticipated nonfunctional currency exposure. The ruling may address the character, source, and timing of both the section 988 transaction(s) making up the hedge and the underlying transactions being hedged. The procedures for obtaining a ruling shall be governed by such pertinent revenue procedures and revenue rulings as the Commissioner may provide. The Commissioner will not issue a ruling regarding hedges of a taxpayer's investment in a foreign subsidiary.

(f) [Reserved]

(g) *General effective date.* Except as otherwise provided in this section, the rules of this section shall apply to qualified hedging transactions, hedged executory contracts and transactions described in paragraph (c) of this section entered into on or after September 21, 1989. This section shall apply even if the transaction being hedged (*e.g.*, the debt instrument) was entered into or acquired prior to such date. The effective date regarding advance rulings for net and anticipatory hedging shall be governed by such revenue procedures that the Commissioner may publish.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 5. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 6. Section 602.101 (c) is amended by removing from the table entries for "1.988–1T", "1.988–2T", "1.988–3T", "1.988–4T", and "1.988–5T" and by adding in the table "1.988–0 through 1.988–5 * * * 1545–1131".

Fred T. Goldberg, Jr.,
Commissioner of Internal Revenue.

Approved: January 24, 1992.

Kenneth W. Gideon,
Assistant Secretary of the Treasury.

[FR Doc. 92–4901 Filed 3–16–92; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[T.D. 8401]

RIN 1545–AN12

Consolidated Return Regulations—Distributions After the Sale of Stock of a Subsidiary

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains final regulations providing rules for dividends and other distributions declared with respect to the stock of a subsidiary in a consolidated group if the stock is disposed of after the selling member becomes entitled to the distribution but before the distribution is made. The temporary regulations contained in § 1.1502–32T(b), also issued as proposed regulations in a cross-reference notice of proposed rulemaking (see 54 FR 11007), are adopted as final regulations and

redesignated as § 1.1502–32(k)(1). Additional corrective and anti-avoidance rules are adopted as § 1.1502–32(k)(2).

EFFECTIVE DATES: Except as provided below, these regulations are effective for distributions described in section 301 that are declared in taxable years for which the due date (without extensions) of the Federal income tax return is after March 14, 1989. The new rules adopted as § 1.1502–32(k)(2) are effective March 13, 1992 and apply to distributions described in section 301 that are declared on or after March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Steven B. Teplinsky, 202–566–4324 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On March 14, 1989, temporary regulations (T.D. 8245) amending § 1.1502–32T(b) were filed with the Office of the Federal Register (see 54 FR 10980; 1989–1 C.B. 270). A Notice of Proposed Rulemaking (CO–5–89) cross-referencing the temporary regulations was filed with the Office of the Federal Register (see 54 FR 11007; 1989–1 C.B. 924) on the same day. Written comments were received, and a public hearing on the proposed regulations was held on September 18, 1989. After consideration of the comments, the temporary regulations contained in § 1.1502–32T(b) are adopted as final regulations and redesignated as § 1.1502–32(k)(1). In addition, § 1.1502–32(k)(2) is adopted in response to comments

The proposed and temporary regulations provide that, if a member of a consolidated group disposes of a share of stock of another member after a distribution subject to section 301 has been declared on that share and after the disposing member becomes entitled to the distribution, but before the distribution has been made, the distribution is deemed to be made for all Federal tax purposes immediately before the deposition. The final regulations continue this rule without change. The regulations address the Federal tax treatment of certain post-sale dividends and are not intended to affect the principles of existing case law under which these dividends may be recharacterized as part of the purchase price of the stock. *See, e.g., Waterman Steamship Corporation* v. *Comm'r* 430 F.2d 1185 (5th Cir. 1970), *rev'g* 50 T.C. 650 (1968), *cert. denied,* 401 U.S. 939 (1971).

Comments objected to the effective date of the temporary and proposed regulations. As discussed in the preamble to the temporary regulations, the regulations were adopted to clarify the investment adjustment rules under § 1.1502–32 and to ensure that the income and losses of members are taken into account only once in computing taxable income of a group. See T.D. 8245, 1989–1 C.B. 270. The Service and the Treasury Department believe that the effective date of the regulations is consistent with section 1503(a) of the Internal Revenue Code and section 553 of title 5 of the United States Code regarding temporary rules.

Comments also argued that the regulations incorrectly fail to distinguish between "true" dividends and "sham" transactions designed to abuse the investment adjustment provisions of the consolidated return regulations. However, a principal purpose of the investment adjustment rules is to ensure that the income and losses of members are taken into account only once in computing taxable income of a group. Thus, the rule in the regulations is necessary to carry out that purpose without regard to taxpayer intent.

Comments objected to the provision in the regulations that accelerates the year in which a distribution is treated as made. Under the regulations, the selling member is treated as receiving a distribution out of earnings and profits at the time of the sale, rather than out of earnings and profits at the time of the distribution. Similarly, any gain to the distributing member under section 311 is recognized at the time of the sale rather than at the time of the distribution. The Service and the Treasury Department believe that it is a reasonable approach to treat the distribution as made immediately before the disposition for all Federal tax purposes.

One comment suggested that the regulations work improperly if the selling member sells less than all of the stock of the distributing member. This is corrected in the final regulations. Under the final regulations, proper adjustments must be made to the earnings and profits of the distributing member accrued to the date of the disposition to take into account the fact that the rules of § 1.1502–32(k) do not apply to all of the distributing corporation's stock.

Another comment suggested that, because the regulations apply to a member's disposition of stock of another member (the "distributing corporation"), the regulations could be avoided by the distributing corporation ceasing to be included in the selling member's consolidated group prior to declaration of the distribution. In order to prevent avoidance of the regulations, an anti-avoidance provision has been added. Under this rule, if the distributing corporation ceases to be included in the selling member's consolidated group with a view to avoiding the application of this paragraph (k) to a distribution, the basis of the stock of the distributing corporation is adjusted in accordance with the purposes of this paragraph (k).

These final regulations are added as § 1.1502–32(k) of the consolidated return regulations. Temporary § 1.1502–32T(b) is redesignated as § 1.1502–32(k)(1) and remains effective for distributions subject to section 301 that are declared in taxable years for which the due date (without extensions) of the Federal income tax return is after March 14, 1989.

The earnings and profits allocation rule and the anti-abuse rule are contained in § 1.1502–32(k)(2), and are effective with respect to distributions described in section 301 that are declared on or after March 13, 1992.

Special Analyses

These rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required.

These rules will not have a significant economic impact on a substantial number of small entities. These rules apply only to consolidated groups, which tend to be larger businesses. These rules will not significantly alter the reporting or record keeping duties of small entities. Therefore, a final Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the impact of the rules on small businesses.

Drafting Information

The principal author of these regulations is Steven B. Teplinsky, of the Office of Assistant Chief Counsel (Corporate), Internal Revenue Service. Other personnel of the Service and the Treasury Department participated in their development.

List of Subjects in 26 CFR 1.1502–12 through 1.1502–34

Income taxes.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805 * * * Section 1.1502–32(k) is also issued under 26 U.S.C. 1502. * * *

Par. 2. Section 1.1502–14(a)(5) is revised to read as follows:

§ 1.1502–14 Stock, bonds, and other obligations of members.

(a) * * *

(5) *Distributions after the disposition of stock of a member.* For rules relating to certain distributions subject to section 301, declared before but paid after the disposition of stock, see § 1.1502–32(k).

* * * * *

§ 1.1502–32 [Amended]

Par. 3. Section 1.1502–32 is amended as follows:

1. Revising paragraphs (b)(3) and (c)(4) as set forth below.

2. Adding new paragraph (k) with the heading set forth below.

3. The paragraph (b) heading and paragraphs (b) (1), (2) and (3) of § 1.1502–32T are redesignated as the paragraph (k)(1) heading and paragraphs (k)(1) (i), (ii) and (iii), respectively, of § 1.1502–32.

4. Adding paragraph (k)(2) as set forth below.

§ 1.1502–32 Investment adjustment.

* * * * *

(b) * * *

(3) *Distributions after the disposition of stock of a member.* For rules relating to certain distributions subject to section 301, declared before but paid after the disposition of stock, see § 1.1502–32(k).

(c) * * *

(4) *Distributions after the disposition of stock of a member.* For rules relating to certain distributions subject to section 301, declared before but paid after the disposition of stock, see § 1.1502–32(k).

* * * * *

(k) *Distributions after certain stock dispositions.*

* * * * *

(2) *Special rules*—(i) *Sales of less than all the stock of the distributing member.* If paragraph (k)(1) of this section applies to a member's disposition of less than all of the shares of stock of the distributing member, proper adjustments to carry out the purposes of this paragraph (k) must be made to the earnings and profits of the distributing member accrued to the date of the disposition to take into account the fact that the rules of § 1.1502–32(k) do not apply to all of the distributing corporation's stock.

(ii) *Anti-avoidance rule.* If the distributing corporation ceases to be a member of the same consolidated group as the selling member with a view to avoiding the application of this paragraph (k) to a distribution, the basis of the stock of the distributing corporation is adjusted in accordance with the purposes of this paragraph (k).

(iii) *Effective date.* This paragraph (k)(2) applies to distributions described in section 301 that are declared on or after March 13, 1992.

Par. 4. Section 1.1502–32T(b) is removed and reserved to read as follows:

§ 1.1502–32T Investment adjustments (temporary).

* * * * *

(b) [Reserved]

David G. Blattner,

Acting Commissioner of Internal Revenue.

Approved: March 4, 1992.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92–6265 Filed 3–13–92; 11:29 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 544

Control, Custody, Care, Treatment and Instruction of Inmates; Literacy Program (GED Standard)

CFR Correction

In title 28 of the Code of Federal Regulations, revised as of July 1, 1991, on pages 876, 881 and 882, subpart H (§§ 544.70 through 544.76) was incorrectly revised. The correct table of contents and text of subpart H was published in the **Federal Register** on May 1, 1991, at 56 FR 20088. The table of contents and the text for Subpart H should read as follows:

Subpart H—Literacy Program

Sec.

544.70 Purpose and scope.
544.71 Applicability: Who must attend the literacy program.
544.72 Applicability: Who may be promoted.
544.73 Procedures.
544.74 Federal Prison Industries (UNICOR) and Inmate Performance Pay (IPP) assignments.
544.75 Incentives.
544.76 Disciplinary action.

Subpart H—Literacy Program

§ 544.70 Purpose and scope.

An inmate confined in a federal institution who does not have a verified General Education Development (GED) or high school diploma is required to attend an adult literacy program for a minimum of 120 calendar days or until a GED is achieved, whichever occurs first. The Warden shall establish incentives to encourage an inmate to complete the literacy program.

§ 544.71 Applicability: Who must attend the literacy program.

(a) All inmates in federal institutions must attend the literacy program except:

(1) Pretrial inmates;

(2) Inmates committed for purpose of study and observation under the provisions of 18 U.S.C. 4205(c) or, effective November 1, 1987, 18 U.S.C. 3552(b);

(3) Sentenced aliens with a deportation detainer;

(4) Other inmates who, for good cause, the Warden may excuse from attending the literacy program.

(b) Staff shall document in the inmate's education file and central file the specific reasons for not requiring the inmate to participate in the literacy program.

§ 544.72 Applicability: Who may be promoted.

(a) An inmate must show prior attainment of a GED or high school diploma in order to be promoted above grade 4 UNICOR and Inmate Performance Pay (IPP) assignments except:

(1) An inmate already in a UNICOR or IPP position above pay grade 4 at the time of implementation of this rule (May 1, 1991), who does not have a GED or a high school diploma but was previously approved for promotion above grade 4.

(2) Other inmates who, for good cause, the Warden may determine are exempt from completing the academic requirements for promotion above grade 4. An inmate who is exempted from attending the literacy program under § 544.71(a) ordinarily may not be promoted above the fourth grade of compensation unless he or she meets the GED requirement.

(b) staff shall document in the inmate's education file and central file the specific reasons for allowing pay promotion exemptions.

§ 544.73 Procedures.

(a) The Warden at each federal institution shall ensure that an inmate who does not have a verified GED or

high school diploma is enrolled in the literacy program.

(b) The Warden or designee shall assign to an education staff member the responsibility to coordinate the institution's literacy program. The literacy coordinator or designated education staff shall meet initially with the inmate for the purpose of enrolling the inmate in the literacy program. Subsequently, the literacy coordinator or designated education staff shall formally interview each inmate involved in the literacy program at least once every 30 days during the mandatory 120 day period, to review and record the inmate's progress in this program. The literacy coordinator shall place documentation of these interviews in the inmate's record.

(c) At the end of 120 calendar days, excluding sick time, furloughs, or other absences from scheduled classes, the unit team shall meet with the inmate to encourage continued participation in the literacy program until the inmate attains a GED or high school diploma. At this time, the inmate may elect not to continue in the literacy program, and no disciplinary action will be taken. The inmate may not discontinue this program where participation is mandated by statute.

§ 544.74 Federal Prison Industries (UNICOR) and Inmate Performance Pay (IPP) Assignments.

(a) Inmates who wish to secure a UNICOR or IPP work assignment above grade 4 of compensation or who wish to work in non-graded incentive pay (piece-rate) positions must be able to demonstrate the prior obtainment of a GED or high school diploma. However, if labor force needs require, inmates who do not meet the literacy requirements may be employed in UNICOR incentive pay positions if they are simultaneously enrolled in a literacy or related program, and provided they are found to be progressing at an acceptable level as defined by the supervisor of education. Failure to maintain satisfactory progress shall result in termination of UNICOR incentive pay employment. Local UNICOR management may elect to place the terminated piece-rate employee in an hourly rated 4th grade position. The Warden may, for good cause, exempt inmates from this requirement.

(b) An inmate may be assigned to the fourth grade of compensation in a UNICOR or IPP work assignment contingent on the inmate's enrollment, and satisfactory participation, in the literacy program. Failure of an inmate to make adequate progress in the literacy program may be used as the basis to remove the inmate from the UNICOR or IPP work assignment.

§ 544.75 Incentives.

The Warden shall establish a system of incentives to encourage an inmate to obtain a GED.

§ 544.76 Disciplinary action.

As with other mandatory programs, such as work assignments, staff may take disciplinary action against an inmate whose academic level is below GED or high school level when that inmate refuses to enroll in, or to complete, the mandatory 120 calendar days literacy program.

BILLING CODE 1505-01-D

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7006]

Federal Insurance Administration; Final Flood Elevation Determination; Town of Lyme, Grafton County, NH; Rescission

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: On January 7, 1992, the Federal Emergency Management Agency published the final flood elevation determination for the Town of Lyme, Grafton County, New Hampshire. This document will serve to rescind that listing of the town of Lyme. Following an engineering analysis and review, a new final flood elevation determination will be made.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: As a result of a recent engineering review, the Federal Emergency Management Agency gives notice of rescission of the final flood elevation determination for Town of Lyme, New Hampshire, published at 57 FR 527 on January 7, 1992, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

Issued: February 12, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6068 Filed 3-16-92; 8:45 am]

BILLING CODE 6718-05-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 502

[APD 2800.12A CHGE 36]

General Services Administration Acquisition Regulation; GSA Organizational Changes

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), section 502.101 is amended to revise the definitions of "Contracting activity competition advocate" and "Head of the contracting activity" to reflect the reassignment of certain responsibilities from the Regional Administrators in Regions 7 and 9 to the Regional Administrators in Regions 8 and 10. The intended effect is to provide guidance to GSA personnel regarding the organizational changes.

EFFECTIVE DATE: March 16, 1992.

FOR FURTHER INFORMATION CONTACT: Ida M. Ustad, Office of GSA Acquisition Policy (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it merely provides guidance to GSA internal personnel.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because the proposed policy was not required to be published in the **Federal Register.**

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 502

Government procurement.

Accordingly, 478 CFR part 502 continues to read as follows:

1. The authority citation for 48 CFR part 502 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. Section 502.101 is revised to read as follows:

PART 502—DEFINITIONS OF WORDS AND TERMS

502.101 Definitions.

Agency competition advocate means the Director of the Office of Contract Review.

Chief of the contracting office means branch chiefs of Central Office or regional office branches within divisions that are responsible for performing contracting and/or contract administration functions except for FSS. In FSS Commodity Centers, "chief of contracting office" means division directors within the Commodity Centers. In Federal Supply Service Bureaus, "Chief of Contracting Office" means branch chiefs or supervisory equivalents. In PBS, the Director of a Facility Support Center is considered to be the "chief of the contracting office."

Contracting activity competition advocate means the (1) Director of the Office of Contract Review, (2) FSS Competition Advocate, Office of Commodity Management, (3) IRMS Competition Advocate, Office of Information Resources Management Policy, (4) Special Assistant to the Director, Program Support Office, FPRS, (5) Deputy Regional Administrator for Regions 2, 3, 4, 5, 6, 7, 9, and the National Capital Region and (6) the Senior Advisor to the Regional Administrator for Regions 8 and 10. The Director of the Office of Contract Review serves as the contracting activity competition advocate for Central Office contracting activities outside the FSS, IRMS, and FPRS.

Contracting director means directors of Central Office or regional office divisions that are responsible for performing contracting and/or contract administration functions except for FSS. "Contracting director" means directors of Commodity Centers and Federal Supply Service Bureaus in the FSS.

Head of the contracting activity (HCA) means the Associate Administrator for Acquisition Policy, Commissioners of the Federal Supply Service (FSS), Information Resources Management Service (IRMS), Public Buildings Service (PBS), Federal Property Resources Service (FPRS), or Regional Administrators (Regions 2, 3, 4, 5, 6, 7, 8, 9, 10 and the National Capital Region). The Associate Administrator for Acquisition Policy serves as the HCA for Central Office contracting activities outside of FSS, IRMS, PBS, and FPRS.

Senior procurement executive means the Associate Administrator for Acquisition Policy.

Dated: March 3, 1992.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92-6041 Filed 3-16-92; 8:45 am]

BILLING CODE 6820-61-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1118

[Ex Parte No. 55 (Sub-No. 85)]

Procedures in Informal Proceedings Before Employee Boards

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is modifying its Part 1118 regulations for purposes of updating, streamlining, and simplification. Since these modifications are technical and are not intended to have any substantive effect, public comment is not being sought.

EFFECTIVE DATE: April 16, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660 (TDD for hearing impaired: (202) 927-5721).

SUPPLEMENTARY INFORMATION: We are making several technical changes to part 1118 as part of our ongoing effort to update and streamline our codified regulations. These changes are not intended to have any substantive impact.

Part 1118

We are modifying the heading for part 1118 which currently reads Procedures in Informal Proceedings Before Certain Employee Boards by deleting the word Certain to reflect the revisions set forth below.

Section 1118.1

The first sentence of this section currently refers to specifically identified employee boards, some of which no longer exist. We are deleting the reference to these specifically identified boards and substituting in lieu thereof the phrase all employee boards.

Section 1118.4(d)

This provision directs where appeals and replies to appeals of employee board decisions should be filed. Except for those relating to Regional Motor Carrier Board emergency temporary authority (ETA) and temporary authority (TA) decisions, all appeals and replies to appeals of employee board decisions are to be filed with the Secretary of the Commission. Sections 1162.6 (d) and (e) direct that appeals and replies concerning ETA and TA decisions are to be filed with the Regional Office where the application was filed. We are revising § 1118.4(d) to track § 1162.6 (d) and (e) more closely and to provide a cross-reference to them.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This action will not have a significant effect on a substantial number of small entities.

List of Subjects in 49 CFR Part 1118

Administrative practice and procedure.

Decided: March 10, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1118 of the Code of Federal Regulations is amended as follows:

1. The heading for part 1118 is revised to read as follows:

PART 1118—PROCEDURES IN INFORMAL PROCEEDINGS BEFORE EMPLOYEE BOARDS

2. The authority citation for part 1118 continues to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

3. Section 1118.1 is revised to read as follows:

§ 1118.1 Scope.

The rules in this part govern proceedings before all employee boards. Special rules, located elsewhere in this part should also be consulted.

4. Section 1118.4 is amended by revising paragraph (d) to read as follows:

§ 1118.4 Appeals.

* * * * *

(d) *Where filed.* Appeals and replies to appeals of Regional Motor Carrier Board temporary authority (TA) and

emergency temporary authority (ETA) application decisions must be filed with the Regional Office in which the application was filed [see §§ 1162.6 (d) and (e)]. Appeals and replies to appeals of all other decisions issued by employee boards must be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423.

* * * * *

[FR Doc. 92-6138 Filed 3-16-92; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 57, No. 52
Tuesday, March 17, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-23-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, that currently requires inspection to detect corrosion in the aft cargo compartment belly skin panels, doublers, and triplers, and repair, if necessary. This action would expand the applicability to include all Model 727-100 and -100C series airplanes. This proposal is prompted by reports of corrosion in both the cold- and hot-bonded skin, doublers, and triplers located beneath the aft cargo compartment floor. The actions specified by the proposed AD are intended to prevent degradation of the skin panel structural integrity, which could lead to depressurization of the cabin.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-23-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2772; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing data for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-23-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-23-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On September 7, 1990, the FAA issued AD 90-20-08, Amendment 39-6742 (55 FR 38047, September 17, 1990), to require inspections to detect corrosion in the aft cargo compartment belly skin panels, doublers, and triplers, and repair, if necessary, on certain Boeing Model 727 series airplanes. That action was prompted by reports of corrosion in the skin, doublers, and triplers in the skin panels beneath the aft cargo compartment floor. The requirements of that AD are intended to prevent degradation of the skin panels' structural integrity, which could lead to depressurization of the cabin.

Since the issuance of that AD, the FAA has determined that additional Model 727-100 and -100C series airplane are potentially susceptible to the corrosion problem addressed in AD 90-20-08. That AD only applied to airplanes having line numbers 1 to 547, on which the aluminum body skin panels were installed using a "cold bonding" process. Corrosion also has been detected recently on airplanes with panels that were manufactured using a "hot bonding" process; these are airplanes having line numbers 548 and subsequent. Such corrosion presents the same potential unsafe condition addressed in AD 90-20-08.

The FAA has reviewed and approved Boeing Service Bulletin 727-53-0085, Revision 4, dated July 11, 1991, that describes procedures for external and internal inspection for corrosion of hot- and cold-bonded skin panels, doublers, and triplers located beneath the aft cargo compartment floor, and repair, if necessary. The effectivity listing in this revised service bulletin includes all airplanes for the Model 727-100 and -100C series.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 90-20-08 to require inspections to detect corrosion in the aft cargo compartment belly skin panels, doublers, and triplers, and repair, if necessary. This action would expand the applicability to include additional Model 727-100 and -100C series airplanes. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 693 Boeing Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that a total of 514 airplanes of U.S. registry would be affected by this AD action; this number

includes 430 airplanes that were affected previously by the requirements of AD 90-20-08, and 84 additional airplanes (added to the applicability of this proposed rule) that would be affected by the requirements of this new AD action. The FAA estimates that it would take approximately 402 work hours per airplane to accomplish the inspection actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of AD 90-20-08 on U.S. operators was $9,507,300. By expanding the applicability of this rule via this proposed AD action to include the additional 84 airplanes, the cost impact on U.S. operators is increased by $1,857,240. Therefore, the total cost impact of this AD action is estimated to be $11,364,540; or $22,110 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6742 (55 FR 38047, September 17, 1990) and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-23-AD. Supersedes AD 90-20-08, Amendment 39-6742.

Applicability: Model 727-100 and -100C series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent degradation of the skin panel structural integrity, which could lead to depressurization of the cabin, accomplish the following:

(a) For Model 727-100 and -100C series airplanes, having line position 001 through 547: Within 15 months after October 23, 1990 (the effective date of AD 90-20-08, amendment 39-6742) conduct an internal and external close visual inspection for corrosion of the skin panels, doublers, and triplers located between body stations (BS) 950 and BS 1183 and stringers S-26L and S-26R. Perform the inspections in accordance with Parts II.A and II.B of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989, or Revision 4, dated July 11, 1991. Repeat the external inspection at intervals not to exceed 15 months. Repeat the internal inspection and apply corrosion inhibitor at intervals not to exceed 36 months.

(b) For all Model 727-100 and -100C series airplanes, having line position 548 or subsequent: Within 15 months after the effective date of this AD, conduct an internal and external close visual inspection for corrosion of the skin panels, doublers, and triplers located between BS 950 and BS 1183 and stringers S-26L and S-26R. Perform the inspections in accordance with Parts II.A and II.B of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991. Repeat the external inspection at intervals not to exceed 15 months. Repeat the internal inspection and apply corrosion inhibitor at intervals not to exceed 36 months.

(c) If no corrosion or minor corrosion, as defined in Part II.A.2. of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991, is detected by the inspections required by in paragraph (a) or (b) of this AD, prior to further flight, perform an ultrasonic inspection for voids in accordance with Part II.C of the applicable service bulletin.

(1) If no voids and no corrosion are detected, prior to further flight, reseal the doublers and triplers in accordance with Figure 3 of the applicable service bulletin or replace the affected skin panel in accordance with Part VI. of the applicable service bulletin.

(2) If voids or minor corrosion are detected, perform a Low Frequency Eddy Current (LFEC) inspection, to determine the amount of material loss, in accordance with Part II.D. of the applicable service bulletin.

(d) If major corrosion, as defined in Parts II.A.3 or II.B. of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991, is detected, or material loss is 10 percent or more of the skin, doubler, or tripler thickness, prior to further flight, repair or replace the affected skin panel in accordance with Parts V. or VI. of the applicable service bulletin.

(e) If material loss is less than 10 percent of the skin, doubler, or tripler, and voids are present, prior to further flight, repair in accordance with Part III.B., III.D., IV.B., V., or VI. of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991.

(f) For repairs made in accordance with Parts III. or IV. of the service bulletin, with 15 months after the repair is made, perform a LFEC inspection for corrosion progression in accordance with Part II.D. of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991. Repeat the inspections at intervals not to exceed 15 months.

(g) Blind fasteners installed in accordance with Part IV. of Boeing Service Bulletin 727-53-0085, Revision 3 dated September 28, 1989; or Revision 4, dated July 11, 1991 are to be used as an interim repair only. The blind fasteners have a life limit of 10,000 landings before they must be replaced with solid fasteners in accordance with Part IV. of the service bulletin.

(1) The blind fasteners must be inspected for loose or missing fasteners after accumulating 3,000 landings since installation or 1,000 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 3,000 landings.

(2) Blind fasteners installed prior to the effective date of this AD must be replaced prior to accumulating 10,000 landings or within 3,000 landings after the effective date of this AD, whichever occurs later.

(h) Replacement of the skin panels in accordance with Part VI. of Boeing Service Bulletin 727-53-0085, Revision 3, dated September 28, 1989; or Revision 4, dated July 11, 1991 constitutes terminating action for the inspection requirements of this AD for those panels.

(i) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may occur or comment and then send it to the Manager, Seattle ACO.

(j) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 4, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6130 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part I

[INTL-0015-91]

RIN 1545-AP78

Taxation of Gain or Loss from Certain Nonfunctional Currency Transactions (Section 988 Transactions)

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed Income Tax Regulations relating to the taxation of gain or loss from certain foreign currency transactions and applies to taxpayers engaging in such transactions. This action is necessary because of changes to the applicable tax law made by the Tax Reform Act of 1986.

DATES: Comments and requests for a public hearing must be received by May 18, 1992.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attention: CC:CORP:T:R (INTL-0015-91), room 5228, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Dorfman of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:T:R (INTL-0015-91) (202-377-9059 (Dorfman), not toll-free calls).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attention: IRS Reports Clearance Officer T:FP, Washington, DC 20224.

The collection of information in these regulations is in § 1.988-5 (d) and (f). This information is required by the Internal Revenue Service to verify various elections made by the taxpayer. The likely respondents are businesses or other for-profit institutions.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances.

Estimated total annual reporting and/or recordkeeping burden: 1,000 hours.

The estimated annual burden per respondent/recordkeeper varies from 30 minutes to 60 minutes, depending on individual circumstances, with an estimated average of 40 minutes.

Estimated number of respondents and/or recordkeepers: 1,500.

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under section 988 of the Internal Revenue Code.

Explanation of Provisions

Section 1.988-1

Section 1.988-1(a)(3) coordinates section 988 with § 1.1275-4(g) of the proposed regulations. Section 1.988-1(a)(3) provides that § 1.1275-4(g) applies prior to section 988 to separate a contingent payment debt instrument into contingent and noncontingent components. To the extent applicable, section 988 applies to the distinct components.

Section 1.988-1(a)(4) provides rules for the treatment of dual currency debt instruments. Section 1.988-1(a)(4) provides that a dual currency debt instrument is separated into two hypothetical instruments—a zero coupon bond denominated in the currency of the stated redemption price at maturity (discounted as provided in § 1.1273-2(d)(2)(iv) of the proposed regulations), and an installment obligation, as defined in § 1.1273-1(b)(2) of the proposed regulations, denominated in the currency of the qualified periodic interest payments of the dual currency debt instrument. To the extent applicable, section 988 applies to the distinct instruments.

Section 1.988-1(a)(5) provides rules for multicurrency debt instruments similar to the rules applicable to dual currency debt instruments.

Section 1.988-2

Pursuant to section 989(c)(5), § 1.988-2(b)(14) provides special rules regarding nonfunctional currency related person debt. If a debt instrument denominated in a nonfunctional currency is entered into between related persons as defined in sections 267(b) and 707(b), and the taxpayer disposes of or terminates such instrument prior to maturity in a transaction in which exchange gain or loss would be recognized, the District Director or the Assistant Commissioner (International) may defer such gain or loss if he determines that the debt has in effect been replaced with debt denominated in a different currency (replacément debt) entered into with a related person (regardless of whether the replacement currency is the taxpayer' s functional currency). Such deferral, however, shall not exceed the earlier of the date the replacement debt is terminated in a transaction in which gain or loss is recognized or the maturity date of the replacement debt (so long as such debt is not replaced with related person debt denominated in a different currency). The rule set forth in § 1.988-2(b)(14) does not apply to debt for debt exchanges in the same nonfunctional currency. The Service solicits comments regarding issues raised by debt for debt exchanges in the same nonfunctional currency.

Section 1.988-2(b)(15) provides rules addressing debt instruments denominated in hyperinflationary currencies. Generally, exchange gain or loss is recognized at the close of each taxable year and is treated as an offset to interest income or expense.

Section 1.988-2(d)(4) and (e)(7) provides rules addressing forward contracts, futures contracts, option contracts and currency swaps where payments to be made or received are denominated in hyperinflationary currencies (hereafter referred to as hyperinflationary contracts). Section 1.988-2(d)(4) and (e)(7) generally provides that a taxpayer's position in a hyperinflationary contract is to be marked to market on the last day of the taxable year and any exchange gain or loss realized on such date.

Section 1.988-2(e)(3)(iv) coordinates section 988 with the rules of § 1.446-3(e)(4)(iii) of the proposed regulations regarding currency swaps with significant nonperiodic payments.

Section 1.988-5

Section 1.988-5(d) provides integration rules for hedged qualified payments patterned after the rules in § 1.988-5(b) of the final regulations regarding hedged executory contracts. A qualified payment is—(1) a declared but unpaid dividend denominated in a nonfunctional currency with respect to the recipient of such dividend, or (2) an unaccrued rent or royalty payment

denominated in a nonfunctional currency of the taxpayer the amount of which is fixed on the date the hedge is entered into. The term hedge is defined in § 1.988–5(d)(2)(iii). If a qualified payment and a hedge satisfy the rules of § 1.988–5 (d)(2)(i), the qualified payment and hedge are integrated. The effect of integrating a qualified payment and hedge is to treat amounts paid or received under the hedge as paid or received under the qualified payment or any subsequent account payable or receivable, or that portion thereof to which the hedge relates.

Mark to Market Method of Accounting

Pursuant to § 1.988–5(f), certain taxpayers may elect to realize for the taxable year exchange gain or loss on section 988 transactions that results from changes in exchange rates between the date a financial accounting period begins and the date a financial accounting period closes (but no less frequently than quarterly), provided such treatment is consistent with the taxpayer's method of accounting for financial reporting purposes (and that method conforms to U.S. generally accepted accounting principles). If a taxpayer makes the mark to market election under § 1.988–5(f), it must use the mark to market method to account for all section 988 transactions, other than those subject to the special hedging rules of § 1.988–5. Designation of a transaction as a hedging transaction for financial accounting (which generally precludes such transaction from being marked to market under the financial accounting rules) is irrelevant.

The time and manner of making a mark to market election is prescribed in § 1.988–5(f)(4). Such election cannot be revoked without the consent of the Commissioner and related person conformity rules apply.

If there is a Treasury Decision based on these proposed regulations, the Service anticipates issuing a revenue procedure setting forth the terms and conditions under which a change of method of accounting will be granted. The Service solicits comments regarding the terms and conditions of the revenue procedure, including the character of the adjustments for purposes of sections 904 and 954, and the appropriate period during which the section 481(a) adjustment should be taken into account.

Section 1.6045–1(d)(6)(iii)

Proposed § 1.6045–1(d)(6)(iii) is in response to a comment which suggested conforming the section 6045 broker reporting rules and section 988(d) hedging rules where the sale of stock or securities for nonfunctional currency and the hedge are effected through the same broker.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Request for a Public Hearing

Before adopting these regulations, consideration will be given to any written comments that are submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be held upon written request by any person who submits timely written comments on the proposed rules. Notice of the time, place and date for the hearing will be published in the **Federal Register**.

Drafting Information

The principal authors of these regulations are Jeffrey Dorfman and Charles T. Plambeck. Messrs. Dorfman and Plambeck are of the Office of Chief Counsel, Internal Revenue Service. Other personnel from the Internal Revenue Service and Treasury Department participated in developing the regulations.

List of Subjects

26 CFR §§ 1.985–0 through 1.989(c)–1T

Income taxes, Reporting and Recordkeeping requirements.

26 CFR §§ 1.6031–1 through 1.6060–1

Income taxes, Reporting and Recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 continues to read in part:

Authority: Sec. 7805, 68A Stat. 917 (26 U.S.C. 7805) * * *

Par. 2. Section 1.988–1 is amended by adding paragraphs (a) (3), (4), and (5), and adding *Example 12* to paragraph (a)(6) to read as follows:

§ 1.988–1 Certain definitions and special rules.

* * * * *

(a) * * *

(3) *Coordination with § 1.1275–4(g) regarding certain contingent payment instruments*—(i) *In general.* Section 1.1275–4(g) applies to separate an instrument into contingent and noncontingent components prior to the application of this § 1.988–1. To the extent applicable, §§ 1.988–1 through 1.988–5 of these regulations shall govern the taxation of each component. For example, if, after applying § 1.1275–4(g), a contingent instrument is separated into a nonfunctional currency denominated debt instrument and an option to buy a group of stocks, section 1.988–2(b) shall govern the taxation of the nonfunctional currency denominated debt instrument. However, because the option is not a section 988 transaction, §§ 1.988–1 through 1.988–5 do not apply to such component.

(ii) *Effective date.* This paragraph (a)(3) shall be effective for debt instruments issued on or after February 20, 1991.

(4) *Dual currency debt instruments*—(i) *Definition.* A dual currency debt instrument is a debt instrument with respect to which (prior to application of this section)—

(A) The qualified periodic interest payments as defined in § 1.1273–1(b)(1)(ii) are denominated in or determined by reference to a single currency;

(B) The stated redemption price at maturity as defined in § 1.1272–1(b)(1)(i) is denominated in or determined by reference to a currency different than that referred to in paragraph (a)(4)(i)(A) of this section; and

(C) The amount of all payments in each currency is fixed on the issue date as defined in § 1.1275–1(c).

A dual currency debt instrument is not a contingent debt instrument under section 1275(d).

(ii) *Operative rules.* A dual currency debt instrument shall be separated into two component hypothetical debt instruments each of which shall be treated separately as follows—

(A) *Creation of hypothetical zero coupon bond denominated in currency of stated redemption price at maturity.* The stated redemption price at maturity of the dual currency debt instrument shall be discounted at a rate consistent with the rules of § 1.1273–2(d)(2)(iv) to determine the issue price of a hypothetical zero coupon bond (denominated in the currency in which the stated redemption price at maturity is denominated or determined by reference to) to which the rules of sections 1272 and 1273 apply.

(B) *Creation of hypothetical installment obligation denominated in currency of qualified periodic interest payments.* The difference between the stated redemption price at maturity of the dual currency debt instrument and the issue price of the hypothetical zero coupon bond (translated at the spot rate on the issue date into the currency in which the qualified periodic interest payments of the dual currency debt instrument are denominated in or determined by reference to) shall be considered to be the principal amount of an installment obligation (as defined in § 1.1273–1(b)(2)), denominated in the currency of the qualified periodic interest payments of the dual currency instrument, to which the rules of sections 1272 and 1273 apply.

(C) *Application of section 988.* Section 988 shall apply to a hypothetical debt instrument created under paragraph (a)(4)(ii) (A) or (B) of this section if such hypothetical instrument is denominated in a nonfunctional currency. See *Example 12* of § 1.988–1(a)(6).

(iii) *Effective date.* This paragraph (a)(4) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

(5) *Special rules for multi-currency debt instruments*—(i) *Definition of multi-currency debt instrument.* For purposes of this paragraph (a)(5), a multi-currency debt instrument is a debt instrument (other than a dual currency debt instrument)—

(A) Where, under the terms of the instrument, payments are made in more than one currency; and

(B) The amount of all payments in each currency is fixed on the issue date.

A multi-currency debt instrument is not a contingent debt instrument under section 1275(d).

(ii) *Operative rules.* A multi-currency debt instrument shall be separated into component hypothetical debt instruments in each currency and each component shall be treated separately in a manner consistent with the principles of paragraph (a)(4) of this section.

(iii) *Effective date.* This paragraph (a)(5) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

(6) * * *

Example 12. (i) On January 1, 1993, X issues a 3 year bond with the following terms. The bond is priced at par with a principal amount of $100. X agrees to make three payments on December 31 of each year of $5.26 and, upon maturity, will repay 200 Swiss francs (Sf) in satisfaction of the principal due. The spot rate on January 1, 1993 is Sf1=$.50.

(ii) The debt instrument is a dual currency debt instrument within the meaning of paragraph (a)(4) of this section. The dual currency debt instrument is separated into two component hypothetical debt instruments. The first is a hypothetical Swiss franc denominated zero coupon bond with a stated redemption price at maturity of Sf200 discounted at a rate consistent with the rules of § 1.1273–2(d)(2)(iv) (assume 5% compounded annually) to determine an issue price of Sf172.77. The second is a 3 year hypothetical dollar self-amortizing installment obligation with annual payments of $5.26, a principal amount of $13.62 [$100−(Sf172.77×$.50)] and a yield to maturity of 8% compounded annually. Issuing a hypothetical dollar denominated installment obligation is not a section 988 transaction. Issuing the hypothetical Swiss franc zero coupon bond is a section 988 transaction subject to the computational rules of § 1.988–2(b).

* * * * *

Par. 3. Section § 1.988–2 is amended by adding paragraphs (b) (14) and (15), (d)(5), (e)(3)(iv) and (e)(7) as follows:

§ 1.988–2 Recognition and computation of exchange gain or loss.

* * * * *

(b) * * *

(14) *Nonfunctional currency debt replaced by other related person debt denominated in a different currency*—(i) *In general.* If a debt instrument denominated in a nonfunctional currency (or the payments of which are determined with reference to a nonfunctional currency) is entered into between related persons as defined in sections 267(b) and 707(b), and the instrument is disposed of or otherwise terminated prior to maturity in a transaction in which exchange gain or loss would be recognized, the District Director or the Assistant Commissioner (International) may defer such gain or loss if he determines that the debt has in effect been replaced with other debt denominated in a different currency (replacement debt) entered into with the same or another related person (regardless of whether the replacement debt is denominated in, or determined by reference to, the taxpayer's functional currency). Such deferral, however, shall not exceed the earlier of the date the replacement debt is terminated in a transaction in which gain or loss is recognized or the maturity date of the replacement debt (so long as such debt is not replaced with debt of a related person in a different currency).

(ii) *Debt for debt exchanges in the same nonfunctional currency.* [Reserved]

(iii) *Example.* The following example illustrates the application of this paragraph (b)(14).

Example. X is a calendar year corporation with the dollar as its functional currency. On January 1, 1995, X issues a par bond with a principal amount of 3,500,000 British pounds (£) to Y, a related person under section 267(b). The bond pays interest at the rate of 10% compounded semi-annually and matures on December 31, 2009. The £3,500,000 have a spot value of $5,000,000 on January 1, 1995. On January 1, 1997, X and Y agree to convert X's pound obligation to a dollar obligation in the principal amount of $5,300,000, the spot value of the pound principal amount on that date. Assume that but for paragraph (b)(14) of this section, X would realize and recognize a $300,000 exchange loss on January 1, 1997. However, the District Director may defer X's $300,000 exchange loss until the $5,300,000 obligation matures or is otherwise terminated in a transaction in which gain or loss is recognized.

(iv) *Effective date.* Paragraph (b)(14)(i) of this section shall be effective for transactions entered into after March 17, 1992.

(15) *Debt instruments (or demand deposits) denominated in hyperinflationary currencies*—(i) *In general.* If a taxpayer acquires, incurs, or otherwise enters into a debt instrument (other than a loan described in section 988(a)(3)(C)) or a demand deposit denominated in a nonfunctional currency of the taxpayer that is also a hyperinflationary currency (as defined in § 1.988–1(f)) at the time the deposit or instrument is acquired or otherwise entered into, then the taxpayer shall realize exchange gain or loss with respect to such deposit or instrument for its taxable year determined by reference to the change in exchange rates between—

(A) The later of the first day of the taxable year, or the date the instrument was entered into (or an amount deposited); and

(B) The earlier of the last day of the taxable year, or the date the instrument (or deposit) is disposed of or otherwise terminated.

(ii) *Source and character of gain or loss.* For purposes of subtitle A of the Internal Revenue Code, any exchange gain or loss realized under paragraph

(b)(15)(i) of this section shall be directly allocable to the interest income or interest expense from the debt instrument or demand deposit (computed under § 1.988–2(b)), and therefore shall reduce or increase the amount of interest income or interest expense paid or accrued during that year with respect to that instrument or deposit. To the extent exchange gain or loss realized under paragraph (b)(15)(i) of this section exceeds interest expense or income paid or accrued during that year with respect to the nonfunctional hyperinflationary currency debt instrument, the character and source of such excess amount shall be determined under §§ 1.988–3 and 1.988–4.

(iii) *Adjustment to principal or basis.* Any exchange gain or loss realized under paragraph (b)(15)(i) of this section shall be an adjustment to the functional currency principal amount of the issuer, or functional currency basis of the holder, for purposes of subsequent computations of exchange gain or loss.

(iv) *Interaction with other provisions.* This § 1.988–2(b)(15) applies before § 1.861–9T. This § 1.988–2(b)(15) shall not apply to a qualified business unit that uses the United States dollar approximate separate transactions method of accounting described in § 1.985–3.

(v) *Effective date.* This paragraph (b)(15) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

(d) * * *

(5) *Hyperinflationary contracts*—(i) *In general.* If a taxpayer acquires or otherwise enters a contract described in paragraph (d)(1) of this section that has payments to be made or received that are denominated in or determined by reference to a nonfunctional currency of the taxpayer that is also a hyperinflationary currency (as defined in § 1.988–1(f)) at the time the contract is acquired or otherwise entered into, then the taxpayer shall realize exchange gain or loss with respect to such contract for its taxable year determined by reference to the change in exchange rates between—

(A) The later of the first day of the taxable year, or the date the contract was entered into; and

(B) The earlier of the last day of the taxable year, or the date the contract is disposed of or otherwise terminated.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account by reason of this paragraph (d)(5). This § 1.988–2 (d)(5) shall not apply to a qualified business unit that uses the United States dollar approximate separate transactions method of accounting described in § 1.985–3.

(ii) *Effective date.* This paragraph (d)(5) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

(e) * * *

(3) * * *

(iv) *Coordination with § 1.446–3(e)(4)(iii) regarding swaps with significant nonperiodic payments.* The rules of § 1.446–3(e)(4)(iii) regarding swaps with significant nonperiodic payments shall apply with respect to a currency swap (regardless of whether it is an on-market or off-market currency swap). This paragraph (e)(3)(iv) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

(7) *Special rules for currency swaps in hyperinflationary currencies*—(i) *In general.* If a taxpayer enters into a currency swap or similar financial instrument having payments to be made or received that are denominated in or determined by reference to a nonfunctional currency of the taxpayer that is also a hyperinflationary currency (as defined in § 1.988–1(f)) at the time the contract is acquired or otherwise entered into, then the taxpayer shall realize exchange gain or loss for its taxable year with respect to such instrument determined by reference to the change in exchange rates between—

(A) The later of the first day of the taxable year, or the date the instrument was entered into; and

(B) The earlier of the last day of the taxable year, or the date the instrument is disposed of or otherwise terminated.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account by reason of this paragraph (e)(7). This § 1.988–2(e)(7) shall not apply to a qualified business unit that uses the United States dollar approximate separate transactions method of accounting described in § 1.985–3.

(ii) *Effective date.* This paragraph (e)(7) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

Par. 4. Section 1.988–5 is amended by adding paragraphs (d) and (f) to read as follows:

§ 1.988–5 Section 988(d) hedging transactions.

* * * * *

(d) *Hedges of certain nonfunctional currency payments*—(1) *In general.* If a qualified payment, as defined in paragraph (d)(2)(ii) of this section, and a hedge, as defined paragraph (d)(2)(iii) of this section, satisfy the requirements of paragraph (d)(2)(i) of this section, the qualified payment and the hedge shall be integrated as provided in paragraph (d)(3) of this section. A transaction integrated in accordance with the provisions of this section shall be referred to as a "hedged qualified payment." For purposes of this paragraph (d), the rules of paragraph (b)(3)(ii) of this section shall apply.

(2) *Requirements and definitions*—(i) *Requirements of hedged qualified payment.* A qualified payment as defined in paragraph (d)(2)(ii) of this section and a hedge as defined in paragraph (d)(2)(iii) of this section must satisfy the following requirements in order to be treated as a hedged qualified payment under paragraph (d)(1) of this section.

(A) The qualified payment and the hedge are identified as an integrated transaction under the rules of paragraph (b)(3) of this section.

(B) The hedge is entered into (or in the case of nonfunctional currency deposited in a separate account with a bank or other financial institution, such currency is acquired and deposited) on or after the date the qualified payment becomes fixed (or declared in the case of a dividend), and before the accrual date as defined in paragraph (d)(2)(iv) of this section.

(C) The qualified payment is hedged in whole or in part throughout the period beginning with the date the hedge is identified in accordance with paragraph (b)(3) of this section and ending on or after the accrual date (but not later than the payment date).

(D) None of the parties to the hedge are related. For this purpose, parties are related if they satisfy any of the relationships defined in sections 267(b) and 707(b).

(E) In the case of a qualified business unit with a residence, as defined in section 988(a)(3)(B), outside of the United States, both the qualified payment and the hedge are properly reflected on the books of that qualified business unit.

(F) Subject to the limitations of paragraph (d)(2)(i)(E) of this section, both the qualified payment and the hedge are entered into by the same individual, partnership, trust, estate, or corporation. With respect to a corporation, the same corporation must enter into both the qualified payment and the hedge whether or not such corporation is a member of an affiliated group of corporations that files a consolidated return.

(G) With respect to a foreign person engaged in a U.S. trade or business that enters into a qualified payment or hedge through such trade or business, all items of income and expense associated with the qualified payment and the hedge would have been effectively connected with such U.S. trade or business throughout the term of the hedged qualified payment had this paragraph (d) not applied.

(ii) *Qualified payment.* A qualified payment is—

(A) A declared but unpaid dividend denominated in or determined by reference to a nonfunctional currency with respect to the recipient; or

(B) An unaccrued rent or royalty payment denominated in or determined by reference to a nonfunctional currency of the taxpayer (whether the taxpayer is the payor or recipient), the amount of which is fixed on the date the hedge is entered into.

(iii) *Hedge*—(A) *In general.* For purposes of this paragraph (d), the term hedge means a deposit of nonfunctional currency in a hedging account (as defined paragraph (d)(3)(iii)(D) of this section), a contract described in § 1.988–1(a) (1)(ii) and (2) (iii), or combination thereof, that reduces the risk of exchange rate fluctuations by reference to the taxpayer's functional currency with respect to nonfunctional currency payments made or received under a qualified payment (as defined in paragraph (d)(2)(ii) of this section). The term hedge includes an option contract described in § 1.988–1(a) (1)(ii) and (2) (iii) only if the option contract expires on or before the accrual date and is exercised on or before such date. The premium paid for an option that lapses shall be integrated with the qualified payment.

(B) *Special rule for series of hedges.* A series of hedges as defined in paragraph (d)(3)(iii)(A) of this section shall be considered a hedge if the qualified payment is hedged in whole or in part throughout the period beginning with the date the hedge is identified in accordance with paragraph (d)(2)(i)(A) of this section and ending on or after the accrual date. A taxpayer that enters into a series of hedges will be deemed to have satisfied the preceding sentence if the hedge that succeeds a hedge that has been terminated is entered into on the business day following such termination.

(C) *Special rules for historical rate rollovers.* The principles of paragraph (b)(2)(iii)(C) of this section shall apply for purposes of this paragraph (d).

(D) *Special rules regarding deposits of nonfunctional currency in a hedging account.* The principles of paragraph (b)(2)(iii)(D) of this section shall apply for purposes of this paragraph (d).

(E) *Interest income on deposit of nonfunctional currency in a hedging account.* The principles of paragraph (b)(2)(iii)(E) of this section shall apply for purposes of this paragraph (d).

(iv) *Accrual date.* The accrual date is the date when a dividend, rent or royalty that is a qualified payment is required to be accrued (or otherwise taken into account) under the taxpayer's method of accounting. A taxpayer may use any reasonable convention consistently applied to translate an accrued payment or receipt into the taxpayer's functional currency.

(v) *Payment date.* The payment date is the date when payment is made or received with respect to a qualified payment or the subsequent account payable or receivable arising from such qualified payment.

(3) *Effect of hedged qualified payment*—(i) *In general.* A taxpayer that has entered into a transaction that is treated as a hedged qualified payment shall treat amounts paid or received under the hedge as paid or received under the qualified payment, or any subsequent account payable or receivable, or that portion to which the hedge relates. Thus, for example, any gain or loss on the hedge shall have the same source and character as the source and character of the qualified payment. The taxpayer shall recognize no exchange gain or loss on the hedge. The taxpayer shall recognize no exchange gain or loss with respect to an account payable or receivable that arises from a qualified payment during the period that the account payable or receivable is covered by the hedge.

(ii) *Partially hedged qualified payments.* The effect of integrating a qualified payment and a hedge that partially hedges such qualified payment is to treat the amounts paid or received under the hedge as paid or received under the portion of the qualified payment being hedged, or any subsequent account payable or receivable. The income or expense resulting from qualified payment that is attributable to that portion of the qualified payment that is not hedged shall be translated into functional currency on the accrual date. The taxpayer shall realize exchange gain or loss shall with respect to any unhedged payable or receivable arising from the qualified payment.

(iii) *Disposition of a hedge or termination of the qualified payment prior to the accrual date*—(A) *In general.* If a taxpayer identifies a qualified payment as part of a hedged qualified payment as defined in paragraph (d)(2) of this section, and the qualified payment is disposed of or otherwise terminated prior to the accrual date (by transfer, cancellation, or otherwise), the taxpayer shall treat the hedge as sold for its fair market value on the date the qualified payment is terminated and shall realize and recognize any gain or loss with respect to that hedge on such date. Such gain or loss shall be an adjustment to the amount received or expended with respect to the disposition or termination, if any. The spot rate on the date the hedge is treated as sold shall be used to determine subsequent exchange gain or loss on the hedge. If a taxpayer identifies a hedge as part of a hedged qualified payment as defined in paragraph (d)(2) of this section, and disposes of the hedge prior to the accrual date, any gain or loss realized by the taxpayer on such disposition shall not be recognized and shall be an adjustment to the income or expense from the qualified payment.

(B) *Certain events in a series of hedges treated as a termination of the hedged qualified payment.* If the rules of paragraph (d)(2)(iii)(B) of this section are not satisfied, the hedged qualified payment shall be terminated and the provisions of paragraph (d)(3)(iii)(A) of this section shall apply to any gain or loss actually realized with respect to such hedge. Any subsequent transactions entered into to reduce the risk of exchange rate movements with respect to such qualified payment shall not be considered a hedge as defined in paragraph (d)(2)(iii) of this section.

(C) *Qualified payments between related persons*—(*1*) *In general.* Notwithstanding any other provision of this paragraph (d), if the parties to a qualified payment are related within the meaning of sections 267(b) and 707(b), and the hedge or qualified payment is disposed of or otherwise terminated prior to the accrual date, the District Director or the Assistant Commissioner (International) may redetermine the timing, source, and character of gain or loss from the hedge or the qualified payment if he determines that a significant purpose for disposing of the hedge or terminating the qualified payment prior to the accrual date was to affect the timing, source, or character of

income, gain, expense, or loss for Federal income tax purposes.

(2) *Special source rule for certain hedges of dividends between related persons.* If a hedged qualified payment is entered into by a U.S. person and consists of a declared but unpaid dividend between related persons (as defined in section 267(b)) and a hedge, and the dividend is not paid, then any loss realized with respect to the hedge shall reduce foreign source income described in section 904(d)(1)(I) and any gain shall be treated as from U.S. sources.

(iv) *Disposition of a hedge on or after the accrual date.* If a taxpayer identifies a hedge as part of a hedged qualified payment as defined in paragraph (d)(2) of this section, and disposes of the hedge on or after the accrual date, the taxpayer shall recognize no gain or loss on the hedge and the booking date, as defined in § 1.988–2(c)(2), of the payable or receivable for purposes of computing exchange gain or loss shall be the date such hedge is disposed of.

(v) *Special rule for foreign persons that enter into hedged qualified payments giving rise to U.S. source income not effectively connected with a U.S. trade or business.* If a foreign person enters into a hedged qualified payment that gives rise to U.S. source income not effectively connected with a U.S. trade or business of such foreign person, for purposes of sections 871(a), 881, 1441, 1442 and 6049, the provisions of this paragraph (d) shall not apply and such sections of the Internal Revenue Code shall be applied separately to the qualified payment and the hedge. To the extent relevant to any foreign person, if the requirements of this paragraph (d) are otherwise met, the provisions of this paragraph (d) shall apply for all other purposes of the Internal Revenue Code (*e.g.*, for purposes of calculating the earnings and profits of a controlled foreign corporation that enters into a hedged qualified payment through a qualified business unit resident outside the United States, income or expense with respect to such hedged qualified payment shall be calculated under the provisions of this paragraph (d)).

(vi) *Sections 263(g), 1092, and 1256 do not apply.* Sections 263(g), 1092, and 1256 do not apply with respect to a qualified payment or hedge which comprises a hedged qualified payment as defined in paragraph (d)(2) of this section. However, sections 263(g), 1092 and 1256 may apply to the hedged qualified payment if such transaction is part of a straddle.

(vii) *Examples.* The principles set forth in paragraph (d) of this section are illustrated in the following examples. The examples assume that K is an accrual method, calendar year U.S. corporation with the dollar as its functional currency.

Example 1. (i) K is a U.S. corporation that has a qualified business unit, Q. Q's principal place of business is in Canada, and it has the U.S. dollar (US$) as its functional currency. On January 1, 1993, Q enters into a 3 year lease to rent an office in Canada for annual payments of 50,000 Canadian dollars (C$). On February 1, 1993, 1994, and 1995, Q enters into a forward contract to buy C$50,000 for US$24,500, US$24,000, and US$23,500 respectively. Assume Q satisfies the identification requirements of paragraph (d)(2)(i)(A) of this section.

(ii) The obligation to pay rent denominated in nonfunctional currency as set forth above is a qualified payment as defined in paragraph (d)(2)(ii) of this section. Further, the forward contracts constitute a hedge as defined in paragraph (d)(2)(iii) of this section. Assuming the requirements of paragraph (d)(2)(i) of this section are satisfied, Q may integrate the forward contracts with the rental payments. Accordingly, Q is treated as having paid US$24,500 in rent in 1993, US$24,000 in rent in 1994, and US$23,500 in 1995.

Example 2. (i) B is a wholly owned Danish subsidiary of K, a U.S. corporation. B was organized on January 1, 1995, and its functional currency is the Danish Kroner. On September 1, 1995, the board of directors of B declares a dividend payable on December 31, 1995 in the amount of Kr100,000, which equals $10,000 at the spot rate on September 1, 1995. On the same day, K enters into a forward contract to sell Kr100,000 for $9,750 on September 1, 1995. Assume K satisfies the identification requirements of paragraph (d)(2)(i)(A) of this section. B pays a dividend of Kr100,000 on December 31, 1995. At the end of 1995, B's pool of post-1986 undistributed earnings is Kr300,000 of non-subpart F foreign source earnings and profits, and B's pool of post-1986 foreign income taxes is $3,000.

(ii) The declared dividend denominated in Kroner as set forth above is a qualified payment as defined in paragraph (d)(2)(ii) of this section. Further, the forward contract constitutes a hedge as defined in paragraph (d)(2)(iii) of this section. Assuming the requirements of paragraph (d)(2)(i) of this section are satisfied, K may integrate the forward contract with the dividend. Accordingly, K is treated as having received a $9,750 dividend in 1995.

(iii) The amount of foreign taxes deemed paid with respect to the dividend is $1,000 (Kr100,000/Kr300,000×$3,000). If B had not hedged the dividend, the amount of the foreign taxes deemed paid would still be $1,000, computed in the same manner.

(iv) Assume that B does not pay the Kr100,000 dividend and K realizes a $250 loss on December 31, 1995, when the forward contract is terminated. Under paragraph (d)(3)(iii)(C)(*2*) of this section, the $250 loss shall reduce foreign source income described in section 904(d)(1)(I).

(4) *Effective date.* This paragraph (d) shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

(f) *Mark to market method of accounting for taxpayers that are not acting in the capacity of a dealer*—(1) *Scope.* This paragraph (f) shall apply to any taxpayer that makes an election as provided in paragraph (f)(2) of this section. However, this election is not available to a qualified business unit that uses the United States dollar approximate separate transactions method of accounting described in § 1.985–3.

(2) *Operative rules*—(i) *In general.* A taxpayer described in paragraph (f)(1) of this section may elect to realize for the taxable year exchange gain or loss on section 988 transactions that results from changes in exchange rates between the date a financial accounting period begins and the date a financial accounting period closes (but no less frequently than quarterly), provided such treatment is consistent with the taxpayer's method of accounting for financial reporting purposes (and that method conforms to U.S. generally accepted accounting principles). Realizing the gain or loss resulting from changes in exchange rates between the date a financial accounting period begins and the date a financial accounting period closes shall hereafter be referred to as marking to market.

(ii) *Treatment of gain or loss.* Proper adjustment for gain or loss realized under the preceding paragraph shall be made in the amount of any gain or loss subsequently realized. The character and source of gain or loss realized under the preceding paragraph shall be determined under § 1.988–3 and § 1.988–4.

(iii) *Exception.* The method of accounting described in this paragraph (f) shall not apply to transactions entered into by a taxpayer in its capacity as a dealer or trader (as defined in § 1.446–4(b)) in nonfunctional currency or nonfunctional currency denominated instruments.

(3) *Treatment of hedging transactions*—(i) *Hedging election by the taxpayer.* Except as provided in this paragraph (f)(3), all section 988 transactions must be accounted for as if they were not hedging any transaction (*i.e.*, without regard to the taxpayer's treatment of hedging transaction for financial accounting purposes). A taxpayer that makes an election under this paragraph (f) shall account for section 988 hedging transactions as provided in paragraphs (a) through (e) of this section. Thus, if a taxpayer that has made an election under this paragraph (f) fully hedges all payments under a nonfunctional currency borrowing so as to create a synthetic functional currency borrowing that satisfies the requirements of paragraph (a) of this section, such nonfunctional currency borrowing and the related hedges shall not be marked to market under paragraph (f)(2) of this section. In contrast, if the taxpayer elects hedge accounting treatment for financial accounting purposes with respect to the transaction described in the preceding sentence, but does not comply with paragraph (a) of this section (*e.g.*, fails to satisfy the identification requirements of paragraph (a)(8) of this section), the nonfunctional currency borrowing and related hedges must be marked to market under paragraph (f)(2) of this section.

(ii) *Authority of the District Director.* Nothing in this paragraph (f) shall prevent the District Director (or Assistant Commissioner (International)) from applying the rules of paragraphs (a) through (d) of this section.

(4) *Consistency rules.* If a taxpayer elects the mark to market method of accounting of this paragraph (f) each person who is related to the taxpayer within the meaning of section 267(b) or 707(b) (whether or not such person uses U.S. generally accepted accounting principles) shall be deemed to make the election described in paragraph (f)(2) of this section. The deemed election shall not apply to persons who otherwise would not be eligible to make the election described in paragraph (f)(2) of this section.

(5) *Time and manner of making election*—(i) *Time for making the election.* A taxpayer's election under this paragraph (f) is effective for any taxable year (and subsequent taxable years) only if it is made by the due date (including extensions) of the taxpayer's federal income tax return for the year.

(ii) *Manner of making the election.* A taxpayer shall make the election provided in this paragraph (f) by attaching a statement entitled "Election of mark to market method of accounting with respect to section 988 transactions" to the taxpayer's return for the first taxable year for which the election is to be effective. The statement must contain the following information:

(A) A brief description of the taxpayer's method of accounting for financial purposes; and

(B) A statement that this method of accounting applies consistently to all related persons (except for the dealing or trading activities of such person) within the meaning of sections 267(b) and 707(b) except qualified business units that use the United States dollar approximate separate transactions method of accounting described in § 1.985–3.

(iii) *Election by a partnership, trust or controlled foreign corporation.* In the case of a partnership, the election shall be made on behalf of all partners by the general partners; in the case of a trust (other than a grantor trust) the election shall be made by the trustees. In the case of a controlled foreign corporation, the election shall be made on behalf of all shareholders by its controlling United States shareholders under § 1.964–1(c)(3).

(iv) *Revocation.* The election under this paragraph (f) cannot be revoked without the consent of the Commissioner.

(6) *Interaction with § 1.988–2(b)(14).* Section 1.988–2(b)(14) (relating to nonfunctional currency related person debt replaced by other related person debt in a different currency) shall not apply to exchange gain or loss realized with respect to a debt instrument which is subject to the mark to market method of accounting elected under this paragraph (f).

(7) *Examples.* The following examples illustrate the rules of this paragraph (f):

Example 1. (i) X is a calendar year U.S. corporation with the dollar as its functional currency. X is on the accrual method of accounting, and has properly elected the mark to market method of accounting of § 1.988–5(f) under which X's section 988 transactions are marked to market monthly. X also uses a spot rate convention to determine the spot rate as provided in § 1.988–1(d)(3). Pursuant to X's spot rate convention, the spot rate at which a transaction within a month is booked is determined by the spot rate at the end of the prior month. Under X's method of accounting, nonfunctional currency denominated transactions (other than inventory and property accounts) on the books at the end of the month are revalued at the spot rate on the last day of the month. Inventory and property accounts (which are not section 988 transactions and therefore are not eligible for mark to market treatment) on the balance sheet are recorded exclusively at historical cost translated on the day of purchase. On January 1, 1995, X's only financial asset is a £2,000 bank account, which pursuant to X's spot rate convention is equal to $4,000 (the December 31, 1994 spot rate is £1=$2, multiplied by £2,000). X also has inventory of $500 (translated at the historical rate). Assume that all of X's inventory was purchased on the same day. X has no liabilities.

(ii) On January 15, 1995, X receives £100 from the issuance of a note payable on January 15, 2000, and deposits the £100 into the bank account. The December 31, 1994 spot rate of £1=$2 is used to book the cash and the note, not the spot rate on January 15, 1995. X has no other transactions during the month of January. The spot rate at the end of January is £1=$2.50. Accordingly, X will realize $1,050 of exchange gain [(£2,100×$2.50=$5,250)–(£2,100×$2.00=$4,200)] with respect to X's pound cash account. Additionally, X will realize $50 of exchange loss [(£100×$2.00=$200)–(£100×$2.50=$250)] with respect to X's liability. Thus, X's total exchange gain for the January is $1,000. Because the acquisition of the inventory is not a section 988 transaction (and accordingly is recorded at historical cost and not revalued), no gain or loss is realized with respect to the inventory.

(iii) On February 21, 1995, X sells half of its inventory for £195, in exchange for an account receivable. The January 31, 1995 spot rate of £1=$2.50 is used to book the receivable and to determine the amount realized on the inventory sale, not the spot rate on February 21, 1995. X has no other transactions during the month of February. The spot rate at the end of February is £1=$2.75. X will realize $540.50 of exchange gain computed as follows:

(A) X will realize $573.50 of exchange gain on its assets subject to section 988 computed as follows. With respect to X's pound cash account, X will realize $525 of exchange gain [(£2,100×$2.75=$5,775)–(£2,100×$2.50–$5,250)]. With respect to the account receivable, X will realize $48.50 of exchange gain [(£195×$2.75=$536.25)–(£195×$2.50=$487.75)].

(B) X will realize $25 of exchange loss [(£100×$2.50=$250)–(£100×$2.75=$275)] with respect to X's £100 liability.

X will compute gain on the sale of its inventory by translating the £195 realized at the January 31, 1995 rate of £1=$2.50 to equal $487.50 and subtracting the assumed basis of $250. Thus, X's gain on the sale of inventory is $237.50, none of which is exchange gain or loss under section 988.

(iv) On March 22, 1995, X is paid £195 in satisfaction of the account receivable, and deposits that amount in its bank account. The February 28, 1995 spot rate of £1=$2.75 is used to book payment of the receivable and the amount deposited. X has no other transactions during the month of March. The spot rate at the end of March is £1=$3.00. X will realize $550.75 of exchange gain computed as follows:

(A) X will realize $575.75 of exchange gain on its assets computed as follows. With respect to X's pound cash account, X will realize $575.75 of exchange gain [(£2,295×$3.00=$6,887)–(£2,295×$2.75=$6,311.25)]. With respect to the account receivable, X will not realize exchange gain or loss because it is terminated within the month of March.

(B) X will realize $25 of exchange loss [(£100×$2.75=$275)–(£100×$3.00=$300)] with respect to X's £100 liability.

(v) On April 15, 1995, (when the spot rate is £1=$3.25) X withdraws £1000 from its bank account that it uses to purchase a machine. The basis of the machine is $3000 (the spot rate on March 31, 1995 of £1=$3.00 times £1000).

Example 2. H is a calendar year U.S. corporation with the dollar as its functional currency that has properly elected the mark

to market method of accounting of paragraph (f)(2) of this section. Under this method, H revalues its nonfunctional currency positions at the close of each month. H owns 100 percent of L, a foreign corporation. L has the local currency as its functional currency. On August 4, 1995, H enters into a forward contract which it designates for financial accounting purposes as a hedge of its net investment in L. Under H's method of financial accounting, gain or loss on the forward contract is not included in profit and loss but is treated as an adjustment to the equity account of H. Under paragraph (f)(2) of this section, the forward contract is not treated as hedging any transaction and therefore must be revalued on August 31, 1995 and gain or loss realized.

(8) *Effective date.* This paragraph (f) shall be effective for taxable years ending on or after [Date Final Regulations are Published in the **Federal Register**].

* * * * *

Par. 5. Section 1.6045–1 is amended by adding new paragraph (d)(6)(iii) to read as follows:

§ 1.6045–1 Returns of information of brokers and barter exchanges.

* * * * *

(d) * * *

(6) * * *

(iii) *Effect of identification under § 1.988–5 (b) or (c) where taxpayer effects a sale and the hedge through the same broker*—(A) *In general.* In lieu of the amount reportable under paragraph (d)(6) (i) or (ii) of this section, the amount subject to reporting shall be the integrated amount computed under § 1.988–5 (b) or (c) if—

(*1*) A taxpayer effects through a broker a sale (as defined in paragraph (a)(9) of this section) for nonfunctional currency (as defined in § 1.988–1(d)) and hedges all or a part of such sale as provided in § 1.988–5 (b) or (c) with the same broker; and

(*2*) The taxpayer complies with the requirements of § 1.988–5 (b) or (c) and so notifies the broker prior to the date the broker prepares Forms 1099 as required under this section.

(B) *Effective date.* This section shall be effective for transactions entered into on or after [Date Final Regulations are Published in the **Federal Register**].

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 92–4903 Filed 3–16–92; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 9

[Docket No. 48043: Notice No. 92–2]

RIN 2105–AB56

Testimony of Employees of the Department and Production of Records in Legal Proceedings

AGENCY: Office of the Secretary; DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation (DOT or Department) is proposing to establish procedures that must be followed when a Department employee or former employee is requested or subpoenaed to provide testimony or produce records concerning information acquired in the course of performing official duties or because of the official status of the employee. The proposed procedures are necessary to ensure more efficient use of Department resources (Department attorneys and employees currently spend a considerable amount of time responding to litigants' requests for documents or testimony), to minimize the possibility of involving the Department in controversial issues not related to its mission, to maintain the impartiality of the Department among private litigants, and to enhance the Department's ability to respond to requests.

DATES: Comments on this NPRM are due no later than May 18, 1992.

ADDRESSES: Written comments should refer to the docket number of this notice and should be submitted to Docket Clerk, room 4107, Office of the Secretary, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation 400 Seventh Street SW., room 10424, Washington, DC 20590, (202) 366–9307.

SUPPLEMENTARY INFORMATION:

Background

The Department's current regulations at 49 CFR Part 9 do not contain any procedural requirements that private parties must meet in order to obtain departmental records or testimony of DOT employees for use in legal proceedings between private litigants. The regulations require only that the General Counsel or other appropriate counsel determine whether the employee is required to comply with a subpoena, and impose certain restrictions on the employee's testimony.

Private litigants are requesting or serving subpoenas for testimony, documents, or both from DOT agencies and their personnel in a large number of cases. The Department is composed of nine operating administrations plus the Office of the Secretary. One of the operating administrations, the Coast Guard, has had experience that illustrates this point. The following chart lists the types and number of activities relating to requests for testimony and documents that the Coast Guard was involved in for calendar year 1988.

a. Subpoenas for personal appearances at trial or deposition	182
b. Subpoenas or written requests for certified documents	108
c. Subpoenas for both personal appearances and documents	59
d. Appearances pursuant to subpoenas	40
e. Depositions pursuant to subpoenas	45
f. Motions to Quash	5

Similarly, the Federal Railroad Administration, which also records the number of requests for the testimony of its employees in private proceedings, receives approximately thirty requests annually.

Since many of the requests involve a transportation accident, any one of which may generate numerous private lawsuits or other proceedings, private litigants may seek the same investigative personned to provide testimony in different proceedings. Responding to each request for documents and for testimony can be burdensome and time consuming; sometimes litigants make requests on unnecessarily short notice. Based on our experience over the last several years, we believe that the number of requests will continue to increase, thereby causing additional use of Departmental resources to support private litigants.

The Proposed Rule: General

The Department proposes to establish procedures governing the testimony of an employee in legal proceedings in which the United States is a party. The Department also proposes to establish procedural requirements that private litigants must meet before the Department would produce documents or make an employee available to testify in a private legal or administrative proceeding. These procedures are not being proposed to inflict any unnecessary burden on private litigants. They are being proposed to conserve DOT resources, to minimize the possibility of involving the Department in controversial issues not related to its mission, to maintain the Department's impartiality among private litigants, and to enhance the Department's ability to respond more efficiently to requests for testimony and documents.

The proposed rule would include the Maritime Administration and the Research and Special Programs Administration in the definition of "Department;" the current regulation became effective before those operating administrations became part of DOT. To preclude having to revise this part for a similar reason in the future, the proposed rule would include within the definition of "Department" any operating administration established after the effective date of a final rule. The proposed rule also would clarify the definition of "Legal proceeding between private litigants" to mean those proceedings in which neither the DOT (or one of its operating administrations), nor the United States (including any federal agency or officer of the United States in his or her official capacity) is a party. The definition of "Employee" would be expanded to include former employees of the Department, retired or former officers and enlisted members of the Coast Guard, and individuals who have worked for the Department under contract, whose testimony about former official duties or functions of the Department might involve DOT in controversies unrelated to its mission. The rule as proposed more specifically define "Testimony" to mean any written or oral statements given in a legal proceeding, including depositions, affidavits, declarations, answers to interrogatories, and statements at a hearing or trial.

We also propose to add a definition of "Agency counsel." Under the proposed definition, the term "Agency counsel" would include the General Counsel, the Chief Counsels of the operating administrations, and any person to whom the General Counsel or a Chief Counsel has delegated authority under this part. This would make it clear that, for a decision on how to respond to a demand or a request for testimony, an employee must contact the agency counsel in his or her operating administration. The definition also would include any person, such as a Department of Justice attorney, who is authorized to represent the Department in a specific legal proceeding.

Under proposed § 9.1(c), agency counsel, under certain circumstances, may permit an exception from any requirement in the proposed rule. For example, agency counsel may grant an exception from a requirement of part 9 if he or she believes that to do so would be in the best interest of the Department. The Inspector General may also permit an exception from any requirement concerning Office of Inspector General employees and documents.

Demands to Testify

The proper method for obtaining testimony or records from an employee is to submit a request to agency counsel as provided in § 9.13 and 9.15 of the proposal, not to serve a subpoena, order or other demand (collectively referred to as demands) on the employee. The proposed rule (which would not apply to Congressional demands for testimony or documents) would require employees to notify agency counsel if they are served with demands, or receive requests, to testify or produce documents, and would prohibit employees from honoring demands or requests absent explicit approval from the agency counsel. Under the proposed rule, the agency counsel has the discretion to grant demands for records or testimony of an employee and to determine the manner in which documents are disclosed or testimony is given in particular cases or types of cases. The agency counsel would notify the counsel for the party seeking the demand of the proper procedures to secure records or employee testimony.

If the party fails to follow proper procedures or does not withdraw a demand if requested to do so by agency counsel, the Department may move to quash the demand. If that motion is denied, the agency counsel would instruct the employee whether to testify or produce documents pursuant to the demand. Agency counsel would take steps to arrange for legal representation for the employee. If response to a demand is required before the court rules on the motion to quash and the court fails to stay the demand, the employee would appear with agency counsel at the time and place stated in the demand, produce a copy of these regulations, and respectfully decline to testify or produce any documents. If the court orders his or her testimony, the agency counsel may direct the employee not to testify, or might permit an exception under § 9.1(c). For example, the agency counsel might permit the employee to give factual testimony if permission would have been granted had the party seeking the testimony followed the procedures set forth in this part. This would prevent a miscarriage of justice by not subjecting the employee to a contempt charge. Agency counsel could still appeal the denial of the motion to quash. The appeal would not be moot because the issue would be capable of repetition.

Documents

Private litigants who wish to obtain documents from the Department should follow the procedures specified at 49 CFR part 7 concerning Freedom of Information (FOIA) requests. Private litigants who do not follow those procedures would be required to submit a statement setting forth the relevancy of the records to the proceeding. The proposed rule would require private litigants to submit requests for records before submitting any request for testimony. If these parties desire additional documents, they would have to indicate how the new request differs from previous record requests.

Testimony

The proposal describes when and to what extent an employee of the Department would be allowed to testify in legal proceedings in which the United States is a party and those in which it is not. The proposal generally would not permit Department employees to testify at a hearing or trial in legal proceedings between private parties. At present, the Department does not prohibit this testimony. However, because this testimony is usually more time consuming than, and duplicative of, deposition testimony, proposing to bar testimony at a hearing or trial on behalf of private parties, except when agency counsel permits an exception, seems to be a reasonable measure to conserve government time and resources for public purposes. For example, agency counsel might permit an exception under § 9.1(c) in a civil proceeding in which the testimony might be vital to the case and would not unduly harm the Department.

For other than testimony at a hearing or trial in legal proceedings between private litigants, an employee, under the proposal, could testify only to facts within that employee's personal knowledge with regard to matters arising out of his or her official duties; in a proceeding arising from an accident, an employee could testify only to personally known facts, not reasonably available from other sources, uncovered during the employee's investigation of the accident, or observed by the employee even if he or she did not investigate the accident. Thus, an employee who inspected a facility before an accident occurred could testify concerning his or her

observations. The testimony would be limited to a single deposition, affidavit, or set of interrogatories concerning the circumstances from which the proceeding arose. The proposed rule generally would prohibit an employee from providing expert or opinion testimony regarding any matter arising out of his or her official duties or the functions of the Department. If requested to do so, the employee would be required to decline to answer on the grounds that it is forbidden by this part. The agency counsel would instruct the employee on how to proceed if the court ordered the employee's testimony. The agency counsel could permit the testimony under § 9.1(c) exception.

The proposal also provides that, in legal proceedings between private litigants, an employee could not testify to facts in a report unless he or she receives permission from the agency counsel. The reasons for restricting this testimony is to ensure that any opinions expressed in reports are appropriately protected. The use of Department employees as experts or opinion witnesses would impose a serious administrative burden on the Department and compromise its impartiality toward private litigants. Moreover, the Accident Reports Act and other statutes prohibit the admission into evidence of certain accident and investigative reports. The proposed regulation would assist in giving these statutes greater practical effect by keeping the opinions of the Department's accident investigators—whether in oral or documentary form—out of private proceedings. The purposes of these statutes would be frustrated by this testimony.

The proposal would not apply to situations in which an employee, although on official duty, observes facts regarding matters that do not arise out of his or her official duties. For example, an employee who witnesses an automobile accident while driving a government vehicle would testify as a private citizen because observing the accident would not be related to the discharge of the employee's official duties.

Procedures for Litigants' Request

The proposed rule would require private litigants seeking the testimony of an employee of the Department of submit a request for that testimony to the agency counsel 30 days before the testimony is scheduled to be taken or received. Thirty days would provide the Department with sufficient time to respond to these requests. Agency counsel may authorize a different time for submission under § 9.1(c).

The proposal would require a party seeking employee testimony to furnish the agency counsel with certain facts about the proceeding together with a written summary of the information sought and its relevance to the proceeding. (It is often difficult to determine from a subpoena the precise nature and purpose of the information sought.) The Department also proposes to require the party seeking the testimony to certify that the information sought is not reasonably available from other sources. The Department believes that the burden of furnishing the summary, statement of relevance, and certification will be minimal. This information will greatly assist the Department in determining the appropriate response to the request.

Except in extraordinary circumstances, testimony may ordinarily be taken or received only once concerning a set of circumstances—whether by deposition, affidavit, declaration, or response to interrogatories—and at a place and time convenient to the Department. Moreover, the form of the testimony would be the one least burdensomé to the Department. For example, a private litigant may request that an employee be deposed when an affidavit or declaration will suffice. The Department also proposes that it be the duty of the party seeking the testimony to ascertain, whether feasible, the identities of all parties or potential parties in the proceeding, or in a related proceeding (e.g., actions in state and federal courts,) and notify them of the time and place scheduled for the deposition of a DOT employee. The would relieve Department employees from having to testify in multiple proceedings about the same matter. The private litigant would further be required to submit an affidavit or certification describing the extent of the litigant's search for parties and listing the names of the parties and potential parties notified. Any party or potential party not notified, however, would not be precluded from requesting testimony in the future. The Department also proposes to require the party requesting the testimony to furnish, at its own expense, a copy of the transcript, or other record, of the testimony to the agency counsel for the agency's files. If a party wishes to submit an additional request for testimony, the Department proposes to require the party to explain why it did not request this testimony earlier and why the prior testimony or previously disclosed documents are insufficient.

Fees and Costs

The proposed rule would explain the Department's policy on fees for obtaining records, and costs of processing and responding to requests for witness testimony by private parties.

Acceptance of Service

Finally, the Department proposes to modify current § 9.17, concerning acceptance of service; the proposed revision would clarify that this section is not inconsistent with, and does not waive, the requirements of Rules 4(d)(4) and 4(d)(5) of the Federal Rules of Civil Procedure. Rules 4(d)(4) and 4(d)(5) require that, in a suit involving the United States, the summons and complaint be served upon the United States Attorney for the district, the United States Attorney General, and the Secretary of Transportation. Process must be served upon all three persons in order to be valid.

Authority

The courts have upheld regulations restricting the right of private litigants to require testimony of, or production of documents from, employees of federal agencies. The landmark case in this area is *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1951), in which the Supreme Court held that a Department of Justice (DOJ) official, acting on order of the Attorney General, could not be held in contempt for declining to produce records in response to a *subpoena duces tecum*. It reasoned that the variety of information contained in the files of any government agency and the possibilities of harm from unrestricted disclosure in court necessitate centralizing determinations as to whether to obey or challenge a *subpoena duces tecum*. The Court stated that it was appropriate for the Attorney General to prescribe regulations for the preservation of records of the Department of Justice. See *Marcoux* v. *Mid-States Livestock*, 66 F.R.D. 573 (W.D. Mo. 1975).

Federal circuit and district courts have consistently upheld the validity of regulations based on *Touhy*. In *Reynolds Metals Co.* v. *Crowther*, 572 F. Supp. 288 (D. Mass. 1982), plaintiff sought to compel two employees of the Occupational Safety and Health Administration to testify, contrary to specific instructions of their superiors given pursuant to Department of Labor regulations, concerning information acquired during official investigations. After the two employees refused to testify in response to a state court subpoena, they were ordered to show cause why they should not be held in contempt. In dismissing the contempt proceedings, the district court stated: "The policy behind the prohibition of testimony is to conserve governmental resources where the United States is not a party to a suit, and to minimize governmental involvement in controversial matters unrelated to official business." In *Boron Oil* v. *Downie*, 873 F.2d 67 (4th Cir. 1989), the court held that the state court and the federal district court on removal lacked jurisdiction to compel an Environmental Protection Agency (EPA) On-Scene Coordinator to appear and testify about his investigation of an alleged service station gasoline leak in a state court action to which the government was not a party. It stated that "an action seeking specific relief against a federal official, acting within the scope of his delegated authority, is an action against the United States, subject to governmental privilege of immunity." Counsel for EPA had refused to permit the employee to testify under EPA regulations whose purpose "is to ensure that employees' official time is used only for official purposes, to maintain the impartiality of EPA among private litigants, to ensure that public funds are not used for private purposes and to establish procedures for approving testimony or production of documents when clearly in the interests of EPA." Recently, in *Davis Enterprises* v. *EPA*, 877 F.2d 1181 (3d Cir. 1989), the court found that EPA's refusal to allow an employee to testify as a fact witness to refute damage claims brought by homeowners as a result of a gasoline spill was not arbitrary or capricious or an abuse of discretion.

"Notwithstanding the argument that the employee's deposition would only take a minimal amount of time, * * * EPA has a legitimate concern with the potential cumulative effect of granting such requests." Courts have also upheld regulations that limit federal employees' testimony in private proceedings to factual information. *E.g.*, *Southeastern Pa. Transp. Auth.* v. *General Motors Corp.*, 103 F.R.D. 12 (E.D. Pa. 1984); and *Kline* v. *Martin*, 345 F. Supp. 31 (E.D. Va. 1972).

There is also authority for including former employees in the proposal. In *Fowkes* v. *Dravo Corporation*, 5 F.R.D. 51 (E.D. Pa. 1945), a former employee and a current employee of the Treasury Department refused to testify or produce documents pursuant to subpoenas issued by the clerk of the district court because they were instructed not to do so by the Deputy Commissioner of Internal Revenue. Because the information had been obtained by the current employee and the former employee while in their official positions, disclosure could not be permitted unless in accordance with a Treasury regulation and a Treasury Department circular. No argument was made that the regulation and circular did not apply to the former employee. The court upheld the Treasury Department's refusal to allow the testimony, at least until the procedures in the Department circular were followed. The court based its decision on the nature of the information; no mention was made of the fact that the individual was no longer employed by the Treasury Department. Thus, so long as the former employee had acquired the information in his official capacity as an employee, persons seeking his testimony would still be required to follow the agency's procedures and regulations governing disclosure of the information.

Both 49 U.S.C. 322 (conferring general regulatory authority on the Secretary of Transportation) and 5 U.S.C. 301 (the successor to the statute relied on in *Touhy*) support the issuance of the proposed regulation. The Department believes these statutes provide it with ample authority to issue regulations setting reasonable conditions under which the Department's employees may provide testimony or produce documents. The Department also believes that the conditions that would be imposed by issuance of this proposed regulation are reasonable. Private litigants would remain able to obtain factual information from the Department, but would be required to do so in a way that is least disruptive to the orderly conduct of the Department's official business. Additional authority is found in: (1) The Accident Reports Act, 45 U.S.C. 41–42. Section 41 prohibits the admission into evidence, or the use in any suit or action for damages, of certain railroad accident and investigative reports; section 42 authorizes the Secretary to prescribe rules and regulations to implement and effectuate the purposes of section 41; (2) 43 U.S.C. 409, which prohibits the admission into evidence of certain reports and surveys pertaining to railroad highway crossings, bridges, and hazardous highway locations; and (3) 49 U.S.C. 504(f), which prohibits the admission into evidence, or the use in a civil action for damages, of certain reports pertaining to accidents, and investigation of accidents, in motor carrier operations. With respect to the cost of processing and responding to requests for witness testimony, 31 U.S.C. 9701 authorizes the head of each agency to prescribe regulations establishing the charge for a service or thing of value provided by the agency.

Executive Order 12291, DOT Regulatory Policies and Procedures, and Regulatory Flexibility Act

The Department has considered the impact of this proposal and has determined that this NPRM is neither a "major" rule under Executive Order 12291, nor a "significant" rule under the Department's Regulatory Policies and Procedures. The Department believes that the economic impact of the rule would be so minimal that further regulatory evaluation is unnecessary. The Department has also considered the impact of this proposed rule under the Regulatory Flexibility Act. The Department certifies that this rule would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This notice does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980.

Federalism

This action has been reviewed under Executive Order 12612, "Federalism," and the Department has determined that this action does not have implications for principles of federalism that warrant the preparation of a federalism assessment. This rule would not limit the policymaking and administrative discretion of the states, nor would it affect the states' abilities to discharge traditional state governmental functions or otherwise affect any aspect of state sovereignty.

List of Subjects in 49 CFR Part 9

Administrative practice and procedure, Courts, and Government employees.

In consideration of the foregoing, the Department of Transportation proposes to revise part 9 of its Regulations (49 CFR part 9) as follows:

PART 9—TESTIMONY OF EMPLOYEES OF THE DEPARTMENT AND PRODUCTION OF RECORDS IN LEGAL PROCEEDINGS

Sec.

9.1 Purpose.
9.2 Applicability.
9.3 Definitions.
9.5 General prohibition of production or disclosure in legal proceedings.
9.7 Testimony by employees before the Department or in legal proceedings in which the United States is a party.

Sec.
9.9 Legal proceedings between private litigants: general rules.
9.11 Legal proceedings between private litigants: demands.
9.13 Legal proceedings between private litigants: procedures to request records.
9.15 Legal proceedings between private litigants: procedures to request testimony.
9.17 Legal proceedings between private litigants: procedures for taking testimony.
9.19 Fees and costs.
9.21 Acceptance of service on behalf of Secretary.

Authority: 5 U.S.C. § 301; 45 U.S.C. §§ 41–42; 49 U.S.C. § 322; 49 U.S.C. § 504(f); 23 U.S.C. § 409; 31 U.S.C. § 9701.

§ 9.1 Purpose.

(a) This part sets forth procedures governing the testimony of an employee in legal proceedings in which the United States is a party. It also sets forth procedures to be followed when an employee is issued a subpoena, order or other demand (collectively referred to in this part as a "demand") by a court or other competent authority, or is requested by a private litigant, to provide testimony or produce records concerning information acquired in the course of performing official duties or because of the employee's official status. It also prescribes the policies and procedures of the Department with respect to the acceptance of service of legal process and pleadings in legal proceedings involving the Department.

(b) The purposes of this part are to:

(1) Conserve the time of employees for conducting official business;

(2) Minimize the possibility of involving the Department in controversial issues not related to its mission;

(3) Maintain the impartiality of the Department among private litigants; and

(4) Avoid spending the time and money of the United States for private purposes.

(c) Agency counsel, in his or her discretion, may permit an exception from any requirement in this part. The exception may be granted only when the deviation will not interfere with matters of operational or military necessity, and when agency counsel determines that:

(1) It is necessary to prevent a miscarriage of justice;

(2) The Department has an interest in the decision that may be rendered in the legal proceeding; or

(3) The exception is in the best interest of the Department or the United States.

For Office of Inspector General employees and documents, the Inspector General, in conjunction with the General Counsel of the Department, may permit an exception from any requirement of this part if he or she determines, based on the Inspector General Act of 1978, as amended, that application of the requirement would be inappropriate.

§ 9.2 Applicability.

This part applies to the testimony of an employee in legal proceedings in which the United States is a party. It also applies in legal proceedings between private litigants to requests or demands for testimony or recordings concerning information acquired in the course of an employee performing official duties or because of the employee's official status. This part does not apply to any legal proceeding in which an employee is to testify as to facts or events that are in no way related to the employee's official duties or the functions of the Department. Nor does it apply to Congressional demands for testimony or documents.

§ 9.3 Definitions.

For purposes of this part:

Department means the Department of Transportation (DOT), including the Office of the Secretary (which encompasses the Office of the Inspector General) and the following operating administrations while they are part of DOT:

(1) The U.S. Coast Guard.
(2) The Federal Aviation Administration.
(3) The Federal Highway Administration.
(4) The Federal Railroad Administration.
(5) The Urban Mass Transportation Administration.
(6) The St. Lawrence Seaway Development Corporation.
(7) The National Highway Traffic Safety Administration.
(8) The Maritime Administration.
(9) The Research and Special Programs Administration.
(10) Any DOT operating administration established after the effective date of this part.

Legal proceeding means any case or controversy pending before any federal, state, or local court (including grand jury proceedings), any administrative proceeding pending before any federal, state, or local agency, or any legislative proceeding pending before any state or local agency.

Legal proceeding between private litigants means any legal proceeding in which neither the Department of Transportation nor the United States (including any federal agency or officer of the United States in his or her official capacity) is party.

Employee of the Department or "Employee" means any current of former officer or employee of the Department; an active duty, retired, or former officer or enlisted member of the Coast Guard; or an individual who works, or has worked, for the Department under a contract.

Agency counsel means the General Counsel of the Department or the Chief Counsel of any operating administration of the Department concerned, any person to whom the General Counsel or Chief Counsel has delegated his or her authority, or any person who is authorized to represent the Department in a specific legal proceeding.

Testimony means any written or oral statement by a witness, including depositions, answers to interrogatories, affidavits, declarations, and statements at a hearing or trial.

§ 9.5 General prohibition of production or disclosure in legal proceedings.

No employee of the Department may provide testimony or produce any material contained in the files of the Department, or disclose any information relating to, or based upon, material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of that employee's official duties or because of that employee's official status unless authorized in accordance with this part, or by other applicable law.

§ 9.7 Testimony by employees before the Department or in legal proceedings in which the United States is a party.

In any legal proceeding before the Department or in which the United States (including any federal agency or officer of the United States) is a party:

(a) Agency counsel shall arrange for an employee to testify as a witness for the United States whenever the attorney representing the United States requests it.

(b) An employee may testify for the United States both as to facts within the employee's personal knowledge and as an expert or opinion witness. Except as provided in paragraph (c) of this section, an employee may not testify as an expert or opinion witness, with regard to any matter arising out of the employee's official duties or the functions of the Department, for any party other than the United States in any legal proceeding in which the United States is a party. An employee who receives a demand to testify on behalf of a party other than the United States may testify as to facts within the employee's personal knowledge, provided that the testimony be subject to the prior approval of agency counsel and to the Federal Rules of Civil Procedure and any applicable claims of privilege.

(c) An employee must testify as an expert or opinion witness on behalf of an officer or enlisted member of the Coast Guard in any legal proceeding conducted by the Coast Guard.

§ 9.9 Legal proceedings between private litigants: general rules.

In legal proceedings between private litigants:

(a) The proper method for obtaining testimony or records from an employee is to submit a request to agency counsel as provided in §§ 9.13 and 9.15 of this part, not to serve a demand on the employee. Whenever, in a legal proceeding between private litigants, an employee is served with a demand, or receives a request, to testify in his or her official capacity or produce records, the employee shall immediately notify agency counsel.

(b) If authorized to testify pursuant to these rules, an employee may testify only as to facts within his or her personal knowledge with regard to matters arising out of his or her official duties.

(1) When the proceeding arises from an accident, an employee may testify only as to personally known facts, not reasonably available from other sources, observed by the employee or uncovered during the employee's investigation of the accident. The employee shall decline to testify regarding facts beyond the scope of his or her official duties.

(2) The employee shall not testify to facts that are contained in a report, of any part of a report, unless the employee has obtained permission from agency counsel to disclose the information.

(3) The employee shall not disclose confidential or privileged information unless the employee has obtained permission from agency counsel to disclose the information.

(4) The employee shall not testify as to facts when agency counsel determines that the testimony would not be in the best interest of the Department or the United States if disclosed.

(c) An employee shall not testify as an expert or opinion witness with regard to any matter arising out of the employee's official duties or the functions of the Department. An employee who is asked questions that call for expert or opinion testimony shall decline to answer on the grounds that it is forbidden by this part. Agency counsel shall advise the employee on how to proceed if the presiding officer directs the employee to provide expert or opinion testimony.

(d) An employee shall not provide testimony at a trial or hearing. An employee's testimony shall be limited to a single deposition, affidavit, or set of interrogatories, concerning the circumstances (*e.g.*, an accident) from which the proceeding arose. Where multiple legal proceedings concerning those circumstances are pending, or can occur, it shall be the duty of the private litigant seeking the testimony to ascertain, to the extent feasible, the identities of all parties, or potential parties, to those proceedings and notify them that a deposition has been granted and that they have the opportunity to participate. The private litigant shall submit an affidavit or certification describing the extent of the search for parties and potential parties and listing the names of the parties and potential parties notified.

(e) Where an employee has already provided testimony, any party wishing to obtain further testimony from that employee concerning the same matter or occurrence, whether in the same or a different private legal proceeding, may submit a request to agency counsel to waive the restrictions of paragraph (c) of this section. The request shall, in addition to meeting the requirements of § 9.15 of this part, state why the requester should be permitted to gather additional information despite not having previously requested the information when it had an opportunity to do so, and why the additional testimony is now required and the prior testimony or previously supplied documents are insufficient.

§ 9.11 Legal proceedings between private litigants: demands.

(a) If an employee receives a demand that has not been validly issued or served, agency counsel may instruct the employee not to comply with the demand.

(b) If an employee receives a demand (validly issued and served) to testify or produce records, agency counsel, in his or her discretion, may grant the employee permission to testify or produce records only if the purposes of this part are met or agency counsel determines that an exception is appropriate.

(c) If a demand is issued to an employee, agency counsel shall contact the requester of the demand, inform him or her of the requirements of this part, and may, in his or her discretion, ask that the demand be withdrawn.

(d) If the requester of the demand refuses to have it withdrawn or fails to comply with this part, the Department may seek to quash the demand.

(e) If the court or other competent authority declines to grant the Department's motion to quash, agency counsel shall instruct the employee whether to testify or produce documents pursuant to the demand. Agency counsel may permit the testimony under § 9.1(c) of this part. If response to a demand is required before the court or other competent authority rules on the motion to quash and the court fails to stay the demand, the employee must appear at the stated time and place, produce a copy of this part, and respectfully refuse to provide any testimony or produce any documents. Agency counsel shall take steps to arrange for legal representation for the employee. Agency counsel shall advise the employee how to respond, including not to testify, if the court or other competent authority rules that the demand must be complied with irrespective of these regulations.

§ 9.13 Legal proceedings between private litigants: procedures to request records.

In legal proceeding between private litigants, a party who wishes to obtain records from the Department shall submit to agency counsel a request for the records. The request will ordinarily be handled in accordance with the Department's procedures concerning requests for records found at 49 CFR part 7. If the party does not follow the procedures specified in that part, the request must be accompanied by a statement setting forth the relevance of the records to the proceeding. The request should be resolved before any request for testimony under § 9.15 is submitted. Where a request for testimony includes a request for additional records, it shall indicate precisely how this new request differs in scope from any previous request in order to avoid agency duplication of effort. Agency counsel shall notify the requester of the approval or denial of the request.

§ 9.15 Legal proceedings between private litigants: procedures to request testimony.

(a) Any party seeking the testimony of an employee in a legal proceeding between private litigants, concerning facts within the employee's personal knowledge with regard to matters arising out of the employee's official duties, shall, rather than serving a demand for the testimony, request the testimony at least 30 days before it is intended to be taken or received. The request must be submitted to agency counsel and must include:

(1) the title of the case, docket number, and the court, or otherwise clearly identify the legal proceeding involved;

(2) a statement setting forth the basic facts in the proceeding, such as the type, date, and location of an accident;

(3) a summary of the unresolved issues applicable to the testimony sought;

(4) a summary of the testimony sought and its relevance to the proceeding;

(5) a certification with support, that the information desired is not reasonably available from other sources, including Departmental documents;

(6) pursuant to § 9.9(d) of this part, an affidavit or certification describing the extent of a search of parties and potential parties and listing the names of the parties and potential parties notified; and

(7) a declaration that the party will not seek expert or opinion testimony from the witness or seek the testimony of the witness at a hearing or trial in the proceeding.

The request shall specify which form of testimony (deposition, affidavit, declaration, or answers to interrogatories) is desired and the date by which it is desired; only one form, the one least burdensome to the Department that will provide the needed information, is permitted for each witness.

(b) The party seeking the testimony shall include with its request for testimony a copy of any prior request(s) made by the same requester to the Department or other agency of the United States for records pertaining to the matter being litigated and of the response (not including the records themselves) to the request(s). The party seeking the testimony shall also comply with any agency counsel request that copies of the records previously disclosed by the Department, or a list of those records, be furnished.

(c) Agency counsel shall notify the requester of the approval or denial of the request. Agency counsel may attach special conditions to its approval.

§ 9.17 Legal proceedings between private litigants: procedures for taking testimony.

(a) Testimony of an employee of the Department may be taken only at the office to which the employee is assigned, or any other place designated by agency counsel, under any additional conditions, if any, specified under § 9.15(c) of this part, and at a time arranged with the employee reasonably fixed to avoid substantial interference with the performance of the employee's or agency counsel's official duties.

(b) Upon completion of the testimony of an employee of the Department, a copy of the transcript of the testimony shall be furnished, at the expense of the party requesting the testimony, to agency counsel for the Department's files.

§ 9.19 Fees and costs.

(a) A private litigant obtaining records from the Department shall be charged according to the fee schedule specified at 49 CFR part 7.

(b) Agency counsel may charge additional fees, not to exceed actual costs, to private litigants seeking testimony by request or demand. The fees, which are to be calculated to fully reimburse the Department for processing the request or the demand and providing the witness, may include, among others:

(1) Costs of the time spent by employees, including attorneys, of the Department to process and respond to the request or demand;

(2) Costs of attendance of the employee and agency counsel at any deposition, hearing or trial.

(3) Costs of materials and equipment used to search for, process, and make available information.

All costs for employee time shall be calculated on the hourly pay of the employee (including all pay, allowances and benefits), and shall include the hourly fee for each hour, or portion of each hour, when the employee is in travel, in attendance at a deposition, hearing, or trial, or is processing or responding to a request or demand.

(c) At the discretion of agency counsel, costs may be estimated and collected before testimony is given.

§ 9.21 Acceptance of service on behalf of Secretary.

In any legal proceeding, at the option of the server, process or pleadings may be served on agency counsel, with the same effect as if served upon the Secretary or the head of the operating administration concerned, as the case may be. The official accepting service under this section shall acknowledge the service and take appropriate action. This section does not in any way abrogate or modify the requirements of Rule 4(d)(4) and 4(d)(5) of the Federal Rules of Civil Procedure regarding service of summons and complaint.

Issued in Washington, DC, on March 10, 1992.

Andrew H. Card, Jr.,

Secretary of Transportation.

[FR Doc. 92-6109 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 57, No. 52
Tuesday, March 17, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Collaborative Research Grants Program; Egypt

AGENCY: Office of International Cooperation and Development (OICD).

ACTION: Solicitation of proposals.

ACTIVITY: The Research and Scientific Exchanges Division (RSED) of OICD is administering a Collaborative Research Grants Program which is managed by the Egyptian National Agriculture Research Project (NARP). The research program is funded under a USDA agreement with United States Agency for International Development (USAID) in Cairo, which oversees the entire project.

AUTHORITY: Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291).

OICD announces the availability of funds in fiscal year 1992 (FY1992) to conduct collaborative research of mutual interest to the U.S. and Egypt in the following areas: agro-management techniques related to newly reclaimed lands (irrigation, chemigation and fertigation); animal health (diagnostic reagencies, virus genetic resistance, and cell-mediated immunity); animal production (immunogenetics, modeling, biotechnology (transgenics), and cell physiology); aquaculture; computer expert systems in agro-management; export-oriented agro-systems (modification of existing horticultural crops to improve their postharvest characteristics; product value (quality, maturity and size) and losses (deterioration); and market expansion); food consumption patterns (ensuring safety and stability of consumer foods; optimal health through improved nutrition); genetic engineering (disease and stress tolerance; improvement of quality traits); and remote sensing (ground water exploration in Egyptian Deserts; assessment and monitoring of desertification processes).

Collaborative research is defined as research which involves active collaboration between Egyptian and American scientists. The research proposal should be prepared jointly by all investigators involved and should describe the areas of anticipated cooperation.

This is a formal request for application. Proposals should address a single specific research issue but may be multi-disciplinary in approach and may involve more than one institution. Problem-oriented research will be undertaken including basic and appropriate research programs, the results of which have potential application in Egypt and the United States.

Proposals must be received at the below-noted address not later than 15 April 1992. Please contact the undersigned for a complete package of information concerning these potential agreements, as follows: USDA/OICD/Admin Services, 0324 South Bldg., Washington DC 20250-4300, Facsimile 202/690-1628.

Dated: March 12, 1992.

Nancy J. Croft,

Contracting Officer.

[FR Doc. 92-6191 Filed 3-16-92; 8:45 am]

BILLING CODE 3410-DP-M

Animal and Plant Health Inspection Service

[Docket No. 92-018]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that seven environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The assessments provide a basis for the conclusion that the field testing of these genetically engineered organisms will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on these findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write Mr. Clayton Givens at this same address. The documents should be requested under the permit numbers listed below.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit applications, APHIS assessed the impact on the environment of releasing the organisms under the conditions described in the permit applications. We concluded that the issuance of the permits listed below will not present a

risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Seven environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of the following permits to allow the field testing of genetically engineered organizations:

Permit No.	Permittee	Date issued	Organism	Field test location
91-317-01, renewal of permit 90-332-02, issued on 03-12-91.	DeKalb Plant Genetics	01-22-92	Corn plants genetically engineered to express a phosphinothricin acetyl transferase gene, which confers tolerance to glufosinate and bialaphos herbicides.	Kihei, Hawaii.
91-301-01	Frito-Lay, Incorporated	02-03-92	Potato plants genetically engineered to express metabolic enzymes in order to increase levels of dry matter in potato tubers.	Oneida County, Wisconsin.
91-295-01	Holden's Foundation Seeds, Incorporated.	02-04-92	Corn plants genetically engineered to express the phosphinothricin-N-trasfease (PAT) gene to confer tolerance to the herbicide glufosinate.	Molaki, Hawaii.
91-322-01	North Carolina State University	02-04-92	Tobacco plants genetically engineered to express a coat protein of a highly aphidtransmissible strain of tobacco eich virus (TEV).	Wake County, North Carolina.
91-326-01	Monsanto Agricultural Company	02-07-92	Tomato plants genetically engineered to express a coat protein of tomato yellow leaf curl virus (TYLCV) for resistance to TYLCV.	Lee County, Florida.
91-346-02	Pioneer Hi-Bred International, Incorporated.	02-07-92	Soybean plants engineered to express methio-nine-and cysteine-rich seed storage proteins from Brazil nut.	Salinas, Puerto, Rico.
91-302-01	Frito-Lay, Incorporated	02-14-92	Potato plants genetically engineered to express metabolic enzymes in order to inhibit accumulation of simple sugars in potato tubers.	Oneida County, Wisconsin.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 12th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6187 Filed 3-16-92; 8:45am]

BILLING CODE 3410-34-M

[Docket No. 92-037]

Receipt of Permit Applications for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that six applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal building, 6505 Belcrest road, Hyattsville, MD 20782, (301) 436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application	Applicant	Date received	Organism	Field test location
92-049-01	Monsato Agricultural Company	02-15-92	Tomato plants genetically engineered to express a heterologous aminocyclopropene-1-carbonylic acid (ACC) degradation gene, to delay ripening.	Yolo County, California; Jersey County, Illinois.
92-049-02	InterMountain Canola Company	02-18-92	Rapeseed plants genetically engineered to express tolerance to the herbicide glyphosate.	Fremont County, Idaho.
92-049-03	Petoseed Company, Incorporated	02-18-92	Tomato plants genetically engineered to express anti-sense gene constructs of polygalacturonase (PG), pectinesterase (PE), and ethylene forming enzymes, to modify ripening.	Yolo County, California.
92-049-04	DeKalb Plant Genetics	02-18-92	Corn plants genetically engineered to express a bacterial marker gene for hygromycin resistance, a betaglucuronidase (GUS) gene, and a methion-inerich storage protein gene.	DeKalb County, Illinois.
92-049-05	Upjohn Company	02-18-92	Corn plants genetically engineered to express a phosphinothricin acetyltransferase (PAT) gene for tolerance to the herbicide glufosinate.	Kalamazoo County, Michigan; Isabela, Puerto Rico.
92-052-01	University of Arizona	02-21-92	Tobacco plants genetically engineered to express a coat protein gene of the beet curly top virus (BCTV) for resistance to BCTV.	Pima County, Arizona.

Done in Washington, DC, this 12th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6186 Filed 3-16-92; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Little Snowies Vegetative Management, Lewis and Clark National Forest, Fergus and Golden Valley Counties, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of implementing fire and timber management practices in the Little Snowy Mountains. The fire management practices include reducing fuel load to 12–15 tons/acre by chipping, piling, and burning on 245 acres, constructing five firebreaks totaling 13.4 miles, and using prescribed fire to reduce natural fuels and improve wildlife habitat on 1,540 acres. In conjunction with these projects, timber management practices on 545 acres will be implemented. These practices include: (1) Harvesting sawlogs, (2) commercially thinning younger trees, (3) firewood gathering, (4) site preparation/slash disposal, and (5) planting.

Road construction and reconstruction would be required to implement the timber management practices. Additional public access into the Little Snowies may be needed.

The underlying concept of implementing fire and timber management practices in the Little Snowies is to create a condition more in accord with the natural state and reduce the potential for stand replacement fires. While current fuels conditions in the Little Snowies have developed over the past 100 years and it will take nearly as long to return to a more natural state, the above mentioned practices will be implemented over the next decade (FYs 1992–2002).

DATES: Comments concerning the scope of the analysis should be received in writing within one month of the publication date of this notice in the **Federal Register** in order to receive timely consideration in the preparation of the Draft Environmental Impact Statement (DEIS).

ADDRESSES: Send written comments to William Fortune, District Ranger, Musselshell Ranger District, 809 2 NW., Box F, Harlowton, MT 59036.

FOR FURTHER INFORMATION CONTACT: Dave Wanderaas, Little Snowy Interdisciplinary Team Leader, Musselshell Ranger District, (406) 632–4391.

SUPPLEMENTARY INFORMATION: The Little Snowies project area is located approximately 25 miles southeast of Lewistown, Montana in Fergus and Golden Valley Counties. The project area of approximately 16,000 acres includes all land in the Little Snowy Mountains. About 13,350 acres of the project area are National Forest System lands and approximately 2,670 acres are private land. The project area is the head waters for Cameron Creek, North Fork of Pole Creek, Willow Creek, and the South Fork of Flatwillow Creek. Elevations range from about 4,600 feet at the eastern boundary to 6,200 feet at the western boundary.

Fire and timber management practices are addressed together because the timing and geographic location represent a similar action under 40 CFR 1508.25(a)(3). Public access and road construction/reconstruction represent connected actions under 1508.25(a)(1)(iii). The scope of the proposed action is site-specific with timber and fire management practices identified on a stand or unit basis and roads and public access on a corridor basis. Appropriate mitigation measures are designed to respond to the identified issues and anticipated effects.

This EIS will tier to the Lewis and Clark National Forest Land and Resource Management Plan of June, 1986, which provides goals and objectives. Forest-wide management standards and management area prescriptions are identified in the Plan to provide overall guidance and management practices in achieving these goals and objectives. The proposed actions of fire management, timber management, road construction/reconstruction, and public access are designed to help move from the existing condition of the Little Snowies to a more ecologically natural state, that in the past was maintained by light ground fires. This move will be accomplished by the primary purpose and need for the proposed action to: (1) Create a mosaic of vegetative successional stages that will maintain the ponderosa pine forest type, (2) reduce the potential for a stand replacement fire that will remove a large percentage of the tree canopy lessening the diversity in the area, and (3) provide

a completed landscape from early successional stages to old growth forest.

No public meetings will be held prior to the issuance of the DEIS. However, a letter indicating the proposed action and a map of the project area will be sent to interested publics for comment. Two public meetings will be held during the formal review period of the DEIS (September 1992). However, the public is invited to visit with Forest Service officials at any time during the EIS preparation prior to the issuance of the Record of Decision.

The Forest Service is seeking information and comments from Federal, State, and local agencies and individuals and organizations who may be interested in or affected by the proposed actions. The agency invites written comments and suggestions on the issues and management opportunities in the area being analyzed. This information will be used in preparing the DEIS. This process includes:

1. Identification of potential issues related to the proposed action.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Identification of alternatives to the proposed action.
5. Identification of potential environmental effects of the alternatives.
6. Determination of potential cooperating agencies and task assignments.

The analysis will consider a range of alternatives. One of these will be the "No-Action" alternative, in which all fire and timber management practices are deferred. Other alternatives will examine various levels and locations of treatment and fire management to return the Little Snowies to a more ecologically natural state.

The analysis will disclose the environmental effects of alternative ways of implementing management direction outlined in the Forest Plan and in addressing the identified issues. The Forest Service will analyze and document the direct, indirect, and cumulative environmental effects of the alternatives. In addition, the EIS will disclose site-specific mitigation measures and the effectiveness of each proposed mitigation measure.

Preliminary scoping has been done for this project by the interdisciplinary team from the Lewis and Clark National Forest and six major issues have been identified.

Fire (Issue 1)

(a) What fire and vegetative management practices should be initiated to reduce the potential for a stand replacement fire of large size and high energy release?

(b) How can fire and vegetative management practices be integrated to creat a mosaic of Forest age classes?

(c) What are the effects of fire management practices on the landscape?

Timber (Issue 2)

What treatments, if any, are needed to maintain forest health and fiber production?

Biodiversity (Issue 3)

In this fire dependent ponderosa pine ecosystem, what measure should be taken to maintain and/or restore biological diversity?

Wildlife (Issue 4)

(a) What opportunities are available to improve habitat for whitetail deer, wild turkeys, old growth dependent species, snag dependent species, and other wildlife?

(b) What are the effects of the proposed actions on whitetail deer, wild turkeys, old growth dependent species, snag dependent species, and other wildlife?

Access (Issue 5)

(a) What additional transportation types and routes, if any, are needed to provide adequate public access to the Little Snowies?

(b) What Travel Plan measureg, if any, are needed to manage the existing and planned transportation systems in order to reduce their effects on wildlife?

Recreation (Issue 6)

What are the effects of improved access and Travel Plan management on recreation activities and opportunities?

The DEIS will be filed with the Environmental Protection Agency (EPA) and a notice of availability of the DEIS published in the **Federal Register**. It is estimated that the DEIS will be available for public review in September 1992.

The comment period on the DEIS will be for 45 days from the date of publication in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of DEISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement (FEIS) may be waived or dismissed by the courts. *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the DEIS. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After a 45-day public comment period, this comments received will be analyzed and considered by the Forest Service in preparing the FEIS. The FEIS is scheduled to be completed by January, 1993. The Forest Service will respond in the FEIS to the comments received on the DEIS. John D. Gorman, Forest Supervisor for the Lewis and Clark National Forest, the responsible official for this EIS, will make a decision regarding this proposal after considering the comments, responses, and environmental consequences discussed in the FEIS as well as applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Record of Decision.

The Forest Supervisor's address is: 1101 15th St. N., Box 869, Great Falls, MT 59403.

Dated: March 6, 1992.

John D. Gorman,

Forest Supervisor, Lewis and Clark National Forest.

[FR Doc. 92-6142 Filed 3-16-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Changes in Organization and Functions During Calendar Year 1991

AGENCY: Office of the Secretary, Department of Commerce.

SUMMARY: Following is a summary of Department of Commerce officials and units affected by major changes in authority, title, function, or structure during the past calendar year. Specific information on each action can be obtained by requesting a copy of the applicable Department Organization Order (DOO), also listed below.

Department Officials

Mission and Organization of the Department of Commerce:

DOO 1-1, Amendment 26, 3-22-91
DOO 1-1, Amendment 27, 8-27-91

Under Secretary for International Trade:

DOO 10-3, Revision, 1-22-91

Assistant Secretary for Economic Development:

DOO 10-4, Amendment 4, 1-22-91

Assistant Secretary for Administration:

DOO 10-5, Amendment 2, 1-18-91
DOO 10-5, Amendment 3, 3-22-91
DOO 10-5, Amendment 4, 4-19-91
DOO 10-5, Amendment 5, 8-27-91

Under Secretary for Economic Affairs:

DOO 10-9, Amendment 1, 5-6-91
DOO 10-9, Amendment 2, 7-1-91

Assistant Secretary and Commissioner of Patents and Trademarks:

DOO 10-14, Revision, 9-26-91

Under Secretary for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration:

DOO 10-15, Revision, 9-26-91

Under Secretary for Export Administration:

DOO 10-16, Amendment 1, 2-15-91

Chief of Staff and Assistant Secretary:

DOO 15-20, Revision, 3-22-91

Office of Federal Property Programs:

DOO 20-1, Revision, 5-20-91

Office of Civil Rights:

DOO 20-10, Revision, 1-18-91
DOO 20-10, Amendment 1, 4-24-91

Office of Information Resources Management:

DOO 20-14, Revision, 1-9-91

Office of Procurement:

DOO 20-26, Amendment 2, 10-11-91

Office of Financial Management:

DOO 20-27, Revision, 4-19-91

Office of Inspector General:

DOO 23-1, Amendment 2, 8-5-91

Minority Business Development Agency:

DOO 25-4B, Amendment 1, 5-28-91

National Oceanic and Atmospheric Administration:

DOO 25-5, Amendment 4, 5-6-91
DOO 25-5, Amendment 5, 6-11-91

National Institute of Standards and Technology:

DOO 30-2B, Revision, 1-4-91

Patent and Trademark Office:

DOO 30-3, Revision, 9-26-91

Bureau of the Census:

DOO 35-2B, Revision, 1-9-91
DOO 35-2B, Amendment 1, 6-5-91

International Trade Administration:

DOO 40-1, Amendment 4, 1-22-91

Economic Development Administration:

DOO 45-1, Amendment 1, 1-22-91

Bureau of Export Administration:

DOO 50-1, Revision, 2-15-91

FOR FURTHER INFORMATION CONTACT: Sherry M. Cage, Office of Management and Organization, Department of Commerce, room 5317, Washington, DC 20230, Telephone (202) 377-5481.

Stephen C. Browning,

Director, Office of Management and Organization

[FR Doc. 92-6120 Filed 3-16-92; 8:45 am]

BILLING CODE 3510-DK-M

International Trade Administration

[A-475-601]

Certain Brass Sheet and Strip From Italy; Final Results of Antidumping Duty Administrative Reviews

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative reviews.

SUMMARY: On November 7, 1991, the Department of Commerce (the Department) published the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from Italy. The reviews cover one manufacturer/exporter for the periods August 22, 1986 through February 29, 1988 and March 1, 1989 through February 28, 1990.

We gave interested parties the opportunity to comment on the preliminary results of these administrative reviews. Based upon our analysis of the comments received, the Department has changed the final results from those presented in the preliminary results of these reviews.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: James Rice or Linda Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1991, the Department published in the **Federal Register** (56 FR 56974) the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from Italy. The Department has now completed these administrative reviews in accordance with section 751 of the Tariff Act of 1930 (the Act).

Scope of the Review

Imports covered by these reviews are shipments of brass sheet and strip, other than leaded brass and tin brass sheet and strip, from Italy. The chemical composition of the products under review is currently defined in the Copper Development Association (C.D.A) 200 series or the Unified Numbering System (U.N.S.) C20000 series. Products whose chemical composition are defined by other C.D.A. or U.N.S. series are not covered by these reviews. The physical dimensions of the products covered by these reviews are brass sheet and strip of solid rectangular cross section, over 0.006 inch (0.15 millimeter) but not over 0.188 inch (4.8 millimeters) in finished thickness or guage, regardless of width, whether coiled, wound on reels (traverse wound), or cut-to-length. Prior to January 1, 1989, this merchandise was classifiable in the Tariff Schedules of the United States Annotated (TSUSA) under item numbers 612.3960, 612.3982, and 612.3986. Since January 1, 1989, the merchandise has been classifiable under Harmonized Tariff System (HTS) item numbers 7409.21.00.50, 7409.21.00.75, 7409.21.00.90, 7409.29.00.50, 7409.29.00.75, and 7409.29.00.90. The HTS and TSUSA item numbers are provided for convenience and customs purposes only. The written product description remains dispositive. The reviews cover one manufacturer/

exporter, Europe Metalli LMI, S.p.A. (LMI).

Analysis of Comments Received

The Department gave interested parties an opportunity to comment on the preliminary results. At the request of respondent, a hearing was held on December 20, 1991. We received case and rebuttal briefs from both LMI and petitioners, Hussey Copper Ltd., *et al.* The following comments apply equally to both reviews.

Comments by LMI

Comment 1: LMI asserts that the Department is not justified in rejecting its raw material cost information and resorting to best information available (BIA) in the calculation of constructed value (CV). LMI claims that the Department's use of BIA is not in compliance with the dumping law. Section 776(c) of the Act permits the Department to use "best information available" whenever a party "refuses or is unable to produce information requested in a timely manner and in the form required." LMI contends that neither of these circumstances apply in this case. The Court of Appeals for the Federal Circuit has held that the Department's authority under section 776(c) is limited, and that the Department may not apply BIA where a respondent's inability to provide information is due, as LMI alleges is the case here, to the fact that the information does not exist (*Olympic Adhesives, Inc.* versus *United States*, 899 F.2d. 1565 (Fed. Cir. 1990)). In the antidumping review underlying *Olympic Adhesives*, the Department resorted to BIA because the respondent failed to provide certain information, despite the fact that the respondent had previously informed the Department that such information did not exist.

LMI also contends that the Department's rejection of LMI's reported costs is at odds with agency practice of accepting costs as they have been recorded in a respondent's books in accordance with the generally accepted accounting principles (GAAP) of the respondent's home country (Kaplan, Kamarck & Parker Cost Analysis Under the Antidumping Law, 21 Geo. Wash. J. Int'l L. & Econ. 357, 373 (1988)).

Department's Position: In both reviews the Department requested monthly raw material cost information because brass manufacturers constantly adjust their prices to account for fluctuating metal costs. Copper and zinc represent the largest variable in the pricing of brass sheet and strip. LMI did not comply with the Department's request, and instead provided annual raw material costs which did not reflect the fluctuating raw material costs.

The Department disagrees with LMI that it cannot provide actual monthly costs because, as LMI stated in its March 28, 1991 submission, LMI pays its many suppliers more than once in a given month. LMI should have been able to calculate monthly costs. As a result, LMI's contention that the facts in this case are similar to those in Olympic Adhesives is without merit because the information does exist in LMI's records.

Moreover, the Department disagrees with LMI's contention that the Department is at odds with agency practice of accepting cost information as it is recorded in a respondent's books in accordance with the GAAP of the respondent's home country (Kaplan, Kamarck & Parker, 357, 373). The Department determined in this review that the GAAP approach was inconsistent with the Department's needs for specific per unit costs, since GAAP was developed primarily as a conceptual framework to reflect profitability of a company and not per unit costs (Kaplan, Kamarck & Parker, 374). For these reviews, the Department looked beyond GAAP to evaluate LMI's specific per unit raw material costs. In doing so, the Department was fully justified in requesting LMI to provide specific monthly costs even though it does not maintain these costs in the company's books on a monthly basis. Since LMI did not provide the data as requested, the Department used the best information available in accordance with section 776(c) of the Act (see comment 3).

Comment 2: LMI states that the Department had no basis to make an adjustment to account for a loss or yield rate incurred in the manufacturing process. LMI contends that it incurred no loss of material in its manufacturing process, claiming it recovers 100 percent of the scrap produced during the fabrication of brass. LMI states that this scrap material is reintroduced in its entirety into the production process and therefore no "loss in value" results from material that becomes recoverable scrap.

Department's Position: Because LMI did not substantiate its claim that it recovers 100 percent of the scrap generated in the production process, and because the Department considers it likely that not all scrap is recoverable, the BIA calculation used by the Department in constructing LMI's raw material costs includes a reasonable yield loss rate. This yield loss rate was derived from proprietary data submitted by petitioners as representative of U.S. industry experience.

Comment 3: LMI contends that the Department's methodology of constructing value substantially overstates LMI's actual metal costs because the Department based its constructed value on "A" grade cathode copper, as quoted in the London Metal Exchange (LME). LMI states that it purchases various quantities of scrap material and lower cost copper ingots in addition to virgin material.

Department's Position: In LMI's February 18, 1991 supplemental questionnaire response, LMI cited monthly average LME prices for grade "A" cathode copper as the source of its revised average monthly raw material costs. No other information was provided. Therefore, the Department's use of these market prices is consistent with LMI's calculation.

Comment 4: LMI contends that the Department may not resort to constructed value without determining whether there have been below-cost sales in substantial quantities over an extended period of time. LMI claims that even if the Department decides to use average monthly LME prices as the basis for material costs, it cannot simply bypass the cost of production analysis before resorting to CV. The Department's decision to bypass the cost of production analysis is at odds with its practice in other cost cases. For example, in the final determination in Electrical Conductor Aluminum Redraw Rod from Venezuela (final determination of sales at less than fair value), 53 FR 24755 (June 30, 1988), the Department made numerous adjustments to a respondent's reported costs, including an adjustment to the price of aluminum, before performing a cost test. In Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, 56 FR 31733–31734, the Department made adjustments to various elements of respondents' reported costs, before performing a cost test.

Petitioners agree with the Department's use of CV as best information otherwise available. Petitioners state that, because the cost of metal represents such an important element of the cost of production of the subject merchandise, LMI's failure to report complete cost data would result in a severely distorted cost analysis.

Department's Position: The Department's decision to bypass the cost test and proceed to best information available (constructed value) was based on the fact that LMI's responses for both review periods were woefully inadequate. In the 1986–88 review, LMI only submitted cost information for two of the nine alloys sold in the home market (alloys 67/33 and 63/37). In the 1989–90, review, LMI reported only two out of six alloys (again, alloys 67/33 and 63/37). However, the majority of sales to the United States during the first period were of alloy 70/30. There were a few sales of 63/37 and no sales of 67/33 to the United States. In the second review, only alloy 70/30 was sold in the United States. During both periods of review, LMI sold identical or similar alloys in the home market, but LMI did not provide cost data for these alloys. The Department made repeated requests for the cost data for the unreported alloys and for the monthly raw materials costs. However, LMI did not comply.

There is no comparison to LMI's circumstances and the circumstances in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany 56 FR 31692 (July 11, 1991), and Electrical Conductor Aluminum Redraw Rod from Venezuela 53 FR 34755 (June 30, 1988). In these cases, the Department had only to make minor adjustments to the respondent's cost data before testing for below-cost sales. In this instance, however, the Department would have had to reconstruct LMI's entire cost of production response. Thus the Department determined that use of BIA was the only appropriate basis for establishing foreign market value.

Comment 5: LMI states that the Department incorrectly calculated the weighted-average margin and credit expense for both reviews.

Department's Position: The Department has made the appropriate corrections for the final results.

Comments by Petitioners

Comment 1: Petitioners allege that the Department has understated LMI's cost of materials by failing to adjust the transportaiton charge for the material loss or yield rate.

Department's Position: The Department agrees that it would be appropriate to adjust the transportation charge for material loss. However, insofar as such an adjustment would have had a *de minimis* effect on the weighted-average margin in both reviews, we have declined to make the adjustment pursuant to 19 CFR 353.59.

Comment 2: Petitioners claim that the Department should increase LMI's reported general costs by the "capitalized miscellaneous costs" and "miscellaneous income" which LMI did not include, because these costs are related to factory production costs incurred for production of "instrumental goods" for the company's activities. Petitioners contend that LMI failed to substantiate that these costs associated with its instrumental goods were not related to the subject merchandise. Furthermore, petitioners object to LMI offsetting interest expense with interest revenue because LMI again failed to tie this income to sales of brass merchandise under review.

Department's Position: There is no information on the record to indicate that "capitalized miscellaneous costs" and "miscellaneous income" are directly related to the production of brass sheet and strip. In addition, the Department generally allows interest expense to be offset by interest income, and does not require that such adjustments be directly tied to sales of the subject merchandise, therefore, the Department has not changed LMI's reported general costs for the final results.

Final Results of the Reviews

As a result of our comparison of United States price to foreign market value, we determine that the following margins exist for the two review periods:

Manufacturer/exporter	Period of review	Percent margin
Europa Metalli-LMI	06/22/86–02/29/88	9.49
Europa Metalli-LMI	03/01/89–02/28/90	4.70

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for LMI will be 4.70 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all the other manufacturers or exporters who are not covered in this or prior administrative reviews and who are unrelated to the reviewed firm will be 4.70 percent. This rate represents the highest rate for any firm in the latest administrative review (whose shipments to the United States were reviewed), other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties pursuant to 19 CFR 353.26 prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 11, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-6197 Filed 3-16-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-813]

Final Determination of Sales at Less Than Fair Value: Nepheline Syenite From Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: John Gloninger, Office of Antidumpting Investigations, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–2778.

FINAL DETERMINATION:

Background

Since the publication of our affirmative preliminary determination on December 27, 1991 (56 FR 67061), the following events have occurred.

On December 23, 1991 respondent, Unimin Canada, Ltd. (Unimin) requested that the Department postpone the final

determination in this investigation by one week, pursuant to 19 CFR 353.20(b).

On January 6, 1992, the petitioner, The Feldspar Corporation (TFC), requested a public hearing. On January 9, 1992, respondent notified the Department that it would no longer pursue a suspension agreement in the case.

On January 9, 1992, the Department solicited comments from interested parties on the scope of the investigation. The Department received comments from respondent and petitioner on January 16 and January 17, 1992.

On January 13 through January 15, 1992, the Department conducted verification in Canada of the questionnaire responses submitted by Unimin. On January 17, 1992, the Department published a notice in the **Federal Register** (57 FR 2078) postponing the final determination in this investigation until not later than March 10, 1992.

On January 31, 1992, respondent submitted a supplemental narrative response and a revised computer tape with changes required as a result of the Department's verification. Petitioner and Pittsburgh Corning Corporation, an interested party, filed case briefs on February 14, 1992, and petitioner and respondent filed rebuttal briefs on February 19, 1992. A public hearing was held on February 26, 1992.

Scope of Investigation

After soliciting comments from interested parties, the Department has amended the scope of the investigation to the following: The product covered by this investigation is nepheline syenite (NS). For purposes of this investigation, NS is a coarse, crystalline rock consisting principally of feldspathic minerals (*i.e.*, sodium-potassium feldspars and nepheline), with little or no free quartz, and whose typical mean value passing through ASTM E–11 mesh sieve no. 40 and retained on ASTM E–11 mesh sieve no. 200 (when solely said two sieves are used) is no less than 70 percent by weight.

NS is currently classifiable under item 2529.30.0010 of the Harmonized Tariff Schedule (HTS). Although the HTS item number is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is February 1, 1991, through July 31, 1991.

Such or Similar Comparisons

We have determined for purposes of the final determination that the product covered by this investigation comprises a single category of "such or similar" merchandise.

Fair Value Comparisons

To determine whether sales of NS from Canada to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We compared U.S. sales of NS to sales of identical or similar NS in Canada.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Tariff Act of 1930, as amended (the Act), because all sales were made to unrelated parties prior to importation into the United States. Exporter's sales price methodology is not appropriate here because the subject merchandise was not introduced into the inventory of Unimin's related U.S. selling agent, this was the customary commercial channel for sales of this merchandise between Unimin and its customers, and the selling agent acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. customers.

We calculated purchase price based on packed, f.o.b. plant and delivered prices. We made deductions, where appropriate, for foreign inland freight, inland freight, marine insurance, loading, U.S. brokerage and handling, and railcar leasing costs in accordance with section 772(d)(2) of the Act. In addition, we made deductions, where appropriate, for discounts, rebates, and post-sale price adjustments. In accordance with section 772(d)(1)(C) of the Act, we added to the United States price the amount of the Canadian value-added tax that was forgiven by reason of the export.

Foreign Market Value

In order to determine whether there were sufficient sales of NS in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of NS to the volume of third country sales of NS, in accordance with section 773(a)(1) of the Act. Unimin had a viable home market with respect to sales of NS during the POI.

We calculated FMV based on delivered and f.o.b. plant prices to unrelated customers in the home market. We made deductions, where appropriate, for rebates, inland freight, railcar leasing, loading costs and post-sale price adjustments. We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(1) of the Act.

Pursuant to 19 CFR 353.56 of the Department's regulations, we made circumstance of sale adjustments, where appropriate, for differences in credit expenses. We recalculated Unimin's imputed credit expense incurred on home market and U.S. sales net of discounts and rebates.

Although Unimin borrowed in both markets, the U.S. interest rate was the lowest rate. Therefore, we have used Unimin's short-term U.S. interest rate to impute credit expenses on home market sales. This use of the lowest interest rate is consistent with the Court of Appeals' decision in *LMI—La Metalli Industriale, S.p.A.* v. *United States*, 912 F.2d 455 (Fed. Cir 1990). We also made a circumstance of sale adjustment for differences in the amounts of value-added taxes.

Lastly, we made an adjustment for physical differences in merchandise, where appropriate, in accordance with 19 CFR 353.57.

Currency Conversion

We have made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided in section 776(b) of the Act, we verified information provided by the respondent by using standard verification procedures, including the examination of relevant sales and financial records, and selection of original source documentation containing relevant information.

Interested Party Comments

Analysis of Comments Received

We invited interested parties to comment on the preliminary determination of this investigation. We received case briefs from petitioner and an interested party and rebuttal briefs from petitioner and respondent. As noted above, we held a public hearing on February 20, 1992.

Comment 1: Petitioner claims there are discrepancies concerning the volume and value of sales reported during the POI in various sections of Unimin's response to the Department's questionnaire. Petitioner also claims that there are discrepancies between the value of sales used to calculate indirect selling expenses and the value used to calculate the difference of merchandise adjustment (difmer). Petitioner states that Unimin reported a lower value in the indirect selling expense calculation than it reported in the difmer calculation in order to increase the amount of its indirect selling expense offset and, thus, decrease its dumping margin.

Petitioner further states that the Department's verification report finds discrepancies in all of the transactions examined during the verification process, indicating that respondent's data is generally unreliable. Petitioner states that it believes respondent did not permit proper verification of sales data because that data was not tied to respondent's financial statements.

Respondent claims that petitioner has taken out of context two sets of sales figures, which are not identical since they relate to different periods, and that the two data sets are appropriate for use in their respective calculations. Specifically, respondent argues that the reported sales figures properly include and exclude certain sales based on the Department's "date of sale" definition. It further contends that the cost of production figures used in the calculation of the difmer are based on its financial records, without regard to the date of sale considerations. Respondent claims that other supposed discrepancies claimed by petitioner are not actually discrepancies, but arise from petitioner's failure to distinguish tons shipped from tons sold.

Respondent contends that its calculation of indirect selling expenses is correct and that petitioner has improperly compared the revenue figure for home market and third country sales with a total revenue figure inclusive of sales to the U.S. market. Respondent also claims that it did permit proper verification procedures to be performed, and that representatives of the Department reviewed Unimin's Profit/Loss Statement to verify the total volume and value of sales reported.

DOC Position: We disagree with petitioner that there are discrepancies concerning the volume and value of sales reported during the POI. The volume and value of sales in Unimin's questionnaire responses were reported correctly according to the Department's date of sale methodology (*i.e.*, when the basic terms of sale were established, in particular, price and quantity). The accuracy and completeness of these figures were examined a tverification and no discrepancies were noted. The cost of production figures used in the calculation of the difmer adjustment, however, were based on Unimin's financial records, without regard to the Department's date of sale considerations. Since Unimin sells NS pursuant to long-term contracts, the volume and value of sales (according to the Department's date of sale methodology) will not match the volume and value of shipments during this same time period.

Furthermore, we agree with respondent that its calculation of indirect selling expenses is correct and that the total NS sales revenue figures used in this calculation were accurate. The difference between those revenue figures used to calculate the difmer adjustment and those used to calculate indirect selling expenses were explained on the record by respondent. The revenue figures used to calculate cost of production for the difmeer adjustment included U.S. sales revenue, and those used in the calculation of indirect selling expenses do not include U.S. sales revenue. Therefore, the figures are different. Furthermore, since we are not adjusting for commissions paid to respondent's parent company, petitioner's discussion of the indirect selling expense offset is moot.

We also disagree with petitioner's claim that there were discrepancies in all of the transactions examined during verification and that respondent's data is generally unrcliable. This is not true because as stated in the verification report, we did not find discrepancies with every sale examined at verification. The verification report only discusses those sales where a discrepancy was noted. Furthermore, a review of the Department's verification report shows that these discrepancies were not significant. Therefore, there is no reason to call into question the validity of respondent's data.

Finally, we disagree with petitioner's statement that respondent did not permit proper verification of sales data because that data was not tied to respondent's financial statements. On page five of the Department's verification report, it states that sales figures were "all verified by tracing those reported in Unimin's financial statements to internal sales records and finally to those reported in the 11/91 computer database." Furthermore, on the same page it states that the Department "began verification of volume and value by examining Unimin's financial records, in particular the Profit/Loss (P/L) statement (Verification Exhibit A–9) which shows all home market sales of all products." Exhibit A–9 contains a copy of a combined "Actual Profit Contribution" report, which is part of Unimin's larger P/L financial statement.

Comment 2: Petitioner states that Unimin has improperly allocated leased railcar costs by weight rather than by time (*i.e.*, the period of the lease). Petitioner states that rather than allocating the total lease cost over total tonnage shipped, Unimin should have allocated the total lease cost during the POI over the number of days that leased cars were in service during that period. If the Department does not use petitioner's methodology, petitioner states that the Department should use best information available, which should be the average of the freight charges for all delivered price transactions.

Respondent argues that it has reported the cost of its leased railcars in the manner in which it is both invoiced and maintains its records. It further contends that Unimin is invoiced without regard to the length of time each car is in use and without regard to actual distance travelled. Since the Department has verified the accuracy of the data disclosed by Unimin, respondent claims the Department should not resort to best information available.

DOC Position: We disagree with petitioner that Unimin has improperly allocated leased railcar costs and have accepted Unimin's reported methodology for allocating its lease costs during the POI. At verification we examined all appropriate shipping documents, as well as the relevant lease contracts. The invoices which Unimin receives from its lease companies show a total lease charge for one month. On these invoices there is no indication of how many cars were in use, how many days in the month each car was used, or how many miles a particular car traveled. Furthermore, since the lease companies only issue one invoice per month to Unimin, there is no way to tie any portion of the total monthly lease cost to a particular sale or shipment. The invoices cover all shipments of NS (both subject and non-subject merchandise) in both the U.S. and home markets. Neither the products nor the markets are segregated on invoices.

Finally, it would be unreasonable for the Department to require a respondent to manually sort through documentation of all its shipments of all its products, including shipments of non-subject merchandise in both the U.S. and Canadian markets, in order to allocate a portion of a total lease cost to a particular sale because this would be unduly burdensome. As shown in verification exhibit C–1a, the total lease cost for one month is entered into Unimin's general ledger without any indication of whether the cost was incurred in the Canadian or U.S. market. In addition to these circumstances, it is not possible for the Department to verify the actual time in transit for any particular sale. The time it takes any given shipment to arrive at its

destination does not only depend on mileage; we would also have to consider rail routings, delays, and speed. Without this information, the Department could not adequately verify time of shipments. Given these circumstances, we feel that respondent's methodology was reasonable, and thus, acceptable.

Comment 3: Petitioner claims that there is no basis for a difmer adjustment between grades 131 and 134. Also, petitioner disagrees with the use of the "net realizable value" (NRV) method for cost allocation in respondent's calculation of difmer adjustments. Specifically, petitioner states that the NRV method has been inappropriately borrowed from "constructed value" calculations for use in this difmer calculation. Petitioner also states there is no evidence that the price differential between the products is due to any difference in physical characteristics of the merchandise, a necessary condition for allowing a difmer adjustment. Petitioner states that the NRV creates a cost difference by allocating costs based on different market values of the two products. Therefore, petitioner claims that such an adjustment should not be allowed. Petitioner further states that even if there were a basis for a difmer adjustment, Unimin's data cannot be relied upon to calculate the difmer adjustment since its volume and value data is inconsistent, and since various cost figures were not tied to financial statements at verification. Also, petitioner claims that Unimin has misapplied the NRV by not excluding costs associated with what it views as common stages of production.

Respondent claims that it properly calculated the difmer adjustment. Respondent claims that Department regulations state that where appropriate, the Secretary may also consider differences in market value between products to arrive at a difmer adjustment. Respondent also states that grades 131 and 134 are distinct and that there are differences in the cost of manufacture which are driven by the differences in physical characteristics. Unimin points specifically to the costly removal of iron and the fine content of the products. Unimin further claims that the different physical characteristics of the two products are reflected in their market values. Respondent also claims that the Department has verified information on differences in cost of manufacture, and, therefore, the Department should accept the difmer adjustment as provided by Unimin.

DOC Position: We agree with petitioner that the "net realizable value" method for co-product cost accounting is not normally an appropriate measure of a difmer adjustment. However, based on the facts on the record and the following analysis, we have accepted respondent's methodology for purposes of this final determination. In 19 CFR 353.57(a), it states that the "Secretary will make a reasonable allowance for differences in the physical characteristics of merchandise compared to the extent that the Secretary is satisfied that the amount of any price differential is wholly or partly due to such difference." Further, the regulations state in 19 CFR 353.57(b) that in "deciding what is a reasonable allowance for difference in physical characteristics, the Secretary normally will consider differences in the cost of production but, where appropriate, may also consider differences in the market value." There is a clear preference in the regulations for using cost of production figures, rather than market value, in the calculation of a difmer adjustment. However, an analysis of whether the circumstances in this particular investigation make it appropriate for the Department to consider differences in market value had to be conducted using the information submitted on the record by both parties to the investigation.

There is evidence on the record, submitted by both petitioner and respondent, that physical differences do exist and that the market value of each grade can vary based on these differences; they are: (1) The iron content and (2) the level of impurities and the particle size and distribution. This relationship between physical properties and market value has been supported on the record by both petitioner and respondent.

The iron content of Unimin's grade 131 has a typical mean value of 0.10 percent, and the iron content of grade 134 has a typical mean value of 0.35 percent. Since the removal of iron is a costly process involving the use of large amounts of electricity to power magnetic separators, a low-iron product such as 131 is more costly to produce than a higher-iron content product such as 134. This difference is reflected in the different market values placed on the two products. For example, in its petition, petitioner submitted a 1989 annual report from the U.S. Bureau of Mines which states that prices for Canadian nepheline syenite in the U.S. market were $22.00 to $28.00 per ton for glass grade, 30 mesh, bulk, depending on the iron content.

Furthermore, a petitioner stated in its petition that the price of grade 340 ("a low-iron 40 mesh product") is significantly higher than the price of grade 333 ("a high-iron 30 mesh product"). Also attached to its petition was an affidavit which referred to a 1991 Industrial Minerals edition which shows the price of Canadian 30 mesh, low-iron MS as $32..75 (Canadian dollars) per short ton, and that of Canadian 30 mesh, high-iron as $25.50 (Canadian dollars).

Another cost of production difference relates to the material composition and particle distribution of the two grades. Both grades 131 and 134 are blended products which contain fines, or waste material; however, grade 134 contains a higher percentage of fines than 131 (75 percent and 65 percent, respectively). This is evident in the technical data sheet for 134 which shows higher values for the amount of material typically passing through a 100 mesh screen. This means that 131 has less waste material and more higher priced, non-waste material.

An finally, in its petition, petitioner states that glass grade NS is generally ground no finer than 140 mesh, and that NS ground to a size of 200 mesh, (*i.e.*, to a greater degree of fineness), typically sells for two or three times the price of a coarser glass-grade NS. Petitioner further states that NS ground to an even greater degree of fineness (325 mesh) typically sells for three to four times the price of coarser glass grade NS.

As already state, the Department's regulations clearly state a preference for cost. Nvertheless, where appropriate the Department will use market value as a basis for calculating a difmer adjustment. In this investigation, although our policy and procedural preference would have been to seek additional information regarding cost, we did not do so. Given the fact that it is now too late to request further cost of production data and the fact that the difmer has a very small impact on the overall margin, we set aside our preference for cost, and evaluated whether the use of market value is appropriate. Because there is substantial evidence on the record showing differences in the physical characteristics of respondent's product 131 and 134, and because these physical differences have been shown to have an impact on the market value of these products, there is sufficient evidence to support the appropriateness of using market value. Furthermore, we disagree with petitioner's statement that Unimin's data used to calculate the difmer is not reliable because the data is inconsistent and was not tied to any financial statements. This is discussed under *Comment 1* of this notice.

Therefore, we accept respondent's calculation of its difmer adjustment.

Comment 4: Petitioner claims that commission payments made by respondent to its U.S. parent should be the basis for a price adjustment because they are directly related to the sales in question.

Petitioner states that the Department erred in not making an adjustment in its preliminary determination, and it presumes this error is due to the Department's belief that the payments failed the arm's-length test. Citing *LMI—La Metalli Industriale* v. *U.S.*, ("LMI") 912 F.2d 455 (Fed. Cir. 1990), petitioner argues that the Court of Appeals for the Federal Circuit has adopted a test to determine arm's-length transactions which is based on evaluation of the full circumstances as revealed by the evidence at hand. Citing *Coated Groundwood Paper from Finland*, 56 FR 56,363, (November 4, 1991), petitioner argues that although the affiliation between the exporter and the agent may be a relevant factor, such a relationship does not automatically disqualify an adjustment from consideration, and that under *LMI* other factors must also be examined.

Petitioner states that evidence of unrelated party commissions and other evidence of bona fides of the commission relationship exist. Specifically, petitioner argues that there is no dissimilarity between the basis of a commission to an unrelated agency in the third country and the basis of the commision in this investigation. Petitioner also argues that Unimin's descriptions in company documents referring to the payments as"commissions" clarifies the true nature of these payments. Petitioner also points to the specific services for which the payment is rendered.

Petitioner also claims that the home market indirect selling expenses listed by Unimin should be rejected for various reasons: the total sales figure appears unreasonably low, improper inclusion of distribution and customer service costs in its reporting of total sales expense, improper use of non-subject merchandise in irrelevant markets to calculate indirect expenses, inappropriate inclusion of "Credit Department" expenses, and the appearance that sales expense figures are unverified.

Respondent claims that the Department's treatment of commisisons is correct and fully in accord with *LMI* and that the Federal Circuit did not implicitly reject the Department's test. Unimin contends that they do pay a commision to an unrelated agency in a third country and that this payment does not support a finding that the payment to Unimin Corporation is at arm's-length. Respondent also argues that peitioner would have the Department improperly apply different standards for considering related party commissions depending on the market in which the commision is paid.

With respect to its indirect selling expenses, respondent states that petitioner improperly extrapolates using a Unimin accounts receivable figure to arrive at a total sales figure for the POI. Unimin contends that peitioner is erroneously attempting to draw conclusions about a revenue number which excludes U.S. sales from a revenue number which includes U.S. sales. Respondent holds that distribtion and customer service expenses are properly included in caluculating indirect selling expenses.

DOC Position: We disagree with petitioner and have not deducted the commission paid by Unimin Canada to its U.S. parent, Unimin Corporation. In *LMI*, the Federal Circuit adopted a test for determining the arm's length nature of a transaction which requires consideration of the full circumstances of the transactions in question. Consistent with *LMI*, we have considered all of the circumstances of the commision relationship in question. We have compared payments to respondent's related selling agent in the U.S. with those to an unrelated selling agent in a third country. We have determined that these relationships are not comparable because the method of determining the amounts of payment are not similar to each other and because the requirements placed on each agent by the Canadian manufacturer are not comparable (*i.e.*, the obligations and responsilbilites placed on the selling agents were different). For example, one selling arrangement allows for the sales of all Unimin products in a broadly and generally defined area, whereas, the other selling arrangement strictly limits the number of products and the geographical territory open to the agent.

In addition, we found that the company's internal reference to these payments as "commissions" does not indicate that they are made at arm's-length. We also did not find any indication of arm's length transactions from petitioner's claim that respondent's U.S. parent performed traditional commission agent services.

Based on this information, we cannot determine that the related party commission in question is in fact an arm's length payment for services rendered, and, therefore, we have not deducted the commission from U.S. price.

Petitioner claims that home market indirect selling expenses reported by Unimin should be rejected by the Department for various reasons, and because the expense figures were not verified. As stated in the Final Results of Antidumping Duty Administrative Review: Lug Nuts from the People's Republic of China (56 FR 46153) (September 10, 1991), "During verification, it is the Department's practice to select only a certain number of items to verify. Due to time constraints, the Department often is unable to complete the review of source documentation for all selected items. Nevertheless, if the Department's verification team establishes the integrity of the source documents for those sales that it does review, then it assumes that source documents for the remaining sales are similarly reliable." In this investigation, the verifiers established the reliability of those items examined at verification. Since we did not verify those indirect selling expenses reported by Unimin, we have no reason to reject what Unimin reported. (For further discussion, see *Comment 1* and the *DOC Position*).

Comment 5: Pittsburgh Corning, an interested party in this investigation, claims that the Department should determine that TFC is not an interested party because TFC does not manufacture a like product. Pittsburgh Corning claims that we are obligated to evaluate the petitioner's standing and that we are not bound by the ITC's preliminary like product determination. In its brief, Pittsburgh Corning states that one class or kind of merchandise subject to this investigation is NS. Corning submits that TFC's products, aplite and glass grade feldspar, are not like products.

Citing High Information Content Flat Panel Displays and Display Glass Thereof from Japan: Final Determination: Rescission of Investigation and Partial Dismissal of Petition, 56 FR 32376 (July 16, 1991) ("Flat Panel Displays"), Pittsburgh Corning states that the Department determined that there were four separate classes or kinds of merchandise in that investigation. Since petitioners in that case did not produce one of the classes or kinds of merchandise, the Department evaluated whether the petitioners had standing to file a petition with respect to that class or kind of merchandise by conducting a like product inquiry.

Pittsburgh Corning points out that a petitioner may qualify as a producer of a like product for purposes of an ITC injury investigation and yet lack

standing to file a petition. In Flat Panel Displays, the Department examined the same six factors that the ITC considers in its injury like product analysis. Pittsburgh Corning has requested that the Department conduct a such a like product analysis for purposes of determining petitioner's standing and that in conducting this anaylsis, the Department should apply the traditional like product factors, and conclude that NS is not a like product of aplite or feldspar.

DOC Position: While we agree with Pittsburgh Corning that the Department is not bound by the ITC's like product determination, we may nevertheless agree with and accept it. Indeed, absent any indication that the ITC's definition of like product for purposes of determining injury would not be suitable for purposes of standing, we will accept the ITC definition. Therefore, we disagree with Pittsburgh Corning that the Department must evaluate petitioner's standing in this investigation by conduction our own "like product" analysis.

In its preliminary determination, the ITC found that petitioner's products, aplite and glass-grade feldspar, are the products most similar to NS and included them in its definition of "like product." We have analyzed the information on the record pertaining to this issue (*see*, Memorandum to File dated March 9, 1992) and have determined that we have no basis to disagree with the ITC's "like product" determination. Consequently, we are not required, as Pittsburgh Corning claims, to undertake our own "like product" analysis.

Therefore, since petitioner is a producer of a "like product," it is an interested party pursuant to section 771(9)(C) of the Act, and, as such, petitioner has met the standing requirement of section 732(b)(1) of the Act for filing this antidumping duty petition.

Comment 6: Petitioner claims that the Department should reject any changes in Unimin's January 31, 1992 submission that are more than mere corrections made during the course of the verification.

DOC Position: We have accepted only those changes noted during the course of verification, consistent with Department practice.

Continuation of Suspension of Liquidation

For Unimin and all other producers/manufacturers/exporters, we are directing the Customs Service to continue to suspend liquidation of all entries of NS from Canada that are entered, or withdrawn from warehouse, for consumption on or after December 27, 1991, which is the date of publication of our preliminary determination in the **Federal Register**.

The Customs Service shall require a cash deposit or posting of a bond equal to the estimated weighted-average amount by which the FMV of the merchandise subject to this investigation exceeds the U.S. price as shown in the table below. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Producer/manufacturer/exporter	Weighted-average margin percentage
Unimin Corporation	9.36
All Others	9.36

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)), and 19 CFR 353.20.

Dated: March 10, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6196 Filed 3-16-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-307-804]

Gray Portland Cement and Clinker From Venezuela Suspension of Investigation

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of suspension of countervailing duty investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving gray portland cement and clinker from Venezuela. The basis for the suspension is an agreement to offset or eliminate completely all benefits provided by the Government of Venezuela which we find to constitute bounties or grants on exports of gray portland cement and clinker to the United States.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Bolling or Wendy Frankel, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Case History

On May 21, 1991, the Ad Hoc Committee of Florida Producers of Gray Portland Cement (the Ad Hoc Committee) filed with the Department of Commerce (the Department) a countervailing duty petition on behalf of the United States industry producing gray portland cement and clinker. In accordance with 19 CFR 355.12, the petitioner alleged that manufacturers, producers or exporters of cement in Venezuela receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a regional U.S. industry (Florida). We initiated such an investigation on June 14, 1991 (56 FR 27498).

In past countervailing duty investigations, Venezuela was considered to be a "country under the Agreement" within the meaning of section 701(b)(3) of the Act. As such title VII of the Act applied in those investigations, and the U.S. International Trade Commission (ITC) as required to determine whether imports of the subject merchandise from Venezuela materially injured, or threatened material injury to, a U.S. industry.

On August 31, 1990, Venezuela became a contracting party to the General Agreement on Tariffs and Trade (GATT). Since qualification as a "country under the Agreement" under section 701(b)(3) of the Act requires that the GATT not apply between the United States and the country from which the subject merchandise is imported, Venezuela is no longer eligible for treatment as a "country under the Agreement" within the meaning of section 701(b)(3) of the Act. However, because Venezuela is a GATT contracting party and the merchandise included within the scope of this investigation is nondutiable, the petitioner is nonetheless required to allege that, and the ITC is required to determine whether, pursuant to section 303(a)(2) of the Act, imports of such merchandise from Venezuela materially injure, or threaten material injury to, a U.S. industry.

Since publication of the notice of initiation (56 FR 27498; June 14, 1991) the following events have occured. On June 20, 1991, the Department issued a questionnaire to the Government of Venezuela (GOV) concerning petitioner's allegations. At the COV's request, the due dates for the questionnaire responses were extended until July 29, 1991 and August 2, 1991. On July 2, 1991, the U.S. International Trade Commission (ITC) preliminarily determined that imports of gray portland cement and clinker from Venezuela materially injured, or threatened material injury to, a U.S. industry.

On July 29, 1991 and August 2, 1991, we received responses from the GOV and two companies: Cementos Caribe, C.A. (Caribe) and Venezolana de Cementos S.A.C.A. (Vencemos). On August 5, 1991, we presented the GOV with supplemental questionnaire and received responses from the GOV, Caribe, and Vencemos on August 9, 1991.

On August 21, 1991, we published a Preleminary Affirmative Countervailing Duty Determination: Gray Portland Cement and Clinker from Venezuela (56 FR 41522). In our preliminary determination we found that bounties or grants were being provided to Venezuelan manufacturers, producers, or exporters of gray portland cement and clinker under the following programs: The Export Bond Program and the Corporacion Venezolana de Fomento (CVF). On September 5, 1991, the final countervailing duty determination was aligned with that of the companion antifumping duty investigation (56 FR 43907). Between November 11 and November 21, 1991, we conducted verification of the information provided by the GOV and the respondents of Venezuela. On November 21, 1991, the final antidumping duty determination was postponed in accordance with section 735(a)(2) of the Act. Therefore, in accordance with section 705(a)(1) of the Act, the Department also posponed the final countervailing duty determination on the subject merchandise until no later than March 18, 1992 (56 FR 58680).

Standing

The Department received letters from the National Portland Cement Company, Continential Cement Company of Florida, Inc., and Charles Redi-Mix Company opposing the petition. We issued questionnaires to Continental Cement and National Portlant Cement Company, inquiring about their production of cement, in order to determine whether these companies should be considered part of the domestic industry producing cement and clinker. We did not issue a standing questionnaire to Charles Redi-Mix because it is an importer of Venezuelan cement. We received responses from Continental Cement and National Portland Cement Company. It is the Department's practice to accept a petitioner's representations that it is filing on behalf of the domestic industry unless parties account for a significant proportion of domestic production of the like product affirmatively oppose the filing. As a result of our analysis of the responses from Continental Cement and National Portland Cement Company, we have determined that the opposing parties do not, in fact, represent a significant enough proportion of the domestic industry to cause us to call into question petitioner's standing. Therefore, we determined that the petitioner in this investigation has standing to bring this case.

There is nothing in the statue, the legislative history, or our regulations requiring the petitioners establish affirmatively that they have the support of a majority of the domestic producers of the subject merchandise. This position has recently been upheld by the Court of International Trade in *NTN Bearing Corporation of America* v. *United States*, 757 F. Supp. 1425 (CIT 1991). In many cases, such a requirement would be so onerous as to preclude access to import relief under the countervailing duty laws.

Products Under Investigation

The products covered by this investigation are gray portland cement and clinker. Gray portland cement and clinker are currently classifiable under subheadings 2523.10 and 2523.29 of the Harmonized Tariff Schedule (HTS). Gray portland cement has also been entered under HTS subheading 2523.90 as "other hydraulic cements." Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Oil well cement is also included within the scope of this investigation; microfine cement is not included within the scope of this investigation. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the products covered under the scope of this proceeding remains dispositive.

Suspension of Investigation

On February 11, 1992, the Department and the Government of Venezuela initialed a proposed agreement to suspend the contervailing duty investigation on gray portland cement and clinker from Venezuela. The Department gave parties an opportunity to comment on the proposed suspension agreement. The petitioner and respondents commented on one issue: whether the CVF loan program confers a countervailable benefit upon Caribe.

Comments

The respondents note that in the preliminary determination, the Department found that the CVF loan program confers a countervailable benefit upon Caribe, because Caribe received the loan on terms inconsistent with commercial considerations. Citing the Department's verfication report (January 13, 1992), the respondents argue that the Department has since recognized that this loan was in fact an agreement settling protracted litigation between adverse parties, and does not constitute a loan on terms inconsistent with commercial considerations. The comments submitted by the respondents on February 24, 1992, summarize the events surrounding the lawsuit and subsequent settlement. Therefore, respondents maintain the loan conferred no subsidy upon Caribe. According to the respondents, there is sufficient evidence on the record to support their claim that the CVF-Caribe settlement agreement does not constitute a countervailable program. Thus, the Department should amend the proposed suspension agreement by removing all mention of the CVF program.

The petitioner concurs with the respondents' contention that the CVF-Caribe settlement did not provide a countervailable bounty or grant and that any mention of the program should be removed from the suspension agreement.

Department's Position

As detailed in our verification report and a decision memo (See, Memorandum from Richard W. Moreland to Alan M. Dunn dated March 6, 1992), we have carefully reviewed the circumstances and terms of the CVF-Caribe loan. After careful analysis of the information provided at verification and in the comments received, we have determined that this loan does not constitute a countervailable bounty or grant. Therefore, we have removed all reference to this program from the agreement suspending the countervailing duty investigation on gray portland cement and clinker from Venezuela.

We have determined that the suspension agreement will offset completely the amount of the net bounty or grant with respect to the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitored effectively and that the agreement is in the public interest. We find, therefore, that the

criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed March 11, 1992, are set forth in Annex 1 to this notice.

Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption, of gray portland cement and clinker from Venezuela effective August 21, 1991, as directed in our notice of Preliminary Affirmative Countervailing Duty Determination: Gray Portland Cement and Clinker from Venezuela (56 FR 41522), is hereby terminated. Any cash deposit on entries of gray portland cement and clinker from Venezuela pursuant to that preliminary affirmative determination shall be refunded and any bonds shall be released.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive a request, in accordance with section 704(g) of the Act, within 20 days after the date of publication of this notice.

This notice is published pursuant to section 704(f)(1)(A) of the Act.

Dated: March 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

Suspension Agreement

Gray Portland Cement and Clinker from Venezuela

Pursuant to the provisions of section 704(b)(1) of the Tariff Act of 1930 (the Act) and § 355.18 of the Department of Commerce Regulations, the Department of Commerce (the Department) and the Government of Venezuela (Venezuela) enter into the following Suspension Agreement (the Agreement). On the basis of this agreement the Department shall suspend its countervailing duty investigation initiated on June 14, 1991 (56 FR 27498) with respect to gray portland cement and clinker from Venezuela, subject to the terms and provisions set forth below.

I. Scope of the Agreement

The Agreement applies to the following merchandise (the subject merchandise) manufactured in Venezuela and exported, directly or indirectly, from Venezuela to the United States:

Gray portland cement and clinker, which are currently classified under subheadings 2523.10 and 2523.29 of the Harmonized Tariff Schedule (HTS). Gray portland cement has also been entered under HTS subheading 2523.90 as "other hydraulic cements." Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Oil well cement is also subject to the Agreement. Microfine cement was not included within the scope of the investigation and therefore is not subject to the Agreement.

II. Basis of the Agreement

A. The Government of Venezuela (GOV) hereby agrees to eliminate completely the amount of the net bounty or grant determined by the Department to exist with respect to the subject merchandise. The elimination of the net bounty or grant shall be accomplished for all exports of the subject merchandise made on or after June 15, 1991. The Government of Venezuela certifies that all exports of the subject merchandise to the United States made on or after June 15, 1991, are excluded from eligibility for the Export Bond Program, where exporters are eligible to receive bond payments based on a percentage of the FOB export value, and it will continue this exclusion in full force and effect.

B. The GOV recognizes that the provision of subsidies on the production or shipment of the subject merchandise exported directly or indirectly from Venezuela to the United States may result in termination of this Agreement and resumption of the investigation pursuant to the provisions of section 704(i) of the Act. Subsidies are those benefits which have been found or are likely to be found countervailable in any final U.S. countervailing duty investigation of a Venezuelan product, in any final determination in this investigation, or in any final review of a Venezuelan product under section 751 of the Act, including subsidies which may apply to other products or exports to other destinations to the extent that such subsidies cannot be segregated as applying solely to such other products or exports.

C. The GOV shall notify the Department in writing of any new benefit which is, or which Venezuela has reason to know would be, a subsidy on shipments of the subject merchandise exported, directly or indirectly, from Venezuela to the United States, including subsidies which may apply to both the subject merchandise and other products or exports to other destinations, to the extent such benefits cannot be segregated as applying solely to such other products or exports.

D. If any program under which benefits have been received in the past, and which is included in this Agreement, is found not to constitute a countervailable benefit under the Act in (i) the notice of suspension of investigation, (ii) the final determination, or (iii) the final results of any administrative review of this Agreement under section 751 of the Act in this proceeding, then the elimination of the benefits under that program will no longer be required.

E. The GOV agrees to comply with the notification requirements, as outlined in Section III of this agreement, concerning any application for, or receipt of benefits under the Partial Duty Drawback program (where a company can apply for a partial duty drawback of five percent of the FOB export value) with respect to the subject merchandise.

III. Monitoring of the Agreement

A. The GOV agrees to supply any information and documentation (consistent with Venezuelan law and regulations) which the Department deems necessary to demonstrate that there is full compliance with the terms of this Agreement. The GOV also agrees to provide copies of all such documents as the Department deems necessary in connection with verifying full compliance with the terms of this agreement.

B. The GOV will notify the Department if its producers/exporters:

1. Transship the subject merchandise through third countries to the United States;

2. Alter their position with respect to any terms of the Agreement; or

3. Apply for, or receive, directly or indirectly, the benefits of the programs described in Section II for the manufacture or export of gray portland cement and clinker exported, directly or indirectly, from Venezuela to the United States.

C. The Department will request information and may perform verifications periodically pursuant to administrative reviews conducted under section 751 of the Act, in addition to exercising its rights under paragraphs III. A. and B., above.

D. The GOV agrees to permit such verification and data collection (consistent with Venezuelan law and regulations) which the Department deems necessary in order to monitor this Agreement.

E. The GOV agrees to provide quarterly certifications that it continues to be in compliance with the terms of this Agreement. A certification will be provided within 45 days after the end of each calendar quarter beginning with the quarter ending March 31, 1992.

F. The GOV agrees to provide to the Department, within 45 days from the end of each calendar quarter beginning March 31, 1992, the value and volume of exports of the subject merchandise to the United States by the producers and exporters.

G. The GOV agrees to notify the Department if it alters its position with respect to any of the terms of this Agreement.

IV. General Provisions

A. In entering into this Agreement, Venezuela does not admit that any of the programs alleged or investigated constitute countervailable benefits within the meaning of the Act.

B. The provisions of section 704(i) of the Act shall apply if:

1. Venezuela withdraws from this Agreement or refuses to participate in this Agreement;

2. The Department determines that the Agreement is being or has been violated or no longer meets the requirements of section 704 of the Act.

C. If the Department determines that the Agreement is being or has been violated, it may terminate this Agreement and reopen the investigation or issue a countervailing duty order as appropriate under § 355.19 of the Commerce Regulations. If reopened, the investigation will be resumed for all producers and exporters of the subject merchandise as if the affirmative preliminary determination were made on the date the Department terminates this Agreement.

D. The Department will terminate this suspended investigation after review under section 751 of the Act, whenever the conditions set forth in § 355.25 of the Commerce Regulations are satisfied.

V. Effective Date

The effective date of this Agreement is the date of its publication in the **Federal Register**. The provisions of this Agreement apply to exports on or after the effective date.

Signed on this 11th day of March, 1992.

For the Government of Venezuela.

Edmond Benedetti,

Minister Conselor Embassy of Venezuela.

For the U.S. Department of Commerce.

Alan M. Dunn,

Assistant Secretary for Import Administration.

I have determined pursuant to section 704(b) of the Act that the provisions of Section B completely eliminate the bounties or grants that the Government of Venezuela is providing with respect to gray portland cement and clinker exported, directly or indirectly, from Venezuela to the United States. Furthermore, I have determined that suspension of the investigation is in the public interest, that the provisions of Section III ensure that this Agreement can be monitored effectively, and that the agreement meets the requirements of section 704(d) of the Act.

Signed on this 11th day of March, 1992.

For the U.S. Department of Commerce.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6166 Filed 3-16-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

July 1990 Galveston Bay Oil Spill; Availability and Request for Comments on a Draft Damage Assessment Plan

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of 60-day comment period.

SUMMARY: Notice is given that the draft document entitled, "The Galveston Bay Oil Spill July 28, 1990, Assessment Plan for the Measurement of Natural Resource Damages" is available for public review and comment. The document describes the plan developed by State and Federal natural resource trustees for assessing natural resource damages from the oil spill occurring in Galveston Bay, Texas, following the July 28, 1990, collision of certain vessels in Galveston Bay. The draft plan follows the guidance of the Natural Resource Damage Assessment regulations found at 43 CFR part 11 (1988) (the NRDA regulations), issued by the U.S. Department of the Interior, as modified by *State of Ohio* v. *United States Department of the Interior*, 880 F.2d 432 (D.C.Cir. 1989). The public review of this draft damage assessment plan, announced by this notice, parallels that provided for in 43 CFR 11.32(c) of the NRDA regulations.

DATES: Comments must be submitted in writing on or before May 18, 1992.

ADDRESSES: Requests for copies of the damage assessment plan should be sent to Jim Jeansonne of the National Oceanic and Atmospheric Administration (NOAA) Damage Assessment Center, c/o the National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702, or Ellen Wenzel of the Texas Water Commission, P. O. Box 13087, Capitol Station, Austin, TX 78711-3087.

Written comments on the plan should be sent to either Jim Jeansonne c/o the National Marine Fisheries Service or to J. P. Schmidt of the Texas Water Commission at the same addresses for each agency as listed above.

FOR FURTHER INFORMATION CONTACT: Jim Jeansonne of the NOAA Damage Assessment Center, (813) 893-3144.

SUPPLEMENTARY INFORMATION: On July 28, 1990, at approximately 2:30 p.m., the outbound tanker *M/V Shinoussa*, after passing the *M/T Hellespont Faith* in the Houston Ship Channel in Galveston Bay, collided with inbound petroleum barges being pushed by the tug Chandy N. The collision occurred south of Red Fish Island off of Eagle Point, about 15 miles north of Galveston, Texas. As a result of the collision, approximately 700,000 gallons of a petroleum product known as catfeed oil were discharged into Galveston Bay from two barges.

The incident is subject ot the authority of the Federal Water Pollution Control Act, 33 U.S.C. 1321 *et seq.* (FWPCA). NOAA, The Department of the Interior, the Texas Water Commission, the Texas Parks and Wildlife Department, and the Texas General Land Office are trustees for natural resources pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, the FWPCA, the Oil Pollution Act of 1990, subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR 300.72-300.74 and, in the case of the federal trustees, Executive Order 12580.

These State and Federal agencies (the co-trustees) have determined that natural resources subject to their trust authority under the FWPCA were or are likely to have been exposed to catfeed oil as a result of the discharge. The quantity and concentration of the oil discharged was sufficient to result in injury to trust resources and information available to the co-trustees indicates that trust resources were or are likely to have been affected. Consequently, the co-trustees are proceeding with an assessment of the natural resource damages resulting from this oil spill.

The draft plan for assessing those damages developed by the co-trustees proposes to utilize the Type A procedure for assessing damages identified in the NRDA regulations at subpart D, 43 CFR 11.40-11.41, and a restoration costs component consistent with the *Ohio* decision.

Interested members of the public are invited to request a copy of the draft damage assessment plan from and to submit written comments on the plan to

either Jim Jeansonne, the Southeast Science Coordinator for NOAA's Damage Assessment Center, or J. P. Schmidt of the Texas Water Commission, at the addresses given above. All written comments will be considered by NOAA's Authorized Official, the Department of the Interior, and the State trustees in finalizing the assessment plan and will be included in the Report of Assessment issued at the conclusion of the damage assessment process.

Dated: March 11, 1992.

Thomas A. Campbell,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 92-6059 Filed 3-16-92; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force Meeting

The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting on Thursday, April 2, 1992, at 8 a.m., in the Daedalian Room, Officers Club, Maxwell AFB, Alabama. The meeting will be open to the public.

Purpose of the meeting is to review and discuss academic policies and issues relative to operation of the CCAF. Agenda items include: CCAF overview, update of the faculty credentials issue, academic policies review, and an update of the new CCAF catalog.

For further information contact Major Paul R. Brown, (205) 953-7937, Community College of the Air Force, Maxwell Air Force Base, Montgomery, Alabama 36112-6655.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-6143 Filed 3-16-92; 8:45 am]

BILLING CODE 3910-10-M

Department of the Army

Draft Environmental Impact Statement for the Realignment of the 5th Infantry Division (Mechanized) from Fort Polk, Louisiana to Fort Hood, Texas; Notice of Availability

AGENCY: Department of Defense, United States Army.

SUMMARY: The recommendation to realign the 5th Infantry Division (Mechanized) to Fort Hood, Texas from Fort Polk, Louisiana was mandated by Public Law 101-510, the Defense Base Closure and Realignment Act of 1990. The document focuses on the environmental and socioeconomic impacts and mitigations associated with the receiving of the division at Fort Hood, Texas.

There may be some significant environmental impacts associated with the realignment of the 5th Infantry Division. There are some significant socioeconomic impacts related to the population increase as a result of the realignment. All potential significant impacts are mitigable.

The public is encouraged to comment on the Draft Environmental Impact Statement. Comments received within 45 days of this notice will be considered. Copies of the Draft Environmental Impact Statement can be requested by contacting Mr. Arver Ferguson, (817) 334-3246 or by writing to: United States Army Corps of Engineers, Fort Worth District, ATTN: CESWF-PL-RE, 819 Taylor Street, Fort Worth, Texas 76102-0300.

Lewis D. Walker,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I,L&E).

[FR Doc. 92-6108 Filed 3-16-92; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Space and Electronic Warfare Task Force will meet April 8, 1992, from 9 am to 5 pm, at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to continue discussions on Navy space and electronic warfare (SEW) doctrine, technology and core program, as well as review related intelligence data. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact: Judith A. Holden, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, room 601, Alexandria, Virginia, 22302-0268, Telephone Number (703) 756-1205.

Dated: March 9, 1992.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-6139 Filed 3-16-92; 8:45 am]

BILLING CODE 3810-AE-F

Navy Exchange System Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given that the Navy Exchange System Advisory Committee will meet April 2, 1992, in New York City. Sessions of the meeting will commence at 9 am and 9:30 am. The 9:30 am to 4 pm session will be closed to the public because it is likely to relate solely to internal agency personnel rules and practices; may disclose trade secrets and commercial or financial information, and may involve information which, if disclosed prematurely, would be likely to significantly frustrate implementation of a proposed agency action. The Secretary of the Navy has therefore determined that the 9:30 am to 4 pm session of the meeting will be closed to the public because it will be concerned with matters listed in section 552b (c)(2),(4), and 9(B) of title 5, United States Code.

For further information concerning this meeting contact: Commander N. Malcolm, SC, USN, Naval Supply Systems Command (NAVSUP 09B), room 606, Crystal Mall, Building No. 3, Arlington, Virginia, 22202, Telephone Number (703) 607-0072/3.

Dated: March 10, 1992.

Wayne T. Baucino

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-6145 Filed 3-16-92; 8:45 am]

BILLING CODE 3810-AE-F

Privacy Act of 1974; Adding Record Systems.

AGENCY: Department of the Navy, DOD

ACTION: Adding Record Systems.

SUMMARY: The Department of the Navy proposes to add two system of records notices to its inventory of system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The additions will be effective on April 16, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, were published in the Federal Resister as follows:

51 FR 12908, Apr 16, 1986
51 FR 18086, May 16, 1986 (DON Compilation changes follow)
51 FR 19884, Jun 3, 1986
51 FR 30377, Aug 26, 1986
51 FR 30393, Aug 26, 1986
51 FR 45931, Dec 23, 1986
52 FR 2147, Jan 20, 1987
52 FR 2149, Jan 20, 1987
52 FR 8500, Mar 18, 1987
52 FR 15530, Apr 29, 1987
52 FR 22671, Jun 15, 1987
52 FR 45846, Dec 2, 1987
53 FR 17240, May 16, 1988
53 FR 21512, Jun 8, 1988
53 FR 25363, Jul 6, 1988
53 FR 39499, Oct 7, 1988
53 FR 41224, Oct 20, 1988
54 FR 8322, Feb 28, 1989
54 FR 14378, Apr 11, 1989
54 FR 32682, Aug 9, 1989
54 FR 40160, Sep 29, 1989
54 FR 41495, Oct 10, 1989
54 FR 43453, Oct 25, 1989
54 FR 45781, Oct 31, 1989
54 FR 46131, Nov 21, 1989
54 FR 51784, Dec 18, 1989
54 FR 52976, Dec 26, 1989
55 FR 21910, May 30, 1990 (Navy Mailing Addresses)
55 FR 37930, Sep 14, 1990
55 FR 42758, Oct 23, 1990
55 FR 47508, Nov 14, 1990
55 FR 48678, Nov 21, 1990
55 FR 53167, Dec 27, 1990
56 FR 424, Jan 4, 1991
56 FR 12721, Mar 27, 1991
56 FR 27503, Jun 14, 1991
56 FR 28144, Jun 19, 1991
56 FR 31394, Jul 10, 1991 (DOD Updated Indexes)
56 FR 40877, Aug 16, 1991
56 FR 46167, Sep 10, 1991
56 FR 59217, Nov 25, 1991
56 FR 63503, Dec 4, 1991
57 FR 2719, Jan 23, 1992
57 FR 2728, Jan 23, 1992
57 FR 2898, Jan 24, 1992

New system reports, as required by 5 U.S.C. 522a(r) of the Privacy Act, were submitted on March 3, 1992, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985).

Dated: March 9, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N05330-2

SYSTEM NAME:

Naval Aviation Depot Workload Control System

SYSTEM LOCATION:

Naval Aviation Depots; Naval Computer and Telecommunications Stations (NAVCOMTELSTAs) located at Alameda and San Diego, CA and Jacksonville and Pensacola, FL; Naval Computer and Telecommunications Area Master Station Atlantic (NCTAMS LANT); Regional Automated Services Center (RASC), Marine Corps Air Station, Cherry Point, NC. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and naval personnel assigned to the Naval Aviation Depots.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, employee number, pay prefix, hourly pay rate, pay grade, computation date, age, sex, date and place of birth, home address and telephone number, physical examination schedules and types, licenses, courses taken, trade skills, occupation titles and codes, and workhour statistics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and Executive Order 9397.

PURPOSE(S):

To collect, edit, validate, and process employee's workhours in order to calculate labor expenditures of an employee and assure proper pay entitlement coding. System also tracks the availability, location, and status of manpower.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" that appear at the beginning of the Department of the Navy's compilation of system of record notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk, tape, and hard copy forms.

RETRIEVABILITY:

Employee number or Social Security Number.

SAFEGUARDS:

System information is protected by user account number and password sign-on, data base access authority, data set, data item authority for lost, add, update and delete, and individual authority tables. Each location has established physical security protection for their respective computers and terminals.

RETENTION AND DISPOSAL:

Ten years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point NC 28533-5030.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point, NC 28533-5030 or the head of Naval Aviation Depot where employed.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the WCS Project Manager, Naval Aviation Depot (Code 501), Cherry Point, NC 28533-5030 or the head of the Naval Aviation Depot where employed.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

CONTESTING RECORD PROCEDURE:

The Department of the Navy rules for accessing records and contesting contents and appealing determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and Naval Aviation Depots.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N05801-2

SYSTEM NAME:

Legal Assistance Management Information System

SYSTEM LOCATION:

Naval Legal Service Offices (NLSO) and NLSO detachments and other commands that provide legal assistance services under the auspices of the Navy's Legal Assistance Program through an assigned judge advocate or civilian attorney. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, retirees, dependents, and authorized civilians who have been provided legal assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Legal Assistance Card Files contain basic client identification information; e.g., name, address, duty station, telephone number(s), a brief description of the subject of the visit, name of the attorney assigned, and attorney time expended.

Legal Assistance Client Case Files contain personal and privileged information on the client and about the legal matter(s) for which the client is seeking assistance, including various documents related to the client's case, such as copies of client records provided to the attorney; memoranda of attorney-client interviews and attorney-client telephone conversations; memoranda of meetings and telephone conversations with relevant third parties; copies of statutes and case law relevant to the case; attorney research and notes; copies of all documents prepared, and of all correspondence sent or received, by the legal assistance provider; and a record of the results obtained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1044; and 32 CFR part 727, Legal Assistance.

PURPOSE(S):

Data from the records is compiled for the purpose of generating periodic workload productivity and statistical reports, for internal management of the office, and for counsel assignment. To provide an administrative record for use by attorneys and clerical personnel directly involved in rendering legal assistance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper card and case files are stored in file cabinets.

RETRIEVABILITY:

Name of client.

SAFEGUARDS:

Cards and case files are maintained in metal filing cabinets or other storage devices under the control of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside normal working hours.

RETENTION AND DISPOSAL:

Files are maintained for two years after completion of the services and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

The written request should include full name and must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the office providing the legal assistance or to the Deputy Assistant Judge Advocate General (Legal Assistance), Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, VA 22332-2400.

The written request should include full name, address, and telephone number of the requester and must be signed by the requesting individual.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Basic information is provided by the client. Additional information regarding the case, including actions taken and the ultimate disposition of the case, is provided by the attorney rendering the service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92-5803 Filed 3-16-92; 8:45 am]

BILLING CODE 3810-01-F

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 25, 1992. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

An informal conference among the Commissioners and staff will be open for public observation at 10:30 a.m. at the same location and will include a briefing on the Delaware Estuary toxics management program and reports on the upper Delaware ice jam project, amendment of Compact Section 15.1(b) to fund the F. E. Walter Reservoir project and possible inclusion of the White Clay Creek scenic rivers study area in the Comprehensive Plan.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact

1. *Holdover Project: BP Oil Company D-91-78.* A ground water remediation project which entails withdrawal of 0.072 million gallons per day (mgd) of petroleum product contaminated ground water for biological treatment via granulated activated carbon prior to discharge to an unnamed tributary of Cacoosing Creek. The proposed treatment facility will serve the BP Oil Company plant site located in the Borough of Sinking Spring, Berks County, Pennsylvania. This hearing continues that of February 26, 1992.

2. *Louis Romano, Jr. D-81-42 Renewal-2.* An application for the removal of a ground water withdrawal project to supply up to 22.1 million gallons (mg)/30 days of water to the applicant's agricultural irrigation system from Well Nos. 1 and 2. Commission approval on September 17, 1986 was limited to five years. The applicant requests that the total withdrawal from all wells remain limited to 22.1 mg/30 days. The project is located in Lawrence Township, Cumberland County, New Jersey.

3. *Matamoras Municipal Authority D-81-78 CP Renewal-2.* An application for the renewal of a ground water withdrawal project to supply up to 9 mg/30 days of water to the applicant's distribution system from Well Nos. 7 and 8, and reactivated Well Nos. 3 and 5. Commission approval on February 25, 1987 was limited to five years. The applicant requests that the total withdrawal from all wells remain limited to 9 mg/30 days. The project is located in Matamoras Borough, Pike County, Pennsylvania.

4. *Douglassville Water Company D-86-54 CP Renewal.* An application for the renewal of a ground water withdrawal project to supply up to 9.2 mg/30 days of water to the applicant's distribution system from Well Nos. 5 and 6. Commission approval on March 25, 1987 was limited to five years and will expire unless renewed. The applicant requests that the total withdrawal from all wells remain limited to 12.1 mg/30 days. The project is located in Amity Township, Berks County, Pennsylvania.

5. *Montague Water Company D-91-75 CP.* An application for approval of a ground water withdrawal project to supply up to 8.0 mg/30 days of water to the applicant's distribution system from existing Well Nos. 1-5, and to limit the withdrawal from all wells to 8.0 mg/30 days. The project is located in Montague Township, Sussex County, New Jersey.

6. *Town of Smyrna D-91-81 CP.* An application to replace the withdrawal of water from Well No. 2 in the applicant's water supply system which has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. 2A be limited to 33.99 mg/30 days, and that the total withdrawal from all wells remain limited to 33.99 mg/30 days. The project is located in the Town of Smyrna, Kent County, Delaware.

7. *U.S. Generating Company D-91-85.* A proposed cogeneration project that will produce approximately 70,000 lbs/hr of steam energy and 87 megawatts of steam-turbine generated electrical energy, using anthracite culm as the fuel source. Water for the project will be withdrawn from the Lehigh River at a rate of up to 2.25 mgd and will be used for cooling water makeup, process water and water requirements for a steam host. The electrical power will be sold to the Metropolitan Edison Company. The cogeneration project is designed to consume all water withdrawn and will have no wastewater discharge. The applicant proposes to use a nearby quarry (Horwith Quarry) as a backup water source. The project is located at a site formerly occupied by the Universal Atlas Cement Plant in Northampton Borough and Allen Township, Northampton County, Pennsylvania. The site is located south of Route 329 about six miles north of Allentown.

8. *Old Liberty Road Sewerage Co. Inc. D-92-10.* An application for approval of a sewage treatment plant (STP) upgrade and expansion from 0.112 mgd to 0.20 mgd. The project STP provides secondary treatment and will continue to discharge to an unnamed tributary of Anawana Brook. The STP serves the Kutshers Country Club resort development and is located in the Town of Thompson, Sullivan County, New York.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact George C. Elias concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Dated: March 10, 1992.

Susan M. Weisman,

Secretary.

[FR Doc. 92-6140 Filed 3-16-92; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965; Spring Conferences on Alternative Assessment, Preschool Programs, and Staff Development

AGENCY: Department of Education.

ACTION: Notice of regional conferences.

SUMMARY: The Assistant Secretary for Elementary and Secondary Education of the U.S. Department of Education will convene three regional conferences to provide assistance in the areas of (1) early childhood programs, including identification and selection of developmentally appropriate practices, and techniques of assessment, (2) staff development, innovation, institutional development, and demonstration of effective staff development models, and (3) alternative techniques of assessment for all Chapter 1 programs, including sessions dealing with performance-based assessment in mathematics, reading, writing, and science.

The Assistant Secretary has notified the Chief State School Officer (CSSO) in each State of these meetings. The CSSOs will assist by inviting selected individuals to attend the conferences. Other interested persons are welcome to attend as well. If overnight accommodations are needed, hotels should be contacted directly at the numbers listed. No reservations are needed for the conferences.

MEETING INFORMATION: The regional conferences are scheduled as follows:

March 16-18: Los Angeles, California, at the Stouffer Concourse Hotel, 5400 West Century Boulevard, Los Angeles, California; 310-216-5858.

March 23-25: Dallas, Texas, at the Adolphus Hotel, 1321 Commerce Street, Dallas, Texas; 214-742-8200.

April 15-17: Washington, DC, at the Hyatt Regency Hotel Washington, 400 New Jersey Avenue, NW., Washington, DC; (202) 737-1234.

SUPPLEMENTARY INFORMATION: Persons interested in attending one of the meetings who need more information should contact Dr. Linda Mount, Compensatory Education Programs, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., Washington, DC 20202-6132; telephone: (202) 401-3710. Deaf and hearing-impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Dated: March 11, 1992.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 92-6111 Filed 3-16-92; 8:45 am]

BILLING CODE 4000-01-M

Submission of Data by State Educational Agencies

AGENCY: Department of Education.

ACTION: Notice of dates for submission of State revenue and expenditure

reports for fiscal year 1991 and of revisions to those reports.

SUMMARY: The Secretary of Education announces a date for the submission by State educational agencies (SEAs) of preliminary expenditure and revenue data and average daily attendance statistics for fiscal year (FY) 1991 and establishes a deadline for any revisions to that information. The setting of these dates is necessary to ensure timely distribution of Federal funds. The data will be published by the Department's National Center for Education Statistics (NCES) and will be used by the Secretary in the calculation of allocations for FY 1993 appropriated funds.

DATES: The suggested date for the submission of preliminary data was March 10, 1992. The mandatory deadline for the submission of final data is September 8, 1992.

ADDRESSES: SEAs are urged to mail or hand deliver ED Form 2447 (The National Public Education Financial Survey—Fiscal Year 1991) by the first date specified in this notice. SEAs must mail or hand deliver final data and any revisions to preliminary data on or before the mandatory deadline date to—

U.S. Department of Education, Office of Educational Research and Improvement, National Center for Education Statistics, Attention: GSAB—Fiscal Survey, 555 New Jersey Avenue, NW., Washington, DC 20208–5651.

An SEA may hand deliver any revisions to room 410 of the address above by 4 p.m. (Washington, DC time) on or before the mandatory deadline date.

The SEA must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If the SEA mails ED Form 2447 through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an SEA should check with its local post office.

FOR FURTHER INFORMATION CONTACT: Dr. William J. Fowler, Jr., at the address specified above or by telephone: (202) 219–1921.

SUPPLEMENTARY INFORMATION: Under the authority of section 406(g) of the General Education Provisions Act, as amended (20 U.S.C. 1221e–1(g)), which authorizes NCES to gather data from States on the financing of elementary and secondary education, NCES collects data annually from SEAs through ED Form 2447. The report from SEAs includes attendance, revenue, and expenditure data from which NCES determines the average State per pupil expenditure (SPPE) for elementary and secondary education.

In addition to providing useful statistical information, the Secretary uses SPPE data directly in calculating allocations for certain formula grant programs, including chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Chapter 1), Impact Aid, and Indian Education. Other programs such as title VII of the Stewart B. McKinney Homeless Assistance Act, the Eisenhower Mathematics and Science Education program, and the Drug Free Schools and Community Act make use of SPPE data indirectly because their formulas are based, in whole or in part, on State Chapter 1 allocations.

In December 1991 NCES mailed to SEAs ED Form 2447 with instructions and requested that SEAs submit initial data to the Department by March 16, 1992. If an SEA does not submit initial FY 1991 data on ED Form 2447 on or about March 16, 1992, it should inform NCES, in writing, of the delay and the date by which it will submit FY 1991 data. Submissions by SEAs to NCES are edited by NCES and returned to each SEA for verification. NCES acknowledges that data submitted prior to September 8, 1992, may be preliminary and are subject to revision by an SEA not later than September 8, 1992.

To ensure timely distribution of Federal education funds based on the best, most accurate data available, NCES must establish, for allocation purposes, a final date by which ED Form 2447 must be submitted. However, if an SEA submits revised data after the final deadline that results in a lower SPPE figure, its allocations may be adjusted downward or the Department may request the SEA to return funds. SEAs should be aware that all of these data are subject to audit and that, if any inaccuracies are discovered in the audit process, the Department may seek recovery of overpayments for the applicable programs.

Authority: 20 U.S.C. 1221e–1(g).

Dated: March 11, 1992.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92–6110 Filed 3–16–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Billing Credits Contracts and Availability of Addendum Two—Contract Development Conservation Proposals, and Amendment A to Addendum One—Contract Development Customer System Efficiency Improvements, Draft Administrative Record for the Billing Credits Policy Test Program

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to sign Billing Credits Contracts for Conservation Activities. Notice of availability of Addendum Two—Contract Development Conservation Proposals, Draft Administrative Record for the Billing Credits Test Program. Notice of Availability of Amendment A to Addendum One—Contract Development Customer System Efficiency Improvements (CSEI), Draft Administrative Record for the Billing Credits Test Program. BPA File No: BCR–5.

SUMMARY: BPA, pursuant to its Billing Credits Policy, as amended August 30, 1984 (48 FR 20275), and its Billing Credit Solicitation July 1990, has negotiated contracts with twenty-six public bodies or cooperative utilities for proposed conservation projects. Conservation projects include residential weatherization, lighting retrofits, institutional and industrial energy conservation measures, municipal water system improvements, irrigation pump removal, heat pump installations that reduce electric power consumption, and efficiency measures that increase production. BPA intends to sign twenty-three conservation contracts.

Also pursuant to its Billing Credits Policy, BPA has negotiated with public bodies or cooperative utilities for proposed customer system efficiency improvement projects. CSEI projects include voltage modifications, reconductoring, transformer replacements, and other system improvements undertaken to reduce electric power consumption or losses, as a result of an increase in the efficiency of electric use, production, transmission or distribution. BPA intends to sign four additional CSEI contracts.

The Draft Administrative Record, which was released for public review on January 10, 1992 (57 FR 1161), contains background on BPA's Billing Credits Policy, the need for billing credits resources, a summary of the Billing Credit Solicitation, a summary of the evaluation process for proposals, and environmental considerations. The Draft Administrative Record includes two Appendices: Appendix A—Billing Credit Solicitation, and appendix B—Issue Resolution Log. Addendum One of the Draft Administrative Record—Customer System Efficiency Improvements (CSEI) Contract Development, provides specific information about CSEI proposals and how billing credits for CSEI projects are determined. This Addendum also was released for public review on January 10, 1992 (57 FR 1161).

Addendum Two—Conservation Proposals Contract Development, provides specific information about the conservation proposals and how billing credits for conservation projects are determined.

Amendment A to Addendum One—Contract Development Customer System Efficiency Improvements, provides specific information about four additional customer system efficiency projects and how billing credits for these projects are determined.

Responsible Official: Paul Norman, Billing Credits Project Manager, is the official responsible for BPA's Conservation Billing Credits contracts, the Draft Administrative Record, and addenda.

DATES: BPA will receive comments on the Billing Credits Conservation and CSEI Contracts for 30 days. Payment or credits will not be made or granted until 90 days after the date of a **Federal Register** notice announcing that a contract has been signed.

FOR FURTHER INFORMATION CONTACT: For a copy of a specific Conservation Billing Credits Contract(s) and Addendum Two—Conservation Proposals Contract Development, or a specific CSEI Billing Credits Contract(s) and Amendment A to Addendum One—Contract Development Customer System Efficiency Improvements, please contact the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212. If a particular contract is not specified, a sample contract will be sent. Copies of the Draft Administrative Record, appendix A—Billing Credit Solicitation, and appendix B—Issue Resolution Log, and Addendum One—Customer System Efficiency Improvements Contract Development, are also available.

Telephone numbers, voice/TTY, for the Public Involvement Office are 503–230–3478 in Portland, or toll-free 800–622–4519.

Information also may be obtained from:

Mr. George E. Bell, Lower Columbia Area Manager, 1500 NE. Irving Street, room 243, Portland, Oregon 97208, 503–230–4551.

Mr. Robert Laffel, Eugene District Manager, Federal Building, room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–465–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–2518.

Ms. Carol S. Fleischman, Spokane District Manager, room 561 U.S. Court House, 920 W. Riverside Avenue, Spokane, Washington 99201, 509–353–2907.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, 301 Yakima Street, room 307, Wenatchee, Washington 98807, 509–662–4377.

Mr. Terence G. Esvelt, Puget Sound Area Manager, 201 Queen Anne Avenue North, suite 400 Seattle, Washington 98109, 206–553–4130.

Mr. Thomas Wagenhoffer, Snake River Area, West 101 Poplar, Walla Walla, Washington 99362, 508–522–6228.

Mr. Thomas Blakenship, Boise District Manager, Federal Building, 304 North Eighth Street, room 450, Boise, Idaho 83702, 208–334–9137.

Mr. Richard J. Itami, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

I. Relevant Statutory Provisions

BPA is a self-financing power marketing agency within the United States Department of Energy. BPA was established by the Bonneville Project Act of 1937, 16 U.S.C. 832 *et seq.*, to market wholesale power from Bonneville Dam and to construct power lines for the transmission of this power to load centers in the Northwest. BPA sells wholesale electric power and energy to 126 utilities, 13 direct service industrial customers (DSIs) and several government agencies.

The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act) directs BPA to serve the net power requirements of any regional electric utility requesting service, and to serve existing DSIs in the Pacific Northwest. 16 U.S.C. 839 c and d. Although BPA cannot own or construct electric generating facilities, the Northwest Power Act directs BPA to acquire rights to the output or capability of electric power resources to serve increased customer requirements. *See* 16 U.S.C. 839b(1). The Northwest Power Act requires BPA to grant credits to BPA's customers on their power bills for electric power resources that reduce the Administrator's obligation to acquire resources to meet BPA's electric power requirements. 16 U.S.C. 839d(h). Billing credits may be adjustments to customers' power bills or equivalent cash payments. Resources eligible for billing credits include conservation and generation.

II. Background

BPA's Billing Credits Policy interprets the billing credits provisions in the Northwest Power Act, prescribes criteria for customer and resource eligibility, and establishes procedures for granting billing credits.

BPA's 1990 Resource Program focused on choosing near-term resource actions for Fiscal Years 1992 and 1993. After receiving comments from customers on the draft 1990 Resource Program that suggested BPA use billing credits, BPA chose a resource strategy that included billing credits. BPA then developed a Solicitation requesting proposals for billing credits resources. Billing credits provide a way to shift some of the risk for resource development to utilities and others, which was an objective of the chosen strategy in the 1990 Resource Program. In July 1990, BPA released the Solicitation. It proposed to test the billing credit approach for acquiring energy resources by granting 50 average megawatts of billing credits to eligible customers. BPA's objective in the test was to ensure that the billing credit mechanism is workable for BPA customers.

III. Conservation Proposals

The proposals submitted in response to the Billing Credit Solicitation were divided into two groups, conservation and generation resources. Because CSEI projects reduce electric power consumption or losses by increasing efficiency of electric use, production, transmission, or distribution, they were considered a subset of conservation measures, but covered in separate contracts.

IV. Description of the Conservation Proposals

Thirty-seven conservation proposals from twenty-six public bodies or cooperative utilities were submitted pursuant to the July 1990 Billing Credit Solicitation. Thirteen proposals were withdrawn, three utilities withdrew from participation in group-sponsored proposals, and some proposals were

rejected. Conservation projects include measures in the residential, commercial, industrial and agricultural sectors to reduce electric power consumption or increase production. Conservation projects include residential weatherization, lighting retrofits, institutional and industrial energy conservation measures, municipal water system improvements, heat pump installations, and removal of irrigation pumps. These measures reduce electric power consumption or increase production.

BPA proposes to sign contracts with the following utilities for their respective conservation projects:

1. Coos-Curry Electric Cooperative, Inc.—Residential Weatherization Project.
2. Western Public Agency Group (Public Utility District No. 3 of Mason County, Washington)—Residential Weatherization Project.
3. Springfield Utility Board—Municipal Water System Efficiency Project.
4. Eugene Water and Electric Board—Industrial Incentives Project.
5. City of Idaho Falls—Street Lighting Project.
6. City of Soda Springs—Street Lighting Project.
7. Lincoln Electric Cooperative—Street Lighting Project.
8. Lower Valley Power and Light, Inc.—Commercial Lighting Project.
9. Tillamook People's Utility District—Institutional Buildings Project.
10. Western Public Agency Group (The City of Ellensburg, Washington; Public Utility District No. 3 of Mason County, Washington; and Public Utility District No. 2 of Pacific County, Washington.)—Residential Lighting Project.
11. Western Public Agency Group (Public Utility District No. 3 of Mason County, Washington; and Public Utility District No. 2 of Pacific County, Washington)—Heat Pump Project.
12. Pacific Northwest Generating Cooperative (Coos-Curry Electric Cooperative, Inc.; Clearwater Electric Cooperative; Douglas Electric Cooperative, Inc.; and Umatilla Electric Cooperative Association)—Heat Pump Project.
13. City of Richland—Heat Pump Project.
14. Public Utility District No. 1 of Clark County, Washington—Commerical Project Weatherization Project.
15. Public Utility District No. 3 of Mason County, Washington—Residential Weatherization Project.
16. Salem Electric Cooperative—Residential Weatherization, Residential Lighting, and Commercial Lighting Project.

The projects listed above meet the qualifications for billing credits. Conservation proposals received encompassed the residential, industrial, commercial, and agricultural sectors. The Customer must comply with current commercial and residential environmental requirements established for BPA programs. The Customer must comply with applicable commercial/industrial environmental requirements. Several of the energy conservation measures (ECMs) proposed were covered under The Expanded Residential Weatherization Program Environmental Impact Statement dated August 1984, and the subsequent Record of Decision or the Approaches for Acquiring Energy Savings in Commercial Sector Buildings Environmental Assessment dated September 25, 1991, and the Finding of No Significant Impact. Other proposed ECMs were categorically excluded from the procedural provisions of NEPA (52 Federal Register 47,669 (1987)) under categorical exclusion determinations dated April 9, 1991, July 3, 1991, and November 1, 1991. BPA therefore granted conditional approval to the above-listed conservation proposals and proposes to enter into contracts with those customers.

V. Description of the CSEI proposals

BPA intends to sign contracts with these utilities or public bodies for four additional CSEI proposals.

The City of Port Angeles proposes a voltage upgrade and replacement transformer project to reduce energy losses by increasing the operating voltage of feeders, and replacing existing standard dual voltage distribution transformers with dual voltage low loss silicon steel distribution transformers.

The City of Rupert proposes a voltage upgrade and replacement transformer project to reduce energy losses by increasing the operating voltage of feeders, and replacing existing standard dual voltage distributaion transformers with dual voltage low loss silicon steel distribution transformers.

Public Utility District No. 1 of Snohomish County, Washington proposes to reduce the secondary system voltage along selected feeder distribution lines to reduce end-use energy consumption and demand.

Tacoma City Light proposes to increase the production capability of two hydroelectric resources by improving the efficiency of turbines at its Cushman and LaGrande hydroelectraic generating projects. The efficiencies will be obtained by replacing the runners on these units.

These projects meet the qualifications for billing credits. These actions are categorically excluded from the procedural requirements of the National Environomental Policy Act (52 FR 47669) under categorical exclusion determinations dated April 18, 1991, July 3, 1991, and November 1, 1991. BPA therefore granted conditional approval to these projects and proposes to enter into contract with those same customers.

VI. Methodology for Determining Billing Credits

The payment or billing credit (BC) will be calculated by using the following formula: $BC=(AC-PF) \times Savings \times C_s$. As shown in Exhibit F of the proposed contracts, alternative cost (AC), minus the Priority Firm (PF) rate, times the savings from the measures, times the cost share percentage (C_s), equals the billing credit (BC).

Issued in Portland, Oregon, on March 5, 1992.

Jack Robertson,

Acting Administrator, Bonneville Power Administration.

[FR Doc. 91-6195 Filed 3-16-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 1354-005 California]

Pacific Gas and Electric Co.; Availability of Environmental Assessment

March 11, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new license for the Crane Valley Project and has prepared an Environmental Assessment (EA) for this major, existing dam project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 1000, of the Commission's offices at 825 North Capitol Street, NE., Washington, DC 20426.

Comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Acting Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Please affix Project No. 1354-005 to all comments. For further information please contact Jim Fargo, Environmental Assessment Coordinator, at (202) 219-2848.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6107 Filed 3-16-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-2-31-001 and TA91-1-31-007]

Arkla Energy Resources; Filing

March 10, 1992.

Take notice that on March 5, 1992, Arkla Energy Resources (AER) a division of Arkla Inc., filed responses to certain information requested by the Commission in its order dated February 24, 1992 relating to its annual PGA filing. AER also submits for filing as part of Second Revised Volume No. 1 of its FERC Gas Tariff six copies of the following revised tariff sheets, with proposed effective dates as indicated:

Effective July 1, 1991

Second Revised Sheet No. 29
Second Revised Sheet No. 30
Original Sheet No. 30A

Effective April 1, 1992

First Substitute Ninth Revised Sheet No. 11
First Substitute Ninth Revised Sheet No. 16

The tariff sheets proposed to become effective July 1, 1991 are being filed to reflect revised tariff language which provides that AER's sales rates will not include costs associated with its non-sales service fuel use and lost and unaccounted-for gas costs.

The tariff sheets proposed to become effective April 1, 1992 are being filed to reflect revised surcharge amounts applicable to AER's customers under Rate Schedule G-2 and to correct a typographical error in the February 18, 1992 filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6106 Filed 3-16-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-350000; FR 4049-1]

Notice of Availability of Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Office of Pollution Prevention and Toxics is announcing the availability of approximately $3 million in FY 92 grant/cooperative agreement funds under the Pollution Prevention Incentives for States Grant Program (Fourth Funding Cycle). The purpose of this program is to support State and regional-based programs that address the reduction or elimination of pollution across all environmental media: air, land, and water. Grants/cooperative agreements will be awarded under the authority of the Pollution Prevention Act of 1990. The Office of Pollution Prevention and Toxics is also announcing three financial assistance programs available for review.

DATES: Preproposals postmarked after Monday, April 20, 1992 will not be considered.

ADDRESS: Office of Pollution Prevention and Toxics, Mail Code PM-222B, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lena Hann, Office of Pollution Prevention and Toxics, Phone: (202) 260-2237.

SUPPLEMENTARY INFORMATION:

Background. Since its inception in 1989, approximately $15.5 million has been awarded to 56 State and regional organizations under EPA's multimedia pollution prevention grant program. In March 1989, EPA awarded approximately $4 million to 13 States and one regional organization. At that time, the program was called the Source Reduction and Recycling Technical Assistance (SRRTA) State Grant Program. In 1990, the program was renamed Pollution Prevention Incentives for States (PPIS) to acknowledge EPA's increased emphasis on multimedia pollution prevention. EPA awarded approximately $7 million to 26 State organizations in May 1990 under the PPIS program. In October 1991, an additional $4.5 million was awarded to 16 State agencies.

In November 1990, the Pollution Prevention Act of 1990 (the Act) (Public Law 101-508) was enacted, establishing as national policy that pollution should be prevented or reduced at the source whenever feasible. Section 6603 of the Act defines source reduction as any practice that:

(i) reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

(ii) reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

EPA further defines pollution prevention as the use of processes, practices, or products that reduce or eliminate the generation of pollutants and wastes at the source, including those which protect natural resources through conservation or more efficient utilization. Pollution prevention encompasses both volume reduction and toxicity reduction.

Section 6605 of the Act authorizes EPA to make matching grants to States to promote the use of source reduction techniques by businesses. In evaluating grant applications, the Act directs EPA to consider whether the proposed State programs will:

1. Make technical assistance available to businesses seeking information about source reduction opportunities, including funding for experts to provide on-site technical advice and to assist in the development of source reduction plans.

2. Target assistance to businesses for whom lack of information is an impediment to source reduction.

3. Provide training in source reduction techniques.

In addition to this grant making authority, the Act authorizes other pollution prevention activities such as the establishment of a national source reduction clearinghouse centered at EPA, expands EPA's data collection authorities so that they may better track source reduction activities, and requires periodic reports to Congress on EPA's progress in implementing the Act.

In January 1991, EPA formally announced its Pollution Prevention Strategy, a comprehensive document designed to provide guidance and direction for incorporating pollution prevention within EPA's existing regulatory and non-regulatory programs. The Strategy affirms EPA's belief that

pollution prevention can benefit both the environment and the economy, and outlines EPA's approach to facilitate pollution prevention in private sector initiatives. The Strategy recognizes that there are substantial opportunities to promote prevention in other sectors, including agriculture, transportation, energy, Federal facilities, and with consumers, and commits the Agency to work with other Federal agencies to develop specific strategies for these sectors in the near future. The Strategy discusses several activities that form the basis for implementing EPA's program, including identifying and overcoming obstacles to prevention, expanding public participation, enhancing State capabilities in pollution prevention, providing outreach and training, and using the existing regulatory framework to provide incentives for prevention. In addition, the Strategy outlines EPA's 33/50 Project which targets for reduction specific high-risk chemicals that are reported and tracked in the Toxics Release Inventory. The Agency is seeking voluntary commitments from major industrial sources of the contaminants to reduce environmental releases through prevention. EPA's goal is to reduce aggregate environmental releases of these targeted chemicals by at least 50 percent by 1995.

Consistent with the Pollution Prevention Act, the Strategy includes using State grants to foster exchange of information about source reduction techniques, to disseminate such information to businesses, and to provide technical assistance to businesses.

Availability of FY 92 Funds. With this publication, EPA is announcing the availability of approximately $3 million in grant/cooperative agreement funds for fiscal year 1992. This fourth round of awards will be made through a competitive process for amounts not to exceed $200,000. Projects may last up to 3 years. EPA strongly encourages applicants to submit proposals for grants/cooperative agreements under $200,000. Eligible applicants for purposes of funding under this program include the 50 States, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State including State universities, and all federally-recognized Indian tribes. For convenience, the term 'State' in this notice refers to all eligible applicants. Local governments, private universities, private non-profits, private businesses, and individuals are not eligible. In addition, due to the limited funds available for the PPIS program this year, those organizations awarded a pollution prevention grant in FY 1991 are not eligible for funding again in FY 1992. However, applications from organizations that have been funded under this program in a year other than FY 1991 will receive consideration. Organizations excluded from applying directly are encouraged to work with eligible applicants in developing proposals that include them as participants in the projects. EPA strongly encourages this type of cooperative arrangement.

The *Catalogue of Federal Domestic Assistance* number assigned to this program is 66.900. Organizations receiving pollution prevention grant funds are required to match Federal funds by at least 50 percent (in other words, the Federal government will provide 1/2 of the total allowable cost of the project, the State 1/2 of the total allowable cost of the project. For example, a grant request for the maximum $200,000 would support a total allowable project cost of $400,000, with the State also providing $200,000). State contributions may include dollars and/or in-kind goods and services. Due to limited amount of funds available in FY 92, a maximum of one proposal per State will be funded.

Potential applicants from Indian tribes should also be aware that they are eligible to receive grants/cooperative agreements under EPA's Multimedia Assistance Agreements for Indian Tribes Program. The primary purpose of these multimedia assistance agreements is to directly assist tribes in developing the capacity to manage their environmental programs. Pursuant to Agency policy, pollution prevention should be the strategy of first choice in these programs. Only a 5 percent match is required in this program. Tribal governments should contact the Indian Coordinator in the EPA Regional Offices for more information.

Eligible activities. In general, the purpose of the Pollution Prevention Incentives for States grant program is to support the establishment and expansion of State-, regional-, or local-based pollution prevention programs. EPA specifically seeks to build State pollution prevention capabilities or to test, at the State level, innovative pollution prevention approaches and methodologies. Funds awarded under the Pollution Prevention Incentives for States grant program must be used to support pollution prevention programs that address the transfer of potentially harmful pollutants across all environmental media: air, water, and land. Programs should reflect comprehensive and coordinated pollution prevention planning and implementation efforts State- or region-wide. States might focus on, for example:

- Institutionalizing multimedia pollution prevention as an environmental management priority, establishing prevention goals, developing strategies to meet those goals, and integrating the pollution prevention ethic within both governmental and non-governmental institutions of the state or region.
- Developing other multimedia pollution prevention activities, including but not limited to: Providing direct technical assistance to businesses; collecting and analyzing data to target outreach and technical assistance opportunities; conducting outreach activities; developing measures to determine progress in pollution prevention; and identifying regulatory and non-regulatory barriers and incentives to pollution prevention and developing plans to implement solutions, where possible.
- Initiating demonstration projects that test and support innovative pollution prevention approaches and methodologies.

Proposal evaluation criteria. Proposals accepted for review under this program must qualify as pollution prevention. They also must identify plans for long term implementation of a multimedia pollution prevention program beyond the initial project funding period. In addition to those specified in the Act, the criteria against which grant/cooperative agreement applications will be evaluated include the following:

1. Goals and objectives are clearly identified and a strategy for meeting them is defined.

2. Multimedia opportunities and impacts are identified. A multimedia pollution prevention program addresses the prevention of pollution in and across all environmental media: air, land, and water.

3. Significant needs of the State or region are addressed and areas for significant risk reduction are targeted and integrated into overall pollution prevention goals and implementation strategies. Proposals are encouraged to address the goals of EPA's Pollution Prevention Strategy, to support programs focused on implementation of EPA's 33/50 project outlined in the Strategy, and to address the targeted high risk chemicals identified in the 33/50 project. A more complete summary of EPA's Pollution Prevention Strategy will be provided in each application kit.

4. The pollution prevention activities of other programs or organizations in the State or region are integrated and leveraged into the proposed program, as appropriate. Proposed activities augment and complement pollution prevention activities already underway in the State.

5. Measures of success are identified. There is a reasonable expectation for significant accomplishments in pollution prevention and there is an adequate system planned for measuring progress with environmental and/or programmatic indicators.

The following criterion applies to proposals submitted from organizations in States that have been funded previously under this program. The following have not received EPA support under this grant program and therefore do not have to address criterion 6: Maryland, Ohio, New Mexico, North Dakota, South Dakota, Montana, Wyoming, Arizona, Hawaii, Puerto Rico, the U.S. Virgin Islands, other territories, and all federally-recognized Indian tribes.

6. The proposal builds on existing pollution prevention activities currently underway in the State by:

- Integrating pollution prevention approaches into State regulatory programs, moving beyond the pure non-regulatory approach, or
- Establishing a State-wide pollution prevention infrastructure involving all levels of State government, including promoting interagency pollution prevention initiatives (with State departments such as agriculture, transportation, energy) and defining the roles of county and municipal government.

These criteria will be clarified further in the grant guidance included in the application kit.

Program management. There will be a two-phased review process. Interested applicants are first asked to submit to EPA a pre-proposal or abstract no longer than a one two-sided page. Pre-proposals will be evaluated based on the application evaluation criteria identified above. Applicants submitting the most successful pre-proposals will be invited to submit full proposals.

To submit a pre-proposal, interested applicants must:

1. Contact Lena Hann or Jackie Krieger at the phone number or address listed above to request guidance for submitting pre-proposals. Guidance will contain instructions regarding format and additional information on EPA's pollution prevention program.

2. Submit a pre-proposal to Lena Hann, Pollution Prevention Division (PM-222B), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Pre-proposals postmarked after Monday, April 20, 1992 will not be considered.

Other grant programs. EPA's Pollution Prevention Strategy also recognizes that there are substantial opportunities to promote prevention in other sectors, including agriculture, energy, and transportation, and commits the Agency to work with other Federal agencies to develop specific strategies for these sectors in the near future. To support this goal, EPA has established separate pollution prevention grant programs to target the following sectors with a high potential for risk reduction and for significant gains in pollution prevention:

- *Agriculture.* EPA and the U.S. Department of Agriculture are jointly administering a State grant program focused on sustainable agriculture. The program, Agriculture in Concert with the Environment (ACE), supports initiatives focused on the economic implications of sustainable agriculture, training, demonstrations of promising sustainable farming practices, and research on the effect of agricultural chemicals on wildlife and fish habitat.
- *Energy.* The U.S. Department of Energy and EPA are jointly managing a State grant program entitled National Industrial Competitiveness through Efficiency: Energy, Environment, and Economics (NICE3). The goals of the NICE3 program are to foster new industrial processes and/or equipment that can significantly reduce the generation of wastes in industry, to improve energy efficiency, and to enhance the competitiveness of U.S. industry.
- *Municipal Water Pollution Prevention.* In conjunction with EPA's Office of Water, the Office of Pollution Prevention has designed an initiative to foster the development of State pilot programs aimed at harnessing POTWs as a force for achieving pollution prevention in local communities.

The agriculture, energy, and municipal water pollution prevention grant initiatives are funded and managed separately from the Pollution Prevention Incentives for States Grant Program discussed in this notice. For further information on these programs, please contact the following:

ACE: Harry Wells, (202) 260-4472
NICE3: Brian Symmes, (202) 260-3590
POTWs: Deborah Hanlon, (202) 260-2728

EPA has established a public docket for this Notice of Availability, docket number "OPPT-350000", which is available for inspection in room NE-G004, 401 M St., SW., Washington, DC., 20460, Monday through Friday, excluding legal holidays, from 8 a.m. to 12 noon, and from 1 p.m. to 4 p.m.

Dated: March 9, 1992.

Linda J. Fisher,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 92-6193 Filed 3-16-92; 8:45 am]

BILLING CODE 6560-50-F

EXPORT-IMPORT BANK OF THE UNITED STATES

Open Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by Public Law 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

Time and Place: Thursday, April 2, 1992, from 3:30 p.m. to 5 p.m. The meeting will be held at Eximbank in room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: The meeting agenda will include a discussion of the following topics: Advisory Committee Responsibilities; Financial and Budget Status Report; Congressional Status Report, OECD Agreement Status Report/Activity Review; Small Business Report; Report on FY 1991 Advisory Committee Recommendations; and other topics.

Public Participation: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566-8871, not later than April 1, 1992. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to March 27, 1992, the Office of the Secretary, room 935, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566-8871 or TDD: (202) 535-3913.

Further Information: For further information, contact Joan P. Harris,

room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566–0871.

Joan P. Harris,

Corporate Secretary.

[FR Doc. 92–6097 Filed 3–16–92; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

L.A. Cruise Ship Terminals, Inc., et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which the notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200632.

Title: L.A. Cruise Ship Terminals, Inc./Carnival Cruise Line Customer Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("L.A. Cruise") Carnival Cruise Line ("Carnival").

Synopsis: The proposed Agreement would permit L.A. Cruise to provide terminal facilities and services to Carnival at the Port of Los Angeles, California.

Agreement No.: 224–200633.

Title: Alabama State Docks Department/Premier Stevedoring, Inc. Cargo and Freight Handling Agreement.

Parties: Alabama State Docks Department ("Department") Premier Stevedoring, Inc.

Synopsis: This Agreement, filed March 10, 1992, permits and designates Premier Stevedoring to perform or have performed cargo and freight handling services at the Alabama State Dock Department's facilities at the Port of Mobile. The Department shall retain ten percent (10%) of all charges, exclusive of overtime, collected with respect to cargo and freight handling rendered by Premier Stevedoring.

Dated: March 11, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6135 Filed 3–16–92; 8:45 am]

BILLING CODE 6730–01–M

Port of New Orleans; et al.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200300–001.

Title: Port of New Orleans/Coastal Cargo Company, Inc. Terminal Agreement.

Parties: The Port of New Orleans, Coastal Cargo Company, Inc.

Synopsis: The subject amendment extends the original two-year term of the agreement for an additional 30 days until April 7, 1992.

Agreement No.: 224–200630.

Title: Port Authority of New York and New Jersey/Maher Terminals Inc. Terminal Agreement.

Parties: The Port Authority of New York and New Jersey Maher Terminals, Inc. ("Maher").

Synopsis: The proposed Agreement would permit Maher to utilize approximately five acres of open area adjacent to Maher's Tripoli Street Container Terminal until May 2, 1992.

Dated: March 10, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6098 Filed 3–16–92; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 92–08]

Compania Trasatlantica Espanola, S.A. Trasatlantica Agency (USA) Inc. v. Virginia International Terminals, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Compania Trasatlantica Espanola, S.A. ("CTE") and Trasatlantica Agency (USA) Inc. ("Complainants") against Virginia International Terminals, Inc. ("Respondent") was served March 10, 1992. Complainants allege that Respondent has violated sections 10(b)(11), (b)(12), (d)(1) and (d)(3) of the Shipping Act of 1984, 46 U.S.C. app. 1709(b)(11), (b)(12), (d)(1) and (d)(3), by *inter alia*, assessing charges against Complainants that are not provided for in Respondent's terminal tariff on file with the Commission, retaliating against Complainant CTE for no longer making vessel calls at Portsmouth Marine Terminal, invoicing Complainants for dockage even though Complainants have no vessels calling at Respondent's facilities, invoicing for charges bearing little or no relation to services rendered and for fewer benefits than other parties receive, invoicing Complainants for charges for the same service being fully charged to another user, intentionally interfering or threatening to interfere in Complainants' relationship with their customers and principals, damaging or threatening to damage Complainants' reputations, retaliating against and threatening to refuse to serve Complainants, and threatening to refuse to deal with Complainants.

This proceeding has been assigned to Administrative Law Judge Frederick M. Dolan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 10, 1993, and the final decision of the

Commission shall be issued by July 8, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6100 Filed 3–16–92; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 92–09]

Universal Fixture Manufacturing Co., Inc. v. Asia North America Eastbound Rate Agreement; Filing of Complaint and Assignment

Notice is given that a complaint filed by Universal Fixture Manufacturing C., Inc. ("Complainant") against Asia North America Eastbound Rate Agreement ("Respondent") was served March 11, 1992. Complainant alleges that Respondent engaged in violations of sections 3(21), 8(c), 10(b) (1), (6)(A), (10), (11) and (12) of the Shipping Act of 1984, 46 U.S.C. app. 1702(21), 1707(c) and 1709(b)(1), (5)(A), (10), (11) and (12), in seeking to collect liquidated damages under an illegal, unlawful and illusory agreement, in addition to freight paid under tariffs on file with the Commission.

This proceeding has been assigned to Administrative Law Judge Frederick M. Dolan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 11, 1993, and the final decision of the Commission shall be issued by July 9, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6099 Filed 3–16–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Farmers State Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 10, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Farmers State Bancshares, Inc., Mountain City, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank, Mountain City, Tennessee.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First of America Bank Corporation, Kalamazoo, Michigan; to acquire 100 percent of the voting shares of First of America Bancshares, Inc., Petersburg, Illinois, a *de novo* bank holding company, and First Petersburg Bancshares, Inc., Petersburg, Illinois, and thereby indirectly acquire First National Bank of Petersburg, Petersburg, Illinois.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Mabrey Insurance Agency, Okmulgee, Oklahoma; to acquire Morris State Bank, Morris, Oklahoma.

Board of Governors of the Federal Reserve System, March 11, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–6132 Filed 3–16–92; 8:45 am]

BILLING CODE 6210–01–F

James Lewis Hewitt, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 10, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. James Lewis Hewitt, Orlando, Florida; to retain an additional 5.0 percent, for a total of 22.4 percent, of the voting shares of Florida Security Holding Corporation, Orlando, Florida, and thereby indirectly acquire United American Bank of Central Florida, Orlando, Florida.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Norman Dean Oswald, Duncanville, Texas; to acquire 34.89 percent of the voting shares of Metroplex Bancshares, Inc., Dallas, Texas, and thereby indirectly acquire Bent Tree National Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, March 11, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–6133 Filed 3–16–92; 8:45 am]

BILLING CODE 6210–01–F

Village Financial Services, Ltd.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities

of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 10, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Village Financial Services, Ltd., Port Chester, New York; to acquire 100 percent of the voting shares of Village Bank of Connecticut, Stamford, Connecticut, a *de novo* bank.

In connection with this application, Applicant also proposes to acquire Sentry Savings and Loan Association, Stamford, Connecticut, which will be merged into Village Bank of Connecticut immediately upon acquisition.

Board of Governors of the Federal Reserve System, March 11, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6134 Filed 3-16-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. C-3373]

Roberto Fojo, M.D.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Miami, Florida, obstetrician/gynecologist from agreeing with any other physician to withhold or threaten to withhold emergency room services at any hospital, and, for a period of five years, from threatening that any physician would or might withhold such services at any hospital.

DATES: Complaint and Order issued March 2, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Barry Costilo or Paul Nolan, FTC/S-2627 or S-3115, Washington, DC 20580. (202) 326-2748 or 326-2770.

SUPPLEMENTARY INFORMATION: On Thursday, December 19, 1991, there was published in the **Federal Register**, 56 FR 65901, a proposed consent agreement with analysis In the Matter of Roberto Fojo, M.D., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 92-6162 Filed 3-16-92; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[Dkt. C-3372]

Service Corporation International; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Houston, Texas, based corporation to divest, within twelve months, four Pierce Brothers funeral homes, and, for ten years, to obtain prior Commission approval before acquiring any additional funeral homes in the San Bernardino/Riverside, California, areas.

DATES: Complaint and Order issued February 25, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Katherine Alphin, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., NW., room 1000, Atlanta, GA. 30367. (404) 347-4836.

SUPPLEMENTARY INFORMATION: On Friday, December 13, 1991, there was published in the **Federal Register**, 56 FR 65088, a proposed consent agreement with analysis In the Matter of Service Corporation International, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 92-6161 Filed 3-16-92; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR-51]

Quarterly Health Assessments Completed and Health Assessments To Be Conducted in Response to Requests From the Public

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice contains the following: 1. A list of sites for which ATSDR has completed a health assessment, or issued an addendum to a previously completed health assessment, during the period October-December 1991. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL). 2. A list of sites for which ATSDR, during the same period, has accepted a request from the public to conduct a health assessment (petitioned health assessment). Acceptance for a request for the conduct of a health assessment is based on a determination by the Agency that there is a reasonable basis for conducting a health assessment at the site.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E32, Atlanta, Georgia 30333, telephone (404) 639-0610 or FTS 236-0610.

SUPPLEMENTARY INFORMATION: A list of completed health assessments, health assessments with addenda, and petitioned health assessments which were accepted by ATSDR during July-September 1991 was published in the **Federal Register** on December 30, 1991, (56 FR 67322). The quarterly announcement is the responsibility of ATSDR under the regulation, Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 30). This rule sets forth ATSDR's procedures for the conduct of health assessments under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)), and appeared in the **Federal Register** on February 13, 1990 (55 FR 5136).

Availability

The completed health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487-4650. There is a charge determined by NTIS for these health assessments. The NTIS order numbers are listed in parentheses after the site name.

1. Health Assessments or Addenda Completed or Issued

Between October 1, 1991, and December 31, 1991, health assessments or addenda to health assessments were issued for the NPL sites listed below:

Iowa
- Northwestern States Portland Cement Company—Mason City—(PB92-134618)
- Sheller-Globe Corporation Disposal—Keokuk—(PB92-140375)

Michigan
- Hi-Mill Manufacturing Company—Highland—(PB92-111004)

Minnesota
- Union Scrap Iron and Metal—Minneapolis—(PB92-140367)

Missouri
- West Lake Landfill—Bridgeton—(PB92-110964)

Oregon
- Union Pacific Railroad, Kerr McGee Tie Point—The Dalles—(PB92-133396)

Pennsylvania
- Brodhead Creek—Stroudsburg—(PB92-134626)

Vermont
- Burgess Brothers Landfill—Woodford—(PB92-134592)

Wisconsin
- Fort Howard Paper Company Sludge Lagoons—Green Bay—(PB92-134600)

2. Petition for Health Assessment Accepted

Between October 1, 1991, and December 31, 1991, ATSDR determined that there was a reasonable basis to conduct a health assessment for the site listed below in response to requests from the public. As of December 31, 1991, ATSDR initiated a health assessment at this site.

Colorado
- Hansen Containers—Grand Junction

Dated: March 11, 1992.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 92-6122 Filed 3-16-92; 8:45 am]

BILLING CODE 4160-70-M

[ATSDR-48]

Change in Name of Health Assessment to Public Health Assessment

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice of change in document name from health assessment to public health assessment.

SUMMARY: This notice serves to announce that ATSDR is changing the name of the documents curently entitled health assessments to public health assessments. The decision to make this change results from the need to develop a name that more accurately reflects the nature of the activities that are conducted when ATSDR evaluates the human health effects of hazardous substance releases into the environment.

SUPPLEMENTARY INFORMATION: Section 104(i)(6)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended (42 U.S.C. 9604(i)(6)(A)), requires ATSDR to conduct health assessments of sites on or proposed for inclusion on the National Priorities List established by the Environmental Protection Agency. In addition, section 104(i)(6)(B) of CERCLA provides that any person or group or persons may submit evidence of a release of or exposure to a hazardous substance to ATSDR and request ATSDR to perform a health assessment. Further, section 3019(b) of the Resource Conservation and Recovery Act of 1984 (RCRA), as amended (42 U.S.C. 6939a) provides that when, in the judgement of the U.S. Environmental Protection Agency (EPA) or a state, a landfill or surface impoundment poses a substantial potential risk to human health, the EPA or state may request ATSDR to perform a health assessment.

Specifically, section 104(i)(6)(F) of CERCLA and section 3019(f) of RCRA state: "* * * the term 'health assessments' shall include preliminary assessments of the potential risk to human health posed by individual sites and facilities * * *." ATSDR has determined through discussions with the public that the term "health assessment" does not always accurately describe the

activities ATSDR carries out when conducting a health assessment. For that reason, the Agency has considered another name for health assessments that better distinguishes between its efforts to evaluate the health status of a population that is potentially exposed to hazardous substances, and the efforts of a health care provider to evaluate the health status of an individual person.

The practice of public health has been defined as the art and science of protecting and improving community health by means of preventive medicine, health promotion, disease control, and the application of social and sanitary sciences. A community may be defined as a group or class having common interests. The term "public health assessment" encompasses the art and science of dealing with public health issues related to hazardous substance releases into the environment, and imparts a sense of community involvement or awareness to the process and to the document. The concepts of public health and community are consistent with the intent and use of what is called a "health assessment" in CERCLA and RCRA.

For these reasons, ATSDR is changing the name of the document currently entitled health assessment to public health assessment.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE, Mailstop E–32, Atlanta Georgia 30333, telephone (404) 639–0610 or FTS 236–0610.

Dated: March 11, 1992.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 92–6123 Filed 3–16–92; 8:45am]

BILLING CODE 4160–70–M

Centers for Disease Control

Request for Nominations of Candidates to Serve on the Clinical Laboratory Improvement Advisory Committee, Department of Health and Human Services

The Public Health Service is soliciting additional nominations for possible membership on the Clinical Laboratory Improvement Advisory Committee. This committee will provide scientific and technical advice and guidance to the Secretary and the Assistant Secretary for Health regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact on medical and laboratory practice of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Nominations are being sought for the fields of microbiology (including bacteriology, mycobacteriology, mycology, parasitology, and virology); immunology (including histocompatibility); chemistry; hematology; pathology (including histopathology, cytology, and cytogenetics); and representatives of medical technology, public health, clinical practice, and consumers. Federal employees will not be considered for membership.

Close attention will be given to minority and female representation; therefore, nominations from these groups are encouraged.

The following information is requested: name, affiliation, address, telephone number, and a current curriculum vitae. Nominations should be sent, in writing, and postmarked by April 17, 1992, to: Mr. James D. Bloom, Centers for Disease Control, 1600 Clifton Road, NE., (E–42), Atlanta, Georgia 30333. Telephone or facsimile submissions cannot be accepted.

Dated: March 11, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92–6119 Filed 3–16–92; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 92F–0056]

Arakawa Chemical Industries, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Arakawa Chemical Industries, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of hydrogenated aromatic petroleum hydrocarbon resin in coatings on paper and paperboard in contact with fatty foods.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B4315) has been filed by Arakawa Chemical Industries Ltd., c/o 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposes to amend the food additive regulations in § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170) to provide for the safe use of hydrogenated aromatic petroleum hydrocarbon resin in coatings on paper and paperboard in contact with fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 6, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92–6069 Filed 3–16–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92N–0130]

Drug Export; Antihemophilic Factor (Human), Affinity Chromatography Purified, Solvent Detergent Treated, Method B

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Alpha Therapeutic Corp. has filed an application requesting approval for the export of the biological product Antihemophilic Factor (Human), Affinity Chromatography Purified, Solvent Detergent Treated, Method B to The Federal Republic of Germany.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8191.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99–660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Alpha Therapeutic Corp., 5555 Valley Blvd., Los Angeles, CA 90032, has filed an application requesting approval for the export of the biological product Antihemophilic Factor (Human), Affinity Chromatography Purified, Solvent Detergent Treated, Method B to the Federal Republic of Germany. Antihemophilic Factor (Human), Affinity Chromatography Purified, Solvent Detergent Treated, Method B is intended for use in the treatment of congenital, acquired factor VIII deficiency, or Von Willebrand's disease associated with factor VIII deficiency. The applicaion was received and filed in the Center for Biologics Evaluation and Research on February 24, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by March 27, 1992, and to provide and additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (section 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: March 6, 1992.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 92–6124 Filed 3–16–92; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Indian Health Service; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HG (Indian Health Service) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services, Public Health Service (PHS), Chapter HG, Indian Health Service (IHS), 52 FR 47053–67, December 11, 1987, as most recently amended at 57 FR 4051, February 3, 1992, is amended to reflect the establishment of an organization substructure for the Navajo Area Office to more accuratley reflect current activities in the Area.

Under Chapter HG, Section HG–20, Functions, after the statement for the IHS Area Office (HGF), Information and Resources Management Programs, insert the following:

Navajo Area Office (HGFJ)

Office of the Area Director (HGFJ1).

(1) Plans, develops, and directs the Area Program within the framwork of Indian Health Service (IHS) policy in pursuit of the IHS mission; (2) delivers and ensures the delivery of high quality comprehensive health services; (3) coordinates the IHS activities and resources internally and externally with those of other governmental and non-govermental programs; (4) promotes optimum utilization of health care services through management and delivery of services to American Indians and Alaska Natives; (5) ensures the full application of the principles of Indian preference and Equal Employment Opportunity (EEO); and (6) provides Indian tribes and other Indian community groups with optional ways of participating in the Indian health programs including an opportunity to participate in developing the goals and objectives for the Navajo Area IHS.

Office of Administration and Management (HGFJ2)

(1) Plan, directs, and coordinates Area activities in policy, internal controls, financial mangement, personnel management, third-party reimbursements, contract health service, grants and contracts management, procurement, real and personal property accountability/management, and administrative services; (2) functions as the Area advisor on all organization and mangement policy activities; and (3) provides guidance and assistance to service units in the overall development, planning, and implementation of administrative functions.

Office of Environmental Health and Engineering (HGFJ3).

(1) Establishes policies related to Area health care and sanitation facilities planning, construction, operations, and maintenance; (2) provides leadership, guidance, and coordination to the overall Area facilities management programs; (3) develops and coordinates program requirements for the plannig, design, and evaluation of health care and sanitation facilities; and (4) develops, coordinates, and evaluates technical standards, guides, and plans for health care and sanitation facilities construction requirements within the Area.

Office of Program Planning and Evaluation (HGFJ4)

(1) Serves as the Area's primary staff element and principal source of advice on program planning and evaluation; (2) plans, develops, directs, coordinates, and monitors statistical reporting systems providing data for measuring health status and appraising program activities; (3) maintains, analyzes, and publishes statistical data on morbidity, mortality, and related demographic data concerning the Indian population; (4) provides statistical advice and information to all organizational entities of the Area for projects dealing with policy formulation, budget preparation/justification, program planning/evaluation, health status assessment, health systems description, resource requirements and location, and health research; (5) coordinates communications between the Area, service units, PHS, and HHS on matters involving long-range planning and evaluations of program performance; (6) coordinates activities within the Area which compare the costs of programs with their benefits, including but not limited to, the preparation and implementation of comprehensive program evaluation plans; (7) solicits and monitors evaluation projects consistent with Area priorities; and (8) conducts policy analysis and research for program accountability and evaluation to assist management in program policy decision making.

Office of Health Programs (HGFJ5)

(1) Provides consultation and technical assistance to all operating and management levels of the Area and to tribes in the design and implementation of health program services delivery systems; (2) provides guidance and support to all field activities related to the day-to-day delivery of health care; (3) provides Area-wide leadership to health programs in relation to IHS goals, objectives, policies, and priorities; (4) provides leadership in the development and implementation of health care standards, quality control/assurance, and risk management activities; (5) conducts reviews of health programs; and (6) provides direction, guidance, and coordination for health manpower recruitment activities.

Office of Tribal Affairs (HGFJ6)

(1) Coordinates the development of optional and supportive relationships with the local tribal government; (2) provides advice on the effect and impact of IHS policies, plans, programs, and operations on tribal operations and relationships; (3) provides guidance on new methods and techniques for Indian community participation in and management of their health programs; and (4) provides technical assistance to the tribe in such areas as resource development, health planning, health board, and staff training.

Navajo Area service Units (HGFJA Through HGFJE, HGFJG, HGFJH, and HGFJJ)

Chinle Service Unit (HGFJA); Crownpoint Service Unit (HGFJB); Fort Defiance Service Unit (HGFJC); Gallup Service Unit (HGFJD); Kayenta Service Unit (HGFJE); Tuba City Service Unit (HGFJG); Winslow Service Unit (HGFJH); and Shiprock Service Unit (HGFJJ). (1) Plans, develops, and directs health programs within the framework of IHS policy and mission; (2) promotes activities to improve and maintain the health and welfare of the service population; (3) delivers quality health services with available resources; (4) coordinates service unit activities and resources with those of other governmental and non-governmental programs; (5) participates in the development and demonstration of alternative means and techniques of health services management and health care delivery; (6) provides Indian tribes and other Indian community groups with optimal means of participating in service unit programs; and (7) encourages and supports the development of individual and tribal entities in the managment of the service unit.

Under Section HG-30, Order of Succession, following item number (5) add: During the absence or disability of the Area Director of the Navajo Area Office, or in the event of a vacancy in that office, the first Area official listed below who is available shall act as the Area Director, except that during a period of planned absence, the Area Director may specify a different order of succession. The order of succession will be:

(1) Chief Medical Officer, Office of the Area Director.
(2) Executive Officer, Office of the Area Director.
(3) Associate Director, Office of Environmental Health and Engineering.
(4) Program Analysis Officer, Office of Program Planning and Evaluation.
(5) Area Nurse Consultant, Nursing Services Division.
(6) Tribal Affairs Officer, Office of Tribal Affairs.

Section HG-40 Delegations of Authority

Add the following new paragraph: All delegations and redelegations of authority made to IHS Area Offices which were in effect immediately prior to this reorganization, and which are consistent with the reorganization of January 18, 1989 shall continue in effect pending further redelegation.

Dated: March 11, 1992.

Everett R. Rhoades,

Assistant Surgeon General Director.

[FR Doc 92-6208 Filed 3-16-92; 8:45 am]

BILLING CODE 4160-16-M

Social Security Administration

Redelegation of Authority to Report to the Congress and to Publish in the Federal Register Proposed Changes in the Social Security Number Card

Section 274A(d)(3)(A) of the Immigration and Nationality Act (the Act) states that the President may not implement a "major change" in the national employment verification system unless the President notifies the Congress of the change and publishes the substance of such a change in the **Federal Register.** 8 U.S.C. 1324a(d)(3)(A). The Act also defines the term "major change" to include a change in the Social Security number card. 8 U.S.C. 1324a(d)(3)(D). On February 10, 1992, the President delegated to the Secretary of Health and Human Services (the Secretary) the authority to notify the Congress of a change in the Social Security number card and to publish the substance of such a change in the **Federal Register,** to the extent required by section 274A(d)(3)(A) of the Act. The Secretary was authorized to redelegate these functions.

Notice is hereby given that the Secretary has redelegated to the Commissioner of Social Security (the Commissioner):

(1) The authority to prepare and transmit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate a written report regarding the substance of any proposed change in Social Security number cards, to the extent required by section 274A(d)(3)(A) of the Act, and

(2) The authority to cause to have published in the **Federal Register** the substance of any change in the Social Security number card so proposed and reported to the designated congressional committees, to the extent required by section 274A(d)(3)(A) of the Act.

(3) The authority redelegated to the Commissioner by this statement may be redelegated by the Commissioner to appropriate officials of the Social Security Administration.

This redelegation to the Commissioner is effective on the date that it is published in the **Federal Register.** I affirm and ratify any actions by the Commissioner which may constitute the exercise of this authority before the date that notice of this redelegation is published in the **Federal Register.**

Dated: March 6, 1992.

Louis W. Sullivan,

Secretary.

[FR Doc. 92-6201 Filed 3-16-92; 8:45 am]

BILLING CODE 4190-11-M

[Social Security Acquiescence Ruling 92-2(6)]

Difford v. Secretary of Health and Human Services, 910 F.2d 1316 (6th Cir. 1990), Reh'g Denied, February 7, 1991—Scope of Review on Appeal in a Medical Cessation of Disability Case

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Social Security Acquiescence Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(2) published January 11, 1990 (55 FR 1012), the Commissioner of Social Security gives notice of Social Security Acquiescence Ruling 92-2(6).

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Darlynda Bogle, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965-4237.

SUPPLEMENTARY INFORMATION: Although not required to do so pursuant to 5 U.S.C. 552 (a)(1) and (a)(2), we are publishing this Social Security Acquiescence Ruling in accordance with 20 CFR 422.406(b)(2).

A Social Security Acquiescence Ruling explains how we will apply a holding in a decision of a United States Court of Appeals that we determine conflicts with our interpretation of a provision of the Social Security Act or regulations when the Government has decided not to seek further review of that decision or is unsuccessful on further review.

We will apply the holding of the Court of Appeals decision as explained in this Social Security Acquiescence Ruling to cases at the disability hearing/reconsideration, Administrative Law Judge and Appeals Council levels within the Sixth Circuit. This Social Security Acquiescence Ruling will apply to all determinations and decisions made on or after March 17, 1992. If we made a determination or decision on the medical cessation of your disability between August 10, 1990, the date of the Court of Appeals' decision and March 17, 1992, the effective date of this Social Security Acquiescence Ruling, you may request application of the Social Security Acquiescence Ruling to your claim if you first demonstrate, pursuant to 20 CFR 404.985(b), that application of the Ruling could change our prior determination or decision.

If this Social Security Acquiescence Ruling is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect as provided for in 20 CFR 404.985(e). If we decide to relitigate the issue covered by this Social Security Acquiescence Ruling as provided for by 20 CFR 404.985(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation of the Act or regulations involved and explaining why we have decided to relitigate the issue.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance)

Dated: November 27, 1991.

Gwendolyn S. King,

Commissioner of Social Security.

Acquiescence Ruling 92-2(6)

Difford v. *Secretary of Health and Human Services*, 910 F.2d 1316 (6th Cir. 1990), *reh'g denied*, February 7, 1991—Scope of Review on Appeal in a Medical Cessation of Disability Case—Title II of the Social Security Act.

Issue

Whether in deciding the appeal of a determination that an individual's disability has medically ceased, the adjudicator must consider the issue of the individual's disability through the date of the Secretary's final decision, rather than deciding the appeal based on the issue of continuing disability only through the date of the initial cessation determination.

Statute/Regulation/Ruling Citation

Section 223(f) of the Social Security Act (42 U.S.C. 423(f)), 20 CFR 404.1579, 404.1589, 404.1590, 404.1594.

Circuit

Sixth (Kentucky, Michigan, Ohio, Tennessee)

Difford v. *Secretay of Health and Human Services*, 910 F.2d 1316 (6th Cir. 1990), *reh'g denied*, February 7, 1991.

Applicability of Ruling

The court's holding affects only cases at the disability hearing/reconsideration, Administrative Law Judge and Appeals Council levels. Therefore, this Ruling applies only to determinations or decisions made at those levels.

Description of Case

On October 19, 1976, the plaintiff applied for disability benefits. It was determined that he was disabled effective April 2, 1976. In June 1982, he was notified of a proposal to terminate his benefits because current medical records showed that he was no longer disabled. Benefits were terminated as of August 31, 1982. The plaintiff's request for reconsideration was denied and he did not pursue any further appeal.

The plaintiff filed a new application on May 16, 1983. This application was denied initially and throughout the administrative review process, culminating in the Appeals Council denying the plaintiff's request for review on April 13, 1984. The plaintiff did not file any action in court to challenge the final decision of the Secretary.

In June 1984, the plaintiff obtained employment. On January 2, 1985, he injured his knee and back in an accident at work. He had surgery on his right knee in January 1985 and became unemployed.

Because the plaintiff was a member of the *Holden* class (*Holden* v. *Heckler*, 584 F.Supp. 463 (N.D. Ohio 1984), an Ohio class action which successfully challenged the Secretary's former policies and procedures used in continuing disability reviews), he received notice in February 1985 that he had the right to apply for reinstatement of his disability benefits and to have his claim reviewed under the appropriate medical improvement standard. He requested review of his case on March 19, 1985. The Secretary determined, both initially and on reconsideration, that the original termination decision was correct. On January 28, 1988, after considering only the evidence of the plaintiff's condition through June 1982, an Administrative Law Judge issued a decision finding that the plaintiff's disability had ceased as of June 1982 because his condition had medically improved. The Appeals Council denied the request for review. Accordingly, the Administrative Law Judge's decision became the final decision of the Secretary. The plaintiff then sought judicial review.

In affirming the Secretary's cessation decision, the district court noted that the plaintiff had worked for six months after it had been determined that his disability had ceased. The court found that the plaintiff's knee and arthritis impairments as of the time of the Administrative Law Judge hearing were a direct result of his 1985 job-related accident. Therefore, the court concluded that the relevant time frame for consideration of cessation of disability was 1976–1982. The plaintiff then appealed to the United States Court of Appeals for the Sixth Circuit.

Holding

The Sixth Circuit stated that the case turned "on the correct interpretation of certain provisions of section 2(a) of * * * Public Law 98-460, 98 Stat. 1794 (1984), codified at 42 U.S.C. 423(f), which sets the standard of review for termination of disability benefits." Those provisions, in relevant part, provide as follows:

> A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—
>
> (1) substantial evidence which demonstrates that—
>
> (A) there has been any medical improvement in the individual's impairment or combination of impairments (other than medical improvement which is not related to the individual's ability to work), and
>
> (B) the individual is now able to engage in substantial gainful activity * * *

* * * * *

Any determination under this section shall be made on the basis of all the evidence available in the individual's case file, including new evidence concerning the individual's prior or current condition which is presented by the individual or secured by the Secretary. (Emphasis added.)

The court held that:

the plain meaning of statutory references to "now" or "current" compels a consideration of an individual's ability to perform substantial gainful activity at the time of the hearing. * * * We note, however, that interpretation of section 423(f) to require assessment of Difford's condition as of the 1988 hearing does not preclude a finding by the Secretary that the length of time of Difford's employment * * * is a period of non-disability for which benefits may be withheld.

910 F.2d at 1320, emphasis added.

Statement as To How Difford Differs From SSA Policy

SSA interprets the term "current," as used in the statutory and regulatory language concerning termination of disability benefits, to relate to the time of the cessation under consideration in the initial determination of cessation. In making any initial determination that a claimant's disability has ceased, SSA considers the claimant's condition at the time SSA is making the initial determination. In deciding the appeal of that cessation determination, the Secretary considers what the claimant's condition was at the time of the cessation determination, not the claimant's condition at the time of the disability hearing/reconsideration determination, ALJ decision or Appeals Council decision. However, if the evidence indicates that the claimant's condition may have again become disabling subsequent to the cessation of his or her disability or that he or she has a new impairment, the adjudicator solicits a new application.

The Sixth Circuit Court of Appeals has found that, in reviewing a cessation determination, SSA must consider the claimant's condition through the date of the Secretary's final determination or decision.

Explanation of How SSA Will Apply This Decision Within the Circuit

This Ruling applies to cases involving claimants who reside in Kentucky, Michigan, Ohio, or Tennessee at the time of the determination or decision at the disability hearing/reconsideration, the Administrative Law Judge or Appeals Council levels.

In making a determination or decision concerning whether or not an individual's disability has ceased, the disability hearing officer, Administrative Law Judge or Appeals Council may not limit consideration to the period of time ending with the date disability was initially determined to have ceased, but must also give consideration to the individual's ability to perform substantial gainful activity through the date on which the appeal determination or decision is being made.

The adjudicator will consider whether the initial cessation determination was correct. If the adjudicator determines that the initial cessation was correct, he or she will then consider whether the claimant has again become disabled at any time through the date of his or her determination or decision as a result of a worsening of an existing impairment or by the onset of a new impairment. If, on the other hand, the adjudicator determines that the initial cessation determination was not correct, the adjudicator will determine if the evidence establishes medical improvement as a basis for termination of benefits as of any time through the date of his or her determination or decision. In every case where it is established that the claimant was not continuously disabled through the date of the appeal determination, the adjudicator will fully explain the basis for the conclusions reached, and will state the month that the claimant's disability ended, and, if applicable, the month a new disability began and any intervening months of nondisability.

[FR Doc. 92-6163 Filed 3-16-92; 8:45 am]

BILLING CODE 4190-29-M

[Social Security Ruling SSR 92-3c]

Timely Filing for Attorney Fees Under the Equal Access to Justice Act

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Social Security Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 92-3c. This Ruling, based on the Supreme Court's decision in *Melkonyan v. Sullivan*, ____ U.S. ____, 111 S. Ct. 2157 (1991), concerns the timely filing for attorney fees under the Equal Access to Justice Act (EAJA)—whether an administrative decision rendered following a court remand is a "final judgment" within the meaning of the EAJA.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Joanne K. Castello, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1711.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations.

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or revoked, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance; 93.806 Special Benefits for Disabled Coal Miners; 93.807 Supplemental Security Income.)

Dated: March 2, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Sections 205(g) and 1631(c)(3) of the Social Security Act (42 U.S.C. 405(g) and 1383(c)(3)) Timely Filing for Attorney Fees Under the Equal Access to Justice Act

Melkonyan v. Sullivan, ____ U.S. ____, 111 S. Ct. 2157 (1991)

This Ruling concerns the timely filing for attorney fees under the Equal Access to Justice Act (EAJA)—whether an administrative decision rendered following a court remand is a "final judgment" within the meaning of the EAJA.

The claimant applied for and was denied supplemental security income (SSI) benefits based on disability. He then filed suit in United States District Court, seeking review of the Secretary's final decision denying his application for SSI. While his case was pending, the claimant filed a second application, accompanied by new evidence of disability, and was awarded benefits. The Secretary requested that the court remand the first claim for

reconsideration. The court granted the Secretary's remand motion. On remand, the adverse decision was vacated and the claimant was found disabled as of his original application date.

Over a year later, the claimant applied to the district court for attorney's fees under the EAJA, which permits an award of fees and other expenses to a party prevailing against the United States "in any civil action * * * in any court, "28 U.S.C. 2412(d)(1)(A), when application is made within 30 days of "final judgment in the action," 28 U.S.C. 2412(d)(1)(B). The court denied the request on the ground that the Secretary's decision to deny the first application had been substantially justified. However, the Court of Appeals vacated, concluding that the claimant's application was untimely because the administrative decision on remand was a "final judgment" which started the 30-day period.

The Supreme Court held that the EAJA's plain language makes clear that a "final judgment" for purposes of 28 U.S.C. 2412(d)(1)(B) is a judgment rendered by a court that terminates the civil action for which EAJA fees may be received. EAJA's definition of "final judgment" does not include administrative agencies' decisions.

The Supreme Court also held that a district court may remand a final decision of the Secretary only as provided in sentences four and six of section 205(g) of the Social Security Act: (1) In conjunction with a judgment affirming, modifying, or reversing the Secretary's decision (sentence four); or (2) in light of additional evidence without any substantive ruling as to the correctness of the Secretary's decision, but only if the claimant shows good cause for failing to present the evidence earlier (sentence six). In so holding, the Supreme Court closely examined the legislative history associated with the 1980 Amendments to section 205(g) of the Social Security Act and concluded that Congress intended to limit the courts' authority to enter remand orders.

The Supreme Court was not certain whether the district court's order in this case was a sentence six remand because the record did not clearly indicate what the district court intended by its disposition. Accordingly, the Supreme Court vacated the judgment of the Court of Appeals and remanded the case for the district court to clarify its remand order.

O'Connor, Supreme Court Justice:

A party that prevails against the United States in a civil action is entitled, in certain circumstances, to an award of attorney's fees, court costs, and other expenses. Equal Access to Justice Act (EAJA), 28 U.S.C. 2412. Among other requirements, the prevailing party must submit to the court an application for fees and expenses "within thirty days of final judgment in the action." Section 2412(d)(1)(B). This case requires us to decide whether an administrative decision rendered following a remand from the District Court is a "final judgment" within the meaning of EAJA.

I

In May 1982, petitioner Zakhar Melkonyan filed an application for disability benefits under the Supplemental Security Income (SSI) program established by Title XVI of the Social Security Act, 42 U.S.C. 1381 et seq. Following a hearing, an Administrative Law Judge (ALJ) concluded that petitioner was not disabled within the meaning of the Act. The Appeals Council denied review of the ALJ's decision. In June 1984, petitioner timely filed a complaint in the United States District Court for the Central District of California seeking judicial review pursuant to 42 U.S.C. 1383(c)(3), which incorporates the review provisions of 42 U.S.C. 405(g).

On May 30, 1984, shortly before filing the complaint, petitioner filed a second application for SSI disability benefits accompanied by new evidence of disability. In August 1984, petitioner's *second* application was approved as of the date it was filed. He then sought summary judgment in his action to review the administrative decision denying his *first* application for benefits. The Secretary cross-filed for summary judgment.

While the summary judgment motions were pending, the Secretary requested that the case be remanded to the Appeals Council so the first application could be reconsidered in light of the new evidence. Petitioner initially opposed the Secretary's remand request, arguing that evidence already in the record amply established his disability. Three months later, however, citing failing health and the prospect of increased medical expenses, petitioner moved the court to "either issue [the decision] or remand the cause to the Secretary." App. 9-10. In response, on April 3, 1985, the District Court entered a "judgment" which read in its entirety:

"Defendant's motion ot remand, concurred in by plaintiff, is granted. The matter is remanded to the Secretary for all further proceedings." App. 11.

One month after the remand the Appeals Council vacated the ALJs prior decision and found petitioner disabled as of the date of his orginial SSI application. That decision granted petitioner all the relief he had initially requested.

More than a year later, petitioner applied to the District Court for attorney's fees under EAJA. The Magistrate recommended that the fee application be denied, concluding that the Secretary's decision to deny the first application was "substantially justified" at the time because the original record did not establish that petitioner was disabled. App. 20-21. The District Court agreed and denied the fee request.

The Court of Appeals for the Ninth Circuit vacated the District Court's judgment. It agreed that petitioner was not eligible for attorney's fees under EAJA, but for a different reason. *Melkonyan* v. *Heckler*, 895 F.2d 556 (1990). The Court of Appeals noted that EAJA requires an application for fees to be filed within 30 days of the "final judgment in the action," a term defined in the statute as a "judgment that is final and not appealable." Id., at 557 (citing 28 U.S.C. 2412(d)(2)(G)). In the court's view, its task was to determine when that "final and not appealable" judgment was rendered. 895 F.2d, at 557.

The Court of Appeals recognized that the District Court's order remanding the case to the Secretary was not a "final judgment" because both parties anticipated further administrative proceedings. *Id.*, at 557-558. On remand, the Appeals Council reversed itself and held for petitioner; having won all he had asked for, there was no reason to return to the District Court. Under those circumstances the Court of Appeals concluded that the Appeals Council's decision to award benefits was, in effect, a "final judgment" under EAJA, thereby commencing the 30-day period for filing the fee application. *Id.*, at 558-559. Because petitioner waited more than a year after the Appeals Council's decision, his application was untimely. *Id.*, at 559. We granted certiorari, 498 U.S. ____, 111 S.Ct. 669, 112 L.Ed.2d 662 (1991), and now vacate the judgment of the Court of Appeals.

II

The language of the relevant EAJA statute, section 2412, provides:

"(A) Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, * * * incurred by that party *in any civil action* (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States *in any court* having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

"(B) A party seeking an award of fees and other expenses shall, within thirty days of *final judgment in the action*, submit to the court an application for fees and other expenses which shows that the party is a prevailing party and is eligible to receive an award under this susbsection." * * *" 28 U.S.C. 2412(d)(1) (A), (B) (emphasis added).

Petitioner argues that his provision is most naturally read to mean that it is *the court before which the civil action is pending* that must render the "final judgment" that starts the running of the 30-day EAJA filing period. Brief for Petitioner 13. We agree. As the highlighted language indicates, subsections (d)(1)(A) and (d)(1)(B) work in tandem. Subsection (d)(1)(A) authorizes the awarding of fees to parties that prevail against the United States in nontort civil actions, subject to qualifications not pertinent here. Subsection (d)(1)(B) explains what the prevailing party must do to secure the fee award. The requirement that the fee application be filed within 30 days of "final judgment in *the action*" plainly refers back to the "civil action * * * in any court" in

(d)(1)(A). The plain language makes clear that a "final judgment" under § 2412 can only be the judgment of a court of law. This reading is reinforced by the contrast between 2412 and 5 U.S.C. 504(a). Section 504 was enacted at the same time as § 2412, and is the only par to the EAJA that allows fees and expenses for administrative proceedings conducted prior to the filing of a civil action. The pertinent language of section 504(a)(2) largely mirrors that of section 2412(d)(1)(B), with one notable exception: it states that a "party seeking an award of fees and other expenses shall, within thirty days of a final *disposition in the adversary adjudication,*" file an application for fees. 5 U.S.C. 504(a)(2). Clearly Congress knew how to distinguish between a "final judgment in [an] action" and a "final disposition in [an] adversary adjudication." One is rendered by a court; the other includes adjudication by an administrative agency.

The Secretary's sole argument to the contrary rests on the 1985 amendments to EAJA, which added a definition of "final judgment" to 2412. Traditionally, a "final judgment" is one that is final and appealable. See Fed.Rule Civ.Proc. 54(a) (" 'judgment' as used in these rules includes a decree and any order from which an appeal lies"); *Sullivan v. Finkelstein,* 496 U.S. ___, ___, 110 S.Ct. 2658, 2665, 110 L.Ed.2d 563 (1990) (" 'final judgments' are at the core of matters appealable under 1291"). Under 2412 as amended, however, a "final judgment" is one that is "final and *not* appealable." 28 U.S.C. 2412(d)(2)(G) (emphasis added). In the Secretary's view, "[t]his significant departure from the usual characteristi[c] of a 'judgment' entered by a court" dictates a different understanding of how the phrase "final judgment" is used in section 2412(d)(1)(B). Brief for Respondent 20. The Secretary argues that under the revised statute, a "final judgment" includes not only judgments rendered by a court, but also decisions made by administrative agencies. *Ibid.*

We reject this argument. Section 2412(d)(1)(B) does not speak merely of a "judgment," it speaks of a "final judgment *in the action.*" As we have explained, the "action" referred to in subsection (d)(1)(B) is a "civil action * * * in any court" under subsection (d)(1)(A). The Secretary's suggested interpretation of "final judgment" does not alter this unambiguous requirement of judgment by a *court.*

As for why Congress added the unusual definition of "final judgment," the answer is clear. "The definition * * * was added in 1985 to resolve a conflict in the lower courts on the question whether a 'judgment' was to be regarded as 'final' for EAJA purposes when it was entered, or only when the period for taking an appeal had lapsed." Brief for Respondent 20 (footnote omitted). The Ninth Circuit had held that the 30-day EAJA filing period began to run when the District Court entered judgment. *McQuiston* v. *Marsh,* 707 F.2d 1082, 1085 (1983). The Seventh Circuit rejected this view, holding that the EAJA filing period should be deemed to begin only after the time for taking an appeal from the District Court judgment had expired. *McDonald* v. *Sshweiker,* 726 F.2d 311, 314 (1983) Accord, *Massachusetts Union of Public Housing Tenants, Inc.* v. *Pierce,* 244 U.S. App.D.C. 34, 36, 755 F.2d 177, 179 (1985).

Congress responded to this split in the federal courts by explicitly adopting and ratifying the *McDonald* approach. S.Rep. No. 98–586, p. 16 (1984) ("The Committee believes that the interpretation of the court in *[McDonald]* is the correct one"). See also H.R.Rep. No. 98–992, p.14 (1984) ("The term 'final judgment' has been clarified to mean a judgment the time to appeal which has expired for all parties"); H.R.Rep. No. 99–120, p. 18 (1985). There simply is no evidence to support the argument the Secretary now advances—that, in defining "final judgment" so as to resolve an existing problem, Congress also intended, *sub silentio,* to alter the meaning of the term to include a final agency decision. We conclude a final agency decision. We conclude that, notwithstanding the 1985 amendment, Congress' use of "judgment" in 28 U.S.C. 2412 refers to judgments entered *by a court of law,* and does not encompass decisions rendered by an administrative agency. Accordingly, we hold that a "final judgment" for purposes of 28 U.S.C 2412(d)(1)(B) means a judgment rendered by a court that terminates the civil action for which EAJA fees may be received. The 30-day EAJA clock begins to run after the time to appeal that "final judgment" has expired.

Our decision in *Sullivan* v. *Hudson,* 490 U.S. 877, 109 S.Ct. 2248, 104 L.Ed.2d 941 (1989), is not to the contrary. The issue in *Hudson* was whether, under 2412(d), a "civil action" could include administrative proceedings so that a claimant could receive attorney's fees for work done at the administrative level following a remand by the District Court. We explained that certain administrative proceedings are "so intimately connected with judicial proceedings as to be considered part of the 'civil action' for purposes of a fee award." Id., at 892, 109 S.Ct., at 2258. We defined the narrow class of qualifying administrative proceedings to be those "where 'a suit has been brought in a court,' and where 'a formal complaint with the jurisdiction of a court of law' *remains pending and depends for its resolution upon the outcome of the administrative proceedings.*" *Ibid.* (emphasis added). Hudson thus stands for the proposition that in those cases where the district court retains jurisdiction of the civil action and contemplates entering a final judgment following the completion of administrative proceedings, a claimant may collect EAJA fees for work done at the administrative level. Ibid. "We did not say that proceedings on remand to an agency are 'part-and parcel' of a civil action in federal district court for all purposes. . . ." *Sullivan* v. *Finkelstein, supra,* 496 U.S., at ___, 110 S.Ct., at 2666–2667.

III

Having decided that EAJA requires a "final judgment" entered by a court, it is obvious that no "final judgment" was entered in this case before petitioner initiated his appeal. Petitioner filed a civil action in District Court under 42 U.S.C. 405(g), seeking review of the Secretary's decision that he was not entitled to disability benefits. Without ruling on the correctness of the Secretary's decision, the District Court remanded the case for further administrative proceedings. On remand, the Appeals Council awarded petitioner the disability benefits he sought. Neither petitioner nor the Secretary returned to District Court for entry of a final judgment. The question we must decide now is whether either party is entitled to do so.

The answer depends on what kind of remand the District Court contemplated. In *Finkelstein,* we examined closely the languang of section 405(g) and identified two kinds of remands under that statute: (1) remands pursuant to the fourth sentence, and (2) remands pursuant to the sixth sentence. See 496 U.S., at ___, 110 S.Ct., at 2663–2665. The fourth sentence of section 405(g) authorizes a court to enter "a judgment affirming, modifying, or reversing the decision of the Secretary, with or without remanding the cause for a rehearing." The parties agree that the remand order in this case was not entered pursuant to sentence four, as the District Court did not affirm, modify, or reverse the Secretary's decision. We concur. The District Court did not make any substantive ruling; it merely returned the case to the agency for disposition, noting that both parties agreed to this course.

The sixth sentense of section 405(g), as we explained in *Finkelstein,* "describes an entirely different kind of remand." Id., at ___, 110 S.CT., at 2664. The District Court does not affirm, modify, or reverse the Secretary's decision; it does not rule in any way as to the correctness of the administrative determination. Rather, the court remands because new evidence has come to light that was not available to the claimant at the time of the administrative proceeding and that evidence might have changed the outcome of the prior proceeding. Ibid.

The statute provides that following a sentence six remand, the Secretary must return to the District Court to "file with the court any such additional or modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based." 42 U.S.C. section 405(g).[1]

[1] Sentence six of section 405(g) provides in full: "The court may, on motion of the Secretary made for good cause shown before he files his answer, remand the case to the Secretary for further action by the Secretary, and it may at any time order additional evidence to be taken before the Secretary, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding, and the Secretary shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm his findings of fact or his decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based."

Petitioner argues, plausibly, that the court contemplated a sentence six remand. Indeed, it is undisputed that it was consideration of later-acquired evidence that led the Appeals Council ultimately to reverse its earlier decision and declare petitioner eligible for benefits from the date of his original application. Petitioner further argues that this must have been a sentence six remand because section 405(g) authorizes only two kinds of remands—those pursuant to sentence four and those pursuant to sentence six—and the Secretary concedes that this was not a sentence four remand.

The Secretary maintains that this was not a sentence six remand. While acknowledging that the remand request was prompted by the discovery of new evidence of disability, see Brief for Respondent 27–28, the Secretary observes correctly that the sixth sentence of section 405(g) requires a showing of "good cause" for the failure to present the additional evidence in the prior proceeding and that the District Court did not rule explicitly that such a showing had been made. The Secretary also notes that the District Court did not manifest any intent to retain jurisdiction, as would be the case under sentence six, but rather remanded to the agency "for all further proceedings."

The Secretary also disputes petitioner's assumption that sentences four and six set forth the only kinds of remands that are permitted under section 405(g), arguing that the District Court has inherent authority to enter other types of remand orders. *Id.,* at 28–29, n. 23. On this point, we think petitioner has the better of the argument. As mentioned, in *Finkelstein* we analyzed section 405(g) sentence-by-sentence and identified two kinds of possible remands under the statute. While we did not state explicitly at that time that these were the *only* kinds of remands permitted under the statute, we do so today. Under sentence four, a district court may remand in conjunction with a judgment affirming, modifying, or reversing the Secretary's decision. Under sentence six, the district court may remand in light of additional evidence without making any substantive ruling as to the correctness of the Secretary's decision, but only if the claimant shows good cause for failing to present the evident earlier.[2] Congress' explicit delineation in section 405(g) regarding the cirumstances under which remands are authorized leads us to conclude that it intended to limit the district court's authority to enter remand orders to these two types. Cf. *United States* v. *Smith,* 499 U.S. ___, 111 S.Ct. 1180, 113 L.Ed.2d 134 (1991) (expressly enumerated exceptions presumed to be exclusive).

This reading of the statute is dictated by the plain language of section 405(g) and is supported by the legislative history. In amending the sixth sentence of section 405(g) in 1980, Congress made it unmistakably clear that it intended to limit the power of District Courts to order remands for "new evidence" in Social Security cases. Pub.L. 96–265, section 307, 94 Stat. 458. The Senate Report accompanying the amendments explained:

> [U]nder existing law the court itself, on its own motion or on motion of the claimant, has discretionary authority 'for good cause' to remand the case back to the ALJ. It would appear that, although many of these court remands are justified, some remands are undertaken because the judge disagrees with the outcome of the case even though he would have to sustain it under the 'substantial evidence rule.' Moreover, the number of these court remands seems to be increasing.
>
> * * * * *
>
> The bill would continue the provision of present law which gives the court discretionary authority to remand cases to the Secretary, *but adds the requirement that remand for the purpose of taking new evidence be limited to cases in which there is a showing that there was good cause for failure to incorporate it into the record in a prior proceeding.*" S.Rep. No. 96–408, pp. 58–59 (1979) (emphasis added). See also H.R.Rep. No. 96–100, p. 13 (1979), U.S.Code Cong. & Admin.News 1980, pp. 1277, 1336–1337, (same).

Congressman Pickle, one of the Floor managers of the bill, echoed this explanation when he noted in a Floor statement that with the amendment "we have tried to speed up the judicial process so that these cases would not just go on and on and on. The court could remand [them] back down to the ALJ without cause or other reason which was weakening the appeal process at that level." 125 Cong.Rec. 23383 (1979).

The amendment to sentence six, of course, was not intended to limit a District Court's ability to order remands under sentence four. The House Report explains that "[t]his language [amending sentence six] is not to be construed as a limitation of judicial remands currently recognized under the law in cases which the Secretary has failed to provide a full and fair hearing, to make explicit findings, or to have correctly apply [*sic*] the law and regulations." H.R.Rep. No. 96–100, *supra,* at 13. Thus, under sentence four, a District Court may still remand in conjunction with a judgment reversing in part the Secretary's decision.

It is evident from these passages that Congress believed courts were often remanding Social Security cases without good reason. While normally courts have inherent power, among other things, to remand cases, see *United States* v. *Jones,* 336 U.S. 641, 671, 69 S.Ct. 787, 803, 93 L.Ed. 938 (1949), both the structure of section 405(g), as amended, and the accompanying legislative history show Congress' clear intent to limit courts to two kinds of remands in these cases. Cf. *Chambers* v. *Nasco, Inc.,* 500 U.S. ___, 111 S.Ct. 2123, ___ L.Ed.2d ___ (1991) (finding no congressional intent to limit a court's inherent authority to impose sanctions).

In light of the foregoing, we conclude that section 405(g) actions, remand orders must either accompany a final judgment affirming, modifying, or reversing the administrative decision in accordance with sentence four, or conform with the requirements outlined by Congress in sentence six. Construing remand orders in this manner harmonizes the remand provisions of section 405(g) with the EAJA requirement that a "final judgment" be entered in the civil action order to trigger the EAJA filing period 28 U.S.C. 2412(d)(1)(B). In sentence four cases, the filing period begins after the final judgment ("affirming, modifying, or reversing") is entered by the court and the appeal period has run, so that the judgment is no longer appealable. See section 2412(d)(2)(G). In sentence six cases, the filing period does not begin until after the postremand proceedings are completed, the Secretary returns to court, the court enters final judgment, and the appeal period runs.

Although we agree with petitioner that the District Court's remand authority is confirmed to those circumstances specifically defined in section 405(g), we cannot state with certainty that the remand in this case was, as petitioner contends, a sentence six remand. As the Secretary points out, the District Court did not make a finding that "good cause" had been shown, nor did the court seem to anticipate that the parties would return to court following the administrative proceedings. Indeed, it may be that the court treated the joint request for remand as a voluntary dismissal under Fed. Rule Civ. Proc. 41(a), although the parties did not file a signed stipulation, as required by the Rule. Because the record before us does not clearly indicate what the District Court intended by its disposition, we vacate the judgment and remand the matter to enable the District Court to clarify its order. If petitioner is correct that the court remanded the case under sentence six, the Secretary must return to District Court, at which time the court will enter a final judgment. Petitioner will be entitled to EAJA fees unless the Secretary's initial position was substantially justified, a question which was not addressed by the Court of Appeals. If, on the other hand, this was *not* a sentence six remand, it may be that petitioner is not entitled to EAJA fees at all. For example, if the court's order was, in effect, a dismissal under Fed. Rule Civ. Proc. 41(a), the District Court's jurisdiction over the case would have ended at that point, and petitioner would not have been a prevailing party "in [a] civil action" 28 U.S.C 2412(d)(1)(A). Under those circumstances, the Secretary would not return to the District Court and petitioner would not be eligible to receive EAJA fees.

IV

At oral argument the parties discussed the timeliness of petitioner's fee application. EAJA requires prevailing parties seeking an award of fees to file with the court, "*within thirty days of final judgment in the action,*" an application for fees and other expenses. Section 2412(d)(1)(B) (emphasis added). Petitioner claims that this language permits him to apply for fees at any time *up to* 30 days after entry of judgment, and even before judgment is entered, as long as he has achieved prevailing part status. Tr. of Oral Arg. 16–18.

This case is not an appropriate vehicle for resolving the issue. If petitioner is correct that this was a sentence six remand, the District

[2] Sentence six also authorizes the District Court to remand on motion by the Secretary made before the Secreary has filed a response in the action. That subcategory of sentence six remands is not implicated in this case.

Court may determine that the application he has already file is sufficient. Alternatively, petitioner can easily reapply for EAJA fees following District Court's entry of a final judgment. In either case, petitioner will not be prejudiced by having filed prematurely. On the other hand, if this was not a sentence six remand, we have already explained that petitioner would not be entitled to fees, so the timeliness of the application will not be an issue.

The judgment of the Ninth Circuit Court of Appeals is vacated, and the case is remanded to the Court of Appeals with instructions to remand to the District Court for further proceedings consistent with this opinion.

It is so ordered.

Justice O'Connor delivered the opinion for a unanimous Court.

[FR Doc. 92-6024 Filed 3-16-92; 8:45 am]

BILLING CODE 4190-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-92-3251; FR-2964-N-02]

Office of the Assistant Secretary for Community Planning and Development; Community Development Technical Assistance Program Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of competition winners.

SUMMARY: In accordance with section 104(a)(4)(c) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions the Department has made under the Community Development Technical Assistance Program, pursuant to a national competition, to help residents of public housing sites become self-employed. The announcement contains the names and addresses of the award winners and the amounts of the awards.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: James F. Selvaggi, Office of Technical Assistance, Department of Housing and Urban Development, room 7148, 451 Seventh Street, SW., Washington, DC, 20410; telephone number (202) 708-2090. The TDD number is (202) 708-0564. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: In a Notice published May 1, 1991 (56 FR 20068), the Department announced the availability of up to $2 million in grants to provide technical assistance in support of locally designed projects, to assist residents of public housing sites to become self-employed.

This competition was authorized under Title I, section 107(b)(4) of the Housing and Community Development Act of 1974, and was conducted in accordance with program requirements contained in 24 CFR 570.400 and 570.402 (the Community Development Technical Assistance Program). The purpose of the competition is to provide technical assistance to aid residents of public housing secure the knowledge they need to start, and to successfully operate, small businesses.

Sixty-nine applicants responded to the Notice by the closing date of August 19, 1991; their application were scored and selected for funding according to the "Factors for Award" contained in the May 1, 1991 Notice. The $2 million available permitted full or partial funding of the thirteen most qualified applicants.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 102-235, approved December 15, 1989), this document announces the winners of the technical assistance competition to promote self-employment by residents of public housing sites:

1. Chicago Housing Authority, 22 West Madison Street, Chicago, Illinois 60602, Cathy Johnson, 312-567-7718 ..... $200,000
2. Albuquerque Development Capital, 700 4th Street, SW., suite A, Bernalillo County, Albuquerque, New Mexico 87102, Richard Asenap, Department of Human Service, 505-764-1730 50,000
3. Southern Dallas Development Corporation, 1501 Beaumont, Dallas, Texas 75215, Jim Reid, 214-428-7332 200,000
4. Housing Authority of Baltimore City, 417 E. Fayette Street, suite 285, Baltimore, Maryland 21202, Thelma Millard, 301-396-4272 199,502
5. Greater Atlanta Small Business Project, 10 Park Place South, suite 305, Atlanta, Georgia 30303, Maurice Coakley, 404-659-5955 200,000
6. Corporation for Enterprise Development, 777 N. Capital Street, NE., Suite 801, Washington, DC 20002, Rick Carlisle, 919-682-9444 194,191
7. Metropolitan Development and Housing Agency, 701 South Sixth Street, Nashville, Tennessee 37202, Gerald F. Nicely, 615-252-3750 150,000
8. Schenectady Municipal Housing Authority, 375 Broadway, Schenectady, New York 12305, Sharon A. Jordan, 518-372-3346 ... 100,000
9. North Star Community Development Corporation, 325 Lake Avenue South, suite 504, Duluth, Minnesota 55802, Allen Ballantance, 218-727-6690 134,174
10. City of Ann Arbor, Ann Arbor Housing Commission, 727 Miller Avenue, Ann Arbor, Michigan 48103, Conrad Benson, Executive Director, 313-994-2828 100,000
11. Urban League of Pittsburgh, 200 Ross Street, 2nd Floor, Pittsburgh, Pennsylvania 15219, Leon L. Haley, 412-261-1130 200,000
12. Women's Venture, 2324 University Avenue West, Suite 200, St. Paul, Minnesota 55114, Joyce Yamamoto, 612-646-3808 199,519
13. Greensboro Housing Authority, P.O. Box 21287, Greensboro, North Carolina 27420, Elaine T. Ostrowski, 919-275-8501 72,614

Dated: March 11, 1992.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 92-6167 Filed 3-16-92; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-060-02-7122-09-8644]

Intent to Prepare Environmental Impact Statement; Mule Canyon Project, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement for a mining Plan of Operations for the Mule Canyon project, Lander County, Nevada; and notice of scoping period and public meetings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, and to 43 CFR 3809, the Bureau of Land Management (BLM) will be directing the preparation of an Environmental Assessment/Environmental Impact Statement (EA/EIS) for the proposed development of a gold mine in Lander County, Nevada. This EA/EIS will be prepared by contract and funded by the proponent, Gold Fields Mining Company. The BLM invites comments and suggestions on the scope of the analysis.

DATES: Scoping meetings will be held April 7, 1992, from 7-9 p.m. at the VIP's Motor Inn in Battle Mountain, Nevada; and on April 8, 1992, from 7-9 p.m. at the Elko Convention Center in Elko, Nevada; and on April 9, 1992, from 7-9 p.m. at the Airport Plaza Hotel in Reno, Nevada. The purposes of these meetings are to identify issues to be addressed in the EA/EIS, and to encourage public participation in the review process. Representatives of the BLM and Gold Fields Mining Company will be summarizing the Plan of Operations and accepting comments from the audience. Written comments on the Plan of Operations and the scope of the EA/EIS will be accepted until May 31, 1992. A preliminary EA/draft EIS is expected to be completed by October of 1992, at which time the document will be made available for public review and comment.

ADDRESSES: Scoping comments may be sent to: District Manager, P.O. Box 1420, Battle Mountain, NV 89820 Attn: Mule Canyon Mine Coordinator.

FOR FURTHER INFORMATION CONTACT: Pamela English, P.O. Box 1420, Battle Mountain, NV 89820, (702) 635-4000.

SUPPLEMENTARY INFORMATION: Gold Fields Mining Company of Golden, Colorado has submitted to the Battle Mountain District Office of the U.S. Department of the Interior, Bureau of Land Management (BLM), a Plan of Operations (PO). The PO describes proposed mining operations in Lander County, and access to the operations in Eureka County, approximately 12 miles west of Battle Mountain, Nevada. A total of approximately 18 to 54 million tons of ore and 125 to 355 million tons of barren (nongold-bearing) rock may be excavated during the 15 year mine life. Total surface disturbance for all mine facilities would be about 3,600 acres. Key production facilities would include the mine pits, barren rock piles, protore stockpiles, run-of-mine and crushed ore stockpiles, ore crushing, conveying, grinding, and oxidation circuits, heap leach pads and solution ponds, gold extraction and refining equipment, and tailings disposal facilities. Nonprocessing ancillary facilities to support the mining activities include administration, laboratory, warehouse, truck repair and maintenance shop buildings, fuel, oil, reagent and water storage facilities and other small structures required for operations. Processing would include stockpiling, crushing, grinding, oxidation and agitated and heap leaching of ore.

The EA/EIS will address the issues of geology, minerals, soils, water resources, vegetation, wildlife, grazing management, air quality, aesthetic resources, cultural resources, paleontological resources, land use, access, recreation, wilderness, social and economic values, and transportation.

Federal, state, and local agencies and other individuals or organizations who may be interested in or affected by the BLM's decision on the PO are invited to participate in the scoping process. The Authorized Officer will respond to public input and comment as part of the final EA/EIS. The decision regarding the proposal will be recorded as a Decision Record or Record of Decision, which is subject to appeal under 43 CFR 4.

Dated: March 9, 1992.

Michael C. Mitchel,

Acting District Manager.

[FR Doc. 92-6162 Filed 3-16-92; 8:45 am]

BILLING CODE 4310-HC-M

[CO-050-4212-06; COC-53506]

Realty Action; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a planning amendment to the Royal Gorge Management Framework Plan and notice of realty action COC-53506, exchange of public land for private land in Chaffee County, Colorado.

SUMMARY: The following described public lands are to be considered for suitability for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Sixth Principal Meridian, Colorado

T.14 S., R.78 W.,
Sec. 23 S½ SE¼SW¼
Sec. 26 W½ NW¼NE¼, NE¼NW¼.

This aggregates 80 acres in Chaffee County located east of Johnsons Village on Trout Creek.

In exchange for the above, or some part thereof the United States would acquire the following described private land of equal value from Mr. Paul Moltz:

New Mexico Principal Meridian, Colorado

T.50 N., R.8 E.,
Sec. 3, Parcel B in the NE¼SE¼ and the SE¼SE¼.

This privately surveyed parcel includes 45.73 acres in Chaffee County located on the Arkansas River and is accessed directly from State Highway 291 approximately six miles northwest of Salida.

The publication of this notice segregates the public lands described above from the public land laws including the mining laws, except the mineral leasing act and exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years.

An environmental assessment of the proposed action described herein will be made to determine if the action is in the publics best interest and what reservations on the patent are needed.

DATES: Interested parties should submit comments prior to May 15, 1992.

ADDRESSES: Bureau of Land Management, P.O. Box 2200, Canon City, CO 81215.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. David Hallock, Realty Specialist at 3170 East Main St., Canon City, Colorado (719) 275-0631.

Stuart L. Freer,

Associate District Manager.

[FR Doc. 92-6141 Filed 3-16-92; 8:45 am]

BILLING CODE 4310-JB-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 7, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by April 1, 1992.

Carol D. Shull,

Chief of Registration, National Register.

ARIZONA

Coconino County

Ridge Ruin Archeological District, Address Restricted, Flagstaff vicinity, 92000339

CALIFORNIA

Butte County

Durham, W.W., House, 2280 Durham—Dayton Rd., Durham, 92000316

Calaveras County

Honigsberger Store, 665 Main St., Copperopolis, 92000310
Reed's Store, 679 Main St., Copperopolis, 92000309

Contra Costa County

Alvarado Park, Jct. of Marin and Park Aves., Richmond vicinity, 92000313

Sacramento County

Dunlap's Dining Room, 4322 Fourth Ave., Sacramento, 92000306

San Diego County

Heilman Villas, 1060, 1070, 1080, 1090 Seventh St. and 708–720 (even nos.) Orange Ave., Coronado, 92000319

San Luis Obispo County

Jack, Robert, House, 536 Marsh St., San Luis Obispo, 92000312

COLORADO

Montezuma County

Yucca House—Aztec Springs Ruin, Yucca House NM, SW of Cortez, off US 164/666, Cortez vicinity, 92000294

Pueblo County

Colorado Building, 401–411 N. Main St., Pueblo, 92000315

CONNECTICUT

Fairfield County

Booth, Nathan B., House, 6080 Main St., Stratford, 92000317

Sterling Hill Historic District, Roughly bounded by Pequonnock St., Harral Ave., James St. and Washington Ave., Bridgeport, 92000335

Wheeler, Ephraim, House, 470 Whippoorwill Ln., Stratford, 92000318

FLORIDA

Citrus County

Old Citrus County Courthouse, 1 Courthouse Sq., Inverness, 92000340

IDAHO

Idaho County

Foster, Blacky, House, Along Salmon R. W of Shoup, Bitterroot NF, Shoup vicinity, 92000307

KENTUCKY

Powell County

Nada Tunnel 1 Petroglyphs (Prehistoric Rock Art Sites of Kentucky MPS), Address Restricted, Nada vicinity, 92000342

Spencer County

All Saints Church, E. side of Jefferson St. between Park Alley and Red Row Alley, Taylorsville, 92000302

Minor Chapel, A.M.E. Church, E. side of Jefferson St. between Red Row Alley and Reasor St., Taylorsville, 92000300

Ross, L.W., House, N. side of KY 44 E of Taylorsville, Taylorsville vicinity, 92000299

Shelburne, Perry, House, W side of Railroad St., N of Red Row Alley, Taylorsville, 92000297

Shelburne—Cox House, 501 Main St., Taylorsville, 92000298

Taylorsville Historic District, Roughly, the 200 and 300 blocks of Main and Garrand Sts., Taylorsville, 92000296

LOUISIANA

Bossier Parish

Barksdale Field Historic District, Jct. of US 71 and West Gate Dr., Bossier City, 92000332

MONTANA

Judith Basin County

Judith River Ranger Station, Along the Middle Fork, Judith R., SW of Utica in Lewis & Clark NF, Utica vicinity, 92000333

NEW JERSEY

Mercer County

State House Historic District (Boundary Increase), W. State St. S side, W of New Jersey State House, Trenton, 92000295

NEW MEXICO

Taos County

Old Tres Piedras Administrative Site, W of US 285, N of Tres Piedras, Tres Piedras vicinity, 92000341

OREGON

Clackamas County

Barlow Road, Roughly, N of Salmon and White Rivers from Rhododendron to SW of Wamic, Mt. Hood NF, Rhodendron vicinity, 92000334

TENNESSEE

Hamilton County

McConnell, Chancellor T. M., House, 517 E. Fifth St., Chattanooga, 92000314

TEXAS

Lubbock County

Texas Technological College Dairy Barn, Texas Tech University campus, Lubbock, 92000330

UTAH

Cache County

Tony Grove Ranger Station Historic District, US 89, 23 mi. NE of Logan, Wasatch—Cache NF, Logan vicinity, 92000338

VERMONT

Windham County

District No. 1 Schoolhouse, Somerset Rd., Somerset, 92000337

WEST VIRGINIA

Greenbrier County

Deitz Farm, Jct. of WV 20 and WV 28, Meadow Bluff vicinity, 92000304

Kanawha County

Lee, Mattie V., House, 810 Donnally St., Charleston, 92000303

McDowell County

Algoma Coal and Coke Company Store (Coal Company Stores in McDowell County MPS), Co. Rt. 17, Algoma, 92000323

Carter Coal Company Store (Coal Company Stores in McDowell County MPS), Co. Rt. 2, Coalwood, 92000328

Carter Coal Company Store (Coal Company Stores in McDowell County MPS), Jct. of WV 16 and Co. Rt. 12/8, Caretta, 92000329

Empire Coal Company Store (Coal Company Stores in McDowell County MPS), US 52, Landgraff, 92000321

Houston Coal Company Store (Coal Company Stores in McDowell County MPS), US 52, Kimball, 92000331

Jones, James Ellwood, House, N of US 52, E of Turkey Gap Branch, Switchback, 92000306

Page Coal and Coke Company Store (Coal Company Stores in McDowell County MPS), WV 161, Pageton, 92000325

Peerless Coal Company Store (Coal Company Stores in McDowell County MPS), S of US 52, Vivian, 92000322

Pocahontas Fuel Company Store (Coal Company Stores in McDowell County MPS), US 52, Maybeury, 92000324

Pocahontas Fuel Company Store and Office Buildings (Coal Company Stores in McDowell County MPS), Co. Rt. 8, Jenkinjones, 92000326

Pocahontas Fuel Company Store (Coal Company Stores in McDowell County MPS), US 52, Switchback, 92000330

US Coal and Coke Company (Coal Company Stores in McDowell County MPS), Co. Rt. 13/2, Ream, 92000327

Welch Commercial Historic District, Roughly bounded by Wyoming St., Elkhorn Cr. and the Tug R., Welch, 92000305

Ohio County

Wheeling Island Historic District, Roughly bounded by Stone, Front, North, Ontario, Erie and Wabash Sts., Wheeling, 92000320

[FR Doc. 92–6095 Filed 3–16–92; 8:45 am]

BILLING CODE 4310–70–M

Replacement of Fishing Bridge Campsites, Environmental Impact Statement, Yellowstone National Park, Wyoming-Montana-Idaho

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impact statement for the replacement of Fishing Bridge Campsites at Yellowstone National Park.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for replacement of the campsites from the Fishing Bridge developed area at Yellowstone National Park.

The purpose of the project is to select campsites locations for the 310 campsites removed when the Fishing Bridge campground was closed in 1989. Replacement of campsites removed was deferred until campground occupancy reached 95 percent at all 12 remaining park campgrounds during the summer season (June 25 to August 20) for three years out of a running five-year period. Planning for campsite replacement would be initiated after the second year of 95 percent occupancy. That trigger was reached in 1990, an planning began in March of 1991. This project will result in the selection of the location(s) for the replacement campsites within Yellowstone National Park. The primary purpose of the proposal is to continue the effort toward overall grizzly bear recovery in the greater Yellowstone ecosystem while providing appropriate visitor services and facilities in the park.

Major issues include effects on the grizzly bear population, bear/human conflicts, landscape changes due to the 1988 fires, campsite availability in proportion to visitor traffic at park entrances, and effects on gateway communities.

Alternatives include the proposal (expand the Norris campground by adding 175 sites and a group loop, add 100 sites to the Canyon campground, and convert the existing group camping loop at Grant Village to 35 individual sites) and the no-action alternative. The no-action alternative is the implementation of the 1988 Record of Decision (ROD) for the Fishing Bridge Development Concept Plan (DCP). That ROD proposed two alternatives for campsite replacement: either construction of a new campground at Weasel Creek on Lake Yellowstone (Lodgepole) or replacement of the campsites at existing campgrounds in some combination.

A scoping brochure has been prepared that details the issues identified to date. Scoping brochures will be sent to those individuals formerly on the mailing list for the 1988 Fishing Bridge DCP. The scoping brochure can also be obtained by writing to Superintendent, Yellowstone National Park, Wyoming 82190.

FOR FURTHER INFORMATION CONTACT: Contact Yellowstone National Park (307) 344–7381, extension 2191.

Date: March 3, 1992.

Michael D. Snyder,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 92–6196 Filed 3–16–92; 8:45 am]

BILLING CODE 4310–70–M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related form and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029–0080), Washington, DC 20503, telephone 202–395–7340.

Title: Training, Examination, and Certification of Blasters.

OMB Number: 1029–0080.

Abstract: Section 719 of Public Law 95–87 requires the Secretary of the Interior or the State Regulatory Authority to issue regulations which provide for the training, examination, and certification of persons engaging in blasting or the use of explosives in surface coal mining operations. The information collected is used to determine the adequacy of State prepared programs.

Bureau Form Number: Not applicable.

Frequency: One-time requirement

Descriptions of Respondents: State Governments.

Estimated Completion Time: 4,160 hours.

Annual Responses: 1.

Annual Reporting Burden: 4,160 hours.

Bureau Clearance Officer: Andrew DeVito 202–343–5150.

Dated: February 28, 1992.

John Mosesso,

Chief, Division of Technical Services.

[FR Doc. 92–6144 Filed 3–16–92; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31961 (Sub-No. 1); Finance Docket No. 31961 (Sub-No. 2); Finance Docket No. 31961 (Sub-No. 3)]

Caprail I—Acquisition—Consolidated Rail Corp., Ohio Department of Transportation—Lease—Caprail I Lines in Ohio; Columbus & Ohio River Railroad Co.—Lease and Operation—Ohio Department of Transportation Lines; Corrected Exemption

These notices correct the prior notices served and published in the Federal Register on January 15, 1992 (57 FR 1757). The notice in Sub-No. 1 granted Caprail I (Caprail) authority to acquire about 161.7 miles of Consolidated Rail Corporation (Conrail) line and other railroad property.[1] In verified notices filed December 11, 1991, Columbus & Ohio River Railroad Company (CUOH) and the Ohio Department of Transportation (ODOT) described Caprail as a "a non-carrier special purpose subsidiary of Capcorp Financial, Inc. d/b/a First Capitalcorp, a California corporation."

CUOH and ODOT state that Caprail is actually an affiliate of First Capitalcorp, not a subsidiary. Accordingly, these notices are amended to reflect the change that Caprail is a non-carrier special purpose affiliate of Capcorp Financial, Inc., d/b/a First Capitalcorp.

The parties contemplate that the transaction will be consummated seven days from the filing date of the February 14, 1992, correction notice.

Any comments must be filed with the Commission and served on Kelvin J. Dowd, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transactions.

Decided: March 9, 1992.

By the Commission, David M. Knoschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6137 Filed 3–16–92; 8:45 am]

BILLING CODE 7035–01–M

[1] The Notice in Sub-No. 2 granted leasing authority, and the Notice in Sub-No. 3 granted leasing and operating authority.

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Members to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the appointments of individuals to serve as members of the Performance Review Board of the Senior Executive Service shall be published in the Federal Register.

The following individuals are hereby appointed to three-year terms, effective January 22, 1992: Carl J. Lowe, Shellyn G. McCaffrey, Delbert L. Spurlock, Jr.

FOR FURTHER INFORMATION CONTACT: Mr. Larry K. Goodwin, Director of Personnel Management, room C5526, Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 523–9331.

Signed at Washington, DC, this 6th day of March 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-6185 Filed 3-16-92; 8:45 am]

BILLING CODE 4510-23-M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart O to part 1952 containing the decision.

The Maryland State Plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letters dated December 16 and 20, 1991, from Commissioner Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: (1) 29 CFR 1910.1025, appendices A, B, and C, pertaining to amendments and corrections to the Occupational Exposure to Lead Standard for General Industry as published in the **Federal Register** of October 23, 1979 (44 FR 60981), November 30, 1979 (44 FR 68827), November 12, 1982 (47 FR 51117), February 13, 1990 (55 FR 4998), and May 31, 1991 (56 FR 24686); and (2) 29 CFR 1928.1052(c)(i) and 1928.1053(a)(3), pertaining to amendments, corrections, additions, and revisions to the Safety Standards for Stairways and Ladders Used in the Construction Industry as published in the **Federal Register** of August 23, 1991 (56 FR 41793). This standard is contained in COMAR 09.12.31. Maryland occupational safety and health standards were promulgated after a public hearing on the Occupational Exposure to Lead Standard on October 4, 1991, and a public hearing on the Safety Standards for Stairways and Ladders on October 18, 1991. These standards became effective on September 30 and December 23, 1991, respectively.

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

3. Location of the Supplements for Inspection and Copying

A copy of the standards supplements, along with the approved plan, may be inspected and copied at the following locations during normal business hours: Office of the Regional Administrator, 3535 Market Street, suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the OSHA Office of State Programs, room N-3700, Third Street and Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standard is identical to the Federal standard which was promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 17, 1992.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania, this 22nd day of January 1992.

Linda R. Anku,

Regional Administrator.

[FR Doc. 92-6184 Filed 3-16-92; 8:45 am]

BILLING CODE 4510-26-M

OSHA Training Institute Education Centers

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for proposals.

SUMMARY: The Occupational Safety and Health Administration (OSHA) conducts short-term technical training in occupational safety and health through the OSHA Training Institute in Des Plaines, Illinois. In recent years, the number of private sector personnel and Federal personnel from agencies other than OSHA requesting training has increased beyond the capacity of the OSHA Training Institute to meet the demand. Therefore, OSHA proposes a pilot project to test the feasibility of using other training or educational institutions to conduct OSHA Training Institute courses for private sector personnel and for Federal personnel from agencies other than OSHA. This notice announces the opportunity for interested organizations to submit applications to become OSHA Training Institute Education Centers. Applications will be rated on a competitive basis and approximately two organizations will be selected to participate in the pilot project. Complete application instructions are contained in this notice.

Authority for this program may be found in sections 21 (b) and (c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670).

DATES: Applications must be received by May 15, 1992.

ADDRESSES: Applications must be submitted to the Division of Training and Educational Programs, Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor 1555 Times Drive, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Ronald Mouw, Chief, Division of Training and Educational Programs, or Zigmas Sadauskas, Director, OSHA Training Institute, Office of Training and Education, Occupational Safety and Health Administration, U.S. Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018, telephone (708) 297-4810.

SUPPLEMENTARY INFORMATION:

Background

The OSHA Training Institute conducts 73 short-term technical training courses in OSHA standards, policies and procedures for persons responsible for enforcing or directly supporting the OSH Act, private sector employers and employees, and Federal personnel from agencies other than OSHA. Its primary responsibility is to the first group: Federal and State compliance officers and State consultation program staff. Private sector and Federal personnel from agencies other than OSHA receive training on an "as available" basis.

In recent years the demand for training has increased from all three groups. Resources of the OSHA Training Institute have not increased at a rate which can keep up with the demand. As the number of Federal and State personnel engaged in enforcement or consultation being trained has increased, opportunities for training for private sector personnel and Federal personnel from agencies other than OSHA have remained static or decreased.

In order to meet the increased demand for its courses, the OSHA Training Institute will conduct a pilot project to test the feasibility of using public or private colleges and universities or other nonprofit training organizations to conduct five OSHA Training Institute courses for private sector personnel and Federal personnel from agencies other than OSHA.

Scope

The OSHA Training Institute will enter into nonfinancial agreements with approximately two colleges, universities or other nonprofit training organizations to conduct OSHA courses for private sector personnel and Federal personnel from agencies other than OSHA. These organizations will be selected through a nationwide competitive process. This notice solicits applications from organizations interested in participating in the pilot project.

Applicants selected to participate as OSHA Training Institute Education Centers will be expected to present four general industry OSHA courses: Course 204, Machinery and Machine Guarding Standards; Course 501, A Guide to Voluntary Compliance in Safety and Health; Course 521, OSHA Guide to Voluntary Compliance in the Health Area; and Course 600, Collateral Duty Course for Other Federal Agencies; or one construction industry course: Course 500, Basic Instructor Course in Occupational Safety and Health Standards for the Construction Industry. Applicants may propose to offer only the construction course or only the general industry courses. If an applicant wishes to apply for both construction and general industry, a separate proposal will be required for each. Additional information about each of these courses is in the appendix to this notice.

Applicants will be selected based upon their occupational safety and health experience, their nonacademic training background, the availability of classroom and lodging facilities, and access to nationwide transportation. OSHA will support the program by providing curriculum outlines, masters of student handouts, access to OSHA Training Institute audiovisual materials, and orientation to OSHA course presentation. OSHA will also provide assistance in presenting and/or answering questions on OSHA policy.

The pilot project will be two years in duration. In addition to regular, ongoing monitoring, OSHA will conduct an evaluation of the project during the second year. The results of the evaluation may lead to expansion of the number of courses the OSHA Training Institute Education Center is asked to present, discontinuation of one or more courses, or an additional competition to select more OSHA Training Institute Education Centers.

Eligibility

Any nonprofit public or private college or university is eligible to apply. Any other nonprofit organization that can demonstrate that training or education is part of its mission and that more than 50 percent of its staff and dollar resources is devoted to training or education is also eligible to apply.

Financial Considerations

Organizations selected as OSHA Training Institute Education Centers will not be provided funding by OSHA to support this effort. The Centers will be expected to support their OSHA training through their normal tuition and fee structures.

Length of Project

The pilot project will start October 1, 1992, and will run for two years.

OSHA Training Institute Education Center Responsibilities

Each OSHA Training Institute Education Center will be responsible for the following.

1. Arranging to have instructors assigned to teach OSHA courses attend OSHA orientation.
2. Scheduling courses. Courses are to be scheduled on a year-round basis, with each course being offered more than once a year.
3. Publicizing the availability of courses.
4. Registering students.
5. Purchasing, or otherwise obtaining, audiovisual materials for use in courses.
6. Reproducing handouts for students.
7. Conducting courses in accordance with materials and instruction provided by OSHA.
8. Monitoring courses to ensure that OSHA course outlines are being followed.
9. Collecting course evaluation data from students in accordance with OSHA procedures.
10. Maintaining student registration and attendance records.
11. Issuing OSHA course completion certificates to students. These certificates, which will be supplied by OSHA, certify that a student has completed training in a particular course.
12. Providing the OSHA Training Institute with registers of successful course completers.
13. Providing the OSHA Training Institute with a schedule showing the dates, times, and locations of every OSHA course to be offered.
14. Maintaining clearly identifiable records of tuition and/or fees collected from OSHA course students.
15. Arranging for the availability of appropriate accommodations for students.

OSHA Training Institute Responsibilities

The OSHA Training Institute will be responsible for the following:

1. Providing OSHA Training Institute Education Center instructors with orientation to how the OSHA Training Institute teaches OSHA courses.
2. Providing a detailed course outline for each OSHA course to be presented by the OSHA Training Institute Education Center.
3. Providing a master copy of the student handouts for each course to be presented.
4. Providing OSHA course completion certificates to be issued to students completing courses.
5. Lending audiovisual materials for the courses to OSHA Training Institute Education Center instructors in accordance with established library lending policies.
6. Providing answers for and technical assistance on questions of OSHA policy.
7. Monitoring the performance of OSHA Training Institute Education Centers through on-site visits, including unannounced attendance at courses, and examining records of registrations, course attendance, tuition collections and personnel records concerning qualifications of staff assigned as instructors.
8. Evaluating the effectiveness of the OSHA Training Institute Education Centers.

Applicaton and Selection Procedures

Eligible organizations wishing to be considered for selection as an OSHA Training Institute Education Center should prepare an application in accordance with the instructions contained in this notice.

Applications are to be submitted in triplicate to the OSHA Office of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018. Applications should not be bound or stapled and should only be printed on one side of the page. All applications must be received no later than 4:30 p.m. Central Daylight Time, May 15, 1992.

OSHA will convene a panel of OSHA staff to review and rate the applications. Following the panel review, OSHA staff may conduct an on-site review of highly rated applicants before making a selection. The final selections will be made by the Assistant Secretary.

All applicants will be notified in writing of their selection or nonselection. It is anticipated that final selections will be made by August 1, 1992. OSHA will enter into a nonfinancial agreement with each successful applicant. The agreement will cover the responsibilities of both parties.

Appeals

There is no appeal procedure for unsuccessful applicants. Any applicant may request a copy of the documentation of its own review by writing to the OSHA Office of Training and Education, Division of Training and Educational Programs, 1555 Times Drive, Des Plaines, Illinois 60018.

Content of Applications

Each application must address each of the following points.

1. Identifying Information

Provide the name and address of the applicant organization. If the mailing address is a post office box, also provide the street address. Provide the name, title, and telephone number of the contact person who can answer questions about the application.

2. Authority to Apply

Provide a copy of the resolution by the Board of Directors, Board of Regents, or other governing body of the applicant organization approving the submittal of an application to OSHA to become an OSHA Training Institute Education Center.

3. Nonprofit Status

Include evidence of the nonprofit status of the applicant organization. A letter from the Internal Revenue Service or a statement included in a recent audit report is preferred. In the absence of either of these, a copy of the articles of incorporation showing the nonprofit status will be accepted.

4. Status as a Training Organization

This section applies only to applicants that are not colleges or universities.

Show that training or education is a principal activity of the applicant organization. Through audit reports, annual reports, or other documentation, demonstrate that for the last two years more than 50 percent of the applicant's funds have been used for training and education activities and that more than 50 percent of its staff resources have also been used for this purpose.

5. Occupational Safety and Health Experience

Describe the applicant's relevant course offerings for the last two years. Include copies of catalogs and other recruitment materials that provide descriptive material about courses. For each course, include the dates the course was offered and the number of students who completed the course. Also include descriptive material similar to the information contained in the appendix: Course description, objectives, topic outline, number of hours, and laboratories or other practical hands-on exercises included in the course.

6. Staff Qualifications

Describe the qualifications of staff teaching occupational safety and health courses. Indicate the professional qualifications of each, such as Certified Safety Professional (CSP), Professional Engineer (PE), or Certified Industrial Hygienist (CIH). Include resumés of current staff and position descriptions and minimum hiring qualifications for all positions, whether filled or vacant, which may be assigned to conduct OSHA classes.

7. Classroom Facilities

Describe classroom facilities available for presentations of the courses. Include number of students accommodated, desk arrangements, and availability of audiovisual equipment. Also describe appropriate laboratory facilities and other facilities available for hands-on exercises. Indicate provisions for accessibility for persons which disabilities.

8. Recruitment and Registration

Explain procedures for recruiting students from Federal agencies other than OSHA and from the private sector. Describe registration procedures including provisions for cancellation, furnishing enrollees with hotel information, and tuition or fee collection.

9. Accommodations

Provide a representative listing of hotels available for student accommodation and give sample room rates. Explain how students will be transported between the hotels and classes. Also describe the food service and restaurants available both in the area in which the classes will be held and the area where the hotels are located.

10. National Accessibility

Describe the accessibility of the training facility for students from all parts of the country. Include such items as distance from a major airport, number of airlines serving the airport, transportation from the airport to hotels, and distance from the interstate system.

11. Tuition

Provide a copy of the applicant organization's tuition and fee schedule. Explain how tuition and/or fees will be computed for each course, referencing the schedule.

12. Nondiscrimination

Provide copies of the applicant organization's nondiscrimination policies covering staff and students. In the absence of a written policy, explain how the applicant will ensure that staff and students are selected without regard to race, color, national origin, sex, age or disability.

13. Off-site Courses

If an applicant plans to conduct courses at sites other than its own facility, explain the circumstances under which such off-site courses will be conducted. Describe the classroom facilities which will be used, staff qualifications if different staff will be used, recruitment and registration procedures, accommodation arrangements, and accessibility to transportation. Failure to complete this section of the application will not prohibit a successful applicant for applying to OSHA for permission to conduct off-site courses at a later date.

Review Criteria

Construction and general industry applications will be reviewed separately. A panel made up of OSHA staff with expertise in training in each area will be convened for each category.

In addition to considering the factors listed below, the reviewers will also consider geographic coverage. The pilot project is intended to serve students from all parts of the country. Therefore, no more than one OSHA Training Institute Education Center will be awarded in any state. It is also unlikely that awards will be made in adjoining states. If an organization submits applications for both construction and general industry and is awarded both, it will be considered one OSHA Training Institute Education Center.

Applicants must document eligibility and authority from their governing boards in accordance with application contents items 2, 3 and 4 above. Applicants failing to provide such documentation will not receive a full review.

The following criteria will be used by the panels in their review of applications.

1. Occupational Safety and Health Training Experience

a. Evidence that occupational safety and health training or education has been an ongoing program within the applicant organization. Reviewers will examine the number of different occupational safety and health courses offered by the applicant organization over the past two years, the length of the courses, the number of students completing each course, and the number of times each course was offered. Successful applicants will also include samples of course announcements.

b. Qualifications of personnel teaching occupational safety and health courses. These include academic training in occupational safety and health subjects, professional certification, practical experience in the field of occupational safety and health, and training experience. Training experience is defined as experience in training workers or managers in nonacademic situations.

2. Adequacy of Training Facilities

Potential for accommodating classes of 25 to 40 students on a year-round basis in settings comparable to those of the OSHA Training Institute. Items considered will include classroom layout, e.g. desks or tables for students, availability of audiovisual equipment, reproduction facilities for handouts, and availability of appropriate laboratory and/or hands-on facilities. Accessibility for persons with disabilities will also be considered.

3. Recruitment and Registration Procedures

Reasonableness of the applicant's procedures for recruiting and registering students. Methods of reaching potential students, ease of registration, provisions for cancellations, and system for informing students of available accommodations and materials necessary for the course, if any, are among the items which will be reviewed.

4. Accommodations and Transportation

Availability of lodging and restaurant facilities and access to nationwide transportation. Accommodations, preferably national hotel/motel chains, and restaurants should be reasonably priced and should be within a few miles of the training facility. A major airport with regular service to all parts of the country should be within a reasonable driving time from the hotel and training location. Interstate highways should also be within reasonable distance.

5. Tuition

Conformance of proposed tuition and/or fees with the established policies of the applicant and reasonableness of the charges.

6. Nondiscrimination

Adherence of the applicant's policies with Federal requirements.

In addition, OSHA will review proposals to conduct off-site courses against the criteria above.

Proposal Conferences

The OSHA Office of Training and Education will hold two proposal conferences. These are intended to provide potential applicants with information about the OSHA Training Institute including a tour of the facility, OSHA Training Institute courses and methods of instruction, and administrative requirements for OSHA Training Institute Education Centers. They will also feature question and answer sessions about the documentation expected in applications.

The proposal conferences will be held from 9:30 a.m. to 12:30 p.m. on March 27 and April 2, 1992, at the OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018. Persons interested in attending one of these conferences should contact Ronald Mouw, Chief, Division of Training and Educational Programs, or Helen Beall, Training Specialist, at (708) 297-4810 to obtain information about local hotel accommodations and transportation. It is not necessary to register for the conferences.

Signed at Washington, DC this eleventh day of March, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

Appendix

Course 204, Machinery and Machine Guarding Standards

1. Course Description

The course familiarizes the student with various types of common machinery and related safety standards. Guidance is provided with respect to the hazards associated with various types of machinery. The course presents an approach to machine inspection that enables participants to recognize hazards such as those created by points of operation, ingoing nip points, rotating parts, and flying chips or sparks, and provides some options to achieve abatement. Field trips are provided to enhance students' knowledge of machine guarding standards. Equipment is demonstrated to familiarize students with related safety standards. The OSHA Training Institute awards 4.8 CEU's for this course.

2. Course Objectives

Students completing this course should be able to:

a. Identify common machines found within a broad spectrum of industries;

b. Identify hazards that occur in or on machinery;

c. Select the appropriate OSHA standard that applies to a hazard; and

d. Present options to achieve abatement.

3. Course Topics

a. Introduction, pretest and pretest review, posttest and posttest review—4 hours.

b. Class visits to machine shops and review of visits—12 hours.

The class is taken on two visits (3 hours each) to private sector facilities with extensive and varied metalworking operations. The first trip follows discussion of 29 CFR 1910.211 and 29 CFR 1910.212 (see g. below) and exposes students to lathes, mills, boring machines and screw machines. The second trip follows 29 CFR 1910.217 (see m. below) and exposes them to mechanical power presses. After returning to the classroom, the class researches and reviews the standards that apply to the processes witnessed.

c. Hazards and standards workshop—3 hours.

In this workshop, written hazard conditions are researched, and standards are reviewed and referenced. Oral review also incorporates policy relating to specific conditions.

d. Inspection field trip to a machine shop works operation and inspection writeup—6 hours.

Students are given an opportunity to apply hazard recognition concepts on a site inspection at an operating facility with a variety of machine operations, including woodworking equipment. They evaluate and document any machinery and machine guarding hazards (3 hours) and then return to the classroom to research the standards for

citation references. They present an oral report on their findings.

e. Robotic safeguarding—1 hour.

f. Review of 29 CFR 1910, subpart O, machinery and machine guarding—1 hour.

g. Review of 29 CFR 1910.211 and 29 CFR 1910.212, guarding and devices—2 hours.

h. 29 CFR subpart J, 1910.147, control of hazardous energy (lockout/tagout)—2 hours.

i. 29 CFR subpart S, 1910.332–1910.335, electrical safety-related work practices—1 hour.

j. 29 CFR 1910.213, woodworking—2 hours.

k. 29 CFR 1910.215, abrasive wheels—2 hours.

l. 29 CFR 1910.216, mills and calenders—1 hour.

m. 29 CFR 1910.217, mechanical power presses—0 hours.

n. 29 CFR 1910.218, forging—1 hour.

o. 29 CFR 1910.219, power transmission—1 hour.

p. 29 CFR 1910.242–29 CFR 1910.244, portable tools—1 hour.

Course 500, Basic Instructor Course in Occupational Safety and Health Standards for the Construction Industry

1. Course Description

The course is designed for students in the private sector who are interested in developing safety and health programs in the construction industry. Special emphasis is placed upon those areas in construction that are the most hazardous, using OSHA standards as a guide. Course participants are briefed on effective instructional approaches and the effective use of visual aids and handouts. The course features demonstrations and hands-on use of various construction tools and equipment. Successful completion of this course qualifies the student to conduct both a 10-hour and a 30-hour construction safety and health course and to issue OSHA cards to participants certifying course completion. The OSHA Training Institute awards 2.5 CEU's for this course.

2. Course Objectives

Students completing this course should be able to:

a. Define construction terms found in OSHA standards;

b. Present effective safety and health training programs in accordance with OSHA construction standards, regulations, and guidelines;

c. Identify hazards and determine appropriate standards;

d. Prepare reports citing the conditions found; and

e. Identify methods to abate hazards.

3. Course Topics

a. Introduction, pretest and pretest review, overview of the OSH Act and OSHA, introduction to OSHA standards, posttest and posttest review—4 hours.

b. Safety programs, inspections, targeting and penalties—1 hour.

c. Training techniques—2 hours.

d. 29 CFR 1904, recordkeeping—1 hour.

e. 29 CFR 1926, subpart D, hazard communication—1 hour.

f. 29 CFR 1926, subpart E, health hazards in construction and personal protective equipment—3 hours.

g. 29 CFR 1926, subpart F, fire protection and prevention—1 hour.

h. 29 CFR 1926, subparts G, O and W, motor vehicles—1 hour.

i. 29 CFR 1926, subparts H, rigging—1 hour.

j. 29 CFR 1926, subpart I, tools—1 hour.

k. 29 CFR 1926, subpart K, electrical—2 hours.

l. 29 CFR 1926, subpart L, scaffolds—2 hours.

m. 29 CFR 1926, subparts M and X, walking and working surfaces and ladders—1 hour.

n. 29 CFR 1926, subpart N, cranes—1 hour.

o. 29 CFR 1926, subpart P, trenching—2 hours.

p. 29 CFR 1926, subpart Q, concrete—1 hour.

Course 501, A Guide to Voluntary Compliance in Safety and Health

1. Course Description

This course is intended for private sector personnel from all types of industries. It presents detailed information on how the provisions of the OSH Act may be implemented in the workplace. The primary focus is on the basics of the Act. The course includes an introduction to general industry standards and provides an overview of the requirements of the more frequently referenced standards. Segments of the course cover rights and responsibilities under the Act, contested citations, recordkeeping, and Voluntary Protection Programs. Successful completion of the course qualifies the student to conduct both a 10-hour and a 30-hour voluntary compliance course and to issue OSHA cards to participants certifying course completion. The OSHA Training Institute awards 2.5 CEU's for this course.

2. Course Objectives

Students completing this course should be able to:

a. Locate OSHA safety and health standards, policies, and procedures;

b. Describe the use of OSHA standards and regulations to supplement an on-going safety and health program;

c. Identify common violations of OSHA standards;

d. Describe appropriate abatement procedures for selected safety hazards; and

e. Describe how to conduct internal training on OSHA regulations.

3. Course Topics

a. Pretest and review, posttest and review, and overview of the training outreach program—2 hours.

b. Introduction to OSHA standards and hazard violation workshop—2 hours.

The hazard violation workshop introduces the students to the format of the OSHA standards. They are shown how the numbering system works, then must identify the applicable standard for approximately 40 hazardous conditions.

c. Overview of the OSH Act and 29 CFR 1903, inspections, citations and proposed penalties—2 hours.

d. 29 CFR 1904—recordkeeping—1 hour.

e. 29 CFR 1910, subpart D, walking and working surfaces—2 hours.

f. 29 CFR 1910, subparts E and L, means of egress and fire protection—2 hours.

g. 29 CFR 1910, subpart H, hazardous materials—2 hours.

h. 29 CFR 1910, subpart I, personal protective equipment—1 hour.

i. 29 CFR 1910, subpart J, lockout/tagout—½ hour.

j. 29 CFR 1910, subpart N, material handling—1 hour.

k. 29 CFR 1910, subpart O, machine guarding—2 hours.

l. 29 CFR 1910, subpart Q, welding—2 hours.

m. 29 CFR 1910, subpart S, electrical standards and work practices—2½ hours.

n. 29 CFR 1910, subpart Z, hazard communication—1½ hours.

o. 29 CFR 1910, subpart Z, introduction to industrial hygiene—1½ hours.

Course 521, OSHA Guide to Voluntary Compliance in the Health Area

1. Course Description

This course is designed for private sector personnel who are interested in increasing their knowledge of industrial hygiene practices and related OSHA regulations and procedures. Topics covered include permissible exposure limits, OSHA health standards, respiratory protection, engineering controls, hazard communication, sampling instrumentation, and workplace health program elements. There are workshops in health hazard recognition, air contaminant sampling, and the use of OSHA standards. The OSHA Training Institute awards 2.5 CEU's for this course.

2. Course Objectives

Students completing this course should be able to:

a. Define terms relating to OSHA health requirements;

b. Recognize potential health hazards in the workplace;

c. Perform basic health hazard evaluation using OSHA sampling procedures;

d. Recommend acceptable strategies for controlling hazardous conditions; and

e. Describe the elements required for an effective workplace health protection program.

3. Course Topics

a. Air contaminant sampling—1 hour.

b. Air sampling laboratory—1 hour.

Students are provided hands-on training in how to precalibrate and postcalibrate medium flow and low flow sampling equipment using OSHA procedures.

c. Compliance with air contaminant standards—2 hours.

d. Compliance with hazard communication—2 hours.

e. Compliance with hazardous waste standards—2 hours.

f. Compliance with the asbestos standard—2 hours.

g. Compliance with the bloodborne disease standard—1 hour.

h. Compliance with the noise standard—2 hours.

i. Compliance with the respirator standard—2 hours.

j. Compliance with ventilation standards and ventilation laboratory—2 hours.

Students are provided hands-on training in how to use velometers and ventilation smoke tubes to evaluate ventilation systems.

k. Detector tube sampling—1 hour.

l. Elements of a workplace health program—1½ hours.

m. Hazard violation workshop—2 hours.

Students are presented written workplace scenarios describing hazards and are to determine which OSHA health standards apply and why.

n. Health hazard recognition—1 hour.

o. OSHA ergonomic guidelines—1 hour.

p. OSHA recordkeeping for health—1 hour.

Course 600, Collateral Duty Course for Other Federal Agencies

1. Course Description

This course introduces Federal agency collateral duty (part-time) safety and health personnel to the OSH Act, Executive Order 12196, 29 CFR 1960, and 29 CFR 1910. It enables them to recognize basic safety and health hazards in their own workplaces, and to effectively assist agency safety and health officers with inspection and abatement efforts. A mock workplace inspection is conducted and student findings are reviewed. The OSHA Training Institute awards 2.2 CEU's for this course.

2. Course Objectives

Students completing this course should be able to:

a. Describe the OSH Act, 29 CFR 1960, and 29 CFR 1910;

b. Describe major provisions of Executive Order 12196;

c. Identify selected safety and health hazards and the corresponding OSHA standards;

d. Describe abatement methods for selected safety and health hazards; and

e. Explain and apply workplace inspection procedures consistent with established OSHA policies, procedure, and directives.

3. Course Topics

a. Course opening and course closing—2 hours.

b. Hazard communication—1 hour.

c. Inspection field trip, writeup and review—5 hours.

Students are introduced to the process of site inspection, i.e., what hazardous conditions or activities may be observed in the work environment. They are taken to an active government facility, and evaluate and document any observed hazards. After returning to the classroom, they research and select the standards applicable to the observed hazards. Presentations of findings are made to the class.

d. Introduction to accident investigation—1 hour.

e. Introduction to the OSH Act, Executive Order 12196, and 29 CFR 1960—2 hours.

f. Introduction to OSHA standards and hazard violation workshop and review—2 hours.

The hazard violation workshop introduces the students to the format of the OSHA standards. They are shown how the numbering system works, then must identify the applicable standard for approximately 40 hazardous conditions.

g. Office safety—1 hour.

h. 29 CFR 1910, subpart D, walking and working surfaces—1 hour.

i. 29 CFR 1910, subparts E and L, means of egress and fire protection—1 hour.

j. 29 CFR 1910, subpart H, hazardous materials—1 hour.

k. 29 CFR 1910, subpart I, personal protective equipment—1 hour.

l. 29 CFR 1910, subpart N, material handling—1 hour.

m. 29 CFR 1910, subpart O, machine guarding and portable tools—1 hour.

n. 29 CFR 1910, subpart Q, welding, cutting and brazing—1 hour.

o. 29 CFR 1910, subpart S, electrical standards—1 hour.

p. 29 CFR 1910, subpart Z, introduction to industrial hygiene—1 hour.

[FR Doc. 92-6048 Filed 3-16-92; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Thermal Systems; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following three meetings:

Name: Special Emphasis Panel in Chemical and Thermal Systems.

Date & Time: April 3, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1243, 1800 G St., NW.

Contact: Drs. Merrill K. King and Michael M. Chen, Program Directors, 202–357–9806.

Date & Time: April 6, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 523, 1800 G St., NW.

Contact: Drs. Charles Maldarelli and Robert M. Wellek, Program Directors, 202–357–9506.

Date & Time: April 13–14, 1992; 8:30 a.m. to 5 p.m.

Place: Electric Power Research Institute, 10th Floor, 1019 19th St., NW., Washington, DC.

Contact: Dr. Farley Fisher, Program Director, 202–357–9542, NSF, 1800 G Street, NW., Washington, DC 20550.

Types of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 12, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6112 Filed 3–16–92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 030-20457]

Environmental Assessment: Finding of No Significant Impact and Notice of Opportunity for Hearing Related to Amendment of Materials License 04-23285-01, University of California, Los Angeles

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: NRC plans to issue an amendment to NRC License No. 04-23285-01, authorizing the University of California, Los Angeles (UCLA), to use hydrogen-3 (tritium) for *in vivo* studies of the red-footed booby (*Sula sula*), wedge-tailed shearwater (*Puffinus pacificus*), red-tailed tropicbird (*Phaethon rubricauda*), and sooty tern (*Sterna fuscata*) in their native habitat.

FOR FURTHER INFORMATION CONTACT: Dr. Donna-Beth Howe, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 504–2635.

Environmental Assessment

Identification of the Proposed Action

The proposed action is to amend NRC Byproduct Material License 04–23285–01, issued to UCLA on November 17, 1989. The license currently authorizes personnel from UCLA to perform tritiated water studies in a limited number of desert tortoises (*Gopherus agassizi*) at specific U.S. government sites in California. It does not authorize releases of byproduct material for any other field studies. The proposed amendment would authorize UCLA personnel (1) to use a bunker on Johnston Island as a temporary job site for the use and storage of tritiated water and tritium contaminated waste during the study; (2) to transfer the tritiated water and tritium contaminated waste to UCLA; and (3) to inject tritiated water in 30 adult birds from each of the following tropical seabird species: The red-footed booby (*Sula sula*), wedge-tailed shearwater (*Puffinus pacificus*), red-tailed tropicbird (*Phaethon rubricauda*), and sooty tern (*Sterna fuscata*). The birds' nesting sites are located on U.S. Government property at

Johnston Atoll in the Pacific Ocean. The proposed study involves injection of tritium into the birds as part of a large scientific study comparing the flight proficiency of four different species of seabirds with the biological productivity of the water over which each species forages. Since three species belong to a single guild of flocking birds and the fourth species never joins a flock, the study also examines the effects of flocking behavior in energy expenditure during flight and feeding activities. The study involves the tropical seabirds' release of tritiated water and water vapor directly into the environment. Accordingly, pursuant to 10 CFR 51.21, NRC has prepared this assessment of the resulting environmental impact.

The non-site-specific aspects of the tropical seabird study (i.e., possession of the preinjection tritiated water prior to shipment to Johnston Atoll, use and subsequent laboratory analysis of tritiated biological samples, waste disposal, and health and safety aspects of tritium use at UCLA) are performed under the authority of UCLA's license issued by the State of California.

Background

By letter dated November 12, 1991 (and attachments), the University of California, Los Angeles (UCLA or applicant) Radiation Safety Office representative requested an NRC amendment to perform hydrogen-3 labeled water (tritiated water) studies on four species of tropical seabirds, i.e., the red-footed boody (*Sula sula*), wedge-tailed shearwater (*Puffinus pacificus*), red-tailed tropicbird (*Phaethon rubricauda*), and sooty tern (*Sterna fuscata*), in their natural habitat. The United States Department of the Interior, Fish and Wildlife Service, Johnston Atoll, conditionally authorized the performance of the studies on Johnston Atoll pending NRC approval of the amendment request. The tritiated studies cannot begin until NRC amends UCLA's license to authorize the studies.

The field studies will extend over eight months (March-October 1992). The tropical seabirds will be injected with tritiated water, held 1 to 2 hours until the water equilibrates, have blood samples taken, and then be released. The birds will be recaptured 1 to 5 days later, have a second blood sample taken to measure body-water turnover as related to energy expenditure during flight and feeding activities, and be released again. All blood samples will be returned to UCLA for analysis.

Each bird will be marked with dye and have a U.S. Fish and Wildlife Service leg band. The U.S. Fish and Wildlife Service at Johnston Atoll has approved the bird capture methods used in the study.

Need for the Proposed Action

The previously authorized desert tortoise tritiated water studies (see Amendment 2) permitted UCLA researches to study the energy needs of an endangered species over a period of a year as the animals went through different levels of biological activities and seasonal stresses. The more complex tropical seabird tritiated water studies involve collecting quantitative data to determine the energy expenditure not only for each of the four species during a feeding flight at a particular point in their breeding cycle, but also of a population consisting of multiple species with distinct differences in normal feeding and flocking behaviors and flight proficiencies. This quantitative information will improve the scientific understanding of energy dynamics within an entire tropical ocean seabird community. The tropical ocean aspect of the study is of further importance because the standing stock of organisms affecting the prey-fish community of the seabirds is lower for tropical oceans than for temperate and polar seas. This study may enable researchers to identify and monitor factors that affect the population sizes of the tropical seabirds not only for Johnston Atoll, but also for tropical oceans.

Environmental Impacts of the Proposed Action

The Affected Environment.

The study site, Johnston Atoll National Wildlife refuge, is a coral atoll near the center of the North Pacific between the Hawaiian Islands and the Marshall Islands. The atoll is a broad shallow platform of approximately 50 square miles with a marginal reef emergent on the northwest. Located 1300 kilometers southwest of Honolulu, it is the only shallow water and dry land area for millions of square miles of ocean. The study will be conducted at nesting areas on three of the four islands emerging from the lagoon, i.e., Johnston Island (625 acres), Sand Island (22 acres), and East Island (18 acres). The islands are low in relief and covered with sand produced by coral rubble being worn down by wave action. They are sparsely vegetated with grasses, *scaevola* bushes, *casurina* trees, and a few coconut palms. Although the rainfall at the atoll averages 71 centimeters (28 inches) per year, there is no ground water run off because of the sandy soil. There are no water wells on the atoll.

Johnston Atoll is an unincorporated territory of the United States and both a military installation operationally controlled by the Defense Nuclear Agency and a part of the Hawaiian and Pacific Island National Wildlife Refuge System. The atoll was used for a series of high-altitude nuclear weapons tests in the late 1950's and early 1960's. There are approximately 1300 people living on Johnston Island and 10 on Sand Island. Only the two U.S. Fish and Wildlife Service biologists at the atoll and personnel approved by their office have access to East Island during the seabird nesting season. Everyone on the atoll lives and works there. The general public does not have access to the atoll. The food and supplies used by the workers on the atoll arrive by boat or plane. Although commercial airplanes land at the Johnston Island runway, only individuals with prior authorization are permitted to deplane. Because the atoll is a national wildlife refuge, the U.S. Fish and Wildlife Service prohibits all individuals on the atoll from harassing, willfully disturbing, hunting, trapping, capturing, killing or taking the eggs of any seabird. During the seabird nesting season, Johnston Island residents are not permitted access to East Island or nesting areas on Sand Island.

Johnston Atoll not only provides land for the seabirds to roost on but the turbulence caused by its physical presence in the warm flowing stream of the North Equatorial current brings nutrients to the surface downstream and creates a rich marine and microscopic plant life feeding ground for the seabirds. The deep surrounding ocean is virtually a biological desert because few nutrients rise to the surface and the microscopic plant life is too sparse to support marine creatures.

There are approximately 40–60 breeding pairs of red-footed boobies (found in waters with abundant standing stock of organisms) nesting on East and Sand Islands; three to four thousand breeding pairs of wedge-tailed shearwaters, (found in waters of intermediate levels of food stocks) nesting on Sand Island; several thousand breeding pairs of red-tailed tropicbirds (also found in waters of intermediate levels of food stocks) nesting on Johnston, East, and Sand Islands; and 50 to 100 thousand breeding pairs of sooty terns (found in waters of the lowest relative levels of food stocks) nesting on East and Sand Islands.

Study Subjects

Red-footed Booby

The adult red-footed booby has a mass of approximately 1000 grams (g) and wing spread of 150 centimeters (cm). It is the largest seabird in the study, but the smallest number of the booby family (sulidae). The red-footed booby prefers to nest in shrubs but, due to the lack of vegetation on East and Sand Islands, most adults nest on flat ground. The booby makes a shallow nest lined with bits of vegetation and lays one egg. The minimum space between nests within a colony is one or two meters. The egg hatches after 40 days and the chick fledges in three months. The adults leave the island during the day to forage and they spend the night either on the nest or on the water offshore.

Wedge-tailed Shearwater

The adult has a mass of approximately 500 g and a wingspan of 95 cm. It is the largest of two shearwater species breeding on the atoll. The adults are burrow nesters and dig a burrow in the soft sand that is supported by the roots of the lepturus grass. Shearwaters are highly colonial and nest in dense aggregations. A single egg is laid in a chamber at the end of the burrow. The egg hatches approximately 50 days later and the chick fledges three to four months later. The adults feed in flocks during the day, leaving and returning to the nest at night. At night, the adults are either on the nest or on the water offshore.

Red-tailed Tropicbird

The adult has a mass of approximately 600 g and a wingspan of 110 cm. It is the second largest species in the study. The adults nest in areas concealed from the direct sun. Usually their nests are beneath *Scaevola* bushes or *Casurina* trees, but, on Johnston Island, a few nest beneath man-made structures. While the red-tailed tropicbirds are not believed to be highly social (they are the only non-flocking seabird in the study), the scarcity of vegetation results in the birds being found in close proximity to one another and their nest sites a minimum of one meter apart. Their nest consists of a shallow depression in the coral substrate with no nesting material. The single egg hatches in approximately 40 days and the chick fledges four months later. Adults leave the island to forage during the day and at night are either on the nest or on the water offshore.

Sooty Tern

The adult has a mass of approximately 200 g and wingspan of 85 cm. It is the smallest of the four species in the study, but the most abundant seabird on the atoll with breeding pairs present year-round with peak numbers in the spring and summer nesting season. The sooty terns prefer areas clear of vegetation. Although they don't have a "nest", they nest on flat open ground laying a single egg in a small depression in the sand. They are highly social and nest in dense colonies. The single egg hatches in approximately 30 days and the chick fledges two months later. At night, the adults are either on the nest or on the wing at sea.

General

The red-footed booby, wedge-tailed shearwater, red-tailed tropicbird, and sooty tern have a number of common behavioral traits that are important to the study and the environmental assessment. They are all colonial and nest in localized groups. This allows the researchers to capture most of the study subject from a few small areas (approximately 50 square meter areas) on each island. All are relatively easy to capture: The wedge-tailed shearwaters and red-tailed tropicbirds can be approached and picked up; and the red-footed boobies and sooty terns can be captured with a long handled net. All capture methods are approved by the Fish and Wildlife Service.

All are highly philopatric: They return each year to breed on the same island and most return to the same nest year after year. Once in their nesting island, breeding birds remain on their nest, i.e., within an area of less than a square meter, they neither visit other parts of the island nor other islands. Each nesting pair lays only one egg; both adults incubate the egg until it hatches; and both adults feed the chick until it fledges. The chicks are confined to the nesting site until they fledge. After fledging, all three birds may leave the atoll until the next breeding season.

They are pelagic (i.e., ocean or sea) feeders: They must leave the atoll to find food at sea and spend long periods of time at sea. They may travel from tens of kilometers (km) (red-footed boobies) to 500 km (sooty terns) from the atoll to forage for food. Since all of the birds forage during the day, this reduces the amount of time spent on the islands or flying over populated areas during the day. They have no natural predators on the atoll.

None of seabirds species in the study are endangered species and none are expected to come in direct contact with the two endangered species found on the atoll (i.e., the Hawaiian monk seal [*Monachus schavinslandi*] or the green sea turtle [*Chelonia mydas*]).

The seabirds included in the tritiated water study will be nesting adults and will receive only one injection of tritiated water. The injection will be given within two weeks after the lone chick hatches. All of the seabird species on the proposed study have similar metabolic rates. The effective half-life of tritium is estimated to range from 1.7 days for the sooty tern to 2.7 days for the red-footed booby. Therefore, each adult will go through 10 tritium half-lives (from 17 to 27 days) well before the chicks fledge and the adults leave the atoll nesting sites for the year.

Although only one adult from each nesting pair will receive the tritiated water injection, the sex of the adult receiving the injection will not be known because it is impossible to determine the sex of any of the four species by external appearance or egg incubation or chick feeding behavior. Each injected bird will be marked with dye on a small area of its feathers to show it was injected and each bird can be individually identified by its unique Fish and Wildlife Service leg band number.

Study Protocol

Oxygen-18, a naturally occurring nonradioactive isotope of oxygen, is added to tritium to produce tritiated water with a higher oxygen-18 level than that found naturally in air (i.e., 0.2 percent of air oxygen). This permits double-labeled studies (i.e., hydrogen and oxygen turnover and carbon dioxide production) on the blood samples, better quantification of body water turnover, and thus energy-expenditure data for the seabird in its native environment. The oxygen-18 is activated to fluorine-18 in a cyclotron after the blood samples are collected and returned to UCLA. The oxygen-18 portion of they study, which will be carried out in an enclosed laboratory setting, neither involves byproduct material nor results in radioactive releases at the study sites, and will not be discussed further.

The study protocol calls for a single injection of 1 microcurie of tritium per gram of mass per bird in 30 adult seabirds each of the red-footed booby, wedge-tailed shearwater, red-tailed tropicbird and sooty tern breeding populations on Johnston Atoll. The injection of 1 microcurie per gram was chosen to minimize the amount of radioactive material used and maximize the probability that the blood sample would contain enough activity for

"counting statistics" purposes. Each seabird will be injected within two weeks of egg hatching to minimize the variables associated with feeding chicks of different ages. An initial blood sample will be taken 1 to 2 hours after injection with tritiated water to form a metabolic baseline. The next blood sample will be taken 2 to 5 days later depending on when the seabird returns from its feeding trip.

A total of 69 millicuries of tritium will be used over the duration of the tritiated water studies. All 120 birds will not be injected at the same time because of differences in breeding cycle and incubation periods. The total millicuries of tritium present in the nesting areas will be further reduced due to the tritium biological half-lives and different feeding patterns for each species. Therefore, the total amount of tritium present at one time in the nesting areas is expected to be less than 69 millicuries.

The study protocol also includes several nonradioactive components. Some birds will have activity recorders placed on their legs to monitor the time they spend flying when they are away from their nests. A representative number of birds from each species will be placed in a metabolic chamber to measure their resting metabolic rates. Wing morphology for all species will be described and studied. The tritiated water portion of the study will be performed first, and there will be a delay of at least 12 days before the nonradioactive metabolic chamber tests are performed. This will allow at least 4 to 6 effective half-lives to pass between the two phases of the study.

The data from the radioactive (i.e., field metabolic rates in free-living birds) and nonradioactive components will be combined to provide an extensive description of flight behavior, wing morphology and energetics for each species and the population.

Pathways to the Environment

The seabirds lose tritiated water by respiration (exhaled water vapor) and direct losses in feces (guano). The primary losses is thought to be in water vapor in the exhaled breath. The water vapor should be immediately carried away by wind for those seabirds in open spaces. In the case of guano dropped in the water, the tritium will be diluted by seawater. Guano on the island will dry in a matter of hours and the tritium will become water vapor that is carried off by the wind. Since the shearwaters nest in burrows, there may be tritium absorbed by the burrow walls. Shearwaters leave the nest to defecate, therefore, tritiated guano will not be deposited in the burrows. Although shearwaters may make burrows 2 meters long, those used in the study will have to be easily caught. Therefore, easily reachable shearwaters with shorter burrows are expected to be preferentially selected for the study. This will reduce the human tritium exposure during capture efforts that would result from the low levels of tritium that may concentrate in the burrows.

Assuming all 120 seabirds are injected with tritium, the total released to the environment will be 69 millicuries. Due to the feeding patterns of seabirds, i.e., they must fly great distances to find food, and their roosting patterns, i.e., they are either on the next or at sea at night, the tritium is expected to be released to a much larger area than the nesting sites. Due to the large area in which the tritium will be released and the dynamic nature of the environment, the tritium is not expected to bioconcentrate, but to be distributed in water vapor, plants, sand, and seawater. Sun, wind, rain, and seawater will act to further disperse the tritium beyond the nesting, flight, and feeding sites.

Pathway to Humans

Several factors, such as geographic isolation of Johnston Atoll, restrictions of access to east and Sand Islands, and the short duration of the individual bird studies, make it unlikely that the tritiated birds will come in direct contact with the general public. The Commanding Officer at Johnston Atoll prescribed regulations that reflect and support Federal laws and National Wildlife Refuge regulations. These regulations prohibit harassment, hunting, trapping, capture, or killing of the seabirds. The seabirds have no natural predators on the atoll. Although coconut palms are the only food chain plant on the atoll, they are not used as a food source. There are no food chain animals on the islands. Some fish and lobsters are caught and eaten by recreational fisherman and divers. The atoll has no wells and its fresh water is produced by a desalinization plant on Johnston Island. The seabirds injected on Johnston Island will be from nesting sites downwind from the desalinization plant. Any incorporation of tritium into the drinking water, coconuts, fish, and lobsters would be minimal because it could only occur, if ever, after dilution and biodispersion on the air and seawater.

The study calls for selecting nesting sites for the red-tailed tropicbirds, the only birds to be studied on Johnston Island, so that they are away from residential and recreational areas. Because of the small size of the islands, residents may pass by or work near nesting sites. The seabirds' behavior that keeps them either at their nesting site or at sea foraging also prevents them from visiting other islands or other sites on their own island. This greatly reduced interaction between injected seabirds and workers on the atoll. The seabirds in the study all nest in relatively crowded areas which reduces the size of the study site for each species to an approximately 50 square meter site. This concentration of study subjects also aids in physically separating them from the human population.

UCLA personnel who handle the tritiated water, collect samples, and inject birds have procedures and equipment to minimize their exposure to tritium to below the 10 CFR part 20 limits. Instruction and written procedures address proper receipt, survey, transportation, and handling of tritium and tritium contaminated waste and how to handle spills and other emergency situations. Further, these individuals are subject to UCLA's bioassay program to monitor their tritium uptake from all sources.

Dose and Effect on Red-footed Boobies, Wedge-tailed Shearwaters, Red-tailed Tropicbirds and Sooty Terns in the Tritiated Water Study

The adult red-footed boobies will each receive one injection of one millicurie of tritiated water. The initial concentration of tritiated water is expected to be 1.5 microcuries per milliliter of body water. The biological half-life of tritium for the red-footed booby is estimated to be 2.7 days and the estimated maximum radiation dose to a single adult is approximately 1.1 rads. The 30 adult bird sample size for the tritium part of the study results in 50 to 75 percent of the red-footed booby colony mated pairs being affected by the study. However, UCLA personnel believe this number of red-footed boobies should be injected with tritiated water because (1) the food foraging and flocking characteristics of the red-footed booby make it important to retain the species in the study, (20 the sample size is necessary to obtain statistically valid scientific data and (3) the small red-footed booby colony on Johnston Atoll represents a small percentage of the total world population of red-footed boobies.

Each adult wedge-tailed shearwater in the study will receive 0.5 millicuries of tritium. The biological half-life of tritium in this species is estimated to be 2.2 days and the estimated maximum radiation dose to a single adult is approximately 0.9 rads. Each adult red-tailed tropicbird will receive 0.5 millicuries of tritium. The estimated biological half-life is 2.3 days and the estimated maximum radiation dose to each adult is approximately 0.9 rads. For each sooty tern, the injections will have 0.2 millicuries of tritium; the estimated biological half-life is 1.7 days; and the maximum radiation dose is approximately 0.7 rads.

Most radiation biology studies are done using gamma radiation and small mammals. No information is currently available for seabirds. The internal beta dose from the tritiated water to each seabird is well below the 30 roentgens (gamma) that may cause reduced reproductive potential in mammals and the 800 rads (gamma) radiation dose expected to kill 50 percent of a song sparrow population, the LD (lethal dose) 50. The radiation doses to the seabirds are not expected to cause either acute or stocastic effects.

Effects On Other Species

Other plant and animal species in the area should not be adversely affected by the release of tritiated water into the environment. The seabirds have no natural predators or scavengers living on the atoll. Birds that die on land will decompose. Seabirds that die at sea will be eaten by scavengers such as planktonic decomposers, scavenger seabird species, and sharks. The seabirds are not expected to carry tritium with them when they leave the atoll at the end of their breeding season because the tritium will be biologically eliminated from the birds by then. The seabirds are not expected to come in direct contact with the two endangered species (the monk seal and the green turtle) because of their different biological life cycles and habitats. Since the tritium exposure levels in the seabirds are not high enough to cause either short- or long-term effects in the seabirds, the even lower levels of tritium dispersed in the environment should not have acute nor long term effects on other species in the study area.

Conclusions

Based on the foregoing assessment, the NRC staff concludes that the environmental effects of using tritium for the *in vivo* studies of wild red-footed boobies, wedgetailed shearwaters, red-tailed tropicbirds, and sooty terns are expected to be extremely small. The concentrations of tritium released by the seabirds into the unrestricted areas will be well below the limits specified in 10 CFR part 20. Thus, the estimated doses to Johnston and Sand Island residents, the general public, and UCLA personnel at Johnston Island are insignificant. Based on these considerations, this action will not result in significant effects on the quality of the human environment or the environment of endangered species, such as the monk seals or green turtles.

The estimated doses to the seabirds do not cause acute effects in the birds and are not expected to cause long-term effects. Therefore, in accordance with 10 CFR 51.31, a Finding of No Significant Impact is considered appropriate for this proposed action.

Alternatives to the Proposed Action

As required by section 102(2)E of the National Environmental Protection Act of 1969, as amended (NEPA) (42 U.S.C. 4322(2)E), possible alternatives to the proposed action have been considered. The first alternative is to use time-energy-budget experiments to determine energy expenditures. The time-energy-budget data obtained by using a metabolic chamber at Johnston Atoll will be used to determine resting metabolic rates. These experiments cannot duplicate the energy expenditures of the seabirds when they are searching for food. Therefore, this alternative cannot be used in this study to quantitate the energy expenditure of the seabirds during foraging activities.

A second alternative is to use duterium instead of tritium in the doubly-cabled water method. While this could theoretically provide the same information, the use of deuterim is impractical at this time. It is more difficult to measure deuterium accurately; deuterium requires a much longer analysis time, i.e., a few months vs. one week for tritium; larger volumes of deuterium water that would have to be injected into the seabirds to assure good statistical analysis may adversely affect the animal; and similarly the larger blood sample sizes needed from each seabird could also adversely affect the animals. Therefore, this alternative cannot be used in this study.

This last alternative to the proposed action is the denial of the license amendment request. This would result in UCLA having to abandon its attempt to study tritiated-body water in the four seabird species and would adversely affect the collection of quantitative energy expenditure data needed to understand the relationships between wing morphology, flocking, and prey fish availability in the tropical oceans. The study is designed to provide information needed to manage and protect the seabird colonies on Johnston Atoll.

There are no currently available alternatives to quantifying the body water turn-over data and energy expenditure determinations obtained from the study. The applicant will do double-labeled studies on the blood samples by measuring activated oxygen-18 levels. The oxygen-18 study does not involve byproduct material. Both the tritium and the oxygen-18 data are needed to interpret the body water data.

The benefits to be gained from denial would be no release of radioactive material to the environment. This is not a significant benefit because the estimated concentrations in unrestricted areas and resulting doses to humans from the studies will be insignificant. Further, the quantities of released materials are insignificant when considered in relationship to the amounts of radioactivity released at Johnston Atoll during the atmospheric weapons testing in the 1950's and 1960's.

The benefit of denying the license amendment request would be no excess radiation exposure above normal background at Johnston Atoll to the individual red-footed boobies, wedge-tailed shearwaters, red-tailed tropicbirds and sooty terns involved in the study. The benefit and the risk to the seabirds from he additional radiation exposure have to be weighed against the scientific information needed to manage and protect the seabirds that is to be obtained from this study (i.e., quantitative energy expenditure information for four different species of seabirds with differences in normal feeding and flocking behaviors and flight proficiencies at a common point in their nesting and survival activities).

Agencies and Persons Contacted

In performing this assessment, the staff contacted UCLA.

Finding of No Significant Impact

The Commission has determined, under NEPA and the Commission's regulations in 10 CFR part 51, that this proposed amendment to amend Byproduct Material License 04–23285–01 to permit: (1) Use of a bunker on Johnston Island as a temporary job site for the use and storage of tritiated water and tritium contaminated waste during the study; (2) the transfer of the tritiated water and tritium contaminated waste to UCLA; and (3) the injection of tritiated water into 30 red-footed boobies, 30 wedge-tailed shearwaters, 30 red-tailed tropicbirds, and 30 sooty terns, if granted, would not have a significant effect on the quality of the human environment or the tritiated red-footed boobies, 30 wedge-tailed shearwaters, 30 red-tailed tropicbirds, or 30 sooty terns, and that and

environmental impact statement is not required. This determination is based on the foregoing environmental assessment performed in accordance with the procedures and criteria in part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

For further details of this Action, see the application for license amendment, dated November 12, 1991, and other related correspondence. The documents (in Docket No. 030-20457) may be examined or copied, for a fee, in the Commission's Region V Public Document Room, 1450 Maria Lane, suite 210, Walnut Creek, California 94596.

Notice of Opportunity for a Hearing

Any person whose interest may be affected by the issuance of this amendment may file a request for a hearing. Any request for hearing must be filed wit the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555 within 30 days of publication of this notice in the **Federal Register** and must be served on the NRC staff by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852; and must be served on the applicant by mail or delivery to University of California, Los Angeles Radiation Safety Office, 10833 Le Conte Avenue, Los Angeles, California 90024. The request for a hearing must comply with the requirements set forth in the Commission's regulations, 10 CFR part 2, subpart L, "Informal Hearing Procedures for Adjudications in Material Licensing Proceedings." Subpart L of 10 CFR part 2 may be examined or copied for a fee in the Commission's Region V Public Document Room, 1450 Maria Lane, suite 210, Walnut Creek, California 94596 or in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

As required by 10 CFR part 2, subpart L (10 CFR 2.1205), the request for a hearing must describe in detail: (1) The interest of the requestor in the proceeding; (2) how that interest may be affected by the results of the proceedings, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in paragraph (g) of 10 CFR 2.12055; (3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and (4) the circumstances establishing that the request for a hearing is timely in accordance with paragraph (c) of 10 CFR 2.1205.

The factors in 10 CFR 2.1205(g) that must be addressed in the request for hearing include: (1) The nature of the requestor's right under the Atomic Energy Act of 1954 to be made a party to the proceeding; (2) the nature and extent of the requestor's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding upon the requestor's interest.

Dated at Rockville, Maryland this 11th day of March 1992.

For the U.S. Nuclear Regulatory Commission.

Michael A. Lamastra,

Acting Chief, Medical, Academic, and Commercial Use Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 92-6202 Filed 3-17-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Plant Operations; Meeting

The ACRS Subcommittee on Plant Operations will hold a meeting on April 1, 1992, in room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 1, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittee will continue its review of the NRC staff's evaluation of risk from Shutdown and low-power operations at U.S. commercial nuclear power plants as well as the associated activities of the nuclear industry.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made. During the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the nuclear industry, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 301/492-8558) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 10, 1992.

Sam Duraiswamy

Chief, Nuclear Reactors Branch.

[FR Doc. 92-6205 Filed 3-16-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co.; Partial Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company, et al. (the licensee) to withdraw a portion of its March 28, 1990 application for proposed amendment to Facility Operating License NPF-49 for the Millstone Nuclear Power Station, Unit No. 3, located at the licensee's site in New London County, Connecticut.

The proposed amendment would have modified Technical Specification (TS) 3/4.8.1, "A.C. Sources," to include provisions to eliminate the fast, cold, repetitive starting of diesel generators. Additional changes in TS 3/4.8.1 and its Bases have been proposed regarding instrumentation and test standards. In addition, TS 3/4.8.2, "D.C. Sources" would be changed to clarify the remedial measure for inoperability of the required full capacity battery chargers.

In the portion of the proposal which was withdrawn, it was proposed that Surveillance Requirement 4.8.1.1.2.a.6 (a monthly surveillance test) would be modified to specify error bands in loading the diesel generator in lieu of the existing requirement to load the diesel generator greater than or equal to a given value. Also, it was proposed that Surveillance Requirement 4.8.1.1.2.g.7 (a 24-hour run test) be modified to specify an indicated target value in lieu of existing requirement to load the diesel generator greater than or equal to a given value.

The Commission has previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 13, 1990 (55 FR 32985). However, by letter dated November 22, 1991, the licensee withdrew the above described portion of the proposed change.

For further details with respect to this action, see the application for amendment dated March 28, 1990, with supplemental information provided by letter dated July 24, 1990, and the licensee's letter dated November 22, 1991, which withdrew a portion of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 9th day of March 1992.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Senior Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6204 Filed 3-16-92; 8:45 a.m.]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. NPF-49 issued to Northeast Nuclear Energy Company, et al., which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 3, located in New London County, Connecticut. The amendment is effective as of the date of issuance.

The amendment changes Technical Specification (TS) 3/4.8.1, "A.C. Sources," to include provisions to eliminate the fast, cold, repetitive starting of the diesel generators. Additional changes in TS 3/4.8.1 and its Bases concern instrumentation and test standards. In addition, TS 3/4.8.2, "D.C. Sources" is changed to clarify the remedial measure for inoperability of the required full capacity battery chargers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on August 13, 1990 (55 FR 32985). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated March 28, 1990, as supplemented July 24, 1990, and November 22, 1991, (2) Amendment No. 64 to License No. NPF-49, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the local public document room located at the Learning Resources Center, Thames Valley Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland this 9th day of March 1992.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Senior Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6203 Filed 3-16-92; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. A92-9; Order No. 920]

Fabyan, Connecticut 06245 (Helen Thomas, et al., Petitioners); Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued March 11, 1992.

Docket Number: A92-9.

Name of Affected Post Office: Fabyan, Connecticut 06245.

Name(s) of Petitioner(s): Helen Thomas and others.

Type of Determination: Closing.

Date of Filing of Appeal Papers: March 6, 1992.

Categories of Issues Apparently Raised:

1. Effect on the community (39 U.S.C. 404(b)(2)(A)).
2. Effect on postal services (39 U.S.C. 404(b)(2)(C)).
3. Economic savings (39 U.S.C. 404(b)(2)(D)).

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule (39 U.S.C. 404(b)(5), the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the petitioner. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

The Commission Orders

(A) The record in this appeal shall be filed on or before March 23, 1992.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

Charles L. Clapp,

Secretary.

Appendix—Docket No. A92-9 Fabyan, Connecticut 06245

March 6, 1992—Filing of Petition.
March 11, 1992—Notice and Order of Filing of Appeal.
March 31, 1992—Last day of filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
April 10, 1992—Petitioner's Participant Statement or Initial Brief (*see* 39 CFR 3001.1151 (a) and (b)).

April 30, 1992—Postal Service Answering Brief (*see* 39 CFR 3001.115(c)).

May 15, 1992—Petitioners' Reply Brief should Petitioners choose to file one (*see* 39 CFR 3001.115(d)).

May 22, 1992—*Deadline* for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116).

July 4, 1992—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 92-6102 Filed 3-16-92; 8:45 am]

BILLING CODE 7710-FW-M

Office of the Secretary

Commission Visit

March 11, 1992.

On March 13, 1992, a Commission group comprising Commissioners and advisory staff members will visit Taba Associates in Baltimore, Maryland. A report of the visit will be filed with the Commission's Docket Room.

For further information, contact Stephen Gold, Director of the Office of the Consumer Advocate, at (202) 789-6836.

Charles L. Clapp,

Secretary.

[FR Doc. 92-6101 Filed 3-16-92; 8:45 am]

BILLING CODE 7710-FW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30452; International Series No. 371; File Nos. SR-Amex-90-25 and SR-Amex-91-01]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Changes Relating to the Listing of Index Warrants and Options Based on the Eurotop 100 Index

I. Introduction and Background

On November 16, 1990 and February 4, 1991, respectively, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] proposed rule changes to list options and warrants based on the Eurotop 100 Index ("Eurotop 100 Index" or "Index"). Notice of the proposals appeared in the Federal Register on December 19, 1990 and March 8, 1991, respectively.[3] No comments were received on the proposed rule changes. This order approves those proposals.

[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1990).

[3] The proposed rule changes were published for comment in Securities Exchange Act Release Nos. 28693 (December 12, 1990), 55 FR 52115 and 28929 (March 1, 1991), 56 FR 9088. Subsequently, the Amex submitted additional information and clarifications to the Commission regarding its proposals to list options and warrants based on the Eurotop 100 Index. *See* Securities Exchange Act Release No. 28935 (March 4, 1991), 56 FR 10448 (Amendment No. 1 to SR-Amex-90-25, the Amex's index option proposal); letter from Barbara D. Salmanson, Special Counsel, Options Division, Amex, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division of Market Regulation ("Division"), SEC, dated December 3, 1990; letter from Barbara D. Salmanson, Special Counsel, Options Division, Amex, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated February 21, 1991, including, among other things, rules for the Eurotop 100 Index ("Eurotop 100 Rules"); letter from Barbara Salmanson, Special Counsel, Options Division, Amex, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated April 18, 1991; letter from Barbara Salmanson, Special Counsel, Amex, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated April 22, 1991, including 1991/1992 Specifications for the Eurotop-100 Index ("1991/1992 Specifications"); telefax from Barbara Salmanson, Special Counsel, Options Division, Amex, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated April 23, 1991 (April 23, 1991 Amex telefax); letter from Nathan Most, Vice President, New Products Division, to Thomas Gira, Branch Chief, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated June 3, 1991; telefax from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Howard L. Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated January 10, 1992 ("January 10, 1992 Telefax"); telefax from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated January 28, 1992; letter from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Thomas Gira, Branch Chief, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated February 12, 1992; letter from Ellen T. Kander, Special Counsel, Derivative Securities, Amex, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated February 21, 1991; and letter from Clifford J. Weber, New Products Specialist, New Products Development, Amex, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated March 4, 1992. The description of the Eurotop 100 Index contained in this order reflects the additional information and clarifications provided by the Amex.

II. Description of the Proposals

The Amex proposes to list index warrants based on the Eurotop 100 Index, an index that is designed to represent substantial segments of the European stock market. The Amex is submitting its proposal to list Eurotop 100 warrants pursuant to the requirments of a 1986 Commission approval order ("Index Warrant Approval Order") that, among other things, permitted the Exchange to list index warrants based on established market indices, both foreign and domestic.[4] Additionally, the Amex proposes to list for trading standardized European-style options (exercisable at expiration only) based on the Eurotop 100 Index pursuant to Exchange rules applicable to the trading of index options.

A. Description of the Index

The Amex proposes to list warrants and options based on the Eurotop 100 Index, a weighted index [5] developed and maintained by the European Options Exchange ("EOE") that is comprised of 100 European stocks from nine countries.[6] The Eurotop 100 Index, which is denominated in European Currency Units ("ECUs"), is designed to measure the collective performance of the most actively-traded stocks on the major European stock exchanges. In order to ensure that the Eurotop 100 reflects this active segment of the European stock market, there are specific Eurotop 100 Index Rules that determine: (1) The countries represented in the Index; (2) the base weighting of the countries in the Index; (3) the stocks from each country represented in the Index; and (4) the weighting of the stocks in the Index.

First, the Eurotop 100 Rules provide that only European countries with significant stock exchanges are eligible

[4] Securities Exchange Act Release No. 28132 (October 3, 1988), 53 FR 39832.

[5] The Eurotop 100 Index is neither price-weighted nor capitalization-weighted. Instead, as described below, the EOE utilizes a weighting process based on the relative capitalizations of each component country's primary stock market and the relative Gross National Product ("GNP") of each country to determine each country's representation in the Eurotop 100 Index. The EOE uses another process based on share price and trading volume to determine the weighting of each stock included in the Eurotop 100 Index.

[6] As of December 27, 1991, the nine countries were: United Kingdom, France, Germany, Switzerland, Italy, the Netherlands, Sweden, Spain, and Belgium. *See* January 10, 1992, Telefax, *supra* note 3.

to be represented in the Index. Specifically, a country must be a European member of the Organization of Economic Cooperation and Development ("OECD"),[7] and the capitalization of the country's primary stock exchange must be at least 2.5% of the aggregate market capitalization of the primary stock exchanges of all the countries that are included in the Eurotop 100 Index.[8]

Second, the Eurotop 100 Rules provide that country weightings within the Index are determined according to the relative stock market capitalizations and GNPs of the countries included in the Eurotop 100 Index. Specifically, 90% of a country's weighting is determined based on the percentage share of the aggregate capitalization of the primary stock exchanges of the countries contained in the Eurotop 100 Index represented by the primary stock exchange of that country.[9] The remaining 10% of a country's weighting is based on its percentage share of the total GNP of all Eurotop 100 Index countries.[10] The EOE employs a mathematical formula that combines these two relative percentages (*i.e.*, market capitalization and GNP) to arrive at the "base" weighting for each country.[11] In addition, in order to ensure that one country does not dominate the Eurotop 100 Index, the Eurotop 100 Rules provide that biennially each country's base weighting is adjusted so that it is no more than twice the average weighting of the countries included in the Index [(*i.e.*, 2 × (100 divided by the number of countries in the Index)]. Thereafter, a country's actual weighting could increase beyond its base weighting if its Index securities outperform those from other Index countries. Accordingly, so long as nine countries remain in the Eurotop 100 Index, no country can have a base weighting greater than 22%, although a country's actual weighting could increase beyond 22% after the biennial revision.[12]

The countries currently included in the Eurotop 100 Index and their weightings as of December 27, 1991, are as follows: United Kingdom, 27%; Germany, 14%; France, 14%; Switzerland, 10.5%; Spain, 9%; the Netherlands, 8%; Sweden, 8%; Italy, 6%; and Belgium, 3.5%.

Third, the Eurotop 100 Rules provide that only liquid issues are eligible to be included in the Index. Specifically, the Eurotop 100 Rules are designed to select those stocks that have the highest monetary trading volume over the past three calendar years on the primary stock exchange of their home country.[13] Under the rules, the EOE ranks the stocks for each country according to their cumulative effective turnover for the past three calendar years.[14] After ranking the stocks for each country on this basis, then starting with the stock with the highest cumulative turnover for this period, the EOE selects stocks from each country to correspond to the base weighting that has been established for the country in the Eurotop 100 Index. For example, because Belgium currently has a country base weighting of 4%, the four Belgian stocks with the highest turnover over the most recent three-year period were selected for inclusion in the Eurotop 100 Index.

Fourth, after the component stocks from each country are selected, they are weighted based on their comparative turnovers. Thus, if stock *XYZ* comprises 40% of the total effective turnover of the stocks selected from that country for inclusion in the Eurotop 100 Index, and the country has a Eurotop 100 Index base weighting of 4%, then the weighting of *XYZ* would be 1.6% of the Eurotop 100 Index. The Index weighting for *XYZ* (1.6%) is equal to 40% of the country's total weighting within the Index, 4%. The number of shares of *XYZ* included in the Eurotop 100 Index is calculated so that the value of the selected shares, in ECUs, will equal 1.6% of the overall value of the Eurotop 100 Index.[15] As a result, the number of shares of each of the issues contained in the Eurotop 100 Index varies widely. For example, the number of shares of the 10 Italian stocks included in the Eurotop 100 Index ranges from 34 shares to 812 shares. By contrast, all of the 10 Swiss stocks included in the Eurotop 100 Index are represented by less than two shares of stock.[16]

In order to ensure that the Eurotop 100 Index will remain representative of the most actively-traded stocks on the major European stock exchanges, the EOE reviews country weightings biennially. Any changes in country selections and weightings, if appropriate, will be made in April of even numbered years based on the relative capitalizations and GNPs at the end of the previous year. At such time, countries may be added or deleted based on the Eurotop 100 Index eligibility criteria.[17] Adjustments to country weightings, however, only will be made when the base weighting for one or more countries must be changed by at least two percent.

By contrast, the EOE will review Eurotop 100 Index stock selections and stock weightings on an annual basis based on the monetary share volumes of the stocks over the three prior calendar years. As a result of the stock review in 1991 by the EOE, nine stocks in the Eurotop 100 Index were replaced.[18]

Additionally, there are specific Eurotop 100 Index Rules designed to account for corporate actions that involve one or more component companies, such as mergers and certain other corporate actions by component companies, such as stock dividends or rights offerings.[19] Consistent with the

[7] OECD is an organization of 24 countries in North America, Western Europe and the Pacific, formed to promote world trade and the world economy.

[8] The primary stock exchanges of the countries contained in Eurotop 100 Index are as follows: United Kingdom, London Stock Exchange ("LSE"); Germany, Frankfurt Stock Exchange; France, Paris Bourse; Switzerland, Zurich Stock Exchange; Italy, Milan Stock Exchange; the Netherlands, Amsterdam Stock Exchange; Sweden, Stockholm Stock Exchange; Spain, Madrid Stock Exchange; and Belgium, Brussels Stock Exchange.

[9] The aggregate market capitalization calculation is based on the capitalization of each component country's primary stock market, represented in U.S. dollars, at the end of the prior year.

[10] This calculation is based on the most recent GNP figures published by the OECD for a full calendar year, expressed in ECUs.

[11] *See* Eurotop Rules, *supra* note 3, at appendix 2.

[12] As described in more detail below, because the stocks in the Index were selected based on these country weightings at one point in time, the actual weightings of each country in the Eurotop 100 Index fluctuates based on changes in stock prices and currency values.

[13] The Eurotop Rules also provide that certain stocks are excluded from consideration for inclusion in the Index. Specifically, investment company stocks and securities that are not available for investment by foreigners are ineligible to be included in the Index. In addition, if more than one class of stock of the same company meets the selection criteria, only the class with the largest effective share volume will be included.

[14] Under the Eurotop 100 Rules, the cumulative effective turnover for a stock is the value (in local currency) of the actual number of shares traded during the three most recent years. See Eurotop 100 Rule 1.6, *supra* note 3.

[15] For example, if the aggregate Index value is 100,000 ECUs, then *XYZ* would represent 1.6% of 100,000 ECU or 1,600 ECU. If the stock is priced at 25 in its home country and the exchange rate between the home country currency ("HC") and the ECU is two (ECU/HC=2), then there would be 30 shares of *XYZ* stock in the Index. *See* April 23, 1991 Amex telefax, *supra* note 3. In addition, the number of shares of each stock is rounded to the nearest whole number, except when the number is less than one. In which case, the number is rounded to the nearest tenth of a share. See Eurotop 100 Index Rule 1.7, *supra* note 3.

[16] See January 10, 1992 Telefax, *supra* note 3.

[17] Any periodic adjustment to the selection and weighting of countries will occur, if necessary, immediately after the third Friday in April of any even dated year.

[18] These stocks were replaced because after updating the cumulative effective turnover data by adding 1990 turnover data and deleting 1987 turnover data, nine other companies had higher cumulative turnovers. The new selections become effective April 22, 1991. See Attachment B to April 18, 1991 Letter, *supra* note 3.

[19] Operational adjustments to the weightings of stocks to correct the Eurotop 100 Index value will be

Continued

design and operation of the Eurotop 100 Index, the Eurotop 100 Rules provide that any necessary changes will be done in such a way as to result in minimal changes in the value of the Eurotop 100 Index.[20] In this regard, the EOE maintains a list of potential replacement stocks for each country.

The EOE, for purposes of calculating the Eurotop 100 Index, will use the last sale price of each component stock in its own home currency, reported by the principal stock exchange in its home country. On an instantaneous and continuous basis, the value of each component stock in its respective home country currency first will be converted into either German marks or U.S. dollars and then into ECUs, based on the German mark or U.S. dollar/ECU lowest asked price at that moment as quoted by the foreign exchange institutions whose quotes are disseminated by Reuters PLC.[21] Accordingly, Index values will reflect the last available component stock prices converted into EDUs. Nonetheless, in the event there is no price change in a component stock, its value will be continuously updated to reflect any changes in the home currency/U.S. dollar or German mark/ECU exchange rates.

The EOE proposes to calculate the official Eurotop 100 Index value from 11 a.m. to 5:30 p.m. Central European Time ("C.E.T.") (5 a.m. to 11:30 a.m. E.S.T.), at which time trading has ceased on the primary markets in all Eurotóp 100 Index countries. Currently, the EOE disseminates the Eurotop 100 Index value every 15 seconds to all EOE data vendors, which include Quotron, Reuters, and Bridge Information Service. If at 11 a.m. C.E.T. (5 a.m. E.S.T.), 75 or more of the Eurotop 100 Index's component stocks are open for normal trading, then the Eurotop 100 Index values published until 5:30 p.m. C.E.T. (11:30 a.m. E.S.T.) that day will be considered "Official Index Values."[22]

An official settlement value for the Eurotop 100 Index is calculated each month for use in connection with financial products based on the Eurotop 100 Index. The settlement value is calculated on the third Friday of the month provided that all relevant stock exchanges customarily are open for normal, regulated trading on that day.[23] The settlement value of the Eurotop 100 Index will be based on the average of the index values calculated at 5 minute intervals between 12:30 p.m. and 1 p.m. C.E.T. (6:30 a.m. and 7 a.m. E.S.T.)

B. Applicable Warrant Rules

Consistent with the Index Warrant Approval Order, the Amex represents that Eurotop 100 Index warrant issues will conform to the listing guidelines contained in section 106 of the Amex Company Guide. Specifically, Section 106 provides that: (1) The issuer of Index warrants must have assets in excess of $100 million and otherwise substantially exceed the size and earning requirements in section 101(a) of the Company Guide;[24] (2) the term of the warrants shall be for a period ranging from one to five years from the date of issuance; and (3) the minimum public distribution of such issues shall be one million warrants together with a minimum of 400 public holders, and have an aggregate market value of $4 million.

The Amex proposes that these warrants will be direct obligations of their issuer subject to cash-settlement during their term. The Amex intends to list both American-style warrants (*i.e.*, exercisable throughout their life) and European-style warrants (*i.e.*, exercisable only on their expiration date). Upon exercise of a Eurotop 100 Index warrant, or at the warrant's expiration date if not exercisable prior to such date, the holder of a warrant resembling a put option would receive payment in U.S. dollars to the extent that the Eurotop 100 Index has declined below a pre-stated cash settlement value while the holder of a warrant resembling a call option would receive payment in U.S. dollars to the extent that the Index has increased above the pre-stated cash settlement value. Warrants that are out-of-the-money at the end of the stated term will expire worthless.

Consistent with the Index Warrant Approval Order, trading in Eurotop 100 Index warrants will be subject to several safeguards designed to ensure investor protection. Specifically, pursuant to Commentary .02 to Amex Rule 411, the Exchange has recommended to its members that they should sell Eurotop 100 Index warrants only to options-approved accounts. In addition, the options suitability standard of Amex Rule 923 will apply to recommended Index warrant transactions.[25] Moreover, a Senior Registered Options Principal or Registered Options Principal will be required to approve and initial a discretionary order in Eurotop 100 Index warrants on the day the order is entered. Furthermore, the Amex, prior to the commencement of trading of Eurotop 100 Index warrants, will distribute a circular to its membership calling attention to the specific risks associated with warrants based on the Eurotop 100 Index.

C. Applicable Options Rules

The Amex proposes to trade standardized European-style options (exercisable only at expiration) based on the Eurotop 100 Index. Options on the Eurotop 100 Index will be governed by current Exchange rules applicable to the trading of index options.[26] These rules govern matters such as disclosure, account approval and suitability, position and exercise limits,[27] margin, and trading halts and suspensions.[28]

taken only when the action by a company would otherwise change the value of the underlying portfolio by more than one ECU (0.09 Eurotop 100 Index point). See Eurotop 100 Index Rule 4.6.1, *supra* note 3.

[20] *See* Eurotop 100 Rules 4.5 (Operational Adjustments to the Selection of Stocks) and 4.6 (Operational Adjustments to the Weighting of Stocks), and Appendix 4 to the Eurotop 100 Rules (The Weighting of Stocks in the Event of Merger of Stocks Included in the Eurotop 100), *supra* note 3.

[21] For most home country currencies, the German mark rather than the U.S. dollar is used as the intermediary currency because it provides a more constant crossing rate. Reuters displays real-time currency quotes from approximately 1,100 contributors worldwide on a 24-hour basis. Contributors are largely banks and other foreign exchange dealers. See March 4, 1992 Letter, *supra* note 3.

[22] If more than 25 of the Eurotop 100 Index's component stocks are not open for normal trading at 11 a.m. C.E.T. (5 a.m. E.S.T), however, then the Eurotop 100 Index values published until 5:30 p.m. C.E.T. (11:30 E.S.T.) will be considered "partial index values." Similarly, the publication of Eurotop 100 Index values may commence as soon as the first primary stock exchange for a component country commences trading. Index values published between this time and the time of publication of the first Official Index Value (*i.e.* between 9:30–11 a.m. C.E.T. or 3:30–5 a.m. E.S.T.) will be considered "pre-opening index values."

[23] If this is not the case, then the settlement value will be calculated on the first preceding day during which all the relevant stock exchanges customarily are open for normal trading.

[24] Section 101(a) of the Amex Company Guide requires the issuer to have stockholders' equity of at least $4,000,000 and pre-tax income of at least $750,000 in its last fiscal year, or in two of its last three fiscal years.

[25] Amex Rule 923 prohibits any member, member organizations, or registered employee thereof from recommending any options transaction to any customer unless such person making the recommendation has reasonable grounds to believe that the entire recommended transaction is not unsuitable for such customer and the person has a reasonable basis for believing that the customer has such knowledge and financial experience to be able to evaluate the transaction's risks.

[26] See Amex Rules 900C–980C.

[27] Pursuant to Exchange rule 904 (b), the Exchange proposes to establish a position limit of 25,000 contracts on the same side of the market for the Eurotop 100 Index contracts, provided that no more than 15,000 of such contracts will be permitted in the series of the nearest expiration month.

[28] Amex Rule 117 provides for a one hour trading halt in all securities traded on the Amex if the Dow

Continued

The closing Eurotop 100 Index value on December 30, 1991, was 459.07. The Exchange believes that this value would be at too high a level to sustain successfully options trading in the U.S. market. Accordingly, the Exchange proposes to base trading in its Index options on a reduced level of the Eurotop 100 Index. Specifically, the Exchange proposes to divide the Eurotop 100 Index value by 5 for the purposes of trading options on the Index. The multiplier for the Eurotop 100 Index is 100.[29]

The reduced value Eurotop 100 Index that will serve as the basis for the Amex's Eurotop 100 Index option contract will be based on the Eurotop 100 Index value it receives from the EOE and will be disseminated on a continuous basis through the Options Price Reporting Authority ("OPRA"). Additionally, all trade and quotation data regarding Eurotop 100 Index options will be disseminated to vendors through OPRA.

The Amex, pursuant to Amex Rule 903C, intends to list up to three near-term expiration months, one additional series in the March quarterly cycle and five additional long-term options series, with consecutive June and December expirations extending into successive years. The Exchange proposes 2½-point strike price intervals for near-term options when the reduced Index value is below 200; when the reduced Index value is 200 or greater the Amex proposes to implement 5-point strike price intervals. Additionally, the Amex proposes strike price intervals for long-term options at either 25 or 50 point intervals depending on the then current volatility of the Eurotop 100 Index.

The options will expire on the Saturday following the third Friday of the expiration month. The last trading day in an options series normally will be the second to last business day preceding the Saturday following the third Friday of the expiration month (normally a Thursday), except in the event of a holiday at the Amex.[30] For settlement purposes, the Eurotop 100 Index value will be based on the average of the official values for the Eurotop 100 Index at five minute intervals between 12:30 p.m. and 1 p.m. C.E.T. on Expiration Friday. Accordingly, the Index settlement value will be determined between 6:30 to 7 a.m. E.S.T. on the morning of Expiration Friday. In the event that a primary exchange ordinarily is not open for trading on an Expiration Friday, however, the Index settlement value will be calculated on the first preceding day when all the primary exchanges are open.[31]

The Eurotop 100 Index will be valued in U.S. dollars even though the Eurotop 100 Index is comprised entirely of European stocks. The Exchange will assign a value of one U.S. dollar to each 100 decimal points of the Eurotop 100 Index. Thus, as the Eurotop 100 Index value reflects changes in the ECU prices of the component stocks, the premiums of Index options will change in U.S. dollars, without regard to fluctuations in the ECU/U.S. dollar exchange rate. This index valuation method is designed for investors that primarily are concerned with changes in the ECU price levels of the European market and not in the combined effect of price movements in the European stock market and changes in the ECU/U.S. dollar exchange rate. Moreover, the proposed valuation method permits the options premiums to be quoted in U.S. dollars and the trading accounts to be denominated in U.S. dollars. Accordingly, all Exchange, Options Clearing Corporation ("OCC") and clearing member systems will be able to accommodate the trading, clearance and settlement of the Eurotop 100 Index options without alteration.

III. Discussion

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the Act.[32] Specifically, the Commission finds that the trading of options and warrants on the Eurotop 100 Index will serve to protect investors, promote the public interest, and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with European stock investments.[33] The trading of options and warrants on the Eurotop 100 Index, however, raises several concerns, namely, issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the Amex adequately has addressed these concerns.

A. Index Design and Structure

The Commission finds that classifying the Index as broad-based, and, thus, permitting Exchange rules applicable to the trading of broad-based index options to apply to Eurotop 100 Index options is appropriate given the large capitalization, broad diversification, and mature markets of the component stocks of the Eurotop 100 Index. Moreover, for both the Eurotop 100 Index options and warrants, the broad-based design of the Index significantly minimizes the potential for manipulation of the Index.

First, the total capitalization of the Eurotop 100 Index is U.S. $957 billion.[34] Second, the stocks in the Eurotop 100 Index are from a wide range of European industry sectors. Although the Eurotop 100 Index component stocks are not selected to achieve a specified

Jones Industrial Average ("DJIA") declines 250 points from its previous day's closing value and a two hour trading halt if the DJIA declines 400 points from its previous day's closing value. Additionally, Amex Rule 918C permits the Exchange to halt or suspend trading in options on a stock index if, among other reasons, unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. See Securities Exchange Act Release No. 28198 (October 19, 1989), 53 FR 41637.

[29] An index multiplier is a number which determines the total settlement dollar value of each point of the underlying index.

[30] In the event of a Thursday holiday in the U.S., the last trading day for Index options will fall on the previous business day, usually the Wednesday prior to expiration. Settlement of the Index options will continue to be based on Friday's opening prices. See February 12, 1992 Letter, *supra* note 3.

[31] When there is a holiday in Europe on Expiration Friday, necessitating an earlier determination of Index settlement value (*i.e.* Thursday), the Amex will correspondingly cease trading in expiring options series on Wednesday instead of Thursday.

[32] 15 U.S.C. 78f(b)(5) (1988).

[33] Pursuant to Section 6(b)(5) of the Act, the Commission must predicate approval of any new option or warrant proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that served no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options or warrants on the on the Eurotop 100 Index will provide investors with a hedging vehicle that should reflect the overall movement of the European stock market. The Commission also believes that these options and warrants will provide investors with a means by which to make investment decisions in the European equity market, allowing them to establish positions or increase existing positions in European stocks in a cost effective manner.

[34] *See* April 10, 1991 Letter, *supra* note 3. The market capitalization of the Eurotop 100 Index is larger than the capitalization of all the other foreign stocks indices that the Commission has reviewed except the Europe, Australia, Far East ("EAFE") Index. Specifically, when reviewed by the Commission: (1) the Toronto Futures Exchange's Toronto Stock Exchange 35 Index had a market capitalization of $115 billion; (2) the Financial Times-Stock 100 ("FT–SE 100") Index had a market capitalization of $521.6 billion; (3) the Sydney Futures Exchange's All Ordinaries Index had a market capitalization of $110.7 billion; (4) the CAC–40 Index had a market capitalization of approximately $146.5 billion; (5) the International Market Index ("IMI") had a market capitalization of $445 billion; and (6) the EAFE Index had a market capitalization of $5,104 billion.

industry representation, 24 industry groups are represented in the Eurotop 100 Index and the three largest industry groups, banking, international oils, and holding companies, comprise only 14.32%, 10.08%, and 8.58%, respectively, of the Eurotop 100 Index.[35] Third, the Eurotop 100 Index is comprised of 100 stocks, with no particular stock or group of stocks dominating the Index. For example, the ten most highly weighted stocks in the Index account for only 19.12% of the Index's value. Fourth, the component stocks of the Eurotop 100 Index are actively traded in their home markets. In this regard, as described above, the stock selection and weighting procedures for the Index ensure that stocks in the Eurotop 100 Index are actively traded. As a result, the median and mean monthly trading volume figures for the 100 issues are 3.65 million and 9.76 million shares, respectively. Finally, the Commission believes that the Eurotop 100 Index Rules governing, among other things, the selection of countries included in the Index, the stocks included in the Index, and the periodic review of the composition and weighting of the Index will serve to ensure that the Index maintains its broad representative sample of actively-traded European stocks. Accordingly, the Commission finds that the Eurotop 100 Index is a broad-based index.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Eurotop 100 Index options and warrants, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance provisions are applicable to options accounts. Accordingly, because the Eurotop 100 Index options will be subject to the same regulatory regime as the other standardized options currently traded on the Amex, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Eurotop 100 Index options.

The Commission also notes that the delay between the cessation of trading in Index options and the determination of the Index value for settlement does not raise novel issues. The Commission previously has approved stock index options for trading where the index settlement value for expiring options is determined on the day after trading in the options cease.[36]

The Commission also notes that, consistent with the Index Warrant Approval Order, specific Amex rules and procedures that address the special concerns attendant to the secondary trading of index warrants will be applicable to Eurotop 100 Index warrants. In particular, by imposing the special suitability, disclosure, and compliance requirements noted above, the Amex has addressed adequately the potential public customer concerns that could arise from the derivative nature of Eurotop 100 Index warrants. Moreover, the Amex plans to distribute a circular to its membership calling attention to the specific risks associated with warrants on the Eurotop 100 Index, and, pursuant to the Amex listing guidelines, only substantial companies capable of meeting their warrant obligations will be eligible to issue Eurotop 100 warrants.

Warrants, unlike standardized options, do not have a clearinghouse guarantee but are instead dependent upon the individual credit of the issuer. This heightens the possibility that an exerciser of warrants may not be able to receive full cash settlement upon exercise. To some extent this risk is minimized by the Exchange's standard that warrant issuers possess at least $100,000,000 in assets. In any event, financial information regarding the issuers of Eurotop 100 warrants will be disclosed or incorporated in the prospectuses accompanying the offerings of the warrants.

There is a systemic concern, however, that broker-dealers or broker-dealer subsidiaries issuing index warrants or providing a hedge for the issuer will incur position exposure. This position exposure, if left partially hedged or dynamically hedged, could not only create a risk of non-performance but added a systemic risk in that the broker-dealer will have to hedge dynamically the position exposure to minimize losses should the market turn against it. To date, warrant issuances have been so small in relation to the broker-dealer issuer's (or underwriter's) total equity positions as not to raise significant concerns. Nevertheless, the Exchange should continue to monitor this area.

C. Surveillance

In evaluating new derivative instruments, the Commission, consistent with the protection of investors, considers the degree to which the derivative instrument is susceptible to manipulation. The ability to obtain information necessary to detect and deter market manipulation and other trading abuses is a critical factor in the Commission's evaluation. It is for this reason that the Commission has required an effective surveillance sharing agreement between an exchange listing or trading a derivative product and the exchange trading the stocks underlying the derivative contract that specifically enables officials to surveil trading in the derivative product and underlying stocks.[37] Such agreements provide an important deterrent to manipulation because they facilitate the availability of information that may be necessary to detect a potential manipulation if it were to occur. For foreign stock index derivative products, these agreements are especially needed to facilitate the obtaining of regulatory, surveillance and other information from foreign jurisdictions.

The Commission has considered the adequacy of surveillance sharing arrangements in the context of several types of derivative products, including derivative products based on stock indices comprised of component securities from one country ("single country indices") and indices comprised of component securities from several countries ("multi-country indices"). In the context of derivative products based on single country indices, the Commission consistently has required the U.S. exchange that proposes to trade a derivative product to establish an effective surveillance sharing arrangement with the primary foreign stock market where the underlying securities are traded. For example, the Commission approved the trading of derivative instruments based on the FT-SE 100 Index and the CAC-40 Index which are broad-based indices representative of the U.K. and French stock markets, respectively. In these two instances the Commission still required that there be an effective surveillance sharing agreement between the U.S. exchange and the underlying foreign exchange because the indices were limited to one country, thus enabling a potential manipulation to be based on the securities of a single market.[38]

In the context of derivative products based on multi-country indexes, such as the Eurotop 100 Index, the Commission considers several factors in evaluating whether these instruments are readily susceptible to manipulation. Effective surveillance sharing agreements is one factor in this evaluation. In many cases, without effective surveillance sharing agreements, the Commission is unable to approve these proposed products. The Commission, however, recognizes that the construction of an index, including he diversification and active and deep market for component securities, can mitigate against the need to require that effective surveillance sharing agreements be concluded with all of the markets whose securities underlie that index. Indeed, the Commission has approved or commented favorably upon derivative products based on the International Market Index ("IMI") and the Europe, Australia, Far East ("EAFE") Index, where coverage was less than 100%. In both such cases, however, the countries with a major index weighting were covered by effective surveillance sharing agreements and no single uncovered country's securities accounted for more than a small percentage of the index's weighting.[39] This made it very unlikely that a successful manipulation could be based on the markets that did not have effective surveillance sharing agreements with the derivative exchange.

Accordingly, with respect to the Eurotop 100 Index, the Commission believes that various factors, as described below, render the Index not readily susceptible to manipulation, although the weighting of the securities of the countries in the Eurotop 100 Index for which the Amex has effective surveillance sharing agreements equate to only approximately one-half of the Index's value. Specifically, the Index contains several features that make it difficult to engage in intermarket abuses (such as manipulation or frontrunning) using Eurotop 100 Index warrants or options and trading in the underlying cash markets. As noted above, the Index is comprised of the most highly-capitalized, actively-trade securities from primary markets in nine different countries. Accordingly, because the Index component securities are spread over nine countries, are diversified by industry sector, and, as described above in greater detail, are adjusted in accordance with specific, complex rules designed to maintain specific weightings and relationships, the Commission believes it would be considerably more difficult to affect the Index value because to do so would require influencing simultaneously several foreign markets. Moreover, the susceptibility of the Index to manipulation is reduced further by the Index settlement value calculation method, which uses an average of prices over a 30-minute period.

In addition, as noted above, while the Amex does not have effective surveillance sharing agreements with all of the countries comprising the Index, no single uncovered country's securities account for 20% or more of the Index's weighting and no two uncovered countries' securities account for 30% or more of the Index's weighting. In particular, the Commission notes that the Amex has concluded effective surveillance agreements with the relevant self-regulatory organizations in the U.K., France, and the Netherlands, three of the larger components of the Index.[40]

In this regard, the Commission emphasizes that if there were a country accounting for 20% or more of the Index that was not covered by an effective surveillance sharing agreement (or two countries accounting for 30%) it would be difficult for the Commission to reach the conclusions contained in this order.[41]

In sum, the Commission believes that the Index is not readily susceptible to manipulation, and that if a manipulation were nonetheless to occur, it could be easily detected. As noted above, the component securities of the Index also are spread over nine countries, the Index is broad-based, a 30-minute settlement calculation method is used, a substantial portion of the Index is covered by effective surveillance sharing agreements, and the weighting of the securities of any country without an effective surveillance sharing agreement is small.[42]

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[35] *See*, April 1991 Letter, *supra* note 3.

[36] For example, the settlement value for expiring options on the Japan Index is determined at the close of the Friday afternoon Tokyo Stock Exchange trading session (1 a.m. E.S.T.), although trading in the expiring contracts ceases on Thursday at 4:15 E.S.T., eight hours and 15 minutes earlier. See Securities Exchange Act Release No. 28475 (September 25, 1990), 55 FR 40492 (order approving File No. SR-Amex-89-16). Similarly, the CBOE lists a version of the S&P 500 index option, the NSX, whose settlement is based on the opening prices of stocks on the day after trading in the options cease. See Securities Exchange Act Release No. 24367 (April 17, 1987), 52 FR 13600 (order approving CBOE proposal to list NSX options). Likewise, the settlement value of expiring options on the New York Stock Exchange Composite Index is calculated based on the opening prices of the index's component stocks on expiration Fridays, although trading in the options cease on the Thursday before expiration Friday. *See* Securities Exchange Act Release No. 25804 (June 15, 1988), 53 FR 23474.

[37] The Commission believes that the ability to obtain relevant surveillance information, including, among other things, the identity of the ultimate purchasers and sellers of securities, is an essential and necessary component of an effective surveillance agreement.

[38] The Commission has approved the listing of FT-SE 100 warrants on the CBOE, Amex, NYSE, and the Pacific Stock Exchange ("PSE") and has approved a proposal from the CBOE to trade options based on the FT-SE 100. *See* Securities Exchange Act Release Nos. 27769 (March 6, 1990), 55 FR 9380 (order approving File No. SR-Amex-90-3); 28106 (June 12, 1990), 55 FR 24955 (order approving File No. SR-PSE-90-15); 28369 (August 30, 1990), 55 FR 37380 (order approving SR-NYSE-90-37); 28627 (November 19, 1990) (order approving File No. SR-CBOE-90-17, CBOE warrant proposal). 28634 (November 20, 1990), 55 FR 48729 (order approving File No. SR-MSE-90-12); and 29722 (September 23, 1991), 56 FR 49809 (File No. SR-CBOE-91-07, CBOE option proposal). Additionally, the Commission has approved the listing of CAC-40 warrants on the Amex, NYSE, PHLX, PSE, MSE and CBOE. See Securities Exchange Act Release Nos. 28544 (October 17, 1990), 55 FR 42792 (order approving File Nos. SR-Amex-90-06, SR-NYSE-90-36, SR-PHLX-90-25 and SR-PSE-90-18); 28587 (October 30, 1990), 55 FR 46505 (order approving File No. SR-CBOE-90-16) and 28701 (December 13, 1990), 55 FR 52916 (order approving SR-MSE-90-10). In addition, in light of unique circumstances, the Commission has approved some U.S. exchange proposals to trade derivative products based on the Japanese equity market without the presence of direct surveillance sharing arrangements between these exchanges and the Tokyo Stock Exchange. In these instances, the Commission concluded that the absence of such surveillance sharing agreements did not make the trading of such Japanese-based derivative instruments readily susceptible to manipulation because of a variety of factors, including among others, the contract design, the existence of a Memorandum of Understanding between the SEC and the Japanese Ministry of Finance ("MOF") which could provide the Commission with information that would be covered by an effective surveillance sharing agreement, and the history of cooperation between the SEC and the MOF. *See* Securities Exchange Act Release No. 30256 (January 16, 1992), 57 FR 2797.

[39] See Securities Exchange Act Release No. 28653 (March 21, 1988), 54 FR 12705 (order approving an Amex proposal to list and trade options based on the IMI) and letter from Jonathan G. Katz, Secretary, SEC, to Dr. Paula Tosini, Director, Division of Economic Analysis, Commodity Futures Trading Commission, dated October 11, 1988 (letter not objecting to the designation of the Chicago Mercantile Exchange as a contract market to trade EAFE stock index futures).

[40] See Letter Agreement between The Securities Association, Ltd. regarding surveillance related to Amex index options, dated July 6, 1988; Agreement between the Amex and the London Stock Exchange, dated, July 1, 1991; Memorandum of Understanding Concerning the Listing of Securities Linked with an Index and the Furnishing of Information for the Purpose of Regulation and Enforcement between the Societe Des Bourse Francaises and the Amex, dated October 4, 1990 and Administrative Agreement between the U.S. Securities and Exchange Commission and the Commission des Operations de Bourse de France, dated December 14, 1989, 45 SEC Docket 728, January 12, 1990; and Memorandum of Understanding Concerning the Provision of Information for the Purpose of Regulation and Enforcement between the Amsterdam Stock Exchange and the Amex, dated January 8, 1991.

[41] The Commission also notes that the Amex will apply its existing index warrant and index options surveillance procedures to trading in the Eurotop 100 Index options and warrants.

[42] In the event that the percentage weightings of the countries included in the Index changed so that a country without an effective surveillance sharing arrangement comprised greater than 20% of the Index, then the Commission would consider the Amex's determination to continue to list additional

Continued

While reaching this conclusion, the Commission nevertheless continues to believe strongly that surveillance sharing agreements between the Amex and all the exchanges trading component securities of the Index would be useful in deterring potential manipulations or other improper or illegal trading involving Eurotop 100 Index options and warrants. Accordingly, the Commission believes it is worthwhile for the Amex and the relevant foreign exchanges to continue to work together to consummate formal effective surveillance sharing agreements as soon as practicable.[43]

E. Market Impact

The Commission believes that the listing and trading of Eurotop 100 Index warrants and options on the Amex will not adversely affect the securities markets in the U.S. or Europe. First, existing Amex stock index warrant and option rules and surveillance procedures will apply to warrants and options based on the Index. Second, the Commission notes that the Eurotop 100 Index is broad-based and diversified and includes highly capitalized securities, no one of which dominates the Index, that are traded actively on leading European stock exchanges. Third, the Amex has established reasonable position and exercise limits for the Eurotop 100 Index options that will serve to minimize potential manipulation and other market impact concerns. Fourth, the risks to investors of contra-party non-performance will be minimized because the Index options will be issued and guaranteed by OCC just like other standardized options traded in the United States and the Index warrants will only be issued by large issuers capable of meeting their warrant obligations. Finally, Eurotop 100 Index options already trade on the EOE, so the listing of Eurotop 100 Index options and warrants on the Amex would not represent the introduction of a new derivative product based on European markets. Accordingly, the Commission believes that the introduction of warrants and option on the Eurotop 100 Index by the Amex should not have a significant effect on the underlying European securities markets or U.S. securities markets.

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule changes are consistent with the requirement of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) and the rules and regulations thereunder.

It therefore is ordered, pursuant to section 19(b)(2) of the Act,[44] that the proposed rule changes (SR–Amex–90–25 and SR–Amex–91–01) are approved.

For the Commision, by the Division of Market Regulation, pursuant to delegated authority.[45]

Margaret H. McFarland,

Deputy Secretary.

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warrants or options series after such a change to be a material change in the Amex listing standards, requiring the filing of a proposed rule change pursuant to section 19(b) of the Act.

[43] In this regard, the Amex agrees to report yearly to the Commission over the next three years detailing its efforts to secure effective surveillance sharing agreements with the uncovered countries. See letter from Howard Baker, Senior Vice President, Amex, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated March 4, 1992.

[44] 15 U.S.C. 78s(b)(2) (1982).

[45] 17 CFR 200.30–3(a)(12) (1989).

[Release No. 34–30462; International Series No. 370; File Nos. SR–Amex–91–10; SR–NYSE–91–13; SR–CBOE–91–09; and SR–CBOE–91–13]

Self-Regulatory Organizations; American Stock Exchange, Inc; Chicago Board Options Exchange, Inc.; and New York Stock Exchange, Inc.; Order Approving Proposed Rule Changes Relating to the Listing of Index Warrants and Index Options Based on the FT-SE Eurotrack 200 Index

March 11, 1992.

I. Introduction and Background

The American Stock Exchange, Inc. ("Amex"), the Chicago Board Options Exchange, Inc. ("CBOE"), and the New York Stock Exchange, Inc. ("NYSE") (collectively, the ("Exchanges")) have submitted to the Securities and Exchange Commission ("SEC" or "Commmission"), pursuant to Section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] proposed rules changes to list warrants based on the Financial Times-Stock Exchange ("FT–SE") Eurotrack 200 Index ("Eurotrack 200 Index" or "Index"). Additionally, the CBOE submitted a proposed rule change to list options based on the Eurotrack 200 Index.[3] The proposed rule changes were published for comment in various releases.[4] No comments were received on the proposed rule changes. This order approves these proposals.

II. Description of the Proposals

The Exchanges propose to list index warrants based on the Eurotrack 200 Index, a capitalization-weighted index that is comprised of 200 major European securities and is intended to represent the overall performance of the European stock market.[5] Additionally, the CBOE proposes to list for trading cash-settled, European-style options (exercisable only on the last business day prior to the option's expiration) based on the Eurotrack 200 Index.[6]

The Eurotrack 200 Index is a combination of two stock indexes, the Eurotrack 100 Index and the FT–SE 100 Index.[7] The Eurotrack 100, Eurotrack 200, and FT–SE 100 Indexes, which are all designed and operated by the LSE, are administered by two Index Steering Committees, one for the FT–SE 100 Index and one for the Eurotrack Indexes.[8] These committees are composed of representatives from various international and U.K. financial institutions.[9]

As of January 21, 1992, the countries included in the Index and their percentage weighting were: United Kingdom, 42.74%; Germany, 15.16%; France, 13.54%; Netherlands, 6.54%; Switzerland, 7.13%; Italy, 5.67%; Spain, 3.89%; Belgium, 2.67%; Sweden, 1.63%; Ireland, 0.6%; Norway, 0.18%; and Denmark, 0.25%.

The FT–SE 100 Index component of the Eurotrack 200 Index is an internationally-recognized, capitalization-weighted stock index based on the prices of 100 of the most highly capitalized British stocks traded on the LSE.[10] The Commission

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[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b–4 (1989).

[3] On May 31, 1991, the CBOE amended its Eurotrack 200 Index option proposal to provide that options contracts on the Eurotrack 200 Index will be traded on a reduced Index value. Specifically, the CBOE proposes that the Index options will be computed at one-tenth of the value of the full value Eurotrack 200 Index. *See* letter from Robert P. Ackermann, Vice President, Legal Services, CBOE, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division of Market Regulation ("Division"), SEC, dated May 31, 1991. On August 15, 1991, the CBOE amended its proposal to provide that the Index value for settlement purposes will be based on the average of the Index values at one-minute intervals from 11:00 to 11:20 a.m. London time (excluding the three highest and three lowest values). Previously, only the highest and lowest values were excluded. *See* letter from Robert P. Ackermann, Vice President, Legal Services, CBOE, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated August 15, 1991 ("Amendment No. 1 Letter"). Because these amendments are minor and technical in nature they have not been separately noticed for comment.

[4] See Securities Exchange Act Release Nos. 29043 (April 4, 1991), 56 FR 14551 (notice of File No. SR–CBOE–91–09, the CBOE's Index option filing); 29079 (April 15, 1991), 56 FR 16134 (notice of File No. SR–CBOE–91–13, the CBOE's Index warrant filing); 29176 (May 8, 1991), 56 FR 22500 (notice of File No. SR–NYSE–91–13); and 29280 (May 31, 1991), 56 FR 26446 (notice of File No. SR–Amex–91–10).

[5] The Exchanges submitted additional data to the Commission regarding their Eurotrack 200 Index proposals. See London Stock Exchange, Five Year History—FT–SE Share Indices ("Five Year History"), 1991; letters from Robert P. Ackermann, Vice President, Legal Services, CBOE, to Howard L. Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated April 20, 1991 ("April 20, 1991 Letter") and May 8, 1991; letter from William J. Barclay, Ph.D., Vice President, Strategic Planning and International Development, CBOE, to Howard L. Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated May 1, 1991; letter from Joseph Levin, Vice President, Research, CBOE, to Howard L. Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated May 29, 1991; Memorandum from Tom Nolan, CBOE, to Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated July 24, 1991; letter from Ellen T. Kander, Special Counsel, Options Division, Amex, to Thomas Gira, Branch Chief, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated January 21, 1992 ("January 21, 1992 Letter"); and letter from William J. Barkley, Ph.D., Vice President, Strategic Planning and International Development, CBOE, to Thomas Gira, Branch Chief, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, dated February 20, 1992 ("February 20, 1992 Letter").

[6] The stocks in the Eurotrack 200 Index from the United Kingdom and the Republic of Ireland are traded over SEAQ and the stocks from the other European countries are traded over SEAQI. SEAQ's and SEAQI's quotations of the stocks traded on the LSE are available to all exchanges listing those stocks, but the system is solely that of the LSE and its dealers and does not reflect markets from the other exchanges.

[7] The Exchanges have submitted proposals to list warrants based on the Eurotrack 100 Index and the CBOE also has submitted a proposal to list and trade options based on the Eurotrack 100 Index. See Securities Exchange Act Release Nos. 29075 (April 4, 1991), 56 FR 14553 (notice of File No. SR–CBOE–91–06, the CBOE's Eurotrack 100 Index option filing); 29078 (April 15, 1991), 56 FR 16132 (notice of File No. SR–CBOE–91–14, the CBOE's Eurotrack 100 Index warrant filing); 29177 (May 8, 1991), 56 FR 22501 (notice of File No. SR–NYSE–91–12); and 29251 (May 30, 1991), 56 FR 26170 (notice of File No. SR–Amex–91–11). The Pacific Stock Exchange ("PSE") also has submitted a proposal to list Eurotrack 100 Index warrants. See Securities Exchange Act Release No. 29051 (November 16, 1991), 56 FR 59314.

[8] See Five Year History, supra note 5, at 93.

[9] The Index Steering Committees are responsible for, among other things, establishing rules to determine, review, and modify the compositions of these indexes, as well as how the various indexes are calculated. Additionally, the LSE has appointed two independent auditors to oversee the technical integrity of the FT–SE Indexes.

[10] The FT–SE 100 Index is composed of companies from 29 different industry groups, no one of which dominates the FT–SE 100 Index. The total capitalization of the FT–SE 100 Index, as of October 30, 1991, was $521.6 billion.

previously has approved the listing of FT–SE 100 Index warrants on the CBOE, Amex, NYSE, PSE, and the Midwest Stock Exchange ("MSE") [11] and has approved a proposal from the CBOE to trade options based on the FT–SE 100 Index.[12]

To qualify for inclusion in the FT–SE 100 Index, a company must satisfy the following conditions: (1) it must not be regarded as an overseas resident company for U.K. tax purposes; (2) it must not be a subsidiary of another Index constituent; (3) it must pay a dividend (except for existing constituents); and (4) it must have at least 25% of its shares publicly held. The FT–SE 100 Index Steering Committee conducts a quarterly review of the FT–SE 100 Index to ensure that its component stocks are representative of the state of the equity market for the largest U.K. companies.

The FT–SE 100 Index is calculated by taking the summation of the multiple of the market price for each stock in the Index times the number of shares of that stock outstanding. This sum total is then divided by another number, termed the "divisor," to produce the Index value. The market price for each constituent stock is calculated by taking the mid-point between the highest bid and lowest offer for each stock. The divisor of the Index is continuously adjusted to reflect changes in market capitalization.

The FT–SE 100 Index is updated each minute from 8:30 a.m. to 4:30 p.m. (London time), during the "Mandatory Quote Period" for SEAQ (3:30 a.m. to 11:30 a.m. Eastern Standard Time ("E.S.T."). [13] The FT–SE 100 Index is published daily in the Financial Times and is available real-time on Reuters, Telerate and other market information systems which disseminate information on a minute-by-minute basis.[14]

The Eurotrack 100 Index is a capitalization-weighted index based on 100 stocks from 11 European countries other than the United Kingdom that is designed to be a real-time index of major continental European securities. In order to ensure that the Eurotrack 100 Index reflects this active segment of the European stock market, the FT–SE Eurotrack Indexes Steering Committee has adopted several rules that: (1) determine the weighting of the countries in the Eurotrack 100; (2) determine the companies eligible for inclusion in the Eurotrack 100; and (3) ensure that the Eurotrack 100 remains representative of its objectives.[15]

First, Rule 2.2 of the Eurotrack 100 Ground Rules provides that the Eurotrack 100 Index must have a high correlation with and track closely the major benchmark indices for Continental Europe. Specifically, the Eurotrack 100 Ground Rules provide that "the FT–AWI Europe Excluding the U.K. Index ("FT–A Index") country weights will be the weights that the Eurotrack 100 Index will try to match on a quarterly basis." [16] Accordingly, as of January 21, 1992, the countries and their weightings in the Eurotrack 100 Index were: Germany, 26.47%; France, 23.65%; Netherlands, 11.42%; Switzerland, 12.45%; Italy, 9.9%; Spain, 6.8%; Belgium, 4.66%; Sweden, 2.84%; Ireland, 1.04%; Denmark, 0.44%; and Norway, 0.32%.[17] Even though it is the objective that the FT–SE Eurotrack 100 Index country weightings should match the FT–A Index country weightings, some countries that are represented in the FT–A Index are underrepresented or not represented in the FT–SE Eurotrack 100 Index because of a lack of liquidity in certain SEAQI stocks from such countries.[18]

Second, in order to qualify for inclusion in the Eurotrack 100 Index, a company must satisfy the following conditions: (1) there must be a firm quote for the stock on SEAQ or SEAQI;[19] (2) the market capitalization of the stock must represent at least 0.125% of the total market capitalization of continental European companies quoted on SEAQI or SEAQ; (3) it must

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[11] See Securities Exchange Act Release Nos. 27769 (March 6, 1990), 55 FR 9380 (order approving File No. SR–Amex–90–3); 28106 (June 12, 1990), 55 FR 24955 (order approving File No. SR–PSE–90–15); 28399 (August 30, 1990), 55 FR 37390 (order approving SR–NYSE–90–37); 28627 (November 19, 1990) (order approving SR–CBOE–90–17); and 28634 (November 20, 1990), 55 FR 49729 (order approving File No. SR–MSE–90–12).

[12] See Securities Exchange Act Release No. 29722 (September 23, 1991), 56 FR 49809 (File No. SR–CBOE–91–07) ("FT–SE 100 Option Approval Order").

[13] See Five Year History, *supra* note 5, at 2. During the "Mandatory Quote Period," LSE market makers are required to display their quotes to the market and all trades must be reported to the LSE within three minutes of their execution.

[14] *Id.* at 3.

[15] See Ground Rules for the Management of the FT–SE Eurotrack 100 Index, Five Year History supra, note 5, at 109 ("Eurotrack 100 Ground Rules").

[16] *Id.* The FT–A Index includes substantially more component securities than the Eurotrack 100 Index. Based on 1991 data, the FT–A Index contained 644 securities.

[17] See January 21, 1992 Letter, supra note 5.

[18] Presently, Denmark is underrepresented and Austria is not represented at all. See Five Year History *supra*, note 5, at 30.

[19] The term "firm quote on SEAQ or SEAQI" refers to the requirement that each stock included in the Eurotrack 100 Index have a Mandatory Quote Period during which time all market makers (of which there must be at least three for each stock) must display "firm" prices at which they are committed to deal.

have at least 25% of its stock publicly held;[20] and (4) it must be available for ownership by non-domestic investors. The companies in each of the constituent countries that meet the above criteria are then selected in order to track the relative market capitalizations of the European stock markets, as reflected in the FT–A Index.[21]

Third, the Eurotrack 100 Ground Rules provide for a quarterly review process that is designed to ensure that the Eurotrack 100 Index remains representative of the non-U.K. European companies with the greatest capitalization that are traded on SEAQI and that the Index continues to track the FT-A Index. During the review process eligible stocks with SEAQI firm quotes and component securities whose market capitalizations have fallen significantly will be inserted to or deleted from the Index. Additionally, there are Eurotrack 100 Index rules that are applicable if a corporate event makes it necessary to modify the Eurotrack 100 Index before the next quarterly review period or if a highly capitalized European stock commences trading on SEAQI.[22]

The Eurotrack 100 Index is calculated by taking the summation of the product of the price of each constituent stock and the number of its shares outstanding and dividing this summation by the total market capitalization of the Eurotrack 100 Index ("the Divisor") on the base date, October 28, 1990. As with the FT–SE 100 Index, the stock prices are derived by taking the mid-point between the highest bid and lowest offer for each stock displayed on SEAQ or SEAQI. In addition, for purposes of calculating the Eurotrack 100 Index, stock prices from the constituent companies are converted from their local currency into U.S. dollars and then converted into Deutschemarks.[23] The Eurotrack 100 Index is updated each minute between 9:45 a.m. to 3:30 p.m. London time (4:45 a.m. to 10:30 a.m. E.S.T.) and is available real-time on Reuters, Telerate and other market information systems which disseminate information on a real-time basis.[24]

As mentioned earlier, the Eurotrack 200 Index is a combination of the FT–SE 100 Index and the Eurotrack 100 Index. Accordingly, the qualifications for the inclusion of securities in the Eurotrack 200 Index, and the rules regarding insertions, deletions, and adjustments to the Index, and the periodic review of the Index, among other things, are governed by the rules for the management of the FT–SE 100 and Eurotrack 100 Indexes. As such, any changes to the Eurotrack 200 Index will be the result of identical changes to either the FT–SE 100 or Eurotrack 100 Indexes.

The Eurotrack 200 Index is calculated by multiplying the price of each constituent stock of the Eurotrack 100 and FT–SE 100 Indexes, converted into European Currency Units ("ECUs"), by the number of shares outstanding.[25] The value of the Index stocks that also are in the FT–SE 100 Index, however, are reduced by a "Weight Restraint Factor ("WRF"). The WRF is applied to the FT–SE 100 Index component stocks in order to match the weight of the United Kingdom in the Eurotrack 200 Index to the weight of the United Kingdom in the Financial Times-Actuaries ("FT–A") Europe Index.[26] A new WRF is calculated each quarter.[27] After making this adjustment for the FT–SE 100 Index stocks, the index calculator then divides the sum of the product of the price times shares outstanding, for all Index stocks, by the total market capitalization of the Index ("the divisor") on the base date, February 25, 1991. On February 25, 1991, the value of the Index was 1000.00. The divisor is adjusted to reflect certain corporate actions in constituent companies, such as stock dividends, and to maintain the continuity of the Index.

The Index will be calculated during an Official Index Period ("OIP"), which will run from 9:45 a.m. to 3:30 p.m., London time (4:45 a.m. to 10:30 E.S.T.).[28] An Official Index Closing Price ("OICP") for the Eurotrack 200 Index will normally be calculated at 3:30 London Time each day (10:30 E.S.T.). The OICP will be used to set the opening value of the Index the following day.

B. Rules Applicable to Eurotrack 200 Index Warrants

The Exchanges propose to trade Eurotrack 200 Index warrants pursuant to the requirements of their generic Index Warrant Approval Orders, that, among other things, permit the Exchanges to list index warrants based on established market indexes, both foreign and domestic.[29] Accordingly, the Exchanges represent that the Eurotrack 200 Index warrant issues will conform to their respective index warrant listing guidelines.[30] Specifically, the listing guidelines of the Exchanges require that: (1) the issuer shall have assets in excess of $100,000,000 and otherwise substantially exceed the Exchange's size and earnings requirements; (2) the term of the warrants shall be for a period ranging from one to five years from the date of issuance; [31] and (3) the minimum public distribution of such issues shall be 1,000,000 warrants together with a minimum of 400 public holders, and have an aggregate market value of $4,000,000.[32]

[20] However, if a country is deemed to be underrepresented, a stock from that country will still be considered eligible provided that at least 10% of the stock is held in public hands. See Eurotrack 100 Ground Rules in Five Year History, *supra* note 5, at 109.

[21] *Id.*

[22] For example, if a stock obtains a firm quote on SEAQI, or a non-index stock takes over a stock with a firm quote, and has more than 1.5% of the Eurotrack 100 Index's total market capitalization, then it will enter the Eurotrack 100 Index in one month or at the time of the next quarterly review, whichever is earlier. In addition, if the SEAQ or SEAQI quote for a component security becomes non-firm, then the stock will be removed from the Eurotrack 100 Index the next day. Should a stock be deleted, the highest capitalized stock eligible from the most underweight country (comparing the FT–A and Eurotrack 100 Indexes) will be used to replace the deleted stock. *See id.* at 111.

[23] The foreign exchange rates used to calculated the Eurotrack 100 Index are supplied by Telerate, Inc.

[24] See Five Year History, *supra* note 5, at 3.

[25] As with the FT–SE 100 and Eurotrack 200 Indexes, the prices used are derived by taking the mid-point between the highest bid and the lowest offer displayed on SEAQ and SEAQI. Stock prices are converted from home currency prices into U.S. dollars, then converted from U.S. dollars into ECU. The foreign exchange rates used in the calculation of the Eurotrack 200 Index are supplied by Telerate Inc. See Five Year History, *supra* note 4, at 105.

[26] The FT–A Europe Index is one of a family of indexes designed and maintained by the World Index Policy Committee ("WIPC"). The WIPC has eight members: one representative from the Financial Times Limited, Goldman, Sachs & Co., and County NatWest Securities Limited; one from each of three independent international investment management and advisory firms; and one actuary each from the Institute of Actuaries and the Faculty of Actuaries. For additional information regarding the FT–A Europe Index, see Securities Exchange Act Release No. 28708 (December 18, 1990), 55 FR 53050 (Amex proposal to list warrants based on the FT–A Europe Index, File No. SR-Amex-90-30).

[27] As of January 1, 1992, the WRF was .98105. Over the past five years, the WRF has ranged from .745 in June 1986 to .88 in December 1990.

[28] The OIP covers the time period when all the quotes for stocks within the Index are firm (*i.e.*, the Mandatory Quote Period). For a discussion of "firm" quotes, see *supra* note 19.

[29] *See* Securities Exchange Act Release Nos. 28152 (October 3, 1988), 53 FR 39832 ("Amex Index Warrant Approval Order"); Securities Exchange Act Release No. 28556 (October 19, 1990), 55 FR 43233 ("CBOE Index Warrant Approval Order"); and 28153 (June 26, 1990), 55 FR 27734 ("NYSE Index Warrant Approval Order") (collectively, "Index Warrant Approval Orders").

[30] *See* Section 106 of the Amex Company Guide; Section 703.17 of the NYSE Listed Company Manual; and CBOE Rule 31.5(E).

[31] The NYSE rules provide for a minimum term of one year, but do not impose a five-year limitation on the duration of an index warrant.

[32] In addition, if permitted by their regulatory framework, any of these Exchanges may propose to trade Eurotrack 200 Index warrants on an unlisted trading privilege basis, but to do so, an exchange would have to make a separate application under Section 12(f) of the Act for each such warrant issue.

The Exchanges also represent that the Eurotrack 200 Index warrants will be direct obligations of their issuer subject to cash-settlement during their term, and either exercisable throughout their life (*i.e.*, American style) or exercisable only on their expiration date (*i.e.*, European style). Upon exercise, or at the warrant expiration date (if not exercisable prior to such date), the holder of a warrant structured as a "put" would receive payment in U.S. dollars to the extent that the Eurotrack 200 Index has declined below a pre-stated cash settlement value. Conversely, holders of a warrant structured as a "call" would, upon exercise or at expiration, receive payment in U.S. dollars to the extent that the Eurotrack 200 Index has increased above the pre-stated cash settlement value. If "out-of-the-money" at the time of expiration, the warrants would expire worthless.

Because index warrants are derivative in nature and closely resemble index options, the Exchanges have proposed safeguards that are designed to meet the investor protection concerns raised by the trading of index warrants. First, the Exchanges propose to apply their options suitability standards to Eurotrack 200 Index warrant recommendations and the requirement that discretionary orders in Eurotrack 200 Index warrants be approved on the day entered by a Senior Registered Options Principal ("SROP") or a Registered Options Principal ("ROP"). In addition, the Exchanges have recommended that the Eurotrack 200 Index warrants only be sold to options approved accounts. Moreover, the Exchanges, prior to the commencement of trading of Eurotrack 200 Index warrants, will distribute circulars to their memberships calling attention to the specific risks associated with warrants on the Eurotrack 200 Index and any additional sales practice requirements that will be imposed.

C. Rules Applicable to Eurotrack 200 Index Options

With regard to the listing and trading of Eurotrack 200 Index option contracts, the CBOE proposes that: (1) existing CBOE rules applicable to the trading of index options should be applicable to Eurotrack 200 index options; (2) Index option contracts will be traded on a reduced value of the Eurotrack 200 Index; (3) special procedures will apply for the establishment of Eurotrack 200 Index option settlement values; and (4) Eurotrack 200 Index options will be traded and settled in U.S. dollars.

First, existing CBOE rules applicable to index options shall be applicable to Eurotrack 200 Index options. The proposed Eurotrack 200 Index options will be very similar to the two broad-based Standard and Poor's Index options presently listed for trading on the CBOE, including applicable position and exercise limits, expiration months, strike price intervals, and the index multiplier. Specifically, the CBOE proposes to establish the same position limits used for existing stock index options, *i.e.*, 25,000 contracts on each side of the market, provided that no more than 15,000 of such contracts are in series in the nearest expiration month.

The CBOE intends to list up to three near-term expiration months, one additional series in the March quarterly cycle and five additional long-term options series, with consecutive June and December expirations extending into successive years.[33] The proposed Eurotrack 200 Index options will expire on the Saturday following the third Friday of the expiration months. The CBOE also proposes to amend its Rule 24.9 (Terms of Option Contracts) to provide for the European exercise of Eurotrack 200 Index options.

In addition, the CBOE proposes to apply several rules which were amended to accommodate the trading of FT-SE 100 Index options on the CBOE.[34] First, pursuant to CBOE Rule 24.6 (Days and Hours of Business) a designee of the CBOE Board of Governors will be allowed to determine the days and hours of trading of Eurotrack 200 Index options.[35] Second, during those periods when the LSE's trading hours do not coincide with the CBOE's trading hours, CBOE officials will only be able to halt trading in Index options pursuant to CBOE Rule 24.7 (Trading Halts and Suspensions) when unusual conditions or circumstances detrimental to the maintenance of fair and orderly markets are present.[36] Third, the CBOE's price continuity rule, Interpretation .02 to CBOE Rule 8.7 (Obligations of Market Makers), may be waived by two floor officials when the LSE is not trading.[37]

Second, the CBOE plans to list options on the Eurotrack 200 Index that will be computed at one-tenth of the value of the Eurotrack 200 Index disseminated by the LSE. The CBOE proposes to base its option contract on a fraction of the value calculated by the LSE because the CBOE believes that the existing Eurotrack 200 Index level is too high for successful options trading in the U.S. market. At the present time, the CBOE lists long-term reduced value index options computed at one-tenth of the value of the Exchange's Standard and Poor's 100 and 500 Indexes ("OEX" and "SPX", respectively).[38] As a result of CBOE rounding procedures, however, the reduced value Eurotrack 200 Index may vary slightly from the value of the full value Index.[39]

Third, special procedures have been established to determine the Eurotrack 200 Index value for settlement purposes. The Eurotrack 200 Index value at expiration ("CIV") will be calculated based on SEAQ and SEAQI prices between 11:00 and 11:20 a.m. London time (6 a.m. and 6:20 a.m. E.S.T.) on the day following the last day of trading in the expiring contracts. The LSE will calculate and disseminate a separate CIV for exercise based on the average of the Index values (excluding the three highest and three lowest) for each minute in the interval from 11 a.m. and 11:20 a.m. London time (6 a.m. to 6:20 a.m. E.S.T.).[40] The CBOE's CIV will

[33] Telephone conversation between William J. Barkley, Ph.D., Vice President Strategic Planning and International Development, CBOE and Mark McNair, Attorney, Branch of Options Regulations, Office of Options and Exchange Regulation, Division, SEC, dated March 10, 1992.

[34] *See* FT-SE 100 Option Approval Order, *supra* note 12.

[35] The CBOE has stated that the trading hours for Eurotrack 200 Index options initially will coincide with the CBOE's normal trading hours of 8:30 a.m. to 3:15 p.m. (Chicago time), and that, if the CBOE decides to modify these trading hours, it will notify the SEC through a rule filing submitted pursuant to Section 19(b)(3)(A) of the Act. See February 20, 1992 Letter, *supra* note 5.

[36] Because the time period during which the Eurotrack 200 Index will be calculated only will overlap the CBOE's trading hours from 9:30 a.m. to 10:30 a.m. E.S.T., the CBOE believes it would be inappropriate to apply other provisions of CBOE Rule 24.7 to Eurotrack 200 Index options during the remainder of the CBOE trading day. Specifically, Rule 24.7 provides that the CBOE should consider halting trading in an index option when: (1) trading has been halted or suspended in underlying stocks whose weighted value represents 20% or more of the index value; and (2) the current calculation of the index derived from the current market prices of the stocks is not available.

[37] Interpretation .02 to CBOE Rule 8.7 prohibits market makers, except in unusual circumstances, from purchasing an option at more than $.25 below parity and from making bids $1 less than or offers $1 greater than the preceding transaction price.

[38] See Securities Exchange Act Release No. 28809 (December 10, 1990), 55 FR 51517. These long-term options on reduced value indexes, called OEX LEAPS and SPX LEAPS, trade independent of and in addition to regular OEX and SPX options traded on the CBOE.

[39] The CBOE proposes to use the same procedure in rounding that it currently uses for its reduced value OEX and SPX options. Specifically, the CBOE will divide the calculated value provided by the LSE by ten and round the resulting quotient to the nearest one-hundredth. The CBOE states that the digits one through four will be rounded down to the next number and the digits five through nine will be rounded up to the next number.

[40] Therefore, the LSE's Eurotrack 200 Index settlement value will be the average of fifteen separate prices taken over a twenty-one minute period. See Amendment No. 1 Letter, *supra* note 3.

represent an amount in U.S. dollars equal to a one-tenth fraction of the LSE's CIV.

Normally, trading in expiring contract months will cease on a Thursday at 4:15 p.m. E.S.T. Therefore, the CIV for exercise of the proposed options will be determined during the Friday morning LSE trading session, that is, between 6:00 a.m. and 6:20 a.m. E.S.T. on a Friday morning. If a stock does not trade during this interval, or if it fails to open for trading, the last available price for the stock will be used in the calculation of the Index as is done currently for CBOE-listed index options. When expirations are moved according to Exchange holidays, such as when the CBOE is closed on the Friday before expiration, the last trading day for expiring options will be Wednesday and the CIV for exercise will be calculated during the Thursday trading session on the LSE, even if the LSE is open on Friday. If the LSE is closed on the friday before expiration but the CBOE open, then the last trading day for expiring options on the CBOE will be moved up to Wednesday as if the CBOE had a Friday holdiay and the CIV for exercise will be determined during the Thursday trading session on the LSE.

Fourth, the CBOE plans to trade U.S. dollar denominated Eurotrack 200 Index options, even through the Eurotrack 200 Index is valued in ECUs and is comprised entirely of Eurotrack stocks. The Exchange will assign a value of one U.S. dollar to each 100 decimal points of the Eurotrack 200 Index. Thus, while the Eurotrack 200 Index reflects changes in ECU prices of the component stocks, the value of Index option premiums will change in U.S. dollars, without regard to fluctuations in the ECU/U.S. dollar exchange rate. This Index valuation method is designed for investors that primarily are concerned with changes in the ECU price levels of the European market and not in the combined effect of price movements in the European stock market and changes in the ECU/U.S. dollar exchange rate.

Moreover, the proposed valuation method permits the options premiums to be quoted in U.S. dollars and the trading accounts to be denominated in U.S. dollars. Accordingly, all CBOE, Options Clearning Corporation and clearing member systems will be able to accommodate the trading, clearance and settlement of the Eurotrack 200 Index options without alteration.

Discussion

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the act.[41] Specifically, the Commission finds that the trading of options and warrants on the Eurotrack 200 Index will serve to protect investors, promote the public interest, and help to remove impediments to a free and open securities market by providing investors with a means to hedge exposure to market risk associated with European stock investments.[42] The trading of options and warrants on the Eurotract 200 Index, however, raises several concerns, namely, issues related to index design, customer protection, surveillance, and market impact. The Commission believes, for the reasons discussed below, that the Exchanges adequately have addressed these concerns.

A. Index Design and Structure

The Commission finds that classifying the Index as broadbased, and, thus, permitting the CBOE's rules applicable to the trading of broad-based index options to apply to Eurotrack 200 Index options is appropriate given the large capitalization, broad diversification, and mature markets of the component stocks of the Eurotrack 200 Index. Moreover, for both the Eurotrack 200 Index options and warrants, the broad-based design of the Index significantly minimizes the potential for manipulation of the Index.

First, the total capitalization of the Eurotrack 200 Index, as of April 1991, was U.S. $807 billion.[43] Second, the stocks in the Eurotrack 200 Index are from a wide range of European industry sectors. Although the Eurotrack 200 Index component stocks are not selected to achieve a specified industry representation, 25 industry groups are represented in the Eurotrack 200 Idex and the three largest industry groups, banking and financial institutions, oil production and refining, and utilities, comprise only 13.16%, 12.75%, and 10.12%, respectively, of the Eurotrack 200 Index.[44] Third, the Eurotrack 200 Index is comprised of 200 stocks, with no particular stock or group of stocks dominating the index. For example, the ten most highly weighted stocks in the Index account for only 21.84% of the Index's value. Fourth, the component stocks of the Eurotrack 200 Index are actively traded. In this regard, as described above, the stock selection and weighting procedures for the Index ensure that stocks in the Eurotrack 200 Index are actively traded. As a result, during December 1991, the average daily SEAQ trading volume for the Eurotrack 200 component stocks from the U.K. and Ireland was 320,000 shares and the average daily SEAQI trading volume for the Eurotrack 200 component stocks from the other countries comprising the Index was 210,000 shares. Finally, the Commission believes that the Eurotrack 200 Ground Rules governing, among other things, the selection of countries included in the Index, the stocks included in the Index, and the periodic review of the composition and weighting of the Index will serve to ensure that the Index maintains its broad representative sample of actively-traded European stocks. Accordingly, the Commission finds that the Eurotrack 200 Index is a broad-based index.

B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as Eurotrack 200 Index options and warrants, can commence on a national securities exchange. The Commission notes that the trading of standardized exchange-traded options occurs in an environment that is designed to ensure, among other things, that: (1) The special risks of options are disclosed to public customers; (2) only investors capable of evaluating and bearing the risks of options trading are engaged in such trading; and (3) special compliance provisions are applicable to options accounts. Accordingly, because the Eurotrack 200 Index options will be subject to the same regulatory regime as the other standardized options currently traded on the CBOE, the Commission believes that adequate safeguards are in place to ensure the protection of investors in Eurotrack 200 Index options.

The Commission also notes that the delay between the cessation of trading in Index options and the determination of the Index value for settlement does not raise novel issues. The Commission previously has approved stock index options for trading where the index settlement value for expiring options is determined on the day after trading in the options cease.[45]

The Commission also notes that, consistent with the Index Warrant Approval Orders, specific rules and procedures that address the special concerns attendant to the secondary trading of index warrants will be applicable to Eurotrack 200 Index warrants. In particular, by imposing the special suitability, disclosure, and compliance requirements noted above, the Exchanges have addressed adequately the potential public customer concerns that could arise from the derivative nature of Eurotrack 200 Index warrants. Moreover, the Exchanges plan to distribute circulars to their memberships calling attention to the specific risks associated with warrants on the Eurotrack 200 Index, and, pursuant to the Exchanges' listing guidelines, only substantial companies capable of meeting their warrant obligations will be eligible to issue Eurotrack 200 Index warrants.

Warrants, unlike standardized options, do not have a clearinghouse guarantee but are instead dependent upon the individual credit of the issuer. This heightens the possibility that an exerciser of warrants may not be able to receive full cash settlement upon exercise. To some extent this risk is minimized by the Exchanges' standard that warrant issuers possess at least $100,000,000 in assets. In any event, financial information regarding the issuers of Eurotrack 200 Index warrants will be disclosed or incorporated in the prospectuses accompanying the offering of the warrants.

There is a systemic concern, however, that broker-dealers or broker-dealer subsidiaries issuing index warrants or providing a hedge for the issuer will incur position exposure. This position exposure, if left partially hedged or dynamically hedged, could not only create a risk of non-performance but add a systemic risk in that the broker-dealer will have to hedge dynamically the position exposure to minimize losses should the market turn against it. To date, warrant issuance have been so small in relation to the broker-dealer issuer's (or underwriter's) total equity positions as not to raise significant concerns. Nevertheless, the Exchanges should continue to monitor this area.

C. Surveillance

In evaluating new derivative instruments, the Commission, consistent with the protection of investors, considers the degree to which the derivative instrument is susceptible to manipulation. The ability to obtain information necessary to detect and deter market manipulation and other trading abuses is a critical factor in the Commission's evaluation. It is for this reason that the Commission has required an effective surveillance sharing agreement between an exchange listing or trading a derivative product and the exchange trading the stocks underlying the derivative contract that specifically enables officials to surveil trading in the derivative product and underlying stocks.[46] Such agreements provide an important deterrent to manipulation because they facilitate the availability of information that may be necessary to detect a potential manipulation if it were to occur. For foreign stock index derivative products, these agreements are especially needed to facilitate the obtaining of regulatory, surveillance and other information from foreign jurisdictions.

The Commission has considered the adequacy of surveillance sharing arrangements in the context of several types of derivative products, including derivative product based on stock indices comprised of component securities from one country ("single country indices") and indices comprised of component securities from several countries ("multi-country indices"). In the context of derivative products based on single country indices, the Commission consistently has required the U.S. exchange that proposes to trade a derivative product to establish an effective surveillance sharing arrangement with the primary foreign stock market where the underlying securities are traded. For example, the Commission approved the trading of derivative instruments based on the FT-SE 100 Index and the CAC-40 Index which are broad-based indices representative of the U.K. and French stock markets, respectively. In these two instances the Commission still required that there be an effective surveillance sharing agreement between the U.S. exchange and the underlying foreign exchange because the indices were limited to the one country, thus enabling a potential manipulation to be based on the securities of a single market.[47]

In the context of derivative products based on multi-country indexes, such as the Eurotrack 200 Index, the Commission considers several factors in evaluating whether these instruments are readily susceptible to manipulation. Effective surveillance sharing agreements is one factor in this

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[41] 15 U.S.C 78f(b)(5) (1988).

[42] Pursuant to section 6(b)(5) of the Act, the Commission must predicate approval of any new option or warrant proposal upon a finding that the introduction of such new derivative instrument is in the public interest. Such a finding would be difficult for a derivative instrument that serve no hedging or other economic function, because any benefits that might be derived by market participants likely would be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. In this regard, the trading of listed options or warrants on the Eurotrack 200 Index will provide investors with a hedging vehicle that should reflect the overall movement of the European stock market. The Commission also believes that these options and warrants will provide investors with a means by which to make investment decisions in the European equity market, allowing them to estublish positions or increase existing positions in European stocks in a cost effective manner.

[43] See April 26, 1991 Letter, *supra* note 5, the market capitalization of the Eurotrack 200 Index is larger than the capitalization of all the other foreign stocks indices that the Commission has reviewed except the Europe, Australia, Far East ("EAFE") Index. Specifically, when reviewed by the Commission: (1) the Toronto Futures Exchange's Toronto Stock Exchange 35 Index has a market capitalization of $115 billion; (2) the Financial Times-Stock 100 ("FT-SE 100") Index had a market capitalization of $521.6 billion; (3) the Sydney Futures Exchange's All Ordinaries Index had a market capitalization of $110.7 billion; (4) the CAC-40 Index had a market capitalization of approximately $146.5 billion; (5) the International Market Index ("IMI") had a market capitalization of $445 billion; and (6) the EAFE Index had a market capitalization of $5,104 billion.

[44] See February 20, 1992 Letter, *supra* note 5.

[45] For example, the settlement value for expiring options on the Japan Index is determined at the close of the Friday afternoon Tokyo Stock Exchange trading session (1 a.m. E.S.T.), although trading in the expiring contracts ceases on Thursday at 4:15 E.S.T., eight hours and 15 minutes earlier. *See* Securities Exchange Act Release No. 28475 (September 25, 1990), 55 FR 40402 (order approving File No. SR-Amex-90-16). Similarly, the CBOE lists a version of the S&P 500 Index option, the NSX, whose settlement is based on the opening prices of stocks on the day after trading in the options cease. *See* Securities Exchange Act Release No. 24367 (April 17, 1987), 52 FR 13000 (order approving CBOE proposal to list NSX options). Likewise, the settlement value of expiring options on the New York Stock Exchange Composite Index is calculated Based on the opening prices of the index's component stocks on expiration Fridays, although

[46] The Commission believes that the ability to obtain relevant surveillance information, including, among other things, the identity of the ultimate purchasers and sellers of securities, is an essential and necessary component of an effective surveillance agreement.

[47] As previously discussed, the Commission has approved the listing of FT-SE 100 Index warrants on the CBOE, Amex, NYSE, and PSE and has approved a proposal from the CBOE to trade options based on the FT-SE 100. See *supra* notes 11 and 12. Additionally, the Commission has approved the listing of CAC-40 warrants on the Amex, NYSE, PHLX, PSE, MSE and CBOE. See Securities Exchange Act Release Nos. 28544 (October 17, 1990), 55 FR 42782 (order approving File Nos. SR-Amex-90-08, SR-NYSE-90-36, SR-PHLX-90-25 and SR-PSE-90-16); 28587 (October 30, 1990), 55 FR 46595 (order approving File No. SR-CBOE-90-16) and 28703 (December 13, 1990), 55 FR 52916 (order approving SR-MSE-90-10). In addition, in light of unique circumstances, the Commission has approved from U.S. exchange proposals to trade derivative products based on the Japanese equity market without the presence of direct surveillance sharing arrangements between these exchanges and the Tokyo Stock Exchange. In these instances, the Commission concluded that the absence of such surveillance sharing agreements did not make the trading on such Japanese-based derivative instruments readily susceptible to manipulation because of a variety of factors, including among others, the contract design, the existence of a Memorandum of Understanding between the SEC and the Japanese Ministry of Finance ("MOF") which could provide the Commission with information that would be covered by an effective surveillance sharing agreement, and the history of coöperation between the SEC and the MOF. *See* Securities Exchange Act Release No. 30256 (January 16, 1992), 57 FR 2707.

evaluation. In many cases, without effective surveillance sharing agreements, the Commission is unable to approve these proposed products. The Commission, however, recognizes that the construction of an index, including the diversification and active and deep market for component securities, can mitigate against the need to require that effective surveillance sharing agreements be concluded with all of the markets whose securities underlie that index. Indeed, the Commission has approved or commented favorably upon derivative products based on the International Market Index ("IMI") and the Europe, Australia, Far East ("EAFE") Index, where coverage was less than 100%. In both such cases, however, the countries with a major index weighting were covered by effective surveillance sharing agreements and no single uncovered country's securities accounted for more than a small percentage of the index's weighting.[48] This made it very unlikely that a successful manipulation could be based on the markets that did not have effective surveillance sharing agreements with the derivative exchange.

Accordingly, with respect to the Eurotrack 200 Index, the Commission believes that various factors, as described below, renders the Index not readily susceptible to manipulation, although the weighting of the securities of the countries in the Eurotrack 200 Index for which the Exchanges have effective surveillance sharing agreements equate to only 62.8% of the Index's value. Specifically, the Index contains several features that make it difficult to engage in intermarket abuses (such as manipulation or frontrunning) using Eurotrack 200 Index warrants or options and trading in the underlying cash markets. As noted above, the Index is comprised of the most highly-capitalized, actively-trade securities from primary markets in twelve different countries. Accordingly, because the Index component securities are spread over twelve countries, are diversified by industry sector, and, as described above in greater detail, are adjusted in accordance with specific, complex rules designed to maintain specific weightings and relationships, the Commission believes it would be considerably more difficult to affect the Index value because to do so would require influencing simultaneously several foreign markets. Moreover, the susceptibility of the Index to manipulation is reduced further by the Index settlement value calculation method, which uses an average of prices over a 20-minute period.

In addition, as noted above, while the Exchanges do not have effective surveillance sharing agreements with all of the countries comprising the Index, no single uncovered country's securities account for 20% or more of the Index's weighting and no two uncovered countries' securities account for 30% or more of the Index's weighting. In particular, the Commission notes that the Exchanges have concluded effective surveillance agreements with the relevant self-regulatory organizations in the U.K., France, and the Netherlands, three of the larger components of the Index.[49] In this regard, the Commission emphasizes that if there were a country accounting for 20% or more of the Index that was not covered by an effective surveillance sharing agreement (or two countries accounting for 30%) it would be difficult for the Commission to reach the conclusions contained in this order.[50]

In sum, the Commission believes that the Index is not readily susceptible to manipulation, and that if a manipulation were nonetheless to occur, it could be easily detected. As noted above, the component securities of the Index also are spread over twelve countries, the Index is broad-based, a 20-minute settlement calculation method is used, a substantial portion of the Index is covered by effective surveillance sharing agreements, and the weighting of the securities of any country without an effective surveillance sharing agreement is small.[51]

While reaching this conclusion, the Commission nevertheless continues to believe strongly that surveillance sharing agreements between the exchanges and all the exchanges trading component securities of the Index would be useful in deterring potential manipulations or other improper or illegal trading involving Eurotrack 200 Index options and warrants. Accordingly, the Commission believes it is worthwhile for the Exchanges and the relevant foreign exchanges to continue to work together to consummate formal effective surveillance sharing agreements as soon as practicable.[52]

D. Market Impact

The Commission believes that the listing and trading of Eurotrack 200 Index warrants on the Exchanges and Eurotrack 200 Index options on the CBOE will not adversely affect the securities markets in the U.S. or Europe. First, the Exchanges' existing stock index warrant and option rules and surveillance procedures will apply to warrants and options based on the Index. Second, the Commission notes that the Eurotrack 200 Index is broad-based and diversified and includes highly capitalized securities, no one of which dominates the Index, that are traded actively on leading European stock exchanges. Third, the CBOE has established reasonable position and exercise limits for the Eurotrack 200 Index options that will serve to minimize potential manipulation and other market impact concerns. Fourth, the risks to investors of contra-party non-performance will be minimized because the Index options will be issued and guaranteed by OCC just like other standardized options traded in the United States and the Index warrants will only be issued by large issuers capable of meeting their warrant obligations. Accordingly, the Commission believes that the introduction of warrants and option on the Eurotrack 200 Index by the Exchanges should not have a significant effect on the underlying European securities markets or U.S. securities markets.

[48] See Securities Exchange Act Release No. 26653 (March 21, 1989), 54 FR 12705 (order approving an Amex proposal to list and trade options based on the IMI) and letter from Jonathan G. Katz, Secretary, SEC, to Dr. Paula Tosini, Director, Divisions of Economic Analysis, Commodity Futures Trading Commission, dated October 11, 1988 (letter not objecting to the designation of the Chicago Mercantile Exchange as a contract market to trade EAFE stock index futures).

[49] See Agreements between the London Stock Exchange and the CBOE, Amex, and NYSE, each dated, July 1, 1991; Memorandum of Understanding Concerning the Listing of Securities Linked with an Index and the Furnishing of Information for the Purpose of Regulation and Enforcement between the Societe Des Bourse Francaises and the CBOE, Amex, and NYSE dated October 9, 1991, October 4, 1990, and October 9, 1990, respectively and Administrative Agreement between the U.S. Securities and Exchange Commission and the Commission des Operations de Bourse de France, dated December 14, 1989, 45 SEC Docket 726, January 12, 1990; and Memorandum of Understanding Concerning the Provision of Information for the Purpose of Regulation and Enforcement between the Amsterdam Stock Exchange and the CBOE, Amex, and NYSE, dated May 30, 1991, January 9, 1991, and July 1, 1991, respectively.

[50] The Commission also notes that the Exchanges will apply their existing index warrant and index options surveillance procedures to trading in the Eurotrack 200 Index options and warrants.

[51] In the event that the percentage weightings of the countries included in the Index changed so that a country without an effective surveillance sharing arrangement comprised greater than 20% of the Index, then the Commission would consider the Exchanges' determination to continue to list additional warrants or options series after such a change.

[52] In this regard, the Exchanges agree to report yearly to the Commission over the next three years detailing their efforts to secure effective surveillance sharing agreements with the uncovered countries. See letter from William J. Barkley, Ph.D., Vice President Strategic Planning and International Development, CBOE, to Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated March 4, 1992; Telephone conversation between Howard Baker, Senior Vice President, Amex, and Mark McNair, Attorney, Branch of Options Regulation, Office of Options and Exchange Regulation, Division, SEC, March 5, 1992; and telephone conversation between Edward A. Kwalwasser, Executive Vice President, Regulatory Group, NYSE and Howard Kramer, Assistant Director, Office of Options and Exchange Regulation, Division, SEC, dated March 10, 1992.

IV. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule changes are consistent with the requirement of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) and the rules and regulations thereunder.

It Therefore is Ordered, pursuant to Section 19(b)(2) of the Act,[53] that the proposed rule changes (SR–Amex–91–10, SR–NYSE–91–13, SR–CBOE–91–09, and SR–CBOE–91–13) are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[54]

Margaret H. McFarland,

Deputy Secretary

[FR Doc. 92–6169 Filed 3–14–92; 8:45 am]

BILLING CODE 8010–01–M

[53] 15 U.S.C. § 78s(b)(2) (1982).

[54] 17 CFR 200.30–3(a)(12) (1989).

[Release No. 34–30454; File No. SR–CSE–92–02]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Cincinnati Stock Exchange, Inc., Relating to Unlisted Trading Privileges

March 9, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 19, 1992, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend its by-law governing unlisted trading privileges ("UTP") [1] to state that the Exchange may seek and continue UTP not only on issues eligible to be listed on the CSE, but also on those issues primarily traded on the New York Stock Exchange, Inc. ("NYSE") or the American Stock Exchange, Inc. ("Amex"). [2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to facilitate the Exchange's full participation in the National Market System, while avoiding duplication of regulatory effort, by assuring that securities primarily traded on the NYSE and the Amex are eligible for UTP on the CSE.[3] When the CSE adopted its present listing standards, they included no distinction between initial listing requirements and maintenance standards. Its UTP standards, in turn, merely cross-referenced its listing standards. The result was that many large and widely followed issues which, despite the issuer's financial difficulties, continued to be listed and traded on the primary exchanges, appeared to be ineligible for UTP trading on the CSE because they would not be eligible to become listed on the CSE. The Exchange does not wish to adopt stricter listing requirements than the requirements applied by the primary markets; although for stocks not traded on the NYSE or Amex, the CSE contemplates no change in its present standards.[4]

The proposed rule change is consistent with section 6(b) of the Act, and in particular with section 6(b)(5), in that it is designed to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC

[1] See CSE Article IV, Sec. 2.

[2] For the exact language of the proposed rule change, see File No. SR–CSE–92–02.

[3] Section 12(f) under the Act sets forth the Commission's authority to extend UTP to a security upon request by a national securities exchange. 15 U.S.C. 781(f) (1988).

[4] The Commission notes that it will not process an exchange's UTP application for a security for which the requesting exchange does not have the authority to list and trade. The CSE, therefore, must have in place listing standards for the specific type of security to be traded pursuant to UTP, even though such security is listed and trading on either the NYSE or the Amex.

20549. Copies of such filing will also be available for inspection and copying at the CSE. All submissions should refer to File No. SR-CSE-92-02 and should be submitted by April 7, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6174 Filed 3-16-92; 8:45 am]

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[Release No. 34-30467; File No. SR-NYSE-92-04]

Self-Regulatory Organizations; Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Amendments to Rule 407, Transactions—Employees to Exchange, Member Organizations or Certain Non-Member Organizations, and Rescission of Rule 406(2), Accounts of Members and Allied Members

March 11, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 21, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments of NYSE rule 407 and rescission of NYSE rule 406(2).[1]

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend NYSE rule 407 and to rescind NYSE rule 406(2). Rule 407 requires members and member organizations to obtain the prior written consent of employers to open securities and commodities accounts for employees of other members, member organizations, the Exchange and other specified financial institutions, *e.g.*, banks and insurance companies.

Rule 407 also require that certain associated persons obtain written consent from their employers prior to opening securities or commodities accounts outside the number or member organization. In addition, such persons are required to have duplicate confirmations and monthly statements sent to appropriate supervisory persons at their member organization employer.

Generally, the requirements of rule 407 are intended to facilitate a member's or member organization's supervision of its employees by providing the employed with information regarding employees' private securities transactions. The rule serves to help protect against conflicts of interest which might arise from such private securities transactions and assists the member or member organization in monitoring transactions for violations of insider trading rules and use of manipulative or deceptive devices.

The proposed amendments to NYSE rule 407 will eliminate the requirement that a member or member organization receive the employer's prior written consent to carry margin accounts of employees of financial institutions (other than the Exchange or other member organizations). Limiting this requirement to employees of Exchange members and member organizations and of the Exchange is appropriate because the Exchange's overall supervisory requirements do not extend to employees of other financial institutions.

Other amendments to NYSE rule 407 will make it clear that the provisions of the rule apply to all accounts in which members, allied members or employees associated with a member or member organization have a financial interest or the power to make investment decisions, regardless of where they are maintained (*e.g.*, at another member or member organization, or a domestic or foreign non-member broker-dealer, investment adviser, bank or other financial institution).

The proposed amendments will also provide that the requirements to provide reports to employers will not be applicable to certain enumerated transactions (*e.g.*, mutual funds), unless specifically requested by the employer.

In addition, NYSE rule 406(2) will be rescinded as the basic requirements applicable to members and allied members set forth therein will be incorporated by the amendments in NYSE rule 407.

2. Statutory Basis

The proposed rule change is consistent with the requirements of section 6(b)(5) of the Act, which requires that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest.

In addition, the proposed rule change is consistent with section 6(b)(6) of the Act in that it is intended to aid members and member organizations in monitoring transactions by their employees that may violate the Act or the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposal does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[8] 17 CFR 200.30-3(a)(12) (1991).

[1] The text of the proposed rule change was attached to the filing as Exhibits A and B. A copy is available at the NYSE and at the Commission.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and will written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-92-04 and should be submitted by April 7, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margart H. McFarland,

Deputy Secretary.

[FR Doc. 92-6175 Filed 3-16-92; 8:45 am]

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[Release No. 34-30453; File No. SR-NYSE-92-03]

Self-Regulatory Organizations; Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Amendment to Rule 411(b) Regarding the Entry of Odd-Lot Orders

March 9, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and exchange Commission ("Commission") a proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change consists of amendments to rule 411(b) pertaining to the entry of odd-lot orders.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Exchange rule 411(b) currently provides that when a person enters multiple odd-lot orders [2] in the same stock which aggregate to 100 shares or more, the orders must be aggregated into round-lots where possible for execution in the round-lot auction market. The language of rule 411(b), however, covers only those situations where a person enters orders for his own account or for accounts in which he has an actual monetary interest. The rule does not cover situations where multiple odd-lot orders are entered at the same time by a person who manages, or makes investment decisions for, a number of accounts.

The Exchange believes that it would be appropriate to extend the aggregation concept to provide that a person making a single investment decision as to the entry of multiple odd-lot orders for accounts over which he has investment discretion must aggregate the orders into round-lots whenever possible. For example, a money manager may make a single investment decision on behalf of multiple managed accounts which involve the purchase or sale of hundreds or thousands of shares utilizing odd-lots in the same security. In the absence of an aggregation requirement, such orders are not exposed to the auction market, even though the orders may total multiple round-lots, and even though there may be contra side buying or selling interest in the round-lot market.[3]

The proposed amendment to rule 411(b), however, would provide an exception to the proposed aggregation requirement. Under the exception, odd-lot orders entered by someone with investment discretion over multiple accounts which total less than 300 shares would not be required to be aggregated. This exception could be utilized once per trading day by anyone exercising investment discretion.

The Exchange believes that it is appropriate for multiple odd-lot orders entered as a result of a single investment decision to be aggregated into round-lots so that such orders may be executed in the round-lot market in accordance with traditional auction market principles.

The basis under the Act for this proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest. The Exchange believes that in the instances outlined above, orders should be aggregated into round-lots so that such orders may be executed in accordance with auction market principles.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from members, Participants or Others

Comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[1] For the exact text of the proposed rule change, *see* File No. SR-NYSE-92-03.

[2] An odd-lot order is a market order to purchase or sell a security in an amount less than the unit of trading (*i.e.*, 100 shares for stocks—*see* NYSE rule 55).

[3] *See* NYSE rule 124 for the method of executing odd-lot orders on the Exchange.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to File No. SR–NYSE–92–03 and should be submitted by April 7, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6173 Filed 3–16–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30464; File Nos. SR–NYSE–92–28 and 91–29]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Two Proposed Rule Changes Relating to Floor Member (Series 15) Examination

March 11, 1992

I. Introduction

On September 10, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and rule 19b-4 thereunder,[2] two proposed rule changes relating to the Exchange's Floor Member (Series 15) Examination.

The proposed rule changes were noticed in Securities Exchange Act Release No. 30062 (December 11, 1991), 56 FR 65769 (December 18, 1991). No comments were received on either proposal.

[4] 17 CFR 200.30-3(a)(12) (1991).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1988).

II. Background

The Series 15 Examination was created by the Exchange in 1982 as the basic test to be administered to all NYSE Floor Members. The Series 15 Exam is a qualifications examination required pursuant to NYSE Rule 304A (Member and Allied Member Examination Requirements) and is intended to ensure that Exchange Floor Members have the basic knowledge necessary to perform their functions and responsibilities. Additional qualification examinations must be successfully completed by members prior to receiving Exchange approval to act as specialists, registered competitive market-makers, competitive traders or Floor officials.[3]

III. Description of the Proposal

The first proposed rule change (File No. SR-NYSE-91-28) consists of the revised Content Outline for the Exchange's Series 15 Examination. The Series 15 Exam Content Outline was revised by the Exchange in conjunction with a committee comprised of the different categories of Exchange Floor Members.

The second proposed rule change (File No. SR-NYSE-91-29) includes the Exam Specifications for the Series 15 Examination which detail the areas covered by the 100 question examination and break down the proportion of examination questions culled from each area.

IV. Commission's Findings and Conclusion

After careful review, the Commission has determined that the proposed rule changes relating to the Content Outline, the Exam Specifications, and the Series 15 examination are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, for the reasons set forth below, the Commission believes that the proposed rule changes are consistent with the section 6(c)(3)(B) requirement that an exchange may bar a natural person from becoming a member if such natural person does not meet such standards of training, experience and competence as are prescribed by the rules of the Exchange.

In addition, the Commission believes that the proposed rule changes are consistent with sections 15(b)(7)[4] which stipulates that prior to effecting any transaction in, or inducing the purchase or sale of, any security, a registered broker or dealer must meet certain standards of operational capability, and that such broker or dealer (and all natural persons associated with such broker or dealer) must meet certain standards of training, experience, competence, and such other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors.

To begin, the Commission has determined that the Content Outline accurately sets forth, in an organized and informative manner, the pertinent subject areas and corresponding NYSE Rules covered by the Series 15 Exam. The Commission believes that the Content Outline will provide a useful study aid for prospective Floor members when preparing for the examination.

Further, the Commission believes that the Exam Specifications, which detail the substantive areas covered by the exam and break down the number of examination questions culled from each area, have been designed so that Floor members who successfully complete and exam possess the knowledge, skills and abilities to carry out their job responsibilities. In this regard, the Commission believes that the applicable weights afforded each substantive subject area represent fairly the level of knowledge required of specific NYSE rules and procedures.

Finally, the Commission has determined that the examination itself adequately tests the level of knowledge necessary to efficiently carry out the individual's obligations as a Floor member. In reviewing the examination, the Commission focused on the level of difficulty and comprehensiveness of the specific examination questions. The Commission believes that the questions cover a sufficiently broad range of areas and, after assessing the depth of knowledge required to pass the examination, the Commission concludes that the examination should sufficiently reflect the requisite minimum knowledge a prospective Floor member must possess to comply with both Exchange and Commission rules and regulations. By ensuring this requisite level of knowledge, the Exchange can remain confident that its Floor members have demonstrated an acceptable level of securities knowledge.

[3] For example, Compliance Supervisors, as that term is defined in NYSE Rule 342.13(b), must successfully complete the Compliance Official Qualifications (Series 14) Examination which is administered by the Exchange.

[4] 15 U.S.C. 78o(b)(7) (1988).

It is Therefore Ordered, pursuant to section 19(b)(2)[5] of the Act, that the proposed rule changes (File Nos. SR-NYSE-91-28 and 91-29) are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

[FR Doc. 92–6171 Filed 3–16–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30466; File No. SR–Phlx–92–01]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by Philadelphia Stock Exchange, Inc. Relating to New Listing Guidelines—Rule 803

March 11, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on January 13, 1992, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is granting accelerated approval to the Phlx's proposal.[1]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its current listing standards provided in Phlx Rule 803 to provide listing standards for new hybrid products.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

(a) *Listing Guidelines* The proposed rule change will revise the Exchange's listing standards to include criteria for certain new types of securities which cannot be easily categorized under existing criteria for common or preferred stocks, bonds, or warrants. Recently there has been a surge of new types of securities and securities products proposed by issuers and underwriters for listing and trading on securities exchanges. Because of the different corporate objectives that the new products are designed to achieve, these securities may take various forms and are often comprised of features of more than one category of currently listed securities.

In order to provide flexibility in its rules to accommodate these new multi-faceted issues and to avoid numerous future amendments to the Exchange's listing standards, the Phlx is submitting this proposal to amend rule 803 to allow the Exchange to consider listing or trading new securities on a case-by-case basis in light of the suitability of the issue for auction market trading. These new criteria are not intended to accommodate the listing of securities that raise significant new regulatory issues as these products would require separate filings with the Commission pursuant to rule 19b–4 of the Act.[3]

Under this proposal, the new criteria will apply to major issuers having assets of $100 million and stockholders' equity of $10 million. Additionally, issuers will be required to have had pre-tax income of at least $100,000 in three of the last four fiscal years. Issuers not meeting this earnings criteria will be required to have assets in excess of $200 million and stockholders' equity of $10 million or, alternatively, assets in excess of $100 million and stockholders' equity of $20 million.

The proposal would require a minimum distribution of 1,000,000 trading units with a minimum of 400 holders. When trading is expected to occur in larger than average trading units (for example, a $1,000 principal amount), a minimum of 100 holders will be sufficient. The aggregate market value of issues listed under this proposal must be at least $20 million.

Where such an issue contains cash settlement provisions, settlement will be required to be made in U.S. dollars. And, where the instrument contains mandatory redemption provisions, the redemption price must be at least $3 per unit.

(b) *Membership Circular.* Prior to trading any of these new securities that may be listed or for which the Exchange might receive unlisted trading privileges, the Phlx will evaluate the nature and complexity of the issue and, when appropriate, distribute a circular to the membership. This circular would provide guidance with regard to member firm compliance responsibilities when handling transactions in such securities. In determining whether such a membership circular is necessary, the Exchange will consider such characteristics of the issue as: unit size and term; cash-settlement; exercise or call provisions; characteristics that may affect payment of dividends and/or appreciation potential; whether the securities are primarily of retail or institutional interest; and such other features of the issue that might present special risks not normally associated with securities currently listed or traded on the Exchange.

(2) Statutory Basis

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed, among other things, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in the securities industry, to remove impediments to a free and open national market system, and to protect investors and the public interest; and is not designed to permit unfair discrimination

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30-3(a)(12) (1991).

[1] The Phlx has requested that the Commission approve this proposed rule change on an accelerated basis (*see* File No. SR–Phlx–92–01).

[2] For the exact language of the proposed amendment, *see* File No. SR–Phlx–92–01.

[3] The Commission notes that securities that have raised significant new regulatory issues in the past include unit investment trusts (see Securities Exchange Act Release Nos. 30394 (February 21, 1992), 57 FR 7409 (order approving File No. SR–Amex–90–08); and 30393 (February 21, 1992), 57 FR 7415 (order approving File No. SR–CBOE–90–13)); Americus Trusts (see Securities Exchange Act Release No. 21863 (March 18, 1985), 50 FR 11972 (March 26, 1985) (File No. SR–Amex–84–35)); currency warrants (see Securities Exchange Act Release No. 24555 (June 5, 1987), 52 FR 22570 (June 12, 1987) (File No. SR–Amex–87–15) (proposal to list warrants on foreign currencies)); index warrants (see Securities Exchange Act Release No. 26152 (October 3, 1988), 53 FR 39832 (October 12, 1988) (order approving File No. SR–Amex–87–27) (listing guidelines for foreign currency and index warrants) and Securities Exchange Act Release No. 27565 (December 22, 1989), 55 FR 376 (January 4, 1990) (File No. SR–Amex–89–22) (proposal to list index warrants based on the Nikkei Stock Average)); and unbundled stock units ("USUs") (see File Nos. SR–NYSE–88–39 and 88–40 (proposals to list USUs and constituent securities, subsequently withdrawn by the NYSE)).

between customers, issuers, brokers, or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received.

III Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-92-01 and should be submitted by April 7, 1992.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the Phlx's proposal to amend its rule 803, in order to provide listing guidelines to accommodate certain new types of securities which cannot be readily categorized under the Phlx's existing listing standards, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5) of the Act.[4] Specifically, the Commission believes the proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission believes that the proposed guidelines applicable to the listing of new, innovative securities will provide the flexibility desired by the Phlx, while helping to ensure that only the more financially substantial companies are eligible to have their new products listed on the Exchange. The proposed amendments to Rule 803, therefore, should provide a more efficient and expedient process for listing new securities, and should protect investors and the public interest by ensuring that the financial products listed on the Exchange (or traded via unlisted trading privileges) have met predetermined financial criteria set forth by the Exchange,[5] an important consideration due to the additional or contingent financial obligations created by these instruments.

In addition, the Commission believes that the portion of the proposed amendments relating to the membership circular addresses the additional regulatory concerns raised by these products. These novel products, by combining features of debt, equity, and securities derivative products, may be more risky and complex that straight stock, bond, or equity warrants. The Commission believes, therefore, that the portion of the proposed rule change requiring the Exchange to evaluate the nature and complexity of each issue in order to determine whether to distribute a membership circular indicating member firm compliance responsibilities should provide the Phlx with the ability to address, in a flexible manner, any potential sales practice problems and questions that may arise in connection with these new issues. Moreover, the Commission believes that the distribution of this circular should help to ensure that only customers with an understanding of the specific risks attendant to the trading of particular securities products trade these products on their brokers' recommendations. As a result, the membership circular requirement will help to ensure that investors and the public interest are protected when the new products are traded on the Exchange.

Finally, the Commission believes that the proposed rule change is consistent with the requirements of section 6(b)(5) of the Act because it relates only to those securities which are similar to products currently listed for trading on the Exchange. If a new product raises novel or significant regulatory issues, the Phlx must file a proposed rule change so that the Commission would have an opportunity to review the regulatory structure for the product.[6]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The Commission has approved substantially similar proposed rule changes submitted by the American Stock Exchange, Inc. ("Amex"), the New York Stock Exchange, Inc. ("NYSE"), the Cincinnati Stock Exchange, Inc. ("CSE"), the Chicago Board Options Exchange, Inc. ("CBOE"), the Pacific Stock Exchange, Inc. ("PSE") and the Boston Stock Exchange, Inc. ("BSE"), all of which adopted listing criteria for hybrid securities.[7] In addition, the Commission recently approved proposals submitted by the PSE, the NYSE, and the Midwest Stock Exchange ("MSE") to adopt listing criteria to trade CVRs, which are akin to the type of hybrid products the Phlx proposal would include.[8] The Commission did not receive any comments on those proposals, or on the Amex, NYSE, CSE, PSE, CBOE or BSE hybrid products filings. In light of the lack of new regulatory issues raised by the Phlx proposal, the Commission believes it is in the public interest to approve it on an accelerated basis so that the Phlx will be able to compete with the other exchanges for hybrid securities.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act [9] that the proposed rule change is hereby approved.

[4] 15 U.S.C. 78f (1988).

[5] This standard, however, would not preclude the Phlx from submitting specific standards for other companies to have similar securities traded on the Exchange.

[6] See note 3, *supra.*

[7] See Securities Exchange Act Release Nos. 27753 (March 1, 1990), 55 FR 8024 (March 8, 1990) (order approving File No. SR-Amex-89-29); 28217 (July 18, 1990), 55 FR 30086 (order granting accelerated approval to File No. SR-NYSE-90-30); 28523 (October 11, 1990), 55 FR 42112 (order approving File No. SR-CSE-90-11); 28662 (November 30, 1990), 55 FR 50428 (order approving File No. SR-CBOE-90-29); 30087 (December 17, 1991), 56 FR 66465 (order granting accelerated approval to File No. SR-PSE-91-48); and 30294 (January 27, 1992), 57 FR 4224 (order granting accelerated approval to File No. SR-BSE-91-07).

[8] See Securities Exchange Act Release Nos. 28558 (October 22, 1990), 55 FR 43238 (order approving File No. SR-PSE-90-34); 28072 (May 30, 1990), 55 FR 23166 (order approving the NYSE proposal to list CVRs on the Exchange); and 28143, (June 25, 1990), 55 FR 27317 (granting accelerated approval to the MSE's proposal to list CVRs).

[9] 15 U.S.C. 78s(b)(2) (1988).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6170 Filed 3-16-92; 8:45 am]

BILLING CODE 8010-01-M

[10] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30465; File No. SR-Phlx-91-49]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to the Election of Chairman and Vice Chairmen of its Board

March 11, 1992.

I. Introduction

On January 9, 1992, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] a proposed rule change relating to the election of the Chairman and Vice Chairman of its Board.

The proposed rule change was noticed in Securities Exchange Act Release No. 30269 (January 21, 1992), 57 FR 3238 (January 28, 1992). No comments were received on the proposal.

II. Description of the Proposal

The Phlx proposes to amend its By-Law Article IV, Section 4-2 (Election of Chairman and Vice Chairmen of the Board) in order to limit the offices of Chairman and Vice Chairman of the Board to two consecutive two-year terms and four consecutive one-year terms, respectively. The proposal, however, provides that each officeholder may seek re-election to office after a one year interval.[3]

III. Discussion and Conclusion

After careful consideration, the Commission finds that the proposed rule change is consistent with section 6(b) of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, for the reasons set forth below, the Commission believes that the proposal is consistent with the section 6(b)(5) [4] requirement that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to foster cooperation with persons engaged in regulating, clearing, settling and processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. In addition, the Commission finds that the proposed rule change is consistent with section 6(b)(3) of the Act because it assures a fair representation of Exchange members in the selection of its directors and the administration of its affairs.

The Commission believes that by limiting the number of terms the Chairman and Vice Chairmen may serve, the proposal should increase the diversity of the Exchange's Board. Essentially, the proposal will provide the opportunity for different individuals to hold these offices, thereby ensuring a continuing influx of new ideas to the Board which should enhance the governance of the Board. Further, the resultant diversity of the Board should facilitate fair representation of all categories of Exchange members in the administration of the Exchange. Finally, if the members of the Exchange determine that a particular individual is best suited for the office, but the proposal precludes that individual from being elected for an additional term, only one year must pass before the individual can seek to be re-elected.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6172 Filed 3-16-92; 8:45 am]

BILLING CODE 8010-01-M

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

[3] For the exact language of the proposed rule change, *see* File No. SR-Phlex-91-40.

[4] 15 U.S.C. 78f(b)(5) (1988).

[5] 15 U.S.C. 78s(b)(2) (1988).

[6] 17 CFR 200.30-3(a)(12) (1991).

DEPARTMENT OF STATE

[Public Notice 1585]

Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet on March 26 and 27, 1992, at 9:30 a.m. in the Dean Acheson Auditorium of the Department of State.

The Committee, which was established by Public Law 102-138, sec. 198 of October 28, 1991, advises the Department of Stae on matters concerning the preparation, declassification, and publication of the Foreign Relations of the United States historical documentary series. The Committee also reviews procedures for the Department's declassification review of documents older than 30 years and their transfer to the National Archives and Records Administration for public inspection.

The meeting will be in open session from 9:30 a.m. on the morning of Thursday, March 26, 1992, until noon of that day. From 12:30 p.m. Thursday, March 26 until Friday, March 27, at 4 p.m., the meeting will be closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463). It has been determined that discussions during these portions of the meeting will involve consideration of matters not subject to public disclosure under 5 U.S.C. 552(C)(1), and that the public interest requires that such activities will be withheld from disclosure.

Questions concerning the meeting should be directed to William Z. Slany, Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, DC. 20520, telephone [202) 663-1123.

Dated: March 12, 1992.

William Z. Slany,

Executive Secretary.

[FR Doc. 92-6293 Filed 3-16-92; 8:45 am]

BILLING CODE 4710-11-M

[Public Notice 1584]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will hold an open meeting on April 8, 1992, at the Herbert C. Hoover Building, IRAC Conference room 1605, 14th & Constitution Avenue, NW. Washington DC, starting at 9:30 a.m.

Study Group 1, Spectrum Management Techniques is concerned with the development of principles and techniques for effective spectrum management, methods for solving spectrum sharing problems, techniques for spectrum monitoring and general spectrum utilization applications.

The purpose of this meeting is to prepare for the meeting of Study Group 1 scheduled for May 27–29, 1992.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Dr. William F. Utlaut, Institute for Telecommunication Sciences, Department of Commerce/NTIA, 325 Broadway, Boulder, Colorado 80303–3328, phone (303) 497–3500.

Dated: March 6, 1992.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 92–6136 Filed 3–16–92; 8:45 am]

BILLING CODE 4710–07–M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402–2801; (15) 751–6779.

SUPPLEMENTARY INFORMATION: Under Title IV of the Clean Air Act Amendments, Sec. 402, Pub. L. 101–549, 104 Stat. 2586, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydor Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92–6146 Filed 3–16–92; 8:45 am]

BILLING CODE 8120–02–M

DEPARTMENT OF TRANSPORTATION

[Order 92–3–23; Dockets 46643, 46644, 46645 and 46646]

Applications of Fine Airlines, Inc., for Certificate Authority and for Exemptions

AGENCY: Department of Transportation.

ACTION: Notice of order to show cause and denial of exemption requests.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Fine Airlines, Inc., fit, willing, and able, and warding it a certificates of public convenience and necessity to engage in domestic and foreign charter air transportation of property and mail. The order also proposes to deny the applicant's requests for *pendente lite* exemptions.

DATES: Persons wishing to file objections should do so no later than March 25, 1992.

ADDRESSES: Objections and answers to objections should be filed in Dockets 46643, 46644, 46645 and 46646 and addressed to the Documentary Services Division (C–55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Lawyer, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–1064.

Dated: March 11, 1992.

Patrick V. Murphy,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92–6131 Filed 3–16–92; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

RTCA, Inc. Special Committee 165. Minimum Operational Performance Standards for Aeronautical Mobile Satellite Services Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for the seventh meeting of Special Committee 165 to be held April 9–10, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW, suite 1020, Washington DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks: (2) Approval of the sixth meeting's minutes, RTCA paper no. 19–92/SC165–53; (3) Working group reports: (a) Equipment Standards Working Group (WG–1) report; (b) Service Performance Criteria Working Group (WG–3) report; (4) Review part A of AMSS MOPS; (5) Assignment of tasks/review plans; (6) Other business; (7) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW, suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 9, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 91–6127 Filed 3–16–92; 8:45 am]

BILLING CODE 4910–22–M

RTCA, Inc., Special Committee 172 Future Air-Ground Communications in the VHF Aeronautical Bank (118–137 MHZ); Meeting

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for the third meeting of Special Committee 172 to be held April 6–8, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of the second meeting's minutes, RTCA paper no. 589–91/SC172–22; (3) Review revised terms of reference; (4) Working group reports: (a) VHF Communications System Recommendations Working Group (WG–1); (b) VHF Data Radio Signal-in-space MASPS Working Group (WG–2); (5) Technical presentations; (6) Working group sessions; (7) Back in plenary; (a) Review working group progress; (b) Task assignment; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 9, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92–6128 Filed 3–16–92; 8:45 am]

BILLING CODE 4910–22–M

RTCA, Inc; Special Committee 175; Minimum General Specifications for Ground-Based Electronic Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for the first meeting of Special Committee 175 to be held April 15–16, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Review of committee terms of reference; (3) Discussion on Federal Aviation Administration Specification FAA–2100e; (4) Harris Corporation briefing; (5) Establish objectives, initial working groups and action plans; (6) Other business; (7) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833–9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 11, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92–6129 Filed 3–16–92; 8:45 am]

BILLING CODE 4910–13–M

Safety Belts; Proposed Technical Standard Order

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of and requests comments on a proposed technical standard order (TSO) pertaining to safety belts. The proposed TSO prescribes the minimum performance standards that safety belts must meet to be identified with the marking "TSO–C22g." This notice is necessary to give all interested persons an opportunity to present their views on the proposed TSO.

DATES: Comments must identify the TSO file number and be received on or before June 19, 1992.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C22g, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, or deliver comments to the Federal Aviation Administration, room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed technical standard order may be examined, both before and after the comment closing date, in room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holiday, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

Proposed TSO–C22g would revise the requirement for the rated strength of safety belts that are intended to restrain the movement of an occupant's pelvis. Only synthetic webbing materials would be allowed and the webbing width would not be allowed to be less than 45.7mm (1.8 inches) where it contacts an occupant. The proposed TSO would allow a single buckle release and would require an operational reliability test of the buckle latching mechanism. The proposed TSO is intended for use in general aviation and transport category airplanes where applicable. The proposed TSO references the Society of Automotive Engineers, Inc. (SAE), Aerospace Standard (AS) 8043, "Torso Restraint System," dated March 1986, for the minimum performance standards. SAE AS 8043 is also referenced in TSO–C114, "Torso Restraint Systems," dated March 27, 1987.

How to Obtain Copies

A copy of the proposed TSO–C22g may be obtained by contacting the person under "For Further Information Contact." Aerospace Standard 8043, may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096.

Issued in Washington, DC, on March 10, 1992.

John K. McGrath,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 92–6126 Filed 3–16–92; 8:45 am]

BILLING CODE 4910–13–M

Devices That Prevent Blocked Channels Used in Two-Way Radio Communications Due to Unintentional Transmissions

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of and requests comments on a proposed technical standard order (TSO) pertaining to devices that prevent blocked channels used in two-way radio communications due to unintentional transmissions. The proposed TSO prescribes the minimum performance standards that devices, for preventing blocked channels used in two-way radio communications due to unintentional transmissions, must meet in order to be identified with the marking "TSO–C128."

DATES: Comments must identify the TSO file number and be received on or before June 19, 1992.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C128, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, room 335, 800

Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AIR-120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-9546.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

Proposed TSO-C128 is a new TSO that contains a technical solution to unintentional radio transmissions. These transmissions may be caused by a jammed microphone push-to-talk button or by equipment malfunction that results in a continuous transmission from the associated transmitter. This problem is often referred to as the "stuck-mike" problem.

Disruption to voice communications in the ATC system presents the potential for degrading flight safety, e.g., the loss of separation standards between aircraft, near mid-air collisions, delays and potentially disastrous disruptions of traffic flow. These communication disruptions may also occur in areas where traffic density is low and the growth of air traffic (and communications) has increased the number of disruption incidents. The proposed TSO provides a method of obtaining FAA approval to manufacture devices that are to be used in conjunction with the airborne equipment for preventing unintentional radio transmissions.

How to Obtain Copies

A copy of the proposed TSO-C128 may be obtained by contacting "For Further Information Contact." TSO-C128 references RTCA, Inc., RTCA/DO-207, dated January 25, 1991, for minimum performance standards; RTCA/DO-160C, dated December 4, 1989, for the environmental standard; and RTCA/DO-178A for the computer software requirements. RTCA documents may be purchased from the RTCA, Inc., 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036.

Issued in Washington, DC, on March 10, 1992.

John K. McGrath,

Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 92-6125 Filed 3-16-92; 8:45 am]

BILLING CODE 4910-13-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given of the exemptions granted in May 1990-December 1991. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
970-X	DOT-E 970	Callery Chemical Company, Pittsburgh, PA.	49 CFR 173.21(b), 173.300, 173.302(g).	To authorize use of DOT Specification 3AA2015 or 3AA2400 cylinders, for the transportation of a flammable poisonous gas. (Modes 1 2.)
3121-X	DOT-E 3121	U.S. Department of the Army, Falls Church, VA.	49 CFR 173.336(a), 177.841(b)	To authorize an additional thermally insulated trailer design for shipment of nitrogen tetroxide, classed as a poison A. (Mode 1.)
3187-X	DOT-E 3187	PPG Industries, Inc., Pittsburgh, PA.	49 CFR 173.119(m), 173.21(b), 173.218, 173.221(a)(3).	To authorize shipment of flammable liquids or organic peroxides in various non-DOT and DOT Specification containers. (Mode 1.)
4884-X	DOT-E 4884	Union Carbide Industrial Gases, Inc., Danbury, CT.	49 CFR 173.119(m), 173.136, 173.247, 173.251, 173.302(a)(1), 173.304, 173.3a, 175.3, 178.61.	To authorize shipment of certain liquefied and nonliquefied compressed gases and a flammable liquid in a stainless steel cylinder complying with all requirements of DOT Specification 4BW, except for being fabricated from Type 304 or Type 316 stainless steel. (Modes 1, 2, 3, 4.)
6518-X	DOT-E 6518	Union Carbide Chemicals & Plastics Company Inc., Charleston, WV.	49 CFR 172.101, 172.302, 173.119, 173.134, 173.154.	To authorize additional English steel portable tanks identical to those presently authorized for shipment of certain flammable liquids and solids. (Modes 1, 3.)
6637-X	DOT-E 6637	Russell-Stanley Corporation, Red Bank, NJ.	49 CFR 173.119(a), 173.119(b), 173.119(m), 173.154, 173.221, 173.245(a)(26), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(i)(9), 173.276(a)(10), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.346(a), 173.357(b), 173.358(a), 173.359(a), 173.359(b), 178.19.	To modify exemption to provide for shipment of 15% sodium persulfate solution, classified as oxidizer, in DOT Specification 34 polyethylene drums. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6658-X	DOT-E 6658	U.S. Department of Energy, Washington, DC.	49 CFR 173.65	To renew, and modify exemption to provide for cargo-only aircraft as an additional mode of transportation. (Mode 1.)
6765-X	DOT-E 6765	Air Products and Chemicals, Inc. Allentown, PA.	49 CFR 172.203, 173.316, 173.320, 176.30, 176.76(h), 177.840, 178.338.	To authorize reinspection and testing of the portable tank once every 5 years in accordance with 49 CFR 173.32(e) at a pressure of 1.25 times the sum of the design pressure, the static head and 14.7 (Modes 1, 3.)
6769-X	DOT-E 6769	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.314, 173.315	To authorize the shipment of blends of 20-50% chlorodifluoromethane and 80-50% dimethyl ether in DOT Specification 105A600W tank cars and MC-331 cargo tanks with replacement outlet valves. (Modes 1, 2.)
7011-X	DOT-E 7011	Russell-Stanley West, Inc., Rancho Cucamonga, CA.	49 CFR 173.154, 173.217, 173.239a, 173.245, 173.245b(a)(6), 173.365.	To authorize an optional two-inch, spin welded flange with two-inch bung on non-DOT specification polyethylene container with a removable head, having a rated volumetric capacity not exceeding 57 gallons. (Modes 1, 2, 3.)
7023-X	DOT-E 7023	PVS Chemicals, Inc., (NY) Buffalo, NY.	49 CFR 173.245(a), 173.263(a), 173.264(a), 173.266, 173.268(f)(5), 173.272(g), 173.272(i)(24), 173.3a.	To modify exemption to increase the internal inspection of teflon lined tote containers to every two years. (Mode 1.)
7052-X	DOT-E 7052	Duracell, Inc., Bethel, CT	49 CFR 172.101, 172.400, 175.3	To modify paragraph 8F to provide for shipment of up to 3 grams of lithium instead of 2 grams of lithium. (Modes 1, 2, 3, 4.)
7458-X	DOT-E 7458	Ekchwerks Company, Eastlake, OH.	49 CFR 173.304(a)(2), 178.42	To renew, and to authorize shipment of certain commodities presently shipped in DOT Specification 3E cylinders and update cylinder criteria. (Modes 1, 2, 3.)
7517-P	DOT-E 7517	DPC Industries, Inc., Houston, TX	49 CFR 173.314(c)	To become a party to exemption 7517. (Mode 1, 2, 3.)
7648-X	DOT-E 7648	Sunwest Aviation, Ogden, UT	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a), 173.91(i), 175.3, 175.35(a).	To modify the exemption to increase the number of flares to be transported per test flight to eight. (Mode 4.)
7768-X	DOT-E 7768	Sonoco Plastic Drum, Inc., Lockport, IL.	49 CFR 173.154, 173.217, 173.245b, 173.365, 178.19.	To authorize a 25 gallon capacity polyethylene removable head drum to provide for injection-molded process and to modify test criteria. (Modes 1, 2, 3.)
7811-X	DOT-E 7811	Baxter Diagnostics Inc., Burdick & Jackson Division, Muskegon, MI.	49 CFR 173.119(a)(23), 173.125, 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 178.210.	To authorize a larger capacity DOT Specification 12A fiberboard box with handholes for shipment of certain corrosive, flammable, or class B poisonous liquids. (Modes 1, 2, 3.)
8053-X	DOT-E 8053	Eastman Kodak Company, Rochester, NY.	49 CFR 173.148(a), 175.3	To renew and authorize cargo vessel as an additional mode of transportation. (Modes 1, 2, 4.)
8096-X	DOT-E 8096	Scott Specialty Gases, Plumsteadville, PA.	49 CFR 173.302(a)(1), 173.304, 175.3, 178.42.	To authorize certain liquified gases; authorize additional type tubing and alloy in construction and modify certain test criteria for non-DOT specification steel cylinders similar to DOT Specification 3E. (Modes 1, 2, 3, 4, 5.)
8151-X	DOT-E 8151	Ropak Corporation, La Mirada, CA	49 CFR 178.19, Part 173, Subparts D, and F.	To renew and modify exemption to provide for new removable head covers equipped with special fittings installed on five-gallon plastic pail for shipment of corrosive and flammable liquids. (Modes 1, 2, 3.)
8214-P	DOT-E 8214	Morton Bendix, Inc., Maryville, TN	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214 (Modes 1, 2, 3, 4.)
8214-X	DOT-E 8214	TG (U.S.A.) Corporation, Perryville, MO.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To modify exemption to provide for an additional fiberboard box as outside packaging for use in transporting airbags. (Modes 1, 2, 3, 4.)
8214-X	DOT-E 8214	Morton International, Ogden, UT	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
8215-X	DOT-E 8215	Olin Corporation—Winchester Group, East Alton, IL.	49 CFR 173.101, 173.107, 173.154, 173.184, 173.60, 173.74, 173.78, 173.93.	To authorize shipment of scrap nitrocellulose, wet not to exceed 20% water, classed as flammable solid, in non-DOT specification containers. (Modes 1, 2.)
8225-X	DOT-E 8225	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, Part 173, Subpart F.	To authorize use of new high density polyethylene resin Paxon 7004 in the manufacture of the 8225 tanks. (Modes 1, 2, 3.)
8236-X	DOT-E 8236	TRW Safety Systems/Mesa, Mesa, AZ.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize additional inflators and modules for passenger restraining systems classed as flammable solids. (Modes 1, 2, 3, 4.)
8287-X	DOT-E 8287	Rohm and Haas Company Philadelphia, PA.	49 CFR 173.245(a)(16), 173.245(a)(26), 178.19-4(c), 178.35a-2(b).	To authorize shipment of a corrosive liquid in a DOT Specification 6D/2S1 composite container or DOT Specification 34 drum equipped with a bung vent, or in a DOT Specification 12B fiberboard box with no more than four inside polyethylene bottles with vented closures. (Modes 1, 2, 3.)
8307-X	DOT-E 8307	U.S. Department of Energy, Washington, DC.	49 CFR 173.21, 173.247, 173.25(b), 175.3.	To renew and modify exemption to include an additional non-pyrotechnic smoke generator. (Modes 1, 2, 3, 4.)
8396-X	DOT-E 8396	Aztec Catalyst Company, Elyria, OH.	49 CFR 173.119, 173.21, 173.221	To authorize an alternate Type MC-307 cargo tank for shipment of organic peroxide solution, n.o.s. (Mode 1.)
8450-X	DOT-E 8450	LTV Aerospace and Defense Company, Dallas, TX.	49 CFR 173.92	To modify a non-DOT specification container used for shipment of rocket motors by drilling six 2-inch drain holes in the bottom to prevent accumulation of rainwater. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8472-X	DOT-E 8472	Ohmart Corporation, Cincinnati, OH	49 CFR 173.302, 175.3	To authorize an additional model of a non-DOT specification devide described as ionization chamber for transportation of argon, classed as compressed gas. (Modes 1, 2, 3, 4, 5.)
8570-X	DOT-E 8570	Snyder Industries, Inc., Lincoln, NE	49 CFR 173.118a, 173.119, 173.266, 173.365, 176.340, 178.19, 178.253, Part 173, Subpart F.	To modify exemption to authorize shipment of certain material classed as Poison B in polyethylene portable tanks. (Modes 1, 2, 3.)
8706-X	DOT-E 8706	Petro-Steel, Corsica, SD	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize modification of cargo tank by allowing increased diameters, varying thickness of metal, and moving head gasket. (Mode 1.)
8710-X	DOT-E 8710	Akzo Chemicals, Inc., Chicago, IL	49 CFR 173.119, 173.21, 173.221	To authorize transport of solutions of an organic peroxide in cargo tanks complying with DOT Specification MC-307 and MC-312. (Mode 1.)
8710-X	DOT-E 8710	Akzo Chemicals, Inc., Chicago, IL	49 CFR 173.119, 173.21, 173.221	Authorizes shipment of an organic peroxide classed as a flammable liquid, in a DOT Specification MC-307/312 cargo tank equipped with temperature and pressure sensing devices. (Mode 1.)
8723-X	DOT-E 8723	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize a combustible liquid as an additional commodity contain in bulk containers for shipment by water. (Modes 1, 2.)
8723-X	DOT-E 8723	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize certain cargo units identified under DOT-E 4453 to be included for use under DOT-E 8723 for shipment of certain blasting agents in bulk. (Modes 1, 2.)
8723-X	DOT-E 8723	Atlas Powder Company, Dallas, TX	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize an additional non-DOT specification polythylene portable tanks for shipment of blasting agents and oxidizers. (Modes 1, 2.)
8735-X	DOT-E 8735	Leica Corporation, Rochester, MI	49 CFR 178.19, Part 173, Subpart D, F.	To modify the exemption to provide for vented closures for DOT Specification 34 polyethylene drums. (Modes 1, 2, 3.)
8786-X	DOT-E 8786	Gas Spring Corporation, Colmar, PA.	49 CFR 173.306(f)(2)(iii), 173.306(f)(3), 175.3.	To authorize burst to charge ratio of 3.5 for gas cylinders that contain 30 cubic inches or less of gas. (Modes 1, 2, 3, 4, 5.)
8839-X	DOT-E 8839	Poly Processing Company, Inc., Monroe, LA.	49 CFR 172.101, 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, Part 173, Subpart D, F.	To authorize marking by etching or stamping of the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
8874-X	DOT-E 8874	B&F Medical Products, Inc., Toledo, OH.	49 CFR 173.119, 173.121, 173.273, 173.302, 173.304, 173.328, 173.332, 173.333, 173.336, 173.337, 173.346, 175.3, 178.46.	To convert exemption originally issued as a manufacture, mark and sell to a shipper type exemption authorizing shipment in non-DOT cylinders, of certain hazardous materials authorized for shipment in DOT Specification 3AL cylinder. (Modes 1, 2, 3, 4, 5.)
8878-X	DOT-E 8878	Amalgamet Canada—Division of Premetalco, Inc., Toronto, Ontario, Canada.	49 CFR 173.245	To authorize cargo vessel as an additional mode oi transportation. (Mode 1.)
8891-X	DOT-E 8891	BIC Corporation, Milford, CT	49 CFR 173.21, 173.308, 175.3	To renew, and to authorize water, passenger and cargo aircraft as additional modes of transportation. (Modes 1, 2, 3, 4.)
8901-X	DOT-E 8901	Soweco, Inc., Amarillo, TX	49 CFR 173.357	To authorize shipment of chloropicrin, in polyethylene bottles overpacked in non-DOT specification triple-wall, A-A-C flute, corrugated fiberboard boxes. (Mode 1.)
8921-X	DOT-E 8921	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, 176.340, Part 173, Subpart F.	To modify exemption to provide for shipment of certain oxidizers and blasting agents as additional commodities authorized for transportation in bulk containers. (Modes 1, 2, 3.)
8921-X	DOT-E 8921	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, 176.340, Part 173, Subpart F.	To modify exemption to provide for an additional non-DOT specification polyethylene portable tank not to exceed 330 gallons capacity enclosed in a steel jacket wire cage or a fiberboard overpack. (Modes 1, 2, 3.)
8932-X	DOT-E 8932	Aztec Catalyst Company, Elyria, OH.	49 CFR 173.119(m), 173.221	To authorize an alternate type MC-307 cargo tank for shipment of organic peroxide solution, n.o.s. (Mode 1.)
8942-X	DOT-E 8942	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.266, 173.268, 176.415, 176.83, 178.19, 178.251, 178.253, Part 173, Subpart D, F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9061-X	DOT-E 9061	SSI Group, Limited (dba The Speleoshoppe), Fairdale, KY.	49 CFR 172.504, 173.178	To authorize shipment of small quantity of a flammable solid labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle. (Modes 1, 2.)
9066-X	DOT-E 9066	Inflation Systems, Inc., Auburn Hill, MI.	49 CFR 171.11 (see paragraph 8.d.).	To renew and provide for additional models of air bag inflators. (Modes 1, 2, 3, 4.)
9066-X	DOT-E 9066	Volvo Cars of North America, Rockleigh, NJ.	49 CFR 171.11 (see paragraph 8.d.).	To modify exemption to include an additional non-DOT specification fiberboard box as an outside container for transportation of airbags. (Modes 1, 2, 3, 4.)
9116-X	DOT-E 9116	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize an alternative use of a modified top closure on a polyethylene portable tank for shipment of certain corrosive materials, flammable liquids or oxidizers. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9116-X	DOT-E 9116	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To delete special test requirements for polyethylene portable tanks for shipment of certain corroive, flammable, or oxidizer liquids. (Modes 1, 2, 3.)
9150-X	DOT-E 9150	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.256, 173.266, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize use of a new high density polyethylene resin in the tank manufacture. (Modes 1, 2, 3.)
9162-X	DOT-E 9162	Sun Pipe Line Company, Longview, TX.	49 CFR 173.119, 173.304, 173.315	To authorize use of a non-DOT specification container, for transportation of flammable liquids or flammable gases. (Mode 1.)
9164-X	DOT-E 9164	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.119(b)(6)	To increase upper flash point limit for flammable liquids from 73 degree F to 100 degree F contained in non-DOT specification steel portable tanks of 345 gallon capacity. (Modes 1, 2.)
9164-X	DOT-E 9164	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.119(b)(6)	To authorize resin solution, classed as flammable liquid, as an additional commodity. (Modes 1, 2.)
9168-X	DOT-E 9168	All-Pak, Inc., Buffalo, NY	49 CFR 172.504, 173.118, 173.244, 173.3, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33, Part 172, Subpart E.	To authorize manufacture, marking and sale of specially designed composite type packaging, for shipment of small quantities of various flammable, corroive, and poison B liquids and solids without affixing POISON, CORROSIVE, or FLAMMABLE labels. (Modes 1, 2, 4.)
9316-X	DOT-E 9316	Fluoroware, Inc., Chaska, MN	49 CFR 173.268, 173.28(k) 173.299, 178.35, 178.35a, Part 173, Subpart F.	To amend exemption to include 5 gallon teflon/polyethylene composite containers for shipment of corrosive material. (Modes 1, 2, 3.)
9348-X	DOT-E 9348	DURACELL, Inc., Bethel, CT	49 CFR 173.206, 175.3, 175.85, Part 107, Appendix B.	To authorize lithium/manganese dioxide batteries to be raised from 2 grams of lithium to 3 grams of lithium per battery. (Modes 1, 2, 4, 5.)
9367-X	DOT-E 9367	Stone Container Corporation, Schaumburg, IL.	49 CFR 173.182, 173.217, 173.245b.	To modify exemption to include poison B solid as an additional commodity collapsible in polyethylene-lined woven polyethylene bulk bags. (Modes 1, 2, 3.)
9374-X	DOT-E 9374	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.256, 173.266, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9393-X	DOT-E 9393	Sexton Can Company, Inc., Cambridge, MA.	49 CFR 173.304(a), 175.3, 178.65	To authorize cargo aircraft as additional mode of transportation for shipment of certain nonflammable gases in non-DOT specification cylinder. (Modes 1, 2, 3, 4.)
9400-X	DOT-E 9400	Poly Processing Company, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.125, 173.268, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9401-X	DOT-E 9401	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.123, 173.315, 178.245	To authorize shipment of ethylchloride, classed as a flammable liquid as an additional commodity. (Modes 1, 2, 3.)
9401-X	DOT-E 9401	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.123, 173.315, 178.245	To authorize shipment of various flammable and nonflammable gases in non-DOT specification IMO type 5 portable tanks containing two surge buffles. (Modes 1, 2, 3.)
9418-X	DOT-E 9418	West Texas Fabrication, Odessa, TX.	49 CFR 173.119, 173.245, 178.253	To authorize shipment of four portable tanks, not to exceed 110 gallons capacity each mounted on a truck chassis for shipment of various flammable & corroive liquids (oil well treatment compounds). (Mode 1.)
9426-X	DOT-E 9426	Rheem Container Corporation, Danbury, CT.	49 CFR 178.19, Part 173, Subpart D, F.	To authorize a different cover design for removable head polyethylene drums for shipment of certain corrosive materials and flammable liquids. (Modes 1, 2, 3.)
9533-X	DOT-E 9533	B.A.G. Corporation, Dallas, TX	49 CFR Part 173, Subpart E, F	To authorize an increase in capacity of the super sack from 2260 pounds to capacity not to exceed 300 pounds. (Modes 1, 2, 3.)
9579-X	DOT-E 9579	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 173.154(a)(18)	To modify exemption to provide for an additional non-DOT specification tank for transportation of ammonium nitrate solution containing not less than 15% water, classed as an oxidizer. (Mode 1.)
9618-X	DOT-E 9618	ENPAC Corporation, Jacksonville, FL.	49 CFR 173.3(c)	To authorize manufacture, marking and sale of polyethylene, removable head, salvage drums of 90-gallon capacity for overpacking damaged or leaking packages of hazardous materials, or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, 2.)
9623-X	DOT-E 9623	IRECO, Incorporated, Salt Lake City, UT.	49 CFR 177.835(c)(3)	To authorize an additional type trailer equipped with a dromdary compartment (storage box) for shipment of explosives. (Mode 1.)
9632-X	DOT-E 9632	Arbel-Fauvet-Rail, Douai, Cedex, France.	49 CFR 173.315, 178.245	To authorize shipment of ethylchloride, classed as a flammable liquid as an additional commodity. (Modes 1, 2, 3.)
9637-X	DOT-E 9637	Connelly Containers, Inc., Bala-Cynwyd, PA.	49 CFR 173.245b, 173.365	To authorize rail as an additional mode of transportation. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9638-X	DOT-E 9638	Allied-Signal Aerospace Company, Tempe, AZ.	49 CFR 173.304(a)(1), 175.3, 178.44.	To modify exemption to include alternate toroid (bent-tube design) manufacturing process to produce non-DOT specification welded pressure vessels for shipment of on-flammable gas. (Modes 1, 4, 5.)
9677-X	DOT-E 9677	Allied Universal Corporation, Miami, FL.	49 CFR 173.263(a)(15)	To authorize shipment of hydrochloric acid in non-DOT specification polyethylene bottles of one-gallon capacity, overpaced in 55-gallon drums. (Mode 1.)
9690-X	DOT-E 9690	Snyder Industries, Inc., Lincoln, NE	49 CFR 173.119, 176.340, 178.19, 178.253, Part 173, Subpart F.	To authorize shipment of certain poison B solids and liquids as additional commodities for shipment in non-DOT specification polyethylene portable tanks. (Modes 1, 2, 3.)
9694-X	DOT-E 9694	Midland Manufacturing Corp., Skokie, IL.	49 CFR 173.315(l)(13), 173.33(f)(9), 173.33(h)(5)(i).	To authorize use of MC-331 cargo tanks equipped with alternative safety relief valves for shipment of chlorine. (Mode 1.)
9694-X	DOT-E 9694	Midland Manufacturing Corp., Skokie, IL.	49 CFR 173.315(l)(13), 173.33(f)(9), 173.33(h)(5)(i).	To authorize retest of angle valves on MC-331 cargo tanks, used for chlorine transportation, at twelve month intervals. (Mode 1.)
9701-X	DOT-E 9701	Trimeg Holdings, Limited, Calgary, Alberta, Canada, CN.	49 CFR 172.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366.	To authorize shipment of arsenical mixture solid, n.o.s., classed as poison B in non-DOT specification flexible bulk bags. (Modes 1, 2, 3.)
9733-X	DOT-E 9733	North American Packaging Corporation, Danbury, CT.	49 CFR 173.164	To modify exemption to authorize the manufacture, mark, and sell of a 5 gallon capacity DOT Specification 35 drum, not to exceed 50 lbs. total weight, for packaging of material classed as oxidizers. (Modes 1, 2, 3.)
9736-X	DOT-E 9736	Aqua-Tech, Inc., Port Washington, WI.	49 CFR Part 173, Subparts D, E, F, H.	To authorize reuse of DOT-17H steel drums a maximum of three times before reconditioning, for shipment of various liquid or solid hazardous substances and wastes packed in inside plastic, glass, earthenware or metal container, not exceeding 1-gallon capacity for disposal, repackaging or reprocessing (Mode 1.)
9761-X	DOT-E 9761	Systron Donner Corporation, Concord, CA.	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize construction of additional welded non-DOT specification cylinder with two discharge ports, relocation of mounting bracket and increase service pressure to 2000 cubic inch. (Modes 1, 4.)
9768-X	DOT-E 9768	Defense Technology and Procurement Agency, Berne, Switzerland.	49 CFR 172.101, 173.57, 173.79, 173.93, 175.3.	To authorize additional Class A explosives for shipment by cargo aircraft. (Mode 4.)
9797-X	DOT-E 9797	LTV Missiles and Electronics Group, Dallas, TX.	49 CFR 173.302, 173.304(a)(2)	To authorize shipment, in a single container, of two flight radiator panels containing anhydrous ammonia, classed as nonflammable gas. (Mode 1.)
9797-X	DOT-E 9797	LTV Missiles and Electronics Group, Dallas, TX.	49 CFR 173.302, 173.304(a)(2)	To authorize shipment of a non-DOT container consisting of space erectable radiator system panels together with a radiator-evaporator assembly container certain flammable and nonflammable gas. (Mode 1.)
9797-X	DOT-E 9797	LTV Missiles and Electronics Group, Dallas, TX.	49 CFR 173.302, 173.304(a)(2)	To authorize shipment, in a single container, of two flight radiator panels containing anhydrous ammonia, classed as nonflammable gas. (Mode 1.)
9805-X	DOT-E 9805	Stone Container Corporation, Schaumburg, IL.	49 CFR 173.182, 173.217, 173.245b.	To modify exemption to include poison B solid as an additional commodity in collapsible polyethylene lined woven polypropylene bulk bags. (Modes 1, 2, 3.)
9817-X	DOT-E 9817	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, Part 173, Subpart F.	To authorize an additional outer packaging. (Mode 1.)
9819-X	DOT-E 9819	Halliburton Services, Duncan, OK	49 CFR 173.119, 178.253, Part 173, Subpart F.	To authorize additional non-DOT specification stainless steel portable tanks with a capacity for 160 and 345 gallons for shipment of certain flammable or corrosive liquids. (Mode 1.)
9844-X	DOT-E 9844	Theodor Fries Gesellschaft MBH & Co., Sulz, Ausstria.	49 CFR 173.266(a), 178.19	To authorize shipment of hydrogen peroxide, classed as oxidizer in DOT-34 Specification 55 gallon molded polyethylene drum. (Modes 1, 2, 3.)
9846-X	DOT-E 9846	Flexcon and Systems, Inc., Lafayette, LA.	49 CFR 172.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366.	To authorize increase in capacity of polyethylene-lined woven polypropylene bags form 2200 pounds to 2300 pounds for shipment of certain hazardous materials. (Modes 1, 2.)
9865-X	DOT-E 9865	Atlas Powder Company, Dallas, TX	49 CFR 173.65	To authorize transport of an aqueous solution of a Class A explosive in a DOT Specification 17H drum with a DOT Specification 25 polyethylene liner in temperature controlled vans. (Mode 1.)
9884-X	DOT-E 9884	Puritan-Bennett Corporation, Indianapolis, IN.	49 CFR 173.316, 178.57-(8)(c), 178.57-2.	To authorize an additional model of a non-DOT specification cylinder for transportaion of oxygen, pressurized liquid. (Mode 1.)
9912-X	DOT-E 9912	Poly Processing Company & Poly Cal Plastics, Inc., Monroe, LA.	49 CFR 173.114a(h)(3), 173.119, 173.125, 173.266, 176.415, 176.83, 178.19, 178.253, Part 173, Subpart F.	To authorize marking by etching or stamping the certification into the polyethylene of the portable tanks and to modify periodic testing requirements. (Modes 1, 2, 3.)
9975-X	DOT-E 9975	Allied-Signal, Inc., Morristown, NJ	49 CFR 173.154(a)	To modify exemption to increase pounds per container from 200 pounds to a maximum of 500 pounds. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10019-X	DOT-E 10019	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 175.3	To authorize shipment of compressed air with up to 40% volume oxygen content as an authorized hazardous material in non-DOT specification cylinders. (Modes 1, 2, 3, 4, 5.)
10020-X	DOT-E 10020	Allwaste, Inc., Washington, DC	49 CFR 173.245b	To authorize an additional roll-n/roll-off container for the shipment of certain solid waste corrosive materials or flammable sludge materials. (Mode 1.)
10050-X	DOT-E 10050	Ceodeux, S.A., Linigen, Luxembourg, G.D.	49 CFR 173.237(a)	To authorize air and water as additional modes and decrease valve cycle requirement to 5,000 for pneumatically operated valves on cylinders containing poision B materials. (Mode 1.)
10050-X	DOT-E 10050	Ceodeux, S.A., Linigen, Luxembourg, G.D..	49 CFR 173.237(a)	To renew, authorize cargo vessel and cargo only aircraft as additional modes of transportation, to decrease required valve cycles from 50,000 to 5,000 and to modify certain special provisions. (Mode 1.)
10090-X	DOT-E 10090	Clawson Tank Company, Clarkson, MI.	49 CFR 173.266, 178.19, 178.253, Part 173, Subparts D and F.	To authorize minor modifications to the frame, the provision for some additional small top openings, and a reduction in the wall thickness of the polyethyle IBC component. (Modes 1, 2.)
10090-X	DOT-E 10090	Clawson Tank Company, Clarkson, MI.	49 CFR 173.266, 178.19, 178.253, Part 173, Subparts D and F.	To authorize cargo vessel as additional mode of transportation for shipment of certain corrosive or flammable liquids of hydrogen peroxide solutions in polyethylene portable tanks. (Modes 1, 2.)
10096-X	DOT-E 10096	Energia E. Industries Aragoneses, S.A., Madrid, Spain.	49 CFR 173.163	To renew and authorize 40 foot freight containers. (Modes 1, 2, 3.)
10103-X	DOT-E 10103	General Motors Corporation, Warren, MI.	49 CFR Parts 100-177	To renew and modify exemption to provide for an additional air bag module and rail as an additional mode of transportation. (Mode 1.)
10120-X	DOT-E 10120	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377	To modify exemption to include organic phosphate mixture containing both terbufas and phorate not to exceed 21% by weight of combined active ingredients, classed as Poison B. (Mode 1.)
10134-X	DOT-E 10134	Fluid Systems Div. of Allied-Signal Aerospace Co., Tempe, AZ.	49 CFR 173.302, 175.3, 178.44	Request modification to formula used in wall stress calculation for pressure vessels used for shipping argon and helium mixture, classed as nonflammable gas. (Modes 1, 2, 3, 4, 5.)
10142-X	DOT-E 10142	Tuscarora Plastics, Inc., Reston, VA.	49 CFR 173.119(a)(23), 173.245(a)(18), 178.210.	To authorize shipment of those flammable liquids and corrosive liquids authorized to be shipped in a DOT Specification 12A or 12B fiberboard box. (Modes 1, 2, 3, 4.)
10170-X	DOT-E 10170	Cleveland Steel Container, Cleveland, OH.	49 CFR 178.16-7, Part 173. Subpart E.	To authorize water as an additional mode of transportation. (Modes 1, 2, 3.)
10172-X	DOT-E 10172	Hoover Group, Inc., Beatrice, NE	49 CFR 178.19, 178.253, Part 173, Subparts D and F, Section 173.266.	To authorize a minimum wall thickness for polyethylene tanks 0.140 inches instead of the present requirements of 0.196 for the shipment of corrosive liquids, flammable liquids or oxidizers. (Modes 1, 2.)
10172-X	DOT-E 10172	Hoover Group, Inc., Beatrice, NE	49 CFR 178.19, 178.253, Part 173, Subparts D and F, Section 173.266.	To modify exemption to provide for a small polyethylene portable tank and to authorize additional type resins for material of construction. (Modes 1, 2.)
10174-X	DOT-E 10174	Ethyl Corporation, Baton Rouge, LA.	49 CFR 173.206	To renew exemption originally issued on an emergency basis to authorize shipment of metallic sodium in a tank car tank conforming to DOT 105A500W without safety valve and opening blind flanged. (Mode 2.)
10176-X	DOT-E 10176	Eveready Battery Company, Inc., Westlake, OH.	49 CFR 172.101, 172.400, 175.3	To modify exemption to increase gram content to 1-½ for lithium batteries; authorize UN4G fiberboard box and revise labeling, marking and placarding requirements. (Modes 1, 2, 3, 4.)
10176-X	DOT-E 10176	Eveready Battery Company, Inc., Westlake, OH.	49 CFR 172.101, 172.400, 175.3	To modify exemption to provide for alternative type packaging for transportation of lithium batteries. (Modes 1, 2, 3, 4.)
10196-X	DOT-E 10196	Penox Technologies Inc., Pittston, PA.	49 CFR 173.316, 178.57-2, 178.57-8(c).	To authorize shipment of liquid oxygen in insulated non-DOT Specification cylinders constructed of 24 gauge steel with a baffle plate allowing 90% filling capacity not to exceed 50 psig. (Modes 1, 4.)
10207-X	DOT-E 10207	Atlantic Research Corporation, Gainsville, VA.	49 CFR 173.88(e)(2)(ii), 173.92(b)	To authorize shipment of additional rocket motor with igniter installed and in a propulsive state. (Modes 1, 3.)
10256-X	DOT-E 10256	Comdyne I, Inc., West Liberty, OH	49 CFR 173.302(a)(1), 173.304(a)	To authorize manufacture, marking and sale of a non-DOT specification fiber reinforced plastic full wrapped composite cylinder, for shipment of certain hazardous materials. (Modes 1, 3, 4.)
10256-X	DOT-E 10256	Comdyne I, Inc., West Liberty, OH	49 CFR 173.302(a)(1), 173.304(a)	To authorize manufacture, marking and sale of a non-DOT specification fiber reinforced plastic full wrapped composite cylinder, for shipment of certain hazardous materials. (Modes 1, 3, 4.)
10267-X	DOT-E 10267	Belick Enterprises, Inc., Schaumburg, IL.	49 CFR 178.212, Part 173, Subpart F.	To modify exemption to provide for additional modes of transportation and additional commodities as authorized by Part 173 to be shipped in DOT Specification packaging. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10320-X	DOT-E 10320	Worthington Cylinder Corporation, Columbus, OH.	49 CFR 173.303(a)	To modify exemption to authorize the manufacture, marking and sell of smaller cylinders for acetylene. (Modes 1, 3.)
10335-X	DOT-E 10335	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.34(d), 175.3	To authorize air, water and rail as additional modes. (Modes 1, 4.)
10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ	49 CFR 179.200-18(b)	To renew exemption orginally issued on an emergency basis to authorize shipment of hydrocloric acid in DOT Specification 111A100W tank car tanks equipped with an orifice plate in line with the safety relief device. (Mode 2.)
10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ	49 CFR 179.200-18(b)	To renew exemption orginally issued on an emergency basis to authorize shipment of hydrocloric acid, corrosive material DOT Specification 111A100W5 tank car tanks equipped w/a relief set at 135 psi. (Mode 2.)
10376-X	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To reissue exemption originally issued on an emergency basis to authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading. (Mode 2.)
10399-X	DOT-E 10399	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To reissue exemption originally issued to authorize shipment of a specific device described as rocket ammunition with smoke projectile, Class B explosive by motor vehicle and cargo aircraft only. (Modes 1, 4.)
10399-X	DOT-E 10399	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To authorize cargo vessel and rail freight as additional modes of transportation for shipment or rocket ammunition with smoke projectile, classed as Class B explosive instead of Class A explosives. (Modes 1, 4.)
10402-X	DOT-E 10402	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.336	To reissue exemption originally issued on an emergency basis to authorized shipment of Nitrogen tetroxide, classed as a poison A, contained in specially designed stainless steel pipe column. (Mode 1.)
10413-X	DOT-E 10413	Harcros Chemicals, Inc., Dallas, TX	49 CFR 173.163	To authorize the one-time shipment of sodium chlorate in 400 non-DOT specification metal drums. (Mode 1.)
10424-X	DOT-E 10424	Pennsylvania Engineering Company, Philadelphia, PA.	49 CFR 173.34(e)(9), (e)(10)	To reissue exemption originally issued on an emergency basis to authorize shipment of mixture of ethylene oxide & dichlorofiloursmethane classed as nonflammable gas in DOT Specification 4BA240 cylinders. (Mode 1.)
10427-X	DOT-E 10427	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.145, 173.276, 173.301, 173.302, 173.336, 173.92.	To authorize shipment of a flight-ready spacecraft assembly containing 1 or more of either solid propellant rocket motor, monomethydrazine, anhydrous hydrazine, gaseous helium, nitrogen tetroxide. (Mode 1.)
10428-X	DOT-E 10428	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.145, 173.276, 173.336	To authorize shipment of a specialy designed propellant transfer cart, containing either monomethylhydrazine, anhydrous hydrazine, or nitrgen tetroxide. (Mode 1.)
10436-X	DOT-E 10436	Sandox Chemicals Corp., Charlotte, NC.	49 CFR 173.365	To reissue exemption originally issued on an emergency basis to authorize shipment of Dinitrochlorobenzene, classed as a poison B in DOT Specification MC-307 stainless steel cargo tanks. (Mode 1.)
10449-X	DOT-E 10449	Tren-Fuels, Inc., Austin, TX	49 CFR 173.301(d)(2), 173.302(a)(3).	To reissue exemption originally issued on an emergency basis to authorize shipment of compressed natural gas, classed as a flammable gas in DOT Specification 3AAX cylinders. (Mode 1.)
10453-X	DOT-E 10453	E. I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.300(i)	To reissue exemption originally issued on an emergency basis to authorize a change in the definition of dispersant and refrigerated gases. (Modes 1, 2.)
10468-X	DOT-E 10468	Clawson Tank Company, Clarkson, MI.	49 CFR Part 173, Subparts D and F.	To renew exemption originally issued on emergency basis to authorize manufacture, marking and sale of non-DOT specification polyethylene portable tanks, for shipment of certain corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
10469-X	DOT-E 10469	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101	To authorize the transportation of ammunition for cannon with smoke projectile as a Class B explosive. (Modes 1, 2, 3, 4.)
10497-X	DOT-E 10497	General Electric Company, Princeton, NJ.	49 CFR 173.336, 177.834(m), 179.300.	To renew exemption originally issued on an emergency basis to authorize shipment of nitrogen tetroxide in non-DOT specification stainless steel tank. (Modes 1, 3.)
10498-X	DOT-E 10498	El Dorado Chemical Company, St. Louis, MO.	49 CFR 179.3, 179.4	To authorize shipment of nitric acid (98%) in DOT Specification 111A60ALW2 and 103A-ALW tank car tanks equipped with a nonapproved valve arrangement. (Mode 2.)
10531-X	DOT-E 10531	LCP Chemicals, Edison, NJ	49 CFR 173.29	To authorize the transportation of DOT Specification 105A500W tank car tanks which are overdue for tank and safety valve tests. (Mode 2.)
10541-P	DOT-E 10541	Aerojet Propulsion Division, Sacramento, CA.	49 CFR 173.92	To become a party to exemption 10541. (Mode 1.)
10636-X	DOT-E 10636	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap steel contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10084-X	DOT-E 10082	K.T. Specialties, Inc., Corona, CA	49 CFR 173.119 (a), (m), 173.346(a), 178.340, 178.342, 178.343, Part 173, Subpart F as applicable.	To become a party to exemption 10082. (Mode 1.)
10697-X	DOT-E 10697	Liquid Air Corporation, Walnut Creek, CA.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize the transportation of certain flammable compressed gas mixtures in DOT Specification 3AAX steel cylinders. (Mode 1.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10241-N	DOT-E 8127	Ercros North America, Inc., White Plains, NY.	49 CFR 171.12(d), 173.127, 173.184, 178.224.	To authorize shipment of nitrocellulose, alcohol wet, classed as a flammable liquid, and nitrocellulose, water wet, classed as a flammable solid, in non-DOT specification 125 liter capacity fiberboard drums. (Modes 1, 2, 3.)
9445-N	DOT-E 9445	Petroleum Construction, Inc., Santa Paula, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tank motor vehicles, for shipment of waste materials. (Mode 1.)
9817-N	DOT-E 9817	Hoover Group, Inc., Beatrice, NE	49 CFR 173.118a, 173.119, 173.125, 173.266, Part 173, Subpart F.	To authorize the manufacture, marking and sale of a non-DOT specification limited-life polyethylene portable tank closed in a steel jacket for the transportation of certain flammable liquids, corroive materials or an oxidizer (Mode 1.)
9847-N	DOT-E 9847	FIBA Leasing Co.—Mass Oxygen Equipment Co., Inc. Westboro, MA.	49 CFR 173.302(c), 173.34(e), 175.3.	To permit FIBA to retest DOT Specifications 3A and 3AA, 9-58 inch diameter cylinders by means other than the hydrostatic retest required in 49 CFR 173.34(e). (Modes 1, 2, 3, 4.)
9965-N	DOT-E 9965	HazMat Environmental Group, Inc., Buffalo, NY.	49 CFR 172.331	To authorize shipment of polychlorinated biphenyls, classed as ORM-E, in motor vehicles bearing placards in lieu of marking the bulk packaging. (Mode 1.)
10046-N	DOT-E 10046	Eveready Battery Company, Inc., Cleveland, OH.	49 CFR Parts 100-177	To authorize shipment of specified type of lithium cell excepted from the requirements of the Department's Hazardous Materials Regulations. (Modes 1, 2, 3, 4, 5.)
10119-N	DOT-E 10119	Crow Executive Air Charter, Inc., Millbury, OH.	49 CFR 172.101, 173.54, 175.30	To authorize carriage of certain explosives by cargo aircraft only. (Mode 4.)
10141-N	DOT-E 10141	General Electric Company, Pleasanton, CA.	49 CFR 173.421(d), 173.421-1(a), Part 107, Subpart B, Appendix B.	To authorize packagings of rhenium metal and alloys containing rhenium to be transported as "limited quantity" radioactive materials without prescribed marking requirements and certification statements. (Modes 1, 2, 3, 4.)
10148-N	DOT-E 10148	Pro-Tech—Tube Inc., Kansas City, MO.	49 CFR 173.387(b)(2)(iii), 175.3	To authorize shipment of a viable microorganism classed as an etiologic agent in an inner container surrounded with an absorbent material impregnated with a germicidal pesticidal substance overpacked in a metal tube. (Modes 1, 2, 3, 4, 5.)
10153-N	DOT-E 10153	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377(h)	To authorize the use of large, collapsible polypropylene-lined woven polypropylene bulk bags having a capacity of 1102.3 pounds each, and top and bottom outlets, for shipment of a poison B solid. (Mode 1.)
10164-N	DOT-E 10164	Moli Energy, Limited, Burnaby, B.C., Canada.	49 CFR 173.1015	To authorize transport of depleted lithium cells which originally contained more than 12 grams of lithium. (Mode 1.)
10210-N	DOT-E 10210	Gowan Company, Yuma, AZ	49 CFR 173.359(b)(1)	To authorize shipment of a methyl parathion mixtures and parathion mixtures in DOT Specification 5C stainless steel drums 15 gallons capacity. (Mode 1.)
10211-N	DOT-E 10211	CP Industries, Incorporated, McKeesport, PA.	49 CFR 173.302, 173.304, 175.3	To authorize the carriage of certain explosives by cargo aircraft only. (Modes 1, 2, 3, 4, 5.)
10228-N	DOT-E 10228	Koch Industries, Inc., Wichita, KS	49 CFR 173.119, 173.304, 173.315	To authorize the use of a non-DOT specification container described as a mechanical displacement meter prover for the shipment of flammable liquids and flammable gases. (Mode 1.)
10230-N	DOT-E 10230	Georgia Box, Inc., Jackson, GA	49 CFR 173.128, 173.132, 173.266, Part 173 Subpart F.	To authorize manufacture, marking, and sale of a non-DOT single-trip blow molded high density polyethylene portable tank having a wood pallet, foam transiton base, corrugated cover for hydrogen peroxide solution classed as oxidizer, various corrosive materials and flammable liquids. (Modes 1, 2, 3.)
10232-N	DOT-E 10232	Sexton Can Company, Inc., Cambridge, MA.	49 CFR 173.304	To authorize transport of refrigerant gases in a container conforming in part with the DOT Specification 2Q. (Modes 1, 2, 3, 4, 5.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10255–N	DOT–E 10255	Sexton Can Company, Inc., Cambridge, MA.	49 CFR 173.304, 175.3, 178.33a–2, 178.33a–6, 178.33a–7, 178.33a–8, 178.33a–9.	To authorize manufacture, marking, and sale of a non-DOT specification drawn and ironed container similar to the DOT specification 2Q cylinder for shipment of non-flammable and flammable liquefied compressed gases authorized for shipment in a DOT specification 2Q cylinder. (Modes 1, 2, 3, 4.)
10259–N	DOT–E 10259	Phillips Petroleum Company, Bartlesville, OK.	49 CFR 173.141	To authorize shipment of mercaptans, classed as flammable liquids, in DOT specification 57 portable tanks constructed of 316 stainless steel with a service pressure of 40 psig. (Modes 1, 2, 3.)
10260–N	DOT–E 10260	Olin Hunt Specialty Products, Inc., West Paterson, NJ.	49 CFR 173.266	To authorize transport of a hydrogen peroxide solution, in a cylindrical steel overpack, straight sided, enclosing a polyethylene container of 101 liters capacity. (Modes 1, 2, 3.)
10261–N	DOT–E 10261	Olin Hunt Specialty Products, Inc., West Paterson, NJ.	49 CFR 173.272	To authorize use of a non-DOT specification container consisting of an inner polyethylene bottle with an FRP outer housing, for the transportation of sulfuric acid solutions, not exceeding 98% concentration. (Modes 1, 2, 3.)
10262–N	DOT–E 10262	Tay Textiles Limited, Dundee, Scotland.	49 CFR 173.245b	To authorize the manufacture, marking and sale of large, collapsible polyethylene-lined, woven polypropylene bulk bags having a capacity of approximately 2205 pounds each, and top and bottom outlets, for shipment of corrosive solids. (Modes 1, 2, 3.)
10266–N	DOT–E 10266	Mobil Pipe Line Company, Dallas, TX.	49 CFR 173.119	To authorize use of a non-DOT specification container, for shipment of certain flammable liquids and flammable gases. (Mode 1.)
10267–N	DOT–E 10267	Belick Enterprises, Inc., Schaumburg, IL.	49 CFR 178.212, Part 173, Subpart F.	To authorize manufacture, marking and sale of a non-DOT specification paper-faced expanded polystyrene board box for use in the shipment of nitric acid. (Mode 1.)
10272–N	DOT–E 10272	Olin Corporation, Charleston, TN	49 CFR 172.101 Table, Column 1, 173.315.	To authorize the use of insulated and lined DOT Specification MC 331 cargo tank motor vehicles to transport aqueous hypochlorous acid solutions of 50% or less concentration. (Mode 1.)
10273–N	DOT–E 10273	Georgia-Pacific Corporation, Schenectady, NY	49 CFR 173.154, 173.217, 173.245b, 173.365.	To authorize manufacture, marking and sale of non-reusable, fiberboard bulk boxes having an inside lining of 0.0065-inchminimum thickness polyethylene film. (Mode 1.)
10277–N	DOT–E 10277	Amtrol, Inc., West Warwick, RI	49 CFR 175.30, 178.51, Part 173 Subpart G.	To authorize manufacture, marking and sale of non-DOT specification cylinder conforming in part with the DOT Specification 4BA. (Modes 1, 2, 4.)
10278–N	DOT–E 10278	Taymar Limited, Stockport, Cheshire, England.	49 CFR 173.304(d), 178.33	To authorize shipment of certain flammable gases in a nonrefillable, non-DOT Specification inside container conforming with the DOT Specification 2P except for diameter and capacity. (Modes 1, 3.)
10279–N	DOT–E 10279	Flexcon Industries, Randolph, MA	49 CFR 173.306(g)(1), Part 172, Subparts D, E.	To authorize manufacture, marking and sale of non—DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches. (Modes 1, 2, 3.)
10291–N	DOT–E 10291	Tankbouw Rootselaar B.V., Holland	49 CFR 173.315, 178.245	To authorize use of a non-DOT specification IMO Type 5 portable tank, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3.)
10292–N	DOT–E 10292	Kerrco Incorporation, Hastings, NE	49 CFR 173.119, 173.125, 173.266, Part 173 Subpart F.	To authorize manufacture, marking and sale of a non-DOT specification rotationally molded, linear low density polyethylene portable tank, for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3.)
10295–N	DOT–E 10295	Sherex Chemical Company, Inc., Dublin, OH.	49 CFR 173.134	To authorize use of a DOT Specification 17C metal drum with inside non-DOT specification metal containers, for shipment of pyrophoric liquids, n.o.s. (Modes 1, 3.)
10297–N	DOT–E 10297	Tropigas De Puerto Rico, Inc., Caguas, PR.	49 CFR 173.134(L)(1), (2), (3), 175.30, Part 107 Appendix B.	To authorize rebuilding, and selling of DOT Specification 4B, 4BA and 4BW cylinders, for shipment of certain hazardous materials. (Modes 1, 2, 3, 4, 5.)
10298–N	DOT–E 10298	North Star Air Cargo, Inc., Anchorage, AK.	49 CFR 172.101, column (6)(b), 173.119, 175.320.	To authorize shipment of liquid fuels classed as flammable or combustible liquids in non-DOT specification seal drums (rollagons) up to 500 gallon capacity by cargo aircraft only. (Mode 4.)
10303–N	DOT–E 10303	Ketchum Air Service Inc., Anchorage, AK.	49 CFR 172.101 (Hazardous Materials Table, Column 6(a), 173.306, 175.30, 175.25(a)(1), (2).	To authorize carriage of small amounts of liquefied petroleum gas aboard small, float equipped, passenger carrying aircraft. (Mode 5.)
10305–N	DOT–E 10305	Union Carbide Chemicals and Plastics Company, Inc., Danbury, CT	49 CFR 173.31(c)(1), Reteet Table 1	To authorize use of DOT Specification 105A300W tank car tanks converted to DOT Specification 111A100W2 tank car tanks with an extended retested interval. (Mode 2.)
10306–N	DOT–E 10306	Alaska Marine Lines, Seattle, WA	49 CFR 176.83	To waive the requirement that explosives must be the last cargo loaded and first cargo unloaded from a vessel in each port. (Mode 3.)
10316–N	DOT–E 10316	McDonnell Douglas Corporation, St. Louis, MO.	49 CFR 173.87	To authorize transportation of various Class C explosives in the same outside packaging in quantities greater than those authorized in 49 CFR 173.87. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10318–N	DOT–E 10318	Sonoco IBC, Lavonia, GA	49 CFR 173.119, 173.125, 173.266, part 173, Subpart F.	To authorize manufacture, marking and sale of nonreusable non-DOT specification blow molded, polyethylene portable tank enclosed in a steel frame, for shipment of corrosive materials, flammable liquids, or an oxidizer. (Modes 1, 2.)
10319–N	DOT–E 10319	Amtrol, Inc., West Warwick, RI	49 CFR 173.302(a)(1), 173.306(g)	To authorize manufacture, marking and sale of a non-DOT specification pressure vessel (water pump system tank) for use in the shipment of compressed air and nitrogen. (Modes 1, 2, 3.)
10320–N	DOT–E 10320	Worthington Cylinder Corporation, Columbus, OH.	49 CFR 173.303(a)	To authorize manufacture, marking and sale of non-DOT specification steel cylinders comparable to DOT Specification 8AL except the steel shell is made to a DOT Specification 4BW for the shipment of acetylene. (Modes 1, 3.)
10321–N	DOT–E 10321	Wrothington Cylinders Corporation, Columbus, OH.	49 CFR 173.302, app. B, 173.34	To authorize the shipment of a nonliquefied flammable gas in DOT Specifications 4BA 240, 4BA 260, 4BW 240, and 4BW 260 steel cylinders and 4E 240, 4E 260 aluminum cylinders. (Mode 1.)
10323–N	DOT–E 10323	Solkatronic Chemicals, Inc. Morrisville, PA.	49 CFR 173.24, 173.300, 173.34	To authorize the use of a non-DOT specification full-opening head salvage cylinder of 8 gallons capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10325–N	DOT–E 10325	Marley Industries, Paris, France	49 CFR 173.315, 178.245–(1)(b), 178.245–5(b).	To authorize use of non-DOT specification IMO portable tanks with openings not grouped in one location on tank for shipment of liquified non-flammable gas and flammable gas. (Modes 1, 2, 3.)
10326–N	DOT–E 10326	Allied-Signal Aerospace Company, Tempe, AZ.	49 CFR 173.302(a)(2), 175.3, 178.44.	To authorize the use of a non-DOT specification welded pressure vessel comparable to a DOT Specification 3HT cylinder with certain exceptions. (Modes 1, 2, 3, 4, 5.)
10327–N	DOT–E 10327	CTI-Cryogenics Division of Helix Technology Corp., Waltham, MA.	49 CFR 173.306(f)(1), 173.306(f)(2), 173.306(f)(3), 175.3.	To authorize the use of a refrigeration system and components that are filled with dry helium gas at pressures specified ents in paragraph 7.a. (Modes 1, 2, 4, 5.)
10330–N	DOT–E 10330	Fluoroware, Inc., Chaska, MN	49 CFR 173.119, 173.268, 173.299, 178.19, 178.35, 178.35(a), Part 173 Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally modeled, teflon PFA inner container enclosed in a outer stainless steel shell for the shipment of corrosive liquids, flammable liquids or oxidizers. (Modes 1, 2, 3.)
10334–N	DOT–E 10334	Chevron Pipe Line Company, Midland, TX.	49 CFR 173.119, 173.304, 173.315	To authorize the use of a non-DOT specification container described as mechanical displacement meter provers mounted on trailers with configurations, for transportation of flammable liquids and flammable gases. (Mode 1.)
10335–N	DOT–E 10335	U.S Department of Defense, Falls Church, VA.	49 CFR 173.34(d), 175.3	To authorize shipment of bromotrifluoromethane in DOT Specification 4BA400 or 4BW400 cylinders equipped with fusible pressure relief devices. (Modes 1, 4.)
10336–N	DOT–E 10336	Morton International, Inc., Ogden, UT.	49 CFR 173.93(a)(9)	To authorize the transportation of propellant explosives, solid in packagings larger than those authorized in 49 U.S. CFR 173.93. (Mode 1.)
10343–N	DOT–E 10343	Cryogenic Services, Inc., Canton, GA.	49 CFR 178.57–8(c)	To authorize shipment of liquid oxygen in an insulated non-DOT specification cylinder conforming with 49 CFR 178.57 except 178.57–2 and 178–57–8(c). (Mode 1.)
10344–N	DOT–E 10344	U.S Department of Defense, Falls Church, VA.	49 CFR 172.101, 173.1015	To authorize transportation of depleted lithium batteries from U.S. military bases oversees to the United States for disposal. (Modes 1, 3.)
10345–N	DOT–E 10345	Luxfer USA Limited, Riverside, CA	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT specification cylinders containing nonflammable gases to be used as self-contained underwater breathing apparatus. (Modes 1, 2, 3, 4, 5.)
10346–N	DOT–E 10346	Weyerhaeuser Company, Tacoma, WA.	49 CFR 174.67(i), 174.67(j)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10347–N	DOT–E 10347	PPG Industries, Inc., Pittsburgh, PA	49 CFR 173.247	To authorize shipment of trimethylacetal chloride in DOT Specification 34 containers of 55 gallons capacity. (Modes 1, 2, 3.)
10349–N	DOT–E 10349	Uniroyal Chemical Company, Inc., Middlebury, CT.	49 CFR 173.31(b), (c)	To authorize a one-time shipment of styrene monomer residue in a DOT Specification 103W tank car tank which is overdue for reteet and for cleaning prior to scraping. (Mode 2.)
10352–N	DOT–E 10352	Muller, AG, Verpackungen, CH–4142 Munchenstein, Switzerland.	49 CFR 175.3, 178.116–8(a), 178.116–7(a), Part 173, Subparts D, E, F and H.	To authorize the manufacture, marking and sale of non-DOT specification steel drums, for transportation of various hazardous materials. (Modes 1, 2, 3, 4.)
10355–N	DOT–E 10355	Chemteck Industries, Inc., St. Louis, MO.	49 CFR 173.264	To authorize transport of hydrochloric acid solutions in a DOT Specification 111A100W5 tank car tank equipped with an ethylene chlorotrifluoroethylene lining. (Mode 2.)
10356–N	DOT–E 10356	FMC Corporation, Gastonia, NC	49 CFR 173.154	To authorize shipment of a lithium metal dispersion in hexane or cyclohexane in DOT Specification 4BW240 cylinder by motor vehicle. (Mode 1.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10358–N	DOT–E 10358	Betco Corporation, Toledo, OH	49 CFR 173.245	To authorize the shipment of compound, cleaning, liquid, classed as a corrosive material, in 5-gallon plastic bags overpacked on–DOT specification fiberboard box. (Mode 1.)
10359–N	DOT–E 10359	High Pressure Integrity, Inc., New Orleans, LA.	49 CFR 173.246, 173.3a, 175.3	To authorize shipment of bromine trifluoride in non DOT specification, nonrefillable cylinders. (Modes 1, 2, 3, 4.)
10360–N	DOT–E 10360	ICI Americas Inc., Agricultural Products, Wilmington, DE.	49 CFR 173.346	To authorize the transportation of a Class B poison in a polyethylene packaging not authorized in 49 CFR. (Mode 1.)
10361–N	DOT–E 10361	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377(a), 175.3, 178.19, 178.251, 178.252.	To authorize shipment of certain dry organic phosphate compound mixtures, classed as Poison B, in a non–DOT specification polyethylene (PE) portable tank. (Modes 1, 2.)
10362–N	DOT–E 10362	Jefferson Smurfit Corp./Container Corp. of America, Carol Stream, IL.	49 CFR 173.245(b), 173.365	To manufacture, mark and sell composite type packaging consisting of fiberboard box and inner polyethylene bulk bag for transportation of certain corrosive solids and Poison B solids. (Mode 1.)
10364–N	DOT–E 10364	Hoechst Celanese Corporation, Somerville, NJ.	49 CFR 173.3–C(1)	To authorize a one-time shipment of a corrosive liquid in approximately 550 non–DOT specification 55-gallon metal drums overpacked in polyethylene, removable head, salvage drums not to exceed 95-gallon capacity. (Mode 1.)
10365–N	DOT–E 10365	U.S. Department of Energy, Washington, DC.	49 CFR 178.121–1(b)	To authorize the use of model 30A or 30B cylinders, containing radioactive material, with 21PT–1A and 21PF–1B overpacks without a maximum gross weight limit. (Mode 1.)
10366–N	DOT–E 10366	LTV Energy Products Co., Garland, TX.	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT specification container described as a mechanical displacement meter prover mounted on a twin axle trailer, for transportation flammable liquids or flammable gases. (Mode 1.)
10372–N	DOT–E 10372	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.119, 173.24, 173.302, 173.304, 173.327, 173.328, 173.34, 173.346.	To authorize the use of a non-DOT specification stainless steel, full removable head "Salvage" cylinder of 78 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10373–N	DOT–E 10373	Day & Zimmermann, Inc. (DZI), Parsons, KS.	49 CFR 173.56(b), (c)(1), 173.86(b)	To authorize shipment of explosive projectiles, Class A explosives in specially designed military packaging, exceeding weight limitsbes. (Modes 1, 2.)
10374–N	DOT–E 10374	Soltralentz, S.W., Drulingen, France	49 CFR 173.119, 173.125, 173.245, 173.249, 173.249a, 173.250a, 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.292, 173.297, 173.299a.	To authorize manufacture,marking and sell of non-DOT specification blow molded, polyethylene portable tank enclosed in a steel frame, for the shipment of corrosive materials, flammable liquids, or an oxidizer. (Modes 1, 2, 3.)
10380–N	DOT–E 10380	Hydra Rig, Inc., Fort Worth, TX	49 CFR 49 CFR 173.320	To authorize manufacture, marking and sale non-DOT specification cryogenic portable tanks. (Mode 3.)
10381–N	DOT–E 10381	Defence Technology and Procurement Agency, CH–3000 Berne 25, Switzerland.	49 CFR 175.3, 49 CFR 172.101, column (6)(b).	To authorize the transportation of rocket warheads classed as Class A explosives on cargo aircraft. (Mode 4.)
10382–N	DOT–E 10382	ICI Americas, Inc., Wilmington, DE	49 CFR 173.245(a)	To authorize the shipment of ethyl phosphonothioic dichloride, anhydruous in DOT Specification 105S300W tank car tanks. (Mode 2.)
10383–N	DOT–E 10383	Chevron Pipe Line Company, Beaumont, TX.	49 CFR 173.304, 173.315	To authorize use of a non-DOT specification container described as a mechanical displacement meter provers for the shipment of a flammable gas. (Mode 1.)
10384–N	DOT–E 10384	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.315	To authorize the use of MC331 Cargo tanks to transport compressed gas, n.o.s., classed as flammable gas in truck load quantities. (Mode 1.)
10386–N	DOT–E 10386	Hill Construction Chemical, Inc., Tulsa, OK.	49 CFR 173.1200(a)(8), 173.306(a)(3), 178.33a–2.	To authorize the manufacture, marking and sale of non-DOT specification inside metal container conforming with the DOT Specification 2Q except for size, for shipment of certain hazardous materials. (Mode 1, 3, 4, 5.)
10387–N	DOT–E 10387	Olin Corporation—Defense Systems Group, East Alton, IL.	49 CFR 173.102	To authorize the transportation of starter cartridges, Class C explosive, in DOT Specification 17H steel drums. (Mode 1.)
10388–N	DOT–E 10388	The Coca-Cola Company, Atlanta, GA.	49 CFR 173.119(b)(4), 178.210–10	To authorize shipment of certain flammable liquids in polyethylene terephthalate bottles of one-gallon capacity, packed no more then four to a DOT–12B65 fiberboard box. (Mode 1, 2, 3.)
10389–N	DOT–E 10389	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 174.67(i)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10390–N	DOT–E 10390	Container Products, Incorporated, Southfield, MI.	49 CFR 175.3, 178.100–5, 178.80–7, 178.81–7, 178.82–7, 178.83–7, 178.86–6, 178.98–5, 178.99–5.	To authorize the manufacture, marking and sale of non-DOT specification steel drums, in compliance with DOT Specification 5 and 6 series drums except that the rolling hoops are constructed of round pipe sections. (Mode 1, 2, 3, 4.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10391–N	DOT–E 10391	Wim Vos International Transport BV, Netherlands.	49 CFR 178.70–11	To authorize shipment of flammable liquids in IMO portable tanks with alternative safety relief valves. (Mode 1, 2, 3.)
10392–N	DOT–E 10392	Riblet Plastics, Bristol, IN	49 CFR 173.119, 173.125, 173.245, 173.249, 173.249(a), 173.250(a), 173.256, 173.257, 173.262, 173.263, 173.264, 173.265, 173.266, 173.269, 173.272, 173.276, 173.277, 173.283, 173.287, 173.288, 173.289, 173.292, 173.297, 173.299(a).	To authorize manufacture, mark and sale of non-DOT specification rotationally molded, linear low density polyethylene portable tank, enclosed within a protective metal frame for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
10393–N	DOT–E 10393	Olin Chemicals, Stamford, CT	49 CFR 173.276(a)(4), 173.276(a)(6)(i), 179.202–14.	To authorize shipment of hydrazine aqueous solutions, classed as a corrosive material in those tank cars and cargo tanks specified under Section 173.276(a)(4), 173.276(a)(6)(i) and 179.202–14 without the current restriction regarding molybdenum content. (Modes 1, 2.)
10394–N	DOT–E 10394	Olin Corporation, Stamford, CT	49 CFR 173.263(a)(12), 179.202–8(b).	To authorize use of DOT specification tank cars made from Type 316 stainless steel for the shipment of not exceeding 42% active sodium chlorite. (Mode 2.)
10396–N	DOT–E 10396	Chevron Pipe Line Company, Salt Lake City, UT.	49 CFR 173.119	To authorize use a non-DOT specification container described as a mechanical displacement meter prover for the shipment of a flammable liquid. (Mode 1.)
10400–N	DOT–E 10400	Martin Marietta Ordnance Systems, Inc., Milan, TN.	49 CFR 173.56(a)	To authorize the transportation of granedes fuzes installed, in partitioned fiberboard cartons overpacked in wooden boxes and palletized. (Modes 1, 3.)
10406–N	DOT–E 10406	The Ensign-Bickford Company, Simsbury, CT.	49 CFR 173.65	To authorize the transportation of desensitized PETN in polyethylene bottles overpacked in DOT Specification 12H fiberboard boxes. (Mode 1.)
10409–N	DOT–E 10409	AT Plastics, Inc., Brampton, Ontario, CN.	49 CFR 173.182, 173.234, 178.241	To authorize manufacture, marking and sale of non-DOT specification duplex wall polyethylene film bags, in compliance with DOT Specification 44P except for marking for the shipment of oxidizer solids. (Modes 1, 2, 3.)
10410–N	DOT–E 10410	Freeman Chemical Corporation, Health, OH.	49 CFR 173.221	To authorize transportation of t-butyl hydroperoxide (TBHP) not more than 72% with water in a DOT Specification 57 portable tank. (Mode 1.)
10412–N	DOT–E 10412	Hoechst Celanese Corporation, Dallas, TX.	49 CFR 173.119(a)(3)	To authorize a one-time shipment of diethylamine (DEA) and triethylamine (TEA) in DOT Specification 17E, 20/18 gauge, steel drums having a capacity of 55-gallons. (Mode 1.)
10413–N	DOT–E 10413	Harcros Chemicals, Inc., Dallas, TX	49 CFR 173.163	To authorize the one-time shipment of sodium chlorate in 400 non-DOT specification metal drums. (Mode 1.)
10419–N	DOT–E 10419	Wayne County Department of Public Services, Wyandotte, MI.	49 CFR 174.67(i)	To authorize tank car tanks loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10430–N	DOT–E 10430	M1 Engineering Limited, Bradford, West Yorkshire, EN.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize the manufacture, marking and sale of vacuum insulated, non-DOT specification portable tank in an ISO frame for the transportation of certain refrigerated liquids. (Modes 1, 2, 3.)
10431–N	DOT–E 10431	Bowater Drums Limited, Cheshire, United Kingdom.	49 CFR 173.127, 173.175, 173.184, 178.224.	To authorize manufacture, marking and sale for a non-DOT specification fiber drum, similar to a DOT Specification 21C except the bottom head may be made of low density polyethylene, for the transportation of certain flammable liquids and flammable solids. (Modes 1, 2, 3.)
10434–N	DOT–E 10434	S.C. Johnson & Son, Inc., Racine, WI.	49 CFR 173.245	To authorize shipment of corrosive liquids in an individually shrink-wrapped non-DOT specification fiberboard box containing one inside non-rigid, double-wall bag with a capacity at exceeding 5 gallons. (Mode 1, 2, 3.)
10438–N	DOT–E 10438	Vulcan, Emballages, Inc., Lachine, Quebec, Canada.	49 CFR 173 Subpart D, 173 Subpart F, 178.19.	To manufacture, mark and sell a non-DOT specification removable head polyethylene container, without overpack having a rated capacity of up to 5 gallons for transportation of corroeive liquids classed as corroeive materials and flammable liquids with a flash point above 20%. (Mode 1, 2, 3.)
10440–N	DOT–E 10440	Mass Systems, Inc., Baldwin Park, CA.	49 CFR 173.304(a)(1), 175.3, 178.47.	To authorize use of a non-DOT approved stainless steel in the construction of a cylinder patterned after a DOT 4DS specification cylinder for shipment of nonflammable gas. (Mode 1, 2, 4, 5.)
10442–N	DOT–E 10442	Whittaker Ordnance, Inc., Hollister, CA.	49 CFR 172,101, 173.154, 173.65, 173.95.	To authorize the transportation of waste materials contaminated with small quantities of explosives in specially authorized packagings for incineration. (Mode 1.)
10455–N	DOT–E 10455	Shell Chemical Company, Houston, TX.	49 CFR 173.119(m)	To authorize transportation of material classed as flammable liquid in a manifold consisting of ¾" steel pipe fittings attached to a ¾" ball valve and pressure gauge, placed in the opening of a DOT Specification 5B, nominal 43 gallon drum, overpacked inside an 85 gallon non-DOT salvage drum. (Modes 1, 3).
10456–N	DOT–E 10456	General Chemical Corporation, Parsippany, NJ.	49 CFR 173.274	To authorize the use of DOT Specification 111A60W7 tank car tanks for the transportation of fluosulfonic acid. (Mode 2).

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10457–N	DOT–E 10457	Tatcher Company, Salt Lake City, UT.	49 CFR 173.315(i)(13), 173.33(f)(9), 173.33(h)(4)(ii), 173.33(h)(5)(i).	To authorize the use of MC 331 cargo tanks equipped with angle valves, excess flow valves and pressure relief valves not presently authorized in the regulations. (Mode 1.)
10458–N	DOT–E 10458	MARSULEX Inc., North York, Ontario, Canada.	49 CFR 174.67(j), Part 107, Appendix B, Subpart B.	To authorize the use of DOT Specification 111A100W2 tank car tanks loaded with sulfuric acid, classed as a corrosive material, to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10460–N	DOT–E 10460	W.H. Stewart Company, Oklahoma City, OK.	49 CFR 173.420(a)(2)(i)	To authorize the use of non-DOT specification containers, for transportation of radioactive materials. (Mode 1.)
10461–N	DOT–E 10461	Cryolor S.A., Vigy, France	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize the manufacture, marking and sale of a vacuum insulated, non-DOT specification portable tank in an IS0 frame, for the transportation of certain refrigerated liquid. (Modes 1, 3.)
10463–N	DOT–E 10463	Allied Universal Corporation, Miami, FL.	49 CFR 173.277(1)	To authorize the shipment of hypochlorite solution in DOT Specification 2E90 1-gallon polyethylene bottles overpacked in a non-DOT specification polyethylene drum with refill. (Mode 1.)
10465–N	DOT–E 10465	EPOPLEX, Maple Shade, NJ	49 CFR 173.245(17)	To authorize shipment of corrosive liquid mixture containing N–Aminoethylpiperizine, classed as a corrosive material, in a unlined 2$^{5}/_{16}$ gauge DOT Specification 37C80 steel drum of five gallon capacity. (Mode 1.)
10469–N	DOT–E 10469	ICI Américas, Inc., Wilmington, DE	49 CFR 173.271(a)(11), 173.3a	To authorize the use of DOT Specification 105S300W tank car tanks for the transportation of phosphorus trichloride. (Mode 2.)
10471–N	DOT–E 10471	Chevron Resources Company, Hobson, TX.	49 CFR 174.67(b)(3)(i)(j)	To authorize the use of DOT Specification tank car tanks loaded with sulfuric acid and sulfuric acid, spent, classed as corrosive materials to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10473–N	DOT–E 10473	Progressive Technologies, Inc., Omaha, NE.	49 CFR 173.12, 173.25, 173.3(c), 175.3, 178.16, 178.19, 49 CFR Part 173, Subpart D, E, F and H.	To authorize the manufacture, marking and sale of non-DOT specification polyethylene twin-walled 85 gallon capacity drum to be used as a salvage drum, lab pack container and sole use container for shipment of those hazardous materials authorized for shipment in DOT Specification 34 of 35 containers. (Modes 1, 2, 3, 4.)
10475–N	DOT–E 10475	General Cylinder/Div. of Manchester Tank & Equip., Dallas, TX.	49 CFR 178.50–15, 178.50–16, 178.51–15, 178.61–15, 178.61–16.	To authorize the rebuilding and repairing of DOT Specification 4B, 4BA and 4BW steel cylinders, in sizes from 1 pound to 420 pounds, to be used for transportation of flammable gases. (Mode 1.)
10476–N	DOT–E 10476	Syn-Tex B. A. G., Winnipeg, Manitoba, Canada.	49 CFR 172.331, 173.114a, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.365, 173.366, 173.367.	To authorize the manufacture, marking and sale of bulk containers of woven polypropylene with polyethylene liner for transportation of commodities classed as oxidizers and corrosive solids. (Modes 1, 2, 3.)
10477–N	DOT–E 10477	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316, 175.3, 178.57	To authorize the manufacture, marking and sale of a insulated non-Dot specification cylinder conforming with the DOT Specification 4L except that the container is made of type 316L stainless steel. (Modes 1, 2, 3, 4.)
10478–N	DOT–E 10478	Davis Engineering Company, Fresno, CA.	49 CFR 173.119, 178.340–3(a)(1)	To authorize the use of a DOT Specification MC–306 cargo tank motor vehicle constructed of an alternative aluminum alloy for the shell and heads for the transport of an elevated temperature lading. (Mode 1.)
10480–N	DOT–E 10480	Air Products and Chemicals, Inc., Bethlehem, PA.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize the use of a vacuum insulated, cold mass shielded, non-DOT specification portable tank for liquefied helium. (Modes 1, 3.)
10481–N	DOT–E 10481	M1 Engineering, Limited, Bradford, West Yorkshire, England.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(h), 178.338.	To authorize the use of a vacuum insulated, non-DOT specification portable tanks in an ISO frame for the transportation of certain refrigerated liquids. (Modes 1, 2, 3.)
10483–N	DOT–E 10483	City of Plattsburgh, Plattsburgh, NY	49 CFR 174.67(i), 174.67(j), Part 107, Appendix B.	To authorize tank cars loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10486–N	DOT–E 10486	Aeropres Corporation, Shreveport, LA.	49 CFR 173.302, 173.304, 173.305, 173.315.	To authorize the transportation of mixtures of flammable and nonflammable compressed gases in DOT Specification MC 330 and MC 331 cargo tanks. (Mode 1.)
10488–N	DOT–E 10488	TEN–E Packaging Services, Inc., Eagan, MN.	49 CFR 173.119, 178.19, Part 173, Subpart F.	To authorize the manufacture, marking and selling of a non-DOT specification 5-gallon capacity removable head polyethylene drums, for shipment of certain corrosive and flammable liquids. (Mode 1.)
10492–N	DOT–E 10492	Detroit Water and Sewerage Department, Detroit, MI.	49 CFR 174.67(i), 174.67(j), Part 107, Appendix B.	To authorize tank cars loaded with chlorine to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10495–N	DOT–E 10495	First Corporate Air, Inc., Howell, MI	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize the carriage of certain Class A, B and C explosives by cargo-aircraft only. (Mode 4.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10502–N	DOT–E 10502	Thiokol Corporation, Huntsville, AL	49 CFR 172.101, 173.86(e)(2)(ii), 173.92(a), 173.92(b).	To authorize the shipment of rocket motors, high explosives (shaped charges, and detonating fuzes, in a cargo aircraft. (Mode 4.)
10504–N	DOT–E 10504	Solkatronic Chemicals, Inc., Morrisville, PA.	49 CFR 173.119, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full opening head salvage cylinder of 33 gallon capacity for overpacking damaged or leaking packages of pressurized and non-pressurized hazardous materials. (Mode 1.)
10507–N	DOT–E 10507	PVS Technologies, Inc., Detroit, MI	49 CFR 174.67(i)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without being attended by an unloader. (Mode 2.)
10512–N	DOT–E 10512	Albright & Wilson Americas, Richmond, VA.	49 CFR 173.263(a)(12)	To authorize the construction of tank cars fabricated of ASTM A240 type 316 Ti alloy steel without post weld heat treatment for shipment of 42% sodium chloride solution, classed as corrosive material. (Mode 2.)
10513–N	DOT–E 10513	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.154	To authorize shipment of flammable solids, organic peroxide solids, and oxidizers not specifically provided for in non-DOT specification bulk bags overpacked in either a fiberboard box or drum in less than truckload quantities in non-dedicated trailers. (Mode 1.)
10514–N	DOT–E 10514	Liquid Air, Walnut Creek, CA	49 CFR 174.67 (i), (j), Part 107, Appendix 3.	To authorize the use of DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain attached to transfer connections when the unloading process is discontinued. (Mode 2.)
10516–N	DOT–E 10516	S.A.F.E. Systems, Inc., Decatur, GA.	49 CFR 173.306(c)(3)	To authorize shipment of approximately 40,571 non-DOT specification cylinders (fire extinguishers), which exceed 35 cubic inches containing a liquified compressed gas (Bromotrifluoromethane). (Mode 1.)
10517–N	DOT–E 10517	Nalco Chemical Company, Naperville, IL.	49 CFR 173.32(e)(1)(ii)	To authorize the retesting of DOT-Specification 57 portable tanks fabricated of stainless steel at five-year intervals. (Modes 1, 2, 3.)
10519–N	DOT–E 10519	Canadian Liquid Air limited, Montreal, Quebec, Canada.	49 CFR 173.119, 173.154, 173.245, 173.246, 173.247, 173.251, 173.264, 173.273, 173.302, 173.304, 173.328, 173.34, 173.346.	To authorize use of a non-DOT specification full opening hinged head, steel salvage cylinder with a teflon lining of approximately 100 gallons (382 liters) capacity for overpacking damaged or leaking packages of pressurized and nonpressurized hazardous materials. (Mode 1.)
10529–N	DOT–E 10529	LND, Inc., Oceanside, NY	49 CFR 173.302, 175.3	To manufacture, mark and sell a non-DOT specification container described as a hermetically sealed electron tube device for shipment of argon, classed as nonflammable gas. (Modes 1, 4, 5.)
10534–N	DOT–E 10534	Olin Corporation, Winchester Division, East Alton, IL.	49 CFR 173.101(a)	To authorize bulk transportation of small arms ammunition of various gauges for disposal, classed as Class C explosives, in non-DOT specification "bath-tub type containers". (Mode 1.)
10535–N	DOT–E 10535	ICI Aerospace & Automotive Products, Byron, BA.	49 CFR 173.214(c)	To authorize transportation of zirconium metal, wet with ethyl alcohol, classed as flammable solid, in polyethylene containers overpacked in strong metal cans and wooden boxes. (Mode 1.)
10536–N	DOT–E 10536	U.S. Department of Energy, Washington, DC.	49 CFR 173.86	To ship various kinds of explosive substances and devices with an interim hazard classification to test facilities. (Modes 1, 2, 3.)
10537–N	DOT–E 10537	Quality Manufacturing of Eunice, Inc., Eunice, LA.	49 CFR 173.154, 173.164, 173.178, 173.182, 173.234, 173.245(b).	To authorize the manufacture, marking and sale of bulk bags having a capacity of approximately 2200 pounds, for shipment of flammable solids, oxidizers and corrosive materials. (Modes 1, 2.)
10539–N	DOT–E 10539	Monsanto Agricultural Company, St. Louis, MO.	49 CFR 173.32c(i)	To authorize a one-time shipment of an IM 101 portable tank which is only filled to approximately 25 percent capacity with chloroacetyl chloride, classed as a corrosive material. (Modes 1, 2, 3.)
10546–N	DOT–E 10546	GPS Industries, City of Industry, CA	49 CFR 176.67 (i) & (j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10547–N	DOT–E 10547	Tri-Wall, Louisville, KY	49 CFR 173.154, 173.245(b), 173.365.	To authorize the manufacture, marking and sell of non-DOT specification non-reusable fiberboard bulk box of triple wall corrugated fiberboard construction and mounted to a wood pallet base for shipment of waste solids to hazardous waste landfill disposal sites. (Mode 1.)
10550–N	DOT–E 10550	Chem Lab Products, Inc., Ontario, CA.	49 CFR 176.67 (i) & (j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10551–N	DOT–E 10551	Hasa, Inc., Saugus, CA	49 CFR 176.67 (i) & (j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10552–N	DOT–E 10552	Hasa of Arizona, Inc., Eloy, AZ	49 CFR 176.67(i), 174.67(j), Part 107, Appendix B.	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10553–N	DOT–E 10553	All Pure Chemical Company, Tracy, CA.	49 CFR 176.67 (i) & (j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10562–N	DOT–E 10562	U.S. Sack Corporation, Grand Junction, CO.	49 CFR 162.331, 173.154, 173.164, 173.178, 173.182, 173.204, 173.217, 173.234, 173.245b, 173.366.	To authorize manufacture, marking and sale of large, collapsible polyethylene-lined woven polypropylene bulk bags, having a capacity of approximately 2200 pounds each, and top and bottom outlets, for shipment of corroseive solid, flammable solids, oxidizers, and poisons. (Modes 1, 2, 3.)
8577–N	DOT–E 10563	PCR, Incorporated, Gainesville, FL		To authorize shipment of certain materials described as flammable liquid, corroeive, n.o.s. (corrosive to skin only) and corroseive liquids, n.o.s. in DOT-12B65, 12A65 and 12A80 fiberboard boxes with inside glass bottles having a capacity not to exceed one gallon. (Modes 1, 2, 3.)
10573–N	DOT–E 10573	DPC Industries, Inc., Houston, TX	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10575–N	DOT–E 10575	Airco Industrial Gases, Murray Hill, NJ.	49 CFR 174.67 (i), (j), Part 107, Appendix B, Subpart B.	To authorize the use of tank cars loaded with carbon dioxide, refrigerated liquid, to be remotely monitored and attached to transfer connections during the unloading process. (Mode 2.)
10576–N	DOT–E 10576	Simpson Tacoma Kraft Company, Tacoma, WA.	49 CFR 174.67(i)(j)	To authorize chlorine filled tank cars to stand with unloading connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10588–N	DOT–E 10588	General Electric Company, Wilmington, NC.	49 CFR 173.420	To authorize the shipment of limited quantities of radioactive and corroseive material in 12" ANSI cylinders without valve brazing. (Mode 1.)
10594–N	DOT–E 10594	U.S. Department of Energy, Washington, DC.	49 CFR Parts 172, 173	To authorize shipment of radioactive materials, n.o.s. (uranium mill tailings) under special conditions in non-DOT specification packages without labeling and placarding. (Modes 1, 2.)
10595–N	DOT–E 10595	Allied Universal Corporation, Miami, FL.	49 CFR 176.67 (i), (j), Part 107, Appendix B, Subpart B.	To authorize tank cars loaded with chlorine to be remotely monitored and attached to transfer connections during the unloading process. (Mode 2.)
10596–N	DOT–E 10596	Marathon Pipe Line Company, Houston, TX.	49 CFR 173.119	To authorize the use of three non-DOT specification trailer mounted containers described as mechanical displacement meter provers (serial numbers 130, 253, and 140–1657–2921), for shipment of a flammable liquid. (Mode 1.)
10597–N	DOT–E 10597	Westinghouse Electric Corporation, Pittsburgh, PA.	49 CFR 177.834(1)(2)(i)	To authorize the use of cargo heaters when transporting flammable liquids or flammable gases. (Mode 1.)
10599–N	DOT–E 10599	Roberts Meter Service Company, Longview, TX.	49 CFR 173.119, 173.304, 173.315	To authorize the use of a trailer mounted mechanical displacement meter prover for transportation of flammable liquids. (Mode 1.)
10607–N	DOT–E 10607	Emergency Technical Services Corporation, Schaumburg, IL.	49 CFR 173.302(a)	To authorize a one-time shipment for disposal of damaged, non-leaking detector tubes containing Boron Trifluoride in PVC salvage cylinder overpacks. (Mode 1.)
10608–N	DOT–E 10608	HCI Advance Chemical Distributors, Inc., Catoosa, OK.	49 CFR 176.67(i)(j)	To authorize chlorine filled tank cars to stand with connections attached during unloading without the physical presence of an unloader. (Mode 2.)
10609–N	DOT–E 10609	Steel Cylinder Manufacturing Ltd., Tilbury, Ontario, Canada.	49 CFR 178.37–4(a), 49 CFR Part 173(g)(h).	To authorize the manufacture, marking and sell of billet pierced DOT 3AA cylinders that are made from billets which are not inspected by an independent inspector after parting. (Modes 1, 2, 3, 4, 5.)
10610–N	DOT–E 10610	Hercros Chemicals, Inc., Kansas City, KS.	49 CFR 174.67(j)	To authorize chlorine filled tank cars to stand with unloading connectors attached without the physical presence of an unloader. (Mode 2.)
10618–N	DOT–E 10618	Hughes Aircraft Company, Los Angeles, CA.	49 CFR 172.101, 173.92	To authorize shipment of the communications satellites equipped with nonspillable batteries; a rocket motor, class B explosive together with other hazardous materials aboard a cargo aircraft. (Mode 4.)
10623–N	DOT–E 10623	U.S. Virgin Island Industrial Gases Inc., St. Thomas, VI.	49 CFR 172.203, 173.318, 173.32, 178.76(h), 178.338.	To authorize the use of vacuum-insulated, non-DOT specification portable tanks, for transportation of certain non-flammable cryogenic liquids (Modes 1, 3.)
10639–N	DOT–E 10639	Atlantic Electric, Pleasantville, NJ	49 CFR 179.200–17(a)(b)(iv)	To authorize the transportation of non-DOT specification tank car tanks which are in conformance with DOT Specification 111A60W–1 tank car tanks except for the bottom outlet arrangement. (Mode 2.)
10648–N	DOT–E 10648	Arrow Air, In., Miami, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b).	To authorize the transportation of Class A, B, and C explosives which are forbidden for shipment by cargo air or exceed quantity limitations authorized by cargo air. (Modes 1, 2, 4.)
10656–N	DOT–E 10656	Conference of Radiation Control Program Dir., Inc., Frankfort, KY.	49 CFR 107, appendix B, 172.203(d), 49 CFR Part of Part 172, Paragraph (1), Subparts C, D, E, F, and G, to subpart B.	To authorize shipment of metals and scrap contaminated with small amounts of radioactive materials to be contained in non-DOT specification packaging, without regard to marking, labeling, placarding and certain shipping paper requirements. (Modes 1, 2.)
10665–N	DOT–E 10665	General American Transportation Corporation, Chicago, IL.	49 CFR 173.31	To authorize DOT-Specification 111A100W–1 tank cars used in general service which were converted to 111A100W–2 cars for use in corrosive service to enjoy to periodic retest cycles per 49 CFR section 173.21 table 1 footnote. (Mode 2.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10568–N	DOT–E 10568	Cascade Helicopters, Inc., Cashmere, WA.	49 CFR 173.119	To authorize shipment of gasoline, classed as a flammable liquid in non-DOT specification cargo tanks, comparable to DOT specification MC–306 cargo tanks. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 3330–X	DOT–E 3330	Babcock and Wilcox Company, Lynchburg, VA.	49 CFR 173.214(b), 173.214(d)	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Thermex Energy Corporation, Dallas, TX.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Buckley Powder Company, Englewood, CO.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Mine Equipment & Mill Supply Company, Dawson Springs, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Buckley Powder Company, Englewood, CO.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Eldorado Chemical Company, St. Louisd, MO.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Jorico Services, Inc., Indianola, IA	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Mine Equipment & Mill Supply Company, Dawson Spring, KY.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 4453–X	DOT–E 4453	Gibson Explosive Products, Dulfield, VA.	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
EE 5206–X	DOT–E 5206	Geenen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
EE 5206–X	DOT–E 5206	KESCO, Inc., Adrian, PA	49 CFR 173.114a	To authorize privately operated bulk hopper-type units, for transportation of blasting agents. (Mode 1.)
EE 6016–X	DOT–E 6016	Langdon Oxygen Company, Texarkana, TX.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6016–X	DOT–E 6016	Langdon Oxygen Company, Texarkana, TX.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6016–X	DOT–E 6016	Weiler Welding Company, Incorporated, Dayton, OH.	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6016–X	DOT–E 6016	Weiler Welding Company, Inc.,	49 CFR 173.315(a)	To authorize shipment of liquid oxygen, nitrogen, and argon in non-DOT specification portable tanks. (Mode 1.)
EE 6267–X	DOT–E 6267	Berry Plastics, Inc., Evansville, IN	49 CFR 173.154, 173.217(a)	To authorize use of DOT Specification 12B corrugated fiberboard boxes with inside polyethylene bottles and non-DOT specification double-faced fiberboard boxes, for transportation of certain oxidizing materials. (Modes 1, 2, 3.)
EE 6614–X	DOT–E 6614	Abcana Chemical Company, El Cajon, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	Contiental Chemical Company, Sacramento, CA.	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	Abcana Industries, El Cajon, CA	49 CFR 173.263(a)(28), 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	ABCANA Industries	49 CFR 173.263(a)(28) 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	Bison Laboratories, Inc., Buffalo, NY.	49 CFR 173.263(a)(28) 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	Abcana Industries, El Cajon, CA	49 CFR 173.263(a)(28) 173.277(a)(6).	To authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)
EE 6614–X	DOT–E 6614	Bison Laboratories, Inc., Buffalo, NY.	49 CFR 173.263(a)(28) 173.277(a)(6).	Authorize use of non-DOT specification polyethylene bottles, packed inside a high density polyethylene box, for transportation of certain corroeive liquids. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 6670-X	DOT-E 6670	Airco Electronic Gases, Riverton, NJ.	49 CFR 173.301(d), 173.302	To authorize shipment of tetrafluoromethane, in DOT Specification 3A2400, 3AA2400, 3AX2400 and 3AAX2400 cylinders. (Mode 1.)
EE 6752-P	DOT-E 6752	Ausimont, USA, Inc., Morristown, NJ.	49 CFR 173.301(d)(3) 173.304(a)(2).	To become a party to exemption 6752. (Modes 1, 2, 3.)
EE 6805-P	DOT-E 6805	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d), 173.302(a)(3)	To become a party to exemption 6805. (Mode 1.)
EE 6874-X	DOT-E 6874	Mitsui & Company (USA), New York, NY.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Mining Services International Corporation, (MSI) Salt Lake City, UT.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Harcros, Inc., Kansas City, KS	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Goldstone Supply Corp., Sparks, NV.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-X	DOT-E 6874	Harcros, Inc., Kansas City, KS	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3.)
EE 6874-P	DOT-E 6874	Synergistic Performance Corporation, Emeryville, CA.	49 CFR 172.101, 173.370(a)(13)	To become a party to exemption 6874. (Modes 1, 2, 3.)
EE 6971-X	DOT-E 6971	Alltech Associates, Inc., Deerfield, IL.	49 CFR Parts 100–199	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4.)
EE 6971-X	DOT-E 6971	Alltech Associates, Deerfield, IL	49 CFR Parts 100–199	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4.)
EE 6971-X	DOT-E 6971	Alltech Associates, Deerfield, IL	49 CFR Parts 100–199	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4.)
EE 7051-X	DOT-E 7051	Advanced Research Chemicals, Inc., Catoosa, OK.	49 CFR 173.246(a), 175.3	To authorize use of non-DOT specification Teflon bottles overpacked with either a DOT Specification 12A or 12B fiberboard box to transport a corrosive liquid. (Modes 1, 4.)
EE 7052-X	DOT-E 7052	American Meter Company, Philadelphia, PA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Tauber Electronics, Inc., San Diego, CA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Wildlife Materials, Inc., Carbondale, IL.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Smith Industries, formerly Lear Siegler, Inc., Grand Rapids, MI.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Computer Components Corporation, Dallas, TX.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Fairchild Defense, Germantown, MD.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Tauber Electronics, Inc., San Diego, CA.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Honeywell, Inc.—Defense Avionics Systems Div., Albuquerque, NM.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Wildlife Materials, Inc., Carbondale, IL.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Fairchild Defense, Germantown, MD.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-X	DOT-E 7052	Smith Industries, (formerly Lear Siegler), Grand Rapids, MI.	49 CFR 172.101, 172.400, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 2, 3, 4.)
EE 7052-P	DOT-E 7052	Advanced Telemetry Systems, Inc., Isanti, MI.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)
EE 7052-P	DOT-E 7052	Household Data Service (HDS), Reston, VA.	49 CFR 172.101, 172.400, 175.3	To become a party to exemption 7052. (Modes 1, 2, 3, 4.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 7476-X	DOT-E 7476	Thompson Tank and Manufacturing Company, Long Beach, CA.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340–7, 178.340–8(c), 178.342–5, 178.343–5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC–307 or MC–312 with certain exceptions, for transportation of flammable, corrosive and poisonous waste materials. (Mode 1.)
EE 7616-X	DOT-E 7616	Kansas City Southern Railway Company & Subsidiarie, Kansas City, MO.	49 CFR 172.200(a), 172.204(a), 172.204(d), 174.12, 174.24(a), 174.25(b)(2), 174.3.	To authorize carrier to certify the shipping papers on behalf of the shipper when transporting certain hazardous materials by rail. (Mode 2.)
EE 7735-X	DOT-E 7735	Northern American Packaging Corporation, Danbury, CT.	49 CFR 173.119, 173.264(a), 173.272(g), 173.346, 173.358, 173.359.	To authorize manufacture, marking and sale of DOT Specification 34 containers, for shipment of flammable liquids and corrosive materials. (Modes 1, 2, 3.)
EE 7774-X	DOT-E 7774	Pipe Recovery Systems, Incorporated, Houston, TX.	49 CFR 173.246, 175.3	To authorize shipment of bromine trifluoride in non-DOT specification cylinders. (Modes 1, 2, 4.)
EE 7808-X	DOT-E 7808	Waterbury Companies, Inc., Waterbury, CT.	49 CFR 173.304, 175.3, 178.33a	To authorize shipment of insecticides and liquefied gas mixtures, in inside nonrefillable aluminum containers comparable to DOT Specification 2D cylinders equipped with integral pressure relief system. (Modes 1, 2, 3, 4.)
EE 7834-X	DOT-E 7834	Magnaflux Corporation, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 7834-X	DOT-E 7834	Magnaflux Corporation, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 7834-X	DOT-E 7834	Magnaflux, Chicago, IL	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines, overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
EE 7887-X	DOT-E 7887	Vulcan Systems, Inc., Colorado Springs, CO.	49 CFR 172.101, 173.111, 175.3, Part 107, Appendix B.	Authorizes the shipment of packages of toy propellant devices as an ORM–D material and excepted from labeling requirements. (Modes 1, 2, 3, 4, 5.)
EE 8006-X	DOT-E 8006	Strombecker Corporation, Chicago, IL.	49 CFR 172.400(a), 172.504 Table 2.	To authorize transport of unlabeled packages of toy paper or plastic caps complying with the requirements of 173.100(p) and 173.109, in motor vehicles with placards, when the gross weight of the caps is 1000 pounds or more. (Mode 1.)
EE 8127-X	DOT-E 8127	Societe Nationale des Poudres et Explosifs, (SNPE) Bergerac, France.	49 CFR 171.12(d), 173.127, 173.184, 178.224.	To authorize use of a non-DOT specification fiberboard drum, for shipment of wet nitrocellulose. (Modes 1, 2, 3.)
EE 8151-X	DOT-E 8151	Ropak West, Inc., La Mirada, CA	49 CFR 178.19, Part 173, Subparts D, and F.	To authorize shipment of liquid hazardous materials, in non-DOT specification removable head polyethylene drums. (Modes 1, 2, 3.)
EE 8214-P	DOT-E 8214	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8214. (Modes 1, 2, 3, 4.)
EE 8214-X	DOT-E 8214	Toyota Motor Sales, Inc., Torrance, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
EE 8214-X	DOT-E 8214	Toyota Motor Sales, U.S.A., Inc., Torrance, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
EE 8214-X	DOT-E 8214	Mazada Motor of America, Inc., Irvine, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
EE 8214-X	DOT-E 8214	Mitsubishi Motor Sales of America, Inc., Cypress, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
EE 8214-X	DOT-E 8214	Mazda Motor of America, Inc., Irvine CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of inflators and modules in passive restraint systems used in automobiles as flammable solids, n.o.s. (Modes 1, 2, 3, 4.)
EE 8236-P	DOT-E 8236	Ford Motor Company, Dearborn, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8236. (Modes 1, 2, 3, 4.)
EE 8236-X	DOT-E 8236	Mazda Motor of America, Inc., Irvine CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of a passive restraint system, and the inflator therefore, containing a class B explosive as a flammable solid.
EE 8236-X	DOT-E 8236	Mazda Motor of America, Inc., Irvine CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To authorize transport of a passive restraint system, and the inflator therefore, containing a class B explosive as a flammable solid. (Modes 1, 2, 3, 4.)
EE 8273-P	DOT-E 8273	Mazda Motor of America, Inc., Irvine, CA.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, 4.)
EE 8273-P	DOT-E 8273	Mazda (North America), Inc., Flat Rock, MI.	49 CFR 171.11 (see paragraph 8.d.), 173.153, 173.154, 175.3.	To become a party to exemption 8273. (Modes 1, 2, 3, 4.)
EE 8390-X	DOT-E 8390	Texas Instruments, Inc., Dallas, TX	49 CFR 173.272, 178.210, 173.24a	Authorizes the shipment of 95 percent—98 percent sulfuric acid in DOT Specification 2E polyethylene bottles overpacked in DOT Specification 12A80 fiberboard boxes. (Mode 1.)
EE 8426-X	DOT-E 8426	Ancon Environmental Services, Wilmington, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC–307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8426-X	DOT-E 8426	Rich-Sand Service Company, Santa Maria, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying with DOT Specification MC-307/312 with certain exceptions, for transportation of liquid and semi-solid waste materials. (Mode 1.)
EE 8451-P	DOT-E 8451	Day & Zimmerman, Inc., Long Star Division, Texarkana, TX.	49 CFR 173.65, 173.86(e), 175.3	To become a party to exemption 8451. (Modes 1, 2, 4.)
EE 8451-X	DOT-E 8451	Morton International, Odgen, UT	49 CFR 173.65, 173.86(e), 175.3	To authorize transport of not more than 25 grams of high explosives and pyrotechnic material in a specified shipping container, classed as Class C explosive. (Modes 1, 2, 4.)
EE 8453-X	DOT-E 8453	El Dorado Chemical Company, St. Louis, MO.	49 CFR 173.114a	To authorize use of non-DOT specification cargo tanks and DOT Specification MC-308, MC-306, MC-307, or MC-312 stainless steel cargo tanks, to transport blasting agent. (Modes 1, 3.)
EE 8518-X	DOT-E 8518	Universal Engineering, Inc., Benicia, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8518-X	DOT-E 8518	GSX Services of California, Inc., Martinez, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8518-X	DOT-E 8518	Gallighen, Inc., Ventura, CA	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8518-X	DOT-E 8518	Speed's Oil Tool Service, Inc., Santa Maria, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC-307 or MC-312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
EE 8519-X	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland.	49 CFR 176.905(L)	To authorize stowage of motor vehicles with their fuel tanks containing gasoline, classed as a flammable liquid, in the same cargo compartment with other hazardous materials on specially equipped roll-on/roll-off cargo vessels. (Mode 1.)
EE 8554-X	DOT-E 8554	Amos L. Dolby Company, Corsica, PA.	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Ramec Explosives of Pennsylvania, Incorporation Allentown, PA.	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
EE 8554-P	DOT-E 8554	Mt. State Bit Service, Inc., Morgantown, WV.	49 CFR 173.114a, 173.154, 173.93	To become a party to exemption 8554. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Geenen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Olson Explosives, Inc., Deborah, IA	49 CFR 173.114a, 173.154, 173.93	To authorize shipment of batteries containing lithium and other materials, classed as flammable solid. (Modes 1, 3.)
EE 8554-P	DOT-E 8554	Woodard Explosives, Inc., Albuquerque, NM.	49 CFR 173.114a, 173.154, 173.93	To become a party of exemption 8554. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Olson Explosives, Inc., Decorah, IA	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Geenen Explosives, Inc., Kaukauna, WI.	49 CFR 173.114a, 173.154, 173.93	To authorize transport of propellant explosives, blasting agents and oxidizers, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Modes 1, 3.)
EE 8554-X	DOT-E 8554	Olson Explosives, Inc., Decorah, IA	49 CFR 173.114a, 173.154, 173.93	Authorizes the transport of propellant explosives and blasting agents, in DOT Specification MC-306, MC-307, and MC-312 cargo tanks. (Modes 1, 3).
EE 8582-X	DOT-E 8582	Kansas City Southern Railway Company, Kansas City, MO.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment (Mode 1).
EE 8582-X	DOT-E 8582	The Iowa Northern Railway Company, Greene, IA.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).
EE 8582-P	DOT-E 8582	Teleco, Peoria, & Western Railway Corproation East, Peoria, IL.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1).
EE 8582-X	DOT-E 8582	Iowa Interstate Railroad, Iowa City, IA.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8582-X	DOT-E 8582	The Kansas City Southern Railway Company, Kansas City, MO.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).
EE 8582-P	DOT-E 8582	Montana Rail Link, Inc., Missoula, MT.	49 CFR Parts 100-177	To become a party to exemption 8582 (Mode 1).
EE 8582-X	DOT-E 8582	Iowa Interstate Railroad, Ltd., Iowa City, IA.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).
EE 8582-X	DOT-E 8582	Kansas City Southern Railway Company, Kansas City, MO.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as non-regulated rail carrier equipment. (Mode 1).
EE 8582-X	DOT-E 8582	Iowa Interstate Railroad, Ltd., Iowa City, IA.	49 CFR Parts 100-177	To authorizes transportation of railway track torpedoes and fusees packed in metal kits, in motor vehicles by railroad maintenance crews as nonregulated rail carrier equipment. (Mode 1).
EE 8620-X	DOT-E 8620	Polar Tank Trailers, Inc., Holdingford, MN.	49 CFR 173.199(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorizes manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/MC-312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1).
EE 8626-P	DOT-E 8626	PRETREAT, Inc., Midland, TX	49 CFR 173.2450(a)	To become a party to exemption 8626 (Mode 1).
EE 8627-X	DOT-E 8627	Ancor Services, Inc., Kilgore, TX	49 CFR 173.119, 173.245, 178.253	To authorizes use of six non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable and corroeive liquids (Mode 1).
EE 8627-X	DOT-E 8627	ANCOR Services, Inc., Kilgore, TX	49 CFR 173.119, 173.245, 178.253	To authorizes use of six non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable and corroeive liquids (Mode 1).
EE 8627-X	DOT-E 8627	Ancor Services, Inc., Kilgore, TX	49 CFR 173.119, 173.245, 178.253	To authorize use of six non-DOT specification portable tanks manifolded together with a frame and securely mounted on a truck chassis, for transportation of flammable and corroeive liquids. (Mode 1.)
EE 8627-P	DOT-E 8627	Chemical Consultants, Inc., Gillette, WY.	49 CFR 173.119, 173.245, 178.253	To become a party to exemption 8627 (Mode 1.)
EE 8723-X	DOT-E 8723	Dame Incorporated, Roanoke, VA	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 2.)
EE 8723-P	DOT-E 8723	Econex Incorporated, Wheaton, IL	49 CFR 172.101, 173.114a(h)(3), 173.154, 176.415, 176.83.	To become a party to exemption 8723 (Modes 1, 2.)
EE 8878-X	DOT-E 8878	Preussag Pure Metals GmbH, Langelsheim, West Germany.	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1.)
EE 8937-X	DOT-E 8937	Spectrulite Consortium, Inc., Madison, IL.	49 CFR 173.178	To authorize shipment of coated magnesium granules in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2000 pounds each. (Modes 1, 2, 3.)
EE 8937-X	DOT-E 8937	Spectrulite Consortium, Inc., Madison, IL.	49 CFR 173.178	To authorize shipment of coated magnesium granules in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2000 pounds each. (Modes 1, 2, 3.)
EE 8938-X	DOT-E 8938	Cryogenic Services Incorporated, Canton, GA.	49 CFR 173.304(a)(2), 173.316(a), 175.3.	To authorize manufacture, marking and sale of DOT Specification 4L welded cylinders, for transportation of nonflammable gases. (Modes 1, 2, 3, 4.)
EE 8956-X	DOT-E 8956	Clif Mock Company, Conroe, TX	49 CFR 173.119, 173.302(a)(1), 173.304(a)(1), 173.304(b)(1), 175.3, 178.42.	To manufacture; mark and sell certain steel cylinders for transporting samples of liquefied petroleum gas, oil well natural gas, and other petroleum hydrocarbon gases or liquids. (Modes 1, 3, 4.)
EE 8966-P	DOT-E 8966	Hasa Inc., Santa Clarita, CA	49 CFR 173.263(a)(15), 173.277(a)(1), 178.205.	To become a party to exemption 8966 (Mode 1.)
EE 8988-X	DOT-E 8988	Baker Sand Control, Houston, TX	49 CFR 172.101, 173.110, 173.80, 175.30.	To authorize transport of charged oil well guns as Class C explosive when the net weight of explosive material in the vehicle or vessel does not exceed 200 pounds. (Modes 1, 3, 4.)
EE 9019-X	DOT-E 9019	Completion Services, Inc., Lafayette, LA.	49 CFR 173.119, 173.125, 173.263, 173.264, 173.277, 46 CFR 64.9.	To authorize use of a marine portable tank, for transportation of certain flammable and corrosive liquids. (Mode 1.)
EE 9061-X	DOT-E 9061	Leonard Joseph Co., & Salesport Manufacturing, Co. Denver, CO.	49 CFR 172.504, 173.178	To authorize shipment of small quantity of a flammable solid labeled Flammable Solid and Dangerous When Wet but without a Flammable Solid W placard on the vehicle. (Modes 1, 2.)
EE 9063-X	DOT-E 9063	Hoechst Aktiengesellschaft, Frankfurt, West Germany.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of non-flammable compressed gases. (Modes 1, 2, 3.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9220-X	DOT-E 9220	Custom Packaging Systems, Inc., Manistee, MI.	49 CFR 173.182, 173.217, 173.245b.	To authorize manufacture, marking and sale of non-DOT specification collapsible flexible bag, disposable bulk container, for transportation of corrosive solids and oxidizers. (Modes 1, 2, 3.)
EE 9275-P	DOT-E 9275	Brigade International, Manasquan, NJ.	49 CFR Parts 100–199	To become a party to exemption 9275 (Modes 1, 2, 3, 4, 5.).
EE 9332-X	DOT-E 9332	Johnson Matthey Company West Chester, PA.	49 CFR 172.101, 173.150, 175.3	To authorize transport of a solid explosive dissolved in an ammonia solution as a flammable solid, in DOT Specification 34 polyethylene containers or DOT Specification 2E polyethylene bottles, packed in DOT Specification 15A wooden boxes. (Modes 1, 2, 4.)
EE 9343-X	DOT-E 9343	Aluminum Company of America, Pittsburgh, PA.	49 CFR 173.206	To authorize transportation of lithium metal in stainless steel DOT Specification portable tanks. (Mode 1.)
EE 9357-P	DOT-E 9357	Tiphook Special Equipment Rental, Inc. Bromley, Kent BR11NA England.	49 CFR 173.315, 178.245	To become a party to exemption 9357. (Modes 1, 2, 3.)
EE 9357-P	DOT-E 9357	Tiphook Special Equipment Rental, Ltd. Bromley, Kent BR11NA England.	49 CFR 173.315, 178.245	To become a party to exemption 9357. (Modes 1, 2, 3.)
EE 9357-P	DOT-E 9357	Tiphook Special Equipment Rental, Ltd. Bromley Kent BR11NA England.	49 CFR 173.315, 178.245	To become a party to exemption 9357. (Modes 1, 2, 3.)
EE 9387-X	DOT-E 9387	HCB States Corporation, Indianapolis, IN.	49 CFR 173.334	To authorize transport of certain mixtures of 2,2-Dichlorovinyl Dimethyl Phosphate (DDVP) and compressed gas in packagings which are not authorized for those mixtures. (Mode 1.)
EE 9388-X	DOT-E 9388	Gulf Central Storage & Terminal Company, Tulsa, OK.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
EE 9388-X	DOT-E 9388	Cominco American, Incorporated, Spokane, WA.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
EE 9388-X	DOT-E 9388	Cominco American, Incorporated, Spokane, WA.	49 CFR 173.314(e)	To authorize use of DOT specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. (Mode 2.)
EE 9480-X	DOT-E 9480	Airco the Boc Group, Inc., Murray Hill, NJ.	49 CFR 173.302(a)(5)	To authorize transport of tetrafluoromethane and mixture thereof IN DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4.)
EE 9610-P	DOT-E 9610	Alliant Techsystems, Inc., Hopkins, MN.	49 CFR 172.203(a), (e), 172.204, 173.29(a), (d), Part 107, Appendix B, Parts 171–188.	To become a party to exemption 9610. (Modes 1, 2.)
EE 9617-X	DOT-E 9617	Buckley Powder Company, Englewood, CO.	49 CFR 177.848(f), Part 107, Appendix B(f).	To authorize transport of a specially defined detonating cord on the same motor vehicle with Class A and C detonators. (Modes 1, 3.)
EE 9617-X	DOT-E 9617	Buckley Powder Company, Englewood, CO.	49 CFR 177.848(f), Part 107, Appendix B(f).	To authorize transport of a specially defined detonating cord on the same motor vehicle with Class A and C detonators. (Modes 1, 3.)
EE 9623-X	DOT-E 9623	Buckley Powder Company, Englewood, CO.	49 CFR 177.835(c)(3)	To authorize transport of a blasting agent or an oxidizer in a DOT Specification MC–306 or MC–307 cargo tank with a storage box containing Class A explosives mounted directly behind the tractor cab. (Mode 1.)
EE 9706-X	DOT-E 9706	Taylor-Wharton Cylinders, Harrisburg, PA.	49 CFR 173.301(h), 173.302, 173.304, 173.34(a)(1), 175.3, 178.37.	To authorize manufacture, marking and sale of non-DOT specification cylinder complying in part with the DOT–3AA specification, for transportation of certain flammable gases, nonflammable gases and poison A materials. (Modes 1, 2, 3, 4.)
EE 9711-X	DOT-E 9711	Konica Business Machines U.S.A., Inc., Windsor, CT.	49 CFR 173.245(a)(12), 175.3	To authorize shipment of a corrosive liquid in a nylon-reinforced polyethylene bag of 5-liter (1.22 gallon) capacity which is placed in an inside corrugated fiberboard carton with not more than two cartons overpacked in a DOT Specification 12B30 corrugated fiberbroad box. (Modes 1, 2, 4.)
EE 9716-X	DOT-E 9716	Corodyne II, Incorporated, West Liberty, OH.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinder, for shipment of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
EE 9723-X	DOT-E 9723	Triumvirate, Inc., Boston, MA	49 CFR 177.848(b)	To authorize shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Mode 1.)
EE 9723-X	DOT-E 9723	Triumvirate Environmental, Inc., Boston, MA.	49 CFR 177.848(b)	To authorize shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Mode 1.)
EE 9723-X	DOT-E 9723	Triumvirate Environmental, Inc., Boston, MA.	49 CFR 177.848(b)	To authorize shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9723-X	DOT-E 9723	Triumvirate Environmental, Inc., Boston, MA.	49 CFR 177.848(b)	Authorizes the shipment of "lab-packs" containing cyanides and cyanide mixtures with "lab-packs" containing acids and corrosive liquids in the same transport vehicle. (Mode 1.)
EE 9747-X	DOT-E 9747	Aerosol Services Company, Inc., City of Industry, CA.	49 CFR 173.304(d)(3), 173.306, 175.3, 178.33–2, 178.33–7.	Authorizes use of a non-DOT specification packaging, comparable to a DOT–2P except for size and thickness, for shipment of materials authorized in a DOT–2P. (Modes 1, 2, 3, 4.)
EE 9750-X	DOT-E 9750	LaRoche Industries Inc., Atlanta, GA.	49 CFR 173.154(a)(18)	To authorize transport of ammonium nitate solution containing not less than 13% water in DOT specification MC–307 insulated cargo tank or a DOT Specification MC–311 insulated cargo tank. (Mode 1.)
EE 9771-X	DOT-E 9771	Alliant Techsystems Incorporated, New Brighton, MN.	49 CFR 172.101, 173.88	To authorize shipment of unclassed waste explosive scrap, for disposal, packaged in specially designed containers. (Mode 1.)
EE 9771-X	DOT-E 9771	Alliant Techsystems Incorporated, New Brighton, MN.	49 CFR 172.101, 173.88	To authorize shipment of unclassed waste explosive scrap, for disposal, packaged in specially designed containers. (Mode 1.)
EE 9775-X	DOT-E 9775	Rotocast Plastic Products, Inc., Miami, FL.	49 CFR 173.3(c)	To authorize manufacture, marking and sale of a polyethylene, removable head salvage drum of 85-gallon for overpacking of damaged or leaking packages of hazardous materials of no greater than 55-gallon, or for packing hazardous materials that have spilled or leaked, for repackaging or disposal. (Modes 1, 2.)
EE 9841-X	DOT-E 9841	Liquid and Gas Transport BV, Rotterdam-Botlek, Holland.	49 CFR 173.315, 178.245–1(b)	To authorize shipment of flammable gases, non-flammable gases and flammable liquid in a non-DOT specification IMO Type 5 portable tank. (Mode 1, 2, 3.)
EE 9841-P	DOT-E 9841	Stolt Tank Container, Inc., Monrovia, Liberia.	49 CFR 173.315, 178.245–1(b)	To become a party to exemption 9841. (Modes 1, 2, 3.)
EE 9851-X	DOT-E 9851	Trans States Airlines, St. Louis, MO.	49 CFR Parts 100–199	Authorizes a one-time shipment of insulated dewars containing liquid nitrogen to be transported in the cabin of a passenger-carrying aircraft under special conditions. (Mode 5.)
EE 9886-X	DOT-E 9886	Clayton Mark Inc., Rogers, AR	49 CFR 173.306, Part 172, Subpart D, E.	To authorize manufacture, marking and sale of non-DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches and a precharge of compressed air or nitrogen not exceeding 42 psig. (Modes 1, 2, 3.)
EE 9886-X	DOT-E 9886	Clayton Mark Inc., Rogers, AR	49 CFR 173.306, Part 172, Subpart D, E.	To authorize manufacture, marking and sale of non-DOT specification steel water pump system tank with an outside diameter not exceeding 26 inches and a precharge of compressed air or nitrogen not exceeding 42 psig. (Modes 1, 2, 3.)
EE 9902-X	DOT-E 9902	Purusar Corp., Sunnyvale, CA	49 CFR 173.273	To authorize use of a DOT Specification 3AA cylinder having a capacity greater than one (1) gallon for the transportation of sulfur trioxide, unstabilized. (Mode 1.)
EE 9916-X	DOT-E 9916	Petrolite Corporation, St. Louis, MO.	49 CFR 173.124(a)(6)(i), (ii), (vii)	To authorize shipment of ethylene oxide in 4,760 gallon DOT Specification 51 portable tanks with safety relief valves set at 145 psig and a vacuum/perlite insulation system. (Modes 1, 2, 3.)
EE 9926-X	DOT-E 9926	Implementos Agricolas LaLa, N.A., Durango, Mexico.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(a)(2), 175.3, 178.65–2, 178.65–5.	To authorize manufacture, marking and sale of nonrefillable, non-DOT specification cylinders designed and manufactured in accordance with DOT–39 specification, except for material of construction. (Modes 1, 2, 3, 4, 5.)
EE 9926-X	DOT-E 9926	Implementos Agricolas LaLa, S.A., Cursoco, Mexico.	49 CFR 173.302(a)(1), 173.304(a)(1), 173.304(a)(2), 175.3, 178.65–2, 178.65–5.	To authorize manufacture, marking and sale of nonrefillable, non-DOT specification cylinders designed and manufactured in accordance with DOT–39 specification, except for material of construction. (Modes 1, 2, 3, 4, 5.)
EE 9941-X	DOT-E 9941	McDonnell Douglas, Huntington Beach, CA.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize transport of rocket motors in a propulsive state with igniters installed. (Mode 1.)
EE 9941-X	DOT-E 9941	Thiokol Corporation, Huntsville Division, Huntsville, AL.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To authorize transport of rocket motors in a propulsive state with igniters installed. (Mode 1.)
EE 9941-P	DOT-E 9941	Orbital Science Corporation, Chandler, AZ.	49 CFR 173.88(e)(2)(ii), 173.92(a)(i), 173.92(b).	To become a party to exemption 9941. (Mode 1.)
EE 9969-X	DOT-E 9969	G.C. Industries, Inc., Chatsworth, CA.	49 CFR 173.119, 173.121, 173.123, 173.124, 173.141, 173.145, 173.251, 173.252, 173.255, 173.264, 173.276, 173.302, 173.304, 173.326, 173.333, 173.336, 173.337, 173.352.	To authorize transport of small amounts of liquids and gases in diffusion tubes overpacked in a capped pipe nipples. (Modes 1, 4.)
EE 9969-X	DOT-E 9969	G.C. Industries, Inc., Chatsworth, CA.	49 CFR 173.119, 173.121, 173.123, 173.124, 173.141, 173.145, 173.251, 173.252, 173.255, 173.264, 173.276, 173.302, 173.304, 173.326, 173.333, 173.336, 173.337, 173.352.	To authorize transport of small amounts of liquids and gases in diffusion tubes overpacked in a capped pipe nipples. (Modes 1, 4.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9969-X	DOT-E 9969	G.C. Industries, Inc., Fremont, CA	49 CFR 173.119, 173.121, 173.123, 173.124, 173.141, 173.145, 173.251, 173.252, 173.255, 173.264, 173.276, 173.302, 173.304, 173.328, 173.333, 173.336, 173.337, 173.352.	Authorizes transport of small amounts of liquids and gases in diffusion tubes overpacked in capped pipe nipples. (Modes 1, 4.)
EE 9990-P	DOT-E 9990	Alliant Techsystems, Inc., Hopkins, MN.	49 CFR 173.113	To become a party to exemption 9990 (Mode 1.)
EE 10103-X	DOT-E 10103	DuLaur Products, Inc., Vassar, MI	49 CFR Parts 100–177	To authorize shipment of a sodium azide-based air bag module, classed as an explosive Power Device Class C, packaged in a foam molded polyethylene copolymers on a high density polyethylene pallet contained by stretch wrapping as an unregulated item. (Mode 1.)
EE 10103-X	DOT-E 10103	N.N/B.-ORION, Inc., Rochester Hills, MI.	49 CFR Parts 100–177	To authorize shipment of a sodium azide-based air bag module, classed as an explosive Power Device Class C, packaged in a foam molded polyethylene copolymers on a high density polyethylene pallet contained by stretch wrapping as an unregulated item. (Mode 1.)
EE 10180-X	DOT-E 10180	Convenience Marine Products, Inc., Grand Rapids, MI.	49 CFR 173.304(a)(2), 173.34(d)	To manufacture, mark and sell cylinders similar to DOT Specification 39 without a relief device to be used as a fire extinguisher charged with a nonflammable liquefied compressed gas. (Modes 1, 3, 4.)
EE 10180-P	DOT-E 10180	Convenience Marine Products, Inc., Grand Rapids, MI.	49 CFR 173.304(a)(2), 173.34(d)	To become a party to exemption 10180 (Modes 1, 3, 4.)
EE 10301-X	DOT-E 10301	Fred Hutchinson Cancer Research Center, Seattle, WA.	49 CFR Parts 100 through 199	To authorize shipment of liquid nitrogen contained in an insulated plastic container to be transported in the cabin of a passenger-carrying aircraft under special conditions, except from party of 49 CFR. (Mode 5.)
EE 10318-X	DOT-E 10318	Sonoco Fibre Drum, Inc., Lombard, IL.	49 CFR 173.119, 173.125, 173.266, Part 173, Subpart F.	To authorize manufacture, marking and sale of nonreusable non-DOT specification blow molded, polyethylene portable tank enclosed in a steel frame, for shipment of corroeive materials, flammable liquids, or an oxidizer. (Modes 1, 2.)
EE 10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ	49 CFR 179.200–18(b)	To authorize shipment of hydrochloric acid in DOT Specification 111A100W5 tank car tanks equipped with an orifice plate in line with the safety relief device. (Mode 2.)
EE 10354-X	DOT-E 10354	BASF Corporation, Parsippany, NJ	49 CFR 179.200–18(b)	To authorize shipment of hydrochloric acid in DOT Specification 111A100W5 tank car tanks equipped with an orifice plate in line with the safety relief device. (Mode 2.)
EE 10369-N	DOT-E 10369	BAdco Chemical Company, Newark, NJ.	49 CFR 173.24(a)(2), 173.510(a)(5)	To authorize a one-time shipment of hazardous substance, solid, n.o.s. in a DOT Specification 111A100W1 tank car tank with a defective tank shell. (Mode 2.)
EE 10375-N	DOT-E 10375	Soltam, Ltd., Haifi, Israel	49 CFR 172.101 TABLE COLUMN 6(b), 175.30.	To authorize transport of ammunition for cannon with explosive projectile and ammunition for cannon with invert projectile aboard cargo aircraft. (Mode 4.)
EE 10376-N	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading connections attached. (Mode 2.)
EE 10376-X	DOT-E 10376	Minnesota Commercial Railway Company, Chicago, IL.	49 CFR 174.67(j)	To authorize DOT Specification 105A500W tank car tanks loaded with carbon dioxide, refrigerated liquid, to remain standing with unloading connections attached. (Mode 2.)
EE 10377-N	DOT-E 10377	LCP Chemicals, Lockport, NY	49 CFR 173.29(c)(2), 179.102–2	To authorize transport of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10378-N	DOT-E 10378	Erman Corporation, Inc., Kansas City, KS.	49 CFR 172.203(c), Part 107, Appendix B to Subpart B, Part 172, Subparts D, E, F.	To authorize the one-time-only transport of a shipment of radioactive contaminated scrap steel contained in a gondola type railcar without regard to specification packaging, marking, labeling, placarding and certain shipping paper. (Mode 2.)
EE 10379-N	DOT-E 10379	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 179.102–2, Part 172, Subparts D, E, F173.31(b).	To authorize transportation of a DOT Specification 105A500W tank car with a defective safety relief valve, equipped with a chlorine "C" kit for the transportation of chlonne. (Mode 2.)
EE 10397-N	DOT-E 10397	Occidental Chemical, Corporation	49 CFR 173.31a, 179.14	To authorize a one-time shipment of vinyl chloride in a DOT Specification 105J300W tank car tank with the double shelf coupler and draft gear on the "A" end, completely detached from the car. (Mode 2.)
EE 10398-N	DOT-E 10398	Allied Signal, Incorporated, Morristown, NJ.	49 CFR 173.29(c)(2), 179.100–15	To authorize transport of a DOT Specification 112S400W tank car tank with a defective safety relief valve for the transportation of a residue of hydrogen fluoride. (Mode 2.)
EE 10399-N	DOT-E 10399	U.S Department of Defense, Falls Church, VA.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To authorize shipment of an explosive item classified and marked as Rocket Ammunition with Smoke Projectile, Class B explosive, and packed in accordance with 173.90. (Modes 1, 4.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10401-N	DOT-E 10401	United Technologies Corporation, San Diego, CA.	49 CFR 173.113	To authorize transport of a detonating fuze in a packaging which exceeds the 190 pound gross weight limitation in 49 CFR 173.113. (Mode 1.)
EE 10401-X	DOT-E 10401	United Technologies Corporation—Advanced Systems, San Diego, CA.	49 CFR 173.113	To authorize transport of a detonating fuze in a packaging which exceeds the 190 pound gross weight limitation in 49 CFR 173.113. (Mode 1.)
EE 10402-N	DOT-E 10402	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.336	To authorize shipment of a non-DOT specification Molecular Sieve Column assemble containing a nitrogen tetroxide mixture overpacked in a non-DOT specification plywood box. (Mode 1.)
EE 10402-X	DOT-E 10402	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.336	To authorize shipment of a non-DOT specification Molecular Sieve Column assemble containing a nitrogen tetroxide mixture overpacked in a non-DOT specification plywood box. (Mode 1.)
EE 10403-N	DOT-E 10403	U.S Department of Defense, Falls Church, VA.	49 CFR 172.101, 175.3	To authorize transport by cargo only aircraft of Class A explosives which are forbidden in 172.101. (Mode 4.)
EE 10404-N	DOT-E 10404	Merck & Company, Rahway, NJ	49 CFR 173.314(c)	To authorize shipment of a DOT Specification 105A600W tank car filled with hydrogen chloride, refrigerated liquid less than the required minimum permitted filing density. (Mode 2.)
EE 10422-N	DOT-E 10422	Shapiro Brothers of Illinois, Incorporated, Mt. Vernon, IL.	49 CFR 172.203(d), Part 172, Subparts D, F, Part 173, Subpart I.	To authorize transport of radioactive contaminated scrap steel within a gondola rail car. (Mode 2.)
EE 10423-N	DOT-E 10423	Ferrellgas, Inc., Liberty, MO	49 CFR 173.315(j)(4)	To authorize a one-time shipment of ASME Code "U" stamped storage containers charged with liquefied petroleum gas to over 5 percent of their water capacity. (Mode 1.)
EE 10424-N	DOT-E 10424	Pennsylvania Engineering Company, Philadelphia, PA.	49 CFR 173.34 (e)(9); (e)(10)	To authorize shipment of a specific gas mixture in DOT Specification 4BA240 cylinders retested in accordance with the provisions of 49 CFR 173.34 (e)(9) and (e)(10). (Mode 1.)
EE 10425-N	DOT-E 10425	Chapman Chemical Company, Memphis, TN.	49 CFR 173.245	To authorize use of a non-DOT specification combination packaging equivalent to the DOT Specification 12P/2U combination packaging for shipment of a certain corrosive liquid. (Mode 1.)
EE 10426-N	DOT-E 10426	Matrix Construction, Inc., Anchorage, AK.	49 CFR 172.101 Table, Column 6, 175.90.	To authorize shipment of liquefied petroleum gas in DOT Specification 51 portable tanks exceeding the weight limitations authorized for shipment by cargo aircraft. (Mode 4.)
EE 10427-N	DOT-E 10427	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.145, 173.276, 173.301, 173.302, 173.336, 173.92.	To authorize shipment of several types of "Flight-ready" spacecraft each containing one or more hazardous materials in specially designed non-DOT specification transport containers. (Mode 1.)
EE 10428-N	DOT-E 10428	Astrotech Space Operations, L.P., Silver Spring, MD.	49 CFR 173.145, 173.276, 173.336	To authorize shipment of propellant transfer carts each containing a hazardous material in specially designed non-DOT specification ground support transport containers. (Mode 1.)
EE 10429-X	DOT-E 10429	Nalco Chemical Company, Naperville, IL.	49 CFR 177.834(h), Part 107 appendix B(1), Part 173 Subparts D and F.	To reissue exemption originally issued on an emergency basis to authorize shipment of flammable liquids, organic peroxide and corrosive materials in DOT specification 57 portable tanks to be unloaded without being removed from the vehicle. (Mode 1.)
EE 10429-N	DOT-E 10429	Nalco Chemical Company, Naperville, IL.	49 CFR 177.834(h), Part 107 appendix B(1), Part 173 Subparts D and F.	To authorize the discherge of certain flammable and corrosive liquids from DOT specification 57 stainless steel portable tanks without removing the tanks from the vehicle on which it is transported. (Mode 1.)
EE 10435-N	DOT-E 10435	Enviro-Vac, Inc., Houston, TX	49 CFR 173.119 (a), (m), 173.245, 173.346(a), 178.340–7, 178.343–5.	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks, for transportation of flammable liquids, corrosive material or poison B materials. (Mode 1.)
EE 10436-N	DOT-E 10436	Sandoz Chemical Corp., Charlotte, NC.	49 CFR 173.365	To authorize use of insulated DOT specification MC-307 cargo tanks, for shipment of a certain Class B poison. (Mode 1.)
EE 10444-N	DOT-E 10444	Vulcan Chemicals, Birmingham, AL	49 CFR 173.29(c)(2), 179.102–2	To authorize transport of a DOT specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10445-N	DOT-E 10445	Dow Chemical U.S.A., Freeport, TX	49 CFR 173.29(c)(2), 179.102–2	To authorize transport of a DOT specification 104A500 tank car tank with a defective safety relief valve for the transportation of sulfur dioxide residue. (Mode 2.)
EE 10446-N	DOT-E 10446	Vulcan Chemicals, Birmingham, AL	49 CFR 173.29(c)(2), 179.100–13	To authorize transport of a DOT specification 105A500W tank car tank with defective vapor valves for the transportation of chlorine residue. (Mode 2.)
EE 10448-N	DOT-E 10448	Sultanate of Oman	49 CFR 172.101 table, Column 6b, 175.30.	To authorize shipment of rocket ammunition with explosive projectile, Class A explosive, which are forbidden for transportation by air. (Mode 4.)
EE 10449-N	DOT-E 10449	Natural Gas Company of Texas, Austin, TX.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT specification 3AA cylinders for compressed natural gases. (Mode 1.)
EE 10449-X	DOT-E 10449	Tren-Fuels, Inc., Austin, TX	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize use of DOT specification 3AA cylinders for compressed natural gases. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10450–N.	DOT–E 10450	British Aerospace PLC Stevenage Herts, United Kingdom.	49 CFR 172.101	To authorize transport of certain Class A and B explosives in cargo aircraft. (Mode 4.)
EE 10453–N.	DOT–E 10453	E.I. du Pont de Nemours and Company, Inc., Wilmington, DE.	49 CFR 173.300(i)	To authorize a change in the definition of dispersant and refrigerant gases. (Modes 1, 2.)
EE 10454–N.	DOT–E 10454	M. Burstein & Co., Inc., Chelsea, MA.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, paragraph (1), Part 172, Subparts D, E, F.	To authorize one-time only transport of a shipment of aluminum scrap, contaminated with a small amount of radioactive material, contained in a closed trailer van without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 1.)
EE 10467–N.	DOT–E 10467	ACF, Industries Incorporated, Earth City, MO.	49 CFR 173.31 (b)(1), 173.31 (b)(3)	To authorize transport of a DOT Specification 105A500W tank car tank with a defective vapor valve for the transportation of chlorine. (Mode 2.)
EE 10467–X.	DOT–E 10467	ACF, Industries Incorporated, Earth City, MO.	49 CFR 173.31 (b)(1), 173.31 (b)(3)	To authorize transport of a DOT Specification 105A500W tank car tank with a defective vapor valve for the transportation of chlorine. (Mode 2.)
EE 10467–X.	DOT–E 10467	ACF, Industries Incorporated, Earth City, MO.	49 CFR 173.31(b)(1), 173.31(b)(3)	To authorize transport of a DOT Specification 105A500W tank car tank with a defective vapor valve for the transportation of chlorine. (Mode 2.)
EE 10468–N.	DOT–E 10468	Clawson Tank Company, Clarkson, MI.	49 CFR 173, Subparts D and F	To authorize the use of a non-DOT Specification rotationally molded, linear low density, high density, or linear medium density polyethylene portable tank, enclosed with a protective wire frame for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
EE 10468–X.	DOT–E 10468	Clawson Tank Company, Clarkson, MI.	49 CFR 173, Subparts D and F	To authorize the use of a non-DOT Specification rotationally molded, linear low density, high density, or linear medium density polyethylene portable tank, enclosed with a protective wire frame for the shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2.)
EE 10474–N.	DOT–E 10474	Occidental Chemical Corporation, Tacoma, WA.	49 CFR 173.31(a), 179.102–2	To authorize transport of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine. (Mode 2)
EE 10482–N.	DOT–E 10482	U.S. Department of Energy, Washington, DC.	49 CFR 173.51, 173.65, Part 107, Appendix B(1), Part 172, Subparts D, E.	To authorize one-time shipment of aged picric acid and diethyl ether in a specially designed bomb basket and trailer. (Mode 1.)
EE 10489–N.	DOT–E 10489	U.S. Department of Defense, Washington, DC.	49 CFR 172.101	To authorize the transportation of ammunition for cannon with smoke projectile as a Class B explosive. (Modes 1, 2, 3, 4.)
EE 10491–N.	DOT–E 10491	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.31(a), 179.102–2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine. (Mode 2.)
EE 10493–N.	DOT–E 10493	Korean Air Line Company, Los Angeles, CA.	49 CFR 173.101 table, Column (6)(b), 175.30.	To authorize the shipment of explosives which are forbidden for transportation by air or are in quantities greater than those prescribed for air transportation. (Mode 4.)
EE 10493–X.	DOT–E 10493	Korean Air Lines Company, Los Angeles, CA.	49 CFR 173.101 table, Column (6)(b), 175.30.	To authorize the shipment of explosives which are forbidden for transportation by air or are in quantities greater than those prescribed for air transportation. (Mode 4.)
EE 10494–N.	DOT–E 10494	Atochem North America, Tacoma, WA.	49 CFR 173.29(c)(2), 179.102–2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10496–N.	DOT–E 10496	Olin Corporation, Stamford, CT	49 CFR 173.29(c)(2), 179.102–2	To authorize transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10497–N.	DOT–E 10497	General Electric Company, Astro Space Division, Princeton, NJ.	49 CFR 173.336, 177.834(m), 179.300.	To authorize shipment of nitrogen tetroxide in non-DOT specification stainless steel tanks. (Modes 1, 3.)
EE 10498–N.	DOT–E 10498	El Dorado Chemical Company, St. Louis, MO.	49 CFR 49 CFR 179.3, 179.4	To authorize shipment of nitric acid (98%) in DOT Specification 111A60ALW2 and 103A–ALW tank car tanks equipped with a nonapproved valve arrangement. (Mode 2.)
EE 10498–X.	DOT–E 10498	El Dorado Chemical Company, St. Louis, MO.	49 CFR 179.3, 179.4	To authorize shipment of nitric acid (98%) in DOT Specification 111A60ALW2 and 103A–ALW tank car tanks equipped with a nonapproved valve arrangement. (Mode 2.)
EE 10498–X.	DOT–E 10498	El Dorado Chemical Company, St. Louis, MO.	49 CFR 179.3, 179.4	To authorize shipment of nitric acid (98%) in DOT Specification 111A60ALW2 and 103A–ALW tank car tanks equipped with a nonapproved valve arrangement. (Mode 2.)
EE 10499–N.	DOT–E 10499	General Electric Company, (GE Nuclear Energy), San Jose, CA.	49 CFR 174.87(a)(1), 174.89	To authorize the placement of an occupied caboose carrying passengers next to the IF–300 cask car, placarded "RADIOACTIVE". (Mode 2.)
EE 10499–X.	DOT–E 10499	General Electric Company, (GE Nuclear Energy), San Jose, CA.	49 CFR 174.87(a)(1), 174.89	To authorize the placement of an occupied caboose carrying passengers next to the IF–300 cask car, placarded "RADIOACTIVE". (Mode 2.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10505–N.	DOT–E 10505	Consolidated Rail Corporation, Philadelphia, PA.	49 CFR 173.29(c)(2), 179.105–5, 179.14.	To authorize a one-time shipment of Specification 112T340W tank car tank with the head shield, double shelf coupler and draft gear on the "A" end completely detached from the car. (Mode 2.)
EE 10506–N.	DOT–E 10506	Olin Chemicals, Brandenburg, KY	49 CFR 173.29(c)(2), 179–105–5, 179.105–4, 179.14.	To authorize a one-time shipment of liquefied petroleum gas residue in three DOT Specification 112J340W tank car tanks with derailment-damaged coupler restraint systems, thermal protection systems, and tank head puncture resistance systems. (Mode 2.)
EE 10518–N.	DOT–E 10518	Caribbean Refrescos, Inc., Cidra, PR.	49 CFR 178.19–6(a)(1), Part 107, Appendix B(1).	To authorize a one time shipment of approximately 4,600 DOT Specification 34 containers of 5 gallon capacity inadvertently marked 4 gallon capacity. (Modes 1, 3.)
EE 10518–X.	DOT–E 10518	Caribbean Refrescos, Inc., Cidra, PR.	49 CFR 178.19–6(a)(1), Part 107, Appendix B(1).	To authorize a one time shipment of approximately 4,600 DOT Specification 34 containers of 5 gallon capacity inadvertently marked 4 gallon capacity. (Modes 1, 3.)
EE 10522–N.	DOT–E 10522	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 17, Subpart D, E, F.	To authorize the one-time-only transportation of a shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10523–N.	DOT–E 10523	Southern Air Transport, Miami, FL	49 CFR 171.11, 172.101 table, Column 6b, 175.30.	To authorize the shipment of rocket ammunition with explosive projectile, Class A explosive, which is forbidden for transportation by air. (Mode 4.)
EE 10524–N.	DOT–E 10524	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.31(b), 179.102–2	To authorize the one-time shipment of chlorine in a DOT Specification 105A500W tank car tank with a defective safety relief valve equipped with a chlorine "C" kit. (Mode 2.)
EE 10526–N.	DOT–E 10526	Buffalo Airways, Inc., Kansas City, MO.	49 CFR 172.101, Column (6)(b), 175.3, 175.320(a).	To authorize aircraft of United States registry to transport Class A explosives (UN 1.1 and 1.2) between points outside the United States. (Mode 4.)
EE 10526–X.	DOT–E 10526	Buffalo Airways, Inc., Kansas City, MO.	49 CFR 172,101, Column (6)(b), 175.3, 175.320(a).	To authorize aircraft of United States registry to transport Class A explosives (UN 1.1 and 1.2) between points outside the United States. (Mode 4.)
EE 10531–N.	DOT–E 10531	LCP Chemicals, Edison, NJ	49 CFR 173.29	To authorize the transportation of DOT Specification 105A500W tank car tanks which are overdue for tank and safety valve tests. (Mode 2.)
EE 10531–X.	DOT–E 10531	LCP Chemicals, Edison, NJ	49 CFR 173.29	To authorize the transportation of DOT Specification 105A500W tank car tanks which are overdue for tank and safety valve tests. (Mode 2.)
EE 10532–N.	DOT–E 10532	Monsanto Chemical Company, St. Louis, MO.	49 CFR 173.119	To authorize a one-time shipment of flammable liquids in a non-DOT specification in-process tank (pressure vessel). (Mode 1.)
EE 10532–X.	DOT–E 10532	Monsanto Chemical Company, St. Louis, MO.	49 CFR 173.119	To authorize a one-time shipment of flammable liquids in a non-DOT specification in-process tank (pressure vessel). (Mode 1.)
EE 10538–N.	DOT–E 10538	National Compressed Steel Corporation, Kansas City, KS.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 173, Subparts D, E, F.	To authorize the transportation of radioactive contaminated scrap steel within a rail car. (Mode 2.)
EE 10540–N.	DOT–E 10540	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(c) (1), (2)	To authorize the transportation of a DOT Specification tank car tank with defective interior heater coils. (Mode 2.)
EE 10541–N.	DOT–E 10541	Aerojet Propulsion Div., Aerojet General Corp., Sacramento, CA.	49 CFR 173.92	To authorize the transportation of rocket motors via highway. (Mode 1.)
EE 10542–N.	DOT–E 10542	Air Charter Systems (ACS), Quebec, CN.	49 CFR 172.101, Column (6)(b), 175.3, 175.320.	To authorize the transportation of explosive bombs in cargo aircraft. (Mode 4.)
EE 10543–N.	DOT–E 10543	U.S. Department of Defense, Washington, DC.	49 CFR 171.11, 172.101, Column (2), 175.3, 175.320.	To authorize the transportation of charges, propelling, for cannon by cargo aircraft. (Mode 4.)
EE 10544–N.	DOT–E 10544	U.S. Department of Defense, Washington, DC.	49 CFR 171.11, 172.101, Column (6)(b), 175.3, 175.320.	To authorize the transportation of certain explosive in cargo aircraft. (Mode 4.)
EE 10545–N.	DOT–E 10545	Vinnell Corporation, Baltimore, MD	49 CFR 172.101, Column (6)(b), 175.3, 175.320.	To authorize the transportation of rocket ammunition with explosive projectile by cargo aircraft. (Mode 4.)
EE 10548–N.	DOT–E 10548	CSX Transportation, Incorporated, Jacksonville, FL.	49 CFR 173.31(a)(5), 179.14	To authorize a one-time shipment of chlorine in DOT Specification 105A500W tank car tanks with damaged coupler restraint systems resulting from a derailment. (Mode 2.)
EE 10557–N.	DOT–E 10557	Union Pacific Railroad Company, Omaha, NE.	49 CFR 173.190, 173.31(a), 173.31(a)(5).	To authorize a one-time shipment of phosphorous in a DOT Specification 111A100W1 tank car tank with a damaged coupler restraint system and puncture damage to the "B" end head, resulting from a derailment. (Mode 2.)
EE 10558–N.	DOT–E 10558	Georgia Gulf Corporation, Plaquemine, LA.	49 CFR 173.31(a), 173.31(a)(5), 179.14.	To authorize a one-time shipment of vinyl chloride in a DOT Specification 105J300W tank car tank with the "B" end coupler and draft gear assembly completely disengaged. (Mode 2.)
EE 10558–X.	DOT–E 10558	Georgia Gulf Corporation, Plaquemine, LA.	49 CFR 173.31(a), 173.31(a)(5), 179.14.	To authorize a one-time shipment of vinyl chloride in a DOT Specification 105J300W tank car tank with the "B" end coupler and draft gear assembly completely disengaged. (Mode 2.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10561-N.	DOT-E 10561	Department of Health & Human Service Food & Drug, Greenville, NC.	49 CFR Parts 100 through 199	To authorize the shipment of cyanide, dry packed in a plastic bottle in a paper bag overpacked in a sealed plastic bag which is placed in a metal carrying case to be carried in the cabin of a passenger-carrying aircraft under special conditions. (Mode 5.)
EE 10564-N.	DOT-E 10564	Carmar Associates, Incorporated, Pelzer, SC.	49 CFR 173.31(b)(1), 173.31(c)	To authorize the one time shipment of two DOT Specification 111A100W-2 coiled and insulated tank car tanks which are overdue for tanks tests. (Mode 2.)
EE 10565-N.	DOT-E 10565	Olin Chemicals, East Alton, IL	49 CFR 173.29(c)	To authorize the one-time shipment of a tank car tank, containing a residue of sulfuric acid, with a missing manway nozzle cover plate and safety relief device. (Mode 2.)
EE 10566-N.	DOT-E 10566	ICI Explosives Canada North York, Ontario, Canada.	49 CFR 173.29(c), 173.31(b)(1)	To authorize the transportation of a DOT Specification 111A100ALW-2 tank car tank which has the one inch air connection valve assembly broken off above the manway plate. (Mode 2.)
EE 10568-N.	DOT-E 10568	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Parts 172, Subpart D, E, F, G.	To authorize the one time only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10569-N.	DOT-E 10569	Sun Refining and Marketing Company, Oregon, OH.	49 CFR 173.29(c)(1), 173.29(c)(2)	To authorize the transportation of a DOT Specification 111A100W1 tank car tank with defective interior heater coil. (Mode 2.)
EE 10571-N.	DOT-E 10571	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F, G.	To authorize the one-time only transportation of a shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10572-N.	DOT-E 10572	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph 1, Part 172, Subparts D, E, F and G.	To authorize the one-time-only transportation of a shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10574-N.	DOT-E 10574	Olin Corporation, Stamford, CT	49 CFR 173/29(c)(2), 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve for the transportation of chlorine residue. (Mode 2.)
EE 10577-N.	DOT-E 10577	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F, G.	To authorize the one-time-only transportation of scrap iron, contaminated with a small amount of radioactive material, contained in gondola rail cars without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10578-N.	DOT-E 10578	The David J. Joseph Company, St. Louis, MO.		To authorize the one-time-only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10579-N.	DOT-E 10579	Tri—Gas, Incorporated, Jupiter, FL	49 CFR 173.315(a)(1), 173.32(e)	To authorize the transportation of oxygen, nonflammable compressed gas in a non-DOT specification portable tank which is out of retest. (Modes 1, 3.)
EE 10582-N.	DOT-E 10582	Prolerized Steel Corporation, Kansas City, KS.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F, and G.	To authorize the one-time transportation of a shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10584-N.	DOT-E 10584	National Compressed Steel Corporation, Kansas City, KS.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F, and G.	To authorize the one-time-only transportation of a shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10585-N.	DOT-E 10585	Vulcan Materials	49 CFR 173.31(c)	To authorize the transportation of a DOT Specification 112J340W tank car tank which is overdue for tank test. (Mode 2.)
EE 10586-N.	DOT-E 10586	Korean Air Lines Company Limited, Los Angeles, CA.	49 CFR 172.101 table, column (6)(b), 175.30.	To authorize the shipment of rocket ammunition with explosives projectiles, Class A explosives; booster, Class A explosives; and Rocket motors, Class B explosives, which are forbidden for transportation by air or are in quantities greater than those prescribed for air transportation. (Mode 4.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10591-N.	DOT-E 10591	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), 173.264, Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only transportation of a shipment of scrap metal, contaminated with a small amount of radioactive material, contained in crushed automobile bodies on a flatbed trailer, without regard to specification packaging, marking, labeling, placarding and certain shipping paper requi. (Mode 1.)
EE 10593-N.	DOT-E 10593	BP Chemicals, Incorporated, Cleveland, OH.	49 CFR 173.314(c)	To authorize a one-time shipment of (13) DOT Specification 112J400W tank car tanks, whose contents exceed the maximum permitted filling density for liquified petroleum gas. (Mode 2.)
EE 10602-N.	DOT-E 10602	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only transportation of a shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10604-N.	DOT-E 10604	Werkzeugmaschinentabrik, Oerlikon-Buhrle AG, Zurich, Switzerland.	49 CFR 173.56, 173.60, 173.79, 173.92.	To authorize the transportation of rocket motors, explosive projectiles, booster, explosive and igniter, rocket motor aboard cargo aircraft. (Mode 4.)
EE 10605-N.	DOT-E 10605	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10612-N.	DOT-E 10612	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 173, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car shipped without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10613-N.	DOT-E 10613	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(c), Part 107, Appendix B to Subpart B, Paragraph (1).	To authorize the one-time shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car to be shipped with regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10614-N.	DOT-E 10614	Tri-Gas Inc., Irving, TX	49 CFR 173.318, 176.76(h), 178.338.	To authorize the use of vacuum insulated portable tanks for the transportation of liquid oxygen and liquid nitrogen. (Modes 1, 3.)
EE 10614-X.	DOT-E 10614	Tri-Gas Inc., Irving, TX	49 CFR 173.318, 176.76(h), 178.338.	To authorize the use of vacuum insulated portable tanks for the transportation of liquid oxygen and liquid nitrogen. (Modes 1, 3.)
EE 10614-X.	DOT-E 10614	TRI-GAS Inc., Irving, TX	49 CFR 173.318, 176.76(h), 178.338.	Authorizes the use of vacuum insulated portable tanks for the transportation of liquid oxygen and liquid nitrogen. (Modes 1, 3.)
EE 10615-N.	DOT-E 10615	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.31(b), 177.834(1)(2)(i), 179.102-2.	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective angle valve, equipped with a Chlorine. (Mode 2.)
EE 10616-N.	DOT-E 10616	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10617-N.	DOT-E 10617	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10620-N.	DOT-E 10620	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.29(2)(2)	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective angle valve for the transportation of Poison B residue. (Mode 2.)
EE 10621-N.	DOT-E 10621	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10622-N.	DOT-E 10622	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.29(c)(2)	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective angle valve, equipped with a Chlorine "C" Kit for the transportation of chlorine residue. (Mode 2.)
EE 10624-N.	DOT-E 10624	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(a)(4), 173.29(c)(1)	To authorize the transportation of a DOT Specification tank car tank with a defective interior heater system for the transportation of petroleum naptha residue. (Mode 2.)
EE 10625-N.	DOT-E 10625	Olin Corporation, McIntosh, AL	49 CFR 173.31(a)	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve equipped with a Chlorine "C" for the transportation of Chlorine residue. (Mode 2.)
EE 10626-N.	DOT-E 10626	Occidental Chemical Corporation	49 CFR 173.29(c)(2)	To authorize shipment of sulfuric acid spent residue in a DOT Specification 111A100W2 tank car tank equipped with a device not of approved design, securing the fill hole cover. (Mode 2.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10627-N.	DOT-E 10627	The David J. Joseph Company, Houston, TX.	49 CFR 172/203(d), Part 107, Appendix B to Subparts C, D, E, F and G, Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap steel, contaminated with a small amount of radioactive material, contained in a gondola rail care without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10628-N.	DOT-E 10628	Embassy of the Arab Republic of Egypt, Washington, DC.	49 CFR 172.101, Column (6)(b), 173.92(a), 175.3, 175.320(a).	To authorize the transportation of Class A and B explosives aboard cargo aircraft. (Mode 4.)
EE 10629-N.	DOT-E 10629	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F and G.	To authorize the one-time-only shipment of scrap iron, contaminated with a small amount regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10635-N.	DOT-E 10635	The David J. Joseph Company, St. Louis, MO.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subpart D, E, F, and G.	To authorize the one-time-only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10636-N.	DOT-E 10636	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts C, D, E, F and G.	To authorize the one-time-only shipment of scrap steel contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10638-N.	DOT-E 10638	Borg Compressed Steel Corporation, Tulsa, OK.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F and G.	To authorize the one-time-only shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10641-N.	DOT-E 10641	The David J. Joseph Company, Houston, TX.	49 CFR 172.203(d), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subparts D, E, F and G.	To authorize the one-time-only transportation of a shipment of scrap iron, contaminated with a small amount of radioactive material, contained in a gondola rail car without regard to specification packaging, marking, labeling, placarding and certain shipping paper requirements. (Mode 2.)
EE 10642-N.	DOT-10642	Allied-Signal Inc., Morristown, NJ	49 CFR Part 172, Subparts D, E, F, and G.	To authorize the transportation of eight DOT Specification 111A100W tank cars equipped with an air brake equipment support attachment welded directly to the tank shell. (Mode 2.)
EE 10642-X.	DOT-10642	Allied-Signal Inc., Morristown, NJ	49 CFR Part 172, Subparts D, E, F, and G.	Authorizes the transportation of eight DOT Specification 111A100W tank cars equipped with an air brake equipment support attachment welded directly to the tank shell. (Mode 2.)
EE 10662-N.	DOT-10662	Hoechst Celanese, Charlotte, NC	49 CFR Part 173.31(b), 179.100-12(c), 179.100-3.	To authorize the transportation of DOT Specification 105A500W tank car tank with a defective angle valve, equipped with a Chlorine "C" kit for the transportation of sulfur dioxide. (Mode 2.)
EE 10663-N.	DOT-10663	Burlington Northern Railroad, Fort Worth TX.	49 CFR 173.29(c)	To authorize the transportation of a DOT Specification 111A100W1 tank car tank which had the one inch air connection and two inch unloading connection valves broked off in a derailment. (Mode 2.)
EE 10671-N.	DOT-10671	Rhone-Poulenc Basic Chemicals Company, Shelton, CT.	49 CFR 173.29(c)(2), 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective 1 inch liquid angle valve for the transportation of sulphur dioxide residue. (Mode 2.)
EE 10681-N.	DOT-E 10681	LCP Chemicals and Plastics, Incorporated, Edison, NJ.	49 CFR 173.29(c)(2), 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective 1 inch liquid angle value but equpped with a safety "C" kit for the transportation of chlorine residue. (Mode 2.)
EE 10681-X.	DOT-E 10681	LCP Chemicals and Plastics, Incorporated, Edison, NJ.	49 CFR 173.29(c)(2), 179.102-2	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective 1 inch liquid angle value but equipped with a safety "C" kit for the transportation of chlorine residue. (Mode 2.)
EE 10685-N.	DOT-E 10685	Occidental Chemical Corporation, Pasadena, TX.	49 CFR 173.29(c)(2) and 179.102-2.	To authorize the transportation of chlorine residue in a DOT Specification 105A500w tank car tank with a defective safety relief valve equipped with an emergency safety "C" kit, safety. (Mode 2.)
EE 10686-N.	DOT-E 10686	Southern Pacif Transportation Company, Oakland, CA.	49 CFR 173.31(b)(3), 179.100-12(c), 179.100-13, 179.102-2.	To authorize the transportation of a DOT Specification 105A500W tank car tank with a defective safety relief valve, equipped with a chlorine "C" kit, for the transportation of chlorine. (Mode 2.)
EE 10694-N.	DOT-E 10694	Polymet Alloys, Inc., Birmingham, AL.	49 CFR 173.178	To authorize a one-time shipment of calcium silicon, a flammable solid; in non-DOT specification packagings (Modes 1, 2.)
EE 10696-N.	DOT-E 10696	Kuwait Oil Company, Houston, TX	49 CFR 172.101, Column (6)(b), 171.11, 175.3 and 175.320.	To authorize a one-time of certain Class A explosives in cargo aircraft (Mode 4.)
EE 10697-N.	DOT-E 10697	Liquid Air Corporation, Walnut Creek, CA.	49 CFR 173.301(d)(2), 173.302(a)(3).	To authorize the transportation of certain flammable compressed gas mixtures in DOT Specification 3AAX steel cylinders. (Mode 1.)
EE 10701-N.	DOT-E 10701	Public Service Company, Platteville, CO.	49 CFR 177.825(b), Part 107, Appendix B(1).	To authorize the shipment of radioactive material using an alternative route which is not a state designated route, or an interstate. (Mode 1.)

EMERGENCY EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 10705-N.	DOT-E 10705	Energy & Environmental Technology Company, Southfield, MI.	49 CFR 173.119	To authorize shipment of a flammable liquid in a non-DOT specification cylindrical steel packaging with a removable end with bolted on for closure. (Mode 1.)
EE 10707-N.	DOT-E 10707	Oregon Metallurgical Corporation, Albany, OR.	49 CFR 173.29	To authorize the transportation of DOT specifications 105A500W tank car tanks, containing a residue of chlorine, which are overdue for tank and safety valve tests. (Mode 2.)
EE 10708-N.	DOT-E 10708	Sun Refining and Marketing Company, Philadelphia, PA.	49 CFR 173.29(c)(1), 174.67(k)	To authorize the transportation of two DOT Specification 111A100W1 tank car tanks, containing a residue of Petroleum naphtha, which have defective interior heating coil. (Mode 2.)
EE 10709-N.	DOT-E 10709	Exxon Chemical Company, Houston, TX.	49 CFR 173.119(m)	To authorize the shipment of certain mixtures of flammable and corrosive liquids in stainless steel DOT Specification 57 portable tanks. (Modes 1, 3.)
EE 10711-N.	DOT-E 10711	Molycorp Incorporated, Washington, PA.	49 CFR 173.31(c)(1)	To authorize the transportation of a residue of sulfuric acid in a DOT Specification 111A100W2 for tank car tank which is overdue for tank test. (Mode 2.)
EE 10720-N.	DOT-E 10720	Martin Marietta Corporation, Denver, CO.	49 CFR 173.301(d), 173.302	To authorize the shipment of a non-DOT specification package containing certain components pressurized with a nonflammable gas. (Mode 1.)
EE 10721-N.	DOT-E 10721	General Electric Company, Wilmington, NC.	49 CFR 173.417(a)(4), 173.471(a), (b), and (c), Part 107, Appendix B to Subpart B, Paragraph (1), Part 172, Subpart D and E.	To authorize the transportation of packagings containing unirradiated, low-enriched uranium fuel elements in packaging that are in variance with the Nuclear Regulatory Commission Certificate of Compliance No. 4986. (Mode 1.)
EE 10722-N.	DOT-E 10722	Occidental Chemical Corporation, Niagara Falls, NY	49 CFR 173.29	To authorize the transportation of a DOT Specification 105A500W tank car tank, containing a chlorine residue, which is overdue for tank and safety value tests. (Mode 2.)

WITHDRAWAL EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3095-X	Dowell Schlumberger, Inc., Tulsa, OK	49 CFR 173.119(a), 173.245(a), 173.248(a), 173.263(a), 173.264, 173.283, 173.289, 178.342-5, 178.343-5.	To authorize use of a non-DOT specification cargo tank, for shipment of corroive and flammable liquids. (Modes 1, 3.)
4453-X	Seco of Arkanses, Inc., Midland, AR	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of a non-DOT specification bulk, hopper-type tank, for transportation of blasting agent, n.o.s., or ammonium nitrate-fuel oil mixtures. (Modes 1, 2.)
4453-P	Gary James Trucking, Palmyra, MO	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To become a party to exemption 4453. (Modes 1, 2.)
4631-P	Gary James Trucking, Palmyra, MO	49 CFR 172.114a, 173.304(a)	To become a party to exemption 4631. (Mode 1.)
4803-X	Dowell Schlumberger, Inc., Tulsa, OK	49 CFR 173.245, 173.248, 173.249, 173.263, 173.272, 173.289, 178.343-5.	To authorize use of non-DOT specification cargo tank motor vehicles, for shipment of certain corroive liquids. (Mode 1.)
5208-P	Gary James Trucking, Palmyra, MO	49 CFR 173.114a	To become a party to exemption 5208. (Mode 1.)
6349-X	Union Carbide Industrial Gases Inc., Danbury, CT.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification insulated, containerized portable tanks, for shipment of certain flammable and nonflammable gases. (Modes 1, 2, 3.)
6810-P	Henderson Limited, Inc., Richardson, TX	49 CFR 173.302(a)(1), 173.314(c)	To become a party to exemption 6810. (Mode 1.)
6960-X	Pepsi-Cola Company, Somers, NY	49 CFR Parts 100-199	To authorize use of DOT Specification and non-DOT specification stainless steel drums, tight-head, with rated capacity not exceeding 55 gallons, for transportation of certain corroive liquids. (Modes 1, 2, 3.)
7517-X	Trinity Industries, Inc., Dallas, TX	49 CFR 173.314(c)	To authorize manufacture, marking and sale of non-DOT specification fusion welded tank car tanks, for transportation of nonflammable compressed gases. (Modes 1, 2, 3.)
7526-X	Sherex Chemical Company, Inc., Dublin, OH.	49 CFR 173.134	To authorize transport of certain pyrophoric liquids in non-DOT specification portable tanks. (Modes 1, 3.)
7607-X	Radian Corporation, Herndon, VA	49 CFR 172.101, 175.3	To authorize shipment of hydrogen in certain non-DOT specification seamless stainless steel cylinders. (Mode 5.)
8063-P	Iveco, Inc., Houston, TX	49 CFR 173.304(a)	To become a party to exemption 8063 (Mode 1.)
8126-X	Compagnie des Containers Reservoirs, Paris, France.	49 CFR 173.123, 173.315, 174.63(b)	To authorize use of non-DOT specification portable tanks, for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, 3.)
8337-X	LWD Trucking, Inc., Calvert City, KY	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize the manufacture, marking and sale of non-DOT specification cargo tanks for shipment of flammable or corrosive waste, liquid, or semi-solids. (Mode 1.)
8451-X	Technical Ordnance, Inc., St. Bonifacius, MN.	49 CFR 172.65, 173.86(e), 175.3	Authorizes the transport of not more than 25 grams of high explosives and pyrotechnic materials in a special shipping container. (Modes 1, 2, 4.)
8453-P	Gary James Trucking, Palmyra, MO	49 CFR 173.114a	To become a party to exemption 8453 (Modes 1, 3.)

WITHDRAWAL EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8509–X	Mobay Corporation, Pittsburgh, PA	49 CFR 173.263(a)(9), 179.201–1	To authorize use of a safety relief valve in lieu of a safety vent in DOT Specification 111A100W5 tank car tanks, for transportation of hydrochloric acid. (Mode 2.)
8516–X	Coast Vacuum Truck Service, Inc., Santa Maria, CA.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340–7, 178.342–5, 178.343–5.	To authorize use of non-DOT specification cargo tanks designed and constructed in full compliance with DOT Specification MC–307 or MC–312 except for bottom outlet valve variations, for transportation of flammable liquids or corrosive or poison B materials. (Mode 1.)
8526–P	Ranger Transportation, Inc., Jacksonville, FL.	49 CFR 177.834(L)(2)(i)	To become a party to exemption 8526 (Mode 1.)
8454–P	Gary James Trucking, Palmyra, MO	49 CFR 173.114a, 173.154, 173.93	To become a party to exemption 8554 (Modes 1, 3.)
8986–P	Gary James Trucking, Palmyra, MO	49 CFR 173.114a(b)(3)	To become a party to exemption 8986 (Mode 1.)
9168–N	Bayfast Packaging Solutions, Pacifica, CA.	49 CFR 172.504, 173.118, 173.244, 173.3, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33, Part 172, Subpart E.	To become a party to exemption 9168. (Modes 1, 2, 4.)
9245–X	Contico Container, Norwalk, CA	49 CFR 178.19, Part 173, Subpart D, F	To authorize manufacture, marking and sale of non-DOT specification removable head molded polyethylene containers without overpeck, for transportation of corrosive and flammable liquids. (Modes 1, 2, 3.)
9393–X	Sexton Can Company, Inc., Cambridge, MA.	49 CFR 173.304(a), 175.3, 178.65	To authorize rail and cargo vessel as additional modes of transportation. (Modes 1, 2, 3, 4.)
9407–N	Eastman Kodak Company, Rochester, NY.	49 CFR 173.204(d)	To authorize use of shipping papers bearing a preprinted shippers certificate. (Modes 1, 2, 3, 4, 5.)
9499–X	Cleveland Container Corporation, Cleveland, OH.	49 CFR 178.19, Part 173, Subparts, D, F	To authorize manufacture, marking and sale of 3½, 5, 5½, and 6-gallon capacity DOT Specification 35 removable head polyteylene drums, for shipment of corrosive and flammable liquids. (Modes, 1, 2, 3.)
9513–X	American Cyanamid Company, Wayne, NJ.	49 CFR 173.343, 173.377	To authorize transport of an organic phosphate formulation in bulk motor vehicle. (Mode 1.)
9758–X	Camping Gaz Int'l (nee Application des Gaz S.A.) Paris, France.	49 CFR 173.304(d)(3)(ii), 178.33	To authorize shipment of Butane, Classed as flammable gas, in non-DOT specification nonrefillable metal containers comparable to DOT Specification 2P except for diameter and volume. (Modes 1. 2. 3.)
9769–X	CECOS International, Inc., Livingston, LA	49 CFR 176.83, 177.848	To authorize transport of trifluoromethane, in insulated DOT Specification MC-331 tank motor vehicles, and DOT Specification 105A600W tank cars. (Modes 1, 2, 3.)
9868–N	Atochem North America, Buffalo, NY	49 CFR 173.224	To authorize a dicumyl peroxide solution, classed as an organic peroxide, for shipment in DOT Specification MC–331 or MC–312 cargo tanks. (Mode 1.)
9881–P	LND, Inc., Oceanside, NY	49 CFR 173.302, 175.3	To become a party to exemption 9881. (Modes 1, 2, 3, 4.)
9887–P	Containers and Pressure Vessels, Ltd., of Ireland, Monaghan, Ireland.	49 CFR 172.203, 173.318, 173.320, 176.30, 176.76(H), 177.840, 178.338add.	To become a party to exemption 9887 (Modes 1, 2, 3.)
10051–N	Atlantic Coast Stevedores, Inc., Elizabeth, NJ.	49 CFR 171.12(d), 176.11(a)(2)(i)	To authorize shipment of radioactive materials in accordance with the IMDG Code in lieu of 49 CFR. (Modes 1, 3.)
10068–N	Boliden Mineral AB, Skelleftehamn, Sweden.	49 CFR 173.366	To authorize shipment of arsenic trioxide classed as a Poison B, in flexible, woven, polypropylene intermediate bulk containers with a polyethylene inner liner. (Modes 1, 2, 3.)
10087–N	HLA Engineers, Inc., Dallas, TX	49 CFR 173.124(a)(6)	To authorize shipment of Ethylene oxide classed as a flammable liquid in a 6076 gallon stainless steel DOT Spec 51 portable tank insulated by a 4" polyurethane foam and a 20 gauge stainless steel jacket. (Modes 1, 2, 3.)
10123–N	Swiss Aluminum Ltd., Zurich, Switzerland	49 CFR 173.302, 173.304, 173.305, 175.3, 178,46.	To manufacture, mark, and sell a non-DOT specification ERP cylinder similar to the DOT specification 3AL cylinder for shipment of flammable and non-flammable gases. (Mode 1.)
10167–N	FIBA Compressed Gas Equipment, Westboro, MA.	49 CFR 173.302, 173.304, 173.305, 173.306, 173.34(h).	To authorize repair of DOT Specifications 3A, 3AA, 3B and 3C cylinders by allowing peening off and on of collar/neckrings and replacement of footrings by removal with an air driven abrasive blade leaving the existing tab and stick welding on new footring to tab. (Mode 1.)
10188–N	Chevron U.S.A., Inc., San Francisco, CA	49 CFR 173.119	To authorize shipment of crude oil petroleum classed as a flammable liquid in non-DOT specification, 5-gallons 12-gauge wall-thickness stainless steel containers not to exceed 4 containers in a steel frame, fiberglass reinforced transport cart. (Modes 1, 3.)
10188–P	Chevron Pipe Line Company, San Francisco, CA.	49 CFR 173.119	To become a party to exemption 10188 (Modes 1, 3.)
10188–N	Point Arguello Pipeline Company, San Francisco, CA.	49 CFR 173.119	To become a party to exemption 10188 (Modes 1, 3.)
10220–N	Martin Marietta Corporation, Denver, CO	49 CFR 172.500, 173.77, 177.821	To authorize shipment of space launch hardware, containing detonating cord, Class A explosive in a vehicle without placarding transported over a specially designated route by commercial carrier. (Mode 1.)
10240–N	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.252(a)(4)(ii)	To authorize shipment of bromine, classed as a corrosive material in MC–312 cargo tanks constructed of nickel clad steel of ⅜-inch total thickness. (Mode 1.)

WITHDRAWAL EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10250–X	Olin Hunt Specialty Products, Inc., West Paterson, NJ	49 CFR 173.266	To authorize transport of a hydrogen peroxide solution, in a cylindrical steel overpack, straight sided, enclosing a polyethylene container of 101 liters capacity. (Modes 1, 2, 3.)
10251–X	Olin Hunt Specialty Products, Inc., West Paterson, NJ.	49 CFR 173.272	To authorize use of a non-DOT specification container consisting of an inner polyethylene bottle with a FRP outer housing, for the transportation of adifuric acid solutions, not exceeding 96% concentration. (Modes 1, 2, 3.)
10299–N	E. I. du Pont de Nemours and Company, Inc., Wilmington, DE	49 CFR 172.2(a), 173.24(c)(1)	To authorize shipment of haz. materials (other than class A or B explosives or radioactive materials) in a package (other than compressed gas cylinder or a package of more than 450 liters capacity) marked with the UN packaging symbol & appropriate markings required by Annex I of the IMDG code. (Modes 1, 2, 3.)
10274–N	Chemtech Industries, Inc., St Louis, MO	49 CFR 173.299	To authorize shipment of etching acid, liquid, n.o.s., classed as a corrosive material in 5000 gallon capacity, lined MC–312 cargo tanks. (Mode 1.)
10276–N	Great Lakes Chemical Corporation El Dorado, AR	49 CFR 173.252(a)(4)	To authorize shipment of bromine, classed as a corrosive material in DOT Specification MC-310 or MC-312 cargo tanks with a polyvinylidene fluoride lining. (Mode 1.)
10294–N	Great Lakes Chemical Corporation, El Dorado, AR.	49 CFR 173.314	To authorize shipment of Bromotrifluoromethane, classed as nonflammable gas, in a DOT Specification 110A500W tank car. (Mode 1.)
10296–N	Explosive Technologies International, Wilmington, DE.	49 CFR 173.14(a)(i)	To authorize shipment of ammonium nitrate-fuel oil mixture, classed as blasting agent, in collapsible polyethylene-lined woven polypropylene bags, with a capacity not to exceed 2,250 pounds each, on pallet constructed of ¾ inch plywood deck with 2 x 5 wooden runners. (Mode 1.)
10299–N	M&T Chemicals Inc., Woodbridge, NJ	49 CFR 173.247	To authorize shipment of Tin Tetrachloride anhydrous, classed as a corrosive material in a DOT Specification 6D/2SL container. (Modes 1, 2, 3.)
10317–N	Southern Air Transport, Inc., Miami, FL	49 CFR 175.30, 172.101 table, column 6b.	To authorize a one-time shipment of rocket ammunition with explosive projectile, Class A explosive, which is forbidden for shipment by aircraft. (Mode 4.)
10322–N	Carleton Technologies, Inc., Orchard Park, NY.	49 CFR 173.302, 175.30, 178.65	To manufacture, mark and sell a non-DOT specification cylinder to be used as part of a pneumatic power supply system used for shipment of nitrogen or helium, classed as compressed gas. (Modes 1, 2, 4.)
10329–N	Thiokol Corporation, Brigham City, UT	49 CFR 173.92(b)	To authorize shipment of a rocket motor, Class B explosive, in a propulsive state with igniters installed, contained in a specially designed packaging configuration. (Mode 1.)
10333–N	Van Leer Nederland B.V. Steel Containers, 3633 AK Vreeland, Netherlands.	49 CFR 178.116–6(a), Part 173 Subparts D, E, F and H.	To manufacture, mark and sell non-DOT specification 55 gallon capacity, 1 millimeter thick drums for shipment of those commodities authorized in DOT specification 17E 20/18 gauge drums. (Modes 1, 2, 3.)
10406–N	Boner, Inc.—Plastic Molding Div., Winnipeg Plant, Winnipeg, Manitoba, CN.	49 CFR 173 Subpart F, 173.119, 173.256, 173.266, 178.19, 178.241.	To manufacture, mark and sell a 105 gallon capacity non-DOT specification reusable polyethylene drum enclosed in a plastic exterior frame for shipment of certain flammable, oxidizer and corrosive liquids. (Modes 1, 2, 3.)
10416–N	Allied Universal Corporation, Miami, FL	49 CFR 173.263	To authorize the transportation of DOT–2E bottles of hydrochloric acid, classed as corrosive material, overpacked in open-head DOT–34 55 gallon drums. (Mode 1.)
10419–P	Hill Brothers Chemical Company, Phoenix, AZ.	49 CFR 174.67(i)	To become a party to exemption 10419 (Mode 2.)
10419–P	Olin Chemicals, Stanford, CT	49 CFR 174.67(i)	To become a party to exemption 10419 (Mode 2.)
10436–X	Sandox Chemicals Corp., Charlotte, NC	49 CFR 173.366	To authorize use of insulated DOT Specification MC–307 cargo tanks, for shipment of a certain Class B poison. (Mode 1.)
10472–N	General Chemical Corporation, Parsippany, NJ.	49 CFR 173.274	To authorize the transportation of fluosulfonic acid, classed as corrosive material, in DOT Specification 111A60W7 stainless steel tank cars. (Mode 2.)
10526–N	Akzo Chemicals Inc., Chicago, IL	49 CFR 173.121	To authorize transportation of carbon disulfide, classed as flammable liquid, in DOT Specification 51 portable tanks. (Modes 2, 3.)
10549–N	Astrotech Space Operations, L.P. Silver Spring, MD	49 CFR 173.145, 173.326, 173.336	To authorize shipment of non-DOT specification propellant transfer tanks containing residual amounts of either monomethylhydrazine classed as a flammable liquid or nitrogen tetroxide, classed as a poison A (Modes 1, 3.)
10560–N	Cryogas Engineering Ltd., Vancouver, B.C., Canada.	49 CFR 172.101, 173.315(a)	To authorize the use of a non-DOT specification cargo tank for transportation of flammable gases. (Mode 1.)
10604–X	Werkzeugmaschinentabrik Oerlikon-Buhrle AG, Zurich, Switzerland.	49 CFR 173.56, 173.60, 173.79, 173.92	To authorize the transportation of rocket motors, explosive projectiles, booster, explosive and igniter, rocket motor aboard cargo aircraft. (Mode 4.)
10630–N	Autotech Composite, Inc., Huntington Beach, CA	49 CFR 173.302(a)(1), 173.304(a), 175.3	To authorize the manufacture, mark and sell of non-DOT specification cylinders for use in transporting flammable and nonflammable gases. (Modes 1, 2, 3, 4, 5.)
10657–N	Bioqual, Inc., Rockville, MD	49 CFR 173.418(c)	To authorize a one time only, short distance, domestic shipment of a radioactive material contained in a specially designed packaging which is only authorized for export and import shipments. (Mode 1.)

Denials

6971–X..... Request by Ultra Scientific, Inc., North Kingstown, RI to authorize an alternative method of packaging for reshippers who are returning the material to the holder of the exemption denied June 3, 1991.

7080–P..... Request by Ronson Aviation, Inc., Trenton, NJ to authorize carriage of non-fissile radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met denied April 3, 1991.

7625–X..... Request by Hydrite Chemical Company Milwaukee, WI to authorize transport of certain hazardous materials in DOT Specification 56 portable tanks denied October 15, 1991.

8306–X..... Request by Caspersen, Inc. Glencoe, IL to authorize carriage of non-fissile radioactive materials packages via motor vehicles when their combined transport index exceeds 50 and/or the separation distance criteria cannot be met denied October 3, 1990.

9144–X..... Request by Cajun Bag & Supply Company Crowley, LA to renew and to authorize cargo vessel as additional mode of transportation denied November 16, 1990.

9350–P..... Request by A. B. Chance Company Centralia, MO to authorize use of a non-DOT specification seamless molded biphenolic epoxy cylinder, for shipment of a nonflammable gas denied December 18, 1990.

9429–N ..... Request by Witch Industries, Inc., South Houston, TX to manufacture, mark and sell non-DOT specification cargo tanks similar to DOT Specification MC–307/312 except for bottom outlet valve variations, for shipment of various flammable or corrosive waste liquids or semi-solids denied March 14, 1991.

9635–N ..... Request by J. J. & A. J., Inc. Anaheim, CA to extend the periodic retest period for 3A, 3AX, 3AA, 3AAX and 3T cylinders from 5 years to 10 years when they successfully pass both the required hydrostatic test and the acoustic emission test denied April 3, 1991.

Denials—Continued

9988–N ..... Request by McDonnell Douglas Corporation St. Louis, MO to authorize shipment of limited quantities of Toluene and Methyl ethyl ketone, classed as Flammable liquid, without shipping papers and without marking the packaging denied June 7, 1991.

10002–N ... Request by Virginia Electric and Power Company Richmond, VA to authorize shipment of Nitrogen and Sulfur Hexafluoride, both classed as Nonflammable gas, without placards although the combined gross weight of the materials exceeds 1000 pounds denied May 31, 1991.

10044–N ... Request by Portersville Sales and Testing, Inc., Portersville, PA to authorize DOT specification 3AAX and 3T cylinders to be periodically retested by acoustic emission equipment instead of hydrostatic retest and to allow latitude in external inspection and other deviations related to acoustic emission testing denied July 12, 1990.

10044–P .... Request Western Sales & Testing of Amarillo, Inc. Amarillo, TX to authorize DOT specification 3AAX and 3T cylinders to be periodically retested by acoustic emission equipment instead of hydrostatic retest and to allow latitude in external inspection and other deviations related to acoustic emission testing denied July 12, 1990.

10063–N ... Request by Spex Industries Edison, NJ to authorize shipment of both solutions of nitric acid and hydrochloric acid in concentrations of 5% or less classed as corrosive materials to be shipped as non-hazardous/non-regulated materials in bottles of 500 ml or less overpacked in Specification 12B fiberboard box denied February 22, 1991.

10124–N ... Request by Arrowhead Industrial Services, Inc. West Orange, NJ to manufacture mark and sell non-DOT specification steel cylinders similar to DOT specification 3T except one end is not concaved to pressure and water capacity below 100 pounds with service pressures from 1800 psi to 2265 psi for shipment of those gases authorized in DOT–3AA and 3T cylinders denied March 21, 1991.

Denials—Continued

10148–N ... Request by Pro-Tech-Tube Inc. Kansas City, MO to authorize shipment of a viable microorganism classed as an etiologic agent in an inner container surrounded with an absorbent material impregnated with a germicidal pesticidal substance overpacked in a metal tube denied july 16, 1991.

10152–N ... Request by Asahi Seisakusho Co., Ltd Saitama-Japan to authorize manufacture marking and sale of a non-DOT cylinder similar to the 3T cylinder for transporting high pressure air, oxygen, helium, oxygen and helium mixture (50% oxygen maximum) classed as nonflammable gases denied March 20, 1991.

10201–N ... Request by Amax Metals Recovery, Inc. Braithwaite, LA to authorize shipment of a spent catalyst, flammable solid, n.o.s., classed as a flammable solid in non-DOT specification 1-ton flexible intermediate bulk containers with a plastic liner denied March 13, 1991.

10215–N ... Request by Champagne Specialties Inc. Fairport, NY to authorize removal & replacement of footrings on cylinders by welding or brazing on DOT 3A, 3AA, 3B, & 3C cylinders used for transport of liquified and non-liquified compressed gases, classed as flammable and nonflammable denied December 6, 1990.

10218–N ... Request by Rederit Otto Danielsen Holte, Denmark to authorize use of a fire hose with a nozzle which is permanently open but is activated with a pump switching in a cargo vessel denied April 10, 1991.

10233–N ... Request by Schultz Werke GmbH & Co. KG D–5418 Selters, Germany to authorize manufacture, marking and sale of a non-DOT specification fiber drum with top and bottom of 46 mm steel for shipment of those materials authorize for shipment in a 21C fiber drum denied December 4, 1990.

10238–N ... Request by Poly Processing Company, Inc. Monroe, LA to authorize manufacture, marking, and sale of 330-gallon on-DOT specification polyethylene tanks for use in the transportation of various flammable, corrosive and oxidizing materials denied May 8, 1991.

Denials—Continued

10243–N ... Request by BD Technology, Inc. Arcadia, CA to authorize shipment of lab packs without writing the hazardous substance in parenthesis, as an additional description, on both the container and shipping document but to mark "RQ" in association with shipping name on manifest and to attach an inventory sheet to shipping papers denied August 27, 1991.

10248–N ... Request by Milan Box Corporation Milan, TN to authorize manufacture, marking and sale of non-DOT specification plywood pallet boxes with a fitted 2 ply, 4 mil polyethylene inner bag for use in transporting flammable liquids and ORM materials denied November 7, 1990.

10264–N ... Request by Reagent Chemical & Research, Inc. Port Neches, TX to authorize use of lead frangible discs on nonpressure tank cars to be used in transporting aqueous hydrochloric acid, classed as corrosive material denied May 31, 1990.

10268–N ... Request by Biefa-Feiser GmbH Attendorn, Germany to authorize manufacture, marking and sale of non-DOT Specification 55 gallon aluminum drums for shipment of allyl isothiocyanate classed as a poison B denied March 21, 1991.

10271–N ... Request by McOCO, Inc. Houston, TX to authorize transport of certain class A, B, and C explosives by cargo air which are forbidden for shipment by air or exceed authorized quantity limitation prescribed for air shipment denied October 30, 1990.

10275–N ... Request by Degussa Corporation Ridgefield Park, NJ to authorize hydrogen peroxide solution not exceeding 52 percent contained in DOT Specification 57 portable tanks to be offered for shipment with other materials in the same truck by common carriers and/or private carriers denied July 12, 1990.

10290–N ... Request By Crown Sheetmetal LTD. Invercargill, New Zealand to authorize manufacture, marking and sale of a non-DOT specification stainless steel cylinder similar to the DOT Specification 4BW cylinder for shipment of liquified petroleum gas classed as flammable gas denied October 30, 1990.

Denials—Continued

10293–N ... Request by Tremco Incorporated Beachwood, OH to authorize shipment of a corrosive liquid classed as a corrosive material, in a 5 gallon laminated composite bag containing 4.5 gallons corrosive liquid on top of a non-hazardous material separated by a 3 mil polyethylene sheet, in a non-DOT 55 gallon 18/20 gauge steel drum denied March 21, 1991.

10304–N ... Request by Fibre Glass-Evercoat Company, Inc. Cincinnati, OH to authorize shipment of methyl ethyl ketone, peroxide, classed as organic peroxide, in 11cc or 40cc securely closed plastic tubes, overpacked in a plastic pail denied March 21, 1991.

10306–N ... Request by Seamless Cylinder International, Inc. Sault Ste. Marie, MI to manufacture, mark and sell DOT specification 4BW cylinders with electric resistance welded seam containing fire extinguisher powder, classed as nonflammable gas with pressurized cylinder filled with nitrogen gas denied March 22, 1991.

10331–N ... Request by Peerless Tube Company, Inc. Bloomfield, NJ to authorize shipment of non-flammable gas in one-piece monobloc non-DOT specification cylinder denied December 13, 1991.

10339–N ... Request by Cryogenic Services, Inc. Canton, GA to authorize the manufacture, mark and sell of non-DOT specification cylinders comparable to DOT specification 4BW, except they are constructed of 304 stainless steel, for shipment of liquified petroleum gas denied November 16, 1990.

10367–N ... Request by Ace Striping Company, Inc. Shreveport, LA to authorize shipment of paint, classed as a flammable liquid, in non-DOT specification metal portable tank denied June 7, 1991.

10371–N ... Request by Bruin Engineered Parts, Inc. Midland, Ontario, Canada to manufacture, mark and sell non-DOT specification cylinders similar to 3E construction with service pressure of 750 psi containing non-flammable gas denied December 13, 1991.

10405–N ... Request by Pestcon Systems, Inc. Raleigh, NC to authorize transportation of aluminum phosphide, classed as a flammable solid, in private-owned pest control vehicles without placards denied June 3, 1991.

Denials—Continued

10417–N ... Request by Ecolab, Inc. St. Paul, MN to manufacture, mark and sell an inner multilayer heat sealed plastic film bag of 2.5 to 5 gallon capacity overpacked in a corrugated box for shipment of corrosive liquids for which DOT 34 and 2U specification container denied September 26, 1991.

10420–N ... Request by Fore Way Express, Inc. Wausau, WI to authorize the transportation of material classed as flammable liquids, solids or gases in enclosed trailers with installed nose mounted heater and thermostat exposed inside the trailer denied September 21, 1990.

10447–N ... Request by Nuclear Assurance Corporation Norcross, GA to authorize transport of irradiated reactor fuel over a route not permitted by 49 CFR 177.825(b) denied August 31, 1990.

10462–N ... Request by McDonnell Douglas Helicopter Company Mesa, AZ to authorize shipment of rocket motors with igniters installed, Class B explosives in DOT approved shipping container and packaging denied September 17, 1991.

10484–N ... Request by Active Aero Charter, Inc. Belleville, MI to authorize carriage of Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment denied October 9, 1991.

10485–N ... Request by M & M Industries, Inc. Chattanooga, TN to authorize the manufacture, marking and sell of non-DOT specification polyethylene drums with 4" opening for transportation of corrosive, flammable, poison and oxidizer materials for which DOT Specification 34 and 21C containers are authorized denied June 14, 1991.

10503–N ... Request by Photographic Solutions, Inc. Buzzards Bay, MA to authorize the transportation of limited quantities of certain products to be shipped as non-regulated commodities denied March 5, 1991.

10517–N ... Request by Nalco Chemical Company Naperville, IL to authorize the retesting of DOT-Specification 57 portable tanks fabricated of stainless steel at five-year intervals denied April 10, 1991.

Denials—Continued

10533–N ... Request by Ashland Chemical, Inc. Columbus, OH to eliminate the periodic retesting, reinspection and marking requirements for DOT-specification 4BW cylinders authorized for transportation of triethylamine, classed as flammable liquid denied March 16, 1991.

10500–N ... Request by AirVantage, Inc. St. Paul, MN to authorize the transportation of Class A, B, and C explosives which are forbidden for shipment by air or in quantities which exceed those prescribed for shipment by air, by cargo-only aircraft denied October 9, 1991.

10001–N ... Request by Pack-Lite System, Inc. Tulsa, OK to authorize the manufacture, marking and sell of a non-DOT specification polyethylene shipping container for use in transporting various commodities denied September 26, 1991.

10632–N ... Request by Technical Manufactured Products Jasper, GA to authorize the use of 304 stainless steel in construction of specification 4BW cylinders to be used for transportation of liquified petroleum gas denied August 15, 1991.

Issued in Washington, DC, on January 10, 1992.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 91–6022 Filed 3–16–91; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of closed meeting of Art Advisory Panel.

SUMMARY: Closed meeting of the Art Advisory Panel will be held in Washington, DC.

DATES: The meeting will be held April 8 and 9, 1992.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:AP:AS:4 901 D Street, SW., Washington, DC 20024 Telephone No. (202) 401–4128, (not a toll free number)

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988), that a closed meeting of the Art Advisory Panel will be held on April 8 and 9, 1992, in room 118 beginning at 9:30 a.m., Aerospace Center Building, 901 D Street, SW., Washington, DC 20024.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of title 26 of the United States Code.

A determination as reqired by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of title 5 of the United States Code, and that the meeting will not be open to the public.

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Shirley D. Peterson,

Commissioner.

[FR Doc. 92–6104 Filed 3–16–92; 8:45 am]

BILLING CODE 4830–01–M

Performance Review Board

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of members of Senior Executive Service Performance Review Board.

EFFECTIVE DATE: Performance Review Board effective March 1, 1992.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, room 3515, 1111 Constitution Avenue, NW., Washington, DC 20224, Telephone No. (202) 566–4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives other than Regional Commissioners, Assistant Commissioners and executives in Inspection and the Office of the Commissioner are as follows:

Michael Dolan, Deputy Commissioner, Chairperson
Thomas Coleman, Regional Commissioner, Western Region
Walter Hutton, Assistant Commissioner (Information Systems Management)
Leon Moore, Regional Commissioner, Central Region
Inar Morics, Assistant Commissioner (Criminal Investigation)
Judy Van Alfen, Assistant Commissioner (Returns Processing)
Helen White, Assistant to the Commissioner (Equal Opportunity)

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 6, 1978 (43FR52122).

Shirley D. Peterson,

Commissioner.

[FR Doc. 92–6105 Filed 3–16–92; 8:45 am]

BILLING CODE 4830–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP); the Expiration and Renewal of the GSP Program; Public Hearings and the Solicitation of Public Comments on GSP Renewal; Opportunity for Public Comment on USITC Advice in the Special GSP Review for Central and Eastern Europe

AGENCY: Office of The United States Trade Representative.

ACTION: Solicitation of Public Comments on the Renewal of the Generalized System of Preferences Program and on the USITC Advice in the Special GSP Review.

SUMMARY: The Generalized System of Preferences (GSP) grants duty-free treatment to certain products that are imported from developing countries. The GSP program, which was enacted by Congress in 1974 and reauthorized in 1984, expires on July 3, 1993. The Trade Policy Staff Committee (TPSC) is initiating its consideration of the renewal of the GSP program. In connection with this review, the TPSC will hold public hearings in June 1992 and is soliciting public comments. Interested parties are invited to testify and submit written comments on the renewal of the GSP program. The views of all interested parties will be considered by the TPSC in formulating a proposal to assist Congress in developing options regarding the reauthorization of the GSP program. In addition, this notice solicits public comment on the advice rendered by the U.S. International Trade Commission (USITC) in the Special GSP Review for Central and Eastern Europe.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee of the Trade Policy Staff Committee, Office of the United States Trade Representative, room 517, 600 17th Street, NW., Washington, DC 20506. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. GSP Reauthorization: Background

The GSP program offers limited duty-free access to the U.S. market for certain eligible products that are imported from designated beneficiary developing countries. The GSP program is authorized under title V of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461–2465). The GSP program was renewed in the Tariff and Trade Act of 1984.

In reauthorizing the GSP program in 1984, Congress provided that the program's purpose is to: (1) Promote the development of developing countries, which often need temporary preferential advantages to compete effectively with industrialized countries; (2) Promote the notion that trade, rather than aid, is a more effective and cost-efficient way of promoting broad-based sustained economic development; (3) take advantage of the fact that developing countries provide the fastest growing markets for U.S. exports and that foreign exchange earnings derived by developing countries from exporting under the GSP program can lead to further U.S. exports; (4) allow for the consideration of the fact that there are significant differences among developing countries with respect to their general development and international competitiveness; (5) encourage the providing of increased trade liberalization measures, thereby setting an example to be emulated by other industrialized countries; (6) recognize that a large number of developing countries must generate sufficient foreign exchange earnings to meet international debt obligations; (7) promote the creation of additional opportunities for trade among developing countries; (8) integrate developing countries into the international trading system with its attendant responsibilities in a manner commensurate with their development; and, (9) encourage developing countries (a) to eliminate or reduce significant barriers to trade in goods and services and to investment, (b) to provide effective means under which foreign nationals may secure, exercise and enforce exclusive intellectual property rights, and (c) to afford workers internationally recognized worker rights. Congress further provided that the purposes of the GSP program should be pursued in a manner that conforms to U.S. obligations under the General Agreement on Tariffs and Trade and does not adversely affect U.S. producers and workers.

As provided in the GSP regulations (15 CFR 2007), the GSP Subcommittee of the TPSC conducts an Annual GSP Review each year. The GSP Subcommittee receives and considers petitions filed by interested parties in the private sector to add products to the GSP program, to remove products from the GSP program or to otherwise modify product coverage. It should be noted that the GSP law expressly excludes certain products from even being considered for GSP eligibility, namely certain textile and apparel articles, certain watches, certain footwear and leather goods, import-sensitive electronic, steel and glassware products and any other articles determined to be import sensitive in the context of the GSP program (section 503(c)(1) of the 1974 Act).

In considering modifications to the GSP program, the GSP Subcommittee considers: (1) The effect such action will have on furthering the economic development of developing countries through the expansion of their exports; (2) the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries; (3) the anticipated impact of such action on U.S. producers of like or directly competitive products; and (4) the extent of the beneficiary developing country's competitiveness with respect to eligible articles (section 501 of the 1974 Act).

The GSP Subcommittee also considers petitions that seek to have various "country practices" of beneficiary countries reviewed (section 502(b) and (c) of the 1974 Act). The country practice criteria include, for example, market access, barriers to trade in services, worker rights, intellectual property rights and uncompensated expropriation.

In the Annual Review, the GSP Subcommittee implements the so-called competitive need limits (section 504(c) of the 1974 Act). The competitive need limits provide that a country will lose GSP benefits for a particular product if the country provides more than 50 percent of total U.S. imports of the product or more than a fixed dollar amount of a particular product in a calendar year (about $96 million for calendar year 1991). The application of the competitive need limits may be waived under certain conditions (section 504(c)(3) of the 1974 Act), and the GSP Subcommittee considers competitive need limit waiver petitions in the Annual GSP Review. Also, "reduced" competitive need limits may be applied if a beneficiary developing country is found to be "sufficiently competitive" with respect to any eligible article (section 504(c)(2) of the 1974 Act).

Lastly, the GSP Subcommittee considers "de minimis waivers" for low trade products (section 504(d)(2) of the 1974 Act) and redesignation determinations (section 504(c)(5) of the 1974 Act) in the Annual GSP Review. De minimis waivers may be granted to a country that exceeds the 50 percent competitive need limit on a particular product for which total U.S. imports do not exceed about $11 million. Countries that have lost GSP benefits on a product in a prior year become eligible to be "redesignated" for GSP benefits when imports of the product fall below the competitive need limits in a subsequent year.

II. GSP Reauthorization: Public Hearings and the Opportunity for Public Comment

The GSP Subcommittee of the TPSC invites public comments on the renewal of the GSP program. Interested parties may file a written submission on any aspect of the GSP program by May 8, 1992. If an interested party wishes to present oral testimony at the public hearings, then they must submit a request by May 20, 1992 to appear at the hearings. The request to appear at the hearing must include a written version of their oral statement. All submissions, requests or oral statements should be submitted to the GSP Subcommittee, Office of the U.S. Trade Representative, room 517, 600 17th Street, NW., Washington, DC 20506.

A. Written Submissions

Interested parties may file a written submission with the GSP Subcommittee on any aspect of the operation, administration or effect of the GSP program by 5 p.m. Wednesday, May 6, 1992. All written submissions must include an original and fourteen copies (14) in English.

B. Public Hearings

Public hearings on the renewal of the GSP program will be held on a date in June 1992 at a location in Washington, DC to be announced. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or purchase from the reporting company. No electronic media coverage will be allowed.

All interested parties wishing to make an oral presentation at the hearings must submit the name, address, and telephone number of the witness(es) representing their organization to the GSP Subcommittee by 5 p.m. Wednesday, May 20, 1992. Requests to present oral testimony in connection with public hearings should be accompanied by an original and fourteen (14) copies, in English, of a written version of their oral statement and should be received by 5 p.m. Wednesday, May 20, 1992. Oral testimony before the GSP Subcommittee must be in English and will be limited to ten-minute presentations that summarize or supplement information contained in written submissions or written versions of oral statements submitted for the record.

C. Information Subject to Public Inspection

All submissions will be subject to public inspection by appointment with the staff of the USTR public reading room. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395–6186.

III. Special GSP Review: Public Comment on USITC Advice

The TPSC initiated a Special GSP Review for Central and Eastern Europe on August 8, 1991 (56 FR 37758). On September 18, 1991, the TPSC extended the deadline for the submission of petitions in the Special GSP Review to October 18, 1991 (56 FR 47266). On December 18, 1991, the TPSC announced the list of products that would be considered for duty-free GSP treatment in the Special GSP Review (56 FR 65750). That notice also announced that the TPSC would seek USITC advice and would provide an opportunity for public comment on the nonconfidential USITC advice in March 1992. The public version of the USITC advice on the products being considered in the Special GSP Review will be available from the USITC on March 17, 1992, by calling the Office of the Secretary of the USITC at (202) 205–1806.

The GSP Subcommittee of the TPSC invites public comments on the nonconfidential USITC advice rendered in the Special GSP Review. Comments on the nonconfidential USITC advice should be submitted to the GSP Subcommittee of the TPSC by 5 p.m. Tuesday, March 31, 1992. All such submissions should conform to the GSP regulations set forth at 15 CFR 2007. All submissions should identify the product of interest in terms of the current numbering and nomenclature of the Harmonized Tariff Schedule of the United States and, if possible, the assigned case number that is contained in the Annex to the December 18 **Federal Register** notice (56 FR 65750).

All submissions must include an original and fourteen copies (14) in English. All submissions will be subject to public inspection by appointment with the staff of the USTR public reading room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. If the document contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each page (either "public version" or "nonconfidential").

David A. Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 92–6164 Filed 3–16–92; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held in room 724, at VA Central Office, 801 I St., NW., Washington, DC 20001, from April 29, 1992, through May 1, 1992. The meeting will convene at 9 a.m. each day and will be open to the public. Seating is limited and will be available on a first-come, first-served basis.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under title 38, United States Code, for Veterans who are former prisoners of war, and to make recommendations on the need of such veterans for compensation, health care and rehabilitation.

The Committee will receive briefing and hold discussions on various issues affecting health care and benefits delivery, including, but not limited to, the following: education and training of VA personnel involved with former prisoners of war; the status of privately and publicly funded research affecting former prisoners of war; past and current legislative issues affecting former prisoners of war; the various disabilities and sequelae of long-term captivity; and the procedures involved in processing claims for service-connected disabilities submitted by former prisoners of war.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. J. Gary Hickman, Director, Compensation and Pension Service (21), room 275, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC, 20420. Submitted material must be received at least five business days prior to the meeting. Members of the public may be asked to clarify submitted material prior to consideration by the Committee.

A report of the meeting and a roster of Committee members may be obtained from Mr. Hickman.

Dated: March 4, 1992.

By Direction of the Secretary.

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92–6118 Filed 3–16–92; 8:45 am]

BILLING CODE 8320–01–M

Wage Committee; Meetings

The Department of Veterans Affairs (VA), in accordance with Public Law 92–463, gives notice that meetings of the VA Wage Committee will be held on:

Wednesday, April 8, 1992, at 2 p.m.
Wednesday, April 22, 1992, at 2 p.m.
Wednesday, May 6, 1992, at 2 p.m.
Wednesday, May 20, 1992, at 2 p.m.
Wednesday, June 3, 1992, at 2 p.m.
Wednesday, June 17, 1992, at 2 p.m.

The meetings will be held in room 1161, Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC. 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Department of Veterans Affairs and

because the wage survey data considered by the Committee have been obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 19(d) of Public Law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairperson for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairperson, VA Wage Committee, room 1161, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: March 6, 1992.

By Direction of the Secretary:

Diane H. Landis,

Committee Management Officer.

[FR Doc. 92–6117 Filed 3–16–92; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 52
Tuesday, March 17, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11 a.m., Monday, March 23, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Benefits proposals regarding the Office of Inspector General.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 13, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–6287 Filed 3–13–92; 12:43 pm]

BILLING CODE 6210–01–M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 10, 1992, 57 FR 8515.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 11, 1992, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number has been added to Item CAG–1 on the Agenda schedule for March 11, 1992:

Item No., Docket No., and Company

CAG–1—RP92–47–000, U–T Offshore System

Lois D. Cashell,

Secretary.

[FR Doc. 92–6231 Filed 3–12–92; 4:38 pm]

BILLING CODE 6712–01–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., April 6, 1992.

PLACE: On board *MV MISSISSIPPI* at foot of Eighth Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 92–6317 Filed 3–13–92; 2:59 pm]

BILLING CODE 3710–GX–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 2:30 p.m., April 7, 1992.

PLACE: On board *MV MISSISSIPPI* at the new Helena Harbor, Helena, AR.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 92–6318 Filed 3–13–92; 2:59 pm]

BILLING CODE 3710–GX–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., April 8, 1992.

PLACE: On board *MV MISSISSIPPI* at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 92–6319 Filed 3–13–92; 2:59 pm]

BILLING CODE 3710–GX–M

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9:00 a.m., April 10, 1992.

PLACE: On board *MV MISSISSIPPI* at Foot of Prytania Street, New Orleans, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601—634–5766.

Rodger D. Harris,

Executive Assistant, Mississippi River Commission.

[FR Doc. 92–6320 Filed 3–13–92; 2:59 pm]

BILLING CODE 3710–GX–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 16, 23, 30, and April 6, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 16

Tuesday, March 17

8:30 a.m.
Discussion of Readiness to Restart of the General Atomics—Sequoyah Fuels Facility (Public Meeting)

2:00 p.m.
Briefing on Activities of the Center for Nuclear Waste Regulatory Analysis (CNWRA) (Public Meeting)

Thursday, March 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 23—Tentative

Wednesday, March 25

10:00 a.m.
Annual Briefing on Medical Use of Byproduct Material (Public Meeting)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 30—Tentative

Thursday, April 2

2:00 p.m.
Briefing on International Nuclear Reactor Safety for Russia and Eastern European Block Countries (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, April 3

10:00 a.m.
Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)

Week of April 6—Tentative

Friday, April 10

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504–1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: March 12, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–6263 Filed 3–13–92; 11:10 am]

BILLING CODE 7590–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–92–07]

TIME AND DATE: March 31, 1992 at 2:00 p.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings.
2. Minutes.
3. Ratification List.
4. Petitions and complaints: Certain telecommunication chips and products containing same (Docket Number 1674).
5. Inv. 731–TA–517 (Final) (Refined antimony trioxide from China)—briefing and vote.
6. Inv. 731–TA–518 (Final) (Aspherical opthalmoscopy lenses from Japan)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205–2000.

Dated: March 11, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6269 Filed 3–13–92; 11:56 am]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–92–06]

TIME AND DATE: March 24, 1992 at 2:00 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings.
2. Minutes.
3. Ratification List.
4. Petitions and complaints.
5. Inv. 701–TA–313 (Preliminary) (Portable Seismographs from Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 205–2000.

Dated: March 11, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6270 Filed 3–13–92; 11:58 am]

BILLING CODE 7020–02–M

Corrections

Federal Register
Vol. 57, No. 52
Tuesday, March 17, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Forest Service

Management for the Northern Spotted Owl; National Forests in Washington, Oregon, and California

Correction

In notice document 92-5710 beginning on page 8621 in the issue of Wednesday, March 11, 1992, make the following corrections:

On page 8621, in the second column, under **EFFECTIVE DATE**, in the seventh and eighth lines, "April 10, 1991" should read "April 10, 1992", both times it appears.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91-229-005]

Panhandle Eastern Pipe Line Co.; Notice of Compliance Filing

Correction

In notice document 92-5473, appearing on page 8448, in the issue of Tuesday, March 10, 1992, the docket number was printed incorrectly, and should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL89-48-001]

Wisconsin Power & Light Co.; Filing

Correction

In notice document 92-5643 appearing on page 8655 in the issue of Wednesday, March 11, 1992, in the second column, in the third line of the document, the date should read "March 2, 1992.".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 340

[Docket No. 75N-244U]

RIN 0905-AA06

Stimulant Drug Products for Over-the-Counter Human Use; Proposed Amendment to the Monograph

Correction

In the issue of Monday, February 24, 1992, on page 6352, in the second column, in the correction of proposed rule document 91-30428, the section heading should read as set forth below:

§ 340.60 [Corrected]

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

Fiscal Year (FY) 1993 State Median Income Estimates for Use Under the Administration for Children and Families, Office of Community Services, Division of Energy Assistance

Correction

In notice document 92-4393 beginning on page 6614 in the issue of Wednesday, February 26, 1992, make the following corrections:

1. On page 6614, in the third column, under **FOR FURTHER INFORMATION CONTACT:**, in the next to last line, "Washington" was misspelled.

2. On page 6615, in the first column:

a. In the seventh line, "Assistance" should read "Assistant".

b. In the second column of the table, in the eighth line, "46,425" should read "46,524" and in the seventh line from the bottom, "38,718" should read "39,718".

c. In the 3d column of the table, in the 12th line, "30,190" should read "30,140".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

Native American Programs; Proposed Total Allocations and Allocation Formulas for Program Year 1992 Regular Program and Calander Year 1992 Summer Youth Employment and Training Program

Correction

In notice document 92-1094 beginning on page 1762, in the issue of Wednesday, January 15, 1992, make the following corrections:

1. On page 1762, in the table, in the third column, in the first line, "274,383" should read "247,383".

2. On the same page, in the same column, in the fourth line, "565,625" should read "465,625".

3. On page 1763, in the first column of the table, in the second entry, in the first line, "Tungit" should read "Tlingit"; and in the third line, "99-1-0114-55-138-02" should read "99-1-0114-55-136-02".

4. On the same page, in the third column, in the seventh line, "142,172" should read "142,712".

5. On the same page, in the same line, in the sixth column, "68,070" should read "68,080".

6. On the same page, in the first column, in the ninth entry, in the first line, "300" should read "3300".

7. On the same page, in the same column, in the 12th entry, in the 1st line, after "Inc.," insert "1515 East Osborne Rd., The Annex,"

8. On the same page, in the same column, in the 16th entry, in the second line, "99-1-0057-117-02" should read "99-1-0057-55-117-02".

9. On the same page, in the 7th column, in the 19th line, "152,305" should read "452,305".

10. On the same page, in the 1st column, in the 20th entry, in the 1st line, "Pasolia" should read "Pasqua".

11. On the same page, in the 7th column, in the 24th line, "24,397" should read "24,387".

12. On the same page, in the same column, in the last line, "956" should read "2,956".

13. On page 1764, in the 1st column, in the 20th entry, in the 2nd line, "99-1-0178-85-151-02" should read "99-1-0178-55-151-02".

14. On page 1765, in the first column, in the seventh entry, in the second line, "99-1-0009-55-080-12" should read "99-1-0009-55-080-02".

15. On page 1766, in the 1st column, in the 13th entry, in the first line, "Lafayette" should be capitalized.

16. On the same page, in the 2d column, in the 22d line "1,345,805" should read "1,354,805".

17. On page 1767, in the 1st column, in the 21st entry, in the 2d line, "99-3153-55-229-02" should read "99-1-3153-55-229-02".

18. On page 1768, in the 1st column, in the 13th entry, in the 1st line, "Kwinda" should read "Kwina".

BILLING CODE 1505-01-D

federal register

Tuesday
March 17, 1992

Part II

Department of Education

34 CFR Part 770

Library Services and Construction Act State-Administered Program; Final Regulation

DEPARTMENT OF EDUCATION

34 CFR Part 770

RIN 1850-AA39

Library Services and Construction Act; State-Administered Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Library Services and Construction Act State-Administered Program. These regulations implement the Library Services and Construction Act (LSCA) Amendments of 1990 (Pub. L. 101-254). These regulations also support a number of components of AMERICA 2000, the President's education strategy.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments, with the exception of § 770.41. Section 770.41 will become effective after the information collection requirements contained in that section have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Klassen, Director, Public Library Support Staff, U.S. Department of Education, 555 New Jersey Avenue, NW., (Capitol Building, Room 402L), Washington, DC 20202-5571. Telephone: (202) 219-1303. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: LSCA State-administered programs provide States with funds to assist public libraries, often in cooperation with school or other specialized libraries, to provide information, both to those still in school and to those who have entered the work force. Under LSCA, libraries provide access to challenging subject matter at all levels, and provide a wide range of community programs, such as family literacy activities, adult literacy programs, tutoring programs for those learning English as a second language, story hours for children that contribute to their readiness to enter school, library services to child-care centers, drug prevention programs, and intergenerational programs for latchkey children. Through all of the LSCA activities, libraries are helping to implement AMERICA 2000, the President's strategy for meeting the national education goals.

(a) The LSCA Amendments of 1990, enacted on March 15, 1990, authorize Federal assistance through fiscal year 1994 for Titles I through III of the Act, and make other changes.

1990 Amendments to the Statute

(1) Title I (Library Services) has been amended by expanding the specific purposes for which Title I funds may be used to include intergenerational programs that match older adult volunteers with unsupervised school children after school hours to help them improve their reading skills, mobile library programs for child-care centers, library literacy centers coordinated by the State library administrative agency, and materials and programs aimed at preventing and eliminating drug abuse. Other amendments authorize the State to make subgrants to library systems or networks that include libraries other than public libraries, and assist libraries in making effective use of technology to improve services. Ratable reductions of grants to major urban resource libraries, to the extent that Federal allocations to the State are reduced or the 1990 Census shows the population of the city has decreased, are allowed, along with ratable reductions of maintenance-of-effort for institutional library services and library services to the physically handicapped to the extent that the populations served have declined.

(2) Title II (Public Library Construction) has been amended to allow libraries to acquire substantial technological equipment, whether or not it is part of the construction of a library facility. The amendments have also added a requirement that grantees follow policies and procedures in the construction of public libraries that will promote the preservation of resources to be used in the facilities constructed with Title II funds.

(3) Title III (Interlibrary Cooperation and Resource Sharing) has been amended to allow for the development of the technological capacity of libraries for interlibrary cooperation and resource sharing and provide that public and school libraries that cooperate to make school library resources available to the public when school is not in session may be reimbursed for those expenses. A new section 305 authorizes the use of Title III funds for preservation programs that are to be based on a Statewide preservation cooperation plan that identifies preservation objectives and specifies methods by which the State library administrative agency will work with libraries and other organizations concerned with preservation to develop plans, training, and service programs to ensure that endangered library and information resources are preserved systematically.

(b) On October 17, 1990, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the Federal Register (55 FR 42152).

Major Changes to the Regulations

The following regulatory amendments reflect changes in the authorizing statute resulting from the 1990 amendments to the Act. As a result of these changes, various sections or paragraphs have been renumbered in these regulations. Some of the revisions to these regulations are minor; others are more significant. Among the provisions in the regulations implementing changes in the authorizing statute are the following:

- The definition for "handicapped" is deleted because the Act now contains a definition for "handicapped individual."
- The regulations specify a number of new activities for which State agencies may utilize funds provided under Title I of the Act, including the following:
  - —Intergenerational projects using adult volunteers to help latchkey children develop reading skills;
  - —Library services to child-care centers;
  - —Model library literacy centers to reduce the number of illiterate individuals and enhance their employment opportunities;
  - —Materials and projects aimed at preventing and eliminating drug abuse; and
  - —Making effective use of technology.
- The regulations describe new preservation projects that the Secretary funds under Title III, and permit a State to include in its long-range program a Statewide preservation cooperation plan.
- The regulations permit Title I grantees to make subgrants to library systems or networks that include libraries other than public libraries.
- The regulations permit the use of Title II grant funds for remodeling public libraries to ensure safe working environments.
- The regulations require an assurance that libraries receiving any funds under the Act will not discriminate in providing space for public meetings.
- The regulations permit ratable reductions in expenditures for State institutional library services and library services for the physically handicapped, and in maintenance of support for major urban resource libraries, in certain circumstances.
- The regulations modify the maintenance-of-effort requirements under Title I of the Act by identifying two discrete expenditure categories introduced by the 1990 amendments: State aid to public libraries and library systems and State funds expended directly by the State library administrative agency for statewide development of public library services.

In addition, the regulations provide criteria to be applied by the Secretary in determining whether a request by a State library administrative agency for a waiver of the maintenance-of-effort requirements at section 7(a)(2) of the Act will be granted.

(c) There are some significant changes in these final regulations resulting from the 154 public comments on the NPRM. The changes include the following:

- Guidance is provided in the responses to the commenters' requests for clarification of the terms "Development of public library services" under Title I, and "Information and building technologies" and "Enclosures or structures necessary to house equipment in public library buildings" under Title II.
- Additional guidance is provided to the States in the responses to the comments about how to determine the amount that a State library administrative agency must pay to a Major Urban Resource Library (MURL) if the Title I allocation is reduced or the MURL city's population has decreased.
- The criteria that will be applied by the Secretary in his review and consideration of any requests for waivers of the section 7(a)(2) maintenance-of-effort requirements have been revised to conform more closely to the new maintenance-of-effort provision.
- Minor editorial and technical revisions have been made.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 25 parties submitted 154 comments on the proposed regulations. There were 4 comments that were not relevant to the NPRM concerning purchase of equipment (34 CFR 80.32); lease of equipment (34 CFR 80.36); recordkeeping (34 CFR 80.42); and nuclear fallout shelters (EO 11490). These commenters will receive direct answers to their comments. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed. An analysis of the comments and of the changes in the regulations since publication of the NPRM is published as an appendix to these final regulations. Substantive issues are discussed under the section of the regulations to which they pertain. One of the substantive issues was the commenters' concern with the meaning of the term "State aid." Under the new section 7(a)(2) maintenance-of-effort provision introduced in the 1990 amendments, State funds utilized for public library services must be identified under two separate categories: State aid and the direct expenditure by State library administrative agencies for the development of public library services. Since a definition of the term "State aid" was not previously proposed, the Secretary is seeking public comment on a definition through the separate NPRM published elsewhere in this issue of the Federal Register.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and to the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program. (Please note that Federally recognized Indian tribal governments are not subject to Executive Order 12372.)

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 770

Aging—libraries, Child-care centers, Construction—libraries, Correctional institutions—libraries, Drug abuse, Education, Education of disadvantaged, Grant programs—education, Handicapped, Libraries, Limited English-speaking proficiency, Literacy, Mental health programs—libraries, Network(s), Penal institutions—libraries, Preservation, Prisons—libraries, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Numbers: 84.034 Public Library Services; 84.154 Public Library Construction; 84.035 Interlibrary Cooperation and Resource Sharing.)

Dated: December 5, 1991.

Lamar Alexander,

Secretary of Education.

The Secretary amends title 34 of the Code of Federal Regulations by revising part 770 to read as follows:

PART 770—LIBRARY SERVICES AND CONSTRUCTION ACT STATE-ADMINISTERED PROGRAM

Subpart A—General

Sec.

770.1 The Library Services and Construction Act State-Administered Program.
770.2 Who is eligible to apply for a grant under the State-Administered Program?
770.3 What regulations apply to the State-Administered Program?
770.4 What definitions apply to the State-Administered Program?

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

770.10 What types of projects may be funded under Public Library Services grants?
770.11 What types of projects may be funded under Public Library Construction and Technology Enhancement grants?
770.12 What types of projects may be funded under Interlibrary Cooperation and Resource Sharing grants?

Subpart C—How Does a State Apply for a Grant?

770.20 What must a State do to receive a grant under the State-Administered Program?
770.21 What must a State plan include?
770.22 What must a State include in a basic State plan?
770.23 What must a State include in a long-range program?
770.24 What must a State include in an annual program?

Subpart D—[Reserved]

Subpart E—What Conditions Must Be Met by a State and Its Subgrantees?

770.40 What matching requirements apply to a Public Library Services grant?

770.41 What are the basic maintenance-of-effort requirements for a Public Library Services grant?
770.42 What other maintenance-of-effort requirements apply to a Public Library Services grant?
770.43 What maintenance of Federal support is required for major urban resource libraries (MURLs)?
770.44 What are a State's financial obligations under a Public Library Construction and Technology Enhancement grant?
770.45 What other financial obligation does a recipient have under a Public Library Construction and Technology Enhancement grant?
770.46 What administrative costs are allowable under the State-Administered Program?

Subpart F—What Are the Administrative Responsibilities of a State and its Subgrantees?

770.50 Under what circumstances must a State provide an applicant with an opportunity for a hearing?

Authority: 20 U.S.C. 351 *et seq.*, unless otherwise noted.

Subpart A—General

§ 770.1 The Library Services and Construction Act State-Administered Program.

Under the Library Services and Construction Act State-Administered Program—referred to in this part as the State-Administered Program—the Secretary provides Federal funds to assist States to—

(a) Extend and improve public library services;

(b) Construct, renovate and enhance the technology of public libraries; and

(c) Develop and strengthen interlibrary cooperation, resource sharing, and the preservation of library resources.

(Authority: 20 U.S.C. 351, 353, 355b, 355e)

§ 770.2 Who is eligible to apply for a grant under the State-Administered Program?

Under the State-Administered Program the following parties are eligible to apply:

(a) States are eligible to apply to the Secretary for—

(1) Public Library Services grants under Title I of the Act;

(2) Public Library Construction and Technology Enhancement grants under Title II of the Act; and

(3) Interlibrary Cooperation and Resource Sharing grants under Title III of the Act.

(b)(1) Public libraries are eligible to apply to their respective States for subgrants under each type of grant specified in paragraph (a) of this section.

(2) Library systems or networks that include libraries other than public libraries are eligible to apply for a subgrant under Title I of the Act if the purpose of the subgrant is to improve services for public library patrons.

(3) In the case of Interlibrary Cooperation and Resource Sharing grants, a State may also permit other types of libraries to apply for subgrants.

(Authority: 20 U.S.C. 351d, 352, 355a, 355e)

§ 770.3 What regulations apply to the State-Administered Program?

The following regulations apply to the State-Administered Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 76 (State-Administered Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), Part 81 (General Education Provisions Act—Enforcement), Part 82 (New Restrictions on Lobbying), Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), and Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part 770.

(Authority: 20 U.S.C. 351 *et seq.*)

§ 770.4 What definitions apply to the State-Administered Program?

(a) *Definitions in the Act.* The following terms used in this part are defined in section 3 of the Act:

Adult with limited literacy skills
Annual program
Basic State plan
Construction
Educationally disadvantaged adult
Handicapped individual
Hawaiian native
Indian tribe
Library service
Library services for the physically handicapped
Long-range program
Major urban resource library
Network
Public library
Public library services
State
State Advisory Council on Libraries
State institutional library services
State library administrative agency
Technology enhancement

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Acquisition
Applicant
Application
Department
EDGAR
Facilities
Fiscal year
Grant
Grantee
Nonprofit
Private
Project
Secretary
Subgrant
Subgrantee

(c) *Other definitions that apply to this part.* The following definitions apply to this part:

Act means the Library Services and Construction Act, as amended.

Community information referral center means a center that provides information and makes referrals to link people in need of services to appropriate resources.

Disadvantaged means persons whose socio-economic or educational deprivation or whose cultural isolation from the general community may preclude them from benefiting from public library services to the same extent as the general community benefits from these services.

Illiteracy means the inability of an individual to read, write, or comprehend or to perform basic arithmetical computations.

Information and building technologies means those technologies that have been developed or will be developed for the storage, retrieval and processing of information and for the efficient operation and maintenance of buildings and other structures that are authorized to be constructed with Title II funds awarded under the Act.

Interlibrary cooperation means the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers.

Interlibrary Cooperation and Resource Sharing grants means Federal financial assistance provided by the Secretary under Title III of the Act.

Library materials means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial works, graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, computer software, and materials designed specifically for the handicapped.

Limited English-speaking proficiency, when used with reference to individuals, means individuals who—

(1)(i) Were not born in the United States or whose native tongue is a language other than English;

(ii) Come from environments where a language other than English is dominant; or

(iii) Are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and

(2) Because of one of the reasons listed in paragraph (1) of this definition, have sufficient difficulty speaking, reading, writing, or understanding the English language to be denied the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in society.

Literacy means the ability of an individual to read, write, and comprehend and to perform basic arithmetical computations.

Literacy program means a project or activity designed to help individuals improve their ability to read, write, or comprehend or to perform basic arithmetical computations.

Public Library Construction and Technology Enhancement grants means Federal financial assistance provided by the Secretary under Title II of the Act.

Public Library Services grants means Federal financial assistance provided by the Secretary under Title I of the Act.

(Authority: 20 U.S.C. 351 *et seq.*)

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 770.10 What types of projects may be funded under Public Library Services grants?

(a) The Secretary awards Public Library Services grants to assist projects designed to plan for, establish, extend, or improve public library services.

(b) The types of projects referred to in paragraph (a) of this section may include, but are not restricted to, the following:

(1) Extending public library services to areas and populations that lack these services.

(2) Improving public library services to ensure that these services are adequate to meet the needs of specific areas and populations.

(3)(i) Making public library services accessible to individuals who, because of a disadvantage, are unable to benefit from public library services regularly made available to the general public.

(ii) These disadvantages include, but are not restricted to, distance, residence, handicap, age, literacy level, and limited English-speaking proficiency.

(4) Establishing, expanding, and operating programs to improve State and local public library services for—

(i) The elderly;

(ii) The institutionalized;

(iii) The physically handicapped; and

(iv) The disadvantaged in urban and rural areas.

(5) Adapting public library services to meet particular needs of individuals.

(6) Assisting libraries to serve as community information referral centers.

(7) Assisting libraries in providing literacy programs for adults and school dropouts and in carrying out these literacy programs in cooperation with other agencies and organizations in a community.

(8) Establishing and supporting model library literacy centers, coordinated by the State library administrative agency with other interested State agencies and nonprofit organizations to reduce the number of functionally illiterate individuals and to help them reach full employment.

(9) Assisting libraries in developing intergenerational library programs that will match older adult volunteers with libraries interested in developing after school literacy and reading skills programs for unsupervised children during afterschool hours.

(10) Assisting libraries in providing mobile library services and programs to licensed or certified child-care providers or child-care centers.

(11) Assisting libraries in providing and displaying educational materials, and conducting community programs aimed at preventing and eliminating drug abuse, in cooperation with local education agencies, or other agencies or organizations.

(12) Strengthening the capacity of the State library administrative agency to meet the needs of the people of the State with regard to library services, facilities, and resources.

(13) Supporting and expanding the services of major urban resource libraries that meet the demands of individual users and other libraries.

(14) Assisting public libraries in making effective use of technology to improve library and information services.

(15) Strengthening metropolitan libraries that serve as national or regional resource centers.

(Authority: 20 U.S.C. 351(a), 351a, 352, 353)

§ 770.11 What types of projects may be funded under Public Library Construction and Technology Enhancement grants?

(a) The Secretary awards Public Library Construction and Technology Enhancement grants to assist projects designed to carry out the following activities:

(1) Construction of new buildings.

(2) Acquisition, expansion, remodeling, and alteration of existing buildings, including the purchase of existing historic buildings.

(3) Purchase, lease, and installation of equipment for any building referred to in paragraphs (a) (1) and (2) of this section.

(4) Technology enhancement, as defined in section 3(19) of the Act.

(5) Any combination of activities referred to in paragraphs (a) (1) through (4) of this section (including architect's fees and the cost of acquisition of land).

(b) As used in paragraph (a)(3) of this section, "equipment" includes the following:

(1) Information and building technologies.

(2) Video and telecommunications equipment.

(3) Machinery.

(4) Utilities.

(5) Built-in equipment.

(6) Any enclosures or structures necessary to house the items referred to in paragraphs (b) (1) through (5) of this section.

(7) All other items necessary for the functioning of a particular facility as a provider of public library services.

(c) As used in paragraph (a)(2) of this section, "remodeling" includes the following:

(1) Remodeling to meet the standards of the Architectural Barriers Act of 1968.

(2) Remodeling designed to ensure safe working environments and to conserve energy.

(3) Remodeling or renovation to accommodate new technologies.

(Authority: 20 U.S.C. 351a(2), 355a, 355c)

§ 770.12 What types of projects may be funded under Interlibrary Cooperation and Resource Sharing grants?

The Secretary awards Interlibrary Cooperation and Resource Sharing grants to assist projects designed to enable various types of libraries to share resources and materials. The types of projects that may be supported under an Interlibrary Cooperation and Resource Sharing Grant include the following mandated and allowable activities:

(a) Mandated activities include:

(1) Planning for, and taking other steps leading to the development of, cooperative library networks.

(2) Establishing, expanding, or operating local, regional, or interstate cooperative library networks.

(3) Developing the technological capacity of libraries for interlibrary cooperation and resource sharing.

(4) Developing a Statewide resource sharing plan directed toward attaining compliance with section 304 of the Act.

(b) Allowable activities include one or more of the items listed in section 304(c) of the Act.

(c) Activities for which a plan must be approved for the use of LSCA funds include developing and implementing a Statewide preservation cooperation plan for systematically preserving endangered library and information resources. Such a plan must be developed in consultation with such parties and agencies as—

(1) The State archives;

(2) Historical societies;

(3) Libraries;

(4) Scholarly organizations; and

(5) Other interested parties.

(d) State library administrative agencies may contract with other agencies or institutions for part or all of the preservation activities in the Statewide preservation cooperation plan described in paragraph (c) of this section.

(Authority: 20 U.S.C. 351(a), 355e–1(a), 355e–2, 355e–3, 355e–4)

Subpart C—How Does a State Apply for a Grant?

§ 770.20 What must a State do to receive a grant under the State-Administered Program?

(a) In order to receive a grant under the State-Administered Program, a State must—

(1) Establish a State Advisory Council on Libraries; and

(2) After consulting with the council, submit to the Secretary by the various dates established by the Secretary the three parts of a State plan, as described in § 770.21.

(b) The Secretary does not consider the other parts of the plan until the Secretary has approved the basic State plan.

(Authority: 20 U.S.C. 351d(a))

(Approved by the Office of Management and Budget under control number 1850–0528)

§ 770.21 What must a State plan include?

A State plan must consist of the following three parts:

(a)(1) A basic State plan, as described in § 770.22, covering a five-year period.

(2) One basic plan to cover all types of grants provided under this program:

(i) Public Library Services grants.

(ii) Public Library Construction and Technology Enhancement grants.

(iii) Interlibrary Cooperation and Resource Sharing grants.

(b)(1) A long-range program, as described in § 770.23, covering a period of not fewer than three years and not more than five years.

(2) The State library administrative agency shall develop the long-range program—

(i) With the advice and assistance of the State Advisory Council on Libraries; and

(ii) In consultation with the Secretary.

(3) The State shall—

(i) Submit a long-range program that provides a comprehensive description of the State's identified library needs and a description of the activities to be undertaken toward meeting those needs supported with the assistance of the LSCA State-Administered Program;

(ii) Review the program each year;

(iii) Revise the program each year according to changing needs and the results of evaluations and surveys; and

(iv) Submit the revised program to the Secretary.

(c) An annual program, as described in § 770.24, for each type of grant for which the State is applying.

(Authority: 20 U.S.C. 351d(a))

(Approved by the Office of Management and Budget under control number 1850–0528)

§ 770.22 What must a State include in a basic State plan?

A State shall include the following in its basic State plan:

(a) Assurance that the State library administrative agency—

(1) Will administer or supervise the administration of all programs and projects in the State assisted under the State-Administered Program;

(2) Has the fiscal and legal authority and capability to administer or supervise the administration of programs and projects assisted under the State-Administered Program;

(3) Has established or will establish policies, priorities, criteria, and procedures necessary to implement the program in the State;

(4)(i) Will make the reports the Secretary reasonably requires to—

(A) Carry out the Secretary's functions under the program; and

(B) Determine the extent to which funds provided under the program have been effective in carrying out the purposes of the program;

(ii) Will include in these reports, if requested by the Secretary, reports of evaluations made under the State plan; and

(iii) Will make the reports in the form and containing the information reasonably required by the Secretary; and

(5)(i) Will keep the records the Secretary finds necessary to assure the correctness and verification of the reports referred to in paragraph (a)(4) of this section; and

(ii) Will give the Secretary access to the records as the Secretary finds necessary.

(b) Assurances that—

(1) Any funds paid to the State under a long-range program and an annual program will be expended only for the purposes for which the funds have been authorized and appropriated;

(2) The State has adopted the necessary fiscal control and fund accounting procedures to assure proper disbursement of, and accountability for, Federal funds paid—

(i) To the State under the State-Administered Program; and

(ii) By the State to any other agency under the program;

(3) The State will give priority to programs and projects designed to carry out the following objectives:

(i) To improve access to public library resources and services for the least served populations in the State, including—

(A) Projects for individuals with limited English-speaking proficiency;

(B) Projects for individuals with disabilities; and

(C) Projects in urban and rural areas.

(ii) To serve the elderly.

(iii) To combat illiteracy.

(iv) To increase library services and access to services through effective use of technology; and

(4) Libraries within the State that receive funds under this Act will not discriminate on the basis of race, religion, age, gender, national origin, or handicapping condition in providing space for public meetings.

(Authority: 20 U.S.C. 351a(11), 351d(b))

(Approved by the Office of Management and Budget under control number 1850–0528)

§ 770.23 What must a State include in a long-range program?

(a) A State shall include the following in a long-range program covering all activities under the State-Administered Program:

(1) A comprehensive description of the State's identified present and projected library needs.

(2) A plan for meeting those identified needs with Federal funds made available through the appropriate type of grant under the State-Administered Program.

(3)(i) The State's policies, priorities, criteria, and procedures for administering this type of grant and appropriate subgrants under the State-Administered Program.

(ii) A description of how the State plans to implement the priorities in § 770.22(b)(3).

(4) A description of the State's policies and procedures regarding each of the following:

(i) The periodic evaluation of the effectiveness of projects supported under this type of grant in measurable terms and with generally accepted evaluation methods appropriate to the purpose of the program and the project.

(ii) The appropriate dissemination of project evaluations and other information pertaining to these projects.

(iii) The coordination of projects assisted under this type of grant with similar library programs and projects operated by other libraries, institutions, and agencies in the State.

(b) In the case of an application for a Public Library Construction and Technology Enhancement grant, the State shall also include in its long-range program the policies and procedures to be followed by the State library administrative agency in providing an opportunity for a hearing to a local or other public agency whose application for a subgrant is denied.

(c) In the case of an application for an Interlibrary Cooperation and Resource Sharing grant, the State shall also include the following in its long-range program:

(1) A Statewide resource sharing plan directed toward attaining compliance with the provisions of section 304 of the Act. In developing the plan, the State library administrative agency, with the assistance of the State Advisory Council on Libraries, shall consider recommendations from current and potential participating institutions in interlibrary cooperation and resource sharing projects authorized under the Act.

(2) An identification of interlibrary cooperation and resource sharing objectives to be achieved during the period covered by the basic State plan and the long-range program. These objectives may include, but are not restricted to, one or more of the items listed in section 304(c) of the Act.

(3)(i) A State that intends to use LSCA funds for the preservation of library materials shall also include in its long-range program a Statewide preservation cooperation plan (preservation plan) that—

(A) Identifies the preservation objectives to be achieved during the period covered by the long-range program; and

(B) Specifies the methods by which endangered library and information resources are to be preserved systematically.

(ii) In developing the preservation plan, a State shall consult with parties and agencies such as the State archives, historical societies, libraries, scholarly organizations, and other interested parties.

(iii) In carrying out the preservation plan, a State shall work with libraries, archives, historical societies, scholarly organizations and other agencies, within or outside the State, in planning, education and training, coordinating, outreach and public information, and service programs.

(Authority: 20 U.S.C. 351(a), 351a(12), 351d(d), 355c, 355e, 355e–2, 355e–3)

(Approved by the Office of Management and Budget under control number 1850–0528)

§ 770.24 What must a State include in an annual program?

(a) A State shall include the following in an annual program:

(1) A description of the projects and activities the State plans to carry out—and the basis upon which the State plans to award subgrants—during the specified year with regard to public library services, public library construction and technology enhancement, or interlibrary cooperation and resource sharing, as appropriate.

(2) A description of how these projects and activities would—

(i) Be consistent with purposes specified in the Act and in §§ 770.10, 770.11, or 770.12;

(ii) Fulfill the objectives of the State's long-range program or the update of the long-range program; and

(iii) Meet the needs identified by the State in the long-range program.

(3) A description of the criteria the State plans to use in allocating funds.

(4)(i) A demonstration that the manner in which the State proposes to carry out the annual program is consistent with the policies, criteria, priorities, and procedures specified in the long-range program or update of the long-range program.

(ii) In meeting this requirement, the State shall address, among other items, policies and procedures regarding evaluations, dissemination, and coordination, as described in § 770.23(a)(4).

(5) A description of how proposed projects and activities are to be based on the results of evaluations described in § 770.23(a)(4)(i) undertaken according to the long-range program.

(6) A demonstration that proposed projects and activities would meet the assurance given by the State in its basic State plan to implement the priorities specified in § 770.22(b)(3), if appropriate.

(7) The amount of Federal funds the State plans to spend to carry out its administrative functions under the grant, as specified in § 770.46.

(b) In the case of an application for a Public Library Services grant, the State shall also include the following in its annual program:

(1) The criteria the State plans to use to ensure that the State meets the financial obligations specified in §§ 770.40, 770.41, 770.42, and 770.43.

(2) A description of how the State plans to allocate funds to support and expand library services of major urban resource libraries if—

(i) The sum appropriated for the year exceeds the amount specified in section 102(c)(1) of the Act; and

(ii) The State has one or more cities with populations of at least 100,000 individuals.

(3) A description of how the State plans to use funds for projects and activities for the elderly.

(4) A description of how the State plans to use funds to make public library services and programs more accessible to handicapped individuals.

(5)(i) To enable the Secretary to make a determination of payment under section 7(a) of the Act, a statement of the amounts the State will have available for expenditure for the proposed projects and activities during the period covered by the annual program from—

(A) State sources; and

(B) Local sources.

(ii) The State may not include in-kind contributions among the amounts the State declares it will have available for expenditure under paragraph (b)(5)(i) of this section.

(c) In the case of an application for a Public Library Construction and Technology enhancement grant, the State shall also include in its annual program a description of how the State plans to—

(1) Use funds that year, consistent with the long-range program, for approved construction projects in areas of the State lacking the library facilities necessary to provide adequate public library services; and

(2) Follow policies and procedures in the construction of the public libraries that will promote the preservation of library and information resources to be used in the facilities.

(d) In the case of an application for an Interlibrary Cooperation and Resource Sharing grant, the State shall also include in its annual program a description of how the proposed projects and activities would meet the

requirements of the Act with respect to—

(1) The Statewide resource sharing plan;

(2) The interlibrary cooperation and resource sharing objectives identified in the long-range program; and

(3) If applicable, the Statewide preservation cooperation plan described in § 770.23(c)(3).

(Authority: 20 U.S.C. 351, 351a(13), 351d(a), 351d(b)(4); 351e(a)(1), 354, 355c, 355e–2, 355e–3)

(Approved by the Office of Management and Budget under control number 1850–0526)

Subpart D [Reserved]

Subpart E—What Conditions Must Be Met by a State and Its Subgrantees?

§ 770.40 What matching requirements apply to a Public Library Services grant?

In order to receive a Public Library Services grant, a State shall have available, from State and local sources, for expenditure for the projects and activities proposed in its annual program an amount that equals or exceeds the difference between—

(a) The cost of carrying out the State's annual program; and

(b) The Federal share of these costs, as specified in section 7(b) of the Act.

(Authority: 20 U.S.C. 351e(b), 354)

§ 770.41 What are the basic maintenance-of-effort requirements for a Public Library Services grant?

(a) *Basic maintenance-of-effort.* In order to receive a Public Library Services grant, a State shall have available for expenditure—

(1) For State aid to public libraries and library systems, an aggregate amount equal to 90 percent of the amount actually expended by the State for those purposes in the second preceding fiscal year; and

(2) For the State library administrative agency, or the part of the State library administrative agency charged by State law with extending and developing public library services throughout the State, an aggregate amount equal to 90 percent of the amount actually expended for those purposes in the second preceding fiscal year.

(b) *Waiver.* (1) The Secretary may waive the basic maintenance-of-effort requirements contained in paragraph (a) of this section, if the Secretary determines that application of paragraph (a) would be unjust or unreasonable in light of exceptional extenuating circumstances.

(2) The circumstances under which the Secretary may waive the basic maintenance-of-effort requirements include, but are not limited to, the following:

(i) A natural disaster affecting the State.

(ii) A precipitous decline in the financial resources of the State resulting in general reductions in the State's expenditures, except that the effect of State legislative action or referenda reducing revenue or rejecting revenue initiatives does not in and of itself justify a waiver.

(3) A State shall support a waiver request with appropriate documentation.

(4)(i) If the Secretary grants a waiver under this section, the amount of funds that the State library administrative agency is otherwise entitled to receive under this part is not reduced.

(ii) The basic maintenance-of-effort level in the second fiscal year following the fiscal year for which a waiver is granted is at least 90 percent of the amount that the State library administrative agency would have been required to expend in the waiver year had the waiver not been granted.

Example: In fiscal year 1991 a State library administrative agency obtains a waiver under this section because it will have available for expenditure for FY 1991 less than 90 percent of its actual expenditures in the second preceding year (1989) due to exceptional extenuating circumstances. In determining whether the agency meets the basic maintenance-of-effort requirements for fiscal year 1993, the State agency must have available for expenditure at least 90 percent of its actual expenditures for 1989, the second fiscal year preceding the year for which the waiver was granted, and not 90 percent of its actual expenditures in FY 1991 (the waiver year). Thus, if the State agency expended $3,000,000 in FY 1989, $2,800,000 in FY 1990, and only $2,500,000 in FY 1991, when it should have expended $2,700,000 (90 percent of $3,000,000) but obtained a waiver instead, then in FY 1993 it must expend 90 percent of $2,700,000, for a total of $2,430,000, rather than 90 percent of $2,500,000 (the amount it actually expended in FY 1991), or $2,250,000.

(Authority: 20 U.S.C 351e(a))

§ 770.42 What other maintenance-of-effort requirements apply to a Public Library Services grant?

(a) In addition to the requirements in § 770.41, in order to receive a Public Library Services grant a State shall spend for State institutional library services and library services to the physically handicapped, from Federal, State, and local sources, an amount not less than the amount that the State spent from those sources for those services during the second preceding fiscal year.

(b) The Secretary ratably reduces the amount that a State is required to spend for institutional library services and library services to the physically handicapped to the extent that—

(1) The Federal allocation for the State's Public Library Services grant is reduced; and

(2) The Secretary determines that the populations served by those expenditures have declined.

(Authority: 20 U.S.C. 354)

§ 770.43 What maintenance of Federal support is required for major urban resource libraries (MURLs)?

(a) Except as provided in paragraph (b) of this section, if the amount of a Public Library Services grant requires a State library administrative agency to allocate funds to support and expand library services of the State's MURLs, under sections 102(a)(3) and (c) of the Act and in § 770.24(b)(2), the State library administrative agency may not reduce the amount it pays to a MURL below the amount that it paid to that MURL in the preceding fiscal year.

(b) A State library administrative agency may ratably reduce the amount that a State library administrative agency must pay to a MURL under paragraph (a) of this section to the extent that—

(1) The Federal allocation to the State library administrative agency for its Public Library Services grant is reduced for the applicable fiscal year; or

(2) The 1990 Census shows that the population of the city served under paragraph (a) of this section has decreased.

(c) In any fiscal year in which both circumstances described in paragraph (b) of this section occur, the State library administrative agency shall determine whether to apply one or the other, or both, of the reduction rates, or to not reduce payments to its State's MURLs at all. The following example illustrates how the calculation of the reduction can be made if a State library administrative agency chooses to apply both rates in a fiscal year when both circumstances occur.

Example: In a State with 4 MURLs, where the minimum amount required to be set aside for MURLs is $100,000, the allocation reduction rate is 10 percent, and one of the MURLs has a 5 percent decrease in its population. The ratable reduction may be calculated as follows:

$100,000 × 10% = $10,000
$100,000 × 10,000 = $90,000
$90,000 ÷ 4 = $22,500 (assuming equal distribution among these 4 MURLs)
$22,500 × 5% = $1,125
$22,500 − 1,125 = $21,375 to be paid to the MURL with a 5 percent population decrease.

(Authority: 20 U.S.C. 353(c))

§ 770.44 What are a State's financial obligations under a Public Library Construction and Technology Enhancement grant?

(a) A State that receives a Public Library Construction and Technology Enhancement grant shall provide, from State or local sources or both, in the fiscal year for which the grant is made, the difference between—

(1) The costs of projects financed under the grant; and

(2) The Federal share of these costs, as specified in section 7(b) of the Act.

(b) In the case of any individual project awarded under a Public Library Construction and Technology Enhancement grant, at least one half of the total cost must be supplied by State or local sources or both.

(Authority: 20 U.S.C. 351e(b), 355b(b))

§ 770.45 What other financial obligation does a recipient have under a Public Library Construction and Technology Enhancement grant?

(a) Unless released from the obligation under paragraph (c) of this section, a recipient of Federal financial assistance under a Public Library Construction and Technology Enhancement grant—or the recipient's successor in title or possession—shall repay to the United States on request an amount as specified in paragraph (b) of this section if, within 20 years of the completion of construction of the library facility—or part of the facility—for which the assistance was received—

(1) The recipient or its successor ceases or fails to be a public or nonprofit institution; or

(2) The facility ceases to be used as a library facility.

(b) The amount the recipient or its successor is obligated to repay is an amount that equals—

(1) The value of the facility or part of the facility at the time of the occurrence specified in paragraph (a)(1) or (a)(2) of this section, multiplied by—

(2) The ratio of—

(i) The amount of Federal assistance under the grant or subgrant; to

(ii) The cost of the facility or part of the facility for which the assistance was received.

Example: In 1977 a local public library completed a project to enlarge its reading room. The project had been assisted by a subgrant from the State under a Public Library Construction grant. The total cost of the project was $300,000; the subgrant had amounted to $120,000 a ratio of 2 to 5 or 40 percent of the cost.

In 1989 the local library moves to another district, and the facility for which it received assistance in 1977 ceases to be used as a library facility. It is determined that the part of the facility for which assistance was received has a current market value of $400,000.

The United States is entitled to recover from the local public library an amount equal to 40 percent of the current market value of the facility or portion of the facility assisted with Federal funds; that is, 40 percent of $400,000 or $160,000.

(c) The Secretary may decide, for good cause, to release the recipient from its obligation under paragraph (a) of this section.

(d) The provisions of this section apply to any facility constructed at any time with assistance under Title II of the Act.

(Authority: 20 U.S.C. 355b)

§ 770.46 What administrative costs are allowable under the State-Administered Program?

(a) A State library administrative agency may spend funds received under a Public Library Services grant and funds received under a Public Library Construction and Technology Enhancement grant to carry out its administrative functions under a Public Library Services grant, a Public Library Construction and Technology Enhancement grant, and an Interlibrary Cooperation and Resource Sharing grant.

(b) The total amount the agency may spend to carry out its administrative functions under all of these grants during any year may not exceed the amount specified in section 8 of the Act.

(c) The agency may spend the funds for administrative costs in connection with the following activities:

(1) Administration of the State plan, including obtaining the services of consultants.

(2) Statewide planning for and evaluation of library services.

(3) Dissemination of information concerning library services.

(4) Activities of the State Advisory Council on Libraries and of any other advisory groups and panels necessary to assist the State library administrative agency in carrying out its functions.

(Authority: 20 U.S.C. 351f, 353(b))

Subpart F—What Are the Administrative Responsibilities of a State and Its Subgrantees?

§ 770.50 Under what circumstance must a State provide an applicant with an opportunity for a hearing?

(a)(1) In the case of a Public Library Construction and Technology Enhancement grant, if a State denies funds to a local or other public agency that applies for a subgrant for construction of public library facilities, the State library administrative agency shall give the local or other public agency an opportunity for a hearing.

(2) The provision in 34 CFR 76.401(b) (which exempts State agencies from having to offer an opportunity for a hearing under certain State-administered programs) does not apply to Public Library Construction and Technology Enhancement grants.

(b) In providing opportunity for a hearing, the State library administrative agency shall follow the appropriate policies and procedures included in the State's long-range program for the Public Library Construction and Technology Enhancement grant.

(Authority: 20 U.S.C. 355c)

Appendix—Analysis of Comments and Changes

Note: This appendix will not be codified in the Code of Federal Regulations.

In response to the Secretary's invitation in the NPRM, 25 parties submitted 154 comments on the proposed regulations. Four comments did not pertain to the NPRM, and are not addressed in this appendix. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows. Major issues are grouped according to subject, with appropriate sections of the regulations referenced in parentheses. Other substantive issues are discussed under the section of the regulations to which they pertain.

Title I. Defining State Aid and Development of Public Library Services (770.41)

Comments: The Secretary received a number of comments concerning whether or not he should define the terms "State aid" and "Development of public library services," neither of which was defined in the NPRM and for which no definition is provided in the statute. Some commenters favored definitions, others were opposed. It was clear from all of the comments on this issue that a difference of opinion exists among the commenters about which State funds must be reported under either of these two categories.

Discussion: The Secretary recognizes that there is confusion among the States regarding which State funds must be reported under these new maintenance-of-effort provisions mandated by Pub. L. 101–254 because, heretofore, State funds were reported as a single category that encompassed both State aid and funds provided directly by State library administrative agencies for the development of public library services, without identifying the sums for either of the two purposes. In order for States to

comply with the new requirements, the Secretary has concluded that guidance is needed to assist State library administrative agencies to identify the manner in which State library funds are used and the amounts used for each purpose. Detailed discussion of each of these requirements is provided later in this document, following the comments under the pertinent section of the regulation, along with an explanation of why the Secretary has determined that there is a need for a definition of the term "State aid," but not for development of public library services. A proposed definition of State aid is published elsewhere in this issue of the Federal Register, and public comment is invited.

Title I. Use of Technology To Improve Library Services (770.10(b)(14))

Comment: One commenter recommended that a technology category be added to the Title I annual program and annual report forms. The commenter stated that this would allow for more specific accounting for the use of funds for technology.

Discussion: Under the LSCA as amended by Public Law 101–254, "technology" is but one means of achieving LSCA goals. There is no statutory requirement to track a State's use of this means over another. However, the Secretary encourages reporting on States' uses of technology, the kinds of technology used, and the effects of technology on library services, in order that the information may be used to assist other States to develop successful applications of technology.

Changes: None.

Comment: One commenter raised a question in reference to the section of the preamble in which the 1990 Amendments to Title I of the Act are discussed. The commenter asked whether, under the 1990 Amendments, Title I funds may be utilized to assist libraries other than public libraries in making effective use of technology to improve library services.

Response: Under the 1990 Amendments to Title I of the Act, library systems or networks that include libraries other than public libraries are eligible to apply for and receive a subgrant of Title I funds. However, those library systems and networks are eligible for Title I funds only if the purpose of the subgrant for which a system or network has applied is to provide services to public library patrons. A network or system receiving a Title I subgrant for the purpose of assisting libraries to make effective use of technology would be authorized to use those funds only to assist its member libraries in making effective use of technology to improve services to public library patrons.

Changes: None.

Acquisition of Foreign Language Materials (770.10(b)(3))

Comment: Citing the Joint Explanatory Statement of the Committee of Conference (Congressional Record—House, H447, February 27, 1990), one commenter noted that the preamble to the NPRM did not address what the commenter perceived as the congressional intent that a Major Urban Resource Library (MURL) receiving a subgrant award for the acquisition of foreign language materials under Title I may not receive an award under Title V of the LSCA— Foreign Language Materials Acquisition.

Discussion: Contrary to the commenter's impression, under Pub. L. 101–254 a MURL may receive a subgrant from the State under the Title I priority for services to individuals with limited English-speaking proficiency and still be eligible to apply for a Title V discretionary award for the acquisition of foreign language materials. The Committee of Conference statement on foreign language materials acquisition refers to Title V only, which prohibits a single MURL from receiving more than one discretionary award under Title V in any fiscal year.

Changes: None.

Paperwork Reduction Act of 1980 (770.24)

Comment: One commenter felt that the estimate of 31 hours to develop the annual program does not represent the average time of 100 hours needed in the commenter's State for this task.

Discussion: The Secretary recognizes that the paperwork requirements of this program may impose a greater paperwork burden on larger States. However, in the Secretary's view, 31 hours for completing the required forms is a reasonable average for all States.

Changes: None.

Title II Funds (770.11)

Comment: One commenter asked whether a State may use Title II funds appropriated prior to fiscal year 1990 for the technology enhancement allowed under the Act, as amended.

Discussion: The Secretary considers that Title II funds awarded in FY 1991, whether from the current or prior allotments, may be used for a technology enhancement grant, if the purpose of that project is to meet a current library construction or technology enhancement need. LSCA Title II funds that were not obligated at the Federal level to State grantees in prior years are carried forward and for Federal accounting purposes are considered part of the State's current year allotment designated with the same Common Accounting Number as funds allotted for the current year. Those funds remain available until expended.

Changes: None.

Section 770.1 The Library Services and Construction Act State-Administered Program

Comment: One commenter asked whether the statement at § 770.1(b) regarding the use of funds to "construct, renovate and enhance" the technology of public libraries was intended to apply to buildings, services, or both.

Discussion: Section 770.1(b) refers to Title II of the LSCA, as amended by Pub. L. 101–254, under which funds are awarded to States for the construction of public libraries and for the purchase of technological equipment necessary to provide electronic access to information.

Changes: None.

Section 770.2 Who is Eligible To Apply for a Grant Under the State-Administered Program?

Comment: One commenter asked whether Title I funds granted to multi-type library systems under § 770.2(b)(2) must be used for programs that benefit primarily public library members or whether Title I funds may be used to cover basic system administrative costs.

Discussion: Section 102(a) of the Act states that grants to States under Title I (Public Library Services) may be used solely for programs to improve public library services to the public, and that, in carrying out its program to accomplish the purposes of Title I, a State may make subgrants to library systems or networks that include libraries other than public libraries, if the purpose of the subgrant is to improve services for public library patrons. Under Title I, funds are not to be used for general operations, but rather they are to be used to expand or improve services provided to the public. There is no specific authority in Title I for the use of Title I funds awarded to multi-type library systems to compensate the systems for administrative costs. However, under section 8 of the Act a State may expend funds received under Titles I and II for administrative costs in connection with programs and activities carried out under Titles I, II, and III. Additionally, under section 102(b)(1), State library administrative agencies may use Title I funds to pay the cost of administering the State plans submitted and approved under the Act (including obtaining the services of consultants), Statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of those advisory groups and panels that may be necessary to assist the State library administrative agency in carrying out its functions under Title I of the Act.

Changes: None.

Comment: One commenter asked whether direct services such as bookmobiles, "facilitating services," or improvements to a central site computer, may be funded under Title I.

Discussion: Under section 101 of the Act, a variety of services may be offered. Bookmobiles may be purchased with Title I funds to be used for the extension of public library services to areas and populations without those services. Adapting public library services to meet particular needs of individuals within the State may result in a service, such as providing large print books, to facilitate the reading of printed matter for persons with visual impairments. Title I monies may be used also to fund technological improvements to a central site computer, as part of the effort to assist public libraries in making effective use of technology to improve library and information services.

Changes: None.

Comment: One commenter noted that libraries other than public libraries may apply for a subgrant under Title I of the Act if the purpose of the subgrant is to improve services for public library patrons. The commenter asked whether the rule applies when a non-public library is a participant in a subgrant project, or only when the non-public library is the applicant for a subgrant.

Discussion: Under § 770.2(b)(2), library systems or networks that include libraries other than public libraries are eligible to apply for Title I funds if the purpose of the subgrant for which they are applying is to improve public library services. Thus, the applicant would be the network or system. Although State library administrative agencies may award subgrants to non-public libraries under Title III of the statute, non-public libraries are not eligible to apply for or receive Title I funds, except as a component of a network or system.

Changes: None.

Section 770.3 What Regulations Apply to the State-Administered Program?

Comment: One commenter asked why 34 CFR Part 74 is included among the regulations applicable to the LSCA.

Discussion: Part 74—Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations—is among the regulations that apply to the State-Administered Program because, under section 305 of the LSCA (Preservation Programs), non-profit libraries and other nonprofit organizations such as historical societies and scholarly organizations are eligible to apply for and receive subgrants and enter into contracts with State agencies for the use of Title III funds. The regulations at part 74 apply to those organizations only, not to either State library administrative agencies or to local public libraries.

Changes: None.

Comment: One commenter asked why 34 CFR part 86 is included among applicable regulations.

Discussion: Part 86—Drug-Free Schools and Campuses—applies to all programs administered by the Department under which an institution of higher education, a State educational agency, or a local educational agency (in this case a school library or media center) may receive funds or any other form of Federal assistance. Each of these recipients must certify that it has adopted and implemented a drug prevention program as described in part 86. (Final regulations for Drug-Free Schools and Campuses were published in the Federal Register (55 FR 33580, August 16, 1990). Part 86 applies only to those institutions, not to either State library administrative agencies or to local libraries.

Changes: None.

Comment: One commenter asked why the provisions in 34 CFR 75.600–75.615 are not included, since these regulations are applicable to construction.

Discussion: Sections 75.600–75.615 are not included specifically in the list of regulations applicable to the LSCA because they are included by cross-reference in part 76 (76.600—Where to find construction regulations.)

Changes: None.

Section 770.4 What definitions apply to the State-Administered Program?

Comments: Several commenters were concerned with the lack of definitions for such common words as "displaying" and "elderly."

Discussion: Both the terms "displaying," used at section 101(6) of the Act, and the term "elderly", used at section 6(b)(5)(B) of the Act, are terms whose definitions can be found in any standard dictionary. The Secretary does not intend that these terms convey any special meaning in these regulations beyond the meaning conveyed in their dictionary definitions. Therefore, definitions of these terms in these regulations are not necessary.

Changes: None.

Comments: Several commenters asked for definitions of the terms "administrative functions of a State library administrative agency," "institutionalized," "library system or network," and "older adult."

Discussion: The "administrative functions of a State library administrative agency" are identified in section 102(b)(1) of the Act. The term "institutionalized" is defined within the definition of "State institutional library services" in section 3(9) of the Act. The term "library system" is defined in section 102(a) of the Act and the term "network" is defined in section 3(18) of the Act. The term "older adult," found in section 101(5) of the Act and § 770.10(b)(9) of these regulations, is related to the development of intergenerational programs to help children develop literacy and reading skills during after school hours. The Secretary does not define the term "older adult" because he sees no reason why the determination of the age range of older adults who contribute to this program cannot be left to the State and local libraries, as long as the projects to which older adult volunteers contribute their time result in the intended benefit to the children served by the projects.

Changes: None.

Comment: One commenter stated that the definition of the term "Library materials," which includes computer software, applies only for the use of Title I funds, and asked whether software may be purchased with Title III funds.

Discussion: Computer software may be purchased with Title III funds. Section 302 of the Act provides that grants under Title III shall be used for, among other activities, operating networks and developing the technological capacity of libraries for interlibrary cooperation and resource sharing. In many instances, computer software may be a necessary component of those projects and it is included in the definition of "Library materials" in § 770.4 of these regulations.

Changes: None.

Comment: One commenter suggested clarifying the definition of the term "community information referral center" by indicating that it provides information about a community to appropriate resources within the community.

Discussion: The Secretary does not agree that the definition of "community information referral center" would be improved by the addition of the language suggested by the commenter. The purpose of a community information referral center is to provide information

needed by an individual, not merely to refer that individual to appropriate resources within a particular community. By limiting the referrals to resources within the community, a referral service would not be utilizing available Statewide, regional, national or international networks of information sources to serve the needs of the individual. The Secretary does not intend community information referral centers to be limited in the scope of the information they provide or the other resources to which they can refer a particular individual.

Changes: None.

Comments: Eight commenters, representing eligible State grantees of the LSCA State-Administered program, expressed a variety of concerns about the term "State aid" that was introduced into the maintenance-of-effort provision in section 7(a)(2)(A) of the Act, as amended by Pub. L. 101–254. A number of these commenters expressed the view that this term should be defined by the Secretary. Others felt that no definition was needed at all and that any definition would prove to be problematic. Most were not clear on the meaning of the term or how to report "State aid" expenditures for purposes of maintenance-of-effort, particularly in view of its relationship to the companion maintenance-of-effort requirement that States report on funds expended directly by the State library administrative agency for the development of public library services. Some commenters said that they have no State aid component in their LSCA programs. Most commenters stressed the need for flexibility in any definition that the Secretary might adopt.

Discussion: The Secretary has determined that a definition of the term "State aid" is necessary to the proper administration of the Act and, more specifically, to the administration of the maintenance-of-effort provision in section 7(a)(2)(A). Due to the diversity of State funding patterns (some States do not have a State aid program) as well as to the Act's accountability requirements, a definition is needed to foster consistent administration of the LSCA program among the States. Being able to identify a State library administrative agency's use of its own funds in its State Library program, the manner in which State funds are used, and the amount of State library funds used to carry out a State's library program are critical to the State's ability to demonstrate its compliance with maintenance-of-effort under Title I of the LSCA. Section 7(a)(2)(A) of the Act requires States to maintain effort at 90 percent of the second preceding fiscal year levels of expenditure from State funds for State aid to public libraries and library systems. Because there is confusion among the State library administrative agency representatives who submitted comments on this issue about what constitutes "State aid," the Secretary has determined that a uniform definition is needed in order to enable both the Department and the States participating in the Title I program to identify which State library funds are included within the term "State aid" and thus assist States to comply with section 7(a)(2)(A) of the Act.

Change: Since a definition of "State aid" did not appear in the NPRM, the Secretary is seeking public comments on this added definition through an NPRM containing a proposed definition of "State aid" that solicits comments only on the proposed definition. This additional NPRM is being published elsewhere in this issue of the **Federal Register**. In the NPRM the Secretary proposes to define the term "State aid" to include only funds appropriated by a State legislature for aid to State and local public libraries and library systems. The Secretary further proposes that "State aid" not include State funds used for administering the LSCA program, direct expenditures by the State library administrative agency for statewide programs, or Federal funds received under a categorical assistance program.

Comments: Seven commenters expressed concern about the meaning of "development of public library services" as used in sections 3(10) and 7(a)(2)(B) of the Act, and in § 770.41(a)(2) of the NPRM. Most commenters were not certain as to which activities to include within this funding category. Several commenters requested that a definition be added to the regulations. One commenter did not want a definition, asking that each State be permitted to adopt its own definition of the term.

Discussion: Under section 7(a)(2)(B) of the statute, as amended by the 1990 amendments, the State library administrative agency is required to demonstrate that it will have available for expenditure "*for the State library administrative agency* or for the part thereof charged by State law with the extension and development of public library services throughout the State" an aggregate amount equal to 90 percent of the amount actually expended for such purpose in the second preceding year. (Emphasis added.) The Secretary does not consider it necessary to include in these regulations a definition of the term "extension and development of public library services" since the Secretary does not view the extension and development of public library services as being an expenditure category that differs from the "extension and improvement of public library services" as referred to throughout the LSCA. However, in response to the commenters, the Secretary does wish to make clear that the newly enacted section 7(a)(2)(B) is considered to include expenditures for the extension and development of public library services that are incurred *directly* by the State library administrative agency. These expenditures must be reported separately from section 7(a)(2)(A) "State aid" expenditures. The proposed definition of the statutory term "State aid," contained in a separate NPRM, provides guidance to State library administrative agencies on what expenditures are included within the scope of the term "State aid" as the term is used in section 7(a)(2)(A), as well as providing guidance on what is not included within the term "State aid." The amounts that State library administrative agencies will be required to report as expended under section 7(a)(2)(B) are those amounts of State funds that they have spent for public library development purposes, not by awarding these funds to State or local libraries or library systems, but by direct expenditure. In sum, for purposes of LSCA Title I maintenance-of-effort, the amount of State funds expended directly by the State library administrative agency (or by one of its subdivisions) for the development of public library services or for allowable administrative expenses must be reported separately under section 7(a)(2)(B) as State library administrative agency expenditures.

Changes: None.

Section 770.10 What Types of Projects May Be Funded Under Public Library Services Grants?

Comment: One commenter stated incorrectly that the word "public" had not been used in the regulations currently in effect in § 770.10(b)(4) in reference to library services for the institutionalized and the physically handicapped. The commenter asked for a definition of the term "public" and asked whether services to, and library materials for, handicapped school children are excluded from funding under Title I of the LSCA.

Discussion: The term "Public library" is currently defined at section 3(5) of the Act. Further, under section 101 of the Act grants are made to States to make library services accessible to individuals who, by reason of handicap or residence, among other reasons, are unable to receive the benefits of public library services made available to the public. Additionally, the term "Library services for the physically handicapped" is defined at section 3(4) of the Act, and the term "State institutional library services" is defined at section 3(9) of the Act. Under section 102(a)(2) of the Act, library services to the institutionalized and the handicapped, whether they are adults or children, are allowable expenditures.

Changes: None.

Comment: One commenter suggested adding to § 770.10(b)(7) language specifically authorizing programs whereby libraries could establish or participate in coalitions of community organizations providing literacy programs.

Discussion: The commenter's suggestion for expansion of literacy programs for adults and school dropouts is based on section 101(4) of the Act which allows public libraries to carry out programs in cooperation with other agencies and organizations in a community. The Secretary agrees that this language should be included in § 770.10 of these regulations.

Changes: The Secretary amends § 770.10(b)(7) by adding a reference to programs that are carried out in cooperation with other agencies and organizations in a community. These programs are eligible activities that may be funded with public library services grants.

Comment: One commenter noted that § 770.10(b)(8) repeats the language from section 101(7) of the Act concerning "functionally illiterate individuals" to be served by model library literacy centers. The commenter noted also that "adult with limited literacy skills" is defined at section 3(21) of the Act and asked whether these terms have the same meaning.

Discussion: The Secretary intends that both terms have the same meaning. The definition of an "adult with limited literacy skills," as contained in section 3(21) of the Act, describes the characteristics of a functionally illiterate individual.

Changes: None.

Comments: Several commenters asked for a definition of "a model library literacy center" as referenced in § 770.10(b)(8), and, specifically, asked how it differs from a "literacy program for adults and school dropouts" as referenced in § 770.10(b)(7) of these regulations.

Discussion: The Secretary relies on the Act in interpreting the meaning of the term "model library literacy centers." A model library literacy center, as referenced in section 101(7) of the Act and § 770.10(b)(8) of these regulations, is a center where literacy training is provided to members of the public who are in need of that training through the cooperative efforts of public libraries, State agencies, and nonprofit organizations other than public libraries. The training provided at a model library literacy center is coordinated by the State library administrative agency. A model library literacy center is one that makes available programs that are broader in geographic and programmatic scope and offer more options than a project whose goals are limited to meeting the literacy training needs of a single community. The more limited type of project is described in § 770.10(b)(7) of these regulations.

Changes: None.

Comment: One commenter asked whether the intent of § 770.10(b)(8) is that a State library administrative agency or a local public library establish a model library literacy center, or both.

Discussion: Section 101(7) of the Act and § 770.10(b)(8) of these regulations authorize a State library administrative agency to include in its annual program projects to establish and support model library literacy centers, coordinated by the State library administrative agency and providing literacy training through the cooperative efforts of other agencies and nonprofit organizations. The intent of this section is to authorize both State and local public libraries to utilize Title I funds for establishing and supporting model library literacy centers, as well as to authorize the State library administrative agency to coordinate these literacy training efforts.

Changes: None.

Comment: One commenter inquired whether Title I model library literacy center programs would have to be as extensive as those defined in Title VIII, Part B, of the LSCA, whose purpose is also to establish model library literacy centers.

Discussion: Section 101(7) of the Act authorizes the use of Title I funds to establish and support model library literacy centers, coordinated by the State library administrative agency with other interested State agencies and nonprofit organizations.

The purpose of Title VIII, Part B, of the Act is to establish model library literacy centers throughout the country to serve as resource centers for the dissemination of literacy materials and equipment to local public libraries in order to help overcome the high incidence of adults with limited literacy skills in the United States as a whole. Both State and local libraries are eligible to apply under both Titles. Under Title VIII, local libraries compete at the State level for designation as a literacy center, while States compete at the Federal level. Each provision stands alone; the provisions in Title I do not apply to Title VIII, nor those of Title VIII to Title I.

Changes: None.

Comments: One commenter wished to know whether locations other than public libraries could be used for afterschool intergenerational literacy and reading skills programs, and whether intergenerational library subgrants could be awarded to a subgrantee other than a public library. Another commenter sought a definition of "after school literacy and reading skills programs."

Discussion: There is no prohibition against using a location other than a public library for an intergenerational program. However, only public libraries may be awarded grants to support those programs. The legislative history of the new section 101(5) of the Act demonstrates the congressional intent that Title I funds used by States under authority of section 101(5) be used to provide public libraries with the financial assistance that will enable them to develop intergenerational programs in which older adult volunteers participate in school literacy and reading skills programs for unsupervised school children during afterschool hours.

The Secretary does not see the need for a further definition of "after school literacy and reading skills programs" beyond what is already provided in the Act and in these final regulations. State library administrative agencies and local public libraries should have the flexibility to develop and operate appropriate projects under section 101(5) of the Act to meet the needs of their communities.

Changes: None.

Comments: One commenter noted that the preamble to the NPRM contained the term "latchkey children" used in reference to the intergenerational library programs authorized under § 770.10(b)(9) of the NPRM, and asked whether only latchkey children may be served under a § 770.10(b)(9) project.

Discussion: Based on the legislative history of the Act, the Secretary cannot conclude that only latchkey children may be served under a § 770.10(b)(9) project. However, the Secretary believes that Congress intended that States identify and give priority to serving unsupervised children after school hours. The Secretary bases his conclusion on the legislative history of

Public Law 101–254 that includes a Public Library Association Service to Children Committee report to Congress that stressed the rapid increase in problems libraries were having in dealing with latchkey children, to the detriment of services to other library patrons. The Committee's finding was that one of the most rapidly developing public issues is how to deal with "latchkey children." Congress determined that providing literacy and reading skills programs for children who are unsupervised during afterschool hours through intergenerational programs utilizing older persons as volunteers is one way to address this problem. Congress has also determined that the use of older persons as volunteers helps the staffs of public libraries who are taking time from their other duties to supervise "latchkey children."

Changes: None.

Comment: One commenter inquired whether the term "mobile," as used in § 770.10(b)(10) of the NPRM, was meant to limit funding under the activity to projects carried out at child-care facilities, and to exclude programming at the public library.

Discussion: Under section 101(6) of the Act, the term "mobile" limits the funding of projects under this category to those projects that serve to extend public library services to childcare facilities. The legislative history of Public Law 101–254 demonstrates congressional awareness that not all individuals are able to visit local libraries, and that child-care providers do not have the time to either go to the library to check out appropriate reading materials or to take the children in their care to the local library. Section 101(6), as implemented by § 770.10(b)(10), specifically authorizes State library administrative agencies and local libraries to use Title I funds to bring library materials and programs to licensed or certified child-care providers or child-care centers.

Changes: None.

Comment: One commenter asked whether the purchase of a bookmobile or other motor vehicle would be authorized under § 770.10(b)(10), since such a purchase could be considered part of "assisting libraries in providing mobile library services" to child-care facilities.

Discussion: Under § 770.10(b)(10), bookmobiles and other motor vehicles may be purchased to provide library services to childcare providers or centers.

Changes: None.

Comments: One commenter noted that under the terms of § 770.10(b)(10) of the NPRM, the child-care facility to which mobile library services may be provided with LSCA Title I funds must be licensed or certified, but noted that the NPRM goes no farther in addressing this issue. The commenter inquired whether unlicensed facilities would be eligible for mobile services. Another commenter noted that her State provides an "exemption" status for a clearly defined group of child-care centers. The State agency that licenses child-care centers deems this exemption to be a "certification." The commenter asked whether, under the NPRM, these exempt centers would be eligible to receive services funded with LSCA Title I funds.

Discussion: Under section 101(6) of the LSCA and § 770.10(b)(10) of these final regulations, unlicensed facilities are not eligible for mobile library services. Only child-care centers that meet either State licensing or certification requirements are eligible to either apply for a grant or to receive direct mobile library services under authority of these provisions. Under section 101(6) of the Act, child-care providers or child-care centers must be licensed or certified by the State, or must otherwise meet the requirements of State law. Thus, in a State where certain child-care providers are certified or deemed to be certified by the appropriate State agency, the Secretary would consider these centers and providers to be eligible for services under section 101(6) of the Act and § 770.10(b)(10) of these regulations.

Changes: None.

Comment: One commenter asked for a definition of "community programs" as the term is used in § 770.10(b)(11) of the NPRM.

Discussion: Community programs may involve more than one agency, be carried out in more than one location within a community, and serve a variety of eligible groups or persons. The Secretary does not see the need for a regulatory definition, however, and considers the States and their local libraries to be fully capable of delineating and defining the parameters of their own community programs.

Changes: None.

Section 770.11 What Types of Projects May Be Funded under Public Library Construction and Technology Enhancement Grants?

Comment: One commenter found the entire section confusing and provided a suggested revision of it.

Discussion: In these final regulations, the Secretary has adopted the language proposed by the commenter with minor revisions. The language proposed by the commenter organizes the elements of § 770.11 so that the provision is now more readily understood and should be easier for States to apply to construction program operations.

Changes: The revision of § 770.11 of the NPRM is incorporated at § 770.11 of these final regulations.

Comments: One commenter requested definitions of the terms "Information and building technologies," "Video and telecommunications equipment," "Enclosures or structure necessary to house," and "Safe working environments" as used in § 770.11(c) of the NPRM. Another commenter asked that the definition of the term "Technology enhancement" be included in § 770.11.

Discussion: The term "Information and building technologies," as used in section 3(2) of the Act and in § 770.11(b)(1) of these final regulations, means those technologies that have been developed or will be developed for the storage, retrieval, and processing of information and for the efficient operation and maintenance of buildings and other structures that are authorized to be constructed with Title II funds awarded under the Act. Unlike the other terms referenced in the comment, this term as used in the Act and regulations could have several different meanings, especially as concerns building technologies. Accordingly, the Secretary adds the definition outlined here to the definitions in § 770.4, in order to provide clear and meaningful guidance to grantees. The term "Video and telecommunications equipment," as used in § 770.11(b)(2) of these final regulations, refers to all forms of equipment utilized for visual and audio communications. The term "Enclosures or structures necessary" to house equipment in public library buildings, as used in § 770.11(b)(6) of these final regulations, includes teleconferencing facilities, installations or towers for satellite antennas, and environmentally controlled facilities required for computers and other types of sensitive communications equipment. "Safe working environments" are determined on a case-by-case basis, using appropriate architectural plans, engineering standards, and building codes. Because these terms are generally understood, the Secretary does not consider that definitions for them are necessary in these final regulations. The term "Technology enhancement" is defined at section 3(19) of the Act.

Changes: The definition of "Information and building technologies," as outlined in the discussion above, is added to the definitions in § 770.4. No other changes have been made.

Comment: One commenter asked under what circumstances the leasing of equipment would be an appropriate alternative to the purchasing of equipment.

Discussion: Section 3(2) of the Act authorizes a recipient to both purchase and lease equipment. Under § 770.11(a)(3) of these final regulations, both the purchase and lease of equipment are authorized. The State or subgrantee must decide whether to lease or purchase equipment in particular circumstances based on equipment needs, the purposes of the project, and whether purchase or lease would be necessary, cost-effective, and reasonable under the circumstances.

Changes: None.

Comment: One commenter asked whether "Building technologies" includes heating, ventilation and air conditioning systems, whether the cost of installing a security system could be paid for with Title II funds under authority of § 770.11(c)(4) of the NPRM, and whether repair of facilities and equipment is still an ineligible cost.

Discussion: The term "Building technologies" is included in the definition of "Construction" in section 3(2) of the Act. The Secretary considers reasonable and necessary costs associated with the installation of heating, ventilation, air conditioning and security systems as being necessary for the proper functioning of a facility that provides public library services. Those costs, therefore, would be authorized under § 770.11(b)(1) as well as § 770.11(b)(7) of these final regulations. However, since the Act still contains no provision for repair costs, the cost of repair of equipment and facilities is not allowable.

Changes: None.

Comment: One commenter asked if a Title II project designed to ensure "Safe working environments" could be funded if the project does not involve construction, but involves activities such as standard maintenance or security lighting.

Discussion: Section 3(2) of the Act defines the term "Construction" and authorizes the use of Title II funds for remodeling designed to ensure safe working environments. The same is provided for at § 770.11(c)(2) of these final regulations. Therefore, by statutory definition, any remodeling designed to ensure safe working environments must involve construction and must meet all applicable construction requirements. Standard maintenance or repair is not authorized under § 770.11 but the installation of security indoor or outdoor lighting is an allowable Title II expenditure under either § 770.11(b)(7) or § 770.11(c)(2) of these final regulations. The determination of the best way to achieve a safe working environment must be made on a case-by-case basis, using appropriate architectural plans, engineering standards, and building codes.

Changes: None.

Comment: One commenter asked if Title II funds may be used to remove asbestos, storage tanks leaking fuel, or contaminated soils, to replace a leaking roof, or to install smoke abatement equipment in staff lounge areas of libraries.

Discussion: The Secretary considers that LSCA Title II funds may be used to remove asbestos and other environmentally hazardous materials, and to install smoke abatement equipment, as part or all of a remodeling project to ensure a safe working environment, as authorized in § 770.11(c)(2) of these final regulations. The Secretary does not consider the replacement of a leaky roof to be allowable because this would constitute a repair, for which neither the Act nor these final regulations authorizes the expenditure of Title II funds.

Changes: None.

Comments: Several commenters asked whether technology enhancement projects may be funded even if no construction will be involved.

Discussion: "Technology enhancement" is referred to throughout the amended LSCA as being distinct from "Construction." "Construction" and "Technology enhancement" are defined separately in the Act, in sections 3(2) and 3(19) respectively. The legislative history of Pub. L. 101–254 indicates that in Title II of the Act Congress intended to authorize the use of funds for the purchase of technology necessary to provide the public with access to information and that a library's purchase of that technology need not be a part of a construction or renovation project in order to be allowable under Title II.

Changes: None.

Comment: One commenter asked whether there were any limitations to technology enhancement grants if technology enhancement projects are not undertaken in combination with construction.

Discussion: The limitations that apply to the use of technology enhancement grants for the purchase of technological equipment apart from any construction are those found in the definition of the term in section 3(19) of the Act. Under the definition in section 3(19), technology enhancement grants may be used for the acquisition, installation, maintenance, or replacement of substantial technological equipment necessary to provide access to information in electronic and other formats. Department regulations in 34 CFR 80.32 would also apply to the purchase of equipment with LSCA funds.

Changes: None.

Comment: One commenter wished to know whether a technology enhancement project, which can be independent from a construction project, needs to adhere to Federal regulations on wage rates, environmental impact, relocation assistance, and the other construction assurances.

Discussion: Applicable Federal construction regulations requiring State and subgrantee compliance in areas such as wage rates, environmental impact and relocation assistance, do not apply to a State's or subgrantee's purchase of technological equipment with funds awarded under a technology enhancement grant, whether or not the proposal is part of a construction project. However, the construction regulations would, of course, apply to the construction component of the project.

Changes: None.

Comment: One commenter asked whether the use of Title II funds is limited to equipment that is housed in a public library facility.

Discussion: Title II funds may be utilized only to purchase equipment that is to be housed in, or adjacent to, a public library facility. Section 202 of the Act limits the use of Title II funds to the construction and technology enhancement of public libraries.

Changes: None.

Comment: One commenter asked whether Title II funds may be used to connect electronically a local public library to a regional library's automated database, and whether Title II funds may be used to pay for the public library portion of a multi-type regional library data base upgrade.

Discussion: Title II funds may be used to pay the costs of connecting electronically a public library to a regional library's database, and Title II funds may be used to fund the public library portion of a multi-type regional library database upgrade. The Secretary considers those costs to be allowable under the definition of technology enhancement if a multi-type regional library system provides support services to public libraries and if the purpose of the grant used to effectuate the electronic connection is to enhance the

public libraries' ability to provide services to their patrons.

Changes: None.

Comment: One commenter asked whether demolition of an existing structure, site preparation, landscaping, legal fees, and interior design services are allowable construction costs.

Discussion: The Secretary considers that demolition of an existing structure, site preparation, landscaping, legal fees, and interior design services are allowable only if they are undertaken in conjunction with "Construction" as defined at section 3(2) of the Act. These costs are allowable if they are necessary and reasonable and are incurred in the course of the purchase or construction of a facility.

Changes: None.

Section 770.12 What Types of Projects May Be Funded Under Interlibrary Cooperation and Resource Sharing Grants?

Comments: One commenter noted that, in describing the types of projects that may be funded under Interlibrary Cooperation and Resource Sharing grants, the phrase "include the following" is vague, being neither permissive (may) nor mandatory (shall). The commenter noted also that section 304 of the Act requires that the long-range program and annual program of each State *shall* include a Statewide resource sharing plan. The commenter recommended that the phrase "include the following" be revised to read "planning shall include—."

Discussion: The commenter appears to be concerned about what the statute mandates as opposed to what the statute authorizes under Title III, Interlibrary Cooperation and Resource Sharing. Under section 6(d) of the Act, in order to receive funds under Title III, a State must submit a long-range program for library development that includes a program for interlibrary cooperation and resource sharing activities and an annual program describing the activities to be undertaken using the Title III funds available for that fiscal year. The types of projects that may be funded under Title III of the Act are described in several sections of the Act. Section 302 provides that grants must be used for the development of cooperative library networks; for establishing, expanding, and operating cooperative networks of libraries that provide for the coordination of the resources of school, public, academic and special libraries and information centers; and for developing the technological capacity of libraries for interlibrary cooperation and resource sharing. Section 304(a) requires that the long-range and annual programs of each State must include a Statewide resource sharing plan, and section 305(a) states that the long-range program and annual program of each State may include Statewide preservation objectives.

Changes: In these final regulations the Secretary clarifies § 770.12 by deleting the words "Planning may include" and organizing the projects into a single list which differentiates between activities that are mandated from those that are allowable. The effect of this revision is that the types of projects that may be funded under Title III are now listed as follows: mandated activities are under §§ 770.12(a) (1) through (4), allowable activities are under § 770.12(b), and activities for which a plan must be approved for the use of LSCA funds are under § 770.12(c) of these final regulations.

Comment: One commenter asked for a definition of "Technological capacity." The commenter was referring to section 302(a) of the Act, which provides that funds appropriated under Title III be used for developing the technological capacity of libraries for interlibrary cooperation and resource sharing.

Discussion: The Secretary intends that the dictionary definition of the term "technological" be utilized in administering the program and sees no need to introduce a definition into these final regulations.

Changes: None.

Comment: One commenter requested a statutory citation for "implementing" a statewide preservation cooperation plan.

Discussion: The word "implementing" does not appear in the Act. Section 305(c) of the LSCA allows a State that has a Statewide preservation cooperation plan to use funds under Title III to carry out such a plan. The word "implement" appears in these regulations at §§ 770.22(a)(3) and 770.23(a)(3)(ii), regarding the basic State plan and the long-range plan, respectively, and applies to policies and procedures for carrying out the State plan. The Secretary does not intend that the term "implement" convey any unusual meaning, but instead intends that the dictionary definition of the term be used in the administration of the program and sees no need for introducing a definition of this term into these regulations.

Changes: None.

Comment: One commenter asked what costs are reimbursable under Title III for those schools that make their school library resources available to the public during periods when school is not in session, whether those costs include the costs of acquisition of library materials not currently authorized under Title III, and when a school is considered not to be in session.

Discussion: The State educational agency in each State must determine for purposes of the Act when a school facility is not in session. Under section 304(e) of the Act, States are encouraged to increase public access to school library holdings during periods when schools are not in session, especially in areas with limited library resources. Reimbursable costs are those necessary to provide the intended public access to school library resources. The purchase of library materials is allowable under section 304(c)(6) of the Act, which authorizes the use of Title III funds for collection development in school libraries, among others, if the quality and quantity of library materials housed in school libraries serving as resource centers need to be improved. However, with the exception of materials purchased by a school library that qualifies under section 304(c)(6), the costs that are reimbursable under section 304(e) are those incurred by school libraries that make their existing collections available to public library patrons, not costs incurred by school libraries in the course of the libraries' expansion of their collections.

Changes: None.

Comment: One commenter asked whether State planning for development or update may be funded under Title III.

Discussion: State planning for development may be funded under Title III. Section 302 of the Act and § 770.12 of these final regulations provide for grants for planning for, and taking other steps leading to the development of cooperative library networks. Section 303 of the Act also requires that a State's annual program include an extension of the long-range program, taking into consideration the results of evaluations.

Changes: None.

Comment: One commenter asked whether a State library administrative agency may contract with the State archives to develop a coordinated Statewide preservation plan if the archives is a unit of the State library administrative agency.

Discussion: Under section 305(d) of the Act, a State library administrative agency is authorized to contract with the State archives among other agencies and institutions to develop and implement a Statewide preservation cooperation plan. Section 305 of the Act requires that a Statewide preservation cooperation plan specify the methods by which the State library administrative agency will work, consult, and contract with those agencies to carry out the plan. However, to the extent that in a particular State the State archives is a unit of the State library administrative agency, presumably a contract would not be necessary.

Changes: None.

Section 770.20 What Must a State Do To Receive a Grant under the State-Administered Program?

Comment: One commenter asked what is considered a timely submission of the basic State plan.

Discussion: Under section 6(a)(1) of the Act, any State desiring to receive its allotment for any fiscal year must have in effect a basic State plan for that fiscal year. The Federal fiscal year commences on October 1 and ends on September 30 of the following calendar year. Therefore, a State's basic State plan submission is timely if it has been received by the Department early enough to allow time for the Secretary to have reviewed and approved the plan prior to October 1 of the Federal fiscal year or years to which it applies. Basic State plans are generally effective for several years. Thus, the requirement that a State library administrative agency file a plan does not usually require that the agency apply every fiscal year.

Changes: None.

Section 770.21 What Must a State Plan Include?

Comment: A commenter asked what is meant by "consultation with the Secretary" under § 770.21(b)(2)(ii), what the legal basis for this requirement is, and who represents the Secretary in such a consultation.

Discussion: Consultation with the Secretary is required under section 6(d) of the Act, which governs the development of a State's long-range program for the use of LSCA funds received by a State. The LSCA Program Officer assigned to each State library administrative agency represents the Secretary in that consultation and assists the State library administrative agency in developing a long-range program.

Changes: None.

Section 770.22 What Must a State Include in a Basic State Plan?

Comment: One commenter asked whether the assurance on nondiscrimination in the provision of space for public meetings requires a library to provide access to meeting room space during hours when the library is not open.

Discussion: Section 6(b)(4) of the Act does not require that a library provide space for public meetings after its normal hours of operation. Section 6(b)(4) is silent as to whether the public meetings access referred to is during or after normal operating hours. The Secretary views this provision as prohibiting the discrimination referred to any time that access is provided to outside groups for public meetings.

Changes: None.

Section 770.23 What Must a State Include in a Long-Range Program?

Comments: The Chief Officers of State Library Agencies and other commenters questioned the requirement contained in § 770.23(a)(4)(i) which states that a long-range program must provide for the periodic evaluation of the effectiveness of projects in measurable terms. The commenters cited section 6(b)(3) of the Act which requires States to make reports of evaluations made under their State plans, and pointed out that there is no mention of "measurable terms" anywhere in the Act.

One commenter asked that the term be deleted. The commenters felt that this requirement may place undue emphasis on statistical evaluation in relation to other methodologies, and proposed substitute language such as "with generally accepted evaluation principles."

Discussion: While there is no Federal definition of "measurable terms," the importance of evaluation is emphasized in both the Act and the applicable regulations. These requirements are consonant with the Department's policy to support the strongest possible means of evaluating the benefits of Federal programs. The Secretary views evaluation of the effectiveness of Federally supported programs as a fundamental requirement for good program management. However, the Secretary is sympathetic to the concerns of the commenters that evaluations based solely on statistical measures by themselves may be too limiting, and therefore permits the inclusion of other information based on other generally accepted methods of evaluation. Furthermore, the Secretary would welcome analysis of the information, as well as the judgement of the State library administrative agency concerning the significance, value, or quality of the projects being evaluated.

Changes: The Secretary modifies the regulation to require that projects be evaluated in measurable terms and with generally accepted evaluation methods.

Comment: One commenter asked whether a plan and program for preservation under Title III were one and the same, and whether Title III funds could be used for the preservation of materials.

Discussion: The terms "plan" and "program" occur in several places in the Act. Under the provisions authorizing preservation programs under Title III, States wishing to undertake preservation programs under Title III must include in both their long-range program and annual program (defined respectively in sections 3(12) and 3(13) of the Act) a Statewide preservation cooperation plan. In addition, the long-range and annual programs must identify the preservation objectives to be achieved during the period covered by the long-range program required by section 6 of the Act. In this particular instance, section 305(a)(2) of the Act uses the term "long-range plans" to refer to the "long-range programs" required by Section 6 of the Act.

Changes: None.

Comments: The Chief Officers of State Library Agencies and other commenters questioned the long-range program requirement in § 770.23(c)(3)(i)(B) that States include reference to the "methods" by which endangered library and information resources are to be preserved. The commenters said that this term does not allow enough flexibility to consider the many preservation options that may become available through new technologies. They supported more general language such as requiring States to describe the "strategies" by which resources are to be preserved.

Discussion: The term "methods" is the term used in section 305(b)(1) of the Act. Although the Secretary utilizes this statutory term in these final regulations, the Secretary does not consider it to be inflexible nor does he view the term proposed by the commenters as providing any greater flexibility. Under § 770.23(c)(3)(i)(B), the Secretary fully expects States to apply all appropriate and reasonable preservation methods or technologies that are currently available or become available in the future.

Changes: None.

Section 770.24 What Must a State Include in an Annual Program?

Comment: One commenter asked for clarification of what is meant by the requirement in § 770.24(c)(2) of the NPRM that a State include in its annual program a description of how the State plans to follow policies and procedures in the construction of public libraries that will promote the preservation of library and information resources to be used in the facilities. The commenter also requested a definition of the term "Resources" and inquired whether there

were national policies and procedures that promote the preservation of resources.

Discussion: Library and information resources that require the application of preservation techniques are library materials that have been and are deteriorating physically and have historical or other intrinsic values that justify taking steps to restore or maintain their readability. The most common construction technique that promotes preservation is one that provides library facilities with temperature and humidity controls. There are national preservation organizations that have developed conservation definitions, policies, and procedures that can be adapted by libraries and other organizations concerned with the preservation of rare resources.

Changes: None.

Section 770.40 What Matching Requirements Apply to a Public Library Services Grant?

Comments: Several commenters sought clarification of the Title I matching requirement. They asked whether a State would be ineligible for participation in the Title I program if it were not able to meet the Title I matching requirement. A commenter asked if State aid is to be counted as part of the State source of funds.

Discussion: Under section 7(a)(1) of the Act, any State wishing to participate in the Title I program must have available funds sufficient to meet the matching requirement based upon the State share as promulgated by the Secretary. The ability to match its Title I allotment is a prerequisite to a State receiving its Title I grant award. A State whose State expenditures level has fallen below its mandated share under Title I, as provided in the Secretary's promulgation of the Federal share for each State (section 7(b)(2)) of the Act), would not be eligible to receive Title I funds for the fiscal year when such a condition occurred, regardless of the reason for the reduction. State aid may be counted as State matching funds under this requirement. (Note, however, that if a State fails to qualify for its Title I allotment, it may still qualify for its Title II allotment by meeting the required match for those funds, and for its Title III allotment, which has no matching requirement.)

Changes: None.

Section 770.41(a) What Are the Basic Maintenance-of-Effort Requirements for a Public Library Services Grant?

Comments: General comments on maintenance-of-effort. One commenter asked that the new maintenance-of-effort requirements (introduced in the 1990 Amendments to the LSCA) be dropped because the requirements restrict the ability of the States to make changes in their programs. Another commenter considered these provisions to be the most confusing part of the proposed regulations and recommended that the section be rewritten to clarify what the maintenance-of-effort requirements are and to ensure uniform interpretation. The same commenter suggested that §§ 770.41 and 770.42 be combined and entitled "Maintenance-of-effort requirements for a Public Library Services grant." Yet another commenter was disappointed to find the maintenance-of-effort percentage reduced to 90 percent and expressed the hope that waivers would not be granted.

Discussion: The LSCA Title I maintenance-of-effort requirements, as amended by Public Law 101–254, are found at section 7(a) of the Act. Since the maintenance-of-effort requirements referred to by the commenter are statutory, they must be implemented by the Secretary and are, therefore, included in these final regulations. Since the commenter did not raise specific questions regarding specific aspects of these requirements, there is no basis upon which the Secretary might attempt any further clarification of a provision that he considers to be clear. Finally, the Secretary considers the separation between §§ 770.41 and 770.42 to be a logical one since these two sections contain distinct requirements

Changes: None.

Section 770.41 What Are the Basic Maintenance-of-Effort Requirements for a Public Library Services Grant?

Comments: Eight commenters representing various State library administrative agencies inquired about the meaning of the term "State aid." Several of the commenters asked for a definition of the term. On the other hand, one of the commenters stated that any attempt to define "State aid" for the States collectively might result in unnecessarily restrictive standards, and argued against defining this term in the regulations.

Discussion: "State aid" to public libraries and library systems is referenced in section 7(a)(2)(A) of the Act, as amended by Public Law 101–254. The apparent confusion among commenters on what constitutes "State aid" may result from the diversity in State patterns of funding for public library services. The Secretary recognizes that the diversity in State aid funding patterns could lead to inconsistent reporting of expenditures without clear guidance to the States on what constitutes "State aid". Accordingly, in an NPRM published elsewhere in this issue of the **Federal Register**, the Secretary proposes a definition of the term "State aid". In the definition, the Secretary proposes to establish what is meant by "State aid" under section 7(a)(2)(A) of the Act, in a manner that preserves some flexibility for the States as they account for their expenditure of State funds.

Changes: None.

Comments: Several commenters asked whether under these regulations a State reports only State aid that is used for public library purposes under Title I.

Discussion: State aid is referenced in section 7(a)(2)(A) of the LSCA, as amended by Public Law 101–254. (The term "State aid" is defined in an NPRM elsewhere in this issue of the **Federal Register**.) Under section 7(a)(2)(A), a State library administrative agency is required to report State aid that is expended by public libraries and library systems for public library services. These expenditures are not limited to the purposes of Title I of the LSCA.

Changes: None.

Comment: One commenter asked whether the amount of State aid funds reserved under a State's law to assist with services to populations without public library services must be included in the calculation of maintenance-of-effort, or whether only the amount granted to public libraries and library systems is to be included.

Discussion: Section 101(1) of the Act provides for the extension of public library services to areas and populations without those services. Since one of the purposes of Title I is to extend public library services to areas and populations without those services, all State funds expended for that purpose must be included in the maintenance-of-effort calculation. If a State has a plan for the provision of public library services to populations without those services, the State may award State aid to an existing public library or library system to provide those services (section 7(a)(2)(A) of the Act), or the State could use State funds under its Statewide library development program to provide those services (section 7(a)(2)(B)), or a combination of both. The Secretary wishes to emphasize that, in calculating maintenance-of-effort under the newly enacted section 7(a)(2), expenditures for public library services (section 7(a)(2)(B)) that are incurred *directly* by the State library administrative agency must be reported separately from expenditures for State aid (section 7(a)(2)(A)). Thus, State funds used for services to populations without public library services, whether treated as State aid or made available directly by the State library administrative agency, must be included in the calculation of maintenance-of-effort, and must be reported under the appropriate expenditure category.

Changes: None.

Comment: One commenter from a State that has no State aid program now, but is contemplating one that is based on one-time awards from State surplus funds if they are available, asked whether the State would lose its LSCA funding if this plan were implemented.

Discussion: Under section 7(a)(2)(A) of the Act, as amended by Public Law 101–254, if a State establishes an intermittent State aid program, the State would not qualify for its Title I allotment in subsequent fiscal years beginning the second year after the State aid expenditures when there was no State aid. To qualify for its Title I allotment, a State that has a State aid program must have available for expenditure as State aid in the year of allotment an aggregate amount equal to 90 percent of the amount actually expended for State aid in the second preceding fiscal year.

Changes: None.

Section 770.41 What are the Basic Maintenance-of-Effort Requirements for a Public Library Services Grant?

Comments: Seven commenters asked, in effect, for a definition of the term "Development of public library services" that appears in section 7(a)(2)(B) of the Act. They asked what a State library administrative agency is required to include as part of its charges for extending and developing public library services, and whether it would be permissible for a State library administrative agency to count only the amount that is expended by the Public Library Development Division responsible by State law for developing public library services. Some commenters suggested that reporting expenditures of the Library Development Division would be more appropriate than tracking an aggregate of State library administrative agency expenditures that in some cases includes State aid grants.

Discussion: Under section 7(a)(2)(B) of the statute, as amended by the 1990 amendments, the State library administrative agency is required to demonstrate that it will have available for expenditure "*for the State library administrative agency* or for the part thereof charged by State law with the extension and development of public library services throughout the State" an aggregate amount equal to 90 percent of the amount actually expended for such purposes in the second preceding year. (Emphasis added.) The Secretary does not consider it necessary to include in these regulations a definition of the extension and development of public library services because the Secretary does not view the extension and development of public library services to be an expenditure category that differs from the "extension and improvement of public library services" referred to throughout the LSCA. However, in response to the commenters, the Secretary does wish to clarify that, under the newly enacted section 7(a)(2)(B), expenditures for the extension and development of public library services that are incurred *directly* by the State library administrative agency must be reported separately from section 7(a)(2)(A) "State aid" expenditures, as defined in an NPRM that appears elsewhere in this issue of the **Federal Register**. The proposed definition of "State aid" provides guidance to State library administrative agencies on what expenditures are included within the scope of the term "State aid" as the term is used in section 7(a)(2)(A), as well as providing guidance on what is excluded from the definition of "State aid." The amounts that State library administrative agencies will be required to report as expenditures under section 7(a)(2)(B) (and that are excluded from the definition of "State aid") are those amounts of State funds spent for public library development purposes, not by awarding the funds to State or local libraries or library systems, but by utilizing them directly. In sum, for purposes of LSCA Title I maintenance-of-effort, the amount of State funds expended directly by the State library administrative agency (or by one of its subdivisions) for the development of public library services or for allowable administrative expenses must be reported separately under section 7(a)(2)(B) as State library administrative agency expenditures.

Changes: None.

Comment: One commenter asked which Public Library Development parameters will be used to determine levels of second preceding year library development funding during the first two years of the implementation of the reauthorized Act.

Discussion: The Secretary has not established any parameters for determining levels of second preceding year expenditures for development of public library services during the first two years of the implementation of Public Law 101–254. The Secretary recognizes the possibility that some States may have difficulty providing comparable figures from their FY 1989 and 1990 second preceding year expenditure reports for their FY 1991 and 1992 annual program submissions to comply with section 7 of the Act, as amended by Public Law 101–254. However, since the amended section 7(a)(2) is currently in effect, the Secretary requires that, for FYs 1989 and 1990, the States list second preceding year expenditures under section 7(a)(2)(B) that most nearly reflect those expenditures incurred directly by the State library administrative agency in the extension and development of public library services for the year in question. (See the previous comment for discussion of extension and development of public library services.)

Changes: None.

Comment: One commenter asked whether a State library administrative agency has an option in any given year of maintaining effort on either the entire agency budget, or only on that part charged with extending and developing public library services.

Discussion: In section 7(a)(2)(B), Congress intended that States continue to give fiscal support to State library administrative agencies so that those agencies could either directly provide public library services, or administer the distribution of State aid for public library services, or conduct both these functions. Section 7(a)(2)(B) is not concerned with functions of State library administrative agencies which are unrelated to public library services. It follows that if the entire agency is legally responsible for public library services, the entire agency's budget must be counted. If by State law, only a portion of the agency is responsible for public library services, only the budget for that portion of the agency must be counted. Therefore there is no option.

Note that State aid itself is counted under section 7(a)(2)(A), not 7(a)(2)(B).

Changes: None.

Comment: The same commenter as above asked also whether services to the blind and physically handicapped are considered to be within the part of the State library administrative agency charged by State law with extending and developing public library services throughout the State.

Discussion: If the State library administrative agency is the agency charged by State law with the extension and development of public library services throughout the State (section 7(a)(2)(B) of the Act), and the agency

contains a unit that provides services to the blind and physically handicapped, then the Secretary considers expenditures for library services for the blind and physically handicapped to be expenditures of that agency, to be reported under either section 7(a)(2)(A) or 7(a)(2)(B), depending on how the services are made available. (The expenditures are also reported under section 103 of the Act, regardless of how they are provided.)

Changes: None.

Section 770.41 What Are the Basic Maintenance-of-Effort Requirements for a Public Library Services Grant?

Comments: One commenter endorsed the most rigid waiver stipulations possible, as a means of preventing the State legislature from reducing the State's library budget below the level of the State's eligibility for its LSCA allotment. Another commenter wanted to know whether situations such as hiring freezes, across-the-board State budget cuts, emergency closure of the State library administrative agency, sequester of funds, and extensive position vacancies, qualified as exceptional extenuating circumstances.

Discussion: Hiring freezes, across-the-board State budget cuts, emergency closure of the State library administrative agency, sequester of funds, and extensive position vacancies, may constitute exceptional extenuating circumstances. None of these circumstances, however, is, in and of itself, an automatic ground for waiver. Waiver is to be determined by the Secretary on a case-by-case basis depending on the totality of the circumstances giving rise to the request for waiver.

Changes: None.

Comments: Numerous commenters sought clarification of what is meant in this section of the regulations by State tax initiatives and referenda. Some commenters viewed this requirement as restricting the authority of the Secretary and introducing an element beyond control of the States. They added that the complexity of tax initiatives and referenda within the various States argues for providing more discretion to the Secretary in examining the "exceptional extenuating circumstances". The commenters felt that initiatives and referenda are beyond the capabilities of any governor, legislature, or State librarian to affect, either in the amount of State funds reaching libraries or in the amount of State revenues. The commenters requested that the language "except that the Secretary does not consider the effect of State tax initiatives or referenda in determining whether to grant a waiver" be deleted, as did another commenter who found no basis in Public Law 101–254 for the inclusion of language referring to State tax initiatives or referenda, and did not view that language as consistent with section 7(a) of the Act, as amended by the 1990 amendments. One commenter urged that the natural disaster feature be deleted.

Discussion: Under the 1990 amendments to the LSCA, the Secretary may, for the first time, and in accordance with regulations, waive the maintenance-of-effort requirements under section 7(a)(2) of the Act, if the Secretary determines that the application of section 7(a)(2) would be unjust or unreasonable in the light of exceptional extenuating circumstances. Thus, Public Law 101–254 vests broad authority in the Secretary to define exceptional circumstances in the regulations. The Secretary has retained the language in the proposed regulations that excludes circumstances that arise as the result of State tax initiatives or referenda from consideration in determining whether or not to grant a waiver of maintenance-of-effort requirements. Deletion of the exclusions would subvert the purpose of the maintenance-of-effort requirement. A reduction in library spending that results from a State legislative act or a referendum is a reflection of the State's choice to reduce library spending. Congress enacted the maintenance-of-effort requirement as an incentive to States not to shift their responsibilities for library support to the Federal government. The legislative history of Public Law 101–254 recognizes that the maintenance-of-effort requirement has proven to be effective in leveraging State support for public libraries. In § 770.41(b)(2)(i) the exceptional extenuating circumstances under which the Secretary may waive the basic maintenance-of-effort requirements include, but are not limited to, a natural disaster affecting the State. Under the authority of Public Law 101–254, the Secretary has determined that natural disasters are among the circumstances under which the Secretary may waive basic maintenance-of-effort requirements. A natural disaster is a basis for waiver of maintenance-of-effort requirements in several other programs administered by the Education Department.

Changes: The Secretary retains the language in those regulations dealing with State tax initiatives and referenda that indicates that the effect of State legislative action or referenda reducing revenue or rejecting revenue initiatives does not in and of itself justify a waiver. The Secretary adds to the regulations a requirement that a State support a waiver request with appropriate documentation.

Comment: One commenter stated that it is not clear whether a waiver may be granted two or more years in succession, nor whether there is a time limit on the effect of State tax initiatives or referenda that are not to be considered.

Discussion: Sections 7(a), 7(a)(1), and 7(a)(2) are all clearly intended to apply to a single fiscal year ("any fiscal year," "the fiscal year"). Consequently, any waiver of the requirements of section 7(a)(2) would be effective only for a single fiscal year. Nothing, however, would prevent a State from applying for a separate waiver in a succeeding year. The effect of State tax initiatives or referenda would continue to be excluded from consideration, however, because they occur by deliberate choice and do not constitute exceptional extenuating circumstances.

Changes: None.

Comment: One commenter asked what documentation is required to substantiate a precipitous decline in the financial resources of the State.

Discussion: The documentation required to substantiate a precipitous decline in the financial resources of the State should be sufficient to authenticate the situation being alleged. This may differ from State to State, depending on the nature of the State's resources and the causes for the decline. The Department will, on request, advise State staff on a case by case basis.

Changes: None.

Section 770.42 What Other Maintenance-of-Effort Requirements Apply to a Public Library Services Grant?

Comment: One commenter felt that maintenance-of-effort does not allow a State library administrative agency to take into account cost-effective measures in administering its programs. Nor does it allow for a decrease in demand or need for additional services. The commenter understood that maintenance-of-effort reductions are allowed only for a decrease in populations served.

Discussion: Nothing in the LSCA or applicable regulations prohibits a grantee from applying cost-effective measures in administering its programs. On the contrary, under OMB Circular A–87, basic guidelines for costs require that costs under a grant program be necessary and reasonable for proper and efficient administration of the grant programs. Decreases in demand or need for additional services are determined by a State annually at the time that the long-range program is reviewed and revised according to changing needs and the results of evaluations and surveys (§ 770.21(b)(3) (ii) and (iii) of these final regulations).

Changes: None.

Comment: One commenter asked how public library services were to be differentiated from school library services. The commenter asked how maintenance-of-effort would be affected if they are considered to be separate.

Discussion: Title I of the LSCA relates to public library services only. There is no provision in LSCA Title I relative to school library services. School library services are the responsibility of the school systems and State educational agencies (SEAs) not the State library administrative agencies. School libraries may not be funded directly under the LSCA. For purposes of LSCA Title I maintenance-of-effort, a State library administrative agency reports separately its expenditures for State aid to public libraries and library systems and its direct expenditures for the development of public library services (section 7(a)(2) of the Act). A State's expenditures for public school libraries are separate from either of these, are not reported, and do not affect LSCA Title I maintenance-of-effort.

Changes: None.

Comment: One commenter asked (1) how the Secretary will determine whether populations of the institutionalized and the physically handicapped have declined, (2) whether State or Federal statistics will be used, (3) whether long-term decreases or short-term declines will be relevant, (4) whether a base year will be established, and (5) what formula will be used to determine applicable reductions.

Discussion: Under the paragraph immediately following section 103(7) of the LSCA, as amended by Public Law 101–254, the amount required to be expended for maintenance-of-effort for State institutional library services and library services to the blind and physically handicapped will be ratably reduced if both the Federal allocations to the State are reduced and the populations served by those expenditures have declined. Under the paragraph immediately following section 103(7) of the statute, both conditions must exist for ratable reduction to apply to the amount which a State must expend from Federal, State, and local sources under section 103(3). The Secretary will rely on relevant statistics supplied by the State to determine if populations of the institutionalized or the physically handicapped have declined. Based on State data, subject to verification and for which the Secretary may at any time require additional substantiation under section 6(b)(3) of the Act, the Secretary will make a determination of the reduction rate. The base for maintenance-of-effort for institutionalized and physically handicapped populations is the second preceding year.

Changes: None.

Section 770.43 What Maintenance of Federal Support is Required for Major Urban Resource Libraries (MURLs)?

Comments: One commenter noted that under the LSCA, as amended by Public Law 101–254, States may ratably reduce grants to MURLs if the total Federal allocations to the State under section 5 of the Act for Title I purposes are reduced for the fiscal year in question, or if the 1990 Census shows that the population in the city served by the MURL in question has decreased (LSCA, section 102(3)). The commenter noted also that the NPRM provided no instructions as to how this can be accomplished in a manner that would enable a State to continue to meet MURL maintenance-of-support requirements. Another commenter asked whether the ratable reduction would decrease by the same percentage as the population decrease.

Discussion: Under section 102(c)(3)(A) and (B) of the Act, a State may ratably reduce the amount paid to any of its MURLs to the extent that the total Federal allocation for that State under Title I is reduced *or* to the extent that the 1990 Census shows that the population of the city served by the MURL in question has decreased. A State library administrative agency meets the MURL maintenance-of-support requirement by applying the reductions determined by the Secretary, as appropriate in each case. Reduced payments by States to MURLs under this section of the Act may be proportionate to the decrease in either the Federal allocation *or* the population of the MURL city, or both. A reduction in the Federal allocation affects the minimum required to be reserved by the State library administrative agency for payment to all MURLs, whereas a reduction in the population of a MURL city affects the amount to be paid by the State library administrative agency to the MURL in that city. In the event that both of these circumstances occur in the same fiscal year, with different rates of reduction, a State may apply one or the other of the rates, or both rates. A State need not reduce payments at all, under section 102(c)(1) of the statute, but rather is authorized to do so under section 102(c)(3) of the statute. In any fiscal year when the Title I Federal allocation exceeds $80,000,000, States are still required to set aside certain minimum amounts for payment to their MURLs. The regulations in § 770.43(c) provide an example illustrating how a calculation might be made in a fiscal year when both a reduction in the Federal allocation occurs and a MURL city's population is reduced, and a State chooses to apply both rates.

Changes: The Secretary revises § 770.43 to indicate that the State library administrative agency may ratably reduce the amount that it pays to a MURL, rather than that the Secretary does so, as stated in the NPRM. As revised, § 770.43 also provides that, in any fiscal year when both reduction rates apply, the State library administrative agency determines whether to apply one or the other of the reduction rates, or both, or not to reduce payments to MURLs at all. In response to the commenters' requests for guidance in determining how a State meets the MURL maintenance-of-support requirement under these circumstances, the revised regulation includes an example of how a reduction may be calculated.

Comments: Several commenters asked whether the 1990 Census becomes the basis for determining the population of a city served by a MURL, and whether official Census estimates will no longer be used by the Secretary for that purpose.

Discussion: Under section 102(c)(3)(B) of the Act, the 1990 Census is the basis that a State library administrative agency must use for determining whether a MURL city's population has decreased. In the light of this provision, in making a determination under section 102(c)(3)(B), a State library administrative agency is required to utilize 1990 Census figures and is not authorized to rely upon Census estimates. Section 102(c)(2)(A) authorizes the Secretary to make the determination of whether any city has a population of 100,000 or more for purposes of designating it a MURL city. For this purpose, the Secretary will continue to utilize the best available population data provided by the Census Bureau.

Changes: None.

Comment: One commenter asked whether a MURL whose city population falls below 100,000 is eligible for an interim metropolitan library subgrant. He asked also for an explanation of the distinction between eligible and

ineligible expenditures as a subrecipient of a metropolitan subgrant.

Discussion: Under section 102(c)(2) of the Act, a city whose population falls below 100,000 is no longer eligible for a MURL grant. However, the library in that city is eligible to apply for grants under section 102(a)(2)(C) of the Act for strengthening metropolitan public libraries that serve as national or regional resource centers, provided that the State's long-range program includes a plan for services needed by the users of those libraries. Eligible expenditures under this provision must be for the purposes authorized under Title I of the Act, and they must meet all other applicable statutory and regulatory requirements.

Changes: None.

Section 770.44 What are a State's Financial Obligations under a Public Library Construction and Technology Enhancement Grant?

Comments: Several commenters asked whether there is a matching requirement for Title II funds that will be used for technological enhancement, and whether the match is determined by the Federal share or the 50/50 match required for construction.

Discussion: Section 202 of the Act states that funds must be available for the purpose of paying the Federal share of the cost of construction and technology enhancement projects, and that the Federal share of the cost of construction and technology enhancement of any project assisted under Title II of the LSCA may not exceed one-half of the total cost of the project. In order to qualify for LSCA Title II funds in any fiscal year, a State must meet its overall share of State and local funds for that fiscal year. In a fiscal year in which a State's share is less than 50 percent, each construction and technology enhancement project approved in that fiscal year in that State must still meet the 50 percent project matching requirement.

Changes: None.

Comment: One commenter asked whether a local library construction project with no Federal funds involved may use that project's local funds as a match for a Title II technological enhancement grant.

Discussion: State and local funds from a local library project that has no Federal funds involved may not be used as a match for a Title II technology enhancement grant. Since section 202(b) of the Act prohibits the Federal share of any project assisted under Title II from exceeding one-half of the total cost of that same project, an unrelated project funded with State and local funds could not be applied toward satisfying the Title II project-by-project matching requirement.

Changes: None.

Comment: In referencing § 770.44(a)(1), one commenter considered the phrase "for that year" to be ambiguous. He asked whether what is meant is the amount of a project grant awarded in a particular year, or whether the costs for that year are to be compared with the Federal share for that year. The commenter suggested a revision of the paragraph.

Discussion: Under section 202 of the LSCA, there is a matching requirement for Federal funds that may be used for construction and technology enhancement, whether or not these Federal funds are from the current fiscal year's Title II allotment, or from a previous year's or years' Title II allotments. The minimum amount that must be provided as the non-Federal match for a single construction and technology enhancement project under Title II of the LSCA is 50 percent of the total cost of that project (section 202(b) of the Act). If the State's non-Federal share as promulgated by the Secretary is greater than 50 percent, then the share or shares of one or more projects may have to be increased to enable the State to meet the State matching requirement under section 202(a). The Secretary agrees that the language in § 770.44(a)(1) of the NPRM may be confusing and that this regulation needs to be clarified.

Changes: The Secretary clarifies the regulations at § 770.44(a) by indicating that in the year that a Title II Public Library Construction and Technology Enhancement grant is made for, a State must provide, from non-Federal sources, the difference between the total costs of the projects financed under that grant and the Federal share of those costs as determined under section 7(b) of the Act.

Section 770.45 What Other Financial Obligation Does a Recipient Have Under a Public Library Construction and Technology Enhancement Grant?

Comments: Several commenters inquired as to whether section 202(c) of the Act applies to technology enhancement, and specifically whether or not technologies such as computer hardware purchased under the technology enhancement amendment would be held to the 20-year requirement.

Discussion: The 20-year requirement applies to a building constructed with Title II funds that ceases to be used as a library facility. Under section 202(c) of the Act, if, within 20 years of its construction, a facility constructed with Title II funds ceases or fails to be a public or nonprofit institution or ceases to be used as a library facility, the recipient of the Title II funds must repay a prorated amount of the value of the facility constructed with those funds, based on the amount of the Federal interest remaining in the project. The 20-year requirement does not apply to equipment installed under a "technology enhancement" proposal, whether or not the proposal is part of a construction project, because technology enhancement results in the purchase and installation of equipment, not the construction of facilities. The term "technology enhancement" is defined separately in the Act, contains no restriction to "any such building" as found in Section 3(2) of the Act, and is referred to throughout the amended LSCA in a manner that distinguishes it from "construction." In addition, the Secretary has concluded, from the legislative history of Pub. L. 101–254, that Congress did not intend to require each technology enhancement project to be a part of a construction or renovation project in each instance in order for the technology enhancement project to be funded under Title II.

Changes: None.

Comment: One commenter noted that the term "good cause" is not defined at section 202(c) of the Act or in these regulations.

Discussion: The Secretary determines "good cause" on a case-by-case basis. The good cause clause is not contained in the 1990 amendments to the LSCA; it was introduced in the 1984 amendments to the LSCA, Pub. L. 98–480. Comments on Pub. L. 98–480 included a request for a definition of "good cause." The Secretary's response to this request is contained in the **Federal Register** at 50 FR 33196, August 16, 1985. As was stated in that response, section 202(c) of the LSCA provides the Secretary with broad discretion to determine whether or not there is "good cause" for releasing the institution from its obligation to repay the amount of the Federal interest to the Department. He does so based on relevant information provided to the Department by each library requesting a "good cause" waiver under section 202(c).

Changes: None.

Section 770.46 What Administrative Costs Are Allowable Under the State-Administered Program?

Comment: One commenter asked whether expenses are allowable for the work of the LSCA advisory committee to the State library administrative agency, and, if so, under which title those expenses should be paid.

Discussion: Section 8 of the Act allows a State to expend funds received under Titles I and II for administrative costs in connection with programs and activities carried out under Titles I, II, and III of the Act. Subject to the provisions of section 8, section 102(b)(1) of the Act provides that grants to States may be used to pay the cost of the activities of those advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under Title I.

Changes: None.

Comments: One commenter asked for the meaning of "administrative functions." The commenter asked whether these are restricted to the activities identified in § 770.46(c) (1) through (4). The same commenter asked also whether indirect costs, as approved by Federal cognizant agencies for cost allocation plans, are included in this definition of "administration."

Discussion: Administrative functions are identified at section 102(b)(1) of the Act and they are restricted to the activities enumerated in § 770.46(c) (1) through (4). Section 8 of the Act allows a State to expend funds received under Titles I and II for administrative costs in connection with programs and activities carried out under Titles I, II, and III. Conversely, indirect costs and cost allocation plans are not included in the Act or these regulations because they are not program activities. Rather, they are allowable cost items for accomplishing the activities. Indirect costs are governed by 34 CFR 76.560 and 76.561. In addition, as a result of the comments on the NPRM under the 1984 reauthorization of the LSCA (Pub. L. 98–480), a discussion of the relationship of indirect costs to administering the LSCA program and to the six percent cap on allowable costs for administration at section 8 of the Act was published in the **Federal Register** at 50 FR 33198, August 16, 1985.

Changes: None.

[FR Doc. 92–5931 Filed 3–16–92; 8:45 am]
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Tuesday
March 17, 1992

Part III

Department of Education

34 CFR Part 770

Library Services and Construction Act State-Administered Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 770

RIN: 1850-AA39

Library Services and Construction Act State-Administered Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to add a definition of the term "State aid" to the regulations governing the Library Services and Construction Act (LSCA). Comments received following publication of the notice of proposed rulemaking (NPRM) implementing the 1990 amendments to the LSCA (55 FR 42152) indicated uncertainty among commenters over what is meant by the term "State aid" and the new maintenance-of-effort requirement in section 7 of the LSCA, as amended by the 1990 amendments to the LSCA (Pub. L. 101-254). The commenters asked for an explanation of the meaning of "State aid." Some of the commenters favored a definition of the term, while others argued against a definition in the regulations. It was clear from all of the comments on this issue that a difference of opinion exists among the commenters about which State funds must be reported under the "State aid" category. The Secretary has concluded that a definition is needed in order to clarify the meaning of the term "State aid" and of the new maintenance-of-effort requirement in section 7 of the LSCA. The proposed definition would promote uniform administration of the Act consistent with congressional intent.

DATES: Comments must be received on or before May 1, 1992.

ADDRESSES: All comments concerning this proposed definition should be addressed to Mr. Robert Klassen, U.S. Department of Education, 555 New Jersey Avenue NW., room 402L, Washington, DC 20202-5571.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Klassen. Telephone: (202) 219-1303. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: On October 17, 1990, the Secretary published in the Federal Register (55 FR 42152) an NPRM to implement the Library Services and Construction Act Amendments of 1990 (Pub. L. 101-254). In particular, the amendments of 1990 modified substantially the maintenance-of-effort requirement under title I of the LSCA by identifying two discrete expenditure categories: State aid to public libraries and library systems under section 7(a)(2)(A) of the LSCA and State funds expended directly by State library administrative agencies for Statewide development of public library services under section 7(a)(2)(B) of the LSCA. The NPRM listed these two new categories separately, consistent with the sections of the Act that identify each. Formerly, State funds expended for the purposes of the LSCA were reported under the general category of State funds, without differentiation among categories of those funds. Moreover, the new term "State aid," introduced into section 7 of the LSCA by the 1990 amendments, is not defined in the statute.

Comments received following publication of the NPRM made it evident that the commenters did not have a clear understanding of how to report State expenditures under the two new categories. Of particular concern to the commenters was the meaning of the term "State aid." The apparent confusion among commenters on what constitutes "State aid" may result from the diversity in State patterns of funding for public library services. The Secretary recognizes that the diversity in State aid funding patterns could lead to inconsistent reporting of expenditures without clear guidance to the States on what constitutes "State aid."

Accordingly, as a result of the conflicting comments received concerning the term "State aid," the Secretary proposes a definition of the term in this NPRM and is soliciting public comment on the proposed definition. The definition identifies funds that would be included and those that would not be included in the category of "State aid." By this definition, the Secretary proposes to establish what is meant by "State aid," under section 7(a)(2)(A) of the LSCA, in a manner that preserves some flexibility for the States as they account for their expenditure of State funds while continuing to comply with section 7 maintenance-of-effort. The definition also would help the States to differentiate between funds used for "State aid" and those used directly by State library administrative agencies for the development of public library services.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. Under the State-administered program, grants for public library services, for public library construction and technology enhancement, and for interlibrary cooperation and resource sharing are available only to States and State library administrative agencies. States and State agencies are not considered to be small entities under the Regulatory Flexibility Act. The regulations concerning this program do not impose any non-statutory requirements that will have a significant economic impact on the small entities affected.

Paperwork Reduction Act of 1980

This proposed definition has been examined under the Paperwork Reduction Act of 1980 and has been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program. (Please note that Federally recognized Indian tribal governments are not subject to Executive Order 12372.)

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed definition of the term "State aid."

All comments submitted in response to this NPRM will be available for public inspection, during and after the comment period, in room 402L, Capitol Building, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites

comment on whether there may be further opportunities to reduce any regulatory burdens found in this NPRM.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed definition would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 770

Aging—libraries, Child-care centers, Construction—libraries, Correctional institutions—libraries, Drug abuse, Education, Education of disadvantaged, Grant programs—education, Handicapped, Libraries, Limited English-speaking proficiency, Literacy, Mental health programs—libraries, Networks, Penal insititutions—libraries, Preservation, Prisons—libraries, Reporting and recordkeeping requirements.

Dated: December 5, 1991.

Lamar Alexander,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers: 84.034 Public Library Services; 84.154 Public Library Construction; 84.035 Interlibrary Cooperation and Resource Sharing)

The Secretary proposes to amend part 770 of title 34 of the Code of Federal Regulations as follows:

PART 770—LIBRARY SERVICES AND CONSTRUCTION ACT STATE-ADMINISTERED PROGRAM

1. The authority citation for part 770 continues to read as follows:

Authority: 20 U.S.C. 351 *et seq.*, unless otherwise noted.

2. Section 770.4 is amended by adding to paragraph (c), in alphabetical order, a definition of the term "State aid" to read as follows:

§ 770.4 What definitions apply to the State-Administered Program?

* * * * *

(c) * * *

State aid means funds that are appropriated by a State legislature for aid to State and local public libraries and to library systems for library services, including funds appropriated to a State library administrative agency for payment to State and local public libraries and to library systems. The term does not include—

(1) State funds appropriated for the purpose of defraying the administrative expenses of the State library administrative agency;

(2) State funds utilized directly by the State library administrative agency for the extension and development of public library services; or

(3) Federal funds received by the State under a categorical assistance program.

* * * * *

[FR Doc. 92-5930 Filed 3-16-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Tuesday
March 17, 1992

Part IV

Department of Education

Fund for Innovation in Education: Innovation in Education Program—Restructuring Competition; Applications for New Awards for Fiscal Year 1992; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.215A]

Fund for Innovation in Education: Innovation in Education Program—Restructuring Competition; Notice Inviting Applications for New Awards for Fiscal Year 1992

Purpose of Program: To provide grants for projects that show promise of identifying and disseminating innovative educational approaches at the preschool, elementary, and secondary levels.

Eligible Applicants: State educational agencies, local educational agencies, institutions of higher education, private schools, and other public and private agencies, organizations and institutions or consortia of those agencies.

Deadline for Transmittal of Applications: May 22, 1992.

Deadline for Intergovernmental Review: July 22, 1992.

Applications Available: March 30, 1992.

Estimated Available Funds: $1,000,000.

Estimated Range of Awards: $100,000–$300,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 3–5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Budget Period: 12 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

SUPPLEMENTARY INFORMATION: This program and priority support AMERICA 2000, the President's strategy for moving the Nation toward achievement of the National Education Goals. The strategy calls for world-class standards for students in the core subjects of mathematics, science, English, history, and geography and high quality assessments that can measure students' achievement of these standards. The National Council on Education Standards and Testing (NCEST) was a congressionally-chartered group charged with investigating the desirability and feasibility of national standards and improved assessment in elementary and secondary schools. NCEST issued its report in January, 1992, calling for the development of national standards in the core subjects as an urgently needed first step in reforming American education.

The feasibility of setting national standards and their effectiveness in encouraging State and local reform have been demonstrated by a number of national professional organizations. Recently, the National Council of Teachers of Mathematics developed national standards for what students should know and be able to do in mathematics. While national standards do not currently exist for grades K–12 in history, geography, science, and English, considerable work has been done by a variety of organizations toward the development of such national standards. Also, certain States and local school districts have already developed curriculum frameworks that reflect high standards and provide guidelines for the content that should be taught in the core subjects. To ensure that all students have the opportunity to reach high standards, schools and school systems will often need to be restructured.

Priority: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects that design, develop, and implement innovative approaches for restructuring elementary and secondary schools or school systems in order to ensure that all students can meet high standards of academic achievement in English, history, geography, mathematics, and science. The Secretary is particularly interested in comprehensive restructuring projects that create powerful incentives for performance and improvement, and real consequences for persistent failure. Applicants are invited to address the following four areas of schooling and the anticipated impact proposed changes will have on student achievement:

(a) *New curriculum and instructional strategies to help all students achieve high standards.* Projects that develop and implement curricula that identify what all students in each grade, K–12, need to know in the core subjects. The curricula should incorporate diverse instructional materials and instructional strategies. It is particularly important that the projects include classroom teachers in the process of determining what should be taught and in developing appropriate strategies likely to help all students attain national standards of achievement.

(b) *New approaches to improve the quality of teachers and teaching.* Projects that develop and implement new approaches to professional development of teachers in core subjects to ensure that the teachers master the subjects that they teach. Projects would incorporate new instructional strategies, including the use of advanced technologies, to the end of helping all students meet high standards. These projects would also include new strategies for recruiting, educating, and rewarding good teachers and providing a way for gifted professionals who want to teach to do so through alternative certification routes.

(c) *New school organizational patterns and management strategies to improve learning outcomes.* Projects that develop and implement strategies that give administrators and teachers more discretion to make decisions regarding curriculum, schedules, and staffing, and the flexibility to use resources in more productive, innovative ways that improve student learning.

(d) *New partnerships between schools, or other institutions, and community groups to enhance student success.* Projects that develop and implement activities that include: (1) Collaboration between elementary and secondary school teachers and scholars in institutions of higher education for curriculum design and professional development of teachers; (2) special programs for parent involvement in the school academic program; (3) mechanisms for working with human service agencies supportive of students and their families; and (4) linkages with business and labor organizations to help students prepare for productive careers.

Applicants are encouraged to provide for rigorous documentation of proposed activities, with emphasis on the documentation of changes in student and school performance, and for the outside evaluation and dissemination of program outcomes.

Selection Criteria: Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For the purpose of this competition, the Secretary will distribute the additional points as follows:

Plan of operation. (34 CFR 75.210(b)(3)). Ten (10) additional points will be added for a possible total of 25 points for this criterion.

Evaluation plan. (34 CFR 75.210(b)(6)). Five (5) additional points will be added for a possible total of 10 points for this criterion.

FOR APPLICATION OR INFORMATION CONTACT: Seresa Simpson, U.S. Department of Education, Fund for the Improvement and Reform of Schools and Teaching (FIRST) Office, 555 New Jersey Avenue, NW., room 522, Washington, DC 20208–5524. Telephone (202) 219–1496. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 3151.

Dated: March 12, 1992.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92–6194 Filed 3–16–92; 8:45 am]

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H.R. 4113/P.L. 102–255

To permit the transfer before the expiration of the otherwise applicable 60-day congressional review period of the obsolete training aircraft carrier U.S.S. Lexington to the Corpus Christi Area Convention and Visitors Bureau, Corpus Christi, Texas, for use as a naval museum and memorial. (Mar. 12, 1992; 106 Stat. 72; 1 page) Price: $1.00

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3-18-92
Vol. 57 No. 53

Wednesday
March 18, 1992

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Wednesday
March 18, 1992

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WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

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WHEN: April 23; at 9:00 a.m.
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Rules and Regulations

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-21-AD; Amendment 39-8193; AD 92-06-13]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Boeing Model 767 series airplanes equipped with General Electric CF6-80C2 engines. This action requires revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. This amendment is prompted by an on-going design review, resulting from an accident investigation from which it has been determined that, prior to the accident, the airplane apparently experienced an uncommanded in-flight deployment of a thrust reverser. Deployment of a thrust reverser during flight could result in reduced controllability of the airplane. The actions specified in this AD are intended to ensure the integrity of the fail safe features of the thrust reverser system by preventing the possible discrepancies in the thrust reverser control system that can result in the inadvertent deployment of a thrust reverser during flight.

DATES: Effective March 18, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 18, 1992.

Comments for inclusion in the Rules Docket must be received on or before May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-21-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Lanny Pinkstaff, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2684; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: The wiring configuration of the CF6-80C2 engine thrust reverser, as installed on Boeing Model 767 series airplanes, has the Pressure Regulating Shutoff Valve (PRSOV) and the Directional Pilot Valve (DPV) control wires in adjacent pins of several wire bundle disconnects. These wires should have pin separation so that the DPV will not have power on adjacent pins. A bent pin in a wire bundle disconnect could contribute to an inadvertent in-flight deployment of the thrust reverser during an "auto-restow" event. Deployment of a thrust reverser during flight could result in reduced controllability of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992, which describes procedures for revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. This modification will improve wiring pin separation between the thrust reverser PRSOV and the DPV circuits.

Since an unsafe condition has been identified that is likely to exist on other Boeing Model 767 series airplanes of the same type design, this AD is being issued to prevent deployment of a thrust reverser during flight, which could result in reduced controllability of the airplane. This AD requires revising the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects. The actions are required to be accomplished in accordance with the service bulletin described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "**ADDRESSES.**" All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-21-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-13. **Boeing:** Amendment 39-8193. Docket 92-NM-21-AD.

Applicability: Model 767 series airplanes equipped with General Electric CF6-80C2 engines, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of a thrust reverser during flight, accomplish the following:

(a) Within 60 days after the effective date of this AD, revise the wiring in certain panels, the wing-body disconnects, and the wing-strut disconnects, in accordance with Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Alert Service Bulletin 767-78A0052, Revision 1, dated February 14, 1992.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(e) This amendment becomes effective on March 18, 1992.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6291 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-181-AD; Amendment 39-8186; AD 92-06-06]

Airworthiness Directives; General Dynamics Convair Model 340, 440, and C-131 (Military) Series Airplanes, Including Those Modified for Turbopropeller Power

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final Rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all General Dynamics Model 340, 440 and C-131 (Military) series airplanes, which currently requires structural inspections, and repair or replacement, as necessary to ensure continued airworthiness. This amendment requires more detailed inspections, adds areas to be inspected, requires the use of improved inspection methods, and revises certain compliance times. This amendment is prompted by the analysis of new data submitted in accordance with the existing AD. The actions specified by this AD are intended to prevent the compromise of the structural integrity of these airplanes.

DATES: Effective April 22, 1992.

The incorporation by reference of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, dated November 14, 1986, including Addendum I dated April 14, 1987; Addendum II dated May 4, 1987, and Addendum III, dated August 4, 1987; was previously approved by the Director of the Federal Register as of November 21, 1988 (53 FR 41157, October 20, 1988).

The incorporation by reference of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, Revision 1, dated April 15, 1991, including Addenda I, II, and III, all dated April 15, 1991, is aproved by the Director of the Federal Register as of April 22, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from General Dynamics/Convair Division, Lindberg Field Plant, P.O. Box 85377, San Diego, California 92138, Attention: Derek Trusk. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Los Angeles Aircraft Certification Office 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Brent Bandley, Aerospace Engineer, Airframe Branch, ANM-123L, FAA, Northwest Mountain Region, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5237.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 88-22-06, Amendment 39-6006 (53 FR 41157, October 20, 1988), which is applicable to all General Dynamics Model 340, 440 and C-131 (Military) series airplanes, was published in the **Federal Register** on October 4, 1991 (56 FR 50299). The action proposed to require more detailed inspections of various structural components of these airplanes, more areas to be inspected, the use of improved inspection methods, and the revision of certain compliance times.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule.

One commenter asks for clarification as to whether the proposed rule applies to the Model C-131A, the military version of the Model 240. The FAA notes that this AD action is applicable to the C-131B through C-131H models, but not the C-131A; the applicability statement of the final rule has been revised to indicate this. (This is also indicated in the effectivity section of the applicable Structural Inspection Document (SID), page 2-1.)

This same commenter also suggests that the proposed rule contain a statement, such as the one in the beginning of the revised SID and each addendum, that in addition to the inspection intervals described for each principal structural element (PSE), there is a specified calendar time limit for each inspection item. The FAA concurs that the rule would be clearer if such information were included. The final rule has been revised to add new paragraph (c) which specifies that inspections of the principal structural elements (PSE) are to begin within 6 months after the incorporation of the revised SID into the FAA-approved maintenance inspection program.

One commenter asks for clarification as to how paragraphs (a) and (b) of the proposal relate to each other. This commenter states that it appears that an affected operator would have to comply with both paragraphs at the same time. The FAA concurs that some clarification is necessary. Paragraph (a), which is currently in effect (originally required by AD 88-22-06), requires operators to revise their maintenance inspection program within one year after November 21, 1988, to include the items specified in the original issue of the Convair SID, dated November 14, 1986 (and various addenda). The FAA's intent is that the requirements of that paragraph remain in effect until operators incorporate Revision 1 of the SID (dated April 15, 1991) into their maintenance inspection program, as required by paragraph (b). Within six months after such incorporation, operators must then commence inspections of the PSE's specified in Revision 1 of the SID, as required by new paragraph (c) of the final rule.

Several commenters oppose the six-month compliance time (from the date that the revised AD becomes effective) to do all the inspections in accordance with the calendar times indicated in the revised SID. They noted that the compliance time was too short and, therefore, would have negative impact on flight schedules, aircraft availability, and available manpower. These commenters request that the compliance time be extended to two or four years. The FAA concurs in part. As discussed above, the final rule as been revised to indicate that the inspections in accordance with the revised SID are required within six months after the incorporation of the revised SID into the maintenance inspection program. The operators, in effect, have one year from the date that this final rule becomes effective to do the inspections required by the calendar time requirement. The FAA considers one year to be sufficient time in which operators can accomplish these inspections. Further, the inspections specifically required within the calendar time schedules will have limited impact on the entire fleet. The inspection required with respect to calendar time schedules will affect mainly low-time airplanes, namely, those airplanes that have not exceeded a certain threshold specified in number flight hours; eighty percent of the fleet already has exceeded that threshold.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 320 General Dynamics Model 340, 440, and C-131 (Military) series airplanes of the affected design in the worldwide fleet. The FAA estimates that 240 airplanes of U.S. registry and 25 U.S. operators will be affected by this AD.

To initially incorporate the Supplemental Inspection Document (SID) program into an operator's maintenance program, as required by AD 88-22-06, necessitated 1,000 work hours per operator to accomplish. To incorporate the additional procedures into the SID program as required by this AD action will necessitate an additional 20 work hours per operator. At an average labor cost of $55 per work hour, the additional administrative cost to U.S. operators incurred as a result of this AD is $27,500, or $1,100 per operator.

The new requirements of this AD will also necessitate approximately 50 additional work hours per airplane to accomplish initially the inspection procedures. At an average labor cost of $55 per work hour, the additional cost to U.S. operators incurred as a result of this AD is $660,000 for the fleet, or $2,750 per airplane.

Based on these figures, the total additional cost impact of the new requirements of this AD on U.S. operators is $687,500.

The recurring inspection cost to the affected operators is estimated to be 500 work hours per airplane per year, at an average cost of $55 per work hour. This figure entails no additional work hours as a result of this new AD action. Therefore, the total cost of recurring inspections to U.S. operators is estimated to be $8,600,000 annually for the fleet, or $27,500 per airplane.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by

removing amendment 39-6006 (53 FR 41157, October 20, 1988), and by adding a new airworthiness directive (AD), amendment 39-8186, to read as follows:

92-06-06. General Dynamics: Amendment 39-8186. Docket No. 91-NM-181-AD. Supersedes AD 88-22-06, Amendment 39-6006.

Applicability: Applies to Model 340, 440, and C-131 (Military) series airplanes, all serial numbers, certificated in any category, including those modified for turbo-propeller power.

Compliance: Required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

(a) Within one year after November 21, 1988 (the effective date of Amendment 39-6006, AD 88-22-06), incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in section 3 of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, dated November 14, 1986; Addendum I, dated April 14, 1987; Addendum II, dated May 4, 1987; and Addendum III dated August 4, 1987. The non-destructive inspection techniques set forth in the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to General Dynamics, in accordance with the instructions in the SID.

(b) Within six months after the effective date of this AD, incorporate a revision into the FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in section 3 of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, all dated April 15, 1991.

(c) Within six months after incorporation of General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, dated April 15, 1991; into the FAA-approved maintenance inspection program, as required by paragraph (b) of this AD, inspect all PSE's specified in that SID that have not been inspected within the 12 calendar years. The non-destructive inspection techniques set forth in that SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to General Dynamics, in accordance with the instructions in the SID.

(d) Cracked structure detected during the inspections required by paragraph (a) or (c) of this AD must be repaired or replaced, prior to further flight, in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, dated November 14, 1986; or Revision 1, dated April 15, 1991.

(e) All of the information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may concur or comment and then send it to the Manager, Los Angeles ACO.

(h) The program revision required by paragraph (a) of this AD shall be done in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, dated November 14, 1986, including Addendum I dated April 14, 1987; Addendum II dated May 4, 1987, and Addendum III, dated August 4, 1987. The incorporation by reference of that document was approved previously by the Director of the Federal Register as of November 21, 1988 (53 FR 41157, October 20, 1988), in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The program revision required by paragraph (b) of this AD shall be done in accordance with General Dynamics, Convair Division, "Supplemental Inspection Document (SID), Model 340/440," Report No. ZS-340-1000, Revision 1, dated April 15, 1991; including Addenda I, II, and III, all dated April 15, 1991. The incorporation by reference of that document was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Dynamics/Convair Division, Lindberg Field Plant, P.O. Box 85377, San Diego, California 92138, Attention: Derek Trusk. These documents may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(i) This amendment becomes effective April 22, 1992.

Issued in Renton, Washington, on February 24, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6290 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8402]

RIN 1545-AL41

Consolidated Return Regulations; Modification of Rules Relating to the Applicability of Other Provisions of Law in the Context of the Consolidated Return Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary and final regulations.

SUMMARY: This document contains temporary and final regulations under section 1502 of the Internal Revenue Code of 1986, as amended, providing that section 304 does not apply to acquisitions of the stock of a corporation by one member of a consolidated group from another member and providing special restoration rules for deferred gain that results on an acquisition of the stock of a subsidiary member of a consolidated group by one member from another member.

DATES: The regulations are effective on July 24, 1991 and apply to an acquisition of stock of a corporation in an intercompany transaction occurring on or after July 24, 1991.

FOR FURTHER INFORMATION CONTACT: Brendan P. O'Hara at telephone (202) 566-2455 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains revisions to § 1.1502-80 of Income Tax Regulations (26 CFR part 1) under section 1502 of the Internal Revenue Code of 1986, as amended. Proposed regulations were filed on July 24, 1991 and published on July 25, 1991 (56 FR 34044).

Section 1.1502-80 currently provides that section 304 applies for any consolidated return year. Section 304 treats a sale of stock by a shareholder to a person related to the shareholder as a distribution with respect to stock, which may be taxed as a dividend. Under the consolidated return regulations, a dividend, including one arising under section 304, is eliminated from income. Section 1.1502-14(a). Absent section 304(b)(4), a dividend arising under section 304 may result in inappropriate adjustments to basis in the stock of the transferor and other corporations in a consolidated group. Section 304(b)(4) prevents that result.

The Internal Revenue Service has concluded that the simplest way to implement the purposes of section 304(b)(4) for a consolidated group is for section 304 not to apply to an acquisition of stock by one member from another member. Alternatives to implementing the purposes of section 304(b)(4), which would have required complex basis and earnings and profits adjustments, were rejected. Section 304 continues to apply, in appropriate cases, to an acquisition of stock by a member from non-member.

This document also contains revisions to § 1.1502-13T to provide a rule parallel to that contained in § 1.1502-14T(c), relating to the restoration of deferred gain resulting from the distribution of stock of a subsidiary by one member of a consolidated group to another member.

Comments

A hearing on the proposed regulations was held on December 10, 1991. Several speakers noted that, under the approach of the proposed regulations, a consolidated group may recognize gain associated with assets twice, when the assets are sold and, through restoration of deferred gain, when the stock in the corporation that held the assets is disposed of. This issue arises also when appreciated stock of a member is distributed from one member to another. The Internal Revenue Service is studying the issue as part of a regulations project under §§ 1.1502-13 and 1.1502-14.

Explanation of Provisions

The final regulations amend § 1.1502-80 to provide that an acquisition of stock of a corporation by one member of a consolidated group from another member occurring on or after July 24, 1991 is not subject to section 304. These transfers of stock between members are treated, to the extent provided in § 1.1502-13, as deferred intercompany transactions.

The final regulations do not affect the application of section 304(b)(4) to section 304 transfers not addressed by the final regulations. Section 304(b)(4) continues to require appropriate adjustments to basis and earnings and profits in such cases.

The temporary regulations amend § 1.1502-13T to add rules similar to those provided in § 1.1502-14T(c) (which restores deferred gain on distributed stock) that apply to deferred gain arising in an intercompany transaction that is a sale or exchange of stock of a subsidiary.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It also has been determined that section 553(d) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on the impact of the rules on small business.

List of Subjects in 26 CFR Parts 1.1502-12 through 1.1502-100

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

Accordingly, the amendments to 26 CFR chapter I, subchapter A, part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805, 26 U.S.C. 6038, and 26 U.S.C. 6038A * * * Section 1.1502-80 also issued under 26 U.S.C. 304(b)(4) and 1502 * * *

Par. 2. Section 1.1502-13T is amended by designating paragraph (o) as paragraph (p) and adding paragraph (o) to read as follows:

§ 1.1501-13T Temporary regulations for certain intercompany transactions.

* * * * * * *

(o) *Restoration of deferred gain on stock of a member*—(1) *Restoration rule.* For purposes of this section and § 1.1502-13, gain deferred with respect to an acquisition of stock of a subsidiary in an intercompany transaction shall be taken into account—

(i) Upon a disposition (as defined in § 1.1502-19(b)(2)) of the stock of the subsidiary in an amount equal to the amount that would have created or increased the excess loss account if the adjustment to basis (or excess loss account) of the stock of the subsidiary resulting from the acquisition has not occurred, or

(ii) Following a disposition (as defined in § 1.1502-19(b)(2)), to the extent distributions with respect to any stock owned by a member would exceed the basis of such stock if the adjustment to the basis of the stock resulting from the acquisition had not occurred.

(2) *Example.* This paragraph (o) may be illustrated by the following example:

Example. (a) Corporations P, S1, S2, and S3 file consolidated returns on a calendar year basis. P owns all of the outstanding stock of S1 and S2. S1 owns all 100 shares of the outstanding stock of S3. The S3 shares have an adjusted basis of $1,000 and value of $10,000. S1 sells all 100 shares of the S3 stock to S2 for $10,000 and recognizes $9,000 of gain. The gain is deferred under § 1.1502-13(c). S2 takes a $10,000 basis in the S3 stock under § 1.1502-31(a).

(b) S3 borrows $5,000 in 1992 and distributes the $5,000 to S2 in the same year. S3 has no current earnings and profits, and the distribution reduces S2's basis in the S3 stock from $10,000 to $5,000.

(c) In 1993, S3 has no current earnings and profits. At the end of 1993, S3 issues 100 shares of stock to X, an unrelated third party. As a result, S2 no longer owns 80 percent or more of the S3 stock and S3 ceases to be a member of the group. S3's ceasing to be a member of the group is a disposition of the S3 stock under § 1.1502-19(b)(2)(i). If the basis of the S3 stock had not been adjusted as a result of the sale of the S3 stock by S1 to S2, the $5,000 distribution would have resulted in a $4,000 excess loss account with respect to the S3 stock. Accordingly, S1 is required to take into account $4,000 of the deferred gain (the amount that would have been in the excess loss account but for the adjustment to the basis of the S3 stock resulting from its sale).

(d) In 1994, S2 sells its 100 shares of S3 stock to X for $6,000. S2 recognizes gain of $1,000 on the sale. Further, under § 1.1502-13(f)(1)(i), because the S3 stock is disposed of outside the group, S1 must take into account the remaining $5,000 of deferred gain on the S3 stock.

(3) *Effective date.* This paragraph (o) applies to acquisitions of stock of a subsidiary in an intercompany transaction occurring on or after July 24, 1991.

* * * * * * *

Par. 3. Section 1.1502-80 is revised to read as follows:

§ 1.1502-80 Applicability of Other Provisions of Law.

(a) *In general.* The Internal Revenue Code, or other law, shall be applicable to the group to the extent the regulations do not exclude its application. Thus, for example, in a transaction to which section 381(a) applies, the acquiring corporation will succeed to the tax attributes described in section 381(c). Furthermore, sections 269 and 482 apply for any consolidated year. Section 304 applies except as provided in paragraph (b) of this section.

(b) *Non-applicability of section 304.* Section 304 does not apply to any acquisition of stock of a corporation in

an intercompany transaction occurring on or after July 24, 1991.

Dated: March 4, 1992.

David G. Blattner,

Acting Commissioner of Internal Revenue.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92-6286 Filed 3-13-92; 11:34 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-90-064e]

Drawbridge Operation Regulations; Potomac River, District of Columbia

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule with request for comments.

SUMMARY: The Coast Guard has been petitioned by the Federal Highway Administration, the Maryland and Virginia Departments of Transportation, and the District of Columbia Department of Public Works to permanently amend the regulations governing operation of the Woodrow Wilson Memorial Bridge across the Potomac River, mile 103.8, at Alexandria, Virginia. As part of the rulemaking process, the Coast Guard is considering several alternative opening schedules as well as the schedule proposed by the petitioners. This temporary rule is being issued to evaluate a variation of the schedule that was published as a notice of proposed rulemaking in the December 20, 1991, **Federal Register**. This variation is being tested in response to some of the comments the Coast Guard has received concerning the hours of heaviest morning vehicular traffic and the effect of midday drawbridge openings for recreational vessels on highway traffic.

DATES: This temporary rule is effective from March 28, 1992, through May 26, 1992, unless sooner terminated. Comments must be received on or before April 27, 1992.

ADDRESSES: Comments should be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments received will be available for inspection and copying at room 507 at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at 804-398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Ann B. Deaton, Project Officer, and Capt. M.K. Cain, Project Attorney.

Discussion of Temporary Rule

This temporary rule is being issued to evaluate a variation of the opening schedule that was published as a notice of proposed rulemaking in the December 20, 1991, **Federal Register** by the Coast Guard in response to a request from the Federal Highway Administration, the Virginia and Maryland Departments of Transportation, and the District of Columbia Department of Public Works, to permanently change the regulations for the Woodrow Wilson Memorial Bridge by further restricting the hours during which the bridge may open for vessel traffic. This variation moves the noon opening for recreational vessels to 10 a.m., and moves the morning bridge closure period for commercial vessels forward one hour; i.e., instead of the closure period occurring from 4 a.m. to 9 a.m., it will occur from 5 a.m. to 10 a.m.

This variation also will require 4 hours (as opposed to 2 hours) advance notice from commercial vessels in order to have the bridge open from 10 a.m. to 2 p.m., and will require the bridge tender to delay the 10 a.m. openings for recreational vessels up to 4 hours to coincide with a later scheduled opening if a commercial vessel is scheduled to open the bridge during these hours. By linking recreational vessel openings with commercial vessel openings, the chance for multiple openings (i.e., one at 10 a.m. for recreational vessels then another for a commercial vessel 1, 2, or 3 hours later) during this high volume midday traffic period will be eliminated. Since the number of times this scenario is likely to occur is relatively low, recreational vessels should not be unduly inconvenienced, and they will be assured of reasonable midday access through the bridge each day of the year. Also, on those occasions when there are no scheduled midday openings for commercial vessels, and the bridge does open for recreational vessels at 10 a.m. as allowed under this variation, the opening will occur at a less disruptive time to vehicular traffic than 12 noon as shown by the traffic counts provided by state transportation officials. Advancing the morning bridge closure period forward by one hour for commercial vessels should result in the closure period coinciding more closely with the actual morning rush hour period according to the state highway officials and many comments we received. In all other respects, this rule is identical to the proposed rule that was published in the **Federal Register** on December 20, 1991.

This temporary rule is for evaluation purposes only and will be effective for a 60-day period beginning on March 28, 1992. The impact of this proposal on highway and marine traffic during this period will be evaluated to determine if it will result in substantial improvements in vehicular traffic flow without unreasonably restricting marine traffic. Data will be collected during the period to document the time and duration of draw openings and length of any resulting vehicle backups. If this rule results in an unforeseen disruption of traffic, it may be withdrawn sooner than 60 days. Unless particular problems with this temporary schedule are identified during this test period, the Coast Guard intends to reissue it as an Interim Final Rule to be effective from 27 May until a permanent rule is published.

The Woodrow Wilson Bridge operated under temporary rules from August 2, 1990, through May 31, 1991, to facilitate repairs to the bridge. Repairs were completed by May 31, 1991. Normally, operation of the bridge would revert to the permanent rule in 33 CFR 117.255. However, it is apparent that this will not provide a satisfactory balance between the needs of today's vehicular traffic and the needs of vessels. Therefore, the Coast Guard issued a temporary deviation from the permanent rules under the provisions of 33 CFR 117.43. That temporary rule with request for comments was issued to evaluate one of the alternative opening schedules being considered for a permanent change in the regulations. The rule was published in the **Federal Register** (56 FR 25369) on June 4, 1991. It was effective from June 1, 1991, through July 30, 1991. Comments were accepted through July 15, 1991. On July 9, 1991, the Coast Guard issued a second temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another of the alternative opening schedules being considered for a permanent change in regulations. That rule was published in the **Federal Register** (56 FR 35816) on July 29, 1991. It was effective from July 31, 1991, through September 28, 1991. Comments were accepted through September 13, 1991. On September 23, 1991, the Coast Guard issued a third temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another alternative opening schedule being considered. That rule was published in the **Federal Register** (56 FR 49145) on September 27, 1991. It was effective from September 29, 1991, through November 27, 1991. Comments were accepted through November 12, 1991. On November 20, 1991, the Coast Guard issued a fourth temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate a variation of one of the alternative opening schedules being considered. That rule was published in the **Federal Register** (56 FR 59880) on November 26, 1991. It was effective from November 28, 1991, through January 27, 1992. Comments were accepted through January 13, 1992. On January 16, 1992, the Coast Guard issued a fifth temporary rule with request for comments under the provisions of 33 CFR 117.43 to evaluate another variation of one of the alternative opening schedules being considered. That rule was published in the **Federal Register** (57 FR 3008) on January 27, 1992. It was effective from January 28, 1992, through March 27, 1992. Comments were accepted through March 12, 1992.

In order to propose a permanent change in the operating rule for the Woodrow Wilson Bridge, a notice of proposed rulemaking was published on December 20, 1991 (56 FR 66326), and comments on all alternatives under consideration were solicited. The comment period for that proposal expired on February 3, 1992.

Comments are specifically invited concerning any particular problems experienced with this temporary schedule, or concerns with the proposal to issue this same rule as an interim final rule. These comments will be evaluated and modifications may be made or an alternate temporary schedule of openings may be established for the purpose of further evaluation. All comments received will also be considered along with those received in connection with the permanent operating schedule rule change being considered. Persons submitting comments should include their name and address, identify the bridge, and give reasons for any recommended changes to the temporary rule. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

This temporary rule serves the immediate interests of highway traffic with no expected significant adverse impacts on marine traffic. It is a variation of one of the alternative opening schedules previously evaluated and is the sixth in a series of temporary rules being evaluated to gather information for drafting a new permanent rule. For these reasons, pursuant to 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for publishing this temporary rule without publication of a notice of proposed rulemaking. Further, because the Coast Guard agrees that it is not acceptable to revert to the existing permanent rule on the expiration of the current temporary deviation on March 27, 1992, it finds pursuant to 5 U.S.C. 553(b), that good cause exists for making this rule effective in less than 30 days after the date of publication in the **Federal Register**.

Regulatory Evaluation

This temporary rule is considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034, February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that these regulations are temporary and may be withdrawn earlier than scheduled. They are not expected to have any substantial effect on commercial navigation or on any businesses that depend on waterborne transportation for successful operations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C 632). The Coast Guard will accept comments on the economic impact on small entities, in connection with the proposal for permanent regulations, and consider them at that time.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the temporary rule does not raise sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is temporarily amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); 33 CFR 117.43.

2. Section 117.255 is temporarily amended by revising paragraph (a)(2) and adding paragraphs (a)(3) and (a)(4) to read as follows: (This is a temporary rule and will not appear in the Code of Federal Regulations.)

§ 117.255 Potomac River.

(a) * * *

(2) Need not open:

(i) Except as provided in paragraphs (a)(1) and (2)(vi) of this section, for the passage of any vessel unless at least 2 hours advance notice is given to the bridge tender at (202) 727-5522.

(ii) For the passage of any vessel from 5 a.m. to 10 a.m. and from 2 p.m. to 7 p.m., on Mondays through Fridays other than Federal holidays.

(iii) For the passage of any vessel from 2 p.m. to 7 p.m. on Saturdays, Sundays, and Federal holidays.

(iv) For the passage of recreational vessels from 4 a.m. to 12 midnight with the exception of one opening at 10 a.m., if requested, on Mondays through Fridays other than Federal holidays.

(v) For the passage of recreational vessels from 6 a.m. to 12 midnight with the exception of one opening at 10 a.m., if requested, and one opening at 9 p.m., if requested, on Saturdays, Sundays, and Federal holidays.

(vi) For the passage of commercial vessels from 10 a.m. to 2 p.m., seven days a week, unless at least 4 hours advance notice is given to the bridge tender at (202) 727-5522.

(3) The bridge tender shall delay the 10 a.m. opening for recreational vessels up to 4 hours, seven days a week, if he receives a request (with proper advance notice) from a commercial vessel to open the bridge between 10 a.m. and 2 p.m.

(4) This temporary rule is effective from March 28, 1992, through May 26, 1992.

* * * * *

Dated: March 11, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 92-6288 Filed 3-13-92; 3:27 pm]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA8-1-5429; A-1-FRL-4114-9]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Burlington Industries Consent Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision consists of a Consent Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries. The Consent Agreement limits the operation and reduces the allowable sulfur dioxide (SO_2) emissions at Burlington Industries' facility in Clarksville, Mecklenburg County, Virginia. The intended effect of this action is to approve a Consent Agreement submitted by the Commonwealth of Virginia Department of Air Pollution Control as a SIP revision rendering its conditions limiting Burlington Industries' operation and reducing its allowable SO_2 emissions federally enforceable. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective May 18, 1992 unless notice is received within April 17, 1992 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Commonwealth of Virginia Department of Air Pollution Control, room 801, Ninth Street Office Building, P.O. Box 10089, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: David J. Campbell, (215) 597-9781; FTS 597-9781.

SUPPLEMENTARY INFORMATION: On December 16, 1991, the Commonwealth of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a Consent Agreement, dated November 19, 1991, entered into by the State Air Pollution Control Board and Burlington Industries. This Consent Agreement limits the operation and reduces the allowable SO_2 emissions of Burlington Industries' facility in Clarksville, Virginia.

Summary of SIP Revision

The State Air Pollution Control Board and Burlington Industries entered into a Consent Agreement on November 19, 1991 to commit to a plan and schedule for the completion of actions to restrict operation and to reduce allowable SO_2 emissions at the company's facility in Clarksville, Virginia.

The purpose of this Agreement is to restrict the operation and reduce allowable emissions, as authorized under the Commonwealth of Virginia Regulations for Control and Abatement of Air Pollution Rule 4-8—"Emission Standards for Fuel Burning Equipment," of the Clarksville facility to ensure the protection of the National Ambient Air Quality Standards (NAAQS) for SO_2.

The need to restrict the operation and reduce the allowable SO_2 emissions of the Clarksville facility was discovered through the March 9, 1990 Air Quality Impact Analysis supporting the Prevention of Significant Deterioration (PSD) air permit application for the Mecklenburg Cogeneration Limited Partnership (MCLP) facility in Mecklenburg County, Virginia. This computer modeling analysis indicated that Burlington Industries has the potential to exceed the primary and secondary NAAQS for SO_2 when operating at its maximum allowable levels according to the Virginia Regulations and current SIP. As a result, Burlington Industries voluntarily agreed to a control program with the State Air Pollution Control Board.

The Burlington Industries' control program is the basis of the Consent Agreement. The control program states that the five (5) steam-generating boilers of the seven (7) operating boilers at the Clarksville facility will be vented into an existing 235-foot stack creating a single, merged gas stream. In order to demonstrate compliance with the State Air Pollution Control Board Regulations and SIP, which prohibit the merging of gas streams unless the resultant plant-wide SO_2 emissions are less than or equal to 5,000 tons per year, Burlington Industries must limit the sulfur content of the coal burned and can not operate the two (2) non-merged boilers simultaneously. The resultant plant-wide allowable emissions under this control program are 4,849 tons per year of SO_2, thus satisfying the Board's Regulations and the SIP.

The November 19, 1991 Consent Agreement details the above operating conditions for the Clarksville facility, which will result in the reduction of allowable SO_2 emissions. A plant-wide SO_2 emission limit of 4,849 tons per year is imposed. Compliance with this annual limit shall be met over every consecutive twelve-month period on a continuous, rolling basis. Compliance shall be determined through the use of a sulfur-in-fuel content limit and an annual cap on the quantity of fuel consumed. Specific emission factors are listed to be used to determine conformance with the annual SO_2 emission limit. The Consent Agreement also stipulates that two (2) specific boilers may not be operated simultaneously.

The Agreement defines the maximum sulfur content of coal burned (1.2 percent by weight on an annual basis) and the minimum heat content (12,500 Btu/lb). Burlington Industries shall maintain and report records of the quantity and sulfur content of each fuel shipment received. The records shall be maintained for a period of no less than two (2) years.

Furthermore, the Consent Agreement outlines a specific schedule for the award of a contract by Burlington Industries for the construction of the ductwork required by the control program. Burlington Industries is required to complete all necessary modifications within a specified time period.

EPA Evaluation

EPA has evaluated Virginia's SIP revision request and concluded the following: (1) The operational and emission limitations imposed on the Burlington Industries Clarksville facility are shown by computer modeling to adequately protect the NAAQS for SO_2; (2) the operational and emission limitations are clearly enforceable; and (3) the applicable requirements of 40 CFR part 51 have been met. A more detailed evaluation is provided in a Technical Support Document available upon request from the Regional EPA office listed in the **ADDRESSES** section of this notice.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on May 18, 1992.

Final Action

EPA is approving the Consent Agreement dated November 19, 1991 submitted by the Commonwealth of Virginia Department of Air Pollution Control as a revision to the Virginia SIP. The Consent Agreement restricts the operation and allowable SO_2 emissions of the Burlington Industries Clarksville facility, thereby ensuring the protection of the National Ambient Air Quality Standards for SO_2.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. section 605(b), I certify that this SIP revision imposing restrictions on the operation and reducing the allowable SO_2 emissions at Burlington Industries' facility in Clarksville, Virginia will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue that temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 18, 1992. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 4, 1992.

Edwin B. Erickson,

Regional Administrator, Region III.

Subpart VV, part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(96) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(96) Revisions to the State Implementation Plan submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

(i) *Incorporation by reference.* (A) Letter from the Virginia Department of Air Pollution Control dated December 6, 1991 submitting a revision to the Virginia State Implementation Plan.

(B) Agreement between the State Air Pollution Control Board of the Commonwealth of Virginia and Burlington Industries (Source Registration No. 30401) reducing allowable emissions of sulfur dioxide, dated November 19, 1991.

(ii) *Additional materials.* (A) Remainder of the State Implementation Plan revision request submitted by the Virginia Department of Air Pollution Control on December 16, 1991.

[FR Doc. 92-6163 Filed 3-17-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4115-5]

Guam; Final Authorization of Territorial Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The Territory of Guam has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. EPA has reviewed Guam's application and has made a decision, subject to public review and comment, that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Guam's hazardous waste program revisions. Guam's application for program revision is available for public review and comment.

DATES: Final authorization for Guam shall be effective May 18, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Guam's program revision application must be received by the close of business April 17, 1992.

ADDRESSES: Copies of Guam's program revision application are available during the business hours of 9 a.m. to 5 p.m. at the following addresses for inspection and copying:

Guam Environmental Protection Agency, Solid and Hazardous Waste Management, Harmon Plaza, Complex Unit D-107, 103 Rojas Street, Harmon, Guam 96911, Phone: (671) 646-8863/4/5.

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 94105, Phone: (415) 744-1510.

Written comments should be sent to April Katsura, U.S. EPA Region IX (H-2-2), 75 Hawthorne Street, San Francisco, California 94105, Phone: 415/744-2026.

FOR FURTHER INFORMATION CONTACT: April Katsura at the above address and phone number.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with,

and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Guam

Guam initially received final authorization on January 27, 1986. Guam received authorizations for revisions to its program on May 22, 1989, August 11, 1989 and March 3, 1992. On January 28, 1992, Guam submitted a program revision application for additional program approvals. Today, Guam is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Guam's application, and has made an immediate final decision that Guam's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Guam. The public may submit written comments on EPA's immediate final decision up until April 17, 1992. Copies of Guam's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Guam's program revision shall become effective in 60 days unless an adverse comment pertaining to the Territory's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Guam is applying for authorization for the following Federal hazardous waste regulations:

Federal requirements	Territory authority
List (Phase I) of Hazardous Constituents for Ground Water Monitoring (52 FR 25942, July 9, 1987).	10 Guam Code Annotated (GCA) § 51103(a) (6) & (11); Hazardous Waste Management Regulations (HWMR) Part VI.A & B.
Identification and Listing of Hazardous Waste (52 FR 26012, July 10, 1987)	10 GCA § 51103(a) (6) & (11); HWMR Part III.A & B.
Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee (52 FR 44314, November 18, 1987).	10 GCA § 51103(a) (6) & (11); HWMR Parts VI.A & B and VII.A & B.
Hazardous Waste Miscellaneous Units (52 FR 46946, December 10, 1987)	10 GCA § 51103(a) (6) & (11); HWMR Parts II.B, VI.A & B and X.A & B.
Identification and Listing of Hazardous Waste; Technical Correction (53 FR 13382, April 22, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part III.A & B.
Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption (53 FR 27290, July 19, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Parts II.A & B and III.A, B, C & D.
Standards Applicable to Owners and Operators of Hazardous Waste Storage and Treatment Tank Systems (53 FR 34079, September 2, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Parts II.A & B, VI A & B, and VII.A, B & J.
Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification (53 FR 35412, September 13, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part III.A & B.
Permit Modifications for Hazardous Waste Management Facilities (53 FR 37912, September 28, 1988, as amended on October 24, 1988 at 53 FR 41649).	10 GCA § 51103(a) (6) & (11); HWMR Parts II.D, VI.A & B, X.A & L-R and XI.A & D.
Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities (53 FR 39720, October 11, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part VI.A & B.
Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes (53 FR 43878, October 31, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part III.A & B.
Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes (53 FR 43881, October 31, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part III.A & B.
Standards for Generators of Hazardous Waste; Manifest Renewal (53 FR 45089, November 8, 1988).	10 GCA § 51103(a) (6) & (11); HWMR Part IV.A & B.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (54 FR 615, January 9, 1989).	10 GCA § 51103(a) (6) & (11); HWMR Parts III.A & B, VI.A & B, and X.A & B.
Hazardous Waste Incinerator Permits, Amendment Requirements (54 FR 4286, January 30, 1989).	10 GCA § 51103(a) (6) & (11); HWMR Part X.A & B.
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting (54 FR 9596, March 7, 1989).	10 GCA § 51103(a) (6) & (11); HWMR Parts X.A, B & C and XI.A & N.

Guam will not have issued any Territorial hazardous waste permits prior to being authorized for the above program revisions. The Territorial program does not include jurisdiction over Indian Lands; there are no Indian Lands in Guam.

C. Decision

I conclude that Guam's application for program revision meets RCRA. Accordingly, Guam is granted final authorization to operate its hazardous waste program as revised. Guam has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984. Guam also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Guam's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the Territory. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 10, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92-6180 Filed 3-17-92; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-274-AD]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires external inspections of the circumferential fuselage splices and internal inspections of certain bonded doublers for delamination, cracking, corrosion, and repair, if necessary. This action would clarify the terminating action expand the area of inspection, and update the inspection procedures. This proposal is prompted by reports from operators of additional skin cracks, corrosion, and delamination between the skin and doubler. This condition, if not corrected, could result in rapid decompression of the airplane.

DATES: Comments must be received no later than May 11, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-274-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2775; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-274-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-274-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion:

On April 8, 1991, the FAA issued AD 91-09-10, Amendment 39-6978 (56 FR 18669, April 24, 1991), to require external inspections of circumferential fuselage splices and internal inspections of certain bonded doublers on Model 737 series airplanes for delamination, cracking, and corrosion. That action was prompted by reports of cracking of the circumferential fuselage skin splices and several reports of delamination of the bonded doubler. The requirements of that AD are intended to prevent rapid decompression of the airplane.

Since the issuance of that AD, operators have reported additional skin cracks, corrosion, and delamination between the skin and doubler. The FAA has determined that galley door, electrical/electronic door, and airstair cutouts also need to be inspected because of reports of delamination and corrosion of the bonded doubler that have been found recently in these areas. Such delamination and corrosion presents the same unsafe condition addressed by the existing AD.

The FAA has reviewed and approved Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991, that describes procedures for visual, ultrasonic, high frequency eddy current, and low frequency eddy current inspections; repair; and a terminating modification consisting of replacement of fasteners with protruding head fasteners.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 91-09-10 with a new airworthiness directive that would expand the area requiring inspections to detect disbonding to include all non-riveted areas of bonded doublers around each major skin cut-out and bonded doublers in the area of galley door, electrical/electronic door, and airstair cutouts. The terminating action has been clarified to specify that all fasteners in the forward-most and aft-most row of fasteners must be replace with standard oversize protruding head solid fasteners at all circumferential fuselage splices; this terminating action is for the modified areas only. The actions would be required to be accomplished in accordance with the procedures specified in the service bulletin described previously.

There are approximately 519 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 213 airplanes of U.S. registry would be affected by this AD.

To accomplish the procedures currently required by AD 91-09-10 requires approximately 262 work hours per airplane; to accomplish the new procedures that would be required by this AD action would require 2 additional work hours per airplane. The average labor cost would be $55 per work hour. Based on these figures, the additional costs incurred by U.S. operators as a result of the new requirements proposed in this AD action would be $23,430; the total cost impact of this AD (including the actions previously required by AD 91-09-10) on U.S. operators would be $3,092,760.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6978 (56 FR 18669, April 24, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket No. 91-NM-274-AD. Supersedes AD 91-09-10, amendment 39-6978.

Applicability: Model 737 series airplanes, listed in Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent decompression of the airplane, accomplish the following:

(a) Within 1,000 flight cycles or 3 months after May 28, 1991 (the effective date of AD 91-09-10, amendment 39-6978), whichever occurs first, unless accomplished within the last 12 months, perform an external close visual inspection for corrosion or evidence of delamination in all circumferential skin butt splices from body station (BS) 259.5 to BS 1016, and in the areas of the bonded internal doublers around the major skin cutouts for entry, cargo, nose landing gear, overwing exit doors, and in the area from BS 360 to BS 420 between stringer (S)-15L and S-25L, in accordance with Boeing Service Bulletin 737-53-1076, Revision 2, dated February 8, 1990.

(b) Within 1,000 flight cycles or 3 months after the effective date of this AD, whichever occurs first, unless accomplished within the last 12 months, perform an external close visual inspection for corrosion or evidence of delamination, in the areas of bonded internal doublers around the skin cutouts for the galley door, electrical/electronic door, and airstair in accordance with Boeing Service Bulletin 737-53-1076, Revision 4, dated September 26, 1991 (hereinafter referred to as "the Service Bulletin").

(c) As a result of the inspections required by paragraph (a) and (b) of this AD, accomplish one of the following:

(1) If no corrosion or evidence of delamination is found, repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(2) If corrosion is found, prior to further flight, repair in accordance with paragraph (f) of this AD. Following repair, continue to repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(3) If delamination is found, prior to further flight, repair in accordance with paragraph (g) of this AD. Following repair, continue to repeat the external close visual inspection at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(d) Within 500 flight cycles after the effect date of this AD; or prior to the accumulation of 40,000 flight cycles for Group 1 airplanes and 60,000 flight cycles for Group 2 airplanes; whichever occurs later, unless accomplished within the last 4,000 flight cycles; accomplish the following:

(1) Perform the following external inspections:

(i) High frequency eddy current (HFEC) inspection for cracks in the skin common to the forward-most and aft-most row of fasteners in the circumferential skin splice over the crown from S-10L to S-10R, in accordance with the Service Bulletin.

(ii) Close visual inspection for skin cracks, and loose or missing fasteners in all circumferential skin butt splices from BS 259.9 to BS 1016, in accordance with the Service Bulletin.

(iii) Close visual inspection for skin cracks in the area of the bonded internal doublers around the skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, overwing exit doors, and in the area from BS 360 to BS 420 between S-15L and S-25L, in accordance with the Service Bulletin.

(2) As a result of the inspections required by paragraph (d)(1) of this AD, accomplish either subparagraph (d)(2)(i) or (d)(2)(ii) of this AD, as applicable:

(i) If no cracks are found, repeat the inspections required by paragraph (d)(1) of this AD at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first; or accomplish the terminating action in accordance with the Service Bulletin.

(ii) If cracks are found, prior to further flight, repair in accordance with paragraph (g) of this AD. Following repair, continue to inspect in accordance with paragraph (d)(1) of this AD at intervals not to exceed 4,500 flight cycles or 15 months, whichever occurs first.

(3) Replacement of all fasteners in the forward-most and aft-most row of fasteners with standard oversize protruding head solid fasteners at all circumferential fuselage splices, in accordance with the Service Bulletin, constitutes terminating action for the circumferential skin butt splice crack inspections required by this AD for the modified areas only.

(e) For Group 1 airplanes, within the next 4,500 flight cycles or 15 months after the effective date of this AD, whichever occurs first; or prior to the accumulation of 40,000 flight cycles, whichever occurs later; unless previously accomplished within the last 7,500 flight cycles; accomplish the following:

(1) Perform the following internal inspections:

(i) Close visual inspection for cracks, corrosion, and delamination, of the bonded doublers around all major skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, overwing exit doors, and in the area from BS 360 to BS 420 between S-15L and S-25L, and at each circumferential but splice from BS 277 through BS 1016, in accordance with the Service Bulletin.

(ii) Ultrasonic inspection for corrosion and delamination of all non-mechanically fastened areas of the bonded doublers around all major skin cutouts for entry, galley, cargo, nose landing gear, airstairs, electrical/electronic door, and overwing exit doors, in accordance with the Service Bulletin.

(2) As a result of the inspections required by paragraph (e)(1) of this AD, accomplish either subparagraph (e)(2)(i) or (e)(2)(ii) of this AD, as applicable:

(i) If no cracks, corrosion, or delamination is found, repeat the inspections required by paragraph (e)(1) of this AD at intervals not to exceed 12,000 flight cycles or 4 years, whichever occurs first.

(ii) If corrosion is found, prior to further flight, repair in accordance with paragraph (f) of this AD. Following repair, continue to inspect in accordance with paragraph (e)(1) of this AD at intervals not to exceed 12,000 flight cycles or 4 years, whichever occurs first.

(f) In areas where corrosion is found, but evidence of cracking is NOT found, as a result of the inspections required by paragraphs (a), (b), (d), and (e) of this AD, prior to further flight, perform a low frequency eddy current (LFEC) inspection to determine the amount of material loss.

(1) If material loss is less than 10% of the skin or doubler thickness, prior to further flight, accomplish either subparagraph (f)(1)(i) or (f)(1)(ii) of this AD:

(i) Accomplish the repair in accordance with the Service Bulletin; or

(ii) Conduct repetitive LFEC inspections thereafter at intervals not to exceed 2,250 flight cycles or 6 months, whichever occurs first, until the repair is accomplished.

(2) If material loss is equal to or greater than 10% of the skin or doubler thickness, prior to further flight, repair in accordance with the Service Bulletin.

(g) In areas where cracks or delamination are found as a result of the inspections required by paragraphs (a), (b), (d), and (e) of this AD, prior to further flight, repair in accordance with the Service Bulletin.

(1) Blind fasteners may be used as temporary repair only. Repairs using blind fasteners must repetitively inspect for loose or missing fasteners at intervals not to exceed 3,000 flight cycles following installation, and replaced until 10,000 flight cycles following installation.

(2) Repairs previously installed with blind fasteners prior to May 28, 1991, but be inspected for loose or missing fastnerships within 1,000 flight cycles after May 28, 1991, and thereafter at intervals not to exceed 3,000 flight cycles. Blind fasteners must be replaced with protruding head solid fasteners within 10,000 flight cycles following installation.

(3) If any loose or missing blind fasteners are found, prior to further flight, replace with solid type fasteners in accordance with the Service Bulletin.

(h) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.197 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on March 10, 1992.

James V. DeVany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6255 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-26-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to Boeing Model 757 series airplanes. This proposal would require repetitive checks of the passenger door emergency power assist assembly, and correction of any discrepancies found. This proposal is prompted by reports of corroded or seized bearings found in the emergency power assist assembly of the passenger doors. The actions specified by the proposed AD are intended to prevent seizure of the passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation.

DATES: Comments must be received by May 4, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Airplane Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-26-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Monica L. Nemecek, Aerospace Engineer, Crashworthiness and Interiors Section, ANM-120S, Seattle Aircraft Certification Office; telephone (206) 227-2773; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the subatance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-26-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Northwest Mountain Region, Transport Airplance Directorate, ANM-103, Attention: Rules Docket No. 92-NM-26-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The manufacturer has reported that several operators of Boeing Model 757 series airplanes have discovered corroded bearings in the emergency power assist assembly of the passenger doors. One operator reported that bearings in the passenger door emergency power assist assembly were damaged or seized. Subsequently, another operator reported a similar occurrence of a seized bearing that had affected the emergency power cable travel. The manufacturer has reported that bearing seizure can be attributed to the lack of anti-corrosive lubrication. Although these bearings are initially packed with grease when installed on an airplane, reapplication of grease is necessary to ensure their successful opeation in the assembly.

When the bearing is completely seized, it will not allow the mechanism to rotate and pull the cable sufficiently to activate the power reservoir. The reservoir releases pressurized gas to the actuator, which operates the door during an emergency. This condition, if not corected, could result in seizure of the passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation.

The FAA has reviewed and approved Boeing Service Letter 757-SL-52-6, dated September 17, 1991, that describes procedures for performing a check of the passenger door emergency power assist cable travel and correction of discrepancies identified.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive checks of the passenger door emergency power assist cable travel, and correction of any discrepancies ientified. The actions are required to be accomplished in accordance with the service letter described previously.

The proposed AD would also provide for an optional terminating action for the repetitive checks, consisting of replacement of the existing bearing with a stainless steel bearing, bearing seal, and back-up ring. The terminating action would be required to be accomplished in accordance with a method approved by the FAA. (Boeing has advised the FAA that it is currently developing a service bulletin that will contain procedures for accomplishing the optional terminating action specified in this proposed AD.)

There are approximately 428 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 264 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 21 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $304,920, or $1,155 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessmesnt.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Fedeal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-26-AD.

Applicability: All Boeing Model 757 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent seizure of the passenger door emergency power assist support bearings, which could impede the opening of an exit door during an emergency evacuation, accomplish the following:

(a) Prior to or upon the accumulation of 8,000 flight hours or within 1,500 flight hours after the effective date of this AD, whichever occurs later; and thereafter at intervals not to exceed 4,000 flight hours; perform a check of the ermgency power assist cable travel to detect corroded or seized bearings, in accordance with Boeing Service Letter 757-SL-52-6, dated September 17, 1991. If discrepancies are detected, prior to further flight, correct them in accordance with the service letter.

(b) Replacement of the existing bearing with a stainless steel bearing, bearing seal, and back-up ring, in accordance with a manner approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, constitutes terminating action for the requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle ACO, FAA, Transport Airplance Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 4, 1992.

Darrell M. Pederson,

Acting Manager, Trasnsport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6256 filed 3-17-92; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1211

Certification and Recordkeeping for Automatic Residential Garage Door Operators: Proposed Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Consumer Product Safety Act ("CPSA") requires that manufacturers and private labelers of a product subject to a consumer product safety rule certify that the product conforms to all applicable safety standards. As part of the Consumer Product Safety Improvement Act of 1990, Congress mandated that certain entrapment protection requirements for automatic residential garage door operators would become a consumer product safety rule. The Commission codified these requirements on June 19, 1991. Thus, all manufacturers of automatic residential garage door operators are currently required to certify that their garage door operators manufactured on or after January 1, 1991 comply with the requirements of the consumer product safety rule.

The Commission is proposing a certification rule requiring specific certification labeling for non-UL listed automatic residential garage door operators that comply with additional entrapment protections mandated for 1993. The Commission is also proposing a recordkeeping rule that will establish recordkeeping requirements for all automatic residential garage door operators subject to the safety standard. Both the proposed recordkeeping and certification rules, if issued in final form, would become effective on January 1, 1993.

DATES: Written comments in response to this notice must be received by the Commission no later than June 1, 1992.

ADDRESSES: Comments should be mailed, preferably in five (5) copies, to

the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, room 420, 5401 Westbard Avenue, Bethesda, Maryland; telephone (301) 504–0800.

FOR FURTHER INFORMATION CONTACT: George Sushinsky (301) 443–1155.

SUPPLEMENTARY INFORMATION:

A. Background

1. Section 203 of the CPSIA

Section 203 of the Consumer Product Safety Improvement Act of 1990 ("CPSIA") requires all automatic residential garage door operators manufactured on or after January 1, 1991 to conform to entrapment protection provisions of the Underwriters Laboratories, Inc. ("UL") Standard for Safety, UL 325, in effect at that time and as revised in the future. On June 19, 1991, the Commission published in the **Federal Register** a codification of the requirements established by Congress as a safety standard. 56 FR 28050.

The CPSIA also mandates that on January 1, 1993 the additional entrapment protections of a revised UL standard will become effective as a mandatory Commission standard. Thus, on January 1, 1993, all automatic residential garage door operators manufactured on or after that date will have to comply with the entrapment protection provisions of the revised UL standard.

Section 203(d) of the CPSIA requires manufacturers to identify clearly on the garage door operator and its container the month or week and year the operator system was made and its conformance with the entrapment protection provisions of UL 325. This section also states that the display of the UL logo or listing mark, and compliance with the date marking requirements of UL 325, on both the operator system and its container, shall satisfy the labeling requirements of section 203(d). The Commission interprets this to mean that compliance with section 203(d) also satisfies certification labeling requirements that CPSC may implement the proposed certification rule will specify certification labeling required for those automatic garage door operators that are not UL certified. The proposed recordkeeping requirements, however, will apply to all automatic residential garage door operators.

2. Certification Under the CPSA

Section 14(a)(1) of the Consumer Product Safety Act ("CPSA"), 15 U.S.C. 2063(a)(1), requires manufacturers (including importers) and private labelers of a product subject to a consumer product safety standard to issue a certificate which states that the product conforms to all applicable consumer product safety standards, specifies the applicable standard, states the name of the manufacturer or private labeler issuing the certificate, and includes the date and place of manufacture. The certificate must accompany the product or be furnished to any distributor or retailer to whom the product is delivered. Section 14(a) also requires that the certificate be based on a test of each product or upon a reasonable testing program. 15 U.S.C. 2063(a). Section 14(c) of the CPSA authorizes the Commission to issue rules requiring a product to bear a label containing information similar to that required by section 14(a) for certificates.

The failure to issue a certificate of compliance or the issuance of a certificate which is false or misleading in any material respect violates section 19(a)(6) of the CPSA, *id.* sec. 2068(a)(6), and may subject the firm to civil and criminal penalties as provided in sections 20 and 21 of the CPSA. *Id.* secs. 2069 and 2070.

Thus, the CPSA and CPSIA currently require that garage door operators manufactured on or after January 1, 1991 certify that they comply with the entrapment protection provisions of UL 325, now codified as a Commission rule, 56 FR 28050. While certification is currently required by section 14(a) of the CPSA, presently, the specific wording and form of the certification may be determined by the manufacturer. Congress stated, however, that the UL logo or listing mark will satisfy the labeling requirement.

3. The Proposed Certification Rule

The Commission is issuing this proposed certification regulation to specify the certification label that manufacturers, importers, and private labelers will use in the future in certifying that their products comply with the applicable safety standard. The certification rule will apply to automatic residential garage door operators, except that use of the UL label will fulfill the certification labeling requirement.

As stated above, section 203(d) of the CPSIA requires certain labeling on the operator system and its container. (Unlike section 14 of the CPSA, section 203(d) does not specifically discuss the responsibility of private labelers to label operators or containers.) Section 203(d) also states that display of the UL logo or listing mark and compliance with the date marking requirements of UL 325 satisfies the labeling requirements of section 203(d). Accordingly, those manufacturers that have obtained UL certification of their operators may allow the UL logo or listing mark to serve as the "certificate of compliance required by this certification rule. Those manufacturers that have not obtained UL certification for their operators will be required to issue satisfactory certificates of compliance in the form of permanent labels attached to each operator and its container. The proposed rule provides guidance to manufacturers concerning the certification required by section 14 of the CPSA, and it describes the certification label that would be required of non-UL listed automatic residential garage door operators after December 31, 1992.

As discussed above, Congress provided that revised UL entrapment protections will go into effect as a Commission rule on January 1, 1993. A certification labeling rule proposed now for the 1991 standard would be in effect for only a few months before firms would have to start certifying compliance with the 1993 standard. Thus, firms that are not UL listed would be required to use a CPSC certification label certifying to the 1991 standard for only a few months before needing to certify to the 1993 standard. This would result in garage door operators that comply with all 1991 safety requirements and are labeled for the 1991 standard competing in the marketplace with other garage door operators that also comply with all 1991 safety requirements but are not so labeled. To avoid this confusion, the Commission decided to propose that the rule specifying the certification label would go into effect in 1993.

4. The Proposed Recordkeeping Rule

The recordkeeping requirements of the proposed rule apply to all manufacturers regardless of whether their operators obtained UL certification. The proposed recordkeeping rule will also become effective on January 1, 1993. The proposed recordkeeping rule will aid the Commission in enforcing the safety standard.

B. Summary of the Proposed Certification and Recordkeeping Rules

1. Certification Testing

The proposed certification rule restates the requirement of 14(a) of the CPSA that manufacturers (defined to include importers and, for purposes of testing only, assemblers) and/or private labelers must either test each individual

operator or devise "reasonable testing programs." A "reasonable testing program" is defined in the proposed rule as one which provides reasonable assurance that the certified operators comply with the standard. The proposed rule allows manufacturers and importers to develop their own reasonable testing programs.

The Commission believes that it is unnecessary to specify the testing program for the manufacturers. An operator's ability to meet the performance requirements is controlled by the operator's design, materials, and method of production. The Commission will test for compliance with the standard by using procedures based on the requirements contained in 16 CFR part 1211 and based on the requirements as revised in 1993. A manufacturer's tests may include tests prescribed in 16 CFR part 1211 or other reasonable test procedures that can be demonstrated to provide an equivalent measure of entrapment protection.

Although no particular testing program is specified, the proposed rule describes general principles that should be followed in a "reasonable testing program." For certification testing, the operators should be grouped into "production lots." Production lots are defined as a quantity of operators from which certain operators are selected for testing prior to certifying the lot. All operators in a production lot should be essentially identical in those design, construction, and material features which relate to the ability of an operator to comply with the standard. Sample operators are then selected from the production lot for testing in accordance with the reasonable testing program.

If the production lot has been properly limited as to number and design of operators, it should be possible for a manufacturer to test samples from the lot for certification and not to test again as long as the operators in the production lot are essentially identical to the operators tested for certification in all respects relating to the ability of the operator to meet the requirements of the standard. After a lot has been established, if there are any changes in the specifications for the operator which could affect the operator's performance in relation to the requirements of the standard, the manufacturer should establish a new production lot for testing. Similarly, if there are changes in parts, suppliers of parts, or production methods which could affect the ability of the operator to comply with the standard, the manufacturer should establish a new production lot for testing. Furthermore, if the testing program shows that an operator does not comply with a requirement of the standard, no operator in the production lot should be certified as complying until all non-complying operators in the lot have been identified and destroyed or altered by repair, redesign, or use of different materials or components to the extent necessary to make the operators conform to the standard.

It should be noted that the obligation to issue a certificate of compliance based on a reasonable testing program is in addition to, and not in place of, the obligation to manufacture, import, distribute, or private label only operators which meet the requirements of the standard.

Consequently, if the Commission tests operators in accordance with the standard and obtains failing results, the Commission may begin enforcement action for violation of section 19(a)(1) of the CPSA, even though the manufacturer or importer of the operator may have issued a certificate of compliance and may have based that certificate on a reasonable testing program which meets the requirements of the proposed regulation below.

Section 22 of the CPSA authorizes the Commission to enjoin any person from violating section 19, and to seize any product which does not comply with an applicable standard. 15 U.S.C. 2071(a)(1). In addition, sections 20 and 21 of the CPSA authorize the Commission to seek civil or criminal penalties for violation of the CPSA in appropriate cases. *Id.* secs. 2069 and 2070.

2. Product Certification and Labeling

The proposed certification rule requires manufacturers (including importers) and/or private labelers of non-UL listed automatic residential garage door operators manufactured after December 31, 1992, to affix to the operators permanent labels which shall be considered a "certificate" of compliance, as that term is used in section 14(a) of the CPSA. Section 14(a) directs manufacturers and private labelers—if the product bears a private label—to certify that a product conforms to the garage door operator safety rule. *Id.* sec. 2063(a)(1). Even though section 203(d) of the CPSIA requires only manufacturers to label operator systems and containers in a certain way, the Commission believes that, since the authority for the proposed certification rule rests in section 14 of the CPSA, the proposed rule should apply to private labelers in a manner consistent with the terms of section 14 of the CPSA.

As mentioned above, section 203(d) of the CPSIA states that display of the UL logo or listing mark, and compliance with the date marking requirements of UL 325, on the operator and its container satisfies the labeling requirements of the garage door safety rule. In view of that provision, the Commission believes that the UL logo or listing mark on the operator and compliance with the date marking requirements of UL 325 (as codified at 16 CFR 1211.6), should also satisfy the certificate of compliance/permanent label aspect of the proposed certification rule. Any operator that is UL listed and bears the UL logo or listing mark will not be required to display the separate certification label described below. However, manufacturers and private labelers of UL listed operators may choose to use the certification label on the operator and its container if they wish.

The certification label required on non-UL listed operators (and their containers) must include the following information: (1) The statement: "Meets CPSC _____ [insert 1993 or later year of applicable standard] garage door operator entrapment protection requirements," and (2) identification of the production lot. The standard, at 16 CFR 1211.6, already requires the manufacturer's name, the system date code, and the factory location (where more than one factory is used to produce the operator). All of this information may be placed on the same label.

The certification label should be visible and legible to the ultimate consumer. It should be a permanent part of the operator and should remain affixed for the life of the operator. It is expected, however, that the permanent label on the operator will not be immediately visible to the consumer at the time of sale because of packaging or other marketing practices. In that event, a second label stating "Meets CPSC _____ [Insert 1993 or later year of applicable standard] garage door operator entrapment protection requirements," along with the month or week and year of manufacture as required by § 1211.7, is required on the container, or if the container is not visible, on the promotional material used with the sale of the operators.

In deciding that certification for garage door operators be in the form of a permanent label rather than a separate certificate supplied to persons in the distribution chain, the Commission points out that the label will be visible to all in the distribution chain, and the certification will be immediately available if any questions concerning a particular operator's compliance with the standard arise. The

Commission believes that a permanent label will benefit consumers and industry, as well as the Commission, in the following ways:

1. A permanent label will make it easier to determine whether a particular operator was certified to comply with the standard. In the event an operator is involved in an injury or death, for example, any investigating party can tell immediately if the operator was certified.

2. A permanent label will enable CPSC investigators who are screening operators for compliance to distinguish between operators manufactured before and those manufactured after the standard without examining retailers' or distributors' shipping records. An examination of shipping records can be time-consuming and difficult.

3. Permanent labels with an identification of the manufacturing dates will be advantageous to manufacturers, distributors, retailers, private labelers, and consumers in the event of a recall under section 15 of the CPSA. If the recall is limited to a certain production period, the label will help in identifying and limiting those operators which are subject to the recall.

The proposed rule provides that importers of operators should issue certification labels, but may rely on the foreign manufacturers' tests to support the certification if the records of the tests are maintained in the United States and the importer is a resident of the U.S. or has a resident agent in the U.S. Requirements that manufacturer's records of the type described above must be maintained in the U.S. and the importer must reside, or maintain a resident agent, in this country are necessary to enable the Commission investigators to inspect the records and monitor compliance with the standard. Importers who certify are responsible for inspecting the test records to determine that all testing has been performed properly, that the records of the tests are accurate and complete, and that the tests provide reliable assurance that all operators imported comply with the standard.

3. Recordkeeping

The proposed recordkeeping rule requires that manufacturers (including importers) of automatic residential garage door operators subject to the standard maintain written records demonstrating that compliance certificates are based on tests of each operator or a reasonable testing program.

Private labelers of the operators should maintain records which allow them to identify the manufacturer of each operator and relate each operator to a particular manufacturing date code and production lot.

No specific format is prescribed for the records, but the records should contain sufficient information to show the nature of a firm's testing procedures, including the basis for, and identity of, the production lot. The records should also show whether the operators (which are being marketed and certified to comply with the standard) are essentially identical, in every respect that relates to compliance with the standard, to the operators that were tested for conformance with the standard. The records should also indicate exactly which operators or production lots of operators are being certified as a result of a specified test or series of tests. Records should describe the type of tests conducted (in sufficient detail that they may be replicated), the production interval selected, the sampling scheme and the pass/reject criteria. Records of testing results should include the date and location of testing, the identity of passing and failing units, the nature of failure(s) and specific reasons for failure. The records should state the specific actions taken to address any failure and the additional actions taken to assure that corrective actions had the intended effect.

The records must be maintained a minimum of three years from the date of certification of each operator or the last operator in each production lot. This is because the Commission staff estimates that some operators can reasonably be expected to remain in inventory and not reach consumers for a period of three years, and the staff is particularly interested in being able to check the records concerning any operators held in inventory.

In addition to aiding the Commission's enforcement of the standard and the certificaion rule, these records could be helpful to a manufacturer in limiting the scope of a possible recall order under section 15 of the CPSA. See 15 U.S.C. 2064. (The Commission is authorized under section 15 to order a manufacturer of a product which is found, after opportunity for a hearing, to present a "substantial product hazard" to elect on of the following remedies: repair the defective product, replace the product with a non-defective product or refund the purchase price of the product. "Substantial product hazard" is defined in section 15 to mean a failure to comply with an applicable consumer product safety rule, or a product defect, if either creates a substantial risk of injury to the public.) Records of the date and location of manufacture, dates of changes in specifications, parts, suppliers, or manufacturing procedures, and the dates and results of quality control or recertification testing are examples of the types of information which could serve to identify the period of time during which non-complying or defective operators were manufactured. In the absence of such information, the entire production of a particular type of operator could be subject to a recall order.

The recordkeeping requirements of the proposed rule are issued under the authority of section 16(b) of the CPSA, which authorizes requirments for the establishment and maintenance of records that are necessary to implement the act or to determine compliance with regulations issued under the act. 15 U.S.C. 2065(b). The Commission believes the records required by the proposed rule are necessary to monitor compliance with the garage door operator standard.

Section 16(b) further provides that these records must be made available for inspection by duly designated agents of the Commission upon request. *Id.*

C. Anticipated Impact of the Proposed Rules

1. The Proposed Certification Rule

The stock of garage door operators in use is estimated to be at least 27 million units (with an average life expectancy of 15 years), of which 19 million were manufactured since 1982; the year the UL voluntary standard was revised to include entrapment protection provisions. In a 1991 industry survey, the Commission staff found that 14 firms manufactured or imported garage door operators, of which 12 are listed as complying with UL 325. Four of these 12 firms account for over 70 percent of the garage door operator market. In 1990, shipments were estimated at up to 2.5 million units with retail revenues of $552 million.

Industry representatives estimated that increases in per unit labeling costs for firms maketing non-UL operators will range from as low as $.10–.25 (when labeling is phased into the production process), to as high as $1.10 (when labeling requires the over-striking of inventory). Thus, the annual cost for non-UL listed firms will be at least $2,500. These costs are based on an estimate that 99% of all operators are UL-listed and on 1990 levels of production (about 2.48 million UL-listed and 25,000 non UL-listed operators).

It is anticipated that manufacturers of garage door operators will pass any increases in costs resulting from the proposed certification rule directly to the consumer. An estimate of the per unit retail price impact of certification labeling on non-UL listed residential garage door operators would range from $.22 to as high as $2.42. This represents a total annual cost of $5,500 based on recent annual sales.

2. The Proposed Recordkeeping Rule

The majority of firms manufacturing garage door operators are listed as complying with the UL 325 standard, and these firms have recordkeeping activities related to the UL requirments. The proposed recordkeeping rule will have minimal additional impact on variable costs for these firms. There are no data on the per unit recordkeeping costs for non-UL listed operators. However, since the certification and recordkeeping rule for walk-behind mowers issued in 1979 closely parallels the proposed rules for garage door operators, a rough approximation can be derived by using the per unit retail price impact of the recordkeeping rule estimated for walk-behine mowers. In May 1977, Stanford Research Institute predicted the per unit retail price impact of that recordkeeping to be $.50 ($1.08 in 1990 dollars). Based on 1990 unit sales of about 25,000 non UL-listed operators, this represents a total annual cost to consumers of about $27,000 for the non-UL listed operators.

D. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, agencies are generally required to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities, unless the head of the agency certifies that the rule will not, if promulgated, have a significant effect on a substantial number of small entities.

The Commission staff analyzed the potential effect the proposed certification and recordkeeping rules could have on industry. The cost to industry is not anticipated to be large. Potential effects on small firms would not be disproportionate to the effects on larger firms. Thus, the Commission certifies that no significant adverse impact on a substantial number or entities would result from the proposed rules.

E. Environmental Considerations

The Commission's rules at 16 CFR part 1021 provide that product certification or labeling rules normally have no potential for affecting the environment. 16 CFR 1021.5(b)(2). The Commission finds that the proposed certification and recordkeeping rules would have no significant effect on the human environment and that no environmental review is necessary.

F. Proposed Effective Date

The Commission proposes that the labeling certification and recordkeeping rules will become effective on January 1, 1993.

List of Subjects in 16 CFR Part 1211

Consumer protection, Labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Consumer Product Safety Commission proposes to amend 16 CFR part 1211 as set forth below.

PART 1211—SAFETY STANDARD FOR AUTOMATIC RESIDENTIAL GARAGE DOOR OPERATORS

1. The authority citation for part 1211 is revised to read as follows:

Authority: Secs. 14 and 16, 15 U.S.C. 2063 and 2065.

2. The existing text of part 1211 is designated as

Subpart A—The Standard

3. Part 1211 is amended by adding new subpart B, consisting of §§ 1211.10 through 1211.15, and new subpart C, consisting of §§ 1211.20 and 1211.21 to read as follows:

Subpart B—Certification

Sec.
1211.10 Purpose, scope, and application.
1211.11 Effective date.
1211.12 Definitions.
1211.13 Certification testing.
1211.14 Product certification and labeling by manufacturers.
1211.15 Product certification and labeling by importers.

Subpart C—Recordkeeping

Sec.
1211.20 Effective date.
1211.21 Recordkeeping requirements.

Subpart B—Certification

§ 1211.10 Purpose, scope, and application.

(a) *Purpose.* Section 14(a) of the Consumer Product Safety Act, 15 U.S.C. 2063(a), requires every manufacturer (including importers) and private labeler of a product which is subject to a consumer product safety standard to issue a certificate that the product conforms to the applicable standard, and to base that certificate either on a test of each product or on a "reasonable testing program." The purpose of this subpart is to establish requirements that manufacturers and importers of automatic residential garage door operators subject to the Safety Standard for Automatic Residential Garage Door Operators (16 CFR part 1211, subpart A), shall issue certificates of compliance in the form specified.

(b) *Scope and application.* The provisions of this subpart apply to all residential garage door operators which are subject to the requirements of the Safety Standard for Automatic Residential Garage Door Operators that take effect on January 1, 1993 or later.

§ 1211.11 Effective date.

Under the Consumer Product Safety Act, automatic residential garage door operators must certify that they comply with requirements of subpart A of this part. This certification requirement is currently in effect. The specific labeling requirement of the certification rule in this subpart will become effective for any automatic residential garage door operator manufactured on or after January 1, 1993.

§ 1211.12 Definitions.

The following definitions shall apply to this subpart:

(a) *Private labeler* means an owner of a brand or trademark which is used on an operator subject to the standard and which is not the brand or trademark of the manufacturer of the operator, provided the owner of the brand or trademark caused or authorized the operator to be so labeled and the brand or trademark of the manufacturer of such operator does not appear on the label.

(b) *Production lot* means a quantity of garage door operators from which certain operators are selected for testing prior to certifying the lot. All garage door operators in a lot must be essentially identical in those design, construction, and material features which relate to the ability of an operator to comply with the standard.

(c) *Reasonable testing program* means any test or series of tests which are identical or equivalent to, or more stringent than, the tests defined in the standard and which are performed on one or more garage door operators of the production lot for the purpose of determining whether there is reasonable assurance that the operators in that lot comply with the requirements of the standard.

§ 1211.13 Certification testing.

(a) *General.* Manufacturers and importers shall either test each individual garage door operator (or have it tested) or shall rely upon a reasonable testing program to demonstrate compliance with the requirements of the standard.

(b) *Reasonable testing program.* This paragraph provides guidance for establishing a reasonable testing program.

(1) A reasonable testing program for automatic residential garage door operators is one that provides reasonable assurance that the operators comply with the standard. Manufacturers and importers may define their own testing programs. Such reasonable testing programs may, at the option of manufacturers and importers, be conducted by an independent third party qualified to perform such testing programs.

(2) To conduct a reasonable testing program, the garage door operators should be divided into production lots. Sample operators from each production lot should be tested in accordance with the reasonable testing program so that there is a reasonable assurance that if the operators selected for testing meet the standard, all operators in the lot will meet the standard. Where there is a change in parts, suppliers of parts, or production methods that could affect the ability of the operator to comply with the requirements of the standard, the manufacturer should establish a new production lot for testing.

(3) The Commission will test for compliance with the standard by using the test procedures contained in the standard. However, a manufacturer's reasonable testing program may include either tests prescribed in the standard or any other reasonable test procedures.

(4) If the reasonable testing program shows that an operator does not comply with one or more requirements of the standard, no operator in the production lot can be certified as complying until all non-complying operators in the lot have been identified and destroyed or altered by repair, redesign, or use of a different material or components to the extent necessary to make them conform to the standard. The sale or offering for sale of garage door operators that do not comply with the standard is a prohibited act and a violation of section 19(a) of the CPSA (15 U.S.C. 2068(a)), regardless of whether the operator has been validly certified.

§ 1211.14 Product certification and labeling by manufacturers.

(a) *Form of permanent label of certification.* Manufacturers (including importers) shall issue certificates of compliance for automatic residential garage door operators manufactured after the effective date of the standard in the form of a permanent label which can reasonably be expected to remain on the operator during the entire period the operator is capable of being used. Such labeling shall be deemed to be a "certificate" of compliance as that term is used in section 14 of the CPSA, 15 U.S.C. 2063.

(b) *Exception for UL listed operators.* The certification labeling requirement of paragraph (a) of this section shall be satisfied by display of the Underwriters Laboratories, Inc. (UL) logo or listing mark, and compliance with the date marking requirements of UL Standard for Safety 325, on both the operator system and its container. Operators displaying the UL logo or listing mark and complying with the UL standard are exempt from the requirements of paragraphs (c) and (d) of this section.

(c) *Contents of certification label.* The certification labels required by this section shall clearly and legibly contain the following information:

(1) The statement "Meets CPSC _____ [insert 1993 or later date of applicable standard] garage door operator entrapment protection requirements."

(2) An identification of the production lot.

(d) *Placement of the label.* The label required by this section must be affixed to the operator. If the label is not immediately visible to the ultimate purchaser of the garage door operator prior to purchase because of packaging or other marketing practices, a second label that states: "Meets CPSC _____ [insert 1993 or later date of applicable standard] garage door operator entrapment protection requirements," along with the month or week and year of manufacture must appear on the container or, if the container is not visible, on the promotional material used with the sale of the operator.

§ 1211.15 Product certification and labeling by importers.

(a) *General.* The importer of any automatic residential garage door operator subject to the standard in subpart A of this part must issue the certificate of compliance required by section 14(a) of the CPSA and § 1211.14 of this subpart. If testing of each operator, or a reasonable testing program, meeting the requirements of this subpart has been performed by or for the foreign manufacturer of the product, the importer may rely in good faith on such tests to support the certificate of compliance provided the importer is a resident of the United States or has a resident agent in the United States and the records of such tests required by § 1211.21 of subpart C of this part are maintained in the United States.

(b) *Responsibility of importer.* If the importer relies on tests by the foreign manufacturer to support the certificate of compliance, the importer bears the responsibility for examining the records supplied by the manufacturer to determine that the records of such tests appears to comply with § 1211.21 of subpart C of this part.

Subpart C—Recordkeeping

§ 1211.20 Effective date

The recordkeeping requirements in this subpart shall become effective on January 1, 1993 and shall apply to automatic residential garage door operators manufactured on or after that date.

§ 1211.21 Recordkeeping requirements.

(a) *General.* Every person issuing certificates of compliances for automatic residential garage door operators subject to the standard set forth in subpart A of this part shall maintain written records which show that the certificates are based on a test of each operator or on a reasonable testing program. The records shall be maintained for a period of at least three years from the date of certification of each operator or the last operator in each production lot. These records shall be available to any designated officer or employee of the Commission upon request in accordance with section 16(b) of the CPSA, 15 U.S.C. 2065(b).

(b) *Content of records.* Records shall identify the operators tested and the production lot and describe the tests the operators were subjected to in sufficient detail so the tests may be replicated. Records shall also provide the results of the tests including the precise nature of any failures, and specific actions taken to address any failures.

(c) *Format for records.* The records require to be maintained by this section may be in any appropriate form or format that clearly provides the required information.

Dated: March 11, 1992

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92-6186 Filed 3-17-92; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary (Domestic Finance)

17 CFR Chapter IV

Federal Regulatory Review

AGENCY: Office of the Assistant Secretary (Domestic Finance), Department of the Treasury.

ACTION: Federal regulation review, request for comments.

SUMMARY: This notice is being published in response to the President's announcement of a Federal regulatory review. To assist in the review, the Department of the Treasury (Department) requests the public to provide comments on whether the regulations promulgated pursuant to the Government Securities Act of 1986 (GSA Regulations) substantially impede economic growth or impose unnecessary costs or burdens.

DATES: Earlier comments are invited, but all comments must be received no later than close of business Friday, April 3, 1992.

ADDRESSES: Comments should be sent to Government Securities Regulations Staff, Bureau of the Public Debt, room 515, 999 E Street NW., Washington, D.C. 20239-0001.

FOR FURTHER INFORMATION CONTACT: Don Hammond, Acting Director, Government Securities Regulations Staff, Bureau of the Public Debt, (202) 219-3632.

SUPPLEMENTARY INFORMATION: On January 28, 1992, as part of his State of the Union Address, President Bush announced a 90-day moratorium and review of regulations. As part of the review process, the President asked agencies to work with the public, other interested agencies, the Office of Information and Regulatory Affairs in the Office of Management and Budget, and the Council on Competitiveness, to identify regulations and programs that impose a substantial cost on the economy and to determine whether regulations and programs adhere to the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command and control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

As part of its regulatory review, the Department is requesting public comment as to whether the GSA Regulations (17 CFR chapter IV) impose substantial burdens on the economy. The Department requests that commenters consider the standards listed above and identify, by citation to specific provisions of the Code of Federal Regulations, 17 CFR parts 400 through 450, items that might be improved in light of the standards listed above. Such comments should include not only existing regulatory provisions that are considered burdensome, but also specific provisions that could be added to improve regulation.

Dated: March 13, 1992.

Jerome H. Powell,

Assistant Secretary (Domestic Finance).

[FR Doc. 92-6365 Filed 3-16-92; 12:22 pm]

BILLING CODE 4810-40-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Proposed Amendments to Administrative Manual, Rules of Practice and Procedure; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Rules of Practice and Procedure relating to water quality standards and policies to protect existing water quality in certain waters of the Basin.

In addition, the Commission is proposing related revisions to its Comprehensive Plan, Water Code of the Delaware River Basin and Administrative Manual—Part III Water Quality Regulations. Supplementary background information and a summary of the proposed amendments to the Comprehensive Plan, Water Code and Water Quality Regulations are published elsewhere in the Notices section of this issue of the Federal Register. These proposed revisions set forth an overall framework for providing special water quality protection measures for interstate and contiguous waters deemed by the Commission to have exceptionally high scenic, recreational, ecological or water supply values. The proposal then classifies certain stream reaches as Special Protection Waters.

The proposed amendments to the Rules of Practice and Procedure revise certain point source pollution control policies and requirements. They would reduce the threshold for point source discharges deemed not to have a substantial effect on the water resources of the Basin and not required to be submitted to the Commission under Section 3.8 of the Compact from a daily average rate of 50,000 gallons to 10,000 gallons in the drainage area to Outstanding Basin Waters and Significant Resources Waters.

DATES: The public hearings are scheduled as follows: May 5, 1992, and May 6, 1992 from 2 p.m. to 5 p.m., resuming at 7 p.m.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The May 5, 1992 hearing will be held in the Ballroom of the Inn at Hunt's Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

The May 6, 1992 hearing will be held in the Tusten Theater on Bridge Street (Route 52) in Narrowsburg, New York.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628, Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: Copies of the full text of the proposed amendments and the Administrative Manual—Rules of Practice and Procedure may be obtained by contacting Susan M. Weisman, at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact, 75 Stat. 688.

Dated: March 11, 1992.

Susan M. Weisman,

Secretary.

[FR Doc. 92-6249 Filed 3-17-92; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

[CGD 91-034/90-068]

RIN 2115-AE61 and 66

Vessel Response Plans and Carriage and Inspection of Discharge-Removal Equipment

AGENCY: Coast Guard, DOT.

ACTION: Notice of additional meetings of the Oil Spill Response Plan Negotiated Rulemaking Committee.

SUMMARY: The Coast Guard is announcing additional meetings of the Oil Spill Response Plan Negotiated Rulemaking Committee. The committee has decided to meet again on March 26, 1992 and, if necessary, continue on March 27th.

DATES: The meetings will take place on March 26, 1992, from 8:30 a.m. to 5 p.m., and continue on March 27, 1992, if necessary.

ADDRESS: The meetings will be held in room 4200 at DOT Headquarters, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Glen Wiltshire, OPA 90 Staff (G-MS-1), at (202) 267-6739 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. APP. 2), the Coast Guard is announcing that the Oil Spill Response Plan Negotiating Committee will meet on March 26, 1992 and, if necessary, continue on March 27th. The meetings are an addition to the schedule of meetings previously published in the **Federal Register** (57 FR 1890, 57 FR 6792). At their meeting on March 12, the committee decided on the additional meeting(s) in order to complete its report and transmit it to the Coast Guard. The meeting(s) will be open to the public, subject to space availability. Additional information on the purpose and information of the Oil Spill Response Plan Negotiating Committee was published in the **Federal Register** on January 10, 1992 (57 FR 1139).

Dated: March 13, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-6303 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Mailability of Sharps and Other Medical Devices

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Even though the risk appears low, the potentially serious consequences of infection acquired from mailed medical sharps and other devices requires that the Postal Service take every reasonable precaution to prevent customer and employee exposure to the hazard. It is expected that requiring sharps to be sent as First-Class or Priority Mail in containers that must be able to pass the tests in 49 CFR 178.604, 178.608, and 178.609 will reduce or eliminate potential employee exposure to leaking or broken medical sharps containers. By requiring these parcels to be mailed at the First-Class or Priority Mail rates, there will be a reduction in mechanized handling, which will limit the likelihood of breakage or leakage.

DATES: Comments must be received on or before May 4, 1992.

ADDRESSES: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, Marketing and Customer Service Group, room 8430, 475 L'Enfant Plaza West SW., Washington DC 20260-5903. Copies of all written comments will be available for inspection and photo copying between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Earl B. Hohbein, (202) 268-5309.

SUPPLEMENTARY INFORMATION: After a review of the comments received regarding its notice titled "Mailability of Sharps and Unsterilized Containers and Devices, dated August 1, 1991 (56 FR 36750), further investigation of packaging methods, and consultation with government agencies and other organizations, the Postal Service has decided to publish a revision of its proposed rule on this topic. Consequently, the Postal Service is proposing to amend its regulations to require that used sharps and other medical devices be sent as First-Class or Priority Mail. The Postal Service is also proposing that, effective 90 days after publication of a final rule, used sharps must be packaged in a primary container that is securely sealed, leak resistant, and puncture resistant. The primary container must be packaged in a watertight secondary containment system. The secondary containment system may consist of more than one component. If, however, one of those components is a plastic bag, it must be, at a minimum, 3.0 mils in thickness. Each primary container and secondary containment system (or sets of primary containers in a secondary containment system) must be enclosed in a shipping container constructed of 275-pound grade corrugated fiberboard or material of equivalent strength. Enough absorbent material must be enclosed within a watertight barrier to absorb three times the total liquid allowed in the package. The total volume of liquid in the primary container and secondary containment system (or set of primary containers in a secondary containment system) may not exceed 50 ml., and there will be a 35-pound weight limit for each mailed parcel. To ensure compliance with these standards, all distributors and manufacturers of sharps containers will be required to obtain an authorization from the U.S. Postal Service for their products to be transported in the mails. All packaging must by "type-tested" and certified by an independent company or organization before application is made for a U.S. Postal Service mailing authorization. Packaging will be required to pass the vibration standard in 49 CFR 178.608, the leakproof test in 49 CFR 178.604, as well as the tests for packages containing infectious substances in 49 CFR 178.609.

Other used medical devices which do not have or contain a projecting sharp must be packaged in a securely sealed, leak resistant primary container. The primary container must be enclosed in a shipping container that is constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The total volume of liquid in the primary and shipping container must not exceed 50 ml., unless the devices are mailed in a formalin solution or its equivalent. There must be sufficient absorbent material between the primary and shipping container to absorb three times the total liquid allowed within the primary container, except when the device is being shipped in a formalin solution.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 553(b) and (c)) regarding proposed rule making by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of part 124 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

2. Section 124.382 is amended by adding sections 124.382e and 124.382f. Section 124.384 is revised by replacing old subsections 124.384a and b with new subsections 124.384a and b and adding new subsections 124.384c through j. Section 124.385 is replaced with new section 124.385a through e. Old section 124.385 is renumbered to 124.386 and section 124.386 is renumbered to section 124.387. The proposed text is as follows:

124 NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

* * * * *

.38 Etiologic Agent Preparation, Clinical Specimens, Sharps, Medical Devices and Biological Products

* * * * *

.382

* * * * *

e. *Sharps* means items having a projecting cutting edge or fine point that have been used in animal or human patient care or treatment or in medical research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needles), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of the presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides or cover slips.

f. *Other medical devices* mean any devices used in animal or human patient care or treatment or in medical research which are not, or do not contain, a projecting sharp.

* * * * *

.384 Sharps

a. A mailed parcel containing the types of used materials defined in section 124.382e is nonmailable unless it bears the "Infectious Substance" label required by 49 CFR 172.432, and is sent by First-Class Mail or Priority Mail.

b. Used sharps must be packaged in a securely sealed, leak resistant, and puncture resistant primary container, the total liquid volume of which can not exceed 50 ml. The primary container must maintain its integrity when exposed to temperatures between 0 degrees and 120 degrees Fahrenheit.

c. The primary container must be packaged within a water-tight secondary containment system. The secondary containment system may consist of more than one component; however, if one of the components is a plastic bag, it must be, at a minimum, 3.0 mils in thickness, and must be reinforced with a fiberboard sleeve. A plastic bag will not by itself satisfy the requirement for a secondary containment system. Several primary containers may be enclosed within a secondary containment system to prevent breakage during ordinary processing.

d. The secondary containment system must be enclosed within an outer shipping container constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The secondary containment system must fit securely within the shipping container to prevent breakage during ordinary processing.

e. There must be sufficient absorbent material within a watertight barrier to absorb and retain three times the total liquid allowed within the primary container (150 ml per primary container) in case of leakage.

f. Each parcel must not weigh more than thirty-five pounds.

g. Each package prepared for mailing must be designed and constructed so that, if subjected to the environmental and test conditions prescribed in 49 CFR 178.604, (Leadproof test), 178.606 (Stacking test), 178.608 (Vibration standard), 178.609 (Test requirements for packaging for infectious substances (etiologic agents)) in addition to a bursting test for the shipping container and an absorbency test for the absorbent material commensurate with the requirements in subsection e, there will be no release of the contents to the environment, and no significant reduction to the effectiveness of the packaging.

h. All mailed packages containing used sharps must be accompanied by a four-part manifest or mail disposal service shipping record. The manifest must be placed in an envelope which is affixed to the outside of the shipping container, and must comply with any any applicable requirements imposed by the laws of the State from which the package is mailed.

At a minimum, the following information must appear on the manifest:

1. GENERATOR (MAILER)
   a. Name.
   b. Complete address (NOT A P.O. BOX)
   c. Telephone number.
   d. Description of contents of shipping container.
   e. Date the shipping container was mailed, and
   f. State permit number of the approved facility in which the contents will be disposed.
2. DESTINATION FACILITY (DISPOSAL SITE)
   Complete Address (NOT A P.O. Box)
3. GENERATOR'S (MAILER'S) CERTIFICATION
   "I certify that this carton has been approved for the mailing of used medical sharps, has been prepared for mailing in accordance with the directions for that purpose, and does not contain excess liquid or nonmailable material in violation of the applicable postal regulations. I am aware that FULL RESPONSIBILITY RESTS WITH THE GENERATOR (MAILER) FOR ANY VIOLATION OF 18 U.S.C. 1716 WHICH MAY RESULT FROM PLACING IMPROPERLY PACKAGED ITEMS IN THE MAIL.
   This printed statement is to be followed by the printed name of the generator (mailer), the signature of the generator, and the date the manifest was signed.
4. DESTINATION FACILITY (STORAGE OR DISPOSAL SITE)
   a. Printed Certification of receipt, treatment, and disposal—"I certify that the contents of this package have been received, treated, and disposed of in accordance with all local, state, and Federal regulations."
   b. Printed or typed name of an authorized recipient at the destination facility.
   c. Signature of the authorized recipient at the destination facility.
   d. Date destination facility's representative signed manifest.
5. TRANSPORTER OR INTERMEDIATE HANDLER OTHER THAN THE U.S. POSTAL SERVICE (IF DIFFERENT FROM THE DESTINATION FACILITY).
   a. Name.
   b. Complete address (NOT A P.O. BOX)
   c. Printed name of transporter or intermediate handler.
   d. Signature of transporter or intermediate handler.
6. The manifest or mail disposal service shipping forms must be serialized.
7. The form must contain an area reserved specifically for discrepancies and comments, especially if an alternate destination facility is used.
8. Instructions for completing form and distribution of copies.
   a. One copy must be retained by the generator (mailer).
   b. One copy must be retained by the transporter or intermediate handler.
   c. One copy must be retained by the destination facility.
   d. One copy must be mailed to the generator by the destination facility.
9. The form must bear the following statement with appropriate information:

"IN CASE OF EMERGENCY, OR THE DISCOVERY OF DAMAGE OR LEAKAGE, CALL 1–800–XXX–XXXX"

i. U.S. Postal Service Authorization to Mail Sharps. Each distributor or manufacturer of mailing kits or packaging assemblies, including containers, cartons, and any other related material to be used to mail sharps to a storage or disposal facility, must obtain an authorization from the United States Postal Service. Before applying for this authorization, each such type of the mailing kit must be tested and certified against the standards in section 125.364g by an independent company or organization. This authorization may be obtained by applying in writing to the Office of Classification and Rates Administration, Business Requirements Division, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–5906. The letter of application must contain the following information: The address of the headquarters or general business office of the distributor or manufacturer; the addresses of all disposal and storage sites; a list of all types of mailing kits to be covered with proof of package testing certifications by the independent testing facility that subjected the materials to the testing requirements prescribed above; a copy of the proposed manifest to be used with all mailings; 24-hour telephone numbers for emergencies; and a list of the types of sharps that will be mailed for disposal.

j. Each package must be mailed using merchandise return service (section 919) and each authorized manufacturer (or distributor) must provide to the Office of Classification and Rates Administration a surety bond of $50,000 or a letter of credit as proof of sufficient financial responsibility to cover disposal costs if the manufacturer (or distributor) ceases doing business before all its shipping containers are disposed of, or to cover clean-up costs if spills occur while the containers are in the possession of the Postal Service. Each primary and shipping container must bear a label, which cannot be detached intact, bearing (1) the company name of the manufacturer or the distributor, (2) the USPS authorization number, (3) the container ID number (or unique model number) signifying that the packaging material has been certified and the manufacturer or distributor has obtained an authorization required by subsection i.

.385 Other Medical Devices

a. Other medical devices, as defined in section 124.382f, must be mailed as First-Class or Priority Mail.

b. Other medical devices must be packaged in a securely sealed, leak resistant primary container, the total liquid volume of which must not exceed 50 ml., unless the devices are being shipped in formalin or its equivalent. The primary container must maintain its integrity when exposed to temperatures between 0 degrees and 120 degrees Fahrenheit.

c. The primary container must be enclosed in an outer shipping container constructed of 275-pound grade corrugated fiberboard or similar material of equivalent strength. The primary container must fit securely within the shipping container to prevent breakage during ordinary processing.

d. There must be sufficient absorbent material between the shipping container and the primary container to absorb three times the total liquid allowed within the package unless the device is mailed in a formalin solution or its equivalent.

e. Each parcel containing other medical devices must bear a complete return address (not a post office box).

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92–6165 Filed 3–17–92; 8:45 am]

BILLING CODE 7710–12–M

Notices

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: Action

SUMMARY: Under the Paperwork Reduction Act (44 U.S.C., chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted three copies of the attached information collection proposal to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. ACTION is requesting an expedited review by OMB with final action by April 1, 1992, so that the approved forms may be issued in early April.

DATES: OMB and ACTION will consider comments received by two weeks from the date of publication. Comments are to be directed to both of the following addresses:

Janet Smith, ACTION Clearance Officer, ACTION, 1100 Vermont Avenue, NW., Washington, DC 20525, Tel. (202) 634–9245.

Daniel Chenok, Desk Officer for Action, Office of Management and Budget, 3200 New Executive Office Bldg., Washington, DC 20503, Tel. (202) 395–7316.

SUPPLEMENTARY INFORMATION:

Office of ACTION Issuing Proposal: Equal Opportunity Staff.

Title of Form: Handicap Accessibility Self-Evaluation Certification.

Need and Use: Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Section 417 of the Domestic Volunteer Service Act, Public Law 93–113, defines recipient of Federal financial assistance as any place a volunteer is assigned under one of ACTION'S programs. Regulations implementing section 504 (45 CFR 123.7 (c)) require that recipients of Federal financial assistance determine if physical barriers in facilities or programmatic barriers cause discrimination against individuals with disabilities by preventing or interfering with their participation in programs conducted by the particular recipient. The certification form is designed to ensure that ACTION only provides Federal financial assistance to recipients who have conducted the required self-evaluation.

Type of Request: Existing collection in use without an OMB control number.

Frequency of Collection: Non-recurring.

General Description of Respondents: ACTION sponsors and stations.

Estimated Number of Responses: 54,000.

Estimated Annual Reporting or Disclosure Burden: 108,000 hours.

Dated: March 12, 1992.

Jane A. Kenny,

Director, ACTION.

HANDICAP ACCESSIBILITY SELF-EVALUATION CERTIFICATION

Organization Name: _____
Address: _____
Telephone Number (with area code): _____

I certify that a handicap accessibility self-evaluation has been:_____ completed on (date)_____ _____partially completed and will be done on (date)_____.

The result of the self-evaluation(s) is as follows:

_____ The recipient's program, when viewed in its entirety, is accessible and no corrective actions are required.

_____ The recipient's program, when viewed in its entirety, is accessible, but some corrective actions will be made.

_____ The recipient's program, when viewed in its entirety, is not accessible. FOR SPONSOR ONLY: Corrective actions will be made by (date)_____.

I understand that, if the organization has 15 or more employees, information on how the self-evaluation was conducted is to be made available for public inspection for 3 years after its completion. I also understand that this information will be available to ACTION officials upon request.

Date

Signature _____

Name/Title of Responsible Official

Each OAVP station and VISTA site must submit this certification form to its OAVP sponsor or VISTA project. Each OAVP sponsor and VISTA project must submit this one form to its ACTION State Office.

[FR Doc. 92–6235 Filed 3–17–92; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 13, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- *Forest Service*

Sale and Disposal of National Forest System Timber: Log Export and Substitution Exemption Restrictions.

One time submission.

State or local governments; Businesses or other for-profit; Federal

agencies or employees; Small businesses or organizations; 35 responses; 98 hours.
Fred Walk (202) 475–3758.

Extension

- *Federal Crop Insurance Corporation*
High-Risk Land Exclusion Option.
FCI–19–C.
On occasion.
Individuals or households; Farms; 58,480 responses; 58,480 hours.
Bonnie L. Hart (202) 254–8393.
- *Federal Crop Insurance Corporation*
Application for Assignment of Indemnity—Transfer of Right to An Indemnity—Claim for Cotton Indemnity.
FCI–20, FCI–21, and FCI–74–B.
On occasion.
Individuals or households; Farms; 60,000 responses; 30,000 hours.
Bonnie L. Hart (202) 254–8393.

New Collection

- *Food and Nutrition Service*
WIC Program Annual Closeout Report.
FNS–1174.
Annually.
State or local Governments; 86 responses; 447 hours.
Chris Lipsey (703) 305–2048.
- *Forest Service*
Request for Nomination of Potentially Significant Caves—36 CFR 290.

On occasion.
Individuals or households; State or local governments; Federal agencies or employees; Non-profit institution; 1500 responses; 45 hours.
Robert Cron (202) 205–1408.
- *Forest Service*
Request for Access to Confidential Cave Data—36 CFR 290.
On occasion.
Individuals or households; State or local governments; Federal agencies or employees; Non-profit institution; 150 responses 75 hours.
Robert Cron (202) 205–1408.

Reinstatement

- *Agriculture Stabilization and Conservation Servic*
7 CFR 1423-Processed Commodities Warehouse Standards.
CCC–560, 513, 55, 33, 33A, 34, 34–1, 29–1, 29–2, 29–3, 29, 56, 56–1, 56–2, 32, 32–1, and 32–2.
On occasion; Annually.
Businesses or other for-profit; 2,585 responses; 7,488 hours.
Barry Klein (202) 720–4647.
- *Food Safety and Inspection Service*

Hazard Analysis and Critical Control Point (HACCP) Workshop— Solicitation of participants.
FSIS–1300–1, and 1300–2.
On occasion.
Businesses or other for-profit; Small businesses or organizations; 240 responses; 67 hours.
Roy Purdie, Jr. (202) 720–5372.

Donald E. Hulcher,
Deputy Departmental Clearance Officer.
[FR Doc. 92–6276 Filed 3–17–92; 8:45 am]
BILLING CODE 3410–01–M

Office of the Secretary

[Docket No. 92–020]

Declaration of Emergency Because of Asian Gypsy Moth

A new exotic pest, the Asian gypsy moth, has been introduced into the Northwestern United States. Infestations have been found in Oregon and Washington, as well as in the neighboring Canadian province of British Columbia.

The Asian gypsy moth infestations in Oregon and Washington represent the first U.S. introductions of this exotic pest capable of devastating forests, woodlands, and residential landscapes. This Asian strain has different behavioral characteristics than the European gypsy moth which has been devastating northeastern forests in the United States. Females can fly long distances, and larvae feed on certain conifers as well as hardwoods. The ability of the female to fly complicates management strategies. It is necessary to detect and eradicate new infestations at the earliest possible stage, before they begin to spread widely.

The economic impact of Asian gypsy moth establishment in the United States would be devastating, severely disrupting the multibillion dollar timber and forest products industry. Parks, woodlands, and residential landscapes would be threatened. Pesticide usage and annual control costs would increase.

Foreign countries would embargo products from infested areas. U.S. exporters of agricultural commodities would lose markets worth millions of dollars, diminishing the international competitiveness of the United States.

State departments of agriculture in Washington, Oregon, Idaho, and California, in cooperation with the Animal and Plant Health Inspection Service (APHIS) and the Forest Service (FS), have established a Northwestern Asian Gypsy Moth Project Team. This team has developed a coordinated, cooperative survey and eradication plan. Implementation of this plan will cost approximately $20 million during Fiscal Year 1992.

For this Asian gypsy moth survey and eradication project to succeed, State cooperators need an immediate pledge of financial support. APHIS will share the costs of survey and eradication activities on State and private lands on a fifty-fifty basis with the States of Oregon and Washington and the FS.

Identification of suspect specimens has been completed. Ten trapped adult specimens in Washington and Oregon were confirmed as Asian gypsy moths.

APHIS, the lead Federal agency in the Asian gypsy moth project, has insufficient funds to meet the needs of the proposed program. Once funded, however, APHIS can proceed with the detection and eradication program that will eliminate the Asian gypsy moth infestations now in the United States. The cooperative Asian gypsy moth program will detect and identify Asian gypsy moth-infested areas, control and prevent the spread of Asian gypsy moths to noninfested areas of the United States, and eradicate Asian gypsy moths in the infested areas.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the timber, forest products, and nursery industries of this country, and I authorize the transfer and use of such sums as I may deem necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to detect and identify Asian gypsy moth-infested areas, to control and prevent the spread of Asian gypsy moths to noninfested areas in the United States, and to eradicate Asian gypsy moths wherever they may be found in the continental United States.

All necessary Congressional notification will occur immediately.

Effective Date: This declaration of emergency shall become effective March 12, 1992.

Ann W. Veneman,
Acting Secretary of Agriculture.
[FR Doc. 92–6277 Filed 3–17–92; 8:45 am]
BILLING CODE 3410–34–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of Export Administration.
Title: Gears and Gearing Products Industry.
Form Number(s): Ref.#77.
Agency Approval Number: None.
Type of Request: New collection.
Burden: 2,440 hours.
Number of Respondents: 301.
Avg Hours Per Response: 4-10 hours.
Needs and Uses: Information will be collected from 206 producers and 95 importers as part of Commerce's Section 232 gear industry investigation. This investigation includes examination of the effect of imports on all phases of U.S. production capacity necessary to meet national security requirements.
Affected Public: Businesses or other for–profit institutions; and small businesses or organizations.
Frequency: One time.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Gary Waxman, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 12, 1991.

Edward Michals,
Departmental Forms Clearance Officer, Office of Management and Organization.
[FR Doc. 92–6246 Filed 3–17–92; 8:45 am]
BILLING CODE 3510–07–M

Bureau of Export Administration

Action Affecting Export Privileges; Richard Clark Johnson; Order Denying Permission To Apply for or Use Export Licenses

In the matter of: Richard Clark Johnson, 1073 Oak Street, Harwich, Massachusetts 02646 and FCI Raybrook, Post Office Box 903, Raybrook, New York 12977.

On August 20, 1990, Richard Clark Johnson was convicted in the United States District Court for the District of Massachusetts of violating section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A 2778 (1991)) (AECA).

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401–2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of section 38 of the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating Section 38 of the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Johnson's conviction for violating Section 38 of the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Johnson permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on August 20, 2000. I have also decided to revoke all export licenses issued pursuant to the EAA in which Johnson had an interest at the time of his conviction.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which Johnson appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Johnson's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until August 20, 2000, Richard Clark Johnson, 1073 Oak Street, Harwich, Massachusetts 02646, now incarcerated at FCI Raybrook, Post Office Box 903, Raybrook, New York 12977, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Johnson by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export provileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until August 20, 2000.

VI. A copy of this Order shall be delivered to Johnson. This Order shall be published in the **Federal Register**.

Dated: March 10, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-6253 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DT-M

Telecommunications Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held April 8, 1992, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M, 14th and Pennsylvania Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Approval of minutes.
3. Presentation of papers or comments by the public.
4. Report on status of U.S. implementation of Core List.
5. Discussion and recommendations for changes to Category 5 (Telecommunications & Information Security) for submission to COCOM in fall of 1992.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 13, 1992.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 92-6296 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 8-90]

Order No. 565; Approval for Certain Processing Activity (Reprocessing Rubber) Foreign-Trade Zone 122, Corpus Christi, TX

Pursuant to its authority under the Foreign-Trade Zones (FTZ) Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following order:

After consideration of the request submitted by the Port of Corpus Christi Authority, Grantee of FTZ #122 (filed 02/14/90), on behalf of Housmex, Inc., for authority to use zone procedures to reprocess rubber within FTZ 122, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were given subject to a restriction requiring that privileged-foreign status (19 CFR 146.65) be elected on all foreign merchandise that is subject to Column 2 duty rates (non-MFN merchandise) at the time of admission to the zone, approves the request subject to the foregoing restriction.

The Secretary of Commerce, as Chairman and Executive Officers of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

This authority is granted subject to the FTZ Act and the Board's regulations (as revised, 56 FR 50790-50808, 10/8/91), including § 400.28, and to all other conditions contained in Board Order 310 (50 FR 38020, 9/19/85), which authorized establishment of Foreign-Trade Zone 122, and in subsequent Board Orders issued in regard to the general-purpose zone.

Signed at Washington, DC, this 11th day of March, 1992.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Du Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-6287 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-428-037]

Drycleaning Machinery From Germany; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On December 23, 1991, the Department of Commerce initiated an administrative review of the antidumping finding on drycleaning machinery from Germany. The Department is now terminating this review.

BACKGROUND: On December 23, 1991 (56 FR 66429) the Department of Commerce published a notice of initiation of administrative review of the antidumping finding on drycleaning machinery from Germany. This notice stated that we would conduct a review of Böwe-Passat Reinigungs-und Wäschereitechnik GmbH and its affiliated companies ("BPRW") for the period November 1, 1990 through October 31, 1991. BPRW withdrew its request for review on February 26, 1991. Since the withdrawal request was filed within 90 days of the date of publication of the notice of initation (*see* 19 CFR 353.22(a)(5)), and no other interested party has requested an administrative review for this period, the Department is now terminating this review.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Alan Letort or Richard Weible, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone (202) 377-3793 or telefax (202) 377-1388.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and section 353.22(a)(5) of Commerce regulations (19 CFR 353.22(a)(5)).

Dated: March 10, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-6299 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-815]

Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 18, 1992

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or Brian Smith, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 377-1756 and 377-1766, respectively.

Preliminary Determination

The Department of Commerce ("the Department") preliminarily determines that sulfanilic acid from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b). The estimated margin is shown in the "Suspension of Liquidation" section of this notice. Also, the Department preliminarily makes a negative finding of critical circumstances (see, the "Critical Circumstances" section of this notice).

Case History

On October 23, 1991, we initiated this investigation. On October 28, 1991, we sent a letter to the PRC embassy requesting a list of all known exporters of the subject merchandise. On October 28, 1991, we sent a letter to the PRC embassy and petitioner requesting that they address the issues of: (1) Whether we should continue to treat the PRC as a nonmarket economy country, or (2) whether available information would permit the Department to determine foreign market under section 773(a) of the Act. Since publication of the notice of initiation on October 29, 1991 (56 FR 55659), the following events have occurred. On October 29, 1991, counsel filed a letter of appearance for respondent, China National Chemicals Import & Export Corporation, Hebei Branch ("Sinochem Hebei"), and its related U.S. branches. On November 12, 1991, counsel for respondent claimed that the prices of material inputs used in producing sulfanilic acid in the PRC are market-driven and that for purposes of this investigation, the PRC should be treated as a market economy country for valuing those inputs.

On November 18, 1991, the International Trade Commission (ITC) made a preliminary determination that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of such merchandise that are allegedly sold at less than fair value in the United States. On November 18, 1991, the PRC embassy informed us that it would not be providing us with information we requested for conducting our investigation.

On November 27, 1991, we sent questionnaires to counsel for respondent and to the Chinese Chamber of Commerce for serving on all other known exporters of the subject merchandise during the POI.

On December 9, 1991, counsel for respondent requested a 30 day extension for responding to the questionnaire. On December 10, 1991, we granted Sinochem Hebei a partial extension.

On December 17, 1991, another counsel for respondent filed a letter of appearance with the Department and on January 24, 1992, original counsel withdrew from representation of Sinochem Hebei.

On December 23, 1991, counsel for respondent submitted its response to section A.

On December 26, 1991, counsel for respondent requested that Sinochem Hebei, be exempted from submitting factors of production for one of the four factories that provide them with sulfanilic acid for exports. On December 30, 1991, we denied respondent's request.

On January 3, 1992, counsel for Sinochem Hebei requested a one-day extension for submitting section C and part of section D and a two-day extension for submitting the rest of Section D and the remaining attachments to the questionnaire. On January 3, 1992, we granted respondent's request.

On January 6, 1992, respondent submitted its response to Section C and part of Section D. On January 7, 1992, respondent informed the Department that another entity, Sinochem Shandong, exported the subject merchandise to the United States and requested that it be exempt from reporting sales information of Sinochem Shandong to the Department.

On January 8, 1992, respondent submitted its response to the rest of Section D and the attachments.

On January 14, 1992, the Department sent a deficiency letter to respondent. On January 14, 1992, respondent submitted, on behalf of its four factory suppliers, costs for the raw material factor inputs.

On January 17, 1992, we sent a letter to respondent stating that we were requiring responses inclusive of Sinochem Shandong and if they did not report Sinochem Shandong's sales information and the Department determined that all branches of Sinochem should be treated as one entity, the Department would base its determination for all of Sinochem's sales on the best information available.

On January 29, 1992, respondent submitted its response to our deficiency letter.

On February 14, 1992, the Department sent a supplemental deficiency letter to respondent. On February 24, 1992, respondent submitted import statistics and requested a two day extension for responding to the remaining sections of the deficiency letter. On February 25, 1992, we granted respondent's request. On February 27, 1992, respondent submitted the remainder of its response to our supplemental deficiency letter.

In letters to the Department, petitioner has argued that (1) there are additional manufacturers in the PRC of sulfanilic acid which is exported to the United States; (2) the Department should issue questionnaires to these additional manufacturers, and to the exporters of those products; (3) the Department must consider whether the exporter (respondent) identified in this investigation accounts for 60 percent of U.S. sales, pursuant to 19 CFR 353.42(b); (4) the Department should issue respondent a country-wide rate, and (5) the Department should use surrogate

values for determining foreign market value and naot the PRC input prices submitted by respondent. (See *Foreign Market Value* Section).

Period of Investigation

The period of investigation ("POI") is May 1, 1991, through October 31, 1991.

PRC Exporters

In its December 30, 1991, submission, petitioner has argued that other PRC trading companies such as Quandong Chemicals and Shanghai Chemical exported the subject merchandise to the United States during the POI. Petitioner also maintains that respondent (Sinochem Hebei) does not account for over 60 percent of U.S. sales during the POI and that the Department should examine all exporters of the subject merchandise during the POI.

We issued a questionnaire to the Chinese Chamber of Commerce for Exporters & Importers of Metal & Mineral Products and Chemical Products to be transmitted to all branches of Sinochem except the Hebei Branch and to all other exporters of the subject merchandise.

We received a response from only Sinochem Hebei, which reported all its sales and shipments during the POI. Based on this and other information, the Department has determined that the total volume of Sinochem Hebei's sales and shipments during the POI accounted for more than 60 percent of the subject merchandise sold and shipped to the United States during the POI.

Separate Rates

In its November 12, 1991, submission, section C response, and in subsequent filings with the Department, respondent has argued that a separate, company-specific rate should be calculated in this investigation. Respondent states that the only relationship between it and the other trading companies of Sinochem China is in the production of oil, a category one product which is under state control but not subject to this investigation. Therefore, respondent maintains that it is an independent entity regarding the production and sale of sulfanilic acid, a category three product which is not under government control.

In order to determine whether a company-specific dumping margin should be calculated in this investigation, we asked respondent to provide information on company ownership and relationships, sources of inputs, manufacturing processes, distribution channels, involvement of trading companies, controls on external trade, profit retention, and other facets of their production and sale of sulfanilic acid. As stated in the Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) ("Sparklers"), we will issue separate rates if a respondent can demonstrate both a *de jure* and *de facto* absence of central control. Evidence supporting, though not requiring, a finding of *de jure* absence of central control would include: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; and (2) any legislative enactments devolving central control of export trading companies. Evidence supporting a finding of *de facto* absence of central control with respect to exports would include: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

When we apply these four criteria, the evidence in the record submitted by respondent supports a finding that Sinochem Hebei is entitled to its own rate. Furthermore, we have no information that establishes that floor prices are being set by either the Ministry of Foreign Relations and Trade ("MOFERT") or any other governmental entity. Therefore, for purposes of the preliminary determination, we have calculated a company-specific margin for Sinochem Hebei. However, our final decision on the separate rate issue will depend upon successful verification of the factual assertions made by respondent and relied upon here. (For our analysis of the information in the record, see Concurrence Memorandum dated February 25, 1992.)

Since Sinochem Hebei was the only part to respond to our questionnaire we have no evidence that any of the other known exporters are independent from each other, or the government. Unless a respondent demonstrates entitlement to a separate, company-specific rate pursuant to the test enunciated in Sparklers, we presume that that they are related and subject to a single rate. See, *e.g.*, Preliminary Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China, 56 FR 66831 (December 26, 1991). In determining what rate to use as BIA, the department follows a two-tiered methodology, whereby the Department may assign lower rates for those respondents who cooperated in an investigation and rates based on more adverse assumptions for those respondents who did not cooperate in an investigation (See, *e.g.*, Final Determination of Sales at Less Than Fair Value; Apheric Ophthalmoscopy Lenses from Japan, 57 FR 6703, 6704 (February 27, 1992).

According to the Department's two-tiered BIA methodology outlined in the Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof form the Federal Republic of Germany, Italy, Japan, Romania, Sweden, Thailand, and the United Kingdom, 54 FR 18992, 19033 (May 3, 1989), when a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's investigation, it is appropriate for the Department to assign to that company the higher of (1) the margin alleged in the petition, or (2) the highest calculated rate of any respondent in the investigation. Therefore, as best information available, the dumping margin assigned to all other exporters who did not cooperate in this investigation is the highest calculated rate of the respondent in this investigation.

Scope of the Investigation

The products covered by this investigation are all grades of sulfanilic acid, which include technical (or crude) sulfanilic acid, refined (or purified) sulfanilic acid and sodium salt of sulfanilic acid (sodium sulfanilate).

Sulfanilic acid is a synthetic organic chemical produced from the direct sulfonation of aniline with sulfuric acid. Sulfanilic acid is used as a raw material in the production of optical brighteners, food colors, specialty dyes, and concrete additives. The principal differences between the grades are the undesirable quantities of residual aniline and alkali insoluble material present in the sulfanilic acid. All grades are available as dry, free flowing powders.

Technical sulfanilic acid, classified under the subheading 2921.42.24 of the Harmonized Tariff Schedule (HTS), contains 96 percent minimum sulfanilic acid, 1.0 percent maximum aniline and 1.0 percent maximum alkali insoluble materials. Refined sulfanilic acid, classified under the HTS subheading 2921.42.20.0, contains 98 percent minimum sulfanilic acid, 0.5 percent maximum aniline and 0.25 percent maximum alkali insoluble materials. Sodium salt of sulfanilic acid, classified under the HTS subheading 2921.42.70, is a granular or crystalline material containing 75 percent minimum equivalent sulfanilic acid, 0.5 percent maximum aniline, and 0.25 percent maximum alkali insoluble materials based on the equivalent sulfanilic acid content.

Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Fair Value Comparisons

To determine whether sales of sulfanilic acid from the PRC to the United States were made at less than fair value, we compared the United States price ("USP") to the foreign market value ("FMV"), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based United States price on purchase price where sales were made directly and indirectly to unrelated parties prior to the date of importation into the United States, in accordance with section 772(b) of the Act. We used purchase price as defined in section 772 of the Act, both because sulfanilic acid was sold to unrelated purchasers in the United States prior to importation into the United States, and because exporter's sales price ("ESP") methodology was not indicated by other circumstances.

We calculated purchase price based on packed, CIF port or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, U.S. duty, U.S. inland freight, U.S. brokerage, U.S. port charges, and U.S. containerization fees.

Foreign Market Value

Section 773 (c)(1) of the Act provides that the Department shall determine FMV using a factors of production methodology if (1) the merchandise is exported from a nonmarket economy country (NME), and (2) the information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a) of the Act.

In past cases *(e.g., Final Determination of Sales at Less than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China,* 56 FR 46153 (September 10, 1991) (*"Lug Nuts"*) and *Sparklers,* and indeed in every case conducted by the Department involving the PRC, the PRC has been treated as an NME. In this case, neither party has suggested that the PRC is no longer an NME. However, the respondent claims that certain inputs in the production of sulfanilic acid are market-driven.

The Department has previously interpreted 773(c)(1)(B) of the Act to mean that foreign market value can be based on the NME exporter's prices or costs, despite the fact that the country may otherwise be considered an NME, if sufficient market forces are at work (see, Lug Nuts and Final Determination of Sales at Less Than Fair Value; Oscillating Fans and Ceiling Fans from the People's Republic of China, 56 FR 55271 (October 25, 1991).

However, as stated in our recent notices of initiation for two countervailing duty investigations (see, Initiation of Countervailing Duty Investigation: Oscillating Fans and Ceiling Fans from the People's Republic of China, 56 FR 57616 (November 13, 1991) and Initiation of Countervailing Duty Investigation: Chrome-Plated Lug Nuts and Wheel Locks from the People's Republic of China, 57 FR 877 (January 9, 1992)), the Department determined that it must reconsider the appropriateness of the specific approach established in Lug Nuts and Fans.

As a result of this reconsideration, we have now developed the following criteria for determing whether a market-oriented industry exists in an economy which will otherwise be considered nonmarket:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry but substantial state ownership would weigh heavily against finding a market-oriented industry.

Market-determined prices must be paid for all significant inputs, whether material or non-material, and for an all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers, and the foreign market value will be calculated by using prices and costs from a surrogate country, in accordance with section 773(c) (3) & (4) of the Act.

Respondent maintains that the prices at which the factories purchase some of their inputs for sulfanilic acid are not subject to state-control and are market-driven. Therefore, respondent argues the Department should use these PRC input prices for valuing the factors of production. Respondent submitted costs for aniline, sulfuric acid, activated carbon, coal, and plastic bags, but not for electricity and labor.

Petitioner maintains that the sulfanilic acid industry is state-controlled and is not market-oriented. Petitioner argues that market forces are not at play in establishing any input prices for producing sulfanilic acid in the PRC.

As noted above, we continue to find that the PRC is an NME. Therefore, the presumption remains that the inputs used by the sulfanilic acid producers which are sourced in the PRC are not purchased at market prices. A respondent asserting that it purchases inputs at market-oriented prices must provide significant documentary evidence and also show that market prices are at work to overcome this presumption. An absence of government control alone is not sufficient to warrant a conclusion that prices for inputs are market-driven. We must also conclude by application of the criteria outlined above that market forces are at work in determining the prices in general within the PRC. Therefore, respondent's assertion, without sufficient documentary support, is not enough to establish market behavior with respect to input prices.

We have determined that for purposes of this preliminary determination, we do not have any information from the PRC government which could assist us in determining whether or not there is a lack of state-control or a presence of market forces with respect to the four factories' input costs and their respective supplier prices. We have requested information from the PRC government to determine whether there is any government control in the chemical sector, sulfanilic acid industry, or in inputs used to produce sulfanilic acid. The information submitted by the PRC government and respondent will be subject to verification, and will be taken into account in making our final decision on the PRC input prices issues.

Therefore, in accordance with section 773(c) of the Act, the Department is required to determine FMV on the basis of factors of production utilized in producing the subject merchandise, as valued in a surrogate country.

Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the factors of production, to the extent possible, in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, and that are significant producers of comparable merchandise. The Department has determined that India and Pakistan are the most comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the national distribution of labor, and growth rate in per capita GNP. Because India fulfills both requirements outlined in the statute, India is the preferred surrogate country for purposes of calculating the factors of production used in producing the subject merchandise. Further, because Pakistan is not a producer of sulfanilic acid, we have only resorted to Pakistan for surrogate values if Indian values were not obtainable. We have used the values for the factors of production, as appropriate, from both countries. Date for valuing the factors of production was obtained from the U.S. Embassy in India and the U.S. consulate in Pakistan.

We calculated FMV based on factors of production reported by the factories which produced the subject merchandise for the respondent Sinochem Hebei. The factors used to produce sulfanilic acid include materials, labor, and energy. According to respondent, water usage cannot be valued as a factor of production because there is no cost for water incurred by the factories. Subject to verification, we have accepted respondent's argument.

To value aniline, one of six main inputs for producing sulfanilic acid, we used an imported price quote provided by the U.S. Embassy in India. We used the imported price rather than the domestic price of aniline because imported aniline is used by Indian producers in manufacturing sulfanilic acid for exportation. For sulfuric acid and activated carbon, we have used POI price quotes provided by the U.S. consulate in Pakistan because the U.S. Embassy in India could not obtain values for these inputs. We used unskilled and skilled labor rates, including benefits, obtained from the U.S. embassy in India. For coal, we used a POI price quote provided by the U.S. consulate in Pakistan because the U.S. embassy in India could not obtain surrogate values. For electricity, we used an electricity rate provided by the U.S. embassy in India. For purposes of the preliminary determination, we have considered the prices supplied by the U.S. Embassy in India and U.S. consulate in Pakistan as prices during the POI. However, since the Indian prices were obtained in January 1992, and the Pakistani prices were obtained in December 1991, we will confirm the effective dates of these prices prior to our final determination.

To calculate FMV, the reported factors of production were multiplied by the appropriate Indian and Pakistani values for the various components. We added an amount for the delivery of inputs to the factory to arrive at a delivered cost of materials. We used freight rates obtained from the U.S. Embassy in India. We have also used a percentage for factory overhead, based on Indian producers' experience, obtained from the U.S. Embassy in India. We then added an amount higher than the statutory ten percent minimum for selling, general and administrative expenses, and an amount higher than the statutory eight percent minimum for profit, based on Indian producers'experience, obtained from the U.S. embassy in India. We also added an amount for packing labor based on Indian wage rates, and an amount for packing materials based on Indian prices to arrive at a constructed FMV for one metric ton of sulfanilic acid.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of sulfanilic acid from the PRC. Section 733(e)(1) of the Act provides that critical circumstances exist when we determine that there is a reasonable basis to believe or suspect that:

(A)(i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or (ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of investigation at less than its fair value, and (B) There have been massive imports of the merchandise which is the subject of the investigation over a relatively short period.

Pursuant to section 733(e)(1)(b) of the Act, we generally consider the following factors in determining whether imports have been massive over a short period of time: (1) The volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by imports. See, *e.g.*, Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 53 FR 12552 (April 15, 1988). To determine whether imports have been massive, we normally compare the export volume for the base period, which is a period of not less than three months beginning with the month the petition was filed, with a previous period of the same length. Since the petition was filed on October 3, 1991, we compared shipments, for Sinochem Hebei, during the three-month period from the filing of the petition, October through December 1991, to shipments during the three month period prior to the month in which the petition was filed, July through September 1991.

Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports "massive." Based on this analysis, we find that imports of the subject merchandise from the PRC during the period subsequent to receipt of the petition have not been massive.

Since we do not find that there have been massive imports, pursuant to section 733(e)(1) of the Act, we do not need to consider whether there is a history of dumping or whether there is a reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

Therefore, we preliminarily determine that critical circumstances do not exist with respect to imports of sulfanilic acid from the PRC.

Currency Conversion

When calculating foreign market value, we made currency conversions in accordance with 19 CFR 353.60(a).

Verification

As provided in section 776(b) of the Act, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of sulfanilic acid from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or posting of a bond equal to the estimated margin amount by which the foreign market value of the subject merchandise exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percent
China National Chemicals Import & Export Corporation, Hebei Branch ("Sinochem Hebei")	85.29
All others	85.29

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments, must be submitted, in at least ten copies, to the Assistant Secretary for Import Administration no later than May 6, 1992, and rebuttal briefs no later than May 11, 1992. In addition, a public version and five copies should be submitted by the appropriate date if the submission contains business proprietary information. In accordance with 19 CFR 353.38(b), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held, if requested, at 10 a.m. on May 12, 1992, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington DC, 20230. Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099 within ten days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentation will be limited to arguments raised in the briefs.

This determination is published pursuant to section 773(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15.

Dated: March 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6302 Filed 3-17-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-549-802]

Ball Bearings and Parts Thereof From Thailand; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand. We preliminarily determine the total bounty or grant to be 20.41 percent *ad valorem* for all companies for the period January 1, 1990 through December 31, 1990. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki, Sylvia Chadwick, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5260.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 23271) of the countervailing duty order on ball bearings and parts thereof from Thailand (54 FR 19130; May 3, 1989). On May 31, 1991, Torrington Company, the petitioner, and Pelmec Thai and NMB Thai, the respondents, requested an administrative review of the order. We initiated the review, covering the period January 1, 1990 through December 31, 1990, on June 18, 1991 (56 FR 27944). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). This is the first administrative review since the publication of the order.

Scope of Review

Imports covered by this review are shipments of ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The Tariff Schedules of the United States Annotated (TSUSA) and the Harmonized Tariff Schedule (HTS) item numbers listed in appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, two producers/exporters, NMB Thai Ltd. (NMB) and Pelmec Thai Ltd. (Pelmec), and twelve programs.

Calculation Methodology

Respondents claim that the value of the subject merchandise entering the United States is greater than the sales revenue received by the comnpanies in Thailand due to a markup charged by the parent company, located in a third country, through which the merchandise is invoiced. Respondents argue that the calculated *ad valorem* rate should be adjusted by the ratio of the RTG export value over the sales value charged to the US customer by the parent company.

The Department does not consider it appropriate to incorporate markups or markdowns levied in a third country in calculating the net bounty or grant rate, because the bounties or grants were received based on the value of respondents' sales as exported from Thailand (see, Final Affirmative Countervailing Duty Determination and Partial Countervailing Duty Order; Ball Bearings and Parts Thereof from Thailand (54 FR 19130; May 3, 1989)). Therefore, in this review we calculated the rate of bounty or grant using only the FOB export value of the subject merchandise.

Analysis of Programs

1. Electricity Discounts for Exporters

The Electricity Generating Authority of Thailand (EGAT), the Metropolitan Electricity Authority (MEA), and the Provincial Electricity Authority (PEA) provided discounts on electricity rates charged to exporters. This program was discontinued on January 1, 1990, but exporters are still eligible for residual benefits from previously submitted applications. This program provides a 20 percent discount on the cost of the electricity used to produce the exported goods. Because this program provides benefits to exporters only, we determine that it is countervailable.

Both NMB and Pelmec received benefits from this program during the review period. To calculate the benefit, we divided the total amount of electricity credits received by both companies by the total FOB value of export sales of both companies. On this basis, we preliminarily determine the net bounty or grant from this program to be 0.07 percent *ad valorem* during the review period.

2. Investment Promotion Act (IPA)—Sections 31, 28 and 36(1)

The Investment Promotion Act of 1977 is administered by the Board of Investment (BOI) and is designed to provide incentives to invest in Thailand. In order to receive benefits from the IPA, each company must apply to the

BOI for a Certificate of Promotion (license), which specifies goods to be produced, production and export requirements, and benefits allowed. These licenses are granted at the discretion of the BOI and are periodically amended or reissued to upgrade benefits. Each IPA section for which a company is eligible must be specifically stated in the license. Both Pelmec and NMB had export requirements contained in their licenses for the review period, and both licenses specifically allowed them to receive tax and duty exemptions under IPA sections 31, 28, and 36(1).

Under section 31, an exporting company is allowed an exemption from payment of corporate income tax on profits derived from promoted exports. Under section 28, an exporting company is allowed to import machinery and equipment (fixed assets) free of import duties and business and local taxes, and under section 36(1), the company is allowed to import essential materials (non-fixed assets) that are not physically incorporated into the export good free of the same duties and taxes. We verified that NMB and Pelmec claimed exemptions under section 31 on their tax returns filed during the 1990 review period, and they imported both fixed and non-fixed assets duty- and tax-free during the review period. Because the tax and duty exemptions provided in NMB's and Pelmec's BOI licenses are contingent upon export performance, we determine that these exemptions are countervailable.

We calculated the benefit to NMB and Pelmec under Section 31 by obtaining the difference between what each company paid in corporate income tax during the review period, and what it would have paid absent the exemption. We calculated the benefit to NMB and Pelmec under sections 28 and 36(1) by obtaining the amount of duties and taxes that would have been paid on the imports absent the exemption. We added all duty and tax savings under all the IPA programs and divided this aggregate benefit by the total FOB export value. On this basis, we preliminarily determine the net bounty or grant from IPA sections 31, 28 and 36(1) to be 20.19 percent *ad valorem* during the review period.

3. Tax Certificate for Exporters

The Royal Thai Government issues to exporters of record tax certificates which are transferable and which rebate indirect taxes and import duties levied on inputs used to produce exports. This rebate program is provided for in the "Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act" (Tax and Duty Act). The rebate rates under the Tax and Duty Act are computed based on the Basic Input-Output Table of Thailand (I–O table).

Using the I–O table, the Thai Ministry of Finance computes the value of total inputs (both imported and domestic) at ex-factory prices. It also calculates the import duties and indirect taxes on each input, and calculates an "A" rebate rate, which rebates both import duties and indirect domestic taxes, and a "B" rebate rate, which rebates only indirect domestic taxes. Exporters who participate in Thailand's duty drawback or duty exemption programs claim the "B" rate. The relevant rebate rate is then applied to the FOB value of the export to determine the amount of rebate that will be provided.

Under the Tax and Duty Act, rebates are paid to exporters by tax certificates, which can be used to pay the exporter's tax liabilities, or can be sold to another company, usually at less than face value. The rebate rates in effect during the review period were 7.19 percent as the "A" rate, and 0.59 percent as the "B" rate. As determined in Final Affirmative Countervailing Duty Determination and Partial Contervailing Duty Order: Ball Bearings and Parts Thereof from Thailand (54 FR 19130; May 3, 1989), these rebates are countervailable only to the extent that the remissions of duties and taxes exceed those actually levied on physically incorporated inputs. Further, in Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Steel Wire Rope from Thailand (56 FR 46299; September 11, 1991), the Department calculated the sector-wide overrebate rate for Sector 111, which contains steel wire rope. Since Sector 111 also contains ball bearings, we applied the same sector rate in this review. On this basis, we preliminarily determine the net bounty or grant benefit from this program to be 0.15 percent *ad valorem*.

4. Other Programs

We also examined the following programs and preliminarily determine that the exporters of the subject merchandise did not use them during the review period:

- Export Packing Credits.
- Rediscount of Industrial Bills.
- Export Processing Zones.
- IPA Sections 33 and 36(4).
- Reduced Business Taxes for Producers of Intermediate Goods for Export Industries.
- International Trade Promotion Fund.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 20.41 percent *ad valorem* for the period January 1, 1990 through December 31, 1990.

Therefore, the Department will instruct the Customs Service to assess countervailing duties of 20.41 percent of the f.o.b. invoice price on all shipments from Thailand of the subject merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

As provided by section 751(a)(1) of the Act, the Department also intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 20.41 percent of the f.o.b. invoice price on shipments of the subject merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice.

Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 10, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

Appendix A

Scope of the Review

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, constitute the following as outlined below.

Ball Bearings, Mounted or Unmounted; and Parts Thereof

These products include all antifriction bearings which employ balls as the rolling element. During 1988, imports of these products were classifiable under the following categories: Antifriction balls (Tariff Schedules of the United States Annotated (TSUSA) items 680.3025 and 680.3030; ball bearings with integral shafts (TSUSA item 680.3300); ball bearings (including radial ball bearings) and parts thereof (TSUSA items 680.3704, 680.3706, 680.3712, 680.3717, 680.3718, 680.3722, 680.3727, and 680.3728); ball bearing type pillow blocks and parts thereof (TSUSA items 681.0410 and 681.0430); ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof (TSUSA items 681.1010 and 681.1030); and other bearings (except tapered roller bearings) and parts thereof (TSUSA 680.3960). Wheel hub units which employ balls as the rolling element entering under TSUSA item 692.3295 are subject to the review; all other products entering under this TSUSA item are not subject to the review. Finished but unground or semiground balls are not included in the scope of this review.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule (HTS) item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if (1) they have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those where the part will be subject to heat treatment after importation.

[FR Doc. 92–6298 Filed 3–13–92; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

[Docket No. 911186–1286]

RIN 0693–AA48

Selection of a Test Method and Intention To Establish a Validation Service for the Federal Information Processing Standard (FIPS) 160, Programming Language C

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice; request for comments

SUMMARY: NIST has selected the Perennial ANSI C Validation Suite (ACVS™) as the test method to be used by the NIST for testing C compilers for conformance to FIPS PUB 160. The NIST Validation Service will be used to assess the degree to which C implementations conform to FIPS PUB 160. The NIST will use a trial validation service to verify the accuracy and completeness of the C validation procedures. To assess the suitability of the test method and validation procedures for testing conformance to FIPS, NIST solicits the views of industry, the public and local governments

DATES: The trail validation service started in January 1992 and will continue through September 1992. Comments on the test method and validation procedures must be received by September 30, 1992.

ADDRESSES: Written comments should be sent to: National Institute of Standards and Technology, Computer Systems Laboratory, ATTN: C Test Service, Building 225, room A266, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Kathryn Miles, telephone (301) 975–3156, National Institute of Standards and Technology, Building 225, room A266, Gaithersburg, MD 20899.

SUPPLEMENTARY INFORMATION:

Background

The Federal Information Processing Standard Publication (FIPS PUB 160) for the Programming Language C, which adopts ANSI X3.159–1989 Programming Language—C, was approved as a Federal Standard on February 15, 1991, and became effective on September 30, 1991. In accordance with FIPS PUB 160, the standard applies to C compilers acquired for federal use after its effective date. The purpose of the C standard is to permit portability of C applications across a variety of hardware configurations.

Federal agencies may require conformance to FIPS 160 whether the compilers are developed internally, acquired as part of an ADP system procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services. Testing may be required in order for agencies to determine if the C implementations conform to FIPS PUB 160. The Perennial ACVS™ Test Suite and the test results provided from the NIST validation service are sources for federal agencies to use in making this determination.

Updates to the Test Method

The Test Suite will be periodically updated and used as the basis for validating FIPS 160 implementations. The update process will be used to correct errors identified in the Perennial ACVS™ Test Suite and to introduce new or modified programs as appropriate. Modification to the Test Suite is also intended to ensure that implementations are being built according to the technical specifications of the standard. Should an interpretation of the FIPS be made that would affect the test suite, these changes would also be reflected during the update process.

Authority: Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100–235.

Dated: March 11, 1992.

John W. Lyons,

Director.

[FR Doc. 92–6211 Filed 3–17–92; 8:45 am]

BILLING CODE 3510–CN–M

[Docket No. 920252–2052]

Approval of Amendments to Voluntary Product Standard PS 20–70 (91), "American Softwood Lumber Standard"

AGENCY: National Institute of Standards and Technology, DOC.

ACTION: Notice.

SUMMARY: Several amendments to Voluntary Product Standard PS 20–70 (91) "American Softwood Lumber Standard" became effective on February 20, 1992. Copies of these amendments are available from the Office of Standards Services, A625—Administration Building, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTRACT: Barbara M. Meigs, Office of Standards

Services, National Institute of Standards and Technology, Gaithersburg, MD 20899, (301) 975–4025.

Authority: (15 U.S.C. 272 and 15 CFR part 10).

Dated: March 11, 1992.

John W. Lyons,

Director.

[FR Doc. 92–6207 Filed 3–17–92; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Sri Lanka

March 11, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6580. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, special shift and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 29232, published on June 28, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on June 21, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on July 1, 1991 and extends through June 30, 1992.

Effective on March 18, 1992, you are directed to amend further the directive dated June 21, 1991 to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Sri Lanka:

Category	Adjusted twelve-month limit [1]
338/339	991,521 dozen of which not more than 784,132 dozen shall be in Categories 338–S/339–S [2].
341	757,849 dozen of which not more than 321,123 dozen shall be in Category 341–Y [3].
359–C/659–C [4]	948,114 kilograms.
369–D [5]	546,324 kilograms.

[1] The limits have not been adjusted to account for any imports exported after June 30, 1991.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.3010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.0068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2010, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.0070, 6112.11.0040, 6114.20.0010 and 6117.90.0022.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[5] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–6243 Filed 3–17–92; 8:45 am]

BILLING CODE 3510-DR-F

Denial of Participation in the Special Access and Special Regime Programs

March 11, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Committee for the Implementation of Textile Agreements (CITA) has determined that Lee Thomas, Inc. is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on June 1, 1992, to deny Lee Thomas, Inc. the right to participate in the Special Access and Special Regime Programs for a period of three months, beginning June 1, 1992 and ending August 31, 1992.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that Lee Thomas, Inc. is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective on June 1, 1992, you are directed to prohibit Lee Thomas, Inc. from further participation in the Special Access and Special Regime Programs for a period of three months, beginning June 1, 1992 and ending August 31, 1992. Goods accompanied by Form ITA–370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will no longer be accepted. In addition, for the period June 1, 1992 through August 31, 1992, you are directed not to sign ITA–370P forms for export of U.S.-formed and cut fabric for Lee Thomas, Inc.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–6244 Filed 3–17–92; 8:45 am]

BILLING CODE 3510-DR-F

Denial of Participation in the Special Access and Special Regime Programs

March 12, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs denying the right to participate in the Special Access and Special Regime Programs.

EFFECTIVE DATE: June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Committee for the Implementation of Textile Agreements (CITA) has determined that Macclenny Products, Inc., is in violation of the requirements set forth for participation in the Special Access and Special Regime Programs.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs, effective on June 1, 1992, to deny Macclenny Products, Inc., the right to participate in the Special Access and Special Regime Programs, for a period of two months, beginning June 1, 1992 and ending July 31, 1992.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

Requirements for participation in the Special Regime Program are available in **Federal Register** notices 53 FR 15724, published on May 3, 1988; 53 FR 32421, published on August 25, 1988; 53 FR 49346, published on December 7, 1988; and 54 FR 50425, published on December 6, 1989.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 12, 1992.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: The purpose of this directive is to notify you that the Committee for the Implementation of Textile Agreements has determined that Macclenny Products, Inc., is in violation of the requirements for participation in the Special Access and Special Regime Programs.

Effective on June 1, 1992, you are directed to prohibit Macclenny Products, Inc., from further participation in the Special Access and Special Regime Programs for a period of two months, beginning June 1, 1992 and ending July 31, 1992. During this period, goods accompanied by Form ITA–370P which are presented to U.S. Customs for entry under the Special Access and Special Regime Programs will not be accepted.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–6245 Filed 3–17–92; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Department of the Army

Change in Carrier Approval Qualifications in the International One-Time-Only Program

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice of change.

SUMMARY: The Military Traffic Management Command (MTMC), Directorate of Personal Property, is effecting changes to carrier approval qualifications to participate in the international one-time-only (OTO) program for the movement of DoD household goods (HHG) and unaccompanied baggage (UB) shipments. The initial proposal regarding these changes was published in the **Federal Register** on 2 July 1991, 56 FR 30380.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Gail Collier, (703) 756–2397, Headquarters, Military Traffic Management Command, ATTN: MTPP–CI (Ms. Collier), 5611 Columbia Pike, Falls Church, VA 22041–5050.

SUPPLEMENTARY INFORMATION:

a. the Military Traffic Management Command's procedures for the international OTO household goods and unaccompanied baggage shipment programs are outlined in the International Personal Property Rate Solicitation I–2, effective 1 October 1991, Chapter VII, and Personal Property Traffic Management Regulation (PPTMR), DOD 4500.34–R chapter 2, paragraph 2024.a, page 2–30 and 5003.e2. The OTO program is primarily used for moving household goods and unaccompanied baggage shipments when the origin-to-destination channels are uncontrolled rate areas; when no carrier has Letter of Intent (LOI) on file at the military installation controlling the shipment; when a shipment requires conversion, i.e., from Code 4 to Code 5 service or from Code 7 to Code 6 service due to strike or other conditions which impede timely service and the carrier to which the shipment was tendered does not offer alternative rates in the converted service; when a shipment requires reshipment under conditions specified in chapter V of the rate solicitation; or when a carrier inadvertently accepts shipment on a channel where it has not effective rate on file. Chapter II of the PPTMR and chapter VII of the International Personal Property Rate Solicitation contain a complete listing of OTO procedures. MTMC solicits rates for these types of shipments from approved MTMC international through Government Bill of Lading (ITGBL) carriers that have submitted a written request to participate in the international OTO program. All comments received by MTMC have been considered and as appropriate have been incorporated into the following rule change.

Revised Rule

a. The DOD 4500.34–R PPTMR, chapter 2, paragraph 2004.d., (page 2–5), is changed as follows:

d. Uncontrolled-Rate Areas. Specific country approval is required by HQMTMC for uncontrolled rate areas. Carriers, seeking to participate in the OTO program for movements involving uncontrolled rate areas, must provide the following to HQMTMC with their requests for approval:

(1) A statement, that the carrier has completed 12 months of continuous service as a DOD-approved international through Government Bill of Lading (ITGBL) carrier. Carrier must have had a satisfactory performance during the 12 month period. Satisfactory (ITGBL) performance is defined as a satisfactory performance TQAP score for the most recent 6-month performance cycle (1 Apr to 30 Sep/1 Oct to 31 Mar) at no less than 90 pecent of total installations serviced.

(2) A list of codes of service for which the carrier is requesting approval.

(3) A list of countries in which the carrier would like to participate, enclosing the name(s) and addresses of agent(s) for each country. Agents located outside of the continental United States, Alaska, Hawaii, and controlled rate areas listed in paragraph 2004c, need not be DOD-approved. This does not restrict the carrier to use only the agent(s) listed. Carriers are required to update this list annually from the date of their initial submission.

(4) A copy of the carrier's standard operating procedures (tracing and traffic management procedures) used to process international OTO shipments.

(5) Telephone numbers at which key employees can be reached during nonworking hours in case of an emergency. These numbers will be utilized in case of emergency situations, such as an embassy evacuation. This is a voluntary requirement. Carriers who cannot be contacted on short notice may not be able to submit their bids in a responsive manner.

(6) Carriers approved and presently participating in the OTO program will be required to comply with the above qualification requirements within 12 months of implementation of these requirements. Failure to provide the required information will result in the revocation of the carrier's approval to participate in this program. Carriers submitting initial approval after starting 1 March 1992, must comply with the above requirements.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–6210 Filed 3–17–92; 8:45 am]

BILLING CODE 3710–08–M

Intent To Grant an Exclusive Patent License to AMVAX, Inc.

AGENCY: Office of the Judge Advocate General, Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: The Department of the Army announces its intention to grant AMVAX, Inc., a corporation of the State of Delaware, an exclusive license under U.S. Patent Application SN 07/642,093, filed on 12 January 1991, and Immunogenic Peptide Vaccines and Methods of Preparation.

The proposed limited exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and the Department of Commerce's regulations at 37 CFR part 404. The proposed license may be granted unless, within 60 days from the date of this notice, the Department of the Army receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest. All comments and materials must be submitted to Earl T. Reichert at the address below.

FOR FURTHER INFORMATION CONTACT: Earl T. Reichert, Department of the Army, Office of the Judge Advocate General, Intellectual Property Law Division, 5611 Columbia Pike, Falls Church, VA 22041–51013, (703) 756–2623.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–6209 Filed 3–17–92; 8:45 am]

BILLING CODE 3710–08–M

DELAWARE RIVER BASIN COMMISSION

Proposed Amendments to Comprehensive Plan, Water Code of the Delaware River Basin, Administrative Manual; Part III Water Quality Regulations; Public Hearings

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold public hearings to receive comments on proposed amendments to its Comprehensive Plan, Water Code and Water Quality Regulations relating to water quality standards and policies to protect existing water quality in certain waters of the Basin. The proposal would also classify the Upper Delaware Scenic and Recreational River, the Delaware Water Gap National Recreation Area, and the Delaware River from Millrift, Pennsylvania to the northern boundary of the Delaware Water Gap National Recreation Area as Special Protection Waters.

In addition, the Commission is proposing related revisions to its Administrative Manual—Rules of Practice and Procedure. A summary of the proposed amendments to the Administrative Manual—Rules of Practice and Procedure is published elsewhere in the Proposed Rules section of this issue of the **Federal Register**.

DATES: The public hearings are scheduled as follows: May 5, 1992, and May 6, 1992 from 2 to 5 p.m., resuming at 7 p.m.

The deadline for inclusion of written comments in the hearing record will be announced at the hearings.

ADDRESSES: The May 5, 1992 hearing will be held in the Ballroom of the Inn at Hunts Landing, 900 Routes 6 & 209, Matamoras, Pennsylvania.

The May 6, 1992 hearing will be held in the Tusten Theater on Bridge Street (Route 52) in Narrowsburg, New York.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628, Telephone (609) 883–9500.

SUPPLEMENTARY INFORMATION:

Background and Rationale

Water quality standards and policies now in effect for the Delaware River between Hancock, New York and the Delaware Water Gap are based on the protection of designated uses for primary-contact recreation and aquatic life. However, these water quality standards and associated effluent and other policies do not specifically preserve the existing high level of water quality from degradation.

In 1988, the Commission and the National Park Service initiated the development of a water quality protection plan for the Middle Delaware Scenic and Recreational River and tributaries within the boundary of the National Recreation Area. Prompting the need for the plan was the existing and planned rapid growth and development in the drainage area to the National Recreation Area and the potential decline in water quality within the National Recreation Area due to increased point and non-point source pollution in its drainage area.

In 1989, the Watershed Association of the Delaware River petitioned the Commission to classify the Delaware River from Hancock, New York to the Delaware Water Gap as an Outstanding National Resource Water, as described by U.S. Environmental Protection Agency anti-degradation regulations.

In response to the petition and other considerations, the Commission expanded the areal scope of the water quality protection planning effort to include the Upper Delaware Scenic and Recreational River corridor.

Commission reports describing issues and alternatives were disseminated in March 1990, October 1990 and April 1991. In November and December 1990, the Commission held a series of public briefings concerning possible scenic rivers protection alternatives.

The proposed changes to the Commission's regulations were developed with scientific and policy input from the Commission's Water Quality Advisory Committee. Participants in the Committee discussions included representatives from the environmental departments of Delaware, New Jersey, New York, Pennsylvania; U.S. Environmental Protection Agency Regions II and III; public members from the University of Rhode Island and the Academy of Natural Sciences; and the National Park Service. Members of the general public were observers at the various Committee meetings. Comments received on the various reports issued to the public during the planning process, comments received from the public briefings, and the inputs received through the Advisory Committee deliberations have led to the changes now being proposed.

The proposed revisions set forth an overall framework for providing special water quality protection measures for interstate and contiguous waters deemed by the Commission to have exceptionally high scenic, recreational, ecological or water supply values. The proposed changes then go an additional step by classifying certain stream reaches as Special Protection Waters, thus activating the provisions of the Special Protection Water policies in these reaches. The changes have been designed to be implementable, with the dual objective of protecting existing water quality without adversely impacting local growth and development prerogatives.

The proposed amendments define the goals of the water quality protection strategy, set forth point and non-point source pollution control policies and requirements and define the institutional structure within which the Commission, the state environmental agencies and others will share overall water quality management responsibilities. The proposal also classifies certain stream reaches as Special Protection Waters and includes numerical definitions of Existing Water Quality and the locations of monitoring points which will be used to manage water quality.

The Commission has prepared a "Basis and Background Document—Proposed Revisions to Water Quality Standards and Regulations—Hancock, New York to the Delaware Water Gap" describing the proposed amendments and their rationale in considerable depth. This and other relevant reports may be obtained by contacting Christopher M. Roberts at the Commission.

Copies of the full text of the proposed amendments may be obtained by contacting Ms. Weisman at the address provided in **FOR FURTHER INFORMATION CONTACT.** Persons wishing to testify are requested to notify the Secretary in advance. Written comments on the proposed amendments should also be submitted to the Secretary.

Delaware River Basin Compact. 75 Stat. 686.

Dated: March 11, 1992.

Susan M. Weisman,

Secretary

[FR Doc. 92–6248 Filed 3–17–92; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Availability of Draft "Decontamination and Decommissioning Integrated Demonstration Strategy"

AGENCY: Department of Energy, Office of Environmental Restoration and Waste Management.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability for public review of the draft document, "DOE Decontamination and Decommissioning Integrated Demonstration Strategy." The document outlines an approach to providing new and improved technology that will allow decontamination and decommissioning of DOE shutdown facilities to be performed faster, safer, better, and cheaper than using currently available technology.

DATES: Written comments on this document will be accepted by mail or by facsimile transmission to the address or telephone numbers given below until May 15, 1992.

ADDRESSES: Copies of this document are available from R. D. Bundy or J. M. Kennerly, Martin Marietta Energy Systems, Inc., P.O. Box 2003, Oak Ridge, Tennessee 37831–7387 (Telephone (615) 576–0192 or (615) 574–9935, Facsimile (615) 576–7702 or (615) 574–9538).

Dated: March 9, 1992.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–6294 Filed 3–17–92; 8:45 am]

BILLING CODE 6450–01–M

Floodplain/Wetland Involvement Notification for the Standley Lake Diversion Near the Department of Energy's Rocky Flats Plant at Golden, CO

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain/wetland, in order to ensure consideration of protection of the floodplain/wetland in decisionmaking. After a determination that a floodplain/wetland may be involved, the regulations require that public notice be published in the **Federal Register**, including a description of the proposed action and its location. DOE, through a grant to the City of Westminster, Colorado, and other nearby municipalities, proposes to construct a water diversion project immediately east of the Rocky Flats Plant (RFP) and approximately 16 miles northwest of Denver. The project could have impacts on 100-year floodplains and/or wetlands.

DATES: Comments on the proposed action must be received by April 2, 1992.

ADDRESSES: All Comments concerning this notice should be addressed to Floodplain/Wetland Comments, Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, Post Office Box 928, Golden, Colorado 80402–0928; Telephone: (303) 966–5993.

FOR FURTHER INFORMATION CONTACT: Information on floodplain/wetland environmental review requirements is available from Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S

Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOE, through a grant to the City of Westminster, Colorado, and other nearby municipalities, proposes to construct a water diversion project immediately east of the Rocky Flats Plant (RFP) and approximately 16 miles northwest of Denver. The project could have impacts on 100-year floodplains and/or wetlands. The project is intended to provide protection for Standley Lake, a drinking water supply reservoir immediately downstream of RFP and serving approximately 180,000 people, from accidental releases of contaminants for RFP. Protection would be provided in the form of a diversion canal that would route flows from Woman Creek (which drains a portion of RFP and flows directly to Standley Lake) around Standley Lake, returning these flows directly to Big Dry Creek downstream of the reservoir. Surface waters downstream of the reservoir are not used for drinking water supplies.

The diversion canal would have a total length of aproximately 15,000 feet, extending in an easterly/southeasterly direction from a point on Woman Creek between Indiana and Alkire Streets (immediately east of RFP), around the north side of Standley Lake near 100th Avenue, and emptying into Big Dry Creek immediately below the dam at Standley Lake. The first 10,500 feet would be an earth-lined channel with a maximum capacity of 1,500 cubic feet per second, conforming to local flood control district limitations. Along this portion of the canal, concrete drop structures would be installed to maintain the overall gentle longitudinal slope and minimize the depth of the required cut. The canal would run underground in box culverts in two locations, one beneath Alkire Street north of the Church Ditch, and one beneath the Church Ditch at a location southwest of 100th Avenue and Simms Street. At a point sourtheast of Simms Street and 100th Avenue, the slope of the last 4,500 feet of the canal would increase to 2.9 percent, and the channel would join the dam spillway. This portion of the channel would be concrete lined.

Also associated with this project are an upstream diversion pond and a downstream energy dissipation pond. The purpose of the upstream diversion pond would be to regulate runoff from Woman Creek into the diversion canal. The pond would be impounded by an earthen embankment less than 10 feet high and would have a surface area of approximately 10 acres. Storage of 20 to 40 acre-feet would be provided.

The downstream energy dissipation pond would provide a controlled hydraulic transition for high-velocity waters transmitted through the concrete-lined spillway. The pond would be constucted immediately off-channel of Big Dry Creek below the Standley Lake Dam. The downstream pond would provide 30 to 60 acre-feet of storage capacity.

The project would be designed to intercept and divert Woman Creek flows on a regular basis upstream of Standley Lake and dewater the reach of Woman Creek between the upstream pond and Standley Lake. There is the potential that the upstream pond would inundate some wetlands and a section of the narrow band of wetlands, extending northwest of the Mandalay Reservoir along the Mandalay-Kettner Ditch also may be affected by the canal.

It is expected that the upstream pond would lie within the 100-year floodplain for Woman Creek. On Big Dry Creek, the downstream energy dissipation pond would be constructed within the 100-year floodplain. An environmental assessment is being prepared for this project and contains detailed project descriptions and further discussions of potential project impacts. The environmental assessment is available from the U.S. Department of Energy, Rocky Flats Office (see **ADDRESSES**, above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92–6295 Filed 3–17–92; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance; Surface Combusted, Inc.

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of award intent.

SUMMARY: The U.S. Department of Energy's Idaho Field Office announces that pursuant to the DOE Financial Assistance Rules 10 CFR 600.7, it intends to award a Cooperative Agreement Number DE–FC07–92ID13173 to Surface Combustion, Inc. The objective of the work to be performed under this project is to develop an acoustic temperature measurement system of determing temperatures of work pieces as they are heated.

FOR FURTHER INFORMATION CONTACT: Dallas L. Hoffer, U.S. Department of Energy, Idaho Field Office, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401–1562, 208–526–0014.

SUPPLEMENTARY INFORMATION: The statutory authority for the research is Public Law 92–577, Federal Non-Nuclear Energy Research and Development Act of 1974 and Public Law 93–348, Energy Reorganization Act of 1974. The proposal meets the criteria for "non-competitive financial assistance," as set forth in 10 CFR 600.7(b)(2). The anticipated total project period to be awarded is 3 years. The estimated total award value is $440,000. The estimated Surface Combustion cost share is estimated to be 115,000 or 26%.

Contact: Dallas L. Hoffer, Contract Specialist (208) 526–0014, U.S. Department of Energy, Idaho Field Office, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401–1562.

Dated: March 5, 1992.

Dolores J. Ferri,

Director, Contracts Management Division.

[FR Doc. 92–6292 Filed 3–17–92; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

L.A. Cruise Ship, Terminals, Inc., et al. Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200631.

Title: L.A. Cruise Ship Terminals, Inc./Crystal Cruises, Inc. Terminal Agreement.

Parties:

L.A. Cruise Ship Terminals, Inc.
Crystal Cruises, Inc.

Synopsis: The agreement provides for the use by Crystal Cruises, Inc. of terminal facilities and services provided by L.A. Cruise Ship Terminals, Inc. in the Port of Los Angeles.

Agreement No.: 202–011284–019.

Title: Equipment Interchange Discussion Agreement.

Parties:

American President Lines, Ltd.
A.P. Moller-Maersk Line
Compagnie Generale Maritime
Crowley Maritime Corporation
Hapag-Lloyd Aktien-gesellschaft
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines Ltd.
Nedlloyd Lijnen B.V.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
Orient Overseas Container Line, (UK) Ltd.
P & O Containers Limited
Sea-Land Service, Inc.

Synopsis: The proposed amendment would clarify the requirements on votes taken by telex, telephone, and telefax polls conducted under the Agreement.

Agreement No.: 202–011346–002.

Title: Israel Trade Conference Agreement.

Parties:

Farrell Lines, Inc.
Lykes Bros. Steamship Company Company, Inc.
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would revise Article 5.4 of the Agreement Authority to permit the parties to discuss and agree upon any open tariff rate, rule or regulation. Adherence to any such agreement is voluntary.

Dated: March 12, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6258 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

NYK Cruises Co., Ltd.,
2–3–2, Marunouchi, Chiyoda-ku,
Tokyo, Japan,
Vessel: ASUKA.

Dated: March 12, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6212 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public; Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

NYK Cruises Co., Ltd., Asuka Maritima S.A. and Nippon Yusen Kabushiki Kaisha, 2–3–2, Marunouchi, Chiyoda-ku, Tokyo, Japan,
Vessel: ASUKA.

Dated: March 12, 1992.

Joseph C. Polking,

Secretary

[FR Doc. 92–6213 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR 510.

License Number: 3274.
Name: Product Transportation Group, Inc.
Address: 370 Adams Street, Newark, N.J. 07114.
Date Revoked: February 7, 1992.
Reason: Failed to furnish a valid surety bond.

License Number: 1062.
Name: Horizon Forwarders, Inc.
Address: 19 Virginia Ave., Long Beach, NY 11561
Date Revoked: February 21, 1992.
Reason: Surrendered license voluntarily.

License Number: 736.
Name: Dunlap, Alpers & Mott, Inc.
Address: 27 Park Place, suite 308, New York, NY 10007.
Date Revoked: March 2, 1992.
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 92–6251 Filed 3–17–92; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFT part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Sunshine Freight Forwarders, Inc., 8292 NW. 68th Street, Miami, FL 33166, Officers: Johnny Prada, President, Godofredo Murillo, Vice President.

Fruma Forwarding Corp., 7967 NW.—64th Street, Miami, FL 33166, Officers: Mariseles Arango, President, Gustavo R. Arango, Vice President.

Hoyo Cargo, Inc., 9440 Fountainbleau Blvd., suite 114, Miami, FL 33172, Officer: Eric Jose Marie Hoytink, President.

Griffin International, Inc., 5208 NW. 165th Street, Miami, FL 33014, Officers: Martin Schmitt, President, Patrick L. Griffin, Vice President/Treasurer, Donna Destefano, Vice President/Secretary.

PGA International Forwarders, Inc., 8260 SW. 183rd Street, Miami, FL 33157, Officers: Andrew Sham Siew, President, Antonio A. Leal, Vice President, Gary Peter Alfonso Halfhide, Vice President, Peter Mark Acham, Vice President, Donna Siew, Secretary.

K International Transport Co., Inc., c/o Panta, Inc. suite 3238, Rockefeller Plaza, New York, NY 10112, Officers: Wolfgang Klebe, President/Chairman/Treasurer, Jutta E. Klebe, Secretary.

RRSH Group, Inc., 8010 NW. 66th St., Miami, FL 33166, Officers: Ronald Rivas, President, Jose Alejandro Hernandez, Vice President.

United Arab Agencies, Inc., 505 South Avenue, Cranford, NJ 07016, Officers: John A Vanna, President/CEO, Abdulla Mady Al Mady, Director, Bryan W. Pinder, Director, Khalifa Al Shebli, Director, Abdul Nabi Mansour, Chairman.

Horizon Shipping, 7615 Cambridge Street, Houston, TX 77054, Mardy A. Schweitzer, Sole Proprietor.

Pan Am Cargo, Inc., 4729 NW. 72nd Avenue, Miami, FL 33166, Officers: Mary Angel Garcia, President, Cecilio Juan Padron, Director.

Dated: March 13, 1992.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6237 Filed 3-17-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Calvin W. Clark; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 13, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Calvin W. Clark, Pine City, Minnesota; to acquire 17.82 percent of the voting shares of Pine City Bancorporation, Inc., Pine City, Minnesota, and thereby indirectly acquire Pine City State Bank, Pine City, Minnesota.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6237 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

Community First Bankshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Community First Bankshares, Inc., Fargo, North Dakota; to acquire Community Insurance, Inc., Fargo, North Dakota, and thereby engage in general insurance agency activities in communities with populations of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6238 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

The Shorebank Corporation, et al.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. The Shorebank Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, North Coast BIDCO, Inc., Marquette, Michigan, in activities designed primarily to promote community welfare by providing equity and debt investments not otherwise available to small businesses, to support the initiation and expansion of job creation opportunities for low- and moderate-income residents of the Upper Peninsula of Michigan pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 12, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6239 Filed 3-17-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Revocation of Certification of a Laboratory Which No Longer Meets Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: National Institute on Drug Abuse, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services routinely publishes in the **Federal Register** a list of laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11986) dated April 11, 1988. This notice informs the public that, effective March 12, 1992, the following laboratory's certification has been revoked: Environmental Chemical Corporation, Inc., (formerly Environmental Health Research and Testing), 1075 South 13th Street, Birmingham, AL 35205, 205-934-0985.

FOR FURTHER INFORMATION CONTACT: Drug Testing Section, Division of Applied Research, National Institute on Drug Abuse, room 9-A-53, Telephone: 301-443-6014, 5600 Fishers Lane, Rockville, Maryland 20857.

Richard A. Millstein,

Acting Director, National Institute on Drug Abuse.

[FR Doc. 92-6344 Filed 3-16-92; 9:24 am]

BILLING CODE 4160-20-M

National Institutes of Health

National Cancer Institute; Meeting; Biometry and Epidemiology Contract Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, April 20-21, 1992, Executive Plaza North, Conference Room H, 6130 Executive Boulevard, Rockville, Maryland 20892.

This meeting will be open to the public on April 20 from 9 a.m. to 10 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on April 20 from 10 a.m. to recess and April 21 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892, Tel. 301/496-5708, will provide a summary of the meeting and a roster of committee members upon request. Dr. Harvey P. Stein, Scientific Review Administrator, Biometry and Epidemiology Contract Review Committee, 5333 Westbard Avenue, room 807, Bethesda, Maryland 20892, telephone 301/496-7030, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6228 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Developmental Therapeutics Contracts Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, Subcommittee A, Chemistry, National Cancer Institute, National Institutes of Health, March 27, 1992, Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on March 27 from 9 a.m. to 10 a.m. to discuss adminstrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92-463, the meeting will be closed to the public on March 27 from 10 a.m. to adjournment for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide a summary of the meeting and a roster of committee members upon request.

Dr. Susan E. Feinman, Scientific Review Administrator, Developmental Therapeutics Contracts Review Committee, 5333 Westbard Avenue, room 809, Bethesda, Maryland 20892 (301/402-0944) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6230 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meeting of the Cancer Biology-Immunology Contracts Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Biology-Immunology Contracts Review Committee, National Cancer Institute, National Institutes of Health, April 23-24, 1992, Building 31, Conference Room 9 (C-Wing, Sixth Floor), Bethesda, MD, 20892.

This meeting will be open to the public on April 23 from 8:30 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 5523b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public on April 23 from 9:30 a.m. to recess and on April 24

from 8:30 a.m. to adjournment for the review, discussion and evaluaiton of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Lalita D. Palekar, Scientific Review Administrator, Cancer Biology-Immunology Contracts Review Committee, 5333 Westbard Avenue, room 805, Bethesda, Maryland 20892 (301/496-7575) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Numbers: 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.398, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6227 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting of Board of Scientific Counselors

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Heart, Lung, and Blood Institute on June 4 and 5, 1992, National Institutes of Health, 9000 Rockville Pike, Building 10, room 7C101, Bethesda, Maryland 20892.

This meeting will be open to the public from 9 a.m. to 5 p.m. on June 4 and from 9 a.m. to 1 p.m. on June 5 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provision set forth in Section 552(c)(6), Title 5, U.S.C. and Section 10(d) of Public Law 92-463, the meeting will be closed to the public from 1 p.m. to adjournment on June 5 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496-4236, will provide a summary of the meeting and a roster of the Board members.

Substantive program information may be obtained from Dr. Edward D. Korn, Executive Secretary and Director, Division of Intramural Research, NHLBI, NIH, Building 10, room 7N214, phone (301) 496-2116.

Dated: March 6, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6225 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

Meeting of Heart, Lung, and Blood Research Review Committee B

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, on March 26, 1992 in Building 31, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on March 26, from 8 a.m. to approximately 9 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 26 from approximately 9 a.m. to 5 p.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236 will provide a summary of the meeting and a roster of the committee members.

Dr. Jeffrey H. Hurst, Scientific Review Administrator, Heart, Lung, and Blood Research Review Committee B, Westwood Building, room 5A-10, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4485, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research, National Institutes of Health.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6232 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases; Meeting: Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases, March 30, 1992, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to the public from 8:30 a.m. to 12:30 p.m. on March 30 to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 12:30 p.m. until adjournment on March 30. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Responses, National Institute of Allergy and Infectious Diseases, Building 31, room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-5717, will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Dianne E. Tingley, Scientific Review Administrator, Acquired Immunodeficiency Syndrome Research Review Committee, NIAID, NIH, Solar Building, Room 4C16, Rockville, Maryland 20892, telephone 301-496-0818, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: March 4, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6229 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-1-M

National Institute on Deafness and Other Communication Disorders; Meeting of the Board of Scientific Counselors

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, NIDCD, March 31 and April 1, 1992, Building 31C, Conference Room 9, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 10 a.m. on March 31, 1992 to present reports and discuss issues related to committee business. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10 a.m. until recess on March 31, 1992 and from 8:30 a.m. until adjournment on April 1, 1992. The closed portions of the meeting will be for the review, discussion, and evaluation of the Section on Neurotransmitter Receptor Biology, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Monica Davies, Acting Executive Secretary of the Board of Scientific Counselors, NIDCD, Building 31, room 3C08, National Institutes of Health, Bethesda, Maryland 20892, 301-402-1129, will provide a summary of the meeting, roster of committee members, and substantive program information upon request.

Dated: March 6, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-6226 Filed 3-17-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-92-3361; FR-3193-N-03]

HOPE for Homeownership of Multifamily Units Program; Notice of Set-Asids

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of set-aside for fiscal year 1992 funding.

SUMMARY: This notice announces a set-aside for grants to be awarded to mutual housing associations out of the $95 milion appropriated in fiscal year (FY) 1992 for grants under the HOPE for Homeownership of Multifamily Units (HOPE 2) program. This set-aside will be available to applications submitted by mutual housing associations to HUD by April 17, 1992, the date announced for receipt of applications in the Notice of Fund Availability published in the **Federal Register** on January 14, 1992. This Notice also announces the Department's intent to enter into a contract with the National Center for Tenant Ownership for technical assistance to low-income tenant organizations working toward homeownership.

DATES: Applications continue to be due by close of business in the appropriate HUD Field Office. See the January 14 NOFA for complete details on submission of applications.

FOR FURTHER INFORMATION CONTACT: Margaret Milner, Office of Resident Initiatives, Department of Housing and Urban Development, room 6130, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4542. To provide service for persons who are hearing- or speech-impaired, this number may be reached via TDD by dialing the Federal Information Relay Service on 800-877-TDDY, 800-877-8339, or 202-708-9300. (Telephone numbers, other than "800" TDD numbers, are not toll-free.)

SUPPLEMENTARY INFORMATION: The HOPE for Homeownership of Multifamily Units program (HOPE 2) was authorized by title IV of the National Affordable Housing Act (Pub. L. 101-625, approved Nov. 28, 1990) (the Act). (HOPE is an acronym for Homeownership and Opportunity for People Everywhere.) The Act also authorized HOPE for Public and Indian Housing Homeownership (HOPE 1) and HOPE for Homeownership of Single Family Homes (HOPE 3). The purpose of the HOPE grants programs is to provide homeownership opportunities for low-income families and individuals.

On January 14, 1992, the Department published a Notice of Fund Availability for the HOPE 2 program in the **Federal Register** (57 FR 1585) announcing the competition for $95 million appropriated by the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act for fiscal year 1992 (Pub. L. 102-139, approved October 28, 1991) for grants as follows:

- Up to $15 million for mini planning grants and full planning grants; and
- $80 million for implementation grants.

During the passage of the appropriations act, Congress made two recommendations for set-asides of funds appropriated for HOPE 2. The first recommendation, contained in the Conference report accompanying HR 2519, called for an allocation of $3 million to the National Center for Tenant Ownership in affiliation with the Harrison Institute at the Georgetown University Law Center, to provide technical assistance for low-income tenant organizations working toward homeownership. The second recommendation was in the Senate Committee report, and directed the Department to contract with the Neighborhood Reinvestment Corporation to award $10 million in HOPE 2 funds to grant applications for mutual housing.

After considering the congressional recommendations, the Department has determined to contract with the National Center for Tenant Ownership to provide technical assistance to develop low-income tenant homeownership. The $3 million amount will be provided from the $15 million allocated for mini and full planning grants in the January 14, 1992 NOFA.

Further, the Department has determined that it will award up to $10 million to HOPE 2 applicants that are mutual housing associations. This Notice announces the procedure by which the mutual housing set-aside will be awarded.

All applications for HOPE 2 grants that are received by close of business on April 17, 1992 will be reviewed and, if they meet the requirements of the program guidelines, will be rated and

ranked in a national competition, using procedures outlined in the NOFA and described in detail in the Notice of Amended Program Guidelines that was published simultaneously (57 FR 1558).

The NOFA and Notice announced that the geographic diversity required by the HOPE 2 authorizing statue would be assured by selecting the highest-ranked approvable implementation grant application and the three highest-ranked approvable planning grant applications in each of the ten HUD regions. This procedure will be retained. Following this regional selection process, HUD will review the applications recommended for selection in each of the regions to identify those that were submitted by mutual housing associations. The amount of funding requested by these mutual housing association applications will be counted against the set-aside for the mutual housing associations. HUD will then review the total universe of remaining approvable applications on a national basis and will compare the proportion of approvable mutual housing association applications to the total universe of approvable applications. Based on that analysis, HUD will determine the total amount to be provided under the set-aside and will select additional mutual housing applications to be funded in national rank order until all the set-aside funds have been awarded or all approvable applications for the mutual housing associations have been selected, whichever comes first. The total amount of funds to be used for mutual housing associations will not exceed $10 million. All funds not used for this purpose will be available for funding the remaining approvable HOPE 2 applications.

Dated: March 12, 1992.

Alfred A. DelliBovi,

Deputy Secretary.

[FR Doc. 92-6347 Filed 3-17-92; 8:45 am]

BILLING CODE 4210-32-M

[Docket No. D-92-981; FR-3266]

Review of Determination, Orders and Interlocutory Rulings of Hearing Officers; Designation

AGENCY: Office of the Secretary, Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: This designation grants Shelley A. Longmuir, Counselor to the Secretary, the power and authority of the Secretary to review determinations, orders and interlocutory rulings of hearing officers in certain proceedings of the Department of Housing and Urban Development.

EFFECTIVE DATE: February 19, 1992.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Markison, Assistant General Counsel of Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-3137. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Subpart G of 24 CFR part 26 permits parties to request review of determinations, orders and interlocutory rulings by hearing officers concerning administrative sanction hearings for government debarments and suspensions pursuant to 24 CFR part 24, hearings with respect to administrative actions taken by the Mortgagee Review Board pursuant to 24 CFR part 25, hearings with respect to determinations by the Multifamily Participation Review Committee pursuant to 24 CFR part 200, subpart H, as well as to any other case where a hearing is required by statute or regulation, to the extent that rules pertaining to Secretarial review adopted under such statute or regulation are not inconsistent with 24 CFR part 26.

Under subpart G of 24 CFR part 26, the Secretary may name a designee to grant or deny a petition for review of a determination or order, to grant or deny a petition for review of an uncertified interlocutory ruling, to review a certified interlocutory ruling, to require further briefs from opposing parties with respect to a petition for review of a determination or order, to issue a written determination and to serve it upon the parties and the hearing officer, and to interrupt a proceeding pending the determination of an interlocutory appeal.

This designation provides that Shelley A. Longmuir, Counselor to the Secretary, shall be the Secretary's designee with respect to subpart G of 24 CFR part 26 and shall have all the power and authority to the Secretary under this Subpart.

Section A. Designation

Shelley A. Longmuir, Counselor to the Secretary, is hereby designated to exercise all power and authority of the Secretary of Housing and Urban Development under 24 CFR part 26, subpart G.

Section B. No Further Designation

The power and authority granted to Shelley A. Longmuir, Counselor to the Secretary, may not be redelegated or granted to another designee pursuant to this designation.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: Februry 19, 1992.

Jack Kemp,

Secretary.

[FR Doc. 92-6233 Filed 3-17-92; 8:45 am]

BILLING CODE 4210-32-M

Office of Administration

[Docket No. N-92-3414]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 10, 1882.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Emergency Shelter Grants Program (FR-3005).

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: This program provides formula grants to cities, counties, States, and territories (and competitive grants to Indian Tribes) for the following eligible activities relating to emergency shelter for the homeless. Eligible activities include rehabilitation, essential social services, operating costs and homeless prevention. The information collected will be used to ensure grantees comply with the program's statutory and regulatory requirements.

Form Number: SF-424, SF-269, HUD-7015.15, and certifications.

Respondents: Individuals or Household, State or Local Governments and Non-Profit Institutions.

Frequency of Submission: Annually and Other (initial and final application).

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information:							
Collection	425		4		27		45,893
Recordkeeping	395		1		16.24		6,415

Total Estimated Burden Hours: 52,308.

Status: Reinstatement.

Contact: James N. Forsberg, HUD, (202) 708-4300, Jennifer Main, OMB, (202) 395-6880.

Dated: March 10, 1992.

[FR Doc. 92-6300 Filed 3-17-92; 8:45 am]

BILLING CODE 4201-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NW-050-92-4333-12]

Proposed Camping Restrictions for Certain Public Lands; Las Vegas District, Nevada

SUMMARY: The proposed restriction is necessary for the management of actions, activities, and public use on certain public lands within the Las Vegas District. Within the affected lands, all camping is prohibited except pursuant to the terms and conditions of a permit. Permits are available from the Bureau of Land Management, Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada, 89106.

Camping is defined as: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, or parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

The affected lands are located in the following areas:

Mount Diablo Meridian, Nevada

T. 16 S., R. 53 E., secs. 1 through 18 inclusive

T. 15 S., R. 53 E.,
Sec. 1, SE¼; sec. 12, E½; sec. 13, E½; sec. 24, E½; sec. 25, E½; sec. 35, S½S½; sec. 36, E½, S½SW¼.

T. 15 S., R. 54 E.,
Sec. 4, SW¼; sec. 5, S½; sec. 6, S½; secs. 7-8 inclusive; sec. 9, W½; sec. 16, W½; secs. 17-20 inclusive; sec. 21, W½; sec. 28, W½; secs. 29-32; sec. 33, W½.

T. 16 S., R. 54 E.,
Secs. 5 through 8 inclusive; secs. 17 and 18.

T. 16 S., R. 55 E.,
Sec. 1, S½; sec. 2, S½; sec. 3, S½; sec. 4, S½; sec. 5, S½; sec. 6, S½; secs. 7 through 18 inclusive; all lands located witin the Las Vegas Valley Subunit whose boundaries are defined in the Clark County Management Framework Plan and all public lands within the following legal descriptions:

T. 20 S., R. 63 E.,
Secs. 13, 24, 25;

T. 21 S., R. 63 E.,
Secs. 25, 36;

T. 22 S., R. 63 E.,
Secs. 1, 12, 13, 24, 25, 36;

T. 22 S., R. 63½ E.,
Secs. 1, 12, 13, 24, 25, 36;

T. 23 S., R. 63½ E.,
Sec. 1.

T. 20 S., R. 64 E.,
Secs. 19, 20, 29, 30.

DATES: Comments must be submitted on or before April 17, 1992.

ADDRESSES: Interested parties may submit comments on this proposed camping restriction to Ben F. Collins, District Manager, Las Vegas District Office, 4765 W. Vegas Drive, P.O. Box 26569, Las Vegas, Nevada, 89126.

FOR FURTHER INFORMATION CONTACT: Runore Wycoff, Bureau of Land Management, Las Vegas District Office, P.O. Box 26569, Las Vegas, Nevada 89126, Telephone: 702-647-5000.

SUPPLEMENTARY INFORMATION: This camping restriction is consistent with BLM policy and is established to assist BLM in reducing the incidence of occupancy trespass under the guise of camping on public lands within the Las Vegas District.

Authority for a camping closure is contained in Title 43 CFR, subpart 8364.1. Violation of this camping closure is punishable by a fine not to exceed $100,000.00 ($200,000.00 if the violator is an organization), imprisonment not to exceed 12 months, or both, as provided for under the Federal Land Policy Management Act (Public Law 94-579) as amended at 18 U.S.C. 3571(b)(5).

Dated: March 9, 1992.

Ben F. Collins,

(District Manager, Las Vegas, NV).

[FR Doc. 92-6252 Filed 3-17-92; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

Civil War Sites Advisory Commission; Meetings

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting of the Civil War Sites Advisory Commission.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the Civil War Sites Advisory Commission will be held on March 30, 1992, at the Department of the Interior, 18th & C Streets, NW., Washington, DC; in room 8068.

The meeting will begin at 9 a.m. and conclude not later than 4 p.m.

This meeting constitutes the sixth meeting of the Commission. The meeting will focus primarily on discussion of specialized subjects as they relate to preserving and protecting Civil War sites.

Space and facilities to accommodate members of the public may be limited and persons will be accommodated on a

first-come, first-served basis. Anyone may file with the Commission a written statement concerning matters to be discussed.

Persons wishing further information concerning the meeting, such as the specific location of the meeting, or who wish to submit written statements, may contact Ms. Jan Townsend, Interagency Resources Division, P.O. Box 37127, Washington, DC 20013–7127 (telephone 202–343–9549). Draft summary minutes of the meeting will available for public inspection about 8 weeks after the meeting, in room 6111, 1100 L Street, NW., Washington, DC.

Dated: March 11, 1992.

Janet E. Townsend,

Program Manager, Civil War Sites Advisory Commission.

[FR Doc. 92–6241 Filed 3–17–92; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–308 (Final)]

Bulk Ibuprofen From India

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On March 4, 1992, the Commission received a letter from counsel for the petitioner (Ethyl Corporation) withdrawing its petition in the subject investigation, a final investigation instituted by the Commission effective on December 23, 1991, following an affirmative preliminary countervailing duty determination by the Department of Commerce (57 FR 693, January 8, 1992). Pursuant to 19 U.S.C. 1671c(a) and § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty investigation concerning Bulk Ibuprofen from India (Investigation No. 701–TA–308 (Final)) is terminated.

EFFECTIVE DATE: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Diane J. Mazur (202–205–3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Authority: This investigation is being terminated under authority of section 704(a) of the Tariff Act of 1930. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

Issued: March 12, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6271 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–335]

Certain Dynamic Sequential Gradient Compression Devices and Component Parts Thereof, Import Investigations

Notice is hereby given that the prehearing conference in this matter will commence at 10 a.m. on March 18, 1992, in Courtroom A (room 100), U.S. International Trade Commission Building, 500 E St. SW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register**.

Issued: March 12, 1992.

Sidney Harris,

Administrative Law Judge.

[FR Doc. 92–6272 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 332–320]

Macadamia Nuts: Economic and Competitive Factors Affecting the U.S. Industry

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearings.

SUMMARY: Notice is hereby given that the Commission has scheduled two public hearings in connection with this investigation: in Kailua-Kona, Hawaii, at King Kamehameha's Kona Beach Hotel, 75–5660 Palani Road, beginning at 8:30 a.m. on Wednesday, April 22, 1992; and in Washington, DC at the International Trade Commission Building, 500 E Street SW., Washington, DC 20436, beginning at 9:30 a.m. on Tuesday, May 12, 1992. Requests to appear at the public hearing in Kona should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC. 20436, no later than 5:15 p.m. (Eastern Daylight Time) April 8, 1992. Persons testifying at the hearing are encouraged to file prehearing briefs or statements; the deadline for filing such briefs or statements (a signed original and 14 copies) is April 10, 1992; the deadline for filing posthearing briefs or statements is May 29, 1992. Requests to appear at the public hearing in Washington, DC should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than 5:15 p.m. (Eastern Daylight Time) April 28, 1992. The deadline for filing prehearing briefs or statements (a signed original and 14 copies) is May 1, 1992; and the deadline for filing posthearing briefs or statements is May 29, 1992.

Any confidential business information included in such briefs or statements or to be submitted at the hearing must be submitted in accordance with the procedures set forth in § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

All persons having an interest in this matter have the right to appear at the hearing either in person or through counsel, to present information and to be heard. Persons testifying at one hearing need not attend or testify at the other hearing.

Notice of the investigation and of the fact that a public hearing would be held in Washington was published in the **Federal Register** of January 8, 1992 (57 FR 694).

EFFECTIVE DATE: March 10, 1992.

FOR FURTHER INFORMATION CONTACT: Edward Carroll (202–205–1819), Office of Public Affairs, or Stephen Burket (202–205–3318) or David Ingersoll (202–205–3309) Agriculture Division, Office of Industries, U.S. International Trade Commission. Hearing-impaired persons may obtain information on this study by contacting the Commission's TDD terminal on 202–205–2648.

Issued: March 11, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6274 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–514 (Final)]

Shop Towels From Bangladesh

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act), that an industry in the United States is materially injured by reason of imports from Bangladesh of shop towels,[3] provided for in subheading 6307.10.20 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Brunsdale and Commissioner Crawford dissenting. Commissioner Watson not participating.

Background

The Commission instituted this investigation effective September 12, 1991, following a preliminary determination by the Department of Commerce that imports of shop towels from Bangladesh were being sold at LTFV within the meaning of section 733(b) of the act (19 U.S.C. 1673b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 9, 1991 (56 FR 50926). The hearing was held in Washington, DC, on January 30, 1992, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 11, 1992. The views of the Commission are contained in USITC Publication 2487 (March 1992), entitled "Shop Towels from Bangladesh: Determination of the Commission in Investigation No. 731–TA–514 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: March 12, 1992.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6273 Filed 3–17–92; 8:45 am]

BILLING CODE 7020–02–M

[Docket No. 332–323]

Probable Economic Effect of Certain Modifications to the Interpretation and Rules of Origin Applicable to the United States-Canada Free-Trade Agreement

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation.

[3] Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100 percent cotton or a blend of materials.

EFFECTIVE DATE: March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Lawrence A. DiRicco (telephone 202–205–2606) or Janis L. Summers (202–205–2605) in the Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission, Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Following receipt of a letter from the Office of the United States Trade Representative (USTR) on February 4, 1992, the Commission instituted investigation No. 332–323, Probable Economic Effects of Certain Modifications to the Interpretation and Rules of Origin Applicable to the United States-Canada Free-Trade Agreement, under section 332(g) of the Tariff Act of 1930. USTR has requested that the Commission's report of the results of this investigation be transmitted to it by June 4, 1992.

As requested by USTR, the Commission will provide advice on the probable economic effect of certain modifications to the interpretive guidelines and rules of origin contained in Annex 301.2 to chapter 3 of the United States-Canada Free-Trade Agreement. Under section 202 of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (CFTA Implementation Act), the President is authorized, after compliance with the provisions of section 103 of that Act, to proclaim modifications to the "Rules" provided for in Annex 301.2. Changes to the "Interpretation" section of Annex 301.2 require conforming amendments to section 202 of the CFTA Implementation Act, which cannot be accomplished by Presidential proclamation.

The amendments and modifications, which have been provisionally agreed to by both countries, are set out below.

1. Proposed modifications to the Interpretation section of Annex 301.2:

A. The following text is to be added as paragraph 2.1:

> 2.1 Further, whenever goods are produced or assembled in the territory of either Party or both Parties exclusively from materials that originate in the territory of either Party or both Parties pursuant to this Agreement, such goods shall be treated as originating and shall not be subject to the changes in tariff classification described by the rules set forth in this Annex, provided that such processing or assembly occurs entirely within the territory of either Party or both Parties, and provided further that such goods have not subsequently undergone any processing or assembly outside the territories of the Parties that improves the goods in condition or advances them in value.

It is the Commission's understanding that proposed interpretative guideline 2.1 is intended to address explicitly the circumstance in which finished goods are assembled from originating components, some of which contain third-country materials and, further, to eliminate confusion as to the appropriate basis for claiming originating status on an exporter's certification.

B. The text of the existing paragraphs 3, 4, and 5 is deleted and replaced by the following:

> 3. Whenever the assembly of goods in the territory of a Party fails to result in a change of tariff classification because:
>
> (a) The goods were imported into the territory of the Party in unassembled or disassembled form and were classified as unassembled or disassembled goods pursuant to General Rule of Interpretation 2(a) of the Harmonized System, or
>
> (b) The tariff subheading for the goods provides for both the goods themselves and their parts, or the tariff heading for the goods provides for both the goods themselves and their parts and is not further subdivided into subheadings, the goods shall nevertheless be considered to have been transformed in the territory of a Party and be treated as originating in the territory of that Party, provided that the value of the materials originating in the territory of either Party or both Parties used or consumed in the production of the goods, plus the direct cost of assembling the goods in the territory of either Party or both Parties, constitute not less than 50 per cent of the value of the goods when exported to the territory of the other Party, and further provided that the goods have not, subsequent to assembly, undergone processing or further assembly in a third country and they meet the requirements of Article 302.
>
> 4. Deleted.
>
> 5. The provisions of paragraph 3 shall not apply to goods of Chapters 61–63 of the Harmonized System.

It is the Commission's understanding that the revisions to interpretive guidelines 3 through 5 are twofold. First, the scope of guideline 3(b) would be expanded to include those situations where an assembly operation fails to effect a change in tariff classification because a non-subdivided 4-digit tariff heading provides for both the goods themselves and their parts. Current guideline 3(b) applies only to the 6-digit subheading level and therefore excludes coverage of 4-digit headings that are not subdivided at the 6-digit level. Second, current guidelines 3 through 5 would be reorganized to better clarify their intent and to align them with administrative practices in the United States and Canada. With respect to guideline 5, chapters 61–63 cover wearing apparel, clothing accessories and other made-up textile articles.

C. The following text is to be added as paragraph 8:

8. Packaging materials and containers in which goods are packaged for retail sale and packing materials and containers in which goods are packed for shipment, and that meet the provisions of General Rule of Interpretation 5(b) of the Harmonized System shall be disregarded in determining the origin of the goods they contain, provided that the origin of the packaging materials and containers in which goods are packaged for retail sale shall not be disregarded for the purpose of determining the value of materials originating in the territory of either Party or both Parties.

It is the Commission's understanding that proposed interpretive guideline 8 is intended to provide specifically for the treatment of third-country packing used to ship goods that are wholly obtained or produced in the United States and/or Canada. At present, the agreement is silent on this question.

2. Proposed modifications to the Rules section of Annex 301.2:

A. The following text is to be added as new rule 1.1 after Rule 1 of Section XV (Section XV covers base metals and articles thereof):

1.1 A change from a parts subheading to a subheading other than a parts subheading; provided that the value of the materials originating in the territory of either Party or both Parties plus the direct cost of processing performed in the territory of either Party or both Parties constitute not less than 50 per cent of the value of the goods when exported to the territory of the other Party.

It is the Commission's understanding that the addition of rule 1.1 is being proposed in order to align the rules governing the treatment of goods of Section XV with those of Sections XVI to XX.

B. Delete the current Rule 10 of Section XV and replace with the following:

10. A change to headings of 7309–7311, 7313–7314, 7316, 7319 or 7321–7326 from any heading other than any of those headings.

Note—current Rule 10 reads as follows:

10. A change to headings of 7309–7326 from any heading outside that group.

It is the Commission's understanding that the proposed modification of rule 10 of Section XV is intended to permit the goods of headings 7309–7311, 7313–7314, 7316, 7319, or 7321–7326 to qualify as originating articles even if they contain third-country iron or steel articles of headings 7312 (stranded wire, ropes and cables), 7315 (chain and parts thereof), 7317 (nails, tacks, and similar articles), 7318 (screws, bolts, nuts, washers, and similar articles) or 7320 (springs). In addition, the Commission was specifically requested, with respect to the modifications to Section XV of the Rules, to analyze the effects of the changes affecting heading 7321 if made retroactive to January 1, 1992. Heading 7321 covers stoves, ranges, grates, cookers, barbecues and similar nonelectric domestic appliances and parts thereof, of iron or steel.

C. Delete the current rule 3 of Section XVI and replace with the following:

3. A change to heading 8407 or 8408 from any other heading; provided that the value of materials originating in the territory of either Party or both Parties plus the direct cost of processing performed in either Party or both Parties constitute not less than 50 percent of the value of the goods when exported to the territory of the other Party.

It is the Commission's understanding that the proposed modification of rule 3 to Section XVI is intended to correct an oversight which excluded diesel or semi-diesel engines of heading 8408 from the rule. Current rule 3 applies only to spark-ignition reciprocating or rotary internal combustion engines included under heading 8407.

D. The following text is to be added as new rule 5.1 after rule 5 of Section XVI (Section XVI covers machinery, mechanical appliances, electrical equipment, and parts of all the foregoing; sound recorders and producers, television image and sound recorders and producers, and parts and accessories of such articles):

5.1 A change to subheading 8471.99 from subheading 8471.93.

Subheading 8471.93 covers storage units for automatic data processing equipment and subheading 8471.99 covers control or adapter units, power supplies and miscellaneous units for incorporation into automatic data processing equipment.

It is the Commission's understanding that proposed rule 5.1 to Section XVI is intended to address an anomaly under the current rules, whereby computer control units which contain a third-country disc drive are not eligible for CFTA treatment despite the fact that the disc drive constitutes only a small fraction of the value of the control unit and that the control unit, absent the disc drive, would otherwise be eligible for CFTA treatment.

WRITTEN SUBMISSIONS: Interested parties (including other Federal agencies) are invited to submit written statements concerning this investigation. Such statements must be submitted by no later than April 9, 1992, in order to be considered by the Commission. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Office of the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on 202–205–1810.

Issued: March 11, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92-6288 Filed 3-17-92; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-No. 22)]

Intrastate Rail Rate Authority; New Mexico

AGENCY: Interstate Commerce Commission.

ACTION: Extension of provisional recertification.

SUMMARY: By decision served March 13, 1990, the Commission granted 180-day provisional recertification for New Mexico, through its State Corporation Commission, to regulate intrastate rail rates, practices, and procedures pending filing of its application for recertification pursuant to State Intrastate Rail Rate Authority, 5 I.C.C.2d 680 (1989). On September 13, 1990, March 18, 1991, and again on September 17, 1991, the Commission extended the provisional recertification for another 180 days. Pursuant to a request from the State, the Commission grants another extension so that New Mexico can complete modifications of its procedures and prepare an application for recertification.

DATES: New Mexico's provisional recertification is extended for 180 days from March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660 (TDD for hearing impaired: (202) 927–5721).

Decided: March 11, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6280 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31972]

Southern Electric Railroad Co.; Construction Exemption—Jefferson County, AL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts under 49 U.S.C. 10505, from the prior approval requirements of 49 U.S.C. 10901, the construction by the Southern Electric Railroad Company of approximately one and one-half miles of track between Alabama Power Company's Plant Miller in Jefferson County, AL, and a main line of the Burlington Northern Railroad Company.

DATES: The exemption will not be effective until completion of the Commission's environmental review and a further decision. Petitions for reconsideration must be filed by April 7, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 31972 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: John R. Molm, Esq., Troutman Sanders, Lockerman and Ashmore, 1400 Candler Building, 127 Peachtree Street, NE., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660, (TDD for hearing impaired: (202) 927–5721)).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

Decided: March 10, 1999.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6278 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-3 (Sub-no. 101X)]

Missouri Pacific Railroad Co.; Abandonment Exemption in Ellis and Hill Counties, TX

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 18.23-mile line of railroad between milepost 813.10, near Italy and milepost 831.33, near Hillsboro, in Ellis and Hill Counties, TX.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 17, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2)[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 30, 1992.[3] Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 7, 1992, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, Missouri Pacific Railroad Company, 1416 Dodge Street, room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses enviornmental or energy impacts, if any, from this abandonment.

The Section of Energy Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 23, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927–6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 10, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6279 Filed 3-17-92; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

NATIONAL COMMISSION ON JUDICIAL DISCIPLINE AND REMOVAL

Meeting of Commission on Judicial

AGENCY: National Commission on Judicial Discipline and Removal.

ACTION: Public meeting.

SUMMARY: Notice is hereby given in the public interest and pursuant to the Federal Advisory Committee Act that a public meeting of the National Commission on Judicial Discipline and Removal will be held on March 27, 1992, in Washington, DC. The precise location of the meeting will be the Supreme Court of the United States, East Conference Room, 1 First Street, NE., Washington, DC 20543. The public entrance to the building is the North Entrance off of Maryland Avenue NE. The meeting will convenue at 9:30 a.m.

and will adjourn at approximately 4:30 p.m.

AUTHORITY: The meeting will be the second one for the National Commission, a body composed of thirteen members appointed by the Speaker of the House, the President *pro tem* of the Senate, the President, the Chief Justice of the United States and the Conference of Chief Justices. The National Commission, established by Public Law 101–650 (Title IV), is assigned three statutory duties. The first is to investigate and study the problems and issues involved in the tenure (including discipline and removal) of Article III (appointed to serve for life) Federal judges. The second is to evaluate the advisability of proposing alternatives to current arrangements with respect to such problems and issues, including alternatives for the discipline or removal of Federal judges that would require constitutional amendments. Finally, the Commission is required to prepare and submit a report to the Congress, the Chief Justice and the President setting forth a detailed statement of its findings and conclusions together with any recommendations for legislative and administrative actions as are considered appropriate. The Commission is not authorized to consider the factual underpinings of specific complaints against Federal judges.

Ordinarily the provisions of the Federal Advisory Committee Act are not applicable to legislative or judicial agencies. Nonetheless, since the Commission is composed of representatives of all three branches of the Federal Government, good faith attempts will be made to follow the spirit of the law. This good faith commitment to open meetings is incorporated in the Commission's By-laws.

STATUS: The meeting will be open to the public but will be closed to the public for approximately one hour (from 12:30 p.m. until 1:30 p.m.) for a lunch break. No official business will be conducted during that time-period.

MATTERS TO BE CONSIDERED: The Commission will focus its attention on a work plan to be accomplished during its statutory life. Discussion and debate will revolve around a tentative identification of information needs and research projects. In this regard, the Commission will discuss the holding of two days of public hearings in late April and May 1992.

Furthermore, the Commission will consider the recent grant by the Supreme Court of a petition for certiorari in the case a former Federal judge (Walter F. Nixon, Jr) who was impeached and removed from office in 1989. The Commission will anlyze the potential impact that the case might have on the Commssion's schedule and work plan.

Finally, the Commission will receive information from two national organizations—the Twentieth Century Fund and the American Judicature Society—about recently issued or pending studies and reports related to the subject of judicial discipline and accountability.

CONTACT PERSONS FOR FURTHER INFORMATION: Contact Michael J. Remington or Victoria Y. Smith at the National Commission of Judicial Discipline and Removal, suite 690, 2100 Pennsylvania Ave., NW., Washington, DC 20037–3202; (202) 254–8169.

SUPPLEMENTARY INFORMATION: Minutes of the meeting will be available for public inspection during regular working hours at the Commission offices approximately thirty working days following the meeting.

Michael J. Remington,

Director.

[FR Doc. 92–6236 Filed 3–17–92; 8:45 am]

BILLING CODE 6820–DB–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Cooperative Agreement for Administration of an State Arts Agency AIE Coordinator Conference

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to the award of a Cooperative Agreement to administer a conference of State Arts Agency Arts in Education coordinators, at the same time as the National Assembly of State Arts Agencies annual meeting in Chicago, IL in November 1992. The work will entail assisting with preparing the program and agenda, making conference arrangements, and conducting an evaluation of the conference and preparing recommendations for future conferences. Those interested in receiving the Solicitation package should reference Program Solicitation PS 92–04 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored.

DATES: Program Solicitation PS 92–04 is scheduled for release approximately March 31, 1992 with proposals due April 30, 1992.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Contracts Division, room 217, 1100 Pennsylvania Ave., NW., Washington, DC 20506.

William I. Hummel,

Director, Contracts and Procurement Division.

[FR Doc. 92–6250 Filed 3–17–92; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72 issued to Florida Power Corporation (FPC) for operation, and FPC, et al. for possession, of Crystal River Unit 3 Nuclear Generating Station, located in Crystal River, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the operating license to delete Sebring Utilities Commission (Sebring) as a participating owner of CR–3 and as a licensee (possession only) under this license, in order to recognize the purchase of Sebring's 0.4473 percent ownership share by FPC. Presently, FPC owns 90% of CR–3, with portions of the remaining 10% owned by 11 municipalities and cooperatives, including Sebring. FPC alone is licensed to operate CR–3. FPC and Sebring have entered into an agreement under which FPC would purchase the 0.4473 percent share owned by Sebring, which would increase FPC's ownership share to 90.4473 percent. Ownership shares of the other 10 participants would not change. The proposed action is in accordance with the licensee's application dated August 16, 1991.

The Need for the Proposed Action

The proposed action is required to reflect the ownership change discussed above. The amendment reflecting the transfer of Sebring's possession-only interest in the license will have minimal impact on the operation of the facility by FPC. The transfer and amendment will not affect the facility's Technical Specifications, license conditions, or the organization and practices of FPC.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed license amendment and concludes that there will be no changes to CR–3 or the environment as a result of this action. The transfer of Sebring's possession-only interest in the license and the associated license amendment will not affect the numbers, qualifications, or organizational affiliation of the personnel who operate the facility, as FPC will remain the holder of the operating license and continue to be responsible for the operation of CR–3. Accordingly, the Commission concludes that this proposed action would result in no radiological or non-radiological environmental impact.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination was published in the **Federal Register** on February 5, 1992 (57 FR 4487). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in no benefits to the public or the parties involved.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant, issued in May, 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons regarding this environmental assessment.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the license amendment dated August 16, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32029.

Dated at Rockville, Maryland, this 12th day of March 1992.

For the Nuclear Regulatory Commission.

Jan A. Norris,

Acting Director, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6280 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings that have been scheduled and meetings that have been postponed or cancelled since the last list of proposed meetings was published February 24, 1992 (57 FR 6337). Those meetings that are firmly scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS and ACNW full Committee meetings designated by an asterisk (*) will be closed in whole or in part to the public. The ACRS and ACNW full Committee meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS and ACNW full Committee meetings, and when ACRS Subcommittee and ACNW Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the April 1992 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Thermal Hydraulic Phenomena

March 26, 1992, Bethesda, MD. The subcommittee will review the General Electric Company's (GE's) generic program supporting power level increases for operating GE Boiling Water Reactor nuclear power plants.

Planning and Procedures

March 27, 1992, Bethesda, MD. The Subcommittee will discuss proposed reassignment of responsibilities for review of NRC research activities to cognizant topical Subcommittees and preliminary plans to address ACRS assignments made during the meeting with NRC Commissioners on March 5, 1992. Qualifications of candidates nominated for appointment to the ACRS will also be discussed, as appropriate.

Plant Operations

April 1, 1992, Bethesda, MD. The Subcommittee will continue its review of the NRC staff's evaluation of risk from shutdown and low-power operations at U.S. commercial nuclear power plants as well as the associated activities of the nuclear industry.

Planning and Procedures

April 1, 1992, Bethesda, MED, 3 p.m.–5:30 p.m. The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for appointment to the ACRS will also be discussed, as appropriate.

Joint Individual Plant Examinations/ Severe Accidents

April 21, 1992, Bethesda, MD. The Subcommittees will discuss the status of the Individual Plant Examination (IPE) program and the development of Severe Accident Management Guidelines.

Joint Computers in Nuclear Power Plant Operations/Instrumentation and Control Systems

May 5, 1992, Bethesda, MD. The Subcommittees will discuss digital instrumentation and control system designs and practices at foreign plants and the international computer activities.

Planning and Procedures

May 6, 1992, Bethesda, MD, 8 a.m.–12:00 Noon. The Subcommittee will discuss proposed ACRS activities and related matters.

Regional Programs

May 20 1992, NRC Region V Office, Walnut Creek, CA. The Subcommittee will discuss the activities of the NRC Region V Office.

Thermal Hydraulic Phenomena

Date to be determined (April/May), Bethesda, MD. The Subcommittee will continue its review of the NRC staff program to address the issue of interfacing systems LOCAs.

Severe Accidents

Date to be determined (April/May), Bethesda, MD. The Subcommittee will review the revision to NUREG–1365, Severe Accident Research Program Plan.

Joint Materials and Metallurgy/ Advanced Reactor Designs

Date to be determined (May), San Jose, CA. The Subcommittees will discuss the application of the high temperature structural materials in the Advanced Liquid-Metal Reactor (ALMR).

Advanced Pressurized Water Reactors

Date to be determined (May/June), Bethesda, MD. The subcommittee will continue its review of the ABB CE System 80+ Design Certification. Topics being proposed for discussion include Engineered Safety Feature Systems and incorporation of the requirements resulting from the resolution of USIs and GSIs into the System 80+ design.

Joint Thermal Hydraulic Phenomena/ Core Performance

Date to be determined (June/July, tentative), Bethesda, MD. The Subcommittees will continue the review of the issues pertaining to BWR core power stability.

Decay Heat Removal Systems

Date to be determined (July, tentative), Bethesda, MD. The Subcommittee will review the proposed final resolution of Generic Safety Issue 23, "Reactor Coolant Pump Seal Failures."

Thermal Hydraulic Phenomena

Date to be determined, Bethesda, MD. The Subcommittee will review the status of the application of the Code Scaling, Applicability, and Uncertainty (CSAU) Evaluation Methodology to a small-break LOCA calculation for a B&W plant.

ACRS Full Committee Meetings

384th ACRS Meeting

April 2–4, 1992, Bethesda, MD. Items are tentatively scheduled.

*A. GE Advanced Boiling Water Reactor

Discuss proposed ACRS report regarding the Draft Safety Evaluation Reports for this reactor plant design.

B. Policy Issues for the Certification of Advanced Nuclear Power Plants

Review and comment on technical policy issues identified by the NRC staff for advanced (LWR) nuclear power plants including evolutionary and passive designs. Representatives of the NRC staff and the nuclear industry will participate in this session, as appropriate.

C. Assessment of Risks from Lower Power and Shutdown Operations of Nuclear Power Plants

Review and comment on NRC evaluation of risks from shutdown/low-power operations of U.S. nuclear power plants (NUREG–1449). Representatives of the NRC staff and the nuclear industry will participate, as appropriate.

*D. Proposed Power Level Increase for Operating GE BWR Plants

Review and report on GE topical reports which justify a proposed power level increase for operating GE boiling water reactor plants. Representatives of the NRC staff and the GE Company will participate, as appropriate.

E. Update and Development of NRC Standard Review Plans

Briefing and discussion regarding the NRC staff's effort to revise and update its Standard Review Plan to accommodate the review of future plants. Representatives of the NRC staff will participate in this session, as appropriate.

F. Meeting with Director, NRC Office of Nuclear Reactor Regulation

Discuss items of mutal interest with the Director of the NRC Office of Nuclear Reactor Regulation. Members of his staff will participate, as appropriate.

G. Proposed Plan for Implementation of the NRC Safety Goal Policy

Discuss proposed ACRS report on an alternative plan to implement the NRC Safety Goal Policy.

H. Use of Probabilistic Risk Assessment in the Regulatory Process

Briefing and disucssion regarding the status of activities of the NRC inter-office working group to develop guidance on consistent and applicable methods to be applied in the use of probabilistic risk assessment. Representatives of the NRC staff will participate, as appropriate.

I. Special Review of NRC Regulations

Briefing and discussion regarding the scope and status of a special review to determine if NRC regulations can be eliminated or revised to reduce the regulatory burden without any reduction of the protection of public health and safety. Representatives of the NRC staff will participate.

J. ACRS Subcommittee Activities

Hear and discuss reports of cognizant Subcommittees regarding the status of assigned duties. This will include consideration of ASME risk-based inspection procedures and plans for ACRS activities to deal with matters requested by the Commission.

*K. Recent Operating Experience and Events

Briefing and discussion regarding recent operating transients and incidents at nuclear power plants and related facilities.

L. ACRS Future Activities

Discuss anticipated subcommittee activities and items proposed for consideration by the full Committee.

*M. Appointment of ACRS Members

Discuss qualifications of candidates nominated for appointment to the Committee.

N. Miscellaneous

Discuss topics related to the conduct of ACRS activities and specific issues that were not completed during previous meeting as time and availability of information permit.

385th ACRS Meeting

May 6 (1 p.m.), 7–9 (8:30 a.m.), 1992, Bethesda, MD—Agenda to be announced.

386th ACRS Meeting

June 4–6, 1992, Bethesda, MD—Agenda to be announted.

ACNW Full Committee and Working Group Meetings

42nd ACNW Meeting

April 23–24, 1992, Bethesda, MD. Items are tentatively scheduled.

A. Periodic meeting with NRC Commissioners to discuss topics of mutual interest.

B. Discussion of the Pathfinder Nuclear Power Plant decommissioning, including lessons learned and residual levels of contamination. Also, briefing and discussion regarding the status of decommissioning plans at Rancho Seco, Ft. St. Vrain, and Shoreham Nuclear Power Stations.

C. Review an Expedited rulemaking effort concerning on-site storage of low-level waste.

D Prepare the next four month plan of ACNW activities for the Commission's information.

E. Continue efforts to investigate the feasibility of a systems analysis approach to reviewing the overall high-level waste program.

F. Briefing on the adoption by EPA of a revised Hazard Ranking system for use in assessing the threat associated with the release or potential release of hazardous chemicals and/or radioactive materials into the environment.

G. Briefing on the NRC staff's review of the DOE reports on the Exploratory Studies Facility Alternatives Study.

H. Hear an update on the status of the low-level radioactive waste state compacts.

I. Briefing by Louisiana Energy Services on their private uranium enrichment facility plans.

J. Review a Technical Position on Alternate Concentration Limits for Uranium Mill Tailings Sites.

K. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

ACNW Working Group on the Impact of Long-Range Climate change in the Area of the Southern Basin and Range,

May 27, 1992, Bethesda, MD. The Working Group will discuss the historical evidence and the potential for climate changes in the Southern Basin and Range and the impact of climate changes on the performance of the proposed high-level waste repository at Yucca mountain.

43rd ACNW Meeting

May 28–29, 1992, Bethesda, MD—Agenda to be announced.

ACNW Working Group on Inadvertent Human Intrusion Related to the Presence of Natural Resources at a High-Level Site

July 29, 1992, Bethesda, MD. The Working Group will discuss methodologies for the assessment of the potential for natural resources at the proposed high-level waste repository site at Yucca Mountain. The relationship between such resources and the potential for human intrusion will be emphasized.

Dated: March 12, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92–6261 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 1, 1992, room P–422, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed to discuss the qualifications of candidates nominated for appointment to the ACRS. This session will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

The agenda for the subject meeting shall be as follows:

Wednesday, April 1, 1992—3 p.m. Until 5:30 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. Qualifications of candidates nominated for consideration as ACRS members will also be discussed, as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 11, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–6262 Filed 3–17–92; 8:45 am]

BILLING CODE 7590–01–M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97–415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. P.L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 24, 1992 through March 6, 1992. The last biweekly notice was published on March 4, 1992 (57 FR 7806).

Notice of Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not

normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 17, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714 a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director)**: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, Maricopa County, Arizona

Date of amendment requests: December 30, 1991

Description of amendment requests: This request changes the containment purge supply and exhaust valve ACTION statements to be consistent with other containment system action requirements. Specifically, the proposed ACTION statements will require PVNGS to be in HOT STANDBY, as the first stage of plant shutdown, in lieu of the existing requirement to be in HOT SHUTDOWN in six hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis about the issue of no significant hazards consideration, which is presented below:

Standard 1: Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not affect the probability or consequences of an accident previously evaluated because the plant being in either HOT SHUTDOWN or HOT STANDBY, as the first stage of plant shutdown, has no impact on the assumptions made in the limiting accident analyses, Steam Line Break (15.1.5) and Large Break LOCA (15.6.5). The plant being at 0...[percent] power (HOT STANDBY) would result in no increase in the probability of occurrence of the events. *Standard 2:* Create the possibility of a new or different kind of accident from any accident previously evaluated.

The first stage of plant shutdown to comply with a LCO has no effect on the type of accident to which the plant could be exposed. Both HOT SHUTDOWN and HOT STANDBY are plant modes for which the facility has been analyzed; therefore, no new or different kind of accident from any previously evaluated will be created. 1*Standard 3:* Involve a significant reduction in a margin of safety.

The proposed change from HOT SHUTDOWN to HOT STANDBY as the first stage of plant shutdown for the ACTION statements for Specification 3.6.1.7 will increase the margin of safety by reducing the potential for accelerated plant cooldowns to HOT SHUTDOWN, consistent with the other PVNGS Containment System Action statements.

Therefore, the proposed change will not reduce the margin of safety.

The NRC staff has reviewed the licensees' analysis and, based on that review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Attorney for licensees: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999

NRC Project Director: Theodore R. Quay

Baltimore Gas and Electric Company, Docket No. 50-317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of application for amendment: February 6, 1992

Brief description of amendment: The proposed amendment would revise the Technical Specifications (TS) for Unit 1 to provide new heatup and cooldown curves which allow operation beyond 12 effective full power years (EFPY). The Power Operated Relief Valve (PORV) setpoints have also been revised, and the Minimum Pressure and Temperature (MPT) enable temperature has been increased to 355 ° F to provide low temperature overpressure protection (LTOP) for an allowable fluence corresponding to approximately 22 EFPY based on the current core loading pattern. The temperature at which the high pressure safety injection (HPSI) pumps are placed under manual control during a reactor cooldown has been increased to 375 ° F due to the higher MPT temperature. To accommodate the lower 10 CFR Part 50, Appendix G, pressure limits associated with the new curves, the maximum allowed HPSI pump flow rate has been reduced from 210 gpm to 200 gpm when used to add mass to the Reactor Coolant System (RCS). The criterion for the reactor to be shutdown for 8 hours or longer before a reactor coolant pump (RCP) is started has been removed from the bases, since it is no longer required.

The initial indicated RCS pressure for starting an RCP has been increased to 300 psia. The Adjusted Reference Temperature (ART) for the 1/4 T and 3/4 T positions in the bases changed to 253.7 ° F and 193.8 ° F, respectively.

The proposed TS changes would specifically change the following:

1. Heatup and Cooldown Curves and Rates

a. Change TS Limiting Condition for Operation (LCO) 3.4.9.1.a, maximum allowable heatup rates and corresponding RCS temperatures as follows:

Maximum Allowable Heatup Rates	RCS Temperature
30 ° F in any hour period	70 ° F to 164 ° F
40 ° F in any hour period	164 ° F to 328 ° F
10 ° F in any hour period	328 ° F to 355 ° F
60 ° F in any hour period	355 ° F (greater than)

b. Change Technical Specification LCO 3.4.9.1.b, maximum allowable cooldown rates and corresponding RCS temperatures.

Maximum Allowable Cooldown Rates	RCS Temperature
100 ° F in any one hour period.	254 ° F (greater than)
20 ° F in any one hour period.	254 ° F to 184 ° F
10 ° F in any one hour period.	184 ° F (less than)

c. Replace TS Figures 3.4-2a and 3.4-2b, RCS Pressure-Temperature (P-T) Limits with new figures. The revised curves and rates are based on a fluence of 3.25×10^{19} n/cm^2 (E greater than 1mev), which corresponds to approximately 22 EFPY based on the current core loading pattern. The revisions to the curves also made it necessary to revise the ART for 1/4 T position and 3/4 T position in the bases. The ART for 1/4 T position has been changed from 222 ° F to 253.7 ° F and the ART for 3/4 T position has been changed from 162.5 ° F to 193.8 ° F.

2. LTOP Controls

a. Change TS 3.4.9.3a.1 and 2 from "lift setting less than or equal to 430 psia" to "trip setpoint of less than or equal to 429 psia." Bases 3/4.4.9 has been changed to explain the new terminology used to describe the PORV setpoint.

b. The MPT enable temperature has been changed from 327 ° F to 355 ° F. The TS that are affected by this change are 3.1.2.1, 3.1.2.3, Table 3.3.3, 3.4.1.2, 3.4.1.3, 3.4.9.3, 4.5.2, 3.5.3, Bases 3/4.4.1, Bases 3/4.4.9, and Bases 3/4.5.2.

c. Due to higher MPT enable temperature, the transition region at which the HPSI pumps are placed under manual control on cooldown and

restored to automatic status on heatup has been changed from 327 ° F - 350 ° F to 355 ° F - 375 ° F. This affects Technical Specification 3.5.3 and Table 3.3-3.

d. The allowable HPSI pump flow rate has been changed from "less than or equal to 210 gpm" to "less than or equal to 200 gpm" when used to add mass to the RCS. This affects TS 3.4.9.3, B3/4.4.9 and B3/4.5.2.

3. RCP Start Criteria

a. Change the RCP start controls for pressurizer pressure in footnote (***) to the applicability section of TS 3.4.1.3 and in footnote (**) to the applicability section of TS 3.4.1.2 from less than or equal to 290 psia to less than or equal to 300 psia.

b. Remove the criteria for reactor shutdown of 8 hours or longer prior to RCP start from the Bases.

4. Technical Specification Bases

Revise TS Bases 3/4.4.1, Coolant Loops and Coolant Circulation, and Bases 3/4.4.9, Pressure/Temperature Limits, and Bases 3/4.5.2, ECCS Subsystem, to be consistent with the above changes.

5. Clarification

Add TS LCO 3.4.9.3.e to say, "When not in use, the above operable high pressure safety injection pump shall have its handswitch in pull-to- lock." at least once per 12 hours."

Change TS Bases B3/4.9 to remove the discussion of temperature instrument uncertainty for the minimum boltup temperature. The margin between the calculated minimum boltup temperature of -10 ° F and the conservative administrative limit of 70 ° F ensures that plant operation is consistent with the safety analysis for minimum boltup temperature. It has also been clarified that the administrative limit of 70 ° F for minimum boltup temperature is the minimum allowable reactor vessel temperature at which the reactor vessel head can be attached in order to comply with the 10 CFR Part 50, Appendix G, limits.

Changes TS Bases B3/4.4.9 to replace the discussion of a figure that was developed to show the calculated RCS pressure versus time with a more descriptive discussion. That discussion addresses the mass addition transient, which is the basis for the PORV setpoint.

Basis for proposed no significant hazards consideration determination. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The existing Unit 1 12 Effective Full Power Years (EFPY) Pressure Temperature (P-T) limits were conservatively developed in accordance with the fracture toughness requirements of 10 CFR Part 50, Appendix G, as supplemented by the American Society of Mechanical Engineers (ASME) Boiler and Presser Vessel Code Section III, Appendix G. The reactor vessel material Adjusted RT_{NDT} values are based on the conservative methodology provided in Regulatory Guide 1.99, Revision 2. Because of increased fluence from 12 EFPY to approximately 22 EFPY based on the current core loading pattern, this amendment changes the P-T limit calculations that are the basis for the existing heatup and cooldown curves. The proposed heatup and cooldown curves and associated limits continue to provide conservative administrative restrictions on reactor coolant system pressure to minimize material stresses in the Reactor Coolant System (RCS) due to normal operating transients, thus minimizing the likelihood of a rapidly propagating fracture due to pressure transients at low temperature. Because these proposed heatup and cooldown curves and rates are based on new P-T limits that were conservatively developed using the same methods as the existing curves, this proposed amendment does not involve an increase in the probability or consequences of accidents previously evaluated.

Consistent with the selection of proposed heatup and cooldown curves and rates, the low temperature overpressure protection (LTOP) controls are being changed by decreasing the Power Operated Relief Valve (PORV) trip setpoint. The increase in vessel fluence require that the Minimum Pressure and Temperature (MPT) enable temperature be increased. The new PORV trip setpoint is based on protecting against exceeding the most restrictive pressure of both the heatup and cooldown curves; i.e., a 10° F per hour cooldown at 70° F RCS temperature. Since the basis for the selection of the PORV setpoint has not changed, the PORV will provide the same degree of protection in mitigating postulated LTOP transients with the new setting as that provided by the present LTOP system. Therefore, this change does not increase the probability or consequences of accidents previously evaluated.

As a result of the higher MPT enable temperature, the transition region at which the high pressure safety injection (HPSI) pumps are placed under manual control on cobldown and restored to automatic status on heatup has been changed to 355° F - 375° F. Analysis performed indicates that adequate Loss of Coolant Accident (LOCA) protection below 375° F is provided by the Safety Injection Tanks to allow operator action to manually start a HPSI pump, if required. Therefore, this change does not increase the probability or consequences of accidents previously evaluated.

The proposed heatup and cooldown rates, the decreased PORV trip setpoint, and increased MPT enable temperature continue to provide margin to accommodate postulated pressurization from mass and energy addition transients. Calculations have been performed that predict the response to such transients. From these calculations, the Reactor Coolant Pump (RCP) start criteria has been revised. The revised criteria will permit a slightly higher initial pressure for RCP starts (two RCPs starting simultaneously) and will remove the eight-hour reactor shutdown criteria for RCP restart. Also, a lower HPSI pump throttle flow limit has been selected that will continue to protect the Appendix G pressure limit during a mass addition transient. Adding the requirement to ensure the operable HPSI pump s handswitch will be placed in pull-to-lock when not in use is only a clarification and does not change the intent of the specification. Because of the results of the analyses remain well within the conservative acceptance limits of 10 CFR [Part] 50 Appendix G, these changes do not increase the probability or consequences of accidents previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed changes to LTOP controls do not represent a significant change in the configuration or operation of the plant. Specifically, no new hardware is being added to the plant as part of the proposed change, no existing equipment is being modified, nor are any significantly different types of operations being introduced. Therefore, the proposed amendment would not create the possibility of a new or different kind of accident from those previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

This change will ensure that the margin of safety is maintained with respect to energy addition or mass addition events in that there are no postulated events that could challenge the Appendix G limit. Utilizing the analytical margins for a planned RCP start does not significantly reduce the margin of safety. The proposed increase in the allowable fluence at the reactor vessel wall necessitated the changes to the heatup and cooldown curves and rates, the PORV trip setpoint, MPT enable temperature, HPSI pump flow limit, and HPSI pump manual control temperature. These changes ensure that the margin of safety is maintained by protecting the Appendix G limits for all postulated transients. Therefore, the proposed changes would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: Calvert County Library, Prince Frederick, Maryland 20678.

Attorney for Licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Baltimore Gas and Electric Company, Docket Nos. 50-317 and 50-318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: February 13, 1992

Description of amendments request: The proposed amendments would revise the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Technical Specifications (TS) and associated TS Bases. The specific TS changes are to TS 3/4.1.1.1, 3/4.1.1.2, 3/4.1.3.1, 3/4.1.3.5, and TS Bases 3/4.1.3. These TS govern reactivity control systems and the proposed changes provide clarification and simplification for the above TS relating to the control element assemblies (CEAs). The changes would: (1) provide a clarification of the terminology for a CEA which is not available for reactivity insertion during a reactor trip in TS 4.1.1.1.1.a, 4.1.1.2.a, 3.1.3.1 and TS Bases 3/4 1.3; (2) clarify the applicability of TS 3/4.1.1.2 specification; (3) provide clarification of the appropriate actions to be applied for inoperable and misaligned (CEAs) in TS 3.1.3.1 and 3.1.3.5; (4) remove an unnecessary portion of an action statement that implies that an unavailable, automatic mode of CEA operation is acceptable in TS 3.1.3.1.b.2; and (5) provide other minor administrative corrections and clarifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) would not involve a significant increase in the probability or consequences of an accident previously evaluated.

This change involves only clarification of the current requirements for control element assemblies (CEAs) which are inoperable or misaligned within the constraints of current safety analyses. A stuck or misaligned CEA is not assumed as the initiator of any accidents previously evaluated. However, a stuck CEA is considered in the mitigation assumptions of previously evaluated accidents. The clarifications would not allow more than previously accepted misalignment or inoperability of the CEAs and, therefore, do not involve a significant increase in the consequences of any previously evaluated accident.

(2) would not create the possibility of a new or different type of accident from any accident previously evaluated.

The safety analyses consider rod ejection, loss of coolant, loss of flow, and other sudden loss of negative reactivity events. However, there are no changes in design or operation of the plant as a result of this change, and the changes would provide no opportunity for creating new or different initiators of the previously analyzed accidents. This change provides only a clarification to prevent misinterpretation of the requirements for inoperable or misaligned CEAs. Therefore, there is no possibility of a new or different type of accident.

(3) would not involve a significant reduction in a margin of safety.

The margin of safety of these Specifications is assured by maintaining the availability of negative reactivity for insertion to provide the shutdown margin assumed in the safety analyses. These clarifications would continue to assure that the necessary negative reactivity is available in the form of trippable CEAs.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Robert A. Capra

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: November 6, 1987, as supplemented on February 8, 1991, January 13 and February 6, 1992.

Description of amendments request: The proposed change will revise Technical Specification Tables 3.3-6 and 4.3-3 to designate the radiation monitors assigned to each train of control room ventilation (VC). Also, action statement 27 on page 3/4 3-41 will be revised to allow the option of running an operational VC train when less than the minimum number of monitors in the opposite VC train are inoperable. Additionally, Cycle 1 specific reliefs that are no longer applicable will be removed from pages 3/4 3-41 and -42 for Byron and pages 3/4 3-39, -41 and -42 for Braidwood. The January 13 and February 6, 1992, submittals partially supersede the previous submittals published on March 20, 1991 (56 FR 11775).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not result in a significant increase in the probability or consequence of accidents previously evaluated. The radiation monitors are designed to provide a response to a radiological incident. The operability of these monitors does not factor into the sequence of events required for a radiological release to the atmosphere to occur. They serve to initiate action to prevent a release from unacceptably impacting the Control Room; they do not prevent a release from occurring.

The subject radiation monitors function to isolate the Control Room Ventilation System (VC) outside air intakes in the event of a high radiation condition. Each train of the VC system is provided with redundant radiation monitors. Only one train of VC is operated at a time. The proposed change would allow the operation of a train of VC with a full complement of radiation monitors in the normal configuration. Assuming a limiting scenario of the plant operating with degraded monitoring on the idle VC train with the occurrence of radioactive release and subsequent failure of the running train, the idle train could be started. The train would still have a single radiation monitor available or already be aligned in the emergency mode per system design. If the initiating event resulted in a Safety Injection signal, the ventilation system would automatically align to the post-accident mode. This provides a diverse means of providing radiological protection for the Control Room. The proposed change does not alter the manner in which the actuation signal is provided, nor does it have an impact on the response of the VC system to a valid actuation signal.

The proposed change does not create the possibility for a new or different kind of accident from any accident previously evaluated. The proposed change does not introduce any new or different equipment, and it will not result in installed equipment being operated in a new or different manner. The change will allow the operation of a fully operable train of VC, rather than require that a train with degraded monitoring be operated in its post-accident configuration. The monitors are designed to fail in a safe condition, so required system configuration or operation are not precluded.

The proposed change does not involve a significant reduction in a margin of safety. The proposed change allow[s] the operation of a VC train with full radiation monitoring capability. In the event there is one monitor per train inoperable, the change does not render the plant vulnerable to a single failure which would result in the overexposure of control room personnel. Additionally, the Control Room is equipped with Area Radiation Monitors which provide an alarm upon detection of a high radiation condition. As such, sufficient means will remain available to ensure that the VC system is capable of being both automatically and manually aligned to provide for the mitigation of radiological events.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: January 21, 1992

Description of amendments request: This amendment request proposes to add additional setpoint requirements to the Technical Specification (TS) for the refueling mast loaded interlock and overload interlock setpoints. This addition is due to the station's plans to install a new refueling mast. The original refueling mast setpoints will remain in the TS because the original refueling mast for Unit 2 will be maintained as a backup.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:

As discussed in [the Updated Final Safety Analysis Report] UFSAR Section 15.7.4, a fuel handling accident (FHA) is postulated to occur as a consequence of a failure of the fuel assembly lifting mechanism resulting in the dropping of a raised fuel assembly onto other fuel bundles in the core. The accident which produces the largest number of failed spent fuel rods (including consideration of the drop of a fuel bundle onto the Unit 2 consolidated fuel storage pool) is the drop of a spent fuel bundle onto the reactor core when the vessel head is off. This accident is expected to occur with the frequency of a limiting fault.

This proposed change does not result in a change to any of the assumptions of the postulated FHA. The added weight of the NF500 mast is the only design change of safety significance. The refueling platform fuel hoist incorporates redundant lifting features (dual cables) so that no single component failure will result in a fuel bundle drop. The design of the grapple is not being changed as a result of this proposed change. The NF500 mast is similar in design and function to the presently installed triangular mast and meets or exceeds the design in all other aspects. There are no changes being made to interlocks on the platform which prevent unsafe operation over the reactor vessel during control rod movements, limit travel of the fuel grapple, and interlock grapple hook engagement with hoist power.

NUREG-0612, "Control of Heavy Loads of Nuclear Power Plants," was reviewed and is not applicable to the installation of the NF500 mast because the NUREG defines a Heavy Load as: 'Any load, carried in a given area after a plant becomes operational, that weighs more than the combined weight of a single spent fuel assembly and its associated handling tool for the specific plant in question." Therefore, the NF500 mast is bounded by the FHA analysis.

The proposed fuel hoist overload cutoff setpoint ensures that excessive lifting forces are not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded setpoint ensures that the associated fuel hoist loaded interlocks are initiated when the weight of a channeled fuel bundle is applied to the grapple.

Further, the maximum height from which a fuel bundle could be dropped remains unchanged as does the minimum required water level above stored irradiated fuel. The postulated number of fuel rod failures due to a bundle drop with the increased weight of a NF500 mast analyzed by General Electric is 116 rods. This is bounded by the postulated failure of 125 rods in the current UFSAR analysis. The radiological release for the FHA with the NF500 mast as calculated by current approved methods is less than the release documented in the UFSAR. Therefore, this proposed change will not increase the probability or consequences of any accident previously evaluated.

2) Create the possibility of a new or different kind of accident from any accident previously evaluated because:

No new failure modes will be introduced as a result of this proposed change. The NF500 mast is similar in design and function to the currently installed mast and meets or exceeds all of the other design aspects so as not to introduce a new failure mode. The proposed fuel hoist overload cutoff setpoint ensures that excessive lifting force is not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded setpoint ensures that the associated fuel hoist loaded interlocks are initiated when the weight of a channeled fuel assembly is applied to the grapple. Therefore, this proposed change does not create a new or different kind of accident from any accident previously evaluated.

3) Involve a significant reduction in the margin of safety because:

The fuel hoist setpoints serve no safety function. These setpoints serve to prevent damage to reactor internals such as caused by a stuck fuel bundle. The setpoints are also designed to prevent the loading of fuel assemblies during core alterations when all control rods are not fully inserted. The proposed change in the fuel hoist overload cutoff and fuel hoist loaded interlock setpoints solely account for the increased weight of the NF500 mast. These setpoints provide approximately the same margin as the setpoints for the current triangular fuel mast (762E974). The proposed fuel hoist overload cutoff setpoint for the NF500 mast of 1600 +100/-0 pounds ensures that excessive lifting force is not applied to the top guide or fuel assemblies. The proposed fuel hoist loaded interlock setpoint of 700 +50/-0 pounds for the NF500 mast ensures that the associated hoist loaded interlocks are initiated when the weight of a channeled fuel assembly is applied to the grapple. The refueling platform mast design is not discussed in the bases of the Technical Specifications 3/4.9.6.

As a result, there is no significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: January 30, 1992

Description of amendment request: The licensee has proposed to amend the Technical Specifications to clarify the limiting conditions for operation and monitoring frequency for a severe hurricane condition in the vicinity of Indian Point Unit No. 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In accordance with the requirements of 10 CFR 50.92, the proposed technical specification changes are deemed to involve no significant hazards consideration because operation of Indian Point Unit No. 2 (IP-2) in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated, since the unit is required to be in the same shutdown status prior to arrival of winds on-site with sufficient intensity to threaten plant structures. The original IP-2 Hurricane Technical Specification requirement was requested by NRC as a result of its review of the IPSSS [IPPSS, Indian Point Probabilistic Safety Study] and was issued as *Amendment No.* 83 to the IP-2 Operating License on December 23, 1982. The original basis and intent of the issued Safety Evaluation with *Amendment No.* 83 are not degraded by the changes proposed in the enclosed application, since under both *Amendment No.* 83 and the proposed specification, plant shutdown is required prior to arrival of sustained surface winds exceeding 87 knots on site. Furthermore, the proposed specification would avoid possible unnecessary cycling of the plant which might occur under the present specification in instances where there is essentially no probability that hurricane sustained surface winds exceeding 87 knots will impact the site. The proposed technical specification change would continue to require a prompt report in the event of a hurricane and action to ensure that the plant is in a cold shutdown condition prior to arrival on site of hurricane sustained surface winds in excess of 87 knots. Therefore, these changes cannot increase the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated for the same reasons described in Item (1), although safety may be enhanced to some extent by the avoidance of unnecessary cycling of the unit, and

(3) Involve a significant reduction in a margin of safety. The safety-related aspects of the existing Technical Specification text and that (the) proposed one remain the same, inasmuch as the plant must be in a cold shutdown condition prior to arrival of sustained surface winds exceeding 87 knots on site. The margin of safety is actually increased somewhat since unnecessary cycling of the plant will likely be precluded. Adherence to the existing technical specification resulted in such cycling on Sept. 27, 1985 and Aug. 19, 1991 for Hurricanes Gloria and Bob, respectively, when sustained surface winds at the site were no stronger than 15 MPH.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A Capra

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: February 6, 1992

Description of amendment request: The licensee has requested an amendment to the Technical Specifications that would increase the maximum fuel enrichment limit to 5.0 w/o U-235. This change will provide the capability for extended fuel cycles.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

In applying the standards of 10 CFR 50.92, we have concluded that the proposed Technical Specification change would not involve a significant hazards consideration based on the answers to the following questions:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Neither the probability nor the consequences of an accident previously analyzed is increased due to the proposed change.

The proposed change is based on conservative analyses which show that, taking credit for the use of IFBAs [Integral Fuel Burnable Absorbers] for fuel with enrichments above 4.5 w/o and up to 5.0 w/o will enable this type of fuel to be stored in the new fuel racks while meeting the design criteria of K_{eff} less than 0.95 for fully loaded racks flooded with nonborated water at a density of 1 gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. The spent fuel racks have already been approved to accept a 5.0 w/o fuel.

The enrichment of the reload fuel is used in the Reload Safety Evaluation which is performed for each fuel cycle to evaluate the use of new fuel in the reactor. The maximum fuel enrichment used in the reload would be limited to 5.0 w/o when this amendment is approved.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any previously evaluated?

Responses:

The higher fuel enrichment limit for the new fuel rack will not create the possibility of a new or different kind of accident. The new fuel storage rake [rack] will meet the required criticality design criteria of K_{eff} [less than] 0.95 for fully loaded racks flooded with nonborated water at a density of 1 gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. The spent fuel racks are already approved for 5.0 w/o. The reload Safety Evaluation will use a maximum of 5.0 w/o.

3. Does the proposed license amendment involve a significant reduction in the margin of safety?

Response:

The proposed amendment does not involve a significant reduction in the margin of safety. The new fuel racks will meet the required subcriticality of K_{eff} [less than] 0.95 for fully loaded racks flooded with nonborated water at a density of 1/gm/cc (68° F) and K_{eff} [less than or equal to] 0.98 assuming low density optimum moderation. For fuel above 4.5 w/o and up to 5.0 w/o IFBAs will be used to ensure this subcriticality.

The Spent Fuel Storage racks have already been approved for 5.0 w/o. The Reload Safety Evaluation will use a maximum of 5.0 w/o.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: February 3, 1992

Description of amendment request: The proposed amendment to the Technical Specifications (TS) would delete a surveillance requirement in Table 4.1.1, Footnote (4). Footnote (4) which verifies the low flow trip set point for non-operating pump combinations will no longer be appropriate due to modifications being made to the Reactor Protection System (RPS) during the upcoming refueling outage. Additionally, Section 2.0 of the TS, "Safety Limits and Limiting Safety Limits Settings", would be administratively revised to enhance clarity and consistency with other sections of the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The deleted surveillance requirement serves only to verify the proper adjustment of

an alternate set of Low Flow setpoint potentiometers which could currently be selected by repositioning the Flow Setpoint Selector Switch. These alternate setpoint potentiometers are no longer used. Prior to implementation of the requested Technical Specifications change, modifications to the Reactor Protective System will have removed both the switch and the alternate setpoint potentiometers. Therefore, the subject surveillance will no longer be useful.

Verification testing of the Low Flow Trip setpoint for the operating pump combination will continue to be accomplished on a monthly interval, as is done with current practice. If the setpoint must be adjusted due to changing the number of operating Primary Coolant Pumps, the setpoint would be verified as part of the adjustment process, as it would be with current practice. Deletion of the subject surveillance requirement will have no effect on the frequency of, or procedure for, verifying the Low Flow Trip setpoints. The subject surveillance requirement affects no other parameters.

The administrative changes do not affect plant operation in any way.

Therefore, the proposed changes do not involve a significant increase [in] the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The first proposed change deletes a surveillance requirement which verifies the correct setting of equipment which, since it is no longer used, will be removed from the plant. This change would not alter the operating conditions of the plant systems, and would not reduce the reliability of any plant equipment.

The second proposed change, administrative changes to the Safety Limits and Limiting Safety System Settings section, does not affect plant operation in any way.

Therefore, these changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The first proposed change deletes a surveillance requirement which verifies the correct setting of equipment which, since it is no longer used, will be removed from the plant. This change would not affect the setpoints, capacities, or operating limits for any required equipment.

The second proposed change, administrative changes to the Safety Limits and Limiting Safety System Settings section, does not affect plant operation in any way.

Therefore, the proposed changes do not involve a significant reduction [in] a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: L. B. Marsh.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: September 24, 1991 and as supplemented January 31, 1992

Description of amendment request: Detroit Edison Company (DECo or the liscensee) is requesting an amendment to the Fermi-2 Technical Specifications (TS) to increase the licensed power level approximately 4.2% from 3293 MWt to 3430 MWt. This will result in an increase of steam flow to approximately 105% of the current operating limit, but will require no changes to the basic fuel design and fuel operating limits such as maximum average planar linear heat generation rate (MAPLHGR) or minimum critical power ratio (MCPR) will still be met at the uprated power level. The means for achieving higher power is to expand the power/flow map by increasing core flow along existing flow control lines and thereby increasing slightly reactor vessel dome pressure. However, there will not be an increase in the maximum recirculation flow limit over the pre-uprate value.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Uprated power operation is achieved primarily by increasing core flow slightly along existing flow control lines to achieve a five percent increase in the steamflow to the turbine/generator. The maximum allowable reactor recirculation flowrate remains unchanged. The increased flowrate is well within the capabilities of the feedwater system which supplies the additional feedwater needed due to the increased steamflow. A slight increase in reactor pressure maintains turbine control valve controllability at the increased steamflows. Safety relief valve and power, pressure, and flow related instrumentation trip setpoints are increased slightly to accommodate uprated power operation and to maintain approximately the same level of trip avoidance and safety system challenges as before uprated power operation.

The plant is operated in the same manner at uprated power as it is at the currently licensed power level. That is the methods and sequences of operation are unchanged. Emergency operating procedure steps remain the same with only minor changes to timing required. Since the level of trip avoidance and safety system challenges remains approximately the same, the frequency of operational responses to those events is not increased. Reactor fuel operating limits designed to protect the fuel cladding are maintained and provide the same level of protection as before uprated power operation. Fuel reload analyses performed subsequent to power uprate will continue to meet current acceptance criteria. Operation at 3430 MWt is consistent with the original plant design capability and thus will not significantly increase any failure probabilities. All of the original equipment design or regulatory criteria established for plant equipment (ASME code, IEEE standards, NEMA standards, etc.) are still imposed and met for operation at the uprated power level. Furthermore, a review of the plant's individual plant examination (IPE) which uses probabilistic risk analysis (PRA) methods determined that the IPE would be minimally affected. A comprehensive review was performed on the effects of increased power and pressure conditions on the reactor vessel and internals, reactor connected piping, balance of plant piping, primary containment, and related systems and components. These reviews and associated analyses show continued compliance with the original design and licensing criteria.

The consequences of the spectrum of hypothetical accidents and transients have also been investigated and meet the same regulatory criteria after uprate as before uprate. Selected original plant transients that were run at rated power plus 2% were rerun at uprated power plus 2% with no change in consequence (i.e., no fuel failure). Sufficient operating limit minimum critical power ratio will be maintained to ensure that the safety limit minimum critical power ratio is not exceeded during uprated power operation thus providing the same level of protection as previously provided. All of the analyses with postulated radiological consequences and the overpressurization analysis were originally performed using 3430 MWt and were reviewed by the NRC. The overpressurization analysis was reperformed at uprated power plus 2% uncertainty using the increased operating dome pressure and safety relief valve setpoints. At uprated conditions a slightly higher peak reactor vessel pressure results, but remains well below the 1375 psig ASME code limit.

The radiological consequences of several design basis accidents including the DBA/LOCA and main steam line break (MSLB) accidents were recalculated at 3430 MWt plus 2% uncertainty or 3499 MWt. When compared on a consistent basis, calculated offsite doses increase proportionately to reactor power since the radiological source term is directly proportional to reactor power and since the meteorology factors remain the same. Because the original analyses were performed at 3430 MWt, power uprate analyses would show an increased dose rate of 2% due to the additional 2% uncertainty factor, when compared on a consistent basis. The recalculated doses for Fermi 2 are not comparable to previous calculations since the NRC approved methodology and assumptions used have undergone revision. The new radiological calculations, however, remain well within the [10 CFR Part 100] limitations. These calculations would be 2% higher than the original calculations due to the addition of the 2% uncertainty factor if the original calculations had been performed on the same basis as the new (improved) calculations. The 2% increase in dose associated with the uncertainty factor does not constitute a significant increase in the consequences of an accident.

Thus, the increase in power level discussed herein and associated Technical Specification changes do not significantly increase the probability (frequency of occurrence) or consequences of an accident previously evaluated.

(2) Will the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The full spectrum of accident considerations defined in Regulatory Guide 1.70 has been reviewed and no new or different kind of accident has been identified. Power uprate uses already developed technology and applies it within the capabilities of existing plant equipment in accordance with presently existing regulatory criteria including NRC-approved codes, standards, and methods. GE has designed BWRs of higher power levels than the uprated power of any of the currently operating BWRs, and no new power dependent accidents have been identified. In addition, Fermi 2 was originally designed to the proposed uprated steam flow (105%) and all of the accident analyses with postulated radiological consequences were performed at that condition. The plant systems have been assessed and have been verified to be adequately designed and capable of performing their design intent at uprated operating conditions. Only minor changes to plant systems are required to effect uprated power operation. Also, as discussed in the response to question 1 above, methods of plant operation at uprated power are virtually the same as before power uprate. Since there are no significant changes to the plant equipment or methods and sequences of operation, no new accident scenarios are created. Therefore, this change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Will the change involve a significant reduction in a margin of safety?

The plant was originally designed for operation at 3430 MWt. As previously discussed, no change is required in fuel design or safety limits. The MAPLHGR limit remains the same. The operating limit MCPR is increased appropriately to ensure that the same safety margin is maintained. Only minor changes to plant equipment are required to accommodate power uprate and the methods and sequences of operation are essentially unchanged. The entire plant design has been reviewed to ensure that plant equipment will perform properly and will still meet original design and licensing criteria. Although, as discussed herein, some analyses produce results somewhat closer to the related acceptance criteria, results remain within those criteria. The safety margins prescribed by the Code of Federal Regulations have been maintained by meeting the appropriate regulatory criteria. Similarly, the margins provided by the application of the ASME design acceptance criteria have been maintained where applicable, as well as other margin-assuring acceptance criteria used to judge the acceptability of the plant. Several accident and transient analyses have been reperformed at uprated plant operating conditions consistent with the requested Technical Specification changes with the most significant ones discussed below.

All of the accidents with postulated radiological consequences and the overpressurization analysis were originally performed at 3430 MWt. The overpressurization analysis was reperformed at uprated power plus 2% uncertainty using the increased operating dome pressure and safety relief valve setpoints. At uprated conditions a slightly higher peak reactor vessel pressure results, but remains well below the 1375 psig ASME code limit. The radiological doses of several design basis accidents including the DBA/LOCA and MSLB accidents were recalculated at 3430 MWt plus 2% uncertainty factor added for conservatism. When compared on a consistent basis, calculated offsite doses increase proportionately to reactor power since the radiological source term is directly proportional to reactor power and since the meteorology factors remain the same. Because the original analyses were performed at 3430 MWt, power uprate analyses would show an increased dose rate of 2% due to the additional 2% uncertainty factor when compared on a consistent basis. The recalculated doses are not comparable on a consistent basis to previous calculations since the NRC-approved methodology and assumptions used have undergone revision. However, it has been demonstrated that the recalculated doses remain well within the acceptance criteria of [10 CFR Part 100]. Dose calculations would be 2% higher than the original calculations due to the addition of the 2% uncertainty factor if the original calculations had been performed on the same basis as the new (improved) calculations. The 2% increase in dose associated with the uncertainty factor does not constitute a significant reduction in the margin of safety.

As previously discussed, in each case the relevant acceptance criteria is met which preserves the margin of safety provided by these criteria. It is therefore concluded that the requested changes do not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: January 2, 1992, as revised February 14, 1992

Description of amendment request: This amendment reflects a reorganization of the Duke Power Company (DPC). The reorganization essentially decentralizes the corporate management of nuclear activities to each of DPC's three nuclear site facilities, including the Oconee Site. The revisions to the Technical Specifications (TS) also reflect and are complementary to revisions to the DPC Quality Assurance Topical Report. The review of this report, based upon the guidance of Standard Review Plan 17.3 as issued in August 1990, is being addressed as a separate action from the revision of the TS.

The proposed changes throughout TS Section 6.0, "Administrative Controls," reflect the creation of several new positions and the retitling of other positions. Previously, the Vice President of Nuclear Production oversaw activities at all three DPC nuclear facilities (Catawba 1 and 2, McGuire 1 and 2, and Oconee 1, 2, and 3). The reorganization now places a Vice President at each site, including the Vice President of the Oconee Nuclear Site. The Senior Corporate Nuclear Executive will be the Senior Vice President-Nuclear Generation Department for all three nuclear sites.

The Vice President of Nuclear Production is now titled Vice President Oconee Nuclear Site. Other position title changes include: health physics to radiation protection; station to site; facility to plant; auxiliary operators to non-licensed operators; Superintendent of Operations to Operations Superintendent; operating engineer to shift operations manager; shift technical advisor to shift manager; Oconee Safety Review Group (OSRG) to Safety Review Group (SRG); Manager, Station Training Services to Training Manager; and changes to TS 6.1.1.4, 6.1.2.1.a and c to reflect the revised position titles for the Operations Superintendent, the Mechanical Superintendent, the I and E Superintendent and the Work Control Superintendent; etc.

Certain functions, for example, in TS 6.1.2.1.d, .f, .g, .j, and .k; 6.2.1; and 6.2.2, have been reassigned to the newly created positions of Vice President-Oconee Site or Manager, Safety Assurance.

Certain functions, for example, in TS 6.1.3.2, 6.1.3.4.g, and 6.1.3.5, have been

reassigned from the former position of Vice President-Nuclear Production to the Executive Vice President-Power Generation or to the Senior Vice President-Nuclear Generation Department.

Other changes, for example, in TS 6.1.2.1.h and .i, and 6.1.3.4 are made to reflect the DPC's revisions of its Quality Assurance (QA) Topical Report in accordance with the guidance in Standard Review Plan (SRP) Section 17.3, "Quality Assurance Program Description," that was issued in August 1990. SRP 17.3 provides guidance for the licensee to put a performance-oriented quality assurance program into place. The NRC staff's review of the DPC QA Topical Report is being addressed as a separate review activity from the specific amendments to the Administrative Controls section of the TS.

Other revisions have been made to TS 6.1.3.2 for the Nuclear Safety Review Board regarding the composition and member qualifications required for these groups.

Other miscellaneous changes in titles, terms, and footnotes are made throughout TS 6.0 to reflect the major changes discussed above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed amendments would not involve a significant increase in the probability or consequences of a previously evaluated accident. Nor would they create the possibility of a new or different kind of accident from any accident previously evaluated. The changes do not have any impact upon the design or operation of plant equipment; therefore, they cannot serve to initiate a new type of accident.

The proposed amendments would not involve a reduction in a margin of safety. The changes would not impact the design or operation of any plant systems or components.

Based upon the preceding analysis, Duke Power Company concludes that the proposed amendments do not involve a Significant Hazards Consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Oconee County Library, 501 West South Broad Street, Walhalla, South Carolina 29691

Attorney for licensee: J. Michael McGarry, III, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: David B. Matthews

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: February 25, 1992

Description of amendment request: By letter L-91-275, dated November 22, 1991, Florida Power and Light Company informed the NRC of its reactor trip and transient reduction efforts through specific Technical Specification changes. As part of that effort, the proposed license amendments would increase the safety of St. Lucie, Units 1 and 2 by reducing the probability of unnecessary automatic reactor trips caused by turbine trips. These turbine trips occur during the transfer from 15% feedwater bypass valves to main feedwater regulating valves near 15% power. By increasing the trip enable setpoint to 25%, a turbine trip may occur, but a reactor trip is spared.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

It has been determined that the operation of St. Lucie Units 1 and 2 with the proposed change does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The accidents in the [Final Safety Analysis Report (FSAR)] have been reviewed in terms of a possible increase in their probability of occurrence due to the proposed change. The event of relevance here is a small break [loss-of-coolant accident (LOCA)] resulting from a stuck-open [power operated relief valve (PORV)]. A turbine trip without reactor trip at 25% power, which could lead to PORV opening, has been analyzed with the most limiting single failure criterion applicable to ... St. Lucie Units 1 and 2: failure of pressurizer spray. The results of the analysis demonstrate that PORV opening does not occur if the Steam Bypass Control System (SBCS) is available. Therefore, the probability of occurrence of a [s]mall [b]reak LOCA (SBLOCA) is not affected by the proposed change. The scenario in which the SBCS is not available has also been analyzed, with the conclusion that the probability of occurrence of a SBLOCA is not increased by the proposed setpoint change.

The proposed change will not increase the consequences of an accident previously evaluated, since this change only impacts the power range between 15% and 25% where no previously evaluated transient is determined to be limiting.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change only affects plant operation in the range of [power] between 15% and 25%. Outside this range, the plant will continue to operate as before and its safe operation is demonstrated by the analyses included in the FSAR. Within the affected power range, that is between 15% to 25%, no new accident will occur simply due to the proposed setpoint change.

3. Involve a significant reduction in the margin of safety.

The results of the analyses show that implementation of the proposed change does not involve a significant reduction in the margin of safety. The plant continues to operate as before for all power ranges except in the range between 15% and 25% where the reactor trip on turbine trip inhibit feature is extended. Within this range, the effects of the proposed change on the existent safety margins are well within the acceptance criteria for safe operation of the plant.

Based on its compliance with 10 CFR 50.92 criteria, it is concluded that the proposed change meets the requirements for a no significant hazard consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: February 5, 1992

Description of amendment request: Gulf States Utilities is requesting a change to River Bend Station (RBS) Technical Specification 4.5.1 to clarify the Automatic Depressurization System (ADS) operability by the addition of the minimum ADS accumulator air supply header pressure during normal plant operations. An explanation of the basis for this minimum pressure will also be added to the associated Bases section.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change would not create the probability or the consequences of an accident previously evaluated because:

An additional surveillance requirement is proposed for Technical Specification 3/4.5.1, "ECCS-Operating," and addition of the required minimum ADS accumulator supply header pressure is proposed. This change will have no effect upon the probability of accidents assumed in the safety analysis report because no plant structures, systems, or components which could affect failure assumptions are to be added or deleted. Thus, no additional single failures which could significantly increase the probability of an accident previously analyzed in the RBS safety analysis report will result from this change. Consequences of any accidents previously analyzed will not be affected because this change will not affect the severity or release paths of any accident described in the safety analysis report. Therefore, no significant increase in the probability or the consequences of an accident previously evaluated results from these proposed Technical Specification changes.

2. The proposed change would not create the possibility of a new or different kind of accident from any previously evaluated because:

As stated above, no structures, systems, or components are to be added or deleted by this change. Thus, the possibility of additional single failures resulting in a new or different kind of accident is not introduced [as] a result of this change. This change provides an additional surveillance requirement to confirm ADS operability with respect to the ADS accumulator air supply pressure during normal plant operations. Therefore, this change is administrative change only and will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change would not involve a significant reduction in the margin of safety because:

As stated in the RBS [Updated Safety Analysis Report] USAR Section 5.2.2.4.1, one ADS actuation at 70 percent of drywell design pressure is sufficient to depressurize the reactor and allow inventory makeup by the low pressure emergency core cooling systems. But for conservatism, the accumulators are sized to provide 2 actuations at 70 percent of drywell design pressure or 4 to 5 actuations at atmospheric pressure. No changes are made to these bases by the proposed amendment, but this change further defines the minimum ADS accumulator pressure at which these criteria are satisfied. Therefore, these proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Attorney for licensee: Mark Wetterhahn, Esq., Bishop, Cook, Purcell and Reynolds, 1401 L Street, N.W., Washington, D.C. 20005

NRC Project Director: Suzanne C. Black

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 23, 1991

Description of amendment request: The proposed amendment would make changes to the Technical Specifications in accordance with the guidance provided in Generic Letter 91-01. The change consists of removing TS Table 4.4-5 providing the schedule for reactor vessel material specimen withdrawal.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

2. The proposed change does not create the possibility of a new or different kind of accident from any previously evaluated because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

3. The proposed change does not involve a significant reduction in the margin of safety because:

The removal of the specimen withdrawal schedule from the Technical Specifications is administrative in nature since changes to this schedule are controlled by the requirements of 10 CFR 50, Appendix H and the specimen withdrawal schedule table in the Technical Specifications is a duplicate of the Appendix H requirements.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton Texas 77488

Attorney for licensee: Jack R. Newman, Esq., Newman & Holtzinger, P.C., 1615 L Street, NW, Washington, DC 20036

NRC Project Director: Suzanne C. Black

Illinois Power Company and Soyland Power Cooperative, Inc., Docket No. 50-461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Date of amendment request: December 23, 1991

Description of amendment request: The proposed amendment would modify the Clinton Power Station license and Technical Specification 3.6.1.2, "Primary Containment Leakage." If approved the amendment would reflect an exemption to 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors," for the Reactor Core Isolation Cooling vacuum breaks line.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. This request does not involve a change in the plant design. Failure of or leakage through a containment barrier cannot create an accident and therefore this request does note increase the probability of any accident previously evaluated. Failure of or leakage through containment barrier can, however, increase the consequences of those accidents previously evaluated. This request involves a reduction in the local leak rate testing requirements for one containment penetration. The line associated with this penetration is nominally three inches in diameter. In addition, this line normally only contains air at approximately containment pressure and temperature, and thus is not subjected to degradation due to severe thermal or hydraulic transients. As a result, IP has concluded that the noted potential leakage pathways would not degrade significantly between the performance of ILRTs. Therefore, the potential leakage associated with these pathways would not significantly contribute to exceeding the leakage limit or significantly impact system

operation. The performance of local leak testing with a soap solution during each ILRT will provide added assurance that these potential leakage pathways do not contribute significantly to the leakage measured during the ILRT and provide additional indication of the need for repairs. In additions, leakage through any of these potential leakage pathways would be processed by the standby gas treatment system prior to release to the environment. Therefore, this request does not involve a significant increase in the probability or the consequences of any accident previousiy evaluated.

2. This request does not involve a change to the plant design. In addition, leakage through a containment barrier cannot create an accident. As a result, this request cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The only margin of safety that could potentially be impacted by this request is the margin concerning the offsite does consequences of postulated accidents (which is directly related to the containment leak rate). As discussed under item (1) above, this request does not result in a significant increase in the consequences of any accident previously evaluated. The performance of local leak testing of the subject potential leakage pathways with a soap solution during each ILRT will provide added assurance that these potential leakage pathways do not contribute significantly to the leakage measured during the ILRT and provide additional indication of the need for repairs. As a result, this request does not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727

Attorney for licensee: Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606

NRC Project Director: John N. Hannon

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: February 18, 1992

Description of amendment request: The amendment would revise the Technical Specifications setpoints for isolation of the High Pressure Coolant Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) systems on a high steam flow condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed setpoints continue to be conservative with respect to the 300 [percent] flow Analytic Limit. Increasing the setpoints to the proposed values will, however, provide additional margin above the transient flow rates that can occur during system startup that are not indicative of a break in the system. This will prevent unwanted system isolations and increase the probability that HPCI and RCIC will be available to provide their design function.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The HPCI and RCIC system isolation functions will continue to provide protection as originally intended. Since the proposed changes only affect the setpoints for those isolations, the possibility of a new or different kind of accident is not created.

3. The proposed amendment will not involve any reduction in a margin of safety as defined in the Technical Specifications or the UFSAR. The HPCI and RCIC system isolation functions will continue to provide protection as originally intended. The proposed changes to the isolation setpoints will prevent inadvertent isolations during system startup and therefore increase the probability that HPCI and RCIC will be available to provide their design function. Consequently, there is no reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: John N. Hannon.

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: January 30, 1992

Description of amendment request: The proposed amendment would change the Technical Specification by deleting the surveillance requirement (Section 4.5.2.C.1) associated with the Shutdown Cooling System (SDCS) autoclosure interlock (ACI) concurrent with the deletion of ACI circuitry planned for the next refueling outage. In addition the proposed change would add a surveillance requirement that would verify the operation of the open permissible interlock (OPI) that prevents opening of the SDCS suction valves when the reactor coolant pressure is greater than 300 psia.

Basis for proposed no significant hazards consideration determination. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The removal of the SDCS ACI was evaluated generically in CE NSPD-550 in terms of the frequency of an [interfacing system loss-of-coolant accident] ISLOCA, the availability of the SDCS, and the effect on overpressure transients. This generic evaluation has been supplemented by the plant-specific submittal (Attachment 2 [of January 30, 1992 submittal]) for Millstone Unit No. 2. There is a negligible change in the calculated probability of an ISLOCA event associated with ACI removal. The evaluation demonstrates that removing ACI, and replacing it with a valve position alarm, will reduce the number of spurious closures of suction valves and thus increase the availability of SDCS. The present LTOP system will remain available per Technical Specification 3.4.9.3 to mitigate a pressure transient. The proposed change related to testing of existing OPI has no impact on the design basis accidents. Therefore, the proposed changes would not increase the consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously evaluated. The effect of an overpressure transient at cold shutdown conditions will not be altered by removal of the ACI function. The ACI is intended to ensure that the low-pressure piping of the SDCS is properly isolated from the RCS pressure during start-up operations, it does not protect against hardware failure. The valve position alarm will warn against both operator error and hardware failure.

While it is true that the ACI initiates an autoclosure of the SDCS suction valves on high RCS pressure, overpressure protection of the SDCS is provided by the SDCS relief valve and not by slow- acting suction valves that isolate the SDCS from the RCS.

The possibility of a loss of SDCS is reduced by the proposed change because the potential of the SDCS isolation valves being closed by a spurious signal will be eliminated. No other failures are introduced by ACI removal. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety. The SDCS ACI function is not a consideration in a margin of safety for any Technical Specification. However, since the evaluation of CE NSPD-550 and the Millstone Unit No. 2 plant-specific evaluation indicates that the availability of the SDCS is increased with removal of ACI, implementation of the modification (addition of a control room alarm) and procedural changes will produce an increase in overall safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, et al., Docket No. 50-336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: January 31, 1992

Description of amendment request: The proposed amendment would change the Technical Specification Tables 3.3-6 and 4.3-3 and the Bases Section 3/4.3.3.1 to delete the inference that the spent fuel pool area radiation monitors are required for criticality monitoring.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change does not involve a significant hazards consideration because the change would not:

1 Involve a significant increase in the probability or consequences of an accident previously analyzed. The proposed change clarifies the safety function of the spent fuel pool area radiation monitors by deleting the wording that termed these monitors as criticality monitors in Tables 3.3-6 and 4.3-3 and Bases Section 3/4.3.3.1. There are no design basis accidents adversely affected due to the change.

2. Create the possibility of a new or different kind of accident from any previously analyzed. Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created.

3. Involve a significant reduction in a margin of safety. Since the change does not affect the consequences of any accident previously analyzed, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: February 14, 1992

Description of amendment request: The proposed amendment would approve three changes to the Appendix A Technical Specifications (TS). The first change involves revising the Reactor Protection System TS to eliminate the main steam line (MSL) high radiation scram and isolation functions. The second change involves revising the requirements for the Intermediate Range Monitor (IRM) scram instrument functional test to clarify that the test is only required to be performed prior to each startup. The third change involves revising the description of the Average Power Range Monitor (APRM) scram trip function in the Bases section in order to clarify when bypasses are permissible.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below.

(1) Does not involve a significant increase in the probability or consequences of an accident previously analyzed.

(2) Does not create the possibility of a new or different kind of accident from any accident previously analyzed or evaluated,

(3) Does not involve a significant reduction in a margin of safety.

Change 1: Eliminate the MSL high radiation scram and isolation functions.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The MSL high radiation signal is not an input in any Monticello Design Basis Accident (DBA) analyses, therefore, elimination of this signal will not increase the probability or consequences of such accidents. Similarly, the MSL high radiation vessel isolation function is unnecessary. The isolation function was provided for the purpose of mitigating a control rod drop accident. However, an analysis by the BWR Owner's Group demonstrates that it is of little benefit in this regard. The isolation feature in no way prevents the accident from occurring, therefore, its elimination will not increase the probability of an accident. The analysis concludes that, even without the isolation, calculated radiological release rates for a control rod drop accident are only a small fraction of 10 CFR Part 100 guidelines and are well within the criteria established by Standard Review Plan (SRP) Section 15.4.9. Details of the analysis mentioned above are discussed in NEDO-31400 "Safety Evaluation for Eliminating the Boiling Water Reactor Main Steam Line Isolation Valve Closure Function and Scram Function of the Main Steam Line Radiation Monitor." NEDO-31400 has been reviewed by the staff and it has been confirmed that Monticello is bounded by the assumptions and conclusions of the analysis with the following exception:

The analysis for the Control Rod Drop Accident without main steam line isolation valve (MSLIV) closure assumes that the augmented off-gas treatment system incorporates a charcoal bed of sufficient size to remove essentially all of the iodine that could be transported to the condenser. This assumption is not valid for Monticello because the Monticello augmented off-gas treatment system uses charcoal filters considerably smaller than those described in NEDO-31400. In order to assess this difference, off-site doses were projected using the Monticello MIDAS computer program, which is also utilized for emergency off-site dose projections and routine release calculations. No credit was taken for the charcoal filters installed at the off-gas compressor suction filters, since they could not accommodate the amount of iodine released in a control rod drop accident. In addition, due to their location in the system, the charcoal filters are bypassed when the storage tanks are bypassed. Two projections were run assuming an elevated (plant off-gas stack) release, stability class F conditions and a wind speed of 0.5 mph. The source term from NEDO-31400, Table 2 was deemed appropriate for this analysis and was used in both cases.

The Monticello off-gas system is designed to provide a minimum 50-hour delay time for main condenser off-gas, with several hundred hours of hold-up typically achieved. The first projection was run simulating 198 hours of decay time, as would normally be available with compressed off-gas system in operation. The second projection was run assuming zero off-gas delay time, which is conservative because the minimum delay time would be 2 hours even with the off-gas system storage tanks bypassed and assuming maximum (28 scfm) condenser in-leakage. In both cases, the resulting off-site dose projections where determined to be insignificant relative to 10 CFR Part 100 guidelines.

The existing MSL and condenser off-gas radiation monitoring instrumentation will remain installed to provide information and alarms to plant operators. In the event either or both of these monitors alarm, the reactor coolant will be promptly sampled to determine possible contamination levels. Other automatic off-gas system functions, such as isolation of the recombiner system upon a steam jet air ejector high radiation signal (30 minute built-in delay) or isolation of the off-gas system (15 minute built-in delay) if the recombiners are bypassed and termination of releases from the stack upon Wide Range Gas Monitor high radiation signal, remain unaffected by this modification. These isolations provide assurance that 10 CFR Part 20 limits are not exceeded. Based on the above discussion, it is concluded that there will be no significant increase in the consequences of a control rod drop accident were one to occur.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The MSL high radiation scram and vessel isolation functions were originally intended to mitigate, not prevent an existing accident scenario. Elimination of these functions will not introduce a new or different accident scenario. The proposed amendment represents a change to the physical configuration of the plant in that some Reactor Protection System circuits will be modified to eliminate the MSL high radiation scram and vessel isolation signals. However, these changes are minor and will not affect the remaining scram or vessel isolation functions. In all other respects, plant design and operation remain unchanged. Therefore, the proposed amendment will not create the possibility of any new or different kind of accident from any previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment will result in a net improvement in a margin of safety, since the analysis of NEDO-31400 concludes that the core damage frequency is reduced 0.3% due to a reduction in transient initiating events.

Based on the discussion above, it is concluded that the proposed change concerning elimination of the MSL high radiation scram and MSL high radiation vessel isolation signal do not involve significant hazards consideration.

Change 2: Clarification of Intermediate Range Monitor Scram Instrumentation Functional Test Requirements.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The TS already identify the Intermediate Range Monitor scram instrumentation as "Group C," thereby recognizing that a practical test of the Intermediate Range Monitor scram and alarm function can only be performed while the plant is shutdown. The proposed amendment clarifies, but does not change, the intent of the TS and eliminates an inconsistency.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment represents an administrative change to the TS and will not involve any changes to equipment or operating procedures. It is, therefore, concluded that the change will not introduce the possibility of a new or different kind of accident than previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The performance and reliability of the Intermediate Range Monitor instrument scram function will not be reduced since Reactor Protection System capabilities will continue to be demonstrated in a manner meeting the original intent of the TS.

Based on the licensee's analysis, the proposed changes involving the Intermediate Range Monitor scram functional test do not involve a significant hazards consideration.

Change 3: Clarification of Bases Section Discussion of Permissible Average Power Range Monitor Bypasses.

a. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The TS and the Updated Safety Analysis Report (USAR) both discuss that an extra Average Power Range Monitor is installed in each of the Reactor Protection System primary channels to permit bypassing of one Average Power Range Monitor in each primary channel. Both documents state that the Average Power Range Monitor trip feature of the Reactor Protection System is fully functional provided both subchannels serving each primary channel are operable. As designed, the level of redundancy required by the Technical Specification and, therefore, the level of protection assumed by an accident analysis is maintained when one Average Power Range Monitor in each primary channel is bypassed. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously analyzed.

b. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed change is limited to clarification of statements in the Technical Specification 3.1 Bases Section. The proposed amendment does not involve any change to the physical configuration of the plant nor will plant operating procedures be affected. It is, therefore, concluded that the proposed amendment will not create the possibility of any new or different kind of accident than previously analyzed.

c. The proposed amendment will not involve a significant reduction in a margin of safety.

The proposed amendment will have no impact on the margin of safety since the design, function, and operation of the Reactor Protection System are unchanged, as are the Limiting Conditions for Operation and surveillance requirements currently specified in the TS. A probabilistic analysis was performed to verify that the benefits of continuous operation with one Average Power Range Monitor per primary channel in bypass outweighed any increase in risk. The analysis concluded that the slight increase in risk caused by reducing redundancy in the Average Power Range Monitor scram function was more than compensated for by the reduction in risk associated with avoidance of spurious scrams which could occur if all six monitors were in service. Although the net result is a reduction in core damage frequency, it should be noted that in both cases the risk was very small (less than 1 X 10^{-7}/year). It is therefore concluded that a net improvement in the margin of safety results from the practice of routinely bypassing one Average Power Range Monitor per Reactor Protection System channel.

Based on the analysis above, it is concluded that the proposed change

regarding clarifications to the Technical Specification Section 3.1 Basis do not involve a significant hazards consideration.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Gerald Charnoff, Esq. Shaw, Pittman, Potts and Trowbridge, 2300 N Street, N.W., Washington, DC 20037.

NRC Project Director: L. B. Marsh.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 12, 1992

Description of amendment request: The proposed amendment would revise Technical Specifications 5.5 and 5.6 to reflect the implementation of a Qualified Review (QR) Program for the review and approval of new procedures, and changes thereto at Fort Calhoun Station.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed change to the Fort Calhoun Station Technical Specifications, which reflect implementation of a QR Program, does not constitute a Significant Hazards Consideration. In support of this conclusion, an evaluation of each of the three standards as set forth in 10 CFR 50.92 is provided below.

1 Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is administrative in nature and provides for (1) procedural reviews through the use of qualified personnel designated by the PRC [Plant Review Committee] Chairman and (2) procedural approval through the use of Managers/Supervisors designated by the Manager-Fort Calhoun Station, as authorized by Administrative Controls Standing Orders upon their development and approval. As part of this program, the QR will be required to consider, document, and implement necessary cross-discipline review prior to approval. The program will be controlled by Administrative Controls Standing Orders which will be reviewed by the PRC and approved by the Manager-Fort Calhoun Station. The PRC will continue to review new procedures, and changes thereto for which an unreviewed safety question determination (i.e., 10 CFR 50.59 safety evaluation) is required to be performed. Implementing the proposed administrative change will not decrease the safety review function currently performed by the PRC. The proposed change requires review of any new procedure and procedure change by a qualified individual (other than the preparer) who is knowledgeable in the functional area affected. The proposed change does not affect any plant hardware, plant design, limiting safety system settings, or plant systems, and therefore, does not alter or add any initiating parameters that would cause a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed Technical Specifications change will implement a procedural review and approval process and is strictly administrative in nature. The QR Program will be controlled by Administrative Controls Standing Orders. These Standing Orders will be reviewed by the PRC and approved by the Manager-Fort Calhoun Station. The PRC will continue to review those new procedures and changes thereto for which an unreviewed safety question determination (i.e., 10 CFR 50.59) is required to be performed. Therefore, the proposed administrative change does not reduce the safety review function performed by the PRC. The proposed changes to setpoints, or operating parameters. There are no potential initiating events that would result in the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed change is administrative in nature and is limited to (1) the transfer of procedure review responsibilities to designated Qualified Reviewers and (2) the transfer of procedure approval responsibilities to designated Managers/Supervisors. The PRC will continue to review and the Manager-Fort Calhoun Station will continue to approve those new procedures and changes thereto concluded that the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 13, 1992

Description of amendment request: The proposed amendment would revise Technical Specification 2.6, "Containment System," and the definition of Containment Integrity to reflect the Combustion Engineering Standard Technical Specifications 3/4.6.1.1 and 3/4.6.1.3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve significant hazards consideration because operation of Fort Calhoun Station Unit No. 1 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are based upon the definition and requirements of the Combustion Engineering Standard Technical Specifications for containment integrity and air locks. The current definition of containment integrity contained within the Fort Calhoun Technical Specifications requires that only one door of the Personnel Air Lock be operable; therefore, the proposed change to the definition is more restrictive than current requirements. Adoption of the requirements of Standard Specification 3.6.1.1 implements a one hour allowed outage time for containment integrity. As stated in draft NUREG 1432, the one hour completion time provides a period of time to correct a problem commensurate with the importance of maintaining containment integrity, while ensuring that the probability of an accident occuring during these periods is minimal. The addition of valves IA-3092, IA-3093, and IA-3094 to the Type C Leak Rate Testing ensures that these valves will be tested and meet acceptable leak rate criteria. Therefore, these proposed changes do not involve a significant increase in the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

It has been determined that no new or different kind of accident will be created due to the proposed changes. The proposed changes implement the requirements of CE Standard Technical Specifications for containment integrity, which is commensurate with the importance of containment integrity, but is sufficient to avoid unnecessary challenges to plant equipment. The proposed changes would not modify the operation of any plant equipment other than to place additional restrictions on the operability of the PAL. The addition of valves IA-3092, IA-3093, and IA-3094 to the Type C Leak Rate Testing ensures that these valves will be tested and meet acceptable

leak rate criteria. Therefore, the proposed changes do not create the possiblity of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed changes would not modify the acceptance criteria for allowed leakage from containment or the Personnel Air Lock, nor would the proposed changes modify the operation of plant equipment, therefore the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: March 5, 1992

Description of amendment request: The proposed amendment would revise Technical Specification 5.9.5, "Core Operating Limits Report," to incorporate the latest NRC-approved revisions to core reload topical reports.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The proposed changes do not involve significant hazards considerations because operation of Fort Calhoun Station Unit No. 1 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature in that the revisions to the topical reports for conducting reload analyses have been previously reviewed and approved by the NRC in Safety Evaluation Reports dated March 2, 1992. The proposed changes merely incorporate a reference to these approved revisions into the Technical Specifications. Therefore these proposed changes do not involve a significant increase in the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any previously analyzed.

It has been determined that no new or different kind of accident will be created due to the proposed changes. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Involve a significant reduction in a margin of safety.

The proposed changes merely incorporate a reference to NRC approved methodologies for conducting core reload and accident analyses, therefore the proposed changes do not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009-5728

NRC Project Director: John T. Larkins

Philadelphia Electric Company, Docket No. 50-353, Limerick Generating Station, Unit 2, Montgomery County Pennsylvania

Date of amendment request: March 3, 1992

Description of amendment request: The amendment would revise the Technical Specifications (TS) to extend the allowed outage time for the Emergency Core Cooling Systems supported by the "B" loop of the Emergency Service Water (ESW) system. This change would only be in effect during the Spring 1992 refueling outage of Limerick, Unit 1, and would allow for continued operation of Limerick, Unit 2, while repairs and modifications are made on the "B" loop of ESW.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed one-time TS change does not increase the consequences of an accident from any previously evaluated. The accidents that were considered are the full range of LOCAs [Loss of Coolant Accident] with and without a concurrent LOOP [Loss of Offsite Power]. Unit 2 will remain in operation during the repair on the "B" loop of ESW. Unit 1 will not be operating at this time but will be in a refueling outage and will be maintained in compliance with appropriate TS requirements.

The inoperability of HPCI [High Pressure Coolant Injection] and half of the ECCS [Emergency Core Coolant System] for Unit 2 does not cause an increase in the probability of an accident since all the systems affected are not accident initiators as defined in Chapter 15 of the LGS [Limerick Generating Station] Updated Final Safety Analysis Report (UFSAR). However, based on the probability of occurrence of a seismic event of any severity, and assuming this would cause failure of the freeze seals and the complete loss of the "B" ESW loop, a small increase of approximately $4X10^{-3}$ (i.e., 0.1%) in the annual Core Damage Frequency (CDF) would result. This increase is judged not to be significant, since the cumulative risk caused by shutdown and startup is estimated to be higher than the cumulative risk during the AOT [Allowed Outage Time] for the ESW system repair. Maintaining the remaining ECCS equipment operable during the 72-hour period ensures that the consequences of the accidents previously evaluated will remain bounded by the UFSAR safety analysis. Therefore, there is no increase in the consequences of an accident. This conclusion is based on the following considerations.

a. All ECCS will be available for short term mitigation of the consequences of an accident. For long-term accident response (i.e., greater than 10 minutes), sufficient ECCS systems and components will remain available to mitigate the consequences of an accident, even considering a single active failure.

b. For long term response to an accident occurring during the proposed 72-hour AOT, sufficient time exists so that plant operators could take appropriate action to realign equipment and establish cooling flow to ECCS. Operator actions beyond those assumed in the UFSAR are not required for the short term response to an accident for the consequences to be maintained within those evaluated in the UFSAR. ECCS equipment has been analyzed for a variety of conditions involving loss of room cooling, and we have determined that several hours are available for operators to take corrective action to maintain certain ECCS equipment operable before environmental qualification temperature limits are exceeded.

c. Unit 1 will be shutdown during this 72-hour period. This reduces the demand on the remaining operable ESW loop and other common safety-related equipment such that additional margin exists in the "A" loop of ESW for heat removal from Unit 2 should an accident occur.

d. The "B" loop of ESW could still be considered to be functionally available to support equipment cooling needs even though it will be considered inoperable. The pressure boundary of the "B" ESW piping will be maintained through the use of freeze seals in the areas where repair and maintenance activities are in progress. PECo experience with freeze seals indicates that they are a reliable method of maintaining a pressure boundary intact, and therefore, the "B" loop of ESW is expected to be capable of supporting loop operations should the need arise. Nevertheless, a freeze seal is not "qualified" as a pressure boundary in accordance with ASME [American Society of Mechanical Engineers] Code requirements and the "B" loop of ESW will be considered inoperable.

Since loss of the Unit 2 ECCS room unit coolers, RHR [Residual Heat Removal] seal cooling, and RHR pump motor oil cooling cooled by the "B" loop of ESW will not cause an immediate failure of these components upon initia[t]ion of the RHR pumps, operability for short term automatic response (i.e., less than 10 minutes) under the postulated accident conditions will be maintained. Beyond this 10 minute period, there would be two (2) RHR pumps and one (1) loop of CS [Core Spray] operable to provide the necessary long term accident mitigation. The availability of the ADS [Automatic Depressurization System], which itself is single failure proof and is unaffected by this activity, assures that the remaining RHR and/or CS pumps can maintain adequate core cooling. NEDO-24708A, provides the analysis that supports the conclusion that either one (1) RHR pump (operating in the LPCI [Low Pressure Coolant Injection] mode) or one (1) CS loop in conjunction with ADS, will provide adequate core cooling.

Therefore, even if a single failure were to occur, adequate core cooling capability would be maintained since two (2) RHR pumps and one (1) loop of CS will be operable during the proposed 72-hour AOT. Based on the accident mitigating capabilities of the ECCS equipment that remains operable with the "B" loop of ESW inoperable, the consequences of accidents previously evaluated will not be increased by this activity. Additional system specific details are provided below to support this conclusion.

a. RHR System - Even with a single failure of additional low pressure ECCS equipment that will not be rendered inoperable due to the loss of the "B" loop of ESW, the RHR system has enough redundancy that this system in conjunction with ADS could operate properly and mitigate an accident. Therefore, the consequences of accidents previously evaluated are not increased.

b. CS System - One of the two (2) loops of the CS system will be rendered inoperable due to the loss of the "B" loop of ESW. The analysis in NEDO-24708A has shown that one (1) CS loop is adequate to provide the required core cooling. Therefore, the consequences of an accident previously evaluated are not increased by the impact of this change on the CS system.

c. EDGs [Emergency Diesel Generators] - The EDSs (i.e., D12 and D14 for Unit 1, and D22 and D24 for Unit 2) will be rendered inoperable. The EDGs that will remain operable provide the necessary emergency electrical power to assure that Unit 2 (assumed to be in power operation) and Unit 1 (assumed to be shutdown) have the equipment and systems operable to mitigate the accidents previously analyzed. The number of EDGs operable meets or exceeds the minimum required by TS without requiring an immediate Unit 2 shutdown. TS requirements for emergency power for primary containment isolation valves will be verified as part of the Surveillance Tests which are performed when EDGs become or are made inoperable. Also, the inoperable EDGs will still remain functionally available assuming that the freeze seals maintain an adequate pressure boundary. Approved procedures exist which provide the ability to assess the applicable TS requirements relative to the specific inoperable EDGs. Therefore, the consequences of an accident previously evaluated are not increased by the inoperability of the EDGs cooled by the "B" loop of ESW.

d. HPCI [High Pressure Coolant Injection] System - This proposed change does remove room cooling capability from the Unit 2 HPCI compartment. This will eliminate the long term response of the HPCI pump for water injection capability in response to a small break LOCA, but the capability to use HPCI to inject into the reactor vessel for at least 15 minutes still exists. Despite this impact on HPCI, the remaining operable subsystems of RHR and CS in conjunction with ADS assures that adequate core cooling will remain available long term and that the consequences of an accident previously evaluated are not increased.

e. RCIC [Reactor Core Isolation Cooling] System - This proposed change, which renders the "B" loop of ESW inoperable for 72-hours, does not remove room cooling capability from the RCIC compartment. This is due to the fact that the "A" loop of ESW supplies the room unit coolers for this pump. This change has no effect on the alignment, configuration, or operation of the RCIC system. Therefore, with respect to the RCIC system, the consequences of an accident previously evaluated are not increased.

f. RECW [Reactor Enclosure Cooling Water] System - The "A" loop of ESW provides backup cooling to the RECW heat exchangers. Therefore, the loss of the "B" loop of ESW cooling water to the RECW heat exchange does not increase the consequences of an accident previously evaluated.

g. TECW [Turbine Enclosure Cooling Water] System - TECW is provided with a backup cooling water supply from the "B" loop of ESW. The TECW heat exchangers are not safety-related and do not require ESW as a cooling water supply. Therefore, there is no increase in the consequences of an accident previously evaluated because of the temporary loss of the back-up cooling water to the TECW heat exchangers from the "B" loop of ESW.

h. Reactor Recirculation (RR) Pumps - ESW provides a backup source of cooling water to the RR pumps should normal cooling be unavailable. The RR pumps form a portion of the primary coolant pressure boundary, and are therefore, safety-related in the passive sense. However, even if normal and backup cooling were lost to the pump seals, the potential leakage is within the makeup capability of the operable ECCS equipment. Therefore, with respect to the RR pumps, the consequences of an accident previously evaluated are not increased.

i. Fuel Pool Cooling System - The fuel pool cooling system does not perform a safety function to mitigate the consequences of an accident. Therefore, the loss of the ESW as a potential backup cooling (i.e., make-up) source to Unit 2 fuel pool does not increase the consequences of an accident previously evaluated.

j. RHRSW [Residual Heat Removal Service Water] System - The RHRSW system TS Section 3.7.1.1 provides a 30-day AOT with two (2) RHRSW pump/EDG pairs inoperable. Therefore, the impact of the one-time TS change on RHRSW system capability does not increase the consequences of an accident previously evaluated.

k. Spray Pond - The proposed TS change does not impact the spray pond operation as the ultimate heat sink. The Spray pond was sized to be able to handle both units' decay heat removal requirements from 100% power operating conditions. Since Unit 1 will not be in operation, minimal decay heat removal will be required for that unit. Also, the motor operated valves needed to align the operable ESW and RHRSW loops to the spray networks are still operable. Therefore, with respect to the Spray Pond, this one-time TS change does not increase the consequences of an accident previously evaluated.

l. Control Room Emergency Fresh Air Supply (CREFAS) System - The TS change does impact the CREFAS system since only one of the EDGs which supplies emergency power to the CREFAS system is affected. The emergency power supply to the "A" CREFAS subsystem is provided by Unit 1 D11 and D13 EDGs, whereas the "B" subsystem is powered by the Unit 1 D12 and D14 EDGs. The Unit 2 TS allow the CREFAS to be considered operable when the "B" loop of ESW is out-of-service for a period not to exceed 30 days. This envelopes the AOT that this TS change is requesting. Therefore, with respect to the CREFAS system this one-time TS change does not increase the consequences of an accident previously evaluated.

m. MCR [Main Control Room] Chillers - These are safety-related components and are required to be available in the event of an accident. The chillers are common plant equipment; however, only one (1) of the two (2) chillers is required to be available to support the design heat loads. Therefore, by taking the "B" loop of ESW out of service, only one of the chillers will be unavailable. If the available chiller would subsequently be lost and the MCR temperature exceeds the TS limit, appropriate action would be taken in accordance with TS. Therefore, with respect to the MCR chillers, the consequences of an accident previously evaluated are not increased.

n. Standby Gas Treatment System (SGTS) - This proposed change makes the emergency power supply for one of the SGTS subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.6.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected SGTS emergency power supply be less than 72-hours, which is consistent with the requested AOT for this activity. Therefore, with respect to the SGTS, this one-time TS change does not increase the consequences of an accident previously evaluated.

o. Reactor Enclosure Recirculation System (RERS) - This change makes the emergency power supply for one (1) of two (2) RERS subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected power supply be less than 72-hours. Therefore, the 72-hour AOT requested for this activity falls within the bounds of the TS AOT for the RERS, and does not increase the consequences of an accident previously evaluated with respect to the RERS.

p. Standby Liquid Control (SLC) System - This change makes the emergency power supply to one (1) of the three (3) SLC pumps and one (1) of the two (2) SLC subsystems inoperable, but does not make any pump or either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected SLC system emergency power supply be less than 72-hours. Since the proposed 72-hour AOT is bounded by the SLC system AOT, the consequences of an accident previously evaluated are not increased with respect to the SLC system.

q. Post LOCA Hydrogen Recombiner - This change makes the emergency power supply for one (1) of two (2) subsystems of the Post-LOCA Hydrogen Recombiner inoperable but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected Post-LOCA Hydrogen Recombiner emergency power supply be less than 72-hours. Since the proposed 72-hour AOT requested for this activity is bounded by the Post-LOCA Hydrogen Recombiner TS AOT, this activity does not increase the consequences of an accident previously evaluated with respec to the Post-LOCA Hydrogen Recombiner.

r. Main Steam Isolation Valve (MSIV) Leakage Control System - This change makes the emergency power supply to one (1) of the two (2) MSIV leakage control subsystems inoperable, but does not make either subsystem inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected MSIV Leakage Control System emergency power supply be less than 72-hours. The 72-hour AOT requested for this activity falls within the bounds of the TS AOT for the MSIV Leakage Control System. Therefore, the consequences of an accident previously evaluated are not increased with respect to the MSIV Leakage Control System.

s. Drywell Hydrogen Mixing System - As a result of this activity, the emergency power supply for two (2) of the four (4) subsystems associated with the Drywell Hydrogen Mixing system will be inoperable, but none of the hydrogen mixing subsystems are made inoperable. TS Section 3.8.1.1.e imposes the appropriate actions when less than the full complement of emergency power supplies are operable. In no case will the AOT for the affected Drywell Hydrogen Mixing system emergency power supply be less than 72-hours. Therefore, since the 72-hour AOT requested for this activity is bounded by the Drywell Hydrogen Mixing system TS AOT, there is no increase in the consequences of an accident previously evaluated with respect to the Drywell Hydrogen Mixing system.

For the proposed 72-hour period in which the "B" loop of ESW will be inoperable, two (2) RHR pumps, one (1) CS subsystem, ADS, and RCIC remain operable for accident mitigation. Because this configuration remains single-failure-proof, a malfunction of any of these systems will not remove the ability to provide adequate core cooling. All other affected components, taken individually, are currently evaluated for allowable out-of-service times of at least 72-hours.

Therefore, implementation of the proposed 72-hour AOT will not result in an increase in the probability or consequences of an accident previously evaluated.

2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Since there are no changes in configuration, alignment, or operational procedures, the possibility of a new or different kind of accident is not created. The systems affected are not accident initiators. The systems that will remain operable are capable of mitigating an accident.

The following compensatory measures will be taken to offset the fact that the "B" loop of the ESW system will be inoperable but available due to this planned activity. Proper position of ESW system flow path valves will be verified prior to (i.e., within 24 hours of) initiation of this activity to reduce the possibility of valve misalignments.

The proposed change will not cause the components important to safety that have been discussed above to be challenged by a different type of malfunction, since no new type of malfunction will be created by any operation associated with this activity. Therefore, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) The proposed change does not involve a significant reduction in a margin of safety.

Implementation of this proposed TS change will result in a reduction in the margin of safety due to the loss of system redundancy. However, this reduction in the margin is not significant since the remaining operable ECCS equipment is adequate to mitigate the consequences of an accident, even assuming a single failure. This is based on the analysis in NEDO-24708A and NEDC-30936P-A. These documents describe the minimum requirements to successfully terminate a transient or LOCA initiating event (assuming reactor trip), assuming multiple failures with realistic conditions. The minimum requirements for short term response to an accident would be one (1) low pressure ECCS in conjunction with ADS operation. For long term response, which would include decay heat removal through one RHR loop along with another low pressure ECCS (e.g., CS or LPCI) is required. Implementation of the proposed TS change will require that operability of two (2) RHR subsystems and one (1) CS loop be maintained during the 72-hour period. In addition, the RCIC system will remain operable during the 72-hour period although credit is not taken for it in the UFSAR safety analysis.

The bases for TS section 3/4.5.1 for ECCS during plant operation state that with the HPCI system inoperable, adequate core cooling is assured by the operability of ADS, both the CS and LPCI systems, and RCIC (although no credit is taken for RCIC in the UFSAR safety analysis). For the duration of the ESW pipe repair activity, a period not to exceed 72-hours, two (2) RHR LPCI pumps and one (1) Loop of CS will not be operable due to the loss of cooling from the "B" loop of ESW. However, the ability to provide adequate core cooling and decay heat removal is maintained, even assuming a single failure, by the remaining two (2) RHR pumps and one (1) loop of CS. Therefore, implementation of the proposed 72 AOT will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V. P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: March 3, 1992

Description of amendment request: The amendments would revise the Surveillance Requirements (SRs) and pertinent Bases of the Technical Specifications (TSs) to incorporate the most recent recommendations contained in the American Society of Mechanical Engineers (ASME) Operations and Maintenance (OM) standard for snubber testing, ASME/ANSI OM-1990 Addenda to ASME/ANSI OM-1987, Part 4, "Examination and Performance Testing of Nuclear Power Plant Dynamic Restraints (Snubbers)." Specifically, the changes would revise the 10% functional testing sampling plan (SR 4.7.4.e.1), 2) delete the 55 plan (SR 4.7.4.e.3), 3) incorporate the concept of "Failure Mode Grouping, (FMG)" 4) remove the "reject" line from the 37 plan (SR 4.7.4.e.2) and 5) change the snubber functional testing interval from 18 to 24 months (± 25%) to accommodate a 24-month refueling cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of occurrence of an accident previously evaluated is not increased by the proposed TS changes because snubber operability, snubber failure rate, snubber testing format or the interval between snubber functional tests are not postulated as a cause for the occurrence of any accident, transient, or other event that has been previously evaluated. All snubbers will continue to function as previously assumed and the probability of occurrence of an accident remains unchanged.

The consequences of an accident previously evaluated is not increased by the proposed TS changes to the snubber functional testing SRs. Physical changes are not being made to the plant. The snubbers role in mitigating the consequences of an accident are to permit the slow movement of piping and components during heatup and cooldown, and provide restraint during seismic or other dynamic events. The proposed TS changes will not affect the snubbers ability to continue to perform this role for the following reasons.

a. Revising the 10% snubber functional testing sample plan to require subsequent lot sizes to be at least 5% of the total population of a snubber type for each snubber test failure, instead of 10%, is in accordance with the ASME OM4 Code. Nonmandatory Appendix D to ASME OM4 further states that the two sampling plans that are permitted (i.e., 10% plan and 37 plan) provide the required protection. The ability of the 10% plan to assure a sound snubber population is not compr[om]ised by using smaller subsequent sample lot sizes because the 10% plan compares well to the stati[sti]cally based and accepted 37 plan. When the revised 10% plan for a total population of 370 snubbers is plotted with the 37 plan, it can be shown that both plans require the same number of tests and have the same size "accept" region. For sample populations greater than 370 snubbers, the revised 10% plan has a smaller "accept" region than the 37 plan, and therefore, is more conservative. For sample populations less than 370 snubbers, the 10% plan has a larger "accept" region than the 37 plan, but is still acceptable based on the fact that it is the recommended plan for smaller populations.

Since snubber operability is confirmed through testing, components that utilize snubbers in their design will continue to function as previously assumed. Therefore, the consequences of accidents will remain as previously evaluated, and the onsite or offsite radiological effects will not increase above those previously evaluated.

b. Removal of the "reject" line from the 37 plan, which results in an expanded "continue testing" region, will not reduce the effectiveness of the plan to detect failed or degraded snubbers. Snubber testing must still continue until the test results fall within the "accept" region or until all snubbers are tested, thus providing the same statistical confidence in the completed test.

Since snubber operability will be confirmed as before, components that utilize snubbers in their design will continue to function as previously assumed. Therefore, the consequences of accidents will remain as previously evaluated and the onsite or offsite radiological affects will not increase above those previously evaluated.

c. Deletion of the 55 plan from the TS will not reduce the ability of the snubber functional testing program to confirm the operability of the snubber population because two other approved plans will remain in the TS. The current TS requirements permit selection of any of these plans for snubber testing. Since the 37 plan is acceptable and should result in fewer snubbers being tested, the 55 plan is no longer needed. This change will therefore not increase the consequences of an accident previously evaluated.

d. Implementation of the concept of [Failure Mode Grouping] FMG when selecting additional snubbers to meet functional testing requirements will not reduce the ability of the snubber functional testing program to confirm the operability of the snubber population. The failure mode group will count as one (1) failure for additional testing in the general population according to the previously selected sample plan. FMG increases the focus on problem areas by directing testing towards specific failure mechanisms, while maintaining testing of the sample population. This will increase the ability of the program to detect and correct degraded snubbers. The use of the FMG will not increase the consequences of an accident for the same reasons as stated in item 'b' above, and is consistent with the referenced ASME OM4 Code. The proposed changes to the TS do not change plant design, hardware or system operations. Any changes to plant procedures as a result of the proposed changes will only affect the format of snubber functional testing and not plant operations or maintenance.

e. Changing the inspection cycle to 24 months (± 25%) will not reduce the ability of the functional testing program to confirm the operability of the snubber population. The original interval of 18 months (± 25%) was selected to accommodate the need to test snubbers that were inaccessible during normal operation. Since snubbers do not require preventative maintenance, the additional time added by a 24 month cycle has no consequences on snubber operability. Snubber functional testing has shown no failure mechanism which would be aggravated by an extension of the test interval to 24 months (± 25%). The requirement to monitor service life remains a part of the TS, and operational conditions which contribute to snubber degradation will still be monitored and corrected. Additionally, some snubber damage may result from maintenance and other work activities during outages. Fewer interruptions that could cause snubber degradations will result in a more reliable snubber population. This change will not increase the consequences of an accident for the same reasons as stated in item 'b' above.

As discussed above, the proposed TS changes will not effect the operability of the snubber population. Therefore, equipment important to safety that use snubbers will continue to meet all of the applicable design requirements. The proposed changes only affect the format used during the snubber functional testing and not the actual test itself. Also, these changes do not permit any physical modifications to snubbers or other equipment. Accordingly, the consequences of a malfunction of equipment important to safety is not affected.

2) The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

As previously stated above, the proposed TS changes do not involve operational procedures or physical changes to the plant. The snubbers will continue to meet their design basis of protecting piping and equipment during dynamic events. The proposed TS changes will not affect the operation of snubbers; therefore, equipment that incorporate[s] the use of snubbers in its design will continue to function as previously evaluated. These proposed changes, as discussed above will maintain the previous level of assurance of snubber operability because the basic requirements for snubber functional testing are unchanged. Therefore, the proposed TS changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) The proposed TS changes do not involve a significant reduction in a margin of safety.

The bases for the TS require that all snubbers whose failure could have an adverse affect on any safety-related system, be operable. This ensures that the structural integrity of the reactor coolant system and all other safety-related systems is maintained during and following a seismic or other event initiating dynamic loads. The bases also discuss classification and grouping of the general snubber population, snubber listing requirements, visual inspection frequency, and visual acceptance criteria. The proposed TS changes maintain the same confidence level as that currently provided by the TS for determining snubber operability. Accordingly, the existing margin of safety will be maintained. Therefore, the proposed TS changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Esquire, Sr. V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101

NRC Project Director: Charles L. Miller

Previously Published Notices of Consideration of Issuance of Amendments To Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Tennessee Valley Authority Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1 Hamilton County, Tennessee

Date of amendment request: February 20, 1992 (TS 92-02)

Description of amendment request: The amendment changes the Technical Specifications to revise the overtemperature differential temperature allowable value, overpower differential temperature allowable value, the Reactor Coolant System loop differential temperature allowable value, and the calibration frequency requirements for the Reactor Coolant System resistance temperature detectors for Unit 1 Cycle 6 operation.

Date of publication of individual notice in **Federal Register:** February 27, 1992 (57 FR 6748)

Expiration date of individual notice: March 30, 1992

Local Public Document Room location: Chattanooga-Hamilton County Library 1101 Broad Street, Chattanooga, Tennessee 37402

Notice of Issuance of Amendment To Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Arizona Public Service Company, et al., Docket Nos. 50-528 ,50-529, and 50-530 Palo Verde Nuclear Generating Station, Unit Nos. 1 , 2, and 3, Maricopa County, Arizona

Date of application for amendments: May 28, 1991, as supplemented November 27, 1991

Brief description of amendments: These amendments revise Technical Specification 3/4.7.9 to allow Arizona Public Service Company to perform snubber visual inspections and corrective actions during plant outages. These amendments conform to the guidance provided by the NRC in Generic Letter (GL) 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," dated December 11, 1990.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment Nos.: 57, 44, 30

Facility Operating License Nos. NPF-41 , NPF-51,and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31429) The additional information contained in letter dated November 27, 1991, was clarifying in nature and thus within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendment: August 28, 1991 and December 30, 1991

Brief description of amendment: These amendments revise Section 6, "Administrative Controls," of the Technical Specifications to define the lines of functional responsibility more clearly, and better describe technical and review activities.

Date of issuance: March 4, 1992

Effective date: March 4, 1992

Amendment No.: 58, 45 and 31

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 30, 1991 (56 FR 55942) The December 30, 1991, letter withdrew a portion of the original amendment request, but did not change the proposed no significant hazards consideration finding of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 4, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: December 26, 1991

Brief description of amendments: These amendments revise the technical specifications to allow replacement of existing 125V dc batteries with new batteries.

Date of issuance: March 6, 1992

Effective date: March 6, 1992

Amendment Nos.: 59, 46 and 32

Facility Operating License Nos. NPF-41, NPF-51, and NPF-74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2586) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004

Commonwealth Edison Company, Docket No. 50-265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of application for amendment: June 28, 1991

Brief description of amendment: Revision of Technical Specifications to reflect a modification to the High Pressure Coolant Injection turbine steam exhaust line. The amendment adds the requirements for new containment isolation valves which are part of the modification.

Date of issuance: February 21, 1992

Effective date: immediately, to be implemented during 11th refueling outage.

Amendment No.: 130

Facility Operating License No. DPR-30. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 21, 1991 (56 FR 41576) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 21, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

Commonwealth Edison Company, Docket Nos. 50-295 and 50-304, Zion Nuclear Power Station Units 1 and 2, Lake County, Illinois

Date of application for amendments: August 9, 1991 as amended December 18, 1991.

Brief description of amendments: The amendments remove the containment isolation valve tables and the associated table references from the Technical Specifications for Zion Station, Units 1 and 2.

Date of issuance: February 18, 1992

Effective date: February 18, 1992

Amendment Nos.: 133 and 122

Facility Operating License Nos. DPR-39 and DPR-48. The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 18, 1991 (56 FR 47231) The December 18, 1991 submittal amended the original submittal to retain a portion of the current technical specification and did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 18, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Connecticut Yankee Atomic Power Company and Northeast Nuclear Energy Company, Docket Nos. 50-213 and 50-245, Haddam Neck Plant and Millstone Nuclear Power Station, Unit 1, Middlesex County and New London County, Connecticut

Date of applications for amendment: March 24, 1988, March 31, 1988, supplemented December 23, 1991

Brief description of amendments: The amendments add a license condition requiring the licensees to implement and maintain their Integrated Implementation Schedule Program Plan. This Program Plan provides a methodology to be followed for scheduling plant modifications and engineering evaluations.

Date of issuance: February 26, 1992

Effective date: February 26, 1992

Amendment Nos.: 150 for Haddam Neck, and 56 for Millstone 1

Facility Operating License Nos. DPR-61 AND DPR-21. Amendments revised the Licenses.

Date of initial notice in **Federal Register:** May 4, 1988 (53 FR 15914) for Millstone 1 and January 22, 1992 (57 FR 2591 and 57 FR 2597) for Haddam Neck and Millstone 1

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 26, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room locations: Russell Library, 123 Broad Street, Middletown, Connecticut 06457, for the Haddam Neck Plant, and the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360, for Millstone, Unit 1.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: April 12, 1991

Brief description of amendment: This amendment reissues all pages of the plant Technical Specification (TS) correcting a number of editorial errors and inconsistencies between the NRC and Consumers Power Company (CPCo) copies of the TS.

Date of issuance: February 19, 1992

Effective date: February 19, 1992

Amendment No.: 107

Facility Operating License No. DPR-6. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20030) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 19, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: August 6, 1991

Brief description of amendments: The amendments revise the maximum allowable combined flowrates for both reactor makeup water pumps for MODES 3-5 with one or both trains of the Boron Dilution Mitigation System inoperable. A restriction is also added for MODE 6 and certain administrative changes are also made.

Date of issuance: March 3, 1992

Effective date: March 3, 1992

Amendment Nos.: 94 and 88

Facility Operating License Nos. NPF-35 and NPF-52: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 26, 1991 (56 FR 66919)

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 3, 1992

No significant hazards consideration comments received: No.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: December 18, 1991

Brief description of amendments: The amendments which support the McGuire Unit 2 cycle 8 reload with B&W fuel, are administrative in nature and make McGuire Unit 2 TS identical to the previously reviewed and approved McGuire Unit 1 TS (November 27, 1991). The reload methodology and analyses that supported the previously approved Unit 1 TS amendments are conservatively bounding and applicable to both McGuire units.

Date of issuance: March 6, 1992

Effective date: March 6, 1992

Amendment Nos.: 130 and 112

Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 5, 1992 (57 FR 4486) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Duquesne Light Company, et al., Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: February 28, 1991

Brief description of amendment: The amendment revises the Appendix A Technical Specification Surveillance Requirement 4.7.1.5 by deleting the requirement for periodic part-stroke testing of each main steam isolation valve (MSIV) and by deleting reference to specific testing requirements. These are replaced by the requirement to verify the full closure of each MSIV within 5 seconds when tested in accordance with the requirements of Specification 4.0.5 (which references Section XI of the ASME Boiler and Pressure Vessel Code). The modified surveillance requirement is in accordance with the Standard Technical Specifications for Westinghouse pressurized water reactors.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No. 162

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 1, 1991 (56 FR 20034) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Duquesne Light Company, et al., Docket No. 50-412, Beaver Valley Power Station, Unit No. 2, Shippingport, Pennsylvania

Date of application for amendment: October 9, 1991

Brief description of amendment: The amendment revises Table 2.2-1 (Note 1) for Technical Specification 2.2.1, "Reactor Trip System Instrumentation Setpoints." Specifically, it revises a constant in the equation used to determine the overtemperature delta temperature trip setpoint.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 42

Facility Operating License No. NPF-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2592) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Date of amendment request: October 15, 1991

Brief description of amendments: The amendments revised the Arkansas Nuclear One, Unit Nos. 1 and 2 (ANO-1&2) by deleting the requirement for a visual cell plate inspection for the diesel fire pump battery from ANO-1 Surveillance Requirement 4.20.3.c.1 and ANO-2 Surveillance Requirement 4.7.10.1.3.c.1.

Date of issuance: February 26, 1992

Effective date: February 26, 1992

Amendment Nos.: Unit 1; 157 and Unit 2; 131

Facility Operating License Nos. DPR-51 and NPF-6. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 11, 1991 (56 FR 64654). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 26, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: June 25, 1991

Brief description of amendment: The amendment authorized a one-time extension of the required test interval for Overall Integrated Leakage Tests (Type A Tests) as specified in Technical Specification (TS) 4.6.1.2.a. The amendment also deleted the TS 4.6.1.2.a requirement coupling the third Type A test to the plant shutdown for the 10-year Inservice Inspection (ISI) outage. The submittal also requested an exemption from 10 CFR 50, Appendix J, which requires the performance of the third Type A leak test during the shutdown for the 10-year ISI required by Section 50.55a.

Date of issuance: February 20, 1992

Effective date: February 20, 1992

Amendment No: 89

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33954) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: January 11, 1991, and supplements thereto dated March 13 and October 9, 1991.

Brief description of amendment: The amendment deleted the DC battery load profiles from Technical Specification (TS) 4.8.2.1.d.2. The battery load profiles being removed are contained in the Grand Gulf Nuclear Station Updated Final Safety Analysis Report (UFSAR). The TS Bases were also modified to include a description of the simulated emergency load profiles and their definition in the UFSAR.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No: 90

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49917) The additional information contained in the supplemental letters dated March 13 and October 9, 1991, was clarifying in nature and thus within the scope of the initial notice and did not affect the NRC staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Mississippi Power & Light Company, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: October 18, 1991

Brief description of amendment: The amendment deletes a Technical Specification requirement to perform a daily surveillance verifying the measured recirculation system drive flow to be less than or equal to the established drive flow for a given flow control valve position.

Date of issuance: February 25, 1992

Effective date: February 25, 1992

Amendment No: 91

Facility Operating License No. NPF-29. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 13, 1991 (56 FR 57698) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120.

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of application for amendments: December 17, 1991

Brief description of amendments: These amendments remove the schedule for the withdrawal of reactor vessel material specimens from Technical Specifications. These amendments are consistent with the guidance of Generic Letter 91-01.

Date of Issuance: February 25, 1992

Effective Date: February 25, 1992

Amendment Nos.: 113, 54

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2594) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 26, 1991 as supplemented by letter dated January 24, 1992.

Brief description of amendments: The amendments change the Technical Specifications by decreasing the required minimum volume for the Auxiliary Feedwater Storage Tank (AFST) from 518,000 gallons to 485,000 gallons.

Date of issuance: February 25, 1992

Effective date: February 25, 1992, to be implemented within 90 days of issuance.

Amendment Nos.: Amendment Nos. 33 and 24

Facility Operating License Nos. NPF-76 and NPF-80. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 16, 1991 (56 FR 51925) The January 24, 1992, submittal requested a 90-day implementation period following date of issuance of the amendment and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Wharton County Junior College, J. M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy, Center, Linn County, Iowa

Date of application for amendment: August 30, 1991

Brief description of amendment: The amendment revised the Technical Specifications to require a Service Discharge Test each operating cycle and a Performance Discharge Test in lieu of the Service Discharge Test once every 5 years.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 179

Facility Operating License No. DPR-49. Amendment revised the Technical Specifications

Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49922) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S. E., Cedar Rapids, Iowa 52401.

Maine Yankee Atomic Power Company, Docket No. 50-309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: January 7, 1992

Brief description of amendment: This amendment eliminates the requirement to perform surveillance testing on equipment that is not required to be operable by the Technical Specifications, or on equipment that is

otherwise inoperable (e.g., maintenance, repair, etc.).

Date of issuance: February 24, 1992
Effective date: February 24, 1992
Amendment No.: 129
Facility Operating License No. DPR-36: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 22, 1992 (57 FR 2597) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

Niagara Mohawk Power Corporation, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2, Scriba, New York

Date of application for amendment: November 6, 1991, as supplemented December 5, 1991

Brief description of amendment: The amendment revises Technical Specification Surveillance Requirement 4.5.1.e.2(b) to incorporate a revised automatic depressurization system test pressure. This review was required to reduce the potential of seat damage to the safety relief valves that could occur during low pressure testing.

Date of issuance: February 27, 1992
Effective date: February 27, 1992
Amendment No.: 36
Facility Operating License No. NPF-69: Amendment revises the Technical Specifications.
Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 712) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: December 19, 1991

Brief description of amendments: These amendments revise the Technical Specification definition of Surveillance Frequency. The revised definition provides specific definitions of the surveillance intervals used throughout the Technical Specifications. In addition, the changes revise the reference date from which subsequent surveillance tests are scheduled. Finally, the changes delete redundant and potentially confusing words from the definition.

Date of issuance: February 25, 1992
Effective date: Effective upon implementation of the Plant Information Monitoring System Surveillance Testing Module.
Amendments Nos.: 166 and 170
Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 714) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 25, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: April 9, 1991, and October 3, 1991

Brief description of amendment: This amendment revises Trojan Technical Specification (TTS) 6.5.2.2 to modify the membership requirements of the Trojan Nuclear Operation Board (TNOB), Trojan's safety review oversight group. This revision would allow for substitution of ten years of appropriate technical experience in lieu of an academic degree in engineering or science field and a minimum of five years technical experience.

Date of issuance: February 20, 1992
Effective date: February 20, 1992
Amendment No.: 180
Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** December 11, 1991 (56 FR 64660) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: December 12, 1991

Brief description of amendment: This amendment modifies the Trojan Technical Specification Section 6.0, "Administrative Controls." This amendment incorporates an organizational change, modifies the Plant Review Board composition, and corrects several editorial errors in Trojan Technical Specification Section 6.0.

Date of issuance: February 20, 1992
Effective date: Februardy 20, 1992
Amendment No.: 181
Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** January 8, 1992 (57 FR 714) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 20, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of application for amendment: February 15, 1991, as supplemented on May 14, 1991 (published as March 26, 1991, in Federal Register on July 24, 1991, 56 FR 33980).

Brief description of amendment: The proposed amendment would revise the pressure-temperature (P-T) limits for the reactor coolant system, the Ginna Technical Specifications, during heatup, cooldown, leak test, and criticality. The revised P-T limits were developed by the licensee to comply with the NRC position on radiation embrittlement of reactor vessel materials and its effect on plant operations, outlined in Regulatory Guide (RG) 1.99, Revision 2, and Generic Letter 88-11 guidance. The revised P-T limits also considered a re-evaluation of the low temperature overpressurization protection system (LTOPS) setpoint. The supplemental information submitted on May 14, 1991, clarified information in the application. The information did not change the scope of the amendment request or the proposed determination of no significant hazards consideration.

Date of issuance: March 6, 1992
Effective date: March 6, 1992
Amendment No.: 48

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33980). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 6, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Southern California Edison Company, et al., Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Unit Nos. 2 and 3, San Diego County, California

Date of application for amendments: August 30, 1991

Brief description of amendments: The amendment modified the Technical Specifications 3/4.3.1, "Reactor Protection System Instrumentation" and 3/4.4.3.2, "Engineered Safety Features Actuation System Instrumentation" by changing the channel functional and logic units surveillance test intervals from monthly to quarterly.

Date of issuance: February 28, 1992
Effective date: February 28, 1992
Amendment Nos.: 101 and 90
Facility Operating License Nos. NPF-10 and NPF-15: The amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 2, 1991 (56 FR 49926) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 28, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: Main Library, University of California, P.O. Box 19557, Irvine, California 92713

TU Electric Company, Docket No. 50-445, Comanche Peak Steam Electric Station, Unit 1, Somervell County, Texas

Date of amendment request: April 22, 1991, supplemented by letter dated November 4, 1991

Brief description of amendment: The amendment revises Sections 6.2 and 6.5 of the technical specifications to reflect organizational and title changes at TU Electric.

Date of Issuance: March 6, 1992
Effective date: March 6, 1992, to be implemented within 7 days of issuance.
Amendment No.: Amendment No. 9
Facility Operating License No. NPF-87. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 10, 1991 (56 FR 31444) and December 26, 1991 (56 FR 66930). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 6, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room Location: University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P. O. Box 19497, Arlington, Texas 76019.

Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: May 10, 1991 and supplemented December 21, 1991

Brief description of amendment: This amendment revised Technical Specification (TS) 6.0., Administrative controls, Section 6.5.12, Station Review Board Composition by changing the number of members from 8 to 6. In addition, revisions to TS Sections 6.3., 6.4.1, 6.4.2, 6.5.1.4 and 6.5.1.5 reflect organizational changes and are administrative in nature. The proposed changes are similar to those approved by Amendment Numbers 20 and 10, dated November 14, 1990 issued by the NRC staff to Houston Lighting and Power Company's South Texas Project, Units 1 and 2, and Amendment Number 122, dated October 10, 1989 issued to Florida Power Corporation's Crystal River, Unit 3. The proposed changes are also consistent with the NRC Generic Letter (GL) 88-06 dated March 22, 1988, Removal of Organizational Charts from Technical Specification Administrative Control Requirements.

Date of issuance: January 31, 1992
Effective date: January 31, 1992
Amendment No. 169
Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** July 24, 1991 (56 FR 33962). The December 21, 1991 letter provided additional clarifying information that did not change the initial proposed no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 1992.

No significant hazards consideration comments received: No

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: August 1, 1991, clarified February 19, 1992. Based on discussions with the NRC staff, the licensee revised its request by letter dated February 19, 1992, to more closely conform with the recommendations of GL 90-09. As this revision is more conservative in defining snubber visual inspection acceptance criteria than the original proposal, the staff's proposed no significant hazards determination, dated September 4, 1991 remains valid.

Brief description of amendment: The amendment revised TS 3/4.7.8, "Snubbers," and associated Bases by changing the snubber visual inspection intervals and corrective actions. The proposed changes are consistent with the guidance of Generic Letter 90-09, dated December 11, 1990.

Date of issuance: March 5, 1992
Effective date: March 5, 1992
Amendment No.: 67
Facility Operating License No. NPF-30. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** September 4, 1991 (56 FR 43617) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 5, 1992. No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: January 8, 1992, as supplemented January 31, February 10 and February 25, 1992.

Brief description of amendment: This amendment revises the minimum allowable Reactor Coolant System total flow from the current value of 284,000 gpm to a value of 268,000 gpm. This revision is temporary and will remain in effect until the currently scheduled 1993 steam generator replacement. In addition, an administrative change has been made to Table 2.2-1.

Date of issuance: March 3, 1992
Effective date: March 3, 1992
Amendment No.: 154

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 21, 1992 (57 FR 2291) The January 31, February 10 and February 25, 1992 letters provided additional information which did not change the staff's proposed no significant hazard consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 3, 1992.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: September 20, 1991

Brief description of amendments: These amendments delete requirements for testing components prior to initiating maintenance on inoperable components in the safety injection, containment spray, recirculation spray, and auxiliary ventilation exhaust systems. With regard to the emergency diesel generators (EDGs), the redundant train testing requirement is not deleted. Instead, a limit is specified for the amount of time an EDG may be rendered inoperable for such testing. Typographical errors are also corrected on pages TS 3.3-6, TS 3.4-2 and TS 3.16-4. Finally, one clarifying change has been made to page TS 3.16-4.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment Nos. 167, 166

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 27, 1991 (56 FR 60120) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of application for amendment: March 11, 1991

Brief description of amendment: The proposed amendment increases the surveillance intervals for the channel functional tests of isolation actuation instrumentation from monthly to quarterly. The proposed amendment also increases the allowable outage times for single trip system channels from 2 hours to 6 hours and clarifies when the required actions should be taken with one or more isolation actuation instrumentation channels inoperable. For those isolation actuation instruments which are common to both the Reactor Protection System and the isolation actuation instrumentation, the more restrictive requirements are proposed.

Date of issuance: March 2, 1992

Effective date: March 2, 1992

Amendment No.: 99

Facility Operating License No. NPF-21: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 7, 1991 (56 FR 37583) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 2, 1992.

No significant hazards consideration comments requested: No.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Notice of Issuance of Amendment To Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity For Hearing (Exigent or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By April 17, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to **(Project Director):** petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Virginia Electric and Power Company, et al., Docket No. 50-338, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of application for amendment: January 28, 1992, as supplemented February 27, 1992.

Brief description of amendment: This amendment limits maximum reactor power to 95% of rated thermal power and imposes more restrictive equipment operability requirements for the Emergency Core Cooling System. The changes will remain in effect until steam generator replacement is completed in 1993.

Date of issuance: March 3, 1992

Effective date: March 3, 1992

Amendment No.: 153

Facility Operating License No. NPF-4: Amendment revised the Technical Specifications and the license. Public comments requested as to proposed no significant hazards consideration: Yes,

February 5, 1992 (57 FR 4503). The notice period ends March 6, 1992. However, due to changed circumstances, the amendment was issued prior to the end of the 30-day notice period. The Commission's related evaluation of the amendment and final determination of no significant hazards consideration are contained in a Safety Evaluation dated March 3, 1992.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23212.

Local Public Document Room location: The Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903-2498.

NRC Project Director: Herbert N. Berkow

Dated at Rockville, Maryland, this 11th day of March 1992.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[FR Doc. 92-6200 Filed 3-17-92; 8:45 am]

BILLING CODE 7590-01-D

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1022 (which should be mentioned in all correspondence concerning this draft guide), is a proposed Revision 3 to Regulatory Guide 1.101, "Emergency Planning and Preparedness for Nuclear Power Reactors." This guide is being developed to provide guidance to licensees and applicants on methods acceptable to the NRC staff for complying with the Commission's regulations for emergency response plans and preparedness at nuclear power reactors.

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an offical NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by April 15, 1992.

Although a time limit is given for comments on this draft, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Distribution and Mail Services Section. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 2 day of March 1992.

For the Nuclear Regulatory Commission.

Warren Minners,

Director, Division of Safety Issue Resolution Office of Nuclear Regulatory Research.

[FR Doc. 92-6259 Filed 3-17-92; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request copies available from: Securities and Exchange Commission, Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Rule 15a-6, File No. 270-329

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for extension of OMB approval Rule 15a-6 [17 CFR 240.15a-6] under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), which provides, among other things, an exemption from broker-dealer registration for foreign broker-dealers that effect trades with or for U.S. institutional investors through a U.S. registered broker-dealer, provided that the U.S. broker-dealer obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith. It is estimated that approximately 2000 respondents will incur an average burden of three hours per year to comply with this rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and Gary Waxman, Clearance Officer, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: March 9, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6223 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20469; File No. SR-MSE-92-03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Midwest Stock Exchange, Inc. To Establish an Automatic Execution System for Limit Orders

March 11, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSE is proposing a system enchancement which would facilitate the execution of limit orders in a specialist's book automatically.[1] The proposed automatic execution feature ("Auto-Ex") will execute limit orders in accordance with existing MSE rules.[2] Auto-Ex will be available for all dually traded issues; however, specialists will be permitted to choose Auto-Ex on an issue by issue basis. Generally, however, Auto-Ex will be used for issues which, based on experience, have demonstrated reliable and accurate quotes in the primary market. Limit orders not subject to Auto-Ex will be "flagged" with a prompt to alert the specialist that a fill may be due.

The Auto-Ex feature will operate by comparing the size of the MSE-entered limit order against the amount of stock ahead of that order in the consolidated market. The comparison will be made against the consolidated quote size at the time the MSE limit order is received. Thereafter, the Auto-Ex system will keep track of all prints in the primary market and will automatically execute the limit order once sufficient size prints in the primary market.[3] As additional limit orders at the same price are received by the specialist, comparisons will be made and entered based upon the shares ahead of those limit orders at the time of receipt, including shares ahead on the MSE. The Auto-Ex feature will not permit a limit order to be filled out of sequence. Limit orders will not be compared for Auto-Ex purposes until such time as the limit price becomes the best bid/offer ("BBO") for the first time.[4] The proposal to establish the Auto-Ex feature applies only to limit orders. It is not applicable to marketable limit orders or to market orders.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this proposal is to further automate the MSE's trading floor functions in order to improve the Exchange's performance in filling limit orders.[5] By providing for automatic execution of limit orders in accordance with existing Exchange rules, the MSE is eliminating the need for the manual operation required of specialists in determining when and to what extent limit orders are due fills based on primary market prints. The manual effort expended by specialists in filling limit orders that have primary market protection is often time-consuming and can result in errors, particularly when trading is busy. The present proposal will, therefore, directly benefit customers because it will result in more timely fills while eliminating errors resulting from manual execution.

Although this proposal will require additional system capacity, the time that specialists now require on the system to perform manual search and execution functions with respect to the execution of limit orders will be eliminated. It is anticipated that the implementation will result in a small net increased use of system capacity; however, the MSE believes that there are no system capacity concerns with respect to the Auto-Ex feature.

The Auto-Ex feature does not change or amend any MSE trading rules, nor will it cause or allow limit orders to be filled under different parameters than under existing rules. Auto-Ex will affect only the manner in which limit orders are filled. The MSE will continue to monitor specialist execution of limit orders through the Market Regulation/Surveillance Department and specialists will continue to be responsible for their books to the same degree as they are now under the manual execution system for limit orders.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices; promote just and equitable principles of trade; and, help to perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe any burdens will be placed on competition as a result of the proposed rule change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changed Received From Members, Participants or Others

No comments were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments,

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[1] A limit order is an order to buy or sell a stated amount of a security at a specified price or at a better price. A limit order is called "marketable" when the prevailing best offer (bid) is equal to or less (greater) than the order price. The proposed rule change does not apply to the execution of marketable limit orders.

[2] The MSE specialist will be the contra-side of all Auto-Ex trades. Conversation between Daniel J. Liberti, Associate Counsel, MSE, and Edith Hallahan, Attorney, Commission, on February 25, 1992.

[3] For example, assume an MSE specialist receives an agency limit order to buy 2,000 shares of ABC at ½. The consolidated quote is ½ bid, ¾ offered; 5,000 shares bid and 5,000 shares offered, meaning there are 5,000 shares ahead of the MSE order. The Auto-Ex system will automatically execute the entire MSE limit order after 7,000 shares print at ½ in the primary market. However, when more than 5,000 but less than 7,000 shares print at ½ in the primary market, the order will be flagged with a flashing prompt to alert the specialist that the order may be due at least a partial fill. See MSE Article XX, Rule 37 governing primary market protection of certain limit orders.

[4] For example, if the consolidated quote is ¼ bid, ½ offered, 4,000 shares bid and 4,000 shares offered, and a specialist receives a limit order to buy 2,000 shares for ¼, that limit order will not be compared until such time as the ¼ bid is exhausted and the ¼ bid becomes the best bid. At that time, the size which is disseminated with the ¼ bid is the size against which the limit order is compared for Auto-Ex purposes.

[5] The proposed rule change is part of the MSE's initiative to improve Exchange performance in filling all orders on the MSE floor. The Exchange is currently addressing improved fills for market orders through the SuperMAX and Enhanced SuperMAX systems. See Securities Exchange Act Release No. 30058 (December 10, 1991), 56 FR 65765 (approving File No. SR-MSE-91-12).

all written statements with respect to the proposed rule change that are filed with the Commission, and all written comunications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR-MSE-92-03 and should be submitted by April 8, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6283 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30473; File No. SR-NYSE-92-01]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Listing Fees

March 12, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 19, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is revising the fees it charges for the listing of outstanding bond issues.[1] Currently, issuers pay listing fees based on a specified fee schedule.[2] However, a modified fee structure for outstanding issues where the issuer was listing equity on the NYSE for the first time was effective from August 1, 1989 until January 1, 1991.[3] This filing re-institutes the modified fee structure on a permanent basis.

Under the new fee structure, the fee for outstanding issues will be half the dollar amount calculated under the fee schedule for all issuers, whether or not the issuer is listing equity for the first time on the Exchange.[4] The structure also provides for the totaling of par values and the averaging of maturities of outstanding issues where more than one issue is being listed.[5] This method of calculation provides issuers with size discounts for larger issues.[6] In addition, where issuers list two or more outstanding issues, maturities will be averaged, thus providing issuers with lower listing rates for shorter maturities.[7]

To be eligible for this reduced listing fee, otherwise qualified bond issues must have been outstanding at least one year prior to application.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is restructuring its fees for listing outstanding debt by reestablishing its outstanding issues program. These restructured fees acknowledge the distinct characteristics of various categories of debt offerings and enhance the opportunity for their participation, through listing, in the Exchange's public secondary market for debt.

2. Statutory Basis

The statutory basis under the Act is Section 6(b)(4) and its requirements that a national securities exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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[1] A copy of the NYSE's current bond listing fees was attached to the rule filing as Exhibit A, and is available at the NYSE as well as at the Commission. See also NYSE Listed Company Manual, § 902.02.

[2] The initial listing fee for bonds is based on both the maturity and par value of the issue. With respect to outstanding bond issues, maturity refers to the remaining life of the bond. Currently, the fee for outstanding bonds is 50% of the fee calculated pursuant to this schedule, but this reduced fee is available only for 18 months and only to companies listing equity for the first time. See note 1 of NYSE Listing Fees, Fixed Income. The NYSE is proposing to delete the 18 month limitation and permanently expand the 50% fee reduction to include all issuers currently listing equities on the NYSE who seek to list outstanding debt issues. Conversation between Donald G. Dueweke, Senior Vice President; NYSE, and Edith Hallahan, Staff Attorney, Commission, on March 5, 1992.

[3] See Securities Exchange Act Release No. 27546 (December 18, 1989), 54 FR 53016 (approving File No. SR-NYSE-89-21). This fee structure was also in effect for an 18 month period ending on July 31, 1989. See Securities Exchange Act Release No. 25313 (February 4, 1988), 53 FR 4088 (approving File No. SR-NYSE-87-50).

[4] Accordingly, at the next printing of the fee schedule, the NYSE will amend note 1 of NYSE Listing Fees, Fixed Income, to read: "Eligible bond issues outstanding at least one year prior to application." See letter from Donald G. Dueweke, Senior Vice President, NYSE, to Mary Revell, Branch Chief, SEC, dated March 5, 1992.

[5] See note 2 of NYSE Listing Fees, Fixed Income.

[6] Example: An issuer lists a 30 year, $500 million issue with 4 years remaining and a 15 year, $350 million issue with 5 years remaining. The proposed fee ($41,500) is less than the fee for the new issue of the same size and maturities ($97,750) and the fee for outstanding issues calculated individually ($49,875).

[7] Example: In the example in note 6, if the remaining life of the $350 million issue is 6 years rather than 5, the remaining life of the total is averaged to 5 years. The fee would be $41,500. If calculated individually, without totaling or averaging maturities, the fee would have been $92,000.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-92-01 and should be submitted by April 8, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6275 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel No. IC-18610; 811-5787]

Octagon Funds, Inc.; Application

March 11, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Octagon Funds, Inc.

RELEVANT 1940 ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order of the Commission declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on January 31, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 6, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 275 Commerce Drive, Fort Washington, PA 19034.

FOR FURTHER INFORMATION CONTACT: Eva Marie Carney, Senior Attorney, at (202) 504-2274 or Max Berueffy, Branch Chief, at (202) 272-3016 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On March 20, 1989, applicant filed a notification of registration on Form N-8A. On that same date, applicant filed a registration statement on Form N-1A pursuant to section 8(b) of the Act, and a registration statement on Form N-1A (File No. 33-27846) pursuant to the Securities Act of 1933 to register an indefinite number of shares of its Common Stock, par value $.00001 per share, of each of the following series: Octagon Quality Income Portfolio, Octagon Aggressive Growth Portfolio, Octagon Money Market Portfolio, Octagon Disciplined Asset Allocation Portfolio, Octagon Market Plus Portfolio and Octagon International ADR Portfolio. The registration statement reflects that applicant's shares were to be offered only to trusts established under an unfunded, non-tax qualified deferred compensation and fee program adopted by entities associated with USF&G Marketing, a wholly owned subsidiary of USF&G Corporation, a publicly-held insurance and financial services holding company, and USF&G Corporation, and that the program was to be made available only to a limited group of these entities' employees and independent contractors. The registration statement became effective on August 2, 1989, and the initial public offering of the shares commenced immediately thereafter.

2. As of the close of business on December 31, 1990, all of applicant's outstanding shares were held by United States Fidelity and Guaranty Company, a wholly owned subsidiary of USF&G Corporation. Immediately following the close of business on December 31, 1990, applicant redeemed all its then-outstanding shares at their net asset value determined using the valuation procedures set forth in its then-current prospectus and statement of additional information, as follows: 504,621.34 shares of the Octagon Quality Income Portfolio at $10.01 per share; 502,461.45 shares of the Octagon Aggressive Growth Portfolio at $9.98 per share; 15,451,815.32 shares of the Octagon Money Market Portfolio at $1.00 per share; 503,104.27 shares of the Octagon Growth and Income Portfolio at $8.66 per share; 501,161.31 shares of the Octagon High Yield Portfolio at $8.36 per share; 503,907.84 shares of the Octagon Disciplined Asset Allocation Portfolio at $9.20 per share; 700,059.33 shares of the Octagon Market Plus Portfolios at $9.17 per share; and 500,568.24 shares of the Octagon International ADR Portfolio at $8.00 per share.

3. Prior to its liquidation on December 31, 1990, applicant sold substantially all of its portfolio securities in open market transactions at market prices. Octagon Aggressive Growth Portfolio, Octagon Growth and Income Portfolio, Octagon Market Plus Portfolio, Octagon Disciplined Asset Allocation Portfolio, and Octagon International ADR Portfolio each incurred brokerage commissions in connection with the sale of their portfolio securities. These investment series incurred a total of $36,734 in such commissions. Applicant's other investment series incurred no brokerage commissions in connection with the sale of their portfolio securities.

4. All expenses relating to applicant's liquidation and the winding-up of its affairs, including legal, accounting, and other general and administrative expenses, were borne by USF&G Corporaton or its affiliates.

5. On June 17, 1991, applicant's Board of Directors adopted resolutions approving its dissolution under Maryland law. On January 23, 1992, applicant filed Articles of Dissolution pursuant to Section 3-401 of the Maryland General Corporation Law with the State Department of Assessments and Taxation of Maryland and was dissolved as a Maryland corporation.

6. Applicant has no assets, liabilities or shareholders. Applicant is not a party to any litigation or administrative proceeding and is not engaged in, nor does it propose to engage in, any business activities other than those

necessary for the winding-up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6282 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18613; 811-2561]

Vanguard High Yield Stock Fund, Inc., Application

March 12, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Vanguard High Yield Stock Fund, Inc.

RELEVANT ACT SECTION: Section 8(f) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on November 27, 1991, and amended on January 6, 1992, and March 4, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 6, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 1300 Morris Drive, P.O. Box 110, Valley Forge, PA 19482.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Osterman, Staff Attorney, at (202) 272-3016, or Barry D. Miller, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Prior to its dissolution, applicant was an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On January 31, 1975, applicant filed a Notification of Registration pursuant to section 8(a) of the Act and a registration statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. Applicant represents that its registration statement was declared effective on July 19, 1975, and it commenced its initial public offering on the same date.

2. At a meeting on December 18, 1990, applicant's board of directors approved an agreement and plan of reorganization. Applicant filed preliminary proxy materials with the SEC regarding the proposed transaction on January 18, 1991, and filed definitive proxy materials with the SEC on February 28, 1991. Applicant's shareholders approved the reorganization at a special meeting held on April 16, 1991.

3. On April 17, 1991, pursuant to the agreement and plan of reorganization, applicant transferred substantially all of its assets to The Windsor Fund Series of The Windsor Funds, Inc. (the "Acquiror") in exchange for shares of the Acquiror's capital stock.[1] The transfer of applicant's assets in exchange for shares of Acquiror's capital stock was based on the relative net asset value of the funds. Applicant distributed the Acquiror's shares acquired by it in the exchange to its shareholders on a *pro rata* basis.

4. Expenses incurred in connection with the transaction amounted to $21,600, and consisted of accounting fees and printing and processing costs associated with the proxy solicitation. Such expenses were borne by applicant.

5. Applicant was dissolved under the laws of the State of Maryland pursuant to articles of dissolution dated June 10, 1991, and filed with the Maryland Department of Assessments and Taxation on June 20, 1991.

6. As of the date of the application, applicant had no shareholders, assets, or liabilities and was not a party to any litigation or administrative proceeding.

7. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

[1] By letter dated December 20, 1991, counsel for applicant represented that the acquisition was in compliance with the requirements of rule 17a-8 of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6284 Filed 3-17-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Advisory Committee to the United States Section Inter-American Tropical Tuna Commission; Closed Meeting

The Advisory Committee to the United States section of the Inter-American Tropical Tuna Commission (IATTC) will meet on April 2, 1992, at the Federal Building, Conference Room 3400, 501 West Ocean Boulevard, Long Beach, California. This session will discuss recent developments regarding the problem of dolphin mortality in the eastern Pacific tuna fisheries, as well as the U.S. position in the April 21-23, 1992 special meeting of the IATTC to address this matter. The meeting will begin at 1:30 p.m.

The Advisory Committee meeting will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the upcoming IATTC meeting. Accordingly, the determination has been made to close the session pursuant to section 19(d) of the Federal Advisory Committee Act, 5 U.S.C. App. 1, section 19(d) and 5 U.S.C. 552 (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Brian S. Hallman, Deputy Director, Office of Fisheries Affairs (OES/OFA), room 5806, U.S. Department of State, Washington, DC 20520-7818. Mr. Hallman can be reached by telephone on (202) 647-2335 or by FAX on (202) 647-1106.

Dated: March 12, 1992.

David A. Colson,

Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc. 92-6254 Filed 3-17-92; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under Title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101-549, 104 Stat. 2586, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public hearing, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utilities units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6147 Filed 3-17-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Change of Name of Approved Trustee

Notice if hereby given that effective March 31, 1989, First City National Bank of Houston, Houston, Texas, changed its name to First City, Texas-Houston, N.A.

Dated: March 12, 1992.

By Order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 92-6214 Filed 3-17-92; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Denial of Defect Petition for Rulemaking and for a Motor Vehicle Defect Investigation

This notice sets forth the reasons for the denial of a petition submitted to NHTSA under section 124 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1381 *et seq.*).

Mr. Ralph Hoar submitted a petition dated November 22, 1991, requesting that formal steps be taken to have "LooPo Seatbelt Tension Adjusters" (LooPo) recalled, ban the sale of these and other such slack inducing devices, and issue a consumer warning that slack in belt systems compromises the protection that seat belts are designed to have. The LooPo device is designed to clip onto the upper torso restraint belt so as to limit its tension by preventing complete retraction of the belt.

To support his petition, Mr. Hoar states, "As you may know, all devices that induce seat belt slack have been banned in Australia for a number of years. NHTSA's research has established a clear correlation between belt slack and increased risk of injury. An official warning is overdue that belt slack is hazardous."

In 1989, two petitions were filed with NHTSA addressing tension relieving devices on safety belt systems. In one of the petitions, NHTSA was requested to make a determination that all vehicles with safety belt systems incorporating a "window shade" tension-relieving device contain a defect relating to motor vehicle safety. This petition was denied by the agency at 54 FR 50301, December 5, 1989. The other was a petition for rulemaking asking NHTSA to reexamine its previous decision to permit the installation of "window shade" tension-relieving devices on safety belt systems. The petition argued that these tension-relieving devices will be knowingly or unintentionally misued to introduce excessive slack and seriously compromise the occupant protection offered by the safety belt system.

In response to that petition, NHTSA determined that it was appropriate to reexamine the issue of tension-relieving devices in the context of a rulemaking proceeding. Observations of belt slack recorded in NHTSA's 19-city survey of safety belt use have consistently shown that no more than 2 percent of persons wearing their safety belts have excessive slack in their shoulder belts. In separate studies, the National Transportation Safety Board concluded, based on data from investigations of actual motor vehicle crashes, that occupants of vehicles with tension-relieving devices are not injured more frequently or more seriously than occupants of vehicles whose safety belts do not include any tension-relieving devices.

This reexamination of the issue indicated that there is no demonstrated real-world problem resulting from the use of tension-relieving devices on safety belts. Accordingly, there is no evidence that these devices are being misused to introduce excess belt slack.

The agency has screened its computerized consumer complaint system for instances where add-on tension-relieving devices were alleged to have caused or exacerbated injuries related to vehicle collisions. None were found. Further, the petitioner has provided no specific information to support his contention that tension-relieving devices create an unreasonable risk to safety.

Mr. Hoar's petition requests the agency to recall the subject device. We construe this petition as a request that NHTSA commence a proceeding to determine whether to issue an order concerning the notification and remedy of a defect in the "LooPo Seatbelt Tension Adjusters." The petition does not provide any factual data to support a finding that this device poses a serious safety risk. Separately, we screened NHTSA's computerized complaint database to determine if any reports of problems with tension-relieving devices have been reported. None were found. Under the circumstances, a defect investigation proceeding is not warranted and the petition for a defect investigation is denied.

Mr. Hoar also "petitioned" NHTSA to ban the sale of these and other such slack-inducing devices. Such a ban would be accomplished through a rulemaking process. For the reasons cited above, the agency has determined that the facts would not support issuance of a standard that would ban the sale of these devices.

Finally, Mr. Hoar petitions NHTSA to issue a consumer warning that slack in belt systems compromises the protection that seat belts are designed to provide. NHTSA has previously published consumer information on the role of belt slack in influencing effective crash protection. Mr. Hoar has not provided any new data or information that indicates that additional agency action concerning consumer information is necessary.

Since tension-relieving devices have been used widely over the past 16 years and the "in use" data do not demonstrate increased safety risk, there is no reasonable possibility that a recall order would be issued at the conclusion of an investigation into this issue. Further commitment of resources to pursue rulemaking in this area is also not warranted. Therefore, the petition is denied.

Authority: 19 U.S.C. 1410a delegations of authority at 40 CFR 1.50 and 501.8.

Issued on: March 13, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-6242 Filed 3-17-92; 8:45 am]

BILLING CODE 4810-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1045.
Form Number: None.
Type of Review: Reinstatement.
Title: Conducting 1992 Focus Group Interviews on Federal Tax Forms.
Description: Focus group interviews are necessary to obtain public input on revised and new tax forms. The results will be used to further simplify and improve the forms so that taxpayers will understand them more easily.
Respondents: Individuals or households.
Estimated Number of Respondents: 300.
Estimated Burden Hours Per Respondent: 2 hours.
Frequency of Response: Other (One-time focus group interviews).
Estimated Total Reporting Burden: 600 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6217 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 11, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220

Internal Revenue Service

OMB Number: 1545-1283.
Form Number: None.
Type of Review: Reinstatement.
Title: IRS Customer Satisfaction Survey.
Description: Data collected will be used to evaluate adult residents' opinions of products and services provided by the IRS. Data will be used to identify areas needing service quality improvement and to direct improvement efforts.
Respondents: Individuals or households.
Estimated Number of Respondents: 2,900.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Other (Two times during 1992).
Estimated Total Reporting Burden: 408 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6216 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-1278.
Form Number: None.
Type of Review: Reinstatement.
Title: 1992 Filing Season Forms 1040EZ-1 Focus Groups.
Description: A 1992 filing season test of the Form 1040EZ-1 is being conducted among 342,445 taxpayers in the states of Rhode Island, Texas, and Washington. Focus groups will be conducted among test participants in each state to explore taxpayer reactions to the new form in depth.
Respondents: Individuals or households.
Estimated Number of Respondents: 600.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: Other (One-time focus groups).
Estimated Total Reporting Burden: 230 hours.
Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6218 Filed 3-17-92; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 10, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Special Request

The Bureau of the Public Debt is requesting approval from the Office of Management and Budget of this information collection by March 20, 1992 because these tender forms reflect recent changes in the Treasury auction process and need to be available for use by the Federal Reserve Banks.

Bureau of the Public Debt

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Tender for ____-Week Treasury Bill.
Description: The public auctioning of Treasury bills requires bidders to submit tenders containing certain information such as the par amount of securities bid for, the discount rate desired, and, if applicable, the bidder's net long position in the securities. The information is needed to process the tenders and to ensure compliance with Treasury auction rules.
Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 165,000.
Estimated Burden Hours Per Response: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 84,150 hours.
OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Tender for ____-Year Treasury Note/Bond.
Description: The public auctioning of Treasury notes and bonds requires bidders to submit tenders containing certain information such as the par amount of securities bid for, the yield desired, and, if applicable, the bidder's net long position in the securities. The information is needed to process the tenders and to ensure compliance with Treasury auction rules.
Respondents: Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.
Estimated Number of Respondents: 82,500.
Estimated Burden Hours Per Response: 10 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 42,075 hours.
Clearance Officer: Rita DeNagy (202) 447-1315, Bureau of the Public Debt, room 137, DEP Annex, 300 13th Street, SW., Washington, DC 20239-0001.
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92-6219 Filed 3-17-92; 8:45 am]

BILLING CODE 4810-40-M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 11, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Financial Management Service

OMB Number: 1510-0029.
Form Number: TFS 5118.
Type of Review: Extension.
Title: Depositor's Application for Payment of Postal Savings Certificates.
Description: This form is prepared when a depositor has lost, destroyed or misplaced his Postal Savings certificates. Form properly completed and signed replaces unavailable certificates to support application for payment. If original certificates show up document prevents payments from being made.
Respondents: Individuals or households.
Estimated Number of Respondents: 250.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 63 hours.
OMB Number: 1510-0038.
Form Number: TFS 6114.
Type of Review: Extension.
Title: More Information Letter.
Description: This form is prepared when information in an inquiry about Postal Savings is insufficient to make a search of files and records.
Respondents: Individuals or households.
Estimated Number of Respondents: 375.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: Other (as needed).
Estimated Total Reporting Burden: 94 hours.
Clearance Officer: Jacqueline R. Perry (301) 436-6453, Financial Management Service, 3361-L 75th Avenue, Landover, MD 20785.
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92-6220 Filed 3-17-92; 8:45 am]

BILLING CODE 4810-35-M

Customs Service

[T.D. 92-27]

Determination That Merchandise Imported From the People's Republic of China Is Being Produced by Convict, Forced or Indentured Labor

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Determination that merchandise is subject to 19 U.S.C. 1307.

SUMMARY: This document advises that the Commissioner of Customs, with the approval of the Secretary of the Treasury, has determined that certain diesel engines manufactured by the Golden Horse ("JINMA") Diesel Engine Factory, identified and/or marketed under the "JINMA" brand name, which are being, or are likely to be, imported into the United States from the People's Republic of China (PRC), are being manufactured with the use of convict labor and/or forced labor and/or indentured labor. The Commissioner of Customs, pursuant to 19 CFR 12.42(f) has determined, on the basis of a Customs investigation, that such merchandise is being, or is likely to be imported into the United States in violation of section 307 of the Tariff Act of 1930, as amended. As such importations of the aforementioned engines shall be considered and treated as prohibited by section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), unless pursuant to CFR 12.42(g), the importer establishes by satisfactory evidence that the merchandise was not mined, produced, or manufactured in any part with the use of a class of labor specified herein.

DATES: This determination shall take effect March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Harvey B. Fox, Director, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229, (202) 566–2507.

SUPPLEMENTARY INFORMATION:

Background

Section 307, Tariff Act of 1930, as amended (19 U.S.C. 1307), provides in pertinent part:

> All goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Forced labor is defined to mean: all work or service which is extracted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily. See, 29 U.S.C. 1307.

Pursuant to section 307, the Secretary of the Treasury promulgated implementing regulations found at 19 CFR 12.42, *et seq.* These regulations set forth the procedure for the Commissioner of Customs to make a finding that an article is being, or is likely to be imported into the United States which is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of 19 U.S.C. 1307.

Paragraph (f) of § 12.42, Customs Regulations (19 CFR 12.42(f)), provides that if the Commissioner of Customs finds that merchandise within the purview of 19 U.S.C. 1307 is being, or is likely to be, imported, [s]he will, with the approval of the Secretary of the Treasury, publish a finding to that effect in a weekly issue of the Customs Bulletin and in the **Federal Register.**

Finding

Pursuant to § 12.42(f), Customs Regulations (19 CFR 12.42(f)), it is hereby determined that certain articles of the People's Republic of China are being, or likely to be, imported into the United States, which are being mined, produced, or manufactured with the use of convict, forced, or indentured labor.

Accordingly, merchandise, subject to this finding and indicated below, shall be denied entry, at all ports of entry and/or release from warehouse for consumption shall be prohibited. Based upon this finding, Customs officers shall withhold release of any of these articles from the People's Republic of China, otherwise than for exportation.

Articles	Item No. from the Harmonized Tariff Schedule (19 U.S.C. 1202)
Diesel Engines manufactured by Golden Horse ("JINMA") Factory	8408.10.00—8408.90.90

Approved: January 27, 1992.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–6221 Filed 3–17–92; 8:45 am]

BILLING CODE 4820–02–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Tuesday, March 24, 1992.

SUMMARY:

PLACE: Vista Hotel, 1400 M Street, NW., Washington, DC 20005.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED: The Finance Board will be hosting a meeting of the Advisory Council of the Federal Home Loan Bank System. Matters to be considered are the following:

1. Report on FHLBank System's Financial Status.
2. Legislative Update.
3. Annual Reports from Advisory Council Representatives.

The above matters are exempt under one or more of sections 552b(c) (2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c) (2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 92–6456 Filed 3–16–92; 2:50 pm]

BILLING CODE 6725–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Wednesday, March 25, 1992.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. Monthly Reports—
   A. District Banks Directorate
   B. Housing Finance Directorate

PORTIONS CLOSED TO THE PUBLIC: The Board will consider the following:

1. Approval of the February Board Minutes
2. Legislative/Strategic Discussion—
   A. Legislative Update
   B. System Efficiencies Task Force Update
3. Advances Issues
4. District Bank Presidents' Compensation
5. Examination Report
6. Credit Product Developments
7. District Board Outreach
8. Board Management Issues

The above matters are exempt under one or more of sections 552b(c)(2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,

Executive Director.

[FR Doc. 92–6459 Filed 3–16–92; 2:50 pm]

BILLING CODE 6725–01–M

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals will meet in executive session on Thursday, April 30, 1992, from 8:30 a.m. to 10:00 a.m. The public sessions of the Commission and the Committee meeting will be held on Thursday, April 30, from 10:00 a.m. to 5:30 p.m., on Friday, May 1, from 9:00 a.m. to 6:00 p.m., and on Saturday, May 2, from 8:30 a.m. to 1:00 p.m.

PLACE: The Sheraton Tallahassee Hotel, 101 South Adams Street, Tallahassee, Florida 32301.

STATUS: The executive session will be closed to the public. At it, matters relating to budget, personnel, internal practices of the Commission, and international negotiations in process will be discussed. All other portions of the meeting will be open to public observation. Public participation will be allowed if time permits and it is determined to be desirable by the Chairman.

MATTER TO BE CONSIDERED: The Commission and Committee will meet in public session to discuss a broad range of marine mammal matters. The primary focus of the meeting will be the conservation and recovery of the West Indian manatee. Among other matters the Commission plans to consider at the meeting are: high seas driftnet fisheries; marine mammal die-offs; the International Whaling Commission; the Mineral's Management Service's Gulf of Mexico marine mammal program; and progress on conservation and recovery plans.

SUPPLEMENTARY INFORMATION: This is a second notice of the Commission's 1992 meeting and does not constitute any significant change in the scheduling, location, or agenda of the meeting as originally published in the January 15, 1992 (57 FR 1793) notice.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1825 Connecticut Avenue, N.W., Room 514, Washington, D.C. 20009, 202/606–5504.

Dated: March 13, 1992.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 92–6364 Filed 3–16–92; 11:25 am]

BILLING CODE 6820–31–M

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 57, No. 39/Thursday, February 27, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9:30 a.m., Tuesday, March 3, 1992.

CHANGE IN MEETING: A majority of the Board Members determined by recorded vote that the business of the Board required amending the agenda to include civil penalties as a topic for discussion at a closed portion of the meeting at this time and that no earlier announcement was possible.

FOR MORE INFORMATION, CONTACT: Bea Hardesty, (202) 382–6525.

Dated: March 12, 1992.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 92–6375 Filed 3–16–92; 12:38 pm]

BILLING CODE 7533–01–M

Corrections

Federal Register
Vol. 57, No. 53
Wednesday, March 18, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 82F-0295]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium

Correction

In rule document 92-4425, beginning on page 6667, in the issue of Thursday, February 27, 1992, make the following corrections:

1. On page 6667, in the third column, in the first line, "objectives" should read "objections".

2. On page 6671, in the first column, in the first full paragraph, in the sixth line, "rat" should read "rare".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Rural Health Research Centers

Correction

In notice document 92-5221 beginning on page 8129 in the issue of Friday, March 6, 1992, make the following correction:

On page 8131, in the first column, under "Other Information", in the second line, insert "indirect" after "plus".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-030-02-4212-11]

Realty Action; ID

Correction

In notice document 92-4554 beginning on page 6851, in the issue of Friday, February 28, 1992, make the following corrections:

1. On page 6851, in the third column, under T. 8 S., R. 36 E., in Sec. 22, in the second line, "E½NW¼SW¼;" should read "E½NW¼SE¼;

2. On the same page, in the same column, in the last line, "Sec. 36," should read "Sec. 26,".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Thermal Hydraulic Phenomena; Meeting

Correction

In notice document 92-5528, appearing on page 8495, in the issue of Tuesday, March 10, 1992, in the 2d column, in the 14th line, "6:30 a.m." should read "8:30 a.m.".

BILLING CODE 1505-01-D

federal register

Wednesday
March 18, 1992

Part II

Environmental Protection Agency

Pesticide Reregistration; Outstanding Data Requirements for List B Active Ingredients (Fourth Notice)

ENVIRONMENTAL PROTECTION AGENCY

[OPP-34024; FRL 4049-6]

Pesticide Reregistration: Outstanding Data Requirements for Certain List B Active Ingredients (Fourth Notice)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1988 establishes a five-phase process for the reregistration of pesticide products containing active ingredients "contained in any pesticide first registered before November 1, 1984." During Phase 1 the Environmental Protection Agency (the Agency) divided the active ingredients subject to reregistration into four lists; List B was published in the **Federal Register** (54 FR 22706) on May 25, 1989. FIFRA requires the Administrator during Phase 4 of reregistration to publish the outstanding data requirements identified for those active ingredients being supported for reregistration. The outstanding data requirements of 74 List B active ingredients were published by the Agency among three previous **Federal Register** Notices at 56 FR 6849, February 20, 1991; 56 FR 3710, August 7, 1991; and 56 FR 54852, October 23, 1991. This fourth Notice continues the series by reporting the outstanding data requirements of 55 additional List B active ingredients. Remaining supported List B active ingredients are on a later reregistration schedule and their unfulfilled data requirements will be published in a future Notice.

FOR FURTHER INFORMATION CONTACT: By mail, Denise Greenway, Special Review and Reregistration Division (H-7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202. Telephone No. (703) 308-8179.

SUPPLEMENTARY INFORMATION: This Notice identifies, pursuant to FIFRA section 4(f)(1)(B), the outstanding data requirements needed for reregistration of certain of the active ingredients on List B. That section also calls for the separate issuance of Data Call-In notices to registrants to obtain information satisfying these data requirements. The Agency has recently issued such Data Call-In notices to the appropriate registrants.

This SUPPLEMENTARY INFORMATION is divided into four units. Unit I provides background information on pesticide reregistration. Unit II discusses the requirements of section 4(f)(1)(B). Unit III describes the process used by the Agency in identifying outstanding data requirements. It also contains a table of the outstanding data requirements for each active ingredient. Unit IV describes the Data Call-In notices that have been issued to obtain data to satisfy the data requirements identified in this Notice.

I. Background

Section 4 of FIFRA as amended in 1988 required the Agency to conduct pesticide reregistration of older pesticides in five phases. In Phase 1, the Agency published Lists A, B, C, and D of pesticide active ingredients subject to reregistration. For Lists B, C, and D in Phase 2, registrants seeking reregistration had to identify for the Agency any data requirements which registrants believe would apply to their active ingredients, and indicate the ones that they thought were now satisfied. For those that were not satisfied, registrants had to indicate how they would fulfill the remaining data requirements necessary for the reregistration of their products. In Phase 3, these registrants summarized and in some cases reformatted studies that they believed were adequate and that they had previously submitted to the Agency. In Phase 4, the Agency is directed to review the materials submitted by registrants in Phases 2 and 3, and to identify the outstanding data requirements that need to be fulfilled in order for the Agency to determine whether or not pesticides containing particular active ingredients are eligible for reregistration. The Agency is further directed to issue Data Call-In notices to obtain data to satisfy these outstanding requirements. Finally, in Phase 5, the Agency must review the data submitted by registrants; determine whether pesticides containing particular active ingredients are eligible for reregistration; obtain product-specific information needed to determine whether particular products should be reregistered; and make final determinations on whether such products should be reregistered. The final determination on reregistration is to be based on whether a pesticide meets the standards of FIFRA section 3(c)(5), which prescribes the standards for initial registration of pesticides. If the Administrator determines that a pesticide should not be reregistered, section 4 directs the Administrator to take appropriate regulatory action.

Pursuant to FIFRA section 4(c)(2)(B) the Agency published in the **Federal Register** on May 25, 1989, a list of 229 chemicals (in 149 review cases) constituting List B of reregistration. The Agency then sent guidance on how to comply with Phase 2 of reregistration to all registrants of pesticides containing active ingredients on List B. Registrants were required by August 25, 1989, to inform EPA of their intent to seek or not to seek reregistration, to identify data requirements they believe applied to their active ingredients in their products, to identify the data requirements for which they have already submitted adequate data, and to commit to replace missing or inadequate data concerning the List B active ingredients contained in their products.

To assist registrants in complying with Phase 3, the Agency issued on December 24, 1989 the FIFRA Accelerated Reregistration —Phase 3 Technical Guidance (EPA No. 540/09-90-078). This document provides detailed instructions on: (i) Summarizing studies, (ii) reformatting studies, (iii) identifying adverse information, and (iv) identifying previously submitted studies that may not fully satisfy current requirements. To meet the requirements for Phase 3, registrants were required to submit summaries of previously submitted studies that they wished to rely on for reregistration. Additionally, for studies submitted prior to January 1, 1982, registrants had to submit a reformatted version of the study, if data were for certain toxicological and residue chemistry guidelines. Registrants were to certify that the raw data for the previously submitted studies were either in their possession, or in the possession of the Agency, or were readily accessible elsewhere. Registrants were to identify and submit any data considered under section 6(a)(2) to show an adverse effect of the pesticide. Also, registrants were to identify any other information they considered to be supportive of registration. And registrants had to commit to fill any new data gaps identified by them. FIFRA required that these actions be completed by registrants of products containing List B chemicals by May 25, 1990.

In Phase 4, the Agency has been conducting a review of the adequacy of the data submitted by registrants for active ingredients on List B during Phases 2 and 3 and in compliance with any Data Call-In notices previously issued under section 3(c)(2)(B) of FIFRA. The purpose of the Agency's review was to systematically identify all data requirements for active ingredients that, based on information available to the Agency at this time, are necessary for a determination of eligibility for reregistration. For many active ingredients, registrants may have already committed to meet some of those requirements but have not yet submitted the results of their studies to the Agency. Concurrently, to effect the submission of those data for which commitments have not yet been made, the Agency issued Data Call-In notices to affected registrants for the additional data required by the Agency. This Notice identifies the outstanding data requirements for 55 active ingredients. It includes any new data requirements identified that are the subject of Data Call-In notices being sent to affected registrants, as well as any other prior commitments of unfulfilled data requirements. Collection of this information is authorized under the Paperwork Reduction Act by the Office of Management and Budget under OMB Control No. 2070-0107.

II. Outstanding Data Requirements

Section 4 (f)(1)(B) of FIFRA requires the Agency to publish this Notice of outstanding data requirements for each active ingredient on Reregistration List B. The Agency has been conducting a review of the information provided on all List B submissions on record for data adequacy and completeness, and has identified in this followup Notice a partial list of those chemicals with outstanding data requirements. Section 2(ff) of FIFRA defines outstanding data requirements as "a requirement for any study, information, or data that is necessary to make a determination under section 3(c)(5) and which study, information, or data — (A) has not been submitted to the Administrator; or (B) if submitted to the Administrator, the Administrator has determined must be resubmitted because it is not valid, complete, or adequate to make a determination under section 3(c)(5) and the regulations and guidelines issued under such section."

For purposes of the **Federal Register** Notice, outstanding data requirements include all requirements identified by the Agency which have yet to be satisfied at the active ingredient level, before or pursuant to Phases 2, 3, and 4 of reregistration. If registrants committed during Phases 2 and 3 or pursuant to prior actions to submit data to fulfill certain data requirements, and the data have not yet been submitted, the Agency is identifying them as outstanding. Upon review of the completed studies submitted either in response to earlier Data Call-In notices or as part of the reregistration process, the Agency may need to call in some additional studies before a final determination on reregistration can be made.

As in the previous **Federal Register** Notices, the following Table 1 provides a complete listing of the Guideline Reference Numbers (GRN) and corresponding titles for the data requirements referred to in this Notice.

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS

Guideline Reference No.	Test of Study
61-1	Product Identification and Disclosure of Ingredients[1]
61-2(a)	Description of Beginning Materials and Manufacturing Process[2]
61-2(b)	Discussion of Formation of Impurities[3]
62-1	Preliminary Analysis[4]
62-2	Certification of Limits[5]
62-3	Analytical Methods to Verify Certified Limits[6]
Physical and Chemical Characteristics[7]	
63-2	Color
63-3	Physical State
63-4	Odor
63-5	Melting Point
63-6	Boiling Point
63-7	Density, Bulk Density, or Specific Gravity
63-8	Solubility
63-9	Vapor Pressure
63-10	Dissociation Constant
63-11	Octanol/Water Partition Coefficient
63-12	pH
63-13	Stability
63-14	Oxidizing or Reducing Action
63-15	Flammability
63-16	Explodability
63-17	Storage Stability
63-18	Viscosity
63-19	Miscibility
63-20	Corrosion Characteristics
63-21	Dielectric Breakdown Voltage
64-1	Submittal of Samples
Wildlife and Aquatic Organisms Data Requirements[8]	
71-1(a)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck
71-1(b)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck (Using Typical End-Use Product)
71-2(a)	Acute Avian Dietary Toxicity (LC50) in Bobwhite Quail
71-2(b)	Acute Avian Dietary Toxicity (LC50) in Mallard Duck
71-3	Wild Mammal Toxicity Test
71-4(a)	Avian Reproductive Toxicity in Bobwhite Quail
71-4(b)	Avian Reproductive Toxicity in Mallard Duck
71-5(a)	Simulated Terrestrial Field Study
71-5(b)	Actual Terrestrial Field Study
72-1(a)	Fish Toxicity in Bluegill Sunfish
72-1(b)	Fish Toxicity in Bluegill Sunfish (Using Typical End-Use Product)
72-1(c)	Fish Toxicity in Rainbow Trout
72-1(d)	Fish Toxicity in Rainbow Trout (Using Typical End-Use Product)

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
72-2(a)	Invertebrate Toxicity Freshwater LC50 (*Daphnia* Preferred)
72-2(b)	Invertebrate Toxicity Freshwater LC50 (*Daphnia* Preferred-Using Typical End-Use Product)
72-3(a)	Toxicity to Estuarine and Marine Organisms (in Fish)
72-3(b)	Toxicity to Estuarine and Marine Organisms (in Mollusks)
72-3(c)	Toxicity to Estuarine and Marine Organisms (in Shrimp)
72-3(d)	Toxicity to Estuarine and Marine Organisms (in Fish - Using Typical End-Use Product)
72-3(e)	Toxicity to Estuarine and Marine Organisms (in Mollusks - Using Typical End-Use Product)
72-3(f)	Toxicity to Estuarine and Marine Organisms (in Shrimp - Using Typical End-Use Product)
72-4(a)	Early Life Stage in Fish
72-4(b)	Life Cycle in Aquatic Invertebrates (*Daphnia*/Mysid)
72-5	Fish Life Cycle Study
72-6	Aquatic Organism Accumulation Study
72-7(a)	Simulated Field Tests for Aquatic Organisms
72-7(b)	Actual Field Tests for Aquatic Organisms
Toxicology Data Requirements[9]	
81-1	Acute Oral Toxicity in the Rat
81-2	Acute Dermal Toxicity
81-3	Acute Inhalation Toxicity in the Rat
81-4	Primary Eye Irritation in the Rabbit
81-5	Primary Dermal Irritation
81-6	Dermal Sensitization
81-7	Acute Delayed Neurotoxicity in the Hen
82-1(a)	90-Day Feeding Study in the Rodent
82-1(b)	90-Day Feeding Study in the Non-Rodent
82-2	21-Day Dermal
82-3	90-Day Subchronic Dermal
82-4	90-Day Inhalation in Rat
82-5(a)	90-Day Neurotoxicity in Hen
82-5(b)	90-Day Neurotoxicity in the Mammal (Rat Preferred)
83-1(a)	Chronic Feeding Study in the Rodent
83-1(b)	Chronic Feeding Study in the Non-Rodent
83-2(a)	Oncogenicity Study in the Rat
83-2(b)	Oncogenicity Study in the Mouse
83-3(a)	Teratogenicity in the Rat
83-3(b)	Teratogenicity in the Rabbit
83-4	2-Generation Reproduction Study in the Rat
83-5	Chronic Feeding/Oncogenicity in the Rat
84-2(a)	Gene Mutation
84-2(b)	Structural Chromosome Aberration
84-4	Other Genotoxic Effects
85-1	General Metabolism
85-2	Dermal Penetration
86-1	Domestic Animal Safety
Plant Protection Data Requirements[10]	
Tier 1	
122-1(a)	Seed Germination and Seedling Emergence
122-1(b)	Vegetative Vigor
122-2	Aquatic Plant Growth
Tier 2	
123-1(a)	Seed Germination and Seedling Emergence
123-1(b)	Vegetative Vigor
123-2	Aquatic Plant Growth
Tier 3	
124-1	Terrestrial Field
124-2	Aquatic Field
Reentry Protection Data Requirements[11]	
132-1(a)	Foliar Residue Dissipation
132-1(b)	Soil Residue Dissipation
133-3	Dermal Passive Dosimetry Exposure
133-4	Inhalation Passive Dosimetry Exposure
Non-Target Insect Data Requirements[12]	
141-1	Honey Bee Acute Contact (LD50)
141-2	Honey Bee Toxicity of Residues on Foliage
141-5	Field Testing for Pollinators
Biochemical Pesticides Data Requirements[13]	
(a) Product Analysis Data Requirements	
151-10	Product Identity
151-11	Manufacturing Process
151-12	Discussion of Formation of Unintentional Ingredients
151-13	Analysis of Samples
151-15	Certification of Limits
151-16	Analytical Methods

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
151-17(a)	Color
151-17(b)	Physical State
151-17(c)	Odor
151-17(d)	Melting Point
151-17(e)	Boiling Point
151-17(f)	Density, Bulk Density, Specific Gravity
151-17(g)	Solubility
151-17(h)	Vapor Pressure
151-17(i)	pH
151-17(j)	Stability
151-17(k)	Flammability
151-17(l)	Storage Stability
151-17(m)	Viscosity
151-17(n)	Miscibility
151-17(o)	Corrosion Characteristics
151-17(p)	Octanol/Water Partition Coefficient
151-18	Submittal of Samples
(b) Residue Data Requirements	
153-3(a)	Chemical Identity
153-3(b)	Directions for Use
153-3(c)	Nature of the Residue (plants)
153-3(d)	Nature of the Residue (livestock)
153-3(e)	Residue Analytical Method
153-3(f)	Magnitude of the Residue (crop field trials)
153-3(g)	Magnitude of the Residue (processed food/feed)
153-3(h)	Magnitude of the Residue (meat/milk/poultry/eggs)
153-3(i)	Magnitude of the Residue (potable water)
153-3(j)	Magnitude of the Residue (fish)
153-3(k)	Magnitude of the Residue (irrigated crops)
153-3(l)	Magnitude of the Residue (food handling)
153-3(m)	Reduction of Residue
153-3(n)	Proposed Tolerance
153-3(o)	Reasonable Grounds in Support of the Petition
(c) Toxicology Data Requirements	
Tier 1	
152-10	Acute Oral Toxicity
152-11	Acute Dermal Toxicity
152-12	Acute Inhalation
152-13	Primary Eye Irritation
152-14	Primary Dermal Irritation
152-15	Hypersensitivity Study
152-16	Hypersensitivity Incidents
152-17	Studies to Detect Genotoxicity
152-18	Immunotoxicity
152-20	90-Day Feeding
152-21	90-Day Dermal
152-22	90-Day Inhalation
152-23	Teratogenicity
Tier II	
152-19	Mammalian Mutagenicity Tests
152-24	Immune Response
Tier III	
152-26	Chronic Exposure
152-29	Oncogenicity
(d) Nontarget Organism, Fate and Expression Data Requirements	
Tier I	
154-6	Avian Acute Oral
154-7	Avian Dietary
154-8	Freshwater Fish LC50
154-9	Freshwater Invertebrate LC50
154-10	Nontarget Plant Studies
154-11	Nontarget Insect Testing
Tier II.	
155-4(a)	Volatility Study (Lab)
155-4(b)	Volatility Study (Field)
155-5	Dispenser-Water Leaching
155-6	Adsorption-Desorption
155-7	Octanol-Water Partition
155-8	U.V. Absorption
155-9	Hydrolysis
155-10	Aerobic Soil Metabolism
155-11	Aerobic Aquatic Metabolism
155-12	Soil Photolysis
155-13	Aquatic Photolysis
Tier III	
154-12	Terrestrial Wildlife Testing
154-13	Aquatic Animal Testing

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Test of Study
154-14	Nontarget Plant Studies
154-15	Nontarget Insect Testing
Environmental Fate Data Requirements[14]	
160-5	Chemical Identity (See also 61-1)
161-1	Hydrolysis
161-2	Photodegradation in Water
161-3	Photodegradation on Soil
161-4	Photodegradation in Air
162-1	Aerobic Soil Metabolism Study
162-2	Anaerobic Soil Metabolism Study
162-3	Anaerobic Aquatic Metabolism Study
162-4	Aerobic Aquatic Metabolism Study
163-1	Leaching and Adsorption/Desorption
163-2	Laboratory Volatility Study
163-3	Field Volatility Study
164-1	Soil Field Dissipation Study
164-2	Aquatic Sediment Field Dissipation Study
164-3	Forestry Field Dissipation Study
164-4	Combinations and Tank Mixes
164-5	Long Term Soil Dissipation Study
165-1	Confined Rotational Crop Study
165-2	Field Rotational Crop Study
165-3	Accumulation in Irrigated Crops
165-4	Accumulation in Fish
165-5	Accumulation in Aquatic Non-Target Organisms
Groundwater Studies Data Requirements[15]	
166-1	Small Scale Prospective Groundwater Monitoring Study
166-2	Small Scale Retrospective Groundwater Monitoring Study
166-3	Large Scale Retrospective Groundwater Monitoring Study
Residual Chemistry Data Requirements[16]	
171-2	Chemical Identity
171-3	Directions For Use
171-4(a)	Nature of Residue in Plants
171-4(b)	Nature of Residue in Livestock
171-4(c)	Residue Analytical Method (Plants)
171-4(d)	Residue Analytical Method (Animals)
171-4(e)	Storage Stability
171-4(f)	Magnitude of the Residue in Potable Water
171-4(g)	Magnitude of the Residue in Fish
171-4(h)	Magnitude of the Residue in Irrigated Crops
171-4(i)	Magnitude of the Residue in Food Handling
171-4(j)	Magnitude of the Residue in Meat/Milk/Poultry/Eggs (Feeding/Dermal Treatment)
171-4(k)	Crop Field Trials
171-4(l)	Magnitude of the Residue in Processed Food/Feed
171-5	Reduction of Residues
171-6	Proposed Tolerance
171-7	Reasonable Grounds in Support of Petition
171-13	Analytical Reference Standard
Spray Drift Data Requirements[17]	
201-1	Droplet Size Spectrum
202-1	Drift Field Evaluation

[1] 40 CFR 158.155: Product Composition; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.

[2] 40 CFR 158.160: Description of Materials Used to Produce the Product; 40 CFR 158.162: Description of Production Process; 40 CFR 158.165: Description of Formulation Process; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.

[3] 40 CFR 158.167: Discussion of Formation of Impurities; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.

[4] 40 CFR 158.170: Preliminary Analysis; Subdivision D, Product Chemistry: NTIS PB 83-153890; Addendum 1, NTIS PB88-191705.

[5] 40 CFR 158.175: Certified Limits; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.

[6] 40 CFR 158.180: Enforcement Analytical Method; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.

[7] 40 CFR 158.190: Physical and Chemical Characteristics; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-248176; Addendum 2, PB87-207700; Addendum 3, NTIS PB88-117288.

[8] 40 CFR 158.490; Subdivision E, Hazard Evaluation: Wildlife and Aquatic Organisms, NTIS PB83-153908; Addendum 1, NTIS PB88-248176; Addendum 2, PB87-207700; Addendum 3, NTIS PB88-117288.

[9] 40 CFR 158.340; Subdivision F, Hazard Evaluation: Human and Domestic Animals, NTIS PB83-153916 (old); NTIS PB86-108958 (revised); Addendum 1, NTIS PB86-248184; Addendum 2, NTIS PB88-162292; Addendum 3, NTIS PB88-161179; Addendum 4, NTIS PB88-162227; Addendum 5, NTIS PB88-162219; Addendum 6, NTIS PB89-124077; Addendum 7, NTIS PB89-124085; Position Document, Maximum Tolerated Dose, NTIS PB88-116736.

[10] 40 CFR 158.540; Subdivision J, Hazard Evaluation: Non-Target Plants, NTIS PB83-153940.

[11] 40 CFR 158.390; Exposure; Subdivision K, Reentry Protection: NTIS PB83-153940.

[12] 40 CFR 158.590; Subdivision L, Hazard Evaluation: Non-Target Insect, NTIS PB83-153957; Addendum 1, NTIS PB86-117296.

[13] 40 CFR 158.690; Biochemical Pesticides Data Requirements, Subdivision M, Biorational Pesticides: NTIS PB83-153965.

[14] 40 CFR 158.290; Subdivision N, Chemistry: Environmental Fate, NTIS PB83-153973; Addendum 1, NTIS PB86-247848; Addendum 2, NTIS PB87-206393; Addendum 3, NTIS PB88-159892; Addendum 4, NTIS PB88-159900; Addendum 5, NTIS PB88-161187; Addendum 6, NTIS PB88-161195; Addendum 7, NTIS PB88-191721; Addendum 8, NTIS PB88-191739.

[15] Pesticide Assessment Guidelines for groundwater studies are being developed; for further information, contact EPA's Office of Pesticide Programs, Environmental Fate and Effects Division, Environmental Fate and Groundwater Branch.

[16] 40 CFR 158.240; Subdivision O, Residue Chemistry: NTIS PB83-153981; Addendum 1, NTIS PB86-203734; Addendum 2, NTIS PB86-248192; Addendum 3, NTIS PB87-206641; Addendum 4, NTIS PB86-117270; Addendum 5, NTIS PB88-124003; Addendum 6, NTIS PB88-191713; Addendum 7, NTIS PB89-124598; Addendum 8, NTIS PB89-124606.

[17] 40 CFR 158.440; Subdivision R, Pesticide Spray Drift Evaluation: NTIS PB84-180216.

For further information and descriptions regarding specific data requirements, criteria for testing, and general guidance on data acceptability, consult the FIFRA Accelerated Reregistration—Phase 3 Technical Guidance document (December 24, 1989), and the Pesticide Assessment Guidelines available from the National Technical Information Service (NTIS), Attn: Order Desk, 5285 Port Royal Road, Springfield, VA 22161 (Tel: 703-487-4650).

III. Partial Listing of List B Active Ingredients Outstanding Data Requirements

The pesticide reregistration effort under section 4 has proved to be a monumental undertaking requiring significant effort and resources from both the Agency and the pesticide industry. The Agency received approximately 200 List B Phase 3 submissions for review of data requirements under Phase 4. The amount of data submitted by registrants was voluminous, and differed widely by active ingredient, the number of registrants supporting an ingredient, and the number and type of summaries and reformatted studies. In total this group of submissions contained some 5000 summaries, reformatted studies, and complete studies, and a similar number of study waiver requests that had to be reviewed and acted upon by the Agency.

For a variety of reasons EPA's issuance of the reregistration data requirements for active ingredients on List B was delayed beyond the statutory deadline of October 24, 1990. To fulfill its commitments in Phase 4 the Agency decided to publish a series of **Federal Register** notices and issue Data Call-In notices for groups of active ingredients as their outstanding data requirements are identified. The outstanding data requirements of 74 List B active ingredients were published by the Agency among three previous **Federal Register** Notices at 56 FR 6849, February 20, 1991; 56 FR 3710, August 7, 1991; and 56 FR 54852, October 23, 1991. This fourth Notice continues the series by reporting the outstanding data requirements of 55 additional List B active ingredients. Remaining supported List B active ingredients are on a later reregistration schedule and their unfulfilled data requirements will be published in a future Notice.

The 149 List B cases involving 229 active ingredients, originally published in the **Federal Register** in May 1989, have been reduced to 105 cases and 141 active ingredients as of this date. Of these, 129 active ingredients in 101 cases have completed the Phase 4 reregistration schedule. An additional 7 active ingredients in 5 cases previously unsupported in Phase 2 are now supported, and will be on a later reregistration schedule. Products containing the unsupported active ingredients have been cancelled.

The following Table 2 contains 55 List B active ingredients with data requirements that are unfulfilled by registrants at this time.

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2055	035601	Bis(trichloromethyl)sulfone	63-8, 63-9, 63-10, 63-11, 63-12, 72-3(c), 72-4(a), 72-4(b), 81-1, 81-3, 82-5(b), 83-3(b), 84-4, 161-2, 162-3, 162-4, 163-1, 164-2
2070	035301	3,5-Dibromo-4-hydroxybenzonitrile	71-4(a), 71-4(b), 81-3, 81-6, 82-2, 83-2(b), 84-2(b), 122-1(a), 122-1(b), 122-2, 171-4(d), 171-4(j), 171-4(k), 171-4(l)
2070	035302	Bromoxynil octanoate	61-1, 61-2(a), 61-2(b), 62-1, 62-2, 62-3, 63-8, 63-9, 63-11, 63-13, 71-4(a), 71-4(b), 72-3(a), 72-3(b), 72-3(c), 72-4(a), 72-4(b), 72-5, 81-3, 81-6, 82-1(a), 82-1(b), 82-2, 84-2(a), 84-2(b), 84-4, 85-1, 123-1(a), 123-1(b), 123-2, 160-5, 161-2, 161-3, 162-2, 162-4, 163-1, 164-2, 164-5, 165-2, 165-4, 171-2, 171-4(a), 171-4(b), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2075	106501	4-(1,1-Dimethylethyl)-*N*-(1-methylpropyl)-2,6-dinitro-benzeneamine	61-2(a), 61-2(b), 63-7, 63-8, 63-9, 63-11, 63-13, 72-2(a), 81-1, 81-2, 81-6, 83-3(a), 83-3(b), 162-1, 163-1, 164-1, 165-4, 171-2, 201-1, 202-1
2080	012501	Cacodylic acid	62-1, 62-2, 62-3, 63-8, 63-13, 72-3(a), 72-3(b), 72-3(c), 82-4, 85-1, 85-2, 162-1, 162-3, 162-4, 164-1, 164-2, 165-1, 165-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)
2080	012502	Sodium cacodylate	62-1, 62-2, 62-3, 63-2, 63-3, 63-4, 63-5, 63-7, 63-8, 63-13, 72-3(a), 72-3(b), 72-3(c), 82-4, 85-1, 85-2, 162-1, 162-3, 162-4, 164-1, 164-2, 165-1, 165-3, 171-4(a), 171-4(b), 171-4(c), 171-4(d), 171-4(e), 171-4(j), 171-4(k), 171-4(l)

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2110	021202	2-(*m*-Chlorophenoxy)propionic acid, sodium salt	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–13, 71–1(a), 71–2(a), 72–1(a), 72–2(a), 82–1(a), 82–1(b), 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–3(a), 83–4, 84–2(b), 122–2, 160–5, 161–1, 161–2, 161–3, 162–1, 162–2, 163–1, 171–2, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(j), 171–4(k), 171–4(l)
2170	279500	*N*-Chloroacetyl-*N*-(2,6-diethylphenyl)glycine, ethyl ester	81–1, 81–4, 81–5, 82–2, 83–4, 123–1(a), 123–1(b), 123–2, 161–2, 171–4(e), 171–4(j), 171–4(k)
2180	034801	Ferric dimethyldithiocarbamate	61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–7, 63–13, 71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 81–6*, 82–7*, 83–4, 84–2(a), 84–2(b), 84–4, 141–1, 161–1, 161–2, 161–3, 161–4, 162–1, 162–2, 163–2, 164–1, 171–3, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(k)
2180	034803	Potassium dimethyldithiocarbamate	61–1, 61–2(b), 62–1, 62–2, 62–3, 63–7, 63–11, 63–12, 63–13, 71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e), 81–3, 82–3, 161–1, 161–2, 162–3, 162–4, 163–1
2180	034804	Sodium dimethyldithiocarbamate	61–1, 61–2(b), 62–1, 62–2, 62–3, 63–7, 63–12, 71–2(a), 71–2(b), 72–1(a), 72–1(b), 72–1(c), 72–2(a), 72–3(b), 72–3(c), 81–3, 82–1(b), 82–3, 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–4, 85–1, 161–1, 161–2, 161–4, 162–3, 162–4, 163–1, 163–2
2180	034805	Zinc dimethyldithiocarbamate	61–1, 61–2(b), 62–3, 71–1(a), 71–1(b), 72–1(a), 72–1(c), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 83–1(b), 83–2(a), 83–2(b), 83–4, 171–3, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(j), 171–4(l)
2200	036001	Dinitro-6-octyl° phenyl crotonate; 2,6-dinitro-4-octyl°phenyl crotonate; and nitrooctylphenols	63–9, 63–11, 63–13, 71–2(a), 71–2(b), 71–4(a), 71–4(b), 72–1(a), 72–1(b), 72–1(d), 72–2(a), 72–2(b), 72–3(a), 72–3(b), 72–3(c), 72–4(a), 72–4(b), 82–1(a), 82–2, 83–1(a), 83–1(b), 83–2(a), 83–2(b), 85–1, 85–2, 86–1, 121–1, 122–1(a), 122–1(b), 122–2, 132–1(a), 132–1(b), 133–3, 133–4, 141–1, 161–2, 161–3, 162–1, 162–2, 162–3, 163–1, 165–1, 165–4, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(j), 171–4(k), 171–4(l)
2205	067701	2-(Diphenylacetyl)-1,3-indandione	61–2(a), 72–1(a), 72–1(c), 72–2(a), 81–1, 81–2, 81–3, 81–4, 81–5, 82–1(a), 83–3(a), 83–3(b), 85–1, 86–1, 161–1, 161–2, 161–4, 162–1, 162–2, 162–4, 163–1, 164–2, 164–3, 165–3
2205	067705	Sodium diphacinone	71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 81–1, 81–2, 81–3, 81–4, 81–5, 81–6, 82–1(b), 82–2, 83–3(a), 84–2(a), 84–2(b), 85–1, 86–1, 161–1, 161–2, 162–1, 162–4, 163–1, 164–2, 165–3

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2245	036901	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	63–11, 71–1(a), 71–4(a), 71–4(b), 72–3(b), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 72–5, 82–1(b), 83–3(a), 83–3(b), 85–2, 132–1(a), 132–1(b), 133–3, 161–1, 161–2, 161–3, 201–1
2245	038903	Disodium endothall	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 71–1(a), 71–1(b), 71–2(a), 71–2(b), 71–4(a), 71–4(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–2(b), 72–3(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 72–5, 81–1, 81–2, 81–3, 81–4, 81–5, 82–2, 83–3(a), 83–3(b), 83–4, 85–1, 85–2, 122–1(a), 122–1(b), 122–2, 132–1(a), 132–1(b), 133–3, 141–1, 160–5, 161–1, 161–2, 161–3, 162–1, 162–2, 162–3, 162–4, 163–1, 163–2, 164–1, 171–2, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(f), 171–4(g), 171–4(h), 171–4(j), 171–4(k), 171–4(l)
2245	038904	Dipotassium endothall	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 71–1(a), 71–1(b), 71–2(a), 71–2(b), 71–4(a), 71–4(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–2(b), 72–3(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 81–1, 81–2, 81–3, 81–4, 81–5, 82–1(b), 82–2, 83–3(a), 83–3(b), 83–4, 85–1, 85–2, 122–1(a), 122–1(b), 122–2, 123–1(a), 123–1(b), 123–2, 132–1(a), 132–1(b), 133–3, 141–1, 160–5, 161–1, 161–2, 161–3, 162–1, 162–2, 162–3, 162–4, 163–1, 163–2, 164–1, 164–2, 165–1, 165–3, 165–4, 166–2, 166–3, 171–2, 171–3, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(f), 171–4(g), 171–4(h), 171–4(j), 171–4(k), 171–4(l)
2245	038905	Mono[*N*,*N*-dimethyl(coco alkyl)amine] endothall	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 71–1(a), 71–2(b), 71–4(a), 71–4(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–2(b), 72–3(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e); 72–3(f), 72–4(a), 72–4(b), 81–1, 81–2, 81–3, 81–4, 81–5, 81–6, 82–1(a), 82–1(b), 82–2, 83–3(a), 83–3(b), 84–2(b), 84–4, 85–1, 85–2, 122–1(b), 122–2, 123–1(a), 123–1(b), 123–2, 132–1(a), 132–1(b), 133–3, 141–1, 160–5, 161–1, 161–2, 161–3, 162–1, 162–2, 162–3, 162–4, 163–1, 163–2, 164–1, 164–2, 165–1, 165–3, 171–2, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(f), 171–4(g), 171–4(h), 171–4(j), 171–4(k), 171–4(l), 171–6, 201–1

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2280	109301	alpha-Cyano-(3-phenoxyphenyl)methyl-4-chloro-alpha-(l-methylethyl)benzeneacetate.	71–4(a), 71–4(b), 72–2(b), 72–3(a), 72–3(b), 72–3(c), 72–4(a), 72–4(b), 72–5, 72–6, 72–7(b), 82–1(a), 82–1(b), 82–2, 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–3(a), 83–3(b), 83–4, 85–1, 132–1(a), 132–1(b), 133–3, 133–4, 160–5, 161–2, 161–3, 162–2, 162–3, 165–4, 171–4(a), 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(i), 171–4(j), 201–1, 202–1
2285	122805	Butyl(RS)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 71–2(b), 71–4(a), 71–4(b), 72–1(a), 72–1(c), 72–2(b), 72–3(a), 72–4(a), 72–4(b), 122–1(a), 122–1(b), 122–2, 162–3, 162–4, 164–3, 171–4(a), 171–4(b), 171–4(d), 171–4(e), 171–4(k), 171–4(l)
2285	122809	Butyl(R)-2-(4-((5-(trifluoromethyl)-2-pyridinyl)oxy)phenoxy)propanoate	71–2(b), 72–1(a), 72–1(c), 72–3(a), 122–1(a), 122–1(b), 162–3, 162–4, 164–3, 171–4(a), 171–4(b), 171–4(d), 171–4(e), 171–4(k), 171–4(l)
2330	046701	Indole-3-butyric acid	none
2335	109801	3-(3,5-Dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide	63–11, 63–13, 72–1(a), 72–3(c), 72–7(a), 72–7(b), 81–1, 81–3, 81–5, 81–6, 82–1(a), 82–2, 83–1(a), 83–2(a), 83–2(b), 85–1, 160–5, 161–2, 161–4, 162–1, 162–3, 162–4, 163–2, 163–3, 164–2, 164–5, 165–1, 165–2, 165–3, 165–4, 171–2, 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(i), 171–4(k), 171–4(l)
2365	019201	4-(2-Methyl-4-chlorophenoxy)butyric acid	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 81–3, 160–5, 171–2
2365	019202	Sodium 4-(2-methyl-4-chlorophenoxy)butyrate	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 81–3, 82–1(a), 82–1(b), 123–1(a), 123–1(b), 123–2, 132–1(a), 133–3, 141–1, 160–5, 161–1, 161–2, 161–3, 162–1, 162–2, 162–4, 163–1, 171–2, 171–4(a), 171–4(c), 201–1, 202–1
2380	039002	Potassium *N*-methyldithiocarbamate	63–10, 63–11, 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 81–6*, 82–7*, 123–1(a), 123–1(b), 163–1, 164–2
2390	039003	Sodium *N*-methyldithiocarbamate	61–1, 61–2(a), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–10, 63–11, 63–12, 63–13, 71–2(a), 71–2(b), 72–1(a), 72–1(c), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 81–6*, 82–1(a), 82–1(b), 82–5(b), 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–3(a), 83–3(b), 83–4, 132–1(b), 133–3, 133–4, 161–4, 162–2, 162–3, 163–1, 163–2, 164–1, 165–1, 171–4(a), 171–4(c), 171–4(e), 171–4(k), 171–4(l), 171–8, 201–1, 202–1, 232–x*, 234–x*
2430	057001	*N*-Octyl bicycloheptenedicarboximide	63–8, 63–7, 63–8, 63–9, 63–11, 63–12, 63–13, 72–3(a), 72–3(b), 72–3(c), 165–1, 165–4
2475	088901	2-*n*-Octyl-4-isothiazolin-3-one	61–1, 161–3, 162–1, 164–1, 164–2, 165–1, 165–3

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2480	088002	Zinc 2-pyridinethiol-1-oxide	63–11, 82–3, 82–4, 83–1(a), 83–1(b), 83–3(a), 83–3(b), 83–4, 85–1
2490	111601	2-Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene	72–3(b), 72–7(b), 83–3(b), 122–1(a), 122–1(b), 122–2, 132–1(a), 132–1(b), 133–3, 133–4, 141–1, 161–3, 162–3, 163–2, 165–4, 171–3, 171–4(a), 171–4(b), 171–4(d), 171–4(e), 171–4(j), 171–4(k), 171–4(l), 171–6, 201–1
2505	063001	Pentachlorophenol	62–1, 62–3, 63–13, 71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 81–1, 81–2, 81–3, 81–4, 81–5, 81–6, 82–1(a), 82–1(b), 82–2, 82–3, 82–4, 83–1(a), 83–1(b), 83–2(a), 83–3(a), 83–3(b), 83–4, 84–2(a), 84–2(b), 84–4, 85–1, 85–2, 122–2, 161–1, 161–2, 161–4, 162–1, 162–3, 162–4, 163–1; 164–1, 164–2, 165–4, GLN–x*, 231–x*, 232–x*, 233–x*, 234–x*
2505	063003	Sodium pentachlorophenate	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 71–1(a), 71–2(a), 71–2(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–3(a), 72–3(b), 72–3(c), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 81–1, 81–2, 81–3, 81–4, 81–5, 81–6, 82–1(a), 82–1(b), 82–2, 82–3, 82–4, 83–1(a), 83–1(b), 83–2(a), 83–3(a), 83–3(b), 83–4, 84–2(a), 84–2(b), 84–4, 85–1, 85–2, 122–2, 160–5, 161–1, 161–2, 161–3, 161–4, 162–1, 162–2, 162–3, 162–4, 163–1, 163–2, 165–4, 171–3, 231–x*, 232–x*, 233–x*, 234–x*
2510	109701	(3-Phenoxyphenyl)methyl(±)cis,trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate.	62–1, 63–2, 63–3, 63–4, 63–5, 63–7, 63–8, 63–9, 63–11, 63–12, 63–13, 71–4(a), 71–4(b), 72–1(b), 72–1(d), 72–2(b), 72–3(d), 72–3(e), 72–3(f), 72–4(a), 72–5, 72–7(a), 84–2(b), 85–2, 132–1(a), 132–1(b), 133–3, 133–4, 141–2, 162–1, 162–2, 162–3, 162–4, 163–1, 164–1, 164–2, 165–1, 165–2, 171–9, 171–4(a), 171–4(b), 171–4(c), 171–4(e), 171–4(j), 171–4(k), 171–4(l)
2525	067501	(Butylcarbityl)(6-propylpiperonyl)ether	61–2(a), 61–2(b), 62–1, 62–2, 63–6, 63–7, 63–8, 63–9, 63–11, 63–13, 71–4(a), 71–4(b), 165–1, 171–4(k), 171–4(l)
2540	111401	*O*-(4-Bromo-2-chlorophenyl) *O*-ethyl *S*-propylphosphorothioate	71–2(a), 71–2(b), 71–5(b), 72–4(a), 72–7(b), 81–6*, 82–7*, 85–4*, 163–3, 171–4(a), 171–4(b), 231–x*, 232–x*
2555	047802	*O*-Isopropoxyphenyl methylcarbamate	61–2(a), 61–2(b), 62–1, 63–5, 63–7, 63–8, 63–13, 71–2(a), 71–2(b), 71–4(b), 81–6*, 82–7*, 161–1, 162–1, 163–1, 171–4(a), 171–4(b), 171–4(c), 171–4(e), 171–4(l), 171–4(j)
2575	064103	2-Phenylphenol	61–2(a), 63–8, 63–9, 63–10, 63–11, 63–13, 81–1, 82–2, 83–1(a), 83–2(a), 83–2(b), 133–3, 133–4, 161–1, 161–2, 171–4(e)

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2575	064104	Sodium 2-phenylphenate	61–2(a), 63–8, 63–10, 63–13, 71–1(a), 71–2(a), 71–2(b), 81–1, 82–2, 83–1(a), 83–2(a), 83–2(b), 133–3, 133–4, 161–1, 161–2, 161–3, 162–1, 162–2, 162–3, 162–4, 163–1, 164–1, 165–1
2580	069001	Pyrethrin I	63–8, 63–7, 63–13, 163–2, 165–5, 171–4(k), 171–4(l)
2605	114402	5-(2-Chloro-4-(trifluoromethyl)phenoxy)-2-nitrobenzoic acid, sodium salt	72–2(b), 132–1(a), 132–1(b), 133–3, 133–4, 162–3, 162–4, 163–1, 164–1, 164–2, 165–1, 165–3, 166–1, 171–4(a), 171–4(b), 171–4(e), 171–4(j), 171–4(k), 171–4(l), 231–x*, 232–x*
2620	083001	Bis(tributyltin) oxide	61–2(a), 62–1, 62–2, 63–6, 63–8, 63–9, 63–10, 63–13, 81–8, 82–2, 82–3, 82–7, 83–1(b), 83–2(b), 83–3(a), 84–2(a), 84–2(b), 84–4, 133–3, 133–4, 162–1, 164–1, 164–2, 165–3, 231–x*, 232–x*, 233–x*, 234–x*
2620	083102	Bis(tributyltin) salicylate	72–1(c), 72–2(a), 81–1, 81–2, 81–8*, 82–1(a), 82–2, 82–7*, 83–3(a), 84–2(a), 84–2(b), 84–4, 85–2
2620	083106	Tributyltin benzoate	72–1(c), 72–2(a), 81–1, 81–2, 81–8*, 82–1(a), 82–2, 82–7, 83–3(a), 84–2(a), 84–2(b), 84–4, 85–2
2620	083112	Tributyltin fluoride	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 81–1, 81–2, 81–4, 81–5, 81–8*, 82–1(a), 82–2, 82–3, 82–7*, 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–3(a), 83–3(b), 83–4, 85–1, 85–2, 231–x*, 233–x*
2620	083120	Tributyltin methacrylate	61–1, 61–2(a), 61–2(b), 62–1, 62–2, 62–3, 63–2, 63–3, 63–4, 63–5, 63–6, 63–7, 63–8, 63–9, 63–10, 63–11, 63–12, 63–13, 81–1, 81–2, 81–4, 81–5, 81–6, 81–8*, 82–2, 82–3, 82–7*, 83–1(a), 83–1(b), 83–2(a), 83–2(b), 83–3(a), 83–3(b), 83–4, 84–2(a), 84–2(b), 84–4, 85–1, 85–2, 133–4, 231–x*, 233–x*
2625	005600	2-(Thiocyanomethylthio)benzothiazole	61–2(a), 62–2, 63–6, 63–8, 63–11, 63–13, 72–4(a), 72–4(b), 81–1, 81–3, 81–5, 85–1, 132–1(a), 132–1(b), 133–3, 133–4, 161–1, 161–2, 161–3, 161–4, 162–1, 162–2, 162–3, 162–4, 163–1, 163–2, 163–3, 164–1, 164–2, 164–3, 165–1, 165–4, 171–4(b), 171–4(c), 171–4(d), 171–4(e), 171–4(j)
2645	080814	2-(tert-Butylamino)-4-chloro-6-(ethylamino)-s-triazine	61–2(a), 63–7, 63–10, 63–13, 82–2, 84–2(b), 84–4, 162–3, 162–4
2665	108401	S-((4-chlorophenyl)methyl)diethylcarbamothioate	71–1(a), 71–4(a), 72–4(a), 72–4(b), 72–6, 72–7(b), 81–8*, 82–7*, 85–1, 161–2, 162–1, 162–3, 163–1, 165–3, 165–4, 165–5, 171–4(a), 171–4(b), 171–4(c), 171–4(f), 171–4(g), 171–4(j), 171–4(l), 201–1, 202–1

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS—Continued

Case No.	Chemical No.	Chemical Name	Outstanding Data Requirements(By Guideline No.)
2670	060101	2-(4-Thiazolyl)benzimidazole	63–7, 63–10, 63–12, 63–13, 72–1(a), 72–3(a), 72–3(b), 72–4(a), 84–2(a), 84–2(b), 122–2, 161–1, 161–2, 162–3, 162–4, 163–1, 164–2, 164–5, 165–3, 171–4(d) 171–4(e), 171–4(f), 171–4(g), 171–4(h), 171–4(k)
2670	060102	2-(4-Thiazolyl)benzimidazole, hypophosphite salt	61–1, 61–2(a), 61–2(b), 63–7, 63–10, 63–12, 63–13, 71–1(b), 71–2(a), 71–2(b), 72–1(b), 72–1(d), 72–2(b), 81–3, 84–2(a), 84–2(b), 85–1
2710	116002	Triethylammonium triclopyr	61–2(a), 61–2(b), 62–1, 62–3, 63–3, 63–4, 63–5, 63–7, 63–12, 71–2(a), 71–4(a), 71–4(b), 72–1(a), 72–1(b), 72–1(c), 72–1(d), 72–2(a), 72–2(b), 72–3(b), 72–3(c), 72–3(e), 72–3(f), 72–4(a), 72–4(b), 72–6, 82–1(a), 82–2, 83–4, 84–2(a), 84–2(b), 84–4, 123–2, 160–5, 164–1, 165–4, 171–3, 171–4(a), 171–4(b), 171–4(e), 171–4(k), 201–1, 202–1
2710	116004	Butoxyethyl triclopyr	61–2(a), 61–2(b), 62–1, 62–3, 63–7, 63–8, 63–9, 63–11, 72–2(b), 72–3(a), 82–2, 123–2, 161–3, 162–1, 162–3, 164–1, 165–4, 171–3, 171–4(a), 171–4(e), 171–4(k), 171–6, 201–1, 202–1
2740	113201	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione	71–4(a), 71–4(b), 71–4(c), 82–1(a), 83–1(a), 83–2(a), 83–2(b), 83–3(b), 84–4, 85–1, 85–2, 122–2, 132–1(a), 133–3, 133–4, 161–2, 162–2, 162–3, 164–1, 165–2, 165–4, 171–4(k), 231–x*, 232–x*

KEY: * Special Studies; Guidelines for the following studies are presently being developed (for more information, contact the person named in the Notice):

81–8 Acute Neurotoxicity Screening—Rat.
82–7 90–Day Neurotoxicity Screening—Rat.
85–4 Ocular Toxicity Study—Dog.
231–x Estimation of Dermal Exposure, Outdoor Sites.
232–x Estimation of Respiratory Exposure, Outdoor Sites.
233–x Estimation of Dermal Exposure, Indoor Sites.
234–x Estimation of Respiratory Exposure, Indoor Sites.
GLN–x Environmental Availability Testing, no guideline number has yet been assigned.

This list contains 55 currently supported active ingredients reviewed during Phase 4 of reregistration and their outstanding data requirements identified as Guideline Reference Numbers. In a number of instances, registrants have already committed to satisfy many of these requirements, with the remaining requirements being subject to the recently issued Data Call-In notices. Of these, some may have been partially satisfied by studies that can be upgraded or supplemented with additional data. The data needs for specific crops are not presented here; instead the overall Guideline Reference Number is listed if any crop specific data are outstanding, even though some individual crop data requirements under it may be in fact satisfied.

IV. Phase 4 List B Data Call-In Notices

Under FIFRA section 3(c)(2)(B) the Agency has issued to affected registrants Phase 4 List B Data Call-In notices for the outstanding data requirements that registrants have not previously committed to satisfy for the active ingredients listed on Table 2 of this Notice. Registrants with unfilled data requirements for their active ingredients must respond to the Agency within 90 days of receipt of their Data Call-In Notice to express their intent to satisfy the remaining data requirements. The data requirements identified in the Data Call-In notices must be submitted within the time schedule specified in them. Additional Data Call-In notices for the remaining List B chemicals not covered by this followup Notice will be sent to the affected registrants, coinciding with the publication of one or more additional **Federal Register** notices in the next several months.

Dated: March 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92–6192 Filed 3–17–92; 8:45 am]

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Wednesday
March 18, 1992

Part III

Department of Labor
Employment and Training Administration

Department of Education
Office of Vocational and Adult Education

Skill Standards and Certification Issues Paper; Public Meetings; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

DEPARTMENT OF EDUCATION

Office of Vocational and Adult Education

Skill Standards and Certification Issues Paper; Public Meetings

AGENCIES: Employment and Training Administration; Labor; and Office of Vocational and Adult Education, Education.

ACTION: Request for comments: Notice of public meetings.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor and the Office of Vocational and Adult Education (OVAE) of the Department of Education are announcing five public meetings to be held to provide interested parties opportunities to present their views to ETA, OVAE and the National Advisory Commission on Work-Based Learning (NACWBL) on issues related to the development of voluntary, industry-based skill standards and certifications. Written submissions on this topic are also being solicited.

The President charged the Departments of Labor and Education to jointly pursue this issue in response to the needs of business, workers, educators, training providers and governments. This mandate was officially conferred under America 2000, the President's education strategy. This notice is the first step in answering the President's charge and there will be further opportunities for public involvement in discussions on this issue.

DATES: The dates of the five public meetings are as follows:

April 14, 1992 Boston, Massachusetts.
April 21, 1992 Atlanta, Georgia.
April 24, 1992 Chicago, Illinois.
April 28, 1992 San Francisco, California.
April 30, 1992 Washington, DC.

Persons desiring to present oral statements at a meeting must provide a notice of intent to appear, postmarked no later than seven calendar days before the date of the hearing.

Written statements from persons not presenting oral statements must be postmarked no later than May 29, 1992 and be sent to the U.S. Department of Labor Office of Work-Based Learning, Room N–4649, 200 Constitution Avenue NW., Washington, DC 20210 or to the U.S. Department of Education, Office of Vocational and Adult Education, Division of National Programs, MES–4518, 330 C Street SW., Washington, DC 20202–7242.

ADDRESSES: The meetings are open to the public. The locations are shown below.

April 14, 1992 Boston, Massachusetts, O'Neill Federal Building, Auditorium, 10 Causeway Street, Boston, Massachusetts 02222.
April 21, 1992 Atlanta, Georgia, Georgia International Convention and Trade Center, Biltmore II, 1902 Sullivan Road, College Park, Georgia 30337.
April 24, 1992 Chicago, Illinois, State of Illinois Building, room 9–040, 100 West Randolph Street, Chicago, Illinois 60601.
April 28, 1992 San Francisco, California, ANA Hotel, Cabernet II, 50 Third Street, San Francisco, California 94103.
April 30, 1992 Washington, DC, The Pullman Highland Hotel, 1914 Connecticut Avenue NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: James Van Erden, Administrator, Office of Work-Based Learning, room N–4649, 200 Constitution Avenue NW., Washington, DC 20210 (Telephone: 202/535–0840) or Debra J. Nolan, Senior Program Advisor, Business and Education Standards, Division of National Programs, MES–4518, Office of Vocational and Adult Education, U.S. Department of Education, 330 C Street SW., Washington, DC 20202–7242 (Telephone: 202/732–2417).

SUPPLEMENTARY INFORMATION:

Background

The need to improve the quality of information affecting employment-related choices is heightened by the changing economic environment in which the United States now competes. For decades, America has held the competitive advantage in the world marketplace on the basis of superior mass production. In today's economy, there is increased emphasis on quality, variety, customization, convenience and timeliness, placing greater importance on the skills of the individual front-line worker.

Nearly 85 percent of America's workforce for the year 2000 is in the workforce today and of that number, by some estimates, 25 million already need to update their skill or knowledge base to keep pace with the changing economy and technology. New entrants to the labor market will consist primarily of women and minorities, groups traditionally disadvantaged in the workplace. These factors, combined with the fact that higher education levels will be required for many of our workers, only raise the importance of life-long learning for the American worker.

In 1990, at the National Education Summit the President and the nation's governors adopted six national education goals intended to close America's skills-and-knowledge gap. On April 18, 1991, the President introduced America 2000, a strategy for achieving these goals. This strategy is divided into four tracks with each track being tied to one or more of the six national education goals.

Track III of America 2000, serves National Education Goal Number Five, which reads, "Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship." Adult Americans are challenged to go back to school and make this a nation of students. To enable them to meet this challenge, the Secretaries of Labor and Education are charged with spearheading a public-private partnership to help develop voluntary, industry-based skill standards for all industries.

As part of the overall strategy, Track III asks business and labor, "to adopt a strategy to establish job-related (and industry-specific) skill standards, built around core proficiencies, and to develop skill certificates to accompany these standards." The President reemphasized his concern for improving the quality of job training in the Job Training 2000 initiative recently announced.

Voluntary, industry-based skill standards and certificates may be used to inform decision-making in all sectors of the economy. For example,

- Industries may use skill standards as a vehicle for informing training providers and prospective employees of skills required for employment;
- Employers may use the attainment of skill certification to reduce the costs and legal risks associated with the assessment of job candidates and make more objective employment decisions;
- Labor organizations may use skill standards to increase their members' employment security and marketability through access to competency-based training and certification;
- Workers may choose to obtain certification of their skills for many reasons, including: to help protect against dislocation, to pursue career advancement and to enhance their

ability to reenter the workforce by having a work portfolio based on training to industry standards;

- Training providers (colleges, high schools, vocational education institutions, private training bodies and companies, industry-based training and employers) may use skill standards to determine appropriate educational goals and objectives and training services to offer; and
- Government may use skill standards and competency-based outcomes to protect the integrity of public expenditures by requiring that employment-related training meet industry standards where they exist.

This notice of public hearings and request for comments is the first step in shaping this important tool for choice. In addition to this public dialogue, the Track III activities of the Departments of Labor and Education will be informed by research, the results of technical assistance and pilot projects, and the work of the National Advisory Commission on Work-Based Learning (NACWBL) and the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS). SCANS, for example, has made some progress in identifying the generic skill requirements of the workplace which lay the foundation for the job-related, industry-specific skill standards addressed by the President.

Definition of Terms

Generally, a *job-related industry skill standard* is the identification of the knowledge, skill and level of ability needed to satisfactorily perform a given job. These standards may be specific to a given occupation, cross occupational lines or apply to groupings of occupations. This concept of skill standards can be tailored to any industry, to reflect its particular needs and economic environment.

Proficiency indicates the ability to perform the activities within an occupation to the set standard. It may incorporate the ability to apply the relevant skills and knowledge to new situations within the occupational area as well as generic skills.

Core proficiencies indicate capabilities for performing activities that are common across occupational areas and can be built upon during the course of a career.

Certification is the provision of a certificate or award to individuals, indicating the attainment of a skill, certain skills or knowledge, usually as a result of a competency-based assessment process.

Assessment is the process of measuring performance against a set of standards (through examination, practical tests, performance observation and/or the completion of portfolios of work and assignments).

Existing Skill Standards and Certification

Some industries and professional and technical associations already offer employers and individuals better information than other industries and associations by developing skill standards and worker certification opportunities.

- By some estimates, 200 industry associations have systems of standards and certification in place to improve the skills of their members' employees, to increase the quality of choice for employers and employees and to provide quality assurance for customers.
- Professional and technical associations have developed processes for setting education and occupational entry standards and, in some cases, standards for skills maintenance which members must meet to continue to practice in a particular occupation. Individuals wanting to enter these occupations have clear roadmaps of the choices they must make to be able to qualify to work. Employers are able to choose among qualified individuals without the need for additional, expensive testing arrangements.
- National programs such as those developed by the construction industry and registered with the Department of Labor's Bureau of Apprenticeship and Training and the Federal Aviation Administration's competency requirements for aircraft frame technicians have been developed to provide national standards and quality assurance for employers. At the same time, individuals who may wish to seek a career in these areas can see what is required of them and make informed choices about enrolling in training programs.

The American Institute of Banking (AIB), the National Institute for Automotive Service Excellence (ASE) and the Printing Industries of America (PIA) are examples of industry associations that have established standards and certification processes. The AIB, for example, has initiated a voluntary certification program for mid-level occupations such as trust officer, compliance officer and security officer to respond to deregulation, interstate banking and the development of new products and services. ASE was founded to promote the highest standards of automotive service and, as part of its strategy for achieving that goal, administers competency-based assessments in nineteen specialty areas. PIA initiated a certification program, PrintED, to respond to a nationwide shortage of skilled workers.

In a number of industries, joint labor-management bodies have guided the development of skill standards. For example, the Seafarers International Union and private ship owners jointly founded the Seafarer's School of Seamanship in Piney Point, Maryland. Detailed curricula have been designed for specific occupations, with promotion from one level to the next being determined by performance of practical job factors, behavior and traditional written examinations. In cooperation with the State of Maryland, the school also offers associate arts degrees in Marine Engineering and Nautical Science.

The Vocational-Technical Education Consortium of States (V–TECS) is notable as the largest system in the United States for converting job analysis information into curriculum objectives and vehicles for assessing student achievement.

Other organizations that have ongoing efforts to define and measure employability and workplace competencies include the National Occupational Competency Testing Institute (NOCTI), the Educational Testing Service (ETS), American College Testing Service (ACT), the American Society for Training and Development (ASTD), and the Secretary of Labor's Commission on Achieving Necessary Skills (SCANS).

Standards and certification processes have long been used by professional and technical associations to protect the consumer by assuring the competence of members. Doctors, engineers, lawyers, accountants and nurses are examples of professional and technical occupations for which standards have been developed to determine occupational competence. The standards used in these occupations set the requirements for certification of competence through licensing and promote consumer information and choice.

The Department of Labor's Bureau of Apprenticeship and Training approves standards for formal, industry-based apprenticeship programs where apprentices participate in training programs which combine class-room and job-site instruction. While the standards setting process is often time-based rather than competency-based, the apprenticeship model may offer useful experience in the development and use of skills within a national standards and certification framework.

Similarly, the Federal Aviation Administration has established minimum competency requirements for

technicians working on aircraft frames. Post-secondary programs that address the competencies can be certified by the FAA. Schools must offer a specific curriculum and attest to the competency of students at the completion of the program.

The military provides yet another example. In addition to their military mission, the armed forces (Army, Navy, Marine Corps and Air Force) are the largest training organizations in the United States. The Army offers employment and training in 32 occupational career fields, the Navy 24, the Marine Corps 36 and the Air Force 47. In each of the career fields, classroom, technical and work-based learning opportunities are available. Advancement is dependent upon occupational skill improvement; higher skills are clearly correlated with higher rank.

Key Issues

In order to proceed with the Track III directive on voluntary, industry-based skill standards and certification, four major issues must be raised for public comment and discussion that directly affect the development of an appropriate approach. These issues are:

1. What should be the guiding principles for the development of voluntary, industry-based skill standards in the context of the social, economic and political realities of the United States?

2. What will be the effect of voluntary, industry-based skill standards and certification on the decision-making processes of industry, organized labor, joint labor-management committees, individual firms and workers, educational institutions providing occupational, vocational and technical training and federal, state and local governments?

3.What are the appropriate roles and responsibilities of industry, labor organizations, joint labor-management committees, educators, community-based organizations and governments in the development, implementation, promotion, dissemination and maintenance of voluntary, industry-based skill standards and certification?

4. What processes should be followed in the development, implementation, promotion, dissemination and maintenance of voluntary, industry-based skill standards?

Each of these issues is presented below with a series of questions intended to begin a discussion of the most appropriate way to implement voluntary, industry-based skill standards. The list is not considered to be exhaustive, nor is it prioritized.

Issue #1

The first major issue is the identification of the principles which should guide the development of voluntary, industry-based skill standards in the context of the social economic and political realities of the United States.

Several meetings, briefings and roundtables were held during the summer of 1991 to discuss the issues related to skill standards and certification. As a result of these meetings, further research, discussions between the Departments of Labor and Education, meetings with industry associations and labor organizations and a wealth of commission reports and academic studies, it is suggested that the guiding principles of voluntary, industry-based skill standards be:

- Bench marked to world-class levels of industry performance;
- Tied to measurable, performance-based outcomes that can be readily assessed;
- Based on broadly defined occupational categories within industries in order to promote a highly skilled and flexible work force;
- Comparable across industries, similar occupations, and states;
- Applicable to a wide variety of education and training service providers, both work- and school-based;
- Developed independently of any single training provider or type of training provider;
- Based on a relatively simple structure to make the system readily understandable for those who use it;
- Useful for qualifying new hires and for continuously upgrading the skills of employees;
- Free from and reduce gender, age, racial and any other form of bias of discriminatory practices; and
- Responsive to readily changing work organizations, technologies and market structure.

While this list is clearly not exhaustive, it is intended to identify the guiding principles and requirements of skill standards.

- Are these principles appropriate and sufficient to guide industry, education, labor organizations, and state and federal governments in the voluntary development of skill standards and certification?
- If not, what should be added, omitted or varied?

Issue #2

The second major issue posed is what would be the effect of voluntary, industry-based skill standards and certification on the decision-making processes of industry, organized labor, educational and other institutions providing occupational, vocational or technical training, individual firms and workers and federal, state and local governments. For example, would skill standards and certification,

- Enable individuals, employers and governments to improve the quality of their training investment decisions by giving them a means of assessing the quality of training programs?
- Provide workers with an identified career path?
- Provide employers with objective hiring criteria?
- Help workers to identify what skills are needed to perform a job and to evaluate their own grasp of those skills?
- Assist labor organizations in representing the interests of their members with regards to career paths, compensation and ongoing skills training?
- Provide a basis for specifying curricular objectives in educational institutions?
- Ease the transition from school- to work-based learning, or from high school to post-secondary school?
- Offer a means of recognizing skills obtained outside of the formal education system?

And, if so, how?

Issue #3

The third major issue pertains to the particular designation of responsibilities in the development, implementation, promotion, dissemination and maintenance of skill standards and certification among the various stakeholders: industry, labor organizations, joint labor-management committees, educators, community-based organizations and federal, state and local governments.

- While each stakeholder is dependent upon the cooperation of all the others, who should take the lead and what are the specific roles of each stakeholder?
- What is an 'industry' and what are the appropriate criteria for deciding who represents 'industry'?
- Understanding that the responsibility for most education and training lies at the state and local level and in individual plants, establishments or larger firms, how should the need for local delivery be reconciled with the reality of national and international labor markets?
- What are the appropriate roles of federal, state and local governments in the development, implementation, promotion, dissemination and maintenance of skill standards and certifications? What is the appropriate division of responsibilities among these levels of government?

Issue #4

The fourth major issue is the process for the development, implementation, dissemination and maintenance of voluntary industry-based skill standards.

- Is a national framework needed? If so, what should it look like? If not, how can consistency among industries, between industry and educators and within occupational groups which transcend industries be assured?
- Which structure will best guarantee the existing workforce access to the means for achieving the standards?
- Which structure will best insure that standards will quickly adapt to advances in technology, changes in the organization of work and other factors which will continue to evolve over time?
- Which structure will best facilitate the extensive and continuous collection and dissemination of information about skill standards which will be necessary?

Notice of Public Hearings and Request for Comment

To explore fully the above issues and any other issues which interested parties may wish to raise, the Departments of Labor and Education are requesting public comment on issues related to the development of voluntary industry-based skill standards and certifications.

Written statements from persons not presenting oral statements or persons wishing to comment on issues raised in the following paper should submit such comment to the Department of Labor, Office of Work-Based Learning, room N–4649, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 or to the U.S. Department of Education, Office of Vocational and Adult Education, Division of National Programs, MES–4518, U.S. Department of Education, 330 C Street SW., Washington, DC 20202–7242.

Oral comments may be presented at a series of five public meetings that will be convened by the Departments of Labor and Education and in cooperation with the National Advisory Commission on Work-Based Learning.

Locations and Dates

The meeting locations and dates are as follows:

April 14, 1992 Boston, Massachusetts, O'Neill Federal Building, Auditorium, 10 Causeway Street, Boston, Massachusetts 02222.

April 21, 1992 Atlanta, Georgia, Georgia International Convention and Trade Center, Biltmore II, 1902 Sullivan Road, College Park, Georgia 30337.

April 24, 1992 Chicago, Illinois, State of Illinois Building, room 9–040, 100 West, Randolph Street, Chicago, Illinois 60601.

April 28, 1992 San Francisco, California, ANA Hotel, Cabernet II, 50 Third Street, San Francisco, California 94103.

April 30, 1992 Washington, DC, The Pullman Highland Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

The meetings will commence at 9 a.m. and adjourn at 4 p.m. There will be a lunch break from 12 p.m. to 1 p.m. The meetings will be open to the public.

Participation of Interested Parties

An opportunity to present oral statements concerning the issues raised above will be provided at these public meetings. Notices of intent to present oral statements must be postmarked seven calendar days before the date of the hearing and must be mailed to the appropriate Department of Labor regional office. Notice of intent to present oral statements in Boston should be sent to: Holly O'Brien, U.S. Department of Labor, Employment and Training Administration, One Congress Street, Boston, Massachusetts 02203.

Notices of intent to present oral statements in Atlanta should be sent to: Mary Smarr, U.S. Department of Labor, Employment and Training Administration, 1375 Peachtree Street, NE., Atlanta, Georgia, 30367.

Notices of intent to present oral statements in Chicago should be sent to: Louis Gibert, U.S. Department of Labor, Employment and Training Administration, 230 South Dearborn Street, Chicago, Illinois, 60604.

Notices of intent to present oral statements in San Francisco should be sent to: Jeff Salzman, U.S. Department of Labor, Employment and Training Administration, 71 Stevenson Street, San Francisco, California, 94105.

Notices of intent to present oral statements in Washington, DC, should be sent to: Mae Brown, U.S. Department of Labor, Employment and Training Administration/OWBL, room N–4649, 200 Constitution Avenue, NW., Washington, DC 20210.

The notice of intent must contain the following information:

(1) The name, title, address and telephone number of each person to appear;

(2) Affiliation;

(3) The issues and/or concerns that will be addressed.

Individuals who do not register in advance will be permitted to register and speak at the meeting, in order of registration, subject to scheduling constraints. Speakers should plan to limit their comments to five minutes; longer presentations will be allowed if time permits. While it is anticipated that all persons desiring to speak will have an opportunity to do so, time constraints may not allow this to occur. However, all written statements will be accepted and incorporated into the public record. The Departments of Labor and Education, in consultation with the National Advisory Commission on Work-Based Learning will make the final determination on selection and scheduling of speakers.

The public hearings will be audiotaped and transcribed.

Meeting Procedures and Objectives

A Commissioner of the National Advisory Commission on Work-Based Learning will preside at each of the five meetings. The Commissioner will:

1. Regulate the course of the meeting including the order of appearance of persons presenting oral statements;

2. Dispose of procedural matters;

3. Confine the presentations to matters pertinent to the purpose of the implementation of voluntary, industry-based skill standards and certification.

Signed in Washington, DC, on this 9th day of March.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Betsy Brand,

Assistant Secretary for Vocational and Adult Education.

[FR Doc. 92–5932 Filed 3–17–92; 8:45 am]

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Wednesday
March 18, 1992

Part IV

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act: Proposed Program Priorities for Fiscal Year 1992 and Comment Period; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act: Proposed Program Priorities for Fiscal Year 1992 and Comment Period

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Justice.

ACTION: Notice of Proposed Priorities and comment period for Fiscal Year 1992 Research, Demonstration, and Service Program Priorities and Merit Selection Criteria under the Missing Children's Assistance Act.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing its Fiscal Year 1992 proposed program priorities for making grants and contracts under section 405 of title IV (the Missing Children's Assistance Act) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5775.

DATES: All comments must be received by 5 p.m. EDT on May 18, 1992.

ADDRESSES: All comments must be mailed or sent to: Director, Missing and Exploited Children's Program, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Kathryn Turman at the above address. Telephone (202) 616–3631.

SUPPLEMENTARY INFORMATION: Responsibility for establishing annual research, demonstration, and service program priorities and criteria for making grants and contracts pursuant to section 405 of the Missing Children's Assistance Act rests with Administrator of the Office of Juvenile Justice and Delinquency Prevention. For FY 1992, 12 new programs, one new award for a continuing program, and a jointly OJJDP–NIJ funded program to be administered by NIJ will constitute all proposed section 405 priority funding areas. The Administrator is hereby announcing these final priorities, specifying merit and performance criteria to be applied in their review.

During FY 1992 other new programs, or continuations of currently funded programs, may also be funded under sections 404 and 408 of the Missing Children's Assistance Act, 42 U.S.C. 5773 and 5778. Solicitations to fund all new Title IV assistance awards in amounts exceeding $50,000 will be announced in the **Federal Register** and competitively awarded. Described below are discretionary programs being planned for funding under section 405 of the Missing Children's Assistance Act followed by a listing of continuation programs currently funded under section 405 that are proposed as eligible to receive continuation funding during their currently existing project periods. Following the sixty-day comment period, OJJDP will publish in the **Federal Register** a final plan, including the substantive comments received. Thereafter, OJJDP will publish and make available a document including full program announcements of those programs labeled "new programs" and the application kit.

Introduction and Program Update

The Missing and Exploited Children's Program was established by Congress in the 1984 Missing Children's Assistance Act as Title IV of the Juvenile Justice and Delinquency Prevention Act, as amended. The Office of Juvenile Justice and Delinquency Prevention in the Office of Justice Programs, U.S. Department of Justice is the Federal agency that has the responsibility for administering the Missing and Exploited Children's Program.

The Missing Children's Assistance Act requires OJJDP to facilitate coordination among all federally funded programs relating to missing children; to establish and operate a national 24-hour toll-free telephone line; to establish and operate a national resource center and clearinghouse; to coordinate public and private programs which locate, recover, and reunite missing children with their legal custodians; to disseminate nationally information about effective missing children's programs, services, and legislation; and to provide technical assistance and training to law enforcement, State and local governments, the criminal justice system, public and private agencies, and other individuals involved with missing children's cases.

OJJDP funds and coordinates many activities on behalf of missing children, including the National Center for Missing and Exploited Children, a network of 43 State clearinghouses; nonprofit organizations; research and demonstration programs; and training and technical assistance for law enforcement personnel, judges and prosecutors. OJJDP sponsors a comprehensive five day training program for law enforcement officers on the investigation of missing, exploited, and abused children and a new advanced technical assistance course will be offered beginning in early 1992. OJJDP also provides assistance to the Department of Defense in the design of an extensive child maltreatment investigative course for the military and helps to train tribal police on Indian lands.

The National Center for Missing and Exploited Children (NCMEC) utilizes the latest in advanced computer technology to assist in the timely collection and dissemination of leads and information on missing children's cases. Currently, NCMEC is in the process of updating photos of children missing for two years or longer using computer photo age progression technology. State missing children clearinghouses are being linked to NCMEC via computer. In order to meet the increasing number of requests for age progression, regional age progression technology labs will be established in three to four state clearinghouses. Valuable technical assistance is provided through the National Center for Missing and Exploited Children to police departments, investigators, and prosecutors on individual missing children's cases. Assistance and referrals are also offered to parents and families of missing and exploited children. Plans are currently going forward to recruit and train retired law enforcement officers to provide consultation and specialized technical assistance on breaking or long-term missing child cases to police departments and other law enforcement agencies upon request.

Culminating a 5-year effort, the first findings of the National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children (NISMART) were released in May, 1990. NISMART identified distinct and separate problems affecting five categories of children who are missing or displaced, including victims of family abductions. Further research is continuing to develop an array of responses for each type of problem. Major research projects are nearing completion on the following issues: Obstacles to the recovery and return of parentally abducted children, police handling of missing and exploited children cases, the child victim as witness, the psychological consequences of family and non-family abductions and runaway episodes on children and their families, and the problems of reunification of missing children with their families. Additional data analysis of the first NISMART study (ADD-NISMART) will be looking at the high number of attempted abductions identified, the category of "lost, injured and otherwise missing" children, as well as other issues. OJJDP expects that directions for further research in these areas will be indicated. FY 1992 funds provided for research programs which will focus on the sexual exploitation of

children and tracking of these cases, effective screening practices for child and youth service workers, and risk factors and promising interventions in parental abduction cases. An on-going Interagency Agreement with the FBI Academy's Behavioral Science Unit is providing valuable information and analysis through profiles of child molesters, abductors who kill their child victims, and infant abductors. Other programs seek to reduce the harmful effects of abduction and exploitation of missing children on children and families and to prosecute offenders.

A number of research projects will be completed and are scheduled for publication in 1992:

- Legal Obstacles to the Recovery and Return of Parentally Abducted Children.
- The Reunification of Missing Children Project.
- Families of Missing Children: Psychological Consequences and Promising Interventions.
- A National Study of Law Enforcement Agencies' Policies and Practices Regarding Missing Children and Homeless Youth.
- The Child Victim as Witness.

Additional publications scheduled for FY 92 include prosecutors' manuals on child pornography and child prostitution cases. In addition, a number of existing publications will be updated or rewritten. These include Parental Kidnapping, Interviewing Child Victims of Sexual Exploitation, and Investigator's Guide to Missing Child Cases. A new "Case in Point" series focusing on individual missing child cases will be introduced. Through the work of the crime analysis units of the program sites, the Missing and Exploited Children Comprehensive Action Program (M/CAP) will publish a number of monographs and technical assistance bulletins on specialized topics.

The Missing and Exploited Children Program will participate in a number of joint or coordinated projects with other Department of Justice programs as well as other Federal agencies. A multi-site jointly funded by the National Institute of Justice (NIJ) and OJJDP and administered by NIJ will examine justice system processing of child maltreatment cases. OJJDP is coordinating planning for NISMART II with the third national incidence study on child abuse and neglect, NIS III, which is funded by the Department of Health and Human Services (HHS). OJJDP and HHS will also jointly sponsor a symposium on the interaction and handling of child maltreatment cases by law enforcement and child protective services.

FY 92 Goals and Objectives

In order to facilitate the location, recovery and return of missing and exploited children more effectively, OJJDP will:

- Provide for timely dissemination of collected materials, resources, and research findings to practitioners and translation of relevant research and other information into policies and practices, training and community education.
- Expand training and technical assistance in existing programs and to areas currently not being served, e.g., criminal courts, probation personnel, social services, mental health professionals, and victims services. Additional emphasis will be placed on the development and provision of training for trainers.
- Continue to develop programs and research which focus on the differing types of missing children problems as defined by NISMART while also continuing to identify linkages with the overall field of child victimization.
- Provide for the evaluation of public and private recovery programs such as nonprofit organizations specializing in missing children and State missing children clearinghouses.
- Continue to identify and develop centralized expertise in missing and exploited children cases.

The program will approach these objectives through the support and funding of services which assist the families of missing and exploited children through basic and applied research, interagency coordination, training for practitioners and decision-makers, and the development and use of new technology and resources which will facilitate the location and recovery of missing and exploited children more effectively.

Continuing Program With a New Award

Missing and Exploited Children Comprehensive Action Program (M/CAP) $1,300,000

This is a continuing program which requires a new award. The original award was for three years. The Missing and Exploited Children Comprehensive Action Program (M/CAP) serves communities by helping them develop coordinated, cooperative procedures for prevention and handling of missing, exploited and abused children's cases among the various institutions invloved. The M/CAP program will be expanded to facilitate the development of additional sites. New program staff and training specialists will be added, as well as at least one technical writer who will develop training monographs and specialized curriculum. Through the work of the crime analysis units of the program sites, the M/CAP program will publish a number of monographs and technical assistance bulletins on specialized topics.

New Programs

Applied Research to Address Practioner Needs

A Study to Explore Legal Barriers to Using Schools, Public Service Agencies, and Hospitals in Locating Missing Children $100,000

This project will involve studying the legal barriers and obstacles now facing parents, attorneys, law enforcement, prosecutors and missing children clearinghouses in gaining the cooperation of schools, hospitals and other public agencies in the search for missing children. Because of different laws concerning privacy and confidentiality, obtaining assistance from these various agencies in locating a missing child is often difficult.

This study should attempt to identify the case law and legislation present at the Federal level, as well as State and local levels, that commonly frustrate efforts to locate missing children. Existing legislation that aids parents and investigative agencies in gaining access to schools, hospitals and public agencies should be highlighted as well. The project should present suggested remedies and recommend solutions where feasible. The intended audience of final reports will be parents and agencies that will benefit most from the above sources of information in the search for missing children.

A Project to Examine Newspaper Articles on Non-Family Child Molestation, Exploitation, and Abuse Cases $100,000

Currently there is no national data collection focused on the number of children who are sexually abused by non-family members or non-day-care givers each year. Due to reporting methods and the lack of national data, it is difficult to know how many of these cases of child molestation involve the abduction of children, including short-term abductions. Through the National Center for Missing and Exploited Children, an informal project was developed utilizing newspaper clippings detailing confirmed cases of child molestation by non-family members collected from over forty major media markets over a four month period. The first month's clippings alone yielded over 800 cases. Data was compiled from the clippings on 32 case characteristics.

including the ages of the offenders and the victims, the occupation of the offenders, the relationship between victim and offender, the number of victims, previous arrest history, involvement of child pornography, probationary status of the offender, and the arresting charges.

This new program will expand on the earlier short-term project and will involve tracking data on a more expansive basis and over a one-year period in order to include the school and vacation cycle. Data gathered should include types of charges, number of offenses, and characteristic information about both victims and perpetrators. Particular attention should be paid to examining these reports for abduction offenses and arresting charges.

The prospective grantee should plan to utilize the best available sources, including computer networks, newspaper clipping services, or other methods to obtain the necessary information. In all cases, duplication should be monitored so that cases of national proportion are not entered into the data base more than once. The resulting report should include basic information about the populations served by the news sources utilized in order to give some indication of the breadth of the numbers. After the compilation of cases for one year are entered, they should be summarized and analyzed. The analysis is not expected to generalize the problems of non-family sexual abuse, molestation and exploitation. The final report should also identify potential alternative data collection methods and approaches which could be utilized for a more comprehensive study of the incidence of non-family, non-caregiver sexual abuse and exploitation of children.

A Study to Resurvey the Respondents in the Original Study, Families of Missing Children: Psychological Consequences and Promising Interventions $150,000

The purpose of this resurvey would be to determine how lasting are the psychological effects of family and non-family abductions and serious runaway episodes on victims and families. The results of the initial Psychological Consequences project indicated that it is appropriate to identify two traumas rather than the one associated with each missing child incident. The initial trauma arises when the child is taken, but there is a second trauma at the time of resolution, the recovery of a body or a child. The second trauma appears to be equal to or more profound than the first.

Since the two events, abduction and recovery, could not be separated by the passage of considerable time due to the time contraints of the project period, many cases had not been resolved at the time of the last data collection. Further data collection, after either one year or 18 months, would increase the size of the post-resolution sample and provide better information on the second trauma.

The information to be gained from this research should have considerable value in the design of programs to alleviate the traumatic effects of abduction and recovery.

Justice System Processing of Child Maltreatment Cases. (A Jointly Supported Study With the National Institute of Justice) $250,000

Approximately 2.5 million cases of suspected child maltreatment were reported in 1990. These increasing numbers tax both child protective services and the justice system and demand improvements in the social service and legal response to the problem. While many child maltreatment cases are handled by child protective service agencies, the more serious cases come to family and domestic relations courts for the protection of the child, and an increasing number involve charging the perpetrator with a criminal offense. An indication of the increasing demand of these cases on prosecutors is seen in the results of a recent survey in which 90 percent of the prosecutors report child victim cases as a factor in the rising number of felony cases filed in recent years.

A number of past efforts have addressed the effects of child testimony on sexually abused children, explored sexual abuse case processing issues, examined the police role, and discussed state of the art child abuse investigation and prosecution methods. These efforts provide a part of the background for the development of this project on the tracking of child maltreatment cases from the point of official justice system entry to disposition. Prospective case studies would track cases, victims, and perpetrators through law enforcement, prosecution, and courts to case dispositions. The goals of the project would be to provide a description of the nature and dynamics of the justice system response to child maltreatment and to inform policy and improve practice regarding the handling of these cases in the child protection and justice systems.

OJJDP will transfer funds to the National Institute of Justice for this multi-site study. The project is jointly supported by NIJ and OJJDP, and the solicitation will be issued by NIJ.

Training and Technical Assistance

A Program To Develop Model Sentencing Guidelines in Parental Abduction Cases, $125,000

Recent OJJDP-sponsored studies on the legal obstacles to the recovery of parentally abducted children and on the psychological impact of abduction on children and families show that child victims of family abductions experience more trauma and long-term disturbances than is commonly believed. One study found that almost eighty percent of abducting parents were motivated by anger and revenge against the other parent and attempted to use their children to control and attack the opposing parent. Some parents were fleeing abuse directed at either themselves, their child, or both and needed protection. Regardless of whether an abduction is prompted by frustration with unsatisfactory custody or visitation arrangements or by a desire to punish or control the other parent, many abducting parents intentionally or unintentionally inflict serious emotional or physical harm upon their children. OJJDP-sponsored studies indicate that few abductors are being prosecuted or are receiving sentences of any kind. Consequently, in many jurisdictions, law enforcement involvement in these cases is infrequent and inconsistent. Guidelines should be developed so that judges have information which would enable them to identify and address a wide range of cases with varying motivations and consequences to the child. Examples of the factors to be considered include changing a child's name, depriving the child of stable schooling, physical or sexual abuse, emotional and physical neglect, and lying to the child by telling it the other parent does not want it or is dead. The information should be specifically directed to the complex concerns facing judges and court personnel, such as the types of situations in which abduction is likely to re-occur, any history of domestic violence, the circumstances in which child custody might be granted to the abducting parent, and the types of visitation and circumstances guiding visitation permitted after the recovery of the child. Along with providing training for judges, the project would develop a bench book for judges as well as a series of articles for publication and dissemination to judges and prosecutors.

Treatment Models and Training Materials for Mental Health Professionals Working With Families of Missing Children, $300,000

The Families of Missing Children: The Psychological Consequences and Promising Interventions study found that the vast majority of families of missing and recovered children do not receive any mental health services even though the experience of having a child abducted inflicts significant trauma upon the victim and the family members left behind. While the severity of trauma suffered by victims and families of non-family abduction is more easily recognizable, children and left-behind parents involved in parental abductions also suffer high levels of trauma and long-term distress. Geoffrey L. Greif and Rebecca L. Heger (School of Social Work, University of Maryland At Baltimore), authors of an article entitled "Parents Whose Children are Abducted by the Other Parent: Implications for Treatment", based upon a national survey, reported that children are usually abducted by a parent during or after the breakup of a marriage or relationship. As a consequence, in addition to the trauma ensuing from the loss of the child, the parent must also deal with other stressful factors stemming from the marital or relationship break-up. The literature review conducted in conjunction with this study found that there is a dearth of experience and knowledge and almost no research on abduction trauma and reactions of families to having a child abducted. Thus, parents who do seek mental health assistance are not likely to find a therapist with any experience in either non-family or family abduction trauma.

Given the void in experience, information, and research on the psychological trauma associated with child abduction, the purpose of this program is to develop, test, and refine treatment models and training materials for use by mental health professionals in stabilizing family units upon recovery of missing children, and supporting the members of these family units and the returned child to recover effectively from the associated emotional trauma. While the desirability of developing research-based treatment models is irrefutable, given the immediate need for professionally structured treatment models, the strategy anticipated for development of these models anticipates an eclectic approach. Program models should be developed which are based upon a combination of treatment approaches which have been determined to be effective in cases involving child protection, family violence, gross family dysfunctioning, court ordered placement of children, familial incest, and marital conflict accompanied by serious violence. Treatment with families of soldiers missing in action should also be explored to determine if effective approaches were developed.

The end product should be two to three treatment models which can be tested in the second and third years of a three year project period, along with replication manuals, training curricula, and a complete literature review.

Program to Develop Multidisciplinary Training for Law Enforcement, Mental Health and Other Professionals on the Reunification of Missing Children, $150,000

The Reunification of Missing Children Project found in most cases of recovered children that law enforcement and other community agencies were not prepared to handle or aid in the process of reuniting the child with his or her family and in helping them rebuild their lives. Many important factors need to be considered in reuniting a child with the family or parent: The type of abduction, the length of the episode, and what actually happened to both the child and the left-behind family members during the period the child was missing. Previous family history and coping styles will also play a part in how well the victim and family reacts and readjusts after recovery. This project would adapt the findings and field testing of the Reunification of Missing Children Project into a training curriculum, including technical assistance bulletins for dissemination to practioners. Topics covered will include: (1) The different types of child abduction and the circumstances surrounding the event(s); (2) agency staff responsibilities pertaining to the abduction and the reunification of the children with their families; (3) special needs of the children (including siblings) and parents; (4) elements of investigation, interview and counseling techniques specific to the reunification of missing children; and (5) the management (and sharing) of information and mobilization of agency resources pertaining to the reunification of missing children with their families. It is expected that the training format will include workshops or seminars, and a training guide or curriculum, together with background materials. Follow-up technical assistance will be provided to trainees upon request.

Program to Develop Techniques for Interviewing Adolescent Victims of Sexual Exploitation and Sexual Abuse $125,000

Interviewing adolescent victims of sexual abuse and exploitation require particular skills and techniques. There is little literature or training available in the field to instruct law enforcement personnel and medical and direct service providers on how to conduct interviews with the adolescent victim. However, individual practioners in various police, prosecutorial, health, or related agencies have developed considerable proficiency in dealing with young victims. Their expertise could be harnessed to train others. In order to expand the availability of training in this area, OJJDP will sponsor an assessment of existing training resources and of further training needs pertaining to this topic. The project should cover the protocol for conducting the interviews and the distinctions between the first responder interview, the investigative interview, and the therapeutic interview. Joint investigative interviewing by law enforcement personnel and child protective services should also be addressed. The curriculum is expected to cover: (1) Interviewing techniques, including types and purposes; (2) essential elements of sexual exploitation and abuse investigations; and (3) essential elements of adolescent psychology and behavior. The grantee is expected to draw on the expertise of experienced law enforcement investigators and others who have developed special skills in interviewing adolescent victims. End products would include a training curriculum and monograph, as well as a listing of resources and practioners with particular expertise, all of which could be added to existing investigative training courses.

Resource Guide of Victim Services and Compensation for Missing and Exploited Children and Their Families $60,000

The Families of Missing Children: The Psychological Consequences and Promising Interventions study found that the vast majority of families of missing and recovered children do not receive mental health services or other victims services and resources even though the experience of having a child abducted afflicts significant trauma upon both the victims and the family members left behind. Families of missing and recovered children can (1) enhance their personal, marital, and family stability during this crisis when they know what constitutes expected or normative

reactions of child loss; (2) improve the parent-child relationship when they know the child's experience during the event and after recovery; and (3) insure their understanding of on-going needs of the non-missing children in the family when they know sibling rection to child loss. This project would develop and publish a specialized manual designed to enable families and victims to identify and access services available on a local, State, and national basis. This publication will include information on the types of victim compensation, *e.g.*, local, State and federal funding, a listing of national support organizations for families and victims, as well as information on selecting a therapist. Dissemination of this publication to families of missing children will be primarily through the National Center for Missing and Exploited Children, missing children State clearinghouses, and other public and private organizations serving child victims and their families.

Symposium on International Child Abductions $125,000

The Hague Convention is an international treaty governing the return of internationally abducted children. It was negotiated in 1980 and has been ratified by a number of countries, including the United States in 1988. The Hague Convention sets international policy condemning parental abduction and seeks promptly to restore children to their pre-abduction circumstances, thus limiting the harm they suffer as a result of the abduction. It also provides international laws and procedures for the resolution of these difficult disputes. Despite the adoption of the Hague Convention by many countries, international child abduction still poses complicated problems for parents, governments and other agencies involved in the location and recovery of these children. The grantee would work cooperatively with the National Center for Missing and Exploited Children, Department of State, Interpol, the National Center for the Prosecution of Child Abuse, the American Bar Association Center on Children and the Law, and others to convene a forum of practioners to examine current issues regarding international abductions, the obstacles for locating and recovering abducted children in a world-wide arena, and adoption and implementation of the Hague Convention. The symposium should be planned for early 1993 to follow an international meeting of representatives of Hague Convention Central Authorities scheduled for November of 1992. An expected outcome of such a forum would be the publication of a report indicating directions for future study and program development.

A Program to Develop Training, Technical Assistance and Product Resources Based Upon the Findings of OJJDP's Congressionally Mandated Study on the Legal Obstacles to the Recovery and Return of Parentally Abducted Children $400,000

The three key obstacles to the recovery of parentally abducted children identified in the interim Congressional report were: (1) Lack of knowledge of applicable law on the part of judges and attorneys; (2) lack of compliance, even when knowledgeable; and (3) lack of uniformity and specificity in State laws. The final report, due in June 1992, will make recommendations for removing legal obstacles and improving interstate and inter-jurisdictional cooperation in parental abduction cases. This project would develop materials for different audiences and create cooperative arrangements with existing organizations to disseminate these materials, including training materials. Target audiences would include parents, lawyers, judges, law enforcement personnel, prosecutors, and public and private missing children's organizations. Training could also focus on utilizing a multi-agency approach to parental abduction cases. Model State statutes would also be developed and disseminated and would possibly include a conference for State legislative staffs.

Specific products would be a written bench book for judges, a booklet of practice tips for attorneys in family law, information for parents on how best to cooperate with their lawyers, development of a written protocol for law enforcement for both civil and criminal cases, fifty State directory of relevant State statutes and case law (on disk), and possibly written procedures for establishing a child custody registry. In addition, assistance needs to be available to left-behind parents so that they can find attorneys who can adequately and knowledgeably represent them. The program would develop a directory and possibly a nationwide attorney referral system specific to parental abductions and enforcement of child custody orders.

A program to Develop a Series of Training Videos on Basic Techniques for Investigating Missing, Exploited and Abused Child Cases for Law Enforcement, $125,000

The vast majority of law enforcement agencies employ less than ten officers. These law enforcement officers have few opportunities to receive specialized training in the investigation of child maltreatment cases. Therefore, in order to provide needed information to these smaller departments, OJJDP plans to develop a series of training videotapes on the investigation of such child maltreatment issues as physical abuse, sexual abuse, missing children (including parental abductions), exploited children, offender profiles, and child fatalities. Related topics to be addressed in training videotapes would include case management, techniques for interviewing child victims and suspects, and interacting with social service, medical, and mental health professionals. The grantee would be expected to utilize the revised training curriculum and the expertise of the law enforcement trainers used by OJJDP and the Federal Law Enforcement Training Center in the child abuse and missing and exploited investigators courses. The curriculum would focus on basic information and techniques. In addition to the series of training videotapes, there would be a small publication or pocket card listing national and regional resources for law enforcement agencies on available training, information, and technical assistance on cases of abused, exploited, and missing children. Law enforcement training academies and organizations would be the primary organizations reproducing and further disseminating these materials to the law enforcement field.

Funding Support for Missing Children State Clearinghouses for Specific Program Development up to $100,000

The goal of this project would be to assist State missing children clearinghouses to strengthen their role within their State through the development of specific projects relating to missing and exploited children. The individual special projects would include: (1) A project to develop a series (maximum of five) 20 minute "roll call style" video presentations for law enforcement personnel on missing and exploited children investigation, resources, and issues. The project would also require the development of a State-wide listing of investigators specializing in missing and/or exploited child cases from which the target audience would be drawn. (2) A second project would be the development of a training curriculum designed for law enforcement agencies and officers on how to utilize and interface with their State clearinghouse. The grantee must take into account and address the different levels and services of State clearinghouses available around

the country. The curriculum should be in a format which could be presented on site by State clearinghouse personnel or standardized for presentation through in-service training or academy curriculum. The project requires the development of a State-wide listing of investigators specializing in missing and/or exploited child cases. (3) A project to develop a network of volunteers within the State who have experience and background in providing services for the parents of missing or exploited children. Parents of missing children frequently need more special attention and support than can be provided by local law enforcement agencies. Retired law enforcement, social service, and criminal justice professionals would be ideally suited to provide necessary time, experience and contacts to devote to assisting parents within the local community. The volunteers would be referred to the parents through the State clearinghouse, upon request. A program called "Project ALERT" is currently being developed on the national level to recruit and train retired law enforcement officers to assist in the investigation of missing child cases. It is possible that the individual State clearinghouse project could be coordinated with any "Project ALERT" volunteers from that State. OJJDP may fund more than one applicant for this particular program to develop a volunteer network.

OJJDP anticipates providing several grants to individual clearinghouses to develop the special programs and products detailed above. The grantees would be encouraged to develop their programs in formats which could serve as models for other State clearinghouses around the country.

Selection Criteria

For all assistance awards funded under Title IV—Missing Children's Assistance Act, priority will be given to applicants who utilize volunteers in locating, reuniting, and providing other services to missing children and their families. In order to receive assistance for a fiscal year, applicants must give assurance that they will expend, to the greatest extent practicable, for such fiscal year an amount of funds (without regard to any funds received under any Federal law) that is not less than the amount of funds they received in the preceding fiscal year from State, local, and private sources.

The following merit-based general selection criteria will be used to rate applications submitted in response to the program announcements:

(1) The problem to be addressed by the project is clearly stated. The applicant must demonstrate an understanding of the extent and nature of the problem of missing and exploited children.

(2) The objectives of the proposed project are clearly defined.

(3) The project design is sound and contains program elements directly linked to the prevention and recovery of missing children and/or the provision of services to such children and their families. The project design demonstrates an innovative approach to addressing the problem.

(4) The project management structure is adequate to the successful conduct of the project.

(5) Organizational capability is demonstrated at a level sufficient to conduct the project successfully.

(6) Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken.

Robert W. Sweet,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 519

Publication of Rules Affecting the Public

AGENCY: Department of the Army, DoD.

ACTION: Withdrawal of rule.

SUMMARY: The purpose of this document is to withdraw the revision of 32 CFR part 519 which appeared in the **Federal Register** on December 16, 1991 (56 FR 65392). The reason for withdrawing this revision is to effect further staffing within the Department of the Army and to secure legal approval from the Office of the Army Staff Judge Advocate. A revision of 32 CFR part 519 will be published at a later date as a final rule.

EFFECTIVE DATE: The revision of 32 CFR part 519 published at 56 FR 65392 is withdrawn March 13, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Denton, U.S. Army Publications and Printing Command, Attn: ASQZ–PD–SS, room 1050, Hoffman Building I, Alexandria, VA 22331–0302, (703) 325–6277.

SUPPLEMENTARY INFORMATION: The document published at 56 FR 56392 announced a revision of Army Regulation 310–4, Publication of Rules Affecting the Public. It was to bring the AR in line with policy and program proponency changes and the reorganization of Headquarters, Department of the Army. It prescribed procedures and responsiblities for publishing certain Department of the Army policies, practices, and procedures in the **Federal Register** as required by statute, and for inviting public comment thereon, as appropriate.

List of Subjects in 32 CFR Part 519

Administrative practice and procedures.

Under the Secretary's authority, 44 U.S.C. chapter 15, the revision to 32 CFR part 519 published at 56 FR 65392 is withdrawn.

Gregory D. Showalter,

Alternate Army Federal Liaison Officer.

[FR Doc. 92–6314 Filed 3–13–92; 3:16 pm]

BILLING CODE 3710–08–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 4116–3]

Minnesota: Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Minnesota has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agency (EPA) has reviewed Minnesota's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Minnesota to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA").

EFFECTIVE DATE: Final authorization for Minnesota's program revisions shall be effective May 18, 1992 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on Minnesota's final authorization must be received by 4:30 p.m. central time on April 20, 1992. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Copies of Minnesota's final authorization application are available during 9 a.m. to 4 p.m. at the following addresses for inspection and copying: Ms. Carol Nankivel, Supervisor, Rules Unit, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, Phone 612/297–8369; Ms. Christine Klemme, U.S. EPA, Region V, Office of RCRA, 77 W. Jackson, 7th Floor, Chicago, Illinois 60604, Phone 312/886–3715. Written comments should be sent to Ms. Christine Klemme, Program Management Branch, Office of RCRA, 77 W. Jackson, 5HRM–7J, Chicago, Illinois 60604, Phone 312/886–3715.

FOR FURTHER INFORMATION CONTACT: Christine Klemme, Minnesota Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Office of RCRA, Program Management Branch, Regulatory Development Section, 5HRM–7J, 77 W. Jackson, Chicago, Illinois 60604, (312) 886–3715 [FTS 8 886–3715].

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. For further explanation, see section C of this notice.

In accordance with 40 CFR 271.21(a), revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR parts 124, 260–268 and 270.

B. Minnesota

Minnesota initially received final authorization for its base RCRA program effective on February 11, 1985 (see 50 FR 3756, January 28, 1985). On June 30, 1986, January 29, 1988, November 16, 1988, November 21, 1989, and January 22, 1991, Minnesota submitted revision applications for program approval. Effective on September 16, 1987, June 23, 1989, August 14, 1990, and August 23, 1991, (see 52 FR 27199, July 20, 1987; 54 FR

16361, April 24, 1989; 55 FR 24232, June 15, 1990, and 56 FR 28709, June 24, 1991, respectively), Minnesota received authorization for additional program revisions.

Minnesota submitted an additional revision application on June 28, 1991. EPA reviewed this application and upon receipt of the signed Attorney General's statement on December 3, 1991, made an immediate final decision that Minnesota's hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Minnesota final authorization for this additional program revision.

On May 18, 1992 (unless EPA publishes a prior FR action withdrawing this immediate final rule), Minnesota will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous state authority
Reportable Quantity Adjustment—Methyl Bromide Production Wastes, October 6, 1989, (54 FR 41402) *.	MN 7045.0135(3)(e), 7045.0139(2)(b), effective 8/12/91.
Reportable Quantity Adjustment—Chlorinated Aliphatic Hydrocarbons, December 11, 1989, (54 FR 50968) *.	MN 7045.0135(2), 7045.0139(2), 7045.0141(2), effective 8/12/91.
Double Liners, Correction, May 9, 1990, (55 FR 19262) *.	MN 7045.0532(3)(C), effective 12/18/91.
—Mining Waste Exclusion I, September 1, 1989, (54 FR 36592).	MN7045.0102(2), 7045.0135(3), effective 8/12/91.
—Mining Waste Exclusion II-(Bevill), January 23, 1990, (55 FR 2322).	MN 7045.0020(15), 7045.0120(l), MN 7045.0265(4), effective 8/12/91.
—Modification of F019 Listing, February 14, 1990, (55 FR 5340).	MN 7045.0135(2)(M), effective 8/12/91.
—Financial Responsibility: Settlement Agreement (as amended), June 26, 1990, (55 FR 25976).	MN 7045.0486, 7045.0596, effective 4/28/87.
Corrections: Definition of Solid Waste, April 11, 1985, (50 FR 14216), and August 20, 1985, (50 FR 33541).	MN 7045.0020; 7045.0075 (3) & (4), 7001.0700; 7045.0135, effective 2/17/86.
Correction: Biennial Reports, August 8, 1988, (51 FR 28556) *.	MN 7045.0482(2) and 7045.0588, effective 4/13/87.

* indicates HSWA provisions.

EPA shall administer any RCRA hazardous waste permits or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on February 11, 1985, September 18, 1987, June 23, 1989, August 14, 1990, and August 23, 1991, the effective dates of Minnesota's final authorization for the RCRA base program and for rules in non-HSWA Clusters I–VI and HSWA I and II.

Minnesota is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Minnesota's Authorization

1. General

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Minnesota. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Minnesota until the State is authorized for them.

Once EPA authorizes Minnesota to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Minnesota's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Minnesota" section of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice explaining in detail the HSWA and its affect on authorized States (50 FR 28702–28755, July 15, 1985).

2. Land Disposal Prohibitions

EPA does not intend to authorize Minnesota to impose additional land disposal prohibitions at this time. The regulations implementing the land disposal prohibitions are found in 40 CFR part 268.

D. Decision

I conclude that Minnesota's program revision application meets all the statutory and regulatory requirements established by RCRA and its amendments. Accordingly, EPA grants Minnesota final authorization to operate its hazardous waste program as revised. Minnesota currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. This responsibility is subject to the limitations of its program revision applications and previously approved authorities. Minnesota also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under section 3008, 3013, and 7003 or RCRA.

E. Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of the Minnesota program will be completed at a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Minnesota's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information requests contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

Lists of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b)).

Dated: March 13, 1992.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 92-6387 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7534]

Federal Insurance Administration; Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 *et seq.*) Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard area in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance with the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 64.6 List of eligible communities.

* * * * *

State and location	Community No.	Effective date of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistant no longer available in special flood hazard areas
Region II				
New York, Greenwich, town of, Washington County	361233	Feb. 14, 1977, Emerg.; July 3, 1986, Reg.; Mar. 16, 1992, Susp.	March 16, 1992	March 16, 1992.
Region III				
West Virginia, Clarksburg, city of, Harrison County	540056	Sep. 18, 1973, Emerg.; Feb. 15, 1978, Reg.; March 16, 1992, Susp.	do	Do.
Region V				
Ohio, Highland Heights, city of, Cuyahoga County	390110	Nov. 10, 1976, Emerg.; June 1, 1979, Reg.; Mar. 16, 1992, Susp.	do	Do.
Region IX				
Nevada, Elko County, unincorporated areas	320027	June 23, 1978, Emerg.; Feb. 1, 1984, Reg.; Mar. 16, 1992, Susp.	do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: March 6, 1992.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-6313 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-302; RM-7826]

Radio Broadcasting Services; Fountain, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 241C3 for Channel 241A at Fountain, Colorado, and modifies the permit for Station KBIQ(FM) to specify operation on the higher-powered channel, as requested by Hubbard Broadcasting, Inc. See 56 FR 55649, October 29, 1991. Coordinates for Channel 241C3 at Fountain are 38-44-47 and 104-51-37. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-302, adopted February 28, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.303 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 241A and adding Channel 241C3 at Fountain.

Federal Communications Commission.

Michael C. Ruger,

Assistant Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-6453 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

Special Supplemental Food Program for Women, Infants and Children (WIC); Enhanced Food Package for Breastfeeding Women

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend regulations governing the Special Supplemental Food Program for Women Infants and Children (WIC) to better assist breastfeeding WIC participants. The Food and Nutrition Service (FNS) proposes that a separate enhanced WIC food package (Food Package VII) be made available to breastfeeding women whose infants do not receive formula from the WIC Program. The current types and quantities of supplemental foods will be retained in Food Package V for pregnant women and for women who are supplementing breastfeeding with any amount of formula provided by WIC. The proposed Food Package VII would contain the same supplemental foods as are currently available to breastfeeding women in Food Package V with augmented amounts of juice, cheese, legumes (beans, peas and peanut butter) and with the addition of two new items: canned tuna and carrots.

DATES: To be assured of consideration, comments on this rule must be received on or before May 4, 1992.

ADDRESSES: Comments should be sent to Ronald J. Vogel, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302. Comments on this rule should be clearly labeled "Food Package for Breastfeeding Women Rule." All written comments will be available for public inspection during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at the office of the Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Chief, Program and Policy Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, room 540, Alexandria, Virginia 22302, (703) 305-2730.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This proposed rule has been reviewed under Executive Order 12291, and has been determined to be not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more, nor will it result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Furthermore, this rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). Pursuant to that review, the Administrator of the Food and Nutrition Service has certified that this proposed rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This proposed rulemaking imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

The Special Supplemental Food Program for Women, Infants and Children (WIC) is listed in the Catalog of Federal Domestic Assistance Programs under 10.557 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, and final rule-related notice at 48 FR 29114 (June 24, 1983)).

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any state or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the "Effective Date" section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the WIC Program, the administrative procedures are as follows: (1) Local agencies and vendors—State agency hearing procedures issued pursuant to 7 CFR 246.18; (2) applicants and participants—State agency hearing procedures issued pursuant to 7 CFR 246.9; and (3) sanctions against State agencies (but not claims for repayment assessed against a State agency) pursuant to 7 CFR 246.19—administrative appeal in accordance with 7 CFR 246.22. (4) procurement by State or local agencies—administrative appeal to the extent required by 7 CFR 3016.36.

The Department's Support of Breastfeeding

The Department is strongly committed to the support of breastfeeding. Support of breastfeeding is a priority for many public health programs, including the WIC Program. Nutritional and medical research has shown that there is no better food than breast milk for a baby's first year of life (Institute of Medicine Report, Nutrition During Lactation, 1991). Since a major goal of the WIC Program is to improve the nutritional status of infants, WIC mothers are encouraged to breastfeed their infants. Alarmingly, despite efforts to promote breastfeeding among this target population, decreases in the incidence and duration of breastfeeding have recently been documented among low-income populations in the United States (Institute of Medicine Report, Nutrition During Lactation, 1991). To respond to this trend, the Administration

established as a national goal the improvement of the incidence and duration of breastfeeding in "Healthy People 2000—National Health Promotion and Disease Prevention Objectives." In support of the Healthy People 2000 breastfeeding goals and to tailor food assistance to breastfeeding women, the Department proposes a new WIC food package—Food Package VII.

This proposal is but one of several of the Department's initiatives underway to further promote breastfeeding. These initiatives are briefly discussed in appendix I to this preamble.

Background

The authorizing legislation for the WIC Program, section 17 of the Child Nutrition Act of 1966, as amended (CNA), (42 U.S.C. 1786), established the WIC Program to provide supplemental foods and nutrition education to low income pregnant, breastfeeding, and postpartum women, infants, and children up to age 5 who are at nutritional risk. The Program also serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems and to improve the health status of Program participants.

The CNA clearly established the WIC Program as "supplemental" in nature; that is, the WIC food packages, including the new Food Package VII designed for breastfeeding women whose infants receive no formula from the WIC Program, are not intended to provide a complete diet but are designed to provide additional wholesome foods needed for a balanced diet. In addition to WIC, the Department administers a variety of other complementary food assistance programs which can work together to provide a more nutritious diet to needy Americans. The largest of these programs, the Food Stamp Program, provides general food assistance in the form of food stamps which are used to increase the food buying power of low income households. The National School Lunch Program and the School Breakfast Program provide free and reduced price meals to low income children in school. Also, the Child and Adult Care Food Program provides meals to persons in child and adult care centers and family day care homes. A variety of commodity donation programs are also available to low income persons.

In addition to food assistance, WIC provides nutrition education to participants. The nutrition education provided by WIC enables participants to make informed decisions in choosing foods which, together with the supplemental foods contained in the WIC food packages, can meet their total dietary needs.

Section 17(b)(14) of the CNA defines "supplemental foods" as "those foods containing nutrients determined by nutritional research to be lacking in the diets of pregnant, breastfeeding, and postpartum women, infants, and children, as prescribed by the Secretary." This legislation provides substantial latitude to the Department in designing WIC food packages, but obligates the Department to prescribe foods which effectively supply those nutrients critical to growth and development and which are typically lacking in the diets of the WIC eligible population. The Department has designed the WIC food packages based on nutritional research and input from various sources, including State and local agencies, the health and scientific communities, industry and the general public.

Food Package History

Food package requirements appear in 7 CFR 246.10 of the WIC Program regulations. The Department created six different monthly packages in a 1980 rulemaking (45 FR 74854 (1980)): One for infants 0–3 months, one for infants 4–12 months, one for children and women with special dietary needs, one for children 1–5 years of age, one for pregnant and breastfeeding women, and one for nonbreastfeeding postpartum women. These packages were designed to help meet participants needs and to follow current medical and nutritional guidance; complement the eating patterns of preschool children; and address the special requirements of pregnant and breastfeeding women. As described in the 1980 final rule (45 FR 74854), the current food packages were initially designed and adopted with five considerations in mind. These considerations, listed below, are still valid in guiding decisions concerning food package changes. They should be kept in mind while commenting on this proposal.

1. Nutritional Integrity

Great consideration is given to the provision of foods that are rich sources of the nutrients that tend to be lacking in the diets of the WIC eligible population. The original legislation for the WIC Program, the Child Nutrition Act of 1966, as amended by the 1972 School Lunch Program—Summer Food Service Act (Pub. L. 92–433), specifically identified protein, iron, calcium and vitamins A and C as the target nutrients for WIC participants. However, subsequent legislation in 1975 (Pub. L. 94–105) and 1978 (Pub. L. 95–627) deleted the references to specific target nutrients and instead directed the Department to prescribe appropriate nutrients. The Department, consistent with this legislation, determined in October of 1978 that the original five target nutrients continued to be lacking among the WIC eligible population. The Department made this determination through an ongoing examination of nutritional research and with the assistance of State and regional representatives, representatives of industry, the nutrition community, advocacy groups, and program participants.

Given the supplemental nature of the WIC Program, the food packages are not intended to supply 100 percent of the Recommended Dietary Allowances (RDAs) of each specified nutrient, nor are they intended to meet any pre-established goals for RDAs. As mentioned previously, participants are expected to obtain the remainder of the RDAs from other food sources. These, in some cases, could include foods provided through the Department's other food assistance programs. However, the packages do provide categories of foods which are high in one or more of the previously targeted nutrients and are capable of providing a substantial portion, and in some instances the entire amount, of the RDAs for the targeted nutrients.

1. Fat, Sugar, and Salt Content

The fat, sugar and salt content of WIC foods is a consideration which is required by statute. Section 17(f)(12) of the CNA, among other provisions, directs the Department to assure that, to the extent possible, the fat, sugar and salt content of WIC foods is appropriate. Several changes made to the WIC food packages in the 1980 rulemaking responded specifically to this mandate. For example, the Department established a limit on the amount of sugar permitted in WIC cereals.

Additionally, FNS policy guidance permits WIC State agencies to issue low fat, low cholesterol and low sodium forms of WIC cheeses to participants. Further, the Department encourages local program administrators to tailor the WIC food packages to meet the individual nutritional needs of participants and, when appropriate, to adjust the types of WIC foods prescribed to help reduce the amount of fat, cholesterol, sodium and sugar the WIC food packages contribute to the diet. Through WIC nutrition education, participants also receive advice on how to further minimize intakes of fat, cholesterol, sodium and sugar and how to include adequate amounts of vegetables, fruits and whole grain products in their diets.

3. Cost

Aside from considerations which are specified in legislation, a prime consideration in any food package design is cost. The Department is committed to serving as many eligible persons as possible while maintaining the nutritional integrity of the program. WIC is not an entitlement program, and the number of potentially eligible individuals who can be served is determined by the amount of money appropriated by Congress. Therefore, efficiency in providing nutrients is important because increases in the total cost of the food packages reduce the number of participants served by the program. The packages are designed to encourage further cost control by permitting State and local agencies the flexibility to specify lower cost food brands, types and container sizes within regulatory parameters.

4. Practicality

The food packages are designed to address a number of practical considerations which reflect participant and program needs. The WIC foods should be readily available, offer variety and versatility to participants, be relatively nutrient dense, and have broad appeal. The WIC food package is an individual food prescription which, in order to have full effect in improving nutritional status, is intended to be consumed by the participant only and not other family members. Thus, a consideration in the selection of a WIC food is its potential for inappropriate sharing.

Further, the foods should generally be of dometic origin with minimal processing. The WIC Program, along with other food assistance programs administered by the Department, participates in a longstanding partnership with American agriculture and endeavors to provide foods which support the nation's farming industry.

Lastly, the packages should be administratively manageable for State and local agencies and vendors.

5. Food Package Quantities and Cultural Eating Patterns

The quantities of foods provided by a food package and participants' cultural eating patterns are also significant. State and local agencies are permitted flexibility in such aspects of the food pacakges as well. The quantities in the packages are expressed as maximum levels which must be made available to participants as needed to supplement their diets. However, State and local agencies have the authority to tailor quantities according to the needs of individual participants or categories of participants when based on a sound nutritional rationale. These tailoring provisions, established in program regulations (7 CFR 246.10) and supplemented by FNS Insruction 804–1 "WIC Program—Food Package Design: Admnistrative Adjustments and Nutrition Tailoring," are designed to permit State and loal agencies to implement their own nutrition policies and philosophies within the parameters of food package requirements. Section 17(b)(14) of the CNA and § 246.10(c)(7) of the WIC Program regulations also give the Department the authority to approve substitution of foods by State agencies which allows for different cultural eating patterns under certain circumstances. State agencies must demonstrate that the substitute foods are nutritionally equivalent to those in the food package established by the Department.

Currently, WIC food packages are sufficiently flexible to meet the special needs of homeless persons in most instances. WIC State agencies have devised creative ways to accommodate homeless WIC participants within the framework of the existing WIC food package requirements. For example, some States provide WIC foods such as juice, cereal, cheese, and milk in smaller pacakge sizes and issue more food instruments, each for a smaller part of the total food package, so that the homeles can acquire WIC foods in smaller quantities, thus reducing the need for convential storage facilities.

Summation of Comments on Proposed Food Package VII Considerations

The proposed Food Package VII was developed based on comments rceived on a Notice of Intent to Propose Rulemaking and Solicitation of Comments published in the **Federal Register** on December 2, 1991 (56 FR 61165). The majority of the 83 comments received during the 30-day comment period strongly supported an enhanced food package for breastfeeding women.

Commenters in support of an enhanced food package consistently expressed concern about the special nutritional needs of the exclusively breastfeeding woman as a basis for the creation of an enhanced food package. Many commenters referred to publications and cited the content of these publications. For example, one State agency mentioned that data from a Nationwide Food Consumption Survey (NFCS), 1980–85, indicate that many nutrients are often lacking in the diets of breastfeeding women in the first 6 months postpartum. The commenter also referred to the Institute of Medicine Report, Nutrition During Lactation, which notes that nutrients such as calcium and vitamin A are likely to be consumed in lower amounts by lactating women. Another State agency recommended that the Department propose a new WIC food package for exclusively breastfeeding women to increase the percentage of nutrients provided to lactating women. Further, the majority of commenters referred to increased nutrient and caloric needs of breastfeeding women, particularly those who exclusively breastfeed. Most suggested tuna, increased quantities of legumes (beans, peas and peanut butter) and carrots for inclusion in the food package.

One commenter stated that the adequacy of vitamin A in the diet of breastfeeding women depends upon WIC participant choices within the categories of WIC approved juices and fortified cereals. The commener referred to an analysis of the WIC package in July 1991 which showed that it provides a maximum of 85.6% of the (RDA) of vitamin A for breastfeeding women. The cereal used in this analysis "provided 25% of the RDA." The juice selected for this study was the only WIC juice that contains an appreciable amount of vitamin A. The commenter also believed that a woman's intake of this vitamin could be well below 85.6% of the RDA should she choose one of several approved WIC-approved cereals that contain no vitamin A and a juice that contains little or no vitamin A. Many commenters felt that adding sources of this vitamin could be constructive.

One State agency commented extensively on how to better meet the nutritional needs of exclusively breastfeeding women by providing foods rich in nutrients such as protein and iron. Its rationale was based on the National Research Council's Recommended Dietary Allowances, 10th edition, 1989 (RDA). Another State agency noted that "the National Research Council reports that the energy requirements for lactation are proportional to the quantity of milk produced."

A wide range of other modifications were suggested by commenters including various food and non-food items. A further review of comments on the Notice revealed clear preferences for certain food items appropraite for inclusion in Food Package VII. Some, however, were more feasible than others. For example, some nutrient

dense foods that were recommended, such as fresh fruits and vegetables, are not available in a variety of forms or are difficult to weigh and/or measure in consistent and reliable quantities. This could limit their availability and create administrative difficulties for the local agencies, vendors and the participants themselves.

Another factor making some of the suggested foods less appropriate was the perishability of the foods. A number of commenters suggested fresh fruits and vegetables for inclusion in the food package. Others made specific suggestions that perishable foods would be inappropriate for State agencies not using a retail distribution system, that is, those agencies which distribute food packages directly to participant from warehouses with no facilities to store highly perishable foods or through dairy delivery systems. One State agency stated: "We encourage FNS to keep in mind the food delivery constraints of non-retail states when proposing additional foods. Highly perishable foods and those available only in one form (only fresh or only frozen, for example) may be difficult to provide in non-retail systems."

In general, the food items most consistently suggested by commenters were fruits and vegetables (in general and/or not specified). Most commenters who suggested fruits and vegetables did not specify any particular fruit or vegetable. When specified, the most commonly mentioned vegetable was carrots. Carrots, as mentioned previously, are one of the two new WIC food items included in Food Package VII. Some commenters specified the type of carrot (i.e. fresh, frozen or canned) and others only suggested "carrots" for inclusion into the food package. Because carrots come in a variety of forms, and because fresh carrots are generally packaged in one pound quantities, commenters believed some of the general practical concerns with fruits and vegetables, could be overcome with the provision of carrots. Most commenters recommending carrots for inclusion in the food package referred to their nutrient content and administratively feasibility. One commenter stated that carrots would provide a constant source of carotene (precursor of vitamin A) and suggested that for those States which have direct distribution system, cannd carrots may be an option. Further, one State agency pointed out that "vitamin A is very important for breast milk production because the women's dietary intake of this vitamin will have an impact on the level in the milk she produces."

Canned tuna was the second food item which was most suggested by the commenters. Most commenters specified canned tuna for inclusion due to its wide availability, ease of apportionment, participant acceptance, ease and versatility in preparation, and nutrient composition. Many State agencies suggested canned tuna for inclusion in the food package and described it as "a high protein, low fat, nutrient dense food." In further support of the nutritional qualities of canned tuna, one State agency stated that, "Tuna contributes high-quality protein and other nutrients to the diet." Additionally, a number of State agencies recommended that the Department "consider canned tuna as an additional protein food. It is convenient, versatile, and well accepted by our participant population."

A number of commenters suggested an increased quantity of legumes (beans, peas, and peanut butter). Again, most commenters did not specify exact types and quantities of these foods, but there was a clearly established pattern to the comments. Commenters stated that legumes are nutrient dense, relatively low in cost, administratively manageable, widely available, offer flexibility to State and local agencies, and are generally a good source of the target nutrients. For example, one State agency stated that, "Beans and peas are a good source of protein, iron, and fiber, and are an excellent low-fat, low-cholesterol alternative to meats." Another recommended "allowing both legumes and peanut butter. The allowance of both of these items is one of the simplest and least expensive alternatives." Further, a number of State agencies stated that, "The justification for additional beans or peanut butter is that these may be popular foods, easily available, and they would help the breastfeeding mother receive a greater percent of the RDAs for calories, protein, and iron, which are not being met by WIC Supplemental Food Package V presently."

The selection of foods to include a Food Package VII and their amounts were based on the rationale provided by the commenters as described above. Consequently, Food Package VII contains the same supplemental foods as are currently provided to breastfeeding women in Food Package V with augmented amounts of juice, cheese and legumes and with the addition of two new items: Canned tuna and carrots. In accordance with many comments in support of Food Package VII, this proposed rule, and consequently the foods selected for inclusion in Food Package VII, strongly supports the provision of foods which are recognized as being a relatively good source of the nutrients most lacking in the diets of WIC eligible lactating women.

Some commenters also expressed great concern about the cost of the food package to the program. For example, one commenter suggested that "it is critical that any breastfeeding food package which may be offered to breastfeeding mothers be as cost neutral as possible." In acknowledgement of this, the foods selected for inclusion were carefully reviewed and analyzed in terms of their cost to the program, their cost relative to the other food packages and how the cost of the food package could affect program participation. The amounts of the foods included in Food Package VII were consequently guided by this analysis.

FNS' goal in developing the enhanced breastfeeding food package was to compose a package that would be cost neutral and have minimal effect on overall WIC participation levels. FNS estimates that the cost of Food Package VII is approximately equivalent to WIC's net cost to provide monthly food packages to both a mother and her infant. Since Food Package VII will be made available to only breastfeeding women whose infants do not receive formula from the WIC Program, a portion of the potential increase in food cost is offset by the reduced amount of formula purchases. In support of this view, many commenters mentioned the offsetting costs of reduced formula purchases.

Some commenters were concerned that increased food costs could adversely affect participation rates. For this reason, the foods selected for inclusion in the food package are relatively low in cost and will not have measurable effect on program participation rates. Further, the Department continues to be committed to serving the largest number of eligible persons with the funds available for the Program and realizes that a major increase in the total cost of the food packages could moderately affect the number of participants the Program serves.

In summation, this proposed rule has been developed with serious regard to the suggestions offered by the commenters and the principles of food package design enumerated in the Notice and further discussed in this preamble. Particular consideration was given to the cost and potential impact on program participation levels of Food Package VII. Further, the Department is strongly committed to the support of breastfeeding and to assisting breastfeeding women in meeting the special nutritional requirements of lactation. Consequently, and as many commenters mentioned, an incidental effect of an enhanced food package may be an inducement for some women to breastfeed and/or breastfeed longer.

The Department would like to thank those commenters who took the time to comment on the December 2, 1991 Notice of Intent to Propose Rulemaking and Solicitation of Comments and encourages those commenters and other interested members of the public to comment on this proposed rulemaking.

Proposed Food Package VII For Breastfeeding Women

As stated previously in this rulemaking, the proposed Food Package VII would be made available to those breastfeeding women who elect not to receive WIC formula for their infants and thus be exclusive of all WIC formula. The current types and quantities of supplemental foods are proposed to be retained in Food Package V for pregnant women and for women who are supplementing breastfeeding with any amount of infant formula provided by WIC. Further, the proposed Food Package VII would contain the same supplemental foods as are currently provided to breastfeeding women in Food Package V, but with augmented amounts of juice, cheese and legumes and with the addition of two new items: canned tuna and carrots.

Canned tuna was selected based on the commenters' recommendations, and in recognition of its nutrient content. Food Package VII would include up to 26 ounces of canned tuna.

Up to 2 pounds of carrots would also be included in the new food package. Carrots were selected based on their nutrient content, administrative feasibility, availability, broad appeal, and commenters' recommendations.

In addition, after extensive review of the comments, it was decided to provide both one pound of mature dried beans or peas and 18 ounces of peanut butter per month in Food Package VII (as opposed to one pound of mature dried beans or peas or 18 ounces of peanut butter as is now provided in Food Package V).

The amount of juice in Food Package VII would be increased by up to 48 ounces from the amount provided in Food Package V. Many commenters recommended an augmented amount of the juice which is currently offered in Food Package V because of its nutrient qualities, administrative feasibility and participant acceptance.

An additional one pound of cheese would be provided in the new food package. Cheese is a good source of target nutrients and for those breastfeeding women who may be intolerant of milk it provides a good source of protein and other target nutrients. Cheese is currently provided in Food Packages IV, V, and VI only as a milk substitute.

For the convenience of commenters, an analysis of Food Packages V and VII is provided as the appendix II to this preamble. This chart compares two hypothetical food packages for breastfeeding women in their first six months of lactation. Food Package V for breastfeeding women is indicated in the chart by "BF (Formula)." Food Package VII for breastfeeding women whose infants do not receive formula from the WIC program is indicated by "BF (Enhanced)." The percent RDAs for both food packages are for breastfeeding women during their first six months of lactation. This analysis is based on maximum amounts of foods allowed in the food packages.

As permitted in § 246.10(b)(1) of the current WIC regulations, State agencies would continue to be responsible for determining the brands and types of WIC foods authorized for use in their States from among those foods authorized in federal regulations. The decison may be influenced by factors such as food prices, product distribution within a State, WIC participant acceptance, and program management costs. State agencies have the flexibility to limit the number of foods authorized for use in their States. They are not obligated to authorize every available food that meets Federal requirements. They are, however, obligated to ensure that local agencies make available at least one food from each group in each food package, including the new food package proposed in this rulemaking (7 CFR 246.10 (b)(2)(i)). This includes the five new categories of foods (i.e. cheese, dry beans or peas, peanut butter, fish and vegetable) in this proposed rulemaking. The State can limit the type (e.g. fresh, canned or frozen) or the brand (e.g. the least expensive).

The principles outlined above, and discussed elsewhere in this Proposed rule, constitute a framework within which all WIC Food Packages have been developed. The Department encourages commenters to present their comments on this issue mindful of these principles or to alternate principles which the commenter believes should be considered.

Further, comments which include a justification in terms of current research are greatly appreciated and of exceptional use to the Department in the development of this and succeeding regulations.

Appendix I

The Department's Support of Breastfeeding

Current Federal Requirements

Current Federal requirements for the WIC Program include various provisions to encourage participating women to breastfeed. For example: The WIC food package for breastfeeding participants (Food Package V) provides a greater variety and quantity of food than that for nonbreastfeeding postpartum participants (Food Package VI); breastfeeding women are always considered to be at a higher level of nutritional risk than nonbreastfeeding postpartum women (a nutritional risk priority system is used to determine position on the waiting list when a local agency has reached maximum caseload, and those persons in the highest priorities are served first); information on the benefits of breastfeeding must be included in WIC nutrition education sessions; WIC breastfeeding women may receive program benefits for up to 1 year while nonbreastfeeding participants are eligible for only 6 months postpartum; funding initiatives are made available to WIC State agencies serving large proportions of high risk persons, which include breastfeeding women and their breastfed infants; and a breastfeeding woman with no nutritional risk of her own may receive program benefits based on the eligibility of her at risk breastfed infant. Furthermore, the WIC Program provides funding incentives to WIC States to support and promote breastfeeding initiatives in WIC.

Section 123 of the Child Nutrition WIC Reauthorization Act of 1989 (Pub. L. 101–147) amended section 17 of the CNA to require the Department to better promote breastfeeding among WIC participants by: (1) Establishing, in consultation with the Secretary of Health and Human Services, a standard definition for the term "breastfeeding"; (2) establishing breastfeeding promotion and support standards for State and local agencies; and (3) authorizing the purchase of breastfeeding aids by State and local agencies as an allowable administrative cost. A proposed rule to implement these legislative provisions was published on July 9, 1990 (55 FR 28033). The final rule should be published in 1992. In addition, Public Law 101–147 requires each State agency to annually spend an amount equal to its share of the $8,000,000 specifically distributed by the Department for breastfeeding promotion and support. This provision became effective October 1, 1989.

Initiatives

The Department also encourages the promotion of breastfeeding in the WIC Program through a number of activities, including the following:

1. The Department funds a variety of breastfeeding projects, including grants to WIC State and local agencies and a study to demonstrate and evaluate effective breastfeeding promotion approaches in the WIC program. The study's final report showed that interventions improved

breastfeeding rates among WIC participants. Currently, eight local WIC agencies have received approximately $100,000 in grants to study the effectiveness of using locally donated tokens and gifts as incentives to promote breastfeeding.

2. The Department developed publications on breastfeeding for participants and technical assistance materials to give WIC State and local agency staff ideas on how to better promote breastfeeding. Some of the more recent publications are: Promoting Breastfeeding in WIC: A Compendium of Practical Approaches and WIC Breastfeeding Promotion Study and Demonstration Report (for agency staff), and How WIC Helps—Eating for You and Your Baby and Pregnant? Drugs and Alcohol Can Hurt Your Unborn Baby (for participants).

3. The Department has participated in numerous cooperative efforts with other Federal agencies and private organizations to promote breastfeeding. Examples include: (1) The Department cooperated with the Department of Health and Human Services in sponsoring conferences to train health care providers and local agency staff in lactation management; (2) the Department is active in the Healthy Mothers, Healthy Babies Coalition Breastfeeding Promotion Subcommittee; (3) finally, the Department is working with UNICEF on its Baby Friendly Hospital Initiative, which would further support hospital breastfeeding initiation.

4. The Department hosts ongoing semi-annual meetings of the Breastfeeding Promotion Consortium to exchange information on how government and private health interests, including major health professional and non-profit organizations, can work together to promote breastfeeding.

5. As a result of information gained at the Breastfeeding Promotion Consortium meetings, the Department discerned a need to develop a national media campaign to promote the concept that breastfeeding is the optimum choice for infant feeding for both mother and baby. The Department has developed plans for such a comprehensive media campaign. On February 26, 1992, a bill, H.R. 4322 (the Breastfeeding Promotion Act of 1992), was introduced to amend the CNA of 1966 to establish a breastfeeding promotion program. The bill would authorize the Secretary of Agriculture to utilize private funding and in-kind contributions from the private sector to conduct a national campaign and eductional program to promote breastfeeding.

6. The Department cooperated with the National Association of WIC Directors to develop and distribute voluntary guidelines for use by WIC State agencies in promoting and supporting breastfeeding in the WIC Program.

7. Pursuant to the Child Nutrition and WIC Reauthorization Act of 1989 (Pub. L. 101–147) the Department issued Program guidance on allowable breastfeeding aids and has authorized the use of WIC administrative funds to purchase breastfeeding aids such as: Breast pumps, breastshells, and nursing supplementers. These allowable aids directly support the initiation and continuation of breastfeeding.

8. The Department contracted for a detailed analysis of breastfeeding rates and patterns of WIC mothers and eligible, non-WIC mothers using data from the National Maternal and Infant Health Survey.

BILLING CODE 3410-30-M

APPENDIX II

Daily % of RDA in Fd. Pkgs. V and VII
Breastfeeding Women <6 months lactation

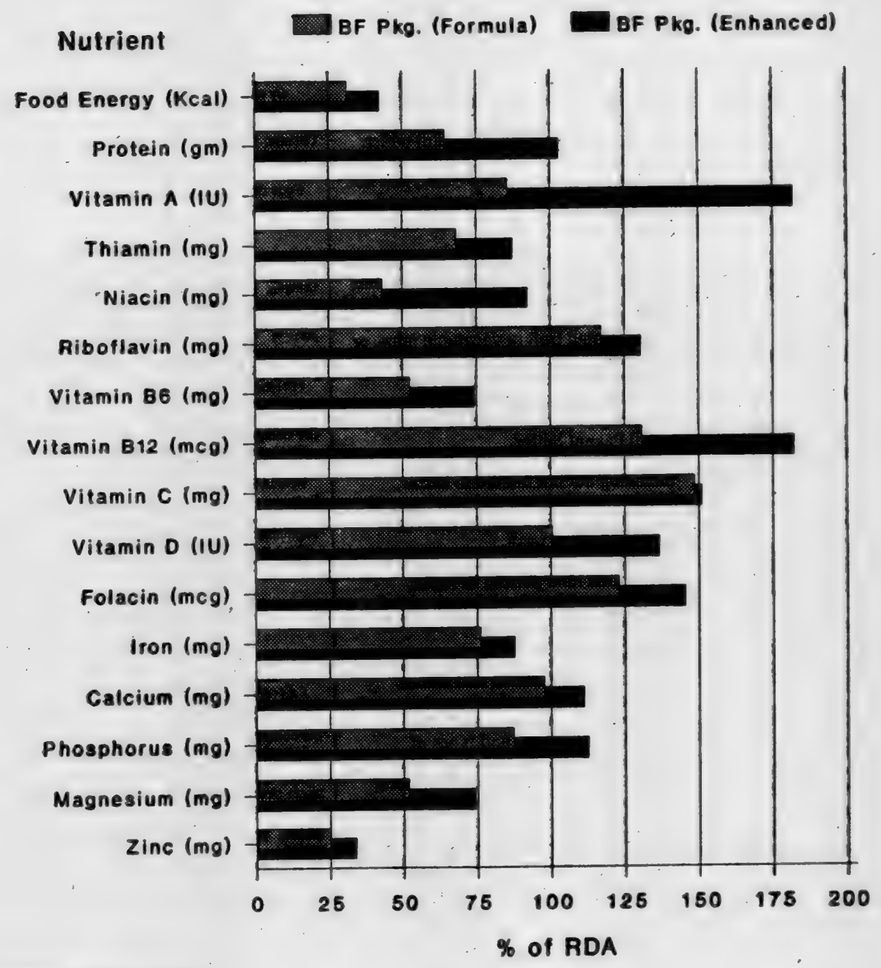

Source: USDA/FNS

BILLING CODE 3410-30-C

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—Social programs, Infants and children, Maternal and Child health, Nutrition education, Public assistance programs, WIC, Women.

For reasons set forth in the preamble, 7 CFR part 246 is proposed to be amended as follows:

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for part 246 is revised to read as follows:

Authority: Secs. 123 and 213, Pub. L. 101–147, 103 Stat. 877 (42 U.S.C. 1786); sec. 3201, Pub. L. 100–690, 102 Stat. 4181 (42 U.S.C. 1786); sec. 645, Pub. L. 100–460, 102 Stat. 2229 (42 U.S.C. 1786); secs. 212 and 501, Pub. L. 100–435, 102 Stat. 1645 (42 U.S.C. 1786); sec. 3, Pub. L. 100–356, 102 Stat. 669 (42 U.S.C. 1786); secs. 8–12, Pub. L. 100–237, 101 Stat. 1733 (42 U.S.C. 1786); secs. 341–353, Pub. L. 99–500 and 99–591, 100 Stat. 1783 and 3341 (42 U.S.C. 1786); sec. 815, Pub. L. 97–35, 95 Stat. 521 (42 U.S.C. 1786); sec. 203, Pub. L. 96–499, 94 Stat. 2599 (42 U.S.C. 1786); sec. 3, Pub. L. 95–627, 92 Stat. 3611 (42 U.S.C. 1786).

2. In § 246.10:

a. The introductory text in paragraph (c) is revised;

b. The introductory text in paragraph (c)(5) is revised; and

c. A new paragraph (c)(7) is added.

The revisions and addition read as follows:

§ 246.10 Supplemental foods.

* * * * *

(c) *Food packages.* There are seven food packages available under the Program which may be provided to participants.* * *

* * * * *

(5) *Food Package V—Pregnant and Breastfeeding Woman (Formula).** * *

* * * * *

(7) *Food Package VII—Breastfeeding Women (Enhanced).* (i) Pasteurized fluid whole milk which is flavored or unflavored and which contains 400 International Units of Vitamin D per quart (.9 liter) or pasteurized fluid skim or lowfat milk which is flavored or unflavored and which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per fluid quart (.9 liter); or pasteurized cultured buttermilk which contains 400 International Units of vitamin D and 2000 International Units of Vitamin A per fluid quart (.9 liter); or evaporated whole milk which contains 400 International Units of Vitamin D per reconstituted quart (.9 liter); or evaporated skimmed milk which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per reconstituted quart (.9 liter); or dry whole milk which contains 400 International Units of vitamin D per reconstituted quart (.9 liter); or nonfat or lowfat dry milk which contains 400 International Units of vitamin D and 2000 International Units of vitamin A per reconstituted quart (.9 liter); or domestic cheese (pasteurized process American, Monterey Jack, Colby, natural Cheddar, Swiss, Brick, Muenster, Provolone, Mozzarella Part-Skim or Whole).

(ii) Domestic cheese (pasteurized process American, Monterey Jack, Colby, natural Cheddar, Swiss, Brick, Muenster, Provolone, Mozzarella Part-Skim or Whole.)

(iii) Adult cereal (hot or cold) which contains a minimum of 28 milligrams of iron per 100 grams of dry cereal and not more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (6 grams per ounce).

(iv) Single strength fruit juice or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters; or frozen concentrated fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.

(v) Eggs or dried egg mix.

(vi) Peanut butter.

(vii) Mature dry beans or peas, including but not limited to lentils, black, navy, kidney, garbanzo, soy, pinto and mung beans, crowder, cow, split and black-eyed peas.

(viii) Tuna: Canned white, light, dark or blended tuna packed in water, including solid and solid pack; chunk, chunks and chunk style; flake and flakes; and grated.

(ix) Carrots: Raw, canned or frozen. Raw and 100% Canned and frozen carrots containing only the mature root of the carrot plant packed in water.

(x) The quantities and types of supplemental foods prescribed shall be appropriate for the participant taking into consideration the participant's age and dietary needs. The maximum quantity of supplemental foods authorized per month is as follows:

Food	Quantity
Milk:	
Fluid whole milk or	26 qt. (26.5 L).
Cheese or	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 3 qt. (2.8L) of fluid whole milk. 4 lbs. (1.8 kg) is the maximum amount which may be substituted.[1]
Fluid skim or lowfat milk or	May be substituted for fluid whole milk on a quart-for-quart (.9 L) basis.
Cultured buttermilk or	May be substituted for fluid whole milk on a quart-for-quart (.9 L) basis.
Evaporated whole milk or	May be substituted for fluid whole milk at the rate of 13 fluid oz. (.4 L) per qt. (.9 L) of fluid whole milk.
Evaporated skimmed milk or	May be substituted for fluid whole milk at the rate of 13 fluid oz. (.4 L) per qt. (.9 L) of fluid whole milk.
Dry whole milk or	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 3 qt. (2.8 L) of fluid whole milk.
Nonfat or lowfat dry milk.	May be substituted for fluid whole milk at the rate of 1 lb. (.4 kg) per 5 qt. (4.7 L) of fluid whole milk.
Cheese:	
Cheese	1 lb. (.4 kg).
Eggs:	
Eggs or	2 doz. or 2-½ doz.
Dried egg mix	May be substituted at the rate of 1.5 lb. (.7 kg) egg mix per 2 doz. fresh eggs, or 2 lb. (.9 kg) egg mix per 2-½ doz fresh eggs.
Cereals:	
Cereals (hot or cold).	36 oz. dry (1 kg).
Juice [2]:	
Single strength juice or	322 fluid oz. (9.6 L).
Frozen, concentrated juice.	336 fluid oz. reconstituted (10.0 L).
Dry Beans or Peas:	
Dry beans or peas	1 lb. (.4 kg).
Peanut Butter:	
Peanut Butter	18 oz. (.5 kg).
Fish:	
Tuna [3]	26 oz. (.8 kg).
Vegetable:	
Carrots [4] or	2 lb. (.9 kg).
Frozen Carrots or	May be substituted for fresh at the rate of and 1 lb. frozen to 1 lb fresh.
Canned Carrots	May be substituted for fresh at the rate of 1 16–20 ounce can of carrots to 1 lb of fresh.

[1] Additional cheese may be issued on an individual basis in cases of lactose intolerance, provided the need is documented in the participant's file by the competent professional authority.

[2] Combinations of single strength or frozen concentrated juice may be issued as long as the total volume does not exceed the amount specified for single strength juice.

[3] Canned white, light, dark or blended tuna packed in water, including solid and solid pack; chunk, chunks and chunk style; flake and flakes; and grated.

[4] Carrots: raw, canned or frozen. 100 raw, canned and frozen carrots containing only the mature root of the carrot plant packed in water.

* * * * *

Dated: March 5, 1992.

Catherine Bertini,

Assistant Secretary for Food and Consumer Services.

[FR Doc. 92–5810 Filed 3–18–92; 8:45 am]

BILLING CODE 3410-30-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 098CE, Special Conditions 23-ACE-66]

Special Conditions; Grob Model G520T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for Burkhart Grob for the Grob Model G520T Series airplane. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. This novel and unusual design feature includes the use of composite materials for primary flight structure for which the applicable regulations do not contain adequate or appropriate airworthiness standards. This notice contains the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

DATES: Comments must be received on or before July 17, 1992.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Ace–7, Attention: Rules Docket Clerk, Docket No. 098CE, room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 098CE. Comments may be inspected in the rules docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: J. Lowell Foster, Aerospace Engineer, Standards Office (ACE–110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, room 1544, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking further rulemaking action on this proposals. Commenters within the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 098CE." The postcard will be date stamped and returned to the commenter. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the rules docket for examination by interested parties. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket.

Background

On May 7, 1991, Burkhart Grob Luft und Raumfahrt GmbH, Postfach 1257, D–8948, Mindelheim, Germany, made application for a type certificate through the Luftfahrt Bundesamt (LBA) to the FAA Brussels Office for the Model G520T airplane. The Grob Model G520T Series airplane is a two seat, trainer version of the G520, which is a single-seat, high aspect ratio, pressurized, mid-wing monoplane with tricycle landing gear. The Grob Model G520T Series airplane utilizes composite material for its structure, powered by a turbopropeller engine. The maximum gross weight is unchanged from the Grob Model G520 Series airplane at 9,950 pounds.

The Grob Model 520T series airplane is made of composites assembled mainly by bonding. Since the early 1940's, airframes have predominantly been composed of semi-monocoque aluminum construction. Composite material of the type used on the Grob 520T is generally not susceptible to the initiation of fatigue cracks by the application of repetitive loads, like that of semi-monocoque aluminum construction. The composite material is, however, susceptible to damage in the form of cracks, breaks, and delaminations. Because of this and other factors, the FAA has determined that the wing fatigue requirements of § 23.572 are inadequate to ensure that the composite material structure can withstand the repeated loads of variable magnitude expected in service.

Type Certification Basis

The type certification basis for the Grob Model G520T Series airplane is as follows: Part 21 of the FAR, §§ 21.29, 21.183(c) and part 23 of the FAR, effective February 11, 1965, including amendment 23–1 through 23–34; and amendment 23–42, § 23.831; and part 36 of the FAR, effective November 18, 1969, including amendments 36–1 through amendment 36–16; and SFAR 27, effective February 1, 1974, including amendments 27–1 through 27–5; and special conditions pursuant to part 21 of the FAR, § 21.16 issued to the Egrett model, and published on November 14, 1990, (55 FR 47455); and Equivalent Safety Finding No. ACE–91–01, dated June 25, 1991; and Section 611(b) of the FAA Act of 1958, and Exemption No. 5223 granted by the FAA (§ 11.27) on September 13, 1990.

Discussion

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become part of the type certification basis, in accordance with § 21.17(a)(2).

The proposed type design of the Grob Model G520T Series airplane contains a number of novel or unusual design features not envisaged by the applicable part 23 airworthiness standards. Special condtions are considered necessary because the airworthiness requirements of part 23 do not contain adequate or appropriate safety standards for the novel and unusual design features of the Grob Model G520T Series airplane.

Composite Structure

All safety of flight structure is to be constructed of composite materials, which require damage tolerance methods for a thorough evaluation. Composite materials in existence, and in commonly used aircraft airframes at this time, are typically more suspectible than commonly used aluminum structure to damage from intrinsic and discrete sources that might adversely influence strength properties. It is generally agreed that damage tolerance criteria should be used to show that composite material structure can withstand the repeated loads of variable magnitude expected in service. Because of the lack of a service experience base for these new materials and their mechanical properties characteristics, there is a need to apply special requirements such as residual strength load with large area

manufacturing defects (for example, understrength bonds) and impact damage from discrete sources, and ability to carry ultimate load with realistic impact damage below the threshold of detectability and material environmental exposure effects.

Conclusion

This action is not a rule of general applicability and affects only the model/series of airplane identified in these special conditions.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, and Safety.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.49(b).

The Proposed Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA proposes the following special conditions as part of the type certification basis for the Grob Model G520T Series airplane:

Evaluation of Composite Structure

Instead of complying with §§ 23.571 and 23.572, and in addition to the requirements of §§ 23.603 and 23.613, airframe structure, the failure of which would result in catastrophic loss of airplane, the wing, wing carry-through, wing attaching structure, horizontal stabilizer, stabilizer carry-through and attaching structure, fuselage, vertical stabilizer and attaching structure, wing flaps, and all movable control surfaces and attaching structure must be evaluated to damage tolerance criteria prescribed in paragraphs (a) through (j) of this special condition, unless shown to be impractical. In cases shown to be impractical, the aforementioned structure must be evaluated in accordance with the criteria of paragraphs (a) and (k) of this special condition. Where bonded joints are used, the structure must also be evaluated in accordance with the residual strength criteria in paragraph (h) of this special condition.

(a) It must be demonstrated by tests, or by analysis supported by tests, that the structure is capable of carrying ultimate load with impact damage. The level of impact damage considered need not be more than the established threshold of detectability considering the inspection procedures employed.

(b) The growth rate of damage that may occur from fatigue, corrosion, intrinsic defects, manufacturing defects; for example, bond defects, or damage from discrete sources under repeated loads expected in service; that is, between the time at which damage becomes initially detectable and the time at which the extent of damage reaches the value selected by the applicant for residual strength demonstration, must be established by tests or by analysis supported by tests.

(c) The damage growth, between initial detectability and the value selected for residual strength demonstrations, factored to obtain inspection intervals, must permit development of an inspection program suitable for application by operation and maintenance personnel.

(d) Instructions for continued airworthiness for the airframe must be established consistent with the results of the damage tolerance evaluations. Inspection intervals must be set so that after the damage initially becomes detectable by the inspection method specified, the damage will be detected before it exceeds the extent of damage for which residual strength is demonstrated.

(e) Loads spectra, load truncation, and the locations and types of damage considered in the damage tolerance evaluations, must be documented in test proposals.

(f) The structure of the pressurized cabin and fuselage must be shown by residual strength tests, or by analysis supported by residual strength tests, to be able to withstand critical limit flight loads listed in subparagraph (1) and (2) below, considered as ultimate loads, with damage consistent with the results of the damage tolerance evaluations.

(1) Critical limit flight loads with the combined effects of normal operating pressures and expected external aerodynamic pressures; and

(2) The expected external aerodynamic pressure in 1g flight combined with a cabin differential pressure equal to 1.1 times the normal operating differential pressure without consideration of any other load.

(g) The wing, carry-through, wing attaching structure, horizontal stabilizer, stabilizer carry-through and attaching structure, vertical stabilizer and attaching structure, and all movable control surfaces, and their attaching structure must be shown by residual strength tests, or analysis supported by residual strength tests, to be able to withstand critical limit flight loads, considered as ultimate loads, with the extent of damage consistent with the results of the damage tolerance evaluations.

(h) In lieu of a non-destructive inspection technique that ensures ultimate strength of each bonded joint, the limit load capacity of each bonded joint critical to safe flight must be substantiated by either of the following methods used singly or in combination:

(1) The maximum disbonds of each bonded joint, consistent with the capability to withstand the loads in paragraphs (f) and (g) of this special condition, must be determined by analysis, tests, or both. Disbonds of each bonded joint greater than this must be prevented by design features.

(2) Proof-testing must be conducted on each production article that will apply the critical limit design load to each critical bonded joint.

(i) The effects of material variability and environmental conditions; for example, exposure to temperature, humidity, erosion, ultraviolet radiation, and/or chemicals, on the strength and durability properties of the composite materials, must be accounted for in the damage tolerance evaluations and in the residual strength tests.

(j) The airplane must be shown by analysis to be free from flutter to V_D with the extent of damage for which residual strength is demonstrated.

(k) For those structures where the damage tolerance method is shown to be impractical, the strength of such structures must be demonstrated by tests, or analysis supported by tests, to be able to withstand the repeated loads of variable magnitude expected in service. Sufficient component, sub-component, element, or coupon tests must be performed to establish the fatigue scatter and environmental effects. Impact damage in composite material components that may occur must be considered in the demonstration. The impact damage level considered must be consistent with detectability by the inspection procedures employed.

Issued in Kansas City, Missouri, on March 10, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6359 Filed 3-18-92; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 152

[Docket No. RM92-2-000]

Vehicular Natural Gas Sales

March 12, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is issuing proposed regulations applicable to sales for resale of vehicular natural gas (VNG) in interstate commerce subject to the Commission's jurisdiction pursuant to the Natural Gas Act (NGA).

The proposed regulations would codify the Commission's prior determination that VNG is ultimately consumed in the state in which it is injected into a vehicle's fuel tank. The proposed regulations also would provide for the generic issuance of a blanket certificate of public convenience and necessity authorizing sales of VNG for resale by (1) any local distribution company (LDC) that does not qualify for the exemption under section 1(c) of the NGA, (2) any holder of a service area determination under section 7(f)(1) of the NGA, and (3) any other person, including all interstate pipelines, all natural gas marketers, as well as persons not otherwise natural-gas companies for purposes of the NGA.

The purpose of the proposed regulations is to promote the availability of VNG to endusers by facilitating all persons' obtaining authority to engage in VNG sales that are subject to the Commission's jurisdiction under the NGA.

DATES: Comments are due on or before April 20, 1992.

ADDRESSES: All filings should refer to Docket No. RM92-2-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Jack O. Kendall, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-1022.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission has made this document available so that all interested persons may inspect or copy its contents during normal business hours in Room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a person computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3108, 941 North Capitol Street, NE., Washington, DC 20426.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing regulations that would codify the Commission's prior determination that vehicular natural gas (VNG) is ultimately consumed in the state in which it is injected into a vehicle's fuel tank. The proposed regulations also would provide for the generic issuance of a blanket certificate of public convenience and necessity authorizing sales of VNG for resale by (1) any local distribution company (LDC) that does not qualify for the exemption under section 1(c) of the Natural Gas Act (NGA),[1] (2) any holder of a service area determination under section 7(f)(1) of the NGA, and (3) any other person, including all interstate pipelines, all natural gas marketers, as well as persons not otherwise natural-gas companies for purposes of the NGA.

The purpose of the proposed regulations is to promote the availability of VNG to endusers by facilitating all persons' obtaining authority to engage in VNG sales that are subject to the Commission's jurisdiction under the NGA. The proposed rule's generic blanket certificates would be limited-jurisdiction certificates, which would not subject the holders to any other regulation under the Natural Gas Act jurisdiction of the Commission.

II. Background

Gasoline is derived from crude oil, and the United States is heavily dependent on foreign oil supplies. Natural gas supplies are abundant throughout North America. Further, when compressed for use as vehicular fuel, natural gas is cleaner-burning and potentially less expensive than gasoline. Thus, enhanced use of VNG represents a significant means of reducing U.S. reliance on foreign oil.

The Commission has determined that VNG is natural gas for purposes of the NGA and, therefore, that the sale of VNG for resale in interstate commerce is subject to the Commission's jurisdiction.[2] However, the Commission wants to avoid unwarranted regulatory intrusion that would create an unnecessary disincentive to the marketing and use of VNG and, thus, the realization of that fuel's potential competitive benefits.

Today, a number of nonjurisdictional companies are engaged in or planning test programs for the sale of VNG. Most of these companies are local distribution companies, whose activities are limited to the transportation and sale of gas to consumers and, therefore, are exempt from the Commission's jurisdiction pursuant to section 1(b) of the NGA.[3] The Commission has found that, to the extent an LDC's VNG sales volumes are delivered directly into the fuel tanks of vehicles that will burn the VNG as fuel, the sales are not sales for resale. Such sales do not require Commission authorization and therefore do not jeopardize an LDC's exemption under section NGA section 1(b).

However, as discussed below, the Commission has determined that clarification and the adoption of new regulations is necessary to remove unwarranted impediments to the marketing and use of VNG sales by nonjurisdictional entities in other instances. Although the Commission's statutory responsibility with respect to sales for resale of natural gas applies to VNG, the Commission has fashioned this proposed rule to ensure that its regulatory oversight of VNG will not exceed that necessary to satisfy the Commission's satutory mandate.

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[1] 15 U.S.C. 717-717w.

[2] In Kansas-Nebraska Natural Gas Company, Inc., the Commission found that compressed natural gas, or VNG, is natural gas as defined in section 2(5) of the NGA. 22 FERC ¶ 61,176 at 61,307 (1983), *reh'g denied*, 24 FERC ¶ 61,200 (1983).

[3] Section 1(b) of the NGA provides that:

The provisions of this act shall apply to the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use, and to natural gas companies engaged in such transportation or sale, but shall not apply to any other transportation or sale of natural gas or to the local distribution of natural gas or to the facilities used for such distribution or to the production or gathering of natural gas.

III. Proposed Rule

Definition of VNG

As discussed above, natural gas which has been compressed, but which is still in a gaseous state, is being used increasingly as fuel in motor vehicles. The proposed rule would add a new paragraph (b)(1)(i) to § 152.1 of the regulations [4] to define "vehicular natural gas," or "VNG," for purposes of the Commission's regulations, as "natural gas that is ultimately used as a fuel in a motor vehicle."

VNG Vehicles That Cross State Lines

VNG sales programs are being considered by a number of companies. Some of these entities' natural gas activities involve only VNG. Other entities that are engaged in VNG operations in addition to other natural gas activities are companies that are referred to as Hinshaw pipelines. Hinshaws' activities include sales of interstate gas for resale, but section 1(c) of the NGA prevents a Hinshaw from becoming subject to the Commission's jurisdiction because: (1) All of the gas transported or sold by the Hinshaw is gas received at or within the boundary of the state in which the Hinshaw is located and all of the gas is ultimately consumed in the same state, and (2) the Hinshaw's rates, services and facilities are subject to regulation by a state commission.[5]

Recognizing that VNG fuel delivered into a vehicle may be partially burned in another state as the vehicle moves about, the Commission has previously addressed the issue raised by the requirement in section 1(c) of the NGA that all of a Hinshaw's sale-for-resale gas, as well as its direct-sale gas, be "ultimately consumed" in the Hinshaw's operating state. The Commission determined that all of the VNG sold and delivered into a vehicle's fuel tank is "ultimately consumed" in the state where the fuel is injected.

Thus, even when VNG is sold by a Hinshaw for resale, the Hinshaw's section 1(c) exemption is preserved so long as the VNG is injected as vehicular fuel in the Hinshaw's operating state. This determination is unaffected by whether the vehicle thereafter will cross state lines.[6]

The Commission is proposing to codify this determination as a new paragraph (b)(1) to existing section 152.1 of the regulations.[7] This codification should avoid possible confusion that might impede the marketing of VNG by Hinshaw pipelines.

VNG Sales for Resale Subject to NGA Certification Requirements

Many companies that function in effect as LDCs in more than one state hold service area determinations issued by the Commission pursuant to section 7(f)(1) of the NGA. A designated service area generally includes a portion of each state in which the company operates. The Commission's designation of a section 7(f)(1) service area determination enables the company to extend its facilities in the out-of-state portion of its service area, without further Commission authorization, to supply increased gas demands by residential customers and other endusers.

Section 7(f)(2) was added to the NGA by the Uniform Regulatory Jurisdiction Act of 1988.[8] Pursuant to that section, when the holder of a section 7(f)(1) service area determination transports gas to any person, other than a natural gas company, in the service area, the transportation is subject to the exclusive jurisdiction of the state commission in the state in which the gas is consumed, regardless of whether the transportation crosses state lines.[9] Thus, section 7(f)(2) exempts a holder of a service area determination from the certification requirements of section 7(c) of the NGA when the holder is providing gas transportation service to any person (other than a natural gas company) in its service area, regardless of whether the gas is moving in interstate commerce or whether the shipper will resell the gas.

However, a holder of a service area determination is still subject to NGA section 7(c) certification requirements, if it sells interstate gas, including VNG, for resale. NGA section 7(c) certification requirements also apply to LDCs' sales for resale of VNG that do not qualify for the Hinshaw exemption of section 1(c) of the NGA either (1) because the LDC is not subject to regulation by a state commission or (2) because the VNG will be transported to another state before being injected into vehicles and, therefore, is "ultimately consumed" in the other state.

NGA certification requirements also apply to sales for resale of jurisdictional VNG by interstate pipelines and gas marketers, as well as persons that otherwise are not natural-gas companies for purposes of the NGA. Thus, if a person purchases gas subject to the NGA and sells it for resale, NGA certification requirements apply, even if all of the gas is compressed to make VNG prior to being sold for resale. For example, a sales-for-resale certificate is needed by an LDC or other VNG wholesaler that purchases natural gas from an interstate pipeline and then transports it by pipeline or in closed containers and sells it to VNG retail stations in one or more states.

The Commission wants to facilitate the necessary certification for LDCs whose activities include VNG sales for resale that do not qualify for the Hinshaw exemption, section 7(f) service area holders, and persons that are or would become natural-gas companies for purposes of the NGA by reason of their sales of VNG for resale. Thus, the Commission believes it would be appropriate to provide generic blanket certificate authorization for sales for resale of VNG by *any* entity, including all interstate pipelines and all gas marketers.

Accordingly, the Commission is proposing a regulation, to be set forth in a new paragraph (b)(2) to § 152.1 of the regulations, which would issue generic limited-jurisdiction blanket certificate authorization for all covered companies to make sales for resale of natural gas to be use as VNG. Generic blanket certificate authority would avoid the necessity of the holder's having to file a case-specific section 7(c) application for each VNG sale-for-resale agreement. Since VNG competes with gasoline, and the gasoline market is competitive, the Commission is proposing that companies be authorized to make sales for resale under their blanket certificates at market rates.

Generic blanket certificates of limited jurisdiction would issue automatically as of the effective date of new § 152.1(b)(2). Therefore, companies would not need to file applications for the generic blanket certificates. The generic blanket certificates would become effective on the date of issuance of a final rule in this proceeding.

IV. Environmental Analysis

Commission regulations require that an Environmental Assessment or an Environmental Impact Statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[10] The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.[11] The subject action here will not have a significant adverse impact on the human environment and falls within the categorical exemption provided in the Commission's regulations for sales of natural gas that require no construction of facilities. Therefore, an environmental assessment is unnecessary and will not be prepared in this rulemaking.

V. Regulatory Flexibility Act Certification

When the Commission is required by section 553 of the Administrative Procedures Act [12] to publish a notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) [13] to prepare and make available for public comment an initial regulatory flexibility analysis, unless the Commission certifies, pursuant to the RFA, that the proposed rule would not have a "significant economic impact on a substantial number of small entities." [14] The RFA is intended to ensure careful and informed agency consideration of rules that may significantly affect small entities and to encourage consideration of alternative approaches to minimize harm or burdens on small entities.

The Commission does not believe that this rule would have a significant economic impact, within the meaning of the RFA, on a substantial number of small entities. This rule would (1) codify the Commission's prior determination that a Hinshaw pipeline does not lose its NGA section 1(c) exemption from the Commission's jurisdiction by reason of selling VNG that eventually moves across state lines in a VNG-powered vehicle itself, and (2) issue blanket certificates to all persons that make VNG sales for resale, thereby eliminating the necessity of such companies' having to apply for case-specific authority for each sale of VNG for resale.

In view of the nature of the proposals, the Commission concludes that there will not be a significant impact on a significant number of small entities.

VI. Information Collection Requirements

The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rules.[15] However, this proposed rule contains no information collection requirements and therefore is not subject to OMB approval.

VII. Comment Procedures

The Commission invites all interested persons to submit written comments on the matters proposed in this notice, including any related matters or alternative proposals that commentors may wish to discuss. An original and 14 copies of the written comments must be filed with the Commission no later than 30 days after publication of this notice of proposed rulemaking in the Federal Register. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, and should refer to Docket No. RM92-2-000.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room, room 3104, 941 North Capitol Street, NE., Washington DC 20426, during regular business hours.

List of Subjects in 18 CFR Part 152

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend part 152, chapter I, title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

PART 152—APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1 (C) THEREOF

1. The authority citation for part 152 is revised to read as follows:

Authority: 15 U.S.C. 717–717w; 15 U.S.C. 3301–3432; 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR 142.

2. The title of part 152 is revised to read as follows:

PART 152—APPLICATIONS FOR EXEMPTION FROM THE PROVISIONS OF THE NATURAL GAS ACT PURSUANT TO SECTION 1(C) THEREOF AND ISSUANCE OF BLANKET CERTIFICATES AUTHORIZING CERTAIN SALES FOR RESALE

3. In § 152.1, the section heading is revised, the existing text is designated as paragraph (a) and a new paragraph (b) is added to read as follows:

§ 152.1 Exemption applications and blanket certificates.

(a) * * *

(b)(1)(i) For purposes of the Commission's regulations implementing the Natural Gas Act, "vehicular natural gas" or "VNG" means natural gas that is ultimately used as a fuel in a motor vehicle.

(ii) For purposes of the Commission's regulations implementing the Natural Gas Act, vehicular natural gas, or VNG, is deemed to be ultimately consumed in the state in which the gas is physically delivered into the fuel tank of the vehicle.

(2)(i) Generic blanket certificates of public convenience and necessity are issued pursuant to section 7(c) of the Natural Gas Act to each local distribution company, each holder of a service area determination by the Commission pursuant to section 7(f)(1) of the Natural Gas Act, and each person that is or would become a natural-gas company for purposes of the Natural Gas Act by reason of sales for resale of VNG in interstate commerce. A blanket certificate issued under this paragraph is

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[4] 18 CFR 152.1.

[5] Section 1(c) states:

The provisions of this Act shall not apply to any person engaged in or legally authorized to engage in the transportation in interstate commerce or the sale in interstate commerce for resale, of natural gas received by such person from another person within or at the boundary of a State if all the natural gas so received is ultimately consumed within such State, or to any facilities used by such person for such transportation or sale, provided that the rates and service of such person and facilities may be subject to regulation by a State commission.

[6] Northern Illinois Gas Company, 20 FERC ¶ 61,267 at 61,504 (1982); Kansas-Nebraska Natural Gas Company, 22 FERC FERC ¶ 66,170 at 61,307 (1983), *reh'g denied*, 24 FERC ¶ 61,200 (1983).

As discussed herein, Hinshaw status also is contingent upon the Hinshaw's being subject to regulation by a state commission. Therefore, while a state-regulated Hinshaw's sale for resale of VNG will not jeopardize its Hinshaw status, so long as the VNG is at some point injected as fuel in the same state, a non-state-regulated company would be subject to the Commission's jurisdiction, if it sells the VNG for resale. 20 FERC ¶ 61,267 at 61,505 (1982). However, these entities would be authorized to make VNG sales for resales by the generic blanket certificates that would issue pursuant to this proposed rule.

[7] 18 CFR 152.1.

[8] Public Law 100–474 (Oct. 6, 1988).

[9] Section 7(f) of the NGA provides that:

(1) The Commission, after a hearing had upon its own motion or upon application, may determine the service area to which each authorization under this section is to be limited. Within such service area as determined by the Commission a natural gas company may enlarge or extend its facilities for the purpose of supplying increased market demands in such service area without further authorization; and

(2) If the Commission has determined a service area pursuant to this subsection, transportation to ultimate consumers in such service area by the holder of such service area determination, even if across State lines, shall be subject to the exclusive jurisdiction of the State commission in the State in which the gas is consumed. This section shall not apply to the transportation of natural gas to another natural gas company.

[10] Order No. 486, Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783, codified at 18 CFR part 380.

[11] 18 CFR 380.4.

[12] 5 U.S.C. 553.

[13] 5 U.S.C. 601–611.

[14] 5 U.S.C. 605(b).

[15] 5 CFR part 1320.

a certificate of limited jurisdiction which will not subject the certificate holder to any other regulation under the Natural Gas Act jurisdiction of the Commission. Such certificate will not impair the continued validity of any exclusion under section 1(c) of the Natural Gas Act which may be applicable to the certificate holder. See 18 CFR 284.224(d).

(ii) A blanket certificate issued under paragraph (b)(2)(i) of this section authorizes the holder to make sales of VNG for resale in interstate commerce at market rates.

(iii) A person's blanket certificate authority under this section shall beome effective on (insert date of issuance of final rule).

[FR Doc. 92-6330 Filed 3-18-92; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

RIN 1219-AA44

Criteria and Procedures for Proposed Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's proposed rule concerning criteria and procedures for its proposed assessments of civil penalties from March 24, 1992, to April 24, 1992, in response to requests from the mining community.

DATES: Written comments must be received on or before April 24, 1992.

ADDRESSES: Send written comments to the Office of Standards, Regulations, and Variances, MSHA, room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On January 24, 1992, MSHA published a proposed rule (57 FR 2972) to revise its regulations governing the criteria and procedures used for assessing civil penalties. The proposal addresses penalty increases for a mine with an excessive history of violations. The comment period for the proposed rule was scheduled to close on March 24, 1992. Due to requests from the mining community for more time in which to prepare their comments, MSHA is extending the comment period to April 24, 1992. All interested parties are encouraged to submit comments prior to this date.

Dated: March 13, 1992.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 92-6403 Filed 3-18-92; 8:45 am]
BILLING CODE 4510-43-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-4115-9]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted by Care Free Aluminum Products, Inc., (Care Free), Charlotte, Michigan, to exclude certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265 and 268 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Today's proposed decision is based on an evaluation of waste-specific information provided by the petitioner.

The Agency is also proposing the use of a fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment, based on the waste-specific information provided by the petitioner. This model has been used in evaluating the petition to predict the concentration of hazardous constituents that may be released from the petitioned waste, once it is disposed of.

DATES: EPA is requesting public comments on today's proposed decision and on the applicability of the fate and transport model used to evaluate the petition. Comments will be accepted until May 4, 1992. Comments postmarked after the close of the comment period will be stamped "late."

Any person may request a hearing on this proposed decision by filing a request with the Director, Characterization and Assessment Division, Office of Solid Waste, whose address appears below, by April 3, 1992. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Delisting Section, Waste Identification Branch, CAD/OSW (OS-333), U.S. Environmental Protection AGency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F-92-CFEP-FFFFF."

Requests for hearing should be addressed to the Director, Characterization and Assessment Division, Office of Solid Waste (OS-330), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW., (room M2427), Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 260-9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 920-9810. For technical information concerning this notice, contact Chichang Chen, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7392.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of

hazardous wastes identified in subpart C of part 261 (*i.e.*, ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (*i.e.*, ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

B. Approach Used To Evaluate This Petition

This petition requests a delisting for a listed hazardous waste. In making the initial delisting determination, the Agency evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Based on this review, the Agency agreed with the petitioner that the waste is non-hazardous with respect to the orginial listing criteria. (If the Agency had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition.) EPA then evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The Agency considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities, of waste generated, and waste variability.

For this delisting determination, the Agency identified plausible exposure routes for hazardous constituents present in the waste, *i.e.*, waterborne dispersal (via ground water and surface water routes) and airborne dispersal of waste contaminants. The Agency determined that disposal in a landfill is the most reasonable, worst-case disposal scenario for Care Free's petitioned waste, and that the major exposure route of concern would be ingestion of contaminated ground water. Therefore, the Agency is proposing to use a particular fate and transport model to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal in a landfill and to determine the potential impact of the unregulated disposal of Care Free's petitioned waste on human health and the environment. Specifically, the Agency used the maximum estimated waste volume and the maximum reported leachate concentrations as inpute to estimate the constituent concentrations in the ground water at a hypothetical receptor well downgradient from the disposal site. The calculated receptor well concentrations (referred to as compliance-point concentrations) were then compared directly to the health-based levels used in delisting decision-making for the hazardous constituents of concern.

EPA believes that this fate and transport model represents a reasonable worst-case scenario for disposal of the petitioned waste in a landfill, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA subtitle C. The use of a reasonable worst-case scenario results in conservative values for the compliance-point concentrations and ensures that the waste, once removed from hazardous waste regulation, will not pose a threat to human health or the environment if the petitioner chooses to dispose of the waste in accordance with Subtitle D requirements. Because a delisted waste is no longer subject to hazardous waste control, the Agency is generally unable to predict and does not control how a waste will be managed after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors when applying the fate and transport model. For example, a generator may petition the Agency for delisting of a metal hydroxide sludge which is currently being managed in an on-site landfill and provide data on the nearest drinking water well, permeability of the aquifer, dispersivities, etc. If the Agency were to base its evaluation solely on these site-specific factors, the Agency might conclude that the waste, at that specific location, cannot affect the closest well, and the Agency might grant the petition. Upon promulgation of the exclusion, however, the generator is under no obligation to continue to manage the waste at the on-site landfill. In fact, it is likely that the generator will either choose to send the delisted waste off site immediately, or will eventually reach the capacity of the on-site facility and subsequently send the waste off site to a facility which may have very different hydrogeological and exposure conditions.

The Agency also considers the applicability of ground-water monitoring data during the evaluation of delisting petitions. In this case, the Agency determined that, because Care Free sends the petitioned waste to an off-site, commercial landfill facility for final disposal, and because Care Free's waste volume (only 100 cubic yards per year) is relatively small compared to other wastes contained in the landfill, ground-water monitoring data collected at the commercial facility would not characterize the effects of the petitioned waste on the aquifer underlying the disposal facility. Therefore, the Agency did not request ground-water monitoring data.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all public comments (including those at hearings, if any) on today's proposal are addressed.

II. Disposition of Petition

Care Free Aluminum Products, Inc., Charlotte, Michigan

1. Petition for Exclusion

Care Free Aluminum Products, Inc., located in Charlotte, Michigan, manufactures aluminum storm doors, windows, and miscellaneous construction materials. Care Free petitioned the Agency to exclude its wastewater treament sludge filter cake presently listed as EPA Hazardous Waste No. F019—"Wastewater treament sludges from chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process". The listed constituents of concern for EPA Hazardous Waste No. F019 are hexavelent chromium and complexed cyanide (see 40 CFR 261, appendix VII).

Care Free petitioned to exclude its waste because it does not believe that the waste meets the criteria of the listing. Care Free claims that its treament process generates a non-hazardous waste because the constituents of concern in the waste are in an essentially immobile form. Care Free also believes that the waste is not hazardous for any other reason (*i.e.*, there are no additional constituents or factors which could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d) (2)–(4). Today's proposal to grant this petition for delisting is the result of the Agency's evaluation of Care Free's petition

2. Background

On March 14, 1989, Care Free petitioned the Agency to exclude its wastewater treatment filter cake from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32, and subsequently provided additional information to complete its petition. In support of its petition, Care Free submitted: (1) Detailed descriptions and schematics of its manufacturing and waste treatment processes; (2) a list of all raw materials and Material Safety Data Sheets (MSDS) for all trade name products used in the manufacturing and treatment processes; (3) results from total constituent analyses for the eight Toxicity Characteristic (TC) metals listed in 40 CFR 261.24,[1] nickel, cyanide (total and reactive), and reactive sulfide; (4) results from EP leachate procedure for the eight TC metals, nickel, and cyanide; (5) results from the Oily Waste Extraction Procedure (OWEP; SW–846 Method 1330) for the eight TC metals and nickel; (6) results from the Toxicity Characteristic Leaching Procedure (TCLP, as described in 40 CFR part 261, appendix II) for TC constituents, fluoride, and nickel; (7) results from total oil and grease analyses; and (8) results from characteristics testing for ignitability, corrosivity, and reactivity.

Care Free manufactures aluminum storm doors, storm windows, and miscellaneous extruded aluminum building materials. Care Free's conversion coating process is designed to provide corrosion-resistant film on extruded aluminum (*e.g.*, storm door and window frames) prior to the painting and assembling process. The film is formed by the chemical reaction of hexavalent chromium with the aluminum surface in the presence of anionic "activator" components such as phosphate and fluoride. The conversion coating process is normally operated five-days per week, one or two shifts per day depending on Care Free's work load.

In Care Free's conversion coating process, the aluminum parts are first loaded onto a rack, and then lowered into the first process tank containing an alkaline cleaner for one to five minutes at a temperature of 120 °F to 160 °F for the removal of any residue (such as dirt and aluminum oxide) prior to coating. The aluminum parts are removed from the tank to drip-dry and then are rinsed with water in the post-cleaning, two-stage, counter-current flow rinse tank (two separate tanks). The rinsed parts then are lowered into the chromate conversion tank for conversion-coating. Once a sufficient coating thickness is obtained, the parts are raised above the conversion coating tank to drip-dry. The coated parts then are rinsed with water in the post-coating, two-stage, counter-current flow rinse tank (two separate tanks). The coated parts then are allowed to air dry on a drip pad. The aluminum parts are further dried using an oven to remove all surface moisture and are stored for future painting in a segregated paint line.

Prior to July 4, 1989, the spent rinse waters from the post-cleaning and post-coating rinse tanks continuously entered the wastewater collection sump for subsequent treatment. On July 4, 1989, in an attempt to reduce the amount of surfactant (which Care Free thought was erroneously registered as total oil and grease (TOG) in the TOG analyses) entering the treatment system, Care Free segregated the post-cleaning rinse water for direct discharge to the Charlotte Publicly Owned Treatment Works (POTW). As of July 4, 1989, only the rinse water from the post-coating rinse tanks and the post-coating rinse drip pad are sent to the wastewater collection sump for subsequent on-site treatment. The spend cleaning and spent conversion coating baths are not discharged to the wastewater collection sump, and therefore, do not enter the petitioned wastestream.

The contaminated rinse waters from the conversion coating process are pumped from the collection sump to one of two, 5000-gallon batch treatment tanks. No other manufacturing operations discharge any waste to the wastewater treatment system. The frequency of wastewater treatment is approximately two batches per week. Once a batch treatment tanks is filled, air is continuously bubbled into the tank using a sparge ring to completely mix the contents of the tank throughout the treatment process. A sample is drawn and is titrated in order to determine the dosage of sufluric acid necessary to adjust the pH of the rinse water to approximately 2.0 to 2.5. After the calculated dosage of sufluric acid is added, the pH is verified and fine-tuned as necessary.

Care Free then uses an oxidation-reduction potential (ORP) meter to determine the amount of sodium metabisulfite necessary to reduce all of the hexavalent chromium. The calculated amount of sodium metabisulfite plus ten percent excess then is added to the batch tank and allowed to react for at least five minutes. The ORP and residual hexavalent chromium concentrations are then measured and the process (*i.e.*, addition of sodium metabisulfite and measurement of the ORP and hexavalent chromium concentration) is repeated until the ORP is below 230 mV and no hexavalent chromium is detected.

A new sample is withdrawn from the batch treatment tank and is titrated in order to determine the amount of calcium hydroxide (hydrated lime) required to raise the pH to approximately 9. Once the calcium hydroxide has been added to the batch treatment tank, the pH is again checked, and additional calcium hydroxide is added, as needed, until the pH is the range of 8.0 t 9.0 pH units. At this pH range, metal hydroxide precipitates form and a flocculent is then added to promote settling once the sparge ring is turned off. The flocculated metal hydroxide percipitant is gravity settled and the treated wastewater is decanted and discharged to the POTW.

After completion of the wastewater treatment process, the settled sludge is transferred from the batch treatment tank to the sludge holding tank, where the sludge is mixed and sampled. Care Free then titrates the settled sludge to determine the amount calcium hydroxide required to adjust the pH to approximately 11.5. After the calculated dosage of calcium hydroxide is added and well-mixed with the sludge, the pH is verified and additional calcium hydroxide is added as necessary. The pH adjusted sludge then is pumped to a filter press for dewatering. The filter cake is temporarily accumulated in drums and then periodically transferred to a roll-off container which is taken off-site for disposal at a commercial landfill. The supernatant from the filter press is discahraged to the POTW.

To collect representative samples from filter presses like Care Free's, petitioners are normally requested to collect a minimum of four composite samples comprised of independent grab samples collected over a period of time (*e.g.*, grab samples collected every hour and composited by shift) sufficient to represent the variability or uniformity of the waste. See "Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods," U.S. EPA, Office of Solid Waste And Emergency Response, Publication SW–846 (third edition), November 1986, and "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530–SW–85–003), April 1985.

Care Free initially collected a total to ten composite samples (including two duplicate composite samples) of its wastewater treatment sludge filter cake during a four-week period (August 29, 1988 through September 23, 1988(. On two seperate occasions per week, the most recently generated drum of filter cake waste was divided into four quadrants and a full-depth core sample was collected from the center of each quadrant using a prewashed 1.5 inch diameter PVC pipe. The four full-depth core samples were mixed to produce one composite sample. All ten composite samples were produced using this sampling procedure and represent Care Free's waste generated prior to the segregation of the post-cleaning rinse water from the treatment system.

All ten composite samples were analyzed for the total concentrations (*i.e.*, mass of a particular constituent per mass of waste) of the TC metals, nickel, cyanide (total and reactive), reactive sulfide, total oil and grease content, and the characteristics of hazardous wastes (*i.e.*, ignitability, corrosivity, and reactivity). The ten composite samples also were analyzed for the EP leachate concentrations (*i.e.*, mass of a particular constituent per unit volume of extract) of all the TC metals, nickel and cyanide (using distilled water in the cyanide extractions).

Due to the high oil and grease content of the initial samples (up to 24 percent—dry weight), the Agency questioned the appropriateness of the EP method used in the initial extractions. Wastes having more than one percent total oil and grease may either have significant concentrations of constituents of concern in the oil phase, which may not be assessed using the standard EP leachate procedure, or the concentration of oil and grease may be sufficient to coat the solid phase of the sample and interfere with the leaching of metals from the sample (see SW–846 Mehtod Number 1330). Care Free, therefore, collected four additional composite samples of the filter cake waste over a four-week period (June 30, 1989 through July 28, 1989).

Care Free collected a full-depth core sample from the center of each drum of filter cake waste generated during the week using a prewashed, 1.5 inch diameter PVC pipe. All of the full-depth core samples were mixed to produce one weekly composite sample. This sampling procedure was repeated for the collection of the other three weekly composite samples. The four weekly composite samples (and one duplicate composite sample) were analyzed for the OWEP leachate concentrations of all the TC metals and nickel.[2]

As discussed earlier, on July 4, 1989, Care Free modified its conversion coating process to reduce the amount of surfactant entering the treatment system by no longer treating the post-cleaning rinse water. As a result of this modification, the one elevated OWEP leachate value for chromium, and the availability of the new TCLP leaching procedure, Care Free collected an additional four weekly composite samples (and one duplicate weekly composite sample) and five daily composite samples.

Care Free, using the same sampling procedure used to collect the second set of samples (described above), collected an additional four weekly composite samples (and one duplicate composite sample) representing waste generated between October 1, 1990 and October 28, 1990. Care Free also collected five daily composite samples on September 24, 1990 through September 28, 1990. Each daily composite sample was produced by collecting a full-depth core sample using a prewashed, 1.5 inch diameter PVC pipe from each drum of waste generated on a single day.

Care Free analyzed the four weekly composite samples (and one duplicate composite sample) for the total constituent concentrations of the TC metals, nickel, total cyanide, reactive sulfide, and total oil and grease. Care Free also analyzed the four weekly composite samples (and the duplicate weekly composite sample) for both the TCLP and EP leachable concentrations of the TC metals and nickel.[3] The fourth weekly composite sample (and the duplicate weekly composite sample) also was analyzed for the TCLP concentrations of the TC organic constituents and fluoride. Lastly, Care Free analyzed the five daily composite samples for the EP leachate concentration of chromium and the total concentration of total oil and grease.

Care Free claims that due to consistent manufacturing and waste treatment processes, the analytical data obtained from the three sampling events are representative of any variation in the wastewater treatment sludge filter cake constituent concentrations.

3. Agency Analysis

Care Free used SW–846 Method Numbers 6010 through 7520 and 9010 to quantify the total constituent concentrations of the TC metals, nickel, and cyanide; SW–846 Method Numbers 1310 (EP), 1311 (TCLP, as described in 40 CFR part 261, appendix II), and 1330 (OWEP) to quantify the leachable

[1] EPA has adopted the Toxicity Characteristic Leaching Procedure (TCLP) in the Toxicity Characteristic (TC) rulemaking (55 FR 11798, March 29, 1990) as a replacement to the EP for the establishment of the TC regulatory levels and these eight metals are now referred to as the TC metals.

[2] Care Free did not analyze the collected samples for TOG content; therefore, due to the segregation of the post-cleaning rinse water from the treatment system, the TOG content may have been less than one percent (as indicated by the third set of analyses performed later in 1990) and OWEP analyses may not have been required. The Agency notes that the samples are still valid.

[3] The waste exhibited a TOG content ranging from <0.0088% to 0.15%; therefore, Care Free was not required to use the OWEP.

concentrations of the TC metals and nickel in the waste. Care Free used SW–846 Method Number 9071 to quantify the total oil and grease (TOG) content of the waste and Method Number 9030 to quantify the total constituent concentration of reactive sulfide. (Analysis for the leachable concentrations of sulfide, reactive sulfide, or reactive cyanide are not necessary because the Agency's level of regulatory concern is based on the total concentration of reactive sulfide and reactive cyanide.)

Table 1 presents the maximum total concentrations of all the TC metals, nickel, cyanide, reactive cyanide, and reactive sulfide in Care Free's waste. Table 2 presents the maximum leachate (EP, OWEP, or TCLP) concentrations of each of the TC metals, fluoride, nickel, cyanide. Table 3 presents all of the EP, OWEP, and TCLP leachate data for chromium.

TABLE 1.—MAXIMUM TOTAL CONCENTRATIONS—INORGANIC CONSTITUENTS (MG/KG)

[Wastewater treatment sludge filter cake]

Constituents	Concentrations (dry weight)
Arsenic	16
Barium	74
Cadmium	<6
Chromium	70,600
Lead	<30
Mercury	<1.5
Nickel	57
Selenium	<5.9
Silver	<5
Total Cyanide	<8.7
Reactive Cyanide	<29
Reactive Sulfide	210

< Denotes that the constituent was not detected at the detection limit specified in the table.

TABLE 2.—MAXIMUM LEACHABLE CONCENTRATIONS—INORGANIC CONSTITUENTS (MG/L)

[Wastewater treatment sludge filter cake]

Constituents	Concentrations
Arsenic	<0.2
Barium	0.25
Cadmium	<0.01
Chromium	3.7
Fluoride	95.8
Lead	<0.05
Mercury	0.009
Nickel	0.32
Selenium	<0.3
Silver	<0.01
Total Cyanide	<0.02

< Denotes that the constituents was not detected at the detection limit specified in the table.

TABLE 3.—LEACHABLE CONCENTRATIONS—CHROMIUM (MG/L)

[Wastewater treatment sludge filter cake]

Sampling periods and concentrations	Extraction procedure	Composite type
Aug. 30, 1988 to Sept. 22, 1988:		
0.57	EP	Daily.
0.5	EP	Do.
0.55	EP	Do.
0.52	EP	Do.
0.23	EP	Do.
0.29	EP	Do.
0.4	EP	Do.
0.5	EP	Do.
0.46	EP	Do.
0.45	EP	Do.
June 30, 1989 to July 28, 1989:		
0.15	OWEP	Weekly.
0.17	OWEP	Do.
0.49	OWEP	Do.
0.26	OWEP	Do.
3.7	OWEP	Do.
Sept. 24, 1990 to Sept. 28, 1990:		
<0.02	EP	Daily.
0.02	EP	Do.
0.02	EP	Do.
<0.02	EP	Do.
<0.02	EP	Do.
Oct. 1, 1990 to Oct. 28, 1990:		
<0.02	TCLP	Weekly.
0.03	TCLP	Do.
0.02	TCLP	Do.
<0.02	TCLP	Do.
<0.02	TCLP	Do.
<0.02	EP	Do.
0.03	EP	Do.
<0.02	EP	Do.
0.02	EP	Do.
<0.02	EP	Do.

< Denotes that the constituents was not detected at the detection limit specified in the table.

The detection limits presented in Tables 1 through 3, represent the lowest concentrations quantifiable by Care Free when using the appropriate SW–846 analytical methods to analyze its waste. Detection limits may vary according to the waste and waste matrix being analyzed, *i.e.*, the "cleanliness" of waste matrices varies and "dirty" waste matrices may cause interferences, thus raising the detection limits.

Using the appropriate SW–846 test methods and adequate detection limits, none of the TC organic constituents, except for traces of benzene (0.0013 mg/l) and methyl ethyl ketone (0.11 mg/l) were detected in the fourth weekly composite sample. However, neither benzene nor methyl ethyl ketone (or any other TC organic) were detected in the duplicate weekly composite sample. In addition neither benzene nor methyl ethyl ketone are used at Care Free's facility. Care Free, therefore, believes that these two constituents are likely laboratory contaminants and are not present in the petitioned waste.

Last, on the basis of test results provided by the petitioner, none of the analyzed samples exhibited the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

Care Free submitted a signed certification stating that based on current annual waste generation, its maximum annual generation rate of wastewater treatment sludge filter cake is 100 cubic yards. The Agency may review a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste generation rate. EPA accepts Care Free's certified estimate of 100 cubic yards/year of wastewater treatment filter cake sludge.

EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before finalizing a delisting petition or after granting an exclusion. As a part of this program, the Agency conducted a spot-check sampling visit at Care Free's facility. The results of this visit, including chemical analyses of waste from Care Free, are discussed later in this notice.

4. Agency Evaluation

The Agency considered the appropriateness of alternative waste management scenarios for Care Free's filter cake waste and decided that disposal in a landfill is the most reasonable, worst-case scenario for this waste. Under this disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. The Agency, therefore, evaluated the petitioned waste using the modified EPA's composite model for landfills (EPACML) which predicts the potential for ground-water contamination from wastes that are landfilled. See 56 *FR* 32993 (July 18, 1991), 56 *FR* 67197 (December 30, 1991), and the RCRA public docket for this notice for a detailed description of the EPACML model, the disposal assumptions, and the modifications made for delisting. This model, which includes both unsaturated and saturated zone transport modules, was used to predict reasonable worst-case contaminant

levels in ground water at a compliance point (*i.e.*, a receptor well serving as a drinking-water supply). Specifically, the model estimates the dilution/attenuation factor (DAF) resulting from subsurface processes such as three-dimensional dispersion and dilution from ground-water recharge for a specific volume of waste. The Agency requests comments on the use of the EPACML model as applied to the evaluation of Care Free's waste.

For the evaluation of Care Free's petitioned waste, the Agency used the EPACML model to evaluate the mobility of barium, chromium, fluoride, mercury, and nickel from Care Free's wastewater treatment sludge filter cake. The Agency's evaluation, using the maximum annual waste volume of 100 cubic yards and the maximum reported leachate (EP/OWEP/TCLP) concentrations, generated the compliance-point concentrations shown in Table 4. The Agency did not evaluate the mobility of the remaining inorganic constitutents (*i.e.*, arsenic, cadmium, lead, selenium, silver, and cyanide) from Care Free's waste because they were not detected in the EP/OWEP/TCLP extract using the appropriate SW–846 analytical methods (see Table 2). The Agency believes that it is inappropriate to evaluate non-detectable concentrations of a constituent of concern in its modeling efforts if the non-detectable value was obtained using the appropriate analytical method. If a constituent cannot be detected (when using the appropriate analytical method with an adequate detection limit) the Agency assumes that the constitutent is not present and therefore does not present a threat to either human health or the environment.

TABLE 4.—EPACML MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS (MG/L) LISTED AND NON-LISTED CONSTITUENTS

[Wastewater treatment sludge filter cake]

Constituents	Compliance-point concentrations [1]	Levels of regulatory concern [2]
Barium	0.0025	1
Chromium	0.037 (0.0057) [3]	0.1
Fluoride	0.158	4
Mercury	0.00009	0.002
Nickel	0.0032	0.1

[1] For Care Free's maximum annual waste volume of 100 cubic yards, the EPACML model calculated a DAF of 100.

[2] See "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR 260.20 and 260.22", July 1991, located in the RCRA public docket.

[3] The compliance-point concentration generated using the second highest leachate value is also presented.

The filter cake exhibited barium, chromium, fluoride, mercury, and nickel levels at the compliance point below the health-based levels used in delisting decision-making. Based on the data for leachable chromium collected by Care Free (See Table 3), the Agency believes that the highest value reported (3.7 mg/l) is anomalous and appears to be an outlier. Therefore, the compliance point concentration based on the second highest chromium level is given in Table 4 and may be more representative of the maximum levels of leachable chromium in Care Free's waste. In any case the Agency notes that the compliance point concentration derived from 3.7 mg/l data point is still below the level of regulatory concern. Additionally, the total constituent concentrations of reactive cyanide and reactive sulfide are below the Agency's interim standards of 250 ppm and 500 ppm, respectively. See "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, internal Agency memorandum in the RCRA public docket.

The Agency reviewed Care Free's manufacturing process and its list of raw materials and agrees with Care Free's assertion that the low TCLP levels of benzene and methyl ethyl ketone found in the fourth weekly composite sample are likely due to laboratory contamination. The Agency notes that these two constituents were not detected in the duplicate sample taken by Care Free, nor were they found during the Agency's November 1990 spot-check visit (discussed below). The Agency, therefore, did not evaluate the mobility of either benzene or methyl ethyl ketone using the EPACML. EPA notes, however, that the TCLP concentrations of benzene and methyl ethyl ketone are less than the health-based levels of 0.005 mg/l and 2 mg/l used in delisting decision-making (see "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR 260.20 and 260.22", July 1991, located in the RCRA public docket). Therefore, neither constituent would be of concern even if compared directly to health-based levels without use of the EPACML model.

On the basis of test results submitted by the petitioner, pursuant to § 260.22, the Agency concludes that the waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

On November 9, 1990, EPA conducted a site visit to Care Free as part of the Agency's spot-check and analysis program. One composite sample, consisting of one full-depth core sample collected from each of the nine drums holding wastes generated during the week of October 22–October 28, 1990 was collected using a slotted PVC pipe. The Agency analyzed the composite sample for the total constituent concentrations and the TCLP concentrations of the TC metals, nickel, and cyanide (using distilled water in the cyanide extraction). The composite sample also was analyzed for total constitutent concentrations of the volatile priority pollutants.

The maximum reported total constitutent concentrations for all of the TC metals, nickel, and cyanide are presented in Table 5. The maximum reported TC leachate concentrations for each of the TC metals, nickel, and cyanide are presented in Table 6. Using S–846 Method Number 8240, the Agency determined that none of the volatile priority pollutants were detected in Care Free's waste using the appropriate detection limits.

TABLE 5.—MAXIMUM TOTAL INORGANIC CONCENTRATIONS (MG/L) AGENCY SPOT-CHECK VISIT SAMPLES

[Wastewater treatment sludge filter cake]

Constituents	Total constituent concentrations (dry weight)
Arsenic	30.8
Barium	58.4
Cadmium	<1.3
Chromium	30200
Lead	<25.4
Mercury	<0.91
Nickel	14.2
Selenium	<25.4
Silver	<2.5
Total Cyanide	<6.2

< Denotes that the constituent was not detected at the detection limit specified in the table.

TABLE 6.—MAXIMUM LEACHABLE CONCENTRATIONS (MG/L) AGENCY SPOT-CHECK VISIT SAMPLE

[Wastewater treatment sludge filter cake]

Constituents	TCLP leachate concentrations
Arsenic	<0.1
Barium	<0.05
Cadmium	<0.005
Chromium	<0.01
Lead	<0.1
Mercury	<0.002
Nickel	<0.04
Selenium	<0.1
Silver	<0.01
Total Cyanide	<0.01

< Denotes that the constituent was not detected at the detection limit specified in the table.

The Agency did not use the EPACML model to evaluate the mobility of any of the TC metals, nickel, cyanide, or the volatile priority pollutants, because none of the inorganic constituents were detected in the TCLP leachate (see Table 6) and none of the volatile priority pollutants were detected in the total constituent analysis. Furthermore, a comparison of Care Free's sampling data with the Agency's spot-check data revealed only minor variations in the analytical data; therefore, these spot-check visit data support the Agency's conclusion that Care Free's waste is not hazardous.

5. Conclusion

The Agency believes that Care Free's wastewater treatment system can render the filter cake waste non-hazardous. The Agency believes that the sampling procedures used by Care Free were adequate, and that the samples are representative of the day-to-day variations in constituent concentrations found in the wastewater treatment sludge filter cake both prior to, and after, Care Free rerouted the post-cleaning rinse water directly to the POTW.

The Agency, therefore, considers Care Free's wastewater treatment sludge filter cake as a non-hazardous waste, as it should not present a hazard to either human health or the environment based on the above evaluation. The Agency proposes to grant an exclusion to Care Free Aluminum Products, Incorporated, located in Charlotte, Michigan, for its F019 wastewater treatment sludge filter cake resulting from the treatment of wastewater generated through the chemical conversion coating of aluminum. If the proposed rule becomes effective the wastewater treatment sludge filter cake would no longer be subject to regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR part 270.

6. Annual Testing

If a final exclusion is granted, the petitioner will be required to demonstrate, on an annual basis, that the characteristics of the petitioned waste remain as originally described. In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis, analyze a representative composite sample for the constituents listed in 40 CFR 261.24 using the method specified therein. The annual analytical results, including quality control information must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by any employee or representative of EPA or the State of Michigan. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.

The purpose of this condition is to ensure that the quality of the petitioned waste remains as originally described by the petitioner. The Agency believes that the data obtained from the annual recharacterization of the petitioned waste will enable both EPA and the RCRA facility inspectors to determine whether the petitioner's manufacturing and waste treatment processes have been significantly altered, or if the waste is more variable than originally described by the petitioner. The Agency also believes that the annual recharacterization of the petitioned waste is not overly burdensome to the petitioner and notes that these data will assist the petitioner in complying with 40 CFR 262.11(c) which requires generators to determine whether their waste is hazardous, as defined by the toxicity Characteristics (See 40 CFR 261.24).

If made final, the proposed exclusion will only apply to the processes and waste volume (a maximum of 100 cubic yards generated annually) covered by the original demonstration. The facility would require a new exclusion if either its manufacturing or treatment processes are significantly altered such that an adverse change in waste composition (*e.g.*, significantly higher levels of hazardous constituents) or increase in waste volume might occur. Accordingly, the facility would need to file a new petition for the altered waste. The facility must treat waste generated either in excess of 100 cubic yards per year or from changed processes as hazardous until a new exclusion is granted.

Although management of the waste covered by this petition would be relieved from subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Effective Date

The rule, if finally promulgated, will become effective immediately upon such final promulgation. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of Section 3010, EPA believes that this exclusion should be effective immediately upon final promulgation. These reasons also provide a basis for making this rule effective immediately upon promulgation under the Administrative Procedure Act, 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The proposal to grant an exclusion is not major, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact, therefore, due to today's proposed rule. This proposal is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous Waste, Recycling, and Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: March 5, 1992.

Jeffrey D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, part 261 add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Care Free Aluminum Products, Inc.	Charlotte, MI	Wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum (generated at a maximum annual rate of 100 cubic yards). In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis, analyze a representative composite sample for the constituents listed in 40 CFR § 261.24 using the method specified therein. The annual analytical results, including quality control information, must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by any employee or representative of EPA or the State of Michigan. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.

[FR Doc. 92–6389 Filed 3–18–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 271

[FRL–4116–2]

Wisconsin; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking on application of Wisconsin for program revision and public comment period.

SUMMARY: Wisconsin has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Wisconsin's application and has made a decision, subject to public review and comment, that Wisconsin's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Wisconsin's hazardous waste program revisions. Wisconsin's application for program revision is available for public review and comment.

DATES: Comments on the Wisconsin's program revision application must be received by the close of business on April 20, 1992.

ADDRESSES: Copies of Wisconsin's program revision application are available from 8:30 am to 4:30 pm at the following addresses for inspection and copying: Wisconsin Department of Natural Resources, Bureau of Solid and Hazardous Waste Management, 101 South Webster St., Madison, Wisconsin, 53707, contact Mark Gordon; U.S. EPA Region V, Library, 77 West Jackson Blvd., Chicago, Illinois 60604, contact John Maher, (312) 886–6085. Written comments should be sent to U.S. EPA Region V, John Maher, HRM–7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886–6085.

FOR FURTHER INFORMATION CONTACT: U.S. EPA Region V, John Maher, HRM–7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 886–6085.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266, 268, 124 and 270.

B. Wisconsin

Wisconsin initially received final authorization effective on January 31, 1986 (51 FR 3783). Wisconsin received authorization for revisions to its program. These revisions became effective on June 6, 1989 (54 FR 22278); and January 22, 1990 (54 FR 48243). On December 13, 1991, Wisconsin submitted a program revision application for additional program approvals. Today, Wisconsin is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(4).

EPA has reviewed Wisconsin's application, and has made a decision, subject to public review and comment, that Wisconsin's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Wisconsin final authorization for the additional program modifications. The public may submit written comments on EPA's decision up until April 20, 1992. Copies of Wisconsin's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Wisconsin's program revision shall become effective when the Administrator's final approval is published in the **Federal Register**. If adverse comment pertaining to Wisconsin's program revision discussed in this notice is received EPA will publish either (1) a notice of disapproval or (2) a final rulemaking approving the modifications, which would include appropriate comment response.

EPA intends to grant Wisconsin authorization for the following provisions:

Federal requirement	Analogous state authority
Clarification of Closure, Post-Closure Financial Responsibility, 53 FR 7740, March 10, 1988.	NR 600.03; 685.02; 685.05(1), (a), (b), (e), (2), (a)–(f), (h), (3)(a), (4)(a), (5), (6), (7), (8), (10)(b); 685.06(1), (2), (d), (3), (4), (5), (6)(a), (8), (9), (10), (11); 685.07, (1)(b), (2), (3)(a), (b) 1., 4., (d), (4), (5), (a)2. (e)5., (7)(a)1., (e), (9); 685.08(4)(b).
Radioactive Mixed Waste, 51 FR 24505, July 3, 1986, 53 FR 37045	Wis. Stat. s.144.01(15).
Sharing of Information with ATSDR, 3019(b), November 8, 1984	Wis. Stat. s. 144.76.
Direct Action Against Insurers, 3004(t), November 8, 1984	Wis. Stat. s. 632.24.
Revised Manual SW–846; Amended Incorporation by Reference, 52 FR 8072, March 16, 1987.	NR 600.10(2), (b)1.
Closure/Post-closure for Interim Status Surface Impoundments, 52 FR 8704, March 19, 1987.	NR 660.15(1)(a)1.d., (d); 660.16(1)(d), (4); 660.17(2), (d), (e); 660.22 (25), (26), (27).
Definition of Solid Waste; Technical Corrections, 52 FR 21307, June 5, 1987	NR 605.09(3).
Amendments to Part B Information Requirements for Disposal Facilities, 52 FR 23447, June 22, 1987.	NR 660.09(1)(k), (1).
*Standards for Hazardous Waste Storage and Treatment Tank Systems, 51 FR 25422, July 14, 1986, and 51 FR 29430, August 15, 1986.	NR 600.03; 610.08, (1)(n); 615.05(4)(a)2., 3.; 630.15(2)(d); 630.31(1)(b); 645.04(3); 645.06(1)(i)1.–9., and 11.; 645.07 (1), (2), (3), (4); 645.08(1)–(7); 645.09(1)–(7), (8)(a)–(d), (9)(c), (d), (10), (11); 645.10(1)–(4); 645.12 (1), (3), (6); 645.13 (1), (2); 645.14 (1), (2); 645.17(1)(A)1., 2., 3.; 680.06(3)(e); 680.21; 680.22(6), (15), (22); 685.05; 685.06(1), (b), (c).
Spent Pickle Liquor from Steel Finishing Operations, 52 FR 26697, August 3, 1987.	NR 605.09(2)(b).
List of Hazardous Constituents for Ground-Water Monitoring, 52 FR 25942, July 9, 1987.	NR 635.13(10); 635.14(6); 660.08(2)(c)5.b; 660.09(1)(a).
Identification and Listing of Hazardous Waste, 52 FR 26012, July 10, 1987	NR 605.09(3)(a)3.
Hazardous Waste Miscellaneous Units, 52 FR 46946, December 20, 1987	NR 600.03; 630.15(2)(d); 630.18(1); 630.31(1)(h); 635.5(1)(d); 635.06(2) (a), (b), (5) (a), (b)1.; 680.06(3); 685.05(1)(e), (2), (8);
Technical Corrections; Identification and Listing of Hazardous Waste, 53 FR 13382, April 22, 1988.	NR 605.09(3) (b), (c).
Identification and Listing of Hazardous Wastes; Treatability Studies Sample Exemption, 53 FR 27290, July 19, 1988.	NR 600.03; 605.05(4)(a), 1.–3., (b), 1.–3., a., b.1.–5., 5., a.–c., 6., (c)3.a.–e., (5), (a)–(d)2., (e)–(k).
*Hazardous Waste Mangement System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	NR 600.03; 610.08(1)(m); 645.04(3); 645.09(1), (2), (8)(c), 680.22(22); 685.05(8); 685.06(1)(b).
*Dioxin Waste listing and Mangement Standards, 50 FR 1978, January 14, 1985	NR 600.04(2); 605.06(3), (5); 605.09(1)(d), (2)(a), (3)(c); 610.09(1), (2); 640.13(1); 645.08(1)(i)7.; 655.12(1), (2); 660.13(5); 660.20(1), (2); 665.09(13)(a), (b); 680.22; Appendixes II, III, V to 605.
*Household Waste, 50 FR 28702, July 15, 1985	NR 605.05(1)(a)1., a., 2.;
*Double Liners, 50 FR 28702, July 15, 1985	NR 665.07; 680.13(2)(b), (10)(a), (b), (d), (g); 680.22(25).
*Fuel Labeling, 50 FR 28702, July 15, 1985	NR 625.07(5)(d).
*Corrective Action, 50 FR 28702, July 15, 1985	NR 600.04(1); 635.17(1), (2).
*Pre-construction Ban, 50 FR 28702, July 15, 1985	Wis. Stat., ss. 144.64(2)(am)1; 144.44(2)(a); NR 157.07(2).
*Permit Life, 50 FR 28702, July 15, 1985	NR 680.45(8).
*Omnibus Provision, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.44(3)(g).
*Interim Status, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.64(2)(am)2; NR 680.20, (3); 680.24, (4); 680.31(1); 680.42(11)(d).
*Research and Development Permits, 50 FR 28702, July 15, 1985	Wis. Stat. s. 144.64(2)(am)2.; NR 680.20; 680.31(1); 680.51.
*Hazardous Waste Exports, 50 FR 28702, July 15, 1985	NR 615.12(1).
*Exposure Information, 50 FR 28702, July 15, 1985	NR 680.06(5)(b); 680.31(1).
*Biennial Report Correcton, 51 FR 28556, August 8, 1986	NR 630.40(1)(g)–(i); 680.22(15).

Federal requirement	Analogous state authority
*Exports of Hazardous Waste, 51 FR 28664, August 8, 1986	NR 600.03; 605.05; 610.04(2), (3); 610.07(1)(b), (c); 615.11; 615.12, (1)(j)–(n); 615.13(1), (2); 620.07(2)(a), (b), (4)(a), (b), (8)(b), (9), (10)(c), (d).
*Listing of EBDC, 51 FR 37725, October 24, 1986	NR 605.09(2)(a); Appendix II to 605.
*Land Disposal Restrictions, 51 FR 40572, November 7, 1986, and 52 FR 21010, June 4, 1987.	Wis. Stat. ss. 144.44(3)(g), 227.12(1); NR 600.01; 600.02; 600.03; 600.06(1)–(4); 605.02; 605.04; 605.05; (1)(b)(2), (3)(a); 605.06, (1), (2); 605.08(1)(b), 605.09(1)(c); 610.05(4); 610.07(1), (2); 610.09, (2); 615.06(6), 620.14; 625.04(4); 630.02; 630.04(2); 630.12(1); 630.13(1)(f), (h); 630.31(1)(d), (k)–(o); 675.01; 675.02; 675.03; 675.04(1), (a), (b), (2); 675.05, (1), (2); 675.6; 675.07(1), (a)1.a.–d., (b), 1, 2, (c), 1., (d), (2), (a), (b), (h)(2); 675.10(1), (2); 675.11(1); 675.20(1); 675.21(1), (2); 675.22(1), (2); 675.23(1), (2); 675.24; 675.30(1), (a), (b), 1.–2., (c), (2), (3), (4), (5), (2); 680.22(5), (6), (15); Appendixes I and II to 675.
*California List Waste Restrictions, 52 FR 25760, July 8, 1987, and 52 FR 41295, October 27, 1987.	NR 600.03; 600.10(2); 610.04(2), (3); 630.13(1)(h)3.; 675.03; 675.04(1)(a), (2); 675.06; 675.07(1), (a), 1., b., (b), 1.b., (2), (b), (h); 675.12(1), (a)–(e), (2), (a)–(c), (3), (4), (5), (a), (b); 675.20(1), (2); 675.22(1)(a), (b), 675.30(1), (5), (6), 680.22(6); Appendix I to 675.
*Exception Reporting for Small Quantity Generators of Hazardous Waste, 52 FR 35894, September 23, 1987.	NR 610.05(6); 610.08(1)(d), (f), (g); 615.11(2)(a).
*Permit Application Requirements Regarding Corrective Action, 52 FR 45788, December 1, 1987.	NR 660.09(1)(a).
*Corrective Action Beyond the Facility Boundary, 52 FR 45788, December 1, 1987.	NR 635.15(5), (a) (b); 635.17(3).
*Permit as a Shield Provision, 52 FR 45788, December 1, 1987	NR 680.40(2).
*Farmer Exemptions; Technical Corrections, 53 FR 27165, July 19, 1988	NR 610.04(2), (3); 615.04(2); 615.05(3)(b).
*Land Disposal Restrictions for the First Third Schedule Wastes, 53 FR 31138, August 17, 1988, and 54 FR 8264, Febuary 27, 1989.	NR 630.13(1)(h)3.; 630.31(1)(k)–(o); 675.04(1)(a), 1.–4.; 675.07(1), (a), 1., (b), (c)1., a.–e., (d)1.a.–d., (e), (f), (2), (a), (b), (c), (d)1., (e), (f), (g), 1.–4., (h), 1., 2.; 675.10(1)–(3); 675.11(1), (2); 657.12(1), (e), (2), (3); 675.13(1)–(4), (a)–(c), (5); 675.20(1), (3); 675.21(1); 675.22(1)(b); 675.23(1), (2); 675.30(4); 680.22(6), (15).
*Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, September 2, 1988.	NR 600.03; 610.08(1)(n); 645.04(3); 645.09(1), (2), (8); 680.22(22); 685.05(8); 685.06(1)(b).
*Identification and Listing of Hazardous Waste; Technical Corrections, 53 FR 27162, July 19, 1988.	NR 610.09, (2).
*Land Disposal Restriction Amendments to First Third Scheduled Wastes, 54 FR 18836, May 2, 1989.	NR 675.23(1).
*Land Disposal Restrictions for Second Third Schedule Wastes, 54 FR 26594, June 23, 1989.	NR 675.14(1)–(8), (a), (b), (9), (10); 675.21(1); 675.22(1)(c), (d); 675.23(1), (2).
*Land Disposal Restrictions; Correction to the First Third Schedule Wastes, 54 FR 36967, September 6, 1989.	NR 675.05; 675.07(1)(c), 1., (d), 675.13(1), (5); 675.30(4).

All NR regulations became effective on March 1, 1991.
*HSWA reqirements.
#Both non-HSWA and HSWA requirements.

EPA shall administer any RCRA hazardous waste permits or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, June 6, 1989, and January 22, 1990, the effective dates of Wisconsin's final authorization for the RCRA base program for non-HSWA Cluster I and part of II.

Wisconsin is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Wisconsin's Authorization

1. General

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there is a dual State/Federal regulatory program in Wisconsin. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Wisconsin until the State is authorized for them.

Once EPA authorized Wisconsin to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Wisconsin's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified in the "Wisconsin" section of this notice. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus

regulated handlers must comply with any more stringent State requirements.

EPA published a FR notice explaining in detail the HSWA and its effect on authorized States (50 FR 28702–28755, July 15, 1985).

2. Land Disposal Prohibitions

EPA does not intend to authorize Wisconsin to impose certain land disposal prohibitions in this application. The regulations implementing the land disposal prohibitions are found in 40 CFR Part 268. Under sections 5, 6, 42(b) and 44 of part 268, EPA has authority to consider petitions for case-by-case extensions to prohibition effective dates, exemptions to prohibitions based upon a showing of no potential for waste migration, alternate treatment methods, and variances from treatment standards, respectively. Consideration of the sections 5, 42(b) and 44 petitions is permanently reserved to EPA because consideration of those petitions requires a national perspective. In the future, EPA may authorize States to consider the Section 6 petitions. However, EPA is currently requiring that EPA Headquarters handle these petitions. Nothing in RCRA prohibits a State from adopting requirements that parallel Federal requirements. Therefore, petitioners seeking a Section 6 exemption must be granted approval by both EPA and the State.

On August 17, 1990, EPA promulgated the most recent phase of the regulatory framework implementing the land disposal prohibitions. EPA promulgated earlier phases on November 7, 1986, June 4, July 8, and October 10, 1987, August 17, 1988, February 27, May 2, June 23, and September 6, 1989, and June 1, June 13, and August 17, 1990. Wisconsin's rulemaking process follows the EPA rulemaking process. An unavoidable consequence is that Wisconsin's current land disposal prohibitions program is not as comprehensive as the Federal program. Since each new phase of the land disposal prohibition regulations has included modifications to earlier phases and in most instances, those modifications have made the regulatory framework more stringent, certain Wisconsin land disposal requirements may be superseded by Federal land disposal requirements. However, since the balance of the Federal regulations are promulgated pursuant to HSWA, the regulations are effective in Wisconsin and all other States and are directly implemented by EPA. Regulated handlers must comply with any requirements of the retained Federal land disposal prohibitions program that may be more stingent than the analogous requirements of the Wisconsin program. Conversely, because compliance with RCRA does not exempt regulated handlers from compliance with State law, such handlers must also meet any requirements of the Wisconsin program that may be more stringent than the analogous requirements of the Federal program. As a consequence, regulated handlers facing an apparent conflict between State and Federal land disposal prohibitions must always comply with the more stringent of the two requirements.

Codification

EPA codifies authorized State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of the Wisconsin program will be completed at a later date.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a signficant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Wisconsin's program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. The proposed rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This proposed rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b).

Ralph Bauer,

Acting Regional Administrator.

[FR Doc. 92-6368 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CC Docket No. 92-26; FCC 92-59]

Formal Complaints Against Common Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking was adopted to explore ways in which to improve the Commission's rules governing the handling of formal complaints and expedite resolution of such complaints. The Commission is particularly concerned with addressing delays caused by operation of the discovery process and the filing of repetitive pleadings. Toward this end, the Commission is proposing that formal complaint rules be changed by (1) modifying filing deadlines (e.g., deadlines for answering complaints and responding to discovery would be shortened); (2) eliminating certain pleading opportunities which do not appear particularly useful or necessary (e.g., routine replies to answers to complaints and replies to oppositions to motions would be discontinued); (3) expediting and consolidating the discovery process (e.g., deadlines for initiating, responding and objecting to discovery would be shortened, and the scope of discovery would be limited); (4) adopting rules providing for confidential treatment by opposing parties of certain materials produced through discovery; and (5) authorizing the staff to deliver verbal rulings on a variety of interlocutory matters (e.g., objections to discovery and submission of briefs or other record evidence).

DATES: Comments must be submitted on or before April 21, 1992. Reply comments must be submitted on or before May 11, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mary Romano, 202–632–4887.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction

The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act. Copies of the submission may be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1114 21st Street, NW., Washington, DC 20036. Persons wishing to comment on this information collection should direct their comments to Jonas Neihardt (202) 395–4814, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503. A copy of any comments filed with the Office of Management and Budget should also be sent to the following address at the Commission: Federal Communications Commission, Information and Records Management Branch, Washington, DC 20554. For further information contact Judy Boley, (202) 632–7513.

OMB Number: 3060–0411.

Title: Sections 1.720–1.734, Formal Complaints Against Common Carriers.

Action: Proposed Revisions.

Respondents: Business on other for profit, including small businesses.

Frequency of Response: On occasion.

Estimated Annual Burden: 7600; *Number of respondents:* 380; *Number of responses per respondent:* 2; *Hours per response:* 10.

Needs and Uses: Information filed pursuant to 47 CFR 1.720 et seq. is provided either with or in response to a formal complaint. The information will be used to resolve a dispute and to determine whether a carrier has violated the Communications Act or a Commission rule or order. The respondents affected are complainants and defendants in complaint proceedings, usually telecommunications common carriers and customers. The NPRM solicits public comment to change certain rules and procedures to facilitate timelier resolution of formal complaints by eliminating procedures and pleading requirements that have caused unintended and unnecessary delays.

This is a synopsis of the Commission's Notice of Proposed Rulemaking in CC Docket No. 92–26 [FCC 92–59], adopted February 13, 1992 and released March 12, 1992. The full text of the Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Dockets Branch, room 230, 1919 M Street NW., Washington, DC. The full text of this Notice of Proposed Rulemaking may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036, (202) 452–1422.

Summary of Notice of Proposed Rulemaking

1. On February 13, 1991, the Commission adopted a Notice of Proposed Rulemaking in CC Docket No. 92–26 (released March 12, 1992; FCC 92–59) in order to propose changes to rules governing the procedures to be followed when formal complaints are filed against common carriers.

2. The Commission has observed that current procedures, particularly those relating to discovery, have often operated to prolong rather than expedite the formal complaint process. The proposed rules are intended to minimize delay and expedite resolution of formal complaints.

3. Toward this end, the NPRM proposes to modify filing deadlines for certain pleadings in formal complaint cases. Specifically, consistent with the Federal Rules of Civil Procedure, answers to complaints would be due within 20 days from service rather than the 30 days currently allowed. Likewise, responses to interrogatories or other discovery instruments would be due within 20 days from service instead of 30 days.

4. The NPRM also proposes to change the discovery timetable by shortening the time available to initiate discovery so that, unless otherwise directed by the staff, no discovery instrument would be served on an opposing party either before the deadline for filing an answer to a complaint or more than 20 days after such date.

5. The discovery process would also be modified to prohibit any inquiry regarding alleged damages until after an initial finding of liability by the Commission. Since the time and effort expended by the parties and the staff on discovery regarding damages is effectively wasted if no violation or liability is found, the Commission believes a bifurcated approach separating liability and damage issues would expedite and simplify formal complaint discovery and, ultimately, resolution. In addition, the Commission has also proposed a new rule which would provide for the confidential treatment of materials exchanged by opposing parties during formal complaint discovery.

6. The NPRM also proposes to that routine replies to answers to complaints no longer be permitted. Similarly, replies to oppositions to motions would also be discontinued. The Commission has concluded that in most cases, these pleadings have not significantly aided in the resolution of factual or legal issues in the formal complaint context and often simply have repeated arguments made in the original complaint or motion.

7. Finally, to further expedite the formal complaint process, the NPRM proposes to permit the staff to deliver verbal rulings on a variety of interlocutory matters associated with formal complaints. In particular, during status conferences, the staff would issue verbal rulings regarding discovery disputes and submission of briefs and other record evidence. These rulings would be promptly memorialized in writing and served on the parties.

8. Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding because if the proposed rule amendments are promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act.

9. This notice and comment rulemaking proceeding is non-restricted. Section 1.1206(a) of the Commission's rules, 47 CFR 1.1206(a), contained provisions governing permissible *ex parte* contracts.

10. Accordingly, pursuant to section 1, 4(i), 201(b), 208 and 403 of the Communications Act, 47 U.S.C. 151, 154(i), 201(b), 208 and 403, a Notice of Proposed Rulemaking is Issued, proposing amendment of 47 CFR 1.720 *et seq.*

11. Pursuant to §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, all interested parties may file comments on the matters discussed in this Notice and on the proposed rules by April 21, 1992. Reply comments are due by May 11, 1992. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants wish each Commissioner to have a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (room 203) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure; Communications common carriers.

Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 92-6450 Filed 3-18-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-45, RM-7918]

Radio Broadcasting Services; Fargo, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Northwestern College seeking the substitution of Channel 250C for Channel 250C1 at Fargo, North Dakota, and the modification of its license for Station KFNW-FM to specify operation on the higher powered channel. Channel 250C can be allotted to Fargo in compliance with the Commission's minimum distance separation requirements with a site restriction of 33.8 kilometers (21 miles) west to accommodate petitioner's desired transmitter site, at coordinates North Latitude 47-00-37 and West Longitude 97-11-40. Canadian concurrence is required because Fargo is located within 320 kilometers (200 miles) of the U.S.-Canadian border. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 250C at Fargo or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Wilner, Esq., Bryan, Cave, McPheeters & McRoberts, 700 Thirteenth Street, NW., suite 700, Washington, DC 20005-3960 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-45, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Michael C. Ruger,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 92-6454 Filed 3-18-92; 8:45am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-46, RM-7915]

Radio Broadcasting Services; Cloquet, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by WKLK, Inc., proposing the substitution of Channel 243C3 for Channel 243A at Cloquet, Minnesota, and modification of the construction permit for Station KOUV to specify operation on Channel 243C3. Canadian concurrence will be requested for this allotment at coordinates 46-43-20 and 95-25-15. We shall propose to modify the construction permit for Channel 243A in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel as follows: Anne Thomas Paxson, Borsari & Paxson, 2033 M Street, NW., suite 630, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-46, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Michael C. Ruger,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 92-6456 Filed 3-18-92; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-44, RM-7914]

Radio Broadcasting Services; Hattiesburg, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Community Broadcasting Company, Inc., proposing the allotment of Channel 269C3 to Hattiesburg, Mississippi, as that community's fourth FM broadcast service. The coordinates for Channel 269C3 are 31-20-39 and 89-12-08. There is a site restriction 8.4 kilometers (5.2 miles) east of the community.

DATES: Comments must be filed on or before May 4, 1992, and reply comments on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: John S. Neely, Miller & Miller, P.C., P.O. Box 33003, Washington, DC 20033.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-44, adopted March 2, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452-1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Michael C. Ruger,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 92-6455 Filed 3-18-92; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Supplement to the Final Environmental Impact Statement for Nursery Pest Management, Pacific Northwest Region

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplement to a final environmental impact statement.

SUMMARY: The Forest Service will prepare a draft and final supplement to the Final Environmental Impact Statement (FEIS) for Nursery Pest Management in the Pacific Northwest Region (October 1989). The supplement is for a Forest Service proposed action to consider additional chemicals for use with the selected alternative in the FEIS, at the Wind River Nursery (Gifford Pinchot National Forest) and J. Herbert Stone Nursery (Rogue River National Forest). The Forest Service invites written comments on the supplement and the scope of the proposed action. In addition, the Forest Service gives notice of the full environmental analysis and decision making process that will occur on the proposal so that interested and affected people are aware of how they may participate in the process and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by April 15, 1992.

ADDRESSES: Send written comments to: Ed Olson, USDA Forest Service, Wind River Nursery, Carson, Washington 98610 or Steven Feigner, USDA Forest Service, J. Herbert Stone Nursery, Central Point, Oregon 97502.

FOR FURTHER INFORMATION CONTACT: Sally Campbell, USDA Forest Service, P.O. Box 3623, Portland, Oregon 97208, phone (503) 326–7755.

SUPPLEMENTARY INFORMATION: The Nursery Pest Management FEIS Record of Decision was signed October 31, 1989. No appeals were filed. This supplement is being prepared to keep the FEIS updated and current with pest management needs at the Wind River and J. Herbert Stone nurseries. The FEIS will remain in effect and continue to be implemented during the preparation of the supplement to the FEIS.

The primary objective of Forest Service nurseries is to produce seedlings of high quality and sufficient quantitty to meet Forest Service reforestation needs. The use of modern pest management technology and products are necessary to meet this objective. Presently, the nurseries are implementing an Integrated Pest Management (IPM) approach utilizing all measures of pest control, including chemical pesticides approved for both sites. Some of these chemicals are no longer being manufactured. Also, increasing populations of certain pests seem to indicate that treatment with chemical pesticides not included in the 1989 FEIS may be appropriate. To continue implementing the basic principles of IPM, it is necessary to consider augmenting the list of approved chemical pesticides.

In preparing the draft supplement to the FEIS, the Forest Service will develop alternatives which address the issue of adding chemical pesticides to the list of approved pesticides identified in the FEIS. Pesticides being considered are the following: (1) Simazine—for use in the control of weeds at the J. Herbert Stone Nursery. (2) Oxyfluorfen—for use in the control of weeds at the Wind River Nursery, and (3) DCNA and Metalaxyl—for use as fungicides at the Wind River Nursery. The Forest Service will conduct a site-specific risk assessment, for the proposed chemicals, as part of the supplement.

Public participation will be important during the analysis. The Forest Service will solicit information and seek comments by notifying individuals and organizations known to be interested, as well as affected publics and key contacts involved in the scope of the FEIS analysis. Input will be solicited through mailings and public meetings at the affected nurseries. Comments received will be used in preparation of the supplement.

The draft supplement to the FEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by May 1992. At that time, EPA will publish a notice of availability of the draft supplement in the **Federal Register.**

The comment period on the draft supplementary will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in the proposed action participate at that time. To be most helpful, comments on the draft supplement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Following the comment period on the draft supplement, comments will be analyzed, considered, and responded to by the Forest Service in preparing the final supplement. The final supplement to the FEIS is scheduled to be completed by August 1992.

John F. Butruille, Regional Forester, Pacific Northwest Region, is the responsible official. The responsible official will consider the comments and responses; environmental consequences discussed in the environmental impact statement; and applicable laws, regulations, and policies in making a decision regarding this action. The decision and reasons for the decision will be documented in the Record of Decision. That decision will be subject to appeal in accordance with 36 CFR Part 217.

Dated: March 6, 1992.

John E. Lowe,

Deputy Regional Forester.

[FR Doc. 92–6350 Filed 3–18–92; 8:45 am]

BILLING CODE 3410–11–M

Cabin Timber Sale, Wallowa-Whitman National Forest, Baker County, OR

AGENCY: Forest Service, USDA.

ACTION: Revision of a notice of intent to prepare an environmental impact statement.

SUMMARY: This notice of intent revises the notice of intent to prepare an environmental impact statement (EIS) for the Cabin Timber Sale, Wallowa-Whitman National Forest, Baker County, Oregon, published on February 7, 1991 in the **Federal Register** (56 FR 4968). Following preliminary scoping and environmental analysis, the Wallowa-Whitman National Forest has changed the proposed action and the timeline for release of the draft and final EIS. The location of the proposed timber sale has not changed, so the scope of the project in terms of timber harvest or road construction in unroaded areas has not changed.

The proposed action in the original notice of intent came from the Wallowa-Whitman Land and resource Management Plan (Appendix C, page C–15), describing the proposed action as: Cabin Creek timber sale to be sold in fiscal year 1992, harvesting 12 million board feet of timber for 600 acres of suitable ground with 4.0 miles of road construction. This revised notice of intent makes the following changes: the sale name is changed from the Cabin timber sale to the Elk-Cabin Timber Sale; the new proposed action would occur in fiscal year 1993 harvesting approximately 4 million board feet of timber from 250 acreas of suitable land with minimal road construction.

The draft EIS (originally planned for release in July 1991) is expected to be available for review in May 1992 with the final EIS in December 1992.

FOR FURTHER INFORMATION CONTACT: Questions and comments about this EIS should be directed to Lynne Smith or Dave Clemens, Pine Ranger District, General Delivery, Halfway, Oregon 97834, telephone (503).

Dated: March 27, 1992.

R.M. Richmond,

Forest Supervisor.

[FR Doc. 92–6351 Filed 3–18–92; 8:45 am]

BILLING CODE 3410–11–M

Scientific Advisory Board: Mount St. Helens National Volcanic Monument, Gifford Pinchot National Forest, Clark County, Vancouver, WA; Meeting

The Mount St. Helens Scientific Advisory Board will meet at 8:30 a.m., on June 9, 1992, in the National Volcanic Monument Visitor Center at 3029 Spirit Lake Highway, Castle Rock, Washington 98611, to receive information on and discuss the following:

1. Coldwater/Johnston Complex update.
2. Backcountry Management Plan.
3. Castle Lake update.
4. Open discussion on relevant topics.

The meeting will be open to the public. Persons who wish to make a statement to the Board should notify Dr. Jack K. Winjum, Chairperson, c/o Gifford Pinchot National Forest, 6926 E. Fourth Plain Blvd., Vancouver, Washington 98668, 206–750–5000. Written statements may be filed with the Board before or after the meeting.

Dated: March 10, 1992.

Nancy Graybeal,

Acting Regional Forester.

[FR Doc. 92–6382 Filed 3–18–92; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Japan Aviation Electronics Industry Limited; Order Denying Permission To Apply for or Use Export Licenses

In the Matter of: Japan Aviation Electronics Industry Limited; 21–6, Dogenzaka 1–chrome, Shibuya–Ku, Tokyo 150, Japan

On March 11, 1992, Japan Aviation Electronics Industry Limited (JAE) was convicted in the United States District Court for the District of Columbia of violating section 38 of the Arms Export Control Act (22 U.S.C. 2778) (AECA). Section 11(h) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app 2401–2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of section 38 of the AECA, or certain other provisions of the United States code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person has any interest at the time of his conviction may be revoked.

Pursuant to § 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall detrmine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of JAE's conviction for violating the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny JAE permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of three years from the date of its conviction, with portions of that denial period being suspended. I have also decided to suspend, for a period of one year, all validated export licenses issued pursuant to the EAA in which JAE had an interest at the time of its conviction.

Accordingly, it is hereby

Ordered:

I. (a) Until March 11, 1995, Japan Aviation Electronics Industry Limited, 21–6, Dogenzaka 1–chrome, Shibuya–ku, Tokyo 150, Japan, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving any commodity or technical data exported or to be exported from the United States, in whole or in part, or that is otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United states or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency economic Powers Act (50 U.S.C.A. 1701–1706 1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

exported from the United States and subject to the Regulations; (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data; and (vi) in participating, in any manner or capacity, in any outstanding individual validated license or in any special licensing procedure, including, but not limited to, distribution licenses.

(b) The denial period set forth above is suspended for the entire three-year period for any transaction in which the end-user of U.S.—origin commodities or technical data is an agency or instrumentality of either the United States or the Japanese governments.

(c) The last 33 months of the three-year denial period shall be suspended for a period of 33 months, beginning three months from the date of this order, for any transaction involving U.S.—origin commodities, software, and technical data that are authorized for export to Japan pursuant to any general license set forth in parts 771 and 779 of the Regulations, for any transaction involving a reexport by JAE pursuant to the permissive reexport provisions of part 774 of the Regulations, and for any transaction involving the export by JAE of U.S.— origin parts, components, materials, or other commodities incorporated abroad into a foreign-made product for which no prior written authorization is required from the Office of Export Licensing pursuant to § 776.12(b) and (d) of the Regulations or that is subject to the permissive reexport provisions of § 779.8 of the Regulations.

(d) The last 24 months of the three-year denial period shall be suspended for a period of 24 months, beginning one year from the date of this order, for all other transactions not covered by subparagraphs (b) and (c) above.

(e) The suspended denial periods set forth in subparagraphs (b), (c), and (d) above shall be waived following the three-year denial period, provided that JAE:

(1) Commits no violation of the Act or any regulation, order, or icense issued under the Act;

(2) Allows unannounced inspections by appropriate Department officials to ensure JAE's compliance with the Act and any regulation, order, or license issued thereunder, as well as to review and monitor JAE's Internal Compliance Program;

(3) Implements any remedial measures suggested by the Department to JAE's Internal Compliance Program to safeguard U.S.-origin equipment and technical data;

(4) Files, by the 15th of each month, a report with the Director, Office of Export Enforcement, identifying each transaction involving the purchase, sale, or other transfer of U.S.-origin commodities or technical data subject to the Regulations in which JAE engaged during the preceding calendar month. Each report shall identify the U.S. supplier, the date the commodity or technical data was received by JAE, the date of any in-country transfer or reexport by JAE, the applicable Japanese or U.S. export licenses or authorizations for any reexport, and the end-use or end-user for the equipment. Such reports shall be filed for each month that all or a portion of the denial period set forth above is suspended pursuant to subparagraphs (b), (c), and (d) above.

(f) During the period the denial period set forth above is suspended pursuant to subparagraphs (b), (c), and (d) above, JAE may participate in transactions that are subject to the Regulations in accordance with the requirements of the Act and the Regulations.

II. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any firm, corporation, or business organization related to JAE by affiliation, ownership, control, or position of responsibility may also be subject to the provisions of this Order.

III. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

IV. This Order is effective immediately.

V. A copy of this Order shall be delivered to JAE. This Order shall be published in the **Federal Register**.

Dated: March 12, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92-6383 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-421-701]

Brass Sheet and Strip From the Netherlands; Final Results of Antidumping Duty Administrative Reviews

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of Antidumping Duty Administrative Reviews.

SUMMARY: On November 1, 1991, the Department of Commerce published the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from the Netherlands. The reviews cover one exporter and two consecutive periods from February 8, 1988 through July 31, 1990.

We gave interested parties an opportunity to comment on our preliminary results of these reviews. At the request of respondent, we held an administrative hearing on December 19, 1991. Based on our analysis of comments received and the correction of certain clerical errors, we have changed the final results from those presented in our preliminary results of these reviews.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Sally A. Craig or Linda L. Pasden, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1991, the Department of Commerce ("the Department") published in the **Federal Register** (56 FR 56187) the preliminary results of two administrative reviews of the antidumping duty order on brass sheet and strip from the Netherlands. The Department has now conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

Scope of the Review

Imports covered by these reviews are brass sheet and strip, other than leaded brass and tin brass sheet and strip, from the Netherlands. The chemical compositions of the products under review are currently defined in the Copper Development Association ("C.D.A.") 200 series or the Unified Numbering System ("U.N.S.") C20000 series. Products whose chemical compositions are defined by other C.D.A. or U.N.S. series are not covered by these reviews. The physical dimensions of the products covered by these reviews are brass sheet and strip of solid rectangular cross section over 0.006 inch (0.15 millimeters) through 0.188 inch (4.8 millimeters) in finished thickness or gauge, regardless of width. Coiled, wound on reels (traverse wound), and cut-to-length products are included. Prior to January 1, 1989, this merchandise was classifiable in the Tariff Schedules of the United States Annotated ("TSUSA") under item numbers 612.3960, 612.3962, and 612.3966. Since that date, the merchandise has been classifiable under the Harmonized Tariff Schedule ("HTS") item numbers 7409.21.00.50, 7409.21.00.75, 7409.29.00.50, and 7409.29.00.75. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The reviews cover one manufacturer/exporter, Outokumpu Copper Products B.V. ("OBV") (formerly Metallverken Nederland B.V.), and the two periods from February 8, 1988 through July 31, 1989 ("88/89 review") and August 1, 1989 through July 31, 1990 ("89/90 review").

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received timely comments from both petitioners and OBV. At the request of OBV, a public hearing was held on December 19, 1991.

Comments Pertaining to Both Reviews

Comment 1: Petitioners urge the Department to change the hierarchy of product comparison criteria used for the preliminary analysis (alloy, gauge, width, coating, and packed form) to the following: Form, which is described by petitioners as coil/strip, traverse-wound, or cut-to-length/sheet; coating, which is described by petitioners as tinned or non-tinned; alloy; gauge; and width. Petitioners assert that this conforms to the hierarchy used in the final results of review for both the Canadian and German brass sheet and strip cases (Final Results of Antidumping Duty Administrative Review of Brass Sheet and Strip from Canada and Revocation, in Part, of the Antidumping Duty Order, 56 FR 57317 (November 8, 1991), and Brass Sheet and Strip from the Federal Republic of Germany; Final Results of Antidumping Duty Administrative Review, 56 FR 60087 (November 27, 1991) (adopting the preliminary results, 56 FR 29938)). Petitioners maintain that form and coating are the two most important comparators and should be at the top of the hierarchy rather than at the bottom.

Department's Position: The Department is not satisfied that compelling justification has been submitted by petitioners for changing the order of the product comparison criteria after the issuance of the preliminary results. We note that petitioners agreed during the preliminary course of these reviews that "alloy" should be the first criterion in the hierarchy. Moreover, petitioners mischaracterize the recent German and Canadian reviews. In the brass cases, the Department makes a distinction between "form," defined as sheet versus strip, as opposed to "packed form," defined as the type of packing used (e.g., in coils or traverse-wound). Although we agree that "form" should be of primary consideration in the hierarchy, all sales under consideration in these Dutch reviews are of brass in strip form. Thus, we do not consider "form" to be a relevant comparator in the hierarchy in the hierarchy for these reviews. This differs from the situation in the German and Canadian reviews. Furthermore, because we do not consider "packed form" (i.e., coiled or traverse-wound strip) and "coating" to be the primary comparators in the hierarchy, we have not moved these criteria further up in the hierarchy for the final results.

The hierarchy we used in our preliminary analysis, with the exception of the exclusion of "temper," was that used in the original investigation of sales at less than fair value, which is as follows: Alloy, gauge, width, temper, coating, and packed form. Although we did account for "temper" in our preliminary analysis with the use of a difference-in-merchandise ("diffmer") adjustment, this comparator was not a variable in the hierarchy of product comparison criteria in our preliminary results. Therefore, we have inserted "temper" as a variable in the hierarchy for the final results so that the hierarchy conforms exactly to that used in the original investigation for purposes of determining such or similar merchandise.

Comment 2: Petitioners propose that the Department change it model match methodology. Instead of eliminating factors altogether and in pairs when an identical match cannot be found, petitioners urge the Department to select sales using the next most similar product comparison factor (i.e., the next closest gauge, width, or alloy). Petitioners maintain that the Department's methodology has resulted in comparisons of dissimilar merchandise. Particularly because the Department's methodology eliminates factors in pairs rather than singly, petitioners assert that the methodology ignores substantially more similar home market sales which should be used in comparison to U.S. sales. Therefore, petitioners further urge the Department to examine each of the comparison factors one at a time, rather than in pairs.

Department's Position: Petitioners proposed, after we issued the preliminary results, that we alter the model match methodology so that the next most similar product comparison factor is sought when an identical match cannot be found, rather than eliminating the factor altogether. The Department, however, views its model match methodology as reasonable. Product comparison factors are eliminated in reverse order of importance in the hierarchy when identical matches are unavailable. In addition, diffmer adjustments are then made, where such data is available, to account for the differences in product characteristics as comparison factors are eliminated. Moreover, the Department's methodology is consistent with the methodology used in other brass sheet and strip cases (see, e.g., Brass Sheet and Strip From Sweden; Final Result of Antidumping Duty Administrative Reviews, 57 FR 2706 (January 23, 1992)). At this stage of the proceeding, the Department is unable to determine whether the fundamental changes proposed by petitioners would result in more appropriate matches between U.S. and home market sales. For these reasons, therefore, the Department has not altered its model match methodology in this respect for the final results.

Regarding petitioners' proposal that we drop comparison factors singly rather than in pairs, the Department has determined that this change is reasonable because it ensures that the home market model has as many characteristics as possible in common with the U.S. model. In addition, it is not a substantial change in the fundamental methodology used for the preliminary results. Therefore, we have modified our model match methodology by eliminating criteria one at a time.

Comment 3: Petitioners assert that adjustments for width, coating, and

packed form must be made despite the lack of diffmer data on the record conforming to the width groupings from the original investigation. Petitioners maintain that the Department must either make adjustments for differences in physical characteristics or use best information available when comparing a more costly U.S. sale to a less costly home market sale. Petitioners submit that, if the Department decides that use of best information available is not appropriate, the Department should either (1) modify the data provided by respondent for respondent's proposed width groupings to conform to the width groupings used from the original investigation or (2) rely on cost of production ("COP") and constructed value ("CV") data already provided by respondent to construct diffmers for the width groupings used in the preliminary analysis.

Department's Position: The Department has determined that diffmer adjustment data conforming to the width groupings used in both the original investigation and our preliminary results is appropriate for the final results. Because constructing diffmers using data on the record would have required numerous and substantial calculations, the Department requested all necessary diffmer data from the respondent after issuance of the preliminary results. We have used this diffmer information, conforming to the width groupings used in our preliminary analysis, for our final results.

Comment 4: Petitioners maintain that an adjustment should be made for commissions paid by OBV's related companies, Outokumpu Copper Rolled Products AB and Outokumpu Radiator Strip AB (collectively, "OAB"), to its U.S. subsidiary, Outokumpu Copper (USA) Inc. ("OCUSA"). Petitioners believe that the commissions are directly related to the sales at issue. Furthermore, petitioners maintain that OBV failed to submit information or related-party commission payments and, therefore, that it has failed in its responsibility to prove that the related-party commissions paid are not at arm's length. Thus, petitioners assert that the Department must assume that the rates were at arm's length and use the highest reported commission rate during this period as the best information available.

Department's position: The Court of Appeals' remand in *LMA–La Metalli Industriale S.p.A.* v. *United States*, 912 F.2d 455, 458 (1990), instructed the Department to adjust for commissions paid to a related party in the home market when the commissions were determined to be (1) at arm's length and (2) directly related to the sales in question. Subsequent to this, the Department has developed the following guidelines to determine whether commissions paid to related parties, either in the United States or in the foreign market, are at arm's length.

(1) We will compare the commission paid by the respondent to the related selling agent to those paid by the respondent to any unrelated selling agents in the same market (home or U.S.) or in any third country market.

(2) In cases where there is not an unrelated sales agent, we will compare the commission earned by the related selling agent of sales of merchandise produced by the respondent to commissions earned by the related selling agent on sales of merchandise produced by other unrelated sellers or manufacturers (Final Determination of Sales at Less Than Fair Value: Coated Groundwood Paper From Finland, 56 FR 56363 (November 4, 1991) ("Coated Groundwood Paper from Finland")).

As we stated in Coated Groundwood Paper from Finland, in appropriate circumstances, we will also examine the nature of the agreements or contracts between the manufacturer(s) and selling agent(s) which establish the framework for payment of commissions and for services rendered in return for payment, in order to ensure that both related and unrelated agents perform approximately the same services for the commissions (*Id* at 56372). If, based on the above analysis, the Department is satisfied that the commissions are at arm's length as well as directly related to the sales, we will make an adjustment for these commissions.

In the 88/89 review, OBV used an unrelated commissionaire to sell the subject merchandise in the U.S. market. In responding to the Department's questionnaire, OBV claimed that its parent company, Metallverken AB (now OAB), made payments to its related party, OCUSA, in connection with U.S. sales, but OBV failed to report the amounts. In its rebuttal brief submitted after publication of the Department's preliminary results, however, OBV did report the amounts of these payments to OCUSA during 1989. Normally, the Department would view this submission as untimely, to reject this submission, however, would reward OBV for its untimeliness. Therefore, circumstances require that we use this information in calculating U.S. price. Respondent's new data enables us, first, to make the necessary comparison between the payments made by OAB to the related subsidiary on the one hand and the commissions paid by OAB to the unrelated party on the other. Although the Department is satisfied that these payments were directly related to the sales made by OCUSA, we find that they were not made at arm's-length rates. Accordingly, we did not adjust for these payments as commissions in the 88/89 review. The Department, however, normally regards such payments to related parties as indirect selling expenses (see Television Receivers, Monochrome and Color, from Japan: Final Results of Antidumping Duty Administrative Review, 54 FR 13917, 13924 (April 6, 1989)). Thus, we added these payments to indirect selling expenses in the exporter's sale price ("ESP") calculation for the final results.

In the 89/90 review, OBV provided the amounts of the payments made by OAB to OCUSA in response to the Department's supplemental questionnaire. The Department is satisfied that these payments were directly related to the sales made by OCUSA. During this review period, OBV also used an unrelated commissionaire to sell the subject merchandise in the U.S. market. Thus, the Department compared the payments made by OAB to its related party to the commissions paid by OAB to the unrelated party and determined that these payments were not made at arm's-length rates. Accordingly, the Department did not adjust for these payments as commissions in the 89/90 review. However, because the Department does regard such payments to related parties as indirect selling expenses (see id), we added these payments to indirect selling expenses in the ESP calculation for the final results.

Comment 5: Petitioners note that OBV's reported metal loss values are less than the metal loss values reported in the audited financial statements. Thus, petitioners submit that the Department should calculate OBV's metal loss amounts based on the amounts reported in the financial statements.

Department's Position: The Department has determined not to recalculate the metal loss values reported by OBV because respondent has provided a reasonable explanation, which is supported by information already on the record. Respondent states that the amounts reported in its response reflect an appropriate adjustment to account for recipe gains (which result when a discrepancy exists between the nominal and actual compositions of an alloy), while the amounts reported in the financial statements are reported on a gross basis. It further states that the recipe gains or losses are accounted for elsewhere in the financial statements. Because we have no basis for disputing respondent's claim, we have used the metal loss values as reported by OBV.

Comment 6: Petitioners assert that U.S. price should be adjusted downward to compensate for the absorption or reimbursement of antidumping duties by respondent. Petitioners submit that evidence or reimbursement between the foreign producer and its U.S. subsidiary exists because of respondent's assertion on the record that transfers of funds between OCUSA and its parent company are merely "intracorporate transfers." Thus, petitioners assert that the payments for antidumping duties noted in OCUSA's financial statements are tantamount to payment of those duties by OAB. Petitioners maintain that the Department should reduce U.S. price commensurate with the degree of absorption or reimbursement of antidumping duties, in accordance with section 353.26(1)(a) of the Commerce regulations.

Department's Position: The Department has determined not to make this adjustment to U.S. price. Section 353.26 of the Commerce regulations provides that, in calculating the U.S. price, the Department will deduct any amount of antidumping duties that are reimbursed to the importer by the producer or reseller. No evidence exists on the record that OBV or OAB will pay any antidumping duties directly, pay antidumping duties for OCUSA, or reimburse OCUSA for such duties. Absent evidence of reimbursement, the Department has no authority to make such an adjustment to U.S. price (Brass Sheet and Strip from the Republic of Korea, 54 FR 33257 (August 14, 1989)). As a protection against such reimbursement, section 353.26 also requires that importers provide to the Customs Service a certificate of nonreimbursement prior to liquidation of entries. If that certificate is not provided, the Customs Service will liquidate the entry at twice the antidumping duty rate.

Comment 7: Respondent asserts that the Department's reclassification of warehoused purchase price sales as ESP transactions because there is no identifier on the further-processed transactions was arbitrary and capricious and contrary to law. Respondent maintains that sales involving post-sale warehousing, but not further processing, are purchase price sales and that the Department has "repeatedly" treated such sales as purchase price transactions. Respondent further maintains that sales involving both warehousing and further processing are also purchase price transactions and should not be reclassified as ESP sales. Respondent submits that, if the Department continues to reclassify those sales that were only warehoused as ESP sales, the Department should not make any adjustments to reflect nonexistent further processing costs or attributable profit.

Department's Position: We have determined that this reclassification is appropriate because we requested information on further-processed sales in the original questionnaire for each review and in the supplemental questionnaire for the 88/89 review. However, respondent did not comply with these requests in a timely manner. We are unable, as a result, to determine which products were further processed. Therefore, in accordance with section 776(c) of the Act and as best information available, we have classified all warehoused sales as ESP sales and have adjusted U.S. price for further processing costs and profit on these sales for the final results.

Comment 8: Respondent asserts that the Department's use of the width groupings from the original investigation to determine similar merchandise is inappropriate because these width groupings are unrelated to OBV's cost experience during the review period.

Department's Position: The Department has determined that respondent did not provide sufficient justification, such as cost information on its proposed width groupings, on the record to support a change in the width groupings from those used in the original investigation. Therefore, the Department used the width groupings from the preliminary analysis for the final results.

Comment 9: Respondent submits that the Department should not adjust further-processed ESP sales for a profit factor, as well as for the cost of further processing, unless corresponding adjustments are made for similarly-processed home market sales.

Department's Position: In accordance with section 772(e)(3) of the Act, the Department adjusted U.S. price for the increase in value (including profit) resulting from the further processing done after importation (see, e.g., Final Results of Administrative Review: Color Picture Tubes From Japan, 55 FR 37915 (1990)).

Neither the statute nor our regulations provide for a corresponding adjustment to foreign market value in this situation. However, because section 772(e)(3) of the Act requires that we calculate U.S. price and compare ESP sales in the form in which the merchandise enters the United States, we have modified our model match methodology so that we matched the U.S. product as imported (i.e., in coiled and/or untinned form) with identical or similar home market products. We treated those traverse wound and/or tinned sales which we reclassified as ESP sales in the same manner. Where we could not make identical matches, we made a diffmer adjustment when making comparisons between coiled and traverse-wound merchandise.

Although we are making adjustments to U.S. price for further processing costs (which encompasses any slitting, traverse-winding, and/or tinning performed in the U.S. market), we did not have information available on the record to determine which sales were slit after importation into the United States. Therefore, we could not alter our model match methodology to reflect this further-processing element.

Comment 10: Respondent states that the profit figures it reported for ESP sales are incorrect in that they represent OCUSA's total profit on each sale, rather than just that portion attributable to further processing. Respondent submits that the Department should use corrected profit factors for the final analysis, especially since these factors are used by the Department to calculate profit on further processing for the purchase price sales reclassified as ESP sales. Respondent further submits that the Department should use a weighted-average profit figure, rather than a simple-average profit figure, in its calculation of profit on further processing for the reclassified purchase price sales.

Department's Position: Because OBV had ample time to correct its profit figures before the preliminary results were issued, the Department has determined that OBV's submission of corrected profit figures after issuance of the preliminary results consists of new and untimely information. Therefore, the Department derived profit on further processing for the original ESP sales submitted in each review period by allocating OBV's total profit figures, using OBV's reported transfer prices. We then calculated the weighted-average profit from the resulting profit amounts which we used as profit on further processing for the purchase price sales reclassified as ESP sales.

Comment 11: Respondent maintains that, for purposes of determining whether home market sales were made at prices below the cost of production ("the cost test"), the Department should not recalculate OBV's interest expense

using the total interest expense from the consolidated financial statement of the Outokumpu Group and apply that interest based on cost of goods sold. Respondent submits that use of the Outokumpu Group's interest expense factor bears no relation to OBV's actual cost of production and is, therefore, unfair and distortive. Respondent asserts that the Department should use the interest expense factor reported by OBV, which respondent claims is based on its actual expenses, for the final results.

Department's Position: The cost of production questionnaire requests that "interest expense should include *all* interest expense incurred on the long- and short-term debt of the company from unrelated sources as reported in the consolidated financial statements." The Department typically derives interest expense from the consolidated financial statements of a corporate entity because of the fungible nature of its capital structure (see, *e.g.*, Final Results of Administrative Review: Brass Sheet and Strip From Canada, 55 FR 31414, 31418 (1990)). Therefore, as we did in our preliminary analysis, we have recalculated OBV's interest expense using the total interest expense from the consolidated financial statement of the Outokumpu Group for the final results.

Comment 12: Petitioners contend that the Department erred in its preliminary analysis with the following: (a) In not adding U.S. commissions to foreign market value ("FMV") for purchase price sales; (b) in not deducting an amount for warranty expense in the calculation of OBV's adjusted home market price for purposes of the cost test; and (c) in adding packing expense to the reported gross home market price to calculate the adjusted home market price for purposes of the cost test.

Department's Position: The Department has made the corrections noted in (a), (b), and (c) for the final results. Regarding (b), because the COPs calculated by the Department for purposes of the cost test did not include any direct selling expenses, it was necessary for the Department to deduct direct selling expenses (i.e., warranty expense) in calculating the adjusted home market sales price. Regarding (c), because packing expense was already included in OBV's reported gross unit price, it was not necessary for the Department to add packing expense in calculating the adjusted home market price for purposes of the cost test.

Comment 13: Respondent contends that the Department erred in its preliminary analysis with the following: (a) In not deducting home market packing costs from home market price in the sales comparison analysis; (b) in not deducting OBV's warehouse and inventory carrying costs from the home market price in the ESP sales comparison analysis; and (c) in not adjusting home market and U.S. price to account for OBV's inventory carrying costs in the purchase price sales comparison analysis.

Department's Position: The Department made the correction noted in (a) for the final results. In addressing (b), we added OBV's home market warehouse and inventory carrying costs to home market indirect selling expenses when comparing home market transactions to ESP sales. We did not, however, adjust home market and U.S. price to account for OBV's inventory carrying costs in our purchase price sales comparison analysis for the final results, as suggested in (c). The Department considers inventory carrying cost an indirect selling expense and does not adjust for this expense in a purchase price situation (see, *e.g.*, Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion, Industrial Forklift Trucks From Japan, 53 FR 12552 (1988)).

Comment Pertaining to the 88/89 Review Only

Comment 14: Respondent maintains that the Department should not discard home market sales found to be below the COP because, overall, these sales comprise less than ten percent of the home market database. Respondent states that, because less than ten percent of the total home market sales were found to be below cost, the Department's long-standing practice is to include *all* sales in the calculation of foreign market value.

Department's Position: In determining whether to disregard home market sales made at prices below the COP, the Department examines whether such sales have been made in substantial quantities over an extended period of time. When less than ten percent of the home market sales of a particular model are at prices below the COP, we do not disregard any sales of that model and make normal price-to-price comparisons. When more than ten percent, but less than 90 percent, of the home market sales of a particular model are determined to be below cost over an extended period of time, we disregard the below-cost sales for purposes of calculating FMV. When more than 90 percent of the home market sales of a particular model are made below cost over an extended period of time, we disregard all home market sales of that model for purposes of calculating FMV (see Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings Four Inches or Less in Outside Diameter, and Certain Components Thereof, 56 FR 26054, 26060 (June 6, 1991)). Therefore, the sales discarded on a model-specific basis as a percentage of total home market sales is not relevant in the context of this methodology. Thus, for the final results, the Department continued to perform the cost test as it was performed for the preliminary analysis.

Comment Pertaining to the 88/89 Review Only

Comment 15: Respondent submits that, in the calculation of profit on further processing for the purchase price sales reclassified as ESP sales, the Department should not set percentage losses to zero.

Department's Position: We agree and have made the change for our final results.

Final Results of Review

As a result of our analysis of the comments received, we have changed our preliminary results and determine that the following margins exist for OBV:

Period of review	Margin (percent)
2/8/88 to 7/31/89	9.25
8/1/89 to 7/31/90	10.54

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all entries of the subject merchandise covered by these reviews. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will remain in effect until publication of the final results of the next administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for OBV will be 10.54 percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered by these reviews, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and, (4) the cash deposit rate for all other manufacturers or exporters will be 10.54 percent. This rate represents the highest rate for any firm with shipments in the most recent administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Commerce Department's regulations (19 CFR 353.22).

Dated: March 16, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-6446 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-421-601]

Standard Chrysanthemums From the Netherlands; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on standard chrysanthemums from the Netherlands. We preliminarily determine the net subsidy to be 0.63 percent *ad valorem* for the period January 1, 1990 through December 31, 1990. The rate from the last administrative review was 0.57 percent *ad valorem* for the period covering January 1, 1987 through December 31, 1987. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 8, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administration Review" (56 FR 9936) of the countervailing duty order on standard chrysanthemums from the Netherlands (52 FR 7646; March 12, 1987). On March 27, 1991, the respondent, the Association of Dutch Flower Auctions, requested that we conduct an administrative review of the order. We published the initiation on April 18, 1991 (56 FR 15856). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of Dutch Standard chrysanthemums. During the review period, such merchandise was classifiable under item number 0603.10.70 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1990 through December 31, 1990, and nine programs.

Analysis of Programs

(1) Natural Gas Provided at Preferential Rates

Natural gas in the Netherlands is sold directly to major customers by the N.V. Nederlandse Gasunie (Gasunie). The Agricultural Industrial Board, or "Landbouwschap," is a quasi-governmental body that negotiates with Gasunie to determine prices and general terms of gas delivery for Dutch greenhouse growers. Gasunie is 40 percent owned by DSM Aardgas (a company wholly-owned by the Government of the Netherlands), 10 percent by the Government of the Netherlands, 25 percent by Shell Nederland, and 25 percent by Esso Nederland N.V. While the Government of the Netherlands does not own a controlling interest in Gasunie, it plays a significant role in setting the price of natural gas. The Minister of Economic Affairs reserves the right to approve selling prices and terms of delivery for supplies to public distributors in the Netherlands, large export contracts, and contracts between Gasunie and the Landbouwschap.

The Landbouwschap is a statutory trade organization created under the Industrial Organizations Act. Its chairman is approved by the Government of the Netherlands, and its purpose is to represent the economic and political interests of the agricultural sector in the Netherlands.

Natural gas prices are based on levels of consumption, which are broken down into four categories or "zones", zones "a" through "d". Zone "a" consumers use between 0 and 170,000 cubic meters (m3) of gas per year; zone "d" consumers use between 10 to 50 million m3 of gas per year. Zone "a" users pay the highest price per m3; zone "d" the lowest.

In the October 1984 contract negotiated with Gasunie by the Landbouwschap on behalf of greenhouse growers, a maximum ceiling price was established. In the Final Affirmative Countervailing Duty Determination; Certain Fresh Cut Flowers From the Netherlands (52 FR 3301, February 3, 1987) (Netherlands Flowers), we determined that the contract with the price ceiling provision constitutes preferential treatment because: (a) Comparable users of natural gas enjoy no such price ceiling; (b) the contract involves the provision of natural gas to a specific industry (i.e., greenhouse growers); and (c) the contract constituted governmental provision of natural gas at a preferential rate. Accordingly, in Netherlands Flowers, we calculated the benefit to greenhouse growers based on the difference between the price of gas actually paid by greenhouse growers in the period of the investigation and the zone "d" price they would have had to pay under the contract absent the price ceiling provision.

In the last administrative review (54 FR 43977; October 30, 1989), we determined that because the contract, which was renegotiated subsequent to Netherland Flowers, did not contain a provision for a ceiling price, the contract did not confer a countervailable benefit. This contract expired on October 1, 1989.

During this review period, greenhouse growers, through the Landbouwschap, negotiated a new contract with Gasunie for the period October 12, 1989 through October 1, 1994. Under this contract, greenhouse growers pay the zone "d" rate plus 0.5 guilder cents/m3. The terms

of the new contract are basically the same as the prior contract. The contract does not contain a ceiling price provision. Therefore, we preliminarily determine that such a contract does not confer a countervailable benefit.

(2) Aids for the Creation of Cooperative Organizations

Under European Community (EC) Regulation 355/77, the EC has provided grants to Dutch auction houses, which are flower grower cooperatives. These funds were provided by the EC through the Agricultural Guidance and Guarantee Fund with matching grant contributions from EC member states. The purpose of the program was to improve the processing, marketing, and distribution of agricultural products in member states. This program was terminated on January 1, 1986, and no grants were disbursed after 1987.

We previously determined that this grant program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries in the Netherlands. See Standard Chrysanthemums From the Netherlands; Preliminary Results of Countervailing Duty Administrative Review (54 FR 43977; October 30, 1989).

To calculate the benefit from this program, we used a declining balance grant methodology. We allocated the benefits from each grant over 10 years, the average useful life of renewable physical assets in the agricultural sector as determined under the U.S. Internal Revenue Service's Asset Depreciation Range System. We used the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank) as the discount rate for each year in which grants were provided. We divided the sum of these benefits by the f.o.b. value of total auction sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.04 percent *ad valorem*.

(3) Glasshouse Enterprises Program

Under the Glasshouse Enterprises Program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers in order to stimulate private investment in energy saving methods in the horticulture industry. This program was terminated in June 1985. However, grants approved prior to the termination were disbursed in 1986 and 1987.

We previously determined that this program is a countervailable domestic subsidy because it was available only to greenhouses. See Preliminary Results, *supra* (54 FR 43978; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.58 percent *ad valorem*.

(4) Aids for the Reduction of Glass Surface

Under the Aids for the Reduction of Glass Surface program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers for the purpose of increasing the energy efficiency of greenhouses by dismantling existing glass and replacing it with modern energy-saving glass. The program was terminated in November 1984. However, grants approved prior to the termination of the program were disbursed until 1987.

We previously determined that this program was countervailable because it was limited to a specific enterprise or industry or group of enterprises or industries. See Preliminary Results, *supra* (54 FR 43979; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.003 percent *ad valorem*.

(5) Steam Drainage Systems

In January 1981, the Government of the Netherlands banned the use of methylbromide as a means of soil disinfection due to the potential health hazards caused by the chemical. In December 1981, the Ministry of Agriculture and Fisheries established a program making available cash grants to encourage the use of steam drainage as an alternative method of soil disinfection for greenhouses. The program was terminated in September 1984. However, some grants were disbursed until 1987.

We previously determined that this program is countervailable because it is limited to a specific enterprise or industry, or group of enterprises or industries. See Preliminary Results, *supra* (54 FR 43979; October 30, 1989).

To calculate the benefit from this program, we used the grant methodology described in section 2 above. We divided the total of the benefits from these grants by the f.o.b. value of total greenhouse sales in 1990. On this basis, we preliminarily determine the net subsidy to be 0.004 percent *ad valorem*.

(6) Guarantee Fund for Agriculture

The Stichting Borgstellingsfonds voor de Landbouw (Foundation Security Fund for Agriculture, or "Fund") is used to guarantee the servicing and repayment of loans made by banks to farmers. The Fund acts as an institutional guarantor, not as a lender itself, providing guarantees only when the security offered by the farmer is inadequate for the total loan amount. A loan application may be made to the Fund only after all of the farmer's own securities or collateral have been provided for the loan. If an application is approved under the Fund, the guarantee applies only to the portion of the loan not originally approved by the bank.

In Netherlands Flowers, we found that horticulture received a disproportionate share of loan guarantees under this program. The determination was based on a comparison of the relative shares of horticulture in total loan guarantees in each year from 1982 to 1984, and total agricultural production for 1985. The consistent pattern over the years of horticulture receiving almost 50 percent of the funding even though it accounts for less than 25 percent of the value of agricultural production leads us to conclude that the Fund is administered in such a way as to confer a benefit on a specific group of industries, *i.e.*, horticulture.

In the last administrative review (54 FR 43977; October 30, 1989), we found that this program was not countervailable for the period of review because there was no difference between the commercial interest rate in the Netherlands and the rate charged by the Fund for its guarantees.

During this review period, the average long-term annual interest rates charged on loans under this Fund were consistent with the average interest rates charged on long-term bank loans, as reported by the De Nederlandsche Bank. In addition, loan guarantees granted to greenhouse flower growers did not represent a disproportionate share of the total guarantees. On this basis, we preliminarily determine that this program did not provide a countervailable benefit.

(7) Income Tax Deduction

In January 1990, an income tax deduction program was established in Article 11 of the Regulation. Under this program, growers, auctions, and exporters qualify for an investment allowance on investment in tangible assets. The allowance ranges from 2 percent to 18 percent depending upon the amount of the annual investment. The allowance amount is deducted from the profits made during the year in which the investment was made.

Because this program was implemented in 1990, any benefits bestowed will be measured in the subsequent year, when the deduction from the profits are taken. In accordance with existing practice, the Department measures the benefit at the time a firm can calculate the amount of the benefits, which normally will be the time at which the firm files its tax return. Therefore, we preliminarily determine that any benefit arising under this program is not countervailable during this review period.

(8) Other Programs

We preliminarily determine that exporters or producers of standard chrysanthemums did not use the following programs during the review period:

a. Investment Incentive (WIR)—Regional Program; and
(b) Loans at preferential interest rates.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 0.63 percent *ad valorem* for the period January 1, 1990 through December 31, 1990.

The Department intends to instruct the Customs Service to assess on shipments of the subject merchandise exported on or after January 1, 1990 and on or before December 31, 1990.

Further, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided by section 751(a)(1) of the Act, of 0.63 percent of the f.o.b. invoice price on all shipments of subject merchandise from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later then 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the due date for case briefs under section 355.38(e).

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 11, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6445 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

ACTION: Notice of application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protests the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 92-00005." A summary of the application follows.

Summary of the Application

Applicant: World International Investments Corp. ("WIIC"), 4400 Mac Arthur Boulevard, 9th Floor, Newport Beach, California 92660, Contact: John A. MacInnis, Agent, Telephone: (714) 895-2229.

Application No.: 92-00005.

Date Deemed Submitted: March 9, 1992.

Members (in addition to applicant): None.

Export Trade:

1. *Products:* All Products.
2. *Services:* All Services.
3. *Technology Rights:* Technology rights, including, but not limited to, patents and trademarks, that relate to Products and Services.
4. *Export Trade Facilitation Services (as they relate to the Export of Products, Services, and Technology Rights):* Export Trade Facilitation Services, including consulting, research on overseas markets, market analysis and strategy, collection of information on trade opportunities, arranging for exporter risk coverage with the Export-Import Bank, legal assistance, services related to compliance with customs requirements, transportation, facilitating the formation of shippers' associations, financing, and taking title to goods.

Export Markets: The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation: WIIC seeks to:

1. Export specific products and/or services in response to specific orders and will contact individual suppliers as to competitive prices, quality and availability;
2. Provide and/or arrange for provision of export trade facilitation services;
3. Exchange information only in one-on-one discussions with specific suppliers on specific orders or market conditions.

4. Enter into exclusive licensing and distributorship agreements with suppliers for the export of Products, Services, and Technology Rights to the Export Markets;

5. Allocate export sales or divide the Export Markets among suppliers for the sale and/or licensing of Products, Services, and Technology Rights;

6. Establish the price of Products, Services, and Technology Rights for sale and/or licensing in the Export Markets;

7. Negotiate and manage licensing agreements for the export of Technology Rights; and

8. Collect information on trade opportunities in the Export Markets and distribute such information to clients.

Dated: March 13, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-6355 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmosphere Administration

Pacific Fishery Management Council Public Hearing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of reports; notice of public meetings and hearings.

SUMMARY: The Pacific Fishery Council (Council) has begun its annual preseason management process for the 1992 ocean salmon fisheries. As required by the final framework amendment to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon and California, this notice announces the availability of Council documents and dates and locations of Council meetings and public hearings. These actions comprise the complete schedule of events followed by the Council for determining the annual proposed and final modifications to ocean salmon management measures.

ADDRESSES: Send written comments to Lawrence Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: John Coon, (503) 326-6352.

Council meetings are open to the public and public comment on pertinent issues is solicited at specified times during the meetings. Written comments may be addressed to the Council office. Further details of each meeting will be available in Council news releases and the **Federal Register** or by contacting the Council office directly; 2000 SW. First Avenue, suite 420, Portland, Oregon 97201; (503) 326-6352.

The Council's schedule for development of ocean salmon fishery management recommendations for the 1992 season follows:

February 27—Salmon Advisory Subpanel, Salmon Technical Team (STT), and selected Scientific and Statistical Committee members meet with policy and technical staff from the state and federal fishery agencies and treaty Indian tribes to review preliminary stock abundance estimates prepared by the STT. The meeting will be held at the Red Lion Inn—Jantzen Beach, Portland, Oregon.

March 2—Council reports which summarize the 1991 salmon season and project the expected salmon stock abundance for 1992 are available to the public from the Council office.

March 9-13—Council and advisory entities meet at the Red Lion Inn—Seatac Airport to adopt 1992 regulatory options for public review. The options should meet the management objectives of the framework plan. Any need for emergency changes to the plan should be identifed for public review.

March 13-23—STT completes "Preseason Report II analysis of Proposed Regulatory Options for 1992 Ocean Salmon Fisheries".

March 19—Newsletter with proposed management options and public hearing schedule is distributed (includes options, rationale, and condensed summary of biological and economic impacts).

March 26—The STT "Preseason Report II Analysis of Proposed Regulatory Options for 1992 Ocean Salmon Fisheries" will be distributed with Council briefing book.

March 30—Public hearings are held to review the proposed April 6 regulatory options adopted by the Council. All public hearings begin at 7 p.m. on the following dates and at the following locations:

March 30, 1992 Astoria Middle School, 1100 Klaskanine Avenue, Astoria, Oregon.

March 31, 1992 Red Lion Inn, 1313 Fourth Bayshore Drive, Coos Bay, Oregon.

March 31, 1992 General Administration Building, Auditorium, Olympia, Washington.

April 1, 1992 Red Lion Inn, 1929 Fourth Street, Eureka, California.

April 6, 1992 Clarion Hotel, 401 East Millbrae, California.

April 6-10—Council and its advisory entities meet at the Clarion Hotel—San Francisco Airport, San Francisco, California to adopt final 1992 regulatory measures. New options or analyses presented at the April meeting must be reviewed by the STT and public prior to any Council action.

April 16—Newsletter describing adopted ocean salmon fishing management measures is mailed to the public.

April 10-22—STT completes "Preseason Report III Analysis of Council Adopted Regulatory Measures for 1992 Ocean Salmon Fisheries."

May 1—Federal regulations implemented and preseason report III available for distribution.

Dated: March 13, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6343 Filed 3-18-92; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Defense FAR Supplement, part 242, Contract Administration, and the clauses at 252.242; DD Form 1659.

Type of Request: Reinstatement.

Average Burden Hours/Minutes per Response: 1.5 hours.

Responses per Respondent: 6.7.

Number of Respondents: 47,454.

Annual Responses: 317,454.

Annual Burden Hours (Including Recordkeeping): 479,902.

Needs and Uses: Defense FAR Supplement (DFARS) part 242, concerns information collection requirements required to perform contract administration functions, including special requirements of the Defense Logistics Agency.

Affected Public: Businesses or other for-profit, Non-profit institutions, and Small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202-4302.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6302 Filed 3-18-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

AGENCY: Defense Intelligence Agency Advisory Board.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of Subsection (d) of section 10 of Public Law 92-463, as amended by section 5 of Public Law 94-409, notice is hereby given that a closed meeting of the DIA Advisory Board has been scheduled as follows:

DATES: Thursday & Friday, 14-15 May 1992 (8 a.m. to 5 p.m.).

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board, Washington, DC 20340-1328 (202/373-4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical intelligence matters.

Dated: March 16, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6361 Filed 3-18-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 30 March 1992.

Time: 0900-1500 hours.

Place: PEO AVSCOM, St. Louis, MO.

Agenda: Members of the Army Science Board's Systems Issue Group for the Evaluation of the Longbow for Apache and Comanche will meet to introduce the members to the respective program/project managers and their staffs. The group will provide classified responses to the proposed terms of reference for the study, and discuss their intended approach and focus. The project managers and their staffs will then present a detailed program briefing with attendant focus on the technical aspects and issues pertinent to the study. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-6401 Filed 3-18-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Draft Implementation Plan for the Environmental Restoration and Waste Management Programmatic Environmental Impact Statement

AGENCY: U.S. Department of Energy (DOE).

ACTION: Amendment of notice of availability for public comment and announcement of public workshops; extension of public comment period.

SUMMARY: DOE announced on February 4, 1992 (57 FR 4193), the availability, for public review and comment, of the Draft Implementation Plan (IP) for the Environmental Restoration and Waste Management (EM) Programmatic Environmental Impact Statement (PEIS) and plans to conduct a series of five regional workshops to discuss the Draft IP. DOE is now announcing plans to hold a sixth public workshop on the Draft IP in the Cincinnati, Ohio, area, and extending the end of the public comment period from April 10, 1992, to April 24, 1992. For the convenience of the public, DOE is also republishing the information from the February 4 Notice concerning the purpose and format of the workshops. The only amendments to that notice are the date and location of the sixth workshop and the extension of the comment period. The purpose of the Draft IP is to record the results of the public scoping process and to serve as a plan for the preparation of the PEIS. The Draft IP also states the alternatives and issues to be evaluated in the PEIS.

Background

On October 22, 1990, DOE issued a Notice of Intent (NOI) to prepare the EM PEIS, which identified the proposed scope of the PEIS and initiated the public scoping process. The proposed action is to formulate and implement an integrated EM program in a safe and environmentally sound manner and in compliance with applicable requirements. This proposed action will be achieved by defining a broad, systematic approach to DOE remedial activities and waste management practices. The PEIS will analyze the existing EM program (the no-action alternative) and evaluate alternatives for an integrated program.

In the NOI, DOE requested comments concerning the scope of the PEIS. The public comment period was from October 22, 1990 (the publication date of the NOI) to February 19, 1991. Beginning on December 3, 1990, DOE held 23 scoping meetings at various locations across the country to ensure adequate opportunity for participation by the public and other government agencies. During the public comment period, over 1,200 people provided approximately 7,000 comments, either by participating in the meetings or by submitting materials and letters to DOE. The majority of comments came from individuals. However, about 280 organizations also participated. A statistical analysis of scoping comments shows that most concerns were related to the public perception of the DOE culture and to environmental, health, and safety issues.

In the NOI, DOE stated that the IP would be issued for public comment. DOE has prepared the IP to record the results of the public comments on the scope of the PEIS and to serve as a plan for the preparation of the PEIS. The IP also states the alternatives and issues to be evaluated in the PEIS.

The IP contains seven chapters, seven appendices, and an executive summary. The bulk of the information is presented in chapters one through four and in Appendix C, which are briefly described below. Background, bibliographic, organizational, and administrative information are included in the other sections of the IP.

Chapter one, Introduction, provides historical and background information,

discusses the regulatory framework under which DOE operates and explains the relationship of the EM PEIS to other DOE activities. Chapter two, Purpose of and Need for the Proposed Action, relates the proposed action to the fundamental mission of DOE's EM program.

The third chapter, The Scoping Process and Results, describes the DOE scoping process and the results of the scoping meetings. This chapter describes how public comments will be addressed in the preparation of the PEIS.

Chapter four, Proposed Action and Alternatives, gives details on the proposed scope of the PEIS. The overall EM proposed action addresses both environmental restoration and waste management. The PEIS will analyze the current environmental restoration program (no action alternative) and three alternatives. The PEIS also will assess the current waste management program (no action alternative) and alternatives for each of six waste classifications and for DOE spent nuclear fuel. The alternatives will be analyzed in an integrated way since environmental restoration activities generate waste. The last section of chapter four, Alternatives Analysis, describes the approaches to be used in studying risks and impacts related to environmental restoration and waste management alternatives and the impacts of technology development.

Appendix C provides a proposed annotated outline for the PEIS.

Invitation to Comment

All interested parties are invited to comment on the IP. In an effort to encourage public involvement, copies of the IP, with an invitation to comment and notice of the workshops, were sent to all those who participated in the scoping process or who asked to be on the mailing list. Written comments should be directed to Mr. Glen L. Sjoblom at the address and by the date indicated below. Also, agencies, organizations, and the general public are invited to take part in any one of six planned regional public workshops. The dates, locations, and contact information for the six workshops, including the one added by this notice, are listed below and are being announced in local public notices in advance of the planned workshops. Following completion of the comment period and consideration of the written comments, DOE will revise the Draft IP as appropriate and issue an IP for the PEIS.

Addresses and Further Information

Written comments on the IP and questions concerning the program should be directed to: Glen L. Sjoblom, Special Assistant to the Assistant Secretary, Environmental Restoration and Waste Management (EM-1), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

To request copies of the IP, call (800) 862-8860.

For further information on the DOE NEPA process, contact: Carol M. Borgstrom, Director, Office of NEPA Oversight (EH-25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

Dates

The comment period on the IP will continue until April 24, 1992. Written comments should be postmarked by April 24, 1992, to ensure consideration.

Public Workshops

Six regional public workshops on the IP are planned. They will be held at the following times and places:

Date: Tuesday, March 17, 1992.
Location: Atlanta Penta Hotel, 590 West Peachtree Street, NW., Atlanta, GA 30308-3586, (404) 881-6000, (800) 633-0000.

Date: Thursday, March 19, 1992.
Location: St. Tropez Hotel, 455 East Harmon Avenue, Las Vegas, NV 89109, (702) 369-5400, (800) 666-5400.

Date: Wednesday, March 25, 1992.
Location: Regency Hotel, 3900 Elati Street, Denver, CO 80216, (303) 458-0808, (800) 525-6748.

Date: Friday, March 27, 1992.
Location: Airport Ramada Inn, Spokane International Airport, Spokane, WA 99219, (509) 838-5211.

Date: Tuesday, March 31, 1992.
Location: Georgetown University Convention Center, 3800 Reservoir Road, NW, Washington, DC 20007, (202) 687-3200, (800) 446-9476.

Date: Thursday, April 2, 1992.
Location: The Cincinnati Terrace Hilton, 15 W. 6th Street, Cincinnati OH 45202, 513-381-4000.

These workshops will be different in format from the scoping meetings in order to facilitate interactive communication between participants and senior DOE representatives of the EM program and to solicit individual viewpoints. The workshops will be informal in nature and no formal transcript will be recorded. Anyone wishing to ensure that DOE will consider his or her comments in the preparation of the IP should submit them in writing.

Each workshop on the IP will consist of day and evening plenary sessions and four small-group breakout sessions during the day. These workshops will focus on DOE EM program-wide issues relating to the PEIS, not site-specific issues. The plenary sessions will consist of presentations of the PIES process and the IP. Registration is required for the small-group breakout sessions of the workshops, but not for the plenary sessions. Anyone who wishes to participate in the breakout sessions at one of the six workshops should call (800) 862-8860 to register at least two weeks before the date of the desired workshop.

The breakout sessions will focus on four topics related to the PEIS: The PEIS process, Waste Management, Environmental Restoration, and Technology Development. The breakout sessions will be repeated to allow the participants to cover all four topics. Registration will be on a first-come, first-served basis. The number of breakout attendees will be limited to approximately 60 persons (15 for each of the breakout sessions) to promote an interactive atmosphere.

The tentative agenda for the workshops is as follows:

Day Session

8:00-8:15—Welcome.
8:15-8:30—Presentation on the PEIS Process.
8:30-9:15—Presentation on the IP.
9:15-9:45—General Questions.
9:45-10—Break.
10-11—Breakout Sessions (Four Parallel sessions: PEIS Process, Waste Management, Environmental Restoration, and Technology Development).
11-12—Repeat Breakout Sessions.
12-1—Lunch.
1-2—Repeat Breakout Sessions.
2-3—Repeat Breakout Sessions.
3-3:30—Break (facilitators organize for final plenary session).
3:30-5—Breakout Summary Report (from facilitators) & comments.

Evening Sessions

6:30-6:45—Welcome.
6:45-7—Repeat of Presentation on the PEIS Process.
7-7:45—Repeat of Presentation on the IP.
7:45-8:15—Repeat of Breakout Summary Report (from facilitators) and comments.

8:15-8:30—Break.
8:30-9:30—General Questions and Comments.
9:30-10—Summary Remarks.

Issued in Washington, DC., this 13th day of March, 1992

Paul L. Ziemer,

Assistant Secretary Environment, Safety and Health

[FR Doc. 92-6442 Filed 3-18-92; 8:45 am]

BILLING CODE 6450-01-M

Morgantown Energy Technology Center, Financial Assistance Award, Cooperative Agreement

AGENCY: Department of Energy (DOE), Morgantown Energy Technology Center.

ACTION: Notice of Noncompetitive Financial Assistance Award.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i)(A), the DOE, Morgantown Energy Technology Center, gives notice of its plans to award a 12-month cooperative agreement to Southern California Gas Company in the approximate amount of $305,000, approximately $100,000 of which will be funded by the Government.

FOR FURTHER INFORMATION CONTACT: Mark L. Estel, I-07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507-0880, Telephone: (304) 291-4085, Procurement Request No. 21-92MC29227.000.

SUPPLEMENTARY INFORMATION: The pending award is based on an unsolicited proposal whose purpose it is to study the true cost of ownership of small distributed fuel cell-based electric power generating facilities. A product of this analysis will be a series of microcomputer-based models which will enable the user to examine capital costs, installation and operation in the context of the total cost of ownership. Furthermore, this study will identify the necessary regulations for a new, smaller class of "total energy" utility companies which can facilitate the business decisions required for a company to choose to become an energy provider to itself or others.

Issued: March 12, 1992.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 92-6443 Filed 3-18-92; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION CONTACT: Jay Casselberry, Office of Statistical Standards (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254-5348.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC-516.
3. 1902-0096.
4. Electric Rate Schedule Filings.
5. Extension.
6. On occasion.
7. Mandatory.
8. Businesses or other for-profit.
9. 234 respondents.
10. 2.7 responses.
11. 976 hours per response.
12. 614,775 hours.
13. The Federal Power Act requires each public utility, certain hydroelectric project licensees and qualifying small power producers to file for approval rate schedules, together with related contracts and service conditions. Supporting data are required to determine the reasonableness of the rates.

Statutory Authority: Sec. 5(a), 5(b), 13(b) and 52, Pub. L. No. 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 12, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92-6444 Filed 3-18-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 1417 and 1835]

Central Nebraska Public Power and Irrigation District and Nebraska Public Power District; Extending Time To Comment on the Kingsley Dam and North Platte/Keystone Diversion Dam Draft Environmental Impact Statement

March 13, 1992.

The Federal Energy Regulatory Commission (FERC) has received letters from the State of Nebraska, United States Department of the Interior, United States Environmental Protection Agency, and the National Audubon Society, requesting an extension of time to comment on the draft environmental impact statement (DEIS) for relicensing the Kingsley Dam, Project No. 1417 and

the North Platte/Keystone Diversion Dam, Project No. 1835 (Platte River Projects). The two hydropower projects are located on the North Platte, South Platte, and Platte Rivers in Nebraska.

The request is hereby granted to all who wish to comment on the DEIS. Comments that were due on March 31, 1992, are now due by April 30, 1992.

As noted in the DEIS, the Districts have submitted new information with the Commission that was not considered in the DEIS. The staff is preparing a report that will assess the Districts' new proposals and determine whether changes in the DEIS or the staff recommended alternative are needed.

All participants in the DEIS process are expected to independently assess the Districts' proposals and should be prepared to respond promptly to the staff report. Depending on the nature and extent of the conclusions reached in the staff report, however, a further extension of the comment period past the 30 days set in this notice may be warranted.

For further information please contact S. Ronald McKitrick at (202) 357-0783.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6331 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2336-008 Georgia]

Georgia Power Co.; Availability of Environmental Assessment

March 13, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application to amend the license for the Lloyd Shoals Hydroelectric Project to install a weir downstream of the powerhouse in the project tailrace. The weir will aid in enhancing dissolved oxygen levels in the tailrace during summer months. The project is located on the Ocmulgee River in Butts and Jasper Counties, Georgia. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, the staff concludes that approval of the amendment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6332 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-460-000, et al.]

Pacific Gas Transmission Co.; Environmental Site Visits

March 13, 1992

This is to inform all parties to the proceeding in the above docket that the enviromental staff of the Federal Energy Regulatory Commission (FERC) will conduct a number of site visits, over the next two years, along various portions of the Pacific Gas Transmission Company (PGT) Pipeline Expansion Project. These site visits will enable FERC environmental staff to evaluate PGT's proposed site-specific construction techniques, as well as to monitor PGT's compliance with the environmental conditions attached to its FERC Certificate. The first of these visits will occur on March 31 and April 1, 1992 along various portions of Spread 1A, and will evaluate PGT's site-specific Moyie River crossing procedures. Although future site visits will not be noticed, parties can obtain a schedule of proposed site visits to be conducted during a specific month by contacting the FERC Environmental Project Manager at the beginning of that month. All parties may attend the proposed site vistis; however, parties must provide their own transportation and should pre-register with the FERC Environmental Project Manager. For further information contact Mr. Mark C. Kalpin, Environmental Project Manager, at (202) 208-0918.

Louis D. Cashell,

Secretary.

[FR Doc. 92-6333 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 199-061 South Carolina]

South Carolina Public Service Authority; Availability of Environmental Assessment

March 13, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) has reviewed the application for nonproject use of projects lands and waters to construct a waterfowl impoundment on Lake Moultrie of the Santee-Cooper Project, FERC No. 199. South Carolina Public Service Authority, licensee for Santee-Cooper Project, on behalf of the South Carolina Wildlife and Marine Resources Department (WMRD) requests the Commission's approval for WMRD to use project lands to construct a 100-acre waterfowl impoundment. The proposed impoundment is located on the Sandy Beach Waterfowl Management Area with the Moultrie Wildlife Management Area, Berkeley County, South Carolina. The staff of OHL's Division of Project Compliance and Administration has prepared an Environmental Assessment (EA) for the proposed action. In the EA, staff concludes that approval of the nonproject use of project lands to construct the waterfowl impoundment would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, room 3308, of the Commission's Offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6334 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-04370T Texas-51]

Texas; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 12, 1992

Take notice that on March 3, 1992, the Railroad Commission of Texas (Texas) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Wilcox Formation in portions of Zapata and Jim Hogg Counties, Texas, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The designated area in Zapata and Jim Hogg Counties, Texas, consists of the acreage listed in the attached appendix.

The notice of determination also contains Texas' findings that the referenced portion of the Wilcox Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

Wilcox Formation in Zapata and Jim Hogg Counties, Texas.

1. All of the J.M. Cuellar Survey No. 278, A-423, located in Zapata County.
2. All of the T. & N.O. RR Survey No. 119, A-98, located in Zapata County.
3. All of the A. Stehle Survey No. 4, A-499, located in Zapata County.
4. All of the H. & G.N. RR Survey No. 3, A-51, located in Zapata County and A-183, located in Jim Hogg County.
5. All of the J.T. Vela Survey No. 108, A-548, located in Zapata County and A-362, located in Jim Hogg County.
6. All of the A. Stehle Survey No. 6, A-497, located in Zapata County.
7. All of the T. & N.O. RR Survey No. 5, A-100, located in Zapata County and A-318, located in Jim Hogg County.
8. All of the A. Stehle Survey No. 624, A-500, located in Zapata County.
9. All of the F.C. Guerra Survey No. 86, A-436, located in Zapata County and A-142, located in Jim Hogg County.

[FR Doc. 92-6335 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-13-000]

Arkansas Western Gas Co.; Petition for Rate Approval

March 12, 1992.

Take notice that on March 5, 1992, Arkansas Western Gas Company (AWG) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of $0.2023 per MMBtu for transportation and compression of natural gas on its system south of the Drake Compressor Station under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

AWG states that it owns and operates intrastate transmission facilities in various counties in Arkansas and is technically an intrastate pipeline within the meaning of section 2(16) of the NGPA. AWG is requesting approval of its existing maximum rate for transportation and compression which rate was established in Docket No. ST88-1-000. AWG states that the total rate of $0.2023 is comprised of a rate of $0.1176 per MMBtu for transportation and a charge of $0.0847 per MMBtu for compression at the Davis Station.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's rules of practice and procedures. All motions must be filed with the Secretary of the Commission on or before April 1, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6336 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP91-65-000 and CP89-2107-000]

Arkla Energy Resources, a Division of Arkla, Inc.; Informal Settlement Conference

March 12, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on Thursday, March 19, 1992, at 10 a.m., at the office of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined in 18 CFR 385.102(c), or any participant, as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Williams J. Collins (202) 208-0248 or John P. Roddy (202) 208-1176.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6337 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-131-006]

Carnegie Natural Gas Co.; Compliance Filing

March 12, 1992.

Take notice that on March 11, 1992, Carnegie Natural Gas Company (Carnegie) tendered for filing the revised tariff sheets listed on Appendix A attached to the filing. Carnegie has proposed an effective date for these tariff sheets of March 23, 1992, or such effective date as authorized by the Commission in its forthcoming order addressing the compliance filing, but in no event later than April 1, 1992.

Carnegie states that it is filing the tariff sheets listed on Appendix A to comply with the Commission's Order issued on February 26, 1992, in which the Commission approved the Joint Settlement Agreement filed in the captioned proceeding. Carnegie states that the enclosed tariff sheets implement the following basic changes to Carnegie's existing FERC Gas Tariff, as provided in the Joint Settlement Agreement: (1) Reduced base tariff rates; (2) the tracking of Account No. 858 costs under a Transportation Cost Adjustment clause; (3) new interruptible sales service under Rate Schedule SEGSS; and (4) abandonment of service under Rate Schedule LVIS.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions, as well as other parties in the captioned proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's rules of practice and procedure 18 CFR 385.211. All such protests should be filed on or before March 17, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6338 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Dockt No. TM92-9-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 6, 1992, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1:

To Be Effective April 6, 1992

Second Revised Sheet Nos. 30C01 through 30C04

Third Revised Sheet Nos. 30C05 through 30C06

By this filing, Columbia proposes to flowthrough costs from Texas Gas Transmission Corporation (Texas Gas) as set forth in its annual reconciliation filing of take-or-pay settlement payments in Docket No. RP91-61-000, *et. al.*, pursuant to the Commission's Letter Order dated February 5, 1992, in Texas Gas' Docket No. TM92-3-18-000. By the instant filing, Columbia proposes to pass through a decrease in monthly charges to its customers from $102,745 to $90,004, to be effective April 6, 1992.

Columbia states that copies of the filing were served upon Columbia's jurisdictional customers interested state commission, and upon each person designated on the official service list compiled by the Commission's Secretary in Docket Nos. RP88-187 *et al.*, and Docket No. RP91-41 *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6339 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-13-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

March 12, 1992.

Take notice that on March 10, 1992, Granite State Gas Transmission, Inc. (Granite State) 300 Friberg Parkway, Westborough, Massachusetts 01581 tendered for filing Twelfth Revised Sheet No. 25 in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on March 1, 1992.

According to Granite State, it provides a storage service for Bay State Gas Company under its Rate Schedule GSS with storage capacity provided in a facility operated by CNG Transmission Corporation (CNG). It is further stated that Granite State's Rate Schedule GSS tracks changes made by CNG under its Rate Schedule GSS pursuant to which Granite State obtains storage capacity from CNG.

Granite State further states that on February 13, 1992, CNG made a filing in Docket No. RP90-143 reducing several component charges in its Rate Schedule GSS in compliance with a Stipulation and Agreement approved by the Commission. According to Granite State, its filing tracks in its Rate Schedule GSS the changes proposed by CNG in its Rate Schedule GSS.

Granite State states that copies of its filing were served on Bay State Gas Company and the regulatory commissions of the states of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Louis D. Cashell,

Secretary.

[FR Doc. 92-6340 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-17-004]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 10, 1992 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies each of the following tariff sheets:

Proposed to be Effective February 1, 1992

2nd Sub 41st Revised Sheet No. 50.2
Sub Forty-second Revised Sheet No. 50.2

Proposed to be Effective March 1, 1992

Sub Forty-third Revised Sheet No. 50.2

Texas Eastern states that Texas Eastern filed tariff sheets on December 2, 1991 in Docket Nos. TA92-1-17 and TM92-5-17, on January 31, 1992 in Docket No. TF92-2-17, and on February 27, 1992 in Docket No. TM92-3-17. The tariff sheets filed December 2, 1991 and January 31, 1992 were accepted by the Commission on January 31, 1992 and February 27, 1992, respectively. The tariff sheets filed February 27, 1992 are currently pending Commission approval. Texas Eastern has discovered an error in the Minimum Space Charge of Rate Schedule ISS-1 on Sheet No. 50.2 of the three filings listed above. To correct such error, Texas Eastern submits the above listed tariff sheets.

Texas Eastern states that copies of the filing were served on Texas Eastern's juridictional customers and interested state commissions.

Any persons desiring to protest said filing should file a protest with the Federal Energy Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6341 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-108-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

March 12, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation ("Transco") on March 11, 1992, tendered for filing certain tariff sheets to Third Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. Transco states that the sole purpose of the instant filing is to propose two interdependent rate design changes (and resulting tariff sheet changes) to Transco's March 2, 1992 rate case filing in Docket No. RP92-137 and in all other respects—including cost of service—this filing is identical to and builds upon the Docket No. RP92-137 rate case filing.

Transco states that in its Docket No. RP92-137 rate case filing, Transco proposed, among other things, a change to Fixed-Variable (F-V) rate design to bring Transco into compliance with Commission policy objectives expressed in the Mega-NOPR proceeding in Docket No. RM91-11-000. In the instant filing, Transco proposes as part of an integrated rate design package (i) the adoption under Transco's blanket certificate of an Interruptible Pooling Service (IPS) Rate Schedule as an alternative to so-called "IT feeder" service together with (ii) the roll-in of the costs of Transco's onshore Mobile Bay facilities to systemwide cost of service and the development of generally applicable system rates for transportation service through such facilities.

Transco states that the proposed rate design package will promote Mega-NOPR goals by removing from Transco's transmission commodity rates an arbitrary allocation of fixed costs and by placing all shippers in Transco's production area under a uniform rate structure.

The proposed effective date of Transco's filing is April 11, 1992. Transco states that it has chosen this effective date because it is after the proposed effective date of April 10, 1992 in Transco's Docket No. RP92-137 rate case filing. The timing of the proposed effective dates is intended to indicate that the instant rate design filing proceeds from and builds upon Transco's Docket No. RP92-137 rate case. In that regard, Transco requests that the Commission accept the instant filing and suspend it for the full statutory period. Transco states that it is Transco's current intention not to move rates based on this filing into effect until after a merits determination in this docket on the interdependent rate design proposal of the IPS Rate Schedule and the Mobile Bay roll-in.

Transco request that the Commission adopt "paper hearing" procedures in order to reach a merits determination on these procompetitive rate design changes as soon as possible. As a suggestion for expedited paper hearing procedures which the Commission might adopt, Transco proposes that the Commission's suspension order in this Docket No. RP92-108 require parties to file statements of position with the Commission regarding the IPS Rate Schedule/Mobile Bay roll-in within thirty days of the Commission's suspension order. Transco proposes that, thereafter, Transco and interested parties would then be granted thirty days within which to submit reply statements. Transco submits that such a schedule would leave the Commission ample time within which to issue its merits determination on the Mobile Bay roll-in/IPS Rate Schedule prior to the winter heating season. Transco submits that the expedited Commission procedures in the Great Lakes Gas Transmission proceeding in Docket No. RP91-143 provide ample precedent for Transco's request for a paper hearing.

Transco states that copies of the filing were served upon Transco's customers and interested State Commissions. In accordance with the provisions of section 154.16 of the Commission's Regulations, copies of the filing are available for public inspection during regular business hours, in a convenient form and place in Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's rules of practice and procedure 18 CFR 385.211 and 385.214. All such notions or protests should be filed on or before March 19, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6342 Filed 3-18-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-51-4115-8]

VMT Forecasting and Tracking—Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of section 187 VMT forecasting and tracking guidance.

SUMMARY: Today's action provides notice of available guidance on how to forecast and track vehicle miles traveled (VMT) in Moderate and Serious carbon monoxide (CO) non-attainment areas with design values greater than 12.7 ppm at the time of classification. This guidance is required by section 187(a) of the Clean Air Act Amendments of 1990 (CAAA).

The guidance states that estimates of actual annual VMT in areas subject to the section 187 requirements should be obtained from the Highway Performance Monitoring System (HPMS). A state containing such an area should commit in its State Implementation Plan (SIP) to follow the Department of Transportation, Federal Highway Administration guidance in sampling for HPMS, with separate urbanized area sampling for the affected areas in 1993 and later calendar years. The HPMS VMT estimates will be used to track actual VMT.

The guidance also states that VMT forecasts should be based on a validated network-based travel demand modeling process meeting certain requirements, except that in Moderate areas without a currently validated travel demand model that meets these requirements, VMT forecasts may be based on the HPMS.

Further, the guidance discusses the criteria for determining whether actual VMT or an updated forecast is greater than a prior forecast.

Finally, the guidance discusses the linkage between forecasted VMT and the several CO emission inventories required by the Amendments.

As required by section 187 of the CAAA, the guidance was developed in consultation with the U.S. Department of Transportation.

TO OBTAIN A COPY OF THE GUIDANCE: Please send requests by FAX or by mail to Natalie Dobie. FAX: (313) 668-4368 or FTS 374-8368. Mailing address: Test and Evaluation Branch, U.S. EPA Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Natalie Dobie or Mark A. Wolcott, Test and Evaluation Branch, U.S. EPA Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 741-7812 or (313) 668-4219, FTS 374-8812 or 374-8219.

SUPPLEMENTARY INFORMATION: Section 287(a)(2)(A) of the CAAA requires that states containing a Moderate and/or Serious CO non-attainment area with a design value greater than 12.7 ppm at the time of classification must forecast vehicle miles traveled in the non-attainment area for each year before the attainment year. The first forecast is due no later than November 15, 1992. The VMT forecast for the attainment year is the basis for the area's attainment demonstration. The intermediate forecasts act as milestones for progress towards attainment.

Annual updates of the annual VMT forecasts must be submitted to EPA along with annual reports regarding the extent to which such forecasts have proven to be accurate. These reports must contain estimates of actual vehicle miles traveled in each year for which the forecast was required.

Although the section 187 VMT Forecasting and Tracking Guidance does not identify the required contingency measures to be implemented if a VMT forecast is exceeded by either actual VMT or an updated forecast nor does it discuss the process for their implementation, the contingency measures and the implementation process will be discussed in future EPA guidance.

Dated: March 12, 1992.

William K. Reilly,

Administrator.

[FR Doc. 92-6300 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4116-1]

Science Advisory Board; Clean Air Act Compliance Analysis Council and Environmental Economics Advisory Committee; Open Meetings

Under Public Law 92-463, notice is hereby given that meetings of the Clean Air Act Compliance Analysis Council (CAACAC) and the Environmental Economics Advisory Committee (EEAC) of the Science Advisory Board will be held on April 14 and 15, 1992 at the Sheraton National Hotel, 900 S. Orem St., Arlington VA 22204. The hotel telephone number is (703) 521-1900.

The meetings will start at 9:30 a.m. each day, and will adjourn no later 6 p.m. each day, and are open to the public. The CAACAC will meet on April 14, and the EEAC on April 15.

The main purpose of the CAACAC meeting is to receive briefings from Agency officials on current economic analysis issues addressed by EPA's Air program office and to initiate review of the work plan and methodologies developed by the Agency's Office of Policy, Planning and Evaluation to conduct a Congressionally-mandated study of the costs/benefits of implementing provisions of the Clean Air Act. Specific issues for review include: (1) The assessment paradigm; (2) cost estimation; (3) macroeconomic modeling; (4) emissions modeling; (5) air quality modeling; (6) estimation of changes in health and welfare endpoints; (7) estimation of economic damages; and (8) uncertainty analysis.

Anyone wishing specific information on the workplan or copies of the relevant documentation should contact Dr. Joel Scheraga, Office of Policy, Planning, and Evaluation (PM223X), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Dr. Scheraga may be called at (202) 260-4029. This documentation is not available from the Science Advisory Board.

The main purpose of the EEAC meeting is to receive briefings from Agency officials on economic analysis issues addressed by various EPA program offices, and to initiate review of the study Environmental and Resource Accounting in the Chesapeake Bay Region, developed by the Agency's Office of Policy, Planning and Evaluation. The study, referred to as the "Chesapeaka Study," was carried out to explore concerns about the ability of conventional economic accounting systems to reflect accurately resource depletion and degradation of environmental quality. Specific issues for review include: (1) Identification of appropriate environmental accounting approaches; (2) discussion of the most appropriate scale for environmental accounting—regional/political unit, national, or global; (3) environmental vs. economic orientation of accounts; (4) sustainability concepts; (5) linkage of economic activities and the environment; and (6) data needs for environmental accounting.

Anyone wishing specific information on the Chesapeaka study or copies of the document should contact Ms. Anne Grambsch, Office of Policy, Planning, and Evaluation (PM 223X), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. Ms. Grambsch may be called at (202) 260-2782. The document is not available from the Science Advisory Board.

Agendas for both meetings are available from Ms. Mary Winston, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202-260-6552). Members of the public desiring additional information about the conduct of either meeting should contact Mr. Samuel Rondberg, Designated Federal Official, Clean Air Act Compliance Analysis Council and Environmental Economics Advisory Committee, by telephone at the number noted above or by mail to the address noted above. Anyone wishing to make a presentation at either meeting should forward a written statement (35 copies) to Mr. Rondberg by April 6, 1992. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: March 13, 1992.

Robert Flaak,

Assistant Staff Director, Science Advisory Board.

[FR Doc. 92-6391 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59934; FRL 4053-6]

Certain Chemical; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of one such PMN(s) and provides a summary of each.

DATES: Close of review period:

Y 92-103, March 10, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92-103

Manufacturer. Confidential.

Chemical. (S) Alkyd resin, styrenated.

Use/Production. (G) Air dry alkyd polymer for paint and metal coatings. Prod. range: Confidential.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6397 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-F

FARM CREDIT ADMINISTRATION

[BM-14-NOV-91-03]

Policy Statement Concerning the Disclosure of the Issuance and Termination of Enforcement Documents

AGENCY: Farm Credit Administration.

ACTION: Policy statement.

SUMMARY: On November 14, 1991, the Farm Credit Administration Board (Board) adopted a policy for the disclosure of certain information concerning enforcement documents that describes the mechanisms by which the disclosure would occur by stating that the disclosure shall be made by the Office of Congressional and Public Affairs, that the disclosure shall take place after the enforcement document is issued or terminated, and that the contents will be informative but will not identify the institutions and/or persons involved.

EFFECTIVE DATE: November 14, 1991.

FOR FURTHER INFORMATION CONTACT: Frances A. Pedersen, Senior Attorney, Litigation and Enforcement Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The text of the Board's policy statement concerning the disclosure of the issuance and termination of enforcement documents is set forth below in its entirety.

Effective Date: 14-Nov-91

Effect on Previous Actions: None

Whereas, the Farm Credit Administration (FCA) Board finds that it is in the best interest of the Farm Credit System (FCS), the FCA, and the public, that certain information concerning the issuance and any subsequent termination of final enforcement orders, formal agreements and conditions imposed in writing (Enforcement Documents) be disclosed to the FCS and the public. Specifically, the basis for disclosing this information is to communicate to the FCS and the public that the FCA is effectively using its enforcement powers through the issuance of Enforcement Documents and the subsequent termination of such Enforcement Documents, when appropriate.

Therefore, the FCA Board adopts the following statement:

Upon issuance or termination of any Enforcement Document, the Office of Regulatory Enforcement shall notify the Director of the Office of Congressional and Public Affairs (OCPA) of such event. OCPA shall prepare, for release to the FCS and the public, a disclosure subject to the concurrence of the Office of General Counsel (OGC). If the OGC determines that a disclosure adversely affects a civil or criminal investigation, the disclosure will not be made. The disclosure shall include the information described below:

1. The type and date of action taken;

2. The type of institution to which the action pertains, or if the action pertains to an individual or entity, the relationship between the individual or entity and the institution; and

3. A description of the essential facts pertaining to the action, excluding information that would identify the institution and/or persons involved.

Dated this 14th day of November, 1991.

By Order of the Board.

Dated: March 13, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-6345 Filed 3-18-92; 8:45 am]

BILLING CODE 6705-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

March 11, 1992.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contract Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0107.

Title: Private Radio Application for Renewal, Reinstatement and/or Notification of Change to License Information.

Form Number: FCC Form 405-A.

Action: Revision.

Respondents: Individuals or households, state or local governments, nonprofit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 2,700 responses; .33 hours average burden per response; 891 hours total annual burden.

Needs and Uses: Radio station licensees are required to apply for renewal of their radio station authorization every five years. The Commission issues computer-generated renewal notices, however, this form will serve as a short form alternative for licensees who fail to receive that notice for whatever reason. This form is also provided for Land Mobile licensees who wish to reinstate their authorization, and for Land Mobile, General Mobile, Aviation Ground and Marine Coast licensees who wish to cancel their authorization, or file a name and/or address change. The form has been revised to include fee processing data. FCC personnel will use the data to determine eligibility for an authorization renewal or reinstatement, and issue a radio station license. Data is also used in conjunction with field engineers for enforcement purposes and for authorization cancellations.

OMB Number: 3060-0139.

Title: Request for Antenna Height Clearance and Obstruction Marking and Lighting Specifications.

Form Number: FCC Form 854.

Action: Revision.

Respondents: Individuals or households, non-profit institutions and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 500 responses; .50 hours average burden per response; 250 hours total annual burden.

Needs and Uses: The Communications Act of 1934, as amended, authorizes the Commission to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a hazard to air navigation. This form will be used to: Evaluate the requirements for the painting and/or illumination of amateur, civil air patrol and satellite radio antenna that will exceed 200 feet or 1/100 of the minimum distance between the antenna site and any aircraft landing area, and approval for

the applicant to construct the antenna. The FCC will evaluate the antenna data submitted by the applicant when the antenna height will exceed 200 feet or 1/100 of the minimum distance between the antenna site and any public use landing area. The staff determines if part 17 of FCC rule requirements are met, and if any obstruction painting and/or lighting will be necessary.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6449 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 13, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0430.

Title: Section 1.1206, Non-restricted proceedings; ex parte presentations generally permissible but subject to disclosure.

Action: Extension of a currently approved collection.

Respondents: Individuals or households, state or local governments, non-profit institutions, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting.

Estimated Annual Burden: 800 responses; 0.5 hours average burden per response; 400 hours total annual burden.

Needs and Uses: In accordance with Commission rules, certain presentations made to decision-making personnel in non-restricted proceedings (such as rulemakings and requests for declaratory rulings) must be made available for viewing by all parties to the proceeding. Specifically, this section requires that written presentations on matters not reflected in written comments and that are not served on the parties to the proceeding or memoranda summarizing oral presentations made without advance notice to the parties and without opportunity for them to be present be made available for public viewing. Two copies are needed—one for the official records file and one for the duplicate file made available for public inspection. If each exparte presentation is not placed in the official record of the proceeding in a timely manner, there is the potential for Commission decisions to be made based on data that has not been made available for public review and comment. At a minimum, this could cause a delay in the proceedings or an adverse court action on due process grounds.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6451 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 12, 1992.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW, Washington, DC 20036, (202) 452-1422. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact Jonas Neihardt, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0329.

Title: Section 2.955, Equipment Authorization—Verification.

Action: Extension of a currently approved collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 5,675 recordkeepers; 18 hours average burden per recordkeeper; 102,150 hours total annual burden.

Needs and Uses: Commission rules require verification of compliance to establish technical standards for certain part 15 and part 18 devices. Technical data is gathered and retained by the equipment manufacturer in order to verify compliance, for each device operated under the applicable Rule part. Testing, and required verification, aids in controlling potential interference to radio communications. The data gathered may be used for investigating complaints of harmful interference, or for verifying the manufacturer's compliance with the Rules.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-6452 Filed 3-18-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-953-DR]

California; Amendment to Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-935-DR), dated February 25, 1992, and related determinations.

DATES: February 26, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: The notice of a major disaster for the State of California, dated February 25, 1992, is hereby amended to include Individual Assistance in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 25, 1992.

The counties of Kern, Los Angeles, Orange, San Bernardino, and Ventura for Individual Assistance. (Previously designated for Public Assistance.)

(Catalog of Federal Domestic Assistance No. 83. SIC, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6306 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-935-DR]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA-935-DR), dated February 25, 1992, and related determinations.

DATES: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated February 25, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of California, resulting from severe rainstorms, snowstorms, wind, flooding, and mudslides on February 10, and continuing through February 18, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administative expenses.

You are authorized to provide Public Assistance in the designated areas. Individual Assistance may be added at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Pubic Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. A. Roy Kite of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster

I do herby determine the following areas of the State of California to have been affected adversely by this declared major disaster:

The counties of Kern, Los Angeles, Orange, San Bernardino, Ventura for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-6309 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-936-DR]

New Jersey; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New Jersey (FEMA-936-DR), dated March 3, 1992, and related determinations.

DATES: March 3, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: Notice is hereby given that, in a letter dated March 3, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of New Jersey, resulting from a severe northeast coastal storm on January 4, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Therefore, as part of its commitment under Section 409 for this event, the State of New Jersey will be required to evaluate both the State Hazard Mitigation Plan and the New Jersey Shore Protection Master Plan to identify short and long-term strategies that are cost-effective, environmentally sound, and compatible with the natural coastal processes, to mitigate the continuing damages caused by beach erosion and dune degradation and reduce the need for future disaster assistance in these areas.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Stephen Kempf, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared major disaster:

The counties of Atlantic, Cape May, and Ocean for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-6308 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

DATES: February 21, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Brazos, Coleman, Gonzales, Hill, Jones, and Wharton for Public

Assistance. (Previously designated for Individual Assistance.)

The counties of Matagorda and Robertson for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6307 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-930-DR]

Texas; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA-930-DR), dated December 26, 1991, and related determinations.

DATES: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3606.

NOTICE: The notice of a major disaster for the State of Texas, dated December 26, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 26, 1991:

The counties of Aransas, Mason, Refugio, Schackelford, Throckmorton, Young, and Zavala for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 92-6305 Filed 3-18-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Request for Additional Information

Agreement No.: 202-011259-003.

Title: United States/Southern Africa Conference Agreement.

Parties: Empresa de Navegacao International, Lykes Bros. Steamship Co., Inc., Safbank Line, Ltd.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1705), has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 202-011259-003 required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By order of the Federal Maritime Commission.

Dated: March 16, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6353 Filed 3-18-92; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

Public Hearings for the Supplemental Draft Environmental Impact Statement for the Acquisition of Land on Which To Construct a Large-Scale Office Complex in Northern Virginia for Use by the Navy

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), the General Services Administration (GSA) has prepared and filed with the U.S. Environmental Protection Agency a Supplemental Draft Environmental Impact Statement (SDEIS) for the acquisition of interests in land to construct thereon buildings to house the Naval Systems Command in at least 1,000,000 (one million) occupiable square feet of office and related space. All sites must have the capacity to house at least an additional 1,000,000 (one million) square feet of office and related space available for purchase at the option of the Government.

The SDEIS has been distributed to various federal, state and local agencies, elected officials, civic associations, and interested individuals. In addition, a copy of the SDEIS has been placed in the following public libraries:

George Mason Library, 70001 Little River TP., Annandale, VA
John Marshal Library, 6209 Rose Hill Dr., Alexandria, VA
Martha Washington Library, 6614 Fort Hunt Road, Alexandria, VA
Sherwood Library, 2501 Sherwood Hall, Ln., Alexandria, VA
Alexandria City Library, 717 Queen St., Alexandria, VA
James Duncan Library, 2501 Commonwealth Ave., Alexandria, VA
Columbia Pike Library, 616 S. Walter Reed Dr., Arlington, VA
Cherrydale Library, 2190 N. Military Rd., Arlington, VA
Shirlington Library, 2700 S. Arlington Mill Dr., Arlington, VA
Fairfax City Library, 3915 Chain Bridge Road, Fairfax, VA
Ellen Coolidge Library, 4701 Seminary Rd., Alexandria, VA
Central Library, 1015 North Quincy St., Arlington, VA
Aurora Hills Library, 735 S. 18th St., Arlington, VA
Glencarlyn Library, 300 S. Kensington St., Arlington, VA
Westover Library, 1600 N. Lexington St., Arlington, VA

A limited number of single copies are available at the address listed at the end of this notice.

Public hearings to inform the public of the SDEIS findings and to solicit comments will be held on the following dates:

April 1, 1992, Aurora Hill Recreation Center, 735 S. 18th Street, Arlington, VA, 7 p.m. to 10 p.m.
April 2, 1992, Durant Senior Center, 1605 Cameron Street, Alexandria, VA, 7 p.m. to 10 p.m.

The public hearings will be jointly conducted by GSA and the Navy. Federal, state, and local agencies, and interested parties are invited and urged to be present or be represented at the hearings. Oral statements will be heard and transcribed by a stenographer; however, for the accuracy of the record, all statements should be submitted in writing as well. All statements, both oral and written, will become part of the public record for this project. Equal weight will be given to oral and to written statements.

In the interest of time, each speaker will be requested to limit her/his comments to no more than five (5) minutes. If longer statements are to be presented, the statement should be summarized at the public hearing and the full comment submitted in writing either at the hearing or mailed to the address listed at the end of this notice. All written statements MUST be postmarked by April 13, 1992, to become part of the official record.

As discussed in the SDEIS, GSA proposes to acquire land on which to construct a large-scale office development in northern Virginia (Arlington County, Cities of Alexandria and Falls Church); and that portion of Fairfax County encompassed by I-495 and I-95, and one and approximately 1.5 miles to the west of I-495, and approximately 1.5 south of I-495 and I-95.

Alternatives examined in the SDEIS include: no action; construction and/or rehabilitation of office space on developer-owned sites; and construction and/or rehabilitation of office space on government-owned sites. All government-owned sites capable of supporting large-scale office development were evaluated. To determine the level of interest from private property owners, GSA issued an Expression of Interest for the sale of privately-held land. Criteria evaluating both government- and privately-owned land were uniformly applied to all sites to determine the range of reasonable alternatives. The alternatives generated from this analysis are: Crystal City (government construction on a parcel near the intersection of Hayes and 15th Streets, and leasing of existing space in Crystal City in Arlington County); Eisenhower Avenue (government construction on a parcel near the intersection of Eisenhower Avenue and Mill road in Alexandria); and Van Dorn (government construction on a parcel near the intersection of Cleremont Drive and Eisenhower Avenue in Alexandria.).

Development of any of these sites as proposed could result in significant localized traffic impacts. In addition, significant community service impacts could occur as a result of the proposed action at the Eisenhower Avenue and Van Dorn sites as an additional fire station to serve the proposed development would be needed. Also, significant impacts to existing recreational facilities near the Eisenhower Avenue and Van Dorn sites could occur. Potentially significant impacts to archeological resources could occur at the Eisenhower Avenue site. Though not significant, impacts to land use plans could occur at the Eisenhower Avenue and Van Dorn sites.

Additional information concerning this notice may be obtained by contacting: Mr. George Chandler (WPL), General Services Administration, National Capital Region, 7th and D Streets, SW, room 7618, Washington, DC 20407, Telephone 202/708-5334, FAX 202/708-7671.

Dated: March 10, 1992.

Linda L. Eastman, Director,

NCR Planning Staff.

[FR Doc. 92-6400 Filed 3-18-92; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute of Mental Health; Advance Notice of Request for Applications for ACCESS Grants

Background

Homelessness is an unacceptable condition for anyone, but particularly for individuals with severe mental illnesses. On any given night, up to 600,000 people are literally homeless, living and sleeping on our streets, in parks, in shelters, or in darkened corners of public transportation settings. About one-third of these homeless, single adults are suffering from severe mental illnesses such as schizophrenia or manic-depressive disorder. For a sizeable proportion of the homeless severely mentally ill population—estimated at one-half or more—the abuse of alcohol and/or other drugs complicates their already troubled lives.

As described in Outcasts on Mainstreet: The Report of the Task Force on Homelessness and Severe Mental Illness (1992),[1] homeless individuals with severe mental illnesses too often have difficulty obtaining access to and utilizing existing housing and services programs. The Task Force, sponsored by the Interagency Council on the Homeless, determined that such access is best provided through an integrated system of services to provide and coordinate the array of supports for homeless individuals disabled by severe mental illnesses, including those with co-occurring alcohol and/or other substance abuse disorders. The system must be integrated, but it must also be flexible enough to preserve and respect the diversity in this multi-need population. The critical question is exactly how to provide access and ensure integration and flexibility in a single system.

Purpose

To answer this question, the Department of Health and Human Services (HHS), in collaboration with the Departments of Housing and Urban Development (HUD), Labor (DOL), Education (DoEd), Veterans (VA) and Agriculture (USDA), plans to award Access to Community Care and Effective Services and Supports (ACCESS) grants in FY 1993. These grants would provide support to States and localities to develop comprehensive and integrated systems of treatment, housing, and support for homeless persons with severe mental illnesses. The long-term goal of the ACCESS program is to foster an enduring partnership to improve the integration of existing Federal, State, local, and private sector services to end homelessness among this disabled population. Award of these grants is dependent upon Congressional approval of funds requested in the President's FY 1993 budget.

ACCESS Program Description

To be eligible for an ACCESS grant, a State, working with several specific communities, will be required to develop and implement an integrated set of services, and participate in the evaluation of a plan to improve integration of all existing and potential resources relevant to the needs of homeless severely mentally ill people in those communities. States requiring immediate assistance in ending homelessness among severly mentally ill individuals residing in shelters, public transportation settings, parks, and on streets are encouraged to apply.

Applicants will be asked to specify methods for improving service system integration, at both State and local levels. All appropriate Federal, State, and local resources should be considered. Because the ACCESS grants are intended to test models that could be adapted and used in other communities nationally, a sound plan for evaluation and monitoring at each site will be required.

In addition, the specific evaluation objective of this grant program is to assess whether promising approaches to services integration within communities enhance the provision and efficacy of services to homeless individuals with severe mental illnesses. Therefore, the Federal government, in cooperation with the States, will conduct a systematic, multi-site evaluation to assess how the proposed service integration plans are being implemented, the specific nature and amount of each services provided, the characteristics and needs of recipients of the intervention, and client outcomes.

Successful applicants will have the added opportunity of participating in an array of Federal technical assistance, training, expedited review of waiver requests, and other intergovernmental partnership activities associated with the initiative.

[1] This report is available from the Office of Programs for the Homeless Mentally Ill, National Institute of Mental Health, room 7C-08, 5600 Fishers Lane, Rockville, MD 20857.

Availability of Pre-Award Technical Assistance

The timing of the proposed grant program will permit extensive pre-award technical assistance to potential applicants, including regional meetings of applicants with Federal Staff. Such assistance will include information on the service and housing needs for the homeless mentally ill population, advice on how to use mainstream and targeted Federal programs and relevant Federal waiver authorities; advice in preparing applications; and suggestions for evaluation methodolgy.

Further Information

Complete information on the ACCESS initiative and application procedures is expected to appear in the **Federal Register** during May, 1992.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92-6311 Filed 3-18-92; 8:45 am]

BILLING CODE 4160-20-M

Grant to the Arizona Department of Health Services

AGENCY: Office for Treatment Improvement, ADAMHA, HHS.

ACTION: Grant to support treatment activities for substance-abusing offenders in a correctional environment.

SUMMARY: This notice is to provide information to the public concerning a planned grant from the Office for Treatment Improvement/ADAMHA to the Arizona Department of Health Services to fund the Amity-Pima County Jail project. This is not a formal request for applications. Assistance will be provided only to the Arizona Department of Health Services.

Authority: The grant will be made under the authority of Public Law 102-141, the Treasury, Postal Services, and General Government Appropriations Act of 1992, as well as Public Law 100-690. An Award is being made on a sole source basis because the Conference Committee report for Public Law 102-141 provides directive language that the appropriation includes "$350,000 for the Office for Treatment Improvement to operate the Amity Jail Project in Pima County, Arizona." The report also notes that the project, "provides treatment to drug-abusing criminal offenders in the Pima County Adult Detention Center and has been used as a model for similar drug treatment programs throughout the country." This grant is the appropriate mechanism to fund this activity since it is our intent to provide support for a public purpose and agency involvement in the actual conduct of the activity is not required. The grant is not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Background

Previous research has empirically demonstrated the causal relationship between substance abuse and criminal activity. National Institute on Drug Abuse (NIDA) research showed a significantly lower recidivism rate for individuals participating in correctional therapeutic communities. Amity, Inc. has operated a modified therapeutic community for male and female substance abusers within the Pima County Adult Detention Center since 1987.

This grant will expand current services in four distinct areas:

(1) Provide a six-month transitional residential program for individuals reentering the community from the jail.

(2) Provide for one-year continuance groups to maintain a positive aftercare environment for program graduates.

(3) Implement and impact evaluation to measure post release treatment progress outcomes at six-month intervals (up to twenty-four months).

(4) Develop corrections-treatment cross training curriculum modules for national dissemination.

The Arizona Department of Health Services, through its Division of Behavioral Health Services, is the State agency statutorily responsible for the development and maintenance of substance abuse treatment services. Amity, Inc., is a non-profit community services organization founded in 1969. Amity, Inc., provides an array of substance abuse services ranging from prevention and early intervention school-based programs to long-term treatment programs for adolescents and adults. Amity, Inc., has targeted underserved and difficult to work with substance abusing populations. Among these are teenage mothers, abused adolescents, juvenile offenders, adult offenders with extensive criminal histories and individuals with HIV/AIDS. Amity also offers specialized care to members of minority groups such as Hispanics and Native Americans.

The Amity-Pima County Jail Project has been in existence for four years. The project was initially funded under an 18-month, $300,000 demonstration grant from the U.S. Department of Justice's Bureau of Justice Assistance (BJA). Evaluation data released in the final report to BJA indicated a number of positive treatment outcomes for program graduates including a decrease in rearrest rates and an increase in employment and aftercare involvement.

The project serves as a national demonstration site on the development and the implementation of therapeutic communities for incarcerated offenders and has served as a model for correctional substance abuse treatment programs in several jurisdictions including New York City, Alabama, California, and Florida. During periodic workshops and orientation sessions, the program has been visited by hundreds of public officials, corrections personnel, and drug treatment providers from across the United States and several foreign countries.

The Amity-Pima County Jail project has established itself as a center for national information transfer on correctional substance abuse programming. This grant will enhance the effectiveness of the current model and will provide the necessary resources for the Amity-Pima County Jail project to expand this mission. This grant is consistent with the state of Arizona drug abuse treatment plan.

Availability of Funds

The project will be for a three-year period with $350,000 avilable for the first year. Future year funding will depend on the availability of funds and program performance.

The Office for Treatment Improvement will administer the grant through the Arizona Department of Health Services to better coordinate the project with the State drug treatment system.

FOR FURTHER INFORMATION CONTACT: Nicholas L. Demos J.D., OTI/ADAMHA, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-6533.

The Catalog of Federal Domestic Assistance number for this program is 93.903.

Dated: March 16, 1992.

Joseph R. Leone

Associate Administrator for Management, Alcohol, Drug Abuse, Mental Health Administration.

[FR Doc. 92-6447 Filed 3-18-92; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Fernald Dosimetry Reconstruction Project; Draft Interim Report

AGENCY: Centers for Disease Control (CDC), Public Health Service, (PHS), Department of Health and Human Services.

ACTION: Request for public comment on the Fernald Dosimetry Reconstruction Project—Draft Interim Report.

SUMMARY: On December 18, 1991, CDC released the draft interim report on

source term from the Feed Materials Production Center (FMPC) near Ross, Ohio. The Agency requests comments on this report entitled, "Tasks 2 and 3: Radionuclide Source Terms and Uncertainties—1960–1962." Comments and recommendations should be concise, specific, and accompanied by supporting statements.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Mr. Paul Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects (EHHE), National Center for Environmental Health and Injury Control (NCEHIC), CDC, 1600 Clifton Road, NE., (F-28), Atlanta, Georgia 30333, Telephone (404) 488-4613.

FOR FURTHER INFORMATION CONTACT: If you wish to have a copy of the Draft Interim Report, please contact Mr. Paul Rinard, Radiation Studies Branch, EHHE, NCEHIC, CDC 1600 Clifton Road, NE., (F-28), Atlanta, Georgia 30333, Telephone (404) 488-4613.

SUPPLEMENTARY INFORMATION: This report treats only the quantitation of radioactivity releases at the FMPC and only for the years 1960–1962. This report, known as the source term, is the first of several important steps in determining how much radiation reached the public and by what pathways. Additional work is in progress to determine radiation exposures or dose to those living in the vicinity of the facility, for example, determining the source term for the remaining years since the beginning of plant operations in 1951, modeling of the air and water pathways for transport of the radioactivity off-site, and validation of the source term and the modeling techniques.

Dated: March 13, 1992.

Ladene H. Newton,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 92-6352 Filed 3-18-92; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Gastrointestinal Drugs Advisory Committee

Date, time, and place. April 13 and 14, 1992, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 13, 1992, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations, April 14, 1992, 9 a.m. to 1 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD-180), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419-259-6211, or Valerie M. Mealy, Advisors and Consultants Staff, 301-443-4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in gastrointestinal diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 31, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss new drug application (NDA) 20-210, Cisapride, Janssen Pharmaceutica, Inc., for the treatment of gastroesophageal reflux disease.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending investigational new drugs (IND's) and NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Generic Drugs Advisory Committee

Date, time, and place. April 23 and 24, 1992, 8 a.m., Bethesda Ramada Inn, Embassy Ballroom, 8400 Wisconsin Ave., Bethesda, MD.

Type of meeting and contact person. Open committee discussion, April 23, 1992, 8 a.m. to 3:45 p.m., open public hearing, 3:45 p.m. to 4:30 p.m., unless public participation does not last that long; closed committee deliberations, 4:30 p.m. to 6 p.m.; open committee discussion, April 24, 1992, 8 a.m. to 3:30 p.m.; open public hearing, 3:30 p.m. to 4:45 p.m.; unless public participation does not last that long; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee gives advice on scientific and technical issues concerning the safety and effectiveness of human generic drug products for use in the treatment of a broad spectrum of human diseases and makes appropriate recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, the Commissioner of Food and Drugs, and the Director of the Center for Drug Evaluation and Research. The committee may also review agency-sponsored intramural and extramural biomedical research programs in support of FDA's generic drugs regulatory responsibilities.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 10, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On April 23, 1992, the committee will discuss formulation development, biobatch manufacture and scale-up, production manufacturing and validation, post-approval changes, and quality and performance controls. On April 24, 1992, the committee will discuss regulatory history and current methods, pharmacodynamics, dermatopharmacokinetics, in vitro release methods, and bioequivalence of topical corticosteroids.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to a pending abbreviated new drug application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. April 30, 1992, 9 a.m., Jack Masur Auditorium, Clinical Center, Bldg. 10, National Institutes of

Health, 9000 Rockville Pike, Bethesda, MD; (Parking in the Clinical Center visitor area is reserved for Clinical Center patients and their visitors. If you must drive, please use an outlying lot such as Lot 41B. Free shuttle bus service is provided from Lot 41B to the Clinical Center every 8 minutes during rush hour and every 15 minutes at other times) and May 1, 1992, 9 a.m., Conference Rm. B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, April 30, 1992, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; closed committee deliberations, May 1, 1992, 9 a.m. to 1 p.m.; Joan C. Standaert, Center for Drug Evaluation and Research (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 419–259–6211, or Valerie M. Mealy, Advisors and Consultants Staff, 301–443–4695.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in cardiovascular and renal disorders.

Agenda—Open pulbic hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 22, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss NDA's 20–136 (tablets), and 20–137 (for injection), torsemide (Presaril), Boehringer Mannheim, for use in hypertension and edema.

Closed committee deliberations. The committee will discuss trade secret and/or confidential commercial information relevant to pending IND's and NDA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative session to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 12, 1992.

David A. Kessler,

Commissioner of Food and Drugs.

[FR Doc. 92–6310 Filed 3–18–92; 8:45am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–92–3415]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 10, 1992.

John T. Murphy,

Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: HOPE Grant Programs-Notice of Program Guidelines, FR–2967.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Under the HOPE program, HUD makes planning grants and implementation grants to selected eligible applicants to assist them in developing and carrying out homeownership programs for eligible families. These guidelines outline application, review and selection for awards.

Form Number: HUD–91170, 91171 and 91172.

Respondents: Individuals or Households, State or Local Governments, Federal Agencies or Employees, Non-Profit Institutions, and Small Businesses or Organizations.

Frequency of Submission: Annually and Recordkeeping.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Form HUD–91170	200		1		23		4,600
Form HUD–91171	250		1		17		4,250
Form HUD–91172	50		1		63		3,150
Recordkeeping	95		1		44		4,180

Total Estimated Burden Hours: 16,180.

Status: Extension.

Contact: Margaret Milner, HUD, (202) 708–4542. Jennifer Main, OMB, (202) 395–6880.

Dated: March 10, 1992.

[FR Doc. 92–6304 Filed 3–18–92; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–060–00–4351–12]

Closure and Restrictions on Public Land

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure and restrictions on public land for the protection of sensitive water and wildlife resources.

SUMMARY: Pursuant to the regulations contained in 43 CFR 8364.1 the Bureau of Land Management is closing to motorized vehicle travel approximately 360 acres of public lands in and around Gucci Spring, located within the Orocopia Mountains Wilderness Study Area (WSA CDCA #344). This closure includes all dry wash beds leading into Gucci Spring from the intersection with the main canyon route, which remains open from November 1 to June 1. The legal description of the closure is as follows:

T. 7S., R 12E. SBBM., Riverside County, California;
Sec. 24: NE¼, NE¼SE¼;
Sec. 13: SW¼.

A map of the area described above may be viewed in the Resource Area office. This closure is necessary to

prevent further impacts to sensitive wildlife habitat and water source.

Personnel that are exempt from the area closure include any Federal, State or local officer, or member of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized by the Bureau.

DATES: This closure is effective on March 19, 1992 and shall remain in effect until rescinded by the authorized officer.

PENALTIES: Violators are subject to fines and/or imprisonment.

FOR FURTHER INFORMATION CONTACT: Russell L. Kaldenberg, Palm Springs-South Coast Resource Area Manager, 63-500 Garnet Avenue, P.O. Box 2000, North Palm Springs, CA 92258-2000. (619) 251-0812.

Dated: March 6, 1992.

Jean Rivers-Council,

Acting District Manager.

[FR Doc. 92-6371 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-40-M

Bureau of Land Mangement

[AZ-020-01-4332-02]

Phoenix District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Phoenix District Advisory Council.

DATES: May 8, 1992.

SUMMARY: The Phoenix District Advisory Council of the Bureau of Land Management meets May 8, 1992 at the Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona at 9 a.m. to discuss and make recommendations on various public land issues.

The Council has been established by and will be managed according to the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

The agenda for the meeting includes:

—Introduction of New Advisory Council Members.
—Kingman Resource Area Resource Management Plan.
—Hohokam Heritage Center.
—BLM Management Updates.
—Business from the Floor.
—Comments and Statements.
—Future Meetings and Agenda Topics.

SUPPLEMENTARY INFORMATION: This is a public meeting and the Bureau of Land Management welcomes the presentation of oral statements or the submission of written statements that address the issues on the meeting agenda or related matters.

Dated: March 13, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92-6461 Filed 3-18-92; 8:45 am]

BILLING CODE 4320-02-M

Bureau of Land Management

[AZ-040-02-4333-02]

Joint Meeting for the Safford District Advisory Council and the Gila Box Riparian National Conservation Area Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM), Safford District announces a joint meeting of the Safford District Advisory Council and the Gila Box Riparian National Conservation Area Advisory Committee.

DATES: Tuesday, April 14, 1992, at 8:30 a.m.

ADDRESSES: Safford District BLM Office, 425 E. 4th St., Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Laws 92-463 and 94-579 and 43 CFR part 1784. The agenda for the joint meeting will include:

1. Introduction of new members.
2. Update on Gila Box Riparian NCA planning effort.
3. Report on Sanchez Copper Project EIS.
4. Update on resolution of Safford District RMP protests.
5. Management Updates.

Following the joint meeting, the Gila Box Committee will participate in a tour of the grazing allotments within the NCA. The regular business meeting for the Council will continue at the Safford District Office.

The meeting is open to the public. Interested parties may make oral statements between 10:30 a.m. and 11 a.m. Written statements may also be filed for consideration by the Council and Committee. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546, by 4:15 p.m., Monday, April 13, 1992.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hour) within thirty (30) days following the meeting.

Dated: May 11, 1992.

Ray A. Brady,

District Manager.

[FR Doc. 92-6372 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-33-M

[AK-080-02-4333-02]

Modification of Designated Off-Road Vehicle (ORV) Use Areas for the White Mountains National Recreation Area (White Mountains NRA) and Associated Lands

This notice of modification of designated ORV use areas applies to lands and water surfaces within the White Mountains National Recreation Area in the Mount Prindle area as shown on the White Mountains National Recreation Area Off-Road Vehicle Use Area Amendments Map that are managed by the Bureau of Land Management, and is subject to valid existing rights.

This order is issued pursuant to 43 CFR subpart 8342 and in accordance with the authority and requirements of Executive Order 11644 and 11989, and implements provisions of the White Mountains NRA Gateway Project Record of Decision signed on March 9, 1990. It modifies an earlier order, published July 15, 1988. This order will become effective May 1, 1992 and remain in effect until rescinded or modified by the District Manager, Steese/White Mountains District.

Definitions

The term *winter use* refers to the period of time between October 15 and April 30, inclusive. The term *summer use* refers to the remaining period of time between May 1 and October 14. The terms *gross vehicle weight* and *GVW* refer to the loaded weight of the vehicle, including gear, passengers, and fuel.

A. Modifications of Limited ORV Use Designations

1. The foothills area, as defined in the order published July 15, 1988, has been reduced in size by the expanded highlands area between the Quartz Creek Trail and the Mount Prindle Research Natural Area.

The revised boundary is shown in detail on the March 1992 Quartz Creek Trail Map, on file at the Steese/White Mountains District Office in Fairbanks, Alaska. A written description of the new portion of the eastern boundary of the foothills area follows:

Beginning at the intersection of the Quartz Creek Trail and Quartz Creek in T.8 N., R.6 E., sec. 8, Fairbanks Meridian, following the Quartz Creek Trail

generally south through secs. 17, 18, 19, 30 and 31, into T. 7 N., R. 6 E., sec. 6, across Champion Creek into sec. 7, then continuing into T. 7 N., R. 5 E., through secs. 12, 13, 24, 25, 35 and 36, into T. 6 N., R. 5 E., through secs. 1 and 12 to the Nome Creek Road in the Nome Creek valley. This is the end of the established Quartz Creek Trail, and the boundary continues from the Nome Creek Road in a straight line westerly through secs. 7 and 8 to peak 3740 in T. 6 N., R. 6 E., sec. 9, which is on the eastern boundary of the White Mountains National Recreation Area.

The foothills area is open to use of ORVs that weigh less than 1,500 pounds GVW. Subject to valid existing rights, the use of ORVs weighing over 1,500 pounds GVW is prohibited in this area without written authorization from the District Manager, Steese/White Mountains District. Written authorization is not required by this notice for use of ORVs that weigh over 1,500 pounds GVW on the U.S. Creek Road, the Nome Creek Road, and the mining tailings along Nome Creek.

2. The highlands area, as defined in the order published July 15, 1988, has been expanded in size to include the area between the Quartz Creek Trail and the Mount Prindle Research Natural Area. The new boundary is shown in detail on the March 1992 Quartz Creek Trail Map, on file at the Steese/White Mountains District Office in Fairbanks, Alaska. This new boundary divides the foothills area from the highlands area, and a written description in given above.

Subject to valid existing rights, the highlands area is open to winter use by snowmachines that weigh less than 1,500 pounds GVW. All ORV use is prohibited in the Windy Creek drainage, and the Fossil Creek drainage below the Windy Gap cabin, from April 15 to August 31, inclusive, in order to avoid disturbance to known peregrine falcon nesting areas. Written authorization is not required by this notice for use of ORVs that weigh over 1,500 pounds GVW on the U.S. Creek Road, the Nome Creek Road, and the mining tailings along Nome Creek. All other ORV use is prohibited without written authorization from the District Manager, Steese/White Mountains District.

The foregoing provisions are not applicable to any Federal, State, or local law enforcement officer, or any member of any organized rescue or fire suppression force in the performance of an official duty.

Signs will be placed at major access points showing ORV use restrictions. Maps identifying these designated use areas are available at the office listed below. Operators of ORVs in violation of these designations are subject to the penalties prescribed in 43 CFR subpart 8340.0-7.

Direct questions and responses to: Steese/White Mountains District Manager, Bureau of Land Management, 1150 University Avenue, Fairbanks, Alaska 99709-3844, (907) 474-2350.

Dated: March 6, 1992.

Jack Mellor,

Acting District Manager, Steese/White Mountains District.

[FR Doc. 92-6315 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-JA-M

[MT-930-4212-13; MTM 75701]

Notice of Conveyance of Certain Lands in Phillips County, MT, and Order Providing for Opening of Public Land in Phillips County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. (FLMPA), to the operation of the public land laws. The land that was acquired in the exchange provides additional wetlands, wildlife habitat, and increased opportunity for habitat improvement projects. The exchange also allows for increased management efficiency of public land in the area. No minerals were exchanged by either party. The public interest was well served through completion of this exchange.

EFFECTIVE DATE: April 29, 1992.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2935.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to Sec. 206 of FLPMA the following described lands were transferred to William French and Lela M. French:

Principal Meridian, Montana

T. 29 N., R. 29 E.,
Sec. 12, all;
Sec. 13, N½NW¼.
T. 28 N., R. 30 E.,
Sec. 25, N½SW¼.
T. 29 N., R. 30 E.,
Sec. 18, SE¼.
T. 24 N., R. 31 E.,
Sec. 1, lots 1 through 4, inclusive S½S½;
Sec. 3, SW¼SE¼;
Sec. 10, W½NE¼, NW¼, NW¼SW¼, NW¼SE¼;
Sec. 11, E½NE¼;
Sec. 12, all;
Sec. 13, E½NW¼.
T. 25 N., R. 31 E.,
Sec. 25, SE¼NE¼.
T. 26 N., R. 31 E.,
Sec. 30, lots 3, 4, E½SW¼.
T. 24 N., R. 32 E.,
Sec. 6, lots 3, 4, and 5, SE¼SW¼;
Sec. 7, lots 1 through 4, inclusive, E½W½.
T. 25 N., R. 32 E.,
Sec. 30, lot 2, SW¼NE¼, SE¼NW¼.

Total acreage conveyed: 3152.45 acres.

2. In exchange for the above selected land, the United States acquired the following described surface estate from William French and Lela M. French:

Principal Meridian, Montana

T. 25 N., R. 30 E.,
Sec. 6, S½NE¼.
T. 26 N., R. 30 E.,
Sec. 14, S½;
Sec. 15, SE¼;
Sec. 20, SW¼SW¼;
Sec. 22, N½, SE¼;
Sec. 23, N½;
Sec. 26, S½SE¼;
Sec. 29, E½NW¼, NE¼SW¼.
T. 25 N., R. 31 E.,
Sec. 2, NW¼SE¼NW¼, N½SW¼NW¼;
Sec. 3, lot 1.
T. 26 N., R. 31 E.,
Sec. 27, SW¼;
Sec. 29, N½;
Sec. 30, NE¼;
Sec. 33, S½NE¼, N½S½;
Sec. 34, E½W½, SW¼NW¼NE¼, NW¼SW¼NE¼, S½SW¼NE¼, NW¼SE¼, W½NE¼SE¼, S½SE¼.

Containing 2889.53 acres.

3. The value of the Federal public land was appraised at $92,800 and the private land was appraised at $87,000. A cash equalization payment was made to the United States for $5,800.

4. At 9 a.m. on April 29, 1992, the lands described in paragraph 2 above that were conveyed to the United States will be opened only to the operation of the public land laws generally, subject to valid existing rights and requirements of applicable law. All valid applications received at or prior to 9 a.m. on April 29, 1992, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: March 12, 1992.

James Binando,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 92-6462 Filed 3-18-92; 8:45 am]

BILLING CODE 4310-DN-M

[NV-930-92-4212-11; N-36905]

Termination of Recreation and Public Purposes Classification and Limited Opening Order; Nevada

March 9, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice terminates Recreation and Public Purposes Classification N-36905 in its entirety and provides for opening the land to disposal by noncompetitive sale to the Clark County Housing Authority, pursuant to section 203 and section 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713, 1719).

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Mary Clark, Nevada State Office, Bureau of Land Management, 850 Harvard Way, Reno, NV 89520, (702) 785-6520.

SUPPLEMENTARY INFORMATION: On September 25, 1984, a lease was issued to the Clark County Board of County Commissioners, for a fire station, pursuant to the Recreation and Public Purposes Act (43 U.S.C. 869, 869-1 to 869-4), for the following described land, comprising 10 acres:

Mount Diablo Meridian, Nevada

T. 32 S., R. 66 E.,
Sec. 15, SW¼SW¼SW¼.

The fire station was never constructed and the lease expired on September 24, 1989.

The Clark County Housing Authority would like to purchase the subject land, pursuant to section 203 and section 209 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1713, 1719) for development of 100 units of conventional public housing.

Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by appendix 1 of Bureau of Land Management Manual 1203, Recreation and Public Purposes Classification N-36905 is hereby terminated in its entirety.

At 10 a.m. on March 19, 1992 the above-described land will become open only to disposal pursuant to section 203 and section 209 of the Act of October 21, 1976 (43 U.S.C. 1713, 1719), for the purpose of consummating a noncompetitive sale to the Clark County Housing Authority, subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws, rules, and regulations.

The land will remain closed to all other forms of appropriation including the mining and the mineral leasing laws.

Billy R. Templeton,
State Director, Nevada.

[FR Doc. 92-6316 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-HC-M

[CA-010-02-4333-02-241A]

Firearms Use Restriction and Closure Order Established; Squaw Leap Management Area, Hollister Resource Area, Bakersfield District, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of Firearms Use Restriction and Closure Order on Public Land within the Squaw Leap Management Area of the Hollister Resource Area, Bakersfield District, California.

SUMMARY: Certain described public lands within the Hollister Resource Area in and around the Squaw Leap Management Area in Fresno and Madera Counties, California are hereby closed to the shooting or discharge of any firearm, air or gas gun, sling, elastic or spring gun, slingshot, bow, crossbow, dart or any implement or mechanical appliance by which any bullet, shot, stone, dart or other projectile may be propelled, sprung or thrown from one place to another for any reason. This closure and use restriction will be in effect on all of the below described public lands:

Mount Diablo Meridian, California

T. 9 S., R. 22 E.
Sec. 28: SE¼ SW¼, SE¼ SE¼;
Sec. 27: SE¼ SE¼;
Sec. 33: SE¼ SE¼, S½ SW¼;
Sec. 34: ALL;
Sec. 35: W½, W½ SE¼, SW¼ NE¼, E½ E½.
T. 10 S., R. 22 E.
Sec. 1: Lots 4, 20, 21;
Sec. 2: Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, S½ NW¼, NW¼ SW¼, SW¼ NE¼;
Sec. 3: Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, SE¼ NW¼, NE¼ SW¼, N½ SE¼, S½ NE¼;
Sec. 4: Lots 11, 12;
Sec. 9: Lots 19, 20, 23, 24, 25, 30, E½ SE¼;
Sec. 10: ALL;
Sec. 11: NW¼ NW¼, SW¼ SW¼;
Sec. 15: N½, NE¼ SE¼;
Sec. 16: That portion of NE¼ above high water line of Millerton lake.
Approx. Total = 4,374.92 acres.

The Following Persons are Exempted From the Closure or Restrictions: Any person(s) with a written permit in possession that specifically authorizes the otherwise prohibited activity. Any Federal, State or Local Law Enforcement Officer, or any member of an organized rescue or fire fighting force while in the performance and execution of an official duty. Any person shooting or discharging a firearm or other implement in an attempt to take or the taking of game birds or game mammals during the open hunting season for that game bird or game mammal as specified by the State of California, provided said person has in possession a valid California hunting license and/or tags and stamps as required by Federal and/or California State laws and regulations, *and* said person's hunting activities and shooting or discharge of a firearm, bow, or other implement are in conformity with applicable Federal and State of California hunting regulations and laws.

DATES: This order is in effect March 19, 1992, and will remain in effect until amended or cancelled.

FOR FURTHER INFORMATION CONTACT: Robert Beehler, Area Manager, Hollister Resource Area, Bureau of Land Management, #20 Hamilton Court, Hollister, Ca. 95023; (408) 637-8183.

SUPPLEMENTARY INFORMATION: This order is necessary for public safety and for the protection of persons, public and private property, lands and resources within and adjacent to the closed area.

Authority for Closure orders is provided under 43 CFR 8364.1. Any person who fails to comply with this closure or restriction order shall be subject to the penalties provided in 43 CFR 8360.0-7. Violations of this closure or restriction order are punishable by a fine not to exceed $100,000 and/or imprisonment not to exceed 12 months. Any firearm, ammunition or instrumentality of an offense involved in or used or intended to be used in, any violation of this order, shall be subject to seizure, forfeiture and disposal.

Dated: March 10, 1992.

Robert E. Beechler,
Area Manager.

[FR Doc. 92-6368 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-40-M

[ID-943-4214-11; IDI-016764]

Proposed Continuation of Withdrawal; ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a 4.50 acre withdrawal in the Salmon National Forest be continued for 20 years and a 50 acre withdrawal in the Sawtooth National Forest for 30 years. The lands are now being utilized for recreation site purposes and contain valuable capital improvements. The lands would remain closed to the mining laws, but have been and would remain open to mineral leasing.

EFFECTIVE DATE: Comments should be received by June 17, 1992.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208 384-3162.

The U.S. Forest Service proposes that the existing land withdrawal made by public land order 4021 be continued for the sites and time periods indicated below, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714:

Boise Meridian

(Salmon National Forest)

Footbridge Flat Recreation Area—20 years.
T. 23 N., R. 17 E.,
Sec. 13, metes and bounds.

Lightfoot Bar Recreation Area—30 years.
T. 3 N., R. 13 E.,
Sec. 7, SE¼SW¼NE¼, E½NW¼SE¼ and E½SW¼SE¼.

The areas described aggregate 54.50 acres in Camas and Lemhi Counties.

The withdrawal is essential for protection of substantial capital improvements on the sites. The withdrawal closed the land to mining, but not to mineral leasing. No changes in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: March 11, 1992.

William E. Ireland,
Chief, Realty Operations Section.

[FR Doc. 92-6369 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-GG-M

[OR-943-4214-10; GP2-161; OR-47551]

Proposed Withdrawal and Opportunity for Public Meeting; OR; Correction

The land description in FR Doc. 91-22663, published on page 47803, in the issue of Friday, September 20, 1991, is hereby corrected as follows:

On page 47803, column 3, line 26 reads "northeast corner" and is corrected to read "northwest corner".

Dated: March 5, 1992.

Robert E. Mollohan,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-6370 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-33-M

[OR-943-4212-10; GP2-162; OR-47551]

Partial Termination of Proposed Withdrawal and Reservation of Lands; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has canceled its application in part to withdraw certain lands for protection of the scenic, recreational, water quality, and fishery resource values of the North Fork John Day River-Elkhorn Drive Scenic Byway Corridor. This action will terminate a portion of the proposed withdrawal.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208-0039, 503-280-7171.

SUPPLEMENTARY INFORMATION: The notice of the U.S. Department of Agriculture, Forest Service, application OR-47551 for withdrawal was published as FR Doc. 91-22663 of the issue of September 20, 1991, and corrected as FR Doc. 91-24930 of the issue of October 17, 1991. The purpose of the proposed withdrawal is to protect the scenic, recreational, water quality, and fishery resource values of the North Fork John Day River-Elkhorn Drive Scenic Byway Corridor. The applicant agency has determined that a portion of the proposed withdrawal is no longer needed and has canceled the application insofar as it effects the following described land:

Willamette Meridian

Umatilla National Forest

T. 7 S., R. 35½ E.,
Sec. 34, that portion of the SE¼NE¼ outside the boundary for the North Fork John Day Wilderness.

The area described contains approximately 36.20 acres in Grant County, Oregon.

Pursuant to the regulation 43 CFR 2310.2-1(c), at 8:30 a.m., on April 20, 1992, the proposed withdrawal will be terminated in part. The above described land is included in an existing Forest Service recreation withdrawal and will not be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the mining laws.

The lands remaining in the proposed withdrawal aggregate approximately 1,189.37 acres in Grant County, Oregon.

Dated: March 5, 1992.

Robert E. Mollohan,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-6373 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-33-M

[OR-943-4214-10; GP2-163; ORE-012974]

Proposed Continuation of Withdrawal; OR; Correction

The land description in FR Doc. 90-9108, published on page 14869, in the issue of Thursday, April 19, 1990, is hereby corrected as follows:

On page 14870, column 2, item 9, paragraph 2 reads "10 acres located in Sec. 34" and is corrected to read "36.20 acres located in Sec. 34".

Dated: March 5, 1992.

Robert E. Mollohan,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92-6366 Filed 3-18-92; 8:45 am]
BILLING CODE 4310-33-M

Fish and Wildlife Service

Availability of a Draft Recovery Plan for Dudley Bluffs Bladderpod (Lesquerella Congesta) and Dudley Bluffs Twinpod (Physaria Obcordata) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for Dudley Bluffs bladderpod (*Lesquerella congesta*) and Dudley Bluffs twinpod (*Physaria obcordata*). These plants occur mostly

on public lands administered by the Bureau of Land Management in Piceance Basin in Rio Blanco County, Colorado. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before May 18, 1992 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the State Supervisor's Office, Fish and Wildlife Enhancement, 730 Simms Street, suite 290, Golden, Colorado 80401 (303/231–5280) or the Western Colorado Fish and Wildlife Enhancement Suboffice, 529 25½ road, suite B–113, Grand Junction, Colorado 81505 (303/243–2778). Written comments and materials regarding this draft recovery plan should be sent to the State Supervisor at the Golden address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the Colden address above.

FOR FURTHER INFORMATION CONTACT: Keith Rose at the Grand Junction Suboffice (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Fish and Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing approved recovery plans.

Lesquerella congesta and *Physaria obcordata* are endemic to the Piceance Basin in Rio Blanco County, Colorado. These members of the mustard family are known from five major populations each, two of which occur together. Most sites are on public land administered by the Bureau of Land Management, with the remainder on private land or on Colorado Division of Wildlife's land. Both species grow on oil shale outcrops in the multimineral oil shale zone, an area containing rich deposits of oil shale and sodium minerals (nahcolite and dawsonite). Both species could be significantly impacted by development of these deposits for mineral extraction. Recovery activities planned for these species will focus on protecting existing and potential habitats, conducting surveys to locate additional habitats or populations, and conducting studies on the species' ecology. Given the species' limited habitat, it is unlikely that delisting of the species will occur in the foreseeable future.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the recovery plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 5, 1992.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 92–6321 Filed 3–18–92; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the collection of information and related forms and explanatory material may be obtained by contacting Jeane Kalas at 303–231–3046. Comments and suggestions on this information collection should be made directly to the Bureau Clearance Officer at the telephone number listed below and to the Office of Management and Budget Paperwork Reduction Project (1010–0040), Washington, DC 20503, telephone 202–395–7340.

Title: Production Accounting and Auditing System Oil and Gas Reports.

Abstract: Production Accounting and Auditing System information is needed to provide comprehensive production and disposition data on oil and gas produced from Federal onshore and offshore leases, and from Indian leases. The Minerals Management Service (MMS) uses the data to monitor production, for audits, and to compare reported production with sales data reported in the MMS Auditing and Financial System.

Bureau Form Numbers: MMS–3160, MMS–4051, MMS–4052, MMS–4053, MMS–4054, MMS–4055, MMS–4056, MMS–4057, MMS–4058, and MMS–4061

Frequency: Monthly, quarterly, annually.

Description of Respondents: Companies producing and processing oil and gas from Federal onshore and offshore leases, and from Indian leases.

Estimated Completion Time: One-quarter to one-half hour.

Annual Responses: 377,984

Annual Burden Hours: 106,192.

Bureau Clearance Officer: Dorothy Christopher 703–787–1239.

Dated: January 28, 1992.

Jimmy W. Mayberry,

Acting Associate Director for Royalty Management.

[FR Doc. 92–6367 Filed 3–18–92; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Malaria Vaccine Program Advisory Committee; Meeting

AGENCY: Agency for International Development, IDCA.

ACTION: Notice of partially closed meeting.

COMMITTEE: Malaria Vaccine Program Advisory Committee.

DATES AND LOCATIONS: VBC Conference Room, 1901 North Fort Myer Drive, Arlington, VA 22209.

1. April 6, 9 am–12 pm, suite 400.
2. April 6, 1 pm–4:30 pm, suite 400, (closed session).
3. April 7, 9 am–12 pm, suite 400.

Agenda: The committee will (1) review progress towards malaria vaccine development by A.I.D.–funded and other invited investigators and (2) review procurement actions, both current and planned.

Closed Meeting: Portions of the meeting are closed under exemption 9(B) of 5 U.S.C. 552(b) to discuss proposals, scopes of work, cost estimates, and other sensitive procurement information. Disclosure of such information would be likely to significantly frustrate implementation of current and future procurements by A.I.D.

FOR FURTHER INFORMATION CONTACT: Kirk Miller, Malaria Vaccine Program Development, A.I.D. Office of Health, Washington, DC 20523–1817, (703) 875–5693. Robert L. Wrin, Chief, Communicable Diseases Division, Office of Health, Bureau for Research and Development.

Dated: March 16, 1992.

Jan W. Miller,

Assistant General Counsel for Employee and Public Affairs.

[FR Doc. 92–6408 Filed 3–18–92; 8:45 am]

BILLING CODE 8116–01–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6211.

Comments on the following assessment are due 30 days after the date of availability.

AB–55 (Sub-No. 411X), CSX Transportation, Inc.—Abandonment—In Floyd County, Kentucky. EA available 3/4/92.

Comments on the following assessment are due 5 days after the date of availability.

AB–1 (Sub-No. 216X), Chicago and Northwestern Transportation Company—Notice of Exemption—Abandonment and Discontinuance of Service—Near Crystal Lake, Illinois. EA available 3/4/92.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6356 Filed 3–18–92; 8:45 am]

BILLING CODE 7035–01–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling opertions as authorized in 49 U.S.C. 10524(b).

A. (1) Parent Corporation—Burnham Corporation, 1245 Manheim Pike, Lancaster, PA 17601.

(2) Wholly—owned subsidiary—Governale Company, Inc., A Unit of Burnham Corporation, 5508 Avenue N, Brooklyn, NY 11234, (Delaware Corporation).

B. 1. Parent corporation and address of principal office: Hannaford Bros. Co., P.O. Box 1000, Portland, ME 04104.

2. Wholly owned subsidiaries which may participate in the operations, and State of incorporation:

Name of subsidiary	State of incorporation
Progressive Distributors, Inc.	Maine.
Hannaford Trucking Co. (ICC MC 164100).	Maine.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6357 Filed 3–18–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Office of Special Counsel for Immigration Related Unfair Employment Practices

Immigration Related Employment Discrimination Public Education Grants

AGENCY: Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") announces the availability of up to $3,000,000 for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provision of the Immigration Reform and Control Act of 1986 ("IRCA"), 8 U.S.C. 1324b, as amended by title V, section C of the Immigration Act of 1990.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration—related employment discrimination. Grants will range in size from $50,000 to $150,000. Additionally, OSC may selectively consider awarding grants for a very limited number of proposals of exceptional quality, of regional or national scope, ranging in size to $250,000. Such proposals may be submitted as supplements to, and not in lieu of, individual proposals with a $150,000 limit.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provision of IRCA. OSC welcomes proposals from diverse sources, such as not-for-profit community-based organizations and local, regional or national ethnic and immigrants' rights advocacy organizations which serve potential victims of discrimination. OSC also welcomes proposals from trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

APPLICATION DUE DATE: Monday, May 18, 1992.

FOR FURTHER INFORMATION CONTACT: Juan Maldonado, Senior Trial Attorney or Patita McEvoy, Public Affairs Specialist, Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW., suite 800, P.O. Box 65490, Washington, DC 20035–5490. Tel. (202) 653–8121, or (202) 296–0168 (TDD for the hearing impaired).

SUPPLEMENTARY INFORMATION: The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Department of Justice announces the availability of funds to conduct public education programs concerning the antidiscrimination provision of the IRCA. Funds will be awarded to selected applicants who propose cost effective ways of disseminating information to employers and members of the protected class or to those who can fill a particular need not currently being met.

Background

On November 6, 1986, President Reagan signed into law the Immigration

Reform and Control Act of 1986, Public Law No. 99-603. IRCA makes hiring aliens without work authorization unlawful, and it requires that employers verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions including fines and possible criminal prosecution.

During Congressional debate of IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply because they looked or sounded foreign. Consequently, Congress enacted section 102 of IRCA, an antidiscrimination provision. Section 102 prohibits employers of three or more employees from discriminating on the basis of citizenship status in hiring, firing, recruitment or referral for a fee. The antidiscrimination provision protects citizens and certain classes of work authorized aliens. Protected non-citizens include permanent residents, temporary residents under the amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, refugees and asylees who apply for naturalization within six months of being eligible to do so. National origin discrimination in hiring, firing, recruitment or referral for a fee, against citizens and any work authorized alien is also prohibited. This prohibition applies to employers with four to fourteen employees. National origin discrimination complaints against employers with fifteen or more employees remain under the jurisdiction of the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964.

Congress created the OSC to enforce Section 102. OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with a specially designated administrative tribunal. OSC also initiates independent investigations of possible section 102 violations.

While OSC has established a record of vigorous enforcement, studies by the U.S. General Accounting Office and other sources have shown that there is an extensive lack of knowledge on the part of protected individuals and employers about the antidiscrimination provision. Enforcement cannot be effective if potential victims of discrimination are not aware of their rights. Moreover, discrimination can never be eradicated so long as employers are not aware of their responsibilities.

Purpose

OSC seeks to educate both potential victims of discrimination about their rights and employers about their responsibilities under the antidiscrimination provision of IRCA.

Program Description

The program is designed to develop and implement cost effective approaches to disseminate information regarding IRCA's antidiscrimination provision. The campaign should focus on educating potential victims of employment discrimination about their rights and educating employers about their responsibilities under IRCA. Applications may proposed to educate potential victims only, employers only, or both in a single campaign. Proposals should outline the following key elements of the program:

Part I: Targeted Population

The educational efforts under the grant should be directed to (1) work authorized non-citizens who are protected individuals, since this group is especially vulnerable to employment discrimination; (2) those citizens who are especially likely to become victims of employment discrimination; and/or to (3) employers. The proposals should define the characteristics of the work authorized alien population or the employer group(s) targeted for the educational campaign, and the applicant's qualifications to credibly and effectively reach large segments of the campaign targets.

The proposals should also detail reasons for targeting each group of protected individuals or employers by describing particular needs or other factors to support the selection.

In defining the campaign targets and supporting the reasons for the selection, applicants may use studies, surveys, or any other sources for information of generally accepted reliability.

Part II: Campaign Strategy

We encourage applicants to devise effective and creative means of public education and information dissemination that are specifically designed to reach the widest possible targeted audience. Those applicants proposing educational campaigns addressing potential victims of discrimination should keep in mind that some of the traditional methods of public communication may be less than optimal for disseminating information to members of national or linguistic groups that have limited community-based support and communication networks.

Proposals should discuss the components of the campaign strategy, detail the reasons supporting the choice of each component, and explain how each component will effectively contribute to the overall objective of cost effective dissemination of useful and accurate information to a wide audience of protected individuals or employers. Discussions of the campaign strategies and supporting rationale should be clear, concise, and based on sound evidence and reasoning.

A key element of the campaign is the accuracy of information disseminated about the OSC and its mission. Accordingly, any original outreach and educational materials developed by a grantee, as well as any material derived from other sources, must be reviewed by OSC for legal accuracy and proper emphasis prior to production. All information distributed should also include mention of the OSC as a source of assistance, information and action and the correct address and telephone numbers of the OSC (including the toll-free and TDD toll-free numbers for the hearing impaired).

Part III: Evaluation of the Strategy

One of the central goals of this program is determining what public education strategies are most effective in dispersing information about the antidiscrimination provision. To be effective in planning future public education efforts, OSC needs to know what works and what does not. Measuring the effectiveness of the campaign strategy and public education materials is therefore crucial, and the methods of measurement and their results must be carefully detailed.

Full evaluation of a project's effectiveness should be performed at the midpoint and within sixty days of the conclusion of the campaign. The midpoint report, due thirty days after the end of the second quarter of implementation, is intended to encourage productive alternations to a campaign, when necessary, based on experience and knowledge gained in the first half of the project. Applicants are encouraged to discuss in their proposal the means they will use to devise alternate campaign strategies, if needed.

Selection Criteria

The final selection of grantees for award will be made by the Special Counsel for Immigration Related Unfair Employment Practices after a careful evaluation of each proposal received by OSC.

After a preliminary screening, proposals will be submitted to a panel of specialists. OSC anticipates seeking assistance from sources with specialized knowledge in evaluating proposals, including the agencies that are members of the IRCA Antidiscrimination Outreach Task Force: the Department of Labor, the Equal Employment Opportunity Commission, the Small Business Administration and the Immigration and Naturalization Service. Each panelist will evaluate the proposals for effectiveness and efficiency with emphasis on the various factors enumerated below. The panel's results are advisory in nature and not binding on the Special Counsel. Letters of support, endorsement, or recommendation will not be accepted or considered.

Applicants should be aware that some states are currently conducting IRCA antidiscrimination outreach and education programs with funds made available under the Immigrant Nurses Relief Act of 1989, Pub. L. 101-238. Unnecessary duplication of specific efforts under those programs should be avoided. OSC will take steps to coordinate these efforts but expects that, to the extent practicable, grantees will do so as well.

In determining which applications to fund, OSC will consider the following (based on a one-hundred point scale):

1. Program Design (50 Points)

Sound program design and cost effective strategies for dissemination of information to the targeted population are imperative. Consequently, areas that will be closely examined include the following:

a. Evidence of in-depth knowledge of the goals and objectives of the project. (10 points)

b. Selection and definition of the target group(s) for the campaign, and the factors that support the selection, including special needs, and the applicant's qualification to effectively reach the target. (10 points)

c. A cost effective campaign strategy for wide dissemination of information to targeted employers and/or members of the protected class, with a justification for the choice of strategy. (10 points)

d. Proposal should include a preliminary and general description of any printed, audio or video public education materials (whether original or adapted from other sources) the applicant proposes to use and distribute during the campaign. Points will be awarded to those applicants that demonstrate an ability to create original educational materials, or to skillfully combine materials from other sources in a way that is specifically designed to most effectively meet the needs of the targeted group(s). (10 points)

e. The evaluation methods proposed by the applicant to measure the effectiveness of the campaign and their precision in indicating to what degree the campaign succeeds in meeting its goals. (10 points)

2. Administrative Capability (20 Points)

Proposals will be rated in terms of the capability of the applicant to implement the targeting, public education and evaluation components of the campaign:

a. Evidence of proven ability to provide high quality results. (10 points)

b. Evidence that the applicant can implement the campaign, and complete the evaluation component within the time lines provided. **Note:** OSC's experience during previous grant cycles has shown that a number of applicants choose to apply as a consortium of individual entities; or, if applying individually, propose the use of sub-contractors to undertake certain limited functions. It is essential that these applicants demonstrate the proven management capability and experience to ensure that, as lead agency, they will be directly accountable for the successful implementation, completion, and evaluation of the project. (10 points)

3. Staff Capability (10 Points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for grant-funded positions appear appropriate to the work that will be conducted under the award. (5 points)

b. The qualifications of the grant-funded positions appear to match the requirements of these positions. (5 points)

4. Previous Experience (20 Points)

The proposals will be evaluated on the degree to which the applicant demonstrates that it has successfully carried out programs or work of a similar nature in the past.

Eligible Applicants

This grant competition is open to not-for-profit community-based organizations, local, regional or national ethnic and immigrants' rights advocacy organizations which serve potential victims of discrimination, trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

Grant Period and Award Amount

It is anticipated that several grants will be awarded and will range in size from $40,000 to $150,000.

OSC is also considering, on a trial basis, selectively awarding grants to a very limited number of proposals of exceptional quality, of regional or national scope, ranging in size to $250,000. Such proposals must set forth a broad-range and comprehensive public education campaigns designed to educate large numbers of employers or potential victims of discrimination nationwide, or in localized regions of the country. For purposes of this proposal, "region" means a multi-jurisdictional area consisting of two or more contiguous states with a high concentration of work-authorized aliens. The term "region" shall also mean the states of California and Texas individually. During evaluation, the panel will closely examine those proposals that guarantee maximum exposure and penetration in the employer or potential victims target populations. Thus, a campaign designed to reach a very large proportion of employers (or potential victims) in the state of Texas would take precedence over a campaign designed to reach a more limited number of employers (or potential victims) nationwide.

Final decision whether to award any grants at the $250,000 funding level will be made by the Special Counsel only after all proposals are evaluated by the selection panel. To ensure that OSC receives an adequate number of applications in the normally acceptable funding range (up to $150,000), no proposals for the larger amount (up to $250,00) will be accepted unless submitted as a supplement, or in addition to an independent proposal, of at least comparable quality, with a $150,000 limit. Companion applications may propose similar campaigns, differing only in scope and reach; or they may propose substantially different campaign designs. In all cases, however, both proposals submitted by an applicant must be considered acceptable by the selection committee before OSC will consider awarding a $250,000 request for a grant.

Publication of this announcement does not require OSC to award any specific number of grants, to obligate the entire amount of funds available, or to obligate any part thereof. The period of performance will be twelve months from the date of the grant award. Those grantees who successfully achieve their goals may be considered for

supplementary funding for a second year based on the availability of funds.

Application Deadline

All applications must be received by the close of business (6 p.m. e.d.t.) on Monday, May 18, 1992 at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW., suite 800, P.O. Box 65490, Washington, DC 20035–5490. Applications submitted via facsimile machine will not be accepted or considered.

Application Requirements

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).
2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).
3. An abstract of the full proposal, not to exceed one page.
4. A program narrative of not more than fifteen (15) double-spaced typed pages which include the following:

a. A clear statement describing the approach and strategy to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and timetables for completion;

c. The proposed staffing plan; and

d. Description of how the project will be evaluated.

5. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the Federal cognizant agency must accompany the budget.
6. Copies of resumes for the professional staff proposed in the budget. NOTE: If the grant project manager is to be hired later as part of the grant, hiring is subject to review and approval by OS at that time.
7. Detailed technical materials that support or supplement the description of the proposed effort should be included in the appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Application forms may be obtained by writing or telephoning: Office of Special Counsel for Immigration Related Unfair Employment Practices, 1100 Connecticut Ave., NW.-suite 800, P O box 65490, Washington, DC 20035–5490. Tel. (202) 653–8121, or (202) 296–0168 (TDD for the hearing impaired).

Dated: March 12, 1992.

Approved:

William Ho-Gonzales,

Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

[FR Doc. 92-6264 Filed 3-18-92; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council; Meetings and Agenda

The regular Spring meetings of the Board and Committees of the Business Research Advisory Council will be held on April 8 and 9, 1992. All of the meetings will be held in the General Accounting Office Building, 441 G Street, NW., Washington, DC. The meeting will be open to the public.

The Business Research Advisory Board and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda for the meetings are as follows:

Wednesday, April 8, 1992

10 a.m.—Committee on Compensation and Working Conditions—Room 2736

1. Introduction of cost levels for health insurance.
2. Reflecting births in the Employment Cost Index (ECI)/Employee Benefits Survey (EBS) sample.
3. Discussion of the EBS/ECI integration.
4. Discussion of the uses of locality benefits data to assist in the Occupational Compensation Survey Program.
5. Elect new vice chair.

10 a.m.—Committee on Economic Growth—Room 2734

. Projections of the supply and demand for scientists, engineers, and technicians 1990–2005.

2. Supply and demand for college graduates and research on the returns to education.
3. Evaluation of the projections to 1990 of the labor force, economic trends, and employment by industry and occupation.
4. Alternative projections: Micro and macro variables.

1:30 p.m.—Committee on Employment and Unemployment—Room 2736

1. Overview and budget issues.
2. Automated Review of Industry Employment Statistics (ARIES).
3. Issues in the Current Employment Statistics Survey (CES): Comparison to the Current Population Survey (CPS) and benchmark to ES–202.
4. Laptop CPS and impacts of the redesign.
5. Employee Turnover and Job Openings Survey.
6. Technical assistance programs in Mexico.

1:30 p.m.—Committee on Price Indexes—Room 2734

1. Interarea price index research.
2. Adjustment for quality changes in the CPI.
3. Consumer Expenditure Survey.
4. Other business.
5. Elect new vice chair.

Thursday, April 9, 1992

10 a.m.—Committee on Productivity-Foreign Labor—Room 2734

1. Major sector productivity measures:

—Incorporation of the Bureau of Economic Analysis' (BEA's) benchmark revisions in January.
—Productivity trends since the beginning of the recession.

2. Report on the industry multifactor productivity measurement program.
3. Update on BLS programs for Eastern Europe and Mexico.

10 a.m.—Committee on Occupational Safety and Health Statistics—Room 2736

1. Status report on the redesign of the Annual Survey of Occupational Injuries and Illnesses.
2. Status report on the Census of Fatal Occupational Injuries.
3. Other business.

2 p.m.—Board of the Business Research Advisory Council—Room 2736

1. Chairperson's opening remarks.
2. Deputy Commissioner's remarks.
3. Committee reports:

a. Committee on Compensation and Working Conditions.

b. Committee on Productivity-Foreign Labor.

c. Committee on Employment and Unemployment.

d. Committee on Price Indexes.

e. Committee on Economic Growth.

f. Committee on Occupational Safety and Health Statistics.

4. Other Business.
5. Chairperson's closing remarks.

For further information, contact Constance B. DiCesare, Liaison, Business Research Advisory Council, on Area code (202) 523–1090.

Signed at Washington, DC, the 13th day of March 1992.

William G. Barron, Jr.,

Deputy Commissioner.

[FR Doc. 92-6380 Filed 3-18-92; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

[TA-W-26, 748]

Conagra Fruen Mill Minneapolis, MN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 21, 1992 in response to a worker petition which was filed on January 21, 1992 on behalf of workers at Conagra Fruen Mill, Minneapolis, Minnesota.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 12th day of March, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6379 Filed 3-18-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,911]

Exploration Employment Services, Inc., Livingston, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 2, 1992, in response to a worker petition which was filed on March 2, 1991, on behalf of workers at Exploration Employment Services, Inc., Livingston, Texas.

A negative determination application to the petitioning group of workers was issued on December 19, 1991 (TA–W–26,535). No new information is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 10th day of March, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6376 Filed 3-18-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,624]

GEO Western Drilling Fluids, Bakersfield, CA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administration reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Geo Western Drilling Fluids, Bakersfield, California. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–26,624; Geo Western Drilling Fluids, Bakersfield, California (March 12, 1992).

Signed at Washington, DC, this 12th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6377 Filed 3-18-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,616]

Tuboscope, Inc., Williston, ND; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Tuboscope, Incorporated, Williston, North Dakota. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–26,616; Tuboscope, Incorporated, Williston, North Dakota (March 12, 1992).

Signed at Washington, DC, this 12th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-6378 Filed 3-18-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL EDUCATION GOALS PANEL

Meeting

AGENCY: The National Education Goals Panel.

ACTION: Notice of meeting.

SUMMARY: The National Education Goals Panel was established by a Joint Statement between the President and the Nation's governors dated July 31, 1990. The panel will determine how to measure and monitor progress toward achieving the national education goals and report to the nation on the progress toward the goals.

TENTATIVE AGENDA ITEMS: The agenda for the meeting includes a discussion of options for goal one indicators, a progress report on goal two assessment, and a discussion of options for the 1992 National Education Goals Report indicators.

DATES: The twelfth meeting is scheduled for Friday, March 27, 1992, 1:30–4:30 p.m.

ADDRESSES: The Washington Court Hotel, Capitol Hill, 525 New Jersey Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The National Education Goals Panel office at (202) 632–0952. Please give your name to indicate attendance.

Dated: March 12, 1992.

Roger B. Porter,

Assistant to the President for Economic and Domestic Policy.

[FR Doc. 92-6325 Filed 3-18-92; 8:45 am]

BILLING CODE 3127-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities; Meetings

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786–0322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/786–0282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose

of panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of title 5, United States Code.

1. *Date:* April 16–17, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications submitted for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

2. *Date:* April 21, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

3. *Date:* April 22, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for Special Opportunity in Foreign Language Education in the Higher Education in the Humanities Program, Submitted to the Division of Education Programs, for projects beginning after September 1, 1992.

4. *Date:* April 23, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

5. *Date:* April 23–24, 1992.
Time: 8:30 a.m.to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

6. *Date:* April 23–24, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

7. *Date:* April 24, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review proposals for Special Opportunity in Foreign Language Education in the Higher Education in the Humanities Program, submitted to the Division of Education Programs, for projects beginning after September 1992.

8. *Date:* April 27, 1992.
Time: 9 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

9. *Date:* April 27–28, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for the Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

10. *Date:* April 29, 1992.
Time: 9 a.m. to 5 p.m.
Room: M–14.
Program: This meeting will review applications in Special Opportunity in Foreign Language Education, submitted to the Division of Education Programs, for projects beginning after October 1, 1992.

11. *Date:* April 30, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Summer Seminars for College Teachers applications for directing seminars in 1993 in the field of English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after June, 1993.

12. *Date:* April 30–May 1, 1992.
Time: 9 a.m. to 5:30 p.m.
Room: 430.
Program: This meeting will review applications for Public Humanities Projects, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

13. *Date:* April 30–May 1, 1992.
Time: 8:30 a.m. to 5:30 p.m.
Room: 415.
Program: This meeting will review applications for Humanities Projects in Media, submitted to the Division of Public Programs, for projects beginning after October 1, 1992.

David C. Fisher,
Advisory Committee, Management Officer.
[FR Doc. 92-6374 Filed 3-18-92; 8:45 am]
BILLING CODE 7536-01-M

National Endowment for the Arts Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Presenting and Commissioning Advisory Panel (Overview Section) will be held on April 2–3, 1992 from 9 a.m.—5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will be opening remarks, general program overview, review of program categories and discussion of FY 1994 policy and guidelines issues.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information will reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 16, 1992.
Yvonne M. Sabine,
Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 92-6460 Filed 3-18-92; 8:45 am]
BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Animal Learning and Behavior; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Animal Learning and Behavior.
Date and Time: April 13, 1992; 9 a.m. to 12 p.m. (open); 1 p.m. to 5 p.m. (closed). April 14, 1992: 9 a.m. to 4 p.m. (closed); 4 p.m. to 5 p.m. (open). April 15, 1992; 9 a.m. to 5 p.m. (closed).
Place: Room 1243, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.
Type of Meeting: Part open.
Contact Person: Dr. Fred Stollnitz, Program Director, Animal Behavior, National Science Foundation, 1800 G Street, NW., room 321, Washington, DC 20550. Telephone: (202) 357–7949.
Minutes: May be obtained from the contact person listed above.
Purpose of Meeting: To provide advice and recommendations concerning support for research in animal behavior.
Agenda: Open: To discuss research trends and opportunities in animal behavior.
Closed: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-6432 Filed 3-18-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Archaeology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Archaeology.
Date and Time: April 12–13, 1992, 9 a.m.–5 p.m.
Place: Pittsburgh Hilton, Pittsburgh, Pennsylvania 15222.
Type of Meeting: Closed.
Contact Person: Dr. John E. Yellen, Program Director for Anthropology, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357–7804.
Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Dated: March 16, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-6427 Filed 3-18-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Archaeometry and Systematic Anthropological Collection; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Archaeometry and Systematic Anthropological Collections.
Date and Time: April 20, 1992, 9 a.m.–5 p.m.
Place: National Science Foundation, 1800 G Street, NW., room 540B, Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. John E. Yellen, Program Director for Anthropology, room 320, National Science Foundation, Washington, DC 20550, Telephone (202) 357–7804.
Purpose of Meeting: To provide advice and recommendations concerning support for research in Archaeometry.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information: financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption 4 and 6 of the Government in the Sunshine Act.

Dated: March 16, 1992.
M. Rebecca Winkler.
Committee Management Officer.

Advisory Committee for Atmospheric Sciences; Committee of Visitors; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide oversight review of the Aeronomy and Large-scale Dynamics Meteorology Programs as well as to review the 5-year proposal for the operation and management of the National Center for Atmospheric Sciences in the Division of Atmospheric Sciences. The entire meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b (c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Name: Advisory Committee for Atmospheric Sciences/Committee of Visitors.
Date & Time: April 6–8, 1992; 8:30 a.m. to 5 p.m. each day.
Place: NSF, room 1242—1243, 1800 G St., NW., Washington, DC 20550.
Type of Meeting: Closed.
Agenda: (1) Oversight review of Aeronomy and Large-scale Dynamics Meteorology Program, including examination of proposals, reviewer comments, and other privileged materials. and (2) review of the 5-year proposal for operation and management of the National Center for Atmospheric Research.
Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, room 604 National Science Foundation, Washington, DC 20550. Telephone (202) 357–9874.

Dated: March 16, 1992.
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-6419 Filed 3-18-92; 8:45 am]
BILLING CODE 7555-01-M

Advisory Panel for Biochemistry; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Biochemistry.
Date: Thursday, Friday, and Saturday, April 23, 24 and 25, 1992, 9 a.m. to 5 p.m.
Place: National Science Foundation, 1110 Vermont Avenue, Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. Marcia Steinberg, Program Director, Dr. Todd Martensen, Program Director, Biochemistry Program, rm. 325, Telephone (202) 357–7945.
Purpose of Advisory Panel: To provide advice and recommendations concerning support for Biochemistry research proposals.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Dated: March 16, 1992
M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 92-6438 Filed 3-18-92; 8:45 am]
BILLING CODE 7555-01-M

Special Emphasis Panel in Biological and Critical Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis panel in Biological and Critical Systems.
Date and Time: March 30, 1992; 8:30 a.m. to 5 p.m.
Place: NSF, Rm. 500E, 1110 Vermont Avenue, NW., Washington, DC.
Type of Meeting: Closed.
Contact Person: Clifford J. Astill, Program Director, Earthquake Hazard Mitigation Program, Room 1132, NSF, Washington, DC 20550. Telephone: (202) 357–9500.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Biological and Critical Systems.

Agenda: To review and evaluate NSF Young Investigator nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 USC 552b (c)(4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty in getting panelist together.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92-6400 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Biological and Critical Systems.

Date and Time: March 30, 1992; 8:30 a.m. to 5:00 p.m.

Place: NSF, Rm. 500E, 1110 Vermont Avenue, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Clifford J. Astill, Program Director, Earthquake Hazard Mitigation Program, room 1132, NSF, Washington, DC. 20550. Telephone: (202) 357-9500.

Name: Special Emphasis Panel in Behavioral and Neural Sciences.

Date and Time: March 30-31, 1992; 8:30 a.m. to 5 p.m.

Place: Rm. 1242, NSF, 1800 G St. NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Jean Intermaggio, Program Director for Social Psychology, room 320, NSF, Washington, DC. 20550. Telephone: (202) 357-9485.

Purpose of Meetings: To provide advice and recommendations concerning support for NSF Young Investigator nominations.

Agenda: To review and evaluate NYI nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 USC 552 b (c)(4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Difficulty is getting panelist together on short notice.

Dated: March 16, 1992

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6410 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Cell Biology.

Date and Time: April 13-15, 8:30 a.m. to 5 p.m.

Place: St. James Hotel, 950 24th Street NE., Washington, DC 20037.

Type of Meeting: Part Open: Closed 4/13—8:30 a.m. 5 p.m. Open: 4/14—12:00 p.m. to 1:30 p.m. Closed: 4/15—8:30 p.m. to 5 p.m. All other times the meeting is closed.

Contact Person: Dr. Eva Ida Barak, Acting Program Director, Cell Biology Program, room 325, National Science Foundation, Washington, DC 20550.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in cell biology.

Agenda: Open—General discussion of current status and future plans of the Cell Biology Program. *Closed*—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personnel information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6431 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cell Biology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology.

Date and Time: April 23-25, 1992, 8:30 am to 5 pm.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Type of Meeting: PART OPEN: Closed 4/23—8:30 am to 5 pm; Open 4/24—12 pm to 1:30 pm; Closed 4/25—8:30 am to 5 pm; All Other Times the Meeting is Closed.

Contact Person: Dr. Eve Ida Barak, Acting Program Director, Cell Biology Program, room 325, National Science Foundation, Washington, DC 20550.

Purpose of Advisory Panel: To provide advice and recommendation concerning support for research in cell biology.

Agenda: Open—General discussion of current status and future plans of the Cell Biology Program; Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b (c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6439 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cellular Biochemistry; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cellular Biochemistry.

Date & Time: April 9, 10 & 11, 1992, 8:30 a.m. to 5 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ernest G. Uribe, Program Director, room 321 and Dr. Robert P. Burchard, Program Director, room 325 National Science Foundation, Washington, DC. 20550. Telephone (202) 357-7987.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in cellular biochemistry and metabolism.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 USC 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6424 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Meeting; DOE/NSF Nuclear Science Advisory Committee

The National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.

Date and Time: April 10, 1992 from 9 a.m. to 5:30 p.m., April 11, 1992 from 8:30 a.m. to 12 noon.

Place: National Science Foundation, 1800 G Street, NW., rm. 540, Washington, DC 20550.

Type of Meeting: Open (*).

Contact Person: John W. Lightbody, Program Director for Nuclear Physics, National Science Foundation, Washington, DC 20550, (202) 357-7993.

Minutes: May be obtained from contact person.

Purpose of Meeting: To advise the National Science Foundation and the Department of Energy on scientific priorities within the field of basic nuclear science research.

Agenda: April 10, 1992

- Statements from the Agencies.
- Discussion of the Revised Nuclear Data Sub-Committee Report.
- Presentation and Discussion of the Draft Report of the Long Range Plan Implementation Sub-Committee.
- Public Comment (**).
- Further Discussion and Preparation of the NSAC. Draft Report to the DOE/NSF Charge on Budget Priorities.

April 11, 1992

- Continued Discussion and Preparation of NSAC Draft Report to DOE/NSF Charge on Budget Priorities.

(*) Because of weekend security, persons wishing to attend the meeting on Saturday April 11, will have to call the Contact Person in advance to arrange for out-of-hours entry to the building.

(**) Persons wishing to speak should make arrangements through the Contact Person identified above.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6421 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design and Manufacturing Systems.

Date and Time: April 8, 1992, 8:30 a.m. to 5 p.m.

Place: Room 500-D, National Science Foundation, 1110 Vermont Ave., NW., Washington, DC.

Type of Meeting: Closed.

Contract Person: Dr. Suren B. Rao, Program Director, Division of Design and Manufacturing Systems, National Science Foundation, 1800 G St., NW., room 1128, Washington, DC 20550. Telephone: (202) 357-7676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Young Investigator Award Nominations submitted to the Division of Design and Manufacturing Systems.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6423 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Biology; Meeting

Name: Advisory Panel for Developmental Biology.

Date & Time: April 22nd-24th, 1992 8:30 am to 5 pm.

Place: National Science Foundation, 1800 G St., NW., Washington DC 20550 Telephone: 202/357-7989

Type of Meeting: Closed.

Contact Person: Dr. Thomas Brady, Program Director, Developmental Biology, Room 321, National Science Foundation, Washington, DC 20550.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Developmental Biology.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data; such as salaries and personal information concerning individuals associated with the proposals.

These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6437 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Earth Sciences; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Earth Sciences.

Date: April 10, 1992.

Time: 8 a.m. to 5 p.m.

Place: Room 536, National Science Foundation, 1800 G Street, NW. Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluate National Science Foundation Young Investigator (NYI) Applications.

Contact: Dr. Marvin Kauffman, Program Director, Education and Human Resources Program, National Science Foundation, room 602, Washington DC 20550 (202-357-7950).

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6428 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Genetic Biology; Meeting

The National Science Foundation announces the following meeting.

Name: Advisory Panel for Genetic Biology.

Date and Time: Thursday, Friday, and Saturday April 16, 17, and 18, 1992. 8:30 to 5 p.m.

Place: The National Science Foundation, Washington, DC. room- 1242.

Type Meeting: Closed.

Contact Person: Martin Pato, Program Director, Genetics, room 325i Telephone: (202) 357-9687.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552B(c), Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6434 Filed 3-18-92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L.92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date & Time: April 6, 7, 8, 1992, 8:30 a.m. to 5 p.m.

Place: Hotel Washington, Pennsylvania Ave. at 15th Street, Washington, DC 20004.

Type of Meeting: Closed.

Contact Person: Drs. Ana M. Guzman and William E. McHenry, Program Directors, room 1225, National Science Foundation, Washington, DC 20550. Telephone: 202/357–5034.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Alliances for Minority Participation Program.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C.552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6417 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act, (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development.

Date and Time: April 15–17, 1992, 8:30 a.m. to 5.p.m.

Place: The Latham Hotel (formerly Georgetown Marbury) 3000 M Street NW., Washington, DC 20007–3701.

Type of Meeting: Closed.

Contact Person: Dr. Costello L. Brown, Program Director, room 1225, National Science Foundation, Washington, DC 20550. Telephone: (202) 357–7461.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Comprehensive Regional Centers for Minorities Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b (c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6433 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science and Technological Innovation.

Date and Time: April 8, 1992; 8:30 a.m.–5 p.m.; April 9, 1992; 8:30 a.m.–12 noon.

Place: National Science Foundation, 1110 Vermont Avenue, rm. V500 A, Washington DC 20550

Type of Meeting: Open.

Contract Person: Ms. Carolyn J. Smith, Staff Associate, Division of Industrial Innovation Interface, room V–502, National Science Foundation, Washington, DC, 20550 (202) 653–5202.

Summary of Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning support of research programs administered in the Division.

Agenda:

April 8, 1992
8:30 a.m.–12:00 noon
Review & discussion of current III activities
Outlook for III for 1992
Budget for FY 1993
Restructuring of Program Initiatives
12:00 noon–1:30 p.m. Lunch
1:30 p.m.–5:00 p.m.
Future Directions for III
Engineering Directorate Initiatives
Dissussion of III/Engineering Interface Activities
Update/Discussion of Long Range Goals/Objectives
April 9, 1992
8:30 a.m.–12:00 noon
Presentation of Committee of Visitors Report
Drafting of the Advisory Committee Recommendations.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92–6420 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Law and Social Science; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Social Science.

Date and Time: April 24–25, 1992; 8:30 a.m. to 6 p.m.

Place: The Board Room at One Washington Circle Hotel, 1 Washington Circle, NW., Washington, DC 20037

Type of Meeting: Closed.

Contact Person: Dr. Michael C. Musheno, Program Director, Law and Social Science, National Science Foundation, room 336, Washington, D.C. 20550. Telephone: (202) 357–9567.

Purpose of Meeting: To provide advice and recommendations concerning support for research in law and social science.

Agenda: to review and evaluate research proposals as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552 b. (c)(4) and (6) the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6440 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: April 21, 1992; 7 p.m. to 9 p.m., April 22, 1992; 8 a.m. to 4 p.m.

Place: The Conference and Training Center at 1110 Vermont Avenue, NW., Marie Curie Room (room 500A), Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. W. Lance Haworth, Program Director, Materials Research Laboratories, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357–9791.

Purpose of Meeting: To provide advice and recommendations concerning support for Materials Research Laboratories.

Agenda: Examine proposals, reviewers' evaluations, and site visit reports, and make recommendations for new and renewal awards for Materials Research Laboratories in FY 1992 competition.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6436 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research.

Date and Time: April 13, 1992; 8:30 a.m. to 5:30 p.m.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact: Dr. H. Hollis Wickman, Program Director, 1800 G Street, NW., room 408, Washington, DC 20550 Telephone: (202) 357–9787.

Purpose of Meeting: To provide advice and recommendations concerning support for research proposals submitted to NSF for financial support.

Agenda: Review and evaluate Materials Synthesis and Processing proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1922.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6428 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Materials Research; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research.

Date and Time: April 13, 1992; 8:30 a.m. to 5 p.m.

Place: Room 500B, National Science Foundation, 1110 Vermont Avenue, NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. G. Bruce Taggart, Program Director, 1800 G Street, NW., room 408, Washington, DC 20550 Tel: (202) 357–9787.

Purpose for Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals received in response to proposal announcement NSF 91–7, Materials Synthesis and Processing.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of U.S.C. 552 b. (c) (4) and (6) the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6429 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub.L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date and Time: April 7, 1992; 8:30 a.m. to 5 p.m.

Place: Electric Power Research Institute (EPRI), 1019 19th Street, NW., Suite 1000 Washington, DC 20036.

Type of Meeting: Closed

Contact Person: Dr. Jorn Larsen-Basse, Program Director, 1800 G Street, NW., Room 1108, Washington, DC 20550, Telephone: (202) 357–8542.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate NSF/EPRI proposals submitted to the Mechanical and Structural Systems.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 6422 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Ocean Sciences Review Panel; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Ocean Sciences Review Panel.

Date and Time: April 26–27; 8:30 a.m. to 5 p.m.

Place: St. James Hotel 950 24th St. NW., Washington, DC 20037, room 117.

Type of Meeting: Closed.

Contact Person: Dr. Linda Duguay, Associate Program Director, Biological Oceanography Program, National Science Foundation, 1800 G Street, NW., room 609, Washington, DC 20550, Telephone (202) 357–9600.

Purpose of Meeting: To provide advice and recommendations concerning financial support for Land-Margin Ecosystems research at the land-sea interface.

Agenda: Review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6441 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Social and Economic Sciences; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social and Economic Sciences.

Date and Time: April 6, 1992; 8:30 a.m. to 5 p.m.

Place: NAF, rm. 336, 1800 G St., NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Dr. Lynn Pollnow, Program Director, Economics Program, room 336, NSF, Washington, DC 20550. Telephone: (202) 357–9675.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Social and Economic Sciences.

Agenda: To review and evaluate NSF Young Investigator nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6411 Filed 3–18–92; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social Psychology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Name: Advisory Panel for Social Psychology.
Date & Time: April 15–17, 1992 9:00 a.m. to 5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW., rm 523, Washington, DC 20550.
Type of Meeting: Part Open—Closed 4/15—9 a.m. to 5 p.m.; Closed 4/16—9 a.m. to 5 p.m.; Open 4/17—9 a.m. to 11 a.m.; Closed 4/17—11 a.m. to 5 p.m.
Contact Person: Dr. Jean B. Intermaggio, Program Director for Social Psychology, room 320, National Science Foundation, Washington, DC 20550; (202) 357–9485.
Summary Minutes: May be obtained from the Contact Person at the above address.
Purpose of Meeting: To provide advice and recommendations concerning support for research in Social Psychology.
Agenda: Open—General discussion of the current status and future plans of the Social Psychology Program. *Closed*—To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of the Government in the Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6430 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Sociology; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.
Date/Time: Monday, April 6, 1992, 8:30 a.m. to 6 p.m.; Tuesday, April 7, 1992, 8:30 to 6 p.m.
Place: Room 536 at the National Science Foundation, 1800 G Street, NW., Washington, DC 20550.
Type of Meeting: Closed.
Contact Person: Dr. Annemette Sørensen, Program Director, Sociology, National Science Foundation, 1800 G Street, NW.; room 336, Washington, DC 20550, Telephone: 202/357–7802.
Purpose of Meeting: To provide advice and recommendations concerning research proposals in Sociology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals reviewed contain information of a proprietary or confidential nature, including technical information, financial data (such as salaries), and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b, Government in Sunshine Act.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6418 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

Proposal Review Panel for Undergraduate Science, Engineering, & Mathematics Education; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Proposal Review Panel for Undergraduate Science, Engineering, & Mathematics Education.
Dates & Times: April 9–10, 1992, 7:30 p.m.–9 p.m. April 9th 8 a.m.–5 p.m. April 10th 8 a.m.–4 p.m. April 11th
Location: Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, DC.
Type of Meeting: Closed.
Agenda: Review of proposals submitted to Calculus Program.
Contact Person: Dr. Jim Lightbourne, Program Director/USEME Division, (202) 357–7292, National Science Foundation, Washington, DC 20550.

Dated: March 16, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6425 Filed 3–18–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302]

Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–72 issued to Florida Power Corporation (FPC) for operation, and FPC, et al. for possession, of Crystal River Unit 3 Nuclear Generating Station, located in Crystal River, Florida.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the operating license to delete Sebring Utilities Commission (Sebring) as a participating owner of CR–3 and as a licensee (possession only) under this license, in order to recognize the purchase of Sebring's 0.4473 percent ownership share by FPC. Presently, FPC owns 90% of CR–3, with portions of the remaining 10% owned by 11 municipalities and cooperatives, including Sebring. FPC alone is licensed to operate CR–3. FPC and Sebring have entered into an agreement under which FPC would purchase the 0.4473 percent share owned by Sebring, which would increase FPC's ownership share to 90.4473 percent. Ownership shares of the other 10 participants would not change. The proposed action is in accordance with the licensee's application dated August 16, 1991.

The Need for the Proposed Action

The proposed action is required to reflect the ownership change discussed above. The amendment reflecting the transfer of Sebring's possession-only interest in the license will have minimal impact on the operation of the facility by FPC. The transfer and amendment will not affect the facility's Technical Specifications, license conditions, or the organization and practices of FPC.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed license amendment and concludes that there will be no changes to CR–3 or the environment as a result of this action. The transfer of Sebring's possession-only interest in the license and the associated license amendment will not affect the numbers, qualifications, or organizational affiliation of the personnel who operate the facility, as FPC will remain the holder of the operating license and continue to be responsible for the operation of CR–3. Accordingly, the Commission concludes that this proposed action would result in no radiological or non-radiological environmental impact.

The Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination was published in the Federal Register on February 5, 1992 (57 FR 4487). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in no benefits to the public or the parties involved.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant, issued in May, 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons regarding this environmental assessment.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing enviromental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the applicant for the license amendment dated August 16, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the Coastal Region Library, 8619 W. Crystal Street, Crystal River, Florida 32029.

Dated at Rockville, Maryland, this 12th day of March, 1992.

For The Nuclear Regulatory Commission.

Jan A. Norris,

Acting Director, Project Director II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6384 Filed 3–18–92; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 19, 1992, at the Sheraton Grand Hotel at Dallas Ft. Worth Airport, 2d Floor Mezzanine Level, 4440 West Carpenter Freeway, Irving, TX.

This meeting will be open to public attendance except for portions during which the qualifications of prospective candidates for appointment to the ACRS will be discussed. These portions will be closed to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

The agenda for the subject meeting shall be as follows:

Thursday, March 19, 1992—8:30 a.m. Until the Conclusion of Business

The Subcommittee will discuss proposed reassignment of responsibilities for review of NRC research activities to cognizant topical Subcommittees and preliminary plans to address ACRS assignments made during the meeting with NRC Commissioners on March 5, 1992. Qualifications of candidates proposed for consideration as ACRS members will also be discussed, as appropriate.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notifiy the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492–4516) between 7:30 a.m. and 4:15 p.m., e.s.t. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 13, 1992.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 92–6312 Filed 3–18–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–312]

Sacramento Municipal Utility District; Consideration of Issuance of an Order Authorizing Decommissioning a Facility and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order to the Sacramento Municipal Utility District (SMUD, the licensee), which holds Facility Operating License No. DRP–54 for the Rancho Seco Nuclear Generating Station (Rancho Seco) located in Sacramento County, California. The order would involve approval of the Rancho Seco Decommissioning plan and authorize decommissioning.

On June 7, 1989, Rancho Seco was permanently shut down. All spent fuel has been transferred from the reactor to the Spent Fuel Storage Pool and the Commission has authorized that License No. DRP–54 be amended to possess-but-not-operate status. This Order would approve the licensee's Decommissioning Plan which involves 10 to 20 years of onsite storage of residual radioactivity followed by its removal (SAFSTOR). The licensee also proposes to retain spent fuel onsite in an Independent Spent Fuel Storage Installation (ISFSI) until a Federal repository is available for spent fuel disposal The Decommissioning Plan analyzes the proposed monitoring, maintenance, and operation of the spent fuel pool; and the monitoring and maintenance of the remainder of the facility.

The Plan also analyzes potential accidents at the facility and the controls established for radiation protection and the prevention of the release of radioactivity from the site. A supplement to the Rancho Seco Environmental Report submitted by letter of October 21, 1991, analyzes the environmental impacts of the SAFSTOR decommissioning option.

Before issuance of the proposed order, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 20, 1992, the licensee may file a request for a hearing with respect to issuance of the order to the subject facility and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing

Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room, the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters with in the scope of the order under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A hearing for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner so inform the Commission by a toll-free telephone call to Western Union at 1–800–325–6000 (in Missouri 1–800–342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Thomas A. Baxter, Esq., Shaw, Pittman, Potts, & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding office for the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application dated May 20, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Buildings 2120 L Street, NW., Washington, DC 20555, and at the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822.

Dated at Rockville, Maryland, this 12th day of March 1992.

Richard F. Dudley, Jr.,

Acting Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6385 Filed 3–18–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–259, 50–260, and 50–296]

Tennessee Valley Authority, Browns Ferry Nuclear Plant, Units 1, 2, and 3; Withdrawal of an Amendment Request to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC) has approved the withdrawal of a Technical Specification (TS) amendment request by the Tennessee Valley Authority (TVA or the licensee) for an amendment to Facility Operating License Nos. DPR–33, DPR–52, and DPR–68, issued to the Browns Ferry Nuclear Plant, Units 1, 2, and 3, respectively. The plant is located in Limestone County, Alabama. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on January 24, 1984 (49 FR 2974).

The application being withdrawn was originally submitted by an amendment request dated March 4, 1982 as modified by letters dated September 3, 1982 and January 6, 1983. The licensee proposed to revise the Browns Ferry Technical Specifications to permit unit operation at reduced power with only a single recirculation loop in service. By letter dated January 24, 1992, the licensee withdrew its license amendment application.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1982 as modified by letters dated September 3, 1982 and January 6, 1983, and (2) the licensee's letter dated January 24, 1992.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Athens Public Library, South Street, Athens, Alabama 35611.

Dated at Rockville, Maryland this 12th day of March 1992.

For the Nuclear Regulatory Commission.

Thierry M. Ross,

Senior Project Manager, Project Directorate II–4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6386 Filed 3–18–92; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy; Procurement Regulatory Activity Report; Availability

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: Notice of availability of the Procurement Regulatory Activity Report, Number 6.

SUMMARY: Subsections 25(g) (1) and (2) of the Office of Federal Procurement Policy (OFPP) Act, as amended by Public Law 100–679, codified at 41 U.S.C. 421(g), require the Administrator for Federal Procurement Policy to publish a report within six months after the date of enactment and every six months thereafter relating to the development of procurement regulations.

Accordingly, OFPP has prepared the sixth Procurement Regulatory Activity Report. This report is designed to satisfy all aspects of subsections 25(g) (1) and (2) of the OFPP Act, and includes information on: The status of each regulation; a description of those regulations required by statute; a description of the methods by which public comment was sought; regulations, policies, procedures, and forms under review by the OFPP; whether the regulations have paperwork requirements; the progress made in promulgating and implementing the Federal Acquisition Regulation; and such other matters as the Administrator determines to be useful.

ADDRESSES: Those persons interested in obtaining a copy of the Procurement Regulatory Activity Report may contact the Executive Office of the President Publications Service, room 2200, 725 17th Street NW., Washington, DC 20503, or phone (202) 395–7332.

Dated: March 13, 1992.

Allan V. Burman,

Administrator.

[FR Doc. 92–6324 Filed 3–18–92; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Extension of OPM Forms 1203 and 1280 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (Title 44, U.S. Code, chapter 35), this notice announces a proposed unchanged extension of a form whtch collects information from the public. OPM Form 1203, Occupational Supplement Series—Form B, and OPM Form 1280, Applicant Data Sheet, are optical scan and key entry documents, respectively. These forms are used by our automated processing center to create basic applicant records for an automated examining system. We will be using these forms to carry out our responsibility for open competitive examining for admission to the competitive service in accordance with section 3304, 5 U.S.C. Approximately 468,438 forms are completed each year with an average completion time of 27 minutes per form, for a total burden of 211,432 hours. For copies of this proposal, call C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be recieved on or before April 20, 1992.

ADDRESSES: Send or deliver comments to:

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, room CHP 500, 1900 E Street, NW., Washington, DC 20415 and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3002, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Armond A. Grant, (202) 606–0980.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92–6285 Filed 3–18–92; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30448; File No. SR–CBOE–92–06]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Exchange Decorum Policies

March 6, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE hereby amends rule 17.50(g)(6), Violations of Trading Conduct and Decorum Policies, to include fines for smoking in unauthorized areas of the Exchange. The proposal also amends the Regulatory Circular concerning trading conduct and decorum policies to provide for the imposition of fines for smoking in unauthorized areas. The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the placed specified in Item IV below. The CBOE has prepared summaries, set for in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

On March 2, 1992, the Exchange instituted a smoke-free environment policy. The purpose of this filing is to include fines for violations of the policy under rule 17.50(g)(6), Violations of Trading Conduct and Decorum Policies. For smoking in unauthorized areas, members and persons associated with members will be fined $50 for the first offense, $250 for the second offense, and $500 for each subsequent offense within a calendar year. This fine schedule is the same as that imposed for violations of the CBOE Dress Code.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b) (6) and (7), in particular, in that it is designed to provide for the fair and appropriate disciplining of members and persons associated with members for violation of Exchange policy.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change with impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change constitutes a stated policy, practice or interpretation with regard to the administration of an existing CBOE rule, the foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commision that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–92–06 and should be submitted by April 9, 1992.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6328 Filed 3–18–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30477; International Series Release No. 372; File No. SR–ISCC–92–01]

Self-Regulatory Organizations; International Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Concerning Revised Service Fees

March 12, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 27, 1992, the International Securities Clearing Corporation ("ISCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISCC is filing the proposed rule change to revise its fee schedule in accord with its estimated 1992 service costs. The revised fee schedule is set forth as Exhibit A.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ISCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ISCC has prepared summaries, set forth in section (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The proposed rule change consists of a revised fee schedule which reflects three categories of fees: Instruction Processing, Reporting, and Pass Through fees. These fees will enable ISCC to recover from members the cost of providing the various services to members.

Instruction processing fees have been divided into 3 categories: Receipt of instructions from a member or self-regulatory organization (such as the National Association of Securities Dealers), rejection of instructions for failure to meet edit criteria, and processing of instructions. Each of the fees is based on the expense incurred by ISCC in processing these transactions and results from operation of the communication and mainframe facilities and clerical intervention for participant servicing.

The reporting fees reflect the costs associated with providing information to members which results from their use of a service. The cost is based on the method of receipt, *i.e.*, MRO, print image, or hard copy.

In order to more accurately capture membership costs associated with providing different services, the membership fee is being changed and will be based on the number of services used by a member. The minimum charge will be $100 per month and the maximum charge $300 per month.

A new fee, designed to recover expenses incurred by ISCC in developing the Global Clearance Network service, is being added. The collection of this fee, which members agree to in signing on for the service, will be based on the number of transactions submitted by each member. If a member submits instructions in excess of his committed amount he will be billed for the excess transactions. However, at year end that member will receive a rebate equal to the excess fees collected over the course of the year. This fee will be charged to members until such time as the development expenses have been recovered.

The new fees are effective as of March 1, 1992, and will be reflected on the bills produced in April, 1992.

(b) The proposed rule change is consistent with Section 17A of the Act and the rules and regulations thereunder since it will provide for the equitable allocation of reasonable fees among members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

ISCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written commens have been solicited or received. ISCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of this rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room at the address above. Copies of such filing will also be available for inspection and copying at the principal office of ISCC. All submissions should refer to the File Number SR–ISCC–92–01 and should be submitted by April 7, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H McFarland,

Deputy Secretary.

EXHIBIT A—INTERNATIONAL SECURITIES CLEARING CORPORATION; FEE STRUCTURE

I. Instruction Processing Fees	
A. Receipt of transaction instructions from a participant (per item)	
1. Via CPU/CPU or P.C. Platform	1.50
2. Via Telex, Mail, Fax	3.00
B. Receipt of transaction instructions from an interfacing SR (per item)	.50
C. Rejects—each instruction submitted resulting in a rejection	.75
D. Processing of Accepted Instructions	
1. London Stock Exchange—each matched bargain	3.50
2. Cedel—forwarding of instruction	.75
3. Global Clearance Network—forwarding of instruction to agent bank	.75
4. PORTAL	
(a) instruction sent to foreign financial institution	,75
(b) instruction sent to DTC for IID system processing	.50
II. Reporting Fees	
A. Receipt of Reports—fee charged each day a participant is sent a set of reports per service, per location, based on the method of distribution	
1. Machine Readable Output (MRO)	5.00
2. Print Image Output	10.00
3. Hardcopy, telex, mail	25.00
B. Duplicate Copy of Prior Day Reports per request, per set of reports, per service	25.00
III. Pass Through and Other Fees	
A. Participant Fee (per service with a maximum of $300 per month/per member)	100.00

EXHIBIT A—INTERNATIONAL SECURITIES CLEARING CORPORATION; FEE STRUCTURE—Continued

B. Pass-Through Expense	
1. Communications—the cost of communications services requested by participants	At Cost
2. Other Direct Expenses incurred by ISCC or billed to ISCC by other financial institutions	At Cost
3. Miscellaneous expenses incurred on behalf of a member at a member's request	At Cost
C. Recovery of Development Expenses*	
1. Recovery of GCN development expense, per instruction submitted for processing	1.75
D. P.C. Access/Hunt group Fee (monthly) per access line	125.00

*Fees billed in excess of planned recovery schedule will be debated on an annual basis.

Collection Charge

The Corporation may, but shall not be obligated, to include from time to time on Members' settlement statements, charges which may be imposed on such Members by banks and trust companies in conjunction with the Global Clearance Network Service. Any amounts so collected shall, in accordance with agreements between the Corporation and the respective organization or entity, be remitted to the appropriate organization or entity imposing the charge.

[FR Doc. 92–6328 Filed 3–18–92; 8:45am]

BILLING CODE 8010–01–M

[Release No. 34–30470; File No. SR–ICC–92–01]

Self-Regulatory Organizations; the Intermarket Clearing Corporation; Notice of Proposed Rule Change Relating to Revisions to the Standard Form of Letter of Credit

March 12, 1992

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1992, The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

[1] 17 CFR 200.30–3(a)(12) (1988).
[1] 15 U.S.C. 78s(b)(1).
[2] 17 C.F.R. § 200.30–3(a)(12).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies certain terms of ICC's standard form of letter of credit. In general, the proposed rule change would require that letters of credit deposited by Clearing Members as margin with ICC must be irrevocable and, unless otherwise agreed, must expire on a quarterly basis. In addition, the proposed rule change would clarify that ICC may draw upon a letter of credit whether or not the Clearing Member that deposited such letter of credit has defaulted on any obligation to ICC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

ICC proposes to amend rule 502(a)(3) in a number of respects. First, rule 502(a)(3) currently provides that the issuer of a letter of credit must pay ICC immediately upon demand. However, under the Uniform Commercial Code as enacted in most states, the issuer of a letter of credit, except as otherwise agreed, may defer honor of such letter of credit until the close of the third business day after demand for payment is made.[1] The Uniform Customs and Practice for Documentary Credits, 1983 Revision, International Chamber of Commerce Publication 400 ("Uniform Customs") provides that, unless otherwise expressly agreed, a "bank shall have a reasonable time" in which to determine whether the drawing documents are in order. In order to avoid any ambiguity as to the latest time for payment in the case of letters of credit incorporating the Uniform Customs, ICC intends to require that letters of credit state expressly that payment must be made prior to the close of the third banking day following demand.

Second, rule 502(a)(3) currently permits the issuer of a letter of credit to revoke the letter of credit upon two business days written notice. ICC believes that the issuer of a letter of credit is more likely to exercise its revocation rights at a time when the Clearing Member for whom such letter is issued is experiencing financial difficulty. Accordingly, ICC believes that the two-day notice period imposes time constraints that may limit its flexibility in resolving such difficulties. As a result, ICC proposes to amend rule 502(a)(3) to eliminate the issuer's right to revoke the letter of credit.[2]

Third, rule 502(a)(3) provides that letters of credit shall expire on an annual basis. However, the financial condition of a Clearing Member may change significantly within a shorter period of time. Thus, ICC believes that it would be preferable to structure its letter of credit program in such a manner that permits issuers to make more frequent credit judgements about Clearing Members for whom they issue letters of credit. Accordingly, ICC's proposal requires letters of credit deposited as margin to expire on a quarterly basis rather than on an annual basis.

In addition, ICC proposes to amend rule 502(a)(3) to make explicit ICC's authority to draw upon a letter of credit at any time ICC determines that such draw is advisable to protect ICC, other Clearing Members, or the general public. Such draw may be made whether or not the Clearing Member that deposited the letter of credit has been suspended or is in default with respect to any obligation to ICC. Any funds so drawn will be treated as cash margin. The authority permits ICC, in effect, to increase the liquidity of its margin deposits by substituting cash collateral for a Clearing Member's letter of credit. In doing so, ICC also would eliminate its bank credit risk. ICC anticipates that it would use this authority very rarely and only under unusual circumstances.

Finally, ICC proposes to amend rule 502(a)(3) to allow the Chairman of ICC limited discretion to vary from the requirements stated in the rule. The discretion is limited by the following factors. First, the Chairman cannot use this discretion unless the Chairman consults with the staff of its regulatory agencies which include the Securities and Exchange Commission and the Commodity Futures Trading Commission. Second, the discretion can only be used for "unusual circumstances" and only on a temporary basis. Third, the Chairman, after exercising such discretion, will advise ICC's Board of Directors of the exercise of such discretion. Finally, the Corporation will provide notice within an appropriate period of time to any Clearing Member affected by the exercise of such discretion.

ICC believes that the proposed rule change is consistent with the requirements of section 17A of the Act. Specifically, ICC believes that proposed rule change promotes the protection of investors by enhancing ICC's ability to safeguard the securities and funds in its possession or subject to its control.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe that the proposed rule change will have an adverse impact upon competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the

[1] See, e.g., 26 Ill. Rev. Stat. 5-112 (1990).

[2] Although ICC's proposal would require a letter of credit deposited on behalf of a Clearing Member to be irrevocable, ICC may, of course, consent to the withdrawal of such letter of credit if the Clearing Member deposits other forms of margin with ICC or the letter of credit is otherwise no longer needed to satisfy the Clearing Member's margin requirement.

submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the File Number SR-ICC-92-01 and should be submitted by April 19, 1992.

For the Commission by the Division of Market Regulation, Pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6327 Filed 3-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30456; File No. SR-PSE-92-08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Designating PSE Technology Index Options as European-Style Options

March 10, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 12, 1992, the Pacific Stock Exchange ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend PSE rules 7.1 and 7.5 to permit options on the PSE Technology Index to be exercised in the same manner as other European-style index options.[1] In addition, for clarification purposes, the PSE proposes to add four entries to the list of definitions contained in the PSE rules on index options. These definitions clarify the meaning of "European-style" and "American-style" options.

The text of the proposed rule change is available at the Office of the Secretary, PSE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed changes to the PSE rules on index options are intended to permit options on the PSE Technology Index to be exercised in the same manner as other European-style index options. In addition, for clarification purposes, the PSE proposes to add four entries to its list of definitions contained in the PSE rules on index options. These entries provide the definition for "European-style options" and "American-style options." Under the proposal, European-style options will be defined as option contracts that can be exercised only on the last business day prior to the day it expires. American-style options will be defined as options contracts that can be exercised on any business day prior to expiration.

The PSE believes that the proposed rule changes are consistent with section 6(b)(5) of the Securities Act in that they will promote just and equitable principles of trade, will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The PSE believes that the proposed rule change will not impose an inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 9, 1992.

[1] The Commission notes that the PSE has not begun trading options on the Technology Index.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6329 Filed 3-18-92; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2553]

Declaration of Disaster Loan Area; CA

As a result of the President's major disaster declaration on February 25, 1992, I find that the counties of Kern, Los Angeles, Orange, San Bernardino, and Ventura in the State of California constitute a disaster area as a result of damages caused by severe rainstorms, snowstorms, winds, flooding, and mudslides beginning on February 10 and continuing through February 18, 1992. Applications for loans for physical damage may be filed until the close of business on April 27, 1992, and for loans for economic injury until the close of business on November 25, 1992, at: U.S. Small Business Administration, Disaster Area 4 Office, P.O. Box 13795, Sacramento, CA 95853-4795; or other locally announced locations. In addition, applications for economic injury loans for small businesses located in the contiguous counties of Inyo, Kings, Monterey, Riverside, San Diego, San Luis Obispo, Santa Barbara, and Tulare in the State of California; Clark County in the State of Nevada; and La Paz and Mohave Counties in the State of Arizona may be filed until the specified date at the above location.

The interest rates are:

For Physical Damage:	
Homeowners with Credit Available Elsewhere	8.000%
Homeownders without Credit Available Elsewhere	4.000%
Businesses with Credit Available Elsewhere	6.500%
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000%
Others (including Non-Profit Organizations) with Credit Available Elsewhere	8.500%
For Economic Injury:	
Businesses and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000%

The number assigned to this disaster for physical damage is 255300 and for economic injury the numbers are 756900 for California; 757000 for Nevada; and 757100 for Arizona.

Notice: Due to SBA's present shortage of operating funds for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of our ability to continue to accept or process disaster loan applications or make disbursements on loans until additional funds are available.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: February 29, 1992.

Bernark Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6404 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in New York

As a result of the Secretary of Agriculture's disaster designation S-272 for counties in the State of New York, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 12, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6405 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

Notice of Shortage of Operating Funds for a Disaster in Texas

As a result of the Secretary of Agriculture's disaster designation S-573 for counties in the State of Texas and contiguous counties in the States of New Mexico and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 12, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92-6406 Failed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0217]

White Pines Capital Corp.; Issuance of a Small Business Investment Company License

On November 22, 1991, a notice was published in the **Federal Register** (Vol. 56, No. 226, Page 58956) stating that an application has been filed by White Pines Capital Corporation, Ann Arbor, Michigan, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1991)) for a license as a small business investment company.

Interested parties were given until close of business December 23, 1991, to submit comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0271 on February 25 1992, to White Pines Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 6, 1992.

Wayne S. Foren,

Associate Administrotor for Investment.

[FR Doc. 92-6407 Filed 3-18-92; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

[1] 17 CFR 200.30-3(a)(12) (1991).

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Var fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6148 Filed 3-18-92; 8:45 am]

BILLING CODE 8120-03-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice; Ezeiza International Airport, Buenos Aires, Argentina

Pursuant to section 1115(d) of the Federal Aviation Act; on November 22, 1991, former Secretary Skinner notified the government of Argentina that he had determined that Ezeiza International Airport, Buenos Aires, Argentina, did not maintain and administer effective security measures. The designated period of time given the government of Argentina has elapsed since his determination, and I have found that Ezeiza International Airport still does not maintain and administer effective security measures. My determination is based on Federal Aviation Administration assessments which reveal that security measures used at the airport do not meet the standards established by the International Civil Aviation Organization.

Pursuant to section 1115 of the Federal Aviation Act. (49 U.S.C. 1515), I have directed that a copy of this notice be published in the **Federal Register**, that my determination be displayed prominently in all U.S. airports regularly being served by scheduled air carrier operations, and that the news media be notified of my determination. In addition, as a result of this determination, all U.S. air carriers and foreign air carriers (and their agents) providing service between the United States and Ezeiza International Airport must provide notice of my determination to any passenger purchasing a ticket for transportation between the United States and Buenos Aires, with such notice to be made by written material included on or with such ticket.

Dated: March 12, 1992.

Andrew H. Card, Jr.,

Secretary.

[FR Doc. 92-6322 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-92-8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 8, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 13, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 26658.
Petitioner: Fox Valley Technical College.
Sections of the FAR Affected: 14 CFR 147.36.
Description of Relief Sought: To allow Fox Valley Technical College to have specialized instructors, who are not certificated mechanics, to teach Basic Electricity and Basic Welding Subjects.

Dispositions of Petitions

Docket No.: 100CE.
Petitioner: Beech Aircraft Corporation.
Sections of the FAR Affected: 14 CFR 23.473(c) and 23.1001.
Description of Relief Sought/ Disposition: To allow the petitioner to modify the type certificate for its model 2000 airplane to permit a landing weight less than 95 percent of the maximum takeoff weight without installing a fuel jettisoning system. Grant, February 27, 1992, Exemption No. 5411.

Docket No.: 13199.
Petitioner: American Airlines.
Sections of the FAR Affected: 14 CFR 61.56(b)(1), 61.57 (c) and (d); 61.58 (c)(1) and (d); 61.63(d) (2) and (3); 61.67(d)(2); 61.157 (d) (1) and (2) and (e) (1) and (2); appendix A of part 61; and appendix H of part 121.
Description of Relief Sought/ Disposition: To renew Exemption No. 4652B which permits American Airlines to establish training programs using FAA-approved simulators to meet certain pilot training and certification requirements of §§ 61.56(b)(1), 61.57 (c) and (d); 61.58 (c)(1) and (d); 61.63(d) (2) and (3); 61.67(d)(2); 61.157 (d) (1) and (2) and (e) (1) and (2); appendix A of part 61; and appendix H of part 121 of the FAR. Grant, March 5, 1992, Exemption No. 4652C.

Docket No.: 26326.
Petitioner: T.B.M., Inc.

Sections of the FAR Affected: 14 CFR 91.611.
Description of Relief Sought/ Disposition: To allow the pilots of T.B.M., Inc., and Butler Aircraft, Inc., to take off in a Lockheed C130A aircraft with one engine inoperative and to fly the aircraft to a maintenance base for repairs without obtaining a special flight permit. Denial, March 5, 1992, Exemption No. 5415.

Docket No.: 26329.
Petitioner: Braniff International Airlines, Inc.
Sections of the FAR Affected: 14 CFR appendix H to part 121.
Description of Relief Sought/ Disposition: To permit the 1 year instructor employment requirement of the appendix H, Advanced Simulator Training Program (ASTP) to be acquired with either Braniff or another part 121 certificate holder. Grant, March 9, 1992, Exemption No. 5412.

Docket No.: 26398.
Petitioner: AMR Eagle, Inc.
Sections of the FAR Affected: 14 CFR 135.63(a)(4) and subparts E, G, and H of part 135.
Description of Relief Sought/ Disposition: To permit AMR Eagle, Inc., to train and check its pilots under §§ 121.681, 121.683 and all sections of subparts N and O, and appendices E, F and H of part 121 of the FAR. Grant, March 9, 1992, Exemption No. 5414.

Docket No.: 28661.
Petitioner: McDonnell Douglas Corporation.
Sections of the Far Affected: 14 CFR 25.813(e).
Description of Relief Sought/ Disposition: To permit installation of a door between passenger compartments on the MD–11 airplane. Grant, February 11, 1992, Exemption No. 5405.

[FR Doc. 92–6358 Filed 3–18–92; 8:45 am]
BILLING CODE 4910–13–M

Solicitation for Airway Science Grant Proposals

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of solicitation for Airway Science grant proposals.

SUMMARY: This solicitation represents a continuation of the Federal Aviation Administration's AWS Grant Program. The Federal Aviation Administration (FAA) is authorized by Public Laws 101–516 and 102–143 to solicit competitive proposals for Airway Science (AWS) grants from accredited 4-year public or nonprofit private colleges and universities with recognized FAA AWS Curriculum programs. The FAA expects to award most, if not all, of an available $5,036,384 in the form of grants, to a select number of these recognized institutions. A portion of the available funds will be awarded to eligible minority institutions with recognized AWS curricula. Awards typically will range from $100,000 to a maximum of $300,000. In no event shall the total Federal share of any AWS project exceed 50% of the cost of the project.

The grant funds may be used for the purchase, lease with intent to purchase, or construction of academic buildings and associated facilities to be used in support of an FAA recognized AWS curriculum. In addition, grants funds may be used for unexpendable instructional materials or instructional equipment to be used in the actual teaching of the AWS curriculum. No federal grant funds shall be used for salaries, operating expenses, research and development, travel, consultant fees, indirect costs, office supplies or other expendable items, automobiles, aircraft, maintenance agreements, printing costs, promotional and marketing materials or equipment, general purpose parking lots, land, commercial airport facilities, taxiways, runways, or any project in support of a commercial activity.

FOR FURTHER INFORMATION CONTACT: Virginia Hancock Krohn, Manager, Airway Science Grant Program, Federal Aviation Administration, Office of Training and Higher Educatiuon, AHT–30, room PL–100, 400 7th St. SW., Washington, DC 20590, Telephone: (202) 366–7003.

CLOSING DATE: Six identical copies of the Proposal must be received by the FAA no later than June 30, 1992 (4 p.m. e.s.t.). One copy of the proposal must contain original signatures on the cover sheet. Applications received after the closing date will not be accepted.

Proposals submitted by Mail: A mailed proposal must be sent to the address listed above. Applicants are strongly encouraged to use registered or first class mail. Any grant application received after 4 p.m. on the closing date will be treated as a late application and will not be considered for a grant award. Proposals Submitted By Messengers: A hand delivered proposal must be taken to the FAA at the address listed above. The office of the AWS Grant Program Manager will accept hand delivered proposals between the hours of 8 a.m. and 4 p.m. e.s.t., except weekends and Federal Holidays. A hand delivered proposal will not be accepted after 4 p.m. on the closing date.

Each institution will be notified when its application is received. No supplemental materials received after 4 p.m. on the application deadline date will be considered unless such material is requested by the FAA.

Background

The FAA is engaged in a comprehensive program to modernize the Nation's airway system to meet the challenge of aviation growth in the coming decades. The modernization program takes advantage of current technological advances to increase the capacity of the Nation's airway system while reducing relative costs to the Nation's taxpayers.

The FAA recognizes the increasing complexity of technical and mangerial skills that will be needed to accommodate the technological advances in equipment, systems, and configurations being planned and implemented throughout the aviation industry. The FAA sponsors the AWS curriculum to assure that future aviation work force needs are adequately met.

In 1982, the FAA, in collaboration with the University Aviation Association, developed and recommended a specific college-level AWS curriculum. The AWS curriculum was designed (1) to satisfy academic and accreditation requirements, (2) to easily adapt to existing aviation related programs, and (3) to allow individual educational institutions the option of offering any of five areas of concentration.

The five areas of concentration of the AWS curriculum are: (1) Airway science management, (2) airway computer science, (3) aircraft systems management, (4) airway electronics systems, and (5) aviation maintenance mangement.

The FAA currently recognizes 50 institutions which offer approved AWS curricula. The AWS curriculum directly supports the human resource needs of both the FAA and the aviation industry by producing graduates with the necessary knowledge and skills to pursue aviation-related technical careers in the public and private sectors. Interested institutions which do not already offer recognized AWS curricula, may contact the FAA for further information.

References

For futher background information, refer to the following Federal Register Notices: 48 FR 116872, March 18, 1983, (FAA proposed AWS curriculum demonstration project plan), 48 FR 32490, July 15, 1983, (Office of Personnel Management approval of the FAA demonstration final plan), 49 FR 222903, June 1, 1984, 50 FR 37612, September 16, 1985, 52 FR 3195, February 2, 1987, 54 FR 8617, March 1, 1989, and 56 FR 22504, May 15, 1991, (notices announcing the competitive criteria employed by the FAA in selecting the AWS grant recipients under the previous 5 solicitations).

The Airway Science Grant

Authority

This solicitation represents a continuation of the FAA's AWS Grant Program. This program funds projects at selected institutions of higher education which have evidenced a commitment to the agency's AWS curriculum program. The grants are authorized by Public Laws 101–516 and 102–143 with a total amount of $5,036,384 available for competitive grant awards. The funds may be used for allowable direct costs in the following categories, to the extent that such items are in direct support of aviation and/or computer courses in the required core or area of concentration of an institution's recognized AWS curriculum option(s): (a) The purchase, lease with intent to purchase, or construction of academic buildings and associated facilities, and (b) nonexpendable instructional materials and equipment to be used in the actual teaching of the AWS curriculum. Monies are not available for salaries, operating costs, research and development, travel, consultant fees, indirect costs, office supplies or other nonexpendable equipment, automobiles, aircraft, maintenance agreements, printing and marketing materials or equipment, general purpose parking lots, land, commercial airport facilities, taxiways, runways, or any project in support of commercial activities.

Eligibility

Eligible institutions must be accredited 4-year public and non-profit colleges and universities in the United States and its possessions. To be eligible, an applicant institution must have an established FAA-recognized AWS curriculum in place and available to students. The curriculum must have been recognized by the FAA no later than December 31, 1991.

Proposal Format and Content

Each FAA-sponsored, AWS grant project is subject to the provisions of applicable FAA regulations and OMB Circulars A–21, A–73, A–88, A–110, and A–133. Proposals must contain the following information in the order listed.

1. Cover Sheet

Type the title "Airway Science Grant Proposal" near the top of the Cover Sheet. Type the legal name of the proposed grantee institution, its mailing address, and IRS Employer Identification Number in the center of the Cover Sheet. Type the names, titles, telephone numbers and FAX numbers of the proposed Project Director and of an official authorized to sign for the proposed grantee institution in the lower left and right corners, respectively, of the Cover Sheet. The Cover Sheet of one copy of the proposal must bear the original signatures of the above individuals and dates of signatures. The signatures of the authorized individuals signify institutional requirements, and a commitment to provide the specific support, including fiscal obligations, for the proposed activities in the event the grant is made.

2. Standard Form 424

Submit the standard forms listed below with each grant application. These forms may be obtained by writing to the AWS Grant Program Manager at the address listed above. Applications without these forms will be disqualified.

(1) Standard Form 424 (Rev. 4–88), Application for Federal Assistance,

(2) FAA/AWS, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.

3. Table of Contents

Include a table of contents with page numbers.

4. Project Summary

Include a concise summary of the proposed project. State the goals and objectives and the long-range benefits of the project and the associated costs including cost sharing figures. The reader should be able to quickly identify the nature of the project and the requested funding level. The summary should not exceed two (2) double-spaced typewritten pages.

5. Narrative

The Narrative should be clearly written and not exceed forty (40) double-spaced typewritten pages in length. The Narrative must contain the following:

(a) Introduction

Present a brief description of the institution, including: historical background, full time graduate and undergraduate student enrollment, student body profile, location (rural, urban, etc.), fields of emphasis and degrees awarded.

(b) AWS Background

Describe the evolution of the institution's involvement in the AWS Program. Provide a detailed discussion of the institution's current recognized AWS program. Provide information and statistics on the occupational areas AWS graduates and current AWS students have entered or will be entering within the aviation industry and the FAA. Provide the following information in an "easy to read" chart format (a) recognized AWS curriculum options, (b) recognition dates by curriculum option, (c) declared majors by AWS option for current academic year in categories of minority, female, others, and total, (d) expected AWS enrollment figures by option for next five years, (e) number of degrees awarded by AWS option, (f) number of degrees expected to be awarded by AWS option for the next five years. (This information may be presented in several different charts).

Describe the institution's aviation degree options other than AWS and discuss how they interface with the AWS program. Provide a chart(s) for the institution's other aviation degree options which contain the same information requested for AWS Program as explained above.

Include an institutional organization chart to show how the AWS Program and other aviation programs fit into the institutional structure.

Describe institutional activities to recruit AWS and other aviation students, including minority and female recruitment activities. Describe annual recruitment expenditures for both AWS and other aviation majors.

Submit one copy of an official course catalog and/or other brochure(s) showing the AWS course offerings to students during the 1991–1992 academic year. Institutions which do not submit the above information will be disqualified.

(c) Strategic Plan

Present a 5-year Stategic Plan for the institution's AWS Program. Discuss the components of the plan and how the institution anticipates achieving the goals and objectives of the Strategic Plan. Justify the feasibility of the plan in relation to the projected work force needs of the aviation industry and FAA, over-all direction of the institution, fiscal concerns, etc.

(d) Project Plan

Discuss in detail the proposed Project Plan with stated goals and objectives. Relate the project plan to the Strategic Plan.

Explain how the project will directly support the aviation and/or computer courses in the required core and the areas of concentration of an institution's recognized AWS curriculum options. Explain whether the project will enhance current recognized AWS courses or, rather, provide for the development of new AWS courses to be included in the institution's recognized AWS option(s) within the curriculum guidelines. Provide a similar discussion for other aviation programs.

Note: Development of new AWS courses refers to courses to be included in an existing recognized AWS curriculum option. It does not include courses for the development of a new curriculum option to be submitted for recognition at a future date.

Applicants may submit photographs, architectural drawings, site plans, or other visual representation that would aid the reviewing panel in assessing the relative merits of the proposed project.

Explain how AWS students and other aviation majors, respectively, will directly or indirectly benefit from the project. Provide a chart indicating the number of students who will benefit from the grant project by AWS option and other aviation degree options over the next five years.

Present a detailed discussion from project design to conclusion on the components of the Project Plan and the activities and tasks necessary to bring the project to a successful conclusion. The project is completed when the measurements discussed under the Evaluation Plan have been applied and analyzed. This should occur within 12 months of the time the facility and/or equipment becomes available to students. Provide a milestone chart for the project.

Identify the sources of non-Federal funding and show evidence that the funds will be available, i.e., provide a letter of commitment for funds which will be given to the institution by an outside source. Institutions will be held accountable for all cost sharing funds.

Describe and explain the mechanism that will be used to manage and monitor the progress of the project in terms of the milestones and budget expenditures.

(e) Project Personnel Plan

Identify and describe the relevant skills of those individuals who will have major responsibilities for the proposed project. Include a discussion of their relevant skills in terms of the project and the amount of time each person will be required to devote to the project. Discuss the role of the Project Director. Provide information indicating the director has appropriate qualifications, well defined responsibilities, sufficient time, and adequate academic and institutional authority and support to effectively manage the project.

Discuss the number and qualifications of faculty necessary to adequately utilize the funded facility/equipment in teaching of AWS courses after conclusion of project. Demonstrate institutional commitment to provide necessary faculty positions. Indicate if personnel are current faculty members or must be hired. If the latter, provide a discussion of planned activities to staff the position(s).

(f) Budget Plan

The proposal must contain a Budget Plan that includes a detailed itemization of proposed expenditures for direct costs associated with the project according to the following categories:

Item	Fed $	Percentage	Non-Fed $	Percentage	Total
(a) Facilities					
(1) Construction					
(2) Renovation					
(3) Stationary equipment					
(b) Equipment					
(1) Flight					
(2) Air Traffic Control					
(3) Electronics					
(4) Maintenance					
(5) Computers					
(6) Meteorology					
(7) Office equipment					
(8) Classroom equipment					
(9) Distance Learning					
(10) Resource materials					
(c) Travel [1]					
(d) Consultant services [1]					
(e) Salaries [1]					
(f) Other direct costs [1]					
Total					

[1] Costs directly related to grant project, though not qualified for Federal funding.

Each category must contain line item entries of allowable costs and be subtotalled. (See OMB Circular A-21 for discussion of allowable costs). The line item entries must be allocated appropriately between Federal and non-Federal funding. FAA grant funds may only be dedicated to categories "a" and "b". Cost sharing funds include allowable grant project costs (categories "a" thru "f") which are incurred by the institution, funds donated by an outside source, or the value of in-kind contributions. Federal costs may not occur prior to the official award of the grant. Nonfederal funds may occur from the planning stages through the evaluation period but do not include operating costs, faculty teaching costs, or the development time for an institution's grant application. In no event shall the total Federal grant funds provided for an AWS project exceed 50% of the total allowable cost of the project. A sample itemized budget is available from the AWS Grant Program Manager upon request. Budgets which do not include an itemization of expenditures will be disqualified. Budgets which include construction activities with a general cost per square foot will be disqualified.

(g) Institutional Need

Provide a detailed justification for the requested grant funding in terms of financial need. Discuss the consequences of not funding the proposed project. Explain and identify the funding sources and levels which support the institution's current AWS Program. Illustrate the amount of incoming funds over the past three years which have been dedicated to the institution's AWS Program. Provide the same information for funds dedicated to the institution's other aviation programs. Include a discussion of FAA sponsored AWS grants previously awarded to the institution including funding level, project, date of award, and status.

(h) Evaluation/Assessment Plan

Provide a project Evaluation/Assessment Plan. The plan must include a strategy and measurement component for each goal and objective of the grant project. The actual evaluation/assessment may be performed by the institution's staff or in collaboration with outside consultants within 12 months of the time the project facility and/or equipment is available to students. The results of the completed evaluation/assessment will determine whether the goals and objectives of the project have been achieved and the impact of the project upon the AWS program at the institution. These results shall be submitted to the FAA as part of the final project report.

(6) Local Review Statement

Attach a statement, signed by an appropriate official of the institution, that contains: (a) an endorsement of the proposed project; (b) a description of how the proposed project supports the institution's long range goals and objectives in AWS; and (c) a commitment to provide the institutional resources necessary to meet cost sharing obligations, complete the proposed project, maintain the facilities and equipment to an acceptable standard, and continue financial support for the AWS Curriculum Program after the grant funds have been expended.

Reporting Requirements

Until the proposed project is completed, the FAA requires that each award institution prepare an Annual Project Report, not to exceed twenty (20) double-spaced typewritten pages in length. The Annual Project Report shall be submitted to the FAA within 90 days of the close of each institution's fiscal year. The report should include a summary of project progress, highlights and accomplishments, personnel changes and a status report on expenditures and account balances for each of the line items presented in the proposed Budget Plan.

In addition, a Final Project Report must be submitted to the FAA within 90 days of the project completion. The Final Project Report shall include summaries of project activities, accomplishments, outcomes of the implemented Evaluation Plan, and Budget Plan expenditures. The FAA anticipates that FAA representatives will make site visits to each grant institution during the lifetime of the project.

Proposal Review

Proposals will be reviewed, evaluated, and ranked against the evaluation criteria by a panel of educational and aviation specialists from the public and private sectors, including: academia private industry and/or the Federal Government. This review will be used by the FAA in the selection of applicants for grant awards.

For purposes of review, all proposals received by the FAA will be placed into one of two competitive classes: (1) Minority institutions (see June 1, 1984, 49 FR 22903) and (2) majority institutions. Grant awards will be made on a competitive basis within each competitive class. The awards within a given competitive class typically will range from $100,000 to $300,000 maximum. Each proposal will be reviewed, evaluated and ranked, within the competitive class to which it is assigned by the FAA.

The FAA does not intend to fund all proposed projects or necessarily all components of a proposed project. FAA expects to award at least 20 grants

Evaluation Criteria

The evaluation criteria are designed to enable the reviewing panel and FAA officials to effectively evaluate the relative merit of submitted proposals. The proposals will be scored on a 100-point scale and will be evaluated based on the following factors:

1. *Institutional Commitment* (15 points maximum)

Each proposal will be evaluated as to the extent of the institution's commitment to the AWS Program, in relation to the date of curriculum recognition and overall size of program, as follows:

(a) Number of recognized AWS curriculum options.

(b) Number of students pursuing AWS degrees.

(c) Number of AWS degrees awarded since curriculum recognition.

(d) Recruitment activities including outreach programs for minority and female students.

(e) Projected growth of AWS Program over next 5 years. Extent to which projected growth is realistic in comparison to current enrollment figures and strategic plan.

(f) Amount of institutional cost sharing funds provided toward the project.

(g) Demonstrated continued support and growth of the institution's AWS Program.

(h) Quality of Local Review Statement.

2. *Strategic Plan* (15 points maximum)

The feasibility of the Strategic Plan will be evaluated in terms of the following:

(a) Institution's current AWS Program.

(b) Institution's planned approach to meet future aviation work force needs.

(c) Potential resources, including fiscal, instructional, and administrative elements, necessary for achievement of planned goals.

3. *Project Plan* (20 points maximum)

The Project Plan will be evaluated as follows:

(a) Appropriateness of the project in terms of institution's current AWS Program.

(b) Relationship between the project and the strategic plan.

(c) Extent to which project adequately supports recognized curriculum.

(d) Number of AWS students to benefit in relation to size of institution's AWS Program.

(e) Benefits to students.

(f) Evidence that institution has good understanding of activities and tasks required to bring project to conclusion.

(g) Appropriateness of proposed facilities and/or equipment in terms of project goals and objectives.

(h) Extent to which milestones are realistic and attainable.

(i) Extent to which applicant demonstrates that non-Federal funds required for the project are available.

(j) Extent to which adequate management mechanisms provide for the effective administration and technical direction of the project.

4. *Project Personnel* (10 points maximum)

The professional qualifications and experience of the institution's present AWS personnel, especially the AWS Project Director, and other key officials who will be involved in the proposed AWS grant project, will be evaluated as follows:

(a) Qualifications and experience of the Project Director.

(b) Qualifications and experience of project personnel in relation to the goals and objectives of the project.

(c) How well the institution scheduled and allocated project personnel time to perform duties associated with project.

(d) How well AWS personnel responsibilities are defined.

(e) Adequate faculty on board to utilize facilities and/or equipment *or* institutional commitment to provide necessary faculty positions and adequate staffing plan developed.

5. *Budget Plan* (10 points maximum)

The Budget Plan will be evaluated as follows:

(a) Proposed expenditures itemized by budget category and mathematical calculations correct.

(b) Entries detailed and consistent with project narrative.

(c) Budget figures appropriate for goods and services being procured.

5. *Institutional Need* (15 points maximum)

Each proposal will be evaluated to determine the extent to which the applicant institution has demonstrated the following:

(a) An overrall financial need for funding.

(b) Consequences to the institution's AWS Program if Federal funding not obtained.

7. *Evaluation/Assessment Plan* (15 points maximum)

The Evaluation Plan will be evaluated to determine the extent to which it demonstrates the following:

(a) Plan is adequately tied to goals and objectives of the project.

(b) Strategy and measurement components are appropriate for stated project goals and objectives.

(c) Evaluation will produce information which would be useful to other institutions in implementing similar projects.

Issued in Washington, DC, on March 12, 1992.

Belinda R. Zamer,

Deputy Director, Office of Training and Higher Education.

[FR Doc. 92-6399 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Transit Administration

[Docket No. 91-B]

Metric Conversion Policy

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of proposed policy.

SUMMARY: This document solicits comments on a proposed policy to pursue and promote an orderly conversion to the metric system on a recommended schedule for all Federal Transit Administration (FTA) Programs in accordance with statutory mandates. The action would involve the setting of metric conversion timetables for FTA manuals, documents, publications, data collection and reporting, and administration of grants and procurement contracts. It would implement legislation approved in 1988 and would comply with the policy established by the Department of Commerce, the lead agency under the statute, and the Department of Transportation (DOT). It will affect State and local governments, the transit industry and the public.

DATES: Comments must be received on or before May 18, 1992.

ADDRESSES: Submit written, signed comments to FTA Docket No. 91-B, Federal Transit Administration, Office of the Chief Counsel, room 9316, 400 Seventh St., SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. John Durham, Program Analyst, Office of Technical Assistance and Safety, TTS-12, (202) 366-0255 or Linda Watkins, Office of the Chief Counsel, TCC-34, (202) 366-1936.

SUPPLEMENTARY INFORMATION: Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 102 Stat. 1107, 1451 (codified at 15 U.S.C. 205(a)), which amended the voluntary metric conversion provisions of the Metric Conversion Act of 1975 (Pub. L. 94-168, 89 Stat. 1007), declares the metric system to be the "preferred system of weights and measures for United States trade and commerce" and that "each agency of the Federal Government, by date certain prior to the end of fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units". The DOT has determined that all FTA programs authorized under title (49), United States Code, and related mass transportation acts shall be converted to metric.

The U.S. Department of Commerce (DOC), as the lead Federal agency for metric conversion, promulgated its guidance for Federal agencies on January 2, 1991, 56 FR 160 (15 CFR part 19), and earlier issued its Systems of Units (metric system) for the United States at 55 FR 55242 on December 20, 1990. That guidance, in part, requires Federal agencies to: (1) Establish metric conversion plans and dates for use of the metric system to procurements, grants, and other business-related activities; (2) Coordinate with other Federal agencies, State and local governments and the private sector.

The DOC guidance further requires that Federal agencies

> * * * shall give due consideration to known effects of their actions on State and local governments and the private sector, * * * paying particular attention to effects on small business. (15 CFR 19.22; 56 FR 161).

The U.S. DOT has issued implementing guidance under DOT Order 1020.1C dated May 8, 1990, and its Attachment dated January 31, 1991 (available for inspection and copying in the files of the FTA public docket in room 9316 as stated under heading **ADDRESSES** above). The DOT guidance in part states:

> The Department of Commerce interprets the 1992 deadline for metric conversion to mean that plans scheduling such conversion should be in place by then, with some conversion underway and other conversion scheduled as appropriate for later dates. For purposes of these guidelines, such scheduled conversion should be completed where possible by 1997, and where necessary to go beyond that year, firm conversion schedules should be in place.

In response to this DOT Order, FTA has proposed and submitted a metric conversion plan to the Office of the Secretary on September 3, 1991. This plan foresees that FTA activities most affected by metric conversion will be those related to its grant programs. The net effect will be felt in the use of metric rather than conventional specifications; any real cost or effectiveness impacts on FTA grantees, contractors and equipment suppliers in converting to metric should be minor. FTA holds this view because we are encouraging the use of the metric system, rather than mandating a conversion in a manner that would add unreasonable costs to the industry. Thus, it is our expectation that grantees will work with suppliers in achieving an orderly conversion—one that is low in cost yet enhances the ability of the transit industry to compete in the world marketplace.

In terms of its own activities, the plan calls for FTA immediately to begin to welcome information in metric units from its grantees and other constituents. During FY 1992, FTA also intends to develop computer programs internally to translate Section 15 data into corresponding metric units and to identify metric training needs of its employees. Beginning in FY 1993 the agency plans to use metric units predominantly in its reports and correspondence. Other aspects of FTA's metric conversion are to be accomplished over a 5-year period. FTA recognizes that total industry conversion to the metric system, especially regarding facilities construction, may take decades to accomplish.

Purpose

The purpose of this notice is to solicit comments on this action and the proposed timetable for conversion to using the metric system for all FTA programs. Of particular interest to the Government is quantifiable information on the costs and benefits of metric conversion.

Metric conversion for FTA (and other Federal agencies) is no longer voluntary; it is now mandatory for FTA's procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant addressed they should relate to an identifiable element or programs activity involved.

Definitions

Metric System means the International System of Units (SI) established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978, Pub. L. 95-561, section 311(a), 92 Stat 2211.

Other Business-Related Activities means measurement sensitive commercial or business directed transactions or programs, *ie.*, standard or specification development, procedure or practice requirements of an agency.

Measurement Sensitive means the choice of a measurement unit is a critical component of the activity, *i.e.*, an agency rule/regulation to collect samples or measure something at specific distances or to specified depths; specifications requiring intake or discharge of a product to certain volumes or flow rates; guidelines for clearances between objectives for safety, security or environmental purposes, etc.

General Policy

It is FTA's policy to pursue and promote an orderly changeover to the metric system for all the programs in accordance with the statutory requirements, DOC policy guidance and DOT guidance. Metric conversion of FTA's procurement operations will be governed by the Federal Acquisition Regulations issued by the General Services Administration (GSA) and DOT regulations and policies.

In the development of the proposed transition timetable, which addresses only major areas of concern, FTA has attempted to be sensitive to all parties affected by the planned actions, recognizing that various industries and sectors of the economy will differ widely in the timing of their transition to the use of metric measurement.

Program Exclusions

Metric usage shall not be required to the extent such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in accordance with 15 CFR 19.22; 56 FR 161. At this time FTA does not propose any exceptions to metric conversion.

PROPOSED METRIC CONVERSION TIMETABLE

Program elements/activities	Target date
I. Incorporate public comments into final FTA plan and policy.	June 1, 1992.
II. Convert Section 15 data to metric (internal to FTA).	Sept. 1992.
III. Implement FTA employee training program.	Sept. 1993.
IV. Conversion of FTA manuals, documents, and publications.	Sept. 1997.

Authority: (Sec. 5164, Pub. L. 100-418, 102 Stat. 1107, 1451 (codified at 15 U.S.C. 205(a)); Pub. L. 94-168, 89 Stat 1007; Sec. 311(a), Pub. L. 95-561, 92 Stat 2211: 49 CFR 1.51.)

Issued on: March 13, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92-6360 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-57-M

UNITED STATES INFORMATION AGENCY

Hubert H. Humphrey Fellowship Program

AGENCY: United States Information Agency.

ACTION: Notice, request for proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs seeks to secure the services of a Washington-based non-profit organization to assist in the administration of the Hubert H. Humphrey Fellowship Program Washington Workshop. The organization shall plan and implement a seven-day conference for the Humphrey Fellows from October 24-30, 1992. The goal of the workshop is to enhance Fellows' understanding of social, cultural, and political institutions in the U.S., provide opportunities for interaction among Fellows, provide opportunities for professional networking, introduce the Fellows to the organization responsible for administering the Humphrey Program, the Institute for International Education (IIE), and introduce Fellows to Washington, DC.

Each year the Hubert H. Humphrey Fellowship Program brings approximately 145 accomplished professionals from developing countries to the U.S. at a mid-point in their careers. The program involves a year of non-degree graduate-level study and related professional experiences. Fellows are nominated by U.S. embassies or binational educational commissions because of their academic qualifications and potential for national leadership. By providing these future leaders with exposure to U.S. society and culture, and to current U.S. approaches to the fields in which they work, the program provides a basis for establishing lasting ties among U.S. citizens and their professional counterparts in other countries.

Fellowships are granted competitively to public- and private-sector candidates with a commitment to public service in the fields of planning and resource management, public policy analysis and public administration, public health, and agricultural development. Fields pursued by Fellows could include such diverse sub-categories as the following: international finance; marketing; trade; personnel administration; environmental policy; water management; higher education administration; information management; journalism; justice administration; urban planning; regional development; hospital administration; and substance abuse treatment and prevention.

DATES: Deadline for proposals:

Proposals must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on April 20, 1992. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents which are postmarked on April 20, 1992 but received at a later date. It is the responsibility of each grant applicant to ensure that the proposal is received by

that deadline. The grant should begin about June 29, 1992.

ADDRESSES: The original and fifteen (15) copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: Hubert H. Humphrey Fellowship Program, Grant Management Division, E/XE, room 357, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Representatives of interested organizations must contact Ms. Aleta Wenger or Ms. Deborah Trent at the U.S. Information Agency, 301 4th Street, SW., Hubert H. Humphrey Fellowship Program, Office of Academic Programs, room 349, (202) 619–5289, to request detailed application packets. The packet includes program requirements, award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific information for budget preparation.

SUPPLEMENTARY INFORMATION:

Overview

Authority for the Hubert H. Humphrey Fellowship Program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256 (Fulbright-Hays Act). The Fulbright Program seeks to increase mutual understanding between the people of the U.S. and people of other countries.

Pursuant to the Bureau's authorizing legislation, programs must maintain their scholarly integrity and non-political character and should be balanced and representative of the diversity of American political, social, and cultural life.

Guidelines

Eligibility

Non-profit organizations with key program staff based in the Washington, DC metropolitan area and available for frequent meetings with Washington D.C.-based Agency staff are invited to submit proposals for a cooperative agreement award from the Agency. Organizations must also have experience in conference management, professional exchanges, and international exchanges.

Only organizations with at least four years of experience in international exchange activities are eligible to apply for this grant.

Proposed Budget

A comprehensive, line-item budget must be submitted with the proposal by the application deadline. Specific guidelines for budget preparation are contained in the application packet. Budget requests should be presented in the format indicated in the application packet.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not adhere to the guidelines established herein and in the application packet.

Eligible proposals will be forwarded to a panel of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency's budget and contracts offices. Proposals may be reviewed by the Agency's Office of the General Counsel.

Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

1. Quality/responsiveness—The quality of the workshop plan and adherence to the criteria and conditions described in the application packet. Proposals should clearly demonstrate how the organization will meet the workshop's objectives.

2. Institutional capacity—Proposed staffing levels and experience, as well as the quality and quantity of all institutional resources, should be adequate and appropriate for achieving the workshop's goals.

3. Cost-effectiveness—The overhead and administrative components of the grant, as well as salaries and honoraria, should be kept as low as possible. All budget items should be necessary and appropriate. Proposals should demonstrate cost-sharing and in-kind support. The level of cost-sharing and in-kind support reflected in each proposal will be key selection factors.

4. Track record/potential—Proposals should describe the experience of the applicant organization. The Agency will consider the performance of previous and current USIA grant recipients in addition to the potential of new applicants.

5. Evaluation plan—Proposals should provide a sound plan for evaluation to be undertaken by the selected organization.

Notification

All applicants will be notified of he results of the review process on or about June 22, 1992. Awarded grant(s) will be subject to periodic reporting and evaluation requirements.

Application Disclaimer

The terms and conditions of this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final award cannot be made until funds have been allocated and committed through internal USIA procedures.

Dated: March 12, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92–6414 Filed 3–18–92; 8:45 am]

BILLING CODE 8230–01–M

American Overseas Research Centers

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposal.

SUMMARY: The Bureau of Educational and Cultural Affairs seeks requests for financial assistance from American overseas research centers (ORCs). The authority for this activity is the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256 (Fulbright-Hayes Act). Through its support of ORCs, USIA seeks to enhance its mission of achieving long-term mutual understanding and mutual exchange of scholarly information and knowledge between the people of the United States and people of other countries.

DATES: Proposals must be received at the U.S. Information Agency by 5 p.m. Washington, DC, time May 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on May 15, 1992, but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

ADDRESSES: The original and fifteen copies (all with original signatures and date) of the completed application, should be submitted to: U.S. Information Agency, American Overseas Research Centers, Grants Management Division, E/XE, Room 357, 301 4th Street, SW., Washington, DC 20547.

FOR APPLICATION MATERIAL AND ADDITIONAL INFORMATION (BUDGET GUIDANCE, ETC.) CONTACT: Mr. Michael Graham, (E/AEN), Academic Exchange Programs Division, Near East/South Asia Branch, (202) 619–5368.

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Overview

For this competition, an ORC is defined as a non-profit, independent U.S. institution of higher education and research, affiliated with or accredited by relevant recognized higher education bodies in the U.S. (e.g., American Schools of Oriental Research, Council for American Overseas Research Centers, Middle East Studies Association of North America).

An ORC may be a free-standing organization, independent of any other group or body, or may comprise a consortium of U.S. colleges, universities, museums and libraries. Applicants must demonstrate capability in facilitating advanced research abroad in the social sciences and humanities (not only archeological research) by both U.S. and foreign scholars and students; maintain an educational facility and full-time staff representation overseas; show a record of achievement in engaging the participation of all relevant segments of the local scholarly community; demonstrate mechanisms for active, ongoing non-Federal fund-raising; demonstrate capability in administering fellowships for advanced scholarly research abroad by U.S. scholars and students; and be actively undertaking innovative programs that further research, preferably collaborative research, with foreign scholars, in the social sciences and humanities.

Guidelines

The competition is limited to the following countries:

A. North Africa—Tunisia, Morocco, Algeria, Mauritania.

B. South Asia—Bangladesh, Pakistan.

These countries represent USIA's geographic priorities for development of academic exchange relationships through overeas research centers. Subject to the availability of funding, grants will be awarded in Fiscal Year 1992. Applicants may request funding for two years, but are requested to present two one-year budgets.

The Agency will review performance at the conclusion of the first year of the grant, and pending availability of funds, may extend the grant for one year without requesting a new proposal.

Restrictions: Proposals for feasibility studies to plan new ORCs will not be considered.

Review Process:

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not adhere to the guidelines established herein, and amplified in the application package. Ineligible proposals will not be considered for funding. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Proposals also may be reviewed by the Agency's Office of the General Counsel.

The Associate Director for Educational and Cultural Affairs identifies and approves potential grant recipients. Final technical authority for awarding a grant resides with the Office of Contracts.

Proposal requirements are described below:

1. A cover sheet with the name of the institution, U.S. and overseas project directors, addresses, telephone and fax numbers and major field(s) of the project (e.g., Middle Eastern studies). Applicants are required to answer all questions on the cover sheet.

2. An executive summary or abstract of the proposal not to exceed two double-spaced pages.

3. A Narrative not to exceed 10 double-spaced pages, including evidence of institutional standing and academic quality, established record and achievements of the ORC, clear statement of goals and objectives for USIA-supported activities and the means to accomplish the objectives, justification of intellectual or institutional importance of programs, research output, and scholarly services; description of the nature of institutional and individual membership, and governing structure; a sampling of past research output; evidence of the relationship of the ORC to host country academic environment and plans for expanding local academic ties; a statement of how exchange-of-persons programs for which USIA funding is requested will be implemented and how participants are evaluated and selected; clear identification of the program innovation for which funding is being sought; a statement of how the ORC will evaluate activities supported by USIA; a summary of USIA-supported activities in the most recent year.

4. Financial management data outlining the total ORC budget, detailing expenditures and sources from which funds are anticipated. (Detailed information concerning budget format and eligible and ineligible items is included in the financial assistance application guidelines sent by USIA.)

5. Appendices: (a) Copy of charter, bylaws and articles of incorporation; (b) list of board of directors, or similar body, and officers; (c) vita of U.S. and overseas project directors not to exceed two pages each; (d) list of member institutions; (e) sources and amounts of Federal funds received in most recent fiscal year; (f) sources and amounts of non-Federal funds received in most recent fiscal year ; (g) copy of fellowship application; (h) copy of fellowship publicity; (i) list of recipients, if applicable, of USIA-sponsored fellowships in most recent three-year period, including academic fields and research topics; (j) a list of foreign scholars, and their projects, who have worked in collaboration with the ORC.

Review Criteria

Applications for this competition will be reviewed according to the following criteria and funding will be allocated on the basis of a panel's judgment regarding the degree to which these criteria are met:

1. Quality of program plan and adherence to criteria and conditions described above.

2. Reasonableness, feasibility, and flexibility of objectives. Proposals should clearly demonstrate how the ORC will meet its objectives.

3. Multiplier effect/impact. A particular priority is that proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual scholarly linkages for collaborative research and graduate education in host country.

4. Value to U.S. binational relations. The potential impact and significance of the ORC's operations in the host country and in the region.

5. Cost effectiveness. Overhead and administrative components of grants, including salaries and honoraria, should be kept as low as possible, and are not allowed to exceed 20% of the total grant.

6. Cost-sharing. Proposals should maximize cost-sharing through non-Federal support.

7. Potential for program excellence and/or track record. Relevant evaluation results of previous projects are part of this assessment.

8. Innovativeness of the program for which funding is sought.

9. Promise of the general advancement of U.S. scholarly research abroad.

10. Evidence of strong mutual benefits to the U.S. and foreign institutions and individuals involved.

11. Evidence of strong commitment by U.S. participating and member institutions.

Note: Inasmuch as each ORC is competing against all the others in the pool of applicants, it is possible that not all will be successful in receiving funding and more likely still that the full amount requested will

not be awarded. Some grants may only be made for one year in order to redistribute the future pools of applicants more evenly over a two-year cycle of competitions.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review of full proposals on or about May 15, 1992. Grant awards will be subject to standard periodic reporting and evaluation requirements.

Dated: March 13, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6416 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

Curriculum Consultant/Faculty Development Exchange with the Commonwealth of Independent States and Georgia

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions for the development of a two component program for educators from the United States, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. These exchanges are subject to the availability of funding for Fiscal Year 1992.

Support is offered for two categories: Category A, the Curriculum Consultant Exchange; and Category B, the Faculty Development Program. Both categories have separate conditions and requirements, which are stated in this announcement. Institutions may compete in one or both categories, but must submit a separate proposal for each category.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Friday, April 17, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 17, 1992 but received at a later date. It is the responsibility of each grant applicant to ensure that its proposals are received by the above deadline. Duration: *Category A:* Proposals for the Curriculum Consultant Exchange must be for an entire academic year. Programs may not start before July 1, 1992, and must end before September 1, 1993. *Category B:* Proposals for the Faculty Development Program should provide for a six-week program, and must not begin before July 1, 1992, and must end before September 31, 1992.

ADDRESSES: The original and 15 copies of the completed application, including required forms, should be submitted by April 17, 1992 to: U.S. Information Agency, Reference: (Program Category and Title), Office of Grants Management, E/XE, room 357, 301 4th Street, SW, Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should write or call: Ted Kniker or Mara Moldwin, U.S. Information Agency, 301 4th Street, SW., European Branch, Academic Exchanges Division, E/AEE room 208, Washington, DC 20547; telephone (202) 619-5341, to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Overall authority for these programs is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs should also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Overview

The Office of Academic Programs encourages the development of current and accurate information about U.S. culture, institutions, society and language to be incorporated in the educational curricula of the countries of the Commonwealth of Independent States and Georgia through a wide range of exchange programs. Specifically, the Office of Academic Programs sponsors exchanges that bring foreign educators involved in the development and direction of teaching materials and curricula that focus on U.S. culture, institutions, society, and lanugage to the United States for study programs that will enhance their first-hand knowledge of those subject areas. The Office also sponsors the strengthening of Russian language and central Eurasians area studies in American educational institutions through various components of the Fulbright Exchange Program. Each component of the Curriculum Consultant/Faculty Development Program serves both objectives in an effective and lasting fashion.

Category A

The Curriculum Consultant exchange program will involve the two-way exchange of (a) up to 15 foreign educators who are involved in the study of Russian as a second language, and (b) up to 15 American studies/English teaching educators from the United States. The participants must spend a full academic year working as consultants in their counterpart universities.

Category B

The Faculty Development Program (the summer component) will be a six-week, U.S.-sited study program for up to 25 senior foreign educators from Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, or Uzbekistan. The study programs should focus on U.S. culture, institutions and society, American English, American linguistics theory and second language acquisition.

Guidelines

Language Qualifications

Foreign participants must be fluent in English and American participants must have sufficient fluency in Russian. Escort/interpreters are therefore not provided.

Institutional Commitment

Proposals must include documentation of institutional support for the proposed program in the form of signed letters of endorsement from the U.S. and foreign partners' presidents, chancellors, or directors, or in the form of a signed agreement by the same persons. Letters of endorsement must describe each institution's commitment and activities in support of an on-going partner linkage and make specific reference to the proposed program and each institution's activities in support of that program. Applicants must submit this documentation as part of the completed application. Applying institutions are expected to make their own arrangements with the appropriate foreign institutions.

Orientation Programs

Participants should be provided with a substantive and comprensive orientation to the country of their visit,and proposals shold describe these orientation programs, including costs, in detail.

Proposed Budget

Project awards to U.S. institutions and organizations will be made in a wide range of amounts but for Category A (Curriculum Consultants), awards will not exceed $65,000 except for consortia of three or more member colleges or universities; and Category B (Faculty Development), awards will not exceed $85,000 except for consortia of three or more member colleges or universities. The Agency reserves the right to reduce, revise or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years of experience in international exchange activities, grants will be limited to a maximum of $60,000, and proposed bugets should not exceed this amount. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet.

Allowable Costs

Category A and Category B

Grant-funded items of expenditure will be limited to the following categories:

—International Travel (via American flag carrier);
—Domestic travel;
—Excursionary travel and lodging for cultural enrichment (not to exceed $200.00 per participant);
—Maintenance and per diem;
—Academic program costs (e.g. tuition, book allowance);
—Travel and partial maintenance costs (not to exceed 50 percent of U.S. Government per diem rates for stays of 30 days or less, or 35 percent for stays over 30 days) for accompanying faculty or resident directors, for no more than one program supervisor per fifteen participants.
—Orientation costs (speaker honoraria are not to exceed $150 per day per speaker);
—Cultural enrichment expenses (admissions, tickets, etc., limited to $150 per participant);
—Administration (salaries, benefits, communications, other direct and indirect costs)*;
—Application should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including tuition waivers and overseas partner contributions.

***Please Note:** It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation; administrative expenses should be cost-shared.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet, including the Guidelines for Preparing Proposals (EAEE-92-02). Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Quality of program plan—including academic rigor and excellence, thorough conception of project, demonstration of meeting participants' needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.

b. Reasonable, feasible, and flexible objectives—the capacity of the organization to conduct the program. Proposals should clearly demonstrate how the insitution will meet the program objectives and plan.

c. Track record—relevant Agency and outside assessments of the organization's experience with international programs; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

d. Multiplier effect/impact—the positive effect of the program on long-term mutual understanding, the inclusion of maximum sharing of information, and the establishment of long-term institutional and individual linkages.

e. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.

f. Cost effectiveness—greatest return on each grant dollar, degree of cost-sharing exhibited.

g. Diversity and pluralism—preference will be given to proposals that demonstrate efforts to include participants from diverse regions, and of different socio-economic and ethnic backgrounds, to the extent feasible for the applicant institutions.

h. Adherence of proposed activities to the criteria and conditions described above.

i. Institutional commitment as demonstrated by financial and other support to the program.

j. Follow-on Activities—proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

k. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Notice

The terms and conditions published in this RFP binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final award cannot be made until funds have been fully appropriated by Congress, allocated, and committed through internal USIA procedures.

Notification

All applicants will be notified in writing of the results of the review process on or about June 15, 1992. All funded proposals will be subject to

periodic reporting and evaluating requirements.

Dated: March 11, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6415 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

Czech and Slovak Federal Republic Summer Language Exchange

AGENCY: United States Information Agency.

ACTION: Notice—Request for Proposals.

SUMMARY: Subject to the availability of funds, the United States Information Agency (USIA) invites applications from U.S. educational, cultural, and other not-for-profit institutions to conduct a summer language exchange with the Czech and Slovak Federal Republic. Applications for substantive academic exchanges will be accepted from accredited, degree-granting U.S. universities or colleges, university systems, and not-for-profit organizations engaged in international educational exchange programs.

DATES: Deadlines for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Wednesday, April 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 15, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that its proposal is received by the appropriate deadline. Grants should begin no earlier than June 15, 1992. The duration of the grant should be from 6 to 14 weeks.

ADDRESSES: The original and fifteen (15) complete copies of the application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: Czech and Slovak Federal Republic Summer Language Program, Office of Grants Management, E/XE, Room 357, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should contact: Ted Kniker at U.S. Information Agency, 301 4th Street, SW., European Branch, Division of Academic Exchanges, E/AEE room 208, Washington, DC 20547; telephone (202) 619-5341 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

SUPPLEMENTARY INFORMATION: Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. Programs shall also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Overview

This exchange is to be conducted in pursuit of the goals established in the Agreement between the Government of the United States of America and the Government of the Czech and Slovak Federal Republic (formerly the Czechoslovak Socialist Republic) on Cooperation in Culture, Education, Science and Technology, and Other Fields. The purpose of this exchange program is to conduct an intensive summer language program for up to 20 participants from each country. Support is offered for programs which bring Czech and Slovak English language educators to the United States and send American students and/or language educators specializing in Czech and Slovak languages, to the Czech and Slovak Republic for advanced language instruction. Programs for study in fields other than those mentioned above will not be considered. Programs must be reciprocal; while it is desired that an equal number of participants be exchanged, it is not a requirement. Proposals must include participants from both Czech and Slovak republics. Participants must be citizens of the United States or of the Czech and Slovak Federal Republic. Programs in the U.S. are expected to be conducted in English. Programs in the Czech and Slovak Federal Republic are expected to be conducted in the language of the host republic. Applying institutions are expected to make their own arrangements directly with appropriate Czech and Slovak institutions. Proposals should include documentation of institutional support for the proposed program from the participating U.S. and foreign institutions.

Language Qualifications: Participants should have sufficient fluency in the language of the host country (or republic) to be able to pursue university level study and be able to converse with citizens of the country without the aid of interpreters. Generally, the equivalent of two years of college-level study is considered the minimum.

Cultural Enrichment: Proposals should include a thorough description of cultural enrichment activities. Programs for the Czech and Slovak teachers should include an American studies component.

Proposed Budget

One or two project awards will be made in a range of amounts but will not exceed $80,000. The Agency reserves the right to reduce, revise or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years experience in international exchange activities, grants will be limited to a maximum of $60,000, and proposed budgets should not exceed this amount. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet. Grant-funded items of expenditure will be limited to the following categories:

—International Travel (via American Flag Carriers);
—Domestic travel;
—Maintenance and Per Diem;
—Academic program costs (e.g. tuition, university fees, book allowance);
—Orientation costs (speaker honoraria are not to exceed $150 per day per speaker);
—Cultural enrichment expenses (admissions, tickets, etc.; limited to $150 per participant);
—Administration (salaries, benefits, communications, other direct and indirect costs.*
—Applications should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including tuition waivers and overseas partner contributions.

*Please Note: It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation and indirect costs applied to all administrative and program costs; additional administrative expenses should be cost-shared.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet, including the Guidelines for Preparing Proposals [E/AEE-92-02]. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with the USIA's contracting officer.

Review Criteria:

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Adherence of proposed activities to the conditions described in the bilateral agreement and the program of cooperation (Article I, Paragraph V) between the United States and the Czech and Slovak Federal Republic.

b. Quality of program plan, including academic rigor, thorough conception of project, demonstration of meeting participant needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.

c. Feasibility of the program plan and the capacity of the organization to conduct the exchange. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

d. Track record—relevant Agency and outside assessments of the organization's experience with international exchange; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

e. Multiplier effect/impact—the impact of the exchange activity on the wider community and on the development of continuing ties, as well as the contribution of the proposed activity in promoting mutual understanding.

f. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.

g. Cost effectiveness—greatest return on each grant dollar; degree of cost-sharing exhibited.

h. Diversity and pluralism—preference will be given to proposals that demonstrate efforts to provide for the participation of individuals from diverse regions and of different socio-economic and ethnic backgrounds, to the extent feasible for the applicant institutions.

i. Institutional commitment as demonstrated by financial and other support to the program.

j. Follow-on activities—proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA-supported programs are not isolated events.

k. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Preference Factors: Preference will be given to proposals that:

1. Include an area studies component;
2. Include a thorough orientation component for all participants; and
3. Provide an approximately equal number of American and Czech and Slovak participants.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of this request for proposals does not constitute an award commitment on the part of the government. Final awards cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the result of the review process on or about June 1, 1992. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: March 11, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-6413 Filed 3-18-92; 8:45 am]

BILLING CODE 8230-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Industry Policy and Sector/Functional Advisory Committees

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Industry Policy and Sector/Functional Advisory Committees meetings including Chairman of Industry Sector and Functional Advisory Committees.

SUMMARY: The meetings will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to section 2155(f)(2) of Title 19 of the United States Code, I have determined that these meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, these meetings will be closed to the public.

DATES: The period of March 8, 1992 to March 8, 1994.

ADDRESSES: All meetings will be held at the U.S. Department of Commerce, 14th Street and Independence Avenue, Washington, DC 20230, unless an alternate site is necessary.

FOR FURTHER INFORMATION CONTACT: Mollie Shields, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President or Clare Soponis, Director, Trade Advisory Center, Department of Commerce.

Carla A. Hills,

United States Trade Representative.

[FR Doc. 92-6412 Filed 3-18-92; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, March 31, 1992.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-6576 Filed 3-18792; 2:44 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, March 31, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-6577 Filed 3-17-92; 2:44 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, March 31, 1991.

PLACE: 2033 K St., N.W., Washington, D.C., Lower Lobby Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

—Application of the New York Cotton Exchange for contract designation in European Currency Unit futures
—Application of the Chicago Board of Trade for contract designation in Health Insurance futures and options
—Application of the Chicago Board of Trade for contract designation in Homeowners Insurance futures and options
—Application of the Coffee Sugar Cocoa Exchange for contract designation in Brazil Differential Coffee Futures

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-6578 Filed 3-17-92; 2:44 pm]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:02 a.m. on Tuesday, March 17, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Recommendations concerning administrative enforcement proceedings.

Matters relating to the Corporation's assistance agreement with an insured bank.

Matters relating to certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, N.W., Washington, DC.

Dated: March 17, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92-6590 Filed 3-17-92; 3:01 pm]

BILLING CODE 6714-01-M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1446]

TIME AND DATE: 1 p.m. (EST), March 23, 1992.

PLACE: TVA Knoxville Office Complex, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on February 19, 1992.

ACTION ITEMS:

New Business

C—Power

C1. Financing Assistance for Distributors as Part of TVA's Power Program.

C2. Low Density Credit for TVA Power Distributors in Rural Areas with High Operating Costs.

C3. Changes in the Rates for TVA Power.

E—Real Property Transactions

E1. Public Auction Sale of Sewer Line Easement and Sewage Treatment Plant Site Affecting 11.42 Acres of Bellefonte Nuclear Plant Property in Hollywood, Alabama.

E2. Sale of Permanent Easement Affecting 0.11 Acre of Cherokee Reservoir Land in Grainger County, Tennessee.

E3. Sale by the U.S. Department of Agriculture, Forest Service, Affecting 0.05 Acre of Former TVA Land in Carter County, Tennessee.

F—Unclassified

F1. Contracts with CDI Corporation-Southeast and American Technical Associates, Inc.

F2. Filing of Condemnation Item.

INFORMATION ITEMS:

1. Revisions to the Reservation Charge for the Interruptible Standby Power Option 1.
2. Supplement No. 3 to Contract No. TV-76866T with Coopers & Lybrand for the Design and Implementation of the TVA Quality Improvement Program.
3. Jobs and Education Bill Credit.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager of Media Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: March 16, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6513 Filed 3-17-92; 10:24 am]

BILLING CODE 8120-08-M

Corrections

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 911177-2016]

Groundfish of the Bearing Sea and Aleutian Islands Area

Correction

In rule document 92-1665, beginning on page 2688, in the issue of Thursday, January 23, 1992, make the following correction:

On page 2688, in the first column, under **EFFECTIVE DATES:**, in the second line, delete "filing".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0094]

Drug Export; Corzide Tablets (40mg/5mg, 80mg/5mg)

Correction

In notice document 92-4866, beginning on page 7592, in the issue of Tuesday, March 3, 1992, make the following correction:

On page 7593, in the first column, in the tenth line, "1992" should read "1991".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0093]

Drug Export; Hydrea Capsules 500 mg

Correction

In notice document 92-4865, appearing on page 7592, in the issue of Tuesday, March 3, 1992, in the second column, under **FOR FURTHER INFORMATION CONTACT:**, in the first line, delete "and".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92N-0095]

Drug Export; Pravachol Tablets 10mg and 20mg

Correction

In notice document 92-4867, appearing on page 7593, in the issue of Tuesday, March 3, 1992, make the following corrections:

1. In the first column, under **ADDRESSES:**, in the ninth line, "Amendements" was misspelled.

2. In the second column, under **SUPPLEMENTARY INFORMATION:**, in the fourth line, "provided" should read "provide".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8346]

RIN 1545-AB73

Limitations on Percentage Depletion in the Case of Oil and Gas Wells

Correction

In the issue of Monday, February 10, 1992, on page 4913, in the first column, in the correction of rule document 91-10856, in § 1.613A-3, in correction 4., in the third line, "355" should read "375".

BILLING CODE 1505-01-D

federal register

Thursday
March 19, 1992

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 234

Single Family Development Acceptance of Individual Residential Water Purification Equipment; Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 234

[Docket No. R-92-1514; FR-2855]

RIN 2502-AF04

Single Family Development Acceptance of Individual Residential Water Purification Equipment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule sets out the circumstances under which the Department will agree to provide FHA mortgage insurance on single family properties for which a loan-to-value ratio (LTV) greater than 90% is proposed, and when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f), and usually applied to such properties, cannot be met. This rule also codifies requirements already applicable to the insuring of existing single family properties. The purpose of this rule is to expand the availability of FHA mortgage insurance while assuring appropriate safeguards to protect the health and safety of potential occupants.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Donald Fairman, Manufactured Housing and Construction Standards Division, room 6207, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone, voice: (202) 708–0718; (TDD) (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). No person may be subjeced to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**. Public reporting burden for the collection of information requirements contained in this rule are estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, *Other Matters*. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410–0500; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

Background

On February 14, 1991, the Department published a proposed rule (56 FR 6216) designed to set out the circumstances under which FHA would agree to provide mortgage insurance on single family properties otherwise eligible for insurance, when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f) cannot be met. This final rule makes effective, with changes described in the preamble, the February 14, 1991 proposed rule.

The National Housing Act, 12 U.S.C. 1702 *et seq.*, authorizes the Secretary of Housing and Urban Development to prescribe standards for determining the acceptability of one and two family residential structures (and other structures) for mortgage insurance. 12 U.S.C. 1715*l*(f). In addition, the standards must be consistent with the national housing policy of realizing the goal of "a decent and suitable living environment for every American family* * *." 42 U.S.C. 1441.

The Secretary has prescribed Minimum Property Standards (MPS) in 24 CFR part 200, subpart S, for determining the acceptability of one and two family (and other) housing. In addition, subpart S currently references additional standards contained in HUD Handbooks 4910.1 and 4930.2, which are incorporated into the Department's regulations by authority of 24 CFR 200.927.

Water quality standards, applicable to newly constructed single family structures for which the loan-to-value ratio is greater than 90 percent, are set out in 24 CFR 200.926d(f). The cited paragraph generally sets out the requirements for acceptability of public or private water supply systems providing safe drinking water.

Section 424 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701z–15, provides that when an existing water supply does not meet HUD's minimum property standards and a permanent alternative acceptable water supply is not available, approved residential water treatment equipment or a water purification unit that provides bacterially and chemically safe drinking water may be used to provide a continuous supply of water.

Under section 424, the Department is authorized to provide terms and conditions under which residential treatment equipment may be found to meet the conditions for mortgage insurability. Cognizant of the mandate in section 424, the Department is providing, in this rule, a means by which mortgage insurance can be made available despite the lack of a supply of bacterially and chemically safe drinking water. The procedures in the rule are designed to assure, by means of an agreement between mortgagor and mortgagee (and with the assistance of health and water quality professionals), that water purification equipment to be used in the dwelling will provide continuing availability of safe and potable water.

The Department has reviewed the Environmental Protection Agency's (EPA) data and rules for the use of water treatment equipment and purification units (commonly referred to as "point of entry treatment devices"), and specifically those proposed in the **Federal Register** at 50 FR 46915 (November 13, 1985) and published in final form at 52 FR 25690 (July 8, 1987). (See 40 CFR 141.100 and 142.62(g).) The Safe Drinking Water Act provides authority for EPA to establish the conditions under which treatment devices may be used, if necessary to assure protection of public health. The Department also has reviewed a report to the Congress by the Farmers Home Administration in response to section 1304(b)(1) of the Food Security Act of 1985, 7 U.S.C. 1281, entitled "Individual Facilities for Rural Water and Waste Disposal." Additionally, HUD staff has consulted with the staff of the EPA Office of Drinking Water, and has reviewed data from the Water Quality Association.

This rule provides a means for mortgagees and mortgagors, in an area that lacks a source of safe and potable water available to otherwise-insurable dwelling units, to:

1. Arrange, by means of a contract and through the enlistment of assistance from local health authorities, for an approved means of assuring a continuous supply of drinking water;

2. Demonstrate to the satisfaction of the Department that the water supply is and will continue to be safe; and

3. Make possible the provision by the Department of mortgage insurance under the National Housing Act.

The procedures in this rule are similar to those in Mortgagee Letter 91–4, issued January 25, 1991, regarding requirements applicable to properties not covered by the Minimum Property Standards. This rule amends the MPS to cross-reference the above-described special procedures. This rule provides a uniform regulatory standard applicable to all single family FHA insurance transactions—both new and existing single family dwellings.

Concurrently with the adoption of new §§ 203.52 and 234.64, the Department is amending § 203.550. Section 203.550, relating to a mortgagee's responsibility for collecting, managing, and disbursing escrowed monies, provides in paragraph (c) that the mortgagee's estimate of escrow requirements must be based on the best information available as to probable payments that will be required to be made from the escrow account "in the coming year." This provision as originally drawn contemplated only the accrual of monies for expenditures such as taxes and insurance that require outlays at least annually. The escrow is established under §§ 203.52(e) and 234.64(e). It includes not only monies to be expended periodically during each year for servicing and maintenance costs, but includes also a reserve for repair and replacement of equipment, as needed. Section 203.550 is revised in this rule to permit the collection and escrow of monies that may not be disbursed until some years after collection.

The escrow described in §§ 203.52(e) and 234.64(e) is exempt from the prohibition in section 10 of the Real Estate Settlement Procedures Act (RESPA), in accordance with the Secretary's authority to grant exemption under section 19(a) of that Act.

Public Comments

The Department received nine public comments on the proposed rule. Several of the comments were detailed in their criticisms of the rule and made explicit recommendations for change. The commenters, although few in number, appeared to represent a diverse cross-section of relevant interests, including an environmental engineer; an association representing water well and pump installation contractors; an association of drinking water administrators; counsel for the National Water Quality Association, representing manufacturers of water treatment devices; an individual manufacturer of water quality devices; the Member of Congress who sponsored the amendment giving rise to the rule; a mortgage lender; the Mortgage Bankers Association; and a state conference of directors of environmental health.

A summary of the principal comments and responses, organized by subject matter, is set out below.

I. Requests for Clarification of the Rule

Comment: An environmental engineer suggested that clarification is needed on the term "purification" as used in the proposed rule. As written, the commenter said, the rule indicates that the use of purification equipment will produce a safe and potable water supply. Only disinfection with an agent such as chlorine will destroy, neutralize or inhibit the growth of pathogenic microorganisms which cause disease. Purification equipment (merely) tends to make water more aesthetically acceptable, but not necessarily to produce a safe water supply.

Response: Section 203.52(3) of the HUD proposed rule requires the system equipment to provide a water supply that meets the state or local health authority standards for water quality. Where no state or local standards exist, EPA standards arising out of the Safe Drinking Water Act must be met. Neither of these standards can be complied with without disinfecting the system. For point of entry and point of use equipment, EPA requires the system to be certified by the state. This includes a plan using effective technology to provide microbiological safety of the water. Either system must provide health protection equivalent to a central water treatment system. ("Equivalent" means the water will meet all primary and secondary drinking water standards). An approved monitoring plan, (the state or its agency) must be in place (monitoring includes physical measuring of flow rate and mechanical condition of the equipment). Attention is also provided to possible increases in heterotrophic bacteria concentrations in water treated with activated carbon. Frequent backwashing, disinfection and heterotrophic plate count monitoring may be necessary.

Comment: An environmental health organization commented that the rule was not sufficiently specific about what water quality standard was to be applied to individual water supplies. If the rule intends that a well serving a single family dwelling must meet the Safe Drinking Water Act (SDW) standards, quality testing alone would cost up to $2000. In addition, the commenting organization said, point-of-entry devices suitable for private wells may not exist or be economically feasible for some of the contaminants that may be detected by water quality testing for SDW Act compliance.

Response: Under the SDW Act, EPA has developed drinking water requirements that are required by law to be enforced by the states. Section 203.52(3) of the proposed rule provides that the water supply must meet the state or local water quality standards for drinking. These are EPA requirements that a state enforces to assure acceptable drinking water for a locality.

II. Doubts About Reliability of Available Disinfection Units

Comment: According to the environmental engineer's comments, at present, disinfection units available for individual home use leave "a lot to be desired" from the standpoint of reliability.

Response: Water purification equipment must be approved by a nationally recognized testing laboratory. In addition, the local health or state authority must certify that a system is in place that will assure safe potable water and a plan exists for the monitoring, servicing, maintenance and replacement of the water equipment. Finally, the water supply, when treated by the equipment, must meet the requirements of the health authority. The Department believes that these requirements provide reasonable assurance of a continuing supply of safe, potable water.

III. Concerns About Costs

Comment: The environmental engineer claimed that the rule's required "plan" will be cost-prohibitive to some mortgagors, thereby preventing them from purchasing a home in some areas.

Response: There will be situations where this is true. However, the Department is left with no choice. There is no alternative to carrying out the intention of the statutory amendment with a rule that will assure a constant supply of bacterially and chemically safe drinking water. HUD believes it is essential to apply the same high standard to individual water systems as is applied by EPA to water systems serving 25 or more persons.

IV. Amount of Responsibility Placed on Local Health Authorities

Comment: A national trade association expressed its concern about the lack of definition of "local health authority" included in the proposed rule. If the term is limited to governmental

departments and agencies at the local level, the commenter indicated that some states may be at a disadvantage. As an example, the commenter stated that Nebraska had only two or three counties with local health authorities. Elsewhere, reliance upon a state health agency would be the only available resource for working out the plan and the contracts contemplated by the rule.

The commenter requested that the final rule make clear that statewide health authorities, e.g., the agency responsible for drinking water programs, would be acceptable. Such a statewide authority, the commenter suggested, could set management standards and then work through other local or regional organizations, e.g., natural resources districts.

Response: The term "local health authority" is intended to include the state agency responsible for drinking water programs as well as appropriate town and city agencies. This has been clarified in the rule.

Comment: The rule, as written, will place a lot of responsibility on local health authorities who may not have the resources to carry it out, the environmental engineer commented.

Response: As a result of the SDW Act, EPA requires each state, through one of its agencies, to protect the consumer by providing safe drinking water that conforms to EPA standards. In a number of states, this responsibility is delegated to the local health authority, which in turn oversees the local water department. The states are required to have adequate monitoring, testing and performance to protect the consumer. This procedure is currently in existence for public water systems, and it is the Department's position that this process can be extended to this program by the voluntary action of health authorities. It is the only practical and safe way that this program can be managed.

Comment: A manufacturers' association focused its concern on the "far too wide-ranging and nebulous powers granted local public health authorities." The requirement that a local authority certify that a point-of-entry system is in operation on the property would be, the commenter said, a prime deterrent to the use of point-of-entry equipment. Since the requirement makes it necessary to install the equipment on-site before certification, the rule would make it necessary to purchase and install expensive equipment with no certainty that the product will be certified by the local authority. The commenter recommended instead that prospective certification be permitted, based on product data supplied by the manufacturer.

Response: If the procedure outlined in this rule is followed, the only reason a local authority would have to refuse certification would be those cases where the equipment failed to provide safe potable water. The local health authorities have several matters about which they must certify, now including acceptability of the testing laboratory that approves the water purification equipment. The Department does not expect certification to occur without ample justification. Finally, this requirement for certification before occupancy allows all concerned to be assured that the correct technical decisions have been adopted. Clearly, water from the site where equipment is to be installed can be tested in advance of the equipment's installation, to afford local health authorities (and the mortgagor) an adequate demonstration that the equipment is effective before the expense of on-site installation is incurred. Nevertheless, the commenter is essentially correct in stating that the equipment must be certified as in operation on-site.

Comment: The same commenter suggested that the health authority's power to certify created the possibility that the local authority could add requirements of its own—unspecified in the rule—to the basic requirement that the water quality provided by the equipment be satisfactory.

Response: With reference to a state agency or local health authority's adding requirements, local knowledge will be required to control local problems. EPA has established the requirements, but the states are responsible for enforcement. The normal procedure for local requirements is to compare them with HUD criteria and enforce the higher standard. HUD will not object or interfere with the enforcement of higher local or state requirements.

Comment: Installation, monitoring, and servicing are limited by the rule to an "approved" entity selected by the local health authority. The commenter urged that, again, this placed too much discretion in local authority, and recommended that the rule instead provide that a list of acceptable installers, monitors and servicers be specified. (The commenter asserted that only one nationwide certification program exists for identifying qualified servicers—the Certified Water Specialist program administered by the Water Quality Association—the commenting organization.)

Response: The Department believes that mortgage insurance that can be in force on a property for thirty years and beyond must provide the protection afforded by this rule in the most permanent manner possible. This results in placing basic responsibilities with state and local governments, rather than with business or industry groups that can change with little or no notice. The Department has inadequate information on the ever-changing universe of local water purification industry members. This function is better suited to local agencies with first hand information available on the activities of nearby businesses.

The question on the number of certifying organizations available to serve the needs of these requirements currently presents a small problem. However, the promulgation of this rule can be expected to result in the activation of a number of companies with skills in this area.

Comment: An association representing state drinking water administrators expressed some concern about the impact of the rule on state and territorial drinking water programs. The commenter observed that the responsibilities placed on health authorities came at a time when drinking water agencies are experiencing a shortfall in resources to adopt and implement Safe Drinking Water Act amendments. Additionally, some doubt was expressed whether some health agencies had the legal authority to certify point-of-entry water purification systems, or to enforce the performance of service contractors.

Response: This comment reintroduces the problem of cost from the government aspect. Again, the Department believes that it has no choice. If local or state governments lack either resources or authority, the Department will be unable to provide mortgage insurance for properties with water access problems of this type, while providing necessary protection for the mortgagors. The Department recognizes that the rule is not likely to result in availability, in all localities, of mortgage insurance for properties requiring water purification systems.

Comment: A manufacturer argued that the rule's requirement that local health authorities certify the equipment's sufficiency to assure an uninterrupted supply of safe and potable water was unnecessary in light of the requirements for a monitoring and maintenance plan. The commenter questioned how a local authority would be able to make the determination, given the need to maintain the equipment in accordance with a monitoring and maintenance plan. It was urged that the local health authority's role be dropped from the rule.

Response: The Department feels that the importance of the functions required by this rule necessitates participation by the local health authority. There is no alternative agency or group with the assured staying power of local and State governments. These agencies possess the skills, are closer to the problem and will have the facilities to accomplish the work where they agree to take part in this program. It is expected that assurances of continuing acceptable water quality will involve both review of monitoring records and making provision of water analysis tests.

Comment: A lender who said that he had contacted three health departments stated that none of the three would agree to approve a Plan of the kind described in the proposed rule, because to do so, they said, would risk legal liability in the event of system failure of future contamination to the water consumed by the homeowner.

Response: The Department is not able to determine the degree or extent of liability risk associated with this regulation. This regulation is designed to provide safeguards that will minimize these risks if all the requirements are observed. Undeniably, it is possible that some local health authorities might decline to undertake the role outlined in the rule. Nothing in the rule compels a local authority to carry out this function.

Comment: The health authorities also stated (according to the commenting lender) that contractors would be unable to afford the cost of product liability insurance in an amount necessary to provide insurance to the health authority as well as to the contractor performing inspections. The cost of such insurance, the lender-commenter observed, would have to be passed on to the purchasing homeowner.

Response: Again, where local resources or the willingness to assume responsibility are unavailable to observe the requirements of this regulation, necessary protection cannot be provided for the mortgagor, and the Department will not be in a position to offer mortgage insurance for properties requiring individual water systems.

Comment: Finally, according to the commenter, the health authorities he interviewed said that they would not act to provide "approval" of selected contractors to provide inspections, servicing, etc., because this, too, would risk legal liability for the health authority.

Response: Identification and approval of contractors to provide the necessary services to individual water systems is an essential part of the program. Someone from the local jurisdiction, or from the state, must be willing to assume responsibility for a monitoring plan for this type of equipment. Where P.O.E. or P.O.U. equipment is used by local water companies, EPA rules at 40 CFR parts 141 and 142 require the state or its agency to review and approve a monitoring plan that includes a service plan for the equipment. While in the case of this rule, state/local government participation will be voluntary, the parallel process under the EPA rules should mean that experience with similar monitoring responsibilities exists, and this experience should pave the way for state/local participation in monitoring processes like those outlined in today's rule.

Comment: Given the circumstances he described (summarized above), the lender suggested the adoption of the regulation as proposed would "appear to be an exercise in futility." The commenter recommended a more informal approach—requiring the installation of an appropriate treatment device when contamination is apparent, and having the mortgagor execute a certificate acknowledging his awareness of the contamination and agreeing to maintain the treatment equipment in the future. Going beyond these minimal requirements, the lender said, will prove to be impractical.

Response: The Department has an obligation under the law to act in a cautious and prudent manner in establishing this new procedure. Both life safety and health are at risk for mortgagors or occupants of these properties. In addition, lenders, and the Department as insurer, are entitled to procedures that are designed to assure more than minimal attention to the future livability of the insured property. These considerations are too important to allow either equipment or procedures that are less safe than can be provided through the best available means.

Comment: A state organization representing environmental health officials commented that while a program to allow point-of-entry devices for the financing of existing dwellings might be justifiable, "we find no justification for allowing the financing of new housing under the same criteria." It is inappropriate, the commenter stated, "to knowingly allow new housing stock to be created and financed where the water supply is unsafe. This is a practice contrary to sound public health policy, creating new populations-at-risk which previously did not exist."

With reference to existing housing stock, the commenter did not oppose the use of point-of-entry devices, but stated that the certification process proposed (whether for existing or new housing) is "unworkable and unacceptable to local environmental health authorities in California."

Lender and borrower, the commenter continued, are placed in a "Catch 22" position: While the rule leaves local health officials free not to participate, it suggests to borrowers that a procedure exists for permitting insured financing to be secured.

Response: The thrust of these comments appears to be opposition to the legislation, rather than the methods HUD will employ to comply with the Act.

Comment: The commenter stated that liability and practical concerns would lead to the unwillingness of local health authorities to participate in the certification process—expecially in California. The rule would place local health authorities in a role not authorized by law, and local legal counsels will advise against any such role. Similarly, the commenter said, local health authorities would be unwilling to certify that a point-of-entry system would provide an uninterrupted supply of safe and potable water. Additionally, in California, all point-of-entry devices must have the approval of the State Department of Health Services. Unless a particular device was on the State's approved list, local authorities would have no authority to approve it.

Response: Where a state or locality is not able to participate in this program, mortgage insurance cannot be provided for properties with these particular problems. The local or state health authority is absolutely necessary to the provision of protection of life safety and health afforded by the procedures outlined in this regulation.

V. Requests for Changes in the Rule

Comment: An environmental engineer for a state health and rehabilitative service recommended withdrawing the rule as now written, in order to allow "more time to analyze the situation." The commenter suggested that different areas of the country might require specific plans to meet their needs.

Response: Different types of water contamination require different types of treatment devices and may need individual plans to meet their needs. However, this is not new. Water contamination of different types is being treated on a daily basis, using the necessary equipment to provide safe drinking water. Monitoring plans are in effect and the equipment is being serviced. The Department does not agree that waiting longer to implement a rule to carry out the statutory direction would lead to a better rule.

Comment: Another commenter asked for more information about the estimated number and location of single family developments that would be affected by the rule, and for clarification of how the standards would be applied to developments of single family homes.

Response: No means exists accurately to estimate the number of properties that will apply for mortgage insurance under this authority. Under information collection requirements in the proposed rule, the Department has estimated 1000 applicants per year, nationwide. This may well be a generous estimate—especially after the needs of an initial group of mortgagors, who may have a present need, have been satisfied.

Comment: A commenter representing an association of safe drinking water administrators asked whether the rule would authorize local health authorities to apply drinking water standards that were specific to single family developments, or whether they would be called upon to apply the requirements applicable to public water systems. The commenter observed that 1986 Safe Drinking Water Act amendments required public systems to comply with standards for 83 drinking water contaminants, as well as filtration and disinfection requirements. While application of this standard to single family developments would be "admirable," the commenter said, additional research would be required to determine the costs, to the home buyer and to the state agency, of doing so.

Response: The requirements of the SDW Act only apply to private or public systems that serve more than 25 persons. To assure that all mortgagors have access to potable water, HUD has decided that, to qualify for FHA insurance, homes in systems serving fewer than 25 persons (including individual homes with their own water systems) must comply either with local or state water quality standards or, in the absence of these standards, with the relevant EPA standard.

Comment: An equipment manufacturer recommended that service contractors, rather than manufacturers, be called upon to provide maintenance information, because local service contractors will be more knowledgeable about the specific water quality, and thus more qualified to determine maintenance and replacement needs.

In general, the manufacturer asked for a rule that allowed for more flexibility regarding product testing, and one that permitted point-of-use devices.

Response: The Department believes that the basic responsibility for the manufacture, establishment of maintenance needs, as well as directions for installation and use of the equipment lies with the equipment manufacturer. The role of the service contractor should be to follow the directions and repeat any necessary instructions supplied by the equipment manufacturer. Proper maintenance or servicing of the equipment must be assured.

Point-of-Use devices have been included in this final rule, as discussed under part VII of the preamble.

VI. Support for Use of Residential Water Treatment Systems

Comment: A trade association representing the ground water industry stated its full support for the rule's intention to provide a realistic option to "the importation of water by sometimes extraordinarily expensive water pipelines."

VII. Point of Entry and Point of Use

Comment: Considerable comment was received from industry sources and from the sponsoring Member of Congress on this issue. In general, it was urged that point of use devices be authorized by the rule, in circumstances where dangers from ingestion were the only water-related health concerns present.

A manufacturers' association asked that the rule be expanded to permit "point-of-use" as well as point-of-entry devices. The commenter expressed its view that the rule's prohibition of point-of-use devices "undercuts the plain language of the enabling statute." According to the commenting association, the limitation would deprive consumers of a safe alternative in circumstances when it would prove too costly—and unnecessary—to remove a particular contaminant from all household water, rather than just drinking water.

Quoting the statute (12 U.S.C. 1701z-15(a)), the commenter asserted that the key provision was that the water purification equipment be capable of providing bacterially and chemically safe drinking water. The commenter quoted the following EPA regulations:

"A State may require a public water system to use bottled water or point-of-use devices as a condition for granting an exemption from the requirements of § 141.61(a) of this part." (40 CFR 142.57)

"The State may require a public water system to use bottled water or point of use devices or other means as a condition of granting a variance or an exemption from the requirements of § 141.61(a), to avoid an unreasonable risk to health." (40 CFR 142.62(e))

Finally, the association quoted the amendment's sponsor, Representative Douglas Bereuter of Nebraska, in an August 11, 1988 floor statement about his intention in introducing the amendment earlier. Mr. Bereuter made clear that his intention had been that point-of-use devices providing safe drinking water would be acceptable, unless a contaminant posed a health risk (when the water was used for non-drinking purposes). Remarks of Rep. Bereuter, 134 Cong. Rec. H6969 (Daily Ed.) August 11, 1988.

Summarizing, the commenter urged that the rule allow point-of-use devices when the only contaminant which was of concern in a particular fact situation was drinking water-related. The association "readily acknowledges" that point-of-use equipment will not protect against contaminants contained in water provided at other outlets. "(However) if there is a contaminant which is not removed or reduced by a point-of-use device, then the local public health authority would not certify its use."

The congressional sponsor of the amendment on which HUD's proposed rule is based, Douglas Bereuter of Nebraska, provided comments on the point-of-use issue as well. Mr. Bereuter affirmed that it was his intention as sponsor that point-of-use systems be allowed.

An equipment manufacturer urged that HUD abandon the prohibition on point-of-use equipment, on grounds that the limitation was unrealistic and costly to consumers. It was suggested that point-of-entry requirements should be applied only where a contaminant poses a significant health risk from "non-ingestion exposure routes."

Response: The Department has given careful consideration to the question of point-of-use devices. After reviewing the comments on this subject, HUD has determined that, under proper circumstances, point-of-use devices will afford the same level of protection that will be obtained with point-of-entry devices. This level of protection can only be provided by supplying one of these devices for each water faucet connected to the residential water system. Without this kind of thorough protection, uninformed people—new occupants or visitors—may be exposed to unnecessary danger. Accordingly, the final rule has been modified to permit point-of-use devices where their use is employed on all water outlets in a residential water system.

VIII. Regulations Too Onerous

Comment: An association representing manufacturers and sellers of water quality treatment products expressed its concern that the rule would impose so many unnecessary and onerous requirements on potential users of water treatment products that is would be "highly unlikely that many homes will be equipped with these devices." The commenter quoted the rule as evidence that HUD itself recognized this fact.

Response: The Department is aware that this is a complex rule. The essence of this rule is the protection of life safety and health through the use and application of highly sophisticated technical equipment on an individual home basis. The only responsible approach to this problem on a national scale is through the use of proven procedures employing the best available trained personnel. Any reduction in the level of protection afforded would be less than responsive to section 424 of the Housing and Community Development Act of 1987.

Comment: The same commenter argued that the rule's provision for approval of water purification equipment by a nationally recognized testing laboratory was objectionable. The commenter asserted that only one private foundation laboratory exists, and that organization, the National Sanitation Foundation, certifies products to standard for removal of only 40 of more than 200 contaminants on the EPA list of primary drinking water contaminants. That laboratory, according to the commenter, can only certify point-of-use equipment. Accordingly, the commenter believes that the combination of the third-party certification requirement and the point-of-entry requirement in the rule would prevent the use of any point-of-entry purification systems.

If HUD insists on equipment certification, the commenter continued, it should permit either third party approval (it is unclear what the commenter believed this would entail) or "self-certification by the unit's manufacturer."

The regulation's failure to define a "nationally recognized testing laboratory" or to identify any such facilities creates an ambiguity, the commenter said, that would give too much discretionary power to local health officials. This power could lead to an effective monopoly for product testing and approval services—at the expense of consumer choice and cost.

In summary, the association recommended that testing be conducted by the manufacturer using "scientifically valid test methods," and that the installer provide the consumer with a water test to show that the product is performing as promised. The installer should also be required to provide the consumer with a maintenance schedule for filter changes, the commenter suggested.

A water purification equipment manufacturer expressed similar concerns. The commenter stated that it had numerous products certified under the standards of the only nationally recognized laboratory, the National Sanitation Foundation, but that NSF standards do not cover all products. For that reason, the commenter urged that it would be inappropriate to mandate that certification by a testing entity be a universal requirement. The manufacturer asked that the rule be modified to provide that equipment must be approved either by a nationally recognized testing laboratory or "tested using scientifically valid test methods."

Response: The Department has discussed this matter with staff at the National Sanitation Foundation, including the question of the number of contaminants for whose removal the Foundation can certify products. The response is that the Foundation is in the process of developing tests and protocols for the entire current list of contaminants published by EPA, and will continue to develop these methodologies for contaminants identified on future lists published by EPA. These tests and protocols extend to both point-of-use and point-of-entry equipment. Foundation personnel explain that lack of requirements has resulted in lack of demand in this area, and that new attention to these needs (such as this regulation) can be expected to result in greater demand, technical attention and laboratory participation in the development of treatment facilities for individual wells.

The question of third party certification on the manufacture of this equipment, as opposed to self-certification, has been considered by the Department. Third party certification serves to provide a periodic check on the quality control procedures of the manufacturer to help assure safe functional equipment. The Department has decided that equipment providing protection to life safety and health fully justifies this level of inspection.

The question of providing a definition for "nationally recognized testing laboratory" poses a different problem. "Nationally recognized testing laboratory" is a term of art used at times to describe a professionally competent organization with licensed personnel, appropriate, properly calibrated equipment and a record of successful experience in analysis and approval of the work described. To reduce the apparent ambiguity of this requirement, the Department has added that such a laboratory must be acceptable to the local or State health authority.

Comment: Representative Bereuter also criticized this aspect of the rule. "My understanding is that no lab test is able to duplicate the many and varied conditions of non-potable water, and thus that any lab test will not accurately reflect whether a purification system will work in all cases. Only a test of the device on the site in which it is to be used would seem to prove accurate."

Response: There is no question that untreated water will have to be tested to provide guidance in the selection of appropriate treatment devices. The final proof of the availability of bacterially and chemically safe drinking water can only be made after treatment devices are in operation. This is the intent of §§ 203.52(b)(3) and 234.64(b)(3).

IX. Notice to Applicant Mortgagors

Comment: A manufacturers' association also questioned the rules's proposed requirement that mortgagors be given notice that a property has a "hazardous water supply." Many public water systems, the commenter asserted, operated under variances from the EPA because of the presence of one or more contaminants in their water supply, but these cities are not required to state that their water is "hazardous." The commenter recommended that no such notice be required, or, alternatively, that the term "hazardous" be replaced with a notice that the "water supply does not meet applicable federal, state or local standards."

Response: The commenter's observation concerning public water systems is correct. However, public systems are required to have a state-approved monitoring plan certified that indicates their maintenance schedule for the system. These monitoring plans include testing and maintenance on a regular basis to assure the state that the water system is safe for human consumption. Copies of the water tests must be submitted to the state on a regular basis. The state is required by EPA to require adequate certification of performance and field testing. In the case of private systems, with no public organization to undertake these functions, it appears both reasonable and prudent to provide case-by-case notice to the occupant of a property with a water supply that may be hazardous to the health of a family.

X. Administration of Escrow Account for Maintenance, Repair and Reserves for Replacement

Comment: A loan servicer commented that while administering an escrow

account for maintenance, repair and reserves for replacement of water purification equipment would be a "servicing nightmare," as a technical matter it could be done.

Response: The Department is aware that servicing escrow accounts—particularly accounts of the type involved in this rule—presents difficulties for a mortgagee. However, there is no practical alternative.

Comment: The Mortgage Bankers Association commented that while the rule proposes that mortgagees escrow estimated amounts for maintenance of the equipment, no remedy is proposed for handling costs that exceed the amount in escrow. In addition, the Association observed that the plan requirements outlined in the rule, if not flexibly administered, carried the potential to be abused by service contractors to the detriment of mortgagors and mortgagees.

Escrow shortages caused by repair or replacement expenses that exceeded the amount escrowed for this purpose would only be acceptable to the mortgagee if the rule provided flexibility to collect the additional funds needed within 30 days. Otherwise, it would be unreasonable to expect lenders to assume liability for expenses over which they have no control, and no expert knowledge in estimating.

Response: Escrow overruns should occur relatively infrequently in this program. When overruns do occur, they are expected to be handled through routine procedures. These include increased payments by the mortgagor, and in some cases, direct assessments.

XI. Maintenance Contracts

Comment: A mortgage lender from California suggested that the organization or individual who contracts to provide maintenance would have to be well-acquainted with the equipment to be serviced, and at least in some states, would need appropriate licensing.

Response: Servicing organizations will have to be fully acquainted with manufacturers instructions for the installation and maintenance of water purification equipment. The certification requirements for local health authorities are intended, insofar as possible, to assure that only qualified organizations will be accepted. Assuring that state licensing requirements are met will be the joint responsibility of local health authorities and the servicing organizations themselves.

Comment: The same commenter estimated that annual testing fees could run as high as $500, depending on the level of testing required. Since this expense would have to be a part of the escrowed account for maintenance, repair and replacement, it would appear that the escrow might prove overly burdensome for the average FHA buyer.

Response: The Department is aware of this potential problem. However, HUD sees no alternative to equipment and upkeep costs necessary to provide chemically and bacterially safe drinking water. Presumably the problem will be self-correcting: If the water supply available to a particular property poses equipment and upkeep costs beyond the mortgagor's willingness to pay, the suitability of the property for residential housing will be judged negatively.

Comment: The MBA reflected that the rule places mortgagors and mortgagees at the mercy of specialized manufacturers, installers and consultants. Particularly in rural areas, the commenter stated, where the number of qualified water contractors may be limited, the tendency may be to make very conservative judgments of potability. This could lead to abuses by contractors. Water that is perfectly safe with a point-of-use system, for example, may be deemed unsafe—not because it is hazardous to mortgagors, but because it would be more profitable to contractors to install a point of entry system.

The maintenance, disclosure and escrow requirements outlined in HUD's proposal, the MBA stated, would be very difficult for lenders to administer. HUD field offices must be absolutely certain that the addition of water purification equipment is in the best interest of mortgagors.

Response: Health authority participation, and laboratories run by professional and usually licensed personnel, should, in HUD's view, generally avert the problem of fraudulent representation of water quality.

Dependency on state and local governments, and the use of qualified laboratories will serve the purpose of assuring the need for water purification equipment, as well as assuring the designation of correct equipment and procedures to remove water impurities.

Other Matters

Paperwork Reduction Act

The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Sections 203.52 and 234.64 of this rule have been determined by the Department to contain collection of information requirements. Information on these requirements is provided as follows:

Description of the Need for Information and its Proposed Use: This information collection will enable HUD to assure that the parties to an insured mortgage transaction involving property without a water supply that is safe and potable in the absence of treatment have taken adequate steps to safeguard the health and safety of inhabitants of the insured dwelling. Submission of the required information to HUD will provide a means for the Department to monitor the efficacy of the procedures provided in the rule, and will ensure that these procedures are carried out as a prerequisite to the availability of mortgage insurance.

The Department solicits comments on the reporting and recordkeeping burdens associated with the "Plan" set out as a feature of this rule, including comments on the Department's estimates of the time required to complete the Plan. Comments are invited on Ways that this burden could be reduced.

Form Number: None.

Respondents: Mortgagors and mortgagees (jointly) who proposed to enter into insured mortgage transactions involving single family dwellings in areas with water supplies requiring treatment.

Frequency of Submission: One submission per insured mortgage transaction.

Reporting Burden:

No. of Respondents	X	Frequency of Response	X	Hours Per Response
7000		1 per year		1.357 hrs.

Total Burden Hours: 9500 hours.

(These estimates assume: 1000 applicants per year, each requiring a total of 9.5 hours in the first year to complete collection of information responses required by the rule. The 9.5 hours includes time for preparation of plans, certifications, service contracts, preparation of escrow reviews, mortgagee certifications, and annual water analyses.

Thereafter, in "out" years, previous year applicants would require one hour per year to complete water analysis—i.e., to obtain samples and tests. Accordingly, in year one the total information burden is estimated at 9500 hours, in year two, 10500 hours (9500 for estimated 1000 applicants + 1000 hours for annual water analysis for previous year's applicants). Burden thereafter would increase by 1000 hours annually, because of accumulation of applicants requiring follow-up testing.

NEPA

A Finding of No Significant Impact with respect to the environment has been made with reference to the content of this final rule (as revised) in accordance with HUD regulations at 24 CFR part 50, with implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of Rules Docket Clerk at the above address.

Executive Order 12291

This rule does not constitute a "major rule" as that term is defined in section 1(d) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The per-unit cost of installing water purification equipment can vary greatly, in a range running from a few hundred dollars to several thousand dollars. However, the estimated cumulative cost of this equipment—even assuming the maximum of 1000 insurance applications under this program in a year's time—could not even approach the dollar costs necessary to cause an economic effect of the magnitude described in Executive Order 12291. The Department estimates that gross equipment costs for the maximum 1000 homes seeking insurance would fall within a range of $1.5 to $2 million per year. In any event, the total cost of this equipment would be an inappropriate measure of the economic burden imposed by the rule, since some portion of these homes would be constructed and equipped with water purification equipment, whether or not FHA mortgage insurance was sought in the financing of the mortgage.

Regulatory Flexibility

The Secretary, in accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), has reviewed this rule before its publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will provide an opportunity, to mortgagors in areas with poor access to public water supplies, to secure FHA mortgage insurance upon demonstrating that an effective means has been arranged to secure safe drinking water through the use of individual water purification systems. Only a relatively small number of mortgagees are expected to be provided mortgage insurance under the circumstances described in the rule. While the requirements associated with the insurance of mortgages under these circumstances are more strenuous than those facing mortgagors and mortgagees in other single family transactions, they are considered the minimum necessary for accomplishing the goal of affording access to mortgage insurance only under circumstances that will assure the safety of the water supply serving the dwelling unit. Given the subject matter, no effective means exist to reduce the regulatory burden to be applied, as it relates to small mortgagees or other small entities affected by the rule.

Semiannual Agenda

This rule was listed as sequence number 1399 on the Department's Semiannual Agenda of Regulations published on October 21, 1991 (56 FR 53380, 53407) in accordance with Executive Order 12291 and Regulatory Flexibility Act.

Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. While the rule provides for the exercise of certain important responsibilities by local or state health authorities, associated with the provision of mortgage insurance, the functions described in the rule are not mandated; local or state health authorities will remain free to participate in the process described in the rule, or to refrain from so participating.

Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule provides a means, under special circumstances, for securing FHA mortgage insurance for otherwise-uninsurable properties, and a means to assure the safety and potability of drinking water serving the premises. Any effect on the family would likely be indirect and insignificant.

Accordingly, the Department proposes to amend 24 CFR parts 200, 203 and 234 as follows:

PART 200—INTRODUCTION

1. The authority citation for part 200 would continue to read as follows:

Authority: Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 200.926d would be amended by revising paragraph (f)(2)(ii) to read as follows:

§ 200.926d Construction requirements.

* * * * * *

(f) * * *

(2) * * *

(ii) Water that, to be potable, requires continuing or repetitive treatment to be safe bacterially or chemically shall also comply with the requirements of 24 CFR 203.52 or 24 CFR 234.64, whichever is applicable.

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PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

3. The authority citation for part 203 would continue to read as follows:

Authority: Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d). In addition, subpart C is issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

4. A new § 203.52 would be added to subpart A, to read as follows:

§ 203.52 Acceptance of individual residential water purification equipment.

If a property otherwise eligible for insurance under this part does not have access to a continuing supply of safe and potable water without the use of a water purification system, the requirements of this section must be complied with as a condition to acceptance of the mortgage for insurance. The mortgagee must provide appropriate documentation with the submission for insurance endorsement to address each of the requirements of this section.

(a) *Equipment.* Water purification equipment must be approved by a nationally recognized testing laboratory acceptable to the local or state health authority.

(b) *Certification by local (or state) health authority.* A local (or state)

health authority certification must be submitted to HUD which certifies that:

(1) A point-of-entry or point-of-use water purification system is currently in operation on the property. If the system in operation employs point-of-use equipment, the purification system must be employed on each water supply source (faucet) serving the property. Where point-of-entry systems are used, separate water supply systems carrying untreated water for flushing toilets may be constructed.

(2) The system is sufficient to assure an uninterrupted supply of safe and potable water adequate to meet household needs.

(3) The water supply, when treated by the equipment, meets the requirements of the local (or state) health authority, and has been determined to meet local or state quality standards for drinking water. If neither state nor local standards are applicable, then quality shall be determined in accordance with standards set by the Environmental Protection Agency (EPA) pursuant to the Safe Drinking Water Act. (EPA standards are prescribed in the National Primary Drinking Water requirements, 40 CFR parts 141 and 142.)

(4) There exists a Plan providing for the monitoring, servicing, maintenance, and replacement of the water equipment, which Plan meets the requirements of paragaph (f) of this section.

(c) *Mortgagor notice and certification.* (1) The prospective mortgagor must have received written notification, before the mortgagor signed a sales contract, that the property has a hazardous water supply that requires treatment in order to remain safe and acceptable for human consumption. The notification to the mortgagor must identify specific contaminants in the water supply serving the property, and the related health hazard arising from the presence of those contaminants.

(2) The mortgagor must have received, with the notification described in paragraph (c)(1) of this section, a written good faith estimate of the maintenance and replacement costs of the equipment necessary to assure continuing safe drinking water.

(3) A copy of the notification statement (including cost estimates), dated before the date of the sales contract, and signed by the prospective mortgagor to acknowledge its receipt, must accompany the submission for insurance endorsement. If a sales contract is signed in advance of the disclosure required by this paragraph, another sales contract must be executed after the information is provided to the prospective mortgagor and he or she has acknowledged receipt of the disclosure.

(4) The prospective mortgagor must sign a certification, substantially in the form set out in this paragraph (c)(4), at the time the application for mortgage credit approval is signed. This certification must be submitted to HUD:

Mortgagor's Certificate. I hereby acknowledge and understand that the home I am purchasing has a water purification system which I am responsible for maintaining.

I understand that the individual water supply is unsafe for consumption unless the system is operating properly. I am aware that if I do not properly maintain the system, the water supply will not be purified or treated properly, thereby rendering the water supply unsafe for consumption.

I also understand that the Department of Housing and Urban Development does not warrant the condition of the property, will not give me any money for repairs to the water purification system, and has relied upon the local (or state) health authority to assure that the water supply, when processed by properly maintained equipment, is acceptable for human use and consumption.

[Mortgagor's signature and date]

(d) *Service contract.* Before mortgage closing, the mortgagor must enter into a service contract with an organization or individual specifically approved by the local (or state) health authority to carry out the provisions of the required Plan for servicing, maintenance, repair and replacement of the water purification equipment. A copy of the signed service contract must be provided to HUD.

(e) *Escrow for maintenance and replacement.* The mortgagee must establish and maintain an escrow account which provides for the accumulation of funds paid with the mortgagor's monthly mortgage payment adequate to assure proper servicing, maintenance, repair and replacement of the water purification equipment. The amount to be collected and escrowed by the mortgagee shall be based upon information provided by the manufacturer for the maintenance and replacement of the water purification equipment and for other charges anticipated by the service contractor. The initial monthly escrow amount shall be stated in the Plan. Disbursements from the account will be limited to costs associated with the normal servicing, maintenance, repair or replacement of the water purification equipment. Disbursements may only be made to the service contractor or its successor, to equipment suppliers, to the local (or state) health authority for the performance of testing or other required services, or to another entity approved by the health authority. So long as water purification remains necessary and the mortgage is insured by HUD, the mortgagee must maintain the escrow account.

(f) *Approved Plan.* A Plan, in the form of a contract entered into by the mortgagor and mortgagee and approved by the local (or state) health authority, must set out conditions that must be met by the parties as a condition to insurance of the mortgage by HUD. To be approved by the health authority:

(1) The Plan must set forth the respective responsibilities to be assumed by the mortgagor and the mortgagee, as well as the other entities who will implement the Plan, i.e., the health authority and the service contractor. In particular:

(i) The Plan must set out the responsibilities of the health authority for monitoring and enforcing performance of the service contractor, including any successor contractor that the health authority may later have occasion to name. By its approval of the Plan, the health authority documents its acceptance of these responsibilities, and the Plan should so indicate;

(ii) The Plan must provide for the monitoring of the operation of the water purification equipment, as well as for servicing (including disinfecting), and for repairing and replacing the system, as frequently as necessary, taking into consideration the system's design, anticipated use, and the type and level of contaminants present. Installation, servicing, repair and replacement of the water purification system must be performed by an individual or organization approved for the purpose by the local (or state) health authority and identified in the Plan. In meeting the requirements of paragraph (f)(1)(ii) of this section, the Plan may incorporate by reference specific terms and conditions of the service contract required under paragraph (d) of this section.

(iii) Under the Plan, responsibility for monitoring the performance of the service contractor and for assuring that the water purification system is properly serviced, repaired, and replaced rests with the local (or state) health authority that has given its approval to the Plan. The Plan must confer on the health authority all powers necessary to effect compliance by the service contractor. The health authority's powers shall include the authority to notify the mortgagor of any noncompliance by the service contractor. The plan must provide that, upon any notification of noncompliance received from the health authority, the mortgagor shall have the right to discharge the service contractor for cause and to appoint a successor organization or individual as service contractor; and

(iv) The Plan must provide for the mortgagor to make periodic escrow payments necessary for the servicing, maintenance, repair and replacement of the water purification system, and for the mortgagee to disburse funds from the escrow account as required, to the appropriate party or parties.

(2) The Plan must provide that if the dwelling served by the water purification system is refinanced, or is sold or otherwise transferred with a HUD-insured mortgage, the Plan will:

(i) continue in full force and effect;

(ii) impose an obligation on the mortgagor to notify any subsequent purchaser or transferee of the necessity for the water purification system and for its proper maintenance, and of the obligation to make escrow payments; and

(iii) require the mortgagor to furnish the purchaser with a copy of the Plan, before any sales contract is signed.

(g) *Periodic analysis.* Any Plan developed in accordance with this section must provide that an analysis of the water supply shall be obtained from the local (or state) health authority no less frequently than annually, but more frequently, if determined at any time to be necessary by the health authority or by the service contractor.

5. In subpart C, § 203.550 would be amended by revising the first sentence in paragraph (c), and by adding a new second sentence to paragraph (c), to read as follows:

§ 203.550 Escrow accounts.

* * * * *

(c) Except in the case of escrow accounts established for the purpose of monitoring, servicing, maintenance and replacement of water purification equipment in accordance with § 203.52 or § 234.64 of this chapter, the mortgagee's estimate of escrow requirements shall be based on the best information available as to probable payments which will be required to be made from the account in the coming year. Mortgagees may, in the case of escrow accounts created for purposes of § 203.52 or § 234.64, estimate escrow requirements based on the best information available as to probable payments which will be required to be made from the account on a periodic basis throughout the period during which the account is maintained.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

6. The authority citation for part 234 continues to read as follows:

Authority: Secs. 211, 234, National Housing Act (12 U.S.C. 1715b, 1715y); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) Section 234.520(a)(2)(ii) is also issued under sec. 201(a), National Housing Act (12 U.S.C. 1707(a)).

7. A new § 234.64 would be added to subpart A, to read as follows:

§ 234.64 Acceptance of individual residential water purification equipment.

If a property otherwise eligible for insurance under this part does not have access to a continuing supply of safe and potable water without the use of a water purification system, the requirements of this section must be complied with as a condition to acceptance of the mortgage for insurance. The mortgagee must provide appropriate documentation with the submission for insurance endorsement to address each of the requirements of this section.

(a) *Equipment.* Water purification equipment must be approved by a nationally recognized testing laboratory acceptable to the local or state health authority.

(b) *Certification by local (or state) health authority.* A local (or state) health authority certification must be submitted to HUD which certifies that:

(1) A point-of-entry or a point-of-use water purification system is currently in operation on the property. If the system in operation employs point-of-use equipment, the purification system must be employed on each water supply source (faucet) serving the property. Where point-of-entry systems are used, separate water supply systems carrying water for flushing toilets may be constructed.

(2) The system is sufficient to assure an uninterrupted supply of safe and potable water.

(3) The water supply, when treated by the equipment, meets the requirements of the local (or state) health authority, and has been determined to meet local or state quality standards for drinking water. If neither state or local standards are applicable, then quality shall be determined in accordance with standards set by the Environmental Protection Agency (EPA) pursuant to the Safe Drinking Water Act. (EPA standards are prescribed in the National Primary Drinking Water requirements, 40 CFR parts 141 and 142.).

(4) Ther exists a Plan providing for the monitoring, servicing, maintenance, and replacement of the water equipment, which Plan meets the requirements of paragraph (f) of this section.

(c) *Mortgagor notice and certification.* (1) The prospective mortgagor must have received written notification, before the mortgagor signed a sales contract, that the property has a hazardous water supply that requires treatment in order to remain safe and acceptable for human consumption. The notification to the mortgagor must identify specific contaminants in the water supply serving the property, and the related health hazard arising from the presence of those contaminants.

(2) The mortgagor must have received, with the notification described in paragraph (c)(1) of this section, a written good faith estimate of the maintenance and replacement costs of the equipment necessary to assure continuing safe drinking water.

(3) A copy of the notification statement (including cost estimates), dated before the date of the sales contract, and signed by the prospective mortgagor to acknowledge its receipt, must accompany the submission for insurance endorsement. If a sales contract is signed in advance of the disclosure required by this paragraph, another sales contract must be executed after the information is provided to the prospective mortgagor and he or she has acknowledged receipt of the disclosure.

(4) The prospective mortgagor must sign a certification, substantially in the form set out in this paragraph (c)(4), at the time the application for mortgage credit approval is signed.

This certification must be submitted to HUD:

Mortgagor's Certificate. I hereby acknowledge and understand that the home I am purchasing has a water purification system which I am responsible for maintaining.

I understand that the individual water supply is unsafe for consumption unless the system is operating properly. I am aware that if I do not properly maintain the system, the water supply will not be purified or treated properly, thereby rendering the water supply unsafe for consumption.

I also understand that the Department of Housing and Urban Development does not warrant the condition of the property, will not give me any money for repairs to the water purification system, and has relied upon the local (or state) health authority to assure that the water supply, when processed by properly maintained equipment, is acceptable for human use and consumption.

[Mortgagor's signature and date]

(d) *Service contract.* Before mortgage closing, the mortgagor must enter into a service contract with an organization or

individual specifically approved by the local (or state) health authority to carry out the provisions of the required Plan for servicing, maintenance, repair and replacement of the water purification equipment. A copy of the signed service contract must be provided to HUD

(e) *Escrow for maintenance and replacement.* The mortgagee must establish and maintain an escrow account which provides for the accumulation of funds paid with the mortgagor's monthly mortgage payment adequate to assure proper servicing, maintenance, repair and replacement of the water purification equipment. The amount to be collected and escrowed by the mortgagee shall be based upon information provided by the manufacturer for the maintenance and replacement of the water purification equipment and for other charges anticipated by the service contractor. The initial monthly escrow amount shall be stated in the Plan. Disbursements from the account will be limited to costs associated with the normal servicing, maintenance, repair or replacement of the water purification equipment. Disbursements may only be made to the service contractor or its successor, to equipment suppliers, to the local (or state) health authority for the performance of testing or other required services, or to another entity approved by the health authority. So long as water purification remains necessary and the mortgage is insured by HUD, the mortgagee must maintain the escrow account.

(f) *Approved Plan.* A Plan, in the form of a contract entered into by the mortgagor and mortgagee and approved by the health authority, must set out conditions that must be met by the parties as a condition to insurance of the mortgage by HUD. To be approved by the health authority:

(1) The Plan must set forth the respective responsibilities to be assumed by the mortgagor and the mortgagee, as well as the other entities who will implement the Plan, i.e., the health authority and the service contractor. In particular:

(i) The Plan must set out the responsibilities of the health authority for monitoring and enforcing performance of the service contractor, including any successor contractor that the health authority may later have occasion to name. By its approval of the Plan, the local (or state) health authority documents its acceptance of these responsibilities, and the Plan should so indicate;

(ii) The Plan must provide for the monitoring of the operation of the water purification equipment, as well as for servicing (including disinfecting), and for repairing and replacing the system, as frequently as necessary, taking into consideration the system's design, anticipated use, and the type and level of contaminants present. Installation, servicing, repair and replacement of the water purification system must be performed by an individual or organization approved for the purpose by the local (or state) health authority and identified in the Plan. In meeting the requirements of paragraph (f)(1)(ii) of this section, the Plan may incorporate by reference specific terms and conditions of the service contract required under paragraph (d) of this section.

(iii) Under the Plan, responsibility for monitoring the performance of the service contractor and for assuring that the water purification system is properly serviced, repaired, and replaced rests with the local (or state) health authority that has given its approval to the Plan. The Plan must confer on the health authority all powers necessary to effect compliance by the service contractor. The health authority's powers shall include the authority to notify the mortgagor of any noncompliance by the service contractor. The plan must provide that, upon any notification of noncompliance received from the health authority, the mortgagor shall have the right to discharge the service contractor for cause and to appoint a successor organization or individual as service contractor; and

(iv) The Plan must provide for the mortgagor to make periodic escrow payments necessary for the servicing, maintenance, repair and replacement of the water purification system, and for the mortgagee to disburse funds from the escrow account as required, to the appropriate party or parties.

(2) The Plan must provide that, if the dwelling served by the water purification system is refinanced, or is sold or otherwise transferred with a HUD-insured mortgage, the Plan will:

(i) continue in full force and effect;

(ii) impose an obligation on the mortgagor to notify any subsequent purchaser or transferee of the necessity for the water purification system and for its proper maintenance, and of the obligation to make escrow payments; and

(iii) require the mortgagor to furnish the purchaser with a copy of the Plan, before any sales contract is signed.

(g) *Periodic analysis.* Any Plan developed in accordance with this section must provide that an analysis of the water supply shall be obtained from the local (or state) health authority no less frequently than annually, but more frequently, if determined at any time to be necessary by the health authority or by the service contractor.

Dated: March 12, 1992.

Arthur J. Hill,

Assistant Secretary for Housing–Federal Housing Commissioner.

[FR Doc. 92-6234 Filed 3-18-92; 8:45 am]

BILLING CODE 4210-33-M

federal register

Thursday,
March 19, 1992

Part III

Department of Education

Graduate Academic Facilities Program; Notice Inviting Applications for One New Award for Fiscal Year (FY) 1992

DEPARTMENT OF EDUCATION

[CFDA No: 84.172]

Graduate Academic Facilities Program; Notice Inviting Applications for One New Award for Fiscal Year (FY) 1992

Purpose of Program: Provide grants for not more than fifty (50) percent of the development cost of the construction, reconstruction, or renovation of graduate academic facilities. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by funding the construction, reconstruction, or renovation of facilities for providing training for emerging technologies and skills. National Education Goal 5 calls for every American to possess the knowledge and skills necessary to compete in a global economy.

Eligible Applicants: Graduate institutions of higher education.

Deadline for Transmittal of Applications: July 15, 1992.

Deadline for Intergovernmental Review: September 14, 1992.

Applications Available: May 15, 1992.

Available Funds: $3,903,319.

Estimated Range of Awards: $3,903,319.

Estimated Average Number of Awards: One.

Project Period: Until completion.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, and 86; and program regulations in 34 CFR part 619, subparts A, C, E, and F.

Priorities:

Absolute Priority: Under 34 CFR 75.105(c)(3) and sec. 701(a)(5) of title VII of the Higher Education Act of 1965, as amended, the Secretary gives an absolute preference to applications that meet the following absolute priority. The Secretary funds under this competition only an application that meets this absolute priority:

Provision of facilities for advanced skill-training programs that relate to emerging technologies and skill needs.

Competitive Priority: Under 34 CFR 75.105(c)(2)(ii) and sec. 701(b) of the Higher Education Act of 1965, as amended, the Secretary gives preference to applications that meet the following competitive priority. An application that meets this competitive priority is selected by the Secretary over applications of comparable merit that do not meet the priority:

Renovation of academic facilities.

Selection Criteria: Since the Higher Education Amendments of 1986 have not been implemented by regulation, in evaluating grant applications in this competition, the Secretary uses the selection criteria in 34 CFR 75.210.

The regulations in 34 CFR 75.210 provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 15 points. For this competition, the Secretary distributes these points as follows:

Budget and cost effectiveness: (34 CFR 75.210(b)(5)). Fifteen points are added to this criterion for a possible total of 20 points.

For Applications or Information Contact: Sarah Babson, U.S. Department of Education, 400 Maryland Avenue, SW., room 3022, ROB 3, Washington, DC 20202-5339. Telephone: (202) 708-8865. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1132c.

Dated: March 9, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92-6346 Filed 3-18-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
March 19, 1992

Part IV

Department of Education

Training Program for Special Programs Staff and Leadership Personnel; Inviting Applications for New Awards for Fiscal Year 1992; Notice

DEPARTMENT OF EDUCATION

[CFDA No: 84.103]

Training Program for Special Programs Staff and Leadership Personnel; Inviting Applications for New Awards for Fiscal Year (FY) 1992

Purpose of Program: Provides grants to institutions of higher education, and other public and private nonprofit institutions and organizations, for projects that improve the operation of the Special Programs for Students from Disadvantaged Backgrounds (Student Support Services, Upward Bound, Talent Search, Educational Opportunity Centers, and the Ronald E. McNair Post-Baccalaureate Achievement programs) by providing training for staff and leadership personnel employed in, or preparing for, employment in such projects. The Training Program for Special Programs Staff and Leadership Personnel (Training Program) supports AMERICA 2000, the President's strategy to move the Nation toward achieving the National Education Goals and educational excellence for all Americans. Training the staff of projects funded under the Special Programs for Students from Disadvantaged Backgrounds improves the effectiveness of these projects in preparing disadvantaged persons for successful entry into and completion of postsecondary education.

Eligible Applicants: Institutions of higher education and other public and private nonprofit institutions and organizations.

Deadline for Transmittal of Applications: May 4, 1992.

Deadline for Intergovernmental Review: July 6, 1992.

Applications Available: March 20, 1992.

Available Funds: $1,800,000.

Estimated Range of Awards: $80,000–$280,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 12.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 642.

Priorities: Under 34 CFR 75.105(c)(2)(i) and 34 CFR 642.34, the Secretary gives preference to applications that meet one or more of the following competitive priorities. Under 34 CFR 642.31(f)(2)(iii), the Secretary awards up to 8⅓ points to an application that meets one or more of these priorities in a particularly effective way.

(1) Student financial aid.

(2) Reporting student and project performance.

(3) General project management for new directors.

(4) Coordinating project activities with other available resources and activities.

(5) Assessment of student needs.

(6) Strategies for preparing students for doctoral studies.

For Applications or Information Contact: May J. Weaver, Chief, Special Services Branch, Division of Student Services, U.S. Department of Education, 400 Maryland Avenue, SW., room 3060, ROB #3, Washington, DC 20202–5249. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Services at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1070d, 1070d–1d.

Dated: March 11, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92–6348 Filed 3–18–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Thursday
March 19, 1992

Part V

Department of Education

Office of Postsecondary Education

34 CFR Part 664

Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program; Proposed Rule

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 664

RIN 1840-AB54

Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes amendments to the regulations governing the Higher Education Programs in Modern Foreign Language Training and Area Studies—Group Projects Abroad Program (34 CFR part 664). The purpose of these proposed regulations is twofold: (1) To improve program quality, efficiency, and flexibility by establishing a funding period of up to three years for the advanced overseas intensive language projects; and (2) To correct a numbering error in a section of the regulations.

DATES: Comments must be received on or before April 20, 1992.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Mr. Ralph Hines, Chief, International Studies Branch, Center for International Education (room 3052, ROB-3), U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5332.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Hines, Telephone: (202) 708-7283. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION:

Background

The Group Projects Abroad Program is one of several programs authorized under section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (Fulbright-Hays Act), Public Law 87-256. It provides grants to institutions of higher education, State departments of education, and private nonprofit educational organizations to support overseas projects in training, research, and curriculum development in modern foreign languages and area studies by teachers, students, and faculty engaged in a common endeavor. One type of project supported under the Group Projects Abroad Program is an advanced overseas intensive language project.

Explanation of Changes

The Secretary proposes to amend § 664.14 of the existing regulations to improve the administration of the program. Specifically, the Secretary proposes to eliminate a restriction of project periods to a one-year duration. This will enable the Secretary to establish a multi-year funding cycle for advanced overseas intensive language projects. A multi-year funding cycle, under which a grantee would conduct activities during each of several consecutive twelve-month periods, would contribute to improved planning, development, and implementation of these complex, nationally-recruited projects by establishing a more predictable funding pattern. Projects funded under an expanded performance period have proven successful in establishing a more effective administrative structure and in attracting outside financial support. The Department also would save the cost of convening an annual academic review panel.

The second proposed amendment would correct a typographical error in the heading "§ 664.2 Who is eligible to participate in projects funded under the Group Projects Abroad Program?" That section number should read "§ 664.3".

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. These regulations merely make a typographical correction and a minor modification in provisions contained in existing regulations.

Paperwork Reduction Act of 1980

These proposed regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3052, Regional Office Building #3, 7th & D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, the Secretary invites comments on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 664

Colleges and universities, Education, Educational study programs, Teachers.

(Catalog of Federal and Domestic Assistance Number 84.021, Group Projects Abroad Program)

Dated: February 12, 1992.

Lamar Alexander,

Secretary of Education.

The Secretary proposes to amend part 664 of title 34 of the Code of Federal Regulations as follows:

PART 664—HIGHER EDUCATION PROGRAMS IN MODERN FOREIGN LANGUAGE TRAINING AND AREA STUDIES—GROUP PROJECTS ABROAD PROGRAM

1. The authority citation for part 664 is revised to read as follows:

Authority: 22 U.S.C. 2452(b)(6), unless otherwise noted.

2. The section designation "§ 664.2" preceding the heading "Who is eligible to participate in projects funded under the Group Projects Abroad Program?" in the text of the regulations is removed and "§ 664.3" is added in its place.

3. In § 664.14, paragraph (a)(2) is revised to read as follows:

§ 664.14 What is an advanced overseas intensive language training project?

(a) * * *

(2) Project activities may be carried out during a full year, an academic year, a semester, a trimester, a quarter, or a summer.

* * * * * *

[FR Doc. 92-6349 Filed 3-18-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Thursday
March 19, 1992

Part VI

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for OCTOBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–53148; FRL 4052–5]

Premanufacture Notices; Monthly Status Report for OCTOBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for OCTOBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE–G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS–53148)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L–100, Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB–44, 401 M St., SW., Washington, DC 20460 (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during OCTOBER; (b) PMNs received previously and still under review at the end of OCTOBER; (c) PMNs for which the notice review period has ended during OCTOBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during OCTOBER; and (e) PMNs for which the review period has been suspended. Therefore, the OCTOBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for OCTOBER 1991.

I. 208 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0001	P 92-0002	P 92-0003	P 92-0004
P 92-0005	P 92-0006	P 92-0007	P 92-0008
P 92-0009	P 92-0010	P 92-0011	P 92-0012
P 92-0013	P 92-0014	P 92-0015	P 92-0016
P 92-0017	P 92-0018	P 92-0019	P 92-0020
P 92-0021	P 92-0022	P 92-0023	P 92-0024
P 92-0025	P 92-0026	P 92-0027	P 92-0028
P 92-0029	P 92-0030	P 92-0031	P 92-0032
P 92-0033	P 92-0034	P 92-0035	P 92-0036
P 92-0037	P 92-0038	P 92-0039	P 92-0040
P 92-0041	P 92-0042	P 92-0043	P 92-0044
P 92-0045	P 92-0046	P 92-0047	P 92-0048
P 92-0049	P 92-0050	P 92-0051	P 92-0052
P 92-0053	P 92-0054	P 92-0055	P 92-0056
P 92-0057	P 92-0058	P 92-0059	P 92-0060
P 92-0061	P 92-0062	P 92-0063	P 92-0064
P 92-0065	P 92-0066	P 92-0067	P 92-0068
P 92-0069	P 92-0070	P 92-0071	P 92-0072
P 92-0073	P 92-0074	P 92-0075	P 92-0076
P 92-0077	P 92-0078	P 92-0079	P 92-0080
P 92-0081	P 92-0082	P 92-0083	P 92-0084
P 92-0085	P 92-0086	P 92-0087	P 92-0088
P 92-0089	P 92-0090	P 92-0091	P 92-0092
P 92-0093	P 92-0094	P 92-0095	P 92-0096
P 92-0097	P 92-0098	P 92-0099	P 92-0100
P 92-0101	P 92-0102	P 92-0103	P 92-0104
P 92-0105	P 92-0106	P 92-0107	P 92-0108
P 92-0109	P 92-0110	P 92-0111	P 92-0112
P 92-0113	P 92-0114	P 92-0115	P 92-0116
P 92-0117	P 92-0118	P 92-0119	P 92-0120
P 92-0121	P 92-0122	P 92-0123	P 92-0124
P 92-0125	P 92-0126	P 92-0127	P 92-0128
P 92-0129	P 92-0130	P 92-0131	P 92-0132
P 92-0133	P 92-0134	P 92-0135	P 92-0136
P 92-0137	P 92-0138	P 92-0139	P 92-0140
P 92-0141	P 92-0142	P 92-0143	P 92-0144
P 92-0145	P 92-0146	P 92-0147	P 92-0148
P 92-0149	P 92-0150	P 92-0151	P 92-0152
P 92-0153	P 92-0154	P 92-0155	P 92-0156
P 92-0157	P 92-0158	P 92-0159	P 92-0160
P 92-0161	P 92-0162	P 92-0163	P 92-0164
P 92-0165	P 92-0166	P 92-0167	P 92-0168
P 92-0169	P 92-0170	P 92-0171	P 92-0172
P 92-0173	P 92-0174	P 92-0175	P 92-0232
Y 92-0001	Y 92-0002	Y 92-0003	Y 92-0004
Y 92-0005	Y 92-0006	Y 92-0007	Y 92-0008
Y 92-0009	Y 92-0010	Y 92-0011	Y 92-0012
Y 92-0013	Y 92-0014	Y 92-0015	Y 92-0016
Y 92-0017	Y 92-0018	Y 92-0019	Y 92-0020
Y 92-0021	Y 92-0022	Y 92-0023	Y 92-0024
Y 92-0025	Y 92-0026	Y 92-0027	Y 92-0028
Y 92-0029	Y 92-0030	Y 92-0031	Y 92-0032

II. 304 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237	P 85-0433	P 85-0612	P 85-0619
P 85-1184	P 86-0066	P 86-1315	P 88-1488
P 86-1607	P 87-0105	P 87-0323	P 87-0802
P 87-1872	P 88-0898	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1460	P 88-1662
P 88-1753	P 88-1807	P 88-1809	P 88-1811
P 88-1937	P 88-1938	P 88-1960	P 88-1962
P 88-1964	P 88-1985	P 88-1999	P 88-2000
P 88-2001	P 88-2100	P 88-2169	P 88-2196
P 88-2212	P 88-2213	P 88-2228	P 88-2229
P 88-2230	P 88-2236	P 88-2484	P 88-2518
P 88-2529	P 89-0254	P 89-0321	P 89-0385
P 89-0386	P 89-0387	P 89-0396	P 89-0536
P 89-0632	P 89-0676	P 89-0721	P 89-0770
P 89-0775	P 89-0836	P 89-0837	P 89-0867
P 89-0957	P 89-0958	P 89-0959	P 89-0963
P 89-1038	P 89-1058	P 89-1062	P 90-0002
P 90-0009	P 90-0158	P 90-0159	P 90-0211
P 90-0237	P 90-0248	P 90-0249	P 90-0260
P 90-0261	P 90-0262	P 90-0263	P 90-0372
P 90-0441	P 90-0550	P 90-0556	P 90-0564
P 90-0581	P 90-0603	P 90-0608	P 90-1280
P 90-1311	P 90-1318	P 90-1319	P 90-1320
P 90-1321	P 90-1322	P 90-1358	P 90-1422
P 90-1484	P 90-1527	P 90-1528	P 90-1529
P 90-1530	P 90-1531	P 90-1564	P 90-1592
P 90-1624	P 90-1635	P 90-1687	P 90-1718
P 90-1720	P 90-1722	P 90-1723	P 90-1745
P 90-1840	P 90-1893	P 90-1937	P 90-1965
P 90-1984	P 90-1985	P 91-0004	P 91-0051
P 91-0101	P 91-0102	P 91-0107	P 91-0106
P 91-0109	P 91-0110	P 91-0111	P 91-0112
P 91-0113	P 91-0116	P 91-0222	P 91-0226
P 91-0230	P 91-0231	P 91-0232	P 91-0233
P 91-0242	P 91-0243	P 91-0244	P 91-0245
P 91-0246	P 91-0247	P 91-0248	P 91-0286
P 91-0328	P 91-0356	P 91-0391	P 91-0442
P 91-0464	P 91-0465	P 91-0466	P 91-0467
P 91-0468	P 91-0469	P 91-0470	P 91-0471
P 91-0472	P 91-0487	P 91-0490	P 91-0501
P 91-0503	P 91-0514	P 91-0521	P 91-0532
P 91-0548	P 91-0572	P 91-0584	P 91-0619
P 91-0659	P 91-0665	P 91-0666	P 91-0688
P 91-0689	P 91-0701	P 91-0732	P 91-0763
P 91-0818	P 91-0826	P 91-0827	P 91-0831
P 91-0853	P 91-0902	P 91-0903	P 91-0905
P 91-0912	P 91-0914	P 91-0915	P 91-0934
P 91-0939	P 91-0940	P 91-0941	P 91-0968
P 91-1000	P 91-1009	P 91-1010	P 91-1011
P 91-1012	P 91-1013	P 91-1014	P 91-1015
P 91-1016	P 91-1017	P 91-1018	P 91-1019
P 91-1020	P 91-1021	P 91-1022	P 91-1023
P 91-1024	P 91-1025	P 91-1026	P 91-1027
P 91-1028	P 91-1029	P 91-1030	P 91-1031
P 91-1032	P 91-1033	P 91-1034	P 91-1035
P 91-1036	P 91-1037	P 91-1038	P 91-1039
P 91-1040	P 91-1041	P 91-1042	P 91-1043
P 91-1044	P 91-1045	P 91-1046	P 91-1047
P 91-1048	P 91-1049	P 91-1050	P 91-1051
P 91-1052	P 91-1053	P 91-1054	P 91-1055
P 91-1056	P 91-1057	P 91-1058	P 91-1059
P 91-1060	P 91-1061	P 91-1062	P 91-1063
P 91-1064	P 91-1065	P 91-1066	P 91-1067
P 91-1068	P 91-1069	P 91-1070	P 91-1071
P 91-1072	P 91-1073	P 91-1074	P 91-1075
P 91-1077	P 91-1116	P 91-1117	P 91-1118
P 91-1131	P 91-1161	P 91-1162	P 91-1163
P 91-1190	P 91-1191	P 91-1206	P 91-1210
P 91-1243	P 91-1279	P 91-1280	P 91-1281
P 91-1282	P 91-1283	P 91-1289	P 91-1297
P 91-1298	P 91-1299	P 91-1321	P 91-1322
P 91-1323	P 91-1324	P 91-1328	P 91-1346
P 91-1361	P 91-1364	P 91-1367	P 91-1368
P 91-1369	P 91-1371	P 91-1372	P 91-1379
P 91-1384	P 91-1386	P 91-1392	P 91-1394
P 91-1409	P 91-1418	P 91-1456	P 91-1464

III. 137 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 86-1607	P 90-1555	P 90-1556	P 90-1721
P 90-1728	P 91-0173	P 91-0174	P 91-0175
P 91-0178	P 91-0181	P 91-0182	P 91-0183
P 91-0184	P 91-0252	P 91-0253	P 91-0363
P 91-0451	P 91-0525	P 91-0527	P 91-0541
P 91-0602	P 91-0981	P 91-1164	P 91-1195
P 91-1197	P 91-1198	P 91-1199	P 91-1200
P 91-1203	P 91-1204	P 91-1205	P 91-1207
P 91-1208	P 91-1209	P 91-1211	P 91-1212
P 91-1213	P 91-1214	P 91-1215	P 91-1216
P 91-1217	P 91-1218	P 91-1219	P 91-1220
P 91-1221	P 91-1222	P 91-1223	P 91-1224
P 91-1225	P 91-1226	P 91-1227	P 91-1228
P 91-1230	P 91-1236	P 91-1237	P 91-1238
P 91-1241	P 91-1242	P 91-1243	P 91-1244
P 91-1245	P 91-1246	P 91-1247	P 91-1248
P 91-1249	P 91-1251	P 91-1252	P 91-1253
P 91-1254	P 91-1255	P 91-1256	P 91-1257
P 91-1258	P 91-1259	P 91-1260	P 91-1261
P 91-1262	P 91-1263	P 91-1264	P 91-1265
P 91-1266	P 91-1267	P 91-1268	P 91-1275
P 91-1276	P 91-1277	P 91-1278	Y 91-0219
Y 91-0220	Y 91-0221	Y 91-0222	Y 91-0223
Y 91-0224	Y 91-0225	Y 91-0226	Y 91-0227
Y 91-0228	Y 91-0229	Y 91-0230	Y 91-0231
Y 91-0232	Y 91-0233	Y 91-0234	Y 91-0235
Y 91-0236	Y 91-0237	Y 91-0238	Y 91-0239
Y 91-0240	Y 91-0241	Y 91-0242	Y 92-0001
Y 92-0002	Y 92-0003	Y 92-0004	Y 92-0005
Y 92-0006	Y 92-0007	Y 92-0008	Y 92-0009
Y 92-0010	Y 92-0011	Y 92-0012	Y 92-0013
Y 92-0014	Y 92-0015	Y 92-0016	Y 92-0017
Y 92-0018	Y 92-0019	Y 92-0020	Y 92-0021
Y 92-0022	Y 92-0023	Y 92-0024	Y 92-0025
Y 92-0026			

IV. 123 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 84-1024	G Alkyl substituted 4-amino, 1–8 naphthalimide	October 10, 1991.
P 85-0578	G Substituted stilbene	September 16, 1991.
P 85-1507	(4-Sulphonamido-benzene-ethyl sulfonyl sulfuric ester-sodium salt)(1,4)(sulfonic acid sodium salt)(2,6) of nickel phthalocyanine	September 21, 1991.
P 86-1048	G *N,N*-dimethyletanedithiomide	February 23, 1987
P 87-0214	G Polyester with neopenyl glycol	March 2, 1987
P 87-0217	G Copolymer with neopenty glycol	March 25, 1991.
P 87-1086	G Isopropoxyethylsalicylat	December 8, 1987.
P 88-0430		August 6, 1991.
P 88-0933	G Cycloaliphatic amine adduct	August 26, 1991
P 88-1269	G 5,5',7-Indigotrisulfonic acid	August 30, 1991.
P 88-1270	Propanedioic acid, neopotassium salt	August 10, 1988.
P 88-2180	G Aliphtatic epoxy monomer	August 16, 1991
P 88-2183	G Polyamide modified acrylic resin	January 9, 1989.
P 88-2188	Poly(oxy-1,2-ethanediyl),a|pha-hydro-omega-(oxiranylmethoxy)-ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1)	August 7, 1991
P 88-2362	G Alkoxylated ammonium sulfonated	September 12, 1991.
P 88-2519	G Isocyanate terminated polyester polyol	August 26, 1991
P 89-0004	2-(2-(2-Hydroxyethoxy)ethoxy)ethoxy)ethylamine	September 15, 1991.
P 89-0671	G Aromatic hydrocarbon	December 10, 1989.
P 89-0696	Tetraethalene glycol and ammonia	September 15, 1991.
P 89-0719	G Acrylic resin solution	September 23, 1991.
P 89-0837	G Phosphorylated polyester	March 5, 1990.
P 89-0941	G Ethylene vs methyacrylate	September 11, 1991.
P 89-0961	G Substituted aniline	June 6, 1990.
P 90-0142	G Tris(disubstitutedalkyl)heterocycle	August 14, 1991
P 90-0337	G Rosin maleic anhydride substituted phenol formaldehyde pentaerythritol polymer	September 5, 1991.
P 90-0482	G Hexanedioic acid, polymer with branched alkyldiol	September 9, 1991.
P 90-0533	G Adhesion promoter	August 14, 1991
P 90-0671	G Polyalkylene glycol	October 1, 1991
P 90-1362	G Polyester	September 12, 1991.
P 90-1456	G Acrylate copolymer	September 25, 1991.
P 90-1536	G Polyhydantion	September 4, 1991.
P 90-1551	Soyabean oil, linseed oil, glycerine, chlorendic anhydride alkyd resin modified with styrene, vinyl-toluene, and methyl methacrylate	October 15, 1991.
P 90-1563	2-Naphthalene sulfonamide, 6-amino-*N*-methyl	October 2, 1991
P 90-1697	G Metal carboxyl carboxylate	August 21, 1991
P 90-1866	G Metal alkyl chloride	September 12, 1991.
P 90-1917	G Modified polyvinylbutyral	July 31, 1991.
P 90-1935	G Acrylated polyester	October 2, 1991.
P 90-1979	G Acrylated polysiloxane	August 7, 1991.
P 90-1980	G Acrylated polysiloxane	August 7, 1991.
P 91-0025	G Blocked polyisocyanate	September 5, 1991.
P 91-0047	G DPD salt, i.e. salt of *N,N*-diethyl-*P*-phenylenedia mine	July 31, 1991
P 91-0050	G Epoxy terminated polymer of polyetheramine and bisphenol A	March 15, 1991
P 91-0073	Carboxylic acid, C_7–C_9 branched	September 24, 1991.

IV 123 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0079	G Fatty acids, C_{18}-unsaturated,dimers,polymers with etylenediamine,diamines, a dicarboxylic acid and a monocarboxylic acid	September 23, 1991.
P 91-0083	G Polyamide	July 12, 1991.
P 91-0090	G Glycol half ester of mhhp/hhp acid	January 30, 1991.
P 91-0093	G Acrylic copolymer intermediate	February 26, 1991
P 91-0121	G Zinc carboxylate	September 6, 1991.
P 91-0139	G Urethane modified epoxy resin	September 19, 1991.
P 91-0188	G Substituted ethyl alkyl ester	September 10, 1991.
P 91-0216	G Dimethylethanolamine salt of styrene-acrylate copolymer with epoxy ester	September 5, 1991.
P 91-0272	G Functionalized acrylic copolymer	August 8, 1991.
P 91-0288	G Alkoxylated dialky-diethylene triamine, alkyl sulfate salt	September 17, 1991.
P 91-0299	G Amine salt of acrylic polymer	August 29, 1991.
P 91-0315	G Copolymer of butylmethacrylate,methacrylate, exthoxylated, an aromaic and A heterocyclic vinyl compound	October 9, 1991.
P 91-0322	G Salt of alkene substituted with alkyl carboxyaryl oxo substituted pyrazoles	August 27, 1991.
P 91-0344	3-Methylphenoxyethanol	September 18, 1991.
P 91-0346	G Fatty acid ester	October 1, 1991.
P 91-0383	G Unsaturated, cyclic siloxane polymers	August 26, 1991.
P 91-0403	G Brominated triazine derivative	September 17, 1991.
P 91-0418	G Fluorinated polyurethane	August 28, 1991.
P 91-0430	G Acrylated shellac	August 8, 1991.
P 91-0442	G Ethylene oxide adduct of fatty acid ester with pentaerythritol	September 17, 1991.
P 91-0502	G Urethane acrylate	September 3, 1991.
P 91-0512	G Monosubstituted benzylic isocycnate, urehane with hydroxyalkyl substituted heterocycle	September 12, 1991.
P 91-0533	G Perfluoropolyether	August 30, 1991
P 91-0560	G Polyacrylate resin	October 7, 1991.
P 91-0562	4,4'-Diphenylmethane diisocyanate; trimethylol propane; 1,3-benzenedicarboxylic acid, polymer with 2,2-dimethyl-1,3 propanediol and hexanedioic acid 1,3-benzenedicarboxylic acid, polymer with hexanedioicacid and 2,2'-oxobis(ethanol)	August 17, 1991.
P 91-0579	L-lysine, N6-(1-oxododecyl)-	September 16, 1991.
P 91-0583	G Propargylalcoholpropoxylate	August 28, 1991
P 91-0586	G Alkyl siloxane	August 26, 1991.
P 91-0604	Acetic acid, (((3,5-bis(1,1-dimethylethyl)-4-hydroxyphenyl)thio)-, C_{18-24}-isoalkyl)esters	October 7, 1991.
P 91-0627	Modified maleic anhydride/terpentine resin	June 22, 1991.
P 91-0637	G Silane modified ethylene polymer	September 10, 1991.
P 91-0659	G Silicone polymer	August 20, 1991.
P 91-0673	G Polyether polyol	September 8, 1991.
P 91-0682	G Polyacrylate ester	August 15, 1991.
P 91-0743	G Fatty acid ester	August 19, 1991.
P 91-0781	G Polyamic acid	August 12, 1991.
P 91-0782	G Polyimide	August 19, 1991.
P 91-0793	Bisphenol A diglycidyl ether; bis-(3-aminopropyl)-methylamine; isophorone diamine	August 8, 1991.
P 91-0794	G Polyurea-epoxy composite polymer	August 13, 1991.
P 91-0804	G Silyl phosphate	August 25, 1991.
P 91-0805	G Silyl phosphate	August 25, 1991.
P 91-0806	G Poloxyalkylene glycol ether	September 22, 1991.
P 91-0816	G Homopolymer of 4-ethenylphenol plus initiator end groups/fragments	September 19, 1991.
P 91-0821	G Cresol novolak resin	August 20, 1991.
P 91-0829	G Diazo naphthoquinone sulfonic ester	August 20, 1991.
P 91-0830	G Diazo naphthoquinone sulfonic ester	July 31, 1991.
P 91-0835	G Metal arsenate	September 26, 1991.
P 91-0847	G Polyamide resin	September 25, 1991.
P 91-0890	G Phenylazo-N-phenylazophenylbenzamide, alkyl derivative	August 21, 1991.
P 91-0917	G Epoxidized polyaromatic resin	August 30, 1991.
P 91-0919	G Styrene acrylic copolymer	August 23, 1991.
P 91-0933	G Amine reacted polymer of an alipatic with a polycaprolacetone diol	August 26, 1991.
P 91-0965	G Organopolysiloxane	September 19, 1991.
P 91-0967	G Modified organosilane	September 19, 1991.
P 91-0969	G Aryl substituted copper phthalocyanie	September 12, 1991.
P 91-0971	G Epoxy ester of C_{18} fatty acids	September 10, 1991.

IV. 123 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0974	G Hydroxy functional acrylic polymer	September 13, 1991.
P 91-0991	G Copolymer of acrylic acid, acrylamide, styrene andacrylic esters	September 5, 1991.
P 91-0996	G Poly oxy propyl bis cyclohexyl-amine functional polymer	August 29, 1991.
P 91-1001	G Aqueous aliphatic polyurethane dispersion	September 20, 1991.
P 91-1007	G Alkyd	September 24, 1991.
P 91-1008	G Alkyd	September 24, 1991.
P 91-1082	G Amine-terminated polyurethane	September 23, 1991.
P 91-1083	G Aluminum isopropoxide, reaction products with alcohol and ester	October 11, 1991.
P 91-1092	G Sulfurized liquid wax esters	September 10, 1991.
P 91-1093	Reaction product of unsaturated fatty esters(C_{14-18}, C_{18-22} fatty acids and 2-octyl-1-dodecanyl) with di-butyl hydrogen phosphite	September 26, 1991.
P 91-1100	1,1,2,3,3,-Hexofluoro-1-propane, oxidizd, polymerized, modified	September 12, 1991.
P 91-1121	G Polyoxyalkylene polyester urethane block polymer	October 9, 1991.
P 91-1160	G Amine mono and di-dodecyl phenoxy benzene sulfonate	September 23, 1991.
P 91-1169	G Hydrogenated dimerized C_{18}, unsaturated fatty acid, hexamethylene diamine, alkane diamine, acid functional hydroocarbon, sebasic acid polymer..	October 3, 1991.
P 91-1172	G Alpha alkene copolymer with alpha alkene	October 4, 1991.
Y 87-0221	G Isophthalic acid resin	September 27, 1991.
Y 90-0017	G Acrylic polymer	June 25, 1991.
Y 90-0026	G Polymer of aromatic diacid, cycloaliphatic diacid and diol	August 26, 1991.
Y 91-0070	G Polyimide resin	October 1, 1991.
Y 91-0102	G Polymers: alkyl acrylate, styrene	September 24, 1991.
Y 91-0120	G Polycaprolactone-based polyurethane-urea	September 18, 1991.
Y 91-0170	G Rosin polymer, glycol ester	September 9, 1991.
Y 91-0177	G Poly(methyl methacrylate-co-imide)	August 22, 1991.
Y 91-0184	G Crosslinked rubber	August 20, 1991.

V. 30 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-0659 P 91-0939 P 91-0940 P 91-0941
P 91-1122 P 91-1123 P 91-1124 P 91-1125
P 91-1126 P 91-1127 P 91-1128 P 91-1129
P 91-1206 P 91-1210 P 91-1231 P 91-1232
P 91-1233 P 91-1234 P 91-1235 P 91-1239
P 91-1240 P 91-1250 P 91-1269 P 91-1279
P 91-1280 P 91-1281 P 91-1282 P 91-1283
P 92-0042 P 92-0060

[FR Doc. 92-6394 Filed 3-18-92; 8:45 am]
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Thursday
March 19, 1992

Part VII

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for NOVEMBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53149; FRL 4052-6]

Premanufacture Notices; Monthly Status Report for NOVEMBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for NOVEMBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE–G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS–53149)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L–100, Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB–44, 401 M St., SW., Washington, DC 20460 (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during NOVEMBER; (b) PMNs received previously and still under review at the end of NOVEMBER; (c) PMNs for which the notice review period has ended during NOVEMBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during NOVEMBER; and (e) PMNs for which the review period has been suspended. Therefore, the NOVEMBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for NOVEMBER 1991.

I. 126 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0176	P 92-0177	P 92-0178	P 92-0179
P 92-0180	P 92-0181	P 92-0182	P 92-0183
P 92-0184	P 92-0185	P 92-0186	P 92-0187
P 92-0188	P 92-0189	P 92-0190	P 92-0191
P 92-0192	P 92-0193	P 92-0194	P 92-0195
P 92-0196	P 92-0197	P 92-0198	P 92-0199
P 92-0200	P 92-0201	P 92-0202	P 92-0203
P 92-0204	P 92-0205	P 92-0206	P 92-0207
P 92-0208	P 92-0209	P 92-0210	P 92-0211
P 92-0212	P 92-0213	P 92-0214	P 92-0215
P 92-0216	P 92-0217	P 92-0218	P 92-0219
P 92-0220	P 92-0221	P 92-0222	P 92-0223
P 92-0224	P 92-0225	P 92-0226	P 92-0227
P 92-0228	P 92-0229	P 92-0230	P 92-0231
P 92-0233	P 92-0234	P 92-0235	P 92-0236
P 92-0237	P 92-0238	P 92-0239	P 92-0240
P 92-0241	P 92-0242	P 92-0243	P 92-0244
P 92-0245	P 92-0246	P 92-0247	P 92-0248
P 92-0249	P 92-0250	P 92-0251	P 92-0252
P 92-0253	P 92-0254	P 92-0255	P 92-0256
P 92-0257	P 92-0258	P 92-0259	P 92-0260
P 92-0261	P 92-0262	P 92-0263	P 92-0264
P 92-0265	P 92-0292	Y 92-0033	Y 92-0034
Y 92-0035	Y 92-0036	Y 92-0037	Y 92-0038
Y 92-0039	Y 92-0040	Y 92-0041	Y 92-0042
Y 92-0043	Y 92-0044	Y 92-0045	Y 92-0046
Y 92-0047	Y 92-0048	Y 92-0049	Y 92-0050
Y 92-0051	Y 92-0052	Y 92-0053	Y 92-0054
Y 92-0055	Y 92-0056	Y 92-0057	Y 92-0058
Y 92-0059	Y 92-0060	Y 92-0061	Y 92-0062
Y 92-0063	Y 92-0064	Y 92-0065	Y 92-0066
Y 92-0067	Y 92-0068		

II. 325 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237	P 85-0433	P 85-0612	P 85-0619
P 85-1184	P 86-0095	P 86-1315	P 86-1489
P 86-1607	P 87-0105	P 87-0323	P 87-0502
P 87-1072	P 88-0008	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1460	P 88-1682
P 88-1753	P 88-1807	P 88-1809	P 88-1811
P 88-1937	P 88-1938	P 88-1980	P 88-1982
P 88-1984	P 88-1985	P 88-1999	P 88-2000
P 88-2001	P 88-2100	P 88-2169	P 88-2196
P 88-2212	P 88-2213	P 88-2228	P 88-2229
P 88-2230	P 88-2236	P 88-2484	P 88-2518
P 88-2529	P 89-0254	P 89-0321	P 89-0385
P 89-0386	P 89-0387	P 89-0396	P 89-0538
P 89-0632	P 89-0676	P 89-0721	P 89-0770
P 89-0775	P 89-0830	P 89-0837	P 89-0867
P 89-0957	P 89-0958	P 89-0959	P 89-0963
P 89-1038	P 89-1058	P 89-1062	P 90-0002
P 90-0009	P 90-0158	P 90-0159	P 90-0211
P 90-0237	P 90-0248	P 90-0249	P 90-0260
P 90-0261	P 90-0262	P 90-0263	P 90-0372
P 90-0441	P 90-0550	P 90-0558	P 90-0594
P 90-0581	P 90-0603	P 90-0606	P 90-1280
P 90-1311	P 90-1318	P 90-1319	P 90-1320
P 90-1321	P 90-1322	P 90-1358	P 90-1422
P 90-1464	P 90-1527	P 90-1528	P 90-1529
P 90-1530	P 90-1531	P 90-1564	P 90-1592
P 90-1624	P 90-1635	P 90-1687	P 90-1716
P 90-1720	P 90-1722	P 90-1723	P 90-1745
P 90-1840	P 90-1893	P 90-1937	P 90-1965
P 90-1984	P 90-1985	P 91-0004	P 91-0051
P 91-0101	P 91-0102	P 91-0107	P 91-0108
P 91-0109	P 91-0110	P 91-0111	P 91-0112
P 91-0113	P 91-0116	P 91-0222	P 91-0226
P 91-0230	P 91-0231	P 91-0232	P 91-0233
P 91-0242	P 91-0243	P 91-0244	P 91-0245
P 91-0246	P 91-0247	P 91-0248	P 91-0258
P 91-0328	P 91-0358	P 91-0391	P 91-0442
P 91-0464	P 91-0465	P 91-0466	P 91-0467
P 91-0468	P 91-0469	P 91-0470	P 91-0471
P 91-0472	P 91-0487	P 91-0490	P 91-0501
P 91-0503	P 91-0514	P 91-0521	P 91-0532
P 91-0548	P 91-0572	P 91-0584	P 91-0619
P 91-0659	P 91-0665	P 91-0666	P 91-0668
P 91-0689	P 91-0701	P 91-0732	P 91-0763
P 91-0818	P 91-0826	P 91-0827	P 91-0831
P 91-0853	P 91-0902	P 91-0903	P 91-0905
P 91-0912	P 91-0914	P 91-0915	P 91-0934
P 91-0939	P 91-0940	P 91-0941	P 91-0968
P 91-1000	P 91-1009	P 91-1010	P 91-1011
P 91-1012	P 91-1013	P 91-1014	P 91-1015
P 91-1016	P 91-1017	P 91-1018	P 91-1019
P 91-1020	P 91-1021	P 91-1022	P 91-1023
P 91-1024	P 91-1025	P 91-1026	P 91-1027
P 91-1028	P 91-1029	P 91-1030	P 91-1031
P 91-1032	P 91-1033	P 91-1034	P 91-1035
P 91-1036	P 91-1037	P 91-1038	P 91-1039
P 91-1040	P 91-1041	P 91-1042	P 91-1043
P 91-1044	P 91-1045	P 91-1046	P 91-1047
P 91-1048	P 91-1049	P 91-1050	P 91-1051
P 91-1052	P 91-1053	P 91-1054	P 91-1055
P 91-1056	P 91-1057	P 91-1058	P 91-1059
P 91-1060	P 91-1061	P 91-1062	P 91-1063
P 91-1064	P 91-1065	P 91-1066	P 91-1067
P 91-1068	P 91-1069	P 91-1070	P 91-1071
P 91-1072	P 91-1073	P 91-1074	P 91-1075
P 91-1077	P 91-1116	P 91-1117	P 91-1118
P 91-1131	P 91-1161	P 91-1162	P 91-1163
P 91-1190	P 91-1191	P 91-1206	P 91-1210
P 91-1243	P 91-1279	P 91-1280	P 91-1281
P 91-1282	P 91-1283	P 91-1289	P 91-1297
P 91-1298	P 91-1299	P 91-1321	P 91-1322
P 91-1323	P 91-1324	P 91-1328	P 91-1346
P 91-1361	P 91-1364	P 91-1367	P 91-1368
P 91-1369	P 91-1371	P 91-1372	P 91-1379
P 91-1384	P 91-1386	P 91-1392	P 91-1394
P 91-1409	P 91-1418	P 91-1456	P 91-1464
P 92-0001	P 92-0002	P 92-0003	P 92-0031
P 92-0032	P 92-0033	P 92-0034	P 92-0035
P 92-0036	P 92-0044	P 92-0048	P 92-0063
P 92-0066	P 92-0067	P 92-0068	P 92-0129
P 92-0156	P 92-0157	P 92-0159	P 92-0168
P 92-0169			

III. 94 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 88-1730	P 91-0074	P 91-0899	P 91-0936
P 91-0937	P 91-1122	P 91-1123	P 91-1124
P 91-1125	P 91-1126	P 91-1127	P 91-1128
P 91-1129	P 91-1229	P 91-1270	P 91-1271
P 91-1272	P 91-1273	P 91-1274	P 91-1284
P 91-1285	P 91-1286	P 91-1287	P 91-1290
P 91-1291	P 91-1292	P 91-1293	P 91-1294
P 91-1295	P 91-1296	P 91-1300	P 91-1301
P 91-1302	P 91-1303	P 91-1304	P 91-1306

P 91-1307	P 91-1308	P 91-1309	P 91-1310	P 91-1332	P 91-1333	P 91-1334	P 91-1335	P 91-1358	P 91-1359	P 91-1360	P 91-1362
P 91-1311	P 91-1312	P 91-1313	P 91-1314	P 91-1336	P 91-1337	P 91-1343	P 91-1344	P 91-1363	P 91-1365	P 91-1366	Y 92-0027
P 91-1315	P 91-1316	P 91-1317	P 91-1318	P 91-1345	P 91-1346	P 91-1348	P 91-1349	Y 92-0028	Y 92-0029	Y 92-0030	Y 92-0031
P 91-1319	P 91-1320	P 91-1325	P 91-1326	P 91-1350	P 91-1351	P 91-1352	P 91-1353	Y 92-0032	Y 92-0033	Y 92-0034	Y 92-0035
P 91-1327	P 91-1329	P 91-1330	P 91-1331	P 91-1354	P 91-1355	P 91-1356	P 91-1357	Y 92-0036	Y 92-0037		

IV. 45 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 81-0656	G Halogenated nitrotoluene derivative	September 1, 1982.
P 85-0433	1-Propanol,3-mercapto-	April 20, 1987.
P 85-0443	G Bis-(substituted alkyl) disulfide	May 22, 1985.
P 87-1881	G Cycloaliphatic amine	June 10, 1991.
P 88-0217	Tetrachloroethylene (solvent)	May 26, 1988.
P 88-1933	G Poly(alkyl methacrylate-succinic)alkyl imides	October 16, 1991.
P 88-2330	G Amine-modified epoxy resin	October 17, 1991.
P 90-0911	G Acrylic copolymers and salts thereof: styrene/acrylic copolymers and salts thereof	October 18, 1991.
P 90-1408	G Unsaturated aliphatic alcohol	November 7, 1991.
P 90-1465	G Styrene vinyl acetate stock copolymer	October 23, 1991.
P 90-1508	Barium yttrium oxide tungstate	September 21, 1990.
P 91-0026	G Modified acrylate	September 17, 1991.
P 91-0127	G Hydroxy functional acrylic copolymer	September 17, 1991.
P 91-0221	G Epoxy resin modified with acetoacetate	October 1, 1991.
P 91-0327	G Dialkyldialkoxysilane	October 26, 1991.
P 91-0440	G Isobensofurandione, derivative	October 15, 1991.
P 91-0609	G Alkyl grignard reagent	October 26, 1991.
P 91-0685	G Rosin modified phenolic resin	September 16, 1991.
P 91-0849	G Alkyd resin polymer	October 15, 1991.
P 91-0892	G Polysiloxane polyoxyalkylene ether	October 20, 1991.
P 91-1109	G Polymer	October 24, 1991.
P 91-1130	G Polyester polyurethane	October 11, 1991.
P 91-1147	G Pyrrolopyrrol	November 6, 1991.
P 91-1267	G Silicone-imide block copolymer	November 5, 1991.
Y 89-0004	G Polyesser resin	October 1, 1991.
Y 91-0137	G Modified vegetable oil	October 18, 1991.
Y 91-0156	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0158	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0159	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0160	G Carboxylated styrene-acrylate copolymer, salt	October 16, 1991.
Y 91-0192	G Aqueous acrylic polymer	October 18, 1992.
Y 91-0195	G Aqueous acrylic polymer	October 18, 1992.
Y 91-0196	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0197	G Aqueous acrylic polymer	October 18, 1991
Y 91-0198	G Aqueous acrylic polymer	October 18, 1991
Y 91-0199	G Silicones and silicones, dimethyl, methyl alkyl	October 15, 1991
Y 91-0200	G Dimer fatty acid isophthalate polyester polymer	November 7, 1991.
Y 91-0218	G Olin copolymer	October 15, 1991.
Y 91-0221	G Aqueous acrylic polymer	October 18, 1991.
Y 91-0222	G Aqueous acrylic polymer	October 18, 1991
Y 91-0223	G Aqueous acrylic polymer	October 18, 1991
Y 91-0225	G Aqueous acrylic polymer	October 18, 1991
Y 91-0228	G Aqueous acrylic polymer	October 21, 1991
Y 91-0240	Castor oil; linseed oil, oxidized; homopolymer of hexamethylene; diisocyanate; alkyd resin, acrylic modified	October 30, 1991
Y 91-0242	G Coconut based polyester	October 21, 1991

V. 21 Premanufacture notices for which the period has been suspended.

PMN No.

P 91-1229	P 91-1288	P 91-1289	P 91-1297
P 91-1298	P 91-1299	P 91-1305	P 91-1321
P 91-1322	P 91-1323	P 91-1324	P 91-1328
P 91-1338	P 91-1340	P 91-1341	P 91-1342
P 91-1347	P 91-1361	P 91-1364	P 91-1371
P 91-1379			

[FR Doc. 92–6395 Filed 3–18–92; 8:45 am]

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Thursday
March 19, 1992

Part VIII

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for DECEMBER 1991

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53150; FRL 4052-7]

Premanufacture Notices; Monthly Status Report for DECEMBER 1991

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for DECEMBER 1991.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSA Public Docket Office NE–G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS–53150)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M Street, SW., rm. L–100, Washington, DC 20460, (202) 382–3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB–44, 401 M Street, SW., Washington, DC 20460 (202) 382–3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during DECEMBER; (b) PMNs received previously and still under review at the end of DECEMBER; (c) PMNs for which the notice review period has ended during DECEMBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during DECEMBER; and (e) PMNs for which the review period has been suspended. Therefore, the DECEMBER 1991 PMN Status Report is being published.

Dated: March 10, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for DECEMBER 1991.

I. 114 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0266	P 92-0267	P 92-0268	P 92-0269
P 92-0270	P 92-0271	P 92-0272	P 92-0273
P 92-0274	P 92-0275	P 92-0276	P 92-0277
P 92-0278	P 92-0279	P 92-0280	P 92-0281
P 92-0282	P 92-0283	P 92-0284	P 92-0285
P 92-0286	P 92-0287	P 92-0288	P 92-0289
P 92-0290	P 92-0291	P 92-0293	P 92-0294
P 92-0295	P 92-0296	P 92-0297	P 92-0299
P 92-0300	P 92-0301	P 92-0302	P 92-0303
P 92-0304	P 92-0305	P 92-0306	P 92-0307
P 92-0308	P 92-0309	P 92-0310	P 92-0311
P 92-0312	P 92-0313	P 92-0314	P 92-0315
P 92-0316	P 92-0317	P 92-0318	P 92-0319
P 92-0320	P 92-0321	P 92-0322	P 92-0323
P 92-0324	P 92-0325	P 92-0326	P 92-0327
P 92-0328	P 92-0329	P 92-0330	P 92-0331
P 92-0332	P 92-0333	P 92-0334	P 92-0335
P 92-0336	P 92-0337	P 92-0338	P 92-0339
P 92-0340	P 92-0341	P 92-0342	P 92-0343
P 92-0344	P 92-0345	P 92-0346	P 92-0347
P 92-0348	P 92-0349	P 92-0350	P 92-0351
P 92-0352	P 92-0353	P 92-0354	P 92-0355
P 92-0356	P 92-0357	P 92-0358	P 92-0359
P 92-0360	P 92-0361	P 92-0362	P 92-0363
P 92-0364	P 92-0365	P 92-0366	P 92-0367
P 92-0368	P 92-0369	Y 92-0069	Y 92-0070
Y 92-0071	Y 92-0072	Y 92-0073	Y 92-0074
Y 92-0075	Y 92-0076	Y 92-0077	Y 92-0078
Y 92-0079	Y 92-0080		

II. 375 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237	P 84-0060	P 85-0433	P 85-0619
P 85-1184	P 86-1489	P 86-1607	P 87-0105
P 87-0333	P 87-0502	P 87-1872	P 88-0831
P 88-0896	P 88-1271	P 88-1272	P 88-1273
P 88-1274	P 88-1682	P 88-1753	P 88-1807
P 88-1809	P 88-1811	P 88-1937	P 88-1938
P 88-1960	P 88-1982	P 88-1984	P 88-1985
P 88-1999	P 88-2000	P 88-2001	P 88-2100
P 88-2169	P 88-2196	P 88-2212	P 88-2213
P 88-2228	P 88-2229	P 88-2230	P 88-2236
P 88-2484	P 88-2518	P 88-2529	P 89-0089
P 89-0090	P 89-0091	P 89-0254	P 89-0321
P 89-0385	P 89-0386	P 89-0387	P 89-0396
P 89-0538	P 89-0676	P 89-0697	P 89-0721
P 89-0775	P 89-0836	P 89-0837	P 89-0867
P 89-0957	P 89-0958	P 89-0959	P 89-0963
P 89-1038	P 89-1058	P 90-0002	P 90-0009
P 90-0158	P 90-0159	P 90-0211	P 90-0237
P 90-0248	P 90-0249	P 90-0260	P 90-0261
P 90-0262	P 90-0283	P 90-0372	P 90-0441
P 90-0550	P 90-0564	P 90-0581	P 90-0603
P 90-0606	P 90-0707	P 90-1280	P 90-1311
P 90-1318	P 90-1319	P 90-1320	P 90-1321
P 90-1322	P 90-1358	P 90-1422	P 90-1464
P 90-1511	P 90-1527	P 90-1528	P 90-1529
P 90-1530	P 90-1531	P 90-1564	P 90-1592
P 90-1624	P 90-1687	P 90-1718	P 90-1720
P 90-1722	P 90-1723	P 90-1745	P 90-1797
P 90-1840	P 90-1893	P 90-1937	P 90-1965
P 90-1984	P 90-1985	P 91-0004	P 91-0051
P 91-0101	P 91-0102	P 91-0107	P 91-0108
P 91-0109	P 91-0110	P 91-0111	P 91-0112
P 91-0113	P 91-0116	P 91-0177	P 91-0178
P 91-0179	P 91-0180	P 91-0222	P 91-0226
P 91-0230	P 91-0231	P 91-0232	P 91-0233
P 91-0242	P 91-0243	P 91-0244	P 91-0245
P 91-0246	P 91-0247	P 91-0248	P 91-0266
P 91-0328	P 91-0358	P 91-0391	P 91-0442
P 91-0464	P 91-0465	P 91-0466	P 91-0467
P 91-0468	P 91-0469	P 91-0470	P 91-0471
P 91-0472	P 91-0487	P 91-0490	P 91-0501
P 91-0503	P 91-0514	P 91-0521	P 91-0532
P 91-0548	P 91-0572	P 91-0584	P 91-0600
P 91-0619	P 91-0659	P 91-0665	P 91-0666
P 91-0688	P 91-0689	P 91-0701	P 91-0732
P 91-0763	P 91-0818	P 91-0825	P 91-0827
P 91-0831	P 91-0853	P 91-0902	P 91-0903
P 91-0905	P 91-0912	P 91-0914	P 91-0915
P 91-0934	P 91-0939	P 91-0940	P 91-0941
P 91-0966	P 91-1000	P 91-1009	P 91-1010
P 91-1011	P 91-1012	P 91-1013	P 91-1014
P 91-1015	P 91-1016	P 91-1017	P 91-1018
P 91-1019	P 91-1020	P 91-1021	P 91-1022
P 91-1023	P 91-1024	P 91-1025	P 91-1026
P 91-1027	P 91-1028	P 91-1029	P 91-1030
P 91-1031	P 91-1032	P 91-1033	P 91-1034
P 91-1035	P 91-1036	P 91-1037	P 91-1038
P 91-1039	P 91-1040	P 91-1041	P 91-1042
P 91-1043	P 91-1044	P 91-1045	P 91-1046
P 91-1047	P 91-1048	P 91-1049	P 91-1050
P 91-1051	P 91-1052	P 91-1053	P 91-1054
P 91-1055	P 91-1056	P 91-1057	P 91-1058
P 91-1059	P 91-1060	P 91-1061	P 91-1062
P 91-1063	P 91-1064	P 91-1065	P 91-1066
P 91-1067	P 91-1068	P 91-1069	P 91-1070
P 91-1071	P 91-1072	P 91-1073	P 91-1074
P 91-1075	P 91-1077	P 91-1116	P 91-1117
P 91-1118	P 91-1131	P 91-1153	P 91-1161
P 91-1162	P 91-1163	P 91-1190	P 91-1191
P 91-1206	P 91-1210	P 91-1231	P 91-1232
P 91-1233	P 91-1234	P 91-1235	P 91-1239
P 91-1240	P 91-1243	P 91-1250	P 91-1269
P 91-1279	P 91-1280	P 91-1281	P 91-1282
P 91-1283	P 91-1288	P 91-1289	P 91-1296
P 91-1297	P 91-1298	P 91-1299	P 91-1305
P 91-1321	P 91-1322	P 91-1323	P 91-1324
P 91-1328	P 91-1338	P 91-1346	P 91-1347
P 91-1361	P 91-1364	P 91-1367	P 91-1368
P 91-1369	P 91-1371	P 91-1372	P 91-1379
P 91-1384	P 91-1386	P 91-1392	P 91-1394
P 91-1409	P 91-1418	P 91-1422	P 91-1423
P 91-1429	P 91-1439	P 91-1448	P 91-1456
P 91-1464	P 92-0001	P 92-0002	P 92-0003
P 92-0028	P 92-0031	P 92-0032	P 92-0033
P 92-0034	P 92-0035	P 92-0036	P 92-0038
P 92-0044	P 92-0048	P 92-0063	P 92-0065
P 92-0066	P 92-0067	P 92-0068	P 92-0129
P 92-0131	P 92-0156	P 92-0157	P 92-0159
P 92-0168	P 92-0169	P 92-0177	P 92-0192
P 92-0196	P 92-0197	P 92-0210	P 92-0217
P 92-0227	P 92-0233	P 92-0239	P 92-0243
P 92-0244	P 92-0245	P 92-0246	P 92-0247
P 92-0248	P 92-0249	P 92-0250	P 92-0251
P 92-0265	P 92-0292	Y 92-0038	

III. 176 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 85-0619	P 88-0319	P 88-0320	P 88-1761
P 90-0347	P 90-1384	P 91-0337	P 91-0763
P 91-0809	P 91-0935	P 91-1086	P 91-1101
P 91-1102	P 91-1143	P 91-1153	P 91-1239
P 91-1240	P 91-1250	P 91-1339	P 91-1340
P 91-1341	P 91-1342	P 91-1370	P 91-1372
P 91-1373	P 91-1374	P 91-1375	P 91-1376
P 91-1377	P 91-1378	P 91-1380	P 91-1381
P 91-1382	P 91-1383	P 91-1385	P 91-1387
P 91-1388	P 91-1389	P 91-1390	P 91-1391
P 91-1393	P 91-1395	P 91-1396	P 91-1397
P 91-1398	P 91-1399	P 91-1400	P 91-1401
P 91-1402	P 91-1403	P 91-1404	P 91-1405
P 91-1406	P 91-1407	P 91-1408	P 91-1410
P 91-1411	P 91-1412	P 91-1413	P 91-1414
P 91-1415	P 91-1416	P 91-1417	P 91-1419
P 91-1420	P 91-1421	P 91-1424	P 91-1425
P 91-1426	P 91-1427	P 91-1428	P 91-1429
P 91-1430	P 91-1431	P 91-1432	P 91-1433
P 91-1434	P 91-1435	P 91-1436	P 91-1437
P 91-1438	P 91-1440	P 91-1441	P 91-1442
P 91-1443	P 91-1444	P 91-1445	P 91-1446
P 91-1447	P 91-1448	P 91-1449	P 91-1450
P 91-1451	P 91-1452	P 91-1453	P 91-1454
P 91-1455	P 91-1456	P 91-1457	P 91-1458
P 91-1459	P 91-1460	P 91-1461	P 91-1462
P 91-1463	P 91-1465	P 92-0001	P 92-0002
P 92-0004	P 92-0005	P 92-0006	P 92-0007
P 92-0008	P 92-0009	P 92-0010	P 92-0011
P 92-0012	P 92-0013	P 92-0014	P 92-0015
P 92-0016	P 92-0017	P 92-0018	P 92-0019
P 92-0020	P 92-0021	P 92-0022	P 92-0023
P 92-0024	P 92-0025	P 92-0026	P 92-0027
P 92-0029	P 92-0030	P 92-0037	P 92-0038
P 92-0039	P 92-0040	P 92-0041	P 92-0043
Y 92-0038	Y 92-0039	Y 92-0040	Y 92-0041
Y 92-0042	Y 92-0043	Y 92-0044	Y 92-0045
Y 92-0046	Y 92-0047	Y 92-0048	Y 92-0049
Y 92-0050	Y 92-0051	Y 92-0052	Y 92-0053
Y 92-0054	Y 92-0055	Y 92-0056	Y 92-0057
Y 92-0058	Y 92-0059	Y 92-0060	Y 92-0061
Y 92-0062	Y 92-0063	Y 92-0064	Y 92-0065
Y 92-0066	Y 92-0067	Y 92-0068	Y 92-0069
Y 92-0070	Y 92-0071	Y 92-0072	Y 92-0073

IV. 31 Chemical Substances for which EPA has received Notices of Commencement to Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 85-0482	G Polyamic acid polymer b.	October 21, 1991.
P 88-0061	G Organopolysiloxane containing metals.	June 27, 1988.
P 88-0252	Maleic anhydride; alpha olefin C^{20} + greater; tertiary butyl peroxide; hydrogenated tallow amine.	January 19, 1989.
P 89-0697	G Alkenoic acid, trisubstituted benzyl-disubstituted-phenyl ester.	October 23, 1990.
P 90-1614	G Substituted naphthalene sulfonic acid.	November 14, 1991.
P 90-1981	Polymer of ethyl acrylate, methyl methacrylate, & *N*-vinyl pyrrolidinone.	October 22, 1991.
P 91-0117	G Acrylate derivative polymer.	March 3, 1991.
P 91-0331	G Aryl isocyanate acyl chloride.	November 13, 1991.
P 91-0332	G Aryl polyamideurea.	November 14, 1991.
P 91-0523	G Heterocyclic sulfate.	October 28, 1991.
P 91-0611	Melamine amyl phosphate.	October 15, 1991.
P 91-0770	2-Ethoxyethyl-2-cyanoacrylate.	October 21, 1991.
P 91-0875	G Ammonium salt of a grafted and crosslinked acrylicacid terpolymer.	November 18, 1991.
P 91-0891	G Polymer modified polyisocyanate, reaction product with a diamine.	November 12, 1991.
P 91-0897	G Polyethylene glycol diester of a saturated fatty acid.	November 18, 1991.
P 91-0937	G Vinyl ester.	November 7, 1991.
P 91-0938	G Polyurethane/aryl polyglycol ether.	November 7, 1991.
P 91-1085	G Water reducible polyester polymer.	October 21, 1991.
P 91-1259	G Aromatic polyurethane polyol.	November 11, 1991.
P 91-1278	G Copper arsenic.	November 5, 1991.
P 91-1344	G Polyamide.	November 23, 1991.
P 91-1345	G Alkyd resin.	November 23, 1991.
Y 88-0232	G Alkyd resin.	November 11, 1991.
Y 88-0279	G Polyester polyol.	October 28, 1991.
Y 90-0038	G Polyester resin.	November 8, 1991.
Y 91-0157	G Carboxylated styrene-acrylate copolymer, salt.	October 16, 1991.
Y 91-0187	G Polyester.	November 19, 1991.
Y 91-0194	G Aqueous acrylic polymer.	October 18, 1991.
Y 91-0226	G Aqueous acrylic polymer.	October 18, 1991.
Y 91-0227	G Aqueous acrylic polymer.	October 21, 1991.
Y 91-0232	G Modified polyester.	November 6, 1991.

V. 29 Premanufacture notices for which the period has been suspended.

PMN No.

P 90-0260	P 90-0261	P 90-0262	P 90-0263	P 91-0572
P 91-1339	P 91-1378	P 91-1384	P 91-1386	P 91-1392
P 91-1394	P 91-1409	P 91-1418	P 91-1422	P 91-1423
P 91-1439	P 91-1464	P 92-0003	P 92-0028	P 92-0031
P 92-0032	P 92-0033	P 92-0034	P 92-0035	P 92-0036
P 92-0129	P 92-0156	P 92-0157	P 92-0159	

[FR Doc. 92-6396 Filed 3-18-92; 8:45 am]

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Thursday
March 19, 1992

Part IX

Environmental Protection Agency

Hazardous Waste Management; Land Disposal Restrictions; Notice of Intent to Approve Case-by-Case Applications

ENVIRONMENTAL PROTECTION AGENCY

[SWH-FRL-4115-7]

Hazardous Waste Management System; Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to approve case-by-case applications.

SUMMARY: EPA is proposing to approve the applications submitted by two Olin Corporation facilities in Augusta, Georgia and Charleston, Tennessee, requesting an extension of the May 8, 1992 effective date of the land disposal restrictions applicable to wastes with the hazardous waste codes D009 and K106. EPA also proposes to grant approval of an extension of the effective date of the land disposal restrictions applicable to D009 and K106 wastes generated at the following five facilities: BFGoodrich Company, Calvert City, Kentucky; PPG Industries, Lake Charles, Louisiana; PPG Industries, New Martinsville, West Virginia; Pioneer Chlor Alkali Company, Inc., St. Gabriel, Louisiana and Vulcan Chemicals, Port Edwards, Wisconsin. However, for these facilities approval is contingent upon receipt of, notice and comment upon, and approval of documentation of a binding contractual commitment to construct or otherwise provide treatment capacity for each facility. This action responds to the applications submitted by these seven facilities, in conjunction with the Chlorine Institute, under 40 CFR 268.5, which allows any person to request the Administrator to approve, on a case-by-case basis, an extension of the applicable effective date of the land disposal restrictions treatment standards. To obtain an extension, the applicant must demonstrate that there is insufficient capacity to manage his waste and that he has entered into a binding contractual commitment to construct or otherwise provide such capacity but due to circumstances beyond his control, such capacity cannot reasonably be made available by the effective date. If this proposed action is finalized, each of the seven above mentioned chlorine manufacturing facilities can continue to treat, store or dispose of its D009, and K106 wastes, using current practices, for an additional one year without being subject to the land disposal restrictions applicable to such wastes. If warranted, EPA may grant a renewal of this extension, for up to one year, which, at a maximum, would extend the effective date of the LDR for these wastestreams to May, 8, 1994.

DATES: Comments on this notice must be received on or before April 20, 1992.

ADDRESSES: The public must send an original and two copies of their comments to the EPA RCRA Docket (OS-305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the Docket Number F-92-CCPP-FFFFF on all copies of the comments. The EPA RCRA Docket is located in Room 2427, 401 M Street, SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 toll-free or (202) 382-3000, locally. For information on specific aspects of this notice contact William J. Kline, Office of Solid Waste, Capacity Programs Branch (OS-321W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-8440.

SUPPLEMENTARY INFORMATION:

I. Background

A. Congressional Mandate

Congress enacted the Hazardous and Solid Waste Amendments (HSWA) of 1984 which amended the Resource Conservation and Recovery Act (RCRA). Among other things, HSWA required EPA to develop regulations that would impose, on a phased schedule, restrictions on the land disposal of hazardous wastes. In particular, sections 3004(d) through (g) prohibit the land disposal of certain hazardous wastes by specified dates in order to protect human health and the environment. More specifically, section 3004(g) scheduled the prohibition of the land disposal of those hazardous wastes included in the Third Third group (which includes hazardous wastes D009, and K106), effective 66 months after the enactment of HSWA (May 8, 1990). In addition, section 3004(m) requires EPA to set "levels of methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." Wastes that meet the treatment standards established by EPA are not prohibited and may be land disposed.

In developing such a broad program, Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment may not be available by the applicable statutory effective dates. Therefore, section 3004(h)(2) authorized EPA to grant a national capacity variance (based on the earliest date that such capacity will be available but not to exceed two years) from the effective date which would otherwise apply to specific hazardous wastes. In addition, under section 3004(h)(3), EPA can grant an additional capacity extension of the statutory deadline on a case-by-case basis for up to one year beyond the applicable deadline. Such an extension is renewable once for up to one additional year.

On November 7, 1986, EPA published a final rule (51 FR 40572) establishing the regulatory framework to implement the land disposal restrictions (LDR) program, including the procedures for submitting case-by-case extension applications.

Also, on June 1, 1990, EPA published a final rule (55 FR 22520) establishing land disposal restrictions for Third Thirds wastes. Among other things, EPA published treatment standards for wastes D009 and K106. Because of a determination that available treatment, recovery, or disposal capacity did not exist at that time for these wastes, EPA granted a two-year national capacity variance for K106 and D009 wastes. As such, these wastes are prohibited from being land disposed beginning May 8, 1992.

B. 40 CFR 268.5 Demonstrations for Case-by-Case Applications

Case-by-case extension applications must satisfy the requirements outlined in 40 CFR 268.5. Each of the chlorine manufacturing facilities requesting an extension of the effective date of the LDRs must address each of the following seven demonstrations of 40 CFR 268.5(a):

- *40 CFR 268.5(a)(1).* The applicant has made a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage its waste in accordance with the effective date of the applicable restriction (i.e., May 8, 1992).
- *40 CFR 268.5(a)(2).* The applicant has entered into a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity that meets the treatment standards specified in 40 CFR part 268, subpart D or, where treatment standards have not been specified, such

treatment, recovery, or disposal capacity is protective of human health and the environment.

- *40 CFR 268.5(a)(3).* Due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date.
- *40 CFR 268.5(a)(4).* The capacity being constructed or otherwise provided by the applicant will be sufficient to manage the entire quantity of waste that is the subject of the application.
- *40 CFR 268.5(a)(5).* The applicant provides a detailed schedule for obtaining operating and construction permits or an outline of how and when alternative capacity wil be available.
- *40 CFR 268.5(a)(6).* The applicant has arranged for adequate capacity to manage his waste during an extension, and has documented the location of all sites at which the waste will be managed.
- *40 CFR 268.5(a)(7).* Any waste managed in a surface impoundment or landfill during the extension period will meet the requirement of 40 CFR 268.5(h)(2).

After an applicant has been granted a case-by-case extension, he must immediately notify EPA of any change in the demonstrations made in the petition (40 CFR 268.5(f)). He must also submit progress reports at specified intervals that describe the progress being made towards obtaining adequate alternative capacity, identify any delay or possible delay in developing the capacity, and describe the mitigating actions being taken in response to the event (40 CFR 268.5(g)).

II. Evaluation of Subject Applications

The following seven chlorine manufacturing facilities, in conjunction with the Chlorine Institute, requested that EPA grant a one-year extension of the May 8, 1992, effective date of the LDRs applicable to hazardous wastes D009 and K106 consisting of residual wastewaters and other solid wastes derived from the electrolytic mercury cell processes that are used at these facilities for the production of chlorine:

1. BFGoodrich Company in Calvert City, KY
2. Olin Corporation in Augusta, GA
3. Olin Corporation in Charleston, TN
4. PPG Industries in Lake Charles, LA
5. PPG Industries in New Martinsville, WV
6. Pioneer Chlor-Alkali Company, Inc. in St. Gabriel, LA
7. Vulcan Chemicals in Port Edwards, WI

The Best Demonstrated Available Technology (BDAT) for D009 and K106 is thermal treatment or retorting. The Chlorine Institute [1] and its members submitted comments to EPA during the rulemaking process, expressing their belief that retorting was not available for treatment of the subject wastes due to differences between the mercury mine ores used in establishing BDAT and electrolytic mercury cell wastes. They argued that data used in developing BDAT based on wastes generated by a mercury producer was not directly transferable to K106 and D009 mercury cell waste without further extensive development. Failing to convince EPA to change the proposed BDAT for K106 and D009, the Chlorine Institute and some of its members contracted with Hazen Research of Golden, Colorado in June 1990 to develop a thermal mercury recovery process for K106 and selected D009 wastes that would allow the Institute's members to comply with the LDR regulations. The project consists of three phases. Phase I, which has been completed, consisted of characterizing representative waste, evaluating the effects of variables, selecting potential technologies for evaluation, and preliminary design and economics. Phase II, which has also been completed, was the construction and operation of a pilot plant. The primary goal of this Phase was to demonstrate the feasibility of the process to recover mercury from these wastes and meet BDAT for the K106 and D009 wastes. Construction of the pilot plant was completed in June 1991. Phase II of the Hazen Project successfully demonstrated that the thermal mercury recovery process could treat D009 and K106 wastes to meet BDAT.

Phase III is the development of engineering design and construction of full-scale treatment units on an individual or joint basis by each of the chlorine manufacturers. Initial estimates from the chlorine manufacturers indicate that the earliest operation of these treatment units will be in the first quarter of 1993.

A. Applicants' Demonstrations

Each of the seven applicants submitted to EPA a separate petition requesting an extension of the effective date of the LDRs for its D009 and K106 wastes. However, two of the required demonstrations, 40 CFR 268.5(a)(1) and (a)(3), being identical for all of the seven facilities [2], were conducted and submitted in conjunction with the Chlorine Institute. The demonstrations in 40 CFR 268.5(a)(2), (a)(4), and (a)(5) also initially were the same for each of the seven facilities and submitted as such under the auspices of the Chlorine Institute. However, as discussed in more detail below, subsequent to the successful completion of Phase II of the Hazen Research project, each of the applicants must provide EPA the additional documentation necessary to show when and how the demonstrated technology will be constructed and put into operation to treat their subject wastes.

A discussion of the generic demonstrations, as submitted in conjunction with the Chlorine Institute, along with a description of each facility and a review of each the applicant's facility-specific demonstrations follows.

1. Applicants' Generic Demonstrations

40 CFR 268.5(a)(1). The Chlorine Institute identified 47 facilities with thermal treatment services that may be able to accept the subject wastes. Of these 47 facilities, only four were identified as capable of metal recovery and therefore potentially capable of treating these wastes using BDAT. Of the four facilities, two could not accept the wastes. One facility, Bethlehem Apparatus, indicated it can accept 150 tons per year of D009 wastes. The other facility, Mercury Refining Company (MERECO), has stated that it can currently accept a total of 200 drums of D009 wastes per year from the petitioning facilities; however, it also indicated that it is expanding its treatment capacity such that it eventually will at least double its current treatment capacity in late 1992 when the new facility expansion is complete. Written responses from the four treatment facilities were provided and are available in the public docket established for today's notice.

The quantity of D009 waste being generated (more than 1000 tons/year) by the seven facilities applying for this extension far exceeds the available commercial capacity (less than 200 tons/year) to treat this waste. The applicants, as a group, stated they would utilize this limited available commercial treatment capacity. It is EPA's expectation that the applicants requesting this case-by-case extension will use this treatment capacity, to the extent it is available.

[1] The Chlorine Institute Inc., is an association of chlorine manufacturers and related companies. The Institute's members are responsible for 98% of the U.S. production of chlorine.

[2] The chlorine manufacturers, as members of the Chlorine Institute, have combined their resources over the past several years to address compliance with the regulations.

until the applicants have otherwise provided treatment capacity, i.e., the planned treatment units are put into operation. EPA intends to monitor this situation and, if appropriate, require that each facility, for which an extension of the LDRs is approved, explain how and when such available capacity will be used. Commercial treatment capacity for the K106 wastes was found to be non-existent.

EPA agrees that there is very limited available treatment capacity to treat the D009 wastes generated at the seven petitioning facilities to BDAT standards. It is clear that the total available treatment capacity is greatly exceeded by demand, therefore making it virtually certain that each of the applicants will be unable to find treatment capacity for all of its wastes. Given the restricted treatment capacity for D009 wastes and the lack of any capacity for K106 wastes, EPA believes that a lack of sufficient available treatment capacity, despite a good faith effort to locate such capacity, has been adequately demonstrated by the applicants.

40 CFR 268.5(a)(3). On behalf of the chlorine manufacturers, the Chlorine Institute, as part of the Third Third rulemaking process, provided EPA with data on thermal desorption treatment of K106 chlorine production wastes in December 1989 to support their recommendation for BDAT. They also provided comments on the proposed BDAT for K106 and D009. Failing to convince EPA to modify the proposed BDAT for D009 and K106, the Institute promptly contracted with Hazen Research to develop their own treatment facility capable of meeting BDAT. Hazen Research stated, in their December 6, 1991, report to the Chlorine Institute, that they successfully demonstrated that the thermal process was capable of meeting BDAT.

EPA believes the seven applicants, acting with the Chlorine Institute, cannot reasonably provide treatment capacity by the effective date, due to technical difficulties in treating these wastes to BDAT standards. The applicants have aggressively pursued the development of technology capable of treating their wastes to BDAT standards. As such, EPA believes this demonstration of non-availability of capacity, due to circumstances beyond each applicant's control, is adequate.

2. Facility-Specific Demonstrations

In addition to having addressed the 40 CFR 268.5 (a)(1) and (a)(3) demonstrations in a generic manner, each applicant likewise addressed the remaining five demonstrations in 40 CFR 268.5(a)(2), (a)(4), (a)(5), (a)(6) and (a)(7), as follows:

(a) *BFGoodrich.* BFGoodrich is located in Calvert City, Kentucky. The facility generated approximately 111 tons of K106 waste, 137 tons of low mercury D009, and 32 tons of high mercury D009 waste in 1990. K106 sludge and other wastes identified as D009 are currently disposed of at Chemical Waste Management's landfills in Emelle, Alabama and Ft. Wayne, Indiana.

40 CFR 268.5(a)(2). BFGoodrich has awarded a contract to develop the engineering design for the retort unit, employing the technology developed as part of the Hazen Research project discussed above; this unit is scheduled to be constructed at its Calvert City facility. BFGoodrich advised EPA that by April 15, 1992, it will purchase at least 20% of the equipment necessary to construct this unit and will provide EPA with copies of the purchase order. However, BFGoodrich does not expect to award the contract to construct the retort unit until approximately July 15, 1992.

EPA believes that BFGoodrich has made a substantial commitment to construct a treatment unit that will treat the D009 and K106 wastes generated at its Calvert City, Kentucky facility to BDAT standards. Documentation regarding the design of this unit has been provided to EPA. The receipt of purchase orders for equipment will provide further confirmation of BFGoodrich's commitment to construct the retort unit. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been fully met and will not grant final approval of a case-by-case extension for the D009 and K106 wastes generated at the BFGoodrich Calvert City, Kentucky facility until appropriate documentation is submitted to EPA showing that a binding contractual commitment has been entered into the construct this treatment unit. BFGoodrich has stated that documentation that demonstrates a binding contractual commitment to construct the treatment unit that meets the BDAT standards specified for the D009 and K106 wastes generated at the Calvert City, Kentucky facility will be provided to EPA as soon as it becomes available. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other then the contract).

40 CFR 268.5(a)(4). BFGoodrich has stated that the thermal treatment unit to be constructed will have a capacity of approximately 300 tons/year to treat the K106 and D009 waste generated at its Calvert City, Kentucky facility. The engineering and design plans have been submitted by BFGoodrich to EPA. EPA believes that BFGoodrich has adequately demonstrated that the treatment unit to be constructed will provide the necessary treatment capacity to manage the entire quantity of these wastes covered by this case-by-case application.

40 CFR 268.5(a)(5). BFGoodrich has submitted a schedule that provides details regarding the construction and permitting of the retort unit to be installed at its Calvert City, Kentucky facility. As shown in the schedule, BFGoodrich plans to commence construction of the retort unit by August 1, 1992 and expects construction to be completed by March 1, 1993. BFGoodrich then estimates that compliance testing of the unit will begin by April 1, 1993. The final permit approval to operate this unit is anticipated to be granted by October 1, 1993. EPA believes that BFGoodrich has submitted the documentation necessary to meet this requirement.

40 CFR 268.5(a)(6). The D009 and K106 wastes generated at BFGoodrich's Calvert City, Kentucky facility will continue to be disposed of in Chemical Waste Management's (CWM) hazardous waste landfills in Emelle, Alabama and Fort Wayne, Indiana. However, until such time that EPA gives its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided written assurance to BFGoodrich that CWM will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make the necessary demonstration.

40 CFR 268.5(a)(7). BFGoodrich will continue to use the CWM landfills in Emelle, Alabama and Fort Wayne, Indiana. CWM has provided a letter certifying that its landfills meet the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make the necessary demonstration.

Olin Corporation

Olin Corporation (Olin) has submitted case-by-case applications requesting an extension of the LDR for the D009 and K106 wastes generated at two if its facilities, one located in Augusta, Georgia and the other in Charleston, Tennessee.

(b) *Olin (Augusta, Georgia).* The Augusta facility generated approximately 190 lbs per day of K106 waste and 1,200 lbs per day of D009 waste in 1990. The facility also generates D009 soil and debris, which Olin considers not amenable to thermal treatment. Olin stated that it will prepare a separate request for a treatability variance for this waste. K106 sludge and other wastes identified as D009 are currently combined together and transported for disposal at the GSX hazardous waste landill in Pinewood, South Carolina.

40 CFR 268.5(a)(2). Olin plans to construct one thermal retort unit at its Charleston, Tennessee facility at which the D009 and K106 wastes from both the Augusta, Georgia and Charleston, Tennessee facilities would be treated.

To support its demonstration of a binding contractual commitment to construct the retort unit, Olin has provided EPA a copy of the contract between Olin Corporation and Blount, Inc. to perform work as required by Olin at its Charleston, Tennessee facility. Under Olin's existing contract with Blount, Olin has provided a signed release order between Olin and Blount, Inc. to construct the retort unit.

Additional documentation provided by Olin to demonstrate its commitment to the construction of the retort unit includes: (1) a signed approval by Olin's CEO of funds to design, purchase, and construct the retort unit at the Charleston, Tennessee facility to handle the D009 and K106 wastes from both the Augusta, Georgia and Charleston, Tennessee facilities, (2) a copy of the purchase orders for the furnace and off-gas handling system, and (3) a copy of the design specifications, including process flow diagrams, piping and instrument diagrams, and equipment.

EPA is satisfied that Olin has made a binding contractual commitment to construct a treatment unit that will treat the D009 and K106 wastes generated at its Augusta, Georgia and Charleston, Tennessee facilities to BDAT standards. EPA believes Olin has provided the necessary documentation to meet this requirement.

40 CFR 268.5(a)(4). Olin has stated that the thermal treatment unit to be constructed will have sufficient capacity to adequately handle all the K106 and D009 wastes generated by both the Augusta, Georgia and Charleston, Tennessee facilities. The retort unit to be constructed at Olin's Charleston, Tennessee facility is designed for 300 lbs./hour with an estimated actual annual throughput (including wastes from both Augusta and Charleston) of 1.13 million lbs. As such, the planned retort unit is expected to have excess capacity. Therefore, EPA believes that Olin has adequately demonstrated that the treatment unit to be constructed will provide the necessary treatment capacity to manage the entire quantity of D009 and K106 wastes covered by this case-by-case application.

40 CFR 268.5(a)(5). Olin has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Charleston, Tennessee facility. As indicated in the schedule, Olin expects to receive the construction permit by June 1992, and begin construction in July 1992. Construction is anticipated to be completed by January 1993 followed by testing of the unit in January-March 1993. A permit to begin operation of the retort unit is expected to be granted in April 1993. EPA believes that Olin has provided the necessary construction and permitting milestones for bringing its retort unit on-line and therefore meets the requirements of this demonstration.

40 CFR 268.5(a)(6). Olin's (Augusta, GA) wastes will continue to be disposed of in the GSX Services of South Carolina, Inc. (GSX) hazardous waste landfill located in Pinewood, South Carolina. GSX has provided written assurance to Olin that GSX will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to provide this demonstration.

40 CFR 268.5(a)(7). Olin (Augusta, GA) will continue to use the GSX landfill, located in Pinewood, South Carolina. GSX has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient for the required demonstration.

(c) *Olin (Charleston, Tennessee).* The Olin Charleston, Tennessee facility generated approximately 1,000 lbs per day of K106 waste and 3,150 lbs per day of D009 waste in 1990. The facility also generates D009 soil and debris, which Olin considers not amenable to thermal treatment. Olin stated that it will prepare a separate request for a treatability variance for this waste. This facility currently disposes of its K106 sludge and other wastes identified as D009 in an on-site landfill.

40 CFR 268.5(a)(2). As described above, Olin plans to construct one thermal retort unit at the Charleston, Tennessee facility at which the wastes from both the Charleston, Tennessee and the Augusta, Georgia facilities would be treated. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(2) to support its demonstration of a binding contractual commitment to construct the retort unit.)

40 CFR 268.5(a)(4). Olin has stated that the thermal treatment unit to be constructed will have sufficient capacity to adequately handle all the K106 and D009 wastes generated by both the Augusta, Georgia and Charleston, Tennessee facilities. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(4) to support its demonstration that the retort unit will have sufficient capacity to handle all its D009 and K106 waste.)

40 CFR 268.5(a)(5). Olin has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Charleston, Tennessee facility. (See the discussion under Olin, Augusta, Georgia, 40 CFR 268.5(a)(5) to support its demonstration that a detailed schedule for the construction and permitting of the retort unit has been provided.)

40 CFR 268.5(a)(6). Olin's (Charleston, TN) wastes will continue to be disposed of on-site. Olin has provided assurance that its on-site landfill will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies this requirement.

40 CFR 268.5(a)(7). Olin (Charleston, TN) will continue to use its on-site landfill. Olin has certified that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this certification is included in the public docket established for this notice. EPA believes that this documentation satisfies this requirement.

PPG Industries, Inc.

PPG Industries, Inc. (PPG) has submitted case-by-case applications, requesting an extension of the LDR for the D009 and K106 wastes generated at two of its facilities, one of which is located in Lake Charles, Louisiana and the other in New Martinsville, West Virginia.

(d) *PPG (Lake Charles, Louisiana).* The Lake Charles facility generated approximately 180 tons of K106 wastewater treatment sludge and 150 tons of D009 mercury contaminated

waste in 1990. The facility also generated approximately 180 tons of D009/D002 mercury-contaminated caustic wastes and small quantities of D009/D001 low level mercury-contaminated solvent waste in 1990. In addition, PPG is requesting a separate treatment variance for D009 soil and debris, which PPG considers not amenable to thermal treatment. Wastes generated at the Louisiana facility currently are disposed of at the Chemical Waste Management landfill in Emelle, Alabama.

40 CFR 268.5(a)(2). PPG plans to construct one thermal retort unit at the Lake Charles facility at which the D009 and K106 wastes from both the Lake Charles and New Martinsville, West Virginia facilities would be treated. This treatment unit will employ the technology developed as part of the Hazen Research project discussed above. PPG has submitted a copy of a purchase order to be used for preliminary engineering, preparation of estimates, initial procurement, and to start detail design engineering and a copy of a purchase order to purchase the retort furnace.

PPG also has stated that in March 1992, it will submit documentation of approved authorization for funds to construct, start-up, and operate this unit. Actual award of two lump sum contracts to construct a retort unit at PPG's Lake Charles, Louisiana facility are not expected to be issued until the June-August timeframe, however. PPG intends to award the necessary contracts in two phases: one for the foundation work on approximately July 1, 1992, the second by September 1, 1992 for the mechanical, structural, and electrical work. EPA is convinced that PPG has made a substantial commitment to construct a treatment unit that will treat its D009 and K106 wastes to BDAT standards. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been fully met and will not grant final approval of a case-by-case application for the wastes generated at the PPG Lake Charles, Louisiana and New Martinsville, West Virginia facilities until final approval of documentation showing that the binding contractual commitments has been entered into to construct this treatment unit. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). PPG has stated that the retort unit to be constructed will have a capacity of up to 400 lbs/hour to treat the almost 400 tons/year of D009 and K106 wastes generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities. Likewise, PPG states that its future unit will possess sufficient treatment capacity to treat the more than 550 tons/year of D009 and K106 wastes that Pioneer intends to treat at PPG's retort unit. EPA believes that PPG's planned retort unit to be constructed at its Lake Charles, Louisiana facility will have sufficient capacity to treat all the D009 and K106 wastes covered by its case-by-case applications, as generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities as well as the D009 and K106 wastes generated by Pioneer's St. Gabriel, Louisiana facility.

40 CFR 268.5(a)(5). PPG has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Lake Charles, Louisiana facility. As indicated in the schedule, PPG estimates that construction of the unit will be completed by March 1993. Testing of the unit is anticipated for April 1993 with actual on-line operation beginning in May 1993. EPA believes that PPG has provided the necessary construction and permitting milestones for bringing its retort unit on-line and therefore meets the requirements of this demonstration.

40 CFR 268.5(a)(6). PPG's (Lake Charles, LA) wastes will continue to dispose of its wastes at the CWM hazardous waste landfill in Emelle, Alabama. However, until such time that EPA gives its final approval of an extension, PPG is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided written assurance to PPG that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies the requirement of making this demonstration.

40 CFR 268.5(a)(7). PPG's Lake Charles facility will use the CWM landfill, located in Emelle, Alabama. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation satisfies the requirement of making this demonstration.

(e) *PPG (New Martinsville, West Virginia).* PPG's New Martinsville, West Virginia facility generated approximately 18 tons of K106 wastewater treatment sludge and 34 tons of D009 mercury contaminated waste in 1990. In addition, PPG generates a small amount of D009 soil and debris, which PPG considers not amenable to BDAT. The New Martinsville facility currently disposes of all K106 sludge and other wastes identified as D009 in a CWM landfill in Model City, New York.

40 CFR 268.5(a)(2). PPG plans to construct one thermal retort unit at the Lake Charles facility at which the D009 and K106 wastes from both the Lake Charles and PPG's New Martinsville, West Virginia facilities would be treated. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(2) to support its demonstration of a binding contractual commitment to construct the retort unit.)

40 CFR 268.5(a)(4). PPG has stated that the thermal treatment unit to be constructed will have a capacity of 200 lbs./day (max. of 400 lbs./day) to treat all the D009 and K106 wastes generated by both the Lake Charles, Louisiana and New Martinsville, West Virginia facilities. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(4) to support its demonstration that the retort unit will have sufficient capacity to handle all the D009 and K106 wastes.)

40 CFR 268.5(a)(5). PPG has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Lake Charles, Louisiana facility. (See the discussion under PPG, Lake Charles, Louisiana, 40 CFR 268.5(a)(5) to support its demonstration that a detailed schedule for the construction and permitting of the retort unit has been provided.)

40 CFR 268.5(a)(6). The D009 and K106 wastes generated at PPG's New Martinsville, West Virginia facility will continue to be disposed of at the CWM hazardous waste landfill in Model City, New York. CWM has provided written assurance to PPG that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(7). PPG's New Martinsville, West Virginia will continue to use the CWM landfill, located in Model City, New York. However, until such time that EPA gives its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make this demonstration.

(f) *Pioneer Chlor-Alkali Company.* Pioneer Chlor Alkali Company (Pioneer) is located in St. Gabriel, Louisiana. The St. Gabriel facility generates approximately 300 tons per year of K106 waste and up to 251 tons per year of D009 waste. The facility generates some D009 waste that Pioneer considers not amenable to thermal treatment; Pioneer has stated that it will prepare a separate request to EPA requesting a treatability variance for this waste. K106 sludge and other wastes identified as D009 are combined together in bulk containers, solidified, and disposed of at a Rollins Environmental Services hazardous waste landfill in Louisiana.

40 CFR 268.5(a)(2). Pioneer is planning to use the retort unit to be constructed at PPG's Lake Charles, Louisiana facility to treat the D009 and K106 wastes generated at its St. Gabriel, Louisiana facility. Pioneer has provided a letter from PPG to Pioneer stating that PPG is committing sufficient treatment capacity at its planned Lake Charles facility to treat Pioneer's St. Gabriel D009 and K106 wastes. Pioneer has stated that it will provide to EPA documentation that demonstrates a binding contractual commitment to use the treatment capacity that has been offered by PPG to treat to BDAT standards the D009 and K106 wastes generated at the St. Gabriel, Louisiana facility.

EPA is satisfied that Pioneer has made a substantial commitment to arrange for the treatment capacity needed to treat its D009 and K109 wastes to BDAT standards. However, EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been satisfactorily met and cannot grant final approval of the case-by-case application for the D009 and K106 wastes generated at Pioneer's St. Gabriel, Louisiana facility. Any such contract must indicate that certain contingencies referred to in PPG's letter, relating to the nature of Pioneer's waste and whether the State of Louisiana objects to treatment at PPG's facility, have been resolved. In addition, the PPG letter indicates that it has sufficient capacity to treat Pioneer's waste as well as its own, and EPA accepts that representation for purposes of this proposal. However, the data available to EPA leave some uncertainty as to the adequacy of this capacity, and EPA will require more detailed information in this regard to be provided as part of, or simultaneously with, the final contract between PPG and Pioneer. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). Pioneer has stated that the PPG thermal treatment unit to be constructed at Lake Charles, Louisiana will have sufficient capacity to adequately handle all the K106 and D009 waste that is generated at its St. Gabriel, Louisiana facility. PPG has provided a letter confirming that it has sufficient capacity and will commit such capacity to Pioneer to treat the D009 and K106 wastes generated at Pioneer's St. Gabriel, Louisiana facility. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(5). Since Pioneer will use PPG's planned Lake Charles, Louisiana retort unit, the schedule submitted by PPG regarding the construction and permitting of its treatment unit likewise is applicable for this demonstration. As such, EPA believes the requirements of this demonstration to have been met.

40 CFR 268.5(a)(6). Pioneer Chlor-Alkali Company's wastes will continue to be disposed of in the Rollins Louisiana hazardous waste landfill. Rollins has provided their written assurance to Pioneer that Rollins will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation satisfies the requirement of making this demonstration.

40 CFR 268.5(a)(7). Pioneer will use the Rollins landfill in Louisiana. Rollins has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation satisfies the requirement of making this demonstration.

(g) *Vulcan Chemicals.* Vulcan Chemicals (Vulcan) is located in Port Edwards, Wisconsin. The Port Edwards facility generates approximately 75,000 lbs per year of K106 waste, 50,000 lbs per year of low mercury D009, and 12,000 lbs of high mercury D009 waste. The facility generates some D009 waste that Vulcan considers not amenable to thermal treatment; Vulcan stated that it will prepare a separate request to EPA requesting a treatability variance for this sub-category of D009 waste. K106 sludge and other wastes identified as D009 are containerized in lined 55 gallon steel drums and shipped to the Chemical Waste Management Adams Center landfill.

40 CFR 268.5(a)(2). Vulcan has provided EPA a copy of an approved authorization for expenditure to purchase and install a retort unit at its Port Edwards, Wisconsin facility. Vulcan has stated that it will provide to EPA, on or before April 1, 1992, documentation, including purchase orders for procurement of the retort unit and contractor construction and installation services that demonstrates a binding contractual commitment to construct the treatment unit to treat to BDAT standards the D009 and K106 wastes generated at the Port Edwards, Wisconsin facility. This treatment unit will employ the technology developed as part of the Hazen Research project discussed above.

EPA is satisfied that Vulcan has made a substantial commitment to construct a treatment unit that will treat its D009 and K106 wastes to BDAT standards. Additional documentation regarding the procurement and construction of this unit is expected to be submitted by Vulcan no later than April 1, 1992. EPA will not view the 40 CFR 268.5(a)(2) demonstration as having been satisfactorily met, however, until appropriate documentation is submitted to EPA showing that a binding contractual commitment has been entered into to construct this treatment unit. When such a contract has been received and approved by EPA, it will be docketed and made available for public notice and comment. Unless this contract is submitted by April 3, 1992, EPA, upon docketing of the contract, will publish a supplemental notice and provide 15 days for comment on the contract, prior to taking final action on this application. (The deadline for comments stated above will remain effective for all aspects of this proposal other than the contract).

40 CFR 268.5(a)(4). Vulcan has stated that the retort unit to be constructed will have a capacity of approximately 1000 lbs./day and thus more than adequate capacity to treat the approximately 100,000 lb./year of K106 and D009 waste generated by its Port Edwards facility.

EPA believes that Vulcan has met the requirements of this demonstration.

40 CFR 268.5(a)(5). Vulcan has provided EPA with a detailed schedule for the construction and permitting of the retort unit to be constructed at its Port Edwards, Wisconsin facility. As indicated in the schedule, Vulcan estimates that a construction and operating air permit will be approved by August 1992 with construction of the unit completed by April of 1993. It is further estimated that a final permit approval to operate this unit will be obtained by October 1993. EPA believes that Vulcan has submitted the documentation necessary to meet this requirement.

40 CFR 268.5(a)(6). The D009 and K106 wastes will continue to be disposed of in Chemical Waste Management's (CWM) Adams Center hazardous waste landfill. CWM has provided written assurance to Vulcan that it will have the necessary capacity available to manage these wastes during the extension, if approved. EPA believes that this documentation is sufficient to make this demonstration.

40 CFR 268.5(a)(7). Vulcan will use CWM's Adams Center landfill. CWM has provided a letter, certifying that this landfill meets the requirements of 40 CFR 268.5(h)(2). A copy of this letter is included in the public docket established for this notice. EPA believes that this documentation is sufficient to make this demonstration.

B. Consultations With States

In accordance with 40 CFR 268.5(e), EPA consulted with the appropriate State agencies for the States in which the seven facilities applying for a case-by-case extension are located. In particular, EPA consulted with the States of Georgia, Kentucky, Louisiana, Tennessee, West Virginia, and Wisconsin to determine whether these States had any permitting, enforcement, or other concerns regarding the respective facilities within their boundaries that EPA should take into consideration in deciding to grant or deny these case-by-case applications. No such concerns were identified by the States.

III. EPA's Proposed Action

For the reasons discussed above, EPA believes that each of the seven chlorine manufacturing facilities has made and is continuing to make a good-faith effort towards providing sufficient and appropriate treatment capacity for the D009 and K106 wastes that are the subject of its case-by-case application. EPA believes that two of the facilities, i.e., Olin's Augusta, Georgia and Charleston, Tennessee facilities have met all the 40 CFR 268.5 demonstrations. Therefore, EPA is proposing to grant a one-year extension of the May 8, 1992 effective data of the land disposal restrictions date for D009 and K106 wastes generated at these two facilities. If the extension is granted, these wastes could continue to be managed in the manner that they are currently handled until May 8, 1993 (unless the extension is renewed for up to one additional year, in which case it would be until May 8, 1994), while the proposed treatment facilities are being constructed.

The other five facilities, i.e., BFGoodrich's facility in Calvert City, Kentucky, Pioneer's facility in St. Gabriel, Louisiana, PPG's facilities in Lake Charles, Louisiana and New Martinsville, West Virginia, and Vulcan's facility in Port Edwards, Wisconsin have met six of the required seven demonstrations in 40 CFR 268.5, but still need to execute actual contracts to construct or otherwise provide the necessary treatment capacity. To expedite processing of these applications, EPA is announcing its intent to propose (at this time) that all requirements in each of these five facilities' case-by-case applications have been met, other than the requirement of a binding contractual commitment. For these five facilities, EPA proposes to grant an extension of the effective data of the LDRs following EPA approval of documentation submitted by each of these five facilities that it has secured a binding contractual agreement to construct its retort unit or otherwise provide treatment capacity that will be capable of treating its D009 and K106 wastes to meet the established BDAT standards. As discussed above under the 40 CFR 268.5(a)(2) demonstration for each facility, EPA will ensure that 15 days are allowed for public comment on the documentation of a contractual commitment before taking final action on the relevant application. Until such time that EPA gives its final approval of an extension for any facility, that facility is bound by the effective date of the land disposal restrictions applicable to its D009 and K106 wastes.

For any application that is granted, the applicant must comply with the provisions of 40 CFR 268.5 (f) and (g), and must submit monthly progress reports addressing progress being made toward providing the necessary treatment capacity. EPA must also be notified of any change in the conditions specified in the application. The extension remains in effect unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, or the facility violates any law or regulations implemented by EPA.

(Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924)).

Dated: March 12, 1992.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

[FR Doc. 92-6302 Filed 3-18-92; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
March 19, 1992

Part X

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Airspace Reclassification; Final Rule; Technical Amendment

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 24456; Amendment No. 71-15]

RIN 2120-AB95

Airspace Reclassification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends § 71.1 of the Federal Aviation Regulations to clarify the incorporation by reference of FAA Order 7400.7, Compilation of Regulations. This action explains how the FAA will amend the listings of Federal airways, area low routes, jet routes and other airspace incorporated by reference in part 71 during the incorporation by reference period.

EFFECTIVE DATE: This amendment is effective as of March 19, 1992, through September 15, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William Mosley, Air Traffic Rules Branch (ATP-230), Airspace Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9251.

SUPPLEMENTARY INFORMATION:

Background

FAA Order 7400.7 lists the airspace descriptions for all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points. Due to the length of these descriptions, the FAA requested approval from the Office of the Federal Register to incorporate the material by reference in § 71.1. The Director of the Federal Register approved the incorporation by reference of FAA Order 7400.7 in § 71.1 as of December 17, 1991 through September 15, 1993. However, § 71.1 did not describe how the FAA would handle changes to the airspace designations incorporated by reference in part 71. This rule explains how the FAA will amend these listings.

The Rule

During the incorporation by reference period, the FAA will process all proposed changes of the airspace listings in FAA Order 7400.7 in full text as proposed rule documents in the **Federal Register**. Likewise, all amendments of these listings will be published in full text as final rules in the **Federal Register**. The FAA will periodically integrate all final rule amendments into a revised edition of FAA Order 7400.7, and submit the revised edition to the Director of the Federal Register for approval for incorporation by reference in § 71.1.

The FAA has determined that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

This action is an amplification and clarification of an existing rule and does not place any new restriction or requirements on the public. Further, the FAA finds that this amendment does not involve a change in the dimensions or operating requirements of the airspace listings incorporated by reference in part 71. Consequently, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Because this action merely describes how the FAA will amend the listings contained in FAA Order 7400.7, the FAA finds that good cause exists, pursuant to 5 U.S.C. 553(d), for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Airspace, Airways, and Jet routes, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. Section 71.1 is revised to read as follows:

§ 71.1 Applicability.

The complete listing for all jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points can be found in FAA Order 7400.7, Compilation of Regulations, which was last published April 30, 1991, and effective November 1, 1991. This incorportion by reference was approved by the Director the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval to incorporate by reference FAA Order 7400.7 is effective as of December 17, 1991 through September 15, 1993. During the incorporation by reference period, proposed changes to the listings of jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points will be published in full text as proposed rule documents in the **Federal Register**. Amendments to the listings of jet routes, area high routes, Federal airways, control areas, control area extensions, area low routes, control zones, transition areas, terminal control areas, airport radar service areas, positive control areas, and reporting points will be published in full text as final rules in the **Federal Register**. Periodically, the final rule amendments will be integrated into a revised edition of the compilation and submitted to the Director of the Federal Register for approval for incorporation by reference in this section. Copies of this order may be obtained from the Document Inspection Facility, APA-220, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3484. Copies may be inspected in Docket Number 24456 at the Federal Aviation Administration, Office of the Chief Counsel, AGC-10, room 915G, 800 Independence Avenue, SW., Washington, DC 20591 weekdays between 8:30 a.m. and 5 p.m., or at the Federal Register, 1100 L Street, NW., room 8401, Washington, DC. This section is effective as of December 17, 1991, through September 15, 1993.

Issued in Washington, DC, on March 13, 1992.

Harold W. Becker,

Acting Director, Air Traffic Rules and Procedures Service.

[FR Doc. 92-6398 Filed 3-18-92; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
March 19, 1992

Part XI

The President

Proclamation 6412—National Women in Agriculture Day, 1992

Proclamation 6413—Extending United States Copyright Protections to the Works of the People's Republic of China

Federal Register
Vol. 57, No. 54
Thursday, March 19, 1992

Presidential Documents

Title 3—

The President

Proclamation 6412 of March 17, 1992

National Women in Agriculture Day, 1992

By the President of the United States of America

A Proclamation

As we Americans observe Women's History Month this March, we remember in a special way women who were pioneers in their respective fields—including women who were the first to pursue jobs and degrees traditionally held by men. Women have always played leading roles in American agriculture, however, and today they remain full working partners on our Nation's farms. On this occasion, we gratefully recognize their contributions and achievements.

In every generation, in times of adversity as well as in times of plenty, women have demonstrated the hardy spirit and the finely honed skills necessary to ensure the survival of the American farm. On the frontier, women helped to raise crops and care for livestock while meeting the numerous demands of home and family. During periods of conflict in our Nation's history—and, in particular, during the long and difficult years of the Second World War—women played critical roles in the management and operation of our farms and ranches.

Today new challenges confront American farm women as they strive to apply innovative agricultural methods and technology while meeting demands for better business practices. Women in agriculture are meeting those challenges with an increasing array of new skills and knowledge—and with the remarkable resilience and resolve that have long characterized the American farmer.

Through the grace of Almighty God and through the daily labors of the men and women who till the soil, plant the seeds, nourish the tender shoots, and reap the harvest, our Nation's farms are the most efficient and most productive in the world. In fact, America's farmers produce enough food and fiber to meet our Nation's needs and those of millions of people around the globe.

On this occasion, we offer special thanks to the women who serve on our Nation's farms. In agriculture as in virtually every other field of endeavor, women are making vital contributions to our families, communities, and country.

The Congress, by Senate Joint Resolution 176, has designated March 19, 1992, as "National Women in Agriculture Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 19, 1992, as National Women in Agriculture Day. I invite all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

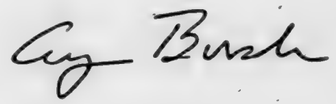

[FR Doc. 92-6652
Filed 3-18-92; 10:43 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 6413 of March 17, 1992

Extending United States Copyright Protections to the Works of the People's Republic of China

By the President of the United States of America

A Proclamation

Section 104(b)(5) of title 17 of the United States Code provides that when the President finds that a particular foreign nation extends, to works by authors who are nationals or domiciliaries of the United States of America or to works first published in the United States, copyright protection on substantially the same basis as that on which the foreign nation extends protection to works of its own nationals and domiciliaries and works first published in that nation, the President may extend protection under that title to works of which one or more of the authors is, on the date of first publication, a national, domiciliary, or sovereign authority of that nation, or which are first published in that nation.

Satisfactory assurances have been received that as of March 17, 1992, as provided in Article 3(9) of the Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China on the Protection of Intellectual Property (hereinafter the "Memorandum of Understanding"), China will grant to works of United States nationals and domiciliaries and works first published in the United States protection in the People's Republic of China on the same basis as works of Chinese nationals and domiciliaries and works first published in China which are not in the public domain.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by the authority vested in me by section 104 of title 17 of the United States Code, do find and proclaim that effective March 17, 1992, the conditions specified in section 104(b)(5) of title 17 of the United States Code have been satisfied in the People's Republic of China with respect to works of which one or more of the authors is, on the date of first publication, a national or domiciliary of the United States of America, or which are first published in the United States, and as of March 17, 1992, works of Chinese nationals and domiciliaries and works first pblished in the People's Republic of China are entitled to protection under title 17 of the United States Code.

I hereby request the Secretary of State to notify the Government of the People's Republic of China that the date on which works of Chinese nationals and domiciliaries and works first published in the People's Republic of China are entitled to protection under title 17 of the United States Code, is March 17, 1992, 60 days after the date of signature of the Memorandum of Understanding.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-6654
Filed 3-18-92; 10:52 am]
Billing code 3195-01-M

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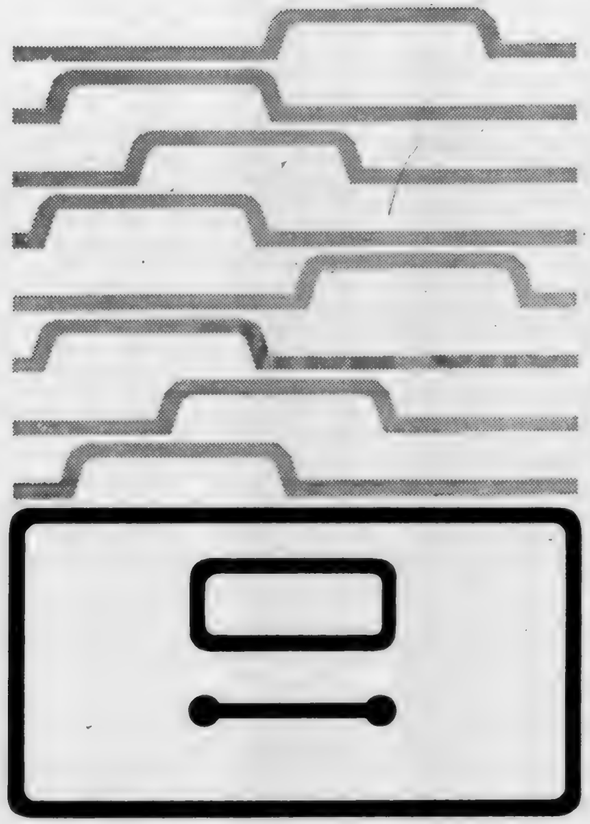

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Rules and Regulations

Federal Register
Vol. 57, No. 55
Friday, March 20, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revisions of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document restates the delegations of authority from the Secretary of Agriculture and the General Officers of the Department of Agriculture (USDA) to the Assistant Secretary for Science and Education and restates the delegations of authority from the Assistant Secretary for Science and Education to the heads of those agencies that report to the Assistant Secretary. These delegations reflect changes made by Public Law 101–624, the Food, Agriculture, Conservation, and Trade Act of 1990, that affect programs administered by the Assistant Secretary.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: C. Michael Hoback, Office of the Assistant Secretary of Agriculture for Science and Education, USDA, Washington, DC 20250, (202) 720–5035.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is exempt from the notice and comment procedures of the Administrative Procedure Act, and this rule may be effective less than 30 days after publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order No. 12291. This action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*) and thus is exempt from its provisions. This rule also is exempt from the requirements of the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*) and the requirements of the Paperwork Reduction Act (44 U.S.C. chapter 35).

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PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, part 2, subtitle A, title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Sections 2.30 and 2.30a are revised to read as follows:

§ 2.30 Delegations of Authority to the Assistant Secretary for Science and Education.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Science and Education.

(a) *Related to science and education.*

(1) Direct, coordinate and provide national leadership and support for research, extension and teaching programs in the food and agricultural sciences to meet major needs and challenges in development of new food and fiber; food and agriculture viability and competitiveness in the global economy; enhancing economic opportunities and quality of life for rural America; food and agricultural system productivity and development of new crops and new uses; the environment and natural resources; or the promotion of human health and welfare pursuant to the National Agricultural Research, Extension, and Teaching Policy of 1977, as amended (7 U.S.C. 3101, *et seq.*).

(2) Provide national leadership and support for research, extension, and teaching programs in the food and agricultural sciences to carry out sustainable agriculture research and education; a national plant genetic resources program; a national agricultural weather information system; research regarding the production, preparation, processing, handling, and storage of agricultural products; a plant and animal pest and disease control program; and any other provisions pursuant to Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 Stat. 3703), except the provisions relating to the USDA Graduate School in Section 1669 and the provisions relating to alternative agricultural research and commercialization under sections 1657–1664 (7 U.S.C. 5801 *et seq.*).

(3) Coordinate USDA policy and conduct programs relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136–136y).

(4) Carry out research, technology development, technology transfer, and demonstration projects related to the economic feasibility of the manufacture and commercialization of natural rubber from plants containing hydrocarbons. (7 U.S.C. 178–178n).

(5) Conduct research on the control of undesirable species of honey bees in cooperation with specific foreign governments (7 U.S.C. 284).

(6) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanical arts (7 U.S.C. 321–328a).

(7) Administer teaching funds authorized by section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(8) Administer a cooperative agricultural extension program in accordance with the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(9) Cooperate with the States for the purpose of encouraging and assisting them in carrying out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361a–361i).

(10) Support agricultural research at eligible institutions in the States through the provision of Federal-grant funds to help finance physical research facilities (7 U.S.C. 390–390k).

(11) Conduct research concerning domestic animals and poultry, their protection and use, the causes of

contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(12) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(13) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421–422).

(14) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(15) Administer and conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, and utilization of plant and animal commodities; problems of human nutrition; development of markets for agricultural commodities; discovery, introduction, and breeding of new crops, plants, and animals, both foreign and native; conservation development; and development of efficient use of farm buildings, homes, and farm machinery except as otherwise delegated in § 2.17(a)(2) and § 2.50(a)(2) (7 U.S.C. 427, 1621–1627, 1629, 2201, and 2204).

(16) Conduct research on varietal improvement of wheat and feed grains to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(17) Advance the livestock and agricultural interests of the United States, including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(18) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(19) Carry out a program (IR–4 Program) for the collection of residue and efficacy data in support of minor use pesticide registration or reregistration and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i).

(20) Administer and direct a program of competitive and special grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals and of facilities grants to State agricultural experiment stations and designated colleges and universities to promote research in food, agriculture and related areas (7 U.S.C. 450i).

(21) Provide resource information concerning rural electric and telephone use and rural development efforts (7 U.S.C. 917).

(22) Act as a catalyst to provide access to leadership training and services programs encompassing private, public, business, and government entities (7 U.S.C. 950aa–1).

(23) Conduct research related to soil and water conservation, engineering operations, and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010 and 16 U.S.C. 590a).

(24) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and the byproducts thereof (7 U.S.C. 1292).

(25) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441 note).

(26) Conduct a research and development program to formulate new uses for farm and forest products (7 U.S.C. 1632(b)).

(27) Conduct research to develop and determine methods for the humane slaughter of livestock (7 U.S.C. 1904).

(28) Administer a competitive grant program for non-profit institutions to establish and operate centers for rural technology or cooperative development (7 U.S.C. 1932(f)).

(29) Administer a nutrition education program for Food Stamp recipients and for the distribution of commodities on reservations (7 U.S.C. 2020(f)).

(30) Conduct education and extension programs and a pilot project related to nutrition education (7 U.S.C. 2027(a) and 5932).

(31) Provide for the dissemination of appropriate rural health and safety information resources possessed by the National Agricultural Library (NAL) Rural Information Center, in cooperation with State educational program efforts (7 U.S.C. 2662).

(32) Develop and maintain national and international library and information systems and networks and facilitate cooperation and coordination of the agricultural libraries of colleges, universities, USDA, and their closely allied information gathering and dissemination units in conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3125a, and 3126).

(33) Accept gifts and order disbursements from the Treasury for the benefit of NAL or for the carrying out of any of its functions (7 U.S.C. 2264–2265).

(34) Conduct education and outreach programs for socially disadvantaged farmers and ranchers (7 U.S.C. 2279).

(35) Administer, in cooperation with the States, a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2667).

(36) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(37) Coordinate the development and carrying out by Department agencies of all matters and functions pertaining to agricultural research conducted or funded by the Department involving biotechnology, including the development and implementation of guidelines for oversight of research activities, acting as liaison on all matters and functions pertaining to agricultural research in biotechnology between agencies within the Department and between the Department and other governmental, educational, or private organizations and carrying out any other activities authorized by (7 U.S.C. 3121 (7 U.S.C. 3121).

(38) Establish a Joint Council on Food and Agricultural Sciences to bring about more effective research, extension, and teaching in the food and agricultural sciences (7 U.S.C. 3122).

(39) Establish and oversee the National Agricultural Research and Extension Users Advisory Board and the Agricultural Science and Technology Review Board (7 U.S.C. 3123 and 3123A).

(40) Appoint a Director of NAL to administer the programs and services of NAL consistent with its charge to serve as the primary agricultural information resource of the United States and to enter into agreements and receive funds from various entities to conduct NAL activities (7 U.S.C. 3125a).

(41) Provide and distribute information and data about Federal, State, local, and other rural development assistance programs and services available to individuals and organizations. To the extent possible, NAL shall use telecommunications technology to disseminate such information to rural areas (7 U.S.C. 3125b).

(42) Assemble and collect food and nutrition educational material, including the results of nutrition research, training methods, procedures, and other materials related to the purposes of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3128).

(43) Conduct programs related to composting research and extension (7 U.S.C. 3130).

(44) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(45) Formulate and administer higher education programs in the food and agricultural sciences and administer grants to colleges and universities (7 U.S.C. 3152).

(46) Administer the National Food and Agricultural Sciences Teaching Awards program for recognition of educators in the food and agricultural sciences (7 U.S.C. 3152).

(47) Administer the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(48) Administer grants to colleges, universities, and Federal laboratories for research on the production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products (7 U.S.C. 3154).

(49) Establish a national food science and research center for the Southeast Region of the United States and administer a national food and human nutrition research and extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171–3175).

(50) Administer and direct an animal health and disease research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191–3201).

(51) Support continuing agricultural and forestry extension and research, resident instruction, and facilities improvement at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, and 3222a–3222c).

(52) Support agricultural research at the 1890 land-grant colleges, including Tuskegee University, through Federal-grant funds to help finance physical facilities (7 U.S.C. 3223).

(53) Make grants, under such terms and conditions as the Assistant Secretary determines, to eligible institutions for the purpose of assisting such institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings, to provide adequate facilities to conduct extension work, and issue rules and regulations as necessary to carry out this authority (7 U.S.C. 3224).

(54) Provide policy direction and coordinate the Department's work with national and international institutions and other persons throughout the world in the performance of agricultural science, education and development activities (7 U.S.C. 3291).

(55) Administer grants to States in support of the establishment and operation of International Trade Development Centers (7 U.S.C. 3292).

(56) Conduct program evaluations to improve the administration and effectiveness of agricultural research, extension, and teaching programs (7 U.S.C. 3317).

(57) Enter into contracts, grants, or cooperative agreements to further research, extension, or teaching programs in the food and agriculture sciences (7 U.S.C. 3318).

(58) Enter into cost-reimbursable agreements with State cooperative institutions for the acquisition of goods or services in support of research, extension, or teaching activities in the food and agricultural sciences, including the furtherance of library and related information programs (7 U.S.C. 3319a).

(59) Conduct research and develop and implement a pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(60) Administer an aquaculture assistance program, involving centers, by making grants to eligible institutions for research and extension to facilitate or expand production and marketing of aquacultural food species and products; making grants to States to formulate aquaculture development plans for the production and marketing of aquacultural species and products; conducting a program of research, extension and demonstration at aquacultural demonstration centers; and making grants to aquaculture research facilities to do research on intensive water recirculating systems (7 U.S.C. 3321–3323).

(61) Administer a cooperative rangeland research program (7 U.S.C. 3331–3336).

(62) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(63) Design and implement educational programs and distribute materials in cooperation with the cooperative extension services of the States emphasizing the importance of productive farmland, and designate a farmland information center, pursuant to section 1544 of the Farmland Protection Policy Act (7 U.S.C. 4205).

(64) Conduct programs of education, extension, and research related to water quality, agrichemicals and nutrient management (7 U.S.C. 5503–5506).

(65) Administer programs and conduct projects for research, extension, and education on sustainable agriculture (7 U.S.C. 5811–5813).

(66) Conduct research and cooperative extension programs to optimize crop and livestock production potential, integrated resource management, and integrated crop management (7 U.S.C. 5821).

(67) Design, implement, and develop handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices (7 U.S.C. 5831).

(68) Administer a competitive grant program to organizations to carry out a training program on sustainable agriculture (7 U.S.C. 5832).

(69) Administer a national research program on genetic resources to provide for the collection, preservation, and dissemination of genetic material important to American food and agriculture production (7 U.S.C. 5841–5844).

(70) Conduct remote-sensing and other weather-related research (7 U.S.C. 5852).

(71) Establish an Agricultural Weather Office and administer a national agricultural weather information system, including a competitive grants program for research in atmospheric sciences and climatology (7 U.S.C. 5852–5853).

(72) Administer a research and extension grant program to States to administer programs for State agricultural weather information systems (7 U.S.C. 5854).

(73) Administer grants and conduct research programs to measure microbiological and chemical agents associated with the production, preparation, processing, handling, and storage of agricultural products (7 U.S.C. 5871–5874).

(74) Administer and conduct research and extension programs on integrated pest management, including research to benefit floriculture (7 U.S.C. 5881).

(75) Establish a national pesticide resistance monitoring program and disseminate information on materials and methods of pest and disease control available to agricultural producers through the pest and disease control database (7 U.S.C. 5882).

(76) Administer and conduct research and grant programs on the control and eradication of exotic pests (7 U.S.C. 5883).

(77) Conduct research and educational programs to study the biology and behavior of chinch bugs (7 U.S.C. 5884).

(78) Administer research programs and grants for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(79) Administer a special grants program to assist efforts by research institutions to improve the efficiency and efficacy of safety and inspection systems for livestock products (7 U.S.C. 5923).

(80) Establish and coordinate USDA grant programs and conduct basic and applied research and technology development in the areas of plant genome structure and function (7 U.S.C. 5924).

(81) Administer research and extension grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(82) Administer a grants program to States on immunoassay as it is used to detect agricultural pesticide residues on agricultural commodities and to diagnose plant and animal diseases (7 U.S.C. 5925).

(83) Conduct research programs for the development of technology to determine animal lean content (7 U.S.C. 5925).

(84) Conduct and support research programs to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(85) Administer grants and conduct research programs to develop production methods and commercial uses for mesquite (7 U.S.C. 5925).

(86) Administer grants and conduct research programs to investigate enhanced genetic selection and processing techniques of prickly pears (7 U.S.C. 5925).

(87) Conduct a research program and administer grants and contracts for research on the disease of scrapie in sheep and goats (7 U.S.C. 5925).

(88) Support and conduct basic and applied research in the development of new commercial products from natural plant materials for industrial, medical, and agricultural applications (7 U.S.C. 5925).

(89) Establish and administer a program for the development and utilization of an agricultural communications network (7 U.S.C. 5926).

(90) Establish an Argicultural Research Facilities Planning and Closure Study Commission to review currently operating and planned facilities, and to develop recommendations (7 U.S.C. 5927).

(91) Administer research programs to establish national centers for agricultural product quality research (7 U.S.C. 5928).

(92) Administer education programs on Indian reservations and tribal jurisdictions (7 U.S.C. 5930).

(93) Administer a special grants program to study constraints on agricultural trade (7 U.S.C. 5931).

(94) Administer a demonstration grants program for support of an assistive technology program for farmers with disabilities (7 U.S.C. 5933).

(95) Conduct research on diseases affecting honeybees (7 U.S.C. 5934).

(96) Control within USDA the acquisition, use, and disposal of material and equipment that may be a source of ionizing radiation hazard.

(97) Conduct programs of research, technology development, and education related to global climate change (7 U.S.C. 6701–10).

(98) Administer the Small Business Innovation Development Act of 1982 for USDA (15 U.S.C. 638(e)–(k)).

(99) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601–2629).

(100) Provide educational and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Pub. L. 99–198, 99 Stat. 1509) (16 U.S.C. 3831–3844).

(101) Enter into cooperative research and development agreements with industry, universities, and others; institute a cash award program to reward scientific, engineering, and technical personnel; award royalties to inventors; and retain and use royalty income (15 U.S.C. 3710a–3710c).

(102) Coordinate USDA activities delegated under 15 U.S.C. 3710a through 3710c.

(103) Conduct educational and demonstrational work in cooperative farm forestry programs (16 U.S.C. 568).

(104) Cooperate with the States for the purposes of encouraging and assisting them in carrying out programs of forestry, natural resources, and environmental research (16 U.S.C. 582a–8).

(105) Establish and administer the Forestry Student Grant Program to provide competitive grants to assist the expansion of the professional education of forestry, natural resources, and environmental scientists (16 U.S.C. 1649).

(106) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671–1676).

(107) Provide technical, financial, and educational assistance to State foresters and State extension directors on rural forestry assistance (16 U.S.C. 2102).

(108) Provide educational assistance to State foresters under the Forest Stewardship Program (16 U.S.C. 2103a).

(109) Implement and conduct an educational program to assist the development of urban and community forestry programs (16 U.S.C. 2105).

(110) Provide staff support to the Secretary of Agriculture in his role as permanent Chair for the Joint Subcommittee on Aquaculture established by the National Aquaculture Act of 1980 and coordinate aquacultural activities within the Department (16 U.S.C. 2805).

(111) Perform research, development, and extension activities in aquaculture (16 U.S.C. 2804 and 2806).

(112) Provide educational assistance to farmers regarding the Agricultural Water Quality Protection Program (16 U.S.C. 3838b).

(113) Copy and deliver on demand selected articles and other materials from the Department's collections by photographic reproduction or other means within the permissions, constraints, and limitations of sections 106, 107, and 108 of the Copyright Act of October 19, 1976, (17 U.S.C. 106, 107, and 108).

(114) Authorize the use of the 4–H Club name and emblem (18 U.S.C. 707).

(115) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life; accept and administer gifts or devices or real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191–195).

(116) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(117) Conduct research on the control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(118) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(119) Conduct research demonstration and promotion activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(120) Carry out research, demonstration, and educational activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(121) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(122) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code 31–1409).

(123) Provide leadership and direct assistance in planning, conducting and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May, 1956.

(124) Exercise the responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity in the Cooperative Extension Service (part 18 of this subtitle).

(125) Represent the Department on the Federal Interagency Council on Education.

(126) Assure the acquisition, preservation, and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, with the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(127) Formulate, write, or prescribe bibliographic and technically related standards for the library and information services of USDA.

(128) Determine by survey or other appropriate means, the information needs of the Department's scientific, professional, technical, and administrative staffs, its constituencies, and the general public in the areas of food, agriculture, the environment, and other related areas.

(129) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(130) Represent the Department in international organizational activities and on international technical committees concerned with agricultural science, education, and development activities, including library and information science activities.

(131) Prepare and disseminate computer files, indexes and abstracts, bibliographies, reviews, and other analytical information tools.

(132) Arrange for the consolidated purchasing and dissemination of printed and automated indexes, abstracts, journals, and other widely used information resources and services.

(133) Provide assistance and support to professional organizations and others concerned with library and information science matters and issues.

(134) Pursuant to the authority delegated by the Administrator of General Services to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18440, and 38 FR 23838, appoint uniformed armed guards and special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318(c), as will ensure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, DC; the U.S. Meat Animal Research Center, Clay Center, NE; the Agricultural Research Center, Beltsville, MD; and, the Animal Disease Center, Plum Island, NY, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with the limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et. seq.*), the Act of June 1, 1948, as amended (40 U.S.C. 318 *et. seq.*), and the policies, procedures, and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director, Office of Operations, and the General Counsel prior to issuance.

(135) Represent the Department on the Federal Coordinating Council for Science, Engineering, and Technology.

(136) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(137) Review cooperative research and development agreements entered into pursuant to 15 U.S.C. 3710a–3710c, with authority to disapprove or require the modification of any such agreement.

(b) *Related to committee management.* Establish or reestablish regional, state and local advisory committees for the activities authorized. This authority may not be redelegated.

(c) *Related to defense.* Administer the responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et. seq.*) concerning scientific and educational programs.

(d) *Related to rural development activities.* Provide guidance and direction for the accomplishment of activities authorized under the Rural Development Act of 1972, as amended (7 U.S.C. 1921 *et seq.*), for programs under the control of the Assistant Secretary for Science and Education, coordinating the policy aspects thereof with the Under Secretary for Small Community and Rural Development.

(e) *Related to immigration.* Serve as the designee of the Secretary pursuant to section 212(e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(e)) and 22 CFR 514.31(c).

(f) *Related to Environment Response.* With respect to lands and facilities under the Assistant Secretary's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 Comp., p. 193) under the following provisions of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 *et seq.*):

(1) Sections 104(a), (b), and (c)(4) of the Act (42 U.S.C. 9604(a), (b) and (c)(4), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(2) Sections 104 (e) through (h) of the Act (42 U.S.C. 9604(e)–(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(3) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(4) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(5) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(6) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts but excluding that portion of section 105(f) pertaining to the annual report to Congress.

(7) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(8) Section 111(f) of the Act (42 U.S.C. 9611(f) with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(9) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an

administrative record upon which to base the selection of a response action.

(10) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessments and site inspections of all facilities.

(11) Sections 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into.

(12) Section 119 of the Act (42 U.S.C. 9619), with respect to the liability and indemnification of response action contractors.

(13) Section 121 of the Act (42 U.S.C. 9621), with respect to selecting cleanup standards.

(14) Section 122 of the Act (42 U.S.C. 9622), with respect to entering into settlement agreements.

(g) *Related to the Resource Conservation and Recovery Act.* With respect to facilities under the Assistant Secretary's authority, exercise the authority of the Secretary pursuant to Executive Order No. 12088, October 13, 1978 (43 FR 47707; 3 CFR, 1978 Comp., p. 243), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as further amended by the Solid and Hazardous Waste Amendments of 1984 (42 U.S.C. 6901 *et seq.*), to enter into an inter-agency agreement, known as a Federal Facility Compliance Agreement (FFCA), with the United States Environmental Protection Agency (EPA), containing a plan to achieve and maintain compliance with RCRA requirements.

§ 2.30a Reservations of authority.

The following authorities are reserved to the Secretary of Agriculture:

(a) *Related to science and education.*

(1) Withhold funds from States and sending notification thereof to the President in accordance with sections 5 and 6 of the Smith-Lever Act, as amended (7 U.S.C. 345–346), sections 5 and 7 of the Hatch Act, as amended (7 U.S.C. 361 (e) and (g)), and sections 1430, 1444, 1445, and 1468 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3198, 3221, 3222, and 3314).

(2) Reapportion funds under section 4 and apportion funds under section 5 of the act of October 10, 1962 (16 U.S.C. 582 a–3 and a–5).

(3) Appoint an advisory committee under section 6 of the act of October 10, 1962 (16 U.S.C. 582a–4).

(4) Final concurrence in Equal Employment Opportunity programs within the cooperative extension programs submitted under part 18 of this subtitle.

(5) Approve selection of State directors of extension.

(6) Approve the memoranda of understanding between land-grant universities and USDA related to cooperative extension programs.

Subpart N—Delegations of Authority by the Assistant Secretary for Science and Education

3. Sections 2.105, 2.106, 2.107, 2.108, and 2.109 are revised to read as follows:

§ 2.105 Deputy Assistant Secretary for Science and Education.

Delegations. Pursuant to § 2.30 subject to the reservations in § 2.30a and subject to policy guidance and direction by the Assistant Secretary for Science and Education, the following delegation of authority is made by the Assistant Secretary for Science and Education to the Deputy Assistant Secretary for Science and Education to be exercised only during the absence or unavailability of the Assistant Secretary: perform all the duties and exercise all the powers that are now or that hereafter may be delegated to the Assistant Secretary for Science and Education.

§ 2.106 Delegations to the Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to § 2.30 (a), (c), and (g), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Agricultural Research Service:

(1) Coordinate USDA policy relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136–136y).

(2) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).

(3) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 264).

(4) Conduct research concerning domestic animals and poultry, their protection and use, the causes of contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(5) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(6) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421–422).

(7) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).

(8) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, and utilization of plant and animal commodities; problems of human nutrition; development of markets for agricultural commodities; discovery, introduction, and breeding of new crops, plants, animals, both foreign and native; conservation development; and development of efficient use of farm buildings, homes, and farm machinery except as otherwise delegated in § 2.17(a)(2) and § 2.50(a)(2) (7 U.S.C. 427, 1621–1627, 1629, 2201 and 2204).

(9) Conduct research on varietal improvement of wheat and feed grains to enhance their conservation and environmental qualities (7 U.S.C. 428b).

(10) Advance the livestock and agricultural interests of the United States, including the breeding of horses suited to the needs of the United States (7 U.S.C. 437).

(11) Enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects (7 U.S.C. 450a).

(12) Make facilities grants and conduct research under the IR–4 program (7 U.S.C. 450i (d) and (e)).

(13) Conduct research related to soil and water conservation, engineering operations, and methods of cultivation to provide for the control and prevention of soil erosion (7 U.S.C. 1010 and 16 U.S.C. 590a).

(14) Maintain four regional research laboratories and conduct research at such laboratories to develop new scientific, chemical, and technical uses and new and extended markets and outlets for farm commodities and products and the by-products thereof (7 U.S.C. 1292).

(15) Conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States (7 U.S.C. 1441 note).

(16) Conduct research to formulate new uses for farm and forest products (7 U.S.C. 1632(b)).

(17) Conduct research to develop and determine methods for the humane slaughter of livestock (7 U.S.C. 1904).

(18) Provide national leadership and support for research programs and other research activities in the food and agricultural sciences to meet major needs and challenges in food and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101, *et. seq.*).

(19) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(20) Administer the National Agricultural Science Award for research or advanced studies in the food and agricultural sciences (7 U.S.C. 3153).

(21) Conduct program evaluations to improve the administration and effectiveness of agricultural research and education programs (7 U.S.C. 3317).

(22) Enter into contracts, grants, or cooperative agreements to further research programs in the food and agricultural sciences (7 U.S.C. 3318).

(23) Enter into cost-reimbursable agreements relating to agricultural research or teaching activities (7 U.S.C. 3319a).

(24) Conduct research for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(25) Conduct research on potential uses for compost from agricultural wastes, including evaluating the application of compost on soil, plants, and crops (7 U.S.C. 3130).

(26) Administer a national food and human nutrition research program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171–3175), except as otherwise delegated to the Administrator, Human Nutrition Information Service in § 2.92 (a)(1) and (a)(2).

(27) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(28) Perform research and development at aquacultural research and development centers (7 U.S.C. 3322).

(29) Conduct a program of basic research on cancer in animals and birds (7 U.S.C. 3902).

(30) Conduct and coordinate Departmental research programs on water quality and nutrient management (7 U.S.C. 5504).

(31) Conduct research to optimize crop and livestock production potential, integrated resource management, and integrated crop management (7 U.S.C. 5821).

(32) Administer a national research program on genetic resources to provide for the collection, preservation, and dissemination of genetic material important to American food and agriculture production (7 U.S.C. 5841).

(33) Conduct remote-sensing and other weather-related research (7 U.S.C. 5852).

(34) Administer grants and conduct research programs to measure microbiological and chemical agents associated with the production, preparation, processing, handling, and storage of agricultural products (7 U.S.C. 5871–5874).

(35) Conduct research on integrated pest management, including research to benefit floriculture (7 U.S.C. 5881).

(36) Conduct research in the control and eradication of exotic pests (7 U.S.C. 5883).

(37) Conduct research to study the biology and behavior of chinch bugs (7 U.S.C. 5884).

(38) Administer a grant program for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(39) Establish and coordinate USDA programs and conduct basic and applied research and technology development in the areas of plant genome structure and function (7 U.S.C. 5924).

(40) Conduct research for the development of technology to determine animal lean content (7 U.S.C. 5925).

(41) Conduct research to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(42) Conduct research to develop production methods and commercial uses of mesquite (7 U.S.C. 5925).

(43) Conduct research to investigate enhanced genetic selection and processing techniques of prickly pears (7 U.S.C. 5925).

(44) Conduct a research program and administer grants and contracts for research on the disease of scrapie in sheep and goats (7 U.S.C. 5925).

(45) Conduct basic and applied research in the development of new commercial products from natural plant materials (7 U.S.C. 5925).

(46) Conduct research on diseases affecting honeybees (7 U.S.C. 5934).

(47) Coodinate USDA policy and programs relating to global climate change (7 U.S.C. 6701–6703).

(48) Coordinate Departmental policies under the Toxic Substances Control Act (15 U.S.C. 2601–2629).

(49) Enter into cooperative research and development agreements with industry, universities, and others; institute a cash award program to reward scientific, engineering, and technical personnel; award royalties to inventors; and retain and use royalty income (15 U.S.C. 3710a–3710c).

(50) Perform research and administer grants for research and development in aquaculture (16 U.S.C. 2804).

(51) Maintain a National Arboretum for the purposes of research and education concerning tree and plant life; accept and administer gifts or devices of real and personal property for the benefit of the National Arboretum; and order disbursements from the Treasury (20 U.S.C. 191–195).

(52) Conduct research on foot-and-mouth disease and other animal diseases (21 U.S.C. 113a).

(53) Conduct research on the control and eradication of cattle grubs (screwworms) (21 U.S.C. 114e).

(54) Conduct research activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1476(b)).

(55) Conduct research on losses of livestock in interstate commerce due to injury or disease (45 U.S.C. 71 note).

(56) Control within USDA the acquisition, use, and disposal of material and equipment that may be a source of ionizing radiation hazard.

(57) Pursuant to the authority delegated by the Administrator of General Services to the Secretary of Agriculture in 34 FR 6406, 36 FR 1293, 36 FR 18840, and 38 FR 23838, appoint uniformed armed guards and special policemen, make all needful rules and regulations, and annex to such rules and regulations such reasonable penalties (not to exceed those prescribed in 40 U.S.C. 318(c)), as will insure their enforcement, for the protection of persons, property, buildings, and grounds of the Arboretum, Washington, DC; the U.S. Meat Animal Research Center, Clay Center, NE.; the Agricultural Research Center, Beltsville, MD; and the Animal Disease Center, Plum Island, NY, over which the United States has exclusive or concurrent criminal jurisdiction, in accordance with

the limitations and requirements of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et. seq.*), the Act of June 1, 1948, as amended (40 U.S.C. 318 *et. seq.*), and the policies, procedures, and controls prescribed by the General Services Administration. Any rules or regulations promulgated under this authority shall be approved by the Director, Office of Operations, and the General Counsel prior to issuance.

(58) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(59) Provide management support services for the National Agricultural Library as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes budget, finance, personnel, procurement, property management, communications, paperwork management, ADP support, and related administrative services.

(60) With respect to land and facilities under the Administrator's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 comp., p. 193) under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 *et. seq.*):

(i) Section 104 (a), (b), and (c)(4) of the Act (42 U.S.C. 9604 (a), (b), and (c) (4)), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(ii) Section 104 (e) through (h) of the Act (42 U.S.C. 9604(e)–(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(v) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f) pertaining to the annual report to Congress.

(vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action.

(x) Section 116(a) of the Act (42 U.S.C. 9616(a)), with respect to preliminary assessments and site inspections of all facilities.

(xi) Section 117 (a) and (c) of the Act (42 U.S.C. 9617 (a) and (c)), with respect to public participation in the preparation of any plan for remedial action and explanation of variances from the final remedial action plan for any remedial action or enforcement action, including any settlement or consent decree entered into.

(xii) Section 119 of the Act (42 U.S.C. 9619), with respect to the liability and the indemnification of response action contractors.

(xiii) Section 121 of the Act (42 U.S.C. 9621), with respect to selecting cleanup standards.

(xiv) Section 122 of the Act (42 U.S.C. 9622), with respect to entering into settlement agreements.

(61) With respect to facilities under the Administrator's authority, exercise the authority of the Secretary of Agriculture pursuant to Executive Order No. 12088, October 13, 1978 (43 FR 47707; 3 CFR, 1978 Comp., p. 243), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as further amended by the Solid and Hazardous Waste Amendments of 1984, (42 U.S.C. 6901, *et. seq.*), to enter into an inter-agency agreement, known as a Federal Facility Compliance Agreement (FFCA), with the United States Environmental Protection Agency (EPA), containing a plan to achieve and maintain compliance with RCRA requirements.

(62) Carry out research activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(63) Perform food and agricultural research in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et. seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251, *et. seq.*).

(b) [Reserved]

§ 2.107 Administrator, Cooperative State Research Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to the reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Cooperative State Research Service.

(1) Administer research and technology development grants related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).

(2) Administer the appropriation for the endowment and maintenance of colleges for the benefit of agriculture and the mechanical arts (7 U.S.C. 321–326a).

(3) Administer teaching funds authorized by section 22 of the Bankhead Jones Act, as amended (7 U.S.C. 329).

(4) Cooperate with the States for the purpose of encouraging and assisting them in carrying out out research related to the problems of agriculture in its broadest aspects under the Hatch Act, as amended (7 U.S.C. 361a–361i).

(5) Support agricultural research at eligible institutions in the States through provision of Federal-grant funds to help financial physical research facilities (7 U.S.C. 390–390k).

(6) Carry out a program (IR–4 Program) for the collection of residue and efficacy data in support of minor use pesticide registration or reregistration and to determine tolerances for minor use chemical residues in or on agricultural commodities (7 U.S.C. 450i(e)).

(7) Administer a program of competitive grants to State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for research to further USDA programs (7 U.S.C. 450i(b)).

(8) Administer a program of special grants to carry out research to facilitate or expand promising breakthroughs in areas of food and agricultural sciences and to facilitate or expand ongoing State-Federal food and agricultural research programs; and administer a program of facilities grants to renovate and refurbish research spaces (7 U.S.C. 450i (c) and (d)).

(9) Conduct a research and development program to formulate new uses for farm and forest products (7 U.S.C. 1632(b)).

(10) Administer, in cooperation with the States, a cooperative rural development and small farm research program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2667).

(11) Provide national leadership and support for cooperative research programs and other cooperative activities in the food and agricultural sciences to meet major needs and challenges in food and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 *et. seq.*).

(12) Conduct a program of grants to States to expand, renovate, or improve schools of veterinary medicine (7 U.S.C. 3151).

(13) Administer higher education programs in the food and agricultural sciences and administer grants to colleges and universities (7 U.S.C. 3152).

(14) Administer the National Food and Agricultural Sciences Teaching Awards program for recognition of educators in the food and agricultural sciences (7 U.S.C. 3152).

(15) Administer grants to colleges, universities, and Federal laboratories for research on the production and marketing of alcohol and industrial hydrocarbons from agricultural commodities and forest products (7 U.S.C. 3154).

(16) Administer a grant, in consultation with the Agricultural Research Service, for the establishment of a food science and nutrition research center for the Southeast Region of the United States (7 U.S.C. 3174).

(17) Conduct a program of grants to States to support continuing animal health and disease research programs under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3191–3201).

(18) Support continuing agricultural and forestry research, resident instruction, and facilities improvement at 1890 land-grant colleges, including Tuskegee University, and administer a grant program for five National Research and Training Centennial Centers (7 U.S.C. 3221, 3222, and 3222a–3222c).

(19) Support agricultural research at the 1890 land-grant colleges, including Tuskegee University, through Federal grant funds to help finance physical facilities (7 U.S.C. 3223).

(20) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural research activities (7 U.S.C. 3291).

(21) Administer grants to States in support of the establishment and operation of International Trade Development Centers (7 U.S.C. 3292).

(22) Conduct program evaluations to improve the administration and efficacy of the cooperative research grants program involving State agricultural experiment stations, cooperative extension services, and colleges and universities (7 U.S.C. 3317).

(23) Enter into contracts, grants, or cooperative agreements to further research or teaching programs in the food and agricultural sciences (7 U.S.C. 3318)

(24) Enter into cost-reimbursable agreements relating to agricultural research or teaching activities (7 U.S.C. 3319a).

(25) Development and implement a research and pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(26) Administer an aquacultural assistance program, involving centers, by making grants to eligible institutions for research to facilitate or expand production and marketing of aquacultural food species and products; and making grants to States to formulate aquaculture development plans for the production and marketing of aquaculture species and products (7 U.S.C. 3322).

(27) Administer grants to further develop and expand aquaculture research facilities for intensive water recirculating aquaculture systems (7 U.S.C. 3323).

(28) Administer a cooperative rangeland research program (7 U.S.C. 3331–3336).

(29) Administer grants for basic research on cancer in animals and birds (7 U.S.C. 3902).

(30) Administer programs and conduct projects in cooperation with other agencies for research and education on sustainable agriculture (7 U.S.C. 5811–5813).

(31) Cooperate with the Extension Service in carrying out research to optimize crop and livestock production potential in integrated resource management and integrated crop management systems (7 U.S.C. 5821).

(32) Establish an Agricultural Weather Office and administer a national agricultural weather information system, including competitive grants program for research in atmospheric sciences and climatology (7 U.S.C. 5852–5853).

(33) Administer a grants program to States to administer programs for State agricultural weather information systems (7 U.S.C. 5854).

(34) In cooperation with the Agricultural Research Service, administer competitive research grants regarding the production, preparation, processing, handling, and storage of agriculture products (7 U.S.C. 5871–5874).

(35) Administer a grants and contracts program on integrated pest management including research to benefit floriculture (7 U.S.C. 5881).

(36) Administer a grants program to States on the control of infestations and eradication of exotic pests (7 U.S.C. 5883).

(37) Administer a grant program for risk assessment research to address concerns about the environmental effects of biotechnology (7 U.S.C. 5921).

(38) Administer a special grants program to assist efforts by research institutions to improve the efficiency and efficacy of safety and inspection systems for livestock products (7 U.S.C. 5923).

(39) Administer a competitive grants program in support of the development of a plant genome mapping program (7 U.S.C. 5924).

(40) Support research related to the development of new commercial products derived from natural plant materials for industrial, medical, and agricultural applications (7 U.S.C. 5925).

(41) Administer a competitive grants program to develop production methods and commercial uses for mesquite (7 U.S.C. 5925).

(42) Administer a competitive grants program to investigate enhanced selection and processing techniques of prickly pears (7 U.S.C. 5925).

(43) Support research to determine the presence of aflatoxin in the food and feed chains (7 U.S.C. 5925).

(44) Administer research grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(45) Administer a grants program to States on immunoassay, as it is used to detect agricultural pesticide residues on agricultural commodities and to diagnose plant and animal diseases (7 U.S.C. 5925).

(46) Establish and administer a program for the development and utilization of an agricultural communications network (7 U.S.C. 5926).

(47) Administer a competitive grants program, in consultation with the Agricultural Research Service, to establish national centers for agricultural product quality research (7 U.S.C. 5928).

(48) Administer a special grants program to study constraints on agricultural trade (7 U.S.C. 5931).

(49) Support research on the effects of global climate change in agriculture and forestry, including mitigation of the effects on crops of economic significance, and on the effects of the emissions of certain gases on global climate change (7 U.S.C. 6702).

(50) Administer the Small Business Innovation Development Act of 1982 for USDA (15 U.S.C. 638(e)–(k)).

(51) Administer a competitive forestry, natural resources, and environmental grant program (16 U.S.C. 582a–8).

(52) Establish and administer the Forestry Student Grant Program to provide competitive grants to assist the expansion of the professional education of forestry, natural resources, and environmental scientists (16 U.S.C. 1649).

(53) Provide staff support to the Secretary of Agriculture in his role as permanent Chair for the Joint Subcommittee on Aquaculture established by the National Aquaculture Act of 1980 and coordinate aquacultural responsibilities within the Department (16 U.S.C. 2805).

(54) Administer grants related to research and development in aquaculture (16 U.S.C. 2806).

(55) Coordinate research by cooperating State research institutions in support of functions assigned to the Department under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et. seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et. seq.*).

(56) Provide management support services to agencies reporting to the Assistant Secretary for Science and Education in the administration of discretionary grants.

(57) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(58) Represent the Department on the Federal Interagency Council on Education.

(59) Conduct and coordinate Departmental research programs on water quality and nutrient management (7 U.S.C. 5504).

(b) [Reserved]

§ 2.108 Administrator, Extension Service.

(a) *Delegations.* Pursuant to § 2.30 (a) and (c), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Extension Service:

(1) Administer a cooperative agricultural extension program in accordance with the Smith-Lever Act, as amended (7 U.S.C. 341–349).

(2) Administer a cooperative agricultural extension program related to agriculture, uses of solar energy with respect to agriculture, and home economics in the District of Columbia (D.C. Code 31–1409).

(3) Conduct educational and demonstration work related to the distribution and marketing of a agricultural products under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

(4) Administer a competitive grant program for non-profit institutions to establish and operate centers for rural technology or cooperative development (7 U.S.C. 1932(f)).

(5) Administer a nutrition education program for Food Stamp recipients and for the distribution of commodities on reservations (7 U.S.C. 2020(f)).

(6) Provide education outreach and programs for socially disadvantaged farmers and ranchers (7 U.S.C. 2279).

(7) Administer a grants program for rural health and safety education (7 U.S.C. 2662).

(8) Administer, in cooperation with the States, a cooperative rural development and small farm extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2667).

(9) Administer a rural economic and business development program to employ specialists to assist individuals in business activities (7 U.S.C. 2662).

(10) Administer a national program to provide rural citizens with training to increase their leadership abilities (7 U.S.C. 2662).

(11) Administer a competitive grant program to establish demonstration areas for rural economic development (7 U.S.C. 2662a).

(12) Administer a competitive grant program for financially stressed farmers, dislocated farmers, and rural families (7 U.S.C. 2662(f)).

(13) Administer a grant program to improve the rural health infrastructure (7 U.S.C. 2662 note).

(14) Administer a cooperative extension program under the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004).

(15) Provide national leadership and support for cooperative extension programs and other extension activities in the food and agricultural sciences to meet the needs and challenges in food and agricultural system productivity; development of new food, fiber, and energy sources; agricultural energy use and production; natural resources; promotion of the health and welfare of people; human nutrition; and international food and agriculture pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 *et seq.*).

(16) Identify and compile information on methods of composting agricultural wastes and its potential uses and develop educational programs on composting (7 U.S.C. 3130).

(17) Administer a national food and human nutrition extension program under the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3171–3175).

(18) Support continuing agricultural and forestry extension at 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3221).

(19) Make grants, under such terms and conditions as the Administrator determines, to eligible institutions for the purpose of assisting such institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings, to provide adequate facilities to conduct extension work, and issue rules and regulations as necessary to carry out this authority (7 U.S.C. 3224).

(20) Cooperate and work with national and international institutions, Departments and Ministries of Agriculture in other nations, land-grant colleges and universities, and other persons throughout the world in the performance of agricultural extension activities (7 U.S.C. 3291).

(21) Conduct program evaluations to improve the administration and effectiveness of the cooperative extension programs involving State agricultural experiment stations, cooperative extension services, and colleges and universities (7 U.S.C. 3317).

(22) Enter into contracts, grants, or cooperative agreements to further extension programs in the food and agricultural sciences (7 U.S.C. 3318).

(23) Enter in cost-reimbursable agreements relating to agricultural extension or teaching activities (7 U.S.C. 3319a).

(24) Provide technical assistance to farm owners and operators, marketing cooperatives, and others in the development and implementation of a research and pilot project program for the development of supplemental and alternative crops (7 U.S.C. 3319d).

(25) Administer an aquaculture assistance program by supporting eligible institutions for extension to facilitate or expand production and marketing of aquaculture food species and products; and conducting a program of extension and demonstration at aquacultural demonstration centers (7 U.S.C. 3322).

(26) Design educational programs, implement, and distribute materials in cooperation with the cooperative extension services of the States emphasizing the importance of productive farmland pursuant to section 1544(a) of the Farmland Protection Policy Act (7 U.S.C. 4205(a)).

(27) Establish and administer education programs relating to water quality (7 U.S.C. 5503).

(28) Administer education programs for the users and dealers of agrichemicals (7 U.S.C. 5506).

(29) Administer a cooperative extension program developed for integrated crop management and integrated resource management practices (7 U.S.C. 5821).

(30) Design, implement, and develop handbooks, technical guides, and other educational materials emphasizing sustainable agriculture production systems and practices (7 U.S.C. 5831).

(31) Administer a competitive grant program to organizations to carry out a training program on sustainable agriculture (7 U.S.C. 5832).

(32) Administer a cooperative extension program on agricultural weather forecasts and climate information for agricultural producers (7 U.S.C. 5854).

(33) Implement and administer an extension program developed for integrated pest management (7 U.S.C. 5881).

(34) Establish a national pesticide resistance monitoring program (7 U.S.C. 5882).

(35) Conduct educational programs on the biology and behavior of chinch bugs (7 U.S.C. 5884).

(36) Administer extension grants for the development of agricultural production and marketing systems to service niche markets (7 U.S.C. 5925).

(37) Administer education programs on Indian reservations and tribal jurisdictions (7 U.S.C. 5930).

(38) Administer competitive grants to States to establish a pilot project to coordinate food and nutrition education programs (7 U.S.C. 2027(a) and 5932).

(39) Administer a demonstration grants program for support of an assistive technology program for farmers with disabilities (7 U.S.C. 3933).

(40) Conduct educational and demonstrational work in cooperative farm forestry programs (16 U.S.C. 568).

(41) Provide for an expanded and comprehensive extension program for forest and rangeland renewable resources (16 U.S.C. 1671–1676).

(42) Conduct forestry and natural resource education programs, including guidelines for technology transfer (16 U.S.C. 1674).

(43) Provide technical, financial, and educational assistance to State foresters and State extension directors on rural forestry assistance (16 U.S.C. 2102).

(44) Provide educational assistance to State foresters under the Forest Stewardship Program (16 U.S.C. 2103a).

(45) Implement and conduct an educational program to assist the development of urban and community forestry programs (16 U.S.C. 2105).

(46) Administer extension education programs in aquaculture (16 U.S.C. 2804 and 2806).

(47) Provide educational assistance to farmers regarding the Agricultural Water Quality Protection Program (16 U.S.C. 3838b).

(48) Authorize the use of the 4–H Club name and emblem (18 U.S.C. 707).

(49) Obtain and furnish Federal excess property to eligible recipients for use in the conduct of research and extension programs (40 U.S.C. 483(d)(2)).

(50) Conduct demonstrational and promotional activities related to farm dwellings and other buildings for the purposes of reducing costs and adapting and developing fixtures and appurtenances for more efficient and economical farm use (42 U.S.C. 1478(b)).

(51) Provide leadership and direct assistance in planning, conducting, and evaluating extension programs under a memorandum of agreement with the Bureau of Indian Affairs dated May, 1956.

(52) Exercise the responsibilities of the Secretary under regulations dealing with Equal Employment Opportunity (Part 18 of this subtitle).

(53) Administer educational and information services assigned under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 *et. seq.*), and the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 *et. seq.*).

(54) Provide management support services for the Cooperative State Research Service as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes finance, personnel, procurement, property management, communications, paperwork management and related administrative services.

(55) Carry out demonstration and educational activities authorized in section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(56) Provide educational and technical assistance in implementing and administering the conservation reserve program authorized in sections 1231–1244 of the Food Security Act of 1985 (Public Law 99–198, 99 Stat. 1509) (16 U.S.C. 3831–3844).

(b) [Reserved]

§ 2.109 Director, National Agricultural Library.

(a) *Delegations.* Pursuant to § 2.30(a), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Director, National Agricultural Library:

(1) Provide resource information concerning rural electric and telephone use and rural development efforts (7 U.S.C. 917).

(2) Act as a catalyst to provide access to leadership training and services programs encompassing private, public, business, and government entities in cooperation with the Extension Service (7 U.S.C. 950aa–1).

(3) Develop and maintain library and information systems and networks and facilitate cooperation and coordination of the agricultural libraries of colleges, universities, USDA, and their closely allied information gathering and dissemination units in conjunction with private industry and other research libraries (7 U.S.C. 2201, 2204, 3125a, and 3126).

(4) Accept gifts and order disbursements from the Treasury for the benefit of the National Agricultural Library or for the carrying out of any of its functions (7 U.S.C. 2264–2285).

(5) Provide for the dissemination of appropriate rural health and safety information resources possessed by the NAL Rural Information Center, in cooperation with State educational program efforts (7 U.S.C. 2662).

(6) Provide national leadership in the development and maintenance of library and related information systems and other activities to support the research, extension, and teaching programs in the food and agricultural sciences pursuant to the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101 and 3121).

(7) Administer the programs and services of NAL consistent with its charge to serve as the primary

agricultural information resource of the United States and enter into agreements and receive funds from various entities to conduct NAL activities (7 U.S.C. 3125a).

(8) Provide and distribute information and data about Federal, State, local, and other rural development assistance programs and services available to individuals and organizations. To the extent possible, the National Agricultural Library shall use telecommunications technology to disseminate such information to rural areas (7 U.S.C. 3125b).

(9) Assemble and collect food and nutrition educational materials, including the results of nutrition research, training methods, procedures, and other materials related to the purposes of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; maintain such information; and provide for the dissemination of such information and materials on a regular basis to State educational agencies and other interested parties (7 U.S.C. 3126).

(10) Conduct program evaluations to improve the administration and efficacy of the library and related information systems in the food and agricultural sciences (7 U.S.C. 3317).

(11) Enter into contracts, grants, or cooperative agreements to further library and related information programs supporting research, extension, and teaching programs in the food and agricultural sciences (7 U.S.C. 3318).

(12) Enter into cost-reimbursable agreements to further library and related information programs supporting research, extension, and teaching programs in the food and agricultural sciences (7 U.S.C. 3319a).

(13) Administer the National Agricultural Library, including the farmland information center, pursuant to section 1544(b) of the Farmland Protection Policy Act (7 U.S.C. 4205(b)).

(14) Support Department water programs through participation in State water quality coordination programs and dissemination of agrichemical information (7 U.S.C. 5503–5506).

(15) Provide a repository of agriculture and ground water quality planning information (7 U.S.C. 5505).

(16) Disseminate information on materials and methods of pest and disease control available to agricultural producers through the pest and disease control database (7 U.S.C. 5882).

(17) Represent the Department on all library and information science matters before Congressional Committees and appropriate commissions, and provide representation to the coordinating committees of the Federal and State governments concerned with library and information science activities.

(18) Represent the Department in international organizational activities and on international technical committees concerned with library and information science activities.

(19) Prepare and disseminate computer files, indexes and abstracts, bibliographies, reviews and other analytical information tools.

(20) Arrange for the consolidated purchasing and dissemination of printed and automated indexes, abstracts, journals, and other widely used information resources and services.

(21) Provide assistance and support to professional organizations and others concerned with library and information science matters and issues.

(22) Copy and deliver on demand selected articles and other materials from NAL's collections by photographic reproduction or other means within the permissions, constraints, and limitations of sections 106, 107, and 108 of the Copyright Act of October 19, 1976 (17 U.S.C. 106, 107 and 108).

(23) Formulate, write, or prescribe bibliographic and technically related standards for the library and information systems of USDA.

(24) Assure the acquisition, preservation, and accessibility of all information concerning food and agriculture by providing leadership to and coordination of the acquisition programs and related activities of the library and information systems, with the agencies of USDA, other Federal departments and agencies, State agricultural experiment stations, colleges and universities, and other research institutions and organizations.

(25) Determine by survey or other appropriate means, the information needs of the Department's scientific, professional, technical, and administrative staffs, its constituencies, and the general public in the areas of food, agriculture, the environment, and other related areas.

(b) [Reserved]

For 7 CFR part 2, subpart C.

Dated: March 10, 1992.

Edward Madigan,

Secretary of Agriculture.

For 7 CFR part 2, subpart N.

Dated: March 12, 1992.

Harry C. Mussman,

Acting Assistant Secretary for Science and Education.

[FR Doc. 92-6281 Filed 3-19-92; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 1484; Amdt. No. 26808]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC, on March 13, 1992.

Thomas C. Accardi,

Director, Flight Standards Services.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective June 25, 1992*

Palmdale, CA—Palmdale Prodn FLT/Test Instln AF Plant 42, VOR/DME or TACAN RWY 25, Amdt. 6
Palmdale, CA—Palmdale Prodn FLT/Test Instln AF Plant 42, ILS RWY 25, Amdt. 8
Burley, ID—Burley Muni, VOR–A, Amdt. 3
Burley, ID—Burley Muni, VOR/DME–B, Amdt. 3
Granbury, TX—Granbury Muni, VOR–B, Amdt. 3

* * * *Effective April 30, 1992*

Hooper Bay, AK—Hooper Bay, VOR RWY 13, Orig., Cancelled
Casa Grande, AZ—Casa Grande Muni, VOR RWY 5, Amdt. 4
Casa Grande, AZ—Casa Grande Muni, ILS/DME RWY 5, Amdt. 6
San Diego (El Cajon), CA—Gillespie Field, LOC–D, Amdt. 9
Santa Monica, CA—Santa Monica Muni, NDB–B, Orig., Cancelled
Truckee, CA—Truckee-Tahoe, VOR/DME RNAV–A, Amdt. 5
Washington, DC—Washington Dulles Intl, ILS RWY 19L, Amdt. 10
Estherville, IA—Estherville Muni, NDB RWY 34, Orig.
Baltimore, MD—Martin State, LOC RWY 14, Orig.
Baltimore, MD—Martin State, NDB RWY 14, Amdt. 7
Baltimore, MD—Martin State, NDB RWY 32, Amdt. 7
Baltimore, MD—Martin State, ILS RWY 32, Amdt. 4
Baltimore, MD—Martin State, VOR/DME RNAV RWY 14, Amdt. 4
Cumberland, MD—Cumberland, LOC–A, Amdt. 3
Cumberland, MD—Cumberland, LOC/DME RWY 23, Amdt. 5
Port Huron, MI—St. Clair County Intl, VOR/DME–A, Amdt. 6
Port Huron, MI—St. Clair County Intl, NDB RWY 4, Amdt. 9, Cancelled
Port Huron, MI—St. Clair County Intl, NDB RWY 4, Orig.
Port Huron, MI—St. Clair County Intl, ILS RWY 4, Orig.
Port Huron, MI—St. Clair County Intl, RNAV RWY 4, Orig., Cancelled
Port Huron, MI—St. Clair County Intl, VOR/DME RNAV RWY 22, Amdt. 1
Cook, MN—Cook Muni, NDB RWY 31, Orig.
Ainsworth, NE—Ainsworth Muni, VOR RWY 17, Amdt. 2
Ainsworth, NE—Ainsworth Muni, VOR RWY 35, Amdt. 3
Aurora, NE—Aurora Muni, VOR–A, Amdt. 4
Aurora, NE—Aurora Muni, NDB RWY 16, Amdt. 1
Fremont, NE—Fremont Muni, NDB RWY 13, Amdt. 1
Valentine, NE—Miller Field, NDB RWY 31, Amdt. 6
Hammonton, NJ—Hammonton Muni, VOR–A, Amdt. 6

Hammonton, NJ—Hammonton Muni, VOR–B, Amdt. 1
New York, NY—Laguardia, VOR/DME–E, Amdt. 2
New York, NY—Laguardia, VOR/DME–C, Amdt. 2
Norwich, NY—Lt. Warren Eaton, VOR/DME–A, Amdt. 3
Stillwater, OK—Stillwater Muni, VOR RWY 17, Amdt. 10
Yap Island, States of Micronesia—Yap International, NDB RWY 7, Amdt. 5
Yap Island, States of Micronesia—Yap International, NDB/DME RWY 7, Amdt. 1
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 13R, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 13R, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 17L, Amdt. 3
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 17L, Amdt. 4
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 17R, Amdt. 3
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 17R, Amdt. 16
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 18L, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 18L, Amdt. 15
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 18R, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 18R, Amdt. 3
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 31R, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 31R, Amdt. 7
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 35R, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 35R, Amdt. 4
Dallas-Fort Worth, TX—Dallas/Fort Worth International, Converging ILS RWY 36L, Amdt. 2
Dallas-Fort Worth, TX—Dallas/Fort Worth International, ILS RWY 36L, Amdt. 4
Stephenville, TX—Clark Field Muni, VOR/DME–A, Amdt. 4
Fairmont, WV—Fairmont Muni, VOR/DME RWY 22, Amdt. 4

** * * Effective April 2, 1992*

New York, NY—Laguardia, LDA–A, Orig.

** * * Effective March 5, 1992*

Titusville, FL—Space Center Executive, NDB RWY 18, Amdt. 11
Rocky Mount, NC—Rocky Mount-Wilson, VOR/DME RWY 22, Amdt. 1
Rock Hill, SC—Rock Hill Municipal/Bryant Field, VOR–A, Amdt. 9

** * * Effective March 4, 1992*

Fort Myers, FL—Southwest Florida Regional, RADAR–1, Amdt. 3
Immokalee, FL—Immokalee, VOR RWY 18, Amdt. 3
Titusville, FL—Space Center Executive, ILS RWY 36, Amdt. 9

** * * Effective March 2, 1992*

Rock Hill, SC—Rockhill Municipal/Bryant Field, VOR/DME–B, Amdt. 4

** * * Effective February 27, 1992*

Greensboro, NC—Piedmont Triad Intl, VOR/DME RWY 23, Amdt. 8
Greensboro, NC—Piedmont Triad Intl, ILS RWY 23, Amdt. 8
Greensboro, NC—Piedmont Triad Intl, RADAR–1, Amdt. 8

** * * Effective December 13, 1990*

Rifle, CO—Garfield County Regional, LOC/DME–A, Amdt. 4

[FR Doc. 92–6523 Filed 3–19–92; 8:45 am]
BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 1483; Amdt. No. 26807]

Standard Instruction Approach Procedures: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective*: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The Provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPs criteria were applied to only these specific conditions existing at the affected airports.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the US Standard for Terminal Instrument Approach Procedures (TERPs). Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather. Issued in Washington, DC on March 13, 1992.

Thomas C. Accardi,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

NFDC TRANSMITTAL LETTER

Effective	State	City	Airport	FDC No.	SIAP
01/06/92	AR	Almyra	Almyra Muni	FDC 2/0060	VOR/DME–A AMDT 4.
01/06/92	AR	Stuttgart	Stuttgart Muni	FDC 2/0059	VOR/DME–A ORIG.
02/27/92	WY	Sheridan	Sheridan County	FDC 2/1123	VOR RWY 13 AMDT 5.
02/28/92	TX	Beaumont	Beaumont Muni	FDC 2/1133	VOR/DME RWY 12 ORIG–A.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1150	NDB–B AMDT 1.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1151	LOC RWY 1 AMDT 2.
02/29/92	CA	Watsonville	Watsonville Muni	FDC 2/1152	VOR/DME–A ORIG.
2/1352	MI	Three Rivers	Three Rivers Muni/Dr Haines	FDC 2/1352	VOR–A AMDT 9.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1210	VOR/DME OR TACAN RWY 18 AMDT 2.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1218	VOR RWY 18 AMDT 7.
03/03/92	AK	Delta Junction	Allen AAF	FDC 2/1220	NDB–A AMDT 3.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1212	VOR/DME OR TACAN RWY 21 AMDT 1.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1214	VOR RWY 3 AMDT 4.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1219	VOR RWY 21 AMDT 4.
03/03/92	AK	Fort Yukon	Fort Yukon	FDC 2/1221	NDB RWY 21 AMDT 7.
03/03/92	AK	Gustavus	Gustavus	FDC 2/1211	VOR/DME–B AMDT 3.
03/03/92	AK	Homer	Homer	FDC 2/1213	LOC/DME BC RWY 21 AMDT 3.
03/03/92	AK	Homer	Homer	FDC 2/1215	LOC/DME RWY 3 AMDT 6.
03/03/92	AK	Homer	Homer	FDC 2/1217	NDB RWY 3 AMDT 2.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1202	NDB RWY 13 AMDT 14.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1203	VOR RWY 27R AMDT 10.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1204	ILS RWY 9L AMDT 16.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1205	LOC RWY 13 ORIG.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1207	LOW RWY 9R AMDT 3.
03/03/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1209	ILS RWY 27R AMDT 4.
03/03/92	FL	Miami	Miami Intl	FDC 2/1185	RNAV RWY 27R, AMDT 5.
03/03/92	NC	Wilson	Wilson Industrial Air Center	FDC 2/1206	NDB RWY 21 ORIG.
03/03/92	NC	Wilson	Wilson Industrial Air Center	FDC 2/1208	NDB RWY 3 AMDT 5.
03/04/92	AK	Big Lake	Big Lake	FDC 2/1280	VOR RWY 6 AMDT 5.
03/04/92	AK	Hopper Bay	Hopper Bay	FDC 2/1275	VOR RWY 13 ORIG.
03/04/92	AK	Petersburg	Petersburg	FDC 2/1279	LDA/DME–D AMDT 5.

NFDC TRANSMITTAL LETTER—Continued

Effective	State	City	Airport	FDC No.	SIAP
03/04/92	AK	Sand Point	Sand Point	FDC 2/1266	NDB/DME RWY 33 AMDT 2.
03/04/92	AK	Sand Point	Sand Point	FDC 2/1268	NDB/DME–A AMDT 3.
03/04/92	AK	Sand Point	Sand Point	FDC 2/1269	NDB RWY 15 ORIG.
03/04/92	AK	Savoonga	Savoonga	FDC 2/1263	VOR/DME RWY 23 ORIG.
03/04/92	AK	Savoonga	Savoonga	FDC 2/1265	VOR RWY 23 ORIG.
03/04/92	AK	St Paul Island	St Paul Island	FDC 2/1264	NDB/DME RWY 18 AMDT 1.
03/04/92	AK	Talkeetna	Talkeetna	FDC 2/1267	VOR–A AMDT 9.
03/04/92	AK	Talkeetna	Talkeetna	FDC 2/1270	NDB RWY 36 AMDT 1.
03/04/92	AK	Togiak Village	Togiak	FDC 2/1276	NDB/DME–A ORIG.
03/04/92	AK	Togiak Village	Togiak	FDC 2/1278	NDB–B ORIG.
03/04/92	AK	Unalakleet	Unalakleet	FDC 2/1272	NDB RWY 14 AMDT 14.
03/04/92	AK	Unalaska	Unalaska	FDC 2/1274	NDB–A AMDT 2.
03/04/92	AK	Wrangell	Wrangell	FDC 2/1273	LDA/DME–D AMDT 6.
03/04/92	AK	Wrangell	Wrangell	FDC 2/1281	LDA/DME–C AMDT 7.
03/04/92	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 2/1242	RADAR–1 AMDT 3.
03/04/92	NC	Wilmington	New Hanover Intl	FDC 2/1237	RNAV RWY 23 AMDT 4.
03/04/92	NC	Wilmington	New Hanover Intl	FDC 2/1239	LOC BC RWY 16 AMDT 6.
03/04/92	NC	Wilmington	New Hanover Intl	FDC 2/1240	VOR OR TACAN–A AMDT 2.
03/04/92	NC	Wilmington	New Hanover Intl	FDC 2/1241	NDB RWY 34 AMDT 16.
03/04/92	NC	Wilmington	New Hanover Intl	FDC 2/1244	ILS RWY 34 AMDT 20.
03/06/92	FL	Miami	Miami Intl	FDC 2/1356	ILS RWY 9L, AMDT 27.
03/06/92	MI	Holland	Park Township	FDC 2/1348	NDB RWY 23 AMDT 2.
03/06/92	MI	Troy	Oakland/Troy	FDC 2/1353	VOR–A AMDT 2.
03/06/92	SC	Charleston	Charleston Executive	FDC 2/1347	NDB RWY 9 AMDT 7.
03/06/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1358	THOMAS, VI, TKOF MINS.
03/09/92	WV	Charleston	Yeager	FDC 2/1404	RNAV RWY 33 AMDT 1.
03/10/92	AK	Hopper Bay	Hopper Bay	FDC 2/1426	VOR RWY 31 ORIG.
03/10/92	FL	Pensacola	Pensacola Regional	FDC 2/1424	ILS RWY 17 AMDT 13A.
03/10/92	FL	Pensacola	Pensacola Regional	FDC 2/1425	VOR RWY 8 AMDT 2A.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1443	LOC BC RWY 6 AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1444	LDA/DME RWY 12L AMDT 4.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1445	ILS RWY 12L AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1446	LDA/DME RWY 30L AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1448	ILS RWY 24 AMDT 43.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1449	ILS RWY 30L AMDT 10.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1450	RNAV RWY 6 AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1451	ILS RWY 30R CAT II AMDT 6.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1452	RNAV RWY 12R AMDT 1.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1453	RNAV RWY 24 AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1454	RNAV RWY 30L AMDT 11.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1455	RNAV RWY 30R AMDT 2.
03/11/92	MO	St Louis	Lambert-St Louis Intl	FDC 2/1476	ILS RWY 12R AMDT 20.
03/11/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1435	THOMAS, VI, ILS RWY 10 AMDT 7.
03/11/92	ST	Charlotte Amalie	Cyril E. King	FDC 2/1436	THOMAS, VI, VOR–A, AMDT 14.

NFDC Transmittal Letter Attachment

Gustavus

Gustavus
Alaska
VOR/DME–B AMDT 3...
Effective: 03/03/92
FDC 2/1211/GST/ FI/P Gustavus, Gastuvas, AK. VOR/DME–B AMDT 3...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate VASI...thru..CTAF. This becomes VOR/DME–B AMDT 3A.

Fort Yukon

Fort Yukon
Alaska
VOR/DME OR TACAN RWY 21 AMDT 1...
Effective: 03/03/92
FDC 2/1212/FYU/ FI/P Fort Yukon, Fort Yukon, AK. VOR/DME or TACAN RWY 21 AMDT 1...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete notes... Activate MIRL..thru.. CTAF, and APCH from holding pattern NA. This becomes VOR/DME or TACAN RWY 21 AMDT 1A.

Homer

Homer
Alaska
LOC/DME BC RWY 21 AMDT 3...
Effective: 03/03/92
FDC 2/1213/HOM/ FI/P Homer, Homer, AK. LOC/DME BC RWY 21 AMDT 3...Add note... PROC NA when LCL ALSTG not received. Change ALTN MIN note to read... Standard except when Homer WEA not AVBL, ALTN MIN NA. Delete note... Activate..thru.. 123.6. This becomes LOC/DME BC RWY 21 AMDT 3A.

Fort Yukon

Fort Yukon
Alaska
VOR RWY 3 AMDT 4...
Effective: 03/03/92
FDC 2/1214/FYU/ FI/P Fort Yukon, Fort Yukon, AK. VOR RWY 3 AMDT 4...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate MIRL ..thru.. CTAF. This becomes VOR RWY 3 AMDT 4A.

Homer

Homer
Alaska
LOC/DME RWY 3 AMDT 8...
Effective: 03/03/92
FDC 2/1215/HOM/ FI/P Homer, Homer, AK. LOC/DME RWY 3 AMDT 8...Add note... PROC NA when LCL ALSTG not received. Change ALTN MIN note to read... Standard except when Homer WEA not AVBL, ALTN MIN NA. Delete note... Activate..thru..CTAF. This becomes LOC/DME RWY 3 AMDT 8A.

Delta Junction

Allen AAF

Alaska
VOR/DME OR TACAN RWY 18 AMDT 2...
Effective: 03/03/92
FDC 2/1216/BIG/ FI/P Allen AAF, Delta Junction, AK. VOR/DME or Tacan RWY 18 AMDT 2...Delete note... Activate VASI ..thru.. CTAF. This becomes VOR/DME or TACAN RWY 18 AMDT 2A.

Homer

Homer
Alaska
NDB RWY 3 AMDT 2...
Effective: 03/03/92
FDC 2/1217/HOM/ FI/P Homer, Homer, AK. NDB RWY 3 AMDT 2...Add note... PROC NA when LCL ALSTG not received. Change ALTN MIN note to read... Standard except when Homer WEA not AVBL, ALTN MIN NA. Delete note... Activate..thru..CTAF. This becomes NDB RWY 3 AMDT 2A.

Delta Junction

Allen AAF
Alaska
VOR RWY 18 AMDT 7...
Effective: 03/03/92
FDC 2/1218/BIG/ FI/P Allen AAF, Delta Junction, AK. VOR RWY 18 AMDT 7 ...Delete note... Activate VASI..thru.. CTAF. This becomes VOR RWY 18 AMDT 7A.

Fort Yukon

Fort Yukon
Alaska
VOR RWY 21 AMDT 4...
Effective: 03/03/92
FDC 2/1219/FYU/ FI/P Fort Yukon, Fort Yukon, AK. VOR RWY 21 AMDT 4...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate MIRL ..thru... CTAF. This becomes VOR RWY 21 AMDT 4A.

Delta Junction

Allen AAF
Alaska
NDB–A AMDT 3...
Effective: 03/03/92
FDC 2/1220/BIG/ FI/P Allen AAF, Delta Junction, AK. NDB–A AMDT 3...Delete note... Activate VASI..thru.. CTAF. This becomes NDB–A AMDT 3A.

Fort Yukon

Fort Yukon
Alaska
NDB RWY 21 AMDT 7...
Effective: 03/03/92
FDC 2/1221/FYU/ FI/P Fort Yukon, Fort Yukon, AK. NDB RWY 21 AMDT 7...Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate MIRL ..thru.. CTAF. This becomes NDB RWY 21 AMDT 7A.

Savoonga

Savoonga
Alaska
VOR/DME RWY 23 ORIG...
Effective: 03/04/92
FDC 2/1263/SVA/ FI/P Savoonga, Savoonga, AK. VOR/DME RWY 23 ORIG...Delete TRML RTES... from OME to ULL, FDV to ULL. Delete note... Activate..thru..122.9. This becomes VOR/DME RWY 23 ORIG A.

St Paul Island

St Paul Island
Alaska
NDB/DME RWY 18 AMDT 1...
Effective: 03/04/92
FDC 2/1264/SNP/FI/P St Paul Island, St Paul Island, AK. NDB/DME RWY 18 AMDT 1...Delete note...Contact..thru..RWY 18–36. This becomes NDB/DME RWY 18 AMDT 1A.

Savoonga

Savoonga
Alaska
VOR RWY 23 ORIG...
Effective: 03/04/92
FDC 2/1265/SVA/FI/P Savoonga, Savoonga, AK. VOR RWY 23 ORIG...Delete TRML RTES...from OME to ULL, FDV to ULL. Delete note...Activate...thru..122.9. This becomes VOR RWY 23 ORIG A.

Sand Point

Sand Point
Alaska
NDB/DME RWY 33 AMDT 2...
Effective: 03/04/92
FDC 2/1266/SDP/FI/P Sand Point, Sand Point, AK. NDB/DME RWY 33 AMDT 2...Delete note...DME Channel..thru..113.2. This becomes NDB/DME RWY 33 AMDT 2A.

Talkeetna

Talkeetna
Alaska
VOR–A AMDT 9...
Effective: 03/04/92
FDC 2/1267/TKA/FI/P Talkeetna, Talkeetna, AK. VOR–A AMDT 9...Delete note...Activate..thru..36–CTAF. This becomes VOR–A AMDT 9A.

Sand Point

Sand Point
Alaska
NDB/DME A AMDT 3...
Effective: 03/04/92
FDC 2/1268/SDP/FI/P Sand Point, Sand Point, AK. NDB/DME A AMDT 3...Delete note...DME Channel..thru..113.2. This becomes NDB/DME A AMDT 3A.

Sand Point

Sand Point
Alaska
NDB RWY 15 ORIG...
Effective: 03/04/92
FDC 2/1269/SDP/FI/P Sand Point, Sand Point, AK. NDB RWY 15 ORIG...Delete note...DME Channel..thru..113.2. This becomes NDB RWY 15 ORIG A.

Talkeetna

Talkeetna
Alaska
NDB RWY 36 AMDT 1...
Effective: 03/04/92
FDC 2/1270/TKA/FI/P Talkeetna, Talkeetna, AK. NDB RWY 36 AMDT 1...Delete note...Activate..thru..36–CTAF. This becomes NDB RWY 36 AMDT 1A.

Unalakleet

Unalakleet
Alaska
NDB RWY 14 AMDT 14...
Effective: 03/04/92
FDC 2/1272/UNK/FI/P Unalakleet, Unalakleet, AK. NDB RWY 14 AMDT 14...Delete note ...Activate..thru..123.0. This becomes NDB RWY 14 AMDT 1A.

Wrangell

Wrangell
Alaska
LDA/DME–D AMDT 6...
Effective: 03/04/92
FDC 2/1273/WRG/FI/P Wrangell, Wrangell, AK. LDA/DME–D AMDT 6...Change ALTN MIN note to read...5000–3, except ALTN MINS NA when Wrangell WEA not AVBL. Change ALSTG note to read...PROC NA when LCL ALSTG not received. Delete note...Activate..thru..122.6. This becomes LDA/DME–D AMDT 6A.

Unalaska

Unalaska
Alaska
NDB–A AMDT 2...
Effective: 03/04/92
FDC 2/1274/DUT/FI/P Unalaska, Unalaska, AK. NDB–A AMDT 2...Delete note ...Activate..thru..CTAF. This becomes NDB–A AMDT 2A.

Hopper Bay

Hopper Bay
Alaska
VOR RWY 13 ORIG...
Effective: 03/04/92
FDC 2/1275/HPB/FI/P Hopper Bay, Hopper Bay, AK. VOR RWY 13 ORIG...Change note to read...PROC NA when LCL ALSTG not received. Delete note...Activate...thru..122.4. This becomes VOR RWY 13 ORIG A.

Togiak Village

Togiak
Alaska
NDB/DME–A ORIG...
Effective: 03/04/92
FDC 2/1276/TOG/FI/P Togiak, Togiak Village, AK. NDB/DME–A ORIG...Delete TRML RTES...from BET to TOG, OSE to TOG, DLG to TOG. Delete note...Activate..thru..122.5. This becomes NDB/DME–A ORIG A.

Togiak Village

Togiak
Alaska
NDB–B ORIG...
Effective: 03/04/92
FDC 2/1278/TOG/ FI/P Togiak, Togiak Village, AK. NDB–B ORIG...Delete TRML RTES... from BET to TOG, OSE to TOG, DLG to TOG. Delete note... Activate... thru...122.5. This becomes NDB–B ORIG A.

Petersburg

Petersburg
Alaska
LDA/DME–D AMDT 5...
Effective: 03/04/92
FDC 2/1279/PSG/ FI/P Petersburg, Petersburg, AK. LDA/DME–D AMDT 5...Change ALTN MIN note to read... Standard except when Petersburg WEA not AVBL. ALN MIN NA. Delete note... Activate... thru...122.5. This becomes LDA/DME–D AMDT 5A.

Big Lake

Big Lake
Alaska
VOR RWY 6 AMDT 5...
Effective: 03/04/92
FDC 2/1280/BGQ/ FI/P Big Lake, Big Lake, AK. VOR RWY 6 AMDT 5...Delete note... Activate... thru...24–CTAF. This becomes VOR RWY 6 AMDT 5A.

Wrangell

Wrangell
Alaska
LDA/DME–C AMDT 7...
Effective: 03/04/92
FDC 2/1281/WRG/ FI/P Wrangell, Wrangell, AK. LDA/DME–C AMDT 7...Change ALTN MIN note to read... 5000–3, except ALTN MINS NA when Wrangell WEA not AVBL. Change ALSTG note to read... PROC NA when LCL ALSTG not received. Delete note... Activate... thru...122.6. This becomes LDA/DME–C AMDT 7A.

Hopper Bay

Hopper Bay
Alaska
VOR RWY 31 ORIG...
Effective: 03/10/92
FDC 2/1426/HPB/ FI/P Hopper Bay, Hopper Bay, AK. VOR RWY 31 ORIG...Change note to read... PROC NA when LCL ALSTG not received. This becomes VOR RWY 31 ORIG A.

Stuttgart

Stuttgart Muni
Arkansas
VOR/DME–A ORIG...
Effective: 01/06/92
FDC 2/0059/SGT/ FI/P Stuttgart Muni, Stuttgart, AR. VOR/DME–A ORIG...Circling MDA 900/HAA 676 all CATS. VIS CAT C 2, CAT D 2–1/4. Change MAP DME to read 26.5. This becomes VOR/DME–A ORIG A.

Almyra

Almyra Muni
Arkansas
VOR/DME–A AMDT 4...
Effective: 01/06/92
FDC 2/0060/M73/ FI/P Almyra Muni, Almyra, AR. VOR/DME–A AMDT 4...Circling MDA 780/HAA 572 CATS A/B and C. Change MAP DME to read 24.5. This becomes VOR/DME–A AMDT 4A.

Watsonville

Watsonville Muni
California
NDB–B AMDT 1...
Effective: 02/29/92
FDC 2/1150/WVI/ FI/P Watsonville Muni, Watsonville, CA. NDB–B AMDT 1...Change all reference to RWY 1–19 to RWY 2–20. Delete note... Activate MIRL RWY 1–19, VASI RWY 19 and REIL RWY 1–CTAF. Add note to aerodrome sketch... VASI RWY 20. This is NDB–B AMDT 1A.

Watsonville

Watsonville Muni
California
LOC RWY 1 AMDT 2...
Effective: 02/29/92
FDC 2/1151/WVI/ FI/P Watsonville Muni, Watsonville, CA. LOC RWY 1 AMDT 2...Change all reference to RWY 1–19 to RWY 2–20. Delete note... Activate MIRL RWY 1–19, VASI RWY 19 and REIL RWY 1–CTAF. Add note to aerodrome sketch... VASI RWY 20. This is LOC RWY 2 AMDT 2A.

Watsonville

Watsonville Muni
California
VOR/DME–A ORIG...
Effective: 02/29/92
FDC 2/1152/WVI/ FI/P Watsonville Muni, Watsonville, CA. VOR/DME–A ORIG...Change all reference to RWY 1–19 to RWY 2–20. Delete note... Activate MIRL RWY 1–19, VASI RWY 19 and REIL RWY 1–CTAF. Add note to aerodrome sketch... VASI RWY 20. This is VOR/DME–A ORIG A.

Miami

Miami Intl
Florida
RNAV RWY 27R, AMDT 5...
Effective: 03/03/92
FDC 2/1185/MIA/ FI/P Miami Intl, Miami, FL. RNAV RWY 27R, AMDT 5...Delete terminal Route FLL VOR/DME to BASHO WP. This becomes RNAV RWY 27R AMDT 5A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
NDB RWY 13 AMDT 14...
Effective: 03/03/92
FDC 2/1202/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. NDB RWY 13 AMDT 14...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MINS CAT D 800—2 1/4. This becomes NDB RWY 13 AMDT 14A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
VOR RWY 27R AMDT 10...
Effective: 03/03/92
FDC 2/1203/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. VOR RWY 27R AMDT 10...Missed APCH... Climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.9 DME and Hold. This becomes VOR RWY 27R AMDT 10A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
ILS RWY 9L AMDT 16...
Effective: 03/03/92
FDC 2/1204/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. ILS RWY 9L AMDT 16...TRML route FLL VOR/DME to PIONN INT MIN ALT 4000. Circling MDA CAT D 700/HAA 689. VIS CAT D 2 1/4. ILS ALTN MINS CAT D 700 - 2 1/4. LOC ALTN MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold. This becomes ILS RWY 9L AMDT 16A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
LOC RWY 13 ORIG...
Effective: 03/03/92
FDC 2/1205/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. LOC RWY 13 ORIG...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALTN MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 500 then climbing left turn to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold. This becomes LOC RWY 13 ORIG A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
LOC RWY 9R AMDT 3...
Effective: 03/03/92
FDC 2/1207/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. LOC RWY 9R AMDT 3...Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MIN CAT D 800 - 2 1/4. Missed APCH... Climb to 1000 then climbing left turn to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold. This becomes LOC RWY 9R AMDT 3A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
ILS RWY 27R AMDT 4...
Effective: 03/03/92
FDC 2/1209/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. ILS RWY 27R AMDT 4...TRML route FLL VOR/DME to JUMAR INT MIN ALT 4000. TRML route BSY VORTAC to JUMAR INT MIN ALT 4000. Circling MDA CAT D 700 HAA 689, VIS CAT D 2 1/4. ILS ALT MINS CAT D 700-2 1/4. LOC ALT MINS CAT D 800 - 2 1/4. Missed APCH... Climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.9 DME and hold. This becomes ILS RWY 27R AMDT 4A.

Fort Lauderdale

Fort Lauderdale-Hollywood Intl
Florida
RADAR-1 AMDT 3...
Effective: 03/04/92
FDC 2/1242/FLL/ FI/P Fort Lauderdale-Hollywood Intl, Fort Lauderdale, FL. RADAR-1 AMDT 3...S-31 MDA 440 HAT 429 all CATS. VIS CAT C 1 1/4, CAT D 1 1/2. Circling MDA CAT D 700 HAA 689. VIS CAT D 2 1/4. ALT MINS CAT D 800 - 2 1/4...Missed a PCH RWY 9L - climb to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold E, RT, 264 inbound...Missed APCH RWY 27R - climb to 4000 VIA FLL R-270 to PIONN INT/FLL 10.8 DME and hold W, LT, 090 inbound. Missed APCH RWY 13 - climbing LT to 4000 VIA FLL R-084 to MARTS INT/FLL 8.4 DME and hold E, RT, 264 inbound. This becomes RADAR-1 AMDT 3A.

Miami

Miami Intl
Florida
ILS RWY 9L, AMDT 27...
Effective: 03/06/92
FDC 2/1356/MIA/ FI/P Miami Intl, Miami, FL. ILS RWY 9L, AMDT 27...Add note... Autopilot coupled APCHS NA. This becomes ILS RWY 9L AMDT 27A.

Pensacola

Pensacola Regional
Florida
ILS RWY 17 AMDT 13A...
Effective: 03/10/92
FDC 2/1424/PNS/ FI/P Pensacola Regional Pensacola, FL. ILS RWY 17 AMDT 13A...MSA from NUN VOR 040-280 1800, 280-040 3100. This becomes ILS RWY 17 AMDT 13B.

Pensacola

Pensacola Regional
Florida
VOR RWY 8 AMDT 2A...
Effective 03/10/92
FDC 2/1425/PNS FI/P Pensacola Regional, Pensacola, FL. VOR RWY 8 AMDT 2A...MSA from NUN VOR 040-280 1800, 280-040 3100. This becomes VOR RWY 8 AMDT 2B.

St Louis

Lambert-St Louis Intl
Missouri
LDA/DME RWY 12L AMDT 4...
Effective: 03/11/92
FDC 2/1444/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LDA/DME RWY 12L AMDT 4...MSA STL VORTAC 2800. This becomes LDA/DME RWY 12L AMDT 4A.

Holland

Park Township
Michigan
NDB RWY 23 AMDT 2...
Effective: 03/06/92
FDC 2/1348/HLM/ FI/P Park Township, Holland, MI. NDB RWY 23 AMDT 2...Missed approach, "climb to 2700, then right turn direct HLM NDB and hold.". CAT C S-23 and circling MINIMUMS NA. Delete note, "activate MIRL RWY 5-23 unicom.". This is NDB RWY 23 AMDT 2A.

Three Rivers

Three Rivers Muni/DR Haines
Michigan
VOR-A AMDT 9...
Effective: 2/1352
FDC 2/1352/HA1/ FI/P Three Rivers Muni/DR Haines, Three River, MI. VOR-A AMDT 9...Delete notes, "use Kalamazoo altimeter setting...thru...MIRL RWY 5-23 - CTAF.". Add note, "use Kalamazoo altimeter setting; when not received, use South Bend altimeter setting.". This is VOR-A AMDT 9A.

Troy

Oakland/Troy
Michigan
VOR-A AMDT 2...
Effective: 03/06/92
FDC 2/1353/7D2/FI/P Oakland/Troy, Troy, MI. VOR-A AMDT 2...Circling HAA 671 all CATS. VIS CAT C 2. Delete notes, "activate MIRL and VASI RWY 9–27—CTAF.", "no PT for arrivals on PSI VORTAC Airway Radial 275.", "caution...855 tower 1600' north of RWY 9 threshold.". This is VOR–A AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
LOC BC RWY 6 AMDT 2...
Effective: 03/11/92
FDC 2/1443/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LOC BC RWY 6 AMDT 2...Add note...Disregard GS indications. MSA STL VORTAC 2800. Change note to read...S–6 CAT A,B increase ¾ mile, CAT E ½ mile for INOP MALSR. This becomes LOC BC RWY 6 AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
ILS RWY 12L AMDT 2...
Effective: 03/11/92
FDC 2/1445/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 12L AMDT 2...Delete...Circling MIN, and note CAT D..thru..MM. MSA STL VORTAC 2800. This becomes ILS RWY 12L AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
LDA/DME RWY 30L AMDT 1...
Effective: 03/11/92
FDC 2/1446/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. LDA/DME RWY 30L AMDT 1...MSA STL VORTAC 2800. Delete note...Circling NA. This becomes LDA/DME RWY30LAMDT 1A.

St Louis

Lambert-St Louis Intl
Missouri
ILS RWY 24 AMDT 43...
Effective: 03/11/92
FDC 2/1448/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 24 AMDT 43...MSA ST LOM 2800. Delete note...Circling NA. This becomes ILS RWY 24 AMDT 43A.

St Louis

Lambert-St Louis Intl
Missouri
ILS RWY 30L AMDT 10...
Effective: 03/11/92
FDC 2/1449/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 30L AMDT 10...Delete circling MIN. MSA STL VORTAC 2800. This becomes ILS RWY 30L AMDT 10A.

St Louis

Lambert-St Louis Intl
Missouri
RNAV RWY 6 AMDT 1...
Effective: 03/11/92
FDC 2/1450/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. RNAV RWY 6 AMDT 1...Delete note...Circling NA. Change note to read...S–6 CATS A,B increase ¼ mile, CAT E ½ mile for INOP MALSR. This becomes RNAV RWY 6 AMDT 1A.

St Louis

Lambert-St Louis Intl
Missouri
ILS RWY 30R CAT II ADMT 6...
Effective: 03/11/92
FDC 2/1451/STL FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 30R CAT II ADMT 6...MSA STL VORTAC 2800. This becomes ILS RWY CAT II AMDT 6A.

St Louis

Lambert-St Louis Intl
Missouri
RNAV RWY 12R AMDT 1...
Effective: 03/11/92
FDC 2/1452/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. RNAV RWY 12R AMDT 1...Delete circling MIN. This becomes RNAV RWY 12R AMDT 1A.

St Louis

Lambert-St Louis Intl
Missouri
RNAV RWY 24 AMDT 2...
Effective: 03/11/92
FDC 2/1453/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. RNAV RWY 24 AMDT 2...Delete note... Circling NA. This becomes RNAV RWY 24 AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
RNAV RWY 30L AMDT 11...
Effective: 03/11/92
FDC 2/1454/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. RNAV RWY 30L AMDT 11...Delete circling MIN. This becomes RNAV RWY 30L AMDT 11A.

St Louis

Lambert-St Louis Intl
Missouri
RNAV RWY 30R AMDT 2...
Effective: 03/11/92
FDC 2/1455/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. RNAV RWY 30R AMDT 2...Delete circling MIN. This becomes RNAV RWY 30R AMDT 2A.

St Louis

Lambert-St Louis Intl
Missouri
ILS RWY 12R AMDT 20...
Effective: 03/11/92
FDC 2/1476/STL/ FI/P Lambert-St Louis Intl, St Louis, MO. ILS RWY 12R AMDT 20... Delete... Circling MIN, and note CAT D .. thru..MM. MSA LM LOM 2800. This becomes ILS RWY 12R AMDT 20A.

Wilson

Wilson Industrial Air Center
North Carolina
NDB RWY 21 ORIG...
Effective: 03/03/92
FDC 2/1206/W03/ FI/P Wilson Industrial Air Center, Wilson, NC. NDB RWY 21 ORIG... Delete note... Activate MIRL RWY 3–21 CTAF. This becomes NDB RWY 21 ORIG A.

Wilson

Wilson Industrial Air Center
North Carolina
NDB RWY 3 AMDT 5...
Effective: 03/03/92
FDC 2/1208/W03/ FI/P Wilson Industrial Air Center, Wilson, NC. NDB RWY 3 AMDT 5...Delete note... Activate MIRL RWY 3–21 CTAF. This becomes NDB RWY 3 AMDT 5A.

Wilmington

New Hanover Intl
North Carolina
RNAV RWY 23 AMDT 4...
Effective: 03/04/92
FDC 2/1237/ILM FI/P New Hanover Intl, Wilmington, NC. RNAV 23 AMDT 4...Change all references to RWYS 16–34 to RWYS 17–35. Change all references to RWYS 5–23 to RWYS 6–24. This becomes RNAV RWY 24 AMDT 4A.

Wilmington

New Hanover Intl
North Carolina
LOC BC RWY 16 AMDT 6...
Effective: 03/04/92
FDC 2/1239/ILM/ FI/P New Hanover Intl, Wilmington, NC. LOC BC RWY 16 AMDT 6... Change all references to RWYS 16–34 to RWYS 17–35. Change all references to RWYS 5–23 to RWYS 6–24. This becomes LOC BC RWY 17 AMDT 6A.

Wilmington

New Hanover Intl
North Carolina
VOR OR TACAN–A AMDT 2...
Effective: 03/04/92
FDC 2/1240/ILM/ FI/P New Hanover Intl, Wilmington, NC. VOR OR TACAN–A AMDT 2... Change all references to RWYS 16–34 to RWYS 17–35. Change all references to RWYS 5–23 to RWYS 6–24. This becomes VOR or TACAN–A AMDT 2A.

Wilmington

New Hanover Intl
North Carolina
NDB RWY 34 AMDT 16...
Effective: 03/04/92
FDC 2/1241/ILM/ FI/P New Hanover Intl, Wilmington, NC. NDB RWY 34 AMDT 16... Change all references to RWYS 16–34 to RWYS 17–35. Change all references to RWYS 5–23 to RWYS 6–24. This becomes NDB RWY 35 AMDT 16A.

Wilmington

New Hanover Intl
North Carolina
ILS RWY 34 AMDT 20...
Effective: 03/04/92
FDC 2/1244/ILM/ FI/P New Hanover Intl, Wilmington, NC. ILS RWY 34 AMDT 20... Change all references to RWYS 16–34 to RWYS 17–35. Change all references to RWYS 5–23 to RWYS 6–24. Delete note... CAT D S–LOC VIS increased to RVR 5000 for INOP MM. This becomes ILS RWY 35 ADMT 20A.

Charleston

Charleston Executive
South Carolina
NDB RWY 9 AMDT 7...
Effective: 03/06/92
FDC 2/1347/JZI/ FI/P Charleston Executive, Charleston, SC. NDB RWY 9 AMDT 7...S–9 MDA all CATS 700/HAT 680 VIS CAT C 2, CAT D 2 1/4. Circling MDA all CATS 700/HAA 680 VIS CAT C 2, D 2 1/4. This becomes NDB RWY 9, AMDT 7A.

Beaumont

Beaumont Muni
Texas
VOR/DME RWY 12 ORIG–A...
Effective: 02/28/92
FDC 2/1133/BMT/ FI/P Beaumont Muni, Beaumont, TX. VOR/DME RWY 12 ORIG–A...Circling CAT D... MDA 660/HAT 628. This becomes VOR/DME RWY 12 ORIG–B.

Charlotte Amalie

Cyril E. King
ST. THOMAS, VI, TKOF MINS...
Effective: 03/06/92
FDC 2/1358/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI. TKOF MINS...RWY 28 700–2 or STD with minimum climb of 250 ft per NM to 700. RWY 10 1100–3 or 400–1 with minimum climb of 400 ft per NM to 1200. Departure procedure... RWY 10, climbing right turn HDG 120 to 2000 before turning north. RWY 28, climb RWY heading to 2000 before turning north. This becomes TKOF MINS AMDT 4A.

Charlotte Amalie

Cyril E. King
ST. THOMAS, VI, ILS RWY 10 AMDT 7...
Effective: 03/11/92
FDC 2/1435/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI. ILS RWY 10 AMDT 7...Missed APCH... Climing RT tp 4000 VIA HDG 180 then RT direct STT VOR/DME and hold. Hold N, RT, 187 inbound. Mandatory ALT PUNTA INT 2000. MSA from STT VOR/DME 2900. Delete... WHAMS INT, point turn NDB. This becomes ILS RWY to AMDT 7A.

Charlotte Amalie

Cyril E. King
ST. THOMAS, VI, VOR–A, AMDT 14...
Effective: 03/11/92
FDC 2/1436/STT/ FI/P Cyril E. King, Charlotte Amalie, St. Thomas, VI. VOR–A, AMDT 14...Missed APCH—if unable to proceed visually to ARPT upon descent to 1160, climb to 4000 VIA HDG 180 then right turn direct STT VOR/DME and hold. Hold N, RT 187 inbound. MSA from STT VOR/DME 2900. HAA 1145 all CATS. Delete WHAMS INT, point TUNA NDB. PROC NA at night. This becomes VOR–A, AMDT 14A.

Charleston

Yeager
West Virginia
RNAV RWY 33 AMDT 1...
Effective: 03/09/92
FDC 2/1404/CRW/ FI/P Yeager, Charleston, WV. RNAV RWY 33 AMDT 1...Delete TRML RTE... MONTS to MALTY WP, CRS/DSTC 315/4.2 ALT 3000'. This becomes RNAV RWY 33 AMDT 1A.

Sheridan

Sheridan County
Wyoming
VOR RWY 13 AMDT 5...
Effective: 02/27/92
FDC 2/1123/SHR/ FI/P Sheridan County, Sheridan, WY, VOR RWY 13 AMDT 5...Add note 'obtain local altimeter setting on CTAF, when not received, PROC NA.' Add ALTN MINS note, 'NA when CTLZ not in effect.' This becomes VOR RWY 13 AMDT 5A.

[FR Doc. 92–6524 Filed 3–19–92; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Parts 1001, 1002, 1003, 1004, 1005, 1006, and 1007

Health Care Programs: Fraud and Abuse; Amendments to OIG Exclusion and CMP Authorities Resulting From Public Law 100–93

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule, published on January 29, 1992, that is designed to implement section 2 of Public Law 100–93, the Medicare and Medicaid Patient and Program Protection Act of 1987, along with other conforming amendments.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Joel J. Schaer (202) 619–3270.

SUPPLEMENTARY INFORMATION: On January 29, 1992, a final rule, Amendments to OIG Exclusion and CMP Authorities Resulting from Public Law 100–93, was published in the **Federal Register** (57 FR 3298). Specifically, this final rule is designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions of the Department's health care programs under titles V, XVIII, XIX and XX of the Social Security Act. In publishing this final rule, several lines of the preamble, regulations text and specific cross-references to OIG authorities were inadvertently omitted or misstated. In addition, one authority set forth in § 1001.1601(a)(1)(iii)(B) has not been delegated to the OIG, but was inadvertently included in that section. To correct omissions and errors that appeared in the final rule's preamble and in parts 1001 and 1003, we are making the following corrections in FR Doc. 92–1939, published January 29, 1992:

1. In the preamble on page 3300, column 2, the first sentence of the third complete paragraph is corrected to read as follows—

In this final rule, we are retaining the definition of "furnished" currently found in § 1001.2 of the regulations with one modification, and placing the definition in § 1000.10 under General Definitions.

2. In the preamble on page 3318, column 1, the second sentence of the second paragraph, the citation to section 1863(e)(1)(B) of the Act is incorrect. The correct citation is section 1862(e)(1)(B) of the Act.

3. In the preamble on page 3320, column 2, the first sentence in the response under section 5., Notice to Third Parties Regarding Exclusions, is corrected to read as follows—

The OIG notifies the Public Health Service (PHS) of all program exclusions for subsequent action by PHS in excluding those practitioners from title V.

4. Section 1001.301 is corrected as follows:

A. Page 3331: In column 3, § 1001.301(a) is corrected to read as follows—

§ 1001.301 Conviction relating to obstruction of an investigation.

(a) *Circumstance for exclusion.* The OIG may exclude an individual or entity that has been convicted, under Federal or State law, in connection with the interference with or obstruction of any investigation into any criminal offense described in §§ 1001.101 or 1001.201.

B. Page 3332: In column 1, § 1001.301(b)(2)(i) is corrected to read as follows—

(b) * * *

(2) * * *

(i) The interference with, or obstruction of, the investigation caused the expenditure of significant additional time or resources;

5. Section 1001.1601 is corrected as follows:

Page 3340: In column 1, § 1001.1601(a)(1) is corrected to read as follows—

§ 1001.1601 Violations of the limitations on physician charges.

(a) *Circumstance for exclusion.* (1) The OIG may exclude a physician whom it determines—

(i) Is a non-participating physician under section 1842(j) of the Act;

(ii) Furnished services to a beneficiary;

(iii) Knowingly and willfully billed—

(A) On a repeated basis for such services actual charges in excess of the maximum allowable actual charge determined in accordance with section 1842(j)(1)(C) of the Act for the period January 1, 1987 through December 31, 1990, or

(B) Individuals enrolled under part B of title XVIII of the Act during the statutory freeze for actual charges in excess of such physician's actual charges determined in accordance with section 1842(j)(1)(A) of the Act for the period July 1, 1984 to December 31, 1986; and"

(iv) Is not the sole community physician or sole source of essential specialized services in the community.

6. Section 1003.102 is corrected as follows:

Page 3345: In column 3, § 1003.102(b)(2) is corrected to read as follows—

§ 1003.102 Basis for civil money penalties and assessments.

* * * * *

(b) * * *

(2) Is a non-participating physician under section 1842(j) of the Act and has knowingly and willfully billed—

(i) On a repeated basis for such services actual charges in excess of the maximum allowable actual charge determined in accordance with section 1842(j)(1)(C) of the Act for the period January 1, 1987 through December 31, 1990, or

(ii) Individuals enrolled under part B of title XVIII of the Act during the statutory freeze for actual charges in excess of such physician's actual charges determined in accordance with section 1842(j)(1)(A) of the Act for the period July 1, 1984 to December 31, 1986.

Dated: March 13, 1992.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 92-6475 Filed 3-19-92; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[CC Docket No. 79-105, FCC 91-386]

Detariffing the Installation and Maintenance of Inside Wiring

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this action, the FCC preempts state regulation that requires or allows telephone companies to bundle charges for simple inside wiring services with charges for tariffed services, and decides not to preempt state regulation that requires telephone companies to act as providers of last resort for inside wiring services. The FCC requires local exchange carriers (LECs) having annual operating revenues of $100 million or more to file information on state regulation of LEC prices for inside wiring services. The FCC also requires all telephone companies subject to the joint cost rules to classify inside wiring services as nonregulated activities for federal accounting purposes on a permanent basis.

EFFECTIVE DATE: June 8, 1992. The rule requiring local exchange carriers to file information on state regulation of their prices for inside wiring services will take effect June 8, 1992. The other requirements of the Third Report and Order are effective as of that publication.

FOR FURTHER INFORMATION CONTACT: William A. Kehoe III at (202) 632-7500.

SUPPLEMENTARY INFORMATION:

Background

National Association of Regulatory Utility Commissioners v. *FCC*, 880 F.2d 422 (D.C. Cir. 1989) (*NARUC* v. *FCC*).

Detariffing the Installation and Maintenance of Inside Wiring, Second Further Notice of Proposed Rulemaking, 5 FCC Rcd 3407 (1990) 55 FR 23563, June 11, 1990 (*Second Further Notice*).

SUMMARY

This is a summary of the Commission's Third Report and Order in Detariffing the Installation and Maintenance of Inside Wiring, CC Docket No. 79-105, FCC 91-386, released February 14, 1992. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC 20054. The full text will be published in the FCC Record and may be purchased from the Commission's copying contractor, Downtown Copy Center, 1114 21st Street, NW., suite 140, Washington, DC 20037, (202) 452-1422.

This action finalizes the regulatory framework for simple inside wiring in response to *NARUC* v *FCC*. The action is intended to promote the development of an increasingly competitive market for simple inside wiring services and to protect consumers against cross subsidization, while not infringing on state regulatory authority.

In *NARUC* v. *FCC*, the United States Court of Appeals for the District of Columbia Circuit determined that the FCC may preempt state regulation of inside wiring services when the regulation would necessarily thwart or impede achievement of a valid federal policy. The court held, however, that the Commission had failed to justify its preemption of all regulation of simple inside wiring services and remanded three orders to the FCC for further proceedings.

In the Second Further Notice, the Commission initiated the proceedings on remand by proposing a combination of measures in regard to simple inside wiring.

The Third Report and Order concludes the proceedings on remand. That Order preempts state regulation that requires or allows telephone companies to bundle charges for simple inside wiring services with charges for tariffed services. The FCC also decides not to preempt state regulation that requires telephone companies to act as providers of last resort for inside wiring services. In the interest of comity with the states, the Third Report and Order states that the FCC will monitor, but not at this time consider preempting, state regulation of the prices and terms and conditions of service under which telephone companies provide simple inside wiring services.

To facilitate the FCC's monitoring, that Order adopts a rule requiring local exchange carriers (LECs) having annual operating revenues of $100 million or more to file information on state regulation of LEC prices for inside wiring services. Public reporting burden for this collection of information is estimated to average 2 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of the Managing Director, Paperwork Reduction Project (OMB Control Number 30670-0450) Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (OMB Control Number 3060-0450) Washington, DC 20503.

In order to protect interstate ratepayers against cross subsidization, the Third Report and Order requires all telephone companies subject to the FCC's joint cost rules to classify inside wiring services as nonregulated activities for federal accounting purposes on a permanent basis. The Order makes clear that this classification would not preclude those states, if any, that choose to regulate telephone company prices for simple inside wiring services from assigning all simple inside wiring services costs to the intrastate jurisdiction and setting unbundled rates based on those costs.

Ordering Clauses

1. Accordingly, *It is Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 218-20, and 403, no state shall require or allow telephone companies to bundle charges for simple inside wiring services with charges for tariffed services.

2. *It is further Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201-05, 218-20, and 403, Part 43 of this Commission's Rules is AMENDED by adding Section 43.41 as set forth below. This amendment shall become effective 60 days following the publication of the text of the rule in the Federal Register.

3. *It is further Ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 218-220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 218-20, and 403, telephone companies shall classify their inside wiring operations as nonregulated activities for federal accounting purposes.

4. *It is further Ordered*, That the Secretary shall serve as a copy of this Third Report and Order on state regulatory commissions.

5. *It is further Ordered*, That this proceeding is terminated.

List of Subjects in 47 CFR Part 43

Nonregulated activities, Reports on inside wiring services, Telephone.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Rule Changes

Part 43 of title 47 of the Code of Federal Regulations is amended as follows:

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

1. The authority citation for part 43 is revised to read as follows:

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 220, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

2. Section 43.41 is added to read as follows:

§ 43.41 Reports on Inside Wiring Services.

Each local exchange carrier with annual operating revenues of $100 million or more shall file, within thirty (30) days of its publication or release, a copy of any state or local statute, rule, order, or other document that regulates, or proposes to regulate, the price or prices the local exchange carrier charges for inside wiring services. This rule applies only to the local exchange carrier serving the greatest number of access lines within the portions of the state that are, or would be, subject to the state regulation.

[FR Doc. 92-6448 Filed 3-19-92; 8:45 am]

BILLING CODE 5712-01-M

Proposed Rules

Federal Register
Vol. 57, No. 55
Friday, March 20, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1202, 1250, and 1254

RIN 3095-AA34

NARA Privacy Act and Freedom of Information Act Regulations

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) is amending its Privacy Act regulations to make the NARA Privacy Act Officer the point of contact for Privacy Act requests and information, and to change the designation of officials who may sign denials of requests for disclosure to third parties and who may consider appeals of such denials. These changes are administrative in nature and will have no significant impact upon the public.

NARA is also amending its Freedom of Information Act regulations in 36 CFR parts 1250 and 1254 to reflect a recent U.S. Court of Appeals ruling in *Oglesby v. Department of the Army* (920 F.2d 57, D.C. Cir. 1990) that requesters may appeal a response that no responsive records were found.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mary Ann Palmos or Nancy Allard at 202-501-5110.

SUPPLEMENTARY INFORMATION: NARA is reviewing all of its regulations on a periodic basis to identify outdated or incomplete material. This regulation was developed in the course of such a review.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects

36 CFR Part 1202

Privacy.

36 CFR Part 1250

Administrative practice and procedure, Confidential business information, Freedom of information.

36 CFR Part 1254

Archives and records; Confidential business information; Freedom of information; Micrographics.

For the reasons set forth in the preamble, NARA proposes to amend Chapter XII of title 36, Code of Federal Regulations as follows:

PART 1202—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

1. The authority citation for part 1202 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552a.

2. Section 1202.32 is revised to read as follows:

§ 1202.32 Procedures for disclosure.

(a) Address all requests for disclosure of records pertaining to a third party to the NARA Privacy Act Officer (NAA), National Archives and Records Administration, Washington, DC 20408. Upon receipt of such request, NARA shall verify the right of the requester to obtain disclosure pursuant to § 1202.30. Upon verification, the system manager shall make the requested records available. NARA shall acknowledge requests within 10 workdays and shall make a decision within 30 workdays, unless NARA notifies the requester that the time limit must be extended for good cause.

(b) If NARA determines that the disclosure is not permitted under § 1202.30, the Assistant Archivist for Management and Administration or the Inspector General (for records for which the Inspector General is the system manager) shall deny the request in writing. The requester shall be informed of the right to submit a request for review and final determination to the appropriate NARA Privacy Act Appeal Officer.

(1) Requests for review involving records for which the Inspector General is the system manager shall be addressed to the NARA Privacy Act Appeal Officer (N), National Archives and Records Administration, Washington, DC 20408.

(2) Requests for review involving all other records shall be addressed to the NARA Privacy Act Appeal Officer (ND), National Archives and Records Administration, Washington, DC 20408.

3. Section 1202.100 is revised to read as follows:

§ 1202.100 Requests for assistance and referrals.

Requests for assistance and referral to the responsible system manager or other NARA employee charged with implementing these regulations should be made to the NARA Privacy Act Officer (NAA), National Archives and Records Administration, Washington, DC 20408.

PART 1250—PUBLIC AVAILABILITY OF NARA ADMINISTRATIVE RECORDS AND INFORMATIONAL MATERIALS

4. The authority citation for part 1250 is revised to read as follows:

Authority: 44 U.S.C. 2104(a); 5 U.S.C. 552; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

§1250.34 [Amended]

5. In § 1250.34, the term "Program Policy and Evaluation Division" is revised to read "Policy and Program Analysis Division."

6. Section 1250.58 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1250.58 Appeal with NARA.

(a) A requester who receives a denial of access in whole or in part of a request or who receives a response that no responsive records were found, and who considers the latter response as adverse in nature, may appeal that decision or finding within NARA to the appropriate NARA FOIA Appeal Official. If the denial was signed by the Assistant Archivist for Management and Administration, the appeal shall be addressed to the Deputy Archivist of the United States, National Archives (ND), Washington, DC 20408. If the denial was signed by the Inspector General, the appeal shall be addressed to the Archivist of the United States, National Archives (N), Washington, DC 20408.

* * * * *

(c) (1) The requester shall appeal in writing. The appeal letter shall include a brief statement of the reason(s):

(i) If an appeal of denial of access, why NARA should release the records, or

(ii) If an appeal of a requester category determination, why the requester should be considered to be a member of a different category, or

(iii) If an appeal of a denial of a fee reduction or waiver request that the requester is not otherwise entitled to, how disclosure of the information is likely to contribute significantly to public understanding of the operations or activities of government and why it is not a request primarily intended to benefit the commercial, trade, or profit interests of the requester, or

(iv) If no responsive records were found and the requester considers this to be an adverse determination, why the requester thinks that the search does not meet the requirements of the FOIA.

(2) The appeal letter shall include the words "Freedom of Information Appeal" on both the face of the appeal letter and the envelope, and the requester shall enclose with the appeal letter a copy of the initial request and denial.

(3) NARA has 20 workdays after receipt of an appeal to make a determination with respect to the appeal. The 20-workday time limit begins when the NARA FOIA Appeal Official receives the appeal.

* * * * *

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

7. The authority citation for part 1254 continues to read as follows:

Authority: 44 U.S.C. 2101-2118, 5 U.S.C. 552, and E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

8. Section 1254.38 is amended by revising paragraphs (f)(1) and (f)(4) to read as follows:

§ 1254.38 Freedom of Information Act requests.

* * * * *

(f) *Appeals.* (1) A requester whose request for access is denied in whole or in part, or who receives a response that no responsive records were found and who considers the latter response as adverse in nature, may appeal that decision or finding within NARA. The appeal shall be in writing and addressed to the Deputy Archivist of the United States (ND), National Archives, Washington, DC 20408.

* * * * *

(4) In the appeal letter the requester shall briefly state the reasons why NARA should release the records, or, if no responsive records were found and the requester considers this to be an adverse determination, why the requester thinks that the search does not meet the requirements of the FOIA.

* * * * *

Dated: March 10, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6470 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

36 CFR Part 1228

RIN 3095-AA42

Disposition of Federal Records

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule makes substantive changes to NARA regulations relating to: Loans of permanent and unscheduled records by Federal agencies to non-Federal recipients, transfer of electronic records to the National Archives, and imposing restrictions on transferred records. In addition, minor changes are made to other provisions of the disposition regulations in 36 CFR part 1228 to improve the clarity of the regulation. The proposed rule was developed in the course of a periodic review of NARA regulations to identify outdated or incomplete material. These regulations are applicable to Federal agencies.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mary Ann Palmos or Nancy Allard at 202-501-5110 (FTS 241-5110).

SUPPLEMENTARY INFORMATION: Following is a description of the specific changes included in this proposed rule.

In 36 CFR 1228.30(b)(3), we are specifying that agencies must provide a citation to the Privacy Act system notice published in the Federal Register or Privacy Act Compilation as the statement of Privacy Act restrictions on temporary records that must be submitted with the Standard Form 115, Request for Records disposition Authority. Because the current provision is unclear, some agencies provide detailed information while others provide a reference to the Federal Register Privacy Act system notice. This change to the regulation should reduce the burden on agencies.

In 36 CFR part 1228, subpart E, we propose to specify that a written loan agreement is required whenever a Federal agency loans permanent or unscheduled records to non-Federal recipients. When provisions covering loan of permanent and unscheduled records were added to 36 CFR part 1228 in 1990, NARA intended that loan agreements to be made in writing. Sections 1228.74 and 1228.76 have been revised to specify that a written loan agreement is required. Agencies are currently required to provide to NARA the information that will be contained in the loan agreement. We also propose to add a new §1228.78 to require agencies to contact loan recipients 30 days prior to end of the loan agreement to make arrangements for the return of the records. If the loan period is extended, the agency will be required to notify NARA in writing. These modifications to the regulation will provide further protection for permanent and unscheduled records.

The current 36 CFR 1228.180 contains procedures concerning agenicies' retention of permanent records that are more than 30 years old and imposing agency restrictions on records transferred to the National Archieves. So that § 1228.180 will not contain both policy and procedural provisions, the procedures have been moved to separate sections. In the new § 1228.183, no changes have been made to the procedures for certifying an agency's continued need for records that are eligible for transfer to the National Archives. The material on imposing agency restrictions, currently contained in § 1228.1180(c)(2), has been revised and placed in § 1228.192.

In § 1228.182(a)(2)(ii) we have removed the phrase "do not absolutely preclude use of the records by the public." We believe that the phrase is not needed because paragraph (a)(2)(ii) already contains the condition that "restrictions on the use of records are acceptable to NARA." NARA generally does not accession records that would be closed forever to public use; however, NARA does accession some records that are less than 30 years old which have statutory limitations prohibiting immediate public access, such as the population Census tapes, in order to ensure the proper preservation of the records.

Section 1228.184 has been modified to require a duplicate negative when the original black and white negative is unstable safety or acetate and to clarify that agencies shall transfer all of the specified copies of audiovisual records to the National Archives if such copies exist.

Section 1228.188 has been retitled "Electronic records" to correspond with the title of the related 36 CFR part 1234, Electronic Records Management. In addition, the accessioning policy has been changed to permit agencies to transfer electronic records on tape cartridges as well as 7 or 9 track tape reels. The NARA form 14097, Technical Description for Tansfer of Electronic Records, will replace the canceled Standard Form 277, "Computer Magnetic Tape File Properties."

Nonsubstantive changes have been made to several other sections in subpart J. The introductory paragraph of § 1228.186 has been rewritten to improve its clarity. In § 1228.190, the names of the National Archives Field Branches have been corrected to Regional Archives. Section 1228.194 is revised to clarify that the Privacy Act notice must accompnay the SF 258 that intiates the transfer of Privacy Act systems to the National Archives. Two paragraphs of § 1228.198 have been rewritten to remove redundant material and improve clarity.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a signficant impact on small business entities.

List of Subjects in 36 CFR Part 1228

Archives and records, Government property management.

For the reasons set forth in the preamble, NARA proposes to amend part 1228 of title 36 of the Code of Federal Regulations as follows:

PART 1228—DISPOSITION OF FEDERAL RECORDS

1. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chapters 21, 29, and 31.

2. In § 1228.30, paragraph (b)(3) is revised to read as follows:

§ 1228.30 Scheduling temporary records.

* * * * *

(b) * * *

(3) If the records are contained in a Privacy Act system of records, a citation to agency's alpha-numeric or numeric code designation for the system of records. If the system of records was amended since the publication of the current Office of the Federal Register compilation of *Privacy Act Issuances*, the agency shall also cite the date and page of the **Federal Register** on which the amended system notice appears.

* * * * *

3. Section 1228.74 is revised to read as follows:

§ 1228.74 Agency action.

(a) An agency proposing to loan permanent or unscheduled records shall execute a written loan agreement with the proposed recipient. The agreement shall include:

(1) The name of the department or agency and subdivisions thereof having custody of the records;

(2) The name and address of the proposed recipient of the records;

(3) A list containing:

(i) An identification by series or system of the records to be loaned,

(ii) The inclusive date for each series,

(iii) The volume and media of the records to be loaned, and

(iv) The NARA disposition job (SF 115) and item numbers covering the records, if any;

(4) A statement of the purpose and duration of the loan;

(5) A statement specifying any restrictions on the use of the records and how these restrictions will be administered by the donee; and

(6) A certification that the records will be stored according to the environmental specifications for archival records.

(b) The Archivist of the United States shall be a signatory on all loan agreements for permanent and unscheduled records. An agreement may not be implemented until the Archivist has signed.

(c) The head of the Federal agency shall request approval for the loan by sending a letter to NARA (NIR), Washington, DC 20408, transmitting the proposed loan agreement and specifying the name, title, and telephone number of the person NARA should contact about the proposed loan.

4. Section 1228.76 is revised to read as follows:

§ 1228.76 NARA action on request.

NARA will review the request and, if found acceptable, return the approved agreement to the agency. NARA will deny the request if the records should be transferred to the National Archives or if the loan would endanger the records or otherwise contravene the regulations in 36 CFR chapter XII, subchapter B. If NARA disapproves the loan, the Archivist will notify the agency in writing and provide instructions for the disposition of the records.

5. A new § 1228.78 is added to subpart E to read as follows:

§ 1228.78 Retrieval of records.

An agency shall contact the recipient of the loan of permanent or unscheduled records 30 days prior to the expiration of the loan period (as stated in the loan agreement) to arrange for the return of the records. If the agency extends the duration of the loan, it shall notify NARA (NIR) in writing, specifying the reason for the extension and providing a new time limit for the loan.

§§ 1228.182 and 1228.190 [Amended]

6. In subpart J, the titles "National Archives Field Branch" and "National Archives Field Branches" are replaced by the title "Regional Archives" in the following places:

§ 1228.182(b)(2)
§ 1228.182(b)(3)(ii)
§ 1228.190(b)(2)

7. Section 1228.180 is amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 1228.180 Authority.

(a) * * *

(2) Direct and effect the transfer to the National Archives of the United States of Federal agency records that have been in existence for more than 30 years and that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the U.S. Government.

* * * * *

(c) *Transferred records subject to statutory or other restrictions.* When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions concerning the examination and use of records applicable to the head of the transferring agency are applicable to the Archivist of the United States and the employees of the National Archives and Records Administration.

8. In § 1228.182, paragraph (a)(2)(ii) is revised to read as follows:

§ 1228.182 Types of records to be transferred.

(a) * * *

(2) * * *

(ii) Agency needs will be satisfied by use of the records in NARA research rooms or by copies of the records; and restrictions on the use of records are acceptable to NARA and do not violate the Freedom of Information Act (5 U.S.C. 552). Records appraised as permanent that are not yet eligible for transfer because of agency needs or restrictions may be stored in a Federal records center pending transfer. (See subpart I of this part.)

* * * * *

9. A new § 1228.183 is added to read as follows:

§ 1228.183 Certification for retention of records in agency custody.

(a) Permanent records shall be transferred to the National Archives of the United States when the records have been in existence for more than 30 years unless the head of the agency which has custody of the records certifies in writing to the Archivist that the records must be retained in agency custody for use in the conduct of the regular current business of the agency. Records that are scheduled in a NARA-approved records schedule to be transferred to the National Archives of the United States after a specified period of time are subject to the certification requirement only if the records are not transferred as scheduled.

(b) In order to certify that records must be retained for the conduct of regular current business, an agency should consider the following factors:

(1) Character of use (to be retained by an agency, records should be used for the normal routine business of the agency at the time of certification);

(2) Frequency of use (to be retained by an agency, records should be used more than one time per month per file unit); and,

(3) Preservation of the records (to be retained by an agency, permanently valuable records should be preserved in accordance with NARA guidelines).

(c) The written certification of need of a series of 30 year-old records for current agency business must:

(1) Include a comprehensive description and location of records to be retained;

(2) Cite the NARA approved authority for the disposition of the records if sheduled (SF 115 item number);

(3) Describe the current business for which the records are required;

(4) Estimate the length of time the records will be needed by the agency for current business (if no date is provided by the agency, approved certification requests will be effective for a maximum of five years);

(5) Explain why the current needs of the agency cannot be met by the services NARA provides for records deposited with the National Archives of the United States; and,

(6) If the records are being retained to enable the agency to provide routine public reference, cite the statute authorizing this agency activity.

(d) NARA will not accept an agency certification that a specific body of records over 30 years old, regardless of physical form or characteristics, is being used for the "conduct of the regular current business," if that agency is retaining such records primarily to:

(1) Provide to persons outside the agency access which can be provided by NARA; or

(2) Function as an agency archives, unless specifically authorized by statute or NARA.

10. Section 1228.184 is amended by revising the introductory text of the section, the introductory text of paragraphs (a), (b), and (c) and paragraphs (b)(1) and (e)(1) to read as follows:

§ 1228.184 Audiovisual records.

Audiovisual records appraised as permanent should be transferred to the National Archives as soon as they become inactive or whenever the agency cannot provide proper care and handling of the materials (see part 1232 of this chapter) to guarantee their preservation. Additionally, the following policies shall govern the transfer of audiovisual records to the National Archives:

(a) *Motion pictures.* The following copies are necessary for the preservation, duplication, and reference service of motion pictures transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

* * * * *

(b) *Still pictures.* The following elements are necessary for the preservation, duplication and reference service of each pictoral image transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

(1) For black and white photographs, an original negative and a captioned print. If the original negative is unstable safety, acetate, nitrate, or glass, a duplicate negative is also needed.

* * * * *

(c) *Sound recordings.* The following types of audio documents are necessary for the preservation, duplication, and reference service of sound recordings transferred to the National Archives of the United States. Agencies shall transfer all specified copies, if they exist.

* * * * *

(e) *Finding aids and production documentation.* * * *

(1) Existing finding aids such as data sheets, shot lists, continuities, review sheets, catalogs, indexes, lists of captions, and other documentation, whether in paper, electronic, or other form, that are necessary or helpful for the proper identification, retrieval, and use of the audiovisual records; and

* * * * *

11. In § 1228.186, the introductory paragraph is revised to read as follows:

§ 1228.186 Cartographic and architectural records.

The following classes of cartographic and architectural records appraised as permanent should be transferred to the National Archives as soon as they become inactive or whenever the agency cannot provide the proper care and handling of the materials to guarantee their preservation.

* * * * *

12. Section 1228.188 is revised to read as follows:

§ 1228.188 Electronic records.

(a) *Magnetic tape.* (1) Computer magnetic tape is a fragile medium, highly susceptible to the generation of error by improper care and handling. To ensure that permanently valuable information stored on magnetic tape is preserved, Federal agencies should schedule files for disposition as soon as possible after the tapes are written. When NARA has determined that a file is worthy of preservation, the agency should transfer the file to the National Archives as soon as it becomes inactive or whenever the agency cannot provide proper care and handling of the tapes (see part 1234 of this chapter) to guarantee the preservation of the information they contain.

(2) Agencies shall transfer electronic records to the National Archives either on open reel magnetic tape or on tape cartridges. Open reel magnetic tape shall be on one-half inch 7 or 9 track tape reels recorded at 800, 1600, or 6250 bpi. Tape cartridges shall be 18 track 3480-class cartridges recorded at 37,871 bpi. The data shall be written in ASCII or EBCDIC with all extraneous control characters removed from the data (except record length indicators for variable length records, or marks designating a datum, word, field, block or file), blocked at not higher than 32,760 bytes per block. The open reel magnetic tapes or the tape cartridges on which the data are recorded shall be new or recertified tapes (see part 1234 of this chapter) which have been passed over a tape cleaner before writing and shall be rewound under controlled tension.

(b) *Other magnetic media.* When an electronic file that has been designated for preservation by NARA is maintained

on a direct access storage device, the file shall be written on an open reel magnetic tape or on a magnetic tape cartridge that meets the specifications in paragraph (a)(2) of this section. This tape copy shall be transferred to the National Archives.

(c) *Documentation.* Documentation adequate for servicing and interpreting electronic records that have been designated for preservation by NARA shall be transferred with them. This documentation shall include, but not necessarily be limited to completed NARA Form 14097, Technical Description for Transfer of Electronic Records, or its equivalent. Where it has been necessary to strip data of its extraneous control characters (see paragraph (a)(2) of this section), the codebook specifications defining the data elements and their values must match the new format of the data. Guidelines for determining adequate documentation may be obtained from the Office of Records Administration (NI), National Archives and Records Administration, Washington, DC 20408.

13. Section 1228.190 is amended by revising paragraph (b)(1) to read as follows:

§ 1228.190 Transfer of records.

(b) *Initiation of request to transfer.* (1) NARA will provide the SF 258 for records scheduled for immediate transfer on an SF 115 approved after September 30, 1987. NARA will send the SF 258 to the agency with the approved SF 115. The agency will sign and return the SF 258 to the address indicated on the form.

* * * * *

14. Section 1228.192 is added to read as follows:

§ 1228.192 Restrictions on transferred records.

(a) *General.* Before records are transferred to the National Archives, the head of an agency may state in writing restrictions that appear to him or her to be necessary or desirable in the public interest on the use or examination of records. The head of an agency must, however, justify and cite the statute or Freedom of Information Act exemption (5 U.S.C. 552(b)) that authorizes placing restrictions on the use or examination of records being considered for transfer. If the Archivist agree, restrictions will be placed on the records.

(b) *Records less than 30 years old.* Unless required by law, the Archivist will not remove or relax restrictions placed upon records less than 30 years old without the concurrence in writting of the head of the agency from which the material was transferred or of his or her successor, if any. If the transferring agency has been terminated and there is no successor in function, the Archivist is authorized to relax, remove or impose restrictions in the public interest.

(c) *Record 30 or more years old.* After the records have been in existence for 30 years or more, statutory or other restrictions referred to in this section shall expire unless the Archivist determines, after consulting with the head of the transferring agency, that restrictions shall remain in force for a longer period. Such restrictions may be extended by the Archivist beyond 30 years only for reasons consistent with standards established in relevant statutory law, including the Freedom of Information Act (5 U.S.C. 552). Restrictions are systematically extended beyond 30 years where agencies advise NARA on the SF 258 that a particular category of records requires such protection. NARA has identified specific categories of records, including classified information and information that would invade the privacy of an individual, which may require extended protection beyond 30 years. See 36 CFR part 1258.

15. Section 1228.194 is revised to read as follows:

§ 1228.194 Records subject to the Privacy Act of 1974.

For records constituting systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), the agency shall attach to the SF 258 the most recent agency Privacy Act system notice covering the records.

16. Section 1228.198 is amended by revising paragraphs (a) and (b)(4) to read as follows:

§ 1228.198 Use of records transferred to the National Archives.

(a) In accordance with 44 U.S.C. 2108, restrictions lawfully imposed on the use of transferred records will be observed and enforced by NARA to the extent to which they do not violate 5 U.S.C. 552. The regulations in subchapter B and C of this title, insofar as they relate to the use of records in the National Archives of the United States apply to official use of the records by Federal agencies as well as to the public.

(b) * * *

(4) Each official who borrows records shall provide a receipt for them at the time they are delivered and shall be responsible for their prompt return upon the expiration of the loan period specified by NARA; and

* * * * *

Dated: February 3, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6473 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

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36 CFR Part 1258

RIN 3095-AA33

NARA Reproduction Fee Policies

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule makes minor corrections and clarifications to 36 CFR part 1258 to reflect current NARA policies and practices concerning fees for reproductions. This regulation was developed during a periodic review of existing NARA regulations to identify outdated or incomplete material. Two substantive changes will affect members of the public who order reproductions. First, the policy on accepting rush orders has been modified to reflect that such service is only available from Presidential libraries. It should be noted that some libraries may not be able to provide rush service under this policy. Second, two changes have made to our payment policy. Persons who order reproductions will be allowed to pay by selected credit cards. Checks for more than $200 will no longer need to be certified.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washihngton, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mary Ann Palmos or Nancy Allard at (202) 501-5110 (FTS 241-5110).

SUPPLEMENTARY INFORMATION: This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have significant impact on small business entities.

List of Subjects in 36 CFR Part 1258

Archives and records.

For the reasons set forth in the preamble, NARA proposes to amend part 1258 of title 36 of the Code of Federal Regulations as follows:

PART 1258—FEES

1. The authority citation for part 1258 continues to read as follows:

Authority: 44 U.S.C. 2116(c).

2. Section 1258.2 is amended by revising paragraphs (c)(3), (c)(6)(ii), and (c)(8) to read as follows:

§ 1258.2 Applicability

* * * * *

(c) * * *

(3) Motion picture, sound recording, and video recording materials among the holdings of the National Archives and Presidential libraries. Prices for reproduction of these materials are available from the Motion Picture, Sound and Video Branch (NNSM), National Archives, Washington, DC 20408, or from the Presidential library which has such materials (see § 1253.3 of this chapter for addresses).

* * * * *

(6) * * *

(ii) Passenger arrival lists (order form NATF Form 81)—$10.

* * * * *

(8) Orders for expedited service ("rush" orders) for reproduction of still pictures and motion picture and video recordings among the holdings of a Presidential library. Orders may be accepted on an expedited basis by the library when the library determines that sufficient personnel are availale to handle such orders or that the NARA contractor making the reproduction can provide the service. Rush orders are subject to a surcharge to cover the additional cost of providing expedited service.

* * * * *

3. Section 1258.4 is amended by revising the introductory paragraph and paragraph (f), and removing paragraphs (g) through (i) to read as follows:

§ 1258.4 Exclusions.

No fee is charged for reproduction or certification in the following instances:

* * * * *

(f) For Federal records center (FRC) records only:

(1) when furnishing the service free conforms to generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees;

(2) when the reproducion of not more than one copy of the document is required to obtain from the Government financial benefits to which the requesting person may be entitled (e.g., veterans or their dependents, employees with workmen's compensation claims, or persons insured by the Government);

(3) when the reproduction of not more than one copy of a hearing or other formal proceeding involving security requirements for Federal employment is requested by a person directly concerned in the hearing or proceeding; and

(4) when the reproduction of not more than one copy of a document is for a person who has been required to furnish a personal document to the Government (e.g., a birth certificate required to be given to an agency where the original cannot be returned to the individual).

4. Section 1258.12 is amended by revising paragraph (g) to read as follows:

§ 1258.12 Fee schedule.

* * * * *

(g) *Preservation of records.* In order to preserve certain records which are in poor physical condition, NARA may restrict customers to microfilm copies instead of electrostatic copies.

* * * * *

5. Section 1258.14 is revised to read as follows:

§ 1258.14 Payment of fees.

Fees may be paid in cash, by check or money order made payable to the National Archives Trust Fund, or by selected credit cards. Remittances from outside the United States must be made by international money order payable in U.S. dollars or a check drawn on a U.S. bank. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Purchasers with special billing requirements must state them when placing orders and must complete any special forms for NARA approval in advance.

Dated: January 23, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-6471 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

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36 CFR Part 1260

RIN 3095-AA17

Declassification Procedures

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking

SUMMARY: NARA is updating its regulations relating to mandatory review by Federal agencies of national security information contained in archival records, Presidential records, donated historical materials, and the Nixon Presidential materials. The changes will reflect the present practice whereby agencies return all documents reviewed for declassification action to NARA, and NARA provides the appropriate notification and declassified or sanitized reproductions to the requester.

The proposed rule will also require agencies to return a complete copy of the reviewed documents to NARA. Some agencies only return the first page of a document that is either being released or denied in its entirety. Because NARA holdings include many documents with identical dates, correspondence, and subjects, return of the complete document will help NARA close out the mandatory review request more quickly and accurately.

We are also clarifying that 36 CFR part 1260 applies to Presidential records subject to the Presidential Records Act and to the Nixon Presidential materials subject to the Presidential Recordings and Materials Preservation Act.

This proposed rule will affect Federal agencies. There are no changes to the mandatory review request procedures followed by members of the public. The proposed rule was developed during a periodic review of NARA regulations to identify outdated or incomplete material.

DATES: Comments must be received by April 20, 1992.

ADDRESSES: Comments should be sent to Director, Policy and Program Analysis Division (NAA), National Archives and Records Administration, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Mary Ann Palmos or Nancy Allard at 202-501-5110 (FTS 241-5110).

SUPPLEMENTARY INFORMATION: This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 36 CFR Part 1260

Archives and records, Classified information.

For the reasons set forth in the preamble, NARA proposes to amend part 1260 of title 36 of the Code of Federal Regulations as follows:

PART 1260—DECLASSIFICATION OF AND PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION

1. The authority citation for part 1260 continues to read as follows:

Authority: 44 U.S.C. 2104(a); Executive Order 12356 of April 2, 1982 (3 CFR 1982 Comp., p. 166).

2. Section 1260.1 is revised to read as follows:

§ 1260.1 Scope of part.

(a) Declassification of and public access to national security information and material (hereafter referred to as "classified information" or collectively termed "information") is governed by Executive Order 12356 of April 2, 1982 (47 FR 14874, 3 CFR 1982 Comp., p. 166) and by the Information Security Oversight Office Directive Number 1 of June 22, 1982 (47 FR 27836, June 25, 1982).

(b) Documents declassified in accordance with this regulation may be withheld from release under the provisions of 5 U.S.C. 552(b) for accessioned agency records; 36 CFR 1254.36 for donated historical materials; 44 U.S.C. 2201 et seq. and 36 CFR part 1270 for Presidential records; and 44 U.S.C. 2111 note and 36 CFR part 1275 for Nixon Presidential materials. Procedures for public requests for mandatory review of classified information under Executive Order 12356 are found in § 1254.46 of this chapter.

3. Section 1260.12 is amended by revising paragraph (a), the introductory text of paragraph (c), paragraphs (c)(2) and (d) and adding paragraph (e) to read as follows:

§ 1260.12 Agency action.

* * * * *

(a) Either make a prompt declassification determination and notify NARA accordingly, or inform NARA of the additional time needed to process the request. NARA will inform the requester of the agency action. Except in unusual circumstances, agencies shall make a final determination within one year.

* * * * *

(c) Return to NARA a complete copy of each declassified document with the agency determination. NARA will forward the reproduction to the requester. When a request cannot be declassified in its entirety, the agency must also furnish NARA, for transmission to the requester, the following:

* * * * *

(2) A statement of the requester's right to appeal within 60 calendar days of receipt of the denial; the procedures for taking such action; and the name, title, and address of the appeal authority.

(d) The agency appellate authority shall make a determination within 30 working days following receipt of an appeal. If additional time is required to make a determination, the agency appellate authority shall notify NARA of the additional time needed and the reason for the extension. The agency appellate authority shall notify NARA in writing of the final determination and of the reasons for any denial. NARA will provide the researcher a copy of any notifications.

(e) Furnish to NARA a complete copy of each document to be released only in part, clearly marked to indicate the portions which remain classified.

4. Section 1260.46 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1260.46 Agency action.

* * * * *

(b) Provide a brief statement of the reasons any requested information should not be declassified and return a complete copy of the reproductions to NARA; and

(c) Return all reproductions referred for consultation including a complete copy of each document which should be released only in part, clearly marked to indicate the portions which remain classified.

Dated: January 29, 1992.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 92-6472 Filed 3-19-92; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA11-1-5611; FRL-4116-8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Bay Area Air Quality Management District

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to approve two volatile organic compound (VOC) rules submitted to EPA by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The rules were adopted by the Bay Area Air Quality Management District (AQMD) on June 20, 1990 and were submitted by ARB on April 5, 1991. The rules, regulation 8, rule 3—Architectural Coatings (reg 8-3) and regulation 8, rule 48—Industrial Maintenance Coatings (reg 8-48), regulate the VOC content of various architectural coatings and industrial maintenance coatings used within the Bay Area AQMD. EPA has evaluated these rules and is proposing to approve them under section 110(k)(3) as meeting the requirements of section 110(a) and part D.

DATES: Comments must be received on or before April 20, 1992.

ADDRESSES: Comments may be mailed to: Esther Hill, Chief, Northern California, Nevada, and Hawaii Rulemaking Section (A-5-4), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rules and EPA's evaluation report are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1219 "K" Street, Sacramento, CA 95814.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Southern California and Arizona Rulemaking Section (A-5-3), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1188, FTS: 484-1188.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that included the San Francisco Bay Area. 43 FR 8964, 40 CFR 81.306. Because it was not possible for the Bay Area AQMD to reach attainment by the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date for ozone in the Bay Area AQMD to December 31, 1987. 40 CFR 52.238. The Bay Area AQMD did not attain the ozone standard by the approved attainment date. On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA) were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.

The CAA classifies ozone nonattainment areas by the seriousness of their nonattainment problems and published extended deadlines for such areas keyed to their classifications. The Bay Area AQMD is currently classified as a moderate ozone nonattainment area [1] and is responsible for the implementation of VOC regulations applicable in the San Francisco Bay Area.[2] VOCs contribute to the production of ground level ozone and smog.

On April 5, 1991, ARB submitted to EPA Bay Area AQMD reg 8-3 and reg 8-48. This notice addresses EPA's proposed action for these rules. The rules were found to be complete on May 21, 1991, pursuant to EPA's completeness criteria as set forth in 40 CFR part 51, appendix V [3] and are being proposed for approval. The two rules addressed in this notice are intended to replace, expand, and further strengthen the current SIP version of reg 8-3, which was adopted into the SIP on October 3, 1984.

Description of Regulations

Bay Area AQMD Reg 8-3 and Reg 8-48 control emissions of VOCs from architectural coatings and industrial maintenance coatings sold, offered for sale, applied, solicited, or manufactured for sale within the Bay Area AQMD. Architectural coatings and industrial maintenance coatings are defined as coatings[4] applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.

On May 12, 1989, the ARB approved a Suggested Control Measure (SCM) for the architectural coatings category. The SCM was developed by the California Technical Reviw Group (TRG)[5] with close cooperation with the paints and coatings industry[6] and was intended to serve as a model architectural coatings rule for ozone nonattainment areas (e.g., the Bay Area AQMD) in California. The SCM built upon previous architectural coating model rules adopted by ARB in 1977 and 1985. EPA supported the ARB's and TRG's adoption of the SCM and the Bay Area AQMD's adoption of reg 8-3 and reg 8-48[7] as demonstrating progress toward attainment of the National Ambient Air Quality Standard for ozone and as representing controls which are technically and economically feasible.[8] Reg 8-3 and reg 8-48 are modeled after the SCM. However, the Bay Area AQWD chose not to submit for SIP approval the future effective limits for twelve coating categories in reg 8-3 and reg 8-48.[9] Therefore, the submitted rules are not consistent with the SCM for eleven of the twelve coating categories previously mentioned. The following is EPA's evaluation for reg 8-3 and reg 8-48.

EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which form the basis for today's action, appears in the various EPA policy guidance documents.[10] Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of Reasonably Available Control Technology (RACT) for major stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting states and local agencies in developing RACT rules, EPA has prepared a series of CTG documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. There is not a CTG applicable to Bay Area AQMD reg 8-3 or 8-48 at this time (see footnote 8).

For the purposes of meeting the requirements of part D, EPA reviewed this submittal against current SIP limits and EPA policies as described in the previous paragraph. Overall, the requirements of reg 8-3 and reg 8-48 meet or exceed the current SIP requirements for reg 8-3.

EPA has evaluated the submitted rule for consistency with EPA requirements. The rule will achieve VOC reductions from: Amended definitions and additional administrative requirements; new emission limits for previously exempt specialty coatings; and revised emission limits for several specialty coating categories. The revisions include:

- Approximately twenty new or revised definitions which further clarify the applicable coating categories and delete non-substantive verbiage;
- New VOC content limits for approximately eighteen specialty categories and elimination of five specialty categories through consolidation with other categories; and

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[1] Upon the date of enactment of the amendments, the designation of the Bay Area AQMD as nonattainment continued under section 107(d) and the area was classified by operation of law, pursuant to section 181(a). See 56 FR 56694 (November 6, 1991).

[2] The Bay Area AQMD includes the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and those portions of the counties of Solano and Sonoma as defined in 40 CFR 81.21.

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991). These will replace the completeness criteria currently set forth in 40 CFR part 51, appendix V.

[4] Architectural coatings include but are not limited to: Ordinary house and trim paints, lacquers, varnishes, concrete curing compounds, industrial maintenance coatings, stains, primers, sealers, undercoaters, roof coatings, traffic coatings, and waterproof sealers.

[5] The TRG is a statewide regulatory workgroup comprised of representatives from the Air Resources Board, various California air pollution control districts, and the EPA. In California, the TRG has been instrumental in assisting the ARB and various air pollution control districts with the development of control strategies which represent RACT for a variety of pollutants, including various VOC categories. On May 24, 1989, the TRG approved the Suggested Control Measure adopted by ARB making in the "Air Resources Board—California Air Pollution Control Officers Association Suggested Control Measure for Architectural Coatings."

[6] Bay Area Reg 8-3 and Reg 8-48 are currently being challenged in the California courts by a group of paint manufacturers, retailers, and contractors. On September 20, 1991, the Superior Court of California for the County of San Francisco issued a writ of mandate ordering the Bay Area AQMD to set aside the regulations as of January 1, 1992, or re-adopt them (or adopt new regulations) after complying with the California Environmental Quality Act. *Dunn-Edwards Corp.* v. *Bay Area AQMD*, No. 930826 (Cal. Super. Ct. S.F.). On September 30, 1991, the Bay Area AQMD filed an appeal. *Dunn-Edwards Corp.* v. *Bay Area AQMD*, No. A055155 (Cal Ct. App., 1st Appl. Dist.). The appeal is pending.

[7] Regulation 8, rule 48 is a result of moving the Industrial Maintenance Coating category out of regulation 8, rule 3, to provide greater clarity and definition while remaining consistent with the Architectural Coatings, SCM.

[8] EPA has not developed a Control Techniques Guideline (CTG) for architectural coatings. As required under section 183(e) of the CAA, EPA is investigating the development of a CTG or regulations for consumer and commercial products, which will include paints, coatings, and solvents (e.g., architectural coatings).

[9] The twelve categories include the following coatings in Reg. 8-3: Below-ground wood preservatives, bond breakers, lacquers, sanding sealers, magnesite cement coatings, multi-color coatings, swimming pool coatings, and swimming pool repair and maintenance coatings; and the following coatings in reg. 8-48: High temperature industrial maintenance coatings, industrial maintenance anti-graffiti coatings, industrial maintenance coatings, and pre-treatment wash primer (also in reg 8-3). With the exception of the lacquer limit, the submitted limits for the aforementioned coatings are not consistent with the SCM.

[10] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to appendix D of November 24, 1987 **Federal Register**" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs). In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

• The elimination of one and addition of eight administrative requirements.

For a detailed description of the revision, readers should contact the individual listed previously in this notice. In summary, the revisions strengthen the limits in and improve the enforceability of the current SIP rule. Thus reg 8–3 and reg 8–48 should be approved in order to strengthen the SIP.

EPA Proposed Action

EPA has evaluated Bay Area AQMD reg 8–3 and reg 8–48 for consistency with the CAA, EPA regulations and EPA policy. Therefore, Bay Area AQMD reg 8–3 and reg 8–48 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 13, 1992.

John Wise,

Acting Regional Administrator.

[FR Doc. 92–6543 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92–47, RM–7828]

Television Broadcasting Services; Bellingham and Anacortes, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Prism Broadcasting Company, Inc., seeking the reallotment of vacant UHF television Channel 24 in lieu of Channel 64 at Bellingham, Washington, the modification of Station KBCB(TV)'s construction permit accordingly, and the reallotment of Channel 64 in lieu of Channel 24 at Anacortes, Washington. Channel 24 can be allotted to Bellingham and Channel 64 to Anacortes, in compliance with the Commission's minimum distance separation requirements. The coordinates for Channel 24 at Bellingham are North Latitude 48–40–48 and West Longitude 122–50–23. The coordinates for Channel 64 at Anacortes are North Latitude 48–30–06 and West Longitude 122–36–36. We will not accept competing expressions of interest in the use of television Channel 24 at Bellingham. See also Supplementary Information, *infra.*

DATES: Comments must be filed on or before May 4, 1992, and reply comment on or before May 19, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Garry Spire, Esq., suite 104, 23842 Calabasas Road, Calabasas, California 91302 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's notice of proposed rule making, MM Docket No. 92–47, adopted March 5, 1992, and released March 13, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

Since Anacortes and Bellingham are located within 400 kilometers (250 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been requested.

Provisions of the Regualtory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Television Federal Communications Commission

Michael C. Ruger,

Acting Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6457 Filed 3–19–92; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB10

Captive-bred Wildlife Regulation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of comment period and of public meeting.

SUMMARY: On January 7, 1992, the Fish and Wildlife Service (Service) published a notice of intent to propose a rule concerning regulation of captive-bred specimens of non-native species (57 FR 548). The comment period for that notice closed on March 9, 1992. At this time, the Service wishes to reopen the period for public comment. Also, the Service announces a public meeting for the purpose of examining the issue, answering questions and receiving comments.

DATES: The public meeting will be held from 1–3:30 p.m. Wednesday, April 1, 1992. The Service will consider all written comments on the notice of intent that are received by close of business on April 20, 1992.

ADDRESSES: Send comments to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 432, Arlington, VA 22203.

The meeting will be in room 200, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Marshall P. Jones or Richard K. Robinson at the above address or call (703) 358–2093.

SUPPLEMENTARY INFORMATION: The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) prohibits any person subject to the jurisdiction of the United States from conducting certain activities with any endangered or threatened species of fish or wildlife. The Service has been striving to achieve an appropriate degree of control over prohibited activities involving living wildlife of non-native species born in captivity in the United States. Twelve years ago, the Service issued proposed and final rules to address the issue (44 FR 30044, May 23, 1979, and 44 FR 54002, September 17, 1979). The Service believes that this regulation, as currently implemented, amy impose a substantial paperwork burden on the public as well as on the Service without contributing appreciably to the conservation of many affected species. Therefore, the Service is conducting a review of the system to determine whether changes are needed, and if so, what those changes should be.

Several alternative approaches, including no change, were outlined in the January 7 notice.

Public Comments Solicited

Comments, suggested alternatives not discussed in the January 7, 1992 notice (57 FR 548), or any germane information or statistics are hereby solicited.

Author

The primary author of this notice is Richard K. Robinson, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, Virginia 22203. This notice is issued under authority of the Endangered Species Act, 16 U.S.C. 1531–44.

Dated: February 27, 1992.

Richard N. Smith,

Director.

[FR Doc. 92–6532 Filed 3–19–92; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

RIN 1018–AB42

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for Certain Populations of the African Elephant and Revision of Special Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period; notice of extension of 6-month statutory deadline.

SUMMARY: The Service announces that the comment period on the proposed rule to change the status for some populations of the African elephant has been reopened. This will allow all pertinent information obtained at the Eighth Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at Kyoto, Japan, on March 2–March 13, 1992, to be considered in the development of a final decision. In addition, the Service has extended the statutory deadline for completing this rulemaking process by 6 months, based on its finding that substantial disagreement exists on the sufficiency or accuracy of the best available scientific and commercial information pertaining to the reclassification proposal.

DATES: All comments and information received through April 20, 1992, will be considered in making a final decision on the proposal and will be included in the administrative record.

ADDRESSES: Written comments and materials concerning the proposed rule should be sent to the Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service; Washington, DC 20240 (FAX number 703–358–2276). Express and messenger-delivered mail should be addressed to the Office of Scientific Authority; Room 750, 4401 North Fairfax Drive; Arlington, Virginia 22203. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia, address.

FOR FURTHER INFORMATION CONTACT: Dr. John L. Oldemeyer, Office of Scientific Authority, at the above address, or by phone (703–358–1708 or FTS 921–1708).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service (Service), in the **Federal Register** of March 18, 1991, (56 FR 11392–11401), issued a notice proposing to reclassify most populations of the African elephant (*Loxodonta africana*) from threatened to endangered status. The proposal would classify all African elephants (including their parts and products) as endangered wherever found except in Botswana, Zinbabwe, and South Africa, where they would remain listed as threatened. The Service at that time also (1) withdrew its May 5, 1989, proposal (54 FR 19416–19421) to amend its regulations found in 50 CFR 14.91, 14.92, 17.3 and the African elephant special rule found in 50 CFR 17.40(e); and proposed to (2) amend the regulations found in 50 CFR 17.21; and (3) revise the African elephant special rule found in 50 CFR 17.40(e). The Service, in the **Federal Register** of January 8, 1992 (57 FR 658–659), had extended the comment period through January 24, 1992. The present notice further extends the comment period through April 20, 1992.

The CITES Conference was attended by credentialed delegates from over 100 nations to determine proposals on species status and to make recommendations on management policies about trade in species of fauna and flora. The African elephant, which was the subject of two specific downlisting proposals (from CITES appendix I to appendix II) was a major discussion topic at the Conference. Although the downlisting proposals were eventually withdrawn by the proponents after extensive debate among the delegations, new management and biological information was presented that illustrates the need for further scientific review. Incorporating information obtained at the CITES Conference will help ensure that the final rule will be as biologically accurate as possible.

During the Conference of the Parties, numerous expert scientific opinions were exchanged among the party countries and non-governmental organizations (NGO's). The Service has received the Panel of Experts reports on the various elephant populations covered by the downlisting proposals. The Service was also informed of range state management opinions, a report prepared by the Environmental Investigation Agency, and the expert judgments of Iain Douglas-Hamilton (Commission of the European Communities, Nairobi, Kenya) and experts affiliated with other NGO's. The various expert opinions pointed to contradictory positions on the assessment of threats posed to the populations under review. In light of this new information and recent scientific analysis, the Service finds that there is substantial disagreement among biological experts as to the sufficiency

or accuracy of data pertaining to the pending reclassification proposal. Therefore, under authority of section 4(b)(6)(B)(i) of the Endangered Species Act, the 12-month statutory period for completing the decision-making process on this reclassification proposal is extended for 6 months in order to further assess, as well as to receive additional, scientific data.

The Service intends that the final rule developed for the African elephant will be accurate and as effective as possible in the conservation of the species. Therefore, comments, suggestions, and information concerning any aspect of the proposed rule are hereby solicited from the public, concerned governmental agencies within the United States, African range states, other interested countries, the scientific community, industry, private interests, and other parties.

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

Lists of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: March 17, 1992.

John F. Turner,

Director.

[FR Doc. 92–6623 Filed 3–18–92; 9:25 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 57, No. 55
Friday, March 20, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Foster Grandparent and Senior Companion Programs

AGENCY: Action.

ACTION: Notice of revision of income eligibility levels for the Foster Grandparent Program and Senior Companion Program.

SUMMARY: This Notice revises the schedules of income eligibility levels for participation in the Foster Grandparent Program (FGP) and Senior Companion Program (SCP), published in 56 FR 11984, March 21, 1991 and 56 FR 41117, August 19, 1991. Because data used for determining FGP and SCP income eligibility levels is available at different times during the year, ACTION has determined that it will issue these guidelines twice a year so as to reflect the most current information and to assure the widest base of potential applicants.

The revised schedules are based on changes in the Poverty Income Guidelines from the Department of Health and Human Services (DHHS), published in 57 FR 5455, February 14, 1992 and Supplemental Security Income (SSI) guidelines disseminated by the Social Security Administration in July 1991. This revision adopts as the income eligibility level for each State the higher amount of either: (a) 125 percent of the DHHS Poverty Income Guidelines, or (b) 100 percent of the DHHS Poverty Income Guidelines, plus the 1991 amount each State supplemented Federal SSI, rounded to the next highest multiple of $5.00.

When the Social Security Administration disseminates the 1992 State supplements to the Federal SSI, ACTION will revise its income eligibility guidelines for those States with SSI supplements above 125 percent of the DHHS Poverty Income Guidelines.

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

1992 FGP/SCP INCOME ELIGIBILITY LEVELS FOR ALL STATES (AND HAWAII), EXCEPT ALASKA, CALIFORNIA, COLORADO, CONNECTICUT (BASED ON 125 PERCENT OF DHHS POVERTY INCOME GUIDELINES)

States	Household Units of One	Two	Three	Four	Five	Six	Seven	Eight
All	$8,515	$11,490	$14,465	$17,440	$20,415	$23,390	$26,365	$29,340
Hawaii	9,790	13,215	16,640	20,065	23,490	26,915	30,340	33,765

(For household units with more than eight members, add $2,975 in all States and $3,425 in Hawaii for each additional member.)

Below are adjusted income eligibility levels, which reflect either 1991 SSI supplements or 125 percent of the DHHS 1992 Poverty Income Guidelines, whichever is higher.

FGP/SCP INCOME ELIGIBILITY LEVELS FOR THE FOLLOWING SSI-ADJUSTED STATES

States	Household Units of One	Two	Three	Four	Five	Six	Seven	Eight
Alaska	$12,480	$17,230	$20,050	$22,870	$25,690	$29,250	$32,975	$36,700
California	10,115	17,200	19,460	21,720	23,980	26,240	28,500	30,760
Colorado	8,515	12,410	14,670	17,440	20,415	23,390	25,365	29,340
Connecticut	10,930	15,145	17,405	19,665	21,925	24,185	26,445	29,340

(For household units with more than eight members, add $3,725 in Alaska, add $2,280 in California, and add $2,975 in Connecticut and Colorado for each additional member.)

Any person whose income is not more than 100 percent of the DHHS Poverty Income Guideline for her/his specific household unit shall be given special consideration for participation in the Foster Grandparent and Senior Companion Programs. The revised income eligibility levels presented here are calculated from the base DHHS Poverty Income Guidelines now in effect.

1992 DHHS POVERTY INCOME GUIDELINES FOR ALL STATES

States	Household Units of One	Two	Three	Four	Five	Six	Seven	Eight
All Except Alaska/Hawaii	$6,810	$9,190	$11,570	$13,950	$16,330	$18,710	$21,090	$23,470
Alaska	8,500	11,480	14,460	17,440	20,420	23,400	26,380	29,360
Hawaii	7,830	10,570	13,310	16,050	18,790	21,530	24,270	27,010

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Rey Tejada, Program Officer, Foster Grandparent Program, 1100 Vermont Avenue, NW., Washington, DC 20525 or Telephone (202) 606–4849.

Thomas E. Endres, Program Officer, Senior Companion Program, 1100 Vermont Avenue, NW., Washington, DC 20525 or Telephone (202) 606–4851.

SUPPLEMENTARY INFORMATION: These ACTION programs are authorized pursuant to section 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Public Law 93–113, 87 Stat. 394. The income eligibility levels are determined by the currently applicable guidelines published by DHHS pursuant to sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty guidelines to be adjusted for Consumer Price Index changes.

Dated: March 13, 1992.

Jane A. Kenny,

Director of ACTION.

[FR Doc. 92–6547 Filed 3–19–92; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Modification, Roosevelt National Forest, Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of boundary modification.

SUMMARY: The Secretary of Agriculture has modified the boundary in response to a Public Law enacted on November 29, 1989, which authorizes the National Park Service to acquire three non-Federal ownerships located within the boundaries of the Roosevelt National Forest. Upon completion of each acquisition, the Secretary of the Interior is directed to modify the boundary of Rocky Mountain National Park, and the Secretary of Agriculture is directed to correspondingly modify the boundary of the Roosevelt National Forest. The National Park Service has completed acquisition of two of the three parcels referred to in the Act and has requested that the Forest boundary be modified accordingly. Efforts to acquire the third parcel have begun, but consummation is estimated to be two to three years in the future, when a second boundary modification will be necessary.

DATES: This boundary modification is effective November 22, 1991.

ADDRESSES: Copies of a map showing the proposed additions are on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, DC 20090–6090.

FOR FURTHER INFORMATION CONTACT: Dave M. Sherman, Lands Staff, 4 South, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 (202) 205–1362.

Dated: March 6, 1992.

George M. Leonard,

Associate Chief.

Boundary Modification on the Roosevelt National Forest

Pursuant to authority vested in me by Section 1(b) of the Act of November 29, 1989 (103 Stat. 1700, 16 USC 192b–10), the boundary of the Roosevelt National Forest is hereby modified to exclude the following lands:

T. 4N., R.73W., 6th P.M., Larimer County, Colorado
- Sec. 10, W½ SE¼;
- Sec. 14, That part of the SE¼ NW¼ and SW¼ lying west of the westerly right-of-way line of Colorado Highway No. 7;
- Sec. 15, NE¼, N½ SE¼;
- Sec. 23, That part of the NW¼ NW¼ lying west of the westerly right-of-way line of Colorado Highway No. 7.

Dated: November 22, 1991.

Edward Madigan

Secretary of Agriculture.

[FR Doc. 92–6503 Filed 3–19–92; 8:45 am]

BILLING CODE 3410–11–M

Santa Fe Ski Area EIS, Ski Area Improvements and Expansion Analysis, Santa Fe National Forest; Santa Fe County, NM

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an environmental impact statement (EIS) to disclose effects of alternative plans for upgrading and/or expansion of recreational facilities at the Santa Fe Ski Area, which is on the Santa Fe National Forest and operated under a Forest Service special use permit.

DATES: Written comments concerning the scope of the analysis, the issues, or the alternatives should be received on or before April 30, 1992.

ADDRESSES: Send written comments to Lori D. Osterstock, District Ranger, P.O. Drawer R, Espanola, NM 87532.

FOR FURTHER INFORMATION CONTACT: Corey Wong, Project Coordinator, Espanola Ranger District. (505) 753–7331.

RESPONSIBLE OFFICIAL: Alan S. Defler, Forest Supervisor, Santa Fe National Forest.

SUPPLEMENTARY INFORMATION: Special Use Permittee Santa Fe Ski Company has proposed to amend their Master Development Plan for the Santa Fe Ski Area. The Santa Fe Ski Company proposes additional developments at the Santa Fe Ski Area and also proposes development on public land adjacent to the Ski Area. The project area encompasses portions of the Rio en Medio and Tesuque Creek watersheds, located at the end of the Hyde Park Road (NM 475), 16 miles from the City of Santa Fe. The Tesuque Creek watershed area includes the Santa Fe Ski Company's Big Tesuque expansion proposal, a controversial part of the project.

The scope of the proposal includes expanding the Ski Area in size by adding (to the existing 588 acres) 75 acres in the Ravens Ridge area and 340 acres in the Big Tesuque area; removing one surface tow; adding 3 lifts and one surface tow; clearing 42 acres for ski runs; thinning 81 acres for tree skiing; replacing a mid-mountain restaurant; expanding the base lodge; adding a building at the base for skier and employee use; adding 50 acres of snowmaking within the Rio en Medio watershed and 2 acres within the Tesuque Creek watershed; expanding one small parking lot and creating 2 new parking lots, totalling 750 new spaces; increasing skier capacity from 4,100 to 6,000 skiers at one time (SAOT); and providing a summertime mountain bicycling and hiking trail system. Implementation could begin in summer 1993 and would continue for about ten years.

The proposed project will be in compliance with the Forest Plan which provides the overall guidance for management of the area. Ski area expansion is an appropriate use of the areas around the existing Santa Fe Ski Area. The site-specific environmental analysis provided by the Ski Area EIS will assist the Forest Supervisor in determining which improvements are needed to meet the following objectives: Accommodate predicted short- and long-term demand for skiing; continue the supply of high quality recreational opportunities; maintain the attractiveness and viability of the permittee's operation; and, sustain the resource uses and amenity values which the local Santa Fe community and many visitors depend on and enjoy. Alternative development plans will be carefully examined for their potential impacts on the physical, biological, and social environments so their tradeoffs are apparent to the public and the Forest Supervisor.

Public participation will be fully incorporated into preparation of the EIS. The first step is the scoping process during which the Forest Service seeks information, comments, and assistance from Federal, State, and local agencies, and other individuals or groups who may be interested or affected by the proposed action. This information will be used in preparing the EIS. Scoping includes: Inviting participation, determining the project's scope and potential issues, and eliminating from detailed study those issues which are not significant. The public is also invited to participate in developing alternatives, and identifying and reviewing the potential environmental effects of the proposed action and its alternatives.

The Santa Fe National Forest, as the lead agency, began the scoping process for this project in 1988, and held several public meetings in 1988 and 1989. Environmental analysis was initiated during that period with the development of issues, alternatives, and completion of some surveys. There was an almost two-year break in the environmental analysis process in 1990 and 1991.

In December 1991, the Santa Fe National Forest began supplementing the scoping process via a letter, media coverage, and open houses held in January 1992. Comments on the issues and alternatives were requested with an initial March 2, 1992 deadline, which was extended to April 30, 1992. Those people that have submitted comments do not need to resubmit their comments because of this **Federal Register** notice.

Preliminary issues include the potential effects of proposed actions on the following elements of the biological, physical, and social environments: Quality of and capacity for downhill skiing; four-season recreational resource opportunities and conflicts; water quantity, quality, and timing of snowmelt; Native American sacred areas; parking, traffic, and transportation systems; scenic quality (views); fish and wildlife habitat; noise levels; air quality; Wilderness resource values; the overall quality of life for local residents; jobs and personal income; and past and potential future scientific research studies. The direct, indirect, and cumulative, short-term, and long-term aspects of impacts on National Forest lands and resources, and those of connected or related effects off-site, will be fully disclosed.

Preliminary alternatives include the applicant's proposal (described above) and No Action, which in this case is the continuing current administration of the ski area. Additional preliminary alternatives include: Developments within the existing permitted boundary; developments within the permitted boundary plus the Ravens Ridge expansion; and developments within the permitted boundary plus the Ravens Ridge expansion plus a 475-acre expansion into the Big Tesuque area with cleared ski runs, a satellite base lodge, parking, and vehicular access from the Aspen Vista Picnic Area along NM 475 (the Hyde Park Road). These alternatives will be modified after the supplemental scoping period to ensure that the final issues are addressed. The Forest Supervisor will be presented with a wide range of feasible and practical alternatives.

Permits and licenses required to implement the proposed action will, or may, include the following: Amended Special Use Permit from the Forest Service; consultation with U.S. Fish and Wildlife Service for compliance with section 7 of the Threatened & Endangered Species Act; review from the New Mexico Environment Department, Department of Game & Fish, and Energy, Minerals, and Natural Resources Department; approval from the New Mexico Highway and Transportation Department for any state highway redesign or access improvement; approval from the New Mexico State Engineer on any additional water rights acquired; clearance from the New Mexico State Historic Preservation Office; and various construction permits from State agencies.

The Forest Service predicts the Draft EIS will be filed in Fall 1992 and the Final EIS in Spring 1993.

The comment period on the Draft EIS will be 60 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp* v. *NRDC, 435 U.S., 519, 533 (1978).* Also, environmental objections that could be raised at the Draft EIS stage but that are not raised until after completion of the Final EIS may be waived or dismissed by the courts, *City of Angoon* v. *Hodel, 803 F.2d 1016m 1022 (9th Cir, 1986),* and *Wisconsin Heritages, Inc.* v. *Harris, 490 F. Supp. 1334, 1338 (E.D. Wis 1980).*

Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 60 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the Draft EIS. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Dated: March 2, 1992.

Alan S. Defler,

Forest Supervisor.

[FR Doc. 92–6512 Filed 3–19–92; 8:45 am]

BILLING CODE 3410–11–M

Halfmoon Timber Sale; Flathead National Forest, Hungry Horse Ranger District, Flathead County, State of Montana

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to analyze and disclose the environmental impacts of a proposal to harvest timber and construct roads in the area south of the town of West Glacier, Montana and north of the town of Coram, Montana on the Hungry Horse Ranger District, Flathead County, Montana. The decision to be made is whether or not to harvest timber and build roads in the Halfmoon areas, and if so, to what level is that development appropriate and also, whether or not to broadcast burn for wildlife forage production and, if so, how much. Finally, a decision will be made on which roads or areas to close to motorized traffic if any. This EIS will tier to the Flathead National Forest Land and Resource Management Plan (LRMP) and EIS of January, 1986, which provide overall guidance in achieving the desired future condition for the area. The purpose and goal of the proposed action is to help satisfy short-term demands for raw materials for wood products and provide for a continuous supply of forest resources in the future. In addition, it is the goal of the Forest Service to maintain or improve the health and productivity of forest stands, and to increase resistance to insect and disease outbreaks. Also, improving wildlife forage and maintaining cover distribution is a goal.

Extensive scoping has been done for this project during the initial stages of preparation of an Environmental Assessment, and during the analysis of alternatives over the past fourteen months. It has now been determined that an EIS will be prepared for this project.

DATES: The draft environmental impact statement (DIS) will be released to the public on or before April 20, 1992.

ADDRESSES: Send written comments to Al Christophersen, District Ranger, Hungry Horse Ranger District, P.O. Box 340, Hungry Horse, MT 59919.

FOR FURTHER INFORMATION CONTACT: Ed Lieser, Halfmoon Interdisciplinary Team Leader, or Al Christophersen District Ranger, at (406) 387–5243.

SUPPLEMENTARY INFORMATION:

Management activities under consideration would occur in an area encompassing approximately 10,000 acres of National Forest lands in the Lake Five Geographic Unit, on the Hungry Horse Ranger District, as delineated in the Flathead LRMP. Included in the area of analysis are all or portions of the following: Sections 30–32, T. 32 N., R. 18 W., P.M.M.; all or portions of section 34–36, T. 32 N., R. 19 W. P.M.M.; all or portions of sections 1–5, 8–17, 21–24, T. 31 N., R. 19 W., P.M.M.; all or portions of sections 5–7, 18, T. 31 N., R. 18 W., P.M.M. Principal Meridian Montana. The stands considered for treatment are pure stands of even aged lodgepole pine approximately 60 years old. Management activities may include construction of approximately 4 miles, and reconstruction of approximately 3 miles and subsequent closure of roads. Harvesting approximately 210 acres of timber in 27 units, will include regeneration type cutting using the clearcut method with reserve trees on 23 of the 27 units and shelterwood harvesting on the remaining 4 units. All units will be tractor yarded and planted to supplement natural regeneration and ensure diversity in future stands. Units will vary in size from 2 acres to 23 acres with an average of 7 acres. Site preparation and hazard reduction will be accomplished by spot burning in areas of high fuel accumulation. Prescribed burning to improve forage for elk is planned on 17 acres in 4 units. Other activities include closing existing roads.

The LRMP for the Flathead National Forest provides the overall guidance for management activities in the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. In the LRMP, timber harvest and road construction was tentatively scheduled in the Halfmoon Lake and Lake Five areas for sometime between 1991 and 1995.

Most areas of proposed harvest and road construction for the Halfmoon project are within Management Area (MA) 15. Some activity is also planned in MA 7. LRMP plan direction states that Management Area 15 consists of lands where timber management with roads is economical and feasible. The management goal is to manage those lands suitable for timber production for the long-term growth and production of commercially valuable wood products as well as provide for soil and water protection, wildlife habitat, and roaded recreation opportunities.

Management Area 7 includes forested lands in areas of high scenic value. One of the primary goals consists of maintaining a pleasing, natural-appearing landscape in which management activities are not dominant. All resources will be managed with a partial retention visual quality objective.

The proposal was designed to meet the LRMP standards and guidelines. The analysis includes a full range of alternatives that respond to issues received from scoping. One of these is the "no-action" alternative, in which the tree harvest, road construction and closures, and burning for wildlife forage production would not be implemented. As a result of the scoping and analysis, alternatives to the proposed action include:

(1) No management activities other than effectively closing all existing roads.

(2) Maximizing the development of the area of the next planning period by regeneration harvesing 352 acres using the clearcut method with reserve trees, constructing 5.2 miles of new roads and 4.7 miles of reconstructed roads, and broadcast burn 17 acres of natural openings for wildlife forage production.

(3) Commercial thinning and shelterwood harvesting on 63 acres, construct 0.7 mile of new road and reconstruct 2.2 miles existing roads, broadcast burn 21 acres of natural openings, and slash and burn 6 acres of dense, overstocked lodgepole pine for wildlife forage production.

(4) Regeneration harvest 100 acres using the clearcut method with reserve trees, shelterwood harvest 13 acres, and broadcast burn 17 acres. Construct 1.5 miles of new roads and reconstruct 1.5 miles of existing roads.

(5) Commercial thin and shelterwood harvest 130 acres, constuct 0.7 mile of new road and reconstruct 2.2 miles of existing roads.

(6) Shelterwood harvest 44 acres, clearcut with reserve trees 72 acres, and broadcast burn 17 acres. Construct 1 mile of road and reconstruct 2.3 miles of existing roads.

Alternative analysis examined various levels and locations of timber harvest and road construction to provide emphasis on differing mixes of timber and non-timber resource values.

The direct, indirect, and cumulative environmental effects of the alternatives have been analyzed and will be disclosed in the EIS. The EIS will also disclose the site specific features that reduce or eliminate potential environmental impacts.

Public participation has been emphasized and has occurred at several points during the analysis. An open house meeting will be scheduled sometime during the Draft EIS review period.

The Fish and Wildlife Service, Department of the Interior, has been and will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinion of the effects on the Threatened and Endangered Species including grizzly bear, gray wolf, and bald eagle.

The public comment period on the draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.**

The Forest Service believes it is important to give reviewers notice at this early stage because of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritage, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

The effect of proposed activities of this project on various resources constituted the preliminary issues from initial scoping within the agency and from public comments. These issues are listed below:

- Cover/forage and security for Threatened and Endangered Species,
- Wildlife travel corridor considerations between Glacier National Park and The Great Bear Wilderness,
- Cover/forage and security for deer, elk, and moose,
- Management Indicator Species (pileated woodpecker and pine marten) and old growth habitat,
- Short and long term timber supply to the local economy,
- Air quality from broadcast burning,
- The risk of escaped wildfire from National Forests to private lands,
- The vitality of even-aged pure lodgepole stands,
- Sensitive plants,
- Opportunities for motorized recreation,
- The quality of life of local residents (i.e. noise, nuisance, and wildlife viewing),
- Riparian areas,
- Noxious weeds.
- The comments received on the draft DEIS will be analyzed, considered, and responded to in the Final Environmental Impact Statement (FEIS). The FEIS is scheduled to be completed by July 1992. The District Ranger for the Hungry Horse Ranger District, Flathead National Forest is the responsible official for the preparation of this EIS and will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision. That decision will be subject to appeal under applicable Forest Service reguations.

Dated: March 11, 1992.

Allen L. Christophersen,

District Ranger, Hungry Horse Ranger District, Flathead National Forest.

[FR Doc. 92–6240 Filed 3–19–92; 8:45 am]

BILLING CODE 3410–21–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronics Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronics Technical Advisory Committee will be held April 9, 1992, 9 a.m., Herbert C. Hoover Building, room 1617–M, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to semiconductors and related equipment or technology.

Agenda: General Session

1. Opening Remarks by the Chairman and Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers by the Public.
4. Discussion of General License Free World (GFW).
5. Australia Group/Chemical Biological Warfare—1B70E.
6. Segment A List Review (Category 3).
7. Focused Ion Beam Presentation.
8. Other Presentations (Semiconductor Equipment Mfg. Industry, Electronic Industry Association, Semiconductor Industry Association).

Executive Session

9. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials or comments at least one week before the meeting to the address listed below: Ms. Ruth D. Fitts, Technical Advisory Committee Unit, BXA/EA, room 1621, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: March 10, 1992.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Deputy Assistant Secretary for Export Administration.

[FR Doc. 92–6507 Filed 3–19–92; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–538–802]

Antidumping Duty Order: Shop Towels from Bangladesh

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: John Beck or Raphiel Hampton, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230: (202) 377–3464 or 377–0176, respectively.

SCOPE OF ORDER: The product covered by this order is shop towels. Shop towels are absorbent industrial wiping cloths made from a loosely woven fabric. The fabric may be either 100 percent cotton or a blend of materials. Shop towels are currently classifiable under items 6307.10.2005 and 6307.10.2015 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

ANTIDUMPING DUTY ORDER: In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on January 27, 1992, the Department of Commerce (Department) made its final determination that shop towels from Bangladesh are being sold at less than fair value (57 FR 3996 February 3, 1992). On March 11, 1992, in accordance with section 735(d) of the Act, the International Trade Commission notified the Department that such imports materially injure a U.S. industry.

Therefore, in accordance with section 736 of the Act, the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of shop towels from Bangladesh. These antidumping duties will be assessed on all unliquidated entries of shop towels from Bangladesh entered, or withdrawn from warehouse, for consumption on or after September 12, 1991, the date on which the Department published its preliminary determination notice in the Federal Register (56 FR 46411). On or after the date of publication of this notice in the Federal Register, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise.

Manufacturer/producer/exporter	Margin percentage
Eagle Star Textile Mills, Ltd	42.31
Sonar Cotton Mills (B.D.), Ltd	2.72
All Others	4.60

This notice constitutes the antidumping duty order with respect to shop towels from Bangladesh, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: March 13, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–6560 Filed 3–19–92; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–020]

Titanium Sponge From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 21, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan. We have now completed this review and found no dumping margins for either manufacturer/exporter during the period November 1, 1989 to Octooer 31, 1990.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 21, 1992, the Department of Commerce (the Department) published in the Federal Register (57 FR 2251) the preliminary results of its administrative review of the antidumping duty order on titanium sponge from Japan (49 FR 47053; November 30, 1984). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by the review are shipments of unwrought titanium sponge. Titanium sponge is a porous, brittle metal which has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingots, slabs, billets, plates, and sheets. During the review period, such merchandise was classified under subheading 8108.10.50.10 of the Harmonized Tariff Schedule (HTS). The HTS number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters to the United States of the subject merchandise, Showa Denko K.K. and Toho Titanium Co., Ltd. for the period November 1, 1989 through October 31, 1990.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of this review, we determine the dumping margin to be:

Manufacturer/exporter	Time period	Margin (percent)
Showa Denko K.K.; Toho Titanium Co., Ltd.	11/1/89–10/31/90 11/1/89–10/31/90	zero (0). zero (0).

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, the following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be zero percent. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Act, as amended (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 16, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–6561 Filed 3–19–92; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Bilateral Textile Consultations with the Government of Sri Lanka on Certain Cotton Textile Products

March 13, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: March 24, 1992.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6580. For information on embargoes and quota re-openings, call (202) 377–3715. For information on categories on which consultations have been requested, call (202) 377–3740.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

On February 28, 1992, under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka, the United States Government requested consultations with the Government of the Democratic Socialist Republic of Sri Lanka with respect to cotton printcloth in Category 315.

According to the terms of the bilateral agreement, the Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 315 exported during the period which began on February 28, 1992 and extends through June 30, 1992 at a level of 1,487,191 square meters.

A summary market statement concerning Category 315 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 315, under the agreement with the Government of the Democratic Socialist Republic of Sri Lanka, or to comment on domestic production or availability of products included in Category 315, is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Helen L. LeGrande.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Category 315. Should such a solution be reached in consultations with the Government of the Democratic Socialist Republic of Sri Lanka, further notice will be published in the Federal Register.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 56 FR 60101, published on November 27, 1991).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Sri Lanka

Category 315—Cotton Printcloth

February 1992

Import Situation and Conclusion

U.S. imports of cotton printcloth fabric, Category 315, from Sri Lanka began in June 1991 and reached 3,774,140 square meters during June-December 1991. Sri Lanka is a new supplier of cotton printcloth fabric to the U.S. market. In the last seven months of 1991, Sri Lanka shipped an average of one-half million square meters of cotton printcloth fabric per month accounting for one percent of total Category 315 imports in 1991.

The sharp and substantial increase of Category 315 imports from Sri Lanka is

causing a real risk of disruption in the U.S. market for cotton printcloth fabric.

Import Penetration and Market Share

U.S. production of cotton printcloth fell to 292,937,000 square meters in 1990, 6 percent below the 1989 level and 24 percent below the 1988 level. Production continued downward in 1991, falling to 220,649,000 square meters during January-September 1991, 1 percent below the January-September 1990 level. In contrast, U.S. imports of Category 315 from all sources have been on the rise since 1988 reaching 351,309,387 square meters in 1991, an increase of 88 percent over the 1988 level.

The U.S. producers' share of the cotton printcloth market dropped 20 percentage points, falling from 67 percent in 1988 to 47 percent during January-September in 1991. The ratio of imports to domestic production more than doubled, increasing from 48 percent in 1988 to 113 percent during the Janaury-September 1991 period.

Duty-Paid Value and U.S. Producers' Price

All of Category 315 imports from Sri Lanka during 1991 entered the U.S. under HTSUSA number 5208.12.6060—85 percent or more by weight cotton unbleached printcloth of yarn numbers 43–68, weighing between 100 and 200 grams per square meter. These fabrics entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable fabrics.

Committee for the Implementation of Textile Agreements

March 24, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated May 23 and 24, 1988, as amended, between the Governments of the United States and the Democratic Socialist Republic of Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on March 24, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 315, produced or manufactured in Sri Lanka and exported during the period beginning on February 28, 1992 and extending through June 30, 1992, in excess of 1,487,191 square meters [1].

[1] The limit has not been adjusted to account for any imports exported after February 27, 1992.

Textile products in Category 315 which have been exported to the United States prior to February 28, 1992 shall not be subject to the limit established in this directive.

Textile products in Category 315 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92-6508 Filed 3-19-92; 8:45 am]

BILLING CODE 3510-DR-F

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 20, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 17 and 31, 1992 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (57 FR 2081 and 3750) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities or service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities or service.

3. The action will result in authorizing small entities to furnish the commodities or service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities or service proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Short-Run Printing, Books & Pamphlets
7690-00-NSH-0024
(Government Printing Office requirements for Fairchild Air Force Base, WA only)
Short-Run Printing, Flat Forms
7690-00-NSH-0025
(Government Printing Office requirements for Fairchild Air Force Base, WA only)

Service

Janitorial/Custodial
Air Traffic Control Tower
Airway Facilities Sector Field Office
Flight Service Station
Automated Flight Service Station,
Casper, Wyoming.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

G. John Heyer,

General Counsel.

[FR Doc. 92-6538 Filed 3-19-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a service to be furnished by nonprofit agencies employing persons with severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 20, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the service to the Government.

2. The action will result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following service to the Procurement List:

Janitorial/Custodial, Federal Building,
Washington and Linden Streets,
Scranton, Pennsylvania.

G. John Heyer,

General Counsel.

[FR Doc. 92-6539 Filed 3-19-92; 8:45 am]

BILLING CODE 6820-33-M

Procurement List; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 20, 1992.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodity and services to the Procurement List:

Commodity

Chest, Tool
7310-00-310-8544

Services

Grounds Maintenance, U.S. Department of Energy, Southwestern Power Station, Battlefield and Golden, Springfield, Missouri
Sorting of Aperture Cards, EDCARS System Management Office (SMO), AFLC LMSC/SXMA, Wright-Patterson Air Force Base, Ohio
Sorting of Time and Attendance Reports, Department of Transportation, 1777 Phoenix Parkway Building, College Park, Georgia.

G. John Heyer,

General Counsel.

[FR Doc. 92-6540 Filed 3-19-92; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: EVALUATION OF COMMISSIONING APPLICANTS: AF Form 1145; OMN No. 0701-0104.

Type of Request: Reinstatement.

Average Burden Hours/Minutes per Response: 20 Minutes.

Responses per Respondent: 1.

Number of Respondents: 3,500.

Annual Burden Hours: 1,167.

Annual Responses: 3,500.

Needs and Uses: This form is needed to support Air Force officer procurement programs. Air Force application processing activities and approval authorities use the form to select applicants (civilian and military) who apply for training leading to a commission.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer

for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington Virginia 22202-4302.

Dated: March 17, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6526 Filed 3-19-92; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Policy Board Task Force on the Future of American Nuclear Forces

ACTION: Notice of Task Force Meeting.

SUMMARY: The Defense Policy Board Task Force on the Future of American Nuclear Forces will meet in closed session on 8-9 April 1992 from 0800 to 1700 at the RDA Logicon Facility located at 6053 West Century Blvd, Los Angeles, California. The mission of the Task Force is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning matters relating to U.S. nuclear force policy. At the meeting the Task Force will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. app. II, (1982), it has been determined that this Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: March 17, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-6528 Filed 3-19-92; 8:45 am]

BILLING CODE 3810-01-M

Special Operations Policy Advisory Group; Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on Thursday, April 30, 1992 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the development and maintenance of effective Special Operations and Low-Intensity Conflict forces.

In accordance with section 10(d) of Public Law 92-463, the "Federal Advisory Committee Act," and section 552b(c)(1) of title 5, United States Code, this meeting will be closed to the public.

Dated: March 17, 1992.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 92-6527 Filed 3-19-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Committee on Technology Options for Global Reach—Global Power: 1995-2020 (Mobility Panel) will meet on 6-7 April 1992, at Eglin AFB, FL, 8 a.m. to 5 p.m.

The purpose of this meeting is to receive briefings and gather information for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 92-6552 Filed 3-19-92; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of the Committee: Coastal Engineering Research Board.

Date of the Committee: April 7-9, 1992.

Place: Coastal Engineering Research Center, U.S. Army Engineer Waterways Experiment station, Vicksburg, Mississippi.

Time: 8:30 a.m. to 5 p.m. on April 7; 8:30 a.m. to 5 p.m. on April 8; 8:30 a.m. to 12 noon on April 9.

Proposed Agenda: The 1993 Coastal Engineering Program Review is to be held April 7-9, 1992. On Tuesday, April 7, the Coastal Research and Development Programs will be broken down into four breakout sessions. The four sessions will simultaneously review and discuss Coastal Flooding and Storm Protection; Harbor Entrances and Coastal Channels; Shore Protection and Restoration; and Coastal Structures Evaluation and Design. On Wednesday morning, April 8, a plenary session will discuss the Coastal Research and Development Programs and make recommendations. The Wednesday afternoon session will be devoted to the review of the Coastal Field Data Collection Program. Monitoring Complete Coastal Projects Program will be reviewed Thursday morning, April 9. There will be discussion of completed, current, and proposed activities.

This meeting is open to the public, but since seating capacity of the meeting room is limited, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

Inquiries and notice of intent to attend the meeting may be addressed to Dr. James R. Houston, Chief, Coastal Engineering Research Center, U.S. Army Engineer Waterays Experiment Station, 3909 Halls Ferry Road, Vicksburg, Mississippi 39180-6199.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92-6597 Filed 3-19-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Conduct of Employees; Notice of Waiver

Section 602(a) of the Department of Energy ("DOE") Organization Act (Pub. L. No. 95-91, hereinafter referred to as the "Act") prohibits a "supervisory employee" (defined by section 601(a) of the Act) of the Department from knowingly receiving compensation from, holding any official relation with, or having any pecuniary interest in any "energy concern" (defined by section 601(b) of the Act).

Section 602(c) of the Act authorizes the Secretary of Energy to waive the requirements of section 602(a) in cases of exceptional hardship or where the interest is a pension, insurance, or other similarly vested interest.

Mr. Charles F. Vacek has recently been appointed to the position of Deputy Assistant Secretary for Fuels Programs in the Office of the Assistant Secretary for Fossil Energy. As a result of his previous employment with the Pacific Gas and Electric Company, Mr. Vacek has a vested pension interest, within the meaning of section 602(c) of the Act, in the Pacific Gas and Electric Company Retirement Plan. Accordingly, I have granted Mr. Vacek a waiver of the divestiture requirement of section 602(a) of the Act for the duration of his employment as a supervisory employee with the Department with respect to this pension interest.

In accordance with section 208, title 18, United States Code, Mr. Vacek has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect upon the Pacific Gas and Electric Company, unless his supervisor and the Counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of him.

Dated: March 9, 1992.

James D. Watkins,

Admiral, U.S. Navy (Retired), Secretary of Energy.

[FR Doc. 92-6553 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

Intent To Prepare an Environmental Impact Statement for the Upgrade of Canyon Exhaust Systems at the Savannah River Site

AGENCY: Department of Energy (DOE).

ACTION: Notice of intent to prepare an environmental impact statement (EIS) for the Upgrade of Canyon Exhaust Systems at the Savannah River Site.

SUMMARY: The DOE announces its intent to prepare an EIS pursuant to the National Environmental Protection Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*), as amended, for the proposed Upgrade of Canyon Exhaust Systems at the Savannah River Site (SRS). The DOE will conduct public scoping meetings to solicit input on the scope of the EIS. The proposed action is to replace and upgrade the existing canyon exhaust systems for the F- and H-Areas at the Savannah River Site (SRS). The underlying need for the proposed action is to ensure occupational safety, environmental protection, and regulatory compliance for activities within the F- and H-Areas. The canyon exhaust systems are the primary of control of radioactive and hazardous materials from the F- and H-Areas. These systems must provide constant and adequate airflow through the canyons. The EIS will consider reasonable alternatives to the proposed replacement and upgrade of the existing systems, including leaving the systems as they exist.

INVITATION TO COMMENT: To ensure that the full range of issues related to this proposal are addressed, comments on the proposed scope of the EIS are invited from all interested parties. Written comments or suggestions to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS should be directed to Mr. Stephen R. Wright at the address indicated below and should be postmarked by April 30, 1992. Comments postmarked after that date will be considered to the extent practicable. Agencies, organizations, and the general public are also invited to present oral comments or suggestions pertinent to the preparation of this EIS at the public scoping meetings scheduled as indicated below. Written comments will also be accepted at the meetings. Written and oral comments will be given equal weight in the scoping process. Comments and suggestions received during the scoping period will be considered in preparing the draft EIS.

Following the completion of the public scoping process, an EIS Implementation Plan will be prepared and made available, upon request, to the public. The Implementation Plan will record the results of the scoping process and define the alternatives and issues to be evaluated in the EIS. A draft EIS is expected to be completed in November 1992, at which time its availability will be announced in the **Federal Register**, and public comments will again be solicited. Comments on the draft EIS will be considered in preparing the final EIS, tentatively scheduled for completion in May 1993.

ADDRESSES: Written comments or suggestions on the scope of the EIS, requests to speak at the public scoping meetings, questions concerning the proposed action, and requests to receive a copy of the Implementation Plan or the draft EIS should be directed to: Mr. Stephen R. Wright, U.S. Department of Energy, Savannah River Field Office, P.O. Box A, Aiken, South Carolina 29802 (803) 725-3957. All written correspondence related to this activity should have the envelopes marked: "Upgrade Canyon Exhaust Systems EIS."

FOR FURTHER INFORMATION CONTACT: For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, EH-25, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4600 or (800) 472-2756.

DATES: Written comments and suggestions on the proposed scope of the EIS should be postmarked by April 30, 1992, to assure consideration in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

SUPPLEMENTARY INFORMATION:

Background Information

The Savannah River Site (SRS) occupies an area of approximately 300 square miles adjacent to the Savannah River, principally in Aiken and Barnwell counties of South Carolina. The site is approximately 25 miles southeast of Augusta, Georgia, and 20 miles south of Aiken, South Carolina. The primary mission of the SRS is to produce nuclear materials that support the defense, research, and medical programs of the United States. Included in the production process are fuel and target fabrication facilities, nuclear production reactors, separations facilities, product preparation facilities, and waste management facilities. The separations facilities are located in two areas: F-Area and H-Area. Each area contains a large chemical separation plant (approximately 800 feet long×120 feet wide×50 feet high), also known as "canyon," which is involved with the recovery and purification of the desired nuclear materials. Plutonium and uranium are the principal materials processed in the canyons.

The canyon exhaust systems must maintain a differential pressure between the canyons and the atmosphere, and among facilities within the canyons. The exhaust systems also provide for constant and adequate airflow to allow a margin of safety in the event of accidents, equipment failures, or natural disasters. The exhaust systems must be reliable to provide continuous contamination control and environmental protection. The EIS will address the potential environmental impacts of proposed replacement and upgrades to the canyon exhaust systems.

Reliable canyon exhaust systems are needed to contain and control atmospheric emissions of radioactive and hazardous materials and contaminants, whether the canyon buildings operate, are in standby, or undergo decontamination and decommissioning. The interiors of the canyon facilities have become contaminated with radionuclides, due to the nature of past operations. Controlled airflow/ventilation, which is provided by the exhaust systems, is necessary to assure that air existing the canyon facilities is properly filtered before release to the atmosphere. Without the exhaust systems, natural airflow migration could lead to uncontrolled and unmonitored of radionuclides or hazardous material.

The current canyon exhaust systems have been operating for more than twenty years. During this time several additions to the canyons have reduced the reserve capacity of the exhaust systems. The exhaust systems are old, airflow requirements exceed the systems' design capacity, and

continuous operational availability is becoming increasingly suspect. The proposed upgrade would restore the original proportional reserve capacity and thus improve operational safety margins relative to current operations.

Although the current exhaust systems remain operable and are still capable of maintaining safe facility conditions, the reliability of the systems is degrading and becoming increasingly uncertain. Maintaining the existing systems is increasingly difficult, and continued maintenance may not be sufficient to assure proper airflows and controls.

Proposed Action

The proposed action is to construct new exhaust systems to replace and upgrade existing systems in both F- and H-Areas. This proposed action would include provision of new fan-houses, exhaust fans, exhaust stacks, exhaust monitoring instrumentation, underground ductwork, redundant utility power supplies with redundant emergency diesel generator backup, and fire protection and security systems. Safety class diesel fuel storage and transfer facilities would be provided for the generators. The proposed action would also include decontamination and disposal of existing exhaust systems components.

Replacing and upgrading the existing canyon exhaust systems would enhance DOE's ability to provide a margin of safety and environmental protection during either production of nuclear materials or decommissioning and decontamination (D&D) of the canyons. The replacement and upgrade of the canyon exhaust systems would not otherwise extend the production life of the canyons or influence rates of production, but would increase the safety of the canyons, whether operating or not.

The proposed project would help SRS to meet or maintain:

—Safety class system requirements contained in DOE Order 6430.1A for the new equipment;
—Environmental monitoring capabilities and requirements as contained in the DOE Order 5400 Series;
—Design requirements related to the SRS design-basis accident as contained in UCRL–159110.

The proposed action involves facilities that would be part of an EIS to be prepared for the Continuing Operation of the Nuclear Fuel Cycle and Product Preparation Facilities at the Savannah River. Site. Preparation of the continuing operations EIS was a commitment that DOE made in the Final EIS for Continued Operation of K-, L-, and P-Reactors, page C–316. However, the proposed Upgrade of Canyon Exhaust Systems complies with the criteria of § 1506.1(c) of the Council on Environmental Quality Regulations (40 CFR 1506.1(c)) for a permissible interim action. As noted above, the proposed replacement and upgrade of the canyon exhaust systems is needed to assure continuous operation with an adequate margin of safety to ensure environmental protection in the event of accident or abnormal events.

Furthermore, the proposed action would not prejudice any decision to be made from the Continuing Operation of the Nuclear Fuel Cycle and Product Preparation Facilities EIS, because the upgrade would be necessary whether the canyons operate, are in stand-by mode, or undergo decontamination and decommissioning. Upon completion of the EIS that is the subject of this NOI, the proposed action will be accompanied by an adequate EIS. For similar reasons, the proposed action is a permissible interim action during preparation of the Programmatic EIS for the Reconfiguration of the Nuclear Weapons Complex.

Alternative Proposed for Consideration

Several alternatives to the proposed action are proposed for consideration in the EIS:

(1) The refurbishment, as needed in whole or in part, of the existing facilities to meet the original ventilation system design margin of safety and implementation of DOE safety goals.

(2) Refurbishment of certain components and replacement and upgrade of other components of the exhaust systems (details of this alternative are to be developed during the scoping process).

(3) As required by the Council on Environmental Quality (CEQ) NEPA regulations, 40 CFR 1500, the EIS will also analyze the "no-action" alternative (i.e., no upgrade or replacement of the canyon exhaust systems).

The EIS will include a comparative assessment of the environmental impacts of each alternative.

Identification of Environmental and Other Issues

The following issues have been tentatively identified for analysis in the EIS. This list of issues is presented to facilitate discussion on the scope of the EIS and is not intended to be all-inclusive or to predetermine the scope. Additions to or deletions from this list may occur as a result of the scoping process. In accordance with CEQ NEPA regulations (40 CFR 1500.4 and 1502.21), other environmental documents, as appropriate, may be incorporated by reference, in whole or in part, into these impact analyses. The EIS will address the environmental impacts of the proposed action and alternatives under both normal and accidental conditions. Therefore, DOE invites comments on these and additional issues relevant to the EIS.

Environmental Issues

1. Public and Worker Safety and Health Risks—Radiological and non-radiological impacts of construction, routine operation, and potential accidents.

2. Ecosystem Effects—Potential effects on ecosystems, including air and water quality, resulting from radiological and non-radiological emissions from routine operation and potential accidents.

3. Regulatory Compliance—Compliance with all applicable Federal, state, and local statutes and regulations; required Federal and state environmental consultations and notifications; and DOE Orders related to environmental protection and safety.

4. Waste Management—Impacts of the generation, treatment, storage, and disposal of high- and low-level radioactive waste, transuranic radioactive wastes, hazardous wastes, and mixed wastes.

5. Socioeconomics—Socioeconomic impacts, primarily on the six-county region identified in the data base report entitled Socioeconomic Characteristics of Selected Counties and Communities Adjacent to the Savannah River Site, dated January 1990.

6. Transportation—Impacts of the transportation of raw materials, supplies, equipment, products, and wastes under routine and accident scenarios.

7. Decontamination and Disposal—The environmental impacts of decontaminating and disposing of existing exhaust system components as they are removed from service. These components may include two 200 ft. stacks, canyon exhaust fans, process vessel vent fans, associated underground ducts, diesel generators and generator building, and electrical gear. The radioactive waste and the special considerations in the decontamination and disposing of the exhaust system components may contribute to the issues of public and worker safety, air quality, regulatory compliance, waste management, and transportation. The environmental impacts of future decontamination and disposal of the proposed canyon exhaust system upgrades will also be discussed.

Related Documentation

Background information on the proposed action is available in the public reading rooms listed later in this notice. The background information includes the following:

DOE, 1987. Final Environmental Impact Statement, Waste Management Activities for Groundwater Protection, Savannah River Plant, Aiken, South Carolina, DOE/EIS–0120, Savannah River Operations Office, Aiken, South Carolina.

DOE, 1990. Final Environmental Impact Statement, Continued Operation of K-, L-, and P-Reactors, Savannah River Site, Aiken, South Carolina, DOE/EIS–0147, Savannah River Operations Office, Aiken, South Carolina.

E. I. du Pont de Nemours and Company, 1986. Safety Analysis, 200 Area, Savannah River Plant, F-Canyon Operations, DPSTSA-200-10, Supp. 4, Savannah River Laboratory, Aiken, South Carolina.

E. I. du Pont de Nemours and Company, 1986. Safety Analysis, 200 Area, Savannah River Plant, H-Canyon Operations, DPSTSA-200-10, Supp. 5, Savannah River Laboratory, Aiken, South Carolina.

Westinghouse Savannah River Company, 1990. Savannah River Site Environmental Report for 1989, WSRC-TM-90-60, Environmental Protection Department, Savannah River Site, Aiken, South Carolina.

Scoping Meetings

In addition to receiving written comments, DOE will conduct public scoping meetings to assist DOE in defining the appropriate scope of the EIS and identifying significant environmental issues to be addressed. Public scoping meetings will be held at the following locations:

(1) Columbia, South Carolina, on April 21, 1992, at the Holiday Inn-Express, 773 St. Andrews Road, Columbia, South Carolina 29210; for accommodations call (803) 772–7275.

(2) Savannah, Georgia, on April 24, 1992, at the Hyatt Regency, 2 West Bay Street, Savannah, Georgia 31401; for accommodations call (800) 233-1234.

(3) Aiken, South Carolina, on April 28, 1992, at the Aiken Municipal Center, 214 Park Avenue, SW., Aiken, South Carolina 29801; accommodations at Comfort Suites, Richland Avenue West, Aiken, South Carolina, call (803) 641–1100.

Each public scoping meeting will consist of both a morning session beginning at 9 a.m. and an evening session beginning at 6 p.m. The public scoping process begins with this announcement, and will continue through April 30, 1992.

The public is invited to present oral and written comments concerning the scope of the EIS, including (1) the issues that should be addressed, and (2) the alternatives to be analyzed in the EIS.

Oral and written comments will be given equal consideration. Instructions for submitting written comments are given above. People desiring to speak at the public scoping meetings should submit their requests to Mr. Stephen R. Wright at the address presented above. Oral presentation requests for each meeting should be received by DOE at least 2 days before the meeting.

The meetings will be chaired by a presiding officer. They will not be conducted as evidentiary hearings. To give everyone an adequate opportunity to speak, 5 minutes will be allotted to each speaker. Depending on the number of persons requesting to speak, the presiding officer, at his/her discretion, may allow a longer time for speakers representing multiple parties or organizations. Persons wishing to speak on behalf of organizations should identify the organization in their request to speak. Persons who have not submitted a request to speak may register at the meetings.

DOE will make a transcript of each meeting. Copies will be made available for inspection at the DOE Freedom of Information Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6020 and at the DOE Reading Room, University of South Carolina, Aiken Campus, University Library, 2nd Floor, 171 University Parkway, Aiken, SC 29801, (803) 648–6851 during business hours, Monday through Friday.

Signed in Washington, DC, this 11th day of March, 1992, for the United States Department of Energy.

Paul L. Ziemer,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 92–6558 Filed 3–19–92; 8:45 am]

BILLING CODE 6450–01–M

Energy International Corp.; Financial Assistance Award Intent To Award a Grant

AGENCY: Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy (DOE) announces that pursuant to 10 CFR 600.6(a)(2), it is making a financial assistance award based on an unsolicited application satisfying the criteria of 10 CFR 600.14(e)(1). This award will be made under Grant Number DE–FG01–92FE62585 to the Energy International Corporation. The financial assistance will provide partial support of a "Feasibility Study for the Commercial Application of Underground Coal Gasification to the Waikato Coal Resource in New Zealand." This study will foster development of international coal technology trade opportunities for U.S. industry, and further enhance the competitiveness of American firms in the world marketplace.

SCOPE: The grant will provide $200,000 in funding to the Energy International Corporation to determine the feasibility of using the Underground Coal Gasification (UCG) technology in Waikato, N.Z. This study will involve: (1) The development of an environmental compliance plan, (2) Obtaining the geotechnical data and samples required to verify the suitability of the Huntly resource for the UCG process and, (3) Identification of design modifications required by the power station to properly handle and combust the raw UCG product gas.

ELIGIBILITY: Based on the receipt of an unsolicited proposal, eligibility for this award is being limited to Energy International Corporation. DOE support of this activity would enhance the public benefits to be derived. DOE knows of no other entity which is conducting or planning such a program.

The term of the grant shall be until February 28, 1993.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: James F. Thompson, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 92–6550 Filed 3–19–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. QF92–42–000, et al.]

Oyster Creek Limited, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Oyster Creek Limited

[Docket No. QF92-42-000]

March 10, 1992.

On March 5, 1992, Oyster Creek Limited tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to the ownership structure of the proposed cogeneration facility.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Southern Company Services, Inc.

[Docket No. ER92-153-000]

March 10, 1992.

Take notice that on March 2, 1992, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company, tendered for filing supplemental information in connection with Amendment No 2 dated October 31, 1991 to the Southern Company System Intercompany Interchange Contract and Allocation Methodology and Periodic Rate Computation Manual ("Manual").

Southern Companies request that the amendment be allowed to become effective on January 1, 1992. The supplemental filing contains additional information regarding the revisions incorporated in Amendment No. 2.

Comment date: March 16, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Nevada Cogeneration Associates #1

[Docket No. QF90-210-003]

March 10, 1992.

On February 28, 1992, Nevada Cogeneration Associates #1 (Applicant) of 420 N. Nellis Boulevard, #A3-148, Las Vegas, Nevada 89110, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is presently certified for 85 MW [53 FERC ¶ 62,021 (1990)]. The instant recertification is requested to reflect a change in the ownership structure and a change in the installation date. Under the proposed ownership structure Portland General Electric Company will have an indirect ownership interest in the facility. The construction of the facility began in the Spring of 1991.

Comment date: 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

4. Iowa-Illinois Gas and Electric Co.

[Docket No. ES92-33-000]

March 11, 1992.

Take notice that on March 6, 1992, Iowa-Illinois Gas and Electric Company filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authority to issue from time to time not more than $100 million of unsecured short-term debt with a final maturity date no later than June 30, 1993.

Comment date: April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Wisconsin Public Service Corp.

[Docket No. ER92-350-000]

March 13, 1992.

Take notice that Wisconsin Public Service Corporation (WPSC) on March 6, 1992, tendered for filing (1) an executed Limited Term Capacity Agreement with the Marshfield Electric and Water Department, Wood County, Wisconsin (MEWD); and (2) an executed Service Agreement for MWD under WPSC's W-2 Partial Requirements Tariff. The parties propose to make these agreements effective as of April 1, 1992, and therefore ask for waiver of the 60-day notice requirements.

WPSC states that copies of this filing have been served upon MEWD and the Public Service Commission of Wisconsin.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. PacifiCorp Electric Operations

[Docket No. ER92-265-000]

March 13, 1992.

Take notice that PacifiCorp Electric Operations (PacifiCorp) on March 4, 1992, tendered for filing an amendment to its filing under FERC Docket No. ER92-265-000.

Copies of this compliance filing were supplied to Pacific Gas and Electric Company, Southern California Edison Company, the Public Utility Commission of Oregon, the Utah Public Service Commission and the Public Utilities Commission of the State of California.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Pennsylvania Power & Light Co.

[Docket No. ER92-357-000]

March 13, 1992.

Take notice that Pennsylvania Power & Light Company (PP&L) tendered for filing on March 6, 1992 for filing an executed agreement dated as of February 27, 1992 (Second Supplemental Agreement), between PP&L and Niagara Mohawk Power Corporation (Niagara Mohawk). PP&L and Niagara Mohawk are parties to the Electric Output Sales Agreement between PP&L and Niagara Mohawk dated as of July 11, 1989 (Basic Agreement), as amended by the First Supplement to the Electric Output Sales Agreement dated as of December 27, 1989, on file with the Commission as Rate Schedule No: 76. At present, the Basic Agreement, as amended, provides that Niagara Mohawk may reserve capability and energy from PP&L's Martin's Creek Units 3 and 4. PP&L states that the Second Supplemental Agreement provides for the addition of PP&L's Martin Creek Units 1 and 2 to the PP&L generating units from which Niagara Mohawk may reserve capability and energy.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective as of March 9, 1991. Initial service under the Second Supplemental Agreement will not begin before the requested effective date.

PP&L states that a copy of its filing was served on Niagara Mohawk, the Pennsylvania Public Utility Commission and the New York Public Service Commission.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. PacifiCorp Electric Operations

[Docket No. ER92-350-000]

March 13, 1992.

Take notice that on March 9, 1992, PacifiCorp Electric Operations (PacifiCorp) tendered for filing, in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations a Power Sales Agreement between PacifiCorp and Nevada Power Company dated February 28, 1992.

Copies of this filing have been supplied to Nevada Power Company, the Public Service Commission of Nevada, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment Date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. San Diego Gas & Electric Co.

[Docket No. ER92-344-000]

March 13, 1992.

Take notice that on March 2, 1992, San Diego Gas & Electric Company (SDG&E) tendered for filing a change of rates for transmission service as embodied in the following SDG&E Agreements with Southern California Edison Company (Edison), which reflects a decrease in the rate of return authorized by the California Public Utilities Commission (CPUC) to 10.75% from 10.91% for 1991, effective January 1, 1992.

1. Short Term Firm Transmission Service Agreement, Rate Schedule FERC 58;

2. Interruptible Transmission Service Agreement, Rate Schedule FERC 59; and

3. Firm Transmission Service Agreement, Rate Schedule FERC 60.

SD&G requests waiver of the Commission's prior notice requirements and an effective date of January 1, 1992.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Edison.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Montaup Electric Co.

[Docket No. ER92-91-000]

March 13, 1992.

Take notice that on March 9, 1992, Montaup Electric Company tendered for filing an amendment to its October 7, 1991 filing in the above-referenced docket.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Northern States Power Co.

[Docket No. ER90-527-006]

March 13, 1992.

Take notice that on March 6, 1992, Northern States Power Company (NSP) tendered for filing its refund report in this docket pursuant to the Commission's order issued on February 6, 1992.

Comment Date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. New England Power Co.

[Docket No. ER92-335-000]

March 13, 1992.

Take notice that on February 28, 1992, New England Power Company (NEP) submitted for filing revisions to its FERC Electric Tariff, Original Volume No. 5—System Energy Sales and Exchange under that tariff more flexibility in entering into the covered transactions by (i) permitting the buyer to dispatch energy purchased thereunder, and (ii) permitting the buyer under an Exchange transaction to provide system capacity in lieu of specified unit entitlements. NEP requests that these changes be made effective April 26, 1992.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

13. The Kansas Power and Light Co.

[Docket No. ER92-245-000]

March 13, 1992.

Take notice that on March 5, 1992, The Kansas Power and Light Company (KPL) tendered for filing revised service schedules to KPL's Electric Interconnection Contract with Omaha Public Power District.

Copies of this filing were served upon Omaha Public Power District and the Utilities Division of the Kansas Corporation Commission.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

14. Pacific Gas & Electric Co.

[Docket No. ER91-337-001]

March 13, 1992.

Take notice that Pacific Gas & Electric Company (PG&E) on February 3, 1992 tendered for filing its compliance refund report in the above-referenced docket.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

15. Public Service Electric and Gas Co.

[Docket No. ER91-567-000]

March 13, 1992.

Take notice that on September 25, 1991, Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey tendered for filing an initial Rate Schedule for the sale of energy to Long Island Lighting Company (LILCO). Pursuant to the agreement, PS&EG commenced selling on August 1, 1991 and will sell to LILCO energy from time to time as scheduled by LILCO.

In response to discussions with Commission Staff, PSE&G on March 5, 1992 tendered for filing the First Supplemental Agreement by and between Public Service Electric and Gas Company and Long Island Lighting Company which amends the methodology to develop the maximum reservation rate (CAP).

PSE&G requests the Commission to waive its notice requirements under § 35.3 of its rules and to permit the Energy Sales Agreement, as supplemented, to become effective as of the commencement of the transaction, August 1, 1991. Copies of the amended filing have been served upon LILCO.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

16. Blue Ridge Power Agency Central Virginia Electric Cooperative, Inc. and Craig-Botetourt Electric Cooperative, Inc. v. Appalachian Power Co.

[Docket No. EL89-53-004 and Docket Nos. ER90-132-002 and ER90-133-002]

March 13, 1992.

Take notice that on March 6, 1992, Appalachian Power Company (APCo) tendered its compliance filing in the above-referenced dockets, in compliance with the Commission's February 20, 1992 Opinion and Order on Rehearing, which modified, in part, the Commission's June 28, 1991 Opinion and Order of Initial Decision and its October 24, 1991 Opinion and Order on Rehearing.

Copies of the filing were served upon APCo's jurisdictional customers, the Virginia State Corporation Commission, the Public Service Commission of West Virginia, the Tennessee Public Service Commission and all parties of record.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

17. Nevada Cogeneration Associates #1)

[Docket No. QF90-210-003]

March 13, 1992.

On March 10 and 11, 1992, Nevada Cogeneration Associates #1 (Applicant) tendered for filing amendments to its filing in this docket.

The amendments provide additional information pertaining to the ownership structure of its cogeneration facility. No determination has been made that the submittal constitutes a complete filing.

Comment date: April 1, 1992, in accordance with Standard Paragraph E at the end of this notice.

18. Hadson Power 13—Hopewell

[Docket No. QF88-85-003]

March 13, 1992.

On March 9, 1992, Hadson Power 13—Hopewell of 2030 Main Street, Irvine, California 92714, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Hopewell, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, *Ultra Cogen Systems, Inc.*, 43 FERC ¶ 62,103 (1988), and recertified the facility as a qualifying cogeneration

facility, *Hadson Power 13—Hopewell*, 53 FERC 62, 208 (1990). The instant request for recertification is due to change in ownership and increase in maximum net electric power production capacity from 60.147 MW to 62.7 MW.

Comment date: 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

19. Hadson Power 11—Southampton

[Docket No. QF88-84-003]

March 13, 1992.

On March 9, 1992, Hadson Power 11—Southampton, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to ownership structure of the facility.

Comment date: April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

20. Hadson Power 12—Altavista

[Docket No. QF88-94-003]

March 13, 1992.

On March 9, 1992, Hadson Power 12—Altavista, tendered for filing an amendment to its filing in this docket. No determination has been made that the submittal constitutes a complete filing.

The amendment provides additional information pertaining to ownership structure of the facility.

Comment date: April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

21. Westmoreland—Hadson Partners)

[Docket No. QF90-147-002]

March 13, 1992.

On March 9, 1992, Westmoreland—Hadson Partners, c/o Westmoreland Energy, Inc., 2955 Ivy Road, Charlottesville, Virginia 22901, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Weldon Township, near Roanoke Rapids, North Carolina. The Commission previously certified the facility as a qualifying cogeneration facility, *Westmoreland—Hadson Partners*, 52 FERC ¶ 62,001 (1990). The instant request for recertification is due to change in ownership of partnership.

Comment date: 30 days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6499 Filed 3-19-92; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 9635-006, et al.]

Hydroelectric Applications [Clarence A. and Lottie E. Hawkins and Hawkins Hydro Co., et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of Application:* Surrender of License.
b. *Project No.:* 9635-006.
c. *Date Filed:* February 11, 1992.
d. *Applicant:* Clarence A. and Lottie E. Hawkins and Hawkins Hydro Company.
e. *Name of Project:* Hawkins Hydro
f. *Location:* On Dirty George and Camp Creeks, partially on lands of the United States administered by the Bureau of Land Management in Delta County, Colorado.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).
h. *Applicant Contact:* Mrs. Clarence A. Hawkins, 1824-2025 Road Eckert, CO 81418.
i. *Commission Contact:* Mr. James Hunter (202) 219-2839.
j. *Comment Date:* April 16, 1992.
k. *Description of Proposed Action:* The licensees request surrender of their license, stating that their water supply has changed completely and because the electric company that agreed to buy the power has had severe financial problems, they have no market for the power. The project would have utilized an existing dam on Dirty George Creek and an irrigation ditch, and would have also consisted of an intake on the irrigation ditch, a 9, 200-foot-long penstock connecting to a powerhouse containing a 650-kW generating unit, and a tailrace discharging into Camp Creek.
l. *This notice also consists of the following standard paragraphs:* B, C, and D2.

2. a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11200-000.
c. *Date Filed:* November 1, 1991.
d. *Applicant:* City of Boulder, Colorado.
e. *Name of Project:* Boulder Hydrolectric Development IV.
f. *Location:* At the terminus of the applicant's existing Silver Lake Raw Water Pipeline near the city of Boulder in Boulder County, Colorado.
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).
h. *Applicant Contact:* Eva June Busse, P.E., Hydro Projects Manager, City of Boulder, P.O. Box 791, Boulder, Colorado 80306 (303) 441-3200.
i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219-2827.
j. *Comment Date:* April 23, 1992.
k. *Description of Project:* The proposed project would consist of: (1) The applicant's existing diversion structure and intake on Boulder Creek; (2) the applicant's existing 18-inch-diameter, 18,000-foot-long Silver Lake Raw Water Pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 2,790 kW; (4) a 1,000-foot-long transmission line interconnecting with an existing Public Service Company of Colorado transmission line; and (5) appurtenant facilites.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $90,000.
l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

3. a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11220-000.
c. *Date filed:* January 6, 1992.
d. *Applicant:* Seneca Hydro Acquisition Corporation.
e. *Name of Project:* Edward Falls.
f. *Location:* On Limestone Creek at Edward Falls, in the Town of Manlius, Onondaga County, New York.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).
h. *Applicant contact:* Paul V. Nolan, Esquire, 6219 North 19th Street, Arlington, VA 22205 (703) 534-5509.

i. *FERC Contact:* Mary Golato (202) 219-2804.
j. *Comment Date:* April 23, 1992.
k. *Competing Application:* Project No. 11202-000, Date Filed: November 7, 1991.
l. *Description of Project:* The proposed project would consist of the following facilities: (a) an existing 350-foot-long and 24-foot-high dam; (2) an existing reservoir having a surface area of 3.5 acres; (3) a 4.5-diameter and 730-foot-long penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 800 kilowatts; (5) an existing 330-foot-long, 13.2-kilovolt transmission line; and (6) appurtenant facilities. The dam is owned by Enders Road Developent Corporation and the average annual generation is 3.0212 gigawatthours. The applicant expects the cost of the studies to be $150,000.00.
m. *This notice also consists of the following standard paragraphs:* A8, A10, B, C, and D2.

4. a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11223-000.
c. *Date filed:* January 13, 1992.
d. *Applicant:* L&D 24 Hydro Associates.
e. *Name of Project:* L&D 24 Hydroelectric Project.
f *Location:* On the Mississippi River, near Clarksville, Pike County, Missouri and Calhoun County, Illinois.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).
h. *Applicant Contact:* L&D 24 Hydro Associates, c/o Louis Rosenman, Suite 1200, 1875 Connecticut Ave., NW., Washington, DC 20009, (202) 986-8138.
i. *FERC Contact:* Mary Golato (dt) (202) 219-2804.
j. *Comment Date:* April 23, 1992.
k. *Description of Project:* The proposed project would utilize the existing U.S. Corps of Engineers Lock and Dam 24 and would consist of: (a) a proposed powerhouse containing four 7.5 meter pit-type units at a total installed capacity of 50 megawatts; and (b) existing transmission lines. The project would have an average annual generation of 245,000,000 kilowatthours. The applicant estimates that the cost of the studies will be approximately $250,000.
l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

5. a. *Type of Application:* Preliminary Permit.
b. *Project No.:* 11224-000.
c. *Date filed:* January 13, 1992.
d. *Applicant:* L&D 25 Hydro Associates.
e. *Name of Project:* L&D 25 Hydroelectric Project.
f. *Location:* On the Mississippi River, near Winfield, Lincoln County, Missouri and Calhoun County Illinois.
g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a) 825(r).
h. *Applicant Contact:* L&D 25 Hydro Associates, c/o Louis Rosenman, Suite 1200, 1875 Connecticut Ave., NW., Washington, DC 20009 (202) 986-8138.
i. *FERC Contact:* Mary Golato (dt) (202) 219-2804.
j. *Comment Date:* April 29, 1992.
k. *Description of Project:* The proposed project would utilize the existing U.S. Corps of Engineers Lock and Dam 25 and would consist of: (a) a proposed powerhouse containing four 7.5 meter pit-type units at a total installed capacity of 50 megawatts; and (b) existing transmission lines. The project would have an averge annual generation of 246,000,000 kilowatthours. The applicant estimates that the cost of the studies will be approximately $200,000.
l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

6. a. *Type of applications:* Preliminary Permits.
b. *Project Nos.:* 11229-000 through 11238-000.
c. *Date filed:* January 15, 1992.
d. *Applicant:* Public Utility District No. 1 of Lewis County.
e. *Locations:* In Gifford Pinchot National Forest, in Lewis County, Washington.
f. *Filed Pursuant to: Federal Power Act U.S.C. 791(a)—825(r).*
g. *Applicant Contact:* Mr. Gary Kalish, PUD No. 1 of Lewis County, 321 N.W. Pacific Avenue, Chehalis, WA 98532, (206) 748-9261.
h. *FERC Contact:* Michael Spencer at (202) 219-2846.
i. *Comment Date:* May 6, 1992.
j. *Description of Project:* Each of the following projects is in competition for the site as noted.

P-11229 competes with P-11182. The project would consist of (1) a 13-foot-high concrete diversion dam on Summit Creek; (2) a 10-foot-high diversion dam on Carlton Creek; (3) 10-foot-diameter, 2,500-foot-long tunnel between the diversions; (4) a 10-foot-diameter, 14,000-foot-long tunnel to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 19 MW and an average annual generation of 72.3 GWh; (6) a 10-mile-long transmission line; and (7) three access roads, one 1,500 feet long to the powerhouse, one 1,000 feet long to the Summit Creek diversion, and one 1,200 feet long to the Carlton Creek diversion. Township 14 N. Range 10 E, and Sections 10, 11, 14, 15, 16, 17 and 20.

P-11230 competes with P-11183. The project would consist of (1) a 13-foot-high concrete diversion dam on Clear Fork Cowlitz River; (2) a 10-foot-high diversion dam on Cortright Creek; (3) a 10-foot-high diversion dam on Dam Creek; (4) 10-foot-diameter, 6,500-foot-long tunnel between the diversions on Cortright and Dam Creeks; (5) a 10-foot-diameter, 17,000-foot-long main tunnel to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 30.5 MW and an average annual generation of 128.5 GWh; (6) a 7-mile-long transmission line; and (7) four access roads, one 1,000 feet long to the powerhouse, one 3,000 feet long on the main stem, one 1,810 feet long to the Cortright Creek diversion, and one 400 feet long to the Dam Creek diversion. Township 14 N. Range 10 E. and Sections 22, 26, 27, 28, and 29.

P-11231 competes with P-11184. The project would consist of (1) a 10-foot-high diversion dam on Coal Creek; (2) a 5-foot-high diversion dam on Lost Creek; (3) 38-inch-diamter, 1,000-foot-long penstock between the diversions; (4) a 38-inch-diameter, 16,000-foot-long penstock to the powerhouse; (5) a powerhouse containing a generating unit with a capacity of 5.5 MW and an average annual generation of 21.2 GWh; (6) a 5-mile-long transmission line; and (7) two access roads, one 1,000 feet long to the powerhouse, and one along the penstock route. Township 13 N. Range 10 E. and Sections 6, 7, 8, 9, and 16.

P-11232 competes with P-11185. The project would consists of: (1) a 13-foot-high diversion dam on Johnson Creek; (2) a 10-foot-high diversion dam on Smith Creek; (3) 10-foot-diameter, 21,500-foot-long tunnel will connect the diversions to the powerhouse; (4) a powerhouse containing a generating unit with a capacity of 23.2 MW and an average annual generation of 85.2 GWh; (5) a 3-mile-long Transmission line; and (6) two access roads, one 5,030 feet long to the Smith Creek diversion, and one 500 feet long to the Johnson Creek diversion Township 13 N, Range 9 E, and Sections 32 and 33, and Township 12 N, Range 9 E Sections 4, 9, 10, 11, and 12.

P-11233 competes with P-11186. The project would consist of: (1) a 13-foot-high diversion dam on Butter Creek; (2) 4.5-foot-diameter, 14,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 7.2 MW and an average annual generation of 28.4 GWh; (4) a 2.5-mile-long transmission line; and (5) two access roads, one 2,210 feet long to the powerhouse and one 2,100 feet long to the Butter Creek diversion. Township 14

N, Range 9 E, Sections 28 and 33, and Township 13 N, Range 9 E Sections 3, 4, 9, and 10.

P–11234 competes with P–11187. The project would consist of two developments. The upper development will consist of: (1) a 10-foot-high diversion dam on upper Williame Creek; (2) 3.5-foot-diameter, 5,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 2.9 MW; and (4) two access roads, one 1,700 fleet long to the powerhouse, and one 3,000 feet long to the upper diversion.

The lower development will consist of: (1) a 12-foot-high diversion dam on the main stem; (2) a 10-foot-high diversion dam on the South Fork Williame Creek; (3) a 4-foot-diameter, 8,600-foot-long penstock from the main diversion to a confluence; (4) a 2.5-foot-diameter, 4,400-foot-long penstock from the South Ford diversion to a confluence; (5) a 4.75-foot-diameter, 5,400-foot-long penstock from the confluence to the powerhouse; (6) a powerhouse containing a generating unit with a capacity of 5.8 MW; and (7) three access roads, one 1,000 feet long to the powerhouse, one 1,200 feet long to the South diversion, and one 2,915 feet long to the main stem diversion. Township 13 N, Range 8 E, Sections 13 and 25, and Township 13 N, Range 9 E Sections 18, 19, 30, and 31.

P–11235 competes with P–11188. The project would consist of: (1) a 13-foot-high concrete diversion dam on Silver Creek; (2) a 13-foot-high diversion dam on Lynx Creek; (3) a 10-foot-high diversion dam on Lake Creek; (4) a 10-foot-diameter, 18,000-foot-long tunnel from Lynx Creek to a confluence; (5) a 10-foot-diameter, 5,300-foot-long tunnel from Silver Creek and Lake Creek to the confluence; (5) a 7.5-foot-diameter, 1,600-foot-long tunnel from the confluence to the powerhouse; (6) a powerhouse containing a generating unit with a capacity of 16 MW and an average annual generation of 59.3 GWh; (7) a 2-mile-long transmission line; and (8) three access roads, one 2,900 feet long to the Lake Creek diversion, one 2,910 feet long to the Lynx Creek diversion, and one 2,515 feet long to the Silver Creek diversion. Township 13 N, Range 7 E, and Sections 21, 22, 27, 28, 33, and 34, and Township 12 N, Range 7 E and Sections 3 and 10.

P–11236 competes with P–11189. The project would consist of: (1) a 15-foot-high diversion dam on Yellow Jacket Creek; (2) 10-foot-diameter, 11,900-foot-long tunnel; (3) a powerhouse containing a generating unit with capacity of 10.1 MW and an average annual generation of 37.5 GWh; (5) a 10-mile-long transmission line; and (6) two access roads, one 1,910 feet long to the powerhouse, and one 7,340 feet long to the Yellow Jacket Creek diversion. Township 11 N, Range 8 E, Sections 20, 28, 29 and 33.

P–11237 competes with P–11190. The project would consist of: (1) a 13-foot-high diversion dam on Greenhorn Creek; (2) 38-inch-diameter, 13,400-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 5.1 MW and an average annual generation of 19.7 GWh; (5) a 12-mile-long transmission line; and (6) two access roads, one 600 feet long to the powerhouse, and one 5,280 feet long to accommodate the penstock. Township 11 N, Range 7 E, Sections 14, 15, 23, 26, and 27.

P–11238 competes with P–11191. The project would consist of: (1) a 13-foot-high diversion dam on Iron Creek; (2) a 5.25-foot-diameter, 22,000-foot-long penstock; (3) a powerhouse containing a generating unit with a capacity of 14.1 MW and an average annual generation of 54.4 GWh; (5) a 8-mile-long transmission line; and (6) one access road 600 feet long to the powerhouse. Township 11 N, Range 7 E, Sections 19, 30, and 31. Township 10 N, Range 7 E, Sections 6, 7, and 8.

k. *Purpose of Projects:* Project power would be sold.

l. *This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.*

7. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11239–000.

c. *Date filed:* January 16, 1992.

d. *Applicant:* Elkhart County, Board of County Commissioners, 117 North Second Street, Goshen, Indiana 46526.

e. *Name of Project:* Goshen Water Power Project.

f. *Location:* on the Elkhart River, near Goshen, Elkhart County, Indiana.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* John E. Fisher, Lawson-Fisher Associates, 525 West Washington Street, South Bend, Indiana 46601, (219) 534–3541.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* April 24, 1992.

k. *Description of Project:* The proposed project would consist of the following facilities: (a) an existing dam with a 200-foot-wide concrete spillway and a gabion emergency drawdown structure; (b) an existing reservoir with a maximum storage capacity of approximately 3,100 acre-feet with a surface area of about 765 acres; (c) a proposed powerhouse containing two turbine-generating units at a total installed capacity of 400 kilowatts; (d) a proposed 1-mile-long transmission line; and (e) appurtenant facilities. The dam is owned by Elkhart County Department of Parks and Recreation. The average annual generation is estimated to be 2,223,000 kilowatthours.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

8. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11241–000.

c. *Date Filed:* January 21, 1992.

d. *Applicant:* Vermont Hydro Associates.

e. *Name of Project:* West Rutland Pumped Storage.

f. *Location:* Near the Casteleton River in the Town of West Rutland, Rutland County, Vermont.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Louis Rosenman, 1725 DeSales Street, NW., suite 800, Washington, DC 20036, 202–659–8568.

i. *FERC Contact:* Charles T. Raabe (tag) (202) 219–2811.

j. *Comment Date:* April 30, 1992.

k. *Description of Project:* Applicant proposes to study two closed-loop alternatives. Alternative 1 would consist of: (1) an upper reservoir having 1,240 acre-foot useable storage capacity at water surface elevation 1400 feet msl; (2) a 13-foot-diameter, 1,170-foot-deep vertical shaft; (3) a 15-foot-diameter, 6,5000-foot-long tunnel; (4) an underground powerhouse containing two turbine/pump units each rated at 80–MW at a 1,210-foot-maximum head; (5) existing quarries utilized as a lower reservoir having water surface elevation 500 feet msl; (6) a 13.8/115-kV switchyard; (7) a 1.8-mile-long, 115-kv transmission line; and (8) appurtenant facilities. Alternative 2 would consists of: (1) an upper reservoir having 1,500 acre-foot useable storage capacity at water surface elevation 1460 feet msl; (2) a 13-foot-diameter, 200-foot-deep vertical shaft; (3) a 15-foot-diameter, 8,700-foot-long tunnel; (4) an underground powerhouse containing two turbine/pump units each rated at 100–MW at a 1,270-foot-maximum head; (5) existing quarries utilized as a lower reservoir having water surface elevation 500 feet msl; (6) a 13.8/115-kV switchyard; (7) a 1.8-mile-long, 115-kV transmission line; and (8) appurtenant facilities.

The project would be interconnected to the existing West Rutland Substation. Applicant estimates that the cost of the studies under the permit would be $350,000. Project energy would be sold to/purchased from one or more electric utilities. The existing quarries are owned by Gawet Marble & Granite, Inc.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

9. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11245–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 9 Project.

f. *Location:* On the Mississippi River, near Harpers ferry, Allamakee County, Iowa, and Crawford County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite 1620, Lexington, Kentucky 40515 (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* May 8, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) a proposed powerhouse consisting of four pit turbine-generator units rated at 2.5 megawatts (MW) each, for a total installed capacity of 10 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Guttenberg, Iowa. The total estimated average annual energy production of the proposed project is 95.9 gigawatthours. The applicant estimates that the cost of the studies under permit would be $100,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

10. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11246–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 10 Project.

f. *Location:* On the Mississippi River, near Guttenberg, Clayton County, Iowa, and Grant County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515 (606) 271–4781.

i. *FERC Contact:* Mary Golató (202) 219–2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) a proposed powerhouse consisting of four pit turbine-generator units rated at 4.2 megawatts (MW) each, for a total installed capacity of 16.8 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Guttenberg, Iowa. The total estimated average annual energy production of the proposed project is 95.9 gigawatthours. The applicant estimates that the cost of the studies under permit would be $170,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

11. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11247–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 11 Project.

f. *Location:* On the Mississippi River, near Dubuque, Dubuque County Iowa, and Jo Daviees County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515, (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* April 28, 1992.

k. *Discription of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.5 megawatts (MW) each, for a total installed capacity of 14 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Dubuque, Iowa. The total estimated average annual energy production of the proposed project is 91.1 gigawatthours. The applicant estimates that the cost of the studies under permit would be $140,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

12. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11248–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 12 Project.

f. *Location:* On the Mississippi River, near Bellevue, Jackson County, Iowa, and Jo Daviees County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, Suite #1620, Lexington, Kentucky 40515, (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 2.05 megawatts (MW) each, for a total installed capacity of 8.2 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Bellevue, Iowa. The total estimated average annual energy production of the proposed project is 36.5 gigawatthours. The applicant estimates that the cost of the studies under permit would be $82,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, BB, C, and D2.

13. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11249–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 13 Project.

f. *Location:* On the Mississippi River, near Clinton, Clinton County, Iowa, and Whiteside County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* May 7, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.8 megawatts (MW) each, for a total installed capacity of 15.2 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 67, Iowa. The total estimated average annual energy production of the proposed project is 74.2 gigawatthours. The applicant estimates that the cost of the studies under permit would be $150,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

14. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11250–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 16 Project.

f. *Location:* On the Mississippi River, near Muscatine, Muscatine County, Iowa, and Rock Island, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 3.25 megawatts (MW) each, for a total installed capacity of 13 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 61, Iowa. The total estimated average annual energy production of the proposed project is 67.8 gigawatthours. The applicant estimates that the cost of the studies under permit would be $130,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

15. a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11251–000.

c. *Date filed:* February 4, 1992.

d. *Applicant:* Iowa Hydropower Development Corporation.

e. *Name of Project:* Mississippi River Lock & Dam No. 18 Project.

f. *Location:* On the Mississippi River, near Burlington, Des Moines County, Iowa, and Henderson County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact:* Mr. Justin Rundle, Iowa Hydropower Development Corporation, 3900 Crosby Drive, suite #1620, Lexington, Kentucky 40515, (606) 271–4781.

i. *FERC Contact:* Mary Golato (202) 219–2804.

j. *Comment Date:* April 29, 1992.

k. *Description of Project:* The proposed project would utilize the existing Corps dam and would consist of the following facilities: (1) A proposed powerhouse consisting of four pit turbine-generator units rated at 2.75 megawatts (MW) each, for a total installed capacity of 11 MW and (2) a new, 35-kilovolt transmission line from the project powerhouse to the existing transmission line at Highway 99, Iowa. The total estimated average annual energy production of the proposed project is 44.8 gigawatthours. The applicant estimates that the cost of the studies under permit would be $110,000.

l. *This notice also consists of the following standard paragraphs:* A3, A5, A7, A9, A10, B, C, and D2.

16. a. *Type of Filing:* Requests for Extensions of Time to Commence Project Construction.

b. *Applicant:* Arkansas Electric Cooperative, Corporation.

c. *Project No.:* P–3033–006, Lock & Dam No. 2 located on the Arkansas River in Desha and Arkansas Counties, in Arkansas.

d. *Project No.:* P–3034–006, Lock & Dam No. 3 located on the Arkansas River in Jefferson and Lincoln Counties, in Arkansas.

e. *Date Filed:* February 24, 1992.

f. *Pursuant to:* Federal Power Act, 16 U.S.C. 806.

g. *Applicants Contacts:* Carl S. Whillock, President and CEO, Arkansas Electric Cooperative Corporation, P.O. Box 194208, Little Roadk, AR 72219–4208, (501) 570–2200. Robert M. Lyford, Vice President and General Counsel for Arkansas Electric Cooperative Corporation, P.O. Box 194208, Little Roak, AR 72219–4208, (501) 570–2200.

h. *FERC Contact:* Mr. Lynn R. Miles, (202) 219–2671.

i. *Comment Date:* April 13, 1992.

j. *Description of the Request:* Pursuant to Public Law No. 102–240, 105 Stat. 1914, section 1075(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the licensee requests that the deadline for the acquisition of real property and the commencement of construction on FERC Project No. 3033 be extended to August 10, 1994, and the deadline for completion of construction on FERC Project No. 3034 be extended to August 10, 1999. The licensee also requests that the deadline for the acquisition of real property and the commencement of construction on the project be extended to August 10, 1996, and the deadline for completion of construction on the project be extended to August 10, 2001.

k. *This notice also consists of the following standard paragraphs:* B, C, and D2.

17. a. *Type of Application:* Declaratory Order.

b. *Project No.:* EL92–18–000.

c. *Date Filed:* February 11, 1992.

d. *Applicant:* Carle E. Hitchcock.

e. *Name of Project:* Sheboygan Falls Hydropower Project.

f. *Location:* Sheboygan River, Sheboygan County, Sheboygan Falls, Wisconsin.

g. *Filed Pursuant to:* Section 23 (b) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Carl E. Hitchcock, 423 Green Tree Road, Kohler, WI 53044, (414) 452–2624.

i. *FERC Contact:* Etta Foster, (202) 219–2679.

j. *Comment Date:* April 20, 1992.

k. *Description of Project:* The existing Sheboygan Falls Project consists of: (1) A 10-foot-high, 175-foot-long dam; (2) a 10-foot-high reservoir with an estimated surface area of 3.75 acres and a storage of 15 acre-feet; (3) a power-house containing a 60 kW induction generator; (4) a 30-foot-long transmission line; and (5) appurtenant facilities.

When a Declaratory Order is filed with the Federal Energy Regulatory Commission, the Federal Power requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Purpose of Project:* Applicant intends to sell energy to the Sheboygan Falls Utility for consumption in their grid.

m. *This notice also consists of the following standard paragraphs:* B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for a preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 (b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 (b)(1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30 (b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment data for the particular application.

C. Filing and Service of Responsive Documents–Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 10, 1992, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6498 Filed 3–19–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. PL92–1–000]

Incentive Ratemaking for Interstate Natural Gas Pipelines, Oil Pipelines, and Electric Utilities; Proposed Policy Statement on Incentive Regulation

March 13, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE

ACTION: Notice of proposed policy statement.

SUMMARY: The Commission is inviting comments on a proposed policy statement on incentive ratemaking for interstate natural gas pipelines, oil pipelines and electric utilities. The proposed policy statement would define the essential elements of incentive ratemaking policy. It also proposes to invite natural gas pipelines, oil pipelines and electric utilities to file incentive ratemaking proposals for gas and oil transportation and wholesale electric service, and it proposes guidelines for companies to use in fashioning incentive proposals.

DATES: Comments are due on April 27, 1992. Reply Comments are due on May 12, 1992.

ADDRESSES: An original and 14 copies of the written comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, and should refer to Docket No. PL92–1–000.

FOR FURTHER INFORMATION CONTACT: Michael P. Lynch, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–2210.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300,1200, or 2400 baud, full duplex, nor parity, 8 data bits, and 1 stop bit. The full text of this notice of proposed policy statement will be available on CIPS for 30 days from the date of issuance. The complete text on

diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in 3104, 941 North Capitol Street NE., Washington, DC 20426.

I. Introduction

The Commission has used cost-of-service rate regulation as a regulatory tool for preventing pipelines and electric utilities for exercising market power. Recently, the Commission has allowed individual companies to depart from cost-of-service regulation and set market-based rates if they could show they lacked significant market power or had mitigated market power.[1] Now, the Commission is interested in providing alternatives to traditional cost-of-service regulation for companies with market power, especially alternatives that encourage productive efficiency, result in lower rates to consumers and provide utilities the opportunity to earn higher returns. In this proceeding, the Commission proposes to define the essential elements of an incentive ratemaking policy and proposes to set guidelines for utilities that choose to submit specific incentive rate proposals for natural gas pipeline and oil pipeline transportation service and wholesale electric service.

It must be emphasized that incentive regulation is an alternative to cost-of-service regulation for utilities in non-competitive markets. The goals are to lower costs, reduce administrative burdens and improve pricing and services. The Commission also emphasizes that incentive rates are not a substitute for market-based rates where markets are workably competitive, or where there is no exercise of market power. Incentive regulation is an alternative to traditional cost-of-service regulation that gives greater emphasis to productive efficiency in non-competitive markets. The Commission proposes to invite companies to file incentive ratemaking proposals consistent with the principles laid out in a final policy statement issued after our review of the public comments. The Commission recognizes that there is a relationship between this proposed policy statement and any restructuring proceedings necessitated as a result of the final rule in Docket No. RM91-11-000, Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations. Thus, after a review of the comments filed here, the Commission will issue guidance on how this policy statement affects those restructuring proceedings.

[1] See, e.g., El Paso Natural Gas Company, 54 FERC ¶ 61,316, *reh'g granted and denied in part*, 56 FERC ¶ 61,280 (1991); Transcontinental Gas Pipe Line Corp., 53 FERC ¶ 61,448, *reh'g granted and denied in part*, 57 FERC ¶ 61,345 (1991); Dartmouth Power Associates Limited Partnership, 53 FERC ¶ 61,117 (1990); Pacific Gas & Electric Co., 44 FERC ¶ 61,010 (1988); Public Service Company of Indiana, 51 FERC ¶ 61,307 (1990); Enron Power Enterprise Corp., 52 FERC ¶ 61,193 (1990); Commonwealth Atlantic Limited Partnership, 54 FERC ¶ 61,268 (1991); and Wallkill Generating Company, L.P., 56 FERC ¶ 61,087 (1991).

II. Overview

The key feature distinguishing incentive regulation from traditional cost-of-service regulation is the relationship between the utility's costs and its rates. Traditional regulation places limits on profits as a substitute for the downward pressure on prices that exists in competitive markets. Thus utility rates reflect the cost-of-service plus an allowed return on equity. Lower costs translate into lower rates, although possibly with a lag.

Incentive regulation places limitations on price rather than profit, with the expectation that utilities will aggressively cut costs in order to maximize their return. This is accomplished by relaxing the tie between a utility's costs and its rates. Lower costs do not automatically translate into dollar-for-dollar reductions in rates. Incentive regulation allows utilities to permanently retain a portion of cost savings as an inducement for further cost reductions. Consumers benefit by sharing in the cost savings through lower rates than would otherwise exist under traditional regulation.

Extending the time frame between rate reviews is another feature of incentive regulation, since currently, for example, traditional regulation for most natural gas pipelines entails a three-year periodic rate review. A longer interval between rate reviews gives the utility added incentives to minimize costs and operate more efficiently.

Of course, even under incentive regulation, rate reviews take place. However, there is symmetry in incentive regulation which distinguishes it from traditional regulation. Utilities will be allowed to retain a portion of any cost savings and they will be required to bear all losses during the period its incentive rate mechanism is in effect. This is not meant to imply that the Commission is abandoning its rights to conduct an investigation to determine the justness and reasonableness of natural gas pipeline rates under section 5 of the Natural Gas Act (NGA), oil pipeline rates under section 13 of the Interstate Commerce Act (ICA), or an electric utility's rates under section 206 of the Federal Power Act (FPA).

Traditional regulation is asymmetrical. Between rate cases, utilities retain the benefits of cost savings. However, in a subsequent rate case, the full amount of the costs savings may generally be reflected in lower rates, thereby prospectively preserving all of the benefits for ratepayers.

III. Legal Authority

Incentive ratemaking is consistent with our general ratemaking authority. As more fully discussed below, the Commission is not required to follow any specific type of ratemaking formula and is not limited to designing rates based upon traditional cost-of-service ratemaking under either the NGA, the ICA, or the FPA. Indeed, the Commission's history of ratemaking includes past use of "Fair value" rate base, "original cost" rate base and no rate base (i.e., market-based rates).

Section 4 of the NGA requires the rates and charges of natural gas companies to be "just and reasonable." As pointed out in *City of Charlottesville* v. *FERC*, 661 F.2d 945, 949 (D.C. Cir. 1981), "[t]he Natural Gas Act fails to prescribe specific standards for ratemakers to follow." However, the statute has been interpreted by the courts to provide a framework for determining what methods may be permissible. The Commission requests that parties comment on what standards the Commission should use in determining whether incentive rate proposals are just and reasonable.

In *FPC* v. *Hope Natural Gas Co.*,[2] the Supreme Court stated that:

> Under the statutory standard of "just and reasonable" it is the result reached and not the method employed which is controlling * * *. It is not the theory but the impact of the rate order which counts. If the total effect of the rate order cannot be said to be unjust and unreasonable, judicial inquiry * * * is at an end. The fact that the method employed to reach that result may contain infirmities is not then important.[3]

In *Federal Power Commission* v. *Natural Gas Pipeline Co.*, 315 U.S. 575 (1941), the Supreme Court addressed the extent of the Commission's authority under section 4 of the NGA. The court stated that "[t]he Constitution does not bind rate-making bodies to the service of any single formula or combination of formulas. Agencies to whom this legislative power has been delegated are free, within the ambit of their statutory authority, to make the pragmatic adjustments which may be called for by particular circumstances." 315 U.S. at 586.

[2] 320 U.S. 591 (1944).

[3] *Id.* at 602.

In *Wisconsin* v. *FPC* 373 U.S. (1963), the Supreme Court, in affirming the FPC's use of area rates, rejected the argument that an individual company's cost-of-service was the only permissible basis upon which rates could be set. In subsequent area rate cases, the Supreme Court upheld the use of incentive pricing schemes in conjunction with area rates as a means of promoting natural gas exploration and the dedication of new supply to the interstate market. In the *Permian Basin Area Rate Cases*, 390 U.S. 747 (1967), the Court upheld the Federal Power Commission's (FPC) area rate proceeding, including a two-price rate structure comprised of one area maximum price for natural gas produced from gas wells and dedicated to interstate commerce after January 1, 1961, and a lower area maximum price for all other natural gas produced in the Permian Basin. The Commission expected that its adoption of separate maximum prices would provide a suitable incentive to exploration and prevent excessive producer profits. The Court stated that the Commission's responsibilities include the protection of future, as well as present, consumer interests. It found, on the basis of substantial evidence, that a two-price rate structure would both provide a useful incentive to exploration and prevent excessive producer profits. 390 U.S. at 798.

In *Mobil Oil Corporation* v. *FPC*, 417 U.S. 283 (1973), the Supreme Court reviewed a Commission order establishing an area rate structure for interstate sales of natural gas produced in the Southern Louisiana area. The program provided for price escalations if the gas industry as a whole found and dedicated new gas reserves from the Southern Louisiana area to the interstate market (contingent escalations). The program also created a refund workoff credit that allowed any company with a refund obligation to a pipeline to reduce the refund obligation if new gas reserves from the Southern Louisiana area were committed to the interstate market. The Commission concluded that the refund workoff credits and contingent escalations would generate additional capital to spur exploration and at the same time keep pace with rising costs. Consumers would be protected from excessive gas supply costs since rate increases would not be levied unless new gas supplies were dedicated to the interstate market.

The Supreme Court found the incentive provisions of the area rates acceptable. The Court stated that, because of a serious and growing domestic gas shortage, the lower court properly concluded that the Commission could reasonably decide that its responsibility to maintain adequate supplies at the lowest possible rate could be better discharged by means of the contingent escalation and refund credit provisions, rather than by case-by-case adjustments in the rate ceilings for gas producers. Finally, in *FPC* v. *Texaco, Inc.*, the Supreme Court stated the fact that the NGA requires "every rate of every natural gas company must be just and reasonable does not require that the cost of each company be ascertained and its rates fixed with respect to its own costs." [4]

In *Farmers Union Central Exchange Inc.* v. *FERC*, 734 F.2d 1486 (D.C. Circuit), *cert. denied sub nom.* 469 U.S. 1034 (1984), the Court stated that "changing characteristics of regulated industries may justify the agency's decision to take a new approach to the determination of just and reasonable rates" and that "non-cost factors may legitimate a departure from a rigid cost-based approach." With the exception of *Farmers Union*, which dealt with oil pipeline rates, these cases have arisen under the NGA. However, the rate provisions of the NGA substantially parallel sections 205 and 206 of the Federal Power Act (FPA). The courts have viewed the statutory interpretations of the just and reasonable standards of the FPA and NGA as interchangeable. In *Jersey Central Power and Light Co.* v. *FERC*, the Court stated that "The Federal Power Act, the source of claim in this case, also requires that the rates be just and reasonable, and the courts rely interchangeably on cases construing each of these Acts when interpreting the other." [5]

These cases affirm that the Commission is not required to follow any specific type of ratemaking formula and is not limited to designing rates for the utilities it regulates based on traditional cost-of-service ratemaking. The Commission is free to set rates to provide incentive so long as there is a correlation between the incentive and the result to be induced.[6]

[4] 417 U.S. 380 (1973).

[5] 810 F.2d 1168 at 1175 (1987). See also *Arkansas Louisiana Gas Co.* v. *Hall*, 453 U.S. 571, 577, n.7 (1981).

[6] See Public Service Commission, State of New York, v. *FPC*, 487 *F.2d 1063 (D.C. Cir. 1973); see also City of Charlottesville, Virginia v. FERC*, 661 F.2d 945 (D.C. Cir. 1981).

IV. Objectives of Incentive Regulation

1. General Principles

Regulated rates should foster both allocative and productive efficiency. Incentive ratemaking stresses productive efficiency by allowing regulated firms to profit or lose based on an objective performance standard. The Rate Design Policy Statement [7] requires efficient gas pipeline rates and stresses allocative efficiency.

Traditional regulation lacks mechanisms that foster long-run efficiency. Utilities face few explicit rewards for taking risks to aggressively cut their costs, and may face few penalties for excessive spending. However, traditional regulation is not without incentives to be efficient in the short-term. Regulatory lag provides some incentive to minimize costs, since savings achieved between rate cases accrue to the benefit of stockholders. However, this incentive is muted once the future benefits of the cost savings are allocated to ratepayers in the form of lower rates in a subsequent rate case. Incentive regulation differs from traditional regulation in that it fosters long-term efficiency.[8] It accomplishes this by: (1) Divorcing rates from the underlying cost of service, (2) lengthening the period between rate cases, and (3) sharing the benefits of cost savings between consumers and stockholders on a current basis.

Divorcing rates from costs provides the utility with the incentive to cut costs aggressively since it is assured that it will retain a portion of the savings it generates. Lengthening the period between rate cases increases the incentive for utilities to take risks associated with aggressive cost cutting measures.

The combination of the longer period between rate reviews and divorcing rates from costs allows the utility to aggressively cut costs, knowing in advance that it will permanently retain a share of the savings. This produces the incentive to pursue long-term productive efficiency that is lacking in traditional regulation. Since companies will have the opportunity to earn returns through retention of a portion of the savings, fairness dictates that customers receive a share of the costs savings on a current basis.

The Commission recognizes that natural gas pipelines' rates have been

[7] Interstate Natural Gas Pipeline Rate Design, *et al.*, 47 FERC ¶ 61,295, *order on reh'g*, 48 FERC ¶ 61,122 (1989).

[8] See, e.g., FERC, Incentive Regulation: A Research Report, Office of Economic Policy, Technical Report 89-3, November, 1989.

designed to give pipelines an incentive to achieve a high throughput by conditioning their recovery of some fixed costs by including those costs in a commodity or usage charge. In the rulemaking proceeding in Docket No. RM91-11-000, referenced above, the Commission has proposed to adopt a different rate design methodology in which the pipeline's fixed costs would be recovered solely through a demand or reservation fee, unless the parties otherwise agree. The Commission specifically requests comments on how the policy proposal here relates to its rate design methodology proposal in Docket No. RM91-11-000.

2. Regulatory Standards

Incentive ratemaking *must* be fair. Properly done, all can benefit; improperly done, it may hurt parties—especially those the Commission has historically protected—as much as it helps. Incentive ratemaking must simultaneously protect customers' interests and offer potential rewards to the firm for good performance. Incentive rate proposals must be consistent with the four standards discussed below.

a. Incentive Mechanisms Must Be Prospective

Incentive ratemaking must be prospective.[9] Utilities cannot assume that their existing rates will be the base to which an incentive mechanism will apply. The Commission must determine that the base rates, calculated on a cost-of-service basis, are just and reasonable at the inception of an incentive rate program.

b. Participation Must be Voluntary

Incentive ratemaking must be voluntary for the firm. Fairness dictates that incentive ratemaking must not be made mandatory during this experimental period.[10]

c. Incentive Mechanisms Must be Understood by all Parties

Incentive ratemaking programs must be specific and clearly state the expected benefits relative to cost-of-service regulation for both the utility and its customers.

d. Benefits to Consumers Must be Quantifiable

All proposals must include a quantified estimate of the consumer benefits compared to cost-of-service regulation (i.e., a comparison of projected cost-of-service rates to prospective rates under the proposed incentive rate mechanism),[11] and a realistic estimate of the program's prospects for success and the risks of failure. The program must include a specific procedure and a time certain for review of the program by the Commission. Because incentive ratemaking is, at this time, an experiment, its merits can only be known by evaluating how firms performed. The Commission can modify, expand, or end the program based on the evaluation.

V. Some Possible Mechanisms

The key to getting incentives to cut costs is to sever the tie between rate changes and changes in a company's current operating and investment costs. As long as rates only reflect the firm's current costs, the firm has little incentive to cut costs. Input prices (e.g., wages, capital costs, fuel, etc.) paid by the utility change because of changes throughout the economy, such as changes in inflation. Even if rates do not depend on the firm's recent costs, they still must respond to changes in demand if a company is to operate efficiently. Failure to operate efficiently results in earned returns below authorized returns. Under traditional regulation, a company in this circumstance would seek a rate increase to prospectively mitigate a decline in earnings. Under the incentive regulation, a company could not seek a rate increase at a time other than that specified by the incentive rate mechanism. In order to increase earnings, the company must achieve cost savings in excess of the change in rates permitted by the incentive rate mechanism. If it fails to do so, any losses incurred are borne by stockholders.

1. Automatic Rate Changes

Automatic rate changes increase regulatory lag by extending the interval between rate cases and permitting greater flexibility in intermediate price changes. Rates are indexed and changed automatically to correspond to changes in an index developed by the utility and approved by the Commission.[12] Adopting an automatic rate change mechanism does not presume existing rates (i.e., the base rates from which rates will be indexed) are just and reasonable. Rather, the base rates and indexing mechanism must be filed and reviewed as a package to assure that the historical costs upon which the indexing mechanisms are based are just and reasonable.

Actions taken by the utility should not change the value of the index used to adjust its rates. When it cuts costs, the utility would keep a portion of the savings. The more it cuts, the more it saves. Conversely, if costs rise, rates will not rise to recover all of the increase. Major issues for automatic rate changes are which indices to use, how to adjust them, and when to conduct a new rate case with a new cost study. Another concern may be quality of service. The proposal must contain standards to measure quality of service and incentives to maintain it. The Commission requests comments on what might be appropriate standards and how incentive rates might affect quality of service.

a. Choosing an Index

The basic choice is between indices that track general prices—such as the Consumer Price Index (CPI) or Producer Price Index (PPI)—and those that track utility input prices. Either way, rates change as the prices change in the economy as a whole and do not reflect changes in a company's specific costs. Linking rates to a general price index has both the benefit and burden of simplicity. To the extent such indices have little direct connection to the electric, oil, or natural gas industries, they may completely miss important changes in a utility's costs, and rates could become unreasonably high or low.

Linking price changes to utility input prices has the opposite virtues and vices. Such an ARAM can track industry costs with much greater accuracy. But defining the index is difficult as it should include all major inputs. However, indices tracking utility input prices must not be so narrowly defined that changes in a single company's costs can significantly affect the index value. To do so would undercut the goal of linking prices to a basket of cost factors that the company cannot affect.

b. Adjusting the Index for Productivity

Changes in rates may directly follow changes in an index or an adjusted version of the index with an offset for productivity. For example, to share productivity gains contemporaneously with ratepayers, the allowed rate change might be somewhat less than the change in the selected index.

c. Revisiting the Base Costs of the Index

The financial, operating and service assumptions of an incentive plan may become outdated because of various factors beyond a company's control. There may have been mistakes in designing the index or changes in governmental policy regarding the particular industry involved. Therefore, the index mechanism, its assumptions and the company's performance should be periodically revisited to assure the index still reflects a fair allocation of benefits and losses between the company and its customers. The issue is how often this should occur. We assume that the plan should contain a reopening date and its rationale.

Over a long enough period of time, the basic cost structure of any industry changes. So, in time, the costs on which all future rates depend may become an unreasonable basis for pricing. The company might begin making or losing money simply because of structural changes in the industry, not because of its own performance. Of course, structural change is partly a result of performance, so this may not be clearly definable. In the end, however, either the firm or its customers may have a strong argument to set rates from scratch. Whenever a rate case does revisit costs, however, the principle of incentive regulation must remain intact—the firm must be able to keep part of its productivity gains or suffer part of the losses over the long-term.

2. Performance Targets

Performance targets also can encourage companies to cut costs. If the company achieves the target, it obtains a benefit. If not, it is sanctioned by a reduction in its profits. The Commission uses performance targets now—throughout projections for pipelines and off-system sales and transmission revenues for wholesale electric utilities. These give incentives to increase service but only indirectly to cut costs. Regulatory lag also provides a performance target of sorts but one that may inspire high costs now to raise rates later. However, the use of performance targets could be expanded in a number of different ways. Targets could be set for almost any cost—interest, salaries, operation and maintenance, even taxes. Rates could be designed using the targets rather than actual costs. The firm could be designed using the targets rather than actual costs. The firm would be allowed to keep a portion of the savings if it beats its target, at least until the next rate case. And, it would absorb a portion of the losses if it failed to meet its targets. Or, the rate of return could be tied to performance.[13] Key issues to be addressed are which costs to target and how to set the targets. Therefore, the overall impact of the selected target on the utility's operations must be scrutinized to ensure its neutrality with respect to operations and ultimately rates.

a. What to Target

Which costs should be the subject of performance targets? Unless the interrelationship of all costs is clearly stated, a company could spend lavishly on non-targeted areas to save a little on targeted ones. For example, if a target applied only to maintenance costs, then a firm might choose to let a plant run down, expecting to charge customers later for the capital investment to replace it. That would benefit the firm now and burden customers later.

b. Setting the Target

One way to set a target is to index a utility's own costs to the average change in costs for similar companies. That may lead to pleas from some firms that they differ greatly from the norm. While looking at the special circumstances of each company complicates the process, it should not, presumably, differ much from the normal rate case. Another approach is to set specific performance or operating standards in conjunction with benefit sharing devices. Performance can be measured in economic terms such as fuel costs or purchased power costs, or in physical terms such as capacity factors and heat rates.[14]

3. Flexible Pricing

Incentive proposals may contain new techniques for flexible pricing. The Commission's selective discounting policy is a form of incentive regulation that encourages better utilization of existing facilities. Other forms of flexible pricing could include auctions for IT service when the maximum cost-of-service rate fails to ration capacity. Flexible pricing could be expanded to give utilities greater latitude to adjust rates and modify service terms and conditions when customers find such changes beneficial.

4. Benefit Sharing

Incentive ratemaking must offer benefits to customers as well as utilities. Most automatic rate changes and performance targets can be combined with benefit sharing so that the utility does not keep all the gains from productive efficiency. These mechanisms are designed so that the utility shares gains with its customers on an ongoing basis. Although benefit sharing may dilute a utility's incentive to operate more efficiently, equity requires that customers should also benefit.

The Commission has, on an experimental basis, considered benefit sharing in the Southwest Bulk Power market Experiment [15] and the Western System Power Pool (WSPP).[16] In the Bulk Power Market Experiment, the Commission, for purposes of testing "the proposition that utility managers are responsive to explicit pecuniary incentives and will increase their coordination sales efforts" allowed the utilities to retain for stockholders 25 percent of the revenue generated from coordination transactions and flow through the remaining 75 percent to ratepayers. The Commission adopted an identical revenue sharing proposal in the WSPP Experiment.[17]

Benefit sharing is also not a novel concept for the gas pipeline industry. The Rate Design Policy Statement suggests designing interruptible pipeline rates around benefit sharing. Some capacity brokering and release programs use benefit sharing usually with firm customers sharing benefit with the pipeline as an incentive to make the program work.

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[9] Canyon Creek Compression Company, 55 FERC ¶ 61,148, *reh'g denied* 56 FERC ¶ 61,140 (1991)

[10] In Western Systems Power Pool (WSSP), the Commission permitted a voluntary multi-year experiment to determine if flexible pricing and defined benefits sharing increased exchange efficiency in electricity coordination markets. The Commission ultimately approved the WSPP on a permanent basis with a-modified cost-based price cap to mitigate the exercise of market power. See Western Systems Power Pool, 55 FERC ¶ 61,099 (1991), *reh'g granted and denied in part*, 56 FERC ¶ 61,495 (1991).

[11] For example, the Commission recently rejected Viking Gas Transmission Company's proposed incentive rate scheme because, *inter alia*, it seemed to guarantee that future rates would be higher than they would otherwise be under traditional embedded cost ratemaking. 57 FERC ¶ 61,417 (1991)

[12] The Commission has accepted rates that automatically adjust to an outside index, including: (1) The average percentage change in wholesale electric rates of neighboring utilities, Illinois Power Co., 36 FERC ¶ 61,400 (1986); (2) the Producer Price Index for finished goods, American Electric Power Co., 51 FERC ¶ 61,501 (1988); and (3) the GNP Price Deflator, Buckeye Pipeline Co., 53 FERC ¶ 61,473 (1990). These filings were not proposed as incentive rate mechanisms. Nevertheless, they are demonstrative of how rates can be decoupled from a company's own costs under an automatic rate adjustment mechanism.

[13] In Virginia Electric Power Company, 19 FERC ¶ 61,333 (1982), the Commission approved a sliding scale mechanism that would adjust the allowed rate of return relative to the performance characteristics (i.e., heat rates and unit availability) of selected fossil-fire generators.

[14] In Ocean State Power Company, 38 FERC ¶ 61,140 (1987), the Commission approved a unit sale contract under which capacity charges will be reduced if the unit fails to achieve a net design capability within a 90 to 95 percent range. Further reductions in capacity charges will occur if the unit's equivalent forced outage rate falls below 60 percent. Ocean State will be awarded additional capacity payments if unit availability exceeds specified levels.

[15] Public Service Company of New Mexico, Opinion No. 203, 25 FERC ¶ 61,469 (1983) *rehearing denied*, 27 FERC ¶ 61,154 (1984).

[16] Pacific Gas and Electric Company, 38 FERC ¶ 61,242 (1987).

[17] 38 FERC ¶ 61,242 at 61,709 (1987).

5. Consumer Welfare Bonus

Another way to satisfy customers is to give the utility a bonus for serving them well. For example, the rate of return could be adjusted to rise or fall depending on how well the pipeline improved the designated service parameters or how much it cuts prices. Customer satisfaction leads to repeat sales and an increase in the firm's return.

In the electric industry, demand-side management programs can act as a consumer welfare bonus. For instance, the utility may install conservation devices and share the savings from avoiding the construction of more generating capacity with its customer. However, defining customer welfare in monopoly or oligopoly markets is technically difficult. The idea may work best when more value can be added to the customer's quality of service. That may not be possible for pipelines or wholesale power suppliers.

VI. Conclusion

Incentive ratemaking is an alternative regulatory mechanism that the Commission tentatively concludes can reward utilities for efficiency and benefit customers with lower rates. Incentive ratemaking can help achieve the goal of productive efficiency. It is not a substitute for market-based mechanisms where markets are workably competitive. Rather, it is a way to attempt to replicate incentives that occur naturally in a competitive market.

While the Commission proposes to invite utilities to propose incentive rate mechanisms, the Commission would not automatically accept any proposal filed that purports to meet the goals of this policy statement. Rather, a utility would be required to file specific detailed information concerning its proposal, and how it meets the policies contained herein. Prior to accepting any such filing the Commission would scrutinize that proposal closely. The Commission would reject, consistent with Commission and court precedent,[18] any proposal that is not consistent with the goals of this policy statement. In addition, the Commission would suspend such proposals for the full statutory period and provide for refunds, to the maximum extent possible, should that be found appropriate.

[18] *Southern Natural Gas Co.* v. *FPC*, 547 F.2d 828 (5th Cir. 1997); *Municipal Light Boards* v. *FPC*, 450 F.2d 1341, 1345 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972); *United Gas Pipeline Co.* v. *FERC*, 551 F.2d 460, 463 (D.C. cir. 1977); Stingray Pipeline Co. 56 FERC ¶ 61,078 (1991); Viking Gas Transmission Co. 56 FERC ¶ 61,417 (1991).

VII. Comment Procedures

The Commission invites interested persons to submit comments concerning all facets of this proposed policy statement and solicits suggestions on other criteria or other standards for evaluating incentive mechanisms that should be considered. All comments should include a one page executive summary of the commenter's major concerns. All copies should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426 and should refer to Docket No. PL92–1–000. Comments must be submitted no later than 45 days from the date of issuance of this order. Reply comments may be submitted no later than 60 days from the date of issuance of this order. This comment period should afford parties affected by the Commission's final rule in Docket No. RM91–11–000 an opportunity to review the rule before filing their comments here. In the event there is insufficient time, the Commission will extend the time for comments in this proceeding.

By direction of the Commission. Commissioner Trabandt concurred with a separate statement attached.

Lois D. Cashell,

Secretary.

Trabandt, Commissioner, *concurring:*

I. Introduction

The instant Notice of Proposed Policy Statement (NOPPS) on Incentive Regulation includes a Proposed Policy Statement (PPS) of considerable significance for the Commission's regulatory program, primarily in the regulation of interstate natural gas pipelines. Under favorable circumstances, the PPS in theory could conceivably lead to improvements in the productive efficiency of services provided by interstate natural gas pipelines, with demonstrable benefits to consumers in the form of lower costs, improved quality of service and/or lower rates. Under other circumstances, which potentially could develop pursuant to a Final Policy Statement (FPS) in this docket, existing pipeline services at current levels of quality could be offered at rates in excess of those rates which would otherwise be established under current policy, without any quantifiable consumer benefit.

I write separately to discuss the relevant procedural and substantive issues for purposes of advancing the analytical debate about the PPS and focusing appropriate attention on the likely effect of a FPS. Paraphrasing Douglas Jones, Director of the National Regulatory Research Institute, I attempt to provide a cautionary view with moderate skepticism from the regulatory vantage point. Hopefully, this discussion will provide a useful foundation for the analysis of the PPS by interested parties and the prepartion of comments in response to the NOPPS. I should note that all of the studies and the bulk of the analysis included in this discussion were provided to Commission Terzic's Task Force for review over the last few months.

II. Scope of the PPS

A. General

The NOPPS is styled as "incentive ratemaking for interstate natural gas pipelines, oil pipelines, and electric utilities." And, the introduction states, "[i]n this proceeding, the Commission proposes to define the essential elements of an incentive ratemaking policy and proposes to set guidelines for utilities that choose to submit specific incentive rate proposals for natural gas pipeline and oil pipeline transportation service and wholesale electric service." (Slip op. at 1, 2.) As developed at the Commission Meeting of March 11, 1992, and discussed below, the PPS in actuality is primarily, if not almost exclusively, focused on the transportation and related services of interstate natural gas pipelines. While at some point there could be a direct application of the PPS to oil pipeline transportation services and wholesale electric services, that is not the primary focus nor realistic contemplation of the instant order.

B. Competition vs. Incentive Regulation

As emphasized in the introduction and reiterated thereafter throughout the PPS, "incentive regulation is an alternative to cost-of-service regulation for utilities in non-competitive markets * * * and not a substitute for market-based rates where markets are workably competitive, or where there is no exercise of market power." (Slip op. at 2.) Therefore, in order to assess the relevance of incentive regulation to any particular activity under the Commission's jurisdiction, it is necessary to assess qualitatively the extent to which competition exists or for which Commission policy seeks to engender or promote competition. In the end, incentive regulation will only be relevant to those activities and services for which competition does not serve as a substitute, in whole or in part, for traditional cost-based regulation. That

fact is of crucial importance in defining the jurisdictional scope of the PPS.

C. Wholesale Electric Services

As pointed out at the March 11 Commission meeting, the Commission regulates only 10 to 15 percent of revenue a typical utility earns. Moreover, there are only five or six electric utility companies that have 100 percent FERC jurisdictional sales and which would be affected by incentive ratemaking. The vast majority of the electric sales business falls under retail jurisdiction, where several states already have incentive ratemaking in various stages of implementation. Beyond those five or six companies, it is not clear if or how incentive ratemaking would apply to our jurisdictional electric areas, such as transmission services and bulk power sales. I think it is also incumbent on the Commission to assess more specifically what exact electric utility services subject to our jurisdiction would be candidates for incentive ratemaking, for what reasons, with what objectives and with what particular incentive approach.

In additin, the Commission's current focus is on bringing additional competition to those electric services, such as transmission, which are subject to our jurisdiction. For example, wherever possible now, the Commission approves negotiated/market rates for eligible IPP transactions. Also, by law PURPA QF transactions are set at "avoided costs," as administered by the states pursuant to our general PURPA regulations. While I have not been completely enthusiastic about every competitive initiative proposed by the Commission staff or adopted by a majority of the Commission, that certainly is the general direction of the Commission today, as reiterated repeatedly in Chairman Allday's speeches and in a series of electric utility cases.

And, I would note that it shouldn't be that hard to work through analytically the electric jurisdictional services and competition questions. Such an analysis would give us a better grip also on the underlying question of interest to some of us; *i.e.*, to what extent is incentive ratemaking appropriate in our electric power regulation on a jurisdictional area specific basis. In the spirit of "truth in advertising," we ought to know the answer to that question anway before proceeding on any generic basis to initiate Federal incentive ratemaking for electric utilities.

Consequently, I believe the Commission should concede that few electric jurisdictional areas will be subject to traditional regulation, in whole or in part. Thus, by and large, areas accounting for very little revenue will remain subject to cost-based ratemaking in the face of the competitive policies in electricity.

I also would note that the discussion at the March 11 Commission meeting demonstrated in my judgment some of the real policy contradictions between the PPS as applied to electric utilities and current policies, even in areas subject to regulation. In the specific area of transmission pricing, for example, the Commission recently pronounced a new policy by which electric utilities could use a rate other than a traditional, embedded cost rate for transmission services, involving so called "opportunity costs." The Commission discussed in detail the circumstances under which the Commission is willing to approve some form of opportunity cost pricing for transmission services. (*Northeast Utilities Service Company, et al.*, 58 FERC ¶ 61, 070 (1992) (Opinion No. 364–A)).

I will not repeat that discussion here. But, of primary significance to this PPS, the Commission in Opinion No. 364–A articulated three goals governing the pricing of future third-party requests for firm transmission service. The goals are: (1) To hold harmless the native load customers of the utility providing transmission service; (2) to charge the lowest reasonable cost-based rate for third-party firm transmission service; and (3) to prevent the collection of monopoly rents by the transmission owner and promote efficient transmission decisions. The Commission further explained that in ruling on specific proposed rates, the Commission would balance the three goals in light of the facts and circumstances presented at that time.

The Opinion No. 364–A pronouncement was intended to support the Commission's general electric policy of fostering greater competiton in the nation's wholesale bulk power markets, while recognizing the important economic interests of the native load customers of franchise utilities. Certaily, there is a quite obvious reluctance on the part of the Commission staff to allow inicentive regulation proposals for transmission services to undercut or reverse the new Opinion No. 364–A policy, as I determined when I specifically inquired about the acceptability of such a proposal at the Commission Meeting. How, if at all, incentive regulation would apply to those transmission services and their rates is not only unclear, but such incentive regulation on its face would be contrary to the new policy in Opinion No. 364–A, for better or for worse.

There also has not been much analytical support or empirical evidence presented thus far to the Commission or reflected in the NOPPS to buttress the use of inicentive regulation in this Commission's electric jurisdiction. The NOPPS does cite to the Southwest Bulk Power Experiment and the Western System Power Pool Experiment, as well a a few other electric cases. However, none of the cases cited had as a *primary* objective the use of an incentive ratemaking mechanism to achieve a demonstrable increase in productive efficiency with concomitant quantifiable consumer benefits, which is the proffered *sine qua non* of this proposal. Although certain mechanisms similar to those discussed in the PPS were employed in those cases, the use of the mechanisms in almost every case was intended to support another primary objective; *e.g.*, flexible transmission pricing in the Western System Power Pool Experiment to obtain greater transmission access (and such greater access was lost, when the Commission severly limited the pricing flexibility).

Those studies available from other sources raise considerable questions about the effectiveness more generally of incentive regulation in electric utility services. For example, the New York Public Service Commission has been actively reviewing incentive ratemaking for electric utilities for the past year and a half. The New York PSC published an "Issues Paper on Ratemaking Alternatives and Performance Incentive" for use in that docket. The Issues Paper provides a reasonably comprehensive discussion of the ratemaking options associated with a series of "alternative Regulatory Strategies" for electric utilities. Without personally endorsing any portion of the analysis, I believe the discussion of the advantages and disadvantages associated with the identified options and strategies would provide a useful starting point for further analysis and discussion by interested parties and should be considered by the Commission. A copy of the Issues Paper will be placed in the Public file in this docket.

Another recent study is by Berg and Jeong, "An Evaluation of Incentive Regulation for Electric Utilities' (*Journal of Regulatory Economics*; 3:45–55 (1991)). That empirical study attempted for the first time to identify the determinants of regulatory initiatives in this area and to test the effectiveness of incentive programs in lowering electricity production costs. The study examined the determinants and impacts of inicentive regulations introduced by

state utility commissions in the late 1970s and early 1980s. Rewards for generating plant utilization and low heat rates were found to have been introduced in states whose firms exhibited relatively high managerial slack (or relatively higher costs). However, the empirical data did *not* find that the introduction of specific cost component incentives improved overall operating cost performance. Again, without personally endorsing any portion of the study or taking a position on such state incentive regulation programs, I believe this empirical study should be reviewed by interested parties and considered by the Commission. A copy of the study will be placed in the public file in this docket.

Another recent study is "The Michigan Regulatory Incentives Study for Electric Utilities, Phase I Final Report, " April 25, 1991, Barakat and Chamberlin. Without personally endorsing any portion of the study, I have attached a detailed description of the study (attachment A) [1] for the purposes of postulating the analytical differences between the Michigan study and that of the NOPPS. The description is an excerpt from the 1991 Report of the Committee on Energy Conservation of the National Association of Regulatory Utility Commissioners. Interested parties may wish to review the study and it should be considered by the Commission. A copy of the study will be placed in the public file in this docket.

As these studies demonstrate, there is considerable analytical disagreement about whether and how incentive regulation should be applied to state electric utility regulation. A recent speech by Douglas N. Jones, Director of the National Regulatory Research Institute, provides a cautionary view with moderate skepticism from the regulatory vantage point. A copy of his remarks is attached for the information of interested parties (Attachment B). For the reasons discussed above, those factors are complicated by the limitation and type of Federal jurisdiction over the electric utility industry.

D. Oil Pipelines

The Task Force did not propose to include oil pipelines in the PPS. Oil pipelines were added to the NOPPS at the March 11 Commission meeting after I questioned the rationale for their absence. An explanation of the situation might assist interested parties in their review of the NOPPS.

As we know, by settlement the Commission has successfully initiated a competitive experiment in the *Buckeye* case (*Buckeye Pipeline Company, L.P.*, 53 FERC ¶ 61,473 (1990); *rehearing granted in part and denied in part*, 55 FERC ¶ 61,084 (1991)) and other oil pipelines are in various stages of proceeding down the same path. However, there may continue to be some discrete markets, as in *Buckeye*, where the intermodal competition cannot be demonstrated to support market based rates and where, as a result, traditional ratemaking will continue for the foreseeable future. In essence, the competitive initiative is well underway on a case-by-case basis, but that is going to take a long time across the industry and there still may remain some traditional ratemaking before and after the transition. So, perhaps, the Commission would find upon further review that incentive regulation might be compatible with the competitive initiative for some oil pipeline services to particular discrete markets.

I wouldn't want to pre-judge that question, because it would involve a mix of incentive ratemaking with market prices for a particular pipeline, such as in *Buckeye*, but it might be worth exploring. In any event, again, we should know the answer ourselves in order to determine exactly what role, if any, incentive ratemaking should have under existing law for oil pipelines, taking into account the *Buckeye* competitive initiative. I would encourage the Commission to conduct such an analysis.

At the March 11 meeting, the Commission staff argued that the Commission might be better advised to defer consideration of incentive regulation for oil pipelines until after the Commission receives the results of a staff technical conference on April 30, 1992. The staff is convening the technical conference to examine the potential for streamlining the regulation of the interstate oil pipeline industry and to consider generic, market-based rates for oil pipelines under existing law. I continue to believe, as I have testified before Congress and argued to the Commission previously, that a generic initiative proposing market-based rates for much of the industry could be effective.

So, I strongly support the technical conference initiative to explore that possibility, as well as procedural reforms. At the same time, however, unless and until some form of generic action is taken under existing law, the case-by-case approach with time consuming and costly market analyses will remain the only option to traditional cost-based regulation for oil pipeline companies. On that basis, the Commission should probably consider whether and how incentive regulation might be applicable as an alternative to continued traditional regulation for the foreseeable future for many oil pipelines.

As an aside, I would note that I found particularly ironic the advice of the Commission staff that the Commission defer action on incentive regulation for oil pipelines because of a forthcoming *staff technical* conference, while at the same time urging immediate action without public comment for incentive regulation for natural gas pipelines in the face of an imminent *Final Rule* in the so-called "Mega-NOPR" proceedings in Docket No. RM91-11-000. More on that later.

E. Natural Gas Regulation

This for me is the most difficult jurisdictional regulation for which to assess the appropriate role of incentive ratemaking *at this time* for several reasons. First, the predicate for the Task Force's support of incentive regulation is the need to provide a financial incentive for interstate pipelines to cut costs under traditional regulation, where there is inadequate competition to impose cost reduction as a competitive matter. At the same time, the objective of the Mega-NOPR is to increase competition on a gas-to-gas basis on individual pipelines by establishing full comparability of firm transportation and related services, which in turn will support more flexible pricing and regulation for both pipeline sales and services. Additionally, pipeline-on-pipeline competition should be enhanced significantly by the proposed measures in markets served by two or more pipelines. And, concepts such as capacity brokering add additional dimensions of competition for pipeline capacity entitlements.

It also is important to bear in mind that the natural gas market now deals in two basic commodities—(1) the physical natural gas molecule and (2) the pipeline capacity to deliver it. After the Mega-NOPR final rule, there probably will be at least one additional commodity, if not more, and that is the storage capacity which can serve as a competitive alternative (1) to direct wellhead sales and (2) to pipeline capacity (particularly for peak demand service). So, the Mega-NOPR should introduce additional competition in several different forms in several different (existing and new) markets. Thus, it is not clear today how incentive ratemaking either could or should be introduced into the interstate pipeline industry under the Mega-NOPR proposals.

For that reason, I am not persuaded we should initiate any action on incentive ratemaking for pipelines until we enact a final rule in the Mega-NOPR docket. We do need to decide in that docket (1) what services will be provided by pipelines, (2) under what terms and conditions, (3) with what degree of potential competition, (4) with what resulting degree of pricing flexibility or market rates, and (5) with what remaining degree of traditional cost-based regulation. There may be a different outcome for firm vs. interruptible for a particular service and as between (1) storage, (2) transportation, (3) balancing, (4) gathering, and (5) sales, for example. It also is noteworthy that the initial comments of various parties in the Nega-NOPR propose various forms of flexible pricing, negotiated rates and incentive ratemaking in alternative formulations, *i.e.*, let us have negotiated market rates, or failing that flexible pricing, or failing that incentive or "motivator" rates (*e.g.*, for capacity release programs).

Consequently, I believe we need to develop some threshold notion of where we are going to land on those issues in the Mega-NOPR in order to assess whether, and if so, how incentive ratemaking will get into the final mix. I also believe that it would be appropriate for us to look at the specific services *then* remaining under traditional cost-based regulation, *if any*, to assess how incentive ratemaking could or should apply. Depending on how the final rule comes out, we may find that incentive ratemaking could be a good generic supplement for services other than more competitive services, or we may find it will have little generic value because services then will be largely competitive.

If it is the former, then we can assess how best to proceed on either a case-by-case basis or by generic policy statement. However, I do not believe we should do an incentive ratemaking policy statement right after the Mega-NOPR final rule, because we will still need to make the pipeline specific decisions under the final rule. In fact, it is likely that we will not have a clear picture of a general industry nature as to how much comparability has really been achieved and what formulation competitive pipeline services have really taken, until the settlement negotiations on many pipelines are complete.

Fourth, I am not sure I can agree with the underlying assumption that there is inadequate competition in *today's* market for cost cutting. Take, for example, interruptible transportation rates (IT). They are set at max-min's based on cost recovery factors, but subject to selective discounting. And, most pipelines in off-peak periods (whenever the pipeline is not largely full with FT and firm sales) discount almost continuously by electronic bulletin board to maximize throughput in a market where one or two pennies can make a real difference.

Also, sophisticated computer software now makes it instantaneously possible to trace IT discounts on pipelines serving the same geographic market area to determine the least cost path on a real time basis. Additionally, the "contemporaneous and comparable" correlative discount requirement in Order No. 497 for all similarly situated shippers, when a discount is given to a pipeline affiliate, has served to make discounting a far more fair and effective competitive tool. As a result, most pipelines today have a great incentive for cost cutting in the face of discounting, as we have seen in many pipelines. This is just one example of why we need to have a careful assessment of the need for incentive ratemaking for cost reduction on a pipeline service-by-service basis, that reflects the actual competitive conditions advanced by the Final Rule in the Mega-NOPR docket. And I do believe, by the way, that our several initiatives since 1984 have advanced, if not created, much of the competitive situation in the natural gas industry today, just as will the Mega-NOPR Final Rule.

F. Conclusion

As a practical matter, the NOPPS is really focused on transportation services provided by natural gas pipelines. There is as yet no demonstration that incentive regulation has a particular place in wholesale electric services. And, there even is apparent opposition to its use in Federal jurisdictional services, as well as considerable doubt as to its effectiveness more generally for electric services. Additionally, oil pipelines are clearly an afterthough, however, meritorious incentive regulation might be for them, and oil pipelines are the subject of the staff technical conference in any event. By rather obvious deduction, therefore, the NOPPS, despite its styling, and the PPS, despite its inclusive phrasing, target transportation services of natural gas pipelines for incentive regulation. For that reason, the balance of this opinion will focus on that subject.

III. The Legal Question

The Bible teaches us, *Ecclesiastes*, 1:9, "And there is nothing new under the sun." That applies to incentive regulation as well. Though narrower in scope than the Task Force's program, the Commission has tried incentive ratemaking before in natural gas. We departed from strict cost of service regulation in order to provide various incentives to gas companies. The efforts regarding exploration come to mind.

For example, in the years before the Natural Gas Policy Act, the Commission allowed gas pipelines to extract higher rates from customers, to pay producers more (the advance payment program). Providing an incentive also formed the original rationale for allowing pipelines to keep for shareholders, rather than give to ratepayers, the benefits of consolidated tax savings that come from production losses. Both programs wound up under review in court, and as a result, considerable case law exists on how properly to fashion an incentive regulation under the "just and reasonable" standard of the Natural Gas Act.

The more recent, *City of Charlottesville* v. *FERC*, 661 F.2d 945 (D.C. Cir. 1981), struck down the Commission's consolidated tax policy for gas pipelines. The court held, 661 F.2d 945, 950, that a more rigorous standard of review applies when the Comission "seeks, * * * to encourage [a particular activity] through increased rates to consumers." Quoting the *City of Detroit* v. *FPC*, 230 F.2d 810 (D.C. Cir. 1955), the court admonished (*id.*):

> [I]f the Commission contemplates increasing rates for the purpose of encouraging exploration and development * * * it must see to it that *the increase is in fact needed* and *is no more than is needed for the purpose*. Further than this we think the Commission cannot go without additional authority from Congress.

(Emphasis added)

In addition, the *Charlottesville* case stands for the proposition that the Commission must, through evidence, show that the incentive works. The court, 661 F.2d at 953–954, examined the record and found, as had the Administrative Law Judge, that the extra money the pipeline took in went, not to exploration, but to general corporate purposes. The court, 661 F.2d at 954, refused to "take it on faith that such funneling of tax savings does occur." (Footnote omitted.)

Even this cursory legal analysis should tell us that we cannot just decide

[1] Copies of attachment A–D are not being printed in the Federal Register but are available in copies of the Notice from the Public Reference Room.

to give companies undefined "incentives," such as tying rates to some external index. Rather, after overcoming the hurdle that we need incentive ratemaking at all, the Commission must show how that the mechanism we choose gives companies enough, but not too much, money and, in fact, will bring about cost reductions. I also think that we will have to introduce a rigorous monitoring program to make sure that a particular form of incentive does more than degenerate into windfalls for the pipeline. I also invite the attention of the reader to the Commission's inquiry about what standards the Commission should use in determining whether incentive rate proposals are just and reasonable (slip op. at 5).

IV. Procedural Aspects

A. Proposed Policy Statement

It is particularly important that this is, in fact, a *proposed* policy statement. As such, as of this time, the PPS does not represent a final policy of the Commission. That point is emphasized repeatedly in the Introduction of the NOPPS, where it is stated that, "the Commission proposes to define * * * proposes to set guidelines * * * and proposes to invite companies to file incentive ratemaking proposals consistent with the principles laid out in a *final policy statement issued after our review of the public comments.* (Slip op. at 1, 2.)

The Commission certainly could have adopted an immediately effective policy statement, without any prior public comments and subject only to requests for rehearing after issuance. Speaking only for myself, I believe that the decision not to proceed with an immediately effective policy statement, but rather only issuing the instant NOPPS for initial and reply comments before considering a final policy statement, is very significant. In my judgment, that decision reflects a preceived need for industry-wide input in advance of any decision about (1) *whether* and (2) if so, *how* to proceed with incentive regulation for transportation services provided by interstate pipelines, particularly in the face of the Mega-NOPR and its impending Final Rule. The NOPPS approach will ensure that the Commission has the benefit of industry-wide comment, as well as the Task Force recommendation, before becoming committed to any form of incentive regulation for natural gas pipeline transportation services.

Consequently, it would be quite premature, in my judgment, to conclude today that the Commission on any consensus basis has already embraced incentive regulation for such services without any hesitation or reservation. And, I would submit that any suggestion to the contrary "just ain't so." Therefore, I would urge analysts and commenters to address fully *whether* and *why* incentive regulation for such natural gas pipeline services should be adopted as Commission policy, as well as where, when, and how any policy of incentive regulation for those same services should be implemented.

B. Relationship to the Mega-NOPR

1. Timing

The NOPPS provides for 45 days for initial comments and 15 days for reply comments after issuance. However, there remains considerable pressure to rush to adoption of a FPS for reasons apparently related to the Mega-NOPR final rule.

The order states that, "(t)his comment period should afford parties affected by the Commission's Final Rule in Docket No. RM91–11–000 an opportunity to review the rule before filing comments here (and) in the event there is insufficient time, the Commission will extend the time for comments in this proceeding." (Slip op. at 22, 23.) And, as discussed at the March 11 Commission meeting, the Commission is expected to act on the final rule in early to mid-April. Thus, commenters in this proceeding would have two to three weeks after that Final Rule issues to file initial comments here by late April and then reply comments by mid-May, in the absence of an extension.

Correspondingly, requests for rehearing of the final rule would be required by statue 30 days after its issuance, or in early to mid-May. Consequently, the Commission by mid-May would probably have pending before it the record of public comments on incentive regulation for natural gas pipeline transportation services for decision in a FPS in this docket, at the same time we would have pending the requests for rehearing in the Mega-NOPR docket. I am concerned that the apparent coincidence of the pendency of the two decisions (final policy here and rehearing order there) may suggest or invite a linkage in the implementation of the final rule, which I would oppose.

2. Linkage

The Commission in the instant order could have announced an intent to issue a final policy statement as close as possible to the time companies and other interested parties begin discussions on restructuring in reponse to the final rule in Docket No. RM91–11–000, thus indicating a clear policy direction that incentive regulation proposals could or even should be considered as part of those restructuring negotiations. Rather, the Commission in the NOPPS stated that it, "recognizes that there is a relationship between this proposed policy statement and any restructuring proceedings necessitated as a result of the final rule * * * (and) (t)hus, after a review of the comments filed here, the Commission will issue guidance on how this policy statement affects those restructuring proposals." (Slip op. at 2.)

This is hardly a matter of purely academic or mere procedural concern. The Reply Comments of the Natural Gas Supply Association and Indicated Producers (NGSA/IP) in Docket No. RM91–11–000 address this linkage issue quite well, as follows:

> While the term "incentive rate" apparently has different meanings to different segments of the natural gas industry, at the very least, incentive rates must be designed to encourage a pipeline to operate in the interest of all parties, including shippers, and to enhance pipeline efficiency. Therefore, any future incentive rate mechanism must produce a "win-win" situation for pipelines and shippers.
>
> NGSA/IP are troubled, however, that some pipelines have recently filed market-based transportation rates and one-sided profit enhancement schemes with the Commission under the guise of "incentive rates." Those proposals benefit only the pipeline's shareholders at the expense of all other parties. They do not have the offsetting and commensurate benefits which are the foundation for economic enhancements and efficiencies under incentive rates. NGSA/IP urge the Commission to examine carefully purported "incentive rate" filings to make sure pipelines do not utilize incentive rates primarily to enhance revenue flow or to avoid declining rate bases.
>
> Additionally, the Commission should carefully review "incentive rates" which are filed even as settlements under the implementation filings required under the Final Rule. The Commission should assure itself that the parties have not been coerced into accepting one-sided "incentive rates" as an inducement to the pipeline to become comparable, something the Final Rule will require the pipeline to do anyway. Incentive rates must be economically beneficial to all parties when examined on a stand-alone basis.
>
> Finally, it is clear to NGSA/IP that regulations for incentive rates should not be addressed in the instant rulemaking. It is premature to fashion rules for incentives until pipeline services are unbundled and comparable. Only when embedded, historic cross-subsidies are eliminated will it be clear which functions and services the pipeline offers will benefit from incentive rate treatment. Without the clear pricing signals that unbundling of services offers the purported positive effects of incentive ratemaking will be counterproductive to the efficient operation of the market. (Footnote omitted.)

I am quite concerned that, in the absence of substantial public comment on this linkage issue, pipelines may be authorized, if not affirmatively encouraged, to incorporate incentive regulation proposals pursuant to a Final Policy Statement in this docket into the restructuring proceedings. And, to the extent that settlements including incentive regulation for pipeline services are negotiated in those proceedings and filed with the Commission, I would deem it very unlikely that the Commission would be in a position procedurally to reach the merits of the four principles set forth in the PPS, such as quantifiable consumer benefits, for any given incentive regulation proposal. Under those circumstances, the potential for coercion suggested by NGSA/IP could be manifest, without any realistically available remedy.

Consequently, I strongly would prefer to require that any incentive ratemaking for natural gas pipelines under the FPS must be the subject of a separate filing and a separate docket without any linkage or incorporation into the restructuring proceedings. Such a complete separation would ensure that the Commission will have the full legal and policy flexibility to review any such incentive mechanism on the substantive merits, without any settlement limitations. In my judgment, that is not only the best way, but probably the only effective way to ensure that any incentive ratemaking for natural gas pipeline transporation services will be consistent with applicable legal requirements and the Commission's competitive policy objectives in the Mega-NOPR.

I encourage all interested parties to address the linkage issue in their initial and reply comments.

3. Straight Fixed Variable

The NOPPS includes a discussion about the current rate design of natural gas pipelines and the Commission's proposal in the Mega-NOPR "to adopt a different rate design methodology in which the pipeline's fixed costs would be recovered solely through a demand or reservation fee, unless the parties otherwise agree (and) (t)he Commission specifically requests comments on how the policy proposal here relates to its rate design methodology proposal in Docket No. RM91–11–000." (Slip op. at 11.) Of course, this is a rather obtuse way of inviting commenters to tell the Commission *again* that the Straight Fixed Variable (SFV) proposal in the Mega-NOPR (assuming it survives in the final rule) would leave the pipeline with no incentive to maximize throughput. And, further, that the fix for that problem really should be incentive regulation for transportation rates, *ergo*, we must adopt the instant PPS. And, oh by the way, we better hurry up to adopt this PPS in order that incentive ratemaking can be included in the Mega-NOPR restructuring proceedings to ensure that pipelines have an incentive to maximize throughout, even under SFV if adopted in the final rule.

For those of us poor (and probably perverted) souls who sadly delight in the analytical chess game of the regulatory process, that line of attack is a fascinating gambit. Of course, the whole issue of maxmizing throughput goes to the heart of *allocative* efficiency, rather than *productive* efficiency. If allocative efficiency is the primary objective here, then that is the subject of the 1989 Rate Design Policy Statement and very much the focus of the Mega-NOPR. Indeed, if maximizing throughput is a serious concern, then as discussed earlier, the *existing* Order No. 436 rate structure for transportation services with maximum rates subject to non-discriminatory, selective discounting provides a *perfect* answer, because the discounting feature (i) achieves allocative efficiency by maximizing throughput *and* at the same time, (ii) achieves productive efficiency by creating a decided incentive to cut costs in providing transportation services in order to maximize profits realized from discounted volumes. And, candidly, that is the essence of the debate which has continued since the early days of the Task Force with regard to the fundamental need for incentive ratemaking for natural gas transportation services.

In any event, all interested parties should address the question at page 11 with this explanation in mind, after checking the final rule to see whether and, if so, how the SFV proposal in the Mega-NOPR fared in the final rule. And, if SFV is retained in some form, what effect does that have on (i) the allocative efficiency and (ii) the productive efficiency of pipeline transportation services? And, then how would incentive regulation for those services affect those separate efficiencies generally? And, more specifically, is there any resulting justification for replacing current transportation rate policies with incentive ratemaking, apart from the aforementioned gambit?

C. Experimental Nature of the Proposal

There has been some suggestion that the intention of the PPS really is only to commission "experiments" in incentive ratemaking for natural gas pipeline transportation services, in order to build a body of knowledge for further policy development in this area. Traditionally, the Commission has used experiments on occasion to develop operating experience and obtain empirical data for such purposes. The Southwest Bulk Power Experiment and the Western Systems Power Pool initiative are examples of such experiments. The Commission articulated at the outset the objectives it hoped to achieve, set up criteria for evaluation, provided for the collection of data for analysis, and used outside consultants to provide an independent analysis of the data and an objective assessment of the results of the experiment.

Then, the Commission carefully considered the results of the analysis, the conclusions of the experts, and the recommendations of the participants, other interested parties and the Commission staff *before* deciding how to proceed with a more general policy. In the Western Systems Power Pool case, for example, the Commission extended the experiment at the request of the parties, when it became clear that certain delays had prevented the timely collection of adequate data for analysis. And, there was considerable debate in that case at the Commission about the degree of transmission pricing flexibility necessary to achieve the bulk of the consumer benefits.

It is also noteworthy that courts reviewing such traditional experiments, including the Western Systems Power Pool, have been willing to provide the Commission with considerably more latitude than might otherwise be available under a typically more rigid application of statutory standards, such as "just and reasonable" for natural gas pipeline rates. Courts in those cases have emphasized, however, that to qualify for such greater latitude the Commission must be quite precise in establishing the objectives, evaluation criteria, data collection, analytical process, monitoring mechanism, and specific review procedures, such as in Western Systems Power Pool.

The legal discussion in the original Western Systems Power Pool order set out the proper standard for supporting experimental departures from traditional cost-based rates. Citing to *Maryland People's Counsel V. FERC*, 761 F.2d 768,779 (D.C. Cir. 1985), we said, "[T]he law] demand[s] an articulation * * * of the Commission's reasons for believing that more harm than good" will result from the experiment. *Pacific Gas & Electric Company*, 38 FERC ¶

61,242 at 61,793 (1987). (For the full text of that discussion, see Attachment D to this opinion).

By all of those legal and past practice indicia, this PPS is decidedly not an "experiment" *per se* for purposes of any analysis or public comment. While the Task Force may have in mind the notion of having a series of incentive ratemaking mechanisms in place on any number of natural gas pipelines across the country as some form of grand "experiment" to see how they all work, that is not tantamount to a true regulatory "experiment" in legal or policy terms. Rather, as the attempted linkage to the Mega-NOPR restructuring cases make clear, the clear and unambiguous direction is to make any one of several incentive ratemaking mechanisms available to *all* pipelines at the same time, *i.e.*, mid-1992 for incorporation in those restructuring proceedings. That may be a "grand experiment" in continental terms, but it quite simply is not an "experiment" in traditional regulatory terminology.

VI. Substantive Merits of the PPS

A. Regulatory Standards

The PPS includes a discussion of Regulatory Standards involving (1) incentive mechanisms must be prospective, (2) participation must be voluntary, (3) incentive mechanisms must be understood by all parties and, perhaps most significant (4) benefits to consumers must be quantifiable. (Slip op. at 11–13.)

In order to assess these proposed standards, my office has attempted to review, as best time allows, the FCC experience and AT&T price cap regulation. The middle of 1990 was the end of the first year of price cap regulation pursuant to the landmark order issued by the FCC, after the original NOPR was re-noticed by the Bush Administration appointees. In that first year, the FCC calculated that AT&T customers benefited by $727 million in *reduced* rates under price cap regulation.

AT&T services are now divided into 17 separate categories. There are limits on increases in any given category each year, and AT&T is also required to reduce the average residential rate by 2 percent annually in real terms. The caps on each group of services (1. residential and small business; 2. 800 service, and 3. all other business services) also are adjusted to reflect changes in exogenous costs, productivity and rate restructuring. The following discussion is based on a report to the House Subcommittee on Telecommunications and Finance by the FCC Common Carrier Bureau in October, 1990 entitled "AT&T's Performance Under Price Cap Regulation," which is one of several documents we have obtained from the FCC for review of their program.

After one year, service prices were, on average, 4.3 percent *lower*. Prices in 15 of the 17 service categories decreased and the largest increase was less than .3 percent. Adjustments in the price caps after one year reduced the limits in all three baskets—down 2.4 percent in basket 1; down 2.9 percent in basket 2; and down 1.6 percent in basket 3. In addition, the FCC allowed 12 filings for below-band pricing of AT&T offerings to take effect after determining that they met the "average variable costs" test standard to guard against predatory pricing. AT&T earnings remained within their historic benchmark and yet were sufficient to support needed investments in service and modernization during the first years of price cap regulation, according to the FCC, with a rate of return of 11.62% during the period.

Significantly, the FCC in its order established a number of key measurements to monitor the effectiveness of price cap regulation. They included new and restructured services, as a measure of innovation and efficiency, where AT&T introducted 27 new services in the first year. The AT&T market share was monitored to determine, if other interstate carriers could continue to compete. The quality of service was monitored specifically to guard against undetected service degradation.

The FCC also reviewed the technical standards contained in all AT&T tariffs and monitored the customer complaint process maintained by the Enforcement Division. The FCC also tracked capital expenditure variations to assess the potential impact on network capacity, service quality, and facilities modernization, to ensure that modernization and network upgrading proceed apace across the system. Additionally, the FCC order provides for an ongoing "reconsideration process" for future adjustments as required, as well as the possibility of changes if the ongoing monitoring of tariffs and new data indicate problem areas. Finally, the FCC will conduct a comprehensive reexamination of the price cap regulation at the end of the first three years, in mid-1992.

I submit this summary of the FCC's first year of experience with AT&T price cap regulation to point out the highly complex approach adopted by the FCC after almost three years of analysis and two separate industry wide NOPRs. I also recognize fully that this particular price cap regulation remains very controversial in many quarters where the FCC's approach has been challenged and criticized. And, of course, one could argue, "see it really can work for the benefit of ratepayers, to enhance competition, etc., etc."

But the real point is that it takes a very specific and detailed approach (we can provide citations to the relevant FCC documents for anyone wanting to study them) in order to ensure that ratepayers, in fact, benefit from any particular incentive ratemaking proposal. The PPS may be a good concept or "Foundation" discussion to spur further analysis and debate, but it does not strike me as anywhere near specific-enough or detailed-enough to support a decision to implement incentive ratemaking at this point on any generic basis for interstate natural gas pipeline transportation services.

B. Productive Efficiency

The PPS concludes that none of the current incentive approaches used by the Commission has a strong long-term effect on costs. Apart from general theory, we do not have any empirical data to support that conclusion for interstate pipelines. For example, the issue of how best to establish throughout projections reflecting discounted volumes is a hotly contested matter in most rate cases and much debated by the Commission during and since the 1989 Rate Design Policy Statement, as discounted volumes have become increasingly significant in aggregate totals. And, as discussed much earlier, selective discounting appears to have led to significant pressures to cut costs throughout the industry.

The PPS then asserts that incentive regulation differs from traditional regulation in that it fosters long-term productive efficiency, which the PPS declares as the primary objective of the proposed policy, citing to the 1989 Research Report of the Commission's Office of Economic Policy (OEP). Whether incentive regulation for transportation services of natural gas pipelines will, in fact, achieve any demonstrable level of incrementally increased productive efficiency in the post Mega-NOPR era, therefore, becomes a crucial threshold analytical issue, (assuming, of course, that there is a consensus that the productive efficiency of those services require such improvement under current policy, such as discounting of interruptible transportation services discussed above). Thus, the analysis and conclusions of the 1989 OEP Report

become directly relevant to the substantive merits of the PPS.

A May, 1991, NRRI Research Report entitled, "A Review of FERC's Technical Reports on Incentive Regulation" provides a useful analysis of the 1989 OEP report. At my request, OEP provided the Commission with a response to the NRRI report in the best spirit of analytical discourse about this issue. Upon further review and study, I remain impressed with the attached conclusion of the NRRI report and the critical analysis it presents.

When one compares the PPS with the NRRI report, there are many substantive similarities with regard to the particular aspects of the incentive ratemaking alternatives discussed in the paper. At the same time, however, the NRRI report reaches *different* conclusions in terms of (1) the cost cutting incentives under existing traditional regulation and competitive initiatives already underway (and also contemplated by the Mega-NOPR for interstate pipeline and by the Commission's electric power regulatory policies for electric utilities) and (2) the likely benefits for ratepayers under the incentive proposals, as opposed to the regulated companies.

I would still like to see an effort by the Commission to reconcile those differences between the NRRI report and the PPS on an objective analytical basis. For example, it might be appropriate to invite the NRRI staff members to review the PPS and address the differing conclusions. Failing that, I would separately approach NRRI for further discussion of their report and conclusions, as can any Commissioner.

C. Some Possible Mechanisms

The PPS discusses in general conceptual terms five possible incentive mechanisms for the transportation services if interstate natural gas pipelines, including: (1) Automatic rate changes, (2) performance targets, (3) flexible pricing, (4) benefit sharing, and (5) consumer welfare bonus.

As discussed earlier, the Michigan State Regulatory Incentives Study, the NRRI Report, the Berg and Jeong study, and the New York PSC Issues Paper, among others, provide useful reference material related to the various incentive mechanisms, including the five discussed in the PPS.

I also believe that the New York PSC Issues Paper provides a useful basis as a reference frame for how to analyze the various ratemaking options and the resulting Alternative Regualtory Strategies, including the identified advantages and disadvantages. I believe the Issues Paper should serve as a model for how the Commission should proceed to flesh out the options and Alternative Strategies for electric utilities, oil pipelines, and natural gas pipelines, with particular attention to the specific jurisdictional rate or service to be considered for incentive ratemaking, as discussed above. I think such an analysis would be a useful step before we decide to adopt the largely, otherwise unsupported conclusions in the proposed policy statement.

I also should note a new study by Brown, Williams, Quinn & Chinn, Inc., "An Overview of Incentive Ratemaking Mechanisms: Application to Interstate Natural Gas Pipelines," December, 1991. This "White Paper," according to the Foster Report of February 27, 1992 (Report No. 1865–p.2), "was apparently circulated in anticipation of a discussion of a proposed policy statement on incentive ratemaking at FERC's open meeting on February 26," but the item was removed from the meeting agenda, so the discussion did not take place. I personally have no knowledge about how or why the White Paper was prepared by Brown, Williams, Quinn & Chinn, Inc., nor anything about the timing of the white paper's release. According to the Foster Report:

> The white paper describes five workable mechanisms to design and implement incentive rates. According to the study, "these mechanisms result in win-win outcomes where both the pipeline and its customers stand to gain economic benefits." All reflect "the same philosophy of offering the pipeline a financial incentive to achieve higher productivity." Five mechanisms were explored because "pipeline systems are so different in their mix or services, cost structure and degree of completion that no single incentive rate design will work on all of them." For that reason, the paper declared, incentive rates could be implemented through individual rate case filings under NGA Section 4, not through a generic FERC rulemaking.
>
> With respect to each of the five incentive rate mechanisms, the white paper described how rates would be set, the flexibility to change rates, the impact on frequency of rate cases, benefits, and applicability to pipelines in different states of development. Examples were also provided.

The five "workable" mechanisms described in the report include: (1) rate cap regulation, (2) zone of reasonableness, (3) bounded rates, (4) sharing of efficiency gains, and (5) incentive rate of return. Those mechanisms in varying degrees relate analytically to the five possible mechanisms set forth in the PPS, although in some cases there is a mix of competitive and non-competitive factors inconsistent with the underlying premise of the PPS that the incentive regulation is solely for non-competitive activities, such as pipeline transportation. I mention the Brown, Williams, Quinn and Chinn report in order that interested parties will have the benefit of this recent, natural gas pipeline-specific analysis by that knowledgeable consulting group. We are still reviewing the report at this time to assess its analysis of the incentive mechanisms.

D. The Viking Case

The most recent decision of the Commission regarding incentive regulation occurred in *Viking Gas Transmission Company* (57 FERC ¶ 61,417) (*Viking*), cited in the PPS for the proposition that an incentive rate proposal must have a quantifiable benefit for consumers. The Commission rejected the company's "proposed incentive rate scheme because, *inter alia*, it seemed to guarantee that future rates would be higher than they would otherwise be under traditional embedded cost ratemaking." (Slip op. at 13, n.11.) Nevertheless, the rejection of Viking's mechanism was without prejudice to its refiling at a later date and, to that end, a technical conference was to be established to explore other incentive mechanisms (as well as an FT bidding program) that might be acceptable in the future.

Viking provides an interesting and valuable case study, in my judgment, of the potential problems associated with incentive ratemaking for natural gas pipelines, particularly in the context of the Mega-NOPR restructuring proceedings. I believed the protestors raised concerns which justified summary rejection of Viking Gas Transmission Company's (Viking) so-called "incentive" and "market oriented" proposals on the substantive merits. The order included questions in Appendix C which would elicit information to respond to the protestors' and the Commission's concerns. I would much prefer to have the answers to such questions *before* accepting any incentive rate proposals in the future. And, I suggest that a FPS should impose such a requirement.

First, although the pipeline had chosen to term its proposal an "incentive" mechanism, there is no incentive for the pipeline to reduce costs and no showing of increased efficiency. As proposed by Viking, this "incentive rate" proposal is just another way to increase revenues to the pipeline without any increase in efficiency or in the quality of services. I see no justification to depart from traditional cost of service ratemaking *unless* there is a clear indication that the customers will be better off under the new proposal; *i.e.* lower rates for the

same quality service or higher quality service for the same rates otherwise established under current policy. As pointed out by Northern Minnesota Utilities (NMU), "The QRAM guarantees recovery of continually escalating rates at a time when Viking's rates should be decreasing to reflect its steadily declining rate base."

Second, Viking proposed mark-oriented rate structures for new firm transportation (FT) capacity which becomes available and for interruptible transportaion (IT) capacity. The Commission has permitted pipelines to depart from traditional cost of service rates and charge market based rates for services for which it has shown that the pipeline does not exercise significant market power. However, Viking had neither shown, nor attempted to show, that it does not have significant market power over its transportation capacity. The Commission should not accept such proposals *until* that determination is made. Again, I do not see how the customers will be better off under these proposals. In addition, as the NSP Companies note in their protest, these market-oriented mechanisms would "*artificially raise the price of transportation at the expense of producer netbacks*, thus discouraging gas exploration to the detriment of the consumers and the nation's energy policy." (emphasis added)

Third, the Commission summarily rejected Viking's proposal to design maximum FT rates on the basis of replacement costs. In a non-competitive environment, rates should not be designed to recover more than the original construction cost incurred by the pipeline. As a practical matter, the use of replacement costs here to establish a so-called "cost based cap" results in a maximum rate which is so high as to not provide any reasonable constraint on prices. The end result, again, is unreasonably high rates with no incrase in efficiency or quality of services. The NSP Companies point out in their protest that the Commission has previously rejected the use of replacement costs for the design of open-access transportation rates, citing to *Bayou Interstate Pipeline System*, 41 FERC ¶ 61,086 (1987).

Fourth, Viking had mixed a so-called "incentive" proposal with a market based proposal for the same services. Not only would shippers be required to bid for new FT capacity, subject to an unreasonably high so-called "cost based" cap, their bid would then escalate through the application of the QRAM, thus further enhancing Viking's revenues for no efficiency gains.

It is possible that these rate mechanisms could have been put into effect, subject to refund, after the five month suspension period. However, I did not believe that the refund obligation provided adequate protection to Viking's customers against the severe disruptions which would be caused by, in effect, permitting a monopoly to charge "market based" rates. Therefore, I supported summary rejection of Viking's "incentive" and "market oriented" proposals.

I would note that the incorporation of incentive ratemaking proposals in the restructuring proceedings and any subsequent settlements could deny the Commission as a practical matter the flexibility to suspend or reject a proposal similar to that of Viking. To that extent, the discussion in the conclusion of the NOPPS about scrutinizing closely any incentive ratemaking proposal, rejecting any proposal not consistent with the goals of the PPS, and suspending others for the full statutory period could ring hollow in practice, as argued by NGSA/IP in their reply comments to the Mega-NOPR. That settlement circumstance also could frustrate the opportunity for the Commission to require the analysis and information contained in Appendix C to the *Viking* order and deemed necessary by the Commission there for our review *before* we would act on any such Viking proposal.

As noted above, I believe the Commission in any FPS should adopt a requirement that any filing of an incentive ratemaking proposal must include the same detailed type of information and analysis specified in the Appendix C for Commission review prior to any decision on the proposal. Such a requirement would enable the Commission to assess whether there was any quantifiable consumer benefit, particularly in the form of a rate reduction from otherwise applicable rates under current policy, among other features of the proposal. I request that commenters consider such a requirement, as well as the concomitant requirement that incentive ratemakings be included only in separate dockets outside of the restructuring proceedings, so we could actually consider the data adduced by the information requirement.

For the convenience of the interested parties, I have attached a copy of Appendix C of the Viking order (Attachment C). I also would note that certain of the questions in Appendix C are quite relevant to the analysis of the PPS, as well as any specific incentive ratemaking proposal that might be filed in response to a FPS.

E. Specific Questions

The PPS includes a wide ranging discussion of current ratemaking policies and suggestions about the potential benefits of incentive ratemaking, as an alternative to those policies where competitive forces are inadequate to support market-based options. The following comments and questions are intended to provide interested parties with an analytical basis for approaching key aspects and factors. The page citations are to the slip opinion.

(1) The NOPPS states that a larger interval between rate periods gives the utility added incentives to minimize costs and operate more efficiently (slip o. at 3).

However, the Commission's current three-year rate requirement is only applicable to companies which have a Purchased Gas Adjustment (PGA) clause for tracking gas costs. In the Mega-NOPR, the Commission has proposed to issue pipelines blanket sales certificates under which sales would be made at market-based prices thus eliminating the need for a PGA. As a result, pipelines will not be subject to a mandatory three-year review. Would this elimination of the three-year rate review provide the pipeline with sufficient incentives to minimize costs and operate more efficiently?

(2) In addition, the NOPPS states "Lengthening the period between rate cases increases the incentive for utilities to take risks associated with aggressive cost cutting measures." (Slip op. at 10.)

What type of risks might the pipeline take to aggressively cut costs? Can the pipeline be expected to take such risks without negatively impacting on the current quality of service or reliability of service? Could the "incentive to aggressively cut costs" slow the implementation or adoption of the type of new technology which will be beneficial, if not necessary, for the post-Mega-NOPR restructuring of the natural gas industry? How might the Commission address these concerns in its review of individual incentive rate proposals?

(3) The NOPPS states that proposals must contain standards to measure quality of service and incentives to maintain it. (Slip op. at 14.)

What are some standards the Commission might expect to be included to measure quality of service? What sort of incentives might be proposed to ensure current quality of service is maintained? Should not the industry be concerned with improving quality of service and reliabilty in order to improve the current perception in certain markets that natural gas is less reliable than other energy sources?

(4) The Brown, Williams, Quinn and Chinn white paper discussed how difficult developing a productivity index can be and appears to conclude that setting the level would be a matter of negotiation.[2] Please comment on how such indices may be developed. Would negotiating a productivity index provide the pipeline with additional leverage in the upcoming restructuring proceedings? How might the Commission ensure that an index that is the result of negotiations is a fair measure of productivity and won't merely serve to provide the pipeline with additional revenues for the same costs and same services?

(5) The NOPPS states that incentive proposals may contain new techniques for flexible pricing. In response to my questions regarding the value of flexible pricing in relation to other incentive rate mechanisms, staff responded that flexible pricing is one way to achieve greater allocative efficiency. However, staff stated that it is not an integral part of incentive regulation, which is focused on productive efficiency (*i.e.*, cost reduction measures, such as reducing O&M). In staff's opinion, flexible pricing is valuable, but it has little to do with getting pipelines to minimize costs. Rather, it has everything to do with getting pipelines to use their existing facilties most efficiently (*i.e.*, tailoring services and prices to be responsive to the needs and operating characteristics of individual customers). In addition, staff recognized that selective discounting, one type of flexible pricing, has been valuable in getting pipelines to increase volumes on under-used systems and customers receiving the discounts have certainly benefitted from lower rates. However, staff asserted that this is not the same as saying that pipelines have cut costs as a result of selective discounting.

Flexible pricing in the context of the NOPPS (slip op. at 19) seems to mean the ability of the company to charge rates above the current maximum cost based rate as necessary to ration capacity. How might the Commission analyze flexible pricing proposals to ensure that they don't result in excessive cost shifting between captive and non-captive customers or excessive revenues to the pipelines? Is it true that pipelines have not cut costs as a result of selective discounting?

(6) Flexible pricing raises additional equity issues. Staff explained to the Task Force that some firms have so few costs left (due to highly depreciated rate bases) that they cannot raise rates high enough to retain capacity without over-recovering costs. Conversely, other are so seldom constrained that their rates are always higher than needed to ration capacity. That tends to raise a problem of equity, not efficiency, raising the question of who is left paying for surplus capacity. Although raised to the Task Force, staff later said this is not a problem intended to be addressed by incentive regulations as proposed in the NOPPS. I would like industry comment concerning this equity issue and how it might be negatively or positively impacted by incentive regulation and how the Commission might address these concerns. Are there other equity issues involved in Incentive Regulation or Flexible Pricing mechanisms which the Commission should address when analyzing these proposals?

(7) In its discussion of Consumer Welfare (slip op. at 21) the NOPPS seems to say that it may not be possible to add value to the pipeline customers' quality of service. If so, then logically incentive ratemaking may only lead to higher prices for the same quality of service. I would like comments on whether that is true, and if so, what benefit is there to the consumer in adoping incentive rate proposals?

V. Conclusion

While I strongly would have preferred to defer action on incentive regulation of natural gas pipeline tranportation services until after implementation of the Mega-NOPR Final Rule, I am willing reluctantly to support a proposed policy statement subject to meaningful public comment as a compromise. I have attempted in this separate opinion to set forth as much of the analytical thought which has occasioned our internal debate about this subject as time would allow. Hopefully, this discussion will provide some measure of analytical foundation for interested parties to assess the PPS, draw their own conclusions, and file public comments, if they so choose.

At the March 11 Commission meeting, my distinguished colleague, Commissioner Terzic recounted, as only he could, an old Serbian joke. He said that this NOPPS reminded him of the huge elephant that goes into extended labor and after much travail brings forth a meek little field mouse. I would most respectfully suggest that interested parties would be well served to approach the analysis with the anticipation that this will be one Serbian mouse that roars thunderously before these proceedings are over.

Seriously, though, the debate about the incentive regulation issue is now joined publicly. I sincerely commend Commissioner Terzic for his concerted and tenacious efforts to advance the debate to this point. And, I look forward with great interest to the public comments adduced by the instant NOPPS.

For these reasons, I concur.

Charles A. Trabandt,

Commissioner.

[FR Doc. 92-6497 Filed 3-19-92; 8:45 am]

BILLING CODE 6717-01-M

[2] The NOPPS discussed productivity adjustmehts on p. 15 of the slip op.

Office of Civilian Radioactive Waste Management

Availability of "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada"

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," has been published and is available for public review. The report may be obtained as provided in "**ADDRESSES**" below.

DATES: Written comments on the "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," must be received on or before June 15, 1992, in order to ensure full consideration.

ADDRESSES: Persons wishing to review the "Report of Early Site Suitability Evaluation of the Potential Repository Site at Yucca Mountain, Nevada," may obtain a copy by contacting the Project Manager, U.S. Department of Energy, Yucca Mountain Site Characterization Project Office, suite 200, 101 Convention Center Drive, Las Vegas, Nevada, 89109. Written comments should be addressed to the Project Manager, Yucca Mountain Site Characterization Project Office, at the above mentioned address. Comments received are available for public inspection at the Yucca Mountain Site Characterization Project Office.

FOR FURTHER INFORMATION CONTACT: Jeremy M. Boak at the above address (telephone 702-794-7588 or FTS 544-7588).

SUPPLEMENTARY INFORMATION: This study evaluated the technical suitability of Yucca Mountain, Nevada, for

characterization as a potential site for a mined geologic repository for the permanent disposal of radioactive waste. In the judgment of the team conducting this evaluation, the presently available evidence continues to support the findings of the Environmental Assessment (DOE, 1986) that the site is suitable for site characterization. This evaluation, however, found that additional information is needed in a number of specific areas before a final recommendation can be made by the Secretary of Energy to the President regarding the suitability of the site for repository development.

The judgments presented in this report are those of the team that conducted this study, referred to as the "Core Team," and are not findings or conclusions made or endorsed by the U.S. Department of Energy (DOE). The Core Team included representatives from those organizations that are participating with the DOE in characterizing and evaluating the Yucca Mountain site. To ensure that the evaluation was technically sound and logically consistent, the Early Site Suitability Evaluation Report underwent two formal reviews. The first review was performed by technical personnel within the Yucca Mountain Site Characterization Project who were not involved in preparing the Early Site Suitability Evaluation Report and its site suitability evaluations. The second review was conducted by a panel of experts (university faculty members and private consultants) who have had only minimal involvement, and in most cases, no specific involvement with the geologic repository program.

John W. Bartlett,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 92-6551 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 92-02-NG]

Bray Terminals, Inc.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on January 15, 1992, of an application filed by Bray Terminals, Inc. requesting blanket authorization to import from Canada up to 43.8 Bcf of natural gas over a two-year period commencing with the date of first delivery. Bray Terminals, Inc. intends to use only existing pipeline facilities within the United States and states that it will submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Room 3F–056, FE–50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9482.

FOR FURTHER INFORMATION CONTACT:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7751.

Diane Stubbs, Office of Assistant General Counsel, for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Bray Terminals, Inc. is a New York corporation with its principal place of business in Glens Falls, New York. Bray Terminal, Inc. is engaged in the petroleum industry, including the sale of lubricating oil and equipment, for the commercial, industrial, and retail sector. Bray Terminals, Inc. proposes to import gas from a variety of Canadian suppliers for sale to various United States customers, which might include end-users, LDC's, and other pipeline companies. The specific terms of each transaction, including price, would be negotiated in response to prevailing market conditions.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines regarding the requested import authority. The applicant asserts that imports made under the proposed arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notice of intervention, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is schedule, notice will be provided to all parties. If no party request additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of the Bray Terminal, Inc. applcation is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–6555 Filed 3–19–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 92–21–NG]

Exxon Corp.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on February 20, 1992, as revised on February 25, 1992, by Exxon Corporation (Exxon) requesting blanket authorization to import up to 36.5 Bcf of natural gas per year over a two-year period beginning on April 26, 1992, the day after the date on which Exxon's current authority to import natural gas from Canada expires.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Peter Lagiovane Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6116.

Diane Stubbs, Office of Assistant General Counsel, for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Exxon is a publicly owned corporation incorporated in the State of New Jersey with offices in Houston, Texas. On December 8, 1989, the DOE, in Opinion and Order No. 357, authorized Exxon to import up to 73 Bcf of natural gas from Canada over a two-year term beginning on the date of first delivery (1 FE Para. 70,272). The first import under that authorization took place on April 26, 1990.

In its February 20, 1992, application, Exxon requests that this authorization be further extended for two years. Exxon proposes to import the gas for its own account and as agent for U.S. purchasers of natural gas from Esso Resources Canada, or its affiliates, or other individual producers, producer groups and associates, or pipeline companies. In addition, Exxon stated it will only transport the imported natural gas through facilities that exist at the time the import authorization is issued. Exxon stated it would continue to comply with the quarterly reporting requirements contained in its previous blanket authorization.

The decision on the request for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. Exxon states that the proposed imports would be purchased under market-responsive arrangements of no more than two years in length. The specific terms of each transaction will be negotiated among the parties based upon market conditions. Exxon asserts such transactions will only take place to the extent that sellers can provide short-term or spot volumes, purchasers require such volumes, and prices remain competitive. Further, Exxon notes that Canada has been an extremely stable source of natural gas and there has been no instance of a major supply interruption that would call into question the reliability of the imported gas supply. Parties opposing Exxon's request for import authorization bear the burden of overcoming these assertions.

All parties should be aware that if DOE approves this requested blanket import authorization, it may designate a total authorized volume for the two-year term, or 73 Bcf of natural gas, rather than the 36.5 Bcf per year requested by Exxon, in order to maximize the applicant's flexibility of operation.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided,

such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Exxon's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 13, 1992.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs Fossil Energy.

[FR Doc. 92-6549 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 92-11-NG]

Highland Energy Co.; Application for Blanket Authorization To Export Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 5, 1992, of an application filed by Highland Energy Company (Highland) requesting blanket authorization to export to Mexico up to 75,000 MMBtu per day of natural gas over a two-year term beginning on the date of first delivery. Highland intends to use existing pipeline facilities on the U.S.-Mexican border, and states it will submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 20, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Peter Lagiovane, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8116.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Highland is a Texas corporation with its principal place of business in Dallas, Texas. Highland proposes to export natural gas to Mexican purchasers for varying terms but not to exceed one year. The identity of actual purchasers is presently unknown but would be reported in Highland's quarterly filing with DOE.

The decision on the application for export authority will be made in accordance with section 3 of the NGA and the authority contained in DOE Delegation Orders Nos. 0204-111 and 0204-127. In deciding whether the proposed export is in the public interest, domestic need for the gas will be considered, and any other issues determined to be appropriate. Highland asserts there currently exists no national or regional need for the gas proposed for export. Moreover, Highland notes that the short-term nature of the requested export authorization protects against the possibility that a national or regional need for these supplies might develop in the future. Parties opposing the arrangement bear the burden of overcoming these assertions.

All parties should be aware that if DOE approves this requested blanket export authorization, it may designate a total authorized volume for the two-year term, or approximately 54.8 Bcf of natural gas, rather than the 75,000 MMBtu per day requested by Highland, in order to maximize the applicant's flexibility of operation.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Highland's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 13, 1992.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Program, Fossil Energy.

[FR Doc. 92-6557 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-109-NG]

HPL Gas Co.; Order Granting Blanket Authorization To Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order granting blanket authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting HPL Gas Company blanket authorization to export up to 275 Bcf of natural gas to Mexico over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 11, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-6556 Filed 3-19-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4116-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 2, 1992 through March 6, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1991 (56 FR 14096).

Draft EISs

ERP No. D-AFS-F02020-OH Rating EC2, Wayne National Forest, Amendment 7 Land and Resource Management Plan, Oil and Gas Leasing, Implementation, Application for Permit Drilling and Section 404 Permit, Several Counties, OH.

Summary: EPA expressed concerns regarding potential environmental impacts associated with the preferred alternative. Additional information on mitigation for noise, water, wetland and wildlife impacts and a contingency plan for oil spills should be provided in the final EIS. EPA also expressed environmental objections to several of the high-development scenario alternatives in the draft EIS.

ERP No. D-AFS-J65133-UT Rating EC1, Roundy Reservoir Area Timber Sale and Road Construction, Implementation, Dixie National Forest, Aquarius Plateau, Escalante Ranger District, Garfield County, UT.

Summary: EPA expressed environmental concerns regarding the viability of old-growth habitat units under the proposed management criteria.

ERP No. D-COE-C32034-00 Rating EC2, Delaware River Comprehensive Navigation Channel Improvement, Beckett Street Terminal in New Jersey through Philadelphia Harbor, Implementation, Several Counties, NJ, DE and PA.

Summary: EPA has concerns regarding the proposed project's alternatives, sediment sample results, water quality and dredging operations. Accordingly, additional information is needed in the final EIS to address these concerns.

ERP No. D-COE-J50008-ND Rating LO, Lake Oahe Bridge Construction, midway between Bismarck, and Mobridge, SD, Funding, Emmons and Sioux Counties, ND.

Summary: EPA recommended that greater emphasis be placed on restoring old wetlands and creating new ones.

ERP No. D-DOT-A52168-00 Rating EC2, Commercial Reentry Vehicles Launched into and from Space, Licensing.

Summary: EPA expressed concerns for the possible effects of ablation on the stratospheric ozone layer and would like to see the section on air pollutants clarified.

ERP No. D-IBR-J31022-UT Rating EU2, Price-San Rafael Rivers Unit of the Colorado River Water Quality Improvement Program (CRWQIP) and the on-farm Colorado River Salinity Control Program (CRSC), Improvements, Funding and Possible Section 404 Permit, Carbon, Emery Counties, UT.

Summary: EPA has identified adverse environmental impacts and has concerns regarding the magnitude of projected wetland losses associated with the "on-farm" portion of the project, sufficiency of impact disclosure, and the narrow range of action alternatives among other issues. The DOI Bureau of Reclamation has proposed that project authorization include mitigation of the on-farm wetland losses. This could satisfy EPA's concern with the project.

ERP No. D-IBR-L28005-OR Rating EC2, Milltown Hill Project, Dam and Reservoir Construction and Operation, Funding and Implementation, Elk Creek Subbasin, Umpqua River Basin, Douglas County, OR.

Summary: EPA continues to have environmental concerns based on the potential for adverse water quality effects resulting from secondary growth and effects on already depleted anadromous fish stocks. Additional information is needed to describe project monitoring, describe the effectiveness of mitigation measures, describe the detailed wetlands mitigation plan, and clarify the ability of the local government to deal with the induced growth resulting from this project.

ERP No. D-USA-E85040-MS Rating EC2, Camp Shelby Continued Military Training Activities, Use of National Forest Lands, Special Use Permit, Desoto National Forest, Forrest, George and Perry Counties, MS.

Summary: EPA expressed environmental concerns regarding the proposal to upgrade mechanized training at Camp Shelby, MS. The final EIS and ROD should describe and commit to design modification and

mitigation measures, necessary to offset wetlands, water quality, air quality and noise impacts.

ERP No. DS–COE–C32034–00 Rating EC2, Delaware River Comprehensive Navigation Channel Improvement, Additional Information, Beckett Street Terminal in New Jersey through Philadelphia Harbor, Implementation, Several Counties, NJ, DE, PA.

Summary: EPA has concerns regarding the proposed project's alternatives, sediment sample results, water quality and dredging operations. Accordingly, additional information is needed in the final EIS to address these concerns.

Final EISs

ERP No. F–CDB–C80019–NY Northeast Middle School Project Construction and Operation, Site Approval and CDB Grant, City of Rochester, Monroe County, NY.

Summary: EPA has no objections to the implementation of the proposed project.

ERP No. F–FHW–F40314–WI WI–TH–67/Oconomowoc Bypass Corridor Improvement and Relocation, Summit Avenue to existing WI–TH–67 near Lang Road, Funding and Section 404 Permit, City of Oconomowoc, Waukesha County, WI.

Summary: EPA continues to express concern for water quality impacts due to bridge construction and highway run-off, affects on fish spawning areas, and insufficient information on secondary development. EPA recommended additional mitigation measures be included in project design.

Dated: March 17, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92–6569 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4116–4]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 or (202) 260–5075. Availability of Environmental Impact Statements Filed March 9, 1992 Through March 13, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920077, Final EIA, USA, UT, Dugway Proving Ground, Biological Aerosol Test Facility (BATF), Construction and Operation, Baker Laboratory, Tooele and Juab Counties, UT, Due: April 20, 1992, Contact: Melynda Petrie (801) 831–2116.

EIS No. 920078, Draft EIS, AFS, ID, Far East Salvage Project, Rehabilitation and Recovery of Insect Damaged Resources Timber Management Plan, Implementation, Upper South Fork Payette River, Boise National Forest, Lowman Ranger District, Boise County, ID, Due: May 04, 1992, Contact: Dautis Pearson (208) 259–3361.

EIS No. 920079, Draft EIA, COE, TX, Fort Polk, Louisiana Realignment of the 5th Infantry Division (Mechanized) to Fort Hood, Texas, Implementation, Bell, Coryell, McClennann, West Bell and Lampasas Counties, TX, Due: May 04, 1992, Contact: Arver Ferguson (817) 334–3246.

EIS No. 920080, Final EIS, COE, TX, Sargent Beach Gulf Intracoastal Waterway (Section 216 Study) Flood Control Plan and Erosion Protection, Implementation, San Bernard National Wildlife Refuge, Galvestion District, Matagorda County, TX, Due: April 20, 1992, Contact: Richard Medina (409) 766–3044.

EIS No. 920081, Draft Supplement, UMT, HI, Honolulu Rapid Transit System Improvements, Additional Information, Waiaua through downtown Honolulu to Waikki and the University of Hawaii, Funding, Coast Guard Bridge, EPA and Possible COE Permits, Honolulu County, HI, Due: May 07, 1992, Contact: Robert Hom (415) 744–3116.

EIS No. 920082, Draft EIS, FTA, CA, San Francisco International Airport Extension, Transportation Improvements, Bay Area Rapid Transit District (BART) Funding, San Mateo County, CA, Due: May 04, 1992, Contact: Robert Hom (415) 744–3116.

EIS No. 920083, Final Supplem, NOA, AK, Groundfish Fishery of the Bering Sea, Aleutian Islands, Fishery Management Plan, Updated Information, Amendment 18/23 Inshore/Offshore Allocation, Alternative Approval and Implementation, AK, Due: April 20, 1992, Contact: William W. Fox, Jr. (301) 427–2239.

EIS No. 920084, Draft EIS, VAD, OH, Cleveland Area National Cemetery Construction and Operation, Site Selection, Franklin, Concord and Guilford Townships, North Ridgeville and Massillon Cities, Summit, Lake, Lorain, Stark and Medina Counties, OH, Due: May 04, 1992, Contact: Mart Kibena (202) 233–8450.

EIS No. 920085, Draft Supplement, AFS, ID, Accelerated Englemann Spruce Harvest and Reforestation in Brush Creek, Hendricks Creek and Copet Creek, Salvage Timber Sales Updated Information, Implementation, Payette National Forest, McCall Ranger District, Idaho and Valley Counties, ID, Due: May 04, 1992, Contact: Linda Fitch (203) 634–0401.

EIS No. 920086, Final EIS, BPA, WA, ID, WY, CA, OR, MT, UT, NV, Initial Northwest Power Act, Power Sales and Residential Exchange Contracts, Guidelines and Implementation, OR, WA, ID, MT, WY, CA, UT and NV, Due: April 20, 1992, Contact: Don Wolfe (503) 230–5145.

Dated: March 17, 1992.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 92–6570 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–M

[OPP–100103; FRL–4050–6]

Integrated Laboratory Systems; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Integrated Laboratory Systems (ILS) has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to ILS consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(h)(2). This transfer will enable ILS to fulfill the obligations of the contract and serves to notify affected persons.

DATES: ILS will be given access to this information no sooner than March 25, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: Clare Grubbs, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 212, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–7460.

SUPPLEMENTARY INFORMATION: Under Contract No. 68–C0–0059, ILS will provide technical support in the review and development of health risk assessment methodologies in order for the EPA to better assess the health hazards from exposure to chemicals in the environment. This contract involves no subcontractor.

The Office of Pesticide Programs has determined that access by ILS to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with ILS prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, ILS is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs.

All information supplied to ILS by EPA for use in connection with this contract will be returned to EPA when ILS has completed its work.

Dated: March 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92–6393 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–F

[OPP–50738; FRL–4052–3]

Receipt of Application for an Experimental Use Permit; Genetically Engineered Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received an application (EUP No. 58788–EUP–L) from Crop Genetics International (CGI) requesting an experimental use permit for a genetically engineered microbial pesticide. The first EUP on this organism was issued June 14, 1988 (EUP No. 58788–EUP–1). The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

DATES: Written comments must be received on or before April 20, 1992.

ADDRESSES: Comments in triplicate, must bear the docket control number OPP–50738 and be submitted to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked, will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM) 18, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–7690).

SUPPLEMENTARY INFORMATION: An application for an EUP has been received from Crop Genetics International of 7170 Standard Drive, Hanover, MD 21076. This EUP application EPA File Symbol is 58788–EUP–L. The proposed experiment involves the endophytic (plant-dwelling) bacterium *Clavibacter xyli* subspecies *cynodontis* that has been genetically engineered to contain a delta-endotoxin gene obtained from *Bacillus thuringiensis* subspecies *kurstaki*. After inoculation, the endophytic bacterium grows within the corn plants and produces the pesticidal agent which is active against the larval stages of the European corn borer (ECB), *Ostrinia nubilalis*. The product is referred to as Cxc/Bt.

Field activity of the Cxc/Bt construction (MDR1.586) against the European corn borer (ECB), *Ostrinia nubilalis* was demonstrated in several field corn hybrids during the 1991 field tests. Therefore, the purpose of this EUP application is to conduct two small-scale Cxc/Bt recombinant field trials to evaluate further insecticidal activity of one or more new Cxc/Bt constructions against ECB in several corn genotypes of commercial interest in Maryland and Nebraska. Data on the incidence of Cxc/Bt colonization, population levels of Cxc/Bt, and activity of Cxc/Bt will be obtained during the growing season. In addition, genetic segregation of the Cxc/Bt constructions will be studied using colonies isolated from plants in these field tests.

CGI is proposing to test a prototype recombinant microorganism (MDR1.586) and a series of closely related Cxc/Bt constructions at two small-scale sites in 1992: Ingleside, Queen Anne's County, Maryland; and Hastings, Clay County, Nebraska. In both Maryland and Nebraska, the total for each site will occupy 96,900 ft² or 2.2 acres. At each site, the test plants will occupy a maximum of 1.7 acres of this total, with the remaining space consisting of fallow zones between and around test margins to allow for plot maintenance and working areas for study personnel. Test sites at both the Maryland and Nebraska locations will consist of two field experiments designated as Test A and Test B (optional). Test A will be designed to evaluate the activity of one to five Cxc/Bt constructions in four corn hybrids against ECB. Treatments will include an untreated control and plants or seeds inoculated with: (1) wild-type Cxc (MDE1), (2) Cxc/Bt construction (MDR1.586), and (3) up to four additional Cxc/Bt constructions. Test B (an optional component of the proposed recombinant field trials may be included at one or both locations) will consist of one to six corn hybrids or inbreds and up to four treatments. Treatments may include an untreated control, seeds or plants inoculated with wildtype Cxc (MDE1), and /or up to three Cxc/Bt constructions. Tests at both sites will be initiated at planting and will continue through harvest. Planting will take place between late April and late May depending upon weather conditions. The proposed field test sites in both Maryland and Nebraska would allow the use of 1.0 kg active ingredient on seeds and plants sufficient to plant approximately 4.4 test plot acres. The actual amount of active ingredient present in the seeds after seed inoculation is estimated to be not more than 5 g, and the actual amount of active ingredient used to stab-inoculate plants

is estimated to be not more than 19 g. The amount active ingredient requested per State is less than 9.5 g. The test sites will consist of the two field experiments planted side-by-side and separated by a 20 ft. wide buffer zone, with the entire study area surrounded by a 20 ft. wide fallow zone. Corn seeds inoculated with Cxc/Bt using Crop Genetic's International standard inoculation process will be planted at the two study areas. If Crop Genetics International chooses to test less than four new constructions, then site dimensions will be less than discussed above. The fallow zone will be 20 ft. wide and will separate individual tests and the general study area from other crops grown outside the test site at both locations, the zone will be maintained using tillage and/or chemical herbicides. In the event that certain hybrids are determined based on greenhouse tests not to inoculate well using CGI's standard process, these varieties may be stab-inoculated in the field using a suspension of Cxc/Bt. CGI's 1992 field tests are designed: to evaluate activity of Cxc/Bt constructions against the European corn borer (ECB), Ostrinia nubilalis (Hubner) in Maryland and Nebraska; and to evaluate the segregation of Cxc/Bt constructions. Upon completion of the tests, all plant debris and stubble will be buried by disking. Harvested grain will be destroyed by either (1) Grinding the harvested grain, spreading the residue onto the test site, and incorporating the residue into the soil, or (2) roasting the grain and disposing of the residue either at a landfill or by incorporating the residue into the soil in the test site. Based on previous data submitted (EUP No. 58788–EUP–2), no overwintering of Cxc is anticipated.

The labeling proposed by CGI that would govern the conduct of the experiment states:

Applicator should wear protective clothing and waterproof gloves. For use only in accordance with the terms and conditions of the experimental use permit.

Following the review of the CGI application and any comments received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the *Federal Register*.

Dated: March 5, 1992.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92–6544 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–F

[FRL4116–6]

Revision of the Connecticut National Pollutant Discharge Elimination System (NPDES) Program to Add Authority to Issue General Permit

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the National Pollutant Discharge Elimination System General Permit Program of the State of Connecticut.

SUMMARY: On March 10, 1992, the Regional Administrator for the Environmental Protection Agency (EPA), Region I approved the State of Connecticut's National Pollutant Discharge Elimination System General Permit Program. This action authorizes the State of Connecticut to issue general permits in lieu of individual NPDES permits.

FOR FURTHER INFORMATION CONTACT: Edward K. McSweeney, Chief, Wastewater Management Branch, Water Management Division, U.S. EPA, Region I, John F. Kennedy Federal Building, Boston, Massachusetts, 02203, (617) 565–3560.

SUPPLEMENTARY INFORMATION:

I. Background

EPA regulations at 40 CFR 122.28 provide for the issuance of general permits to regulate discharges of wastewater which result from substantially similar operations, contain the same types of wastes, require the same effluent limitations or operating conditions, require similar monitoring, and are appropriately controlled under a general permit rather than individual permits.

Connecticut was authorized to administer the NPDES Permit program in 1973. Its program is previously approved, did not include provisions for the issuance of general permits. There are several categories of discharges which could appropriately be regulated by general permits in Connecticut, including stormwater. Therefore, the Connecticut Department of Environment Protection requested a revision of its NPDES program to provide for issuance of general permits.

Each general permit will be subject to EPA review as provided by 40 CFR 123.44. Public notice and opportunity to request a hearing is also provided for each general permit.

II. Discussion

The State of Connecticut submitted, in support of its request a Program Description and revised NPDES Memorandum of Agreement between EPA and the State, as well as copies of relevant statutes and regulations. The State also submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State has adequate legal authority to administer a general permit program consistent with the applicable federal regulations. Based upon Connecticut's submission and its experience in administering an approved NPDES program, EPA has concluded that the State will have the necessary approved procedures and resources to administer the general permits program.

Under 40 CFR 123.62, NPDES program revisions are either substantially (requiring publication of proposed program approval in the **Federal Register** for public comment) or non-substantial (where approval may be granted by letter from EPA to the State). EPA has determined that assumption by Connecticut of general permit authority is a non-substantial revision of its NPDES program. EPA has generally viewed approval of such authority as non-substantial because it does not alter the substantive obligations of any discharger under the State program, but merely simplifies the procedures by which permits are issued to a number of similar point sources.

Moreover, under the approved program, the State retains authority to issue individual permits where appropriate, and any person may request the State to issue an individual permit to a discharger otherwise eligible for general permit coverage. While not required under 40 CFR 123.62, EPA is publishing notice of this approval action to keep the public informed of the status of its general permits program approvals.

III. Federal Register Notice of Approval of State NPDES Program or Modifications

The following table provides the public with an up-to-date list of the status of State NPDES permitting authority throughout the country. Today's Federal Register notice is to announce the approval of Connecticut's authority to issue general permits.

STATE NPDES PROGRAM STATUS

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program	Approved general permit program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86
California	05/14/73	05/05/78	09/22/89	09/22/89
Colorado	03/27/75	—	—	03/04/83
Connecticut	09/26/73	01/09/89	06/03/81	03/10/92
Delaware	04/01/74	—	—	—
Georgia	06/28/74	12/08/80	03/12/81	01/28/91
Hawaii	11/28/74	06/01/79	08/12/83	09/30/91
Illinois	10/23/77	09/20/79	—	01/04/84
Indiana	01/01/75	12/09/78	—	04/02/91
Iowa	08/10/78	08/10/78	06/03/81	—
Kansas	06/28/74	06/28/85	—	—
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83
Maryland	09/05/74	11/10/87	09/30/85	09/30/91
Michigan	10/17/73	12/09/78	06/07/83	—
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87
Mississippi	05/01/74	01/28/83	05/13/82	09/27/91
Missouri	10/30/74	06/26/79	06/03/81	12/12/85
Montana	06/10/74	06/23/81	—	04/29/83
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89
Nevada	09/19/75	08/31/78	—	—
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	—	—
North Carolina	10/19/75	09/26/84	06/14/82	09/06/91
North Dakota	06/13/75	01/22/90	—	01/22/90
Ohio	03/11/74	01/28/83	07/27/83	—
Oregon	09/26/73	03/02/79	03/12/81	02/28/82
Pennsylvania	06/30/78	06/30/78	—	08/02/91
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82	—
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91
Utah	07/07/87	07/07/87	07/07/87	07/07/87
Vermont	03/11/74	—	03/16/82	—
Virgin Islands	06/30/76	—	—	—
Virginia	03/31/75	02/09/82	04/14/89	05/20/91
Washington	11/14/73	—	09/30/86	09/26/89
West Virginia	05/19/82	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86
Wyoming	01/30/75	05/18/81	—	09/24/91
Totals	39	34	27	29

Number of Fully Authorized (Federal Facilities, Pretreatment, General permit) = 21.

IV. Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*), I certify that this State General Permit Program will not have a significant impact on a substantial number of small entities. Approval of the Connecticut NPDES State General Permit Program establishes no new substantive requirements, nor does it alter the regulatory control over any industrial category. Approval of the Connecticut NPDES State General Permit Program merely provides a simplified administrative process.

Dated: March 13, 1992.

Paul Keough,

Acting Regional Administrator.

[FR Doc. 92–6545 Filed 3–19–92; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review of the information collection system described below.

Type of Review: Extension of the expiration date of a currently approved collection without any change in the substance or method of collection.

Title: Application for a bank to (1) establish a branch, (2) move its main branch, or (3) establish a remote service facility.

Form Number: None (letter application).

OMB Number: 3064–0070.

Expiration Date of OMB Clearance: May 31, 1992.

Respondents: Insured state nonmember banks applying for FDIC's consent to establish and operate new branches, move main offices or branches, or establish remote service facilities.

Frequency of Response: On occasion.

Number of Respondents: 1,325.

Number of Responses per Respondent: 1.

Total Annual Responses: 1,325.

Average Number of Hours per Response: 7.
Total Annual Burden Hours: 9,275.
OMB Reviewer: Gary Waxman, (202) 395–7340, Office of Management and Budget, Paperwork Reduction Project 3064–0070, Washington, DC 20503.
FDIC Contact: Steven F. Hanft, (202) 898–3907, Office of the Executive Secretary, room F–400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
Comments: Comments on this collection of information are welcome and should be submitted by May 19, 1992.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC uses the information collected in letter applications to evaluate the factors required by statute before approving applications.

Dated: March 16, 1992.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 92–6536 Filed 3–19–92; 8:45 am]
BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 92–10]

Autoliners Inc., General Agents for Hoegh-Ugland Auto Liners A/S v. American Transportation Group, Inc. Dba AAA Phoenix Transportation Group; Filing of Complaint and Assignment

Notice is given that a complaint filed by Autoliners, Inc., General Agents for Hoegh-Ugland Auto Liners A/S ("Complainant") against American Transportation Group, Inc. dba AAA Phoenix Transportation Group ("Respondent") was served March 16, 1992. Complainant alleges that Respondent engaged in violations of section 10(a)(1) of the Shipping Act of 1984, 46 U.S.C. 1709(a)(1), by presenting checks for ocean freight without having sufficent funds in its account and continuing to refuse to pay the lawful ocean freight charges on nine shipments of automobiles.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 16, 1993, and the final decision of the Commission shall be issued by July 14, 1993.

Joseph C. Polking,
Secretary.

[FR Doc. 92–6493 Filed 3–19–92; 8:45 am]
BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. 93631–92–01]

Development Disabilities: Request for Public Comment on Developmental Disabilities Funding Priorities for Projects of National Significance for Fiscal Year 1992

AGENCY: Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF).

ACTION: Notice of request for public comments on developmental disabilities funding priorities for Projects of National Significance for Fiscal Year 1992.

SUMMARY: The Administration on Developmental Disabilities, Administration for Children and Families, announces that public comments are being requested on funding priorities for Fiscal Year 1992 Projects of National Significance.

DATES: Closing date for receipt of public comments is May 19, 1992.

ADDRESSES: Comments should be sent to: Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services, room 349–F HHH Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Kay Smith, Program Development Division, Administration on Developmental Disabilities, (202) 245–2984.

SUPPLEMENTARY INFORMATION:

Part I. Background

A. Goals of the Administration on Developmental Disabilities

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (DHHS). ADD's goals relate to increased familial and individual self-sufficiency, and improved services for persons with developmental disabilities. Emphasis on these goals, and progress towards them will help more persons with developmental disabilities to live productive and independent lives, integrated into communities. It is through the Projects of National Significance Program that ADD attempts to promote the achievement of these goals.

In addition, at least biennially the ADD Commissioner holds a national meeting for the purpose of discussing current and emerging issues of national significance within the field of developmental disabilities and to share significant accomplishments. The Commissioner has also developed a national initiative to create innovative, effective and goal-oriented collaboration among all network components of the Developmental Disabilities Programs (Developmental Disabilities Planning Councils, Protection and Advocacy Systems, and University Affiliated Programs) and the principal organizations involved with persons with developmental disabilities in the States. This program, "Leadership Through Collaboration," is a direct result of working with the States to create the Administration on Developmental Disabilities' National Agenda.

Therefore, in Fiscal Year 1992, ADD will be focusing its efforts on implementing the Commissioner's National Agenda and in providing technical assistance to programs and agencies nationwide in the implementation of those activities.

The technical assistance meetings will bring together State and Territorial leadership and other organizations to work on skill and coalition-building activities, and to provide technical assistance in implementing those activities as they relate to each of the topic areas.

B. Purpose of the Administration on Developmental Disabilities

The Administration on Development Disabilities (ADD) is the lead agency within ACF and DHHS responsible for planning and administering programs which promote the self-sufficiency and protect the rights of persons with developmental disabilities.

The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Pub. L. 101–496) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services, assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity and integration into the community.

The Act emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments. It recognizes that, notwithstanding their severe disabilities, these persons have capabilities, competencies, and personal needs and preferences. Most importantly, the Act points out that a substantial portion of persons with developmental disabilities remain unserved or underserved.

The Act also stresses that the family and members of the community can play a central role in enhancing the lives of persons with developmental disabilities, especially when the family is provided with the necessary support services; that public and private employers tend to be unaware of the capability of persons with developmental disabilities to be engaged in competitive work in integrated settings; and that it is in the national interest to offer persons with developmental disabilities the opportunity to make decisions for themselves and to live in homes and communities where they can exercise their full rights and responsibilities as citizens.

In addition, in administering the Act at the Federal level, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential (through self-advocacy and empowerment); in supporting the increasing ability of persons with developmental disabilities to perform leadership functions, and determine changes of their choice; as well as in ensuring the protection of the legal and human rights as these individuals.

Programs funded under the Act are:

- Basic State formula grants;
- State system for the protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services, technical assistance, and information dissemination; and
- Grants for Projects of National Significance.

C. Description of Projects of National Significance

Under Part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities, and to support the development of national and state policy which enhances the independence, productivity, and integration of these individuals. These projects may include, but are not limited to:

- Projects to conduct data collection and analysis;
- Projects to provide technical assistance to program components;
- Projects to provide technical assistance for the development of information and referral systems;
- Projects which improve supportive living and quality of life opportunities which enhance recreation, leisure and fitness;
- Projects to educate policymakers;
- Projects to pursue Federal interagency initiatives;
- Projects that support the enhancement of minority participation in public and private sector initiatives in developmental disabilities; and
- Other projects of sufficient size and scope, and which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including minority groups, Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds may be awarded for technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which expand or improve the advocacy functions of the State Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and the Protection and Advocacy System.

Section 162(c) of the Act requires that ADD publish in the **Federal Register** its priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment concerning such priorities. After analyzing and considering such comments, ADD must publish in the **Federal Register** final priorities for such grants and contracts, and solicit applications for funding based on the final priorities selected.

The following section presents ADD's funding priorities for Fiscal Year 1992 Projects of National Significance. We welcome specific comments and suggestions as well as suggestions for additional funding priorities. We would also like to receive suggestions on topics which are timely and relate to specific needs in the field of developmental disabilities.

Part II. Fiscal Year 1992 Funding Priorities for Projects of National Significance

ADD is interested in all comments and recommendations which address areas of existing or evolving national significance related to the field of developmental disabilities.

Comments should be addressed to: Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, room 349–F HHH Building, 200 Independence Avenue, SW., Washington, DC 20201.

In FY 1992, ADD will not be funding any new start grant awards. However, we will be awarding continuation funds for projects funded in FY 1991 (in self-advocacy and empowerment, youth leadership development, ongoing data collection, cultural diversity, and home ownership). We are also planning to award contract funds to provide technical assistance for the implementation of the ADD Commissioner's national initiative, "Leadership through Collaboration," and to provide technical assistance to improve the functions of the University Affiliated Program. Those activities are described as follows:

Funding Priority Area 1: Technical Assistance for Implementing the National Agenda

Through the conduct of technical assistance activities, ADD will implement its "Leadership through Collaboration" initiative. The purpose of this initiative is to create innovative, effective and goal-oriented collaboration among all network components of the Developmental Disabilities Programs (Developmental Disabilities Planning Councils, Protection and Advocacy Systems, and University Affiliated Programs) and the principal organizations involved with persons with developmental disabilities in the

States. This program, "Leadership Through Collaboration," is a direct result of working with the States to create the Administration on Developmental Disabilities' National Agenda.

The technical assistance that will be provided through this initiative will assist state agencies and organizations in establishing collaborative programs within their respective states, as well as with other state agencies. The initiative activities that will be conducted include a national conference, state meetings, and topic-specific workshops.

In addition, this initiative will provide the necessary technical assistance to potential funding applicants in the development of collaborative programs in anticipation of possible funding of PNS projects in FY 1993.

Funding Priority Area 2: Continuation Grant Awards

ADD will expend approximately $1.7 million in continuation funding for Projects of National Significance in support of the National Agenda and state-of-the-art projects. These projects include priorities in self-advocacy and empowerment, youth leadership development, ongoing data collection, minority participation in development disabilities, and home ownership.

Funding Priority Area 3: Technical Assistance

Under separate contractual solicitations, ADD will award funds to provide technical assistance to improve the functions of the University Affiliated Program. (RCFs were awarded in FY 1991 to provide technical assistance to the DD Councils and P&As, and therefore, will not be recompeted in FY 1992.)

In addition, ADD will conduct topic-specific conferences throughout the country to provide technical assistance to interested agencies and organizations in implementing the National Agenda.

This announcement is a public comment notice only. No proposals, concept papers or other forms of application should be submitted at this time. Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the final priorities for developmental disabilities Projects of National Significance for fiscal year 1992.

(Federal Catalog of Domestic Assistance Number 93.631 Developmental Disabilities—Projects of National Significance)

Dated: February 21, 1992.

Deborah L. McFadden,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 92-6529 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

U.S. Advisory Board on Child Abuse and Neglect; Meeting

AGENCY: U.S. Advisory Board on Child Abuse and Neglect, ACF, HHS.

ACTION: Notice of the tenth meeting of the U.S. Advisory Board on Child Abuse and Neglect.

SUMMARY: The U.S. Advisory Board on Child Abuse and Neglect will hold its tenth meeting in Los Angeles, California from 9 a.m. March 31, 1992 through 5 p.m. April 3, 1992. A portion of the Board meeting on Thursday, April 2, from 1 p.m. to 6 p.m. is closed to the public due to the need for confidentiality in connection with a site visit by the Board to the Child Death Review Team of the Los Angeles County Inter-Agency Council on Child Abuse and Neglect and with a Board discussion about a proposed paper on child maltreatment-related fatalities.

ADDRESSES: The meeting will be held at: Sheraton Grande Hotel, 333 South Figueroa Street, Los Angeles, California 90071.

FOR FURTHER INFORMATION CONTACT: Joan M. Williams, Special Projects Specialist, U.S. Advisory Board on Child Abuse and Neglect, room 300E, Humphrey Building, Washington, DC 20201, (202) 245-0208.

SUPPLEMENTARY INFORMATION: During portions of this meeting the Executive Committee on the Board will discuss: The form, content, nature and scope of the 1992 and 1993 annual reports of the Board; developments in connection with reauthorization of the Child Abuse Prevention Act; progress toward the accomplishment of the FY 1992–FY 1993 Board Program Plan; the special 1993 Board report on Progress in Achieving National Child Protection Reform; and Board goverance and administrative issues. During other portions of this meeting, the Board will: Participate in a site visit with the Los Angeles County Inter-Agency Council on Child Abuse and Neglect Child Death Review Team (Closed Session); conduct a hearing on child maltreatment-related fatalities; discuss developments related to the reauthorization of the Child Abuse Prevention Act; discuss the special 1993 Board report on Progress in Achieving National Child Protection Reform; discuss the form, content, nature, and scope of the 1992 and 1993 reports; receive an updating on the activities of the Inter-Agency Task Force, the DHHS initiative on child abuse and neglect, and the National Center on Child Abuse and Neglect and the Children's Bureau since the January, 1992 meeting; and discuss Board papers on research, child fatalities (Closed Session), and child protective services reform.

Dated: March 13, 1992.

Donna N. Givens,

Deputy Assistant Secretary for Children and Families.

[FR Doc. 92-6530 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

Interagency Committee on Developmental Disabilities; Meeting

AGENCY: Administration on Developmental Disabilities, Administration for Children and Families (ACF), HHS.

ACTION: Notice of meeting

SUMMARY: The Interagency Committee on Developmental Disabilities (ICDD) was established in 1984 by section 106(b) of the Developmental Disabilities Assistance and Bill of Rights Act of 1984 (42 U.S.C. 6007(b)) to "meet regularly to coordinate and plan activities by Federal departments and agencies for persons with developmental disabilities." In 1990, the Act was amended to provide that the meetings be open to the public and that a notice of the meeting be published in the **Federal Register**. The ICDD is chaired by the Assistant Secretary for Special Education and Rehabilitative Services and the Commissioner of the Administration on Developmental Disabilities.

The ICDD meets regularly on the first Tuesday in December, April, and August. The meeting is open to the public.

DATES: Tuesday, April 7, 1992. 9:30 a.m. to 11:30 a.m.

ADDRESSES: Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ronald W. Conley, room 348F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201 (202) 245-7617 or Wendell Johnson, room 3014A, Mary E. Switzer Building, 330 C Street SW., Washington, DC 20202 (202) 732-1274.

SUPPLEMENTARY INFORMATION: At the meeting the ICDD will discuss: (1) Long-term funding for people in supported employment; (2) the application of the Fair Labor Standards Act to students with severe disabilities engaging in transitional work activities; (3) the adoption of a mission and goals statement for the ICDD; and other matters that may arise.

Dated: March 16, 1992.

Deborah L. McFadden,

Commissioner Administration on Developmental Disabilities.

[FR Doc. 92-6531 Filed 3-19-92; 8:45 am]

BILLING CODE 4130-01-M

Food and Drug Administration

[Docket No. 91N-0438]

Cooperative Research and Development Agreement Between Nicolet Instrument Corp. and the Center for Drug Evaluation and Research

AGENCY: Food and Drug Administration HHS.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA), Center for Drug Evaluation and Research (CDER) is announcing its intention to enter into a Cooperative Research and Development Agreement (CRADA) with Nicolet Instrument Corp. of Madison, WI, to develop a Fourier Transform Infrared (FTIR) spectral library of United States Pharmacopeia reference standards. The execution of this CRADA will result in a licensing agreement between CDER and Nicolet Instrument Corp. to market the finished library as allowed by the Federal Technology Transfer Act (FTTA) of 1986. This notice is being published to inform the public of FDA's intention of entering into a CRADA with Nicolet Instrument Corp. This collaboration will be done under the provisions of the FTTA.

DATES: Written Comments by April 20, 1992.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, with a copy sent to Thomas Layloff, Division of Drug Analysis, 1114 Market St., rm. 1002, St. Louis, MO 63101, 314-539-2135, FAX 314-539-2113.

FOR FURTHER INFORMATION CONTACT: Beatrice Droke, Division of Contracts and Grants Management (HFA-500), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6890, or Thomas Layloff (address above).

SUPPLEMENTARY INFORMATION: CDER needs to be abreast with advancements in analytical teachnology. This CRADA with Nicolet Instrument Corp., with offices at 5225 Verona Rd., Madison, WI 53711, would assist FDA laboratories by developing a FTIR spectral library of United States Pharmacopeia reference standards. This library will enable FDA laboratories to more readily make correct identification of substances by their molecular and chemical structure. CDER will provide Nicolet with water vapor, background, and sample interferograms that have been collected on a Nicolet 710SX FTIR. Nicolet will form these interferograms into an acceptable spectral library.

Dated: March 16, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-6509 Filed 3-19-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92N-0135]

Hoffmann-La Roche Inc., et al.; Withdrawal of Approval of 40 New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of 40 new drug applications (NDA's). The holders of the NDA's notified the agency in writing that the drug products were no longer being marketed under the NDA and requested that the approval of the applications be withdrawn.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Maizel, Center for Drug Evaluation and Research (HFD-53), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4320.

SUPPLEMENTARY INFORMATION: The holders of the NDA's listed below have informed FDA that these drug products are no longer being marketed under the NDA and requested that FDA withdraw approval of the applications. The applicants have also, by request, waived their opportunity for a hearing.

NDA No.	Drug name	Applicant name and address
776	Ephynal (vitamin E) Tablets	Hoffmann-La Roche Inc., 340 Kingsland St., Nutley, NJ 07110-1199.
2-402	Fergon Iron Tablets	Sterling Drug Inc., 90 Park Ave., New York, NY 10016.
6-467	d-Panthenol	Hoffmann-La Roche Inc.
6-646	Vitamin A	Do.
6-658	Biotin Tablets	Do.
7-765	Itrumil (iothiouracil sodium)	Ciba-Geigy Corp., Pharmaceuticals Division, 556 Morris Ave., Summit, NJ 07901.
8-036	Riboflavin 5'-Phosphate	Hoffman-La Roche Inc.
8-188	Aparnide (acetaminophen) Tablets	Miles Inc., Pharmaceutical Division, 400 Morgan Lane, West Haven, CT 06516.
9-194	Crest (stannous fluoride) Dentifrice	The Procter & Gamble Co., Sharon Woods Technical Center, 11511 Reed Hartman Hwy., Cincinnati, OH 45241-0974.
9-215	Rautensin (alseroxylon) Tablets	Dorsey Laboratories, Division of Sandoz Inc., Box 83288, Lincoln, NE 68501-3288.
9-255	Wolfina (rauwolfia serpentina) Tablets	Forest Pharmaceuticals Inc., Subsidiary of Forest Laboratories Inc., 150 East 58th St., New York, NY 10155-0015.
9-347	Reserpoid Tablets (reserpine tablets, USP)	Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001-0199.
9-373	Ansolysen Tablets	Wyeth Laboratories Inc., P.O. Box 8299, Philadelphia, PA 19101.
9-376	Sandril (reserpine tablets)	Lilly Research Laboratories, Division of Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
9-453	Serpate	Vale Chemical Co. Inc., 1201 Liberty St., Allentown, PA 18102.
9-592	Medomin Tablets	Ciba-Geigy Corp.
9-895	Cort-Dome (hydrocortisone) Lotion	Miles Inc.
11-771	Athrombin (sodium warfarin) & Athrombin-K (potassium warfarin) Tablets	Purdue Frederick Co., 100 Connecticut Ave., Norwalk, CT 06850-3590.
13-927	Hydromox-R	Lederle Laboratories, Division of American Cyanamid Co., Pearl River, NY 10965.
14-598	Scope Mouthwash	The Procter & Gamble Co.
14-762	Celestone (betamethasone) Cream	Schering-Plough Research, 2000 Galloping Hill Rd., Kenilworth, NJ 07033.
14-861	Exna-R Tablets	A.H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, VA 23220.

NDA No.	Drug name	Applicant name and address
16-625	Pentaerythritol Tetranitrate Tablets	Bolar Pharmaceutical Co. Inc., 33 Ralph Ave., P.O. Box 30, Copiague, NY 11726-0030.
16-880	Voranil (clortermine HCl) Tablets	Rorer Pharmaceutical Corp., Fort Washington, PA 19034.
17-405	Soy-Dome (hexachlorophene) Cleanser	Miles Inc.
17-807	Proferdex (iron dextran injection, USP)	Fisons Pharmaceuticals, Fisons Corp., Jefferson Rd., P.O. Box 1710, Rochester, NY 14603.
18-224	Merital (nomifensine maleate) Capsules	Hoechst-Roussel Pharmaceuticals Inc., Route 202-206 North, Somerville, NJ 08876.
18-543	Sterile Lidocaine Hydrochloride, USP	International Medication Systems Ltd., 1886 Santa Anita Ave., South El Monte, CA 91733.
18-885	Embolex (dihydroergotamine mesylate and heparin sodium with lidocaine HCl) Injection.	Sandoz Pharmaceuticals Corp., Division of Sandoz Inc., 59 Route 10, East Hanover, NJ 07936-1080.
50-024	VERSAPEN-K (hetacillin) Capsules	Bristol-Myers U.S. Pharmaceutical Group, Bristol-Myers Squibb Co., Evansville, IN 47721-0001.
50-025	VERSAPEN (hetacillin) Tables	Do.
50-098	POLYCILLIN (ampicillin) Injection	Do.
50-133	Syncillin (phenethicillin potassium) Tablets	Do.
50-135	Syncillin (phenethicillin potassium) O.S.	Do.
50-139	Syntetrin (rolitetracycline) IM	Do.
50-235	Nystaform (nystatin-iodochlorhydroxyquin) Ointment	Miles Inc.
50-308	POLYCILLIN (ampicillin) O.S./Pediatric Drops	Bristol-Myers U.S. Pharmaceutical Group.
50-309	POLYCILLIN-N (ampicillin) Injection	Do.
50-310	POLYCILLIN (ampicillin) Capsules	Do.
50-457	POLYCILLIN-PRB (ampicillin/probenecid) O.S.	Do.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the NDA's listed above, and all amendments and supplements thereto, is hereby withdrawn, effective April 20, 1992.

Dated: March 11, 1992.

Gerald F. Meyer,

Deputy Director, Center for Drug Evaluation and Research.

[FR Doc. 92-6510 Filed 3-19-92; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration

[Social Security Ruling SSR 92-4p]

State and Local Coverage—Commissioner's Ruling on Definition of a "Fee" for Social Security Coverage Purposes Under Section 218 of the Social Security Act

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Social Security Ruling.

SUMMARY: In accordance with 20 CFR 422.406(b)(1), the Commissioner of Social Security gives notice of Social Security Ruling 92-4p. This Policy Interpretation Ruling concerns the fact that since there is no Federal statutory definition of a "fee," the Social Security Administration (SSA) had defined what constitutes a "fee" for Social Security coverage purposes under section 218 of the Social Security Act differently than the Internal Revenue Service (IRS) had defined the term for taxation purposes under the Internal Revenue Code. Consequently, in some cases, different outcomes have been reached by the two agencies when determining whether remuneration received by certain individuals, e.g., tax collectors, is a "fee." After consideration of the issues involved, the Commissioner concluded that it would be appropriate for SSA to adopt the IRS definition of a "fee." Therefore, effective January 1, 1992, SSA, for Social Security coverage purposes, will treat remuneration received by certain State and local public officials, in the same manner as the IRS. This Ruling reflects this change

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Joanne K. Castello, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1711.

SUPPLEMENTARY INFORMATION: Although we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), we are publishing this Social Security Ruling in accordance with 20 CFR 422.406(b)(1).

Social Security Rulings make available to the public precedential decisions relating to the Federal old-age, survivors, disability, supplemental security income, and black lung benefits programs. Social Security Rulings may be based on case decisions made at all administrative levels of adjudication, Federal court decisions, Commissioner's decisions, opinions of the Office of the General Counsel, and other policy interpretations of the law and regulations

Although Social Security Rulings do not have the force and effect of the law or regulations, they are binding on all components of the Social Security Administration, in accordance with 20 CFR 422.406(b)(1), and are to be relied upon as precedents in adjudicating other cases.

If this Social Security Ruling is later superseded, modified, or rescinded, we will publish a notice in the **Federal Register** to that effect.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security—Disability Insurance; 93.803 Social Security—Retirement Insurance; 93.805 Social Security—Survivor's Insurance)

Dated: March 9, 1992.

Gwendolyn S. King,

Commissioner of Social Security.

Policy Interpretation Ruling

Title II: State and Local Coverage—Commissioner's Ruling Definition of a "Fee" for Social Security Coverage Purpose Under Section 218 of the Social Security Act

Purpose: The state the policy change by which the Social Security Administration (SSA) adopted the Internal Revenue Service (IRS) definition of a "fee" for purposes of Social Security coverage under section 218 of the Social Security Act (the Act), of compensation of certain State and local public officials, effective January 1, 1992.

Citation (Authority): Section 218(c) and 218(m) of the Social Security Act (42 U.S.C. 418(c) and 418(m)); 20 CFR 404.1073(b)(1) and 404.1210.

Pertinent History: There is no Federal statutory definition of a "fee," and as a result, IRS and SSA in some instances have used different definitions as to what constitutes a "fee." Consequently, in these situations, different outcomes have been reached by the two agencies when determining whether compensation received by certain individuals, such as State or local tax collectors, is a fee. The definition of a "fee" is significant for determining: (1) Whether certain positions may be excluded from Social Security coverage under the optional fee-basis exclusion; and (2) whether certain positions are compensated solely by fees and, therefore, whether occupants of these positions may be treated as self-employed individuals. This issue affects certain State and local public officials nationwide.

SSA's policy prior to 1992 defined a "fee" as compensation for a particular act or service without regard to the amount of time spent in its performance. Furthermore, whether compensation was a "fee" was determined by the method of payment and the appropriate State statute and/or any related court decision. SSA had held that a "fee" may be paid by the State, one of its political subdivisions, or a third party.

The IRS position holds that the source of the remuneration paid is an important factor in determining whether the remuneration is a "fee." When a public official receives remuneration for services in the form of a "fee" directly from members of the public with whom he or she does business, that is considered to be a "fee." Otherwise, if payment is made to a public official from government funds, and no portion of the monies collected by him or her belongs to or can be retained by him or her as compensation, that remuneration is not consider to be a "fee." IRS concludes that, in the later case, the public official is not engaged in a trade or business under section 1402(c)(1) of the Internal Revenue Code and the remuneration for services is not net earnings from self-employment.

Because of the differences between the SSA and IRS interpretations of what constituted a "fee," State and local political employing entities have received inconsistent advice regarding how to report the compensation of individuals in certain positions, e.g., tax collectors in Pennsylvania. As a result of this new policy interpretation, SSA and IRS will now have a single, coordinated position on the definition of a "fee."

Policy Interpretation:

SSA's Change in Its Definition of a "Fee"

After full consideration of the issue, the Commissioner of Social Security concluded that it would be appropriate for SSA to adopt the IRS definition because it related to the source of the payment and the official's authority to retain the payment as compensation. Therefore, SSA has adopted the IRS definition for Social Security coverage purposes under section 218 of the Act, effective January 1, 1992.

Adopting the IRS definition means that, effective January 1, 1992, SSA will consider the remuneration for service received by a State or local public official, such as a tax collector or any other official who performs service in a position compensated solely on a fee basis, a "fee" if the payment is made directly by a member of the public with whom he or she does business, and the public official is authorized to retain the payment or a portion therefor as compensation. In this situation, the official is engaged in a trade or business as set forth in sections 211(c)(1) and 211(c)(2)(E) of the Act and thus, self-employed. Conversely, when a State or local public official has no authority to retain the monies collected by him or her from a member of the public as compensation, but instead receives payment from government funds, that payment is no a "fee." In the latter situation, the official is not engaged in a trade or business, and his earnings are not net earnings from self-employment but are wages received as an employee.

Treatment of Remuneration Paid to Public Officials Affected by the SSA Change of Definition of a "Fee"

Under SSA's policy prior to 1992, a "fee" was distinguishable from a salary in that a "fee" was usually paid as compensation for a particular act of service regardless of the amount of time spent in its performance, while a salary was normally related to the amount of time worked.

Beginning January 1, 1992, SSA will find that a "fee" is distinguishable from a salary only when the compensation for a particular act or service is paid directly to the State or local public official by a member of the public for whom the act or service is performed and the official is authorized to retain the payment or a portion thereof as compensation.

Treatment of Positions Compensated Solely by Fees

For services first covered after 1967, services in any class or classes of positions compensated solely by fees are excluded from coverage under agreements pursuant to section 218 of the Act unless the State specifically includes these services. Consequently, services performed after 1967 by State and local public officials in positions solely compensated by fees which are not covered under a section 218 agreement, are compulsorily covered as self-employment for Social Security purposes under sections 211(c)(1) and 211(c)(2)(E) of the Act.

The above principle is not affected by SSA's change in position as it applies to individuals whose services are actually compensated by a "fee." Therefore, SSA uses the definition of a "fee" for years prior to January 1, 1992, to determine whether compensation for services is made solely on the basis of fees.

Beginning January 1, 1992, SSA determines whether services are compensated solely by a fee by using the revised definition of a "fee."

Treatment of Positions Compensated by Salary and Fees

After 1967, a State may exclude services from coverage under an agreement, as provided in section 218(c) of the Act, in any class or classes of fee-basis positions compensated by both salary and fees. If the exclusion is taken, none of the compensation, whether salary or fees, is covered as wages. If the exclusion is not taken, all of the compensation received, including the fees, is covered as wages under the State's section 218 agreement.

Effective Date: This policy is effective for all remuneration received for services after December 31, 1991.

Cross References: Program Operations Manual System, part 03, chapter 015, subchapter 05, Sections .007 and .042; part 03, chapter 018, subchapter 02, sections .200 and .220; Handbook for State Social Security Administrators, section 238; SSR 77-17, Pennsylvania Justice of the Peace; and SSR 73-58c, Nebraska Constables, Justices of the Peace, and Registrars. The revised definition as cited in this Policy Interpretation Ruling does not affect the herein cross-referred Rulings. These two Rulings continue to provide examples of a "fee."

[FR Doc. 92-6526 Filed 3-19-92; 8:45am]

BILLING CODE 4190-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-92-982; FR-3198-D-01]

Delegation of Authority for the Shelter Plus Care Program

AGENCY: Office of the Secretary, Department of Housing and Urban Development.

ACTION: Notice of delegation of authority.

SUMMARY: This notice delegates from the Secretary of Housing and Urban Development to the Assistant Secretary for Community Planning and Development the power and authority to administer the Shelter Plus Care Program authorized by section 837 of the National Affordable Housing Act (Pub. L. 101–625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding subtitle F.

EFFECTIVE DATE: March 12, 1992.

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Director, Special Needs Assistance Program, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., room 7262, Washington, DC, 20410, (202) 708–4300. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Shelter Plus Care program is a new program authorized by section 837 of the National Affordable Housing Act (Pub. L. 101–625, enacted November 28, 1990), amending title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding Subtitle F, to provide rental housing assistance, in connection with supportive services funded from sources other than this program, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both; or have acquired immunodeficiency syndrome and related diseases) and their families. The Notice of Program Guidelines and the Notice of Funds Availability (NOFA) which are applicable to the competition for FY92 funding under the Shelter Plus Care Program have been published previously in the **Federal Register**. Under this delegation of authority, the Secretary of Housing and Urban Development delegates all power and authority with respect to the Shelter Plus Care Program to the Assistant Secretary for Community Planning and Development.

Section A. Authority Delegated

The Assistant Secretary for Community Planning and Development is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the Shelter Plus Care Program as authorized by section 837 of the National Affordable Housing Act (Pub. L. 101–625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403) by adding subtitle F, except as indicated in section B below. This includes the authority to issue or waive rules, regulations or guidelines under the program.

Section B. Authority Excepted

There is excepted from the authority delegated under section A the power to sue or be sued.

Section C. Authority to Redelegate

The Assistant Secretary of Community Planning and Development is authorized to redelegate to employees of the Department any of the power and authority delegated under section A and not excepted under Section B of this delegation. However, the authority to issue or waive rules, regulations and guidelines under the Program cannot be redelegated.

Authority: Section 837 of the National Affordable Housing Act (Pub. L. 101–625, enacted November 28, 1990), amending Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11403); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 12, 1992.

Alfred A. DelliBovi,

Deputy Secretary.

[FR Doc. 92–6563 Filed 3–19–92; 8:45 am]

BILLING CODE 4210–33–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–92–1917; FR–2934–N–70]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administrtion*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HSS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screen for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free inforamtion line at 1–800–927–7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN–ZCI–P; rm. 1E671, Pentagon, Washington, DC 20310–2600; (202) 693–4583; Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW., rm. 4133, Washington, DC 20314–1000; (202) 272–0520; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0067; Dept. of Transportation: Ronald D. Keefer, Director, Administrative Services & Property Management, DOT, 400 Seventh St., SW., room 10319, Washington, DC 20590; (202) 366–4246; (These are not toll-free numbers).

Dated: March 13, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/20/92

California—Fort Ord

Fort Ord is located 7 miles north of the City of Monterey and 120 miles southeast of San Francisco, California 93941–5000. The installation is scheduled for closure on or about September 1995. Properties shown below are suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 26,720 acres and 14 million square feet of permanent facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance and storage facilities; and other more specialized structures.

For specific information concerning Fort Ord, please contact Commander, 7th ID, ATTN: AFZW–RM (LTC Anderson), Fort Ord, California 93941–5000.

Suitable/Available Properties

Property Number: 329210039
Type Facility: Housing—1431 family houses; majority are 2-story.

Property Number: 329210040
Type Facility: Temporary Living Quarters—254 buildings; wood, concrete and concrete block structures including barracks.

Property Number: 329210041
Type Facility: Office/Administration—311 buildings; wood, concrete, concrete block and steel structures including personnel bldgs. and general purpose bldgs.

Property Number: 329210042
Type Facility: Recreation—53 facilities including bowling center, guest houses, community and youth centers, library, gym and recreation bldgs.

Property Number: 329210043
Type Facility: Aircraft/Airport Facilities—18 facilities including hangars, runway, taxiways, aprons, fire station, maintenance bldgs. and control tower.

Property Number: 329210044
Type Facility: Maintenance/Engineering Facilities—24 buildings; wood, concrete block and steel structures.

Property Number: 329210045
Type Facility: Mess/Dining Halls—95 buildings; wood, concrete and concrete block dining facilities.

Property Number: 329210046
Type Facility: Child Care—7 buildings; wood and concrete child care centers.

Property Number: 329210047
Type Facility: Stores and Services—23 buildings; wood, concrete, concrete block and steel structures including stores, snack bars, commissary and service station exchange.

Property Number: 329210048
Type Facility: Hospital Facilities—10 buildings; wood, concrete and concrete block structures including a hospital, clinics and vet. facilities.

Property Number: 329210049
Type Facility: Chapels—10 buildings; wood, concrete, concrete block chapels and chapel center facilities.

Property Number: 329210050
Type Facility: Fire Facilities—2 fire stations.

Property Number: 329210051
Type Facility: Audio Visual Facilities—8 buildings; wood, concrete and steel structures including photo labs and training centers.

Property Number: 329210052
Type Facility: Communications/Electronics Facilities—6 buildings; concrete block and steel structures including a communication center and radio bldgs.

Property Number: 329210053
Type Facility: Warehouses—224 buildings; wood, concrete, concrete block and steel structures including storage bldgs. and sheds.

Property Number: 329210054
Type Facility: Vehicle Shops—04 buildings; wood, concrete, concrete block and steel structures including maintenance shops and oil storage bldgs.

Property Number: 329210055
Type Facility: Miscellaneous Facilities—440 facilities including hdqts. bldgs., reserve centers, classrooms, day rooms, roads, vehicle parks and training areas.

Property Number: 329210056
Type Facility: Multi-Purpose Facilities—27 facilities.

Property Number: 329210057
Type Facility: Fuel Facilities—31 buildings; concrete, concrete block and steel structures including gas station bldgs.

Property Number: 329210058
Type Facility: Hazardous Storage Facilities—6 buildings; concrete, concrete block and steel structures.

Property Number: 329210059
Type Facility: Explosives/Munitions Facilities—31 buildings; concrete and steel structures including igloo storages and magazine storages.

Hawaii—Kapalama Military Reservation Phase III

Kapalama Military Reservation is located in the Harbor district in the City of Honolulu. All the properties will be excess to the needs of the Army Corps of Engineers on or about September 30, 1994. Properties shown below as suitable will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The base comprises 21.22 acres and contains nine buildings which are currently being used for storage.

Suitable/Available Properties

Property Numbers: 329210003–329210011
Type Facility: Nine buildings currently used for storage; 116 to 39654 sq. ft.; one story wood frame; needs minor rehab.

Massachusetts—Fort Devens

Fort Devens military base is located at Fort Devens, Massachusetts 01433–5000. It is approximately 45 miles west of Boston. All the properties will be excess to the needs of the Army Corps of Engineers on or about October 31,1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation covers 9,283 acres and has approximately 7.4 million square feet of facilities. The properties that HUD has determined suitable and which are available include ove 550 single family and multifamily housing units; office and administration buildings, indoor and outdoor recreational facilities; warehouses and multi-use buildings; hospital facilities; stores and service facilities; dining facilities; a chapel; a

child care facility; and other miscellaneous and specialized structures.

For specific information concerning Fort Devens, please contact Commander, Fort Devens, Attn: AFZD-T (Mr. Carter Hunt), Fort Devens, Massachusetts 01433-5000.

Suitable/Available Properties

Property Number: 329210012
Type Facility: 54 Office/Administration Buildings; 1,174 to 71,781 sq ft.; wood, brick or concrete block frame including personnel bldgs., general purpose and support services bldgs.

Property Number: 329210029
Type Facility: 404 Housing units; 1,200 to 4,380 sq. ft.; wood or brick frame; single and duplex residences, multifamily residences—up to 14 units per bldg.

Property Number: 329210015
Type Facility: 150 Temporary Living Quarters; 1,028 to 19,120 sq. ft.; wood, brick or concrete block structures including barracks.

Property Number: 329210013
Type Facility: 27 Recreational Facilities; 155 to 30,000 sq. ft.; wood, brick, steel or concrete block construction including a gym, library, swimming pool, golf clubhouse, and bowling center.

Property Number: 329210016, 329210025
Type Facility: Aircraft/Fuel Facilities—7; six gas station bldgs. and pump stations; wood, steel or concrete block structures.

Property Number: 329210017, 329210021
Type Facility: Maintenance Engineering/Vehicle Shops—34 buildings; 120 to 20,310 sq. ft.; wood, brick, steel or concrete block frame including maintenance shops, entomology facility, vehicle maintenance bldgs., oil storage bldgs.

Property Number: 329210018
Type Facility: 11 Stores/Service Buildings; 271 to 107,208 sq. ft.; wood, concrete block or brick frame including commissary, sales store, exchange service station, exchange retail stores.

Property Number: 329210019
Type Facility: 7 Hospital Facilities; 493 to 126,835 sq. ft.; wood concrete, concrete block or brick frame including clinics, hospital, veterinarian facility, and dental clinic.

Property Number: 329210022
Type Facility: 4 Audio Visual/Photo Labs; 480 to 10,612 sq. ft.; wood or concrete block construction.

Property Number: 329210027
Type Facility: 24 Mess/Dining Halls; 2,403 to 2,717 sq. ft.; wood frame.

Property Number: 329210024
Type Facility: 2 Communication Buildings; 1,322 to 1,749 sq. ft.; concrete block or brick frame; communication centers.

Property Number: 329210026
Type Facility: 92 Warehouses; 49 to 85,790 sq ft.; wood, concrete, concrete block or steel construction including sheds, storehouse, medical suppy, vehicle storage, general purpose bldgs.

Property Number: 329210014
Type Facility: Child Care Facility; 6,012 sq. ft.; wood frame.

Property Number: 329210020
Type Facility: Chapel; 22,250 sq. ft.; brick frame.

Property Number: 329210023
Type Facility: 8 Hazardous Storage Buildings; 64 to 6,000 sq. ft.; concrete, steel or concrete block structures including oxygen storage facilities and flammable materials storage.

Property Number: 329210028
Type Facility: 172 Miscellaneous Facilities; 320 to 114,000 sq. ft.; wood, concrete block, brick or steel construction including general purpose bldgs., training facilities, RG houses, reserve centers, garages.

Property Number: 329210030
Type Facility: 4 Multi-purpose buildings.

Unsuitable Properties

Property Number: 329210032
Type Facility: 3 Recreation Facilities; within 2,000 feet from flammable or explosive material.

Property Numbers: 329210033, 329210038
Type Facility: One Temporary Living Quarters and 2 housing residences; within 2,000 feet from flammable or explosive material.

Property Number: 329210031
Type Facility: One Office/Administration Building; within 2,000 feet from flammable or explosive material.

Property Numbers: 329210034, 329210037
Type Facility: 6 Miscellaneous Buildings—including stores, service facilities, etc.

Property Number: 329210035
Type Facility: One Vehicle Shop; within 2,000 feet from flammable explosive material.

Property Number: 329210036
Type Facility: One Warhouse; within 2,000 feet from flammable explosive material.

Virginia—Harry Diamond Laboratories

Harry Diamond Laboratories, Woodbridge Facility is located in Prince William County, Virginia, 22191. The installation is scheduled for closure on or about September 1994. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The installation consists of approximately 76,000 square feet of facilities that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include a warehouse, communications facilities and miscellaneous facilities.

For specific information concerning Harry Diamond Laboratories, please contact Commander, U.S. Army Laboratory Command, ATTN: AMSLC-MC (Ms. Ann Barnett), 2800 Powder Mill Road, Adelphi, Maryland 20783-1145.

Suitable/Available Properties

Property Number: 329210060
Type Facility: Communications/Electronics Facilities—3 brick structures.

Property Number: 329210061
Type Facility: Warehouse—1 brick storehouse.

Property Number: 329210062
Type Facility: Miscellaneous Facilities—3 facilities including roads and a vehicle park.

Property Number: 329210063
Type Facility: Multi-Purpose Facilities—2 brick structures including an administrative building.

Suitable/Available Properties

Land (by State)

Georgia

Land—Fort Gordon
Between Windermere Dr. & Wyevale Rd.
Augusta Co: Richmond GA 30909-
Landholding Agency: Army
Property Number: 219210382
Status: Unutilized
Comment: Approximately .54 acres, entire parcel under easement to State Hwy. Dept.

Washington

Land
Goodnoe Hills Substation & Wind Study Site
Co: Klickitat WA 98620-
Location: 15 mi SE of Goldendale on S side of St. Hwy. 122
Landholding Agency: GSA
Property Number: 549210005
Status: Excess
Comment: 123 acres w/ a 20'x20' visitors center and a 6'x6' substation bldg. which has secured areas.
GSA Number: 9-B-WA-1017

Suitable/Unavailable Properties

Land (by State)

Guam

Former Navy Seismograph Site
Nimitz Hill
Asan GU
Landholding Agency: GSA
Property Number: 549210017
Status: Excess
Comment: 1.5 acres, historic property, subjec to easements.
GSA Number: 9-N-GU-415C

190 acres—Submerged Lands
Located offshore of Asan Point
Asan GU
Landholding Agency: GSA
Property Number: 549210018
Status: Excess
Comment: 190 acres, most recent use—naval waterway
GSA Number: 9-N-GU-436

42 acres—Submerged Land
In Agat Bay
Located offshore of Apaca Point
Agat GU
Landholding Agency: GSA
Property Number: 549210019
Status: Excess
Comment: 42 acres, most recent use—naval waterway
GSA Number: 9-N-GU-426B

Oregon

83.0 Acre Portion
Tongue Point Job Corps Center
Astoria Co: Clatsop OR 97103-
Landholding Agency: GSA
Property Number: 549210006
Status: Excess

Comment: 83 acres, bounded on 3-sides by the Columbia River, mostly wooded and steeply sloped, environmentally protected.
GSA Number: 9-L-OR-508L

Unsuitable Properties

Buildings (by State)

Alaska

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Reason: Within airport runway clear zone, Secured Area

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Other
Comment: Extensive deterioration

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured Area, Other
Comment: Extensive deterioration

Bldg. 86
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210130
Status: Excess
Reason: Secured Area, Other
Comment: Extensive deterioration

Bldg. 30
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210131
Status: Excess
Reason: Secured area, Within airport runway clear zone GSA Number: 10-U-AK-655T

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured Area, Within airport runway clear zone GSA Number U-ALAS-655A

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619-5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured Area, Within airport runway clear zone, Within 2000 ft. of flammable or explosive material

California

Bldg. 10, USCG Support Center
Coast Guard Island
Alameda Co: Alameda CA 94501-5100
Landholding Agency: DOT
Property Number: 879210134
Status: Excess
Reason: Secured Area

Land (by State)

Arizona

11.217 Acre Site
Davis-Monthan AFB
Tucson Co: Pima AZ 85707-5000
Landholding Agency: GSA
Property Number: 549210020
Status: Excess
Reason: Floodway GSA Number: 9-GR1-AZ-437HHH, 9-GR2-AZ-437Y

[FR Doc. 92-6301 Filed 3-19-92; 8:45 am]
BILLING CODE 4210-29-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-92-3385; FR-3149-C-02]

Fund Availability (NOFA) for Supportive Housing for the Elderly, Fund Availability for FY 92; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability for FY 92; correction.

SUMMARY: On March 6, 1992 (57 FR 8218), the Department published in the **Federal Register**, a NOFA that announced HUD's funding for supportive housing for the elderly. The chart titled, Fiscal Year 1992 Allocations for Supportive Housing for the Elderly, erroneously listed the Nonmetropolitan Units for Region 3 to be 730. The purpose of this document is to correct that chart by indicating that the correct number of Nonmetropolitan Units for Region 3 is 130.

DATES: The deadline date for receipt of applications in response to this NOFA is June 3, 1992.

ADDRESSES: Applications must be delivered to the HUD Field Office for your jurisdiction. HUD will date and time stamp incoming applications to evidence timely receipt, and upon request, provide the applicant with an acknowledgement of receipt. Applications submitted by facsimile are not acceptable.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Accordingly, the following correction is made to FR Doc. 92-5233, published in the **Federal Register** on Friday, March 6, 1992 (57 FR 8218), to read as follows:

On page 8218, at the bottom of the page, under paragraph B. Allocation Amounts, in the chart titled, FISCAL YEAR 1992 ALLOCATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY, correct the Nonmetropolitan Units for Region 3 to read "130" instead of "730".

Authority: Section 202, Housing Act of 1959, as amended (12 U.S.C. 1701q), section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 16, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92-6562 Filed 3-19-92; 8:45 am]
BILLING CODE 4210-27-M

[Docket No. N-92-3242; FR-2997-N-02]

Funding Availability; Housing Counseling: Announcement of Funding Awards

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department under HUD's Housing Counseling Program for Fiscal Year 1991. The announcement contains the names and addresses of the award winners and the amounts of the awards.

FOR FURTHER INFORMATION CONTACT: Thomas Miles, Program Advisor, Single Family Servicing Division, Department of Housing and Urban Development, room 9178, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1672 or (202) 708-4594 (TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 106 of the Housing and Urban Development Act of 1968 (section 106) authorizes HUD to provide a program of housing counseling services to designated homeowners and tenants. The program authorized by section 106 (Housing Counseling Program) is divided into two components: the housing counseling services provided under

section 106(a), and those provided under section 106(c).

Under the Housing Counseling Program, HUD contracts with public or private organizations to provide the housing counseling services authorized by section 106. When the Congress makes funds available to assist the Housing Counseling Program, HUD announces the availability of these funds, and invites applications from eligible agencies (i.e. HUD-approved counseling agencies), through a notice of funding availability (NOFA) published in the **Federal Register**.

In a NOFA published on April 30, 1991 (56 FR 19902), HUD announced that a total amount of $8,000,000 was appropriated for housing counseling by the HUD Appropriations Act of 1991. Of this amount, the National Affordable Housing Act of 1990 authorized up to $2,000,000 of the total appropriated amount to be used by HUD for the establishment of a toll-free telephone number through which interested parties may obtain lists of housing counseling agencies. (This toll-free number was announced in a notice published in the **Federal Register** on December 12, 1991, 56 FR 64724.) Of the remaining $6,000,000 available for counseling activities, HUD set aside $425,000 to help resolve two litigation matters that involved housing counseling; and announced the availability of $5,575,000 in FY 1991 funds for the counseling services specified in section 106.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, the Department is publishing the names, addresses and the amounts of the awards made under the Housing Counseling Program for FY 1991. This information is provided in appendix A to this document. The total amount of the awards equaled $6,465,480. The difference between the amount awarded and the amount announced as available in the April 30, 1991 NOFA results from the fact that HUD did not use the full amount of the $2,000,000 authorized for the toll-free telephone number, or the full amount of the $425,000 set aside for two litigation matters. Accordingly, HUD was able to make available the funds remaining from these matters to HUD-approved counseling agencies for the counseling activities provided under section 106.

Dated: March 13, 1992.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991

	Grant amount
Region 1:	
City of Lynn, City Hall, Room 315, Lynn, MA 01901	$6,790.00
Blackstone Valley Community Action Program, 129 School St., Pawtucket, RI 02860	4,370.00
Central Maine Area Agency on Aging, P.O. Box 248, Gardiner, ME 04345	3,500.00
Urban League of Rhode Island, 246 Prairie Ave., Providence, RI 02905	9,275.00
Consumer Credit Counseling Service, 151 New Park Ave., Hartford, CT 06106	10,000.00
Housing Allowance Project, 322 Main Street, Springfield, MA 01105	10,465.00
Rural Housing Improvement, Inc., 218 Central St., Winchendon, MA 01475	10,000.00
Construct, Inc., 144 Main Street, Great Barrington, MA 01230	2,100.00
Urban League of Greater Hartford, 1229 Albany Ave., Hartford, CT 06112	10,000.00
Region 2:	
Housing Assistance Program of Essex County, Church St., Elizabethtown, NY 12932	6,125.00
Bellport, Hagerman, E. Patchogue Alliance, 1731 Montauk Hwy, Bellport, NY 11713	5,005.00
Bayonne Economic Opportunity Foundation, 555 Kennedy Blvd., Bayonne, NJ 07002	15,085.00
Ocean Community Economic Action Now, P.O. Box 1029, Toms River, NH 08753	8,750.00
Albany County Rural Housing Alliance, 34 Main St., Voorheesville, NY 12186	6,300.00
Check Mate, Inc., 649 Mattison Ave., Asbury Park, NJ 07712	8,750.00
Consumer Credit Counseling Service, 120 E. Washington St., Syracuse, NY 13202	8,750.00
Better Neighborhoods, 986 Albany St., Schenectady, NY 12307	22,750.00
Catholic Charities, 540–550 Route #22 E., Bridgewater, NJ 08807	5,320.00
Cayuga County Homesite Development, 60 Clark St., Auburn, NY 13021	5,005.00
Senior Citizens United Community Serv., 146 Black Horse Pike, Mt. Ephraim, NJ 08059	9,905.00
Housing Coalition of Middlesex County, 9 Elm Row, New Brunswick, NJ 08901	8,750.00
Metro Interfaith Services, 21 New St., Binghamton, NY 13903	23,310.00
Housing Council in the Monroe County Area, 242 Andrews St., Rochester, NY 14604	35,920.00
Family Service Association of Nassau County, 336 Fulton Ave., Hempstead, NY 11550	9,975.00
Rensselaer County Community Restoration Board, P.O. Box 244, Rensselaer, NY 12144	10,430.00
Jersey Counseling & Housing Development, 1840 S. Broadway, Camden, NJ 08104	37,275.00
Urban League of Bergen County, 106 W. Palisade Ave., Englewood, NJ 07631	25,095.00
Morris County Fair Housing Counsel, 19 Market St., Morristown, NJ 07960	14,875.00
Lewis County Opportunities, P.O. Box 111, New Breman, NY 13367	7,000.00
Stoneleigh Housing, Inc., 120 E. Center St., Canastota, NY 13032	4,970.00
Urban League of Onondaga County, 505 E. Fayette St., Syracuse, NY 13202	8,750.00
Monmouth County Board of Chosen Freeholders, P.O. Box 1255, Freehold, NJ 07728	35,920.00
Urban League of Union County, 272 N. Broad St., Elizabeth, NJ 07208	8,750.00
Middlesex County Econ. Oppor., 841 Georges Rd., 2nd Flr., N. Brunswick, NJ 08902	8,750.00
United Tenants of Albany, 33 Clinton Ave., Albany, NY 12207	6,125.00
Paterson Task Force for Community Action, 155 Ellison St., Paterson, NJ 07505	16,135.00
The Home Partnership, 450 7th St., Hoboken, NJ 07030	24,850.00
Troy Rehabilitation and Improvement Program, P.O. Box 1249, Troy, NY 12181	8,960.00
Housing Assistance Center of Niagara, 1233 Main St., Buffalo, NY 14209	37,590.00
Atlantic Human Resources, 10 So. Tennessee Ave., Atlantic City, NJ 08401	4,970.00
Urban League of Essex County, 3 William St., Suite 300, Newark, NJ 07102	27,295.00
Housing Development Council of Orleans County, 109 N. Main St., Albion, NY 14411	8,750.00
Long Island Housing Services, 1747–42a Veterans Memorial Highway, Aslandia, NY	26,565.00
Region 3:	
Cross-Cross, Inc., 166 Washington Ave., Clarksburg, WV 26301	8,750.00
Community Housing Inc., 613 Washington St., Wilmington, DE 19801	18,250.00
Community Assistance Network, 7701 Dunmanway Road, Baltimore, MD 21222	15,750.00
University Legal Services, 324 "H" St., NE, Washington, DC 20002	39,970.00
Prince William Coop Extension, 8805 Sudley Rd., Suite 200, Manassas, VA 22110	15,750.00

HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Warren-Forest Countys Economic Opportunity, P.O. Box 547, Warren, PA 16365	4,900.00
Elder-ado, Inc., 320 Brownsville Rd., Pittsburgh, PA 15210	14,000.00
Consumer Credit Counseling Service, P.O. Box 6282, Bluefield, WV 24701	8,750.00
Urban League of Pittsburgh, 304 Rose St., 6th Floor, Pittsburgh, PA 15219	15,750.00
Sussex County Community Action Agency, 310 N. Railroad Ave., Georgetown, DE 19947	10,500.00
Housing Council of York, 116 N. George St., York, PA 17401	10,500.00
Newport News Office of Human Affairs, P.O. Box 37, Newport News, VA 23607	19,250.00
Urban League of Philadelphia, 4601 Market St., Suite 2 South, Philadelphia, PA 19139	5,250.00
Center for Independent Living, 7110 Penn Ave., Pittsburgh, PA 15208	9,625.00
Housing Opportunities Inc., 133 7th St., McKeesport, PA 15134	24,990.00
Commission on Economic Opportunity, 211–213 S. Main St., Wilkes-Barre, PA 18701	4,900.00
Consumer Credit Counseling Service, P.O. Box 3720, Charleston, WV 25301	14,980.00
Far South East Community Organization, 2041 M.L. King Ave., SE, Washington, DC 20020	9,625.00
United Communities Against Poverty, 1400 Doswood Lane, Capitol Heights, MD 20743	10,500.00
Family Service Inc., 1304 E. 5th Ave., Huntington, WV 25701	11,620.00
Community Resources for Independence, 2222 Filmore Ave., Erie, PA 16506	5,250.00
Housing Association of Delaware Valley, 1314 Chestnut St., Philadelphia, PA 19107	2,030.00
Consumer Credit Counseling Service, 51 11th St., Wheeling, WV 26003	24,500.00
Bayfront NATO Inc., 312 Chestnut St., Erie, PA 16507	4,375.00
Garfield Jubilee Association, 5138 Penn Ave., Pittsburgh, PA 15224	5,775.00
Near NE Community Improvement Corp., 1326 Florida Ave., NE, Washington, DC 20062	3,500.00
Berks Community Action Program, 227–229 N. 5th St., Reading, PA 19601	7,000.00
SE Tidewater Opportunity Project, P.O. Box 1078, Norfolk, VA 23510	9,625.00
Housing Opportunities Made Equal, 1218 N. Carry St., Richmond, VA 23220	24,500.00
Housing Counseling Service, 2430 Ontario Rd., NW, Washington, DC 20009	21,000.00
Phil. Council for Commun. Advan., 100 N. 17th St., Suite 600, Philadelphia, PA 19102	24,500.00
MAC, Inc., Area Agency on Aging, 1504 Riverside Rd., Salisbury, MD 21801	5,075.00
Housing Opportunities Commission, 10400 Detrick Ave., Kensington, MD 20895	8,750.00
Neighborhood House,Inc., 601 New Castle Ave., Wilmington, DE 19801	8,750.00
Washington/Greene Community Action Group, 315 N. Hallam St., Washington, PA, 15301	3,500.00
Fayette County Community Action Agency, 137 N. Beeson Ave., Uniontown, PA 15401	5,250.00
Harford County, P.H.A., 15 S. Main St., Suite 106, Bel Air, MD 21014	14,000.00
Philadelphia Housing Devel., 1234 Market St., 10th Flr., Philadelphia, PA 19107	10,500.00
Consumer Credit Counseling Service, 3671 Crescent Court E., Whitehall, PA 18052	4,900.00
St. Ambrose Housing Aid Center, 321 E. 25th St., Baltimore, MD 21218	28,000.00
DC Housing Finance Agency, 275 "K" St., Washington, DC	24,500.00
Shore Up Inc., 520 Snowhill Road, Salisbury, MD 21801	15,750.00
Tabor Community Services, 439 E. King St., Lancaster, PA 17602	21,000.00
Monticello Area Community Action Agency, 215 E. High St., Charlottesville, VA 22901	8,750.00
Consumer Credit Counseling Serv., 2715 Murdock Ave., R4, Parkersburg, WV 26101	17,500.00
Booker T. Washington Center, 1720 Holland St., Erie, PA 16503	5,250.00
Marshall Heights Community Development, 3917 Minnesota Ave., NE, Washington, DC 20019	9,625.00
Region 4:	
Tenant Services and Housing Counseling Inc., 200 E. Main St., Lexington, KY 40507	15,015.00
MS Division of Aging and Adult Service, 421 W. Pascagoula, Jackson, MS 39203	3,500.00
Louisville Urban League, 1535 W. Broadway, Louisville, KY 40203	29,995.00
CAA of North Central Alabama, 107 2nd Ave. NE, Decatur, AL 35602	23,555.00
Knoxville Area Urban League, 2416 Magnolia Ave., Knoxville, TN 37901	39,970.00
Broward County Housing Authority, 1773 N. State Road #7, Lauderhill, FL 33313	40,005.00
Joint Orange-Chatham Comm. Action, 105 W. Chatham St., Pittsboro, NC 27312	14,980.00
Trident United Way, 32 Ann Street, Charleston, SC 29401	26,250.00
Johnston Lee Community Action, 1102 Massey St., Smithfield, NC 27577	24,990.00
Tallahassee Housing Counseling, 923 Old Bainbridge Rd., Tallahassee, FL 32301	12,600.00
Jefferson County Homeownership Program, 810 Barret Ave., Louisville, KY 40204	19,965.00
Metro Fair Housing Serv., 1083 Austin Ave., N.E., Atlanta, GA 30307	9,975.00
Target Community Association, 1233 E. College, Pulaski, TN 38478	9,975.00
Housing Authority of Auburn, 931 Booker St., Auburn, AL 36830	14,980.00
Consumer Credit Counsel., 50 S. French Broad Ave., Suite 236, Ashaville, NC 28801	9,975.00
Spectrum Institute, 1108 Woodrow St., Columbia, SC 29205	24,990.00
Metropolitan Social Services, 25 Middleton St., Nashville, TN 37210	39,970.00
Housing Authority of Montgomery, 1020 Bell St., Montgomery, AL 36197	14,980.00
North Carolina Client Councils, 216 Church St., Smithfield, NC 27577	19,995.00
Savannah Chatham County EOA, 618 W. Anderson St., Savannah, GA 31402	49,980.00
The Atlanta Urban League, 100 Edgewood Ave., Suite 600, Atlanta, GA 30303	4,970.00
Hope, Inc., 1501 Herman St., Suite S, Nashville, TN 37208	24,990.00
Jacksonville Urban League, 223 W. Duvall St., 14th Flr, Jacksonville, FL 32202	14,525.00
Human Resources Development Corp., Route 5, Box 139, Suite A, Enterprise, AL 36331	7,000.00
Housing Authority of Birmingham, 1826 3rd Ave. S, Birmingham, AL 35233	39,970.00
Housing Opportunities Corp., 147 Jefferson Ave., Suite 800, Memphis, TN 38103	22,995.00
Instituto Ponceno Del Hogar, Calle Sol. Esq. Capitan Correa, Ponca, PR 00733	24,990.00
CCC Service of Palm Beach County, 224 Datura St., Suite 205, W. Palm Beach, FL 33401	42,980.00
Hillsborough County, 9260 Bay Plaza Blvd., Suite 510, Tampa, FL 33619	19,985.00
Mobile Housing Board, 151 S. Clairborne St., Mobile, AL 36633	49,000.00
HEED, 3405 Medgar Evars Blvd., Jackson, MS 39213	39,220.00
Mid-East Comm. Area Agency on Aging, 1 Harding Sq., Washington, NC 27889	19,985.00
Gulf Coast Community Action Agency, 500 24th St., Gulfport, MS 39501	9,975.00
Palmetto Legal Services, 2109 Bull Street, Columbia, SC 29202	19,985.00
Metro Columbus Urban League, 802 First Ave., Columbus, GA 31901	8,750.00
Greenville Urban League, 15 Regency Hill Dr., Greenville, SC 29603	29,995.00
Consumer Credit Counseling Service, 1900 N. Mills Ave., Suite 5, Orlando, FL 32803	64,995.00

HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Family Housing Services, 910 N. Alexander St., Charlotte, NC 28206	61,985.00
CAA of Calhoun, Cleburne & Cherokee, 1702 Noble St., Anniston, AL 36202	26,075.00
E. Tenn. Human Resource Agency, 408 N. Cedar Bluff Rd., Rm 400, Knoxville, TN 37923	19,965.00
Community Service Programs of Western Alabama, 601 17th St., Tuscaloosa, AL 35401	23,555.00
Douglas-Cherokee Economic Authority, 525 E 1st North St., Morristown, TN 37814	7,000.00
Metropolitan Development and Housing Agency, 701 S. 6th St., Nashville, TN 37201	19,985.00
Chattanooga Department of Human Services, 501 12th St. W., Chattanooga, TN 37402	9,975.00
Coastal Plains Area Economic Opportunity, 1126 W. Gordon St., Valdosta, GA 31603	19,985.00
Dekalb/Fulton Housing Counseling Center, 3471 Memorial Dr., Decatur, GA 30032	84,960.00
Aiken/Barnwell Counties CAA, Inc., 291 Beaufort St., Aiken, SC 29801	20,475.00
Cumberland County Community Action, 328 Gillespie St., Fayetteville, NC 28301	49,980.00
City of Tampa/Community Redevel. Agency, 1310 9th Ave., Tampa, FL 33605	49,980.00
Consumer Credit Counseling Service, 13014 N.E. 8th Ave., North Miami, FL 33161	49,980.00
Nashville Urban League, Mr. Joseph Carroll, 1219 9th Ave. N., Nashville, TN 37208	11,970.00
Consumer Credit Counseling Serv., 926 Brookston Ave., Winston-Salem, NC 27101	20,125.00
Citizens for Affordable Housing, 1719 West End Ave., Suite 225, Nashville, TN 37203	31,955.00
PEE DEE Community Actions, Inc., 2685 S. Irby St., Florence, SC 29501	24,990.00
Manatee Opportunity Council, 236 9th Ave. W., Bradenton, FL 34205	9,975.00
CAA of Northwest Alabama, 502 E. College St., Florence, AL 35630	9,975.00
American Red Cross (ACCEPT), Inc., 510 E. Chestnut St., Louisville, KY 40202	14,980.00
Agriculture and Labor Program, Inc., 7301 Lynchburg Rd., Winter Haven, FL 33881	9,975.00
Birmingham Urban League, 1717 4th Ave. N., Birmingham, AL 35202	22,470.00
Piedmont Legal Services, 146 East Main St., Spartanburg, SC 29301	19,985.00
NW Piedmont Council of Government, 280 S. Liberty St., Winston-Salem, NC 27101	19,985.00
Northern Kentucky Community Center, 824 Greenup St., Covington, KY 41011	29,995.00
Consumer Credit Counsel/Greater Knoxville, 1012 Heiskell Ave., Knoxville, TN 37921	12,950.00
Memphis Urban League, 2279 Lamar Ave., Memphis, TN 38114	3,500.00
Isothermal Planning and Development Div., 101 W. Court St., Rutherfordton, NC 28139	4,200.00
Athens-Clarke Co. Unified Government, 155 E. Washington St., Athens, GA 30601	62,790.00
Middle Georgia Community Action Agency, 706 Elberta Rd., Warner Robins, GA 31099	7,000.00
Brighton Center, Inc., 7th and Park Sts., Newport, KY 41071	14,980.00
Chesterfield-Marlboro Economic Opportunity, 71 2nd St., Cheraw, SC 29520	5,250.00
Ceiba Housing and Economic Development Corp. 252 Lauro Pinero Ave., Ceiba, PR 00636	15,750.00
Caroline Regional Legal Services, 279 W. Evans St., Florence, SC 29501	9,975.00
CCCS, Family Service Center, 1800 Main St., Columbia, SC 29202	19,985.00
West Tennessee Legal Services, 210 W. Main St., Jackson, TN 38302	19,985.00
Upper East Tennessee Human Development Agency, 301 Louis St., Kingsport, TN 37662	9,975.00
Region 5:	
Credit Counseling Centers, Inc., 27780 Novi Road, Suite 250, Novi, MI 48050	24,990.00
Housing Assistance Office, P.O. Box 1446, South Bend, IN 46634	8,750.00
Springfield Fair Housing Board, 227 S. 7th Street, Suite 204, Springfield, IL 62701	7,000.00
Consumer Credit Counseling Service, 1111 3rd Ave. S., Suite 336, Minneapolis, MN 55404	15,190.00
Racine/Kenosha Community Action, 72 7th St., Racine, WI 53403	1,995.00
Lutheran Housing Cooporation, 4208 Prospect Ave., Cleveland, OH 44103	50,015.00
Senior Housing Inc., 1885 University Ave., Suite 190, St. Paul, MN 55104	4,200.00
Consumer Credit Counseling Service, 363 S. Main St., Suite 205, Decatur, IL 62523	15,015.00
Spanish Coalition for Housing, 3439 W. North Ave., Chicago, IL 60647	24,990.00
Consumer Credit Counseling Service, 697 E. Broad St., Columbus, OH 43215	31,500.00
Hammond Housing Authority, 7329 Columbia Circle West, Hammond, IN 46324	5,005.00
Catholic Charities, 225 Elm St., Youngstown, OH 44503	24,990.00
Detroit Non-Profit Housing Corp., 1200 6th St., Suite 404, Detroit, MI 48226	19,985.00
Madison County Urban League, 210 William St., Alton, IL 62002	10,010.00
Portsmouth Inner City Development Corp., 1206 Waller St., Portsmouth, OH 45662	2,030.00
Marion-Crawford Community Action Commission, 240 E. Church St., Marion, OH 43302	3,500.00
Housing Resource Center, 300 N. Washington Square, Suite 302, Lansing, MI 48933	15,015.00
Anderson Housing Authority, 526 W. 11th St., Anderson, IN 46016	24,990.00
Community Action Inc., 2300 Kellogg Ave., Janesville, WI 53546	8,050.00
Michigan Housing Counselors, 237 S. Gratiot, Mount Clemens, MI 48043	29,995.00
Regional Housing Center, P.O. Box 7050, Columbus, OH 43205	50,015.00
Housing Authority of the City of Fort Wayne, P.O. Box 13489, Fort Wayne, IN 46869	19,985.00
Near West Side Multi-Service Corp., 4115 Bridge Ave., Cleveland, OH 44113	8,015.00
CONSON, 90 E. Goodale St., Columbus, OH 43215	29,995.00
R.E.A.L. Services, 622 N. Michigan, South Bend, IN 46634	8,750.00
Urban League of Greater Cleveland, 12001 Shaker Blvd., Cleveland, OH 44120	10,010.00
NW Michigan Human Service Agency, 3963 Three Mile Rd., Traverse City, MI 49684	3,010.00
Community Advocates, 4906 W. Fond Du Lac, Milwaukee, WI 53216	8,750.00
Hoosier Uplands Economic Development Corp., 521 W. Main St., Mitchell, IN 47446	15,015.00
Lake County Community Action Project, 106 S. Sheridan Rd., Waukegan, IL 60085	5,285.00
Westside Conservation Corp., 3209 W. Highland Blvd., Milwaukee, WI 53208	29,995.00
TULC Non-Profit Housing Corp., 3901 Grand River, Detroit, MI 48208	29,995.00
Community & Economic Development Assoc., 224 N. Des Plaines St., Chicago, IL 60661	49,980.00
Lake County, 2293 N. Main St., Crown Point, IN 46307	10,010.00
Human Development Commission, 429 Montague Ave., Caro, MI 48723	4,970.00
Chicago Urban League, 4510 S. Michigan Ave., Chicago, IL 60653	29,995.00
Chicago Roseland Coalition for Community Control, IL	19,985.00
Pilot City Regional Center, 1315 Penn Ave. North, Minneapolis, MN 55411	19,985.00
Walker's Point Development Corp., 734 S. 5th St., Milwaukee, WI 53204	15,015.00
Family Service Agency, 535 Marmion Ave., Youngstown, OH 44502	6,300.00
Urban League of NW Indiana, 3101 Broadway, Gary, IN 46409	39,970.00
Youngstown Area Urban League, 2516 Market St., Youngstown, OH 44507	4,970.00

HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
Community Action of Indianapolis, 2445 N. Meridian St., Indianapolis, IN 46208	8,750.00
Montgomery County Community Action, 318 S. Main St., P.O. Box 4008, Dayton, OH 45401	8,750.00
Milwaukee United for Better Housing, 4011 W. Capitol Dr., Milwaukee, WI 53216	9,975.00
New Cities Community Development Corp., 400 E. Sibley Blvd., Harvey, IL 60426	8,750.00
Southern Minnesota Regional Legal Services, 46 E. 4th St., St. Paul, MN 55101	24,990.00
Community Serv. Council of North Will Cnty., 719 Parkwood Ave., Romeoville, IL 60441	34,855.00
St. Paul Housing Information Office, 21 W. 4th St., St. Paul, MN 55102	15,015.00
Better Housing League of Cincinnati, 2400 Reading Rd., Cincinnati, OH 45202	50,015.00
Family Service Association, 1704 N. Warren Road SE, Warren, OH 44484	20,020.00
Urban League of Flint, 202 E. Boulevard Dr., Suite 200, Flint, MI 48503	24,990.00
Region 6:	
Christians Assisting People, Inc., 600 Foley Ave., Port Arthur, TX 77640	1,200.00
Credit Counseling Service, 3230 N. Rockwell, Bethany, OK 73008	40,000.00
Desire Community Housing Corp., 3251 St. Ferdinand St., New Orleans, LA 70126	27,000.00
Colonias Del Valle, Inc., 1203 E. Ferguson, Pharr, TX 78577	5,785.00
Consumer Credit Counseling Service, 4600 Gulf Freeway, Suite 500, Houston, TX 77023	37,800.00
Cenla Community Action Committee, 230 Bolton Ave, Alexandria, LA 71301	30,000.00
White River Regional Housing Authority, Hwy 69 E., Melbourne, AR 72556	20,000.00
Ouachita Multi-Purpose CAP Inc., 210 Harrison St., Monroe, LA 71210	20,000.00
Greater El Paso Service, 4838 Montana Ave., El Paso, TX 79903	32,000.00
Housing Auth./City of Slidell, 1230 Martin Luther King, Apt. I, Slidell, LA 70459	6,000.00
Urban League of Arkansas, 2200 South Main Street, Little Rock, AR 72216	17,000.00
Consumer Credit Counseling Service, 1949 N. Stemmons Frwy, Suite 200, Dallas, TX 75207	90,000.00
Family Services Agency, 2700 Willow St., North Little Rock, AR 72115	25,000.00
Parish of Jefferson, 1221 Elmwood Park Blvd., Suite 402, Harahan, LA 70123	20,000.00
Sac & Fox Nation Housing Authority, 526 N. Kimberly St., Shawnee, OK 74801	10,000.00
Guadalupe Economic Service Corp., 1416 1st St., Lubbock, TX 79401	73,000.00
Chickasaw Housing Authority, 901 Country Club, Ada, OK 74820	40,000.00
Credit Counseling Centers of OK, 2140 South Harvard, Tulsa, OK 74159	80,000.00
St. Mary Community Action, 1407 Barrow St., Franklin, LA 70538	8,400.00
St. James Parish, Highway 44, Courthouse St., Convent, LA 70723	26,000.00
Community Devel. Corp. of Brownsville, 1150 E. Adams, 2nd Flr., Brownsville, TX 78520	20,000.00
Child and Family Service, 1221 W. Ben White Blvd., Suite 112–B, Austin, TX 78704	37,000.00
Consumer Credit Counseling of NM, 5318 Mensul NE, Albuquerque, NM 87110	45,000.00
Housing Opportunity of Fort Worth, 1305 W. Magnolia Ave., Fort Worth, TX 76104	62,000.00
Houston Area Urban League, 3215 Fannin, Houston, TX 77004	20,000.00
City of Austin Housing Counseling Program, 1640 E. 2nd St., Austin, TX 78704	66,500.00
Association of South Central OK Governments, 802 Main St., Duncan, OK 73534	12,000.00
L'Anmar Communications, Inc., 301 South Frio, Suite 100, San Antonio, TX 78207	4,000.00
Consumer Credit Counseling Service, 4203 Woodcock, Suite 251, San Antonio, TX 78228	20,000.00
Housing Opportunities, Inc., 2900 Woodbridge, Suite 302, Houston, TX 77087	47,000.00
Housing Authority of Choctaw Nation, 1005 S. 5th St., Hugo, OK 74743	14,000.00
Dallas Urban League, Inc., 2121 Main St., Suite 410, Dallas, TX 75201	32,000.00
City of San Antonio, 115 Plaza de Armas, Suite 200, San Antonio, TX 78205	20,000.00
Deep Fork Community Action Foundation, 220 North Wood Dr., Okmulgee, OK 74447	5,000.00
Central City Housing Development Corp., 2020 Jackson Ave., New Orleans, LA 70113	30,000.00
Marshall Housing Authority, 406 Poplar St., Marshall, TX 75671	20,800.00
Crawford Sebastian Community Development Council, 4831 Armour, Ft. Smith, AR 72914	40,000.00
St. Landry Parish Community Action, Highway 749, Airport Rd., Opelousas, LA 70571	17,885.00
Metro Tulsa Urban league, Inc., 240 East Apache St., Tulsa, OK 74106	10,000.00
St. Martin, Lafayette Community Action (SMILE), 501 St. John St., Lafayette, LA 70502	30,000.00
Neighborhood Housing Services, 3034 Lakeshore Dr., Shreveport, LA 71133	20,000.00
Community Care Hsng. Devel. Corp., 44625 N. Freeway, Suite 260, Houston, TX 77022	7,980.00
Gulf Coast Community Services, 6300 Bowling Green, Houston, TX 77021	60,000.00
Region 7:	
Missouri Valley Human Resources Community Action, 1415 S. Odell, Marshall, MO 65340	1,000.00
North East Community Action Corp., P.O. Box 470, Bowling Green, MO 63334	5,250.00
Housing & Credit Counseling Inc., 1195 S.W. Buchannan, Suite 203, Topeka, KS 66604	8,000.00
Metropolitan Lutheran Ministry, 3031 Holmes Street, Kansas City, MO 64109	22,300.00
Hawkeye Area Community Action Program, P.O. Box 789, Cedar Rapids, IA 53406	7,875.00
Housing Information Center, 3810 Paseo, Kansas City, MO 64109	32,000.00
City of Des Moines, E. 1st & Des Moines St., Des Moines, IA 50209	6,200.00
North Area Community Forum, 1005 Dunn Road, Florissant, MO 63031	18,050.00
The Urban Housing Foundatio, 2416 Lake St., Omaha, NE 68111	13,000.00
Holy Name Housing Corp., 3014 N. 45th St., Omaha, NE 68104	5,000.00
United Methodist Urban Ministry, 1611 N. Mosley, Wichita, KS 67214	5,000.00
A.I.D. (Assistance, Info Direction) Center, 206 Sixth St., Sioux City, IA, 51101	6,500.00
Economic Opportunity Foundation Inc., 1542 Minnesota Ave., Kansas City, KS 66102	7,500.00
Lincoln Action Program, 2202 S. 11th St., Lincoln, NE 68502	3,000.00
West Central MO Comm. Action Agency, 106 W. 4th, Appleton City, MO 64724	2,000.00
Goodwill Center for Independent Living, 1804 S Eddy St., Grand Island, NE 68801	2,000.00
Consumer Credit Counseling, 742 Duvall, Salina, KS 67402	5,000.00
Northside Residential Housing Corp., 5647 Delmar, St. Louis, MO 63112	27,000.00
Region 8:	
Adams Cnty. Housing Author., 7190 Colorado Blvd., 6th Flr., Commerce City, CO 80022	49,493.00
Consumer Credit Counsel. Serv./Pikes Peak, 1233 Lake Plaza Dr., Colo. Spngs., CO 80906	23,603.00
Brothers Redevelopment, 111 Osage St., Suite 210, Denver, CO 80204	30,776.00
Neighbor to Neighbor, 424 Pine Street, Suite 203, FT. Collins, CO 80524	24,911.00
Salt Lake Community Action, 764 South 200 West, Salt Lake City, UT	34,611.00
SE North Dakota Community Action Agency, 3343 S. 15th St., Fargo, ND 58108	12,000.00

HOUSING COUNSELING AGENCIES RECEIVING GRANTS IN FY 1991—Continued

	Grant amount
City of Aurora, 9801 E. Colfax Ave., Aurora, CO 80010	19,207.00
Boulder County Housing, P.O. Box 471, Boulder, CO 80306	27,932.00
Community Action, Hwy 281 North, P.O. Box 507, Jamestown, ND 58402	9,111.00
Consumer Credit Coun. Serv./Black Hills, 621 6th St., Suite 201, Rapid City, SD 57709	13,899.00
North West Montana Human Resources, #8 First & Main Bldg., Kalispell MT. 59903	4,576.00
Consumer Credit Couns. Serv. of Lutheran Soc. Serv., 617 W. 11th, Sioux Falls, SD 57104	9,027.00
Community Action Program, 2105 Lee Ave., Bismarck, ND 58504	18,898.00
Weber State University, 3750 Harrison Blvd., Ogden UT 84408	29,053.00
Catholic Social Services, 302 Jefferson St., Pueblo, CO 81004	23,934.00
Quad Community Action Agency, 27½ S. 3rd St., Grand Forks, ND 48201	8,203.00
Community Action Opportunity, 420 3rd St. S.W., Minot ND 58702	15,861.00
NorthEast Denver Housing Center, 1735 Gaylord St., Denver, CO 80206	40,000.00
Region 9:	
Hale Mahaiou, Inc., 200 Hina Ave., Kahului, HA 96732	11,340.00
Consumer Credit Counseling Serv. of Arizona, 1930 W. Peoria #103, Phoenix, AZ 85029	39,970.00
Eden Council for Hope & Opportunity (ECHO Housing), 770 A St., Hayward, CA 94541	22,585.00
Inland Mediation Board, 420 North Lemon Ave., Ontario, CA 91764	40,005.00
Neighborhood Improvement and Housing Dev., 920 E. Madison, #B, Phoenix, AZ 85034	39,970.00
Better Valley Services, 8000 Laurel Canyon Blvd., N. Hollywood, CA 91605	37,975.00
Westminster Neighborhood Assoc. Inc., 1776 E. Century Blvd., Los Angeles, CA 90002	30,030.00
Project Match, Inc., 1671 Park Avenue, #21, San Jose, CA 95126	4,200.00
Council on Aging of Sonoma, 730 Bennet Valley Rd., Santa Rosa, CA 95404	3,500.00
Pacific Community Services Inc., 501 Railroad Ave., Pittsburg, CA 94565	29,995.00
Fair Housing Council of OC, 1222 N. Broadway, Santa Ana, CA 92701	50,015.00
Chicanos Por La Causa Phoenix, 1112 E. Buckeye Rd., Phoenix, AZ 85034	53,935.00
Operation Life C.D.C., P.O. Box 4397, Las Vegas, NV 89127	6,860.00
Catholic Social Services, 155 W. Helen St., Tucson, AZ 85705	10,010.00
City of Oakland, 300 Lakeside Dr., 15th Flr, Oakland, CA 94612	39,970.00
Consumer Credit Counseling Service of Arizona, 6135 E. Grant Road, Tucson, AZ 85712	38,010.00
Hawaii Credit Counseling Serv., 429 Waiakamilo Rd., Suite 8, Honolulu, HI, 96817	7,000.00
Housing Authority of the Cnty. of Stanislaus, 1701 Robertson Rd., Modesto, CA 95351	7,000.00
Chicanos Por La Causa Tucson, 1525 N. Oracle, Tucson, AZ 85705	20,020.00
Housing Authority of the County of Santa Barbara, 815 W. Ocean, Lompoc, CA 93436	10,010.00
Housing Authority of the County of Santa Cruz, 2160 41st Ave., Capitola, CA 95010	10,010.00
Neighborhood House Association, 841 S. 41st St., San Diego, CA 92113	32,550.00
Independent Living Resource, 70 Tenth St., San Francisco, CA 94103	4,515.00
Consumer Credit Counselor of L.A., 1308 W. 8th St., Suite 300, Los Angeles, CA 90017	45,850.00
Poor People Pulling Together, 1801 N. "J" St., Las Vegas, NV 89106	14,875.00
Region 10:	
Human Investment Project, 364 South Railroad Ave., San Mateo, CA 94401	6,125.00
Human Solutions Inc., 2900 S.E. 122nd Ave., Portland, OR 97236	13,475.00
UMPQUA Community Action Network, 2448 West Harvard Blvd., Roseburg, OR 97436	13,475.00
Pierce County Commun. Action Agency, 5811 South Tacoma Way, Bldg 2, Tacoma WA 98499	12,005.00
Consumer Credit Counseling Serv. of Alaska, 208 E. Fourth Ave., Anchorage, AK 99501	5,005.00
Spokane Neighborhood Centers, E. 226 1st Ave., Spokane, WA 99202	27,125.00
Freemont Public Association, 3601 Fremont Ave. N., P.O. Box 31151, Seattle, WA 98103	19,750.00
Anchorage Neighborhood Housing Serv., 3700 Woodland Dr., Suite 500, Anchorage AK 99517	9,450.00
Oregon Housing & Assoc. Serv., 525 Glen Creek Rd., NW, Suite 210, Salem, OR 97304	16,585.00
Housing Services of Oregon, 34420 S.W. Tualatin Valley Highway, Hillsboro, OR 97123	23,205.00
Total	6,465,480.00

[FR Doc. 92-6566 Filed 3-19-92; 8:45 am]
BILLING CODE 4210-27-M

Office of Administration

[Docket No. N-92-3417]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESSES: Interested parsons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Devlopment, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a tool-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).

Dated: March 11, 1992.

John T. Murphy,

Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application for Insurance of Advance Mortgage Proceeds.

Office: Housing.

Description of the Need for the Information and its Proposed Use: The form is used by mortgagees to request the advancement of mortgage proceeds to reimburse the mortgagor for funds expended or obligated for construction related items. HUD needs this information to verify and approve the amount requested.

Form Number: HUD–92403.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–92403	5,000		1		.20		1,000

Total Estimated Burden Hours: 1,000.

Status: Extension.

Contact: Kerry J. Mulholland, HUD, (202) 708–0283 Jennifer Main, OMB, (202) 395–6880.

Dated: March 11, 1992.

Proposal: Section 8 Random Digit Fair Market Rent Telephone Surveys.

Office: Policy Development and Research.

Description of the Need for the Information and its Proposed Use: The telephone surveys will provide the Department with a fast and inexpensive way of estimating Section 8 Fair Market Rents (FRMs). The surveys will be used to derive FMR updating factors and to test the accuracy of FMRs in selected areas.

Form Number: None.

Respondents: Individuals or Households.

Frequency of Submission: On Occasion and Annually.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Interviews	433,900		6		.00208		5,418

Total Estimated Burden Hours: 5,418.

Status: Extension.

Contact: Joseph Riley, HUD, (202) 708–0590, Jennifer Main, OMB, (202) 395–6880.

Dated: March 11, 1992.

Proposal: Preliminary Site Report by Indian Housing Authority (IHA).

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: This information, submitted by IHAs, details the type of site proposed for housing construction in terms of land status, size of site and proposed density, zoning status, physical characteristics, and availability of utilities to determine whether a site is suitable for housing.

Form Number: HUD–3188.

Respondents: State and Local Governments and Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–3188	100		1.5		4		600

Total Estimated Burden Hours: 600.

Status: Reinstatement.

Contact: Ralph Gonzales, HUD, (202) 708–0296 Jennifer Main, OMB, (202) 395–6880.

Dated: March 11, 1992.

[FR Doc. 92-6564 Filed 3-19-92; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-92-3418]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Office, Department of Housing and

Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0060. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number or respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 16, 1992.

Kay Weaver,

Acting Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Single family Development; Acceptance of Individual Residential Water Purification Equipment (FR–2855).

Office: Housing.

Description of the Need for the Information and its Proposed Use: This information is necessary to assure that approved residential water treating equipment or a water purification unit will provide safe potable drinking water. Without the information required in this rule, no assurance can be given that safe drinking water can be provided. Without an adequate supply of safe potable water, no mortgage insurance can be issued.

Form Number: None.

Respondents: Business or Other For-Profit.

Frequency of Submission: Annually.

Reporting Burden:

	No. of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	1,000		1		9.5		9,500

Total Estimated Burden Hours: 9,500.

Status: New.

Contact: Donald R. Fairman, HUD, (202) 708–0718, Jennifer Main, OMB, (202) 395–6880.

Dated: March 16, 1992.

[FR Doc. 92–6505 Filed 3–19–92; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–123–02–6334–10; GP–109]

Closures and Restrictions

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of closures and restrictions, Dean Creek Elk Viewing Area.

SUMMARY: Pursuant to 43 CFR part 8364, the BLM will close designated areas of the Dean Creek Elk Viewing Area to the public. Subject to valid existing rights, use of 1,033 acres of Dean Creek Elk Viewing Area outside of designated parking areas, viewing areas or interpretive trails by foot, automobile, or off-road motorized vehicles is prohibited. This Closure shall apply year round. Hunting, shooting firearms, and igniting fireworks or other explosive devices is prohibited. Vehicular parking, for a period of more than twelve hours in a twenty four hour period is prohibited. Designated public use areas will be open from dawn to dusk; overnight use is prohibited. Any Bureau of Land Management, Oregon Department of Fish and Wildlife, employee, agent, contractor or cooperator, while in the performance of official duties are exempt from this closure. Either agency may authorize volunteers, or other parties to enter Dean Creek for administrative, maintenance or other authorized purposes.

The pastures at the Dean Creek Elk Viewing Area support a large herd of resident Roosevelt elk that are highly visible from the highway. The purpose of this closure and restriction notice is to provide a means by which the Secretary of the Interior through the Bureau of Land Management, may control and manage public use of the area to effectively carry out management objectives and provide wildlife with habitat that is free from public disturbance or harassment. The area is designated as a watchable wildlife site; the closure will also provide for public safety by designating safe viewing areas with greater opportunities to view wildlife.

The closed area is depicted on a Dean Creek Elk Viewing Area Map. The map and copies of this closure and restriction notice are available from the Coos Bay District Office, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

This closure and restriction order is effective immediately and shall remain in effect until revised, revoked or amended by the authorized officer pursuant to 43 CFR part 8360.

Any person who violates this closure and restriction notice may be subject to a maximum fine of $1,000 and/or imprisonment not to exceed 12 months under authority of 43 CFR 8360.0–7.

Closed Areas

Dean Creek Elk Viewing Area is located approximately 3 miles east of Reedsport, Oregon, adjacent to Oregon State Highway 38 and is further described as follows:

Township 21 South, Range 11 West, Willamette Meridian

Sec. 31 M & B within lot 4 So. of Hwy 38
Sec. 32 M & B within lots, 5, 6, 7 and 8
Sec. 33 M & B within S½SW¼, SW¼SE¼ So. of Hwy 38, SE¼SE¼, lot 8
Sec. 34 lots 5 and 6

Township 22 South, Range 11 West, Willamette Meridian

Sec. 3 lot 15, M & B within lot 14
Sec. 4 NW¼, W½NE¼, NE¼NE¼, M & B SE¼NE¼
Sec. 5 W½NE¼, N½NW¼, W½NW¼, SW¼NW¼
Sec. 6 SE¼NE¼, M & B within NE¼, lots 1, 2 and 3

All south of Oregon State Highway 38.

FOR FURTHER INFORMATION, CONTACT: Kathy Jo Wall, Natural Resource Specialist, Umpqua Resource Area, Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459 (telephone 503/756/0100).

Terry A. Richards,

Umpqua Area Manager.

[FR Doc. 92–4486 Filed 3–19–92; 8:45 am]

[CA–060–4410–08]

1992 Amendment Review of the California Desert Conservation Area Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Bureau of Land Management is initiating the 1992 Review of the California Desert Conservation Area Plan in accordance with the amendment procedures outlined in chapter 7 of the Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

DATES: Proposed amendments are being accepted from the public until May 4, 1992.

ADDRESSES: Send written proposals to: Gerald E. Hillier, District Manager, Attn: 1992 Plan Amendments, California Desert District, 6221 Box Springs Blvd., Riverside, California 92507.

FOR FURTHER INFORMATION CONTACT: Contact Molly Brady, Chief of Planning and Environmental Assistance at (714) 697–5230 if you have any questions regarding this notice.

SUPPLEMENTARY INFORMATION: Requests for amendments or changes in the California Desert Plan are now being accepted from public agencies, interested individuals, and organizations. Supporting rationale is necessary for each proposed change. Requests will be considered in light of the following criteria:

(1) Is the proposed amendment based on new data not considered while the Plan was developed?

(2) Does the information represent a change in legal or regulatory mandate?

(3) Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?

(4) Does the information represent a formal change in a State or local government or agency plan?

The California Desert District Advisory Council will review suggested amendments at its public meeting on June 3–4, 1992. Please contact the California Desert District Office for additional details regarding the meeting.

Dated: March 16, 1992.

Gerald E. Hillier,

District Manager.

[FR Doc. 92–6629 Filed 3–19–92; 8:45 am]

BILLING CODE 4310–40–M

[AZ 020–02–4212–13 (AZA–26504)]

Realty Action: Exchange of Public Land, Maricopa County, Arizona

BLM proposes to exchange public minerals for patented minerals in order to achieve more efficient management of the public land through consolidation of ownership.

All Federal minerals in the following sections are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 6 N., R. 3 W.,
Secs. 3, 4, 5 and 8.
Containing 2,003.90 more or less.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this notice will segregate the affected public minerals from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 13, 1992.

Henri R. Bisson,

District Manager.

[FR Doc. 92–6465 Filed 3–19–92; 8:45 am]

BILLING CODE 4310–32–M

[G–010–G2–0109–4212–11; NMNM 87545]

Classification of Public Land in Santa Fe County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; Bureau Motion Recreation and Public Purposes (R&PP) Act classification; NM.

SUMMARY: The following public lands near the community of Espanola, Santa Fe County, New Mexico have been examined and found suitable for lease or conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.)

New Mexico Principal Meridian, New Mexico

T.20 N., R.9 E.,
Section 7: Lots 1, 2, 3, 6, E½ SW¼, SE¼
Section 8: Lots 2, 7, 24, 30, SW¼ SW¼
Section 18: N½ NE¼ NW¼, N½ NW¼ NE¼, SE¼ NW¼ NE¼, NE¼ NE¼.
Containing 649.76 acres more or less.

This action is a motion by the Bureau to make available lands identified in the Taos Resource Management Plan not needed for Federal purposes and having potential for disposal to support community needs and recreational resources. Lease or conveyance of the lands for recreational or public purposes use would be in the public interest. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico, 87571.

Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the District Manager, Albuquerque District Office, 435 Montano Road NE., Albuquerque, New Mexico 87107. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of an application under the Recreation and Public Purposes Act by any interested, qualified applicant. If, after 18 months following the effective date of classification, an application has not been filed, the segregative effect of the classification shall return to their former status without further action by the authorized officer.

Dated: March 13, 1992.

Robert T. Dale,

District Manager.

[FR Doc. 92-6511 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-FB-M

[ID 942-01-4730-12]

Idaho; Filing of Plats of Survey; Idaho

The supplemental plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The supplemental plat prepared to amend the lottings in section 7 in T. 3 N., R. 3 E., Boise Meridian, Idaho, was accepted March 12, 1992.

This plat was prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

Gary T. Oviatt,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-6469 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

Idaho; Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The plat representing the dependent resurvey of portions of the east boundary, T. 2 N., R. 43 E., portions of the north boundary, subdivisional lines and Homestead Entry Survey No. 118, and the subdivision of certain sections, T. 2 N., R. 44 E., Boise Meridian, Idaho, Group No. 763, was accepted, March 10, 1992.

This survey was executed to meet certain administrative needs of the USDA Forest Service, Region IV, Targhee National Forest.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

Gary T. Oviatt,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-6468 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-942-02-4730-12]

Idaho; Filing of Plats of Survey

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9 a.m., March 12, 1992.

The plat representing the dependent resurvey of portions of the north boundary and subdivisional lines, and subdivision of certain sections, T. 2 N., R. 43 E., Boise Meridian, Idaho, Group No. 765, was accepted, March 10, 1992.

This survey was executed to meet certain administrative needs of the USDA Forest Service, Region IV, Targhee National Forest.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 12, 1992.

Gary T Oviatt,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 92-6467 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-4214; IDI-15633]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 1,063.39 acre withdrawal for Powersite Reserve No. 106, continue for an additional 20 years. The land is still needed for waterpower purposes. These lands will remain closed to surface entry, but have been and would remain open to mineral leasing and mining.

EFFECTIVE DATE: Comments should be received on or before June 18, 1992.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-384-3166.

The Bureau of Land Management proposes that the existing land withdrawal made by the Executive Order dated July 2, 1910, for Powersite Reserve No. 106, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following described land:

Boise Meridian

T. 37 N., R. 3 W.,
- Sec. 25, lot 8;
- Sec. 26, lot 3;
- Sec. 27, lot 1;
- Sec. 32, lot 1, NE¼SE¼ and SW¼SE¼;
- Sec. 34, lots 1 and 6.

T. 36 N., R. 3 W.,
- Sec. 4, lots 5 and 6;
- Sec. 5, lots 9 and 10;
- Sec. 6, lots 12 and 13 and NW¼SE¼;
- Sec. 7, lots 4 to 7 inclusive and NE¼SE¼.

T. 37 N., R. 2 W.,
- Sec. 28, lot 4;
- Sec. 29, lot 8;
- Sec. 30, lot 1.

T. 37 N., R. 1 W.,
- Sec. 31, lot 2.

T. 36 N., R. 1 W.,
- Sec. 1, lot 1;
- Sec. 2, lot 5;
- Sec. 4, lots 8 and 9 and SW¼SE¼.

T. 36 N., R. 1 E.,
- Sec. 1, lot 5;
- Sec. 2, S½ of lot 2;
- Sec. 3, lot 1;
- Sec. 6, lots 1 to 3 inclusive.

T. 37 N., R. 1 E.,
- Sec. 32, lots 2, 3 and 7.

The areas described aggregate 1,063.39 acres in Clearwater and NezPerce counties.

The withdrawal is essential for protection of potential waterpower development. The existing withdrawal closes the described land to surface entry but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: March 11, 1992.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 92-6466 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-GG-M

[NM-930-4214-10; NMNM 88049]

Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 3,760.08 acres of National Forest System land for protection of the Guadalupe Canyon Zoological Botanical Area. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may by law be made of National Forest System land.

DATES: Comments and requests for meeting should be received on or before June 18, 1992.

ADDRESSES: Comments and meeting requests should be sent to the New Mexico State Director, BLM, P.O. Box 27115, Santa Fe, New Mexico 87502-7115.

FOR FURTHER INFORMATION CONTACT: Clarence F. Hougland, BLM, New Mexico State office, 505-438-7400.

SUPPLEMENTARY INFORMATION: On December 16, 1991, the United States Department of Agriculture filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

New Mexico Principal Meridian

Coronado National Forest

T. 33 S., R. 21 W.,
- Sec. 17, SW¼SW¼;
- Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;
- Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
- Sec. 20, W½W½;
- Sec. 29, W½;
- Sec. 30, lots 1 to 4, inclusive, E½, and E½W½;
- Sec. 31, lots 1 to 4, inclusive, E½, and E½W½.

T. 33 S., R. 22 W.,
- Sec. 24, SE¼SE¼;
- Sec. 25, E½;
- Sec. 36, E½.

The area described contains 3,760.08 acres in Hidalgo County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the New Mexico State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the New Mexico State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are any land uses, except location under the mining laws, permitted by the Forest Service under existing laws and regulations including, but not limited to, necessary protection for the flora and fauna and threatened and endangered plants and animals.

Dated: March 11, 1992.

Larry L. Woodard,

State Director.

[FR Doc. 92-6464 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Availability of Draft Recovery Plan for Lepidium Barnebyanum (Barneby Ridge-Cress), A Utah Plant, for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the draft recovery plan for *Lepidium barnebyanum* (Barneby ridge-cress), a species of mustard from Indian Creek Canyon in the Uinta Basin of northeastern Utah. This species is known from only one population along shale ridge tops south of the town of Duchesne, Utah. The Service solicits review and comment from the public on this draft recovery plan.

DATES: Comments on the draft recovery plan must be received on or before May 19, 1992 to ensure they receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 2060 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104, (801) 524-4430 or (FTS) 588-4430. Written comments and materials regarding this plan should be sent to the Field Supervisor at the Salt Lake City address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John L. England, Botanist, (801) 524-4430 or (FTS) 588-4430 (see **ADDRESSES** above).

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plan to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the U.S. Fish and

Wildlife Service's (Service) endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal Agencies also will take these comments into account in the course of implementing recovery plans when approved.

Lepidium barnebyanum was listed under the Act as an endangered species on September 28, 1990 (55 FR 39860), due to current and potential threats to the species' population and habitat, as a consequence of current and potential habitat destruction from off-road vehicle and oil and gas development in its limited habitat. Initial recovery efforts will focus on protecting the species' population and habitat from habitat-destroying activities, through the section 7 responsibilities of Federal Agencies, to ensure the conservation of the species and section 9 prohibitions of the Act for plan species on Indian lands, and assisting in maintenance of the species' habitat through cooperative efforts with the Ute Indian Tribe. The species' entire known habitat is on the Uintah and Ouray Reservation of the Ute Indian Tribe. Additional recovery efforts will focus on habitat inventory and minimum viable population studies. The initial goal of the recovery plan is to prevent the extirpation of the species. Downlisting of the species to threatened status is a long-term goal.

Public Comments Solicited

The Service solicits written comments on the *Lepidium barnebyanum* Recovery Plan. All comments received by the date specified in the DATES section will be considered prior to approval of the Recovery Plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 10, 1992.

Galen L. Buterbaugh,

Regional Director.

[FR Doc. 92-6403 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with the Mount Rushmore Mountain Company, Inc., authorizing it to continue to provide food and beverage, merchandising, and other visitor facilities and services for the public at Mount Rushmore National Memorial in South Dakota for a period of ten (10) years from January 1, 1993, through December 31, 2002.

EFFECTIVE DATE: May 22, 1992.

ADDRESSES: Interested parties should contact the Regional Director, Rocky Mountain Region, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: The proposed contract requires a construction and improvement program. The construction and improvement program required has been addressed in the National Environmental Policy Act document dated March 3, 1990, and amended October 4, 1990, amending the General Management Plan for Mount Rushmore National Memorial.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on February 28, 1991, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director, Rocky Mountain Region, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225 not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: February 6, 1992.

Boyd Evison,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 92-6559 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55; Sub #416X]

CSX Transportation, Inc.—Abandonment Exemption—in Polk County, FL

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon its 0.9-mile line of railroad between mileposts SV-862.43 and SV-863.37, in West Lake Wales, Polk County, FL.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 19, 1992 (unless stayed). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by March 30, 1992.[3] Petitions to reopen or request for public use conditions under 49 CFR 1152.28 must be filed by April 9, 1992, with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by March 25, 1992. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 927-6248. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 16, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6515 Filed 3-19-92; 8:45 am]

BILLING CODE 7035-01-M

[1] A stay will be routinely issues by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement as long as it retains jurisdiction to do so.

[Docket No. AB-117; Sub 5A]

Elgin, Joliet & Eastern Railway Company—Abandonment—Hammond Branch in Hammond, IN; Findings

The Commission has issued a certificate authorizing Elgin, Joliet and Eastern Railway Company to abandon a 0.81-mile segment of its Hammond Branch from a point west of Calumet Avenue to a point near Columbia Avenue in Hammond, IN. The abandonment certificate will become effective on April 19, 1992, unless the Commission also finds that:

(1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and

(2) It is likely that the assistance would fully compensate the railroad.

Any financial assistance offered must be filed with the Commission and served on the applicant no later than March 30, 1992. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "Rail Section AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: March 11, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6514 Filed 3-19-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act: Youth Apprenticeship Research and Demonstration Project

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of solicitation for grant applications (SGA); withdrawal of solicitation.

SUMMARY: On March 10, 1992, the Employment and Training Administration published a notice in the **Federal Register** announcing the availability of funds and of a solicitation for grant applications (SGA) (SGA/DAA 92-006) for a Youth Apprenticeship Research and Demonstration Project (FR Doc. 92-5564, 57 FR 8493). ETA has determined that further time is needed to refine the SGA, and, therefore, is withdrawing its availability at this time. A new notice of availability is expected to be published in the near future. Requests for copies of the SGA received in response to the March 10, 1992, notice will be returned.

Accordingly, FR Doc. 92-5564, 57 FR 8493 (March 10, 1992), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Laura Cesario. Telephone: (202) 535-8702.

Signed at Washington, DC, this 13th day of March, 1992.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 92-6506 Filed 3-19-92; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page numbers(s).

Volume I

Vermont:
VT91-6 (Mar. 20, 1992)..... p.All.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:
FL91-17 (Feb. 22, 1991)..... p. 141, pp. 142-143.
Massachusetts:
MA91-1 (Feb. 22, 1991)..... p. 421, p. 433.
MA91-3 (Feb. 22, 1991)..... p. 453, pp. 454-455.
New York:
NY91-2 (Feb. 22, 1991)..... p. 777, pp. 778-790a.
NY91-20 (Feb. 22, 1991)..... p. 949, p. 952.
Vermont:
VT91-4 (Feb. 22, 1991)..... p. All.
Virginia:
VA91-14 (Feb. 22, 1991)..... p. All.

Volume II

Illinois:
IL91-1 (Feb. 22, 1991)..... p. 69, pp. 70-72.
Missouri:
MO91-1 (Feb. 22, 1991)..... p. 651, pp. 654, 663-664.
MO91-2 (Feb. 22, 1991)..... p. 673, pp. 675, 678-679.
Wisconsin:
WI91-19 (Feb. 22, 1991)..... p. 1285, pp. 1286-1300.

Volume III

Alaska:
AK91-1 (Feb. 22, 1991)..... p. All.
AZ91-2 (Feb. 22, 1991)..... p. All.
California:
CA91-2 (Feb. 22, 1991)..... p. All.
CA91-4 (Feb. 22, 1991)..... p. All.
Idaho:
ID91-1 (Feb. 22, 1991)..... p. All.
Montana:
MT91-6 (Feb. 22, 1991)..... p. All.
MT91-7 (Feb. 22, 1991)..... p. All.
MT91-8 (Feb. 22, 1991)..... p. All.
Oregon:
OR91-1 (Feb. 22, 1991)..... p. 371, pp. 372-375.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered by any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 13th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-6323 Filed 3-19-92; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Cultural Anthropology; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cultural Anthropology.

Date and Time: April 9, 1992, 9 a.m.-5 p.m., April 10, 1992, 9 a.m.-5 p.m.

Place: Room 500-C, National Science Foundation, 1110 Vermont Ave. Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7804.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate unsolicited proposals submitted to the Anthropology Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Government in the Sunshine Act.

Dated: March 10, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6535 Filed 3-19-92; 8:45 am]

BILLING CODE 7555-01-M

Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Date and Time: April 2-3, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 540, 1800 G St., NW., Washington, DC.

Agenda: Review and evaluate National Science Foundation Young Investigator nominations.

Date and Time: April 16-17, 1992; 8:30 a.m. to 5 p.m.

Place: Rm. 540, NSF, 1800 G St. NW., Washington, DC.

Agenda: To review and evaluate Materials Synthesis and Processing Proposals.

Contact Persons: Huseyin Sehitoglu or Jerome Sackman, Program Directors, Mechanics and Materials Program, room 1108, NSF, Washington, DC 20550. Telephone: (202) 357-9542.

Purpose of Meetings: To provide advice and recommendations to the Division of Mechanical and Structural Systems concerning proposals submitted to the Division for financial support.

Type of Meetings: Closed.

Reason for Closing: The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552 b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 17, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6534 Filed 3-19-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

GE Nuclear Energy; Receipt of Application for Design Certification

On September 29, 1987, GE Nuclear Energy (GE) filed an application pursuant to section 103 of the Atomic Energy Act of 1954, as amended, and 10 CFR part 50, appendix O which sought design certification of the Advanced Boiling Water Reactor (ABWR), in accordance with 10 CFR part 50, appendix O. Subsequently, on May 18, 1989, 10 CFR part 52 was adopted. Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received a request from GE dated December 20, 1991, to have their application for design certification of the ABWR under amendment O of 10 CFR part 50, as supplemented by amendments 1 through 19, be considered as an application for design certification pursuant to 10 CFR part 52.

A copy of the application, as amended, is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street NW., Washington, DC. Previous correspondence on this application is filed under docket number 50-605. The new docket number established for this application is 52-001. A notice relating to the rulemaking pursuant to 10 CFR 52.51 for design certification including provisions for participation of the public and other parties will be published at the appropriate time in the future.

Dated at Rockville, Maryland this 13th day of March, 1992.

For the Nuclear Regulatory Commission.

Jerry N. Wilson,

Acting Director, Standardization Project Directorate, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6537 Filed 3-19-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Revision of the Office of Management and Budget (OMB) Circular No. A-119, Request for Public Comment

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: OMB is requesting comments on Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Standards." This Circular is being revised to foster greater agency use of voluntary standards, particularly in light of recently stated national objectives, and to increase the effectiveness of the Circular.

SUMMARY: OMB Circular No. A-119 provides policies on Federal use of private standards, and agency participation in voluntary standard bodies and standards-developing groups. Participation in such groups should occur when it is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget resources.

As part of the Circular A-119 review process, we would welcome comments on all aspects of the Circular and its implementation.

DATES: Comments must be received on or before April 20, 1992.

ADDRESSES: Written comments should be sent to Office of Management and Budget, Office of Federal Procurement Policy, 725 17th Street, NW.—suite 9001, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Chris Jordan, Policy Analyst, Office of Federal Procurement Policy, 725 17th Street, NW., Washington, DC 20503. Telephone (202) 395-6810.

SUPPLEMENTARY INFORMATION: The following is a brief summary of the changes proposed in the draft revision of OMB Circular A-119:

(1) Clarification of existing Administration policy in the areas of international standards and conformity assessment procedures;

(2) Incorporation of recently stated national goals and objectives in the areas of metrication and the use of environmentally sound and energy efficient standards; and

(3) Strengthening of the reporting and other mechanisms to ensure full implementation of this Circular, including the designation of a Standards Executive within each agency who will be responsible for implementing the Circular as well as developing certain agency reports.

New or revised parts of the Circular appear in italics in the text of the Circular.

Dated: March 17, 1992.

Allan V. Burman,

Administrator.

Circular No. A-119
Revised

To the Heads of Executive Departments and Establishments

Subject: Federal Participation in the Development and use of Voluntary Standards.

1. *Purpose.* The Circular establishes policy to be followed by executive agencies in working with voluntary standards bodies. It also establishes policy to be followed by executive branch agencies in adopting and using voluntary standards.

2. *Rescissions.* This Circular supersedes OMB Circular No. A-119, dated *October 20, 1982*, which is rescinded.

3. *Background.* Government functions often involve products or services that must meet reliable standards. Many such standards, appropriate or adaptable for the Government's purposes, are available from private voluntary standards bodies. Government participation in the standards-related activities of these voluntary bodies provides incentives and opportunities to establish standards that serve national needs, and the adoption of voluntary bodies provides incentives and opportunities to establish standards that serve national needs, and the adoption of voluntary standards, whenever practicable and appropriate, eliminates the cost to the Government of developing its own standards. Adoption of voluntary standards also furthers the policy of reliance upon the private sector to supply Government needs for goods and services, as enunciated in OMB Circular No. A-76, "Performance of Commercial Activities."

4. *Applicability.* This Circular applies to all Executive agency participation in voluntary

standards activities, domestic and international, but not to activities carried out pursuant to treaties and international standardization agreements.

5. *Definitions.* As used in this Circular:

a. *Executive agency* (hereinafter referred to as "agency") means any executive department, independent commission, board, bureau, office, agency, Government-owned or controlled corporation or other establishment of the Federal Government, including regulatory commission or board. It does not include the legislative or judicial branches of the Federal Government.

b. *Standard* means a prescribed set of rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures, *including conformity assessment procedures;* specification of dimensions, materials, performance, design, or operations; measurement of quality and quantity in describing materials, products, systems, services, or practices; or descriptions of fit and measurement of size.

c. *Voluntary Standards* are established generally by private sector bodies, *both domestic and international,* and are available for use by any person or organization, private or governmental. The term includes what are commonly referred to as "industry standards" as well as "consensus standards", but does not include professional standards of personal conduct, institutional codes of ethics, private standards of individual firms, or standards mandated by law, such as those contained in the United States Pharmacopeia and the National Formulary, as referenced in 21 U.S.C. 351.

d. *Government Standards* include individual agency standards and specifications as well as Federal and Military standards and specifications.

e. *Voluntary standards bodies* are private sector *domestic or international* organizations—such as nonprofit organizations, industry associations, professional and technical societies, institutes, or groups, and recognized test laboratories—that plan, develop, establish, or coordinate voluntary standards.

f. *Standards-developing groups* are committees, boards, or any other principal subdivisions of voluntary standards bodies, established by such bodies for the purpose of developing, revising, or reviewing standards, and which are bound by the procedures of those bodies.

g. *Adoption* means the use of the latest edition of a voluntary standard in whole, in part, or by reference for procurement purposes and the inclusion of the latest edition of a voluntary standard in whole, in part, or by reference in regulation(s).

h. *Secretary* means the Secretary of Commerce or that Secretary's designee.

6. *Policy.* It is the policy of the Federal Government in its procurement and regulatory activities to:

a. Rely on voluntary standards, both domestic and international, whenever feasible and consistent with law and regulation pursuant to law;

b. Participate in voluntary standards bodies when such participation is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget resources; and

c. Coordinate agency participation in voluntary standards bodies so that (1) the most effective use is made of agency resources and representatives; and (2) the views expressed by such representatives are in the public interest and, as a minimum, do not conflict with the interests and established views of the agencies.

7. *Policy Guidelines.* In implementing the policy established by this Circular, agencies should recognize the positive contribution of standards development and related activities. When properly conducted, standards development can increase productivity and efficiency in *Government and* industry, expand opportunities for international trade, conserve resources, and improve health and safety. It also must be recognized, however, that these activities, if improperly conducted, can suppress free and fair competition, impede innovation and technical progress, exclude safer and less expensive products, or otherwise adversely affect trade, commerce, health, or safety. Full account in carrying out this policy shall be taken of the import on the economy, applicable Federal laws, policies, and national objectives, including, for example, laws and regulations relating to antitrust, national security, small business, product safety, environment, *metrication,* technological development, and conflicts of interests. It should also be noted, however, that the provisions of this Circular are intended for internal management purposes only and are not intended to (1) create delay in the administrative process, (2) provide new grounds for judicial review, or (3) create legal rights enforceable against agencies or their officers. The following policy guidelines are provided to assist and govern implementation of the policy enunciated in paragraph 6.

a. Reliance on Voluntary Standards

(1) Voluntary standards that will serve agencies' purposes and are consistent with applicable laws and regulations should be adopted and used by Federal agencies in the interests of greater economy and efficiency, unless they are specifically prohibited by law from doing so.

(2) *Voluntary standards that are internationally recognized or accepted should be considered in procurement and regulatory applications in the interests of promoting trade and implementing the provisions of the Standards Code in the General Agreement on Tariffs and Trade.*

(3) Voluntary standards should be given preference over non-mandatory Government standards unless use of such voluntary standards would adversely affect performance or cost, reduce competition, or have other significant disadvantages.

(4) In adopting and using voluntary standards preference should be given to those based on performance criteria when such criteria may reasonably be used in lieu of design, material, or construction criteria. *Preference should also be given, in light of stated national goals and objectives, to the adoption and use of voluntary standards that (i) reflect the metric system of measurement, and (ii) foster materials, products, systems, services, or practices that are environmentally sound and energy efficient.*

(5) Voluntary standards adopted by Federal agencies should be referenced, along with their dates of issuance and sources of availability, in appropriate publications, regulatory orders, and related in-house documents. Such adoption should take into account the requirements of copyright and other similar restrictions.

(6) Agencies should not be inhibited, if within their statutory authorities, from developing and using Government standards in the event that voluntary standards bodies cannot or do not develop a needed, acceptable standard in a timely fashion. Nor should the policy contained in this Circular be construed to commit any agency to the use of a voluntary standard which, after due consideration, is, in its opinion, inadequate, does not meet statutory criteria, or is otherwise inappropriate.

b. Participation in Voluntary Standards Bodies

(1) Participation by knowledgeable agency employees in the standards activities of voluntary standards bodies and standards-developing groups, *both domestic and international,* should be actively encouraged and promoted by agency officials when consistent with the provisions of paragraph 6b.

(2) Agency employees who, at Government expense, participate in standards activities of voluntary standards bodies and standards-developing groups should do so as specifically authorized agency representatives.

(3) Agency participation in voluntary standards bodies and standards-developing groups does not, of itself, connote agency agreement with, or endorsement of, decisions reached by such bodies and groups or of standards approved and published by voluntary standards bodies.

(4) Participation by agency representatives should be aimed at contributing to the development of voluntary standards that (a) will eliminate the necessity for development or maintenance of separate Government standards, *and (b) will further such national goals and objectives as increased use of (i) the metric system of measurement, and (ii) environmentally sound and energy efficient materials, products, systems, services, or practices.*

(5) Agency representatives serving as members of standards-developing groups should participate actively and on a basis of equality with private sector representatives. In doing so, agency representatives should not seek to dominate such groups. Active participation is intended to include full involvement in discussions and technical debates, registering of opinions and, if selected, serving as chairpersons or in other official capacities. Agency representatives may vote, in accordance with the procedures of the voluntary standards body, at each stage of standards development, unless specifically prohibited from doing so by law or their agencies.

(6) The number of individual agency participants in a given voluntary standards activity should be kept to the minimum required for effective presentation of the various program, technical, or other concerns of Federal agencies.

(7) The providing of Agency support to a voluntary standards activity should be limited to that which is clearly in furtherance of an agency's mission and responsibility. Normally, the total amount of Federal support should be no greater than that of all private sector participants in that activity except when it is in the direct and predominant interest of the Government to develop a standard or revision thereto and its development appears unlikely in the absence of such support. The form of agency support, subject to legal and budgetary authority, may include:

(a) Direct financial support; e.g., grants, sustaining memberships, and contracts;

(b) Administrative support; e.g., travel costs, hosting of meetings, and secretarial functions;

(c) Technical support; e.g., cooperative testing for standards evaluation and participation of agency personnel in the activities of standards-developing groups; and

(d) Joint planning with voluntary standards bodies to facilitate a coordinated effort in identifying and developing needed standards.

(8) Participation by agency representatives in the policymaking process of voluntary standards bodies, in accordance with the procedures of those bodies, is encouraged—particularly in matters such as establishing priorities, developing procedures for preparing, reviewing, and approving standards, and creating standards-developing groups. In order to maintain the private, nongovernmental nature of such bodies, however, agency representatives should refrain from decisionmaking involvement in the internal day-to-day management of such bodies (e.g., selection of salaried officers and employees, establishment of staff salaries and administrative policies.

(9) This Circular does not provide guidance concerning the internal operating procedures that may be applicable to voluntary standards bodies because of their relationships to agencies under this Circular. Agencies should, however, carefully consider what laws or rules may apply in a particular instance because of these relationships. For example, these relationships may involve the Federal Advisory Committee Act, as amended (5 U.S.C. app. I), or a provision of an authorizing statute for a particular agency. Agencies are best able to determine what laws and policies should govern particular relationships and to assess the extent to which competition may be enhanced and cost-effectiveness increased. Questions relating to anti-trust implications of such relationships should be addressed to the Attorney General.

8. *Responsibilities.* a. The Secretary will:

(1) Coordinate and foster executive branch implementation of the policy in paragraph 6 of this Circular, and may provide administrative guidance to assist agencies in implementing paragraph *8.b(2)(d)* of this Circular;

(2) Establish an interagency consultative mechanism to advise the Secretary and agency heads in implementing the policy contained herein. That mechanism shall provide for participation by all affected agencies and ensure that their views are considered;

(3) Report to the Office of Management and Budget concerning implementation of this Circular; and

(4) *Pursue, with other nations and international organizations, the mutual recognition of standards, including conformance assessment procedures.*

b. The heads of agencies concerned with standards will:

(1) Implement the policy in paragraph 6 of this Circular in accordance with the policy guidelines in paragraph 7 within 120 days of issuance;

(2) *Within 120 days of issuance, shall designate a senior level official with agency-wide responsibility as the Standards Executive who will implement this Circular. The Standards Executive's responsibilities will include, but not be limited to:*

(a) Establishing procedures to ensure that agency representatives participating in voluntary standards bodies and standards-developing groups will, to the extent possible, ascertain the views of that agency on matters of paramount interest and will, as a minimum, express views that are not inconsistent or in conflict with established agency views;

(b) *Ensuring,* when two or more agencies participate in a given voluntary standards body or standards-developing group, *that they* coordinate their views on matters of paramount importance so as to present, whenever feasible, a single, unified position;

(c) Cooperating with the Secretary in carrying out his responsibilities under this Circular;

(d) Consulting with the Secretary, as necessary, in the development and issuance of internal agency procedures and guidance implementing this Circular, *including the development of an agency-wide directory identifying agency employees participating in standards developing groups; and*

(e) Submitting, in response to the request of the Secretary, reports on the status of agency interaction with voluntary standards bodies.

(3) Review their existing standards within five years of issuance of this Circular, and at least once every five years thereafter, and cancel those for which an adequate and appropriate voluntary standard can be substituted.

9. *Reporting Requirements. One year from the date of issuance of this Circular, and every year thereafter,* the Secretary will submit to the Office of Management and Budget a brief, summary report on the status of agency interaction with voluntary standards bodies. As a minimum, the report will include the following information:

a. The nature and extent of agency participation in the development and utilization of voluntary standards, including:

(1) *The number of voluntary standards each agency currently utilizes for procurement and the number utilized for regulation;*

(2) *The number of voluntary standards each agency has adopted since the last report;*

(3) *The number of agency employees participating in at least one standards developing group;*

b. *Identification of any environmentally sound and energy efficient voluntary standard developed with agency support and/or implemented by the agency.*

c. An evaluation of the effectiveness of the policy promulgated in this Circular and recommendations for change.

10. *Policy Review.* The policy contained in this Circular shall be reviewed for effectiveness by the Office of Management and Budget three years from the date of issuance.

11. *Inquiries.* For information concerning this Circular, contact the Office of Management and Budget, Office of Federal Procurement Policy, telephone 202/395–6810.

[FR Doc. 92–6508 Filed 3–19–92; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–18615; 812–7866]

North American Security Trust, et al.; Application

March 13, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: North American Security Trust (the "Fund"), Goldman, Sachs & Co. ("Goldman Sachs"), Salomon Brothers Asset Management Inc ("SBAM"), and Wellington Management Company ("Wellington").

RELEVANT ACT SECTIONS: Order requested pursuant to section 6(c) of the Act granting an exemption from section 15(a) of the Act.

SUMMARY OF APPLICATION: Applicants seek an order that would permit Goldman Sachs, SBAM, and Wellington to serve as investment subadvisers to certain portfolios of the Fund until the earlier of July 10, 1992 or the date of shareholder approval or disapproval of their respective subadvisory agreements.

FILING DATE: The application was filed on February 11, 1992 and an amended and restated application was filed on March 13, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 7, 1992, and should be accompanied by proof of service on

applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. The Fund, 116 Huntington Avenue, Boston, MA 02116. Goldman Sachs, 32 Old Slip, New York, NY 10005. SBAM, 7 World Trade Center, New York, NY 10048. Wellington, 75 State Street, Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Staff Attorney, at (202) 504–2284, or Barry D. Miller, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. The Fund is an open-end, diversified, management investment company organized as a Massachusetts business trust. The Fund currently has nine separate investment portfolios, each of which has a specific investment objective and offers a separate series of shares of beneficial interest to the public. The nine portfolios are: The Global Growth Trust, the Growth Trust, the Growth and Income Trust, the Investment Quality Bond Trust, the Money Market Trust, the U.S. Government Securities Trust, the Conservative Asset Allocation Trust, the Moderate Asset Allocation Trust, and the Aggressive Asset Allocation Trust (the "Trusts").

2. The Fund's investment adviser is NASL Financial Services, Inc. (the "Adviser"), a wholly-owned subsidiary of the Fund's sponsor, North American Security Life Insurance Company, which in turn is a wholly-owned subsidiary of North American Life Assurance Company. The Adviser provides certain expense guarantees and administrative services to the Fund pursuant to an investment advisory contract (the "Advisory Agreement"). In addition, the Adviser contracts with and compensates other parties ("Subadvisers") that provide portfolio management services to the nine Trusts pursuant to subadvisory contracts ("Subadvisory Agreements"). Currently there are four Subadvisers: Goldman Sachs Asset Management ("GSAM"), SBAM, Wellington, and Oechsle International Advisers, L.P. ("Oechsle").

3. Goldman Sachs is a New York limited partnership whose separate operating division, GSAM, serves as Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation and Aggressive Asset Allocation Trusts. SBAM, an indirect, wholly-owned subsidiary of Salomon Inc, is a Delaware corporation that serves as Subadviser to the U.S. Government Securities Trust. Wellington is a Massachusetts general partnership that serves as Subadviser to the Growth and Income, Investment Quality Bond, and Money Market Trusts. Oechsle is a Delaware limited partnership that serves as Subadviser to the Global Growth Trust.

4. Prior to December 13, 1991, the Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation, Aggressive Asset Allocation, U.S. Government Securities, and Money Market Trusts was M.D. Sass Investors Services, Inc. ("Sass Investors"). On that date, the Fund's trustees accepted the resignation of Sass Investors as Subadviser to each of those Trusts. Thereafter, the Fund's trustees—including a majority of the trustees who are not "interested persons," as defined in section 2(a)(19) of the Act, of either the Fund, the Adviser, or any of the Subadvisers (the "Independent Trustees")—approved new Subadvisory Agreements for each of the Trusts for which Sass Investors formerly served as Subadviser. In each case, the fee payable to the new Subadviser was less than the fee formerly payable to Sass Investors. Under the terms of rule 15a–4 under the Act (see below), GSAM, SBAM, and Wellington will be able to serve until April 11, 1992 as Subadvisers without obtaining shareholder approval of the applicable Subadvisory Agreements.

5. At a meeting held on January 31, 1992, the Fund's trustees approved changes in the Advisory Agreement to provide lower advisory fees for the Growth, Growth and Income, Investment Quality Bond, Money Market, and U.S. Government Securities Trusts. The trustees also approved combining the three Asset Allocation Trusts into a new Asset Allocation Trust with an investment objective of seeking the highest total return consistent with a moderate level of risk tolerance. The proposed new Asset Allocation Trust, like the three Trusts that would be combined into it, would be managed by GSAM.

6. Although the Fund does not hold annual meetings of shareholders, a shareholders' meeting will be required in 1992 for each of the nine Trusts. The new Subadvisory Agreements must be submitted to the shareholders of the six Trusts that have a new Subadviser in order to satisfy the requirements of section 15(a) of the Act. The amendment to the Advisory Agreement approved at the January 31, 1992 meeting will have to be submitted to shareholders of the five affected Trusts for approval. The proposed combination of the three Asset Allocation Trusts also must be approved or disapproved by the shareholders of such Trusts. Finally, in accordance with undertakings in the Fund's registration statement, the Investment Quality Bond, Growth and Income, and Global Growth Trusts will be holding shareholder meetings in 1992 to vote upon their respective Subadvisory Agreements and the Fund's 12b–1 distribution plan.

Applicants' Legal Analysis

1. Section 15(a) of the Act makes it unlawful for any person to serve as investment adviser except pursuant to a written contract that has been approved by a majority vote of the outstanding voting securities of the investment company. Applicants request an order pursuant to section 6(c) of the Act exempting them from the provisions of section 15(a) to the extent necessary to permit:

(a) GSAM to continue to serve as Subadviser to the Growth, Conservative Asset Allocation, Moderate Asset Allocation and Aggressive Asset Allocation Trusts;

(b) SBAM to continue to serve as Subadviser to the U.S. Government Securities Trust; and

(c) Wellington to continue to serve as Subadviser to the Money Market Trust, in each case until the earlier of July 10, 1992 or the date of shareholder approval of the applicable Subadvisory Agreement.

2. Rule 15a–4 provides a temporary exemption from the shareholder approval requirement of section 15(a) for a period of 120 days after termination of an advisory contract if (i) the contract is approved by the investment company's board, including a majority of the disinterested directors, and (ii) the compensation does not exceed that prescribed under the most recent contract approved by the company's shareholders.

3. Applicants submit that a 90-day extension of the time period provided by rule 15a–4 (from April 11, 1992 to July 10, 1992) is in the best interests of the Fund and its shareholders in that it will enable all matters on which a shareholder vote is required to be considered at a single meeting. Holding a single meeting with a single proxy solicitation will be less costly to the Fund and less confusing to its shareholders.

4. Applicants believe that shareholders of the five Trusts who must vote to amend the Advisory Agreement should vote on adopting new Subadvisory Agreements at the same time, since these matters are related and could influence one another. In addition, applicants believe that shareholders of the three Asset Allocation Trusts should consider the proposed combination of those Trusts at the same meeting that the new Subadvisory Agreements are being considered. If shareholders vote to approve the combination at a meeting held after approval of the new Subadvisory Agreements, the terms of the new Subadvisory Agreements applicable to the Asset Allocation Trusts prior to their combination would be rendered moot.

5. A single meeting to consider changes in the Advisory Agreement, the proposed combination of the Asset Allocation Trusts, and the new Subadvisory Agreements can not be held within the time limitations of rule 15a–4. To solicit shareholder approval of the combination, a registration statement on Form N–14 must be filed under the Securities Act of 1933. Applicants believe they should allow at least 60 days for review of the registration statement by the SEC staff. Moreover, based on its prior experience, the Fund believes that it should allow a period of approximately six weeks after the effective date of the registration statement to solicit and obtain the necessary proxies in order to proceed with the meeting. Accordingly, even if the Fund had filed a registration statement on February 3, 1992, the earliest practicable date following the January 31 meeting, it might not have been possible to mail the proxies until the early part of April or hold a meeting until middle-to-late May, well after the April 11, 1992 deadline necessary to comply with rule 15a–4.

6. Even if shareholders were to consider the combination of the Asset Allocation Trusts at a separate meeting, holding a meeting with respect to all other matters on which a shareholder vote is anticipated within the time frame prescribed by rule 15a–4 would be difficult. As noted, changes made in the Advisory Agreement in light of the new Subadvisory Agreements and other factors were considered by the trustees on January 31, 1992. Although the trustees had sufficient time and information to make determinations with respect to the new Subadvisory Agreements at the December 13 meeting, they lacked the time and information to decide whether the compensation to be paid to the Adviser should be adjusted. Because that issue potentially involved as many as six of the Fund's portfolios, the trustees allowed management until the end of January to complete the necessary analysis to enable the trustees to make an informed decision.

7. The circumstances of this application are much more complicated than those that could be expected when an investment company replaces a single adviser or subadviser. First, the potentially adversarial nature of the relationship between Sass Investors and the Fund rendered impractical the continuation of Sass Investors as Subadviser pending shareholder approval of new Subadvisory Agreements. Second, the trustees' consideration of a proposed merger of the three Asset Allocation Trusts was secondary to their consideration of whether and with whom to replace Sass Investors, the predominant subject matter of the December 13, 1991 trustees' meeting. Following the resignation of Sass Investors, the trustees determined that such a merger should be considered, because the investment policies of the Asset Allocation Trusts had been based in part on a proprietary asset allocation model developed by Sass Investors. As a practical matter, information necessary to consideration of such a merger could not be provided to the trustees until their January 31, 1992 meeting, and the trustees did not decide to seek shareholder approval of such a merger (requiring the filing of Form N–14) until that meeting. Third, the most efficient and cost-effective method for shareholder consideration of the various matters scheduled to be presented to them is to have the Form N–14 filing serve as the proxy statement for a single meeting encompassing all such matters. Multiple proxy statements for one or more meetings would result in additional costs to the Fund, particularly in light of the fact that certain persons are shareholders of more than one Trust.

8. Applicants cite several no-action letters and exemptive orders in support of their request for relief. In particular, applicants rely on Hartford Fund, Inc., Investment Company Act Release Nos. 12446 (May 24, 1982) (notice) and 12501 (June 23, 1982) (order). In Hartford, the Commission permitted an investment adviser to serve for a period of eight months without shareholder approval of the advisory contract, four months beyond the period allowed by rule 15a–4. The relief was granted to allow the advisory contract to be considered at the annual shareholders' meeting rather than at a special meeting, avoiding the necessity of holding two meetings and conducting two proxy solicitations. Applicants assert that the circumstances justifying their request for relief are at least as compelling as those presented in Hartford.

9. In accordance with rule 15a–4, each of the new Subadvisory Agreements for which shareholder approval would be delayed has been approved by the trustees, including a majority of the Independent Trustees, and provides for compensation lower than that paid under the previous Subadvisory Agreement with Sass Investors. In light thereof, the reasonable period of the delay requested, and the avoidance of confusion and unnecessary expense to shareholders that grant of the requested relief would permit, applicants submit that the requested order is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6533 Filed 3–19–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–25490]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 13, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 6, 1992 to the Secretary, Securities

and Exchange Commission, Washington, DC 20548, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Columbia Gas System, Inc. (70-7921)

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed an application-declaration under sections 9(a), 10, 12(b) and 12(f) of the Act and rules 43 and 45 thereunder.

Since January 16, 1991, Shell LNG Company ("Shell LNG") has held 9.2% of the common stock of Columbia LNG Corporation, a nonutility subsidiary of Columbia, ("Columbia LNG"). Columbia proposes to sell its remaining 90.8% interest in the common stock of Columbia LNG to Shell LNG for a total price of $110 million under an agreement for the sale of stock dated November 25, 1991 between Columbia, Shell Oil Company and Shell LNG ("Agreement"). In addition, the Agreement provides that Columbia LNG shall pay the balance of all its outstanding debt to Columbia, together with interest accrued thereon (the "Debt"). Such Debt is anticipated to be approximately $44 million at the time of final closing. Shell LNG shall arrange refinancing of the Debt and shall issue guarantees to ensure Columbia LNG's refinancing of the Debt.

The Agreement also provides that in the event that Shell LNG elects not to go forward with the interim closing, or the interim closing is not completed by July 29, 1992, or the Agreement is terminated, Columbia shall be entitled, but not obligated, to purchase all (but not part of) the 9.2% of Columbia LNG common stock previously purchased by Shell LNG for a repurchase price equal to the amount Shell LNG had paid for such common stock. Furthermore, if Columbia enters into an agreement to sell any portion of the Columbia LNG common stock to a third party, Columbia must offer to repurchase all the common stock then owned by Shell LNG for a repurchase price equal to the amount paid by Shell LNG for such common stock.

The Agreement further provides for Columbia's indemnification of Shell LNG and Columbia LNG with respect to certain employee claims arising prior to the final closing and certain taxes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6496 Filed 3-19-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternative designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-8779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, Sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6149 Filed 3-19-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Announcement of Receipt of Notice to Extend Public Comment Period on Proposed Restriction on Operations of Stage 2 Aircraft at Minneapolis-St. Paul International Airport in Minneapolis, MN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

The Federal Aviation Administration (FAA) has been notified by the Metropolitan Airports Commission (MAC) that it is extending its public comment period by an additional 31 days. The MAC's original public comment period ended January 23, 1992, and was extended to March 9, 1992. Comments will now be received by the MAC through April 9, 1992.

The MAC's notice of the proposed restriction and an opportunity to comment was published on December 9, 1991, pursuant the Airport Noise and Capacity Act of 1990 and 14 CFR 161.203. Notice of the first extension of the comment period was issued by MAC on January 21, 1992. The second extension of the comment period was issued by MAC on March 5, 1992.

In its original notice, published on December 9, 1991, in the Star Tribune in Minneapolis, Minnesota and Pioneer Press in St. Paul, Minnesota, the Metropolitan Airports Commission indicated that the initial phase of the ordinance restricting operators to their Stage 2 baseline would take effect not earlier than 180 days from the date of publication of MAC's Notice. This date is June 6, 1992. The second phase, a ban on nighttime Stage 2 operations, would take effect on or after that date, as determined by the Commission. These effective dates are not proposed to be changed by the MAC.

Ms. Jennifer Unruh, Committee Secretary at: Metropolitan Airports Commission, General Offices, 6040 28th Avenue South, Minneapolis, Minnesota 55450, (612) 726-8100.

Copies of the complete text of the proposed restriction and the supporting analysis may be obtained by phoning or writing MAC. These documents are also available for public inspection at MAC's General Offices. MAC has indicated that extension of the comment period does not change the proposed restriction or its analysis in any way. Comments to MAC on the proposed restriction should be received by April 9, 1992.

Issued in Des Plaines, Illinois, March 9, 1992.

W. Robert Billingsley,

Manager, Airports Division, Great Lakes Region.

[FR Doc. 92-6522 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

Environmental Document and Scoping Meeting on the Proposed Parallel Runway at 10L-28R at Syracuse Hancock International Airport, Syracuse, New York

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice to hold public scoping meeting.

SUMMARY: The Federal Aviation Administration (FAA) in conjunction with the City of Syracuse, Department of Aviation, is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed parallel Runway 10L-28R at Syracuse Hancock International Airport (SYR) located in Syracuse, New York. To ensure all significant issues related to the proposed action are identified, a public scoping meeting will be held Tuesday, March 31, 1992, to discuss pertinent environmental issues.

FOR FURTHER INFORMATION CONTACT:

Frank Squeglia, Environmental Specialist, FAA—Eastern Regional Office, Airports Division, AEA-610, Fitzgerald Federal Building, JFK International Airport, Jamaica, NY 11430, (718) 553-0902.

Ralph Napolitano, Commissioner of Aviation, or

Bill Simmons, Noise Abatement Officer, City of Syracuse, Department of Aviation, Syracuse Hancock Int'l Airport, Syracuse, NY 13212, (315) 454-3263.

SUPPLEMENTARY INFORMATION: The FAA, in conjunction with the City of Syracuse, Department of Aviation, will prepare an EIS as part of the planning process for a proposed parallel Runway 10L-28R at SYR. Should a "build" alternative be selected in the planning process, a draft EIS will be prepared and circulated. A scoping meeting is scheduled for March 31, 1992 among Federal, State, and local agencies to discuss the scope of work proposed for the preparation of the EIS.

The proposed project will include the following:

1. Acquisition of approximately 220 acres of land and some improvements thereon.

2. Construction of Runway 10L-28R 3,600 feet (centerline to centerline) north of existing Runway 10-28.

3. The proposed runway would be 150 feet wide with an ultimate length of 9,000 feet. Initially, the runway would be built to a length of 7,500 feet.

Potential significant environmental consequences associated with the runway construction are aircraft noise exposure, compatible land use, social impacts, wetlands, and floodplains.

As stated above, Federal, State and local agencies will be contacted to obtain their comments and suggestions. In conjunction with the Federal notice, this publication serves as positive declaration and notice of intent to prepare a Draft EIS pursuant to part 617 of the implementing regulations pertaining to article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. Comments and suggestions are invited from all other interested parties to ensure that the full range of issues related to this proposed project are addressed and all significant issues relative to the planning process are identified. Copies of materials to be evaluated can be obtained from Ralph E. Napolitano, the Commissioner of Aviation, Syracuse Hancock International Airport, Syracuse, New York 13212.

Public Scoping Meeting

To facilitate receipt of comments at this stage of the process, a public scoping meeting will be held on March 31, 1992, at 7 p.m. e.s.t., at Syracuse Airport Inn, Syracuse Hancock International Airport. If unable to present verbal and/or written comments at the pubic scoping meeting, written comments will be accepted on or before Tuesday, April 21, 1992 at the FAA address noted under the above heading **"FOR FURTHER INFORMATION CONTACT".**

Issued in Jamaica, NY on March 13, 1992.

Louis P. DeRose,

Manager, Airports Division, Eastern Region.

[FR Doc. 92-6520 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee.

DATES: The meeting will be held on April 17, 1992, at 9 a.m. Arrange for oral presentations by March 30, 1992.

ADDRESSES: The meeting will be held in the Boardroom, Air Transport Association of America, 5th floor, 1709 New York Avenue, NW., Washington, DC 20006-5206.

FOR FURTHER INFORMATION CONTACT: Ms. Marge Ross, Aircraft Certification Service (AIR-1), 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-8235.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Transport Airplane and Engine Subcommittee to be held on April 7, 1992, in the Boardroom, Air Transport Association of America, 5th floor, 1709 New York Avenue, NW., Washington, DC 20006-5206. The agenda for this meeting will include:

- Status reports from working groups.
- Plans for near-term priorities.
- Discussion of team building session.

Attendance is open to this interested public, but will be limited to the space available. The public must make arrangements by March 30, 1992, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, DC, on March 16, 1992.

William J. Sullivan,

Executive Director, Transport Airplane and Engine Subcommittee, Aviation Rulemaking Advisory Committee.

[FR Doc. 92-6521 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; San Francisco, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in San Francisco, California.

FOR FURTHER INFORMATION CONTACT: John R. Schultz, District Engineer, Federal Highway Administration, P.O. 1915, Sacramento, California 95812-1915, telephone: (916) 551-1314.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation and the City and County of San Francisco Department of Public Works, will prepare an environmental impact statement (EIS) on a proposed replacement project for the Embarcadero Freeway which has been demolished as a result of the 1989 Loma Prieta Earthquake.

The proposed project would involve an area bounded by the eastern edge of the Embarcadero Roadway on the east side, Broadway on the north, and Folsom Street on the south side, while portions of Main, Battery, and Sansome Streets form the boundary to the west.

The proposed project is located in an existing urban area and will affect public, commercial, and residential properties, some of which have an historic interest. The project is funded in party by Federal Emergency Relief funds. Alternatives under consideration include:

(1) Taking no action: Local surface roadway (with no connection to the Bay Bridge) which would link the Embarcadero north and south.

(2) Constructing an aerial, surface, subsurface roadway, which includes on/off ramps between a new Bay Bridge terminal connector and the Embarcadero, an underground roadway in front of the Ferry Building, and surface access at Washington Street and at Broadway which would replace demolished on/off ramps at those locations.

(3) Constructing a surface roadway which would have connecting ramps to the new Bay Bridge terminal connector.

(4) Combinations of Alternatives 2 and 3.

(5) Others that may be developed during the scoping session. Alternatives will require reconstructing the existing Embarcadero Roadway.

A Citizens Advisory Committee Embarcadero Replacement Project (CACEP) was formed to provide a public forum for discussing the array of concerns such as transportation, including transit and bicycle, urban design, and open space engendered by the removal of the Embarcadero Freeway. CACEP's recommendations will be considered by the environmental document. Public scoping sessions will be held during June, July, and August, 1992. The draft EIS will be available for public and agency review prior to the required public hearing. Public notice will be given of the time and place of meetings and the hearing.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal Programs and activities apply to this program)

Issued on: March 13, 1992.

G. B. Wong,

Senior Area Engineer, Sacramento, California.

[FR Doc. 92-6474 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of 49 CFR Part 236

Pursuant to 49 CFR part 235 and 49 app. U.S.C. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3151

Applicant: Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, Room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, at milepost 4.3 and milepost 5.4, near North Wells Creek, Texas, on the Red River Division, Longview Subdivision, consisting of the conversion of one power-operated switch and one switch to hand-operation equipped with electric locks, the removal of four controlled signals, and the installation of two automatic signals.

The reason given for the proposed changes is that the siding is rarely used for the passing of trains.

BS-AP-No. 3152

Applicant: Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the automatic block signal system, between milepost 0.5 and milepost 1.6, near Albina Yard in Portland, Oregon, on the Columbia River Division, Portland Subdivision, consisting of the removal of circuit controllers from 11 hand-operated switches, the removal of 10 automatic block signals, and the conversion of 2 automatic block signals to inoperative approach signals, one requiring relocation. The reason given for the proposed changes is to alleviate excess highway-rail crossing blockage in the Portland area.

BS-AP-No. 3153

Applicant: Union Pacific Railroad Company, Mr. P. M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179.

The Union Pacific Railroad Company seeks approval of the proposed discontinuance and removal of the traffic control system, between milepost 399.8 and milepost 406.8, near McGehee, Arkansas, on the Arkansas Division, Wynne Subdivision, consisting of the removal of circuit controllers from two hand-operated switches, the removal of two automatic signals, and the removal of one controlled signal.

The reason given for the proposed changes is that due to the discontinuance of through train service, the signal system is unnecessary.

BS-AP-No. 3154

Applicant: Twin Cities and Western Railroad Company, Mr. Dennis E. Shaffer, President, 723 11th Street East, Glencoe, Minnesota 55336.

The Twin Cities and Western Railroad Company seeks approval of the proposed discontinuance and removal of the traffic control system, between Glencoe, Minnesota, milepost 466.9 and Appleton, Minnesota, milepost 578.9, on the Glencoe Subdivision, a distance of approximately 112 miles.

The reason given for the proposed changes is the low traffic density over the trackage.

BS-AP-No. 3155

Applicant: Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the single main track, between Yakt, Montana, milepost 1344.0, and Leonia, Montana, milepost 1349.0, on the Montana Division, Third Subdivision, consisting of the removal of four automatic signals and the installation of two back to back automatic signals at milepost 1346.6.

The reason given for the proposed changes is due to pole line elimination associated with the installation of electronic coded track circuits.

BS-AP-No. 3156

Applicant: Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the single main track, between Vista, Montana, milepost 1225.4, and Lupfer, Montana, milepost 1230.9, on the Montana Division, Third Subdivision, consisting of the removal of four automatic signals and the installation of two back to back automatic signals at milepost 1228.0.

The reason given for the proposed changes is due to pole line elimination associated with the installation of electronic coded track circuits.

BS-AP-No. 3157

Applicant: Burlington Northern Railroad Company, Mr. W. G. Peterson, Chief Engineer-Control Systems, 9401 Indian Creek Parkway, P.O. Box 29136, Overland Park, Kansas 66201-9136.

The Burlington Northern Railroad Company seeks approval of the proposed modification of the traffic control system on the double main track, between milepost 7.0 and milepost 10.0, near Fairlawn, Missouri, on the Springfield Division, First Subdivision, consisting of the removal of automatic signal numbers 83 and the relocation of automatic signal numbers 73, 98 and 99.

The reason given for the proposed changes is the equalization track circuit associated with the installation of electronic coded track circuits.

BS-AP-No. 3158

Applicant: CSX Transportation, Inc., Mr. W. J. Scheerer, Chief Engineer-Train Control, 500 Water Street, Jacksonville, Florida 32202.

The CSX Transportation, seeks approval of the proposed discontinuance and removal of the traffic control system between Laughlin Junction, Pennsylvania, milepost 325.1 and Pittsburgh, Pennsylvania, milepost 327.8, on the Baltimore Division, Western Subdivision, consisting of the removal of one controlled signal and two electric locks from hand-operated switches.

The reason given for the proposed changes is that present day operation does not warrant retention of the signal system.

BS-AP-No. 3159

Applicants: Union Pacific Railroad Company, Mr. P.M. Abaray, Chief Engineer-Signals, 1416 Dodge Street, room 920, Omaha, Nebraska 68179. Kansas City Southern Railway Company, Mr. M.W. Hahn, Vice President, Transportation, 114 W. Eleventh Street, Kansas City, Missouri 64105.

The Union Pacific Railroad Company (UP) and Kansas City Southern Railway Company (KCS) jointly seek approval of the proposed modification to Kerr McGee Interlocking, UP milepost 2.43, near Texarkana, Texas, where a single main track of the KCS crosses at grade two main tracks of the UP, Red River Division, Dallas Subdivision, consisting of the discontinuance and removal of electrically locked derail numbers 3 and 4 and replace them with an electric lock gate.

The reason given for the proposed changes is to improve operations.

BS-AP-No. 3160

Applicant: Consolidated Rail Corporation, Mr. J.F. Noffsinger, Chief Engineer-C&S, 15 North 32nd Street, Room 1215, Philadelphia, Pennsylvania 19104-2849.

Consolidated Rail Corporation seeks approval of the proposed modification of the automatic block signal system on the two main tracks between "CP Rock" Interlocking, milepost 8.7, and "CP Norris" Interlocking, milepost 18, near Norristown, Pennsylvania, on the Harrisburg Line, Philadelphia Division, consisting of the removal of automatic signal numbers 167, 173, 176, and 182.

The reason given for the proposed changes is to retire facilities no longer required for present operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on March 13, 1992.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 92-6546 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 13, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0082.

Form Number: ATF F 5120.24 (1582-A).

Type of Review: Extension.

Title: Drawback on Wine Exported.

Description: When proprietors export wines that have been produced, packaged, manufactured or bottled in the United States, they file a claim for a drawback or refund for the taxes that have already been paid on the wine. This form notifies ATF that the wine was in fact exported and helps to protect the revenue and prevent fraudulent claims.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 900.

Estimated Burden Hours Per Respondent: 1 hour, 8 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 2,025 hours.

OMB Number: 1512-0096.

Form Number: ATF F 5130.12 (1689).

Type of Review: Extension.

Title: Beer for Exportation.

Description: Untaxpaid beer may be removed from a brewery for exportation without payment of the excise taxes normally due. In order that this will be

accomplished, and for ATF to monitor such transactions, brewers complete ATF F 5130.12 (1689). This form monitors exports on ships and aircraft or to military bases. The form is certified by U.S. Customs and ensures that untaxpaid beer does not reach domestic markets.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 101.

Estimated Burden Hours Per Respondent: 1 hour, 39 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 10,000 hours.

OMB Number: 1512–0117.

Form Number: ATF F 5620.7 (2147).

Type of Review: Extension.

Title: Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers and Cigarette Tubes.

Description: ATF F 5620.7 documents that cigars, cigarettes, cigarette papers and tubes were shipped to a foreign country, Puerto Rico or the Virgin Islands, and that the tax was already paid on these products. ATF F 5620.7 is used as the claim filed by a person who paid the tax to claim a drawback for the tax that has already been paid.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 288.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 144 hours.

OMB Number: 1512–0190.

Form Number: ATF F 5100.11.

Type of Review: Extension.

Title: Withdrawal of Spirits, Denatured Spirits, or Wines for Exportation (Supplemental).

Description: ATF F 5100.11 is completed by exporters to report the withdrawal of spirits, denatured spirits, and wines from internal revenue bonded premises, without payment of tax for direct exportation, transfer to a foreign trade zone, customs manufacturers bonded warehouse, or customs bonded warehouse or for use as supplies on vessels or aircraft.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Respondent: 1.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 6,000 hours.

OMB Number: 1512–0200.

Form Number: ATF F 5110.31.

Type of Review: Extension.

Title: Application and Permit to Ship Puerto Rican Spirits to the U.S. Without Payment of Tax.

Description: ATF F 5110.31 is used to allow a person to ship spirits in bulk into the U.S. The form identifies the person in Puerto Rico from where shipments are to be made, the person in the U.S. receiving the spirits, amount of spirits to be shipped, and the bond of the U.S. person to cover taxes on such spirits.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 20.

Estimated Burden Hours Per Respondent: 27 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 450 hours.

Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachuetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–6494 Filed 3–19–92; 8:45 am]

BILLING CODE 4810–31–M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 12, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0257.

Form Number: IRS Forms 8109, 8109–B and 8109–C.

Type of Review: Extension.

Title: Federal Tax Deposit Coupon (8109 and 8109–B) FTD Address Change (8109C).

Description: Federal Tax Deposit Coupons are used to deposit certain types of taxes at authorized depositaries. Coupons are sent to IRS Center for crediting to taxpayers' accounts. Data is used by IRS to make the credit and to verify tax deposits claimed on the returns. The FTD Address Change is used to change the address on the FTD coupons. All taxpayers required to make deposits are affected.

Respondents: State and local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents: 9,800,700.

ESTIMATED BURDEN HOURS PER RESPONDENT

Form No.	Response time (minutes)
8109	2
8109–B	3
8109C	1

Frequency of Response: On occasion, Monthly, Quarterly, Other (eighth-monthly, semi-monthly).

Estimated Total Reporting Burden: 2,016,425 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–6495 Filed 3–19–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 17, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0959.

Regulation ID Number: LR–213–76 Final Regulations.

Type of Review: Extension.

Title: Estate and Gift Taxes; Qualified Disclaimers of Property.

Description: Section 2518 allows a person to disclaim an interest in property received by gift or inheritance. The interest is treated as if the disclaimant never received or transferred such interest for Federal gift tax purposes. A qualified disclaimer must be in writing and delivered to the transferor or trustee.

Respondents: Individual or households.

Estimated Number of Respondents: 2,000.

Estimated Burden Hours Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,000 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–6517 Filed 3–19–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 16, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1036.

Form Number: IRS Form 8716.

Type of Review: Revision.

Title: Election to Have a Tax Year Other Than a Required Tax Year.

Description: Election by partnerships, S Corporations, and personal service corporations, under section 444(a), to retain or to adopt a tax year that is not a required tax year. Service Centers accept Form 8716 and use the form information to assign master-file codes that allow the Center to accept the filer's tax return filed for a tax year (fiscal year) that would not otherwise be acceptable.

Respondents: Farms, Businesses or other, Small businesses or organizations.

Estimated Number of Respondents/ Recordkeepers: 40,000.

Estimated Burden Hours Per Respondent/Recordkeepers:

Recordkeeping: 2 hours, 23 minutes.
Learning about the law or the form: 1 hour, 12 minutes.
Preparing and sending the form to the IRS: 1 hour, 17 minutes.

Frequency of Response: Other (Nonrecurring, one-time filing to elect a nonrequired tax year).

Estimated Total Reporting/ Recordkeeping Burden: 194,400 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 92–6518 Filed 3–19–92; 8:45 am]

BILLING CODE 4830–01–M

Public Information Collection Requirements Submitted to OMB for Review

Date: March 16, 1992.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Coordinated Examination Program: Examination Post Closing Survey.

Description: The data collected will be used to evaluate the level of satisfaction of the largest corporate taxpayers examined by the IRS. Examination Function, to identify possible areas of program improvement, and thereby, improve the quality and effectiveness of the Coordinated Examination Program.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 300.

Estimated Burden Hours Per Respondent: 2 hours, 30 minutes.

Frequency of Response: Other (One time at conclusion of taxpayer examination).

Estimated Total Reporting Burden: 750 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports Management Officer.

[FR Doc. 92–6519 Filed 3–19–92; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Islamic Culture and Civilization Today

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: The Bureau of Educational and Cultural Affairs of the U.S. Information: Agency (USIA) seeks a non-profit educational or professional organization to assist in the administration of the FY 1992 Fulbright "Islamic Culture and Civilization Today" program. The organization, in cooperation with USIA, shall solicit and receive applications from faculty of colleges, universities and community colleges in the U.S. The organization also shall coordinate the competitive review of technically eligible applications and provide panel recommendations and assessments on each application based on academic criteria to be provided by USIA.

The Islamic Culture and Civilization Today program shall support a seminar in a country with a substantial Muslim

population. Eligible seminar sites are limited to selected countries which represent USIA's geographic priorities for this method of academic exchange.

Interested organizations may propose to develop and administer a seminar of up to four to six weeks beginning June 1993 in one of the following countries: Egypt, Jordan, Morocco, Pakistan, Turkey, or Yemen. The seminar, conducted in English for up to 12 U.S. faculty who are neither area nor Islamic studies specialists and who are U.S. citizens with limited or no previous experience in the area, shall examine the political, social, economic, educational and cultural institutions of the subject country, in light of its recent history and current development.

The seminar's perspective shall be interdisciplinary and the sessions led by experts in fields concerned with seminar topics and who are resident in the subject country. The seminar may include sessions or meetings in various locales within the subject country, as well as visits to relevant institutions in the country. The organization shall publicize the opportunity among and accept applications from faculty of social sciences and humanities, such as history, religious studies, political science, art, geography. A Ph.D. shall be generally required and candidacy restricted to applicants who hold full-time teaching appointments and meet other requirements.

DATES: Deadline for proposals: All copies must be received at USIA by 5 p.m. Washington, DC, time on May 15, 1992. Faxed documents will not be accepted, nor will documents postmarked on May 15, 1992, but received at a later date. It is the responsibility of each organization to ensure that proposals are received by USIA by the above deadline. Grants should begin September 1, 1992, and run through August 31, 1993.

FOR FURTHER INFORMATION CONTACT: To request detailed submission material and information additional to this announcement, interested organizations should contact:

For Turkey—Mr. Ted Kniker, U.S. Information Agency, European Academic Exchange Programs (E/AEE), room 208, 301 Fourth Street, SW., Washington, DC 20547 (tel. 202–619–5341).

For Egypt, Jordan, Morocco, Pakistan, Yemen—Mr. Michael B. Graham, U.S. Information Agency, Near East/South Asia Academic Exchange Programs (E/AEN), room 212, 301 Fourth Street SW., Washington, DC 20547 (Tel. 202–619–5368)

ADDRESSES: The original and fifteen (15) copies of the completed submission, including required forms, should be submitted by the deadline to Office of the Executive Director (E/X), Islamic Culture and Civilization, room 357, U.S. Information Agency, 301 Fourth Street SW., Washington, DC 20547.

SUPPLEMENTARY INFORMATION:

Overview

Authority for this activity is the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256 (Fulbright-Hays Act). Through the Fulbright program USIA seeks to increase mutual understanding between the people of the United States and people of other countries. Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life.

Eligibility

Non-profit organizations with experience in international education, such as educational and professional organizations and institutions, American overseas research centers, colleges and universities, are invited to submit proposals for a USIA cooperative agreement.

Guidelines

In preparing a proposal, organizations should address the subjects of program design and scheduling, as well as program administration. At a minimum a successful proposal should clearly cover publicity, logistical and scheduling measures. A plan for post-seminar follow-up evaluation and reporting must also be submitted.

Proposed Budget

A comprehensive line item budget not to exceed $100,000 must be submitted with the proposal. Specific guidelines for budget preparation are included in the application material available from USIA. (Grants awarded to eligible organizations with less then four years' experience conducting international exchange activities and services will be limited to $60,000. Budget submissions from such organizations may not exceed this amount.)

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not adhere to the guidelines established herein. Ineligible proposals will not be considered for funding. Eligible proposals will be forwarded to panels of USIA officers for advisory review. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for awarding a grant resides with USIA's Office of Contracts.

Review Criteria

Technically eligible proposals for this competition will be reviewed according to the following criteria and funding will be allocated on the basis of the degree to which the criteria are met:

1. Quality/responsiveness—Quality of administrative plan and adherence of the proposed activity to the criteria and conditions described in the application material available from USIA. Proposals should clearly demonstrate how the organization will meet the program's objectives and plan.

2. Institutional capacity—Proposed personnel and institutional resources to be applied to the project should be adequate and appropriate to achieve all goals and objectives.

3. Cost-effectiveness—The overhead and administrative components of the proposal, including salary/benefits and indirect costs applied to administrative and program expenses, should be kept to not more than 20 percent of the total request. All budget items should be necessary and appropriate. Proposals should demonstrate cost-sharing and in-kind support.

4. Track record/potential—Proposals should demonstrate potential for excellence and/or a track record of the organization's involvement in international education, particularly academic exchange.

5. Evaluation plan—Proposals should provide a plan for follow up and evaluation by the grantee organization.

6. Reasonableness, feasibility, flexibility—Proposals should demonstrate how the objectives will be met.

7. Multiplier effect/impact—A particular priority is that the seminar strengthen long-term mutual understanding, include maximum sharing of information and views among participants, and provide opportunities to facilitate the establishment of broader institutional and individual scholarly ties for collaborative teaching and research in the U.S. and the subject country.

8. Mutuality of benefits—Proposals should show evidence of strong mutual benefits to the U.S. and foreign institutions and individuals involved, as well as evidence of strong commitment to the goals of the program.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the U.S. Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review of full proposals on or about July 15, 1992. Grant awards will be subject to standard periodic reporting and evaluation requirements.

Dated: 13 March 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92–6572 Filed 3–19–92; 8:45 am]

BILLING CODE 8230–01–M

University Development Program in Business Management for Estonia, Latvia and Lithuania

AGENCY: United States Information Agency.

ACTION: Notice—request for proposals.

SUMMARY: Subject to the availability of funds, the United States Information Agency (USIA) invites applications from accredited U.S. educational institutions to conduct exchange programs with post-secondary educational institutions in Estonia, Latvia, and Lithuania to develop their business management capability.

DATES: Deadline for proposals: All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on April 22, 1992. Faxed documents will not be accepted, nor will documents postmarked on April 22, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that proposals are received by the above deadline. Grants may not begin prior to September 1, 1992, but must begin no later than September 30, 1992, but must begin no later than September 30, 1992. The duration of the grant should be from twelve (12) to eighteen (18) months.

ADDRESSES: The original and 15 complete copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Ref.: University Development in Business Management for Estonia, Latvia and Lithuania, Office of Grants Management, E/XE, room 357, 301 4th Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations and institutions should contact Mr. Ted Kniker at the U.S. Information Agency, 301 4th Street SW., European Branch, Academic Exchanges Division, E/AEE room 208, Washington, DC 20547; telephone (202) 619–5341 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparking proposals, including specific budget preparation information. Other proposal requirements are stipulated and described in the application guidelines for this program .

SUPPLEMENTARY INFORMATION: Overall authority for these exchanges is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87–256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world." Pursuant to the Bureau of Educational and Cultural Affairs authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social and cultural life. programs shall also "maintain their scholarly integrity and shall meet the highest standards of academic excellence or artistic achievement."

Overview

The independence of the Baltic States provides a historic opportunity to contribute to the region's successful transition to a free market economy. Under the auspices of the U.S. assistance program for Eastern Europe, the USIA is undertaking a new program in Fiscal Year 1992 to help foster greater expertise in business management in the Baltics.

Guidelines

The purpose of this program is to promote the development of business management programs in Estonia, Latvia, and Lithuania. Applications will be accepted from accredited U.S. colleges and universities to conduct a program with one, two or three foreign partners located in the same country. Regional programs (e.g. programs spanning more than one country) will be considered technically ineligible. Partner institutions may be college or university business departments, faculties, or business education institutes. Preference will be given to projects in which the overseas partner is a university or college. Proposals that are extensions or enhancements of past or current relationships with a partner institution will be acceptable. The development of these programs can be advanced by assisting the Baltic institutions with faculty development and enrichment, curriculum design, administrative organization, and direct teaching. Courses developed may include, but are not limited to, marketing, production management, economics, industrial relations, finance, accounting, and international business. The project may include components for university to private sector linkages. Proposals should provide provisions for a two-way exchange. The length of visits by Americans may vary, but it is expected that at least one of the American participants will be in residence overseas for at least one semester. The length of visits by Estonians, Latvians, or Lithuanians may very, but should not exceed six weeks.

A proposal will be deemed technically ineligible if:

1. The applicant is neither an accredited U.S. college nor university;
2. The project does not constitute a direct partnership with a post-secondary business management program in a Baltic country;
3. The project involves partnerships in more than one country; or
4. The project does not seek to address the faculty, curriculum, and administrative aspects entailed in developing the business management program identified.

Institutional Commitment

Proposals must include documentation of institutional support for the proposed program in the form of signed letters of endorsement from the U.S. and foreign institutions' presidents, chancellors, or directors, or in the form of a signed agreement by the same persons. The Letters of Endorsement must describe each institution's commitment and activities in support of an on-going partner linkage and make specific reference to the proposed

program and each institution's activities in support of that program. The documentation must be included with the proposal submission. Applying institutions are expected to make their own arrangements with the appropriate Estonian, Latvian, or Lithuanian institutions.

Proposed Budget

Project awards to the U.S. institutions will be made in a wide range of amounts but will not exeed $400,000. USIA anticipates awarding three to six grants in amounts ranging from $60,000 to $400,000, with at least one grant awarded for a project in each of the three Baltic countries. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program. For organizations with less than four years of experience in international exchange activities, grants will be limited to a maximum of $60,000. All organizations must submit a comprehensive line item budget, the details and format of which are contained in the application packet.

Allowable Costs

Allowable costs are limited to the following categories:

—International Travel (via American flag carriers);
—Domestic travel;
—Maintenance (including lodging, meals and incidental expenses);
—Educational materials (including books, rfeference materials, computers, etac.);
—Administration (salaries, benefits, communications, other direct and indirect costs) [1]
—Application should demonstrate substantial cost-sharing (dollar and in-kind) in both program and administrative expenses, including overseas partner contributions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet (E/AEE–92–02). Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices. Proposals may also be reviewed by the Agency's Office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

a. Quality of program plan, including academic rigor, thorough conception of project, demonstration of meeting partner needs, contributions to understanding the partner country, proposed follow-up, and qualifications of program staff and participants.

b. Feasibility of the program plan and the capacity of the organization to conduct the exchange. Proposals should clearly demonstrate how the institution will meet the program objectives and plan.

c. Track record—relevant Agency and outside assessments of the organization's experience with international exchanges; for organizations that have not worked with USIA, the demonstrated potential to achieve program goals will be evaluated.

d. Multiplier effect/impact—the impact of the exchange activity on the wider community and on the development of continuing ties, as well as the contribution of the proposed activity in promoting mutual understanding.

e. Value of U.S.-partner country relations—the assessment by USIA's geographic area office of the need, potential impact, and significance of the project with the partner country.

f. Cost effectiveness—greatest return on each grant dollar; degree of cost-sharing exhibited.

g. Adherence of proposed activities to the criteria and conditions described above.

h. Institutional commitment as demonstrated by financial and other support to the program.

i. Follow-on Activities—proposals should provide a plan for continued follow-on activity (without USIA support) which ensures that USIA supported programs are not isolated events. There must be a clear demonstration by both institutions to a long-term commitment.

j. Evaluation plan—proposals should provide a plan for evaluation by the grantee institution.

Notice

The terms and conditions published in the RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

Notification

All applicants will be notified of the results of the review process on or about August 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: March 13, 1992.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92–6571 Filed 3–19–92; 8:45 am]

BILLING CODE 8230–01–M

[1] **Please Note:** It is required that requested administrative funds not exceed 20 percent of the total amount requested, including administrative expenses for orientation and indirect costs applied to all administrative and program costs; administrative expenses should be cost-shared.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determinations Under Sections 304 and 305; Thailand Patent Protection

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of determinations under sections 304 and 305 of the Trade Act of 1974, as amended (Trade Act).

SUMMARY: The United States Trade Representative (USTR) has determined pursuant to section 304(a)(1)(A)(ii) of the Trade Act that the Government of Thailand's acts, policies, and practices related to the protection of patents are unreasonable and burden or restrict U.S. commerce. The USTR has further determined, pursuant to section 304(a)(1)(B) of the Trade Act, that action in response to these unreasonable acts, policies and practices is appropriate, but has also determined, pursuant to section 305(2)(A)(ii), that a delay of implementation of such action is desirable to obtain a satisfactory solution with respect to the Government of Thailand's acts, policies and practices relating to patent protection.

EFFECTIVE DATE: March 15, 1992.

FOR FURTHER INFORMATION CONTACT: Peter Collins, Director, Southeast Asian and Indian Affairs (202) 295–6813, or Catherine Field, Associate General Counsel (202) 395–3432, Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION:

On January 30, 1991, the Pharmaceutical Manufacturers' Association (PMA) filed a petition under section 302(a) of the Trade Act, alleging that the Royal Thai Government denies adequate and effective patent protection for pharmaceutical products. Deficiencies in the Thai patent law included lack of product patent protection for pharmaceuticals, a short term of protection, requirements to manufacture a product or use a process in Thailand, and excessively broad compulsory licensing provisions. PMA also seeks transitional, i.e., "pipeline" protection, for pharmaceutical products that have been patented in other countries but have not been marketed in Thailand.

On February 27, 1992, Thailand's National Legislative Assembly enacted amendments to the current law. These amendments become effective 180 days after the law is signed and published in the Government Gazette. Although the amendments make some improvements in the overall level of patent protection, including providing product patent protection for pharmaceuticals and a 20 year from filing term of protection, other provisions undercut many of these improvements. Some of the amendments diminish the effective level of patent protection, and there is no protection for existing patented pharmaceuticals that have not been marketed in Thailand. The newly-created Pharmaceutical Patent Board has been granted unprecedentedly broad authority to compel owners of pharmaceutical patents to appear and present sensitive information and to subject patent owners to sanctions if patent owners do not comply with the Board's requests. Complusory licensing provisions remain overly broad, and the exclusions from patented subject matter are vague and cover important technologies.

Section 304(a)(2)(B) of the Trade Act requires USTR to determine by March 15, 1992, whether the Government of Thailand's acts, policies and practices under investigation are unreasonable and are a burden or restriction on U.S. commerce. If that determination is affirmative, USTR must determine, subject to the direction of the President, what action, if any, is appropriate in response to that unreasonable act, policy or practice.

Section 304 Determinations

(1) Thailand's Acts, Policies and Practices

On the basis of the investigation pursuant to section 302 of the Trade Act, and consultations with the Government of Thailand and affected U.S. industries, USTR has determined that the Government of Thailand's acts, policies and practices related to the protection of patents are unreasonable and burden or restrict U.S. commerce. The deficiencies in the Thai patent law and amendments adversely affect U.S. owners of patents and trade in products protected by patents.

(2) U.S. Action

The USTR had determined that action under section 301 in response to these unreasonable acts, policies and practices is appropriate and has directed the Section 301 Committee to recommend specific options for consideration.

Determination On Implementation

Section 305(a)(1) provides that any action to be taken under section 301 shall be implemented within 30 days, in this case by April 14, 1992. Section 305(a)(2) further provides that such implementation may be delayed by not more than 180 days if the USTR determines that a delay is necessary or desirable to obtain a satisfactory solution to the acts, policies or practices that are the subject of the action. The USTR has decided that it is necessary and desirable to delay implementation of action under section 301 in this case beyond April 14, 1992, to allow for additional bilateral and multilateral consultations on this matter.

Joanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92–6567 Filed 3–19–92; 8:45 am]

BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 55
Friday, March 20, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. COMMISSION ON CIVIL RIGHTS

March 17, 1992.

DATE AND TIME: Friday, March 27, 1992.

PLACE: U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

STATUS: Open to the Public.

March 27, 1992

I. Approval of Agenda
II. Approval of Minutes of March 9 and March 16 Meetings
III. Announcements
IV. Briefing by Victor Canto concerning Racial Tensions
V. Briefing by the Department of State representatives concerning Haitian Refugee Policy
VI. Approval of *Constructing Denver's New Airport: Are Minorities and Women Benefiting?*
VII. Appointments for the Alabama and Kansas Advisory Committees
VIII. Approval of Police-Community Relations in Reno, Nevada
IX. Review of Commission Meeting Dates for Remainder of Calendar Year 1992
X. Staff Director's Report
Review of Commission Meeting Rules
XI. Future Agenda Items

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications, (202) 376-8312.

Emma Monroig,
Solicitor.
[FR Doc. 92-6591 Filed 3-18-92; 9:04 am]
BILLING CODE 6335-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

(March 16, 1992)

The followng notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: April 3, 1992, 9:00 a.m.

PLACE: 825 North Capitol Street, NE, Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: FERC and State Public Utility Commissioners will discuss issues concerning Transmission Access and Pricing.

CONTACT PERSON FOR MORE INFORMATION: Patrick O. Goss, Division of Public and Intergovernmental Affairs, Telephone (202) 208-1088.

Lois D. Cashell,
Secretary.
[FR Doc. 92-6607 Filed 3-18-92; 9:07 am]
BILLING CODE 6717-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, March 24, 1992, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Delegations of Authority to the Corporation's General Counsel.

Memorandum re: Contract for Security Service.

Memorandum re: Contract for Custodial Service.

Discussion Agenda:

Memorandum and resolution re: Statement of Policy Regarding Applications for Deposit Insurance.

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which would assign loans secured by multifamily residential properties ("multifamily housing loans") that meet certain prudential criteria to the 50 percent risk weight category.

Memorandum and resolution re: Proposed amendments to Part 325 of the Corporation's rules and regulations, entitled "Capital Maintenance," which would allow limited amounts of purchased mortgage servicing rights and purchased credit card relationships to be recognized for regulatory capital purposes.

Memorandum and resolution re: Proposed amendments to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which are designed to implement changes made by the Federal Deposit Insurance Corporation Improvement Act in the regulatory scheme for brokered deposits.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 17, 1992.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 92-6630 Filed 3-18-92; 10:57 am]
BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, March 24, 1992, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Matters relating to the Corporation's corporate activities.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured depository institutions or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of depository institutions authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: March 17, 1992.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 92-6631 Filed 3-18-92; 10:57 am]
BILLING CODE 6714-01-M

FEDERAL ELECTION COMMISSION

* * * * *

DATE AND TIME: Wednesday, March 25, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.
Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE AND TIME: Thursday, March 26, 1992, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes title 26 Certification Matters Final Audit Report on Americans for Robertson Advisory Opinion 1991-30: Mr. Frank M. Northam on behalf of Citizens for a Sound Economy, Inc. Bank Loan Final Rules: Announcement of Effective Date Administrative Matters

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PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219-4155.

Delores Harris,
Administrative Assistant.
[FR Doc. 92-6688 Filed 3-18-92; 1:10 pm]
BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, March 25, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 17, 1992.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 92-6612 Filed 3-18-92; 9:08 am]
BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

57 F.R., Friday, January 31, 1992, Page No. 3826.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:

2:00 p.m., Thursday, March 26, 1992.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously scheduled Oral Argument in Textron, Inc., Docket No. 9226, from Thursday, March 26, 1992, at 2:00 p.m., to Tuesday, April 28, 1992, at 2:00 p.m.

Donald S. Clark,
Secretary.
[FR Doc. 92-6721 Filed 3-18-92; 4:01 pm]
BILLING CODE 6750-01-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

DATE AND TIME: April 13, 1992, 1:00 p.m. to 5:00 p.m.; April 14, 1992, 8:30 a.m. to 1:30 p.m.

PLACE: Canterbury Hotel, 1733 N St., NW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Chairman Farrell's Report, including March 10 open forum; House hearings on FY 1993 appropriation
Executive Director Young's report
WHCLIS closeout
FY 1992 NCLIS planning, including projects, meeting schedule and budget
FY 1993 programs and meeting schedule
Old business; new business
Presentation on GPO 2001: Vision for a New Millennium
Public comment
Reports on individual Commissioners' activities

Special provisions will be made for handicapped individuals by calling Barbara Whiteleather (202) 254-3100, no later than one week in advance of the meeting

FOR FURTHER INFORMATION CONTACT: Barbara Whiteleather, NCLIS, Suite 310, 1111 18th Street, NW., Washington, DC 20036, (202) 254-3100.

Dated: March 17, 1992.
Peter R. Young,
NCLIS Executive Director.
[FR Doc. 92-6639 Filed 3-18-92; 10:56 am]
BILLING CODE 7527-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meeting

TIME AND DATE: 1:00 p.m., Tuesday, March 24, 1992.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,
Secretary of the Board.
[FR Doc. 92-6598 Filed 3-18-92; 9:05 am]
BILLING CODE 7535-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 23, 1992.

A closed meeting will be held on Tuesday, March 24, 1992, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 24, 1992, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kaye Williams at (202) 272–2400.

Dated: March 17, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–6604 Filed 3–18–92; 9:06 am]

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federal register

Friday
March 20, 1992

Part II

Securities and Exchange Commission

17 CFR Part 210 et al.
Small Business Initiatives; Proposed Rules and a Final Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 228, 229, 230, 239, 240, 249 and 260

[Release No. 33-6924, 34-30468, 39-2280; File No. S7-4-92]

RIN 3235-AD88

Small Business Initiatives

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission today is publishing for comment proposed revisions to the rules and forms under the Securities Act of 1933 ("Securities Act"), the Securities Exchange Act of 1934 ("Exchange Act") and the Trust Indenture Act of 1939 ("Trust Indenture Act") to facilitate capital raising by small businesses and reduce the compliance burdens placed on these companies by the Federal securities laws. The Commission's general small issues exemption from the Securities Act registration requirements, regulation A, as well as the rule 504 exemption, would be revised. The proposals also include simplified registration and reporting disclosure requirements for "small business issuers," as defined.

DATES: Comments must be submitted on or before June 18, 1992.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-4-92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Questions should be directed to the Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, as follows: (1) Regulation A and rule 504, Richard Wulff (202-272-2644); (2) Regulation S-B, Securities Act Rules and Forms, Exchange Act Rules and Forms and Trust Indenture Act Rules, Amy S. Bowerman and Martin P. Dunn (202-272-2573); and (3) Financial statement requirements, Teresa E. Iannaconi (202-272-2553).

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment proposed amendments to the Regulation A [1] exemption from the registration requirements of the Securities Act [2] and Forms 1-A [3] and 2-A [4] used for such offerings. In connection with these amendments, the Commission is proposing to repeal current Forms 3-A,[5] 4-A,[6] 5-A,[7] 6-A [8] and 7-A.[9] The proposed changes will simplify the required disclosure. To facilitate the new disclosure format, Securities Act rule 175 [10] and Exchange Act rule 3b-6,[11] the Commission's "safe harbor" provisions for forward looking statements, would be revised to include such statements in a regulation A offering statement.

The proposals to modify regulation A will increase from $1.5 million to $5 million the exemption's yearly dollar limit, and simplify the procedural requirements for use of the exemption. Regulation A also is proposed to be amended to permit an issuer to solicit indications of interest in the company before filing its mandated offering document.

The Commission also is proposing to streamline the conditions to use of rule 504 [12] of regulation D.[13] rule 504 permits non-Exchange Act reporting issuers to raise up to $1 million in a 12-month period without a prescribed disclosure document.

The Commission today also is publishing for comment simplified disclosure requirements both for the registration of securities under the Securities Act and the on-going reporting requirements of the Exchange Act, to be used by "small business issuers." The simplified disclosure requirements for "small business issuers" are contained in proposed regulation S-B.[14] Amendments to rule 405 [15] under the Securities Act and rule 12b-2 [16] under the Exchange Act [17] would define the "small business issuers" that will be eligible to use the simplified disclosure forms. The Commission is proposing to repeal Form S-18 [18] and replace it with Form SB-1.[19] Further, "small business issuers" eligible to use Form S-2,[20] Form S-3 [21] or Form S-6,[22] as well as those "small business issuers" using Form S-4,[23] would be permitted to use the revised disclosure requirements of regulation S-B. Small business issuers would use proposed Form 10-SB,[24] Form 10-KSB [25] and Form 10-QSB [26] to satisfy registration, annual and quarterly reporting obligations under the Exchange Act. Item 7 of Form 8-K [27] is proposed to be amended to provide consistent financial statement instructions regarding small business acquisitions. Revised disclosure requirements would also be available to small business issuers providing information to investors in accordance with Schedule 14A,[28] Schedule 14C,[29] and rule 14a-3 [30] under the Exchange Act.

The Commission is proposing to revise rule 4a-1 [31] under the Trust Indenture Act [32] to increase the dollar ceiling of the exemption from the requirement to issue securities pursuant to an indenture. It is also proposed that rule 4a-2 [33] be redesignated rule 4a-3 [34] and be amended to increase the dollar ceiling of the exemption from the requirement that the securities be issued pursuant to a qualified indenture. Finally, the Commission is proposing new rule 4a-2 [35] which would permit an exemption from the Trust Indenture Act for issuances of securities under regulation A.

I. BACKGROUND

Small businesses are the cornerstone of the U.S. economy. The approximately 20 million small businesses in the United States employ more than half of the domestic labor force,[36] produce nearly half of the gross domestic product [37]

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[1] 17 CFR 230.251-262.

[2] 15 U.S.C. 77a *et seq.*

[3] 17 CFR 239.90.

[4] 17 CFR 239.91.

[5] 17 CFR 239.92.

[6] 17 CFR 239.93.

[7] 17 CFR 239.94.

[8] 17 CFR 239.95.

[9] 17 CFR 239.96.

[10] 17 CFR 230.175.

[11] 17 CFR 240.3b-6.

[12] 17 CFR 230.504.

[13] 17 CFR 230.501-508.

[14] 17 CFR 228.10-702.

[15] 17 CFR 230.405.

[16] 17 CFR 240.12b-2.

[17] 15 U.S.C. 78a *et seq.*

[18] 17 CFR 239.28.

[19] 17 CFR 239.29.

[20] 17 CFR 239.12

[21] 17 CFR 239.13.

[22] 17 CFR 239.16b.

[23] 17 CFR 239.25.

[24] 17 CFR 249.210b.

[25] 17 CFR 249.310b.

[26] 17 CFR 249.308b.

[27] 17 CFR 249.308.

[28] 17 CFR 240.14a-101.

[29] 17 CFR 240.14c-101.

[30] 17 CFR 240.14a-3.

[31] 17 CFR 260.4a-1.

[32] 15 U.S.C. 77aaa *et seq.*

[33] 17 CFR 260.4a-2.

[34] 17 CFR 260.4a-3.

[35] 17 CFR 260.4a-2.

[36] U.S. Small Business Administration, The Annual Report on Small Business and Competition, 125 (1990).

[37] *Id.* at 12-13.

and created the vast preponderance of new jobs during the period from 1988 through 1990.[38] These small businesses are frequently in the vanguard of developing new technology, patents, products and services.[39]

A critical factor in the viability of these small business ventures is access to capital and debt financings, both in their start-up and development stages, as well as their ability, when they are ready, to have their securities traded in the public markets without undue regulatory complexity and cost. The vital importance to the nation's economy and society of simplifying the regulatory requirements for capital formation, particularly for small businesses, was specifically recognized in the Small Business Securities Act Amendments to the Securities Act, Exchange Act and Trust Indenture Act in 1980.[40]

Likewise, the Commission has historically recognized the distinct financing concerns of start-up and development stage businesses and companies newly entering the public markets. In 1978 and 1980, the Commission sought authority from Congress to raise its small issue exemptive authority from $500,000 to $1,500,000 to $2,000,000 to $5,000,000.[41] Concurrently in 1978, the Commission provided a simplified registration form, Form S-18, to register small IPOs, raising the registrable amount to $7.5 million in 1982. A series of limited offering exemptions was adopted as regulation D in 1982, and the threshold for Exchange Act registration under section 12(g) was raised to $5 million in total assets in 1986. In 1988, the Commission, using its small issue exemptive authority, adopted Securities Act Rule 701 [42] to exempt from registration securities of non-Exchange Act reporting companies offered to employees as compensation.

Recent market developments warrant the Commission's review of its exemptive and regulatory requirements as they apply to small businesses, with a view to simplifying access to the public financing markets. While initial public offerings of equity rose to $16 billion in 1991, a four-fold increase over 1990 levels,[43] the availability of financings for companies not yet ready to enter the public market has declined dramatically in the last several years. The availability of both venture capital [44] and bank financing [45] reportedly has substantially contracted.

Since 1986, equity IPOs have declined each year until the turnaround in 1991. Forty-four Regulation A financings were filed in fiscal year 1991 with the Commission, representing financings of $41.5 million, in contrast with 439 filings covering financings of $408 million in fiscal year 1981. Further, the number of start-up businesses decreased significantly in 1991, with more than 50,000 fewer new businesses founded in 1991 than 1990. [46]

Today, a small business that needs capital beyond the resources of the founder and that of his or her family confronts an array of regulations that govern the offering of securities, whether in a limited private offering or in a widespread public offering. Under current requirements, an entrepreneur who wants to tap public financing typically must incur the full costs of preparing mandated disclosures and financial statements—costs that can exceed $200,000—without knowing whether there is any interest in investing in his or her business.

There are, of course, exemptions for limited offerings to more sophisticated professional investors that may reduce compliance costs. The restricted nature of these offerings, however, does not replace the advantages of having access to the public capital markets, and the potentially greater liquidity that publicly offered securities enjoy. The Commission, therefore, has focused its proposals on facilitating access to the public market for start-up and developing companies, and on lowering the costs for small businesses that undertake to have their securities traded in the public market.

Key to the success of these proposals to reduce the impediments to small business financing in the securities markets is that the revisions do not compromise the basic protection of investors mandated by the federal securities laws. As historically recognized by the Commission, and articulated by the Congress in passing the 1980 Small Business Securities Acts Amendments, "reform that results in undermining investor confidence in the integrity of the marketplace would have an effect precisely the opposite of its intended benefits on capital formation." [47] Thus, the proposals published today focus on increasing the utility of regulation A, which assures investors of a mandated disclosure document subject to Commission review, and on simplifying compliance with disclosure requirements for those small businesses that become subject to registration under the Exchange Act, or that choose to have their securities traded on a national exchange or on NASDAQ. By lowering these compliance costs, small companies may, in fact, be encouraged to provide their investors with the benefits of trading in these markets, and the concomitant continuous reporting under the Exchange Act.

II. Small Business Initiatives

A. Executive Summary of Proposals

1. Exempt Offerings

A start-up company, with no established market, is at great risk of loss when it must expend funds to prepare for an offering of securities without knowing whether there will be any investor interest in the company. To remedy this situation, the Commission today is proposing for the first time to permit those companies to "test the waters" for potential interest in the company before beginning an offering exempt from registration under the

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[38] See, U.S. Small Business Administration, The Annual Report on Small Business and Competition, (unpublished report) table A.30 (1992). See also, "Fears Mount that Small Business Sector Is in a State of Permanent Retrenchment," The Wall Street Journal, February 14, 1992, p. B1. Source: U.S. Small Business Administration.

[39] U.S. Small Business Administration, The Annual Report on Small Business and Competition, 121-128 (1983); Senate Report No. 96-958, Small Business Securities Act Amendments of 1980, p. 4 (Sept. 18, 1980). See also, The Small Business Credit Crunch, Hearings Before the Comm. on Small Business, House of Representatives, 101st Cong., 2nd Sess., (April 25, 1990 and June 6, 1990) (Introductory Statement of Hon. Joseph McDade).

[40] See The Small Business Investment Incentive Act of 1980, Public Law 96-477 (October 21, 1980). The Omnibus Small Business Capital Formation Act of 1980 and the Small Business Issuers' Simplification Act of 1980 comprise title V and title VI, respectively, of the Small Business Investment Incentive Act of 1980.

[41] 59 Stat. 16, Public Law 95-283 (May 21, 1978); 92 Stat. 982 (October 6, 1978); and Public Law 96-477 (October 21, 1980).

[42] 17 CFR 230.701.

[43] Liebowitz, "Reversing four-year trend and swooning economy, Wall Street explodes in 1991," Investment Dealers' Digest, January 6, 1992. This dollar amount does not include closed-end funds.

[44] Total private equity financing decreased from $17.7 billion in 1988 to $6.4 billion in 1991. See, "Wild venture capitalists now aren't quite as wild," The Philadelphia Inquirer, March 8, 1992, p. C1. Source: The Private Equity Analyst Newsletter.

[45] "Today, the evidence of a credit crunch is overwhelming. Small businesses, not surprisingly, are among the primary victims." See, The Credit Crunch, Hearings Before the House of Representatives Committee on Small Business, 102nd Cong., 1st Sess. (March 5, 6 and 11, 1991) (statement of John G. Heimann, Chairman, Global Financial Institutions, Merrill Lynch & Co.). See also, *id.*, statement of Richard F. Syron, President and Chief Executive Officer, Federal Reserve Bank of Boston and oral statement of Robert D. Hormats, Vice Chairman, Goldman Sachs International.

[46] See, "Fears Mount that Small-Business Sector Is In a State of Permanent Retrenchment," The Wall Street Journal, February 14, 1992, p. B1. Source of statistics: U.S. Small Business Administration.

[47] Senate Report at 5.

Securities Act, without bringing into play at that early stage the full range of regulatory prescriptions.[48]

The Commission is also proposing other significant revisions to the availability and operation of the regulation A exemption. Regulation A would be extended to offerings up to $5 million, an increase from the present $1.5 million limit, and a new disclosure format—the question-and-answer form now being used in over 20 states—would be used in regulation A offering documents.

To facilitate further the ability of small companies to raise seed capital, the Commission is proposing amendments to rule 504, one of the exemptive rules under Regulation D. Under current rule 504, the Commission exempts from registration annual offerings of up to $1 million by non-Exchange Act reporting issuers. While rule 504 does not restrict the kind or number of investors to whom the securities may be sold, it does limit the company's ability to engage in general advertising or other general offering activity. These limitations result in the investor receiving restricted securities, unless the securities are state registered. Similarly, state registration is required to rely on the exemption for securities offered in excess of $500,000. As proposed, a company could issue up to $1 million per year through sales of securities which could be freely traded without registration and without the conditions regarding state registration currently imposed by that rule. As proposed, rule 504 would permit general solicitation and general advertisement in connection with all offers and sales under the exemption.

2. Registration and Reporting

Smaller businesses are disproportionately affected by the complexities in the disclosure requirements for both the initial registration of securities and on-going disclosure under the Exchange Act. Building on its successful experience with current Form S–18, the Commission is proposing to provide new disclosure requirements for use by small companies, which will be used for both Securities Act registration and Exchange Act proxy and reporting requirements.

The proposed forms would continue to require audited financial statements and narrative disclosure of information necessary to make an informed investment decision. As in the case of Form S–18,[49] GAAP financial statements will suffice; compliance with Regulation S–X [50] will not be required. The disclosure requirements have been rewritten to be more easily understood by persons less familiar with the federal securities laws and regulations and, thus, reduce the filing costs for smaller companies. To facilitate this small business disclosure system, a new regulation containing all of the small business disclosure requirements, regulation S–B,[51] is proposed.

Finally, the Commission is proposing to amend the rules under the Trust Indenture Act to increase the levels of debt which may be offered without full compliance with that Act.

B. Regulation A

1. Background

Regulation A permits the unregistered, public offering of securities under specified conditions. Currently, an issuer may use the exemption to offer up to $1.5 million in any 12-month period.[52] Use of the exemption requires qualification of an offering statement, which must be filed with and reviewed by the Commission.[53] The core of the offering statement is the offering circular, which must be delivered to prospective purchasers [54] and includes narrative disclosure similar to that required by the Commission's registration statement forms, particularly Form S–18.

Unlike offerings under the Securities Act, unaudited financial statements, covering only one year, may be used for a regulation A offering. Further, the use of regulation A does not automatically give rise to a reporting obligation under section 15(d) of the Exchange Act.[55]

Since they are exempt from the registration requirements of the Securities Act, regulation A offering documents are not subject to the strict liability provisions of Section 11 of the Securities Act.[56] However, the anti-fraud and other civil liability provisions of the securities laws are applicable to the offer and sale of securities in reliance upon regulation A.[57]

2. Proposed Revisions to Regulation A

Regulation A is an effective tool for developing companies that may not be able to raise sufficient funds to justify the significant costs of registration and the further costs of reporting under the federal securities laws. The current limitations of the exemption, including the relatively low dollar ceiling and strict prohibition on pre-offering communications, constrain its usefulness and, as previously noted, regulation A offerings have declined markedly. The reform of regulation A proposed by the Commission would reduce costs, expand the exemption's availability, streamline its procedural regimen and allow pre-offering solicitation of indications of interests subject to Commission oversight.

a. *Dollar limit.* The proposals would raise the dollar ceiling for a regulation A offering to the statutory limit of $5 million in any 12-month period for issuer sales,[58] including no more than $1.5 million in secondary offerings.[59] Use of other "small issues" exemptions would not reduce the regulation A dollar ceiling.[60]

[48] Pre-offering material soliciting indications of interest would be subject to the antifraud and other civil liability provisions of the securities laws. This material would be required to be filed with the Commission not later than its first use.

[49] 17 CFR 239.29.

[50] 17 CFR 210.1 *et seq.*

[51] 17 CFR 228.10 *et seq.*

[52] See Rule 254(a) (17 CFR 230.254(a)).

[53] Filings made under regulation A currently are reviewed by the staff of the Commission's regional offices. This practice would be modified to offer issuers a choice of filing locally or with the Commission's office in Washington, DC.

[54] Rule 257 (17 CFR 230.257) currently permits issuers to make offerings of up to $100,000 without the delivery of an offering document. Under the proposals, this provision would be eliminated as unnecessary in view of the changes proposed to rule 504.

[55] 15 U.S.C. 78o(d). An issuer may as a result of one or more exempt equity offerings, become subject to Exchange Act registration under section 12(g) if any class of equity securities becomes held by more than 500 record holders, and the company also has assets of at least $5 million.

[56] 15 U.S.C. 77k.

[57] See sections 12(2) and 17 of the Securities Act (15 U.S.C. 77*l*(2) and q) and section 10(b) of the Exchange Act (15 U.S.C. 78j(b)).

[58] Regulation A has been adopted pursuant to the authority granted to the Commission under section 3(b) of the Securities Act (15 U.S.C. 77c(b)) to provide exemptions from the registration requirements for issues of securities which do not exceed $5 million under conditions which further the public interest and protection of investors.

[59] Secondary offerings by affiliates would continue to be ineligible for a regulation A exemption where the issuer has had no net income for each of the two most recent fiscal years. See proposed rule 251(b) (17 CFR 230.251(b)).

In addition to the restriction upon affiliate resales for non-income generating issuers under current rule 253 (17 CFR 230.253), securities held by certain affiliates and promoters are deducted from the regulation A ceiling, unless they are placed in escrow. Form 7–A provides a format for satisfaction of the escrow requirement. Since the proposal would no longer call for that deduction, the optional escrow provision would be deleted.

[60] *E.g.*, Securities Act rules 230, 504, and 505 (17 CFR 230.230, 504 and 505) and regulations B (17 CFR 230.300–346), E (17 CFR 230.601–610e) and F (17 CFR 230.651–656).

The proposed regulation also would provide a "safe harbor" provision regarding integration of other offerings. A regulation A offering would not be integrated with any previously completed registered or exempt offering or with any subsequent offering that was registered under the Securities Act, made pursuant to an employee benefit plan, in reliance on rule 701 or under regulation S, or made more than six months after the regulation A offering.[61]

b. *Scope of exemption.* As proposed, regulation A would continue to be available to a wide range of operating businesses organized in the United States. Canadian issuers have rarely used regulation A,[62] and it is proposed that the exemption be available only to domestic issuers.[63]

As is the case today, issuers of fractional undivided interests in certain oil, gas or mineral rights [64] and investment companies [65] could not use the exemption. In addition, under the proposals, regulation A also would not be available to "blank check" companies,[66] commodity pools and other non-operating entities.[67] As under the current rules, an issuer's securities could not be sold in a regulation A offering if the company, or a controlling person or underwriter were subject to one of a series of enumerated legal remedies and sanctions.[68]

Reporting issuers have rarely used regulation A.[69] In light of the simplified registration and reporting forms being proposed to meet the needs for capital raising by reporting small business issuers, they would no longer be permitted to rely upon the regulation A exemption.[70] Comments are specifically requested as to the appropriateness of this exclusion. Commenters who believe that the exclusion is not appropriate should also address whether regulation A should be available for all reporting companies or only those that are small business issuers. Comment is requested as to whether other aspects of the issuer qualification provisions of regulation A should be revised. In particular, commenters are requested to address whether offerings of "penny stocks" should be prohibited under the regulation A exemption.[71]

c. *Fee.* The Commission proposes to increase the filing fee for regulation A filings to $500 to parallel the increase in the offering ceiling.

d. *Disclosure requirements.* Regulation A would continue to be conditioned upon the qualification of an offering statement filed with the Commission and reviewed by the staff.[72] The form and content of the required offering circular is proposed to be revised substantially [73] to allow companies to use the question and answer format currently used by a number of the states for registration of small offerings. This format was developed through a cooperative effort of the state securities administrators, working through NASAA, and the securities bar, working through the ABA State Regulation of Securities Committee. The SCOR form, as it is frequently called, has been endorsed by NASAA [74] and represents a balanced approach to the capital raising process, providing a registration form that small business can easily use at a reduced cost while still maintaining investor protection. From all reports, the form has proved to be user friendly,[75] with one commentator describing it as "an elegant solution to a long-standing problem." [76] Two alternative models are permitted for non-corporate issuers and those preferring not to use the question-and-answer format, responding to the narrative disclosure items of Form SB–1 or using the existing disclosure model in regulation A.

The question-and-answer format calls for significant forward-looking or "soft" information. The Commission is proposing to extend the Commission's "safe harbor" rules regarding such statements, rule 175 under the Securities Act and rule 3b–6 under the Exchange Act, to apply to statements made in the offering circular mandated to be distributed pursuant to regulation A. The Commission requests comment on the appropriateness of the inclusion of regulation A filings within the scope of the safe harbors in view of the non-reporting status of the company following the offering.

Proposed Part F/S of Form 1–A would contain all of the financial statement requirements for a regulation A offering.

[61] See proposed rule 251(c) (17 CFR 230.251(c)). The longstanding Commission guidance regarding the integration of offerings would continue to be applicable to those offerings which are not within the "safe harbor" provision. See, Release No. 33–4552 (November 6, 1962) (27 FR 11316).

[62] In the past three years, there have been 177 regulation A filings. During that time, no Canadian issuers have filed under regulation A.

[63] Canadian persons are required to consent to service of process on forms established by the Commission. (Forms 3–A, 4–A, 5–A and 6–A have been adopted for this purpose.) As Canadian issuers would no longer be eligible for use of regulation A, these forms would be rescinded.

[64] Current rule 252(b) (17 CFR 230.252(b)) contains this prohibition. Regulation B provides exemptive relief for such issuers.

[65] Companies registered or required to be registered under the Investment Company Act of 1940, 15 U.S.C. 80a–1 *et seq.*, including business development companies, are prohibited from using regulation A. See current rule 252(b)(2) (17 CFR 230.252(b)(2)). A "business development company" is a closed-end company which is permitted to provide significant managerial assistance to its portfolio companies under certain conditions. See also regulation E. The Commission is issuing a companion release concerning regulation E.

[66] A "blank check" company is one that has no specific business or plan except to locate and acquire a presently unknown business or opportunity. See section 7(b) of the Securities Act, 15 U.S.C. 77g(b). See also proposed rule 419(a)(2) under the Securities Act (17 CFR 230.419), Release No. 33–6891 (April 17, 1991).

[67] Only entities with operating businesses would be permitted to use regulation A. The exemption thus would be available only to raise funds to put into the operations of an actual business and not simply for investment. Proposed rule 251(a)(4) (17 CFR 230.251(a)(4)) specifically excludes those enterprises with the principal business of investing or reinvesting funds in securities, properties, commodities, business opportunities or similar media of speculative opportunity.

[68] The disqualification provisions describe specific sanctions against the issuer, its controlling persons and any underwriter in its employ which preclude reliance upon regulation A. Current rule 252(c), (d) and (e) (17 CFR 230.252(c), (d) and (e)). The Commission may, in appropriate circumstances, waive such disqualifications upon a showing of good cause. Current rule 252(g) (17 CFR 230.252(g)).

[69] Of the 177 regulation A filings made with the Commission in the past three years, only 30 were made by reporting companies.

[70] Since it is proposed that reporting companies no longer be eligible to use regulation A, the disqualification provision regarding failure to file Exchange Act reports, current rule 252(f) (17 CFR 230.252(f)), would be eliminated.

[71] See The Penny Stock Reform Act of 1990 (S.647, Public Law 101–429). See also proposed Exchange Act Rule 3a51–1 (17 CFR 240.3a51–1), Release No. 34–29093 (April 17, 1991).

[72] Current rule 255 (17 CFR 230.255) requires that the offering statement be on file with the Commission for no less than 10 days prior to commencement of any offering. No contact of any type is permitted with investors during this waiting period, unless the offering is underwritten by broker-dealers registered with the Commission, in which case a preliminary offering circular procedure may be used.

[73] While the proposal would not change significantly either the notification of the offering (part I) or exhibit (part III) requirements for the Form 1–A offering statement.

[74] The Form U–7 guideline was adopted by the membership of the North American Securities Administrators Association, Inc. ("NASAA") to satisfy the state registration requirement for a qualifying public offering under the existing terms of rule 504 of regulation D. Twenty-three states have adopted or permit the use of Form U–7 for this purpose: Alaska, Arizona, Idaho, Indiana, Iowa, Kansas, Maine, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Jersey, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Washington, Wisconsin and Wyoming. NASAA reports that 9 additional states are expected to adopt the Form. Form U–7 also is referred to as ULOR (uniform limited offering registration) and SCOR (small corporate offering registration).

[75] "Use of the fifty question Form U–7 has resulted in lower costs for issuers and has provided investors with an offering document that is clear and easily understood." Harris, "Introduction to the Review of Developments in State Securities Regulation," 47 Bus. Law. 271 (1991).

[76] See, Sargent, "Blue Sky Law: The SCOR Solution," 16 Sec. Reg. L. J. 90 (1988).

regardless of the narrative disclosure format used. Unaudited financial statements would continue to be permitted, unless the issuer already has audited financial statements available.

e. *"Testing the waters".* Under the proposals, for the first time, an issuer relying upon the regulation A exemption would be permitted to solicit indications of interest prior to filing the mandated offering statement. Under this "test the waters" provision, a regulation A-eligible issuer could use a written statement to gauge investor receptiveness to a possible offering. The issuer should then be better able to determine whether to incur the expense of proceeding with a public offering of its securities under regulation A or to follow some other capital-raising plan.

The proposals generally do not specify the content of the written material that can be used to solicit indications of interest. However, while issuers would be permitted to "free write" and include whatever factual information would be useful to inform potential investors about the company and its business, only factual presentation would be permitted.

An issuer could send the solicitation material to prospective investors, or publish it in a newspaper or other print media. Use of broadcast media for this purpose, whether radio or television, would not be permitted. Commenters should address whether only one-on-one delivery to individual investors, and not general advertising or publication, should be permitted.

The issuer is not permitted to accept any consideration in response to the "test the waters" material, and no commitments to buy, formal or otherwise, can be made. The material is required to so state, and to include a statement that an offering circular containing financial statements and other required disclosure will be delivered to the purchaser prior to any sale being made. The issuer would be permitted to include a coupon that potential investors could return to the company apprising it of their interest.

Any solicitation of interest document would be required to be filed with the Commission on the date it is first used. The issuer must provide the name and telephone number of a person who can respond to questions regarding the document. The filing would be made at the Commission office (whether a Regional Office or Headquarters) where the issuer intends to file its regulation A offering statement. Comment is requested on whether it would be more appropriate to require that the solicitation document be transmitted to, rather than filed with, the Commission when first used. Comment is also requested on whether the solicitation document should be filed simultaneously with the offering circular. On the other hand, comment is also requested on whether it would be more appropriate to require that the document be filed with the Commission for a period of time—such as one or two business days—before it is used. Would such a pre-use filing requirement deter public exempt offerings under regulation A?

As proposed, the rules would permit oral communications between the issuer and prospective investors, but only after a solicitation of interest document had been filed with the Commission. The Commission requests comment on whether the rules should be revised to incorporate a simple notice filing, so that an issuer could choose to begin the regulation A "test the waters" process with oral communications. On the other hand, should oral communications before the filing of the required offering statement be prohibited? In any case, any oral communications will be subject to the antifraud and civil liability provisions of the federal securities laws.

After filing the required offering statement, the issuer would no longer be permitted to use its written "test the waters" solicitation materials, under the rules as proposed. Would it be preferable, however, to permit such post-offering statement filing use, if the solicitation of interest statement were required to be accompanied or preceded by the offering circular, which will contain the mandated financial statements and other disclosures about the issuer and the offering?

The proposals require that at least 20 calendar days elapse between last use of the solicitation of interest document and any sale of securities in the regulation A offering. Is such a "cooling off" period necessary or appropriate to guard against potential abuse? If so, is 20 calendar days, as proposed, the appropriate length of time, or should it be longer or shorter, such as 30 or 10 calendar days?

In addition, the Commission more generally requests comment on whether the "test the waters" provision proposed to be added to regulation A will be useful, and on whether it provides adequate protection to prospective investors.

f. *Procedural provisions and timing of offers and sales.* The procedural and timing requirements for commencement of a regulation A offering would be revised to conform to those used for registered offerings. Requirements as to form, legibility and signatures for the required offering statement are specified in the proposed regulation.[77]

The proposals would accelerate the time when an issuer could begin to offer the securities to be sold in a regulation A offering. Today, offers, like sales, must be postponed until 10 business days after the offering statement is filed. Under the proposals, oral and written offers could be made as soon as the offering statement is filed with the Commission.

Once an offering statement is filed, a written offer could be made only through the use of a preliminary or final offering circular.[78] No further distribution or publication of the pre-filing indication of interest document would be permitted. As is the case today, advertisements and radio and television broadcasts containing limited information concerning the issuer and the securities being offered may be used, so long as they indicate from whom an offering circular may be obtained. The Commission requests specific comment on the reliance on the offering circular as the principal selling document after the offering statement is filed.

Sales may not be made under regulation A until the offering statement is qualified. Regulation A currently prohibits sales until 10 business days after the filing of the offering statement with the Commission.[79] In practice, however, regulation A offerings are rarely commenced immediately upon the tenth business day after filing; issuers prefer to have the benefit of the staff's comments prior to proceeding with the offering. In recognition of industry practice, it is proposed that the timing of qualification of the offering statement be conformed to that in registered offerings.[80] Under this proposal, absent the use of a delaying procedure,[81] an offering statement would be deemed qualified 20 calendar days after being first filed with the Commission.[82]

Delivery of a preliminary or final offering circular at least 48 hours prior to the confirmation of sale would continue to be required. Offering circulars would continue to be subject to annual updating during the term of a continuous offering,[83] as well as revision whenever the information presented becomes false and misleading, material developments have occurred, or there has been a fundamental change in the information initially presented.[84]

Under the proposed procedures, periodic information regarding the course of the distribution, as well as information about the application of the proceeds from the offering, would continue to be filed with the Commission. Form 2–A, the form now used for that purpose, would be substantially revised to parallel the data sought in connection with registered offerings.[85] Comment is requested as to whether these filings are needed or should be discontinued.

Regulation A provides specific bases upon which the Commission may suspend any regulation A offering. It is not proposed that those provisions or the procedures for such suspension be revised.[86]

g. *Substantial and good faith compliance.* The Commission proposes to add a rule protecting those who substantially and in good faith comply with the terms, conditions and requirements of regulation A. Under this proposed rule, which is patterned after a similar provision in regulation D,[87] an issuer would not lose the exemption with respect to a particular investor if the issuer failed to comply with a requirement under regulation A, provided that the failure did not pertain to a provision of the rule directly intended to protect that person. The failure would violate a Commission rule. Thus, for example, failure to deliver the mandated offering circular to a single investor, would preclude reliance on the exemption for that particular sale, but would not, in and of itself, preclude reliance on the exemption for other offers and sales made in compliance with the regulation.

As proposed, the exemption would continue to be available if the issuer could show that the requirement was not intended to protect the particular investor, the violation was not material to the offering as a whole and the issuer had made a good faith attempt to comply with all of the requirements of regulation A. The rule would specify that the issuer qualification, as well as the requirements to file an offering statement and to stay within specified dollar limitations, are always material to the offering as a whole. Should the filing of the solicitation of indications of interest document be included as always material to the offering as a whole? If so, should the timing of that filing also be material to the offering as a whole? Similarly, should other requirements be included as always material?

C. Rule 504

The Commission is proposing to eliminate the current restrictions on the rule 504 exemption. As proposed, general solicitations would be permitted for all rule 504 offerings. Under this proposal, a public offering of up to $1 million in a 12-month period by a non-Exchange Act reporting company [88] would be subject only to the anti-fraud and other civil liability provisions of the federal securities laws. Further, securities sold under this provision would be available for immediate resale by non-affiliates of the issuer. The filing of a Form D with the Commission would continue to be required, but the availability of the exemption would continue to be not contingent on that filing.[89]

In light of the proposed revisions to rule 504, it appears that the special $100,000 exemption under regulation A,[90] which permits offerings of that size to be made without the use of an offering circular [91] would no longer be useful and thus would be eliminated. The Commission requests comment as to whether the $100,000 exemption would continue to have some utility and thus should be retained.

D. Proposed System of Integrated Registration and Reporting for Small Business Issuers

1. Introduction

The Commission today is proposing a comprehensive registration, reporting and qualification system for "small business issuers" under the Securities Act, Exchange Act and Trust Indenture Act. Based upon the Commission's successful experience with the simplified disclosure requirements of Form S–18, that form would be re-designated Form SB–1 and made available as the registration form upon which small business issuers may offer an unlimited amount of securities. The simplified disclosure requirements of Form SB–1 would be placed in proposed Regulation S–B and would serve as the disclosure requirements for small business issuers throughout the registration and reporting system. In addition, the Commission is proposing rules that would permit offerings of debt securities up to $10 million without full compliance with the Trust Indenture Act.

2. Definition of "Small Business Issuer"

The Commission proposes to define "small business issuer" based upon an issuer's revenues and the eligibility criteria for current Form S–18. Accordingly, a "small business issuer" would be an entity: (1) With revenues of less than $15,000,000 for its most recent fiscal year; (2) which is not a foreign private issuer or foreign government; (3) which is not an investment company; and (4) which is not a majority-owned subsidiary of a non- "small business issuer."

Comment is requested with regard to this proposed definition of "small business issuer." Is a revenue standard

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[77] A specific provision would be added with respect to the confidential treatment of certain information in the offering statement, which mirrors the approach used for both Securities Act registration statements and Exchange Act filings. Compare proposed rule 252(c) (17 CFR 230.252(c)) with Securities Act rule 406 (17 CFR 230.406) and Exchange Act rule 24b–2 (17 CFR 240.24b–2).

[78] See proposed rule 255 (17 CFR 230.255).

[79] See current rule 255 (17 CFR 230.255).

[80] Technical requirements relating to the procedure which will be followed in the case of a withdrawal or the abandonment of a regulation A offering statement would be specified and generally adopt the same approach and procedures which are used with respect to registration statements filed under the Securities Act. See rules 477 and 479 (17 CFR 230.477 and 479) under the Securities Act.

[81] This delaying procedure would operate in the same manner as the delaying amendment procedure for registered offerings. See section 8(a) of the Securities Act (15 U.S.C. 77h(a)) and rule 473 under the Securities Act (17 CFR 230.473).

[82] Interim amendments to the offering statement would restart the 20 calendar day period.

[83] The Commission is proposing to revise rule 263 (17 CFR 230.263), the exemption's current provision regarding continuous offerings. See proposed rule 251(d)(3) (17 CFR 230.251(d)(3)). Under the revised provision, those continuous or delayed offerings permitted by rule 415 could be made under regulation A.

[84] See proposed rule 253(e)(1) (17 CFR 230.253(e)(2)).

[85] See rule 463 (17 CFR 230.463) and Form SR (17 CFR 239.61). Several of the post-commencement provisions in regulation A, such as the filing of additional sales materials used and the filing of Form 2–A, have caused concern that failure of compliance with these rules alone would cause the loss of the regulation A exemption. These rules would be amended to clearly show that such failure of compliance would not necessarily cause the exemption to be lost (*see* section II.B.2.g., *infra*); however such failures would continue to be grounds for suspending the exemption.

[86] Current rule 261 (17 CFR 230.261) permits a temporary suspension, which after notice and opportunity to be heard may be made permanent. The grounds for suspension include unavailability of the exemption, provision of false and misleading information, violation of section 17 of the Securities Act, proceedings which could lead to application of the disqualification provisions and failure to cooperate or obstructing a Commission investigation of the offering.

[87] See rule 508 (17 CFR 230.508).

[88] Rule 504 is not available to investment companies.

[89] See Securities Act rules 504(b)(1), 505(a)(1) and 506(a)(1) (17 CFR 230.504(b)(1), 505(a)(1), and 506(a)(1)).

[90] In the past three years, only 6 of the 177 regulation A filings made with the Commission were pursuant to the terms of rule 257.

[91] Current rule 257 is not available for issues of assessable stock or by those within the descriptions of rule 253(a), i.e., an entity incorporated or organized within one year prior to filing without a net income from operations, or if a longer existence but no net income from operations in at least one of the prior two fiscal years.

appropriate and, if so, should the dollar level be placed at a higher level, such as $20–25 million, or a lower level, such as $5–10 million?

Comment is requested as to whether another measure, such as assets or market capitalization, should be used to define "small business issuers." Comment is also requested as to whether a test based on assets would discriminate against capital intensive companies.

Commenters favoring an asset or market capitalization test should indicate what dollar level, such as $5 million, $10 million, $15 million, $20 million, or $25 million, would be appropriate. Commenters should consider the following table, which provides information with regard to the revenues, assets and market capitalization of Exchange Act reporting companies: [92]

Market capitalization	No. (percentage) of public companies
Public Companies—Classified by Market Capitalization	
Less than $5 million	3,003 (38%)
Less than $10 million	3,909 (49%)
Less than $15 million	4,393 (55%)
Less than $20 million	4,756 (60%)
Less than $25 million	5,017 (63%)
Public Companies—Classified by Assets	
Assets	No. (percentage) of public companies
Less than $5 million	2,325 (25%)
Less than $10 million	2,961 (32%)
Less than $15 million	3,326 (36%)
Less than $20 million	3,612 (39%)
Less than $25 million	3,769 (41%)
Public Companies—Classified by Revenues	
Revenues	No. (percentage) of public companies
Less than $5 million	1,845 (22%)
Less than $10 million	2,494 (29%)
Less than $15 million	2,937 (35%)
Less than $20 million	3,287 (39%)
Less than $25 million	3,562 (42%)

3. Registration Requirements of the Securities Act

The Commission has over ten years of experience with the simplified disclosure requirements of Form S–18.[93] Since its adoption in 1979 on an experimental basis,[94] small issuers have registered more than $25 billion of securities on more than 6,000 Form S–18 registration statements. By replacing Form S–18 with Form SB–1, which has no size limitations on its use, and further simplifying the disclosure requirements, the Commission intends to extend the benefits of streamlined disclosure requirements to additional small businesses seeking to tap the public capital markets.

a. *Form SB–1 eligibility requirements.* Under the proposals, Form SB–1 could be used by any "small business issuer" to offer an unlimited dollar amount of securities for cash.[95] Form SB–1 would have no dollar limit for primary offerings. In recognition of the fact that resales of securities may increase the investment liquidity for insiders, affiliates, and public stockholders, and thereby release funds for reinvestment in new small businesses, secondary offerings of small business securities similarly would be subject to no dollar limit.

Form SB–1 would be limited to small business issuers. Thus, a company that exceeds the size specified for a small business issuer that previously would have been able to use Form S–18 for an initial public offering of up to $7.5 million will not be eligible to use Form SB–1.

Comment is requested regarding the proposed absence of a dollar limit. Commenters favoring the retention of a dollar limit for primary offerings should address what dollar amount, such as $10–25 million annually, would be appropriate. Comment also is requested as to whether Form SB–1 should be available for all initial public offerings. Similarly, should secondary offerings on Form SB–1 be restricted and, if so, should the dollar amount be different from any limitation applicable to a primary offering?

Canadian issuers would not be eligible to use proposed Form SB–1.[96] Given the significant steps taken by the Commission to facilitate offerings in the United States by all foreign private issuers, and particularly Canadian issuers, since the adoption of Form S–18,[97] the availability of proposed Form SB–1 appears unnecessary.

Issuers making initial public offerings on Form SB–1 would have the option of filing the registration statement with the Commission's regional office or at the Commission's headquarters in Washington, DC.[98] All subsequent filings by small business issuers would be made at the Commission's headquarters.

4. Registration and Reporting under the Exchange Act

a. *Background of proposals.* Building on Form SB–1, the Commission proposes to fully integrate the disclosures required of small business issuers under the Securities Act and Exchange Act. The disclosure requirements of Form SB–1, based on Form S–18, are proposed to be incorporated into the Exchange Act disclosure requirements applicable to these small business issuers.

A new series of forms for registration and periodic reporting by small business issuers is proposed,[99] as well as amendment of the annual report and proxy requirements of Exchange Act companies.[100] The proposed series of forms and amendments to existing Exchange Act forms and rules (collectively the "SB series") will integrate the Securities Act and the Exchange Act disclosure requirements for small business issuers.

As proposed, the disclosure requirements of the SB series of forms would consist of references to proposed regulation S–B, which tracks in simple and understandable language the requirements of Form S–18 and regulation S–K. While the proposed forms would be available only to small business issuers, the use of those forms would be optional for those companies.

b. *Financial information required by regulation S–B.* Consistent with current Form S–18, the financial statement requirements of regulation S–B would be based solely on GAAP for the determination of form and content to be provided. Regulation S–B will not require conformity with Commission regulation S–X, which governs the form and content of financial statements, except for the requirements relating to the qualification of accountants and audit reports and certain requirements related to oil and gas operations.[101]

The periods for which audited fiscal year financial statements are proposed to be required are consistent with the current requirements of Form S–18. Thus, an audited balance sheet for the latest fiscal year and audited statements of income, cash flows and changes in stockholders' equity for each of the latest two fiscal years would be required.

Where interim financial statements would be required, the periods for which such statements would be necessary would track the current requirements of Form 10–Q—a balance sheet as of the end of the latest fiscal quarter, statements of income and cash flows for the interim period since the end of the latest fiscal year as well as the comparable period of the preceding fiscal year, and statements of income for the latest interim quarter and the comparable period of the preceding fiscal year.

The financial statement requirements of regulation S–B will include requirements applicable to:

(1) Historical and pro forma financial statements for significant acquired businesses including real estate operations;

(2) The maximum age of financial statements at the expected effective date; and

(3) Limited partnerships.[102]

c. *Narrative disclosure in SB series of forms.* The proposed narrative disclosure requirements for small business issuers in regulation S–B will be applicable to all registration and reporting obligations of small business issuers. The simplified format of regulation S–B is intended to present the disclosure requirements in a "plain English" format. More easily understandable disclosure requirements should reduce the costs of compliance with those requirements.

The disclosure requirements in regulation S–B are based on regulation S–K. However, where such requirements were simplified or not required by Form S–18, proposed regulation S–B tracks Form S–18. For example, like Form S–18, proposed regulation S–B does not require a disclosure equivalent to Item 301 (selected financial data) or Item 302 (supplementary financial information) of regulation S–K.[103] The exhibits which are not applicable to small business issuers have been deleted from regulation S–B.[104] Executive compensation disclosure is based upon Form S–18,[105] rather than Item 402 of regulation S–K.[106] The description of business, including the industry segment disclosure standard, is derived from Form S–18, rather than Item 101 of regulation S–K. Finally, the financial statement requirements for "small business issuers" are contained in proposed Item 310 of regulation S–B.[107]

Of particular note, for both registration statements on proposed Form SB–1 and in regulation S–B, is proposed Item 303. Currently, Form S–18, anticipating its use principally by startup and developing companies, requires business plan disclosure and does not include the Management's Discussion and Analysis required currently of all issuers reporting under the Exchange Act. Proposed regulation S–B would require business plan disclosure comparable to that in Form S–18 for small business issuers that have not had operating revenues in each of their last three fiscal years; where such operating revenues exist, however, MD&A disclosure requirements will apply in place of the business plan disclosures. This would be the case for both Securities Act registration on Form SB–1 and Exchange Act reporting purposes.

The Commission staff applies the disclosure requirements of Item 17A of Form S–18 to all Securities Act and Exchange Act filings of mining companies. As this disclosure requirement applies generally, it is proposed that the mining disclosure requirements be placed in new Industry Guide 7,[108] rather than regulation S–B.

With respect to issuers primarily involved in real estate, Form SB–1 would include a cross-reference to the disclosure required by Item 13 (Investment Policies of Registrant), Item 14 (Description of Real Estate) and Item 15 (Operating Data) of Form S–11.[109] This cross-reference is necessary in light of the specialized disclosure requirements for real estate companies. Comment is requested as to the appropriateness of this cross-reference.

Comment is requested as to the appropriateness of proposed regulation S–B. Commenters should address whether each of the distinctions between Form S–18 and regulation S–K disclosures should be carried forward in regulation S–B.

d. *Operation of SB reporting system.* As proposed, the Exchange Act SB series of forms would be optional for small business issuers. The election to use the SB series of forms would be made in the annual report filed by the issuer.[110] If an issuer selected the SB disclosure format, it would use the SB forms until its next annual report under section 13(a).

At the time an issuer that was using the SB format filed its next annual report, it would be faced with three possibilities. First, the issuer might no longer fall within the definition of small business issuer. In this instance, the annual report would be filed on Form 10–K and the issuer would be required to use the traditional disclosure format throughout that fiscal year.

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[92] Data is provided for those companies for which it was readily available—market capitalization, 7,952; assets, 9,157; and revenues, 8,456.

[93] See Release No. 33–6049 (April 3, 1979). Form S–18 does not require disclosure of the following items that would be required to be disclosed if a company were using Form S–1: (1) Ratio of earnings to fixed charges; (2) foreign and domestic financial information and export sales; (3) selected financial information; (4) supplementary quarterly financial information; and (5) management's discussion and analysis. In addition, Form S–18 requires only 2 years certified financial statements, while Form S–1 requires 3 years.

[94] As Form S–18 was an experimental form, the Commission limited the issuers that were eligible to use the Form as well as the amount of securities that could be registered. As adopted, Form S–18 was not available for limited partnerships, mining companies, oil and gas companies, non-Canadian foreign private issuers, investment companies, Exchange Act exempt insurance companies and any majority owned subsidiary of the foregoing, and was limited to the registration of $5 million in securities (later raised to $7.5 million). The Commission nevertheless undertook to monitor Form S–18 and to revisit those limitations if it proved beneficial to small issuers in raising capital.

[95] This proposal is consistent with and responds to the recommendations of small businesses to the Commission. See, *e.g.*, Recommendation of the SEC Government-Business Forum on Small Business Capital Formation, Final Report p. 4 (1982); Release No. 33–6471 (July 6, 1983).

[96] Canadian issuers are currently eligible to use Form S–18. See Instruction I.A.(1) to Form S–18.

[97] For example, the adoption of the Multijurisdictional Disclosure System, Form F–1, Form 20–F and Form 40–F.

[98] Post-effective amendments to initial public offerings on Form S–B would be filed in the Commission office which accepted the initial registration statement.

[99] The Commission is proposing Form 10–SB as an Exchange Act registration statement form for small business issuers. It also is proposing Form 10–KSB as an annual report form and Form 10–QSB as a quarterly report form for small business issuers. An instruction to Item 7 of Form 8–K, relating to small business acquisitions, is also proposed.

[100] The Commission is proposing the inclusion of "small business issuer" instructions to Schedules 14A and 14C, as well as rule 14a–3.

[101] Rule 4–10 of regulation S–X (17 CFR 210.4–10) sets forth the Commission's "full cost ceiling" requirement which limits the capitalized carrying cost of oil and gas properties. Rule 4–10(j) requires application of the deferred method of income tax accounting and rule 4–10(k) requires extensive disclosures. Accounting standards issued by FASB permit the liability method of income tax accounting and require disclosures, which are substantially the same as those in 410–(k). The Commission has proposed amendments to rule 4–10, which would conform the rule to the recently issued tax accounting standards and would eliminate duplicative requirements. Pending final rule adoption, registrants are permitted to apply rule 4–10 in a manner which conforms with promulgated accounting standards.

[102] A financial statement requirement in current Form S–18, which relates to accounting for internally developed software costs, is not being carried forward since it has been superseded by promulgated accounting standards which address that issue. The Commission proposes to delete the obsolete item.

[103] 17 CFR 229.301 and 229.302.

[104] The proposal would delete the exhibits required by Item 601(b) (6), (12), (20) and (23) of regulation S–K (17 CFR 229.601(b) (6), (12), (20) and (23)).

[105] See Items 16 and 20 of Form S–18.

[106] 17 CFR 229.402. The Commission expects to publish proposed changes to the executive compensation disclosure requirements as part of a separate rulemaking initiative.

[107] 17 CFR 228.310.

[108] See proposed Items 601(g) and 602(g) of regulation S–K (17 CFR 229.601(g) and 602(g)).

[109] 17 CFR 239.18.

[110] It is proposed that the cover page of Form 10–KSB require disclosure of the issuer's revenues for its most recent fiscal year. This disclosure would provide the basis for determining an issuer's eligibility for the SB series of forms.

Second, a company might continue to be a small business issuer but elect to use the traditional disclosure format for its Exchange Act periodic reports. The issuer would evidence this election by filing its annual report on Form 10–K and would then be subject to the traditional disclosure format until its next annual report.

Third, a company might continue to be a small business issuer and elect to continue to use the SB disclosure format. This election would be evidenced by filing a Form 10–KSB.

Comment is requested regarding the procedure by which small business issuers may enter and exit the SB Exchange Act reporting system.

e. *Use of forms S–2, S–3, S–4 and S–8 by small business issuers.* The Commission is proposing amendments to the disclosure requirements of Forms S–2, S–3 and S–8 to enable small business issuers to take advantage of these disclosure formats. Under the proposed amendments, "small business issuers" would be permitted to register securities on Forms S–2, S–3 and S–8 if they otherwise met the requirements for use of those forms.[111] Accordingly, small business issuers would use their simplified Exchange Act reports to satisfy the eligibility requirements of Forms S–2 and S–3 relating to Exchange Act reporting by the issuer.[112] The narrative and financial disclosure requirements of Forms S–2, S–3 and S–8 would be satisfied through disclosure complying with regulation S–B.

Business combination transactions are not uncommon in the growth of small businesses. As proposed, Form S–4, the Securities Act registration form for business combinations, would be amended to permit its use by small business issuers through satisfaction of the regulation S–B requirements.[113] The proposed disclosure provisions of Form S–4 would be available to Form S–2 eligible small business issuers which are registering securities or are being acquired in the business combination transaction.

f. *Form 8–K revisions.* To complete the "SB" series of forms, the instructions to Item 7 of Form 8–K, which includes a requirement to file historical and pro forma financial statements for significant business acquisitions, would be amended. Item 7 refers to Regulation S–X for the determination of the periods for which the financial statements are required. A parallel instruction is included in Form SB–1 but the criteria for significance and the periods for which financial statements are required differs from regulation S–X. The proposed amendments would incorporate an instruction in Form 8–K cross referencing financial statement requirements in regulation S–B which tracks the standard of significance which is found in Form SB–1, and derived from Form S–18.

E. Amendments to Rules Under Trust Indenture Act.

Under the current Trust Indenture Act rules, issuers may offer annually up to $2 million worth of debt securities without an indenture. Issuers offering between $2 million and $5 million of debt securities in a 36-month period are required to issue such securities pursuant to an indenture, but that indenture need not be qualified under the Act. The indenture qualification provisions of the Act must be satisfied for offerings of more than $5 million of debt securities. This graduated application of the Act recognizes the relatively greater Trust Indenture Act compliance costs associated with offering smaller amounts of debt securities, particularly the cost of retaining an independent trustee through the maturity of the debt securities.

The Commission is proposing to amend the rules under the Trust Indenture Act to parallel its proposed limited offering exemptive scheme. Under the Securities Act exemptive proposals issued today, an issuer would be entitled to raise $5 million in a regulation A offering, as well as an additional $5 million under rules 504 and 505.

Rule 4a–1 under the Trust Indenture Act is proposed to be amended to increase to $5 million the aggregate principal amount of securities that could be issued without an indenture.[114] This proposal thus would permit, for example, the issuance of up to $5 million in securities pursuant to rules 504 and 505.

Using its authority under section 304(d) of the Trust Indenture Act, the Commission is proposing new rule 4a–2 that would exempt from compliance with the Trust Indenture Act any offering of debt securities exempt from registration pursuant to regulation A.[115] In this regard, the Commission is proposing the exemption from the Trust Indenture Act in order to facilitate the operation of the revised scheme for the offering of securities under regulation A. Application of the Trust Indenture Act could unnecessarily complicate the offering of securities under regulation A and would place an unneeded burden on small issuers attempting to take advantage of the revised regulation. In addition, the Commission reviews the offering statements used in connection with the issuance of securities under regulation A. Investor protection does not call for compliance with the requirements of the Trust Indenture Act in these limited offerings.

Finally, current rule 4a–2 under the Trust Indenture Act is proposed to be redesignated as rule 4a–3 and amended to increase to $10 million the aggregate principal amount of debt securities that may be issued under an indenture which need not be qualified.[116] Issuers making

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[111] The proposed inclusion of a "small business issuer" disclosure item in Form S–3 is intended to recognize the potential use of that Form by "small business issuers" for offerings which do not require the non-affiliate public float specified in General Instruction B.1. to Form S–3.

[112] All other eligibility requirements for the use Form S–2 and Form S–3 are not proposed to be revised.

[113] As proposed, Form SB–1 would be available only in "for cash" offerings of securities. Accordingly, "small business issuers" wishing to enter business combination transactions which involve the offer and sale of securities would continue to be required to register those transactions on Form S–4 or Form S–1. Small business issuers engaged in roll-up transactions on Form S–4 would also furnish the disclosure required by Item 901 *et seq.* of regulation S–K. See, Securities Act Release No. 33–6922, n.15 (October 30, 1991). Furthermore, small business issuers using Form S–1 would be subject to the disclosure requirements of Regulation S–K.

[114] See rule 4a–1 (17 CFR 260.4a–1) promulgated under section 304(a)(8) of the Trust Indenture Act. Section 304(a)(8) exempts from the provisions of the Trust Indenture Act any security issued otherwise than under an indenture. This exemption is limited within a twelve month period to the amount of securities stated in section 3(b) of the Securities Act, or such lesser amount as the Commission shall establish by rule. Section 3(b) of the Securities Act, as noted previously in this release, states that its provisions shall apply to the offering of securities of no more than $5,000,000. Rule 4a–1 currently limits the section 304(a)(8) exemption to $2,000,000.

[115] Section 304(d) of the Trust Indenture Act permits the Commission to adopt rules to exempt securities or transactions from the provisions of the Act to the extent that "such exemption is necessary or appropriate in the public interest and consistent with the protection of investors * * *."

[116] See Rule 4a–2 (17 CFR 260.4a–2) promulgated under section 304(a)(9) of the Trust Indenture Act. The rights of the holders of the securities issued would be evidenced by the instrument sold to the holder and contract (indenture) under which that instrument was issued. Where debt securities are proposed to be issued without qualification of an indenture in reliance upon section 304(a)(9) of the Trust Indenture Act, the staff of the Division of Corporation Finance takes the following interpretive position: "Among the provisions which we believe should be included in the indenture are the usual covenants, events of default, and the procedures by which the collective rights of security holders may be enforced. Although it is possible that a provision for the enforcement of collective rights might be effected without providing an indenture trustee, as a practical matter such collective rights are best enforced by a trustee who is accorded specific powers for this purpose. Such trustee need not meet the qualification and conflict requirements of

Continued

a registered offering of debt securities that will be issued under such an indenture should file the indenture as an exhibit to the Securities Act registration statement.[117]

Comment is requested as to whether the proposed exemptions from compliance with the Trust Indenture Act should extend to all issuers of debt securities or should be limited to "small business issuers." Comment also is requested as to whether, instead of increasing the current exemptive dollar limits to those set by the statute, the current limits should be retained, or lesser dollar limits should be set. Will the proposed increase for debt securities issued under an unqualified indenture from $5 million to $10 million be helpful to issuers? Should the Commission require that such an indenture meet minimal standards? For example, should the Commission formalize the requirement that an indenture meet certain requirements under the Act, such as provisions for enforcement of collective rights of security holders, events of default and an independent trustee for the benefit of security holders? On the other hand, given the newly self-executing nature of the Trust Indenture Act,[118] is it unduly burdensome to require qualification of the indenture?

F. General Request for Comment

Any interested person wishing to submit written comments on the proposed rules and forms amendments or suggest additional changes or comments on other matters that might have an impact on the proposals set forth in this release are invited to do so by submitting them in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment is requested on the impact of the proposals from the point of view of the public, as well as the entities or persons making filings with the Commission. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 19(a) of the Securities Act.[119] The Commission further requests comment on any competitive burdens that may result from adoption of the proposals. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under section 23(a) of the Exchange Act.[120] Comment letters should refer to File No. S7–4–92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

G. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed revisions.

The analysis notes that regulation A is proposed to be amended, in order to aid small businesses in connection with their needs to raise capital. It would accomplish this goal by making the exemption more useful and complementary to exemptions as well as registration alternatives currently offered under the Securities Act. Changes to the Trust Indenture Act rules would help to carry out this intent.

The analysis also notes that small businesses seeking to register their securities and become reporting issuers will benefit from the proposed simplified Form SB–1 and the Exchange Act reporting forms based on regulation S–B.

A copy of the Initial Regulatory Flexibility Analysis may be obtained from Amy S. Bowerman, Division of Corporation Finance, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

H. Cost-Benefit Analysis

As an aid in the evaluation of the costs and benefits of these proposals, the Commission requests the views and other supporting information from the public. It appears to the Commission that the proposals if adopted would work significant cost savings for issuers without compromising investor protection.

III. Statutory Basis, Text of Proposals and Authority

The amendments to the Commission's rules and forms are being proposed pursuant to sections 3(b), 6, 7, 8, 10, and 19(a) of the Securities Act, sections 12, 13, 15(d) and 23(a) of the Exchange Act, and sections 304(a)(8), 304(a)(9) and 304(d) of the Trust Indenture Act.

Section 310 of the 1939 Act." Division of Corporation Finance interpretive letter to Allied-Carson Corporation (February 12, 1976).

[117] The indenture, which is an "[i]nstrument[] affecting the rights of security holders," is required to be filed as an exhibit to the registration statement by Item 601(b)(4) of regulation S–K (17 CFR 229.601(b)(4)).

[118] Under the Trust Indenture Reform Act of 1990, the duties previously imposed by contract now also are imposed by statutory command. Section 318 of the Trust Indenture Act, 15 U.S.C. 77sss.

[119] 15 U.S.C. 77s(a).

[120] 15 U.S.C. 78w(a).

List of Subjects

17 CFR Parts 210, 228, 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

17 CFR Parts 260

Trusts and trustees.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 228 is added to read as follows:

PART 228—SMALL BUSINESS DISCLOSURE REQUIREMENTS

Subpart A—Regulation S–B

Sec.

228.10 (Item 10) General.
228.101 (Item 101) Description of business.
228.102 (Item 102) Description of property.
228.103 (Item 103) Legal proceedings.
228.201 (Item 201) Market for common stock and related stockholder matters.
228.202 (Item 202) Description of securities.
228.303 (Item 303) Management's discussion and analysis or plan of operation.
228.304 (Item 304) Changes in and disagreements with accountants on accounting and financial disclosure.
228.310 (Item 310) Financial statements.
228.401 (Item 401) Directors, Executive Officers, promoters and control persons.
228.402 (Item 402) Executive compensation.
228.403 (Item 403) Security ownership of certain beneficial owners and management.
228.404 (Item 404) Certain relationships and related transactions.
228.405 (Item 405) Compliance with section 16(a) of the Exchange Act.
228.501 (Item 501) Front of registration statement and outside front cover of prospectus.
228.502 (Item 502) Inside front and outside back cover pages of prospectus.
228.503 (Item 503) Summary information and risk factors.
228.504 (Item 504) Use of proceeds.
228.505 (Item 505) Determination of offering price.
228.506 (Item 506) Dilution.
228.507 (Item 507) Selling security holders.
228.508 (Item 508) Plan of distribution.
228.509 (Item 509) Interest of named experts and counsel.
228.510 (Item 510) Disclosure of Commission position on indemnification for Securities Act liabilities.
228.511 (Item 511) Other expenses of issuance and distribution.
228.512 (Item 512) Undertakings.
228.601 (Item 601) Exhibits.
228.701 (Item 701) Recent sales of unregistered securities.
228.702 (Item 702) Indemnification of directors and officers.

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa[25], 77aa[26], 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78l, 78m,

78n, 78o, 78w, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

§ 228.10 (Item 10) General.

(a) *Application of regulation S–B.* Regulation S–B is the source of disclosure requirements for filings under the Securities Act of 1933 (the "Securities Act") and the Securities Exchange Act of 1934 (the "Exchange Act"). Filings must also conform to the General Rules and Regulations under the Securities Act and the Exchange Act (parts 230 and 240 of this chapter), and the forms under these Acts (parts 239 and 249 of this chapter).

(b) To use regulation S–B, a company must be a "small business issuer." A small business issuer is a company that meets all of the following criteria:

(1) Had revenues of less than $15,000,000 during its last fiscal year;

(2) Is not a foreign private issuer or a foreign government;

(3) Is not an investment company; and

(4) Is not a wholly owned subsidiary of a non-small business issuer.

(c) *Definitions of terms.*—(1) *Capital stock* means common stock and preferred stock or other equity interest in the small business issuer.

(2) *Common stock* means the small business issuer's common equity. If the small business issuer is a limited partnership, the term means the equity interests in the partnership.

(3) *Market value* means the trading price for the securities if there is a public market. If there is no public market (sporadic trades do not constitute a public market) then market value means the public offering price for the securities.

(4) *Reporting company* means a company that is obligated to file periodic reports with the Securities and Exchange Commission under section 15(d) or 13(a) of the Exchange Act.

(5) *Small business issuer* refers to the issuer and all of its subsidiaries. Financial statements of the small business issuer must be presented on a consolidated basis.

(d) *Preparing the disclosure document.* (1) The purpose of a disclosure document is to inform investors. Hence, information should be presented in a clear, concise and understandable fashion. Avoid details, repetition or the use of technical language. The responses to the items of this regulation should always be brief and to the point. Small business issuers should disclose only material information.

(2) Small business issuers should consult the General Rules and Regulations under the Securities Act and Exchange Act for requirements concerning the preparation and filing of documents. Small business issuers should be aware that there are special rules concerning such matters as the kind and size of paper that is allowed and how filings should be bound. These special rules are located in regulation C of the Securities Act (17 CFR 230.400 *et seq.*) and in regulation 12B of the Exchange Act (17 CFR 240.12b–1 *et seq.*) and apply to all disclosure documents.

(e) *Commission policy on projections.* The Commission encourages the use of management's projections of future economic performance that have a reasonable basis and are presented in an appropriate format. The guidelines below set forth the Commission's views on important factors to be considered in preparing and disclosing such projections.

(1) *Basis for projections.* Management has the option to present in Commission filings its good faith assessment of a small business issuer's future performance. Management, however, must have a reasonable basis for such an assessment. An outside review of management's projections may furnish additional support in this regard. If management decides to include a report of such a review in a Commission filing, it should also disclose the qualifications of the reviewer, the extent of the review, the relationship between the reviewer and the registrant, and other material factors concerning the process by which any outside review was sought or obtained. Moreover, in the case of a registration statement under the Securities Act, the reviewer would be deemed an expert and an appropriate consent must be filed with the registration statement.

(2) *Format for projections.* Traditionally, projections have been given for three financial items generally considered to be of primary importance to investors (revenues, net income (loss) and earnings (loss) per share), projection information need not necessarily be limited to these three items. However, management should take care to assure that the choice of items projected is not susceptible of misleading inferences through selective projection of only favorable items. It generally would be misleading to present sales or revenue projections without one of the foregoing measures of income. The period that appropriately may be covered by a projection depends to a large extent on the particular circumstances of the company involved. For certain companies in certain industries, a projection covering a two or three year period may be entirely reasonable. Other companies may not have a reasonable basis for projections beyond the current year.

(3) *Investor understanding.* Disclosures accompanying the projections should facilitate investor understanding of the basis for and limitations of projections. The Commission believes that investor understanding would be enhanced by disclosure of the assumptions which in management's opinion are most significant to the projections or are the key factors upon which the financial results of the enterprise depend and encourages disclosure of assumptions in a manner that will provide a frame-work for analysis of the projection. Management also should consider whether disclosure of the accuracy or inaccuracy of previous projections would provide investors with important insights into the limitations of projections.

(f) *Commission policy on security ratings.* In view of the importance of security ratings ("ratings") to investors and the marketplace, the Commission permits small business issuers to disclose ratings assigned by rating organizations to classes of debt securities, convertible debt securities and preferred stock in registration statements and periodic reports. In addition, the Commission permits, disclosure of ratings assigned by any nationally recognized statistical rating organizations ("NRSROs") in certain communications deemed not to be a prospectus ("tombstone advertisements"). Below are the Commission's views on important matters to be considered in disclosing security ratings.

(1)(i) If a small business issuer includes in a filing any rating(s) assigned to a class of securities, it should consider including any other rating assigned by a different NRSRO that is materially different. A statement that a security rating is not a recommendation to buy, sell or hold securities and that it may be subject to revision or withdrawal at any time by the assigning rating organization should also be included.

(ii)(A) If the rating is included in a filing under the Securities Act, the written consent of any rating organization that is not a NRSRO whose rating is included should be filed. The consent of any NRSRO is not required. (See rule 436(g) under the Securities Act (§ 230.436(g) of this chapter.)

(B) If a change in a rating already included is available before effectiveness of the registration statement, the small business issuer should consider including such rating

change in the prospectus. If the rating change is material, consideration should be given to recirculating the preliminary prospectus.

(C) If a materially different additional NRSRO rating or a material change in a rating already included becomes available during any period in which offers or sales are being made, the small business issuer should consider disclosing this information in a sticker to the prospectus.

(iii) If there is a material change in the rating(s) assigned by any NRSRO(s) to any outstanding class(es) of securities of a reporting company, the registrant should consider filing a report on Form 8–K (§ 249.308 of this chapter) or other appropriate report under the Exchange Act disclosing such rating change.

§ 228.101 (Item 101) Description of business.

(a) *Business development.* Describe the development of the small business issuer during the last five years. If the small business issuer has not been in business for five years, give the same information for predecessor(s) of the small business issuer if there are any. This business development description should include:

(1) Form and year of organization;

(2) Any bankruptcy, receivership or similar proceeding;

(3) Any material reclassification, merger, consolidation, or purchase or sale of a significant amount of assets not in the ordinary course of business; and

(4) Number of total employees and number of full time employees.

(b) *Business of issuer.* Briefly describe the business and include, to the extent material to an understanding of the issuer:

(1) Principal products or services and their markets;

(2) Distribution methods of the products or services;

(3) Status of any publicly announced new product or service;

(4) Competitive business conditions and the small business issuer's competitive position in the industry and methods of competition;

(5) Sources and availability of raw materials and the names of principal suppliers;

(6) Name of any customer(s), the loss of whom would have a material adverse effect upon the business, and the importance of the named customer(s) to the small business issuer's business (for example, percentage of total sales);

(7) Patents, trademarks, licenses, franchises, concessions, royalty agreements or labor contracts, including duration;

(8) Need for any government approval of principal products or services. If government approval is necessary and the small business issuer has not yet received that approval, discuss the status of the approval within the government approval process;

(9) Effect of existing or probable governmental regulations on the business;

(10) Dollar amount of firm backlog orders, as of a recent date and as of a comparable date in the preceding fiscal year;

(11) Estimate of the amount spent during each of the last two fiscal years on sponsored research activities for the development of new products or services or the improvement of existing products or service; and

(12) Costs and effects of compliance with environmental laws (federal, State and local).

§ 228.102 (Item 102) Description of property.

(a) Give the location of the principal plants and other property of the small business issuer and describe the condition of the property. If the small business issuer does not have complete ownership of the property, for example, others also own the property or there is a mortgage or lien on the property, describe the limitations on the ownership.

Instructions to Item 102

1. Small business issuers engaged in significant mining operations also should provide the information in Guide 7 (§ 229.801(g) and § 229.802(g) of this chapter).

2. Small business issuers engaged in oil and gas producing activities also should provide the information in Guide 2 (§ 229.801(b) and § 229.802(b) of this chapter).

3. Small business issuers engaged in real estate activities should provide the information in Guide 5 (§ 229.801(e) of this chapter) and Items 13, 14 and 15 of Form S–11 (§ 239.18 of this chapter).

§ 228.103 (Item 103) Legal proceedings.

(a) If a small business issuer is a party to any pending legal proceeding (or its property is the subject of a pending legal proceeding), give the following information (no information is necessary as to routine litigation that is incidental to the business):

(1) Name of court or agency where proceeding is pending;

(2) Date proceeding began;

(3) Principal parties;

(4) Description of facts underlying the proceedings; and

(5) Relief sought. If damages also include amount.

(b) Include the information called for by paragraphs (a) (1) through (5) of this item for any proceeding that a governmental authority is contemplating (if the small business issuer is aware of the proceeding).

Instructions to Item 103

1. A proceeding that primarily involves a claim for damages does not need to be described if the amount involved, exclusive of interest and costs, does not exceed 10% of the current assets of the small business issuer. If any proceeding presents the same legal and factual issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. The following types of proceedings are not "routine litigation incidental to the business" and, notwithstanding instruction 1 of this Item, must be described: Bankruptcy, receivership, or similar proceeding.

3. Any proceeding that involves Federal, State or local environmental laws must be described if it is material; involves a damages claim for more than 10% of the current assets of the issuer; or potentially involves more than $100,000 in sanctions and a governmental authority is a party.

4. Any material proceeding to which any director, officer or affiliate of the issuer, any owner of record or beneficially of more than 5% of any class of voting securities of the small business issuer, or security holder is a party adverse to the small business issuer or has a material interest adverse to the small business issuer.

§ 228.201 (Item 201) Market for common stock and related stockholder matters.

(a) *Market information.* Identify the principal market or markets where the small business issuer's common stock is traded. If there is no public trading market, so state. Limited or sporadic quotations are not considered a "public trading market."

(1) If the principal market for the small business issuer's common stock is an exchange, give the high and low sales prices for each quarter within the last two fiscal years and to date in the current year.

(2) If the principal market is not an exchange, give the range of high and low bid information for the small business issuer's common stock for each quarter within the last two fiscal years and to date in the current year. Show the source of the high and low bid information. If over-the-counter market quotations are provided, also state that the quotations reflect inter-dealer prices, without retail mark-up, mark-down or commission and may not represent actual transactions.

(b) *Holders.* Give the approximate number of holders of each class of common stock.

(c) *Dividends.* (1) Discuss any cash dividends declared on each class of

common stock for the last two fiscal years and to date in the current year.

(2) Describe any restrictions that limit the ability to pay dividends on common stock or that are likely to do so in the future.

§ 228.202 (Item 202) Description of securities.

(a) *Common or preferred stock.* (1) If the small business issuer is offering common stock, describe any dividend, voting and preemption rights.

(2) If the small business issuer is offering preferred stock, describe the dividend, voting, conversion and liquidation rights as well as redemption or sinking fund provisions.

(3) Describe any other material rights of common or preferred stockholders.

(4) Describe any provision in the charter or by-laws that would delay, defer or prevent a change in control of the small business issuer.

(b) *Debt securities.* (1) If the small business issuer is offering debt securities, describe the maturity date, interest rate, conversion or redemption features and sinking fund requirements.

(2) Describe all other provisions giving or limiting the rights of debtholders. For example, describe subordination provisions, limitations on the declaration of dividends, restrictions on the issuance of additional debt, maintenance of asset ratios, etc.

(3) Give the name of any trustee(s) designated by the indenture and describe the circumstances under which the trustee must act on behalf of the debtholders.

(4) Discuss the tax effects of any securities offered at an "original issue discount."

(c) *Other securities to be registered.* If the small business issuer is registering other securities, provide similar information concerning the material provisions of those securities.

§ 228.303 (Item 303) Management's discussion and analysis or plan of operation.

Small business issuers that have not had revenues in each of the last three fiscal years shall provide the information in paragraph (a) of this Item. All other issuers shall provide the information in paragraph (b) of this Item.

(a) *Plan of operation.* (1) Describe the small business issuer's plan of operation for the next twelve months. This description should include such matters as:

(i) A discussion of how long the small business issuer can satisfy its cash requirements and whether it will have to raise additional funds in the next twelve months;

(ii) A summary of product research and development that the small business issuer will perform for the term of the plan;

(iii) Any expected purchase or sale of plant and significant equipment; and

(iv) Any expected significant changes in the number of employees.

(b) *Management's discussion and analysis of financial condition and results of operations*—(1) *Full fiscal years.* Discuss the small business issuer's financial condition, changes in financial condition and results of operations for each of the last two fiscal years. This discussion should address the past and future financial condition and results of operation of the small business issuer, with particular emphasis on the prospects for the future. The discussion should also address those key variable and other qualitative and quantitative factors which are necessary to an understanding and evaluation of the small business issuer. If material, the small business issuer should disclose the following:

(i) Any known trends, events or uncertainties that have or are reasonably likely to have a material impact on the small business issuer's short-term or long-term liquidity;

(ii) Internal and external sources of liquidity;

(iii) Any material commitments for capital expenditures and the expected sources of funds for such expenditures;

(iv) Any known trends, events or uncertainties that have had or that are reasonably expected to have a material impact on the net sales or revenues or income from continuing operations;

(v) Any significant elements of income or loss that do not arise from the small business issuer's continuing operations;

(vi) The causes for any material changes from period to period in one or more line items of the small business issuer's financial statements; and

(vii) Any seasonal aspects that had a material effect on the financial condition or results of operation.

(2) *Interim periods.* If the small business issuer must include interim financial statements in the registration statement or report, provide a comparable discussion that will enable the reader to assess material changes in financial condition and results of operations since the end of the last fiscal year and for the comparable interim period in the preceding year.

Instruction to Item 303

1. In preparing MD&A disclosure, registrants should be guided by the general purpose of the MD&A requirement: To give investors an opportunity to look at the registrant through the eyes of management by providing a historic and prospective analysis of the registrant's financial condition and results of operation with particular emphasis on the small business issuer's prospects for the future.

§ 228.304 (Item 304) Changes in and disagreements with accountants on accounting and financial disclosure.

(a)(1) If, during the small business issuer's two most recent fiscal years or any later interim period, the principal independent accountant or a significant subsidiary's independent accountant on whom the principal accountant expressed reliance in its report, resigned (or declined to stand for re-election) or was dismissed, then the small business issuer shall state:

(i) Whether the former accountant resigned, declined to stand for re-election or was dismissed and the date;

(ii) Whether the principal accountant's report on the financial statements for either of the past two years contained an adverse opinion or disclaimer of opinion, or was modified as to uncertainty, audit scope, or accounting principles, and also describe the nature of each such adverse opinion, disclaimer of opinion or modification;

(iii) Whether the decision to change accountants was recommended or approved by the board of directors or an audit or similar committee of the board of directors; and

(iv)(A) Whether there were any disagreements with the former accountant, whether or not resolved, on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which, if not resolved to the former accountant's satisfaction, would have caused it to make reference to the subject matter of the disagreement(s) in connection with its report; or

(B) The following information only if applicable. Indicate whether the former accountant advised the small business issuer that:

(*1*) Internal controls necessary to develop reliable financial statements did not exist; or

(*2*) Information has come to the attention of the former accountant which made the accountant unwilling to rely on management's representations, or unwilling to be associated with the financial statements prepared by management; or

(*3*) The scope of the audit should be expanded significantly, or information has come to the accountant's attention that the accountant has concluded will, or if further investigated might, materially impact the fairness or

reliability of a previously issued audit report or the underlying financial statements, or the financial statements issued or to be issued covering the fiscal period(s) subsequent to the date of the most recent audited financial statements (including information that might preclude the issuance of an unqualified audit report), and the issue was not resolved to the accountant's satisfaction prior to its resignation or dismissal; and

(C) The subject matter of each such disagreement or event identified in response to paragraph (a)(1)(iv) of this Item;

(D) Whether any committee of the board of directors, or the board of directors, discussed the subject matter of the disagreement with the former accountant; and

(E) Whether the small business issuer has authorized the former accountant to respond fully to the inquiries of the successor accountant concerning the subject matter of each of such disagreements or events and, if not, describe the nature of and reason for any limitation.

(2) If during the period specified in paragraph (a)(1) of this Item, a new accountant has been engaged as either the principal accountant to audit the issuer's financial statements or as the auditor of a significant subsidiary and on whom the principal accountant is expected to express reliance in its report, identify the new accountant and the engagement date. Additionally, if the issuer (or someone on its behalf) consulted the new accountant regarding:

(i) The application of accounting principles to a specific completed or contemplated transaction, or the type of audit opinion that might be rendered on the small business issuer's financial statements and either written or oral advice was provided that was an important factor considered by the small business issuer in reaching a decision as to the accounting, auditing or financial reporting issue; or

(ii) Any matter that was the subject of a disagreement or event identified in response to paragraph (a)(1)(iv) of this Item, then the small business issuer shall:

(A) Identify the issues that were the subjects of those consultations;

(B) Briefly describe the views of the new accountant given to the small business issuer and, if written views were received by the small business issuer, file them as an exhibit to the report or registration statement;

(C) State whether the former accountant was consulted by the small business issuer regarding any such issues, and if so, describe the former accountant's views; and

(D) Request the new accountant to review the disclosure required by this Item before it is filed with the Commission and provide the new accountant the opportunity to furnish the small business issuer with a letter addressed to the Commission containing any new information, clarification of the small business issuer's expression of its views, or the respects in which it does not agree with the statements made in response to this Item. Any such letter shall be filed as an exhibit to the report or registration statement containing the disclosure required by this Item.

(3) The small business issuer shall provide the former accountant with a copy of the disclosures it is making in response to this Item no later than the day that the disclosures are filed with the Commission. The small business issuer shall request the former accountant to furnish a letter addressed to the Commission stating whether it agrees with the statements made by the issuer and, if not, stating the respects in which it does not agree. The small business issuer shall file the letter as an exhibit to the report or registration statement containing this disclosure. If the letter is unavailable at the time of filing, the small business issuer shall request the former accountant to provide the letter so that it can be filed with the Commission within ten business days after the filing of the report or registration statement. Notwithstanding the ten business day period, the letter shall be filed within two business days of receipt. The former accountant may provide an interim letter highlighting specific areas of concern and indicating that a more detailed letter will be forthcoming within the ten business day period noted above. The interim letter, if any, shall be filed with the report or registration statement or by amendment within two business days of receipt.

(b) If the conditions in paragraphs (b)(1) through (3) of this Item exist, the small business issuer shall describe the nature of the disagreement or event and the effect on the financial statements if the method had been followed which the former accountants apparently would have concluded was required (unless that method ceases to be generally accepted because of authoritative standards or interpretations issued after the disagreement or event):

(1) In connection with a change in accountants subject to paragraph (a) of this Item, there was any disagreement or event as described in paragraph (a)(1)(iv) of this Item;

(2) During the fiscal year in which the change in accountants took place or during the later fiscal year, there have been any transactions or events similar to those involved in such disagreement or event; and

(3) Such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required.

Instructions to Item 304

1. The disclosure called for by paragraph (a) of this item need not be provided if it has been previously reported as that term is defined in rule 12b–2 under the Exchange Act (§ 240.12b–2); the disclosure called for by paragraph (a) of this item must be provided, however, notwithstanding prior disclosure, if required pursuant to item 9 of schedule 14A (§ 249.14a–101 *et seq.*). The disclosure called for by paragraph (b) of this item must be furnished, where required, notwithstanding any prior disclosure about accountant changes or disagreements.

2. When disclosure is required by paragraph (a) of this item in an annual report to security holders pursuant to rule 14a–3 or rule 14c–3 (§§ 240.14a–3 and 240.14c–3 of this chapter), or in a proxy or information statement filed pursuant to the requirements of schedule 14A (§ 240.14a–101 *et seq.*) or 14C (§ 240.14c–101 *et seq.*), in lieu of a letter pursuant to paragraph (a)(2)(ii)(D) or (a)(3) of this item, before filing such materials with or furnishing such materials to the Commission, the small business issuer shall furnish the disclosure required by paragraph (a) of this item to each accountant who was engaged during the period set forth in paragraph (a) of this item. If any such accountant believes that the statements made in response to paragraph (a) of this item are incorrect or incomplete, it may present its views in a brief statement, ordinarily expected not to exceed 200 words, to be included in the annual report or proxy or information statement. This statement shall be submitted to the small business issuer within ten business days of the date the accountant receives the small business issuer's disclosure. Further, unless the written views of the newly engaged accountant required to be filed as an exhibit by paragraph (a)(2)(ii)(D) of this item have been before filed with the Commission, the small business issuer shall file a Form 8–K (§ 249.308 of this chapter) along with the annual report or proxy or information statement for the purpose of filing the written views as exhibits.

3. The information required by this item need not be provided for a company being acquired by the small business issuer if such acquiree has not been subject to the filing requirements of either section 13(a) or 15(d) of the Exchange Act, or, because of section 12(i) of the Exchange Act, has not furnished an annual report to security holders pursuant to rule 14a–3 or rule 14c–3 (§§ 240.14a–3 and 240.14c–3 of this chapter) for its latest fiscal year.

4. In determining whether any disagreement or reportable event has occurred, an oral communication from the engagement partner or another person

responsible for rendering the accounting firm's opinion (or their designee) will generally suffice as the accountant advising the small business issuer of a reportable event or as a statement of a disagreement at the "decision-making level" within the accounting firm and require disclosure under this item.

§ 228.310 (Item 310) Financial statements.

Notes

1. Financial statements of a small business issuer, its predecessors or any businesses to which the small business issuer is a successor shall be prepared in accordance with generally accepted accounting principles in the United States.

2. Regulation S–X (17 CFR 210.1 through 210.12), Form and Content of and Requirements for Financial Statements, shall not apply to the preparation of such financial statements, except that the report and qualifications of the independent accountant shall comply with the requirements of article 2 of regulation S–X (17 CFR 210.2), and small business issuers engaged in oil and gas producing activities shall follow the financial accounting and reporting standards specified in article 4–10 of regulation S–X (17 CFR 210.4–10) with respect to such activities. To the extent that article 11–01 (17 CFR 210.11–01) (Pro Forma Presentation Requirements) offers enhanced guidelines for the preparation, presentation and disclosure of pro forma financial information, small business issuers may wish to consider these items.

3. The Commission, where consistent with the protection of investors, may permit the omission of one or more of the financial statements or the substitution of appropriate statements of comparable character. The Commission by informal written notice may require the filing of other financial statements where necessary or appropriate.

(a) *Annual financial statements.* Small business issuers shall file an audited balance sheet as of the end of the most recent fiscal year and audited statements of income, cash flows and changes in stockholders' equity for each of the two fiscal years preceding the date of such audited balance sheet (or such shorter period as the registrant has been in business).

(b) *Interim financial statements.* Interim financial statements, which may be unaudited, shall include a balance sheet as of the end of the issuer's most recent fiscal quarter or other more recent interim period and income statements and statements of cash flows for the interim period up to the date of such balance sheet and the comparable period of the preceding fiscal year.

Instructions to Item 310(b)

1. Where Item 310 is applicable to a Form 10–QSB (§ 249.308b) and the interim period is more than one quarter, income statements must also be provided for the most recent interim quarter and the comparable quarter of the preceding fiscal year.

2. Interim financial statements must include all adjustments which in the opinion of management are necessary in order to make the financial statements not misleading. An affirmative statement that the financial statements have been so adjusted must be included with the interim financial statements.

(1) *Condensed format.* Interim financial statements may be condensed as follows:

(i) Balance sheets should include separate captions for each balance sheet component presented in the annual financial statements which represents 10% or more of total assets. Cash and retained earnings should be presented regardless of relative significance to total assets. Registrants which present a classified balance sheet in their annual financial statements should present totals for current assets and current liabilities.

(ii) Income statements should include net sales or gross revenue, each cost and expense category presented in the annual financial statements which exceeds 20% of sales or gross revenues, provision for income taxes, discontinued operations, extraordinary items and cumulative effects of changes in accounting principles or practices. (Financial institutions should substitute net interest income for sales for purposes of determining items to be disclosed.) Dividends per share should be presented.

(iii) Cash flow statements should include cash flows from operating, investing and financing activities as well as cash at the beginning and end of each period and the increase or decrease in such balance.

(iv) Additional line items may be presented to facilitate the usefulness of the interim financial statements including their comparability with annual financial statements.

(2) *Disclosure required and additional instructions as to content*—(i) *Footnotes.* Footnote and other disclosures should be provided as needed for fair presentation and to ensure that the financial statements are not misleading.

(ii) *Material subsequent events and contingencies.* Disclosure must be provided of material subsequent events and material contingencies notwithstanding disclosure in the annual financial statements.

(iii) *Significant equity investees.* Sales, gross profit, net income (loss) from continuing operations and net income must be disclosed for equity investees which constitute 20% or more of a registrant's consolidated assets, equity or income from continuing operations.

(iv) *Significant dispositions and purchase business combinations.* If a significant disposition or purchase business combination has occurred during the most recent interim period and the transaction required the filing of a Form 8–K (§ 249.308 of this chapter), pro forma data must be presented which reflects revenue, income from continuing operations, net income and income per share for the current interim period and the corresponding interim period of the preceding fiscal year as though the transaction occurred at the beginning of the periods.

(v) *Material accounting changes.* Disclosure must be provided of the date and reasons for any material accounting change. The registrant's independent accountant must provide a letter in the first Form 10–QSB (§ 249.308b of this chapter) filed subsequent to the change indicating whether or not the change is to a preferable method. Disclosure must be provided of any retroactive change to prior period financial statements, including the effect of any such change on income and income per share.

(vi) *Development stage companies.* A registrant in the development stage must provide cumulative from inception financial information.

(c) *Financial statements of businesses acquired or to be acquired.* (1) Financial statements for the periods specified in paragraph (c)(3) of this item should be furnished if any of the following conditions exist:

(i) Consummation of a significant business combination accounted for as a purchase has occurred or is probable (the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method); or

(ii) Consummation of a significant business combination to be accounted for as a pooling is probable.

(2) A business combination is considered significant if a comparison of the most recent annual financial statements of the business acquired or to be acquired and the small business issuer's most recent annual financial statements filed at or prior to the date of acquisition indicates that the business would be significant pursuant to the conditions specified in rule 405 of regulation C (§ 230.405 of this chapter).

(3)(i) Financial statements shall be furnished for the periods prior to the date of acquisition, for those periods for which the small business issuer is required to furnish financial statements.

(ii) The financial statements covering fiscal years shall be audited.

(iii) The separate audited balance sheet of the acquired business is not required when the small business issuer's most recent audited balance sheet filed is for a date after the acquisition was consummated.

(iv) If none of the conditions in the definitions of significant subsidiary in rule 405 (§ 230.405 of this chapter) exceeds 20%, income statements of the acquired business for only the most recent fiscal year and any interim period need be filed.

(4) If consummation of more than one transaction has occurred or is probable, the significance tests shall be made using the aggregate impact of the businesses and the financial statements may be presented on a combined basis, if appropriate.

(d) *Pro Forma financial information.* (1) Pro forma information shall be furnished if any of the following conditions exist (for purposes of this item, the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method):

(i) During the most recent fiscal year or subsequent interim period for which a balance sheet is required by paragraph (b) of this item, a significant business combination accounted for as a purchase has occurred;

(ii) After the date of the most recent balance sheet filed pursuant to paragraph (a) or (b) of this item, consummation of a significant business combination accounted for as a purchase or a pooling has occurred or is probable.

(2) The provisions of paragraphs (c)(2) and (4) of this item apply to this paragraph.

(3) Pro forma statements should be condensed, in columnar form showing pro forma adjustments and results and should include the following:

(i) If the transaction was consummated during the most recent fiscal year or subsequent interim period, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, or;

(ii) If consummation of the transaction has occurred or is probable after the date of the most recent balance sheet required by paragraph (a) or (b) of this item, a pro forma balance sheet giving effect to the combination as of the date of the most recent balance sheet. For a purchase, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, and for a pooling of interests, pro forma statements of income for all periods for which income statements of the small business issuer are required.

(e) *Real estate operations acquired or to be acquired.* If, during the period for which income statements are required, the small business issuer has acquired one or more properties which in the aggregate are significant, or since the date of the latest balance sheet required by paragraph (a) or (b) of this item, has acquired or proposes to acquire one or more properties which in the aggregate are significant, the following shall be furnished with respect to such properties:

(1) Audited income statements (not including earnings per unit) for the two most recent years, which shall exclude items not comparable to the proposed future operations of the property such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and State income taxes; *Provided, however,* That such audited statements need be presented for only the most recent fiscal year if:

(i) The property is not acquired from a related party;

(ii) Material factors considered by the small business issuer in assessing the property are described with specificity in the registration statement with regard to the property, including source of revenue (including, but not limited to, competition in the rental market, comparative rents, occupancy rates) and expenses (including but not limited to, utilities, ad valorem tax rates, maintenance expenses, capital improvements anticipated); and

(iii) The small business issuer indicates that, after reasonable inquiry, it is not aware of any material factors relating to the specific property other than those discussed in response to paragraph (e)(1)(ii) of this item that would cause the reported financial information not to be necessarily indicative of future operating results.

(2) If the property will be operated by the small business issuer a statement shall be furnished showing the estimated taxable operating results of the small business issuer based on the most recent twelve month period including such adjustments as can be factually supported. If the property will be acquired subject to a net lease, the estimated taxable operating results shall be based on the rent to be paid for the first year of the lease. In either case, the estimated amount of cash to be made available by operations shall be shown. Disclosure must be provided of the principal assumptions which have been made in preparing the statements of estimated taxable operating results and cash to be made available by operations.

(3) If appropriate under the circumstances, a table should be provided which shows, for a limited number of years, the estimated cash distribution per unit indicating the portion reportable as taxable income and the portion representing a return of capital with an explanation of annual variations, if any. If taxable net income per unit will be greater than the cash available for distribution per unit, that fact and approximate year of occurrence shall be stated, if significant.

(f) *Limited partnerships.* (1) Small business issuers which are limited partnerships must provide the balance sheets of the general partners as described in paragraphs (f)(2) through (4) of this item.

(2) Where a general partner is a corporation, the audited balance sheet of the corporation as of the end of its most recently completed fiscal year must be filed. Receivables, other than trade receivables, from affiliates of the general partner should be deducted from shareholders' equity of the general partner. Where an affiliate has committed itself to increase or maintain the general partner's capital, the audited balance sheet of such affiliate must also be presented.

(3) Where a general partner is a partnership, there shall be filed an audited balance sheet of such partnership as of the end of its most recently completed fiscal year.

(4) Where the general partner is a natural person, there shall be filed, as supplemental information, a balance sheet of such natural person as of a recent date. Such balance sheet need not be audited. The assets and liabilities should be carried at estimated fair market value, with provisions for estimated income taxes on unrealized gains. The net worth of such general partner(s), based on such balance sheet(s), singly or in the aggregate, shall be disclosed in the registration statement.

(g) *Age of financial statements.* If required financial statements are as of a date 135 days or more prior to the date a registration statement becomes effective or proxy material is expected to be mailed, the financial statements shall be updated to include financial statements for an interim period ending within 135 days of the effective or expected mailing date. Interim financial statements should be prepared and presented in accordance with paragraph (b) of this item:

(1) When the anticipated effective or mailing date falls within 45 days after the end of the fiscal year, the filing may include financial statements only as current as the end of the third fiscal quarter; *Provided, however,* That if the audited financial statements for the recently completed fiscal year are available or become available prior to

effectiveness or mailing, they must be included in the filing;

(2) If the effective date or anticipated mailing date falls after 45 days but within 90 days of the end of the small business issuer's fiscal year, the small business issuer is not required to provide the audited financial statements for such year end provided that the following conditions are met:

(i) The small business issuer is a reporting company and all reports due have been filed;

(ii) For the most recent fiscal year for which audited financial statements are not yet available, the small business issuer reasonably and in good faith expects to report income from continuing operations before taxes; and

(iii) For at least one of the two fiscal years immediately preceding the most recent fiscal year the small business issuer reported income from continuing operations before taxes.

§ 228.401 (Item 401) Directors, executive officers, promoters and control persons.

(a) *Identify directors and executive officers.* (1) List the names and ages of all directors and executive officers and all persons nominated or chosen to become such (however do not name any such person who has not consented to act as a director or executive officer);

(2) List the positions and offices that each such person held with the small business issuer;

(3) Give the person's term of office and the period during which the person has served;

(4) Briefly describe the person's business experience during the past five years; and

(5) If a director, identify other directorships held naming the company.

(b) *Identify significant employees.* Give the information specified in paragraph (a) of this item for each person who is not an executive officer but who is expected by the small business issuer to make a significant contribution to the business.

(c) *Family relationships.* Describe any family relationships between directors, executive officers, or persons nominated or chosen by the small business issuer to become directors or executive officers.

(d) *Involvement in certain legal proceedings.* Describe any of the following events that occurred during the past five years that are material to an evaluation of the ability or integrity of any director, person nominated to become a director, executive officer, promoter or control person of the small business issuer:

(1) Any bankruptcy petition filed by or against any business of which such person was a general partner or executive officer either at the time of the bankruptcy or within two years prior to that time;

(2) The person was convicted in a criminal proceeding or is the subject of a pending criminal proceeding (excluding traffic violations and other minor offenses);

(3) The person was the subject of any order, judgment, or decree, not subsequently reversed, suspended or vacated, of any court of competent jurisdiction, permanently or temporarily enjoining, barring, suspending or otherwise limiting his involvement in any type of business, securities or banking activities; and

(4) The person was found by a court of competent jurisdiction (in a civil action), the Commission or the Commodity Futures Trading Commission to have violated a federal or state securities or commodities law, and the judgment has not been reversed, suspended, or vacated.

§ 228.402 (Item 402) Executive compensation.

(a) *Cash compensation.* Complete the following table and include all cash compensation paid or to be paid to the following persons for services rendered in all capacities to the small business issuer during the last fiscal year:

(1) Each of the small business issuer's five most highly paid executive officers whose cash compensation exceeds $60,000, giving their names; and

(2) All executive officers as a group, stating the number of persons in the group without naming them.

CASH COMPENSATION TABLE

A	B	C
Name of individual or number in group	Capacities in which served	Cash compensation

Instructions to Item 402(a)

1. This table shall include:

(a) All cash bonuses paid or to be paid for all services rendered during the last fiscal year unless the amounts have not been allocated at the time of filing the registration statement or report and

(b) All compensation that would have been paid in cash but was deferred.

2. Paragraph (a) of this item applies to any person who was an executive officer at any time in the most recent fiscal year. However, information need not be given for any part of that year during which a person was not an executive officer of the small business issuer, if it so states.

(b)(1) *Compensation under plans.* Describe briefly all plans under which the small business issuer paid or distributed cash or non-cash compensation during the most recent fiscal year and all plans under which the small business issuer proposes to pay or distribute cash or non-cash compensation in the future to the individuals and group named in paragraph (a) of this item. State the amounts provided. No information need be given for:

(i) Any plans that do not discriminate in favor of officers or directors and that are available to all salaried employees; or

(ii) Any pension or retirement benefits where amounts to be paid are computed on an actuarial basis under any plan that provides for fixed benefits for retirement at a specified age or after a specified number of years of service.

(2) *Stock option plans.* (i) For stock options granted during the last fiscal year, indicate:

(A) the title and amount of securities subject to options;

(B) the average per share exercise price; and

(C) if the exercise price was less than 100 percent of the market value of the security on the date of grant, so state and give the market price on such date.

(ii) For stock options exercised during the last fiscal year, regardless of the year that the small business issuer granted the options, give the net value realized upon the exercise, calculated by subtracting the exercise price from the market value.

(c) *Other compensation.* Give the amount and a description of any other compensation paid or distributed during the last fiscal year to the named individuals and group specified in paragraph (a) of this Item. The compensation shall be valued on the basis of the issuers' aggregate incremental cost. No information need be provided if:

(1) For any individual, the total amount of such other compensation is less than $25,000 or 10% of the compensation reported in the Cash Compensation Table for that person; or

(2) For the group, the total amount of such other compensation is the lessor of $25,000 times the number of persons in the group or 10% of the compensation reported in the Cash Compensation Table for the group under paragraph (a) of this Item and a statement to that effect is made.

(d) *Compensation of directors.* Describe and give the amounts of all compensation received by directors of the small business issuer for all services as a director.

§ 228.403 (Item 403) Security ownership of certain beneficial owners and management.

(a) *Security ownership of certain beneficial owners.* Complete the table below for any person (including any "group") who is known to the small business issuer to be the beneficial owner of more than 5 percent of any class of the small business issuer's voting securities.

(1) Title of class	(2) Name and address of beneficial owner	(3) Amount and nature of beneficial owner	(4) Percent of class

(b) *Security ownership of management.* Complete the following table for each class of equity securities of the small business issuer or its parent beneficially owned by all directors and nominees, naming them, and directors and officers of the small business issuer as a group, without naming them.

(1) Title of class	(2) Name and address of beneficial owner	(3) Amount and nature of beneficial owner	(4) Percent of class

(c) *Changes in control.* Describe any arrangements which may result in a change in control of the small business issuer.

Instructions to Item 403

1. Of the number of shares shown in column (3) of paragraphs (a) and (b) of this Item, state in a footnote the amount which the listed beneficial owner has the right to acquire within sixty days, from options, warrants, rights, conversion privilege or similar obligations.

2. Where persons hold more than 5% of a class under a voting trust or similar agreement, provide the following:

(a) The title of such securities;

(b) The amount that they hold under the trust or agreement (if not clear from the table);

(c) The duration of the agreement;

(d) The names and addresses of the voting trustees; and

(e) A brief outline of the voting rights and other powers of the voting trustees under the trust or agreement.

3. Calculate the percentages on the basis of the amount of outstanding securities (not including securities held by or for the account of the small business issuer). Securities that are subject to options, warrants, rights, conversion privilege or similar obligations that provide the holder with the right to acquire beneficial ownership of that security within sixty days shall be "outstanding."

4. In this Item, a beneficial owner of a security means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise has or shares:

(1) Voting power, which includes the power to vote, or to direct the voting of, such security; or

(2) Investment power, which includes the power to dispose, or to direct the disposition of, such security.

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement or device with the purpose or effect of divesting such person of beneficial ownership of a security or preventing the vesting of such beneficial ownership.

5. All securities of the same class beneficially owned by a person, regardless of the form that such beneficial ownership takes, shall be totaled in calculating the number of shares beneficially owned by such person.

6. The small business issuer is responsible for knowing the contents of any statements filed with the Commission under section 13(d) or 13(g) of the Exchange Act concerning the beneficial ownership of securities and may rely upon the information in such statements unless it knows or has reason to believe that the information is not complete or accurate.

7. The term *group* means two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding or disposing of securities of an issuer.

8. Where the small business issuer lists more than one beneficial owner for the same securities, adequate disclosure should be included to avoid confusion.

§ 228.404 (Item 404) Certain relationships and related transactions.

(a) Describe any transaction during the last two years, or proposed transactions, to which the small business issuer was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest. Give the name of the person, the relationship to the issuer, nature of the person's interest in the transaction and, the amount of such interest:

(1) Any director or executive officer of the small business issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in response to item 403 (§ 228.403); and

(4) Any member of the immediate family (including spouse, parents, children, siblings, and in-laws) of any of the persons in paragraph (a)(1), (2) or (3) of this Item.

(b) No information need be included for any transaction where:

(1) Competitive bids determine the rates or charges involved in the transaction;

(2) The transaction involves services at rates or charges fixed by law or governmental authority;

(3) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(4) The amount involved in the transaction or a series of similar transactions does not exceed $60,000; or

(5) The interest of the person arises solely from the ownership of securities of the small business issuer and the person receives no extra or special benefit that was not shared equally (pro rata) by all holders of securities of the class.

(c) List all parents of the small business issuer showing the basis of control and as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent if any.

(d) *Transactions with promoters.* Issuers organized within the past five years shall:

(1) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options or rights of any kind) received or to be received by each promoter, directly or indirectly, from the issuer and the nature and amount of any assets, services or other consideration therefore received or to be received by the registrant; and

(2) As to any assets acquired or to be acquired from a promoter, state the

amount at which the assets were acquired or are to be acquired and the principle followed or to be followed in determining such amount and identify the persons making the determination and their relationship, if any, with the registrant or any promoter. If the assets were acquired by the promoter within two years prior to their transfer to the issuer, also state the cost thereof to the promoter.

Instructions to Item 404

1. A person does not have a material indirect interest in a transaction within the meaning of this Item where:

(a) The interest arises only:

(1) From such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction and/or

(2) From the total (direct or indirect) by all specified persons of less than a 10% equity interest in another person (other than a partnership) which is a party to the transaction;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other specified persons had an interest of less than 10 percent; or

(c) The interest of such person arises solely from holding an equity interest (but not a general partnership interest) or a creditor interest in another person that is a party to the transaction and the transaction is not material to such other person.

2. Include information for any material underwriting discounts and commissions upon the sale of securities by the small business issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter.

3. As to any transaction involving the purchase or sale of assets by or to the small business issuer otherwise than in the ordinary course of business, state the cost of the assets to the purchase and if acquired by the seller within two years before the transaction, the cost thereof to the seller.

§ 228.406 (Item 405) Compliance with section 16(a) of the Exchange Act.

Every small business issuer that has a class of equity securities registered pursuant to section 12 of the Exchange Act (15 U.S.C. 78*l*) shall:

(a) Based solely upon a review of Forms 3 and 4 (§§ 249.103 and 249.104 of this chapter) and amendments thereto furnished to the registrant under Rule 16a–3(d) (§ 240.16a–3(e) of this chapter) during its most recent fiscal year and Forms 5 and amendments thereto (§ 249.105 of this chapter) furnished to the registrant with respect to its most recent fiscal year, and any written representation referred to in paragraph (b)(2)(i) of this item:

(1) Identify each person who, at any time during the fiscal year, was a director, officer, beneficial owner of more than ten percent of any class of equity securities of the registrant registered pursuant to section 12 ("reporting person") that failed to file on a timely basis, as disclosed in the above Forms, reports required by section 16(a) during the most recent fiscal year or prior years.

(2) For each such person, set forth the number of late reports, the number of transactions that were not reported on a timely basis, and any known failure to file a required Form.

Note: The disclosure requirement is based on a review of the forms submitted to the registrant during and with respect to its most recent fiscal year, as specified above. Accordingly, a failure to file timely need only be disclosed once. For example, if in the most recently concluded fiscal year a reporting person filed a Form 4 disclosing a transaction that took place in the prior fiscal year, and should have been reported in that year, the registrant should disclose that late filing and transaction pursuant to this Item for the most recent fiscal year, but not in material filed with respect to subsequent years.

(b) With respect to the disclosure required by paragraph (a) of this Item:

(1) A form received by the registrant within three calendar days of the required filing date may be presumed to have been filed with the Commission by the required filing date.

(2) If the registrant:

(i) Receives a written representation from the reporting person that no Form 5 is required; and

(ii) Maintains the representation for two years, making a copy available to the Commission or its staff upon request, the registrant need not identify such reporting person pursuant to paragraph (a) of this item as having failed to file a Form 5 with respect to that fiscal year.

§ 228.501 (Item 501) Front of registration statement and outside front cover of prospectus.

(a) On the outside front cover page of prospectus, give the following information:

(1) Name of the small business issuer;

(2) Title, amount and description of securities offered;

(3) If there are selling security holders, a statement to that effect;

(4) Cross reference to the risk factors section of the prospectus;

(5) The following statement in capital letters:

THESE SECURITIES HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE SECURITIES AND EXCHANGE COMMISSION NOR HAS THE COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS PROSPECTUS. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

(6) If the small business issuer is not reporting and a preliminary prospectus will be circulated, a bona fide estimate of the range of the maximum offering price and maximum number of shares or other units of securities to be offered, or a bona fide estimate of the principal amount of debt securities to be offered;

(7) The following table as to all securities to be registered (estimated, if necessary):

	Price to public	Underwriting discounts and commissions	Proceeds to issuer or other persons	Other expenses of issuance and distribution
Per unit				
Total				
Total minimum				
Total maximum				

The "total minimum" and "total maximum" items are required only if the offering is made on a best efforts basis. If so, disclose in the summary section (or on the cover page if material): The date the offering will end; any minimum purchase requirement and any arrangements to place funds in an escrow, trust, or similar account. If there is an over-allotment option, the maximum-minimum information must be based on the purchase of all or none of the shares subject to that option;

(8) If a prospectus will be used before the effective date of the registration statement (or, prior to the determination of the initial public offering price in the case of a prospectus that omits information as permitted by rule 430A under the Securities Act (§ 230.430A of this chapter)), include, in red ink, the caption "Subject to Completion," the date of its issuance, and the following statement printed in type as large as that generally used in the body of the prospectus:

Information contained herein is subject to completion or amendment. A registration statement relating to these securities has been filed with the Securities and Exchange Commission. These securities may not be sold nor may offers to buy be accepted prior to the time the registration statement becomes effective. This prospectus shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these securities in any State in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such State.

(9) Any legend or information required by the law of any State in which the securities are to be offered; and

(10) The date of the prospectus.

§ 228.502 (Item 502) Inside front and outside back cover pages of prospectus.

On the inside front cover page of the prospectus (or on the outside back cover page for paragraphs (e) and (f) of this Item) disclose the following:

(a)(1) *Available information.* State whether or not the small business issuer is a reporting company.

(2) If the small business issuer is a reporting company, state that the reports and other information filed by the small business issuer may be inspected and copied at the public reference facilities of the Commission in Washington, DC, and at some of its Regional Offices, (include addresses), and that copies of such material can be obtained from the Public Reference Section of the Commission, Washington, DC 20549 at prescribed rates; and

(3) Name any national securities exchange on which the small business issuer's securities are listed and state that reports and other information concerning the small business issuer can be inspected at such exchanges.

(b) *Reports to security holders.* Where a small business issuer is not required to deliver an annual report to security holders, indicate whether voluntary reports will be sent and, if so, the frequency of such reports and whether they will include audited financial statements.

(c) *Incorporation by reference.* State that small business issuer will provide without charge to each person who receives a prospectus, upon written or oral request of such person, a copy of any of the information that was incorporated by reference in the prospectus (not including exhibits to the information that is incorporated by reference unless the exhibits are themselves specifically incorporated by reference) and the address (including title or department) and telephone number to which such a request is to be directed.

(d) *Stabilization.* (1) Include the following statement, if true:

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF (IDENTIFY EACH CLASS OF SECURITIES IN WHICH SUCH TRANSACTIONS MAY BE EFFECTED) AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH TRANSACTIONS MAY BE EFFECTED ON (IDENTIFY EACH EXCHANGE ON WHICH STABILIZING TRANSACTIONS MAY BE EFFECTED; IF NONE, OMIT THIS SENTENCE.) SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

(2) If the stabilizing began before the effective date of the registration statement, state the amount of securities bought, the prices at which they were bought and the period within which they were bought. In the event that Rule 430A under the Securities Act (§ 230.430A of this chapter) is used, the final prospectus must include information as to stabilizing transactions before the public offering price was set.

(3) If the securities are to be offered to existing security holders pursuant to warrants or rights and any securities not taken by security holders are to be reoffered to the public after the expiration of the rights offering period, state in the prospectus used to reoffer the securities:

(i) The amount of securities bought in stabilization activities during the rights offering period and the price or range of prices at which such securities were bought;

(ii) The amount of the offered securities subscribed for during such period;

(iii) The amount of the offered securities subscribed for by the underwriters during such period;

(iv) The amount of the offered securities sold during such period by the underwriters and the price, or range of prices, at which such securities were sold; and

(v) The amount of the offered securities to be reoffered to the public and the public offering price.

(e) *Delivery of prospectuses by dealers.* The following legend shall be printed in bold-face or italic type:

Until (insert date) all dealers effecting transactions in the registered securities, whether or not participating in this distribution, may be required to deliver a prospectus. This is in addition to the obligation of dealers to deliver a prospectus when acting as underwriters and with respect to their unsold allotments or subscriptions.

The date to be inserted should be determined by reference to section 4(3) of the Securities Act and rule 174 (§ 230.174 of this chapter).

(f) *Table of contents.* Include a detailed table of contents showing the various sections or subdivisions of the prospectus and the page number on which each such section or subdivision begins.

§ 228.503 (Item 503) Summary information and risk factors.

(a) *Summary.* A summary of the information contained in the prospectus where the length and complexity of the prospectus make a summary useful.

(b) *Address and telephone number.* In the beginning of the prospectus the complete mailing address and the telephone number of their principal executive offices.

(c) *Risk factors.* Immediately following the cover page of the prospectus or the summary section, discuss the factors that make the offering speculative or risky. These factors may include no operating history, no recent profit from operations, poor financial position, the kind of business in which the small business issuer is engaged or proposes to engage, or no market for the small business issuer's securities.

§ 228.504 (Item 504) Use of proceeds.

State how the net proceeds of the offering will be used, indicating the amount to be used for each purpose and the priority of each purpose, if all of the securities are not sold. If all or a substantial part of the proceeds are not allocated for a specific purpose, so state and discuss the principal reasons for the offering.

Instructions to Item 504

1. If a material amount of proceeds will discharge debt, state the interest rate and maturity. If that debt was incurred within one year, describe the use of the proceeds of that debt other than short-term borrowings used for working capital.

2. If any material amount of the proceeds is to be used to acquire assets or finance the acquisitions of other businesses, describe the assets or businesses and identify the persons from whom they will be bought. State the cost of the assets and, where such assets are to be acquired from affiliates of the small business issuer or their associates, give the names of the persons from whom they are to be acquired and set forth the principle

followed in determining the cost to the small business issuer.

§ 228.505 (Item 505) Determination of offering price.

(a) If there is no established public trading market for the common stock being registered or if there is a significant difference between the offering price and the market price of the stock, give the factors that were considered in determining the offering price. (Sporadic trades do not constitute a public trading market.)

(b) If warrants, rights and convertible securities are being registered and there is no public trading market for the underlying securities, describe the factors considered in determining the exercise or conversion price.

§ 228.506 (Item 506) Dilution.

(a) If the small business issuer is not a reporting company and is selling common stock at a price significantly less than the price paid by officers, directors, promoters and affiliated persons for common stock purchased by them during the past five years (or which they have rights to purchase), compare these prices.

(b) If paragraph (a) of this Item applies and the issuer had losses in each of its last three fiscal years and there is a material dilution of the purchasers' equity interest, disclose the following:

(1) The net tangible book value per share before and after the distribution;

(2) The amount of the increase in such net tangible book value per share attributable to the cash payments made by purchasers of the shares being offered; and

(3) The amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

§ 228.507 (Item 507) Selling security holders.

If security holders of a small business issuer is offering securities, name each selling security holder, state any position, office, or other material relationship which the selling security holder has had within the past three years with the small business issuer or any of its predecessors or affiliates, and state the amount of securities of the class owned by such security holder before the offering, the amount to be offered for the security holder's account, the amount and (if one percent or more) the percentage of the class to be owned by such security holder after the offering is complete.

§ 228.508 (Item 508) Plan of distribution.

(a) *Underwriters and underwriting obligation.* If the securities are to be offered through underwriters, name the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship with the small business issuer and state the nature of the relationship. State the nature of the obligation of the underwriter(s) to take the securities, i.e., firm commitment, best efforts.

(b) *New underwriters.* Describe the business experience of managing or principal underwriters that have been in business less than three years, state their principal business function and identify any material relationships between the promoters of the issuer and the underwriter(s). This information need not be given if:

(1) The issuer is a reporting company; and

(2) An offering has no material risks.

(c) *Other distributions.* Outline briefly the plan of distribution of any securities to be registered that are to be offered otherwise than through underwriters.

(d) *Underwriter's representative on board of directors.* Describe any arrangement whereby the underwriter has the right to designate or nominate a member or members of the board of directors of the small business issuer. Identify any director so designated or nominated and indicate any relationship with the small business issuer.

(e) *Indemnification of underwriters.* If the underwriting agreement provides for indemnification by the small business issuer of the underwriters or their controlling persons against any liability arising under the Securities Act, furnish a brief description of such indemnification provisions.

(f) *Dealers' compensation.* State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other considerations to be received by any dealer in connection with the sale of the securities.

(g) *Finders.* Identify any finder and describe the nature of any material relationship between such finder and the small business issuer or associates or affiliates of the small business issuer.

(h) *Discretionary accounts.* If the small business issuer is not a reporting company, identify any principal underwriter that intends to sell to any discretionary accounts and include an estimate of the amount of securities so intended to be sold. The response to this paragraph shall be contained in a pre-effective amendment which shall be circulated if the information is not available when the registration statement is filed.

§ 228.509 (Item 509) Interest of named experts and counsel.

If an "expert" or "counsel" was hired on a contingent basis, will receive a direct or indirect interest in the small business issuer or was a promoter, underwriter, voting trustee, director, officer, or employee, of the small business issuer, describe the contingent basis, interest, or connection.

(a) *Expert* is a person who is named as preparing or certifying all or part of the small business issuer's registration statement or a report or valuation for use in connection with the registration statement.

(b) *Counsel* is counsel named in the prospectus as having given an opinion on the validity of the securities being registered or upon other legal matters concerning the registration or offering of the securities.

Instruction to Item 509

1. The small business issuer does not need to disclose the interest of an expert (other than an accountant) or counsel if their interest (including the fair market value of all securities of the small business issuer received and to be received, or subject to options, warrants or rights received or to be received) does not exceed $50,000.

§ 228.510 (Item 510) Disclosure of commission position on indemnification for securities act liabilities.

If the small business issuer does not request acceleration of the effective date of the registration statement, describe the indemnification provisions for directors, officers and controlling persons of the small business issuer against liability under the Securities Act. This includes any provision in the underwriting agreement which indemnifies the underwriter or its controlling persons against such liabilities where a director, officer or controlling person of the small business issuer is such an underwriter or controlling person or a member of any firm which is such an underwriter. In addition, include the following statement:

Insofar as indemnification for liabilities arising under the Securities Act of 1933 (the "Act") may be permitted to directors, officers or persons controlling the issuer under the foregoing provisions, the issuer has been informed that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is therefore unenforceable.

§ 228.511 (Item 511) Other expenses of issuance and distribution.

(a) Give an itemized statement of all expenses of the offering, other than underwriting discounts and commissions. If any of the securities are registered for sale by security holders, state how much of the expenses the security holders will pay.

(1) The itemized list should generally include registration fees, federal taxes, state taxes and fees, trustees' and transfer agents' fees, costs of printing and engraving, and legal, accounting, and engineering fees.

(2) Include as a separate item any premium paid by the small business issuer or any selling security holder on any policy to insure or indemnify directors or officers against any liabilities they may incur in the registration, offering, or sale of these securities.

Instruction to Item 511

1. If the amounts of any items are not known, give estimates but identify them as such.

§ 228.512 (Item 512) Undertakings.

Include each of the following undertakings that apply to the offering.

(a) *Rule 415 offering.* If the small business issuer is registering securities under rule 415 of the Securities Act (§ 230.415 of this chapter), that the small business issuer will:

(1) File, during any period in which it offers or sells securities, a post-effective amendment to this registration statement to:

(i) Include any prospectus required by section 10(a)(3) of the Securities Act;

(ii) Reflect in the prospectus any facts or events which, individually or together, represent a fundamental change in the information in the registration statement; and

(iii) Include any additional or changed material information on the plan of distribution.

Note: Small business issuers do not need to give the statements in paragraphs (a)(1)(i) and (a)(1)(ii) of this Item if the registration statement is on Form S–3 or S–8 (§§ 239.13 and 239.16b), and the information required in a post-effective amendment is incorporated by reference from periodic reports filed by the small business issuer under the Exchange Act.

(2) For determining liability under the Securities Act, treat each post-effective amendment as a new registration statement of the securities offered, and the offering of the securities at that time to be the initial bona fide offering.

(3) File a post-effective amendment to remove from registration any of the securities that remain unsold at the end of the offering.

(b) *Warrants and rights offerings.* If the small business issuer will offer the securities to existing security holders under warrants or rights and the small business issuer will reoffer to the public any securities not taken by security holders, with any modifications that suit the particular case:

(1) The small business issuer will supplement the prospectus, after the end of the subscription period, to include the results of the subscription offer, the transactions by the underwriters during the subscription period, the amount of unsubscribed securities that the underwriters will purchase and the terms of any later reoffering. If the underwriters make any public offering of the securities on terms different from those on the cover page of the prospectus, the small business issuer will file a post-effective amendment to state the terms of such offering.

(c) *Competitive bids.* If the small business issuer is offering securities at competitive bidding, with modifications to suit the particular case, that the small business issuer will:

(1) use its best efforts to distribute before the opening of bids, to prospective bidders, underwriters, and dealers, a reasonable number of copies of a prospectus that meet the requirements of section 10(a) of the Securities Act, and relating to the securities offered at competitive bidding, as contained in the registration statement, together with any supplements, and

(2) file an amendment to the registration statement reflecting the results of bidding, the terms of the reoffering and related matters where required by the applicable form, not later than the first use, authorized by the issuer after the opening of bids, of a prospectus relating to the securities offered at competitive bidding, unless the issuer proposes no further public offering of such securities by the issuer or by the purchasers.

(d) *Equity offerings of nonreporting small business issuers.* If a small business issuer that before the offering had no duty to file reports with the Commission under section 13(a) or 15(d) of the Exchange Act is registering equity securities for sale in an underwritten offering:

(1) The small business issuer will provide to the underwriter at the closing specified in the underwriting agreement certificates in such denominations and registered in such names as required by the underwriter to permit prompt delivery to each purchaser.

(e) *Request for acceleration of effective date.* If the small business issuer will request acceleration of the effective date of the registration statement under rule 461 under the Securities Act, include the following:

Insofar as indemnification for liabilities arising under the Securities Act of 1933 (the "Act") may be permitted to directors, officers and controlling persons of the small business issuer pursuant to the foregoing provisions, or otherwise, the small business issuer has been advised that in the opinion of the Securities and Exchange Commission such indemnification is against public policy as expressed in the Act and is, therefore, unenforceable.

In the event that a claim for indemnification against such liabilities (other than the payment by the small business issuer of expenses incurred or paid by a director, officer or controlling person of the small business issuer in the successful defense of any action, suit or proceeding) is asserted by such director, officer or controlling person in connection with the securities being registered, the small business issuer will, unless in the opinion of its counsel the matter has been settled by controlling precedent, submit to a court of appropriate jurisdiction the question whether such indemnification by it is against public policy as expressed in the Securities Act and will be governed by the final adjudication of such issue.

(f) If a registration statement is filed under rule 430A of the Securities Act (§ 230.430A of this chapter), that the small business issuer will:

(1) For determining any liability under the Securities Act, treat the information omitted from the form of prospectus filed as part of this registration statement in reliance upon rule 430A and contained in a form of prospectus filed by the small business issuer under rule 424(b) (1) or (4) or 497(h) under the Securities Act (§§ 230.424(b) (1), (4) or 230.497(h)) as part of this registration statement as of the time the Commission declared it effective.

(2) For determining any liability under the Securities Act, treat each post-effective amendment that contains a form of prospectus as a new registration statement for the securities offered in the registration statement, and that offering of the securities at that time as the initial bona fide offering of those securities.

§ 228.601 (Item 601) Exhibits.

(a) *Exhibits and index of exhibits.* (1) The exhibits required by the exhibit table must be filed or incorporated by reference.

(2) Each filing must have an index of exhibits. The exhibit index must list exhibits in the same order as the exhibit table. If the exhibits are incorporated by reference, this fact should be noted in the exhibit index. In the manually signed registration statement or report, the exhibit index should give the page number of each exhibit.

Instructions to Item 601

1. If an exhibit (other than an opinion or consent) is filed in preliminary form and is later changed to include only interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commissions, names, addresses or participation of underwriters or similar matters and the information appears elsewhere in the registration statement or a prospectus, no amendment need be filed.

2. Small business issuers may file copies of each exhibit, rather than originals, except as otherwise specifically noted.

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	Securities Act forms				Exchange Act forms				
	SB–1	S–2	S–3	S–4***	S–8	10SB	8–K	10–QSB	10–KSB
(1) Underwriting agreement	X	X	X	X			X		
(2) Plan of acquisition, reorg., arrgmnt, liquid, or succession.	X	X	X	X		X	X	X	
(3) Articles of Incorporation and by–laws	X			X		X			X
(4) Instruments defining the rights of holders, incl. indentures	X	X	X	X	X	X	X	X	X
(5) Opinion re: legality	X	X	X	X	X				
(6) No exhibit required									
(7) Opinion re: liquidation preference	X	X		X		X			
(8) Opinion re: tax matters	X	X	X	X					
(9) Voting trust agreement	X			X		X			X
(10) Material contracts	X	X		X		X			X
(11) Statement re: computation of per share earnings	X	X		X		X		X	X
(12) No exhibit required									
(13) Annual or quarterly reports, Form 10–Q*	X	X		X					X
(14) Material foreign patents	X			X		X			
(15) Letter on unaudited interim financial information	X	X	X	X	X			X	
(16) Letter on change in certifying accountant****	X	X		X		X	X		X
(17) Letter on director resignation							X		
(18) Letter on change in accounting principles								X	X
(19) Previously unfiled documents								X	X
(20) No exhibit required									
(21) Other documents or statements to security holders							X		
(22) Subsidiaries of the registrant	X			X		X			X
(23) No exhibit required									
(24) Consent of experts and counsel	X	X	X	X	X		X**	X**	X**
(25) Power of attorney	X	X	X	X	X	X	X	X	X
(26) Statement of eligibility of trustee	X	X	X	X					
(27) Invitations for competitive bids	X	X	X	X					
(28) Additional exhibits	X	X	X	X	X	X	X	X	X
(29) Info. from reports furnished to State insurance authorities	X	X	X	X	X	X			X

* Only if incorporated by reference into a propectus and delivered to holders along with the prospectus as permitted by the registration statement; or in the case of a Form 10–KSB, where the annual report is incorporated by reference into the text of the Form 10–KSB.

** Where the opinion of the expert or counsel has been incorporated by reference into a previously filed Securities Act registration statement.

*** An issuer need not provide an exhibit if: (1) an election was made under Form S–4 to provide S–2 or S–3 disclosure; and (2) the form selected (S–2 or S–3) would not requre the company to provide the exhibit.

**** If required under Item 304 of Regulation S–B.

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(b) *Description of exhibits.* Below is a description of each document listed in the exhibit table.

(1) *Underwriting agreement.* Each agreement with a principal underwriter for the distribution of the securities. If the terms have been determined and the securities are to be registered on Form S–3 (§ 239.13), the agreement may be filed on Form 8–K (§ 249.308) after the effectiveness of the registration statement.

(2) *Plan of purchase, sale, reorganization, arrangement, liquidation or succession.* Any such plan described in the filing. Schedules or attachments may be omitted if they are listed in the index and provided to the Commission upon request.

(3) *Articles of incorporation and by-laws.* The complete copies of articles of incorporation and by-laws or comparable instruments, as amended.

(4) *Instruments defining the rights of security holders, including indentures.* (i) All instruments that define the rights of holders of the equity or debt securities that the issuer is registering, including the pages from the articles of incorporation or by-laws that define those rights.

(ii) All instruments defining the rights of holders of long term debt unless the total amount of debt covered by the instrument does not exceed 10% of the total assets of the small business issuer.

(iii) Copies of indentures to be qualified under the Trust Indenture Act of 1939 shall include an itemized table of contents and a cross reference sheet showing the location of the provisions inserted in accordance with sections 310 through 318(a) of that Act.

(5) *Opinion on legality.* (i) An opinion of counsel on the legality of the securities being registered stating whether they will, when sold, be legally issued, fully paid and non-assessable, and, if debt securities, whether they will be binding obligations of the small business issuer.

(ii) If the securities being registered are issued under a plan that is subject to the requirements of ERISA furnish either:

(A) An opinion of counsel which confirms compliance with ERISA; or

(B) A copy of the Internal Revenue Service determination letter that the plan is qualified under section 401 of the Internal Revenue Code.

If the plan is later amended, the small business issuer must have the opinion of counsel and the IRS determination letter updated to confirm compliance and qualification.

(6) *No exhibit required.*

(7) *Opinion on liquidation preference.* If the liquidation preference of shares exceeds their par or stated value, an opinion of counsel as to whether there are any resulting restrictions on surplus. The opinion should also state any remedies available to security holders before or after payment of any dividend that would reduce surplus to an amount less than the amount of such excess. The opinion shall cite to applicable constitutional and statutory provisions and controlling case law.

(8) *Opinion on tax matters.* If tax consequences of the transaction are material to an investor, an opinion of counsel, an independent public or certified public accountant or, a revenue ruling from the Internal Revenue Service, supporting the tax matters and consequences to the shareholders. The exhibit is required for filings to which Securities Act Industry Guide 5 applies.

(9) *Voting trust agreement and amendments.*

(10) *Material contracts.* (i) Every material contract, not made in the ordinary course of business, that will be performed after the filing of the registration statement or report or was entered into not more than two years before such filing. Also include the following contracts:

(A) Any contract to which directors, officers, promoters, voting trustees, security holders named in the registration statement or report, or underwriters are parties other than contracts involving only the purchase or sale of current assets having a determinable market price, at such market price;

(B) Any contract upon which the small business issuer's business is substantially dependent, such as contracts with principal customers, principal suppliers, franchise agreements, etc.;

(C) Any contract for the purchase or sale of any property, plant or equipment for a consideration exceeding 15 percent of such assets of the small business issuer; or

(D) Any material lease under which a part of the property described in the registration statement or report is held by the small business issuer.

(ii)(A) Any management contract or any compensatory plan, contract or arrangement in which any director or any of the five most highly compensated executive officers of the small business issuer participates and any other management contract or any compensatory plan in which any other executive officer of the small business issuer participates shall be filed unless immaterial in amount or significance.

(B) The following management contracts or compensatory plans need not be filed:

(*1*) Ordinary purchase and sales agency agreements;

(*2*) Agreements with managers of stores in a chain organization or similar organization;

(*3*) Contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such;

(*4*) Any compensatory plan which is available to employees, officers or directors generally and which in operation provides for the same method of allocation of benefits between management and nonmanagement participants; and

(*5*) Any compensatory plan if the issuer is a wholly owned subsidiary of a reporting company and is filing a report on Form 10–KSB (§ 249.310b), or registering debt or non-voting preferred stock on Form S–2 (§ 239.12).

Instruction to Item 601(b)(10)

1. Only copies of the various remunerative plans need be filed. Each individual director's or executive officer's personal agreement under the plans need not be filed, unless they contain material provisions.

(11) *Statement re computation of per share earnings.* An explanation of the computation of per share earnings on both a primary and fully diluted basis unless the computation can be clearly determined from the registration statement or report.

(12) *No exhibit required.*

(13) *Annual report to security holders, Form 10–QSB (§ 249.308b) or quarterly report to security holders, if incorporated by reference in the filing.* Such reports, except for the parts which are expressly incorporated by reference in the filing are not deemed "filed" as part of the filing. If the financial statements in the report have been incorporated by reference in the filing, the accountant's certificate shall be manually signed in one copy. See rule 411(b) (§ 230.411(b) of this chapter).

(14) *Material foreign patents.* Each material foreign patent for an invention not covered by a United States patent.

(15) *Letter on unaudited interim financial information.* A letter, where applicable, from the independent accountant which acknowledges awareness of the use in a registration statement of a report on unaudited interim financial information. The letter is not considered a part of a registration statement prepared or certified by an accountant or a report prepared or certified by an accountant within the meaning of sections 7 and 11 of the Securities Act. Such letter may be filed with the registration statement, an amendment thereto, or a report on Form 10–QSB (§ 249.308b) which is incorporated by reference into the registration statement.

(16) *Letter on change in certifying accountant.* File the letter required by Item 304(a)(3).

(17) *Letter on director resignation.* Any letter from a former director which describes a disagreement with the small business issuer that led to the director's resignation or refusal to stand for re-election and which requests that the matter be disclosed.

(18) *Letter on change in accounting principles.* Unless previously filed, a letter from the issuer's accountant stating whether any change in accounting principles or practices followed by the issuer, or any change in the method of applying any such accounting principles or practices, which affected the financial statements being filed with the Commission in the report or which is expected to affect the financial statements of future fiscal years is to an alternative principle which in his judgment is preferable under the circumstances. No such letter need be filed when such change is made in response to a standard adopted by the Financial Accounting Standards Board that creates a new accounting principle, that expresses a preference for an accounting principle, or that rejects a specific accounting principle.

(19) *Previously unfiled documents.* (i) Any unfiled document, which was executed or in effect during the reporting period, if such document would have been required to be filed as an exhibit to a registration statement on Form 10SB (§ 249.210b).

(ii) Any amendment or change to a document which was previously filed.

(20) *No exhibit required.*

(21) *Other documents or statements* to security holders or any document incorporated by reference.

(22) *Subsidiaries of the small business issuer.* A list of all subsidiaries, the state or other jurisdiction of incorporation or organization of each, and the names under which such subsidiaries do business.

(23) *No exhibit required.*

(24) *Consents of experts and counsel.* (i) Securities Act filings. Dated and manually signed written consents or a reference in the index to the location of the consent.

(ii) Exchange Act reports. If required to file a consent for material incorporated by reference in a previously filed registration statement under the Securities Act, the dated and manually signed consent to the material incorporated by reference. The consents shall be dated and manually signed.

(25) *Power of attorney.* If a person signs a registration statement or report under a power of attorney, a manually signed copy of such power of attorney or if located elsewhere in the registration statement, a reference in the index to where it is located. In addition, if an officer signs a registration statement for the small business issuer by a power of attorney, a certified copy of a resolution of the board of directors authorizing such signature.

(26) *Statement of eligibility of trustee.* Form T–1 (§ 269.1 of this chapter) if an indenture is being qualified under the Trust Indenture Act, bound separately from the other exhibits.

(27) *Invitations for competitive bids.* If the registration statement covers securities that the small business issuer is offering at competitive bidding, any invitation for competitive bid that the small business issuer will send or give to any person shall be filed.

(28) *Additional exhibits.* Any additional exhibits if listed and described in the exhibit index.

(29) *Information from reports furnished to state insurance regulatory authorities.* (i) If reserves for unpaid property-casualty ("P/C") claims and claim adjustment expenses of the small business issuer, its unconsolidated subsidiaries and the proportionate share of the small business issuer and the other subsidiaries in the unpaid P/C claims and claim adjustment expenses of its 50%-or-less-owned equity investees, taken in the aggregate after small business issuer eliminations, exceed one-half of the common stockholders' equity of the small business issuer as of the beginning of the latest fiscal year the following information should be supplied.

(ii) The information included in schedules O and P of Annual Statements provided to state regulatory authorities by the small business issuer or its P/C insurance small business issuer affiliates for the latest year on a combined or consolidated basis as appropriate, separately for each of the following:

(A) The small business issuer;

(B) Its unconsolidated subsidiaries; and

(C) Fifty percent-or-less-owned equity investees of the small business issuer and its subsidiaries.

(iii) Small business issuers may omit the combined or consolidated schedules O and P of fifty percent-or-less-owned equity investees, if they file the same information with the Commission as companies in their own right, and if they state that fact and the name and ownership percentage of such companies.

(iv) If ending reserves in paragraphs (b)(29)(ii) (A) and (B) of this Item or the proportionate share of the small business issuer and its other subsidiaries in paragraph (b)(29)(ii)(C) of this item are less than 5% of the total ending reserves in paragraphs (b)(29)(ii) (A) and (B) of this Item, and the proportionate share of (C) of this item, small business issuers may omit that category and note that fact. If the amount of the reserves attributable to fifty percent-or-less-owned equity investees that file this information as companies in their own right exceeds 95% of the total paragraph (b)(29)(ii)(C) of this item small business issuers do not need to provide reserves, information for the other fifty percent-or-less-owned equity investees.

(v) Small business issuers do not need to include schedules O and P information if they are not required to file schedules O and P with insurance regulatory authorities. However, clearly note the nature and extent of any such exclusions in the Exhibit.

(vi) Companies whose fiscal year differs from the calendar year should present schedules O and P as of the end of the calendar year that falls within their fiscal year.

(vii) The nature and amount of the difference between reserves for claims and claim adjustment expenses reflected on schedules O and P and the total P/C statutory reserves for claims and disclose claim adjustment expenses as of the latest calendar year in a note to those schedules.

§ 228.701 (Item 701) Recent sales of unregistered securities.

Give the following information for all securities that the small business issuer sold within the past three years without registering the securities under the Securities Act.

(a) The date, title and amount of securities sold.

(b) Give the names of the principal underwriters, if any. If the small business issuer did not publicly offer any securities, identify the persons or class of persons to whom the small business issuer sold the securities.

(c) For securities sold for cash, the total offering price and the total underwriting discounts or commissions. For securities sold other than for cash, describe the transaction and the type and amount of consideration received by the small business issuer.

(d) The section of the Securities Act or the rule of the Commission under which the small business issuer claimed

exemption from registration and the facts relied upon to make the exemption available.

§ 228.702 (Item 702) Indemnification of directors and officers.

State whether any statute, charter provisions, by-laws, contract or other arrangements that insures or indemnifies a controlling person, director or officer of the small business issuer affects his or her liability in that capacity.

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S-K

2. The authority citation for part 229 continues to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77aa[25], 77aa[26], 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78o, 78w, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

3. In § 229.801, paragraph (g) is added to read as follows:

§ 229.801 Securities Act industry guides.

* * * * *

(g) *Guide 7.* Description of Property by Issuers Engaged or To Be Engaged in Significant Mining Operations.

Note: The text of Guide 7 will not appear in the CFR.

Guide 7—Description of Property by Issuers Engaged or to be Engaged in Significant Mining Operations

(a) *Definitions.* The following definitions apply to registrants engaged or to be engaged in significant mining operations:

(1) *Reserve.* That part of a mineral deposit which could be economically and legally extracted or produced at the time of the reserve determination.

Note: Reserves are customarily stated in terms of "ore" when dealing with metalliferous minerals; when other materials such as coal, oil, shale, tar, sands, limestone, etc. are involved, an appropriate term such as "recoverable coal" may be substituted.

(2) *Proven (measured) reserves.* Reserves for which (a) quantity is computed from dimensions revealed in outcrops, trenches, workings or drill holes; grade and/or quality are computed from the results of detailed sampling and (b) the sites for inspection, sampling and measurement are spaced so closely and the geologic character is so well defined that size, shape, depth and mineral content of reserves are well-established.

(3) *Probable (indicated) reserves.* Reserves for which quantity and grade and/or quality are computed from information similar to that used for proven (measure) reserves, but the sites for inspection, sampling, and measurement are farther apart or are otherwise less adequately spaced. The degree of assurance, although lower than that for proven (measured) reserves, is high enough to assume continuity between points of observation.

(4) (i) *Exploration stage* includes all issuers engaged in the search for mineral deposits (reserves) which are not in either the development or production stage.

(ii) *Development stage* includes all issuers engaged in the preparation of an established commercially minable deposit (reserves) for its extraction which are not in the production stage.

(iii) *Production stage* includes all issuers engaged in the exploitation of a mineral deposit (reserve).

Instruction to paragraph (a)

1. Mining companies in the exploration stage should not refer to themselves as development stage companies in the financial statements, even though such companies should comply with FASB Statement No. 7, if applicable.

(b) *Mining operations disclosure.* Furnish the following information as to each of the mines, plants and other significant properties owned or operated, or presently intended to be owned or operated, by the registrant:

(1) The location and means of access to the property;

(2) A brief description of the title, claim, lease or option under which the registrant and its subsidiaries have or will have the right to hold or operate the property, indicating any conditions which the registrant must meet in order to obtain or retain the property. If held by leases or options, the expiration dates of such leases or options should be stated. Appropriate maps may be used to portray the locations of significant properties;

(3) A brief history of previous operations, including the names of previous operators, insofar as known;

(4)(i) A brief description of the present condition of the property, the work completed by the registrant on the property, the registrant's proposed program of exploration and development, and the current state of exploration and/or development of the property. Mines should be identified as either open-pit or underground. If the property is without known reserves and the proposed program is exploratory in nature, a statement to that effect shall be made;

(ii) The age, details as to modernization and physical condition of the plant and equipment, including subsurface improvements and equipment. Further, the total cost for each property and its associated plant and equipment should be stated. The source of power utilized with respect to each property should also be disclosed.

(5) A brief description of the rock formations and mineralization of existing or potential economic significance on the property, including the identity of the principal metallic or other constituents insofar as known. If proven (measured) or probable (indicated) reserves have been established, state (i) the estimated tonnages and grades (or quality, where appropriate) of such classes of reserves, and (ii) the name of the person making the estimates and the nature of his relationship to the registrant.

Instructions to paragraph (b)(5)

1. It should be stated whether the reserve estimate is of in-place material or of recoverable material. Any in-place estimate should be qualified to show the anticipated losses resulting from mining methods and beneficiation or preparation.

2. The summation of proven (measured) and probable (indicated) ore reserves is acceptable if the difference in degree of assurance between the two classes of reserves cannot be readily defined.

3. Estimates other than proved (measured) or probable (indicated) reserves, and any estimated values of such reserves shall not be disclosed unless such information is required to be disclosed by foreign or state law; provided, however, that where such estimates previously have been provided to a person (or any of its affiliates) that is offering to acquire, merge, or consolidate with, the registrant or otherwise to acquire the registrant's securities, such estimates may be included.

(6) If technical terms relating to geology, mining or related matters whose definition cannot readily be found in conventional dictionaries (as opposed to technical dictionaries or glossaries) are used, an appropriate glossary should be included in this report.

(7) Detailed geographic maps and reports, feasibility studies and other highly technical data should not be included in the report but should be, to the degree appropriate and necessary for the Commission's understanding of the registrant's presentation of business and property matters, furnished as supplemental information.

(c) *Supplemental information.* (1) If an estimate of proven (measured) or probable (indicated) reserves is set forth in the report, furnish:

(i) Maps drawn to scale showing any mine workings and the outlines of the reserve blocks involved together with the pertinent sample-assay thereon.

(ii) All pertinent drill data and related maps.

(iii) The calculations whereby the basic sample-assay or drill data were translated into the estimates made of the grade and tonnage of reserves in each block and in the complete reserve estimate.

Instructions to paragraph (c)(1).

1. Maps and drawings submitted to the staff should include:

(a) A legend or explanation showing, by means of pattern or symbol, every pattern or symbol used on the map or drawing; the use of the symbols used by the U.S. Geological Survey is encouraged;

(b) A graphical bar scale should be included; additional representations of scale such as "one inch equals one mile" may be utilized provided the original scale of the map has not been altered;

(c) A north arrow on the maps;

(d) An index map showing where the property is situated in relationship to the state or province, etc., in which it was located;

(e) A title of the map or drawing and the date on which it was drawn;

(f) In the event interpretive data is submitted in conjunction with any map, the identity of the geologist or engineer that prepared such data; and

(g) Any drawing should be simple enough or of sufficiently large scale to clearly show all features on the drawing.

(2) Furnish a complete copy of every material engineering, geological or metallurgical report concerning the registrant's property, including governmental reports, which are known and available to the registrant. Every such report should include the name of its author and the date of its preparation, if known to the registrant.

Instruction to paragraph (c)(2).

1. Any of the above-required reports as to which the staff has access need not be submitted. In this regard, issuers should consult with the staff prior to filing the report. Any reports not submitted should be identified in a list furnished to the staff. This list should also identify any known governmental reports concerning the registrant's property.

(3) Furnish copies of all documents such as title documents, operating permits and easements needed to support representations made in the report.

(4) In § 229.802, paragraphs (e) and (f) are reserved and paragraph (g) is added to read as follows:

§ 229.802 Exchange Act industry guides.

* * * * *

(e) [Reserved].

(f) [Reserved].

(g) *Guide 7.* Description of Property by Issuers Engaged or To Be Engaged in Significant Mining Operations.

Note: The text of Guide 7 will not appear in the CFR. The text of Guide 7 is identical to § 229.801(g) of this chapter and is not reprinted here.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

5. The authority citation for part 230 continues to read as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78*l*, 78m, 78n, 78o, 78w, 79t, and 80a–37, unless otherwise noted.

§ 230.175 [Amended]

6. By amending paragraph (b)(1)(i) of § 230.175 after the words "Securities Act of 1933" add the words ", offering statement under Regulation A" and in paragraph (b)(2)(i) after the parenthetical "(§ 229.303 of this chapter)" add the words "or regulation S–B (§ 228.303 of this chapter)".

7. By revising Regulation A—Conditional Small Issues Exemption, §§ 230.251–230.262, to read as follows:

Regulation A—Conditional Small Issues Exemption

Sec.

230.251 Scope of Exemption.
230.252 Offering Statement.
230.253 Offering Circular.
230.254 Solicitation of Interest Document for Use Prior to an Offering Statement.
230.255 Preliminary Offering Circulars.
230.256 Filing of Sales Material.
230.257 Reports of Sales and Use of Proceeds.
230.258 Suspension of the Exemption.
230.259 Withdrawal or Abandonment of Offering Statements.
230.260 Insignificant Deviations from a Term, Condition or Requirement of Regulation A.
230.261 Definitions.
230.262 Disqualification Provisions.

Authority: Secs. 230.251 to 230.262 issued under 15 U.S.C. 77c, 77s.

Regulation A—Conditional Small Issues Exemption

§ 230.251 Scope of exemption.

A public offer or sale of securities that meets the following terms and conditions shall be exempt under section 3(b) from the registration requirements of the Securities Act of 1933 (the "Securities Act"):

(a) *Issuer.* The issuer of the securities:

(1) Is an entity organized under the laws of the United States, any State, Territory or possession thereof, or the District of Columbia, with its principal place of business in the United States;

(2) Is not subject to section 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a *et seq.*) immediately before the offering;

(3) Is not a blank check company within the meaning of section 7(b) of the Securities Act;

(4) Is not a partnership or other entity organized primarily for the purpose of investing or reinvesting monies in securities, properties, commodities, business opportunities or similar media of speculative opportunity;

(5) Is not an investment company registered or required to be registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*);

(6) Is not issuing fractional undivided interests in oil or gas rights as defined in § 230.300, or a similar interest in other mineral rights; and

(7) Is not disqualified because of § 230.262.

(b) *Aggregate offering price.* The sum of all cash and other consideration to be received for the securities ("aggregate offering price") in any continuous 12-month period does not exceed $5,000,000, including no more than $1,500,000 offered by all selling security holders. No affiliate resales are permitted if the issuer has not had net income from continuing operations in at least one of its last two fiscal years.

Note: Where a mixture of cash and non-cash consideration is to be received, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at a currency exchange rate in effect on or at a reasonable time prior to the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Valuations of non-cash consideration must be reasonable at the time made.

(c) *Integration with other offerings.* Offers and sales made in reliance on this Regulation A will not be integrated with:

(1) Prior offers or sales of securities; or

(2) Subsequent offers or sales of securities that are:

(i) Registered under the Securities Act;

(ii) Made in reliance on § 230.701;

(iii) Made pursuant to an employee benefit plan;

(iv) Made in reliance on Regulation S (§ 230.901–904); or

(v) Made more than six months after the completion of the Regulation A offering.

Note: If the issuer offers or sells securities for which the safe harbor rules are unavailable, such offers and sales still may not be integrated with the Regulation A offering, depending on the particular facts and circumstances. See Securities Act Release No. 4552 (November 6, 1962) (27 FR 11316).

(d) *Offering conditions*—(1) *Offers.* (i) Except as allowed by § 230.254, no offer of securities shall be made unless a Form 1–A offering statement has been filed with the Commission. No money or other consideration sent in response to a notice allowed by § 230.254 shall be accepted.

(ii) After the Form 1–A offering statement has been filed:

(A) Oral offers may be made;

(B) Written offers under § 230.255 may be made;

(C) Printed advertisements may be published or radio or television broadcasts made, if they state from whom a Preliminary Offering Circular or Final Offering Circular may be obtained, and contain no more than the following information:

(*1*) The name of the issuer of the security;

(*2*) The title of the security, the amount being offered and the per unit offering price to the public;

(*3*) The general type of the issuer's business; and

(*4*) A brief statement as to the general character and location of its property.

(iii) After the Form 1–A offering statement has been qualified, other written offers may be made, but only if accompanied with or preceded by a Final Offering Circular.

(2) *Sales.* (i) No sale of securities shall be made until:

(A) The Form 1–A offering statement has been qualified;

(B) A Preliminary Offering Circular or Final Offering Circular is furnished to the prospective purchaser at least 48 hours prior to the mailing of the confirmation of sale to that person; and

(C) A Final Offering Circular is delivered to the purchaser with the confirmation of sale, unless it has been delivered to that person at an earlier time.

(ii) Sales by a dealer (including an underwriter no longer acting in that capacity for the security involved in such transaction) that take place within 90 days after the qualification of the Regulation A offering statement may be made only if the dealer delivers a copy of the current offering circular to the purchaser before or with the confirmation of sale. The issuer or underwriter of the offering shall provide requesting dealers with reasonable quantities of the offering circular for this purpose.

(3) *Continuous or delayed offerings.* Continuous or delayed offerings may be made under this regulation A if permitted by § 230.415.

§ 230.252 Offering Statement.

(a) *Documents to be included.* The offering statement consists of the facing sheet of Form 1–A (§ 239.90 of this chapter), the contents required by the form and any other material information necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(b) *Paper, printing, language and pagination.* The requirements for offering statements are the same as those specified in § 230.403 for registration statements under the Act.

(c) *Confidential treatment.* A request for confidential treatment may be made under § 230.406 for information required to be filed, and § 200.83 of this chapter for information not required to be filed.

(d) *Signatures.* The issuer, its Chief Executive Officer, Chief Financial Officer, a majority of the members of its board of directors or other governing body, and each selling security holder shall sign the offering statement. If a signature is by a person on behalf of any other person, evidence of authority to sign shall be filed, except where an executive officer signs for the issuer. If the issuer is a limited partnership, a majority of the board of directors of any corporate general partner also shall sign.

(e) *Number of copies and where to file.* Seven copies of the offering statement, at least one of which is manually signed, shall be filed either with the Commission's Office for the region in which the issuer's principal business operations are conducted or are proposed to be conducted or with the Commission's main office in Washington, DC. Since no filing may be made with the Philadelphia Regional Office, filings within the jurisdiction of that office may be made either at the Atlanta or New York Regional Office or in Washington, DC.

(f) *Fee.* There is a filing fee of $500 which shall accompany the initial filing of the offering statement. There is no fee for amendments.

(g) *Qualification.* (1) If there is no delaying notation as permitted by paragraph (g)(2) of this section or suspension proceeding under § 230.258, an offering statement is qualified without Commission action on the 20th calendar day after its filing.

(2) An offering statement containing the following notation can be qualified only by order of the Commission, unless such notation is removed prior to Commission action as described in paragraph (g)(3) of this section:

This offering statement shall only be qualified upon order of the Commission, unless a subsequent amendment is filed indicating the intention to become qualified by operation of the terms of Regulation A.

(3) The delaying notation specified in paragraph (g)(2) of this section can be removed only by an amendment to the offering statement that contains the following language:

This offering statement shall become qualified on the 20th calendar day following the filing of this amendment.

(h) *Amendments.* If any information in the offering statement is amended, an amendment, signed in the same manner as the initial filing, shall be filed. Seven copies of every amendment shall be filed with the Commission's Office that accepted the initial filing. Subsequent amendments to an offering shall recommence the time period for qualification.

§ 230.253 Offering circular.

(a) *Contents.* An offering circular shall include the narrative and financial information required by Form 1–A.

(b) *Presentation of information.* Information in the offering circular shall be presented in a clear, concise and understandable manner and in a type size that is easily readable. Repetition of information should be avoided; cross-referencing of information within the document is permitted.

(c) *Date.* An offering circular shall be dated approximately as of the date of the qualification of the offering statement of which it is a part.

(d) *Cover page legend.* The cover page of every offering circular shall display the following statement in capital letters printed in boldfaced type at least as large as that used generally in the body of such offering circular:

The United States Securities and Exchange Commission does not pass upon the merits of or give its approval to any securities offered or the terms of the offering, nor does it pass upon the accuracy or completeness of any offering circular or other selling literature. These securities are offered pursuant to an exemption from registration with the Commission; however, the Commission has not made an independent determination that the securities offered hereunder are exempt from registration.

(e) *Revisions.* (1) An offering circular shall be revised during the course of an offering whenever the information it contains has become false or misleading in light of existing circumstances, material developments have occurred, or there has been a fundamental change in the information initially presented.

(2) An offering circular for a continuous offering shall be updated to include, among other things, updated financial statements, 12 months after the date the offering statement was qualified.

(3) Every revised or updated offering circular shall be filed as an amendment to the offering statement and requalified in accordance with § 230.252.

230.254 Solicitation of interest document for use prior to an offering statement.

(a) An issuer may publish or deliver to prospective purchasers a written document to determine whether there is any interest in a contemplated securities offering. Following publication or delivery, oral communications with prospective investors are permitted. The written document and oral communications are subject to the antifraud provisions of the federal securities laws, and neither may be the basis to solicit or receive money, or any commitment, binding or otherwise, from any prospective investor.

(b) Any written document under this section shall state:

(1) that no money or other consideration sent in response will be accepted; and

(2) that no sales of the securities will be made or commitment to purchase will be accepted until delivery of an offering circular that will include complete information about the issuer and the offering.

(c) Any written document under this section may include a coupon, returnable to the issuer indicating interest in a potential offering, revealing the name, address and telephone number of the prospective investor.

(d) On or before the date of its first use, the issuer shall file a copy of any written document under this section to the Commission's Regional Office for the region in which the issuer's principal business operations are conducted or are proposed to be conducted or with the Commission's main office in Washington, DC. The document shall either contain or be accompanied by the name and telephone number of a person able to answer questions about the document.

(e) No sale may be made until qualification of the offering statement and in no event may sales be made until 20 calendar days after the publication or delivery of the document.

(f) For purposes of this section, no radio or television broadcast is permitted.

§ 230.255 Preliminary offering circulars.

(a) Prior to qualification of the required offering statement, but after its filing, a written offer of securities may be made if it meets the following requirements:

(1) The outside front cover page of the material bears the caption "Preliminary Offering Circular," the date of issuance, and the following statement, which shall run along the left hand margin of the page and be printed perpendicular to the text, in boldfaced type at least as large as that used generally in the body of such offering circular:

An offering statement pursuant to Regulation A relating to these securities has been filed with the _____ Office of the Securities and Exchange Commission.

Information contained in this Preliminary Offering Circular is subject to completion or amendment. These securities may not be sold nor may offers to buy be accepted prior to the time an offering circular which is not designated as a Preliminary Offering Circular is delivered and the offering statement filed with the Commission becomes qualified. This Preliminary Offering Circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sales of these securities in any state in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the laws of any such state.

(2) The Preliminary Offering Circular contains substantially the information required in an offering circular by Form 1–A (§ 239.90 of this chapter), except that information with respect to offering price, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices, or other matters dependent upon the offering price may be omitted. The outside front cover page of the Preliminary Offering Circular shall include a bona fide estimate of the range of the maximum offering price and maximum number of shares or other units of securities to be offered or a bona fide estimate of the principal amount of debt securities to be offered.

(3) The material is filed as a part of the offering statement.

(b) If a Preliminary Offering Circular is inaccurate or inadequate in any material respect, a revised Preliminary Offering Circular or a complete Offering Circular shall be furnished to all persons to whom securities are to be sold at least 48 hours prior to the mailing of any confirmation of sale to such persons, or shall be sent to such persons under such circumstances that it would normally be received by them 48 hours prior to receipt of confirmation of the sale.

§ 230.256 Filing of sales material.

Seven copies of any advertisement or written communication, or the script of any radio or television broadcast, shall be filed with the Office of the Commission where the offering statement was initially filed when the material is first published or delivered.

§ 230.257 Reports of sales and use of proceeds.

The issuer and/or each selling security holder shall file seven copies of a report concerning sales and use of proceeds on Form 2–A (§ 239.91 of this chapter), or other form prescribed by the Commission, with the Office of the Commission where the offering statement was initially filed. This report shall be filed at the following times:

(a) Every six months after the qualification of the offering statement or any amendment until substantially all the proceeds have been applied; and

(b) Within 30 calendar days after the termination, completion or final sale of securities in the offering, or the application of the proceeds from the offering, whichever is the latest event. This report should be labeled the final report. For purposes of this section, the temporary investment of proceeds pending final application shall not constitute application of the proceeds.

§ 230.258 Suspension of the exemption.

(a) The Commission may at any time enter an order temporarily suspending a Regulation A exemption if it has reason to believe that:

(1) No exemption is available or any of the terms, conditions or requirements of the Regulation have not been complied with, including failures to provide the Commission a copy of the document under § 230.254, to file any sales material as required by § 230.256 or report as required by § 230.257;

(2) The offering statement or any sales material contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading;

(3) The offering is being made or would be made in violation of section 17 of the Securities Act;

(4) An event has occurred after the filing of the offering statement which would have rendered the exemption hereunder unavailable if it had occurred prior to such filing;

(5) Any person specified in paragraph (a) of § 230.262 has been indicted for

any crime or offense of the character specified in paragraph (a)(3) of § 230.262, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in paragraph (a)(4) of § 230.262;

(6) Any person specified in paragraph (b) of § 230.262 has been indicted for any crime or offense of the character specified in paragraph (b)(1) of § 230.262, or any proceeding has been initiated for the purpose of enjoining any such person from engaging in or continuing any conduct or practice of the character specified in paragraph (b)(2) of § 230.262; or

(7) The issuer or any promoter, officer, director or underwriter has failed to cooperate, or has obstructed or refused to permit the making of an investigation by the Commission in connection with any offering made or proposed to be made in reliance on regulation A.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the issuer, any underwriter and any selling security holder:

(1) That such order has been entered, together with a brief statement of the reasons for the entry of the order; and

(2) That the Commission, upon receipt of a written request within 30 calendar days after the entry of the order, will within 20 calendar days after receiving the request, order a hearing at a place to be designated by the Commission.

(c) If no hearing is requested and none is ordered by the Commission, an order entered under paragraph (a) of this section shall become permanent on the 30th calendar day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently suspending the exemption.

(d) The Commission may, at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(e) All notices required by this section shall be given by personal service, registered or certified mail to the addresses given by the issuer, any underwriter and any selling security holder in the offering statement.

§ 230.259 Withdrawal or abandonment of offering statements.

(a) If none of the securities which are the subject of an offering statement have been sold and such offering statement is not the subject of a proceeding under § 230.258, the offering statement may be withdrawn with the Commission's consent. The application for withdrawal shall state the reason the offering statement is to be withdrawn, to be signed by an authorized representative of the issuer and to be directed to the Commission's Office where the offering statement was filed.

(b) When an offering statement has been on file with the Commission for nine months without amendment and has not become qualified, the Commission may, in its discretion, proceed in the following manner to determine whether such offering statement has been abandoned by the issuer. If the offering statement has been amended, the 9-month period shall be computed from the date of the latest amendment.

(1) Notice will be sent to the issuer, and to any counsel for the issuer named in the offering statement, by registered or certified mail, return receipt requested, addressed to the most recent addresses for the issuer and issuer's counsel as reflected in the offering statement. Such notice will inform the issuer and issuer's counsel that the offering statement or amendments thereto is out of date and must be either amended to comply with applicable requirements of regulation A or be withdrawn within 30 calendar days after the notice.

(2) If the issuer or issuer's counsel fail to respond to such notice by filing a substantive amendment or withdrawing the offering statement or do not furnish a satisfactory explanation as to why the issuer has not done so within 30 calendar days, the Commission may declare the offering statement abandoned.

§ 230.260 Insignificant deviations from a term, condition or requirement of regulation A.

(a) A failure to comply with a term, condition or requirement of regulation A will not result in the loss of the exemption from the requirements of section 5 of the Securities Act for any offer or sale to a particular individual or entity, if the person relying on the exemption establishes:

(1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity;

(2) the failure to comply was insignificant with respect to the offering as a whole, provided that any failure to comply with paragraphs (a), (b), (d) (1) and (3) of § 230.251 shall be deemed to be significant to the offering as a whole; and

(3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of regulation A.

(b) A transaction made in reliance upon regulation A shall comply with all applicable terms, conditions and requirements of the regulation. Where an exemption is established only through reliance upon paragraph (a) of this section, the failure to comply shall nonetheless be actionable by the Commission under section 20 of the Act.

(c) This provision provides no relief or protection from a proceeding under § 230.258.

§ 230.261 Definitions.

As used in this regulation A, all terms have the same meanings as in § 230.405, except that all references to *registrant* in those definitions shall refer to the issuer of the securities to be offered and sold under regulation A. In addition, these terms have the following meanings:

(a) *Final offering circular.* The current offering circular contained in a qualified offering statement;

(b) *Preliminary offering circular.* The offering circular described in § 230.255(a).

§ 230.262 Disqualification provisions.

Unless, upon a showing of good cause and without prejudice to any other action by the Commission, the Commission determines that it is not necessary under the circumstances that the exemption provided by this regulation A be denied, the exemption shall not be available for the offer or sale of securities, if:

(a) The issuer, any of its predecessors or any affiliated issuer:

(1) Has filed a registration statement which is the subject of any pending proceeding or examination under section 8 of the Act, or has been the subject of any refusal order or stop order thereunder within 5 years prior to the filing of the offering statement required by § 230.252;

(2) Is subject to any pending proceeding under § 230.258 or any similar section adopted under section 3(b) of the Securities Act, or to an order entered thereunder within 5 years prior to the filing of such offering statement;

(3) Has been convicted within 5 years prior to the filing of such offering statement of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission;

(4) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, entered within 5 years prior to the filing of such offering statement, permanently restraining or enjoining, such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the Commission; or

(5) Is subject to a United States Postal Service false representation order entered under 39 U.S.C. 3005 within 5 years prior to the filing of the offering statement, or is subject to a temporary restraining order or preliminary injunction entered under 39 U.S.C. 3007 with respect to conduct alleged to have violated 39 U.S.C. 3005. The entry of an order, judgment or decree against any affiliated entity before the affiliation with the issuer arose, if the affiliated entity is not in control of the issuer and if the affiliated entity and the issuer are not under the common control of a third party who was in control of the affiliated entity at the time of such entry does not come within the purview of this paragraph (a) of this section.

(b) Any director, officer or general partner of the issuer, beneficial owner of 10 percent or more of any class of its equity securities, any promoter of the issuer presently connected with it in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of any such underwriter:

(1) Has been convicted within 10 years prior to the filing of the offering statement required by § 230.252 of any felony or misdemeanor in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(2) Is subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily enjoining or restraining, or is subject to any order, judgment, or decree of any court of competent jurisdiction, entered within 5 years prior to the filing of such offering statement, permanently enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, involving the making of a false filing with the Commission, or arising out of the conduct of the business of an underwriter, broker, dealer, municipal securities dealer, or investment adviser;

(3) Is subject to an order of the Commission entered pursuant to section 15(b), 15B(a), or 15B(c) of the Exchange Act, or section 203(e) or (f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*);

(4) Is suspended or expelled from membership in, or suspended or barred from association with a member of, a national securities exchange registered under section 6 of the Exchange Act or a national securities association registered under section 15A of the Exchange Act for any act or omission to act constituting conduct inconsistent with just and equitable principles of trade; or

(5) Is subject to a United States Postal Service false representation order entered under 39 U.S.C. 3005 within 5 years prior to the filing of the offering statement required by § 230.252, or is subject to a restraining order or preliminary injunction entered under 39 U.S.C. 3007 with respect to conduct alleged to have violated 39 U.S.C. 3005.

(c) Any underwriter of such securities was an underwriter or was named as an underwriter of any securities:

(1) Covered by any registration statement which is the subject of any pending proceeding or examination under section 8 of the Act, or is the subject of any refusal order or stop order entered thereunder within 5 years prior to the filing of the offering statement required by § 230.252; or

(2) Covered by any filing which is subject to any pending proceeding under § 230.258 or any similar rule adopted under section 3(b) of the Securities Act, or to an order entered thereunder within 5 years prior to the filing of such offering statement.

8. Section 230.405 is amended by adding the following definition of *small business issuer* in the appropriate alphabetical order to read as follows:

§ 230.405 Definitions of terms.

* * * * *

Small business issuer. The term *small business issuer* means an entity that meets the following criteria:

(1) Had revenues of less than $15,000,000 during its last fiscal year;

(2) Is not a foreign private issuer or a foreign government;

(3) Is not an investment company; and

(4) Is not a wholly owned subsidiary of a non-small business issuer.

* * * * *

§ 230.502 [Amended]

9. In § 230.502 by amending the note to paragraph (b) by removing the last sentence and in the flush text of paragraph (d) by removing the words "and § 230.504(b)(2)(ii) require" and adding the word "requires".

10. By revising paragraphs (b) (1) and (2), and Notes 1 and 2 to paragraph (b)(2) and removing paragraph (b)(2)(ii) of § 230.504 to read as follows:

§ 230.504 Exemption for limited offerings and sales of securities not exceeding $1,000,000.

* * * * *

(b) *Conditions to be met.* (1) To qualify for exemption under this § 230.504, offers and sales must satisfy the terms and conditions of §§ 230.501 and 230.502, except that the provisions of § 230.502(c) and (d) shall not apply to offers and sales made under this § 230.504.

(2) The aggregate offering price for an offering of securities under this § 230.504, as defined in § 230.501(c), shall not exceed $1,000,000, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this § 230.504, in reliance on any exemption under section 3(b), or in violation of section 5(a) of the Securities Act.

Note 1: The calculation of the aggregate offering price is illustrated as follows:

If an issuer sold $900,000 on June 1, 1987 under this § 230.504 and an additional $4,100,000 on December 1, 1987 under § 230.505, the issuer could not sell any of its securities under this § 230.504 until December 1, 1988. Until then the issuer must count the December 1, 1987 sale towards the $1,000,000 limit within the preceding twelve months.

Note 2: If a transaction under § 230.504 fails to meet the limitation on the aggregate offering price, it does not affect the availability of this § 230.504 for the other transactions considered in applying such limitation. For example, if an issuer sold $1,000,000 worth of its securities on January 1, 1988 under this § 230.504 and an additional $500,000 worth on July 1, 1988, this § 230.504 would not be available for the later sale, but would still be applicable to the January 1, 1988 sale.

* * * * *

11. By revising paragraph (a)(2) of § 230.508 to read as follows:

§ 230.508 Insignificant deviations from a term, condition or requirement of regulation D.

(a) * * *

(2) The failure to comply was insignificant with respect to the offering as a whole, provided that any failure to comply with paragraph (c) of § 230.502, paragraph (b)(2) of § 230.504, paragraphs (b)(2)(i) and (ii) of § 230.505 and paragraph (b)(2)(i) of § 230.506 shall be

deemed to be significant to the offering as a whole; and

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

12. The authority citation for part 239 continues to read as follows:

Authority: 15 U.S.C. 77a, *et seq.*, unless otherwise noted.

§§ 239.28, 239.92, 239.93, 239.94, 239.95 and 239.96 [Removed]

13. By removing §§ 239.28, 239.92, 239.93, 239.94, 239.95, and 239.96.

14. Section 239.29 is added to read as follows:

§ 239.29 Form SB–1, optional form for the registration of securities to be sold to the public by small business issuers.

Small business issuers defined in rule 405 (17 CFR 230.405 of this chapter) may use this form to register securities to be sold for cash.

Note: The Text and Instructions of Form SB–1 will not appear in the Code of Federal Regulations.

OMB APPROVAL

OMB Number: xxxx–xxxx
Expires: Approval Pending
Estimated average burden hours per response..... 1.0
U.S. Securities and Exchange Commission, Washington, DC 20549

Form SB–1

Registration Statement Under the Securities Act of 1933

(Amendment No.)

(Name of small business issuer in its charter)

(State or jurisdiction of incorporation or organization)

(Primary Standard Industrial Classification Code Number)

(I.R.S. Employer Identification No.)

(Address and telephone number of principal executive offices)

(Address of principal place of business or intended principal place of business)

(Name, address and telephone number of agent for service)

Approximate date of proposed sale to the public _____

Calculation of Registration Fee

Title of each class of securities to be registered	Dollar amount to be registered	Proposed maximum offering price per unit	Proposed maximum aggregate offering price	Amount of registration fee

The following delaying amendment is optional, but see rule . before omitting it: The registrant hereby amends this registration statement on such date or dates as may be necessary to delay its effective date until the registrant shall file a further amendment which specifically states that this registration statement shall thereafter become effective in accordance with section 8(a) of the Securities Act of 1933 or until the registration statement shall become effective on such date as the Commission, acting pursuant to said section 8(a), may determine.

General Instructions

A. Use of Form and Place of Filing

1. A "small business issuer," defined in rule 405 of the Securities Act of 1933 (the "Securities Act") may use this form to register securities to be sold for cash.

2. If the small business issuer is not a reporting company, it should file the registration statement in the regional office that is closest to its principal place of business or the Washington DC office. However, no filing may be made in the Philadelphia regional office; small business issuers in that region should file in the Atlanta, New York or Washington, DC offices.

3. If the small business issuer is a reporting company or a holding company of a bank (see the definition of "bank" in section 12(i) of the Exchange Act), it should file the registration statement in the Commission's Washington DC headquarters.

4. Post-effective amendments should be filed with the office that declare the registration statement effective.

5. The Commission will attempt to process the registration statement at the place of filing. However, due to workload or other special considerations, the Commission may refer processing to a different office.

B. General Requirements

1. Regulation S–B (17 CFR 228.10 *et seq.*) contains the disclosure requirements for Form SB–1. In preparing a registration statement on this Form, reference also should be made to the General Rules and Regulations under the Securities Act, particularly regulation C which sets forth requirements for the preparation and filing of a registration statement such as paper type and size.

2. Issuers registering securities for the first time should be aware of Form SR and rule 463 under the Securities Act concerning sales of registered securities and the use of proceeds. First time issuers also should be aware of Exchange Act rule 15c2–8 (240.15c2–8) which requires broker dealers to deliver a prospectus 48 hours before a sale of securities can be confirmed.

3. Issuers engaged in real estate, oil and gas or mining activities should consult the Industry Guides in Item 801 of Regulation S–K (17 CFR 229.801). Real estate companies also should refer to Item 13 (Investment Policies of Registrant), Item 14 (Description of Real Estate), and Item 15 (Operating Data) of Form S–11 (17 CFR 239.18).

Part I—Information Required in Prospectus

Item 1. Front of Registration Statement and Outside Front Cover of Prospectus.

Furnish the information required by Item 501 of regulation S–B.

Item 2. Inside Front and Outside Back Cover Pages of Prospectus.

Furnish the information required by Item 502 of regulation S–B.

Item 3. Summary Information and Risk Factors.

Furnish the information required by Item 503 of regulation S–B.

Item 4. Use of Proceeds.

Furnish the information required by Item 504 of regulation S–B.

Item 5. Determination of Offering Price.

Furnish the information required by Item 505 of regulation S–B.

Item 6. Dilution.

Furnish the information required by Item 506 of regulation S–B.

Item 7. Selling Security Holders.

Furnish the information required by Item 507 of regulation S–B.

Item 8. Plan of Distribution.

Furnish the information required by Item 508 of regulation S–B.

Item 9. Legal Proceedings.

Furnish the information required by Item 103 of regulation S–B.

Item 10. Directors, Executive Officers, Promoters and Control Persons.

Furnish the information required by Item 401 of regulation S–B.

Item 11. Security Ownership of Certain Beneficial Owners and Management.

Furnish the information required by Item 403 of regulation S–B.

Item 12. Description of Securities.

Furnish the information required by Item 202 of regulation S–B.

Item 13. Interest of Named Experts and Counsel.

Furnish the information required by Item 509 of regulation S–B.

Item 14. Disclosure of Commission position on Indemnification for Securities Act Liabilities.

Furnish the information required by Item 510 of regulation S–B.

Item 15. Organization within Last Five Years.

Furnish the information required by Item 404 of regulation S–B.

Item 16. Description of Business.

Furnish the information required by Item 101 of regulation S–B.

Item 17. Management's Discussion and Analysis or Plan of Operation.

Furnish the information required by Item 303 of regulation S–B.

Item 18. Description of Property.

Furnish the information required by Item 102 of regulation S–B.

Item 19. Certain Relationships and Related Transactions.

Furnish the information required by Item 404 of regulation S–B.

Item 20. Market for Common Stock and Related Stockholder Matters.

Furnish the information required by Item 201 of regulation S–B.

Item 21. Executive Compensation.

Furnish the information required by Item 402 of regulation S–B.

Item 22. Financial Statements.

Furnish the information required by Item 310 of regulation S–B.

Item 23. Changes In and Disagreements With Accountants on Accounting and Financial Disclosure.

Furnish the information required by Item 304 of regulation S–B.

Part II—Information Not Required in Prospectus

Item 24. Indemnification of Directors and Officers.

Furnish the information required by Item 702 of regulation S–B.

Item 25. Other Expenses of Issuance and Distribution.

Furnish the information required by Item 511 of regulation S–B.

Item 26. Recent Sales of Unregistered Securities.

Furnish the information required by Item 701 of regulation S–B.

Item 27. Exhibits.

Furnish the exhibits required by Item 601 of regulation S–B.

Item 28. Undertakings.

Furnish the undertakings required by Item 512 of regulation S–B.

Signatures

In accordance with the requirements of the Securities Act of 1933, the registrant certifies that it has reasonable grounds to believe that it meets all of the requirements of filing on Form SB–1 and authorized this registration statement to be signed on its behalf by the undersigned, in the City of_____, State of_____, on _____, 19___.

(Registrant) _____

By (Signature and Title)_____

In accordance with the requirements of the Securities Act of 1933, this registration statement was signed by the following persons in the capacities and on the dates stated.

(Signature) _____

(Title)_____

(Date)_____

Instructions for Signatures

(1) Who must sign: The small business issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and at least the majority of the board of directors or persons performing similar functions. If the issuer is a limited partnership then the general partner and a majority of its board of directors if a corporation.

(2) Beneath each signature, type or print the name of each signatory. Any person who occupies more than one of the specified positions shall indicate each capacity in which he or she signs the registration statement. See rule 402 of regulation C concerning manual signatures and Item 601 of regulation S–B concerning signatures by powers of attorney.

§ 239.12 [Amended]

15. Form S–2 (§ 239.12) is amended by adding paragraph C to General Instruction II to read as follows:

Note: The text of Form S–2 does not appear in the Code of Federal Regulations.

Form S–2

* * * * *

General Instruction

* * * * *

II. Application of General Rules and Regulations

* * * * *

C. A "small business issuer," defined in rule 405 (17 CFR 230.405), that is eligible to use Form S–2, shall refer to the disclosure items in regulation S–B (17 CFR 228.10 *et seq.*) and not regulation S–K. For example, while Item 1 of Form S–2 requires the information required by Item 501 of regulation S–K, a small business issuer shall provide the information in Item 501 of regulation S–B. Where regulation S–B does not contain a comparable item, for example, there is no Item "301" in regulation S–B, then a small business issuer may omit the item. A small business issuer shall provide the financial information in item 310 of regulation S–B in lieu of the financial information called for by item 11 of Form S–2.

* * * * *

§ 239.13 [Amended]

16. Form S–3 (§ 239.13) is amended by adding paragraph C to General Instruction II to read as follows:

Note: The text of Form S–3 does not appear in the Code of Federal regulations.

Form S–3

* * * * *

General Instruction

* * * * *

II. Application of General Rules and Regulations

* * * * *

C. A "small business issuer," defined in rule 405 (17 CFR 230.405), that is eligible to use Form S–3 shall refer to the disclosure items in regulation S–B (17 CFR 228.10 *et seq.*) and not regulation S–K. For example, while item 1 of Form S–3 requires the information required by item 501 of regulation S–K, small business issuers shall provide the information in item 501 of regulation S–B. Where regulation S–B does not contain a comparable item, for example, there is no item "301" in regulation S–B, then small business issuers may omit the item. Small business issuers shall provide the financial information called for by item 310 of regulation S–B in lieu of the financial information called for by item 11.

* * * * *

§ 239.16b [Amended]

17. Form S–8 (§ 239.16b) is amended by adding instruction 3 to General Instruction B to read as follows:

Note: The text of Form S–8 does not appear in the Code of Federal Regulations.

Form S–8

* * * * *

General Instruction

* * * * *

B. Application of General Rules and Regulations

* * * * *

3. A "small business issuer," defined in § 230.405, shall refer to the disclosure items in regulation S–B (17 CFR 228.10 *et seq.*) and not regulation S–K (17 CFR 229.10 *et seq.*).

* * * * *

§ 239.25 [Amended]

18. Form S–4 (§ 239.25) is amended by adding paragraph 3 to General Instruction D to read as follows:

Note: The text of Form S–4 will not appear in the Code of Federal Regulations.

Form S–4

* * * * *

General Instructions

* * * * *

D. Application of General Rules and regulations

* * * * *

3. A "small business issuer," defined in § 230.405, shall refer to the disclosure items in regulation S–B (17 CFR 228.10 *et seq.*) and not regulation S–K except with respect to disclosure called for by subpart 900 of regulation S–K. Small business issuers shall provide or incorporate by reference the information called for by item 310 of regulation S–B.

* * * * *

19. By revising §§ 239.90 and 239.91 to read as follows:

§ 239.90 Form 1–A, offering statement under regulation A.

This form shall be used for filing under regulation A (§§ 230.251–230.262 of this chapter).

239.91 Form 2–A, report pursuant to rule 257 of regulation A.

This form shall be used for reports of sales and use of proceeds pursuant to rule 257 of regulation A (§ 230.257 of this chapter).

§§ 239.90 and 239.91 [Amended]

20. By revising Form 1–A (§ 239.90) and Form 2–A (§ 239.91) to read as follows:

Note: Forms 1–A and 2–A do not appear in the Code of Federal Regulations.

Securities and Exchange Commission

Form 1–A

Regulation A Offering Statement Under the Securities Act of 1933

(Exact name of issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(Address, including zip code, and telephone number, including area code of issuer's principal executive offices)

(Name, address, including zip code, and telephone number, including area code, of agent for service)

(Primary Standard Industrial Classification Code Number)

(I.R.S. Employer Identification Number)

General Instructions

I. Eligibility Requirements for Use of Form 1–A

This form is to be used for securities offerings made pursuant to regulation A, 17 CFR 230.251 *et seq.* Careful attention should be directed to the terms, conditions and requirements of the regulation, especially rule 251, inasmuch as the exemption is not available to all issuers or to every type of securities transaction. Further, the aggregate offering amount of securities which may be sold in any 12 month period is strictly limited to $5 million.

II. Preparation and Filing of the Offering Statement

An offering statement shall be prepared by all persons seeking exemption pursuant to the provisions of regulation A. Parts I, II and III shall be addressed by all issuers. Part II of the form which relates to the content of the required offering circular provides several alternate formats depending upon the nature and/or business of the issuer; only one format needs to be followed and provided in the offering statement. General information regarding the preparation, format, content of, and where to file the offering statement is contained in rule 252. Requirements relating to the offering circular are contained in rules 253 and 255. The offering statement may be printed, mimeographed, lithographed, or typewritten or prepared by any similar process which will result in clearly legible copies.

III. Supplemental Information

The following information shall be furnished to the Commission as supplemental information:

(1) A statement as to whether or not the amount of compensation to be allowed or paid to the underwriter has been cleared with the NASD.

(2) Any engineering, management or similar report referenced in the offering circular.

(3) Such other information as requested by the staff in support of statements, representations and other assertions contained in the offering statement.

Part I—Notification

The information requested shall be provided in the order which follows specifying each item number; the text of each item as presented in this form may be omitted. All items shall be addressed and negative responses should be included.

Item 1. Significant Parties

(a) List the full names and business and residential addresses, as applicable, for the following persons:

(1) The issuer's directors;

(2) The issuer's officers;

(3) The issuer's general partners;

(4) Record owners of 5 percent or more of any class of the issuer's equity securities;

(5) Beneficial owners of 5 percent or more of any class of the issuer's equity securities;

(6) Promoters of the issuer;

(7) Affiliates of the issuer;

(8) Counsel to the issuer with respect to the proposed offering;

(9) Each underwriter with respect to the proposed offering;

(10) The underwriter's directors;

(11) The underwriter's officers;

(12) The underwriter's general partners; and

(13) Counsel to the underwriter.

Item 2. Application of Rule 262

(a) State whether any of the persons identified in response to Item 1 are subject to any of the disqualification provisions set forth in rule 262.

(b) If any such person is subject to these provisions, provide a full description including pertinent names, dates and other details, as well as whether or not an application has been made pursuant to rule 262 for a waiver of such disqualification and whether or not such application has been granted or denied.

Item 3. Affiliate Sales

If any part of the proposed offering involves the resale of securities by affiliates of the issuer, confirm that the following description does not apply to the issuer.

The issuer has not had a net income from operations of the character in which the issuer intends to engage for at least one of its last two fiscal years.

Item 4. Jurisdictions in Which Securities Are to be Offered

(a) List the jurisdiction in which the securities are to be offered by underwriters, dealers or salespersons.

(b) List the jurisdictions in which the securities are to be offered other than by underwriters, dealers or salesmen and state the method by which such securities are to be offered.

Item 5. Unregistered Securities Issued or Sold Within One Year

(a) As to any unregistered securities issued by the issuer or any of its predecessors or affiliated issuers within one year prior to the filing of this Form 1–A, state:

(1) The name of such issuer;

(2) The title and amount of securities issued;

(3) The aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof;

(4) The names and identities of the persons to whom the securities were issued.

(b) As to any unregistered securities of the issuer or any of its predecessors or affiliated issuers which were sold within one year prior to the filing of this Form 1–A by or for the account of any person who at the time was a director, officer, promoter or principal security holder of the issuer of such securities, or was an underwriter of any securities of such issuer, furnish the information specified in subsections (1) through (4) of paragraph (a).

(c) Indicate the section of the Securities Act or Commission rule or regulation relied upon for exemption from the registration requirements of such Act and state briefly the facts relied upon for such exemption.

Item 6. Other Present or Proposed Offerings

State whether or not the issuer or any of its affiliates is currently offering or contemplating the offering of any securities in addition to those covered by this Form 1–A. If so, describe fully the present or proposed offering.

Item 7. Marketing Arrangements

(a) Briefly describe any arrangement known to the issuer or to any person named in response to Item 1 above or to any selling securityholder in the offering covered by this Form 1–A for any of the following purposes:

(1) To limit or restrict the sale of other securities of the same class as those to be offered for the period of distribution;

(2) To stabilize the market for any of the securities to be offered;

(3) For withholding commissions, or otherwise to hold each underwriter or dealer responsible for the distribution of its participation.

(b) Identify any underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the amount of securities so intended to be confirmed.

Item 8. Relationship With Issuer of Experts Named in Offering Statement

If any expert named in the offering statement as having prepared or certified any part thereof was employed for such purpose on a contingent basis or, at the time of such preparation or certification or at any time thereafter, had a material interest in the issuer or any of its parents or subsidiaries or was connected with the issuer or any of its subsidiaries as a promoter, underwriter, voting trustee, director, officer or employee furnish a brief statement of the nature of such contingent basis, interest or connection.

Item 9. Use of a Solicitation of Interest Document

Indicate whether or not a publication authorized by rule 254 was used prior to the filing of this notification. If so, indicate the date(s) of publication and of the last communication with prospective purchasers.

Part II—Offering Circular

Financial Statement requirements, regardless of the applicable disclosure model, are specified in Part F/S of this Form 1–A.

The narrative disclosure contents of offering circulars are specified as follows:

A:For all corporate issuers—the information required by Model A of this Part II of Form 1–A.

B:For all other issuers and for any issuer that so chooses—the information required by either Part I of Form S–B, 17 CFR 239.28, except for the financial statements called for there, or Model B of this Part II of Form 1–A. Offering circulars prepared pursuant to this instruction need not follow the order of the items or other requirements of the disclosure form. Such information shall not, however, be set forth in such a fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Information requested to be presented in a specified tabular format shall be given in substantially the tabular form specified in the item.

Offering Circular Model A

General Instructions

Each question in each paragraph of this part shall be responded to; and each question and any notes, but not any instructions thereto, shall be restated in its entirety. If the question or series of questions is inapplicable, so state. If the space provided in the format is insufficient, additional space should be created by cutting and pasting the format to add more lines.

Be very careful and precise in answering all questions. Give full and complete answers so that they are not misleading under the circumstances involved. Do not discuss any future performance or other anticipated event unless you have a reasonable basis to believe that it will actually occur within the foreseeable future. If any answer requiring significant information is materially inaccurate, incomplete or misleading, the Company, its management and principal shareholders may have liability to investors. The selling agents should exercise appropriate diligence to determine that no such inaccuracy or incompleteness has occurred, or they may be liable.

Cover Page

(Exact name of Company as set forth in Charter)

Type of securities offered:

Maximum number of securities offered:

Minimum number of securities offered:

Price per security: $

Total proceeds: If maximum sold: $

If minimum sold: $

(See Questions 9 and 10)

Is a commissioned selling agent selling the securities in this offering?

[ ] Yes [ ] No

If yes, what percent is commission of price to public? ____%.

Is there other compensation to selling agent(s)?

[ ] Yes [ ] No

Is there a finder's fee or similar payment to any person?

[ ] Yes [ ] No (See Question No. 22)

Is there an escrow of proceeds until minimum is obtained?

[ ] Yes [ ] No (See Question No. 26)

Is this offering limited to members of a special group, such as employees of the Company or individuals?

[ ] Yes [ ] No (See Question No. 25)

Is transfer of the securities restricted?

[ ] Yes [ ] No (See Question No. 25)

Investment in small businesses involves a high degree of risk, and investors should not invest any funds in this offering unless they can afford to lose their entire investment. See question No. 2 for the risk factors that management believes present the most substantial risks to an investor in this offering.

In making an investment decision investors must rely on their own examination of the issuer and the terms of the offering, including the merits and risks involved. These securities have not been recommended or approved by any Federal or state securities commission or regulatory authority. Furthermore, these authorities have not passed upon the accuracy or adequacy of this document. Any representation to the contrary is a criminal offense.

The U.S. Securities and Exchange Commission does not pass upon the merits of any securities offered or the terms of the offering, nor does it pass upon the accuracy or completeness of any offering circular or selling literature. These securities are offered under an exemption from registration; however, the Commission has not made an independent determination that these securities are exempt from registration.

This Company:

[ ] Has never conducted operations.

[ ] Is in the development stage.

[ ] Is currently conducting operations.

[ ] Has shown a profit in the last fiscal year.

[ ] Other (Specify):

(Check at least one, as appropriate)

This offering has been registered for offer and sale in the following states:

State	State file No.	Effective date

Instruction: The Cover Page of the Offering Circular is a summary of certain essential information and should be kept on one page if at all possible. For purposes of characterizing the Company on the cover page, the term "development stage" has the same meaning as that set forth in Statement of Financial Accounting Standards No. 7 (June 1, 1975).

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This offering circular contains all of the representations by the company concerning this offering, and no person shall make different or broader statements than those contained herein. Investors are cautioned not to rely upon any information not expressly set forth in this offering circular.

This Offering Circular, together with Financial Statements and other Attachments, consists of a total of _____ pages.

The Company

1. Exact corporate name:

State and date of incorporation:

Street address of principal office:

Company Telephone Number: (___)

Fiscal year: (month)_____ (day)_____

Person(s) to contact at Company with respect to offering:

Telephone Number (if different from above): (___)

Risk Factors

2. List in the order of importance the factors which the Company considers to be the most substantial risks to an investor in this offering in view of all facts and circumstances or which otherwise make the offering one of high risk or speculative (i. e.,

those factors which constitute the greatest threat that the investment will be lost in whole or in part, or not provide an adequate return).

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

Note: In addition to the above risks, businesses are often subject to risks not foreseen or fully appreciated by management. In reviewing this Offering Circular potential investors should keep in mind other possible risks that could be important.

Instruction: The Company should avoid generalized statements and include only those factors which are unique to the Company. No specific number of risk factors is required to be identified. If more than 16 significant risk factors exist, add additional lines and number as appropriate. Risk factors may be due to such matters as cash flow and liquidity problems, inexperience of management in managing a business in the particular industry, dependence of the Company on an unproven product, absence of an existing market for the product (even though management may believe a need exists), absence of an operating history of the Company, absence of profitable operations in recent periods, an erratic financial history, the financial position of the Company, the nature of the business in which the Company is engaged or proposes to engage, conflicts of interest with management, arbitrary establishment of offering price, reliance on the efforts of a single individual, or absence of a trading market if a trading market is not expected to develop. Cross references should be made to the Questions where details of the risks are described.

Business and Properties

3. With respect to the business of the Company and its properties:

(a) Describe in detail what business the Company does and proposes to do, including what products or goods are or will be produced or services that are or will be rendered.

_____

(b) Describe how these products or services are to be produced or rendered and how and when the Company intends to carry out its activities. If the Company plans to offer a new product(s), state the present stage of development, including whether or not a working prototype(s) is in existence. Indicate if completion of development of the product would require a material amount of the resources of the Company, and the estimated amount. If the Company is or is expected to be dependent upon one or a limited number of suppliers for essential raw materials, energy or other items, describe. Describe any major existing supply contracts.

_____

(c) Describe the industry in which the Company is selling or expects to sell its products or services and, where applicable, any recognized trends within that industry. Describe that part of the industry and the geographic area in which the business competes or will compete.

Indicate whether competition is or is expected to be by price, service, or other basis. Indicate (by attached table if appropriate) the current or anticipated prices or price ranges for the Company's products or services, or the formula for determining prices, and how these prices compare with those of competitors' products or services, including a description of any variations in product or service features. Name the principal competitors that the Company has or expects to have in its area of competition. Indicate the relative size and financial and market strengths of the Company's competitors in the area of competition in which the Company is or will be operating. State why the Company believes it can effectively compete with these and other companies in its area of competition.

_____

Note: Because this Offering Circular focuses primarily on details concerning the Company rather than the industry in which the Company operates or will operate, potential investors may wish to conduct their own separate investigation of the Company's industry to obtain broader insight in assessing the Company's prospects.

(d) Describe specifically the marketing strategies the Company is employing or will employ in penetrating its market or in developing a new market. Set forth in response to Question 4 below the timing and size of the results of this effort which will be necessary in order for the Company to be profitable. Indicate how and by whom its products or services are or will be marketed (such as by advertising, personal contact by sales representatives, etc.), how its marketing structure operates or will operate and the basis of its marketing approach, including any market studies. Name any customers that account for, or based upon existing orders will account for a major portion (20% or more) of the Company's sales. Describe any major existing sales contracts.

_____

(e) State the backlog of written firm orders for products and/or services as of a recent date (within the last 90 days) and compare it with the backlog of a year ago from that date.

As of: ____/____/____ $_____
(a recent date)

As of: ____/____/____ $_____
(one year earlier)

Explain the reason for significant variations between the two figures, if any. Indicate what types and amounts of orders are included in the backlog figures. State the size of typical orders. If the Company's sales are seasonal or cyclical, explain.

_____

(f) State the number of the Company's present employees and the number of employees it anticipates it will have within the next 12 months. Also, indicate the number by type of employee (i.e., clerical, operations, administrative, etc.) the Company will use, whether or not any of them are subject to collective bargaining agreements, and the expiration date(s) of any collective bargaining agreement(s). If the Company's employees are on strike, or have been in the past three years, or are threatening to strike, describe the dispute. Indicate any supplemental benefits or incentive arrangements the Company has or will have with its employees.

_____

(g) Describe generally the principal properties (such as real estate, plant and equipment, patents, etc.) that the Company owns, indicating also what properties it leases and a summary of the terms under those leases, including the amount of payments, expiration dates and the terms of any renewal options. Indicate what properties the Company intends to acquire in the immediate future, the cost of such acquisitions and the sources of financing it expects to use in obtaining these properties, whether by purchase, lease or otherwise.

_____

(h) Indicate the extent to which the Company's operations depend or are expected to depend upon patents, copyrights, trade secrets, know-how or other proprietary information and the steps undertaken to secure and protect this intellectual property, including any use of confidentiality agreements, covenants-not-to-compete and the like. Summarize the principal terms and expiration dates of any significant license agreements. Indicate the amounts expended by the Company for research and development during the last fiscal year, the amount expected to be spent this year and what percentage of revenues research and development expenditures were for the last fiscal year.

_____

(i) If the Company's business, products, or properties are subject to material regulation (including environmental regulation) by federal, state, or local governmental agencies, indicate the nature and extent of regulation and its effects or potential effects upon the Company.

_____

(j) State the names of any subsidiaries of the Company, their business purposes and ownership, and indicate which are included in the Financial Statements attached hereto. If not included, or if included but not consolidated, please explain.

_____

(k) Summarize the material events in the development of the Company (including any material mergers or acquisitions) during the past five years, or for whatever lesser period the Company has been in existence. Discuss any pending or anticipated mergers, acquisitions, spin-offs or recapitalizations. If the Company has recently undergone a stock split, stock dividend or recapitalization in anticipation of this offering, describe (and adjust historical per share figures elsewhere in this Offering Circular accordingly).

_____

4.(a) If the Company was not profitable during its last fiscal year, list below in chronological order the events which in management's opinion must or should occur or the milestones which in management's opinion the Company must or should reach in order for the Company to become profitable, and indicate the expected manner of occurrence or the expected method by which the Company will achieve the milestones.

Event or milestone	Expected manner of occurrence or method of achievement	Date or number of months after receipt of proceeds when should be accomplished
(1)		
(2)		
(3)		
(4)		
(5)		

(b) State the probable consequences to the Company of delays in achieving each of the events or milestones within the above time schedule, and particularly the effect of any delays upon the Company's liquidity in view of the Company's then anticipated level of operating costs. (See Question Nos. 11 and 12)

_____

Note: After reviewing the nature and timing of each event or milestone, potential investors should reflect upon whether achievement of each within the estimated time frame is realistic and should assess the consequences of delays or failure of achievement in making an investment decision.

Instruction: The inquiries under Business and Properties elicit information concerning the nature of the business of the Company and its properties. Make clear what aspects of the business are presently in operation and what aspects are planned to be in operation in the future. The description of principal properties should provide information which will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of the individual properties or legal descriptions by metes and bounds are not required and should not be given.

As to Question 4, if more than five events or milestones exist, add additional lines as necessary. A "milestone" is a significant point in the Company's development or an obstacle which the Company must overcome in order to become profitable.

Offering Price Factors

If the securities offered are common stock, or are exercisable for or convertible into common stock, the following factors may be relevant to the price at which the securities are being offered.

5. What were net, after-tax earnings for the last fiscal year? (If losses, show in parenthesis.)

Total $_____ ($_____ per share)

6. If the Company had profits, show offering price as a multiple of earnings. Adjust to reflect for any stock splits or recapitalizations, and use conversion or exercise price in lieu of offering price, if applicable.

Offering Price Per Share / Net After-Tax Earnings Last Year Per Share = (price/earnings multiple)

7. (a) What is the net tangible book value of the Company? (If deficit, show in parenthesis.) For this purpose, net tangible book value means total assets (exclusive of copyrights, patents, goodwill, research and development costs and similar intangible items) minus total liabilities.

$_____ ($_____ per share)

If the net tangible book value per share is substantially less than this offering (or exercise or conversion) price per share, explain the reasons for the variation.

_____

(b) State the dates on which the Company sold or otherwise issued securities during the last 12 months, the amount of such securities sold, the number of persons to whom they were sold, any relationship of such persons to the Company at the time of sale, the price at which they were sold and, if not sold for cash, a concise description of the consideration. (Exclude bank debt.)

8. (a) What percentage of the outstanding shares of the Company will the investors in this offering have? Assume exercise of outstanding options, warrants or rights and conversion of convertible securities, if the respective exercise or conversion prices are at or less than the offering price. Also assume exercise of any options, warrants or rights and conversions of any convertible securities offered in this offering.)

If the maximum is sold: _____%
If the minimum is sold: _____%

(b) What post-offering value is management implicitly attributing to the entire Company by establishing the price per security set forth on the cover page (or exercise or conversion price if common stock is not offered)? (Total outstanding shares after offering times offering price, or exercise or conversion price if common stock is not offered.)

If maximum is sold: $_____*
If minimum is sold: $_____*

(For above purposes, assume outstanding options are exercised in determining "shares" if the exercise prices are at or less than the offering price. All convertible securities, including outstanding convertible securities, shall be assumed converted and any options, warrants or rights in this offering shall be assumed exercised.)

* These values assume that the Company's capital structure would be changed to reflect any conversions of outstanding convertible securities and any use of outstanding securities as payment in the exercise of outstanding options, warrants or rights included in the calculation. The type and amount of convertible or other securities thus eliminated would be: _____. These values also assume an increase in cash in the Company by the amount of any cash payments that would be made upon cash exercise of options, warrants or rights included in the calculations. The amount of such cash would be: $_____.

Note: After reviewing the above, potential investors should consider whether or not the offering price (or exercise or conversion price, if applicable) for the securities is appropriate at the present stage of the Company's development.

Instruction: Financial information in response to Questions 5, 6 and 7 should be consistent with the Financial Statements. Earnings per share for purposes of Question 5 should be calculated by dividing earnings for the last fiscal year by the weighted average of outstanding shares during that year. No calculations should be shown for periods of less than one year or if earnings are negative or nominal. For purposes of Question 8, the "offering price" of any options, warrants or rights or convertible securities in the offering is the respective exercise or conversion price.

Use of Proceeds

9.(a) The following table sets forth the use of the proceeds from this offering:

	If minimum sold		If maximum sold	
	Amount	Percent	Amount	Percent
Total Proceeds	$_____	100	$_____	100
Less: Offering Expenses				
Commissions & Finders Fees				
Legal & Accounting				
Copying & Advertising				
Other (Specify):				
_____				
Net Proceeds from Offering				
Use of Net Proceeds				
_____				
_____				
_____				
_____				
Total Use of Net Proceeds	$_____		$_____	
	$_____	100	$_____	100

(b) If there is no minimum amount of proceeds that must be raised before the Company may use the proceeds of the offering, describe the order of priority in which the proceeds set forth above in the column "If Maximum Sold" will be used.

Note: After reviewing the portion of the offering allocated to the payment of offering expenses, and to the immediate payment to management and promoters of any fees, reimbursements, past salaries or similar payments, a potential investor should consider whether the remaining portion of his investment, which would be that part available for future development of the Company's business and operations, would be adequate.

10.(a) If material amounts of funds from sources other than this offering are to be used in conjunction with the proceeds from this offering, state the amounts and sources of such other funds, and whether funds are firm or contingent. If contingent, explain.

(b) If any material part of the proceeds is to be used to discharge indebtedness, describe the terms of such indebtedness, including interest rates. If the indebtedness to be discharged was incurred within the current or previous fiscal year, describe the use of proceeds of such indebtedness.

(c) If any material amount of proceeds is to be used to acquire assets, other than in the ordinary course of business, briefly describe and state the cost of the assets and other material terms of the acquisitions. If the assets are to be acquired from officers, directors, employees or principal stockholders of the Company or their associates, give the names of the persons from whom the assets are to be acquired and set forth the cost to the Company, the method followed in determining the cost, and any profit to such persons.

(d) If any amount of the proceeds is to be used to reimburse any officer, director, employee or stockholder for services already rendered, assets previously transferred, or monies loaned or advanced, or otherwise, explain:

11. Indicate whether the Company is having or anticipates having within the next 12 months any cash flow or liquidity problems and whether or not it is in default or in breach of any note, loan, lease or other indebtedness or financing arrangement requiring the Company to make payments. Indicate if a significant amount of the Company's trade payables have not been paid within the stated trade term. State whether the Company is subject to any unsatisfied judgments, liens or settlement obligations and the amounts thereof. Indicate the Company's plans to resolve any such problems.

12. Indicate whether proceeds from this offering will satisfy the Company's cash requirements for the next 12 months, and whether it will be necessary to raise additional funds. State the source of additional funds, if known.

Instruction: Use of net proceeds should be stated with a high degree of specificity. Suggested (but not mandatory) categories are: leases, rent, utilities, payroll (by position or type), purchase or lease of specific items of equipment or inventory, payment of notes, accounts payable, etc., marketing or advertising costs, taxes, consulting fees, permits, professional fees, insurance and supplies. Categories will vary depending on the Company's plans. Use of footnotes or other explanation is recommended where appropriate. Footnotes should be used to indicate those items of offering expenses that are estimates. Set forth in separate categories all payments which will be made immediately to the Company's executive officers, directors and promoters, indicating by footnote that these payments will be so made to such persons. If a substantial amount is allocated to working capital, set forth separate sub-categories for use of the funds in the Company's business.

If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect as one of the Use of Net Proceeds categories should be included together with a statement of the amount of proceeds not so allocated and a footnote explaining how the Company expects to employ such funds not so allocated.

Capitalization

13. Indicate the capitalization of the Company as of the most recent balance sheet date (adjusted to reflect any subsequent stock splits, stock dividends, recapitalizations or refinancings) and as adjusted to reflect the sale of the minimum and maximum amount of securities in this offering and the use of the net proceeds therefrom:

	Amount outstanding		
	As of: / / (date)	As adjusted	
		Minimum	Maximum
Debt:			
Short-term debt (average interest rate __%)	$	$	$
Long-term debt (average interest rate __%)	$	$	$
Total debt	$	$	$
Stockholders equity (deficit):			
Preferred stock—par or stated value (by class of preferred in order of preferences)			
_____	$	$	$
_____	$	$	$
_____	$	$	$
Common stock—par or stated value	$	$	$
Additional paid in capital	$	$	$
Retained earnings (deficit)	$	$	$
Total stockholders equity (deficit)	$	$	$
Total Capitalization	$	$	$

Number of preferred shares authorized to be outstanding:

Par Value		
Number of class of preferred	Shares authorized	Par share
		$
		$
		$

Number of common shares authorized:____ shares. Par or stated value per share, if any: $____

Number of common shares reserved to meet conversion requirements or for the issuance upon exercise of options, warrants or rights: __ shares.

Instruction: Capitalization should be shown as of a date no earlier than that of the most recent Financial Statements provided pursuant to Question 46. If the Company has mandatory redeemable preferred stock, include the amount thereof in "long term debt" and so indicate by footnote to that category in the capitalization table.

Description of Securities

14. The securities being offered hereby are:
[ ] Common Stock
[ ] Preferred or Preference Stock
[ ] Notes or Debentures
[ ] Units of two or more types of securities composed of:_____
[ ] Other: _____

15. These securities have:

Yes	No	
[ ]	[ ]	Cumulative voting rights
[ ]	[ ]	Other special voting rights
[ ]	[ ]	Preemptive rights to purchase in new issues of shares
[ ]	[ ]	Preference as to dividends or interest
[ ]	[ ]	Preference upon liquidation
[ ]	[ ]	Other special rights or preferences (specify): _____

Explain:

16. Are the securities convertible? [ ] Yes [ ] No
If so, state conversion price or formula.
_____
Date when conversion becomes effective: __/__/__
Date when conversion expires: __/__/__

17.(a) If securities are notes or other types of debt securities:
(1) What is the interest rate? ____%
If interest rate is variable or multiple rates, describe:

(2) What is the maturity date? __/__/__
If serial maturity dates, describe:

(3) Is there a mandatory sinking fund?
[ ] Yes [ ] No
Describe:

(4) Is there a trust indenture? [ ] Yes [ ] No
Name, address and telephone number of Trustee _____

(5) Are the securities callable or subject to redemption? [ ] Yes [ ] No
Describe, including redemption prices: _____

(6) Are the securities collateralized by real or personal property?
[ ] Yes [ ] No Describe: _____

(7) If these securities are subordinated in right of payment of interest or principal, explain the terms of such subordination.

How much currently outstanding indebtedness of the Company is senior to the securities in right of payment of interest or principal? $_____

How much indebtedness shares in right of payment on an equivalent (pari passu) basis? $_____

How much indebtedness is junior (subordinated) to the securities? $_____

(b) If notes or other types of debt securities are being offered and the Company had earnings during its last fiscal year, show the ratio of earnings to fixed charges on an actual and pro forma basis for that fiscal year. *Earnings* means pretax income from continuing operations plus fixed charges and capitalized interest. *Fixed charges* means interest (including capitalized interest), amortization of debt discount, premium and expense, preferred stock dividend requirements of majority owned subsidiary, and such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case. The pro forma ratio of earnings to fixed charges should include incremental interest expense as a result of the offering of the notes or other debt securities.

	Last fiscal year		
"Earnings" / "Fixed charges" =	Actual	Pro forma minimum	Maximum
If no earnings show "Fixed Charges" only.....			

Note: Care should be exercised in interpreting the significance of the ratio of earnings to fixed charges as a measure of the "coverage" of debt service, as the existence of earnings does not necessarily mean that the Company's liquidity at any given time will permit payment of debt service requirements to be timely made. See Question Nos. 11 and 12. See also the Financial Statements and especially the Statement of Cash Flows.

18. If securities are Preference or Preferred stock:

Are unpaid dividends cumulative? [ ] Yes [ ] No

Are securities callable? [ ] Yes [ ] No

Explain:

Note: Attach to this Offering Circular copies or a summary of the charter, bylaw or contractual provision or document that gives rise to the rights of holders of Preferred or Preference Stock, notes or other securities being offered.

19. If securities are capital stock of any type, indicate restrictions on dividends under loan or other financing arrangements or otherwise:

20. Current amount of assets available for payment of dividends if deficit must be first made up, show deficit in parenthesis): $_____.

Plan of Distribution

21. The selling agents (that is, the persons selling the securities as agent for the Company for a commission or other compensation) in this offering are:

Name:

Address:

Telephone No. ( ) _____-_____

Name:

Address:

Telephone No. ( ) _____-_____

22. Describe any compensation to selling agents or finders, including cash, securities, contracts or other consideration, in addition to the cash commission set forth as a percent of the offering price on the cover page of this Offering Circular. Also indicate whether the Company will indemnify the selling agents or finders against liabilities under the securities laws. (*Finders* are persons who for compensation act as intermediaries in obtaining selling agents or otherwise making introductions in furtherance of this offering.)

23. Describe any material relationships between any of the selling agents or finders and the Company or its management.

Note: After reviewing the amount of compensation to the selling agents or finders for selling the securities, and the nature of any relationship between the selling agents or finders and the Company, a potential investor should assess the extent to which it may be inappropriate to rely upon any recommendation by the selling agents or finders to buy the securities.

24. If this offering is not being made through selling agents, the names of persons at the Company through which this offering is being made:

Name:

Address:

Telephone No. (____) ____-____

Name:

Address:

Telephone No. (____) ____-____

25. If this offering is limited to a special group, such as employees of the Company, or is limited to a certain number of individuals (as required to qualify under Subchapter S of the Internal Revenue Code) or is subject to any other limitations, describe the limitations and any restrictions on resale that apply:

Will the certificates bear a legend notifying holders of such restrictions?

[ ] Yes [ ] No

26. (a) Name, address and telephone number of independent bank or savings and loan association or other similar depository institution acting as escrow agent if proceeds are escrowed until minimum proceeds are raised:

(b) Date at which funds will be returned by escrow agent if minimum proceeds are not raised:

Will interest on proceeds during escrow period be paid to investors? [ ] Yes [ ] No

27. Explain the nature of any resale restrictions on presently outstanding shares, and when those restrictions will terminate, if this can be determined:

Note: Equity investors should be aware that unless the Company is able to complete a further public offering or the Company is able to be sold for cash or merged with a public company that their investment in the Company may be illiquid indefinitely.

Dividends, Distributions and Redemptions

28. If the Company has within the last five years paid dividends, made distributions upon its stock or redeemed any securities, explain how much and when:

Officers and Key Personnel of the Company

29. Chief Executive Officer:

Name:

Office Street Address:

Title:

Age:

Telephone No.:

(____) ____-____

Name of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

Also a Director of the Company [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time:

30. Chief Operating Officer:

Name:

Office Street Address:

Title:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

Also a Director of the Company? [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time:

31. Chief Financial Officer:

Name:

Office Street Address:

Title:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

Also a Director of the Company? [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time:

32. Other Key Personnel:

(A) Name:

Title:

Office Street Address:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

Also a Director of the Company? [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time:

(B) Name:

Title:

Office Street Address:

Age:

Telephone No.:

(____) ____-____

Names of employers, tfiles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

Also a Director of the Company? [ ] Yes [ ] No

Indicate amount of time to be spent on Company matters if less than full time:

Instruction: The term *Chief Executive Officer* means the officer of the Company who has been delegated final authority by the board of directors to direct all aspects of the Company's affairs. The term *Chief Operating Officer* means the officer in charge of the actual day-to-day operations of the Company's business. The term *Chief Financial Officer* means the officer having accounting skills who is primarily in charge of assuring that the Company's financial books and records are properly kept and maintained and financial statements prepared.

The term *key personnel* means persons such as vice presidents, production managers, sales managers, or research scientists and similar persons, who are not included above, but who make or are expected to make significant contributions to the business of the Company, whether as employees, independent contractors, consultants or otherwise.

Directors of the Company

33. Number of Directors: ____ If Directors are not elected annually, or are elected under a voting trust or other arrangement, explain:

34. Information concerning outside or other Directors (i.e. those not described above):

(A) Name:

Office Street Address:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

(B) Name:

Office Street Address:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

(C) Name:

Office Street Address:

Age:

Telephone No.:

(____) ____-____

Names of employers, titles and dates of positions held during past five years with an indication of job responsibilities.

Education (degrees, schools, and dates):

35.(a) Have any of the Officers or Directors ever worked for or managed a company (including a separate subsidiary or division of a larger enterprise) in the same business as the Company? [ ] Yes [ ] No Explain:

(b) If any of the Officers, Directors or other key personnel have ever worked for or managed a company in the same business or industry as the Company or in a related business or industry, describe what precautions, if any, (including the obtaining of releases or consents from prior employers) have been taken to preclude claims by prior employers for conversion or theft of trade secrets, know-how or other proprietary information.

(c) If the Company has never conducted operations or is otherwise in the development stage, indicate whether any of the Officers or Directors has ever managed any other company in the start-up or development stage and describe the circumstances, including relevant dates.

(d) If any of the Company's key personnel are not employees but are consultants or other independent contractors, state the details of their engagement by the Company.

(e) If the Company has key man life insurance policies on any of its Officers, Directors or key personnel, explain, including the names of the persons insured, the amount of insurance, whether the insurance proceeds are payable to the Company and whether there are arrangements that require the proceeds to be used to redeem securities or pay benefits to the estate of the insured person or a surviving spouse.

36. If a petition under the Bankruptcy Act or any State insolvency law was filed by or against the Company or its Officers, Directors or other key personnel, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of any such persons, or any partnership in which any of such persons was a general partner at or within the past five years, or any corporation or business association of which any such person was an executive officer at or within the past five years, set forth below the name of such persons, and the nature and date of such actions.

Note: After reviewing the information concerning the background of the Company's Officers, Directors and other key personnel, potential investors should consider whether or not these persons have adequate background and experience to develop and operate this Company and to make it successful. In this regard, the experience and ability of management are often considered the most significant factors in the success of a business.

Principal Stockholders

37. Principal owners of the Company (those who beneficially own directly or indirectly 10% or more of the common and preferred stock presently outstanding) starting with the largest common stockholder. Include separately all common stock issuable upon conversion of convertible securities (identifying them by asterisk) and show average price per share as if conversion has occurred. Indicate by footnote if the price paid was for a consideration other than cash and the nature of any such consideration.

Class of shares	Average price per share	No. of shares now held	Percentage of total	No. of shares held after offering if all securities sold	Percentage of total
Name:					
Office Street Address:					
Telephone No. (___) ___-___					
Principal occupation:					
Name:					
Office Street Address:					
Telephone No. (___) ___-___					
Principal occupation:					
Name:					
Office Street Address:					
Telephone No. (___) ___-___					
Principal occupation:					
Name:					
Office Street Address:					
Telephone No. (___) ___-___					
Principal occupation:					

38. Number of shares beneficially owned by Officers and Directors as a group:

Before offering: ____ shares (____% of total outstanding)

After offering: (a) Assuming minimum securities sold:

____ shares (____% of total outstanding)

(b) Assuming maximum securities sold:

____ shares (____% of total outstanding)

(Assume all options exercised and all convertible securities converted.)

Instruction: If shares are held by family members, through corporations or partnerships, or otherwise in a manner that would allow a person to direct or control the voting of the shares (or share in such direction or control—as, for example, a co-trustee) they should be included as being "beneficially owned." An explanation of these circumstances should be set forth in a footnote to the "Number of Shares Now Held."

Management Relationships, Transactions and Remuneration

39.(a) If apy of the Officers, Directors, key personnel or principal stockholders are related by blood or marriage, please describe.

(b) If the Company has made loans to or is doing business with any of its Officers, Directors, key personnel or 10% stockholders, or any of their relatives (or any entity controlled directly or indirectly by any such persons) within the last two years, or proposes to do so within the future, explain. (This includes sales or lease of goods, property or services to or from the Company, employment or stock purchase contracts, etc.) State the principal terms of any significant loans, agreements, leases, financing or other arrangements.

(c) If any of the Company's Officers, Directors, key personnel or 10% stockholders has guaranteed or co-signed any of the Company's bank debt or other obligations, including any indebtedness to be retired from the proceeds of this offering, explain and state the amounts involved.

40.(a) List all remuneration by the Company to Officers, Directors and key personnel for the last fiscal year:

	Cash	Other
Chief Executive Officer	$	$
Chief Operating Officer	$	$
Chief Accounting Officer.	$	$
Key Personnel:		
	$	$
	$	$
	$	$
Others:		
	$	$
	$	$
	$	$
Total:	$	$
Directors as a group (number of persons ___).	$	$

(b) If remuneration is expected to change or has been unpaid in prior years, explain:

(c) If any employment agreements exist or are contemplated, describe:

41.(a) Number of shares subject to issuance under presently outstanding stock purchase agreements, stock options, warrants or rights: ____ shares (____% of total shares to be outstanding after the completion of the offering if all securities sold, assuming exercise of options and conversion of convertible securities). Indicate which have been approved by shareholders. State the expiration dates, exercise prices and other basic terms for these securities:

(b) Number of common shares subject to issuance under existing stock purchase or option plans but not yet covered by outstanding purchase agreements, options or warrants: ____shares.

(c) Describe the extent to which future stock purchase agreements, stock options, warrants or rights must be approved by shareholders.

42. If the business is highly dependent on the services of certain key personnel, describe any arrangements to assure that these persons will remain with the Company and not compete upon any termination:

Note: After reviewing the above, potential investors should consider whether or not the compensation to management and other key personnel directly or indirectly, is reasonable in view of the present stage of the Company's development.

Instruction: For purposes of Question 39(b), a person directly or indirectly controls an entity if he is part of the group that directs or is able to direct the entity's activities or affairs. A person is typically a member of a control group if he is an officer, director, general partner, trustee or beneficial owner of a 10% or greater interest in the entity. In Question 40, the term "Cash" should indicate salary, bonus, consulting fees, non-accountable expense accounts and the like. The column captioned "Other" should include the value of any options or securities given, any annuity, pension or retirement benefits, bonus or profit-sharing plans, and personal benefits (club memberships, company cars, insurance benefits not generally available to employees, etc.). The nature of these benefits should be explained in a footnote to this column.

Litigation

43. Describe any past, pending or threatened litigation or administrative action which has had or may have a material effect upon the Company's business, financial condition, or operations, including any litigation or action involving the Company's Officers, Directors or other key personnel. State the names of the principal parties, the nature and current status of the matters, and amounts involved. Give an evaluation by management or counsel, to the extent feasible, of the merits of the proceedings or litigation and the potential impact on the Company's business, financial condition, or operations.

Federal Tax Aspects

44. If the Company is an S corporation under the Internal Revenue Code of 1986, and it is anticipated that any significant tax benefits will be available to investors in this offering, indicate the nature and amount of such anticipated tax benefits and the material risks of their disallowance. Also, state the name, address and telephone number of any tax advisor that has passed upon these tax benefits. Attach any opinion or description of the tax consequences of an investment in the securities by the tax advisor.

Name of Tax Advisor: _____

Address: _____

Telephone No. (___) ___-___

Note: Potential investors are encouraged to have their own personal tax consultant contact the tax advisor to review details of the tax benefits and the extent that the benefits would be available and advantageous to the particular investor.

Miscellaneous Factors

45. Describe any other material factors, either adverse or favorable, that will or could affect the Company or its business (for example, discuss any defaults under major contracts, any breach of bylaw provisions, etc.) or which are necessary to make any other information in this Offering Circular not misleading or incomplete.

Financial Statements

46. Provide the financial statements required by Part F/S of this Offering Circular section of Form 1-A.

Management's Discussion and Analysis of Certain Relevant Factors

47. If the Company's financial statements show losses from operations, explain the causes underlying these losses and what steps the Company has taken or is taking to address these causes.

48. Describe any trends in the Company's historical operating results. Indicate any changes now occurring in the underlying economics of the industry or the Company's business which, in the opinion of Management, will have a significant impact (either favorable or adverse) upon the Company's results of operations within the next 12 months, and give a rough estimate of the probable extent of the impact, if possible.

49. If the Company sells a product or products and has had significant sales during its last fiscal year, state the existing gross margin (net sales less cost of such sales as presented in accordance with generally accepted accounting principles) as a percentage of sales for the last fiscal year: __%. What is the anticipated gross margin for next year of operations? Approximately __%. If this is expected to change, explain. Also, if reasonably current gross margin figures are available for the industry, indicate these figures and the source or sources from which they are obtained.

50. Foreign sales as a percent of total sales for last fiscal year: __%. Domestic government sales as a percent of total domestic sales for last fiscal year: __%. Explain the nature of these sales, including any anticipated changes:

Offering Circular Model B

Item 1. Cover Page

The cover page of the offering circular shall include the following information:

(a) Name of the issuer;

(b) The mailing address of the issuer's principal executive offices including the zip code and the issuer's telephone number;

(c) Date of the offering circular;

(d) Description and amount of securities offered (Note: this description should include, for example, appropriate disclosure of redemption and conversion features of debt securities);

(e) The statement required by rule 253;

(f) The table(s) required by Item 2;

(g) The name of the underwriter or underwriters;

(h) Any materials required by the law of any state in which the securities are to be offered;

(i) If applicable, identify material risks in connection with the purchase of the securities; and

(j) Approximate date of commencement of proposed sale to the public.

Instruction: Where the name of the issuer is the same as the name of another well-known company or indicates a line of business in which the issuer is not engaged or is engaged to only a limited extent, a statement should be furnished to that effect. In some circumstances, however, disclosure may not be sufficient, and a change of name may be the only way to cure its misleading character.

Item 2. Distribution Spread

(a) The information called for by the following table shall be given, in substantially the tabular form indicated, on the outside front cover page of the offering circular as to all securities being offered (estimate, if necessary).

	Price to public	Underwriting discount and commissions	Proceeds to issuer or other persons
Per unit			
Total			

If the securities are to be offered on a best efforts basis, the cover page should set forth the termination date, if any, of the offering, any minimum required sale and any arrangements to place the funds received in an escrow, trust, or similar arrangement. The following tabular presentation of the total maximum and minimum securities to be offered should be combined with the table required above.

	Price to public	Underwriting discount and commissions	Proceeds to issuer or other persons
Total minimum			
Total maximum			

Instructions

1. The term *commissions* shall include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings with or for the benefit of any other persons in which any underwriter is interested, made in connection with the sale of such security.

2. Only commissions paid by the issuer in cash are to be indicated in the table. Commissions paid by other persons or any form of non-cash compensation shall be briefly identified in a note to the table with a cross-reference to a more complete description elsewhere in the offering circular.

3. Prior to the commencement of sales pursuant to regulation A, the issuer shall inform the Commission whether or not the amount of compensation to be allowed or paid to the underwriters, as described in the offering statement, has been cleared with the National Association of Securities Dealers, Inc.

4. If the securities are not to be offered for cash, state the basis upon which the offering is to be made.

5. If it is impracticable to state the price to the public, the method by which it is to be determined shall be explained.

(b) Any finder's fees or similar payments shall be disclosed on the cover page with a reference to a more complete discussion in the offering circular. Such disclosure should identify the finder, the nature of the services rendered and the nature of any relationship between the finder and the issuer, its officers, directors, promoters, principal stockholders and underwriters (including any affiliates thereof).

(c) The amount of the expenses of the offering borne by the issuer, including underwriting expenses to be borne by the issuer, should be disclosed in a footnote to the table.

Item 3. Summary Information, Risk Factors and Dilution

(a) Where appropriate to a clear understanding by investors, there should be set forth in the forepart of the offering circular, under an appropriate caption, a carefully organized series of short, concise paragraphs, summarizing the principal factors which make the offering one of high risk or speculative. Note: These factors may be due to such matters as an absence of an operating history of the issuer, an absence of profitable operations in recent periods, an erratic financial history, the financial position of the issuer, the nature of the business in which the issuer is engaged or proposes to engage, conflicts of interest with management, reliance on the efforts of a single individual, or the method of determining the market price where no market currently exists. Issuers should avoid generalized statements and include only those factors which are unique to the issuer.

(b) Where there is a material disparity between the public offering price and the effective cash cost to officers, directors, promoters and affiliated persons for shares acquired by them in a transaction during the past three years, or which they have a right to acquire, there should be included a comparison of the public contribution under the proposed public offering and the effective cash contribution of such persons. In such cases, and in other instances where the extent of the dilution makes it appropriate, the following shall be given: (1) The net tangible book value per share before and after the distribution; (2) the amount of the increase in such net tangible book value per share attributable to the cash payment made by purchasers of the shares being offered; and (3) the amount of the immediate dilution from the public offering price which will be absorbed by such purchasers.

Item 4. Plan of Distribution

(a) If the securities are to be offered through underwriters, give the names of the principal underwriters, and state the respective amounts underwritten. Identify each such underwriter having a material relationship to the issuer and state the nature of the relationship. State briefly the nature of the underwriters' obligation to take the securities.

(b) State briefly the discounts and commissions to be allowed or paid to dealers, including all cash, securities, contracts or other consideration to be received by any dealer in connection with the sale of the securities.

(c) Outline briefly the plan of distribution of any securities being issued which are to be offered through the selling efforts of brokers or dealers or otherwise than through underwriters.

(d) If any of the securities are to be offered for the account of security holders, indicate on the cover page the total amount to be offered for their account and include a cross-reference to a fuller discussion elsewhere in the offering circular. Such discussion should identify each selling security holder, state the amount owned by him, the amount offered for his account and the amount to be owned after the offering.

(e)(1) Describe any arrangements for the return of funds to subscribers if all of the securities to be offered are not sold; if there are no such arrangements, so state.

(2) If there will be a material delay in the payment of the proceeds of the offering by the underwriter to the issuer, the salient provisions in this regard and the effects on the issuer should be stated.

Instruction

Attention is directed to the provisions of rules 10b–9 (17 CFR 240.10b–9) and 15c2–4 (17 CFR 240.15c2–4) under the Securities Exchange Act of 1934. These rules outline, among other things, antifraud provisions concerning the return of funds to subscribers

and the transmission of proceeds of an offering to a seller.

Item 5. Use of Proceeds to Issuer

State the principal purposes for which the net proceeds to the issuer from the securities to be offered are intended to be used, and the approximate amount intended to be used for each such purpose.

Instructions

1. If any substantial portion of the proceeds has not been allocated for particular purposes, a statement to that effect shall be made together with a statement of the amount of proceeds not so allocated and how the registrant expects to employ such funds not so allocated.

2. Include a statement as to the use of the actual proceeds if they are not sufficient to accomplish the purpose set forth and the order of priority in which they will be applied. However, such statement need not be made if the underwriting arrangements are such that, if any securities are sold to the public, it can be reasonably expected that the actual proceeds of the issue will not be substantially less than the estimated aggregate proceeds to the issuer as shown under Item 2.

3. If any material amounts of other funds are to be used in conjunction with the proceeds, state the amounts and sources of such other funds.

4. If any material part of the proceeds is to be used to discharge indebtedness, describe the terms of such indebtedness. If the indebtedness to be discharged was incurred within one year, describe the use of the proceeds of such indebtedness.

5. If any material amount of the proceeds is to be used to acquire assets, otherwise than in the ordinary course of business, briefly describe and state the cost of the assets. If the assets are to be acquired from affiliates of the issuer or their associates, give the names of the persons from whom they are to be acquired and set forth the principle followed in determining the cost to the issuer.

6. The issuer may reserve the right to change the use of proceeds provided that such reservation is due to certain contingencies which are adequately disclosed.

Item 6. Description of Business

(a) Narrative description of business.

(1) Describe the business done and intended to be done by the issuer and its subsidiaries and the general development of the business during the past five years or such shorter period as the issuer may have been in business. Such description should include, but not be limited to, a discussion of the following factors if such factors are material to an understanding of the issuer's business:

(i) The principal products produced and services rendered and the principal markets for and method of distribution of such products and services.

(ii) The status of a product or service if the issuer has made public information about a new product or service which would require the investment of a material amount of the assets of the issuer or is otherwise material.

(iii) The estimated amount spent during each of the last two fiscal years on company-sponsored research and development activities determined in accordance with generally accepted accounting principles. In addition, state the estimated dollar amount spent during each of such years on material customer-sponsored research activities relating to the development of new products, services or techniques or the improvement of existing products, services or techniques.

(iv) The number of persons employed by the issuer, indicating the number employed full time.

(v) The material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, may have upon the capital expenditures, earnings and competitive position of the issuer and its subsidiaries. The issuer shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and for such further periods as the issuer may deem material.

(2) The issuer should also describe those distinctive or special characteristics of the issuer's operation or industry which may have a material impact upon the issuer's future financial performance. Examples of actors which might be discussed include dependence on one or a few major customers or suppliers (including suppliers of raw materials or financing), existing or probable governmental regulation, material terms of and/or expiration of material labor contracts or patents, trademarks, licenses, franchises, concessions or royalty agreements, unusual competitive conditions in the industry, cyclicality of the industry and anticipated raw material or energy shortages to the extent management may not be able to secure a continuing source of supply.

(3) The following requirement in subparagraph (i) applies only to issuers (including predecessors) which have not received revenue from operations during each of the three fiscal years immediately prior to the filing of the offering statement.

(i) Describe, if formulated, the issuer's plan of operation for the twelve months following the commencement of the proposed offering. If such information is not available, the reasons for its unavailability shall be stated. Disclosure relating to any plan should include, among other things, a statement indicating whether, in the issuer's opinion, the proceeds from the offering will satisfy its cash requirements and whether, in the next six months, it will be necessary to raise additional funds.

(ii) Any engineering, management or similar reports which have been prepared or provided for external use by the issuer or by a principal underwriter in connection with the proposed offering should be furnished to the Commission at the time of filing the offering statement or as soon as practicable thereafter. There should also be furnished at the same time a statement as to the actual or proposed use and distribution of such report or memorandum. Such statement should identify each class of persons who have received or will receive the report or memorandum, and state the number of copies distributed to each such class. If no such report or memorandum has been prepared, the Commission should be so informed in writing at the time the report or memorandum would otherwise have been submitted.

(b) Segment Data. If the issuer is required to include segment information in its financial statements, an appropriate cross-reference shall be included in the description of business.

Item 7. Description of Property

State briefly the location and general character of the principal plants, and other materially important physical properties of the issuer and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held.

Instruction

What is required is information essential to an investor's appraisal of the securities being offered. Such information should be furnished as will reasonably inform investors as to the suitability, adequacy, productive capacity and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

Item 8. Directors, Executive Officers and Significant Employees

(a) List the names and ages of each of the following persons stating his term of office and any periods during which he has served as such and briefly describe any arrangement or understanding between him and any other person(s) (naming such person(s)) pursuant to which he was or is to be selected to his office or position:

(1) Directors;

(2) Persons nominated to be chosen to become directors;

(3) Executive officers;

(4) Persons chosen to become executive officers;

(5) Significant employees.

Instructions

1. No nominee or person chosen to become a director or person chosen to be an executive officer who has not consented to act as such should be named in response to this item.

2. The term *executive officer* means the president, secretary, treasurer, any vice-president in charge of a principal business function (such as sales, administration, or finance) and any other person who performs similar policy making functions for the issuer.

3. The term *significant employee* means persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make significant contributions to the business of the issuer.

(b) Family relationships. State the nature of any family relationship between any director, executive officer, person nominated or chosen by the issuer to become a director or executive officer or any significant employee.

Instruction

The term *family relationship* means any relationship by blood, marriage, or adoption, not more remote than first cousin.

(c) Business experience. Give a brief account of the business experience during the past five years of each director, person nominated or chosen to become a director or executive officer, and each significant employee, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When an executive officer or significant employee has been employed by the issuer for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of this prior business experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) Involvement in certain legal proceedings. Describe any of the following events which occurred during the past five years and which are material to an evaluation of the ability or integrity of any director, person nominated to become a director or executive officer of the issuer.

(1) A petition under the Bankruptcy Act or any State insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of such person, or any partnership in which he was general partner at or within 2 years before the time of such filing, or any corporation or business association of which he was an executive officer at or within two years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses).

Item 9. Remuneration of Directors and Officers

(a) Furnish, in substantially the tabular form indicated, the aggregate annual remuneration of each of the three highest paid persons who are officers or directors as a group during the issuer's last fiscal year. State the number of persons in the group referred to above without naming them.

Name of individual or identity of group	Capacities in remuneration was received	Aggregate remuneration

Instructions

1. In case of remuneration paid or to be paid otherwise than in cash, if it is impracticable to determine the cash value thereof, state in a note to the table the nature and amount thereof.

2. This item is to be answered on an accrual basis if practicable; if not so answered, state the basis used.

(b) Briefly describe all remuneration payments proposed to be made in the future pursuant to any ongoing plan or arrangement to the individuals and group specified in Item 9(a). The description should include a summary of how each plan operates, any performance formula or measure in effect (or the criteria used to determine payment amounts), the time periods over which the measurements of benefits will be determined, payment schedules, and any recent material amendments to the plan. Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in scope, terms or operation in favor of officers or directors of the registrant and which are available generally to all salaried employees.

Item 10. Security Ownership of Management and Certain Securityholders

(a) Voting securities and principal holders thereof. Furnish the following information, in substantially the tabular form indicated, with respect to voting securities held of record by:

(1) Each of the three highest paid persons who are officers and directors of the issuer; Note—In the event none of the issuer's officers or directors have received a salary in the past twelve months, this item should be responded to for every officer and director;

(2) All officers and directors as a group;

(3) Each shareholder who owns more than 10% of any class of the issuer's securities, including those shares subject to outstanding options.

(1)	(2)	(3)	(4)	(5)
Title of class	Name and address of owner	Amount owned before the offering	Amount owned after the offering	Percent of class

Instruction

Column (4) need not be responded to if the information would be the same as that appearing under column (3).

(b) If, to the knowledge of the issuer, any other person holds or shares the power to vote or direct the voting of securities described pursuant to subsection (a) above, appropriate disclosure should be made. In addition, if any person other than those named pursuant to subsection (a) holds or shares the power to vote 10% or more of the issuer's voting securities, the information required by the table should be provided with respect to such person.

(c) Non-voting securities and principal holders thereof. Furnish the same information as required in subsection (a) above with respect to securities that are not entitled to vote.

(d) Options, warrants, and rights. Furnish the information required by the table as to options, warrants or rights to purchase securities from the issuer or any of its subsidiaries held by each of the individuals and referred to in subsection (a) above:

Name of holder	Title and amount securities called for by options, warrants or rights	Exercise price	Date of exercise

Instruction

Where the total market value of securities called for by all outstanding options, warrants or rights does not exceed $10,000 for any officer, director, or principal shareholder named in answer to this item, or $50,000 for all officers and directors as a group, this item need not be answered with respect to options, warrants or rights held by such person or group. If the issuer cannot ascertain the market value of its securities, the offering price may be used for purposes of this subsection. If, as is the case with offerings of debt securities, the offering price cannot be determined at the time of filing the offering statement, the issuer may utilize any reasonable method of valuation.

(e) List all parents of the issuer, showing the basis of control and as to each parent the percentage of voting securities owned or other basis of control by its immediate parent, if any.

Item 11. Interest of Management and Others in Certain Transactions

Describe briefly any transactions during the previous two years or any presently proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the issuer, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any principal securityholder named in answer to Item 10(a);

(4) If the issuer was incorporated or organized within the past three years, any promoter of the issuer;

(5) Any relative or spouse of any of the foregoing persons, or any relative of such spouse, who has the same house as such person or who is a director or officer of any parent or subsidiary of the issuer.

Instructions

1. No information need be given in answer to this item as to any transaction where:

(a) The rates of charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier fixed in conformity with law or governmental authority;

(b) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments does not exceed $50,000; or

(d) The interest of the specified person arises solely from the ownership of securities of the issuer and the specified person receives no extra or special benefit not shared on a pro-rata basis by all of the holders of securities of the class.

2. It should be noted that this Item calls for disclosure of indirect as well as direct material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity which engages in a transaction with the issuer or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this Item where:

(a) The interest arises only (i) from such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (5) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (5) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest but excluding a general partnership interest) or a creditor interest in another person which is a party to the transaction with the issuer or any of its subsidiaries and the transaction is not material to such other person.

3. Include the name of each person whose interest in any transaction is described and the nature of the relationships by reason of which such interest is required to be described. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be disclosed.

4. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the issuer where any of the specified persons was or is to be a principal underwriter or is a controlling person, or member, of a firm which was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the issuer or its subsidiaries.

5. As to any transaction involving the purchase or sale of assets by or to any issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller.

6. Information shall be furnished in answer to this Item with respect to transactions not excluded above which involve remuneration from the issuer or its subsidiaries, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the issuer or its subsidiaries.

Item 12. Securities Being Offered

(a) If capital stock is being offered, state the title of the class and furnish the following information:

(1) Outline briefly: (i) Dividend rights; (ii) voting rights; (iii) liquidation rights; (iv) preemptive rights; (v) conversion rights; (vi) redemption provisions; (vii) sinking fund provisions; and (viii) liability to further calls or to assessment by the issuer.

(2) Briefly describe potential liabilities imposed on shareholders under state statutes or foreign law, e.g., to laborers, servants or employees of the registrant, unless such disclosure would be immaterial because the financial resources of the registrant are such as to make it unlikely that the liability will ever be imposed.

(b) If debt securities are being offered, outline briefly the following:

(1) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(2) Provisions with respect to the kind and priority of any lien securing the issue, together with a brief identification of the principal properties subject to such lien.

(3) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(4) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction

In the case of secured debt there should be stated (i) the approximate amount of unbonded property available for use against the issuance of bonds, as of the most recent practicable date, and (ii) whether the securities being issued are to be issued against such property, against the deposit of cash, or otherwise.

(c) If securities described are to be offered pursuant to warrants, rights, or convertible securities, state briefly:

(1) The amount of securities called for by such warrants, convertible securities or rights;

(2) The period during which and the price at which the warrants, convertible securities or rights are exercisable;

(3) The amounts of warrants, convertible securities or rights outstanding; and

(4) Any other material terms of such securities.

(d) In the case of any other kind of securities, appropriate information of a comparable character.

Part F/S

The following financial statements of the issuer, or the issuer and its predecessors or any businesses to which the issuer is a successor shall be filed as part of the offering statement and included in the offering circular which is distributed to investors.

Such financial statements shall be prepared in accordance with generally accepted accounting principles (GAAP) in the United States.

Issuers which have audited financial statements because they prepare them for other purposes, shall provide them.

The Commission's Regulation S–X, 17 CFR 210.1 et seq. relating to the form, content of and requirements for financial statements shall not apply to the financial statements required by this part, except that if audited financial statements are filed, the qualifications and reports of an independent auditor shall comply with the requirements of Article 2 of Regulation S–X.

Issuers which are limited partnerships are required to also file the balance sheets of general partners: (1) If such general partner is a corporation, the balance sheet shall be as of the end of its most recently completed fiscal year; receivables from a parent or affiliate of such general partner (including notes receivable, but excluding trade receivables) should be deductions from shareholders equity of the general partner; where a parent or affiliate has committed to increase or maintain the general partner's capital, there shall also be filed the balance sheet of such parent or affiliate as of the end of its most recently completed fiscal year; (2) if such general partner is a partnership, its balance sheet as of the end of its most recently completed fiscal year; (3) if such general partner is a natural person, the net worth of such general partner(s) based on the estimated fair market value of their assets and liabilities, singly or in the aggregate shall be disclosed in the offering circular, and balance sheets of each of the individual general partners supporting such net worth shall be provided as supplemental information.

(1) Balance Sheet

As of a date within 90 days prior to filing the offering statement or such longer time, not exceeding 6 months, as the Commission may permit at the written request of the issuer upon a showing of good cause; for filings made after 90 days subsequent to the issuer's most recent fiscal year, the balance sheet shall be dated as of the end of the most recent fiscal year.

(2) Statements of Income, Cash Flows, and Other Stockholders Equity

For each of the 2 fiscal years preceding the date of the most recent balance sheet being filed, and for any interim period between the end of the most recent of such fiscal years and the date of the most recent balance sheet being filed, or for the period of the issuer's existence if less than the period above.

Income statements shall be accompanied by a statement that in the opinion of management all adjustments necessary for a fair statement of results for the interim period have been included. If all such adjustments

are of a normal recurring nature, a statement to that effect shall be made. If otherwise, there shall be furnished as supplemental information and not as part of the offering statement, a letter describing in detail the nature and amount of any adjustments other than normal recurring adjustments entering into the determination of results shown.

(3) Financial Statements of Businesses Acquired or To Be Acquired

(a) Financial statements for the periods specified in (c) below should be furnished if any of the following conditions exist:

(i) Consummation of a significant business combination accounted for as a purchase has occurred or is probable (for purposes of this rule, the term "purchase" encompasses the purchase of an interest in a business accounted for by the equity method); or

(ii) Consummation of a significant business combination to be accounted for as a pooling is probable.

(b) A business combination shall be considered significant if a comparison of the most recent annual financial statements of the business acquired or to be acquired and the registrant's most recent annual consolidated financial statements filed at or prior to the date of acquisition indicates that the business would be a significant subsidiary pursuant to the conditions specified in Rule 405 of Regulation C, 17 CFR 230.405.

(c)(i) The financial statements shall be furnished for the periods up to the date of acquisition, for those periods for which the registrant is required to furnish financial statements.

(ii) These financial statements need not be audited.

(iii) The separate balance sheet of the acquired business is not required when the registrant's most recent balance sheet filed is for a date after the acquisition was consummated.

(iv) If none of the conditions in the definitions of significant subsidiary in rule 405 exceeds 20%, income statements of the acquired business for only the most recent fiscal year and any interim period need be filed.

(d) If consummation of more than one transaction has occurred or is probable, the tests of significance shall be made using the aggregate impact of the businesses and the required financial statements may be presented on a combined basis, if appropriate.

(e) This paragraph (3) shall not apply to a business which is totally held by the registrant prior to consummation of the transaction.

(4) Pro Forma Financial Information

(a) Pro forma information shall be furnished if any of the following conditions exist (for purposes of this rule, the term *purchase* encompasses the purchase of an interest in a business accounted for by the equity method):

(i) During the most recent fiscal year or subsequent interim period for which a balance sheet of the registrant is required, a significant business combination accounted for as a purchase has occurred;

(ii) After the date of the registrant's most recent balance sheet, consummation of a significant business combination to be accounted for by either the purchase method or pooling of interests method of accounting has occurred or is probable.

(b) The provisions of paragraph (3)(b), (d) and (e) apply to this paragraph (4).

(c) Pro forma statements shall ordinarily be in columnar form showing condensed historical statements, pro forma adjustments, and the pro forma results and should include the following:

(i) If the transaction was consummated during the most recent fiscal year or in the subsequent interim period, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, or

(ii) If consummation of the transaction has occurred or is probable after the date of the most recent balance sheet, a pro forma balance sheet giving effect to the combination as of the date of the most recent balance sheet required by paragraph (b). For a purchase, pro forma statements of income reflecting the combined operations of the entities for the latest fiscal year and interim period, if any, and for a pooling of interests, pro forma statements of income for all periods for which income statements of the registrant are required.

Part III—Exhibits

Item 1 Index to Exhibits

(a) An index to the exhibits filed should be presented immediately following the cover page to part III.

(b) Each exhibit should be listed in the exhibit index according to the number assigned to it under Item 2 below.

(c) The index to exhibits should identify the location of the exhibit under the sequential page numbering system for this Form 1–A.

(d) Where exhibits are incorporated by reference, the reference shall be made in the index of exhibits.

Instructions

1. Any document or part thereof filed with the Commission pursuant to any Act administered by the Commission may, subject to the limitations of rule 24 of the Commission's Rules of Practice, be incorporated by reference as an exhibit to any offering statement.

2. If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the issuer shall file with the reference a statement containing the text of such modification and the date thereof.

3. Procedurally, the techniques specified in rule 411(d) of Regulation C shall be followed.

Item 2 Description of Exhibits

As appropriate, the following documents should be filed as exhibits to the offering statement.

(1) *Underwriting Agreement*—Each underwriting contract or agreement with a principal underwriter or letter pursuant to which the securities are to be distributed; where the terms have yet to be finalized, proposed formats may be provided.

(2) *Charter and by-laws*—The charter and by-laws of the issuer or instruments corresponding thereto as presently in effect and any amendments thereto.

(3) *Instruments defining the rights of security holders*—(a) All instruments defining the rights of any holder of the issuer's securities, including but not limited to (i) holders of equity or debt securities being issued; (ii) holders of long-term debt of the issuer, and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) The following instruments need not be filed if the issuer agrees to provide them to the Commission upon request: (i) Instruments defining the rights of holders of long-term debt of the issuer and all of its subsidiaries for which consolidated financial statements are required to be filed if such debt is not being issued pursuant to this regulation A offering and the total amount of such authorized issuance does not exceed 5% of the total assets of the issuer and its subsidiaries on a consolidated basis; (ii) any instrument with respect to a class of securities which is to be retired or redeemed prior to the issuance or upon delivery of the securities being issued pursuant to this regulation A offering and appropriate steps have been taken to assure such retirement or redemption; and (iii) copies of instruments evidencing scrip certificates or fractions of shares.

(4) *Subscription agreement*—The form of any subscription agreement to be used in connection with the purchase of securities in this offering.

(5) *Voting trust agreement*—Any voting trust agreements and amendments thereto.

(6) *Material contracts*—(a) Every contract not made in the ordinary course of business which is material to the issuer and is to be performed in whole or in part at or after the filing of the offering statement or was entered into not more than 2 years before such filing. Only contracts need be filed as to which the issuer or subsidiary of the issuer is a party or has succeeded to a party by assumption or assignment or in which the issuer or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the issuer and its subsidiaries, it is made in the ordinary course of business and need not be filed unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance: (i) Any contract to which directors, officers, promoters, voting trustees, security holders named in the offering statement, or underwriters are parties except where the contract merely involves the purchase or sale of current assets having a determinable market price, at such market price; (ii) any contract upon which the issuer's business is substantially dependent, as in the case of continuing contracts to sell the major part of the issuer's products or services or to purchase the major part of the issuer's requirements of goods, services or raw materials or any franchise or license or other agreement to use a patent, formula, trade secret, process or trade name upon which the issuer's business depends to a material extent; (iii) any contract calling for the acquisition or sale of any property, plant or equipment for a consideration exceeding 15% of such fixed assets of the issuer on a consolidated basis; or (iv) any material lease under which a part of the property described in the offering statement is held by the issuer.

(c) Any management contract or any compensatory plan, contract or arrangement including but not limited to plans relating to options, warrants or rights, pension, retirement or deferred compensation or bonus, incentive or profit sharing (or if not set forth in any formal document, a written description thereof) shall be deemed material and shall be filed except for the following: (i) Ordinary purchase and sales agency agreements; (ii) agreements with managers of stores in a chain organization or similar organization; (iii) contracts providing for labor or salesmen's bonuses or payments to a class of security holders, as such; (iv) any compensatory plan, contract or arrangement which pursuant to its terms is available to employees generally and which in operation provides for the same method of allocation of benefits between management and non-management participants.

(7) *Material foreign patents*—Each material foreign patent for an invention not covered by a United States patent. If a substantial part of the securities to be offered or if the proceeds therefrom have been or are to be used for the particular purposes of acquiring, developing or exploiting one or more material foreign patents or patent rights, furnish a list showing the number and a brief identification of each such patent or patent right.

(8) *Plan of acquisition, reorganization, arrangement, liquidation, or succession*—Any material plan of acquisition, disposition, reorganization, readjustment, succession, liquidation or arrangement and any amendments thereto described in the offering statement. Schedules (or similar attachments) to these exhibits shall not be filed unless such schedules contain information which is material to an investment decision and which is not otherwise disclosed in the agreement or the offering statement. The plan filed shall contain a list briefly identifying the contents of all omitted schedules, together with an agreement to furnish supplementally a copy of any omitted schedule to the Commission upon request.

(9) *Escrow agreements*—Any escrow agreement or similar arrangement which has been executed in connection with the Regulation A offering.

(10) *Consents*—(a) Experts: The written consent of (i) any accountant, engineer, geologist, appraiser or any person whose profession gives authority to a statement made by them and who is named in the offering statement as having prepared or certified any part of the document or is named as having prepared or certified a report or evaluation whether or not for use in connection with the offering statement; (ii) the expert that authored any portion of a report quoted or summarized as such in the offering statement, expressly stating their consent to the use of such quotation or summary; (iii) any persons who are referenced as having reviewed or passed upon any information in the offering statement, and that such information is being included on the basis of their authority or in reliance upon their status as experts.

(b) Underwriters: A written consent and certification in the form which follows signed by each underwriter of the securities proposed to be offered. All underwriters may, with appropriate modifications, sign the same consent and certification or separate consents and certifications may be signed by any underwriter or group of underwriters.

Consent and Certification by Underwriter

1. The undersigned hereby consents to being named as underwriter in an offering statement filed with the Securities and Exchange Commission by (insert name of issuer) pursuant to regulation A in connection with a proposed offering of (insert title of securities) to the public.

2. The undersigned hereby certifies that it furnished the statements and information set forth in the offering statement with respect to the undersigned, its directors and officers or partners, that such statements and information are accurate, complete and fully responsive to the requirements of Parts I, II and III of the Offering Statement thereto, and do not omit any information required to be stated therein with respect of any such persons, or necessary to make the statements and information therein with respect to any of them not misleading.

3. If Preliminary Offering Circulars are distributed, the undersigned hereby undertakes to keep an accurate and complete record of the name and address of each person furnished a Preliminary Offering Circular and, if such Preliminary Offering Circular is inaccurate or inadequate in any material respect, to furnish a revised Preliminary Offering Circular or a Final Offering Circular to all persons to whom the securities are to be sold at least 48 hours prior to the mailing of any confirmation of sale to such persons, or to send such a circular to such persons under circumstances that it would normally be received by them 48 hours prior to their receipt of confirmation of the sale.

(Underwriter)
By _____

Date ___/___/___

(d) All written consents shall be dated and manually signed.

(11) *Opinion re legality*—An opinion of counsel as to the legality of the securities covered by the Offering Statement, indicating whether they will when sold, be legally issued, fully paid and non-assessable, and if debt securities, whether they will be binding obligations of the issuer.

(12) *Sales Material*—Any material required to be filed by virtue of rule 256.

(13) *"Test the Water" Material*—Any material published under the authorization of rule 254.

(14) *Additional exhibits*—Any additional exhibits which the issuer may wish to file, which shall be so marked as to indicate clearly the subject matters to which they refer.

Signatures

The issuer has duly caused this offering statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of _____, State of _____, on _____, 19___.

(Issuer) _____
By (Signature and Title) _____

This offering statement has been signed by the following persons in the capacities and on the dates indicated.

(Signature) _____
(Title) _____
(Selling security holder) _____
(Date) _____

Instructions

1. The offering statement shall be signed by the issuer, its Chief Executive Officer, Chief Financial Officer, a majority of the members of its board of directors or other governing instrumentality, and each person, other than the issuer, for whose account any of the securities are to be offered. If a signature is by a person on behalf of any other person, evidence of authority to sign shall be filed with the offering statement, except where an executive officer signs on behalf of the issuer. Where the issuer is a limited partnership, the offering statement shall also be signed by a majority of the board of directors of any corporate general partner.

2. The name of each person signing the offering statement shall be typed or printed beneath the signature.

Securities and Exchange Commission

Form 2–A

Report of Sales and Uses of Proceeds Pursuant to Rule 257 of Regulation A

File No. 24-____-____

For period ending ___/___/___
Indicate whether the report is an
initial report [ ]
amendment [ ]
or final report [ ]
If the report is an amendment, indicate the number of such amendment. /___/___/

General Instructions

The report shall be filed in accordance with the provisions of rule 257 of regulation A.

Answer each item in the box(es) or spaces provided. If additional space is required for any response, continue the response on an attached sheet.

If the issuer is required to file any report(s) on this form subsequent to its initial filing, each subsequent filing shall be deemed to be an amendment to the initial filing. Do not report in any amendment responses to Items 3–11 unless the information has changed.

No fee is required to accompany this filing.

Seven copies of the form shall be filed with the Commission's Regional Office where the regulation A Offering Statement was filed. At least one copy of the form shall be manually signed; other copies may bear typed or printed signatures.

1. _____
Exact name of issuer as specified in its charter.

2. Date of qualification of the offering statement:
/___/___/___/___/___/___/

3. Has the offering commenced? [ ] Yes [ ] No.
If yes, date of commencement: /___/___/ /___/___/ /___/___/
If no, explain briefly: _____

4. Did the offering terminate before any securities were sold? [ ] Yes [ ] No.
If yes, explain briefly:

If "yes", do not answer Items 5–11.

5. Did the offering terminate prior to the sale of all the securities qualified under Regulation A? [ ] Yes [ ] No.
If yes, explain briefly:

6. Indicate the total number of shares or other units offered and sold to date:
_____ (issuer's account) _____ (selling securityholders)
Indicate the number of shares or other units still being offered:
_____ (issuer's account) _____ (selling securityholders)

7. Total amount of dollars received from the public to date. $_____
Total amount allocable to selling securityholders: $_____

Underwriting discount or commission allowed	$
Underwriting expenses paid	$
Finders' Fees	$
Other expenses paid to date by or for issuer:	
Legal (including organization)	$
Accounting	$
Engineering	$
Printing and Advertising	$
Other (specify)	$
	$
	$
	$
Total costs and expenses	$
Total net proceeds remaining	$

8. Uses of net proceeds to date.
Instructions:
1. Do not include any amount in "working capital" to which a more specific category is applicable.
2. Round all amounts to the nearest dollar.
3. Specify under "other purposes" any purpose for which at least 5% of the issuer's proceeds or $50,000, whichever is less, has been used.

Salaries and fees	$
Construction of plant, building and facilities	$
Purchases and installation of machinery and equipment	$
Purchase of real estate	$
Acquisition of other business(es)	$
Repayment of indebtedness	$
Working capital	$
Development expense (product development, research, patent costs, etc.)	$
Temporary investment (specify)	$
	$
	$
	$
Other purposes (specify)	
	$
	$
	$
	$
	$
	$
	$
	$

9. Do the use(s) of proceeds in Item 8 represent a material change in the use(s) of proceeds described in the offering circular?
[ ] Yes [ ] No.
If yes, explain briefly:

10. State the number of shares held by each promoter, director, officer or controlling person of the issuer, if different from the amount stated in the offering circular.

11. List the names and addresses of all brokers and dealers who have, to the knowledge of the issuer or underwriters, participated in the distribution of the securities during the period covered by this report.

Signature

Pursuant to the requirements of rule 257 and regulation A, ____ has caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

Issuer

Date
By
Signature

Instruction

The report shall be signed by an executive officer, general partner or counsel of the issuer or by any other duly authorized person. The name and any title of the person who signs the report shall be typed or printed beneath the signature.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

21. The authority citation for part 240 continues to read as follows:

Authority: 15 U.S.C. 77c, 77d, 77s, 77ttt, 78c, 78d, 78i, 78j, 78*l*, 78m, 78n, 78*o*, 78p, 78s, 78w, 78x, 79q, 79t, 80a–29, 80a–37, unless otherwise noted.

§ 240.3b–6 [Amended]

22. By amending § 240.3b–6 paragraph (b)(1)(i) after the words "Securities Act of 1933" add the words ", offering statement under regulation A", and in paragraph (b)(2)(i) after the parenthetical "(§ 229.303 of this chapter)" add the words "or regulation S–B (§ 228.303 of this chapter)" and after the words "rule 3–20(c)" add the words "of regulation S–X (§ 210.3–20(c)".

23. Section 240.12b–2 is amended by adding the definition of "small business issuer" in the appropriate alphabetical order to read as follows:

§ 240.12b–2 Definitions.

* * * * *

Small business issuer. The term *small business issuer* means an entity that meets the following criteria:

(1) Had revenues of less than $15,000,000 during its last fiscal year;

(2) Is not a foreign private issuer or a foreign government;

(3) Is not an investment company; and

(4) Is not a wholly owned subsidiary of a non-small business issuer.

* * * * *

24. By amending paragraph (b)(5)(ii) of § 240.14a–3 to add the words "or, if applicable, a plan of operation required by Item 303(a) of regulation S–B (§ 228.303(a) of this chapter)" after the words "(§ 229.303 of this chapter)" and to add the following Note after the introductory text of paragraph (b) to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(b) * * *

Note to Small Business Issuers—A *small business issuer*, defined under rule 12b–2 of the Exchange Act (§ 240.12b–2), shall refer to the disclosure items in regulation S–B (§ 228.10 *et seq.* of this chapter) rather than regulation S–K (§ 229.10 *et seq.*). If there is no comparable disclosure item in regulation S–B, a small business issuer need not provide the information requested. A small business issuers shall provide the information in item 310(a) of regulation S–B in lieu of the financial information required by rule 14a–3(b)(1) (§ 240.14a–3(b)(1)).

* * * * *

25. By adding Note F to § 240.14a–101 to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statement.

Notes:

* * * * *

F. Note to Small Business Issuers—Registrants and acquirees that meet the definition of "small business issuer" under rule 12b–2 of the Exchange Act (§ 240.12b–2) shall refer to the disclosure items in regulation S–B (§ 228.10 *et seq.* of this chapter) and not regulation S–K (§ 229.10 *et seq.* of this chapter). If there is no comparable disclosure item in regulation S–B, small business issuers need not provide the information requested. Small business issuers shall provide the financial information in item 310 of regulation S–B in lieu of the financial statements required in schedule 14A.

* * * * *

26. By adding the following text to the end of the introductory Note to § 240.14c–101 to read as follows:

§ 240.14c–101 Schedule 14C. Information required in information statement.

Note. * * * Registrants and acquirees that meet the definition of "small business issuer" under rule 12b–2 of the Exchange Act (§ 240.12b–2) shall refer to the disclosure items in regulation S–B (§ 228.10 *et seq.* of this chapter) and not regulation S–K (§ 229.10 *et seq.* of this chapter). If there is no comparable disclosure item in regulation S–B, small business issuers need not provide the information requested. Small business issuers shall provide the financial information in Item 310 of regulation S–B in lieu of any financial statements required by Item 1 of § 240.14c–101.

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

27. The authority for part 249 continues to read as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted.

28. By adding § 249.210b to read as follows:

§ 249.210b Form 10SB, optional form for the registration of securities of a small business issuer.

A "small business issuer," defined in rule 12b–2 (§ 240.12b–2 of this chapter) may use Form 10SB to register a class of its securities under section 12(b) or (g) of the Exchange Act.

Note: The text and instructions of Form 10SB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission, Washington, DC 20549; Form 10SB

OMB APPROVAL

OMB Number: xxxx-xxxx. Expires: Approval Pending

Estimated average burden hours per response 1.0

General Form for Registration of Securities of Small Business Issuers Under Section 12 (b) or (g) of the Securities Exchange Act of 1934

(Name of Small Business Issuer in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Issuer's telephone number, ( ) –

Securities to be registered under section 12(b) of the Act:

Title of each class to be so registered

Name of each exchange on which each class is to be registered

Securities to be registered under Section 12(g) of the Act:

(Title of class)

(Title of class)

General Instructions

A. *Use of Form 10SB*

This Form may be used by a "small business issuer," defined in rule 12b–2 (§ 240.12b–2) of the Securities Exchange Act of 1934 (the "Exchange Act"), to register a class of securities under section 12 (b) or (g) of the Exchange Act.

B. *Application of General Rules and Regulations*

The General Rules and Regulations under the Exchange Act (§ 240.0–1 *et seq.*), particularly regulation 12B (§ 240.12b–1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

C. *Signature and Filing of Registration Statement*

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits.

2. Manually sign at least one copy of the report filed with the Commission and each exchange; other copies should have typed or printed signatures.

D. *Information to be Incorporated by Reference*

Refer to rule 12b–23 (§ 240.12b–23 of this chapter) if information will be incorporated by reference from other documents in answer or partial answer to any item of this Form.

Information Required in Registration Statement

Item 1. Description of Business.
Furnish the information required by item 101 of regulation S–B.
Item 2. Management's Discussion and Analysis or Plan of Operation.
Furnish the information required by item 303 of regulation S–B.
Item 3. Description of Property.
Furnish the information required by item 102 of regulation S–B.
Item 4. Security Ownership of Certain Beneficial Owners and Management.
Furnish the information required by item 403 of regulation S–B.
Item 5. Directors, Executive Officers, Promoters and Control Persons.
Furnish the information required by item 401 of regulation S–B.
Item 6. Executive Compensation.
Furnish the information required by item 402 of regulation S–B.
Item 7. Certain Relationships and Related Transactions.
Furnish the information required by item 404 of regulation S–B.
Item 8. Legal Proceedings.
Furnish the information required by item 103 of regulation S–B.
Item 9. Market for Common Stock and Related Stockholder Matters.
Furnish the information required by item 201 of regulation S–B.
Item 10. Recent Sales of Unregistered Securities.
Furnish the information required by item 701 of regulation S–B.
Item 11. Description of Securities.
Furnish the information required by item 202 of regulation S–B.
Item 12. Indemnification of Directors and Officers.
Furnish the information required by item 702 of regulation S–B.
Item 13. Financial Statements.
Furnish the information required by item 310 of regulation S–B.
Item 14. Changes In and Disagreements With Accountants on Accounting and Financial Disclosure.
Furnish the information required by item 304 of regulation S–B.
Item 15. Financial Statements and Exhibits.
(a) List separately all financial statements filed as part of the registration statement.
(b) Furnish the exhibits required by item 601 of regulation S–B.

Signatures

In accordance with section 12 of the Securities Exchange Act of 1934, the registrant caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

Date
By
(Signature)*

* Print the name and title of each signing officer under his or her signature.

29. By adding § 249.310b to read as follows:

§ 249.310b Form 10–KSB, optional form for annual and transition reports of small business issuers under sections 13 or 15(d) of the Securities Exchange Act of 1934 (the "Exchange Act").

A *small business issuer* defined in rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), may use this form for its annual and transitional reports under section 13 or 15(d) of the Exchange Act. Annual reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report and transition reports shall be filed after an issuer changes its fiscal year end in accordance with rule 13a–10

or rule 15d–10 (§§ 240.13a–10 or 240.15d–10 of this chapter).

Note: The text and instructions of Form 10–KSB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission, Washington, DC 20549: Form 10–KSB

OMB Approval

OMB Number: xxxx–xxxx. Expires: Approval Pending

Estimated average burden hours per response..... 1.0

(Mark One)

[ ] Annual Report under Section 13 or 15(d) of the Securities Exchange Act of 1934 [Fee Required]

For the fiscal year ended _____

[ ] Transition Report under Section 13 or 15(d) of the Securities Exchange Act of 1934 [No Fee Required]

For the transition period from _____ to _____

Commission file number _____

(Name of small business issuer in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Issuer's telephone number ( ).

Securities registered under Section 12(b) of the Exchange Act:

Title of each class

Name of each exchange on which registered

Securities registered under Section 12(g) of the Exchange Act:

(Title of class)

(Title of class)

Check whether the issuer (1) filed all reports required to be filed by section 13 or 15(d) of the Exchange Act during the past 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ____ No ____

Check if there is no disclosure of delinquent filers in response to Item 405 or regulation S–B is not contained in this form, and no disclosure will be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10–KSB or any amendment to this Form 10–KSB. [ ]

State issuer's revenues for its most recent fiscal year. ____.

State the aggregate market value of the voting stock held by non-affiliates computed by reference to the price at which the stock was sold, or the average bid and asked prices of such stock, as of a specified date within the past 60 days. (See definition of affiliate in rule 12b–2 of the Exchange Act.)

Note: If determining whether a person is an affiliate will involve an unreasonable effort and expense, the issuer may calculate the aggregate market value of the common stock held by non-affiliates on the basis of reasonable assumptions, if the assumptions are stated.

(Issuers Involved in Bankruptcy Proceedings During the Past Five Years)

Check whether the issuer has filed all documents and reports required to be filed by section 12, 13 or 15(d) of the Exchange Act after the distribution of securities under a plan confirmed by a court. Yes ____ No ____

(Applicable Only to Corporate Registrants)

State the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date. _____

Documents Incorporated by Reference

If the following documents are incorporated by reference, briefly describe them and identify the part of the Form 10–KSB (e.g., part I, part II, etc.) into which the document is incorporated: (1) Any annual report to security holders; (2) any proxy or information statement; and (3) any prospectus filed pursuant to rule 424 (b) or (c) of the Securities Act of 1933 ("Securities Act"). The listed documents should be clearly described for identification purposes (e.g., annual report to security holders for fiscal year ended December 24, 1990).

General Instructions

A. Use of Form 10–KSB

This Form may be used by a "small business issuer," defined in rule 12b–2 of the Exchange Act, for its annual and transitional reports under section 13 or 15(d) of that Act. Annual reports on this form shall be filed within 90 days after the end of the fiscal year covered by the report. Transition reports shall be filed within the time period specified in rules 13a–10 or 15d–10 of the Exchange Act (§§ 240.13a–10 or 240.15d–10 of this chapter).

B. Application of General Rules and Regulations

The General Rules and Regulations under the Exchange Act (§ 240.0–1 *et seq.*), particularly regulation 12B (§ 240.12b–1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

C. Signature and Filing of Report

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits. One of the copies filed with the Commission and each exchange should be manually signed; all other copies should have typed or printed signatures.

2. Who must sign: the small business issuer, its principal executive officer or officers, its principal financial officer, its controller or principal accounting officer and at least the majority of the board of directors or persons performing similar functions. If the issuer is a limited partnership then the general partner and a majority of its board of directors if a corporation. Any person who occupies more than one of the specified positions shall indicate each capacity in which he signs the report. See rule 12b–11 concerning manual signatures under powers of attorney.

D. Information as to Employee Stock Purchase, Savings and Similar Plans

Separate annual and other reports need not be filed under section 15(d) of the Exchange Act for any employee stock purchase, savings or similar plan if the issuer of the securities offered under the plan furnishes to the Commission the information and documents specified in the rule 15d–21 of the Exchange Act.

E. Information to be Incorporated by Reference

1. Refer to rule 12b–23 (§ 240.12b–23 of this chapter) if information will be incorporated by reference from other documents in answer or partial answer to any item of this Form.

2. The information called for in parts I and II of this Form, Items 1–6, may be incorporated by reference from:

(a) the registrant's annual report to security holders furnished to the Commission under rule 14a–3(b) or rule 14c–3(a) of the Exchange Act (§§ 240.14a–3(b), 240.14c–3(a) of this chapter); or

(b) the registrant's annual report to shareholders if it contains the information required by rule 14a–3 (§ 240.14–3 of this chapter).

3. The information required by part III may be incorporated by reference from the registrant's definitive proxy statement (filed or to be filed in accordance with § 240.14a–101, schedule 14A) or definitive information statement (filed or to be filed pursuant to § 240.14c–101, schedule 14C) which involves the election of directors, if such definitive proxy or information statement is filed with the Commission not later than 120 days after the end of the fiscal year covered by this Form. If the definitive proxy or information statement is not filed within the 120-day period, the information called for in part III information must be filed as part of the Form 10–KSB, or as an amendment to the Form 10–KSB under cover of Form 8 (§ 249.460 of this chapter), not later than the end of the 120-day period.

4. No item numbers of captions or items need be contained in the material incorporated by reference into the report. However, the registrant's attention is directed to rule 12b–23(b) of the Exchange Act (§ 240.12b–23(b)) regarding the specific disclosure required in the report concerning information incorporated by reference. When the registrant combines all of the information in parts I and II of this Form by incorporation by reference from the registrant's annual report to security holders and all of the information in part III of this Form by incorporating by reference from a definitive proxy statement or information statement involving the election of directors, then this Form shall consist of the facing or cover page, those sections incorporated from the annual report to security holders, the proxy or information statement, and the information, if any, required by part IV of this Form, signatures and a cross-reference sheet setting forth the item numbers and captions in parts I, II and III of this Form and page and/or pages in the referenced materials where the corresponding information appears.

F. Integrated Reports to Security Holders

Annual reports to security holders may be combined with the required information of this Form and will be suitable for filing with the Commission if the following conditions are satisfied:

1. The combined report contains complete answers to all items required by Form 10–KSB. When responses to a certain item of required disclosure are separated within the combined report, an appropriate cross-reference should be made. If the information required by part III of Form 10–KSB is omitted by virtue of General Instruction E, a definitive proxy or information statement shall be filed.

2. The cover page and required signatures are included. A cross-reference sheet should be filed indicating the location of information required by items of the Form.

G. Omission of Information by Certain Wholly-Owned Subsidiaries

If, on the date of the filing of its report on Form 10–KSB, the registrant meets the conditions specified in paragraph (1) below, then it may furnish the abbreviated narrative disclosure specified in paragraph (2) below.

1. Conditions for availability of relief specified in paragraph (2) below.

(a) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company and which has filed all the material required to be filed under sections 13, 14 or 15(d), as applicable, and which is named in conjunction with the registrant's description of its business;

(b) During the past thirty-six months and any subsequent period of days, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the registrant or its subsidiaries, and there has not been any material default in the payment of rental under material long-term leases; and

(c) There is prominently set forth on the cover page of the Form 10–KSB, a statement that the registrant meets the conditions set forth in General Instruction G(1) (a) and (b) of Form 10–KSB and therefore filing this Form with the reduced disclosure format.

2. Registrants meeting the conditions specified in paragraph 1 above are entitled to the following relief:

(a) Such registrants may omit the information called for by Item 303(b), Management's Discussion and Analysis, if required by the Instruction to that Item, provided that the registrant includes in the Form 10–KSB a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year presented and the fiscal year immediately preceding it. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels, such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

(b) Such registrants may omit the list of subsidiaries exhibit required by Item 601 of regulation S–B.

(c) Such registrants may omit the information called for by the following Items: Item 4, Submission of Matters to a Vote of Security Holders; Item 10 Directors and Executive Officers, etc.; Item 11, Executive Compensation; Item 12, Security Ownership of Certain Beneficial Owners, etc.; Item 13, Certain Relationships and Related Transactions.

Part I

Item 1. Description of Business.
Furnish the information required by item 101 of regulation S–B.
Item 2. Description of Property.
Furnish the information required by item 102 of regulation S–B.
Item 3. Legal Proceedings.
Furnish the information required by item 103 of regulation S–B.
Item 4. Submission of Matters to a Vote of Security Holders.
If any matter was submitted during the fourth quarter of the fiscal year covered by this report to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in rule 14a–11 of regulation A under the Act) terminating any solicitation subject to rule 14a–11, including the cost or anticipated cost to the registrant.

Instructions to Item 4

1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission should be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a shareholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to regulation 14A under the Act, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant published a report containing all of the information called for by this item, the item may be answered by reference to the information in that report.

Part II

Item 5. Market for Common Stock and Related Stockholder Matters.
Furnish the information required by item 201 of regulation S–B.
Item 6. Management's Discussion and Analysis or Plan of Operation.
Furnish the information required by item 303 of regulation S–B.
Item 7. Financial Statements.
Furnish the information required by item 310(a) of regulation S–B.
Item 8. Changes in and Disagreements With Accountants on Accounting and Financial Disclosure.
Furnish the information required by item 304 of regulation S–B.

Part III

Item 9. Directors, Executive Officers, Promoters and Control Persons; Compliance With section 16(a) of the Exchange Act.
Furnish the information required by items 401 and 405 of regulation S–B.

Instruction to Item 9

Checking the box provided on the cover page of this Form to indicate that item 405 disclosure of delinquent Form 3, 4, or 5 filers is not contained herein is intended to facilitate Form processing and review. Failure to provide such indication will not create liability for violation of the federal securities laws. The space should be checked only if there is no disclosure in this Form of reporting person delinquencies in response to item 405 of regulation S–B (§ 228.405 of this chapter) and the registrant, at the time of filing of the Form 10–KSB, has reviewed the information necessary to ascertain, and has determined that, item 405 disclosure is not expected to be contained in Part III of the Form 10–KSB or incorporated by reference.

Item 10. Executive Compensation.
Furnish the information required by item 402 of regulation S–B.
Item 11. Security Ownership of Certain Beneficial Owners and Management.
Furnish the information required by item 403 of regulation S–B.

Item 12. Certain Relationships and Related Transactions.

Furnish the information required by item 404 of regulation S–B.

Item 13. Exhibits and Reports on Form 8–K.

(a) Furnish the exhibits required by item 601 of regulation S–B. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See Exchange Act rule 12b–23 (§ 240.12b–23 of this chapter).

(b) Reports on Form 8–K. State whether any reports on Form 8–K were filed during the last quarter of the period covered by this report, listing the items reported, any financial statements filed and the dates of such reports.

Signatures

In accordance with section 13 or 15(d) of the Exchange Act, the registrant caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant) _____

By (Signature and Title)* _____

Date _____

In accordance with the Exchange Act, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the dates indicated.

By (Signature and Title)* _____

Date _____

By (Signature and Title)* _____

Date _____

* Print the name and title of each signing officer under his signature.

Supplemental Information to be Furnished With Reports Filed Pursuant to Section 15(d) of the Exchange Act By Non-reporting Issuers

(a) Except to the extent that the materials enumerated in (1) and/or (2) below are specifically incorporated into this Form by reference (in which case, see rule 12b–23(b)), every issuer which files an annual report on this Form under section 15(d) of the Exchange Act shall furnish the Commission for its information, at the time of filing its report on this Form, four copies of the following:

(1) Any annual report to security holders covering the registrant's last fiscal year; and

(2) Every proxy statement, form of proxy or other proxy soliciting material sent to more than ten of the registrant's security holders with respect to any annual or other meeting of security holders.

(b) The Commission will not consider the material to be "filed" or subject to the liabilities of section 18 of the Exchange Act, except if the issuer specifically incorporates it in its annual report on this Form by reference.

(c) If no such annual report or proxy material has been sent to security holders, a statement to that effect shall be included under this caption. If such report or proxy material is to be furnished to security holders subsequent to the filing of the annual report on this Form, the registrant shall so state under this caption and shall furnish copies of such material to the Commission when it is sent to security holders.

30. Section 249.308b is added to read as follows:

§ 249.308b Form 10–QSB, optional form for quarterly and transition reports of small business issuers under sections 13 or 15(d) of the Securities Exchange Act of 1934 ("Exchange Act").

A "small business issuer," defined in rule 12b–2, may use this Form for its transition and quarterly reports under section 13 or 15(d) of the Exchange Act and rules 13a–13 and 15d–13 (§§ 240.13a–13 or 240.15d–13 of this chapter). A small business issuer shall file a quarterly report on this form within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year. Transition reports shall be filed in accordance with the requirements set forth in rule 13a–10 or rule 15d–10.

Note: The text and instructions of Form 10–QSB will not appear in the Code of Federal Regulations.

U.S. Securities and Exchange Commission, Washington, DC 20549; Form 10–QSB

OMB Approval

OMB Number: xxxx–xxxx. Expires: Approval Pending

Estimated average burden hours per response..... 1.0

(Mark One)

[ ] Quarterly Report under Section 13 or 15(d) of the Securities Exchange Act of 1934

For the quarterly period ended _____

[ ] Transition Report under Section 13 or 15(d) of the Exchange Act

For the transition period from _____ to _____

Commission file number _____

(Exact name of small business issuer as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(IRS Employer Identification No.)

(Address of principal executive offices)

( )

(Issuer's telephone number)

(Former name, former address and former fiscal year, if changed since last report)

Check whether the issuer (1) filed all reports required to be filed by section 13 or 15(d) of the Exchange Act during the past 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes ___ No ___

Applicable Only to Issuers Involved in Bankruptcy Proceedings During the Preceding Five Years

Check whether the registrant filed all documents and reports required to be filed by section 12, 13 or 15(d) of the Exchange Act after the distribution of securities under a plan confirmed by a court. Yes ___ No ___

Applicable Only to Corporate Issuers

State the number of shares outstanding of each of the issuer's classes of common stock, as of the latest practicable date: _____

General Instructions

A. *Use of Form 10–QSB*

1. A *small business issuer*, defined in rule 12b–2, may use this Form for its transition and quarterly reports under section 13 or 15(d) of the Exchange Act and rules 13a–13 and 15d–13 (§§ 240.13a–13 and 240.15d–13 of this chapter). A small business issuer shall file a quarterly report on this form within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year. Transition reports shall be filed in accordance with the requirements set forth in rule 13a–10 or rule 15d–10.

B. *Application of General Rules and Regulations*

1. The General Rules and Regulations under the Exchange Act (§ 240.0–1 *et seq.*), particularly regulation 12B (§ 240.12b–1 *et seq.*) contain certain general requirements for reports on any form which should be carefully read and observed in the preparation and filing of reports on this Form.

C. *Incorporation by Reference*

1. If the registrant makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a document or statement containing information meeting some or all of the requirements of part I of this form, the information may be incorporated by reference from such published document or statement, in answer or partial answer to any item or items of part I of this form provided copies of the document or statement are filed as an exhibit to part I of the report on this form.

2. Other information may be incorporated by reference in answer or partial answer to any item or items of part II of this form in accordance with the provisions of rule 12b–23 of the Exchange Act.

D. *Integrated Reports to Security Holders*

Quarterly reports to security holders may be combined with the required information of Form 10–QSB and will be suitable for filing with the Commission if the following conditions are satisfied:

1. The combined report contains full and complete answers to all items required by part I of this form. When responses to a certain item of required disclosure are separated within the combined report, an appropriate cross-reference should be made.

2. If not included in the combined report, the cover page, appropriate responses to part II and the required signatures shall be included in the Form 10–QSB. Additionally, as appropriate, a cross-reference sheet should be filed indicating the location of information required by items of the form.

E. *Filed Status of Information Presented*

1. Under Rules 13a–13(d) and 15d–13(d) of the Exchange Act (§§ 240.13a–13(d), 240.15d–13(d) of this chapter), the information presented in satisfaction of the requirements of items 1 and 2 of part I of this form, whether included directly in a report on this form, incorporated therein by reference from a report, document or statement filed as an exhibit to part I of this form pursuant to Instruction D(1) above, included in an integrated report pursuant to Instruction D above, or contained in a statement regarding computation of per share earnings or a letter regarding a change in accounting principles filed as an exhibit to part I under item 601 of Regulation S–B (§ 228.601 of this chapter) shall not be deemed filed for the purpose of section 18 of the Exchange Act or otherwise subject to the liabilities of that section of the Act but shall be subject to the other provisions of the Act.

2. Information presented in satisfaction of the requirements of this form other than those of items 1 and 2 or part I shall be deemed filed for the purpose of section 18 of the Exchange Act; except that, where information presented in response to item 1 or 2 of part I (or an exhibit thereto) is also used to satisfy part II requirements through incorporation by reference, only that portion of part I (or exhibit thereto) consisting of the information required by part II shall be deemed so filed.

F. *Signature and Filing of Report*

1. File three "complete" copies and five "additional" copies of the registration statement with the Commission and file at least one complete copy with each exchange on which the securities will be registered. A "complete" copy includes financial statements, exhibits and all other papers and documents. An "additional" copy excludes exhibits.

2. Manually sign at least one copy of the report filed with the Commission and each exchange; other copies should have typed or printed signatures. In the case where the principal financial or chief accounting officer is also authorized to sign on behalf of the registrant, one signature is acceptable provided that the registrant clearly indicates the dual responsibilities of the signatory.

G. *Omission of Information by Certain Wholly Owned Subsidiaries*

If, on the date of the filing of its Form 10–QSB, the registrant meets the conditions in paragraph (1) below, then it may omit the information in paragraph (2) below.

1. Conditions for availability of relief specified in paragraph (2) below:

(a) All of the registrant's equity securities are owned, either directly or indirectly, by a single person which is a reporting company and which has filed all the material required to be filed pursuant to section 13, 14 or 15(d) of the Exchange Act.

(b) During the past thirty-six calendar months and any later period, there has not been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within thirty days, with respect to any indebtedness of the small business issuer, and there has not been any material default in the payment of rentals under material long-term leases; and

(c) There is prominently set forth, on the cover page of the Form 10-QSB, a statement that the registrant meets the conditions set forth in this instruction and is therefore filing this form with the reduced disclosure format.

2. Registrants meeting the conditions in paragraph (1) above are entitled to:

(a) Omit the information called for by item 303 of Regulation S–B (§ 228.303 of this chapter), Management's Discussion and Analysis provided that the issuer includes in the Form 10–QSB a management's narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent fiscal year-to-date period presented and the corresponding year-to-date period in the preceding fiscal year. Explanations of material changes should include, but not be limited to, changes in the various elements which determine revenue and expense levels such as unit sales volume, prices charged and paid, production levels, production cost variances, labor costs and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or method of application that have a material effect on net income as reported.

(b) Such registrants may omit the information called for by the following items in part II: Items 2, 3 and 4.

Part I—Financial Information

Item 1. Financial Statements.

Furnish the information required by Item 310(b) of regulation S–B.

Item 2. Management's Discussion and Analysis or Plan of Operation.

Furnish the information required by Item 303 of regulation S–B.

Part II—Other Information

Instruction to Part II

Any item which is inapplicable or to which the answer is negative may be omitted and no reference thereto need be made in the report. If substantially the same information has been previously reported by the registrant, an additional report of the information on this form need not be made. The term "previously reported" is defined in rule 12b–2 of the Exchange Act. A separate response need not be presented in Part II where information called for is already disclosed in the financial information in Part I and is incorporated by reference into part II of the report by means of a statement to that effect in part II which specifically identifies the incorporated information.

Item 1. Legal Proceedings

Furnish the information required by item 103 of regulation S–B. As to proceedings that terminated during the period covered by this report, furnish information similar to that required by item 103 of regulation S–B.

Instruction to Item 1

A legal proceeding need only be reported in the Form 10–QSB filed for the quarter in which it first became a reportable event and in subsequent quarters in which there have been material developments. Subsequent Form 10–QSB filings in the same fiscal year in which a legal proceeding or a material development is reported should reference any previous reports in that year.

Item 2. Changes in Securities

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction to Item 2

1. Working capital restrictions and other limitations upon the payment of dividends are to be reported.

Item 3. Defaults Upon Senior Securities

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the small business issuer exceeding 5 percent of the total assets of the issuer identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction to Item 3(a)

1. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the registrant which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the registrant, give the title of the class and state the nature of the arrearage or delinquency. In the case of such a default in the payment of dividends,

state the amount and the total arrearage on the date of filing this report.

Instruction to Item 3

1. Item 3 need not be answered as to any default or arrearage with respect to any class of securities all of which is held by, or for the account of, the registrant or its totally held subsidiaries.

Item 4. Submission of Matters to a Vote of Security Holders

If any matter was submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) A brief description of each other matter voted upon at the meeting and the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) A description of the terms of any settlement between the registrant and any other participant (as defined in rule 14a–11 of regulation A under the Exchange Act) terminating any solicitation subject to rule 14a–11, including the cost or anticipated cost to the registrant.

Instructions to Item 4

If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission should be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a shareholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) proxies for the meeting were solicited pursuant to regulation 14A under the Exchange Act, (ii) there was no solicitation in opposition to the management's nominees as listed in the proxy statement, and (iii) all of such nominees were elected. If the registrant did not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect in answer to paragraph (b) will suffice as an answer thereto.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the registrant has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the registrant has published a report containing all of the information called for by this item, the item may be answered by reference to the information in that report.

Item 5. Other Information

(a) The registrant may, at its option, report under this item any information, not previously reported in a report on Form 8–K, with respect to which information is not otherwise called for by this form. If disclosure of such other information is made under this item, it need not be repeated in a Form 8–K which would otherwise be required to be filed with respect to such information or in a subsequent report on Form 10–QSB.

Item 6. Exhibits and Reports on Form 8–K

(a) Furnish the exhibits required by Item 601 of Regulation S–B.

(b) *Reports on Form 8–K.* State whether any reports on Form 8–K were filed during the quarter for which this report is filed, listing the items reported, any financial statements filed and the dates of such reports.

Signatures

In accordance with the requirements of the Exchange Act, the registrant caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)
Date

(Signature)*
Date

(Signature)*

* Print the name and title of each signing officer under his signature.

§ 249.308 [Amended]

31. Form 8–K (§ 249.308) is amended by adding paragraph 3 to General Instruction C to read as follows:

Note: The text and instructions of Form 8–K does not appear in the Code of Federal Regulations.

Form 8–K

* * * * *

General Instructions

* * * * *

C. Application of General Rules and Regulations.

* * * * *

3. A *small business issuer*, defined under rule 12b–2 of the Exchange Act (§ 240.12b–2 of this chapter), shall refer to the disclosure items in regulation S–B (17 CFR 228.10 *et seq.*) and not regulation S–K. If there is no comparable disclosure item in regulation S–B, a small business issuer need not provide the information requested. A small business issuer shall provide the information required by item 310(a) of regulation S–B in lieu of the financial information required by item 7 of this Form.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

32. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss.

33. By revising § 260.4a–1 as to read as follows:

§ 260.4a–1 Exempted securities under section 304(a)(8).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security that has been or will be issued otherwise than under an indenture. The same issuer may not claim this exemption within a period of twelve consecutive months for more than $5,000,000 aggregate principal amount of any securities.

34. § 260.4a–2 is redesignated as § 260.4a–3, in newly redesignated section § 260.4a–3 remove both cites to "$5,000,000" and add in their place the words "$10,000,000", and add new § 260.4a–2 to read as follows:

§ 260.4a–2 Exempted securities under section 304(d).

The provisions of the Trust Indenture Act of 1939 shall not apply to any security that has been issued or will be issued in accordance with the provisions of Regulation A (17 CFR 230.251 *et seq.*) under the Securities Act of 1933.

PARTS 210, 229, 230, 239, 240, 249, and 260—[AMENDED]

35. In addition to the amendments set forth above, in 17 CFR parts 210, 229, 230, 239, 240, 249, and 260 all references to:

a. "Form 10–Q" are revised to read "Form 10–Q and Form 10QSB";

b. "Form 10–K" are revised to read "Form 10–K and Form 10KSB";

c. "Form 10" are revised to read "Form 10 and Form 10SB";

By the Commission.

Dated: March 11, 1992.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 92–6176 Filed 3–19–92; 8:45 am]
BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33–6926; IC–18611; S7–5–92]

RIN 3235–AE96

Amendments to the Offering Exemption Under Regulation E of the Securities Act of 1933

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rules.

SUMMARY: The Commission is proposing for public comment amendments to the Regulation E exemption from registration of securities of small business investment companies and business development companies under the Securities Act of 1933 to increase the aggregate offering price of a qualified offering of securities that may be sold during a twelve-month period. Under the proposal, the aggregate offering price of securities of a small business investment company that could be sold in reliance on Regulation E would increase from $5,000,000 to $15,000,000. Offerings of the securities of a small business investment company or a business development company by any person other than the issuer would increase from $100,000 to $1,500,000. The proposed amendments are intended to enhance the ability of small business investment companies to raise capital for small businesses and to increase the liquidity of investments in small business investment companies and business development companies.

DATES: Comments must be received on or before May 19, 1992.

ADDRESSES: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. All comment letters should refer to File No. S7–5–92. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 5th Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Berman, Deputy Chief, or Kathleen K. Clark, Special Counsel, Office of Disclosure and Adviser Regulation, Division of Investment Management, (202) 272–2107, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 10–6, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission (the "Commission") today is proposing for comment amendments to regulation E (17 CFR 230.601 *et seq.*) under the Securities Act of 1933 ("1933 Act") (15 U.S.C. 77a *et seq.*), which exempts from registration under the 1933 Act certain securities offerings by small business investment companies ("SBICs") registered under the Investment Company Act of 1940 ("1940 Act") (15 U.S.C. 80a–1 *et seq.*) and business development companies ("BDCs"). The amendments would increase, from $5,000,000 to $15,000,000, the aggregate offering price of SBIC securities that may be sold annually without registration under the 1933 Act. The amount of SBIC or BDC securities that may be sold annually by any person other than the issuer ("selling securityholder") would increase from $100,000 to $1,500,000. In addition, certain other revisions are proposed to modify the procedural requirements for using regulation E.

I. Background and Discussion of Proposals

SBICs and BDCs are entities the principal business of which is to provide capital to small businesses. Regulation E exempts securities of SBICs registered as investment companies under the 1940 Act and BDCs [1] from registration under the 1933 Act provided certain conditions are met. The Commission is proposing amendments to regulation E to further the objective of stimulating investment in small businesses. The amendments would increase the aggregate offering price limitation for securities of a SBIC to $15,000,000. BDCs that are not SBICs would continue to be subject to the $5,000,000 limitation. In addition, the offering price of securities of a SBIC or BDC that could be offered by a selling securityholder would be increased from $100,000 to $1,500,000.

A. Background

In 1958, Congress enacted the Small Business Investment Act ("SBIA") [2] to improve and to stimulate the flow of private equity capital and long-term loan funds to small businesses for financing, expansion, and growth.[3] Under this legislation, the Small Business Administration ("SBA") is authorized, among other things, to license and to provide funding to SBICs. A SBIC is a private company organized under state law whose activities are limited to investing in independent small businesses [4] by purchasing securities or making loans.[5]

As part of the SBIA, Congress added section 3(c) to the 1933 Act [6] which authorizes the Commission to exempt completely or conditionally securities issued by SBICs from the registration provisions of the 1933 Act. Under this authority, the Commission, in 1958, adopted regulation E [7] exempting securities issued by SBICs registered under the 1940 Act from registration under the 1933 Act provided certain conditions are met.[8] Regulation E is patterned after regulation A under the 1933 Act,[9] which provides an exemption from registration for small offerings of securities by companies other than investment companies,[10] although the two regulations are not identical.

Regulation E requires, among other things, the filing with the Commission of a notification of the offering [11] and, in

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[1] BDCs, created by the Small Business Investment Incentive Act of 1980 ("1980 Act") (Pub. L. No. 96–477), are a category of venture capital companies subject to special provisions under the 1940 Act designed to accommodate their characteristics. A BDC is a closed-end management investment company with securities registered or to be registered under section 12 of the Securities Exchange Act of 1934 ("1934 Act") (15 U.S.C. 78*l*) that elects to be treated as a BDC and is operated for the purpose of making specific types of investments in small businesses and makes available significant managerial assistance to the companies in which it invests. Under the 1940 Act, BDCs are subject to provisions that differ somewhat from those applicable to other investment companies with respect to conflicts of interest (section 57 (15 U.S.C. 80a–56)), executive compensation (section 57(j) (15 U.S.C. 80a–56(j))), and leverage (section 61 (15 U.S.C. 80a–60)).

[2] 15 U.S.C. 661 *et seq.*

[3] Section 102 of the SBIA (15 U.S.C. 661).

[4] A small business, in general, means any business with net worth of $6,000,000 or less and average net income, after taxes, in the preceding two years of $2,000,000 or less. SBA rule 121.802(a)(2) (13 CFR 121.802(a)(2)).

[5] Section 304(a) of the SBIA (15 U.S.C. 684(a)); rule 303 (13 CFR 107.303).

[6] 15 U.S.C. 77c(c).

[7] Securities Act Rel. No. 4085 (Dec. 17, 1958) (23 FR 10483 (Dec. 30, 1958)) ("Rel. No. 4085").

[8] Rule 602(a) of regulation E (17 CFR 230.602(a)).

[9] 17 CFR 230.251–264. Regulation A was adopted under section 3(b) of the 1933 Act (15 U.S.C. 77c(b)), which gives the Commission the authority to exempt from registration offerings of securities not exceeding $5,000,000. See Securities Act Rel. No. 3663 (July 23, 1956 (21 FR 5739 (Aug. 1, 1956)).

[10] The offering price exemption under regulation A is currently $1,500,000. Rule 254(a)(1)(i) (17 CFR 230.254(a)(1)).

[11] Rule 604(a) (17 CFR 230.604(a)). This notification is required to be filed on Form 1–E (17 CFR 239.200).

most cases, the delivery to offerees, and the filing with the Commission, of an offering circular containing specified disclosures.[13] The maximum aggregate offering price of securities that currently can be offered under regulation E within a twelve-month period is $5,000,000.[14]

B. Aggregate Offering Price Limitations

The Commission is proposing amendments to regulation E to further the objective of stimulating investment in small businesses reflected in the SBIA. The proposed amendments would increase the aggregate offering price of all securities of a SBIC that may be offered under regulation E within a twelve month period from $5,000,000 to $15,000,000.[15] Comments are requested on whether the proposed offering price level will serve to encourage offerings of securities under regulation E or whether the limit should be lower or higher. For example, should SBICs be permitted to sell under regulation E the amount of equity securities required to satisfy SBA debt to equity ratio requirements?[16]

Currently, the amount of securities permitted to be sold annually under regulation E can include securities sold by selling securityholders provided the offering price of any such securities does not exceed $100,000 per person.[16] This provision was intended to limit offerings that could be made under regulation E which would not directly benefit the issuer. Such offerings do, however, encourage investments in SBICs or BDCs because they serve to increase shareholder liquidity by facilitating secondary offerings of securities. The Commission therefore is proposing to raise the offering price of securities of a SBIC or a BDC that may be offered by a selling securityholder from $100,000 to $1,500,000. The offering price of securities sold in these offerings would be counted in determining whether securities sold under regulation E during the twelve-month period did not exceed the $15,000,000 limit for SBICs or the $5,000,000 limit for BDCs.

C. Other Revisions

1. Preliminary Offering Circular

Under regulation A and regulation E, a preliminary offering circular may be used prior to the effective date of an offering under these regulations if the offering is underwritten. The Commission is proposing to eliminate the underwritten offering requirement in regulation A [17] and regulation E to permit the use of a preliminary offering circular in any otherwise eligible offering. The purpose of the underwritten offering requirement was, among other things, to assure, through participation of the underwriter, adequate disclosure in the preliminary offering circular. This requirement does not appear to be necessary in view of the other substantive disclosure requirements of regulation A and regulation E.

2. Substantial and Good Faith Compliance

The proposed amendments to regulation E include a provision protecting those who substantially and in good faith comply with its terms, conditions, and requirements. Under this provision, which is patterned after a similar provision in regulation D under the 1933 Act,[18] an issuer would not lose the exemption with respect to a particular investor even if the issuer failed to comply with a requirement of regulation E, although it would violate a Commission rule.

Under the proposed safe harbor, the exemption would continue to be available if the issuer could show that the requirement not complied with was not intended to protect the particular investor, the violation was not material to the offering as a whole, and the issuer had made a good faith attempt to comply with all the requirements of regulation E. Regulation E would specify that the requirements concerning issuer eligibility, filing offering statements, and the specific dollar limitations in the regulation are always material to the offering as a whole.

3. Integration Safe Harbor

Comment is requested on whether a "safe harbor" provision, similar to that proposed for regulation A,[19] regarding integration of offerings with previous or subsequent offerings of securities should be included in regulation E. Under the regulation A proposal, an offering would not be integrated with any previous registered offering or with any subsequent offering that is registered or made more than six months after the regulation A offering. In addition, other specified offerings would not be integrated with a regulation A offering even if they are made within a six-month period. These include offerings pursuant to an employee benefit plan or made in reliance on regulation S under the 1933 Act.[20] Comment is specifically requested on whether an integration safe harbor is necessary or appropriate for SBICs and BDCs under regulation E, and, if so, whether it should cover the same types of offerings and time periods.

II. General Request for Comments

Any interested persons wishing to submit written comments on the proposed rule changes that are the subject of this release, to suggest additional changes (including changes to provisions of the rules that the Commission is not proposing to amend), or to submit comments on other matters that might have an impact on the proposals contained herein, are requested to do so. Commenters suggesting alternate approaches are encouraged to submit proposed rule text.

III. Cost/Benefit of the Proposals

To assist the Commission in its evaluation of the costs and benefits that may result from the proposed amendments to regulation E, commenters are requested to provide views and data relating to any costs and benefits associated with these proposals. The proposed amendments to regulation E are not expected to impose any significant additional burdens on SBICs and should significantly reduce the costs they may now incur in connection with the registration of securities for an aggregate offering price exceeding $5,000,000 by eliminating the need to file registration statements for public offerings of securities that do not exceed $15,000,000.

IV. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an initial regulatory flexibility analysis in accordance with 5 U.S.C. 603 regarding the proposed amendments. The analysis notes that the rule proposals contained in this release are intended to improve the access to SBICs to public equity sources and stimulate investment in small businesses. Other aggregate cost-benefit information reflected in the "Cost/Benefit Analysis" section of this release also is reflected in the analysis. A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Kathleen K. Clarke, Office of Disclosure and Adviser Regulation, 450 5th Street, NW., Washington, DC 20549.

V. Statutory Authority

The Commission is proposing to amend regulation E under sections 3(b) and 3(c) (15 U.S.C. 77c (b) and (c)) and 19(a) (15 U.S.C. 77s(a)) of the 1933 Act and section 38 of the 1940 Act (15 U.S.C. 80a–39).The authority citations for the amendments to the rules precede the text of the amendments.

List of Subjects in 17 CFR Part 230

Reporting and recordkeeping requirements, Securities.

VI. Text of Proposed Rule Amendments

For the reasons set out in the preamble, the Commission is proposing to amend title 17, chapter II of the Code of Federal Regulations as follows:

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

1. The authority citation for part 230 continues to read as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77s, 77sss, 78c, 78*l*, 78m, 78n, 78o, 78w, 79t, and 80a–37, unless otherwise noted.

2. By amending § 230.601 to add the following definitions in the appropriate alphabetical order:

§ 230.601 Definitions of terms used in §§ 230.601 to 230.610a.

* * * * *

Business Development Company. The term *business development company* means any closed-end investment company that meets the definitional requirements of section 2(a)(48) (A) and (B) of the Investment Company Act of 1940 and that has elected to be regulated, or has notified the Commission that it intends to elect to be regulated, as a business development company under section 54 of the Investment Company Act 1940.

* * * * *

Small Business Investment Company. The term *small business investment company* means any company that is licensed as a small business investment company under the Small Business Investment Act of 1958 or that has received the preliminary approval of the Small Business Administration and has been notified by the Administration that it may submit a license application.

* * * * *

2. By amending § 230.602 to revise paragraph (a) to read as follows:

§ 230.602 Securities exempted.

(a) Except as hereinafter provided in §§ 230.602 to 230.610a, securities issued by any of the following persons shall be exempt from registration under the Act if offered in accordance to the terms and conditions of §§ 230.601 to 230.610a:

(1) Any small business investment company that is registered under the Investment Company Act of 1940;

(2) Any business development company; or

(3) Any small business investment company that is a business development company.

* * * * *

3. By amending § 230.603 to revise paragraph (a) to read as follows:

§ 230.603 Amount of securities exempted.

(a) The aggregate offering price of all securities of the issuer offered or sold pursuant to this regulation and any other securities previously offered or sold pursuant to an offering under this regulation or in violation of section 5(a) of the Act within one year prior to the commencement of the proposed offering shall not exceed the following amounts

(1) $15,000,000 if the securities are offered or sold by or on behalf of an issuer that is a small business investment company or a small business investment company that is a business development company; or

(2) $5,000,000 if the securities are offered or sold by or on behalf of an issuer that is a business development company and is not a small business investment company;

Provided, however, that the aggregate offering price of all securities offered or sold by any one selling securityholder shall not exceed $1,500,000, except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

* * * * *

4. By amending § 230.605 to remove paragraph (f)(3) and to redesignate paragraph (f)(4) as (f)(3).

5. By adding § 230.609a to read as follows:

§ 230.609a Insignificant deviations from a term, condition or requirement of Regulation E.

(a) A failure to comply with a term, condition, or requirement of regulation E will not result in the loss of the exemption from the requirements of section 5 of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption establishes:

(1) The failure to comply did not pertain to a term, condition, or requirement directly intended to protect that particular individual or entity;

(2) The failure to comply was insignificant with respect to the offering as a whole, provided that any failure to comply with § 230.602(a), § 230.603, and § 230.605(a) shall be deemed to be significant to the offering as a whole; and

(3) A good faith and reasonable attempt was made to comply with all applicable terms, conditions, and requirements of regulation E.

(b) A transaction made in reliance upon regulation E shall comply with all applicable terms, conditions, and requirements of the regulation. Where an exemption is established only through reliance upon paragraph (a) of this section, the failure to comply shall nonetheless be actionable by the Commission under section 20 of the Act.

(c) This provision provides no relief or protection from a proceeding under § 230.610.

By the Commission.

Dated: March 12, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6178 Filed 3–19–92; 8:45 am]

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[13] Rule 605(a) (17 CFR 230.605(a)). Under rule 606 (17 CFR 230.606), an offering circular currently is not required for an offering not exceeding $100,000.

[14] Rule 603 (17 CFR 230.603). When regulation E was adopted in 1956, the maximum aggregate offering price of securities that could be offered was $300,000. Rel. No. 4005. This amount was increased in 1971 to $500,000 (Securities Act Rel. No. 5134 (Mar. 26, 1971) (36 FR 7050 (Apr. 14, 1971))) and in 1984 to $5,000,000 (Securities Act Rel. No. 6646 (Aug. 30, 1984) (49 FR 35342 (Sept. 7, 1984))).

[15] The 1980 Act did not provide for any exemption for BDCs from registration under the 1933 Act comparable to that in section 3(c) of the 1933 Act for SBICs. In 1984, the Commission extended the exemption provided by regulation E to include BDCs under section 3(b) of the 1933 Act, which gives the Commission authority to exempt securities offerings not exceeding $5,000,000. The proposed amendments would only be applicable to SBICs under the authority of section 3(c). Thus, the proposed amendment would be available to a BDC only if it is also an SBIC.

[16] SBA financing for SBICs is currently permitted in amounts up to three times the equity capital of SBICs with a maximum of $35,000,000. Thus, the equity capital necessary for the maximum financing amount is approximately $12,000,000. If the SBA financing amount, which has not been changed since 1958, is increased, comment is requested on whether the Commission should adopt an offering price limit that will enable SBICs to satisfy equity ratio requirements through offerings under regulation E.

[17] Rule 605(a). A person who directly or indirectly controls or is controlled by an issuer, such as an officer, director or 10% stockholder, is considered to be an issuer for the purpose of the definition of an "underwriter" in section 2(11) of the 1933 Act (15 U.S.C. 77b(11)). Unless an exemption is applicable, a registration statement is required under section 5(a) of the 1933 Act (15 U.S.C. 77e(a)) for the offer or sale of securities by such persons.

[18] See proposed rule 255 in Securities Act Rel. No. 6924, (Mar. 11, 1992) ("Regulation A Release").

[19] 17 CFR 230.501–508. The Commission is proposing a similar provision for Regulation A. See proposed rule 260 in the regulation A Release.

[20] See proposed rule 251(c) in the regulation A Release.

[21] 17 CFR 230.901–904.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 274

[Release No. 33-6927; IC-18612]

Revisions of Guidelines to Form N-1A

AGENCY: Securities and Exchange Commission.

ACTION: Revisions to Guidelines.

SUMMARY: The Commission is publishing revisions to the Guidelines to Form N-1A to permit open-end management investment companies to increase from 10% to 15% the amount of illiquid assets they may hold. Revising the Guidelines will permit investment companies more flexibility to make investments in the illiquid securities of small businesses. This could provide small businesses with better access to the capital markets in a manner consistent with the public interest and the protection of investment company shareholders.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Jeremiah de Michaelis, Branch Chief (202) 272-2096, or Richard Pfordte, Attorney (202) 272-2103, Division of Investment Management, Securities and Exchange Commission, 450 5th Street NW., Washington DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing revisions of the Guidelines to Form N-1A (17 CFR 239.15A, 274.11A), the registration form used by open-end management investment companies ("mutual funds") to register under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("1940 Act") and to register their securities under the Securities Act of 1933 (15 U.S.C. 77a-1 *et seq.*). The revised Guidelines will permit a mutual fund to invest up to 15% of its net assets in illiquid securities. Currently, the Guidelines recommend a 10% limit on mutual fund investments in illiquid assets. In addition, the revisions make other minor changes to the Guidelines and place the discussion of liquidity requirements in one place. The Guidelines, which consist of a compilation and adaptation of applicable Commission releases and staff positions, are prepared by the Division of Investment Management for use in the preparation and filing of registration statements on Form N-1A.

I. Background

The Guidelines are being revised in connection with the Commission's efforts to remove unnecessary barriers to capital formation and to facilitate access to the capital markets by small businesses.[1] Historically, small local enterprises have satisfied a large portion of their capital needs by using the financial resources of local banks and similar institutions. In recent years, concern has been expressed about the ability of U.S. small businesses to obtain financing from traditional sources.[2] The health and existence of small business is critical to local economies and to the national economy.

Mutual funds represent a significant potential source of capital for small business.[3] Currently there are 1,787 funds which have aggregate total assets of $474.2 billion that could be a source of capital for small businesses.[4] Allowing mutual funds to invest an additional 5% of their net assets in illiquid securities, including illiquid securities of U.S. small businesses, could make a significant amount of capital available to small business without significantly increasing the risk to any fund.

However, the securities of small businesses are generally illiquid and mutual funds are constrained in the amount of illiquid assets they may hold. Under the 1940 Act, mutual funds must stand ready to redeem shares daily and pay redeeming shareholders within seven days of receiving a redemption request.[5] In addition, a mutual fund must compute its net asset value each business day and give purchase and redemption orders the price next computed after receipt of an order.[6] Moreover, most mutual funds allow shareholders easily to exchange their fund shares for shares of another mutual fund managed by the same investment adviser, in transactions which generally can include only nominal costs. Shareholders thus easily may move their money among equity, income, and money market funds as they choose, increasing the need for liquidity of mutual fund assets.

To compute an accurate net asset value per share, a mutual fund must be able to value each portfolio security accurately. Mutual funds must use market price to value securities for which market quotations are readily available; the board of directors must make a good faith determination of the fair value of securities for which market prices are not readily available.[7] If the net asset value of a mutual fund is not accurate, purchasing or redeeming shareholders may pay or receive too little or too much for their shares, and the interests of remaining shareholders may be overvalued or diluted.

To meet these requirements, a mutual fund must maintain a high degree of portfolio liquidity. In 1969, the Commission stated that a prudent limit on mutual fund holdings of illiquid securities would be 10 percent.[8] This conservative standard was designed to ensure that mutual funds will be ready at all times to meet even remote contingencies. The 10% standard has been reflected in the Guidelines to Form N-1A, the mutual fund registration form. The Commission has determined it is consistent with investor protection to increase the limit in the Guidelines to 15%. The Commission believes that a 15% standard should satisfactorily assure that mutual funds will be able to make timely payment for redeemed shares. Experience has shown that mutual funds generally have not had difficulty in meeting redemption requests from available cash reserves, even during times of abnormally high selling activities in the securities markets.[9] Even if a fund were forced to sell securities to meet redemption requests, substantially all of its remaining assets would be required to be liquid securities which it could sell

[1] See Securities Act Rel. No. 6924 (Mar. 11, 1982) ("Small Business Initiatives" proposing, among other things, amendments to regulation A and Rule 504) and Securities Act Rel. No. 6926 (Mar. 12, 1992) (proposing amendments to regulation E).

[2] See The Small Business Credit Crunch. Hearings Before the House of Representatives Comm. on Small Business, 101st Cong., 2nd Sess. (1990).

[3] See section 1(a)(4) of the 1940 Act (15 U.S.C. 80a-1(a)(4)) (mutual funds are "media for investment in the national economy of a substantial part of the national savings and may have a vital effect upon the flow of savings into the capital markets").

[4] This estimate was derived by subtracting from the total assets of mutual funds the assets of funds that ordinarily would not invest in the securities of small businesses—money market funds, funds investing primarily in securities of the U.S. government and its agencies and instrumentalities, and funds investing primarily in securities of state and local governments. See Investment Company Institute Trends in Mutual Fund Activity (Nov. 1991), table 6A.

[5] Section 22(e) of the 1940 Act (15 U.S.C. 80a-22(e)) prohibits a mutual fund from suspending the right of redemption or postponing the date of payment or satisfaction upon redemption for more than seven days after the tender of such security to the mutual fund.

[6] Rule 22c-1(a) (17 CFR 270.22c-1(a)).

[7] Rule 2a-4 (17 CFR 270.2a-4).

[8] Investment Company Act Rel. No. 5847 (Oct. 21, 1969).

[9] During the 1987 market break, approximately 2% of all equity mutual fund shares were redeemed on October 16 and 19, 1987, and most funds were able to meet these redemptions from available cash reserves. See Securities and Exchange Commission, Division of Market Regulation, The October 1987 Market Break 2-17 to -18 (1988).

consistent with appropriate portfolio management.

II. Revision of Liquidity Test in Guidelines to Form N-1A

As revised, Guide 4 will permit a mutual fund to invest up to 15% of its assets in illiquid assets. An illiquid asset is defined as an asset which may not be sold or disposed of in the ordinary course of business within seven days at approximately the value at which the mutual fund has valued the investment on its books.[10]

While the changes to the Guidelines will permit mutual funds to increase their holdings of illiquid assets, it will not require them to do so.[11] Nor will it relieve a fund from the requirements concerning valuation and the general responsibility to maintain a level of portfolio liquidity that is appropriate under the circumstances. If no market quotations for an illiquid security are available, the board of directors of the fund will be required to determine the fair value of the security. In addition, the Commission expects funds to monitor portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained. For example, an equity fund that begins to experience a net outflow of assets because investors increasingly shift their money from equity to income funds should consider reducing its holdings of illiquid securities in an orderly fashion in order to maintain adequate liquidity. Finally, the Commission intends to review the operation of the Guideline revision through its investment company inspection program to determine whether the revision is achieving its intended purposes in a manner consistent with investor protection.

[10] Investment Company Act Rel. No. 14983 (Mar. 12, 1986) (51 FR 9773 (Mar. 21, 1986) (adopting amendments to rule 2a-7 under the 1940 Act) (17 CFR 270.2a-7).

[11] Funds that have fundamental investment policies restricting their ability to invest in illiquid securities would be required by section 13(a) of the 1940 Act (15 U.S.C. 80a-13(a)) to obtain shareholder approval to change those policies. In addition, funds that choose to make additional investments in illiquid assets, as permitted by the Guideline revision, should consider whether to amend or "sticker" their disclosure documents to reflect these changes.

III. Text of Revisions to the Guidelines

List of Subjects in 17 CFR Parts 239 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

1. The authority citation for part 239 continues to read as follows:

Authority: 15 U.S.C. 77a, *et seq.*, unless otherwise noted.

2. The authority citation for part 274 continues to read as follows:

Authority: The Investment Company Act of 1940, 15 U.S.C. 80a-1 *et seq.*, unless otherwise noted;

Note: The Guides to Forms N-1A are not codified in the Code of Federal Regulations.

3. Amending Guide 4 to Form N-1A (239.15A and 274.11A) by adding at the end a paragraph to read as follows:

Guide 4. Types of Securities

* * * * *

If an open-end company holds a material percentage of its assets in securities or other assets for which there is no established market, there may be a question concerning the ability of the fund to make payment within seven days of the date its shares are tendered for redemption. The usual limit on aggregate holdings by an open-end investment company of illiquid assets is 15 percent of its net assets. An illiquid asset is any asset which may not be sold or disposed of in the ordinary course of business within seven days at approximately the value at which the mutual fund has valued the investment. *See* Investment Company Act Release No. 14983 (Mar. 12, 1986).

4. Amending Guide 12 to Form N-1A (239.15A and 274.11A) by removing the last sentence and adding a new last sentence to read as follows:

Guide 12. Purchase and Sale of Real Estate

* * * * *

For the limits on the aggregate holdings by open-end companies of illiquid assets, see Guide 4.

5. Amending Guide 13 to Form N-1A (239.15A and 274.11A) by removing the fourth and fifth sentences and adding a new last sentence to read as follows:

Guide 13. The Making of Loans to Other Persons

* * * * *

For the limits on the aggregate holdings by open-end companies of illiquid assets, see Guide 4.

Dated: March 12, 1992.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6177 Filed 3-19-92; 8:45 am]

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March 20, 1992

Part III

Department of Health and Human Services

Administration for Children and Families

Runaway and Homeless Youth Program; Availability of Financial Assistance for FY 1992 and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/RHYP 93.623-92-1]

Runaway and Homeless Youth Program; Availability of Financial Assistance for Fiscal Year (FY) 1992 and Request for Applications

AGENCY: Administration on Children, Youth, and Families (ACYF), Administration for Children and Families (ACF).

ACTION: Announcement of availability of financial assistance and request for applications for Runaway and Homeless Youth Basic Center grants.

SUMMARY: The Family and Youth Services Bureau of the Administration on Children, Youth and Families announces the availability of fiscal year 1992 funds for the Runaway and Homeless Youth Basic Center Grant Program.

Basic Center grant applications are solicited in two categories: Basic Center Expansion awards and Basic Center New Start awards. Competition for Basic Center awards in both categories will be possible in all States and Territories except Hawaii, Mississippi, Rhode Island, South Carolina, Guam, the Northern Marianas, Palau, and the Virgin Islands. In the jurisdictions listed above, the amount required for non-competing continuations equals the State's total allotment. (See the Table of Allocations by State and the accompanying narrative (Part I, Section G, "Available Funds for Basic Centers") for an explanation.)

DATES: The deadline or closing date for receipt of all applications under this announcement is: May 19, 1992.

ADDRESSES: Application receipt point: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341–F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron, ACF–92–ACYF/RHYP/BC.

FOR FURTHER INFORMATION CONTACT: Dr. Preston Bruce, Administration on Children, Youth and Families, Family and Youth Services Bureau, P.O. Box 1182, Washington, DC 20013, Telephone: (202) 245–0049.

SUPPLEMENTARY INFORMATION:

Part I. Background Considerations

A. Scope of This Program Announcement

This program announcement solicits applications and describes the application process for Basic Center grants under the Runaway and Homeless Youth Program. Basic Center applications are solicited in two categories: Basic Center Expansion awards and Basic Center New Start awards. (See paragraph G, below, for explanations of these two categories.) Both categories of grants will be competitively awarded during the third and fourth quarters of FY 1992. Project periods for grants will be three years for the New Start awards and either one or two years for the Expansion awards, depending on the number of years remaining in the project periods of the grantees seeking Expansion funds.

B. Legislative Authority

Grants under this program are authorized by Part A of the Runaway and Homeless Youth Act (the Act), 42 U.S.C. 5701 *et seq.* The Act was enacted as Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), and amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95–115), the Juvenile Justice Amendments of 1980 (Pub. L. 96–509), the Juvenile Justice Amendments of 1984 (Pub. L. 98–473), the Anti-Drug Abuse Act of 1988 (Pub. L. 100–690), and the Domestic Volunteer Service Amendments of 1988 (Pub. L. 101–204).

C. Outline of Program Announcement

This program announcement consists of five parts and appendices. Part I provides background information for potential applicants to apply for Basic Center grants. Part II describes the application process for the two categories of Basic Center grants: New Starts and Expansions. Part III outlines the responsibilities of the Basic Center grantees in the two categories. Part IV provides the criteria to be used in evaluating the applications. Part V provides instructions for assembling and submitting applications for Basic Center grants in the two categories. Following Part V are appendices to be consulted and forms to be used in preparation of applications.

D. Program Purpose

The purpose of Part A of the Act and of the Runaway and Homeless Youth Grant Program is to provide financial assistance to establish or strengthen community-based centers that address the immediate needs (e.g., outreach, temporary shelter, counseling, and aftercare services) of runaway and homeless youth and their families.

The term "runaway youth" means a person under 18 years of age who absents himself from home or place of legal residence without the permission of parents or legal guardian (45 CFR 1351.1(k)).

Under Part A of the Act, the term "homeless youth" means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care (45 CFR 1351.1(f)).

Programs receiving Runaway and Homeless Youth Act funding under this announcement are required to adhere to the Program Performance Standards which are included in appendix B of this announcement.

E. Program Goals and Objectives

The program goals and objectives of Part A of the Act are to assist runaway and homeless youth Basic Centers to: (1) Alleviate the problems of runaway and homeless youth, (2) reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services, (3) strengthen family relationships and encourage stable living conditions for youth, and (4) help youth decide upon constructive courses of action.

F. Eligible Applicants

States, Territories, localities, private for-profit and private non-profit agencies, and coordinated networks of such agencies are eligible to apply for Runaway and Homeless Youth Program Basic Center grants—either New Starts or Expansions—under this announcement unless they are part of the law enforcement structure or the juvenile justice system. Federally recognized Indian Tribes are eligible to apply for grants as local units of government. Non-Federally recognized Indian Tribes and urban Indian organizations are eligible to apply for grants as private agencies.

G. Available Funds for Basic Centers

In FY 1992, the Administration on Children, Youth and Families expects to award $32,175,900 in Basic Center grants. This total will be divided among the States in proportion to their respective populations under the age of 18, with the condition that the amount allotted to each State (including the District of Columbia and Puerto Rico) will be at least $75,000; and the amounts allotted to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands will be at least $30,000 each.

Non-Competing Awards. Of the total amount available for Basic Center grants, $21,002,527 will be awarded in the form of *non-competing continuation grants* to current Basic Center grantees having one or two years remaining in their project periods. Grantees in this category will receive instructions from their respective ACF Regional Offices on the procedures for applying for these continuation grants. These grantees are listed in appendix F and have project expiration dates in fiscal year 1993 or in fiscal year 1994.

Competitive Awards. Approximately $11,173,373 will be awarded *competitively* under this announcement. Eligible applicants may apply for these funds in only one of the following two categories:

Category 1: Basic Center Expansion Grants. Only current Basic Center grantees with one or two years remaining on their grants (with project periods ending in fiscal years 1993 and 1994), and whose current awards are under $85,000, are eligible to apply for Basic Center Expansion grants. Basic Center grantees whose current awards are $85,000 or over may *not* apply for these Expansion grants. Applicants for Expansion grants may request an award such that the total of the basic continuation (non-competitive) grant plus the Expansion grant will not exceed $85,000 per annual budget period.

Category 2: Basic Center New Start Grants. Current Basic Center grantees with project periods ending in fiscal year 1992 and all remaining eligible applicants may apply for Basic Center New Start grants. Basic Center grantees with one or two years remaining on their current awards may not apply for these New Start grants.

Applicants may refer to appendix F for a listing of current Basic Center expiration dates.

Basic Center Expansion grants and Basic Center New Start grants will be awarded during the third and fourth quarters of fiscal year 1992. The Expansion grants will be awarded in the form of supplements to the continuation awards of successful applicants. The supplements will be for one or two years, depending on the ending dates of the grantees' project periods.

Basic Center New Start applicants should request three-year project periods (Standard Form 424A (Rev. 4–88), Budget Information, Section E).

While the project period for each New Start award will be for three years, the initial award of grant funds will cover a budget period of only one year. Award of funds for the subsequent budget periods will depend upon satisfactory performance by the grantee (including timely submission of required reports) and on the availability of appropriated funds.

Funding recommendations for the competitive Basic Center applications (for both Expansions and New Starts) will be based primarily on the scores assigned to the applications by the non-Federal reviewers who will evaluate each application according to the criteria presented in Part IV, below, and on recommendations from staff of the Administration on Children, Youth and Families (ACYF) and from Regional officials of the Administration for Children and Families (ACF). Final decisions will be made by the Commissioner of ACYF.

The number of competitive awards made within each State will depend upon the funds available (i.e., the State's total allotment less the amount required to fund non-competing continuations in that State) as well as on the number of acceptable applications. Thus, where the amount required for non-competing continuations in any State equals the State's total allotment, no competitive awards will be made.

All applicants under this announcement will compete with other applicants in the State in which their services will be provided. In the event that an insufficient number of acceptable applications is approved for funding from any State or jurisdiction, the Commissioner, ACYF, may reallocate any unused funds.

Section 362(a) of the Act requires that grantees provide a non-Federal match that equals at least 10 percent of the Federal funds requested under this announcement (for details see Section H below: "Grantee Share of the Project").

Section 366(a)(2) of the Runaway and Homeless Youth Act requires that not less than 90 percent of the funds appropriated for a fiscal year shall be available for support of local runaway and homeless youth Basic Centers. The following Table, which reflects this requirement, indicates the FY 1992 allocations for each State. In this Table, the amount shown in the column labeled "Expansions/New Starts" is the amount available for competition in each State in FY 1992.

RUNAWAY AND HOMELESS YOUTH CENTERS—TABLE OF ALLOCATIONS BY STATE

[Total 57 States and Jurisdictions—Fiscal Year 1992]

Regions/states	Continuations	Expansions/new starts	Total allotments
Region I			
Connecticut	$229,261	$141,095	$370,356
Maine	55,000	97,673	152,673
Massachusetts	548,947	119,587	668,534
New Hampshire	27,242	110,487	137,729
Rhode Island	111,159	351	111,510
Vermont		75,000	75,000
Region II			
New Jersey	646,085	243,002	889,087
New York	1,146,767	957,811	2,104,578
Puerto Rico	570,434		570,434
Virgin Islands	30,000		30,000
Region III			
Delaware	34,530	46,174	80,704
District of Columbia	45,892	29,308	75,000
Maryland	558,681	15,564	574,245
Pennsylvania	836,913	543,960	1,380,873
Virginia	497,754	245,714	743,468
West Virginia		219,165	219,165

RUNAWAY AND HOMELESS YOUTH CENTERS—TABLE OF ALLOCATIONS BY STATE—Continued

[Total 57 States and Jurisdictions—Fiscal Year 1992]

Regions/states	Continuations	Expansions/new starts	Total allotments
Region IV			
Alabama	256,769	266,362	523,131
Florida	965,952	450,202	1,416,164
Georgia	406,796	446,638	853,434
Kentucky	298,202	173,201	471,403
Mississippi	368,963		368,963
North Carolina	532,927	260,647	793,574
South Carolina	454,660		454,660
Tennessee	343,794	257,311	601,105
Region V			
Illinois	658,038	797,716	1,455,754
Indiana	509,990	209,380	719,370
Michigan	844,178	370,660	1,214,838
Minnesota	308,724	267,766	576,490
Ohio	1,055,560	327,751	1,383,311
Wisconsin	385,509	251,357	636,866
Region VI			
Arkansas	190,000	116,891	306,891
Louisiana	553,648	52,727	606,375
New Mexico	162,713	58,015	220,728
Oklahoma	117,578	295,974	413,552
Texas	1,660,543	728,771	2,389,314
Region VII			
Iowa	244,459	110,730	355,189
Kansas	167,296	159,595	326,893
Missouri	512,023	137,612	649,635
Nebraska	154,776	57,192	211,968
Region VIII			
Colorado	344,353	81,185	425,538
Montana		109,738	109,738
North Dakota		86,655	86,655
South Dakota	35,474	62,583	98,057
Utah	248,474	61,536	310,010
Wyoming		75,000	75,000
Region IX			
Arizona	421,859	62,897	484,756
California	2,352,094	1,477,420	3,829,514
Hawaii	138,106	300	138,406
Nevada	133,776	12,941	146,717
American Samoa		30,000	30,000
Guam	30,000		30,000
Northern Marianas	30,000		30,000
Trust Territory (Palau)	30,000		30,000
Region X			
Alaska	32,435	52,718	85,153
Idaho		152,378	152,378
Oregon	279,599	78,183	357,782
Washington	443,800	179,432	623,232
Totals	21,002,527	11,173,373	32,175,900

H. Grantee Share of the Project

The Act requires the grantee to provide a non-Federal match that equals at least 10 percent of the Federal funds awarded. For example, if the applicant requests $100,000 in Federal funds (line 15a of Standard Form 424), then the non-Federal share (the sum of lines 15b, 15c, 15d, and 15e) must equal or exceed $10,000. For a project requesting $49,000 in Federal funds, the non-Federal share must equal or exceed $4,900.

The non-Federal portion may be cash, in-kind contributions or grantee incurred costs (including the facility, equipment or services) and must be project-related and allowable under the cost principles provided in 45 CFR parts 74 and 92, the Department's regulations on the administration of grants. For-profit applicants are reminded that no grant funds may be paid as profit to any recipient of a grant or sub-grant (45 CFR 74.705).

Part II. Application Process

A. Assistance to Prospective Grantees

Potential grantees can receive informational assistance in developing applications from the appropriate ACF Regional Youth Contacts listed in apendix D or from the Family and Youth Services Bureau in Washington, DC (see address at the beginning of this announcement). Organizations may also receive information and technical assistance in writing applications from the appropriate Training and Technical Assistance Provider grantee listed in appendix E.

B. Application Requirements

To be considered for a Runaway and Homeless Youth Basic Center Expansion grant or a Basic Center New Start grant, each application must be submitted on the forms provided at the end of this announcement (see Section E below) and in accordance with the guidance provided herein. The application must be signed by an individual authorized both to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award.

C. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record-keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications by OMB.

D. Notification Under Executive Order 12372

This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States and Territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Virginia, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these ten jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them to the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards. Therefore, the comment period for State processes will end on July 20, 1992, to allow time for ACF to review, consider and attempt to accommodate SPOC input. The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341–F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron.

A list of the Single Points of Contact for each State and Territory is included as appendix C of this announcement.

E. Availability of Forms and Other Materials

A copy of each form required to be submitted as part of an application for a Basic Center Expansion grant or a Basic Center New Start grant under the Act, and instructions for completing the application, are provided in appendix A. The Program Performance Standards and a description of the National Runaway Switchboard are presented in appendix B. Addresses of the State Single Points of Contact (SPOCs) to which applicants should submit review copies of their proposals are listed in appendix C.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*) and the Code of Federal Regulations (CFR) title 45, Part 1351, Runaway Youth Program, may be found in major public libraries and at the ACF Regional Offices listed in appendix D at the end of this announcement.

Additional copies of this announcement may be obtained from the ACF Regional Offices or from the information contact person listed at the beginning of this announcement. Further general information may be obtained from the Training and Technical Assistance Providers listed in appendix E. A listing of all current Basic Center grantees is presented in appendix F.

F. Application Consideration

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process against the specific criteria outlined below. This review will be conducted in Washington, DC by teams of non-Federal experts knowledgeable in the areas of youth development and/or human service programs. Applications from a given State will be reviewed competitively only with other applications from that same State. Within a given State, Expansion applications will be reviewed in competition with other Expansion applications, and New Start applications will be reviewed in competition with other New Start applications. The non-Federal experts will review the applications to determine whether the grantee responsibilities listed in Part III of this announcement will be carried out. They will apply the criteria presented in Part IV and assign a score to each application. To avoid conflicts of interest, the non-Federal reviewers will be from States other than the one from which applications are being reviewed. The results of the competitive review will be analyzed by Federal staff and will be the primary factor taken into consideration by the Associate Commissioner of the Family and Youth Services Bureau who, in consultation with ACF Regional officials, will select from the two categories of applications—Expansions and New Starts—those to be recommended for funding to the Commissioner, ACYF. The criteria to be used in selecting within and between the two categories of applications within a given State will include (1) the scores assigned by the non-Federal reviewers, (2) the adequate geographic distribution of services across the State, and (3) the award of sufficient funds to a given grantee to provide for the full range of required Basic Center services.

The Commissioner will make the final selection of the applicants to be funded. Priority will be given to applicants with demonstrated experience in providing services to runaway and homeless youth as required by section 311 of the Act. In the interest of effective geographic distribution of the Basic Center grants, the Commissioner may show preference for applications proposing services in areas that would not otherwise be served. The Commissioner also may elect not to fund any applicants having known management, fiscal or other problems which make it unlikely that they would be able to provide effective services.

Successful applicants will be notified through the issuance of a Financial Assistance Award which will set forth the amount of funds granted, the terms and conditions of the grant, the effective

date of the grant, the budget period for which support will be given, the non-Federal share to be provided, and the total project period for which support is contemplated. Funds for successful Expansion applicants will be added to the basic continuation funds these applicants are scheduled to receive. Organizations whose applications are disapproved will be notified of that decision in writing by the Commissioner of the Administration on Children, Youth and Families.

Part III. Responsibilities of Basic Center Grantees

To ensure that agencies with the greatest capacity for providing quality services participate in this program, potential grantees who apply for funding under this announcement must demonstrate in the program narrative section of their applications that they are able to meet the requirements of the Act, the Program Performance Standards, and other applicable Federal policies and procedures.

The program narrative statement should be prepared in response to the requirements enumerated below and to the review criteria, presented in Part IV, which will be used to evaluate the submissions. To assist applicants in preparing the narrative statements of their grant submissions, the relevant requirements, standards, and applicable policies and procedures have been arranged according to the five review criteria.

The program narrative should be clear and concise, and should not exceed 30 single-spaced pages exclusive of such necessary attachments as organization charts, resumes, and letters of agreement or support. Review of the narrative statement portion of applications will be limited to the first 30 pages.

A. Objectives and Need for Assistance

Applicants should include a discussion of:

1. The purpose or objectives of the services to be provided by the Basic Center. The Act requires that, to be eligible for assistance, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway and homeless youth center (a locally controlled community-based facility) providing temporary shelter and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles (42 U.S.C. 5711(a)).

Basic Center grants may be awarded to agencies which will operate a central shelter facility, or to agencies which will provide emergency shelter through a series of host homes, *or* to agencies which will employ a combination of shelter facility(ies) and host homes. (Host homes are facilities providing short-term shelter, usually the home of a family, under contract to accept runaway and homeless youth assigned by the Basic Center grantee, usually for a nominal fee, and licensed according to State or local laws.)

2. The incidence of runaway and homeless youth in the area(s) to be served. The Act requires that each center shall be located in an area which is demonstrably frequented or easily reachable by runaway youth (42 U.S.C. 5712(b)).

3. Other relevant social, psychological, educational, institutional, health, or other demographic data on the youth to be served.

4. The immediate service needs of runaway and homeless youth and their families, and how the applicant will address these needs in a manner outside the law enforcement structure and the juvenile justice system (42 U.S.C. 5712(a)).

5. The adequacy or inadequacy of existing services, by identifying other youth agencies now providing services in the target area(s), and by describing how the proposed activities will relate to these agencies and services.

B. Results or Benefits Expected

Applicants should identify the results and benefits to be derived from the project, and should quantify these through a statement of the numbers of clients to be served and a description of the types and quantities of services to be provided.

Note: Applicants for expansion grants should indicate expected increases in the number of clients to be served and improvements in the types and quantities of services to be provided.

Section 312(b) of the Act requires that each grantee shall keep adequate statistical records profiling the children and family members which it serves, shall maintain the confidentiality of these records, and shall submit annual reports detailing how the center has been able to meet the goals of its plans. These reports shall include summaries of the required statistics.

The applicant shall describe the statistical records and evaluative data to be collected (such as numbers of runaway and homeless youth and their families served and the types and quantities of services provided) and the procedures for gathering and analyzing the data to determine the extent to which the project is achieving the results and benefits expected, and shall agree to provide this information to the Department in a timely manner.

The applicant shall describe procedures for preparing and submitting to the Department of Health and Human Services the quarterly progress reports and the biennial financial reports required by the ACF grants program, and the annual reports required by the Act.

The applicant must also indicate a willingness to cooperate with third party contractors funded by ACF, including participation in any management information (data collection) system operated by ACF.

C. Approach

Applicants should discuss how they will carry out each of the 14 Program Performance Standards established by the Department. The Standards are presented in full in appendix B of this announcement. A summary of each Standard is presented below along with associated grantee responsibilities.

1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth, and parents.

The applicant shall assure that major outreach efforts will be aimed at street youth or other actual or potential runaway and homeless youth not already under care of government agencies such as child protective services, foster care, or the courts.

2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project.

The applicant shall assure that each youth will enter the center voluntarily and will be free to leave at will, and that Federal funds received under this Act will not be used for services to youth already under care of government agencies such as child protective services, foster care, or the courts; and shall also assure that it will adhere to State and local laws relating to runaway and homeless youth (such as parent contact provisions, detention of runaways and status offenders, judicial and administrative processes regarding runaways, and licensing requirements).

3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

The applicant shall assure that each facility is in compliance with State and local licensing requirements, and shall accommodate no more than 20 youth at any given time.

4. Individual and Group Counseling

The projects shall provide individual and/or group counseling to each youth admitted into the project.

The applicant shall assure that the counseling program will include drug abuse prevention.

5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

The applicant shall assure that a major aim of family counseling will be family reunification.

6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are required by youth and/or their families but which are not provided directly by the centers.

The applicant shall assure that linkages have been or will be established with the National Runaway Switchboard, locally based hotlines, State and regional youth service networks, as well as with other related public and private agencies such as health, law enforcement and education systems.

The applicant shall assure that linkages have been or will be established and maintained with appropriate drug abuse prevention agencies.

7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

8. Recreational Program

The project shall provide a recreational/leisure time schedule of activities for youth admitted to the project for residential care.

9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

If applicable, the applicant shall describe the recruitment, training, and use of volunteers.

11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

The applicant shall assure the participation of young people in the operation of the program in capacities such as advising or serving on governing boards, providing direct services such as peer counseling and outreach, and related activities.

12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project. Such files shall include, at a minimum, an intake form which contains the basic background information required by the Family and Youth Services Bureau (FYSB), counseling notations, information on the services provided both directly and through referrals, disposition data, and any applicable follow-up and evaluation data.

The file on each client shall be maintained in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian(s) except to project staff, to the funding agency(ies) and its/their contractor(s), and to a court involved in the disposition of criminal charges against the youth.

13. Ongoing Center Planning

The center shall develop a written plan at least annually.

14. Board of Directors/Advisory Body

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

If applicable, the applicant shall identify and describe the Board of Directors/Advisory Body.

D. Staff Background and Organizational Experience

Applicants should provide biographical sketches of the project director and other proposed key personnel, indicating their qualifying experiences for the project. (Applicants may refer to one-page résumés included in the supplementary documentation.)

Section 311(b)(4) of the Act, 42 U.S.C. 5711(b), requires that, in selecting among applicants for grants under this part, priority shall be given to private entities that have experience in providing services to runaway and homeless youth and their families. (Applicants may refer to the Organizational Capability Statement included in the submission.)

E. Budget Appropriateness

Section 312(b) of the Act, 42 U.S.C. 4712(b), requires that each applicant shall submit a budget estimate with respect to its planned activities. Applicants should be aware of the following requirements of the law and regulations in preparing this portion of the program narrative:

(1) The Act requires that priority be given to grants smaller than $150,000 (sec. 313 of the Act, 42 U.S.C. 5712);

(2) A Runaway and Homeless Youth grant may not cover the cost of constructing new facilities (45 CFR 1351.16); and

(3) Costs for the renovation of existing structures may not normally exceed 15 percent of the grant award. The Department of Health and Human Services may waive this limitation upon written request under special circumstances based on demonstrated need (45 CFR 1351.15).

Applicants should demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants should refer to the budget information presented in Standard Forms 424 and 424A and in the budget justification which follows these forms, and should relate this information to the results or benefits expected (Criterion 2) by detailing the numbers of youth, beds, meals and other services that will be supported with Federal funds. Applicants should also indicate non-Federal sources of support.

Note: Applicants for Expansion funds should describe the numbers of youth, beds, meals and other services that will be supported with their basic continuation funds, the additional numbers that will be supported with Expansion funds, and the expected overall totals.

Part IV. Review Criteria

The five criteria below provide further guidance to be used in developing the program narrative. The point values following each criterion heading indicate the numerical weight each section will be accorded in the review process.

Criterion 1. *Objectives and Need for Assistance (10 Points).* Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for the assistance and state the goals or service objectives

of the project. Supporting documentation or other testimonies from concerned interests other than the applicant may be used. Give a precise location of the project site(s) and area(s) to be served by the proposed project. Maps or other graphic aids may be attached. (The applicant may refer to Part I, Sections D and E of this announcement.)

Information provided in response to Part III, Section A, Numbers 1, 2, 3, 4, and 5 of this announcement will be used to review and evaluate applicants on the above criterion.

Criterion 2. *Results or Benefits Expected (20 Points).* Identify the results and benefits to be derived from the project. State the numbers of runaway and homeless youth and their families to be served, and describe the types and quantities of services to be provided. Identify the kinds of data to be collected and maintained, and discuss the criteria to be used to evaluate the results and success of the project.

Information provided in response to Part III, Section B of this announcement will be used to review and evaluate applicants on the above criterion.

Criterion 3. *Approach (40 Points).* Outline a Plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished. Describe any unusual features of the project, such as extraordinary social and community involvements, e.g., how the project will be maintained after termination of Federal support. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved.

Information provided in response to Part III, Section C, Numbers 1 through 14 of this announcement will be used to review and evaluate applicants on the above criterion.

Criterion 4. *Staff Background and Organizational Experience (15 Points).* List each organization, cooperator, consultant, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution. Summarize the background and experience of the project director and key project staff and the history of the organization. Demonstrate the ability to effectively manage the project and to coordinate activities with other agencies. (Applicants may refer to the staff résumés and to the Organization Capability Statement included in the submission.)

Information provided in response to Part III, section D of this announcement will be used to review and evaluate applicants on the above criterion.

Criterion 5. *Budget Appropriateness (15 Points).* Demonstrate that the project's costs (overall costs, average cost per youth served, costs for different services) are reasonable in view of the anticipated results and benefits. (Applicants may refer (1) to the budget information presented in Standard Forms 424 and 424A and in the associated budget justification, and (2) to the results or benefits expected as identified under Criterion 2.)

Information provided in response to Part III, Section E of this announcement will be used to review and evaluate applicants on the above criterion.

Part V. Application Assembly and Submission

A. Contents of Application

Each copy of the application must contain the following items in the order listed:

1. Application for Federal Assistance (Standard Form 424, REV 4–88) (page i).
2. Budget Information (Standard Form 424A, REV 4–88) (pages ii–iii).
3. Budget Justification (Type on standard size plain white paper) (pages iv–v).
4. Organizational Capability Statement (pages vi–viii).
5. Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88) (pages ix–x).
6. Certification Regarding Lobbying (page xi).
7. Program Narrative Statement (pages 1 and following; 30 pages maximum, single-spaced). SPECIAL NOTE: REVIEW OF THE NARRATIVE STATEMENT PORTION OF APPLICATIONS WILL BE LIMITED TO THE FIRST 30 PAGES. IT IS HIGHLY RECOMMENDED THAT NARRATIVE STATEMENTS NOT EXCEED THE 30 PAGE MAXIMUM.
8. Supporting Documents (pages SD–1 and following; 10 pages maximum, exclusive of letters of support or agreement).

B. Instructions for Preparing Application Components

1. Standard Forms 424 and 424A: At the top margin of Form 424, indicate whether the application is for a New Start or for an Expansion. Also, in box 8 of Form 424, check "New" if the application is for a New Start grant and check "Revision" if the application is for an Expansion grant. If the application is for a Revision, enter the letter "A" in the appropriate box.

2. Budget Justification: Provide breakdowns for major budget categories and justify significant costs. List amounts and sources of all funds, both Federal and non-Federal, used for runaway and homeless youth.

3. Organizational Capability Statement: Applicants should provide a brief (no more than three pages, single-spaced) description of how the applicant agency is organized and the types, quantities and costs of services it provides, including services to clients other than runaway and homeless youth. For the prior year, list all contracts with or funds received from probation and/or welfare agencies. Provide an organizational chart showing any superordinate, parallel, or subordinate agencies to the specific agency that will provide direct services to runaway and homeless youth, and summarize the purposes, clients and overall budgets of these other agencies. If the agency has multiple sites, list these sites. If the agency is a recipient of funds from the Transitional Living Program for Homeless Youth, the Youth Gang Drug Prevention Program, or the Drug Abuse Prevention Program for Runaway and Homeless Youth, show how the services supported by these funds are or will be integrated with the services funded by the Runaway and Homeless Youth Program. Discuss the experience of the applicant organization in providing services to runaway and homeless youth.

4. Standard Form 424B, Certification Regarding Drug-Free Workplace, Certification Regarding Debarment, and Certification Regarding Lobbying. Of these forms, only the Standard Form 424B and the Certification Regarding Lobbying need to be signed and returned with the application.

5. Program Narrative Statement: Follow the guidance of Part III, "Responsibilities of Basic Center Grantees," and of Part IV, "Review Criteria."

6. Supporting Documentation: Self-explanatory.

7. Duplication of Applications: Each application will be duplicated by the government in order to provide the total of six copies needed for review panels and filing. To make copying as trouble-free and accurate as possible, the following requirements must be followed:

a. Applicants may attach only photocopies (no originals) of any additional materials, such as resumes, letters of support or agreement, news clippings, or descriptions of the program's participation in local, State or regional coalitions of youth service agencies which would give further support to the application. Resumes must be limited to one page.

b. The absolute maximum for supporting documentation is 10 pages, exclusive of letters of support or agreement. Documentation which ACYF staff determines to be excessive will not be provided to the independent panel reviewers. Applicants may include as many letters of support or agreement as are appropriate

c. **Note:** Include only photocopies of the materials. Do not use separate covers, binders, clips, tabs, plastic inserts, pages with pockets, separately bound brochures, folded maps or charts, or any other items that cannot be processed easily on a photocopy machine with automatic feed. Do not bind, clip, or fasten in any way separate subsections of the application, including supporting documentation.

C. Application Submission

To be considered for a grant, an applicant must submit one signed original and two copies of the grant application, including all attachments, to the application receipt point specified below. The original copy of the application must have original signatures, signed in *black* ink. Each copy should be stapled (back and front) in the upper left corner. All copies of a single application should be submitted in a single package.

The *Catalog of Federal Domestic Assistance* Number (93.623) and Title (Runaway and Homeless Youth Program) must be clearly identified on the application (SF 424, box 10).

1. Closing Date for the Receipt of Applications

The closing date for receipt of applications under this announcement is: May 19, 1992. Applications must be mailed or hand delivered to: Runaway and Homeless Youth Basic Center Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 200 Independence Avenue, SW., room 341–F.2, Hubert H. Humphrey Building, Washington, DC 20201. Attn: William J. McCarron, ACF–92–ACYF/RHYP/BC.

2. Deadline for Submission of Applications

a. *Deadline.* Hand delivered applications will be accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

i. Received on or before the deadline date at the above address, or

ii. Sent on or before the deadline date and received by the granting agency in time to be considered during the competitive review and evaluation process under Chapter I–62 of the Health and Human Services Grants Administration Manual.

(Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service as proof of timely mailing. Private metered postmarks are not acceptable as proof of timely mailing.)

b. *Late applications.* Applications which do not meet the criteria in paragraph "a" of this section are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

c. *Extension of deadline.* The Administration for Children and Families may extend the deadline for all applicants because of acts of God such as earthquakes, floods or hurricanes, etc., or when there is a widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

3. Checklist for Complete Application

_____ One original application signed in black ink and dated plus two copies;
_____ A completed SPOC certification with the date of SPOC contact entered in item 16 of page 1 of SF 424, if applicable.

The original and both copies of the application include the following:

_____ SF 424 (The original application should have the word "ORIGINAL" hand printed in bold block letters at the top margin of its SF 424; also at the top margin of Form 424, indicate whether the application is for a NEW START or for an EXPANSION);
_____ SF 424A;
_____ Budget Justification;
_____ Organizational Capability Statement;
_____ SF 424B;
_____ Certification Regarding Lobbying;
_____ Program Narrative Statement with maximum of 30 single-spaced pages;
_____ Supporting Documents.

(*Catalog of Federal Domestic Assistance* Number 93.623, Runaway and Homeless Youth Program.)

Approved: December 13, 1991.

Wade F. Horn,

Commissioner, Administration on Children, Youth and Families.

BILLING CODE 4130–01–M

APPENDIX A

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐
A. State; B. County; C. Municipal; D. Township; E. Interstate; F. Intermunicipal; G. Special District; H. Independent School Dist.; I. State Controlled Institution of Higher Learning; J. Private University; K. Indian Tribe; L. Individual; M. Profit Organization; N. Other (Specify) _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award; B. Decrease Award; C. Increase Duration; D. Decrease Duration; Other (Specify): _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐☐☐☐
TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

13. PROPOSED PROJECT: Start Date; Ending Date

14. CONGRESSIONAL DISTRICTS OF: a. Applicant; b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
DATE _____
b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative *		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4130-01-C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item	Entry
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: —— "New" means a new assistance award. —— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. —— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4130-01-M

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Instructions for the SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B,C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b) (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting statndards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal Statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research,

development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

U.S. Department of Health and Human Services; Certification Regarding Drug-Free Workplace Requirements; Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplace at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Contolled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)

Check _____ if there are workplaces on file that are not identified here.

Sections 76.630 (c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517–D, 200 Independence Avenue, SW., Washington, DC 20201.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that its principals involved:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation for this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certificatión. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction. The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction", provided below, without modification in all lower tier covered transactions and in all solicitations for lower tier covered actions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certified to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusions—Lower Tier Covered Transactions" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Lobbying

Certification for Contracts, Grants Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this

commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4130-01-M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** ☐ a. bid/offer/application b. initial award c. post-award	**3. Report Type:** ☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter ____ date of last report _____
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known:* **Congressional District,** *if known:*		**5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:** **Congressional District,** *if known:*
6. Federal Department/Agency:		**7. Federal Program Name/Description:** CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*		**9. Award Amount,** *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*		**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*
(attach Continuation Sheet(s) SF-LLL-A, if necessary)		
11. Amount of Payment *(check all that apply):* $ _____ ☐ actual ☐ planned		**13. Type of Payment** *(check all that apply):* ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: *(attach Continuation Sheet(s) SF-LLL-A, if necessary)*		
15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.		**Signature:** _____ **Print Name:** _____ **Title:** _____ **Telephone No.:** _____ **Date:** _____
Federal Use Only:		Authorized for Local Reproduction Standard Form - LLL

BILLING CODE 4130-01-C

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF–LLL–A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP–DE–90–001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF–LLL–A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0346–0046), Washington, D.C. 20503.

BILLING CODE 4130-01-M

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0346-0046

Reporting Entity: _____ Page _____ of _____

BILLING CODE 4130-01-C

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Standard Form – LLL-A

Appendix B—Program Performance Standards; National Runaway Switchboard

I. Overview of Program Performance Standards

The program performance standards established by the Bureau for its funded centers relate to the methods and processes by which the needs of runaway and homeless youth and their families are being met, as opposed to the outcome of the services provided on the clients served. The program performance standards, and the related criteria and indicators, as initially published in March 1977, were developed by the Bureau through a functional analysis of the service and administrative components of the runaway youth projects, and were revised based upon the comments and feedback provided by the FY 1975 funded projects; they have subsequently been further revised, based upon the experience of the Bureau and its funded centers in their implementation. The standards relate to the basic program components enumerated in section 317 of the Runaway and Homeless Youth Act and as further detailed in the Regulations and Program Guidance governing the implementation of the Act.

The Program Performance Standards are general principles against which a judgment can be made to determine whether a service or an administrative component has achieved a particular level of attainment.

Fourteen program performance standards, with related criteria, are established by the Bureau for the projects funded under the Runaway and Homeless Youth Act. Nine of these standards relate to service components (outreach, individual intake process, temporary shelter, individual and group counseling, family counseling, service linkages, aftercare services, recreational programs, and case disposition), and five to administrative functions or activities (staffing and staff development, youth participation, individual client files, ongoing project planning, and board of directors/ advisory body).

Although fiscal management is not included as a program performance standard, it is viewed by FYSB as being an essential element in the operation of its funded projects. Therefore, as validation visits are made, the regional ACYF specialist and/or staff from the Office of Fiscal Operations will also review the project's financial management activities.

FYSB views these program performance standards as constituting the minimum standards to which its funded projects should conform. The primary assumption underlying the program performance standards is that the service and administrative components which are encompassed within these standards are integral (but not sufficient in themselves) to a program of services which effectively addresses the crisis and long-term needs of runaway and homeless youth and their families.

The program performance standards (and the Program Performance Standards Self-Assessment Instrument) are designed to serve as a developmental tool, and are to be employed by both the project staff and the regional ACYF staff specialists in identifying those service and administrative components and activities of individual projects which require strengthening and/or development either through internal action on the part of staff or through the provision of external technical assistance.

II. Program Performance Standards and Criteria

The following constitute the program performance standards and criteria established by the Bureau for its funded centers. Each standard is numbered, and each criterion is listed after a lower case letter.

1. Outreach

The project shall conduct outreach efforts directed towards community agencies, youth and parents.

2. Individual Intake Process

The project shall conduct an individual intake process with each youth seeking services from the project. The individual intake process shall provide for:

a. Direct access to project services on a 24-hour basis.

b. The identification of the emergency service needs of each youth and the provision of the appropriate services either directly or through referrals to community agencies and individuals.

c. An explanation of the services which are available and the requirements for participation, and the securing of a voluntary commitment for each youth to participate in project services prior to admitting the youth into the project.

d. The recording of basic background information on each youth admitted into the project.

e. The assignment of primary responsibility to one staff member for coordinating the services provided to each youth.

f. The contact of the parent(s) or legal guardian of each youth provided temporary shelter within the timeframe established by State law or, in the absence of State requirements, preferably within 24 but within no more than 72 hours following the youth's admission into the project.

3. Temporary Shelter

The project shall provide temporary shelter and food to each youth admitted into the project and requesting such services.

a. Each facility in which temporary shelter is provided shall be in compliance with State and local licensing requirements.

b. Each facility in which temporary shelter is provided shall accommodate no more than 20 youth at any given time.

c. Temporary shelter shall normally not be provided for a period exceeding two weeks during a given stay at the project.

d. Each facility in which temporary shelter is provided shall make at least two meals per day available to youth served on a temporary shelter basis.

e. At least one adult shall be on the premises whenever youth are using the temporary shelter facility.

4. Individual and Group Counseling

The project shall provide individual and/or group counseling to each youth admitted into the project.

a. Individual and/or group counseling shall be available daily to each youth admitted into the project on a temporary shelter basis and requesting such counseling.

b. Individual and/or group counseling shall be available to each youth admitted into the project on a non-residential basis and requesting such counseling.

c. The individual and/or group counseling shall be provided by qualified staff.

5. Family Counseling

The project shall make family counseling available to each parent or legal guardian and youth admitted into the project.

a. Family counseling shall be provided to each parent or legal guardian and youth admitted into the project and requesting such services.

b. The family counseling shall be provided by qualified staff.

6. Service Linkages

The project shall establish and maintain linkages with community agencies and individuals for the provision of those services which are required by youth and/or their families but which are not provided directly by the centers.

a. Arrangements shall be made with community agencies and individuals for the provision of alternative living arrangements, medical services, psychological and/or psychiatric services, and the other assistance required by youth admitted into the project and/or by their families which are not provided directly by the project.

b. Specific efforts shall be conducted by the project directed toward establishing working relationships with law enforcement and other juvenile justice system personnel.

7. Aftercare Services

The project shall provide a continuity of services to all youth served on a temporary shelter basis and/or their families following the termination of such temporary shelter both directly and through referrals to other agencies and individuals.

8. Recreational Program

The project shall provide a recreational-leisure time schedule of activities for youth admitted to the project for residential care.

9. Case Disposition

The project shall determine, on an individual case basis, the disposition of each youth provided temporary shelter, and shall assure the safe arrival of each youth home or to an alternative living arrangement.

a. To the extent feasible, the project shall provide for the active involvement of the youth, the parent(s) or legal guardian, and the staff in determining what living arrangement constitutes the best interest of each youth.

b. The project shall assure the safe arrival of each youth home or to an alternative living arrangement, following the termination of the crisis services provided by the project, by arranging for the transportation of the youth if he/she will be residing within the area served by the project; or by arranging for the meeting and local transportation of the youth at his/her destination if he/she will be residing beyond the area served by the project.

c. The project shall verify the arrival of each youth who is not accompanied home or to an alternative living arrangement by the parent(s) or legal guardian, project staff or other agency staff within 12 hours after his/her scheduled arrival at his/her destination.

10. Staffing and Staff Development

Each center is required to develop and maintain a plan for staffing and staff development.

a. The project shall operate under an affirmative action plan.

b. The project shall maintain a written staffing plan which indicates the number of paid and volunteer staff in each job category.

c. The project shall maintain a written job description for each paid and volunteer staff function which describes both the major tasks to be performed and the qualifications required.

d. The project shall provide training to all paid and volunteer staff (including youth) in both the procedures employed by the project and in specific skill areas as determined by the project.

e. The project shall evaluate the performance of each paid and volunteer staff member on a regular basis.

f. Case supervision sessions, involving relevant project staff, shall be conducted at least weekly to review current cases and the types of counseling and other services which are being provided.

11. Youth Participation

The center shall actively involve youth in the design and delivery of the services provided by the project.

a. Youth shall be involved in the ongoing planning efforts conducted by the project.

b. Youth shall be involved in the delivery of the services provided by the project.

12. Individual Client Files

The project shall maintain an individual file on each youth admitted into the project.

a. The client file maintained on each youth should, at a minimum, include an intake form which minimally contains the basic background information needed by FYSB; counseling notations; information on the services provided both directly and through referrals to community agencies and individuals; disposition data; and, as applicable, any follow-up and evaluation data which are compiled by the center.

b. The file on each client shall be maintained by the project in a secure place and shall not be disclosed without the written permission of the client and his/her parent(s) or legal guardian except to project staff, to the funding agency(ies) and its (their) contractor(s), and to a court involved in the disposition of criminal charges against the youth.

13. Ongoing Center Planning

The center shall develop a written plan at least annually.

a. At least annually, the project shall review the crisis counseling, temporary shelter, and aftercare needs of the youth in the area served by the center and the existing services which are available to meet these needs.

b. The project shall conduct an ongoing evaluation of the impact of its services on the youth and families it serves.

c. At least annually, the project shall review and revise, as appropriate, its goals, objectives, and activities based upon the data generated through both the review of youth needs and existing services (13a) and the follow-up evaluations (13b).

d. The project's planning process shall be open to all paid and volunteer staff, youth, and members of the Board of Directors and/or Advisory Body.

14. Board of Directors/Advisory Body (Optional)

It is strongly recommended that the centers have a Board of Directors or Advisory Body.

a. The membership of the project's Board of Directors or Advisory Body shall be composed of a representative cross-section of the community, including youth, parents, and agency representatives.

b. Training shall be provided to the Board of Directors or Advisory Body designed to orient the members to the goals, objectives, and activities of the project.

c. The Board of Directors or Advisory Body shall review and approve the overall goals, objectives, and activities of the project, including the written plan developed under 13.

National Communication System

The National Runaway Switchboard/ National Communication System (NCS) is a toll-free, 24 hour a day confidential information, referral, and crisis counseling service for runaway and homeless youth and their families. The service is available throughout the United States, including Hawaii and Alaska. The System is authorized by Section 313 of the Runaway and Homeless Youth Act to assist runaway and homeless youth in communicating with their families and service providers. The NCS was initiated in FY 1974 as an eight month research and demonstration grant to Metro-Help, Inc. in Chicago, Illinois for the purpose of providing toll-free telephone services to runaway youth in the contiguous United

States. As a part of the national RHY service system, the NCS is designed to:

(1) Provide a neutral and accessible channel of communication in the United States (including Alaska and Hawaii) between runaway and homeless youth and their families;

(2) Refer runaway and homeless youth to agencies and/or resources in their communities (or immediate vicinity) for needed services or assistance; and

(3) Provide crisis intervention counseling to callers when needed.

Approximately 2.50 million youth and their families have been served by the NCS from 1975 to the present. The current grant to operate the System is held by the National Runaway Switchboard (formerly Metro-Help, Inc.), 3080 N. Lincoln Ave., Chicago, Illinois 60614; Lora Thomas, Executive Director; telephone (312) 880–9860. The toll-free number is 1–800–621–4000.

Appendix C—State Single Points of Contact

Alabama

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, P.O. Box 250347, Montgomery, Alabama 36125–0347, Telephone (205) 284–8905

Arizona

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

Arkansas

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371–1074

California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, room 520, Denver, Colorado 80203, Telephone (303) 866–2156

Connecticut

Under Secretary, Attn: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Telephone (203) 566–3410

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

District of Columbia

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727–9111

Florida

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Atlanta Georgia 30334, Telephone (404) 656–3855

Hawaii

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol, Honolulu, Hawaii 96813, Telephone (808) 548–3016 or 548–3085

Illinois

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782–8639

Indiana

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

Iowa

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

Kentucky

Robert Leonard, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564–2382

Maine

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

Maryland

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490

Massachusetts

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston Massachusetts 02202, Telephone (617) 727–7001

Michigan

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373–7111

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373–6223

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960–4280

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

Montana

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, room 202, State Capitol, Helena, Montana 59620, Telephone (406) 444–5522

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, ATTN: John B. Walker, Clearinghouse Coordinator

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

New Jersey

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

New Mexico

Dorothy E. (Duffy) Rodriquez, Deputy Director, State Budget Division, Department of Finance & Administration, room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

North Carolina

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733–0499

North Dakota

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224–2094

Ohio

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

Oklahoma

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843–9770

Rhode Island

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Divison of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and question to: Review Coordinator, Office of Strategic Planning

South Carolina

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, Telephone (803) 734–0493

South Dakota

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773–3212

Tennessee

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

Texas

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

Utah

Utah State Clearinghouse, Attn: Carolyn Wright, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Telephone (801) 538–1547

Vermont

Bernard D. Johnson, Assistant Director, Office of Policy Research and Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

Washington

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH–51 Olympia, Washington 98504–4151, Telephone (206) 753–4978

West Virginia

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

Wisconsin

James R. Klauser, Secretary, Wisconsin Department of Administration, 101 South Webster Street, GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Telephone (608) 266–1741

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal-State Relations Office, Wisconsin Department of Administration, Telephone (606) 266–0267

Wyoming

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

Territories

Guam

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

Northern Mariana Islands

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

Puerto Rico

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

Virgin Islands

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774–0750

Appendix D—Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Family and Youth Services Bureau

Regional Youth Contacts

Region I

Susan Rosen, John F. Kennedy Federal Building, Government Center, Boston, MA 02203, FTS: (8) 835–1149, Commercial: (617) 565–1149, (CT, ME, MA, NH, RI, VT)

Region II

Estelle Haferling, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, NY 10278, FTS: (8) 264–2974,

Commercial: (212) 264–2974, (NJ, NY, PR, VI)

Region III

David Lett, 3535 Market St., P.O. Box 13716, Philadelphia, PA 19101, FTS: (8) 596–1224, Commercial: (215) 596–1224, (DE, DC, MD, PA, VA, WV)

Region IV

Viola Brown, 101 Marietta Tower, Atlanta, GA 30323, FTS: (8) 841–2128, Commercial: (404) 331–2128, (AL, FL, GA, KY, MS, NC, SC, TN)

Region V

Bill Sullivan, 105 West Adams Street, 21st floor, Chicago, IL 60606, FTS: (8) 353–4241, Commercial: (312) 886–5368, (IL, IN, MI, MN, OH, WI)

Region VI

Ralph Rogers, 1200 Main Tower, Dallas, TX 75202, FTS: (8) 729–4540, Commercial: (214) 767–4540, (AR, LA, NM, OK, TX)

Region VII

Linda Bitner, 601 East 12th St., room 384, Kansas City, MO 64106, FTS: (8) 867–5401, Commercial: (816) 426–5401, (IA, KS, MO, NE)

Region VIII

Bob Rease, 1961 Stout Street, Denver, CO 80294, FTS: (8) 54–3106, Commercial: (303) 844–3106, (CO, MT, ND, SD, UT, WY)

Region IX

Carolyn Mangrum, Federal Office Building, 50 United Nations Plaza, San Francisco, CA 94102, FTS: (8) 556–7460, Commercial: (415) 556–7460, (AZ, CA, HI, NV, America Samoa, Guam, Northern Mariana Islands, Marshall Islands, Federated States of Micronesia, Palau)

Region X

Steve Ice, Third & Broad Building, 2201 Sixth Avenue, RX 32 Mail Stop, Seattle, WA 98121, FTS: (8) 399–0482, Commercial: (206) 442–0482, (AK, ID, OR, WA)

Appendix E—Family and Youth Services Bureau

Training and Technical Assistance Providers

Grantee Listing, Fiscal Year 1992

Region and Program

I—Massachusetts Committee for Children and Youth, 14 Beacon Street, suite 706, Boston, MA 02108, Nancy Jackson, (617) 742–8555

II—Empire State Coalition, 121 Avenue of America, room 507, New York, NY 10013, Margo Hirsch, (212) 966–6477

III—Mid-Atlantic Network of Youth and Family Services, Inc., 9400 McKnight Road, suite 106, Pittsburgh, PA 15237, Nancy Johnson, (412) 366–6582

IV—Southeastern Network of Youth and Family Services, 337 S. Milledge Avenue, suite 209, Athens, GA 30605, Gail Kurtz, (404) 354–4568

V—Michigan Network of Runaway and Youth Services, 115 West Allegan, suite 310, Lansing, MI 48933, Bruce Haas, (517) 484–5262

VI—Southwest Network of Youth Services, 404 West 40th Street, Austin, TX 78751, Theresa Andreas-Tod, (512) 459–1455

VII—M.I.N.K., A Network of Runaway and Youth Serving Agencies, P.O. Box 14403, Parkville, MO 64152, Jack McClure, (816) 741–8700

VIII—Mountain Plains Youth Services, 311 N. Washington, Bismarck, ND 58501, Linda Wood, (701) 255–7229

IX—Western States Youth Services Network, 1306 Ross Street, suite B, Petaluma, CA 94954, Nancy Fastenau, (707) 763–2213

X—Northwest Network of Runaway and Youth Services, 94 Third Street, Ashland, OR 97501, Ginger Baggett, (503) 482–8890

Appendix F—Runaway and Homeless Youth Basic Center Grantees—Fiscal Year 1991

Region I

Connecticut

Council of Churches, 126 Washington Avenue, Bridgeport, CT 06604, John Cottrell, (203) 334–1121, 1992

Quinebaug Valley Youth Services Bureau, P.O. Box 812, North Grosvenordale, CT 06255, Tracey Graham, (203) 923–9526, 1992

Educational Resources, 90 North Main Street, West Hartford, CT 06107, Selma Lobel, (203) 521–8035, 1993

The Youth Shelter, 105 Prospect Street, Greenwich, CT 06830, Shari Shapiro, (203) 661–2599, 1994

Youth Continuum of TRI-RYC, 844 Grand Avenue, New Haven, CT 06521; Michael Rowe, (203) 562–3396, 1994

Maine

Youth and Family Services, P.O. Box 502, Skowhegan, ME 04976, Ronald Herbert, (207) 474–8311, 1992

Youth Alternatives of S. Maine, 175 Lancaster Street, Portland, ME 04101, Mike Tarpinian, (207) 874–1175, 1992

New Beginnings, 491 Maine Street, Lewiston, ME 04240, Barbara Kawliche, (207) 946–7272, 1994

Massachusetts

Newton-Wellesley-Weston-Needham, 1301 Centre Street, Newton, MA 02159, Jon Dunn, (617) 244–4802, 1992

Marathon of Rhode Island, 1303 Washington Street, Walpole, MA 02081, Roy Ross, (508) 668–3631, 1992

Project RAP, 202 Rantoul Street, Beverly, MA 01915, Nancy Pia, (508) 921–1292, 1993

Franklin/Hampshire Mental Health Center, 17 New South Street, Northampton, MA 01060, Deborah Ekstrom, (617) 732–3121, 1993

The Key Program, 484 West Street, Pittsfield, MA 01201, Randy Brewer, (413) 442–1503, 1993

YWCA of Western Massachusetts, 120 Maple Street, Springfield, MA 01103, Mary Reardon Johnson, (413) 732–3121, 1993

The Bridge, 47 West Street, Boston, MA 02111, Sister Barbara Whelan, (617) 423–9575, 1994

Wayside Community Programs, 4 Thurber Street, Framingham, MA 01701, Eric Masi, (617) 872–5611, 1994

Brookline Community Mental Health Center, 43 Garrison Road, Brookoine, MA 02146, Joan Sokoloff, (617) 277–8107, 1994

Access House, Inc., 28 Garry Avenue, East Falmouth, MA 02536, Hope Harding, (508) 385–2543, 1994

New Hampshire

Child and Family Services, Hanover Street, Manchester, NH 03101, Reed Carver, (603) 668–1920, 1992

Community Youth Advocates, 36 Tremont Square, Claremont, NH 03743, Holly Johnson, (603) 543–0427, 1993

Rhode Island

Stopover Shelters, 3380 East Main Road, Portsmouth, RI 02871, Peter Marshall, (401) 683–1824, 1994

Vermont

Washington County Youth Service Bureau, P.O. Box 627, Montpelier, VT 05601, Tom Howard, (802) 229–9151, 1992

New Jersey

Anchor House, 482 Centre Street, Trenton, NJ 08611, Judith Donohoe, (609) 396–8329, 1992

Crossroads, P.O. Box 321, Lumberton, NJ 08048, Mary Lou Bendit, (609) 261–5400, 1992

Group Homes of Camden County, 35 S. 29th Street, Camden, NJ 08105, Sandra Mengestu, (609) 541–9283, 1992

Atlantic County Department of Social Services, 101 So. Shore Road, Northfield, NJ 08225, Holly Azchowski, (609) 645–7700, 1993

Together, 7 State Street, Glassboro, NJ 08028, Susan Sasser, (609) 881–6100, 1994

Tri-County Youth Services, 435 Main Street, Paterson, NJ 07501, Gail Manning, (201) 881–0280, 1994

Youth Coordinating Council, 306 Brookline Avenue, Cherry Hill, NJ 08002, Eleanor Stofman, (609) 667–6525, 1994

Somerset Youth Shelter, 49 Brahma Avenue, Bridgewater, NJ 08807, Jeffrey Fetzko, (201) 526–6605, 1994

Ocean's Harbor House, 2445 Windsor Avenue, Toms River, NJ 08754, Albert Borris, (201) 929–0660, 1994

New York

Project Equinox, 214 Lark Street, Albany, NY, Donna McIntosh, (518) 465–9524, 1992

Compass House, 370 Linwood Avenue, Buffalo, NY 14209, Janell Wilson, (716) 886–1351, 1992

Town of Huntington Youth Bureau, 100 Main Street, Huntington, NY 11743, Paul Lowery, (516) 351–3061, 1992

YWCA of Binghamton/Broome County, 80 Hawley Street, Binghamton, NY 13901, Penny Smith, (607) 772–0340, 1992

Covenant House (Under 21), 460 West 41st Street, New York, NY 10029, Eleanor Miller, (212) 354–4323, 1992

Flowers With Care, 23–30 Astória Boulevard, Astoria, NY 11102, Rev. James Harvey, (718) 726–9790,

Family of Woodstock, U.P.O. Box 3516, Kingston, NY 12401, Joan Mayer, (914) 679–9240, 1992

Nassau County Youth Board, 1 West Street, Mineola, NY 11501, Ann Irvin, (516) 535–5893, 1992

The Idyllic Foundation, Town and Country Plaza, Cazenovia, NY 13035–0455, Brian Burns, (315) 655–2704, 1992

Family and Community Services, 41 West Main Street, Cobleskill, NY 12043, Marie Pracher, (518) 234–3581, 1993

Oneida County Community Action Agency, 303 West Liberty Street, Rome, NY 13440, Treva Wood, (315) 339–5640, 1993

Courtland County Community Action Program, 23 Main Street, Cortland, NY 13045, Sara Pines, (607) 753–6781, 1993

Promesa, Inc., 1776 Clay Avenue, Bronx, NY 10457, Felix Velazquez, (212) 991–4900, 1993

The Salvation Army, 749 S. Warren Street, Syracuse, NY 13202, Roberta Schofield, (315) 479–1323, 1993

Westchester County Youth Bureau, 55 Church Street, White Plains, NY 10601, Toni Collarini, (914) 285–2745, 1993

Dutchess County, 22 Market Street, Poughkeepsie, NY 12601, Folomi Gray, (914) 431–2021, 1994

Center for Youth Services, 258 Alexander Street, Rochester, NY 14607, Roger Palma, (716) 473–2464, 1994

Society for Seamen's Children, 26 Bay Street, Staten Island, NY 10301, Ann Deinhardt, (718) 447–7740, 1994

Hillside Children's Center, 1183 Monroe Avenue, Rochester, NY 14620, Harry Lang, (716) 473–5150, 1994

University Settlement, 194 Eldridge Street, New York, NY 10002, Michael Zisser, (212) 674–9120, 1994

Catholic Charities of Ogdenburg, 380 Arlington Street, Watertown, NY 13601, Anne Boulter, (315) 788–4330, 1994

St. Agatha Home, 135 Convent Road, Nanuet, NY 10954, Rosemarie Crisstello, (914) 623–3461, 1994

Puerto Rico

Office of Human Development, King's Court and Loiza Street, Santurce, PR 00914, Jesus Joel Perez, (809) 728–7474, 1993

Municipality of Aquadilla, P.O. Box 520—Victoria Station, Aquadilla, PR 00605, Ramon Calero, (809) 891–3965, 1993

Dispensario San Antonio, Box 213, Playa Station, Ponce, PR 00734, Sister Rosita Bauza, (809) 843–1910, 1993

The Salvation Army, 1327 Americo Miranda Avenue, Caparra Terrace, PR 00619, Marjorie Yambo, (809) 781–6883, 1994

Department of Social Services, Box 11398, San Juan, PR 00910, Carmen Sonia Zayas, (809) 721–4824, 1994

Centro de Servicios A La Juventud, Box 9368 Cotto Station, Arecibo, PR 00613, Nidra Torres-Martinez, (809) 878–6776, 1994

Virgin Islands

Caribbean Behavioral Institute, P.O. Box 1547 Kingshill, St. Croix, VI 00851, Chester Copemann, (809) 773–5113, 1994

Region III

Delaware

Child, Inc., 11th and Washington Streets, Wilmington, DE 19801, Joseph Dell'Olio, (302) 655–3311, 1992

Aid in Dover, 32 Lookerman Square, Dover, DE 19501, Beverly Williams, (302) 734–7610

District of Columbia

American Youth Work Center, 1751 N Street, NW., Washington, D.C. 20036, Bill Treanor, (202) 785–0764, 1992

Sasha Bruce Youthwork, 1022 Maryland Avenue, NE., Washington, DC 20002, Deborah Shore, (202) 675–9340, 1994

Maryland

St. Mary's County Board of County Commissioners, P.O. Box 653, Governmental Center, Leonardtown, MD 20650, Carl Loffler, (301) 475–4484, 1993

Southern Area Youth Services, P.O. Box 44408, Friendly, MD 20744, Robert Jones, (301) 292–3825, 1994

Youth Resources Center, 7300 New Hampshire Avenue, Takoma Park, MD 20912, Ellen Freeman, (301) 779–1257, 1994

Fellowship of Lights, Inc., 1300 North Calvert Street, Baltimore, MD 21202, Ross Pologe, (301) 837–8155, 1994

Boys & Girls Home, 9601 Colesville Road, Silver Spring, MD, Quanah Parker, (301) 589–8444, 1994

First Step, Inc., 8303 Liberty Road, Baltimore, MD 21207, David Goldman, (301) 521–4141, 1994

Pennsylvania

Voyage House, 1431 Lombard Street, Philadelphia, PA 19146, Susan Pursch, (215) 545–2910, 1992

Catholic Charities, P.O. Box 3551, Harrisburg, PA, Very Rev. Francis Kumontis, (717) 652–3934, 1992

Catholic Social Services, 33 E. Northhampton, Wilkes-Barre, PA 18701, Thomas Cherry, (717) 824–5766, 1992

Three Rivers Youth, 2039 Termon Avenue, Pittsburgh, PA 15212, Jane Martin Doncaster, (412) 768–2215, 1992

Alternatives Corporation, 360 King Street, Pottstown, PA 19464, Ronald Harris, (215) 327–1601, 1992

Youth in Action, 7th and Morton Avenue, Chester, PA 19013, Tommie Lee Jones, (215) 874–1407, 1993

Council of Three Rivers Indian Center, 200 Charles Street, Pittsburgh, PA 15238, Suzanne Swint, (412) 335–9283, 1993

Youth Services of Bucks County, 118–120 S. Bellevue Avenue, Penndel, PA 19047, Roger Dawson, (215) 752–7050, 1993

Centre County Youth Service, 205 East Beaver Avenue, State College, PA 16801, Norma Keller, (814) 237–5731, 1994

Valley Youth House Committee, 539 Eighth Avenue, Bethlehem, PA 18019, David Gilgoff, (215) 691–1200, 1994

Whale's Tale, 250 Shady Avenue, Pittsburgh, PA 15206, Christopher Smith, (412) 621–8407, 1994

Youth Services, Inc., 410 N. 34th Street, Philadelphia, PA 19104, Theodore Levine, (215) 222–3282, 1994

Family and Children's Services of Blair County, 2022 Broad Avenue, Altoona, PA 16601, Barbara Angle, (814) 944–3583, 1994

Virginia

Family & Children's Services, 1518 Willow Lawn Drive, Richmond, VA 23230, Richard Lung, (804) 282–4255, 1992

Volunteer Emergency Foster Care, 2317 Westwood Avenue, suite 109, Richmond, VA 23230, William Christian, (804) 353–4698, 1992

City of Roanoke, 836 Campbell Avenue, Roanoke, VA 24016, Andrea Krochalis, (703) 981–2776, 1992

Mother Seton House, Inc., 642 North Lynnhaven Road, Virginia Beach, VA 23452, Susan Jones, (804) 498–4673, 1993

Central Virginia Child Development Association, P.O. Box 424, 810 E. High, Charlottesville, VA 22902, Betty Ann Hopke, (804) 977–4260, 1993

Alexandria Community Ŷ (This Way House), 418 South Washington Street, Alexandria, VA 22314, Diane Halbrook, (703) 549–1111, 1994

Alternative House, P.O. Box 637, McLean, VA, Jim Warwick, (703) 356–6360, 1994

Loudoun County Youth Shelter, 16450 Meadowview Court, Leesburg, VA 22075, Gerald Tracy, (703) 771–5300, 1994

West Virginia

Daymark (Patchwork), 1598–C Washington Street East, Charleston, WV 25311, Carol Charlipm, (304) 340–3675, 1992

Southwestern Community Council, 540 Fifth Street, Huntington, WV 25701, Joan Ross, (304) 525–5151, 1992

Region IV

Alabama

American Red Cross, 405 South First Street, Gadsden, AL 35901, Windell Jolley, (205) 547–9505, 1992

Mobile Mental Health Center, 2400 Gordon Smith Drive, Mobile, AL 36617, T. Edmund Lakeman, (205) 473–4423, 1992

Group Homes for Children, 880 South Lawrence, Montgomery, AL 36104, George Holy, (205) 834–5512, 1993

Shelby Youth Services, P.O. Box 1261, Alabaster, AL 35007, Lindsey Allison, (205) 663–6301, 1994

Marshall County Attention Home, P.O. Box 952, Guntersville, AL 35976, Shirley White, (205) 582–0377, 1994

Florida

Family Resources, Inc. (Residential South), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 526–1123, 1992

Youth Crisis Center, P.O. Box 16567, Jacksonville, FL 32245, Tom Patania, (904) 725–6662, 1992

Youth and Family Alternatives (RAP), 7524 Plathe Road, New Port Richey, FL 34653, George Magrill, (813) 841–4166, 1992

Florida Keys Children's Center, 73 High Point Road, Tavernier, FL 33070, Dale Wolgast, (305) 852–4246, 1992

Youth Services Center (Crosswinds), P.O. Box 540625, Merritt Island, FL 32954, Susan Jennings, (407) 452–8988, 1993

Family Resources, Inc. (Residential North), P.O. Box 13087, St. Petersburg, FL 33733, Jane Harper, (813) 526–1123, 1993

Lutheran Ministries (Gulf Coast Youth and Family Services), 4610 W. Fairfield Drive, Pensacola, FL 32506, Kay Lohmiller, (904) 453–2772, 1993

Corner Drugstore (Interface), 1300 Northwest 6th Street, Gainesville, FL 32601, Karen Crapo, (904) 378–1588, 1994

Someplace Else, 1315 Linda Ann Drive, Tallahassee, FL 32301, Kelee Roche, (904) 877–7993, 1994

Switchboard of Miami (Family P.A.C.T.), 75 S.W. 8th Street, Miami, FL 33130, Shirley Aron, (305) 358–1640, 1994

Miami Bridge, 1149 N.W. 11th Street, Miami, FL 33136, Maxine Thurston, (305) 324–8953, 1994

Anchorage Children's Home (Hidle House), 707 North Cove Boulevard, Panama City, FL 32401, Barbara Cloud, (904) 763–7102, 1994

Orange County Department of Children, Youth & Family (Family Services Project), 1718 East Michigan Avenue, Orlando, FL 32806, Mark Griffin, (305) 420–3620, 1994

Lutheran Ministries (Lippman Family Center), 221 Northwest 43rd Court, Oakland Park, FL 33309, Donald Carey, (305) 568–2801, 1994

Sarasota Family YMCA, 1075 S. Euclid Avenue, Sarasota, FL 34237, Carl Weinrich, (813) 955–8194, 1994

ACT Corporation (B.E.A.C.H. House), 1220 Willis Avenue, Datona Beach, FL 32114, Wayne Deggors, (904) 255–6538, 1994

Lutheran Ministries (So. Gulf Coast Youth and Family Services), 3825 Henderson Boulevard, Tampa, FL 33629, Don Sjolund, (813) 287–2373, 1994

Georgia

The Bridge, 75 Peachtree Place, NW., Atlanta, GA 30309, Ann Starr, (404) 881–8344, 1992

The Marshlands Foundation, 11 West Park Avenue, Savannah, GA 30401, Pat Peshoff, (404) 234–4048, 1992

Athens Regional Attention Home, 490 Pulaski Street, Athens, GA 30601, Martha Mendenhall, (404) 548–5893, 1992

The Alcove, 507 East Church Street, Monroe, GA 30655, Gail Bayes, (404) 267–4571, 1993

Tri-County Protective Agency, P.O. Box 1937, Hinesville, GA 31313, Bryant Bradley, (912) 368–3344, 1993

Children's Emergency Shelter, P.O. Box 446, Cartersville, GA 30120, Teresa Ramey, (404) 382–6180, 1994

Greenbriar Children's Center, 3709 Hopkins Street, Savannah, GA 31405, Yvette Johnson-Hagins, (912) 234–3431, 1994

Kentucky

Brighton Center, P.O. Box 325, Newport, KY 41072, Kim Brooks, (606) 581–1111, 1992

Lexington-Fayette County Government, 536 West Third Street, Lexington, KY 40508, Kathy Noel, (606) 254–2501, 1994

YMCA of Greater Louisville, 1410 South First Street, Louisville, KY 40208, Elizabeth Triplett, (502) 637–6480, 1994

Mississippi

Catholic Charities, P.O. Box 2248, Jackson, MS 39205, Gayle Watts, (601) 355–9639, 1993

Mississippi Children's Home (Homeward Bound Youth Shelter), 1801 N. West Street, Jackson, MS 39205, Christopher Cherney, (701) 255–7229, 1993

Jackson County Civic Action Community, 5343 Jefferson, Moss Point, MS 39563, Billy Knight, (601) 769–3292, 1993

Warren County Children's Shelter, P.O. Box 820174, Vicksburg, MS 39182, Christopher Cherney, (601) 352–7784, 1994

North Carolina

The Relatives, 1000 East Boulevard, Charlotte, NC 28203, Jo Ann Greyer, (704) 377–060, 1992

Mountain Youth Resources, P.O. Box 2847, Cullowhee, NC 28723, Elizabeth Chambers, (704) 586–8958, 1992

Tuscarora Tribe, P.O. Box 1455, Pembroke, NC 28372, Chief Young Bear, (919) 521–8682, 1992

Cape Fear Substance Abuse/Crisis Line, 801 Princess Street, Wilmington, NC 28401, Carlene Jackson, (919) 343–0145, 1993

Youth Care, 211 S. Edgeworth Street, Greensboro, NC 27401, Charles Hodierne, (919) 378–9109, 1993

Lee County Youth Services, P.O. Box 1968, Sanford, NC 27330, Gordon Wicker, (919) 774–8404, 1993

Haven House, 401 E. Whitaker Mill Road, Raleigh, NC 27608, Michael Rieder, (919) 755–6368, 1994

Catholic Social Services, 10 Cascade Avenue, Winston Salem, NC 27101, Rosemary Martin, (919) 727–0705, 1994

Lutheran Family Services, P.O. Box 12887, Raleigh, NC 27605, Bill Britain, (919) 823–2620, 1994

South Carolina

Department of Youth Services (Crossroads), 4360 Headquarters Road, N. Charleston, SC 29405, Greg Leighton, (803) 744–3381, 1993

Department of Youth Services (Hope House), Shivers Road, Columbia, SC 29210, Mari Bolden, (803) 737–9119, 1993

Department of Youth Services (Greenhouse), 529 N. Wise, Sumter, SC 29153, Howard McFadden, (803) 775–3311, 1993

Department of Youth Services (Greenville), 35 Perry Avenue, Greenville, SC 29601, Jane Burgess, (803) 233–5574, 1994

Tennessee

Oasis Center, P.O. Box 120655, Nashville, TN 37212, Mary Jane Dewey, (615) 329–6036, 1992

Child and Family Services, 114 Dameron Avenue, Knoxville, TN 37197, Larry Feezel, (615) 524–2689, 1993

Hamilton County Government, 317 Oak Street, Chattanooga, TN 37403, Judi Byrd, (615) 757–2692, 1993

The Family Link, 1207 Peabody, Memphis, TN 38174, Marian Carruth, (901) 725–6911, 1993

Region V

Illinois

McHenry County Youth Service, 101 South Jefferson Street, Woodstock, IL 60098, Susan Krause, (815) 338–7360, 1992

Hoyleton Youth and Family Services, 36 Loisel Village, East St. Louis, IL 62203, Conrad Steinhof, (618) 398–0900, 1992

Central Illinois Youth Service Bureau, 1111 South Eighth Street, Springfield, IL 62703, Kaywin Davis, (217) 753–8300, 1992

Youth Attention Center, P.O. Box 606, Jacksonville, IL 62651, Jerome Noble, (217) 245–6000, 1992

Mental Health Services, 902 West Main Street, West Frankfort, IL 62896, William Young, (618) 937–6483, 1992

Northside Ecumenical Night Ministry, 835 West Addison, Chicago, IL 60613, Thomas Behrens, (312) 935–3366, 1992

Omni Youth Services, 222 East Dundee Road, Wheeling, IL 60090, Dennis Depcik, (312) 541–0109, 1992

Youth Services Network (Singer Mental Health Center), P.O. Box 62, Rockford, IL 61105, Arlene Jackson, (815) 877–1312, 1992

Naperville Community Outreach, 113 E. Van Buren, Naperville, IL 60540, John Prior, (312) 961–2982, 1993

Aunt Martha's, 224 Blackhawk, Park Forest, IL 60466, Steven McCabe, (312) 747–2701, 1994

Teen Living Programs, 3179 N. Broadway, Chicago, IL 60657, Deborah Hinde, (312) 883–0025, 1994

LaSalle County Youth Service Bureau, 827 Columbus Street, Ottowa, IL 61350, Dave McClure, (815) 433–3953, 1994

Travelers and Immigrants Aid, 327 S. LaSalle, Chicago, IL 60604, Laura Friedman, (312) 435–4500, 1994

Project OZ, 201 E. Grove, 2nd floor, Bloomington, IL 61701, Peter Rankaitis, (309) 827–0377, 1994

The Harbour, Inc., 355 N. East River Road, Des Plaines, IL 60016, Mary Eichling, (708) 297–8540, 1994

Indiana

Indiana Juvenile Justice Task Force, 3050 North Meridian, Indianapolis, IN 46208, James Miller, (317) 926–6100, 1992

Children's Bureau of Indianapolis, 615 N. Alabama Street, Indianapolis, IN 46204, Kenneth Phelps, (317) 634–6481, 1992

Youth Service Bureau, 222 Lincolnway West, South Bend, IN 46628, Bonnie Strycker, (219) 284–9231, 1993

Park Center, 909 E. State Boulevard, Fort Wayne, IN 46805, John Garner, (219) 424–7478, 1993

Stopover, 445 N. Penn Street, Indianapolis, IN 46204, Carol D'Amora, (317) 635–9301, 1993

Clark County Youth Shelter, 118 East Chestnut Street, Jeffersonville, IN 47130, Sherry Zachariah, (812) 284–5229, 1993

Crisis Center, Inc., 215 N. Grand Boulevard, Gary, IN 46403, Shirley Caylor, (219) 980–4207, 1994

Monroe County Youth Service Bureau, 1310 East Atwater Avenue, Bloomington, IN 47401, Roberta Wysong, (812) 333–3506, 1994

Michigan

Comprehensive Youth Services (Macomb), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Schietaert, (313) 463–7079, 1992

Link Crisis Intervention Center, 2002 South State Street, St. Joseph, MI 49085, Polly Learned, (616) 983–6351, 1992

Bethany Christian Services, 6995 West 48th, Fremont, MI 49412, Dale Painter, (616) 924–3390, 1992

Youth Living Centers, 715 S. Inkster, Inkster, MI 48141, Barry Manning, (313) 536–5005, 1992

Listening Ear Crisis Center, 107 E. Illinois Avenue, Mt. Pleasant, MI 48858, Don Schuster, (517) 772–2919, 1992

Comprehensive Youth Services (Harbor), Two Crocker Boulevard, Mt. Clemens, MI 48043, Joanne Schietaert, (313) 463–7079, 1993

Catholic Family Services, 1819 Gull Road, Kalamazoo, MI 49001, John Hemmer, (616) 381–9800, 1993

Cory Place, 812 N. Jefferson, Bay City, MI 48708, Mary Jo Tompkins, (517) 895–5563, 1993

Saginaw County Youth Council, 1110 Howard, Saginaw, MI, Ron Spess, (515) 752–5175, 1993

Northeast Michigan Community Service Agency, 2373 Gordon Road, Alpena, MI 49707, John Swise, (517) 356–3474, 1993

League of Catholic Women (Off The Streets), 120 Parsons Street, Detroit, MI 48201, David Suttner, (313) 831–1000, 1993

Advisory Centers (The Bridge), 1115 Ball NE., Grand Rapids, MI 49505, Douglas Ellis, (616) 458–7434, 1993

Ozone House, 608 N. Main Street, Ann Arbor, MI 48104, Lisa Wolf, (313) 662–2265, 1993

Every Woman's Place, 1706 Peck Street, Muskegon, MI 49442, Judith Hayner, (616) 726–4493, 1993

The Sanctuary, 1222 South Washington, Royal Oak, MI 48067, Meri Pohutsky, (313) 547–2260, 1994

Gateway Community Services (Equal Ground), 910 Abbott Road, suite 100, East Lansing, MI 48823, Robert Sheehan, (517) 351–4000, 1994

Genesee County Youth Corp., 914 Church Street, Flint, MI 48502, Jo Davis, (313) 233–8700, 1994

Third Level Crisis Intervention Center, P.O. Box 1035, Traverse City, MI 49685, Gail Sorenson Heath, (616) 922–4802, 1994

Minnesota

The Bridge, 2200 Emerson Avenue South, Minneapolis, MN 55405, Thomas Sawyer, (612) 377–8800, 1992

St. Paul Youth Service Bureau, 1619 Dayton Avenue, St. Paul, MN 55104, Raeone Buckman-Ellis, (612) 292–7191, 1992

Evergreen House, 921 Minnesota Avenue, Bemidji, MN 56601, Clark Fairbanks, (218) 751–4332, 1993

Red School House, 1089 Portland Avenue, St. Paul, MN 55104, John Whitecloud, (612) 227–4164, 1993

Lutheran Social Services, 600 Ordean Building, Duluth, MN 55802, John Moline, (218) 626–2728, 1993

Minneapolis Youth Diversion Program, 1905 Third Avenue South, Minneapolis, MN 55404, Nancy Hite, (612) 871–3613, 1994

Ohio

Huckleberry House, 1421 Hamlet Street, Columbus, OH 43201, Douglas McCoard, (614) 294–8097, 1992
Safe Landing Youth Shelter, 680 E. Market Street, Akron, OH 44303, David Fair, (216) 376–4200, 1992
Children's and Family Service, 21 Indiana Avenue, Youngstown, OH 44505, Gerald Janosik, (216) 782–5664, 1993
Council on Rural Service Programs, 116 E. Third Street, Greenville, OH 45331, Shirley Hathaway, (513) 548–8002, 1993
Center for Children and Youth Services, 42707 North Ridge Road, Elyria, OH 44035, John Ollerton, (216) 324–6113, 1993
New Life Youth Services, 6128 Madison Road, Cincinnati, OH 45227, Debbie Latter, (513) 561–0100, 1994
Free Medical Clinic, 12201 Euclid Avenue, Cleveland, OH 44106, Rebecca Devenanzio, (216) 421–2000, 1994
Clermont County Community Services, 2291 Bauer Road, Batavia, OH 45103, Martha Undercoffer, (513) 732–7182, 1994
Connecting Point, 3301 Collingwood Boulevard, Toledo, OH 43610, Carole Smith, (419) 243–6326, 1994
Daybreak, 819 Wayne Avenue, Dayton, OH 45410, David Nehring, (513) 461–1000, 1994
Lutheran Metro Ministry, 1468 West 25th Street, Cleveland, OH 44113, Rev. Richard Serin, (216) 696–2715, 1994
Special Alternatives for Youth of Ohio, 10100 Elida Road, Delphos, OH 45833, Bruce Maag, (800) 532–7239, 1994

Wisconsin

Briarpatch, 512 E. Washington Avenue, Madison, WI 53703, Steve Sperling, (608) 251–1126, 1992
Counseling Center of Milwaukee, 2038 N. Bartlett, Milwaukee, WI 53202, David Cobb, (414) 271–2565, 1992
Walker's Point Youth Center, 2030 W. National Avenue, Milwaukee, WI 53204, Andre Olton, (414) 672–5300, 1994
Innovative Youth Services, 1030 Washington Avenue, Racine, WI 53403, Jane Karas, (414) 637–9557, 1994
Wisconsin Association for Runaway Services, 2318 E. Dayton Street, Madison, Wisconsin 53704, Patricia Balke, (608) 241–2649, 1994
Lutheran Social Services, 3821 Kohler Memorial Drive, Sheboygan, WI 53081, Merry Klemme, (414) 458–8381, 1994

Region VI

Arkansas

Youth Bridge, P.O. Box 668, Fayetteville, AR 72702, Michael Lee, (501) 632–4618, 1992
Comprehensive Juvenile Services, 1606 South J, Fort Smith, AR 72901, Jerry Robertson, (501) 785–4031, 1992
Center for Youth & Families (Stepping Stone), 6501 W. 12th Street, Little Rock, AR 72204, Judy Kane, (501) 562–1809, 1994
Consolidated Youth Services, 4220 Stadium Boulevard, Jonesboro, AR 72401, Bonnie Stevens (501) 972–1110, 1994

Louisiana

Community Recreational Home, 7997 Bayou Rapids Road, Alexandria, LA 71306, Robert Tillie, (318) 473–0530, 1992
Tangipahoa Youth Service Bureau, 1826 River Road, Hammond, LA 70401, Jeanne Voorhees, (504) 345–1171, 1993
Education Treatment Council, 146 Hodges Street, Lake Charles, LA 70601, Giles Gilliam, (318) 433–1062, 1993
Mt. Zion Church (Safety Net), P.O. Box 72, Baton Rouge, LA 70821, Lil Veal, (504) 383–7266, 1994
Father Flanagan's Boys' Home, Boys Town Center, New Orleans, LA 68010, Fr. Val J. Peter, (402) 498–1000, 1994

New Mexico

New Day, 2720 Carlisle Blvd., Albuquerque, NM 87110, Jeff Burrows, (505) 881–5228, 1992
Youth Development, 1710 Centro Familiar S.W., Albuquerque, NM 87105, Augustine C. Baca, (505) 873–1604, 1993
Youth Shelters and Family Services, P.O. Box 8135, Santa Fe, NM 87504, Betty Rangel, (505) 473–0240, 1994

Oklahoma

Cherokee Nation Youth Shelter, P.O. Box 948, Tahlequah, OK Gwen Grayson, (918) 456–0671, 1992
Northern Oklahoma Youth Services Center, 415 W. Grand, Ponca City, OK 74601, Richard Mauldin, (405) 762–8341, 1992
Youth Services of Tulsa County, 1415 E. 8th Street, Tulsa, OK 74120, Janis Walker, (918) 582–0061, 1992
Youth and Family Services of Canadian County, 2404 Sunset Drive, El Reno, OK 73036, Warren Wells, (405) 262–6555, 1992
Northwest Family Services, 328 7th Street, Alva, OK 73717, John Jones, (405) 327–2900, 1992
Youth Services for Stephens County, P.O. Box 1603, Duncan, OK 73534, John Herdt, (405) 255–8800, 1992
Youth and Family Services of North Oklahoma, 2925 North Midway, Enid, OK 73701, Darla Fore, (405) 233–7220, 1992
Payne County Youth Services, 2224 W. 12th, Stillwater, OK 74076, Jim Lunsford, (405) 377–3380, 1992
Youth Services for Oklahoma County, 2915 N. Lincoln, Oklahoma City, OK 73105, Sharon Wiggins, (405) 235–7537, 1993
Marie Detty Youth and Family Service Center, 811 South 17th Street, Lawton, OK 73501, Paul Smith, (405) 248–6450, 1993
Community Children's Shelter, 15 Monroe, N.E., Ardmore, OK 73401, Sandra Ayer, (405) 226–1838, 1994

Texas

Comal County Juvenile Resident, 1414 W. San Antonio Street, New Braunfels, TX 78130, Nancy Ney, (512) 629–4329, 1992
Houston Metropolitan Ministries, 2001 Huldy, Houston, TX 77006, Theodore Shorten, (713) 527–8218, 1992
The Bridge Association (Spruce), 115 West Broadway, Forth Worth, TX 76104, Gary Metcalf, (817) 926–9184, 1992
Youth Alternatives (The Bridge), 3103 West Avenue, San Antonio, TX 78213, Roy Maas, (512) 340–8077, 1992
Youth Alternatives (Stepping Stone), 3103 West Avenue, San Antonio, TX 78213, Roy Maas, (512) 340–8077, 1992
Tropical Texas Center, P.O. Drawer 1108, Edinburg, TX 78540, Polly Adams, (512) 383–0121, 1992
Depelchin Children's Center, 100 Sandman, Houston, TX 77007, Lloyd Lenarz, (713) 861–8136, 1992
Greater San Marcos Youth Shelter, P.O. Box 1455, San Marcos, TX 78667, Jim Grouchy, (512) 754–0500, 1992
El Paso Center for Children, 3700 Altura, El Paso, TX 79930, Sandy Rioux, (915) 565–8361, 1993
YMCA of Dallas, 601 N. Akard Street, Dallas, TX 75201, Kathy Hamilton, (214) 954–0655, 1993
Central Texas Youth Services Bureau, 703 Parmer Street, Killeen, TX 76540, Robert Butts, (817) 634–2085, 1993
The Children's Center, 2127 Avenue M, Galveston, TX, Donald Loving, (409) 765–5212, 1993
Harris County Children's Protective Services (Chimney Rock Center), 6425 Chimney Rock, Houston, TX 77081, Ann Hibbert, (713) 526–5701, 1993
Montgomery County Youth Services, P.O. Box 1316, Conroe, TX 77305, Gretchen Faulkner, (409) 756–8682, 1993
Harris County Children's Protective Services, (Community Youth Services), 6425 Chimney Rock, Houston, TX 77081, Ann Hibbert, (713) 526–5701, 1993
Middle Earth Unlimited, 3708–B South Second Street, Austin, TX 78704, Mitch Weynand, (512) 482–8322, 1994
Lover's Lane, 9200 Inwood Road, Dallas, TX 75220, Charles Green, (214) 691–4721, 1994
Sand Dollar, 103 West Park Lane, Pasadena, TX 77506, John Miller, (713) 473–9135, 1994
Sabine Valley MHMR Center, P.O. Box 6800, Longview, TX 75608, Ron Cookston, (214) 297–2191, 1994
Catholic Family Services, P.O. Box 15127, Amarillo, TX 79105, James Rogers, (806) 376–4571, 1994
Collin Intervention to Youth, 1111 Avenue H, Plano, TX 75074, Kay Goodman, (214) 881–8010, 1994
The Bridge Association, 115 West Broadway, Fort Worth, TX 76104, Jan Viles, (817) 877–1121, 1994
East Texas Open Door, 414 West Burleson Street, Marshall, TX 75670, William Power, (214) 938–1211, 1994
Texas Baptist Children's Home, P.O. Box 7, Round Rock, TX 78680, Jerry Bradley, (512) 255–3668, 1994
Grayson County Juvenile Alternatives, P.O. Box 1625, Sherman, TX 75091, Sarah Frietsch, (913) 893–4717, 1994
Father Flanagan's Boys' Home, Boys Town Center, San Antonio, TX 68010, Val J. Peter, (402) 498–1000, 1994

Region VII

Iowa

Youth and Shelter Services, 217 Eighth Street, Ames, IA 50010, George Belitsos, (515) 233–3141, 1992
United Action for Youth, 311 N. Linn Street, Iowa City, IA 52240, Jim Swaim, (319) 338–7518, 1993
Foundation II, 1251 Third Avenue, S.E., Cedar Rapids, IA 52403, Steve Meyer, (319) 362–2176, 1993
Christian Home Association, North 6th and Avenue E, Council Bluffs, IA 51502, Andrew Ross, (712) 315–1910, 1994
Valley Shelter Homes, 942 Marquette Street, Davenport, IA 52804, John McBride, (319) 323–8094, 1994

Kansas

Wyandotte House, 632 Tauromee, Kansas City, KS 66101, Wayne Sims, (913) 342–9332, 1992
United Methodist Youthville, 900 W. Broadway, Newton, KS 67114, Shirley Dwyer, (316) 283–1950, 1993
Temporary Lodging for Children, 333 E. Poplar, Olathe, KS 66061, Carolyn Thomas, (913) 345–2425, 1993
Wichita Children's Home, 810 North Holyoke, Wichita, KS 67208, Sarah Robinson, (316) 684–6581, 1994

Missouri

Asylum of St. Louis (Marian Hall), 325 N. Newstead, St. Louis, MO 63108, Patricia Bednara, (314) 531–0511, 1992
Synergy House, P.O. Box 12181, Parkville, MO 64152, Jack McClure, (816) 741–8700, 1993
Youth Emergency Service, 6816 Washington Avenue, University City, MO 63130, Earlyne Thomas, (314) 862–1334, 1994
Comprehensive Human Services, 707 North Eighth Street, Columbia, MO 65201, Charles Servey, (314) 874–8686, 1994
Youth in Need, 529 Jefferson, St. Charles, MO 63301, Liza Andrews-Miller, (314) 724–7171, 1994

Nebraska

Youth Service System, 2202 South 11th Street, Lincoln, NE 68502, Mary Fran Flood, (402) 475–3040, 1992
Youth Emergency Services, 3001 Douglas Twin Towers, Omaha, NE 68131, Robert Knott, (308) 635–3089, 1993
Panhandle Community Services, 3350 North 10th Street, Gering, NE 69341, Ruth Vance, (308) 635–3089, 1993
Father Flanagan's Boys' Home, Boys Town Center, Boys Town, NE 68502, Karen Authier, (402) 475–3040, 1994

Region VIII

Colorado

Young Life (Dale House), 821 N. Cascade Avenue, Colorado Springs, CO 80903, George Sheffer, III, (303) 471–0642, 1992
Capital Hill United, 1290 Williams Street, Denver, CO 80218, Gary Sanford, (303) 388–2716, 1992
Volunteers of America, 1865 Larimer Street, Denver, CO 80202, Dianna Kunz, (303) 297–0408, 1993
Pueblo Youth Service Bureau, 612 West 10th Street, Pueblo, CO 81003, Molly Melendez, (303) 542–5161, 1993
Mesa County Department of Social Services, P.O. Box 20000, Grand Junction, CO 81502, Anthony Silva, (303) 241–8480, 1993
Ute Mountain Ute Nation (Sunrise Youth Shelter), General Delivery, Towaoc, CO 813348, Rita Arnett, (303) 565–3751, ext. 213, 1993
Let's Work It Out, 902 Taughenbaugh, #303, Rifle, CO 81650, Debbie Wilde, (303) 625–3141, 1994
Attention, Inc., P.O. Box 907, Boulder, CO 80306, Brie Timms, (303) 447–1206, 1994
Gemini House (Family Tree), 3805 Marshall Street, Wheatridge, CO 80033, Gail Penney, (303) 235–0630, 1994
Comitis Crisis Center, 9840 E. 17th Street, Aurora, CO 80040, Richard Barnhill, (303) 341–9160, 1994
Larimer County Shelter Care, 4432 Poco Drive, Fort Collins, CO 80525, Eric Busch, (303) 226–6984, 1994

Montana

Mountain Plains Youth Services, 709 East Third, Anaconda, MT 59711, Linda Wood, (701) 255–7229, 1992
Blackfeet Tribal Council, P.O. Box 1210, Browning, MT 59417, Violet Butterfly, (406) 338–5871, 1992

North Dakota

Mountain Plains Youth Services, 311 North Washington, Bismarck, ND 58501, Linda Wood, (701) 255–7229, 1992

South Dakota

Mountain Plains Youth Services, 1206 North Third Street, Aberdeen, SD 57401, Linda Wood, (701) 255–7229, 1992
Rosebud Sioux Tribe, P.O. Box 430, Rosebud, SD 57570, Marilyn Gangone, (605) 747–2381, 1993
Red Horse Lodge, P.O. Box 49, Ft. Thompson, SD 57339, Mildred Lengkeek, (605) 245–2448, 1994

Utah

Department of Social Services, 120 North 200 West, 4th Floor, Salt Lake City, UT 84110, Jean Nielson, (801) 538–4100, 1993

Wyoming

Mountain Plains Youth Services, 20 W. Works, Sheridan, WY 82801, Linda Wood, (701) 255–7220, 1992
Attention Home, P.O. Box 687, Cheyenne, WY 82003, Jim Cosgrove, (307) 778–2990, 1992

Region IX

Arizona

Our Town Family Center, P.O. Box 26504, Tucson, AZ 85726, Dennis Noonan, (602) 323–1708, 1992
Children's Village of Yuma, 257 South Third Avenue, Yuma, AZ 85364, Charlene Hicks, (602) 783–2427, 1993
Center for Human Resources, 915 N. Fifth Street, Phoenix, AZ 85004, Michael Garvey, (602) 271–9849, 1994
Open-Inn, 4810 E. Broadway, Tucson, AZ 85711, Darlene Dankowski, (602) 323–0200, 1994
The Navajo Nation, P.O. Box 1599, Window Rock, AZ 86515, Irving Toddy, (602) 871–6744, 1994

California

Ocean Park (Stepping Stone), 1833—18th Street, Santa Monica, CA 90404, Amy Somers, (213) 450–7839, 1992

Santa Cruz Community Center, 117 Union Street, Santa Cruz, CA 95060, Mary Sims, (408) 425–0771, 1992
Tahoe Human Services, P.O. Box 848, South Lake Tahoe, CA 95705, David Hampton, (916) 541–2445, 1992
Klein Bottle, 1235–B Veronica Springs Road, Santa Barbara, CA 93105, David Edelman, (805) 682–8494, 1992
Diogenes Youth Services (Yolo), 2555 Third Street, Sacramento, CA 95818, Lyn Cottingham, (916) 363–9943, 1992
YMCA of San Diego County, 7510 Clairemont Mesa Boulevard, San Diego, CA 92111, Beverly DiGregorio, (619) 292–4034, 1992
San Diego Youth Involvement, 626 South 28th Street, San Diego, CA 92113, Sandra Sandoal, (619) 234–1871, 1992
Bill Wilson Counseling Center, 1000 Market Street, Santa Clara, CA 95050, Sparky Harlan, (408) 984–5955, 1992
South Bay Community Services, 429 Third Avenue, Chula Vista, CA 92010, Kathryn Schroeder, (619) 420–3620, 1992
Mendocino County Schools, 518 Low Gap Road, Ukiah, CA 95482, Jim Levine, (707) 463–4915, 1992
Casa de Bienvenidos, P.O. Box 216, Los Alamitos, CA 90720, Darwin Wagner, (213) 594–6825, 1992
Diogenes Youth Services (Sacramento), 2555 Third Street, Sacramento, CA 95814, Lyn Cottingham, (916) 363–9943, 1992
1736 Family Crisis Center, 1736 Montery Boulevard, Hermosu Beach, CA 90254, Carol Adelkoff, (213) 372–4674, 1992
Larkin Street Services, 1044 Larkin Street, San Francisco, CA 94109, Diane Flannery, (415) 673–0911, 1992
National Center for Immigrant Rights, 256 S. Occidental Boulevard, Los Angeles, CA 90057, Cameryn Schmidt, (213) 388–8693, 1992
Klein Bottle, 412 East Tunnell Street, Santa Maria, CA 93454, David Edelman, (805) 922–0468, 1992
Western Youth Services, 204 E. Amerige Avenue, Fullerton, CA 92632, Jeff Harris, (714) 525–5836, 1993
Children's Home Society, 3200 Telegraph Avenue, Oakland, CA 94609, Pat Reynolds, (415) 655–7406, 1992
Community Human Services, P.O. Box 3076, Monterey, CA 93942, Jo Kenny, (408) 373–3641, 1993
Youth and Family Assistance, 609 Price Avenue, Redwood, CA 94063, Richard Gordon, (415) 366–8401, 1993
Department of Social Services, 4455 E. Kings Canyon Road, Fresno, CA 93750, Robert Whittaker, (209) 453–6408, 1993
Center for Human Services, 1700 McHenry Village Way, Modesto, CA 95350, Linda Kovacs, (209) 526–1440, 1993
Los Padrinos of Southern California, 505 N. Mt. Vernon Avenue, San Bernardino, CA 92411, Timothy Gergen, (714) 888–5781, 1993
Youth and Family Assistance, 609 Price Avenue, Redwood City, CA 94063, Richard Gordon, (415) 366–8401, 1993
Orange County Youth and Family Services, 2050 W. Chapman Avenue, Orange, CA 92668, Kevin Meehan, (714) 978–6696, 1993
Individuals Now, 1303 College Avenue, Santa Rosa, CA 95404, Adam Jacobs, (707) 544–3299, 1994
C.S.P. South County Youth Shelter, 980 Catalina, Laguna Beach, CA 92651, Karen Cervenka, (714) 494–4311, 1994
Santa Clara Social Advocates, 509 View Street, Mountain View, CA 94041, Paul Schutz, (408) 253–3540, 1994
Los Angeles Youth Network, 1944 N. Cahuenga Boulevard, Los Angeles, CA 90068, John Peel, (213) 466–6200, 1994
Central City Hospitality House, 146 Leavenworth Street, San Francisco, CA 94102, Ann O'Halloran, (415) 776–2101, 1994
Catholic Charities, 1400 W. 9th Street, Los Angeles, CA 90015, Bill White, (213) 251–3496, 1994
San Diego Youth and Community Services, 3878 Old Town Avenue, San Diego, CA 92110, Liz Shear, (619) 297–9310, 1994
Interface Community, 1305 Del Norte Road, Camarillo, CA 93010, Charles Watson, (805) 485–6114, 1994
Youth Advocates (Nine Grove Lane), 285—12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668–2622, 1994
Youth Advocates (Huckleberry House), 285—12th Avenue, San Francisco, CA 94118, Bruce Fisher, (415) 668–2622, 1994
Fresno County Economic Opportunity Commission, 1920 Mariposa Mall, Suite 300, Fresno, CA 93721, Joe Williams, (209) 263–1012, 1994
Operation Safehouse, Inc., 11980 South Mt. Vernon, Grand Terrace, CA 92324, Amy Harrison, (714) 783–8400, 1994
City of Oceanside, 300 North Hill Street, Oceanside, CA 92054, John Mamaux, (619) 966–4411, 1994
Redwood Community Action Agency, 904 G Street, Eureka, CA 95501, Lloyd Throne, (707) 445–0881, 1994
Emergency Housing Consortium, P.O. Box 2346, San Jose, CA 95109, Barry Del Buono, (408) 298–9657, 1994
Hoopa Valley Business Business Council, P.O. Box 1348, Hoopa, CA 95546, Dale Risling, (916) 625–4211, 1994
Hollywood Community Services Project, 1754 Taft Avenue, Hollywood, CA 90028, Leslie Forbes, (213) 467–1932, 1994

Hawaii

Hawaii Youth Services Network, 2146 Damon Street, Honolulu, HI 96822, Sam Cox, (808) 946–3635, 1994

Nevada

Community Runaway and Youth Service, 1135 Terminal Way, Reno, NV 89502, Carol Holliday, (702) 323–6296, 1994
WestCare, 401 S. Highland Drive, Las Vegas, NV 89106, Richard Steinberg, (702) 385–2020, 1994

Palau

Palau Community Action Agency, P.O. Box 3000, Koror, Republic of Palau 96940, Doroteo Nagata, Phone 4882–469 (Operator Assistance Needed), 1993

Guam

Sanctuary, P.O. Box 21020—GMF, Guam, CM 96921, Tony Champaco, (671)734–2861, 1993

CNMI

Commonwealth of the Marianas, Department of Community Cultural Affairs, Saipann, CM 96950, Margarita Olopai-Taitano, (670) 322–9366, 1993

Region X

Alaska

Alaska Youth and Parent Foundation, 3745 Community Park Loop, Anchorage, AK 99508, Sheila Gaddis, (907) 274–6541, 1992
Fairbanks Native Association, 310 First Avenue, Fairbanks, AK 99701, Banarsi Lal, (907) 452–6201, 1992
Juneau Youth Services, P.O. Box 32839, Juneau, AK 99803, Betty Jo Engelman, (907) 789–7610, 1994

Idaho

Bannock Youth Foundation, P.O. Box 2072, Pocatello, ID 83206, Stephen Mead, (208) 234–2244, 1992
Hays Shelter Home, 1122 Wild Phlox Way, Boise, ID 83709, Tracy Everson, (208) 322–6744, 1992

Oregon

Youthworks, 1307 W. Main Street, Medford, OR 97501, Maureen Koopman, (503) 779–2393, 1992
Northwest Human Services, 555—13th Street, Salem, OR 97301, Mary Beth Thompson, (503) 588–5828, 1993
J Bar J Ranch, 62895 Hamby Road, Bend, OR 97701, Craig Christiansen, (503) 389–1400, 1993
Janis Youth Programs, 738 N.E. Davis, Portland, OR 97232, Dennis Morrow, (503) 233–6090, 1994

Looking Glass, 44 West Broadway, Eugene, OR 97401, Galen Phipps, (503) 689–3111, 1994

Washington

Seattle Youth and Community Services, 1545—12th Avenue South, Seattle, WA 98144, Victoria Wagner, (206) 329–7984, 1992
Community Youth Services, 924 Fifth Avenue, S.E., Olympia, WA 98501, Barbara Branstetter, (206) 943–0780, 1993
Auburn Youth Resources, 816 F Street, S.E., Auburn, WA 98002, Richard Brugger, (206) 939–2202, 1993
Pierce County Alliance, 710 S. Fawcett, Tacoma, WA 90402, Terree Schmidt-Whelan, (206) 572–4750, 1993
Northwest Youth Services, P.O. Box 1449, Bellingham, WA 98227, Michael Tyers, (206) 734–9862, 1994
EPIC, 1910 Englewood, Yakima, WA 98902, Ed Ferguson, (509) 248–3950, 1994
Friends of Youth, 2500 Lake Washington Blvd. N., Renton, WA 98056, J. Howard Finck, (206) 228–5775
United Indians, P.O. Box 99100, Seattle, WA 98199, Bernie Whitebear, (206) 285–4425, 1994

[FR Doc. 92–5987 Filed 3–19–92; 8:45 am]
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federal register

Friday
March 20, 1992

Part IV

Department of Health and Human Services

Administration for Children and Families

Youth Gang Drug Prevention Program; Availability of Funds and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF-92-4]

Youth Gang Drug Prevention Program; Availability of Fiscal Year 1992 Funds and Request for Applications

AGENCY: Administration on Children, Youth and Families (ACYF); Administration for Children and Families (ACF).

ACTION: Announcement of the availability of funds and request for applications under the Youth Gang Drug Prevention Program.

SUMMARY: The Family and Youth Services Bureau (FYSB) of the Administration on Children, Youth and Families (ACYF) announces the availability of funds for competing discretionary grants under the Youth Gang Drug Prevention Program. The purpose of this program is to conduct community-based, comprehensive, and coordinated activities to reduce and prevent the involvement of youth in gangs that engage in illicit drug-related activities.

This announcement describes the grant application process and covers five demonstration priority areas: (A1) Community-Based Consortia; (A2) Adolescent Females at Risk of Gang Participation; (A3) Employment Programs for Youth at Risk of Gang Participation; (A4) New Immigrant and Refugee Youth Gangs; and (A5) Gangproofing Young Children; and three research priority areas: (B1) Gang Families; (B2) Effects of Violence on Young Children; and (B3) Identification of Factors Which Predispose a Youth to Avoid Gang Involvement.

DATES: The closing date for submittal of applications under this announcement is May 19, 1992.

ADDRESSES: Application receipt point: Youth Gang Drug Prevention Program, Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, room 341–F.2, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, Attn: Mary White, ACF–92–X.

FOR FURTHER INFORMATION CONTACT: Department of Health and Human Services, ACF/ACYF, Family and Youth Services Bureau, Division of Program Support, ATTN: Maria T. Candamil, P.O. Box 1182, Washington, DC 20013. Telephone (202) 245–0074.

SUPPLEMENTARY INFORMATION: This program announcement consists of three parts. Part I provides a brief history of youth gangs and their involvement with drugs; a summary of FYSB grants previously funded under this program, along with a discussion of how these grants have added to existing knowledge about gangs and enhanced FYSB's ability to provide prevention services to youth in at-risk situations; and a brief review of FYSB-funded activities in support of these grantees. Part II describes the review process under which applications will be considered. Part III details the programmatic priorities for which proposals are being solicited and describes the minimum requirements for each priority. Part IV provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow part IV. Please copy and use these forms in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

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Part I—Introduction

A. Historical Perspective

Youth gangs are not a new phenomenon in this country. Dolan and Finney (1984) document the rise of young Irish street gangs operating in New York City in the late 1800s. At the same time Mexican gangs known as Palomillos crossed the border to settle in rural Texas. While the Irish gangs slowly became assimilated into the dominant society, gangs within the Mexican-American or Chicano culture became institutionalized within their own communities. One reason may be that the Chicano gangs were distinctive from the dominant society in terms of appearance and language. In addition, the Chicano culture saw membership and participation in gangs as a normal right of passage to adulthood for young males.

The post World War II era saw a resurgence of gangs spurred by a major shift in the population from rural areas to urban centers. Racial and ethnic minority youth sought out other members of their racial and ethnic minority group in their new urban environment and created gangs for support and self-protection. As Chicanos moved from rural to urban areas, they took their palomillo tradition with them. In its new environment the palomillo tradition took on a flashier, more urban appearance. It was called pachuco and was characterized by zoot-suit clothing and the use of an English-Spanish slang. In Los Angeles, the center of pachuco, violence erupted in race riots, the zoot suit wars, between returning Anglo servicemen and Chicano youth. The fact that many Chicano youth dressed according to the pachuco style, but were not members of a gang, did not save them from becoming victims of the violence (Moore 1985).

Black youth migrating from the rural south to northern urban centers such as Detroit, Chicago, Boston and Minneapolis went through a transformation very similar to that of the Chicano youth. Both groups formed turf gangs that gave the youth a sense of identity, and provided them with a

support system as well as a means of passage to adulthood. Inter-gang urban violence increased as more young people migrated into a neighborhood and gangs attempted to increase their turf.

B. Youth Gangs Today

In the late 1970s and early 1980s, youth gangs experienced another metamorphosis; many gangs started to specialize in marketing and distributing illegal drugs such as heroin, crack and cocaine. The Hoover Street Crips and the Bloods of Los Angeles are probably the best known of these gangs.

An interesting phenomenon is gang migration and franchising. The El Rukns, a Black gang which was originally established in Chicago in the late 1980s, unsuccessfully attempted to move its operations to St. Paul, Minnesota, after police pressure became too great in Chicago. The El Rukns failed to encourage large numbers of local youth to join the gang and thereby establish a strong base. Other Chicago gangs such as the Disciples, Vice Lords and the Latin Kings learned from the mistakes of El Rukns and established successful networks of affiliated gangs that stretch from Chicago to Minneapolis and St. Paul. This franchising effort has dramatically increased the gangs' abilities to traffic in drugs and weapons across the Midwest.

Among the most recent trends has been the emergence of new ethnic gangs which have developed as a result of the influx of third-world immigrants. Previously, Asian immigrants were primarily Chinese and Japanese who lived in well-defined areas in urban centers and maintained relatively closed communities. Problems such as crime and youth violence were kept within the community. The latest migration of immigrants consists of diverse subgroups of Southeast Asians, among them Amerasians, who are not residing in traditional Asian neighborhoods, but who are involved in youth gang activities.

Many Hispanic youth who immigrated to this country to escape totalitarian governments or war and poverty in their own countries (for example, Cuba and El Salvador) came unaccompanied. While some joined relatives or friends of their families, many soon had, or chose, to fend for themselves. As a substitute for their missing family support systems and as a survival mechanism they either joined existing Hispanic gangs or, in most cases, formed their own gangs which competed with the traditional Puerto Rican and Chicano gangs. Some established themselves in areas with little or no previous gang activity, such as Miami.

Recent studies by Spergel (1984) and others report the existence of youth gangs in every State. The prevalence of gangs and associated illicit drug-related activity is widespread. It is estimated that 300 cities (i.e., 13 percent of all U.S. cities with 10,000 or more inhabitants) are experiencing problems with youth gangs. While smaller cities and suburban areas are experiencing an increase in youth gang activities, the strongest presence is in major population centers.

In response to the Administration on Children, Youth and Families' (ACYF) first announcement on the availability of discretionary funds for the Youth Gang Drug Prevention Program, applications were received from public and private agencies in 36 States and the District of Columbia. While ACYF expected to receive applications from States that are traditionally associated with youth gangs (California, Illinois, and New York), almost one-third were from cities and towns in States not traditionally associated with youth gangs. Proposals were received from such States as Iowa, Idaho, Kentucky, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

C. Youth Gangs and Drugs

Associated with the recent increase in youth gang formation is the increase in youth gang violence and involvement in the use and sale of drugs. Definitive national data are not available; however, it is evident that, since the mid-1980s, extensive drug use and sales by gang members have been on the increase in cities both large and small. While many jurisdictions still have traditional "turf-oriented" gangs, there is an increasing variety of gang patterns in many areas. For instance, Taylor (1990) describes Detroit's gangs as more entrepreneurial and business oriented. These gangs are frequently led by adults who use adolescent members to distribute and sell drugs. The gangs shun traditional gang trappings such as "colors", clothing styles and graffiti, since that would draw the attention of law enforcement officials. These gang members also eschew the use of "hard core" drugs (e.g., cocaine, crack, ice, and heroin), which they see as counterproductive to their business ventures.

Police and juvenile justice officials confirm that a significant number of gangs are more focused on the use and sale of illicit drugs than on traditional turf issues. Drug dealing gangs view turf not in terms of neighborhood but in terms of marketing areas, ranging from particular street corners in their neighborhoods to other communities throughout the country. As stated earlier, gang members form large urban areas, such as the Crips and the Bloods, are involved with interstate drug traffic. Evidence also suggests a franchising effort on their part to smaller communities around the country. In many areas, this activity has led to the emergence of new youth gangs and associated criminal activity among youth members in these smaller communities.

D. Youth Gang Drug Prevention Program

In response to these issues, Congress enacted the Drug Education and Prevention Relating to Youth Gangs program as part of the Anti-Drug Abuse Act of 1988, section 3501 of Public Law 100–690, 42 U.S.C. 11801 *et seq.* The specific purposes of Section 3501 are to:

1. Prevent and reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities;

2. Promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes;

3. Prevent the abuse of drugs by youth, educate youth about such abuse, and refer for treatment and rehabilitation members of such gangs who abuse drugs;

4. Support activities of local police departments and other law enforcement agencies related to the conduct of educational outreach activities in communities in which gangs commit drug-related crimes;

5. Inform gang members and their families about the availability of treatment and rehabilitation services for drug abuse;

6. Facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes; and

7. Facilitate coordination and cooperation among local education, juvenile justice, employment, and social services agencies, and drug abuse referral, treatment and rehabilitation programs for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes.

The legislation specifically identifies ACYF as the administering agency to emphasize that the program is intended to be social service-based, rather than criminal justice-based. Indeed, a very similar program in the Anti-Drug Abuse Act of 1988, but with a criminal justice focus, was established as part of the Juvenile Justice and Delinquency

Prevention Act and is being administered by the Department of Justice.

Although authorized in FY 1988, the program received its first appropriation of $15 million in FY 1989. Since 1989, ACYF has awarded almost $28 million to fund 84 State and local efforts to respond to the nation's youth gang problem. These grants range from $1,000,000 community-based consortia projects in large urban centers, such as Denver and Los Angeles, to $50,000 planning projects in small communities, such as Caldwell, Idaho, and Santa Rosa, California.

These efforts are designed to:

- Expand ACYF's understanding of why youth become involved in gangs;
- Demonstrate and assess effective measures for preventing the futher recruitment and involvement of youth in at-risk situations in gang activities; and
- Develop successful, replicable model approaches that prevent youth involvement in gangs and illegal drug activities.

Since there in no single cause for youth's involvement in gangs, there is no single prevention model. Many agencies have focused on community organization activities in an effort to have the community solve its own problems. For example, one previously-funded agency instituted Community Support Groups which meet monthly on block and school safety issues and has developed a newsletter and a youth resource directory. Another agency uses block-by-block organizing to mobilize neighborhood residents against drug trafficking and gang violence. Residents operate "phone-trees" to gather information on new drug trafficking sites, graffiti, or gang meeting sites. This information is then relayed to law enforcement officials. Residents also march as a group through these areas to bring unwanted publicity to the dealers and gangs.

Other grantees center many of their activities around or in local schools. Many grantees conduct tutoring, recreation, outward bound activities, and cultural programs on school grounds or in nearby locations after normal school hours or during summer vacation. One grantee has instituted school-based leadership clubs and community-based outreach clubs. Another grantee organized a youth conference conducted by and for students who developed a series of recommendations to help stop violence and destructive behaviors. In another community, a grantee is working with two elementary schools to implement a self-esteem curriculum which includes planning for a successful journey; keeping your eye on your attitude; using your common sense; and making full use of your abilities.

Whether delinquency is explained in terms of choice, developmental, or social process theory, all three explanations link the impact of the family, its values, and its behaivors with the child's chances for delinquent or lawful behavior. Therefore, another popular approach being tested by many of the grantees is to empower families. Parenting classes are conducted to help teach parents effective techniques for dealing with discipline, setting goals, understanding their repsonsibilities and rights, and developing positive relationships with their children. One grantee has established a "School for Parents." In order to develop an effective curriculum, the instructors meet with the children of the enrollees to explore their particular needs. These needs provide the basis for the content of the school sessions for the parents. Another grantee's Board of Directors has taken a one-to-one approach through "Adopt a Family" under which they provide help to families in the areas of housing, financial matters, schooling or whatever the families need in order to achieve their goals for their children.

Gang activity is violent activity. Several grantees have, therefore, specifically focused on lessening the violence in their communities. One grantee held a Gang Summit which focused on developing a "peace plan" and code of conduct between rival gangs. As a follow-up, "Monday Night Meetings" were conducted every other week to get youth from various gangs together to work on conflict resolution, anger management, cultural awareness and other issues. Another grantee provides street outreach on a daily basis with hard-core gang members and acts as a mediator to resolve disputes before they lead to violence.

Finally, several grantees are using "rites of passage" programs as a substitute for gangs. These programs are based on the theoretical work of Herbert Block and Arthur Niederhoffer, who suggest that gangs provide a mechanism for bridging the gap between the freedom of childhood and the responsibilities of adulthood. Gang processes and functions parallel the puberty rites of primitive cultures. For example, tattoos, graffiti, modes of dress, participation in illegal activities, adoption of a "street" name and gang initiation ceremonies (a new member is physically beaten by some or all of the members) are similar to the rites and behavior patterns of primitive societies. These rites are designed to show that the youth has left childhood and has assumed a new identity within the adult group. Some grantees have designed positive activities that are centered around cultural values to help youth accomplish the transition from childhood to adulthood. One grantee developed a culturally-based leadership training program for 13-18 year olds. To participate in the program, the youth must be recommended by a faculty member, maintain a 2.0 grade point average, write an essay and have a parent/guardian attend an orientation meeting. The youth attend a 60 hour classroom course, including a 3-day live-in seminar, and are evaluated during a 60-hour field experience. The curriculum includes philosophy and styles of leadership, preceptions and beliefs, group process and dynamics, individual and group assessment processes, and yin/yang theory.

A major emphasis of the Youth Gang Drug Prevention Program has been on supporting the development of community-based consortia to conduct innovative, comprehensive approaches to the current and emerging problems of youth gangs and their involvement with illicit drugs. Each consortium is a broadbased partnership which draws upon the resources, expertise, energies and commitments of many different groups within the community.

Consortia lead agencies and their memberships vary widely. One consortium is headed by a State agency but includes city, school and community-based organizations of three separate political jurisdictions. Another consortium consists of several city agencies that are focusing their efforts on public housing developments. Several consortia which are headed by, and consist of only, community-based organizations have also been funded.

In order to help communities with emerging gang problems and to help communities with established gangs but with no cohesive prevention strategy, 12 community planning grants were awarded in FY 1990. It is hoped that by the end of the two-year funding period, these grantees will be able to build the framework for successful consortia and/or other intervention strategies.

Most grantees point to a dramatic increase in the number of youth who "wanna-be" members of gangs. Although these youth operate at the fringe of gangs, they are susceptible to being lured deeper into the gang and its illegal activities, at-risk of the violence surrounding the gang and apt to dabble in drug use and/or trafficking. These "wanna-be's" are young, starting their involvement at 8–9 years of age. For this reason, one grantee has developed a curriculum which uses puppetry and self-esteem building exercises to teach kindergartners through third graders gang awareness and drug prevention.

Evidence also indicates that there are more adolescent females actively participating in gangs and illegal drug activities than previously estimated (Campbell 1984 and Moore 1991). The problem of females involved in gang activities is national in scope and crosses racial and ethnic lines. Seven projects that were funded in 1990 to work specifically with adolescent females are all urban-based and tend to focus on a particular racial or ethnic group or sub-group (i.e., Native American, Puerto Rican, Chicano, African-American). One strategy that is being used successfully by these grantees is to build on the young girls' cultural heritage. In many instances a young girl's knowledge of what it means to be a woman in her community is based on negative stereotypes rather than on cultural accuracy and positive role models. These programs contain many of the same components as the programs that are traditionally delivered to boys in at-risk situations; however, they are focused on the gender-specific concerns of females such as the linkage between self-esteem and interpersonal relationships between the sexes.

Because of the lack of current data dealing with existing gangs and their involvement with illegal drugs, ACYF funded six field initiated research projects in FY 1990. These grants, which are focused on a specific community or State, will enhance FYSB's knowledge about youth gang dynamics by examining gang demographics, youth gang structures and operations, the extent of youth gang involvement in drug abuse, and the effects of gang membership on youth.

In addition to funding demonstration grants, ACYF has funded a contract to evaluate the Youth Gang Drug Prevention Program. The study has four objectives:

- To describe the implementation of prevention projects;
- To assess the influence of the policy environment on the prevention projects;
- To describe the activities of prevention projects and the youth who participated in them; and
- To assess the effectiveness of the prevention projects.

ACYF expects to receive preliminary findings by the end of FY 1992.

ACYF also funded a contract to provide training and technical assistance to grantees under the Youth Gang Drug Prevention Program. Technical assistance has included:

- Organizing a three day national conference for all grantees to improve their grant administration procedures and to share different approaches to youth gang prevention;
- Delivering on-site management and programmatic assistance;
- Helping a community organize and conduct a gang-awareness forum; and,
- Conducting a forum to deliberate on youth gang research findings from grantees and non-grantees.

Other agencies of the Federal government are also supporting numerous activities to prevent substance abuse and delinquency among at-risk youth. The Office of Substance Abuse Prevention (OSAP), Department of Health and Human Services; the Office of Juvenile Justice and Delinquency Control and the Bureau on Justice Assistance, Department of Justice; and the Office for Drug-Free Neighborhoods, Department of Housing and Urban Development are sources of information for such activities at the community level. For information on their programs, applicants may contact:

National Clearinghouse for Alcohol and Drug Information, 6000 Executive Boulevard, suite 402, Rockville, Maryland 20852, (301) 468–2600.

National Criminal Justice Reference Service, Box 6000, Department F, Rockville, Maryland 20850, (301) 251–5194.

HUD Drug Information and Strategy Clearinghouse, P.O. Box 6242, Rockville, Maryland 20850, (800) 245–2691—in Maryland (301) 251–6154.

Part II—The Review Process

A. Eligible Applicants

Before applications are reviewed, each application will be screened to determine that the applicant organization is an eligible applicant as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition and the applicant will be so informed.

Any public (State, county, city, and housing authority) or non-profit private agency or organization (including community-based organizations and tenant organizations with demonstrated experience in this field), institution or other non-profit entity (including individuals) is eligible to apply under any of the priority areas. In support of the Department of Health and Human Services' (HHS) priority objective to target services to minority males, ACYF encourages applications under this announcement from agencies and organizations that have received coalition grants from the Office of Minority Health in HHS to continue their activities and implement new or expanded services to minority males. In the case of applications developed jointly by more than one organization, the applicant must identify only one organization as the lead organization and official applicant. The other participating organizations can be included as co-participants, subgrantees, or subcontractors.

Any non-profit agency which has not previously received HHS support must submit proof of non-profit status with its grant application. The non-profit agency can accomplish this by either making reference to its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or by submitting a copy of its letter from the IRS under IRS Code section 501(c)(3). ACF cannot fund a non-profit applicant without acceptable proof of its status.

B. Review Process and Funding Decisions

Applications that are submitted by the deadline date and are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the evaluation criteria listed later in this part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ACYF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. ACYF may also solicit comments from other Federal agencies, Central and Regional Office staff, interested foundations, national organizations, specialists, experts, States and the general public. The results of the competitive review will be analyzed by Federal staff and will be the primary factor taken into consideration by the Associate Commissioner, Family and Youth Services Bureau, who will recommend to the Commissioner of ACYF the programs to be funded.

To the extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. Equitable distribution, however, recognizes that some parts of the country have a greater need for youth gang drug prevention services due

to higher numbers of youth actively involved in youth gangs and illegal drug activity. Section 3503 of the authorizing legislation requires ACYF to give priority to applicants in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth and whose applications demonstrate broad support of community-based organizations. In making funding decisions, the Commissioner may also take into account the need to avoid unnecessary duplication of effort.

C. Evaluation Criteria

The evaluation criteria correspond to the outline for the development of the Program Narrative Statement of the application. Applications will be reviewed by a panel of at least three reviewers, primarily experts from outside the Federal government, using the criteria described below. It is crucial that the Program Narrative Statement address each of the criteria in terms of the minimum requirements in the priority area description.

Reviewers will determine the strengths and weaknesses of each proposal in terms of the four evaluation criteria listed below, provide comments and assign numerical scores accordingly. The point value following each criterion heading indicates the maximum numerical weight that each section will be given in the review process.

1. Objectives and Need for Assistance (20 Points)

The application pinpoints any relevant physical, economic, social, financial, institutional, or other problems requiring a solution; demonstrates the need for the assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. It identifies the precise location of the project and area to be served by the proposed project. Maps and other graphic aids may be attached.

2. Results or Benefits Expected (20 Points)

The application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the proposal and indicates the anticipated contributions to policy, practice, theory and/or research. The proposed project costs are reasonable in view of the expected results.

3. Approach (35 Points)

The application outlines a sound and workable plan of action pertaining to the scope of the project and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. It lists the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.

To the extent applicable, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. It describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

4. Staff Background and Organization's Experience (25 Points)

The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background, and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

D. Explanation of Priority Area Descriptions

Each priority area description is composed of the following sections:

- *Purpose:* This section presents the basic focus and/or broad goal(s) of the priority area.
- *Background Information:* This section briefly discusses the legislative background, as well as the current state-of-the-art and/or current state-of-the-practice that supports the need for the particular priority area activity.
- *Minimum Requirements for Project Design:* This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. The inclusion and discussion of these items is important since this information will be used by the reviewers in evaluating the applications. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed. All applications must include in their budgets a two-day trip to Washington, DC for the project director to attend a Grant Implementation Training Session. For planning purposes the training session will be held during the first quarter of the grant project period. Applicants should also be aware that the Family and Youth Services Bureau plans to conduct a national conference in the Washington DC area during October 1992. It is mandatory that at least the project director attend this three-day conference. All applications must include in their budgets funds for this conference.
- *Project Duration:* This section specifies the maximum allowable length of time for the project period; it refers to the maximum amount of time for which Federal funding is available.
- *Federal Share of Project Costs:* This section specifies the maximum amount of Federal support for the project.
- *Matching Requirement:* This section specifies the minimum non-Federal contribution, either through cash or in-kind match, that is required in proportion to the maximum Federal funds which can be requested for the project.

Please note that applicants that do not comply with the specific priority area requirements in the section on "Eligible Applicants" will not be included in the review process. Applicants should also note that non-responsiveness to the section "Minimum Requirements for Project Design" will result in a lower evaluation score by the panel of expert reviewers.

Applicants must clearly identify the specific priority area under which they wish to have their application considered and tailor their application accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

E. Available Funds

ACYF intends to award new grants for approximately $8.5 million under this announcement during fiscal year 1992, subject to the availability of funds. The size of the actual awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term "budget period" refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term "project period" refers to the total time a project is approved for support, including any extensions.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon proof of satisfactory performance and the availability of funds from future appropriations.

F. Grantee Share of Project Costs

Other than the exceptions described below, Federal funds will be provided to cover up to 75% of the total allowable project costs. Therefore, the non-Federal share must amount to at least 25% of the total (Federal plus non-Federal) project cost. This means that for every $3 in Federal funds received, up to the maximum amount allowable under each priority area, applicants must contribute at least $1. For example, the cost breakout for a project costing $100,000 to implement would be:

Federal request	Non-federal share	Total cost
$75,000 75%	$25,000 25%	$100,000 100%

Exception: Projects funded under Research Priority Areas B1–B3 do not require a non-Federal match.

G. Cooperation in Evaluation Efforts

Grantees funded under particular priority areas may be requested to cooperate in evaluation efforts funded by ACYF. A statement is included in the priority area description of those priority areas involving common ACYF-funded evaluators. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular priority area. To the degree possible, grantees under these priority areas will be expected to coordinate their data gathering efforts with one another, as appropriate, under the direction of the ACYF-supported evaluator.

H. Closed Captioning for Audiovisual Efforts

Applicants are encouraged to include "closed captioning" in the development of any audiovisual products.

Part III—Priority Areas

A. Demonstration Projects

A1. Community-Based Consortia

Purpose: ACYF intends to fund approximately 5–12 projects under this priority area to support the establishment of community-based consortia. The consortia will develop innovative, comprehensive approaches to youth gang and drug abuse prevention through the implementation of projects and activities in support of the purposes identified in section 3501 of the Anti-Drug Abuse Act of 1988. For this priority area, a community-based consortium is defined as a formal partnership among at least three city, county, town, neighborhood, or other local level organizations that have the capacity to generate sustained, collaborative, community-wide commitment and support for strategies which address the issues of youth gangs. Membership in these consortia should represent community-based organizations and local social service, employment, juvenile justice agencies and schools. Depending upon the type of activities to be carried out, the organizations represented by a consortium may include, but are not limited to, the following types of public and private sector organizations: Voluntary agencies, law enforcement agencies, local government agencies, recreation agencies, businesses, churches, foundations, medical facilities, resident/tenant councils (when serving public housing residents), institutions of higher education and established youth serving agencies such as Boys and Girls Clubs, YMCAs, and YWCAs.

Background: Preliminary results from the 16 Community-Based Consortia which were funded for 3 years beginning in FY 1989 have shown that broadbased partnerships which draw upon the resources, expertise, energies, commitment and ideas of many different groups and individuals are needed to undertake concerted efforts at the community level to prevent and divert children and youth from becoming members of gangs and to intervene in the lives of youth who are already involved in gangs.

ACYF is especially interested in funding applications that build on the knowledge gained from these initial grants. Consortia that are successful in terms of impacting community policy appear to be those which share decision-making among the consortium members. For example, some consortia have developed strong committee structures using a modified consensus decision-making process. The committees are responsible for ensuring that the project's objectives are met, resolving service and administrative issues, and designing long-term strategies.

ACYF has also found that successful consortia are those which provide a wide range of services for youth and their families and which involve the youth and their families in identifying and designing the types of services to be provided. For example, one consortium has sought continuous program input from the Resident Councils at each of the public housing sites in which it operates. By focusing multiple Federal, State and city funding sources on the needs of these residents, it has designed a comprehensive continuum of services for all members of the communities. While the ACYF grant provides funding for gang prevention activities for youth ages 8–16 such as after school tutoring, recreation and cultural activities, U.S. Department of Labor funds under the Job Training and Partnership Act program are used for GED classes and job preparation skills development for older youth and adults. The physical sites are funded through the U.S. Department of Housing and Urban Development.

The types of initiatives to be funded under this priority area will vary, depending on the size, demographic make-up, and need of each community. Since current grantees have demonstrated that public housing sites are often centers for gangs and their illegal activities, we strongly encourage applications by consortia that will be based in, and provide services to the residents of, public housing units.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

Minimum Requirements for Project Design: In addition to addressing the

criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the consortium (see part I). (Objectives/Need)
—Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activity (if available) of the youth and families to be served. (Objectives/Need)
—Describe what makes the proposal innovative, including information on how it builds upon existing service delivery systems; expands service delivery capabilities; and/or differs from current services available within the community. If you are currently receiving an OSAP Community Partnership grant or an anti-crime community grant, describe how this project will differ from or collaborate with those services. (Objectives/Need)
—Provide an estimate of the number and characteristics of the youth and families to be served and the results expected from the services to be provided. (Results/Benefits)
—Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
—Describe how program planning and implementation will be documented so that information on successes and lessons learned can be disseminated and used in other communities. (Results/Benefits)
—Describe how the approach to be used in dealing with youth at-risk of gang involvement and their illegal drug activities is innovative; and how the applicant proposes to promote and support community ownership of and involvement in reducing the presence of gangs in the community. (Approach)
—Demonstrate how the applicant can assume leadership responsibility for coordinating the activities and disbursing funds to other members of the consortium within 60 days of the receipt of the award. Identify the organizational structure of the consortium including the overall leadership, guidance, decision-making procedures for consortium membership, and describe the methodology for ensuring coordination of consortium activities. (Approach)
—Provide a written agreement signed by each consortium member outlining each member's responsibilities and including a description of the services to be provided; the method of delivery; organizational capability for providing these services; the total amount of funds to be disbursed to each member; and the period of time covered by the agreement. (Approach)
—Provide a detailed description of the proposed prevention, intervention, diversion, education, youth involvement, treatment referral, outreach strategies and community-based collaboration and coordination efforts that will be carried out by consortium members. (Approach)
—Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
—Provide a detailed plan showing how the consortium will generate the financial, programmatic, political and other types of support and commitment that will be required for its continued operation beyond the period of Federal support. (Approach)
—Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the consortium's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Approximately 5 percent of the grantee's proposed budget should be set aside for the evaluation effort. Preference will be given to applicants who propose a outside evaluator and a plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. (Approach)
—Provide a detailed outline of the budget requirements for the project activities to be undertaken by each consortium member. (Approach)

Project Duration: The length of the project must not exceed five years. Support for years two through five will be contingent upon availability of Federal funds and satisfactory performance by the grantee.

Federal Share of Project Costs: Up to $750,000 a year, which equal a maximum of $3,750,000 for a 5-year period. Up to 10 percent of the Federal funds per year ($75,000) may be designated by the applicant for administrative costs related to coordination of consortium activities.

Matching Requirement: The minimum non-Federal matching requirement in proportion to the maximum Federal share of $750,000 per year is $250,000. Over the span of a 5-year project, the non-Federal matching requirement for a project whose maximum Federal share is $3,750,000 is $1,250,000. This constitutes 25 percent of the total project budget.

A2. Adolescent Females At Risk of Gang Participation

Purpose: Four to ten grants will be awarded to projects that develop models focusing exclusively on the delivery of prevention and intervention services to adolescent females who are at risk of, or are participating in, youth gangs and their illegal activities.

Background: In FY 1990, seven three-year demonstration grants were awarded under this priority area. These grantees, along with grantees funded under other priority areas, have corroborated our initial assertions regarding the increasing participation of adolescent females in youth gangs. Unfortunately, compared to the data on male gang members, there remains a paucity of information on female gang members. In addition there is a disparity in the services and the attention that is focused on young girls and their unique problems as they go through adolescence. This may be as a result of society's different expectations of young people based on gender.

ACYF emphasizes the importance of developing projects for girls during the critical stages of puberty that address their psychological and emotion needs. A report issued in 1991 by the American Association of University Women regarding the sense of self of girls and boys in elementary, middle and high schools found that approximately 60 percent of the girls enter adolescence with high self-esteem. However, only 29 percent of the girls at the middle and high school levels say that they were happy about themselves. The report also points out that society's gender stereotyping may also lead to lower levels of self-esteem by girls as they become more aware of how their families and communities view them.

Family dysfunction and community alienation may also be causal factors which contribute to a young girl joining a gang. Compounding the problem is the increase in autonomous female gangs and greater participation by females in violent activities. Support will be given to projects which identify and work with these female youth and their families to prevent and divert these females from gang involvement and the accompanying violence.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of the application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the grantee (see part I). (Objectives/Need)
—Provide a detailed discussion of the emerging or current youth gang problems and issues in the target community as they relate to adolescent females, including data on the number, age, ethnic background, and drug-related gang activity (if available) of the female youth and their families to be served (Objectives/Need)
—Identify and document the relevant issues to be addressed by the project such as: Lack of positive role models within the community; barriers to the fulfillment of parental roles; families in crisis; abuse and violence within the family; family substance abuse; different types of family structures; traditional family gang involvement and ethnic/cultural differences. (Objectives & Need)
—Describe the specific reasons why young girls join gangs in the target community and their social and economic interactions with male gang members. (Objectives/Need)
—Estimate the number and characteristics of the female youth population to be served and the results expected from the services to be provided. (Results/Benefits)
—Describe how the project will impact on the long-term future of the female participants' health, children (if any), welfare and how it will impact on their growing propensity to participate in violent criminal activities. (Results/Benefits)
—Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
—Describe how program planning and implementation will be documented so that information on successes and lessons learned can be disseminated and used in other communities. (Results/Benefits)
—Describe how the proposed model will lead to the prevention of female involvement in gangs; and how it will attempt to break the chain of female gang participation by developing activities that involve the adolescent female gang member and her family. The model should include a self-esteem component that will help to develop positive feelings among the participants about their own abilities and self-worth. (Approach)
—Provide a detailed description of the proposed prevention, intervention, diversion, education, youth involvement, treatment referral, outreach strategies and collaboration/coordination efforts that will be carried out by the grantee directly and those efforts to be carried out in conjunction with other agencies. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)
—Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Results/Benefits)
—Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose a outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
—Provide a detailed plan regarding how the financial, programmatic, political and other types of support and commitments that will be required for the continued operation of the project beyond the period of Federal support will be generated. (Approach)

Duration of Project: The length of the project may not exceed three years. Support for years two and three will be based on the availability of Federal funds and the satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $150,000 per year, which equals a maximum of $450,000 for a 3-year period.

Matching Requirement: The minimum non-Federal matching requirement in proportion to the maximum Federal share of $150,000 a year is $50,000. Over the span of a 3-year project, the non-Federal matching requirement for a project whose maximum Federal share is $450,000 is $150,000. This constitutes 25 percent of the total project budget.

A3. Employment Programs for Youth At Risk of Gang Participation

Purpose: ACYF intends to fund four to ten grants to plan and implement innovative models that provide older youth at risk of, or involved with, gangs an opportunity for job training and placement. ACYF encourages coordination with, and the participation of, local Private Industary Councils or other job training or job placement programs in the development of applications under this priority area.

Background: Most of the previously funded Youth Gang Drug Prevention projects have been targeted at younger children and adolescents. ACYF grantees have pointed out that older youth, ages 15–18, are frequently faced with barriers, such as a lack of employment skills, that contribute to their participating in the illegal money-making activities of gangs. Several grantees have shown that entrepreneurial and employment programs are not only effective motivators for older youth to avoid gang activities, but they are also effective in involving local business leaders in helping youth in at-risk situations. For example, one grantee developed a recycling program that provides work for the youth and financial benefits to local businesses. Another grantee has a two-year apprenticeship program under which students graduate as members of the local painter's union.

Since there are limited employment opportunities in neighborhoods with high gang activity, ACYF particularly encourages the development of projects that develop and establish small entrepreneurial projects or that establish apprenticeship programs that are linked to local trade associations.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically

furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purposes of the Anti-Drug Abuse Act that will be addressed by the project (see Part I). (Objectives/Need)
—Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. (Objectives/Need)
—Describe what makes the proposal innovative, including information on how it builds upon the existing service delivery systems; creates new partnerships between youth serving agency(ies) and the business community; expands service delivery capabilities; and/or differs from current services available within the community. (Objectives/Need)
—Provide an estimate of the number and characteristics of the youth and families to be served and the results expected from the services provided. (Results/Benefits)
—Provide evidence that the project will result in increasing the employability of the youth in the labor market within the target area. (Results/Benefits)
—Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
—Provide evidence that the proposed entrepreneurial activity, if applicable, has market value in the community and that it will be financially independent at the end of the grant. (Results/Benefits)
—Provide a detailed description of the model to be implemented, including information on the activities to be undertaken which are designed to increase the employability of youth at risk of, or involved with, gangs. These descriptions should include information on prevention, intervention, diversion and education activities; youth involvement; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out under the project. (Approach)
—Provide evidence that the proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
—Provide written documentation of commitments from businesses and/or unions indicating the level of effort and participation they would allocate to the project. (Approach)
—Provide a detailed plan regarding how the applicant will generate the financial, programmatic, political and other types of support and commitments that will be required for the continued operation of the project beyond the period of Federal support. (Approach)
—Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose a outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)

Duration of Project: The length of the project may not exceed three years. Support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $150,000 a year, which equals a maximum of $450,000 for a 3-year period.

Matching Requirement: The minimum non-Federal matching requirement in proportion to the maximum Federal share of $150,000 a year is $50,000. Over the span of a 3-year project, the non-Federal matching requirement for a project whose maximum Federal share is $450,000 is $150,000. This constitutes 25 percent of the total project budget.

A4. New Immigrant and Refugee Youth Gangs

Purpose: ACYF proposes to fund four to ten projects that focus on developing, implementing and testing culturally relevant prevention and early intervention approaches and products for working with new immigrant youth who are at-risk of, or participating in, youth gangs.

Background: Providing services to new immigrant and refugee youth, especially Southeast Asian, Central American and Caribbean youth, is particularly difficult. Part of the difficulty stems from the fact that many human service providers do not have staff who share the youths' culture and/or language. Even more problematic may be that these new immigrant and refugee youth have survived such traumatic experiences that their survival mechanism hinders their acculturation to this country. For example, based on their experiences in their own homeland most refugees mistrust law enforcement officials. This makes understanding and trusting our criminal justice system difficult for them.

While family relations are often difficult for all groups, refugees and immigrants face unique problems. For example, conflicts between parents who wish to maintain traditional norms/values and youth who want to adopt American norms/values diminish the ability of the family to provide a supportive environment for its members. In other instances youth are not accompanied by immediate family members and are unable to live with extended family members who would provide support, bonding and a culturally appropriate value system.

There also appears to be a dichotomy in the evolution of new immigrant gangs. Some grantees report that new immigrant gangs tend to fight each other (Vietnamese against Filipino) rather than against other traditional gangs (African-American, Hispanic), bringing rivalries and biases from their homelands to this country. Conversely, in some parts of the country new immigrant youth are starting to form pan-Asian gangs or to join African-American and Hispanic gangs.

ACYF intends to conduct a National Forum on New Immigrant and Refugee Youth Gangs during 1992. The forum will bring together human service and law enforcement experts who work with new immigrant and refugee youth involved with gangs in an attempt to identify specific problems facing these youth and strategies for addressing these problems. Grantees under this priority area will be required to attend and participate in this forum to be held in Washington, DC.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
—Provide a detailed discussion of the emerging or current new immigrant and refugee youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the new immigrant youth and families to be served. (Objectives/Need)
—Provide an estimate of the number and characteristics of youth and families to be served and the results expected from the services to be provided. (Results/Benefits)
—Describe the materials and/or products that will be developed and tested for working with the youth's families and community. Merely translating current products into the youth's languages will not be considered sufficient. (Results/Benefits)
—Describe the methodology for developing a community support system that can meet the cultural, social, psychological and educational needs of the new immigrant youth; written commitments from participating agencies should be provided. Merely hiring bi-lingual staff to work with the youth is not considered fulfilling the requirements for developing a culturally relevant program. (Approach)
—Provide a detailed description of the model to be implemented that includes information on activities designed to increase services to new immigrant and refugee youth at risk of, or involved with, gangs. These include prevention, intervention, diversion and education activities; youth involvement; family involvement and empowerment; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out. (Approach)
—Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar community, neighborhood or housing project to serve as a comparison site. Preference will be given to applicants who propose a outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)

Duration of Project: The length of the project must not exceed three years. Federal support for years two and three will be based on availability of Federal funds and satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $150,000 a year, which equals a maximum of $450,000 for a 3-year period.

Matching Requirement: The minimum non-Federal matching requirement in proportion to the maximum Federal share of $150,000 a year is $50,000. Over the span of a 3-year project the non-Federal matching requirement for a project whose maximum Federal share is $450,000 is $150,000. This constitutes 25 percent of the total project budget.

A5. Gangproofing Young Children

Purpose: ACYF intends to fund four to ten projects to develop gang prevention programs for children, four to eight years old. The intent of these projects is to continue the positive emphasis begun in developmental preschool programs such as Head Start (which include program components such as parental involvement, education and health), through the first three years of elementary school in an effort to "gangproof" the children. We intend to fund applications that demonstrate how current curricula on safety, refusal skills and development of self-esteem will be adapted for gangproofing and expanded to a wider age range of children. Head Start grantees are encouraged to develop collaborative relationships with elementary schools and/or community-based organizations and submit applications under this priority area.

Background: This priority area focuses on preparing young children to aviod succumbing to the lure of gangs. Many children are exposed to or grow up in the midst of gangs and gang-related violence in their communities beginning at a very young age. Police and youth-serving agencies report that children, as young as 8 years old, are being recruited into gangs. A major reason for recruiting and involving them in the gang's illegal activities is that law enforcement agencies are less apt to suspect, detain and arrest young children than teenagers. Even if a young child is arrested and prosecuted for a crime, the courts and laws covering young children tend to be more lenient.

One method of preparing young children to face the temptation of gang involvement is to ensure that they grow up in a supportive environment. Increasing numbers of young children today are participating in early childhood programs prior to enrollment in elementary school. Key elements of these programs include helping the young child develop a strong sense of self-esteem, learning to interact positively with peers and authority figures, and increasing his/her desire to learn. In addition, many Head Start grantees have developed or are using curricula which focus on safety issues and refusal skills as a response to child abuse. Many early education programs also require a high level of parental involvement in the young child's development. This also increases the child's feelings of self-esteem and safety.

Unfortunately, the gains made by children in early childhood programs are frequently diminished as they progress through elementary school. One reason may be that most elementary schools do not require strong parental involvement in the child's school experience. Another reason may be that resource limitations at the elementary level may result in higher pupil-teacher ratios. Or, school policies may exist which discourage the inclusion of community-based resources within the elementary curriculum.

All applicants must demonstrate a willingness to cooperate with a third party evaluation contractor to be funded by the ACYF, which will conduct assessments of their program and service delivery models. Such

cooperation will involve periodically furnishing needed financial, service provision, and process-oriented data as required by the evaluation contractor and allowing the contractor reasonable access to obtain youth and family impact information. All data collected by participating programs and by the contractor will be kept confidential and restricted to the stated purposes of the program.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
—Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. (Objectives/Need)
—Identify and discuss the effect of youth gang problems on younger children in the community. (Objectives/Need)
—Identify local child development programs and elementary schools located in the areas to be served with high gang activity with which the applicant will work and describe the gang-related problems these organizations see young children facing. (Objectives/Need)
—Describe what makes the proposal innovative including information on how it builds upon existing service delivery systems and curricula; creates new partnerships among educators of young children; expands service delivery capabilities; and/or differs from current services available within the community. (Objectives/Need)
—Estimate the number and characteristics of children and families to be served and describe the results expected from the services to be provided. (Results/Benefits)
—Describe any products that will be developed by the project to facilitate replication and utilization of the model(s) in other communities. (Results/Benefits)
—Provide a detailed description of the model to be implemented that includes information on the activities to be undertaken designed to gangproof young children at risk of, or effected by, gangs. These include prevention, intervention, diversion and education activites; family involvement; referral to treatment; outreach strategies; and collaboration/coordination efforts with other agencies that will be carried out. Identify the relevant curriculum to be expanded or adapted in terms of audience and subject matter as part of the overall model. (Approach)
—Describe how the model to be employed will gangproof young children by teaching them to make safe and healthy choices, and how it will include the development of non-violent conflict negotiation skills and goal setting. Also to be included is information regarding how the model will change depending on the age and development level of the children. (Approach)
—Provide evidence that proposed activities are appropriate and culturally relevant for the targeted population. (Approach)
—Provide written agreements from the participating programs/schools, describing each organization's level of commitment. (Approach)
—Provide an outline of the evaluation strategy that will be used to determine the effectiveness and impact of the project's activities. Components of the evaluation strategy should include: Data collection procedures, pre- and post-demographics for the target population, documentation of the implementation process and program impact measures. Preference will be given to applicants who propose an evaluation plan that identifies a similar preschool program or elemenary school to serve as a comparison site. Preference will be given to applicants who propose an outside evaluator. It is suggested that five percent of the Federal funds be set aside for the evaluation effort. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)

Duration of Project. The length of the project may not exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance by the grantee.

Federal Share of Project Costs: Up to $150,000 a year, which equals a maximum of $450,000 for a 3-year period.

Matching Requirement: The minimum non-Federal matching requirement in proportion to the maximum Federal share of $150,000 a year is $50,000. Over the span of a 3-year project the non-Federal matching requirement for a project whose maximum Federal share is $450,000 is $150,000. This constitutes 25 percent of the total project budget.

B. Research Projects

B1. Gang Families

Purpose: ACYF intends to fund 3–5 grants to study the dynamics of families involved in gang activities, explore the development of paradigms that help us better understand how these families function, and recommend prevention and intervention strategies that should be incorporated into service models aimed at breaking the chain of illegal gang participation in families and communities.

Background: In FY 1990 ACYF solicited applications with the primary purpose of identifying factors which contribute to intergenerational gang participation and developing appropriate intervention models which take those factors into consideration. A secondary aim was to fund prevention projects that focus on family education, empowerment and involvement strategies. The seven grants funded in FY 1990 are primarily emphasizing family support and empowerment services rather than focusing on the particular needs of intergenerational gang families or communities.

In some families, there is a long-standing tradition of gang involvement by parents, uncles, aunts and extended family members who are "veteranos" or are still active in gang activities. These families maintain an environment in which gang affiliation is viewed as a positive component of the family's cultural system. In other families, the gang culture is transmitted from one sibling to another. Since children tend to model the behavior of those around them, there is a greater propensity for gang involvement to be transmitted from one generation to another or from one sibling to another in these families. Family support programs do not normally deal with the issue of how cultural values are transmitted across generations or among family members. It is important to identify ways in which family relationships can be maintained while at the same time attempting to modify those values which increase the risk of gang and drug involvement among family members.

It appears that one of the barriers to developing projects focused on the complexities of the gang family and community may be that very little research has been done in this area. Vigil (1990) looked at the ability of Mexican immigrant families to acculturate to the dominant American society and the impact on subsequent generations. He identified the inability of later generations to overcome barriers, adapt to the dominant society and prosper within it, as significant contributors to the groups' reliance on the gang subculture as a method of surviving and achieving some form of success.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
—Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families. Applicants must provide documented evidence of the presence of established gang activity for several generations within the community. (Objectives/Need)
—Provide evidence that the proposed research methodology will lead to strategies and methodologies for developing intervention models which focus on the gang family as a unit and on its individual members, especially adolescents. (Results/Benefits)
—Describe the products and reports that will be developed regarding/based on the research findings. (Results/Benefits)
—Describe the strategies to be employed for the dissemination of information on the methodology and findings in a manner that will be of use to service providers in the field. (Results/Benefits)
—Provide a detailed description of the research methodology to be used, including the identification of hypotheses; identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collection and analysis; and information on how the findings will reflect the culture and environment in which families live. In developing the description of the families to be studied, attention should be given to the families' substance abuse history, reliance on drug-related income, child care practices, structures, rituals, ethnic/cultural backgrounds, methods of communication both intra-familial and inter-community, barriers to the fulfillment of parental roles, education and skill development, and the impact of sibling or other family member involvement in illegal gang activities. (Approach)
—Describe how the research methodology will capture information on the way culture or values are transmitted from one generation to the next; whether this is a formal or informal process; whether there are differences in transmitting culture or values related to gender; level of gang participation; level of participation in illegal activities; and status within gang hierarchy and/or position within the family unit. (Approach)
—Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)

Duration of Project: The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $100,000 a year, which equals a maximum of $300,000 for a 3-year period.

Matching Requirement: There is no matching requirement.

B2. Effects of Violence on Young Children

Purpose: ACYF intends to fund 3 to 5 grants that add to our knowledge about how to develop programs to help children who live in neighborhoods plagued with gang and drug activities to lead mentally and emotionally healthy lives.

Background: Despite the concern by researchers (Klein and Maxson 1991) that definitions of gang-related violence vary from jurisdiction to jurisdiction, it is evident that street violence is increasing and that it is dramatically impacting children and adolescents. Whether children and adolescents are involved in committing the violent acts, are victims of it, or are witness to it, their lives are deeply affected. Recently, the Department of Justice's Bureau of Justice Statistics interviewed 10,000 young people around the nation regarding their experience with violent crime. The study concluded that 2 percent of students aged 12 to 19 were victims of violent crime. The most affected group were 9th graders.

Youth gangs, whether turf-oriented or profit-motivated, are increasingly using violence. For example, the gang initiation process usually includes being "jumped in," i.e., the inductee is physically beaten by members in order to prove his bravery and fighting ability. Gangs that are involved in drug trafficking use violence to protect their marketing territory and to keep drug runners and dealers "honest." Youth gangs that specialize in extortion use violence to coerce their victims into submission.

Gang violence frequently affects innocent bystanders, especially children. Social learning theorists believe that children who see violent or aggressive individuals as being rewarded for their behavior will model themselves after them. This is of particular concern in minority communities where there is high unemployment and low educational levels among adult males. Success as a man is frequently measured in terms of agressive behavior, subverting the legal system, sexual promiscuity, and access to money or other indicators of financial success even though attained through illegal means. Therefore, children who see older adolescents admired by the community for their participation in violent gang activities are apt to use them as role models and to emulate their behavior. In addition, living amid the constant threat of violence affects children's cognitive, social and emotional development.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
—Provide a detailed discussion of emerging or current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available) of the youth and families to be served. Applicants should provide data on the numbers of young children living in the areas with documented high gang activity with whom they expect to work. (Objectives/Need)
—Provide evidence that the proposed research methodology will lead to information, strategies, and methodologies for developing prevention models which focus on ameliorating the effects of violence on young children. (Results/Benefits)
—Provide a description of the products and reports that will be developed

regarding/based on the research findings. (Results-Benefits)
—Provide a description of the strategies to be employed for the dissemination of information on the methodology and findings in a manner that will be of use to service providers in the field. For example, what methods can individuals who work with children (teachers, day care providers, therapists) employ to help children deal with their sense of fear, anxiety and rebelliousness in response to their violent environment. (Results/Benefits)
—Describe how the research methodology will capture information on the effect that gang violence has on a child's cognitive, emotional and social development and the effects of community-based trauma or counseling programs on young children who are victims of, or witnesses to, violent gang activity. (Approach)
—Provide a detailed description of the research methodology to be used, including the identification of hypotheses; identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collected; procedures to ensure the integrity of the data analysis; and information on how the findings will reflect the culture and environment in which the children live. (Approach)
—Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
—Provide a detailed outline of budget requirements for the project activities. (Approach)

Duration of Project: The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $100,000 a year, which equals a maximum of $300,000 for a 3-year period.

Matching Requirement: There is no matching requirement.

B3. Identification of Factors Which Predispose a Youth to Avoid Gang Involvement

Purpose: ACYF intends to fund 3 to 5 grants that focus on identifying the factors which allow a youth who lives in an area with an established (rather than emerging) high level of youth gang activity to remain independent of that lifestyle.

Background: Gang prevention work has typically dealt with identifying what factors distinguish young people who become involved in gangs from those who do not. Prevention activities are then directed toward helping youth build the skills that will enable them to avoid gang and criminal involvement.

Gang involvement has been linked to numerous factors such as poverty, broken homes, and lack of male role models. For instance, Copeland (1974) describes a typical member of a violent Black gang as an individual who is isolated from the social mainstream, is verbally nonexpressive, comes from a fatherless, devitalized family, and is an academic underachiever. Still, many young people who live under these conditions manage to elude gangs, drugs and criminal activity, thus suggesting that other determinants not only exist, but deserve serious consideration. Educators argue that emphasis needs to be placed on researching the social-psychological variables displayed by children who succeed in an otherwise negative environment (Pollard 1989).

Simon (1980) found demographic evidence to suggest a strong correlation between the victims and offenders of assault crimes. Victims who had been shot or stabbed were more likely to become involved in criminal activity than nonvictims. For juvenile victims, the correlation between victimization and subsequent commission of serious assaults as adults was significantly stronger.

Friedman, Mann, and Friedman in their 1975 study of 499 Black and white disadvantaged 15–18 year-old males attempted to elucidate the factors which differentiated street gang members from youth in comparable neighborhoods who remained independent of gangs. After considering 73 variables, they found that the variable most closely associated with gang affiliation was a high self-reported propensity for violence.

A variable such as the quality of childhood peer relationships has also been identified as a predicator of gang involvement. Hochhaus and Sousa (1988), while studying why youth belong to gangs, found that youth often cited companionship as a motivation for joining a gang. However, many youth who joined gangs found their relationships with most of the gang members to be superficial, cautious, and overall unsatisfying. Another study (Crockett, 1988) suggests that youth who had poor childhood peer relationships would join cliques, teams or gangs, but still had few close personal friends.

If the factors which enable children to avoid gang affiliation can be identified, such as the ability to form close peer relationships, perhaps prevention and intervention efforts can be more precisely targeted. Although some data exist which begin to identify the determinants of gang involvement, studies do not yet address the broad range of activities which are defined as "gang involvement" nor do they address the role of substance abuse in determining whether a youth will participate in a gang.

Traditionally, research into gang participation has looked at those factors which predispose or encourage a youth to join. However, attention needs to be given to identifying those factors which make youth invulnerable to the lure of gangs. What causes a young man or woman who grows up in a neighborhood with high gang and drug activity to eschew those types of affiliation and to seek positive experiences? Werner and Smith (1982; Werner 1989) studied children who overcame the odds despite having grown up in a negative environment. In a birth cohort study of 698 children in Kauai, Hawaii, they found that 10 percent of the children identified as being at-risk for negative outcomes developed into "competent and autonomous young adults." They credited individual characteristics (health, socially-oriented, inquisitive and motivated), family environments (four or fewer children) and broader environmental factors (positive role models and strong supportive peer relationships) as related to the children's resiliency and ability to achieve positive outcomes.

This priority area focuses on identifying the psycho-social factors which influence the young person to avoid gang involvement and to participate instead in positive activities. Lack of male role models, broken homes, crime and poverty are generally accepted as factors which will make a youth more likely to become gang-affiliated. However, no generally accepted reasons have been identified which explain why youth who live in a similarly underprivileged environment avoid gang involvement.

Minimum Requirements for Project Design: In addition to addressing the criteria outlined in part II above, each applicant must address the following items in the program narrative section of their application.

—Identify the specific purpose(s) of the Anti-Drug Abuse Act that will be addressed by the project (see part I). (Objectives/Need)
—Provide a detailed discussion of current youth gang problems and issues in the target community, including data on the number, age, gender, ethnic background, and drug-related gang activities (if available). (Objectives/Need)
—Provide evidence that the proposed research methodology will lead to information, strategies and methodologies for developing intervention models which focus on helping youth develop, or providing youth with, the basis for avoiding involvement in gangs and illegal drug activities. (Results/Benefits)
—Describe the products and reports that will be developed regarding/based on the research findings. (Results/Benefits)
—Describe the strategies to be employed in the dissemination of the information on methodology and findings in a manner that will be of use to service providers in the field. (Results/Benefits)
—Provide a detailed description of the research methodology to be used, including the identification of hypotheses, identification of sampling procedures; estimates of sample size; procedures to ensure the validity and reliability of the data collected; procedures to ensure the integrity of the data analysis; and information on how the findings will reflect the culture and environment in which the youth live. (Approach)
—Describe how the research methodology will capture information on the factors which prevent a youth from participating in the illegal activities of a gang. Factors should include, but not be limited to: family and peer relationships, family's history of criminal activity or gang participation, and the types of community supports available and used by the youth (recreational, cultural, social, educational). (Approach)
—Provide evidence that the proposed research methodology is appropriate and culturally relevant for the targeted population. (Approach)
—Provide a detailed outline of budget requirements for the project activites. (Approach)

Duration of Project: The length of the project is not to exceed three years. Federal support for years two and three will be based on the availability of Federal funds and satisfactory performance of the grantee.

Federal Share of Project Costs: Up to $100,000 a year, which equals a maximum of $300,000 for a 3-year period.

Matching Requirement: There is no matching requirement.

Part IV—Instructions for the Development and Submission of Applications

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are provided in part III.

A. *Executive Order 12372—Notification Process:* This program is covered under Executive Order (E.O.) 12372, "Intergovernmental Review of Federal Programs," and 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Virginia, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). (See attached list of the Single Points of Contact for each State and Territory included in appendix I of this announcement.) Applicants from these ten areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

Other applicants should contact their SPOC as soon as possible to alert them to the perspective application and receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF–424, Block 16a. The Administration on Children and Families will notify the State of any applicant who fails to indicate SPOC contact (when required) on the application form.

SPOCs have 60 days from the grant application deadline date to comment on applications for financial assistance under this program. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which they intend to trigger the "accomodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Youth Gang Drug Prevention Program, Department of Health and Human Services, Administration for Children and Families, Grants and Contracts Management, room 345–F.2, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

B. Deadline for Submittal of Applications

The closing date for receipt of applications under this announcement is May 19, 1992.

1. *Deadlines.* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the address specified in the application submission section of this announcement; or

b. Sent on or before the deadline date and received in time for the independent review under Chapter 1–62 of the HHS Grants Administration Manual. Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier of U.S. Postal Service. Private-metered postmarks shall not be acceptable as proof of timely mailing.

2. *Late Applications.* Applications which do not meet the criteria in the above paragraphs are considered late applications. The granting agency will notify each late applicant that its application will not be considered in the current competition.

3. *Extension of Deadline.* The Administration on Children, Youth and Families may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc. or when there is widespread disruption of the mail. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

C. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any

reporting and recordkeeping requirements and regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved by OMB.

D. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424B and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the **Federal Register** announcement, as they are printed on both sides of the page.

Where specific information is not required under this program, N/A (not applicable) has been preprinted on the form. Prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

Top of Page. Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

Item 1. "Type of Submission"—Preprinted on the form.

Item 2. "Date Submitted" and "Applicant Identifier"—Date application is submitted to ACYF and applicant's own internal control number, if applicable.

Item 3. "Date Received by State"—State use only (if applicable).

Item 4. "Date Received by Federal Agency"—Leave blank.

Item 5. "Applicant Information".

"Legal Name"—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application. Use abbreviations to limit the organization name to 50 characters, including spaces and punctuation.

"Organizational Unit"—Enter the name of the primary organizational unit which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank. Use abbreviations to limit this line to 30 characters, including spaces and punctuation.

"Address"—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and a P.O. Box number unless both must be used in mailing.

"Name and telephone number of the person to be contacted on matters involving this application (give area code)"—Enter the name and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here.

Item 6. "Employer Identification Number (EIN)"—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including if known the Central Registry System suffix.

Item 7. "Type of Applicant"—Self-explanatory.

Item 8. "Type of Application"—Preprinted on the form.

Item 9. "Name of Federal Agency"—Preprinted on the form.

Item 10. "Catalog of Federal Domestic Assistance Number"—Enter the Catalog of Federal Domestic Assistance (CFDA) number, 93.680, assigned to the program.

Item 11. "Descriptive Title of Applicant's Project"—Enter the project title. The title is generally short. It should be no more than 200 characters long, including spaces and punctuation, and should be typed in not more than four lines of 50 characters each. Use a short title which is descriptive of the project, not the priority area title.

Item 12. "Areas Affected by Project"—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

Item 13. "Proposed Project"—Enter the desirable starting date for the project, beginning during or after June 1992, and the proposed completion date for the project. Applicants are advised to allow an additional 2–3 months start-up time beyond June 1992 in order to avoid the need for requesting an extension at a later date. Most awards made in response to this program announcement will have starting dates between June 1992 and October 1992. Projects may not exceed the maximum duration specified in the priority area description, generally between 36 to 60 months.

Item 14. "Congressional District of Applicant/Project"—Enter the number of the Congressional District where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter "00."

Items 15a-g. "Estimated Funding"—Enter the amounts requested or to be contributed by Federal and non-Federal sources for the first 12 months only.

Item 15a. "Estimated Funding-Federal"—Enter the amount of Federal funds requested. This amount should be no greater than the maximum amount specified in the priority area description.

Items 15b-e. "Estimated Funding-Applicant, State, Local, Other"—Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. These items (b-e) are considered cost-sharing or "matching funds." The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see part II, sections E and F and the specific priority area description in part III.

Item 15f. "Estimated Funding-Program Income"—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or substract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

Item 15g. "Estimated Funding-Total"—Enter the sum of items 15a-15e.

Item 16a. "Is Application Subject to Review By State Executive Order 12372 Process? Yes."—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of part IV. Review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until the full review time of 60 days is afforded.

Item 16b. "Is Application Subject to Review By State Executive Order 12372 Process? No."—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

Item 17. "Is the Applicant Delinquent on any Federal Debt?—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

Item 18. "To the best of my knowledge and belief, all data in this application preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded."—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the offical representative must be on file in the applicant's office. It may be requested.

Item 18a-c. "Typed Name of Authorized Representative, Title, Telephone Number"—Enter the name, title and telephone number of the authorized representative of the applicant organization.

Item 18d. "Signature of Authorized Representative"—Signature of the authorized representative named in item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

Item 18e. "Date Signed"—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, and E are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering the first year budget period.

Section A—Budget Summary. This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

Section B—Budget Categories. This budget, which includes the Federal as well an non-Federal funding for the proposed project, covers the first-year budget period. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. The budget justification should immediately follow the table of contents.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, "Other."

Justification: Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, "Other."

Justification: Include ther name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, "equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. For all other applicants, the threshold for equipment is $500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR part 92, Uniform Administrative Requirements for Grants and Cooperative agreements to State and Local Governments.

Justification: Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use of disposal of the equipment after the project ends.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

Justification: Specify general categories of supplies and their costs.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, "Other."

Justification: Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

Construction—Line 6g. Leave blank. New construction is not allowable.

Other—Line 6h. Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: Insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, include wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as "miscellaneous" and "honoraria" are not allowable.

Justification: Specify the costs included.

Total Direct Charges—Line 6i. Enter the total of Lines 6a through 6h.

Indirect Charges—6j. Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter "none." Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments shall enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

(c) Subtract (b*) from (a*). The remainder is what the applicant can claim as part of its matching cost contribution.

Justification: Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

Total—Line 6k. Enter the total amounts of lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

Justification: Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources. This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information under the column entitled "Totals" on line 12, Totals. In-kind contributions are defined in title 45 of the Code of Federal Regulations, § 74.51, as "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

Justification: Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs. Not applicable. Leave blank.

Section E—Budget Estimate of Federal Funds Needed For Balance of the Project.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column "(b) First." If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under "(c) Second." Columns (d) and (e) are not applicable in most instances, since ACYF funding is almost always limited to a three-year maximum project period. They should remain blank.

Section F—Other Budget Information.

Direct Charges—Line 21. Not applicable.

Indirect Charges—Line 22. Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Remarks—Line 23. You must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 1,200 characters, including words, spaces and punctuation. These 1,200 characters become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project "abstract." It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in part III. The narrative should also provide information concerning how the application meets the evaluation criteria (see Section C, Part II), using the following headings:

(a) *Objectives and Need for Assistance;*

(b) *Results and Benefits Expected;*

(c) *Approach;* and

(d) *Staff Background and Organization's Experience.*

The narrative should be typed double-spaced on a single-side of an 8½" x 11" plain white paper, with 1" margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with "Objectives and Need for Assistance" as page number one. Mechanically reducing an application typed on legal size paper to 8½" x 11" paper should not be done in order to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. A page is a single side of an 8½" x 11" sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

6. Part V—Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this announcement and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496–7041.

E. Components of a Complete Application

A complete application consists of the following items in this order:

1. Application for Federal Assistance Standard Form 424, REV 4–88);
2. Budget Information—Non-Construction Programs (Standard Form 424A, REV 4–88);
3. Table of Contents;
4. Budget justification for Section B—Budget Categories;
5. Letter from the Internal Revenue Service to prove non-profit status, if necessary;
6. Copy of the applicant's approved indirect cost rate agreement, if appropriate;
7. Project summary description and listing of key works;
8. Program Narrative Statement, organized in four sections addressing the following areas: (a) Objectives and need for assistance, (b) results or benefits expected, (c) approach, and (d) staff background and organization's experience;
9. Organizational capability statement, including an organization chart;
10. Any appendices/attachments;
11. Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);
12. Certification Regarding Lobbying; and
13. Certification of Protection of Human Subjects, if necessary.
14. Certification Regarding Drug-Free Workplace Requirements

F. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, types, film clips, minutes of meetings, survey instruments or articles of incorporation.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in ALL subsequent communication with ACYF concerning the application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify ACYF by telephone at (202) 882–9016.

G. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

____One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;

____Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);

____Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

Application includes:

____Application for Federal Assistance (Standard Form 424, REV 4–88);

____A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424;

____Budget information—Non-Construction Programs (Standard Form 424A, REV 4–88);

____Table of Contents;

____Budget justification;

____Letter from Internal Revenue Service to prove non-profit status, if necessary;

____Indirect cost rate agreement, if necessary;

____Project summary description and key words;

____Program Narrative Statement;

____Organizational Capability Statement;

____Apprendices/attachments, if necessary;

____Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);

____Certification Regarding Lobbying; and

____Certification of Protection of Human Subjects, if necessary.

(Catalog of Federal Domestic Assistance Program Number 93.660, Drug Abuse Education and Prevention Relating to Youth Gangs)

Approved: March 9, 1992.

Wade F. Horn,

Commissioner, Administration on Children, Youth and Families.

Appendix I

State Single Points of Contact

ALABAMA

Mrs. Moncell Thornell, State Single Point of Contact, Alabama Department of Economic & Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125–0347, Telephone (205) 284–8905.

ARIZONA

Ms. Janice Dunn, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315.

ARKANSAS

Mr. Joseph Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Service, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 371–1074.

CALIFORNIA

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480.

COLORADO

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, Telephone (303) 866–2156.

CONNECTICUT

Under Secretary, Attn: Intergovernmental Review coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Telephone (203) 566–3410.

DELAWARE

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326.

DISTRICT OF COLUMBIA

Lovetta Davis, State Single Point of Contact, Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Telephone (202) 727–9111.

FLORIDA

Karen McFarland, Director, Florida State Clearinghouse, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone: (904) 488–8114.

GEORGIA

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW., Altanta, Georgia 30334, Telephone (404) 656–3855.

HAWAII

Mr. Harold S. Masumoto, Acting Director, Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol—room 406, Honolulu, Hawaii 96813, Telephone (808) 548–5893, FAX (808) 548–8172.

ILLINOIS

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782–8639.

INDIANA

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610.

IOWA

Steven R. McCann, Division for Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725.

KENTUCKY

Debbie Anglin, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor Capital Plaza Tower, Frankfort, Kentucky, 40601, Telephone (502) 564–2382.

MAINE

State Single Point of Contact, Attn: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261.

MARYLAND

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (301) 225–4490.

MASSACHUSETTS

State Single Point of Contact, Attn: Beverly Boyle, Executive Office of Communities & Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001.

MICHIGAN

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Telephone (517) 373–7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Department of Commerce, Michigan Neighborhood Builders Alliance, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373–6223.

MISSISSIPPI

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960–4280.

MISSOURI

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834.

MONTANA

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444–5522.

NEVADA

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, ATTN: John B. Walker, Clearinghouse Coordinator.

NEW HAMPSHIRE

Jeffery H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 217–2155.

NEW JERSEY

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613.

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025.

NEW MEXICO

Aurelia M. Sandoval, State Budget Division, DFA, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505) 827–3006.

NEW YORK

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605.

NORTH CAROLINA

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733–0499.

NORTH DAKOTA

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224–2094.

OHIO

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698.

OKLAHOMA

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843–9770.

RHODE ISLAND

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656.

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

SOUTH CAROLINA

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0493.

SOUTH DAKOTA

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, Soutah Dakota 57501, Telephone (605) 733–3212.

TENNESSEE

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee, 37219, Telephone (615) 741–1676.

TEXAS

Tom Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778.

UTAH

Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535.

VERMONT

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326.

WASHINGTON

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH–51, Olympia, Washington, 98504–4151, Telephone (206) 753–4978.

WEST VIRGINIA

Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010.

WISCONSIN

William C. Carey, Federal/State Relations, IGA Relations, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266–1741.

Please direct correspondence and questions to: William C. Carey, Section Chief, Federal/State Relations Office, Wisconsin Department of Administration, (608) 266–0267.

WYOMING

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777–7574.

Territories

GUAM

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285.

NORTHERN MARIANA ISLANDS

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.

PUERTO RICO

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minnillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444.

VIRGIN ISLANDS

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774–0750.

For OMB Purposes Only, File originated: 9–2–88, "Contacts".

BILLING CODE 4130-01-M

APPENDIX II

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

8. TYPE OF APPLICATION: ☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration

D. Decrease Duration Other (specify):

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State H. Independent School Dist.
B. County I. State Controlled Institution of Higher Learning
C. Municipal J. Private University
D. Township K. Indian Tribe
E. Interstate L. Individual
F. Intermunicipal M. Profit Organization
G. Special District N. Other (Specify) _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ . ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplication and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new poject, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

——"New" means a new assistance award.
——"Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
——"Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which asistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4130-01-M

57 ISS 55 MR 20 1992

APPENDIX III

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
Prescribed by OMB Circular A-102

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Instructions for the SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g.) (continued)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the apropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1–4, Columns (c) through (g.) (continued)

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Column (e) and (f).

Line 5—Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Column (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Appendix IV

OMB Approval No. 0348-0040

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR part 900, subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a–7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (Pub. L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (Pub. L. 93–205).

12. Will comply with the Wild and Scenic rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with Public Law 93–348 regarding the protection of human subjects involved in research,

development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Title

Applicant Organization

Date Submitted

Appendix V—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature

Title

Organization

Date

BILLING CODE 4130-01-M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	Congressional District, *if known*:
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*):	b. Individuals Performing Services (*including address if different from No. 10a*) (*last name, first name, MI*):

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

11. Amount of Payment (*check all that apply*):	13. Type of Payment (*check all that apply*):
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment (*check all that apply*): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form LLL

BILLING CODE 4130-01-C

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF–LLL–A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP–DE–90–001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF–LLL–A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0046), Washington, D.C. 20503.

BILLING CODE 4130–01–M

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

BILLING CODE 4130–01–C

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Standard Form – LLL–A

Appendix VI

U.S. Department of Health and Human Services Certificaiton Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR part 76, subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's durg-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation; State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of durg abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer of other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____ Check_____ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, room 517–D, 200 Independence Avenue SW., Washington, DC 20201.

Appendix VII

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR part 76, certifies to the best of its knowledge and believe that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(To Be Supplied to Lower Tier Participants)

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions. "without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

[FR Doc. 92–6286 Filed 3–19–92; 8:45 am]

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federal register

Friday
March 20, 1992

Part V

Department of Transportation

Federal Highway Administration

23 CFR Part 658

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles With Two or More Cargo Carrying Units; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 92-15]

RIN 2125-AC86

Truck Size and Weight; Restrictions on Longer Combination Vehicles (LCV's) and Vehicles With Two or More Cargo Carrying Units

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 restricts the operation of longer combination vehicles on the Interstate Highway System and commercial motor vehicle combinations with two or more cargo carrying units on the National Network to the type of vehicles in use on or before June 1, 1991, subject to whatever State rules, regulations or restrictions were in effect on that date. The ISTEA also includes special variances from the June 1 date for Alaska, Ohio and Wyoming, which are discussed in this document. A preliminary list of these vehicles and restrictions is being published today for public comment.

This NPRM also includes (1) a proposal to allow States to make temporary minor adjustments in approved routes and operating restrictions for these vehicles and (2) a definition of loads which cannot be easily dismantled or divided.

DATES: Comments on this docket must be received on or before May 4, 1992.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 92-15, Federal Highway Administration, room 4232, HCC-10, Office of the Chief Counsel, 400 Seventh Street, SW., Washington, DC 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a floppy disk (either 1.2Mb or 360 KB density) in a format that is compatible with the word processing program WordPerfect (5.1). All comments received, as well as material submitted by the States used in preparing this notice, will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Klimek, Office of Motor Carrier Information Management and Analysis, at (202) 366-2212 or Mr. Charles Medalen, Office of the Chief Counsel, at (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) required States, within 60 days of adoption, to submit to the Secretary, for publication in the **Federal Register** 30 days thereafter, a complete list of (1) all operations of longer combination vehicles (LCV's) being conducted as of June 1, 1991; (2) State laws, regulations and any other limitations and conditions, including routing specific and configuration specific designations governing the operation of LCV's; and (3) a copy of such laws, regulations, limitations and conditions. LCV's are defined in the ISTEA as:

> Any combination of a truck tractor and 2 or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

Similarly, section 4006 will also require the States to submit a complete list of State length limitations applicable to commercial motor vehicle (CMV) combinations with two or more cargo carrying units in effect on or before June 1, 1991. This section prohibits States from allowing the operation (by statute, regulation, permit or other means) of CMV's with cargo carrying unit lengths that exceed the length, by specific configuration, allowed and in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) on the National Network (NN) in that State on or before June 1, 1991. National Network is as defined in 23 CFR 658.5(f).

Sections 1023 and 4006 provide that no statute or regulation shall be included on the list submitted by a State or published by the Secretary merely on the grounds that it authorized, or could have authorized, by permit or otherwise, the operation of CMV combinations not in actual operation on a regular or periodic basis on or before June 1, 1991.

States may continue to issue special permits, in accordance with applicable State laws, for those vehicles and loads which cannot be easily dismantled or divided.

A cargo carrying unit is defined as any portion of a CMV combination (other than the truck tractor) used for the carrying of cargo. These units include a trailer, semitrailer or the cargo carrying section of a single unit truck.

Section 4006 also defines the length of the cargo carrying units as the distance from the front of the first cargo unit to the rear of the last cargo unit. Historically, few States controlled this distance, relying instead on either an overall combination length or length controls on the individual units. Accordingly, in compiling the cargo carrying unit lengths listed in appendix D, assumptions have been made regarding the distance between units and distance allotted for the driver's cab.

In making the length determinations the following guidelines have been observed. For combinations including a truck tractor which are subject only to an overall vehicle length requirement, the cargo carrying unit length has generally been estimated at 10 feet less than the overall length. If both overall length and unit maximum lengths are controlled, the sum of the unit maximums plus 4 feet between units will first be compared against the overall length. If the sum of unit maximums plus the 4-foot spacing is less than the overall length minus 10 feet for the tractor, then the length is estimated at overall length minus 10 feet. If the sum of unit lengths plus spacing is greater than the overall length minus 10 feet, the unit length plus spacing sum will be established as the cargo carrying length. However, in order to allow for a 7-foot cab, the shortest tractor likely to be used in over-the-road operations, the cargo carrying unit length will never be allowed to exceed the overall vehicle length minus 7 feet. For truck-trailer combinations, 7 feet will be allowed for cab space, making the cargo carrying unit length for these combinations no greater than the overall combination length minus 7 feet. Comments are invited on these guidelines.

In response to this legislation, the FHWA, through its field offices, sent each State a questionnaire to aid it in supplying the required information. The form indicated that if a State did not allow LCV's or CMV combinations with two trailers over 28.5 feet long or with more than two trailers, it need supply no further information.

The intent of the ISTEA is to prohibit the use of vehicle combinations with cargo unit lengths or overall lengths exceeding those allowed on June 1, 1991. The Surface Transportation Assistance Act of 1982 (STAA) [Pub. L. 97-424, 96 Stat. 2097] required States to allow the operation of twin 28-foot units, and many also allow the grandfathered 28.5-foot length. Since these vehicles were

necessarily legal in all States on June 1, 1991, and in operation virtually everywhere, the FHWA believes it would serve no purpose to list them despite the fact that they have two cargo carrying units. The same is true of certain other vehicles described as follows.

A CMV combination consisting of a truck-trailer or truck-semitrailer is currently a legal vehicle in all States. The only difference among States is the length control placed on the combination. In addition, certain of these combinations are known as maxi-cube vehicles. Congress has required States to allow maxi-cubes on the NN highways, within specific length parameters.

Accordingly, in preparing the interim list required in section 4006(a) of the ISTEA (proposed appendix D to part 658), the FHWA has decided not to list certain vehicle combinations. Consequently, the operations of these vehicles will not be affected by the ISTEA freeze, and no additional information regarding conditions, routes or authority to operate is required.

These excepted combinations are as follows:

1. *Truck tractor-semitrailer-semitrailer* and *truck tractor-semitrailer-trailer* configurations with a maximum length of the cargo carrying units of 62 feet or less are subject to the provisions of 23 CFR part 658. These are the twin 28-foot units authorized by the STAA and the 28-foot B-train doubles authorized as specialized equipment by the FHWA.

2. *Other STAA vehicles*—no State needs to report on the following vehicles, all of which are specialized equipment authorized by the FHWA, on the authority of section 411(d) of the STAA:

a. Saddlemount combinations 75 feet or less in length;

b. Grandfathered dromedary equipped truck tractor-semitrailer combinations; and

c. Automobile or boat transporter combinations 65 feet or less in length (75 feet if stinger steered).

3. *Truck-trailer* and *truck-semitrailer* combinations (except as maxi-cubes) are presently allowed to operate in all States subject to varying overall length limit controls. Many of these vehicles are used in construction or farming, e.g., dump trucks with tag-along trailers and straight trucks with hopper trailers or flatbeds. We do not believe Congress intended to include such vehicles, used locally for relatively short distances and often on secondary roads, within the scope of the ISTEA freeze. However, additional information regarding conditions, routes or authority to operate is required for these configurations if the cargo carrying length of these vehicles is greater than 65 feet. We believe most combinations with a cargo carrying length greater than 65 feet are likely to be over-the-road CMV's.

4. Maxi-cubes, i.e., *truck-trailer* and *truck-semitrailer* combinations with an overall length of 65 feet or less, are specialized equipment and must be allowed to operate everywhere on the NN. In addition, the report issued by the House Appropriations Committee on the FY 1991 Department of Transportation Appropriations Act made it clear that Congress intended to allow a maximum cargo carrying unit length of 60 feet [H.R. Rep. No. 584, 101st Cong., 2d Sess. 78-79 (1990)]. As the name implies, maxi-cubes have enclosed cargo units with unusually high volume capacity.

In responding to our request for the LCV information, many States included vehicles which are legal but will not be listed in appendix D for the reasons given above. The following describe, by State, the vehicles being excluded.

Vehicles Excluded From Appendix D

California:

1. Doubles with an overall length of 65 feet or less.

Colorado:

1. Western double wherein each trailer is 28.5 feet or less in length.

Delaware:

1. Tractor-semitrailer-trailer where each trailer and semitrailer is 29 feet or less in length. The length of the cargo carrying units is 62 feet or less.

Florida:

1. Tractor-semitrailer combinations where the semitrailer is 57.5 feet or less in length. These vehicles were not referenced in the ISTEA.

2. Maxi-cubes allowed by 49 CFR 2311.

Georgia:

1. Truck pulling a maximum 15-foot-long trailer. The maximum overall length is 55 feet 7 inches.

Hawaii:

1. Doubles with an overall cargo carrying unit length of 65 feet or less.

Idaho:

1. Truck tractor-semitrailer-trailer with each of the cargo carrying units having a length of 28.5 feet or less.

Indiana:

1. Combination of three or more vehicles coupled together with a length not to exceed 65 feet.

2. Combination of two vehicles coupled together with a length not to exceed 60 feet.

3. Tractor with a maximum 28.5-foot semitrailer and a maximum 28.5-foot full trailer.

4. Maxi-cube vehicle with an overall length of 65 feet.

Louisiana:

1. Truck and trailer with an overall length restricted to 65 feet, cargo carrying length limited to 58 feet.

Maryland:

1. Maxi-cube consisting of a truck pulling a trailer having a maximum length of 34 feet. The maximum overall length of the combination is 65 feet.

2. Truck pulling a trailer having a maximum length of 28 feet. The maximum overall length of the combination vehicle is 60 feet.

Massachusetts:

1. Truck and trailer with a maximum cargo carrying length of 45.5 feet.

Michigan:

1. For a truck tractor-semitrailer-trailer with either cargo unit exceeding 28.5 feet in length, Michigan statutes allow an overall length of the two trailers as measured from the front of the first trailer to the rear of the second trailer of 58 feet including load.

Missouri:

1. Any vehicle combination other than 28-foot doubles, the 53-foot semitrailer in tow with a truck tractor, and buses operated on Interstate and primary highways plus 10-mile access where the overall length is 65 feet or less. The allowed length is reduced to 55 feet when the 10-mile access limit is exceeded.

Nebraska:

1. Truck and full trailer where the maximum overall length is 65 feet.

Oklahoma:

1. A recreational vehicle pulling two trailers with an overall length of 65 feet. The total length of the cargo carrying units is 58 feet or less.

2. Pickup or light truck pulling two recreational-related trailers. Overall length is 70 feet or less, and the length of the cargo carrying unit is 63 feet or less.

Oregon:

1. Canadian B-Train (covered by description in appendix D for "Rocky Mountain Double").

2. Truck tractor-semitrailer equipped with a dromedary box on the tractor.

3. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemounts.

South Dakota:

1. Specialized equipment authorized by the STAA of 1982, including automobile and boat transporters and saddlemount combinations.

2. Pickup or light truck pulling two recreational-related trailers. Overall

length is 78 feet or less. The maximum length of the second trailer is 24 feet.

3. Heavy haul combination consisting of a four-axle truck tractor pulling a two-axle semitrailer which is noncargo carrying, but supports part of the load of the second three-axle semitrailer. The second semitrailer is the primary load carrying unit and is followed by a third two-axle trailer which also supports part of the load of the second semitrailer. The overall length of the combination vehicle is 110 feet or less.

Tennessee:

1. Truck and trailer with a maximum overall length of 65 feet.

2. Tractor-semitrailer with a kingpin to end of trailer length not to exceed 50 feet, provided the kingpin to center of rear axle(s) length does not exceed 41 feet.

3. Wrecker towing disabled vehicles.

4. Truck tractor pulling a 53-foot cotton seed module.

Wisconsin:

1. Truck-trailer-trailer where each trailer is a pressurized or nonpressurized tank unit. The overall length is 60 feet or less.

2. Truck and three trailers wherein each trailer carries warning signs used exclusively for highway maintenance or construction. The overall length is 60 feet or less.

3. Farm tractor and two trailers where the trailers are used primarily as implements of husbandry in connection with seasonal agricultural activities. The overall length is 60 feet or less.

4. Truck and three or fewer trailer-type vehicles designed to carry passengers on educational or recreational excursions. The overall length is 50 feet or less.

Wyoming:

1. A truck-trailer combination with a cargo length of 65 feet or less.

All of the above vehicles are covered by the exceptions noted in appendix D, and therefore are not included in the listing.

Any State which relied on the FHWA questionnaire and assumed that it had to supply information only about CMV's with two or more trailers may have been misled. The questionnaire overlooked CMV's with two cargo carrying units where one was not a trailer, such as a straight truck pulling a trailer, even though such vehicle combinations clearly have two or more cargo carrying units. States should furnish the FHWA with information on these vehicles and any other combinations with two or more cargo carrying units which were allowed to operate on the NN on or before June 1, 1991, if the cargo carrying length of the combination exceeds 65 feet. If this information is not provided by May 4, 1992, so that the Agency can include it in the second NPRM interim list, the State could ultimately be prohibited from allowing any further use of such vehicles on the NN highways in the State.

The ISTEA includes three narrow exceptions to the June 1, 1991, freeze date. Wyoming may allow the operation of additional vehicle configurations not in actual operation on June 1, 1991, provided they are authorized by State law not later than November 3, 1992. These configurations must also comply with the Federal single-axle, tandem-axle and bridge formula weight limits.

Ohio may allow LCV's with three cargo carrying units of 28.5 feet each (not including the truck tractor) not in actual operation on June 1, 1991, to be operated within its boundaries on the 1-mile segment of Ohio State Route 7 which begins at, and extends south of, Exit 16 on the Ohio Turnpike.

Alaska may continue to allow the operation of LCV's which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991. It may also continue to allow the operation of CMV's with two or more cargo carrying units which were not in actual operation on June 1, 1991, but which were in actual operation prior to July 6, 1991.

In addition to the lists of vehicle configurations, the ISTEA also required each State to submit a copy of all its statutes, regulations, limitations and conditions which apply to the operation of each of the LCV's or extra-length vehicles reported as in use on or before June 1, 1991.

The content of the States' responses to this request covers the full range of what could be supplied, both in terms of items covered and volume of material. The diversity of the contents of the responses is so great that before any list is finalized there is a need for increased uniformity, both in terms of items covered and the type of information provided for a specific item. For example, some States indicate only that a permit is required while others also included the current fee structure. In other instances, a State describes operational conditions for triple trailer combinations by saying, "See appendix A." Appendix A in turn is a lengthy document which includes all possible contingencies and applies to all types of extra-length vehicles. In such instances, the FHWA has attempted to summarize what could otherwise be an extremely complicated and lengthy set of conditions.

One of the subheadings for each LCV or extra-length vehicle described in proposed appendices C and D, respectively, of 23 CFR part 658 is "Operational Conditions." This information was taken directly from the State responses to the questionnaire, regardless of content. In those cases where another document was referenced, the FHWA has attempted to summarize that document. Because of the differences in State-provided responses, there is little consistency as to coverage or depth. Therefore, in addition to asking for comments on this NPRM, we are asking the States and all other sources, including industry trade groups, for additional information to provide consistency in the reporting among States.

In finalizing appendices C and D the FHWA intends to publish the restrictions and conditions in a manner which uniformly presents the information for each State. Accordingly, we are asking those States which allow LCV's or extra-length vehicles to provide the operational conditions subdivided as follows:

1. The weight—list the maximum single-axle, tandem-axle and gross weight, as well as any axle spacing requirements for each combination vehicle.

2. The driver—describe any special training, experience or licensing requirements required to handle the combination vehicle described.

3. The vehicle—describe any special requirements that apply, such as horsepower, braking ability, off-tracking limits or order of trailers.

4. Permit requirements—indicate whether a permit is required and, if so, its duration, type, i.e., whether it is for a single or multiple trip, and if a fee is charged.

5. Access requirements—recognizing that approved operating routes are listed separately, describe any conditions which would restrict vehicle access between terminals and approved highways, i.e., describe what, if any, "reasonable access" conditions exist for the combination described.

We ask that affected States respond with this information by May 4, 1992. If the information is part of a booklet or other publication, we ask that the States succinctly summarize the information for each heading and provide a copy of the source document to the docket. In order to make the final list of limitations and conditions as complete and accurate as possible, a second NPRM will be published seeking comment on the information obtained in response to this request.

Operators of the vehicles described in appendices C and/or D are cautioned, however, that any such operation must be in full compliance with applicable State regulations. The "Operational Conditions" described in appendices C and/or D are intended to be an informational summary of the major conditions for the public at large. They are not to be used as the basis for actual operations.

List of ISTEA Vehicle Operations and Conditions Submitted by States

A summary of the material furnished by the States is shown in appendices C and D to 23 CFR, part 658. Information on LCV's (section 1023 of the ISTEA) is in appendix C and data on vehicles with two or more cargo carrying units (section 4006) are in appendix D. The actual State submissions are on file at the FHWA Headquarters, room 4232, and may be viewed there from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except on holidays.

In addition to seeking comments on the content of this proposed rule, the FHWA is also interested in comments concerning the format of the information presented. Any comments on how this information might be presented in a clearer, more concise manner, while fulfilling the requirements of the ISTEA, are also invited.

Minor Adjustments to Listed Information

Sections 1023 and 4006 of the ISTEA allow States to make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 1991. They also direct the Secretary to issue regulations establishing criteria for the States to follow in making such adjustments. The Secretary must be notified within 30 days of any further restrictions or prohibitions imposed by States on the operation of vehicles subject to the ISTEA.

Minor adjustments must be both emergency and temporary. According to the Conference Report on the ISTEA [H.R. Conf. Rep. No. 404, 102d Cong., 1st Sess. 314 (1991)], the nature of such adjustments is intended to be temporary and very limited; for example, in the case of a bridge failure that would require the rerouting of ISTEA vehicles to highways where they would otherwise be prohibited. Since it is impossible to foresee all types of emergencies that might necessitate a minor adjustment, the proposed regulation would simply require a State to give the FHWA Administrator a detailed description of the emergency requiring an adjustment which exceeds 30 days. Emergency adjustments with a duration of 30 days or less need not be reported to the Administrator. Adjustments lasting more than 1 year would not be considered to be of a temporary or emergency nature. Minor adjustments for the same emergency would not be permitted to be broken into periods of less than 1 year to extend the emergency for a period longer than that. Similarly, an emergency would not be permitted to be broken into 30-day or shorter periods to avoid reporting.

Further Restrictions on ISTEA Vehicles

The ISTEA provides that State restrictions or prohibitions on the operation of LCV's and CMV's with two or more cargo carrying units after June 1, 1991, must be consistent with sections 411, 412, and 416(a) of the STAA. This means States may not prohibit twin trailer combinations with trailers not over 28 feet long (28.5 if grandfathered) from operating on the NN or reasonable access routes. States may not restrict the width of vehicles on the NN or reasonable access routes to less than 102.36 inches. The FHWA may require further information or clarification about subsequent State restrictions or prohibitions on ISTEA vehicles before publishing the information in the **Federal Register**.

Definition of Loads Which Cannot Be Easily Dismantled or Divided

With only a few exceptions, section 4006(a) of the ISTEA freezes the length of vehicles with two or more cargo carrying units at the length allowed on June 1, 1991. However, there is an exception for nondivisible loads. States may issue permits for vehicles with loads that exceed the length allowed in 1991 if the load cannot be easily dismantled or divided. The Conference Report on the ISTEA [*Id.* at 441] states that the types of loads envisioned by this provision are long loads, e.g., missiles or bridge sections on two or more connected flatbed trucks.

The exemption would also apply to very large objects moved on a series of dollies, each of which is technically a cargo carrying unit. Because Congress has authorized the States, in identical terms, to issue overweight and oversize permits "for those vehicles and loads which cannot be easily dismantled or divided" [23 U.S.C. 127(a); section 4006(a) of the ISTEA, to be codified at 49 U.S.C. app. 2311(j)(1)], the FHWA is proposing a definition of "nondivisible load" which would be equally applicable to an overweight and an oversize load. Briefly, a load would be considered nondivisible if dividing it into small or lighter components would destroy its value or cause the shipper or motor carrier significant additional expense to dismantle. This permit authority is not a "loophole," but a limited exception for specific purposes. Assume, for example, that a State did not allow "Turnpike Doubles" on June 1, 1991, but that a motor carrier later wanted to transport two industrial boilers, each of which required a 45-foot-long cargo unit, as part of a "Turnpike Double" combination with one boiler on each cargo unit. A "Turnpike Double" is a common name for a truck tractor-semitrailer-trailer CMV where the semitrailer and trailer are generally each at least 40 feet long and of equal length. Although each boiler is certainly nondivisible, the vehicle combination can easily be split into two tractor trailer units with no effect on the cargo. The combination, therefore, would not qualify for a nondivisible load permit. On the other hand, a permit would be appropriate to move a prefabricated bridge span longer than the maximum length of cargo carrying units allowed on June 1. A nondivisible load permit could also be used for a relatively small cargo carried on a single trailer, e.g., an electrical generator, that would produce a gross vehicle weight above 80,000 pounds. But if each trailer in a conventional double carried one generator and the combination weighed 85,000 pounds, a nondivisible load permit could not be issued because separating the load for shipment on two vehicles would neither destroy its value nor constitute a significant additional cost.

Meaning of "On or Before"

The ISTEA specifies that LCV's may continue to be used only if "in actual operation on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, * * *" [section 1023(b), amending 23 U.S.C. 127(d)(1)(A)]. However, in the same section, amending 23 U.S.C. 127(d)(1)(B), it provides that all such operations shall continue to be subject to rules "in force on June 1, 1991."

The question is whether a State could allow triple trailer combinations, for example, in lawful use at some earlier time but unlawful as of June 1, 1991, to be used after that date. Under the proposed rule, the answer would be that it could not. "On or before" relates to LCV's used on a periodic basis so that even if not in actual use on that date, they nevertheless were authorized to operate on a periodic or other basis on that date.

Procedure to Review and Correct Final List

Sections 1023 and 4006 of the ISTEA provide a review and correction

procedure for the final lists of ISTEA vehicles, to be published as appendices C and D to 23 CFR part 658. Any person or State may request that the Secretary review the final list to determine if there is cause to believe that it contains a mistake. The Secretary may also make such a review. If the Secretary believes an error exists, he or she must commence a proceeding to determine if the list should be corrected, and if so, make the correction.

Rulemaking Analyses and Notices, Executive Order 12291 (Federal Regulation) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not major within the meaning of Executive Order 12291 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act [5 U.S.C. 601 *et seq.*], the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action merely lists applicable limitations by specific vehicle combination, by State, in effect on June 1, 1991, and will not further restrict the operation of any vehicle in lawful operation on or before June 1, 1991, and subject to those limitations.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Although its effect will be to prevent the expansion of the ISTEA vehicle network beyond that which States allowed on June 1, 1991, there is no indication at this time that the States planned any significant expansion of that network which would be impeded by these regulations. This action merely implements requirements of the ISTEA.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor carrier size and weight.

Issued on: March 10, 1992.

T. D. Larson,

Administrator.

In consideration of the foregoing, the FHWA proposes to amend chapter I of title 23, Code of Federal Regulations, part 658 as set forth below.

PART 658—TRUCK SIZE AND WEIGHT, ROUTE DESIGNATIONS—LENGTH, WIDTH, AND WEIGHT LIMITATIONS

1. The authority citation for 23 CFR part 658 is revised to read as follows:

Authority: 23 U.S.C. 127; 49 U.S.C. App. 2311, 2312, 2313, and 2316; 23 U.S.C. 315; and 49 CFR 1.48.

2. Section 658.5 is amended by adding paragraphs (u), (v) and (w) to read as follows:

§ 658.5 Definitions.

* * * * *

(u) *Longer combination vehicle.* As used in this part, longer combination vehicle (LCV) means any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds.

(v) *Cargo carrying unit.* As used in this part, cargo carrying unit means any portion of a commercial motor vehicle combination (other than a truck tractor) used for the carrying of cargo, including a trailer, semitrailer or the cargo carrying section of a single unit truck.

(w) *Nondivisible load.* As used in this part, nondivisible load means any load with carrying vehicle heavier or longer than the legal limit which cannot be separated into two or more lighter or smaller components without destroying the value of the shipment or imposing significant additional costs on the shipper or motor carrier to dismantle the load.

3. Part 658 is amended by adding § 658.23 as follows:

§ 658.23 LCV freeze; cargo carrying unit freeze.

(a)(1) Except as otherwise provided in this section, a State may allow the operation of longer combination vehicles only as listed in appendix C of this part.

(2) Except as otherwise provided in this section, a State may not allow the operation on the National Network of any commercial motor vehicle combination with two or more cargo carrying units (not including the truck tractor) whose cargo carrying units exceed:

(i) The maximum combination trailer, semitrailer or other type of length limitation authorized by State law or regulation of that State on or before June 1, 1991; or

(ii) The length of the cargo carrying units of those commercial motor vehicle combinations, by specific configuration, in actual, lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 1991, as listed in appendix D of this part.

(b) Wyoming shall notify the Federal Highway Administrator within 30 days after November 3, 1992, if additional vehicle configurations were authorized by legislation prior to that date. The notification shall include a copy of the legislation and a description of the vehicle length and weight restrictions and other operating conditions imposed.

(c) For specific safety purposes and road construction, a State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions applicable to combinations subject to sections 1023 and 4006 of the ISTEA and in effect on June 1, 1991 (for Wyoming November 3, 1992, and Alaska July 6, 1991). Adjustments which last 30 days or less may be made without notifying the Administrator. In case of minor adjustments which exceed 30 days in length, a State must notify the Administrator in writing by the end of the 30th day giving a description of the emergency, the date on which it began and the date on which it will end. Consecutive adjustments totaling more than 30 days must also be reported to the Administrator. If the adjustment involves route designations, the State must list in detail the new route on which vehicles otherwise subject to the freeze imposed by sections 1023 and 4006 of the ISTEA are allowed to operate. If the adjustment involves vehicle operating restrictions the State must list the restrictions that have been removed or modified. Upon receipt of the notification, the Administrator will publish a notice of adjustment, with an expiration date, in the Federal Register. No adjustment may be maintained for longer than 1 year. If the FHWA determines that minor adjustments made by a State are not legitimately attributable to road or bridge construction or safety, the Administrator will so inform the State, and the original conditions of the freeze must be reimposed immediately. Failure to do so may subject the State to a penalty pursuant to 23 U.S.C. 141.

(d) States further restricting or prohibiting the operation of vehicles subject to sections 1023 and 4006 of the ISTEA after June 1, 1991, shall notify the Administrator within 30 days after the restriction is effective. The Administrator will publish the restriction in the Federal Register as an amendment to appendix C and/or D of this part, as appropriate. Failure to provide such notification may subject the State to a penalty pursuant to 23 U.S.C. 141.

(e) The Administrator, on his or her own motion or upon a request by any person (including a State), shall review the information set forth in appendices C and/or D of this part to this part. If the Administrator determines there is cause to believe that a mistake was made in the accuracy of the information contained in appendix C and/or D of this part, the Administrator shall commence a proceeding to determine whether the information published should be corrected. If the Administrator determines that there is a mistake in the accuracy of the information contained in appendix C and/or D of this part, the Administrator shall publish in the Federal Register the appropriate corrections to reflect that determination.

4. Part 658 is amended by adding appendices C and D to read as follows:

Appendix C to Part 658—Trucks Over 80,000 Pounds on the Interstate System

This appendix contains information by State regarding the status of commercial motor vehicle combinations consisting of a truck tractor and two or more trailers or semitrailers, lawfully operating on the Interstate System, with a gross weight in excess of 80,000 pounds. For those 22 States in which the described vehicle was allowed on a regular or periodic basis (including seasonal operations) on or before June 1, 1991, additional information summarizing the operational conditions, routes and legal citations is also provided. The term "Interstate System" as used herein refers to the National System of Interstate and Defense Highways, renamed to the Dwight D. Eisenhower System of Interstate and Defense Highways by Public Law 101-427.

State	Allowed	Not allowed
Alabama		X
Alaska	X	
Arizona	X	
Arkansas		X
California		X
Colorado	X	
Connecticut		X
Delaware		X
District of Columbia		X
Florida		X
Georgia		X
Hawaii		X
Idaho	X	
Illinois		X
Indiana	X	
Iowa		X
Kansas	X	
Kentucky		X
Louisiana		X
Maine		X
Maryland		X
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi		X
Missouri	X	
Montana	X	
Nebraska	X	
Nevada	X	
New Hampshire		X
New Jersey		X
New Mexico	X	
New York	X	
North Carolina		X
North Dakota	X	
Ohio	X	
Oklahoma	X	
Oregon	X	
Pennsylvania		X
Puerto Rico		X
Rhode Island		X
South Carolina		X
South Dakota	X	
Tennessee		X
Texas		X
Utah	X	
Vermont		X
Virginia		X
Washington	X	
West Virginia		X
Wisconsin		X
Wyoming	X	

State: Alaska.

Operational Conditions: On the National Network (NN), Longer Combination Vehicles (LCV's) except triples may operate without a permit, speed or time-of-day restrictions. Triple trailer combinations must obtain a permit and pay a permit fee. All LCV's with an overall length greater than 75 feet are required to display "Oversize" signs front and rear. During the annual spring thaw, all commercial vehicles, including LCV's, are restricted on the amount of weight that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilities (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Alaska Department of Public Safety, Division of State Troopers.

Routes:

	From	To
AK-1	Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction)
AK-2 [1]	Fairbanks (Gaffney Road Junction).	Delta Junction (MP 1412 Alaska Highway).
AK-3	From its Junction with AK-1.	Fairbanks (Gaffney Road Junction).

[1] AK-2 is not open to triple trailer combinations.

Legal Citations:
17 AAC 35
17 AAC 25

Administrative Permit Manual

State: Arizona.

Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating a longer combination vehicle (LCV).

All companies must have an active safety program. All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

LCV's shall not exceed the legal or posted speed, whichever is lower.

LCV's are allowed continuous travel except during adverse weather conditions, at which time movement of LCV's is prohibited.

All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

Routes:

	From	To
I-15	Nevada State Line	Utah State Line.

Legal Citations:

ARS 28-107	ARS 28-1011.K
ARS 28-108.5	ARS 28-1011.L
ARS 28-108.13	ARS 28-1011.M
ARS 28-108.14	ARS 28-1011.N
ARS 28-1001	ARS 28-1011.O
ARS 28-1004.G	ARS 28-1013
ARS 28-1006	ARS 28-1014
ARS 28-1009	ARS 28-1031
ARS 28-1009.01	ARS 28-1051
ARS 28-1011.A	ARS 28-1052
ARS 28-1011.C	R17-4-406
ARS 28-1011.F	

State: Colorado.

Operational Conditions: Longer Combination Vehicles (LCV's) must purchase an annual permit pursuant to C.R.S. 42-4-404.5(1). To operate at greater than 80,000 pounds, LCV's must purchase an overweight permit pursuant to C.R.S. 42-4-409(11)(a)(II)

(A), (B) or (C) and comply with Rule 4–15 in the Extra-Legal Vehicles and Loads Rules. LCV's must comply with the rules and regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's. However, instead of complying with Rule 5–1 in the Longer Combination Vehicle Rules, LCV's operating at greater than 80,000 pounds must comply with Rule 4–1–5 in the Extra-Legal Vehicles and Loads Rules concerning hours of operation restrictions.

Routes:

	From	To
I–25	Colorado-New Mexico State Line.	Colorado-Wyoming State Line.
I–70	US 40 and SH 26 in Denver	Colorado-Kansas State Line.
I–70	Colorado-Utah State Line.	Jct. SH 13 in Rifle.
I–76	Jct. I–25 in Denver	Colorado-Nebraska State Line.
I–225	Jct. I–25 in Denver	Jct. I–70 in Denver.
I–270	Jct. I–70 in Denver	Jct. I–76 in Denver

Legal Citations: LCV's must comply with all applicable statutes, such as C.R.S. 42–4–406(2)(b)(I) and (2)(c) axle weight limitations, C.R.S. 42–4–402(1) width, C.R.S. 42–4–404(1) height and C.R.S. 42–4–409(11)(a)(II) (A), (B) or (C) overweight permits. LCV's must comply with Rule 4–1–5 in the Extra-Legal Vehicles and Loads Rules and with the Longer Combination Vehicle Rules.

State: Idaho.

Operational Conditions: Permits are required. Permit duration is 1 year from the date of issuance. There are extra-length, excess-weight and (if the vehicle operates on the Interstate System) extra-length/excess-weight permits.

The maximum number of units allowed in a combination vehicle is one tractor and three cargo units.

Vehicles under permit must comply with the Calculated Maximum Off-Track (CMOT) Formula (shown below).

$CMOT = R - [R^2 - (A^2 + B^2 + C^2 + D^2 + E^2)]^{1/2}$

$R = 165 - 4 = 161$

A, B, C, D, E, etc. equals measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

Vehicles under permit must also comply with axle weight, width and length and limits of Idaho Code, section 49–1001.

Maximum weight: Registered weight up to 105,500 pounds.

Maximum width: 8 feet 6 inches.

Maximum length: 105 feet and CMOT of 8.75 feet (Interstate routes)

Routes: All Interstate routes. Access between Interstate and breakdown areas only via interchanges designated for combinations with CMOT of 6.5 to 8.5 feet.

Legal Citations:

Idaho Code 49–1001
Idaho Code 49–1002
Idaho Code 49–1004
Idaho Code 49–1010
Idaho Code 49–1011

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.14, 39.C.15, 39.C.19–23

State: Indiana.

Operational Conditions: The following shall be the maximum allowable weight limits permitted on the toll road without a special hauling permit, or as specifically provided in the case of authorized trailer combinations and Michigan Train combinations.

Factor	Limits (pounds)
Maximum single axle weight	22,400
Maximum tandem axle weight per axle	18,000
Maximum gross weight	90,000

Routes:

	From	To
I–80	Gate 21	Gate 156.
I–80	Gate 0	Gate 156.

Indiana Toll Road plus 15 miles access subject to Indiana Department of Highways approval.

Legal Citations:

Rule 4
Indiana Code 9–8–1–16
Indiana Code 8–15–2
135 Indiana Administrative Code 2

State: Kansas.

Operational Conditions: Permits are not required for operation on the Kansas Turnpike. A permit is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. A fee per company and a permit for each power unit is required for special vehicle combinations (SVC), i.e., "triples." Access permits are valid for 6 months, while SVC permits are valid for 1 year.

The maximum number of units in a combination vehicle is three cargo carrying units plus one tractor.

The maximum combination vehicle length is 119 feet overall length. Authorization from the Chief Engineer/Manager or Highway Patrol Captain is required for loads and vehicles longer than 119 feet. SVC trailers are limited to 28.5 feet in length.

The maximum vehicle width is 12.5 feet for vehicles and loads for both day and night operation. The maximum vehicle height is 14 feet. Vehicles and loads activating high load detectors must stop and cannot proceed without authorization. The maximum vehicle weight is 120,000 pounds on the turnpike; however, SVC's have a maximum weight of 110,000 pounds and must comply with the Federal bridge formula. The maximum axle weight is 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

SVC permits can include any restrictions deemed necessary, including specific routes and hours, days and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment and operational standards. SVC's cannot be dispatched or operated during adverse weather conditions. All axles, except steering axles, must have dual wheels and all vehicles must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. A minimum of six and a maximum of nine axles are required. All but the steering axle must be equipped with an antispray device. The heaviest trailers are to be placed forward. Following distance is 100 feet for every 10 miles per hour. SVC's must travel in the right lane, except for passing. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Drivers must have a CDL with appropriate endorsements: 2-years experience driving tractor semitrailers, 1 year driving doubles, have completed SVC driving training and a company road test. Equipment must comply with the requirements of 49 CFR 390–399.

The turnpike has no time-of-day travel restrictions, however, SVC's cannot operate on holidays or during holiday weekends.

Routes: SVC's are allowed to travel the entire length of the turnpike. However, SVC's are restricted on I–70 to travel only from a truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line, and on US 69 Alternate from Baxter Springs to the Kansas-Oklahoma State Line. The Interstate Route designation of the turnpike is as follows.

	From	To
I–35	Oklahoma State Line.	Kansas Turnpike Authority (KTA). Milepost 127.
I–70	KTA Milepost 162	KTA Milepost 223.
I–335	KTA Milepost 127	KTA Milepost 177.
I–470	KTA Milepost 177	KTA Milepost 182.

Legal Citations:

Kansas Statutes Annotated (KSA)

KSA 8–1911
KSA 8–1914
KSA 68–2003
KSA 68–2004
KSA 68–2005
KSA 68–2019
KSA 68–2048a

State: Massachusetts.

Operational Conditions: Both the tractor manufacturer for each tractor used in tandem trailer operations on the turnpike and the permittee shall certify to the Massachusetts Turnpike Authority (MTA) prior to the approval of a tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system.

Brake Regulation

1. The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with Federal regulations as stated in 49 CFR 393, subpart C, as revised, and effective on the date of entry upon or use of the turnpike.

2. In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law.

3. On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer, but is dead-ended at the rear of the trailer or alternatively at the dolly, and the application signal then is retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicle of any tandem combination, the loss of brake application shall be limited upstream of the loss to those vehicles between the rupture and the first retransmission device.

Axles

A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

Tandem Assembly

In the assembly of tandem combinations prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. In the event that the gross weight of the trailers vary by more than 20 percent, the permittee shall couple them for each trip according to their gross weight, that is with the heaviest trailer coupled to the tractor.

Indication That Trailers Form One Unit

When the distance between the rear of one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other turnpike users that the trailers are connected and are in effect one unit. Such devices or connections shall be approved by the MTA prior to use on a tandem trailer combination.

Shifting and Swerving

Coupling devices shall be so designed, constructed and installed and the vehicles in a tandem trailer combination traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

Registration of Drivers

Proposed drivers of tandem trailer combinations shall be registered by the MTA prior to driving such equipment on the turnpike. Applications for registration shall include all specified driving, safety and physical examination records and be accompanied by an official abstract of the driving record of the individual for whom it is being submitted. Drivers of tandem trailer combinations are required to prove to the MTA a minimum of 5 years of tractor trailer driving experience.

Speed Regulations

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of the 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the turnpike.

Distance Between Vehicles

A minimum distance of 500 feet, or approximately two delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

Passing

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Turnpike Regulations

Except as noted herein, and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike shall apply to the operation of tandem trailer combinations on the turnpike.

Miscellaneous Powers

The MTA may revoke or temporarily suspend at will any permit issued for the operation of tandem combinations on the turnpike, at its sole discretion, in whole or in part. If the MTA temporarily suspends tandem trailer operations at any time for any reason, including reasons of inclement weather, reconstruction MTA or other conditions, the instructions of the Authority and of the Massachusetts State Police shall be complied with immediately.

Makeup-Breakup Areas

Tandem trailer units shall be assembled and disassembled only in special makeup-breakup areas designated for this purpose by the MTA; no combination consisting of a truck tractor, first semitrailer and dolly, with or without a second semitrailer, shall exit from the turnpike into a publicly maintained highway within the Commonwealth of Massachusetts, except where other laws or local regulations permit.

Routes: I–90 from Boston to the New York State Line.

Legal Citations:

Massachusetts Turnpike Authority
Massachusetts Rules and Regulations 730 CMR 4.00 thru 4.29

State: Michigan.

Operational Conditions: Michigan is a multi-jurisdictional State. Truck tractor and two trailing units with a gross vehicle weight greater than 80,000 pounds are allowed not only all Interstate routes but also all State highways and many local jurisdiction highways, provided proper axle weights and axle spacings are complied with. Spring weight restrictions apply on "red routes" as noted on the Michigan Truck Operators' Map.

Routes: All Interstate routes.

Legal Citations:

Michigan Public Act 300, section 257.722
Michigan Public Act 300, section 257.719

State: Missouri.

Operational Conditions: Annual blanket permits are issued to allow moving to and from terminals and which involve travel on Interstate, primary and secondary routes. There is a permit fee per power unit. The permits carry routine conditions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permit movement.

Routes:

	From	To
I–29	Jct I–35	I–29 milepost 20.
I–35	Kansas	I–35 milepost 20.
I–44	Oklahoma	I–44 milepost 20.
I–70	Kansas	I–70 milepost 20.
I–435	Entire length	
I–470	Entire length	
I–635	Entire length	
I–670	Entire length	

Legal Citations:

Sec. 304.300 Revised Statutes of Missouri 1990
Sec. 304–170 Revised Statutes of Missouri 1990

State: Montana.

Operational Conditions: Any vehicle carrying a divisible load over 80,000 pounds must comply with the bridge formula and purchase a restricted route permit. An exception to the Federal bridge formula requirement is allowed for vehicles traveling on I–15 between Canada and Shelby, Montana under the authority of the Memorandum of Understanding which exists between Montana and the Canadian Province of Alberta.

These vehicles are allowed to travel 24 hours a day, 7 days a week. In addition, there are no special requirements for the drivers of these vehicles. All over-dimensional loads are prohibited from travel when adverse weather conditions pose a threat to public safety.

Routes: All Interstate routes.

Legal Citations:

61–10–124 MCA—ARM18.8.509(6)
61–10–107(3) MCA—(Administrative Rules of Montana)
61–10–104 MCA
61–10–121 MCA

State: Nebraska.

Operational Conditions: Permits for which a fee is charged are required for operation on the Interstate System only. Axle weight limits are 20,000 pounds for single axle and 34,000 pounds for tandem axle. Lift axles, which may be raised or lowered from within the vehicle or which have controls that may be reached from within the vehicle, and dummy axles will be disregarded in determining lawful weight.

(1) No wheel of a vehicle or trailer equipped with pneumatic, solid rubber or cushion tires shall carry a gross load in excess of 10,000 pounds on any road or highway nor shall any axle carry a gross load in excess of 20,000 pounds on any road or highway.

(2) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed 80,000 pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer authorizes a greater weight.

TABLE 1.—NEBRASKA ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum load (lbs) by axle group					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	
30		58,500	62,000	66,500	72,000	
31		59,000	62,500	67,500	72,500	
32		60,000	63,500	68,000	73,000	
33			64,000	68,500	74,000	
34			65,500	69,000	74,500	
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	81,500
38			67,500	72,000	77,000	82,000
39			68,000	72,500	77,500	82,500
40			68,500	73,000	78,000	83,500
41			69,500	73,500	78,500	84,000
42			70,000	74,000	79,000	84,500
43			70,500	75,000	80,000	85,000
44			71,500	75,500	80,500	85,500
45			72,000	76,000	81,000	86,000
46			72,500	76,500	81,500	87,000
47			73,500	77,500	82,000	87,500
48			74,000	78,000	83,000	88,000
49			74,500	78,500	83,500	88,500
50			75,500	79,000	84,000	89,000
51			76,000	80,000	84,500	89,500
52			76,500	80,500	85,000	90,500
53			77,500	81,000	86,000	91,000
54			78,000	81,500	86,500	91,500
55			78,500	82,500	87,000	92,000
56			79,500	83,000	87,500	92,500
57			80,000	83,500	88,000	93,000
58				84,000	89,000	94,000
59				85,000	89,500	94,500
60				85,500	90,000	95,000

(3) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one-half foot the next larger whole number shall be used, except that (a) any group of three axles shall be restricted to a maximum load of 34,000 pounds unless the distance between the extremes of the first and third axles is at least 96 inches and (b) the maximum gross load on any group of two axles, the distance between the extremes of which is more than 8 feet but less than 8 feet 6 inches, shall be 38,000 pounds.

(4) The weight limitations of wheel and axle loads shall be restricted to the extent deemed necessary by the Nebraska Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(5) Vehicles equipped with a greater number of axles than provided in the table shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, the total gross weight or any of such weights as provided in paragraphs (2) and (4) of this section on Nebraska.

(6) This section shall not apply to a vehicle that has been issued a permit pursuant to section 39-6,181.

(7) Any two consecutive axles, the centers of which are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between any two adjacent axles in the series shall be defined as tandem axles and the gross weight transmitted to the road surface through such series shall not exceed 34,000 pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

Provisions Applicable for the Movement of Multi-Unit Combinations of Trailers and Semitrailers Requiring Special Permits in Nebraska

Definitions

Extra-Long Vehicle Combinations: For the purpose of these rules and regulations, extra-long vehicle combinations may include the following vehicle combinations:

A vehicle combination consisting of a truck tractor, semitrailer and two trailers having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer, one trailer of which is not more than 48 feet long and the other trailer of which is not more than 28 feet long nor less than 26 feet long. The entire combination of which is not more than 95 feet long. In this combination, the shorter trailer shall be operated as the rear trailer.

Trailer shall mean any vehicle, with or without motive power, designed for the carrying of property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; and for the purpose of these rules and regulations, a semitrailer used with a converter dolly shall be considered a trailer.

A location within 6 miles of the Interstate System that is approved by the permit and that is to be used by the permittee for assembling or disassembling extra-long vehicle combinations.

Highways, roads or streets upon which the permittee will be allowed to move an extra-long vehicle combination when moving from or to a designated staging area and to or from the Interstate System and the area of the interchanges of the Interstate System which may be traveled by the permittee. No extra-long vehicle permits will be issued to allow travel east of Nebraska Highway 50 on the Interstate System. Except as designated on the permit, in case of deteriorating weather conditions, emergency or breakdown, vehicles moving by authority of an extra-long vehicle permit shall not be permitted to reenter the Interstate System.

The Nebraska Department of Roads, at its discretion, may issue permits for the operation of extra-long vehicle combinations when unladen, but only over a designated route on the Interstate System and from a staging area located not more than 6 miles from the Interstate System.

No departure from, amendment, alteration or change of the routes designated on the extra-long vehicle combination permit shall be allowed. If the permit holder desires to travel on any route not designated on its permit the Nebraska Department of Roads must approve, in writing, an amendment authorizing the additional route.

Inspection of Permit and Vehicle: As a condition of the issuance of an extra-long vehicle combination permit, applicant must agree that the operator of the vehicle operating under the authority of an extra-long vehicle combination permit will submit to an inspection of the permit and of the vehicle at any time such vehicle is on Nebraska highways, whether or not there is reason to believe that such vehicle is in violation of the permit or the Nebraska motor vehicle laws. A copy of the permit must be carried in the power unit of the extra-long vehicle combination.

The granting of a permit by the Nebraska Department of Roads may contain restrictions or prohibit operations as determined necessary by the Department of Roads. Movement shall be made during daylight hours (sunrise to sunset). No movement shall be permitted on Saturdays, Sundays, holidays or long holidays as defined in the Department of Roads' rules and regulations pertaining to the issuing of over-dimensional and overweight permits. No movement will be permitted when the ground winds, in the vicinity or on the highways over which the extra-long vehicle combinations may move, exceed a velocity of 25 miles per hour, nor during steady rain, snow, sleet, ice or other conditions that cause the pavement to be slippery or when visibility is less than 800 feet. Should any of these conditions be encountered after commencement of the move, the driver shall cease operations by moving the extra-long vehicle combination from the roadway at the first point that the vehicle can be safely removed to prohibit the hazardous operation of the combination and to provide for safety of other highway users. Movement of extra-long vehicle combinations during any of the aforesaid prohibited times shall be grounds for revocation of the permit.

Application For Extra-Long Vehicle Combination Permit

An annual permit application shall be made on the Standard Form Number RM-425 furnished by the Nebraska Department of Roads and shall be submitted to the State of Nebraska, Department of Roads, Permit Office, Lincoln, Nebraska. Permits will only be issued from the Lincoln Permit Office, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. when open for business. Permittee shall give at least 5 working days for processing of any extra-long vehicle combination permits.

The permit application must list all truck tractors to be operated under the registered permit, as well as the license number of such vehicles, the State of issuance of the license, number of such vehicles, the vehicle identification numbers and the drivers who will operate under the requested permit. Only trucks owned or leased exclusively to the permit applicant for the entire term of the requested permit and only drivers under the control and supervision of the applicant may be listed on such applications. An annual permit is required for each qualified carrier company or individual. In the event the permittee desires to change the information listed on its permit application regarding vehicles or drivers, it may do so by written notice to the Nebraska Department of Roads in Lincoln. Such notice shall be by means of registered or personally delivered mail and shall not be effective for a period of 2 calendar days from the receipt of such notice by Nebraska Department of Roads.

Applicants for an extra-long vehicle combination permit must certify in writing to the Nebraska Department of Roads that the driver of a vehicle which is permitted to move by authority of such permit has complied with all Federal Motor Carrier Safety Regulations and all State laws, rules and regulations pertaining to drivers and drivers' licenses. Applicants must notify the Nebraska Department of Roads, in writing, of traffic citations issued to any driver for improper operation of an extra-long vehicle combination within 5 days of the issuance of said citation.

The owner or operator of each extra-long vehicle combination shall have on file with the Nebraska Department of Roads, an insurance certificate with a company authorized to do business in Nebraska, in an amount of not less than $1 million for public liability and property damage. The insurance certificate must contain a provision stating that the insurance company will give at least 30 days written notice to the Nebraska Department of Roads in case of cancellation.

Additional Restrictions Pertaining to Movement of Extra-Long Vehicle Combinations

From November 15 to April 15 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day the Nebraska Department of Roads is open for business and within 3 hours prior to commencing travel to obtain authorization for movement that day. From April 16 through November 14 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day that the Nebraska Department of Roads is open for business and within three days of commencing travel to obtain authorization for movement. The Department of Roads will at that time issue an authorization number, record the time of the call, the driver of the vehicle to be moved and the route to be traveled.

A sign may be required to be displayed at least 8 feet above the roadway surface on the rear-most vehicle of the combination of the vehicles. The sign shall be of yellow reflectorized material with reflectorized black letters of not less than 10 inches high, and must conform to the diagram set forth Nebraska's Exhibit A (not included).

The granting of a permit shall not constitute a waiver of any license (tonnage) requirements imposed by the State of Nebraska.

The granting of a permit pursuant to these rules and regulations shall not waive any liability or responsibility of the applicant which might accrue for property damages.

including damage to the highways, or for personal injuries resulting from the operation of extra-long vehicle combinations.

A distance of at least 500 feet must be maintained between all vehicles and any two extra-long combination of vehicles when operating on Nebraska streets or highways, except when one extra-long combination of vehicles is passing another.

All vehicles in an extra-long combination of vehicles and all devices used to couple vehicles in the extra-long vehicle combination must be designed, constructed and installed so that each towed vehicle follows the alignment of the towing vehicle without shifting or swerving more than 3 inches to the right or left of the alignment when the combination is moving in a straight line on a level, smooth, paved highway during calm, dry weather conditions.

Extra-long vehicle combinations of not more than three cargo units shall have not less than six axles nor more than nine axles.

In addition to any other accident reports required by State or Federal laws, all accidents involving extra-long vehicle combinations shall be reported in writing by the permittee to the Nebraska Department of Roads, Permit Office, P.O. Box 94759, Lincoln, Nebraska 68509 within 5 business days of such accident.

The Nebraska Department of Roads may impose additional restrictions and requirements not set forth in these rules and regulations as a condition for the operation of the extra-long vehicle combinations over particular highways or sections of particular highways in this State. The Nebraska Department of Roads shall revoke or amend a decision to allow the operation of an extra-long vehicle combination on any highway of this State if changed circumstances or conditions render the operation of the combination of vehicles impracticable or unsafe.

Routes: All Interstate Highways.

Legal Citations:

Neb. Rev. Stat. ss. 39–6,181 (Reissue 1988)

Neb. Rev. Stat. ss. 39–6,180.01 (Reissue 1988)

Nebraska Dept. of Roads Rules and Regulations, title 408, chapter 1

State: Nevada.

Operational Conditions: Permitted vehicles may have total overall lengths between 70 feet and 105 feet, when consisting of not more than three trailers or a truck and two trailers. No trailer shall be longer than 48 feet. If a trailer is 48 feet the other trailer cannot exceed 42 feet. Maximum weight not to exceed 129,000 pounds using uncapped Federal Bridge Formula B.

Identifying devices must be carried and displayed. Nevada regulations establish standards for the operation of such vehicles including:

(a) Types and number of vehicles to be permitted in combination;

(b) Horsepower of a motor truck;

(c) Operating speeds;

(d) Braking ability; and

(e) Driver qualifications.

Routes: All Interstate routes in Nevada.

Legal and Regulatory Citations:

NRS 484.739

NRS 706.531

"Regulations for the Operation of 70 to 105 foot Combinations" (1990)

State: New Mexico.

Operational Conditions: The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is less than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	34,220
5	35,100
6	35,880
7	36,660
8	37,440
9	38,220
10	39,000
11	39,780
12	40,560
13	41,340
14	42,120
15	42,900
16	43,680
17	44,460
18	45,240

The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 19 feet shall not exceed that given for the respective distances in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
19	53,100
20	54,000
21	54,900
22	55,800
23	56,700
24	57,600
25	58,500
26	59,400
27	60,300
28	61,200
29	62,100
30	63,000
31	63,900
32	64,800
33	65,700
34	66,600
35	67,500
36	68,400
37	69,300
38	70,200
39	71,100
40	72,000
41	72,900
42	73,800
43	74,700
44	75,600
45	76,500
46	77,400
47	78,300
48	79,200
49	80,100
50	81,000
51	81,900
52	82,800
53	83,700
54	84,600
55	85,500
56 and over	86,400

The distance between the centers of the axles shall be measured to the nearest even foot. When a fraction is exactly one-half the next larger whole number shall be used.

Routes: All Interstate highways.

Legal Citations:

66–7–409 NMSA 1978

66–7–410 NMSA 1978

State: New York.

Operational Conditions: Tandem trailer combinations in excess of the limits of section 385 of the New York State Vehicle and Traffic Law may operate on the thruway system under a Tandem Trailer Permit issued by the New York State Thruway Authority upon application to it by the prospective permittee on Form TA–6807, subject to certain provisions as follows:

Definition of a Tandem

A complete tandem trailer combination shall consist of a tractor, first semitrailer, dolly and second semitrailer; tractor, first semitrailer and dolly or other such combination as may be approved by the Authority. No semitrailer, including any load thereon, shall be in excess of 48 feet. The total length of the combination, including the tractor, semitrailers and dolly, shall not exceed 114 feet.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B–Train" combination, will require separate Thruway Engineer Services approval prior to initial tandem run. Special provisions regarding B–Train's will be reviewed at time of application or request for use on the thruway.

Weight Limits

Any such combinations of vehicles may not exceed a total maximum gross weight of 143,000 pounds. The maximum gross weight of the unit of tractor and first semitrailer shall not exceed 80,000 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon each unit and the axles thereof as provided in section 385 of the New York State Vehicle and Traffic Law.

Thruway requirements for maximum gross weights of tandem combinations exceeding 138,000 pounds:

1. Gross weight in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine axle requirement.

2. The maximum permissible gross weight for B-Train combinations is 127,000 pounds.

Hazardous Materials

Special restrictions, along with 49 CFR part 397 of the Federal Motor Carrier Safety Regulations, are applicable to the transportation of hazardous materials.

All radioactive material and Class A and B explosives are prohibited. Other hazardous materials, classifications 2 through 9, as defined in the U.S. DOT, section 173.2, may be carried in tandem combinations, but the total volume of such material in a tandem combination shall not exceed the total volume that could be carried in a single trailer.

All provisions of the Federal Motor Carrier Safety Regulations shall be observed at all times. All unattended tandem combinations containing or including the power unit shall have the shipping papers of each trailer unit in the vehicle, available and accessible for review. All single trailers or trailer combinations shall display appropriate placarding as required.

Over-Dimension Regulations

All over-dimensional and weight regulations of the Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit of these regulations.

Safety Training

Prior to the issuance of a Tandem Operator Certification, company management and operating personnel must comply with safety training requirements set by the Authority.

The Authority has established a program of safety training seminars for all certified tandem companies and company safety patrols. The safety-intensive classes are tailored to the individual needs of each company and offered at no charge during normal business hours with lectures, video presentations and hands-on demonstrations. Authority personnel will cover the following subjects:

1. Proper tandem hookups.
2. On-the-road operations.
3. Professional driver safety attitudes.
4. Tandem Rules & Regulations.
5. Certification procedures.
6. Expediting paperwork.
7. Accident/incident investigations.
8. Disabled vehicle procedures.
9. Hazardous materials regulations.
10. Sharing the road with other drivers.
11. Tandem area usage.
12. Federal Motor Carrier Safety Regulations Parts 383, 392, 395, 396.

Certification of Tractors

Both the tractor manufacturer for each tractor used in tandem trailer operations on the Thruway and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed on not less than 20 miles per hour on all portions of the thruway system.

Companies leasing equipment requiring certification for use in tandem operations are responsible for certification and maintenance of all equipment.

Brake Regulations

(1) The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with the Federal regulations as stated in 49 CFR 393, as amended.

(2) In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the additional applicable requirements of the provisions of the New York State and Traffic Law.

(3) On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer but is dead-ended at the rear of the lead trailer or, alternatively at the dolly, and the application signal then retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicles of any tandem combination, the loss of brake application shall be limited to those vehicles between the rupture and the first transmission device.

Axle Type

A tractor which will be used to haul a tandem trailer combination with a total gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, both with driving power, or other axle configuration as may be approved by the Authority.

A tractor which will be used to haul a tandem trailer combination with a total gross weight of 110,000 pounds or less may be a two axle tractor with a single drive axle.

Any tandem combination utilizing single wheel tires commonly referred to as "Super Singles" instead of conventional dual wheel is required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

Tandem Assembly

In the assembly of tandem combinations prior to their operation on the thruway, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heavier of the two must be placed in the lead position.

Dollies

Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem axles at the option of the permittee. However, single-axle dollies may not utilize low profile tires. Tandems grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine-axle requirement.

When the distance between the rear of the first semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other thruway users that the trailers are connected and are in effect one unit. Such devices or connection shall be approved by the Authority prior to use on a tandem trailer combination.

Any tandem combination utilizing single wheel tires, commonly referred to as "Super Singles," instead of conventional dual wheels is required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Service approval prior to initial tandem run. Special provisions regarding B-Trains will be reviewed at time of application or request for use on the thruway.

Driver forms required for permit	Quantity
(TA–6818) Application for special permit to operate tandem trailer vehicle	3
Accident reports (within last five years)	1
Medical certificate (within last two years)	2
Motor vehicle driver's ten year abstract (original-certified copy, dated within last 3 months) not required by New York State licensed operators	

Speed Limit

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the thruway. Radar detection devices are not permitted in tandem operations on the thruway.

Operational Safety

A minimum distance of 500 feet, or approximately four delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs. All tandem operators are required to wear safety belts when operating a tandem combination.

Passing Vehicles

A tandem trailer combination may pass another vehicle traveling in the same direction, only if the speed differential will allow the tandem trailer combination to safely complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Routes:

IR 87 between the Bronx-Westchester County Line and IR 90 (Thruway Exit 24).

IR 90 between the New York-Pennsylvania State Line (Thruway Exit 61) and IR 87 (Thruway Exit 24).

IR 90 between IR 90 (Thruway Exit B1) and the New York-Massachusetts State Line.

IR 190 between IR 90 (Thruway Exit 53) and the New York-Canada border at the Lewiston-Queenston Bridge.

Route NY 912M (Berkshire Connection of the New York State Thruway) between IR 87 (Thruway Exit 21A) and IR 90 (Exit B1).

IR 87 Section of the New York State Thruway—

Exit 21B—Roadway between IR 87 the New York State Turnpike Authority (NYSTA) Exit 21B toll booth at Exit 21B and the access road to Route US 9W. Route US 9W between the access road and a point 1500 feet north.

IR 90 (Berkshire Spur) Section of the New York State Thruway—

Exit B1—Route US 9 between the southern most access ramp and a point 0.8 miles north.

Exit B3—Within a radius of 2000 feet of any exit or entrance designated B3 to the New York State Thruway, Berkshire section, at Route NY 22.

IR 90 Section of the New York State Thruway—

Exit 28—Within a radius of 1500 feet of any NYSTA toll booth at Fultonville, New York.

Exit 32—Route NY 233 between IR 90 and a point 0.6 miles north at Westmoreland in Onsida County.

Exit 44—Rout NY 332 between IR 90 and Collett Road. Collett Road between Route NY 332 and 6070 Collett Road, a distance of 0.8 ± miles.

Exit 52—A.) Walden Avenue between IR 90 and a point 0.8 miles west. Route NY 240 (Harlem Road) between Walden Avenue and a point 0.9 miles south B.) Walden Avenue between IR 90 and a point 0.5 miles east. A roadway purchased from Sorrento Cheese, Inc. by the Town of Cheektowaga between Walden Avenue and a point 1640 feet south.

Exit 54—Route NY 400 between IR 90 and Route NY 277. Route NY 277 between Route NY 400 and a point 0.5 miles north.

Exit 56—Within a radius of 1.2 miles from the New York State Turnpike Authority (NYSTA) toll booth on an access road to be built between the toll booth and the present eastern terminus of Route NY 179 at South Park Avenue, over Route NY 179 and Old Mile Strip Road to the truck terminal entrance on Old Mile Strip Road at a point approximately 2430 feet southeast of the intersection of Old Mile Strip Road, or across Lake Avenue at the northern end of the truck terminal.

IR 190 (Niagara) Section of the New York State Thruway—

Exit N1—Dingens Street between IR 190 at Ogden Street and a point 0.8 miles west. James E. Casey Drive between Dingens Street and a point 0.45 miles north.

Exit N5—Louisiana Street between IR 190 and a point 0.7 miles south. South Street between Louisiana Street and Hamburg Street, a distance of 0.25 miles.

Exit N15—Route NY 325 (Sheridan Drive) between IR 190 and a point 0.1 miles east. Kenmore Avenue between Sheridan Drive and a point 0.4 miles south.

Exit N17—A.)Route NY 266 (River Road) Between IR 190 and a point 1.5 miles northerly. B.) Route NY 266 (River Road) between IR 190 and a point 1700 feet south of the southern most access road to the NYSTA.

Legal Citations:

Public Authorities Law—Title 9, Sec. 350, et. seq. (section 361 is most relevant)

New York State Thruway Authority Rules & Regulations, sections 100.6, 100.8 and 103.13

New York State Vehicle & Traffic Law, sections 385 and 1630

State: North Dakota.

Operational Conditions: Single-trip permits are required only when exceeding 80,000 pounds gross vehicle weight (GVW).

Weather restrictions—movements of longer combination vehicles (LCV's) are prohibited when:

1. Road surfaces, due to ice, snow, slush or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. Wind or other conditions may cause the unit or any part thereof to swerve, whip, sway or fail to follow substantially in the path of the towing vehicle; or

3. Visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust or smoke.

The North Dakota Highway Patrol may restrict or prohibit operations during periods when in its judgment traffic, weather or other safety conditions make travel unsafe.

Weight distribution by trailer:

1. In any three-unit combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

2. In any four-unit combination, the lightest trailer must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

Signing requirement—the last trailer in any combination must have an "Overlength" sign mounted on the rear. The "Overlength" sign must be a minimum 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on yellow background. A "LONG LOAD" sign may be used in lieu of the overlength sign. Beginning January 1, 1995, the "LONG LOAD" sign is mandatory.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Legal length—A single unit with two or more axles including the load thereon shall not exceed a length of 50 feet. A combination of two units including the load thereon shall not exceed a length of 75 feet. A combination of three or four units including the load thereon may exceed 75 feet in length but shall not exceed 110 feet in length when traveling on four-lane divided highways and those highways designated by the Highway Commissioner and local authorities as to the highways under their respective jurisdictions. All such combinations are subject to safety rules adopted by the Highway Commissioner. The length of a trailer or semitrailer including the load thereon may not exceed 53 feet except that trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of 60 feet. A truck tractor and semitrailer or truck tractor-semitrailer-trailer when operated on the Interstate System or parts of the Federal-aid and primary system designated by the Highway Commissioner shall comply with the following:

Legal weight limitations

A. Gross Vehicle Weight (GVW).

1. The GVW of any vehicle or combination of vehicles is determined by the following weight formula:

$$W = 500(LN/N-1+12N+36)$$

where on the Interstate System W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet; and where on highways other than the Interstate System W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles on any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration.

2. The maximum GVW on State highways is 105,500 pounds unless otherwise posted. On the Interstate System the maximum GVW is 80,000 pounds. On all other highways the maximum GVW is 80,000 pounds unless designated for more, not to exceed 105,500 pounds.

B. Axle Weight.

1. No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet apart or over are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula except that on highways other than the Interstate, two axles spaced 8 feet apart or more may have a combined gross weight not to exceed 40,000 pounds. Spacing between axles shall be measured from axle center to axle center.

2. Axles spaced over 40 inches apart and less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers except that on highways other than the Interstate, groupings of three or more axles may have a gross weight not to exceed 48,000 pounds.

3. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified. Axle weights may also be reduced by the Bridge Load Limitations Map.

C. Wheel Weight.

1. The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

D. Tire Weight.

1. The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width.

Minimum power requirement—The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Routes: All Interstate highways.

Legal Citations:

North Dakota Century Code, section 39-12-04

North Dakota Administrative Code, article 37-06

State: Ohio

Operational Conditions: Operations of both long double combinations and triple combination vehicles on the turnpike are subject to the provisions of a special permit.

Dimensional and Weight Limitations and Permit Information

No Permits Required for vehicles that do not exceed the following dimensional and weight limits:

Width: 8 feet 6 inches (102 inches)
Height: 14 feet
Length: (total in feet)

	Feet
Single Units:	
Trucks and two-axle buses	40
Buses with three or more axles	45
Combinations:	
Tractor-semitrailer	75 **
Tractor-semitrailer-semitrailer (short doubles)	75 *
Other combinations of vehicles coupled together (includes house trailers, etc.)	65 *

* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

** Highway vehicle carriers may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

Longer Combination Vehicles (LCV): The maximum gross weight for long double combinations (in excess of 90 feet but not exceeding 112 feet in length) is 127,400 pounds and for triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length) it is 115,000 pounds. Operating permits are required and subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of an LCV on the turnpike. For information and details of the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a long double combination or triple trailer combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

	Pounds
Weight:	
Maximum Single Axle Weight	21,000
Maximum Tandem Axle Weight (4 feet or less)	24,000
Maximum Tandem Axle Weight (over 4 feet but less than 8 feet)	34,000
Maximum Gross Weight	90,000

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. These permit charges are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width: 10 feet
Height: 14 feet (maximum allowed)
Length: (overall) 80 feet (82 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday.

Nighttime: Travel is, however, subject to the following regulations and restrictions:

1. Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S Department of Transportation, Federal Highway Administration rules and regulations which require, in addition to other lights, two tail lights and two stop lights.

2. Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike

Long double trailer combinations in excess of 90 feet in length (double) may operate on the turnpike under a "Long Double Trailer Permit" (Permit) issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

1. *General Conditions*

a. A double shall consist of a tractor, first semitrailer, a dolly and a second semitrailer. Neither the first semitrailer nor the second semitrailer shall be longer than 48 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a Double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minimum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a Double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

	Pounds
Maximum gross weight on any one axle	21,000
Maximum combined axle load (less than 4 feet apart)	24,000
Maximum combined axle load of any two successive axles (more than 4 but less than 8 feet apart)	34,000

2. *Equipment*

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semitrailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the Public Utilities Commission (PUCO) and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air-activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hoses shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of

its own brakes or the brakes of other vehicles in a double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum of any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps on all axles except the steering axle.

3. *Equipment Certification*

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch-high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification shall be carried in the cab of the tractor in a place readily available for inspection.

4. *Driver's Certification*

a. Applications for drivers of doubles shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor-short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations, Federal Hazardous Materials Regulations and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone a biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

5. *Operating Conditions*

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule, (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or triple units except when overtaking and passing another vehicle. A double shall remain in the right-hand outside lane except when passing or when emergency or work-zone conditions exist.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable the Commission will notify the permittee that travel is prohibited for a certain period of time.

Routes	From	To
I-80/I-90 (Exit 1 to Exit 8A on the Ohio Turnpike).	Milepost 0.0.	Milepost 143.0
I-80 (Exit 8A to Exit 15 on the Ohio Turnpike).	Milepost 143.0.	Milepost 219.0
I-76 (Exit 15 to Exit 17 on the Ohio Turnpike).	Milepost 219.0.	Milepost 241.3

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Oklahoma

Operational Conditions:

Size and Weight Permit

A permit is required for operation of doubles whose units are greater than 29 feet in length. The maximum unit length is 59.5 feet. Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days a week, subject to the following restrictions:

(1) No travel is allowed on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.

(2) Permit loads may move on other holidays if the permit is purchased by 4:30 p.m. prior to the holiday.

(3) Movement of permitted loads is restricted on the Interstate System in Cleveland, Oklahoma and Tulsa Counties from 7 a.m. to 9 a.m. and from 4 p.m. to 6 a.m., Monday through Friday.

Permits may be issued for travel on the Oklahoma turnpikes, not to exceed the following limits. The maximum weight on all turnpikes is 108,000 pounds. Permits shall not be issued for travel on the turnpikes unless a minimum speed of 40 miles per hour can be maintained.

Special Vehicle Combinations

A special vehicle combination (SVC) shall consist of a truck tractor-semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than 29 feet nor shall a SVC exceed the weight limitations imposed by statute.

No person shall operate or permit the operation of a SVC within Oklahoma without a current SVC permit issued by the Department of Public Safety, Size and Weight Permit Division. Such permits may only be used for operation upon Federal-aid Interstate highways or four-lane divided Federal-aid primary highways and for access or egress between points of origin or destination. Egress or access shall not exceed 5 statute miles.

A copy of a valid SVC permit shall be carried at all times in the authorized vehicle.

All SVC permit holders and drivers must comply totally with the latest Federal Motor Carrier Safety Regulations, 49 CFR, parts 390–397, except where Oklahoma rules contain provisions which are not in conflict with Federal requirements and are more stringent.

The driver must be under the control and supervision of the holder of the SVC permit, or have been issued the same.

The permit holder shall ensure that the driver meets the requirements listed below prior to operating any SVC in this State:

(1) The driver must fully comply with the driver requirements contained in the Federal Motor Carrier Safety Regulations.

(2) A driver must have had at least 2 years of experience driving truck-trailer combinations.

(3) Valid documentation indicating driver compliance with the above driver requirements shall be in the possession of the driver while operating an SVC.

(4) The permit holder shall certify to the U.S. DOT that the driver is qualified and has valid documentation of same in his possession prior to the issuance of an SVC permit.

A completed and signed application will be accompanied by the tendering of an annual fee for each permit issued.

Each licensee shall insure that the operation of SVC's complies with the following rules in addition to other equipment requirements established by State or Federal laws or rules.

All truck tractors shall be powered to provide adequate acceleration and hill climbing ability under normal operation conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 miles per hour under normal operation conditions on a grade over which the combination is operated is required.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must

be provided on all trailers, semitrailers and converter dolly axles. A grade force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle if Federal Motor Carrier Safety Regulations would so allow. Indiscriminate use of engine retarder brakes is prohibited.

Mud flaps or splash guards are to meet the requirements of the procedures established below and shall be followed when operating an SVC in this State.

A minimum distance of 500 feet shall be maintained between SCV's and other vehicles except when overtaking and passing. Except when passing another vehicle in the same direction, or when emergency conditions exist, an SVC shall remain at all times in the right hand outside lane.

Extreme caution in the operation of an SVC shall be exercised when hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust or smoke adversely affect control, visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous the company or driver shall discontinue operations and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods when, in the State's judgment, traffic, weather or other safety conditions make such operations unsafe or inadvisable.

Transportation by SVC, Class A and B explosives; Class A poisons and Class 1, 2 and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT is prohibited. This prohibition does not include the transportation of gasoline, fuel oil or heating oil or other such petroleum products.

All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

The total weight on any single axle shall not exceed 20,000 pounds. The total axle weight on any tandem axle shall not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1. Gross combination weight shall not exceed 90,000 pounds. All SVC's must be properly registered. An Interstate permit to operate on the Interstate System in Oklahoma is required, if registered above 80,000 pounds.

The heaviest trailer or semitrailer should be placed in front with the lightest at the rear. In no case shall either trailer or semitrailer be placed ahead of another trailer or semitrailer which carries an appreciably heavier load. An empty trailer or semitrailer will not precede a loaded trailer or semitrailer.

Special Permit Loads

An annual special authorization permit may be issued for any vehicle transporting a load in excess of 80,000 pounds, but not exceeding 90,000 pounds, for movement upon or touching the Interstate System; provided such vehicle meets the axle requirements as provided for in Table 1.

Vehicles meeting the axle requirements of Table 1 must have a special authorization permit; otherwise, they will be limited to 80,000 pounds gross weight on the Interstate System.

There is a fee for an annual special authorization permit. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of 102 inches excluding both tire bulge and approved safety devices when operated on the Interstate System or on any road or highway in this State having a surface width of 20 feet or more. The total gross weight in pounds imposed by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum Load (lbs) by Axle Group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	
18		49,500	54,000	59,000	
19		50,000	54,500	60 000	
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,500	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,500	61,500	66,000	71,500
30		62,000	62,000	66,500	72,000
31		63,500	63,500	67,000	72,500
32		64,000	64,000	68,000	73,500
33			64,500	68,500	74,000
34			65,000	69,000	74,500
35			66,000	70,000	75,000
36			68,000	70,500	75,500
37			68,000	71,000	76,000
38			69,000	72,000	77,000
39			70,000	72,500	77,500
40			71,000	73,000	78,000
41			72,000	73,500	78,500
42			73,000	74,000	79,000
43			73,280	75,000	80,000
44			73,280	75,500	80,500
45			73,280	76,000	81,000
46			73,280	76,500	81,500
47			73,500	77,500	82,000
48			74,000	78,000	82,000
49			74,500	78,500	83,500
50			75,500	79,000	84,000
51			76,000	80,000	84,500
52			76,500	80,500	85,000
53			77,500	81,000	86,000
54			78,000	81,500	86,500
55			78,500	82,500	87,000
56			79,500	83,000	87,500

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT—Continued

Axle spacing (ft)	Maximum Load (lbs) by Axle Group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
57			80,000	83,500	88,000
58				84,000	89,000
59				85,000	89,500
60				85,500	90,000

Routes: All Interstate routes.

Legal Citations:

DPS Regulation 595:30–1–11(f)(1).

DPS Regulation 595:30–3–1 through 595:30–5–1.

State: Oregon.

Operational Conditions: Vehicle combinations known as truck tractor-semitrailer-trailer or "Oregon Doubles" and truck tractor-semitrailer-trailer-trailer or "Triples" are eligible for divisible load permits to operate with a gross weight up to and including 105,500 pounds. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound single axle, 34,000-pound tandem axles or the table of weights for Oregon. Permits for these vehicles are valid for 1 year annually from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather, trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license for the appropriate combination of vehicles is required. Truck speed in Oregon is limited to 55 miles per hour; however, there are no time-of-travel restrictions.

Routes: All Interstate routes.

Legal Citations:

ORS 810.010

ORS 810.030

ORS 810.040

ORS 810.050

ORS 810.060

ORS 818.010 through 818.235

State: South Dakota.

Operational Conditions: Longer combination vehicles with a gross weight exceeding 80,000 pounds must obtain a permit. All permits are on a single-trip basis. These are issued in two categories:

(1) For vehicle combinations exceeding 80,000 pounds, but not to exceed Federal Bridge Formula B, and with overall length not to exceed 81 feet 6 inches nor any individual trailer length to exceed 45 feet.

(2) Permits for vehicle combinations exceeding 80,000 pounds but not to exceed 129,000 pounds gross vehicle weight or Federal Bridge Formula B.

An overweight permit is not valid when the road surface is slippery due to snow, ice, slush or frost, or when Highway Patrol officers determine that weather conditions make travel unsafe.

Routes: All Interstate routes

Legal Citations:

South Dakota Codified Laws (SDCL) 32–22–42

SDCL 32-22-42.14
State: Utah.
Operational Conditions:
(1) Permit is required.
(2) Carrier must be in compliance with all safety requirements prior to obtaining a permit.
(3) Adverse weather conditions—extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will revoke the permit.
(4) Speed must be reduced when adverse weather is encountered.
Routes: All Interstate routes.
Legal Citations:
Utah Code (Statute) 27-12-148 and 27-12-151
Utah Regulations for Legal and Permitted Vehicles, Section 400
State: Washington.
Operational Conditions: Washington allows vehicle weighing more than 80,000 pounds with two trailers extending up to 68 feet overall length of the cargo boxes to operate on all State highways. Single trailers exceeding 60 feet, however, must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.
Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for the 60-foot or less doubles. A special endorsement is required on the driver's license to pull doubles.
Vehicles must follow axle weight limit controls (20,000-pound single axle, 34,000-pound tandem axle) and the Federal bridge formula for gross weight.
Routes: All Interstate routes.
Legal Citations:
RCW 46.44.030 (legal combination)
RCW 46.44.0941 (permits)
State: Wyoming.
Operational Conditions: A truck tractor with two or more trailing units (five axles) can be operated up to 85,000 pounds gross vehicle weight (GVW); a tandem truck tractor with two or more trailing units (six axles) can be operated up to 90,000 pounds GVW; a tandem truck tractor and tandem semitrailer and trailer (seven axles) can be operated up to 101,000 pounds GVW; a tandem tractor and semi-trailer and trailer (eight axles) can be operated up to 111,000 pounds GVW; and a tandem tractor and semitrailer and trailer (nine axles) can be operated up to 117,000 pounds GVW. The length limit of the trailer(s) is not to exceed 81 feet.
Routes: All Interstate routes.
Legal Citations:
W.S. 31-5-1001
W.S. 31-5-1002
W.S. 31-5-1004
Wyoming "Size and Weight Limitations of Vehicles" Revised, November 1990

Appendix D to Part 658—Trucks Over STAA Lengths on the National Network

This appendix contains information, by State, regarding the length of cargo carrying units of commercial motor vehicle (CMV) combinations with two or more cargo carrying units lawfully operating on the National Network (NN), on a regular or periodic basis (including seasonal operation) on or before June 1, 1991. The length of the cargo carrying units is defined as the distance from the front of the first cargo unit to the rear of the last cargo unit.

The term "Interstate System" as used herein refers to the National System of Interstate and Defense Highways, renamed the Dwight D. Eisenhower System of Interstate and Defense Highways by Public Law 101-427. Four categories of combinations are identified for purposes of this listing:

1. CMV combination with two trailers or semitrailers either of which is over 28.5 feet long, but which normally operates with a long semitrailer plus a shorter trailer, commonly known as a "Rocky Mountain Double;"
2. CMV combination with two trailers or semitrailers, both of which exceed 40 feet in length, commonly known as a "Turnpike Double;"
3. CMV combination with more than two trailers or semitrailers, commonly known as a "Triple;" and
4. CMV combinations with two or more cargo carrying units not included in descriptions 1, 2, or 3. Listed for each State by combination type is either:
a. The maximum cargo carrying length (shown in feet);
b. That such vehicle was not allowed (as indicated by a "NO"); or
c. A notation that the State submission contains vehicles covered by the exclusion guidelines described below.

Exclusions:

1. *Truck tractor-semitrailer-semitrailer* and *Truck tractor-semitrailer-trailer* configurations with a maximum length of the cargo carrying units of 62 feet or less are subject to the provisions of 23 CFR part 658. No additional information regarding conditions, routes or authority to operate is required.
2. *Truck-trailer* and *Truck-semitrailer* maxi-cube configurations with an overall length of 65 feet or less and a maximum length of cargo carrying units of 60 feet or less come under the intent of Congress with respect to allowing maxi-cube vehicles to operate on the NN. No additional information regarding conditions, routes or authority to operate is required.
3. *Truck-trailer* and *Truck-semitrailer* combinations (except as maxi-cubes) are presently allowed to run in all States subject to varying overall length limit controls. Additional information regarding conditions, routes or authority to operate is only required for these combinations if the cargo carrying length of these vehicles is greater than 65 feet.

For every State where there is a length number in the table that follows, additional information is provided.

State	Vehicle Combination Categories			
	Rocky Mountain doubles	Turnpike doubles	Triples	Other
	1	2	3	4
Alabama	NO	NO	NO	NO
Alaska	95	95	110[E]	83[E]
Arizona	92	95[E]	95[E]	(3)
Arkansas	NO	NO	NO	NO
California	NO	NO	55	NO
Colorado	85[E]	95[E]	95[E]	78[E] [1]
Connecticut	NO	NO	NO	NO
Delaware	NO	NO	NO	(3)
District of Columbia	NO	NO	NO	NO
Florida	106[E]	106[E]	NO	(3)
Georgia	NO	NO	NO	(3)
Hawaii	NO	NO	NO	(3)
Idaho	95[E]	95[E]	95[E]	(2 3)
Illinois	NO	NO	NO	NO
Indiana	96	106	104.5	66
Iowa	NO	NO	NO	NO
Kansas	109[E]	109[E]	109[E]	NO
Kentucky	NO	NO	NO	NO
Louisiana	75	NO	NO	(3)
Maine	NO	NO	NO	NO
Maryland	NO	NO	NO	(3)
Massachusetts	NO	114	NO	(3)
Michigan	NO	NO	NO	(3)
Minnesota	NO	NO	NO	NO
Mississippi	NO	NO	NO	65
Missouri	102	109	100	(3)
Montana	81	90[E]	100	103
Nebraska	85	95[E]	95[E]	68[E] [1]
Nevada	95[E]	95[E]	95[E]	98[E]
New Hampshire	NO	NO	NO	85[E]
New Jersey	NO	NO	NO	NO
New Mexico	NO	NO	NO	NO
New York	102[E]	102[E]	NO	NO
North Carolina	NO	NO	NO	NO
North Dakota	110[E]	110[E]	100[E]	103[E]
Ohio	80	100	89	NO
Oklahoma	123	123	95	(3)
Oregon	68	NO	95[E]	(3)
Pennsylvania	NO	NO	NO	NO
Puerto Rico	NO	NO	NO	NO
Rhode Island	NO	NO	NO	NO
South Carolina	NO	NO	NO	NO
South Dakota	81.5	110	100[E]	(2 3)
Tennessee	NO	NO	NO	(3)
Texas	NO	NO	NO	NO
Utah	88[E]	94	94	88[E]
Vermont	NO	NO	NO	NO
Virginia	NO	NO	NO	NO
Washington	68	NO	NO	(3)
West Virginia	NO	NO	NO	NO
Wisconsin	NO	NO	NO	(3)
Wyoming	81	NO	(2)	(2 3)

[E] Estimated.

[1] State submission contains vehicles covered by exclusion guidelines.

[2] State submission includes multiple vehicles in this category—see individual State listings.

[3] Wyoming has until November 3, 1992, to determine this length.

State: Alaska.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: On the National Network, longer combination vehicles (LCV's) of this combination are allowed to operate with no requirement for permits, speed or time of day. LCV's with an overall length greater than 75 feet are required to display "OVERSIZE" signs front and rear. During the spring thaw all commercial vehicles, including LCV's, are restricted on the amount that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilities (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Department of Public Safety, Division of State Troopers.
Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2—Fairbanks (Gaffney Road Junction.	Delta Junction (MP 1412 Alaska Highway).
AK-3—From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.
State: Alaska.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same as for Alaska Rocky Mountain Doubles.
Routes: Same as for Alaska Rocky Mountain Doubles.
Legal Citations: Same as for Alaska Rocky Mountain Doubles.
State: Alaska.
Combination: Triple.
Length of the Cargo Carrying Units: 110 feet (28.5 feet for each trailer).
Operational Conditions: Longer Combination Vehicles (LCV's) of this combination are allowed to operate on the National Network, under experimental use of the State Highway System. A permit is required with specified duration of not less than 3 months nor more than 18 months. There is a permit fee.
Vehicles with an overall length in excess of 75 feet must display "OVERSIZE" signs front and rear.
Drivers of triples must have 10 years of experience in Alaska and certified training in triples operation.
Axle weights are restricted during the spring thaw.
Weather restrictions are imposed when hazardous conditions exist, as determined by the Alaska DOT & PF and the Department of Public Safety, Divison of State Troopers.
Triple trailer combinations are allowed to operate during the following hours:
1 a.m. Sunday to 12 p.m. Sunday
7 p.m. Sunday to 6 a.m. Monday
8 p.m. Monday to 7 a.m. Tuesday
8 p.m. Tuesday to 8 p.m. Wednesday
Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Junction of AK-1 and AK-3 (5 miles S. of Palmer).
AK-3—From its Junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.
State: Alaska.
Combination: Truck-trailer.
Length of the Cargo Carrying Units: 83 feet.
Operational Conditions: Vehicles of this combination are allowed to operate on the National Network with no requirements of permits, speed or time of day. Vehicles of this combination with an overall length greater than 75 feet are required to display "OVERSIZE" signs front and rear. During the spring thaw all commercial vehicles are restricted on the amount that each axle grouping is allowed to carry. The Alaska Department of Transportation and Public Facilties (DOT & PF) makes the determination on the percentage and the portion(s) of the highways affected. Weather restrictions are imposed when hazardous conditions exist as determined by the Alaska DOT & PF and the Department of Safety, Division of State Troopers.
Routes:

From	To
AK-1—Anchorage (Potter Weigh Station).	Palmer (Palmer-Wasilla Highway Junction).
AK-2—Fairbanks (Gaffney Road Junction.	Delta Junction (MP 1412 Alaska Highway).
AK-3 From its junction with AK-1.	Fairbanks (Gaffney Road Junction).

Legal Citations: 17 AAC 35, 17 AAC 25, Administrative Permit Manual.
State: Arizona.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 92 feet.
Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.
All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.
Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.
Permits issued under ARS 28–1011.M are annual permits only. This permit is valid on all listed routes within the 20-mile border area.
Gross Weight—111,000 pounds.
Axle weights must comply with appropriate statutes.
Length is 92 feet as per memo dated June 23, 1989. When permits are issued under ARS 28–1011.N, these permits are valid on all listed routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.
Gross weight of 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Length is 92 feet as per memo date June 8, 1990.
When permits are issued under ARS 28–1004.G, the permits are valid on Interstate 15, US 89A and SR 389 within the 20-mile border area.
Gross weight is 111,000 pounds.
Axles must comply with appropriate statutes.
Length is 92 feet as per memo dated June 23, 1989.

	From	To
Routes:		
I–15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Within 20 miles of Utah State Line.
US 89	Utah State Line	Within 20 miles of Utah State Line.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 68	Nevada State Line	Within 20 miles of Nevada State Line.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28–107	ARS 28–1009.01	ARS 28–1011.N
ARS 28–108.5	ARS 28–1011.A	ARS 28–1011.O
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G	ARS 28–1011.L	ARS 28–1051
ARS 28–1008	ARS 28–1011.M	ARS 28–1052
ARS 28–1009	R17–40–426	

State: Arizona.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.
All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.
Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.
Permits issued under ARS 28–1011.M are annual permits only. This permit is valid on all listed routes within the 20-mile border area.
Gross Weight—111,000 pounds.
Axle weights must comply with appropriate statutes. When permits are issued under ARS 28–1011.N, these permits are valid on all listed routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.
Gross weight of 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Cargo carrying length not to exceed 92 feet on all listed routes except Interstate 15. I–15 overall length not to exceed 105 feet.

	From	To
Routes:		
I–15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Within 20 miles of Utah State Line.
US 89	Utah State Line	Within 20 miles of Utah State Line.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 68	Nevada State Line	Within 20 miles of Nevada State Line.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28–107	ARS 28–1009.01	ARS 28–1011.N
ARS 28–108.5	ARS 28–1011.A	ARS 28–1011.O
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G	ARS 28–1011.L	ARS 28–1051
ARS 28–1008	ARS 28–1011.M	ARS 28–1052
ARS 28–1009	R17–40–426	

State: Arizona.
Combination: Triple.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.
All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.
Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.
When permits are issued under ARS 28–1011.N, these permits are valid on all listed routes, except Interstate 15, US 89 and SR 68 within the 20-mile border area.
Gross weight is 121,000 pounds with nine axles, or 123,500 pounds with 10 axles. Gross weight on I–15 is determined by Federal Bridge Formula B, with gross not to exceed 129,000.
Trailers must be of equal length within an overall length limit of 105 feet.

	From	To
Routes:		
I–15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Milepost 609.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28–107	ARS 28–1009.01	ARS 28–1011.N
ARS 28–108.5	ARS 28–1011.A	ARS 28–1011.O
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G	ARS 28–1011.L	ARS 28–1051
ARS 28–1008	ARS 28–1011.M	ARS 28–1052
ARS 28–1009	R17–40–426	

State: Arizona.
Combination: Truck-semitrailer-trailer.
Length of the Cargo Carrying Units: 98 feet.
Operational Conditions: On all listed routes, the company must have a Certificate

of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited. All LCV's are restricted to a 20-mile border area from any adjacent State which allows such combinations of length and gross vehicle weight.

When permits are issued under ARS 28–1011.N, the gross weight may not exceed 121,000 pounds with nine axles, or 123,500 with 10 axles. These permits are valid on all listed routes except I–15, US 89 and SR 68, within the 20-mile border area.

When permits are issued under ARS 28–1004.G, gross weight is determined by Federal Bridge Formula B, with gross weight not to exceed 129,000 pounds on I–15 only. Cargo carrying length not to exceed 92 feet on all listed routes, except Interstate 15. I–15 overall length not to exceed 105 feet.

	From	To
Routes:		
I–15	Nevada State Line	Utah State Line.
US 89A	Utah State Line	Milepost 609.
US 160	Jct. US 163	New Mexico State Line.
US 163	Utah State Line	Jct. US 160.
SR 389	Utah State Line	Jct. US 89A.
Legal Citations:		
ARS 28–107	ARS 28–1009.01	ARS 28–1011.N
ARS 28–108.5	ARS 28–1011.A	ARS 28–1011.O
ARS 28–108.13	ARS 28–1011.C	ARS 28–1013
ARS 28–108.14	ARS 28–1011.F	ARS 28–1014
ARS 28–1001	ARS 28–1011.K	ARS 28–1031
ARS 28–1004.G	ARS 28–1011.L	ARS 28–1051
ARS 28–1008	ARS 28–1011.M	ARS 28–1052
ARS 28–1009	R17–40–426	

State: Arizona.
Combination: Truck-trailer.
Length of the Cargo Carrying Units: 69 feet.
Operational Conditions: On all listed routes, the company must have a Certificate of Compliance on file and a permit in the possession of the driver when operating this type of combination. All companies must have an active safety program.

All drivers are required to comply with Motor Carrier Safety Regulations of the U.S. DOT and title 28, Arizona Revised Statutes.

Longer Combination Vehicles (LCV's) shall not exceed the legal or posted speed, whichever is lower. LCV's are allowed continuous travel, except during adverse weather conditions when the movement of LCV's is prohibited.

Travel is limited to Interstate highways within this State which connect with two States which allow the combination, and such Interstate does not exceed 40 miles between connecting States.

Gross weight is determined by Federal Bridge Formula B.

Axle weights must comply with the appropriate statutes.

Routes: Interstate 15—entire length.

Legal Citations:

ARS 28–107
ARS 28–108.5
ARS 28–108.13
ARS 28–108.14
ARS 28–1001
ARS 28–1004.G
ARS 28–1008
ARS 28–1009
ARS 28–1009.01
ARS 28–1011.A
ARS 28–1011.C
ARS 28–1011.F
ARS 28–1011.K
ARS 28–1011.L
ARS 28–1011.M
R17–40–426
ARS 28–1011.N
ARS 28–1011.O
ARS 28–1013
ARS 28–1014
ARS 28–1031
ARS 28–1051
ARS 28–1052Q02

State: California.
Combination: Triple.
Length of the Cargo Carrying Units: 55 feet.
Operational Conditions:

Driver Qualifications

A driver must have a Class A Commercial Drivers License, with a Double Trailer Endorsement.

Routes: All National Network routes.

Legal Citations:

CVC: 12804.9—Class A Commercial Drivers License
15278(a)—Double Trailer Endorsement
35401(a)—Maximum Length of Vehicle Combinations

State: Colorado.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 85 feet.
Operational Conditions: *Longer Combination Vehicles, Greater Than 80,000 Pounds*—LCV's must purchase an annual permit for a fee pursuant to C.R.S. 42–4–404.5(1). To operate at greater than 80,000 pounds, LCV's must purchase an overweight permit pursuant to C.R.S. 42–4–409(11)(a)(II)(A), (B), or (C) and comply with rule 4–15 in the Extra-Legal Vehicles and Loads Rules. LCV's must comply with the Rules and Regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's. However, instead of complying with Rule 5–1 in the Longer Combination Vehicle Rules, LCV's operating at greater than 80,000 pounds must comply with Rule 4–1–5 in the Extra-Legal Vehicles and Loads Rules concerning hours of operation restrictions. *Longer Combination Vehicles, 80,000 Pounds or Less*—LCV's must purchase an annual permit pursuant to C.R.S. 42–4–404.5(1). LCV's must comply with the Rules and Regulations for the Operation of Longer Combination Vehicles on Designated State Highway Segments. The rules address all restrictions and requirements that are imposed on LCV's.

Hours of Operation: A LCV shall not operate on the following designated highway segments during the hours of 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, for Colorado Springs, Denver and Pueblo (LCV's operating above the legal maximum weight are subject to different hours of operation restrictions. Refer to rules pertaining to Extra-Legal Vehicles or Loads).

Colorado Springs—I–25 from SH 83 (Academy Blvd. South) to SH 83 (Academy Blvd. North)
Denver—I–25 from I–225 to SH 128 (120th Ave.)
I–70 from US 40/SH26 to I–225
I–76 from I–25 to SH 85
I–225 from I–25 to I–70
I–270 from I–76 to I–70
Pueblo—I–25 from Lake Ave. (Exit #94) to SH 47/SH 50 (Exit #101)

Routes: I–25 from the Colorado-New Mexico State Line to the Colorado-Wyoming State Line.
I–70 from the junction of US 40 and SH 26, in Denver, to the Colorado-Kansas State Line
I–76 from the junction of I–25, in Denver, to the Colorado-Nebraska State Line
I–270 from the junction of I–70 to the junction of I–76
I–225 from the junction of I–25 to the junction of I–70
I–70 from the Colorado-Utah State Line to the junction of SH 13

SH 133, in Delta County, from milepoint 6.9 to milepoint 9.7 (Non-Interstate Highway)

Ingress and Egress: LCV's can be permitted to go to the following facilities: (1) Manufacturing or distribution centers, warehouses or truck terminals that are located in an area where industrial uses are permitted and (2) construction sites. This off-highway-segment travel is limited to a maximum of 10 miles, which shall be measured by the most direct travel rather than by the radius from the facility to the designated route. The ingress and egress route(s) between the designated State highway segment and the facility must be approved in advance by the public entity (CDOT, municipality or county) having jurisdiction for the roadway(s) that make up the route(s).

Legal Citations: LCV's must comply with all applicable statutes, such as C.R.S. 42–4–406(2)(b)(I) and (2)(c) axle weight limitations, C.R.S. 42–4–402(1) width, C.R.S 42–4–404(1) height, C.R.S. 42–4–409(11)(a)(II)(A), (B), or (C) overweight permits (*) and C.R.S. 42–4–407(1)(c)(III)(A) and (B) Federal Bridge formula (**). LCV's must comply with Rule 4–15 in the Extra-Legal Vehicles and Loads Rules (I) and with the Longer Combination Vehicle Rules.

* applies only to LCV's operating at greater than 80,000 pounds.

** applies only to LCV's operating at 80,000 pounds or less.

State: Colorado.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.
Routes: Same as for Colorado Rocky Mountain Doubles.

State: Colorado.
Combination: Triple.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.
Routes: Same as for Colorado Rocky Mountain Doubles.
Legal Citations: Same as for Colorado Rocky Mountain Doubles.

State: Colorado.
Combination: Truck-trailer.
Length of the Cargo Carrying Units: 78 feet.
Operational Conditions: Same as for Colorado Rocky Mountain Doubles.
Routes: Same as for Colorado Rocky Mountain Doubles.
Legal Citations: Same as for Colorado Rocky Mountain Doubles.

State: Florida.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 106 feet.
Operational Conditions: All overdimensional and weight regulations of the Florida Turnpike Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit or these regulations.

A tractor used in the tandem trailer operations shall be capable of hauling the maximum gross load to be transported by a permittee at a speed of not less than 40 miles per hour on all portions of the turnpike system, excepting that portion of the roadway, as posted in 1988, between milepost 234 and milepost 238 where a minimum speed of 30 miles per hour will be permitted.

A tractor, which will be used to haul a complete tandem trailer combination with a total gross weight of 110,000 pounds or more, shall be equipped with tandem rear axles, neither of which shall be a retractable type axle. All axles shall be equipped with operating brakes. Tractors with single drive axles shall be certified by the operator and manufacturer as having the capacity to control loads in excess of 110,000 pounds. When the above tandem-axle tractor is required, a tandem-axle dolly converter must be used.

Proposed drivers of tandem trailer units shall be registered by the Florida Turnpike Authority prior to driving such equipment on the turnpike system.

A minimum distance of 500 feet shall be maintained, under normal conditions, between a tandem trailer unit and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Except as noted herein and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike system shall apply to the operation of tandem trailer units on the turnpike system.

Routes: Florida Turnpike.

Legal Citations: Chapter 14–62 "Regulations Governing Tandem Combinations of Florida's Turnpike," Florida Administrative Code.

State: Florida.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 106 feet.
Operational Conditions: Same as for Florida Rocky Mountain Doubles.
Routes: Same as for Florida Rocky Mountain Doubles.
Legal Citations: Same as for Florida Rocky Mountain Doubles.

State: Idaho.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 95 feet (State estimate).
Operational Conditions: Idaho's permit system for longer combination vehicles (LCV's) does not limit individual vehicle or combined trailer lengths within the combination. The rules provide for routes which accomodate maximum combination lengths of 85 feet and 105 feet based on calculated maximum off-tracking. Permits are required. Permit duration is 1 year from the date of issuance. There are extra-length permit, excess-weight permit and extra-length/excess-weight permit fees—only if the vehicle operates on the Interstate System.

The maximum number of units allowed in a combination vehicle is one tractor and three cargo units.

Vehicles under permit must comply with the Calculated Maximum Off-Track (CMOT) Formula (shown below).

$CMOT = R - [R^2 - (A^2 + B^2 + C^2 + D^2 + E^2)]^{1/2}$
$R = 165 - 4 = 161$

A, B, C, D, E, etc. = measurements between points of articulation or pivot. Squared dimensions to stinger steer points of articulation are negative.

Vehicles under permit must also comply with axle and axle group weight limits of Idaho Code, section 49–1001.

Maximum weight: registered weight up to 105,500 pounds.

Maximum width: 8 feet 6 inches

Routes: All National Network routes.

Legal Citations: Idaho Code 49–1001, Idaho Code 49–1002, Idaho Code 49–1004, Idaho Code 49–1010, Idaho Code 49–1011.

Idaho Transportation Department Rules 39.C.01, 39.C.06, 39.C.08, 39.C.09, 39.C.10, 39.C.11, 39.C.14, 39.C.15, 39.C.19, 39.C.20, 39.C.21, 39.C.22, 39.C.23.

State: Idaho.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet (State estimate).
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.
Routes: Same as for Idaho Rocky Mountain Doubles.
Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.
Combination: Triple.
Length of the Cargo Carrying Units: 95 feet (State estimate).
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.
Routes: Same as for Idaho Rocky Mountain Doubles.
Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.
Combination: Truck tractor-semitrailer-trailer.
Length of the Cargo Carrying Units: 78 feet 10 inches.
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.
Routes: Same as for Idaho Rocky Mountain Doubles.
Legal citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.
Combination: Truck tractor-semitrailer-trailer, used for hauling logs.
Length of the Cargo Carrying Units: 85 feet.
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.
Routes: Same as for Idaho Rocky Mountain Doubles.
Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.
Combination: Truck-trailer-trailer and Truck-semitrailer-trailer.
Length of the Cargo Carrying Units: 96 feet.
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.
Routes: Same as for Idaho Rocky Mountain Doubles.
Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.
Combination: Truck-trailer.
Length of the Cargo Carrying Units: 78 feet.
Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-trailer and Truck tractor-semitrailer-semitrailer, both of which are used in hauling logs.

Length of the Cargo Carrying Units: Truck-trailer, 78 feet; Truck tractor-semitrailer-semitrailer, 75 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Idaho.

Combination: Truck-semitrailer.

Length of the Cargo Carrying Units: 98 feet.

Operational Conditions: Same as for Idaho Rocky Mountain Doubles.

Routes: Same as for Idaho Rocky Mountain Doubles.

Legal Citations: Same as for Idaho Rocky Mountain Doubles.

State: Indiana.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 86 feet.

Operational Conditions: Trailer combinations may operate on the toll road only under an annual tandem permit issued by the Indiana Department of Highways (IDOH) General Manager and subject to compliance by the permittee with 135 IAC 2-7. The permissible number of axles on a tandem trailer combination shall be a minimum of five and a maximum of nine.

The maximum gross weight for a trailer combination shall be governed by the formula—80,000 pounds plus 1,070 pounds per foot for each foot of combination length (front bumper to end of combination) in excess of 60 feet. However, any such combination of vehicles may not exceed a total maximum gross weight of 127,400 pounds. The gross load of a combination of vehicles shall not exceed the sum of allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle—22,400 pounds, (axles measuring less than 40 inches between axle centers are considered one axle).

Maximum combined axle load of any two successive axles, spaced more than 40 inches apart but less than 9 feet apart—36,000 pounds.

No such combinations will be permitted to leave the toll road for travel as combinations upon the State highways of Indiana without a permit from the IDOH. Maximum gross weight and axle weight of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with the Indiana State law. All other maximum dimensions of 135 IAC 2 for the control and regulation of traffic on the toll road shall apply.

A responsible officer of the applicant shall certify to the IDOH, prior to the approval of a truck tractor, that the vehicle proposed to be furnished and used for specified gross loads will comply with and meet all minimum safety and performance factors of the IDOH.

The distance between trailers coupled in combination shall not exceed 9 feet. In the assembly of trailer combinations, prior to their operation on the Indiana Toll Road, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. The permittee shall couple them according to their gross weights with the heaviest trailer coupled to the tractor and lightest trailer in the rear. Trailer combinations shall comply with existing speed regulations. A minimum speed of 45 miles per hour must be maintained on the toll road, under normal conditions, except on entry and exit ramps. A minimum distance of 500 feet shall be maintained, under normal conditions between trailer combinations and a vehicle traveling in front of it in the same travel lane, except when passing occurs. Trailer combinations may pass another vehicle traveling in the same direction only if the speed differential will allow the trailer combination to complete the maneuver and return to the normal driving lane within a distance of 1 mile. Trailer combinations shall not pass another vehicle traveling the same direction within 1 mile of any service area or interchange.

Application for permission to operate trailer combinations on the toll road shall be filed with the IDOH on forms provided, including a description of each vehicle making up trailer combinations.

(1) Upon approval, by the IDOH's General Manager, of the application for a truck tractor to operate in trailer combination service, an identification number issued by the IDOH shall be stenciled at a designated location on that truck tractor.

(2) In addition, upon approval of a truck tractor, a certificate shall be issued by the IDOH for the truck tractor as approved. Such certificate shall be suitably protected and carried in the cab of the truck tractor in a place where it shall be readily available for inspection.

Drivers shall possess the minimum qualifications as required by the State of Indiana for drivers operating vehicles within the State as further provided herein:

(1) Drivers of trailer combinations on the toll road must be not less than 26 years of age, must be in good health, and shall have not less than 5 years of provable experience in driving semitrailer or tandem trailer type motor vehicles. Such driving experience shall include experience throughout the four seasons.

(2) An applicant will be rejected if:

(a) His license has been revoked more than once in the past 10 years;

(b) His license has been suspended more than twice in the past 10 years;

(c) His record of major traffic violations shows more than five points in the preceding 2 years or seven points in the preceding 3 years; or

(d) His record of chargeable (preventable) accidents shows more than two in the preceding 5 years or more than one in the preceding 2 years on the toll road, or more than two in the preceding 2 years off the toll road. In any case, the maximum total is two in the preceding 2 years.

A proposed driver of trailer combinations shall make application on the prescribed form, which includes the driver's driving and safety record. The application must be accompanied by an official abstract of his driving record.

In the event of any accidents during the 5 years immediately preceding the application, copies of reports of all such accidents must be submitted. In addition, the driver must have a physical examination not less than every 2 years, and a copy of the physical examination certificate must accompany his application. Upon approval by the IDOH, an identification card bearing a permit number will be issued to the driver. The driver must carry the card with him at all times while operating tandem trailer combinations on the toll road for presentation upon request by toll road personnel or a police officer.

Permission to operate trailer combinations on the toll road may be temporarily suspended by the IDOH at any time due to weather conditions, unfavorable road conditions, holiday traffic and any other emergency conditions.

Applicants for trailer combination operating permits shall furnish to the IDOH a certificate attesting to the fact that public liability insurance affording coverages of not less than $500,000/$1 million for all damages arising from bodily injury, including death, and $100,000/$500,000 for property damage, including damage to toll road property and facilities has been secured by the applicant. The named insured thereon shall include the IDOH, its officers, agents and employees. The certificate shall indicate that the policy contains an endorsement reading as follows:

"The inclusion of the Indiana Department of Highways, Toll Road Division, as an additional named insured shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured."

Such certificate shall also provide that the coverage under the policy may not be cancelled without 30-days prior notice to the IDOH.

Except as noted herein and in the trailer combination permit, all rules and regulations for the control and regulation of traffic on the toll road shall apply to the operation of trailer combinations on the toll road.

Routes:

From	To
I-80—Gate 21	Gate 156.
I-90—Gate 0	Gate 156.

Indiana Toll Road plus 15 miles access, subject to Indiana DOH approval.

Legal Citations: Indiana Code 9-8-1-16, Indiana Code 8-15-2, 135 Indiana Administrative Code 2.

State: Indiana.

Combination: "Turnpike Double".

Length of the Cargo Carrying Units: 106 feet.

Operational Conditions: Same as for Indiana Rocky Mountain Doubles.

Routes: Same as for Indiana Rocky Mountain Doubles.

Legal Citations: Same as for Indiana Rocky Mountain Doubles.

State: Indiana.

Combination: "Triple".

Length of the Cargo Carrying Units: 104.5 feet.

Operational Conditions: Trailer combinations may operate on the toll road only under an annual tandem permit issued by the Indiana Department of Highways (IDOH) General Manager and subject to compliance by the permittee with 135 IAC 2-7. The permissible number of axles on a tandem trailer combination shall be a minimum of five and a maximum of nine.

Triple trailer combinations—A triple trailer combination shall consist of a truck tractor, semitrailer and two trailers. Neither the semitrailer nor either of the two trailers shall be longer than 28 feet and 6 inches in length. The permissable number of axles of a triple trailer combination shall be a minimum of seven and a maximum of nine. The maximum gross weight for a trailer combination shall be governed by the formula—80,000 pounds plus 1,070 pounds per foot for each foot of combination length (front bumper to end of combination) in excess of 60 feet. However, any such combination of vehicles may not exceed a total maximum gross weight of 127,400 pounds. The gross load of a combination of vehicles shall not exceed the sum of allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle—22,400 pounds, (axles measuring less than 40 inches between axle centers are considered one axle).

Maximum combined axle load of any two successive axles, spaced more than 40 inches apart but less than 9 feet apart—36,000 pounds.

No such combinations will be permitted to leave the toll road for travel as combinations upon the State highways of Indiana without a permit from the IDOH. Maximum gross weight and axle weight of vehicles leaving the toll road as singles to travel upon the public highways of Indiana must comply with the Indiana State law. All other maximum dimensions of 135 IAC 2 for the control and regulation of traffic on the toll road shall apply.

A responsible officer of the applicant shall certify to the IDOH, prior to the approval of a truck tractor, that the vehicle proposed to be furnished and used for specified gross loads will comply with and meet all minimum safety and performance factors of the IDOH.

The distance between trailers coupled in combination shall not exceed 9 feet. In the assembly of trailer combinations, prior to their operation on the Indiana Toll Road, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. The permittee shall couple them according to their gross weights with the heaviest trailer coupled to the tractor and lightest trailer in the rear. Trailer combinations shall comply with existing speed regulations. A minimum speed of 45 miles per hour must be maintained on the toll road, under normal conditions, except on entry and exit ramps. A minimum distance of 500 feet shall be maintained, under normal conditions, between trailer combinations and a vehicle traveling in front of it in the same travel lane, except when passing occurs. Trailer combinations may pass another vehicle traveling in the same direction only if the speed differential will allow the trailer combination to complete the maneuver and return to the normal driving lane within a distance of 1 mile. Trailer combinations shall not pass another vehicle traveling the same direction within 1 mile of any service area or interchange.

Application for permission to operate trailer combinations on the toll road shall be filed with the IDOH on forms provided, including a description of each vehicle making up trailer combinations.

(1) Upon approval, by the IDOH's General Manager, of the application for a truck tractor to operate in trailer combination service, an identification number issued by the IDOH shall be stenciled at a designated location on that truck tractor.

(2) In addition, upon approval of a truck tractor, a certificate shall be issued by the IDOH for the truck tractor as approved. Such certificate shall be suitably protected and carried in the cab of the truck tractor in a place where it shall be readily available for inspection.

Drivers shall possess the minimum qualifications as required by the State of Indiana for drivers operating vehicles within the State as further provided herein:

(1) Drivers of trailer combinations on the toll road must be not less than 26 years of age, must be in good health, and shall have not less than 5 years of provable experience in driving semitrailer or tandem trailer type motor vehicles. Such driving experience shall include experience throughout the four seasons.

(2) An applicant will be rejected if:

(a) His license has been revoked more than once in the past 10 years;

(b) His license has been suspended more than twice in the past 10 years;

(c) His record of major traffic violations shows more than five points in the preceding 2 years or seven points in the preceding 3 years; or

(d) His record of chargeable (preventable) accidents shows more than two in the preceding 5 years or more than one in the preceding 2 years on the toll road, or more than two in the preceding 2 years off the toll road. In any case, the maximum total is two in the preceding 2 years.

A proposed driver of trailer combinations shall make application on the prescribed form, which includes the driver's driving and safety record. The application must be accompanied by an official abstract of his driving record. In the event of any accidents during the 5 years immediately preceding the application, copies of reports of all such accidents must be submitted. In addition, the driver must have a physical examination not less than every 2 years, and a copy of the physical examination certificate must accompany his application. Upon approval by the IDOH, an identification card bearing a permit number will be issued to the driver. The driver must carry the card with him at all times while operating tandem trailer combinations on the toll road for presentation upon request by toll road personnel or a police officer.

Permission to operate trailer combinations on the toll road may be temporarily suspended by the IDOH at any time due to weather conditions, unfavorable road conditions, holiday traffic and any other emergency conditions.

Applicants for trailer combination operating permits shall furnish to the IDOH a certificate attesting to the fact that public liability insurance affording coverages of not less than $500,000/$1 million for all damages arising from bodily injury, including death, and $100,000/$500,000 for property damage, including damage to toll road property and facilities has been secured by the applicant. The named insured thereon shall include the IDOH, its officers, agents and employees. The certificate shall indicate that the policy contains an endorsement reading as follows:

The inclusion of the Indiana Department of Highways, Toll Road Division, as an additional named insured shall not exclude coverage of liability of the named insured for damage of property of the additional named insured, or for injury to or death of any person working with or for the additional named insured.

Such certificate shall also provide that the coverage under the policy may not be cancelled without 30-days prior notice to the IDOH.

Except as noted herein and in the trailer combination permit, all rules and regulations for the control and regulation of traffic on the toll road shall apply to the operation of trailer combinations on the toll road.

Routes:

From	To
I-80—Gate 21	Gate 156
I-90—Gate 0	Gate 156

Indiana Toll Road plus 15 miles access, subject to Indiana DOH approval.

Legal Citations: Indiana Code 9-8-1-16, Indiana Code 8-15-2, 135 Indiana Administrative Code 2.

State: Kansas.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 109 feet.

Operational Conditions: Permits are not required for operation on the Kansas Turnpike. A permit fee is required for access between the turnpike and motor freight terminals located within a 10-mile radius of each toll booth, except at the northeastern end of the turnpike where a 20-mile radius is allowed. A per-company and per-power-unit permit is required for special vehicle combinations (SVC), i.e., Triples. Access permits are valid for 6 months, while SVC permits are valid for 1 year.

The maximum number of units in a combination vehicle is three cargo carrying units plus one tractor. The maximum vehicle overall length is 119 feet. Authorization from the Chief Engineer/Manager or Highway Patrol Captain is required for loads and vehicles longer than 119 feet. SVC trailers are limited to 28.5 feet in length. The maximum vehicle width is 12.5 feet for vehicles and loads for both day and night operation. The

maximum vehicle height is 14 feet. Vehicles and loads activating high load detectors must stop and cannot proceed without authorization. The maximum vehicle weight is 120,000 pounds on the turnpike; however, SVC's have a maximum weight of 110,000 pounds and must comply with the Federal bridge formula. The maximum axle weight is 20,000 pounds on a single axle and 34,000 pounds on a tandem axle.

SVC permits may include any restrictions deemed necessary, including specific routes and hours, days and/or seasons of operation. Rules and regulations can be promulgated regarding driver qualifications, vehicle equipment and operational standards. SVC's cannot be dispatched or operated during adverse weather conditions. All axles, except steering axles, must have dual wheels and must be able to achieve and maintain a speed of 40 miles per hour on all grades. Drop and lift axles are prohibited. A minumum of six and a maximum of nine axles are required. All but the steering axle must be equipped with antispray devices. The heaviest trailers are to be placed forward. Following distance is 100 feet for every 10 miles per hour. SVC's must travel in the right lane except for passing. Hazardous cargo is prohibited. Convex mirrors are required on both sides of the cab. Drivers must have a CDL with appropriate endorsements: 2-years experience driving tractor semitrailers, 1 year driving doubles, have completed SCV driving training and a company road test. Equipment must comply with the requirements of 49 CFR 300-399.

The turnpike has no time-of-day travel restrictions; however, SVC's cannot operate on holidays or during holiday weekends. There are no turnpike route limits, however, SVC's are restricted to travel only on I-70 from a motor-freight truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line and on US 69 Alternate from Baxter Springs motor-freight terminal to the Kansas-Oklahoma State Line.

Routes: SVC's are allowed to travel the entire length of the Turnpike. However, SVC's are restricted on I-70 to travel only from a motor-freight truck terminal located within 5 miles of Goodland to the Kansas-Colorado State Line, and on US 69 Alternate from Baxter Springs to the Kansas-Oklahoma State Line. The Interstate Route designation of the Turnpike is as follows.

	From	To
I-35	Oklahoma State Line	Kansas Turnpike Authority (KTA) Milepost 127.
I-70	KTA Milepost 162.	KTA Milepost 223.
I-335	KTA Milepost 127	KTA Milepost 177.
I-470	KTA Milepost 177.	KTA Milepost 182.

Legal Citations: Kansas Statutes Annotated (KSA).

KSA 8-1911	KSA 8-1914	KSA 68-2003
KSA 68-2004	KSA 68-2005	KSA 68-2019
KSA 68-2048a		

State: Kansas.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 100 feet.
Operational Conditions: Same as for Kansas Rocky Mountain Doubles.
Routes: Same as for Kansas Rocky Mountain Doubles.
Legal Citations: Same as for Kansas Rocky Mountain Doubles.

State: Kansas.
Combination: Triple.
Length of the Cargo Carrying Units: 100 feet.
Operational Conditions: Same as for Kansas Rocky Mountain Doubles.
Routes: Same as for Kansas Rocky Mountain Doubles.
Legal Citations: Same as for Kansas Rocky Mountain Doubles.

State: Louisiana.
Combination: Rocky Mountain Double Truck tractor-semitrailer-trailer.
Length of the Cargo Carrying Units: 75 feet.
Operational Conditions:

1. No permits required.
2. No linear size limits.
3. Routes restricted to National Network.
4. Speed restricted by normal posted limits.
5. No restriction on time of day or weather.
6. CDL required.
7. 10-mile access.
8. The drawbar between trailers shall not exceed 15 feet.
9. Tire load on the pavement is limited to 650 pounds per inch of tire width.
10. Weight limits can be reduced due to weather or other emergency or due to pavement deterioration.

Routes: All National Network routes.
Legal Citations:
LA R.S. 32:382 (A) (1); (2) (b) (c) (d); (B); (C); (D); LA R.S. 32:384 (A); (C); LA R.S. 32:386 (A); (B); (C); (D); (H); (J).

State: Massachusetts.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 114 feet.
Operational Conditions: Both the tractor manufacturer for each tractor used in tandem trailer operations on the turnpike and the permittee shall certify to the Massachusetts Turnpike Authority (MTA), prior to the approval of a tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed not less than 20 miles per hour on all portions of the turnpike system.

Brake Regulation

1. The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with Federal regulations as stated in 49 CFR 393(C), as revised, and effective on the date of entry upon or use of the turnpike.

2. In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the requirements of the provisions of the Massachusetts Motor Vehicle Law.

3. On units of tandem trailer combinations certified on and after June 1, 1966, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer, but is dead-ended at the rear of the trailer or alternatively at the dolly, and the application signal then is retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of a rupture of the application line on the towed vehicle of any tandem combination, the loss of brake application shall be limited upstream of the loss to those vehicles between the rupture and the first retransmission device.

Axles

A tractor used to haul a tandem trailer combination with a gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, each of which shall be engaged to bear its full share of the load on the roadway surface.

Tandem Assembly

In the assembly of tandem combinations prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. In the event that the gross weight of the trailers vary by more than 20 percent, the permittee shall couple them for each trip according to their gross weight, that is with the heaviest trailer coupled to the tractor.

Indication That Trailers Form One Unit

When the distance between the rear of the one semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other turnpike users that the trailers are connected and are in effect one unit. Such devices or connections shall be approved by the MTA prior to use on a tandem trailer combination.

Shifting and Swerving

Coupling devices shall be so designed, constructed and installed and the vehicles in a tandem trailer combination traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving from side to side over 3 inches to each side of the path of the towing vehicle when it is moving in a straight line.

Registration of Drivers

Proposed drivers of tandem trailer combinations shall be registered by the MTA prior to driving such equipment on the turnpike. Applications for registration shall include all specified driving, safety and physical examination records and be accompanied by an official abstract of the driving record of the individual for who it is being submitted. Drivers of tandem trailer combinations are required to prove to the MTA a minimum of 5 years of tractor trailer driving experience.

Speed Regulations

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of the 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the turnpike.

Distance Between Vehicles

A minimum distance of 500 feet, or approximately two delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs.

Passing

A tandem trailer unit may pass another vehicle traveling in the same direction only if the speed differential will allow the tandem trailer unit to complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Turnpike Regulations

Except as noted herein, and in the Tandem Trailer Permit, all rules and regulations governing the use and occupancy of the turnpike shall apply to the operation of tandem trailer combinations on the turnpike.

Miscellaneous Powers

The MTA may revoke or temporarily suspend at will any permit issued for the operation of tandem combinations on the turnpike, at its sole discretion, in whole or in part. If the MTA shall temporarily suspend tandem trailer operations at any time for any reason, including reasons of inclement weather, reconstruction or other conditions, the instructions of the MTA and of the Massachusetts State Police shall be complied with immediately.

Makeup-Breakup Areas

Tandem trailer units shall be assembled and disassembled only in special makeup-breakup areas designated for this purpose by the MTA; no combination consisting of a truck tractor, first semitrailer and dolly, with or without a second semitrailer, shall exit from the turnpike into a publicly maintained highway within the Commonwealth of Massachusetts, except where other laws or local regulations permit.

Routes: I-90 from Boston to New York Line.
Legal Citations: Massachusetts Turnpike Authority (MTA) Rules and Regulations 730 CMR 4.00.

State: Mississippi.
Combination: Tractor-semitrailer-trailer (Each trailer is 30 feet or less in length).
Length of the Cargo Carrying Units: 65 feet (estimated).
Operational Conditions: None.
Routes: All Interstate routes. All U.S. numbered routes. All State numbered routes.
Legal Citations: Sec. 63-5-19, Para. (3) MS Code. 1972.

State: Missouri.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 102 feet.
Operational Units: Annual blanket over-dimension permits are issued to allow travel moving to terminals which involves travel on Interstate, primary and secondary routes with an overall length not to exceed 120 feet. The permit fee is per power unit. The permits carry routine permit restrictions, but do not address driver qualifications or any other restrictions not included in the rules and regulations for all permitted movement.
Routes: All National Network routes in Missouri within a 20-mile band from the Oklahoma and Kansas borders.
Legal Citations: § 304.200 Revised Statutes of Missouri 1990.

State: Missouri.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 100 feet.
Operational Conditions: Same as for Missouri Rocky Mountain Doubles.
Routes: Same as for Missouri Rocky Mountain Doubles.
Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Missouri.
Combination: Triple.
Length of the Cargo Carrying Units: 100 feet.
Operational Conditions: Same as for Missouri Rocky Mountain Doubles.
Routes: Same as for Missouri Rocky Mountain Doubles.
Legal Citations: Same as for Missouri Rocky Mountain Doubles.

State: Montana.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 81 feet.
Operational Conditions: Vehicle combinations must conform to posted speed limits. Vehicle combinations may operate 24 hours a day, 7 days a week on all highways. Operations are restricted during adverse weather conditions, when such operation affects the safety of the traveling public.
Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.
Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18.8.509.

State: Montana.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 90 feet.
Operational Conditions: "Turnpike Doubles" with a 100-foot overall length are limited to the Interstate System plus a 2-mile access provision to and from the Interstate. On all other highways "Turnpike Doubles" are limited to a 95-foot overall length. All "Turnpike Doubles" are restricted to the posted speed limits and cannot operate during adverse weather conditions if such travel affects the safety of the public.
Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.
Legal Citations: 61-10-124(4) MCA; 61-10-121 MCA.

State: Montana.
Combination: Triple.
Length of the Cargo Carrying Units: 100 feet.
Operational Conditions: Triple units are allowed only on routes that are part of the Interstate System. "Triples" are granted a 2-mile access provision off the Interstate for services or loading. Provisions may be granted at the discretion of the Administrator of the Motor Services Division for access beyond the 2-mile radius of the Interstate.
Triple operations are subject to a variety of equipment specifications. In addition, drivers of triple vehicle combinations are required to be certified. The certification process includes an actual road test under all types of driving conditions familiar to Montana.
Routes: Triples may operate on the following National Network routes. The entire length of Interstate routes 15, 90, 94 plus the 2-mile access provision discussed under "Operational Conditions."
Legal Citations: 61-10-124(6) MCA, ARM 18.8.517; 61-10-146(12) MCA, ARM 18.8.516; 61-10-121 MCA.

State: Montana.
Combination: Truck-trailer-trailer.
Length of the Cargo Carrying Units: 103 feet.
Operational Conditions: Maximum overall dimensions for truck-trailer-trailer combinations are as follows:

a. 110-foot overall length on the Interstate, only with a conventional truck, with a 2-mile access provision.
b. 105-foot overall length on the Interstate, only with a cab-over-engine truck, with a 2-mile access provision.
c. 95-foot overall length on two-lane highways.

Routes: All National Network routes except US 87 from milepost 79.3 to milepost 82.5.
Legal Citations: 61-10-124 MCA; 61-10-121 MCA; ARM 18-8-509.

State: Nebraska.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 85 feet.
Double trailers not exceeding a total length of 65 feet may travel without restriction as to route or as to relative trailer dimension. Double trailers over 65 feet may travel empty, but only with permits subject to the limitations set forth in the Rules and Regulations of the State of Nebraska Department of Roads.
Operational Conditions: Permits, for which a fee is charged, are required for operation on the Interstate and Defense Highway System only. Axle weight limits are 20,000 pounds for single axle and 34,000 pounds for tandem axle. Lift axles, which may be raised or lowered from within the vehicle or which have controls that may be reached from within the vehicle, and dummy axles will be disregarded in determining lawful weight.

(1) No wheel of a vehicle or trailer equipped with pneumatic, solid rubber or cushion tires shall carry a gross load in excess of 10,000 pounds on any road or highway nor shall any axle carry a gross load in excess of 20,000 pounds on any road or highway.
(2) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not

exceed 80,000 pounds on the Interstate System unless the Director-State Engineer authorizes a greater weight.

TABLE 1.—ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum Load (lbs) by Axle Group					
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	
30		58,500	62,000	66,500	72,000	
31		59,000	62,500	67,500	72,500	
32		60,000	63,500	68,000	73,000	
33			64,000	68,500	74,000	
34			65,500	69,000	74,500	
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	81,500
38			67,500	72,000	77,000	82,000
39			68,000	72,500	77,500	82,500
40			68,500	73,000	78,000	83,500
41			69,500	73,500	78,500	84,000
42			70,000	74,000	79,000	84,500
43			70,500	75,000	80,000	85,000
44			71,500	75,500	80,500	85,500
45			72,000	76,000	81,000	86,000
46			72,500	76,500	81,500	87,000
47			73,500	77,500	82,000	87,500
48			74,000	78,000	83,000	88,000
49			74,500	78,500	83,500	88,500
50			75,500	79,000	84,000	89,000
51			76,000	80,000	84,500	89,500
52			76,500	80,500	85,000	90,500
53			77,500	81,000	86,000	91,000
54			78,000	81,500	86,500	91,500
55			78,500	82,500	87,000	92,000
56			79,500	83,000	87,500	92,500
57			80,000	83,500	88,000	93,000
58				84,000	89,000	94,000
59				85,000	89,500	94,500
60				85,500	90,000	95,000

(3) The distance between axles shall be measured to the nearest foot. When a fraction is exactly 1/2 foot the next larger whole number shall be used, except that (a) any group of three axles shall be restricted to a maximum load of 34,000 pounds unless the distance between the extremes of the first and third axles is at least 96 inches and (b) the maximum gross load on any group of two axles, the distance between the extremes of which is more than 8 feet but less than 8 feet 6 inches, shall be 36,000 pounds.

(4) The weight limitations of wheel and axle loads shall be restricted to the extent deemed necessary by the Nebraska Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(5) Vehicles equipped with a greater number of axles than provided in the tables shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, the total gross weight or any of such weights as provided in subsections (2) and (4) of this section.

(6) This section shall not apply to a vehicle that has been issued a permit pursuant to section 39–6,181.

(7) Any two consecutive axles, the centers of which are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between any two adjacent axles in the series shall be defined as tandem axles and the gross weight transmitted to the road surface through such series shall not exceed 34,000 pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

Provisions Applicable for the Movement of Multi-Unit Combinations of Trailers and Semi-Trailers Requiring Special Permits

Definitions:

Extra-Long Vehicle Combinations: For the purpose of these rules and regulations, extra-long vehicle combinations may include the following vehicle combinations:

A vehicle combination consisting of a truck tractor, semitrailer and two trailers having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer having an overall length of not more than 105 feet, the semitrailer and trailers of which must be of approximately equal lengths.

A vehicle combination consisting of a truck tractor, semitrailer and single trailer, one trailer of which is not more than 48 feet long and the other trailer of which is not more than 28 feet long nor less than 26 feet long. The entire combination of which is not more than 95 feet long. In this combination, the shorter trailer shall be operated as the rear trailer.

Trailer shall mean any vehicle, with or without motive power, designed for the carrying of property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle; and for the purpose of these rules and regulations, a semitrailer used with a converter dolly shall be considered a trailer.

A location within 6 miles of the Interstate System that is approved by the permit and that is to be used by the permittee for assembling or disassembling extra-long vehicle combinations.

Highways, roads or streets upon which the permittee will be allowed to move an extra-long vehicle combination when moving from or to a designated staging area and to or from the Interstate System and the area of the interchanges of the Interstate System which may be traveled by the permittee. No extra-long vehicle permits will be issued to allow travel east of Nebraska Highway 50 on the Interstate System. Except as designated on the permit, in case of deteriorating weather conditions, emergency or breakdown, vehicles moving by authority of an extra-long vehicle permit shall not be permitted to reenter the Interstate System.

The Nebraska Department of Roads, at its discretion, may issue permits for the operation of extra-long vehicle combinations when unladen, but only over a designated route on the Interstate System and from a staging area located not more than 6 miles from the Interstate System.

No departure from, amendment, alteration or change of the routes designated on the extra-long vehicle combination permit shall be allowed. If the permit holder desires to travel on any route not designated on its permit the Nebraska Department of Roads must approve, in writing, an amendment authorizing the additional route.

Inspection of Permit and Vehicle: As a condition of the issuance of an extra-long vehicle combination permit, applicant must agree that the operator of the vehicle operating under the authority of an extra-long vehicle combination permit will submit to an inspection of the permit and of the vehicle at any time such vehicle is on Nebraska highways, whether or not there is reason to believe that such vehicle is in violation of the permit or the Nebraska motor vehicle laws. A copy of the permit must be carried in the power unit of the extra-long vehicle combination.

The granting of a permit by the Nebraska Department of Roads may contain restrictions or prohibit operations as determined necessary by the Department of Roads. Movement shall be made during daylight hours (sunrise to sunset). No movement shall be permitted on Saturday, Sunday, holidays or long holidays as defined in the Department of Roads' rules and regulations pertaining to the issuing of over-dimensional and overweight permits. No movement will be permitted when the ground winds, in the vicinity or on the highways over which the extra-long vehicle combinations may move, exceed a velocity of 25 miles per hour, nor during steady rain, snow, sleet, ice or other conditions that cause the pavement to be slippery or when visibility is less than 800 feet. Should any of these conditions be encountered after commencement of the move, the driver shall cease operations by moving the extra-long vehicle combination from the roadway at the first point that the vehicle can be safely removed to prohibit the hazardous operation of the combination and to provide for safety of other highway users. Movement of extra-long vehicle combinations during any of the aforesaid prohibited times shall be grounds for revocation of the permit.

Application for Extra-Long Vehicle Combination Permit

An annual permit application shall be made on the Standard Form Number RM–425 furnished by the Nebraska Department of Roads and shall be submitted to the State of Nebraska, Department of Roads, Permit Office, Lincoln, Nebraska. Permits will only be issued from the Lincoln Permit Office, Monday through Friday from 8 a.m. to 12 p.m. and 1 p.m. to 5 p.m. when open for business. Permittee shall give at least 5 working days for processing of any extra-long vehicle combination permits.

The permit application must list all truck tractors to be operated under the registered permit, as well as the license number of such vehicles, the State of issuance of the license, number of such vehicles, the vehicle identification numbers and the drivers who will operate under the requested permit. Only trucks owned or leased exclusively to the permit applicant for the entire term of the requested permit and only drivers under the control and supervision of the applicant may be listed on such applications. An annual permit is required for each qualified carrier company or individual. In the event the permittee desires to change the information listed on its permit application regarding vehicles or drivers, it may do so by written notice to the Nebraska Department of Roads in Lincoln. Such notice shall be by means of registered or personally delivered mail and shall not be effective for a period of 2 calendar days from the receipt of such notice by Nebraska Department of Roads.

Applicants for an extra-long vehicle combination permit must certify in writing to the Nebraska Department of Roads that the driver of a vehicle which is permitted to move by authority of such permit has complied with all Federal Motor Carrier Safety Regulations and all State laws, rules and regulations pertaining to drivers and drivers' licenses. Applicants must notify the Nebraska Department of Roads, in writing, of traffic citations issued to any driver for improper operation of an extra-long vehicle combination within 5 days of the issuance of said citation.

The owner or operator of each extra-long vehicle combination shall have on file with the Nebraska Department of Roads, an insurance certificate with a company authorized to do business in Nebraska, in an amount of not less than $1,000,000 for public liability and property damage. The insurance certificate must contain a provision stating that the insurance company will give at least 30 days written notice to the Nebraska Department of Roads in case of cancellation.

Additional Restrictions Pertaining to Movement of Extra-Long Vehicle Combinations

From November 15 to April 15 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day the Nebraska Department of Roads is open for business and within 3 hours prior to commencing travel to obtain authorization for movement that day. From April 16 through November 14 of each year, the permittee must contact the Nebraska Department of Roads in Lincoln, Nebraska, between the hours of 8 a.m. and 5 p.m. on any day that the Nebraska Department of Roads is open for business and within three days of commencing travel to obtain authorization for movement. The Department of Roads will at that time issue an authorization number, record the time of the call, the driver of the vehicle to be moved and the route to be traveled.

A sign may be required to be displayed at least 8 feet above the roadway surface on the rear-most vehicle of the combination of the vehicles. The sign shall be of yellow reflectorized material with reflectorized black letters of not less than 10 inches high, and must conform to the diagram set forth in Nebraska's Exhibit A (not included).

The granting of a permit shall not constitute a waiver of any license (tonnage) requirements imposed by the State of Nebraska.

The granting of a permit pursuant to these rules and regulations shall not waive any liability or responsibility of the applicant which might accrue for property damages, including damage to the highways, or for personal injuries resulting from the operation of extra-long vehicle combinations.

A distance of a least 500 feet must be maintained between all vehicles and any two extra-long combination of vehicles when operating on Nebraska streets or highways.

except when one extra-long combination of vehicles is passing another.

All vehicles in an extra-long combination of vehicles and all devices used to couple vehicles in the extra-long vehicle combination must be designed, constructed and installed so that each towed vehicle follows the alignment of the towing vehicle without shifting or swerving more than 3 inches to the right or left of the alignment when the combination is moving in a straight line on a level, smooth, paved highway during calm, dry weather conditions.

Extra-long vehicle combinations of not more than three cargo units shall have not less than six axles nor more than nine axles.

In addition to any other accident reports required by State or Federal laws, all accidents involving extra-long vehicle combinations shall be reported in writing by the permittee to the Nebraska Department of Roads, Permit Office, P.O. Box 94759, Lincoln, Nebraska 68509 within 5 business days of such accident.

The Nebraska Department of Roads may impose additional restrictions and requirements not set forth in these rules and regulations as a condition for the operation of the extra-long vehicle combinations over particular highways or sections of particular highways in this State. The Nebraska Department of Roads shall revoke or amend a decision to allow the operation of an extra-long vehicle combination on any highway of this State if changed circumstances or conditions render the operation of the combination of vehicles impracticable or unsafe.

Routes: Vehicles requiring permits are restricted to I–80 from west of Nebraska Highway 50 to the Wyoming border. There are no route restrictions for vehicles not requiring permits.

Legal Citations: Neb. Rev. Stat. § 39–6.179 (Reissue 1988) (Double trailers under 65 feet); Neb. Rev. Stat. § 39–6.179.01 (Reissue 1988) (Double trailers over 65 feet); Nebraska Department of Roads Rules and Regulations, Title 408, Chapter 1 (Double over 65 feet).

State: Nebraska.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same conditions as for Nebraska Rocky Mountain Doubles, except that the trailers must be of approximately equal length.
Routes: Same routes as for Nebraska Rocky Mountain Doubles.
Legal Citations: Same as for Nebraska Rocky Mountain Doubles.

State: Nebraska.
Combination: Triple.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Triple trailer units are allowed only when empty and in compliance with the restrictions set out in appendix C to part 658.
Routes: Vehicles requiring permits are restricted to I–80 from west of Nebraska Highway 50 to the Wyoming border. There are no route restrictions for vehicles not requiring permits.
Legal Citations: Neb. Rev. Stat. § 39–6.179.01 (Reissue 1988); Nebraska Department of Roads Rules and Regulations; title 408, chapter 1.

State: Nebraska.
Combination: Truck and trailer—75 feet overall length.
Length of the Cargo Carrying Units: Truck and trailer—48 feet.
Operational Conditions: One truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the State during daylight hours and the total length does not exceed 75 feet including load.
Routes: All State routes.
Legal Citations: Neb. Rev. Stat. § 39–6,179.

State: Nevada.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Permitted vehicles with total overall length of over 70 feet and up to 105 feet, consisting of not more than three trailers or a truck and two trailers. No trailer longer than 48 feet. If one trailer is 48 feet the other trailer cannot exceed 42 feet. Maximum weight not to exceed 129,000 pounds using uncapped Bridge Formula B.
Identifying devices must be carried and displayed. Nevada regulations establish standards for the operation of such vehicles including:
(a) Types and number of vehicles to be permitted in combination;
(b) Horsepower of a motor truck;
(c) Operating speeds;
(d) Braking ability; and
(e) Driver qualifications.
Routes: All National Network Routes.
Legal Citations: NRS 484.739; NRS 706.531.

State: Nevada.
Combination: Turnpike Double.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same as for Nevada Rocky Mountain Doubles.
Routes: Same as for Nevada Rocky Mountain Doubles.
Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: Nevada.
Combination: Triple.
Length of the Cargo Carrying Units: 95 feet.
Operational Conditions: Same as for Nevada Rocky Mountain Doubles.
Routes: Same as for Nevada Rocky Mountain Doubles.
Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: Nevada.
Combination: Truck-trailer-trailer.
Length of the Cargo Carrying Units: 98 feet.
Operational Conditions: Same as for Nevada Rocky Mountain Doubles.
Routes: Same as for Nevada Rocky Mountain Doubles.
Legal Citations: Same as for Nevada Rocky Mountain Doubles.

State: New Hampshire.
Combination: Truck and trailer.
Length of the Cargo Carrying Units: 65 feet.
Operational Conditions: No special restrictions.
Routes: All National Network routes.
Legal Citations: RSA 265:109; RSA 266:11.

State: New York.
Combination: Rocky Mountain Double.
Length of the Cargo Carrying Units: 102 feet.
Operational Conditions: Tandem trailer combinations in excess of the limits of section 385 of the New York State Vehicle and Traffic Law, may operate on the thruway system under a Tandem Trailer Permit issued by the New York State Thruway Authority upon application to it by the prospective permittee on Form TA–6807, subject to certain provisions as follows:

Definition of a Tandem

A complete tandem trailer combination shall consist of a tractor, first semitrailer, dolly and second semitrailer; tractor, first semitrailer and dolly or other such combination as may be approved by the Authority. No semitrailer, including any load thereon shall be in excess of 48 feet. The total length of the combination, including the tractor, semitrailers and dolly shall not exceed 114 feet.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Services approval prior to initial tandem run. Special provisions regarding B-Train's will be reviewed at time of application or request for use on the thruway.

Weight Limits

Any such combinations of vehicles may not exceed a total maximum gross weight of 143,000 pounds. The maximum gross weight of the unit of tractor and first semitrailer shall not exceed 80,000 pounds. The maximum gross weight that may be carried upon any combination of units is limited by the maximum gross weight that can be carried upon each unit and the axles thereof as provided in section 385 of the New York State Vehicle and Traffic Law.

The maximum gross weight for the unit of tractor and first semitrailer exceeding 80,000 pounds is governed by section 385 of the New York State Vehicle and Traffic Law, as amended.

Thruway requirements for maximum gross weights of tandem combinations exceeding 138,000 pounds:

1. Tandem combinations grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine axle requirement.
2. The maximum permissible gross weight for B-Train combinations is 127,000 pounds.

Hazardous Materials

Special restrictions are applicable to the transportation of hazardous materials along with part 397 of the Federal Motor Carrier Safety Regulations.

All radioactive material and explosives Class A and B are prohibited.

Other hazardous materials, classifications 2 through 9, as defined in the U.S. DOT, § 173.2, may be carried in tandem combinations, but the total volume of such material in a tandem combination shall not exceed the total volume that could be carried in a single trailer.

All provisions of the Federal Motor Carrier Safety Regulations shall be observed at all times. All unattended tandem combinations containing or including the power unit shall have the shipping papers of each trailer unit in the vehicle, available and accessible for review. All single trailers or trailer combinations shall display appropriate placarding as required.

Over-Dimension Regulations

All over-dimensional and weight regulations of the Authority shall apply to such units unless specifically excluded under the terms of the Tandem Trailer Permit of these regulations.

Safety Training

Prior to the issuance of a Tandem Operator Certification, company management and operating personnel must comply with safety training requirements set by the Authority.

The Authority has established a program of safety training seminars for all certified tandem companies and company safety patrols. The safety-intensive classes are tailored to the individual needs of each company and offered at no charge during normal business hours with lectures, video presentations and hands-on demonstrations. Authority personnel will cover the following subjects:

1. Proper tandem hookups.
2. On-the-road operations.
3. Professional driver safety attitudes.
4. Tandem Rules and Regulations.
5. Certification procedures.
6. Expediting paperwork.
7. Accident/incident investigations.
8. Disabled vehicle procedures.
9. Hazardous materials regulations.
10. Sharing the road with other drivers.
11. Tandem area usage.
12. Federal Motor Carrier Safety Regulations parts 383, 392, 395, 396.

Certification of Tractors

Both the tractor manufacturer for each tractor used in tandem trailer operations on the thruway and the permittee shall certify to the Authority prior to the approval of the tractor that it is capable of hauling the maximum permissible gross load to be transported by the permittee at a speed on not less than 20 miles per hour on all portions of the thruway system.

Companies leasing equipment requiring certification for use in tandem operations are responsible for certification and maintenance of all equipment.

Brake Regulations

(1) The brakes on any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall comply with the Federal regulations as stated in 49 CFR part 393, as amended.

(2) In addition, any vehicle or dolly converter or combination of vehicles used in tandem trailer operations shall meet the additional applicable requirements of the provisions of the New York State and Traffic Law.

(3) On units of tandem trailer combinations certified on and after June 1, 1968, the brake application line of every tandem combination shall be equipped with suitable devices to accelerate application and release of the brakes of the towed vehicles, and these devices shall be so arranged that the brake application signal does not pass directly through more than one trailer but is deadened at the rear of the lead trailer or, alternatively at the dolly, and the application signal then retransmitted to the dolly and the second trailer. The devices required above for retransmission of the application signal shall be closely connected to and supplied by air reservoirs which have their air supplied to them by the emergency line. In the event of rupture of the application line on the towed vehicles of any tandem combination, the loss of brake application shall be limited up stream of the loss to those vehicles between the rupture and the first transmission device.

Axle Type

A tractor which will be used to haul a tandem trailer combination with a total gross weight of more than 110,000 pounds shall be equipped with tandem rear axles, both with driving power, or other axle configuration as may be approved by the Authority.

A tractor which will be used to haul a tandem trailer combination with a total gross weight of 110,000 pounds or less may be a two axle tractor with a single drive axle.

Any tandem combination utilizing single wheel tires commonly referred to as "Super Singles" instead of conventional dual wheel are required to utilize triple-axle tractors, dual-axle trailers and dual-axle dollies.

Tandem Assembly

In the assembly of tandem combinations prior to their operation on the thruway, the permittee shall ascertain the total gross weight of each trailer of the proposed combination. When the gross weight of the two trailers in a tandem combination vary more than 20 percent, the heavier of the two must be placed in the lead position.

Dollies

Every converter dolly certified on and after June 1, 1968, used to convert a semitrailer to a full trailer may have either single or tandem-axles at the option of the permittee. However, single-axle dollies may not utilize low profile tires. Tandems grossing in excess of 138,000 pounds must have a tandem-axle dolly to meet the nine-axle requirement.

When the distance between the rear of the first semitrailer and the front of the following semitrailer is 10 feet or more, the dolly shall be equipped with a device, or the trailers shall be connected along the sides with suitable material, which will indicate to other thruway users that the trailers are connected and are in effect one unit. Such devices or connection shall be approved by the Authority prior to use on a tandem trailer combination.

Also, tandem combinations not utilizing a converter dolly, but a sliding fifth wheel attached to the lead trailer commonly referred to as "B-Train" combination, will require separate Thruway Engineer Service approval prior to initial tandem run. Special provisions regarding B-Trains will be reviewed at time of application or request for use on the thruway.

Drivers—Driver Forms Required for Permit

Application for special permit to operate tandem trailer vehicle must be accompanied by accident reports over the last 5 years, a medical certificate within the last 2 years and a motor vehicle driver's 10-year abstract (Original-Certified copy, dated within last 3 months). The abstract is not required for New York State licensed operators.

Speed Limit

Tandem trailer combinations shall comply with the existing speed regulations for trucks and shall be subject to the rigid enforcement of 55 miles per hour speed limit, or any lower speed limit posted due to adverse weather or road conditions for such vehicles on the thruway. Radar detection devices are not permitted in tandem operations on the thruway.

Operational Safety

A minimum distance of 500 feet, or approximately four delineator spaces, shall be maintained under normal conditions between a tandem trailer combination and a vehicle traveling in front of it in the same travel lane, except when passing occurs. All tandem operators are required to wear safety belts when operating a tandem combination.

Passing Vehicles

A tandem trailer combination may pass another vehicle traveling in the same direction, only if the speed differential will allow the tandem trailer combination to safely complete the maneuver and return to the normal driving lane within a distance of 1 mile.

Routes:
IR 87 between the Bronx-Westchester County Line and IR 90 (Thruway Exit 24).
IR 90 between the New York-Pennsylvania State Line (Thruway Exit B1) and IR 87 (Thruway Exit 24).
IR 90 between IR 90 (Thruway Exit B1) and the New York-Massachusetts State Line.
IR 190 between IR 90 (Thruway Exit 53) and the New York-Canada border at the Lewiston-Queenston Bridge.
Route NY 912M (Berkshire Connection of the New York State Thruway) between IR 87 (Thruway Exit 21A) and IR 90 (Exit B1).
IR 87 Section of the New York State Thruway:
Exit 21B—Roadway between IR 87 the New York State Turnpike Authority (NYSTA) Exit 21B toll booth at Exit 21B and the access road to Route US 9W. Route US 9W between the access road and a point 1500 feet north.
IR 90 (Berkshire Spur) Section of the New York State Thruway:
Exit B1—Route US 9 between the southern most access ramp and a point 0.8 miles north.
Exit B3—Within a radius of 2000 feet of any exit or entrance designated B3 to the New York State Thruway, Berkshire section, at Route NY 22.
IR 90 Section of the New York State Thruway:
Exit 28—Within a radius of 1500 feet of any NYSTA toll booth at Fultonville, New York.
Exit 32—Route NY 233 between IR 90 and a point 0.6 miles north at Westmoreland in Oneida County.
Exit 44—Rout NY 332 between IR 90 and Collett Road. Collett Road between Route NY 332 and 6070 Collett Road, a distance of 0.8 ± miles.
Exit 52—A.) Walden Avenue between IR 90 and a point 0.8 miles west. Route NY 240 (Harlem Road) between Walden Avenue and a point 0.9 miles south B.) Walden Avenue

between IR 90 and a point 0.5 miles east. A roadway purchased from Sorrento Cheese, Inc. by the Town of Cheektowaga between Walden Avenue and a point 1040 feet south.

Exit 54—Routh NY 400 between IR 90 and Route NY 277. Route NY 277 between Route NY 400 and a point 0.5 miles north.

Exit 56—Within a radius of 1.2 miles from the New York State Turnpike Authority (NYSTA) toll booth on an access road to be built between the toll booth and the present eastern terminus of Route NY 179 at South Park Avenue, over Route NY 179 and Old Mile Strip Road to the truck terminal entrance on Old Mile Strip Road at a point approximately 2,430 feet southeast of the intersection of Old Mile Strip Road, or across Lake Avenue at the northern end of the truck terminal.

IR 190 (Niagara) Section of the New York State Thruway:

Exit N1—Dingens Street between IR 190 at Ogden Street and a point 0.8 miles west. James E. Casey Drive between Dingens Street and a point 0.45 miles north.

Exit N5—Louisiana Street between IR 190 and a point 0.7 miles south. South Street between Louisiana Street and Hamburg Street, a distance of 0.25 miles.

Exit N15—Route NY 325 (Sheridan Drive) between IR 190 and a point 0.1 miles east. Kenmore Avenue between Sheridan Drive and a point 0.4 miles south.

Exit N17—A) Route NY 266 (River Road) Between IR 190 and a point 1.5 miles northerly. B) Route NY 266 (River Road) between IR 190 and a point 1700 feet south of the southern most access road to the NYSTA.

Legal Citations:

Public Authorities Law—Title 9, sec. 350, et. seq. (section 361 is most relevant).

New York State Thruway Authority Rules and Regulations, sections 100.6, 100.8 and 100.13.

New York State Vehicle and Traffic Laws, sections 385 and 1630.

State: New York.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 102 feet.

Operational Conditions: Same as for New York Rocky Mountain Doubles.

Routes: Same as for New York Rocky Mountain Doubles.

Legal Citations: Same as for New York Rocky Mountain Doubles.

State: North Dakota.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: No permits are required if less than 80,000 pounds Gross Vehicle Weight. Weather restrictions (37–06–04–06, NDAC), weight distribution on trailers (37–06–04, NDAC), signing requirements (37–06–04–05, NDAC). Single trip permits are required only when exceeding 80,000 pounds Gross Vehicle Weight (GVW).

Weather restrictions—movements of longer combination vehicles (LCV's) are prohibited when:

1. road surfaces, due to ice, snow, slush or frost present a slippery condition which may be hazardous to the operation of the unit or to other highway users;

2. wind or other conditions may cause the unit or any part thereof to swerve, whip, sway or fail to follow substantially in the path of the towing vehicle; or

3. visibility is reduced due to snow, ice, sleet, fog, mist, rain, dust or smoke.

The North Dakota highway patrol may restrict or prohibit operations during periods when in its judgment traffic, weather or other safety conditions make travel unsafe.

Weight Distribution by Trailer:

1. In any three-unit combination, the lighter trailer must always be operated as the rear trailer, except when the gross weight differential with the other trailer does not exceed 5,000 pounds.

2. In any four-unit combination, the lightest trailer must always be operated as the rear trailer. The other two trailers must be arranged as provided in the above paragraph.

Signing requirement—the last trailer in any combination must have an "OVERLENGTH" sign mounted on the rear. The "OVERLENGTH" sign must be a minimum 12 inches in height and 60 inches in length. The lettering must be 8 inches in height with 1-inch brush strokes. The letters must be black on yellow background. A "LONG LOAD" sign may be used in lieu of the overlength sign. Beginning January 1, 1995, the "LONG LOAD" sign is mandatory.

Legal width—8 feet 6 inches on all highways.

Legal height—13 feet 6 inches.

Legal length—A single unit vehicle with two or more axles including the load thereon shall not exceed a length of 50 feet. A combination of two units including the load thereon shall not exceed a length of 75 feet. A combination of three or four units including the load thereon shall not exceed a length of 75 feet subject to safety rules adopted by the North Dakota Highway Commissioner. A combination of two, three or four units including the load thereon may exceed 75 feet in length but shall not exceed 110 feet in length when traveling on four-lane divided highways and those highways designated by the Highway Commissioner and local authorities as to the highways under their respective jurisdictions. All such combinations are subject to safety rules adopted by the Highway Commissioner. The length of a trailer or semitrailer including the load thereon may not exceed 53 feet except that trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of 60 feet. A truck tractor and semitrailer or truck tractor-semitrailer-trailer when operated on the Interstate System or parts of the Federal-aid and primary system designated by the Highway Commissioner.

Legal Weight Limitations

A. Gross Vehicle Weight (GVW):

1. The GVW of any vehicle or combination of vehicles is determined by the following weight formula: $W = 500(LN/N-1 + 12N + 36)$ whereon the Interstate System W equals maximum weight in pounds carried on any group of two or more axles; L equals distance in feet between the extremes of any group of two or more consecutive axles; and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is at least 36 feet; and where on highways other than the Interstate System W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles on any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration.

2. The maximum GVW on State highways is 105,500 pounds unless otherwise posted. On the Interstate System the maximum GVW is 80,000 pounds. On all other highways the maximum GVW is 80,000 pounds unless designated for more, not to exceed 105,500 pounds.

B. Axle Weight:

1. No single axle shall carry a gross weight in excess of 20,000 pounds. Axles spaced 40 inches or less apart are considered one axle. Axles spaced 8 feet apart or over are considered as individual axles. The gross weight of two individual axles may be restricted by the weight formula except that on highways other than the Interstate, two axles spaced 8 feet apart or more may have a combined gross weight not to exceed 40,000 pounds. Spacing between axles shall be measured from axle center to axle center.

2. Axles spaced over 40 inches apart and less than 8 feet apart shall not carry a gross weight in excess of 17,000 pounds per axle. The gross weight of three or more axles in a grouping is determined by the measurement between the extreme axle centers except that on highways other than the Interstate, groupings of three or more axles may have a gross weight not to exceed 48,000 pounds.

3. During the spring breakup season or on otherwise posted highways, reductions in the above axle weights may be specified. Axle weights may also be reduced by the Bridge Load Limitations Map.

C. Wheel Weight:

1. The weight in pounds on any one wheel shall not exceed one-half the allowable axle weight. Dual tires are considered one wheel.

D. Tire Weight:

1. The weight per inch width of tire shall not exceed 550 pounds. The width of tire for solid tires shall be the rim width; for pneumatic tires, the manufacturer's width.

Minimum power requirement—The power unit shall have adequate power and traction to maintain a minimum speed of 15 miles per hour on all grades.

Routes: All National Network routes.

Legal Citations: North Dakota Century Code, section 39–12–04, North Dakota Administrative Code, article 37–06.

State: North Dakota.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: North Dakota.

Combination: Triple.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: North Dakota.

Combination: Truck-trailer; Truck-trailer-trailer.

Length of the Cargo Carrying Units: 103 feet.

Operational Conditions: Same as for North Dakota Rocky Mountain Doubles.

Routes: Same as for North Dakota Rocky Mountain Doubles.

Legal Citations: Same as for North Dakota Rocky Mountain Doubles.

State: Ohio.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 80 feet.

Operational Conditions: For each trip, an LCV as described above must obtain a permit at the entering toll plaza if it exceeds 75 feet in overall length. In addition to the normal toll charge for the vehicle as determined by weight class, a permit fee with an additional overlength fee per mile traveled is charged. Operations, of both long double combinations and triple combination vehicles, on the turnpike are subject to the provisions of a special permit.

Dimensional and Weight Limitations and Permit Information

No Permits Required for vehicles that do not exceed the following dimensional and weight limits:

Width: 8 feet 6 inches (102 inches).

Height: maximum 14 feet.

Length: (total).

Single Units

Trucks and two-axle buses, 40 feet.

Buses with three or more axles, 45 feet.

Combinations

Tractor-semitrailer, 75 feet.**

Tractor-semitrailer-semitrailer (short doubles), 75 feet.*

Other combinations of vehicles coupled together (includes house trailers, etc.), 65 feet.*

Long Combination Vehicles (LCV): Long double combinations (in excess of 90 feet but not exceeding 112 feet in length, maximum gross weight allowed 127,400 pounds) and triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length, maximum gross weight allowed 115,000 pounds). Operating permits are available, subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of a LCV on the turnpike. For information and details of the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a long double combination or triple trailer combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

Weight

Maximum Single Axle Weight, 21,000 pounds.

Maximum Gross Weight, 90,000 pounds.

Tandem Axle Weight (4 feet or less), 24,000 pounds.

Tandem Axle Weight (over 4 feet but less than 8 feet), 34,000 pounds.

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. Charges for these permits are computed as follows:

There is a basic charge for a single trip permit, plus a fee per mile for each foot (and/or each fractional part of a foot) of overwidth, and a fee for each foot (and/or each fractional part of a foot) of overlength and a fee per mile for each foot (or fractional part of a foot) of overheight. These permit charges are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width—10 feet.

Height—14 feet.

Length—(overall) 60 feet (62 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday. *Nighttime* travel is, however, subject to the following regulations and restrictions:

(1) Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S Department of Transportation, Federal Highway Administration Rules and Regulations which require, in addition to other lights, two tail lights and two stop lights.

(2) Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike

Long double trailer combinations in excess of 90 feet in length (double) may operate on the turnpike under a "long double trailer permit" (permit) issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

1. General Conditions

a. A double shall consist of a tractor, first semitrailer, a dolly and a second semitrailer. Neither the first semitrailer nor the second semitrailer shall be longer than 48 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minimum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle, 21,000 pounds.

Maximum combined axle load of any two successive axles, spaced 4 feet or less apart, 24,000 pounds.

Maximum combined axle load of any two successive axles, spaced more than 4 feet apart but less than 8 feet apart, 34,000 pounds.

2. Equipment

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semitrailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the Public Utilities Commission (PUCO), and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort

* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

** Highway vehicle carriers may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hose shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that, with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of its own brakes or the brakes of other vehicles in a Double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit, shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps, on all axles except the steering axle.

3. Equipment Certification

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification shall be carried in the cab of the tractor in a place readily available for inspection.

4. Driver Certification

a. Applications for drivers of a double shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulatons and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

5. Operating Conditions

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or Triple units wxcept when overtaking and passing another vehicle. Except when passing or when emergency or work-zone conditions exist, a double shall remain in the right-hand outside lane.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

	From	To
Routes:		
I-80/I-90	Milepost 0.0	Mile post 143.0 (Exit 1 to Exit 5A on the Ohio Turnpike).
I-80	Milepost 143.0	Milepost 219.0 (Exit 8A to Exit 15 on the Ohio Turnpike).
I-76	Milepost 219.0	Milepost 241.3 (Exit 15 to Exit 17 on the Ohio Turnpike).

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the turnpike.

State: Ohio.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Operation allowed on the turnpike subject to the provisions of a special permit. Operations, of both long double combinations and triple combination vehicles, on the turnpike are subject to the provisions of a special permit.

Dimensional and Weight Limitations and Permit Information

No Permits Required for vehicles that do not exceed the following dimensional and weight limits:

Width: 8 feet 6 inches (102 inches).

Height: maximum 14 feet.

Length: (total).

Single Units

Trucks and two-axle busses, 40 feet.

Busses with three or more axles, 45 feet.

Combinations

Tractor-semitrailer, 75 feet.**

Tractor-semitrailer-semitrailer (short doubles), 75 feet.*

Other combinations of vehicles coupled together (includes house trailers, etc.), 65 feet.*

Long Combination Vehicles (LCV): Long double combinations (in excess of 90 feet but not exceeding 112 feet in length, maximum gross weight allowed 127,400 pounds) and triple trailer combinations (in excess of 90 feet but not exceeding 105 feet in length, maximum gross weight allowed 115,000 pounds). Operating permits are available, subject to compliance with provisions established by the Ohio Turnpike Commission, for the operation of a LCV on the turnpike. For information and details of the provision requirements, a letter setting forth all of the pertinent facts relative to obtaining a Long double Combination or Triple Trailer Combination operating permit should be addressed to the Executive Director of the Ohio Turnpike Commission.

Weight: Maximum Single Axle Weight, 21,000 pounds.

Maximum Gross Weight, 90,000 pounds.

Tandem Axle Weight (4 feet or less), 24,000 pounds.

Tandem Axle Weight (over 4 feet but less than 8 feet), 34,000 pounds.

No permits will be issued to any vehicles exceeding weight or height limits. Any overdimension will require the use of a permit. Permits are issued at the toll plazas. These permit charges they are in addition to the regular toll charges for the weight class of the vehicle.

Travel under permit may be made at any time of the day or night if the vehicle does not exceed the following dimensions:

Width—10 feet.

Height—14 feet maximum.

Length—(overall) 80 feet (82 feet with overhangs for vehicle carriers) with no single unit, or component thereof exceeding 60 feet. Travel under permits issued to vehicles in excess of the dimensions listed above is restricted to daylight hours, Monday through Saturday noon, and is prohibited on holidays or on the day before or the day after a holiday. *Nighttime* travel is, however, subject to the following regulations and restrictions:

(1) Overdimensional vehicles permitted to travel at night shall have all lights and reflectors required by the U.S Department of Transportation, Federal Highway Administration Rules and Regulations, which require in addition to other lights, two tail lights and two stop lights.

(2) Vehicles having an overhanging load in excess of 4 feet beyond the bed or body of the vehicle shall be restricted to daylight travel.

Provisions Covering Permits for Operation for Longer Combination Vehicles (LCV's) Long Double Trailer Combinations in Excess of 90 Feet in Length on the Ohio Turnpike

Long double trailer combinations in excess of 90 feet in length (Double) may operate on the turnpike under a "Long double Trailer Permit" (Permit) issued by the Ohio Turnpike Commission subject to compliance by the permittee with the following provisions:

1. General Conditions

a. A double shall consist of a tractor, first semitrailer, a dolly and a second semitrailer. Neither the first semitrailer nor the second semitrailer shall be longer than 48 feet in length; mixed trailer length combinations are not permitted. The minimum length permitted to operate as a double shall be 90 feet and the maximum length of such a double shall not exceed 112 feet. The number of axles of a double shall be a minmum of five and a maximum of nine.

b. The total gross weight for a double shall not exceed 127,400 pounds. The gross load of a double shall not exceed the sum of the allowable gross loads on the axles, which are as follows:

Maximum gross weight on any one axle, 21,000 pounds.

Maximum combined axle load of any two successive axles, spaced 4 feet or less apart, 24,000 pounds.

Maximum combined axle load of any two successive axles, spaced more than 4 feet apart but less than 8 feet apart, 34,000 pounds.

2. Equipment

a. A tractor used in the operation of a double shall be capable of hauling a maximum weight, as specified in section 1, paragraph b of these provisions, at a speed of not less than 40 miles per hour on all portions of the turnpike.

b. Each unit used for towing other units in a double shall have sufficient structural strength to insure the safe and secure attachment of any coupling device used to tow other units. The forward semitrailer must be reinforced and the permittee must certify that it is strong enough for satisfactory attachment of the rear coupling device so that it can tow a trailer and dolly safely.

c. Coupling devices shall be so designed, constructed and installed, and the vehicles in a double shall be designed and constructed, as to insure that any towed vehicles when traveling on a level, smooth, paved surface will follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side of the path of the towing vehicle when the latter is moving in a straight line.

d. Units used in a double shall be equipped with coupling devices as required per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations and as further provided herein.

e. A double shall be equipped with brakes as required as follows and per current applicable Economic and Safety regulations of the PUCO, and Federal Motor Carrier Safety Regulations. The brakes on a double shall also comply with the following:

(1) A double shall be equipped with full air brakes or air activated hydraulic brakes on the tractor and either air or electric brakes on the trailers.

(2) A double, at all times and under all conditions of loading, upon application of the service (foot) brake shall be capable of: developing a brake force that is not less than 43.5 percent of the gross combination weight; decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second; stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins. Tests for deceleration and stopping distance shall be made on substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

(3) The parking brakes shall be capable of being applied by the driver's muscular effort or by spring action. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brakes or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain in the applied position despite exhaustion of any source of energy or leakage of any kind.

(4) Every unit in a double shall be equipped with brakes acting on all wheels, which shall include the front axle of the power unit.

(5) Brake hose shall conform to the appropriate specification set forth in the Society of Automotive Engineers Standards for "Hydraulic Hose" or "Automotive Air Brake Hose and Hose Assemblies."

(6) Every tractor used in the double shall be equipped with a reserve capacity, or reservoir for air storage, to insure that, with the engine stopped, a full service brake application may be made without depleting such reservoir pressure by more than 30 percent when such reservoir is fully charged with air at maximum pressure as regulated by the vehicle's air compressor governor cutout setting. Each such reservoir shall be provided with a means for readily draining it of accumulated oil or water.

(7) Every tractor used in the double utilizing compressed air for the operation of its own brakes or the brakes of other vehicles in a double, shall be provided with a warning signal readily audible or visible to the driver, which signal will operate at any time the air reservoir pressure of such vehicle is below 50 percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge arranged to indicate, in pounds per square inch, the pressure available for braking.

(8) The brakes on a double shall be designed and equipped so that braking action shall take place on all wheels as nearly simultaneously as possible to reduce to a minimum any possible tendency of a double to move out of alignment when stopping.

f. The distance between the rearmost axle of a semitrailer and the front axle of the next semitrailer in a coupled double unit, shall not exceed 12 feet 6 inches. In no event shall the distance between the semitrailers coupled in a double exceed 9 feet.

g. A double must be equipped with adequate, properly maintained, spray-suppressant mud flaps, on all axles except the steering axle.

3. Equipment Certification

a. A certification number will be issued by the Ohio Turnpike Commission for each approved tractor. The certification number shall be placed at a designated location on the tractor. The certification numbers are to be 3-inch-high block letters and are to be black in color (another color may be used in order to obtain sufficient contrast between the tractor and number color, subject to approval of the Commission). The Commission shall issue a certification card for each approved tractor, the certification shall be carried in the cab of the tractor in a place readily available for inspection.

4. Driver Certification

a. Applications for drivers of a double shall be made by the permittee on a form provided by the Ohio Turnpike Commission prior to driving on the turnpike. No such unit shall be driven on the turnpike by any person other than a driver approved by the Commission.

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* Length includes overhang but does not include safety devices or bumpers attached to the front or rear of such combinations.

** Highway vehicle carries may have up to 4 feet overhang in the rear and 3 feet overhang in front (82 feet maximum).

(1)(A) Drivers must be over 26 years of age, in good health and shall have not less than 5 years experience driving tractor-trailer or tractor short double trailer motor vehicles. Such driving experience shall include experience throughout the four seasons.

(B) Drivers must comply with the applicable current requirements of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulatons and the Economic and Safety regulations of the PUCO, as well as the requirements found herein.

(2)(A) An application for certification of a driver must include all information concerning the applicant's driving and safety record, as well as an official abstract of his driving record and copies of all accident reports for the last 5 years.

(B) The application must include evidence that the driver has undergone biennial physical examination of the type required by the rules of the PUCO and Federal Motor Carrier Safety Regulations.

(C) Driver certification must be renewed annually.

5. Operating Conditions

a. A permit fee is charged.

b. Tolls charged for a double will be the same as for other vehicles currently being based on total gross weight as determined automatically by the toll plaza scales, computerized classification system and toll rate schedule, (except that Class 10 rates will be charged for units with a gross weight between 90,000 and 115,000 pounds and Class 11 rates charged for all units over 115,000 pounds gross weight), plus a fee for each trip.

c. In the assembly of a double prior to their operation on the turnpike, the permittee shall ascertain the total gross weight of each trailer of the proposed double. In the event that the gross weights of the trailers vary by more than 20 percent the permittee shall couple them according to their gross weights with the heavier trailer coupled to the tractor.

d. A minimum distance of 500 feet shall be maintained between double LCV units and/or Triple units except when overtaking and passing another vehicle. Except when passing or when emergency or work-zone conditions exist, a double shall remain in the right-hand outside lane.

e. When, in the opinion of the Commission, the weather conditions are such that operation of a double is inadvisable, the Commission will notify the permittee that travel is prohibited for a certain period of time.

	From	To
Routes:		
I-80/I-90	Milepost 0.0	Mile post 143.0 (Exit 1 to Exit 8A on the Ohio Turnpike)
I-90	Milepost 143.0	Milepost 219.0 (Exit 8A to Exit 15 on the Ohio Turnpike)
I-76	Milepost 219.0	Milepost 241.3 (Exit 15 to Exit 17 on the Ohio Turnpike)
SR 7	Exit 16 Ohio Turnpike.	Extending 1 mile South

(No travel is permitted on any Interstate route in Ohio that is under the jurisdiction of the Ohio Department of Transportation)

Legal Citations: Statutory authority, as contained in Chapter 5537 of the Ohio Revised Code, to regulate the dimensions and weights of vehicles using the Ohio Turnpike.

State: Ohio.

Combination: Triple.

Length of the Cargo Carrying Units: 80 feet.

Operational Conditions: Same as for Ohio Turnpike Doubles.

Routes: Same as for Ohio Turnpike Doubles.

Legal Citations: Same as for Ohio Turnpike Doubles.

State: Oklahoma.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 123 foot.

Operational Conditions:

Size and Weight Permit

A permit is required for operation of doubles whose units are greater than 29 feet in length. The maximum unit length is 59.5 feet. Permit movements are limited to travel from one-half hour before sunrise to one-half hour after sunset, 7 days a week, subject to the following restrictions:

(1) No travel is allowed on specified holidays, beginning at noon the day preceding the holiday. Specified holidays are: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.

(2) Permit loads may move on other holidays if the permit is purchased by 4:30 p.m. prior to the holiday.

(3) Movement of permitted loads is restricted on the Interstate System in Cleveland, Oklahoma and Tulsa Counties from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., Monday through Friday.

Permits may be issued for travel on the Oklahoma turnpikes, not to exceed the following limits. The maximum weight on all turnpikes is 108,000 pounds. Permits shall not be issued for travel on the turnpikes unless a minimum speed of 40 miles per hour can be maintained.

Special Vehicle Combinations

A Special Vehicle Combination (SVC) shall consist of a truck tractor-semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than 29 feet nor shall a SVC exceed the weight limitations imposed by statute.

No person shall operate or permit the operation of a SVC within Oklahoma without a current SVC permit issued by the Department of Public Safety, Size and Weight Permit Division. Such permits may only be used for operation upon Federal-aid Interstate highways or four-lane divided Federal-aid primary highways and for access or egress between points of origin or destination. Egress or access shall not exceed 5 statute miles.

A copy of a valid SVC permit shall be carried at all times in the authorized vehicle.

All SVC permit holders and drivers must comply totally with the latest Federal Motor Carriers Safety Regulations, 49 CFR, parts 390-397 of the U.S. Department of Transportation (U.S. DOT), except where Oklahoma rules contain provisions which are not in conflict with Federal requirements and are more stringent.

The driver must be under the control and supervision of the holder of the SVC permit, or have been issued the same.

The permit holder shall ensure that the driver meets the requirements listed below prior to operating any SVC in this State:

(1) The driver must fully comply with the driver's requirements contained in the Federal Motor Carrier Safety Regulations.

(2) A driver must have had at least 2 years of experience driving truck-trailer combinations.

(3) Valid documentation indicating driver compliance with the above driver requirements shall be in the possession of the driver while operating a SVC.

(4) The permit holder shall certify to the U.S. DOT that the driver is qualified and has valid documentation of same in his possession prior to the issuance of a SVC permit.

A completed and signed application will be accompanied by the tendering of an annual fee for each permit issued.

Each licensee shall insure that the operation of SVC's complies with the following rules in addition to other equipment requirements established by State or Federal laws or rules.

All truck tractors shall be powered to provide adequate acceleration and hill climbing ability under normal operation conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 miles per hour under normal operation conditions on a grade over which the combination is operated is required.

All braking systems must comply with State and Federal requirements. In addition, fast air transmission and release valves must be provided on all trailers, semitrailers and converter dolly axles. A grade force limiting valve, sometimes called a "slippery road" valve, may be provided on the steering axle if Federal Motor Carrier Safety Regulations would so allow. Indiscriminate use of engine retarder brakes is prohibited.

Mud flaps or splash guards meeting the requirements of the procedures established below shall be followed when operating a SVC in this State.

A minimum distance of 500 feet shall be maintained between SCV's and other vehicles except when overtaking and passing. Except when passing another vehicle in the same direction, or when emergency conditions exist, a SVC shall remain at all times in the right hand outside lane.

Extreme caution in the operation of a SVC shall be exercised when hazardous conditions such as those caused by snow, wind, ice, sleet, fog, mist, rain, dust or smoke adversely affect control, visibility or traction. Speed shall be reduced when such conditions exist. When conditions become sufficiently dangerous the company or driver shall discontinue operations and shall not resume until the vehicle can be safely operated. The State may restrict or prohibit operations during periods, when in the State's judgment traffic, weather or other safety conditions make such operations unsafe or inadvisable.

Transportation by SVC, Class A and B explosives; Class A poisons and Class 1, 2 and 3 radioactive material or any other material deemed to be unduly hazardous by the U.S. DOT is prohibited. This prohibition does not include the transportation of gasoline, fuel, oil or heating oil or other such petroleum products.

All multiple trailer combinations must be stable at all times during normal braking and normal operation. A multiple trailer combination when traveling on a level, smooth, paved surface must follow in the path of the towing vehicle without shifting or swerving more than 3 inches to either side when the towing vehicle is moving in a straight line.

The total weight on any single axle shall not exceed 20,000 pounds. The total axle weight on any tandem axle shall not exceed 34,000 pounds. The total weight on any group of two or more consecutive axles shall not exceed the amounts shown in Table 1. Gross combination weight shall not exceed 90,000 pounds. All SVC's must be properly registered. An Interstate permit to operate on the Interstate System in Oklahoma is required, if registered above 80,000 pounds.

The heaviest trailer or semitrailer should be placed in front with the lightest at the rear. In no case, shall either trailer or semitrailer be placed ahead of another trailer or semitrailer which carries an appreciably heavier load. An empty trailer or semitrailer will not precede a loaded trailer or semitrailer.

Special Permit Loads

An annual special authorization permit may be issued for any vehicle transporting a load in excess of 80,000 pounds, but not exceeding 90,000 pounds, for movement upon or touching the Interstate System; provided such vehicle meets the axle requirements as provided for in Table 1.

Vehicles meeting the axle requirements of Table 1 must have a special authorization permit; otherwise, they will be limited to 80,000 pounds gross weight on the Interstate System.

There is a fee for an annual special authorization permit issued, pursuant to paragraph 1, per vehicle. Except as otherwise provided for by this chapter, no vehicle, with or without load, shall have a total outside width in excess of 102 inches excluding both tire bulge and approved safety devices when operated on the Interstate System or on any road or highway in this State having a surface width of 20 feet or more. The total gross weight in pounds imposed by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

TABLE 1.—OKLAHOMA ALLOWABLE AXLE GROUP WEIGHT

Axle spacing (ft)	Maximum load (lbs) by axle group				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	
18		49,500	54,000	59,000	
19		50,000	54,500	60,000	
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,500	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,500	61,500	66,000	71,500
30		62,000	62,500	66,500	72,000
31		63,500	63,500	67,000	72,500
32		64,000	64,000	68,000	73,500
33			64,500	68,500	74,000
34			65,000	69,000	74,500
35			66,000	70,000	75,000
36			68,000	70,500	75,500
37			68,000	71,000	76,000
38			68,000	72,000	77,000
39			70,000	72,500	77,500
40			71,000	73,000	78,000
41			72,000	73,500	78,500
42			73,000	74,000	79,000
43			73,280	75,000	80,000
44			73,280	75,500	80,500
45			73,280	76,000	81,000
46			73,280	76,500	81,500
47			73,500	77,500	82,000
48			74,000	78,000	82,000
49			74,500	78,500	83,500
50			75,500	79,000	84,000
51			76,000	80,000	84,500
52			76,500	80,500	85,000
53			77,500	81,000	86,000
54			78,000	81,500	86,500
55			78,500	82,500	87,000
56			79,500	83,000	87,500
57			80,000	83,500	88,000
58				84,000	89,000
59				85,000	89,500
60				85,500	90,000

Routes: Doubles with 29-foot trailers may use any route on the National Network. Doubles with grandfathered 59.5-foot semitrailers and trailers are limited to Interstate and four-lane divided highways (as shown in below).

Route No.	From	To
I-35	Texas State Line	Kansas State Line.
I-40	Texas State Line	Arkansas State Line.
I-44	Texas State Line	Missouri State Line.
I-235	I-35/OKC	I-44/OKC.
I-240	I-44/OKC	I-40/OKC.
I-244	I-44/Tulsa	I-44/Tulsa.
I-444	I-244/Tulsa	I-244/Tulsa.
I-40 Bus.*	I-40 W. of El Reno	El Reno.
US 60*	I-35	Ponca City.
US 62*	US 69/Muskogee	SH 80/Ft. Gibson.
US 62*	I-44 Lawton	SH 115/Cache.
US 64	Cimarron T.P	I-244/Tulsa.
US 412*	SH 58/Ringwood	I-35.
US 64*	I-35	Perry.
US 64*	I-40/Roland	Ft. Smith.
US 69*	Texas State Line	I-44/Big Cabin.
US 70*	Wilson	I-35/Ardmore.
US 75*	I-40/Henryetta	I-244/Tulsa.
US 75*,*,+	I-244/Tulsa	Bartlesville.
US 77*	I-44/OKC	Edmond.
US 81*,*	I-44/Chickasha	Duncan.
US 81*	SH 51/Hennessey	End of divided section 11.43 mi. N. of US 412.
US 169*	SH 51/Tulsa	Collinsville.

Route No.	From	To
US 270	Indian Nation T.P.	US 69/McAlester.
US 270*	SH 9/Tecumseh	I–40.
US 271	Texas State Line	Indian Nation T.P.
US 412	I–44/Catoosa	US 69.
US 412*	US 69	SH 412B.
SH 3*	I–44/OKC	Canadian County line.
SH 3A	SH 3/OKC	I–44/OKC.
SH 7*	I–44/Lawton	SH 65/Pumpkin Center.
SH 7*	I–35	Sulphur.
SH 7*	US 81/Duncan	End of divided section 7.33 miles E. of US 81.
SH 9*	I–35	US 77/Norman.
SH 11*	I–35	Blackwell.
SH 11	US 75/Tulsa	I–244/Tulsa.
SH 33*	Guthrie	I–35.
SH 51*	I–35	Stillwater.
SH 51*	I–44/Tulsa	Muskogee T.P.
SH 165*	Muskogee T.P.	Muskogee T.P.
SH 165*	US 64 Bus./Muskogee	Muskogee T.P.
Cimarron T.P.*	I–35 N.W. of Perry	US 64 S.E. of Cleveland.
Cimarron T.P. Conn.*	US 177 N. of Stillwater	Cimarron T.P. N.W. of Glencoe.
Indian Nation Turnpike*	US 70 N.W. of Hugo	I–40 Henryetta.
Muskogee T.P.*	OK 51/Broken Arrow	OK 165/Muskogee.
Muskogee T.P.*	OK 165/Muskogee	I–40 S.W. of Webber's Falls.

*Reasonable Access: Access from legally available routes to service facilities and terminals within 5 mile radius.
* Route contains non-divided section(s) that requires lawful interpretation of utilization by doubles and triples prior to June 1, 1991.
* Route contains non-FAP section(s) functioning as vital connection link to FAP and Interstate network.

Legal Citations: Title 49 1961 O.S. 14–101; Title 49 1990 O.S. 14–103C(3).

State: Oklahoma.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 123 feet.

Operational Conditions: Same as for Oklahoma Rocky Mountain Doubles.

Routes: Same as for Oklahoma Rocky Mountain Doubles.

Legal Citations: Same as for Oklahoma Rocky Mountain Doubles.

State: Oklahoma.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet.

Operational Conditions: Same as for Oklahoma Rocky Mountain Doubles.

Routes: Same as for Oklahoma Rocky Mountain Doubles.

Legal Citations: Title 47 1990 O.S. 14–109; Title 47 1990 O.S. 14–116; Title 49 1990 O.S. 14–121.

State: Oregon.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 68 feet.

Note: In Oregon these combinations are also known as "Oregon Doubles."

Operational Conditions: The lead semitrailer may be up to 40 feet long. The trailing trailer may be up to 35 feet long. However, the 68-foot cargo carrying unit length is the primary control. This vehicle combination is eligible for a divisible load permit to operate with gross weight up to and including 105,500 pounds. There is a permit fee. In addition, vehicles are subject to weight-mile taxes pursuant to ORS Chapter 767. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound axles, 34,000-pound tandem axles or the table of weight shown in Permit Weight Table 2 (not included). Permit Weight Table 2 is an extension of the legal table of weights for Oregon. Permits for these vehicles are issued annually from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather, trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license for the appropriate combination of vehicles is required. Truck speed in Oregon is limited to 55 miles per hour, but there are no time of travel restrictions.

Routes: All National Network routes.

Legal Citations: ORS 810.010, ORS 810.050; ORS 810.030, ORS 810.060; ORS 810.040, ORS 818.010 through 818.235.

State: Oregon.

Combination: Triple.

Length of the Cargo Carrying Units: 95 feet

Operational Conditions: Triple trailer combinations are eligible for permits, including divisible load weight, to operate with gross weight up to and including 105,500 pounds. There is a permit fee. In addition, vehicles are subject to weight-mile tax through ORS Chapter 767. These permits limit weight to 600 pounds per inch of tire width, 20,000-pound axles, 34,000-pound tandem axles or the table of weight shown in Permit Weight Table 2 (not included). Permit Weight Table 2 is an extension of the legal table of weights for Oregon. Permits for these vehicles are valid for 1 year from the date of issue. The permits require use of splash and spray suppressant devices when operating in rainy weather, trailer placement by weight (lightest to the rear) and only on specific routes. Movement is not allowed when road surfaces are hazardous due to ice or snow, or when other atmospheric conditions make travel unsafe. A classified driver license with a triple trailer endorsement is required. Truck speed in Oregon is limited to 55 miles per hour, and there are no time of travel restrictions.

Routes: To be determined.

Legal Citations: ORS 810.010, ORS 810.050; ORS 810.030, ORS 810.060; ORS 810.040, ORS 818.010 through 818.235.

State: South Dakota.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 81 feet 6 inches.

Operational Conditions: Weight limited by Bridge Gross Weight Formula. Unit allowed to exceed 80,000 pound limit on Interstate with single trip self-issuing permit. The weight of the second unit may not exceed the weight of the first unit by more than 3,000 pounds. If towbar exceeds 19 feet, it must be lighted at night and flagged during daylight hours.

Length limitation is exclusive of safety and energy conservation devices, including but not limited to mirrors, turn signal lamps, hand holds, flexible fender extensions and mud flaps.

The power unit must be of sufficient horsepower to maintain a minimum speed of 40 miles per hour when pulling fully loaded trailers. LCV maximum speed is 55 miles per hour.

Route: All National Network routes.

Legal Citations: SDCL 32–22–8.1; Admin. Rules of South Dakota Article 70:03.

State: South Dakota.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 110 feet.

Operational Conditions: Same conditions as for South Dakota Rocky Mountain Doubles.

	From	To
Routes: All Interstate routes and:		
US 281	North Dakota	US 281 and 8th Ave. in Aberdeen.
SD 50	I–29	SD 50 and Burleigh Street in Yankton.
US 85	North Dakota	I–90 North of Spearfish.

	From	To
Bypass US 14	I–29	US 14 and Bypass US 14 W. of Brookings.
US 14	Jct. US 14 Bypass, US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.
US 281	I–90	US 14 and US 281 S. of Woolsey.

Legal Citations: SDCL 32–22–42; Admin. Rules of South Dakota Article 70:03.

State: South Dakota.

Combination: Triple.

Length of the Cargo Carrying Units: 100 feet.

Operational Conditions: Same conditions as for South Dakota Rocky Mountain Doubles.

	From	To
Routes: All Interstate routes and:		
US 281	North Dakota	US 281 and 8th Ave. in Aberdeen.
SD 50	I–29	SD 50 and Burleigh Street in Yankton.
US 85	North Dakota	I–90 North of Spearfish
Bypass US 14	I–29	US 14 and Bypass US 14 W. of Brookings.
US 14	Jct. US 14 Bypass, US 14 W. of Brookings.	US 14 and US 281 S. of Woolsey.
US 281	I–90	US 14 and US 281 S. of Woolsey.

Legal Citations: SDCL 32–22–42; SDCL 32–22–42.14; Admin. Rules of South Dakota Article 70:03:01:60–70.

State: South Dakota.

Combination: Truck-trailer.

Length of the Cargo Carrying Units: 73 feet.

Operational Conditions: Overall vehicle length not to exceed 80 feet, trailer not to exceed 28 feet 6 inches. If towbar exceeds 19 feet it must be flagged during daylight hours and lighted at night.

Routes: All National Network routes.

Legal Citations: SDCL 32–22–8.1.

State: South Dakota.

Combination: Truck tractor-trailer-trailer.

Length of the Cargo Carrying Units: 76 feet.

Operational Conditions: Towbars may not exceed 19 feet. The length from the end of the truck tractor to the end of the second cargo unit not to exceed 80 feet. The length of each cargo unit not to exceed 28 feet 6 inches.

Routes: All National Network routes.

Legal Citations: SDCL 32–22–8.1.

State: Utah.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 88 feet.

Operational Conditions: *Permits*—trip, quarter and annual (annual permits only for vehicles exceeding 92 feet). *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit. *Overall Vehicle Length*, limited by cargo and highway type, as follows:

Divided highway	Non-divided highway
Regular Combination—96 feet.	Maximum Length—92 feet.
Fuel Transporters—95 feet.	
Auto Transporters—105 feet.	

Routes: All National Network routes with restrictions as noted under operational conditions.

Legal Citations: Utah Code 27–12–154(a); Utah Regulations for Legal and Permitted Vehicles Legal authority, Section 100, Size and Weight-Section 400.

State: Utah.

Combination: Turnpike Double.

Length of the Cargo Carrying Units: 94 feet.

Operational Conditions: *Permits*—Vehicles with an overall length of 92 feet and less (trip, quarter and annual). Vehicles exceeding 92 feet overall length (annual permit only). *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit. Overall vehicle length, limited by cargo and highway type, as follows:

Divided highway	Non-divided highway
Regular Combination—105 feet.	Maximum Length—92 feet.
Fuel Transporter—95 feet.	
Auto Transporter—105 feet.	

Routes: All National Network routes with restrictions as noted under operational conditions.

Legal Citations: Utah Code (Statutes) 27–12–148 and 27–12–149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Utah.

Combination: Triple.

Length of the Cargo Carrying Units: 94 feet.

Operational Conditions: *Permits—Annual only:* Weight fee, Length fee. *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit.

Routes: Divided highways only.

	From	To
I–84	Idaho	I–80.
I–215	Entire Route	
SR–201	I–80	300 West, SLC.

Legal Citations: Utah Code (Statutes) 27–12–148 and 27–12–149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Utah.

Combination: Truck-trailer-trailer.

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: *Permits*: Annual Permit. *Adverse Weather Conditions*—Extreme caution must be exercised in the dispatching and operation of vehicles during adverse weather. Failure to comply will nullify the permit.

Routes: Divided highways only.

	From	To
I–15	Arizona	Idaho.
I–70	I–15	Colorado State Line.
I–80	Nevada	Wyoming.
I–84	Idaho	I–80.
I–215	Entire Route	
SR–201	I–80	300 West, SLC.

Legal Citations: Utah Code (Statutes) 27–12–148 and 27–12–149; Utah Regulations for Legal and Permitted Vehicles, Sections 400 and 500.

State: Washington.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A special endorsement is required on the driver's license to pull doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.09841 (permits).

State: Washington.

Combination: Truck tractor with dromedary box-semitrailer-trailer.

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: Washington allows a number of tractor-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainer National Park.

Legal Citations: RCW 46.44.037(3); RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Washington.

Combination: Dumptruck with pup trailers.

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: Washington allows a number of truck-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Washington.

Combination: Truck tractor-semitrailer-trailer, commonly known as a "Log Truck Double".

Length of the Cargo Carrying Units: 68 feet.

Operational Conditions: Washington allows a number of tractor-trailer combinations, all within the required parameter outlined below, but with the added stipulation that the overall combination, including power unit, must not exceed 75 feet. This allows for a variety of trailer length combinations positioned to comply with the Federal bridge formula. There are no restrictions on the operation of these combinations based on length alone.

Washington allows two trailers extending up to 68 feet or less to operate on all State highways. However, trailers exceeding 60 feet must acquire an overlength permit. Operation of combinations, solely based on these length parameters, is not restricted by time of day, weather, route or speed.

Trailers exceeding 60 feet, but not exceeding 68 feet, shall acquire an annual overlength permit. Operating conditions are the same for permitted doubles as they are for 60-foot or less doubles. A driver's license endorsement is required when pulling doubles.

Routes: All National Network routes except SR 410 in the vicinity of Mt. Rainier National Park.

Legal Citations: RCW 46.44.030 (legal combination); RCW 46.44.0941 (permits).

State: Wyoming.

Combination: Rocky Mountain Double.

Length of the Cargo Carrying Units: 81 feet.

Operational Conditions: The lead semitrailer can be up to 48 feet long with the trailing unit up to 40 feet long. The longest unit must be first, however, overall 81-foot cargo length controls.

Routes: All National Network routes.

Legal Citations: WS 31-5-1001; WS 31-5-1002; WS 31-5-1004.

State: Wyoming.

Combination: Truck-trailer.

Length of the Cargo Carrying Units: 78 feet.

Operational Conditions: No single vehicle shall exceed 60 feet in length within an overall limit of 85 feet.

Routes: All National Network routes.

Legal Citations: WS 31-5-1002.

State: Wyoming.

Combination: Truck tractor-semitrailer-semitrailer (B-Train).

Length of the Cargo Carrying Units: 75 feet.

Operational Conditions: The longest semitrailer shall be first, the overall vehicle length is 85 feet.

Routes: All National Network routes.

Legal Citations: WS 31-5-1002.

[FR Doc. 92-6402 Filed 3-19-92; 8:45 am]

BILLING CODE 4910-22-M

federal register

Friday
March 20, 1992

Part VI

Department of the Interior

Bureau of Indian Affairs

FY 1992 Indian Child Welfare Act Grant Program; Availability of Funds; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fiscal Year 1992 Indian Child Welfare Act (ICWA) Grant Program; Availability of Title II ICWA Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Correction.

SUMMARY: In the **Federal Register** notice document 92-5465 beginning on page 8554 in the issue of Tuesday, March 10, 1992, vol. 57, No. 47, make the following correction:

On page 8554 in the second column, Part II. Available Funds, paragraph two should read: Subject to the availability of funds through appropriations for this program in FY 1992, grants within the following categories will be awarded to individual tribes, organizations, or to consortia of tribes and organizations, provided the applicant's service area population includes the minimum child population requirement of 50 children under the age of 18 years.

Dated: March 16, 1992.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 92-6501 Filed 3-19-92; 8:45 am]

BILLING CODE 4310-02-M

federal register

Friday
March 20, 1992

Part VII

Department of Education

Robert C. Byrd Honors Scholarship Program; Notice of Final Procedures for Implementing the Program in FY 1992

DEPARTMENT OF EDUCATION

Robert C. Byrd Honors Scholarship Program

AGENCY: Department of Education.

ACTION: Notice of the final procedures for implementing the Robert C. Byrd Honors Scholarship Program in fiscal year 1992.

SUMMARY: The Secretary establishes procedures necessary to implement certain aspects of the Robert C. Byrd Honors Scholarship Program (the Byrd Scholarship Program) in fiscal year 1992 in accordance with the provisions of the program statute (title IV, part A, subpart 6 of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070d–31, *et seq.*) and the program regulations, published at 54 FR 12549 and codified at 34 CFR part 654, as superseded by Public Law 102–170, the Department of Education Appropriations Act, 1992 (1992 appropriations act). Grant awards to the States for fiscal year 1992 are governed by applicable provisions of the program statute, the program regulations, the General Education Provisions Act, the Education Department General Administrative Regulations, and the procedures in this Notice.

EFFECTIVE DATE: This Notice takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this notice, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Fred H. Sellers, Chief, State Grant Section (room 4018, ROB #3), Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–5447, telephone (202) 708–4607. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: Under the Byrd Scholarship Program, the Secretary makes available, through grants to the States, scholarships to outstanding high school graduates for the first year of study at institutions of higher education. This program supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by rewarding outstanding academic achievement in high school and encouraging continued achievement in postsecondary education. National Education Goal 3 specifically calls for American students to demonstrate competency in challenging subject matter and to learn to use their minds well.

In the Department of Education Appropriations Act, 1992, Congress appropriated $9.642 million for the Byrd Scholarship Program. Pursuant to the Department of Education Appropriations Act, 1992, as was also the case in fiscal years 1987, 1988, 1989, 1990, and 1991, sections 419G(b) and 419I(a) of the program statute do not apply to the administration of the program. Therefore, §§ 654.20(a) and 654.50(a)(4) of the program regulations published as final regulations on June 20, 1989 (54 FR 26006) also do not apply to the administration of the program in fiscal year 1992. The Secretary adopts the following procedures for fiscal year 1992 in lieu of the statutory and regulatory provisions that have been superseded by the 1992 appropriation language. These procedures are necessary for the administration of those aspects of the program which, due to superseding statutory provisions in the 1992 appropriations act, are not governed by provisions of the program statute and regulations.

1. The Secretary allots to the States the funds appropriated for the Byrd Scholarship Program in fiscal year 1992 in accordance with the provisions of section 419D of the program statute, except that the amount allotted for scholarship payments to each State is $1,500 multiplied by the number of scholarships that the Secretary has assigned to the State. The Secretary assigns to each State participating in the program the number of Byrd Scholarships that bears the same ratio to the total number of scholarships made available to all States as the State's school-aged population (ages five through seventeen) bears to the total school-aged population in all participating States, except that no State shall receive fewer than 10 scholarships. The population figures used to calculate the allotment of funds are determined by the most recently available data from the United States Census Bureau.

2. States shall administer their fiscal year 1992 allotments under the Byrd Scholarship Program, for scholarships for academic year 1992–93, in accordance with applicable provisions of the program statute and the final program regulations. However, since sections 419G(b) and 419I(a) of the program statute do not apply to the fiscal year 1992 appropriation, States shall also administer their fiscal year 1992 allotments in accordance with the following procedures—

(a) Byrd Scholars shall be selected solely on the basis of demonstrated outstanding academic achievement, promise of continued academic achievement, and the geographic considerations described in item 2(b) below.

(b) Byrd Scholars shall be selected in such a way that all parts of a State are fairly represented, and no part of a State has a disproportionate share of awards.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. The Secretary solicited public comments on these same procedures, resulting from identical appropriation language in the 1987 Appropriations Act, in fiscal year 1987, through a Notice of Proposed Procedures published in the **Federal Register**. No comments were received. The same special procedures were subsequently published in final form and implemented in fiscal years 1988, 1989, 1990 and 1991. Since it is imperative for State educational agencies to receive their program allotments in time to make scholarship awards and payments by the end of the high school academic year during which the scholars have graduated, as required by section 419I(b) of the program statute (20 U.S.C. 1070d–39(b)), the Secretary finds that publication of a Notice of Proposed Procedures for fiscal year 1992 is impracticable and contrary to the public interest under 5 U.S.C. 553(b)(B).

Authority: 20 U.S.C. 1070d–31, *et seq.*

(Catalog of Federal Domestic Assistance No. 84.185, Robert C. Byrd Honors Scholarship Program)

Dated: January 29, 1992.

Lamar Alexander,

Secretary of Education.

[FR Doc. 92–6502 Filed 3–19–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Friday
March 20, 1992

Part VIII

Department of Transportation

Federal Aviation Administration

14 CFR Part 135

Ground Proximity Warning Systems; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. 26202; Amendment No. 135-42]

RIN 2120-AD29

Ground Proximity Warning Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the operating rules for air taxi and commercial operators by requiring that all turbine-powered (rather than just turbojet) airplanes with ten or more seats be equipped with an approved ground proximity warning system. These changes are needed because studies have shown that several controlled flight into terrain accidents involving turbo-propeller powered airplanes might have been avoided had the airplanes been equipped with a ground proximity warning system. This final rule is intended to reduce the risk of airplanes being flown into terrain with no awareness by the crews that they are approaching the ground.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Akers, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9571.

SUPPLEMENTARY INFORMATION:

Background

A number of studies have looked at the occurrence of "Controlled Flight Into Terrain" (CFIT)-type accidents, where an airplane under the control of a fully qualified and certificated crew is flown into terrain (or water or obstacles) with no apparent awareness on the part of the crew. Some of these studies found that many such accidents could have been avoided if a warning device called a ground proximity warning system (GPWS) was used. (For detailed information on the studies, see "Investigation of Controlled Flight Into Terrain (CFIT)", Department of Transportation, Transportation Systems Center (DOT/TSC), March 1989). A copy of this study has been placed in the docket for this rulemaking.)

In 1974, the FAA required all part 121 and some part 135 certificate holders to install Technical Standard Order (TSO) approved GPWS equipment on large turbine-powered airplanes (§ 121.360). In 1978, the FAA required part 135 certificate holders operating turbojet airplanes with 10 or more seats to install TSO-approved GPWS equipment or alternative ground proximity advisory systems approved by the Director, Flight Standards Service (§ 135.153). (A TSO-approved GPWS is one that operates only when there is an imminent potential hazard; a ground proximity advisory system is usually one that provides routine altitude callouts, whether or not there is any imminent danger.)

Installation of GPWS's or alternative FAA-approved advisory systems was not originally required on turbo-propeller powered (turboprop) airplanes because, at the time, it was believed that the performance characteristics of turboprop airplanes made them less susceptible to CFIT accidents. However, later studies, including investigations by the National Transportation Safety Board (NTSB), analyzed accidents involving turboprop airplanes and found that many of the accidents could have been avoided if GPWS equipment had been used. In 1986, the NTSB recommended that § 135.153 be amended to require the installation of GPWS equipment in all turbine-powered airplanes carrying 10 or more passengers.

In response to the NTSB recommendation, the FAA requested that DOT/TSC analyze past CFIT accidents involving turbine-powered airplanes operating under part 135. The study looked at data from 41 CFIT accidents that occurred between 1970-1988. It found that of the 25 accidents that involved the type of airplane covered by this rule, and for which sufficient accident investigation data were available (covering the period 1978-1987) 16, or 64 percent, might have been avoided if the airplanes had GPWS's.

The DOT/TSC study also compared the TSO-approved GPWS to two FAA-approved alternative ground proximity advisory systems in five different operational modes. These five modes are: (1) Excessive rate of descent; (2) Excessive closure rate to terrain; (3) Altitude loss after takeoff; (4) Not in landing configuration; and (5) Deviation below glideslope. The study found equivalence in two modes (not in landing configuration and deviation below glideslope). However, there were significant performance differences in the most critical operational situation (excessive closure rate to terrain); advisory systems were found to always give automatic callouts below certain altitudes, whereas the GPWS would warn only when necessary. The GPWS would also provide maximum warning time while minimizing unwanted alarms and would use command-type warnings.

The DOT/TSC study also found that the unit cost of a TSO-approved GPWS would be comparable to that of an advisory system and therefore neither system is prohibitively expensive.

As a result of the studies discussed above, as well as a significant increase in the operation of this class of turbopropeller airplanes, the FAA issued Notice of Proposed Rulemaking (NPRM) No. 90-14 (55 FR 17358, April 24, 1990) entitled "Ground Proximity Warning Systems." The NPRM proposed the installation of TSO-approved GPWS equipment on all turbine-powered airplanes with 10 or more seats operating under part 135.

Subsequent to issuing the NPRM, the NTSB advised the FAA that six commuter airplane accidents occurred between January 1987 and January 1990. The NTSB advised that:

(1) On January 19, 1988, a Fairchild Metro III SA227-AC crashed on approach to Durango, Colorado. There were 9 fatalities and 8 survivors. The NTSB stated that "a ground proximity warning device probably would have alerted the crew to the airplane's increasing proximity to terrain and may have prevented the accident" and that "over 20 seconds of advance warning could have been provided by a GPWS."

(2) On February 19, 1988, a Fairchild Metro III SA227-AC crashed shortly after departing from Raleigh Durham International Airport due to "an excessive angle of bank initiated at an altitude that was too low." There were 12 fatalities and no survivors. The NTSB stated that "about 7½ seconds of advance warning could have been provided by a GPWS."

(3) On August 7, 1989, a DeHaviland DHC-6 flew into a mountain in Ethiopia during a flight with bad weather conditions and too low an altitude. There were 16 fatalities and no survivors. The NTSB stated that "a ground proximity warning system • • • may have prevented this accident since it can warn of a projected impact with terrain in time for corrective action by the pilot."

(4) On October 28, 1989, a DeHaviland DHC-6-300 crashed in Molokai, Hawaii. There were 20 fatalities and no survivors. In the final NTSB accident report dated September 25, 1990, the NTSB stated that "a ground proximity warning system would have provided sufficient warning for the crew to have pulled up and overflown the terrain." The NTSB determined that the probable cause of the accident was the airplane's controlled flight into terrain as a result of the decision of the captain to continue flight under visual flight rules at night into instrument meteorological conditions, which obscured rising mountainous terrain.

(5) On December 26, 1989, a British Aerospace Jetstream 3101 crashed during its final approach to Pasco Washington; the airplane had been too high on the final approach, therefore requiring a steep descent. There were 6 fatalities and no survivors. The NTSB advised that "a high descent rate at low altitude will cause a GPWS warning."

(6) On January 15, 1990, a Fairchild Metro III SA227-AC crashed during its approach to Elko, Nevada. There were 13 injuries and no fatalities. The NTSB stated that "about 25 seconds of advance warning time could have been provided by a GPWS."

Discussion of Comments

The FAA received 17 comments in response to the proposed rule. Most of the comments received generally support the rule; however, the comments address one or more broad areas, including: ground proximity warning systems (produced by one manufacturer) vs. advisory systems (produced by at least two manufacturers); cost; timetable for compliance; false warnings; installation problems; training; and applicability of the rule. Five commenters oppose the NPRM.

Those who fully support the proposed rule are the NTSB and Sundstrand Data Control, Inc. The Airline Pilots Association (ALPA) also supports the proposal but recommends changing compliance deadlines. The General Aviation Manufacturer's Association (GAMA) comments that it cannot respond to the NPRM because it believes that the DOT/TSC report upon which it is based is "technically inaccurate." GAMA recommends that the NPRM be delayed until the report's analysis and conclusion are made "technically correct." In addition, some commenters provide a direct response to the DOT/TSC study. All comments and FAA responses are addressed in the following section.

Ground Proximity Warning Systems vs. *Advisory Systems*

Eight commenters, including the Regional Airline Association (RAA), National Air Transportation Association (NATA), manufacturers of advisory systems such as Rockwell International and Kollsman, and part 135 operators such as Continental Express, express dissatisfaction with the NPRM's proposed requirement that only TSO-approved GPWS's be installed in part 135 turbine-powered airplanes.

Reasons for this position can be categorized into two broad areas: (1) Some believe that advisory systems are as effective as GPWS's; and (2) GPWS equipment is produced and sold by one manufacturer, creating monopolistic conditions. These two areas are described below, each with its own FAA response.

Effectiveness of Ground Proximity Warning Systems vs. Advisory Systems. Some commenters say that ground proximity advisory systems are as effective as GPWS's in terms of giving clear and specific warnings when the airplane is too close to terrain. For example, Continental Express asserts that the aural and visual alerts of advisory systems are no more routine than those of GPWS's and that, similar to GPWS's, they provide additional warnings which are based on the violation of "defined flight profiles". Several commenters, including RAA, recommend that the rule be expanded to allow the use of alternative systems, in addition to GPWS's.

Some commenters, e.g., Kollsman, feel that the FAA's position in the NPRM is contradictory, i.e., it is recognized (based on the DOT/TSC study) that advisory systems are functionally equivalent and provide the same safety benefit as GPWS's, yet it is considered unacceptable to allow anything that is not TSO-approved.

FAA Response: The FAA has found, in the DOT/TSC and other studies, that GPWS equipment and advisory systems are functionally equivalent in 2 out of 5 modes or warning envelopes: Mode 4 (not in landing configuration) and Mode 5 (deviation below glideslope). In the other 3 modes, there are either minor or significant differences: In Mode 3 (altitude loss after takeoff), the two systems have proximate equivalence, although the GPWS shows some superiority over advisory systems because it provides a direct warning to "pull-up"; advisory systems, in contrast, require much more integration of data on the part of the flightcrew (i.e., first receiving altitude callouts reflecting an increasing trend in altitude after takeoff, then receiving callouts reflecting decreased altitude and reversing this trend). Most importantly, in Mode 1 (excessive sink rate) and Mode 2 (excessive closure to terrain), the two systems have shown a critical difference in their performance. The FAA has analyzed accident data from many sources, including the NTSB, and has found that GPWS performance is far superior to advisory system performance in these two modes. Ground proximity warning system equipment is able to calculate the airplane descent and closure rate, compare these to the defined warning envelopes and provide a warning only if the limits are exceeded. In comparison, advisory systems either provide only one callout when the airplane enters a certain radio altimeter range and no warnings for an excessive descent rate at higher altitudes; or they provide continuous callouts below a certain altitude limit.

In addition, during the DOT/TSC study, advisory system manufacturers and others were requested to submit "hard" data to substantiate the safety performance of these systems. The FAA was interested in receiving data such as accident/incident investigation reports, reconstructed accident profiles, cockpit voice recorder and flight data recorder readouts, and pilot surveys. No such quantifiable or "hard" data was made available during the DOT/TSC study, nor was any submitted for the public record during the comment period to establish the equivalence of GPWS's and advisory systems.

Therefore, the FAA continues to support a TSO-approved GPWS because it has been shown to meet minimum performance specifications in all 5 modes and provides a higher level of safety. (This TSO (TSO-C92b), in fact, incorporates by reference RTCA Document DO-161A, which was developed by a consortium of government and industry experts and addresses all 5 warning envelopes.)

In addition, the FAA has confidence in the GPWS because it has proven to be a reliable and effective system under part 121 operations.

One Manufacturer of GPWS Equipment. Some commenters, including RAA, Continental Express, Northwest Airlink, and Kollsman say that there is currently only one manufacturer of the TSO-approved GPWS (Sundstrand). As a result, this manufacturer will continue to monopolize the market on the production and sale of GPWS's destroying competition and raising prices. RAA recommends that there be at least three systems available, which would motivate manufacturers to provide an effective product at competitive prices.

FAA Response: It is the FAA's policy to encourage and support competitive sourcing of equipment. TSO-C92b incorporates both government and industry input for a GPWS which meets minimum performance specifications. The FAA will approve a GPWS from any manufacturer whose product complies with TSO-C92b.

In response to comments that it has monopolized the market for GPWS equipment, Sundstrand has informed the FAA that it has dedicated its GPWS patent (#3,940,358; glide slope boundary conditions and detection) for public use (see public docket #26202). The FAA welcomes this action and believes that it will encourage other manufacturers, who may have construed this to be a design impediment, to produce and market a TSO-approved GPWS.

Cost

There were eight comments in this area.

Six commenters, including NATA, Kollsman, and several airlines, say that the NPRM's cost estimates for a GPWS and its installation are too low, primarily because associated equipment costs, weight penalties, and installation costs are underestimated or not considered. Examples of such additional costs are: extra equipment needed to support a GPWS such as a radio altimeter and barometric rate computer; increased weight penalties due to the need for additional equipment; and installation costs resulting from the down time needed for installation.

In addition, Continental Express states that the estimated cost of a GPWS, as presented in the NPRM, is too low because the proposed system is only in the planning stage; the purchase and installation costs will most likely rise.

Two commenters say that the NPRM is incorrect in assuming that the cost of a GPWS is comparable to that of alternative systems. Kollsman presents cost data for its VTA system ($15,000) and expresses doubt that a GPWS would be available for less than that amount. RAA cites findings from the DOT/TSC study and says that the highest-cost system is 48% more than the lowest-cost system.

Virtually all commenters on this issue state that the monopolistic situation that would be created by the proposed rule (given Sundstrand's patent situation at the time of the NPRM) would undoubtedly lead to higher prices.

FAA Response: The FAA partly concurs that its cost estimates do not include certain equipment and weight penalties. In calculating GPWS costs, the FAA did include the equipment and weight costs of the radio altimeter. Additionally, the FAA did not calculate the equipment and weight costs of the barometric rate computer as an additional cost. (The barometric-rate computer is a necessary component for GPWS operation.) Since the NPRM was published, the FAA has determined that on average only one in three regional air carrier airplanes already has a barometric-rate computer. Therefore, the FAA has reestimated GPWS costs to be approximately $1000 higher to reflect this additional equipment and weight. (See the economic evaluation in this final rule document for further detail.) Additionally, Sundstrand indicates that the barometric rate function may be provided, at a much lower cost, as an option to be included with their GPWS. In terms of installation costs, the FAA did include retrofitting and down-time costs in its original calculations, just as these costs are included for any new system.

Regarding manufacturer costs, the FAA, during the course of the DOT/TSC study, asked manufacturers of advisory systems to provide "representative" cost data for their own systems and their competitors' systems. In all cases, manufacturers provided lower acquisition and retrofitting cost estimates for their own systems, as compared to what they estimated for competitors' systems. The FAA, therefore, used "own-system" estimates from each manufacturer's system presented in the DOT/TSC report and the NPRM.

In addition, Sundstrand provided the FAA the same cost estimates at least three times before their estimates were published in the DOT/TSC study and later, the NPRM. Because Sundstrand publicly reaffirmed these cost estimates several times, the FAA considers them valid unless proven otherwise.

The concern that Sundstrand's costs will rise because of a monopolistic situation created by the rule, is unjustified due to Sundstrand's opening its GPWS patent to the public. On the contrary, the FAA believes that more competition will be stimulated, which will serve to keep costs at a lower level.

Timetable for Compliance

There were two comments in this area.

Mesaba Airlines claims that the 2-year compliance date is inadequate because it would not allow enough time for system engineering and installation; much time would be needed for systems integration. In addition, down time would be needed for actual installation. It recommends that the deadline for existing airplane retrofits be extended to at least 4 years.

ALPA says that the compliance time is too lengthy, and cites the DOT/TSC study as support that CFIT-type accidents will continue until GPWS's are installed on all turbine-powered airplanes. Therefore, ALPA recommends that the time frame in which airplanes would be required to have a GPWS should be shortened as follows: Airplanes with 10 or more seats should be retrofitted within 1 year, not 2 years; airplanes with a ground proximity advisory system should retrofitted with a GPWS within 2 years.

FAA Response: The FAA has considered these alternative timetables and maintains that the proposed timetable is the most reasonable one for installing GPWS equipment. There is concern, however, on having all airplanes meet the compliance dates in an orderly manner. In previous instances involving rules requiring equipment installation, there have been cases where delays could have been avoided by installing the equipment during the periodic maintenance cycle of the airplane. Certificate holders have made an unacceptable number of requests to extend compliance dates. To alleviate this problem, an installation schedule was included in several recent amendments to the FAR's. Because an installation schedule was not proposed in this rulemaking, and because issuing a supplemental notice of proposed rulemaking would add further delays, FAA principal airworthiness inspectors will be monitoring part 135 operators to ensure that an acceptable transition to the GPWS is made.

Increased compliance time would very likely result in more lives lost from CFIT-type accidents. As stated in the background, the NTSB found, in its preliminary investigations of six other accidents (beyond those which were documented in the DOT/TSC report) that GPWS "may have prevented the accident" or provided "advance warning." NTSB also stated that, for all six accidents, the GPWS at least could have been a factor to prevent the accident. Alternatively, a reduction in compliance time is unrealistic, considering the amount of time needed to retrofit each airplane, including scheduling and the ordering and availability of equipment.

The FAA expects airplane operators affected by this rule to make a "good faith" effort in complying with the timetable established for installation of the GPWS. While the final rule does not contain an installation schedule, affected operators are expected to begin the approval process as soon as possible so that they will not be faced with last minute scheduling problems. The FAA assumes that planning will begin at the time of publication of the rule.

At this time, the FAA knows of no circumstances under which it would consider granting an extension of the compliance date unless an operator can present evidence of good faith efforts to secure the equipment and installation services. Examples of such evidence include purchase orders and contracts dated in 1992 to indicate a plan to ensure implementation within the 2-year compliance period.

The FAA considers its proposed timetable a middle ground between the need to reduce CFIT-type accidents as quickly as possible and practical considerations of installing GPWS equipment on all airplanes affected by the rule. Therefore, part 135 operators affected by this rule are required to comply with the proposed timetable for installing GPWS equipment on their airplanes. Additionally, the FAA considers compliance date extensions to be unwarranted, since GPWS equipment is available and can be installed within the time required by the rule.

False Warnings

There were three comments in this area.

Rockwell International, Conquest Airlines, and Continental Express claim that the GPWS has been found to give frequent and unnecessary false warnings, which pre-conditions crewmembers to ignore the warnings and also interferes with crew communications; in some cases, the GPWS is deactivated, thus negating its usefulness.

FAA Response: The GPWS requirements were refined by amendments in 1975 and 1976. (See 40 FR 19638, 42183, 50707, 55313, and 41 FR 35070.) One of the major considerations at that time was the transition from TSO–C92a to the current standard, TSO–C92b, which resolved the problem of false or nuisance alarms. Since the effective dates of the amendments listed above, there have been only rare occasions of GPWS false alarms. These were mostly attributed to non-standard approaches with unusually high glide slope angles or terrain closure rates, and have been resolved on an individual basis. Operating experience has demonstrated that false/nuisance GPWS warnings are minimal and are no longer a problem.

Installation Problems

Mesaba Airlines says that it will be difficult to install GPWS's on many airplanes due to limited rack and panel space.

FAA Response: The FAA has consulted with Sundstrand who has developed a new GPWS model for smaller turbine-powered airplanes. This manufacturer has informed the FAA that the new model is smaller than the existing system now used in part 121 operations and that it is specifically designed for installation in the commuter type airplane. Use of this or a similar model for airplanes that have limited rack and panel space is recommended.

Training

There were three comments in this area.

ALPA stresses the importance of an appropriate and quick response to GPWS warnings and recommends training for pilots in how to use GPWS equipment.

Conquest Airlines is against requiring GPWS's in commuter airplanes, stating that the GPWS can interfere with crew communication emergencies; it recommends instead, improved training for flight crews (e.g., Line-Oriented Flight Training [LOFT] and Cockpit Resource Management [CRM]) to enhance safety.

Similarly, Rockwell International says that the DOT/TSC report does not evaluate the interrelationship between GPWS's and other warning systems (e.g., windshear) and how this affects crew performance.

FAA Response: The rule (§ 135.153(d)) requires GPWS training by stating that operators' Airplane Flight Manuals must contain appropriate procedures for the use of GPWS equipment by flight crews. The FAA, however, is not specifying the contents of this type of training due to the diversity of Part 135 operations. As was the case with previous rulemaking concerning new equipment, the FAA expects each operator to develop GPWS training to fit its own operations and to meet the requirements of § 135.153(d).

In addition, the FAA believes that GPWS equipment will not impede crew communications or interfere with other warning devices because the interference problem created by false alarms has been virtually eliminated. The GPWS equipment helps, rather than hinders crew communications, because it produces fewer warnings (compared to advisory systems) resulting in less confusion in the cockpit.

In terms of improved training for flight crews, the FAA has already required or recommended such training in recent amendments to parts 121 and 135, as well as in advisory circulars on LOFT and CRM. The FAA has also established procedures for a voluntary alternative training program called the "Advanced Qualifications Program" (AQP). A key element of this program is cockpit resource management training, which teaches crewmembers how to operate as a team through effective communication and decision-making. Whether a commuter airline continues to employ current training methods or implements an AQP, there are provisions in place for providing training in the proper use of GPWS's in the flightcrew environment.

Applicability of the Rule

There were six comments in this area, three of which say that certain categories of airplanes should be exempt from the proposed requirement.

Chalk's International Airlines and Ketchikan Air Service, Inc. are against requiring GPWS's for their seaplanes and floatplanes that are engaged only in daytime, VFR operations. They state that GPWS's would add no further safety benefit for VFR operations, as opposed to IFR operations, and therefore, they recommend that certain day VFR operations be exempted from the rule.

NATA is against requiring GPWS's for on-demand air charter operations; it states that such operations should be distinguished from commuter operations. NATA notes that the NPRM does not make this distinction; thus, it concludes that the proposal discriminates against charter operations. Therefore, NATA recommends that turbo-prop airplanes used for charter operations by on-demand part 135 operators be exempted from the rule and that new airplanes (turbine-powered with 10 or more seats) be equipped with a GPWS 2 years after the adoption of the rule.

Two other commenters (Mesaba Airlines and United Express) recommend that airplanes already in service be exempt from a retrofit installation and that a GPWS be installed only on newly manufactured airplanes.

An individual commenter states that, if the FAA is to require GPWS's for air taxi and commercial operators, it should be required for all airplanes; this would "give a much better economic scale for the avionics manufacturers," i.e., GPWS's would cost less since more would be produced.

FAA Response: In considering whether to grant the above-requested exceptions, the FAA studied the extent to which these operations had a history of CFIT-type accidents and fatalities. The FAA found that both VFR and charter operations did, indeed, have a history of CFIT-type accidents and fatalities. The DOT/TSC study reports that between 1978 and 1988, VFR operations had 3 CFIT-type accidents with 18 fatalities; all were Mode 2 (excessive closure rate to terrain) situations. In this same time period, charter operations had 13 CFIT-type accidents with 21 fatalities. Operating

experience demonstrates that GPWS equipment is necessary as a safety component for these operations; therefore, they are not being excluded from the rule.

The FAA does not concur with commenter recommendations to require GPWS equipment only on newly-manufactured airplanes. The NPRM and this final rule document have cited studies showing a significant number of CFIT-type accidents involving commuter airplanes not equipped with a GPWS. Operating experience clearly indicates that GPWS equipment is superior to advisory systems. Since many airplanes already in use will remain in operation for many years, the FAA has concluded that it is crucial that all commuter airplanes be required to have GPWS equipment as soon as feasible in order to prevent more CFIT accidents.

The recommendation to extend the requirement for GPWS to airplanes that are not operated under part 135 is outside the scope of this rulemaking.

Comments on the DOT/TSC Report

The FAA received some comments which respond directly to the DOT/TSC report. In particular, Rockwell International and Continental Express state that DOT/TSC conclusions, based on the study's analysis of NTSB accident data, are faulty in terms of the following: (1) A GPWS warning may not have been activated in some accidents; if there was a warning, it may not have provided enough reaction time or been heeded by the flight crew; and an advisory system may have been able to perform as effectively as a warning system; (2) Other contributing factors could have caused some of the accidents (e.g., windshear, flight crew stress); GPWS equipment may not have helped in these cases.

In addition to faulting DOT/TSC's analysis of NTSB data, these commenters state that some of the study's information is inaccurate. For example, a table that is supposed to list only accidents involving turbine-powered airplanes also lists those involving piston-engine airplanes. Also, some of the cost/benefit information is faulted, for example, installation costs for GPWS equipment should be higher than quoted because of the need to connect it to other airplane systems; and advisory systems provide the same level of benefit as does GPWS equipment.

FAA Response: All comments regarding the DOT/TSC report have been reviewed. In addition, DOT/TSC has thoroughly reviewed all relevant NTSB accident data and exercised the best possible judgment in determining the effectiveness of GPWS equipment in preventing accidents. In some cases, DOT/TSC has made judgments based on the available data, and the conclusions reached in these cases are sound.

DOT/TSC agrees that, in a few instances, there were minor errors in exhibiting the data; however, the errors did not affect the ultimate conclusions reached in the study. For example, even though the table described above lists two accidents involding piston-engine airplanes, the remaining 25 accidents comprise 22 involving turboprop airplanes and 3 involving turbojet airplanes; thus, the study's conclusion that turboprop airplanes should have approved GPWS equipment remains.

Regarding these commenters' arguments that the study's cost data is inaccurate, the FAA reiterates that each manufacturer provided the cost data for its own system, as well as its competitor's systems and that the latter cost data was biased upwards. Therefore, the cost data used in the study was based on estimates from the respective manufacturers. The FAA considers these estimates to be valid. While each type of system achieves benefits which exceed its costs, the FAA has determined that GPWS is most beneficial from a safety standpoint.

Commenters' arguments that installation costs were not included in DOT/TSC estimates are not valid because these costs were included in GPWS cost calculations presented in the study; this data was subsequently reflected in the NPRM and is explained in the cost section and the economic evaluation of this final rule document.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector and anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order; therefore, a full regulatory analysis has not been prepared. Instead, the agency has prepared a more concise document termed a regulatory evaluation. In addition to a summary of the regulatory evaluation, this section contains a regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (P.L. 96–354), a regulatory flexibility analysis, and an international trade impact assessment. If more detailed economic information than is contained in the summary is desired, the reader is referred to the full regulatory evaluation in the docket.

The rule will amend Part 135 such that 2 years following its effective date, no person may operate a multiengined turbine-powered airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless it is equipped with an approved GPWS. Airplanes already equipped with a previously approved alternative "advisory" system may continue to be operated with that system until 4 years after the effective date of the rule.

Much discussion and documentation of costs and benefits of this rule were provided in the DOT/TSC study. The costs and benefits presented in this regulatory analysis reflect, to a large degree, both the findings in that study and the comments responding to the NPRM.

Analysis of Costs

The unit cost of each GPWS, including installation, as reported by the manufacturer, amounts to $14,600. The FAA estimates that within the 10-year-period 1993–2002, a total of 887 airplanes operating under Part 135 will require a GPWS at a total cost of $13.0 million. Approximately 725 of 837 airplanes that are currently operating under Part 135 and affected by this rule will need to be equipped with a GPWS within 2 years after the effective date of the rule. About 60 airplanes operating under Part 135 (not included in the above total of 887) are already equipped with GPWS approved for operations under Part 121, and another 52 airplanes have advisory systems that will need to be replaced within 4 years following the effective date of the rule. In addition, newly manufactured multiengine turbine-powered airplanes with 10 or more passenger seats will be affected by this rule and must be equipped with GPWS. The FAA anticipates that in each of the first 10 years after this rule is in effect (1993–2002) 11 new turbine-powered airplanes in the 10 to 19 passenger seat size will be added to the fleet operating under Part 135 that would not contain GPWS's unless otherwise required.

The manufacturer also provided cost data for compatible radio altimeters and barometric-rate computers that will be needed on-board to accompany the GPWS. The estimated cost per airplane is $7,000 for an altimeter and $975 for a computer, including installation. The FAA estimates that 326 existing airplanes are equipped with acceptable radio altimeters, and that 225 existing airplanes are equipped with barometric rate computers (leaving 511 and 612 airplanes to be equipped with a radio altimeter and barometric rate computer, respectively). Among newly-manufactured airplanes, 73 will require altimeters and 88 will require computers during the 10-year period. This assumes that a similar percentage of such airplanes as currently exists would be equipped with these instruments in the absence of this rule. Total outlays for radar altimeters and barometric rate computers for the years 1993–2002, are estimated at $4.1 million and $0.7 million, respectively.

The total estimated equipment and installation costs for all airplanes affected is estimated to be $17.7 million.

The manufacturer estimates annual maintenance costs to be 5 percent of total equipment costs. Therefore, annual maintenance costs for an airplane needing all three pieces of equipment would be .5×($14,600+7,000+975)=$1,129. The average cost per airplane will be somewhat less since not all airplanes will require the same amount of new equipment to comply with this rule. Total fleet maintenance costs will increase from year-to-year as more airplanes become equipped with GPWS and related instruments. Maintenance costs during the 10-year analysis period will total $8.3 milion.

Each additional pound of weight added to a turbine-powered airplane operating under Part 135 is estimated to consume an additional 8.55 gallons of fuel annually. Applying the current jet fuel cost of $1.82 per gallon, the annual cost per pound of additional weight is about $15.56. The total additional weight per airplane associated with the GPWS, altimeter, and barometric rate computer is estimated to be 5.6 pounds. Because some airplanes are already equipped with one or more of these instruments, the average additional weight per airplane is estimated to be about 4 pounds. Therefore, total annual weight penalty costs are estimated to be $62.24 per airplane. Total additional fleet fuel costs are estimated to be $0.5 million over the 10-year period.

Two manufacturers estimate that 40 man-hours will be required to install all equipment associated with the GPWS. Although installation is likely to coincide with other scheduled maintenance activity, the loss of the use of an airplane for 40 man-hours, or 5 workdays, typically equates to a loss of 18 revenue hours for Part 135 airplanes, assuming an average of 3.6 revenue hours or block hours per day. The value of this lost revenue is estimated to be $180 per hour. Therefore, 18 hours of down-time due solely to installation of a GPWS and related equipment will cost an operator $3,240 per airplane. However, $3,000 per airplane is used for the purpose of this analysis since it is likely that installation of such equipment will coincide to some extent with other scheduled maintenance. Such costs will occur in 1993 (or sooner) for most affected airplanes, and in 1995 (or sooner) for airplanes that are currently equipped with approved advisory systems. Total fleet down-time costs are estimated to be $2.3 million over the 10-year period.

The total 10-year cost of this rule for all equipment, installation, maintenance, additional fuel consumption, and down-time costs is estimated to be $28.9 million, or $20.7 million discounted present value.

Analysis of Benefits

Twenty-five accidents involving turbine-powered airplanes occurred during the 10-year period (1978–1987) for which NTSB accident investigations revealed that it was highly improbable that the flight crew had any prior awareness of an impending impact with terrain. None of the airplanes involved in these accidents was equipped with a GPWS, and only one was equipped with an advisory system. The March 1989 DOT–TSC study of CFIT's scrutinized the circumstances of each of these accidents. The study determined that four of the accidents most likely would not have been prevented if a GPWS had been in use. In five other accidents the airplanes involved would have received a GPWS alert if such a system had been in use, but with questionable time provided for recovery. The other 16 accidents involved airplanes that would have had a GPWS alert activated with sufficient time for recovery. The casualties in the 16 accidents that the study considered preventable with the use of a GPWS included 56 fatalities and 7 serious injuries.

Comparable levels of accidents and casualties can be expected in the future if GPWS's are not installed on multiengined, turbine-powered airplanes operating under Part 135. In order to provide the public and government officials with a bench mark comparison of the expected safety benefits of rulemaking actions over an extended period of time with estimated costs in dollars, the FAA currently uses a minimum value of $1.5 million to statistically represent the value of a human fatality avoided (in accordance with guidelines issued by the Secretary of Transportation dated June 22, 1990). A value of $640,000 is used to statistically represent a serious injury prevented. In addition, the DOT–TSC study determined that the value of the average dollar loss for the 10 airplanes destroyed and 6 airplanes substantially damaged, was $550,000 and $180,000, respectively. Applying these values against the estimated potential losses provides an estimate of the total benefits of the rule over a 10-year period. The savings in human casualties total $88.5 million ((56×$1.5 million)+(7×$640,000)). The savings in destroyed and substantially damaged airplanes total $6.6 million ((10×$550,000)+(6×$180,000)). Total benefits amount to $95.1 million, or $53.1 million when discounted at 10 percent over the 10-year period.

There have been at least six more commuter airplane accidents occurring since the 1978–1987 study period. Preliminary findings indicate that they may have been prevented if the airplane had been equipped with a GPWS. These accidents have not been included in the estimate of benefits attributable to this rule because the NTSB has not completed its investigations or made final recommendations on all of them. Therefore, it would be inappropriate to attribute a specified number of accidents prevented if this rule had been in effect. However, one of the six accidents in which the NTSB did complete its investigation is mentioned here as further evidence of the merits of this rule. That particular accident occurred on October 28, 1989, in Molokai, Hawaii, and resulted in the deaths of all 20 people aboard the airplane. The NTSB concluded that a GPWS might have prevented the accident and reiterated its stance on the need for use of GPWS's in turbine-powered airplanes operated under part 135.

Comparison of Benefits and Costs

The anticipated discounted present value of the benefits of this rule ($53.1 million over 10 years) far exceed the estimated discounted present value of the costs ($20.7 million over 10 years). Although there is no way to know how many accidents and deaths actually will be prevented, if the rule is only 40

percent as successful as expected in preventing CFIT accidents, it will be cost-beneficial.

International Trade Impact

This rule will have little or no impact on trade opportunities for U.S. firms doing business overseas or foreign firms doing business in the United States. If foreign nations do not adopt U.S. standards, their airplane operators may be at a disadvantage in the U.S. market. However, the impact is expected to be slight. The maximum annualized cost of this rule per airplane over the 10-year period 1993 to 2002 is estimated at $3,772 ($2,600 discounted present value) but the average will be somewhat less. Such costs should not create an economic disadvantage to either domestic operators or foreign carriers operating in the United States.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires agencies to review rules that may have a "significant economic impact on a substantial number of small entities."

For air carriers, a small entity is defined as one that owns, but does not necessarily operate, 9 or fewer airplanes. The FAA's criteria for a "substantial number" is a number that is not less than eleven and that is more than one third of the small entities subject to the rule. The FAA's criteria for a "significant impact" is at least $4,200 per year (1991 dollars) for an unscheduled carrier and $60,300 per year for a scheduled carrier operating a fleet that includes small airplanes, which have 60 or fewer seats.

An unscheduled small entity carrier with at least 2 airplanes will incur a significant economic impact because the annualized present value cost of $5,600 for 2 airplanes exceeds the $3,700 criteria used by the FAA. Such carriers represent approximately 37 percent of all small entities subject to the rule. Therefore, as required by law, a regulatory flexibility analysis follows.

Regulatory Flexibility Analysis

As required by sections 603(b) and (c) of the Regulatory Flexibility Act, the following analysis deals with the rule as it relates to small entities.

Why Agency Action is Taken

The reasons for agency action are detailed in the preamble to the rule. Briefly, the amendment will improve safety involving Part 135 operations by reducing controlled flight into terrain accidents involving turbine-powered airplanes. The FAA estimates that 16 such accidents could have been prevented during the 10-year period of 1978 through 1987 if the airplanes had been equipped with the ground proximity warning systems required by this rule. The rule addresses an NTSB recommendation and is supported by studies concluding that installation of a GPWS will contribute to prevention of CFIT accidents.

Objective of and Legal Basis for the Rule

The objective of the rule is to improve the operating safety of part 135 airplanes by preventing controlled flights into terrain. The objective is more thoroughly discussed in the preamble to the rule. The legal basis of the rule is sections 313, 314 and 601 through 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, and 1421 through 1430) and the Department of Transportation Act (49 U.S.C. 106(g)).

Description of the Small Entities Affected by the Rule

The small entities affected by the rule will be unscheduled carriers operating under part 135 of the Federal Aviation Regulations having more than one, and fewer than nine airplanes.

Compliance Requirement of the Rule

Compliance with the amendment will be mandatory for all turbine-powered multiengine airplanes with 10 or more seats operating under part 135. Those turboject airplanes that are currently using alternative warning systems approved by the FAA will be required to replace those systems within 4 years of the effective date of the rule.

Alternatives to the Rule

As part of the rulemaking action, the FAA considered several alternative approaches to the problem addressed by this rule.

Alternative One: Let the market decide. The airline would be free to choose whether it should install GPWS's as recommended. This alternative would allow the public to select an airline based on competitive factors including those of a safety nature. This is an alternative applicable to all safety regulations and, in the view of the FAA, would not assure a safe U.S. air transportation system.

Alternative Two: Delay development of the rule pending additional information that could be obtained during further government and industry reviews. This alternative is also rejected. The current rule is supported by adequate investigations and studies.

Alternative Three: Reduce costs to the industry by allowing operators to install either a GPWS or a ground proximity "advisory" system. Advisory systems provide a full complement of five warning envelopes and are available for less than the cost of a GPWS. The FAA rejects this alternative because the most effective advisory systems available are comparable in price to a GPWS, but not in effectiveness. The FAA has found, in the DOT/TSC and other studies, that GPWS equipment and advisory systems are functionally equivalent in only 2 out of 5 modes or warning envelopes. Only the TSO-approved GPWS meets minimum performance specifications in all 5 modes and provides the highest level of safety possible.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

This rule is significant under Department of Transportation Policies and Procedures (44 FR 11034, February 26, 1979) and, if adopted, the FAA certifies that it may have a significant negative economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act; however, no other feasible alternatives were identified. The annual cost that would be imposed on part 135 operators to install a ground proximity warning system on turbine-powered airplanes would exceed the $3,700 siginificant impact criteria per year for unscheduled air carriers. The FAA has determined that this notice involves a rulemaking action that is not a major rule under Executive Order 12291. A final regulatory evaluation of the proposal, including a final regulatory flexibility analysis and international trade impact analysis has been placed in the docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 135

Ground proximity warning systems.

The Amendment

Accordingly, the Federal Aviation Administration (FAA) amend 14 CFR Part 135 of the Federal Aviation Regulations (FAR) as follows:

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Section 135.153 is revised to read as follows:

§ 135.153 Ground proximity warning system.

(a) Except as provided in paragraph (b) of this section, after April 20, 1994, no person may operate a turbine-powered airplane having a passenger seating configuration, excluding any pilot seat, of 10 seats or more, unless it is equipped with an approved ground proximity warning system.

(b) Any airplane equipped before April 20, 1992, with an alternative system that conveys warnings of excessive closure rates with the terrain and any deviations below glide slope by visual and audible means may continue to be operated with that system until April 20, 1996, provided that—

(1) The system must have been approved by the Administrator;

(2) The system must have a means of alerting the pilot when a malfunction occurs in the system; and

(3) Procedures must have been established by the certificate holder to ensure that the performance of the system can be appropriately monitored.

(c) For a system required by this section, the Airplane Flight Manual shall contain—

(1) Appropriate procedures for—

(i) The use of the equipment;

(ii) Proper flight crew action with respect to the equipment; and

(iii) Deactivation for planned abnormal and emergency conditions; and

(2) An outline of all input sources that must be operating.

(d) No person may deactivate a system required by this section except under procedures in the Airplane Flight Manual.

(e) Whenever a system required by this section is deactivated, an entry shall be made in the airplane maintenance record that includes the date and time of deactivation.

Issued in Washington, DC, on March 17, 1992.

Barry Lambert Harris,

Acting Administrator.

[FR Doc. 92-6516 Filed 3-17-92; 12:10 pm]

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federal register

Friday
March 20, 1992

Part IX

Department of Labor

Employment and Training Administration

Federal and State Unemployment Insurance Program; Project to Review and Change the Formulation and Allocation Systems for Unemployment Insurance Administrative Funding to the State Employment Security Agencies (SESAs); Notice of Study Project

DEPARTMENT OF LABOR

Employment and Training Administration

Federal and State Unemployment Insurance Program; Project to Review and Change the Formulation and Allocation Systems for Unemployment Insurance Administrative Funding to the State Employment Security Agencies (SESAs)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of study project.

SUMMARY: The Employment and Training Administration (ETA) announces an Unemployment Insurance (UI) project to review and change the current budget formulation and resource allocation systems used to provide SESAs administrative funds for the operation of the UI program. This project is part of a Congressional mandate under the Emergency Unemployment Compensation (EUC) Act (Pub. L. 102–164) which requires the Secretary of Labor to submit a report to Congress before November 15, 1992 including a proposal for revising the method of allocating grants among the SESAs. This review is part of an effort by ETA to increase the SESAs' efficiency and flexibility in the financial and operational management of their UI programs, while assuring the Secretary of Labor's statutory obligation to provide funding for "proper and efficient" administration of the UI program is fulfilled.

DATES: Comments must be received in the Department of Labor by the close of business May 19, 1992.

ADDRESSES: Submit written comments to Mary Ann Wyrsch, Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S–4231, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Darla Letourneau, Budget Officer, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S–4219, Washington, DC 20210. Telephone (202) 535–0210 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

A. Project Objectives

ETA is attempting to update its method of budgeting funds for the UI program and allocating these funds to the SESAs. The current methods are complex, outdated, and inhibit improvements in efficiency. The system uses State work measurement factors that are almost a decade old. The current methods also rely on outdated processes carried over from the period when the Unemployment Insurance Service (UIS) had more involvement with the operational methods of the SESAs. Since 1987, SESAs have had bottom line authority to use UI administrative resources based on State assessment of needs. ETA ceased requiring States to account for costs by specific cost categories, and emphasized instead the meeting of performance standards within overall discretion in fund utilization.

ETA has three goals for this effort: (1) To secure stable and adequate funding for basic UI administrative costs with an annual allocation made prior to the beginning of the fiscal year;

(2) To establish a mechanism for providing timely and adequate funding to the States for unanticipated workload increases; and

(3) To provide an equitable allocation of resources among the States that promotes innovative and cost effective practices.

The legislation calling for the report on revised methodology directs that the report include consideration of the following principles. ETA will use them as guiding principles for this effort:

- Workload levels should be the primary factor in determining allocations;
- Ways should be sought to ensure each State a minimum grant level, regardless of workload;
- Nationally available objective data should be used for determining State costs, with consideration of legitimate cost differences among the States;
- Methods for allocating grants among States should be simplified;
- Disincentives to productivity and efficiency in the current methodology should be eliminated; and
- Promotion of innovative and cost effective practices should be included in the allocation methodology.

Finally, we will use two working assumptions that provide some framework for the administrative financing debate. These are:

(1) Changes to the UI administrative financing system will not require legislative changes.

(2) The revised system is intended to produce new national cost factors that are to be used both in determining the overall funding needs for the program, as well as the distribution of the resources among the States.

B. Implementation and Consultation Approach

The EUC Act calls for the submission of a report on a new allocation system within the 12-month period beginning on the date of the enactment of this Act. The Department will issue the report in two phases. The first phase report will include the framework of the new methodology, but not the final proposal because of the necessity of developing cost measurements based on on-site State observations. This first report will be submitted by the November deadline. The second phase report will be the final proposal and will include new funding cost measures which will result from detailed surveys and analyses undertaken in FY 1993–94. Our anticipated target date for this second report to Congress is December 31, 1994. The Act requires a 12-month Congressional review period before the implementation of the proposed allocation methodology. The new funding and allocation methodologies will be effective for FY 1997.

Throughout this process, ETA will seek input from a broad range of parties to ensure that all groups affected by the change have an opportunity to share their ideas and comment on the Department's proposal. ETA welcomes comments, to be submitted to the above address, on the current system and any suggestions for areas to be examined during the initial phase of the project study.

C. Schedule of Federal Register Notice Publications

The first report to Congress outlining the proposed methodology is scheduled to be published, for comment, after the report is submitted in November 1992. The comments received on this report will be incorporated in the second report to Congress which will contain the final proposal for the new UI funding and allocation methodologies.

Signed at Washington, DC, on March 11, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–6504 Filed 3–19–92; 8:45 am]

BILLING CODE 4510–30–M

federal register

Friday
March 20, 1992

Part X

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing and Development

Announcement of Funding—Invitation for FY 1992 Section 8 Rental Voucher Set-Aside for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-92-3402; FR-3222-N-01]

Announcement of Funding—Invitation for FY 1992 Section 8 Rental Voucher Set-Aside for Homeless Veterans With Severe Psychiatric or Substance Abuse Disorders

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD

ACTION: Announcement of funding availability for fiscal year 1992.

SUMMARY: The Department of Housing and Urban Development (HUD) announces $17.9 million in Fiscal Year 1992 funding which will support approximately 750 section 8 rental vouchers to be used in a program established by HUD and the Department of Veterans Affairs (VA) that will benefit homeless veterans with severe psychiatric or substance abuse disorders. This Announcement invites applications from the PHAs administering the rental voucher program in the areas, selected by VA, where homeless veterans will receive supportive services. In the body of this document is information regarding eligibility, the allocation of the funds, application processing, and how to apply, and a list of steps and exhibits involved in the application process.

DATES: Applications are due before 3 p.m. local time on April 20, 1992 at the HUD Field Office receiving the application.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, room 6126, Office of Public and Indian Housing, Office of Assisted Housing, Rental Assistance Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708–0477. The TTD number for the hearing impaired is (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this announcement have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 and have been assigned OMB Control Number 2502–0123.

I. Purpose and Substantive Description

The HUD-Veterans Affairs Supportive Housing (HUD–VASH) program for homeless veterans with severe psychiatric or substance abuse disorders is a national initiative of the U.S. Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). Under this initiative, VA ongoing case management, health and other supportive services will be made available for up to nineteen supportive services sites across the nation and HUD has set-aside funding for section 8 rental vouchers for homeless veterans with severe psychiatric or substance abuse disorders who will benefit from the supportive services. (A listing of the service sites selected by VA and of the Public Housing Agencies (PHAs) administering the rental voucher program at the service sites is included in Table 1. at the end of this announcement). The VA services and HUD rental vouchers will support community-based projects aimed at providing model programs of comprehensive health, housing assistance, and other supportive services to homeless veterans suffering from complex, often chronic, health, mental health and substance abuse problems and the lack of needed services. These services will be organized and delivered in conjunction with permanent, affordable housing.

The goal of the HUD–VASH initiative is to show that appropriately designed health and other supportive services, combined with decent, safe and sanitary affordable housing, can help homeless veterans with severe paychiatric or substance abuse disorders lead healthy, productive lives in the community, and avoid becoming permanent members of the nation's homeless. The initiative also seeks to promote the expansion of permanent housing options for these individuals.

The HUD-VASH initiative is an outgrowth of several previous demonstration programs on behalf of homeless veterans or mentally ill persons, including the VA's Homeless Chronically Mentally Ill (HCMI) and Domiciliary Care for the Homeless Veterans (DCHV) programs, and the HUD/Robert Wood Johnson Program on Chronic Mental Illness as well as the Supportive Housing Demonstration program (SHD) under the Stewart B. McKinney Act. Experience under the SHD program and other McKinney Act housing programs has reinforced the understanding of the need for comprehensive, individually tailored service packages to assist the homeless in achieving self-sufficiency.

The HUD-VASH initiative combines Section 8 rental voucher assistance provided by HUD to selected PHAs with case management and clinical services provided by VA at its medical centers and in the community. Under this initiative, VA will first identify homeless veterans with severe psychiatric or substance abuse disorders through outreach efforts. The persons identified will then receive treatment and be stabilized medically prior to issuance of the rental voucher. The VA will work with PHA staff to help veterans locate suitable private market rental units where they can be assisted under the rental voucher program. VA will continue to provide community based case management services, outpatient health services, hospitalization and other assistance on a regular basis, as needed. It is expected that veterans involved in this program will continue in the prescribed treatment programs after they have leased units under the rental voucher program.

This annoucnement invites the PHAs that administer the rental voucher program in the area where service sites selected by VA are located to apply for a share of the approximately 750 Section 8 rental vouchers that have been set aside for this initiative.

II. VA Application Selection Process

In 1990, VA considered 63 specialized HCMI and DCHV programs for participation in the HUD-VASH program. Sites were reviewed by VA's Northeast Program Evaluation Center. The following measures, derived from clinical evaluation findings and management experience during the first two years of HCMI and DCHV program implementation, were used to select supportive services sites:

1. The number of veterans seen per year;
2. The percentage of veterans contacted through outreach;
3. The percentage of veterans sleeping in a shelter or on the streets at the time of first contact;
4. The percentage of veterans with substance abuse problems;
5. The percentage of veterans receiving VA contract residential treatment;
6. Compliance with evaluation procedures;
7. Commitment of the clinicians to developing effective and innovative programs;
8. Quality of medical center administrative support for the program; and
9. Quality of psychiatry service support for the program.

Table 1. at the end of this announcement lists the 19 VA service sites that were selected for participation

in this initiative by VA in September 1991, the PHA administering the section 8 rental voucher program at each VA service site, the amount of budget authority available for each service site, the approximate number of units it will support and the responsible HUD Field or Regional office.

III. Section 8 Program Guidelines

The PHAs listed in Table 1. at the end of this annoncement are invited by HUD to apply for rental vouchers for the HUD-VASH initiative in accordance with the instructions in section V. of this announcement. These vouchers will provide rental subsidies that will enable very low-income homeless veterans with severe psychiatric or substance abuse disorders to live in standard housing. The rent subsidy is usually the difference between the applicable payment standard of the PHA and 30 percent of the family's adjusted income. These subsidies allow an individual to be assisted in a standard rental unit of his or her choice. If the individual moves later to a different unit, he or she can continue to receive the rent subsidy. Five year rental voucher funding will be provided by HUD to the PHA in support of the HUD-VASH program.

PHAs and local VA offices will need to work together throughout the course of this initiative to achieve program objectives.

VA local office responsibilities include (1) screening of homeless veterans currently on the PHA's Section 8 waiting list to determine whether they meet the HUD-VASH program participation criteria established by the VA national office, and if there are an insufficient number of suitable applicants on the PHA waiting list, referring additional very low income homeless veterans meeting the HUD-VASH program participation criteria to the PHA for inclusion on the waiting list; (2) providing appropriate treatment and supportive services to potential HUD-VASH program participants prior to PHA issuance of rental vouchers; (3) providing housing search assistance to HUD-VASH participants with rental vouchers;(4) identifying the social service and medical needs of HUD-VASH participants and providing, or ensuring the provision of, regular, ongoing case management, outpatient health services, hospitalization and other supportive services as needed throughout the five year term of this initiative; and (5) maintaining records and providing information for evaluation purposes, as required by HUD or the VA.

To be eligible for the HUD-VASH initiative a veteran must: (1) Have been contacted by the VA homeless program while living in a shelter or on the street; (2) have a severe psychiatric or substance abuse disorder; and (3) have received treatment and have been stabilized medically. Preference will be given to veterans who have been homeless for 30 days or more.

PHA responsibilities include (1) screening the Section 8 waiting list for homeless veterans with severe psychiatric or substance abuse disorders to be referred to the VA local office for a determination of whether they meet the HUD-VASH program participation criteria established by the VA national office; (2) determining the eligibility for Section 8 assistance of homeless veterans referred by VA local offices; (3) prior to ACC execution, amending the administrative plan and equal opportunity housing plan to provide a preference for the homeless veterans selected by the local VA office for participation in the HUD-VASH initiative in a number equal to the number of units provided by HUD for this purpose, and providing for the opening of closed waiting lists if applicable; (4) maintaining records and providing information for evaluation purposes, as required by HUD or VA; and (5) administering the rental voucher program in accordance with HUD regulations and requirements.

IV. Rental Voucher Application Process Forms

Form HUD–52515 may be obtained from the local HUD Field Office. To assist PHAs, the following are attached to this announcement: Form HUD 52515 (Attachment 1); the Certification for a Drug-Free Workplace (Attachment 2); the text for Certification Regarding Lobbying (Attachment 3); and Standard Form LLL, Disclosure of Lobbying Activities (Attachment 4).

Application Submission Deadline

PHA applications must be received by 3 p.m. local time on April 20, 1992 at the HUD Field Office receiving the application. Applications that are not delivered before 3 p.m. local time on that date will not be considered. In addition, PHAs should contact their local HUD Field Office for the exact address and room number where applications must be received.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid risk of loss eligibility brought about by unanticipated delays or other delivery-related problems.

V. Application Submission Requirements General

PHA applicants must be submitted to the local HUD Field Office on Form HUD–52515 in accordance with the rental voucher program regulations.

Table 1. at the end of this announcement lists by field office the approximate number of units and budget authority for each PHA in support of the HUD–VASH initiative. The funding for each HUD–VASH supportive service site has been determined in consultation with VA. If applications are not received by the application due date or are not approvable for any site, those rental vouchers will be distributed among the sites with approvable applications.

Certification Regarding Drug-Free Workplace

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide a drug-free workplace. Thus, each PHA must certify (even though it has done so previously) that it will comply with the drug-free workplace requirements in accordance with 24 CFR part 24, subpart F. (See Attachment 2, Certification for Drug-Free Workplace.)

Certification Regarding Lobbying

Section 319 of the Department of the Interior Appropriations Act, Public Law 101–121, approved October 23, 1989 (31 U.S.C. 1352), generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan. The Department's regulations on these restrictions on lobbying are codified at 24 CFR part 87. To comply with 24 CFR 87.110, any PHA submitting an application under this announcement for more than $100,000 of budget authority assistance must submit a certification and, if warranted, a Disclosure of Lobbying Activities. To assist PHAs, the text for the Certification Regarding Lobbying (Attachment 3) and Standard Form LLL, "Disclosure Form to Report Lobbying" (Attachment 4) are attached to this announcement.

Checklist for Technical Requirements

The following checklist specifies the required information which must be submitted in the PHA's application.

INITIAL SCREENING CHECKLIST

[Application for HUD–VASH Rental Vouchers]

PHA		Field Office		
Yes	No	Yes	No	
—	—	—	—	The application contains a completed Form HUD 52515.
—	—	—	—	The application states by number of bedrooms the total number of efficiency or one bedroom units requested by PHA.
—	—	—	—	The application demonstrates that the project requested is responsive to the condition of the housing stock in the community and the housing assistance needs of very low income families (including the elderly, handicapped, disabled, large families and those displaced) residing in or expected to reside in the community.
—	—	—	—	The application demonstrates that the applicant qualifies as a public housing agency and is legally qualified and authorized to participate in the Rental Voucher program for the area in which the program is to be carried out. Such demonstration includes (i) the relevant enabling legislation, (ii) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (iii) a supporting opinion from the agency counsel. If such documents are currently on file in the Field Office they do not have to be resubmitted.
—	—	—	—	The application includes a statement that the housing quality standards to be used in the operation of the program will be as set forth in 24 CFR 887.251 or that variations in the Acceptability Criteria as are proposed. In the latter case, each proposed variation shall be specified and justified.
—	—	—	—	The application contains the PHA schedule of leasing which must provide for the expeditious leasing of units. In developing the schedule, a PHA must specify the number of units that are expected to be leased at the end of the three month interval. The schedule must project lease-up by eligible families within twelve months or sooner after execution of the ACC by HUD.
—	—	—	—	The application contains estimates of the average adjusted income for prospective participants for each bedroom size.
Requirement for Drug-Free Workplace Certification and Anti-Lobbying Certification and Disclosure Statement:				
—	—	—	—	The application meets HUD's drug-free workplace requirements set out at 24 CFR part 24, subpart F. (The application contains an executed Certification for Drug-Free Workplace (attachment 2)).
—	—	—	—	The application meets HUD's regulations regarding anti-lobbying set out at 24 CFR part 87. (The anti-lobbying requirements apply only to applications requesting budget authority exceeding $100,000. If this PHA application for rental voucher funding exceeds $100,000 in budget authority, the PHA must comply with the anti-lobbying requirements by submitting an Anti-Lobbying Certification (attachment 3) and, if warranted, a Disclosure of Lobbying Activities (attachment 4)).

VI. Corrections to Deficient Applications

An application must be received by the Field Office no later than the application submission deadline date and time specified in this Announcement, otherwise the application will not be considered by the Field Office. The Field Office will initially screen all applications and notify PHAs of technical deficiencies by letter. The PHA must correct deficiencies within 14 days or the application will not be approved.

All PHAs are encouraged to review the initial screening checklist provided in section V. of this announcement. The checklist identifies technical requirements needed for application processing.

VII. Other Matters

Environmental Review

An environmental finding under the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since the Rental Voucher Program is part of the Section 8 Existing Housing Program, which is categorically excluded under HUD regulations at 24 CFR 50.20(d).

Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 1262, Federalism, has determined that the policies contained in this announcement will not have substantial, direct effects on the states, on their political subdivisions, or on the relationship between the federal government and the states, or on the distribution of power or responsibilities among the various levels of government. As a result, the announcement is not subject to reivew under the Order. This announcement would not substantially alter the established roles of HUD, the States and local governments, including PHAs.

Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this Announcement does not have potential for significant impact on family formation, maintenance, and general well-being and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this announcement, as those policies and programs relate to family concerns. This is an announcement that does not alter program requirements concerning family eligibility.

Public Announcement Requirement: HUD Reform Act

HUD will include recipients of assistance pursuant to this Announcement in its quarterly **Federal Register** announcement of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.10(b), and the announcement published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on this requirement.)

Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding announcement. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (Voice/TDD). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Section 112 of the Reform Act

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions about the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–3000. Telephone: (202) 708–3815; (Voice/TDD). (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Authority: Sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f), Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 10, 1992.

Joseph G. Schiff,

Assistant Secretary for Public and Indian Housing.

TABLE 1.—FISCAL YEAR 92 RENTAL VOUCHER ALLOCATION FOR HUD–VASH SET-ASIDE

VA site	PHA	HUD office	Budget authority	Approximate units
1. VA Medical Center, Bedford, MA	Massachusetts Executive Office of Community Development.	Boston Regional Office	1,365,000	40
2. VA Extended Care Center, St. Albans, NY.	New York City Housing Authority	New York Regional Office	997,000	40
3. VA Medical Center, New York, NY	New York City Housing Authority	New York Regional Office	997,000	40
4. VA Medical Center, Washington, DC	District of Columbia Department of Public and Assisted Housing.	Washington, D.C. Field Office	1,255,000	40
5. VA Medical Center, West Haven, CT	West Haven Housing Authority	Hartford Field Office	1,143,000	40
6. VA Medical Center, Cincinnati, OH	Cincinnati Metropolitan Housing Authority	Cincinnati Field Office	714,000	40
7. VA Medical Center, Brecksville, OH	Cuyahoga Metropolitan Housing Authority	Cleveland Field Office	726,000	40
8. VA Medical Center, Bay Pines, FL	Pinellas County Housing Authority	Jacksonville Field Office	785,000	40
9. VA Medical Center, Dallas, TX	Dallas Housing Authority	Fort Worth Regional Office	824,000	40
10. VA Medical Center, Little Rock, AR	Little Rock Housing Authority	Little Rock Field Office	667,000	40
11. VA Medical Center, Nashville, TN	Metropolitan Development and Housing Agency (of Nashville).	Nashville Field Office	558,000	30
12. VA Medical Center, New Orleans, LA.	Housing Authority of New Orleans	New Orleans Field Office	797,000	40
13. VA Medical Center, San Antonio, TX	Housing Authority of San Antonio	San Antonio Field Office	772,000	40
14. VA Medical Center, Tacoma, WA	Pierce County Housing Authority	Seattle Regional Office	762,000	40
15. VA Medical Center, Loma Linda, CA	San Bernardino County Housing Authority	Los Angeles Field Office	958,000	40
16. Veterans Medical Center, San Diego, CA.	San Diego Housing Commission	Los Angeles Field Office	1,079,000	40
17. Veterans Medical Center, San Francisco, CA.	San Francisco Housing Authority	San Francisco Regional Office	1,443,000	40
18. VA Medical Center, Tucson, AZ	City of Tuscon Community Services Department	Phoenix Field Office	822,000	40
19. VAMC-Brentwood Division, Los Angeles, CA.	Los Angeles City Housing Authority	Los Angeles Field Office	1,216,000	40

BILLING CODE 4210-33-M

Application for Existing Housing

Section 8 Housing Assistance Payments Program

Send original and two copies of this application form and attachments to the local HUD Field Office

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

Attachment 1

OMB Approval No. 2502-0123 (exp. 3/31/92)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2502-0123), Washington, D.C. 20503.

Name of the Public Housing Agency (PHA) requesting housing assistance payments

Application/Project No. (HUD use only)

Mailing Address of the PHA

Requested housing assistance payments are for: How many Certificates? How many Vouchers?

Signature of PHA Officer authorized to sign this application

Have you submitted prior applications: No Yes
. . . for Section 8 Certificates?
. . . for Section 8 Housing Vouchers?

X

Title of PHA Officer authorized to sign the application

Phone Number

Date of Application

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)

A. Primary Area(s) from which families to be assisted will be drawn.

Locality (City, Town, etc.)	County	Congressional District	Units
			Total

B. Proposed Assisted Dwelling Units

Housing Program	Number of Dwelling Units by Bedroom Count									Total Dwelling Units
	Elderly, Handicapped, Disabled			Non-Elderly						
	Efficiency	1-BR	2-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates										
Housing Vouchers										

C. Need for Housing Assistance. Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

D. Qualification as a Public Housing Agency. Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to carry out the project applied for in this application. (check √ the appropriate boxes)	Submitted with this application	Previously submitted
1. The relevant enabling legislation		
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		
3. A supporting opinion from the Public Housing Agency Counsel		

Retain this record for the term of the ACC.
Previous editions are obsolete

form HUD-52515 (7/88)
ref. handbook 7420.3

E. Financial and Administrative Capability. Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

F. Housing Quality Standards. Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

G. Leasing Schedule. Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

H. Average Monthly Adjusted Income (Housing Vouchers Only)

Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR

I. Attachments. The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, Forms HUD-52672 and HUD-52673			
4. Administrative Plan			
5. Proposed Schedule of Allowances for Utilities and Other Services, Form HUD-52667, with a justification of the amounts proposed			

HUD Field Office Recommendations

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

form HUD-52515

Attachment 2

Certification Regarding Drug-Free Workplace Requirements

(Form 24 CFR 24, Appendix C)

Instructions for Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

2. The certification set out below is a material representation of fact upon which reliance was placed when the agency determined to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. For grantees other than individuals, Alternate I applies.

4. For grantees who are individuals, Alternate II applies.

Certification Regarding Drug-Free Workplace Requirements

Alternate I

A. The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about –

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –

(1) Abide by the terms of the statement; and

(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted –

(1) Taking appropriate personnel action against such an employee, up to and including termination; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Alternate II

The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

Attachment 3

Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signed by: (Name, Title & Signature of Authorized PHA/IHA Official)

_____

(Name & Title)

_____

(Signature & Date)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Attachment 4

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: ☐ a. bid/offer/application b. initial award c. post-award	3. Report Type: ☐ a. initial filing b. material change For Material Change Only: year _____ quarter ____ date of last report _____
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: Congressional District, *if known*:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, *if known*:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $	
10. a. Name and Address of Lobbying Entity (*if individual, last name, first name, MI*):	b. Individuals Performing Services (*including address if different from No. 10a*) (*last name, first name, MI*):	
(*attach Continuation Sheet(s) SF-LLL-A, if necessary*)		
11. Amount of Payment (*check all that apply*): $ _____ ☐ actual ☐ planned	13. Type of Payment (*check all that apply*): ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____	
12. Form of Payment (*check all that apply*): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11: (*attach Continuation Sheet(s) SF-LLL-A, if necessary*)		
15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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federal register

Friday
March 20, 1992

Part XI

The President

Proclamation 6414—National Public Safety Telecommunicators Week, 1992

Federal Register
Vol. 57, No. 55
Friday, March 20, 1992

Presidential Documents

Title 3—

The President

Proclamation 6414 of March 18, 1992

National Public Safety Telecommunicators Week, 1992

By the President of the United States of America

A Proclamation

Each day, thousands of Americans dial 9–1–1 for help in emergencies ranging from house fires and automobile accidents to heart attacks and child poisonings. The men and women who answer these calls for help, gathering essential information and dispatching the appropriate assistance, can often make the difference between life and death for persons in need. Our Nation's 9–1–1 dispatchers, however, are among the more than 500,000 telecommunications specialists who work daily to protect and to promote the public safety. This week, we salute all of them—both professional and volunteer—for their dedicated efforts in our behalf.

Public safety telecommunicators are more than a calm and reassuring voice at the other end of the phone. They are knowledgeable and highly trained individuals who work closely with other police, fire, and medical personnel. They are Federal and State officials who manage vital government communications in areas such as highway safety, road maintenance, forestry, and conservation; and they are municipal employees who help to ensure the smooth operation of public utilities and other services that affect the health and safety of our citizens. Because emergencies can strike at any time, we rely on the vigilance and the preparedness of these individuals 24 hours a day, 365 days a year.

Our Nation enjoys the highest standards of public health and safety in the world, and we owe a great debt to the men and women who, by applying their expertise in telecommunications, help to make that achievement possible. During this special observance, we acknowledge that debt and extend a heartfelt thanks to each of them.

The Congress, by House Joint Resolution 284, has designated the week of April 12 through April 18, 1992, as "National Public Safety Telecommunicators Week" and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week of April 12 through April 18, 1992, as National Public Safety Telecommunicators Week. I invite all Americans to observe this week with appropriate programs and activities in honor of all the emergency dispatchers and other communications specialists, both professional and volunteer, who help to protect our health and safety.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

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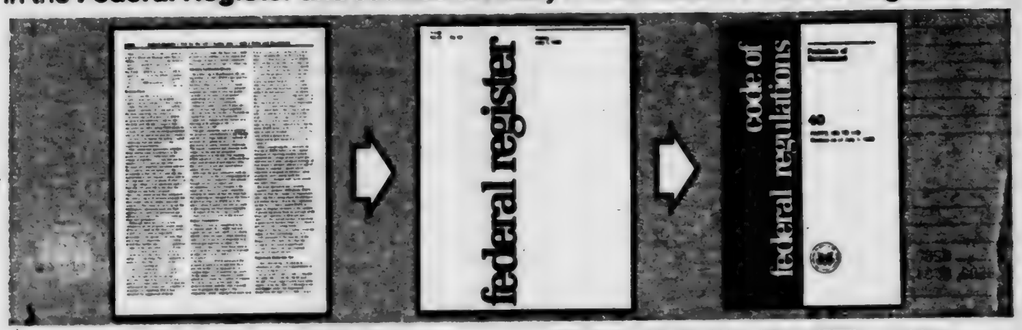

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Rules and Regulations

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0751]

Rescission of Policy Statement Requiring Application for Relocation of a Subsidiary Bank to Another State

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretation; Rescission of Policy Statement.

SUMMARY: The Board has rescinded its policy statement requiring applications for relocations of a subsidiary bank to another state. 12 CFR 225.144. Accordingly, the Board has determined not to require the filing of an application for Board approval under the Bank Holding Company Act ("BHC Act") for bank relocations except in situations in which the Board has found an evasion of the BHC Act.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel, Legal Division (202) 452-3583, or Anne R. Wolfson, Attorney, Legal Division (202) 452-2246. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: In 1985, the Board issued a policy statement regarding the relocation of banks owned by bank holding companies. 50 FR 83913 (1985). That policy statement was issued in response to a petition requesting that the Board review a proposal by a subsidiary national bank of Mark Twain Bancshares, Independence, Missouri, to relocate from Missouri to Kansas, pursuant to section 30 of the National Bank Act. The policy statement explains that the Board believed that the constraint imposed by the Douglas Amendment to the BHC Act on the Board's authority to approve the bank acquisition proposals similarly constrained a bank holding company's authority to retain control of a bank. The Douglas Amendment provides that the Board may not approve an application to acquire control of a bank outside of the applicant holding company's home state, unless the acquisition is specifically authorized by the state where the bank to be acquired is located. 12 U.S.C. 1842(d). In the policy statement the Board stated that its approval of an acquisition of a bank is necessarily subject to the condition that the bank remain located in the state specified to the Board in the application by the bank holding company to acquire the bank. Consequently, a change in location of the bank outside of the bank holding company's home state constituted a material change in an essential predicate of the Board's approval of the acquisition of the bank. This material change required prior Board approval under the BHC Act and the Douglas Amendment.

On this basis, the Board in 1989 reviewed and approved an application by SouthTrust Corporation, Birmingham, Alabama, to retain a subsidiary national bank of SouthTrust Corporation after its relocation from Alabama to Georgia. The SouthTrust relocation was recently reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. *Synovus Financial Corporation* v. *Board of Governors of the Federal Reserve System*, No. 89-1394 (D.C. Cir. Dec. 20, 1991), *petition for reh'g pending*. In that case, the Court held that the Board did not have jurisdiction under the BHC Act to review the relocation proposed by SouthTrust. The Court reasoned that the relocation of a national bank did not represent "an acquisition" that was subject to the requirements of the BHC Act and that a condition restricting the location of the bank was not imposed by the Douglas Amendment where the relocation was permitted under the terms of section 30 of the National Bank Act. The U.S. District Court for the Eastern District of Pennsylvania had reached a similar conclusion in an earlier lawsuit against the Comptroller of the Currency that has since become moot. *See McEnteer* v. *Clarke*, 644 F. Supp. 290 (E.D. Pa. 1986).

The Board has reconsidered its policy statement in light of these court decisions, and has determined not to require the filing of an application for Board approval under the BHC Act for the relocation of a national bank owned by a bank holding company except in situations in which the Board has found an evasion of the BHC Act. Accordingly, the Board has determined to rescind its policy statement regarding national bank relocations.

Regulatory Flexibility Act Analysis

The action would apply equally to entities of all sizes, and does not have particular effect on small entities. Accordingly, pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board believes that the interpretation will not have a significant economic impact on a substantial number of small entities.

Public Comment

The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with this action, because it represents the announcement of a Board policy that was not subject to these requirements. In addition, the change in policy relieves a previous restriction, and is not subject to the requirements of section 553. The Board's expanded rule making procedures have not been followed for the same reason.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, Banking, Capital adequacy, Federal Reserve System, Holding Companies, Reporting and recordkeeping requirements, Securities, State member banks.

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for Part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1843(c)(8), 1844(b), 1972(l), 3106, 3108, 3907, 3909, 3310, and 3331-3351.

§ 225.144 [Removed]

2. 12 CFR 225.144 is removed.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 92-6354 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-55-AD; Amendment 39-8210; AD 92-07-14]

Airworthiness Directives; Air Tractor Inc. AT-300 and AT-400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Air Tractor Inc. AT-300 and AT-400 series airplanes. This action requires initial and repetitive inspections of the wing spar caps for corrosion and repair or replacement if found corroded. The Federal Aviation Administration (FAA) has received three reports of badly corroded wing spar caps on the affected airplanes. The actions specified by this AD are intended to prevent failure of the wing structure that could result in loss of control of the airplane.

DATES: Effective May 8, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 8, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; Telephone (817) 564-5616. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Bob D. May, Aerospace Engineer, Airplane Certification Office, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193-0150; Telephone (817) 624-5156.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Air Tractor Inc. AT-300 and AT-400 airplanes was published in the **Federal Register** on November 15, 1991 (56 FR 57994). The action proposed initial and repetitive visual inspections of the wing spar caps for corrosion, and, if corrosion is found, repair of the corroded spar cap in accordance with the instructions in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, or replacement of the corroded spar cap in accordance with the applicable maintenance manual as defined in the referenced service letter.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The compliance time of this AD is presented in calendar time instead of hours time-in-service based on the FAA's determination that corrosion can occur on the wing spar caps of the affected airplane regardless of the amount of hours an airplane is in service. Moisture can become entrapped in the wing spar cap and corrosion can form over time.

The FAA estimates that 600 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $66,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism imlications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-07-14 Air Tractor Inc: Amendment 39-8210; Docket No. 91-CE-55-AD.

Applicability: Models AT-300, AT-301, and AT-302 airplanes (serial numbers (S/N) 300-0001 through 301-0688); Model AT-400 airplanes (S/N) 400-0244 through 400-0415; and Model AT-400A airplanes (all S/N), certificated in any category.

Compliance: Required within the next 90 calendar days after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 12 calendar months.

To prevent failure of the wing structure that could result in loss of control of the airplane, accomplish the following:

(a) Remove the inspection plates on the lower side of the wing leading edge skin, and visually inspect the upper and lower aluminum spar caps from the centerline to outboard end for corrosion using a flashlight and mirror.

(1) If corrosion is found that is equal to or less than the criteria in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, prior to further flight, repair in accordance with the instructions in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991.

(2) If corrosion is found that is more than the criteria in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, prior to further flight, replace the wing spar cap in accordance with the applicable maintenance manual.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

(d) The inspections and possible repair required by this AD shall be done in accordance with Air Tractor Inc. Service Letter No. 90, dated May 6, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Air Tractor Inc., P.O. Box 485, Olney, Texas 76374-0150. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

(e) This amendment (39-8210) becomes effective on May 8, 1992.

Issued in Kansas City, Missouri, on March 13, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6583 Filed 3-20-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 92-28]

Extension of Import Restrictions on Pre-Hispanic Archaeological Artifacts From El Salvador

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the extension of the import restrictions on pre-Hispanic archaeological objects from the Cara Sucia Archaeological Region of El Salvador which were imposed by T.D. 87-104. The Deputy Director of the United States Information Agency (USIA) has determined that the emergency conditions which originally warranted the imposition of import restrictions still exist. Accordingly, the restrictions will continue to be in effect for an additional three years, and the Customs Regulations are being amended to indicate this extension. This document also corrects a typographical error which appeared in the listing of Treasury Decision Numbers in the section.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: John Atwood, Chief, Intellectual Property Rights Branch, (202) 566-8956. Operational Aspects: Pamela Wenner, Trade Operations (202) 535-4931.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the provisions of the Convention on Cultural Property Implementation Act, the Deputy Director of the United States Information Agency (USIA), after consultation with the Secretaries of State and Treasury, determined that significant pre-Hispanic cultural artifacts from the Cara Sucia Archaeological Region of El Salvador were in danger of pillage and looting, and that an emergency condition existed which warranted the imposition of a prohibition on the importation of such articles into the United States. In T.D. 87-104, the Customs Service announced the imposition of import restrictions and identified the types of articles covered by the restrictions.

The Deputy Director of the USIA has considered the recommendations of the Cultural Property Advisory Committee and determined that the emergency conditions which warranted imposition of the initial restrictions still exist and has decided to extend the import restrictions for another three years. (See 57 FR 8792, March 12, 1992)

Accordingly, Customs is amending § 12.104g (19 CFR 12.104g) to reflect the extension of the import restriction. This amendment is also being used to correct a typographical error which misidentifies the T.D. which set forth the original restrictions on the pre-Hispanic El Salvadorian artifacts. The T.D. had been identified as being 87-10. The correct number is 87-104.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12291

Because this document does not result in a "major rule" as defined by Executive Order 12291, the regulatory analysis and review prescribed by the Executive Order is not required.

Inapplicability of Notice and Delayed Effective Date

Because this amendment reflects the extension of emergency import restrictions on cultural property which is currently subject to pillage and looting, pursuant to section 553(b)(B) and 553(a)(1) of the Administrative Procedure Act, no notice of proposed rulemaking or public procedure is required or necessary. For the same reason, a delayed effective date is both impracticable and contrary to the public interest.

Drafting Information

The principal author of this amendment was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspections, Imports, Cultural property.

Amendment to the Regulations

Accordingly, part 12 of the Customs Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general and specific authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104-12.104i also issued under 19 U.S.C. 2612.

§ 12.104 [Amended]

2. Section 12.104g is amended by removing "T.D. 87-10" from the column headed "T.D. No." adjacent to the entry for El Salvador, and adding "87-104, extended by 92-28" in its place.

Approved: March 18, 1992.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of Treasury.

[FR Doc. 92-6658 Filed 3-20-92; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

26 CFR Part 301

[T.D. 8403]

RIN 1545-AH14

Taxpayer Assistance Orders

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the issuance of taxpayer assistance orders. The Technical and Miscellaneous Revenue Act of 1988 added new section 7811 to the Internal Revenue Code of 1986 (Code). The regulations provide

guidance concerning the procedures for filing an application for a taxpayer assistance order, the terms of such order, and the effect of such an order on applicable statutes of limitations.

EFFECTIVE DATE: These regulations are effective on March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph W. Clark, (202) 566–4574 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations amending the Procedure and Administrative Regulations (26 CFR part 301) under section 7811 of the Internal Revenue Code. The regulations reflect the addition of section 7811 to the Internal Revenue Code by section 6230 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647).

Section 7811 provides that upon application filed by a taxpayer or the taxpayer's duly authorized representative, the Ombudsman's office may issue a taxpayer assistance order if it determines that the taxpayer is suffering or is about to suffer a "significant hardship" as a result of the manner in which the Service is administering the internal revenue laws. The Internal Revenue Service published temporary regulations and a notice of proposed rulemaking in the **Federal Register** March 22, 1989 (54 FR 11699), providing rules under section 7811 of the Code. Several parties submitted written comments concerning the regulations. Some of the comments are discussed below. The final regulations adopt the rules contained in the notice of proposed rulemaking with some minor modifications. Most of the issues raised in the public comments either had been considered prior to publication of the temporary regulations or fall outside the scope of the regulations. A few of the comments were adopted in the final regulations.

Explanation of Provisions

The terms of a taxpayer assistance order may require the Service to release levied property, or to stop any action or refrain from taking any action with respect to the taxpayer regarding collection, the immediate assessment of deficiencies in bankruptcies and receiverships, the issuance of administrative summonses and the discovery of liability, or any other provision in the Internal Revenue Code that is specifically described by the Ombudsman in the order. To the extent authorized by Internal Revenue Service delegation orders, the authority exercisable by the Ombudsman under section 7811 may be exercised by Problem Resolution Officers in regional and district offices and at service and compliance centers. The taxpayer assistance order may be modified or rescinded only by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or the superior of those officials.

An application for a taxpayer assistance order may be filed by the taxpayer or the taxpayer's duly authorized representative. At the request of one commenter, enrolled agents have been added to the list of authorized taxpayer representatives. In general, any attorney, certified public accountant, enrolled actuary or enrolled agent may now act as a taxpayer's representative.

The temporary regulations contained a relatively lengthy definition of "significant hardship." The final regulations define significant hardship simply as a serious privation of the taxpayer and emphasize that mere economic or personal inconvenience to the taxpayer does not constitute a significant hardship. In response to several commenters, the definition of significant hardship no longer implies that financial hardship must be present. In response to the Ombudsman's office, the definition of significant hardship no longer provides that financial hardship alone is not sufficient to meet the definition. The experience acquired by the Ombudsman's office over the term of the temporary regulation demonstrates a need to provide relief from hardships that are not strictly financial. An example would be a "cooling off" period where contacts between the taxpayer and the Service have become strained. After defining a significant hardship, the final regulations separately provides that in deciding whether the significant hardship (which must result from the manner in which the internal revenue laws are being administered) merits relief pursuant to section 7811, it is necessary to consider the behavior of the taxpayer and the action or inaction of the Service that causes or is about to cause the significant hardship to the taxpayer.

The final regulations specify that taxpayer assistance orders can require the Service to release levied property in limited situations in which the Service is legally authorized to release such property. For example, in the absence of an overpayment the Service is not authorized to release sums that have been credited against the taxpayer's liability and deposited into the United States Treasury. On the other hand, since bank levies are subject to a 21-day freeze before they are honored under section 6332(c), and since in most cases more than 21 days will pass before the government sells seized property other than money, there are a number of instances in which the taxpayer assistance orders may be used to effect the return of levied money and property of the taxpayer.

The final regulations provide for the suspension of applicable statutes of limitations from the date the Ombudsman receives the application until the later of the date on which the Ombudsman makes a decision with respect to the application or the date on which an authorized official completes his or her review of the Ombudsman's decision to issue a taxpayer assistance order. The statute of limitations also is suspended for any additional period specified by the Ombudsman in the taxpayer assistance order. However, if the Ombudsman issues a taxpayer assistance order in the absence of a written application by the taxpayer, the statute of limitations is not automatically suspended.

The final regulations should not be construed as restricting or otherwise limiting taxpayer assistance practices of Problem Resolution Offices pursuant to existing delegation orders and Internal Revenue Manual provisions.

Special Analyses

It has been determined that these regulations are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administration Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Joseph W. Clark of the General Litigation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Alimony, Bankruptcy, Child support, Continental Shelf, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Oil pollution, Penalties, Pensions, Reporting and recordkeeping requirements, Statistics, Taxes.

Adoption of Addition to the Regulations

Accordingly, title 26, part 301 of the Code of Federal Regulations is amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority citation for part 301 continues to read in part:

Authority: Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805 * * *

§ 301.7811–1T [Redesignated as § 301.7811–1]

Par. 2. Section 301.7811–1T is redesignated as § 301.7811–1, and the word "(temporary)" is removed from the section heading.

§ 301.7811–1 [Amended]

Par. 3. Newly designated § 301.7811–1 is amended as follows:

1. Paragraph (a)(1) is amended by removing the period from the end of the paragraph and adding the language ", including action or inaction on the part of the Internal Revenue Service."

2. Paragraph (a)(3) is amended by adding the words "enrolled agent," after the language "certified public accountant."

3. Paragraph (a)(4)(ii) is revised as set forth below.

4. Paragraph (a)(5) is added as set forth below.

5. Paragraph (c)(1) is amended by removing the word "determination" in the first sentence and adding the word "deciding" in its place.

6. Paragraph (c)(3) is amended by removing the word "may" in the last sentence and substituting the word "will" in its place.

7. Paragraph (e)(2) is amended by removing the word "determination" in the paragraph heading and in the text of the paragraph in each place it occurs, and adding the word "decision" in each place where "determination" was removed in the text of the paragraph and the heading.

8. Paragraph (h) is revised to read as set forth below.

§ 301.7811–1 Taxpayer Assistance Orders

(a) * * *

(4) * * *

(ii) *Term Defined.* The term *significant hardship* means a serious privation caused or about to be caused to the taxpayer as the result of the particular manner in which the revenue laws are being administered by the Internal Revenue Service. Mere economic or personal inconvenience to the taxpayer does not constitute significant hardship.

(5) *Finding different from relief.* A finding that a taxpayer is suffering or about to suffer a significant hardship as a result of the manner in which the internal revenue laws are being administered by the Internal Revnue Service will not automatically result in relief being granted to a taxpayer under this section. A finding of "significant hardship" is separate and distinct from a determination that the taxpayer will be granted relief. The granting of relief requires an examination of the behavior of the taxpayer and of the action or inaction of the Internal Revenue Service that causes or is about to cause the significant hardship to the taxpayer.

* * * * *

(h) *Effective Date.* These regulations are effective as of March 20, 1992.

Approved: March 10, 1992.

Shirley D. Peterson,

Commissioner of Internal Revenue.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92–6598 Filed 3–20–92; 8:45 am]

BILLING CODE 4830–01–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Correction

AGENCY: National Labor Relations Board.

ACTION: Final rules; Correction.

SUMMARY: On February 4, 1992, the National Labor Relations Board published at 57 FR 4157 revisions to its rules which, *inter alia*, modified § 102.111 (a) and (b) to incorporate references to a new appendix A to part 102. By stating in amendatory instruction 2 that "Section 102.111 is revised to read as follows:" we inadvertently deleted paragraph (c) from § 102.111. We now wish to modify amendatory instruction 2 to reflect our intention not to delete paragraph (c) from this section.

EFFECTIVE DATE: February 4, 1992.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., room 701, Washington, DC 20570, Telephone: (202) 254–9430.

§ 102.111 [Corrected]

Accordingly, in the rule published at 57 FR 4157, February 4, 1992, amendatory instruction 2 is corrected to read as follows:

"2. Section 102.111 is amended by revising paragraphs (a) and (b) to read as follows:"

Dated: Washington, DC, March 18, 1992.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 92–6681 Filed 3–20–92; 8:45 am]

BILLING CODE 7545–01–M

POSTAL SERVICE

39 CFR Part 20

Implementation of Changes in Express Mail International Olympic Service

AGENCY: Postal Service.

ACTION: Temporary rule.

SUMMARY: The Postal Service is changing the qualifying requirements for Express Mail International Olympic Service to make the service available to organizations affiliated with the United States Olympic Committee, such as the national sports governing bodies, and their agents.

EFFECTIVE DATE: 12:01 a.m., March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Rainer Hengst, (202) 268–6095.

SUPPLEMENTARY INFORMATION: Express Mail International Olympic Service (Olympic Service) is a new type of Express Mail International Service (EMS) limited in terms of its availability, scope, and duration. The Postal Service is offering Olympic Service, on a temporary basis, from January 29, 1992, through August 31, 1992. Olympic Service is available only for EMS shipments weighing more than two pounds sent to addresses within France, Switzerland, and Spain. At present, only the United States Olympic Committee, the Postal Service's fellow official Olympic corporate sponsors, and their agents can qualify to use the service.

The Postal Service has decided to change the qualifying requirements for Olympic Service to make the service also available to organizations affiliated with the United States Olympic Committee (affiliated Organizations), such as the national sports governing bodies, and their agents. Extending availability in this manner is consistent with the Postal Service's rationale for implementing the service. Each of the 42

Affiliated Organizations is responsible for organizing this country's Olympic efforts either in an individual sport or on a national basis. As is the case with the United States Olympic Committee and official Olympic corporate sponsors, the Affiliated Organizations can be expected to send Olympic-related mail to France, Switzerland, and Spain while Olympic Service is being offered.

The Postal Service is not making any other changes in Olympic Service at this time. Consequently, subject to the amendments set forth below, the existing temporary regulations will continue to apply to the service.

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair to overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The changes in Olympic Service announced herein satisfy these criteria.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Chapter 2 of the International Mail Manual is amended by amending section 215.1 to read as follows:

CHAPTER 2—CONDITIONS FOR MAILING

210 Express Mail International Service

* * * * *

215 OLYMPIC SERVICE

215.1 Description

215.11 General. Express Mail International Olympic Service is available only for items sent by or on behalf of (1) the United States Olympic Committee (USOC), (2) organizations affiliated with the USOC (Affiliated Organizations), such as the national sports governing bodies, and (3) companies that have been designated as official corporate sponsors of the 1992 Olympic Games by the USOC, for expedited services to all addresses located in France and Switzerland and to addresses in Spain as shown in the IMM Individual Country Listing for that country. Olympic Service items may be sent from any point in the United States agreed upon by the Postal Service and the mailer. There is no service guarantee for Olympic Service.

* * * * *

3. Chapter 2 of the International Mail Manual is amended by amending section 215.4 to read as follows:

215.4 Application for Olympic Service

215.42 Responsibilities of IAR. The IAR determines eligibility for Olympic Service by verifying (1) that the applicant is the USOC, an Affiliated Organization, an official Olympic sponsor, or an agent mailing on behalf of one of the foregoing; and (2) that the applicant's anticipated mailings meet the requirements for Olympic Service. The IAR is also responsible for transmitting the information provided by the applicant about anticipated mailings to the International & Military Mail Operations Division and for establishing the applicant's Express Mail corporate account.

* * * * *

These changes will be published in the next issue of the International Mail Manual.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-6582 Filed 3-20-92; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4116-9]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: New York has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to public review and comment, that New York's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions. New York's application for program revision is available for public review and comment.

DATES: Final authorization for New York shall be effective May 22, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on New York's program revision application must be received by the close of business April 22, 1992.

ADDRESSES: Copies of New York's program revision application are available during the business hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, room 204, Albany, New York 12233-7258, (518) 457-3273; U.S. EPA Library (PM 211A), 401 M Street, SW., Washington, DC 20460, 202/382-5926. U.S. EPA Region II Library, room 402, 26 Federal Plaza, New York, New York 10278, Phone (212) 264-2881. Written comments should be sent to: Mr. Conrad Simon, Director, Air and Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2301.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth E. Van Rabenswaay, Environmental Scientist; Hazardous Waste Programs Branch, Air & Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-0548.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become equivalent to RCRA requirements promulgated under HSWA authority. Revisions to State hazardous waste programs are necessary when Federal and State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. New York

New York initially received final authorization on May 29, 1986. New York received authorization for revisions to its program on July 3, 1989, and May 7, 1990, and October 29, 1991. On September 25, 1991, New York submitted a program revision application for additional program approvals. Today, New York is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In order to obtain Final Authorization, the State of New York has demonstrated and certified that its authority to regulate the following is equivalent to the federal RCRA authority, including the requirements promulgated under HSWA authority:

Provision	Federal authority	State authority
Standards for Hazardous Waste Storage and Treatment Tank Systems (51FR25422; 7/14/86).	RCRA Section 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 264, 265 and 270.	ECL Section 27-0907, 0911; 6NYCRR 370.2, 371.1, 372.2, 373-1, 373-2, 373-3.
Revised Manual SW-846 Amended Incorporation by Reference (52FR8072; 3/16/87).	RCRA Sections 2002, 3001; 40 CFR 260.11(a), 270.6(a).	ECL Section 27-0900; 6NYCRR § 370.1(e)(6).
Closure/Post-Closure Care for Interim Status Surface Impoundments (52FR8704; 3/19/87).	RCRA Section 3004, 3005; 40 CFR parts 260, 264, 265 and 270.	ECL Sections 27-0911, 0917, 0918; 6NYCRR part 370, 373-1, 373-3.11(f).
Amendments to Part B Info. Requirements for Land Disposal Facilities (52FR23447; 6/22/87).	RCRA Sections 3004, 3005; 40 CFR 270.14.	ECL Section 27-0907, 0911; 6NYCRR 373-1.5(a)(3)(vii), (viii)(e).
Hazardous Waste Misc. Units (52FR46946; 12/10/87)	RCRA Sections 3004(u), 3005; 40 CFR 141.31(a), parts 260, 264 § 264.90(d), 264.600, 264.603, 260.10, & 270.	ECL Section 27-0911; 6NYCRR Sections 373-2.6, 370.2, 373-2.2, 373-2.5, 373-2.7, 373-2.8, 373-1.5, 373-2.24.
Standards Applicable to Owners and Operators of Hazardous Waste TSDF's; Closure/Post-Closure and Financial Responsibility Requirements (53FR7740; 3/10/88).	RCRA Sections 3004, 3005; 40 CFR parts 260, 264, 265, 270.	ECL Sections 27-0911, 0918; 6NYCRR Part 370, 373-1, 373-2, 373-2.7, 373-2.8, 373-3.8, 373-3.7.
Identification & Listing of Haz. Waste; Treatability Studies Sample Exemption (53FR27290; 7/19/88).	RCRA Section 3001; 40 CFR 260.10, 261.4 (e) and (f).	ECL Section 27-0903; 6NYCRR Sections 370.2(b), 371.1(e)(4) (iv) and (v).
Hazardous Waste Management System; Standards for Haz. Waste Storage and Treatment Tank Systems (53FR34079; 9/2/88).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 261, 262, 264, 265 and 270.	ECL Sections 27-0907, 0911; 6NYCRR 370.2, 373-1, 373-2.7, 373-2.10, 373-3.7, 373-3.10.
Identification & Listing of Haz. Waste; and Designation, Reportable Quantities; and Notification (53FR35412; 9/13/88).	RCRA Section 3001; 40 CFR 261.32	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Permit Modifications for Hazardous Waste Management Facilities. (53FR37912; 9/28/88).	RCRA Sections 2002(a), 3004, 3005 & 3006; 40 CFR parts 124, 264, 265 & 270, 270.42.	ECL Section 27-0707, 0913; 6NYCRR 370, 373-1, 373-2, 373-3, 621.13 & 621.14.
Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities (53FR39720; 10/11/88).	RCRA Sections 1006, 2002(a), 3004 & 3005; 40 CFR 264.91, 264.92, 264.97, 264.98 and 264.99.	ECL Sections 27-0703, 0911 6NYCRR Section 373-2.6 (b), (c), (h), (i), and (j).
Permit Modifications for Hazardous Waste Management Facilities (53FR41649; 10/24/88).	RCRA Sections 2002(a), 3004, 3005 & 3006 40 CFR 264.96(g)(4).	ECL Sections 27-0707, 0913; 6NYCRR 373-2.6(i)(8)(iv)
Identification & Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes (53FR43878; 10/31/88).	RCRA Section 3001(b); 40 CFR 261.33	ECL Section 27-0903; 6NYCRR Section 371.4(d).
Identification & Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes (53FR43881; 10/31/88).	RCRA Section 3001(b); 40 CFR 261.33	ECL Section 27-0903; 6NYCRR Section 371.4(d).
Standards for Generators of Hazardous Waste; Manifest Renewal (53FR45089; 11/8/88).	RCRA Sections 2002, 3002, 3003; 40 CFR 262.20 and 6700-22.	ECL Sections 27-0905, 0907(5); 6NYCRR Section 372.2(b)(1), Appendix 30.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (54FR615; 1/9/89).	RCRA Sections 3004, 3005; 40 CFR 270.14(b) (5) and (13).	ECL Sections 27-0905, 0907, 0911, 0913; 6NYCRR Sections 373-1.5(a)(2) (v) and (vii).
Amendment to Requirements for Hazardous Waste Incinerator Permits (54FR4286; 1/30/89).	RCRA Section 3005(b); 40 CFR part 270.62(d).	ECL Section 27-0707, 27-0913; 6NYCRR 373-1.9(a)(4).
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits Procedures for Post-Closure Permitting (54FR9596; 3/7/89).	RCRA Sections 2002(a), 3004, 3005 & 3006; 40 CFR 270.72, 270.42, 270.1, 270.10 and 270.29.	ECL Section 27-0707, 0912, 0913; 6NYCRR 373-1.3(g), 373-1.7(c), 373-1.2(e), 373-1.4(b), and 373-1.5(p).
HSWA Date of Enactment Provisions (11/8/84):		
Direct Action Against Insurers (HSWA 3004(t); 11/8/84)	RCRA Section 3004(t)	ECL Section 27-0917(5), (6) Insurance Law Section 3420.
Dioxin Waste Listing and Management Standards (50FR1978; 1/14/85)	RCRA Sections 3001, 3004; 40 CFR parts 261, 264, 265 & 270.	ECL Sections 27-0903, 0911; 6NYCRR Sections 371.1(c)(5), 371.(f)(2), 371.4, 372.1(e)(1), 373-2.9(f), 373-2.11, 373-2.12, 373-2.13, 373-2.14, 373-2.15, 373-3.1, 373-1.5, 373-3.15, 373-3.16, appendices 21, 22, 23, and 32.
Fuel Labeling (HSWA 3004(r)(1); 2/7/85)	RCRA Sections 3004(r)(1), 3014; 40 CFR 266.34(d).	ECL Section 270907.
Paint Filter Test (50FR18370; 4/30/85)	RCRA Sections 3004, 3005; 40 CFR parts 264, 265, 270.	ECL Sections 27-0707, 0911; 6NYCRR part 373-2, 373-3.
Prohibitions of Liquids in Landfills (HSWA 3004(c); 5/8/85)	RCRA Section 3004(c); 40 CFR 264.314, 265.314, 270.21(h).	ECL Sections 27-0703(a), 27-0911, 27-0912; 6NYCRR 373-2.14 and 373-3.14.
Expansions During Interim Status—Waste Piles (HSWA 3015(a); 5/8/85)	RCRA Section 3015(a)	ECL Section 27-0913.
Expansions During Interim Status—Landfills and Surface Impoundments (HSWA 3015(b); 5/8/85).	RCRA Section 3015(b)	ECL Section 27-0913.
HSWA Codification Rule (50FR28702; 7/15/85):		
Small Quantity Generators	RCRA Section 3002; 40 CFR 261.5 (b), (f), (g) and (h).	ECL Section 27-0907; 6NYCRR Section 372.1(e)(1).
Household Waste	RCRA Section 3001; 40 CFR 261.4(b)(1)	ECL Sections 27-0900, 27-0903; 6NYCRR 371.1(e)(2)(i).
Waste Minimization	RCRA Section 3002; 40 CFR 262.41, 264.70, 264.73 and 270.	ECL Section 0907, 0906; 6NYCRR 372.2(c)2, 373-2.5 and 373-1.
Location Standards for Salt Domes, Salt Beds, Underground Mines & Caves.	RCRA Section 3004(b); 40 CFR 264.18(c) and 265.18.	ECL Section 27-0912; 6NYCRR 373-2.2(i)(2), 373-3.2(i).

Provision	Federal authority	State authority
Liquids in Landfills	RCRA Sections 3003(c); 40 CFR 264.314, 265.314, 270.21(h).	ECL Sections 27-0703(a), 0911, 0912; 6NYCRR Sections 373-2.14(j) (1), (2), 373-3.14(g) (1) and (2).
Dust Suppression	RCRA Section 3092, 3004; 40 CFR 266.23	ECL Section 374.3(d).
Double Liners	RCRA Section 3015(b); 40 CFR 264.221, 264.301, 265.221, 265.254, 265.301.	ECL Sections 27-0707, 0911; 6NYCRR 373-2.11(b), 373-2.14(c), 373-3.11(i), 373-3.12(h), 373-3.14(j).
Groundwater Monitoring	RCRA Section 3004(p); 264.90, 40 CFR 264.222, 264.252, 264.253, 264.302, 264.226, 264.228, 264.254, 264.303, 264.310.	ECL Section 27-0703(1), 0911; 6NYCRR Sections 373-2.5(a)(2), 373-2.11 (c) (d) (f), 373-2.12 (c), (d) & (e)(2), 373-2.14 (d), (e) & (g).
Cement Kilns	RCRA Section 3004(a); 40 CFR 261.6, 261.30, and 266.31.	ECL Sections 19-0301(1), 19-0303, 0304, 27-0703, 0907, 0908, 0911; 6NYCRR Sections 372.1(e)(2)(ii), 371.4(d), 374.4(b)(2)(i).
Corrective Action	RCRA Section 3004 (a), (c) and (d). 3005; 40 CFR 264.90, 264.101, and 270.60.	ECL Sections 3-0301(1)(f), 27-0703, 0705, 0707, 0911, 71-2701; 6NYCRR Sections 373-1.1(d)(2), (4) and (5), 373-2.6(e) (1) & (2), 373-2.5(e)(1).
Pre-construction Ban	RCRA Section 3005(a); 40 CFR 270.10(f) (1) & (3).	373-1.2(c).
Permit Life	RCRA Section 3005(c)(3); 40 CFR 270.41(a)(6), 270.50(d).	ECL Sections 27-0707, 0913(1), 70-0115; 6NYCRR 373-1.8(a)(1).
Omnibus Provision	RCRA Section 3005(c)(3); 40 CFR 270.32(b).	ECL Sections 27-0707, 0913(1); 6NYCRR 373-1.8(c)(2).
Interim Status	40 CFR 270.10, 270.30, 270.70, 270.73	373-1.3, 373-1.4, and 373-1.8.
Hazardous Waste Exports	RCRA Section 3017; 40 CFR parts 261, 262, and 263.	ECL Section 27-0907(6); 6NYCRR 370, 372.1, 372.2, and 372.5.
Exposure Information	RCRA 3019(a); 40 CFR 270.10 (c) and (j)	ECL Section 27-0707, 0913(j); 6NYCRR 371-1.4(b), 373-1.5(d) (6) and (h)(10).
Listing of TDI, TDA, DNT (50FR42936; 10/23/85)	RCRA Section 3003(1); 40 CFR 261.33 and 261.32.	ECL Section 27-0905; 6NYCRR § 371.1 (c) and (d).
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces (50FR49164; 11/29/85).	RCRA Sections 3001, 3004(a); 40 CFR parts 261, 264, 265 and 266.	ECL Section 27-0907, 0909, 0910, 0922; 6NYCRR 371.1(d), 372.1(e), 373-2.15, 373-3.15, 374.4 and 374.5.
Listing of Spent Solvents (50FR53315; 12/31/85)	RCRA Section 3001(b); 40 CFR 261.31	ECL Section 27-0903; 6NYCRR Section 371.4(b).
Listing of Spent Solvents; Correction (51FR2702; 1/21/86)	RCRA Section 3001(b); 40 CFR 261.31	ECL Section 27-0903; 6NYCRR Section 371.4(b).
Listing of EBB Waste (51FR5327; 2/13/86)	RCRA Section 3001(b); 40 CFR 261.32	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Listing of Four Spent Solvents (51FR6537; 2/25/86)	RCRA Section 3001(b); 40 CFR 261.33, and 261.31.	ECL Section 27-0903; 6NYCRR Section 371.4 (b) and (d).
Generators of 100 to 1000 kg Hazardous Waste (51FR10146; 3/24/86)	RCRA Section 3001(d); 40 CFR parts 260-263.	ECL Section 27-0909, 0907, 0909, 0911; 6NYCRR Section 370.2(b), 371.1(a), 371.4(d), 372.1(e), 372.2 (e) & (b), 372.3(b), 373-1.1(d) & 373-1.3(b).
Codification Rule, Technical Correction (Paint Filter Test) (51FR19176; 5/28/86).	RCRA Sections 3004, 3005; 40 CFR 265.314(d).	ECL Sections 27-0707, 0911; 6NYCRR 373-3.14(g)(3).
Standards for Hazardous Waste Storage and Tank Systems (also in Non-HSWA Cluster III) (51FR25422; 7/14/86).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 261, 262, 264, 265 and 270.	ECL Section 27-0907, 0911; 6NYCRR 370.2, 371.1, 372.2, 373-1, 373-2 and 373-3.
Biennial Report; Correction (51FR28556; 8/8/86)	RCRA Sections 3002, 3004; 40 CFR 264.75, 265.75.	ECL Section 27-0707, 0907(6), 0911; 6NYCRR Section 373-2.5(e)(6-10) and 373-3.5(e)(5-10).
Exports of Hazardous Waste (51FR28604; 8/8/86)	RCRA Section 3017; 40 CFR parts 261, 262 and 263.	ECL Section 27-0707(6); 6NYCRR parts 370, 372.1, 372.2 and 372.5.
Standards for Generators Waste Minimization Certifications (51FR35190; 10/1/86).	RCRA Sections 3002(a)(6), b.; 40 CFR 262.41, 8700-22.	ECL Sections 27-0907(5) (a) and (b), 0908; 6NYCRR Section 372.2.
Listing of EBDC (54FR37726; 10/24/89)	RCRA Section 3001(b); 40 CFR Sections 261.32.	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Land Disposal Restrictions (51FR40572; 11/7/86)	RCRA Sections 3004(d)–(k) & (m); 40 CFR part 268, 261, 262, 263 264, 265, 268, 270.	ECL Section 27-0912; 6NYCRR 370, 371, 372, 373-1, 373-2, 373-3 and 376.
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections (52FR11819; 4/13/87).	RCRA Sections 3004(g)(2)(A), 3004(n) (2) & (3); 40 CFR 261, 266.	ECL Section 27-0903; 6NYCRR Section 371, 374.4(b), 374.5 (e) and (f).
Land Disposal Restrictions Corrections (52FR21010; 6/4/87)	40 CFR 264, 265, and 268	6NYCRR 372.2, 373-3, and 376.
California List Waste Restrictions (52FR25760; 7/8/87)	RCRA Section 3004(d)–(k) and (m); 40 CFR parts 264, 265, 268 and 270.	ECL Section 27-0912; 6NYCRR 373-1, 373-2, 373-3 and 376.
Exception Reporting for Small Quantity Generators of Hazardous Waste (52FR35894; 9/23/87).	RCRA Sections 3001(a) and 3002(a)(5); 40 CFR 262.42, 262.44.	ECL Sections 27-0905, 0907(5), 0911, 0913; 6NYCRR Section 372.1(e) (i) and (ii), and 372.2(c)(3).
California List Waste Restrictions; Technical Corrections (53FR41295; 10/27/87).	RCRA Section 3004(d)–(k) and (m); 40 CFR parts 264, 265, 268 and 270.	ECL Section 27-0912, 6NYCRR parts 373-1, 373-2, 373-3, and 376.
HSWA Codification Rule 2 (52FR45788; 12/1/87):		
Permit Application Requirements Regarding Corrective Action	RCRA Section 3004, 3005; 40 CFR 270.14	ECL Section 27-0911, 0913; 6NYCRR 373-1.5(a).
Corrective Action Beyond Facility Boundary	RCRA Section 3004(v); 40 CFR 264.101(c), 264.100(e) 264.1, 264.3.	ECL Sections 27-0707, 0911, 0913; 6NYCRR Sections 373-2.6(e)(5) and 373-2.6(1).
Corrective Action for Injection Wells	40 CFR 265.1 and 270.60	ECL Section 373-3.1(a)(4), 373-1.1(d)(2).

Provision	Federal authority	State authority
Permit Modification	RCRA Section 3005(c); 40 CFR 270.41(a)(3).	ECL Sections 27-0707, 0913; 6NYCRR Section 621.14 and 373-1.7(b).
Permit as a Shield Provision	RCRA Section 3005(g); 40 CFR 270.4(a)	ECL Section 27-0912; 6NYCRR Section 373-1.2(l).
Permit Conditions to Protect Human Health and the Environment	RCRA Section 3005(c); 40 CFR 270.10(k)	ECL Section 27-0707, 0913; 6NYCRR Section 373 1.4(h).
Post-Closure Permits	RCRA Section 3005(c); 40 CFR 270.1(c)	ECL Section 27-0707, 0913, 0918; 6NYCRR Section 373-1.2(e).
Identification and Listing of Hazardous Waste; Technical Correction (53FR27162; 7/19/88).	RCRA Section 3001; 40 CFR 261.5 (e) and (f)(2).	ECL Section 27-0903 6NYCRR Section 372.1(e) (i), (v) and (vi).
Farmer Exemptions; Technical Corrections (53FR27164; 7/19/88)	RCRA Section 3002, 3004, 3005; 40 CFR 262.10, 264.1(g), 265.1(c), 268.1(c), 270.1.	ECL Section 27-0907, 0911, 0913; 6NYCRR Sections 372.1 (a) and (b), 373-1.1(d)(1), 376.1(a)(4).
Land Disposal Restrictions for First Third Scheduled Wastes (53FR31138; 8/17/88).	RCRA Section 3004 (d)–(k) and (m); 40 CFR parts 264, 265, 268 and 268.	ECL Section 27-0912; 6NYCRR 373-2, 373-3, 374 and 376.
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank System (also in Non-HSWA Cluster V) (53FR34079; 9/2/88).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 264, 265 and 270.	ECL Sections 27-0907, 0911; 6NYCRR 370.2, 373-1.2, 373-2, 373-3.
Identification and Listing of Hazardous Waste; Land Disposal Restrictions—Administrative Stay (54FR4021; 1/27/89).	40 CFR part 261	6NYCRR part 371.
Land Disposal Restrictions (54FR8264; 2/27/89)	40 CFR part 268	6NYCRR part 376.
Land Disposal Restriction Amendments to First Third Scheduled Wastes (54FR18836; 5/2/89).	40 CFR part 268.12 and 268.43	6NYCRR part 376.
Land Disposal Restrictions for Second Third Scheduled Wastes (54FR26594; 6/23/89).	RCRA Section 3004 (d)–(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR 376.
Hazardous Waste Management System; Requirements of Rulemaking Petitions (54FR27114; 6/27/89).	RCRA Sections 3003, 3012, 3021, 3026; 40 CFR 260.22.	6NYCRR part 370.3(c).
Land Disposal Restrictions; Correction (54FR36967; 9/6/89)	RCRA Section 3004(d)–(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR part 376.
Land Disposal Restrictions; Correction (55FR23935; 6/13/90)	RCRA Section 3004(d)–(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR part 376.
Reportable Quality Adjustment Methyl Bromide Production Wastes (54FR41402; 10/6/89).	40 CFR 261.32	6NYCRR 371.4(c).
Reportable Quantity Adjustment (54FR50968; 12/11/89)	40 CFR 261.31	6NYCRR 371.4(b).
Land Disposal Restrictions for Third Third Scheduled Wastes (55FR22520; 6/1/90).	RCRA Section 3004 (d)–(k) and (m); 40 CFR parts 261, 262, 264, 265 and 268.	ECL Section 27-0912; 6NYCRR parts 371, 372, 373-2, 373-3 and 376.

EPA has reviewed New York's application, and has made an immediate final decision that New York's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to New York. The public may submit written comments on EPA's immediate final decision up until April 22, 1992. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this Notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this Notice unless an adverse comment pertaining to the State's revision discussed in this Notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. New York is applying for final authorization of the following Federal hazardous waste requirements:

RCRA Checklist	HSWA or FR reference	Promulgation or HSWA date
Non-HSWA Cluster III (7/1/86–6/30/87):		
Standards for Hazardous Waste Storage and Treatment Tank Systems	51FR25422	7/14/86
Revised Manual SW-846; Amended Incorporation by Reference	52FR8072	3/16/87
Closure/Post-Closure Care for Interim Status Surface Impoundments	52FR8704	3/19/87
Amendments to Part B Info. Requirements for Land Disposal Facilities	52FR22447	6/22/87
Non-HSWA Cluster IV (7/1/87–6/30/88):		
Hazardous Waste Miscellaneous Units	52FR46946	12/10/87
Standards Applicable to Owners and Operators of Hazardous Waste TSDF's; Closure/Post-Closure and Financial Responsibility Requirements.	53FR7740	3/10/88
Non-HSWA Cluster V (7/1/88–6/30/89):		
Identification & Listing of Haz. Waste; Treatability Studies Sample Exemption	53FR27290	7/19/88
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank systems	53FR34079	9/2/88
Identification & Listing of Haz. Waste; and Designation, Reportable Quantities; and Notification	53FR35412	9/13/88
Permit Modifications for Hazardous Waste Management Facilities	53FR37912	9/25/88
Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities	53FR39720	10/11/88
Permit Modifications for Hazardous Waste Management Facilities	53FR41649	10/24/88
Identification & Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes	53FR43878	10/31/88
Identification & Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes	53FR43881	10/31/88
Standards for Generators of Hazardous Waste; Manifest Renewal	53FR45089	11/8/88
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	54FR615	1/9/89
Amendment to Requirements for Hazardous Waste Incinerator Permits	54FR4286	1/30/89
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting.	54FR9596	3/7/89

RCRA Checklist	HSWA or FR reference,	Promulgation or HSWA date
HSWA Cluster I (11/1/84–6/30/87):		
HSWA Date of Enactment Provisions	Numerous	11/8/84
Direct Action Against Insurers	HSWA 3004(t)	11/8/84
Dioxin Waste Listing and Management Standards	50FR1978	1/14/85
Fuel Labeling	HSWA 3004(r)(1)	2/7/85
Paint Filter Test	50FR18370	4/30/85
Prohibitions of Liquids in Landfills	HSWA 3004(c)	5/8/85
Expansions During Interim Status—Waste Piles	HSWA 3015(a)	5/8/85
Expansions During Interim Status—Landfills and Surface Impoundments	HSWA 3015(b)	5/8/85
HSWA Codification Rule	50FR28702	7/15/85
Small Quantity Generators		
Household Waste		
Waste Minimization		
Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves		
Liquids in Landfills		
Dust Suppression		
Double Liners		
Groundwater Monitoring		
Cement Kilns		
Fuel Labeling		
Corrective Action		
Pre-construction Ban		
Permit Life		
Omnibus Provision		
Interim Status		
Hazardous Waste Exports		
Exposure Information		
Listing of TDI, TDA, DNT	50FR42936	10/23/85
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	50FR49164	11/29/85
Listing of Spent Solvents	50FR53315	12/31/85
Listing of Spent Solvents; Correction	51FR2702	1/21/86
Listing of EDB Waste	51FR5327	2/13/86
Listing of Four Spent Solvents	51FR6537	2/25/86
Generators of 100 to 1000 kg Hazardous Waste	51FR10146	3/24/86
Codification Rule, Technical Correction (Paint Filter Test)	51FR19176	5/28/86
Standards for Hazardous Waste Storage and Tank Systems	51FR25422	7/14/86
Biennial Report; Correction	51FR28556	8/8/86
Exports of Hazardous Waste	51FR28664	8/8/86
Hazardous Waste Storage and Tank Systems; Corrections	51FR29430	8/15/86
Standards for Generators—Waste Minimization Certifications	51FR35190	10/1/86
Listing of EBDC	51FR37725	10/24/86
Land Disposal Restrictions	51FR40572	11/7/86
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections	52FR11819	4/13/87
Land Disposal Restrictions; Corrections	52FR21010	6/4/87
HSWA Cluster II (7/1/87–6/30/90)		
California List Waste Restrictions	52FR25760	7/8/87
Exception Reporting for Small Quantity Generators of Hazardous Waste	52FR35894	9/23/87
California List Waste Restrictions; Technical Corrections	52FR41295	10/27/87
HSWA Codification Rule 2	52FR45788	12/1/87
Permit Application Requirements Regarding Corrective Action		
Corrective Action Beyond Facility Boundary		
Corrective Action for Injection Wells		
Permit Modification		
Permit as a Shield Provision		
Permit Conditions to Protect Human Health and the Environment		
Post-Closure Permits		
Identification and Listing of Hazardous Waste; Technical Correction	53FR27162	7/19/88
Farmer Exemptions; Technical Corrections	53FR27164	7/19/88
Land Disposal Restrictions for First Third Scheduled Wastes	53FR31138	8/17/88
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank System (also in Non-HSWA Cluster V).	53FR34079	9/2/88
Identification and Listing of Hazardous Waste; Land Disposal Restrictions—Administrative Stay	54FR4021	1/27/89
Land Disposal Restrictions	54FR8264	2/27/89
Land Disposal Restriction Amendments to First Third Scheduled Wastes	54FR18836	5/2/89
Land Disposal Restrictions for Second Third Scheduled Wastes	54FR26594	6/23/89
Hazardous Waste Management System; Requirements of Rulemaking Petitions	54FR27114	6/27/89
Land Disposal Restrictions; Correction	54FR36967	9/5/89
Land Disposal Restrictions; Correction	55FR23935	6/13/90
Land Disposal Restrictions for Third Third Scheduled Wastes	55FR22520	6/1/90

New York has only applied for authorization for the above listed requirements. This list does not include some federal requirements, including, but not limited to, rules such as the Toxicity Characteristic Rule and the rules establishing organic air emission standards. New York is not authorized, nor is it seeking to be authorized, to operate the Federal Program on Indian lands. This authorization shall remain with the EPA.

C. Decision

The EPA concludes that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New York is granted final authorization to operate its hazardous waste program as revised. New York now has expanded responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. New York also has primary enforcement responsibilities for the program revision, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

The version of the regulations being authorized by EPA at this time are the regulations which are in effect as of February 1st, 1992. The regulations so authorized are available at the repositories noted above and will appear in the revised version of Title 6 of the Official Compilation of Codes, Rules and Regulations that the New York Secretary of State will be publishing later in 1992.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New York's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This Notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended. 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 12, 1992.

Constantine Sidamon-Eristoff,

Regional Administrator.

[FR Doc. 92-6670 Filed 3-20-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 721

[OPPTS-50580B; FRL-4002-2]

Carboxy Alkyl Silyl Salt and Formaldehyde, Polymer with Bisphenol A and Substituted Phenol; Proposed Revocation of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking the significant new use rules (SNURs) at 40 CFR 721.1060 and 721.1890 that were promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the above two chemical substances based on receipt of new data. The data indicate that for purposes of TSCA section 5, further regulation under section 5 of TSCA is not warranted at this time.

EFFECTIVE DATE: The effective date of this rule is April 22,1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Office (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 28, 1990 (55 FR 26092), EPA issued SNURs establishing significant new uses for carboxy alkyl silyl salt (P-89-292) and formaldehyde, polymer with bisphenol A and substituted phenol (P-89-279). Because of additional data EPA has received for these substances, EPA proposed to revoke these SNURs in the **Federal Register** of August 29, 1991 (56 FR 42714).

I. Rulemaking record

The record for the rules which EPA is revoking was established in docket number OPPTS-50580 (P-89-279 and P-89-292). This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this revocation.

II. Background

The Agency proposed the revocation of the SNUR for these substances in the **Federal Register** of August 29, 1991 (56 FR 42714). The background and reasons for the revocation of the SNUR are set forth in the preamble to the proposed revocation. The Agency received no public comment concerning the proposed revocation. As a result EPA is revoking these SNURs.

III. Objectives and Rationale of Revocation of the Rules

During review of the PMNs submitted for the chemical substances that are the subject of this revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the environmental effects of the substances, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, section 5(e) consent orders were negotiated with the PMN submitters and SNURs were promulgated. EPA reviewed the testing conducted by the PMN submitters for the substances and determined that the information available was sufficient to make a reasoned evaluation of the environmental effects or releases of the substances. With respect to P-89-292, EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk. With respect to P-89-279, EPA concluded that, for the purposes of TSCA section 5, the substance will not be released in substantial quantities. Accordingly, EPA subsequently revoked the section 5(e) consent orders. The revocation of SNUR provisions for these substances designated herein is consistent with the revocation of the section 5(e) orders. In light of the above EPA is revoking SNUR provisions for these chemical substances. EPA will no longer require notice of any company's intent to manufacture, import, or process these substances.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: February 6, 1992.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.1060 [Removed]

2. By removing § 721.1060.

§ 721.1890 [Removed]

3. By removing § 721.1890.

[FR Doc. 92-6671 Filed 3-20-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket 92-03]

Rules of Practice and Procedure; Special Docket Applications

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission adopts as a final rule an Interim Rule regarding the processing of special docket applications. This amendment to part 502 authorizes the Secretary of the Commission to assign such applications to Special Docket Officers for review and initial decision. The Secretary will retain discretion to assign particular applications to the Office of Administrative Law Judges as appropriate.

EFFECTIVE DATE: This action is effective March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Rule 92 of the Commission's Rules of Practice and Procedure, 46 CFR 502.92, contains regulations outlining the procedures for the filing and processing of special docket applications. Such applications may be filed by a common carrier or shipper for permission to refund or waive collection of a portion of freight charges, where it appears that there is an error in the carrier's tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff. Under past Commission practice, all such applications were referred by the Secretary of the Commission to the Commission's Office of Administrative Law Judges ("OALJ") for review and for issuance of an initial decision.

The number of special docket applications filed with the Commission has increased dramatically over the last year. This increase occurred at a time when the number of formal docket proceedings assigned to OALJ also increased significantly. These increases created a significant workload burden for OALJ. To reduce this workload burden and to better utilize staff resources, the Commission, by notice of January 27, 1992, 57 FR 3026, published an Interim Rule amending its special docket procedures and solicited comments. Under the Rule, principal responsibility for review of special dockets is transferred to the Office of the Secretary of the Commission. The Secretary has the authority to assign special docket applications to special Dockets Officers, who will review each application and issue an initial decision. The process for filing of exceptions and/or review of initial decisions by the Commission will continue. The Secretary also has discretion to continue to refer particular applications to OALJ for disposition when deemed appropriate. Such discretion might be exercised, for example, when the application involves unique or complex legal issues.

Special Docket Officers to whom applications are assigned will be experienced Commission personnel, including at the outset the Commission's Assistant Secretary and the Director of the Office of Informal Inquiries, Complaints and Informal Dockets. Other personnel also will be utilized for this function. Transfer of the special docket function in this fashion places this activity in a posture similar to the processing of service contract correction applications under 46 CFR 581.7, the responsibility for which has been delegated to the Director, Bureau of Tariffs, Certification and Licensing. This reassignment will not result in any change in the quality and carefulness of review of special docket applications.

A related change regarding the number of copies of special docket applications required to be filed was included in the Interim Rule. The number is reduced from an original and three to an original and one.

Brief comments on the Interim Rule were filed by Sea-Land Service, Inc., Contship Containerlines, Inc., Wilhelmsen Lines AS, V.A.G. Transport GmbH & Co. OHGT, the Transpacific Westbound Rate Agreement and, filing collectively, the Asia North America Eastbound Rate Agreement, the Israel Trade Conference, the South Europe/U.S.A. Freight Conference, the United States Atlantic Gulf Ports/Eastern Mediterranean and North African Freight Conference and the U.S. Atlantic & Gulf/Australia-New Zealand Conference. The comments all supported the Interim Rule and suggested no changes. The Commission therefore will adopt the changed special docket procedure as a final rule.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it has nonetheless reviewed the rule in terms of that Order and has determined that this rule is not a "major rule" as defined in Executive Order 12291 because it will not result in:

(1) Annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small government jurisdictions.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure.

Therefore, pursuant to 5 U.S.C. 553 and sections 8 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1707 and 1716, part 502 of title 46, Code of Federal Regulations, is amended as follows:

1. The interim rule amending 46 CFR part 502 which was published at 57 FR 3026 on January 27, 1992, is adopted as a final rule without change.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6601 Filed 3-20-92; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register

Vol. 57, No. 56

Monday, March 23, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR CH. I

Public Meeting for Special Review of NRC Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of agenda and procedure for conduct of Public Meeting.

SUMMARY: On March 5, 1992, the NRC published in the **Federal Register** an announcement (57 FR 7893) providing initial information about a public meeting to be held on March 27, 1992 relating to the Special Review of NRC regulations currently being conducted by the Committee to Review Generic Requirements (CRGR). The announcement indicated that details regarding the agenda for the meeting would be published in a subsequent notice prior to the meeting. The agenda for the meeting is provided below immediately following this notice. A summary of the comments received and preliminary evaluation is also provided.

As indicated in the agenda, the morning session of the meeting will be devoted principally to discussion of suggested or possible changes to the NRC regulatory requirements that affect operating power reactors. The afternoon session will cover suggested or possible changes in the remaining areas of NRC regulations, e.g., regulatory requirements for waste and materials licensees.

Interested individuals may address remarks or comments to the CRGR at the meeting, relevant to the identification and evaluation of candidates for reduction or elimination in the Special Review context. To facilitate the scheduling of available time for speakers and orderly conduct of the meeting, members of the public who wish to speak at the meeting should notify a cognizant NRC staff member in advance of the meeting, as indicated in the information below. Several candidates for recommended action have been identified by CRGR, based on preliminary evaluation of comments received in response to the notice announcing the Special Review (57 FR 6299). Those items, which are likely or possible candidates, discussed as Category I or II items in the agenda below, will be given highest priority in allocating discussion time at the meeting.

The review by the NRC staff and CRGR of comments received from the public and other sources is continuing. Other candidates for recommended action in the Special Review (i.e., in addition to those now listed in the agenda below) may be identified prior to the public meeting. Such additional candidates (if any) will be included in a revised agenda that will be made available at the time of the meeting.

A copy of public and agency comments received is available for review in the NRC's Public Document Room.

DATE: Public meeting is scheduled for March 27, 1992.

ADDRESS: Public meeting will be held at the Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, Maryland 20814. Phone (301) 657-1234.

FOR FURTHER INFORMATION CONTACT: To request the opportunity to speak at the public meeting, contact one of the cognizant NRC staff members listed below. Indicate as specifically as possible the topic(s) of your comment. Provide your name and a telephone number at which you can be reached, if necessary, before the meeting. Registration will be available at the meeting for a limited number of additional speakers on a first come basis.

Contact: James Conran, Phone (301) 492-9855, FAX (301) 492-7142 or Dennis Allison, Phone (301) 492-4148, FAX (301) 492-7142.

Dated at Bethesda, Maryland this 18th day of March, 1992.

For the Nuclear Regulatory Commission.

Edward L. Jordan,

Director, Office for Analysis and Evaluation of Operational Data.

Agenda for Public Meeting on Special Review of NRC Regulations—Morning Session: (Regulatory Requirements Affecting Principally Power Reactors)

8:30 a.m.—Introductory Remarks by CRGR Chairman.

8:45 a.m.—Discussion of Potential Candidates for Recommended Action in Special Review Report.

Note: In allocating discussion time at the meeting, highest priority will be given to items which have been identified as likely or possible candidates for recommended action, based on a preliminary evaluation of public comments. These are the items identified as Category I and Category II in the Preliminary Status of Issues discussed below. Other items which are byproducts that warrant consideration for longer term programs may be discussed, time permitting. These are the items identified as Category III in the Preliminary Status of Issues discussed below.

1 p.m.—Break for Lunch.

Afternoon Session: (Other Areas of NRC Regulation, e.g., Regulatory Requirements for Waste and Materials Licensees).

2:30 p.m.—Introductory Remarks by CRGR Chairman.

2:45 p.m.—Discussion of Potential Candidates for Recommended Action in Special Review Report.

Note: In allocating discussion time at the meeting, highest priority will be given to items which have been identified as likely or possible candidates for recommended action, based on a preliminary evaluation of public comments. These are the items identified as Category I and Category II in the Preliminary Status of Issues discussed below. Other items which are byproducts that warrant consideration for longer term programs may be discussed, time permitting. These are the items identified as Category III in the Preliminary Status of Issues discussed below.

5 p.m.—Adjourn meeting.

Preliminary Status of Issues

The criteria listed below have been used in assigning categories during the preliminary evaluation of public comments.

Category I: Likely Candidate for Special Review Recommendation. Appears likely to meet Commission's basic criteria for Special Review candidate (i.e., reduce regulatory burden, and not reduce protection of public health and safety), based on dispositive information provided in the comment or otherwise readily available for consideration in the Special Review. [Likely CRGR recommendation to initiate rulemaking, or other appropriate action, for reduction of specific requirement or requirements.]

Category II: Possible Candidate for Special Review Recommendation. Might meet Commission's basic criteria for

Special Review candidate (i.e., reduce regulatory burden and not reduce protection of public health and safety); but dispositive information is not provided in comment and is not readily available. [Possible CRGR recommendation for dispositioning as a separate priority action following the Special Review.]

Category III: Not a Candidate for Special Review Recommendation. Does not appear to meet the Commission's basic criteria for Special Review Candidates. [Nevertheless, as a byproduct of this process, the CRGR may obtain or develop information that it wishes to convey to a program office in the context of ongoing NRC programs; for example, candidates for consideration in programs such as the program to identify and eliminate power reactor requirements marginal to safety.]

Other (No Category): Includes matters outside the scope of the special review. [The CRGR would recommend no further consideration.]

The issues and comments discussed below have, on a preliminary basis, been evaluated and assigned to Categories.

CONTENTS

Reactor Comments

1. Containment Testing and Allowable Leakage Rates
2. Change FSAR Update Frequency
3. Eliminate Annual Design Change Report
4. Eliminate Duplicative Reports
5. Revise Security Event Reports
6. Main Steam Isolation Valve Leakage Control System
7. Performance Based 10 CFR Part 50, appendix B
8. Modify Sholly Amendment Requirements
9. Prioritize Revision of 10 CFR Part 50 Requirements
10. Number not used
11. Modify Fitness for Duty Rule
12. Section 50.34(f), Additional TMI-Related Requirements
13. Section 50.49, Environmental Qualification of Electric Equipment
14. 10 CFR Part 20, Dose Limits for Hot Particles
15. Number not used
16. 10 CFR Part 21, Defects and Noncompliance Reports: (Commercial Grade Items)
17. Event Reporting Systems
18. Averted On-Site Costs in Cost-Benefit Analyses
19. Individual Plant Examination of External Events
20. Operator Requalification Examinations
21. 10 CFR 73.55, Physical Protection in Power Reactors
22. 10 CFR 72, Subpart H, Physical Protection of ISFSI
23. Number not used
24. Number not used
25. Improved Technical Specification Program
26. Qualification and Training of Nuclear Power Plant Personnel
27. NPP Simulation Facilities for Use in Operator License Examinations
28. Operability Determinations (GL 91-18)

A. ZIRLO Cladding Exemptions
B. Pressure Temperature Limit
C. Boron Dilution Event
D. Leak Before Break
E. Post Accident Sampling System
F. Seismic and LOCA Loads
G. Cycle Counting Requirement
H. Number not used
I. Final Amendment to 10 CFR Part 50 appendix J
J. Response Time Testing
K. Comments Not Categorized

Non-Reactor Comments

X1. Receipt Back of Waste
X2. State-NRC Coordination
X3. Quality Management Rule
X4. Pharmacy Regulations
X5. Contamination Monitoring of Packages
X6. Guage and Source Surveys
X7. Emergency Plans
X8. Incident Reporting
X9. Medical License Fees
X10. Mixed Waste
X11. Criminal Penalties for Medical Licensees
X12. Agreement States, 10 CFR 150.20
X13. NRC Form 5
X14. Cost to Airline Industry of Proposed Rule

Issue 1: Containment testing and allowable containment leakage rates.

Proposed Action

NUMARC: Continue expeditiously toward resolution of the issues related to allowable containment leakage rates during testing, that were identified in the February 24, **Federal Register** notice.

Detroit Edison: Expedite the review of 10 CFR part 50, appendix J recommended in NUREG–4330 and revise treatment of isolation valve testing.

Note: The allowable containment leakage rates are contained in plant technical specifications. Periodic containment testing is required by 10 CFR part 50, appendix J.

Summary of Comments

NUMARC NRC and industry efforts are already underway to resolve this issue and these efforts should proceed towards resolution in an expeditious fashion.

Detroit Edison: Resolution of these issues should proceed expeditiously.

Detroit Edison: The appendix J requirement to determine as-found leakage for isolation valves when maintenance is already planned for the valve should be revised to permit only determination of as-left leakage after the maintenance has been performed. The as-found data provides minimal information of safety significance. An as-left leakage determination following maintenance is sufficient to assure public health and safety.

Preliminary Category

Category III. These matters appear to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review and will be considered in that program.

Issue 2: Change FSAR Update Frequency.

Proposed Action

NUMARC: Revise 10 CFR 50.71, "Annual Safety Analysis Report Updates" to provide for FSAR updates once per refueling cycle, rather than annually.

Summary of Comments

NUMARC: NRC deferred action on a previous Yankee Atomic petition for the proposed action due to lack of priority. The majority of design changes reflected in the updated FSAR are effected during the refueling outage. Use of the refueling cycle interval would provide for a more coordinated and cohesive update and generally a better document, while saving significant industry resources. The present annual update requirement results in much additional complication and waste of licensee resources. The change would in no conceivable way reduce the health and safety of the public.

Yankee Atomic: The proposed action would eliminate a number of unnecessary formal submittals by the industry and should receive a higher priority within the NRC.

Preliminary Category

Category I. Appears to meet the criteria for this special review. Recommend initiating rulemaking to require that FSAR updates be submitted within 6 months after the end of a refueling outage and reflect all changes made as of the end of the outage, provided that the time between outages is less than or equal to 24 months.

Issue 3: Eliminate Annual Design Change Report.

Proposed Action

NUMARC: Replace the requirement in 10 CFR 50.59(b) for an annual report of design changes with resident inspector review of design change packages, as appropriate.

Summary of Comment

NUMARC: The report of the design changes made under 10 CFR 50.59 requires hundreds of manhours per year, and does not appear to be reviewed by NRC. The reports do not make any contribution to safety. This reporting requirement should receive one of the highest priorities in any NRC review of reporting requirements.

NRC Staff: Two comments supported revision of § 50.59 to clarify the requirements.

Preliminary Category

Category II. The staff reviews and uses the design change reports. No changes in the recordkeeping and reporting information required by 10 CFR 50.59 appear to be warranted. However, it appears appropriate to submit the required design change report along with the periodic FSAR update on a proposed refueling cycle frequency (see Issue 2) rather than submitting it annually.

Issue 4: Eliminate Duplicative Reports.

Proposed Action

NUMARC: Review the NRC system of reporting requirements in the aggregate and consider elimination of duplicative reports, that do not contribute to safety, and reports that are not reviewed by NRC.

Summary of Comment

NUMARC: Numerous requirements for reporting exist, resulting from a myriad of regulations and license document requirements. Many of the reports are duplicative and do not make any contribution to safety. Some date before the time that resident inspectors were placed at the plant sites. There are so many different reports, frequencies, addressees, etc., that it is a significant burden just to keep track of the reporting requirements. In addition, the immense volume of reporting requirements creates a large administrative burden, e.g., the report of design changes made under 10 CFR 50.59 requires hundreds of manhours per year, and does not appear to be reviewed by NRC.

Westinghouse: The reporting requirements for errors in Emergency Core Cooling System calculations are redundant, with similar requirements in part 21 and in § 50.46. Processing the error detection, assessment and reporting must be done under the quality assurance requirements of appendix B, which makes the 30 day requirement impractical.

Preliminary Category

Category III for most comments. Not specific and/or do not appear to meet the criteria for this special review. Some comments on reporting requirements have previously been considered and additional comments will be considered in the NRC's program to eliminate power reactor requirements that are marginal to safety (as discussed in the February 4, 1992 **Federal Register** notice). In addition, the Office of NRR has recently undertaken a systematic review of power reactor reporting requirements. Further, the Office of NMSS is preparing a plan for a regulatory impact survey for Commission consideration.

Other (No Category) for the specific comment on 10 CFR 50.46. This requirement was recently considered by the Commission. No information was provided that would warrant reconsideration. It does not appear that the requirements of 10 CFR 50.46 and 10 CFR part 21 are duplicative. It does appear that the reporting requirements of 10 CFR 50.46 are needed.

Issue 5: Revise Security Event Reports.

Proposed Action

NUMARC: Revise the requirement in 10 CFR 73.71(c) to eliminate reporting requirements for events that have no security significance and require reports only for actual threats to plant security.

Summary of Comment

NUMARC: 10 CFR 73.71(c) requires reports of many events that have no security significance. This reporting requirement should receive one of the highest priorities in any NRC review of reporting requirements.

Preliminary Category

Category III: The rule does not require reports of little or no security significance. There may be plant specific interpretation/implementation problems. The comment will be considered as a matter of course under existing routine programs.

Issue 6: Main Steam Isolation Valve Leakage Control System.

Proposed Action

NUMARC: Continue expeditiously toward resolution of the Boiling Water Reactor Main Steam Isolation Valve Leakage Control System issue identified in the February 24, **Federal Register** notice.

Summary of Comment

NUMARC: NRC and industry efforts are already underway to resolve this issue and these efforts should proceed towards resolution in an expeditious fashion.

Preliminary Category

Category III: Appears to meet the criteria for requirements that are marginal to safety rather than the criteria for this special review and it will be addressed in that program.

Issue 7: Performance Based Quality Assurance (10 CFR 50, appendix B)

Proposed Action

NUMARC: Modify the requirements in 10 CFR 50, appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to be consistent with performance based regulations.

Summary of Comment

NUMARC: Appendix B to part 50 needs to be updated for consistency with performance based regulations and with new quality concepts such as total quality management. The regulation needs to be adopted to support total quality management by the industry and a wholesale shift to performance based inspection concepts by NRC inspectors. Appendix B is a logical candidate for consideration as a requirement of marginal safety significance.

NRC Staff: One staff comment supported revision of Appendix B to eliminate burdensome requirements without reducing protection of public health and safety.

Preliminary Category

Category III. Does not appear to meet the criteria for this special review. An overall reexamination of 10 CFR appendix B and/or its implementation may be warranted to evaluate the potential for improvements along the lines suggested.

Issue 8: Modify Sholly Amendment Requirements

Proposed Action

NUMARC: Reduce or eliminate the administrative burden associated with the public notice of § 50.91 and § 50.92 reviews of license amendments for no significant hazards.

Summary of Comment

NUMARC: The time for publishing and processing a Federal Register notice, except for the exigent or emergency situations, take at least six weeks with no affect on safety. Applicants are required to perform unnecessary assessments. A primary suggestion is that only irreversible decisions, such as venting the containment at Three Mile Island, need the kind of advance notice and opportunity for hearing that is currently required. For other decisions, a notice and opportunity for hearing could be provided after the license amendment is issued.

Preliminary Category

Category II. It is not yet clear to the CRGR whether or not the relaxations requested are legally permissible. The issue has been referred to the NRC's Office of the General Counsel for legal analysis.

Issue 9: Prioritize Revision of 10 CFR Part 50 Requirements

Proposed Action

NUMARC: Utilize the input and discussions at the planned March 27, 1992, public meeting to determine the priority (sequence and schedule) for considering decreased prescriptiveness in the following regulations, as discussed in the February 24, 1992 **Federal Register** notice:

a. 10 CFR 50.44, "Standards for Combustible Gas Control Systems in Light Water Cooled Power Reactors"

b. Appendix J to 10 CFR part 50, "Primary Reactor Containment Leakage Testing for Water Cooled Power Reactors" (See Issue 1)

c. Appendix R to 10 CFR part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979"

Summary of Comment

The comment consisted of the proposed action described above.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 11: Modify Fitness for Duty Rule

Proposed Action

NUMARC: Reduce and clarify requirements of 10 CFR Part 26, "Fitness for Duty Programs."

Summary of Comment

NUMARC: Fifty-one recommendations have been provided to the NRC to make utility programs more cost effective and efficient without diminishing the fitness for duty program.

Preliminary Category

Category III. NUMARC's 51 recommendations are in for consideration. The Office of NRR is developing an amendment to the rule in response to the Commission's direction. This effort will take into account the NUMARC comments.

Issue 12: § 50.34(f), Additional TMI-Related Requirements

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 50.34(f) "Additional TMI-related requirements" as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: Most of the actions required by § 50.34(f) have been implemented by all current licensees and the Commission's Severe Accident Policy Statement published in August 1985 (50 FR 32138) renders a number of the actions unnecessary. Additionally, the February 4 **Federal Register** notice recognizes that modifications of the regulatory requirements in the areas of post accident sampling systems and combustion gas control systems would have little impact on safety.

Preliminary Category

Category III: Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 13: § 50.49, Environmental Qualification of Electric Equipment

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 50.49, "Environmental Qualification of Electric Equipment Important to Safety," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The requirements of this regulation are based on deterministic design basis accidents while probabilistic risk analyses have shown that most of the components to which these requirements are applied have little or no importance to plant safety.

NRC Staff: One comment proposed revision to clarify and reduce § 50.49 requirements.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 14: 10 CFR 20, Dose Limits for Hot Particles

Proposed Action

NUMARC: Include modification of 10 CFR part 20 dose limits with regard to hot particles as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The absence of a dose limit for hot particle exposures requires recording and reporting these "technical" overexposures, even though the associated health risk is less than that for a total effective dose equivalent dose limit. In additional, lack of a technically sound dose limit for hot particle exposure will frustrate implementation of practices that ensure that total effective dose equivalents are ALARA. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 16: 10 CFR 21, Defects and Noncompliance Reports: (Commercial Grade Items)

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR part 21, "Reporting of Defects and Noncompliance," particularly with respect to providing a more flexible definition of commercial grade item, as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The current definition of "commercial grade item" restricts the ability of a utility to assume the part 21 liability responsibility for safety related applications of, primarily, replacement piece parts. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 17: Event Reporting Systems

Proposed Action

NUMARC: Delay implementation and revise the requirements in NUREG–1022, Revision 1, "Event Reporting Systems" (New guidance for implementation of 10 CFR 50.72 and 50.73.)

Summary of Comment:

NUMARC: Recent publication of draft NUREG–1022, Revision 1 for comment is intended by the staff to clarify reporting requirements; however, the staff has reinterpreted and changed regulatory requirements in many areas, effectively lowering the reporting threshold, which will result in reporting of items of little or no safety significance. The evaluation of safety importance and regulatory burden done for the draft NUREG–1022 was incorrect in its conclusion of no change in regulatory impact and inadequate to address the safety impact. The result of implementing the revised NUREG–1022 in its present form will be a significant increase in regulatory burden; an increase in LERs of 2500 to 7500 per year for the industry. The change in requirements incorporated in the revised NUREG would in no way affect the health and safety of the public.

Detroit Edison: Reduce the prescriptiveness of NUREG–1022, on Licensee Event Reports, and other similarly prescriptive regulatory guidance. The recently distributed draft of the latest version of NUREG–1022 would place an added significant burden on licensees, through expansion of reporting requirements, without any accompanying safety benefit.

NRC Staff: One comment supported combination of § 50.72 and § 50.73, and revision to limit reportable items.

Preliminary category

Other (No Category) for NUREG–1022. This is outside the scope of the special review because it involves future issuance of a NUREG document. Public comments are already being considered in connection with the proposed document.

Category I with regard to limiting reportable items in 10 CFR 50.72 and 50.73. The staff is preparing a proposed rule change to delete certain unneeded reports from the reporting requirements of 10 CFR 50.72 and 50.73.

Issue 18: Averted On-Site Costs in Cost-Benefit Analyses

Proposed Action

Yankee Atomic: Establish cost benefit analysis practices that are consistent with actual cost experience at nuclear power plants and utilize sound principles of economic analysis.

Summary of Comment

Yankee Atomic: The NRC revision of cost benefit methodology currently underway should encompass the use of a commonly accepted data base for cost estimates, which should include all cost factors (e.g., O&M costs like maintenance, testing and training).

NUMARC: Although the treatment of AOSCs is a matter of policy, not regulation, it has a considerable impact on licensees' backfit benefit-cost analyses. Treating the AOSCs as negative costs, as the NRC currently does, leads to very skewed and misleading benefit/cost ratios that the NRC can use to support the imposition of unjustified backfits. This position was evaluated by EPRI in NSAC–143, "Questionable Techniques Used in Cost-Benefit Analyses of Nuclear Safety Enhancements." This should be a candidate for consideration in the program on requirements that are marginal to safety.

Richard S. Barkley: Continue and expand the program of reviewing and evaluating current and future NRC regulations for possible improvement by CRGR of their current cost-benefit analyses for generic requirements by using more realistic cost estimates and eliminating the practice of using avoided costs in cost-benefit calculations. Consider the recurring operations and maintenance (O&M) expenses and the reduction in complexity of the plant design (e.g., PASS) and operation associated with those marginal technical safety requirements already identified. The deletion of these requirements would reduce complexity and result in substantial savings, as well as benefit reactor safety.

Preliminary Category

Category III: Does not appear to meet the criteria for this special review. The staff is currently working on revised guidelines for cost benefit analyses. The Commission has directed continued/further consideration of the averted onsite costs question. An opportunity for comment on the regulatory analysis guidelines will be provided at an appropriate stage.

Issue 19: Individual Plant Examination of External Events

Proposed Action

NUMARC: Include the requirement to perform Individual Plant Examination of External Events (IPEEEs), as defined in NRC Generic Letter 88–20, Supplement 4, "IPEEE of Severe Accident Vulnerabilities" as a candidate requirement of marginal safety significance.

Summary of Comment

NUMARC: Except for plant walkdowns, the seismic assessment is not likely to identify genuine opportunities for cost-beneficial enhancements to the seismic robustness of existing plants. The staff has subsumed into the IPEEE requirements related to generic safety issues that have not been previously justified by NRC staff on their own merits. There is little to be gained from the IPEEE because potentially important external events were either treated conservatively in design bases or were being examined extensively as generic issues.

Yankee Atomic: The entire IPE/IPEEE effort (Generic Letter 88–20) is an excellent example of a poorly justified, poorly planned, and poorly coordinated regulatory initiative that has and continues to have made excessive demands on licensees' resources.

Preliminary Category

Other (No Category). These issues were recently decided by the Commission following public comment. No new information was provided (nor is any apparent) to warrant reconsideration. The NRC position is that the IPEEE (present scope) is likely to find significant safety enhancements (cost beneficial).

Issue 20: Operator Requalification Examinations

Proposed Action

NUMARC: Revise NUREG–1021 to allow licensees greater flexibility and responsibility for implementation of operator requalification examinations.

Summary of Comment

NUMARC: The NRC's role in the administration of the operator requalification examinations should be changed to the oversight of an examination conducted by the licensee. This is supported by the experience with the current revision of NUREG–1021, which clearly points to safety improvements arising from reduction of licensed operator stress and reduced burden arising from increased efficiency of exam administration. Modification of the administration of the operator requalification examinations should be included as a candidate for consideration as a requirement of marginal safety significance.

Detroit Edison: NUREG–1021, on Operator Requalification Exam Standards is used in an excessively prescriptive manner to define the content of training programs thus imposing a significant burden not inherent in the regulations.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review.

Issue 21: 10 CFR 73.55, Physical Protection in Power Reactors

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 73.55.

"Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage" as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The NRC is evaluating this regulation in response to a Staff Requirement Memorandum, dated last fall. The requirement is a logical candidate for consideration as a requirement of marginal safety significance. The industry experience of the last decade and the recent imposition of more stringent personnel screening programs (fitness for duty; access authorization) suggest that the insider threat has been minimized. Three specific areas should be considered as marginal to safety: separate vital area security; watch-person control of containment access; and compensatory security measures for certain events.

Detroit Edison: The regulatory burden of many security related requirements, including fitness for duty requirements, can be reduced without a significant reduction of safety.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review. The Office of NRR is already evaluating the regulation in response to Commission direction.

Issue 22: 10 CFR 72, subpart H. Physical Protection of ISFSI

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR part 72, subpart H, "Physical Protection-Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: Utilities installing ISFSIs are required to employ virtually all of the security measures found at operating nuclear power plants. More realistic requirements consistent with providing basic industrial security should be used. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III: Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review.

Issue 25: Improved Technical Specification Program

Proposed Action

Detroit Edison: Review the application of the Commission's Interim Policy Statement on Technical Specifications to the Improved Technical Specifications program to assure that the safety benefit of retained requirements merits the burden of their retention as Technical Specifications, and to accelerate the approval of additional Technical Specifications for relocation.

Summary of Comment

Detroit Edison: The Improved Technical Specifications program reduces regulatory burden for requirements relocated from Technical Specifications to plant programs. Some requirements have been retained as Technical Specifications through marginal application of the Commission's Interim Policy Statement on Technical Specifications. In other cases, the relocation of Technical Specifications has been delayed. The comment does not address a specific regulatory requirement, but rather the implementation of a program to review and revise certain requirements. The comment does not specify the burden of the effect on safety of the proposed action.

Preliminary Category

Other (No Category). The staff considers line item changes as quickly as feasible when they meet the Commission's criteria for allowable changes—e.g., provide a safety benefit. Expansion of line item changes beyond these criteria would be inconsistent with the Commission's policy statement on the Technical Specification improvement program. The CRGR plans to review the more general product of the Technical Specification improvement program (improved standard technical specifications) when the staff completes its development work.

Issue 26: Qualification and Training of Nuclear Power Plant Personnel

Proposed Action

NUMARC: Include revision of Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The NRC proposed training rule negates the necessity for a revised Regulatory Guide 1.8. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Other (No Category). This is outside the scope of the special review because it involves a future revision to a regulatory guide. An opportunity for public comment will be provided, as a matter of course, for any regulatory guide revisions.

Issue 27: NPP Simulation Facilities for Use in Operator License Examinations

Proposed Action

NUMARC: Include revision of Regulatory Guide 1.149, "Nuclear Power Plant Simulation Facilities for Use in Operator License Examination," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The industry compliance with the NRC simulator certification requirements and adherence to ANSI/ANS 3.5 obviates the need to issue Regulatory Guide 1.149. The NRC is currently evaluating this requirement. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Other (no category). This is outside the scope of the special review because it involves a future revision to a regulatory guide. An opportunity for comment on any regulatory guide revisions will be provided as a matter of course.

Issue 28: Operability Determinations (GL 91-18)

Proposed Action

NUMARC: Include the new requirement incorporated in Generic Letter 91-18, "Operability Determinations," as candidate for requirements of marginal safety significance.

Summary of Comment

NUMARC: Generic Letter 91-18 provides Inspection Guidance on Operability that includes new or different regulatory guidance concerning the determination of operability. The guidance will result in the imposition of new regulatory requirements, and, in many ways, runs counter to previous guidance and good utility practice. NRC Inspection Manual, part 9900, section 6.12, "Support System Operability," states: "When a support system is determined to be inoperable, all systems for which that support system is required for systems operability should be declared inoperable and the LCOs for those systems entered. Any appropriate remedial actions specified by a supported system LCO action statement * * * should be taken." This requirement has the potential to require the shutdown of facilities unnecessarily, due to having a cascade down to the shortest allowed action time, even if the function to support safe plant operation is available.

Yankee Atomic: The extensive new requirements in NUREG-1022 are flawed; however, Generic Letter 91-18 transmitted two new Inspection Modules that drew upon NUREG-1022 for inspection standards prior to any opportunity for industry review and comment.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review. Note that the inspection guidance does not authorize backfitting. This is stated in the inspection guidance itself.

Issue A: ZIRLO Cladding Exemptions

Proposed Action

Revise 10 CFR 50.44, 50.46, and 10 CFR 50 appendix K so that is not necessary to obtain exemptions when using ZIRLO fuel cladding (rather than Zircalloy fuel cladding).

Summary of Comment

Westinghouse: The wording of these rules explicitly calls out Zircalloy cladding. The NRC staff has determined, based on tests and analyses provided by Westinghouse, that (in other respects) these regulations are completely applicable to ZIRLO cladding. The requirement to obtain exemptions does not in any way contribute to safety.

Preliminary Category

Category I. The CRGR recently reviewed a generic letter indicating that, aside from the name of the alloy, the regulations are applicable to ZIRLO cladding. Rulemaking will be necessary to eliminate the need for exemptions for ZIRLO cladding.

Issue B: Pressure-Temperature Limit

Proposed Action

Drop the Pressure-Temperature Limit based on Regulatory Guide 1.99, Revision 2, and define a limit that would better represent the Reactor Coolant System Pressure-Temperature Limit.

Summary of Comment

Westinghouse: Current practice is generally felt to be overly conservative, reducing the plant operating window during heatup and cooldown and increasing the chance of inadvertently actuating a pressure relief device.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety Insufficient basis provided to warrant consideration.

Issue C: Boron Dilution Event

Proposed Action

The limit which prohibits return to criticality following a boron dilution event should be revised to allow criticality under specified conditions.

Summary of Comment

Westinghouse: The criteria in the Standard Review Plan (NUREG-0800, Section 15.4.6) in essence prohibit a return to criticality for a boron dilution event. The limit should be revised to allow return to criticality provided the transient is self limiting (see discussion in NRC Generic Letter 85-05). This matter should be considered in the program for requirements that are marginal to safety.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety. Insufficient basis provided to warrant consideration.

Issue D: Leak-Before-Break

Proposed Action

Extend the Leak-Before-Break justification to design of emergency core cooling systems and environmental qualification of equipment.

Summary of Comment

In accordance with the revision to 10 CFR 50 appendix A, GDC 4, the Leak-Before-Break justification was accepted for eliminating the postulation of a design basis break for the purpose of high energy piping design (e.g., whip restraints). This justification could be broadened to include design of emergency core cooling systems and environmental qualification of equipment.

Preliminary Category

Other (No Category). This proposal was considered during initial consideration of the Leak-Before-Break justification for the purpose of high energy piping design and it was not adopted at that time. No new information was provided to warrant reconsideration.

Issue E: Post Accident Sampling System

Proposed Action

Reduce post-accident sampling system requirements.

Summary of Comment

Yankee: In the program on requirements that are marginal to safety, (some) requirements for post accident sampling systems were found to be marginal to safety. However, no action was intended because the major costs (of design and installation) had already been born. The requirements should yet be reduced to save the operating and maintenance costs.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue F: Seismic and LOCA loads, GDC 2

Proposed Action

Allow the analysis for effects of seismic and LOCA stresses to be performed separately on aged components because of the considerable unlikeliness of such a simultaneous event.

Summary of Comment

Westinghouse: The comment recommends the proposed action as discussed above.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on marginal to safety. This proposal was considered when the general design criteria were adopted and on other occasions since that time, for example in the review of the Diablo Canyon operating license application. No new information is provided to warrant reconsideration.

Issue G: Cycle Counting Requirement

Proposed Action

Replace the technical specification cycle counting requirement, typically located in table 5.7.1, with a transient fatigue management program.

Summary of Comment

Westinghouse: The comment recommends the proposed action as described above.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety. Insufficient basis provided to warrant consideration.

Issue I: Final Amendment to 10 CFR 50, appendix J

Proposed Action

Incorporate industry's latest comments into the final amendment to 10 CFR, appendix J that is being processed.

Summary of Comment

NUMARC: The comment recommends the proposed action as stated above.

Preliminary Category

Other (No Category). Rulemaking is in progress and there is not an opportunity for additional public comment at this time.

Issue J: Response Time Testing

Proposed Action

Reduce or eliminate response time testing requirements, at least for sensors.

Summary of Comment

The comment recommends the proposed action as stated above.

Preliminary Category

Other (no category). This appears to be outside the scope of this special review. The requirements are contained in plant technical specifications rather than in a regulation. The staff is planning to review a topical report, which is expected from the BWR Owner's Group this spring, on this subject.

Issue K: Comments Not Categorized

Proposed Action

Should the NRC conduct this Special Review (and other reviews to eliminate requirements marginal to safety) and, if so, how should the reviews be conducted? Should the NRC move towards non-prescriptive regulations? Should the NRC use PRA studies to discriminate new requirements.

Summary of Comment

Ohio Citizens for Responsible Energy, Inc.: NRC should stop any attempts to deregulate the nuclear industry. The (CRGR) Special Review should be stopped.

The NRC should restrict itself to its statutory responsibilities to protect the public and is not empowered to participate in a program for promoting economic growth. Citations in support of this are: the D.C. Circuit Court of Appeals decision on "Union of Concerned Scientists vs. NRC;" Section 2(c) of the Energy Reorganization Act of 1974; and the legislative history language by the Senate Committee on Government Operations in Report No. 92–980, 93rd Congress, 2nd Session.

Public Citizen/Critical Mass Energy Project: There is a need for caution in the special review and for adequate periods of public review and comment on any regulatory action arising out of the special review.

State of New Jersey: The Bureau of Nuclear Engineering is concerned that the CRGR review will unnecessarily accelerate the schedule for completion of the NRC staff's analysis of the candidates identified by the marginal safety requirements program. If the CRGR review takes precedence over the work of the NRC staff, the comment period is effectively shortened and public input is eliminated.

Detroit Edison: Review all burdensome regulatory requirements using the NRC's safety goal, probabilistic risk assessments, and estimated vs. actual costs to reassess original decisions. Requirements imposed since 1981 represent a substantial portion of the total regulatory burden and were approved believing that all economic and other burdens were correctly estimated.

Many of the candidates listed in NUREG–4330 apparently were not studied further due to low frequency of mention during interviews conducted during the study's scoping phase. The NRC should more fully examine the candidates for elimination or reduction listed in NUREG–4330.

Reviewing activities to implement regulatory requirements that take place during plant outages would lead to shorter outages, higher plant capacity factors, and fewer potential challenges to safety related equipment. A specific example of such an activity is Instrumentation Response Time Testing, which is addressed in a BWR Owners' Group Technical Report planned for submittal within the next month. Instrumentation Response Time Testing yields little safety benefit in comparison of its requirements.

The regulatory burden of the Maintenance Rule (10 CFR 50.65) will be much greater than originally intended by the Commission and out of proportion with any safety benefit. Experience gained since the enactment of the Maintenance Rule provides a clearer idea of the resources necessary to implement the rule. Once the implementation guidance is formulated, the actual safety benefits will also become clearer.

Yankee Atomic: NRC's rationale for deciding on regulatory changes based on marginal safety significance is deficient in that it does not take into account all costs born by the licensees. For example, no action is intended on post-accident sampling system requirements "* * * the costs of installing [the systems] have already been expended * * *: The obvious assumption is that maintenance, testing, training, procedure development and maintenance are all without cost for the many years the system will remain installed.

NUMARC: The NRC should move toward non-prescriptive and performance based requirements.

New York Power Authority: Greater use should be made of PRA, i.e., place the basis of regulation more on risk considerations.

Yankee Atomic: The NRC should improve in its use of PRA to discriminate new requirements.

NUMARC: The special review should consider regulations promulgated since 1981 as well as earlier regulations.

NUMARC: There is a need to look at the entire process. The NRC's recent regulatory impact survey is encouraging in this regard.

Preliminary Category

Other (no category). These comments appear to be outside the scope of this special review. Nevertheless, they are being considered, as appropriate, in specific contexts. For example, the Commission has already expressed a policy of moving towards non-prescriptive regulations in the CRGR charter and has provided appropriate guidance to the NRC staff on the use of PRA results. The Commission's instructions clearly indicate that normal rulemaking procedures will continue to be followed. If any rule changes are proposed, there will be ample opportunity for public notice and comment.

Issue X1: Authorization of reactor licensees to receive back their own waste sent off-site for processing

Summary of Comment:

NUMARC: NUMARC urges NRC to expedite rulemaking to allow receipt back of wastes in light of pending denial of access to low level waste (LLW) facilities.

Preliminary Category

Category II: While the action proposed would reduce a regulatory burden without reducing protection of the public health and safety, the comment does not provide information warranting an acceleration of the current rulemaking process. The staff proposes to continue the expedited process detailed in SECY–92–062, Attachment 2, which proposes the rulemaking required in the comment.

Issue X2: Coordination of rules promulgated by NRC and States

Summary of Comment

U.S. Council on Energy Awareness: Radiopharmaceutical licensees are being unduly affected by standards promulgated by individual states (Agreement and non-Agreement) which are diverging from the NRC's, e.g., in standards for atmospheric emissions, low-level waste disposal, decommissioning, and residual contamination limitations. The NRC should take a lead role in resolving these issues and clarifying responsibility for regulation NARM and NORM through the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) and the Conference of Radiation Control Protection Directors (CRCPD).

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNM/SNM): "In its petition for review of the Quality Management Rule, the ACNP/SNM): requested NRC to consider why the rule was made a matter of compatibility for Agreement States which believe that their current regulatory programs are adequate."

Preliminary Category:

Category III for the USCEA comment. Any standards promulgated by the States in the areas mentioned are required under the principle of compatibility to reflect Federal standards (those of EPA and NRC). NRC actively works with the States, CIRRPC, CRCPD, and other Federal agencies to eliminate areas of conflict or overlap in regulations. NRC has no authority or responsibility for the regulation of NARM or NORM radionuclides because they are specifically excluded from the Atomic Energy Act. Congress has on several occasions declined to give NRC authority for them. No action is needed.

Category III for the ACNM/SNM comment. The comment offers no new information. The Commission is currently reviewing its policy on compatibility regarding Agreement State programs which are similar to NRC programs. Im promulgating the Quality Management Rule, NRC considered issues of compatibility and determined that the definitions regarding misadministrations should be assigned strict (or level 1 division) of compatibility. This was done so that NRC could compare on a one-for-one basis that performance of Agreement State vs. NRC medical licensees. The other parts of the Quality Management Rule was assigned a level 2 division of compatibility to allow some degree of flexibility to the states in adopting the rule.

Issue X3: Quality Management Rule

Adequacy of the Final Quality Management Rule to protect public health and safety and consideration of existing oversight.

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The Final Rule "does not enhance public health and safety" and "does not recognize the existing professional oversight of medical practitioners."

U.S. Council for Energy Awareness (USCEA): "In the recently issued NRC regulations which address the radiopharmaceutical practices, the regulations conflict directly with . . . the therapeutic treatment of cancer patients and the support requirements of nuclear medicine patients."

Preliminary Category:

Category III for the ACNP/SNM comment: The ACNP/SNM did not provide new information showing that removing the current regulation will not reduce the protection of public health and safety. The ACNP/SNM filed a petition for review of the final rule and the oral arguments are scheduled for May 12, 1992 in the U.S. Court of Appeals for the District of Columbia.

Category III for the USCEA comment. The USCEA did not provide adequate information to determine the regulatory burden and the public health and safety issues involved. The rule is under court review.

Issue X4: Potential conflict of NRC regulations with the practices of pharmacy

Summary of Comment

U.S. Council for Energy Awareness (USCEA): "In the recently issued NRC regulations which address the radiopharmaceutical practices, the regulations conflict directly with the practice of pharmacy . . . Significantly less prescriptive requirements could be much more effectively utilized in this area of regulation." This appears to refer to the Quality management Rule and the Interim Final Rule.

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The rule has an adverse effect on the practice of nuclear medicine and pharmacy and should be withdrawn.

Preliminary Category

Category III. The Interim Final Rule has an expiration date (August, 1993) and is currently in an open comment period. The staff also expects to address the issues underlying the Interim Final Rule in a proposed rulemaking this summer or fall in response to the 1989 ACNP/SNM petition for rulemaking.

Issue X5: Contamination monitoring of packages containing radioactive gases or special form sources

Summary of Comment

William J. Morris, CHP: This regulatory burden is unnecessary because gases will not cause contamination on the outside of the package and special form sources, by design, present very little, if any contamination hazard during transportation.

Preliminary Category

Category II. NMSS recommends that 20.1906(b) be amended to exempt packages containing radioactive gases and special form sources from the contamination monitoring requirement of 20.1906. This exemption would have little safety impact because leak testing of the sealed sources would still be required.

Issue X6: Performance documentation of additional surveys of portable gauges and radiography sources under 10 CFR 20.1906(b)

Summary of Comment

William J. Morris, CHP: The regulatory analysis and statements of consideration did not recognize or discuss the regulatory impact or operational history; NRC inspection findings and reports of abnormal occurrences have not shown any transportation problems of special form sources.

Preliminary Category

Category III. NMSS is preparing a policy and guidance directive that will instruct license reviewers to allow fixed and portable gauge users to monitor

their wipe samples with their portable survey meters to meet the requirements of 20.1906(b).

Issue X7: Emergency plans for certain fuel-cycle and materials licensees pursuant to 10 CFR 30.22(i), 40.31(j), and 70.22(i)

Summary of Comment

U.S. Council of Energy Awareness (USCEA): The requirement for a full-scale emergency plan is excessive and unnecessarily burdensome because fires are the only events that could possibly require offsite protective measures and NRC requirements go well beyond what would be required to respond to fires.

Preliminary Category

Category III. The requirement for emergency plans could not be removed without some reduction in the level of protection of public health and safety. Identical comments were considered when the final rules was published on April 7, 1989 (54 FR 14051). In its response to comments that the rule was not needed, the Commission stated, "Any system of engineered safeguards is considered to have some possibility of failure. No system could ever be perfect. Therefore, the NRC has decided to require another level of protection beyond engineered safeguards, designed to prevent or mitigate an accident, if releases could cause doses exceeding protective action guides." NRC will respond to licensees' questions to ensure clarity of requirements.

Issue X8: Incident reporting of offsite medical treatment of contaminated individuals pursuant to 10 CFR 30.50, 40.60 or 70.50.

Summary of Comment

U.S. Council for Energy Awareness (USCEA): The requirement to report contamination events pursuant to 10 CFR 30.50(b)(1), 40.60(b)(1), or 70.50(b)(1) can result in additional personnel exposure related to reporting activities, as opposed to cleanup activities. This type of situation conflicts with ALARA practices. It would be more appropriate to eliminate reporting requirements for minimal levels of contamination.

U.S. Council for Energy Awareness (USCEA): The requirement to report offsite medical treatment of a contaminated individual pursuant to 10 CFR 30.50(b)(1), 40.60(b)(3), or 70.50(b)(3) is overly restrictive.

Preliminary Category

Category III for contamination events. Removing the requirement to report unplanned contamination events would reduce NRC's ability to promptly evaluate and respond to contamination incidents; therefore, it would reduce the level of protection of public health and safety. The Commission addressed these comments when the final rule was issued on August 16, 1991 (56 FR 40757). In responding to claims that personnel exposure would increase, the Commission stated, "The reporting requirements do not relieve licensees from their responsibility to maintain radiation exposures as low as reasonably achievable." In response to requests for reporting thresholds, the final rule included thresholds to eliminate reports of trace quantities, and to eliminate reports of licensed material with a half-life less than 24 hours.

Category III for medical treatment events. Removing the requirement to report unplanned medical treatment of contaminated individuals would reduce NRC's ability to promptly evaluate and respond to the unplanned introduction of radioactive material into an emergency medical facility; therefore, it would reduce the level of protection of public health and safety. The Commission addressed this comment when the final rule was issued on August 16, 1991 (56 FR 40757). In response to this comment, the Commission stated, "The NRC is concerned about the spread of contamination at the medical facility and the possible exposure of the general public to radiation and radioactive contamination. In addition, there is always the possibility that radiation may complicate the treatment of an injury."

Issue X9: Medical license fee burden and equity

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The nuclear medicine community is concerned with the impact of the fees on small materials users and their ability to recover fees through their services. Approximately 400 medical licensees have terminated their licenses due to adverse impact of fees. The fee distribution is also inequitable in that non-for-profit educational institutions are exempt, whereas not-for-profit medical facilities are liable for the full fee amount.

U.S. Committee on Energy Awareness (USCEA): For radiopharmaceuticals and medical licensees, the annual fees are overly burdensome for licensees who posses sealed sources requiring little radiological resources and negligible regulatory scrutiny.

Preliminary Category

Category III. Neither comment adds new information. These issues were considered by the Commission when it promulgated the final rule and in the proposed rule for small entities.

Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990 requires that the Commission recover 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund for Fiscal Years 1991 through 1995 by assessing license and annual fees. In order to comply with the law, the Commission published proposed revisions to its fee regulations in the **Federal Register** (56 FR 14870) on April 12, 1991. Based on careful evaluation of over 400 comments, the Commission issued a final rule on July 10, 1991 (56 FR 31472). As stated in the supplementary information accompanying the rule, the annual fees are to recover NRC's generic and other costs that are not recovered as identifiable services to specific licensees and applicants under 10 CFR 170. The annual fees allocate the generic costs that are attributable to a given class of licensee to that class.

With regard to the impact on NRC licensees, the Commission considered generically the adverse impact of implementing the legislation in developing the final rule. The Commission concluded that:

"to eliminate the adverse effects, the annual fees would have to be eliminated or reduced. Because Public Law 101–508 requires the NRC to assess and collect approximately 100 percent of its budget authority, a reduction in the fees assessed for one class of licensee would require a corresponding increase in the fees assessed for another class. Therefore, the impact noted cannot be eliminated without creating adverse effects for other licensees. For this reason, consideration has been given only to the effects that NRC is required to consider by law (i.e., the Atomic Energy Act, the Energy Reorganization Act, and the Regulatory Flexibility act." (56 FR 31470; July 10, 1991).

In accordance with the Regulatory Flexibility Act, the Commission considered the effect of the regulation on small entities. The final rule reduces the impact on small entities by establishing a maximum annual fee of $1,800 per licensed category for those licensees that meet the size standards established by the NRC for small entities.

Based on observations during the first five months of implementing the new annual fees, the Commission has taken action to further reduce the impact of the annual fee on small entities. On January 9, 1992, a proposed rule was published to adjust the annual fee assessed on licensees who qualify as a small entity under the NRC's size standards (57 FR 847). The maximum annual fee of $1,800 for small entities would be continued. However, a lower tier small entity fee of $400 was proposed for small businesses and non-profit governmental jurisdictions with populations of less than 20,000. After considering public comments on the proposed rule, the Commission anticipates publishing a final rule this spring.

The staff will address the recently submitted ACNP/SNM petition for rulemaking during the upcoming year.

Issue X10: Overlapping regulatory requirements on mixed waste

Summary of Comment

While NUMARC is accurate in stating that dual regulation of mixed waste by NRC and EPA is expensive and complicated, the comment discusses the burden imposed by the cost of disposing of mixed waste without estimating what portion of the cost is due to the overlapping regulation (costs for disposing of mixed waste are dependent on many factors, including the manner in which a disposal facility contractor, or host state, chooses to amortize the fees charged to its customers for the disposal of mixed waste) and does not address, or cite, the actual overlapping or burdensome regulations.

In that the complexity involved in the management of mixed waste lies primarily in the complexity of the implementing regulations of the Resource Conservation and Recovery Act (RCRA) further action on this comment, by NRC, appears inappropriate. EPA is currently considering whether mixed waste should be regulated separately from hazardous waste and would be the agency to enforce revised RCRA regulations if it appears that this action is warranted.

Preliminary Category

Category III. The comment does not provide adequate dispositive information to rate this a Category I or II issue. The commenter recognizes that NRC has taken some initiatives to deal with mixed waste and asks for continued attention to coordination with EPA. The NRC will continue to work with EPA and the regulated community to address issues of concern to mixed waste managers.

Issue X11: Delay of a proposed rule clarifying criminal penalties regarding Medical Licensees

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): Nuclear medicine and nuclear pharmacy "must take into consideration many variabilities such as the patient's age, sex, the stage of the disease process. NRC's stringent regulations under 10 CFR Part 35 are not compatible with appropriate practice considerations. The ASNP/SNM believe that the rule must be delayed until Part 35 regulations are revised. If the criminal rule is promulgated and enforced before that time, medical licensees may be penalized."

Preliminary Category

Category III. The criminal penalty rule does not entail a regulatory burden on licensees; with one minor exception, it is simply a restatement of existing statutory authority which clarifies those regulations which may subject a violator to penalties for willful violation, attempted violation, or conspiracy to violate regulations. The comment will be considered as part of the proposed rulemaking.

Issue X12: Agreement State use of sealed sources

Summary of Comment

Robert D. Martin, Regional Administrator, NRC Region IV: Part 150.20 places a burden Agreement State licensees and NRC staff without contributing to safety. It should be modified to permit Agreement State licensees to use sealed sources in NRC jurisdiction without filing for reciprocity and to prohibit the use of unsealed material in NRC jurisdiction under reciprocity.

Preliminary Category

Category II. The 150.20 reciprocity question as it relates to radiation safety is currently under review by NRC legal staff. The comment will be considered in the context of that review.

Issue X13: Use of forms equivalent to NRC Form 5

Summary of Comment

Department of the Navy: The Navy wants to be able to report data on their equivalent forms to comply with the new 10 CFR 20.2206.

Preliminary Category

Category III. There is no burden since licensees are permitted to report data either on equivalent forms or by electronic media as long as they contain all the information required by NRC Form 5. NRC is developing software to calculate total effective dose equivalent (TEDE) which can be used to compile and transmit Form 5 data. This should make reporting still easier for licensees.

Issue X14: Proposed regulation on general licensees; costs to the airline industry

Summary of Comment

American Airlines: The proposed regulation imposes needless costs and administrative burdens with no countervailing benefits to the public. It is an effort to register all byproduct materials and devices manufactured and sold under general license, including luminous safety devices and numerous other devices used by the airline industry. It would require the licensee to supply each of the recipients of a generally licensed device with a copy of the general license contained in 10 CFR 31.5. The regulation could cost the airline industry $6 million in annual registration fees and another $6 million in annual recordkeeping expenses.

Preliminary Category

Category III. There is a need to respond to questions by clearly communicating the intent and application of the regulation.

[FR Doc. 92–6707 Filed 3–20–92; 8:45 am]
BILLING CODE 7590–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50588A; FRL–4002–5]

Polyaromatic Urethane; Proposed Revocation of a Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for a chemical substance based on receipt of new data. The data indicate that the substance will not present an unreasonable risk of injury to human health and further regulation under section 5 of TSCA is not warranted at this time.

DATES: Written comments must be submitted to EPA by April 22, 1992.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments must be sent in triplicate to: TSCA Document Receipt Office (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–105, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for each of the new chemical substances covered in this SNUR is OPPTS–50588A, followed by the last four digits of the number of the proposed CFR section covering that chemical substance. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit IV. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Office (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB–44, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 6, 1990 (55 FR 46786), EPA issued a SNUR establishing significant new uses for polyaromatic urethane. Because of additional data EPA has received for this substance, EPA is proposing to revoke this SNUR.

I. Rulemaking record

The record for the rule which EPA is proposing to revoke was established at OPPTS–50588A (P–89–998). This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this proposal.

II. Background

EPA is proposing to revoke the significant new use and recordkeeping requirements for the following chemical substance under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description for the substance, including its PMN number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the revocation of the section 5(e) consent order for the substance, and the CFR citation deleted in the regulatory text section of this rule. Further background information for the substance is contained in the rulemaking record referenced above in Unit II.

PMN Number P–89–998

Chemical name: (generic) Polyaromatic urethane.
CAS Number: Not available.
Effective date of revocation of section 5(e) consent order: August 15, 1991.
Basis for revocation of section 5(e) consent order: The order was revoked based on the results of certain testing undertaken by the Company after signing the consent order. The test data demonstrate that the PMN substance, P–89–998, is chemically bonded with other polymers. Previously P–89–998 was thought to exist as a mixture with other polymers. After bonding to a polymer, P–89–998 is not released by itself to the environment. EPA has determined that the test results are valid and negate the underlying basis of the consent order. EPA no longer expects P–89–998 to be released into the environment in substantial quantities. Further, EPA has no basis to believe that the manufacture, processing, distribution in commerce, use, or disposal of the PMN substance or the polymer incorporating P–89–998 will or may present an unreasonable risk of injury to human health or the environment. Therefore, EPA has concluded that further regulation under section 5 of TSCA is not warranted at this time.
CFR citation: 40 CFR 721.2568.

III. Objectives and Rationale of Proposing Revocation of the Rule

During review of the PMN submitted for the chemical substance that is the subject of this proposed revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the environmental effects of the substance, and EPA identified the tests considered necessary to evaluate the risks of the substance. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and a SNUR was promulgated. EPA reviewed testing conducted by the PMN submitter for the substance and determined that the information available was sufficient to make a reasoned evaluation of the environmental effects of the substance. EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk and subsequently revoked the section 5(e) consent order. The proposed revocation of SNUR provisions for this substance designated herein is consistent with the revocation of the section 5(e) order. In light of the above EPA is proposing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final EPA will no longer require notice of any company's intent to manufacture, import, or process this substance.

IV. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: February 6, 1992.

Victor J. Kimm,
Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.2568 [Removed]

2. By removing § 721.2568.

[FR Doc. 92–6672 Filed 3–20–92; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 92–48, RM–7922]

Radio Broadcasting Services; Bagdad, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Chris Sarros seeking the allotment of FM Channel 280A to Bagdad, Arizona, as that locality's first local aural transmission service. Petitioner is requested to provide additional information to establish Bagdad's status as a community for allotment purposes. Since Bagdad is located within 320 kilometers of the Mexican border, international coordination of this proposal with Mexico is required, pursuant to the terms of the United States-Mexican FM Broadcasting Agreement of 1972, 24 UST 1815, TIAS No. 7697. Coordinates for this proposal are 34–34–52 and 113–12–14.

DATES: Comments must be filed on or before May 8, 1992, and reply comments on or before May 26, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Chris Sarros, 3815 Northfield Avenue, Kingman, AZ 86401.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–48, adopted March 6, 1992, and released March 17, 1992. The full text of this Commisison decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st St., NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6680 Filed 3–20–92; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[Docket No. 92–49, RM–7924]

Radio Broadcasting Services; Greenfield, Huntsville and Seligman, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KJEM FM, A Limited Partnership, requesting the substitution of Channel 227C1 for Channel 227C2, Seligman, Missouri, and modification of the license for Station KESE to specify operation on the higher class channel. The coordinates for Channel 227C1 are 36–28–03 and 94–10–25. To accommodate the allotment at Seligman, we shall propose the substitution of Channel 299A for Channel 228A, Station KXBR, Greenfield, Missouri, at coordinates 37–23–10 and 93–53–16 and the substitution of Channel 258A for Channel 225A, Station KFAY–FM, Huntsville, Missouri, at coordinates 36–05–35 and 93–36–16. We shall propose to modify the license for Station KESE to specify operation on Channel 227C1 in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 8, 1992, and reply comments on or before May 26, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Elvis Moody, KJEM, A Limited Partnership, Station KESE, 216 North Main Street, Bentonville, Arkansas 72712.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–49, adopted March 6, 1992, and released March 17, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452–1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the tima a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,
Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6682 Filed 3–20–92; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1313

[Ex Parte No. 387; Sub-No. 964]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission is considering whether it should exempt rail carriers from the requirement to file with the Commission contracts entered into with purchasers of rail service pursuant to section 10713 of the Interstate Commerce Act (49 U.S.C. 10713). Carriers are currently required to file such contracts and amendments thereto, as well as contract summaries containing designated non-confidential elements thereof. The contracts are afforded confidential treatment and are normally available only to the parties thereto and authorized members of the Commission's staff; the contract summaries are available to the general public.

DATES: Comments are due on May 7, 1992.

ADDRESSES: Send comments (an orignal and 10 copies) referring to Ex Parte No. 387 (Sub-No. 964) to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James W. Green (202) 927–5597, Charles

E. Langyher, III (202) 927–5160. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Rail contract service has proven to be commercially successful. The volume of contract filings has shown a steady increase over the years and the Commission currently receives in excess of 70,000 contracts and summaries a year. Contract filings have become routine and there is virtually no substantive controversy with respect to them. The Commission's regulations (49 CFR 1313.15) contain provisions under which anyone allowed to file complaints against contracts can request discovery of applicable contract provisions. Since 1985, only one such discovery request has been received, although more than 190,000 contracts and amendements have been filed, and no contracts have been disapproved by the Commission.

In a recent rulemaking proceeding,[1] the Commission modified its rail contract filing regulations (49 CFR part 1313) to enable it to identify expired contracts and remove them from its files. In comments in that proceeding, the Association of American Railroads (AAR) suggested that the Commission exempt carriers from the requirement to file rail contracts. AAR asserted that an exemption would fully preserve the rights of potential complaints, while relieving carriers of filing burdens (and the Commission from storing contracts at all); that an exemption would be fully consistent with each of the exemption criteria of 49 U.S.C. 10505; and that the Commission could require carriers to submit copies of contracts when complaints were filed. While an exemption was beyond the scope of the earlier proceeding, we will take up the question here.

The filing of rail contracts with the Commission serves several purposes: it makes comprehensive rail contract information readily available to the Commission; it allows with the Act and the Commission's regulations; it allows the Commission to verify that the accompanying summaries are consistent with the terms of the actual contracts; and it ensures that contracts can be made available to petitioners upon approval of petitions to discover contract provisions. As indicated by AAR, even if an exemption is granted, the Commission can require carriers to submit contracts and/or contract amendments whenever a complaint is filed or whenever there is any other reason to do so. Thus, we do not believe our ability to deal with complaints and petitions to discover contract provisions will be materially affected by the grant of exemption. The Commission's ongoing review of contracts and summaries, and the level of information readily available to the Commission, will, however, be affected if an exemption is granted.

In our review of contracts and summaries, we typically find several thousand deficiencies each year and require carriers to make appropriate corrections. The majority of these deficiencies are technical in nature and relate to dicrepancies between contracts and their corresponding summaries. Without the contracts, we would no longer be able to detect discrepancies between contracts and summaries; however, neither the initial filings nor the corrected ones have generated complaints from shippers or ports, or substantive concerns on the part of the Commission. In these circumstances, the finding and correction of such discrepancies is of questionable value.

We have no reason to believe that carriers have intentionally misrepresented the terms of their contracts in the summaries they file, or that they would do so if an exemption is granted. Nevertheless, if carriers are not required to file contracts with the Commission, we believe it is appropriate that they utilize extra care to ensure that their contract summaries accurately reflect the corresponding contracts and amendments.

We have become aware of a general problem in connection with summaries for the so-called evergreen contracts (contracts that provide for automatic extensions, absent unilateral termination action by one or more of the parties). The summaries for such contracts typcially show the initial expiration date contained in the contract as the contract termination date, without any indication that the term is automatically extended absent unilateral termination action by one or more of the parties. We believe this misrepresents the true "life" of the contract. Thus, we are also proposing to amend the relevant filing regulations (49 CFR part 1313) to clarify that the contract duration provisions shown in summaries for evergreen contracts must reflect the automatic extension provisions contained therein.

Environmental and Energy Considerations

We preliminarily conclude that the proposed rule revisions will not affect significantly either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Anlaysis

We preliminarily conclude that this action will not have a significant impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

List of Subjects in 49 CFR Part 1313

Administrative practice and procedures, Agricultural commodities, Forests and forest products, Railroads.

Decided: March 6, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Simmons dissented with a separate expression. Vice Chairman McDonald dissented in the disposition of this proceeding.

Sidney L. Strickland, Jr.

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1039 and 1313 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 would continue to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10762 and 11105; 5 U.S.C. 553.

2. A new section 1039.23 is proposed to be added as follows:

§ 1039.23 Railroad contracts entered into pursuant to 49 U.S.C. 10713.

Rail carriers are exempt from the provisions of 49 U.S.C. 10713 and 49 CFR part 1313 to the extent, and only to the extent, that such provisions require the filing of contracts and contract amendments with the Commission. This exemption does not extend to contract summaries or amended contract summaries. Rail carriers must immediately provide to the Commission all contracts and/or contract amendments it requests.

PART 1313—RAILROAD CONTRACTS ENTERED INTO PURSUANT TO 40 U.S.C. 10713

3. The authority citation for part 1313 would continue to read as follows:

Authority: 49 U.S.C. 10321 and 10713; 5 U.S.C. 553.

4. In § 1313.10, paragraph (b)(5)(iii) is proposed to be revised to read as follows:

[1] Ex Parte No. 387 (Sub-No. 963), Railroad Transportation Contracts, published on November 19, 1991 at 56 FR 58320.

§ 1313.10 Contract summary content—agricultural commodities.

* * * * *

(b) * * *

(5) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extensions or renewal, such information must be shown in connection with the termination date.

* * * * *

5. In section 1313.11, paragraph (b)(4)(iii) is proposed to be revised to read as follows:

§ 1313.11 Contract summary content—forest products and paper.

* * * * *

(b) * * *

(4) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extension or renewal, such information must be shown in connection with the termination date.

* * * * *

[FR Doc. 92-6641 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: ACTION

SUMMARY: Under the Paperwork Reduction Act (44 U.S.C., chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted three copies of the attached information collection proposal to OMB. ACTION is only submitting the Foster Grandparent Program survey for publication, because the Senior Companion survey asks exactly the same questions. OMB and ACTION will consider comments on the proposed collecton of information and recordkeeing requirements. ACTION is requesting an expedited review by OMB with final action by April 1, 1992 so that the approved forms will be ready for data collection beginning June 30, 1992.

DATE: OMB and ACTION will consider comments received by April 6, 1992. Comments are to be directed to both of the following addresses:

Janet Smith, ACTION Clearance Officer, ACTION, 1100 Vermont Ave., NW., Washington, DC 20525, Tel. (202) 634–9245.

Daniel Chenok, Desk Office for ACTION, Office of Management and Budget, 3200 New Executive Office Bldg., Washington, DC 20503, Tel. (202) 395–7316.

SUPPLEMENTARY INFORMATION:

Office of ACTION Issuing Proposal: Office of Management and Budget.

Title of form: ACTION Foster Grandparent Project Director Survey.

Need and use: The information collected in this survey will be used by the OAVP Income Eligibility Task Force to recommend, to the Director, statutory, regulatory, and programmatic changes in the income eligibility criteria for the Foster Grandparent and Senior Companion programs as appropriate.

Type of Request: New collection.

Frequency of Collection: Non recurring.

General Description of Respondents: Project Directors.

Estimated Number of Responses: 90.

Estimated Annual Reporting or Disclosure Burden: 45 hours.

Dated: March 12, 1992

Jane A. Kenny,
Director, ACTION

Foster Grandparent Program—Project Directory Survey

Eligibility

We would like to start by asking for your views about some of ACTION'S income eligibility criteria for the Foster Grandparent program. Based on your experience as a project director, answer questions 1–5 with the goal of maximizing your project's ability to accomplish its objectives.

Q–1 Should medical expenses be deducted from income before determining a senior's eligibility for the Foster Grandparent program? (Circle number)

1. No
2. Yes

Q–2 Whose income should be counted when determining a senior's eligibility for the Foster Grandparent program? (Circle number)

1. Income of related and unrelated persons living together and sharing expenses (No Change)
2. Only the Senior and the Spouse's Income
3. Only the Senior's Income
4. Other (Write in) _____

Q–3 In your area, based on a family size of four, which of these annual income limits would best include those seniors most people believe are low income? (Circle number)

1. Limit less than $13,400
2. $13,400 (100% of poverty)
3. $16,750 (125% of poverty)
4. $20,100 (150% of poverty)
5. $23,450 (175% of poverty)
6. $26,800 (200% of poverty)
7. Limit greater than $26,800
8. Other (Write in) _____

Q–4 Please use the space below to tell us anything else about ACTION'S income eligibility criteria that affects your project's ability to accomplish its objectives.

Assignment Development

Before volunteers can be placed, assignments must be developed. We would like to know about the stipended volunteer assignments developed for your project.

Q–4 During your last completed budget year, how many assignments involved tasks that required specific skills? Count each assignment once. Total assignments should add to the project's total number of assignments during your last completed budget year. (Write number on line—If none write 0)

Skill needed	Number of assignments at skill level (write in)
No specific skills needed	
Reading only	
Writing only	
Basic math only	
Any combination of reading, writing, math	
Other (List)	
Total assignments in project (Should add to total assignments for last completed budget year)	

Q–5 During your last completed budget year how many assignments was your project unable to fill because income eligible applicants did not have the needed skills? (Write number)

_____ Number requests not filled

Recruitment Effort

The next set of questions asks about the involvement of project staff and advisory council members in the project's recruitment effort.

Q–6 During your last completed budget year, how many of the project's advisory council members participated in recruitment activities? (Write number. If none, write 0.)

_____ Advisory council members who recruit

Q–7 For your last completed budget year, estimate the total number of hours spent by all members of your advisory council on recruitment activities. (Write number. If none, write 0)

_____ Recruiting hours by advisory council

Q–8 During your last completed budget year, how many of your staff had Foster Grandparent program responsibilities?

_____ Number of staff with foster grandparent program responsibility

Q–9 During your last completed budget year, how many of your staff had Foster Grandparent program recruitment responsibilities? (Write number)

_____ Staff who recruit

Q–10 For your last completed budget year, estimate the number of hours staff spent on requirement activities. (Write number)

_____ Recruiting hours spent by staff

Q–11 Please use the space below to tell us anything else you think is important about your recruiting effort.

Recruitment Methods

The next set of questions asks about recruitment methods used in your project.

Q–12 Projects use a variety of recruiting methods. Some recruiting methods are listed below. Read through the list and circle the number in front of every method that your project has used.

Staff Public Speaking: Where has staff used public speaking as a recruitment method?

Volunteer public speaking: Where have volunteers used public speaking as a recruitment method?

1. Senior centers, retirement centers, retirement organizations, or senior nutrition projects.
2. Church groups.
3. Senior community socials.
4. Public meetings on topics of interest to seniors.
5. Other (Write in) _____

Personal contact: Which personal contact methods were used?

6. Volunteers invite friends to apply.
7. Staff meets with residents of low income housing projects.
8. Former volunteers are invited to return when appropriate.
9. All contacts followed up with personal invitation to volunteer.
10. Personal referral by staff in another agency.
11. Networking with other volunteer agencies.
12. Other (Write in) _____
13. Senior centers, retirement centers, retirement organizations, or senior nutrition projects.
14. Church groups.
15. Senior community socials.
16. Public meetings on topics of interest to seniors.
17. Other (Write in) _____

Publicity & Advertisement: Which publicity and advertising methods were used?

18. Articles in newsletters read by retirees.
19. Notices in church bulletins.
20. News stories on radio, television or in newspapers.
21. Advertisements in newspapers.
22. Advertisements on radio.
23. Advertisements on television.
24. Other (Write in) _____

Q–13 We want to know which recruiting methods your project has found to be the most effective. Look back through the recruiting list above. What was the most, second, and third effective recruiting method the project has used? Put the numbers from the list above in each box below.

☐ Most effective recruiting method
☐ Second most effective recruiting method
☐ Third most effective recruiting method

Q–14 Please use this page to tell us what makes those recruiting methods effective.

Recruitment Difficulties

Q–15 At times, recruiting stipended volunteers may be difficult. Think back over your last completed budget year. Did your project have difficulty recruiting stipended volunteers?

1. No Skip to Q–26
2. Yes (Continue)

Listed below are some problems a project director like yourself might face when recruiting stipended volunteers. Please rate each problem from 1–5 depending on how much of a problem it is for your project.

1=No Problem
5=Major Problem

Q–16 The pool of income eligible seniors in the service area is too small. (Circle number)
no problem 1 2 3 4 5 major problem

Q–17 There are too few eligible clients in the service area. (Circle number)
no problem 1 2 3 4 5 major problem

Q–18 Action granted the project more Volunteer Service Years than the project requested. (Circle number)
no problem 1 2 3 4 5 major problem

Q–19 The competition from other programs and businesses for income eligible seniors has reduced the pool of potential volunteers in my service area. (Circle number)
no problem 1 2 3 4 5 major problem

Q–20 Volunteer stations are seeking volunteers with higher skill levels than income eligible seniors usually have. (Circle number)
no problem 1 2 3 4 5 major problem

Q–21 Applicants fail to meet ACTION's income limits. (Circle number)
no problem 1 2 3 4 5 major problem

Q–22 ACTION's income limits do not take into account the high cost of living in my service area. (Circle number)
no problem 1 2 3 4 5 major problem

Q–23 Seniors who would be eligible based on their personal income are not eligible when household income is counted. (Circle number)
no problem 1 2 3 4 5 major problem

Q–24 Low income seniors are not eligible because ACTION counts income before subtracting medical expenses. (Circle number)
no problem 1 2 3 4 5 major problem

Q–25 Please use the space below to tell us about your positive recruitment experiences and any other recruitment difficulties you may have experienced.

Transportation

Q–26 Sometimes transportation is a concern for stipended volunteers. During your last completed budget year, how may stipended volunteers used each of these types of transportation as their main way of getting to assignments? (Count each volunteer *once*. If no stipended volunteers used one type of transportation, write 0 in the boxes beside that type.)

Main type of transportation	Number of volunteers using type transport (write in)
Public transportation	
Taxi	
Privately owned vehicle	
Project transports volunteers	
Contract service transports volunteers	
Volunteers carpool	
Volunteers from other agencies transport project volunteers	
Other (List)	
Total Volunteers in Project	

Q–27 During your last completed budget year, how many assignments did the project have that could only be filled by volunteers driving privately owned vehicles? (If none, write 0)

_____Assignments that could only be filled by volunteers driving privately owned vehicles

Q–28 Is your service area covered by public transportation? (Circle number)

1. None of service area covered by public transportation

2. Part of service area covered by public transportation

3. All of service area covered by public transportation

Background

We would like to end by asking you to provide some general information about your project. (Please answer for the project's last completed budget year)

Q–29 During your last completed budget year, how many volunteer stations participated in your project? (Write number)

_____Number Stations

Q–30 During your last completed budget year, how many volunteers were paid a stipend? (Write number)

_____Number volunteers paid a stipend

Q–31 During your last completed budget year, of those volunteers who were paid a stipend, how many stopped volunteering?

_____ Number stopped volunteering

Q–32 During your last completed budget year, how many budgeted Volunteer Service Years did your project have? (Write number)

_____Number volunteer service years

Q–33 At the beginning of your last completed budget year, how many of your stipended volunteers were in the following age groups? (Circle number)

1. 60–64

2. 65–69

3. 70–74

4. 75 and older

Q–34 At the *beginning* of your last completed budget year, how many income eligible seniors were on your waiting list? (If 0, write none)

_____Number income eligible seniors on waiting list

Q–35 How many years have you been a project director? (Write number. If less than one year write 0.)

_____ Years as project director

Please give us your project grant number so we may verify that your survey has been returned. We will tear this section off and throw it away after we receive your survey.

Q–36 Please write your project grant number in the boxes below.

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Project grant number

[FR Doc. 92–6540 Filed 3–20–92; 8:45 am]

BILLING CODE 6050–28–M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of the meeting of the Committee on Rulemaking of the Administrative Conference of the United States.

Committee on Rulemaking

Date: Thursday, March 26, 1992

Time: 3: p.m.

Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th Floor)

Agenda: The Committee will meet to discuss: (1) Procedural rule exemption project, and (2) Professor Robert Anthony's study of non-rule rulemaking.

Contact: Kevin L. Jessar, 202–254–7020

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone 202–254–7020.

Dated March 19, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–6770 Filed 3–20–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Meeting of the President's Council on Rural America

AGENCY: Department of Agriculture.

ACTION: Notice of meeting.

SUMMARY: The Under Secretary for Small Community and Rural Development, Department of Agriculture, is announcing a meeting of the President's Council on Rural America. The meeting is open to the public.

DATES: Meeting on Wednesday, May 27, 8 a.m. to 5 p.m., Thursday, May 28, 8 a.m. to 5 p.m., and Friday, May 29, 8 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at: The Brown Palace Hotel, 321 17th Street, Denver, Colorado 80202. Phone: 303/297–3111, FAX: 303/293–9204.

FOR FURTHER INFORMATION CONTACT: Jennifer Pratt, Special Assistant to the Council, Office of Small Community and Rural Development, Room 5050, South Building, USDA, Washington, DC 20250, 202/690–4748.

SUPPLEMENTARY INFORMATION: The President's Council on Rural America was established by Executive Order on July 16, 1990. Members are appointed by the President and include representatives from the private sector and from State and local governments. The Council is reviewing and assessing the Federal Government's rural economic development policy and will advise the President and the Economic Policy Council on how the Federal Government can improve its rural development policy. The purpose of the meeting is to make decisions on a work plan for the Council task groups. The public may participate by providing written and verbal comments. Written comments may be submitted to Jennifer Pratt.

Dated: March 9, 1992.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 92–6659 Filed 3–20–92; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

[Docket No. 92–038]

Environmental Assessment and Preliminary Finding of No Significant Impact for Field Testing a Live Genetically Engineered Vaccinia Vectored Rabies Vaccine in New Jersey

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environemental assessment and preliminary finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service (APHIS) and is available for comment. The environmental assessment and preliminary finding of no significant impact was prepared as part of APHIS' review of an application to conduct a field test in New Jersey of a live genetically engineered vaccinia vectored rabies vaccine that expresses the rabies virus surface glycoprotein. The environmental assessment and preliminary finding of no significant impact indicates that the field testing of the rabies vaccine would not have a significant impact on the human environment and that an environmental impact statement need not be prepared.

DATES: Consideration will be given only to comments regarding the environmental assessment and preliminary finding of no significant impact received on or before April 7, 1992.

ADDRESSES: A copy of the environmental assessment and preliminary finding of no significant impact is available for public inspection in room 1141, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250 between 8 a.m. and 4:30 p.m., Monday through Friday except holidays. A copy of the environmental assessment and preliminary finding of no significant impact may also be obtained from the person listed under **"FOR FURTHER INFORMATION CONTACT"**. Send an original and three copies of written comments to Chief, Regulatory Analysis and Development Staff, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refere to Docket No. 92–038.

FOR FURTHER INFORMATION CONTACT: Dr. Robert B. Miller, Chief Staff Veterinarian, veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 832, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5863.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment and preliminary finding of no significant impact relative to a request for authorization to conduct a field trial on or about April 15, 1992, in Atlantic, Cape May, and Cumberland Counties, New Jersey, with an experimental live vaccinia vectored rabies vaccine that expresses the rabies virus surface glycoprotein. The sponsor of the field trial is the Wistar Institute of Anatomy and Biology, Philadelphia, Pennsyslvania. A limited field trial of the same vaccine was previously approved by APHIS and initiated on Parramore Island, Virginia, on August 20, 1990 (See 54 FR 9241–9242, March 6, 1989) and Sullivan County, Pennsylvania, in June, 1991 (See 59 FR 19635–19636, April 29, 1991).

As part of its preparation of an environmental assessment and preliminary finding of no significant impact (hereinafter "the document"), APHIS has consulted with the Vaccinia Subcommittee of the National Vaccine Program of the Public Health Service of the Department of Health and Human Services. The Vaccinia Subcommittee of the National Vaccine Program, consisting of scientists and physicians from the Centers for Disease Control, the National Institutes of Health, and the Food and Drug Administration, is reviewing the document with primary emphasis on the public health aspects of the field trial in New Jersey.

Environmental Assessment and Preliminary Finding of No Significant Impact

Before a veterinary biologist product can be licensed, under the Virus-Serum-Toxin Act (21 U.S.C. 151–159), it must be shown to be pure, safe, potent, and efficacious. Field testing under 9 CFR part 103.3 is necessary in order to satisfy vaccine safety requirements as a prerequisite to licensing vaccines. In the course of reviewing the field testing protocol for the vaccinia vectored rabies vaccine, APHIS assessed the impact on the human environment of authorizing the sponsor to conduct a limited field trial of the product in New Jersey.

The environmental assessment and preliminary finding of no significant impact provide the public with documentation of APHIS' review and analysis of environmental effects which would be associated with the gathering of information in the field trial.

The facts that support a preliminary finding of no significant impact are summarized below and are contained in the environmental assessment.

1. Genetic engineering procedures were employed to incorporate only the rabies glycoprotein gene within the thymidine kinase (TK) locus of vaccinia virus. The recombinant vaccine cannot induce rabies.

2. The vaccinia rabies glycoprotein (V–RG) recombinant vaccine has been shown to cause no adverse clinical signs or gross or histopathological lesions, yet is fully capable of eliciting an immune response that protects a variety of species from virulent rabies virus challenge. The V–RG recombinant vaccine in target and non-target species is unable to evoke antibodies to other rabies viral structural proteins.

3. The TK gene insertion is a stable characteristic of the V–RG recombinant vaccine with a very low probability of loss or reversion.

4. The V–RG recombinant vaccine does not contain an oncogene or cancer-causing substance, and does not contain any new genetic information to enhance the likelihood of it becoming oncogenic.

5. Biological transmission of the V–RG recombinant vaccine could not be demonstrated in laboratory studies involving more than 40 species of domesticated and wild mammals and birds.

6. In rare instances, contact (mechanical) transmission between animals was observed immediately after oral administration of the V–RG vaccine. No adverse effects from these transmissions were observed, and no adverse outcomes are expected from similar exposures during the field trial.

7. Laboratory containment experiments demonstrate that the V–RG vaccine is non-pathogenic, safe, and efficacious in a variety of laboratory animal model systems and a number of target and non-target species, including the major terrestrial wildlife and domestic animal reservoirs of rabies.

8. Previous field trials of V–RG vaccine in Europe, Virginia, and Pennsylvania have not demonstrated adverse effects of V–RG vaccine for workers, local human populations, or wildlife.

9. In the proposed field trial, vaccine-bait units will remain on site until consumed or biodegraded. This potential short term persistence of V–RG vaccine on site is not anticipated to have an adverse impact on the environment.

10. Monitoring of wildlife and human populations in the area of the field trial will continue for one year after the initiation of the trial. Based on the foregoing, APHIS has made a determination that the field trial of the live vaccinia vectored rabies vaccine that expresses the rabies surface glycoprotein would have no significant impact on the human environment.

The environmental assessment and preliminary finding of no significant impact have been prepared in accordance with: (1) the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done at Washington, DC this 18th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6661 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-039]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that four applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date recovered	Organism	Field test location
92-055-01	Monsanto Agricultural Co.	02-24-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shiki-mate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Montgomery County, VA.
92-056-01	ICI Seeds, Inc.	02-25-92	Corn plants genetically engineered to express genes from a non-pathogenic source organism for tolerance to the herbicide glufosinate.	Boone County, IA.
92-057.01, renewal of permit 90-350-01, issued on 04-24-91.	University of Idaho	02-26-92	Potato plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Bingham County, ID.
92-062-01	Campbell Research and Development	03-02-92	Tomato plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki* strain HD-73 for resistance to lepidopteran insects.	Yolo County, CA.

Done in Washington, DC, this 18th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-662 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-024]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice

SUMMARY: We are advising the public that 23 applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applictions referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT**".

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applictions for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
92-034-01, renewal of permit 90-332-04, issued on 03-06-91.	DeKalb Plant Genetics	02-03-92	Corn plants genetically engineered to express the *bar* gene for tolerance to the herbicide bialaphos.	DeKalb County, IL.
92-034-02, renewal of permit 90-310-01, issued on 03-20-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-03-92	Potato plants genetically engineered to express a modified *Galleria mellonella* larval serum protein for resistance to blackspot bruise.	Bingham County, ID; Aroostock County, ME; Clay County, MN; Grand Forks County, ND.
92-034-03	Heinz U.S.A.	02-03-92	Tomato plants genetically engineered to express an antisense pectin methylesterase (PME) chimeric gene to increase the soluble solid content.	San Joaquin County, CA.
92-035-01	Rogers NK Seed Co.	02-04-92	Tomato plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects.	Yolo County, CA.
92-035-03	Campbell Research and Development	02-04-92	Tomato plants genetically engineered to express an anti-sense poly-galacturonase (PG) gene.	Yolo County, CA.
92-035-05	DNA Plant Technology Corp.	02-04-92	Tomato plants genetically engineered to express an anti-sense ACC gene to delay ripening.	Contra Costa County, CA.
92-036-01, renewal of permit 90-345-02, issued on 05-02-91.	Washington State University	02-05-92	Potato plants genetically engineered to express disease resistance response genes from the pea.	Benton County, WA.
92-037-01	Monsanto Agricultural Co.	02-06-92	Tomato plants genetically engineered to express tolerance to the herbicide glyphosate.	Jersey County IL.
92-037-02	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Bertie and Wayne Counties, NC.
92-037-03	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Columbia County, WI.
92-037-04	Monsanto Agricultural Co.	02-06-92	Corn plants genetically engineered to express a delta-endotoxin protein form *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects and to express tolerance to the herbicide glyphosate.	Jersey County, IL.
92-037-05	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Macon County, AL; Crittenden and MS Counties, AR; Kent County, DE; Dougherty and Sumpter Counties, GA; Champaign, Jersey, Macon, St. Clair, and Warren Counties, IL; Marshall, Tippecanoe, and Tipton Counties, IN; Carroll, Franklin, Jasper, and Story Counties, IA; Caldwell, Fayette, and Hopkins Counties, KY; East Baton Rouge, St. Landry, and Tensas Parishes, LA; Prince Georges and Worcester Counties, MD; Ingham County, MI; Blue Earth, Watonwan, and Waseca Counties, MN; Tunica and Washington Counties, MS; Boone and Gentry Counties, MO; Lancaster and Saunders Counties, NE; Allen, Franklin, and Pickaway Counties, OH; Florence County, SC; Gibson, Hardeman, and Obion Counites, TN; Brazoria and Chambers Counties, TX.

Application No.	Applicant	Date received	Organism	Field test location
92-037-06	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Crittenden and Jackson Counties, AR; Oglethrope County, GA; Chautauqua County, KA; Alexander and Henry Counties, IL; Hamilton and Morgan Counties, IN; Des Moines and Hamilton Counties, IA; Ballard County, Kentucky; St. Landry Parish, LA; Ottawa County, MI; Washington County, MS; Shelby and Pemiscot Counties, MO; Webster County, NE; Fayette County, OH; Barnwell County, SC; Fayette County, TN; Greensville County, VA.
92-037-07	Upjohn Co.	02-06-92	Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus (CMV), watermelon virus 2 (WMV2) and zucchini yellow mosaic virus (ZYMV) for resistance to these viruses.	Maricopa County, AZ; Colusa, Merced, and Imperial Counties, CA; Collier County, FL; Atkinson and Spaulding Counties, GA; Kane and Pope Counties, IL; Berrien County, MI; Huron County, OH; Reeves County, TX.
92-041-01	MonsantoAgricultural Co.	02-10-92	Soybean plants gentically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Baldwin and Macon Counties, AL; AR and Crittenden Counties, AR; Sumpter County, GA; Jersey County, IL; Warrick County, IN; Fremont County, IA; Hopkins County, KY; East Baton Rouge and Tensas Parishes, LA; Queen Annes and Worcester Counties, MD; Tunica and Washington Counties, MS; New Madrid County, MO; Florence County, SC; Obion County, TN.
92-041-02	Northrup King Co.	02-10-92	Alfalfa plants genetically engineered to express the phosphinothricin acetyltransferase (PAT) gene, for tolerance to the herbicide glufo-sinate.	Goodhue County, MN; or Dane County, WI.
92-042-01	Ciba-Geigy Corporation	02-11-92	Corn plants genetically engineered to express the phosphinothricin acetyltrans-ferase (PAT) gene, for tolerance to the herbicide glufo-sinate, and a a delta-endo-toxin protein from *Bacillus thuringensis* subsp. *kurstaki* strain HD1 for resistance to lepidopteran insets.	McLean County, IL.
92-042-02, renewal of permit 97-067-01, issued on 03-08-91.	Pioneer Hi-Bred International, Incorporated.	02-11-92	Sunflower plants genetically engineered to express a methionine-rich seed storage protein from Brazil nut.	Yolo County, CA.
92-043-01	Hoechst-Roussel Agri-Vet Company	02-12-92	Corn plants genetically engineered to express the phosphinothricin N-acetyltrans-ferase (PAT) gene, for tolerance to the herbicide glufosinate.	Goodhue and Freeborn Counties, MN.
92-043-02	Upjohn Company	02-12-92	Soybean plants genetically engineered to express the B-glucuronidase (GUS) and phosphinothricin acetyltrans-ferase (PAT) enzymes for tolerance to the herbicide bialaphos.	Henry County, IL; Louisa County, IA; Washington County, MS; Saunders County, NE.
92-043-03, renewal of permit 91-051-03, issued on 05-30-91.	Upjohn Company	02—92	Soybean plants genetically engineered to express the B-glucuronidase (GUS) and phosphinothricin acetyltrans-ferase (PAT) enzymes for tolerance to the herbicide bialaphos.	Crittenden County, AR; Christian County, IL; and Queen Annes County, MD.
92-045-01, renewal of permit 90-332-01, issued on 04-17-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-14-92	Potato plants gentically engineered to express a gene coding for an insect protein (cecropin B) for anit-bacterial activity.	Bingham County, ID; Arrostock County, ME; Clay County, MN; Grand Forks and Cass Counties, ND.
92-045-02, renewal of permit 90-345-01, issued on 05-02-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-14-92	Potato plants gentically engineered to express a gene coding for an insect protein (cecropin B) for anit-bacterial activity.	Bingham County, ID; Arrostock County, ME; Clay County, MN; Grand Forks and Cass Counties, ND.

Done in Washington, DC, this 18th day of March 1992.

Robert Melland

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6600 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Draft Supplement to the White Stallion Final Environmental Impact Statement; Bitterroot National Forest, Ravalli County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to supplement a final environmental impact statement.

SUMMARY: The Forest Service will supplement the February 1991 White Stallion Final Environmental Impact Statement (FEIS). The legal notice for this FEIS was published April 3, 1991. The Draft Supplement is being prepared because the March 15, 1991 Record of Decision was appealed and, upon review by the Deputy Regional Forester, the decision to implement timber harvesting and road construction was reversed back to the Bitterroot National Forest Supervisor until further analysis could be done. The appeal issue centered around the failure of the FEIS to adequately address the cumulative effects of private land timber harvesting activities upon old-growth dependent species. These harvesting activities occur in both the Sleeping Child drainage and in the North Fork of Rye Creek. The original assessment area will be increased to include all of this harvesting activity and part of the Skalkaho Creek drainage. The Draft Supplement will document this additional analysis.

DATES: Public comments concerning the Draft Supplement and the scope of the analysis should be submitted by April 15, 1992.

ADDRESSES: Send written comments to District Ranger, Darby Ranger District, PO. Box 266 Darby, MT 59829.

FOR FURTHER INFORMATION CONTACT: Questions about the Draft Supplement should be directed to Rick Floch, Darby Ranger District, Phone: (406) 821-3913.

SUPPLEMENTARY INFORMATION: The Draft Supplement will address the cumulative effects of timber harvesting and associated access road construction on adjacent private lands to old-growth dependent species.

Management activities under consideration would occur only in an area encompassing approximately 8,300 acres of multi-ownership lands in the Sleeping Child drainage. To assess effects on old-growth dependent species, the assessment area has been expanded from its original size. It is now bounded by Skalkaho Creek and Daly Creek on the north, the Sapphire Divide on the east, Rye Creek on the south and the National Forest boundary to the west and encompasses approximately 124,000 acres. A portion of the assessment area being considered for harvest and roading is within the Sleeping Child Roadless Area (X1074).

The Draft Supplement will also further address the roadless issue by analyzing a new alternative that proposes harvest activities outside of the roadless area, only, with no new road construction.

Scoping and identification of the environmental issues for the White Stallion proposed actions were discussed in the FEIS.

The Draft Supplement is expected to be available to the public early in May 1992. The comment period on the Draft will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in the Supplement participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final Supplement to the White Stallion Final Environmental Impact Statement.

The responsible official, who is the Forest Supervisor, will consider the comments and responses to the White Stallion FEIS and Draft Supplement, environmental consequences discussed in the Final Supplement; and applicable laws, regulations, and policies in making a decision regarding the White Stallion proposal.

The responsible official will document the decision and reasons for the decision in the Record of Decision. The decision will be subject to review under applicable Forest Service Regulations.

Dated: March 13, 1992.

James D. Glevanik,

Acting Forest Supervisor, Bitterroot National Forest.

[FR Doc. 92-6584 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Alaska Region Logbook Family of Forms.

Form Number: No form numbers assigned.

OMB Approval Number: 0648-0213.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 40,705 hours [4,621 for reporting hours, 36,084 recordkeeping hours].

Number of Respondents: 198 for reporting hours; 2,177 recordkeepers.

Avg. Hours Per Respondent: 23.3 for reporting hours; 16.6 for recordkeepers.

Needs and Uses: Logbooks are needed to obtain fishery management dependent data on fishing catch, fishing effort and associated biological and economic information from fishermen. Data are used for stock assessments, quota compliance, regulatory analyses and fishery monitoring.

Affected Public: Individuals or households, businesses or other for-profit institutions, small businesses or organizations.

Frequency: Recordkeeping, weekly, quarterly, on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ronald Minsk, (202) 395-3084.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3019, New Executive Office Building, Washington, DC 20503.

Dated: March 17, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92-6628 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-CW

International Trade Administration

[A-509-504]

Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Administrative Review and Revocation in Part of the Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part of the antidumping duty order.

SUMMARY: On December 27, 1991, the Department of Commerce published the preliminary results of its administrative review and its intent to revoke in part the antidumping duty order on industrial phosphoric acid from Israel (56 FR 67059). The review covers two manufacturers and/or exporters of this merchandise to the United States and the period August 1, 1989 through July 31, 1990. We have now completed this review and determine the dumping margins to be zero for Negev Phosphates and 6.82 percent *ad valorem* for Haifa Chemicals. The Department is revoking the antidumping duty order with respect to Negev Phosphates.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1991, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its administrative review and intent to revoke in part the antidumping duty order on industrial phosphoric acid from Israel (56 FR 67059). We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA). This product is currently classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule (HTS). The written description remains dispositive.

The review covers two manufacturers/exporters to the United States of the subject merchandise, Negev Phosphates and Haifa Chemicals, and the period August 1, 1989 through July 31, 1990.

Revocation in Part

In the first and second administrative reviews of this order, Negev made no sales at less than fair value and was assessed a zero percent margin. During the third administrative review and pursuant to 19 CFR 353.25, Negev requested revocation of the order as it pertained to Negev.

The Department has determined that Negev has not had sales at less than fair value for at least three consecutive years. In addition, as provided in 19 CFR 353.25(a)(2)(iii), Negev has agreed in writing to an immediate suspension of liquidation and reinstatement of the order if circumstances develop which indicate that IPA exported to the United States by Negev is being sold at less than fair value. Therefore, we are revoking the antidumping order on IPA with respect to Negev. This partial revocation applies to all unliquidated entries of this merchandise produced by Negev and exported to the United States entered, or withdrawn from warehouse, for consumption, on or after August 1, 1990, the date stated in our tentative determination to revoke the order.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioners, FMC Corporation and Monsanto, and Negev, the only Israeli producer/exporter responding to our questionnaire.

Comment 1: The petitioners argue that there is sufficient evidence before the Department to create "reasonable grounds to believe or suspect" that Negev Phosphates has made below-cost sales in its home market. According to petitioners, under the statutory provision, Commerce must conduct a cost of production (COP) investigation whenever it has "reasonable grounds to believe or suspect" that below-cost sales have taken place (19 U.S.C. section 1677b(b)), and the standard for initiation of a COP investigation is that the information must support "a specific and objective basis for suspecting that a particular foreign firm is engaged in sales below its cost of production." *Al Tech Specialty Steel Corp.* v. *United States*, 575 F.Supp. 1277, 1282 (CIT 1983), *aff'd on other grounds*, 745 F.2d 632 (Fed. Cir. 1984) ("*Al Tech*"). Petitioners argue that their "legal burden" is not to show conclusively and precisely that below cost sales have been made, and claims that the Department is encouraged to undertake COP investigations on minimal information, citing *Connors Steel Company* v. *United States*, 527 F.Supp. 350, 357 (CIT 1981), *modified*, 566 F.Supp. 154 (CIT 1982).

The petitioners maintain that the evidence indicating below-cost sales consists of three elements: (1) A significant differential in home market prices reported by Negev; (2) a consultancy study prepared by an outside expert estimating Negev's cost of producing IPA submitted previously by petitioners; and (3) Negev's annual report for 1990 which shows an operating loss.

The petitioners argue that substantial price differentials in Negev's home market sales reveal that there are two distinct groups of sales, higher-priced sales and lower-priced sales. Moreover, petitioners claim that the inclusion of the lower-priced sales in the Department's calculation is the determining factor in whether a dumping margin is found in this review. Petitioners also argue that the extremely low prices of certain sales should raise some suspicion that those sales were below the cost of production. In addition, petitioners argue that a consultancy study provided by an industry expert indicates that the lower-priced sales in Negev's questionnaire response were below two cost estimates contained in the study. This study was submitted to the Department on April 29, 1991 in support of petitioners' request for the initiation of a cost-of-production investigation. Finally, the petitioners maintain that Negev's operating loss, reported in the statement of income (loss) and retained earnings included in the 1990 annual report, indicates that a COP investigation is justified.

Negev argues that the Department should again deny the petitioners' request for a COP investigation. Negev claims that the Department correctly denied the request earlier in this administrative review, and petitioners have merely resubmitted the same request after both the verification and the preliminary determination. Negev maintains that petitioners' evidence of sales below cost is not sufficient to justify a COP investigation.

Negev argues that the fact that the prices of some home market sales are lower than others provides no real evidence of below-cost sales. Negev cautions that margins may result in any antidumping calculation if lower-priced home market sales are eliminated. Moreover, Negev argues that the consultancy study was already determined by the Department to be insufficient to justify a COP investigation, and the flaws in the study which the Department previously identified still remain.

Negev further argues the minimal loss reported in its 1990 annual report does not indicate sales below cost, particularly since Negev showed significant profits in 1989. Negev maintains that if there were a correlation between the petitioners' cost/price analysis and Negev's profits, there would have to be losses in both years. Moreover, according to Negev's questionnaire response, during the review period, home market sales of IPA were a very small percentage of Negev's total sales. Therefore, the minimal loss in 1990 cannot be considered evidence that some IPA sales in the home market are below cost, because these sales represent too minimal a percentage of Negev's total revenue to impact its profit as suggested by petitioners.

Department's Position: We disagree with the petitioners' contention that their allegation of home market sales below cost is supported by sufficient evidence to prompt the Department to initiate a COP investigation. Petitioners are correct that, to initiate a COP investigation, the Department must have before it a "specific and objective basis" for suspecting that a firm is selling in the home market at prices below its cost of production. However, they are incorrect when they claim their burden is not to sow that below-cost sales have actually occurred. The Court of International Trade stated in *Nakajima All Co. LTD.* v. *United States*, 744 F. Supp. 1168, (CIT 1990) ("*Nakajima*") that though section 1677b(b) requires "'only a showing that sales have been made at below cost, not substantial sales', *such a showing, nonetheless, must be made.*" (emphasis added). Petitioners have not made such a showing.

For their allegation of sales below cost, petitioners rely upon a consultant's report addressing production costs for certain worldwide producers of industrial phosphates. The report was based upon data gathered sometime during or before 1986, fully three years earlier than the sales under review here, and petitioners made no attempts to adjust the 1986 cost data for the known production circumstances of the company during the current review period, as indicated by the questionnaire response. (See, May 24, 1991 memorandum to the file: Petitioners' April 29, 1991 Allegation of Sales Below Cost by Negev Phosphates—Industrial Phosphoric Acid from Israel—Third Administration Review). The Department stated in its April 24 memorandum that, since the petitioners had failed to make any attempt to adjust their outdated data, it was difficult to evaluate adequately the validity of their price-to-cost comparisons. Moreover, allegations of sales below cost must be made on data contemporaneous with the sales under review. See, Al Tech Steel, Nakajima, and Initiation of Antidumping Duty Investigation; Pressure Sensitive PVC Battery Covers from the Federal Republic or Germany, (55 FR 5868; February 20, 1990)).

On other points raised by the petitioners, we consider that the presence of lower-priced home market sales is a characteristic of virtually every case and cannot be taken as evidence of sales below cost. Furthermore, the loss reported in Negev's 1990 annual report offers no discernible indication of the company's home market sales experience with respect to IPA. IPA is not the primary source of revenue for Negev and comprises only a part of the company's overall sale. In addition, the majority of Negev's IPA sales are export sales. Consequently, home market sales of IPA during the period of review represent a minimal portion of Negev's total revenue. Lower-priced IPA home market sales are an even smaller percentage of Negev's total sales, and could not be expected to have a significant effect on Negev's total profit or loss.

Comment 2: Negev contends that the Department should make an upward adjustment to U.S. price for countervailing duty deposits on sales in 1990, even though these duties have not yet been assessed.

Department's Position: The Department has not completed the countervailing duty administrative review that encompasses the 1990 period covered in this review and, therefore, does not have the necessary information to make such an adjustment. Moreover, in this review period, as in prior review periods, a further adjustment for countervailing duties would not change the final results for Negev because we found that Negev had no dumping margins during the review period (see, Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Administrative Reviews, (56 FR 33248; July 19, 1991).

Comment 3: Negev argues that the Department should not compare its home market sales to related parties with its U.S. sales.

Department's Position: We disagree with the respondent. In the original investigation and the previous administrative reviews of this antidumping duty order, the Department rejected identical arguments raised by the respondent because the evidence on the record indicated related party sales were comparable in price to sales to unrelated parties (see Final Determination of Sales at Less Than Fair Value; Industrial Phosphoric Acid from Israel, (52 FR 25440; July 7, 1987, Comment 5) and Industrial Phosphoric Acid from Israel; Final Results of Antidumping Duty Administrative Review, (56 FR 33248; July 19, 1991), Comment 6). In this review, the respondents have provided neither new evidence nor any arguments as to why we should reconsider our position here.

Comment 4: Negev claims the Department should offset the commission paid to the U.S. customer with indirect selling expenses incurred on home market sales.

Department's Position: We disagree with the respondent. The Department addressed this argument in the original investigation and in previous administrative reviews of this antidumping duty order, and rejected Negev's claim because the evidence on the record did not indicate that this expense was a commission. In this review as well as in the original investigation, we verified that this expense is a fixed percentage deducted from the price of each U.S. sale. A reduction of the sale price to a purchaser, in this case by a specific fixed rate, constitutes a discount, not a commission. (see, Final Determination of Sales at Less Than Fair Value; Industrial Phosphoric Acid from Israel (52 FR 25440; July 7, 1987), Comment 2) and Industrial Phosphoric Acid From Israel Final Results of Administrative Reviews, (56 FR 33248; July 19, 1991), Comment 8). Furthermore, as in Comment 3 above, Negev failed to present new evidence or arguments that give us a basis for changing our findings.

Comment 5: Negev maintains that the Department should consider it's claim for a level of trade adjustment.

Department's Position: We disagree with the respondent. The Department denied this argument in this review as in prior reviews, because the respondent has failed to establish that the difference in selling expenses between the U.S. and home market is attributable to differences in levels of trade (see, Industrial Phosphoric Acid From Israel Final Results of Administrative Reviews, (56 FR 33248; July 19, 1991), Comment 7).

Final Results of Review

As a result of our comparison of United States price with foreign market value, we determine the margins to be:

Manufacturer/Exporter	Margin (percent)
NEGEV	0
HAIFA	6.82

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) cash deposits for all other manufacturers or exporters will be waived as the rate would be zero. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

The notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 17, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92- 6686 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

Quarterly Update of Foreign Government Subsidies on Articles of Quota Cheese

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Publication of quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for several of the countries for which subsidies were identified in our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: March 17, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium	European Community (EC) Restitution Payments	80.4¢/lb.	80.4¢/lb.
Canada	Export Assistance on Certain Types of Cheese	30.3¢/lb.	30.3¢/lb.
Denmark	EC Restitution Payments	57.8¢/lb.	57.8¢/lb.
Finland	Export Subsidy	157.6¢/lb.	157.6¢/lb.
France	EC Restitution Payments	64.9¢/lb.	64.9¢/lb.
Greece	EC Restitution Payments	86.9¢/lb.	86.9¢/lb.
Ireland	EC Restitution Payments	65.8¢/lb.	65.8¢/lb.
Italy	EC Restitution Payments	78.1¢/lb.	78.1¢/lb.
Luxembourg	EC Restitution Payments	80.4¢/lb.	80.4¢/lb.
Netherlands	EC Restitution Payments	51.4¢/lb.	51.4¢/lb.
Norway	Indirect (Milk) Subsidy	19.9¢/lb.	19.9¢/lb.
	Consumer Subsidy	45.0¢/lb.	45.0¢/lb.
		64.9¢/lb.	64.9¢/lb.
Portugal	EC Restitution Payments	47.7¢/lb.	47.7¢/lb.
Spain	EC Restitution Payments	51.6¢/lb.	51.6¢/lb.
Switzerland	Deficiency Payments	156.6¢/lb.	156.6¢/lb.
U.K.	EC Restitution Payments	48.5¢/lb.	48.5¢/lb.
W. Germany	EC Restitution Payments	56.0¢/lb.	56.0¢/lb.

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS—Continued

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
	Consumer Subsidy	45.0¢/lb.	45.0¢/lb.
		64.9¢/lb.	64.9¢/lb.
Portugal	EC Restitution Payments	47.7¢/lb.	47.7¢/lb.
Spain	EC Restitution Payments	51.6¢/lb.	51.6¢/lb.
Switzerland	Deficiency Payments	156.6¢/lb.	156.6¢/lb.
U.K.	EC Restitution Payments	48.5¢/lb.	48.5¢/lb.
W. Germany	EC Restitution Payments	56.0¢/lb.	56.0¢/lb.

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 92-6684 Files 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-570-816]

Preliminary Negative Countervailing Duty Determinations: Oscillating and Ceiling Fans From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Ross Cotjanle or Beth Graham, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, room B-099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3534 or 377-4105, respectively.

Preliminary Determination

Case History

Since the publication of the notice of initiation in the **Federal Register** (56 FR 57616, November 13, 1991), the following events have occurred.

On November 22, 1991, we issued a questionnaire to the Government of the People's Republic of China (GPRC) in Washington, DC, concerning petitioner's allegations.

On February 6, 1992, we received responses from the GPRC and twelve companies: Esteem Industries Ltd./Holmes Products Corp./HASM Manufacturing Co.; Durable Electrical Metal Factory Ltd./Parawind Ltd./Paragon Industries; Wuxi Electric Fan Factory; and Polarary Industrial Corporation/Paragon Industries (China); Gangkou Electric Fan Factory; Xinhui Electric Motor Factory; Nanhai Flying Fan Factory; Mei De Electric Holding Co.; Guangdong Machinery and Equipment Import/Export Corporation; and CEC Electrical Manufacturing (International) Company, Ltrd.; Shell Electric Manufacturing Co.; and Wing Tat Electric Manufacturing Co., Ltd.

On March 9, 1992, we were notified of an additional producer/exporter, Chung On Household Electric Appliance Co., Ltd. We received a response from this company on March 9, 1992.

Scope of Investigation

Imports covered by these investigations constitute two separate classes or kinds of merchandise: (1) Oscillating fans; and (2) Ceiling fans.

The merchandise subject to these investigations are oscillating fans and ceiling fans. Oscillating fans are electric fans that direct a flow of air using a fan blade/motor unit that pivots back and forth on a stationary base ("oscillates"). Oscillating fans incorporate a self contained electric motor of an output not exceeding 125 watts. Ceiling fans are electric fans that direct a downward and/or upward flow of air using a fanblade/motor unit. Ceiling fans incorporate a self-contained electric motor of an output not exceeding 125 watts. Ceiling fans are designed for permanent or semi-permanent installation.

Window fans, industrial oscillating fans, industrial ceiling fans, and commercial ventilator fans are not included within the scope of these investigations. Furthermore, industrial ceiling fans are defined as ceiling fans that meet six or more of the following criteria in any combination: A maximum speed of greater than 280 revolutions per minute (RPMs); a minimum air deliver capacity of 8000 cubic feet per minute (CFM); no reversible motor switch; controlled by wall-mounted electronic switch; no built-in motor controls; no docorative features; not light adaptable; fan blades greater than 52 inches in diameter; metal fan blades; downrod mounting only—no hugger mounting capability; three fan blades; fan blades mounted on top of motor housing; single-speed motor.

The Harmonized Tariff Schedule (HTS) subheading under which oscillating fans are classifiable is 8414.51.0090. The HTS subheading under which ceiling fans are classifiable is 8414.51.0030. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Application of the CVD Law

In the petition filed in this investigation petitioner alleged that regardless of the nature of the PRC economy, the PRC fans sector operates substantially pursuant to market principles and that the CVD law should apply. In our notice of initiation, we stated that the Department must decide (1) whether the PRC fans sector does, in fact, operate as a market oriented industry; and (2) if so, whether the CVD law can be applied to this sector. The facts in the petition indicated a prevalence of private and private-like ownership in the PRC fans sector. Additionally, the petitioner provided evidence that the PRC fans producers procure inputs and market their output without government intervention. For these reasons, the Department concluded that it was appropriate to investigate whether the fans producers operated as a market oriented industry and, if so, whether fans producers in the PRC receive bounties or grants within the meaning of section 303 of the Act.

Since our decision to initiate, we have developed a test for antidumping proceedings involving nonmarket economy (NME) countries to determine when available information permits the foreign market value (FMV) to be calculated using the normal market economy methodologies for calculating FMV, pursuant to section 773(c)(1)(B). If available information permits the use of our normal market economy methodologies under that section, the Department considers the industry producing the subject merchandise to be a "Market Oriented Industry" (MOI). If an industry is an MOI, the Department has effectively determined that the prices and costs in the industry are sufficiently free of NME distortion so

that they may be used in the calculation of the FMV instead of surrogate values.

In this countervailing duty investigation, the petitioner has alleged that the PRC fans industry is operating as a market oriented industry. If the Department finds that the fans industry in the PRC is an MOI, then the prices and costs to the PRC producers will be considered accurate measures of value, as discussed above. If NME prices and costs are considered by the Department to be market-determined and not significantly influenced or distorted, directly or indirectly, by central government economic planning, then the concerns of the Court of Appeals in *Georgetown Steel* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1986), do not arise. Therefore, the Department is free to apply the countervailing duty law to an MOI located within a NME.

If an MOI exists, thereby permitting dumping margins to be calculated using the NME producers' actual costs and prices, the United States industries would be left at a disadvantage if they were not able to seek protection from subsidies to that industry. Moreover, the NME government could affect the calculations through subsidization with impunity if the countervailing duty law did not apply. On the other hand, if an industry is determined to be nonmarket, so that the Department would have to value the factors of production in a surrogate country, subsidies to the NME producers become irrelevant—any AD Margin would not be calculated using NME prices potentially influenced by subsidies.

Therefore, the countervailing duty law may be applied to industries in nonmarket economy countries if the Department finds that the relevant industry is an MOI.

The test used to determine whether an MOI exists appear in the Department's Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China ("Sulfanilic Acid"), which will soon be published in the **Federal Register**. As explained in that notice, the factors the Department will consider include:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country, would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry, but substantial state ownership would weigh heavily against finding a market-oriented industry.
- Market-determined prices must be paid for all significant inputs, whether material or non-material (*e.g.*, labor and overhead), and for all all-but-insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers.

In applying these factors to this investigation, we preliminarily determine, based on the responses submitted in this proceeding, that there is no government involvement in setting the prices of ceiling or oscillating fans or the amounts to be produced. Additionally, we preliminarily determine, again based on the responses, that the fans industry is primarily characterized by private and collective ownership of the producers under investigation. Only two are state-owned enterprises.

With respect to the third factor, regarding the prices paid for inputs, respondents were asked to identify their significant inputs. Certain inputs (including those sources outside the PRC) they identified were: Aluminum, bearings, blades, capacitors, connectors, interest expenses, iron rods, lamps and lampholders, machinery and equipment, management, metal, motors and motor parts, moulds, packing materials, painting materials, plastics, plating materials, shipping expenses, steel, switches, tussles, copper/enamelled/steel wire, wood, and zinc alloy.

Respondents further indicated which of these significant inputs were sourced in the PRC. The responses indicate that most of the companies under investigation source significant inputs in the PRC. Furthermore, a review of these inputs indicates that PRC-sourced inputs may account for a significant proportion of the total value of the merchandise under investigation.

In order to determine whether the prices paid for PRC-sourced inputs were market-determined, we asked the government and the fans producers to describe the level of state involvement in the setting of those prices. We also asked whether there was state-required or "in-plan" production of the inputs.

Based on their responses, we have concluded that none of the producers under investigation pay state-set prices for their PRC-sourced inputs. Nor do they receive their inputs at government direction. According to the responses, the fans producers pay market-determined prices to their suppliers.

With respect to whether there is state-required production in the industries producing the inputs, the record is not clear. For example, the government response states that it "is not aware of any fan producers who use 'class-one' products as inputs. There is no in-plan production of fans or fan inputs. It is theoretically possible for fan input suppliers to have both in-plan and out-of-plan production, but the Government does not have information on particular suppliers." As it is the PRC government which directs which products are produced in-plan, the statement that in-plan production is theoretically possible would seem to indicate that there is in-plan production in the industry producing the inputs. Company responses generally indicated that none of the inputs sourced in the PRC were from in-plan production. They also state that they were unaware whether there was in-plan production of the inputs or if their suppliers had in-plan production. Certain companies stated that it was likely that some of their suppliers had in-plan production. For some of these companies, a significant input sourced in the PRC was steel, which they believed was produced in-plan and out-of-plan.

Based on information gathered by the Department, we have concluded that the amount of steel produced in-plan is not insignificant. Therefore, we determine that the price of this input is not market-determined. With respect to other significant inputs, we do not have sufficient information to determine whether there is in-plan production or the extent of in-plan production. However, beyond the question of whether there is in-plan production, we do not have sufficient evidence to determine that the prices paid for those inputs are market-determined. Consistent with the position of the Department in antidumping investigations of imports from nonmarket economy countries, "an assertion (that inputs are purchased at market-oriented prices), without sufficient documentary evidence, is not enough to establish market behavior." Such claims must be examined at verification. (See, Sulfanilic Acid and Preliminary Determination of Sales At Less than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, 56 FR 66831, 66833.)

Therefore, we conclude that (1) the price of at least one significant input is not market-determined, (2) the record does not support a finding that the prices of other significant inputs are market-determined, and (3) the record does not support a finding that market-determined prices are paid for all but an insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. As a result, we preliminarily determine that the countervailing duty law cannot be applied to producers in the PRC of oscillating and ceiling fans.

Despite our preliminary determination, we are not rescinding the initiation of this investigation. Rather, because our determination is based on the particular facts in this case, the Department believes that the information used as the basis for its preliminary determination should be verified. It is especially important to clarify some of the information on the record and verify the accuracy of the data submitted in considering the application of the countervailing duty law to the PRC. Among the issues the Department intends to explore thoroughly at verification will be the market or non-market character of the inputs identified by respondents, the scope of the products that have in-plan production in the PRC, the proportion of total PRC production accounted for by the in-plan production, and documentary evidence which supports the assertion that inputs are purchased at market-oriented prices. An additional consideration of the Department in not terminating this case is to allow all interested parties to submit comments on the data in this proceeding.

Verification

In accordance with section 776(b) of the Act, we will verify the information used in making our final determination, which is due on or before June 1, 1992.

Public Comment

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on these preliminary determinations. Individuals who wish to request a hearing must submit such a request within ten days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. A hearing, if requested, will be held on May 18, 1992, at 2 p.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Case and rebuttal briefs are due on May 8 and 14, 1992, respectively. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)) and 19 CFR 355.15.

Dated: March 16, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6687 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-601]

Roasted In-Shell Pistachios From Iran; Rescission of Initiation of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of rescission of initiation of countervailing duty administrative review.

SUMMARY: The Department of Commerce ("the Department") is rescinding the initiation of countervailing duty administrative review on roasted in-shell pistachios from Iran, covering the period January 1, 1990 through December 31, 1990.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 49878) of the countervailing duty order on roasted in-shell pistachios from Iran (51 FR 35679; October 7, 1986). On October 31, 1991, the Rafsanjan Pistachio Cooperative, a respondent in this proceeding and a major exporter of the subject merchandise, requested that the Department conduct an administrative review of this order. We initiated the review, covering the period January 1, 1990 through December 31, 1990, on November 22, 1991 (56 FR 58878).

Conduct of Administrative Review

The Department conducts administrative reviews of countervailing duty orders for two purposes, either of which may be sufficient to justify the review. The primary purpose is to establish the correct duty to be finally assessed on imports during the period reviewed. In this case there were no imports due to the ban on most imports from Iran under Executive Order 12613, issued by President Reagan on October 29, 1987, reprinted in 50 U.S.C.A. 1701 (1991) and the regulations promulgated thereunder, 31 CFR 560 (1991). Therefore, the first purpose of an administrative review cannot be satisfied.

A secondary purpose of an administrative review is to establish a new cash deposit rate on future imports. Normally this action is a by-product of reviews of imports during the period reviewed. When there are no imports, the Department normally assumes that future imports will benefit from countervailable subsidies to roughly the same degree as past imports, and an administrative review is not necessary or justified. However, the Department also recognizes that when there are basic changes in the subsidy programs themselves, this assumption may not hold. If the implementation of such program-wide changes can be established and if the impact of these program-wide changes on the production or exportation of the subject merchandise can be quantified, even in the absence of exports to the United States, the Department may conduct a review to establish a new cash deposit rate for future entries. However, in this case there are several reasons why this secondary purpose of conducting a review cannot be satisfied.

First, the requestor has not specified which programs that existed during the investigation have been changed. The review must necessarily be focused on certain programs and the requestor must provide descriptions of these programs and the changes to them.

Second, there is no possibility of future imports due to the embargo. While program-wide changes are reviewed to establish cash deposit rates on future imports, the Department has previously done so on the belief that future imports are likely, or at least

reasonably possible. An embargo, such as this one, creates a unique situation in which future imports are not foreseeable. Therefore, a review would serve no purpose.

Third, verification is not likely to be possible, due to the nature of the present relationship between the United States and Iran. Yet, such verification would be essential in establishing and accepting any program-wide changes, particularly since no verification was possible during the investigation and we have no established body of information against which to measure alleged changes.

Rescission of Initiation of Administrative Review

For these reasons, we are rescinding our initiation of the administrative review of the countervailing duty order on roasted in-shell pistachios from Iran, for the period January 1, 1990 through December 31, 1990, and have determined that the Department will not conduct an administrative review for that period. Further, the Department will not consider conducting reviews of later periods as long as the trade embargo remains in effect.

Dated: March 16, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-6685 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 727]

Marine Mammals; Modification of Permit; Singapore Zoological Gardens (P354A)

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 727 issued to Singapore Zoological Gardens, 80 Mandai Lake Road, Singapore, 2572 on April 4, 1991 (56 FR 14499) is modified as follows:

Section B.6, first sentence is changed to read:

6. The authority to acquire the marine mammals authorized shall extend from date of issuance through April 30, 1993.

All conditions currently contained in the Permit remain in effect.

This modification becomes effective on March 23, 1992.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Long Beach, CA 90802 (310/980-4016).

Dated: March 16, 1992.

Charles Karnella,

Deputy Director, Office of Protected Resources.

[FR Doc. 92-6589 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on CFTC-State Corporation; Eighth Renewal

The Commodity Futures Trading Commission has determined to renew again for a period of two years its advisory committee designated as the Commission's "Advisory Committee on CFTC-State Corporation." As required by section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 14(a)(2)(A), and 41 CFR 101-6.1007 and 101.6.1029, the Commission has consulted with the Committee Management Secretariat of the General Service Administration, and the Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1 *et seq.*, as amended.

The objectives and scope of activities of the Advisory Committee on CFTC-State Cooperation are to conduct public meetings and submit reports and recommendations on matters of joint concern to the states and the Commission arising under the Commodity Exchange Act regarding regulation of commodity transactions and related activities.

Commissioner Fowler C. West serves as Chairman and Designated Federal Official of the Advisory Committee on CFTC-State Cooperation. The Advisory Committee's other members include state officials who have had experience in the commodities, securities, law enforcement and consumer protection fields, and representatives of the industry's only registered futures association, an industry association and a private brokerage firm.

Interested persons may obtain information or make comments by writing to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581

Issued in Washington, DC this 17th day of March, 1992 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-6575 Filed 3-20-92; 8:45am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Planning and Steering Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Planning and Steering Advisory Committee will meet April 6, 1992, from 9:00 am to 3:30 pm, at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss topics relevant to SSBN security. The entire agenda will consist of classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that all sessions of the meeting shall be closed to the public because they concern matters listed in 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: LT J. E. Williams (OP-213E), Pentagon, room 4D534, Washington, DC 20350, Telephone Number: (703) 697-8887.

Dated: March 13, 1992.

Wayne T. Baucino

Lieutenant, JAGC U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-6585 Filed 3-20-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award Grant to Light Sculpting, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Light Sculpting, Inc. under Grant No. DE-FG01-92CE15543. The proposed grant will provide Government funding in the estimated amount of $99,583 for Light Sculpting, Inc. to develop a more reliable and more marketable version of a patented system for rapid fabrication of prototypes by irradiation of photopolymers. The indirect energy savings are expected to be substantial as it offers the potential for producing parts directly, rather than going through multiple machine operations, thereby reducing energy consumption in the cost of production.

The grant is being awarded to Light Sculpting, Inc. on an unsolicited basis, because it is a unique energy saving technology. It has been recommended by the National Institute of Standards and Technology (NIST). Dr. Efrem Fudim will be the principal investigator. He has spent twenty-five years in the field of rapid prototyping and design-controlled fabrication, analog circuits, and pneumatic controls. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The Energy-Related Inventions Program (ERIP) has been structured, since its beginning in 1975, to operate without competitive solicitations, because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility of allowing for future reductions in the energy consumption of the United States. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant shall be 24 months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: John Windish, PR-322.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 92-6666 Filed 3-20-92; 8:45 am]

BILLING CODE 6450-01-M

Richland Field Office; Issuance of Grant Award

AGENCY: U.S. Department of Energy, Richland Field Office.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy, Richland Field Office, announces that pursuant to paragraph A of 10 CFR 600.7(b)(2)(i), it intends to issue a noncompetitive grant award to the Washington State Department of Health. The award is planned for a two (2) year project cycle, consisting to two (2) separately funded one (1) year budget periods. The initial budget period is estimated at $500,000.

FOR FURTHER INFORMATION CONTACT: Melanie P. Fletcher, U.S. Department of Energy, Richland Field Office, P.O. Box 550, Richland, Washington 99352, Telephone: (509) 376-4828.

SUPPLEMENTARY INFORMATION:

Grant Award Number: DE-FG06-92RL12455.

Scope of Project: The proposed financial assistance award is a grant to the Washington State Department of Health to fund the Hanford Environmental Radiation Oversight Program. The Hanford Environmental Radiation Oversight Program consists of collection, analysis, compilation, evaluation and reporting of environmental radiation baseline samples, oversight of the Richland environmental surveillance program, environmental investigations, and long term planning. The Washington State Department of Community Development is currently the recipient of a grant for Emergency Preparedness and Environmental Monitoring for the Hanford Site. In a letter dated December 11, 1991, the Washington State Department of Health requested that the Department of Energy separate the tasks into two autonomous grants—one for the emergency preparedness activities with the Department of Community Development, and another for the environmental oversight activities with the Department of Health. This would minimize excessive administrative burdens, and increase the cost effectiveness of the separate activities being performed. As the Washington State Department of Health is already performing the environmental oversight activities as stipulated by state regulation, competition is not appropriate and would have an adverse effect on the continuity of this activity.

Dated: March 12, 1992.

Marji W. Parker,

Acting Director, Procurement Division, Richland Field Office.

[FR Doc. 92-6667 Filed 3-20-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[P-2458-010, 2572-006, 2520-010 and 2634-005]

Application Filed With the Commission

March 17, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfers of License.

b. *Projects Nos.:* 2458-010, 2572-006, 2520-010 and 2634-005.

c. *Date Filed:* March 12, 1992.

d. *Applicant:* Great Northern Nekoosa Corporation, Great Northern Paper Inc.

e. *Name of Projects:* Penobscot Mills Project, Ripogenus Project, Mattaceunk Project, Great Northern Storage Projects.

f. *Location:* On the Penobscot River and the West Branch of the Penobscot River in Aroostook, Penobscot, and Piscataquis Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Thomas E. Mark, Esq., LeBoeuf, Lamb, Leiby & MacRae, 520 Madison Ave., New York, New York 10022, (212) 715-8000.

i. *FERC Contact:* Robert Bell (202) 219-2806.

j. *Comment Date:* April 16, 1992.

k. *Description of Project:* Licenses were issued to Great Northern Nekoosa Paper Corporation (Licensee), to operate and maintain the Penobscot Mills, Ripogenus, Mattaceunk, and Great Northern Storage Projects Nos. 2458, 2572, 2520, and 2634, respectively. The Licensee intends to transfer the licenses to the Great Northern Paper Corporation (Transferee), to facilitate the continued operation, maintenance, and relicensing of the projects. The Transferee intends to take over the project and agrees to accept the terms and conditions of the existing licenses as if it were the original licensee.

The transfer applications were filed within five years of the expiration of the licenses for the Penobscot Mills Project No. 2458 and the Ripogenus Project No. 2572, which are the subject of pending relicensing applications. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 FR 23,756; FERC Statutes and Regulations, Regulations Preambles 1986-1990 ¶ 30,854 at p. 31,437), the Commission declined to forbid license transfers during the last five years of an existing license, and instead indicated that it

would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing (*id.* at p 31,438 n. 318). The transfers would lead to the substitution of the transferee for the transferor as the applicant in the subject relicensing proceedings.

I. This notice also consists of the following standard paragraphs: B and C.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these document must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: the Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027–UPC, at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6608 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04474T Colorado–3 Amendment]

State of Colorado; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 16, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Niobrara Formation in Yuma County, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The geographical area coverd by Colorado's determination, which was previously excluded from tight formation designation by the Commission in Order No. 137, is described as follows:

Township 3 North, Range 46 West, 6th P.M.
Section 6: All
Township 4 North, Range 46 West, 6th P.M.
Sections 8, 16, 17, 20, 21, 29 through 32: All

The notice of determination also contains Colorado's findings that the reference portion of the Niobrara Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6609 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–736–004, et al]

Chevron Natural Gas Services, Inc., et al; Applications for Extension of Blanket Limited-Term Certificates With Pregranted Abandonment [1]

March 10, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 23, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be baken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI87–736–004	3–6–92	Chevron Natural Gas Services, Inc., P.O. Box 3725, Houston, Texas 77253–3725.
CI87–883–004 [1]	3–6–92	Meridan Oil Trading Inc., 2919 Allen Parkway, P.O. Box 4239, Houston, Texas 77210.
CI90–76–002	3–6–92	Kern River Gas Supply Corporation, c/o Tenneco Gas, P.O. Box 2511, Houston, Texas 77252.

[1] Applicant also requests that its certificate be amended to include authority to make sales for resale in interstate commerce of imported natural gas and natural gas purchased from non-first sellers such as intrastate pipelines and local distribution companies.

[FR Doc 92–6610 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI89–382–003]

K N Gas Marketing, Inc.; Application for Extension of a Blanket Limited-Term Certificate With Pregranted Abandonment

March 17, 1992

Take notice that on March 16, 1992, K N Gas Marketing, Inc. of P. O. Box 281304, Lakewood, Colorado 80228–9304, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K N Gas Marketing, Inc. to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6611 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council (NPC).
Date and Time: Thursday, April 9, 1992, at 9 a.m.
Place: The Mayflower Hotel, Colonial Room, 1127 Connecticut Avenue, NW., Washington, DC.
Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE–1), Washington, DC 20585, Telephone: 202/586–3867.
Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industry.

Tentative Agenda:

—Call to order by Ray L. Hunt, Chairman, National Petroleum Council.
—Remarks by the Honorable James D. Watkins, Secretary of Energy.
—Progress report of the NPC Committee on Refining Kenneth T. Derr, Chairman.
—Progress Report of the NPC Committee on Natural Gas, Frank H. Richardson, Chairman.
—Administrative matters.
—Discussion of any other business properly brought before the National Petroleum Council.
—Public comment (10-minute rule).
—Adjournment.

Public Participation: The meeting is open to the public. The chairperson of the Council is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written satement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral satements pertaining to agenda items should contact Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, room IE–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on March 13, 1992.

Marcia Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 92–6665 Filed 3–20–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51790; FRL 4054–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 103 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 92–522, 92–523, 92–524, 92–525, 92–526, 92–527, 92–528, 92–529, May 18, 1992.

P 92–530, May 25, 1992.

P 92–531, 92–532, 92–533, 92–534, May 19, 1992.

P 92–535, 92–536, 92–537, 92–538, 92–539, 92–540, 92–541, 92–542, 92–543, 92–544, May 20, 1992.

P 92–553, May 24, 1992.

P 92–554, May 23, 1992.

P 92–555, 92–556, 92–557, 92–558, 92–559, 92–560, 92–561, 92–562, 92–563, 92–564, 92–565, 92–566, 92–567, 92–568, 92–569, 92–570, 92–571, 92–572, 92–573, 92–574, 92–575, 92–576, 92–577, 92–578, 92–579, 92–580, 92–581, 92–582, 92–583, 92–584, 92–585, 92–586, 92–587, 92–588, 92–589, 92–590, May 24, 1992.

P 92–591, May 22, 1992.

P 92–592, May 24, 1992.

P 92–593, 92–594, 92–595, May 25, 1992.

P 92–596, 92–597, May 26, 1992.

P 92–598, 92–599, 92–600, 92–601, 92–602, May 27, 1992.

P 92–603, May 31, 1992.

P 92–604, 92–605, 92–606, May 27, 1992.

P 92–607, 92–608, 92–609, 92–610, 92–611, 92–612, 92–613, 92–614, May 30, 1992.

P 92–615, 92–616, 92–617, 92–618, 92–619, 92–620, 92–621, 92–622, May 31, 1992.

P 92-623, 92-624, 92-625, June 1, 1992.

P 92-626, 92-627, 92-628, 92-629, 92-630, June 2, 1992.

P 92-631, 92-632, June 3, 1992.

Written comments by:

P 92-522, 92-523, 92-524, 92-525, 92-526, 92-527, 92-528, 92-529, April 18, 1992.

P 92-530, April 25, 1992.

P 92-531, 92-532, 92-533, 92-534, April 19, 1992.

P 92-535, 92-536, 92-537, 92-538, 92-539, 92-540, 92-541, 92-542, 92-543, 92-544, April 20, 1992.

P 92-553, April 24, 1992.

P 92-554, April 23, 1992.

P 92-555, 92-556, 92-557, 92-558, 92-559, 92-560, 92-561, 92-562, 92-563, 92-564, 92-565, 92-566, 92-567, 92-568, 92-569, 92-570, 92-571, 92-572, 92-573, 92-574, 92-575, 92-576, 92-577, 92-578, 92-579, 92-580, 92-581, 92-582, 92-583, 92-584, 92-585, 92-586, 92-587, 92-588, 92-589, 92-590, April 24, 1992.

P 92-591, April 22, 1992.

P 92-592, April 24, 1992.

P 92-593, 92-594, 92-595, April 25, 1992.

P 92-596, 92-597, April 26, 1992.

P 92-598, 92-599, 92-600, 92-601, 92-602, April 27, 1992.

P 92-603, May 1, 1992.

P 92-604, 92-605, 92-606, April 27, 1992.

P 92-607, 92-608, 92-609, 92-610, 92-611, 92-612, 92-613, 92-614, April 30, 1992.

P 92-615, 92-616, 92-617, 92-618, 92-619, 92-620, 92-621, 92-622, May 1, 1992.

P 92-623, 92-624, 92-625, May 2, 1992.

P 92-626, 92-627, 92-628, 92-629, 92-630, May 3, 1992.

P 92-631, 92-632, May 4, 1992.

ADDRESSES: Written comments, identified by the document control number "(OPPTS-51790)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. L-100, Washington, DC, 20460, (202) 260-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 92-522

Manufacturer. Sanncor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanate, polyols and polyamines.

Use/Production. (G) Coatings. Prod. range: Confidential.

P 92-523

Manufacturer. Confidential.

Chemical. (G) Molasses - urea reaction product.

Use/Production. (S) Slow nitrogen release fertilizer. Prod. range: Confidential.

P 92-524

Importer. Dow Corning Corporation.

Chemical. (G) Amino-functional silicone.

Use/Import. (S) Textile softener. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (rabbit). Eye irritation: slight species (rabbit). Static acute toxicity: time LC50 48h44ppm species (daphnia magna). Skin irritation: slight species (rabbit).

P 92-525

Manufacturer. Confidential.

Chemical. (G) Zinc salt of an organo compound containing nitrogen.

Use/Production. (G) Paint additive. Prod. range: Confidential.

P 92-526

Importer. High Point Chemical Corporation.

Chemical. (G) Cyclic ester.

Use/Import. (S) Aroma as fragrance ingredient. Import range: 800-2,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 2.0 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Eye irritation: moderate species (rabbit). Mutagenicity: negative. Skin irritation: slight species (rabbit).

P 92-527

Importer. High Point Chemical Corporation.

Chemical. (S) 2-Cyclohexyl propanal.

Use/Import. (S) Aroma as fragrance ingredient. Import range: 800-1,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Eye irritation: slight species (rabbit). Mutagenicity: negative. Skin irritation: slight species (rabbit). Skin sensitization: negative species (guinea pig).

P 92-528

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-529

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-530

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-531

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-532

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-533

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-534

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-535

Manufacturer. Confidential.

Chemical. (G) Alkyl methacrylate, morpholinoethyl, styrene copolymer.

Use/Production. (G) Lubricating oil additives. Prod. range: Confidential.

P 92-536

Manufacturer. Union Camp Corp. Chemical Products Div,.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-537

Manufacturer. Union Camp Corp., Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine; polyoxypropylenediamines; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-538

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; stearic acid; 1,5-pentanediamine, 2-methyl-; piperazine; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-539

Manufacturer. Union Camp Corp. Chemical Products Div.,

Chemical. (S) Fatty acids, C_{18}-unsaturated, dimers; ethylenediamine;stearic acid; 1,5-pentanediamine, 2-methyl-piperazine; polyoxypropylenediamines; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-540

Manufacturer. Union Camp Corp., Chemical Products Div.

Chemical. (S) Fatty acids, C_{18}-unsaturated; dimers; azelaric acid; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-541

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; azelaic acid; ethylenediamine; 1,5-pentanediamine; 2-methyl-; piperazine; polyoxypropylenediamines.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-542

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, azelaic acid; ethylenediamine; stearic acid; 1,5-pentanediamine. 2-methyl-piperazine.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-543

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; stearic acid; 1,5-pentanediamine, 2-methyl-; piperazine; polyoxypropylenediamines; azelaic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-544

Importer. Confidential.

Chemical. (G) Poly-beta-hydroxy-T-anylamine.

Use/Import. (G) Polymeric co-curative. Import range: Confidential.

P 92-553

Manufacturer. Star Enterprise.

Chemical. (S) 2-Methyl-2-methoxy butane.

Use/Production. (S) Fuel additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2.5 g/kg species (rat). Acute dermal toxicity: LD50 10 g/kg species (rabbit). Eye irritation: moderate species (rabbit).

P 92-554

Importer. Confidential.

Chemical. (G) Styrene-maleimide copolymer.

Use/Import. (G) Additive for thermoplastic resins. Import range: Confidential.

P 92-555

Manufacturer. Confidential.

Chemical. (G) Polyester/polyamide.

Use/Production. (S) Pigment for ink. Prod. range: Confidential.

P 92-556

Manufacturer. Confidential.

Chemical. (G) Blocked polyurethane.

Use/Production. (S) Automotive antichipping coating. Prod. range: 18,000-23,000 kg/yr.

P 92-557

Manufacturer. Confidential.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) General industrial use. Prod. range: Confidential.

P 92-558

Manufacturer. Confidential.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) General industrial use. Prod. range: Confidential.

P 92-559

Importer. Confidential.

Chemical. (G) Copper phthalocyanate derivative.

Use/Import. (G) Dye. Import range: Confidential.

Toxicity Data. Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 92-560

Manufacturer. Confidential.

Chemical. (G) Amide.

Use/Production. (G) Printing ink. Prod. range: Confidential.

P 92-561

Manufacturer. Confidential.

Chemical. (G) Acid functional triester.

Use/Production. (S) Coatings. Prod. range: 25,000-54,000 kg/yr.

P 92-562

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000-72,000 kg/yr.

P 92-563

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000-72,000 kg/yr.

P 92-564

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000-72,000 kg/yr.

P 92-565

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-566

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-567

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-568

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-569

Manufacturer. Hoechst Celanese Coporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-570

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-571

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-572

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-573

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-574

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutanedioic 1/2 ester; ammonium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-575

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethyacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester potassium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-576

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; sodium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-577

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethylaneoxy alcohol-methylenbutandioic acid 1/2 ester; calcium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-578

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylatemethacrylic acid-methylmethacrylate-cetyl poiyethyleneoxy alcohol-methylbutandioic 1/2 ester; magnesium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-579

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethylethyleneoxy alcohol-methlenebutandioic 1/2 ester; lithium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-580

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethykmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; monoethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-581

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methacrylenebutandioic 1/2 ester; dimethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-582

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethylate-cetyl polyethylenoxy alcohol-methylenebutandioic 1/2 ester; trimethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-583

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; ethylenediamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-584

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methyme thacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; monoethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-585

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; diethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-586

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; triethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-587

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2/ester; ethanolmine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-588

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylatemethacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; diethanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-589

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;triethanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-590

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;isopropanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-591

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methacry lenebutandioic 1/2 ester; morpheline.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-592

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylate-methacrylic acid-methylmethac rylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;amino methylpropenol.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-593

Manufacturer. Cray Valley Products, Inc.

Chemical. (G) Acrylic resin with and hydroxy functional groups.

Use/Production. (G) Paint. Prod. range: 20,000–100,000 kg/yr.

P 92-594

Importer. Confidential.

Chemical. (G) Alkanedioic acid, product with substituted anhydrides and alkine diols.

Use/Import. (G) Precursor for polyurethane. Import range: Confidential.

P 92-595

Manufacturer. Halocarbon Products Corporation.

Chemical. (S) 1,2,2-Trichloro-1,1-difluoroethane.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 92-596

Importer. Confidential.

Chemical. (G) A styrene/acrylate polymer with some anionic functionality.

Use/Import. (S) Coating for polyester film. Import range: Confidential.

P 92-597

Importer. Confidential.

Chemical. (G) Styrene-oxagoline copolymer.

Use/Import. (G) Additive for polymer alloy. Import range: Confidential.

Toxicity Data. Mutagenicity: negative.

P 92-598

Manufacturer. Confidential.

Chemical. (S) Benzenesulfonyl chloride, 4-*N*-(acetylamino)-2-methyl-.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

P 92-599

Manufacturer. Confidential.

Chemical. (S) Benzenesulfonamide, 4-amino-3,5-dichloro-*N*-ethyl-methyl-.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 92-600

Manufacturer. Confidential.

Chemical. (G) Epoxy polymer reacted with cycloaliphatic amine.

Use/Production. (G) Epoxy curing agent. Prod. range: Confidential.

P 92-601

Importer. Henkel Corporation, Emery Group.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, isononanoic acid, and C_8–C_{18} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–90,000 kg/yr.

P 92-602

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex estes with dimer; acid isononanoic acid, and C_8–C_{18} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–90,000 kg/yr.

P 92-603

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, and C8-C10 fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-604

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, acid; C_8–C_{10} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-605

Manufacturer. Novo Nordisk BioIndustrials, Inc.

Chemical. (G) A sporulation-deficient *Bacillus* species was genetically modified using recombinant DNA techniques to contain genes for the enhanced production of a subtilisin enzyme and for resistance to antibiotics. The subtilisin gene was obtained from a strain of a *Bacillus* species and introduced into the host using recombinant, intergeneric plasmids. Plasmid vector DNA is retained in the PMN microorganism.

Use/Production. (G) The PMN microorganism will be used for the biosynthesis of subtilisin an enzyme for use in detergents. Prod. range: Confidential.

Toxicity Data. Pathogenicity tests were conducted in mice with the PMN

and unmodified recipient microorganisms. These vegetative microbial cells were nonpathogenic when they were administered to mice at three dose levels via the intraperitoneal route. The LD50 for bothe the unmodified recipient and PMN microorganisms was $> 10^9$ cells per kilogram of body weight.

Exposure. Workers in the production areas who maintain and process cultures of the recombinant microorganism.

Environmental Release/Disposal. Production and processing: live cells are contained in a sealed fermentation vessel system during the manufacturing process. The recombinant microorganism is separated from the enzyme product and is inactivated prior to disposal. Detectible, viable microbial cells are not expected to be present in the enzyme concentrate or formulations. Disposal of cell waste: land application.

P 92-606

Manufacturer. Confidential.
Chemical. (G) Disubstituted carbomonocycle.
Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 92-607

Manufacturer. Confidential.
Chemical. (G) Epoxy resin.
Use/Production. (G) Component of structural material. Prod. range: 900 kg/yr.

P 92-608

Manufacturer. Confidential.
Chemical. (G) Carboxyl-functional polyamide.
Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-609

Manufacturer. Confidential.
Chemical. (G) Carboxyl-functional polyamide.
Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-610

Manufacturer. Confidential.
Chemical. (G) Carboxyl-functional polyamide.
Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-611

Manufacturer. Confidential.
Chemical. (G) Alkyldihydro-2,5-furandione, reaction product with polyethylenepolyamines.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 92-612

Manufacturer. Confidential.
Chemical. (G) Amine-terminated polyol.
Use/Production. (G) Paints. Prod. range: Confidential.

P 92-613

Manufacturer. W.R. Grace & Co.
Chemical. (G) Vegetable oil.
Use/Production. (G) Pesticide adjuvent. Prod. range: 28,000–46,000 kg/yr.

P 92-614

Importer. Confidential.
Chemical. (G) Styrene acrylic oxayoline copolymer.
Use/Import. (G) Curing agent, crosslinking agent. Import range: Confidential.

P 92-615

Importer. Wacker Chemicals (USA), Inc.
Chemical. (S) Glycosyltransferase, cyclodextrin.
Use/Import. (S) Enzyme catalyst. Import range: Confidential.

P 92-616

Manufacturer. Confidential.
Chemical. (G) Epoxy resin.
Use/Production. (G) Component of structural material. Prod. range: 900.

P 92-617

Manufacturer. Confidential.
Chemical. (G) Modified phenyl silsesquioxane.
Use/Production. (G) Heat curable resin. Prod. range: Confidential.

P 92-618

Manufacturer. Confidential.
Chemical. (G) Acrylic modified vinyl chloride polymer.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-619

Manufacturer. Confidential.
Chemical. (G) Acrylic modified vinyl chloride polymer.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.,

P 92-620

Manufacturer. Confidential.
Chemical. (G) Acrylic modified vinyl chloride polymer.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-621

Manufacturer. Confidential.
Chemical. (G) Acrylic modified vinyl chloride polymer.
Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-622

Manufacturer. Hoechst Celanese.
Chemical. (G) Acrylate, acrylamide, quaternary ammonium salt polymer.
Use/Production. (G) Antistatic coating for films and fibers. Prod. range: Confidential.

P 92-623

Manufacturer. Confidential.
Chemical. (G) Decadiene crosslinked poly(maleic anhydride-methyl vinyl ether).
Use/Production. (S) Industrial thickeners - adhesive, inks. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: minimal species (rabbit). Skin irritation: minimal species (rabbit). Mutagenicity: negative. Phototoxicity: negative species (guinea pig). Photoallergenicity: negative species (guinea pig).

P 92-624

Manufacturer. Confidential.
Chemical. (G) Chromophore substituted polyoxyalkylene.
Use/Production. (G) Colorant. Prod range: Confidential.

P 92-625

Manufacturer. Confidential.
Chemical. (G) Chromophore substituted polyoxakylene.
Use/Production. (G) Colorant. Prod. range: Confidential.

P 92-626

Manufacturer. Confidential.
Chemical. (G) Polyether aromatic polyurethane polymer.
Use/Production. (G) Transparent adhesive backing for medical dressing. Prod. range: Confidential.

P 92-627

Manufacturer. Rhom & Haas Company.
Chemical. (G) Acrylic copolymer.
Use/Production. (G) Open, nondispersive. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Acute dermal toxicity: > 2 g/kg species (rabbit). Eye irritation: moderate species (rabbit). Skin irritation: none species (rabbit). Mutagenicity: negative.

P 92-628

Importer. Confidential.
Chemical. (G) Substitutited phenyl azophenol.

Use/Import. (G) Fabrication of integrated circuits. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 1,709 mg/kg species (rat). Static acute toxicity: 1.33 mg/L time 48h species (killifish). Mutagenicity: negative.

P 92-629

Importer. Confidential.
Chemical. (G) Di hydroxy phenyl)-(phenyl)alkyl)methane.
Use/Import. (G) Fabrication of integrated circuits. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rat). Static acute toxicity: > 1,000 mg/l 96h species (carp). Eye irritation: mild species (rabbit). Skin irritation: none species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 92-630

Manufacturer. GE plastics.
Chemical. (G) Modified styrene-olefin copolymer.
Use/Production. (S) Automotive. Prod. range: Confidential.

P 92-631

Manufacturer. Future Coatings, Inc.
Chemical. (G) Reaction product polyalkylene polyol and methylenebis(carbomomocyclic isocyanate).
Use/Production. (G) Coating component. Prod. range: Confidential.

P 92-632

Manufacturer. Basf Corporation.
Chemical. (G) Amine salt of formic acid.
Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Dated: March 17, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6677 Filed 3-20-92; 8:45 am]
BILLING CODE 6560-50-F

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 16]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, Eximbank has submitted an application to be used under the Bank's medium and long term loan and guarantee programs.

PURPOSE: The proposed application is to be used by applicants when applying for Eximbank's services under its medium and long term loan and guarantee programs. The application will serve as a mechanism by which Eximbank can evaluate creditworthiness of applicants, to find reasonable assurance of repayment, and to assure that relevant statutory programs and requirements are met.

SUMMARY: The following summarizes the information collection proposal submitted to OMB.

(1) *Type of request:* extension.
(2) *Number of forms submitted:* one.
(3) *Form Number:* EIB 87–14 (Rev.).
(4) *Title of information collection:* Medium- and Long-Term Export Loan and Guarantee Application.
(5) *Frequency of use:* Submission of applications.
(6) *Respondents:* Any U.S. or foreign bank, other financial institution, other responsible party including the exporter or creditworthy borrowers in a country eligible for Eximbank assistance.
(7) *Estimated total number of annual responses:* 500.
(8) *Estimated total number of hours needed to fill out the form:* 250. Section 3504(h) of Public Law 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed application may be obtained from Helene H. Walt, Agency Clearance Officer, (202) 566–8111. Comments and questions should be directed to Lin Liu, Office of Management and Budget, Information and Regulatory Affairs, room, 3235, New Executive Office Building, Washington, DC 20503, (202) 395–7340. All comments should be submitted within two weeks of this notice; if you intend to submit comments but are unable to meet this deadline, please advise by telephone that comments will be submitted late.

Dated: March 9, 1992.

Helene H. Walt,

Agency Clearance Officer.

[FR Doc. 92-6634 Filed 3-20-92; 8:45 am]
BILLING CODE 6690-01-M

FEDERAL MARITIME COMMISSION

Inter-American Discussion; et al., Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011369.
Title: Inter-American Discussion Agreement.
Parties: Inter-American Freight Conference, Inter-American Freight Conference Puerto Rico and U.S. Virgin Islands Area, Inter-American Freight Conference Pacific Coast Area, Inter-American Freight Conference Area River Plate/Puerto Rico and U.S. Virgin Islands/River Plate, A. Bottacchi S.A. de Navegacion C.F.I. el., A/S/ Ivarans Rederi, d/b/a/ Ivaran Lines, Companhia Maritima Nacional, Companhia de Navegacao Maritima Netumar, American Transport Lines, Inc., CMB Transport N.V., Companhia de Navegacao Lloyd Brasileiro, Empresa Lineas Maritimas Argentinas Sociedad Anonima (ELMA S/A), Empresa de Navegacao Alianca S.A. Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) Nedlloyd Lijnen B.V., Transroll/Sea-Land, Frota Amazonica S.A., Maruba S.C.A., Norsul Internacional S.A.

The proposed Agreement would authorize the parties to meet, discuss and agree on rates and charges in the trade between the United States (including Puerto Rico and the U.S. Virgin Islands) and ports in Argentina, Brazil, Paraguay and Uruguay. The parties have no obligation under this Agreement, other than voluntary, to adhere to any consensus or agreement reached.

Agreement No.: 224–200634.
Title: Tampa Port Authority/OdessAmerica Cruise Company Terminal Agreement.
Parties: Tampa Port Authority, OdessAmerica Cruise Company.
Synopsis: The Agreement permits the Tampa Port Authority to make its passenger terminal facilities available to

OdessAmerica Cruise Company on a non-exclusive basis and to provide preferential berthing during certain periods.

Dated: March 17, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6602 Filed 3-20-92; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 92-11]

USA International Procurement Agency, Inc. v. Seaport Shipping Agency, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by USA International Procurement Agency, Inc. ("Complainant") against Seaport Shipping Agency, Inc., d/b/a Seaport Shipping Lines ("Respondent") was served March 16, 1992. Complainant alleges that Respondent engaged in violations of section 10(d)(1) of the Shipping Act of 1984, 46 U.S.C. app. Section 1709(d)(1), by failing to properly handle Complainant's cargo in a responsible manner or at a price which it had represented itself to be capable of doing, on a shipment of office furniture and supplies from Baltimore, Maryland to Bamako, Mali, via Antwerp on April 29, 1991.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 16, 1993, and the final decision of the Commission shall be issued by July 14, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6603 Filed 3-20-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Concord EFS, Inc.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Concord EFS, Inc., Memphis, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of EFS National Bank, Memphis, Tennessee, a *de novo* bank.

In connection with this application, Applicant also proposes to acquire Concord Computing Corporation, Elk Grove Village, Illinois, and thereby engage *de novo* in providing check authorization and collection services, pursuant to §§ 225.25(b)(7) of the Board's Regulation Y. Applicant currently engages in these activities through a retail division.

2. Concord EFS, Inc., Memphis, Tennessee; to retain Network EFT, Inc., Elk Grove Village, Illinois, and thereby engage in data processing, specifically electronic funds transfer services, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

3. Concord EFS, Inc., Memphis, Tennessee; to acquire VMT, Inc., Memphis, Tennessee, and thereby continue to engage in the provision of data transmission hardware in connection with its customers' transaction processing networks, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6613 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Integra Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Integra Financial Corporation, Pittsburgh, Pennsylvania; to acquire Landmark Savings Association, Pittsburgh, Pennsylvania, and thereby indirectly acquire Landmark Savings Association, Pittsburgh, Pennsylvania, and thereby engage in deposit taking activities and lending and other activities pursuant to § 225.25(b)(9) of the Board's Regulation Y; Landmark Mortgage Services, Inc., Pittsburgh, Pennsylvania, and thereby engage in conducting a mortgage origination business pursuant to § 225.25(b)(1) of the Board's Regulation Y; and Landmark Tri-Rivers Insurance Agency, Inc., Pittsburgh, Pennsylvania, and thereby engage in selling annuity and mutual fund products on a commission basis.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6624 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Joel W. Kovner; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 9, 1992.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Joel W. Kovner, Pacific Palisades, California; to acquire up to 24.9 percent of the voting shares of Professional Bancorp, Inc., Santa Monica, California, and thereby indirectly acquire First Professional Bank, N.A., Santa Monica, California.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6614 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Manufacturers National Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Manufacturers National Corporation, Detroit, Michigan, and Comerica Incorporated, Detroit, Michigan; to acquire 100 percent of a newly formed corporation, through which it proposes to acquire between 97 percent and 100 percent of the limited partnership interests (representing 96 percent to 99 percent of the total equity) of Talon Centre Associates Limited Partnership, a limited partnership organized under the laws of the State of Michigan and located in Michigan (the "Company"). The Company will engage in the leasing of real property in accordance with § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6615 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Northwest Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute

and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northwest Financial Corp., Spencer, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Conover Bancorporation, Creston, Iowa, and thereby indirectly acquire The First National Bank of Creston, Creston, Iowa.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. 405 Corporation, La Junta, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Ark Valley Industrial Bank, La Junta, Colorado, and Castle Rock Industrial Bank, Castle Rock, Colorado. After consummation of the transaction, the banks will be known as Ark Valley Independent Bank and Castle Rock Independent Bank.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Bancwest Bancorp, Inc., Austin, Texas; to acquire 100 percent of the voting shares of Westside Bank, San Antonio, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. GBC Holdings, Limited, Grand Cayman, British West Indies, and GBC Holdings, Inc., Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Guaranty Bank of California, Los Angeles, California.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6616 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Northwest Financial Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 17, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northwest Financial Corp., Spencer, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Conover Bancorporation, Creston, Iowa, and thereby indirectly acquire The First National Bank of Creston, Creston, Iowa.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6625 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Ruth Bank Corp., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Ruth Bank Corporation, Ruth Michigan; to engage *de novo* in purchasing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. The Shorebank Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, North Economic Initiatives Corporation, Chicago, Illinois, in activities designed primarily to promote community welfare by providing an array of financial and information services, such as high-risk micro-enterprise loans and technical assistance to new and growing small businesses, to stimulate job creation and business expansion opportunities for low- and moderate-income residents pursuant to § 225.25(b)(6) of the Board's Regulation Y. The activities will be conducted in the Upper Peninsula of Michigan.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6627 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Mary Jo Tangeman, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Mary Jo Tangeman, to acquire an additional 19.35 percent of the voting shares of Tanco, Ltd., Guttenberg, Iowa, for a total of 28.96 percent, and thereby indirectly acquire Green Belt Bank & Trust, Iowa Fallas, Iowa.

2. David Vanderhyde Sr. and Carol Vanderhyde, to retain 11 percent of the voting shares of Valley Ridge Financial Corporation, Kent City, Michigan, and thereby indirectly acquire Kent City State Bank, Kent City, Michigan.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Harlan H. Smith, Marion, South Dakota; to acquire 1.45 percent of the voting shares of Farmers State Holding Company, Marion, South Dakota, and thereby indirectly acquire Farmers State Bank of Marion, Marion, South Dakota.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6626 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F.

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463), as amended, notice is hereby given that a two-day meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, April 9, 1992 and Friday, April 10, 1992, from 9 a.m. to 4 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting will consist of a review of the minutes of the March 18-19 meeting, a review of an exposure draft on Accounting for Tangible Property Other Than Long Term Fixed Assets of the Federal Government, review of an exposure draft on Uses and Objectives of Federal Accounting, a discussion on issues and options for unfunded liabilities, and a review of an analysis of comments on the exposure draft on Financial Resources, Funded Liabilities, and Net Financial Resources of Federal Entities. We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 401 F St., NW., room 302, Washington, DC 20001, or call (202) 504-3336.

Authority: Federal Advisory Committee Act. Pub. L. No. 92-463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101-6.1015 (1990).

Dated: March 17, 1992.

Ronald S. Young,

Staff Director.

[FR Doc. 92-6600 Filed 3-20-92; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix 2), announcement is made of the following advisory subcommittees scheduled to meet during the month of March 1992:

Name: Consumers Guide to The Americans with Disabilities Act Advisory Subcommittee.

Dates and Times: March 23, 1992, 8:30 a.m.,

Place: Marriott Residence Inn, Charles Room, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR), regarding the scientifc and technical merit of contract proposals submitted in response to a specific Request for Proposal. The purpose of this contract is to develop a coordinated, computer based system to determine the rights and responsibilites of the disabled and the health care provider in meeting the requirements of The Americans with Disabilities Act (effective January 1992). Health care delivery questions most important to the disabled community are to be answered during Phase I of the research followed by the development of a prototype for retrieval of the inforamtion. The primary care practitioner will be the focus of defining the provider's responsibilities in determining whether the Act is applicable to a patient.

Name: NMES Data Support Advisory Subcommittee.

Dates and Times: March 25, 1992, 8:30 a.m.

Place: Marriott Residence Inn, Charles Room, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, AHCPR, regarding the scientifc and technical merit of contract proposals submitted in response to a specific Request for Proposal. The purpose of this contract is to provide timely and efficient data base management and computer programming which shall include: Econometric analyses; microsimulation moodeling and complex survey statistics; computer-related consulting and technical assistance; editorial and graphics services. This contract is designed to provide support of the data preparation, dissemination, and analysis activities in the Division of Medical Expenditure Studies, Center for Genreal Health Services Intramural Research, AHCPR.

Agenda: The session of each Subcommittee will be devoted entirely to the technical review and evaluation of contract proposals submitted in response to specific Requests for Proposals. The Administrator, AHCPR, has made a formal determination that these meetings will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Committee and Department operations, and safeguard confidential proprietary information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. appendix 2, Department regulations, 45 CFR 11.5(a)(6), and procurement regulations, 48 CFR 315.604(d).

Anyone wishing to obtain information regarding these meetings should contact Karen Harris, Office of Management, Management Systems and Services Branch.

Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, suite 601, Rockville, Maryland 20852

Agenda items are subject to change as priorities dictate.

Note: Due to unforseen circumstances, arrangements for both the March 23rd and March 25th meetings are delayed. Consequently, more timely notification was not possible.

Dated: March 10, 1992.

J. Jarrett Clinton,

Administrator, AHCPR.

[FR Doc. 92-6646 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-90-M

Food and Drug Administration

[Docket No. 92F-0053]

Hoechst Celanese Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hoechst Celanese Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in yogurt and yogurt-type products, in frozen and refrigerated desserts, and in syrups and toppings.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFF-333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A4311) has been filed by Hoechst Celanese Corp., Route 202-206 North, Somerville, NJ 08876. The petition proposes that the food additive regulations in § 172.800 *Acesulfame potassium* (21 CFR 172.800) be amended to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in yogurt and yogurt-type products, in frozen and refrigerated desserts, and in syrups and toppings.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 16, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-6636 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92F-0100]

PCI Membrane Systems, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that PCI Membrane Systems, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HHF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 020-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4157) has been filed by PCI Membrane Systems, Ltd., Laverstoke Mill, Whitechurch, Hampshire RG28 7NR, England. The petition proposes to amend the food additive regulations to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1, 2-diaminoethane as a food-contact layer of reverse osmosis membranes.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 16, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-6637 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Program Announcement for the Disadvantaged Health Professions Faculty Loan Repayment Program

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 for the Disadvantaged Health Professions Faculty Loan Repayment Program are now being accepted under section 761 of the Public Health Service Act (The Act), as added by The Disadvantaged Minority Health Improvement Act of 1990, Public Law 101-527.

Approximately $975,000 is available in FY 1992 for competing applications for the Disadvantaged Health Professions Faculty Loan Repayment Program. It is expected that 30 awards averaging $32,000 ($16,000 per year for two years) will be supported with these funds.

Purpose

The purpose of the Disadvantaged Health Professions Faculty Loan Repayment Program (FLRP) is to attract and retain disadvantaged health professions faculty members for accredited health professions schools. The FLRP is directed at those individuals available to serve immediately or within a short time as full-time faculty members.

Eligible Individuals

Individuals from disadvantaged backgrounds are eligible to compete for participation in the FLRP if they:

1. Have a degree in medicine, osteopathic medicine, dentistry, nursing, pharmacy, podiatric medicine, optmetry, veterinary medicine, or public health or from a school that offers a graduate program in clinical psychology; or

2. Are enrolled in an approved graduate training program in one of the health professions listed above; or

3. Are enrolled as a full-time student in the final year or health professionals training, leading to a degree from an eligible school.

Prior to submitting an application, eligible individuals must sign a contract as prescribed by the Secretary, setting forth the terms and conditions of the FLRP. This contract requires the individual to also have entered into a contract with an eligible school to serve as a full-time member of the faculty, as determined by the school, for not less than two years, whereby the school agrees to pay a sum (in addition to faculty salary) equal to that paid by the Secretary towards the repayment of the applicant's health professions educational loans.

Eligible Schools

Eligible health professions schools are accredited public or nonprofit private schools of medicine, osteopathic medicine, denistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or schools that offer a graduate program in clinical psychology as defined in section 701(4) of the Act, and which are located in States as defined in section 701(11) of the Act, and which are accredited as provided in section 701(5) of the Act, and schools of nursing as defined in section 853 of the Act.

Provisions of the Loan Repayment Program

Section 761 authorizes the Secretary to repay up to $20,000 of the principal and interest of a participant's educational loans, but not to exceed 50 percent of the amounts due on such loans for such year for each year of eligible faculty service.

The school is required, for each such year, to make payments of principal and interest due, in an amount equal to the amount of payment made by the Secretary for that year. These payments must be in addition to the faculty salary the participant otherwise would receive.

HRSA will pay on behalf of the participant the principal due for that year and interest on educational loans for the following expenses:

1. Tuition expenses;

2. All other reasonable educational expenses such as fee, books, supplies, educational equipment and materials required by the school, and incurred by the applicant;

Reasonable living expenses, as determined by the Secretary; and

4. Partial payments of the increased Federal income tax liability caused by the FLRP's payments and considered to be "other income," if the recipient requests such assistance.

Prior to entering into an agreement for repayment of loans, the statue requires the Secretary to obtain satisfactory evidence of the existence and reasonableness of the individual's educational loans, including a copy of the written loan agreement establishing the loan, and a notarized statement that the copy is a true copy of the loan agreement.

Waiver Provision

In the event of undue financial hardship to a school, the school, may obtain from the Secretary a waiver of its share of payments while the participant is serving under the terms of the contract. For purposes of this program, "undue financial hardship" means a situation where the school experiences a net loss as evidenced by documentation of "undue financial hardship", as seen by the individual school, on the basis of the school's particular financial status such as budget cutbacks. Decisions will be made on a case-by-case basis, as supported by the school's documentation such as: (1) The most current certified public accounting audit; and (2) the Balance Sheet and Statement of Income and Expenses for the last three years.

If the Secretary waives the school's payment requirement, the amount of the Federal loan repayment will not be subject to the 50 percent limit per year described above, but cannot exceed the $20,000 repayment limit applicable to the Secretary. The participant must pay that portion of loan payment due which is not covered.

The following Definitions, Program Requirements, Review Criteria and Funding Preference were established in FY 1991 after public comment dated October 2, 1991, at 56 FR 49896, and Administration is extending them in FY 1992.

Definitions

For purposes of the FLRP in FY 1992, an "Individual from a Disadvantaged Background" is defined as a 42 CFR 57.1804, as one who:

1. Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession; or

2. Comes from a family with an annual income below a level based on low income thresholds according to a family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the Federal Register. The following income figures determine what constitutes a low income family for purposes of the Faculty Loan Repayment Program for FY 1992.

Size of parents' family [1]	Income level [2]
1	$9,100
2	11,800
3	14,100
4	18,000
5	21,300
6 or more	23,900

[1] Includes only dependents listed on Federal income tax forms.

[2] Adjusted gross income for calendar year 1991, rounded to $100.

The term "Living expenses" means the costs of room and board, transportation and commuting costs, and other costs incurred during an individual's attendance at a health professions school, as estimated each year by the school as part of the school's standard student budget. (National Health Service Corps Loan Repayment Program, 42 CFR 62.22).

The term "Reasonable educational expenses and living expenses" means the costs of those educational and living expenses which are equal to or less than the sum of the school's estimated standard student budgets for educational and living expenses for the degree program and for the year(s) during which the Program participant is/was enrolled in the school. (National Health Service Corps Loan Repayment Program, 42 CFR 62.22).

The term "Unserved Obligation Penalty" means the amount equal to the number of months of obligated service that were not completed by an individual, multiplied by $1,000, except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000. (section 338E of the Act). See "Breach of Contract" section below.

Program Requirements

The following requirements will be applied to the applicant and to the school.

The Applicant

The applicant will be required to do the following:

1. Submit a completed application, including the applicant's contract with an eligible school to serve as a full-time faculty member for not less than two years;

2. Provide evidence that the applicant has completely satisfied any other obligation for health professional service which is owed under an agreement with the Federal Government, State Government, or other entity prior to beginning the period of service under this program;

3. Certify that the applicant is not delinquent on any amounts which are owed to the Federal Government; and

4. Provide documentation to evidence the educational loans and to verify their status.

The School

The participating school will be required to do the following:

1. Enter into a contractual agreement with the applicant whereby the school is required, for each year for which the participant serves as a faculty member, to make payments of principal and interest due for that year, in an amount equal to the amount of such payments made by the Secretary. These payments must be in addition to the faculty salary the participant otherwise would receive.

2. Verify the participant's continuous employment at intervals as prescribed by the Secretary.

If the school is unable to meet the requirement of the FLRP for payment of principal and interest due because the requirement would impose undue financial hardship on the school, the school may request a waiver of this obligation from the Secretary. If the school's proportionate share of loan repayment amounts is waived, the Federal government agrees to make payments of not more than $20,000 of principal and interest for a year, which includes the amount granted as a waiver to the school.

The Secretary will pay participants in equal quarterly payments during the period of service.

Effective Date of Contract

After an applicant has been approved for participation in the FLRP, the Director, Division of Disadvantaged Assistance (DDA), will send the applicant a contract with the Secretary. The effective date is either the date work begins at the school as a faculty member or the date the Director, DDA, signs the FLRP contract, whichever is later. Service should begin no later than September 30, 1992.

Breach of Contract

The following areas under Breach of Contract are addressed in the appended contract:

1. If the participant fails to serve his or her period of obligated faculty service (minimum of two years) as contracted with the school, he/share is then in breach of contract, and neither the Secretary nor the school is obligated to continue loan repayments as stated in the contract. The participant must then reimburse the Secretary and the participating school for all sums of principal and interest paid on his/her behalf as stated in the contract.

2. Regardless of the length of the agreed period of obligation service (2, 3, or more years), a participant who serves less than the time period specified in his/her contract is liable for monetary damages to the United States amounting to the sum of the total of the amounts the Program paid his/her lenders, plus an "unserved obligation penalty" of $1,000 for each month unserved.

3. Any amount which the United States is entitled to recover because of a breach of the FLRP contract must be paid within 1 year from the day the Secretary determines that the participant is in breach of contract. If payment is not received by the payment date, additional interest, penalties and administrative charges will be assessed in accordance with Federal Law (45 CFR 30.13).

Other Consideration

In making awards, HRSA hopes to achieve equitable distribution among health disciplines and among geographic areas. Health needs of national significance will also be a consideration.

Review Criteria

The HRSA will review fiscal year 1992 applications taking into consideration the following criteria:

1. The extent to which the applicant meets the requirements of section 761 of the Act;

2. The completeness, accuracy, and validity of the applicant's responses to application requirements;

3. The submission of the signed contract with the school;

4. An applicant's earliest available date to begin service as a faculty member provided funding is available for that year; and

5. An applicant's availability to enter into a service contract for a longer period than the mandatory 2-year minimum.

In addition, a funding preference, allowing funding of a specific category or group of approved applications ahead of other categories or groups of applications, will be applied in determining the funding of approved applications.

Funding Preference

A funding preference will be given to individuals from disadvantaged (including racial and ethnic minorities) backgrounds who are new to the field of teaching. The Department intends to target FLRP assistance to disadvantaged health professions graduates serving as new faculty. This funding preference is designed to attract such individuals to pursue teaching careers in the health professions.

Established faculty members are eligible to apply for funds under the FLRP, but new faculty repayments will be funded first.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Disadvantaged Health Professions Faculty Loan Repayment Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) of Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Application Requests

Requests for application materials and questions regarding program information should be directed to: Norman Roskos, Chief, Analysis and Evaluation Branch, Division of Disadvantaged Assistance, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8A–09, Rockville, Maryland 20857, Telephone: (301) 443–3680.

Completed applications should be returned to the address listed above. The application deadline date is July 30, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for consideration. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The application form and instructions for this program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0150.

The Disadvantaged Health Professions Faculty Loan Repayment program is listed at 93.923 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: January 28, 1992.

Robert G. Harmon,

Administrator.

BILLING CODE 4160-15-M

CONTRACT FOR THE DISADVANTAGED HEALTH PROFESSIONS FACULTY LOAN REPAYMENT PROGRAM

WITH

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION
BUREAU OF HEALTH PROFESSIONS

Section 761 of the Public Health Service Act ("Act") [42 United States Code 294 et seq.], as added by Pub. L. 101-527, authorizes the Secretary of Health and Human Services ("Secretary") to repay the educational loans of applicants from disadvantaged backgrounds selected to be participants in the Loan Repayment Program Regarding Service on Faculties of Certain Health Professions Schools ("Faculty Loan Repayment Program"). In return for these loan repayments, applicants must agree to provide teaching faculty services at an approved accredited health professions school determined by the Secretary for a designated period of obligated service pursuant to section 761 of the Act.

Sections 761(e) & (g) of the Act require applicants to submit with their applications a signed contract with an accredited health professions school and a signed contract which states the terms and conditions of participation in the Faculty Loan Repayment Program. The Secretary shall sign only those contracts submitted by applicants who are selected for participation.

The terms and conditions of participating in the Faculty Loan Repayment Program are set forth below:

Section A-Obligations of the Secretary

Subject to the availability of funds appropriated by the Congress of the United States for the Faculty Loan Repayment Program, the Secretary agrees to:

1. Pay, in the amount provided in paragraph 2 of this section, the undersigned applicant's qualifying educational loans. Qualifying educational loans consist of the principal and interest on educational loans received by the applicant for the following expenses of enrollment:

   a. tuition expenses;

   b. all other reasonable educational expenses such as fees, books, supplies, educational equipment and materials required by the school, and incurred by the applicant; or

   c. reasonable living expenses as determined by the Secretary.

2. If the applicant agrees to serve 2 or more years:

   a. Except as provided in subparagraph b. of this paragraph, pay annually, for each year of service not more than $20,000 of the principal and interest of the qualified educational loans of such individual due but not to exceed an amount equal to 50 percent of 20 percent of such loan payments due; or

   b. The Secretary's liability will not exceed a cap of $20,000 of principal and interest annually. This would include the amount waived under Sec. 761(f) of the Act for the school's proportionate share of the loan repayment amounts. The applicant must pay that portion not covered.

3. Make loan repayments for a year of obligated service no later than the end of the fiscal year in which the applicant completes such year of service.

4. The effective date of the Contract will be the date it is signed by the Director, Division of Disadvantaged Assistance or the date employment begins as a faculty member at the contracting school whichever is later.

Section B-Obligations of the Participant

1. The applicant agrees to:

   a. Continue loan repayments to lenders for the first quarter after which the Secretary will make delayed quarterly payments to applicant for the years stated in paragraph c of this section. Applicant must pay lender(s) these payments.

   b. Serve the period of obligated faculty service as contracted with the school and as determined by the Secretary to be acceptable.

   c. Serve in accordance with paragraph b. of this section for _____ years at _____ _____. The applicant must serve a minimum of two years.

2. If the applicant's eligibility to participate in the Faculty Loan Repayment Program is based on section 761(b)(3) of the Act (i.e. based on enrollment in an accredited health professions school), the applicant also agrees to:

   a. Maintain full-time enrollment, (as determined by the School), in good academic standing as determined by the School, in the final year of the course of study leading to a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, nursing, or public health, or schools offering graduate programs in clinical psychology in which the applicant is currently enrolled, until completion of such course of study;

   b. Enter into a contract with an accredited school described in subsection (c) of Section 761 to serve as a "new" member of the faculty of the school for not less than 2 years according to the requirements described in subsection (e)(2) of section 761.

   c. Begin service obligation as contracted.

Section C-Breach of Written Loan Repayment Contract

1. If the participant fails to comply with section B.1.c. of this contract or is dismissed for disciplinary reasons or voluntarily terminates the contracts, neither the Secretary nor the School is obligated to continue loan repayments as stated in Sec. A of this Contract. The participant shall be liable to the United States and the School for the amounts specified in paragraph 2 of this section.

2. If the applicant agrees to serve as a full-time faculty member for two years or more and fails to serve the 2 year minimum requirement, and is liable to pay monetary damages to the United States amounting to the sum of (a) the total amounts specified in Section A.2 of this contract plus (b) an "unserved obligation penalty" of $1,000 for each month unserved as set forth in paragraph 3 of this section plus (c) any tax assistance paid plus (d) interest, penalties and administrative charges for past due payments.

3. The "Unserved Obligation Penalty" means the amount equal to the number of months of obligated service that were not completed by an individual, multiplied by $1,000 except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000.

4. If the applicant agrees to serve more than the 2-year minimum service obligation and has completed the 2-year minimum, the participant will be liable for such sums paid for any months that are not a full year beyond the 2-year minimum requirement as agreed to in Section B.1.c of this contract, plus an "unserved obligation penalty" of $1,000 for each month unserved.

5. Any amount the United States is entitled to recover shall be paid within one year of the date the Secretary determines that the applicant is in breach of this written contract. Failure to pay by the due date will incur delinquent charges provided by Federal Law (45 CFR 30.13).

Section D-Cancellation, Suspension, & Waiver of Obligation

Any service or payment obligation may be canceled, suspended, or waived under certain circumstances described below: (1) In the event of death or permanent and total disability, the Secretary will cancel obligations under this contract. To receive cancellation in the event of death, the executor of the estate must submit an official death certificate to the Secretary. To receive the cancellation for permanent and total disability, participant or the representative must apply to the Secretary, submitting evidence of the medical condition, and the Secretary may cancel this obligation in accordance with applicable Federal statutes and regulations; (2) Upon receipt of supporting documentation the Secretary may waive or suspend service or payment obligation under this contract if the Secretary determines that: (a) meeting the terms and conditions of the contract is impossible or would involve extreme hardship; and (b) enforcement of the obligations would be unconscionable. (3) Deferment will be granted in the event of long term illness. Supporting documentation should be sent to: Division of Disadvantaged Assistance, Room 8A-09 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The Secretary or authorized representative must sign this contract before it becomes effective.

Applicant Name (Please Print) Applicant Signature * Date

Secretary of Health and Human Services or Designee Date

* Before signing, be sure you have completed section B.1.c. on page 1 of this contract indicating the number of years of service you agree to perform.

[FR Doc. 92-6689 Filed 3-20-92; 8:45 am]
BILLING CODE 4160-15-C

Availability of Funds for Grants To Provide Health Care for the Homeless and Health Care Services for Homeless Children

AGENCY: Health Resources and Services Administration, HHS

ACTION: Notice of available funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that the appropriation for fiscal year (FY) 1992 includes $56,021,000 for discretionary grants to provide primary health and substance abuse services to homeless individuals. Grants will be awarded under section 340 of the Public Health Service (PHS) Act, as amended, 42 U.S.C. 256.

Approximately 110 noncompeting continuation grants will be awarded to organizations which received grants in FY 1991 and which are currently providing health services to homeless individuals. The range of project support is approximately $100,000 to $2,000,000 per 12-month budget period, depending upon the number of individuals who will receive care through this effort. In addition, approximately 10–15 new organizations will be awarded a total of approximately $3 million to begin new health care for the homeless activities and 8–12 grants totalling approximately $2.5 million will be awarded to organizations to provide health care services to homeless children. Support for all new grantees will range from approximately $100,000 to $2,000,000 per project for a 12-month budget period. Funds may also be used to support improvement awards to existing grantees to meet additional health service delivery or health system management needs. Approximately 40–50 improvement proposals may be supported, ranging from $10,000 to $50,000 per proposal.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting health priorities. This grant program is related to the objectives cited for special populations, particularly people with low income, minorities, and the disabled, which constitute a significant portion of the homeless population. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202 783–3238).

DUE DATES: Applicants for noncompeting continuation grants submitted, on September 15, 1991, an abbreviated grant application for the FY 1992 funding cycle. Applicants for new starts, grants for services to homeless children, and for improvement funding for continuation grantees are due April 30, 1992. Applications are considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications will not be considered for funding and will be returned to the applicant.

ADDRESES: Application kits (Form PHS 5161–1 with revised face sheet HHS Form 424, as approved by the Office of Management and Budget under contol number 0937–0189) may be obtained from, and completed applications should be mailed to, the appropriate PHS Regional Grants Management Officer (RGMO) (see Appendix). The RGMO can also provide assistance on business management issues.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, contact Ms. John Holloway, Director, or Mr. James L. Gray, Health Care for the Homeless Program Director, Division of Special Populations Program Development, Bureau of Health Care Delivery and Assistance (BHCDA), at 5600 Fishers Lane, Rockville, Maryland 20857 (telephone (301) 443–2512).

SUPPLEMENTARY INFORMATION:

Grants Awarded Under Section 340(a)

Section 340(a) of the PHS Act authorizes the Secretary to award grants to enable grantees, directly or through contracts, to provide for the delivery of health services to homeless individuals. Eligible applicants are nonprofit private organizations and public entities, including State and local governmental agencies. Grantees and organizations with whom they may contract for services under this program must have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and be qualified to receive payments under the agreement. This requirement may be waived if the organization does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

Preference for new starts will be given to qualified applicants that (1)(A) are experienced in the direct delivery of primary health services to homeless individuals or medically underserved populations or (B) are experienced in the treatment of substance abuse in homeless individuals or medically underserved populations; and (2) agree to provide for primary health and substance abuse services to homeless individuals through both public entities and private organizations. The evaluation criteria will be weighted to reflect these preferences.

For grantees not previously funded under Section 340(a), the amount of Federal grant funds awarded may not exceed 75 percent of the costs of providing primary health and substance abuse services under the grant. Such newly funded grantees must make available non-Federal contributions to meet the remainder of the costs. For continuation grantees (including those applying for improvement funding), the amount of Federal grant funds awarded may not exceed 66⅔ percent of the costs of providing services under the grant. The continuation grantee, if funded, must make available non-Federal contributions to meet the remainder of the costs. Non-Federal contributions may be in cash or in-kind, fairly evaluated, including plant, equipment or services. Funds provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal contributions. Such determination may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of health services). The Secretary may waive the matching requirement if the grantee is a nonprofit private entity and the Secretary determines that it is not feasible for the grantee to comply with the requirement.

The grant may be used to continue to provide services listed below for up to 12 months to individuals who have obtained permanent housing if services were provided to these individuals when they were homeless. For the purpose of this program, the term "homeless individual" means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations, or an individual who is a resident in transitional housing.

Project Requirements

a. The following services must be provided, directly or through contract:

1. Primary health care and substance abuse services at locations accessible to homeless individuals;

2. 24-hour emergency primary health and substance abuse services to homeless individuals;

3. Referral of homeless individuals as appropriate to medical facilities for necessary hospital services;

4. Referral of homeless individuals who are mentally ill to entities that provide mental health services, unless the applicant will provide such services directly;

5. Outreach services to inform homeless individuals of the availability of primary health and substance abuse services;

6. Aid to homeless individuals in establishing eligibility for assistance, and in obtaining services, under entitlement programs;

7. Podiatry, dental (including dentures), and vision services are supplemental services and may be provided where medically necessary, to the extent that the level of delivery of the required services is not diminished.

Grants Awarded Under Section 340(s)

Section 340(s) of the PHS Act authorizes the Secretary to carry out demonstration programs to enable entities, either directly or through contracts, to provide for the delivery of comprehensive primary health services to homeless children and to children at imminent risk of homelessness. Eligible applicants are grantees funded under section 340(a) of the PHS Act, other public and nonprofit private entities that provide primary health services and substance abuse services to a substantial number of homeless individuals, and public and nonprofit private children's hospitals that provide primary health services to a substantial number of homeless individuals. Grantees and organizations with which they may contract for services under this program must have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and be qualified to receive payments under the agreement. This requirement may be waived if the organization does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

For grantees under this program which are children's hospitals, the amount of Federal grant funds awarded may not exceed 50 percent of the costs of providing primary health and substance abuse services under the grant. Grantees which are children's hospitals must make available non-Federal contributions to meet the remainder of the costs. Non-Federal contributions may be in cash or in-kind, fairly evaluated, including plant, equipment or services. Funds provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal contributions.

Project Requirements

a. The following services must be provided, directly or through contract:

1. Comprehensive primary health services, including such services provided through mobile medical units;

2. Referrals for provision of health services, social services, and education services, including referral to hospitals, community and migrant health centers, Head Start and other educational programs, and programs for prevention and treatment of child abuse; and

3. Outreach services to identify children who are homeless or at imminent risk or homelessness and to inform parents/guardians of the availability of services directly from the grantees and through the referral mechanism.

Other Grant Requirements Applicable to Both Section 340(a) and 340(s) Grantees

a. Restrictions on the use of grant funds are as follows:

1. Grant funds may not be used to pay for inpatient services, except for residential treatment for substance abuse provided in settings other than hospitals.

2. Grant funds may not be used to make cash payments to intended recipients of primary health and substance abuse services or mental health services.

3. Grant funds may not be used to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment, including mobile medical units. However, upon request by an applicant demonstrating that the purposes of the project cannot otherwise be carried out, the Secretary may waive this restriction.

b. The grantee must, directly or through contract, provide services without regard to ability to pay for the services. If a charge is imposed for the delivery of services, such charge (1) will be made according to a schedule of charges that is made available to the public; (2) will not be imposed on any homeless individual with an income less than the official poverty level (the nonfarm income official poverty line defined by the Office of Management and Budget); and (3) will be adjusted to reflect the income and resources of the homeless individual involved.

Additional Grant Requirements for Section 340(a) Only

a. The grantee may not expend more than 10 percent of grant funds for the purpose of administering the grant.

b. The grantee may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend amounts received for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under the Act, to systems that provide advocacy services under the Act.

c. The grantee may provide services through contracts with nonprofit self-help organizations that are established and managed by current and former recipients of mental health or substance abuse services, who have been homeless individuals; and that have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and qualify to receive payments under the agreement.

Criteria for Evaluating Applications

Noncompeting Continuations

FY 1992 awards for noncompeting continuations will be made following a review of the abbreviated application submitted by grantees. Funding decisions will be based on the grantee's progress in achieving stated goals and objectives for FY 1991 and its ability to resolve any outstanding issues raised during the review of the FY 1991 grant application.

New Applicants Under Section 340(a)

Applications that are received on time and meet basic application requirements will be reviewed by an objective panel of experts in the field of providing health services to homeless individuals.

All applications for grant support will be reviewed based upon the following evaluation criteria:

a. Compliance with the requirements of section 340 of the PHS Act and other programmatic requirements;

b. Experience in providing primary health or substance abuse services to homeless individuals or medically underserved populations;

c. Extent to which the applicant has identified the homeless population in the service area, including the social and demographic characteristics of the population and the extent to which their health needs are not being met;

d. Adequacy of the applicant's outreach plan to serve the homeless population;

e. Extent to which primary health and substance abuse services are to be provided to homeless individuals in a linked and integrated manner;

f. Adequacy of the applicant's referral arrangement to appropriate medical facilities for hospitalization and, for individuals who are mentally ill, to entities that provide mental health services, unless the applicant will provide such services directly;

g. Extent to which the applicant has the ability to involve appropriate community respresentatives to ensure that the program is culturally appropriate and accommodates the needs of the homeless individuals in the service area;

h. Extent to which the applicant has engaged or plans to engage with other entities in an integrated service system in the community;

i. Qualifications and experience of the proposed project staff; i.e., the staff size and skills necessary to carry out an effective program;

j. Adequacy of the proposed budget; i.e., detailed projections of revenue and costs in accordance with grant application instructions;

k. Evidence of administrative procedures for fiscal control and fund accounting procedures which provide for reasonable financial administration of Federal and non-Federal funds;

l. Evidence of an ongoing program of quality assurance with respect to health services provided under the grant;

m. Evidence of a reasonable plan for communicating with non-English speaking homeless individuals provided health services under the grant; and

n. Indication of strategies for collaborative relationships and linkages which maximize effective use of existing health and social service resources, especially those of state and local health department, primary care providers to the underserved, and academic institutions.

In addition, for FY 1992, it is proposed that a funding priority be given to:

—Applicants located in those States and other distinct geographic areas (for example, cities, counties, or designated health professional shortage areas) which have not previously received funds under Section 340(a) of the PHS Act and/or

—Applicants which intend to serve a primarily rural homeless population.

Applicants which do not meet these priorities will be considered only if sufficient program funds are available.

New Applicants Under Section 340(s)

Applications that are received on time and meet basic application requirements will be reviewed by an objective panel of experts in the field of providing health services to homeless individuals.

All applications for grant support will be reviewed based upon the following evaluation criteria:

a. Compliance with the requirements of section 340(s) of the PHS Act and other programmatic requirements;

b. Experience in providing primary health or substance abuse services to homeless individuals or medically underserved populations;

c. Extent to which the applicant has identified homeless children and children at imminent risk of homelessness within the service area, including the social and demographic characteristics of these children and the extent to which their health needs are not being met;

d. Proposal of an innovative approach to meeting the health care needs of homeless children and children at imminent risk of homelessness, which can be utilized as a demonstration site for other programs nationally;

e. Adequacy of the applicant's outreach plan to identify homeless children and children at imminent risk of homelessness and inform their parents/guardians of the availability of services;

f. Extent to which primary health services are to be provided to homeless children in a linked and integrated manner;

g. Adequacy of the applicant's referral arrangements for the provision of health services, social services, and education services, including referral to hospitals, community and migrant health centers, Head Start and other educational programs, and programs for prevention and treatment of child abuse;

h. Extent to which the applicant has the ability to involve appropriate community representatives to ensure that the program accommodates the needs of homeless children and children at imminent risk of homelessness in the service area;

i. Extent to which the applicant has engaged or plans to engage with other entities in an integrated service system in the community;

j. Qualifications and experience of the proposed project staff; i.e., the staff size and skills necessary to carry out an effective program;

k. Adequacy of the proposed budget; i.e., detailed projections of revenue and costs in accordance with grant application instructions;

l. Evidence of administrative procedures for fiscal control and fund accounting procedures which provide for reasonable financial administration of Federal and non-Federal funds;

m. Evidence of an ongoing program of quality assurance with respect to health services provided under the grant;

n. Evidence of a reasonable plan for communicating with non-English speaking children provided health services under the grant and their parents/guardians; and

o. Indication of strategies for collaborative relationships and linkages which maximize effective use of existing health and social service resources, especially those of state and local health departments, primary care providers to the underserved, and academic institutions.

In addition, it is proposed that a funding priority be given to:

—Applicants which currently receive funding under section 340(a) of the PHS Act;

—Applicants which intend to serve a primarily rural population; and/or

—Public and nonprofit private children's hospitals that provide primary health services to a substantial number of homeless individuals.

Applicants which do not meet those priorities will be considered only if sufficient program funds are available.

Improvements

Requests from existing grantees for improvements will also be reviewed objectively. Only those grantees which have demonstrated satisfactory progress to date in achieving stated goals and objectives for FY 1991 activities will be considered to receive improvement funding.

All applications for grant support for improvement will be reviewed based upon the following evaluation criteria:

a. Evidence of need for the improvement, based on demographic or health status indicators for the user population or on health system developmental needs;

b. Evidence of an innovative approach to addressing a clearly articulated health service delivery or health system management issue; and

c. Description of current efforts being undertaken to address the area of concern and a clearly identified relationship between the current program and the proposed improvement.

An applicant may request more than one improvement; however, the proposals must be prioritized.

In addition, for FY 1992, it is proposed that a funding priority be given to: programs which expand the availability of and access to substance abuse services; innovative approaches to enhancing access to entitlement programs, including Supplemental Security Income; programs which develop or enhance relationships with shelters for homeless and runaway youth; programs which develop innovative programs in collaboration with other community-based organizations engaged in health care delivery to homeless clients; programs which develop innovative service arrangements for homeless individuals with HIV/AIDS; and programs which enhance quality assurance systems to improve their appropriateness in assessing services delivered to homeless individuals.

Opportunity for Comment

Interested persons are invited to comment on the proposed funding priorities for new starts under section 340(a), new starts under section 340(s), and improvements. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the fiscal year 1992 award cycle, the comment period has been reduced to 30 days. All comments received on or before April 22, 1992 will be considered before the proposed funding priorities are established. No funds will be allocated or final selections made until a final notice is published indicating whether the proposed funding priorities will be applied.

Written comments should be addressed to: Ms. Joan Holloway, Director, Division of Special Populations Program Development, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Parklawn Building, room 7–A–22, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Special Populations Program Development, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Other Award Information

The Health Care for the Homeless Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State point of contact (SPOC) in the State for the review. Applicants (other than federally-recognized Indian tribal governments) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the appropriate deadline dates. The BHCDA does not guarantee that it will accommodate or explain its responses to State process recommendations received after the date. (See "Intergovernmental Review of Federal Programs", Executive Order 12372, and 45 CFR part 100 for a description of the review process and requirements.)

The OMB *Catalog of Federal Domestic Assistance* number for this program is 13.151.

Dated: January 3, 1992.

Robert G. Harmon,

Administrator.

Appendix

Regional Grants Management Officers

Region I: Mary O'Brien, Grants Management Officer, PHS Regional Office I, John F. Kennedy Federal Building, Boston, MA 02203 (617) 565–1482

Region II: Steven Wong, Grants Management Officer, PHS Regional Office II, Room 3300, 26 Federal Plaza, New York, NY 10278 (212) 264–4499

Region III: Martin Bree, Grants Management Officer, PHS Regional Office III, P.O. Box 13716, Philadelphia, PA 19101 (215) 596–6657

Region IV: Wayne Cutchens, Grants Management Officer, PHS Regional Office IV, Room 1106, 101 Marietta Tower, Atlanta, GA 30323 (404) 331–2597

Region V: Lawrence Poole, Grants Management Officer, PHS Regional Office V, 105 West Adams Street, 17th Floor, Chicago, IL 60603 (312) 353–8700

Region VI: James Doss, Acting Grants Management Officer, PHS Regional Office VI, 1200 Main Tower, Dallas, TX 75202 (214) 767–3885

Region VII: Michael Rowland, Grants Management Officer, PHS Regional Office VII, Room 501, 601 East 12th Street, Kansas City, MO 64106 (816) 426–5841

Region VIII: Jerry F. Wheeler, Grants Management Officer, PHS Regional Office VIII, 1961 Stout Street, Denver, CO 80294 (303) 844–4461

Region IX: Linda Gash, Grants Management Officer, PHS Regional Office IX, 50 United Nations Plaza, San Francisco, CA 94102 (415) 556–2595

Region X: James Tipton, Grants Management Officer, PHS Regional Office X, Mail Stop RX 20, 2201 Sixth Avenue, Seattle, WA 98121 (206) 553–7997

[FR Doc. 92–6579 Filed 3–20–92; 8:45 am]

BILLING CODE 4160–15–M

Indian Health Service

Research Program Grants Technical Assistance Announcement

AGENCY: Indian Health Service (IHS), HHS

ACTION: Notice of technical assistance workshops for propsective IHS grantees.

SUMMARY: The IHS announces that technical assistance workshops for the Research Grant Program to include grant proposal writing will be conducted for American Indian/Alaska Native Tribal Organizations, as defined in the Indian Self-Determination Act, and IHS personnel.

DATES: Technical assistance workshops are scheduled for May 26–28, 1992, in Seattle, Washington and June 9–11, 1992, in Albuquerque, New Mexico.

FOR REGISTRATION CONTACT: William L. Freeman, M.D., Director, IHS Research Program, or Ms. Donna Pexa, Research Program Coordinator, Office of Health Program Research and Development, 7900 South J. Stock Road, Tucson, Arizona 85746–9352, (602) 670–6310, or Ms. M. Kay Carpenter, Grants Management Officer, Division of Acquisition ang Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852–1750, (301) 443–5204. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Office of Health Program Research and Development, Division of Medical Systems Research and Development and the Division of Acquisition and Grant Operations, Grants Management Branch, will provide potential applicants an opportunity to receive technical assistance for Research Grants including participation in grant writing workshops to assist applicants in

developing and submitting competitive proposals. The purpose is to: (a) Establish communication between the IHS and the applicants, (b) determine the applicants eligibility, and (c) to provide technical assistance to increase the ability of an applicant to successfully complete. Applicants will prepare sample applications for constructive review and feedback during the workshop.

Dated: March 17, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-6688 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions and Delegations of Authority

Part H, chapter HN, (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 57 FR 5459, February 14, 1992) is amended to reflect the following organizational change in the Office of Intramural Research, Office of the Director, NIH: (1) Establish the Office of Human Subjects Research (HNA45). This component will serve as an NIH-wide focal point for coordination and oversight of the entire human subjects protections system, including establishment of an educational/training program, to ensure that all research involving human subjects is carried out uniformly at NIH in accordance with HHS regulations.

Section HN-B, Organization and Functions, is amended as follows: (1) After the statement for the Office of the Director (HNA), Office of Intramural Research (HNA4), Office of Education (HNA44), add the following title and statement:

Office of Human Subjects Research (HNA45). Serves as the NIH-wide focal point for coordination and oversight of the entire NIH human subjects protections system, including the establishment of an educational/training program, to ensure that all research involving human subjects is carried out uniformly at NIH in accordance with HHS regulations.

Dated: March 13, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92-6593 Filed 3-20-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Availability of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for an Alternative to the Proposed Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992-97

SUMMARY: The Minerals Management Service (MMS) prepared an EA for an alternative to the proposed Comprehensive OCS Natural Gas and Oil Resource Management Program for 1992-1997. The alternative would enlarge, relative to the proposed Comprehensive Program, the area that would be considered for natural gas and oil leasing in the Cook Inlet Planning Area of the Alaska OCS. Based on the conclusions of the EA, the MMS has prepared a FONSI.

ADDRESSES: A copy of the EA and FONSI is available to the public upon written request. Requests should be addressed to Minerals Management Service, Environmental Projects Coordination Branch, Mail Stop 4320, 381 Elden Street, Herndon, Virginia 22070-4817. Ask for the "Cook Inlet EA."

SUPPLEMENTARY INFORMATION: A draft Environmental Impact Statement (EIS) for the proposed Comprehensive Program was published in July 1991. The draft EIS did not include an alternative to enlarge the area that would be considered for leasing in the Cook Inlet Planning Area. An EA for the alternative was prepared in March 1992 to provide a basis for determining whether if would be necessary to prepare a supplement to the draft EIS in accordance with the regulations for implementing the National Environmental Policy Act, as amended. The EA shows that no significant differences between the potential environmental impacts of the Cook Inlet element of the proposed Comprehensive Program and the potential environmental impacts of the alternative are expected. Based on the conclusions presented in the EA, a FONSI was prepared and a determination was made that a supplement to the draft EIS is not needed. The final EIS will contain an analysis of potential impacts for the alternative. The final EIS is scheduled to be made available to the public in late April 1992.

Dated: March 18, 1992.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 92-6653 Filed 3-20-92; 8:45 am]

BILLING CODE 4320-MR-M

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development and Economic Cooperation; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundred and Tenth Meeting of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) on April 16, 1992, from 8:30 a.m. to 5 p.m.

The purposes of the meeting are: (1) To discuss the report of the President's Commission on the Management of the A.I.D. programs; (2) to consider and discuss A.I.D.'s "focus and concentrate" policies; (3) to hear a report on issues in A.I.D.'s participant training programs; and (4) to hear an update of the University Center activities including title XII programs and review the strategy/study for Historically Black Colleges and universities.

This meeting will be held in Main State Department Building in room 1105. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time available for the meeting permits.

All persons, visitors and employees are required to wear proper identification at all times while in the Department of State building. Please let the BIFADEC Staff know (tel # (703) 816-0277) that you expect to attend the meeting. Provide your full name, name of employing company or organization, address and telephone number not later than April 10, 1992. A BIFADEC Staff Member will meet you at the Department of State Diplomatic Entrance at C and 22d Streets with your pass.

C. Stuart Callison, Deputy Executive Director, Agency Center for University Cooperation in Development, Bureau for Research and Development, Agency for International Development, will be the A.I.D. Advisory Committee Representative at this Meeting. Those desiring further information may write to Dr. Callison, in care of the Agency for International Developemnt, room 900 SA-38, Washington, DC 20523-3801 or telephone him on (703) 816-0258.

Dated: March 17, 1992.

Ralph H. Smuckler,

Executive Director, Agency Center for University Cooperation in Development.

[FR Doc. 92-6618 Filed 3-20-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 303-TA-21 (Final)]

Gray Portland Cement and Cement Clinker From Venezuela

AGENCY: United States International Trade Commission.

ACTION: Suspension of investigation.

SUMMARY: On March 17, 1992, the Department of Commerce (Commerce) suspended its countervailing duty investigation involving gray portland cement and cement clinker from Venezuela (57 FR 9242). The basis for the suspension is an agreement between Commerce and the Government of Venezuela to offset or eliminate completely all benefits provided by the Government of Venezuela which Commerce found to constitute bounties or grants on exports of gray portland cement and cement clinker to the United States. Accordingly, the United States International Trade Commission gives notice of the suspension of its countervailing duty investigation involving imports from Venezuela of gray portland cement and cement clinker, provided for in subheadings 2523.29.00 and 2523.10.00 of the Harmonized Tariff Schedule of the United States.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202-205-3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Authority: This investigation is being suspended under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 18, 1992.

Kenneth R. Mason,

Secretary

[FR Doc. 92-6798 Filed 3-20-92; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32025]

Black Hills & Western Railroad Corp.—Acquisition and Operation Exemption—Certain Lines of Chicago and North Western Transportation Company

Black Hills & Western Railroad Corporation (BH&W), a wholly owned noncarrier subsidiary of Dakota, Minnesota & Eastern Railroad Corporation (DM&E), has filed a verified notice for an exemption to acquire from the Chicago and North Western Transportation Company (CNW) approximately 174.7 miles of line and approximately 22 miles of incidental overhead trackage rights in Nebraska, South Dakota, and Wyoming. The line to be acquired runs between Colony, WY (milepost 174.7), and Dakota Junction, NE (milepost 0.0). The trackage rights extend from near Dakota Junction (milepost 410.3) to Crawford, NE (milepost 432.3).

The transaction is related to a petition for exemption filed concurrently in Finance Docket No. 32026, *Dakota, Minnesota & Eastern Railroad Corporation—Control Exemption—Black Hills & Western Railroad Corporation.* In that proceeding, DM&E seeks an exemption to continue in control of BH&W when BH&W becomes a carrier by consummating the transaction that is the subject of this notice of exemption. BH&W will consummate its acquisition from CNW on the effectiveness of the exemption sought in Finance Docket No. 32026. Upon consummation, BH&W will be a Class III carrier.

Any comments must be filed with the Commission and served on: Bryan D. Olsen, 1935 Piper Jaffray Tower, 222 South Ninth Street, Minneapolis, MN 55402, and Louis E. Gitomer, suite 210, 919 18th Street, NW., Washington, DC 20006.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 17, 1992.

By the Commission, David M Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6638 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 405)]

CSX Transportation, Inc.—Abandonment—Between Richmond and Marion in Wayne, Randolph, Henry, Delaware, and Grant Counties, IN; Notice of Findings

The Commission has issued a certificate authorizing CSX Transportation, Inc. (CSXT) to abandon 71.34 miles of rail line between milepost 63.21 at Richmond and milepost 134.55 at Marion, which is located in Wayne, Randolph, Henry, Delaware, and Grant Counties, IN. The abandonment certificate will become effective April 22, 1992, unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and CSXT no later than 10 days from the date of publication of this notice. The following notation shall be typed in bold face in the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

Decided: March 18, 1992.

By the Commission: Chairman Philbin, Vice Chairman McDonald, Commissioner Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6771 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub No. 5) (92-2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved the second quarter 1992 rail cost adjustment factor (RCAF) and cost index filed by the Association of

American Railroads. The second quarter RCAF (Unadjusted) is 1.162. The second quarter RCAF (Adjusted) is 1.024 a decrease of 1.5 percent from the first quarter 1992 RCAF (Adjusted) of 1.040. Maximum second quarter 1992 RCAF rate levels may not exceed 98.5 percent of maximum first quarter 1992 RCAF rate levels.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT:
William T. Bono—(202) 927–5720.
Robert C. Hasek—(202) 927–6239.
[TDD for hearing impaired: (202) 927–5721.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: March 16, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6640 Filed 3–20–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department Sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Victims of Crime Act, Crime Victims Assistance Grant Program, Performance Report.

(2) 7390/4. Office of Justice Programs, Office for Victims of Crime (OVC).

(3) Annually.

(4) State or local governments. The information requested is necessary to ensure compliance with statutory criteria which allow the Director of OVC to collect performance data from recipients of VOCA grant funds. The affected public includes up to 57 states and territories administering the crime victims assistance provisions of the Victims of Crime Act.

(5) 57 annual responses at 35 hours per response.

(6) 1,995 annual burden hours.

(7) Not applicable under 3504(h).

(1) Application for Procurement Quota for Controlled Substances.

(2) DEA 250, Drug Enforcement Administration.

(3) On occasion.

(4) Businesses or other for-profit. CFR 1303.12 requires manufacturers who wish to purchase controlled substances in Schedule II to apply on DEA–250 for procurement quotas. Such quotas limit purchase quantities. Information is used for establishing and maintaining quotas.

(5) 341 annual responses at 1 hour per response.

(6) 341 annual burden hours.

(7) Not applicable under 3504(h).

Revision of a Currently Approved Collection

(1) Victims of Crime Act, Crime Victims Assistance Program, Subgrant Award Report.

(2) 7390/2A. Office of Justice Programs, Office for Victims of Crime (OVC).

(3) Annually.

(4) State or local governments. The information requested is necessary to ensure compliance with statutory criteria which allow the Director of OVC to collect performance data from recipients of VOCA grant funds. The affected public includes up to 57 states and territories administering the crime victim assistance provisions of the Victims of Crime Act.

(5) 2,508 annual responses at 2 hours per response.

(6) 5,016 annual burden hours.

(7) Not applicable under 3504(h).

(1) Sample Survey of Jails.

(2) CJ–5, CJ–5A. Office of Justice Programs, Bureau of Justice Statistics.

(3) Annually.

(4) State or local governments. The information collected will provide annual estimates of the Nation's local jail population, as well as data on jail capacity, court orders for conditions of confinement, inmate deaths, AIDS testing and number of inmates with AIDS in the 25 largest jurisdictions. The data will form the basis for historical trend analysis.

(5) 1,200 annual responses at .60 hours per response.

(6) 725 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 18, 1992.

Lewis Arnold

Department Clearance Officer, Department of Justice.

[FR Doc. 92–6679 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–18–M

Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that on March 5, 1992, a proposed Consent Decree in *United States* v. *Berwind Railway Service Co., et al.*, Civil Action No. 92–66J was lodged with the United States District Court for the Western District of Pennsylvania.

Simultaneously with the lodging of the proposed consent Decree, the United States filed a complaint in the United States District Court for the Western District of Pennsylvania alleging that defendant Berwind Railway Service Co., Butterick Company, Inc., GTE Products Corporation, Hamilton Beach/Proctor-Silex, Inc., SCM Corporation, and SKF USA, Inc. arranged for disposal of hazardous substances at the Delta Quarries and Disposal Superfund Site (the "Site"), located near the City of Alfoon and the Village of Pinecroft, Logan and Antis Townships, Blair County, Pennsylvania. Defendant Delta Quarries and Disposal, Inc. is alleged to be the current owner and operator of the Site, and the owner and operator at the time that some of the alleged disposal of hazardous substances there occurred. Hazardous substances found at the Site include acetone, chlorobenzene, chloroethane, chloroform, 1, 1-dichloroethane, 1, 1-dechloroethene, 1, 2-dichloroethene, 1, 2-dichloroethane, trichloroethene ("TCE"), 1,1,1, trichloroethane, tetrachloroethene ("PCE"), toluene, vinyl chloride, barium, manganese, nickel, cadmium, chromium, copper, lead, and zinc.

The complaint seeks, *inter alia*, an injunction requiring the defendants to perform a clean-up of the Site in accordance with a remedy that has been selected by EPA pursuant to section 106 of CERCLA, 42 U.S.C. 9606, and a judgment against the defendants for all costs incurred by the United States for response activities related to the Site, pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a).

The proposed Consent Decree would settle the allegations made in the complaint. Under the terms of the proposed Consent Decree, the defendants have agreed to reimburse the Hazardous Substance Response Trust Fund in the amount of $80,538.66, representing 100% of response costs incurred by EPA in connection with the Site through January 3, 1991. The proposed Consent Decree further requires the defendants to perform a clean-up of hazardous substances at the Site in accordance with a remedy selected by EPA, and to reimburse the United States all costs incurred in overseeing the defendants' performance of the remedy.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States* v. *Berwind Railway Service Co., et al.*, D.J. No. 90–11–2–705.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Western District of Pennsylvania, 633 USPO & Courthouse, 7th Avenue & Grant Street, Pittsburgh, Pennsylvania 15219 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennslyvania Ave., NW., Box 1097, Washington, DC 20004, 202–347–2072. A copy of the proposed Consent Decreee may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $24.00 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6587 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 9, 1992 two proposed Partial Consent Decrees in *United States and Commonwealth of Pennsylvania* v. *Bethlehem Steel Corporation*, Civil Action No. 87–5438 (E.D. Pa.), were lodged with the United States District Court for the Eastern District of Pennsylvania. One Partial Consent Decree (the "Bethlehem Plant Decree") concerns violations of the Clean Air Act, 42 U.S.C. 7401*et seq.* ("the Act"), with respect to defendant's operation of blast furnace, coke oven batteries, and a high pressure boiler at its Bethlehem, Pennsylvania plant. The proposed Bethlehem Plant Decree requires defendant to implement injunctive relief, including requirements to install and operate additional emissions control equipment and to achieve, demonstrate, and maintain compliance with relevant emissions standards at the plant, to pay a $5 million civil penalty, and either to implement a supplemental environmental project involving installation of luter-type doors on Coke Oven Batteries 2 and 3 (2A) to reduce coke oven emissions from leaking coke oven doors or pay an additional $1.2 million civil penalty. The second Partial Consent Decree (the "Johnstown Plant Decree") concerns violations of the Act with respect to defendant's operation of an electric arc furnace shop at its Johnstown, Pennsylvania plant. The proposed Johnstown Plant Decree requires defendant to implement injunctive relief, including requirements to operate certain additional emissions control equipment and to achieve, demonstrate, and maintain compliance with relevant emissions standards at the plant, and to pay a civil penalty of $1.7 million civil penalty.

The Department of Justice will receive comments relating to the proposed Bethlehem Plant Decree and the proposed Johnstown Plant Decree for a period of thirty (30) days from the date of this publicaion. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and Commonwealth of Pennsylvania* v. *Bethlehem Steel Corporation*, D.C. No. 90–5–2–1–1023 (for Bethlehem Plant Decree comments) or D.J. No. 90–5–2–1–1068 (for Johnstown Plant Decree comments).

The proposed Partial Consent Decrees may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, suite 1300, Philadelphia, Pennsylvania 19106 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The proposed Partial Consent Decrees may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097 Washington, DC 20004, 202–347–2072. A copy of the proposed Partial Consent Decrees may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check payable to "Consent Decree Library" in the amount of $65.25 (25 cents per page reproduction costs) for a copy of the Bethlehem Plant Decree, or in the amount of $21.25 for a copy of the Johnstown Plant Decree.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6588 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging Final Judgment by Consent Pursuant to the Clean Air Act

Notice is hereby given that on March 12, 1992, a proposed consent decree in *United States* v. *Corning Incorporated, et al.*, Civil Action No. 3:CV–90–207, was lodged with the United States District Court for the Middle District of Pennsylvania. The suit was brought pursuant to section 113 of the Clean Air Act ("the Act"), 42 U.S.C. 7413, for multiple violations of the National Emissions Standards for Hazardous Air Pollutants applicable to the emission of inorganic arsenic from glass manufacturing plants ("arsenic NESHAP"), 40 CFR part 61, subparts (A) and (N). It also alleged a violation of reporting requirements of the New Source Performance Standards ("NSPS") for Glass Manufacturing Plants, 40 CFR part 60, subparts (A) and (CC). The action was based on violations that had occurred and were occurring at two glass works manufacturing facilities located at State College and Charleroi, Pennsylvania. The proposed consent decree between the United States and the defendants resolves the subject violations by providing for injunctive relief to ensure consistent compliance with arsenic limits at the State College plant. The proposed consent decree provides for a civil penalty of $1,825,000 to be paid by defendants for past violations.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Corning Incorporated, et al.*, DOJ Ref. No. 90–5–2–1–1267. The proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, suite 1162, Federal Building, 228 Walnut Street, P.O. Box 11754, Harrisburg, Pennsylvania 17108. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $6.50 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6633 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposal To Provide Additional Data From Surveys of Employee Compensation

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Request for comments on proposed new data.

SUMMARY: The Department, through the Bureau of Labor Statistics (BLS), currently collects and publishes extensive data on employee compensation. Among the Department's compensation surveys are the Employment Cost Index (ECI) and the Employee Benefits Survey (EBS). The ECI provides data on employer costs for employee compensation while the EBS provides data on the incidence and detailed characteristics of benefit plans. Since 1990, these two surveys have been collected from the same sample of establishments. Now BLS proposes to combine the output from these surveys to produce additional data on employee compensation. The new data will combine the employer's cost with the corresponding benefit plan provisions.

The Department is seeking comments at this time so that the interested public may be involved at the outset in the development of these new compensation data.

DATES: Comments are due by July 1, 1992.

ADDRESSES: Send comments to William J. Wiatrowski, Project Director, Employee Benefits Survey, Bureau of Labor Statistics, 441 G Street, NW., Washington, DC 20212. Telephone 202–523–9444.

FOR FURTHER INFORMATION CONTACT: Willliam J. Wiatrowski, Project Director, Employee Benefits Survey, Bureau of Labor Statistics, Telephone 202–523–9444.

SUPPLEMENTARY INFORMATION: The Employment Cost Index (ECI) is the most comprehensive measure of labor cost change and levels in the U.S. The ECI was developed in stages. The series began in 1976 with 20 published series of wage changes. In 1980, the ECI began publishing changes in total compensation (wages and benefits together) for the most aggregate of the series, was designated as a Principal Federal Economic Indicator, and became the primary series for analyzing labor cost inflation. In 1981, wage and total compensation series were added for State and local governments.

Since 1981, the ECI has expanded further. Over 200 wage and total compensation indexes, providing extensive occupational, industrial, union status, and geographic detail, are published. In addition, indexes of benefit costs are published for some aggregate series. The ECI includes data on a variety of benefits, including paid leave, insurance, retirement, legally-required, and other benefits. In 1987, the ECI began publishing the hourly costs of wages and benefits for broad occupation and industry groups. Publication of seasonally adjusted series began in 1991.

The Employee Benefits Survey (EBS) has provided extensive data on the availability and detailed characteristics of employee benefits since 1979. In 1990, the EBS completed its first study of employee benefits in small private establishments, the only comprehensive data of its kind available. Upon completion of the 1991 EBS, benefits data will be available for all full-time and part-time private sector and State and local government workers in the U.S.

The EBPS provides incidence data for over 50 employee benefits. Extensive provision data are tabulated for over 20 major benefits, including insurance benefits (such as medical care, dental care, life insurance, and disability income plans), retirement benefits (such as defined benefit pension plans, savings and thrift plans, and profit sharing plans), and leave benefits (such as holidays, vacations, and parental leave). Data are presented separately for full-time and part-time workers and for broad occupational categories.

The BLS began working on integrating the EBS and ECI in 1987, and in November 1989 the data required for both surveys were collected from a single sample for the first time. The BLS currently collects, from this single sample of employers, much of the data needed to provide integrated employer cost and plan provision data for a variety of benefits. The two surveys are integrating their theoretical foundations. For example, the basic unit of observation in the ECI is the occupation in the establishment while in EBS it is the benefit plan. This and similar conceptual issues must be resolved before integrated data can be produced.

Before final decisions are made on the nature of the combined ECI/EBS tabulations to be produced, the input of current and potential data users is requested. The public is asked to comment on the types of data desired, the availability of data for specific subgroups of the country (such as by industry, occupation, geographic region, size of establishment, or other variables), the need for electronic data and any special requirements, the frequency of data availability, and any other relevant topic. Commenters are encouraged to provide specific comments that relate to their areas of expertise, the benefit topics with which they regularly work, and any other matters that they believe would be of interest to the Department as it develops its plans in this area.

Signed at Washington, DC, this 16th day of March 1992.

George L. Stelluto,

Associate Commissioner for Compensation and Working Conditions, Bureau of Labor Statistics.

[FR Doc. 92–6651 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, DC this 9th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Anschutz Corp (Co)	Denver, CO	03/09/92	02/19/92	26,956	Oil, gas exploration.
AT&T Technologies, Inc. (IBEW)	Oklahoma City, OK	03/09/92	02/26/92	26,959	Computers and phone switching equipment.
Beta Manufacturing Co (UAW)	Warren, MI	03/09/92	02/27/92	26,960	Brake switches and electrical assemblies.
Bonney Forge, Inc. (wkrs)	Allentown, PA	03/09/92	02/19/92	26,961	Steel fittings.
C.P. Manufacturing of Bellwood (wkrs)	Bellwood, PA	03/09/92	02/28/92	26,962	Ladies lingerie.
Calderon Belts and Bags (wkrs)	New York, NY	03/09/92	02/26/92	26,963	Leather handbags.
Century Geophysical Corp (wkrs)	Tulsa, OK	03/09/92	02/24/92	26,964	Map sub-surface of ground for oil, gas.
MEPUS, Dallas Affiliate (co)	Denver, CO	03/09/92	01/27/92	26,965	Oil and gas.
MEPUS Denver Div. (Co)	Denver CO	03/09/92	01/27/92	26,966	Oil and gas.
Exxon Co. USA(co)	Houston, TX	03/09/92	02/26/92	26,967	Oil and gas exploration.
Exxon Co., Intl. (Co)	Houston, TX	03/09/92	02/26/92	26,968	Oil and gas exploration.
FMC Corp(wkrs)	Aberdeen, SD	03/09/92	02/25/92	26,969	Missle canisters.
Freeport McMoran Oil & Gas Co (wkrs)	New Orleans, LA	03/09/92	02/24/92	26,970	Crude oil, natural gas.
Hispan Corp (wkrs)	Decatur, AL	03/09/92	02/27/92	26,971	Polyacryloni-trile precursor.
Homestead Industries, Inc. (USWA)	Coraopolis, PA	03/09/92	03/01/92	26,972	Steam cleaners.
J.C. and Me(wkrs)	Holsopple, PA	03/09/92	02/26/92	26,973	Ladies sleepwear.
Jervis B. Webb Co (wkrs)	Mt. Vernon, oH	03/09/92	02/27/92	26,974	Conveyor systems.
M–I Drilling Fluids (wkrs)	Corpus Christi, TX	03/09/92	02/24/92	26,975	Barite, bentonite.
MEPUS Houston Div. (Co)	Houston, TX	03/09/92	01/27/92	26,976	Oil and gas.
MEPUS Midland Div. (Co)	Midland, TX	03/09/92	01/27/92	26,977	Oil and gas.
Mobil Expl. & Pro. Serv., Inc. (MEPSI (Co)	Hdqts), Dallas, TX	03/09/92	01/27/92	26,978	Oil and Gas
Mobil Expl./Prod U.S., Inc. (MEPUS) (Co)	(Hdqts) Houston, TX	03/09/92	01/27/92	26,979	Oil and gas.
Moog, Inc. (wkrs)	East Aurora, NY	03/09/92	03/01/92	26,980	Hydraulic Servo valves, & actuations.
National Oilwell (wkrs)	Houston, TX	03/09/92	02/23/92	26,981	Oil, gas drilling.
Noble Drilling Corp (wkrs)	Williston, ND	03/09/92	02/25/92	26,982	Oil drilling.
MEPUS, Offshore Div. (CO)	New Orleans, LA	03/09/93	03/09/92	26,983	Oil and Gas.
Potlatch Corp. (Clearwater Logg.) (IWA)	Lewiston, ID	03/09/92	02/26/92	26,984	Lumber.
Potlatch Corp. (Northern Logg.) (IWA)	Lewiston, ID	03/09/92	02/26/92	26,985	Lumber.
R.S. Vogt Co., Inc-(wkrs)	Allensville, PA	03/09/92	03/02/92	26,986	Ladies robes, PJ's bodysuits.
Rex-Rosenlew, Inc(OCAW)	Teterboro, NJ	03/09/92	02/14/92	26,987	Tee shirts.
Signetics Co(Co)	Orem, UT	03/09/92	02/24/92	26,988	Semiconductors.
Stolle Corp(Wkrs)	Sidney, OH	03/09/92	12/18/92	26,989	Computer memory disc.
Tubular Threading, Inc(Co)	Marrero, LA	03/09/92	02/24/92	26,990	Threads for oil country tubular goods.
UMC Petroleum(wkrs)	Houston, TX	03/09/92	02/05/92	26,991	Petroleum production.
Unisys Corp.(wkrs)	Flemington, NJ	03/09/92	03/04/92	26,992	Computers.
White and Ellis Drilling, Inc(wkrs)	Wichita, KS	03/09/92	02/20/92	26,993	Oil, gas drilling.

[FR Doc. 92–6648 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-26,607]

Mercury Marine Fond Du Lac, Wisconsin; Negative Determination Regarding Application for Reconsideration

By an application dated February 25, 1992, Local #1947 of the International Association of Machinists (IAM) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 6, 1992 and was published in the **Federal Register** on February 25, 1992 (57 FR 6528).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

In order for a worker group to be certified eligible to apply for adjustment assistance benefits, it must meet all three of the Group Eligibility Requirements of the Trade Act: (1) A significant decrease in employment; (2) an absolute decrease in sales or production; and (3) an increase of imports which contributed importantly to worker separations and declines in sales or production. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The failure to meet any one of the worker group criteria would result in a negative determination.

The Department's denial was based on the fact the increased import criterion for outboard motors of under 30 horsepower and 30 horsepower and over was not met in 1990 compared to 1989 and the "contributed importantly" test for all sizes of motors was not met in 1990 compared to 1989 and in 1991 compared to 1990.

Company officials indicated that the major portion of Fond du Lac's sales is for the export market. Investigation findings show declines in Fond du Lac's sales to both the export and domestic markets. Clearly, increased U.S. imports would not form a basis for certification because of sales declines in the export market. Sales declines in the domestic market are the result of the current recession. Industry spokesman indicate that purchases of boats and motors are a discretionary purchase which may be postponed or canceled. Official Government data shows that consumption expenditures on boats and motors declined seven percent in 1991 compared to 1990 as a result of a decline in real disposable personal income for the same period.

The Department was not inconsistent in its determinations for Force Outboards in Hartford, Wisconsin and Mercury Marine in Fond du Lac. Investigation findings show that the Hartford plant was permanently closed in late 1991. Workers at Hartford were certified (TA-W-26,244) since they met all the worker group requirements of the Trade Act. Investigation findings show that the product mix was different at Hartford than at Mercury Marine. Also, company officials indicated that production at Force Outboards went to a different market with different customers from that of Mercury Marine. Further, company imports of small outboard motors from Japan increased substantially at Force Outboards in 1990 compared to 1989. Company imports at Mercury Marine were not substantial and declined in 1990 compared to 1989 and in the first nine months of 1991 compared to the same period in 1990.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 12th day of March 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 92-6649 Filed 3-20-92; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Mingo Logan Coal Company

[Docket No. M-92-13-C]

Mingo Logan Coal Company, 1000 Mingo Logan Avenue, Wharncliffe, West Virginia 25651 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Mountaineer Mine (I.D. No. 46-06958) located in Mingo County, West Virginia. The petitioner proposes to use high-voltage cables to power longwall face equipment.

2. Double M Coal Company, Inc.

[Docket No. M-92-14-C]

Double M Coal Company, Inc., P.O. Box 349, Appalachia, Virginia 24216 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its Mine No. 5 (I.D. No. 44-05661) located in Wise County, Virginia. Due to rises and dips in the mine's roof and floor, the petitioner proposes to operate electrical equipment without canopies.

3. G & C Coal Company

[Docket No. M-92-15-C]

G & C Coal Company, Rt. 1, Box 227, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 1 Mine (I.D. No. 15-16510) located in Whitley County, Kentucky. The petitioner proposes to use a hand-held continuous oxygen and methane monitor instead of continuous machine-mounted methane monitors on permissible three-wheel tractors with drag bottom buckets.

4. T/A Bucket Coal Company

[Docket No. M-92-16-C]

T/A Bucket Coal Company, 14 North Third Street, Minersville, Pennsylvania 17954 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Heather Mine (I.D. No. 36-07903) located in Schuylkill County, Pennsylvania. The petitioner requests a modification to require that the minimum quantity of air reaching each working face be 1,500 cubic feet a minute (cfm), the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cfm, and the minimum quantity of air reaching the intake end of a pillar line be 5,000 cmf.

5. Eastern Associated Coal Corporation

[Docket No. M-92-17-C]

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Harris No. 1 Mine (I.D. No. 46-01271) located in Boone County, West Virginia. The petitioner proposes to monitor ventilation in the longwall tailgate entry instead of traveling the return aircourse in its entirety.

6. Cordero Mining Company

[Docket No. M-92-18-C]

Cordero Mining Company, P.O. Box 1449, Gillette, Wyoming 82717-1449 has filed a petition to modify the application of 30 CFR 77.206(c) (ladders; construction; installation and maintenance) to its Cordero Mine (I.D. No. 48-00992) located in Campbell County, Wyoming. The petitioner proposes to use a permanent fall prevention system, with rigid rail or steel cable rope with a grabbing device that locks in place automatically to prevent falls, on mobile equipment instead of ladder backguards.

7. Cordero Mining Company

[Docket No. M-92-19-C]

Cordero Mining Company, P.O. Box 1449, Gillette, Wyoming 82717-1449 has filed a petition to modify the application of 30 CFR 77.1607(u) (loading and haulage equipment; operation) to its Cordero Mine (I.D. No. 48-00992) located in Campbell County, Wyoming. The petitioner proposes to use a "power pack" to power up the hydraulic or air system required to provide steering and braking systems, which would give the controls to the equipment being towed. The piece of equipment could then be towed with a steel cable choker which would eliminate the possibility of jack-knifing or over-straining from handling the heavy and awkward tow bar.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 1992. Copies of these petitions are available for inspection at that address.

Dated: March 16, 1992.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 92-6650 Filed 3-20-92; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[Docket No. NRTL-2-90

United States Testing Company, Inc., California Division

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for recognition as a nationally recognized testing laboratory, and preliminary finding.

SUMMARY: This notice announces the application of the California Division of the United States Testing Company, Inc. for recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is May 22, 1992.

ADDRESSES: Send comments to: NRTL Recognition Program, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: James J. Concannon, Director, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

Notice of Application

Notice is hereby given that the United States Testing Company, Inc., California Division (UST/CA) has made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR 1910.7 for recognition as a Nationally Recognized Testing Laboratory.

The address of the laboratory covered by this application is: United States Testing Company, Inc., California Division, 5555 Telegraph Road, Los Angeles, California 90040.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for recognition in the areas of testing which it has specified.

The applicant states that for each item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards. Exhibit 2. A., Supplement II, Quality Control Manual, has been revised since the submittal of the original application. The revision, Exhibit 2. A. (1), Quality Control Manual, Volume 4—Rev. 9, 1990, contains sections dealing with organization, operational procedures, calibration, professional records (senior staff), and lists of equipment, apparatus, tools and chambers. Supplement IV contains details of the technical/professional staff, a directory of listed products, and sample test report.

The California Division occupies about 75,000 square feet of combined building and office space, testing yards and parking area, housing a full spectrum of test instrumentation and laboratories, states UST/CA. UST/CA asserts that adequate facilities are provided for the proper storage, installation, operation, and maintenance of all test equipment. Each department maintains the proper environment for the appropriate handling, storage, and conditioning of products to be tested. A stringent visitor access and supervision policy is also maintained. In addition, there is a security/fire system to safeguard the facilities during off hours. All doors and gates are protected by this system.

UST/CA states that it is completely independent of employers subject to the tested equipment requiremens, and of any manufacturers or vendors of equipment or materials being tested for these purposes. It further maintains that all the stock of the United States Testing Company, Inc. is now owned by Societe Generale de Surveillance. No client, business, government agency, trade or professional association, or other entity owns or has any vested interest in the stock or management of the United States Testing Company. The company is independently equipped and staffed, and its personnel perform only objective testing, inspection, evaluation, and analysis of products submitted by the clients of the company. No separate design, promotion, or consultation services are provided. Further, according to the applicant, neither the laboratory nor the persons employed in the laboratory have any affiliations with products designers, manufacturers, architects, government agencies, consumer interests, or any other group having a vested interest in the outcome of the laboratory testing or inspection activities. The United States Testing

Company states that it will continue to maintain this independence.

The United States Testing Company claims that it maintains effective procedures for producing creditable findings or reports that are objective and without bias. It states that complete and adequate records of the quality control program for the company are documented in each division's quality control manual. The UST/CA Quality Control Manual (Ex. 2. A., Supplement II) outlines operational procedures in effect for all in-house testing performed at the California Division. The Manual also provides pertinent information on the equipment calibration program and the personnel structure of the California Division, according to the applicant.

UST/CA states that it maintains effective procedures for handling complaints and disputes under a fair and reasonable system. An official report of test findings is generated for all in-house and field testing performed at the California Division. A procedure has also been implemented for appealing its decisions through a system which provides an unbiased review of any controversial matter. Under this corporate system, the UST/CA is capable of handling inquiries or complaints from the general public, inspection authorities, and government agencies; it is not limited to solving disputes between the client and the laboratory.

The applicant states that it provides for the implementation of control procedures for identifying the listed and labeled equipment or materials, inspection of the production run of such items at factories for product evaluation purposes to assure conformance with applicable test standards, and the conducting of field inspections to monitor and to assure the proper use of its identifying mark or labels on products. The United States Testing Company, Inc., established the Nationwide Consumer Testing Institute, Inc. (NCTI) Listing and Labeling Program as a third party certification program for product quality assurance. The Institute is a wholly owned subsidiary of UST. The "Nationwide" identification and listing and labeling mark are used to eliminate any possibility of identifying the program as an agency of the United States government. The NCTI Program is supported by written test methods and procedures that are based on applicable and appropriate test standards. This program is detailed in the Nationwide Consumer Testing Institute, Inc. *Policy and Format Manual*. (See Ex. 2. A., Supplement III). Within this document, the applicant states, four important aspects of the NCTI certification program are described. First, procedures for identifying the listed or labeled products are outlined. Second, procedures for conducting factory inspections of the production process are described. These inspections evaluate individual products and quality control procedures to determine conformance with the referenced test standards. Third, the procedures for conducting field inspections are outlined. These inspections are conducted to monitor and assure proper use of the NCTI label, to determine whether the product complies with test standards and safety requirements, and to evaluate the effectiveness of the applicable test standards. Finally, the NCTI Policy and Format Manual describes the follow-up listing program, which includes the maintenance of a listed products directory.

Background

According to the applicant, the United States Testing Compnay, Inc. is wholly owned and operated by Societe Generale de Surveillance (SGS), the largest inspection, testing, and expediting company in the world. In the United States, the SGS affiliates including the United States Testing Company are fully owned and controlled by SGS North America, Inc., which is incorporated in Delaware. UST is headquartered in Hoboken, New Jersey, and its Laboratory Services Group is made up of four additional branches located in different areas of the Country. The one of concern for this application, the California Division, is located in Los Angeles.

The applicant states that the United States Testing Company, Inc., was founded in 1880 as the New York Silk and Wool Conditioning Works. Over the next 30 years, the company increased its services into other fields of testing and expanded its facilities to other locations along the eastern seaboard. Because of this expansion, in 1910 the company's name was changed to the United States Conditioning and Testing Company. In 1920, the company became incorporated and subsequently changed its name to the United States Testing Company, Inc. Its offices and main laboratories were moved to Hoboken, New Jersey in 1926.

In 1942, according to the applicant, the third-party certification program was first established using the Seal of Quality of the United States Testing Company, Inc., and this program achieved nationwide implementation when the California Division was formed in 1953. In 1961, the Federal Trade Commission required the Company to change the name of this certification program to eliminate any possibility of identifying the program with an agency of the United States government. In response to this requirement, the Nationwide Consumer Testing Institute, Inc. (NCTI) was introduced the following year, and its label was registered with the U.S. Patent Office in 1969. (NCTI is a wholly owned subsidiary of the United States Testing Company, Inc.). The United States Testing Company, Inc., along with its Nationwide Consumer Testing Institute certification program, was purchased by Societe Generale de Surveillance in 1982.

The applicant states that the California Division of the United States Testing Company, Inc. consists of 41 professional or technical employees. The Electrical Department is the only one involved with certification as it applies to OSHA. Six employees are involved with the program, as follows:

1—Division General Manager
1—Electrical Department Manager
1—Electrical/Electronics Laboratory Supervisor
1—Project Engineer
1—Technical Writer
1—Electrical Engineer

The applicant desires recognition for testing and certification of products when tested for compliance with the following test standards, which are appropriate within the meaning of 29 CFR 1910.7(c):

ANSI/UL 1—Flexible Metal Conduit
ANSI/UL 3—Flexible Nonmetallic Tubing for Electric Wiring
ANSI/UL 250—Household Refrigerators and Freezers
ANSI/UL 514A—Metallic Outlet Boxes, Electrical
UL 544—Electric Medical and Dental Equipment
ANSI/UL 632—Electrically Actuated Transmitters
ANSI/UL 751—Vending Machines
ANSI/UL 913—Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations
ANSI/UL 1012—Power Supplies
UL 1236—Electric Battery Chargers
UL 1270—Radio Receivers, Audio Systems, and Accessories
ANSI/UL 1418—Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
UL 1459—Telephone Equipment
ANSI/UL 1484—Residential Gas Detectors
ANSI/UL 1571—Incandescent Lighting Fixtures
UL 1604—Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations

Preliminary Finding

The United States Testing Company, Inc., California Division, addressed all of the criteria which had to be met for recognition as an NRTL in its initial application and in its further correspondence. For example, the applicant submitted a list of its test equipment and instrumentation; a roster of its personnel including resumes of those in key positions and copies of position descriptions; copies of a typical test report, a factory inspection form and an inspection summary; a summary of its listing, labeling, and follow-up services; a statement of its independence as a testing laboratory; and a copy of its Quality Assurance Manual including a description of its documentation, calibration system, appeals procedure, record keeping and operational procedures.

Nine major areas were examined in depth in carrying out the laboratory survey: Facility; test equipment; calibration program; test and evaluation procedures; test reports; records; quality assurance program; follow-up listing program; and personnel.

The discrepancies noted by the survey team in the on-site evaluation (Ex. 3.A.(1)) were adequately responded to by the applicant prior to the preparation of the survey report and are included as a separate corrective action report section (Ex. 3.A.(2)).

With the preparation of the final report of the United States Testing Company, Inc., California Division, the survey team was satisfied that the testing facility appeared to meet the necessary criteria required by the standard, and so noted in the On-Site Review Report (Survey). (See Ex. 3.A.).

Following a review of the application file and the on-site survey report of the UST/CA facility, the NRTL Recognition Program staff concluded that the applicant appeared to have met the requirements for recognition as a Nationally Recognized Testing Laboratory and, therefore, recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the United States Testing Company, Inc., California Division can meet the requirements for recognition as required by 29 CFR 1910.7.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for a Nationally Recognized Testing Laboratory, as well as appendix A, of 29 CFR 1910.7. Submission of pertinent written document and exhibits shall be made no later than May 22, 1992, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, DC 20210. Copies of the UST/CA application, the laboratory survey report, and all submitted comments, as received (Docket No. NRTL–2–90), are available for inspection and duplication at the Docket Office, room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant satisfies the requirements for recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with appendix A of § 1910.7.

Signed at Washington, DC this 17th day of March, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary.

[FR Doc. 92–6647 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–26–M

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

Announcement of Meeting

The Martin Luther King, Jr. Federal Holiday Commission will hold its quarterly business meeting on Wednesday, April 8, from 1 to 3 p.m. in room 345 of the Cannon House Office Building.

Leonard Burchman,

Treasurer.

[FR Doc. 92–6617 Filed 3–20–92; 8:45 am]

BILLING CODE 4210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

March 13, 1992.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: None.
Form Number: NCUA–10602(OT).
Type of Review: New Collection.
Title: Truth in Savings Survey.
Description: This is a one-time survey to learn how credit unions calculate dividends on deposits.
Respondents: Federally insured credit unions.
Estimated Number of Respondents: 450.
Estimated Burden Hours per Response: 0.167 hours.
Frequency of Response: One-Time.
Estimated Total Reporting Burden: 75 hours.
Clearance Officer: William A. Theard, (202) 682–9700, National Credit Union Administration, room 7344, 1776 G Street, NW., Washington, DC 20456.
OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 92–6586 Filed 3–20–92; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships/Services to Composers Section) to the National Council on the Arts will be held on April 7–9, 1992 from 9 a.m.–5:30 p.m. and April 10 from 9 a.m.–5 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on April 10 from 3 p.m.–5 p.m. The topics will be policy and guidelines review.

The remaining portions of this meeting on April 7–9 from 9 a.m.–5:30 p.m. and April 10 from 9 a.m.–3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contract the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 17, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–6594 Filed 3–20–92; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Photography Fellowships Section) to the National Council on the Arts will be held on April 6–9, 1992 from 9 a.m.–6 p.m. and April 10 from 10 a.m.–4 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506

A portion of this meeting will be open to the public on April 10 from 2:30 p.m.–4 p.m. The topic will be policy and guidelines review.

The remaining portions of this meeting on April 6–9 from 9 a.m.–8 p.m. and April 10 from 10 a.m.–2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1956, as amended including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussion at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Wasington, DC 20506, or call (202) 682–5433.

Dated: March 17, 1992.

Yvonne Sabine,

Director,

Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–6595 Filed 3–20–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Economics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Economics.

DATE & TIME: April 9, 1992, 9 am to 5 pm, April 10, 1992, 9 am to 5 pm, April 11, 1992, 9 am to noon.

PLACE: Rooms 540, 540B National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

TYPE OF MEETING: Closed.

CONTACT PERSONS: Dr. Daniel Newlon, Program Director, Dr. Lynn Pollnow, Program Director and Dr. Vincy Fon, Associate Program Director, National Science Foundation, 1800 G Street, NW., room 336, Wasington, DC 20550, Telephone: 202/357–0106.

PURPOSE OF MEETING: To provide advice and recommendations concerning research proposals submitted to NSF for financial support.

AGENDA: To review and evaluate unsolicited research proposals, submitted to or being jointly considered by, the Economics Program as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 18, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6632 Filed 3–20–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8027, License No. SUB–1010, EA 92–045]

In the Matter of Sequoyah Fuels Corp., Gore, OK; Order Modifying License (Effective Immediately)

I

Sequoyah Fuels Corporation (SFC or Licensee) is the holder of Source Material License No. SUB–1010 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 40. The license authorizes possession and use of source material in the production of uranium hexafluoride (UF6) and depleted uranium tetrafluoride (DUF4) in accordance with the terms and conditions of the license. The license was due to expire on September 30, 1990, but currently remains in effect based on a timely renewal application submitted by the Licensee.

II

On November 5, 1990, NRC issued a Demand for Information to SFC (EA 90–158) for the purpose of obtaining information to determine whether there was reasonable assurance that SFC could properly manage licensed activities in accordance with Commission requirements. This Demand was based in part on the failure by key managers at SFC to accurately and completely inform the NRC of material facts in a prompt manner.

On October 3, 1991, the NRC issued an Order Modifying License (Effective Immediately) and Demand for Information to SFC (EA 91–067) to address a number of significant safety violations and regulatory problems.

Significantly, the Order was based, in part, on the failure of a responsible licensee official to fully provide complete and accurate information to the NRC. The purpose of the Demand was to obtain further information from the Licensee in order to determine whether the Commission could have reasonable assurance that certain individual managers holding key positions described in the License would properly carry out their responsibilities and authorities. That Demand was issued, in part, because it appeared that these key SFC management officials were not candid with the NRC concerning regulatory matters.

The Licensee responded to the Demand in two letters, both dated December 2, 1991. In those responses, the Licensee asserted its belief that the individuals named in the Demand neither acted in careless disregard of their respective responsibilities for licensed activities nor failed to be candid with the NRC. However, the Licensee admitted that the individuals made errors in judgment, missed opportunities to identify and correct deficiencies at an earlier stage, and could have done more to assure that the NRC was fully informed of SFC activities.

By letter dated December 18, 1991, the Licensee stated that it did not intend to use any of the named individuals in the performance and supervision of NRC-licensed activities, and should it desire to use any of the named individuals in such capacities in the future, it would provide the NRC at least 30 days notice. The NRC confirmed this commitment in a Confirmatory Order dated January 13, 1992 (EA 91–196).

On January 7, 1992, an employee approached NRC inspectors with allgations involving potential wrongdoing. Specifically, it was alleged that an SFC health physics (HP) supervisor was condoning, if not encouraging, the falsification of records and improper vehicle surveys. Subsequent discussions with an HP technician raised further concerns regarding the adequacy of surveys performed on vehicles prior to their release from the site.

On January 8, 1992, a senior NRC official on site discussed this matter with the Vice President for Regulatory Affairs, a contractor hired by the Licensee as an interim replacement for one of the key positions recently vacated as a consequence of the October 3, 1991 Order. This discussion was for the purpose of advising SFC of the allegations and potential safety issues so that SFC could investigate the matter and take appropriate corrective action. The Vice President did not, however, convey to the NRC official during that discussion ot two subsequent telephone calls, that he had been aware of the substance of the allegations since January 2, 1992 and that he had directed that SFC initiate an investigator into the specific matters identified by the senior NRC official.

Finally, on January 20, 1992, SFC notified the NRC of the discovery of contamination in the plant warehouse, an unrestricted area. An NRC inspection team subsequently determined that the Licensee had first become aware of the contamination as early as November 22, 1991. In addition, the NRC team also found that the Licensee had also discovered contamination in the SFC Carlile Training Center, an unrestricted offsite facility, as early as November 13, 1991. However, until the NRC inspection, the Licensee failed to either control the contaminated material or take action to restrict access to the areas where the contaminated material was stored.

III

Based on the above, it appears that the Licensee has not been able to overcome and correct SFC's history of lack of candor in bringing potential safety and regulatory issues to NRC's attention. It is recognized that each of the failures to bring forth information to the NRC was not necessarily a violation of NRC requirements. Nevertheless, given the regulatory issues at SFC, it is imperative that NRC be kept fully and promptly informed of potential safety and regulatory issues occurring at this facility. Without this information, NRC could be significantly hampered in its ability to properly regulate activities at SFC.

Consequently, to further assure SFC's management will keep the NRC fully informed of potential safety and regulatory concerns and to provide additional assurance that NRC will be able to effectively carry out its regulatory oversight of the activities at SFC, it is necessary to require that License No. SUB–1010 be modified to include additional reporting requirements. Furthermore, pursuant to 10 CFR 2.202, I find that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 63, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 40, *It is Hereby Ordered*, effective immediately, that license no. SUB–1010 is modified as follows:

The Licensee shall, to the extent not covered by any other reporting requirement, including but not limited to 10 CFR 40.9(b), inform the Regional Administrator, Region IV, in writing, within five working days of awareness of the following:

A. Failure to follow procedures or other requirements where there are indications that the cause was a deliberate failure to meet requirements. A deliberate failure is a failure caused by deliberate misconduct as defined in 10 CFR 40.10(c).

B. Spills or other unusual occurrences involving the spread of contamination in and around the SFC's facility, equipment, or site, subject to 10 CFR 40.36(f)(1), even if the contamination has been or will be cleaned up.

C. Any failure of equipment or facilities, or failure to follow procedures, which leads to (1) offsite release or contamination in unrestricted areas in excess of SFC's administrative limits; (2) any contamination in restricted areas that requires activities in an area to be suspended for more than twenty four hours pending decontamination; or (3) any personnel contamination in excess of SFC's administrative limits which within one hour of detection is not reduced to within limits.

D. Employee concerns or allegations that any of the above failures may have occurred unless it is determined within the above five working days that the concern or allegation is not valid.

E. Any other matter that the President, SFC, believes rises to a regulatory or safety concern that warrants NRC notification.

The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this order may, submit an answer to this Order, within 20 days of the date of this Order. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer filed within 20 days of the date of this Order may include a

request for a hearing. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Services Section, Washington, DC 20555. Copies shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, suite 400, Arlington, Texas 76011 and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be coinsidered at such hearing shall be whether this Order should be sustained.

VI

In the absence of any request for hearing, the provisions specified in Section IV above shall be final in 20 days from the date of the Order without further order or proceedings. An answer or request for a hearing shall not stay the immediate effectiveness of the order.

Dated at Rockville, Maryland this 13th day of March, 1992.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.

Deputy Executive Director for Nuclear Material Safety, Safeguards, and Operations Support.

[FR Doc. 92-6683 Filed 3-20-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Standards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to Toledo Edison Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 located in Ottawa County, Ohio.

The amendment would allow continual operation in the event that either the reactor coolant system (RCS) loop 1 vent path or the RCS loop 2 vent path (but not both) is inoperable and cannot be restored to operable status within 30 days. In lieu of a plant shutdown, a Special Report would be prepared and submitted to the NRC within the next 30 days outlining the action taken, the cause of inoperability, and the plans and schedule for restoring the vent path to operable status.

Unidentified RCS leakage had increased during this operating cycle, although it remained within Technical Specification limits. During a recent containment entry, the licensee identified RCS loop 2 vent path as a source of RCS leakage and isolated the vent path to minimize RCS leakage. The licensee then promptly submitted the proposed license amendment, requesting to continue operation with a single loop vent path closed, so as to minimize RCS leakage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazard consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, because an RCS loop vent path does not function during plant operation, so an isolated RCS loop vent path will not affect plant operation; or (3) involve a significant reduction in a margin of safety because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 22, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in providing the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 13, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room, University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 18th day of March 1992.

For the Nuclear Regulatory Commission.

Jon B. Hopkins, Sr.,

Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6768 Filed 3-20-92; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30478; File No. SR-NASD-91-68]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the Forwarding of Proxy Material

March 16, 1992.

On December 19, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted a proposed rule change to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder.[2] The proposal amends the Interpretation of the Board of Governors—Forwarding of Proxy and Other Materials, under Article III, section 1 of the NASD's Rules of Fair

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1991).

Practice [3] ("Interpretation") in order to require NASD member firms to forward proxy material to beneficial owners at the request of persons other than the issuer, *i.e.* stockholders.[4]

Notice of the proposed rule change, as amended, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 30341, February 6, 1992) and by publication in the **Federal Register** (57 FR 5193, February 12, 1992). No comments were received on the proposal. This order approves the proposed rule change.

In May 1991, the staff of the Commission's Division of Market Regulation ("Division"), in connection with the review of an earlier proposed rule change,[5] requested that the NASD consider amending the Interpretation to require NASD members to forward proxy material to beneficial owners upon the request of persons other than the issuer. Previously, the Interpretation required NASD members to forward proxy material to beneficial owners upon the request of the issuer, but did not extend the duty to forward proxy material upon the request of other persons who are shareholders of the issuer. Upon consideration of the Division's request, the NASD determined that potential exists for disruption in proxy communications in circumstances where stockholders in possession of the stockholder lists request NASD members to forward material to beneficial owners.

Currently, only those NASD members that are affiliated with the New York Stock Exchange ("NYSE") and the American Stock Exchange ("AMEX") are required to forward proxy material upon the request of a "person" other than the issuer of the stock.[6] The NASD has proposed the instant rule change in order to eliminate the disparity that exists in the rules regarding the forwarding of proxy material between NASD members that are affiliated with the NYSE and/or AMEX and those NASD members that are not so affiliated.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD. By requiring NASD members to forward proxy material upon the request of persons other than issuers, investors will be aided in evaluating the character of the securities they hold and in their ability to act upon the rights and responsibilities that accompany ownership of securities. Further, the Commission believes that the potential for improved communications between shareholders will be of mutual benefit to both NASDAQ-listed companies and their shareholders. Finally, because these amendments will prevent unwarranted discrimination in the level of information provided to investors by creating a uniform standard of service by NASD members forwarding proxy information, the Commission finds that the proposed rule change is consistent with the requirements of section 15A(b)(6) of the Act.[7] Section 15A(b)(6) requires, in part, that the rules of the NASD be designed "to promote just and equitable principles of trade * * * to protect investors and the public interest * * *" and "are not designed to permit unfair discrimination * * *."

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6805 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[3] *NASD Securities Dealers Manual,* Interpretation of the Board of Governors—Forwarding of Proxy and Other Material, Article III, section 1, Rules of Fair Practice, CCH ¶ 2131.05.

[4] On January 30, 1992, the NASD filed Amendment No. 1 to the proposed rule change. Amendment No. 1 clarifies the descriptive language of the proposal and does not reflect substantive changes. It is available for inspection and copying in the Commission's Public Reference Room.

[5] The Interpretation was recently amended to require the forwarding of material other than proxy material upon the request of the issuer. File No. SR-NASD-91-20, Securities Exchange Act Release No. 29512 (July 31, 1991).

[6] NYSE members currently are required to forward proxy material upon the request of a "person" pursuant to NYSE Rule 451. AMEX members are required to forward proxy material upon the request of a "person" pursuant to AMEX Rule 576.

[7] 15 U.S.C. 78O-3(b)(6) (1988).

[8] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30479; File No. SR-NASD-92-1]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Market Maker Registration in Mergers or Acquisitions

March 16, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing amendments to Schedule D to the NASD By-Laws to permit same-day registration for market makers in certain merger or acquisition situations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The Association is proposing an amendment to part VI of schedule D to the NASD By-Laws to permit immediate on-line registration of market makers in situations where a merger or acquisition has been publicly announced. The NASD proposes to allow a market maker registered in either one of the two affected companies to register in the other company on a same-day basis. Further, the NASD is proposing that if a market maker in this narrowly construed situation has withdrawn from one of the affected securities, the withdrawal shall be considered an excused withdrawal so long as the market maker has remained registered in the other issue. The 20-day prohibition against reregistering in the security contained in Part VI of Schedule D will, therefore, not apply to market makers that have withdrawn from a company and subsequently wish to register in the stock pursuant to the same-day registration procedures for a publicly announced merger or acquisition, so long as the market maker has remained active in one of the companies.

Current registration requirements contained in Schedule D include a one-day waiting period to avoid a form of "fair-weather" market making. The one-day provision was implemented as a cooling off period to prevent market makers from registering in a stock immediately after good news is announced or with the intent to execute a single customer order, with the possibility of withdrawing immediately thereafter.

The situation where a merger or acquisition is publicly announced and it is anticipated that there will be only one surviving entity after the event has occurred is a different situation. Market makers in one security may wish to register immediately in the second company to provide liquidity and depth in both issues and to more effectively manage the risk of their positions in the first entity. If a market maker is already registered in one of the two securities, the NASD believes that in these narrowly drawn situations, an immediate on-line registration as a NASDAQ market maker is appropriate.

Additionally, the NASD believes that if the market maker has previously been registered in both securities and has withdrawn from one of the issues, the withdrawal should be considered excused if a merger or acquisition is subsequently announced. The 20-day penalty period for market makers that voluntarily withdraw from NASDAQ issues was promulgated to prevent market makers from dropping out of issues during turbulent markets and reentering the issues immediately thereafter. The NASD believes that merger and acquisition situations are sufficiently different and do not represent similar opportunities for fair-weather market making. Therefore, granting excused withdrawal status is appropriate in these situations as long as the market maker has remained an active market maker in one of the two affected companies.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market * * *." The proposed rule change will facilitate market liquidity in companies that are involved in mergers or acquisitions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approved such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Person making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 13, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6806 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[1] On February 4 and March 2, 1992, the NASD filed, respectively, Amendments 1 and 2 to the proposed rule change. The amendments clarify that a market maker must have withdrawn in one of the affected securities *prior to* the public announcement of a merger or acquisition, in order to qualify for an excused withdrawal when it seeks to reregister in the security. Copies of the two amendments are available for inspection and copying in the Commission's Public Reference Room.

[File No. 1-10430]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Interneuron Pharmaceuticals, Inc., Common Stock, $0.001 Par Value)

March 17, 1992.

Interneuron Pharmaceuticals, Inc. ("Company") has filed an application with the Securities and Exchange Commission, ("Commission") pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE" or "Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, commencing on March 17, 1992, its Common Stock will be listed for quotation on the National Association of Securities Dealers, Inc. National Market System ("NASDAQ/NMS"), and the rules of the BSE and NMS do not permit a security to be listed on both the BSE and the NMS.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6657 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7626]

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Universal Foods Corporation, Common Stock, $.10 Par Value; Rights to Purchase Common Stock)

March 17, 1992.

Universal Foods Corporation ("Company") has filed an application with the Securities and Exchange Commission, ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, the Common Stock and Rights are currently listed on both the New York Stock Exchange ("NYSE") and the PSE. The Company listed the Common Stock and Rights on the PSE in August of 1986 after purchasing a frozen products business located on the West Coast. At that time, the Company anticipated that this new business, together with the Company's existing dehydrated products business, which is also located on the West Coast, would contribute to increased interest in the Company by investors residing on the West Coast. Based upon this belief and the Company's hope that an active trading market for the Company's securities would develop on the West Coast, the Company decided to list the Common Stock and Rights on the PSE. An active trading market on the PSE for the Common Stock and Rights, however, never developed. During the last three years, less than 3% of the daily trading volume of the Common Stock and Rights has been on the PSE. Accordingly, the Company decided that it was in the best interests of the Company and its shareholders to delist the Common Stock and Rights from the PSE. The Common Stock and Rights, however, will continue to be listed on the NYSE.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6656 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-10787]

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Veterinary Centers of America, Inc., Common Stock, $0.001 Par Value; Redeemable Warrants)

March 17, 1992.

Veterinary Centers of America, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on December 2, 1992 to withdraw the Company's Common Stock and Warrants from listing on the Amex and, instead, list such Common Stock and Warrants on the National Association of Securities Dealers Automated Quotations National Market System ("NASDAQ/NMS"). The decision of the Board followed a lengthy study of the matter, and was based upon the belief that listing of the Common Stock and Warrants on NASDAQ/NMS will be more beneficial to its shareholders than the present listing on the Amex because:

(1) The Company believes that the NASDAQ/NMS system of competing market makers will result in increased visibility and sponsorship for its Common Stock and Warrants than is presently the case with the single specialist on the Amex;

(2) The Company believes that the NASDAQ/NMS system will offer the Company's shareholders more liquidity than is presently available on the Amex and less volatility in quoted prices per share when trading volume is slight;

(3) The Company believes that the NASDAQ/NMS system will offer the opportunity for the Company to secure its own group of market makers and expand the capital base available for trading in the Common Stock and Warrants; and

(4) The Company believes that the firms making a market in the Company's Common Stock and Warrants on the NASDAQ/NMS system will also be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6655 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

The President's Council of Advisors on Science and Technology will meet on April 2-3, 1992. The meeting will begin at 9 a.m. on Thursday, April 2, 1992 in the Conference Room, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC. The meeting will conclude at approximately 12:00 Noon on Friday April 3, 1992.

The purpose of the Council is to advise the President on matters involving science and technology.

Proposed Agenda

1. Briefing of the Council on the current activities of the Office of Science and Technology Policy.

2. Briefing of the Council on current federal activities and policies in science and technology.

3. Discussion of progress of working group panels.

Portions of the April 2-3 meeting will be closed to the public.

A portion of the briefings on current federal activities and policies in science and technology will require discussion of budget preparation procedures of the Executive Office of the President and other federal agencies which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. Also, a portion of the discussion of panal progress will necessitate discussion of information which is formally classified in the interest of national security. Accordingly, these portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1), (2), and (9)(B).

Because of the security requirements, persons wishing to attend the open portion of the meeting should contact Ms. Ann Barnett (202) 395-4692, prior to 3 p.m. on April 1, 1992. Ms. Barnett is available to provide specific information regarding time, place, and agenda.

Dated: March 12, 1992.

Ms. Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 92-6683 Filed 3-20-92; 8:45 am]

BILLING CODE 3170-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2 C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under Title IV of the Clear Air Act Amendments, sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Boards Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6150 Filed 3-20-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice 92-3]

Commercial Space Transportation Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, April 8, 1992, from 8:30 a.m., to 4:30 p.m. in room 2230 of the Department of Transportation's headquarters building at 400 Seventh Street, SW. in Washington, DC. This will be the fifteenth meeting of the Committee. The meeting will address such issues as orbital debris, international competitiveness, and technology and innovation. The COMSTAC will receive an update on congressional activities followed by reports from the COMSTAC working groups. A tentative agenda is attached. This meeting is open to the interested public, but may be limited to the space available. Additional information may be obtained by contacting Ms. Linda Strine at (202) 366-5770.

Dated: March 17, 1992.

Stephanie E. Myers,

Director, Office of Commercial Space Transportation.

(Tentative) COMSTAC Agenda, Room 2230—Nassif

8:30-8:45—Welcome/Opening Remarks
Paul Fuller, Chr., COMSTAC
Secretary Andrew H. Card.
8:45-9:15—OCST Activities Report—Stephanie E. Myers, director, OCST
9:15-9:30—Procurement Working Group Report.
9:30-9:45—Infrastructure Working Group Report.
9:45-10—Break.
10-10:30—International Competition Working Group, Special Task Force on Soviet Entry into World Space Markets, Interim Report—Frederick H. Hauck, Chr.
10:30-11—Update on Soviet Activities—John Boright, Deputy Assistant Secretary, Science and Technology Affairs, State Dept.
11-11:15—Admiral James B. Busey (Invited) Deputy Secretary, DOT.
11:15-11:45—Appropriations Update—The Honorable Bob Carr (D-MI).
12 noon-1:15—Lunch—Mess (SECRETARY CARD).
1:15-1:45—Licensing Activities Update—Norman Bowles, Associate Director for Licensing Programs, OCST.
1:45-2:45—Panel on Orbital Debris—Norman Bowles, DOT, Chr.; Dr. Joseph Loftus, NASA; John Schumacher, NASA; Ken Stansbury, DOD.
2:45-3:30—Innovation and Technology Working Group Report—Alan Kehlet, Chr.
3:30-4:30—New Business/Concluding Remarks/Adjourn.

[FR Doc. 92-6645 Filed 3-20-92; 8:45 am]

BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ended March 13, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48028.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 548 (Japan-China fares) r-1-014a, r-2-085hh, r-3-092v.
Proposed Effective Date: March 16, 1992.

Docket Number: 48029.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 549 (TC23/TC123 revalidation except to/from US Terr.).
Proposed Effective Date: October 1, 1992.

Docket Number: 48030.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 545 (Fares between Japan & Korea) r-1 to r-9.
Proposed Effective Date: April 1, 1992.

Docket Number: 48031.
Date filed: March 9, 1992.

Parties: Members of the International Air Transport Association.
Subject: Mail Vote 550 (TC23/TC123 revalidation to/from US Terr.).
Proposed Effective Date: October 1, 1992.
Docket Number: 48032.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0493 dated February 25, 1992. Composite Resolutions. R-1 To R-30.
Proposed Effective Date: April 1, 1992.
Docket Number: 48033.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0498 dated March 3, 1992. Japan-USA/US Territories. Comp Meet/C 0162 dated 3, 1992 R-1 to R-6.
Proposed Effective Date: April 1, 1992.
Docket Number: 48034.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0496 dated March 3, 1992. Resolutions 001F, 116F (From Japan) r-1—001F, r-2—116F.
Proposed Effective Date: April 1, 1992.
Docket Number: 48035.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0497 dated March 3, 1992. TC3 and TC23 From Japan (except US Territories) r-1 to r-11.
Proposed Effective Date: April 1, 1992.
Docket Number: 48036.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0492 dated February 24, 1992. TC3 Resolution 553/590, R-1 to R-2.
Proposed Effective Date: March 31, 1992.
Docket Number: 48037.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Telex dated January 10, 1992. Mail Vote 528 (1st and Economy fares within Europe).
Proposed Effective Date: March 15, 1992.
Docket Number: 48040
Date filed: March 10, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 551 (Economy Class Fares between Japan and Central/South America).
Proposed Effective Date: April 1, 1992.
Docket Number: 48041
Date filed: March 10, 1992.
Parties: Members of the International Air Transport Association.
Subject: Resolution 033f–Lebanon.
Proposed Effective Date: March 23, 1992.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 92-6643 Filed 3-20-92; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended March 13, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48038.
Date filed: March 9, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scopes: April 6, 1992.
Description: Application of Cargo D'OR Limited, pursuant to section 402 of the Act and subpart Q of the Regulations applies for a foreign air carrier permit which would authorize Cargo D'Or to provide nonscheduled foreign air transportation of property and mail between the United States and Ghana. Cargo D'Or also requests authority to operate cargo charters pursuant to part 212 of the Department's Economic Regulations.

Docket Number: 48047.
Date filed: March 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Twin Cities Air Service Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations requests authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in the State in the United States or the District of Columbia, or any territory or possession of the United States and any point or points in the Republic of Ireland and any point or points in the United States, with or without stopovers. (B) Between any point or points in the United States and any point or points in a third country or countries, with or without stopovers, provided that such traffic is carried via Ireland and makes a stopover in Ireland for at least two consecutive nights. Translift Airways also seeks authority to engage other trips in foreign air transportation subject to regulations governing charters.

Docket Number: 48048
Date filed: March 13, 1992.
Due Date or Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Twin Cities Air Service Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations requests authority to engage in foreign charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States, and Canada and the Bahamas and Mexico.

Docket Number: 48049.
Date filed: March 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Translift Airways Limited applies, pursuant to section 402 of the Act for a foreign air carrier permit authorizing Translift Airways to engage in charter foreign air transportation of persons and their accompanying baggage, and cargo, including but not limited to, freight forwarder, split, and combination charters, as follows: (A) Between any point or points in the Republic of Ireland and any point or points in the United States, with or without stopovers. (B) Between any point or points in the United States and any point or points in a third country or countries, with or without stopovers, provided that such traffic is carried via Ireland and makes a stopover in Ireland for at least two consecutive nights. Translift Airways also seeks authority to engage other trips in foreign air transportation subject to regulations governing charters.

Docket Number: 48001.
Date filed: March 12, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 19, 1992.
Description: Application of Federal Express Corporation, pursuant to Department of Transportation Notice, Served February 26, 1992, applies, pursuant to section 401 of the Act and subpart Q of the Regulations, for issuance of an amended certificate of public convenience and necessity for Route 205–F, so as to authorize Federal Express to provide foreign air transportation of property and mail between a point or points in the United States, on the one hand, and points in the Peoples Republic of China, on the other hand, via intermediate points (including change-of-gauge operations) on Federal Express' certificate for Route 205–F.

Phyllis T. Kaylor,

Chief, Documentary Services Divisoin.

[FR Doc. 92-6644 Filed 3-20-92; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

[Docket No. WPDA-1]

City of New York Request for Temporary Waiver of Preemption Pending Determination Upon Application for Waiver of Preemption as to Fire Department Regulations Concerning Pickup/Delivery Transportation of Flammable and Combustible Liquids and Flammable and Combustible Gases

APPLICANT: The City of New York.

LOCAL LAW AFFECTED: New York City. Fire Prevention Directives 3–76, 5–63, 6–76, and 7–74.

APPLICABLE FEDERAL REGULATIONS: Hazardous Materials Transportation Act (49 App. U.S.C. 1801 *et seq.*) and the Hazardous Material Regulations (49 CFR parts 171–180) issued thereunder.

MODE AFFECTED: Highway.

SUMMARY: This is an administrative ruling by the Department of Transportation (DOT) on a request by the City of New York (City) "for a temporary stay of preemption, as to those Fire Department regulations for which the City has sought a permanent waiver, until that application is decided." City's February 28, 1992 letter request (NYC Request), p. 1. The procedures set forth at 49 CFR 107.215–107.227 apply to the City's application for a waiver of preemption. DOT has not promulgated regulations or otherwise established procedures applicable to a request for a temporary waiver of preemption pending a decision on the application for waiver itself or, as described by the City, a "temporary stay of preemption."

RULING: The City's request for a temporary stay of preemption, as contained in its February 28, 1992 letter, is denied.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. 202–366–4400).

I. General Authority and Waiver of Preemption Under the HMTA

The Hazardous Materials Transportation Act (HMTA), 49 app. U.S.C. 1801 *et seq.*, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990, Public Law 101–615, preempts certain requirements of States, political subdivisions and Indian tribes relating to the transportation of hazardous materials. 49 App. U.S.C. 1804(a)(4), 1804(b)(4), 1811(a). The HMTA also provides that the Secretary of Transportation may waive preemption, in response to an application of a State, political subdivision or Indian tribe which acknowledges preemption, if the Secretary determines that the State, local or Indian tribe requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of the HMTA and the regulations issued under the HMTA, and (2) does not unreasonably burden commerce. 49 app. U.S.C. 1811(d).

The preemption provisions contained in the HMTA, including those governing a waiver of preemption; the delegation of authority from the Secretary of Transportation to the Research and Special Programs Administration (RSPA) to issue preemption determinations and waivers of preemption; and RSPA's regulations applicable to preemption determinations and waivers of preemption are set forth and discussed in detail in the Public Notice and Invitation to Comment upon the City's application for a waiver of preemption, published at 56 FR 58126 (Nov. 15, 1991).

II. Background

With its October 9, 1991 letter, the City submitted an application for a waiver of preemption as to requirements set forth in 24 separate sections (or subsections) of New York City Fire Department Fire Protection Directives (FPDs) 3–76, 5–63, 6–76, and 7–74. With the exception of a "no smoking" prohibition in FPD 6–76 § 25–1, these requirements were among those which RSPA determined to be preempted in Inconsistency Ruling 22 (IR–22), 52 FR 46574, Dec. 8, 1987; correction, 52 FR 49107, Dec. 29, 1987, and the RSPA Administrator's Decision on Appeal (IR–22(A)), 54 FR 26698, June 23, 1989.

In the letter accompanying its application, the City requested a temporary stay of preemption as to the FPD requirements for which a waiver of preemption was sought. On October 18, 1991, in *National Paint & Coatings Ass'n v. City of New York*, No. CV–84–4525 (ERK), the United States District Court for the Eastern District of New York issued an Order confirming that the City had acknowledged preemption of certain provisions of FPDs 3–76, 5–63, 6–76, and 7–74 and enjoined the City from further enforcement of those provisions. However, the Court stayed for 150 days its injunction against enforcement of the provisions in the FPDs for which the City has applied to DOT for a waiver of preemption. The City's waiver application and the Court's Order were published as part of the Public Notice and Invitation to Comment at 56 FR 58126 (Nov. 15, 1991).

As also discussed in that notice, in a further letter dated October 29, 1991, the City advised RSPA of the Court's October 18, 1991 Order and stated that the Court's stay of its own injunction avoided any need for RSPA to rule on the City's request for a temporary stay at that time. However, the City requested that it be notified and given an opportunity to renew its request if a determination on its application for a waiver of preemption had not been completed by March 15, 1992, the expiration of the Court's 150-day stay.

As stated in a Public Notice and Reopening of Rebuttal Comment Period, published at 57 FR 6767 (Feb. 27, 1992), RSPA received several comments supporting and opposing the City's application for a waiver of preemption after the date originally set for the comment period to expire; in fairness to all interested parties, RSPA extended the rebuttal comment period through March 13, 1992. RSPA notified the City that it did not expect to issue a determination on the City's application by March 15, 1992. In the February 27, 1992 notice, RSPA repeated the statement in the November 15, 1991 notice that "there is no authority in the HMTA for the Secretary or RSPA to temporarily stay preemption. The authority to grant such relief lies, if anywhere, with the courts." 57 FR at 6768.

The City submitted a renewed request for a temporary stay of preemption in a February 28, 1992 letter, which was received by RSPA by March 2, 1992 (by telefax) and March 5, 1992 (letter form). The City's letter indicated that a copy had been furnished to John J. Collins, Esq. And Timothy L. Harker, Esq., individuals to whom comments and rebuttal comments on the City's waiver application must be provided in accordance with the November 15, 1991, and February 27, 1992 public notices. On March 3, 1992, RSPA notified Messrs. Collins and Harker by telefax that any opposition to, or comments upon, the City's renewed request for a temporary

stay of preemption should have been submitted in time to reach RSPA by noon, March 6, 1992. Mr. Harker's law firm submitted comments opposing the City's request in a March 6, 1992 letter on behalf of the American Trucking Associations, Inc., National Tank Truck Carriers, Inc., and National Paint and Coatings Association, Inc. The City submitted further comments in a March 6, 1992 letter. All these comments, all materials previously submitted with respect to the City's waiver application in Docket WPDA–1, and all materials contained in Docket IR–22 (IRA–40A) have been considered in ruling on the City's present request.

III. Discussion

The City has characterized its request in different language at different times. Initially, it asked "for a temporary stay of preemption." October 9, 1991 letter, p. 2; NYC Request, p. 1. At another place, it styled the relief it desired as an exercise of the power to waive preemption "on an interim basis." NYC Request, p. 2. In its March 6, 1992 reply letter, the City stated it is seeking "a preliminary waiver of preemption."

As discussed below, the FPDs involved in the City's application for waiver have already been preempted. Accordingly, the City's request for interim relief must be for a postponement of the effects of HMTA's preemption of the FPDs at issue here. This means that the City's request asks RSPA to do one of two things: (1) extend the existing injunction granted by the Court, or (2) grant a temporary (or "preliminary") waiver of preemption pending RSPA's decision on the City's waiver application itself. Because RSPA does not have authority to do either, it must deny the City's present request.

At page 2 of its waiver application, the City "acknowledges that certain sections of its regulations that it wishes to continue to enforce are preempted." 56 FR at 58128. It further agreed and the Court found that "the FPDs in the covered subject areas of 49 U.S.C. app. 1804(a)(4)(B) are preempted and enjoined from further enforcement." October 18, 1992 Order, p. 2, 56 FR at 58142. While the Court stayed its injunction for a period of 150 days, or until March 15, 1992, during this period the City will not prosecute violations of these regulations. *Id.*, 56 FR at 58143.

The City requests RSPA for "an extension of this relief" granted under the Court's October 18, 1992 Order, that is a continuation of the *"status quo."* NYC Request, pp. 2,4. As a basis for its request, it refers to language in the Court's Order that "The City may petition the Secretary of Transportation for further relief." October 18, 1992 Order, p. 2, 56 FR at 58143. It also cites the decision in *National Nutritionol Foods Ass'n* v. *Food & Drug Admin.*, 504 F.2d 761 (2d Cir. 1974), *cert. denied*, 420 U.S. 946 (1975), as authority for a Federal agency "to extend the Court's stay, if necessary, to give itself adequate time to rule on applications." NYC Request, p. 2. However, neither authority cited by the City gives RSPA the power to extend the Court's injunction against enforcement of the City's FPDs.

The Court's language that the City may seek "further relief" from DOT does not give RSPA any authority that it did not already possess. A Federal agency's power derives from Congress, *Lyng* v. *Payne*, 476 U.S. 926, 937 (1986), and no statute authorizes RSPA to extend or otherwise make any change in a court injunction. Indeed, basic considerations of the separation of powers between executive and judicial branches of our government would appear to foreclose any such attempt.

The National Nutritional Foods case does not hold to the contrary. In that decision, an appeals court stayed the effectiveness of FDA regulations to permit additional review by the FDA, and then noted that the FDA could "extend the stay," further delaying the effective date of its own regulations. 504 F.2d at 785 n.27. But such an extension would be merely the exercise of a power inherently possessed by a Federal agency as a part of the process of promulgating regulations; just as an agency has the power to specify the effective date of a regulation, it has the authority to postpone that date to allow continued review, whether such review is ordered by a court or considered appropriate by the agency itself. Here, the City seeks a further postponement of the effects of the Court's October 18, 1992 Order, not a stay of RSPA's own actions. RSPA has no power to continue the Court's injunction.

RSPA does have the discretionary authority under the HMTA to waive preemption of local governmental requirements if it finds that the local regulations (1) afford an equal or greater level of protection to the public than afforded by the HMTA and the regulations thereunder, and (2) do not unreasonably burden commerce. 49 app. U.S.C. 1811(d). That is the process in which RSPA is presently engaged upon the City's waiver application of October 9, 1991, a process expected to take until approximately May 15, 1992, as previously announced. 57 FR 6767, 6768 (Feb. 27, 1992).

However, no language in the HMTA or the regulations thereunder (or anywhere else) speaks of a temporary waiver of preemption, which would allow local regulations to continue in effect until that decision is made. The statutory requirement that the applicant for a waiver must explicitly "acknowledge[]" preemption strongly implies the opposite, *i.e.*, that a local regulation loses any effectiveness, and that enforcement ceases, during the pendency of a waiver application. Thus, there is no force to the City's argument that "nothing in the statute prohibits the Secretary (or his designee) from exercising that power (to grant a waiver of preemption) on an interim basis, where equity makes that appropriate." NYC Request, p.2.

In the absence of a transcript and in the face of an explicit denial, see Harker Firm March 6, 1992, letter, p.3, there is a reluctance to rely upon the City's assertion that "Judge [Korman] did say specifically that he believed the power to grant ultimate relief—a waiver of preemption—necessarily included the power to grant preliminary relief of the same nature." NYC reply letter, p.2. The alleged off-the-record comments are hardly persuasive that the Court found the agency has authority to temporarily waive preemption, and that it intended such a finding to be binding on DOT. RSPA has a duty to determine its authority under the HMTA, just as the general rule provides that an "agency should make the initial determination of its own jurisdiction." *California ex rel. Christensen* v. *FTC*, 549 F.2d 1321, 1324 (9th Cir.), *cert. denied, Christensen* v. *FTC* and *California Milk Producers Adv. Bd.* v. *FTC*, 434 U.S. 876 (1977).

The concept of "equitable principles" that might apply to RSPA's exercise of "discretionary powers," NYC Request, p.3, necessarily implies the existence of those powers in the first place. Considerations of equity cannot justify the exercise of a power which is lacking. Moreover, it is doubtful that the City has set forth facts that would support an exercise of discretion in its favor.

In this context, the City suggests that the applicable standards are a "strong likelihood of success for its waiver application" and "irreparable injury" if a temporary waiver is not granted. *Id.*, p. 4; but see NYC March 6, 1992 reply letter, p.1 ("likelihood of success on the merits, and equitable reasons favoring the applicant"). However, neither finding can be made at this time.

The City has applied for a waiver of preemption as to 24 separate sections or subsections of four FPDs, grouping them in seven categories as applied variously to the transportation of: flammable mixtures and liquids by tank truck (FPD 7–74), combustible mixtures and liquids by tank truck (FPD 6–76), compressed gases by any vehicle (FPD 5–63), and inflammable and other liquids by platform truck (FPD 3–76). As to some of the sections or subsections, there are significant factual materials and comments both supporting and opposing the City's regulations; as to others, there are few materials or argument. Virtually every proposition advanced by the City is contested by opponents.

In order to make the findings required under HMTA, RSPA must evaluate carefully the equipment, operating practices and permitting requirements under the City's FPDs as compared to those under the Hazardous Materials Regulations. The agency must then assess the burden on commerce in terms of the effects of the City's requirements and whether local benefits outweigh those effects. *Brown-Forman Distillers Corp.* v. *New York State Liquor Auth.* 476 U.S. 573, 579 (1986); *Pike* v. *Bruce Church, Inc.*, 397 U.S. 137, 142 (1970). The comments and other materials offered by the City are not so overwhelming to find, at present, a strong likelihood that a waiver of preemption will be granted for all or any significant portion of the sections and subsections covered by the City's application.

The only "irreparable injury" to which the City alludes is a possible "catastrophic accident involving a large aluminum gasoline tanker * * * in the interim period." NYC Request, pp. 4–5. But such an incident is not certain to occur in the absence of a temporary waiver of preemption. Moreover, the likelihood and consequences of such an incident must be balanced against a possible reduction in the number of accidents; larger trucks would need to make fewer trips to deliver the same amount of product, as acknowledged by the City. Application, p. 25, 56 FR at 58133. In addition, the City has stated that elimination of the City's regulations would not be followed by an immediate and total use of larger tank trucks for deliveries of gasoline and fuel oil in New York City. *See* NYC January 16, 1992 Reply Comments, pp. 31–32 and the statements and other materials cited there. The materials and arguments presented by the City do not enable RSPA to conclude that the number and severity of accidents involving hazardous materials will increase to such an extent that, in the absence of a temporary waiver, irreparable injury will occur during the pendency of the City's waiver application.

It should be emphasized that the "equitable principles" advanced by the City as applicable to its request for interim relief are different from those which, under the HMTA, must be followed in making a ruling on the City's waiver application itself. The above statements are not, and should not be interpreted as, an indication of the ruling on that application which remains to be made.

IV. Ruling

For the foregoing reasons, there is no authority for RSPA to extend the stay of the injunction in the October 18, 1992 Order of the United States District Court for the Eastern District of New York in *National Paint & Coatings Ass'n* v. *City of New York, NO. CV–84–4525 (ERK)* nor is there authority in the HMTA or otherwise to grant a temporary waiver of preemption under the HMTA. The City's request for a "temporary stay of preemption" is, therefore, denied.

Issued in Washington, DC on March 12, 1992.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92–6500 Filed 3–20–92; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 25, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Petition HP 90-2, Clacker Balls.

The staff will brief the Commission on petition HP 90-2 from Fascinations Toys and Gifts, Inc. requesting an amendment to the definition of "clacker balls" in the Commission's regulation at 16 C.F.R. 1500.18(a)(7).

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: March 18, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92-6777 Filed 3-19-92; 1:10 pm]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, March 26, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report.

The staff will brief the Commission on the status of various compliance matters.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: March 18, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92-6778 Filed 3-19-92; 1:10 pm]

BILLING CODE 6355-01-M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 25, 1992, from 1:00 p.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

OPEN SESSION:

A. Approval of Minutes

B. New Business

1. Six Spokane District Charter Cancellations: Glendive PCA, Milk River PCA, Western Montana PCA, Southern Idaho PCA, Western Washington PCA, Williamette PCA;
2. Board Policy Statement on Communications During Rulemaking.

CLOSED SESSION: *

A. New Business

1. Financial Assistance
   a. Production Credit Association of Midlands Financial Assistance;
2. Enforcement Actions.

* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Dated: March 19, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92-6776 Filed 3-19-92; 1:09 pm]

BILLING CODE 6705-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting

TIME AND DATE: A meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on April 5, 1992. The meeting will commence at 12:30 p.m.

PLACE: The Hilton Palacio Del Rio Hotel, 200 South Alamo, The La Condesa Room, San Antonio, Texas 78205, (512) 222-1400.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of March 8, 1992 Meeting Minutes.
3. Consideration of Procedure for Proposals for Corporation Grants.
4. Consideration of Vehicles Through Which the Corporation Could Assist LSC-Funded Grantees To Recruit and Retain Staff Attorneys.
5. Consideration of the Corporation Policy Governing Interstate Subgrants.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863-1839.

Date Issued: March 19, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92-6793 Filed 3-19-92; 2:02 pm]

BILLING CODE 7050-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting Notice

TIME AND DATE: A hearing and meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on April 7, 1992. The hearing and meeting will commence at 10:00 a.m.

PLACE: The Stouffer Austin Hotel, 9761 Arboretum Blvd., The Fabine Room, Austin, Texas 78759, (512) 343-2626.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Public Comment On Alternative Dispute Resolution Mechanisms.
3. Consideration of Public Comment On Alternative Dispute Resolution Mechanisms.

CONTACT PERSON FOR INFORMATION: Members of the public wishing to comment on the above-described matter are requested to contact Christopher

Sundseth at (202) 863-1839 not later than March 30, 1992.

Date Issued: March 19, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92-6794 Filed 3-19-92; 2:02 pm]

BILLING CODE 7050-01-M

Corrections

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 911175-2029]

RIN 0648-AE24

Pelagic Fisheries of the Western Pacific Region

Correction

In rule document 92-5040 beginning on page 7661 in the issue of Wednesday, March 4, 1992, make the following corrections:

1. On page 7662, in the first column, in the second full paragraph, in the fourth line from the bottom, "handling" should read "handline".

2. On the same page, in the second column, in the second full paragraph, in the ninth line "Councils" should read "Council's"; and in the fifth line from the bottom, "permised" should read "promised".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Extension of Withdrawal; Opportunity for Public Meeting; Colorado

[CO-932-4214-10; COC-0124534]

Correction

In notice document 92-5753 beginning on page 8778, in the issue of Thursday, March 12, 1992, make the following correction:

On page 8778, in the second column, under **DATES**, "June 19, 1992." should read "June 10, 1992.".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Ost Docket No. 1; Amdt. 1-248]

Delegations of Authority to the Commandant, U.S. Coast Guard; the Maritime Administrator; and the Research and Special Programs Administrator

Correction

In rule document 92-5378 beginning on page 8581 in the issue of Wednesday, March 11, 1992, make the following correction:

On page 8581, in the second column, under **SUMMARY**, in the eighth line, "Oil Pollution Act of 1999" should read "Oil Pollution Act of 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 90-4]

RIN 2125-AA18

Contract Procedures

Correction

In rule document 91-18360, beginning on page 37000, in the issue of Friday, August 2, 1991, make the following correction:

§ 635.109 [Corrected]

On page 37006, in the second column, in § 635.109(a)(2)(i), in the first line, "(I)" should read "(i)".

On page 37006, in the second column, in § 635.109(a)(2)(i), in the first line, "(I)" should read "(i)".

BILLING CODE 1505-01-D

federal register

Monday
March 23, 1992

Part II

Department of Labor

Employment and Training Administration

20 CFR Part 603

Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 603

RIN: 1205-AA74

Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor proposes to revise the regulations implementing the Income and Eligibility Verification System (IEVS). Under the IEVS the agency charged with the administration of the State unemployment compensation law must request and exchange certain information with other State and local agencies administering several Federally-assisted programs and furnish information to the Secretary of Health and Human Services regarding programs under titles II and XVI of the Social Security Act (SSA) for the purposes of verifying eligibility for, and the amount of, benefits under these programs. The proposed rule modifies and expands the IEVS regulations to include all of the requirements of statutory provisions relating to the confidentiality and disclosure of State records compiled or maintained for the purposes of the Federal-State unemployment compensation program. In summary, the proposed rule sets forth—

—The Secretary's interpretation of section 303(a)(1), SSA, with respect to the general rules on the confidentiality and disclosure of information,

—The disclosure requirements under: Subsections (a)(7), (c)(1), (d), (e), (f), (h), and (i) of section 303, SSA; section 3304(a)(16), Federal Unemployment Tax Act; and section 3(b), Wagner-Peyser Act,

—The disclosure permitted under section 303(g), SSA,

—Provision for payment of costs, safeguarding information, and execution of agreements with respect to the disclosure of information, and

—Conformity and compliance with the Federal law requirements.

DATES: Written comments on this proposal must be received in the Department of Labor by the close of business on May 22, 1992.

ADDRESSES: Comments on this proposed rule may be mailed or delivered to Mary Ann Wyrsch, Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-4231, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Virginia Chupp, Unemployment Insurance Program Specialist, Unemployment Insurance Service, 202-535-0200 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration of the Department of Labor proposes to revise the Income and Eligibility Verification System (IEVS) regulations at 20 CFR part 603. The present rule implements section 303(f) of the Social Security Act (SSA), requiring that each State unemployment compensation agency (State agency) provide that information be requested and exchanged with State and local agencies administering several Federally-assisted programs and furnish information to the Secretary of Health and Human Services regarding programs under titles II and XVI, SSA, for the purposes of verifying eligibility for, and the amount of, benefits under these programs.

Besides the disclosures required under section 303(f), SSA, and present part 603, there are six other provisions in the SSA (subsections (a)(7), (c)(1), (d), (e), (h), and (i) of section 303), and one each in Federal Unemployment Tax Act (FUTA) (section 3304(a)(16)), and the Wagner-Peyser Act (section 3(b)) which require State agencies to disclose certain information to outside parties. The provisions vary with respect to the specific information to be disclosed and the terms and conditions under which disclosure is made. In addition, section 303(g), SSA, does not expressly require disclosure of information, but disclosure is implicit in the method of recovery of overpayments provided by this section.

The present provisions of part 603, relating to the IEVS system required by section 303(f) of the SSA, are placed in subpart C of the proposed rule in this document, with the general provisions applicable to all of new part 603 being revised and placed in subpart A. All other required disclosure provisions referred to above are placed in subparts D through L.

Also, in subpart B of the proposed rule are set forth the basic confidentiality and disclosure requirements for the Federal-State unemployment compensation program, which have their origin in the beginning of the program and are derived from section 303(a)(1) of the SSA. It is necessary to set forth these basic requirements in part 603 because they are not contained in any other published rule, and all of the required disclosure provisions (subparts C through L) are statutory exceptions to the basic rule of confidentiality.

Because an exception is permitted to the basic rule of confidentiality (relating in general to disclosure of information to public officials if authorized under the State law), and because all of the mandatory disclosure provisions stand as exceptions to the basic rule of confidentiality, there are set forth in subpart B uniform rules on (1) payment of costs of making disclosures which are not in the course of administration of the State unemployment compensation laws, (2) safeguards required for any such disclosed information, and (3) agreements between the State agency and agencies or entities requesting information which set forth the terms and conditions for making disclosures of information and the remedies that apply in the case of breach of an agreement.

On payment of costs the proposed rule is an expanded version of what is contained in present part 603, and reflects the position long held under section 303(a)(1) of the SSA. On safeguards and agreements the provisions of the proposed rule are somewhat revised versions of the provisions contained in present part 603. Finally, in subpart B is set out a specific provision on effectuating conformity and compliance with the requirements of section 303(a)(1), which simply sets forth the procedural steps required by section 303(b) of the SSA and existing regulations at 20 CFR 601.5.

Where payment of costs is required by other subparts of new part 603, reference is made to the cost principles as set forth in subpart B. Similarly, where it is appropriate in such other subparts, reference is made to the provisions of subpart B on safeguards, agreements, and effectuating compliance. Uniformity is thereby achieved in all subparts on these subjects, although there are some differences of content in the various subsections of section 303. For example, not all subsections explicitly require payment of costs or adoption of safeguards, and none specifically requires agreements. Uniformity in these common provisions is essential, however, for ease of administration of the various subparts; differing provisions would complicate administration and are unwarranted. Under section 303(a)(1) there is no basis for differing treatment of costs or agreements, and safeguards must also be uniform to provide the same protections to all disclosed information.

Therefore, ample support for such uniform treatment is found in section 303(a)(1), which is controlling on the details of the terms and conditions surrounding disclosures which are exceptions to the basic rule of confidentiality. Accordingly, uniformity is achieved on costs, safeguards, and agreements by addressing the basic requirements in subpart B, and by referring to those basic provisions in the other subparts.

The provisions on effectuating conformity and compliance also are made uniform throughout new part 603. As to conformity, the only statutes involved are sections 303(a)(1) and 303(a)(7) of the SSA and section 3304(a)(16) of the FUTA. The provisions on effectuating conformity in subparts B, D, and K simply track the relevant statutes and 20 CFR 601.5.

On compliance, however, there are some differences among the statutory provisions. Most of the statutory provisions require substantial compliance with the Federal requirements, but section 303(c)(1) does not employ the term, and there is no enforcement language for section 303(d)(2), section 303(f), or section 303(g), or for section 3(b) of the Wagner-Peyser Act insofar as it is made applicable to State unemployment compensation agencies. Section 303(c)(1) is interpreted as requiring substantial compliance, although the statutory language would support a stricter criterion, to achieve uniformity among all of the compliance requirements of section 303. The Department does not believe that the absence of explicit enforcement language in the other cited provisions of section 303 of the SSA indicates any Congressional intent that the provision was not to be enforced. Congress was aware that the Secretary has broad authority to implement and enforce the provisions of the SSA and the FUTA; presumably Congressional silence on a specific enforcement provision for a disclosure requirement was based on that awareness.

Because each of those cited provisions are requirements for State administration of the unemployment compensation program, based upon its past practice, the Department has concluded that the enforcement provisions of section 303(b) and 20 CFR 601.5 shall be applicable to each of them. The Department consistently has taken the position in the past that a statutory requirement for State laws or State agencies in the Federal-State unemployment compensation program is enforceable under title III of the SSA (or the FUTA), regardless of the absence of express enforcement language (as in the case of sections 303(d)(2), 303(f), and 303(g)), or the placement of the statutory requirement somewhere other than in title III (or the FUTA) (as in the case of section 3(b) of the Wagner-Peyser Act). Making these requirements enforceable under title III of the SSA gives effect to the provisions in accordance with the intent evident in their enactment, brings them under the notice and opportunity for hearing provisions of section 303(b) of the SSA and 20 CFR 601.5, and also affords the States access to the judicial review provisions in section 304 of the SSA.

For the same reasons, the Department believes that the exclusion in section 304(a)(2) of subsections (f) and (g), which are not listed among the subsections with respect to which judicial review may be sought under section 304, is not an indication of Congressional intent that these provisions not be enforced. In new part 603 the Department makes section 304 applicable to all findings under title III and part 603, and, as noted below, also makes section 304 applicable to findings as to a State agency with respect to the requirements of section 3(b) of the Wagner-Peyser Act.

Section 3(b) of the Wagner-Peyser Act poses the same kind of problem. It imposes upon State unemployment compensation agencies, as well as State employment service agencies, the requirement of disclosing three specified items of information to a "public agency" administering a State plan under title IV.A of the SSA (AFDC) or any program or activity under title IV.D of the SSA (child support, etc.), or to a State agency administering the food stamp program. Insofar as section 3(b) applies to State employment service agencies, that matter is left to that Act and the employment service regulations and is not covered in new part 603. Insofar as section 3(b) applies to State unemployment compensation agencies, however, it is a matter that can be administered effectively and reasonably only by treating it as a requirement of title III of the SSA.

Accordingly, for the reasons stated above, in regard to sections 303 (f) and (g) of the SSA, enforcement of the requirements of section 3(b) of the Wagner-Peyser Act (insofar as such section imposes requirements upon State unemployment compensation agencies) is brought under section 303(b) of the SSA and 20 CFR 601.5, and the judicial review provisions of section 304 of the SSA. The Department will continue to enforce section 3(b) in the manner set forth in new part 603, as explained herein, until corrective legislation is enacted into law prescribing a different method of enforcing the unemployment compensation requirements of section 3(b).

An explanation of each subpart of new part 603 follows.

Explanation by Subpart

Subpart A—In General

Section 603.1, *Purpose*, describes in general terms the purposes of new part 603. This differs materially from the present § 603.1, because the present part 603 addresses only the 1984 provisions of section 303(f) of the SSA, whereas new part 603 addresses all of the Federal disclosure requirements (including the 1988 amendments to section 1137 of the SSA which affected section 303(f)) as well as the basic rule of confidentiality.

Section 603.2, *Scope*, describes the scope of new part 603, with a brief note about each subpart. There is no "scope" section in the present part 603.

Section 603.3, *Definitions*, defines the terms which are applicable to all of the subparts of new part 603.

Paragraph (a) of § 603.3 defines "compensation" and "unemployment compensation" as such terms are defined for the purposes of the Federal-State unemployment compensation program in section 3306(h) of the FUTA. These terms are not defined in the present part 603.

Paragraph (b) of § 603.3 defines "Department" as meaning the United States Department of Labor and, within the Department, the Employment and Training Administration and the Bureau of Labor Statistics (BLS). This definition establishes the authority for administering new part 603, in accordance with the delegation of authority from the Secretary of Labor to the Assistant Secretary of Labor for Employment and Training (Secretary's Orders 4-75 and 14-75). BLS is included in the definition because BLS has been delegated authority for collecting information under section 303(a)(6) of the SSA, as well as under 29 U.S.C. 2 and Secretary's Order No. 39-72. This definition is not included in the present part 603.

Paragraph (c) of § 603.3 defines "records" so as to make clear that, for the purposes of the mandatory disclosure provisions, the term includes only the records of the State unemployment compensation agency; and that, for the purposes of section 303(a)(1), it also includes all other records of the executive branch of the

State Government. This definition is not included in the present part 603; it was not needed because section 303(f), like other mandatory disclosure provisions, is applicable solely to records of the State agency.

Paragraph (d) of § 603.3 defines "request" as a written request for disclosure of records, and is applicable to any request for disclosure of information that the State agency is not required to make in the course of administration of the State law. This definition is not included in the present part 603, and is included in new part 603 as being essential to provide an auditable record of requests received under the various mandatory disclosure provisions.

Paragraph (e) of § 603.3 defines "Secretary" as meaning the Secretary of Labor. This definition is not included in the present part 603, and is included in new part 603 to emphasize the distinction between the Department and the Secretary as to the authority in regard to administration and enforcement of new part 603. The distinction is that the Department is responsible for the day-to-day administration of the Federal requirements, including part 603, whereas the Secretary has reserved the authority to make judicially reviewable findings on conformity and compliance. This important distinction is not specifically addressed in the present part 603.

Paragraph (f) of § 603.3 defines "State" as meaning the "states" included in the Federal-State unemployment compensation program. This defines the scope of new part 603, making all of the "states" subject to the requirements therein. This definition is not specifically included in the present part 603, although it is inherent in the definition of "State unemployment compensation agency."

Paragraph (g) of § 603.3 defines "State agency" in essentially the same terms as it is defined in the present part 603. It patently means and includes only the State unemployment compensation agency; that is, the State agency which administers the approved State unemployment compensation law. It does not mean or include the State employment service agency, or any other State agency or any local governmental agency.

Paragraph (h) of § 603.3 defines "State law" as meaning an approved State unemployment compensation law. This definition is not specifically included in the present part 603, but is alluded to in the definition of "State unemployment compensation agency."

Paragraph (i) of § 603.3 defines "wage information" as including, in substance, the same information as is included in the definition of such term in the present part 603. Other provisions of the present definition are either included in subpart C or omitted as being outdated.

These comprise all of the definitions deemed essential and relevant to all of the subparts of new part 603. Other definitions, such as the definition of "claim information" and some other definitions specifically applicable to a particular subpart, are included in such subpart.

Subpart B—Confidentiality Requirement of Section 303(a)(1) of the Social Security Act

Subpart B is entirely new. In it is set forth the interpretation of the confidentiality requirement to which the Department and its predecessors have adhered since the beginning of the Federal-State unemployment compensation program. Subpart B treats the subject comprehensively, adding provisions on mandatory disclosure, permissible exceptions to the rule of confidentiality, and the specific situations in which the rule of confidentiality is not applicable.

Section 603.10, *Purpose and application*, expressly states that the purpose of subpart B is to set forth the requirements of section 303(a)(1) of the SSA, as such requirements concern the confidentiality of information in the records of the State and State agency relating to the administration of the approved State unemployment compensation law. It is also expressly stated that subpart B applies not only to the State unemployment compensation agency, but also to the entire executive branch of the State Government. It is important to emphasize this application rule, because in the other subparts of new part 603, dealing with mandatory disclosures to other State and Federal agencies, only the records of the State agency are required to be disclosed.

Section 603.11, *Interpretation and application*, contains the substantive heart of subpart B. In this section are set forth the basic rules of confidentiality and mandatory disclosure, the exceptions, and the situations in which the rule of confidentiality is not applicable. This section is intended to be comprehensive, and cover every conceivable situation.

Paragraph (a)(1) of § 603.11 merely quotes the conformity requirement of the "methods of administration" required by section 303(a)(1) of the SSA.

Paragraph (a)(2)(i) of § 603.11 sets forth, in clause (A), the basic rule of confidentiality as an interpretation of the "methods of administration" requirement of section 303(a)(1). It requires to be kept confidential all information of whatever kind or form in the records of a State agency or in any other files of the executive branch of the State government. It prohibits the disclosure of any such information to any person, organization, or entity whatever, except for disclosure required or permitted by any other provision of § 603.11.

Underlying this interpretation is the fact that unemployment compensation is a public benefit, derived from employer taxes (or reimbursements), and paid from a special State fund as a matter of right to eligible unemployed individuals. The methods of administration adopted by a State must be reasonably calculated to insure the full payment of compensation when due under the State law. The Secretary of Labor has the statutory authority and responsibility to determine what methods of administration best accomplish this result. From the beginning of the Federal-State unemployment compensation program it has been determined that confidentiality of records is essential to the proper and efficient administration of the program, and no change is contemplated in the rule of confidentiality. Confidentiality avoids publicity about claimants and employers, and possible notoriety resulting from publicity. Publicity could have disrupting effects on the operations of the State agency, would be likely to discourage many individuals from claiming a statutory entitlement, and as likely act as a disincentive for employers to cooperate with the State agency in the administration of the State law. The confidentiality rule contributes to the proper and efficient administration of the program by allowing administrators to turn away requests that would otherwise consume time and resources in disclosing information, and otherwise tend to disrupt the operations of the State agency. It also conserves administration funds, which are granted to the States for the proper and efficient administration of the State law, since to permit disclosure other than in the course of administration of the State law would result in the dissipation of the funds for other purposes and thus be directly contrary to the purposes of section 302(a) of the SSA.

Confidentiality of records, therefore, has been determined to be an elementary factor necessary to the proper and efficient administration of the Federal-State unemployment compensation program, and it is this conclusion that is reflected in the interpretation in clause (A) of § 603.11(a)(2)(i).

The interpretation in clause (A) of § 603.11(a)(2)(i) has another important application that is not readily apparent in the language of clause (A) or in the explanation and justification given above. In addition to the information required from individuals and employers and employing units for the purposes of administration of the revenue and benefit provisions of the State laws, much more information is required to be obtained from the same and other sources for the purposes of the many statistical and data reports required by the Department pursuant to section 303(a)(6) of the SSA. Section 303(a)(6) is a conformity requirement for approved State laws, so that any information obtained from any source for the purposes of such reports, and maintained in the records of the State or the State agency, is information pertaining to the administration of the State law. To ensure the cooperation of sources furnishing such information, to avoid uses of the information for purposes other than those for which it is obtained, and to preclude States from becoming information clearinghouses and using granted funds for other than program purposes, all such information shall be deemed by the Department to be subject to the rule of confidentiality in clause (A).

It should be noted that, what is said about information obtained for the purposes of statistical and data reports required pursuant to section 303(a)(6) of the SSA has no bearing upon information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72. As provided in clause (iii) of § 603.11(b)(5), neither the rule of confidentiality, nor any other provision of subpart B, applies to any such information. It necessarily follows, therefore, that funds granted for the administration of the State law may not be used to collect, compile, tabulate, or report any such information under 29 U.S.C. 2.

There are, however, limitations on the rule of confidentiality, all of which are set forth explicitly in the following provisions of § 603.11, beginning with clause (B) of paragraph (a)(2)(i) of § 603.11.

Paragraph (a)(2)(i) of § 603.11 also sets forth, in clause (B), the essential counterpoint to clause (A), as an interpretation of section 303(a)(1). Clause (B) requires the disclosure to claimants and employers of all information that will reasonably afford them the opportunity to know, establish, and protect their rights and meet their responsibilities under the State law, and such disclosure as is required in accordance with any other provision of § 603.11.

Such openness towards claimants and employers is deemed as essential to the proper and efficient administration of the State law as is confidentiality towards others. Claimants and employers cannot fully or properly protect their rights, and meet their responsibilities, unless they are made fully aware of those rights and responsibilities. The State and the State agency must be made to bear the responsibility for assuring that claimants and employers are furnished all of the information they need for those purposes. Potential claimants are included to assure that not only active claimants are covered, but also any other person who might file a claim in the future. Employing units, i.e., non-covered employers, are included to assure that not only subject employers are covered, but also any other firm or person having or intending to have any person in its employ.

Mandatory disclosure of information to claimants and employers has been determined, therefore, to be another elementary factor necessary to the proper and efficient administration of the Federal-State unemployment compensation program, and it is this conclusion that is reflected in the interpretation in clause (B) of § 603.11(a)(2)(i).

Paragraph (a)(2)(ii) of § 603.11 states that the interpretations in clauses (A) and (B) of paragraph (a)(2)(i) are conformity and compliance requirements for the State laws and the States. It also states that the State laws must provide penalties for any disclosure of information which is inconsistent with any provision of § 603.11. It further provides that the requirements of paragraph (a)(2)(ii) will be deemed to be met if the State law and administration thereof fully accord with these requirements, including a penalty provision, and there is no other law of the State that is construed as requiring or authorizing a different or conflicting result.

Paragraph (a)(2)(ii) of § 603.11 simply expresses the law on the conformity and compliance requirements of section 303 of the SSA. There is nothing new or different in this statement of those requirements.

Subpart B of new part 603, therefore, fully sets forth positions of the Department on the confidentiality and disclosure requirements of section 303(a)(1) of the SSA. The basic interpretations in paragraph (a)(2)(i) of § 603.11 are precise statements of the Department's positions, although they have not heretofore been stated with such preciseness in any publication issued by the Department. Although the rule of confidentiality, as set forth in clause (A) of paragraph (a)(2)(i), is nothing new, it must be emphasized that the mandatory disclosure to claimants and employers, as set forth in clause (B) of paragraph (a)(2)(i), has not heretofore been expressed in such terms by the Department, and it must, therefore, be regarded as a new position for the purposes of this proposed rulemaking.

Paragraph (b) of § 603.11 covers all of the situations in which the rule of confidentiality set forth in paragraph (a)(2)(i)(A) is inapplicable, but with respect to which section 303(a)(1) is interpreted as requiring disclosure in the course of administering the State law. Paragraph (b) thus includes some of the required disclosure provisions referred to in the last clause of paragraph (a)(2)(i)(B).

Paragraph (b)(1) of § 603.11 requires the disclosure of information to or by officials and employees of the State and State agency as necessary for the proper administration of the State law, and restrictively defines the phrase "officials and employees of the State and State agency" to include only those persons having a need to know. Such disclosure is elementary to the proper and efficient administration of the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA. It is included in paragraph (b) because of the comprehensive scope of subpart B, and also to express the bounds of such required disclosure.

Paragraph (b)(2) of § 603.11 requires the disclosure of information by all officials and employees of the State and State agency to be made for the record in any judicial or quasi-judicial proceedings under the State law. Such disclosure is required to be made to the extent that it is necessary to a full development of the facts on the issues in the proceeding, and to such further extent as such disclosure will enable the presider to make an informed decision on all of the issues in the case. It is specifically provided that any information so disclosed and made a part of the record in the case shall not thereafter be subject to the rule of confidentiality in paragraph (a)(2)(i)(A) of § 603.11.

The disclosure of information required by paragraph (b)(2) is elementary to the proper and efficient administration of

the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(3) of § 603.11 requires the disclosure of information to officials and employees of other State, local, and Federal agencies, as necessary for the proper administration of the State law. The phrase "other State, local, and Federal agencies" is expressly defined as including other agencies of the State Government or of another State (including the State agency of another State), local governmental agencies of the State, and any Federal agency.

Furthermore, it is expressly provided in paragraph (b)(3) that disclosures to Federal agencies shall include disclosure to the Immigration and Naturalization Service to the extent necessary for alien verification purposes, and may include disclosure of information or certifications requested or required by the Internal Revenue Service for any of the purposes of administration or enforcement of chapter 23 (FUTA) of the Internal Revenue Code of 1986.

Other disclosures covered by paragraph (b)(3) include disclosures as necessary under the Interstate Benefit Payment Plan, the Interstate Arrangement for Combining Employment and Wages (part 616 of this chapter), interstate offset and cross-program offset (subpart H of this part 603), and any other reciprocal arrangements which are consistent with section 303 of the SSA.

Disclosure in all such cases is elementary to the proper and efficient administration of the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(4) of § 603.11 requires the disclosure of information to claimants and employers as necessary for the proper administration of the State law, and it is specifically stated that such disclosure is in addition to the disclosure required by paragraph (a)(2)(i)(B). The focus of these two provisions differs. The first focuses on the needs of claimants and employers; this paragraph (b)(4) focuses on the proper administration of the State law. They are identical, however, in including potential claimants and employing units. The last clause of paragraph (b)(4) bars the redisclosure by employers of information about claimants; the penalty provision required by paragraph (a)(2)(ii) would be applicable to any unauthorized redisclosure.

The provisions of paragraph (b)(4) are deemed by the Department to be necessary for the proper and efficient administration of the State law, and the last clause is necessary for consistency with the rule of confidentiality in paragraph (a)(2)(i)(A). Each such provision is, therefore, deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(5) of § 603.11 expressly provides that the rule of confidentiality in paragraph (a)(2)(i)(A) shall have no applicability to the Department concerning any information requested or required under Federal statutes or regulations for any of the purposes of the Federal-State unemployment compensation program. This exception to the rule of confidentiality for the Department is sweeping, and is intended as a complete bar to the use of the rule of confidentiality to withhold any information from the Department. The bar of paragraph (b)(5) applies throughout the executive branches of the State Governments, including the State agencies.

The rule of paragraph (b)(5) is critical to the administration of the Federal statutes relating to the Federal-State unemployment compensation program, and is indispensable to the carrying out of the duties and responsibilities of the Secretary of Labor and the Department under those Federal statutes and implementing regulations and other directives. For this purpose also a special definition is added to paragraph (b)(5) to specify that the "Department" includes the Inspector General, the Comptroller General, and any contractor for the Department or the Inspector General.

Section 303(a)(1) is interpreted, therefore, as excepting the Department from the rule of confidentiality as set forth in paragraph (a)(2)(i)(A), and as affirmatively requiring disclosure of all information to the Department as provided in paragraph (b)(5).

Clause (iii) of paragraph (b)(5) provides that none of the provisions of subpart B is applicable to any information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72.

It should be noted that paragraph (b)(5) of § 603.11 pertains solely to information required by the Department for any of the purposes of the Federal-State unemployment compensation program. No provision of paragraph (b), or any other provision of part 603, purports to interpret the provisions of section 303(a)(6) as to the information that may be required by that section to be disclosed to the Department. The Department interprets section 303(a)(6) broadly, however, and in addition to the information required for the purposes of the Federal-State unemployment compensation program, the Department also may require the disclosure of information for the purposes of any other program administered by the Department. For example, the Department may require the disclosure under section 303(a)(6) of information the Department deems necessary to evaluate programs under the Job Training Partnership Act, or to undertake research involving various labor issues within the scope of the Department's mission. Because section 303(a)(6) is the authority for requesting all such information, the disclosure of such information is a conformity and compliance requirement of section 303. In the light of this extended interpretation of the requirements of section 303(a)(6), comments are particularly invited on this subject.

Paragraph (c) of § 603.11 includes provisions on routine exceptions to the rule of confidentiality, and a note about the statutorily mandated exceptions to the rule of confidentiality that are covered in subparts C through L.

Paragraph (c)(1) covers the optional provisions for public officials and contractors of States and State agencies. Clause (i) of paragraph (c)(1) sets forth the Department's long-standing interpretation of section 303(a)(1) as not precluding the disclosure of any information in the records of a State or State agency to any public official (other than a public official referred to in paragraph (b)(1) or (b)(3)) for use in the performance of such public official's duties, and for a purpose which does not involve administration or enforcement of the State law, but only if—

(1) Disclosure of the specific information requested in any case is authorized by the State law, and

(2) The State or State agency determines in any case that such disclosure would not violate any other law of the State which is consistent with this section, or that such disclosure would not significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would not impede the efficient administration of the State law.

For the purposes of clause (i) of paragraph (c)(1), a "public official" includes only public officials in the executive branch of Federal, State, or local government, except that a State or State agency, at its option, may make disclosures in accordance with clause (i) to officials of a public agency or service

delivery area for the purposes of administration of the Job Training Partnership Act. In addition, the phrase "for use in the performance of such public official's duties" is specifically defined as meaning that disclosed information may be used solely for official business in connection with a law being administered or enforced by such public official. Therefore, the information which may be disclosed under clause (i) of paragraph (c)(1) to a public official for use in the performance of that public official's duties includes only information which is not required to be released under § 603.11(b) and which is not related to the administration or enforcement of the State law, even though the public official may be an official of the "State agency" which administers the unemployment compensation law or the employment service program.

Clause (i) of paragraph (c)(1) is an optional disclosure provision, and a State may, by law, adopt it to its fullest extent, or partially, or not at all. What a State may not do, however, is extend this optional disclosure beyond its scope as stated in clause (i), or dispense with any of the terms or conditions on such disclosures as set forth in clause (i) and in paragraph (d)(2).

Clause (ii) of paragraph (c)(1) deals with contractors of States and State agencies as a further exception to the rule of confidentiality. In accordance with clause (ii), information in the records of the State or State agency may be made available to a contractor of the State or State agency, provided that such disclosure is authorized by the State law, disclosure is made solely to the extent that it is necessary and proper to effectuate the contract, and the contract is fundable from title III granted funds.

Clause (ii) of paragraph (c)(1), like clause (i), is an optional provision, which is subject to the terms and conditions stated in clause (ii) and in paragraph (d)(2).

Paragraph (c)(2) of § 603.11 simply notes that the statutorily required exceptions to the rule of confidentiality, which are covered by subparts C through L of new part 603, are subject to the terms and conditions upon such disclosures as are set forth in the separate subparts. It is specifically noted in paragraph (c)(2) that the disclosure of any information to any public official, beyond that which is specifically required by subparts C through L, may be made solely in accordance with the optional provision of clause (i) of paragraph (c)(1), and under the terms and conditions applicable to such disclosures. What this means is, that if a State agency, in negotiating an agreement in accordance with subpart C (for example), wishes to disclose more information than is specifically required under subpart C, the agreement for providing such additional information will be required to be entered into in accordance with the terms and conditions of paragraphs (c)(1)(i) and (d)(2). No exceptions are permissible to this rule, for any of subparts C through L.

Paragraph (d) of § 603.11 states the terms and conditions on disclosures of information made in accordance with paragraphs (b), (c), and (f) of such section, which are in addition to the terms and conditions contained in such paragraphs.

Paragraph (d)(1)(i) provides that any disclosure made in accordance with paragraph (b) shall be made without regard to §§ 603.12, 603.13, and 603.14. Such terms and conditions are not appropriate or allowable with respect to disclosures made in accordance with paragraph (b).

Paragraph (d)(1)(ii) provides that any disclosure made in accordance with paragraph (f) may similarly be made without regard to § § 603.12, 603.13, and 603.14, except that, in the case of any disclosure made in accordance with paragraph (f) to anyone who is not a claimant or employer (referred to in paragraph (a)(2)(i)(B) or paragraph (b)(4)), or which is not made in the course of the administration of the State law, the State agency may require payment of its costs of making the disclosure. For disclosures of information in the public domain it would be inappropriate to require adherence to the requirements of §§ 603.12, 603.13, and 603.14.

Paragraph (d)(2) provides that optional disclosures made in accordance with clause (i) or (ii) of paragraph (c)(1) shall be made upon the terms and conditions as set forth therein and in §§ 603.12, 603.13, and 603.14, except that in the case of clause (ii) (State and State agency contractors) such disclosures may be made without requiring payment of costs as provided in § 603.12.

Paragraph (d)(3) provides that any mandatory disclosure referred to in paragraph (c)(2) shall be made solely upon the terms and conditions as set forth in the applicable subpart of new part 603.

Paragraph (e) of § 603.11 states the long-standing position of the Department on responses to subpoenas or other compulsory processes. Costs are payable from granted funds solely for actions taken which are consistent with this paragraph (e). Considerations of the use of granted funds also underlie the reason why the State or State agency should seek payment of its costs if the court orders disclosure.

Paragraph (f) of § 603.11 provides that the rule of confidentiality shall not be deemed to be applicable to any information in the records of the State or State agency which is in the public domain. Four separate clauses of paragraph (f) spell out the information that shall be considered to be in the public domain. There is then set forth three specific bases a State or State agency may cite as a reason for declining to disclose information in the public domain. None of these three reasons may be the basis for declining to disclose information to claimants or employers referred to in paragraphs (a)(2)(i)(B) or (b)(4).

With respect to the general rules on confidentiality and disclosure of information, comments are invited on the effect, if any, this proposed rule would have on academic research.

Section 603.12, *Payment of costs*, sets forth the rules on recovery of the State's and State agency's costs of making disclosures of information which are not made in the course of the administration of the State law. The statutory principle underlying these rules is that funds granted under title III of the SSA for the administration of the State unemployment compensation law may not be used for any other purpose whatever. This is required by the explicit statutory terms of section 302(a) of the SSA, and pursuant to section 303(a)(8) of the SSA this is a conformity requirement for approved State laws and is a compliance requirement for the States and State agencies under section 303(b) of the SSA.

Paragraph (a)(1) of § 603.12 provides that granted funds may be used to pay all costs of disclosures referred to in paragraphs (a)(2)(i)(B) and (b) of § 603.11, and for any other disclosures referred to in paragraph (c)(1)(ii) or (f) for which the costs are not charged to the recipient of the information. All such costs may be considered costs of administration of the State's law.

Paragraph (a)(2) of § 603.12 provides that granted funds may not be used to pay any of the costs of making optional disclosures referred to in paragraph (c)(1)(i) of § 603.11, except in isolated cases as set forth in paragraph (a)(2).

Paragraph (a)(3) of § 603.12 states the inclusive rule that granted funds may not be used to pay any of the costs of making any disclosure except as provided in paragraphs (a)(1) and (a)(2).

Paragraph (b) of § 603.12 provides that costs shall be calculated under the rules of 29 CFR part 97 and OMB Circular No.

A–87, and shall include any initial start-up costs. Postage or other delivery costs involved in making a disclosure shall be included as costs chargeable to the recipient. Further, penalty mail may not be used in any circumstances to transmit information being disclosed, except information referred to in paragraph (b), (c)(1)(ii), or (f) of § 603.11. Information that may not be sent by penalty mail may not be included in any mailing that may be sent by penalty mail.

With respect to the burden associated with information collection or recordkeeping required by this proposed rule, comments on any expected increase in such burden are invited from the State agencies.

Paragraph (c) of § 603.12 states the rule on payment and collection of the costs of making disclosures.

Section 603.13, *Safeguards for disclosed information*, sets forth the rules required to be imposed on recipients of disclosed information, to use the information solely for authorized purposes and to preclude the unauthorized redisclosure of the information.

Paragraph (a) of § 603.13 sets forth the general rules, which require the State or State agency to require of the recipient of disclosed information, that the recipient safeguard the information against unauthorized access or redisclosure as provided in paragraphs (b) and (c), and that the recipient be subject to penalties provided by the State law for unauthorized disclosure. The same general rules apply to a contractor for the State or State agency, and to any information obtained by the contractor from any other source in the execution of the contract.

The general rules stated in paragraph (a) reflect the Department's positions on these matters, and are a more complete statement of those rules than is contained in the present § 603.7(a). It is important to emphasize that significance is infused in the safeguards by requiring that recipients and their officials and employees must be subject to penalties provided by the State law for any unauthorized disclosure of information.

Paragraph (b)(1) of § 603.13 provides that the recipient shall be permitted to use disclosed information only for valid purposes involved in discharging the recipient's lawful responsibilities, and this also means only for the program purposes for which the information was disclosed. The recipient must also be prohibited from redisclosing the information except as provided in paragraph (c). This is a clarified version of present § 603.7(a)(1).

Paragraph (b)(2) of § 603.13 provides that the recipient shall be prohibited from using the information for any purpose not specifically authorized by an agreement which meets the requirements of § 603.14. This is the same as present § 603.7(a)(2).

Paragraph (b)(3) of § 603.13 provides that the recipient shall be required to store the disclosed information in a place physically secure from access by unauthorized persons. This is the same as present § 603.7(a)(3).

Paragraph (b)(4) of § 603.13 provides that information in electronic format shall be required to be stored securely. This is essentially the same as present § 603.7(a)(4).

Paragraph (b)(5) of § 603.13 provides that precautions shall be required to be taken to insure access only by authorized persons. This is essentially the same as present § 603.7(a)(5).

Paragraph (b)(6) of § 603.13 provides that the head of each recipient agency shall be required to give specified instructions to all personnel having access, and shall be required to sign an acknowledgment in the form specified in clause (ii) of paragraph (b)(6). This is essentially the same as present § 603.7(a)(6), but the terms of the acknowledgment are set forth with more specificity.

Paragraph (b)(7) of § 603.13 is not contained in the present § 603.7(a). It provides that the recipient shall be required to dispose of all disclosed information, and any copies thereof, after the purpose for which the information is disclosed has been served. An exception is made for any information filed in the record of any court case. Disposition instructions may include return of the information to the State or State agency, or destruction of the information, as directed by the State or State agency. Disposition includes deletion of personal identifiers by the State or State agency in lieu of destruction. It is further provided that any such information (or copies) shall not be archived or sent to any records center, and shall not be retained with personal identifiers for longer than ten years.

Paragraph (b)(7) is intended to counter a problem the Department has become aware of, involving the continual reuse of information long after the original purpose has ended, sometimes involving information that would not have been disclosable had subpart B been in effect at the time the information was obtained, or which was not disclosable under the Department's position at the time. This being the appropriate occasion to address the problem, and with disclosure today involving many more public officials, it has become evident that better controls must be instituted to avoid abuses in the use of disclosed information.

In paragraph (b)(7), therefore, two major controls are required. The first is to require disposal of the information after it has served its purpose. This control is made more effective by requiring disposition to be at the direction of the State or State agency that disclosed the information in the first instance. The second major control is to prohibit permanent records storage, and set an outside time limit on retaining the information. A ten-year time limit is deemed by the Department to be more than ample for this purpose.

The controls required by paragraph (b)(7) are essential to any meaningful management of an information system. These new controls, therefore, are deemed by the Department to be critical to effective safeguards of any disclosed information.

To effectuate the controls of paragraph (b)(7), as well as for the other purposes of subpart B, it will be necessary for the States and State agencies to document all disclosures of information (other than those referred to in paragraph (a) or (b) of § 603.11) and initiate a tracking system for all disclosures. The records will be required to be sufficient for purposes of auditing compliance with the requirements of subpart B.

It should be noted that the ten-year retention period is the longest retention period authorized by paragraph (b)(7), and each State will have the authority to prescribe a shorter period with respect to any specific information disclosed. It should be recognized that any retention period of three or more years with no maximum number of years would permit a recipient to establish and maintain a longitudinal data base for such period, and likely would engender requests that result in establishing continuous data bases that would be maintained indefinitely. States will be obligated to monitor the contract or agreement under which the data is disclosed throughout the entire retention period because of the enforcement requirements of § 603.14(c)(2). For these reasons, comments are particularly invited on the ten-year retention period.

Paragraph (c) of § 603.13 specifies the only four situations in which a recipient may redisclose information. This is essentially the same as present § 603.7(b), but with the addition of redisclosure in response to a subpoena as provided in § 603.11(e).

The provision for on-site inspections in paragraph (c) of present § 603.7 is not included in § 603.13, but is included in § 603.14.

Section 603.14, *Agreements and contracts*, sets out the terms and conditions for agreements with requesting agencies, and contracts with contractors, covering all information subject to the rule of confidentiality. Contracts with contractors also will be required to cover any information obtained by the contractors from any other source in the execution of the contracts.

Paragraph (a) of § 603.14 expresses the requirement for agreements and contracts as stated above.

Paragraph (b) of § 603.14 specifies the terms and conditions that must be included in all agreements and contracts, and also provides that the terms and conditions of any agreement or contract need not be limited to those specifically required. The provisions of paragraph (b) are essentially the same, with modifications for clarity and application to contracts, as are contained in the present § 603.6. The only significant difference is that the on-site inspection requirement of present § 603.7(c) is made a requirement for agreements and contracts by the addition of essentially the same provision in clause (7) of paragraph (b).

Paragraph (c) of § 603.14, on breach of an agreement and enforcement, is not contained in the present part 603, and is added as being essential to furnish guidance to the States and State agencies of the remedies they must have available to them under the State laws to assure conformity and compliance with the requirements of section 303(a)(1) of the SSA and subpart B.

Paragraph (c)(1) prescribes the steps that shall be taken in case of any breach of an agreement or contract, including failure to timely pay for the costs of any disclosure. First, the agreement or contract must be suspended, and any further disclosure is prohibited, until the State or State agency is satisfied that corrective action has been taken and that there will be no further breach of the agreement or contract. Second, in the absence of prompt and satisfactory corrective action the agreement or contract shall be cancelled, and the party shall be required to surrender all information obtained under the agreement or contract and any other information relevant to the agreement or contract.

It is important to the integrity of the rule of confidentiality that any breach of an agreement or contract, whatever its importance may seem in the abstract, be promptly addressed and corrected, and, in the absence of prompt and satisfactory correction, that the agreement or contract be cancelled and the State or State agency retrieve and secure all information.

Paragraph (c)(2) requires that the State law provide effective enforcement tools for the State and State agency, and that effective enforcement tools be utilized. Thus, in addition to the actions required to be taken in accordance with paragraph (c)(1), the State or State agency is required to undertake any other action under the agreement or contract, or under any law of the State or of the United States, to enforce the agreement or contract and secure satisfactory corrective action or surrender of information. Other remedial actions required to be undertaken include seeking damages, penalties, and restitution for any charges to granted funds, and recompense for all costs incurred by the State or State agency in pursuing the breach of the agreement or contract and enforcement as required by paragraph (c).

It must be kept in mind that, under sections 302(a) and 303(a)(6) of the SSA, granted funds may not be used in any manner or for any purpose in the administration or enforcement of such agreements and contracts. It follows that granted funds may not be used in pursuing breaches or enforcement of such agreements and contracts. Any costs incurred in regard to such matters must be fully recovered, and this underlines the importance of diligence in seeking recovery of such costs in connection with any and all breaches.

Section 603.15, *Notification of claimants and employers*, expresses one of the elementary requirements of developing law, that any information in the records of the State or State agency concerning any claimant or employer may be disclosed to others, and they are entitled to be notified of that possibility. This section is a restatement of the same requirement contained in present § 603.4, and is made applicable to employers as well as claimants. More detailed notification may be required by State privacy law, and, if so that will not be deemed to be inconsistent with this section.

Section 603.4 of the present part 603 implements the notification requirement applicable to the income and eligibility verification system (IEVS) in section 1137(a)(6) of the SSA. In § 603.15 the notification requirement of section 1137(a)(6) is restated as a general requirement of section 303(a)(1) of the SSA, and applicable to all disclosures that may be made in accordance with new part 603. Further, it is extended to cover employers, also as a requirement of section 303(a)(1).

The Department believes that the notification required by § 603.15 is a reasonable interpretation of the "methods of administration" requirement of section 303(a)(1), and that the thrust of section 1137(a)(6) is correct and justifiably extended to all of new part 603. The basis for this position is that claimants and employers are entitled to know everything the government does or may do that affects them, not only what their rights and responsibilities are under the State law, but also what use may be made of State records that may affect them directly or indirectly. Accordingly, for the purposes of section 303(a)(1), claimants and employers are entitled to be informed of what uses the government makes of information in State records, as well as information needed to protect their rights and carry out their responsibilities under the State law. On the other hand, because section 1137(a)(6) applies only to the IEVS implemented in subpart C, there would be justification in limiting the notification requirement to subpart C, either as set forth in present § 603.4 or as restated and extended to employers in § 603.15, and otherwise leave the matter of required notification of claimants and employers to the law of each State. Therefore, comments are particularly invited on this subject as follows.

In view of the fact that § 603.15 is a significant extension of present § 603.4, and has not heretofore been expressed by the Department as a requirement of section 303(a)(1), comments are invited on making such notification a general requirement of section 303(a)(1).

Notice, also, that this extended notification requirement is made applicable in subpart C to the IEVS, but no specific reference to § 603.15 is made in subparts D through L. Comments are invited on this extension of the notification requirement for subpart C, and as to whether § 603.15 should be referred to expressly in subparts D through L.

Section 603.16, *Effectuating conformity and compliance*, is not contained in the present part 603, and need not have been because section 303(f) (the requirement implemented in present part 603) is not a conformity requirement. Section 303(a)(1) is, however, both a conformity and a compliance requirement, and § 603.16 thus sets forth the statutory procedures for effectuating both conformity and compliance. There is nothing new or different in this section, however; set forth simply therein, for the edification of the States and State agencies, are the conformity and compliance procedures

prescribed by section 303(b) of the SSA and 20 CFR 601.5. Added in paragraph (c) is a provision on formal and informal resolution of issues, by reference to specific provisions of 20 CFR 601.5.

Subpart C—Income and Eligibility Verification System

Subpart C implements section 303(f) of the SSA, as amended in 1988.

Subpart C includes portions of the present subpart A, IEVS regulations first published in the **Federal Register** on February 28, 1986, at 51 FR 7199. Specifically, section 2651(d) of Public Law 98–396 added new section 303(f) to the SSA. This section requires States to have in effect an income and eligibility verification system, pursuant to which information is requested and exchanged for the purpose of verifying eligibility for, and the amount of, benefits available under several Federally-assisted programs including the Federal-State unemployment compensation program. Under the 1988 amendments to section 1137, SSA, subpart C also makes reference to the new provisions on verification of immigration status.

Subpart C replaces only those parts of unemployment insurance program letters (UIPLs) 1–85, and Change 1, 24–86, and 12–87 related to the disclosure of information under section 303(f), SSA.

Present § 603.1, *Purpose*, has been redesignated § 603.20 and retitled, *Purpose and application*, and revised to more accurately reflect the purpose of disclosure under IEVS. It also references the requirements under section 1137, SSA, that States have wage record systems and that claimants furnish statements regarding their social security account numbers and (under the 1988 amendments to section 1137, SSA) nationality or immigration status. In the paragraph on "Application" it is made clear that only State agencies, not States, are required to disclose information referred to in subpart C.

Present § 603.2, *Definitions*, is redesignated § 603.21. Definitions for State unemployment compensation agency and wage information have been moved to § 603.3 and modified for clarity and simplification.

Paragraph (a) of § 603.21 defines "claim information" in essentially the same terms as it is defined in the present part 603. This definition is based on section 1137(a)(4)(A) of the SSA which provides that agencies will exchange other information (besides wage information) in their possession for use in establishing or verifying eligibility or benefit amounts under the Federally-assisted programs.

Paragraph (b) of § 603.21 defines "requesting agency" in essentially the same terms as it is defined in the present part 603. Where applicable, cross references among the various subparts are added.

Present § 603.3, *Eligibility condition for claimants*, has been eliminated because it does not deal directly with the disclosure of confidential information. Reference to the requirement that claimants furnish statements regarding their social security account numbers and nationality or immigration status is included in § 603.20.

Present § 603.4, *Notification to claimants*, has been redesignated § 603.22 and retitled, *Notification to claimants and employers*, and makes applicable by reference the requirements of § 603.15. That section has been revised for clarity and to provide notification to employers of the potential use of information provided by them.

Present § 603.5, *Disclosure of information*, has been redesignated § 603.23 and modified for clarity and simplification.

Present § 603.6, *Agreement between State unemployment compensation agency and requesting agency*, has been redesignated § 603.27 and retitled, *Agreements*. This section has been changed to make applicable by reference the requirements of § 603.14 (b) and (c), which is a somewhat revised version of the language of present § 603.6. Paragraph (c) of present § 603.6, related to Federal, State, or local agencies in another State requesting information, is retained in § 603.27.

Present § 603.7, *Protection of confidentiality*, has been redesignated § 603.26 and retitled, *Safeguards for disclosed information*. This section has been changed to make applicable by reference the requirements of § 603.13 which is a somewhat revised version of the language of present § 603.7, except for moving the paragraph related to on-site inspections (§ 603.7(c)) to § 603.14(b)(7) on agreements in order to make the requirement enforceable by agreement.

Present § 603.8, *Obtaining information from other agencies and crossmatching with wage information*, has been redesignated § 603.24 and modified for clarity.

Present § 603.9, *Effective date of rule*, has been eliminated because the date (May 29, 1986) by which the States must have developed a plan describing a good faith effort to comply with the requirements of section 1137 (a) and (b), SSA, has passed, making the section outdated.

Section 603.25, *Payment of costs*, is added to explicitly require payment of costs to State agencies by Federal, State, and local agencies receiving information. In the present part 603, payment of costs is implied in § 603.6(b)(5) which requires provision for reimbursement in the agreements between the State agency and the agencies requesting disclosure. The statute provides for payment of costs under section 1137(a)(7), SSA. This section makes applicable by reference the requirements of paragraphs (b) and (c) of § 603.12.

Section 603.28, *Effectuating compliance*, makes applicable by reference the requirements of paragraphs (b) and (c) of § 603.16 and is added to this subpart, under the controlling interpretation of section 303(a)(1), SSA, to assure that State agencies comply substantially with the requirements of disclosure under subpart C.

Subpart D—Disclosure of Information to Agencies Charged With the Administration of Public Works or Assistance Through Public Employment

Subpart D implements section 303(a)(7), SSA.

Section 603.30, *Purpose and application*, sets forth the requirement under section 303(a)(7), SSA, that a State law provide that certain information be made available to any agency of the United States charged with the administration of public works or assistance through public employment. Subpart D applies only to State agencies.

Section 603.31, *Disclosure of information*, incorporates the statutory language and provides that disclosure be made upon request and only include, with respect to recipients for unemployment compensation, name, address, ordinary occupation, employment status, and a statement of such recipient's rights to further compensation under the State law.

Sections 603.32, 603.33, 603.34, and 603.35 address payment of costs, safeguards for disclosed information, agreements, and effectuating conformity and compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(a)(7), SSA, requires conformity and substantial compliance with Federal requirements, but does not explicitly require payment of costs, adoption of safeguards, or execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart E—Disclosure of Information to the Railroad Retirement Board

Subpart E implements section 303(c)(1), SSA.

Section 603.40, *Purpose and application*, sets forth the requirement under section 303(c)(1), SSA, that a State agency provide certain information to the Railroad Retirement Board. Subpart E applies only to State agencies.

Section 603.41, *Disclosure of information*, follows the statutory language and provides that disclosure be made upon request and include information as the Board deems necessary for its purposes.

Sections 603.42, 603.43, 603.44, and 603.45 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(c)(1), SSA, explicitly requires payment of costs, but does not require adoption of safeguards and execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA. Although the statutory language would support a stricter criterion, section 303(c)(1), SSA, is interpreted as requiring substantial compliance to achieve uniformity among all the compliance requirements of section 303, SSA.

Subpart F—Disclosure of Information to the Department of Agriculture and State Food Stamp Agencies

Subpart F implements sections 303(d)(1) and 303(d)(2)(B), SSA.

Subpart F replaces only those parts of UIPL 52–80, and Change 1, related to the disclosure of information under the above sections of the SSA.

Section 603.50, *Purpose and application*, follows the statutory language and sets forth the requirement under section 303(d)(1), SSA, that a State agency disclose certain information to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

Section 603.50 also implements section 303(d)(2)(B), SSA, which permits a State agency to notify the State food stamp agency of any individual who discloses on a new unemployment compensation claim that he or she owes an uncollected overissuance of food stamp coupons, and to forward any withheld compensation to the State food stamp agency.

Further, § 603.50 notes that regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(d)(2)(B), SSA, which relate, respectively, to the disclosure by an individual to the State agency of an uncollected overissuance, to the deduction and withholding from unemployment compensation of such overissuance, and to the payment of the amount deducted and withheld to the appropriate State food stamp agency, except as the latter involves disclosure of information. The requirements of these clauses are excluded because they are incidental to the disclosures of information required in accordance with this subpart.

Also, § 603.50 notes that disclosure of information required by subpart F is in addition to the disclosure requirements of subparts C, implementing the IEVS, and L. Subpart F applies only to State agencies.

Section 603.51, *Definition*, incorporates statutory language by defining "State food stamp agency" as meaning any State or local agency described in 7 U.S.C. 2012(n)(1) which administers the food stamp program established under the Food Stamp Act of 1977.

Section 603.52, *Disclosure of information*, provides that the disclosure of information be made upon request and include certain information related to wages (in substance, present part 603 definition) and claims (as specified in the statute). Further, § 603.52 provides that disclosure be made of any information required in connection with the transmittal of withheld compensation to the appropriate State food stamp agency.

Section 603.52 also provides that a State agency may notify the State food stamp agency (to which an uncollected overissuance is owed) that any individual who discloses such a debt has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

Sections 603.53, 603.54, 603.55, and 603.56 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(d)(1), SSA, explicitly requires payment of costs, and adoption of safeguards, but does not require execution of an agreement. Section 303(d)(2), SSA, also requires payment of costs. All conditions are imposed on disclosures required by section 303(d) (1) and (2) under the controlling interpretation of section 303(a)(1), SSA. Section 303(d)(3), SSA, requires substantial compliance with respect to section 303(d)(1), SSA, but does not contain enforcement language for section 303(d)(2). In the proposed rule section 303(d)(2), as well, is interpreted as requiring substantial compliance.

Subpart G—Disclosure of Information to State or Local Child Support Enforcement Agencies

Subpart G implements sections 303(e)(1) and 303(e)(2)(A), SSA.

Subpart G replaces only those parts of UIPL 52–80, and Change 1, related to the disclosure of information under the above sections of the SSA.

Section 603.60, *Purpose and application*, sets forth the requirement under section 303(e)(1), SSA, that a State agency disclose certain information contained in the State agency's records directly to officers or employees of any State or local child support enforcement agency for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

Section 603.60 also implements section 303(e)(2)(A), SSA, which requires that a State agency notify the State or local child support enforcement agency of any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency, and requires forwarding any withheld compensation to the child enforcement agency.

Further, § 603.60 notes that the regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(e)(2)(A), SSA, which relate, respectively, to the requirement that an individual disclose that he or she owes child support obligations, to the deduction and withholding from unemployment compensation of such obligations, and to the payment of the amount deducted and withheld to the appropriate State or local child support enforcement agency, except as the latter involves disclosure of information. The requirements of these clauses are excluded because they are incidental to the disclosures of information required in accordance with this subpart.

Also, § 603.60 indicates that disclosure of information required by subpart G is in addition to the disclosure requirements of subparts C, implementing the IEVS, I, and L. Subpart G applies only to State agencies.

Paragraph (a) of § 603.61, *Definitions*, incorporates statutory language by defining "child support obligations" as only including obligations which are being enforced pursuant to a plan described in section 454, SSA, which has been approved by the Secretary of Health and Human Services under part D of title IV, SSA.

Likewise, paragraph (b) of § 603.61 defines "State or local child support enforcement agency" as meaning any agency of a State or political subdivision thereof operating pursuant to a plan described in section 454, SSA, which has been approved by the Secretary of Health and Human Services under part D of title IV, SSA. Accordingly, disclosure of information under this subpart is restricted for use in administration of child support enforcement only. Subpart L provides for much broader disclosure of information to IV-D agencies, but does not include wage information.

Section 603.62, *Disclosure of information*, provides that disclosure be made upon request and include certain information related to wages (in substance, present part 603 definition). Further, § 603.62 provides that disclosure be made of any information required in connection with the transmittal of withheld compensation to the appropriate State or local child support enforcement agency.

Section 603.62 also provides, as required by statute, that a State agency notify the State or local child support enforcement agency, with respect to any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency.

Sections 603.63, 603.64, 603.65, 603.66 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(e)(1), SSA, explicitly requires payment of costs, and adoption of safeguards, but does not require execution of an agreement. Section 303(d)(2) also requires payment of costs. All conditions are imposed on disclosures required by section 303(e) (1) and (2) under the controlling interpretation of section 303(a)(1), SSA. Section 303(e)(3), SSA, requires substantial compliance with Federal requirements.

Subpart H—Disclosure of Information Related to Recovery of Overpayments

Subpart H implements the disclosure of information which is required under the interstate offset and cross-program offset agreements which are authorized by section 303(g), SSA. Subpart H does not implement the requirements for such offsets beyond those relating to disclosure of information.

Section 603.70, *Purpose and application*, explains that disclosure of information is required in carrying out the interstate offset and cross-program offset agreements which are authorized by section 303(g), SSA. Under this section, States are permitted to withhold unemployment compensation payable under State laws to recover overpayments of benefits made to individuals by other States. Also, an overpayment of State unemployment compensation may be recovered from a payment made under a Federal unemployment benefit or allowance program if the State has entered into an agreement with the Secretary of Labor under section 303(g)(2), SSA, pursuant to which it may recover overpayments of State benefits from payments made under a Federal unemployment benefit or allowance program if it reciprocally recovers overpayments made under a Federal unemployment benefit or allowance program from State payments. Specifically, this section permits interstate same program offsets (i.e., State from State and Federal from Federal) and intrastate and interstate cross program offsets (i.e., State from Federal and Federal from State). Such interstate and cross-program recovery of overpayments necessarily requires the disclosure of information contained in State agency records. Subpart H applies only to State agencies.

Also, § 603.70 defines "Federal unemployment benefit or allowance program" as meaning any program established by Federal statute and administered by the Department, which provides for the payment from Federal funds of compensation to individuals. Under this definition, the only programs currently existing are those providing for the payment of unemployment compensation to Federal employees, unemployment compensation to ex-servicemembers, trade readjustment allowances under the trade adjustment assistance program, disaster unemployment assistance, and weekly layoff benefits under the redwood employee protection program.

Section 603.71, *Disclosure of information*, provides that the State agency may disclose to State agencies in other States only that unemployment compensation information which is necessary to effectuate recovery of overpayments from individuals as authorized by State law in accordance with section 303(g), SSA. Further, to effectuate the purposes of interstate same program and cross-program offset the State agency shall disclose such information from its records as is necessary to accomplish these purposes. Similarly, a State agency effecting an offset may disclose to the other State agency only such information as is necessary for the purposes of the interstate agreement. This section does not specifically indicate the information which may be disclosed because State laws vary considerably and different information may be required by the States in order to effectuate an offset; however, it does limit the information to only that required for an offset.

Section 603.72, *Payment of costs*, provides that payment of costs by the receiving State agency is neither appropriate nor required with respect to disclosures of information under this subpart because granted funds paid to a State under section 302(a), SSA, may be used to pay all costs of disclosure under this Subpart.

Section 603.73, *Safeguards for disclosed information*, provides that the State agency receiving information disclosed under this subpart may use it only for purposes of recovering the overpayment for which the information was disclosed. This section makes applicable by reference the confidentiality requirements of § 603.13 of part 603.

Section 603.74, *Agreements*, explains that section 303(g)(2), SSA, requires an agreement between each State and the Secretary of Labor to authorize cross-program offsets (either intrastate or interstate). A properly executed agreement must be in effect before any cross-program offset may occur or information may be disclosed. No agreement with the Secretary is required for interstate, same program offsets. For interstate, same program offsets, reciprocal arrangements between and among the States are appropriate. Accordingly, an agreement such as that required under § 603.14 of part 603 is neither appropriate nor required under subpart H.

Section 603.75, *Effectuating compliance*, provides that where the Department has reason to believe that a State or State agency (the disclosing agency or the receiving agency) has failed to comply substantially with any of the requirements of subpart H, the requirements of paragraphs (b) and (c) of § 603.16 are applicable. Section

303(g), SSA, does not contain enforcement language, but substantial compliance is imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart I—Actions Required by State Agencies to Enable the Secretary of Health and Human Services to Obtain Prompt Access to Information

Subpart I implements section 303(h), SSA.

Subpart I replaces only those parts of UIPL 11–89 related to disclosure of information under section 303(h), SSA.

Section 603.80, *Purpose and application*, sets forth the requirement under section 303(h), SSA, that a State agency take action necessary to enable the Secretary of Health and Human Services (HHS), in accordance with the "Memorandum of Understanding" (appendix A to part 603) between the Secretaries of Labor and HHS, to obtain prompt access to certain information contained in the State agency's records for purposes of carrying out the child support enforcement program under title IV, section 453, SSA. As specified in that section, the Office of Child Support Enforcement (OCSE), Federal Parent Locator Service (FPLS), performs this function on behalf of the Secretary of HHS.

Also, § 603.80 notes that disclosure of information required by subpart I is in addition to the disclosure requirements of subparts C, implementing IEVS, G and L. Subpart I applies only to State agencies.

Section 603.81, *Disclosure of information*, provides that disclosure be made upon request and include certain wage information, claim information (both, in substance, present part 603 definitions), and other information (not specified in the statute other than to qualify it as useful in locating absent parents or parents' employers) contained in the records of such State agency.

Sections 603.82, 603.83, and 603.85 address payment of costs, safeguards for disclosed information, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(h), SSA, explicitly requires substantial compliance, but does not require payment of costs and adoption of safeguards. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.84, *Agreements*, explains that as specified in the "Memorandum of Understanding" between the Secretaries of Labor and Health and Human Services (appendix A to part 603), the Secretaries have agreed that the OCSE will enter into a written agreement with a State agency to act as OCSE's agent in establishing an arrangement with a contractor coordinating the information exchange for the purpose of facilitating the transmission of requests and responses to requests for information as provided in § 603.81. With respect to agreements for purposes of this subpart, § 603.84 makes applicable by reference the requirements of § 603.14, which also addresses breaches of agreements.

Subpart J—Disclosure of Information to the Department of Housing and Urban Development and Public Housing Agencies

Subpart J implements section 303(i), SSA.

Subpart J replaces only those parts of UIPL 11–89 related to the disclosure of information under section 303(i), SSA.

Section 603.90, *Purpose and application*, sets forth the requirement under section 303(i), SSA, that a State agency disclose certain information to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency for the purposes of determining an individual's eligibility for, or amount of, benefits under a housing assistance program of the Department of Housing and Urban Development. Subpart J applies only to State agencies.

Also, § 603.90 notes that section 904(c)(2) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628) provides certain protections for applicants for, and recipients of, benefits under the programs of the Department of Housing and Urban Development in connection with the use of information obtained pursuant to section 303(i), SSA.

In addition, § 603.90 notes that section 904(c)(3) of the Stewart B. McKinney Act sets forth criminal penalties for certain misconduct in connection with information within the purview of section 303(i), SSA, as well as certain remedies for applicants and recipients who were subjected to misconduct with respect to such information. The Department of Labor is not, however, responsible for administering sections 904(c)(2) and 904(c)(3) of the Stewart B. McKinney Act.

Paragraph (a) of § 603.91, *Definitions*, defines "consent form" by reference to section 904(b) of the Stewart B. McKinney Act of 1988 (Pub. L. 100–628). The form, giving consent for release of information, must be signed by an individual before the State agency provides information specified in § 603.92.

Paragraph (b) of § 603.91 defines "public housing agency" by reference to section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)). The term means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing. The term does not include a private owner responsible for determining eligibility for or level of benefits under the Act.

Section 603.92, *Disclosure of information*, incorporating statutory language, provides that disclosure be made upon request and include certain wage (in substance present part 603 definition) and limited claim (as specified in the statute) information contained in the records of the State agency.

Section 603.93, *Frequency and format of disclosure*, provides that the frequency and format of the information disclosed under this subpart be determined by agreement in accordance with paragraph (b)(3) of § 603.14. The format and frequency are not specifically prescribed in order to allow the needed flexibility among State agencies and Federal, State, and local agencies requesting information.

Sections 603.94, 603.95, 603.96, and 603.97 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(i), SSA, explicitly requires payment of costs, adoption of safeguards, and substantial compliance with Federal requirements, but does not require execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart K—Disclosure of Information to Public Agencies Administering Programs of Aid to Families with Dependent Children

Subpart K implements section 3304(a)(16), FUTA, (26 U.S.C. 3304(a)(16)).

Subpart K replaces only those parts of UIPL 21–78 related to the disclosure of information under section 3304(a)(16), FUTA.

Section 603.100, *Purpose and application*, sets forth the requirement under section 3304(a)(16), FUTA that a State agency disclose certain

information to a State or political subdivision thereof administering a State plan for aid and services to needy families with children approved under part A of title IV, SSA, for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services.

Also, § 603.100 notes that disclosure of information required by subpart K is in addition to the disclosure requirements of subparts C, implementing IEVS, and L. subpart K applies only to State agencies.

Section 603.101, *Disclosure of information*, incorporating statutory language, provides that disclosure be made upon request and include wage information (determined necessary by the Secretary of Health and Human Services) contained in the records of the State agency.

Sections 603.102 and 603.104 address payment of costs and agreements, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 3304(a)(16), FUTA, does not require payment of costs or adoption of an agreement, but these conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.103, *Safeguards for disclosed information*, makes applicable by reference the requirements of 45 CFR 205.50. Section 3304(a)(16), FUTA, requires establishment of safeguards as determined necessary by the Secretary of Health and Human Services. Regulations at 45 CFR 205.50 will govern the adoption of safeguards required by this subpart.

Section 603.105, *Effectuating conformity and compliance*, makes applicable the conformity and substantial compliance requirements of section 3304(c), FUTA, and 20 CFR 601.5(a). Section 3304(c), FUTA, requires such conformity and substantial compliance with the requirements of section 3304(a)(16).

Subpart L—Disclosure of Information Under the Wagner-Peyser Act

Subpart L implements section 3(b) of the Wagner-Peyser Act with respect to the disclosure of information by State unemployment compensation agencies. It is not applicable to State employment service agencies.

Section 603.110, *Purpose and application*, sets forth the requirement under section 3(b) of the Wagner-Peyser Act that a State agency disclose upon request certain information to various agencies administering Federally-assisted programs. The relevant agencies are:

—A public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act;
—A public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act; the programs referred to are not limited to those related to child support enforcement as in subparts C, G, and I of part 603 because section 3(b) of the Wagner-Peyser Act includes all programs of IV.D agencies; and
—Any State or local agency (as defined in 7 U.S.C. 2012(n)(1)) which is charged with the administration of the food stamp program in the State under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*). Indian tribal organizations are not included in this subpart.

Also, § 603.110 notes that the disclosure of information required by subpart L is in addition to the disclosure requirements of subparts C, implementing IEVS, F, G, I, and K. Subpart L applies only to State agencies.

Section 603.111, *Disclosure of information*, incorporating statutory language, provides that the disclosure of information be made upon request and include specific information related to unemployment compensation (language similar to present part 603) and offers of employment (as specified in the statute).

Sections 603.112, 603.113, and 603.114 address payment of costs, safeguards for disclosed information, and agreements, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 3(b) of the Wagner-Peyser Act does not explicitly require payment of costs, adoption of safeguards, or execution of an agreement, but these conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.115, *Effectuating compliance*, makes applicable the substantial compliance requirements of paragraphs (b) and (c) of § 603.16 insofar as section 3(b) of the Wagner-Peyser Act imposes requirements upon State (unemployment compensation) agencies. The rationale and justification for this treatment are fully discussed in the first part of the **SUPPLEMENTARY INFORMATION** section of this preamble. The statute furnishes no effective enforcement tool applicable to State agencies.

General Comments

It is the Department's intent that these rules shall preempt any State open records or similar law that is inconsistent with them. Therefore, pending implementation of the final rule, each State should plan to review its open records law in order to amend the statute, where necessary, to ensure that the law of the State contains provisions which are interpreted and applied consistently with the requirements of part 603.

Again, pending implementation of the final rule, each State should plan to review all existing agreements with agencies, entities, or contractors requesting disclosure of information to ensure that the requirements of § 603.14 are met. For example, existing agreements required by present part 603 would be required to be changed to accord with subpart C of this part 603.

Drafting Information

This document was prepared under the direction and control of the Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: 202–535–7831 (this is not a toll free number).

Classification—Executive Order 12291

The proposed rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Paperwork Reduction Act

A request to revise the approval of the information collection requirements contained in this proposed rule has been submitted to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980, as amended. The collection requirements of present part 603 (Income and Eligibility Verification System) have been approved under control number 1205–0238, expiring August 31, 1994.

The estimated annual recordkeeping burden is approximately 32 hours per State (based on an average 8 records per State at 4 hours per record); the estimated total annual burden is 1,696 hours. Send comments regarding this burden estimate or any other aspect of this recordkeeping requirement to Mary Ann Wyrsch, Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S–4231, Washington, DC 20210, and to the Office of Management and Budget, Paperwork Reduction Project (1205–0238), Washington, DC 20503.

Regulatory Flexibility Act

This proposed rule will have no "significant economic impact on a substantial number of small entities" under 5 U.S.C. 605(b). This proposed rule amends the regulations for the State Income and Eligibility Verification System and affects only the States, and State agencies, which are not within the definition of "small entity" under 5 U.S.C. 601(6). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 20 CFR Part 603

Employment and Training Administration, Labor, and Unemployment Compensation.

Catalogue of Federal Domestic Assistance Number

This program is listed in the Catalogue of Federal Domestic Assistance at No. 17.225, Unemployment Insurance.

Words of Issuance

For the reasons set forth in the Preamble, it is proposed that part 603 of title 20, Code of Federal Regulations, be revised as set forth below.

Signed at Washington, DC on March 13, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

PART 603—FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

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Subpart L—Disclosure of Information to Public Agencies under the Wagner-Peyser Act

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Appendix A—Memorandum of Understanding Between the Secretaries of Labor and Health and Human Services

Authority: 42 U.S.C. 1302(a); 26 U.S.C. 7805(a); Secretary's Order No. 4–75 (40 FR 18515).

Subpart A—In General

§ 603.1 Purpose.

The regulations in this part 603:

(a) Prescribe comprehensive rules for protecting the confidentiality of State records for the purposes of the Federal-State unemployment compensation program;

(b) Define the limits on the rule of confidentiality;

(c) Set forth the statutorily required and permitted exceptions to the rule of confidentiality;

(d) Prescribe the conditions under which required and permitted disclosures may be made; the conditions include payment of costs, safeguards for disclosed information, and execution of agreements; and

(e) Set forth the processes through which the Secretary of Labor determines whether a State law fails to conform with Federal law requirements for State laws or whether a State or State agency has failed to comply substantially with

any of the requirements of applicable Federal law and this part 603.

§ 603.2 Scope.

This part 603 is a compendium of all of the requirements of statutory provisions relating to the confidentiality and disclosure of State records compiled or maintained for the purposes of the Federal-State unemployment compensation program. Part 603 is arranged in the following subparts:

(a) *Subpart A* describes the purpose and scope of part 603 and the definitions common to all subparts;

(b) *Subpart B* prescribes the rule of confidentiality, the disclosures required notwithstanding such rule, the exceptions to such rule, the conditions common to subparts B through L on disclosure of information, and the remedial processes for resolving conformity and compliance issues (section 303(a)(1) of the Social Security Act);

(c) *Subpart C* sets forth the requirements for disclosure of information under the Income and Eligibility Verification System, with references to the requirements that States have wage record systems and that claimants furnish statements regarding their social security account numbers and nationality or immigration status (section 303(f) of the Act);

(d) *Subpart D* sets forth the requirements for disclosure of information to agencies of the United States charged with the administration of public works or assistance through public employment (section 303(a)(7) of the Act);

(e) *Subpart E* sets forth the requirements for disclosure of information to the Railroad Retirement Board (section 303(c)(1) of the Act);

(f) *Subpart F* sets forth the requirements for disclosure of information to the United States Department of Agriculture and State food stamp agencies, with reference to the intercept of unemployment compensation to cover food stamp overissuances (section 303(d) of the Act);

(g) *Subpart G* sets forth the requirements for disclosure of information to State and local governmental child support enforcement agencies with reference to the intercept of unemployment compensation to cover child support obligations (section 303(e) of the Act);

(h) *Subpart H* sets forth the requirements for disclosure of information necessary to effect interstate offset and cross-program offset of overpayments (section 303(g) of the Act);

(i) *Subpart I* sets forth the requirements for disclosure of information to the Secretary of the United States Department of Health and Human Services for the purposes of the child support enforcement program (section 303(h) of the Act);

(j) *Subpart J* sets forth the requirements for disclosure of information to the United States Department of Housing and Urban Development and public housing agencies, with references to protection for applicants and recipients and applicable criminal penalties and civil actions for improper disclosures (section 303(i) of the Act);

(k) *Subpart K* sets forth the requirements for disclosure of information to public agencies which administer the Federally-assisted program of aid to families with dependent children (section 3304(a)(16) of the Federal Unemployment Tax Act);

(l) *Subpart L* sets forth the requirements for disclosure of information to public agencies administering programs under parts A and D of title IV of the Social Security Act and the Food Stamp Act (section 3(b) of the Wagner-Peyser Act).

§ 603.3 Definitions.

For the purposes of this part 603:

(a) *Compensation* and *unemployment compensation* mean cash benefits payable to individuals with respect to their unemployment.

(b) *Department* means the United States Department of Labor and, within the Department, the Employment and Training Administration and the Bureau of Labor Statistics.

(c) *Records* means all information in the files of a State agency, or, in the case of wage information, files accessible by the State agency as required by section 1137(a)(3) of the Social Security Act, 42 U.S.C. 1320b–7(a)(3): Provided, that, for the purposes of subpart B of this part 603, the term "records" also means all information in any other files of the executive branch of the State Government which relate to the administration of the State law.

(d) *Request* means a written request from an authorized official of a Federal, State, or local governmental agency requesting information contained in the records of a State agency.

(e) *Secretary* means the Secretary of Labor, the cabinet officer heading the United States Department of Labor.

(f) *State* means one of the States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(g) *State agency* means the agency charged with the administration of the State unemployment compensation law which has been approved under section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)).

(h) *State law* means the unemployment compensation law of a State, approved under section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)).

(i) *Wage information* means information contained in the records of a State agency concerning—

(1) The wages paid to an individual,

(2) The social security account number (or numbers, if more than one) of such individual, and

(3) The name, address, State, and the Federal employer identification number of the employer who paid such wages to such individual.

Subpart B—Confidentiality Requirement of Section 303(a)(1) of the Social Security Act

§ 603.10 Purpose and application.

(a) *Purpose.* The regulations in this subpart B set forth the Department of Labor's interpretation of the "methods of administration" requirements of section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1)), as such requirements concern the confidentiality of information in the records of a State or State agency relating to the administration of the State law.

(b) *Application.* This subpart B applies to each State agency, and to the executive branch of the State Government of each State.

§ 603.11 Interpretation and application.

(a) *Interpretation and application of section 303(a)(1).*—(1) *Statute.* Section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1)) provides that, for the purposes of certification of payment of granted funds to a State under section 302(a) (42 U.S.C. 502(a)), the State law of the State shall include provision for "[s]uch methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due * * *".

(2)(i) *Interpretation.* Section 303(a)(1) of the Social Security Act is interpreted by the Department as requiring that the "methods of administration" that are reasonably calculated to insure the full payment of unemployment compensation when due must include provision for—

(A) Maintaining the absolute confidentiality of all information of whatever kind or form in the records of a State agency (or in any other files of the executive branch of the State Government) which pertain to the State law or the administration thereof, and barring the disclosure of any such information to all persons, organizations, and entities whatever, except as disclosure may be required or permitted in accordance with any other provision of this section, and

(B) The mandatory disclosure to claimants and potential claimants for compensation, and to employers and employing units, of all information in the records of a State or State agency, but only to the extent that such disclosure will reasonably afford such claimants and employers the opportunity to know, establish, and protect their rights and meet their responsibilities under the State law, and such disclosure as is required in accordance with any other provisions of this section.

(ii) *Application.* Each State law must contain provisions which are interpreted and applied consistently with the interpretations in this paragraph (a)(2), and provide for penalties for any disclosure of information which is inconsistent with any provision of this section by any official or employee of the State or State agency, or contractor, or by any other person, organization, or entity. The requirements of this clause (ii) will be deemed to be met if the State law and administration fully accord with these requirements, and there is no other law of the State that is construed as requiring or authorizing a different or conflicting result.

(b) *Interpretative rule inapplicable.* The rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section shall be deemed to be inapplicable, and section 303(a)(1) of the Social Security Act is interpreted as requiring disclosure of all relevant information in the following circumstances:

(1) *State agency.* (i) *In general.* Disclosure of information to or by officials and employees of the State and State agency, shall be required to the extent that such disclosure is necessary for the proper administration of the State law.

(ii) *Definition.* The phrase "officials and employees of the State and State agency" means and includes only those public officials and public employees of the executive branch of the State government engaged in the administration or enforcement of the State law, and to the extent that officials and employees of political subdivisions of the State are involved in the enforcement of the State law such phrase also includes such local governmental officials and employees.

(2) *Judicial and quasi-judicial proceedings.* Disclosure of information by all officials and employees of the State and State agency shall be required to be made for the record in any judicial or quasi-judicial proceedings under the State law, including first and second stage appeals, to the extent that such disclosure is necessary to a full development of the facts on the issues in any such proceeding and to enable the presider to make an informed decision on the merits. Any information so disclosed, and made a part of the record in any such proceedings, shall not thereafter be subject to the rule of confidentiality as set forth in paragraph (a)(2)(i)(A) of this section.

(3) *Other agencies.* (i) *In general.* Disclosure of information to officials and employees of other State, local, and Federal agencies shall be required to the extent that such disclosure is necessary for the proper administration of the State law. For the purposes of this paragraph (b)(3), disclosures to Federal agencies—

(A) Shall include disclosure of information to the United States Immigration and Naturalization Service relative to the verification of immigration status as required by section 1137(d) of the Social Security Act, and

(B) May include disclosure of information or certifications requested or required by the Internal Revenue Service of the United States Department of the Treasury for any of the purposes of administration or enforcement of Chapter 23 of the Internal Revenue Code of 1986.

(ii) *Definition.* The phrase "other State, local, and Federal agencies" includes other agencies of the State Government or of another State (including the State agency of another State), local governmental agencies of the State, and any Federal agency.

(4) *Claimants and employers.* In addition to the disclosure of information required by paragraph (a)(2)(i)(B) of this section, disclosure of information to claimants and potential claimants for compensation, and to employers and employing units, shall be required to the extent that such disclosure is necessary for the proper administration of the State law, except that, as provided in paragraph (a)(2)(ii) of this section, employers and employing units may not disclose or redisclose the name or any identifying particular about a claimant or potential claimant for compensation for any purpose other than the administration of the State law.

(5) *Department of Labor.* (i) *In general.* The rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section shall have no applicability to the Department concerning any information requested or required under—

(A) Title III, VII, IX, XI, or XII of the Social Security Act, and chapter 23 (FUTA) of the Internal Revenue Code of 1986,

(B) Parts 601 through 608 and parts 615, 616, 640, and 650 of this chapter, and any subsequently added parts of this chapter pertaining to the Federal-State unemployment compensation program,

(C) Parts 31, 32, 93, 96, 97, and 98 of title 29 of the Code of Federal Regulations, and any subsequently added parts of such title 29 which are applicable to the Federal-State unemployment compensation program, or

(D) Section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)),

for any of the purposes of the Federal-State unemployment compensation program, or with respect to any information the Department deems necessary to assure the correctness or verification of any such information requested or required for any such purpose.

(ii) *Definition.* For the purposes of this paragraph (b)(5) the term "Department" includes the Department (as defined at § 603.3(b)), the Inspector General for the Department, the Comptroller General of the United States, and any contractor for the Department or the Inspector General.

(iii) *Bureau of Labor Statistics.* None of the provisions of this Subpart B shall be applicable to any information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72.

(c) *Exceptions.* (1) *Optional.* (i) *In general.* (A) As an exception to the rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section, the Department interprets section 303(a)(1) of the Social Security Act as not precluding the disclosure, upon request, of any information in the records of a State or State agency to any public official (other than a public official of a State, local, or Federal agency referred to in paragraph (b)(1) or (b)(3) of this section) for use in the performance of such public official's duties, and for a purpose which does not involve administration or enforcement of the State law, but only if—

(*1*) Disclosure of the specific information requested in any case is authorized by the State law, and

(*2*) The State or State agency determines in any case that such

disclosure would not violate any other law of the State which is consistent with this section, or that such disclosure would not significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would not impede the efficient administration of the State law.

(B) (*1*) The term "public official" as used in this paragraph (c)(1)(i) means only public officials in the executive branch of Federal, State, or local government, but such term may also be deemed to include the officials of a public agency or service delivery area for the purposes of administration of the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

(*2*) The phrase "for use in the performance of such public official's duties" as used in this paragraph (c)(1)(i) means that the disclosed information may be used by the public official solely for official business in connection with a law being administered or enforced by such public official.

(ii) *Contractor of State or State agency.* As a further exception to the rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section, the Department interprets section 303(a)(1) of the Social Security Act as not precluding the disclosure of information in the records of a State or State agency to an individual, organization, company, or an agency for the purpose of the administration or enforcement of the State law, but only if—

(A) Disclosure of the specific information involved is authorized by the State law, and

(B) Solely to the extent that such disclosure is necessary and proper to effectuate a contract by the State or State agency with such individual, organization, company, or an agency that is fundable from funds granted under section 302(a) of the Social Security Act (42 U.S.C. 502(a)).

(2) *Mandatory.* Various statutory provisions in section 303 of the Social Security Act, section 3304(a)(16) of the Internal Revenue Code of 1986, and section 3(b) of the Wagner-Peyser Act, explicitly require the disclosure to certain public officials of specified information in the records of each State agency. All of these statutory disclosure provisions stand as exceptions to the rule of confidentiality as specified in paragraph (a)(2)(i)(A) of this section, and all of them are fully set forth in the following subparts of this part 603. The disclosure of any information in the records of a State agency to any public official, beyond that which is specifically required by any of the following subparts of this part 603, may be made only if it is consistent with the optional provisions of clause (1)(i) of this paragraph (c) and the other terms and conditions of this subpart B.

(d) *Conditions on disclosures.* (1) *In general.* (i) Any disclosure of information referred to in paragraph (b) of this section shall be made without regard to § 603.12 (relating to payment of costs), § 603.13 (relating to safeguards), and § 603.14 (relating to agreements).

(ii) Any disclosure of information referred to in paragraph (f) of this section may similarly be made without regard to §§ 603.12, 603.13, and 603.14, except that, in the case of any disclosure made to anyone who is not a claimant or employer referred to in paragraph (a)(2)(i)(B) or paragraph (b)(4) of this section, or in the case of any disclosure which is not made in the course of the administration of the State law, the State agency may require payment of its costs of making the disclosure.

(2) *Optional disclosures.* (i) Any disclosure of information to a public official which is referred to in paragraph (c)(1)(i) of this section shall be made upon the terms and conditions as set forth therein and in §§ 603.12, 603.13, and 603.14.

(ii) Any disclosure of information to a State or State agency contractor which is referred to in paragraph (c)(1)(ii) of this section shall be made upon the terms and conditions as set forth therein and in §§ 603.13 and 603.14, but may be made without requiring payment of costs as provided in § 603.12.

(3) *Mandatory disclosures.* Any mandatory disclosure of information which is referred to in paragraph (c)(2) of this section shall be made solely upon the terms and conditions as set forth in the applicable subpart of this part 603.

(e) *Subpoenas.* Whenever a subpoena or other compulsory process of a lawful authority is served upon a State agency or the State, or any official or employee thereof, which requires the production of records or appearance for testimony upon any matter concerning administration of the State law, the State or State agency shall file and pursue diligently in the appropriate court a motion to quash the subpoena or other compulsory process. Only if such motion is denied, after a hearing in the court appropriate to the case, may the information be disclosed, and only upon such terms as the court may order, including payment of costs to the State agency and the State.

(f) *Information in the public domain.* The rule of confidentiality in paragraph (a)(2)(i)(A) of this section shall not be deemed to be applicable to information in the public domain, which shall include—

(1) Information as to the organization of the State and the State agency, the officials and employees thereof, and appellate authorities,

(2) Information as to State law (and applicable Federal law) provisions, rules, regulations, and interpretations thereof, including statements of general policy and interpretations of general applicability, and determinations and decisions on coverage of employers, employment, and wages,

(3) Any agreement of whatever kind or nature, including interstate arrangements and reciprocal agreements and any agreement with the Department or the Secretary, relating to the administration of the State law, and

(4) Any other information or data in statistical or other general form (including charts and tables) which pertains to claims filed, benefits paid, contributions or payments in lieu of contributions, or the State unemployment fund, a Federal account, or any other special fund or account, so long as any such disclosure does not in any manner reveal the name or any identifying particular about any past or present claimant for compensation or any past or present employer or employing unit, but a State agency may decline to disclose any such information in the public domain (except to claimants and employers as provided in paragraphs (a)(2)(i)(B) and (b)(4) of this section) if the State agency determines in any case that such disclosure would violate any other law of the State which is consistent with this section, or that such disclosure would significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would impede the efficient administration of the State law.

§ 603.12 Payment of costs.

(a) *In general.* (1) Granted funds paid to a State under section 302(a) of the Social Security Act may be used to pay all costs of disclosures referred to in paragraphs (a)(2)(i) (B) and (b) of § 603.11, and for any other disclosures referred to in paragraph (c)(1) (ii) or (f) for which the costs are not charged to the recipient in accordance with § 603.11.

(2) Granted funds paid to a State under section 302(a) of the Social Security Act may not be used to pay any of the costs of making a disclosure referred to in paragraph (c)(1)(i) of § 603.11, except that payment of costs may be waived in the case of a single, isolated request for disclosure of information if not more than an incidental amount of staff time and no more than nominal processing costs are involved in making the disclosure.

(3) Except as provided in paragraphs (a) (1) and (2) of this section, granted funds may not be used to pay any of the costs of making any disclosure.

(b) *Calculation of costs.* The costs to a State or State agency of processing and handling a request for disclosure of information shall be calculated in accordance with the cost principles and administrative requirements of 29 CFR part 97 and Office of Management and Budget Circular No. A–87. For the purpose of calculating such costs, any initial start-up costs incurred by the State agency in preparation for making the requested disclosure(s) shall be charged to and paid by the recipient. Postage or other delivery costs incurred in making any disclosure shall be considered part of the costs of making the disclosure. Penalty mail, as defined in 39 U.S.C. 3201(1), may not be used in any circumstances to transmit information being disclosed, except information referred to in paragraph (b), (c)(1)(ii), or (f) of § 603.11.

(c) *Payment of costs.* The costs to a State or State agency of making a disclosure of information, calculated in accordance with paragraph (b) of this section, shall be paid by and collected from the recipient of the information either in advance or by way of reimbursement, but if the recipient is not a public official such costs, except for good reason, must be paid and collected in advance. For the purposes of this paragraph (c), payment in advance means full payment of all costs before or at the time the disclosed information is given in hand or sent to the recipient.

§ 603.13 Safeguards for disclosed information.

(a) *In general.* With respect to disclosures of information referred to in paragraph (c)(1) of § 603.11, a State or State agency shall require the recipient to safeguard the information disclosed against unauthorized access or redisclosure, as provided in paragraphs (b) and (c) of this section, and subject to penalties provided by the State law for unauthorized disclosure of information. Such safeguards shall also be required to protect the confidentiality of all information obtained by a contractor of a State or State agency from any other source in the execution of a contract.

(b) *Recipient.* (1) The information referred to in paragraph (a) of this section shall be permitted to be used by the recipient only to the extent necessary to further the valid purposes of the recipient in discharging his or her lawful responsibilities, and may be redisclosed by the recipient only as provided for in paragraph (c) of this section.

(2) The recipient shall be prohibited from using the information for any purpose not specifically authorized by an agreement that meets the requirements of § 603.14.

(3) The information shall be required to be stored in a place physically secure from access by unauthorized persons.

(4) Information in electronic format, such as magnetic tapes or discs, shall be required to be stored and processed in such a way that unauthorized persons cannot obtain the information by any means.

(5) Precautions shall be required to be taken to insure that only authorized personnel are given access to information stored in computer systems.

(6) The head of each recipient agency or entity shall be required to—

(i) Instruct all personnel having access to the information regarding confidentiality requirements, the requirements according with this subpart B, and the sanctions specified in the State law for unauthorized disclosure of information, and

(ii) Sign an acknowledgment on behalf of the recipient agency or entity attesting that all personnel having access to the information have been instructed in accordance with paragraph (b)(6)(i) of this section and will adhere to the State's or State agency's confidentiality requirements and procedures which are consistent with this subpart B and the agreement required by § 603.14, and agreeing to report any infraction of these rules to the State agency fully and promptly.

(7) The information disclosed or obtained, and any copies thereof made by the recipient agency, entity, or contractor, shall be disposed of after the purpose for which the information is disclosed is served, except for information in the record of any court of record. Disposal means return of the information to the disclosing State or State agency or destruction of the information, as directed by the State or State agency. Disposal includes deletion of personal identifiers by the State or State agency in lieu of destruction. In any case, the information disclosed shall not be archived or sent to a records center, and shall not be retained with personal identifiers for longer than ten years after receipt of the information.

(c) *Redisclosure of information.* Any recipient of information referred to in paragraph (a) of this section shall be authorized to redisclose the information solely as follows:

(1) To the individual or employer who is the subject of the information;

(2) To an attorney or other duly authorized agent representing the individual or employer;

(3) In any civil or criminal proceedings for or on behalf of a recipient agency or entity, if provision for such redisclosure is authorized under the State law and the agreement required by § 603.14; and

(4) In response to a subpoena only after a motion to quash is denied as provided in § 603.11(e).

§ 603.14 Agreements and contracts.

(a) *Requirement.* A State or State agency shall enter into a written agreement with the head of any agency or entity intending to request disclosure(s) of information, and shall enter into a written contract with any contractor to whom any information may be disclosed or who may obtain information from any other source, which is subject to the confidentiality requirements of this subpart B.

(b) *Contents of agreement or contract.* Any agreement or contract required by paragraph (a) of this section shall include, but need not be limited to, the following terms and conditions:

(1) The purposes for which the information will be requested, or furnished, and the specific information to be requested, furnished, or obtained.

(2) Identification of all officials and employees, by position, with authority to request, receive, or obtain information;

(3) The methods and timing of requests for information, including the format to be used, and the period of time needed to furnish or obtain the information;

(4) The basis for establishing the reporting periods for which information will be furnished or obtained;

(5) Provisions for paying the State agency for any costs of furnishing information, as referred to in § 603.12;

(6) Provisions for safeguards of information disclosed or obtained, as referred to in § 603.13; and

(7) Provision for on-site inspections of the agency, entity, or contractor, to assure that the requirements of the State's law and the agreement or contract required by this section are being met.

(c) *Breach of agreement or contract.* (1) *In general.* If an agency, entity, or contractor, or any official, employee, or agent thereof, fails to comply with any provision of an agreement or contract required by this section, including timely payment of the State's or State agency's costs billed to the agency, entity, or contractor, the agreement or contract

shall be suspended, and further disclosure of information (including any disclosure being processed) to such agency, entity, or contractor is prohibited, until the State or State agency is satisfied that corrective action has been taken and there will be no further breach of the agreement or contract. In the absence of prompt and satisfactory corrective action, the agreement or contract shall be cancelled, and the agency, entity, or contractor shall be required to surrender to the State or State agency all information (and copies thereof) obtained under the agreement or contract which has not previously been furnished to the State or State agency, and any other information relevant to the agreement or contract.

(2) *Enforcement.* In addition to the actions required to be taken by paragraph (c)(1) of this section, the State or State agency shall undertake any other action under the agreement or contract, or under any law of the State or of the United States, to enforce the agreement or contract and secure satisfactory corrective action or surrender of information, and shall take other remedial actions to effect adherence to the requirements of this subpart B, including seeking damages, penalties, and restitution for any charges to granted funds and all costs incurred by the State or the State agency in pursuing the breach of the agreement or contract and enforcement as required by this paragraph (c).

§ 603.15 Notification to claimants and employers.

(a) *Claimants.* Every claimant for compensation shall be notified, at the time of filing an initial claim for compensation, and periodically thereafter, through a written statement on or provided with the initial claim form, that information in the records of the State and State agency pertaining to the claimant may be requested and utilized as provided by paragraphs (b) and (c) of § 603.11 and subparts C through L of this part 603.

Provision of a printed notice on or attached to subsequent additional claims will satisfy the requirement for periodic notice thereafter.

(b) *Employers.* Every employer subject to a State's law shall be notified, through a written statement on or provided with the employer's quarterly wage report form or reimbursement billing, that wage information, as defined in § 603.3(i), and other information pertaining to the employer may be requested and utilized as provided by paragraphs (b) and (c) of § 603.11 and subparts C through L of this part 603.

§ 603.16 Effectuating conformity and compliance.

(a) *Conformity.* Pursuant to section 303(b) of the Social Security Act (42 U.S.C. 503(b)) and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that the State law fails to conform with any of the requirements of section 303(a)(1) of the Act as provided in this subpart B, the Secretary shall notify the Governor of the State and such State agency that further payments for the administration of the State law will not be made to the State until the Secretary is satisfied that there is no longer any such failure. Until the Secretary is so satisfied, the Department shall withhold certification of further payments to such State. Section 304 of the Act (42 U.S.C. 504) shall be applicable to any finding made pursuant to this paragraph (a).

(b) *Compliance.* Pursuant to section 303(b) of the Social Security Act and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that the State or the State agency has failed to comply substantially with any of the requirements of section 303(a)(1) of the Act as provided in this subpart B, the Secretary shall notify the Governor of the State and such State agency that further payments for the administration of the State law will not be made to the State until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, the Department shall withhold certification of further payments to such State. Section 304 of the Act shall be applicable to any finding made pursuant to this paragraph (b).

(c) *Resolving issues.* For the purposes of resolving conformity and compliance issues, the provisions of paragraphs (a)(1), (a)(4), (b), and (d) of § 601.5 of this chapter shall apply.

Subpart C—Income and Eligibility Verification System

§ 603.20 Purpose and application.

(a) *Purpose.* The regulations in this subpart C implement section 303(f) of the Social Security Act, 42 U.S.C. 503(f). Section 303(f) of the Act requires States to have in effect an income and eligibility verification system, which meets the requirements of section 1137 of the Act, 42 U.S.C. 1320b–7, pursuant to which information is requested and exchanged for the purpose of verifying eligibility for, and the amount of, benefits available under several Federally-assisted programs including the Federal-State unemployment compensation program.

(b) *Application.* This subpart C applies only to a State agency.

(Note: Section 1137(a)(1) of the Social Security Act provides that each State shall require claimants for compensation to furnish to the State agency their social security account numbers, as a condition of eligibility for compensation, and further requires that the States shall utilize such account numbers in the administration of the State laws. Section 1137(a)(3) of the Act further provides that employers are required to make quarterly wage reports to a State agency, or an alternative agency, for use in verifying eligibility for, and the amount of, benefits. Section 1137(d)(1) of the Act further provides that each State shall require claimants for compensation, as a condition of eligibility, to declare in writing, under penalty of perjury, whether or not the individual is a citizen or national of the United States, and, if not, that the individual is in a satisfactory immigration status. Administration of this requirement will necessarily involve the disclosure of information (in the records of a State agency) which is incidental to the disclosure of information referred to in subpart C. Other provisions of section 1137(d) of the Act require the States to obtain, and individuals to furnish, documentation relevant to immigration status, and require the States to verify immigration status with the United States Immigration and Naturalization Service. Disclosure for this purpose is governed by § 603.11(b)(3)(i)(A) and is incidental to the disclosure of information required in accordance with subpart C.)

§ 603.21 Definitions.

For the purposes of this subpart C:

(a) *Claim information* means information contained in the records of a State agency concerning:

(1) Whether an individual is receiving, has received, or has applied for unemployment compensation;

(2) The amount of compensation the individual is receiving or is entitled to receive;

(3) The individual's current (or most recent) home address; and

(4) Whether the individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay.

(5) Any other information contained in the records of the State agency which is needed by the requesting agency to verify eligibility for, and the amount of, benefits.

(b) *Requesting agency* means:

(1) *Aid to Families with Dependent Children.* Any State or local agency charged with the responsibility of administering the provisions of the Aid to Families with Dependent Children program under a State plan approved under part A of title IV of the Social Security Act. (Disclosure to any such agency as a requesting agency under this subpart C is in addition to the disclosure requirements under subparts K and L of this part 603.)

(2) *Medicaid.* Any State or local agency charged with the responsibility of administering the provisions of the Medicaid program under a State plan approved under title XIX of the Social Security Act.

(3) *Food Stamps.* Any State or local agency charged with the responsibility of administering the provisions of the Food Stamp Program under the Food Stamp Act of 1977. (Disclosure to any such agency as a requesting agency under this subpart C is in addition to the disclosure requirements under subparts F and L of this part 603.)

(4) *Other Social Security Act Programs.* Any State or local agency charged with the responsibility of administering a program under a State plan approved under title I, X, XIV, or XVI of the Social Security Act.

(5) *Child Support Enforcement.* Any State or local child support enforcement agency charged with the responsibility of enforcing child support obligations under a plan approved under part D of title IV of the Social Security Act. (Disclosure requirements under this subpart C for purposes of child support enforcement are in addition to disclosure of information requirements under subparts G, I, and L.)

(6) *Health and Human Services.* The Secretary of Health and Human Services in establishing or verifying eligibility or benefit amounts under titles II and XVI of the Social Security Act.

(c) *Wage information.* Has the same meaning as such term as defined in § 603.3(i).

§ 603.22 Notification to claimants and employers.

Every claimant for compensation and employer shall be furnished the notification required by § 603.15.

§ 603.23 Disclosure of information.

(a) *Disclosure of information.* Each State agency shall disclose, upon request, to any requesting agency, as defined in § 603.21(b), and which has entered into an agreement referred to in § 603.27, wage and claim information contained in the records of such State agency.

(b) *Format.* Standardized formats established by the Secretary of Health and Human Services (in consultation with the Secretary of Agriculture) and defined in 42 CFR 435.980 will be adhered to by the State agency.

§ 603.24 Obtaining information from other agencies and crossmatching with wage information.

(a) *Crossmatch with information from requesting agencies.* Each State agency shall obtain such information from the Social Security Administration and any requesting agency as may be needed in verifying eligibility for, and the amount of, compensation payable under the State law.

(b) *Crossmatch of wage and benefit information.* To the extent that such information shall be determined likely to be productive in identifying ineligibility for benefits and preventing incorrect payments, the State agency shall crossmatch quarterly wage information with unemployment compensation payment information.

(c) *Amplification on compliance requirements.* To the extent necessary, the Department, pursuant to section 1137(a)(2) of the Social Security Act, will amplify on the requirements for State compliance with this section in instructions issued and published for comment in the **Federal Register.**

(Approved by the Office of Management and Budget under control number 1205–0238)

§ 603.25 Payment of costs.

As a condition for receiving information referred to in § 603.23, any Federal, State, or local agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.26 Safeguards for disclosed information.

Each State agency shall establish safeguards, as required by section 1137(a)(5) of the Social Security Act and set forth in § 603.13, to insure that information disclosed as required by § 603.23 is used only for the purpose for which the information was disclosed.

§ 603.27 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.23, each State agency shall enter into a written agreement with any requesting agency (as defined in § 603.21(b)) intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement. The requirements of this paragraph (a) also shall apply to any requesting agency in another State which intends to request information referred to in § 603.24 and required to be disclosed by a State agency.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.28 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart C, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(f) of the Social Security Act as provided in this subpart C, except that any action under this section shall be based upon section 303(f) of the Act, § 601.5(a) of this chapter, and this subpart C.

Subpart D—Disclosure of Information to Agencies Charged With the Administration of Public Works or Assistance Through Public Employment

§ 603.30 Purpose and application.

(a) *Purpose.* The regulations in this subpart D implement section 303(a)(7) of the Social Security Act, which requires a State law to provide that certain information contained in a State agency's records shall be made available to any agency of the United States charged with the administration of public works or assistance through public employment.

(b) *Application.* This subpart D applies only to a State agency.

§ 603.31 Disclosure of information.

Each State agency shall make available, upon request, to any agency of the United States charged with the administration of public works or assistance through public employment, with respect to each recipient of unemployment compensation, information from its records concerning such recipient's—

(a) Name,

(b) Address,

(c) Ordinary occupation,

(d) Employment status, and

(e) A statement of such recipient's rights to further compensation under the State law.

§ 603.32 Payment of costs.

As a condition for receiving information referred to in § 603.31, any agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this

section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.33 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.33 is used only for the purpose for which the information was disclosed.

§ 603.34 Agreements.

(a) *Agreement required.* Prior to disclosing information to an agency of the United States, as required by § 603.31, each State agency shall enter into a written agreement with that Federal agency, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.35 Effectuating conformity and compliance.

Whenever the Department has reason to believe that an issue of conformity or compliance has arisen under this subpart D with respect to a State or a State agency, the provisions of paragraphs (a), (b), and (c) of § 603.16 will apply for the purposes of effecting conformity and compliance with the requirements of section 303(a)(7) of the Social Security Act as provided in this subpart D.

Subpart E—Disclosure of Information to the Railroad Retirement Board

§ 603.40 Purpose and application.

(a) *Purpose.* The regulations in this subpart E implement section 303(c)(1) of the Social Security Act, which requires that a State agency shall provide certain information contained in the State agency's records to the Railroad Retirement Board.

(b) *Application.* This subpart E applies only to a State agency.

§ 603.41 Disclosure of information.

Each State agency shall, upon request, make available information from, and furnish copies of, its records to the Railroad Retirement Board as the Board deems necessary for its purposes.

§ 603.42 Payment of costs.

As a condition for receiving information referred to in § 603.41, the Railroad Retirement Board shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.43 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.41 is used only for the purpose for which the information was disclosed.

§ 603.44 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.41, each State agency shall enter into a written agreement with the Railroad Retirement Board, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.45 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart E, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(c)(1) of the Social Security Act as provided in this subpart E, except that any action under this section shall be based upon section 303(c) of the Act, § 601.5(a) of this chapter, and this subpart E.

Subpart F—Disclosure of Information to the Department of Agriculture and State Food Stamp Agencies

§ 603.50 Purpose and application.

(a) *Purpose.* (1) *Disclosure.* The regulations in this subpart F implement section 303(d)(1) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

(2) *Notification.* The regulations in this subpart F also implement section 303(d)(2)(B) of the Social Security Act, which permits the State agency to notify the State food stamp agency of any individual who discloses on a new unemployment compensation claim that he or she owes an uncollected overissuance (as defined in 7 U.S.C. 2022(c)(1)) of food stamp coupons.

(Note: The regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(d)(2)(B) of the Social Security Act which relate, respectively, to the disclosure by an individual to the State agency of such uncollected overissuance, to the deduction and withholding from unemployment compensation of money to satisfy such an obligation, and to the payment of the amount deducted and withheld to the appropriate State food stamp agency, except as the latter involves the disclosure of information.)

(3) *Cross-reference.* Disclosure of information required by this subpart F is in addition to the disclosure requirements of subparts C and L.

(b) *Application.* This subpart F applies only to a State agency.

§ 603.51 Definition.

For purposes of this subpart F, "State food stamp agency" means any State or local agency described in 7 U.S.C. 2012(n)(1) which administers the food stamp program established under the Food Stamp Act of 1977.

§ 603.52 Disclosure of information.

(a) *Disclosure.* Each State agency shall disclose, upon request, to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency any of the following information contained in the records of the State agency—

(1) Wage information (as defined in § 603.(i)),

(2) Whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual,

(3) The current (or most recent) home address of such individual,

(4) Whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor, and shall disclose any information required to be disclosed in connection with the transmittal of withheld compensation in accordance with section 303(d)(2)(B)(iv) of the Social Security Act.

(b) *Notification.* A State agency which requires each new applicant for compensation to disclose whether the applicant owes an uncollected overissuance of food stamp coupons (as permitted by section 303(d)(2)(B)(i) of the Social Security Act) may notify the State food stamp agency (to which the uncollected overissuance is owed) that any individual who discloses such a debt has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

§ 603.53 Payment of costs.

As a condition for receiving information referred to in § 603.52, any Federal, State, or local agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.54 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.52 is used only for the purpose for which the information was disclosed.

§ 603.55 Agreements.

(a) *Agreement required.* Prior to disclosing information pursuant to § 603.52, the State agency shall enter into a written agreement with the Department of Agriculture and any State food stamp agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.56 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart F, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(d) (1) and (2) of the Social Security Act as provided in this subpart F. Any action under this section to effect compliance with the requirements of section 303(d) (1) and (2) shall be based upon section 303(d)(3) of the Act, § 601.5(a) of this chapter, and this subpart F.

Subpart G—Disclosure of Information to State or Local Child Support Enforcement Agencies

§ 603.60 Purpose and application.

(a) *Purpose.* (1) *Disclosure.* The regulations in this subpart G implement section 303(e)(1) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records directly to officers or employees of any State or local child support enforcement agency for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

(2) *Notification.* The regulations also implement section 303(e)(2)(A) of the Social Security Act which requires that the State agency notify the State or local child support enforcement agency of any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency.

(Note: The regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(e)(2)(A) of the Social Security Act which relate, respectively, to the requirement that an individual disclose that he or she owes child support obligations, to the deduction and withholding from unemployment compensation of money to satisfy such obligations, and to the payment of the amount deducted and withheld to the appropriate State or local child support enforcement agency, except as the latter involves disclosure of information.)

(3) *Cross-reference.* Disclosure of information required by this subpart G is in addition to the disclosure requirements of subparts C, I, and L.

(b) *Application.* This subpart G applies only to a State agency.

§ 603.61 Definitions.

For purposes of this subpart G—

(a) "Child support obligations" only includes child support obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D of title IV of the Act, and

(b) "State or local child support enforcement agency" means any agency of a State or political subdivision thereof operating pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D of title IV of the Act.

§ 603.62 Disclosure of information.

(a) *Disclosure.* Each State agency shall disclose, upon request, directly to officers or employees of any State or local child support enforcement agency any wage information (as defined in § 603.3(i)) contained in the records of the State agency, and shall disclose any information required to be disclosed in connection with the transmittal of withheld compensation in accordance with section 303(e)(2)(A)(iv) of the Social Security Act.

(b) *Notification.* The State agency shall notify the State or local child support enforcement agency, with respect to any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

§ 603.63 Payment of costs.

As a condition for receiving information referred to in § 603.62, any agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.64 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.62 is used only for the purpose for which the information was disclosed.

§ 603.65 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.62, each State agency shall enter into a written agreement with any State or local child support enforcement agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.66 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart G, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(e) (1) and (2) of the Social Security Act as provided in this section to effect compliance with the requirements of section 303(e) (1) and (2) shall be based upon section

303(e)(3) of the Act, § 601.5(a) of this chapter, and this subpart G.

Subpart H—Disclosure of Information Related to Recovery of Overpayments

§ 603.70 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart H govern the disclosure of information required in carrying out the interstate offset and cross-program offset agreements which are authorized by section 303(g) of the Social Security Act. Under section 303(g) of the Act, States are permitted to withhold unemployment compensation payable under State laws to recover overpayments of benefits made to individuals by other States. Also, an overpayment of State unemployment compensation may be recovered from a payment made under a Federal unemployment benefit or allowance program if the State has entered into an agreement with the Secretary of Labor under section 303(g)(2) of the Act, pursuant to which it may recover overpayments of State benefits from payments made under a Federal unemployment benefit or allowance program if it reciprocally recovers overpayments made under Federal unemployment benefit or allowance programs from State payments. Specifically, this section permits interstate same program offsets (i.e., State from State and Federal from Federal) and intrastate and interstate cross-program offsets (i.e., State from Federal and Federal from State). Such interstate recovery of overpayments necessarily requires the disclosure of information contained in State agency records to State agencies in other States. This subpart H does not implement the requirements for such offsets beyond those relating to the disclosure of information.

(2) *Definition.* For purposes of this section the term "Federal unemployment benefit or allowance program" means any program established by Federal statute and administered by the Department, which provides for the payment from Federal funds of compensation to individuals. Existing programs provide for the payment of unemployment compensation to Federal employees (part 609 of this chapter), unemployment compensation to ex-servicemembers (part 614 of this chapter), trade readjustment allowances under the trade adjustment assistance program (part 617 of this chapter), disaster unemployment assistance (part 625 of this chapter), and weekly layoff benefits under the redwood employee protection program (29 CFR part 92).

(b) *Application.* This subpart H applies only to a State agency.

§ 603.71 Disclosure of information.

Each State agency may disclose to a State agency of another State only that unemployment compensation information which is necessary to effectuate the recovery of overpayments from individuals as authorized by the State law in accordance with section 303(g) of the Social Security Act, and to effectuate the purposes of interstate same program and cross-program offset shall disclose such information from its records as is necessary to accomplish these purposes. Similarly, a State agency effecting an offset may disclose to the other State agency only such information as is necessary for the purposes of the interstate agreement.

§ 603.72 Payment of costs.

Payment of costs is neither appropriate nor required with respect to disclosures of information referred to in § 603.71. Penalty mail, as defined in 39 U.S.C. 3201(1), may be used in making such disclosures.

§ 603.73 Safeguards for disclosed information.

A State agency receiving information referred to in § 603.71 may use it only for purposes of recovering the overpayment for which the information was disclosed. With respect to any information received under the interstate agreement, the receiving State agency shall be subject to the confidentiality requirements of § 603.13 of subpart B of this part 603.

§ 603.74 Agreements.

Section 303(g)(2) of the Social Security Act requires an agreement between each State and the Secretary of Labor to authorize cross-program offsets (either intrastate or interstate). A properly executed agreement must be in effect before any cross-program offset may occur or information may be disclosed. No agreement with the Secretary is required for interstate, same program offsets. For interstate, same program offsets, reciprocal arrangements between and among the States are appropriate. An agreement such as that required by § 603.14 is neither appropriate nor required under this subpart H.

§ 603.75 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency (the disclosing State agency or the receiving State agency) has failed to comply substantially with any of the requirements of this subpart H, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(g) (1) and (2) of the Social Security Act and the agreement between the State and the Secretary of Labor, as provided in this subpart H, except that any action under this section shall be based upon section 303(g) of the Act, § 601.5(a) of this chapter, and this subpart H.

Subpart I—Actions Required by State Agencies To Enable the Secretary of Health and Human Services To Obtain Prompt Access to Information

§ 603.80 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart I implement section 303(h) of the Social Security Act, which requires that a State agency take action necessary to enable the Secretary of Health and Human Services (HHS), in accordance with the "Memorandum of Understanding" (appendix A of this part) between the Secretaries of Labor and HHS, to obtain prompt access to certain information contained in the State agency's records for purposes of carrying out the child support enforcement program under title IV, section 453 of the Act (42 U.S.C. 653). The Office of Child Support Enforcement (OCSE) in the Department of Health and Human Services performs this function on behalf of the Secretary of HHS.

(2) *Cross reference.* Disclosure of information required by this subpart I is in addition to the disclosure requirements of subparts C, G, and L.

(b) *Application.* This subpart I applies only to a State agency.

§ 603.81 Disclosure of information.

Each State agency shall disclose, upon request, to officers or employees of OCSE any of the following information contained in the records of such State agency—

(a) Wage information (as defined in § 603.3(i)),

(b) Claim information (as defined in § 603.21(a)),

and

(c) any other information that may be useful in locating an absent parent or such parent's employer.

§ 603.82 Payment of costs.

As a condition for receiving information referred to in § 603.81, the OCSE shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.83 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.81 is used only for the purpose for which the information was disclosed.

§ 603.84 Agreements.

(a) *Agreement required.* As specified in the "Memorandum of Understanding" between the Secretaries of Labor and Health and Human Services (appendix A of this part), the Secretaries have agreed that the OCSE will enter into a written agreement with a State agency to act as OCSE's agent in establishing an arrangement with a contractor coordinating the information exchange for the purpose of facilitating the transmission of requests and responses to requests for information as provided in § 603.81. Prior to disclosing any information as required by § 603.81, each State agency shall enter into a written agreement with OCSE and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.85 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart I, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(h) of the Social Security Act as provided in this subpart I, except that any action under this section shall be based upon section 303(h)(2) of the Act, § 601.5(a) of this chapter, and this subpart I.

Subpart J—Disclosure of Information to the Department of Housing and Urban Development and Public Housing Agencies

§ 603.90 Purpose and application.

(a) *Purpose.* The regulations in this subpart J implement section 303(i) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency for the purposes of determining an individual's eligibility for, or amount of, benefits under a housing assistance program of the Department of Housing and Urban Development.

(Note: Section 904(c)(2) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628) provides certain protections for applicants for, and recipients of, benefits under the programs of the Department of Housing and Urban Development in connection with the use of information obtained pursuant to section 303(i) of the Social Security Act. In addition, section 904(c)(3) of the Stewart B. McKinney Act sets forth criminal penalties for certain misconduct in connection with information within the purview of section 303(i) of the Social Security Act, as well as certain remedies for applicants and recipients who were subjected to misconduct with respect to such information. The Department of Labor is not, however, responsible for administering sections 904(c)(2) and 904(c)(3) of the Stewart B. McKinney Act, 42 U.S.C. 3544 (c)(2) and (c)(3).)

(b) *Application.* This subpart J applies only to a State agency.

§ 603.91 Definitions.

For purposes of this subpart J—

(a) "Consent form" means the consent form referred to in section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628), which is signed by an individual to signify consent to the release of information contained in the State agency's records and specified in § 603.92 with respect to such individual.

(b) "Public housing agency", as described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)), means "* * * any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing."

§ 603.92 Disclosure of information.

Each State agency shall disclose, upon request, to officers or employees of the Department of Housing and Urban Development and to representatives of a public housing agency, concerning any individual applying for or participating in any housing assistance program administered by the Department of Housing and Urban Development who has signed a consent form, any of the following information contained in the records of such State agency—

(a) Wage information (as defined in § 603.3(i)), and

(b) Whether the individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual.

§ 603.93 Frequency and format of disclosure.

The frequency and format of the information disclosed shall be determined by agreement in accordance with paragraph (b)(3) of § 603.14.

§ 603.94 Payment of costs.

As a condition for receiving information referred to in § 603.92, the Department of Housing and Urban Development or any public housing agency receiving such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.95 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.92 is used only for the purpose for which the information was disclosed.

§ 603.96 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.92, each State agency shall enter into a written agreement with the Department of Housing and Urban Development or a public housing agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.97 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart J, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(i)(1) and (2) of the Social Security Act as provided in this subpart J, except that any action under this section shall be based upon section 303(i)(3) of the Act, § 601.5(a) of this chapter, and this subpart J.

Subpart K—Disclosure of Information to Public Agencies Under the Federal Unemployment Tax Act

§ 603.100 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart K implement section 3304(a)(16) of the Federal Unemployment Tax Act (26 U.S.C. 3304(a)(16)), which requires a State agency to disclose certain wage information contained in the State agency's records to a State or political subdivision thereof administering a State plan for aid and services to needy families with children approved under part A of title IV of the Social Security Act, for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services.

(2) *Cross-reference.* Disclosure of information required by this subpart K is in addition to the disclosure requirements of subparts C and L.

(b) *Application.* This subpart K applies only to a State agency.

§ 603.101 Disclosure of information.

Each State agency shall disclose, upon request, to any public agency referred to in § 603.100 any wage information (as determined necessary by the Secretary of Health and Human Services in regulations) contained in the records of the State agency.

§ 603.102 Payment of costs.

As a condition for receiving information referred to in § 603.101, any public agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.103 Safeguards for disclosed information.

Each State agency shall establish safeguards as are determined necessary by the Secretary of Health and Human Services in regulations at 45 CFR 205.50.

§ 603.104 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.101, each State agency shall enter into a written agreement with any public agency referred to in § 603.100 which intends to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement. For purposes of this subpart K, the provision of safeguards as required by paragraph (b)(6) of § 603.14 refers to safeguards established under 45 CFR 205.50.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.105 Effectuating conformity and compliance.

Pursuant to section 3304(c) of the Federal Unemployment Tax Act and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that a State law fails to contain each of the provisions required by section 3304(a)(16) of the Federal Unemployment Tax Act to be included therein, or has failed to comply substantially with any of the provisions of such section or this subpart K, the Secretary of Labor shall make no certification under section 3304(c) of the Act to the Secretary of the Treasury with respect to such State as of October 31 of the 12-month period with respect to which such finding is made. Section 3310 of the Federal Unemployment Tax Act shall be applicable to any finding made under this paragraph (a).

Subpart L—Disclosure of Information to Public Agencies under the Wagner-Peyser Act

§ 603.110 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart L implement section 3(b) of the Wagner-Peyser Act, to the extent that such section requires a State agency to furnish certain information contained in the State agency's records to—

(i) An agency of the State or political subdivision thereof administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act,

(ii) A State or local agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, and

(iii) Any State or local agency (as defined in 7 U.S.C. 2012(n)(1)) which is charged with the administration of the food stamp program in the State under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

(2) *Cross references.* (i) *Part A of title IV.* The disclosure of information required by clause (1)(i) of this paragraph (a) is in addition to the disclosure requirements of subparts C and K.

(ii) *Part D of title IV.* The disclosure of information required by clause (1)(ii) of this paragraph (a) is in addition to the disclosure requirements of subparts C, G, and I.

(iii) *Food stamp program.* The disclosure of information required by clause (1)(iii) of this paragraph (a) is in addition to the disclosure requirements of subparts C and F.

(b) *Application.* This subpart L applies only to a State agency.

§ 603.111 Disclosure of information.

Each State agency shall disclose, upon request, to any public agency referred to in § 603.110, any of the following information contained in the records of the State agency—

(a) Whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual,

(b) The current (or most recent) home address of such individual, and

(c) Whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.

§ 603.112 Payment of costs.

As a condition for receiving information referred to in § 603.111, any public agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.113 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.111 is used only for the purpose for which the information was disclosed.

§ 603.114 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.111, each State agency shall enter into a written agreement with any public agency referred to in § 603.110 which intends to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.115 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of section 3(b) of the Wagner-Peyser Act, as provided in this Subpart L for the purposes of the Federal-State unemployment compensation program, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 3(b) of the Wagner-Peyser Act as provided in this subpart L, except that any action under this paragraph (b) shall be based upon section 303(b) of the Social Security Act, § 601.5(a) of this chapter, and this subpart L. Section 304 of the Social Security Act shall be applicable to any finding made under this paragraph (b).

Appendix A to Part 603—Memorandum of Understanding Between The Department of Labor and the Department of Health and Human Services

I. Purpose

To record the agreement and understanding between the Secretary of Labor and the Secretary of Health and Human Services to implement section 453(e)(3) of the Social Security Act (the Act), and assist with implementing the requirements of section 303(h) of such Act (as amended by section 124 of the Family Support Act of 1988, Pub. L. 100-485).

II. Background

A. Section 453 of the Social Security Act established the Federal Parent Locator Service (FPLS), within the Office of Child Support Enforcement (OCSE), to obtain and transmit information to authorized persons (as defined in the Act) concerning the whereabouts of any absent parent, to be used to locate such parent for the purpose of enforcing support obligations.

B. Section 124(a) of the Family Support Act of 1988 amended section 453(e) by adding a new paragraph (3), which requires the Secretary of Labor and the Secretary of Health and Human Services to enter into an agreement to provide the FPLS with prompt access to wage and unemployment compensation claims information maintained for or by the Department of Labor (DOL) or the State Employment Security Agencies (SESAs).

C. Section 124(b) of the Family Support Act of 1988 amended section 303 of the Social Security Act by adding a new subsection (h)(1), which reads as follows:

" . . . The State agency charged with the administration of the State law shall take such actions (in such manner as may be provided in the agreement between the Secretary of Health and Human Services and the Secretary of Labor under section 453(e)(3)) as may be necessary to enable the Secretary of Health and Human Services to obtain prompt access to any wage and unemployment compensation claims information (including any information that might be useful in locating an absent parent or such parent's employer) for use by the Secretary of Health and Human Services, for purposes of section 453, in carrying out the child support enforcement program under title IV."

D. The amendments made by section 124 become effective on the first day of the first calendar quarter which begins 1 year or more after the date of enactment of the Family Support Act of 1988, except that the Secretaries of Labor and Health and Human Services are directed to enter into the agreement required by section 453(e)(3) not later than 90 days after date of enactment.

E. This Memorandum of Understanding constitutes the formal agreement required by section 453(e)(3), and sets forth the responsibilities of both Departments and the SESAs under section 303(h)(1).

III. Understandings

A. The Secretaries agree that, pursuant to section 303(h)(1), the only information that may be requested under this agreement and the agreement with any SESA is wage and unemployment compensation claims information in the records of the SESA and any other information in the records of the SESA that might be useful in locating an absent parent or such parent's employer.

B. The Secretaries agree that the OCSE, with the assistance of DOL, will enter into specific written agreements with each SESA. Such agreements will include provisions:

(1) The purpose for which the information is requested;

(2) The specific information requested;

(3) How the information will be requested, including the request and response formats;

(4) The maximum number of records to be included in each request;

(5) Request and response schedules;

(6) Provisions for reprocessing requests;

(7) Cost of responding to requests;

(8) Reimbursement procedures;

(9) Provisions for safeguarding and protecting confidentiality of requests and responses, and limiting use or redisclosure of information to purposes authorized by law; and

(10) Provisions for notification by OCSE for appropriate action by DOL of any SESA's failure to provide prompt access to wage and unemployment compensation claims information.

C. The Secretaries agree that the OCSE will protect the confidentiality of the information obtained under the terms of this agreement against unauthorized access or redisclosure while under the control of OCSE. The OCSE will require each State to submit an annual certification that the information obtained pursuant to this agreement will only be used for child support enforcement purposes and that such information will be safeguarded.

D. The Secretaries agree that the OCSE will enter into a written agreement with a SESA to act as OCSE's agent in establishing an arrangement with a contractor coordinating the data exchange between SESAs for the purpose of facilitating the exchange of data between the FPLS and the SESAs.

E. The Secretaries agree that the OCSE will make a reasonable effort to ensure that requests for information pertain to absent parents who no longer work or reside in the State requesting locate information through FPLS.

F. The Secretaries agree that OCSE will notify DOL in writing of any SESAs failure to provide prompt access to wage and unemployment compensation claims information as required under this agreement and the agreement between the SESA and OCSE, and DOL will take appropriate action pursuant to section 303(h)(2) of the Act.

G. The Secretaries agree that the Department of Health and Human Services (DHHS) will implement procedures that provide for the timely payment by the DHHS to each SESA of all costs incurred in providing wage and unemployment compensation claims information in accordance with this agreement and the agreement between the OCSE and the SESA.

H. The Secretaries agree that OCSE will reimburse the appropriate SESA for any costs incurred by the SESA in implementing an agreement with OCSE.

This agreement was effective as of January 11, 1989.

Department of Labor.

Dated: January 18, 1989.

Roberts T. Jones,

Assistant Secretary of Labor.

Department of Health and Human Services.

Dated: January 23, 1989.

Wayne A. Stanton,

Director, Child Support Enforcement Administrator, Family Support Administration.

[FR Doc. 92-6381 Filed 3-20-92; 8:45 am]

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Federal Register

Monday
March 23, 1992

Part III

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for JANUARY 1992

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53151; FRL 4052-8]

Premanufacture Notices; Monthly Status Report for JANUARY 1992

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for JANUARY 1992.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53151)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC 20460, (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during JANUARY; (b) PMNs received previously and still under review at the end of JANUARY; (c) PMNs for which the notice review period has ended during JANUARY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during JANUARY; and (e) PMNs for which the review period has been suspended.Therefore, the JANUARY 1992 PMN Status Report is being published.

Dated: March 17, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for JANUARY 1992.

I. 117 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0370	P 92-0371	P 92-0372	P 92-0373
P 92-0374	P 92-0375	P 92-0376	P 92-0377
P 92-0378	P 92-0379	P 92-0380	P 92-0381
P 92-0382	P 92-0383	P 92-0384	P 92-0385
P 92-0386	P 92-0387	P 92-0388	P 92-0389
P 92-0390	P 92-0391	P 92-0392	P 92-0393
P 92-0394	P 92-0395	P 92-0396	P 92-0397
P 92-0398	P 92-0399	P 92-0400	P 92-0401
P 92-0402	P 92-0403	P 92-0404	P 92-0405
P 92-0406	P 92-0407	P 92-0408	P 92-0409
P 92-0410	P 92-0411	P 92-0412	P 92-0413
P 92-0414	P 92-0415	P 92-0416	P 92-0417
P 92-0418	P 92-0419	P 92-0420	P 92-0421
P 92-0422	P 92-0423	P 92-0424	P 92-0425
P 92-0426	P 92-0427	P 92-0428	P 92-0429
P 92-0430	P 92-0431	P 92-0432	P 92-0433
P 92-0434	P 92-0435	P 92-0436	P 92-0437
P 92-0438	P 92-0439	P 92-0440	P 92-0441
P 92-0442	P 92-0443	P 92-0444	P 92-0445
P 92-0446	P 92-0448	P 92-0449	P 92-0450
P 92-0451	P 92-0452	P 92-0453	P 92-0454
P 92-0455	P 92-0456	P 92-0457	P 92-0458
P 92-0459	P 92-0460	P 92-0461	P 92-0462
P 92-0463	P 92-0464	P 92-0465	P 92-0466
P 92-0467	P 92-0468	P 92-0469	P 92-0470
P 92-0471	Y 92-0081	Y 92-0082	Y 92-0083
Y 92-0084	Y 92-0085	Y 92-0086	Y 92-0087
Y 92-0088	Y 92-0089	Y 92-0090	Y 92-0091
Y 92-0092	Y 92-0093	Y 92-0094	Y 92-0095
Y 92-0096			

II. 339 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237	P 85-0433	P 85-0612	P 85-0619
P 85-1184	P 86-0066	P 86-1315	P 86-1469
P 86-1607	P 87-0105	P 87-0323	P 87-0502
P 87-1872	P 88-0998	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1460	P 88-1682
P 88-1753	P 88-1937	P 88-1938	P 88-1980
P 88-1982	P 88-1984	P 88-1985	P 88-1999
P 88-2000	P 88-2001	P 88-2100	P 88-2169
P 88-2196	P 88-2212	P 88-2213	P 88-2228
P 88-2229	P 88-2230	P 88-2236	P 88-2484
P 88-2518	P 88-2529	P 89-0254	P 89-0321
P 89-0396	P 89-0530	P 89-0532	P 89-0676
P 89-0721	P 89-0770	P 89-0775	P 89-0836
P 89-0837	P 89-0867	P 89-0957	P 89-0958
P 89-0959	P 89-0963	P 89-1038	P 89-1058
P 89-1062	P 90-0002	P 90-0009	P 90-0158
P 90-0159	P 90-0211	P 90-0237	P 90-0248
P 90-0249	P 90-0260	P 90-0261	P 90-0262
P 90-0263	P 90-0372	P 90-0441	P 90-0550
P 90-0558	P 90-0564	P 90-0581	P 90-0603
P 90-0606	P 90-1280	P 90-1318	P 90-1319
P 90-1320	P 90-1321	P 90-1322	P 90-1358
P 90-1422	P 90-1527	P 90-1528	P 90-1529
P 90-1530	P 90-1531	P 90-1564	P 90-1592
P 90-1624	P 90-1635	P 90-1667	P 90-1716
P 90-1720	P 90-1722	P 90-1723	P 90-1745
P 90-1840	P 90-1893	P 90-1937	P 90-1965
P 90-1984	P 90-1985	P 91-0004	P 91-0051
P 91-0101	P 91-0102	P 91-0107	P 91-0108
P 91-0109	P 91-0110	P 91-0111	P 91-0112
P 91-0113	P 91-0118	P 91-0222	P 91-0228
P 91-0230	P 91-0231	P 91-0232	P 91-0233
P 91-0242	P 91-0243	P 91-0244	P 91-0245
P 91-0246	P 91-0247	P 91-0248	P 91-0288
P 91-0328	P 91-0358	P 91-0442	P 91-0464
P 91-0465	P 91-0466	P 91-0467	P 91-0468
P 91-0469	P 91-0470	P 91-0471	P 91-0472
P 91-0487	P 91-0490	P 91-0501	P 91-0503
P 91-0514	P 91-0521	P 91-0532	P 91-0548
P 91-0572	P 91-0584	P 91-0619	P 91-0659
P 91-0665	P 91-0666	P 91-0688	P 91-0689
P 91-0701	P 91-0732	P 91-0763	P 91-0818
P 91-0826	P 91-0827	P 91-0831	P 91-0853
P 91-0902	P 91-0903	P 91-0905	P 91-0912
P 91-0914	P 91-0915	P 91-0934	P 91-0939
P 91-0940	P 91-0941	P 91-0966	P 91-1000
P 91-1009	P 91-1010	P 91-1011	P 91-1012
P 91-1013	P 91-1014	P 91-1015	P 91-1016
P 91-1017	P 91-1018	P 91-1019	P 91-1020
P 91-1021	P 91-1022	P 91-1023	P 91-1024
P 91-1025	P 91-1026	P 91-1027	P 91-1028
P 91-1029	P 91-1030	P 91-1031	P 91-1032
P 91-1033	P 91-1034	P 91-1035	P 91-1036
P 91-1037	P 91-1038	P 91-1039	P 91-1040
P 91-1041	P 91-1042	P 91-1043	P 91-1044
P 91-1045	P 91-1046	P 91-1047	P 91-1048
P 91-1049	P 91-1050	P 91-1051	P 91-1052
P 91-1053	P 91-1054	P 91-1055	P 91-1056
P 91-1057	P 91-1058	P 91-1059	P 91-1060
P 91-1061	P 91-1062	P 91-1063	P 91-1064
P 91-1065	P 91-1066	P 91-1067	P 91-1068
P 91-1069	P 91-1070	P 91-1071	P 91-1072
P 91-1073	P 91-1074	P 91-1075	P 91-1077
P 91-1116	P 91-1117	P 91-1118	P 91-1131
P 91-1161	P 91-1163	P 91-1190	P 91-1191
P 91-1206	P 91-1210	P 91-1243	P 91-1279
P 91-1280	P 91-1281	P 91-1282	P 91-1283
P 91-1289	P 91-1297	P 91-1298	P 91-1299
P 91-1321	P 91-1322	P 91-1323	P 91-1324
P 91-1328	P 91-1346	P 91-1361	P 91-1364
P 91-1367	P 91-1368	P 91-1369	P 91-1371
P 91-1372	P 91-1379	P 91-1384	P 91-1386
P 91-1392	P 91-1394	P 91-1409	P 91-1418
P 91-1456	P 91-1464	P 92-0001	P 92-0002
P 92-0003	P 92-0031	P 92-0032	P 92-0033
P 92-0034	P 92-0035	P 92-0036	P 92-0044
P 92-0048	P 92-0063	P 92-0066	P 92-0067
P 92-0068	P 92-0129	P 92-0156	P 92-0157
P 92-0159	P 92-0168	P 92-0169	P 92-0177
P 92-0210	P 92-0217	P 92-0233	P 92-0244
P 92-0245	P 92-0246	P 92-0247	P 92-0248
P 92-0249	P 92-0250	P 92-0251	P 92-0266
P 92-0278	P 92-0283	P 92-0294	P 92-0306
P 92-0314	P 92-0315	P 92-0320	P 92-0329
P 92-0341	P 92-0343	P 92-0344	

III. 150 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 91-0064	P 91-0600	P 91-1173	P 91-1231
P 91-1232	P 91-1233	P 91-1234	P 91-1235
P 91-1305	P 91-1347	P 91-1422	P 91-1423
P 92-0028	P 92-0042	P 92-0045	P 92-0046
P 92-0047	P 92-0049	P 92-0050	P 92-0051
P 92-0052	P 92-0053	P 92-0054	P 92-0055
P 92-0056	P 92-0057	P 92-0058	P 92-0059
P 92-0060	P 92-0061	P 92-0062	P 92-0064

P 92-0065	P 92-0069	P 92-0070	P 92-0071	P 92-0108	P 92-0109	P 92-0110	P 92-0111	P 92-0149	P 92-0150	P 92-0151	P 92-0152
P 92-0072	P 92-0073	P 92-0074	P 92-0075	P 92-0112	P 92-0113	P 92-0114	P 92-0115	P 92-0153	P 92-0154	P 92-0155	P 92-0158
P 92-0076	P 92-0077	P 92-0078	P 92-0079	P 92-0116	P 92-0117	P 92-0118	P 92-0119	P 92-0160	P 92-0161	P 92-0162	P 92-0163
P 92-0080	P 92-0081	P 92-0082	P 92-0083	P 92-0120	P 92-0121	P 92-0122	P 92-0123	P 92-0164	P 92-0165	P 92-0166	P 92-0167
P 92-0084	P 92-0085	P 92-0086	P 92-0087	P 92-0124	P 92-0125	P 92-0126	P 92-0127	P 92-0170	P 92-0171	P 92-0172	P 92-0173
P 92-0088	P 92-0089	P 92-0090	P 92-0091	P 92-0128	P 92-0130	P 92-0131	P 92-0132	P 92-0174	P 92-0175	P 92-0176	P 92-0178
P 92-0092	P 92-0093	P 92-0094	P 92-0095	P 92-0133	P 92-0134	P 92-0135	P 92-0136	P 92-0232	Y 92-0074	Y 92-0075	Y 92-0076
P 92-0096	P 92-0097	P 92-0098	P 92-0099	P 92-0137	P 92-0138	P 92-0139	P 92-0140	Y 92-0077	Y 92-0078	Y 92-0079	Y 92-0080
P 92-0100	P 92-0101	P 92-0102	P 92-0103	P 92-0141	P 92-0142	P 92-0143	P 92-0144	Y 92-0081	Y 92-0082	Y 92-0083	Y 92-0084
P 92-0104	P 92-0105	P 92-0106	P 92-0107	P 92-0145	P 92-0146	P 92-0147	P 92-0148	Y 92-0085	Y 92-0086		

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 84-0660	G Substituted aryl olefin	February 9, 1988.
P 86-1014	G Substituted phosphine oxide	November 21, 1991.
P 86-1015	G Substituted phosphine oxide	November 21, 1991.
P 88-0316	G Substituted cyclohexylalkenone	November 20, 1991.
P 88-0805	G Substituted-phenyl-azo-alkyl phenol	November 6, 1991.
P 88-0763	G Mono substituted aromatic aldehyde	December 1, 1991.
P 88-0831	Phenol, 4,4'-(9H-fluoren-9-ylidene)bis-	August 27, 1989.
P 88-2193	G Substituted carboxylic acid, alkane diol polyester	December 22, 1988.
P 88-2495	G Fluorochloroolefin copolymer	November 22, 1991.
P 89-0451	G Silicone-imide block copolymer	November 20, 1991.
P 89-0821	G Substituted heteropolycyclic sulfonic acid, compound with alkanolamine	November 1, 1991.
P 89-1081	G Reaction product of alkyl carboxylic acids/alkane polyols polyester with an acrylate prepolymer	November 18, 1991.
P 90-0294	G NCO terminated urethane	December 18, 1991.
P 90-0559	1-(1-Methylbutoxy)-4-benzenamine hydrochloride	November 6, 1991.
P 90-0662	G Substituted epoxy resin	October 27, 1991.
P 90-1230	G Acrylic copolymers and salts thereof; styrene/acrylic copolymers and salts thereof	November 27, 1991.
P 90-1358	Cyclohexanecarbonitrile, 1,3,3-trimethyl-5-oxo-	November 15, 1991.
P 90-1533	G Modified olefin-based polymer	December 16, 1991.
P 90-1596	G Aryloxy substituted alkanoic acid, alkoxyphenyl hydrazide	November 25, 1991.
P 90-1597	G Acryloxy substituted alkanoyl chloride	November 7, 1991.
P 90-1598	G (Arylsulfonyl)aryloxy substituted alkanoic acid, alkoxyphenylhydrazide	November 7, 1991.
P 90-1625	G Carboxylic acid derivatives of polyoxyalkylenes	November 26, 1991.
P 90-1682	G Styrenated polyacrylate polymethacrylate	December 20, 1991.
P 90-1685	G Nonionic surfactant	November 13, 1991.
P 90-1707	G Metal carbonyl carboxylate	November 21, 1991.
P 90-1865	G Metal alkyl chloride	November 25, 1991.
P 90-1924	Siloxanes and silicone, di-me, hydrogen terminated, reaction products with polyethylene-polypropylene glycol, mono alkyl ether, succinates.	November 13, 1991.
P 90-1927	G Fluoroolefin copolymer	November 22, 1991.
P 91-0021	G Crosslinked polymer	December 4, 1991.
P 91-0065	3,9-Bis(2,4,6-tri-t-butylphenoxy)-2,4,8,10-tetroxa-3,9-diphosphaspiro(5.5)undecane	November 13, 1991.
P 91-0211	G Caprolactone modified polyester resin	January 3, 1992.
P 91-0257	G Waterborne polyurethane	November 20, 1991.
P 91-0332	G Aryl polyamideurea	November 14, 1991.
P 91-0365	G Fluorinated sulfonimide	November 26, 1991.
P 91-0386	G Tall oil fatty acids, ester with disubstituted triol	December 18, 1991

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0419	G Alpic acid, polymer with 1,6-hexanediol, neopentylglycol, cycloalkanediol alkyl amine, cycloalkaneamine, 4,4-methylene bis(cyclohexyl isocyanated) and propanoic acid, 3-hydroxy-2(hydroxy methyl)2-methyl.	October 3, 1991.
P 91-0451	G Alkyl hydroxylamine	December 16, 1991.
P 91-0518	G Substituted alkyl amde	November 3, 1991.
P 91-0573	G Ethylene-siloxane copolymer	December 13, 1991.
P 91-0598	G Epoxidized copolymer of phenol and substituted phenol	November 7, 1991.
P 91-0620	G Polyester polyurethane	December 4, 1991.
P 91-0691	G Fluoroalkyl silane	September 11, 1991.
P 91-0731	Alpha, omega bis(2-hydroxyethyloxy)perfluoropolyoxyalkane	October 21, 1991.
P 91-0740	G Acid functional polyester	November 25, 1991.
P 91-0955	G Castor oil-tall polyol alkyd resin	November 18, 1991.
P 91-0963	G Reaction product of adiphatic diisocyanate, polycaprolactone polyol, and alkyl hydroxy acrylate	October 28, 1991.
P 91-1095	G Metal complex	November 12, 1991.
P 91-1099	G Acrylate/acrylamido derivative copolymer	November 21, 1991.
P 91-1132	G Styrene acrylic polyelectrolyte amine salt	November 25, 1991.
P 91-1133	G Styrene acrylic polyelectrolyte amine salt	November 25, 1991.
P 91-1134	G Styrene	November 25, 1991.
P 91-1135	G Styrene	November 25, 1991.
P 91-1136	G Styrene	November 25, 1991.
P 91-1137	G Styrene	November 25, 1991.
P 91-1138	G Styrene	November 25, 1991.
P 91-1139	G Styrene	November 25, 1991.
P 91-1140	G Styrene	November 25, 1991.
P 91-1166	G Polyester polyurethane	December 3, 1991.
P 91-1205	G Substituted polyoxyalkylated aromatic amine methylum salt	November 12, 1991.
P 91-1208	G Vinyl ether terminated urethane	November 13, 1991.
P 91-1211	G Disubstituted benzene sulfonic acid salt	November 15, 1991.
P 91-1254	G Crosslinked rubber	November 19, 1991.
P 91-1257	G Polyimide resin	December 3, 1991.
P 91-1276	G Unsaturated polyester	December 5, 1991.
P 91-1309	G High solids long-oil alkyd resins	December 8, 1991.
P 91-1315	Organosilne	December 1, 1991.
P 91-1331	G Phosphosate-alkanolamine ester polymer	November 18, 1991.
P 91-1336	G Hydroxy-terminated polyurethane	December 18, 1991.
P 91-1337	G Isocyanate-terminated polyurethane	December 18, 1991.
P 91-1346	Ethanol, 2,2'-(hexylimino)di-	December 4, 1991.
P 91-1348	G Polyether silane	December 10, 1991.
P 91-1351	G Polyester	December 5, 1991.
P 91-1356	G Vinyl acetate/acrylic copolymer	November 27, 1991.
P 91-1376	G Reaction products of diisocyanate, polyol and glycol ether	December 14, 1991.
P 91-1380	G Ethylene vinyl acetate copolymer	December 3, 1991.

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-1411	G Rosin-modified phenolic resin	December 19, 1991.
P 91-1425	G Ring-nitrogen modified block polyether-polyester isocyanate adduct	December 30, 1991.
P 91-1426	G Ring-nitrogen modified block polyether-polyester isocyanate adduct	December 30, 1991.
P 91-1452	G Substituted-substituted-substituted-benzene polymer	December 31, 1991.
Y 88-0189	G Unsaturated polyester diol	November 19, 1991.
Y 91-0238	G Polyvinyl acetal	November 18, 1991.
Y 92-0016	G Carboxylated acrylic polymer salt	December 12, 1991.
Y 92-0032	G Modified polyalkylene teraphathalate	December 2, 1991.
Y 92-0051	G Unsaturated polyester resin	December 16, 1991.

V. 28 Premanufacture notices for which the period has been suspended.

PMN No.

P 90-0581 P 90-1720 P 90-1722 P 90-1723
P 91-1367 P 91-1368 P 91-1369 P 91-1422
P 91-1423 P 91-1439 P 92-0063 P 92-0066
P 92-0067 P 92-0068 P 92-0131 P 92-0156
P 92-0157 P 92-0159 P 92-0168 P 92-0177
P 92-0244 P 92-0245 P 92-0246 P 92-0247
P 92-0248 P 92-0249 P 92-0250 P 92-0251

[FR Doc. 92-6676 Filed 3-20-92; 8:45 am]
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Monday
March 23, 1992

Part IV

Department of Transportation

Research and Special Programs Administration

National Tank Truck Carriers, Inc.; Application for Preemption Determination; Notice

DEPARTMENT OF TRANSPORTATION

[Docket No. PDA-2]

National Tank Truck Carriers, Inc.; Application for Preemption Determination Concerning a Massachusetts Statute Requiring an Audible Warning Device on Bulk Tank Vehicles or Trailers Used To Deliver Gasoline or Other Flammable Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: The National Tank Truck Carriers, Inc. has applied for an administrative determination whether a Massachusetts statute, requiring an audible reverse-gear warning system on tank trucks and trailers used to deliver gasoline or other flammable materials, is preempted by the Hazardous Materials Transportation Act (HMTA).

DATES: Comments received on or before May 8, 1992, and rebuttal comments received on or before June 30, 1992, will be considered before an administrative ruling is issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any commetns received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street SW., Washington, DC 20590-0001. Telephone: (202) 366-5046. Fax number: (202) 366-3753. Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA-2). Three copies are requested. A copy of each comment and rebuttal comment must also be sent to Mr. Clifford J. Harvison, President, National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314 and to Mr. Jerold A. Gnazzo, Registrar, Registry of Motor Vehicles, 100 Nashua Street, Boston, MA 02114. A certification that a copy has been sent to each person must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Messrs. Harvison and Gnazzo at the addresses specified in the Federal Register.")

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper, III, Assistant Chief Counsel for Hazardous Materials Safety, Office of the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590-0001, telephone number 202-366-4400.

SUPPLEMENTARY INFORMATION:

1. Background

The preemption provisions of the Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 *et seq.*, were amended by the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), Public Law 101-615. The Research and Special Programs Administration's (RSPA's) regulations have been revised to reflect these changes. 56 FR 8616 (Feb. 28, 1991); 56 FR 15510 (Apr. 17, 1991).

With two exceptions (discussed below), section 105(a)(4) of the HMTA (49 App. U.S.C. 1811(a)(4)), preempts "any law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian Tribe" which concerns a "covered subject" and "is not substantively the same" as any provision of the HMTA or any regulation under that provision concerning that subject. The "covered subjects" are defined in section 105(a)(4) as:

(i) The designation, description, and classification of hazardous materials.

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents.

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials.

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

RSPA has issued a Notice of Proposed Rulemaking proposing a specific definition for the term "substantively the same." 56 FR 36992 (Aug. 1, 1991).

In addition, section 105(b)(4) of the HMTA, 49 app. U.S.C. 1804(b)(4), addresses the preemption standards for hazardous materials highway routing requirements. The Secretary of Transportation has delegated responsibility for those highway routing issues, including the issuance of preemption determinations on highway routing issues, to the Federal Highway Administration. 56 FR 31343 (July 10, 1991).

Finally, section 112(a) of the HMTA, 49 App. U.S.C. 1611(a), provides that, with two exceptions discussed below, State, political subdivision and Indian tribe requirements not covered by those Section 105(a) or (b) provisions are preempted if—

(1) Compliance with both the State or political subdivision or Indian Tribe requirement and any requirement of (the HMTA) or of a regulation issued under (the HMTA) is not possible, (or)

(2) The State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of (the HMTA) or the regulations issued under (the HMTA) * * *.

As indicated in the preamble to the final regulation implementing the HMTUSA preemption provisions, 56 FR at 8617 (Feb. 28, 1991), Section 112 codifies the "dual compliance" and "obstacle" standards which RSPA previously had adopted by regulation and used in issuing its advisory inconsistency rulings.

The two exceptions to preemption referred to above are for: (1) State, local or Indian tribe requirements "otherwise authorized by Federal law" and (2) State, local or Indian tribe requirements for which preemption has been waived by the Secretary of Transportation.

All of the above-described preemption standards are in RSPA's regulations at 49 CFR 107.202.

Section 112(c) of the HMTA provides for issuance of binding preemption determinations to replace the advisory inconsistency rulings previously issued by RSPA. Any directly affected person may apply for a determination whether a State, political subdivision or Indian tribe requirement is preempted by the HMTA. Notice of the application must be published in the **Federal Register**, and then the applicant is precluded from seeking judicial relief on that issue for 180 days after the application or until the preemption determination is issued, whichever occurs first. A party to a preemption determination proceeding may seek judicial review of the determination in U.S. district court within 60 day after the determination becomes final.

The Secretary of Transportation has delegated authority to issue preemption determinations, except for those concerning highway routing issues, to RSPA. 56 FR 31343 (July 10, 1991). RSPA's Associate Administrator for Hazardous Materials Safety will issue those determinations. RSPA's regulations concerning preemption determinations were issued on February 28, 1991 (56 FR 8616), and are at 49 CFR 107.203-21 and 107.227.

Preemption determinations do not address issues of preemption arising under the Commerce Clause of the Constitution or under statutes other than the HMTA unless it is necessary to do so in order to determine whether a requirement is "otherwise authorized by Federal Law." A State, local or Indian tribe requirement is not "otherwise authorized by Federal law" merely because it is not preempted by another Federal statute. *Colorado Pub. Utilities Comm'n* v *Harmon*, No. 89-1288 (10th Cir. Dec. 18, 1991), reversing No. 88-Z-1524 (D. Colo. 1989).

In issuing its preemption determinations under the HMTA, RSPA is guided by the priniciples enunciated in Executive Order No. 12, 612 entitled "Federalism" (52 FR 41685, Oct. 30, 1987). Section 4(a) of that Executive Order authorizes preemption of state laws only when the statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of state authority directly conflicts with the exercise of Federal authority. The HMTA, of course, contains several express preemption provisions, which RSPA has implemented through regulations.

2. The Application for a Preemption Determination

On November 25, 1991, the National Tank Truck Carriers, Inc. submitted the following application for a preemption determination:

Before the Research & Special Programs Administration, United States Department of Transportation

In the matter of: A request for a Preemption determination with respect to: Certain laws and regulations of the Commonwealth of Massachusetts requiring audible warning devices on cargo tank motor vehicles used to deliver gasoline and other flammable material.

Filed by: National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314, (703) 838-1960, Clifford J. Harvison, President.

November 25, 1991.

Before the Administrator:

This petition for a preemption determination is filed by National Tank Truck Carriers, Inc. (NTTC). NTTC is a national trade association, the members of which specialize in the transportation of hazardous materials, hazardous substances and hazardous wastes in cargo tank motor vehicles, throughout the continental United States. Specific to this petition, it would be noted that many of our members conduct transportation operations, including loading, unloading and storage incidental thereto, within the Commonwealth of Massachusetts.

Subject of This Petition

Chapter 90, section 7 of the Motor Vehicle Laws of the Commonwealth of Massachusetts specifies (in part), "Every bulk tank vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material, shall be equipped with an audible warning system when the vehicle's transmission is in reverse." (Note—for the sake of brevity, throughout this petition, NTTC will use the phrase "back up alarm" when referring to this requirement.)

Object of This Petition

NTTC believes that, pursuant to section 112(a) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), the above-noted requirement of the Commonwealth is preempted; and, we respectfully ask the Administrator to initiate a "Preemption Determination" in this matter.

Basis of This Petition

NTTC acknowledges that neither the Hazardous Materials Regulations (HMR) nor the Federal Motor Carrier Safety Regulations (FMCSR) specify requirements for back up alarms. Simply stated, there is nothing in title 49 CFR which would either require installation and use of such a device on a cargo tank motor vehicle, or prohibit such installation and use.

By the same token, Massachusetts has created a nexus between mandated installation and use of the device by specifying such installation and use only on a "* * * bulk tank vehicle * * * used to deliver gasoline and other flammable products." Without question, "gasoline and other flammable products" are hazardous materials (as designated by the Secretary), and subject to the regulatory jurisdiction of the Administrator.

Therefore, NTTC submits that the net effect of the Massachusetts law is to question the adequacy of the Administrator's regulations by the unilateral imposition of an equipment requirement only on vechicles transporting specified hazardous materials. We hold that such action is impermissible and must be preempted under Section 112 of HMTUSA.

Argument

In Inconsistency Ruling No. IR-22; Docket IRA-40A (issued: December 2, 1987), the Administrator discussed various "non containment" directives of the City of New York's Bureau of Fire Protection (BFP). Among such directives were: bumpers, drive axles, chassis weight, dedicated use, fuel tanks, brakes and electrical systems. These elements were consolidated in four BFP directives under review by RSPA.

In the relevant portion of his ruling, the Administrator stated:

"* * * virtually all of the provisions of those directives are 'triggered' by the transportation of hazardous materials (i.e. they do not apply to all vehicles or all trucks but only to those carrying specified hazardous materials.), fall within these exclusively Federal regulatory areas, and, therefore, are inconsistent with the HMTA and the HMR and thus preempted. No comparison with FMCSR provisions is necessary."

We note that, in this ruling, the Administrator did find directives which required rags or cotton waste to be kept in a metal container and New York City's "savings clause" to be consistent. These factors are neither comparable nor relevant to the issue raised in the petition.

Similarly, we are aware of the fact that, in IR-2 (dealing with specified regulations of the State of Rhode Island), the Administrator found "consistent" a mandate for certain vehicles to contain a "* * * two way radio". Relying on testimony given by Rhode Island officials in a related action in Federal District Court, the Administrator noted (the official's opinion) that the regulation could be complied with by use of a "CB radio". Based on that fact, the Administrator ruled that "non containment" requirement to be "consistent".

As in the above-noted reference to "rags or cotton wastes" and New York's "Savings Clause", the Administrator's ruling (regarding the "CB Radio") is neither comparable nor relevant to this proceeding. Unlike a "back up alarm", a "CB Radio" is not permanently installed in the vehicle and requires no mechanical alteration to the vehicle.

We submit that the Massachusetts requirement—in terms of its impact on the Congressional mandate for "* * * consistency in laws and regulations dealing with the transportation of hazardous materials—is inconsistent as a matter of law, and must be preempted.

Conclusion

There can be little doubt that the Administrator has comprehensive jurisdiction with respect to the issue raised, herein. Like the situation in New York, the Massachusetts requirement is "non containment" and is "triggered" by the hazardous nature of the vehicle's cargo. Regulations impacting the transportation of hazardous materials—particularly as they relate to vehicle equipment—are exclusively Federal.

As a party of interest to hazardous materials transportation, the Commonwealth has every right to petition the Administrator for appropriate regulatory amendment, but the Commonwealth has yet to exercise that option. Instead, Massachusetts has chosen to unilaterally impose a vehicle equipment standard, the singular impact of which is on the transportation of specified hazardous materials. Again, the net effect of Massachusetts' action is to question the adequacy of the Administrator's regulations.

We respectfully ask the Administrator to institute a "Preemption Determination" (in this matter); and, after public notice and comment, find Massachusetts' requirement for, "Every bulk tank vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material (to be) equipped with an audible warning system when the vehicle's transmission is in reverse", to be inconsistent with the HMR.

Respectfully submitted:
Clifford J. Harvison,
President.

On January 3, 1992, the applicant, as required by 49 CFR 107.205, perfected its application by providing a copy of its application to the Registrar of Motor Vehicles of the Commonwealth of Massachusetts.

3. Public Comment

Comments should be limited to the issue of whether the cited Massachusetts requirement is preempted by the HMTA. Comments should specifically address the "substantively the same," "dual compliance" and "obstacle" tests described in the "Background" section. Comments also should address the issue of whether the requirement is "otherwise authorized by Federal law."

Persons intending to comment on the application should review the standards and procedures governing the Department's consideration of applications for preemption determinations found at 49 CFR 107.201–107.211.

Alan I. Roberts,
Associate Administrator for Hazardous Materials Safety.

Issued in Washington, DC on March 10, 1992.

[FR Doc. 92-6642 Filed 3-20-92; 8:45 am]
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federal register

Monday
March 23, 1992

Part V

Department of the Treasury

Fiscal Service

31 CFR Part 205
Federal Funds Transfers, Cash Management Improvement Act of 1990; Proposed Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 205

Federal Funds Transfers

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Financial Management Service issues this Notice of Proposed Rulemaking for a regulation to implement the Cash Management Improvement Act of 1990. This statute and proposed regulation impose a requirement for timely transfers of funds between Federal agencies and States, and impose a requirement to pay interest where transfers are not made in a timely fashion. The rulemaking is designed to encourage the development of efficient cash management systems and to ensure equity in the transfer of funds from Federal agencies to States and ultimately to program recipients.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send written comments to: Financial Management Services (FMS), CMIA 90 Project Manager, room 521C, 401 14th Street SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT:
John Galligan, (Program Manager), (202) 874–6935,
Gary Grippo, (Program Specialist), (202) 874–6955,
Christopher Kubeluis, (Program Specialist), (202) 874–6873,
Steven D. Laughton, (Principal Attorney), (202) 874–6680.

SUPPLEMENTARY INFORMATION: This regulation is authorized by the Cash Managemernt Improvement Act of 1990, Public Law 101–453, October 24, 1990, (CMIA), whose substantive provisions are codified at 31 U.S.C. 3335 and 6503. CMIA centralizes authority for management of funds disbursement in the Secretary of the Treasury (hereinafter Secretary). It requires the Secretary to regulate and enforce timely disbursement by Federal agencies, and to negotiate and monitor agreements with the States to achieve the efficient transfer of Federal funds. The purpose of CMIA and this regulation is to ensure greater efficiency, effectiveness, and equity in the exchange of funds between the Federal Government and the States.

Until passage of CMIA, the only law that addressed the timing of Federal funds transfers to States was the Intergovernmental Cooperation Act, 31 U.S.C. 6503. This law allowed a State to retain for its own purposes any interest earned on Federal funds transferred to a State "pending its disbursement for program purposes."

Since passage of that law in 1968, Federal agencies have expressed concerns that States were drawing down Federal funds well in advance of the time those funds were needed by States to redeem checks. These premature drawdowns caused the Federal Government to lose interest earnings.

In addition, States had expressed concerns about having to pay out their own funds in advance of receiving funds from the Federal Government. This practice caused States to lose interest earnings on their own funds until they were reimbursed by the Federal Government.

To find solutions to these problems, the Joint Federal/State Cash Management Reform Task Force was created in 1983. It included six State officials and six Federal officials. The Task Force experimented with various cash management tracking procedures in a number of States, and made recommendations which assisted in the adoption of CMIA.

General Principles

These regulations are intended to convey the following:

- The use of recognized, sound cash management principles will ensure certainty in the timeliness of payments and will improve business relationships between the Federal and State governments.
- States have an obligation to request funds timely.
- Federal agencies have an obligation to disburse funds to States timely.
- Nothing in the regulations implementing CMIA reduces existing Federal agency responsibilities to minimize balances that may be on hand before there is a need for disbursement by a State.
- The computation and payment of interest is not the objective of the law. The interest provisions are intended to make the terms under which funds are transferred more equitable and to provide an incentive for better cash management.
- This regulation specifies that funding techniques are to be chosen by States subject to the approval of the Secretary. The Secretary considers funding techniques that necessarily result in interest liabilities to be undesirable. They will be acceptable only until a more efficient technique can be mutually agreed upon. To ensure optimal compliance with the spirit of CMIA, the Secretary expects that both the States and the Federal Government will structure their transactions to minimize and, wherever possible, eliminate interest payments. However, the Secretary will not impose a funding technique that is not workable.
- It is the Secretary's goal to ensure payment by Federal agencies for all properly received State requests for funds by the payment due date. This commitment to timely payment is a major step forward in reducing or eliminating the exchange of interest.
- The Secretary will make all reasonable efforts to enter into an Agreement with each State to define all provisions and procedures unique to the State in complying with the codified regulations. The State/Federal Agreement will address those elements which are specific to each State, such as: "Definition of a State"; "Funding Techniques"; and "Interest Calculation Methodology." There are default provisions in the proposed regulation for any State for which an Agreement cannot be reached.

Specific Issues

Phase-In and Threshold

The proposed regulation would phase-in CMIA over a 2-year period and would establish a threshold of materiality for programs which must be conducted in accordance with CMIA. A phase-in is proposed to alleviate the burdens implicit in complying with new regulations, to distribute start-up work and costs over a 2-year period, and to mitigate any unexpected problems which may result from the regulation. During the first year of implementation, the scope of the regulation would be limited to major Federal assistance programs that have funding over one billion dollars at the Federal level. One billion dollars is chosen as a threshold because it results in covering roughly 80 percent of the Federal funds granted to States, while limiting the number of programs to 19.

From the second year of implementation onward, the proposed regulation establishes a threshold of materiality for programs which must be conducted in accordance with CMIA. All programs defined as "major Federal assistance programs," pursuant to the Single Audit Act, 31 U.S.C. 7501(12), would be included. There are several advantages to this threshold. First, it is the existing Federal threshold of materiality applied for the audits of programs administered by States. Second, it serves to limit the administrative burden and costs of compliance, while still covering, in most

cases, over 90% of the Federal program funds transferred to States. Finally, the threshold is only a minimum standard; additional programs may be covered, subject to the mutual agreement of the State and the Federal Government.

Questions have arisen about the treatment of guaranteed student loan programs under CMIA. The proposed regulation excludes the guaranteed student loan programs, because the funds paid out by guarantor organizations to operate the program are not State funds. The reserve accounts out of which payments are made are a type of working capital fund containing earmarked Federal funds. Interest earned on these funds by the guarantor organization, moreover, must be used for program purposes.

Delaying Implementation

In discussions with FMS, several States have argued for a delay in the onset of CMIA, indicating that the will not be able to implement new cash management procedures by October 24, 1992. The Secretary has no authority to delay the onset of the interest provisions of CMIA, and the statute is plain in this regard:

> [S]ubsections (c) and (d) of section 6503 of title 31, United States Code, as added by subsection (b) of this section (relating to payments of interest between the Federal Government and State governments), *shall* take effect 2 years after the date of enactment of this Act.

Hence, interest will begin accruing on October 24, 1992, notwithstanding any powers of the Secretary to write regulations or to negotiate agreements with States.

The Secretary recognizes, however, that some States may not be able to develop clearance patterns and implement new funding techniques by October 24, 1992. Through a limited Interim Agreement, the Secretary will allow such States until July 1, 1993, to put in place the required cash management techniques.

States entering an Interim Agreement will be required to calculate or estimate, retrospectively if necessary, the interest liabilities for the period from October 24, 1992 to June 30, 1993. The Secretary will be flexible and will make all reasonable efforts to accommodate States when defining the provisional interest calculation requirements for the initial period. Interim Agreements must also specify the funds transfer procedures a State will use. The Secretary intends to afford States flexibility in selecting procedures, and may agree to provisional procedures or conventions other than the four funding techniques set forth in § 205.5. On or before July 1, 1993, all Interim Agreements would lapse, and States would either have to comply with a full State/Federal Agreement or comply with the default regulations.

Thus, States have three options for the onset period from October 24, 1992 to June 30, 1993. First, they may enter into an Interim Agreement, which would include a provisional interest calculation method and provisional funds transfer procedures. Second, a State may enter into a full-fledge State/Federal Agreement and proceed with complete implementation. Third, a State could enter into no agreement and subject itself to the full scope of the default regulations.

Cost Recovery

The proposed regulation provides that States be compensated for the costs of developing and maintaining clearance patterns and for the costs required for the actual calculation of interest payments, up to a maximum of $30,000 per year. Costs in excess of $30,000 may be eligible for reimbursement only if a State can justify to the Secretary that without such costs the State would be unable to develop clearance patterns or perform the actual calculation of interest. In discussions with the FMS, some States contended that cost recovery should not be defined this way and that States should be reimbursed for all costs associated with the implementation of the law. Some Federal agencies contended that States should not receive any reimbursement under CMIA for their expenses in implementing the statute. In this matter, the draft regulation follows the guidance of the House of Representatives Committee Report on CMIA. That report notes that the statute is a compromise between the views of Federal and State officials, and establishes "that the States be directly reimbursed for those costs incurred by the States which would be considered unique to the cash management procedures required" by CMIA, and that such costs "would be those costs directly related to the interest calculations. . . ." House of Representatives Committee Report No. 696, 101st Congress, 2nd Session 9–11 (1990).

The FMS also shares the view expressed on page 10 of the same report that such costs will be "relatively minor." Furthermore, certain costs associated with CMIA are currently eligible for reimbursement under Office of Management and Budget (OMB) Circular A–87, such as developing and implementing new cash management policies and procedures, negotiating the State/Federal Agreements, or training State employees to implement new procedures. For these reasons, the FMS views the $30,000 cost reimbursement limit as reasonable. Because CMIA speaks of cost reimbursement only in connection with State/Federal Agreements, only those States that have entered into such an Agreement will be eligible for reimbursement. The FMS will routinely review State cost claims and disallow unreasonable costs. The Paperwork Reduction Act estimate of an annual reporting and/or recordkeeping burden of 250 to 750 hours per State will be used as a guideline for determining the reasonableness of a direct cost claim.

Direct costs incurred prior to July 22, 1991, will not be eligible for reimbursement, unless a State makes separate application to the Secretary with justification and documentation. Normally, costs incurred prior to the publication of a Final Rule are ineligible for reimbursement. In the case of CMIA, however, start-up costs are necessary, and the Final Rule will be published within months of the October 24, 1992, implementation date. For these reasons, costs incurred after July 22, 1991, rather than after the date of the Final Rule, will be eligible for reimbursement. July 22, 1991, is chosen because it was the date the FMS circulated a pre-clearance draft of these regulations to all States and other interested parties.

Definition of a State

The definition of a "State" has been a troublesome issue for some States. According to CMIA "'State' means a State of the United States, the District of Columbia, a territory or possession of the United States, and an agency, instrumentality, or fiscal agent of a State but does not mean a local government of a State." The issue has been most controversial when considering whether entities with some measure of autonomy, like public universities in many States, should be considered part of the State for CMIA purposes.

The proposed regulation provides for using the United States Bureau of the Census' lists of Dependent State Agencies as the basis for developing an inclusive list, to be contained in the State/Federal Agreement, of all entities considered to be agencies, instrumentalities or fiscal agents of the State. States will be afforded the opportunity to propose adjustments to the Census Bureau list, accounting for any misrepresented or omitted entities. Examples include agencies or departments that have been created or disbanded since the last update of the list, and any entity for which the State

can provide justification acceptable to the Secretary for exclusion as part of the State for purposes of this regulation. Since this proposed regulation applies to all major Federal assistance programs, States and Federal agencies should be advised that State colleges and universities, public authorities, and other entities on the Census Bureau list are subject to this proposed regulation if they receive funding under a major Federal assistance program. Thus, while the Secretary may agree to a 1-year grace period for States that do not have direct fiscal control over such entities, in many cases States will be required to develop plans to cover them.

Additionally, while this Notice of Proposed Rulemaking specifies the use of Census Bureau standards as explained above, the Secretary is considering other options for defining "State." One possibility is to use generally accepted accounting principles defining the State reporting entity. Another option is to use a definition derived from OMB Circulars on grant administration requirements. State entities subject to OMB Circular A–102 could be covered by CMIA, and State entities subject to A–110 (institutions of higher education, hospitals, and other non-profit organizations) could be excluded from the provisions of CMIA. A third option is to use a program-driven definition, where all State entities that administer programs above a funding threshold would be considered part of the State for the purposes of CMIA.

The Secretary recognizes the importance of this issue and continues to solicit comments from States and professional associations on the definition of "State" for the purposes of CMIA.

Indirect Costs/Administrative Expenses

Some States and Federal agencies have indicated that due to the complexities of cost accounting for Federal programs and the difficulty of assigning and charging an indirect or administrative expenditure to a specific drawdown under a particular program, in most cases the effort and costs required to calculate interest liabilities for such transfers will be disproportionate to any benefits derived. Therefore, the regulation provides some options for the States. It lists three conventions which a State may choose for the funding of administrative and overhead type costs. For example, one convention is to key the transfer of funds for administrative expenses to a State's salary and wage run, since payroll represents about 70–80 percent of total administrative costs. If a State opts to use one of the conventions, no interest liabilities will accrue on the transfer of funds for administrative expenses or indirect costs. These conventions are intended to be cost efficient and equitable alternatives that would still provide certainty and efficiency in the transfer of funds. However, a State may apply some other drawdown convention or funding procedure for administrative expenses/indirect costs, subject to the approval and agreement of the Secretary. The State/Federal Agreement will specify rules for the accrual of interest in conjunction with any funding techniques agreed upon for these costs.

Interest Calculation Methodology

States and Federal officials have expressed concern that mandating an interest calculation methodology in the regulations would be inconsistent with the variety of administrative, banking, and accounting systems used by States. Therefore, States will be able to specify, in the State/Federal Agreement, their own methodology for calculating interest, subject to the general guidelines of the proposed regulation and the approval of the Secretary. An interest calculation method will be prescribed in the regulations only for those States that have not entered into a State/Federal Agreement.

Federally Mandated Reimbursable Funding Programs

The treatment of reimbursable funding programs under CMIA has been controversial. Reimbursable funding programs are programs for which Federal law mandates that a State must pay out its own funds before it is eligible to receive Federal funds.

Some States have contended that the Federal Government should be liable for interest from the day a State pays out its own funds until the day it is reimbursed by the Federal Government, without restriction or limitation. Federal agencies, on the other hand, contend that it would be unreasonable for the Federal Government to incur an interest liability prior to the day a State requests reimbursement, because the Federal Government would have a limitless liability for transactions over which it has no control or knowledge. They argue that the statutory goals of efficient and effective cash management mean that States should receive no interest before submitting a bill.

For Federally mandated reinbursable funding programs, the proposed regulation does not limit a State's entitlement to interest prior to requesting funds or billing. A State will be entitled to interest from the day the State expends its own funds until the day the State is reimbursed, without restriction.

The Secretary strongly encourages States to request funds, or bill, in a timely manner for mandatory reimbursable funding programs. Allowing interest to accrue for an unlimited period prior to the submission of bills may subsidize and encourage structural and administrative inefficiencies in State cash management systems, which is inconsistent with the stated purpose of the law. Accordingly, Federal agencies may allow States to make interim drawdowns, based on estimates, even when final requests must be submitted with reports.

Federal-Aid Highway Programs

For Federal-aid highway programs and projects, no Federal interest liability will accrue prior to the day the Federal Highway Administrtion (FHWA) receives a request for funds. This rule is needed for the following reasons.

First, any Federal interest liability for Federal-aid highway programs has the effect of reducing the funds available to States for program purposes. CMIA requires that interest paid to a State under a trust fund program must be charged against the trust fund. (Interest paid to a State for other programs will be charged against the General Fund of the Treasury.) Therefore, any interest paid to a State for Federal-aid highway programs must be charged against the Federal Highway Trust Fund. If a Federal interest liability is allowed to accrue prior to the day States submit bills, the interest charged against the trust fund is likely to substantially reduce trust fund balances, and thus reduce the funds available for program purposes.

Furthermore, if the Federal Government were to pay interest on State billing float for the Federal-aid highway programs, the result would be that States with efficient billing systems would subsidize those with less efficient systems. Only those States that did a poor job of billing would be paid interest. However, the total funds available for all highway projects would be reduced. Efficient States would not receive any interest payments, but would suffer along with the others as a result of the diminution of the funds available for program purposes.

It is not the intent of CMIA, directly or indirectly, to have a negative material effect on trust fund balances. Thus, while the rule for Federal-aid highway programs does not eliminate interest charges against the Federal Highway Trust Fund, it ensures that the obligatory accounting convention for trust funds will not result in an unintended material effect on the corpus of the trust.

As trustee of the Federal Highway Trust Fund, the Secretary believes this policy to be a reasonable and necessary step in fulfilling the fiduciary responsibility of administering the trust. The corpus of the Federal Highway Trust Fund would be materially diminished if States are to be paid interest on their billing float, and the investment proceeds of the trust should not be used to subsidize or indemnify inefficient billing practices by States.

Second, the regulation governing billing for the FHWA programs, (23 CFR 140.105), reads as follows: "In preparing a progress voucher, all eligible costs shall be included, provided a recorded liability exists or a cash disbursement has been made." Hence, States may bill the FHWA once they have recorded the expenditure, prior to issuing checks and prior to actullly paying out funds for program purposes. It is therefore a misnomer to call the FHWA programs "reimbursable," since States can bill well in advance of actually redeeming checks. Because States may bill on an accrual basis and because the proposed regulation requires Federal agencies to allow States to bill as often as daily, there is nothing to prevent States from applying one of the funding techniques set forth in § 205.4 of the proposed regulation, particularly the average date of clearance technique, which would facilitate billing and accounting for FHWA programs.

Discussions with State and Federal officials have provided further support for the proposed rule on FHWA programs, because it has become clear that several States bill and receive funds from the FHWA in advance of paying out their own funds. Simply put, Federal funding for FHWA programs does not under current practices necessarily differ from Federal funding for advance programs.

Pre-Clearance Draft

A pre-clearance draft of the regulations dated July 22, 1991 was disseminated to States, Federal agencies and other interested parties. Over half of the States responded with comments, as did the National Association of State Auditors, Comptrollers, and Treasurers, ten Federal agencies and the Federal Reserve. As a result of these comments, the FMS made several changes to the draft regulations, which are reflected in this Notice of Proposed Rulemaking.

The FMS considered and rejected a requirement that States submit a mid-year status report. This requirement has been withdrawn due to skepticism about its cost effectiveness, expressed by both State and Federal officials. This report was intended to serve as an "early warning" mechanism by which the States and the Federal Government could highlight inefficient cash management and assess and forecast potential interest exposure prior to the year and calculation of interest. In the absence of the mid-year report it will be incumbent upon Federal and State officials to prepare informally throughout the year for the potential requirement to exchange interest.

Unemployment Trust Fund and Programs

Due to the unique characteristics of the Unemployment Trust Fund (UTF), CMIA contains specific language addressing it. This is reflected in this regulation, which contains a separate section (Subpart B) to deal with the UTF programs.

Unemployment Insurance (UI) is a UTF program that pays benefits to qualified workers who are unemployed and available for work. Each State has its own UI laws, which must conform to a specific set of Federal requirements, and is responsible for determining who is eligible for benefits, the amount of benefits, and the duration of benefits.

The cash flows involved in the UI program are as follows:

a. The UI benefits are primarily financed by State taxes (contributions) on employer payrolls. States deposit employer contributions into clearing accounts in commercial banks from which they are transferred electronically to individual State accounts in the UTF in the Treasury, established by section 904 of the Social Security Act (SSA), 42 U.S.C. 1104. Section 303(a)(4) of the SSA, 42 U.S.C. 503(a)(4) and section 3304(a)(3) of the Federal Unemployment Tax Act (FUTA), 26 U.S.C. 3304(a)(3) require the immediate payment of all money received in the unemployment fund of a State to the Secretary of Treasury to the credit of the UTF. State accounts in the UTF consist of deposits of employer contributions required by State UI laws, reimbursements in lieu of contributions, reimbursements from States for transferring unemployment benefit payments made under the Interstate Arrangement for Combining Employment and Wages, recoveries of benefit overpayments, employee contributions, and, where applicable, penalty and interest. Penalty and interest may be excluded only if the State UI law provides for the payment of such collections to another State fund.

b. State UTF balances not immediately needed to pay benefits are invested by the Treasury, primarily in U.S. Government securities, with earnings deposited in individual State accounts in the UTF (SSA, section 904(b), 42 U.S.C. 1104(b)).

c. Funds requisitioned to pay benefits are transferred electronically to State benefit payments accounts, generally in commercial banks, to fund benefit checks or warrants drawn on such accounts. Section 303(a)(5) of the SSA, 42 U.S.C. 503(a)(5) and section 3304(a)(4) of the FUTA, 26 U.S.C. 3304(a)(4) require that all money withdrawn from the unemployment fund of a State be used for the payment of unemployment compensation exclusive of expenses of administration.

The withdrawal requirements of the SSA and the FUTA are affected by CMIA. Section 5(b) of CMIA, 31 U.S.C. 6503(c)(3)(B) addresses the special treatment of interest computation and exchange for funds drawn from State accounts in the UTF. States are permitted to invest residual daily balances in benefit payment accounts (see c. above), use earnings generated by those balances to pay "related banking costs" for maintaining those accounts, and return interest earnings in excess of "related banking costs" to the UTF annually.

The legislative history of the SSA and the FUTA indicate that the security and integrity of unemployment funds is the first priority of UI cash management. Liquidity and return on investment are important considerations, but secondary to security and intergrity considerations. This regulation supports that position and sustains the withdrawal requirements of the SSA and the FUTA within the framework of CMIA specifically by limiting investment of unemployment funds in State benefit payment accounts and requiring insurance/collateralization of all unemployment funds residing outside the UTF.

All existing provisions and requirements of the SSA, the FUTA and Department of Labor (DOL) regulations and policy apply to unemployment fund cash management with the following exceptions:

a. Benefit payment account balances may be invested in interest-bearing accounts and/or overnight reverse repurchase agreements of U.S. Government securities.

b. Earnings on those investments may be used to pay the related bank costs of State benefit payment account maintenance. Any excess earnings (i.e., amounts in excess of "related banking costs"), must be returned in full to the State's account in the UTF annually. The

restriction on the use of unemployment funds exclusively to pay benefits remains. Funds may not be drawn from the UTF for the purposes of investment or for the purpose of paying bank charges. Bank charges may be paid only with earnings on secured and/or insured investments.

Transfers to Non-State Entities

Subpart C is not a result of CMIA implementation. It is revision to the existing regulation at 31 CFR part 205, "Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs." Subpart C is intended to be a shorter and clearer restatement of the rules contained in the existing 31 CFR part 205. It is not intended to make substantive changes in this area. It will govern transfer to non-State entities and State entities not covered by, or otherwise outside the Scope of subpart A, as defined by § 205.3. The interest provisions of the CMIA do not apply to subpart C, although all relevant provisions of OMB circulars do apply, including those dealing with the accrual of interest.

Record Retention

The proposed regulation requires States to retain records supporting interest calculations and clearance patterns for 5 years. The 5-year retention period is necessary because a State may use clearance pattern models, which are needed to schedule drawdowns and calculate interest, for up to five years before recertifying their accuracy. The records supporting clearance patterns need to be retained until a State is required to revisit the clearance pattern calculations.

Oversight

Compliance with this proposed regulation and with the requirements of CMIA will be monitored in several ways. The Secretary expects that States will be audited for compliance annually, through Single Audit procedures. Additionally, the Secretary may request Federal agencies to conduct audits of States, and will coordinate with the agencies to ensure that State compliance is investigated during on-site reviews. Annual reports submitted by States will be cross-checked for accuracy by both the Secretary and Federal agencies. Finally, States must make all records relating to CMIA available for review by the Secretary and the Federal agency Inspectors General, upon 30 days written notice.

Federal agencies will be evaluated for compliance with CMIA during the Secretary's periodic cash management reviews. Annual Reports submitted by States will be used to monitor the performance of Federal agencies, and when an agency is egregiously or repeatedly untimely in its payments, the Secretary may exact a charge against the agency's operating appropriation.

OMB Circulars

The OMB Circulars referenced in this proposed regulation may be obtained from the Office of Management and Budget, New Executive Office Building, 725–17th Street NW., Washington, DC 20503.

Public Comment

Public comment is solicited on all aspects of this proposed regulation. The FMS will consider all comments made on the substance of this proposed regulation, but does not intend to hold hearings on it.

Regulatory Analysis

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required. Some States may have to make interest payments to the Federal Government for the use of Federal funds, but such costs are not expected to be major within the meaning of E.O. 12291. The provision for the reimbursement of the costs directly incurred by States in computing interest will reduct the economic impact of the regulation. In any event, the economic consequences of the regulation will be a direct result of the statutory mandate of CMIA.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The States which will be affected by Subparts A and B of this regulation do not fit within the Regulatory Flexibility Act definition of "Small entity," 5 U.S.C. 601. Furthermore, as explained in the preceding paragraph, the economic impact is not expected to be major. The rules in subpart C of the draft regulation are not a substantive change from the existing rules at 31 CFR part 205.

Paperwork Reduction Act

The collections of information contained in this Notice of Proposed Rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3505(h). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1510–AA19), Washington, DC 20503, with copies to the Financial Management Service at the address specified at the beginning of this notice. The collection of information in this proposed regulation are in §§ 205.4, 205.8, 205.12 and 205.13. This information is required by the FMS to verify compliance with statutory requirements. This information will be used for purposes of reporting and verifying interest claims. The respondents are State governments.

Estimated total annual reporting and/or recordkeeping burden: 28,000 hours.

The estimated annual burden per respondent/recordkeeper varies from 250 hours to 750 hours, depending on individual circumstances, with an estimated average of 500 hours.

Estimated number of respondents and/or recordeepers: 56 (the fifty States, five territories and the District of Columbia).

Estimated annual frequency of responses: 1.

List of Subjects in 31 CFR Part 205

Grant programs, Grants administration, Intergovernmental relations, Electronic funds transfers.

Authority and Issuance

For the reasons set forth in the Preamble, part 205 of title 31, Code of Federal Regulations, is proposed to be revised to read as follows.

PART 205—FEDERAL FUNDS TRANSFER PROCEDURES

Subpart A—Major Federal Assistance Programs Administered by States

Sec.
205.1 Purpose.
205.2 Definitions.
205.3 Scope.
205.4 Funding techniques.
205.5 Requesting and transferring funds.
205.6 State/Federal agreements.
205.7 Federal agency responsibilities.
205.8 State responsibilities.
205.9 Federal interest liabilities.
205.10 State interest liabilities.
205.11 Interest calculation.
205.12 Direct costs of implementation.
205.13 Annual reports.
205.14 Interest payment.
205.15 Compliance.
205.16 Appeals and dispute resolution.
Appendix A to Subpart A of Part 205—Definition of Major Federal Assistance Program
Appendix B to Subpart A of Part 205—Alternate Interest Calculation Methodology

Subpart B—The Unemployment Trust Fund (UTF)

205.21 Purpose and scope.
205.22 Definitions.
205.23 Limitation on withdrawals.
205.24 Limitation of investment.
205.25 State held UTF funds.
205.26 Separate bank accounts.
205.27 Annuál payment of interest.

Subpart C—Other Recipients

205.31 Purpose and scope.
205.32 Definitions.
205.33 General.

Authority: 5 U.S.C. 301; 31 U.S.C. 3335, 6501, 6503.

Subpart A—Major Federal Assistance Programs Administered by States

§ 205.1 Purpose.

This subpart prescribes the rules for the transfer of funds between the Federal Government and the States for Federal programs subject to Public Law 101–453, the Cash Management Improvement Act of 1990 (hereinafter referred to as CMIA).

§ 205.2 Definitions.

For the purpose of this part:

Advance funding program means a program for which a State can request and receive Federal funds on or before the day funds are paid out for program purposes.

Authorized State Official means the Governor, Comptroller, Treasurer or any other State representative who possesses the legal authority to commit the State for the purposes of this regulation, or such official's designee as certified in writing.

Average clearance means a method of transferring funds to a State on the dollar-weighted average number of days after disbursement required for EFT payments to be settled and for checks to be presented.

Certified reports means reports whose accuracy and content are verified and signed by an Authorized State Official.

Check means a negotiable demand draft or warrant.

Clearance pattern means a statistical model showing the proportion of a total amount disbursed that is debited against the payor's bank account each day.

Day means a calendar day unless specified otherwise.

Disallowance means a decision by a Federal agency that a recipient was not entitled, in whole or part, to funds awarded for a particular claim.

Disburse means the issuance of check or initiation of an EFT payment.

Discretionary grant means an award made under a Federal program in which a Federal agency is statutorily authorized to exercise judgment in selecting the grantee, generally through a competitive process.

Drawdown means any process whereby States request and receive Federal funds. The phrase "draw down" is used as a verb form of this word.

Electronic funds transfer (EFT) means any transfer of funds, other than a transaction originated by check or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape, for the purpose of ordering, instructing, or authorizing a bank to debit or credit an account. The term includes Fedwire transfers, Automated Clearing House (ACH) transfers, and transfers made at automated teller machines and Point-Of-Sale (POS) terminals.

Equivalent rate means auction average equivalent yield, also known as the auction average investment rate of 13-week Treasury bills.

Estimated clearance (previously known as Delay-of-Draw) means a method of transferring Federal funds to a State on the date the funds are estimated to be paid out based on a clearance pattern.

Federal agency means any executive agency of the United States government, except for the Tennessee Valley Authority (TVA). (The TVA is statutorily excluded from this regulation.)

Federally mandated reimbursable funding program means a program for which Federal law mandates that a State make actual cash outlays of State funds for program purposes before the State can receive Federal funds.

Federal program or *program* means the range of activities generally encompassed under, and classified by, a unique Catalog of Federal Domestic Assistance number (CFDA #).

For program purposes means to fulfill the objectives of a Federal program. In the context of State payments of funds, it refers to making payments to non-State persons or organizations, or payments to the persons or organizations (including State agents and instrumentalities) that are the ultimate recipient of funds being disbursed. It does not include payments to intermediary grantees that are agents or instrumentalities of the State, as illustrated in the following examples.

Example 1: On Day 1, $1 million is transferred from the Federal Government to a central bank account of the State and subgranted (transferred) from the State to its Department of Human Resources. On Day 3, the funds are disbursed to Aid to Families with Dependent Children program (AFDC) recipients and presented for payment according to the following clearance pattern:

Day	Percent of $'s debited from the bank account
1 State receives $1 million and subgrants (transfers) it to the State Department of Human Resources	
2	
3 Checks issued to program recipients	0
4	0
5	0
6	30
7	50
8	10
9	10

Because funds are not considered paid out "for program purposes" until they are paid out to non-State persons or organizations (or the ultimate recipients), in the above example the State would accrue an interest liability to the Federal Government as follows: 5 days on $300,000; 6 days on $500,000; 7 days on $100,000 and 8 days on $100,000.

Example 2: On Day 1, $1 million is transferred from the Federal Government to a central bank account of the State and subgranted (transferred) from the State to a county government the same day. The funds clear the county's bank according to the same clearance pattern as in Example 1. However, because the funds were transferred to a non-State organization (i.e. the local government), and thus considered paid out "for program purposes" the same day they were received from the Federal Government, there would be no accrual of a State interest liability.

Head of an agency means the chief official of a Federal agency, or the authorized representative of such chief official.

Major Federal assistance program is defined in appendix A to subpart A of this part as derived from the Single Audit Act of 1984 at 31 U.S.C. 7501(12).

Obligational authority means the authority to obligate funds which is conferred upon a State when a Federal agency awards the State a grant, whereby the Federal Government provides funds or aid in kind to the State to carry out specified programs, services, or activities.

Pay out means to debit the payor's bank account for purposes of making a payment by EFT or check.

Pre-issuance funding (previously known as Checks Issued-Interest Remitted) means a method of tranferring Federal funds to a State whereby the State draws down the funds in advance of issuing payments via EFT or check.

Recipient means a person or organization outside the Federal Government receiving funds under Federal grant and other programs. *Primary recipient* means a recipient receiving funds directly from the Federal Government. *Subrecipient* means a

recipient receiving funds directly from a primary recipient or through another subrecipient.

Refunds means recoveries of funds previously paid out for program purposes, rebates, and other types of program income that are subject to return to the Federal Government.

Request for funds means a solicitation for funds that is submitted in accordance with Federal agency guidelines.

Secretary means the Secretary of the Treasury of the United States or his representative. The Financial Management Service shall act as the secretary's representative for all matters pertaining to this Act unless otherwise specified.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and the agencies, instrumentalities, or fiscal agents of a State, but does not include a local government within a State or a Federally recognized Indian tribal government. The United States Bureau of the Census' lists of dependent agencies for each State will be used as the initial basis for determining State agencies, instrumentalities, and fiscal agents. The listed agencies, instrumentalities, and fiscal agents, any successor entities, and any newly created entities of the State that administer Federal programs will be used for purposes of this Subpart.

State agent means any person or organization who transacts business on behalf of the State. Examples include a bank or any person or organization conducting banking or other fiscal services for the State.

Supplemental grant means an award granted as an addition to a quarterly, annual or other grant, when funds are exhausted before the end of the grant period.

Trust funds for which the Secretary is the trustee means trust funds administered by the Secretary.

Zero balance accounting (previously known as Checks Paid) means a method of transferring Federal funds to a State on the date funds are paid out.

§ 205.3 Scope.

(a) From October 24, 1992, to the end of each State's 1993 Fiscal Year, this Subpart applies, at a minimum, to the following programs, provided that they are major Federal assistance programs in a State's 1992 Fiscal Year or are estimated by the State to be major Federal assistance programs for its 1993 Fiscal Year:

Medical Assistance Program (CFDA 93.778);
Supplemental Security Income (CFDA 93.807);
Unemployment Insurance (CFDA 17.225);
Highway Planning and Construction (CFDA 20.205);
Family Support Payments to States (CFDA 93.020);
Chapter 1 Programs—Local Educational Agencies (CFDA 84.010);
Pell Grant Program (CFDA 84.063);
National School Lunch Program (CFDA 10.555);
Social Services Block Grant (CFDA 93.667);
Job Training Partnership Act (CFDA 17.250);
Foster Care—Title IV–E (CFDA 93.658);
Special Supplemental food Program for Women, Infants, and Children (CFDA 10.557);
Special Education—State Grants (CFDA 84.027);
Rehabilitation Services—Basic Support (CFDA 84.126);
State Administration Matching Grants—Food Stamp Program (CFDA 10.561);
Alcohol and DRug Abuse and Mental Health Services Block Grant (CFDA 93.992);
Child Support Enforcement (CFDA 93.023);
Low-Income Home Energy Assistance (CFDA 93.028);
Job Opportunities and Basic Skills Training (CFDA 93.021).

(b) From the beginning of each State's 1994 Fiscal Year and thereafter, this Subpart applies, at a minimum, to all major Federal assistance programs. Major Federal assistance programs will be determined based on expenditures from the most recent Fiscal Year for which complete Single Audit data is available from the U.S. Bureau of the Census, or on estimated funding, supported by documentation, for a State's upcoming Fiscal Year.

(c) Additional programs may be covered by this Subpart, subject to the mutual agreement of a State and the Secretary in a State/Federal Agreement.

(d) This Subpart does not apply to payments made to States acting as vendors on Federal contracts, which are subject to the Prompt Payment Act of 1982, as amended, 31 USC 3901 *et seq.*, OMB Circular A–125 "Prompt Payment," and the implementing regulation at 48 CFR part 32.

(e) This Subpart does not apply to the TVA or programs administered by the TVA.

§ 205.4 Funding techniques.

(a) *Choosing funding techniques.* The following funding techniques will be made available for selection by a State for advance funding programs, subject to the approval and agreement of the Secretary:

(1) *Zero balance accounting.* Using a zero balance account, a State requests Federal funds prior to a cutoff time the day EFT payments are settled or checks are presented at State banks. Interest liabilities will not normally be incurred.

(2) *Estimated clearance.* Based on a clearance pattern, a State requests Federal funds prior to a cutoff time the day before EFT payments are scheduled to be settled or checks are expected to be presented at State banks. Interest liabilities will not normally be incurred.

Example: A State mails $1,000,000 in checks to benefit recipients for a Federally funded program. The State has developed the following check clearance pattern for the program, based on when checks have been historically presented for payment:

Day	Percentage of $'s paid out
0 (checks mailed)	0
1	0
2	0
3	0
4	40
5	30
6	15
7	10
8	5

On Day 3, the State requests 40 percent of the funds disbursed, or $400,000, and the Federal agency deposits funds in the State account on Day 4 to coincide with the expected presentment of 40 percent of the total disbursement. On Day 4, the State requests 30 percent of the funds to pay for checks presented on Day 5, and so on. Neither the State nor the Federal Government incurs an interest liability in this example. Furthermore, if the State draws down $400,000 to pay for checks presented on Day 4 and only $390,000 in checks are presented, the State will not incur an interest liability on the $10,000 of Federal funds left in its account. Over the long term, the amounts drawn down and the amounts of checks paid will converge to the historical clearance pattern.

(3) *Pre-issuance funding.* A State requests Federal funds before it initiates EFT payments or issues checks. A State will incur an interest liability to the Federal Government from the day Federal funds are credited to a State account until the day they are paid out for program purposes.

Example: Two business days before a State mails $1,000,000 in checks, it requests $1,000,000 from a Federal agency, which deposits the funds in a State account the next day. The State has developed the following check clearance pattern, based on when the State's checks have historically been presented for payment:

Day	Percentage of $'s paid out
0 (funds deposited)	0
1 (checks mailed)	0
2	0
3	0
4	40
5	30
6	15
7	10
8	5

The State will owe the Federal Government 4 days of interest on 40 percent of the funds, or $400,000, since that amount will be paid out for checks presented 4 days after Federal funds are deposited in a State account. The State will owe 5 days of interest on 30 percent of the funds, or $300,000, 6 days of interest on 15 percent of the funds, and so on.

(4) *Other techniques.* The Secretary will approve other funding techniques that are mutually agreed upon by a State and the Secretary.

(b) *Average clearance.* A State may request approval to use an average day of clearance funding technique, where the State requests Federal funds the day before the dollar-weighted average number of days required for EFT payments to be settled and for checks to be presented at State banks. Interest liabilities will not normally be incurred.

Example: A State mails $1,000,000 in checks to contractors for a Federally funded program. The State has determined the average day of clearance, weighted by dollar amount, to be 5 days after checks are mailed:

Day	Percent of $'s paid out	Factor (day × percentage)
0 (checks mailed)	0	
1	0	
2	0	
3	0	
4	40	1.60
5	30	1.50
6	15	0.90
7	10	0.70
8	5	0.40
Average day of clearance		5.10

The State will request $1 million on day 4 and receive that amount on day 5, without the State or the Federal Government incurring an interest liability.

In determining the dollar-weighted average day of clearance, fractions of days will be rounded to the nearest whole number. The standards and maintenance requirements specified in paragraphs (c), (d) and (e) of this section applying to clearance patterns will apply to average day of clearance calculations.

(c) *Clearance patterns.* When required by the funding technique, clearance patterns will be used to schedule draw downs and to support the calculation of interest. A State may:

(1) Develop a separate clearance pattern for an individual program; or

(2) Develop a composite clearance pattern for a logical group of programs which have the same disbursement method and which can reasonably be expected to have comparable clearance activity. For example, three programs with payments delivered by check to individual recipients could be grouped and one clearance pattern developed. A composite clearance pattern for a group of programs will be applied separately to each program in the group when scheduling drawdowns or calculating interest; or

(3) Develop a clearance pattern on another basis that is approved and agreed upon by the Secretary.

(d) *Standards for clearance patterns.* A State shall ensure that clearance patterns are auditable and accurately represent the flow of Federal funds. The methodology used to develop clearance patterns must result in a reliable representation of a program's clearance activity throughout the Fiscal Year. An Authorized State Official shall certify that a clearance pattern corresponds to the program's clearance activity. The State/Federal Agreement set forth in § 205.6 must specify the methodology and standards the State will use to develop clearance patterns.

(e) *Maintaining clearance patterns.* Clearance patterns shall be re-certified by an Authorized State Official at least every 5 years. If a State has actual or constructive knowledge, at any time, that a clearance pattern no longer corresponds to a program's clearance activity, or if a program undergoes operational changes that may affect clearance activity, the State shall:

(1) Immediately notify the Secretary in writing of the program or programs requiring a new or modified clearance pattern, and

(2) Develop a new clearance pattern and certify that it meets the requirements of paragraphs (c) and (d) of this section.

(f) *Funding of indirect costs/administrative expenses.* Unless otherwise specified in the State/Federal Agreement, the following applies for the funding of administrative expenses and indirect costs:

(1) For programs with a separate grant award for administrative expenses, a State may either:

(i) Select and apply a separate funding technique for the administrative expenses of a program; or

(ii) Request a prorated amount of the quarterly administrative allowance not earlier than 1 business day prior to the disbursement of salary and wage payments under the payroll system of the department administering the program. For example, a State may request:

(A) One-third of the quarterly administrative allowance if payroll is monthly;

(B) One-sixth of the quarterly administrative allowance if payroll is semi-monthly;

(C) A prorated amount of the quarterly administrative allowance if payroll is bi-weekly or weekly.

(2) For programs where an indirect cost rate is applied, a State's drawdowns may include the proportionate share of the indirect cost allowance by applying the indirect cost rate to the appropriate direct costs included in the drawdown.

(3) For programs where a portion of the program grant may be used for indirect costs/administrative expenses, a State's drawdowns may include a proportionate share of indirect costs or administrative expenses, up to any programmatic limitations or the amount of the grant award.

(4) If a State applies a separate funding technique for administrative expenses as provided in paragraph (f)(1)(i) of this section, interest liabilities will accrue in accordance with the interest provision of this Subpart.

(5) No interest liabilities will be incurred on the transfer of funds for administrative expenses or indirect costs if a State applies the funding conventions in paragraphs (f)(1)(ii), (f)(2) or (f)(3) of this section.

§ 205.5 Requesting and Transferring Funds.

(a) *Electronic funds transfer.* To increase the speed and efficiency of funds transfers, to eliminate float, and to reduce interest liabilities, it is the Secretary's goal that beginning January 1, 1995, Federal agencies will use EFT for all transfers of funds to States. Prior to this date, Federal agencies shall use EFT to the maximum extent practicable. States shall use EFT to make payments to Federal agencies for disallowances, refunds and other payments to the maximum extent practicable.

(b) *Minimizing the time between transfer and payment.* State and Federal agencies shall minimize the time elapsing between the transfer of funds from the United States Treasury and the settlement of EFT payments or the presentment of checks at State banks. For advance funding programs Federal

agencies and States shall adhere to the following procedures for each funding technique:

(1) *Zero balance accounting.* A State shall request funds prior to a cutoff time the same day it pays out funds for program purposes, and a Federal agency shall deposit funds in a State account the same day it receives a request for funds.

(2) *Estimated clearance.* A State shall request funds prior to a cutoff time 1 business day before it expects to pay out funds, in accordance with the clearance pattern developed by the State, and a Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

(3) *Average clearance.* A State request funds prior to a cutoff time 1 business day prior to the dollar-weighted average number of days required for EFT payments to be settled and for checks to be presented at State banks, and a Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

(4) *Pre-issuance funding.* A State shall request funds not earlier than 3 business days before the day on which it issues checks or initiates EFT payments, unless the State can justify, and the Secretary agrees to, an interval longer than 3 business days. A Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

§ 205.6 State/Federal Agreements.

Each State is strongly encouraged to enter into a written Agreement with the Secretary which sets forth the terms and conditions for implementing the requirements of this Subpart. If no such Agreement has been signed by October 24, 1992, the funds transfer procedures set forth in paragraph (i) of this section apply until an Agreement is executed and effective. An authorized representative(s) of the Secretary and an Authorized State Official(s) shall approve and sign the Agreement.

(a) *Purpose.* The purpose of the Agreement is to set forth the terms and conditions for using sound cash management practices in the transfer of funds between the Federal Government and the States.

(b) *Listing of covered entities.* The Agreement will include a list identifying entities considered to be agencies, instrumentalities, and fiscal agents of the State for purposes of this Subpart. The United States Bureau of the Census definition of a State will be used as the initial basis for determining the entities to be included in this list.

(c) *Listing of all covered programs.* The Agreement must include a list identifying all programs subject to this Subpart, and a listing of all major Federal assistance programs. This list will be modified as needed to incorporate new programs qualifying as major Federal assistance programs.

(d) *Selection, review and approval of funding techniques.* A State shall select funding techniques subject to the approval and agreement of the Secretary. The Agreement will include a section that identifies the funding technique for each program subject to this Subpart. A State shall not at any time unilaterally change or deviate from an agreed upon funding technqiue.

(e) *Method for calculating and documenting interest.* The Agreement must specify the method to be used for calculating and documenting interest payments and clearance patterns pursuant to the provisions of §§ 205.9 through 205.11 and § 205.4.

(f) *Costs.* The Agreement will clearly describe, and include a budget for, project direct costs for which the State may be reimbursed. These costs are subject to the provisions of § 205.12.

(g) *Expiration of the Agreement.* A State/Federal Agreement executed pursuant to this Subpart shall not be effective for more than five years.

(h) *Interim Agreements.* A State may enter into an Interim Agreement with the Secretary covering the period from October 24, 1992, to June 30, 1993.

(1) An Interim Agreement must specify the funds transfer procedures and the method for determining interest liabilities for the programs subject to this Subpart that are set forth in § 205.3(a).

(2) All Interim Agreements executed pursuant to this section shall expire on June 30, 1993. Beginning July 1, 1993, a State shall either comply with a State/Federal Agreement or comply with the default provisions set forth in paragraph (i) of this section.

(i) *Default procedures for States without Agreements.* Any State that does not have, at any time, an Interim Agreement or a State/Federal Agreement with the Secretary is subject to the following rules:

(1) Wherever practicable, funds transfers shall be made through a Zero Balance Accounting or Estimated Clearance funding technique.

(2) If there exists a Federal requirement or mandate that precludes usage of the mechanisms cited in paragraph (i)(1) of this section, then the Federal agency and the State, subject to approval by the Secretary, shall arrange for the transfer of funds to be made in accordance with such requirements and all applicable provisions of this Subpart.

(3) If it is not practicable for a State to use the techniques cited in paragraph (i)(1) of this section, the State shall propose to the Secretary an alternative, citing all relevant impediments, including but not limited to constitutional or statutory proscriptions.

(4) The State is encouraged to submit to the Secretary a proposal outlining a plan for entering into an Agreement. The proposal will identify the impediments to signing an Agreement, and will serve as a basis for further discussions and cooperative efforts aimed at reaching a mutually acceptable Agreement.

§ 205.7 Federal agency responsibilities.

The heads of Federal agencies disbursing funds to States shall be responsible for the following:

(a) Designating an official representative to serve as a lead contact for coordinating dealings with States and the Treasury that are related to this Subpart. The name of such representative shall be forwarded in writing to the Secretary by [Insert date 30 days after the effective date of the Final Rule]. If a Federal agency fails to notify the Secretary as indicated, then the Federal agency's Chief Financial Officer shall be considered the appropriate contact until written notification stating otherwise is received by the Secretary.

(b) Providing advice on the proposed provisions of the State/Federal Agreement if so requested by the Secretary.

(c) Ensuring that disbursements are:

(1) In accordance with the methods agreed to in the State/Federal Agreements for those States that have entered into such Agreements, or

(2) In accordance with the rules set forth in this Subpart for States with which there is no Agreement.

(d) Transferring only the immediate funds required by a State for carrying out approved programs and projects.

(e) Developing and maintaining the necessary systems and procedures required for making funds transfer through EFT.

(f) Allowing States to submit requests for funds, or bills, on a daily basis, for both advance funding and Federally mandated reimbursable funding programs. This requirement shall not be construed to change Federal agency guidelines defining a properly completed and submitted request for funds, or bill. The Secretary, in cases of repeated noncompliance with this requirement, shall collect from a Federal agency all, or a portion, of the interest liability incurred by the Federal Government due to the Federal agency's noncompliance, notwithstanding § 205.15(b). A Federal agency may request a waiver of payment of the interest charge, contingent upon the agency providing the Secretary with justification. From October 24, 1992, to June 30, 1993, this paragraph applies only to programs listed in § 205.3(a). Thereafter, this paragraph applies only to major Federal assistance programs.

(g) Paying State claims in accordance with the procedures established for funding techniques, as set forth in § 205.5.

(h) Reviewing the interest report submitted by the States for reasonableness, whenever requested by the Secretary. This may include comparing the report with agency records and determining whether or not the State is in compliance with this Subpart. The Annual Report will be available upon Federal agency request.

(i) Developing, maintaining, updating and certifying clearance patterns for programs where the Federal Government makes payment on behalf of States. The clearance pattern will conform to the standards established for State clearance patterns in § 205.4.

(j) Supplying each State with interest calculations and other data needed to complete the Annual Report for programs where the Federal agency makes payment on behalf of States, no later than December 31 for the State's most recently completed Fiscal Year.

(k) Making available to a State, the Secretary, the Comptroller General and the Federal agency's Inspector General, upon 30 days written notice, all records related to both the Federal agency's computation of interest due under paragraphs (h), (i), and (j) of this section, and the Federal agency's accounting for State program funds under this section. The Federal agency shall allow the above listed parties to verify the accuracy and reasonableness of its clearance patterns, interest calculations and its accounting for Federal program funds.

(l) Executing grant awards to States on a timely basis, consistent with program purposes and regulations of the Director, OMB, to assure the availability of funds and to preclude Federal interest liabilities.

§ 205.8 State responsibilities.

States receiving Federal funds regulated by this subpart shall be responsible for the following:

(a) Designating an official representative to serve as a lead contact person for coordinating dealings with the Secretary and other Federal agencies regarding the requirements of this Subpart. The name of such representative shall be forwarded in writing to the Secretary no later than [Insert date 30 days after the effective date of the Final Rule]. If a State fails to notify the Secretary as indicated, then the State's Chief Financial Officer(s) (or closest equivalent, as determined by the FMS) shall be the contact until written notification stating otherwise is received by the Secretary.

(b) Entering into negotiations with the Secretary concerning the establishment of a State/Federal Agreement as described in § 205.6.

(c) Ensuring that requests for Federal funds are:

(1) In accordance with the techniques agreed to in the State/Federal Agreements for those States that have entered into such Agreements; or

(2) In accordance with the rules set forth in this Subpart for States with which there is no Agreement.

(d) Drawing down only funds immediately required for carrying out approved programs and projects.

(e) Submitting requests for funds under Federally mandated reimbursable funding programs on a timely basis.

(f) Developing and maintaining necessary procedures that enable the State, its internal agencies, financial institution(s) and other fiscal agents to utilize EFT with respect to transfers with the Federal Government.

(g) Accounting for funds made available to the State as Federal Government funds in the accounts of the State. Neither this requirement, nor anything else in this subpart, will be interpreted so as to require a State to deposit funds received by it from the Federal Government in a separate bank account.

(h) Coordinating with the appropriate Federal agency the repayment of refunds of Federal funds. In accordance with Federal agency procedures or direction, the State shall:

(1) At the earliest practicable time, return such refunds to the Federal agencies administering the Federal program for which the disbursements were originally made; or

(2) Deduct the amount of such refunds from the amounts which would otherwise be subsequently disbursed to the State for such programs from the administering Federal agencies.

(i) Accounting for all interest that accrues as a result of disallowances, refunds, and other non-routine transactions. The calculation and reporting of such interest shall be performed as required under §§ 205.10 through 205.13.

(j) Developing, maintaining, updating and certifying clearance patterns for Federal funds as described under § 205.4.

(k) Calculating interest payable to and due from the Federal Government, as required under §§ 205.11 and 205.13.

(l) Maintaining separate, formal accounting records for direct costs.

(m) Ensuring that monitoring and accounting procedures are sufficient to permit the tracking of funds to the level of expenditure sufficient to verify interest liabilities for each Federal program.

(n) Retaining all records supporting interest calculations and clearance patterns for a period of 5 years from the end of the State Fiscal Year for which they were calculated, or until any applicable dispute is resolved, whichever period is longer, unless notified in writing by the Secretary to extend the retention period.

(o) Submitting an Annual Report as prescribed in § 205.13.

(p) Exchanging the aggregate net interest payable to or due or from the Federal Government, on an annual basis as prescribed under § 205.14.

(q) Making available to the Secretary, the head of a Federal agency, its Inspector General or the Comptroller General, upon 30 days written notice, all records related to the State's computation of interest and its accounting for Federal funds under this section. The State shall allow the above listed parties to verify the accuracy of its clearance patterns, interest calculations, direct cost claims and its accounting for Federal funds.

(r) Establishing procedures to minimize the time elapsing between the transfer of funds to a non-State subrecipient and the time those funds are paid out by such subrecipient.

§ 205.9 Federal interest liabilities.

(a) *General.* A State shall be entitled to interest from the Federal Government if it pays out its own funds for program purposes with valid authorization, appropriation, and obligational authority under Federal law, Federal regulation, or Federal-State agreement. The Federal Government shall incur an interest liability from the day a State pays out its own funds for program purposes to the day Federal funds are credited to a State account, subject to the following conditions and limitations.

(1) *Failure to request funds.* If a State fails to request funds in accordance with the procedures established for its funding techniques, as set forth in § 205.5(b) or in a State/Federal Agreement, the State shall not be

entitled to interest from the Federal Government for any period prior to the day a Federal agency receives a request for funds.

(2) *Discretionary grant programs.* A State shall not be entitled to interest if it pays out its own funds prior to the day a Federal agency officially notifies the State in writing that a discretionary grant project has been approved, notwithstanding any other provision in this section.

(3) *Supplemental grants.* Except as provided in paragraph (c)(2) of this section, a State shall not be entitled to interest if it pays out its own funds prior to the day a Federal agency officially notifies the State in writing of a supplemental grant award.

(4) *Federal-aid highway programs.* For programs and projects funded out of the Federal Highway Trust Fund, no Federal interest liability will accrue prior to the day the Federal Highway Administration receives a request for funds.

(b) *Late appropriations.* If a State pays out its own funds due to delay in passage of a Federal appropriations act, the State will be entitled to interest if an appropriations act, as enacted, covers the time period of the State's expenditure and permits payment for expenses already incurred by the State.

(c) *Lack of obligational authority.* If a State pays out its own funds for program purposes without receiving obligational authority from the grantor Federal agency, the State will be entitled to interest if obligational authority is explicitly given to the State retroactively to cover the day on which the State made its expenditure. This case includes, but is not limited to, the following situations:

(1) *Delays in award notifications.* If a State pays out its own funds due to a delay in receiving official notification of a quarterly or annual grant award from a Federal agency, the State will be entitled to interest only if the grant award covers the time period during which the State made its expenditure.

(2) *Supplemental grants for entitlement programs.* If a State pays out its own funds prior to the day a Federal agency officially notifies the State in writing of a supplemental grant award for an open-ended entitlement program, the State will be entitled to interest only if the supplemental grant award covers the time period during which the State made its expenditure.

(d) *Forward funding.* A State will not be entitled to interest if it pays out its own funds in anticipation of receiving funds that have been authorized or appropriated for a future Fiscal Year.

(e) *Exhausted appropriations under appropriated entitlements.* If a State pays out its own funds due to exhausted appropriations under an appropriated entitlement program, the State will be entitled to interest only if appropriation and obligational authority are explicitly provided retroactively to cover the day on which the State made its expenditure.

(f) *Disbursements on behalf of a State.* For programs in which the Federal Government makes payments on behalf of a State, such as Supplemental Security Income, a State will be entitled to interest from the Federal Government if State funds are in a Federal agency's account prior to the day the Federal agency pays out the funds for program purposes. The Federal Government will incur an interest liability from the day State funds are credited to the Federal agency's account to the day the Federal agency pays out the State funds for program purposes.

§ 205.10 State interest liabilities.

(a) *General.* The Federal Government will be entitled to interest from a State if Federal funds are in State accounts prior to the day the State pays out the funds for program purposes, except as provided in § 205.4(f). The State will incur an interest liability from the day Federal funds are credited to a State account to the day the State pays out the Federal funds for program purposes.

(b) *Refunds.* For each refund transaction of Federal program funds, a State will incur an interest liability from the day the refund is credited to a State account to the day the refunds are either paid out for program purposes or credited to a Federal agency's account.

(c) *Disallowances.* If a Federal agency disallows a State expenditure of Federal funds, the State will incur an interest liability from either the day the State paid out funds in connection with the disallowance or the day the State drew down funds in connection with the disallowance, whichever is later, to the day funds are credited to the Federal agency's account. If the date of drawdown or expenditure cannot be determined, the State will incur an interest liability from the median day of the quarter during which the State drew down funds in connection with the disallowance.

(d) *Payments on behalf of a State.* For programs in which the Federal Government makes payments on behalf of a State, the Federal Government will be entitled to interest from a State if it pays out Federal funds for program purposes on behalf of the State. The State will incur an interest liability from the day the Federal Government pays out the Federal funds for program purposes to the day State funds are credited to the Federal Government's account. However, no State interest liability will accrue prior to the day the State receives a request for funds.

(e) *Exception.* A State will not owe the Federal Government interest as set forth in this section if Federal law prescribes that interest earned on Federal funds must be used for program purposes.

§ 205.11 Interest calculation.

(a) *State.* States shall track and calculate interest liabilities owed to and due from the Federal Government in accordance with this section. States shall calculate interest liabilities for each program subject to this Subpart.

(b) *Federal.* A Federal agency shall track and calculate interest liabilities for all programs subject to this Subpart for which the Federal agency makes payments on behalf of States.

(c) *Trust funds.* States shall separately track and calculate interest owed to or due from each trust fund for which the Secretary is trustee, and where appropriate, each trust fund account.

(d) *Onset.* Interest will begin accruing October 24, 1992. The first computation period will be from October 24, 1992 to the end of each State's Fiscal Year. Thereafter, a State shall track and calculate interest for its Fiscal Year.

(e) *Interest rate.* The interest rate will be the annualized rate equal to the average equivalent yields of 13-week Treasury Bill auctioned during the period of the State's Fiscal Year. The Secretary will provide the rate to each State.

(f) *Interest calculation methodolgy.* The State/Federal Agreement set forth in § 205.6 will specify a State's interest calculation methodology. The methodology must be auditable and result in an interest calculation which accurately reflects the period of time Federal funds are subject to the provisions of this Subpart.

(g) *Sampling drawdowns for interest calculations.* If a State samples drawdowns when calculating interest, it must do so separately for each program subject to this Subpart. States may either include every drawdown or randomly sample drawdowns to ensure, at minimum, a 95 percent confidence interval subject to a .3 "weighted day" bound of error estimate. See appendix B to subpart A of this part for further explanation.

(h) *Unemployment trust funds.* A State shall account for the actual interest earned less related banking costs on funds drawn from its account in the UTF.

(i) *Alternate interest calculation methodology.* A State that does not have an Agreement with the Secretary, as set forth in § 205.6, shall calculate interest in accordance with appendix B to subpart A of this part.

§ 205.12 Direct costs of implementation.

(a) *Definition.* Direct costs of implementing this Subpart are those costs necessary for the development and maintenance of clearance patterns and those costs necessary for the actual calculation of interest payments.

(1) The State/Federal Agreement set forth in § 205.6 will clearly describe, and include a projected budget of, the direct costs a State expects to incur.

(2) Direct costs do not include expenses incurred for upgrading or modernizing of account systems.

(b) *Reimbursement of direct costs.* A State will be compensated annually for the direct costs of implementation, subject to the following rules and conditions:

(1) Only States that have entered into an Agreement with the Secretary as set forth in § 205.6 may receive any credit for direct costs.

(2) The Secretary will not consider direct costs incurred prior to July 22, 1991, unless a State makes separate application to the Secretary, with justification and documentation, for any such costs.

(3) Direct costs in excess of $30,000 in any year will not be eligible for reimbursement, unless a State can justify to the Secretary that without such costs the State would be unable to develop clearance patterns or perform the actual calculation of interest.

(4) The State must maintain separate, formal accounting records that support its claim for direct costs.

(5) The State must submit a claim for direct costs, certified for accuracy by an Authorized State Official, as part of its Annual Report. No direct costs for prior years will be considered.

(6) The Secretary shall review all direct cost claims for reasonableness. Unreasonable cost claims, as determined by the Secretary, shall not be reimbursed. The Secretary will notify a State of the amount of reasonable direct costs to be reimbursed.

(7) The Secretary will score each State's direct costs against the total interest owed by all States for the combined non-trust fund programs, to the extent possible. The Secretary will subsequently reduce State interest liabilities and, to the extent possible, adjust Federal interest liabilities, prior to offsetting the two, to effect direct cost reimbursement for each State.

(c) Direct costs of implementation, as defined in paragraph (a) of this section, will not be included for consideration by the State in the development of its State-wide cost allocation plan as provided for in OMB Circular A–87 "Cost Principles for State and Local Governments." Any other costs incurred by a State to implement this Subpart will be subject to the procedures provided in OMB Circular A–87.

(d) *Sunset review.* By July 1, 1996, the Secretary will review the policies in this section to determine their effectiveness.

§ 205.13 Annual reports.

(a) A State shall submit by December 31 an Annual Report for its most recently completed Fiscal Year. The Annual Report will be submitted to the FMS both in hard copy and on computer diskette, or by other electronic means as prescribed by the FMS, and will, at a minimum, contain the following:

(1) Gross interest owed by the Federal Government to the State for each program, excluding interest on overturned disallowances, refunds and other non-routine transactions.

(2) Gross interest owed by the State to the Federal Government for each program, excluding interest owed on disallowances, refunds, and non-routine transactions.

(3) Gross interest owed by the State to the Federal Government on disallowances, refunds, and other non-routine transactions.

(4) Gross interest owed by the Federal Government to the State on overturned disallowances, refunds and other non-routine transactions.

(5) Net interest owed by the State or Federal Government for each program.

(6) Gross interest owed by the Federal Government to the State for each trust fund.

(7) Gross interest owed by the State to the Federal Government for each trust fund.

(8) Net interest owed by the State or Federal Government for each trust fund.

(9) Gross interest owed by the Federal Government to the State for the combined non-trust fund programs.

(10) Gross interest owed by the State to the Federal Government for the combined non-trust fund programs.

(11) Net total interest owed by the State or Federal Government for the combined non-trust fund programs.

(12) Actual interest earnings on funds drawn from the State's account in the UTF.

(13) Related banking costs on funds drawn from the State's account in the UTF.

(14) Actual interest earnings less related banking costs on fund drawn from the State's account in the UTF.

(15) Gross interest owed by the Federal Government to the State for the combined programs for each Federal agency.

(16) Gross interest owed by the State to the Federal Government for the combined programs for each Federal agency.

(17) Net interest owed by the State or Federal Government for the combined programs for each Federal agency.

(18) Gross interest owed by the Federal Government to the State.

(19) Gross interest owed by the State to the Federal Government.

(20) Total net interest owed by the State or Federal Government.

(b) A State with a State/Federal Agreement shall submit as part of the Annual Report its claim for the reimbursement of direct costs, in accordance with § 205.12. An Authorized State Official shall certify the claim for accuracy.

(c) An Authorized State Official shall certify the hard copy of the Annual Report for accuracy.

(d) Upon request from a Federal agency, the FMS shall make available for review a State's Annual Report.

§ 205.14 Interest payment.

(a) *Adjusted interest.* Interest owed by a State to the Federal Government and interest owed by the Federal Government to a State for the combined non-trust fund programs will be adjusted by the Secretary, to the extent possible, to effect direct cost reimbursement.

(b) *Net interest payment.* Total interest owed by a State to the Federal Government and total interest owed by the Federal Government to a State for all programs, adjusted for cost reimbursement, will be offset. The payment of net total interest to or from a State for its most recently completed Fiscal Year will occur no later than March 1.

(c) *Disputed amounts.* If the amount of interest payable is disputed pursuant to § 205.16, payment shall be of any undisputed portions. The interest in dispute shall be paid within 14 days of receipt of the decision by an FMS official, as set forth in § 205.16.

(d) *Electronic funds transfer.* Interest payments must be made by EFT.

§ 205.15 Compliance.

(a) *Audits.* All records and documents relating to the transfer of funds, interest calculations, clearance patterns, and direct costs are subject to audit pursuant to the Single Audit Act of 1984, 31 U.S.C.

7501–7507, OMB Circular A–128, "Audits of State and Local Governments," OMB Circular A–133, "Audits of Institutions of Higher Education and other Non-Profit Institutions," the Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" and the American Institute of Certified Public Accountants audit and accounting guide, "Audits of State and Local Government Units."

(b) *Remedies for federal agency noncompliance.* If a Federal agency materially fails to comply with any of the requirements of this Subpart, the Secretary may charge the agency an amount equal to the cost to the General Fund of the Treasury caused by such noncompliance. In such cases, the Secretary will send a formal Notice of Assessment to an agency's designated cash management official. A separate notice will be sent for each charge. The Notice of Assessment will include, at a minimum, the nature of the deficiency, the amount of the charge, the method of calculation, the date the charge will be imposed and notice of the right to file an appeal. Any charges assessed by the Secretary shall be paid to the maximum extent practicable out of appropriations available for executive agency operations, and shall not be paid from amounts available for funding programs of an executive agency. Charges assessed on an agency that would otherwise cause the agency to be in violation of the Anti-Deficiency Act, 31 U.S.C. 1341, will be deferred to the following Fiscal Year. If no payment has been transferred to the Treasury after 45 calendar days of the date of the Notice of Assessment, the FMS will debit the appropriate account automatically. Nothing under this regulation eliminates or reduces an agency's existing responsibility to minimize cash held by grantees.

(1) *Assessment of a charge for noncompliance.* It is the intent of the Secretary to assess a charge on an agency only in cases of egregious or repeated noncompliance where such noncompliance results in the payment of interest from the General Fund of the Treasury. Such a situation exists where a Federal agency demonstrates a pattern of paying a State or States late.

(2) *Interest from other than federal agency noncompliance.* The accrual of a Federal interest liability will not constitute Federal agency noncompliance if such interest results from circumstances beyond the control of the Federal agency, such as a delay in passage of a Federal appropriations act.

(c) *Remedies for state noncompliance.* If a State egregiously or repeatedly fails to comply with any of the requirements of this Subpart, the Secretary may take one or more of the following actions, as appropriate in the circumstances:

(1) Request a Federal agency or the General Accounting Office to conduct an audit, to determine interest owed to the Federal Government, and implement procedures to recover such interest; or

(2) Disallow all or part of the direct costs the State claims for reimbursement; or

(3) Take other remedies legally available.

§ 205.16 Appeals and dispute resolution.

(a) *Appeal by a Federal agency.* A Federal agency may appeal any charge assessed by the Secretary for noncompliance by submitting an appeal in writing to the Assistant Commissioner, Federal Finance (hereinafter Assistant Commissioner), of the FMS, within 45 calendar days of the date of the Notice of Assessment. The appeal shall include a concise factual statement of the conditions leading to the Notice of Assessment, the basis of the appeal, and the action requested by the agency. In the event of an appeal, the charge imposed under the Notice of Assessment will be deferred pending the results of the appeal.

(1) *Appeal review process.* The Assistant Commissioner shall review the Notice of Assessment, any documentation supporting the Notice, and the written appeal from the agency. If based on this review, the Assistant Commissioner finds that additional information is required, the Assistant Commissioner may request the agency and the FMS to meet with the Assistant Commissioner and others selected by the Assistant Commissioner, as part of the review process.

(2) *Decision.* A written decision will be rendered by the Assistant Commissioner within 30 calendar days of receipt of the appeal. the Assistant Commissioner may unilaterally extend this period for an additional 30 calendar days if required. The decision of the Assistant Commissioner whether to uphold the Notice of Assessment, to overturn the Notice, or to mandate some other action will be stated in the written decision. Other actions mandated may include a reduced charge, a deferral of the charge, an alternate solution to cash management improvement, or any combination thereof. The basis of the decision, the amount of the charge and the effective date of the charge will be stated in the written decision. The effective date of the charge may be retroactive to the date indicated in the Notice of Assessment.

(b) *Resolution of disputes between a federal agency and a State.* In the event of a dispute between a Federal agency and a State concerning matters covered under CMIA or this Subpart, including a dispute between the Treasury and a State concerning the reimbursement of direct costs authorized in the State/Federal Agreement, the following dispute resolution mechanism will be available:

(1) The aggrieved party may submit a written appeal to the Assistant Commissioner within 60 calendar days from the date the State submits its Annual Report. The aggrieved party shall concurrently serve a copy of the written appeal to the other concerned parties.

(2) Within 30 days of the submission of the written appeal, the aggreived party shall submit to the FMS a written statement not exceeding 15 pages, with supporting documentation in appendices, which will articulate the dispute, the aggrieved party's position, and the relief sought. The aggrieved party shall concurrently serve its statement upon the other concerned parties.

(3) Within 30 days of receipt of the aggrieved party's statement, the responding party may submit a response statement not exceeding 15 pages, with supporting documentation in appendices, to the Assistant Commissioner. The responding party shall concurrently serve its response statement to the other concerned parties.

(4) The Assistant Commissioner shall issue a written decision no later than 14 days after the period for the submission of the response statement. The Assistant Commissioner's decision shall be the final agency action on the part of the Secretary for the purposes of judicial review procedures under the Administrative Procedures Act, 5 U.S.C. 701–706, unless either party invokes the provisions of the Administrative Dispute Resolution Act of 1990, 5 U.S.C. 581–593 (hereinafter the ADRA), pursuant to paragraphs (b)(5), (b)(6) and (b)(7) of this section.

(5) If either party does not agree with the decision of the Assistant Commissioner, either party may seek to invoke the assistance of a neutral party appointed under the provisions of the ADRA within 30 days of receipt of the appeal official's written decision. The party invoking the ADRA shall notify both the FMS official and the responding party in writing. With the written mutual consent of the parties, a neutral party appointed under the provisions of the ADRA may assist in resolving the dispute through the use of alternate means of dispute resolution as defined in the ADRA.

(6) If the party invoking the ADRA is unable to reach a satisfactory resolution of the problem using the ADRA, the Assistant Commissioner's decision shall be the final agency action on the part of the Secretary for purposes of the judicial review procedures under the Administrative Procedure Act, 5 U.S.C. 701–706.

Appendix A to Subpart A or Part 205—Definition of Major Federal Assistance Program

Major Federal Assistance Program, for State governments having Federal assistance expenditures between $100,000 and $100,000,000 means any program for which Federal expenditures during the applicable year exceed the larger of $300,000 or 3 percent of such total expenditures. Where total expenditures during the applicable year exceed $100,000,000, the following criteria apply:

Total expenditure of federal financial assistance for all programs		Major federal assistance program means any program that exceeds
More than	But less than	
$100 million	$1 billion	$3 million
1 billion	2 billion	4 million
2 billion	3 billion	7 million
3 billion	4 billion	10 million
4 billion	5 billion	13 million
5 billion	6 billion	16 million
6 billion	7 billion	19 million
over 7 billion		20 million

Appendix B to Subpart A of Part 205—Alternate Interest Calculation Methodology

(a) A State not entering into a State/Federal Agreement shall apply this section's interest calculation methodology to all major Federal Assistance Programs as specified in § 205.3.

(b) States shall refer to Table A: Weighted Program Interest Days, and Table B: Program Interest Calculation and apply the following methodology:

1. *Sampling drawdowns and sample population.* For each program subject to this Subpart, States may either include every drawdown or randomly sample drawdowns to ensure, at minimum, a 95 percent confidence interval no wider than plus-or-minus .3 "weighted day" about the estimated mean.

2. *Calculating weighted program interest days.* "Weighted Program Interest Days" is calculated according to the format established in Table A: Weighted Program Interest Days.

TABLE A.—WEIGHTED PROGRAM INTEREST DAYS

Program	Drawdown amount	Percent of total drawdowns	×	Interest days		=	Weighted days	
				Fed (+)	State (−)		Fed (+)	State (−)
Drawdown 1	$		×				o/0 =	
Drawdown 2			×				o/0 =	
Drawdown 3			×				o/0 =	
Drawdown N			×				o/0 =	
Totals		100					WPID	

where:

Program = Those programs subject to the provisions of this Subpart.

Drawdown Amount = Amount of Federal funds provided for a single drawdown request.

Percent of Total Drawdowns = The ratio of each "Drawdown Amount" to the total of all drawdown amounts expressed as a percentage. This is calculated by dividing each "Drawdown Amount" by the total of all sampled drawdowns.

Interest Days = The period of time during which an interest liability accrues under this regulation, expressed as days and fractions of days.

Fed (+) = Those interest days during which a State incurs an interest liability to the Federal Government. The positive (+) sign denotes that Federal funds were transferred prior to the day the State paid out funds for progrm purposes.

State (−) = Those interest days during which the Federal Government incurs an interest liability to a State. The negative (−) sign indicates that the Federal Government transferred funds after the State paid out its own funds.

Weighted Days = Dollar weighted number of days during which Federal and State interest liabilities accrue. "Weighted Days" is calculated by multiplying "Percent of Total Drawdowns" by either Federal or State "Interest Days". The result is recorded in the corresponding "Weighted Days" column.

Weighted Program Interest Days = Dollar weighted number of days (WPID) during which Federal and State interest liabilities accrue. "WPID" is determined by summing each "Weighted Days" column.

3. *Calculating program interest.* Program Interest is determined according to the methodology established in Table B: Program Interest Calculation.

TABLE B.—PROGRAM INTEREST CALCULATION

Program	Amount	×	i/365	×	WPID		=	Program interest		Net
					Fed (+)	State (−)		Fed (+)	State (−)	
Program 1	$	×	i/365	×			=			
Program 2		×	i/365	×			=			
Program 3		×	i/365	×			=			
Program Z		×	i/365	×			=			
Total										

where:

Program = Those programs subject to the provisions of this Act.

Amount = Total amount of Federal funds provided for a specific program.

i = Average annualized interest rate for the 13 week Treasury Bills auctions during a State's Fiscal Year.

Program Interest = Interest payable to or due from the Federal Government. A negative value denotes a Federal interest liability to a State. A positive value indicates a State interest liability to the Federal Government.

"Program Interest" is calculated by multiplying the program "Amount" by the interest rate "I" and dividing by 365 days. This product is next multiplied by both "Fed (+) WPID" and logged in the "Fed (+) Program Interest" column, and "State (−) WPID" and recorded in the "State (−) Program Interest" column.

Net = The interest liability due to or from the Federal Government. "Net" is calculated by subtracting "State Program Interest" from "Federal Program Interest" amounts. Positive values indicate an interest liability owed to the Federal Government, negative values represent a Federal Government interest liability due to a State.

(c) *Program interest calculation example.* For example, assume a State has only five programs (Medicaid, Aid for Families with Dependent Children, Highway Construction, Job Training Partnership Act, and Alcohol Abuse) that are subject to the reporting requirements of this Act. The State uses the Estimated Clearance method when drawing down Federal funds.

Interest calculation is a two step process. The State must first determine the number of Federal and State Interest Days each program has incurred. From this, each program's interest liability is calculated.

1. Calculation of Weighted Program Interest Days

Sample size. Rather than determine "Interest Days" for every drawdown made in a program, a State may randomly sample sufficient drawdowns to meet or exceed a 95 percent confidence interval plus-or-minus .3 "weighted days."

TABLE C.—WEIGHTED PROGRAM INTEREST DAYS EXAMPLE

Medicare	Drawdown amount	Percent of total drawdowns	×	Interest days		=	Weighted days	
				Fed (+)	State (−)		Fed (+)	State (−)
Drawdown 1	$3,000,000	1.0	×	0		=	0	
Drawdown 2	4,500,000	1.5	×	1		=	.02	
Drawdown 3	4,800,000	1.6	×		1	=		.02
Drawdown 4	3,700,000	1.2	×		2	=		.02
Drawdown 5	6,000,000	2.0	×	3		=	.06	
Totals	300,000,000	100.00				WPID	.08	.04

Percentage of total drawdowns. Each sampled drawdown is divided by the total amount of all sampled drawdowns. Thus, Drawdown 1 equals $3,000,000 or 1 percent of all sampled drawdowns.

Interest days. Rather than detail each sampled drawdown in Table C: Weighted Program Interest Days Example, only five are shown for illustrative purposes. "Interest Days" for each drawdown not shown is 0. Sampled drawdown amounts total $300,000,000. Federal and State interest days are calculated separately.

For Drawdown 1, zero "Interest Days" accrued—the Federal Government's transfer of $3,000,000 coincided with the settlement of those funds. A 1 Day Federal interest charge indicates that Federal funds where requested 1 day to soon, while a 1 Day State interest liability identifies a Federal transfer made one day late.

Weighted days. "Weighted Days" is derived by multiplying the "Percentage of Total Drawdowns" by either Federal or State "Interest Days". For Drawdown 5, 2.0 percent is multiplied by 3 "Federal Interest Days". The product, .06, is entered into the Federal "Weighted Days" column. The same is done for each sampled drawdown.

WPID. Federal and State WPID's are the sum of each "Weighted Days" column. Therefore, Federal WPID's equal .08 days while State WPID's equal .04 days.

The above is repeated separately for each program.

2. Program Interest Calculation

Refer to Table D: Program Interest Calculation Example. For each program, the total amount of program funds drawn down during the year (not the total sampled amount), is multiplied by the yearly interest rate and divided by 365. The result is then multiplied by both the Federal and State "WPID's" and recorded in the corresponding "Program Interest" columns.

TABLE D.—PROGRAM INTEREST CALCULATION EXAMPLE

Program	Amount	×	I/365	×	WPID		=	Program Interest		Net
					Fed (+)	State (−)		Fed (+)	State (−)	
Medicaid	3,000,000,000	×	.06/365	×	.08	.04	=	39,452	19,726	19,726
AFDC	2,500,000,000	×	.06/365	×	1.00	1.90	=	410,959	780,822	(369,863)
Highway Const	1,000,000,000	×	.06/365	×	1.60	.40	=	263,014	65,753	197,261
JTPA	450,000,000	×	.06/365	×	.86	.13	=	65,096	9,616	55,480
Alcohol Abuse	200,000,000	×	.06/365	×	.18	.21	=	5,918	6,904	(986)
Total	7,150,000,000				3.74	2.68		784,439	882,821	(98,382)

For Medicaid, $300,000,000 is multiplied by .06, divided by 365, then multiplied by .08 WPID to equal $39,452. This amount is recorded in the "Federal Program Interest" column. Likewise, the "State Program Interest liability" is calculated resulting in a $19,726 charge. The net amount, $39,452 minus $19,726, or $19,726 is the States' Medicare interest liability to the Federal Government. The same steps are repeated for each remaining program. The total net amount in this example is $98,382 owed to the State by the Federal Government.

Subpart B—The Unemployment Trust Fund (UTF)

§ 205.21 Purpose and scope.

This subpart implements section 5(b) of CMIA relating to the Unemployment Trust Fund (UTF). The definitions and rules in subpart A of this part apply to the UTF unless they are inconsistent with the rules set forth in this subpart.

§ 205.22 Definitions.

The following definitions apply only to this subpart:

Benefit payment account means the account which will consist of all moneys requisitioned from the State's account in the UTF in the Treasury of the United States for the payment of unemployment benefits. Funds withdrawn from the UTF are considered part of the benefit payment account until actually paid out, i.e., to settle EFT payments or to redeem benefit checks.

Clearing account means a State depository account into which employer contributions and other moneys for the UTF are deposited before transfer to the UTF.

Collateralization means the pledging of a security intended to guarantee the safety of unemployment funds outside the UTF (e.g., the benefit payment account).

Earnings means the income or profit secured from investment.

Insurance means protection provided by the Federal Deposit Insurance Corporation (FDIC).

Investments means the placing of capital or laying out of money in a way intended to secure income or profit from its employment.

Overnight means from prior to a financial institution's close of business one day to after its opening of business the next business day (counting Saturdays, Sundays and holidays as separate interest earning days).

Related banking costs means stand-alone, non-credit services which are considered necessary and/or customary for sustaining an account in a financial institution, whether in commercial financial institutions or State Treasurer accounts. Investment service fees are not considered related banking costs and may not be paid with earnings on unemployment funds.

§ 205.23 Limitation on withdrawals.

(a) *Limitation on uses of UTF funds.* In accordance with section 303(a)(5) of the Social Security Act (SSA), 42 U.S.C. 503(a) and Section 3304(a)(4) of the Federal Unemployment Tax Act (FUTA), 26 U.S.C. 3304(a)(3), funds withdrawn from the UTF must be used only for the payment of unemployment benefits, exclusive of the cost of administration.

(b) *Minimizing account balances.* To maximize the security and integrity of unemployment funds, balances in State accounts outside the UTF must be minimized. The DOL will maintain unemployment fund cash management performance measures which will monitor State clearing and benefit payment account balances to assure minimization of account balances.

(c) *Residual daily balances.* Residual daily closing balances must be employed for the benefit of the State account in the UTF through accumulation of interest earnings in interest-bearing accounts, generation of earnings credit to offset financial institution charges for maintenance of State benefit payment accounts, and/or earnings generated by overnight investment (see § 205.24).

§ 205.24 Limitation of investment.

(a) For the purpose of this regulation, investment is defined as a short term use of daily residual balances of unemployment funds in State benefit payment accounts as principal to generate interest earnings. Earnings credits provided by financial institutions on residual balances are also considered investment, although no hard dollar earnings are realized. Those earnings credit must be used to offset financial institution service charges for the custodian of the account.

(b) *Security and liquidity.* Security and liquidity of funds invested is mandatory. Investment of funds withdrawn by a State from its account in the UTF is limited to:

(1) Interest bearing accounts in financial institutions, e.g., Negotiable Order of Withdrawal (NOW) accounts. All funds withdrawn from the State's account in the UTF must be in FDIC insured accounts and/or collateralized for full principal and interest accrued. State/Federal Agreements executed under this regulation will specify insurance and collateralization requirements for each State; or

(2) Overnight reverse repurchase agreements of U.S. Government securities or securities backed by or insured by the full faith of the U.S. Government. Brokers/dealers for the reverse repurchase agreements comprising unemployment funds must be fully subject to and in compliance with Treasury regulations issued under the Government Securities Act of 1986, 31 U.S.C. 3121, 9110, and the reverse repurchase agreement must conform in substance to Public Securities Association master repurchase agreement.

§ 205.25 State held UTF funds.

(a) *Payment for services rendered by State treasurers.* State Treasurers who manage unemployment funds and provide bank services for benefit payment accounts may be paid for the related banking costs of such services. The related banking costs that are attributable to funds withdrawn from the State's account in the UTF may be paid from earnings on funds withdrawn from the State's account on deposit in State Treasurer accounts. The related banking cost are limited to State banking expenses exclusive of administrative costs.

(b) *Earnings on State treasurer investment pools.* Earnings on funds withdrawn from the State's account in the UTF included in State Treasurer investment pools must be credited a pro-rata share of interest earnings of the pool. Trust fund money withdrawn from the State's account in the UTF will only be invested as specified in § 205.24.

§ 205.26 Separate Bank Accounts.

(a) *Separation of State Clearing accounts.* Notwithstanding § 205.8(f), for the purpose of unemployment trust funds, State clearing accounts (incoming funds) must be separate from benefit payment accounts, although they may reside at the same or separate financial institution.

(b) *Tracking and accounting for UTF funds.* All State unemployment funds must be identifiable at all times, separately and completely accounted for, so that all types and volumes of transactions can be tracked as they flow through the State bank accounts. Moneys withdrawn from the State's account, the Federal Employees Compensation Account (FECA), the Extended Unemployment Compensation Account (EUCA), and the Federal Unemployment Account (FUA) in the UTF may be deposited into the same benefit payment account. Separate tracking, accounting, and record keeping must be maintained for these commingled funds from the source in the UTF through redemption of the payment instrument. Related banking costs and actual interest earnings on funds withdrawn from the State's account in the UTF must be allocated reasonably according to the appropriate source of funds.

(c) *Earnings on fund withdrawn from the State's account in the UTF.* Amounts of interest paid by a State on funds withdrawn from its account in the UTF will consist of actual interest earnings less related banking costs.

(d) *Interest on funds withdrawn from the FECA and EUCA accounts.* The provision for the payment of related banking costs does not apply to moneys withdrawn from the FECA, EUCA, and FUA accounts. Moneys withdrawn from the FECA and EUCA accounts are subject to the interest provisions applicable to all other Federal accounts, i.e. the interest rate will be the annualized rate equal to the average equivalent yields of 13-week Treasury Bills auctioned during the period of the State's Fiscal Year, as specified in § 205.11(d).

§ 205.27 Annual payment of interest.

Earnings and interest owed by a State on funds withdrawn from the UTF will be netted with interest owed to the State from the Federal Government and other trust funds, on an annual basis. Amounts owed to each account in the trust fund will be credited through an intragovernmental balancing. Actual earnings less related banking costs on amounts originating in the State's account in the UTF shall be returned to the State's account in the UTF. Interest charges on amounts originating in the FECA and EUCA will be returned to such accounts.

Subpart C—Other Recipients

§ 205.31 Purpose and scope.

The rules set forth in this Subpart apply to all transfers of Federal funds for:

(a) Federal programs that are administered by non-State recipients and non-State subrecipients, including non-State subrecipients receiving Federal funds through a State;

(b) Federal programs administered by a State, including State subrecipients, that are under the dollar threshold for classification as a major Federal assistance program, or are otherwise outside the Scope of subpart A of this part.

Vendor payments on Federal contracts subject to the provisions of the Prompt Payment Act of 1982, as amended, 31 U.S.C. 3901–3906, OMB Circular A–125, and the implementing regulation found at 48 CFR part 32, are not subject to this subpart.

§ 205.32 Definitions.

The following definition applies solely to this subpart:

Working capital advance basis means the procedure whereby funds are advanced to the recipient to cover its estimated funding needs for a given initial period. Thereafter, the recipient is reimbursed for the amount of its actual cash expenditures. The amount of the initial advance shall be geared to the reimbursement cycle so that after the initial period the payments are approximately equal to the average amount of the recipient organization's unreimbursed payments.

§ 205.33 General.

(a) Transfers of Federal funds to a recipient shall be limited to be in accord only with the actual, immediate funds requirements of the recipient in carrying out the purposes of the program or project. The timing and amount of a transfer will be as close as is administratively feasible to the actual disbursements by the recipient for direct program costs and the proportionate share of any allowable indirect costs, whether disbursement by the recipient occurs prior to or after the transfer of funds from the Treasury. It is the goal of the Secretary that within 3 years of the date of enactment of this regulation, all transfers of Federal funds to primary recipients shall be made through EFT, unless circumstances make transfer through an electronic means impracticable.

(b) Transfers from a primary recipient to a subrecipient will conform substantially to the same standards of timing and amount as set forth in the preceding paragraph for transfers from Federal agencies to primary recipients. Federal program agencies shall require primary recipients to develop procedures whereby secondary recipients can obtain funds from the primary recipient as needed for pay out.

(c) When a recipient demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between transfer from the Treasury and disbursement for program purposes, the Federal program agency, unless prohibited by the statutes governing the program(s) in question, shall terminate any advance financing and shall require the recipient to finance its operations with its own working capital, making payments to such recipient on a reimbursement basis. In cases in which the reimbursement methods is not feasible, arrangements may be made whereby the operations of the recipient are financed on a working capital advance basis.

(d) Each Federal program agency shall be responsible for:

(1) Making such reviews of the financial practices of recipients, both primary and sub, as are necessary to ensure that the provisions of this Subpart are being compiled with; and

(2) Instituting such remedial measures as may be necessary in the event that the recipient demonstrates its unwillingness or inability to comply with these provisions. Federal program agencies shall formulate procedural instructions which specify the methods employed to carry out these responsibilities.

(e) Interest earned on Federal funds will be treated in accordance with the administrative requirements under the appropriate OMB Circulars.

Russell D. Morris,

Commissioner.

[FR Doc. 92–6574 Filed 3–20–92; 8:45 am]

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S.J. Res. 176/P.L. 102–257

To designate March 19, 1992, as "National Women in Agriculture Day". (Mar. 17, 1992; 106 Stat. 75; 1 page) Price: $1.00

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

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[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1991. The CFR volume issued January 1, 1987, should be retained.

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Tuesday
March 24, 1992

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Presidential Documents

Title 3—

The President

Proclamation 6415 of March 20, 1992

National Safe Boating Week, 1992

By the President of the United States of America

A Proclamation

America's marine resources are a national treasure. The vast systems of lakes, rivers, and bays across this great land, and the oceans which touch our shores have played a pivotal role in the development of United States industry, agriculture, energy production, and commerce. Beautiful and inviting, our Nation's inland waterways and coastal regions have also provided generations of Americans with opportunities for relaxation and fun. This year, it is anticipated that more than 19 million Americans will engage in recreational boating.

While we Americans are fortunate to have the freedom to enjoy boating and related activities on the open water, at the same time, it is important to remember that an improperly handled watercraft can be dangerous or even deadly. Tragically, about 900 persons die each year on our Nation's waterways. All too often, these deaths are caused by human carelessness and neglect.

To help prevent boating-related accidents, the United States Coast Guard is working together with other government agencies and with private organizations around the country to encourage Americans to "Boat Smart." Smart boating begins with making safety the first priority of every pilot and passenger. Every watercraft operator should know his or her vessel—its equipment, its condition, and its capabilities—as well as the rules and courtesies of navigation. Pilots should have knowledge of and respect for the marine environment in which they will be operating, and all boaters should be aware of prevailing and forecasted weather conditions. Pilots and passengers alike should be equipped with life jackets and know what to do in the event of an emergency. Moreover, because the ability to "Boat Smart" requires clear judgment and physical readiness, no one should operate a watercraft while under the influence of alcohol or drugs.

As these fundamentals of safety indicate, smart boating goes hand in hand with common sense—and with a sense of personal responsibility and concern for others.

To help promote safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 161), as amended, has authorized and requested the President to proclaim annually the week beginning on the first Sunday in June as "National Safe Boating Week."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the week beginning June 7, 1992, as National Safe Boating Week. I encourage the Governors of the 50 States and the Commonwealth of Puerto Rico and officials of other areas subject to the jurisdiction of the United States to provide for the observance of this week. I also urge all Americans to take this opportunity to learn more about boating safety.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-7023
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Rules and Regulations

Federal Register
Vol. 57, No. 57
Tuesday, March 24, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 9, 212, 213, 214, 300, 305, 317, 319, 335, 338, 352, 353, 359, 432, 534, 536, 591, and 630

RIN 3206-AE27

Senior-Level and Senior Executive Service Positions

AGENCY: Office of Personnel Management.

ACTION: Final regulations

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations governing pay setting and employment procedures for senior-level, scientific and professional, and Senior Executive Service positions under the Federal Employees Pay Comparability Act of 190 (FEPCA). FEPCA abolished grades GS-16, 17, and 18 of the General Schedule; made changes affecting the pay of positions formerly at these grades, scientific and professional positions established under 5 U.S.C. 3104, and Senior Executive Service positions; and also made certain other changes affecting these positions and their incumbents. The regulations are intended to assure that all rights and benefits are maintained for covered employees.

EFFECTIVE DATE: April 23, 1992.

FOR FURTHER INFORMATION CONTACT: Neal Harwood at 202-606-1610 (FTS 266-1610).

SUPPLEMENTARY INFORMATION: The Federal Employees Pay Comparability Act of 1990 (FEPCA), Public Law 101-509 of November 5, 1990, and Executive Order 12748 of February 1, 1991, made a number of changes affecting the pay and employment conditions of executive positions and personnel. Interim regulations implementing these changes were published on April 23, 1991 (56 FR 18658). We received comments from seven agencies, one group of employees, and an executive organization. Comments are summarized below, along with any revisions that have been made in the interim regulations.

Senior Executive Service (SES) Aggregate Compensation

FEPCA established in 5 U.S.C. 5307 a Governmentwide limitation on certain payments during the calendar year when the payments together with basic pay would exceed pay for Executive Level I as of the end of the calendar year. These payments included allowances (including physicians comparability allowances and retention allowances), differentials, bonuses (including recruitment and relocation bonuses), awards (including SES performance and rank awards), and other similar cash payments. In the interim regulations we interpreted the limitation in 5 U.S.C. 5307 as impliedly superseding the fiscal year limitation on aggregate compensation that was in 5 U.S.C. 5383(b)(1) for SES employees alone because 5 U.S.C. 5307 was the broader, more general, and more recent law. Therefore, we revised 5 CFR 534.402 to provide that SES employees are subject to the aggregate compensation limitations in the new 5 CFR part 530, subpart B, which implemented 5 U.S.C. 5307, in lieu of the 5 U.S.C. 5383(b)(1) limitation.

The executive organization objected to applying the 5 U.S.C. 5307 limitation to SES employees and argued that they should still be subject to the limitation in 5 U.S.C. 5383(b)(1). It further argued that SES employees should continue to be able to carry over compensation in excess of Executive Level I to the next year as they were able to do under 5 U.S.C. 5383(b)(1). For the reasons stated at the time the interim regulations were published, it is still our interpretation that 5 U.S.C. 5383(b)(1) is superseded by 5 U.S.C. 5307. It should be noted, however, that all excess payments that could be carried over to the next year under 5 U.S.C. 5383(b)(1) by SES employees (i.e., performance awards, Presidential rank awards, and physicians comparability allowances) can still be carried over under 5 U.S.C. 5307. Further, under Public Law 102-77 of July 26, 1991, recruitment and relocation bonuses and retention allowances also can be carried over to the next calendar year by SES employees.

Section 534.403 of the regulations on SES performance awards has been revised to change the reference to the aggregate limitation on compensation from fiscal year to calendar year to conform with 5 U.S.C. 5307.

Senior-Level (SL) and Scientific and Professional (ST) Pay

(1) Background

FEPCA established a new 5 U.S.C. 5376 on pay setting for (a) senior-level (SL) positions classified above GS-15 (i.e., positions formerly graded at GS-16, 17, and 18 that were not administrative law judges or members of agency boards of contract appeals), and (b) scientific and professional (ST) positions engaged in research and development and established under 5 U.S.C. 3104 (these positions were formerly paid under 5 U.S.C. 5371). The interim regulations established a new subpart E of part 534 to cover pay for these two categories of positions.

(2) Effective Date of Pay Increases

The interim regulations provided in § 534.503 that agencies must adopt written procedures to show how pay for employees subject to 5 U.S.C. 5376 will be set. Under the interim regulations and FPM Letter 534-9, pay could not be increased until agency written procedures were established, except to meet the minimum rate established by the section; and increases in pay could be made on a prospective basis only.

The executive organization, one agency, and the group of employees who commented argued that agencies should be allowed to make pay increases on a retroactive basis. The various dates that were proposed were the effective date of the regulations (the first full pay period beginning on or after April 23, 1991); February 10, 1991, the first date that the regulations issued under FEPCA for SL and ST positions could have been effective; and the first full pay period in January 1991, when the most recent SES pay increases were effective.

It should be noted that SL employees in fact did receive a pay increase in January 1991 when they were in the General Schedule and the General Schedule salary rates were adjusted by an average 4.1 percent. Further, with the increase in the Executive Level V ceiling

on General Schedule pay in January 1991, all salary rates through GS–18 became fully payable; and employees at GS–16, step 6, and above received increases in payable salaries that exceeded 4.1 percent. Agencies in January 1991 also had the authority to increase ST pay, which at the time could be set between GS–16, step 1, and GS–18.

FEPCA provided that the pay provisions could be made effective not earlier than 90 days and not later than 180 days after enactment. There was no requirement in FEPCA that pay for SL and ST employees be increased, unless an employee's former rate of pay was less than the minimum rate provided under 5 U.S.C. 5376, in which case the increase to the minimum rate was to be made effective as of the effective date of the regulations. That was the only basis in law for making SL and ST pay increases retroactive. Since all other pay increases were optional with the agency, they had to be made on a prospective basis only, following necessary approvals within the agency.

(3) Definition of "Agency" for Pay-Setting Purposes

Two of the military departments recommended that "agency" for pay setting purposes be defined in subpart E of part 534 as including an executive agency or a military department as it is in § 534.401(a) of the regulations for the Senior Executive Service. The Department of Defense, however, has indicated it prefers that policies and procedures for setting SL and ST pay be established at the Department level and that the authority for individual pay setting be delegated by the Department to the military departments. Unlike the SES, where the law specifies that employees will be paid based on specific pay rates established by the President, in the SL and ST pay systems agencies may establish whatever pay structure they like within the minimum and maximum rates established by law. In view of the Department of Defense's wish to establish common policies and procedures for SL and ST pay throughout the Department, we have not defined "agency" to include a military department.

(4) Pay Setting Procedures

Under the interim regulations, agencies could use any dollar amount within the minimum and maximum amounts established by 5 U.S.C. 5376 (120 percent of GS–15, step 1, and Executive Level IV), establish a fixed number of specific rates, or establish a series of pay ranges. The executive organization stated that OPM should establish pay levels comparable to the six rates in the SES rather than allowing agencies to use the full pay range provided in the law. The organization argued that individuals should be paid based on their duties and responsibilities, that in most instances the duties and responsibilities of SL and ST employees are identical to those of SES employees, and that individuals performing similar duties in different agencies should receive the same pay.

In fact, if the duties and responsibilities of SL and ST positions were the same as for SES positions, the positions would have to be placed in the SES in accordance with 5 U.S.C. 3132(a) unless the agency or the positions were excluded from the SES by statute or by the President.

In any event, however, unlike the former GS–16, 17, and 18 pay system, the SL and ST pay systems do not base pay solely on the position the individual occupies. As in the SES, the duties and responsibilities of the position are one factor that an agency may take into account in adjusting pay; but agencies are supposed to consider other factors as well, such as performance.

Although by law there must be a fixed number of pay rates for SES positions, no such requirement exists for SL and ST positions. In view of the factors discussed above, we believe it is appropriate to continue to use the full pay range provided in law for SL and ST positions.

(5) Twelve-Month Waiting Period Between Pay Adjustments

The interim regulations at § 534.503(c) provided that pay for SL and ST employees may be adjusted only once every 12 months, similar to the restriction for pay setting in the SES. The regulations also provided that any annual adjustment in pay each January at the time General Schedule pay rates are adjusted would not be considered to start a new 12-month period if it did not exceed the General Schedule adjustment.

One agency stated that it would like to be able to increase the pay of an executive who is given additional responsibilities immediately, even if the executive had received a pay increase within the previous 12 months. Another agency recommended that temporary pay increases should be permitted when an employee assumes substantial additional duties for a specified period of time without regard to the 12-month waiting period and without regard to the adverse action procedures in 5 CFR part 752 when the employee is returned to the former pay level. We have not made either of these changes, however, since pay under the SL and ST systems is not based directly on the position that the executive occupies, but also takes into account qualifications, performance, etc.

Several agencies requested that agencies be allowed to increase pay at the time of the January adjustments up to the higher of either the General Schedule or SES adjustment that occur at the same time without regard to the 12-month waiting period. At least one agency wants to link certain of its SL and ST rates to the SES rates, and this would not be possible if the SES increases exceeded the General Schedule increases. The maximum pay rate for the SES may not exceed level IV of the Executive Schedule, and it is possible that the annual Executive Schedule increase could exceed the General Schedule increase, although for the January 1992 pay adjustment, the increase for the General Schedule was 4.2 percent and for the Executive Schedule 3.5 percent.

There is no automatic adjustment for SES pay rates each January, however, as there is for General Schedule and Executive Schedule rates based on changes in the Employment Cost Index. Rather, the President has the authority to adjust the rates within the minimum and maximum rates permitted by law; and it is possible for there to be different percentage increases for each of the rates. We do not believe it is appropriate, therefore, to link the SL and ST increases directly to the SES increases.

What we have done instead is to revise the regulations to provide that agencies may adjust SL and ST pay at the time of the annual January adjustments without regard to the 12-month waiting period if the adjustment does not exceed the greater of the General Schedule or the Executive Schedule increase at the time. In that case, the individual's pay may be increased even if the individual has had a pay adjustment within the previous 12 months; and the increase does not start a new 12-month waiting period.

The regulations also have been revised to clarify that the 12-month waiting period applies only to pay changes within an agency and not when an individual transfers between agencies. A similar provision already exists for pay setting in the SES.

Senior-Level (SL) and Scientific and Professional (ST) Employment Procedures

(1) Background

With the abolishment of the executive assignment system by Executive Order 12748, positions and incumbents formerly under the system became subject to the normal procedures governing the competitive and excepted services, except where special procedures are provided in regulation or the Federal Personnel Manual. A new part 319 was established covering employment procedures for scientific and professional (ST) and senior-level (SL) positions classified above GS–15 in the executive branch.

(2) Position Allocations

The interim regulations provided in §§ 319.201 and 319.301 that SL and ST positions could be established only under an allocation approved by OPM.

Two agencies recommended eliminating the requirement that OPM allocate SL position spaces to agencies on the basis that there is no statutory requirement that OPM provide allocations, elimination would simplify administration, and allocation will impede agencies in responding effectively to new program requirements and unduly lengthen the hiring process. Even though there is no statutory requirement for the allocation of SL positions, there is statutory authority in 5 U.S.C. 5108; and we consider it appropriate that SL positions be allocated as are ST and SES positions. Once an agency has its allocation, it may establish positions without the further approval of OPM. Advance planning should forestall any long delay in filling positions.

For the purpose of simplification, the allocation provisions in §§ 319.201 (SL positions) and 319.301 (ST positions) in the interim regulations have been combined at § 319.102(a); and the remaining paragraphs in § 319.102 have been renumbered accordingly. Further, the provision in 5 U.S C. 5108 that OPM may allocate SL positions only in executive agencies has been specified in the regulations.

(3) Competitive Appointments

Under the provisions of 5 U.S.C. 1104, the regulations delegate to agencies the authority to recruit and examine for SL positions in the competitive service, establish competitor inventories (registers), and issue certificates of eligibles. All actions must be taken in conformance with requirements of law, regulation, and FPM instructions. Most agencies have had this authority since 1979 under individual delegation agreements for GS–16, 17, and 18 positions.

Under 5 U.S.C. 3325, all ST positions are in the competitive service, but appointments are made without competitive examination. Therefore, there is no need to delegate examination authority for the filling of ST positions.

(4) Movements Between Pay Systems

One agency recommended that noncompetitive movements be allowed between senior-level (SL) and equivalent systems. These movements are allowed if both the old and new positions are in the competitive service (e.g., from an ST position to a career SL position), or if a career SES employee is moving to a career SL position and has reinstatement rights in the competitive service. (The agency is not required to use merit promotion procedures for such movements.) It should be noted, however, that any movement of a career SES employee to an SL (or ST) position must be voluntary unless the action is taken under reduction-in-force procedures.

Noncompetitive movements are not allowed of an SL or ST employee to a career SES appointment unless the individual has reinstatement rights in the SES since 5 U.S.C. 3393 requires competition for initial career appointment to the SES.

Miscellaneous

In addition to the changes in the interim regulations that were made to take into account the abolishment of grades GS–16, 17, and 18 and the executive assignment system, the following technical changes have been made in the final regulations.

(1) 5 CFR 212.301, which defines "competitive status," has been revised to indicate that career executive assignments under the former executive assignment system no longer exist, but were a basis previously for acquiring competitive status.

(2) 5 CFR 300.402, 317.901(c)(1)(ii), 335.102(a) and (f)(2), 338.101(b), 352.307(b), 352.703(b)(3), 352.803 (c) and (d), 352.904(b)(3), 359.406(b), 359.503(b), 359.701(a), and 432.102(f) have been revised to remove references to the former executive assignment system.

(3) 5 CFR 591.203 has been revised to make editorial corrections.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will only affect Federal Government employees who are in executive positions.

List of Subjects

5 CFR Parts 9, 212, 213, 214, 300, 305, 317, 319, 335, 336, 352, 353, 359, 432, and 630

Government employees.

5 CFR Parts 534, 536, and 591

Government employees, Wages.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director

Accordingly, OPM's interim regulations removing 5 CFR parts 9 and 305, amending 5 CFR parts 213, 214, 300, 317, 353, 534, 536, 591, and 630, and adding 5 CFR part 319, published April 23, 1991 (56 FR 18658), are adopted as final with the following changes; and conforming amendments are made to 5 CFR parts 212, 335, 338, 352, 359, and 432 as set forth below:

PART 212—COMPETITIVE SERVICE AND COMPETITIVE STATUS

1. The authority citation for part 212 continues to read as follows:

Authority: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

2. In § 212.301, the first two sentences are revised to read as follows:

§ 212.301 Competitive status defined.

In this chapter, competitive status means an individual's basic eligibility for noncompetitive assignment to a competitive position. Competitive status is acquired by completion of a probationary period under a career-conditional or career appointment, or under a career executive assignment in the former executive assignment system, following open competitive examination, or by statute, Executive order, or the Civil Service rules, without open competitive examination.* * *

PART 300—EMPLOYMENT (GENERAL)

3. The authority citation for part 300 continues to read as follows:

Authority: 5 U.S.C. 552, 3301, and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., page 218, unless otherwise noted.

Secs. 300.101 through 300.104 also issued under 5 U.S.C. 7201, 7204, and 7701; E.O. 11478, 3 CFR 1966–1970 Comp., page 803.

Secs. 300.401 through 300.406 also issued under 5 U S.C. 1302(c), 2301, and 2302.

Secs. 300.501 through 300.507 also issued under 5 U S.C. 1103(a)(5).

Sec. 300.603 also issued under 5 U S.C. 1104.

4. Section 300.402 is revised to read as follows.

§ 300.402 Coverage.

This part applies to filling positions in the competitive service; positions in the expected service under Schedules A, B, and C; and positions in the Senior Executive Service.

PART 317—EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

5. The authority citation for part 317 continues to read as follows:

Authority: 5 U.S.C. 3392, 3393, 3393a, 3395, 3397, 3593, and 3595.

6. Section 317.901 is amended by revising paragraph (c)(1)(ii) to read as follows:

§ 317.901 Reassignments.

* * * * *

(c) * * *

(1) * * *

(ii) "Noncareer appointee" includes an SES noncareer or limited appointee, an appointee in a position filled by Schedule C, or an appointee in an Executive Schedule or equivalent position that is not required to be filled competitively.

* * * * *

PART 319—EMPLOYMENT IN SENIOR-LEVEL AND SCIENTIFIC AND PROFESSIONAL POSITIONS

7. The authority citation for part 319 continues to read as follows:

Authority: 5 U.S.C. 1104, 3104, 3324, 3325, 5108, and 5376.

8. Section 319.102 is revised to read as follows:

§ 319.102 Procedures.

The following procedures apply to positions subject to this part:

(a) SL positions in an executive agency and ST positions in any agency may be established only under a position allocation approved by OPM. Prior approval of OPM is not required to establish individual positions within the allocation, but the positions must be established in accordance with standards and procedures established by OPM in the Federal Personnel Manual. OPM reserves the right to require the prior approval of individual positions if the agency is not in compliance with these standards and procedures.

(b) Agency heads are responsible for establishing qualifications standards for SL and ST positions in accordance with criteria established by OPM in the Federal Personnel Manual.

(c) Agency heads are delegated authority to approve the qualifications of individuals appointed to SL and ST positions.

(d) Agency heads are delegated authority to recruit and examine applicants for SL positions in the competitive service, establish competitor inventories, and issue certificates of eligibles in conformance with the requirements of law, regulations, and Federal Personnel Manual instructions. ST positions are filled without competitive examination under 5 U.S.C. 3325.

(e) Pay is subject to subpart E of part 534 of this chapter.

8a. Part 319 is amended by removing subpart B, consisting of § 319.201, and subpart C, consisting of § 319.301.

PART 335—PROMOTION AND INTERNAL PLACEMENT

9. The authority citation for part 335 continues to read as follows:

Authority: 5 U.S.C. 3301, 3301, E.O. 10577; 3 CFR 1954–1958 Comp. p. 218.

10. The introductory text of § 335.102 and paragraphs (a) and (f)(2) are revised to read as follows:

§ 335.102 Agency authority to promote, demote, or reassign.

Subject to § 335.103 and, when applicable, to part 319 of this chapter, an agency may:

(a) Promote, demote, or reassign a career or career-conditional employee;

* * * * *

(f) * * *

(2) This paragraph applies to a career, career-conditional, status quo, indefinite, or term employee and to an employee serving under an overseas limited appointment of indefinite duration, or an overseas limited term appointment.

* * * * *

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

11. The authority citation for part 338 continues to read as follows:

Authority: 5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp. p. 218.

12. Section 338.101 is amended by revising paragraph (b) to read as follows:

§ 338.101 Citizenship.

* * * * *

(b) A person may be given an appointment in the competitive service only if he or she is a citizen of or owes permanent allegiance to the United States. However, a noncitizen may be given an appointment in rare cases under § 316.601 of this chapter, unless the appointment is prohibited by statute.

* * * * *

PART 352—REEMPLOYMENT RIGHTS

Subpart C—Detail and Transfer of Federal Employees to International Organizations

13. The authority citation for subpart C of part 352 continues to read as follows:

Authority: 5 U.S.C. 3584, E.O. 11552, 3 CFR 1966–1970 Comp., p. 954; § 352.313 also issued under 5 U.S.C. 7701, et seq.

14. In subpart C, § 352.307 is amended by revising paragraph (b) to read as follows:

§ 352.307 Eligibility for transfer.

* * * * *

(b) A person serving in the executive branch in a confidential or policy-determining position excepted from the competitive service under Schedule C of part 213 of this chapter.

* * * * *

Subpart G—Reemployment Rights of Former Bureau of Indian Affairs and Indian Health Service Employees After Service Under the Indian Self-Determination Act in Tribal Organizations

15. The authority citation for subpart G of part 352 continues to read as follows:

Authority: Sec. 105(i), Pub. L. 93–638, 88 Stat. 2210 (25 U.S.C. 450); E.O. 11899; 41 FR 3459; § 352.707 also issued under 5 U.S.C. 7701, et seq.

16. In subpart G, § 352.703 is amended by revising paragraph (b)(3) to read as follows:

§ 352.703 Basic entitlement to reemployment rights on leaving Federal employment.

* * * * *

(b) * * *

(3) An employee serving under a Schedule C excepted appointment.

* * * * *

Subpart H—Reemployment Rights Under the Taiwan Relations Act

17. The authority citation for subpart H of part 352 continues to read as follows:

Authority: 22 U.S.C. 3310; E.O. 12143, 44 FR 37101; § 352.807 also issued under 22 U.S.C. 3310; E.O. 12143, 45 FR 37452.

18. In subpart H, § 352.803 is amended by revising paragraphs (c) (2) and (3), removing paragraph (c)(4), amending paragraph (d)(2) by replacing the comma at the end of the paragraph with a semicolon, revising paragraph (d)(3), removing paragraph (d)(4), and redesignating paragraph (d)(5) as (d)(4) to read as follows:

§ 352.803 Basic entitlement to reemployment rights on leaving Federal employment.

* * * * *

(c) * * *

(2) A non-temporary excepted service employee; or

(3) An employee serving under a career appointment in the Senior Executive Service.

(d) * * *

(3) An employee serving under a Schedule C excepted appointment; or

* * * * *

Subpart I—Reemployment Rights After Service With the Panama Canal Commission

19. The authority citation for subpart I of part 352 continues to read as follows:

Authority: Pub. L. 96–70, 22 U.S.C. 3643.

20. In subpart I, § 352.904 is amended by revising paragraph (b)(3) to read as follows:

§ 352.904 Eligibility.

* * * * *

(b) * * *

(3) An employee who is serving in a position excepted from the competitive service under Schedule C of part 213 of this chapter, or under Presedential appointment; or

* * * * *

PART 359—REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

21. The authority citation for part 359 continues to read as follows:

Authority: 5 U.S.C. 1302 and 3596, unless otherwise noted.

22. Section 359.406 is amended by revising paragraph (b) to read as follows:

§ 359.406 Restrictions.

* * * * *

(b) For purposes of this section, a noncareer appointee includes an SES noncareer or limited appointee, an appointee in a position filled by Schedule C, or an appointee in an Executive Schedule or equivalent position other than a career Executive Schedule or equivalent position.

* * * * *

23. Section 359.503 is amended by revising paragraph (b) to read as follows:

§ 359.503 Restrictions.

* * * * *

(b) For purposes of this section, a noncareer appointee includes an SES noncareer or limited appointee, an appointee in a position filled by Schedule C, or an appointee in an Executive Schedule or equivalent position other than a career Executive Schedule or equivalent position.

* * * * *

24. Section 359.701 is amended by removing paragraph (a)(2), redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(2) and (a)(3) respectively, and revising newly designated paragraph (a)(2) to read as follows:

§ 359.701 Coverage.

* * * * *

(a) * * *

(2) To a position that meets the same criteria as a Schedule C position; or

* * * * *

PART 432—PERFORMANCE BASED REDUCTION IN GRADE AND REMOVAL ACTIONS

25. The authority citation for part 432 continues to read as follows:

Authority: 5 U.S.C. 4302a, 4303, and 4305.

26. Section 432.102 is amended by revising paragraph (f)(13), removing paragraph (f)(14), and redesignating paragraph (f)(15) as (f)(14) to read as follows:

§ 432.102 Coverage

* * * * *

(f) * * *

(13) An individual occupying a position in the excepted service for which employment is not reasonably expected to exceed 120 calendar days in a consecutive 12 month period; and

* * * * *

PART 534—PAY UNDER OTHER SYSTEMS

27. The authority citation for part 534 continues to read as follows:

Authority: 5 U.S.C. 1104, 5307, 5351, 5352, 5353, 5376, 5383, 5384, and 5385.

28. Section 534.403 is amended by revising paragraph (f) to read as follows:

§ 534.403 Performance awards

* * * * *

(f) Performance awards shall be paid in a lump sum except in those instances when it is not possible to pay the full amount because of the Executive Level I ceiling on aggregate compensation during a calendar year under subpart B of part 530 of this chapter. In that case, any amount in excess of the ceiling shall be paid at the beginning of the following calendar year in accordance with subpart B of part 530 of this chapter.

29. Section 534.501 is amended by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 534.501 Coverage.

(a) * * *

(1) Senior-level (SL) positions classified above GS–15 pursuant to 5 U.S.C. 5108; and

* * * * *

(b) * * *

(1) Senior Executive Service positions established under 5 U.S.C. 3132, unless the incumbent of the position declined to convert to the SES and under § 317.303 of this chapter remained at grade GS–16, 17, or 18 (now the SL pay system) or under the ST pay system;

* * * * *

30. Section 534.503 is amended by revising paragraph (c) to read as follows:

§ 534.503 Pay setting

* * * * *

(c) Pay of an individual may not be adjusted more than once in any 12-month period.

(1) A pay adjustment includes the assignment of a pay rate upon initial appointment.

(2) An annual adjustment in pay under § 534.504 of this subpart shall not be considered a pay adjustment under this paragraph if it does not exceed the greater of the annual General Schedule adjustment under 5 U.S.C. 5303 or the Executive Schedule adjustment under 5 U.S.C. 5318 effective the same date.

(3) Pay of an SL or ST employee transferring from another agency, or a military department, may be set at any rate. If the pay does not exceed the employee's former rate, the pay action does not start a new 12-month period.

* * * * *

31. Section 534.505 is amended by revising paragraph (b) to read as follows:

§ 534.505 Pay related matters.

* * * * *

(b) *Performance awards.* Performance awards may be paid under 5 U.S.C. 4505a and § 430.504 of this chapter.

PART 591—ALLOWANCES AND DIFFERENTIALS

32. The authority citation for part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10,000; 3 CFR 1943–1948 Comp., p. 792; E.O. 12,510; 3 CFR 1985 Comp., p. 338.

33. Section 591.203 is amended by revising paragraphs (a)(5) and (a)(6) and adding paragraph (a)(7) to read as follows:

§ 591.203 Agencies and employees covered.

(a) * * *

(5) Administrative law judges paid under 5 U.S.C. 5372.

(6) Senior Executive Service.

(7) Senior-level and scientific and professional positions paid under 5 U.S.C. 5376.

* * * * *

[FR Doc. 92-6592 Filed 3-23-92; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-191-AD; Amendment 39-8196; AD 92-06-16]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 757 series airplanes, that requires inspection and repair or replacement, if necessary, of certain side-of-body floor panels. This amendment is prompted by reports of disbonded one-piece inserts in the side-of-body floor panels. The actions specified by this AD are intended to prevent side-of-body floor panels from breaking away from the floor beams during a 9g forward load event.

DATES: Effective April 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Boeing Model 757 series airplanes was published in the Federal Register on October 21, 1991 (56 FR 52488). That action proposed to require inspection for the installation of certain Hexcel side-of-body floor panels, and replacement or repair of those panels, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters questioned the number of work hours specified in the preamble to the notice that would be needed to accomplish the repairs required by this rule; one of the commenters states that the work hours were underestimated by approximately 150 hours. The FAA agrees with the commenter in part. The FAA estimated the number of work hours (18) based on the required actions only, namely, the inspection. The work hour estimate did not include the time necessary to open or close the access area, which is approximately 16 additional hours. The work hour estimate specified in the cost impact paragraph, below, is changed from 18 to 34 work hours to account for these actions. The economic analysis is limited only to the cost of procedures directly related to the required inspections, since replacement of the panels would be an "on condition" action. Not all airplanes are equipped with the subject panels; however, if the discrepant panels are installed on an airplane, the operator would be required to replace them with airworthy panels, regardless of AD direction, in order to correct an unsafe condition identified in an airplane and to ensure operation of that airplane in an airworthy condition, as required by the Federal Aviation Regulations.

One commenter requests that the proposed compliance time of 18 months be extended to 36 months; or that an 18-month compliance time for the inspection, followed by an 18-month compliance time for the repairs, be established. A 36-month compliance time would allow operators to accomplish the requirements of the AD during regularly scheduled maintenance, without disrupting service and avoiding special scheduling for the inspections. The FAA concurs that the compliance time may be extended somewhat. Based on the information available to date, the FAA finds that approximately 40 percent of the panels installed fleetwide could need repair or replacement. Therefore, in light of this data and the lengthy repair times, the FAA has determined that the compliance time may be extended to 24 months so that the inspection and any repair/replacement could be accomplished during regularly scheduled maintenance at a location where necessary special equipment and trained personnel would be available. This extension of 6 additional months will not adversely impact safety. The final rule has been revised accordingly.

The manufacturer requested that proposed paragraph (a) be revised to refer to replacement of the panel rather than to replacement of the one-piece inserts. The FAA notes that the only method for replacing these inserts is to replace the entire panel and, therefore, concurs that the clarification is appropriate. Paragraph (a) of the final rule has been revised and reformatted to clarify this point.

A third commenter concurs with the rule as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously describe. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 193 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 113 airplanes of U.S. registry will be affected by this AD, that it will take approximately 34 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $211,310. This total cost figure assumes that no operator has yet accomplished the requirements of this AD action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-16. Boeing: Amendment 39-8196. Docket 91-NM-191-AD.

Applicability: Model 757 series airplanes, listed in Boeing Alert Service bulletin 757-53A0060, dated August 8, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent side-of-body floor panels from breaking away from the floor beams during a 9g forward load event, accomplish the following:

(a) Within the next 24 months after the effective date of this AD, examine the identification placards of each side-of-body floor panel to determine the manufacturer and date of manufacturer of the panel, as specified in Figure 1 of Boeing Alert Service Bulletin 757-53A0060, dated August 8, 1991.

(1) If the panel was manufactured by Hexcel before January 7, 1991: Prior to further flight, repair all one-piece inserts in the panel or replace the panel, in accordance with Boeing Alert Service Bulletin 757-53A0060, dated August 8, 1991.

(2) If the panel was manufactured by Hexcel panel on or after January 7, 1991, or if the panel was not manufactured by Hexcel: No further actions is required.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD can be accomplished.

(d) The inspection shall be done in accordance with Boeing Alert Service Bulletin 757-53A0060, dated August 8, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 28, 1992.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6742 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-186-AD; Amendment 39-8198; AD 92-07-02]

Airworthiness Directives; Boeing Model 737-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to Boeing Model 737-300 series airplanes, that currently requires a one-time inspection of the engines' nacelle strut firewall duct assemblies for proper application of firewall sealant. This amendment expands the applicability of the existing AD to add additional affected airplanes. This amendment is prompted by information from the manufacturer which indicates that the firewall sealant apparently was not applied properly during production on 141 additional airplanes. This condition, if not corrected, could compromise the integrity of the engines' nacelle strut firewall seal.

DATES: Effective April 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2681; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-08-08, amendment 39-6572 (55 FR 13259, April 10, 1990), which is applicable to Boeing Model 737-300 series airplanes, was published in the Federal Register on November 15, 1991 (56 FR 58002). The action proposed to expand the applicability of the existing AD to include additional affected airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Two commenters support the proposed rule.

A third commenter, the manufacturer, points out that the correct number of additional affected airplanes is 158 instead of 141, as was indicated in the preamble to the notice. The FAA concurs that the number of affected airplanes cited by the commenter is currently correct, and the economic analysis paragraph, below, has been changed to reflect the correct number of affected airplanes. This information does not change the applicability of this rule, however, since the applicability pertains to those specific airplanes "listed in Boeing Service Bulletin 737-54-1028, Revision 1, dated July 11, 1991."

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 349 Model 737-300 series airplanes of the affected design in the worldwide fleet. It is estimated that a total of 216 airplanes of U.S. registry will be affected by this AD; this number represents 121 airplanes affected initially by AD 90-08-08 and 95 additional airplanes that are affected directly by this new AD action. It will take approximately 2 work hours per

airplane to accomplish the required inspection actions, at an average labor charge of $55 per work hour. Based on these figures the total impact of this AD on U.S. operators is estimated to be $23,760.

The total cost impact of AD 90-06-06 on U.S. operators was $13,310. By expanding the applicability of the rule via this AD action, the total additional cost to U.S. operators is $10,450.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6572 (55 FR 13259, April 10, 1990), and by adding a new airworthiness directive (AD), amendment 39-6198, to read as follows:

92-07-02. Boeing: Amendment 39-6198. Docket 91-NM-186-AD. Supersedes AD 90-06-06; Amendment 39-6572.

Applicability: Model 737-300 series airplanes, listed in Boeing Service Bulletin 737-54-1028, Revision 1, dated July 11, 1991, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To ensure the integrity of the engines' nacelle strut firewall seal, accomplish the following:

(a) For airplanes listed in Boeing Service Bulletin 737-54-1028, dated August 17, 1989: At the next scheduled engine removal, or within 8,000 flight hours after May 14, 1990 (the effective date of AD 90-06-06, Amendment 39-6572), whichever occurs sooner, inspect the engines' nacelle strut door assemblies for proper application of firewall sealant in accordance with Boeing Service Bulletin 737-54-1028, dated August 17, 1989, or Revision 1, dated July 11, 1991. The door assemblies are located between nacelle station 200.00 and 235.00 and attached to the underside of the strut and spar web at approximately nacelle waterline 132.00. If there are gaps, holes, or voids in the firewall sealant, apply sealant prior to further flight, in accordance with the service bulletin.

(b) For airplanes listed in Boeing Service Bulletin 737-54-1028, Revision 1, dated July 11, 1991, that are not subject to paragraph (a) of this AD: At next scheduled engine removal or within 8,000 flight hours after the effective date of this AD, whichever occurs sooner, inspect the engines' nacelle strut door assemblies for proper application of firewall sealant in accordance with Boeing Service Bulletin 737-54-1028, Revision 1, dated July 11, 1991. The door assemblies are located between nacelle station 200.00 and 235.00 and attached to the underside of the strut and spar web at approximately nacelle waterline 132.00. If there are gaps, holes, or voids in the firewall sealant, apply sealant prior to further flight, in accordance with the previously described service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manger, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(e) The inspections shall be done in accordance with Boeing Service Bulletin 737-54-1028, Revision 1, dated July 11, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective April 20, 1992.

Issued in Renton, Washington, on March 3, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6743 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-190-AD; Amendment 39-8194; AD 92-06-14]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 727 series airplanes. This amendment requires inspection for cracks and web separation of the body station (BS) 950 side fitting, and repair or replacement of the fitting, if necessary. A terminating action is also provided, which if accomplished, eliminates the need for repetitive inspections. This amendment is prompted by reports of cracks and web separations of the BS 950 side fitting. The actions specified by this AD are intended to prevent failure of the fitting and subsequent depressurization of the airplane.

DATES: Effective April 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kathi N. Ishimaru, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2674; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 727 series airplanes was published in the Federal Register on October 11, 1991 (56 FR 51346). That action proposed to require inspection for cracks and web separation of the body station (BS) 950 side fitting, and repair or replacement of the fitting, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

The Air Transport Association (ATA) of America, on behalf of several of its member operators, requests that the recommendations of the Airworthiness Assurance Task Force (AATF) be considered before adoption of this final rule. Several commenters do not want an AD to be issued at all, since they maintain that the 727 Structures Working Group (SWG), which is part of the AATF, should review the service bulletin and determine whether mandatory inspections and modifications are recommended. The FAA does not concur. The FAA has already determined that an unsafe condition exists that is likely to exist or develop on other airplanes of the same design. Service information has been developed, reviewed, and approved, which contains procedures to correct the problem. The FAA considers that any further delay in the issuance of this final rule is neither prudent nor warranted.

Several commenters indicate that, while the initial removal/installation of oversize fasteners may be acceptable, they recommend that the installed fasteners not be removed during subsequent inspections. These commenters consider that the ultrasonic or low frequency eddy current (LFEC) inspections will detect cracks with the fasteners installed, prior to the cracks reaching a critical length. The FAA does not concur. Eddy current inspections with the fasteners removed will detect much smaller cracks than the suggested procedures. Reliance upon ultrasonic or LFEC inspections without the fasteners removed would warrant the inspections to be conducted at more frequent, and likely unreasonable, inspection intervals.

One commenter recommends that a more efficient inspection method be developed, so that fastener removal would not be required at all, even during the initial inspection. The commenter only suggests some general alternatives, however, such as, "ultrasonic or low frequency eddy current" inspections. The FAA cannot concur with this request, since the commenter did not provide complete inspection instructions or data to substantiate that such inspections would be adequate. If such information can be provided, the FAA may consider the approval of the use of such an inspection as an alternative method of compliance, as provided by paragraph (g) of this AD.

Two commenters suggest that the proposed calendar time compliance periods be eliminated. One of the commenters points out that calendar time limits are not included in the referenced Boeing Service Bulletin 727-53-0196, dated February 14, 1991. The FAA does not concur with this request. The stress corrosion crack growth rate is variable, and is not completely dependent upon cyclic loading. Therefore, both calendar time and flight cycle intervals are necessary.

One commenter suggests that cold worked (reworked) holes should be inspected every 9,000 flight cycles, rather than 6,000 flight cycles as proposed in paragraph (c) of the rule. The commenter has been performing inspections approximately every 8,000 flight cycles, and only two cracked fittings have been found. Both of these fittings were replaced. The FAA cannot concur with the request at this time, since the commenter did not supply sufficient information to support the suggested extension of the inspection interval. Information such as the residual strength of the replaced cracked fittings, crack growth rates, detectable crack sizes, and inspection techniques would be needed in order for the FAA to adequately evaluate such an extension. If such information can be provided, the FAA may consider the approval of an extended inspection interval as an alternative method of compliance, as provided by paragraph (g) of this AD.

One commenter requests that cold working of fastener holes should not be required, since cold working and associated oversizing of fastener holes can result in short edge margins and an unserviceable part. The FAA notes that the rule does not specifically require cold working of the holes; however, it does provide different inspection procedures for holes that already have been reworked (cold worked) and for those that have not been reworked. Cold working of the fastener hole is optional on the part of the operator. If the operator decides not to cold work the fastener holes due to the possibility of creating short edge margins, then the operator should follow the procedures specified in paragraph (d) of the rule, which relate to holes that are not reworked.

Another commenter requests that cold working of fastener holes not be permitted. This commenter contends that, since cracks in the area of the holes are the result of stress corrosion and not fatigue, cold working would not provide significant benefits and may, in fact, create additional local stresses. This could accelerate cracking from stress corrosion. Again, the FAA notes that the rule does not require cold working of the holes. In general, however, the FAA does not concur with the commenter's statement. A light, cold work procedure will produce a comprehensive stress on the inside diameter of the hole; this will offset the tensile stress required for stress corrosion cracking to occur.

The same commenter recommends that the repetitive inspection interval for holes that have not been cold worked (reworked) be increased from the proposed 3,000 flight cycles to 6,000 flight cycles. The commenter contends that service experience does not justify a shorter inspection interval. The FAA does not concur. In developing the appropriate inspection interval, the FAA considered the service experience with regard to the addressed problem (eight reports of cracked or separated fittings), the detectable crack size, and the average crack growth rate. After consideration of all the available data, the FAA has determined that the proposed 3,000 flight cycle inspection interval is appropriate.

Several commenters request that the rule be revised to eliminate the requirement to remove weather caulking and to subsequently inspect between the skins at the butt joint. These commenters are concerned that the fitting might become damaged during removal of the weather caulking. One commenter contends that the required visual inspection would be of little value because the skin gap that is exposed after caulking is removed is so small that it will not allow a good visual inspection of the fitting. The FAA concurs with the commenters. The final rule has been revised to eliminate the requirement.

Two commenters requested clarification as to whether a dye penetrant inspection of lightening holes is required. The FAA responds that dye penetrant inspection is not required; the only inspections required are visual, eddy current, and ultrasonic inspections, as specified in paragraph (a) of the rule. This paragraph has been clarified to specify that the dye penetrant inspections are not required.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has

determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 800 Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 640 airplanes of U.S. registry will be affected by this AD. It will take approximately 88 work hours per airplane per cycle to accomplish the required actions at an average labor rate of $55 per work hour. (The deletion of the previously proposed requirements involving the removal of the weather caulking and inspection of the fitting through the gap between the skins does not significantly reduce the total number of work hours indicated.) Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,097,600. This total cost figure assumes that no operators have previously initiated the required inspections or performed any of the optional terminating actions provided by this AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-06-14. Boeing: Amendment 39-8194. Docket 91-NM-190-AD.

Applicability: Model 727 series airplanes, listed in Boeing Service Bulletin 727-53-0126, Revision 6, dated December 21, 1989, certificated in any category.

Compliance: Required as indicated, unless previously accomplished.

To prevent failure of the body station (BS) 950 side fitting and subsequent depressurization of the airplane, accomplish the following:

(a) Prior to the accumulation of 15,000 total fight cycles or within the next 3,000 flight cycles or 18 months after the effective date of this AD, whichever occurs later, conduct visual, eddy current, and ultrasonic inspections of the body station (BS) 950 side fitting between stringers S-9 and S-13 for cracks and web separations, in accordance with Figure 1 of Boeing Service Bulletin 727-53-0196, dated February 14, 1991. Step 5 of Figure 1 of the service bulletin (which refers to dye penetrant inspections); and Steps 8, 9, 10, and 11 of Figure 1 of the service bulletin (which refer to the removal of weather caulking and inspection of the fitting through the gap between the skins); are not required to be accomplished.

(b) If cracks or separations are found, prior to further flight, repair the body station (BS) 950 side fitting in accordance with Boeing Service Bulletin 727-53-0196, dated February 14, 1991; or Boeing Service Bulletin 727-53-0126, Revision 6, dated December 21, 1989. After repairs, conduct repetitive inspections as follows:

(1) For airplanes on which outboard flange cracks are removed by oversizing the fastener holes, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 6,000 flight cycles or 3 years, whichever occurs first.

(2) For airplanes on which the external doubler is used to repair only outboard flange cracks, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 6,000 flight cycles or 3 years, whichever occurs first.

(3) For airplanes on which the external doubler is used to repair either web separations or web separations and outboard flange cracks, repeat the inspections required by paragraph (a) at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

(4) For airplanes on which the external doubler and the internal angles are used for repair, conduct an x-ray inspection of the repaired area to detect crack growth at intervals not to exceed 12,000 flight cycles or 6 years, whichever occurs first, in accordance with Boeing Service Bulletin 727-53-0126, Revision 6, dated December 21, 1989.

(c) If no cracks or separations are found, and uncracked fastener holes have not been reworked in accordance with Figure 1 of Boeing Service Bulletin 727-53-0196, dated February 14, 1991, repeat the inspection requirements of paragraph (a) of this AD at intervals not to exceed 6,000 flight cycles or three years, whichever occurs first.

(d) If no cracks or separations are found and uncracked fastener holes have not been reworked in accordance with Figure 1 of Boeing Service Bulletin 727-53-0196, dated February 14, 1991, repeat the inspection requirements of paragraph (a) of this AD at intervals not to exceed 3,000 flight cycles or 18 months, whichever occurs first.

(e) The partial replacement of the body station (BS) 950 side fitting in accordance with Boeing Service Bulletin 727-53-0196, dated February 14, 1991, constitutes terminating action for the inspection requirements of this AD for the replaced portion of the fitting. Unreplaced portions must continue to be inspected in accordance with this AD.

(f) The complete replacement of the body station (BS) 950 side fitting in accordance with Boeing Service Bulletin 727-53-0126, Revision 6, dated December 21, 1989, constitutes terminating action for the inspection requirements of this AD.

Note: Replacement of the side fitting in accordance with Boeing Service Bulletin 727-53-0126, Revision 4, dated October 16, 1986; or Revision 5, dated May 28, 1988; is considered in compliance with this paragraph.

(g) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(i) The inspections, repairs, and replacements shall be done in accordance with Boeing Service Bulletin 727-53-0196, dated February 14, 1991; and Boeing Service Bulletin 727-53-0126, Revision 6, dated December 21, 1989; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(j) This amendment becomes effective April 28, 1992.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6740 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-43-AD; Amendment 39-8195; AD 92-06-15]

Airworthiness Directives; McDonnell Douglas Model DC-3 Series Airplanes, Including Those Modified for Turbo-Propeller Power

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to McDonnell Douglas Model DC-3 series airplanes, which currently requires inspections of the wings to detect cracked structure, and repair and/or modification, if necessary. This action revises the inspection procedure, requires modification, and adds additional models to the applicability. This action is prompted by an in-flight wing separation. The actions specified by this AD are intended to prevent reduced structural integrity of the airplane.

DATES: Effective April 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90855-4056. This information may be examined at the FAA, Transport Airplanes Directorate, 1601 Lind Avenue SW., Renton, Washington; or at Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mike Lee, Aerospace Engineer, ANM-122L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90808; telephone (310) 988-5325; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 69-15-04, Amendment 39-1396 (34 FR 12159), which is applicable to certain McDonnell Douglas Model DC-3 series airplanes, was published in the **Federal Register** on December 19, 1991 (56 FR 65861). That action proposed to require inspection and modification of the wings, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

A commenter suggests that the proposed rule include a requirement to install a ½-inch hole in frame 2004439-1 in order to allow better visual access for performing a boroscope inspection. The FAA does not concur. The FAA has determined that the area is sufficiently accessible for accomplishment of the required inspections, without modification to that area. Further, the commenter has not submitted any data to substantiate the continued structural integrity of the airframe once the suggested modification has been accomplished.

The same commenter requests that the proposal be revised to permit continued repetitive visual inspections to be conducted of low utilization airplanes, in lieu of the proposed modification. The FAA does not concur. The FAA has determined that long term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long term repetitive inspection may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on repetitive inspection and more emphasis on design improvements. The proposed modification requirement is in consonance with that policy decision.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 2,000 Model DC-3 series airplanes of the affected design in the worldwide fleet. It is estimated that 610 airplanes of U.S. registry will be affected by this AD, that it would take approximately 150 work hours per airplane to accomplish the required initial actions, and that the average labor cost will be $45 per work hour. The cost for required parts is estimated to be $1,000 per airplane. Follow-on actions will require approximately 50 work hours per airplane at $45 per manhour to accomplish the required inspections. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,727,500 for the first year, or $7,750 per airplane; and $1,372,500 for each year thereafter, or $2,250 per airplane.

These figures are based on an assumption that no airplane has been modified previously in accordance with the requirements of this AD action.

According to FAA registration records, the mean number of Model DC-3 airplanes registered per owner is about 1.6. Over half of the owners have only one airplane, and the largest number currently operating in a single fleet is 12. There is no easily-available and accurate source of data on the types of businesses in which current U.S. Model DC-3 operators are engaged nor the total number of aircraft of all types that they operate. However, many Model DC-3's are known to be operated by for-hire carriers, especially unscheduled cargo carriers; such use in unscheduled for-hire carriage has been employed here for Regulatory Flexibility Act (RFA) determination purposes.

For air carriers, the FAA defines a "small entity" as one with 9 aircraft (any type) or less; and its criterion for a "significant impact' is at least $3,700 per year for an unscheduled carrier, and $51,800 per year for a scheduled carrier operating aircraft of fewer than 60 seats, such as a Model DC-3.

The estimated $7,750 initial modification expenditure that will be required by the AD for even one Model DC-3 converts at 10% (the 10% discount factor required by the Office of Management and Budget for reconciling non-inflation-adjusted future and present expenditure) to an annual equivalent of over $3,700 per year, unless it is considered to apply to a planning period of approximately 2½ years or more. It is thus conceivable that even a single airplane could generate significant costs for a small operator, in terms of the RFA, if the airplane had no economic use (and thus no sale value for future operation) beyond a 2½ year period after the modification, during which there would not have been enough use of the airplane to bring into effect fully or partially offsetting savings from the proposed reduced reinspection requirements.

However, there would seem to be a low likelihood of such an extreme end-of-life-cycle scenario for Model DC-3's belonging to a substantial number of small operators, and reinspection cost savings may be projected to completely offset initial expenditures within realistic future lifetimes for existing

Model DC-3's (if not in current operators' fleets, then in others to which they might be sold). Savings may be projected to completely offset initial expenditure within a nine-year future period even if the assumed average annual utilization of 667 hours were reduced in 333. Such a period would have added 9 × 333=2,997 additional hours to the airframe, not an unrealistic increment considering the demonstrated longevity of this type airplane.

Therefore, it is concluded that there is unlikely to be a significant negative economic impact on a substantial number of small entities stemming from the combined effects of the mandatory modification and relaxed inspection provisions of the AD.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(A), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-1306, and by adding a new airworthiness directive (AD), amendment 39-8195, to read as follows:

92-06-15. McDonnell Douglas: Amendment 39-8195. Docket 89-NM-43-AD. Supersedes AD69-15-04, Amendment 39-1306.

Applicability: Model DST, Super DC-3, DC-3, DC-3A, DC-3B, DC-3C, and DC-3D series airplanes; all military versions, C-41, C-41A, C-47, C47A, C-47B, C-48, C48A, C-49, C-49A, C49B, C-49C, C-49B, C-49J, C-49K, C-50, C-50A, C-50B, C-50C, C-50D, C-51, C-52, C-52A, C-52B, C-52C, C-53, C-53B, C-53C, C-53D, C-68, C-117A, C-117D, and R4D series airplanes, including those modified for turbo-propeller power; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent structure failure of the wings, accomplish the following:

(a) For airplanes not modified with the repair or preventive doublers at both wing stations 94.250 and 127.750, in accordance with McDonnell Douglas Service Bulletin 229, any revision; or McDonnell Douglas Service Bulletin 263, any revision through Revision 8, dated December 15, 1971; or McDonnell Douglas Service Rework Drawing SR03578003, dated April 6, 1988; accomplish the following:

(1) Within 900 hours time-in-service after performing the last inspection in accordance with the AD 69-15-04, Amendment 39-1306, or within one year after the effective date of this AD, whichever occurs first, accomplish the following:

(i) Inspect the wing in accordance with McDonnell Douglas Service Rework Drawing SR03578001, dated March 11, 1988; or McDonnell Douglas Service Rework Drawing SR0357802, Revision A, dated September 26, 1988; for the applicable airplanes, using the visual and X-ray techniques specified. Repeat the visual inspection thereafter at intervals not to exceed 2,000 hours time-in-service.

(ii) Modify the airplane to incorporate access holes, in accordance with McDonnell Douglas Service Rework Drawing SR03548001, Revision A, dated March 7, 1989.

Note: Airplanes previously modified to incorporate access holes do not have to be remodified if visibility and access can be obtained.

(2) Within 2,000 hours time-in-service or two years after the effective date of this AD, whichever occurs first, modify the wing in accordance with McDonnell Douglas Service Rework Drawing SR03578003, dated April 6, 1988.

(b) For airplanes modified to incorporate the repair or preventive doublers at both wing stations 94.250 and 127.750, in accordance with McDonnell Douglas Service Bulletin 229, any revision; or McDonnell Douglas Service Bulletin 263, any revision through Revision 8, dated December 15, 1971; or McDonnell Douglas Service Rework Drawing SR03578003, dated April 6, 1988: Within 2,000 hours time-in-service after the last inspection in accordance with AD 69-15-04, Amendment 39-1306, and thereafter at intervals not to exceed 2,000 hours time-in-service, inspect the wing using the visual method specified in McDonnell Douglas Service Rework Drawing SR03578001, dated March 11, 1988; and McDonnell Douglas Service Rework Drawing SR03578002, Revision A, dated September 26, 1988; for the applicable airplanes.

(c) Cracked structure detected during the inspections required by paragraph (a) or (b) of this AD must be repaired or replaced prior to further flight, in accordance with McDonnell Douglas Service Rework Drawing SR03578003, dated April 6, 1988.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of paragraph (a) or (b) of this AD may be accomplished.

(f) The inspections, repairs, and modifications shall be done in accordance with McDonnell Douglas Service Rework Drawings No. SR03578003, dated April 6, 1988; No. SR03578001, dated March 11, 1988; No. SR03578002, Revision A, dated September 26, 1988; and No. SR03548001, Revision A, dated March 7, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846-0056. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(g) This amendment becomes effective April 28, 1992.

Issued in Renton, Washington, on February 27, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6741 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-53-AD; Amendment 39-8197; AD 92-07-01]

Airworthiness Directives; SAAB-Scania Model SF-340A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to SAAB-Scania Model SF-340A series airplanes, which requires the installation of a new hydraulic pressure indicator. This amendment is prompted by reports of insufficient warning of hydraulic pressure loss, and the subsequent loss of nose wheel steering and brakes during taxi. The actions specified by this AD are intended to prevent unexpected loss of nose wheel steering and brakes during taxi.

DATES: Effective April 28, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 28, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Model SF-340A series airplanes was published in the **Federal Register** on April 11, 1991 (56 FR 14665). That action proposed to require the installation of a new hydraulic pressure indicator.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The comment suggests that the rule be revised to reduce the compliance time or, as an interim measure, to require that a placard be placed near the old hydraulic pressure indicators, stating that the indicator may not always be accurate. The FAA does not agree with the commenter's suggestion to install a placard. The currently installed indicators are sufficiently accurate, but the range of indication on the hydraulic pressure gauge between the last red warning line and actual loss of pressure is relatively small. The flight crew, therefore, must be acutely attentive to note when pressure is low. Installation of a placard, as suggested by commenter, will not solve the problem of attentiveness nor will it provide any additional level of safety unless the pilot or mechanic does not monitor the indictors. Whether the problem is actually a pilot problem or a design problem can be argued; however, in either case, the situation is improved by making a positive design change that adds a low pressure warning to the master caution from the main accumulator, as is required by this AD.

As for the request to reduce the proposed compliance time, the commenter provided no data that would justify such a reduction. In general, however, the FAA cannot conclude that a reduction of the proposed compliance time, without prior notice and opportunity for public comment, is warranted. In developing an appropriate compliance time, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modification. To reduce the compliance time of the proposal would necessitate (under the provisions of the Administative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments received, and eventually issuing a final rule; the time required for that procedure may be as long as four additional months. In comparing the actual compliance date of the final rule after completing such a procedure to the compliance date of this final rule as issued, the increment in time is minimal. In light of this, and in consideration of the amount of time that has already elapsed since issuance of the notice, the FAA has determined that further delay of this final rule action is not appropriate. However, if additional data is presented that would justify a shorter compliance time, the FAA may consider further rulemaking on this issue.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 82 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor cost will be $55 per work hour. The estimated cost for required parts is $1,008 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $87,186.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-01. SAAB-Scania: Amendment 39-8197. Docket No. 91-NM-53-AD.

Applicability: Model SF-340 series airplanes, Serial Numbers 003 through 138, certificated in any category.

Compliance: Required within one year after the effective date of this AD, unless previously accomplished.

To prevent unexpected loss of nose wheel steering and brakes during taxi, accomplish the following:

(a) Remove main/emergency dual pressure indicator 3DB, Part Number (P/N) 522796 and install main/emergency dual pressure indicator 3DB, P/N 523250, in accordance with SAAB Service Bulletin SF340-29-004, Revision 1, dated November 9, 1990.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplanes to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with SAAB-Scania Service Bulletin SF340-28-004, Revision 1, dated November 9, 1990, which includes the following list of effective pages:

Page No.	Revision level	Date
1, 2, 4, 5	1	November 9, 1990.
3	(Original)	September 15, 1988.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment (39-8197), AD 92-07-01, becomes effective on April 28, 1992.

Issued in Renton, Washington, on March 3, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6744 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8345]

RIN 1545-AP49

Arbitrage Restrictions on Tax Exempt Bonds; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains a correction to the temporary regulations (T.D. 8345), which were published Thursday, April 25, 1991, (56 FR 19023). The regulations relate to the arbitrage rebate requirements applicable to tax exempt bonds issued by States and local governments under section 103 of the Internal Revenue Code.

EFFECTIVE DATE: April 25, 1991.

FOR FURTHER INFORMATION CONTACT: William P. Cejudo (202) 566-3283 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations amend the Income Tax Regulations (26 CFR part 1) promulgated with respect to sections 103, 148, and 149 of the Internal Revenue Code to simplify, clarify, and expand certain provisions of the temporary and proposed regulations §§ 1.148-0T through 1.148-9T and § 1.149(d)-1T published in the Federal Register for May 15, 1989 (54 FR 20787).

Need for Correction

As published, the temporary regulations contain an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8345), which was the subject of FR Doc. 91-9559, is corrected as follows:

Paragraph 1. On page 19028, second column, in § 1.148-0T, paragraph (b)(4), line 5 from the top of the column, the language "1991. See § 1.148-1T(d)(3)" is corrected to read "1991. See § 1.149(d)-1T(d)(3)".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-6712 Filed 3-23-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[T.D. 8398]

RIN 1545-AN47

Sale of Seized Property; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (T.D. 8398), which were published Tuesday, March 3, 1992, (57 FR 7545). The final regulations provide guidance relating to requests for the sale of seized property under section 6355(f) of the Internal Revenue Code (the "Code").

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 535-9682 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections amend the Procedure and Administration Regulations (26 CFR part 301) pursuant to section 6335 of the Code.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarifications.

Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8398), which was the subject of FR Doc. 92-4615, is corrected as follows:

Paragraph. 1. On page 7546, column 2, in the third paragraph, line 12, the language "interests of the taxpayer Because of" is corrected to read "interests of the Internal Revenue Service. Because of".

Par 2. On page 7546, column 2, in the third paragraph, line 30, the language "someone with one expertise in the area" is corrected to read "someone with no expertise in the area".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-6711 Filed 3-23-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AF26

Disability Evaluations for HIV-Related Illnesses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its rating schedule for evaluation of disabilities caused by the human immunodeficiency virus (HIV). This amendment is necessary because prior provisions in the rating schedule did not adequately address all levels of impairment which may be associated with these disabilities. The amendment reflects current medical knowledge regarding HIV-related diseases and allows more equitable evaluations.

EFFECTIVE DATE: This amendment is effective March 24, 1992.

FOR FURTHER INFORMATION CONTACT: Bob Seavey, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR part 4 in the Federal Register of August 2, 1991 (56 FR 37053). Interested persons were invited to submit written comments, suggestions or objections on or before September 3, 1991. We received comments from the Veterans of Foreign Wars, the American Legion of Colorado, and two private individuals.

One commenter felt that all federal agencies should use the same classification system for HIV-related illnessses, and asked whether VA had considered using the Walter Reed staging classification or the system devised by the Centers for Disease Control (CDC).

VA's rating schedule is primarily a guide in the evaluation of disabilities, with percentage ratings representing average impairment in earning capacity. By law (38 U.S.C. 1155 [formerly 355]), the rating schedule must be constructed so as to provide ten grades of disability. We are aware of the several classification systems for HIV-related illnesses used by other agencies, but those systems were developed principally for medical purposes and are more suited to selecting treatment protocols or designing and evaluating clinical trials than to VA's statutory objective of assessing impairment of earning capacity. Also, those systems are not regulatory; they are subject to change without the notice-and-comment period required for VA regulations. For these reasons, the commenter's suggestion that the VA incorporate one of those classification systems intact into the rating schedule is not a reasonable alternative to the rule as proposed.

The same commenter believes that including depression in the evaluation criteria only at the 10 percent level creates confusion on rating HIV infection when mental illness is one of its manifestations.

As a general rating principle, the practice of evaluating one aspect of a disability under more than one diagnostic code is prohibited by regulation (see 38 CFR 4.14, "Avoidance of pyramiding"). The second Note following the rule as proposed emphasized this principle by stating that central nervous manifestations, opportunistic infections, and neoplasms may be rated separately under appropriate codes if a higher overall evaluation results, but not in combination with percentages otherwise assignable under the criteria for HIV-related illness. This general rating principle clearly applies to depression of other psychiatric manifestations of HIV-related illness. However, for the sake of clarity and in order to avoid the possibility of confusion which the commenter foresees, we have amended the second Note to specify that psychiatric manifestations may also be rated separately if doing so would be to the veteran's advantage.

The same commenter proposed an alternative rating method relying specifically on the CDC classifications. The commenter would require rating specialists to make a separate assessment of the veteran's functional limitations which would influence the evaluation assigned under the CDC categories.

In order to apply the alternative method recommended, VA would have to include in this regulation both the CDC classifications and a separate table of functional limitations. As previously explained, use of the unmodified CDC classifications is not suited to VA's statutory objectives. The principle of functional impairment is a basic and integral part of all evaluation criteria throughout the rating schedule (See 38 CFR 4.10). To establish a listing of functional limitations apart from the criteria themselves would be inconsistent with the arrangement of the schedule as a whole, and of no discernible advantage to veterans.

Another commenter recommended that the criteria proposed as 0 percent disabling (i.e., asymptomatic HIV infection with or without lymphadenopathy or decreased T4 cell count) should be 10 percent, and that the other levels below 100 percent be increased in percentage to accommodate this change.

VA does not concur. Specifically, this commenter suggested a 10 percent evaluation for HIV infection with either lymphadenopathy and decreased T4 cell count, or for low grade fever with skin rash and extreme fatigue. Since neither lymphadenopathy nor decreased T4 cell count is inherently symptomatic or disabling, they do not, either alone or in combination as the sole manifestation(s) of HIV-related illness, warrant a compensable evaluation. We also note that low grade fever, skin rash, and extreme fatigue would generally qualify for a 10 percent evaluation under this rule as "definite medical symptoms," since it is unlikely they would occur in the absence of a T4 cell count less than 500 and the need for approved medications.

The same commenter suggested that this section of the rating schedule be titled "systemic and infectious diseases" rather than "systemic conditions" because most of the listed conditions are infectious.

This suggestion is beyond the scope of the current rulemaking, which addresses solely the evaluation of HIV-related illness. Since VA is in the process of systematically reviewing each section of the rating schedule, it would be more appropriate for us to assess the suitability and accuracy of the title when that portion of the rating schedule dealing with systemic diseases is reviewed as a whole.

Another commenter suggested that HIV infections be evaluated solely on the extent of immune system destruction as measured by T4 cell count, and that opportunistic infections or other symptoms should be separately evaluated.

VA does not concur. Rating the clinical stage of a disease and its disabling manifestations separately would be a clear violation of the general rating principle prohibiting "pyramiding," as explained above. The current rule allows rating specialists the flexibility to rate according to the disabling symptoms or the stage of HIV-related illness, whichever is to the claimant's advantage, thereby assuring the greatest permissible evaluation.

Another commenter objected to a statement in the preamble to the proposed rule which included shortened lifespan among the aggregate effects of HIV illnesses, noting that the statutory authority for the rating schedule is limited to "average impairment of earning capacity" (38 U.S.C. 1155).

The commenter's reading of VA's statutory authority to create the rating schedule is generally correct. Shortened lifespan was mentioned in the preamble to the proposed rule as part of the total impact of HIV-related illness, and one of many factors demonstrating the need for a revision of that portion of the schedule. However, we did not mean to indicate that ratings would be based on shortened life expectancy, and in fact shortened life expectancy is not a criterion in the text of the rule.

VA appreciated the comments submitted in response to the proposed rule, which is now adopted with the amendment noted above.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA

beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: February 7, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

1. The authority citation for part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. Section 4.88a is amended by removing diagnostic codes 6352 and 6353; and revising the heading and diagnostic criteria for diagnostic code 6351 to read as follows:

§ 4.88a Schedule of ratings—systemic diseases.

* * * * *

	Rating
6351 HIV-Related Illness:	
AIDS with recurrent opportunistic infections or with secondary diseases afflicting multiple body systems; HIV-related illness with debility and progressive weight loss, without remission, or few or brief remissions	100
Refractory constitutional symptoms, diarrhea, and pathological weight loss; or minimum rating following development of AIDS-related opportunistic infection or neoplasm	60
Recurrent constitutional symptoms, intermittent diarrhea, and on approved medication(s); or minimum rating with T4 cell count less than 200, or Hairy Cell Leukoplakia, or Oral Candidiasis	30
Following development of definite medical symptoms, T4 cell count less than 500, and on approved medication(s); or with evidence of depression or memory loss with employment limitations	10
Asymptomatic, following initial diagnosis of HIV infection, with or without lymphadenopathy or decreased T4 cell count	0

Note (1): The term "approved medication(s)" includes medications prescribed as part of a research protocol at an accredited medical institution.

Note (2): Psychiatric or central nervous manifestations, opportunistic infections, and neoplasms may be rated separately under appropriate codes if higher overall evaluation results, but not in combination with percentages otherwise assignable above.

[FR Doc. 92-6580 Filed 3-23-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-12-6-5261; FRL-4115-6]

Approval and Promulgation of Implementation Plans; State of California; South Coast Air Quality Management District and San Diego County and Ventura County Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: On April 5 and May 13, 1991, the California Air Resources Board (CARB) submitted to the EPA revisions to the California State Implementation Plan (SIP) for the South Coast Air Quality Management District (AQMD), San Diego County and Ventura County Air Pollution Control Districts (APCDs). This notice takes direct final action on rules that control organic compounds from dry cleaning facilities. EPA is approving these revisions under section 110(k)(3) as meeting the requirements of section 110 and part D of the Clean Air Act, as amended (CAA).

DATES: This action will be effective on May 26, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Comments should be sent to: Daniel A. Meer, Chief, Southern California and Arizona, Rulemaking Section, A-5-3; Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, FAX: (415) 744-1076.

Copies of the rule revisions and EPA's evaluation reports of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Rule Evaluation Section, Stationary Source Division, 1219 K Street, Sacramento, CA 95814.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, CA 93003.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Southern California and Arizona, Rulemaking Section, (A-5-3), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Tel: (415) 744-1189 or FTS: 484-1189.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that included the South Coast AQMD and San Diego County and Ventura County APCDs. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to reach attainment by the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date for ozone to December 31, 1987. 1977 CAA section 172(a)(2). On May 26, 1988, EPA notified the Governor of California that the above districts' portions of the California State Implementation Plan (SIP) were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted.

Public Law 101-549, 104 Stat. 1399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to pre-amendment section 107 nonattainment areas that were again designated nonattainment upon enactment and classified as marginal or above under section 181(a)(1) by operation of law. Such areas must adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in preamendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The South Coast AQMD and the San Diego and Ventura Areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.[2]

The State of California submitted many revised RACT rules for incorporation into its SIP on April 5 and May 15, 1991, including the rules being acted on in this notice. This notice addresses EPA's final action on the following rules:

April 5, 1991

San Diego County APCD

Rule 67.8 Dry Cleaning Facilities Using Halogenated Organic Solvent

Ventura County APCD

Rule 74.5 Dry Cleaning (*deletion*)
Rule 74.5.1 Petroleum Solvent Dry Cleaning
Rule 74.5.2 Synthetic Solvent Dry Cleaning

May 13, 1991

South Coast AQMD

Rule 1102 Petroleum Solvent Dry Cleaners
Rule 1102.1 Perchloroethylene Dry Cleaning Systems

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing Control Technique Guidelines (CTGs).

[2] The South Coast AQMD was designated nonattainment and classified as extreme and San Diego County and Ventura County APCDs were designated nonattainment and classified as serious by operation of law pursuant to section 107(d) and section 181(a) on November 15, 1990. See 56 FR 56694 (November 6, 1991).

San Diego County and Ventura County APCDs rules were found to be complete on May 21, 1991 and South Coast AQMD rules were found to be complete on July 10, 1991 pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V[3] and are being granted approval.

This notice addresses volatile organic compound (VOC) rules that control emissions from petroleum and perchloroethylene dry cleaning facilities. VOCs contribute to the production of ground level ozone. San Diego County rule 67.8, Ventura County rules 74.5.1 and 74.5.2, and South Coast AQMD rules 1102 and 1102.1 were originally adopted as part of San Diego's, Ventura's, and South Coast's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and have been revised in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation for San Diego's rule 67.8, Ventura's rules 74.5.1 and 74.5.2, and South Coast's rules 1102 and 1102.1.

EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA, EPA regulations, and EPA policy. These requirements are found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), and the guidance referred to in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of reasonably available control technology (RACT) for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA has prepared a series of Control Technique Guideline (CTG) documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. Under the amended Act, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to San Diego County rule 67.8, Dry Cleaning Facilities Using Halogenated Organic Solvent, Ventura County rule 74.5.2, Synthetic Solvent Dry Cleaning and South Coast AQMD rule 1102.1, Perchloroethylene Dry Cleaning Systems is entitled, "Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems", EPA document No. EPA-450/2-78-050. The CTG applicable to Ventura County rule 74.5.1, Petroleum Solvent Dry Cleaning and South Coast AQMD rule 1102, Petroleum Solvent Dry Cleaners is entitled, "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", EPA document No. EPA 450/3-82-009. Further interpretation of EPA policy is found in the Blue Book. In general, these requirements have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

EPA has evaluted San Diego's submitted rule 67.8, Ventura's submitted rules 74.5.1 and 74.5.2, and South Coast's submitted rules 1102 and 1102.1 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions address and correct the deficiencies previously identified by EPA. These corrected deficiencies have resulted in clearer, more enforceable rules. All of the rules will achieve greater enforceability through the inclusion of test methods and recordkeeping requirements. A brief description of each rule change is provided below.

San Diego County

Rule 67.8, Dry Cleaning Facilities Using Halogenated Organic Solvents

San Diego rule 67.8 regulates VOC emissions from dry cleaning operations. The "fugitive liquid leak" definition has been revised to include a visible mist of halogenated organic solvent. The exemption for facilities using methylene chloride has been deleted. The averaging period for measuring allowable exhaust concentration from drying tumblers, washers and cabinets has been reduced from five minutes to one minute. The rule adds sufficient recordkeeping requirements to show the dates and amounts of halogenated organic solvent being purchased and to show daily records of the total dry weight of fabric processed. The rule specifies the appropriate EPA test method to determine compliance.

South Coast AQMD

Rule 1102, Petroleum Solvent Dry Cleaners

South Coast rule 1102 controls emissions of VOCs from petroleum solvent dry-cleaning facilities. The revised rule adds new sections for definitions, recordkeeping requirements,

[3] EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42210 (August 26, 1991). These will replace the completeness criteria currently set forth in 40 CFR part 51, appendix V.

and test methods. The small user exemption has been eliminated. A solvent recovery dryer is required which must remain closed for one minute until there is no visible flow of recovered solvent. The revised rule requires that the overall solvent consumption must be no more than 4.5 kilograms (kg) (or 6.5 kilograms for dry cleaners using a still) of solvent per 100 kilograms of fabrics cleaned. The revised rule requires that cartridge filters are to be used or filter waste losses are to be limited to 1 kilogram of solvent 100 kilograms of fabric cleaned. Articles to be dried must be transferred from the washer to the dryer within five minutes or stored in closed carts. The revised rule prohibits the operation of the equipment if it is leaking. Solvents must be stored in closed containers.

Rule 1102.1, Perchloroethylene Dry Cleaning Systems

South Coast Rule 1102.1 controls emissions of VOCs from perchloroethylene solvent dry-cleaning facilities. The revised rule adds recordkeeping requirements to verify claims for exemptions. The rule specifies the appropriate EPA test method to determine control efficiency. Requirements for visual inspection are added to comply with the liquid leak provisions.

Ventura County APCD

Rule 74.5, Dry Cleaning, previously approved on October 11, 1983 and April 17, 1987, is being deleted and is being replaced with rules 74.5.1, Petroleum Solvent Dry Cleaning and 74.5.2, Synthetic Solvent Dry Cleaning, submitted on April 5, 1991.

Rule 74.5.1, Petroleum Solvent Dry Cleaning

Ventura Rule 74.5.1 regulates emissions from petroleum dry cleaning operations. The rule deletes diatomaceous earth filters from the filter system options. The revised rule adds new requirements for solvent handling and operating requirements to reduce emissions and ensure compliance with state hazardous waste disposal laws. The revised rule allows small users until July 1, 1993, to install the control equipment needed to comply with the emission control requirements of this rule. The revised rule adds recordkeeping requirements and test methods.

Rule 74.5.2, Synthetic Solvent Dry Cleaning

Ventura rule 74.5.2 regulates emissions from dry cleaning operations using any halogenated solvent including perchloroethylene. The revised rule adds new definitions. The revised rule exempts facilities which use 320 gallons of solvent or less per year. The rule requires all equipment installed after the date of adoption to consist of dry-to-dry units. The revised rule adds new requirements for solvent handling and operating requirements to reduce emissions and requirements to ensure compliance with state hazardous waste disposal laws. The revised rule adds recordkeeping requirements and test methods.

EPA Action

EPA has concluded that the submitted rules listed above are consistent with the CAA, EPA regulations, and EPA policy and that the revisions address and correct all of the deficiencies previously identified by EPA. Moreover, these submitted rule revisions will improve and strengthen the current SIP Therefore, EPA is approving the submitted rules under section 110(k)(3) as meeting the requirements of section 110 and part D of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment action and anticipates no adverse comments. This action will be effective May 26, 1992, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this notice will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective May 26, 1992.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: March 4, 1992.

John Wise,

Acting Regional Administrotor.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183) and (c)(184)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(183) New and amended regulations for the following APCD's were submitted on April 5, 1991, by the Governor's designee.

(i) Incorporation by reference.

(A) San Diego County Air Pollution Control District.

(*1*) Rule 67.8, adopted on December 18, 1990.

(B) Ventura County Air Pollution Control District.

(*1*) Rules 74.5.1 and 74.5.2, adopted on December 4, 1990.

(184) * * *

(i) * * *

(B) South Coast Air Quality Management District.

(*1*) Rules 1102 and 1102.1, adopted on December 7, 1990.

[FR Doc. 92-6619 Filed 3-23-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-1-FRL-4115-3]

Approval and Promulgation of Air Quality Implementation Plans Single Source Revision; Connecticut; Connecticut Light and Power

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision requires the use of low sulfur fuels in two units of the Connecticut Light and Power (CL&P) facility at Montville, Connecticut. It also requires the retirement of another unit at that facility. The intended effect of this action is to approve a Connecticut State Order which limits emissions in accordance with the provisions of subsection 22a–174–24(d) of Connecticut's Administrative Regulations for the Abatement of Air Pollution. This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: This action will become effective May 26, 1992, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th Floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, (617) 565–3229; FTS 835–3229.

SUPPLEMENTARY INFORMATION: On February 28, 1991, the State of Connecticut submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Order No. 7017. This order was issued to CL&P after modeling studies using the Industrial Source Complex Short-Term (ISCST) model revealed possible violations of the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO_2). No monitored violations occurred.

The State Order was issued to limit the emissions of SO_2 by requiring CL&P to retire one unit (Unit #4) and use low sulfur diesel fuel in its two diesel generators (Units D10 and D11). A modeling study, completed in accordance with the requirements listed in the EPA Guideline on Air Quality Models (EPA–450/2–78–027R, July 1986) and Connecticut's Ambient Impact Analysis Guide (AIAG), has shown that these actions will prevent future violations of the NAAQS.

Background Information

The Connecticut Light and Power Company (CL&P) operates a facility located on Lathrop Road in Montville, Connecticut. A Multi-source modeling study done in conjunction with a new source review conducted for a nearby facility, the U.S. Naval Base in Groton, Connecticut, revealed some potential violations of the NAAQS. Some of these violations were attributed to CL&P. The State of Connecticut issued notices of violation to two facilities in the area, CL&P and Stone Connecticut Paperboard Corporation. Two State orders, Nos. 1073A and 7017, have been submitted to EPA to make these conditions federally enforceable. This action only concerns State Order No. 7017.

State Order No. 7017 requires two changes in procedure for CL&P. They are to retire one unit (Unit #4) and use diesel fuel with a sulfur content no greater than 0.25% by weight in their two emergency diesel generators, D10 and D11, which are located at the same facility. The State Order also requires CL&P to maintain records of the sulfur content of all fuel oil delivered to the CL&P Montville facility. This will allow the State of Connecticut to monitor the fuel used by CL&P and insure their compliance with the sulfur-in-fuel restriction.

The retirement of Unit #4 was previously planned by CL&P. This unit is being replaced by a new unit, Unit #7. Unit #7 is powered by natural gas, and does not have significant emissions of SO_2.

The restrictions imposed by State Order No. 7017 will remain in force until CL&P is able to demonstrate that a relaxation of these restrictions will not cause violations of the NAAQS, and the demonstration is approved as a SIP revision by EPA.

Enforcement

State Order No. 7017 contains requirements that CL&P keep records of each purchase of fuel. These records will allow the state to monitor compliance. State Order No. 7017 also contains a schedule of fines which CL&P must pay if a violation occurs, as well as the name and address of the person at the Connecticut Department of Environmental Protection to whom payments are to be sent.

EPA has reviewed State Order No. 7017 and has determined that the restrictions in sulfur content and oil firing are sufficient to maintain the NAAQS in the vicinity of CL&P's facility in Montville, Connecticut.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective May 26, 1992, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subesequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on May 26, 1992.

Final Action

EPA is approving State Order No. 7017 as a revision to the Connecticut SIP. The provisions of State Order No. 7017 limit CL&P to the use of facilities and fuels which will provide sufficiently low sulfur emissions to maintain ambient air quality standards in the Montville, Connecticut area.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation

plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 26, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 6, 1992.

Paul Keough,

Acting Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(61) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(61) Revisions to the State Implemetation Plan submitted by the Connecticut Department of Environmental Protection on February 28, 1991.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated February 28, 1991 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 7017 and attached compliance timetable for the Connecticut Light and Power Company of Montville, Connecticut. State Order No. 7017 was effective on February 25, 1991.

(ii) Additional materials.

(A) Memorandum dated September 14, 1990 approving the modeling analysis for Connecticut Light and Power.

(B) Letter dated April 23, 1991 confirming that the revised configuration approved by State Order No. 7017 will not lead to violations.

(C) Modeling Study dated January 28, 1990 for Connecticut Light and Power.

[FR Doc. 92–6620 Filed 3–23–92; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[IL15–1–5139; FRL–4107–1]

Approval and Promulgation of Air Quality Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is today approving a site specific revision to the Illinois State Implementation Plan (SIP) for ozone. The revision being approved applies to a facility in Richland County, Illinois operated by Roadmaster Corporation. Roadmaster's facility uses black and white flowcoaters to apply extreme performance coatings to miscellaneous metal parts and products. The revision would set a ceiling of 5.9 pounds of Volatile Organic Matter (VOM) per gallon of paint, based on weekly averaging, for the existing black and white flowcoaters. This revision expires on January 1, 2000.

The Illinois SIP applies Reasonable Available Control Technology (RACT) statewide. Consequently, emission limits currently applicable to the Roadmaster facility for VOM are RACT. Those applicable limits are cited in § 215.204(j)(3) of title 35 of the Illinois Administration Code (IAC). This section was approved for incorporation in the Illinois SIP on February 21, 1980, (45 FR 11472) as Pollution Control Board Rule 205(n)(1). The State subsequently recodified this rule as part of the IAC. This section limits the VOM content of coating materials, excluding water, delivered to the applicator for coating miscellaneous metal parts and products for extreme performance coatings to 3.5 pounds of VOM per gallon of coating. The revision being approved would limit the coatings used by the Roadmaster facility's existing black and white flowcoaters to 5.9 pounds of VOM per gallon of coating, based on weekly averaging.

Richland County, Illinois is in attainment of the ozone National Ambient Air Quality Standard (NAAQS). While Part D of the Clean Air Act (CAA) requires RACT level controls only in nonattainment areas and does not require it in attainment areas, such as Richland County, Illinois, a state can impose more stringent requirements than those imposed by the CAA. Under the site specific revision, VOM emissions from Roadmaster's facility in excess of those allowed under the current applicable limit are estimated to be 37.5 tons per year, which additional emmissions are not expected to cause or contribute to a violation of the NAAQS for ozone.

DATES: This action will be effective May 26, 1992, unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section; U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8656 or (FTS) 353–8656.

SUPPLEMENTARY INFORMATION:

Background

Roadmaster manufactures bicycles, toy wagons, tricycles, exercise equipment and various related items. Roadmaster is located near Olney in Richland County, Illinois, an area that is attainment for ozone. See 40 CFR 81.314 (1988).

On April 26, 1990, The Illinois Pollution Control Board (Board) adopted final rulemaking which amended title 35 of the IAC, *Subtitle B:* Air Pollution, *Chapter I:* Pollution Control Board, *Subchapter C:* Emissions Standards and Limitations for Stationary Sources, Part 215, Organic Material Standards and Limitations, *Subpart F:* Coating Operations, by adding § 215.214 Roadmaster Emission Limits. On September 18, 1990, the Illinois Environmental Protection Agency (IEPA) submitted § 215.214 to USEPA as a proposed site-specific revision to the Illinois SIP for ozone.

Section 215.214, which expires January 1, 2000, provides as follows: Roadmaster would be allowed a VOM emissions exception on two existing flowcoater units at its manufacturing facility near Onley, Illinois. The VOM exception, from the generally applicable limit of 3.5 pounds of VOM per gallon of coating, required by § 215.204(j)(3) of the IAC, would be only for the existing black and white flowcoaters which under § 215.214 would be limited to 5.9 pounds of VOM per gallon of coating, based on weekly averaging, to account for daily and seasonal variations. This rule does not embrace new flowcoaters which may be added to the operation, but only the two existing units, in order to allow their continued present operation. New flowcoaters added to the operation must meet the requirements of § 215.204(j)(3).

As a result of public comments in response to First Notice publication in the Illinois Register, 13 Ill. Reg. 12384, July 1989, the Board found that certain revisions to the First Notice proposal were appropriate. Therefore, the Board required Roadmaster to fulfill additional conditions which it set forth in Section 215.214 (a), (b), (c), (d), and (e). The conditions include: (1) Roadmaster must contact at least three paint vendors each year in a continuing search for a compliant paint; (2) Roadmaster must report to IEPA each year on its efforts to find a compliant paint; (3) if a compliant paint is found and the cost is not more than 10 percent greater than the then current net annual expense incurred in the existing painting process, Roadmaster must convert to that compliant paint within 180 days; (4) this exception expires on January 1, 2000, at which time Roadmaster shall comply with the provisions that generally apply to VOM emissions.

Because Richland County and the surrounding area for at least 100 miles in all directions is attainment for ozone, the estimated 37.5 tons per year of VOM emissions in excess of the present rule would not cause or contribute to a violation of the National Ambient Air Quality Standard for ozone.

While Part D of the CAA requires RACT only in nonattainment areas and does not require it in attainment areas, such as Richland County, Illinois, a state can impose more stringent requirements than those imposed by the CAA. In addition to the Illinois SIP requiring RACT in nonattainment areas, it goes beyond the federal requirement of the CAA and requires RACT in attainment areas as well. The State of Illinois imposed the RACT level of control on a statewide basis as part of an accommodative SIP. With the accommodative SIP, new sources and major modifications locating in ozone attainment areas need not comply with the preconstruction monitoring requirements of USEPA's Prevention of Significant Deterioration (PSD) regulations. USEPA's approval of this requested SIP revision removes the accommodative SIP from Richland County until the rule expires on January 1, 2000. That means that all new major sources and modifications in Richland County must comply with all PSD monitoring requirements for the period of the SIP revision. Because the State's accommodative SIP as to Richland County never had any effect on any designated ozone nonattainment area SIP, the RACT relaxation in this notice will also have no effect on nonattainment areas. Any sources wishing to locate in nonattainment areas must provide offsets to net out of review or wait for Federal approval of a part D new source review program for Illinois.

There are several enforceability deficiencies in the submittal that would have necessitated a disapproval if Roadmaster's facility were located in a nonattainment area for ozone. USEPA, in this notice, is on record as noting these deficiencies so that any requested SIP revisions for nonattainment areas that contain these deficiencies may be disapproved, without any such disapproval appearing to be arbitrary or capricious. These deficiencies are: (1) There are no record keeping requirements contained in the submittal; (2) The test methods for solvent content of coatings are specified in section 215.208 which allows Director's Discretion; (3) It is not clear from the submittal whether line by line compliance or cross averaging is required. Because of these deficiencies, the USEPA would have disapproved this rule if the area were nonattainment for ozone. However, since Richland County is attainment for ozone and there is no CAA requirement for RACT level control in an attainment area, USEPA is approving this site specific rule change to the Illinois SIP.

We expect no adverse public or congressional reaction resulting from approval of this SIP revision. The State of Illinois is aware that USEPA plans to approve this revision and process it under the "Direct Final" procedures. The State of Illinois concurs with this decision.

USEPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective May 26, 1992, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective May 26, 1992.

Rulemaking Action

For the reasons stated above USEPA approves the incorporation of § 215.214 of 35 IAC into the Illinois SIP. This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 26, 1992. Filing a petition for reconsideration by the Administrator of the final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7642.

Dated: February 11, 1992.

David Kee,

Acting Regional Administrator.

For the reasons stated in the preamble, chapter 1 of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(83) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(83) On September 18, 1990, the State of Illinois submitted a site specific emissions limit for Roadmaster Corporation which is located near Olney in Richland County, Illinois. The emission limit which is contained in § 215.214 of title 35 of the Illinois Administrative Code requested that volatile organic material (VOM) emissions for Roadmaster's existing black and white flowcoating operations not exceed a weekly average of 5.9 lbs/gallon as long as conditions are met. This emission limit expires on January 1, 2000, at which time Roadmaster shall comply with the provisions that generally apply to VOM emissions.

(i) Incorporation by reference.

(A) *Title 35:* Environmental Protection, *Subtitle B:* Air Pollution, *Chapter I:* Pollution Control Board, *Subchapter C:* Emission Standards and Limitations for Stationary Sources, Part 215 Organic Material Emission Standards and Limitations, *Subpart F:* Coating Operations, § 215.214 Roadmaster Emissions Limitations adopted at 14 Illinois Register 7596, effective May 8, 1990.

[FR Doc. 92–6621 Filed 3–23–92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176–2016]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of prohibition of retention.

SUMMARY: NMFS is prohibiting further retention of Pacific cod by operators of vessels using any gear that are fishing in the Western Regulatory Area of the Gulf of Alaska (GOA) and is requiring that Pacific cod be treated in the same manner as a prohibited species and discarded. The intent of this action is to promote optimum use of groundfish while conserving Pacific cod stocks.

EFFECTIVE DATES: From 12 noon, Alaska local time, (A.l.t.) March 18, 1992, through 12 midnight, A.l.t., December 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) governs the groundfish fishery in the exclusive economic zone of the GOA under the Magnuson Fishery Conservation and Management Act. The FMP was prepared by the North Pacific Fishery Management Council and is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

The amount of a species or species group apportioned to a fishery is the total allowable catch (TAC) as defined at §§ 672.20(a)(2) and 672.20(c)(1). The final notice of 1992 initial specifications of groundfish established the Pacific cod TAC in the Western Regulatory Area of the GOA at 23,500 metric tons (57 FR 2844, January 24, 1992).

The Director of the Alaska Region, NMFS, has determined that the TAC for Pacific cod in the Western Regulatory Area of the GOA has been taken. Therefore, under § 672.20(c)(3), further catches of Pacific cod in the Western Regulatory Area must be treated as a prohibited species and discarded under § 672.20(e) by vessels fishing in the Western Regulatory Area of the GOA after 12 noon, A.l.t., March 18, 1992.

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 18, 1992.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–6708 Filed 3–18–92; 4:11 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 57
Tuesday, March 24, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM–35–10]

American College of Nuclear Medicine; Receipt of Petition for Rulemaking; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Notice of receipt, Correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on March 9, 1992 (57 FR 8282). This action is necessary to correct a typographical error.

DATES: Submit comments by May 8, 1992. Comments received after this date will be considered if it is practical to do so but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the petition, write: Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–492–7758 or Toll Free: 800–368–5642.

The petition and copies of comments received may be inspected and copied for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7758 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION: On page 8282, in the second column, in the second line of paragraph (1) under the heading "Petitioner's Request," the citation "10 CFR 35.72(a)(2)" should read "10 CFR 35.75(a)(2).".

Dated at Bethesda, Maryland, this 18th day of March, 1992.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 92–6763 Filed 3–23–92; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

12 CFR Part 1102

[Docket No. AS92–1]

Appraisal Subcommittee; Appraisal Regulation; Rules of Practice for Proceedings

AGENCY: Appraisal Subcommittee, Federal Financial Institutions Examination Council.

ACTION: Proposed rulemaking.

SUMMARY: The Appraisal Subcommittee ("ASC") of the Federal Financial Institutions Examination Council ("FFIEC") is publishing for comment proposed subpart B, Rules of Practice For Proceedings, under already proposed part 1102, Appraisal Regulation.[1] The new subpart is designed to govern proceedings under section 1118 [2] of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") [3] for the nonrecognition of State real estate appraiser licensing and certification designations and systems and other proceedings "to take such further action * * * to carry out the purposes" of title XI" under § 1119(c) [4] of that title. Congress intended title XI of FIRREA and the ASC and the Federal Financial Institutions Regulatory Agencies [5] and the Resolution Trust Corporation ("RTC") (collectively "Agencies") to protect federal financial and public policy interests in real estate-related financial transactions [6] requiring the services of an appraiser.[7]

DATES: Comments must be received on or before May 26, 1992.

ADDRESSES: Persons wishing to submit written comments should file them with Edwin W. Baker, Executive Director, Appraisal Subcommittee, at 1776 G Street, NW., suite 850B, Washington, DC 20006 (before April 1, 1992), or at 2100 Pennsylvania Avenue, NW., suite 200, Washington, DC 20037 (on and after April 1, 1992). All comment letters should refer to Docket No. AS92–1. All comments received will be available for public inspection and copying at the above location.

FOR FURTHER INFORMATION CONTACT: Edwin W. Baker, Executive Director, or Marc L. Weinberg, General Counsel, at the addresses above or at (202) 357–0133.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 9, 1989, Congress Adopted FIRREA, including section 1102 [8] of title XI, which established as ASC and placed it within the FFIEC. The ASC consists of representatives appointed by the heads of the federal financial institutions regulatory agencies and the Department of Housing and Urban Development. Congress intended title XI of FIRREA, the ASC and the Agencies to protect federal financial and public

[1] Proposed 12 CFR part 1102, subpart A, provides procedures for temporary waiver proceedings under section 1119(b) of title XI, 12 U.S.C. 3348(b) (1990). The ASC published subpart A for comment on November 26, 1991, at 56 FR 59699, and expects to adopt a final version of subpart A shortly.

[2] 12 U.S.C. 3347 (1990).

[3] Pub. L. 101–73, 103 Stat. 183 (1989), as amended by Pub. L. Nos. 102–233, 105 Stat. 1761 (1991) and 102–242, 105 Stat. 2236 (1991).

[4] 12 U.S.C. 3348(c) (1990).

[5] These agencies are the Board of Governors of the Federal Reserve System ("FRS"), the Federal Deposit Insurance Corporation ("FDIC"), the Office of the Comptroller of the Currency ("OCC"), the Office of Thrift Supervision ("OTS"), and the National Credit Union Administration ("NCUA"). See section 1122(6) of title XI, 12 U.S.C. 3350(6) (1990).

[6] See section 1121(5) of title XI, 12 U.S.C. 3350(5) (1990), for the definition of "real estate-related financial transactions."

[7] The Agencies have adopted appraisal regulations that, among other things, clarify the phrase "requires the services of an appraiser." See 12 CFR part 34 (OCC); part 225, subpart G (FRS); part 323 (FDIC); part 564 (OTS); part 722 (NCUA); and part 1608 (1991) (RTC).

[8] 12 U.S.C. 3310 (1990).

policy interest [9] in real estate-related financial transactions requiring the services of an appraiser.

The ASC has several statutory duties under title XI. First, it must monitor the appraisal regulations adopted by the Agencies. Those regulations set out appraisal standards for federally related transactions [10] and define those federally related transactions requiring the services of a State certified or State licensed appraiser. Second, the ASC must monitor and review the practices, procedures, activities, and organizational structure of the Appraisal Foundation. Third, the ASC must monitor each State's certification and licensing programs for real estate appraisers [11] and must review each State's compliance with the requirements of title XI. It also is authorized by title XI to take action against non-complying States.[12]

II. Statutory Authority

A. Non-recognition proceedings

Pursuant to § 1118 [13] of title XI, financial institutions,[14] the Agencies, the Federal National Mortgage Association ("FNMA") and the Federal Home Loan Mortgage Corporation ("FHLMC") generally must accept appraisals in federally related transactions performed by persons licensed or certified by a State appraiser regulatory agency ("State Agency"). In monitoring State compliance with title XI, the ASC, however, can "disapprove" or "not recognize appraiser certifications and licenses from States whose appraisal policies, practices or procedures are found to be inconsistent with (Title XI)" [15]

Paragraph (b) of section 1118 describes what is meant by "non-recognition" in the context of title XI and sets out the grounds on which the ASC can order non-recognition. If the ASC were to order non-recognition of a State Agency's certifications and licenses, the ASC, all Federal financial institutions, and the Agencies, together with FNMA and FHLMC, could not rely on appraisals prepared by persons who are licensed and/or certified to appraise federally related transactions within that State Agency's jurisdiction. In effect, the State's real estate market in federally related transactions would be hindered, and Federally-insured banks and credit unions might have to bring in out-of-State certified or licensed appraisers (from complying States) to perform needed appraisals. The ASC can order non-recognition only if it makes a written finding that one or more of the following conditions are satisfied:

(1) The (State Agency) fails to recognize and enforce the standards, requirements, and procedures prescribed pursuant to (title XI);

(2) The (State Agency) is not granted authority by the State which is adequate to permit the agency to carry out its functions under (title XI); or

(3) Decisions concerning appraisal standards, appraiser qualifications and supervision of appraiser practices are not made in a manner that carries out the purposes of (title XI).[16]

Paragraph (c) of section 1118 [17] provides a State with certain procedural protections before the ASC can choose not to recognize its appraiser certifications and licenses. First, the ASC must provide the offending State Agency with a "written notice of the (ASC's) intention not to recognize the State's certified or licensed appraisers." [18] Second, the ASC must give the State Agency "ample opportunity to provide rebuttal information or to correct the conditions causing the refusal." [19] Last, the ASC must "adopt written procedures for * * * (non-recognition) actions.[20]

B. "Other Proceedings" Under § 1119(c) of Title XI

Section 1119(c) [21] requires the ASC to "report any action of a State certified or licensed appraiser that is contrary to the purposes of (title XI) * * * to the appropriate (State Agency) for a disposition of the subject of the referral." The State Agency then must provide the ASC "with a report on its disposition of the matter referred." [22] After receiving the report, the ASC "may take such further action, pursuant to written procedures, it deems necessary to carry out the purposes of (title XI).[23]

III. Description of the Proposed Rule

Proposed subpart B of part 1102 sets out a procedure for dealing with proceedings under sections 1118 and 1119(c) of title XI. The proposed rules are specifically tailored to afford expeditious administrative processing of these proceedings, while, at the same time, assuring parties to the proceedings sufficient procedural protections. For example, parties are provided with the right to counsel, notice of impending ASC actions, and an ample opportunity to contest ASC statements. The proposed rules also contain provisions implementing the ASC's intention to make a good faith effort, whenever possible, to work out all disputes, problems, issues, misunderstandings and other difficulties both before and after the commencement of formal proceedings.

A. Commencement of the Proceeding

The ASC may commence a proceeding under proposed subpart B by instructing the Secretary of the ASC [24] to provide the party, *e.g.*, a State Agency, with a written "Notice of Intention to Commence Proceeding" ("Notice of Intention").[25] The Notice of Intention

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[9] Title XI's general purpose is "to provide that Federal financial and public policy interests * * * will be protected by requiring that (certain) real estate appraisals are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision." Section 1101 of title XI, 12 U.S.C. 3331 (1990).

[10] *See* section 1121(4) of title XI, 12 U.S.C. 3350(4) (1990), which defines a "federally related transaction."

[11] The ASC is required to "monitor State appraiser certifying and licensing agencies for the purpose of determining whether the * * * agency's policies, practices, and procedures are consistent with (title XI)." Section 1118(a) of title XI, 12 U.S.C. 3347(a) (1990). See also, 1103(a)(1) of title XI, 12 U.S.C. 3332(a)(1) (1990). The ASC must maintain a national registry of all state certified and licensed appraisers who are eligible to perform appraisals in federally related transactions. Each State with an appraiser certifying and licensing agency is responsible for transmitting to the ASC a roster of these appraisers, along with an annual registry fee.

[12] *See* 1118 of title XI, 12 U.S.C. 3347 (1990).

[13] *Id.*

[14] A "financial institution" is "an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal Credit Union Act." Section 1121(7) of title XI, 12 U.S.C. 3350(7) (1990).

[15] Section 1118(a) of title XI, 12 U.S.C. 3347(a) (1990).

[16] Section 1118(b) of title XI, 12 U.S.C. 3347(b) (1990).

[17] 12 U.S.C. 3347(c) (1990).

[18] Section 1118(c)(1) of title XI, 12 U.S.C. 3347(c)(1) (1990).

[19] Section 1118(c)(2) of title XI, U.S.C. 3347(c)(2) (1990).

[20] Section 1118(c)(3), 12 U.S.C. 3347(c)(3), specifically makes ASC non-recognition decisions subject to judicial review.

[21] 12. U.S.C. 3348(c) (1990).

[22] Section 1119 of title XI also authorizes "any other Federal agency or instrumentality, or any federally recognized entity" to report questionable individual appraiser activities to State Agencies and to receive disposition reports from those State Agencies respecting those referrals.

[23] Only the ASC and "any other Federal agency or instrumentality" can take further action.

[24] The Secretary is the ASC's Executive Director. See ASC's Rules of Operation, section 306(b), 56 FR 28561 (June 21, 1991), at 28562.

[25] See proposed rules 1102.23, 1102.24, 1102.25 and 1102.26 for details regarding the requirements for the filing and service of papers by the ASC and by the other parties to the proceeding. In general, filing and service can be accomplished by personal service, delivery via reliable commercial courier, overnight delivery service, and the first class, registered, certified or express mail services of the U.S. Post Office. Filing and service and effective upon actual delivery for personal service or same-day commercial courier delivery and upon deposit

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must contain statements setting out: (1) The ASC's legal authority and jurisdiction; (2) the matters of fact and law constituting the grounds for the proceeding; and (3) a date no earlier than 21 calendar days [26] after the issuance of the Notice of Intention on which the information-gathering phase of the proceeding will end.[27] The ASC must promptly publish the Notice of Intention in the **Federal Register**.

B. Election of Rebuttal or Notice Not To Contest

Pursuant to proposed Rule 1102.33, a party has 15 days in which to file with the Secretary a written Rebuttal or Notice Not To Contest. In a Rebuttal, a party generally has to admit or deny specifically each statement in the Notice of Intention. Statements not denied are considered admitted.[28] Alternatively, a party may choose not to contest the statements in the Notice of Intention and file a Notice Not To Contest. By filing a Notice Not To Contest, a party waives its right to rebut the ASC's statements, and the ASC is free to decide the matter as appropriate. Filing a Notice Not To Contest does not affect a party's right to judicial review.

C. Briefs, Memoranda or Statements

At any time between the commencement of the proceeding and the end of the proceeding's information-gathering phase, a party may file with the Secretary (and serve on other parties to the proceeding a copy of) a written brief, memorandum or other statement providing factual data and policy and legal arguments regarding the Notice of Intention. The Secretary will receive this document and will place it in the public file of the proceeding. Other parties to the proceeding then will have ten calendar days from when the documents are served on them to respond by written submission. The Secretary will receive responses and will place them in the public file. A responding party also must serve a copy of the response on other parties.

D. Oral Presentations

Between the commencement of the proceeding and seven calendar days before the end of the information-gathering phase, any party to the proceeding may file with the Secretary a letter requesting that the Secretary schedule an opportunity for the party to give an oral presentation to the ASC. That letter must include the reasons why an oral presentation is necessary. The Secretary must promptly forward the letter request to the Chairman of the ASC. The Chairman may obtain the informal views of other ASC members and the ASC's senior staff regarding the request. The Chairman then must instruct the Secretary to forward a letter to the party either: (1) Scheduling a date and time for the oral presentation; or (2) declining the request and providing the reasons therefor. The party's letter and the ASC's response will be included in the proceeding's public file.

On the appropriate date and time, the party (or his or her attorney (if any)) will make the oral presentation before the ASC. Any ASC member may ask the party or the representative, as the case by be, pertinent questions relating to the content of the oral presentation.

An oral presentation shall be considered as an opportunity to offer, emphasize and clarify the facts, policies and laws concerning the issues before the ASC. Oral presentations will not be recoded or otherwise transcribed. The Secretary, however, must enter into the proceeding's public file minutes summarizing the subjects discussed during the oral presentation.

E. Other Opportunities for Issue Clarification and Settlement of Actions

Proposed subpart B provides the ASC and parties with several methods of focusing, shortening and settling a proceeding, even before the proceeding is commenced formally by the ASC. Proposed rule 1102.39 states that the ASC and its staff (as authorized by the ASC) have a general duty to provide parties an ample opportunity to work out problems by consent, by settlement or in some other manner. After a proceeding is commenced, proposed rule 1102.36 enables any party at any time to submit to the Secretary, for the ASC's consideration, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. Moreover, proposed rule 1102.30(b) enables the parties at any time to agree to a stipulation of facts, law and the authenticity of documents.

Finally, proposed rule 1102.29(c) provides a vehicle for the parties and designated members of the ASC and its staff to meet together, among other things, to schedule aspects of the proceedings, to simplify and clarify issues, to enter into stipulations and admissions of fact, ad to deal with "such other matters as may aid in the orderly disposition of the proceeding * * *." Like oral presentations, conferences will not be recorded, and the Secretary must include in the public file a memorandum summarizing the results of the conference. Unless changed by the ASC, that memorandum will control the subsequent course of the proceeding.

F. Ethical Considerations in Proceedings

Proposed rule 1102.29 contains ethical considerations designed to comply with the spirit of the Administrative Procedure Act.[29] These provisions help to assure that ASC proceedings are fair and impartial.

G. ASC Decision

The ASC must issue an order in the matter no later than 45 days after the close of the information-gathering phase of the proceeding. The order must contain the ASC's findings of facts and conclusions of law and may contain such terms and conditions as the ASC deems appropriate. The Secretary must serve the order promptly on the parties, place it in the public file of the proceeding and publish it in the **Federal Register**. The ASC order is considered a final agency action from which judicial review can be taken.[30]

IV. Regulatory Flexibility Act Statement

Pursuant to section 605(b) of the Regulatory Flexibility Act, the ASC certifies that this notice of proposed rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Proposed subpart B of part 1102 is designed to govern non-recognition proceedings under § 1118 [31] of title XI and "other proceedings necessary to carry out the purposes of (title XI)" under section 1119(c) of that title. These sections of FIRREA generally require the ASC to adopt written procedures.

The purpose of the proposed rules is to secure a just and orderly determination of administrative

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or delivery to an appropriate point of collection for all other methods.

[26] Proposed rule 1102.27 deals with computing time. Intermediate Saturdays, Sundays and legal holidays (as recognized in the District of Columbia) are included unless the time frame is seven days or less. The last day of a time period, if falling on a Saturday, Sunday or such a legal holiday, moves to the next day that is not a Saturday, Sunday or legal holiday. A party will have three days added to a prescribed period if the party is served via U.S. mail. The period will begin running when the item is deposited in the U.S. mail.

[27] The ASC can extend this date for good cause upon the written request of a party or on its own initiative. A notice respecting this extension must be published promptly in the **Federal Register** by the Secretary of the ASC.

[28] The party also could admit and deny ASC statements in whole or in part.

[29] See 12 U.S.C. 556(b) and 557(b)(1) (1990).

[30] See generally 5 U.S.C. ch. 7 (1990), which deals with the right to judicial review of administrative agency actions, and section 1118(c)(3) of title XI, 12 U.S.C. 3347(c)(3) (1990)

[31] 12 U.S.C. 3347 (1990).

proceedings. Non-recognition proceedings by their very nature do not directly involve small entities; they concern States and their appraiser regulatory agencies. While "other action" under section 1119(c) of title XI conceptually could affect individual appraisers more directly, Congress intended the ASC to use this authority primarily to ensure that State Agencies appropriately discipline appraisers certified or licensed within their respective jurisdictions. Therefore, section 1119(c) actions also focus on States and their appraiser regulatory agencies.

V. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980,[33] forms, reporting and recordkeeping requirements included in proposed 12 CFR part 1102, subpart B, were submitted to the Office of Management and Budget for review and approval on March 4, 1992.[33] Proposed subpart B, when adopted, will provide the written procedures necessary to implement section 1118 of title XI of FIRREA fully.[34] The estimated number of respondents is six, each submitting one response per year, with an estimated average annual reporting burden of 60 hours per response.

VI. Executive Order 12291 Statement

The ASC has determined that this notice of proposed rulemaking does not constitute a "major rule" within the meaning of Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required on the grounds that this notice of proposed rulemaking, if adopted: (1) Would not have an annual effect on the economy of $100 million or more; (2) would not result in a major increase in the cost of financial institution operations or governmental supervision; and (3) would not have a significant adverse effect on competition (foreign or domestic), employment, investment, productivity or innovation, within the meaning of the Executive Order.

List of Subjects in 12 CFR Part 1102

Administrative practice and procedure, Appraisers, Banks, Banking, Mortgages, Reporting and recordkeeping requirements.

Text of the Proposed Rule

Chapter XI, title 12 of the Code of Federal Regulations, is amended as set forth below:

[33] 44 U.S.C. 35 (1990).
[33] 57 FR 8331 (March 9, 1992).
[34] 12 U.S.C. 3347 (1990).

Part 1102, proposed at 56 FR 59901, November 26, 1991, is amended to read as follows:

PART 1102—APPRAISAL REGULATION

1. The authority citation for part 1102 is removed and the authority citation for subpart A is added as follows:

Authority: 12 U.S.C. 3348(b).

2. Subpart B is added to read as follows:

Subpart B—Rules of Practice for Proceedings

Sec.
1102.20 Authority, purpose and scope.
1102.21 Definitions.
1102.22 Appearance and practice before the Subcommittee.
1102.23 Formal requirements as to papers filed.
1102.24 Filing requirements.
1102.25 Service.
1102.26 When papers are deemed filed or served.
1102.27 Computing time.
1102.28 Documents and exhibits in proceedings public.
1102.29 Conduct of proceedings.
1102.30 Rules of evidence.
1102.31 Burden of proof.
1102.32 Notice of Intention to Commence A Proceeding.
1102.33 Rebuttal or Notice Not To Contest.
1102.34 Briefs, memoranda and statements.
1102.35 Opportunity for informal settlement.
1102.36 Oral Presentations.
1102.37 Decision of the Subcommittee and judicial review.
1102.38 Compliance activities.
1102.39 Duty to cooperate.

Subpart B—Rules of Practice for Proceedings

Authority: 12 U.S.C. 3332, 3335, 3347, and 3348(c).

§ 1102.20 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued under sections 1103, 1106, 1118 and 1119(c) of title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") (12 U.S.C. 3332, 3335, 3347, and 3348(c)).

(b) *Purpose and scope.* This subpart prescribes rules of practice and procedure governing non-recognition proceedings under section 1118 of title XI (12 U.S.C. 3347); and other proceedings necessary to carry out the purposes of title XI under section 1119(c) of title XI (12 U.S.C. 3348(c)).

§ 1102.21 Definitions.

As used in this subpart:

(a) *Subcommittee* or *ASC* means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, as established under section 1011 of title XI (12 U.S.C. 3310).

(b) *Party* means the ASC or a person, agency or other entity named as a party, including, when appropriate, persons appearing in the proceeding under § 1102.22 of this subpart.

(c) *Respondent* means any party other than the ASC.

(d) *Secretary* means the Secretary of the ASC under its Rules of Operation.

§ 1102.22 Appearance and practice before the Subcommittee.

(a) *By attorneys and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State or of the District of Columbia, or of any possession, territory, or commonwealth of the United States, may represent parties before the ASC upon filing with the Secretary a written notice of appearance stating that he or she is currently qualified as provided in this paragraph and is authorized to represent the particular party on whose behalf he or she acts.

(b) *By non-attorneys.* An individual may appear on his or her own behalf. A member of a partnership may represent the partnership, and an officer, director or employee of any government unit, agency, institution, corporation or authority may represent that unit, agency, institution, corporation or authority. The partner, officer, director or employee must file with the Secretary a written statement that he or she has been duly authorized by the partnership, government unit, agency, institution, corporation or authority to act on its behalf. The ASC may require the representative to attach to the statement appropriate supporting documentation, such as a corporate resolution.

(c) *Conduct during proceedings.* All participants in a proceeding shall conduct themselves with dignity and in an orderly and ethical manner. The attorney or other representative of a party shall make every effort to restrain a client from improper conduct in connection with a proceeding. Improper language or conduct, refusal to comply with directions, use of dilatory tactics, or refusal to adhere to reasonable standards of orderly and ethical conduct constitute grounds for immediate exclusion from the proceeding at the direction of the ASC.

§ 1102.23 Formal requirements as to papers filed.

(a) *Form.* All paper filed under this subpart must be double-spaced and printed or typewritten on 8½"×11" paper. All copies shall be clear and legible.

(b) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the ASC and of the filing party, the title and/or docket number of the proceeding, and the subject of the particular paper.

(c) *Party names, signatures, certificates of service.* All papers filed must set forth the name, address and telephone number of the attorney or party making the filing, must be signed by the attorney or party, and must be accompanied by a certification setting forth when and how service has been made on all other parties.

(d) *Copies.* Unless otherwise specifically provided in the notice of proceeding or by the ASC during the proceeding, an original and one copy of all documents and papers shall be furnished to the Secretary.

§ 1102.24 Filing requirements.

(a) *Filing.* All papers filed with the ASC in any proceeding shall be filed with the Secretary, Appraisal Subcommittee, 2100 Pennsylvania Avenue, NW., Suite 200, Washington, DC 20037.

(b) *Manner of filing.* Unless otherwise specified by the ASC, filing may be accomplished by:

(1) Personal service;

(2) Delivering the papers to a reliable commercial courier service, overnight delivery service, or to the U.S. Post Office for Express Mail delivery; and

(3) Mailing the papers by first class, registered, or certified mail.

§ 1102.25 Service.

(a) *Methods; appearing party.* A serving party, who has made an appearance under § 1102.22 of this subpart, shall use one or more of the following methods of service:

(1) Personal service;

(2) Delivering the papers to a reliable commercial courier service, overnight delivery service, or to the U.S. Post Office for Express Mail delivery; and

(3) Mailing the papers by first class, registered, or certified mail.

(b) *Methods; non-appearing party.* If a party has not appeared in the proceeding in accordance with § 1102.22 of this subpart, the ASC or any other party shall make service by any of the following methods:

(1) By personal service;

(2) By delivery to a person of suitable age and discretion at the party's last known address;

(3) By registered or certified mail addressed to the party's last known address; or

(4) By any other manner reasonably calculated to give actual notice.

(c) *By the Subcommittee.* All papers required to be served by the ASC shall be served by the Secretary unless some other person shall be designated for such purpose by the ASC.

(d) *By the respondent.* All papers filed in a proceeding under this subpart shall be served by a respondent on the Secretary and each party's attorney, or, if any party is not so represented, then upon such party. Such service may be made by any of the appropriate methods specified in paragraphs (a) and (b) of this section.

§ 1102.26 When papers are deemed filed or served.

(a) *Effectiveness.* Filing and service are deemed effective:

(1) For personal service or same-day commercial courier delivery, upon actual delivery; and

(2) For overnight commercial delivery service, U.S. Express Mail delivery, or first class, registered, or certified mail, upon deposit in, or delivery to, an appropriate point of collection.

(b) *Modification.* The effective times for filing and service in paragraph (a) this section may be modified by the ASC in the case of filing or by agreement of the parties in the case of service.

§ 1102.27 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this subpart, the date of the act, event or default from which the designated period of time begins to run is not included. The last day so computed is included, unless it is a Saturday, Sunday, or Federal holiday, in which event the period runs until the end of next day which is not a Saturday, Sunday or Federal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation, unless the time within which the act is to be performed is seven days or less. If seven days or less, intermediate Saturdays, Sundays and Federal holidays are not included.

(b) *For service and filing responsive papers.* Whenever a time limit is measured by a prescribed period from the service of any notice or paper, the applicable time periods are calculated as follows:

(1) If service is made by first class, registered or certified mail, add three days to the prescribed period; and

(2) If service is made by express mail or overnight delivery service, add one day to the prescribed period.

§ 1102.28 Documents and exhibits in proceedings public.

Unless and until otherwise ordered by the ASC or unless otherwise provided by statute or by ASC regulation, all documents, papers and exhibits filed in connection with any proceeding, other than those that may be withheld from disclosure under applicable law, shall be placed by the Secretary in the proceeding's public file and will be available for public inspection and copying at the address set out in § 1102.24 above.

§ 1102.29 Conduct of proceedings.

(a) *In general.* Unless otherwise provided in the notice of proceedings, all proceedings under this subpart shall be conducted as hereinafter provided.

(b) *Written Submissions.* All aspects of the proceeding shall be conducted by written submissions only, with the exception of oral presentations allowed under § 1102.36 of this subpart.

(c) *Disqualification.* A subcommittee member who deems himself or herself disqualified may at any time withdraw. Upon receipt of a timely and sufficient affidavit of personal bias or disqualification of such member, the ASC will rule on the matter as a part of the record and decision in the case.

(d) *Use of ASC staff.* Appropriate members of the ASC's staff who are not engaged in the performance of investigative or prosecuting functions in the proceeding may advise and assist the ASC in the consideration of the case and in the preparation of appropriate documents for its disposition.

(e) *Authority of Subcommittee Chairperson.* The Chairperson of the ASC, in consultation with other members of the ASC whenever appropriate, shall have complete charge of the proceeding and shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings in accordance with this subpart.

(f) *Conferences.* The ASC may on its own initiative or at the request of any party, direct all parties or counsel to meet with one or more duly authorized ASC members or staff at a specified time and place, or to submit to the ASC or its designee, suggestions in writing for the purpose of considering any or all of the following:

(1) Scheduling of matters, including a timetable for the information-gathering phase of the proceeding;

(2) Simplification and clarification of the issues;

(3) Stipulations and admissions of fact and of the content and authenticity of documents;

(4) Matters of which official notice will be taken; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of persons submitting affidavits or other documents and exhibits which may be introduced into the public file of the proceeding.

Such conferences will not be recorded, but the Secretary shall place in the proceedings' public file a memorandum summarizing the results of the conference. The memorandum shall control the subsequent course of the proceedings, unless the ASC for good cause modifies those results and instructs the Secretary to place an amendatory memorandum to that effect in the public file.

(g) *Changes or extensions of time and changes of place of proceeding.* The ASC at any time may instruct the Secretary to publish a notice in the **Federal Register** providing time limits different from those specified in this subpart, and may, on its own initiative or for good cause shown, change or extend any time limit prescribed by this subpart, including the date for ending the information-gathering phase of the proceeding.

(h) *Call for further briefs, memoranda, statements; reopening of matters.* The ASC may call for the production of further information upon any issue, the submission of briefs, memoranda and statements (together with written responses), and, upon appropriate notice, may reopen any aspect of the proceeding at any time prior to a decisions on the matter.

§ 1102.30 Rules of evidence.

(a) *In general.* (1) Except as is otherwise set forth in this section, relevant, material and reliable evidence that is not unduly repetitive is admissible to the fullest extent authorized by the Administrative Procedure Act and other applicable law.

(2) Evidence that would be admissible under the Federal Rules of Evidence is admissible in a proceeding conducted under this subpart.

(3) Evidence that would be inadmissible under the Federal Rules of Evidence may be deemed or ruled admissible in a proceeding conducted under this subpart if such evidence is relevant, material, reliable and not unduly repetitive.

(b) *Stipulations.* Any party may stipulate in writing as to any relevant matters of fact, law, or the authenticity of any relevant documents. The secretary shall place such stipulations in the public file, and they shall be binding on the parties.

(c) *Official notice.* Every matter officially noticed by the ASC shall appear in the public file, unless the ASC determines that the matter must be withheld from public disclosure under applicable Federal law.

§ 1102.31 Burden of proof.

The ultimate burden of proof shall be on the respondent. The burden of going forward with a *prima facie* case shall be on the ASC.

§ 1102.32 Notice of Intention To Commence A Proceeding.

The ASC shall instruct the Secretary or other designated officer acting for the ASC to publish in the **Federal Register** a Notice of Intention To Commence A Proceeding ("Notice of Intention"). The Notice of Intention shall be served upon the party or parties to the proceeding. The Notice of Intention shall state the legal authority and jurisdiction under which the proceeding is to be held; shall contain, or incorporate by appropriate reference, a specific statement of the matters of fact or law constituting the grounds for the proceeding; and shall state a date no sooner than 21 calendar days after service of the Notice of Intention is made for termination of the information-gathering phase of the proceeding. The ASC may amend a Notice of Intention in any manner and to the extent consistent with provisions of applicable law.

§ 1102.33 Rebuttal or Notice Not To Contest.

(a) *When required.* A party to the proceeding may file either a Rebuttal or a Notice Not to Contest the statements contained in the Notice of Intention or any amendment thereto with the Secretary within 15 calendar days after being served with the Notice of Intention or an amendment to such Notice. The Secretary shall place the Rebuttal or the Notice Not To Contest in the public file.

(b) *Requirements of Rebuttal; effect of failure to deny.* A Rebuttal filed under this section shall specifically admit, deny or state that the party does not have sufficient information to admit or deny each statement in the Notice of Intention. A statement of lack of information shall have the effect of a denial. Any statement not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of a statement, the party shall admit so much of it as is true and shall deny only the remainder.

(c) *Notice Not To Contest.* A party filing a Notice Not To Contest the statement of fact set forth in the Notice of Intention shall constitute a waiver of the party's opportunity to rebut the facts alleged, and together with the Notice of Intention and any referenced documents, will provide a record basis on which the ASC shall decide the matter. The filing of a Notice Not To Contest shall not constitute a waiver of the right of such party to a judicial review of the ASC's decision, findings and conclusions.

(d) *Effect of failure to file Rebuttal or Notice Not To Contest.* Failure of a party to file a response required by this section within the time provided shall constitute a waiver of the party's opportunity to rebut and to contest the statements in the Notice of Intention and shall constitute authorization for the ASC, without further notice to the party, to find the facts to be as presented in the Notice of Intention and to file with the Secretary a decision containing such findings and appropriate conclusions. The ASC, for good cause shown, may permit the filing of a Rebuttal After the prescribed time.

§ 1102.34 Briefs, memoranda and statements.

Until the end of the information-gathering phase of the proceeding, any party may file with the Secretary a written brief, memorandum or other statement providing factual data and policy and legal arguments regarding the matters set out in the Notice of Intention. The filing party shall simultaneously serve other parties to the proceeding with a copy of the document. No later than ten calendar days after such service, any party may file with the Secretary a written response to the document and must simultaneously serve a copy thereof on the other parties to the proceeding. The Secretary will receive documents and responses and will place them in the public file.

§ 1102.35 Opportunity for informal settlement.

Any party may at any time submit to the Secretary, for consideration by the Subcommittee, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No offer or proposal shall be included in the proceeding's public file over the objection of any party to such proceeding. This paragraph shall not preclude settlement of any proceeding by the filing of a Notice Not To Contest as provided in paragraph (c) of § 1102.33 or by the submission of the case to the ASC on a stipulation of facts.

§ 1102.36 Oral Presentations.

(a) *In general.* An oral presentation shall be considered as an opportunity to offer, emphasize and clarify the facts, polices and laws concerning the proceeding. A party does not have a right to an oral presentation.

(b) *Method and time of request.* Between the commencement of the proceeding and seven calendar days before the end of the information-gathering phase, any party to the proceeding may file with the Secretary a letter requesting that the Secretary schedule an opportunity for the party to give an oral presentation to the ASC. That letter shall include the reasons why an oral presentation is necessary.

(c) *ASC processing.* The Secretary must promptly forward the letter request to the Chairman of the ASC. The Chairman, after informally contacting other ASC members and the ASC's senior staff for their views, will instruct the Secretary to forward a letter to the party either:

(1) Scheduling a date and time for the oral presentation; or

(2) Declining the request and providing the reasons therefor. The party's letter request and the ASC's response will be included in the proceeding's public file.

(d) *Procedure on presentation day.* On the appropriate date and time, the party or his or her attorney (if any) will make the oral presentation before the ASC. Any ASC member may ask the party or the attorney, as the case may be, pertinent questions relating to the content of the oral presentation. Oral presentations will not be recorded or otherwise transcribed. The Secretary must enter promptly into the proceeding's public file a memorandum summarizing the subjects discussed during the oral presentation.

§ 1102.37 Decision of the Subcommittee and judicial review.

At a reasonable time after the end of the information-gathering phase of the proceeding, but not exceeding 45 calendar days, the ASC shall issue a final decision in the matter and shall cause the decision to be published promptly in the **Federal Register.** The Secretary shall serve the decision upon the parties promptly, shall place it in the proceeding's public file and shall furnish it to such other persons as the ASC may direct. Pursuant to the provisions of chapter 7 of title 5 of the U.S. Code and section 1118(c)(3) of title XI of FIRREA (12 U.S.C. 3348(c)(3)), a final decision of the ASC is a prerequisite to seeking judicial review.

§ 1102.38 Compliance activities.

(a) Where, from complaints received from members of the public, communications from Federal or State agencies, examination of information made by the ASC, or otherwise, it appears that a person has violated, is violating or is about to violate title XI of FIRREA or the rules or regulations thereunder, the ASC staff may commence an informal, preliminary inquiry into the matter. The ASC, in its discretion, may determine to commence a formal investigation respecting the matter and shall instruct the Secretary to create a public file for the formal investigation. The Secretary shall place in that file a memorandum naming the person or persons subject to the investigation and the statutory basis for the investigation.

(b) Unless otherwise instructed by the ASC or required by law, the Secretary shall ensure that all other papers, documents and materials gathered or submitted in connection with the investigation are non-public and for ASC use only.

(c) Persons who become involved in preliminary or formal investigations may, on their own initiative, submit a written statement to the Secretary setting forth their interests, positions or views regarding the subject matter of the investigation. Upon request, the staff, in its discretion, may advise such persons of the general nature of the investigation, including the indicated violations as they pertain to them and the amount of time that may be available for preparing and submitting such a statement prior to the presentation of a staff recommendation to the ASC. In the event a recommendation for the commencement of a proceeding is presented by the staff, the Secretary shall place any such statement in the public file of the proceeding.

(d) In instances where the staff has concluded its investigation of a particular matter and has determined that it will not recommend the commencement of a proceeding against a person, the staff, in its discretion, may advise the party that its investigation has been terminated. Such advice, if given, must in no way be construed as indicating that the party has been exonerated or that no action may ultimately result from the staff's investigation of the particular matter.

§ 1102.39 Duty to cooperate.

In the course of its investigations and proceedings, the ASC (and its staff, with appropriate authorization) must provide parties or persons ample opportunity to work out problems by consent, by settlement, or in some other manner.

By the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Dated: March 18, 1992.

Fred D. Finke,

Chairman.

[FR Doc. 92-6729 Filed 3-23-92; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 143; 46 CFR Part 2

[CGD 91-030]

RIN 2115-AD78

Direct User Fees for Inspection or Examination of U.S. and Foreign Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice: reopening of the public comment period and schedule of public hearings.

SUMMARY: On December 18, 1991, the Coast Guard published in the **Federal Register** a notice of proposed rulemaking to establish user fees for Coast Guard services related to the inspection or examination of U.S. and foreign commercial vessels. Numerous individuals have requested additional time to comment on the proposed rulemaking; others have requested that the Coast Guard hold public hearings. In response to these requests, the Coast Guard has decided to reopen the comment period and to hold nine public hearings on this proposal at the locations specified in **SUPPLEMENTARY INFORMATION** below.

DATES: Written comments must be received on or before May 18, 1992. The dates of the public hearings are April 13, April 14, April 17, April 20, April 22, April 24, April 27, April 28, 1992 and May 1, 1992 as further explained in **SUPPLEMENTARY INFORMATION** below.

ADDRESSES: Written comments may be either mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 91-030), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, telephone no. (202) 267-1477.

The Executive Secretary maintains the publid docket for this rulemaking. Comments received will become part of the docket and will be available for

inspection or copying at room 3406, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

Public hearings on the proposed rule will be held in Baltimore, MD; Secaucus, NJ; Boston, MA; Miami, FL; New Orleans, LA; Chicago, IL; Seattle, WA; San Francisco, CA; and San Diego, CA. The date and location of each public hearing are specified in **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Jack Kelly, Office of Marine Safety, Security and Environmental Protection (G–MP–1), room 2420, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone no. (202) 267–0009.

SUPPLEMENTARY INFORMATION:

Request for Comments

In the Notice of Proposed Rulemaking published in the **Federal Register** on December 18, 1991 (56 FR 65786), the Coast Guard invited and encouraged interested persons to participate in this rulemaking by submitting comments, including written data, views, or arguments. Several individuals requested an extension of the comment period, citing the fact that members of the merchant marine are often away from their home port for 30 days or more. Others commented on the difficulty of studying the proposed rule and providing meaningful comments within the original 60 day public comment period. Extending the comment period will allow the Coast Guard to gather additional information which will be helpful in developing this rulemaking. Thus, the comment period is reopened effective March 24, 1992. The comment period will close on May 18, 1992.

Persons desiring to submit written comments should include their name and address; identify this rulemaking (CGD 91–030) and the specific section of this proposal to which each comment applies; and a reason for each comment. Persons desiring acknowledgment that their comments were received should enclose a stamped, self-addressed postcard or envelope. The proposed rule may be changed in light of the comments received. All comments received on or before the closing date of the comment period, including those received between February 18, 1992 and the date of this notice, will be considered before final action is taken on this proposal.

Public Hearings

The Notice of Proposed Rulemaking published in the **Federal Register** on December 18, 1991 (56 FR 65786) stated that the Coast Guard did not plan to hold public hearings. Numerous comments requested that the Coast Guard hold public hearings, stating that the Coast Guard possessed inadequate information upon which to predict the economic impact of the proposed fees on certain classes of vessels.

Because those comments indicated that oral presentations would provide information which would benefit the proposed rulemaking, the Coast Guard has decided that it will hold public hearings at the locations and times specified below. Each of the public hearings will begin at 10 a.m. and end at 5 p.m., or earlier, provided that all those individuals desiring to speak have been heard.

These public hearings are being held to permit the public to present their views orally on the regulatory proposal, suggest alternative actions, and provide supportive information documenting their positions. The Coast Guard is particularly interested in the expected impact of the proposed rule on small entities and requests that the following data, to the extent available, be provided: the number of vessels owned; the length of each vessel owned; the number of passengers for which each vessel is certificated; the route of each vessel; gross annual receipts; annual salaries; annual expenses; average revenue days per year; the number of days each vessel is typically operated annually; and the average number of trips per vessel per day.

Submission of a written statement is encouraged. Any person may appear and be heard at these public hearings. Persons planning to appear and be heard are requested to notify the Coast Guard contact person assigned to the respective hearing date and location listed below, indicating the amount of speaking time desired. Depending upon the number of scheduled speakers, it may be necessary to limit the amount of time allocated to each person. Any limitation on the amount of time allocated will be announced at the beginning of each public hearing.

The public hearing schedule is as follows:

—Baltimore, Maryland; 10 a.m. to 5 p.m.; Monday, April 13, 1992 at the Hyatt Regency Baltimore, 300 Light Street, Baltimore, MD 21201; Telephone No. (410) 528–1234; Coast Guard point of contact and telephone number: Shirley Boone, (410) 962–5122.

—Secaucus, New Jersey; 10 a.m. to 5 p.m.; Tuesday, April 14, 1992 at the Meadowlands Hilton Hotel, 2 Harmon Plaza, Secaucus, NJ 07094; Telephone No. (800) 445–0667; Coast Guard point of contact and telephone number: Lieutenant Commander John O'Brien, (212) 668–7494;

—Boston, Massachusetts; 10 a.m. to 5 p.m.; Friday, April 17, 1992 at the Black Falcon Terminal, 1 Black Falcon Avenue, Boston, MA 02110; Coast Guard point of contact and telephone number: Lieutenant commander Paul Von Protz, (617) 223–8130.

—Miami, Florida; 10 a.m. to 5 p.m.; Monday, April 20, 1992 at the Hyatt Regency Hotel Miami, 400 Southeast 2nd Avenue, Miami, FL 33131; Telephone No. (800)228–9290; Coast Guard point of contact and telephone number: Lieutenant Commander Terry Steinford, (305) 536–5651.

—New Orleans, Louisiana; 10 a.m. to 5 p.m.; Wednesday, April 22, 1992 at the Doubletree Hotel, 300 Canal Street, New Orleans, LA, 70130; Telephone No. (504) 581–1300; Coast Guard point of contact and telephone number: Lieutenant Commander Ken Parris, (504) 682–6271.

—Chicago, Illinois; 10 a.m. to 5 p.m.; Friday, April 24, 1992 at the Chicago O'Hare Howard Johnson, 8201 W. Higgins Road, Chicago, IL 60631; Telephone No. (312) 693–2323; Coast Guard point of contact and telephone number: Laura Halberstadt, (312) 353–1229.

—Seattle, Washington; 10 a.m. to 5 p.m.; Monday, April 27, 1992 at the NOAA Sand Point Western Regional Center, Building 9, 7600 Sand Point Way, NE, Seattle, WA 98115; Coast Guard point of contact and telephone number: Lieutenant Commander Alex Munoz, (206) 553–1711.

—San Francisco, California; 10 a.m. to 5 p.m.; Tuesday, April 28, 1992 at the Clarion Hotel San Francisco Airport, 401 East Millbrae Avenue, Millbrae, CA 94030; Telephone No. (415) 692–6363; Coast Guard point of contact and telephone number: Lieutenant Commander Bob Shilland, (213) 499–5335.

—San Diego, California; 10 a.m. to 5 p.m.; Friday, May 1, 1992, at the Sheraton Harbor Island Hotel, 1380 Harbor Island Drive, San Diego, CA 92101; Telephone No. (619) 291–2900; Coast Guard point of contact and telephone number: Lieutenant Commander Bob Shilland, (213) 499–5335.

Dated: March 19, 1992.

A. E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92–6761 Filed 3–23–92; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 20

Proposed Changes in International Priority Airmail (IPA) Service

AGENCY: Postal Service.

ACTION: Proposed changes in International Priority Airmail service.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is proposing to change the eligibility requirements for IPA service to require a mailing to weigh at least 10 pounds to quality for the service.

DATES: Comments on the proposed change must be received on or before April 23, 1992.

ADDRESSES: Director, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260–5350. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, room 1140, 475 L'Enfant Plaza, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John F. Alepa (202) 268–2650.

SUPPLEMENTARY INFORMATION:

International Priority Airmail (IPA) service is as fast as or faster than regular international airmail service and is available to bulk mailers of LC and AO items to all foreign countries except Canada. At present, a mailing must consist of either 10 pounds or 200 pieces to qualify for IPA service.

As of April 4, 1992, the Postal Service will offer IPA service at both worldwide (nonpresorted) and zoned (presorted) rates. The zoned rate option, which has three rate groups consisting of destination countries employing common terminal dues systems, requires a minimum of 10 pounds to a single rate group to qualify for the zoned rate for that rate group. In contrast, the worldwide rate option is available to mailings that simply meet the eligibility requirements for IPA service. Whatever portion of an IPA mailing that does not meet the zoned rates' qualifying minimum must be sent at the worldwide rate.

The IPA rate structure reflects the cost savings that come from the Postal Service's handling bulk mailings rather than individual items. In general, for nonpresorted IPA mail, those cost savings are a function of both the weight and the density of a particular mailing. However, the current 10-pound-or-200-piece qualifying minimum fails to recognize that high-density IPA mailings are proportionately more costly to the Postal Service than lower-density mailings. Thus, for instance, a 2-pound mailing consisting of 200 very lightweight items could qualify for the service even though the Postal Service's costs to deliver such a high-density mailing might approach its costs to deliver the same 200 items if they were deposited individually.

In order to avoid having such mailings qualify for IPA service, the Postal Service is proposing to adopt a flat 10-pound qualifying minimum. The Postal Service believes that a qualifying minimum based solely on weight would be more consistent with the rationale for IPA service than the current qualifying minimum. Further, as the proposed minimum would be equivalent to the minimum that the Postal Service established for the zoned rate option, mail preparation and verification would be simplified.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning the proposed change.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92–6690 Filed 3–23–92; 8:45 am]

BILLING CODE 7710–12–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1035

[Ex Parte No. 495]

Bills of Lading

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rulemaking; reestablishment of a comment due date.

SUMMARY: By a notice of proposed rulemaking published in the **Federal Register** on December 30, 1991, 56 FR 67269, the Commission proposed to vacate its prescription of railroad and water carrier uniform bills of lading and livestock contracts. Comments were requested by February 13, 1992, but a notice published in the **Federal Register** on February 12, 1992, 57 FR 5123, stayed that due date pending consideration of a petition seeking expansion of the rulemaking. That petition has now been denied and a new comment due date is established.

DATES: Comments are due by April 17, 1992.

ADDRESSES: Send an original and 10 copies of comments, referring to Ex Parte No. 495, to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for hearing impaired: (202) 927–5721].

Decided: March 17, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6756 Filed 3–23–92; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
Vol. 57, No. 57
Tuesday, March 24, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 92-001N]

Hazard Analysis and Critical Control Point (HACCP) Workshop; Solicitation of Participants

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) intends to facilitate the meat and poultry industries' development of generic model Hazard Analysis and Critical Control Point (HACCP) plans. This notice solicits participation by technical experts from the meat and poultry industries at the workshop on Swine Slaughter (market hogs). This workshop will be held March 31 through April 2, 1992, at the Hyatt Regency, Minneapolis, Minnesota.

DATES: Interested participants for the workshop on Swine Slaughter (market hogs) should supply the requested information no later than March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Dorothy Stringfellow, Acting Director, HACCP Special Team, United States Department of Agriculture, Food Safety and Inspection Service, room 2915, South Building, 14th and Independence Avenue, SW., Washington, DC 29250, (202) 690-2087.

SUPPLEMENTARY INFORMATION: FSIS recognizes the merits of HACCP as a system for sanitation and process control. The industries have expressed an interest in incorporating HACCP into the production of meat and poultry products. It is the intention of FSIS to facilitate the industries' development of generic HACCP models at product specific workshops. For this purpose, technical experts from the meat and poultry industries are being sought to work on the development of a generic HACCP model for Swine Slaughter (market hogs). Individuals or companies volunteering to participate in the development of the model during the workshop need not have previous experience in HACCP-based operations. In fact, it is desirable to include firms with varying degrees of prior HACCP experience.

The workshop on Swine Slaughter (market hogs) will be held on March 31 through April 2, 1992, at the Hyatt Regency, 1300 Nicollet Mall, Minneapolis, Minnesota 55403.

Anyone interested in participating in the workshop on Swine Slaughter (market hogs) should submit a written request noting the following:

(1) Organization affiliation, i.e., national and/or local trade associations(s), if any;

(2) Company, corporation, or independent operation represented by participant;

(3) Plant size, i.e., small, medium, or large; and

(4) Major product lines and approximate volumes.

The number of industry participants involved in the development of the generic HACCP models may have to be limited. If anyone is interested in participating in the workshop on Swine Slaughter (market hogs) and/or receiving technical information on the Agency's HACCP initiative, please submit written requests to Dr. Dorothy Stringfellow at the above address.

The workshop on Swine Slaughter (market hogs) will also be open to the public for observation. Space available for observers may be limited and seating will be based on a first come, first served basis. Therefore, those desiring to attend the workshop as observers are asked to submit requests in writing, indicating the following:

(1) Name, address, and phone number; and

(2) Name of company or corporation the observer is representing, if applicable.

Observers will be given an opportunity to comment during the course of the workshop session.

There is no registration fee, but transportation and per diem expenses must be borne by the participant or his/her sponsor.

Done at Washington, DC, on: March 16, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92-6692 Filed 3-23-92; 8:45 am]

BILLING CODE 3410-DM-M

Office of the Secretary

Establishment of the Alternative Agricultural Research and Commercialization Board and the Alternative Agricultural Research and Commercialization Center

AGENCY: Department of Agriculture.

ACTION: Notice of establishment of the Alternative Research and Commercialization Board and the Alternative Agricultural Research and Commercialization Center.

This notice advises of the establishment of the Alternative Agricultural Research and Commercialization Board (Board) within the Department of Agriculture (USDA) and the establishment of the Alternative Agricultural Research and Commercialization Center (Center) within USDA in accordance with the Alternative Agricultural Research and Commercialization Act of 1990 (AARC Act), 7 U.S.C. 5901 *et seq.*

The Board shall consist of nine members appointed by the Secretary of Agriculture (Secretary). The Board responsibilities include the following: General supervision and policy control of the Center and Regional Centers; determination of high priority commercialization areas to receive assistance under the AARC Act; reviewing any grant, contract, cooperative agreement, or financial assistance transaction entered into by the Center; rendering of final decisions, by majority vote, on whether and how to provide assistance to an applicant; establishment of program policy, objectives, research and development, and commercialization priorities to implement the AARC Act, through a process of public hearings; development and establishment of a budget plan and a long-term operating plan to implement the AARC Act; and such other duties as necessary to implement the AARC Act.

The Center shall be operated as an independent entity within USDA under the general supervision and policy control of the Secretary. The Center shall be headed by a Director to be appointed by the Board and approved by the Secretary.

The Center shall have the authority to: Make grants to, and enter into cooperative agreements and contracts with, eligible applicants for research, development, and demonstration projects in accordance with the AARC Act; make loans, interest subsidy payments, and repayable grants and invest venture capital in accordance with the AARC Act; collect and disseminate information about State, regional, and local commercialization projects; search for new nonfood, nonfeed products that may be produced from agricultural commodities and for processes to produce such products; administer, maintain, and dispense funds from the Alternative Agricultural Research and Commercialization Revolving Fund to facilitate the conduct of activities under the AARC Act; and engage in other activities incident to carrying out its functions.

Dated: March 16, 1992.

Edward Madigan,

Secretary of Agriculture.

[FR Doc. 92-6769 Filed 3-23-92; 8:45 am]

BILLING CODE 3410-01-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting to the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 9 a.m. and adjourn at 12 noon, on April 11, 1992 at the Radisson Hotel, 1433 Camino Del Rio, San Diego, California 92108. The purpose of the meeting is to update the Committee on the border violence project and review other Committee programs.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Michael C. Carney or Philip Montez, Director of the Western Regional Division (213) 894-3437, TDD (213) 894-0508. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, March 18, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-6709 Filed 3-23-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.
Title: Broadwoven Fabrics (Gray).
Form Number(s): MQ22T.
Agency Approval Number: 0607-0625.
Type of Request: Revision of a currently approved collection.
Burden: 1,400 hours.
Number of Respondents: 393.
Avg Hours Per Response: 1 hour.
Needs and Uses: This survey is part of the Census Bureau's Current Industrial Reports Program which measures production of various manufactured products. Census conducts this survey quarterly to gather information on the level of production of selected broadwoven fabrics. The interagency Committee for the Implementation of Textile Agreements (CITA) uses the data resulting from this collection to monitor potential market disruptions resulting from trade in the gray broadwoven fabric areas. Other government agencies, trade associations, and business firms use these data for making production, investment, and trade policy decisions. We are requesting clearance for a shortened version of the quarterly questionnaire which we will send annually to small companies in an effort to to reduce burden.
Affected Public: Businesses or other for-profit organizations, small businesses or organizations.
Frequency: Quarterly and annually.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Agency: Bureau of the Census.
Title: 1992 Census of Governments-Property Values Survey.
Form Number(s): GP-31.
Agency Approval Number: None.
Type of Request: New collection.
Burden: 66,667 hours.
Number of Respondents: 200,000.
Avg Hours Per Response: 20 minutes.
Needs and Uses: The Census Bureau will conduct this survey in conjunction with the 1992 Census of Governments. We will collect information from buyers or sellers of real property on sales price and other sales characteristics. From this data and information on assessed values, which we will obtain from public records of transfers available from recording, assessing, or other offices in the local area, we will develop assessment-sales price ratios, which will in turn be used to produce estimates of real property values. State and local officials use the data to compare assessment performance of and between jurisdictions within their states. The data will be presented as a major component of the Census Bureau's report, **Taxable Property Values and Assessment/Sales Price Ratios.**
Affected Public: Individuals or households.
Frequency: Every five years.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Agency: Bureau of the Census.
Title: 1992 Economic Censuses-General Schedule.
Form Number(s): NC-9923.
Agency Approval Number: None.
Type of Request: New collection.
Burden: 75,000 hours.
Number of Respondents: 300,000.
Avg Hours Per Response: 15 minutes.
Needs and Uses: The Census Bureau will conduct this survey as part of the economic censuses. We will contact approximately 300,000 unclassified businesses in order to assign them 4-digit Standard Industrial Classification (SIC) codes and obtain current information on their physical location. These businesses remain unclassified because of insufficient information reported to the Internal Revenue Service. They must be assigned SIC codes in order to provide detailed industry data for the 1992 Economic Censuses and the Standard Statistical Establishment List. The Census Bureau has contracted with the Bureau of Labor Statistics to receive classification information for unclassified businesses. However, after these efforts and our further attempts to assign these businesses SIC codes based on their company name there are still approximately 300,000 unclassified businesses on the 1992 Economic Censuses mailing list. These are the businesses to be contacted in this survey. The collection of this information will improve the accuracy and reliability of both the industry and geographic classification in the 1992 Economic Censuses, which constitute the primary source of facts about the structure and functioning of key sectors of our economy.

Affected Public: Businesses or other for-profit organizations, small businesses or organizations.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Agency: Bureau of the Census.

Title: 1992 Economic Censuses–Classification Report.

Form Number(s): NC–9920.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 9,166 hours.

Number of Respondents: 55,000.

Avg Hours Per Response: 10 minutes.

Needs and Uses: The Census Bureau will conduct this survey as part of the economic censuses. We will contact approximately 50,000 partially classified businesses in order to assign them complete 4–digit Standard Industrial Classification (SIC) codes and obtain current information on their physical location. These businesses remain partially classified because of insufficient information reported to the Internal Revenue Service. They must be assigned complete SIC codes in order to provide detailed industry data for the 1992 Economic Censuses and the Standard Statistical Establishment List. The Census Bureau has contracted with the Bureau of Labor Statistics to receive classification information for partially classified businesses. However, after these efforts, there are still approximately 50,000 partially classified businesses on the 1992 Economic Censuses mailing list. These are the businesses to be contacted in this survey. The collection of this information will improve the accuracy and reliability of both the industry and geographic classification in the 1992 Economic Censuses, which constitute the primary source of facts about the structure and functioning of key sectors of our economy.

Affected Public: Businesses or other for–profit organizations, small businesses or organizations.

Frequency: Every five years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Agency: Bureau of the Census.

Title: Survey of Income and Program Participation–Data Users Evaluation Study.

Form Number(s): SSDU-1.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 50 hours.

Number of Respondents: 100.

Avg Hours Per Response: 30 minutes.

Needs and Uses: This submission requests clearance of a survey questionnaire developed by the Bureau of the Census to assess Survey of Income and Program Participation (SIPP) data product utility and solicit users' suggestions for improving access to SIPP data products. The Bureau will administer the ½ hour questionnaire to 100 respondents, evaluate survey responses and make short– and long–term recommendations for improving the creation, accessibility, and dissemination of SIPP data products. The survey also includes nonusers of SIPP data to determine how the Census Bureau could make the data useful to a broader group of analysts and public policy makers.

Affected Public: Individuals or households, state or local governments, businesses or other for-profit organizations, Federal agencies or employees, non–profit institutions, small businesses or organizations.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, Room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Maria Gonzalez, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 18, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–6790 Filed 3–23–92; 8:45 am]

BILLING CODE 3510–07–F

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

Firm name	Address	Date petition accepted	Product
Aero Systems, Inc.	9650 Rush Street, South El Monte, CA 91733.	2/19/92	Customized Structural Aerospace Components.
Flair Electronics, Inc.	650 West Foothill Blvd., Glendora, CA 91740.	2/19/92	Design and Manufacture of Security Products: Contacts, Annunciators, and Detectors.
Pacific Protective Garments D/B/A Graphic Jackets.	4797 First Avenue South, Seattle, WA 98134.	2/19/92	Printed Jackets, Bags and Aprons.
Atlantic Termoplastics Company, Inc.	End of Carrington St, Off Rte 122, Blackstone, MA 01504.	2/20/92	Plastic Innersoles and Outer Soles for Shoes and Sandals.
Tropical Creations Manufacturing, Inc.	575 Waimahu Street, #620, Honolulu, HI 96813.	2/25/92	Gold Chains and Charms.
Safety Socket Screw Corporation.	6501 North Avondale Avenue, Chicago, IL 60631.	2/25/92	Screws of Steel, Threaded With Hexagonal or Socket Heads.
Sara & Roxie Associates, Inc. DBA S.A.R.A., Inc.	208 Market Street, Winnsboro, TX 75494.	2/28/92	Ladies Apparel.
John Ramming Machine Company.	4591 McRee Avenue, St. Louis MO 63110.	3/03/92	Rotary Tables and Cross Slide Tables Used With Boring Mills and Machining Centers.
Eastern Standard Corporation.	1601 Wicomico Street, Baltimore, MD 21230.	3/04/92	Aluminum Venetian Blinds and Aluminum Above-Ground Swimming Pool Parts.
Hoy Shoe Company, Inc.	4970 Kemper Avenue, St. Louis, MO 63139.	3/05/92	Children's Sandles.

Firm name	Address	Date petition accepted	Product
Alco Industries, Inc.	1045 W. 500 N., Logan, UT 84321.	3/06/92	Textile Bags, Coolers, Aprons, Portfolios, Briefcases, & Banners.
Photonamics, Incorporated.	558 Elm Grove Road, Rochester, NY 14606.	3/06/92	Printed Circuit Boards.
Ace Pattern & Foundry of Kansas, Inc.	1001 Sunshine Road, Kansas City, KS 66115.	3/09/92	Aluminum Sand and Mold Castings.
Niagara Straw Co., Inc.	72 Lakeview Avenue, Buffalo, NY 14201.	3/09/92	Plastic Drinking Straws.
John Heinrich Company, Inc. of Nevada.	240 South Stanford, Sparks, NV 89431.	3/10/92	Metal Automobile Parts.
Castings USA, Inc.	P.O. Box 7677, Pine Bluff, AR 71611.	3/10/92	Miscellaneous Steel Castings.
World Magnetics Company.	810 Hastings, Traverse City, MI 49684.	3/10/92	Magnetic Heads and Low Pressure Switches.
Thomas Electronics, Inc.	100 Riverview Drive, Wayne, NJ 07470.	3/10/92	Cathode-Ray Tubes for Video Displays.
Kartridg Pak Co. (The).	607 W. Kimberly Road, Davenport, IA 52806–3648.	3/10/92	Industrial Machinery & Equipment.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, room 4015A, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: March 19, 1992.

Steven R. Brennen,

Acting Deputy Assistant Secretary for Program Operations.

[FR Doc. 92–6791 Filed 3–23–92; 8:45 am]

BILLING CODE 3510–24–M

International Trade Administration

[A–588–809]

Certain Small Business Telephone Systems and Subassemblies Thersof From Japan; Termination of Antidumping Duty Administration Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On January 23, 1992, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Japan. The Department is now terminating that review.

EFFECTIVE DATE: March 24, 1992.

FOR FURTHER INFORMATION CONTACT: Todd Peterson or Thomas Futtner, Office of Antidumpting Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–4106/3814.

SUPPLEMENTARY INFORMATION:

Background

On January 23, 1992, the Department published a notice of initiation of administrative review of the antidumping duty order on certain small business telephone systems and subassemblies thereof from Japan (57 FR 2704). That notice stated that we would review information submitted by one manufacturer/exporter, Iwatsu Electric Company, for the period December 1, 1990, through November 30, 1991. The petitioner, AT&T, subsequently withdrew its request for review. Since no other interested parties have requested an administrative review for this period, the Department is terminating this review.

This termination notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(1)), and 19 CFR 353.22(a)(5).

Dated: March 12, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92–6792 Filed 3–23–92; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

National Voluntary Laboratory Accreditation Progam

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of workshop; Accreditation for Testing Energy Efficient Lighting Products Performance.

SUMMARY: The National Institute of Standards and Technology (NIST) will host a public workshop on May 14, 1992 to provide interested parties an opportunity to participate in the development of technical requirements for accrediting laboratories that perform lighting products and systems testing. There are no fees for participation in the workship

DATES: The workshop will be held on Thursday, May 14, 1992 from 8:30 a.m. to 3:30 p.m.

PLACE: The workshop will be held at the the Crystal City Marriott 1999 Jefferson Davis Highway, Arlington, VA (about 1 mile from National Airport).

A conference room has been reserved and will be listed on the directory. Special room rates have been arranged for overnight arrival before the meeting. (The location is accessible by metro).

FOR FURTHER INFORMATION CONTACT: Lawrence Galowin, NVLAP, National Institute of Standards and Technology, building 411, Gaithersburg, MD 20899. To assist in preparing for the meeting please provide information to NVLAP about individuals/organizations planning to attend the workshop. Contact Dr. L. Galowin by May 1, 1992 at the above address, or telephone call to (301) 975–4016, or FAX (301) 926–2884.

Draft technical douments and administrative details for the program will be available at the workshop.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with the NVLAP Procedures (15 CFR part 7). In a **Federal Register** notice dated May 15, 1991 (Vol. 56, No. 94 CFR 22396–22397) the National Institute of Standards and Technology (NIST) announced the establisment of the program for test laboratories, "accreditation for Testing Energy Efficient Electric Lighting Products Performance". Establishment of the program is pursuant to the request by the National Electrical Manufacturers Association (NEMA) in a letter of November 27, 1990; that announcement was made in the **Federal Register** of January 25, 1991. Accreditation will be offered to all applicant laboratories that fulfill the requirements of the National Voluntary Laboratory Accreditation Program (NVLAP).

Technical criteria, requirements, proficiency testing and procedures for the test methods included in the first phase of accreditation of laboratories performing testing of electrical lighting products and systems have been developed and will be presented at the workshop. All interested parties will have an opportunity to comment on the program. The workshop is part of the NVLAP process of assuring that accreditation programs are of high technical quality, responsive to the technical needs of the community, and are relevant to the needs of those affected by accreditation. The scope of the subsequent phases of the program to be developed will be indicated.

The following plans for the workshop have been established:

1. *Purpose:* The workshop will provide all interested persons with an opportunity to participate and contribute to the development of technical criteria, requirements, and procedures for evaluation and accreditation of laboratories that perform testing of lighting products by test methods from standards and/or other protocols applicable to the accreditation program.

2. *Procedure:* The workshop will be an informal, nonadversarial meeting. The presiding NIST chairperson will allocate the time available for discussion of each issue to be addressed, and exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshop and to proceed in an orderly manner.

3. *Provisions:* This workshop will be open to the public. No registration fee is required for the public workshop; housing is the responsibility of attendees.

The workshop will take place on May 14, 1992 at the Crystal City Marriott Hotel, Arlington, VA.

Documents in Public Record

Summary minutes of highlights from the meeting will be made available for inspection in the NVLAP program office, room A146, TRF Building 411 at the campus in Gaithersburg, Maryland.

Dated: March 17, 1992.

John W. Lyons,

Director.

[FR Doc. 92–6093 Filed 3–23–92; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will meet on April 6–10, 1992, at the Clarion Hotel, 401 East Millbrae Avenue, Millbrae, CA. Except as noted below, the meetings are open to the public.

The Council will begin its meeting on April 7 at 8 a.m. in closed session (not open to the public) to discuss personnel matters, litigation and sensitive international issues. The Council's open session begins at 8:30 a.m., to discuss 1992 salmon fishery management issues. On April 8, the Council will meet at 8 a.m. to discuss management of coastal pelagic species, administrative matters, and salmon plan amendment issues. Also, the Council will accept comments on items not listed on the agenda on April 8 at 4 p.m.

On April 9 at 8 a.m. the Council will discuss groundfish management issues. The discussion of groundfish items will continue on April 10, at 8 a.m. Following groundfish, the Council will set priorities for work load activities and may eliminate some activities in order to accomplish the most important. Also on April 10, the Council will conclude its meeting after adopting 1992 salmon management measures.

Specific items to be considered are the following:

Salmon management issues: (1) Review the results of consultations with federal agencies under the Endangered Species Act; (2) review causes of decline of Puget Sound salmon stocks; (3) adopt 1992 ocean salmon management measures; and (4) select salmon plan amendment issues and options to be analyzed.

Groundfish management issues: (1) Inseason management measure adjustments, (2) experimental fishing permit applications to allow shoreside sorting of salmon in the whiting fishery; (3) experimental fishing permit application to allow the use of small mesh to harvest shortbelly rockfish; (4) identification of objectives, selection of issues and options to be addressed, and adoption of a process for development of individual quotas in the groundfish and Pacific halibut fisheries; (5) review of objectives and selection of options to be analyzed for long-term allocations of Pacific whiting; (6) discuss development of a flexible framework for setting and changing opening dates for the Pacific whiting fisheries; (7) discuss changes to the definition of legal trawl gear; and (8) discuss how to monitor landings of groundfish from the Cobb Seamount (outside the EEZ).

Coastal Pelagic Species management issues: The Council will receive a status report from the plan development team and advisory subpanel on the development of a coastal pelagic species fishery management plan. The Council will discuss plan objectives and options for limiting access to this fishery.

The Scientific and Statistical Committee will meet on April 6 at 8:30 a.m., to address scientific issues on the Council's agenda, and reconvenue on April 7 at 8 a.m.

The Salmon Advisory Subpanel will meet on April 6 at 8 a.m., to address salmon fishery management issues on the Council's agenda, and reconvene on April 7–10 at 8 a.m., or as necessary, to complete its agenda.

The Salmon Technical Team will meet as necessary on April 6–10 to assist the Salmon Advisory Subpanel, and to prepare impact analyses for management options.

The Groundfish Management Team will meet on April 6 at 8 a.m., to address groundfish issues on the Council's agenda

The Habitat Committee will meet on April 6 at 1 p.m., to address activities affecting the habitat of fish stocks managed by the Council.

The Budget Committee will meet on April 6 at 3 p.m., to review the fiscal year 1992 Council budget and to make recommendations for adjustments if necessary.

The Groundfish Advisory Subpanel will meet on April 7 at 8 a.m., to address groundfish management issues on the Council's agenda, and will reconvene on April 8 at 8 a.m.

Enforcement Consultants will meet on April 7 at 7 p.m., to address enforcement issues on the Council's agenda.

Detailed agendas for the above meetings will be available to the public after March 26, 1992. For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326–6352.

Dated: March 18, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92–6739 Filed 3–23–92; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Space Exploration Initiative Support

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Space Exploration Initiative Aupport will meet in closed session on April 9–10, 1992 at Science Applications International Corporation, Falls Church, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will review the status of DoD activities, consider cooperative areas for DoD involvement, particularly those areas where there may be dual use—civil and military.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: March 19, 1992.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–6757 Filed 3–23–92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for Implementation of the Coastal Wetlands Planning, Protection, and Restoration Act (Pub. L. 101–646, Title III)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) requires preparation of a Restoration Plan to restore and prevent the loss of coastal wetlands in Louisiana. Wetland loss is a national concern and as much as 80 percent of the coastal wetland loss in the contiguous United States is occurring in Louisiana. Development and implementation of the Restoration Plan has been determined to be a major Federal action which may significantly effect the environment, therefore a DEIS will be prepared as part of the planning process. The DEIS will be submitted for compliance with the National Environmental Policy Act.

FOR FURTHER INFORMATION CONTACT: Questions concerning development of the Restoration Plan and DEIS should be directed to Mr. Richard Boe, (504) 862–1505, or Mr. Stan Green, (504) 862–1486. Their address is U.S. Army Corps of Engineers, Planning Division (CELMN–PD), P.O. Box 60267, New Orleans, Louisiana 70160–0267.

SUPPLEMENTARY INFORMATION:

1. Authority

The CWPPRA directs the Secretary of the Army to convene a Task Force and prepare a plan to identify coastal wetlands restoration projects, in order of priority, based on cost-effectiveness of such projects in creating, restoring, protecting, or enhancing the long-term conservation of coastal wetlands in Louisiana. Members of the Task Force are the Secretary of the Army who serves as chairman, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Governor of Louisiana.

2. Proposed Study

A hydrologic basin approach is being used to investigate causes of coastal wetland loss and methods for preserving, restoring, creating, and enhancing coastal wetlands in Louisiana. A comprehensive plan of action will be developed for coastal Louisiana which includes nine hydrologic basins. The CWPPRA requires that the Restoration Plan be completed by November 28, 1993. The Restoration Plan and DEIS will constitute the public disclosure and decision making of the CWPPRA Task Force.

3. Alternatives

Alternatives for addressing wetland loss will include, but are not limited to; erosion control structures, vegetative plantings, marsh creation or nourishment with dredged material, restoration of barrier islands (especially for the protection they afford to interior marshes), freshwater diversion from river systems, sediment diversion from river systems, sediment trapping devices, hydrologic restoration involving closures or flow restrictions of man-made channels, and active or passive marsh management involving manipulation of water levels. These action alternatives will be evaluated along with the no-action alternative.

4. Public Involvement and Scoping

Eleven scoping meetings have been held in south Louisiana. Four meetings were held with local government representatives and seven meetings were held with the general public. News releases were sent to local media and known interested parties announcing the meetings. The stated purpose of these early scoping meetings was to solicit the public's help in identifying coastal wetland loss areas, identifying reasons for the losses, and suggesting projects and opportunities to create, restore, or protect coastal wetlands. Comments and proposals submitted during this public involvement effort will be included in the DEIS.

A Citizen Participation Group has been formed by the Task Force and is active in the planning process. The goals and objectives of the Citizen Participation Group are to promote the development of CWPPRA activities, promote citizen participation and involvement in formulation of the Restoration Plan, and to assist and participate in the public involvement program. Member organizations have interests that include coastal wetland restoration and preservation, commercial and recreational fishing, non-consumptive recreation, navigation, water quality, agriculture, landowner rights, mineral production, and economic development.

Parish (county) representatives are invited to be actively involved in the

planning process and to attend planning meetings. These representatives provide the Task Force with input from the public sectors that they represent and relay planning progress back to local agencies and the public.

Additional public involvement during Restoration Plan development is planned and citizen participation is encouraged. Public meetings will be held when the DEIS is released to the public for review and comment.

5. Significant Issues

The DEIS will analyze the effects of coastal wetland preservation, restoration, creation, and enhancement efforts on coastal marshes, coastal swamps, submerged aquatic vegetation, barrier islands, oyster leases, fishery resources, wildlife resources, threatened and endangered species, navigation, water quality, historical and cultural resources, and socio-economic factors.

6. Cooperating Agencies

The U.S. Army Corps of Engineers is the lead agency for the Task Force preparation of the DEIS. Cooperating agencies are the other Task Force agencies and each Task Force agency shares responsibility in preparation of the DEIS.

7. Environmental Consultation and Review

Cooperating agencies will provide consultation and review concurrent with preparation of the DEIS as appropriate. A Draft Fish and Wildlife Coordination Act Report will accompany the DEIS.

8. Estimated Date of Availability

The DEIS is expected to be made available to the public in June 1993.

Dated: March 2, 1992.

Michael Diffley,

Colonel, U.S. Army District Engineer.

[FR Doc. 92-6702 Filed 3-23-92; 8:45 am]

BILLING CODE 3710-84-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Study of Future Operations at Harlan County Lake, NE

AGENCY: U.S. Army Corps of Engineers, Kansas City District, DoD.

ACTION: Notice of intent.

SUMMARY: The purpose of this study is to develop a plan for the future operation of Harlan County Lake with due consideration being given to all of the multiple purposes for which the lake was authorized by Public Law.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be answered by Ms. Sue Owen, telephone number (816) 426-7345, Special Studies Branch, Planning Division, U.S. Army Corps of Engineers, 700 Federal Building, 601 East 12th Street, Kansas City, Missouri 64106-2896.

SUPPLEMENTARY INFORMATION: 1. The Kansas City District, Corps of Engineers is undertaking a Study of the Future Operations at Harlan County Lake, Nebraska. The Study will evaluate various minimum lake pool levels and water release rates to determine:

a. Recreation/irrigation costs and benefits.

b. Regional social and economic impacts.

Environmental impacts and mitigation measures of the various alternatives.

Supporting study work will analyze the costs and benefits of modifications to lake recreational facilities and the rate of inflow depletions. The impacts on operation and maintenance of the lake will be assessed in a separate NEPA document.

The minimum lake pool level and water release recommendation would be based upon current storage and anticipated inflows and how best to share limited resources among competing user groups, including agriculture, recreation, and environmental interests.

2. Reasonable alternatives range from no usage of the sediment pool for irrigation to releasing as much water from the sediment pool as physically possible for irrigation.

3. Scoping Process.

a. A series of public meetings to be held within the Republican River Basin in both Kansas and Nebraska beginning in April 1992. The times, dates, and locations of these meetings will be announced as details are finalized.

Additonal meetings will be held as the study progresses to keep the public informed about the stydy.

Collectively, these meetings, as well as meetings which were previously held pursuant to this issue, will serve as the scoping process for preparation of the DEIS. No formal "scoping" meeting will be held.

Draft documents forthcoming from the study will be distributed to Federal, State and local agencies, as well as interested members of the public, for review and comment.

b. Significant issues to be analyzed in depth include evaluations of:

(1) Various minimum pool levels and determinations of recreation/irrigation costs and benefits.

(2) Regional social and economic impacts.

(3) Environmental impacts and mitigation measures.

(4) Costs and benefits of modifications to recreational facilities.

(5) Rate of inflow depletions.

c. The Corps will request the following Federal agencies to be cooperating agencies for this study: the Bureau of Reclamation (BOR) and the U.S. Fish and Wildlife Service (FWS).

d. Environmental consultation and review will be conducted in accordance with the requirements of the National Envirnomental Policy Act of 1969, Council of Environmental Quality Regulations (40 CFR parts 1500-1508), and other applicable laws, regulations, and guidelines.

4. The anticipated date of availability of the DEIS for public review is May 1993.

Dated: March 3, 1992.

Michael J. Bart,

Chief, Planning Division.

[FR Doc. 92-6701 Filed 3-23-92; 8:45 am]

BILLING CODE 3710-KN-M

Intent To Prepare a Draft Environmental Impact Statement for the West Bay Sediment Diversion, LA, Project

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: A large-scale diversion of sediments from the Mississippi River into West Bay is proposed for wetland restoration.

FOR FURTHER INFORMATION CONTACT: Questions related to the DEIS should be directed to Mr. Richard Boe, (504) 862-1505 or FTS 493-1505. His address is U.S. Army Corps of Engineers, Planning Division (CELMN-PD), P.O. Box 60267, New Orleans, Louisiana 70160-0267.

SUPPLEMENTARY INFORMATION:

1. Authority

The **Federal Register** of September 10, 1987 contained a Notice of Intent to publish a DEIS for the Land Loss and Marsh Creation Feature of the Louisiana Coastal Area, Louisiana Study. The Notice of Intent included uncontrolled sediment diversions within the active delta of the Mississippi River in the list of alternatives to be evaluated in the DEIS. Since publication of that Notice of Intent, the Corps of Engineers has studied the feasibility of sediment diversions under the Land Loss and Marsh Creation Study. On Novermber 28, 1990, Public Law 101-646, title III, the Coastal Wetlands Planning, Protection, and Policy Act (CWPPRA) was passed. The current proposal is to build a large-scale, uncontrolled sidiment diversion, similar to that which was being investigated under the Land Loss and Marsh Creation Study, under the authority and with funds provided by the CWPPRA. The Land Loss and Marsh Creation study is continuing without a large-scale sediment diversion as an alternative.

2. Proposed Study

The proposal is to divert sediments from the Mississippi River into West Bay for purposes of wetland restoration.

3. Alternatives

Alternative locations, designs, and capacities for the project are under consideration.

4. Public Involvement and Scoping

Public involvement conducted under the Land Loss and Marsh Creation Study included meetings in Belle Chasse, Houma, and Cameron, Louisiana in August 1984. A Scoping Input Request was mailed to appropriate agencies and other interested parties in September 1987 and numerous meetings have been held with Federal, state, and local agencies, groups, and individuals. Additional public comments are invited during preparation of the DEIS.

A Citizen Participation Group has been formed and is active in the planning process for the CWPPRA. The goals and objectives of the citizen participation group are to promote the development of CWPPRA activities, promote cifizen participation and involvement in formulation of projects, and to assist and participate in the public involvement program. Member organizations have interests that include coastal wetland restoration and preservation, commercial and recreational fishing, non-consumptive recreation, navigation, water quality, agriculture, landowner rights, mineral production, and economic development. Public meetings will be held when the DEIS is released to the public.

5. Significant Issues

The DEIS will analyze the effects of the proposed project on coastal marsh, coastal swamp, submerged aquatic vegetation, oyster leases, fishery resources, wildlife resources, threatened and endangered species, navigation, water quality, historical and cultural resources, and socio-economic factors.

6. Environmental Consultation and Review

The U.S. Fish and Wildlife Service will provide a Coordination Act Report. Coordination will be maintained with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service concerning threatened and endangered species. An evaluation will be prepared to comply with section 404(b)(1) of the Clean Water Act, as amended, and submitted to the Environmental Protection Agency for their review. Coordination will be maintained with the State Historic Preservation Officer and the Advisory Council on Historic Preservation. The Louisiana Department of Natural Resources will be consulted regarding consistency with the Coastal Zone Management Act. Application will be made for a Water Quality Certificate from the Louisiana Department of Environmental Quality.

7. Estimated Date of Availability

The DEIS is expected to be made available to the public in May 1992.

Dated: March 2, 1992.

Michael Diffley,

Colonel, U.S. Army District Engineer

[FR Doc. 92-6703 Filed 3-23-92; 8:45 am]

BILLING CODE 3710-84-M

DEPARTMENT OF EDUCATION

[CFDA No: 84.192]

Adult Education for the Homeless Program; Inviting Applications for New Awards for Fiscal Year (FY) 1993

Purpose of Program: The Adult Education for the Homeless Program provides assistance to enable State educational agencies to plan and implement, either directly or through contracts or subgrants, a program of literacy training and basic skills remediation for adult homeless individuals within their States.

Improving literacy skills for all Americans is National Education Goal Number 5 and is an important aspect of AMERICA 2000, the President's education reform strategy to move the Nation toward achievement of the National Education Goals. This program supports AMERICA 2000 by helping to prepare adult homeless individuals for responsible citizenship, further learning, and productive employment as called for by the National Education Goals.

Eligible Applicants: State educational agencies in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Deadline for Transmittal of Applications: June 5, 1992.

Deadline for Intergovernmental Review: August 4, 1992.

Applications Available: March 27, 1992.

Available Funds: $9,759,000 for fiscal year 1993.

Estimated Range of Awards: $75,000-$500,000 per project year.

Estimated Average Size of Awards: $280,000 per project year.

Estimated Number of Awards: 35.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 75 (Direct Grant Programs), 34 CFR part 77 (Definitions that Apply to Department Regulations), 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities), 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 34 CFR part 81 (General Education Provisions Act—Enforcement), 34 CFR part 82 (New Restrictions on Lobbying), 34 CFR part 85 (Governmentwide Debarment and Suspension (Non-procurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), and 34 CFR part 86 (Drug-Free Schools and Campuses); and (b) The regulations for this program in 34 CFR part 441.

Selection Criteria

The Secretary assigns the 15 points, reserved in 34 CFR 441.20(b), as follows: 10 points to selection criterion (c)—Plan of operation—in 34 CFR 441.21(c) for a total of 25 points for that criterion; and 5 points to selection criter (d)—Quality of key personnel—in 34 CFR 441.21(d) for a total of 20 points for that criterion.

FOR FURTHER INFORMATION CONTACT: Paul R. Geib, Jr., Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512, Mary E. Switzer Building), Washington, DC 20202-7327. Telephone (202) 732-2364. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 42 U.S.C. 11421.

Dated: March 13, 1992.

Betsy Brand,

Assistant Secretary, Office of Vocational and Adult Education.

[FR Doc. 92-6738 Filed 3-23-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 91-117-NG]

Rio Energy International, Inc.; Order Granting Blanket Authorization To Export Natural Gas to Mexico

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of order granting blanket authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Rio Energy International, Inc. blanket authorization to export up to 54.8 Bcf of natural gas to Mexico over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 18, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-6788 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-84-NG]

Tennessee Gas Pipeline Co.; Amendment of Authorizations To Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of order amending authorizations to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order amending two long-term natural gas import authorizations granted to Tennessee Gas Pipeline Company (Tennessee) by DOE/FE Opinion and Order Nos. 195-B and 254-A. In addition to the authority previously conferred, Tennessee may also import the volumes as an agent for others to whom Tennessee may assign its rights and obligations under existing gas contracts with Canadian suppliers.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-6789 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

[Case No. F-028]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedure to Armstrong Air Conditioning, Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-028) granting a Waiver to Armstrong Air Conditioning, Inc. (Armstrong), from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Armstrong its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its GRTC series of rooftop furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Armstrong has been granted a Waiver for its GRTC series of rooftop furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decision and Order

In the matter of: Armstrong Air Conditioning, Inc. (Case No. F-028).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 25, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Applicant for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Armstrong filed a "Petition for Waiver," dated December 14, 1990, in accordance with § 430.27 of 10 CFR 430. DOE published in the Federal Register on March 13, 1991, Armstrong's petition and solicited comments, data and information respecting the petition. 56 FR 10553. Armstrong also filed an "Application for Interim Waiver" under § 430.27(g) which DOE granted on March 4, 1991. 56 FR 10553, March 13, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with The Federal Trade Commission (FTC) concerning the Armstrong Petition. The FTC did not have any objections to the issuance of the waiver to Armstrong.

Assertions and Determinations

Armstrong's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Armstrong requests the allowance to test using a 20-second blower time delay when testing its GRTC series of rooftop furnaces. Armstrong states that since the 20-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 0.6 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Armstrong indicates that it is unable to take advantage of any of these exceptions for its GRTC series of rooftop furnaces.

Since the blower controls incorporated on the Armstrong furnaces are designed to impose a 20-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 20-second blower time delay when testing the Armstrong GRTC series of rooftop furnaces. Accordingly, with regard to testing the GRTC series of rooftop furnaces, today's Decision and Order exempts Armstrong from the existing provisions regarding blower controls and allows testing with the 20-second delay.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by Armstrong Air Conditioning, Inc. (Case No. F-028), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of appendix N of 10 CFR part 430, supbart B, Armstrong Air Conditioning, Inc., shall be permitted to test its GRTC series of rooftop furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas-and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103-82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the later case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Armstrong Air Conditioning, Inc. shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the GRTC series of rooftop furnace manufactured by Armstrong Air Conditioning, Inc.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective (Insert Date of Issuance), this Waiver supersedes the Interim Waiver granted Armstrong Air Conditioning, Inc. on March 4, 1991 56 FR 10553, March 13, 1991 (Case No. F-028).

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 92-6782 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

[Case No. F-038]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedure to Armstrong Air Conditioning, Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-038) granting a Waiver to Armstrong Air Conditioning, Inc. (Armstrong), from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Armstrong its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its HWC and HW series of central gas furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Armstrong has been granted a Waiver for its HWC and HW series of central gas furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary Conservation and Renewable Energy

Decision and Order

In the matter of: Armstrong Air Conditioning, Inc. (Case No. F–036).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3206, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Armstrong filed a "Petition for Waiver" dated May 29, 1991, in accordance with § 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on December 6, 1991, Armstrong's petition and solicited comments, data and information respecting the petition. 56 FR 63941. Armstrong also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on November 27, 1991. 56 FR 63941, December 6, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with the Federal Trade Commission (FTC), concerning the Armstrong Petition. The FTC did not have any objections to the issuance of the waiver to Armstrong.

Assertions and Determinations

Armstrong's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Armstrong requests the allowance to test using a 30-second blower time delay when testing its HWC and HW series of central gas furnaces. Armstrong states that, since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 0.6 percent, the petition should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Armstrong indicates that it is unable to take advantage of any of these exceptions for its HWC and HW series of central gas furnaces.

Since the blower controls incorporated on the Armstrong furnaces are designed to impose a 30-second blower delay in every instance of start-up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Armstrong HWC and HW series of central gas furnaces. Accordingly, with regard to testing the HWC and HW series of central gas furnaces, today's Decision and Order exempts Armstrong from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by Armstrong Air Conditioning, Inc. (Case No. F–038), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of appendix N of 10 CFR part 430, subpart B, Armstrong Air Conditioning, Inc., shall be permitted to test its HWC and HW series of central gas furnaces on the basis of test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Armstrong Air Conditioning, Inc. shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the HWC and HW series of central gas furnaces manufactured by Armstrong Air Conditioning, Inc.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective (Insert Date of Issuance), this Waiver supersedes the Interim Waiver granted Armstrong Air Conditioning, Inc. on November 27, 1991. 56 FR 63941, December 6 1991 (Case No. F–038).

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 92–6783 Filed 3–23–92; 8:45 am]

BILLING CODE 6450–01–M

[Case No. F–039]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedure to Ducane Co., Inc.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. F–039) granting a Waiver to Ducane Company, Inc. (Ducane), from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Ducane its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its FPBA series of gas furnaces.

FOR FURTHER INFORMATION CONTACT: Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Ducane has been granted a Waiver for its FPBA series of gas furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, March 13, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

Decison and Order

In the matter of: The Ducane Company, Inc. (Case No. F–039).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95–619, 92 Stat. 3206, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, which require DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufactures that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative date. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Ducane filed a "Petition for Waiver," dated October 1, 1991, in accordance with section 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on December 10, 1991, Ducane's petition and solicited comments, data and information respecting the petition. 56 FR 64510. Ducane also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on November 27, 1991. 56 FR 64510, December 10, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with The Federal Trade Commission (FTC) concerning the Ducane Petition. The FTC did not have

any objections to the issuance of the waiver to Ducane.

Assertions and Determinations

Ducane's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Ducane requests the allowance to test using a 30-second blower time relay when testing its FPBA series of gas furnaces. Ducane states that since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 1.0 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Ducane indicates that it is unable to take advantage of any of these exceptions for its FPBA series of gas furnaces.

Since the blower controls incorporated on the Ducane furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Ducane FPBA series of gas furnaces.

Accordingly, with regard to testing the FPBA series of gas furnaces, today's Decision and Order exempts Ducane from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The "Petition for Wavier" filed by Ducane Company, Inc. (Case No. F-039), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding and contrary provisions of Appendix N of 10 CFR part 430, subpart B, Ducane Company, Inc., shall be permitted to test its FPBA series of gas furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to Appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103-82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of the water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, The Ducane Company, Inc. shall comply in all respects with the test procedures specified in Appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the FPBA series of gas furnaces manufactured by The Ducane Company, Inc.

(4) This waiver is based on the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective March 24, 1992, this Waiver supersedes the Interim Waiver granted The Ducane Company, Inc. on November 27, 1991. 56 FR 64510, December 10, 1991 (Case No. F-039).

Issued In Washington, DC, March 13, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92-6784 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

[Case No. F-044]

Energy Conservation Program for Consumer Products; Granting of the Application for Interim Waiver and Publishing of the Petition for Waiver of Furnace Test Procedure From Goodman Manufacturing Co.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

SUMMARY: Today's notice publishes a letter granting an Interim Waiver to Goodman Manufacturing Company (Goodman) from the existing Department of Energy (DOE) test procedure for furnaces regarding blower time delay for the company's GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces.

Today's notice also publishes a "Petition for Waiver" from Goodman. Goodman's Petition for Waiver requests DOE to grant relief from the DOE furnace test procedure relating to the blower time delay specification. Goodman seeks to test using a blower delay time of 30 seconds for its GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces instead of the specified 1.5-minute delay between burner on-time and blower on-time. DOE is soliciting comments, data, and information respecting the Petition for Waiver.

DATE: DOE will accept comments, data, and information not later than April 23, 1992.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. F-044, Mail Stop CE-90, room 6B-025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-3012.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. 45 FR 64108. Thereafter DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

On January 2, 1992 Goodman filed an Application for Interim Waiver regarding blower time delay. Goodman's Application seeks an Interim Waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and starting of the circulating air blower. Instead, Goodman requests the allowance to test using a 30-second blower time delay when testing its GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces. Goodman states that the 30-second delay is indicative of how these furnaces actually operate. Such a delay results in an energy savings of approximately 1.0 percent. Since current DOE test procedures do not address this variable blower time delay, Goodman asks that the Interim Waiver be granted.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, and 56 FR 2920, January 25, 1991; Trane Company, 54 FR 19226, May 4, 1989, and 56 FR 6021, February 14, 1991; Lennox Industries, 55 FR 50224, December 5, 1990; DMO Industries, 56 FR 4622, February 5, 1991; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991; Inter-City Products corporation, 55 FR 51487, December 14, 1991, and 56 FR 63945, December 6, 1991; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, and 56 FR 63940, December 6, 1991; Snyder General Corporation, 56 FR 45960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991; Armstrong Air Conditioning, Inc., 57 FR 899, January 9, 1992; Thermo Products, Inc., 57 FR 903, January 9, 1992; and The Ducane Company, 56 FR 63943, December 6, 1991. Thus, it appears likely that the Petition for Waiver will be granted for blower time delay.

In those instances where the likely success of the Petition for Waiver has been demonstrated based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, based on the above, DOE is granting Goodman an Interim Waiver for its GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces. Pursuant to paragraph (e) of section 430.27 of the Code of Federal Regulations part 430, the following letter granting the Application for Interim Waiver to Goodman was issued.

Pursuant to paragraph (b) of 10 CFR part 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirety. The petition contains no confidential information. DOE solicits comments, data, and information respecting the petition.

Issued in Washington, DC, March 13, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy

March 31, 1992.

Mr. Peter H. Alexander,

Vice President, Engineering, Goodman Manufacturing Company, 1501 Seamist, Houston, Texas 77008.

Dear Mr. Alexander: This is in response to your January 2, 1992, Application for Interim Waiver and Petition for Waiver from the Department of Energy (DOE) test procedure for furnaces regarding blower time delay for Goodman Manufacturing Company (Goodman) GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces.

Previous waivers for this type of timed blower delay control have been granted by DOE to Coleman Company, 50 FR 2710, January 18, 1985; Magic Chef Company, 50 FR 41553, October 11, 1985; Rheem Manufacturing Company, 53 FR 48574, December 1, 1988, 55 FR 3253, January 31, 1990, and 56 FR 2920, January 25, 1991; Trane Company, 54 FR 19226, May 4, 1989, and 56 FR 6021, February 14, 1991; Lennox Industries, 55 FR 50224, December 5, 1990; DMO Industries, 56 FR 4622, February 5, 1991; Heil-Quaker Corporation, 56 FR 6019, February 14, 1991; Carrier Corporation, 56 FR 6018, February 14, 1991; Inter-City Products Corporation, 55 FR 51487, December 14, 1991, and 56 FR 63945, December 6, 1991; Amana Refrigeration Inc., 56 FR 27958, June 18, 1991, and 56 FR 63940, December 6, 1991; Snyder General Corporation, 56 FR 45960, September 9, 1991; Goodman Manufacturing Corporation, 56 FR 51713, October 15, 1991; Armstrong Air Condition, Inc., 57 FR 899, January 9, 1992; Thermo Products, Inc., 57 FR 903, January 9, 1992; and The Ducane Company, 56 FR 63943, December 6, 1991.

Goodman's Application for Interim Waiver does not provide sufficient information to evaluate what, if any, economic impact or competitive disadvantage Goodman will likely experience absent a favorable determination on its application. However, in those instances where the likely success of the Petition for Waiver has been demonstrated, based upon DOE having granted a waiver for a similar product design, it is in the public interest to have similar products tested and rated for energy consumption on a comparable basis.

Therefore, Goodman's Application for an Interim Waiver from the DOE test procedure for its GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces regarding blower time delay is granted.

Goodman shall be permitted to test its line of GDPS, GUPS, GDPI, GUPI, GDPX, GUPX, GUN, and GUS series of central gas furnaces

on the basis of the test procedures specified in 10 CFR part 430, subpart B, appendix N, with the modifications set forth below.

(i) Section 3.0 in appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHARE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in Appendix N as follows:

3.10 Gas—and Oil-Fueled Central Furnaces. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner startup, delay the blower start-up by 1.5 minutes (t-), unless: (1) the furnace employes a single motor to drive the power burner and the indoor air circulation blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

This Interim Waiver is based upon the presumed validity of statements and all allegations submitted by the company. This Interim Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

The Interim Waiver shall remain in effect for a period of 180 days or until DOE acts on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180-day period, if necessary.

Sincerely,

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92-6785 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

[Case No. F-037]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedure to Rheem Manufacturing Co.

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-037) granting a Waiver to Rheem Manufacturing Company (Rheem), from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Rheem its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its GDG and GLG series of gas furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Rheem has been granted a Waiver for its GDG and GLG series of gas furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

In the matter of: Rheem Manufacturing Company (Case No. F-037).

Background: The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Rheem filed a "Petition for Waiver," dated August 1, 1991, in accordance with section 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on December 6, 1991, Rheem's petition and solicited comments, data and information respecting the petition. 56 FR 63946. Rheem also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on November 27, 1991. 56 FR 63946, December 6, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with The Federal Trade Commission (FTC) concerning the Rheem Petition. The FTC did not have any objections to the issuance of the waiver to Rheem.

Assertions and Determinations: Rheem's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Rheem requests the allowance to test using a 30-second blower time delay when testing its GDG and GLG series of gas furnaces. Rheem states that since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 2.0 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Rheem indicates that it is unable to take advantage of any of these exceptions for its GDG and GLG series of gas furnaces.

Since the blower controls incorporated on the Rheem furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Rheem GDG and GLG series of gas furnaces. Accordingly, with regard to testing the GDG and GLG series of gas furnaces, today's Decision and Order exempts Rheem from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that: (1) The "Petition for Waiver" filed by Rheem Manufacturing Company (Case No. F-037), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of appendix N of 10 CFR part 430, subpart B, Rheem Manufacturing Company, shall be permitted to test its CDG and GLG series of gas furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of Appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103-82 with the exception of sections 9.2.2., 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1. of ANSI/ASHRAE 103-82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employees a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Rheem Manufacturing Company shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the GDG and GLG series of gas furnaces manufactured by Rheem Manufacturing Company.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective (Insert Date of Issuance), this Waiver supersedes the Interim Waiver granted Rheem Manufacturing Company on November 27, 1991. 56 FR 63946, December 6, 1991 (Case No. F-037).

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92-6786 Filed 3-23-92; 8:45 am]

BILLING CODE 6450-01-M

[Case No. F-035]

Energy Conservation Program for Consumer Products; Decision and Order Granting a Waiver From the Furnace Test Procedure to Trane Company

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-035) granting a Waiver to Trane Company (Trane), from the existing Department of Energy (DOE) test procedure for furnaces. The Department is granting Trane its Petition for Waiver regarding blower time delay in calculation of Annual Fuel Utilization Efficiency (AFUE) for its YC(D,H) 036-060 rooftop furnaces.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order, Trane has been granted a Waiver for its YC(D,H) 036-060 rooftop furnaces, permitting the company to use an alternate test method in determining AFUE.

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

In the matter of: The Trane Company (Case No. F-035).

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100-12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100-357, which requires DOE

to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provided materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions added by the 1986 amendment allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Trane filed a "Petition for Waiver," dated October 11, 1991, in accordance with section 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on December 11, 1991, Trane's petition and solicited comments, data and information respecting the petition. 56 FR 64609. Trane also filed an "Application for Interim Waiver" under section 430.27(g) which DOE granted on December 5, 1991. 56 FR 64609, December 11, 1991.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with the Federal Trade Commission (FTC) concerning the Trane Petition. The FTC did not have any objections to the issuance of the Waiver to Trane.

Assertion and Determinations

Trane's Petition seeks a waiver from the DOE test provisions that require a 1.5-minute time delay between the ignition of the burner and the starting of the circulating air blower. Trane requests the allowance to test using a 30-second blower time delay when testing its YC(D,H) 036–060 rooftop furnaces. Trane states that since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 0.7 percent, the petition should be granted.

Under specific circumstances, the DOE test procedure contain exceptions which allow testing with blower delay times of less than the prescribed 1.5-minute delay. Trane indicates that it is unable to take advantage of any of these exceptions for its YC(D,H) 036–060 rooftop furnaces.

Since the blower controls incorporated on the Trane furnaces are designed to impose a 30-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Trane YC(D,H) 036–060 rooftop furnaces. Accordingly, with regard to testing the YC(D,H) 036–060 rooftop furnaces, today's Decision and Order exempts Trane from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that: (1) The "Petition for Waiver" filed by Trane Company (Case No. F–035), is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of appendix N of 10 CFR part 430 subpart B, Trane Company, shall be permitted to test its YC(D,H) 036–060 rooftop furnaces on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 of appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 to appendix N as follows:

3.10 Gas- and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 of ANSI/ASHRAE 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnaces and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t-), unless: (1) The furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t-), using a stopwatch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 inch of water column of the manufacturer's recommended on-period draft.

(iii) With the exception of the modifications set forth above, Trane Company shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the YC(D,H) 036–060 rooftop furnaces manufactured by Trane Company.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective March 24, 1992. This Waiver supersedes the Interim Waiver granted Trane Company on December 5, 1991. 56 FR 64609, December 11, 1991 (Case No. F–035)

Issued in Washington, DC, March 11, 1992.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 92–6787 Filed 3–23–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

Notice of Application Filed With the Commission

March 18, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. Type of Action: Intent to prepare Environmental Impact Statement and conduct scoping meeting.

b. Project No: 2916–004.

c. Date Filed: N/A.

d. Licensee: East Bay Municipal Utility District.

e. Name of Project: Lower Mokelumne River Project.

f. Location: Amador, Calaveras, and San Joaquin Counties, California.

g. Filed Pursuant to: N/A.

h. Applicant Contact: Mr. Jon A. Myers, East Bay Municipal Utility District, P.O. Box 24055, Oakland, CA 94623, (510) 287–1121.

i. FERC Contact: John A. Schnagl, (202) 219–2661.

j. Comment Date: May 15, 1992.

k. Description of Proceeding: The staff of the Federal Energy Regulatory Commission (Commission) has determined that proposed modifications in project facilities and/or operations of the Lower Mokelumne River Project may constitute a major Federal Action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 and the Commission's regulations. Therefore, the staff will prepare an environmental impact statement (EIS) for the Lower Mokelumne River, Project No. 2916–004.

The staff's EIS will objectively consider both site specific and cumulative impacts of changes to facilities and/or operation of Camanche and Pardee reservoirs on the Mokelumne River. The purpose of changes under consideration are to conserve and develop fish and wildlife resources principally fall-run chinook salmon. The EIS will include economic, financial, and engineering analyses.

Scoping Meetings

The major issues to be evaluated in the EIS will be discussed at a scoping meeting scheduled to be held on Thursday, April 9, 1992. Prior to this date, a scoping document (Scoping Document I) will be mailed to all recipients of this notice; copies of this document will also be available at the scoping meeting. To reflect any new information provided at the scoping meeting, a revised scoping document (Scoping Document II) will subsequently be produced and mailed to all parties, interested agencies, Indian tribes, and individuals.

All interested individuals, organizations, Indian tribes, and agencies are invited to attend the scoping meeting and assist staff in identifying the scope of environmental issues that should be analyzed in the EIS. Individuals presenting statements for the record will be asked to identify themselves and to indicate the entity that they represent.

The scoping meeting will be held from 9:30 a.m. to 1:30 p.m. at the Stockton Inn, 4219 Waterloo Road, Stockton, California. This meeting will focus both on agency concerns and public input.

Objectives

At the scoping meeting, the staff will: (1) Present environmental issues that are identified for coverage in the EIS; (2) receive input from meeting participants on the issues presented; (3) clarify the significance of issues; (4) identify any additional issues that need treatment in the EIS; and (5) identify those issues that do not merit treatment in the EIS.

Procedures

The scoping meeting will be recorded by a stenographer and all statements (oral and written) will become part of the Commission's public record for this proceeding that was noticed on July 1, 1991. Interested persons who are unable to attend, or do not choose to speak at the scoping meeting, may submit written statements for inclusion in the public record. All written comments must be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, on or before May 15.

All written correspondence should clearly show on the first page of each document the following caption: Lower Mokelumne River Project No. 2916–004.

Further, parties are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents about specific project(s) with the Commission to serve a copy of the document on each person whose name is on the official service list for that specific project(s). This service list is contained in Scoping Document I.

Lois D Cashell,

Secretary.

[FR Doc. 92–6722 Filed 3–23–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88–171–021]

Tennessee Gas Pipeline Co.; Correction

March 17, 1992.

The notice published on March 12, 1992 at 57 FR 8746 should be corrected to revise the first full paragraph in column 2 on page 8746 to read as follows:

Comment date: March 26, 1992, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6726 Filed 3–23–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–365–00, et al.]

United Gas Pipe Line Co. et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No CP92–365–000]

March 11, 1992.

Take notice that on February 25, 1992, United Gas Pipe Line Company (United), 600 Travis, Post Office Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP92–365–000 an application, as supplemented on March 6, 1992, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the firm sales of natural gas for resale to the City of Vicksburg (Vicksburg), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it proposes to sell to Vicksburg a maximum daily quantity (MDQ) of 10,000 million Btu per day at the Vicksburg City Gate Station, Warren County, Mississippi, pursuant to a firm sales service agreement dated October 1, 1991. United states that it would charge rates as provided by its Rate Schedule DG. It is stated that the primary term of the service agreement expires on October 1, 1994, but that the agreement would extend from year to year thereafter subject to termination

upon either party giving not less that ninety days prior written notice.

United indicates that to implement the sale it would use a 4-inch tap and 4-inch meter station originally constructed in 1987 under Section 311 of the Natural Gas Policy Act of 1978. United requests that the certificate authority in this filing include 7(c) authorization to convert the existing sales tap and meter station to jurisdictional facilities. United also states that the service agreement provides for a maximum delivery pressure obligation for the firm sales of 120 pounds per square inch gauge (psig). However, it is also stated that United and Vicksburg have entered into a pressure increase agreement dated October 1, 1991, providing for United to deliver the above-mentioned MDQ on a best efforts basis at a maximum delivery pressure of 130 psig.

United alleges that the sale would provide Vicksburg an opportunity to obtain gas supplies of natural gas at a competitive price.

Comment date: April 1, 1992, in accordance with Standard Paragraph F at the end of this notice.

2. Williston Basin Interstate Pipeline Company

[Docket No. CP92-395-000]

March 11, 1992.

Take notice that on March 6, 1992, Williston Basin Interstate Pipeline Company (Williston Basin), 200 North Third Street, Suite 300, Bismarck, North Dakota 58501, filed in Docket No. CP92-395-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to add a delivery tap, metering station and appurtenant facilities to serve Montana-Dakota Utilities Co. (Montana-Dakota) in Rapid City, South Dakota, under its blanket certificate issued in Docket No CP83-1-000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Williston Basin requests authorization to construct and operate a delivery tap, a metering station and appurtenant facilities in order transport up to 40,000 dekatherms of natural gas per day for Montana-Dakota for further delivery to Black Hills Power and Light Company in Rapid City, South Dakota, for turbine electric generating facilities.

It is stated that the facilities constructed will consist of a turbine meter and miscellaneous regulators, gauges and valves. Williston Basin states that the cost of the proposed facilities will be $105,779. It is further stated that Montana-Dakota will reimburse Williston Basin for such costs.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP92-401-000]

March 11, 1992.

Take notice that on March 9, 1992, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP92-401-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate certain facilities in Arkansas, Oklahoma and Texas under the authorization issued in Docket No. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

AER seeks authority to construct and operate four sales taps and related facilities for delivery of natural gas to Arkansas Louisiana Gas Company (ALG) for resale to domestic and commercial customers, and to operate three existing taps for the delivery of natural gas to ALG for resale to consumers other than the right-of-way grantors for whom the taps were orginally installed.

AER proposes to (1) install a new two-inch tap and two-inch meter station on its Line AC, Section 6, T5S-R20W, Hot Spring County, Arkansas, for initial service to domestic and commercial customers from ALG's new Rural Extension No. 1304,[1] using approximately 6,232 Mcf annually and 17 Mcf on a peak day to be constructed at an estimated cost of $20,800; (2) install a new one-inch tap on its Line AT-9, P.P. Rains Survey, A-258, Gregg County, Texas, for initial service to commercial customers from ALG's new Rural Extension No. 1303,[2] using approximately 1,600 Mcf annually and 20 Mcf peak day, to be installed at an estimated cost of $7,722; (3) install a new one-inch tap on its Line 638, Section 3, T2N-R9E, Coal County, Oklahoma, for initial service to ALG's domestic customers Jim Inman and David Crane, using approximately 150 Mcf annually and 3 Mcf peak day, and to be constructed at an estimate cost of $1,388; (4) install a new two-inch tap on its Line AC, Section 8, T4S-R32W, Polk County, Arkansas, for initial service to ALG's domestic customer Elmer Roberts, using approximately 85 Mcf annually and Mcf peak day, and to be constructed at an estimated cost of $3,650; (5) use an existing one-inch tap on its Line BM-21, Section 16, T9N-R11W, Cleburne County, Arkansas, for service to a new domestic customer, Terry G. Singletary, using approximately 85 Mcf annually and 1 Mcf peak day. It is stated that this customer will manifold onto the existing tap and new construction will not be necessary; (6) use an existing one-inch tap on its Line 303, section 6, T4N-R7W, Pontotoc county, Oklahoma, for service to new domestic customers, A. E. Pevehouse and Lonnie Manuel, using approximately 1,000 Mcf annually and 3 Mcf peak day. It is stated that these customers will manifold onto the existing tap and new construction will not be necessary; and (7) use an existing one-inch tap on its Line BM-21, section 33 T10N-R10W, Cleburne County, Arkansas, for service to a new domestic customer, Joseph N. Crawford, using approximately 85 Mcf annually and 1 Mcf peak day. It is stated that this customer will manifold onto the existing tap and new construction will not be necessary.

AER states that the gas required for the performance of these services will be delivered from its general system supply, which is adequate to provide the service. During 1991, AER stated that its system had total sales volumes of approximately 55,465,431 Mcf annually and 729,988 Mcf on a peak day. Thus, AER avers that the proposed connections will have a *de minimis* impact of supply.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

4. Transcontinental Gas Pipe Line Corporation

[Docket No. CP92-391-000]

March 11, 1992.

Take notice that on March 4, 1992, Transcontinental Gas Pipe Line Corporation, Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP92-391-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a new point of delivery to Public Service Electric & Gas Company (PSE&G) under the blanket certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

It is stated that PSE&G is currently a sales, transportation and storage customer of Transco under various rate schedules, and has a maximum firm mainline capacity entitlement of 430,459 Mcf per day on Transco's system.

Transco states that it will construct, install, own, operate and maintain a new delivery point to PSE&G (referred to as the "Montclair Delivery Point"), which shall include a 4-inch tap valve, a single 3-inch meter station and appurtenance facilities at milepost 1828.90 on the Caldwell "B" lateral. PSE&G will construct minor appurtenant facilities to enable it to receive gas from Transco at such meter station.

The Montclair Delivery Point will be used by PSE&G to receive up to a maximum daily delivery point entitlement of 2,400 Mcf per day of gas from Transco on a firm and interruptible basis in order to enable PSE&G to serve the cogeneration needs of Montclair State College. The authorized total transportation service entitlement of PSE&G will not be altered from the current level, and the addition of the Montclair Delivery Point will have no effect on Transco's peak day or annual deliveries to PSE&G.Transco further states that it has sufficient system delivery flexibility to accomplish deliveries at the Montclair Delivery Point without detriment or disadvantage to Transco's other gas transportation and sales customers, and, therefore, the addition of such point will have no effect on Transco's peak day or annual deliveries to such other customers. Also, the addition of such delivery point is not prohibited by Transco's FERC Gas Tariff.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

5. Mojave Pipeline Company

March 11, 1992.

[Docket No. CP92-376-000]

Take notice that on February 28, 1992, Mojave Pipeline Company (Applicant), 5001 E. Commercenter Drive, Bakersfield, CA 93309, filed in Docket No. CP92-376-000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and subpart E of the Federal Energy Regulatory Commission's (Commission) Regulations thereunder for a certificate of public convenience and necessity under the optional procedures contained in subpart E of part 157 authorizing Applicant to construct, operate and own certain pipeline expansion facilities (Expansion Facilities), and abandon those facilities Mojave determines are no longer required upon termination of any of Mojave's contractual obligations, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Project Description

Applicant is proposing alternative authorization to construct one of three expansion designs. As part of each case, Mojave is proposing to construct the Kramer Junction Lateral, which consists of 36.4 miles of 12-inch diameter pipeline, extending north from near Kramer Junction, California. The Kramer Junction Lateral also would include the construction of a new meter station at the end of the lateral.

In addition to the Kramer Junction Lateral, the three cases consist of the following:

Case 1—Mojave/Kern River 651 MMcf/d Expansion

This case contemplates a Mojave 200 MMcf/d expansion in conjunction with an approximately 451 MMcf/d Kern River Gas Transmission Company (Kern River) expansion pursuant to Kern River's application in Docket No. CP92-198-000. It consists of (1) expansion of the existing Topock Compressor Station from 12,240 horsepower to 22,400 horsepower through the addition of two compressor units; (2) construction of a new compressor station at Mojave's existing Daggett Meter Station consisting of two compressor units with a combined horsepower of 28,200; (3) modification of existing metering facilities at the Daggett, SoCal and 17-Z Meter Stations; and (4) 19 miles of looping on the Common Facilities on the West Side Lateral, to be constructed by Kern River.

Case 2—Mojave Stand-Alone 200 MMcf/d Expansion

This case is very similar to Case 1, except that it assumes that the Kern River expansion is not constructed. It consists of (1) expansion of the existing Topock Compressor Station from 12,240 horsepower to 22,400 horsepower through the addition of two compressor units; (2) construction of a new compressor station at Mojave's existing Daggett Meter Station consisting of three compressor units with a combined horsepower of 19,500; (3) construction of a new compressor station on Kern River's pipeline near Daggett consisting of two compressor units with a combined horsepower of 9,280; and (4) modification of existing metering facilities at the Daggett, SoCal and 17-Z Meter Stations.

Case 3—Mojave 80 MMcf/d Expansion

This case consists of a smaller 80 MMcf/d Mojave expansion that could be either the first phase of Case 1 or Case 2 or a stand-along project. It consists of (1) expansion of the existing Topock Compressor Station from 12,240 horsepower to 17,340 horsepower through the addition of one compressor unit; and (2) modification of existing metering facilities at the Daggett and 17-Z Meter Stations.

Cost and Financing

The estimated total capital cost of the Expansion Facilities in 1993 dollars is approximately $74,210,000 for Case 1, $77,189,000 for Case 2, and $26,323,000 for Case 3. Applicant intends to fund the construction of the proposed facilities using a financing plan which will permit an approximate 70/30 debt-to-equity ratio on a nonrecourse basis.

Rates

Applicant proposes to charge rolled-in rates for transportation of natural gas over its pipeline systsem, whether such transportation occurs over Applicant's initial facilities or its Expansion Facilities. Applicant has committed to making a Section 4 rate filing prior to placing the Expansion Facilities in place in order to accomplish rolled-in rates. Applicant proposes to calculate its rolled-in rates pursuant to the same MFV rate design and 95% minimum throughput conditions applicable to its initial facilities.

Request Period

In accordance with the Commission's Regulations governing open access pipelines, priority of service within each class of service under Applicant's tariff will be determined on a "first come, first served" basis. Applicant will establish a priority of service among its initial customers on a first come, first served bases during a preliminary request period that will last a minimum of 30 days. Once this initial priority is determined, priority for any additional capacity will again be determined in accordance with first come, first served principles.

The request period will commence upon the publication of this notice on the Federal Register. Applicant will publish a notice in industry publications of general circulation prior to the close of the request period. Any party requesting service must submit a complete request for service in the form set forth in the Section 9 of the General

[1] It is stated that ALG's Rural Extension will consist of 8,448 feet of four-inch plastic pipe.

[2] It is stated that ALG's Rural Extension No. 1304 will consist of 500 feet of two-inch plastic pipe.

Terms and Conditions of Applicant's Tariff. Applicant will then tender to such a party a service agreement in the form set forth in the Applicant's Tariff, General Terms and Conditions, which must be executed and returned to Applicant within 30 days of receipt of such agreement. A priority of service shall then be established among all shippers who have executed Service Agreements during the request period according to the date of the request. The request date shall establish the tight to schedule firm and interruptible capacity, and the order in which their service shall be curtailed.

Comment date: April 1, 1992, in accordance with Standard Paragraph F at the end of the notice.

6. Natural Gas Pipeline Company of America

[Docket No. CP92-387-000]

March 11, 1992.

Take notice that on March 3, 1992, Natural Gas Pipeline Comapny of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92-387-000, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon, effective October 31, 1990, the rescheduling of deliveries service authorized in Docket No. CP76-353, as amended in Docket No. CP79-163, performed by Natural under its Rate Schedule X-72 for Northern Indiana Public Service Company (NIPSCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Natural states that, pursuant to its Rate Schedule X-72, and agreement between Natural and NIPSCO dated June 18, 1979, as amended December 13, 1978 (Agreement), it performed a rescheduling of deliveries service for NIPSCO. Natural further states that such service was effected by Natural rescheduling deliveries of up to 8,000,000 Mcf (6,000,000 Mcf authorized in Docket No. CP76-353 and an additional 2,000,000 Mcf authorized in Docket No. CP79-163) of sales gas sold to NIPSCO under Natural's Rate Schedule DMQ-1 during the period March 1 through October 31 of each year through October 31, 1990, and then delivering such gas for the account of NIPSCO to ANR Pipeline Company (ANR) at existing delivery points at a daily rate of up to 40,000 Mcf (30,000 Mcf was authorized in Docket No. CP76-353 and an additional 10,000 Mcf was authorized in Docket No. CP79-163) plus additional volumes for compressor fuel.

Natural states that it was informed that its deliveries of gas to ANR for the account of NIPSCO in Docket No. CP76-353 enabled NIPSCO to fulfill its delivery obligations under gas transportation agreements dated January 23, 1976, between NIPSCO and ANR (which among other things were subjects of ANR's application in Docket No. CP76-255) and thus allowed NIPSCO to avail itself of the storage service utilizing Michigan Consolidated Gas Company's (MichCon) W. C. Taggert Storage Field located in Mecosta and Montcalm Counties, Michigan pursuant to storage agreements dated January 23, 1976, between NIPSCO and MichCon (which among other things were subjects of MichCon's and its Interstate Storage Division's application filed in Docket No. CP76-254). Natural further states that it was informed that its deliveries of gas to ANR for the account of NIPSCO in Docket No. CP79-163 enabled NIPSCO to fulfill its delivery obligations under gas transportation agreements dated May 12, 1978, between NIPSCO and ANR and between NIPSCO and MichCon (which were the subject of ANR's and MichCon's applications filed in Docket Nos. CP78-545 and CP78-433, respectively) and thus allowed NIPSCO to avail itself of the storage service utilizing ANR Storage Company's Rapid River and Cold Springs Storage Fields.

Natural states that by a termination agreement dated October 31, 1991, Natural and NIPSCO agreed that the Agreement terminated as of October 31, 1990, and to cooperate in obtaining abandonment. Natural therefore proposes in the present application to abandon, effective October 31, 1990, the rescheduling of deliveries service authorized in Docket Nos. CP76-353 and CP79-163, performed by Natural under its Rate Schedule X-72 for NIPSCO.

Comment date: April 1, 1992, in accordance with Standard Paragraph F at the end of this notice.

7. Texas Eastern Transmission Corporation

[Docket No. CP92-389-000]

March 11, 1992.

Take notice that on March 4, 1992, Texas Eastern Transmission Corporation (Texas Eastern), 5400 Westheimer Court, Houston, Texas 77056-5310, a request pursuant to §§ 157.205 and 157.212 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to add two delivery points for the delivery of gas to Long Island Lighting Company (Lilco) under Texas Eastern's blanket certificate issued November 5, 1982, in Docket No. CP82-535-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Texas Eastern proposes to add two additional existing delivery points for Lilco under Texas Eastern's Rate Schedules FT-1, CD-1, SS-1, SS-3, FTS-4, FTS-5 and FTS. It is also stated that the existing delivery points to be added are (1) Transco—Linden Point, located in Union County, New Jersey and designated as Texas Eastern's Meter Station 0244, and (2) Transco—Belle Meade Point, located in Somerset County, New Jersey and designated as Texas Eastern's Meter Station 0919. Texs Eastern indicates that the additional delivery points do not propose to add additional volumes or capacity to what is presently authorized. It is further stated that no new facilities would be required in order to provide the service.

Texas Eastern states that the addition of the existing delivery points will have no effect on Texas Eastern's peak day or accomplished without detriment or disadvantage to Texas Eastern's other customers.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

8. EnMark Gas Gathering L.P.

[Docket No. CS92-2-000]

March 12, 1992.

Take notice that on March 6, 1992, EnMark Gas Gathering L.P. (Applicant) of 16475 Dallas Parkway, Suite 710, Dallas Texas 75248, filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Comment date: April 2, 1992, in accordance with Standard Paragraph J at the end of this notice.

9. Tennessee Gas Pipeline Company

[Docket No. CP92-393-000]

March 12, 1992.

Take notice that on March 5, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-393-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate a new delivery point to serve Reliance Gas Marketing Company (Reliance), a marketer of natural gas, under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Specifically, Tennessee proposes to construct facilities for a delivery point for service for Reliance in Jefferson Parish, Louisiana. It is stated that Tennessee would deliver up to 500 dt equivalent of gas on a peak day and 182,500 dt equivalent on an annual basis for the account of Reliance to Vintage Petroleum, Inc., a producer of natural gas, as part of a transportation service carried out pursuant to Tennessee's Rate Schedule IT. It is explained that the cost of the proposed facilities is $5,453, and that Tennessee would be reimbursed for the construction cost. It is asserted that the deliveries would have no impact on Tennessee's peak day and annual deliveries and that the volumes are within Reliance's currently authorized entitlement from Tennessee. It is further asserted that Tennessee can effect the deliveries without detriment or disadvantage to Tennessee's other customers.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

10. Northwest Pipeline Corporation

[Docket No. CP92-399-000]

March 12, 1992.

Take notice that on March 6, 1992, Northwest Pipeline Corporation (Northwest) 295 Chipeta Way, Salt Lake City, Utah 84158, filed a request with the Commission in Docket No. CP92-399-000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to partially abandon and replace obsolete facilities at the Oakland and Sutherlin meter stations in Douglas County, Oregon, in order to more efficiently accommodate its existing firm delivery obligations to WP Natural, a division of The Washington Water Power Company (WP Natural), formerly CP National Corporation, under Northwest's blanket certificate issued in Docket No. CP82-433-000, all as more fully set forth in the application which is open to public inspection.

Northwest proposes to abandon and replace the currently obsolete two-inch positive displacement meters at both the Oakland and Sutherlin meter stations with a two-inch rotary meter at each meter station. Northwest estimates that it would cost approximately $13,190 and $13,900, respectively, to remove and replace the existing meters at the Oakland and Sutherlin meter stations. Northwest states that replacing the obsolete meters would result in a decrease of the maximum station design capacity from 483 dekatherms to 183 dekatherms of natural gas per day at 150 psig at the Oakland meter station and from 900 dekatherms to 550 dekatherms per day at 150 psig at the Sutherlin meter station. Northwest also states that it would still have adequate capacity upon replacing the obsolete facilities to accommodate its existing daily firm delivery obligations to WP Natural of 100 dekatherms and 380 dekatherms at the Oakland and Sutherlin meter stations, respectively.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

11. Tennessee Gas Pipeline Company

[Docket No. CP92-392-000]

March 12, 1992.

Take notice that on March 5, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-392-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon interruptible transportation service to Natural Gas Pipeline Company of America (Natural) and both firm and interruptible transportation services to Turnkline Gas Company (Trunkline), all as more fully set forth in the application on file with the Commission amd open to public inspection.

It is stated that Tennessee requests authorization to abandon the transportation services it provides to Natural and Trunkline under Tennessee's Rate Schedules T-68, T-98 and T-127. It is further stated that the services are no longer needed and that the customers have agreed to the proposed abandonments.

Comment date: April 2, 1992, in accordance with Standard Paragraph F at the end of this notice.

12. Williams Natural Gas Company

[Docket No. CP92-403-000]

March 12, 1992.

Take notice that on March 9, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-403-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to utilize facilities originally installed for the delivery of NGPA section 311 transportation gas for other purposes under WNG's blanket certificate issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to utilize the NGPA section 311 facilities installed to deliver transportation gas to Vulcan Chemicals (Vulcan) in Sedgwick County, Kansas, for any purpose. WNG states that it has been delivering an average of 13,000 dt of natural gas per day to Vulcan on behalf of Delhi Gas Pipeline Corporation since the facilities were installed. The cost to construct the facilities was $343,630 which was paid from funds on hand, it is stated.

WNG states that this change is not prohibited by its existing tariff and that it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

13. Natural Gas Pipeline Company of America

[Docket No. CP92-396-000]

March 12, 1992.

Take notice that on March 6, 1992, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP92-396-000 a request pursuant to §§ 157.205 and 157.212(a) of the Commission's Regulations under the Natural Gas Act for authorization to operate six existing delivery points interconnecting with local distribution companies to provide jurisdictional services under its blanket certificate issued in Docket No. CP82-402-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that the total volumes of gas to be delivered to each delivery point after these facilities are authorized to provide jurisdictional services will not exceed the total volumes available prior to such request and authorization.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

14. Williams Natural Gas Company

[Docket No. CP92-388-000]

March 10, 1992.

Take notice that on March 3, 1992, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-388-000 an application pursuant to section 7(b) of the Natural Gas Act for an order

permitting and approving the abandonment of approximately 25.7 miles of 12-inch pipeline and appurtenant facilities located in Leavenworth County, Kansas and Platte and Buchanan Counties, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG states that the 12-inch pipeline to be abandoned was installed in 1929 and certificated in Docket No. G-298 (4 FPC 471, 1943) and that WNG looped this 12-inch line with a 16-inch pipeline in 1955 to provide service to the St. Joseph, Missouri area. WNG states that the 12-inch line is shallow in many areas and presents operational and maintenance concerns. WNG also states that the existing 16-inch line can meet all firm gas commitments in the St. Joseph's area as well as allow for additional growth in demand.

Further, WNG states that it seeks authority to abandon in place approximately 3.1 miles of the 12-inch pipeline and to abandon by sale for salvage approximately 22.6 miles of the 12-inch pipeline and appurtenant facilities.

Comment date: March 31, 1992, in accordance with Standard Paragraph F at the end of this notice.

15. Tennessee Gas Pipe Line Company

[Docket No. CP92-398-000]

March 13, 1992.

Take notice that on March 6, 1992, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP92-398-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add two additional delivery points under an existing firm sales service presently provided by Tennessee to National Fuel Gas Supply Corporation (National Fuel), under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that it currently provides a natural gas service to National Fuel under the terms and conditions of Tennessee's CD-4 (Northern Zone) and CD-5I (New York Zone) Rate Schedules and the terms and conditions of a gas sales contract between Tennessee and National Fuel dated November 26, 1990. Pursuant to a request of National Fuel, Tennessee proposes to add Hebron (Potter County, Pennsylvania) and Colden (Erie County, New York), both storage facilities, as delivery points under the contract, a daily quantity limit by delivery point of 78,183 Dth and 100,225 Dth, respectively.

Tennessee states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to National Fuel. Tennessee asserts that the establishment of the proposed new delivery points is not prohibited by Tennessee's currently effective tariff and that it has sufficient capacity to accomplish the deliveries at the proposed new delivery points without detriment or disadvantage to any of Tennessee's other customers.

Comment date: April 27, 1992, in accordance with Standard Paragraph G at the end of this notice.

16. Questar Pipeline Company

[Docket No. CP92-400-000]

March 13, 1992.

Take notice that on March 9, 1992, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP92-400-000 an application pursuant to Section 7(b) of the Natural Gas Act requesting authority to abandon certain interruptible natural-gas transportation and exchange services involving Northwest Pipeline Corporation (Northwest). By mutual agreement between Questar and Northwest, the authorized services proposed to be abandoned by Questar are no longer provided under Rate Schedules X-11, X-13, and X-16 of Questar's FERC Gas Tariff, Original Volume No. 3, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Questar represents that on September 6, 1991, Northwest informed Questar that it desired to cancel the services provided to Northwest under the subject rate schedules. Questar further states that it does not propose to abandon any existing facilities in conjunction with this filing.

Comment date: April 3, 1992, in accordance with Standard Paragraph F at the end of the notice.

17. Sonat Marketing Company et al.

[Docket No. CI86-503-007,[1] *et al.*]

March 13, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Comment date: March 23, 1992, in accordance with Standard Paragraph J at the end of this notice.

APPENDIX

Docket No.	Date filed	Applicant
CI86-503-007	3-10-92	Sonat Marketing Company, P.O. Box 2563, Birmingham, Alabama 35202-2563.
CI87-476-008 [1]	3-11-92	TXG Gas Marketing Company, 313 Frederica Building, Suite 200, P.O. Box 568, 313 Frederica Street, Owensboro, Kentucky 42302-0568.
CI91-36-001	3-10-92	Seminole Gas Marketing, c/o J. V. Trading Inc., P.O. Box 2563, Birmingham, Alabama 35202-2563.

[1] Applicant also requests that the Commission remove the rate restriction on the sale of surplus system supply gas (ISS gas) purchased from its pipeline affiliate, Transcontinental Gas Pipeline Corporation, or, in the alternative, impose the same restrictions as imposed on the pipeline.

18. Transcontinental Gas Pipe Line Corporation

[Docket No. CP92-405-000]

March 16, 1992.

Take notice that on March 11, 1992, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP92-405-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to operate as a juristictional facility an existing pipeline in Alabama, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Transco proposes to operate as a jurisdictional facility and to provide jurisdictional services through, including transportation services under subpart G of part 284 of the Commission's Regulations, its Mobile Bay Pipeline. Transco explains that the Mobile Bay Pipeline is a 30-inch diameter lateral which extends 123.4 miles from the tailgate of the Mobil Oil Exploration and Producing Southeast Inc. gas treatment plant (MOEPSI plant) to an interconnection with Transco's mainline near Butler in Choctaw County, Alabama. Transco further explains that the pipeline was constructed in 1988 pursuant to Section 311 of the Natural Gas Policy Act (NGPA) and § 284.3(c) of the Commission's Regulations solely to provide services authorized under Section 311 of the NGPA and Subpart B of the Commission's Regulations. It is indicated that the pipeline provides access to gas produced in Mobile Bay and in the offshore area of Alabama generally.

Transco states that although it originally sought section 7(c) certificate authority for the Mobile Bay Pipeline in Docket No. CP89-523-000, the subject application is intended to supersede and replace the earlier filing.

Transco asserts that the proposed authorization would permit it to perform transportation services through the Mobile Bay Pipeline under its blanket certificate for all potential shippers, not just those able to meet the "on behalf of" requirement of NGPA Section 311. Transco avers that all shippers would have equal access to the pipeline and that, as a result, Mobile Bay area producers and suppliers would have broader competitive and marketing opportunities.

It is explained that the actual cost of the Mobile Bay Pipeline, as of January 31, 1992, is $96,188,017. Transco notes that the pipeline was initially financed through short-term loans and funds on hand, with permanent financing undertaken as part of Transco's overall long-term financing program.

Comment date: April 6, 1992, in accordance with Standard Paragraph F at the end of this notice.

19. Northern Natural Gas Company

[Docket No. CP92-394-000]

March 16, 1992.

Take notice that on March 5, 1992, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP92-394-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Amoco Gas Company (Amoco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern requests authorization to retroactively reduce the volumes transported for Amoco and to subsequently abandon the transportation service, which was authorized by the Commission in Docket No. CP83-131-000, *et al.*, and carried out pursuant to the provisions of a Gas Transportation and Facilities Agreement between Northern and Amoco dated March 10, 1983, as amended, on file with the Commission as Northern's Rate Schedule T-37. Northern states that in letter agreements signed in February, April and August, 1990, Northern and Amoco have agreed to several decreases in the transportation volumes.

It is stated that in the February 20, 1990, amendment to the agreement, Northern and Amoco agreed to reduce the volumes transported from Matagorda Island Block 623B (MAT 623B) from 61,000 Mcf of gas per day to 28,341 Mcf per day and to reduce the volumes transported from Matagorda Island Block 623A (MAT 623A) from 32,000 Mcf per day to 14,867 Mcf per day. It is requested that both reductions have an effective date of November 10, 1989.

It is stated that in the April 5, 1990, amendment to the agreement, Northern and Amoco have agreed to a further reduction for MAT 623B to 14,079 Mcf per day and for MAT 623A to 7,386 Mcf per day, with proposed effective dates of December 10, 1989. It is stated that in the August 28, 1990, amendment to the agreement, Northern and Amoco have agreed to terminate transportation from MAT 623B and MAT 623A, with a proposed effective date of May 16, 1990. It is stated that by termination notice dated October 4, 1990, Northern and Amoco have agreed to terminate the entire transportation service under Rate Schedule T-37, with an effective date of October 1, 1990.

It is asserted that no gas has flowed under Rate Schedule T-37 since its proposed termination date. It is further asserted that the proposal involves no abandonement of facilities. It is stated that Amoco has terminated the gas purchase cotracts underlying the transportation service and therefore no longer requires the service to serve its customers.

Comment date: April 6, 1992, in accordance with Standard Paragraph F at the end of this notice.

20. Williams Gas Company

[Docket No. CP92-402-000]

March 16, 1992.

Take notice that on March 9, 1992, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-402-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to designate an additional delivery point for service to Midcoast Natural Gas, Inc. (Midcoast), under Williams' blanket certificate issued in Docket No. CP82-479-000, all as more fully described in the request which is on file with the Commission and open to public inspection.

Williams proposes to add a delivery point for the transportation of natural gas for Midcoast in Wyandotte County, Kansas. It is stated that the delivery point consists of facilities which were installed under the authorization of Section 311 of the Natural Gas Policy Act. It is explained that Williams proposes herein to utilize the delivery point for transportation under part 284 of the Commission's Regulations. It is stated that Williams has been utilizing the facilities for the delivery of an average 3,000 MMBtu equivalent of gas per day to Midcoast. Williams states that the operation of these facilities has had no impact on its peak day or annual deliveries.

Comment date: April 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

21. Williams Natural Gas Company

[Docket No. CP92-408-000]

March 16, 1992.

Take notice that on March 12, 1992, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP92-408-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon sales and transportation service for Peoples Natural Gas Company (Peoples), under its blanket certificate issued in Docket No. CP82-479-000, pursuant to section 7(b) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

It is indicated that Peoples by letter dated September 28, 1990, has requested that the July 15, 1989, sales service agreement with Williams be terminated as of January 1, 1991, and that the firm transportation agreement with Williams be terminated as of November 1, 1990. No abandonment of facilities is proposed.

Comment date: April 30, 1992, in accordance with Standard Paragraph G at the end of this notice.

[2] This notice does not provide for consolidation for hearing of the several matters covered herein.

22. Amoco Canada Marketing

[Docket No. CI92-30-000]

March 17, 1992.

Take notice that on March 9, 1992, Amoco Canada Marketing Corp. (Amoco) of 240 4th Avenue SW., Calgary, Alberta T2P2H08, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing sales for resale of all categories of natural gas in interstate commerce, including sales of imported natural gas, liquified natural gas, and surplus system supply gas purchased from interstate pipelines under interruptible sales program, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: April 6, 1992, in accordance with Standard Paragraph J at the end of this notice.

23. ENERGY International Marketing Corporation

[Docket No. CI92-26-000]

March 17, 1992.

Take notice that on February 27, 1992, ENERGY International Marketing Corporation (EIMC) of P.O. Box 6690, Kingwood, Texas 77325-6690, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorizing sales in interstate commerce for resale of natural gas from any source (domestic or foreign), and in gaseous or liquid (LNG) form, to the extent such sales would be subject to the Commission's NGA jurisdiction, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: April 6, 1992, in accordance with Standard Paragraph J at the end of this notice.

24. American Hunter Exploration Ltd.

[Docket No. CI92-28-000]

March 17, 1992.

Take notice that on March 3, 1992, American Hunter Exploration Ltd. (American Hunter) of 2000, 605-5th Avenue SW., Calgary, Alberta T2P 3H5, Canada, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abondonment authorizing sales for resale in interstate commerce of all natural gas subject to the Commission's NGA jurisdiction, including Canadian-produced natural gas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: April 6, 1992, in accordance with Standard Paragraph J at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an applicant for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6723 Filed 3-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10533-002 New Hampshire]

Franklin Hydro Co., Inc.; Surrender of Preliminary Permit

March 17, 1992.

Take notice that Franklin Hydro Company, Inc., permittee for the Franklin Development Project located on the Winnipesaukee River in Merrimack and Belknap Counties, New Hampshire, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 2, 1990, and would have expired on July 31, 1993. The permittee states that analysis of the proejct did not indicate feasibility for development.

The permittee filed the request on February 12, 1992, and the preliminary permit for Project No. 10533 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6724 Filed 3-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-2-012]

Northern Natural Gas Co., Division of Enron Corp.; Sale of Natural Gas

March 16, 1992.

Take notice that on March 12, 1992, Northen Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, submitted the following information regarding the sale of natural gas to be made to an affiliate under Northern's Rate Schedule ISS-1, pursuant to the authorization granted by an order issued on March 11, 1988, in Docket No. CP88-2-000 (42 FERC ¶ 61,303).

(1) *Name of Buyer:* Citrus Marketing, Inc.

(2) *Location of Buyer:* Houston, Texas

(3) *Affiliation between Northern and Buyer:* Citrus Marketing, Inc., is a subsidiary of Citrus Corporation, which is owned 50% by Enron Corporation and 50% by Sonat, Inc. Northern Natural Gas Company is a subsidiary of Enron Corporation.

(4) *Term of Sale:* March 1, 1992, through March 31, 1997, and month to month thereafter.

(5) *Estimated Total and Maximum Daily Quantities:*

Daily Quantity: 300,000 MMBtu
Estimated Total: 150,000 MMBtu per month
Maximum sales rate: $2.4956 per MMBtu
Minimum sales rate: $1.1552 per MMBtu

Rate to be charged during billing period.

(A) Field area—$1.1552-$1.25
(B) Market area—$1.5000-$1.99

Docket No. CP88-2-012

Any interested party desiring to make any protest with reference to this sale of natural gas should file with the Federal Energy Regulatory Commission, Washington, DC 20426, within 30 days after issuance of the instant notice by the Commission, pursuant to the order of March 11, 1988. If no protest is filed within that time or the Commission denies the protest, the proposed sale may continue until the underlying contract expires. If a protest is filed, Northern may sell gas for 120 days from the date of commencement of service or until a termination order is issued, whichever is earlier.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6725 Filed 3-23-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-140-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 17, 1992.

Take notice that Transwestern Pipeline Company ("Transwestern"), on March 13, 1992 tendered for filing as part of its F.E.R.C. Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Effective April 14, 1992

2nd Revised Sheet No. 4A
60 Revised Sheet No. 6
6th Revised Sheet No. 6C
1st Revised Sheet No. 93

Transwestern states that the purpose of its tariff filing is to establish initial rates for firm (FTS-1) and interruptible (ITS-1) transportation service on Transwestern's San Juan Lateral. The proposed San Juan Lateral rates are based on the cost of service associated with the new facilities. Transwestern states that these rates have been developed to be consistent with the rate design agreed to in the settlement filed in Transwestern's general rate case proceeding on June 22, 1990 in Docket No. RP89-48-000, *et al.*

Transwestern requests that the Commission grant any and all waivers of its rules, regulations, and orders as may be necessary so as to permit the tariff sheets submitted by it to become effective April 14, 1992.

Transwestern states that copies of the filing were served upon all of Transwestern's gas utility customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 23, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6727 Filed 3-23-92; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200103-007.
Title: A/S Ivarans Rederi/Georgia Ports Authority Terminal Agreement.
Parties: A/S Ivarans Rederi Georgia Ports Authority.
Synopsis: The amendment revises the Agreement Rate Schedule.

Agreement No.: 232-011155-001
Title: Wallenius/NYK/MOSK Space Charter and Cooperative Working Agreement.
Parties: Wallenius Lines Nippon Yusen Kaisha Mitsui O.S.K. Lines, Ltd.
Synopsis: The proposed amendment would delete Mitsui O.S.K. Lines, Ltd. as a party to the Agreement. It would also make other nonsubstantive changes.

By Order of the Federal Maritime Commission.

Dated: March 18, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6740 Filed 3-23-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Montana Bancsystem, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR

225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Montana Bancsystem, Inc., Billings, Montana; to engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the State of Montana.

Board of Governors of the Federal Reserve System, March 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6753 Filed 3-23-92; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 2, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota, and its subsidiary, Norwest Insurance, Inc., Minneapolis, Minnesota; to acquire the surety/bond book of business of Richard A. Nelson, and thereby engage in general insurance agency activities pursuant to § 225.25(b)(8)(vii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6752 Filed 3-23-92; 8:45 am]

BILLING CODE 6210-01-F

Slippery Rock Financial Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 20, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Slippery Rock Financial Corporation, Slippery Rock, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Slippery Rock, Slippery Rock, Pennsylvania.

Board of Governors of the Federal Reserve System, March 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6751 Filed 3-23-92; 8:45 am]

BILLING CODE 6210-01-F

Charles Weissinger, Jr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 14, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Charles Weissinger, Jr., Rolling Fork, Mississippi; Anne Weissinger, Rolling Fork, Mississippi; Martha Weissinger, Greenville, Mississippi; and Margaret Wynn, Jackson, Mississippi; to acquire an additional 45.7 percent of the voting shares of Southeast Arkansas Bank Holding Company, Lake Village, Arkansas, for a total of 49.07 percent, and thereby indirectly acquire Bank of Lake Village, Lake Village, Arkansas.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Robert L. Hier, Castle Rock, Colorado; to retain 25.49 percent of the voting shares of The Banking Group, Ltd., Castle Rock, Colorado.

Board of Governors of the Federal Reserve System, March 18, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6750 Filed 3-23-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Institute on Alcohol Abuse and Alcoholism; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the advisory committees of the National Institute on Alcohol Abuse and Alcoholism for May 1992.

The National Advisory Council will be performing review of applications for Federal assistance; the Board of Scientific Counselors will review, discuss, and evaluate intramural research programs and projects and productivity and performance of individual staff scientists; therefore, portions of these meetings will be closed to the public as determined by the Acting Administrator, ADAMHA, in accordance with 5 U.S.C. 552b(c)(6) and 5 U.S.C. app. 2 10(d).

Summaries of the meetings and rosters of committee members may be obtained from: Ms. Diana Widner, NIAAA Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, room 16C-20, 5600 Fishers Lane, Rockville, MD 20857, telephone: 301/443-4375.

Substantive program information may be obtained from the contact whose names, room numbers, and telephone numbers are listed below.

Committee Name: Board of Scientific Counselors, NIAAA.
Meeting Dates: May 21-22, 1992.
Place: NIH Campus, Building 10, Conference Room 9, 9000 Rockville Pike, Bethesda, MD 20892.
Open: May 21, 9 a.m.-9:30 a.m.
Closed: Otherwise.
Contact: Theodore Colburn, Ph.D., room 1B58, Building 31, Telephone (301) 402-1226.

Committee Name: National Advisory Council on Alcohol Abuse and Alcoholism.
Meeting Dates: May 27, 1992.
Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.
Open: May 27, 10:15 a.m.-3:00 p.m.
Closed: Otherwise.
Contact: James F. Vaughan, Room 16C-20, Parklawn Building, Telephone (301) 443-4375.

Dated: March 18, 1992.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 92-6694 Filed 3-23-92; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Quality Control Standard Requirements Pertaining to Clinical Laboratory Improvement Amendments of 1988; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of a public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is holding a public meeting to obtain the views of manufacturers and other interested persons on FDA's implementation of the quality control validation assessment process. This meeting will address FDA's role in implementing the quality control standards requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA), as specified in subpart K of 42 CFR part 493 of the laboratory standards regulation which was published in the Federal Register of February 28, 1992 (57 FR 7002). FDA is developing guidance documents for manufacturers on how to prepare and submit applications for obtaining clearance for validated quality control instructions.

DATES: The meeting will be held on April 13, 1992, from 9 a.m. to 5 p.m. at the Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD. To receive the group rate for the hotel accommodations, please reference the FDA meeting. Seating at the meeting will be limited. Call the hotel for information regarding shuttle service from the Medical Center Metro Station.

FOR FURTHER INFORMATION CONTACT: Janis Ohrmundt, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1005.

SUPPLEMENTARY INFORMATION: On February 28, 1992, the Department of Health and Human Services (HHS) published the final laboratory standards rule (with a 60-day comment period) implementing CLIA (Pub. L. 100-578). As required by CLIA, the final laboratory standards rule sets forth quality control, quality assurance, personnel, proficiency test, and other requirements that must be met by all regulated laboratories. With respect to CLIA's quality control requirements, the rule also provides manufacturers of commercial in vitro test devices with the opportunity to submit validated quality control instructions to FDA for assessment. If these quality control instructions are cleared by FDA, clinical laboratories can comply with a significant portion of the rule's quality control requirements by following a manufacturer's FDA-cleared quality control instructions.

CLIA greatly expands Federal regulation of laboratory testing to cover any facility performing testing, assays or examinations on materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of human beings, and imposes stringent requirements to ensure the accuracy of these tests. In the Federal Register of May 21, 1990 (55 FR 20896), HHS published a proposed rule implementing the laboratory standards provisions of CLIA. Briefly, the proposed rule required that all laboratories in the United States and its territories that examine human specimens meet specific laboratory standards based on the complexity of tests which laboratories perform. (This regulatory scheme is commonly referred to as the "complexity model.") Over 60,000 public comments were received on the proposed rule.

A substantial number of comments advocated integrating FDA's premarket evaluation program for clinical laboratory devices into the CLIA regulatory scheme for laboratories seeking to comply with the laboratory standards. Many of the comments expressed concern over the prospect of layered and burdensome regulations, which would impede the development of new technology for clinical testing. Based on these comments, significant changes were made to the complexity model and the associated laboratory standards. The final laboratory standards regulation establishes three levels of testing complexity: (1) Waived tests—simple tests which have an insignificant risk of an erroneous result, (2) moderate complexity tests, and (3) high complexity tests. Laboratories performing moderate or high complexity tests are subject to specific laboratory standards pertaining to personnel, proficiency testing, quality assurance, and quality control. Laboratories that perform only waived tests are subject to minimal regulation.

Subpart K of the laboratory standards rule (42 CFR part 493, subpart K) § 493.1201 defines general quality control requirements and quality control requirements for laboratory specialties and subspecialties for tests of moderate or high complexity. These requirements are to be phased-in over a 2-year period beginning on the effective date of the regulation (September 1, 1992). For this initial 2-year period, laboratories using instruments, kits or test systems categorized as moderate complexity and cleared by FDA for in vitro diagnostic use must comply with quality control requirements specified in § 493.1202 which set forth compliance with "baseline" quality control requirements including use of existing quality control recommendations of the manufacturers, contained in the device labeling. After the 2-year phase-in period, all laboratories certified to perform moderate or high complexity tests must meet all applicable quality control requirements specified in § 493.1203. However, the revised process permits a manufacturer to provide additional quality control data to FDA (via the 510(k)/premarket approval process) for its device commensurate with the complexity category assigned to its use. Laboratories using testing devices whose quality control procedures have been reviewed and cleared by FDA, can follow the manufacturer's instructions to satisfy much of the regulation's quality control requirements. After the phase-in, laboratories using tests not reviewed and cleared by FDA must follow their own quality control program that complies with all applicable quality control rules of § 493.1203.

Upon development of the above regulatory scheme for implementation of the quality control standard, HHS recognized that technological innovation would likely produce future products which are more accurate, more reliable and simpler to use. Moreover, the level of quality control required to ensure product performance claims would possibly be different than those currently required in Subpart K of Part 493. Thus, HHS believes this enhanced premarket evaluation process will accommodate future technological improvements of laboratory tests for the benefit of both laboratory users and manufacturers of commercial laboratory products. However, HHS also believes that quality control instructions that deviate from, or are proposed as an alternative to CLIA's quality control requirements must be validated as appropriate for laboratories given the complexity level of the test(s) they are certified to perform. This validation requirement will provide assurance that adequate quality control will be maintained in all laboratories, regardless of the complexity level of testing they are authorized to perform.

In order to make manufacturers aware of the technical requirements necessary to obtain FDA's quality control validation assessment clearance, FDA is developing guidance which will be available prior to the effective date (September 1, 1992) of the laboratory standards regulation. FDA is inviting manufacturers, manufacturer's trade associations, and other interested parties in the clinical laboratory community to attend and open public meeting and to share opinions with FDA on appropriate quality control instructions and validation requirements for commercial laboratory tests. In particular, FDA is interested in opinions on the following questions:

What type of data or information should FDA consider as adequate for an in vitro device, given its complexity category assignment, based on the standards described in §§ 493.1217 and 493.1218 (Calibration, calibration verification and control procedures)?

Under what conditions and to what extent is site specific testing necessary to validate quality control instructions as appropriate for the complexity category for the test? To what extent can reliance on manufacturers' internal quality control evaluations be accepted either in conjunction with or as an alternative to quality control validation testing in the (complexity) setting(s) in which the device is intended to be used.

In addition to the questions above, FDA believes that product labeling, as described in § 809.10 (21 CFR 809.10), will play an increasingly important role in the laboratory as an educational tool, and as a source of information to help regulated laboratories comply with all the requirements of Subpart K of Part 493. Therefore, FDA is also interested in comments on how product labeling might be used by laboratories in complying with other requirements such as paragraph (b) of § 493.1213 *Standard; Establishment and verification of method performance specifications.* For example, what information could manufacturers provide to help laboratories "demonstrate" that they "can obtain performance specifications for accuracy, precision, and reportable range of results comparable to those established by the manufacturers" and to "verify that the manufacturer's reference range is appropriate for the laboratory's patient population?"

FDA will notify manufacturers of the availability of the completed guidance document by notice in the **Federal Register**. The notice will also indicate when FDA will begin receiving premarket applications for quality control validation assessment. A separate notice will be published in the **Federal Register** which will describe how to make these submissions.

Interested persons may present data, information, or views, orally or in writing, on matters described above to the contact person listed above. Those desiring to make formal presentations should notify the contact person before April 3, 1992, and submit a brief statement of the general nature of the evidence or arguments they wish to present and the names and addresses of proposed participants. Oral presentations should be 10 to 15 minutes in length. The planned time schedule will allow for a limited number of oral presentations

Dated: March 19, 1992

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-6706 Filed 3-23-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Program Announcement for Scholarships for Disadvantaged Students

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 for the Scholarships for Disadvantaged Students (SDS) program are being accepted under the authority of section 760 of the Public Health Service Act (the Act), as amended by the Disadvantaged Minority Health Improvement Act of 1990, Public Law 101–527.

Approximately $17 million is available in FY 1992 for the competing applications for the SDS Program from eligible health professions and nursing schools. Of the funds available, 30 percent shall be made available to schools agreeing to expend the grants only for nursing scholarships. An estimated $5.1 million will support approximately 2,040 scholarships averaging $2,500 for students at schools of nursing. The balance of $11.9 million will support approximately 4,857 scholarships averaging $2,450 for eligible health professions students. The period of fund availability will be for one academic year.

Purpose

The SDS program is a program of grants to health professions and nursing schools for the purpose of assisting such schools in providing scholarships to individuals from disadvantaged backgrounds who are enrolled (or accepted for enrollment) as full-time students in the schools, as well as to undergraduate students who have demonstrated a commitment to pursing a career in health professions. For purposes of the SDS program in FY 1992, an "individual from a disadvantaged background" is defined as in 42 CFR 57.1804, as one who:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health professions; or

(2) Comes from a family with an annual income below a level based on low income thresholds according to a family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjustment by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the **Federal Register**.

The following income figures determine what constitutes a low income family for purposes of the Scholarships for Disadvantaged Students program for FY 1992.

Size of parents' family [1]	Income level [2]
1	$9,100
2	11,800
3	14,100
4	16,000
5	21,300
6 or more	23,900

[1] Includes only dependents listed on Federal income tax forms.

[2] Adjusted gross income for calendar year 1991, rounded to $100.

Use of Funds

Funds awarded to a school under this program may be used as follows:

(1) To award scholarships to eligible students enrolled in the school, to be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses (as defined by the school for all students attending the school) incurred while enrolled in a school as a full-time student. The amount of the scholarship may not, for any year of attendance, exceed the total amount required for the year for the expenses specified above.

(2) To provide financial assistance to undergraduate students who have demonstrated a commitment to pursuing a career in the health professions, in order to facilitate the completion of the educational requirements for such careers, provided that the total amount used for this purpose may not exceed 25 percent of the funds awarded to the school under this program.

Any school receiving SDS funds will be required to maintain separate accountability for these funds.

School Eligibility

Grants under this program will be made available to accredited public or nonprofit private health professions schools. For purposes of the SDS program, the term "health professions schools" means schools of medicine, dentistry, osteopathic medicine, pharmacy, optometry, podiatric medicine, veterinary medicine, and public health, as defined in section 701(4) of the Act, and which are accredited as provided in section 701(5) of the Act; schools of allied health as defined in section 701(10) of the Act, and which are located in States as defined in section 701(11) of the Act, and schools of nursing as defined in section 853 of the Act. The term also includes a "graduate program in clinical psychology" as defined in section 701(4) of the Act.

In accordance with congressional report language, funding of allied health schools or programs will be limited to the following: dental hygiene, medical laboratory technology, occupational therapy, physical therapy and radiologic technology.

As required by statute, to qualify for participation in the SDS program, a school must be:

(1) Carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including racial and ethnic minorities; and

(2) Carrying out a program for recruiting and retaining minority faculty.

If a school has no students from disadvantaged backgrounds, or no full-time minority faculty, or provides no data as required in the application materials, it is not eligible for participation in the SDS program. A school that is able to provide required data will be eligible for participation in the current award cycle.

In addition, each school that received funds in FY 1991 must agree in its fiscal year 1992 application to be carrying out all of the statutory requirements listed below:

(1) Ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school. This does not include normal course work, that by definition includes minority health issues (e.g., sickle cell anemia in a pathology class), but refers to course work reflecting an institutional awareness of the special health needs of minority populations;

(2) Enter into arrangements with one or more health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, for the purpose of providing students of the school with experience in providing clinical services to such individuals;

(3) Enter into arrangements with one or more public or nonprofit private secondary educational institutions and undergraduate institutions of higher education (feeder schools), for the purpose of carrying out programs regarding:

(a) the educational preparation of disadvantaged students, including minority students, to enter the health professions; and

(b) the recruitment of disadvantaged students, including minority students, into the health professions; and

(4) Establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school. This program may include the involvement of students, community health professionals, faculty, alumni, past recipients of Health Career Opportunity Program (HCOP) funds,

faculty/staff of feeder schools, etc., in institutionally organized activity (e.g., tutoring, counseling, and summer/bridge programs).

Each school funded for the first time in FY 1992 will also be required to carry out each of the activities specified above by not later than twelve months from receipt of award. Funds awarded to a school under the SDS program may not be used to carry out any of the above activities which the school must be doing, or must agree to do. In addition, a school will be required to continue to carry out all described activities, and also the student/faculty recruitment and retention activities, for as long as the SDS program is in operation in the school.

Evaluation Criteria For Fiscal Year 1992

For FY 1992, applications will be evaluated on the degree to which the schools meet the statutory requirements listed above. Guidance for presenting the information will be provided in the FY 1992 application materials.

Student Eligibility: As required by statute or regulation, to qualify for the SDS program, a student must:

(1) Be a citizen, a U.S. national, an alien lawfully admitted for permanent residency in the U.S., or a citizen of the Commonwealth of the Northern Mariana Islands, a citizen of the Commonwealth of Puerto Rico, a citizen of the Trust Territory of the Pacific Islands (consisting of the Republic of Palau) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia (both formally part of the Trust Territory of the Pacific Islands);

(2) Meet the definition of an "individual from a disadvantaged background" as defined above; and

(3)(a) Be enrolled in or accepted by an eligible school for enrollment as a full-time student; or

(b) be an undergraduate student who has demonstrated a commitment to pursuing a career in health professions, including nursing.

Statutory Preference

The law requires that in providing SDS scholarships, the school give preference to students for whom the cost of attending an SDS school would constitute a severe financial hardship. Severe financial hardship will be determined by the school in accordance with standard need analysis procedures prescribed by the Department of Education for its Federal student aid programs.

The following Acceptability of Undergraduate Students, Definitions, Funding Preference, Methodology for Implementing the Statutory Special Consideration, the Nonstatutory Special Consideration for Baccalaureate Nursing Programs, and the Procedures for Calculating Scholarship Awards were established in FY 1991 after public comment (at 56 FR 49779) on October 1, 1991, and are being extended in FY 1992.

Acceptability of Undergraduate Students

In the instance of (3)(b) above, it has been established that the undergraduate students eligible for scholarships must be at feeder schools and have signed statements that they are interested in health professions or nursing careers.

Definitions

"Black" means a person having origins in any of the black racial groups of Africa.

"Hispanic" means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

"American Indian or Alaskan Native" means a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Definitions listed above are contained in Directive No. 15 of Office of Management and Budget Circular No. A–46, dated May 3, 1974.

"Native American" as defined in Public Law 101–527, means American Indian, Alaskan Native, Aleut, or Native Hawaiian.

"Minority" with respect to faculty, refers to Blacks, Hispanics, Native Americans, Filipinos, Koreans, Pacific Islanders, and Southeast Asians whose percentage among the total supply of practitioners in the applicable health profession is below that group's percentage in the total population.

Funding Preference

A funding preference means funding of a specific group of approved applications ahead of other categories of applications. In FY 1992 a funding preference will be accorded to schools of medicine, osteopathic medicine and dentistry. This responds to the concern expressed in Congressional committee report language regarding the need to target monies toward programs that are focused on primary care. In FY 1991, SDS awards of $5.7 million were made to 136 schools of medicine, osteopathic medicine and dentistry, which in the aggregate had requested funding of over $100 million. In FY 1992, with an estimated 200 eligible schools of medicine, osteopathic medicine and dentistry, it is anticipated that additional schools will apply. The funding preference will not affect the statutory requirement that 30% of the SDS funds shall be made available to schools agreeing to expend the grants only for nursing scholarships.

Methodology for Implementing the Statutory Special Consideration

In accordance with the statute, a special consideration will be given to eligible schools with an underrepresented minority enrollment that exceeds the national average for its particular discipline.

For purposes of determining eligibility of a school of medicine, osteopathic medicine and dentistry for the special consideration, Asians will not be included in the definition of underrepresented minorities for the school. Although certain Asian subgroups (i.e. Filipinos, Koreans, Pacific Islanders, and Southeast Asians) are considered to be underrepresented in the health professions and are included as minorities for purposes of program requirements relating to faculty recruitment and retention (see above), national data on these subgroups are not available as a basis for establishing national average enrollment of underrepresented minorities for the disciplines of medicine, osteopathic medicine, and dentistry.

For purposes of the FY 1992 award cycle, the national average enrollments of Blacks, Hispanics, and Native Americans (in combination) are: for medicine, 12.7 percent; osteopathic medicine, 6.9 percent; dentistry, 13.5 percent; and nursing, 14.2 percent. Of note, for FY 1991, the nursing percentage included Asians. However, based on more recent data for academic year 1990–91, Asians are not underrepresented in nursing and the 14.2 percent figure cited above does not include Asians.

Nonstatutory Special Consideration for Baccalaureate Nursing Programs

Among schools of nursing, additional special consideration will be given to baccalaureate programs. One of the distinguishing features of baccalaureate education is the substantial focus on preparation for community health practice. Training nurses for community health practice is an integral component of the Department's access strategy.

Procedures for Calculating Scholarship Awards

Awards to eligible schools which have applied will be calculated by comparing the enrollment of disadvantaged students in each eligible school with the total enrollment of the disadvantaged students in all eligible schools. In the case of health professions schools, the calculation will be made first for schools of medicine, osteopathic medicine, and dentistry, with awards limited to the cost of attendance times the number of eligible disadvantaged students at the school. Any remaining funds will be made available to other eligible health professions schools.

A school with an enrollment of underrepresented minority students which is above the national average (for each discipline) will be given double credit (i.e., its enrollment of disadvantaged students would be doubled for awarding purposes). A baccalaureate nursing school will be given double credit. A baccalaureate nursing school with an underrepresented minority enrollment above the national average will be given quadruple credit (i.e., its enrollment of disadvantaged students will be multiplied by four for awarding purposes).

National Health Objectives for the Year 2000

The Public Health Service is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-lead national activity for setting priority areas. The Scholarships for Students from Disadvantaged Backgrounds program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Application Requests

The application form and instructions for this program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0149.

Applications will be mailed to all eligible schools of medicine, osteopathic medicine, dentistry and nursing.

Requests for grant application materials and questions regarding business management and program policy should be directed to: Mr. Bruce Baggett, Chief, Student Institutional Support Branch, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8–34, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–4776.

The application deadline date is May 4, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for consideration. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The *Catalog of Federal Domestic Assistance* Number for the Scholarships for Disadvantaged Students program is 93.925. This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: January 28, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92–6754 Filed 3–23–92; 8:45 am]

BILLING CODE 4160–15–M

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Public Health Service, HHS.

ACTION: Notice

SUMMARY: The Public Health Service (PHS) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the PHS Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Claims Court is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Claims Court, 717 Madison Place, NW., Washington, DC 20005, (202) 633–7257. For information on the Public Health Service's role in the Program, contact the Administrator, Vaccine Injury Compensation Program, 6001 Montrose Road, room 702, Rockville, MD 20852, (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Claims Court and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to PHS. The Claims Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table set forth at section 2114 of the PHS Act. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a partial list of petitions received by PHS on October 1, 1990.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table (see section 2114 of the PHS Act) but which was caused by" one of the vaccines referred to in the table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitaiton to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Claims Court at the address listed above (under the heading "For Further Information Contact"), with a copy to PHS addressed to Director, Bureau of Health Professions, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number asigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Charlene Stocking, Ruislip AFB, England, Claims Court Number 90-2226 V
2. Joan Deming, Pensacola, Florida, Claims Court Number 90-2227 V
3. Mitchell Yergert, La Junta, Colorado, Claims Court Number 90-2228 V
4. Dewain Upton, Roswell, New Mexico, Claims Court Number 90-2229 V
5. Martha Turk on behalf of Kasey Turk, Linwood, New Jersey, Claims Court Number 90-2230 V
6. Lee Ann Cottman, Oklahoma City, Oklahoma, Claims Court Number 90-2231 V
7. Susan Roach on behalf of Dennis Roach, St. Paul, Minnesota, Claims Court Number 90-2232 V
8. Rosanne Daniels on behalf of Brandon Peeples, Denver, Colorado, Claims Court Number 90-2233 V
9. Henrietta Weeks on behalf of Kim Weeks, Kansas City, Missouri, Claims Court Number 90-2234 V
10. Sharon Bogue on behalf of Gareth Bogue, Gales Ferry, Connecticut, Claims Court Number 90-2235 V
11. Jon Love on behalf of Sarah Love, Oklahoma City, Oklahoma, Claims Court Number 90-2236 V
12. Ronald Schneider on behalf of Nicole Schneider, Saginaw, Michigan, Claims Court Number 90-2237 V
13. Young Hee Jun on behalf of Sammy Jun, Deceased, Brookline, Massachusetts, Claims Court Number 90-2238 V
14. Rosalie Williams, Klamath Falls, Oregon, Claims Court Number 90-2239 V
15. Daniel Borremans, Green Bay, Wisconsin, Claims Court Number 90-2240 V
16. Beth Lohse on behalf of Jesse Lohse, Beatrice, Nebraska, Claims Court Number 90-2241 V
17. Mary Rodgers on behalf of Jianessa Bennott, Hollywood, California, Claims Court Number 90-2242 V
18. Larry Rinker on behalf of Mark Rinker, Downieville, California, Claims Court Number 90-2243 V
19. Anna Lucas on behalf of Steven Osborn, Hampton, Virginia, Claims Court Number 90-2244 V
20. John Skeen on behalf of Jacqueline Skeen, Madera, California, Claims Court Number 90-2245 V
21. Lorayn Malek on behalf of Travis Malek, Maui, Hawaii, Claims Court Number 90-2246 V
22. Kathleen Pescetti on behalf of Anthony Pescetti, Rolling Hills, California, Claims Court Number 90-2247 V
23. Roger Hackbarth on behalf of Phillip Hackbarth, Los Alamitos, California, Claims Court Number 90-2248 V
24. Steven Saxton on behalf of Nathaniel Saxton, Sacramento, California, Claims Court Number 90-2249 V
25. Angela Newby on behalf of Amanda Newby, West Sacramento, California, Claims Court Number 90-2250 V
26. William Posey, Sr., on behalf of Willliam Posey, Jr., Baltimore, Maryland, Claims Court Number 90-2251 V
27. Rick Kelsch on behalf of Melisa Kelsch, Salt Lake City, Utah, Claims Court Number 90-2252 V
28. Sue Kitasako on behalf of Clark Kitasako, Seattle, Washington, Claims Court Number 90-2253 V
29. Scott Daniels on behalf of Ashley Daniels, Carlisle, Massachusetts, Claims Court Number 90-2254 V
30. Rhonda Hutcherson on behalf of Travis Hutcherson, Elizabethtown, Kentucky, Claims Court Number 90-2255 V
31. Jerry Fortune on behalf of Melissa Fortune, Deceased, Selmer, Tennessee, Claims Court Number 90-2256 V
32. Rick Parker on behalf of Jessica Parker, Highland Park, Illinois, Claims Court Number 90-2257 V
33. Patricia Bedwell on behalf of Thomas Bedwell, Westland, Michigan, Claims Court Number 90-2258 V
34. Thomas Moore on behalf of Brandon More, Deceased, Senatobia, Mississippi, Claims Court Number 90-2259 V
35. Juanita Forsmark on behalf of Elizabeth Forsmark, Farmerville, Louisiana, Claims Court Number 90-2260 V
36. Tom Akers on behalf of Brian Akers, Jonesboro, Arkansas, Claims Court Number 90-2261 V
37. John Walker on behalf of Gregory Walker, Memphis, Tennessee, Claims Court Number 90-2262 V
38. Herschel Funk on behalf of Tifani Funk, Canon City, Colorado, Claims Court Number 90-2263 V
39. Robert Barnes on behalf of Rebecca Barnes, Waterbury, Connecticut, Claims Court Number 90-2264 V
40. Kathleen Evans on behalf of Jessica Evans, Mattoon, Illinois, Claims Court Number 90-2265V
41. Walter Luttrell on behalf of Phillip Luttrell, Acworth, Georgia, Claims Court Number 90-2266 V
42. Barbara Anderson on behalf of Lori Anderson, Wayzata, Minnesota, Claims Court Number 90-2267 V
43. Williams Cullinane on behalf of Daniel Cullinane, Hackensack, New Jersey, Claims Court Number 90-2268V
44. Arthur Powell on behalf of Chloe Powell, Houston, Texas, Claims Court Number 90-2269 V
45. Douglas Simicsak on behalf of Brant Simicsak, Philadelphia, Pennsylvania, Claims Court Number 90-2270 V
46. Julie Ko on behalf of Bellen Hsieh, Montebello, California, Claims Court Number 90-2271 V
47. Debbie Probes, Lubbock, Texas, Claims Court Number 90-2272 V
48. Katie Carter on behalf of Rachel Baines, Memphis, Tennessee, Claims Court Number 90-2273 V
49. Lisa Miner, Indianapolis, Indiana, Claims Court Number 90-2274 V
50. Edward Deardorff on behalf of Jay Deardorff, Deceased, St. Ignatius, Montana, Claims Court Number 90-2275 V
51. William Walker, Superior, Arizona, Claims Court Number 90-2276V
52. Byron Thomas, Texarkana, Texas, Claims Court Number 90-2277 V
53. Harry Dodson on behalf of David Dodson, Garden City, Michigan, Claims Court Number 90-2278 V
54. Barbara Siemann on behalf of Alexander Siemann, Littleton, Colorado, Claims Court Number 90-2279 V
55. Paul Eimer, Wentworth, Missouri, Claims Court Number 90-2280 V
56. Alexander Hernandez on behalf of Kimberly Hernandez, Deceased, Denver, Colorado, Claims Court Number 90-2281 V
57. Gerald Seib on behalf of Anthony Seib, Evansville, Indiana, Claims Court Number 90-2282 V
58. Gary Hagarty, Solon, Ohio, Claims Court Number 90-2283 V
59. Rebecca Conklin on behalf of Kenneth Conklin, Augusta, Georgia, Claims Court Number 90-2284 VC
60. Cecil Wohlford on behalf of Kersten Wohlford, Washington, D.C., Claims Court Number 90-2285V
61. Amy Garcia on behalf of Maegan Stoddard, New Bedford, Massachusetts, Claims Court Number 90-2286 V
62. Martha Abee on behalf of Rachel Abee, Ft. Pierce, Florida, Claims Court Number 90-2287 V
63. Harold Daniels on behalf of Mark Daniels, Houston, Texas, Claims Court Number 90-2288 V
64. David Flaherty, St. Paul, Minnesota, Claims Court Number 90-2289 V
65. Ryan Kinney, West St. Paul, Minnesota, Claims Court Number 90-2290 V
66. Iris Thornhill on behalf of Anwar Garrett, Flushing, New York, Claims Court Number 90-2291V
67. Dale Watkins on behalf of Christopher Watkins, Phoenix, Arizona, Claims Court Number 90-2292 V
68. Timothy Wilding on behalf of Jason Wilding, Auburn, Maine, Claims Court Number 90-2293 V
69. Thulasi Gopalakrishnan on behalf of Sandheep Gopalakrishnan, East Meadow, New York, Claims Court Number 90-2294 V
70. Kenneth Johnson on behalf of Paige Johnson, St. Cloud, Minnesota, Claims Court Number 90-2295 V
71. Thomas Konsitzke on behalf of Justin Konsitzke, Elm Grove, Wisconsin, Claims Court Number 90-2296 V
72. Howard Schneider, Red Bank, New Jersey, Claims Court Number 90-2297 V
73. Kurt and Adele Lehnert on behalf of Nancy Lehnert, Portsmouth, Virginia, Claims Court Number 90-2298 V
74. James Dover on behalf of Dona Dover, Deceased, Boulder, Colorado, Claims Court Number 90-2299 V
75. Michael Bald on behalf of Elizaeth Bald, Tulsa, Oklahoma, Claims Court Number 990-2300 V
76. Richmond Flowers, Jr., on behalf of William Flowers, Evanston, Illinois, Claims Court Number 90-2301 V
77. Linda Jones on behalf of William Jones, Leonardtown, Maryland, Claims Court Number 909-2302 V
78. Betty KIdd on behalf of Sharrie McCalla, Columbus, Ohio, Claims Court Number 90-2303 V
79. Gary Eddings on behalf of Christine Eddings, Yucaipa, California, Claims Court Number 90-2304 V
80. Bessie Jordan on behalf of Walter Jordan, London, Ohio, Claims Court Number 90-2305 V
81. Russell La Fazia, Cranston, Rhode Island, Claims Court Number 90-2306 V
82. Ben Lampkin on behalf of Amber Rupp, Elk City, Oklahoma, Claims Court Number 90-2307 V
83. Ronald Parson on behalf of Caroline Parson, Madison, Wisconsin, Claims Court Number 90-2308 V
84. Rocky Skidmore on behalf of Rocky Ann Skidmore, Vanceburg, Kentucky, Claims Court Number 90-2309 V
85. Katherine Gillespie on behalf of Christopher Gillespie, Haddon Heights, New Jersey, Claims Court Number 90-2310 V
86. James Cichowski, New Britain, Connecticut, Claims Court Number 90-2311 V
87. James Kane, Piper City, Illinois, Claims Court Number 90-2312 V
88. Melody Todd, Boerne, Texas, Claims Court Number 90-2313
89. Julio Ramirez, Bridgeport, Connecticut, Claims Court Number 90-2314 V
90. George Poulos on behalf of Allison Poulos, Lombard, Illinois, Claims Court Number 90-2315 V
91. Susan Mathews on behalf of Derk Avalos, Richmond, California, Claims Court Number 90-2316 V
92. Steven Montello on behalf of Nathaniel Escobar, San Jose, California, Claims Court Number 90-2317 V
93. Philip Balmet on behalf of Bethany Balmet, Sonora, California, Claims Court Number 90-2318 V
94. Helen Kelien on behalf of Patricia Kelien, Carrollton, Kentucky, Claims Court Number 90-2319 V
95. Ernest Vesta on behalf of Kelsey Vesta, Rockford, Illinois, Claims Court Number 90-2320 V
96. Randolph Miller on behalf of Ryan Miller, St. Paul, Minnesota, Claims Court Number 90-2321 V
97. Colleen Maloney on behalf of Carra Maloney, Deceased, Mill Valley, California, Claims Court Number 90-2322 V
98. Deborah Lowther on behalf of Matthew Lowther, Culpeper, Virginia, Claims Court Number 90-2323 V
99. Leo Jackson on behalf of Brenda Jackson, Huntsville, Alabama, Claims Court Number 90-2324 V
100. Yadira Torres on behalf of Janet Virgen, Deceased, Lompoc, California, Claims Court Number 90-2325 V
101. Hope Worder on behalf of Justin Reeves, Las Vegas, Nevada, Claims Court Number 90-2326 V
102. Linda Olsen on behalf of Dana O'Leary, Newport, Rhode Island, Claims Court Number 90-2327 V
103. Erick Ryll on behalf of Dorthea Ryll, Deceased, Chicago, Illinois, Claims Court Number 90-2328 V
104. Harold Dorst on behalf of Julie Dorst, Deceased, Butler, Wisconsin, Claims Court Number 90-2329 V
105. Duncan West on behalf of Aaron West, Bowling Green, Kentucky, Claims Court Number 90-2330 V
106. Tamma Gonzales on behalf of Teressa Gonzales, Fresno, California, Claims Court Number 90-2331 V
107. Sheila Anderson on behalf of Tonisha Anderson, Sacramento, California, Claims Court Number 90-2332 V
108. John Parks on behalf of Dave Parks, Deceased, Morrilton, Arkansas, Claims Court Number 90-2333 V
109. Laura Fish, Brookline, Massachusetts, Claims Court Number 90-2334 V
110. Rena Vanderbilt, Houston, Texas, Claims Court Number 90-2335 V
111. Stephen DeFreese on behalf of Brian DeFreese, Deceased, Ruston, Louisiana, Claims Court Number 90-2336 V
112. Randall Hoover on behalf of Randall Hoover, Jr., Thibodaux, Louisiana, Claims Court Number 90-2337 V
113. Sandra McMaster on behalf of Kimberly McMaster, Deceased, Reno, Nevada, Claims Court Number 90-2338 V
114. Kurt Voelkelt on behalf of Jeffrey Voelkelt, Englewood, Colorado, Claims Court Number 90-2339 V
115. Victoria Ahern on behalf of Jessica Ahern, Sacramento, California, Claims Court Number 90-2340 V
116. Patricia Poulson on behalf of Dennis Poulson, Glendale, California, Claims Court Number 90-2341 V
117. Linda Brunswick, Hamden, Connecticut, Claims Court Number 90-2342 V
118. Lisa Barham on behalf of Anthony Barham, Hayward, California, Claims Court Number 90-2343 V
119. Linda Meccouri on behalf of Martin Von Stein, Springfield, Massachusetts, Claims Court Number 90-2344 V
120. Cathy York on behalf of Michael Savage, Waterville, Maine, Claims Court Number 90-2345 V
121. Linda Bressler on behalf of David Bressler, Brookline, Massachusetts, Claims Court Number 90-2346 V
122. Janet Feeley on behalf of Michael Feeley, New Prague, Minnesota, Claims Court Number 90-2347 V

123. Gary Smith on behalf of Jeremy Smith, Erie, Pennsylvania, Claims Court Number 90-2348 V
124. Katherine Johnson, Yellville, Arkansas, Claims Court Number 90-2349 V
125. Maria Martinovic on behalf of Tanie Martinovic, Astoria, New York, Claims Court Number 90-2350 V
126. Robin Luddington on behalf of Nathan Luddington, Deceased, Ruskin, Florida, Claims Court Number 90-2351 V
127. Humberto Suarez on behalf of Susan Suarez, Miami, Florida, Claims Court Number 90-2352 V
128. Byron Hartunian on behalf of Douglas Hartunian, Peabody, Massachusetts, Claims Court Number 90-2353 V
129. Clifford Dickens, Paducah, Texas, Claims Court Number 90-2354 V
130. Wendy Scholl on behalf of Stacy Scholl, Park Ridge, Illinois, Claims Court Number 90-2355 V
131. Amanda Miller on behalf of Davya Miller, Durango, Colorado, Claims Court Number 90-2356 V
132. Cynthia Huston on behalf of Alan Huston, Burke, Virginia, Claims Court Number 90-2357 V
133. Thomas Dippel on behalf of Pamela Dippel, Queens, New York, Claims Court Number 90-2358 V
134. Kathryn Prucha on behalf of Margaret Prucha, Whitewater, Wisconsin, Claims Court Number 90-2359 V
135. Edmund Latawiec on behalf of Elizabeth Latawiec, Warren, Michigan, Claims Court Number 90-2360 V
136. Stephen Lindh, Glenside, Pennsylvania, Claims Court Number 90-2361 V
137. Norman McNeill on behalf of Christopher McNeill, Birmingham, Alabama, Claims Court Number 90-2362 V
138. Monique Davidson on behalf of David Davidson, San Diego, California, Claims Court Number 90-2363 V
139. Brian Combs, Warren, Ohio, Claims Court Number 90-2364 V
140. Claude Lewis on behalf of Orlando Lewis, Grand Rapids, Michigan, Claims Court Number 90-2365 V
141. Deborah Hacket on behalf of Natalie Norton, Temple, Texas, Claims Court Number 90-2366 V
142. Ronald Divjak on behalf of Michael Divjak, Munster, Indiana, Claims Court Number 90-2367 V
143. Dennis Noonan on behalf of Michael Noonan, Deceased, Urbana, Illinois, Claims Court Number 90-2368 V
144. Brett Kenmotsu, Homewood, Illinois, Claims Court Number 90-2369 V
145. Harvey Renfroe on behalf of Paul Renfroe, Amarillo, Texas, Claims Court Number 90-2370 V
146. Robert Ennis on behalf of Ozie-Krystal Ennis, Deceased, Pleasant Hill, California, Claims Court Number 90-2371 V
147. Ubaldo Marquez on behalf of Maria Marquez, Deceased, Longmont, Colorado, Claims Court Number 90-2372 V
148. Christina Samuel on behalf of Natalie Martin, Longwood, Florida, Claims Court Number 90-2373 V
149. Elbert Charles on behalf of Treena Charles, Oakland City, Indiana, Claims Court Number 90-2374 V
150. Everett Brumbaugh on behalf of Megan Brumbaugh, Ottumwa, Iowa, Claims Court Number 90-2375 V
151. K C Yeung on behalf of Alexander Yeung, Deseased, Honolulu, Hawaii, Claims Court Number 90-2376 V
152. Nanelle Racz on behalf of Charles Racz, Key West, Florida, Claims Court Number 90-2377 V
153. James Mancini on behalf of Jonathan Mancini, Cleveland, Ohio, Claims Court Number 90-2378 V
154. Eric Brill on behalf of Tamra Brill, Jacksonville, Florida, Claims Court Number 90-2379 V
155. Kimela Titone, Valhalla, New York, Claims Court Number 90-2380 V
156. Ihor and Stephanie Hnatiw on behalf of Raisa Pahscz, Allentown, Pennsylvania, Claims Court Number 90-2381 V
157. Sandra Donald, Greenville, North Carolina, Claims Court Number 90-2382 V
158. Roger Cunningham on behalf of Derek Cunningham, St. Cloud, Minnesota, Claims Court Number 90-2383 V
159. David Frost on behalf of Jonathan Frost, San Antonio, Texas, Claims Court Number 90-2384 V
160. Karen Frandsen, Grand Island, Nebraska, Claims Court Number 90-2385 V
161. James Halbach, Janesville, Wisconsin, Claims Court Number 90-2386 V
162. Jodelle Trantham on behalf of Sara Trantham, Mexia, Texas, Claims Court Number 90-2387 V
163. Alan Bortoli on behalf of Nicholas Bortoli, Harvey, Illinois, Claims Court Number 90-2388 V
164. Frederick Sauer, Chicago, Illinois, Claims Court Number 90-2389 V
165. James Golden on behalf of Lance Golden, Decatur, Alabama, Claims Court Number 90-2390 V
166. Alvin Detlefsen on behalf of Thomas Detlefsen, Humphrey, Nebraska, Claims Court Number 90-2391 V
167. Calvin Patterson on behalf of Ashley Patterson, Columbia, South Carolina, Claims Court Number 90-2392 V
168. Jeffrey Rowe, Canton, Michigan, Claims Court Number 90-2393 V
169. Ben Prichard on behalf of Joshua Prichard, Macomb, Illinois, Claims Court Number 90-2395 V
170. Jerry Murray on behalf of Chad Murray, Oklahoma City, Oklahoma, Claims Court Number 90-2395 V
171. Frank Dobson on behalf of Kristina Dobson, Birmingham, Alabama, Claims Court Number 90-2396 V
172. Karl Jackson on behalf of Ashley Sanders, Riverside, California, Claims Court Number 90-2397 V
173. Barry Sheftel on behalf of Abby Sheftel, New Haven, Connecticut, Claims Court Number 90-2398 V
174. Scott Moyer on behalf of Scott Moyer, Jr., Danville, Pennsylvania, Claims Court Number 90-2399 V
175. Gerard Moreo, Arverne, New York, Claims Court Number 90-2400 V
176. Charles Snyder on behalf of Michele Snyder, Johnstown, Pennsylvania, Claims Court Number 90-2401
177. Joseph Byrne on behalf of Kevin Byrne, Philadelphia, Pennsylvania, Claims Court Number 90-2402 V
178. Judy Allen on behalf of Michael Allen, Longview, Texas, Claims Court Number 90-2403 V
179. Susan McCreary on behalf of Paul McCreary, Deceased, Cincinnati, Ohio, Claims Court Number 90-2404 V
180. James Gallagher on behalf of Stephen Gallagher, Salem, New Hampshire, Claims Court Number 90-2405 V
181. Pamela Corrigan on behalf of Heather Corrigan, Akron, Ohio, Claims Court Number 90-2406 V
182. Grace Fallin on behalf of Donald Fallin, Warsaw, Virginia, Claims Court Number 90-2407 V
183. Deborah Byrd on behalf of Florence Byrd, Florence, Alabama, Claims Court Number 90-2408 V
184. Sieghard Aurich on behalf of Marcus Aurich, Robbinsdale, Minnesota, Claims Court Number 90-2409 V
185. Lori Kiddey, Lakeland, Florida, Claims Court Number 90-2410 V
186. Debra McMullen on behalf of Misti Hobbie, Orbisonia, Pennsylvania, Claims Court Number 90-2411 V
187. Opal Veach on behalf of Elizabeth Puderbaugh, Des Moines, Iowa, Claims Court Number 90-2412 V
188. Timothy Murphy, Dunedin, Florida, Claims Court Number 90-2413 V
189. Kevin O'Neill on behalf of Rosemary O'Neill, Bethesda, Maryland, Claims Court Number 90-2414 V
190. Maria Perez, Juarez, Mexico, Claims Court Number 90-2415 V
191. Bethanie Armstrong, Panama City, Florida, Claims Court Number 90-2416 V
192. Dennis Oels on behalf of Tracy Oels, Emmaus, Pennsylvania, Claims Court Number 90-2417 V
193. Sylvia Moon on behalf of James Moon, Elkview, West Virginia, Claims Court Number 90-2418 V
194. David Anderson, St. Louis Park, Minnesota, Claims Court Number 90-2419 V
195. Dee Warrell, Burley, Idaho, Claims Court Number 90-2420 V
196. Joseph Montano, Tucson, Arizona, Claims Court Number 90-2421 V
197. Felix Thibault, Jr., Laplace, Louisiana, Claims Court Number 90-2422 V
198. Cayetano Pirro on behalf of Guy Pirro, Somerville, New Jersey, Claims Court Number 90-2423 V
199. Alan Alexander on behalf of Joseph Alexander, Palo Alto, California, Claims Court Number 90-2424 V
200. Katica Woloschuk on behalf of Filip Woloschuk, West Covina, California, Claims Court Number 90-2425 V.

Dated: March 18, 1992.

John H. Kelso,

Acting Administrator.

[FR Doc. 92-6755 Filed 3-23-92; 8:45 am]

BILLING CODE 4100-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-030-92-4320-10-1784]

Montrose District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with 43 CFR subpart 1784, that a meeting of the Montrose District Grazing Advisory Board will be held on April 14, 1992 in Montrose, Colorado.

DATES: A meeting is scheduled April 14, 1992.

FOR FURTHER INFORMATION CONTACT: Dave Kauffman, Bureau of Land Management, 2465 South Townsend, Montrose, Colorado, 81401, telephone (303) 249-7791.

SUPPLEMENTARY INFORMATION: The Board will convene at 10 a.m. on April 14, 1992, in the conference room at the Montrose District Office, Montrose, Colorado. Agenda items will include: minutes of the previous meeting, public presentations and requests, wild horse status, range improvement project review, new Board project proposals, updates on current issues, and arrangements for the next meeting. The meeting will adjourn at 5 p.m.

The meeting is open to the public. Anyone wishing to make an oral statement must notify the District Manager prior to the meeting date. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: March 13, 1992.

Alan L. Kesterke,

District Manager.

[FR Doc. 92-6801 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-JB-M

National Park Service

Miss Green River Boat Concession, Inc.; Concession Contract Negotiations

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with Miss Green River Boat Concession, Inc., authorizing it to continue to provide sightseeing tour boat facilities and services for the public within Mammoth Cave National Park, for a period of five (5) years from January 1, 1991, through December 31, 1995.

EFFECTIVE DATE: May 25, 1992.

ADDRESSES: Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1990, and therefore, pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Editorial note: This document was received at the Office of the Federal Register March 18, 1992.

[FR Doc. 92-6718 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

Concession Contract Negotiations; Smokemont Riding Stables of North Carolina, Inc.

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession permit with Smokemont Riding Stables of North Carolina, Inc., authorizing it to continue to provide saddle horse livery and guide services for the public at Great Smoky Mountains National Park, for a period of five (5) years from January 1, 1992, through December 31, 1996.

EFFECTIVE DATE: May 25, 1992.

ADDRESSES: Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street, SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

SUPPLEMENTARY INFORMATION: This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1991, and therefore, pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Editorial note: This document was received at the Office of the Federal Register, March 18, 1992.

Dated: June 25, 1991.

C.W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 92-6719 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

Concession Contract Negotiations; Smoky Mountains Riding Stables, Inc.

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession permit with Smoky Mountain Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services for the public at Great Smoky Mountains National Park for a period of five (5) years from January 1, 1992, through December 31, 1996.

EFFECTIVE DATE: May 25, 1992.

ADDRESSES: Interested parties should contact the Regional Director, Southeast Region, 75 Spring Street SW., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

SUPPLEMENTARY INFORMATION: This permit has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1991, and therefore, pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR, 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: March 17, 1992.

C.W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 92-6713 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

Concession Contract; Wilderness River Adventures, Inc.

AGENCY: National Park Service.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with Wilderness River Adventures, Incorporated, an affiliate of ARA Leisure Services, Incorporated authorizing it to continue to provide guided-interpretive river float trip services for the public from Glen Canyon Dam to Lees Ferry within Glen Canyon National Recreation Area, Arizona for a period of five (5) years from January 1, 1991, through December 31, 1995.

EFFECTIVE DATE: May 25, 1992.

ADDRESSES: Interested parties should contact the Regional Director, Rocky Mountain Region, P.O. Box 25287, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared. The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expired by limitation of time on December 31, 1990, and therefore, purusant to the provisions of Section 5 of the Act of October 9, 1965, 79 Stat. 969; 16 U.S.C. 20, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Secretary no later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: November 26, 1991.

J.T. Reynolds,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 92-6717 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

Preservation of Jazz Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Commission Preservation of Jazz Advisory Commission will be held from 1 p.m. to 4 p.m. on Friday, April 3, 1992 in room 12 at the Superdome (enter Gate G—near Claiborne and Girod Streets), New Orleans, Louisiana. Publication of this notice will provide less than 15 days advance notification, due to the need to confirm the availability of commission members.

The Preservation of Jazz Advisory Commission was established by Public Law 101-499 to advise the Secretary of the Interior in the preparation of a study of the suitability and feasibility of preserving and interpreting the origins of jazz in New Orleans.

The matters to be discussed at this meeting include:

—Presentation by the Downtown Development District about its Linear Jazz Park Concept
—Discussion about preliminary management alternatives
—Old business
—New business

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning the matters to be discussed at the commission meeting with the Superintendent, Jean Lafitte National Historical Park and Preserve. The public will also have an opportunity to submit written and oral comments for the record during the meeting.

Persons wishing further information concerning the meeting, or who wish to submit written statements may contact Mr. Robert Belous, Superintendent, Jean Lafitte National Historical Park and Preserve, U.S. Customs House, 423 Canal Street, room 210, New Orleans, Louisiana 70130-2341, telephone 504/589-3882.

Minutes of the Commission meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park and Preserve.

Dated: March 19, 1992.

Carol F. Aten,

Chief, Office of Policy.

[FR Doc. 92-6672 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 14, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register Criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by April 8, 1992.

Carol D. Shull,

Chief of Registration, National Register.

FLORIDA

Seminole County

St. James A. M. E. Church, 819 Cypress Ave., Sanford, 92000352

MASSACHUSETTS

Suffolk County

Trinity Neighborhood House, 406 Meridian St., Boston, 92000350

MISSISSIPPI

Lincoln County

Scherck, R.T., House, 471 S. Whitworth Ave., Brookhaven, 92000353

NORTH CAROLINA

Guilford County

East White Oak School, Former (Greensboro MPS), 1801 Tenth St., Greensboro, 92000360

Forney, Edward J., House (Greensboro MPS), 1402 Spring Garden St., Greensboro, 92000359

NORTH DAKOTA

Dickey County

Ellendale Opera House Block, 105-111 Main St., Ellendale, 92000354

Mercer County

Krause, Fred, House, 321 W. Main St., Hazen, 92000344

SOUTH CAROLINA

Saluda County

Webb-Coleman House, 2 mi. S of Chappells, .3 mi. E of SC 39, at jct. of three dirt rds., Chappells vicinity, 92000365

TENNESSEE

Anderson County

Oliver Springs Banking Company, 110 E. Tri County Blvd., Oliver Springs, 92000357

Cannon County

Cannon County Courthouse, Court Sq., Woodbury, 92000347

Knox County

Forest Hills Boulevard Historic District, 500-709 Forest Hills Blvd., Knoxville, 92000350

Lawrence County

Lawrenceburg Commercial Historic District, Roughly bounded by N. Military St., Public Sq., E. Gaines St. and E. Pulaski St., Lawrenceburg, 92000346

Madison County

Lane College Historic District (Boundary Increase), Area including President's Home and Lane Ave. to present district boundary, Jackson, 92000362

Morgan County

Brooks, R.M., General Store and Residence, Jct. of TN 52 and Brewstertown Rd., Rugby vicinity, 92000364

Putnam County

Harding Studio, 43 W. Broad St., Cookeville, 92000355

Sumner County

Ashcrest Farm, 410 Gallatin Rd., Hendersonville, 92000340

Ferrell, Mary Felice, House, 2144 Nashville Pike, Gallatin, 92000348

TEXAS

Webb County

Hamilton Hotel, 816 Salinas St., Laredo, 92000363

VIRGINIA

Petersburg Independent City

Folly Castle Historic District (Boundary Increase) 235-618 Washington, 235-580 Hinton, 15-37 Guarantee, 18-115 Lafayette and 18-42 Perry Sts., Petersburg, 92000343

South Market Street Historic District, South Market St. from Washington St. to Halifax St., Petersburg, 92000345

WEST VIRGINIA

Preston County

Gaymont, US 50 W of jct. with WV 24, Aurora vicinity, 92000351

[FR Doc. 92-6622 Filed 3-23-92; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Renewal of the Advisory Committee of the Malaria Vaccine Program

The Administrator of the Agency for International Development has determined that a two-year renewal of the Advisory Committee of the Malaria Vaccine Program is in the public interest. The Advisory Committee performs necessary and important functions in connection with the formulation of A.I.D. vaccine development strategy and in evaluating and providing necessary advice concerning the progress and potential of Agency-funded research activities.

FOR FURTHER INFORMATION CONTACT: Kirk Miller, Malaria Vaccine Program Development, A.I.D. Office of Health, Washington, DC 20523-1817, (703) 875-5693. Robert L. Wrin, Chief, Communicable Diseases Division, Office of Health, Bureau for Research and Development.

Dated: March 9, 1992.

Jan W. Miller,

Assistant General Counsel, Employees & Public Affairs.

[FR Doc. 92-6775 Filed 3-23-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-525 (Final)]

Nepheline Syenite From Canada; Commission Determination to Conduct a Portion of the Hearing in Camera

AGENCY: U.S. International Trade Commission.

ACTION: Closure of a portion of a Commission hearing to the public.

SUMMARY: Upon request of petitioner in the above-captioned final investigation, the Commission has unanimously determined to conduct a portion of its hearing scheduled for March 19, 1992, *in camera*. See Commission rules 207.23(a), 201.13 and 201.35(b)(3) (19 CFR 207.23(a), 201.13 and 201.35(b)(3)). The remainder of the hearing will be open to the public. The Commission unanimously has determined that the 10-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a),(c)(1) (19 CFR 201.35(a),(c)(1)).

FOR FURTHER INFORMATION CONTACT: Robin L. Turner, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3103. Hearing impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission believes that good cause exists in this investigation so as to make it appropriate to hold a portion of the hearing *in camera*. The majority of the information collected by the Commission is business proprietary information (BPI) because there is one domestic firm in the region. In light of these facts, the Commission has determined that a full discussion of petitioner's financial condition and of many of the indicators that the Commission examines in assessing material injury by reason of subject imports could only take place if at least part of the hearing was held *in camera*. In making this decision, the Commission nevertheless reaffirms its belief that wherever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioner and by respondent, with questions from the Commission. In addition the hearing will include *in camera* sessions for questions from the Commission of BPI submitted by petitioner and BPI of respondent, as necessary. For any *in camera* session, the room will be cleared of all persons except: those who have been granted access to business proprietary information under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1),(2). In addition, if petitioner's BPI will be discussed in the *in camera* session, personnel of petitioner also may be granted access to the closed session. See 19 CFR 201.35(b)(1),(2). In the alternative, if respondent's BPI will be discussed in the *in camera* session, personnel of respondent also may be granted access to the closed session. See 19 CFR 201.35(b)(1),(2). All those planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

Authority: The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR 201.39) that, in her opinion, a portion of the Commission's hearing in *Nepheline Syenite from Canada*, Inv. No. 731–TA–525 (Final) may be closed to the public to prevent the disclosure of business proprietary information.

Issued: March 18, 1992.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6737 Filed 3–23–92; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Microelectronics and Computer Technology Corp.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Microelectronics and Computer Technology Corporation ("MCC") on February 11, 1992 filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing certain information. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On December 21, 1984, MCC and its shareholders filed their original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 17, 1985 (50 FR 2633). MCC and its shareholders filed additional notifications on March 29, 1985, July 30, 1986, November 7, 1986, December 23, 1986, February 25, 1987, December 23, 1987, March 4, 1988, August 16, 1988, September 19, 1989, January 16, 1990, March 7, 1990, April 11, 1990, July 11, 1990, October 2, 1990, January 17, 1991, March 1, 1991, July 30, 1991, and November 12, 1991. The Department published notices in the **Federal Register** in response to these additional notifications on April 23, 1985, (50 FR 15989), September 10, 1986 (51 FR 32263), December 8, 1986 (51 FR 44132), February 3, 1987 (52 FR 3356), March 19, 1987 (52 FR 8661), January 22, 1988 (53 FR 1859), March 29, 1988 (53 FR 10159), September 22, 1988 (53 FR 36910), October 28, 1989 (54 FR 43631), March 8, 1990 (55 FR 8612), April 9, 1990 (55 FR 13200), May 8, 1990 (55 FR 19114), October 24, 1990 (55 FR 42916), December 28, 1990 (55 FR 53367), February 11, 1991 (56 FR 5424), July 1, 1991 (56 FR 29976), August 29, 1991 (56 FR 42757), and January 15, 1992 (57 FR 1760), respectively. On October 21, 1985, MCC filed an additional notification for which a **Federal Register** notice was not required.

MCC disclosed that Amoco Production Company, located in Tulsa, Oklahoma, and Rome Labs, located at Griffiss AFB, New York, have become Associate Members of MCC and participants in its Packaging/Interconnect Technology Program.

MCC also disclosed that AT&T, an existing Associate Member of MCC, has become a participant in its Packaging/Interconnect Technology Program.

Joseph H. Widmar,

Director of Operation, Antitrust Division.

[FR Doc. 92–6696 Filed 3–23–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—Open Software Foundation, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Open Software Foundation, Inc. ("OSF") on February 3, 1992, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The additional notification was filed for the purpose of extending the protections of Section 4 of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On August 8, 1988, OSF and the Open Software Foundation Institute, Inc. (the "Institute") filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on September 7, 1988 (53 FR 34594). On November 4, 1988, February 2, 1989, May 3, 1989, July 28, 1989, October 26, 1989, January 22, 1990, April 19, 1990, July 24, 1990, October 22, 1990, January 28, 1991, April 25, 1991, July 25, 1991, and October 28, 1991, OSF filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on November 25, 1988 (53 FR 47773), February 23, 1989 (54 FR 7893), August 25, 1989 (54 FR 35407), August 25, 1989 (54 FR 35408), November 29, 1989 (54 FR 49123), April 18, 1990 (55 FR 14493), May 21, 1990 (55 FR 20861), September 27, 1990 (55 FR 39528), December 28, 1990 (55 FR 53368), March 25, 1991 (56 FR 12367), June 13, 1991 (56 FR 27273), August 29, 1991 (56 FR 42757), and December 23, 1991 (56 FR 66454), respectively.

Additionally, a correction notice to the June 13, 1991 notice was published on July 11, 1991 (56 FR 31675).

The identities of the new, non-voting members of OSF are listed below; no new voting members have been added as of this filing:

Member	Date
Honeywell, Inc., 16404 North Black Canyon Hwy., Phoenix, AZ 85023	10/25/91
University of California, Academic Computing, 405 Hilgard Avenue, Los Angeles, CA 90024	10/25/91
Legent Corporation, 11 Turnpike Road, Westborough, MA 01581	11/12/91
Nova University, CCIS Dept., 3301 College Avenue, Ft. Lauderdale, FL 33314	11/12/91
Union Bank of Switzerland, Bahnhofstrasse 45, Zurich CH–8021, Switzerland	11/12/91
Telesoft, 5959 Cornerstone Court, San Diego, CA 92122	11/22/91
Unisys Corporation, 2276 Highcrest Road, Roseville, MN 55113	11/22/91
Interleaf, Inc., Prospect Place, 9 Hillside Avenue, Waltham, MA 02154	12/09/91
Kubota Pacific Computer, Inc., 2630 Walsh Avenue, Santa Clara, CA 95051–6301	12/09/91
Merrill Lynch and Co., Inc., 225 Liberty Street, New York, NY 10080–6109	12/16/91
Alcatel N.V., Atactel Telettra, Via Trento, 30, 20059 Vimercate, Milano, Italy	01/14/92
Information Builders, Inc., 1250 Broadway, New York, NY 10001	01/14/92
Sandia National Laboratories, Division 1942, Albuquerque, NM 87185	01/14/92
Advanced Computer Research Institute, 2 BD Marius Vivier Merle, Lyon 03 69443, France	01/16/92
Ingres, An Ask Company, 1080 Marina Village Parkway, Alameda, CA 94501	01/17/92
Systems Center, Inc., 1800 Alexander Bell Drive, Reston, VA 22091	01/23/92
Nokia Telecommunications, P.O. Box 33, Espo 02601, Finland	01/27/92

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–6696 Filed 3–23–92; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research Act of 1984—The SQL Access Group, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), The SQL Access Group, Inc. ("the Group") on January 6, 1992, has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On March 1, 1990, the Group filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 5, 1990 (55 FR 12750). On June 5, 1990, August 31, 1990, December 6, 1990, March 21, 1991, June 7, 1991, September 9, 1991 and October 4, 1991, the Group filed additional written notifications. The Department published a notice in the **Federal Register** in response to the additional notifications on July 18, 1990 (55 FR 29277), October 17, 1990 (55 FR 42081), January 7, 1991 (56 FR 536), April 25, 1991 (56 FR 19126), July 19, 1991 (56 FR 33308), October 8, 1991 (56 FR 50729), and November 13, 1991 (56 FR 57665), respectively.

The following companies have become members of the Group:

Revelation Technologies, 181 Harbor Drive, Stanford, CT 06902

Cognos Incorporated, 3755 Riverside Drive, P.O. Box 9707, Ottawa, Ontario, Canada, KIG 3Z4

Computer Associates International, 711 Stewart Avenue, Garden City, NY 11530

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–6697 Filed 3–23–92; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By notice dated November 14, 1991, and published in the **Federal Register** on November 29, 1991, (56 FR 61052), CIBA–GEIGY Corporation, Pharmaceuticals Division, Regulatory Compliance, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the Schedule II controlled substance methylphenidate (1724).

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: March 16, 1992.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 92–6716 Filed 3–23–92; 8:45 am]

BILLING CODE 4410–09–M

Frederick Robert Zahn, M.D.; Revocation of Registration

On November 21, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Frederick Robert Zahn, M.D., of #10 Ronnies Plaza, Lindbergh and Baptist Church Road, St. Louis, Missouri 63128, proposing to revoke his DEA Certificate of Registration, BZ0819360, and to deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f). The proposed action was predicated on Dr. Zahn's lack of authorization to handle controlled substances in the State of Missouri. 21 U.S.C. 824(a)(3).

The Order to Show Cause was sent to Dr. Zahn by registered mail. More than thirty days have passed since the Order to Show Cause was received by Dr. Zahn and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 1301.54(d), Frederick Robert Zahn, M.D. is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that Dr. Zahn had his medical license revoked by the Missouri Department of Health, Bureau of Narcotics and Dangerous Drugs (BNDD) effective November 22, 1989. This revocation was based upon a written notification to Dr. Zahn by the BNDD which informed Dr. Zahn that his state controlled substance license in the State of Missouri had been terminated due to Dr. Zahn's discontinuing his practice and failure to notify the BNDD of a change of professional address. Dr. Zahn is currently ineligible to obtain a state controlled substance license because he is serving a three year prison sentence in the Missouri Department of Corrections, which commenced on September 27, 1991, for state felony convictions. Consequently, Dr. Zahn is no longer authorized to prescribe, dispense, administer or otherwise handle controlled substances in any schedule in the State of Missouri.

The Administrator concludes that the DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. See 21 U.S.C. 823(f). The Administrator and his predecessors have consistently so held. See *Howard J. Reuben, M.D.*, 52 FR 8375 (1987); *Ramon Pla, M.D.*, Docket No. 86–54, FR 41168 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85–57, 51 FR 23481 (1986); and cases cited therein.

No evidence of explanation or mitigating circumstances has offered by Dr. Zahn. Therefore, the Administrator concludes that Dr. Zahn's DEA Certificate of Registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, BZ0819360, previously issued to Frederick Robert Zahn, M.D., be, and it hereby is, revoked, and any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective March 24, 1992.

Dated: March 17, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-6715 Filed 3-23-92; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the office of Management and Budget (OMB) a request for clearance of the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by April 23, 1992.

ADDRESSES: Send comments to Mr. Dan Chenok, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washingtgon, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Ms. Judith E. O'Brien, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; (202-682-5401).

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a revision of a currently approved collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: FY 93 Presenting and Commissioning Program Application Guidelines.

Frequency of Collection: One time.

Respondents: State or local governments; non-profit organizations.

Use: Guideline instructions and applications elicit relevant information from arts organizations that apply for funding under specific Presenting and Commissioning catagories. This information is necessary for the accurate, fair and thorough consideration of competing proposals in the peer review process.

Estimated Number of Respondents: 435

Average Burden Hours per Response: 31.

Total Estimated Burden: 13,330.

Judith E. O'Brien,

Management Analyst, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 92-6745 Filed 3-23-92; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Thermal Systems; Meetings

In accordance with the Federal Advisory Committee Act (Pub L. 92-463, as amended), the National Science Foundation (NSF) announces the following three meetings:

Name: Special Emphasis Panel in Chemical and Thermal Systems.

Date and Time: April 8, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 536, 1800 G St., NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Person: Drs. Merrill K. King & Michael M. Chen, Program Directors (202) 357-9606.

Date and Time: April 9, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G St. NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Young Investigator Awards Program.

Contact Persons: Drs. Charles Malderalli & Robert M. Wellek, Program Directors (202) 357-9606.

Date and Time: April 10, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 500-V 1110 Vermont Ave., NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Research Initiation Awards Program.

Contact Persons: Drs. Charles Malderalli & Robert M. Wellek, Program Directors (202) 357-9606.

Purpose of Meetings: To provide advice and recommendations to the Division of Chemical and Thermal Systems concerning proposals submitted to the Division for financial support.

Type of Meetings: Closed.

Reason for Closing: The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 18, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-6720 Filed 3-23-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 40-7402 and 40-8724]

Chemetron Corp.; Establishment of Local Public Document Room

The Nuclear Regulatory Commission (NRC) has established a local public document room (LPDR) for the Chemetron Corporation decommissioning sites in Ohio.

Members of the public may now inspect and copy documents and correspondence related to the Chemetron Corporation decommissioning sites at the Garfield Heights Branch Library, 5409 Turney Road, Garfield Heights, Ohio 44125. The library is open on the following schedule: Monday and Thursday 1 p.m. to 9 p.m.; Tuesday 9 a.m. to 9 p.m.; Wednesday, Friday and Saturday 9 a.m. to 5:30 p.m.; and Sunday 1 p.m. to 5 p.m., closed on Sunday during the Summer.

For further information, interested parties in the Garfield Heights area may contact the LPDR directly through Mrs. Donnie Potelicki; Branch Manager; telephone number (216) 475-8178. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555, telephone number (202) 634-3273.

Questions concerning the NRC's local public document room program or the availability of documents should be addressed to Ms. Jona L. Souder, LPDR Program Manager, Freedom of Information/Local Public Document Room Branch, U.S. Nuclear Regulation Commission, Washington, DC 20555, telephone number (301) 492-4344, or Toll-Free (800) 638-8081.

Dated at Bethesda, Maryland; this 18th day of March, 1992.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 92-6766 Filed 3-23-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528, 50-529 and 50-530]

Arizona Public Service Co., et al., Palo Verde Nuclear Generating Station; Issuance of Director's Decision (DD-92-01) Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a letter of June 6, 1991, addressed to the Chairman of the U.S. Nuclear Regulatory Commission filed by Messrs. David K. Colapinto and Stephen M. Kohn. The letter contained 10 allegations regarding plant operation at the Palo Verde Nuclear Generating Station and requested that the three Palo Verde units be shut down until the matters raised in the letter have been resolved. The letter also requested that a special investigative team be appointed to monitor and inspect conditions at the plant. The NRC has treated the letter as a request for action under the NRC regulations contained in 10 CFR 2.206.

The Director of the Office of Nuclear Reactor Regulation has determined that the request should be denied for the reason set forth in the "Director's Decision Under 10 CFR 2.206" (DD-92-01), which is available for inspection and copying in the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room located at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

A copy of the decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided therein, this decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision within that time.

Dated at Rockville, Maryland, this 16th day of March, 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6762 Filed 3-23-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corporation; Order Approving Transfer of License

I

The Sebring Utilities Commission (Sebring) is the holder of a 0.4473 percent ownership share of the Crystal River Unit No. 3 Nuclear Generating Plant (CR-3). Sebring's interest in CR-3 is governed by License No. DPR-72, issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR Part 50 on December 3, 1976, in Docket No. 50-302. Under this license, only the Florida Power Corporation (FPC), the holder of a 90 percent ownership share of CR-3, has the authority to operate CR-3. The facility is located in Crystal River, Florida.

II

FPC requested an amendment to DPR-72 by letter dated August 16, 1991, in which FPC informed the NRC of an agreement between FPC and Sebring under which FPC would purchase Sebring's 0.4473 ownership share of CR-3. The amendment would change DPR-72 by deleting Sebring as a CR-3 licensee, in recognition of FPC's purchase of Sebring's entire ownership interest. FPC has advised the NRC staff that its purchase of Sebring's interest is expected to be completed by mid-March 1992.

The transfer of any right under License No. DPR-72 is subject to the NRC's approval pursuant to 10 CFR 50.80(a). Based on FPC's operation of CR-3 to date, and the small ownership interest being transferred, the staf has determined that the proposed transferee (FPC) remains qualified to be a holder of DPR-72 and that the license transfer is otherwise consistent with applicable provisions of law, regulations and orders issued by the Commission.

III

Accordingly, pursuant to Sections 161b and 161i of the Atomic Energy Act of 1954, as amended, 43 USC 2201, and 10 CFR 50.80, *it is hereby ordered* That transfer of a 0.4473 percent ownership interest in CR-3 under License No. DPR-72 from Sebring to FPC is approved, subject to the following: (1) the amendment deleting Sebring as a licensee from License No. DPR-72 will become effective as of the date the transfer is completed; (2) should the transfer not be completed by May 31, 1992, this Order will be null and void; and (3) on application and for good cause shown, this Order may be extended for a short period of time beyond May 31, 1992.

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment No. 117 to Facility Operating License No. DPR-54 to Sacramento Municipal Utility District (SMUD or the licensee). The amendment removes the licensee's authority to operate the Rancho Seco Nuclear Generating Station (the facility), located in Sacramento County, California, and modifies the license from a full-power operating license to a possession only license. The amendment is published herewith. This license amendment will become effective ten (10) working days after the date of publication in the Federal Register of the Notice of Issuance of this amendment. If during this period a motion for a stay is filed with the U.S. Court of Appeals, the date when this amendment becomes effective will automatically be extended an additional ten (10) working days to provide the court with time to review the matter.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in Title 10 of the Code of Federal Regulations (10 CFR) chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the Federal Register on October 10, 1990, [55 FR 41280). On November 8, 1990, the Environmental and Resources Conservation Organization (ECO or the petitioner) filed a petition to intervene and a request for a hearing concerning SMUD's application for a possession only license. SMUD and NRC staff opposed this petition. Pursuant to the

Dated at Rockville, Maryland this 18th day of March, 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92-6764 Filed 3-23-92; 8:45 am]

BILLING CODE 7590-01-M

Commission's Order of January 30, 1991, the Atomic Safety and Licensing Board (Board) was appointed to rule on the petition. The Board afforded ECO an opportunity to reply to the SMUD and staff opposition filings; ECO did so in its March 4 and April 15, 1991, filings entitled "Further Amendment to Environmental and Resource Conservation Organization Request for Hearing and Petition to Intervene." In a Memorandum and Order dated May 1, 1991, the Board concluded that ECO might be able to demonstrate standing and directed ECO to file contentions by June 3, 1991. ECO filed its contentions on June 3 and June 10, 1991. A prehearing conference about these contentions was held before the Board on June 25, 1991, in Bethesda, Maryland. In a Memorandum and Order dated July 1, 1991, LBP-91-30, the Board denied ECO's petition because the petitioner had failed to satisfy the Commission's regulations for contentions and had not established standing under the National Environmental Policy Act (NEPA) or the Atomic Energy Act (AEA). On July 16, 1991, ECO filed an appeal before the Commission. In a Memorandum and Order dated February 6, 1992, CLI-92-02, the Commission upheld the Board's July 1, 1991, ruling that ECO has failed to demonstrate that it has standing to challenge this possession only license amendment.

Further, the Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration and that the facility can continue to be maintained by the licensee without endangering the health and safety of the public. The basis for this determination is contained in the safety evaluation related to this action.

Additionally, the Commission has determined that this amendment satisfies the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

For further details with respect to the action see (1) the application for amendment dated April 26, 1990, (2) Amendment No. 117 to Facility Operating License No. DPR-54, (3) the Commission's related safety evaluation, and (4) Commission Memorandum and Order, CLI-92-02, dated February 6, 1992. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Acting Associate Director, for Advanced Reactors.

Dated at Rockville, Maryland this 17th day of March 1992.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate Division of Advanced Reactors and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 92-6765 Filed 3-23-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Procurement of Environmentally-Sound and Energy-Efficient Products and Services

AGENCY: Office of Federal Procurement Policy (OFPP), OMB.

ACTION: Solicitation of public comment on a draft OFPP Policy Letter that requires implementation of cost-effective procurement preference programs favoring the purchase of environmentally-sound, energy-efficient products and services.

SUMMARY: The proposed Policy Letter requires the implementation of cost-effective procurement preference programs for the purchase of environmentally-sound, energy-efficient products and services. It applies to Federal executive agencies and State and local government agencies that use appropriated Federal funds for procurement purposes. Specific direction is given in the Policy Letter for developing "affirmative procurement programs" for products containing recovered materials pursuant to subsection 6002(i) of the Resource Conservation and Recovery Act (42 U.S.C. 6962), and for the procurement of paper containing post consumer waste. The letter, in addition, implements specific provisions of the Energy Policy and Conservation Act, as amended (42 U.S.C. 6201 *et seq.*), and of Executive Orders 11912, 12759 and 12780. When issued in final form, the Policy Letter will cancel two existing OFPP Policy Letters: (1) Policy Letter 76-1, Federal Procurement Policy Concerning Energy Conservation, August 6, 1976, and (2) Policy Letter 77-1, Procurement of Products that Contain Recycled Material, February 2, 1977.

COMMENT DATE: Comments must be received on or before April 23, 1992.

ADDRESS AND INFORMATION CONTACT: Comments should be sent to Charles W. Clark, Deputy Associate Administrator, Office of Federal Procurement Policy, Office of Management and Budget, room 9013, 725 17th Street, NW., Washington, DC 20503. Information or questions may be addressed to Mr. Clark on (202) 395-6803.

Dated: March 18, 1992.

Allan V. Burman,

Administrator.

Policy Letter No. 92-xx

To the Heads of Executive Departments and Establishments

Subject: Procurement of Environmentally-Sound and Energy-Efficient Products and Services.

1. *Purpose.* This Policy Letter provides Government-wide policies for the acquisition and use of environmentally-sound, energy-efficient products and services.

2. *Supersession Information.* The Policy Letter supersedes and cancels OFPP Policy Letter 76-1, *Federal Procurement Policy Concerning Energy Conservation*, dated August 6, 1976, and OFPP Policy Letter 77-1 *Procurement of Products that Contain Recycled Material*, dated February 2, 1977

3. *Authority.* The Policy Letter is issued pursuant to section 6(a) of the Office of Federal Procurement Policy (OFPP) Act, as amended, 41 U.S.C. 405, and section 6002 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962. RCRA, section 6002 requires OFPP to issue coordinated policies to maximize Federal use of recovered material.

4. *Definitions.*

a. *Executive Agency.* The term "Executive agency" means an executive department, and an independent establishment within the meaning of 5 U.S.C. 101, 102, 103(1) and 104(1), respectively.

b. *Procuring Agency.* The term "procuring agency" means any Federal agency, or any State agency or agency of a political subdivision of a State which is using appropriated Federal funds for procurement purposes, or any person contracting with any such agency with respect to work performed under resulting contracts.

c. *Recovered Material.* The term "recovered material" means waste material and by-products which have been recovered or diverted from solid waste.

5. *Background.* In its day-to-day operations, the Federal Government has the opportunity and obligation to be environmentally and energy conscious in its selection and use of needed products and services. The Government, as the largest single consumer in the nation, has many opportunities to conserve and make more efficient use of energy and other resources. Leveraging the Government's $190 billion annual purchasing program toward more energy-efficient and environmentally-sound practices will not only benefit the nation by reducing the cost of Government, but will help make the Government a model citizen and reduce national dependence on foreign resources.

6. *Policy.* It is the policy of the Federal Government that executive and procuring agencies implement cost-effective procurement preference programs favoring the purchase of environmentally-sound, energy-efficient products and services.

a. *Energy Efficiency.* Executive agencies shall consider energy conservation and efficiency factors in the procurement of property and services, pursuant to the Energy Policy and Conservation Act, 42 U.S.C. 6201, *et seq.*; section 3 of Executive Order 11912, as amended, April 13, 1976, and section 5 of Executive Order 12759, April 17, 1991. Energy conservation and efficiency data will be considered, along with price and other relevant cost factors, in the formulation of purchase requests and solicitations, during the evaluation of offers, and in the selection of contractors. In addition, with respect to the procurement of consumer products, as defined under part B, title III of the Energy Policy and Conservation Act, agencies shall consider energy use/efficiency labels (42 U.S.C. 6294) and prescribed energy efficiency standards (42 U.S.C. 6295) in making purchasing decisions.

b. *Environmental Conservation.* Procuring agencies shall give preference in their procurement programs to practices and products that conserve natural resources and protect the environment, pursuant to the Resource Conservation and Recovery Act as amended, 42 U.S.C. 6962 and Executive Order 12780, October 31, 1991. Specific preference shall be given to products that contain "recovered material," along with price and other relevant cost factors, in the formulation of purchase requests and solicitations, during the evaluation of offers, and in the selection of contractors. This policy applies to all transactions exceeding $10,000 or where the quantity of such items, or of functionally equivalent items, acquired in the course of the preceding year was $10,000 or more.

7. *Responsibilities.*

a. *Heads of Executive Agencies.* In implementing the policies in section 6, above, the heads of agencies shall:

(1) Identify and procure needed products and services that, all factors considered, are environmentally-sound and energy-efficient;

(2) Place special emphasis on the procurement of products that contain the highest percentage of recycled or recovered materials, and where applicable, post consumer waste, consistent with technical performance requirements, availability, price reasonableness and cost effectiveness;

(3) Employ life cycle costing techniques, whenever feasible and appropriate, to assist in making product and service selections;

(4) Use product standards and specifications that reflect maximum cost-effective use of recycled products, recovered materials, and energy efficient products, materials and practices, and

(5) Work with industry to (1) develop new applications for environmentally-sound, energy-efficient products, practices and services that meet Federal requirements, and (2) participate in the development of voluntary standards and specifications describing these products, practices and services.

b. *Special Requirements for Paper.* Executive Agencies shall establish special affirmative procurement programs for paper to ensure the maximum cost-effective use of paper containing post consumer recovered materials, as referenced in RCRA, subsection 6002(h)(1). In implementing this policy for paper and paper products acquired through the General Services Administration (GSA) or the Government Printing Office (GPO), Executive agencies shall:

(1) Specify in orders placed with GSA that the paper and paper products identified in the recently issued "GSA Recycled Products Guide" be provided when available in filling such orders;

(2) Specify in orders placed with GPO that paper containing recycled material be provided when available in lieu of paper made from virgin materials and that printing, where cost-effective, be performed on recycled paper; and

(3) Specify in orders with both GSA and GPO that where cost-effective paper containing the highest practicable per cent of post consumer waste be provided, when available, instead of recycled paper without post consumer waste content.

Copies of the GSA "Recycled Products Guide" may be obtained by contacting the GSA Forth Worth office (FTS 334-5215) (Autovon 739-7369).

c. *Heads of Procuring Agencies.* In implementing the policies in paragraph 6, the heads of procuring agencies shall:

(1) Base decisions to waive, or not to procure, items composed of the highest percentage of recovered materials practicable on a determination that such items:

(a) Are not reasonably available within the time required;

(b) Fail to meet the performance standards set forth in applicable specifications or fail to meet the reasonable performance standards of the procuring agencies, or

(c) Are only available at an unreasonable price.

(2) Required vendors to certify the percentage of recovered materials used, when contracts are awarded wholly or in part on the basis of utilization of recovered materials.

(3) Assure, when drafting or reviewing specifications for purchased items, that specifications (a) do not exclude the use of recovered materials; (b) do not require the item to be manufactured from virgin materials; and (c) require the use of recovered materials to the maximum extent practicable without jeopardizing the intended end use of the item.

(4) Arrange for the procurement of solid waste management services in a manner which emphasizes energy and resource recovery. Agencies that generate heat, mechanical, or electrical energy from fossil fuel in systems that have the technical capability of using energy or fuel derived from solid waste as a primary or supplementary fuel shall use such capability where it is cost-effective.

[Note: Any determination under C.(1)(b), above, shall be made on the basis of National Institute of Standards and Technology guidelines when the items being procured are covered by such guidelines)

d. *Affirmative Procurement Programs.* Procuring agencies must develop agency specific affirmative procurement programs for each of the items covered by guidelines developed by the Environmental Protection Agency pursuant to subsection 6002(e) of RCRA. These programs, as a minimum, must comply with RCRA subsection 6002(i) and must:

(1) State a preference for the procurement of the item covered by the guideline;

(2) Promote the procurement of the covered item;

(3) Require estimates of the total amount of the recovered item used in a contract, certification of the minimum amount actually used, and procedures for verifying the estimates and certifications;

(4) Provide for the annual review and monitoring of the effectiveness of the program; and

(5) Include one of the following options, or a substantially equivalent alternative, to insure that contracts are awarded, unless waivers are granted pursuant to paragraph B above, to the vendor offering:

—The item composed of the highest percentage of recovered material, or

—The item containing the maximum amount of recovered material permitted by the specification, standard or other product description used by the procuring agency.

8. *Federal Acquisition Regulation (FAR) Councils.* The Defense Acquisition Regulatory Council and the Civilian Agency Acquisition Council shall conduct a thorough review of the relevant parts of the FAR to (1) assure that no unintended encumbrances to the acquisition of environmentally-sound, energy-efficient products and services are contained therein, and (2) that the policies established by this Policy Letter are fully reflected in the FAR within 210 days of the effective date of this Policy Letter.

9. *Reporting Requirements.* In accordance with section 502, Executive Order 12780 and subsection 6002(i) of RCRA, each Executive agency shall review annually the effectiveness of its affirmative procurement program and shall provide a report regarding its findings to the Environmental Protection Agency and to the OFPP beginning with a report covering Fiscal Year 1992. Such report shall be transmitted by December 15 each year. Reports required by this paragraph may be made available to the public. A format for the FY 1992 report will be provided to all agencies by OFPP prior to October 1, 1992.

10. *Effective Date.* This Policy Letter is effective 30 days after the date of issuance. While full implementation of these policies must await needed change to the FAR, it is expected that agencies will take all appropriate actions in the interim to

implement those aspects of the policy that are not dependent upon regulatory change.

11. *Information.* Questions or inquiries about this Policy Letter should be directed to Linda Mesaros or Cyndi Vallina, Office of Federal Procurement Policy, 725 17th Street, NW., Washington, DC 20503, telephone (202) 395–3501.

Allan V. Burman,

Administrator.

[FR Doc. 92–6748 Filed 3–23–92; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30497; File No. SR–BSE–92–02]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Boston Stock Exchange, Inc. Adopting Chapter XXXIII, Section 7 Regarding BEACON Liability

March 17, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 28, 1992, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposed to amend its rules to provide for the apportionment of liability between its member firms and specialists involving the entry and execution of orders in the BSE Automated Communications and Order-Routing Network ("BEACON") system.[1]

The following is the text of the proposed rule change:

Chapter XXXIII

Sec. 7. In accordance with Article IX, Section 10 of the Exchange Constitution, the Exchange shall not be liable for any loss sustained by a member or member organization resulting from the use of the BEACON System. Generally, a loss pertaining to an order that is entered through the BEACON System and which does not appear on the BEACON System's Member Firm Inerface Safe-Store File will be absorbed by the entering member organization. A loss pertaining to an order that is entered through the BEACON System which was designated for a particular specialist's post and which does appear on the BEACON System's Member Firm Interface Safe-Store File will generally be absorbed by the specialist.

[1] BEACON is the Exchange's electronic order routing and execution system capable of automatically executing all agency market and marketable limit orders of up to 1,299 shares in stocks traded over the Intermarket Trading System ("ITS") as well as agency market and marketable limit orders of up to 2,500 shares in certain, more actively traded issues.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspect of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish the liability of parties involved in the order-entry and execution process in the BEACON system. The entering member organization (or broker) will be liable for all orders entered in the system which do not appear on the Member Firm Interface Safe-Store File. The specialist will assume liability for all orders which appear on the Safe-Store File, but which fail to reach the specialist post for execution.

2. Statutory Basis

The basis under the Act for the proposed rule change is section 6(b)(5) in that the rule is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–92–02 and should be submitted by April 14, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6736 Filed 3–23–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30491; File No. SR–MCC–92–02]

Self-Regulatory Organization; Midwest Clearing Corp.; Notice of Filing of a Proposed Rule Change Relating to a Modification to its Participants Fund Formula and Trade Guarantee Policy as They Relate to Options Exercises and Assignments

March 17, 1992.

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b), notice is hereby given that on March 5, 1992, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an amended and restated options exercise settlement agreement and a modification to MCC's participants fund formula and trade guarantee policy to accommodate the revised agreement.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspect of such statement.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under the terms of the current options exercise settlement agreement between MCC and the Options Clearing Corporation ("OCC"), MCC guarantees the completion of obligations resulting from options exercises and assignments from T+4 until settled for CNS transactions, for members of OCC who are members of MCC. In the event of a participant default on T+4 or T+5 MCC's risk from closing out these positions is the difference between the strike price and current market price.

Under the revised agreement MCC will guarantee the completion of obligations resulting from options exercises and assignments at the same time it guarantees locked in trades received from other self-regulatory organizations, *i.e.* currently 11:59 p.m. of the day the trade is reported to participants as compared (normally T+1). While MCC's risk in the event of participant default will still be the difference between the strike price and current market price, under the revised agreement OCC will pay MCC for any losses it incurs in closing out the guaranteed positions. This guarantee will be limited to an amount not greater than the net of mark-to-market amounts on the exercise and assigned positions.

With the change to MCC's trade guarantee policy participants normally would be required to collateralize their settlement exposure for the same positions at both MCC and OCC. However, OCC is going to continue to collect margin on these positions in order to collect funds to cover its guarantee. Accordingly, MCC will not require the collection of the contract price (strike price) to current market price portion of the participants fund calculation it normally would require for a T+1 guarantee for positions resulting from options exercises and assignments.

MCC believes the proposed rule change is consistent with the purposes and requirements of section 17A of the Act because it enhances the system used to effect settlement of exercises and assignments of equity options.

B. Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of MCC. All submissions should refer to File No. SR–MCC–92–02 and should be submitted by April 14, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6735 Filed 3–23–92; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–30489; File No. SR–NSCC–91–07]

Self-Regulatory Organizations; National Securities Clearing Corporation; Filing of a Proposed Rule Change Relating to a Revised Options Exercise Settlement Agreement and Revised Clearing Fund Formula

March 17, 1992.

Pursuant to 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 21, 1991, the National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change consists of an amended and restated options exercise settlement agreement and a modification to NSCC's clearing fund formula to accommodate the revised agreement.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

Under the terms of the current options exercise settlement agreement between NSCC and The Options Clearing Corporation ("OCC"), NSCC guarantees the completion of obligations resulting from options exercises and assignments, from T+4 through T+5 for balance order transactions and from T+4 until settled for CNS transactions, for members of OCC who are members of NSCC and for Canadian broker/dealer members of OCC who settle their transactions at NSCC through the Canadian Depository for Securities Ltd. In the event of a member impairment on T+4 or T+5 NSCC's risk from closing out these positions is the difference between the strike price and current market price.

Under the revised agreement, NSCC will guarantee the completion of obligations resulting from options exercises and assignments at the same time it guarantees locked in trades received from other self-regulatory organizations, *i.e.* currently midnight of the day the trade is reported to members as compared. It will continue to guarantee balance order transactions from T+4 through T+5. While NSCC's risk in the event of member impairment will still be the difference between the strike price and current price, under the revised agreement OCC will pay NSCC for any losses it incurs in closing out the guaranteed positions. This guarantee will be limited to an amount that is equal to but not greater than the net of mark-to-market amounts collected by OCC on the exercised and assigned positions.

Currently members are required to collateralize their settlement exposure for the same positions at both NSCC and OCC. OCC is going to continue to collect margin on these positions in order to collect funds to cover their guarantee. Accordingly, NSCC will eliminate the collection of the contract price (strike price) to current market price portion of the clearing fund calculation for positions resulting from options exercises and assignments.

NSCC estimates that under this revised agreement NSCC's potential exposure to the insolvency of an average large member will decrease by 5%. NSCC thus believes that the proposed rule change is consistent with Section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC-91-07 and should be submitted by April 13, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6773 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30482; No. SR-NYSE-92-02]

Self-Regulatory Organizations; Notice of Filing and Order Granting Temporary Accelerated Approval to Proposed Rule Change by New York Stock Exchange, Inc. Relating to a Pilot Program for Stopping Stock

March 16, 1992.

Pursuant to section 19(b)(1) of the Securitites Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 20, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to extend for one year its existing pilot program under NYSE Rule 116.30 that permits a specialist, upon request, to grant a stop in a minimum variation market for any order of 2,000 shares or less, up to a total of 5,000 shares for all stopped orders.[1] The NYSE received approval, on a pilot basis expiring on March 21, 1992, of amendments to Rule 116.30.[2]

[1] The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on March 21, 1992, to continue without interruption. See letter from Brian

Continued

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified on Item III below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The practice of "stopping" stock by specialists on the Exchange refers to a guarantee by the specialist that an order he or she receives will be executed at no worse a price than the contra side price in the market when the specialists receives the order, with the understanding that the order may in fact receive a better price. For example, assume that the Exchange market in XYZ security is quoted at 20 bid, offered at 20¼, and a specialist receives an order to buy "at the market." If the specialist "stops" the order, he or she guarantees that the order will receive no worse a price than 20¼ (the best then-prevailing price at which a seller is willing to sell stock). The specialist then makes a bid for 20⅛ on behalf of the market order to buy. If a seller subsequently "hits" the 20⅛ bid, the buyer's order has obtained price improvement. If, however, the next trade is at 20¼, the buy order will be executed at 20¼.

Formerly, Exchange Rule 116.30 permitted a specialist to "stop" stock only when the quotation spread was at least twice the minimum variation (*i.e.*, for most stocks, at least a ¼ point), with the specialist then being required to narrow the quotation spread by making a bid or offer, as appropriate, on behalf of the order that is being stopped.

On March 21, 1991, the Commission approved, on a one-year pilot basis, amendments to the rule which permit a specialist to stop stock in a minimum variation market (generally referred to as an ⅛ point market). The Exchange sought these amendments on the grounds that many orders would receive an improved price if stopping stock in ⅛ point markets was permitted. The amendments to Rule 116.30 permit a specialist, upon request, to stop individual orders of 2,000 shares or less, up to an aggregate of 5,000 shares of multiple orders, in an ⅛ point market. A specialist may stop an order of a specified larger order size threshold, or a larger aggregate number of shares, after obtaining Floor Official approval.

The Exchange expects specialists to grant stops in ⅛ point markets only where there is an imbalance on the opposite side of the market from the order being stopped and the imbalance is of sufficient size, given the characteristics of the security, to suggest the likelihood of price improvement. For example, if a market is quoted 30 to 30⅛ with 1,000 shares bid for and 20,000 shares offered, the imbalance of the offer side of the market suggests that it may be appropriate to stop a buy order of 2,000 or less shares.

The Exchange conducted a study of systematized orders stopped in ⅛ point markets for a one month period to determine the effectiveness of the rule changes.[3] The study indicates that 97% of these orders fell within the 2,000 shares or less parameter of the rule. The data also indicate that 44% of orders stopped in ⅛ point markets received price improvement. This 44% represents over 20 million shares of stock.

The Exchange also compared the size of orders stopped to the size of the opposite side of the quote. The study indicates that 96% of orders stopped in ⅛ point markets were less than, or euqal to, 25% of the size of the opposite side quote. This suggests that the imbalances on the opposite side of orders being stopped were of sufficient size to suggest the likelihood of price improvement.

During the pilot, the Exchange also reviewed compliance by specialists in obtaining Floor Official approval to stop orders greater than the threshold levels in the rule. Based on the review, the Exchange issued an information memorandum reminding specialists of the requirements for Floor Official approval and has added Rule 116.30 to its Rule 476A list of rule violations for which summary fines may be issued.[4] The Exchange also is enhancing its automated surveillance of ⅛ point market stops. Additional educational sessions with specialists will be held to emphasize the need for proper approval and documentation by Floor Officials of stops granted to orders which exceed the parameters of the rule.

The Exchange believes that the provisions of Rule 116.30 enable specialists to better serve Exchange customers. Millions of dollars each year can be saved by investors through specialists' use of the rule. The Exchange believes that its study indicates, overall, that the provisions of the rule are not disadvantaging customer orders on specialist books, and that, for the most part, orders are being stopped in markets with significant imbalances on the opposite side of the market.

(b) Statutory Basis

The basis under the Act for this proposed rule change is the requirement under section 6(b)(5) that an exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and in general, to protect investors and the public interest. The proposed extension of Rule 116.30 is consistent with these objectives in that it permits the Exchange to better serve its customers by enabling specialists to execute customer orders at improved prices.

B. Self-Regulatory Oroganization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

M. McNamara, Managing Director, Market Surveillance, NYSE to Mary N. Revell, Branch Chief, Division of Market Regulation, Commission, dated February 21, 1992.

[2] See Securities Exchange Act Release No. 28999 (March 21, 1991), 56 FR 12984 (March 28, 1991) (File No. SR-NYSE-90-49) ("1991 Approval Order").

[3] See letter from Robert J. McSweeney, Senior Vice President, Market Surveillance, NYSE, to Howard Kramer, Assistant Director, Division of Market Regulation, Commission, dated February 13, 1992.

[4] NYSE Rule 476A, which embodies the NYSE's minor rule violation plan, provides that the Exchange may designate violations of certain rules as minor rule violations and issue summary fines in lieu of commencing a full disciplinary proceeding before a hearing panel. See Securities Exchange Act Release No. 30280 (January 22, 1992), 57 FR 3452 (January 29, 1992) (File No. SR-NYSE-91-38).

III Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-92-02 and should be submitted by April 14, 1992.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with section 6(b)(5) [5] and section 11(b) [6] of the Act. The Commission believes that the amendments to Rule 116.30 should further the objectives of section 6(b)(5) and section 11(b) through pilot program procedures designed to allow stops, in minimum variation markets, under limited circumstances that provide the possibility of price improvement to customers whose orders are granted stops.[7]

In its order approving the piliot procedures,[8] the Commission asked the NYSE to study the effects of stopped orders in minimum variation markets. Specifically, the Commission expressed interest in the percentage of time stopped orders were executed at the stop price, and the percentage of time such orders receive a price that is better than the stop price. The Commission asked the NYSE to analyze the impact on orders on a specialist's book resulting from the execution of stopped orders at a price that is better than the stop price to determine whether the book orders are being bypassed. The Commission also asked the NYSE to review market depth in a stock when a stop is granted in a minimum variation market and to compare the size of the stopped order to the existing quote size and quote size imbalance, if any. Finally, the Commission expressed interest in specialist compliance with the pilot procedures.

The NYSE submitted a report to the Commission on February 13, 1992 concerning the pilot program procedures.[9] As noted above, this report indicates that 44% of orders stopped in minimum variation markets received price improvement. The Commission, therefore, believes that the pilot procedures provide a benefit to investors by offering the possibility of price improvement to customers whose orders are granted stops in minimum variation markets. The Commission further believes that, because the report indicates that 97% of the stopped orders were 2,000 shares or less, the pilot procedures benefit small public customer orders, which the Commission envisioned could most benefit from the professional handling of their orders by specialists. Accordingly, the Commission believes that it is reasonable to extend the pilot program for an additional twelve months. During the pilot extension, the Commission requests that the NYSE continue to monitor the percentage of time stopped orders were executed at the stop price and the percentage of time such orders receive a price that is better than the stop price. The Commission requests that the NYSE report its findings on this matter to the Commission by September 30, 1992.

The NYSE report also indicates that 96% of orders stopped in a minimum variation market were less than or equal to 25% of the size of the opposite side quote. The NYSE, as a result, concludes that imbalances on the opposite side of orders being stopped were of sufficient size to suggest the likelihood of price improvement. The Commission, however, remains concerned that the pilot procedures should not be implemented unless there is a large imbalance on the opposite side of the market from the order being stopped, and the imbalance is of sufficient size, given the characteristics of the security, to suggest the likelihood of price improvement to a customer. The Commission believes that this is a critical aspect of the pilot, in that it is designed to enable specialists to grant stops in a minimum variation market only when the likelihood of the benefits to the customer's order being stopped far exceed the possibility of harm to customers' orders on the limit order book.

The Commission, therefore, requests that the NYSE continue to review market depth in a stock when a stop is granted in a minimum variation market, to compare the size of the stopped order to the existing quote size and quote size imbalance, and to report its findings to the Commission. In order to demonstrate that stop orders are granted in minimum variation markets only when there is a sufficient imbalance on the opposite side of the market being stopped, and that the imbalance is of sufficient size to suggest the likelihood of price improvement, the NYSE report should include the bid versus offer disparity in a stock when a stop order is granted under the pilot procedures. the Commission requests that the NYSE report its findings on these matters by September 30, 1992.

The Commission also remains concerned, particularly in the absence of a sufficient market imbalance, that unexecuted customer limit orders on a specialist's book may be bypassed by the stopped orders. The Commission believes that, where there is a substantial imbalance on the opposite side of the market from the order being stopped, it is unlikely that orders on the book would not be executed because the stock would probably trade up (or down, as the case may be) due to a large imbalance, resulting in the execution of orders on the book. The NYSE's preliminary review indicates that the pilot procedures are not significantly disadvantaging customer orders on specialists' books. During the pilot extension, the Commission requests that the NYSE continue to analyze the impact on orders on the book resulting from the execution of stopped orders at a price that is better than the stop price. Specifically, the Commission requests that the NYSE report include a one day review of all book orders in the ten stocks which receive the greatest number of stops. The Commission requests that the NYSE report its findings on this subject by September 30, 1992.

Finally, the Commission expects that the NYSE will closely monitor compliance with the rule during the pilot program extension. The Commission believes that the use of automated surveillance programs coupled with the review of Floor Official records should allow the NYSE to determine if the rule's size and aggregate share threshold were complied with and, if not, whether Floor Official approval was obtained by the specialist for larger parameters. The Commission requests that the NYSE submit to the Commission its report with respect to compliance with the pilot program procedures by September 30, 1992.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the procedures the Exchange proposes to continue using are the identical procedures that were published in the **Federal Register** for the full comment period and were approved by the Commission.[10]

It Therefore Is Ordered, Pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change is approved for a one year period ending on March 21, 1993.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6733 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

[5] 15 U.S.C. 78f (1988).

[6] 15 U.S.C. 78k (1988).

[7] See 1991 Approval Order, *supra* note 2 for a description of the NYSE's stopping stock procedures and the Commission's rationale for approving those procedures on a pilot basis. The discussion in the aforementioned order is incorporated by reference into this order.

[8] See 1991 Approval Order, *supra* note 2.

[9] See *supra* note 3.

[10] No comments were received in connection with the proposed rule change which implemented these procedures. See 1991 Approval Order, *supra* note 2.

[11] 15 U.S.C. 78s(b)(2) (1988).

[12] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30486; File No. SR-OCC-92-05]

Self-Regulatory Organizations; The Options Clearing Corporation; Filing of a Proposed Rule Change Relating to Options Exercise Settlement Agreements With Stock Clearing Corporations

March 17, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 27, 1992, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would permit OCC to put into effect amended and restated agreements providing for the settlement of exercises and assignments of equity options with National Securities Clearing Corporation ("NSCC"), Stock Clearing Corporation of Philadelphia ("SCCP"), and Midwest Clearing Corporation ("MCC") and make related changes in its Rules and By-Laws and certain form agreements used by its clearing members.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Overall Purpose

The overall purpose of the proposed rule change is to make effective an amended and restated options exercise settlement agreement between OCC and each of NSCC, and MCC. (These three agreements are sometimes hereinafter referred to respectively as the "NSCC restated Agreement," the "SCCP restated agreement," and the "MCC restated agreement" and collectively as the "restated agreements.") The restated agreements would replace the options exercise settlement agreements that are currently in effect between OCC and each of NSCC, SCCP, and MCC (sometimes hereinafter referred to collectively as the "original agreements"). NSCC, SCCP, and MCC are sometimes hereinafter collectively referred to as the "correspondent clearing corporations" or the "CCCs."

Each restated agreement provides that it will become effective upon the later to occur of (i) the date on which the restated agreement is executed by both parties thereto or (ii) the date on which the Commission has made effective both OCC's proposed rule change and a proposed rule change filed with the Commission by the other party to the restated agreement that includes the restated agreement as an Exhibit. The restated agreements between OCC and each of MCC, NSCC, and SCCP have been executed. The restated agreements are in substantially the same form, with variations primarily reflecting differences in the respective settlement systems and rules of the CCCs.

OCC is also, in connection with entering into the restated agreements, proposing to: amend the form that OCC requires from each clearing member (an "appointing clearing member") that appoints another clearing member (an "appointed clearing member") to act for it for purposes of settling exercises and assignments of equity options; require clearing members that are organized in Canada and that settle exercises and assignments of equity options through the facilities of The Canadian Depository for Securities ("CDS") to execute a new form (such clearing members are hereinafter sometimes referred to as "Canadian clearing members that settle through CDS"); and make minor amendments to the form on which a clearing member designates a CCC as its "designated clearing corporation" (sometimes hereinafter referred to as its "DCC"). Finally, OCC is also proposing, in connection with entering into the restated agreements, to amend its By-Laws and Rules as set forth in the proposed rule change.

2. The Original Agreements and the Restated Agreements.

(i) *Operation of Broker-to-Broker Settlement Procedures.* Prior to OCC's implementation of the settlement procedures described in the orginial agreements, exercises of equity options were settled "broker-to-broker." In this settlement procedure OCC would, following its receipt of an equity option exercise notice, issue a "delivery advice" to the delivering clearing member (the assigned clearing member, in the case of a call, or the exercising clearing member, in the case of a put) and the receiving clearing member (the exercising clearing member in the case of a call, or the assigned clearing member, in the case of a put). The delivery advice would instruct the delivering clearing member to make delivery directly to the receiving clearing member of the security underlying the exercised option, and specify the address at which delivery was to be made and the exercise settlement amount to be paid by the receiving clearing member to the delivering clearing member.

OCC continues to have rules governing broker-to-broker settlement (Rules 901–912). However, broker-to-broker settlement has been largely replaced by settlement through the facilities of the CCCs, and is now used only on the rare occasions when the CCC designated by a clearing member as its designated clearing corporation is unwilling or unable to effect settlements of transactions in a particular security. (This usually occurs, to the extent that it occurs at all, because a security is depository-ineligible.)

(ii) *Operation of the Original Agreements.* When the original agreements were implemented, OCC began to settle the great majority of equity option exercises through the facilities of the CCCs.[1] Each clearing member was required to designate a CCC for purposes of effecting settlement of exercises of equity options. In this revised system, rather than delivering an underlying security "broker-to-broker," a delivering clearing member delivers the security to, and receives payment of the exercise settlement amount from, its DDC. If the delivering clearing member's DCC is also the DCC for the receiving clearing member, the clearing corporation also delivers the security to, and receives payment from, the receiving clearing member in accordance with the settlement procedures of the clearing corporation. If the delivering clearing member and receiving clearing member have designated different CCCs as their respective DCCs, the DCC for the delivering clearing member delivers the security to, and receives payment from, the DCC for the receiving clearing member in accordance with the interface arrangements of the two DCCs, and the DCC for the receiving clearing member in turn delivers the security to, and receives payment from, the receiving clearing member.

The original agreements provide for a five-day settlement period for settlement of exercises of equity options. The date of the exercise is analogous to the "trade date" for ordinary regular-way stock trades effected on a stock exchange, and accordingly is referred to as "T." OCC reports the exercises and assignments of clearing members to their respective DCCs during the night of T. The DCCs effect settlement on the fifth business day after T, or "T+5."

(iii) *Changes Made by the Restated Agreements.* The restated agreements alter and supplement the provisions of the original agreements in several ways, the most important of which are the following:

(a) *Timing of the Effectiveness of the Guarantee of the Correspondent Clearing Corporations.*—Section 4 of each original agreement provided that, if the CCC did not notify OCC prior to 12:00 Noon Central Time (1:00 p.m. Eastern Time) on T+4 that the CCC had ceased to act for an OCC clearing member which had designated the CCC as the clearing member's DCC, the CCC would be unconditionally obligated as of that time to complete the settlement of the exercise.

These provisions were in accordance with the provisions of the rules of the CCCs as in effect in 1978. However, each CCC has subsequently amended its rules to provide that the CCC would be unconditionally obligated to complete settlement of any "locked-in" trade [2] in a "continuous net settlement security" ("CNS security") commencing at midnight (or, in the case of MCC, 11:59 P.M.) at the end of T+1.

Section 4(a) of each restated agreement provides that each CCC will become unconditionally obligated to "effect settlement in respect of, or to close out or eliminate," each exercise and assignment of equity options as it would in respect of locked-in trades reported to it in the security underlying the option. This revised provision has the effect of according settlements of exercises and assignments of options the benefit of the earlier time at which the CCCs become unconditionally obligated to effect settlement.[3] OCC Rule 913 is amended to state expressly that OCC's direct guarantee to the clearing member acting on behalf of the holder of the option terminates at the time that the DCC designated by each clearing member becomes unconditionally obligated to effect settlement of the transaction. (This is described further below in the discussion of the changes to OCC's Rule 913.)

Section 4(a) of each restated agreement permits the CCC to "eliminate" an exercise transaction from its system, in accordance with its Rules, even after its guarantee has initially attached to the transaction. This could occur only in the extremely unlikely event that a security were to cease to be eligible for settlement through the CCC during the time remaining until actual settlement of the transaction. Elimination would have the effect of causing the CCC's guarantee to cease to be effective, and OCC would be responsible for guaranteeing completion of the transaction.

Section 4(b) of each restated agreement acknowledges that the CCC may, in the event of a default by a participating member [4] for which it is the DCC, voluntarily determine to complete settlement of transactions with respect to which it had not yet become obligated at the time of the default. If the CCC makes such a determination, section 4(b) of each restated agreement provides that the CCC will become unconditionally obligated to complete settlement of all such transactions arising from option exercises, and that such transactions will then be subject to OCC's guarantee to the CCC, which is described below.

(b) *Guarantee by OCC to each CCC.*—Each restated agreement provides that OCC will compensate the CCC for losses incurred by it in closing out the exercises and assignments of a defaulting participating member reported by OCC to the DCC. The amount of the compensation would be the smallest of three quantities, referred to in each restated agreement as the "net options loss," the "net overall loss," and the "maximum guarantee amount." The net options loss is essentially the actual net loss incurred by the CCC in closing out exercises and assignments of options in respect of which the CCC is unconditionally obligated at the time of the default. The net overall loss is essentially the actual net loss incurred by the CCC in closing out all transactions of the defaulting participating member in respect of which the CCC is unconditionally obligated at the time of the default.

The maximum guarantee amount is essentially the sum of the "mark-to-market amounts," positive and negative, for all options exercises and assignments in respect of which the CCC is unconditionally obligated at the time of the default. The term "mark-to-market amount" is defined to mean the difference between the exercise price of an option and the closing price of the underlying stock "on the trading day immediately preceding the then most recently completed regular morning settlement with OCC of the participating member." (Thus, for example, if a participating member defaults prior to the opening of business on the day that is T+4 in respect of the settlement of an option, and the participating member had not made regular morning settlement with OCC on that day but had made regular morning settlement with OCC on T+3, the mark-to-market amount for the stock underlying that option would be determined as of the close of trading on T+2.) The effect of the existence of the maximum guarantee amount prong of the calculation of OCC's obligation to a CCC is to cap OCC's exposure at an amount that should be covered by the margin deposits collected by OCC, but that is at least equal to the net of the "in-the-money amounts," for all exercises and assignments being settled through a CCC at a particular point in time, as of the close of trading on the day or days on which the exercises were effected.

OCC's guarantee in each restated agreement does not cover the exposure of the CCC to loss from exercise settlements that would result if a participating member transfers settlements from its account at the CCC to the account of any other member of the CCC (even another participating member or another member that is an affiliate of the participating member), and that second member defaults on its obligations to the CCC with respect to those settlements. This is so for several reasons, including the following: First, OCC would not be a party to the transfer, and accordingly would have no ability to review the impact of the transfer on the financial condition of the transferee member. Second, the three prongs of the computation of OCC's guarantee obligation are all premised on the assumption that the negative values arising from short positions of a participating member may be offset against the positive values arising from the long positions of the participating member. This assumption may not hold true if, for example, a participating member transfers its short positions, but not the offsetting long positions also carried by the participating member, to the account of another member and that member fails to make settlement.

(c) *Permissible Arrangements for Effecting Settlement Through a Correspondent Clearing Corporation*—Each original agreement contemplated that settlements of exercises and assignments would be effected by "participating members," *i.e.*, entities that are OCC clearing members and also participants in the relevant CCC. The original agreement between OCC and NSCC was amended in 1987 to include Canadian clearing members that settle through CDS within the participating member concept.

Each restated agreement retains the basic participating member concept, and each restated agreement contains expanded provisions addressed to the particular situation of Canadian clearing members that settle through CDS.[5] Each restated agreement also contains a provision stating that, in a case where an OCC clearing member has appointed an appointed clearing member to act on its behalf in effecting settlement of exercises and assignments of equity options, the appointed clearing member is the participating member for purposes of the Agreement.

3. The Revised Form Agreement for Appointing Clearing Members and Appointed Clearing Members

In connection with implementing the restated agreements, OCC is revising the form of the agreement that OCC requires from each appointing clearing member. The most important purpose of the revisions is to cause the appointing clearing member to acknowledge expressly that the obligations of the appointing clearing member to OCC in respect of exercises and assignments are not satisfied until the appointed clearing member appointed by the appointing clearing member has satisfied its obligations to its DCC arising from the exercises and assignments, and that accordingly the uses that OCC may make of the appointing clearing member's margin and clearing fund deposits include use to satisfy any obligation to the DCC incurred by OCC as a result of the DCC's settlement of the appointing clearing member's exercises and assignments.

The appointing clearing member form of agreement is also revised to make various other clarifying, updating and stylistic changes. The "acceptance of appointment as appointed clearing member" portion of the form is also amended to make clarifying, updating and stylistic changes similar to the changes to the appointing clearing member's portion of the form.

4. The New Form Agreement for Canadian Clearing Members That Settle Through CDS

In connection with implementing the restated agreements, OCC will also require Canadian clearing members that settle through CDS to execute a new form of agreement. The primary purpose of the new form is to cause each such clearing member to acknowledge expressly that the obligations of the clearing member to OCC in respect of exercises and assignments are not satisfied until CDS has satisfied its obligations arising from the exercises and assignments to the DCC of the clearing member, and that accordingly the uses that OCC may make of the clearing member's margin and clearing fund deposits include use to satisfy any obligation to the DCC incurred by OCC as a result of the DCC's settlement of exercises and assignments being settled through CDS. The form also causes the clearing member to acknowledge that it will be deemed not have designated a DCC for purposes of OCC's rules if CDS at any time should cease to be a participant in good standing of a CCC.

5. The Revised Form for Designating a Designated Clearing Corporation

In connection with implementing the restated agreements, OCC is revising the form used by clearing members (including Canadian clearing members that settle through (CDS) to designate a DCC. The changes are non-substantive and are primarily intended to conform the language of the form more closely to the language of OCC Rule 913(a).

6. Changes in OCC's By-Laws and Rules

In connection with implementing the restated agreements, OCC is also making various changes, many of which are technical in nature, to its By-Laws

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[1] OCC had a correspondent relationship with Pacific Clearing Corporation ("PCC") in addition to NSCC, SCCP, and MCC. PCC has ceased to do business.

[2] Locked-in trades are trades executed through automated order routing and trade execution systems. Each of the restated agreements provides that exercises and assignments of options reported by OCC to the CCC will be deemed to be locked-in trades.

[3] The trade guarantee rules of the CCCs described in the text have been approved by the Commission only on a temporary basis. See Securities Exchange Act Release No. 27192 (August 29, 1989), 54 FR 37010, Securities Exchange Act Release No. 28728 (December 31, 1990), 56 FR 717, and Securities Exchange Act Release No. 29386 (June 28, 1991), 56 FR 30051. If the Commission should in the future decline to approve these rules, the restated agreements would provide that settlements of exercises and assignments of options would become guaranteed by the CCCs on the morning of T+4, *i.e.*, at the same time as they are now.

NSCC has a "balance order" settlement system in addition to its CNS system. Balance order securities are essentially those securities that are not eligible for book-entry transfer on the books of The Depository Trust Corporation. With respect to balance order securities, the language of Section 4(a) of the NSCC restated agreement has the effect of causing NSCC to guarantee the settlement of these transactions to the same extent that it guarantees all other balance order transactions, *i.e.*, from the morning of T+4 through the close of business on T+5, unless the defaulting NSCC member is receiving the security and the non-defaulting member could have made delivery on T+5, in which case the transactions would be guaranteed only through T+4. See paragraph 4(2)(A) of Addendum K to NSCC's Rules and Procedures.

[4] A "participating member," in general, is an entity that is an OCC Clearing Member and a member of the CCC that it has designated as its DCC. The definition is refined in the restated agreements, and is discussed further below.

[5] NSCC continues to be the only CCC that has a relationship with CDS. Accordingly, the provisions described in the text relating to Canadian clearing members that settle through CDS will be operative only in the NSCC restated agreement. However, the provisions described in the text are also included in the MCC restated agreement and the SCCP restated agreement, in order to preserve the similarity of the three restated agreements as far as possible, and in order to accommodate the possibility that MCC or SCCP may enter into a relationship with CDS at some time in the future.

and Rules. The substantive changes to OCC's By-Laws and Rules consist of the following:

(i) *Article VIII of the By-Laws.* OCC is amending the provisions of its By-Laws that describe its authority to use the clearing fund deposits of clearing members, primarily to make clear that (1) OCC may apply the clearing fund deposits of clearing members to satisfy any obligation incurred by OCC to a CCC as a result of the failure of a clearing member or CDS to perform an obligation to the CCC arising from exercise settlements, and (2) that the order in which such deposits will be applied is the same as it would be in other circumstances in which OCC is forced to draw on the clearing fund.

(ii) *Rule 212.* Rule 212 is amended to state expressly that any Canadian clearing member that settles through CDS need not itself be a participant in a CCC.

(iii) *Rule 305.* Rule 305(b) is amended to state expressly that OCC's Chairman and President have the same authority to impose restrictions with respect to a clearing member's activities as an appointed clearing member that those officers have with respect to a clearing member's other activities. A new Interpretation is added to the Rule to state expressly that the difficulty of a clearing member or any appointed clearing member appointed by the clearing member in meeting its obligations to its DCC, or, in the case of a Canadian clearing member that settles through CDS, the difficulty of CDS in meeting its obligations to the DCC of the Canadian clearing member, would be grounds for OCC's Chairman or President to impose restrictions on the clearing member pursuant to the Rule.

(iv) *Rule 601.* Rule 601 (OCC's Rule describing its margin requirements for equity options) is amended to provide that exercised and assigned equity options will be treated as a separate product group for the purposes of the Rule, and to state that any margin requirement for the unexercised stock options product group in firm accounts and market-maker's and specialist's accounts will not be reduced by the value of any margin credit for the exercised stock options product group. The effect of these changes is to assure that OCC gives no margin credit for value which would be controlled by a CCC and which OCC might therefore be unable to recover in the event that it suspended a clearing member. The Rule does continue to permit OCC to use any margin credit for the net value of a clearing member's open options positions in firm accounts and market-maker's and specialist's accounts to reduce the clearing member's margin requirement in respect of the exercised stock options product group.

Rule 601 is also amended to permit OCC to hold a clearing member's margin for an extra day if OCC receives a notice from the clearing member's DCC to the effect that the clearing member (or the clearing member's appointed clearing member if the clearing member has one, or CDS in the case of a Canadian clearing member that settles through CDS) has not performed an obligation to the DCC. This change is necessary to enable OCC to comply with the restated agreements, each of which states that, if OCC receives a notice from the DCC prior to 6 a.m. Central Time (7 a.m. Eastern Time) on T+6 to the effect that a participating member (or CDS) has not made settlement with the DCC, the DCC may still call on OCC's guarantee if the DCC notifies OCC prior to 4 p.m. Central Time (5 p.m. Eastern Time) on T+6 that it has ceased to act with respect to the entity.

(v) *Rule 608.* Rule 608 (OCC's Rule describing when margin may be withdrawn) is amended to state expressly that the Chairman or President of OCC may refuse to authorize the withdrawal of margin for any of the same reasons that would cause such officer to require a clearing member to deposit intra-day margin pursuant to OCC's Rule 609. The effect of the change is to eliminate a possible misreading of the two Rules as requiring OCC to permit a withdrawal of assets held by OCC as margin before OCC could require that the assets by re-deposited as intra-day margin pursuant to Rule 609 in circumstances in which OCC believed that it was appropriate to retain the margin assets.

(vi) *Rule 913.* Rule 913 is amended to state that OCC shall be deemed to have made full settlement in respect of an exercise and assignment of an equity option at the time when the DCCs for the concerned clearing members are unconditionally obligated to complete the transaction, and that thereafter OCC will have no obligation in respect of the transaction, other than any obligation OCC may have to either DCC under their respective restated agreements. Rule 913 continues to provide, as it does currently, that the rights and obligations of the two clearing members will be governed by the rules of their respective DCCs after the guarantees of the DCCs become effective.

A new paragraph is added to Rule 913 to state expressly: that the obligations of a clearing member in respect of the settlement of any securities contract arising out of an exercised option contract being settled through a DCC will not be deemed to be completed by or on behalf of the clearing member until settlement is completed in respect of such securities contract with the DCC; that OCC's guarantee to a DCC in respect of the securities contract arising out of an exercised option contract is part of the securities contract; and that any clearing member that fails (or whose appointed clearing member fails or on behalf of which CDS fails, as applicable) to complete performance of its obligations under any such securities contract is obligated to reimburse OCC for any resulting payment made by OCC to the DCC. An essential purpose of the paragraph is to make clear that any payment made by OCC pursuant its guarantee to a CCC would be pursuant to, and for the purpose of liquidating, securities contracts arising out of exercised option contracts and accordingly, under the special provisions of the Bankruptcy Code that protect the close-out activities of securities clearing agencies, not subject to attack by the trustee for a bankrupt clearing member. A second purpose of the paragraph is to make clear that a clearing member that caused OCC to make a guarantee payment to the clearing member's DCC has a continuing obligation to OCC to reimburse OCC for the payment. This provision, in conjunction with the Section of OCC's By-Laws that describes OCC's lien on clearing member assets, makes clear that OCC may satisfy the clearing member's obligation out of the assets of the clearing member that are subject to OCC lien in respect of the clearing member account or accounts in which the obligation originated.

A new Interpretation is added to Rule 913 for the same reason that Rule 305 is amended, namely, to state expressly that a Canadian clearing member that settles through CDS has satisfied its Rule 913 obligation to designate a DCC.

(vii) *Rule 1102.* Rule 1102 is amended to state expressly that OCC may suspend a clearing member if the clearing member appointed by the clearing member or CDS (in the case of a Canadian clearing member that settles through CDS) is in default of any delivery of funds or securities to its DCC.

A phrase in Rule 1102 that currently states that OCC may suspend a clearing member if the suspension is necessary for the protection of OCC, "other clearing members, creditors or investors" is changed to refer to OCC, "other clearing members or the general public" in order to conform to parallel language used elsewhere in OCC's Rules.

(viii) *Rule 1107.* Rule 1107 is amended to state that, following the default of a clearing member, OCC will deliver securities deposited by the clearing member in specific deposits and escrow deposits to the clearing member's DCC. This change is required to enable OCC to comply with the restated agreements, each of which states that OCC will deliver such deposits to the DCC of a suspended clearing member against payment by the DCC of the appropriate exercise settlement amounts.

A new paragraph is added to Rule 1107 to state expressly that OCC may use funds of a suspended clearing member that are in an OCC account and subject to OCC's control to satisfy and obligation to the DCC of the clearing member arising from the exercise and assignment activity in that account.

7. Statutory Basis for the Proposed Rule Change. OCC believes the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act because it enhances the system used by OCC to effect settlement of exercises and assignments of equity options. In particular, the proposed rule change improves the efficiency of the equity option exercise settlement system, by reducing the need for OCC and its correspondent clearing corporations to hold redundant security deposits, in a way that should not increase the risk to which OCC and the stock clearing corporations are exposed in the settlement process.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were not and are not intended to be solicited by OCC with respect to the proposed rule change and none have been received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR-OCC-92-05 and should be submitted by April 13, 1992.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6774 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30490; File No. SR-SCCP-92-01]

Self-Regulatory Organizations; Stock Clearing Corp. of Philadelphia; Notice of Filing of a Proposed Rule Change Relating to an Amended and Restated Options Exercise Settlement Agreement With the Options Clearing Corp.

March 17, 1992.

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b), notice is hereby given that on February 27, 1992, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of an amended and restated options exercise settlement agreement between SCCP and the Options Clearing Corporation ("OCC").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. SCCP has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to reflect amendments to the options exercise settlement agreement between SCCP and OCC. The amendments reflect the fact tha SCCP now provides an enhanced trade guarantee. The proposed rule change also amends SCCP's participants fund formula to accommodate the revised agreement. Furthermore, the amendment provides language in the agreement to accommodate SCCP's association with The Canadian Depository for Securities ("CDS"). Currently, SCCP has no relationship with CDS and does not plan to effect such an association in the near future.[1]

SCCP believes the proposed rule change is consistent with section 17A(b)(3)(A) of the Act in that it enhances SCCP's "capacity to be able to facilitate the prompt and accurate

[1] The National Securities Clearing Corporation ("NSCC") continues to be the only clearing corporation that has a relationship with CDS. Accordingly, the provisions described in the text relating to Canadian clearing members that settle through CDS will be operative only in the NSCC restated agreement. However, the provisions described in the text are also included in the SCCP restated agreement, in order to preserve the similarity of the restated agreements with OCC and in order to accommodate the possibility that SCCP may enter into a relationship with CDS at some time in the future.

clearance and settlement of securities transactions from which it is responsible." The proposal also is consistent with the Congressional objectives of facilitating the development of a national system for clearance and settlement of securities transactions for which it is responsible and, pursuant to section 17A(b)(3)(F), the proposal is formulated "to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, (and) to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions."

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not believe that the proposed rule change will have an impact on or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this particular rule change have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of SCCP. All submissions should refer to File No. SR-SCCP-92-01 and should be submitted by April 14, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margarot H. McFarland,

Deputy Secretary.

[FR Doc. 92-6734 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

March 18, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Alex Brown, Inc.
Common Stock, $.10 Par Value (File No. 7-8221)
Agricultural Minerals Co., L.P.
Common Units of Limited Partnership, No Par Value (File No. 7-8222)
Hasbro, Inc.
Warrants to Purchase Common Stock, expiring 7/12/94 (File No. 7-8223)
Arrhythmia Research Technology, Inc.
Common Stock, $.01 Par Value (File No. 7-8224)
Pilgrim Prime Rate Trust
Shares of Beneficial Interest, No Par Value (File No. 7-8225)
Sears, Roebuck & Company
8.72% Depositary Shares (each representing ¼ share of Preferred Equity Redemption Cumulative Stock) (File No. 7-8226)
Smith Barney Intermediate Municipal Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-8227)
El Paso Natural Gas Company
Common Stock, $3.00 Par Value (File No. 7-8228)
Valassis Communications, Inc.
Common Stock, $.01 Par Value (File No. 7-8229)
Duff & Phelps Corporation
Common Stock, $.01 Par Value (File No. 7-8230)
First Commonwealth Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-8231)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 8, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6728 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

March 18, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities.

Alex Brown Incorporated
Common Stock, $.10 Par Value (File No. 7-8203)
Columbia Laboratories, Inc.
Common Stock, $0.01 Par Value (File No. 7-8204)
Pilgrim Prime Rate Trust
Shares of Beneficial Interest, No Par Value (File No. 7-8205)
Utilicorp United, Inc.
Preferred Stocks, No Par Value (File No. 7-8206)
Valassis Communication, Inc.
Common Stock, $.01 Par Value (File No. 7-8207)
MuniYield Fund, Inc.
Common Stock, $0.01 Par Value (File No. 7-8208)
First Commonwealth Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-8209)
Consolidated Freightways, Inc.
Depositary Shares, No Par Value (File No. 7-8210)
Comptek Research, Inc.
Common Stock, $.02 Par Value (File No. 7-8211)
Dataram Corporation
Common Stock, $1.00 Par Value (File No. 7-8212)
Polyphase Corporation
Common Stock, No Par Value (File No. 7-8213)
Metro Mobile
Class B Common Stock, $0.10 Par Value (File No. 7-8214)
Weatherford International, Inc.
Common Stock, $0.10 Par Value (File No. 7-8215)
First Empire State Corporation
Common Stock, $5.00 Par Value (File No. 7-8216)
Medical Properties, Inc.
Common Stock, $.01 Par Value (File No. 7-8217)
El Paso Natural Gas Company
Common Stock, $.3 Par Value (File No. 7-8218)
Kaufman and Board Home Corporation
Specialist Common Stock, $1.00 Par Value (File No. 7-8219)
Duff & Phelps Corporation
Common Stock, $.01 Par Value (File No. 7-8220)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 8, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if its finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, purusant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6730 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

New Allied Development Corp.; Order Directing Suspension of Trading

March 17, 1992.

It appears to the Securities and Exchange Commission that there is a lack of adequate current information concerning the securities of New Allied Development Corp. and that questions have been raised about the adequacy and accuracy of publicly disseminated information concerning, among other things, its ability to construct and open in May, 1992, "The Tommyknocker Casino" to be located in Black Hawk, Colorado.

Therefore, it is Ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of New Allied Development Corp., over-the-counter or otherwise, is suspended for the period from 9:30 a.m. e.s.t., March 18, 1992 through 11:59 p.m. e.s.t., on March 31, 1992.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6731 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25494; International Series Release No. 373]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 18, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 11, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Northern States Power Company, et al. (70-7890)

Northern States Power Company ("NSP") 414 Nicollet Mall, Minneapolis, Minnesota 55401, a Minnesota combination public-utility holding company exempt from registration by order under section 3(a)(2) of the Act [1], and its wholly owned nonutility subsidiaries, The NRG Group ("NRG") and NRG Energy, Inc. ("NRG-Energy"), 1221 Nicollet Mall, Minneapolis, Minnesota 55401, have filed an application under sections 3(a)(5), 3(b), 9(a)(2) and 10 of the Act.

NSP engages in the generation, transmission and distribution of electricity, and the distribution of natural gas, in Minnesota, North Dakota and South Dakota. NSP's sole public-utility subsidiary company, Northern States Power Company ("Northern States"), a Wisconsin corporation, provides such services in Wisconsin and Michigan.

NRG is a wholly owned direct nonutility Minnesota subsidiary company of NSP. Through its wholly owned indirect Minnesota subsidiary NRG-Energy, NRG has participated with two nonaffiliated public-utility companies not subject to the Act, UtiliCorp United, Inc. ("UtiliCorp"), a United States company, and Empresa Nacional de Electricidad, S.A. ("Endesa"), a Spanish company (together with NRG, the "Group") in the submission of a bid to acquire from Electricidade de Portugal, S.A. ("EDP"), a Portuguese government-owned corporation, the assets of a coal-fired generating station currently under construction by EDP in Portugal ("Pego Station").[2] The bid contemplates that the Group would coordinate and oversee the construction by EDP of Units 1 and 2 of the Pego Station, and act as general contractor for Units 3 and 4.[3] NSP, through its subsidiaries, expects to participate in rendering such services. The electrical output of the Pego Station would be sold to EDP.

If the bid is accepted, the Group will

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[1] *See Northern States Power Company*, 36 S.E.C. 1 (1954).

[2] EDP is responsible for the generation, transmission and distribution of electricity in Portugal.

[3] The four units comprising the Pego Station will each have a capacity of 300 megawatts. The units are currently scheduled for commercial service in 1993, 1995, 1999 and 2000, respectively.

[4] The application states that a *sociedade anonima* is similar to a United States corporation in that the

Continued

effect the acquisition through Superpego-Electricidade, S.A. or Superpego, a newly formed *sociedade anonima*.[4] NRG would acquire its interest through a to-be-formed wholly owned direct Netherlands subsidiary of NRG–Energy ("NRG Netherlands Subsidiary").[5] Each member of the Group would initially have a one-third voting equity interest. Prior to the commercial operation of Unit No. 1, the members of the Group would each sell approximately one-fourth of their respective voting equity interests in Superpego to a group of Portuguese institutional and industrial investors. Thus, at the time Superpego becomes an electric utility company within the meaning of section 2(a)(3) of the Act, NSP will indirectly own an approximately 25% voting equity interest in Superpego.[6]

EDP's invitation to bid for the PEGO Station required propective bidders to: (1) initially capitalize the entity that would implement their bid in the amount of one billion Portuguese Escudos (approximately U.S. $7 million); (2) commit to make additional equity contributions to that entity sufficient to support the consummation of the purchase of the PEGO Station; and (3) maintain, through on-going equity contributions during construction, a ratio of not less than 15% equity (based on net fixed assets) to not more than 85% secured senior debt. On that basis, Superpego would be initially capitalized with approximately U.S. $7 million, of which NSP would indirectly contribute approximately U.S. $2 ⅓ million.

The total cost to Superpego for all four units of the PEGO Station is estimated to be between U.S. $1.8 billion and U.S. $2.1 billion. The 15% equity required for Superpego on that basis would be approximately U.S. $270 million to U.S. $315 million. Thus NSP's indirect one-third initial interest would require approximately U.S. $90 million to U.S. $105 million. NSP anticipates that the primary financing of the PEGO Sation will be provided by a group of banks and financial institutions through debt instruments issued by Superpego which will be non-recourse to Superpego and its shareholders, other than the obligations of the Group to provide the requisite 15% equity participation in Superpego. However, the applicants state that it may be necessary for NRG-Energy to provide some working capital interim loans to Superpego. NSP anticipates that such loans would not exceed U.S. $70,000,000 in principal amount, would have relatively short-term maturities, and would be funded with equity contributions by NRG to NRG-Energy and/or short-term bank borrowings by NRG-Energy.

As a result of the proposed transactions, Superpego will be a subsidiary company of NSP within the meaning of section 2(a)(8) of the Act, and NRG, NRG-Energy and the NRG Netherlands Subsidiary will be holding companies within the meaning of section 2(a)(7) of the Act. The applicants request an order granting Superpego an unqualified exemption under section 3(b) and an order granting NRG, NRG-Energy and the NRG Netherlands Subsidiary exemptions under section 3(a)(5) of the Act.

With respect to the requested order under section 3(b), the applicants state that Superpego will not derive any material part of its income from sources within the United States. Further, Superpego will not be, nor have any subsidiary company which is a public-utility company operating in the United States. The applicants also state that the NRG Netherlands Subsidiary, NRG-Energy and NRG will qualify for exemption under section 3(a)(5).

NSP believes that its section 3(a)(2) exemption may continue in effect if the NRG Netherlands Subsidiary effects the proposed acquisition. The annual utility revenues of Superpego with all four units in operation are anticipated to be approximately $700 million, of which the equity interest of NRG-Energy therein would be one-quarter, or $175 million. On this basis, the application states that the ratio of the sum of the anticipated revenues of NSP's public-utility subsidiaries, Superpego and Northern States, to the 1991 revenues of NSP alone, would be 27.33%. NSP further states that it believes the acquisition of a foreign public-utility company would not be detrimental to the public interest or the interest of investors and consumers.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6772 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

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shareholders' liability is generally limited to their investment.

[4] The Netherlands subsidiary company will be a *besloten vennootschap* or B.V. NSP has selected a Netherlands entity for considerations of currency repatriation, liability limitation, taxation and European Economic Community directives.

[5] UtiliCorp, Endesa and the group of Portuguese investors will also each own an approximate 25% interest at that time.

[Rel. No. IC-18616; 812-7561]

United Investors Life Insurance Co., et al.

March 17, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: United Investors Life Insurance Company ("United Investors"), United Investors Annuity Variable Account ("Variable Account" or "Account"), and Waddell & Reed, Inc. ("W&R").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions from sections 2(a)(35), 26(a)(2)(C) and 27(c)(2).

SUMMARY OF APPLICATION: Applicants seek an order to permit a premium-based Sales Expense Charge to be deducted from the assets of the Variable Account in ten equal annual installments.

FILING DATE: Applicants filed the application on January 31, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 13, 1992, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, United Investors Life Insurance Company, 2001 Third Avenue South, Birmingham, Alabama 35233.

FOR FURTHER INFORMATION CONTACT: Thomas E. Bisset, Attorney, at (202) 272-2058, or Wendell Faria, Deputy Chief, at (202) 272-2080, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. United Investors is a stock life insurance company that was incorporated in the State of Missouri on August 17, 1981 as the successor to a company of the same name established in Missouri on September 27, 1961. United Investors is a wholly-owned subsidiary of United Investors Management Company, Inc., which in turn is indirectly owned by Torchmark Corporation. United Investors is principally engaged in offering life insurance and annuity contracts, and is admitted to do business in the District of Columbia and all states except New York.

2. The Variable Account was initially established by United Investors as a segregated asset account on December 8, 1981 and was reactivated on December 5, 1986. The Variable Account has been registered as a unit investment trust under the 1940 Act. The premiums paid under the deferred variable annuity contracts ("Contract" or "Contracts") are allocated to the Variable Account.

3. The Variable Account is currently divided into five investment divisions; the Money Market Division, the Bond Division, the High Income Division, the Growth Division and the Income Division (collectively, "Investment Divisions"). Each Investment Division invests exclusively in shares of a corresponding portfolio of TMK/United Funds, Inc. (the "Fund"), which is registered under the 1940 Act as an open-end management company (File No. 33-11466).

4. W&R is the principal underwriter and distributor of the Contracts. W&R is a wholly-owned subsidiary of United Investors Management Company, Inc.

5. Under the Contract, a person may accumulate funds on a tax-deferred basis based on the investment experience of assets underlying the Contract by allocating premiums to the Variable Account. The Contract also provides for annuity payments on a variable basis after the retirement date.

6. The Contract pays a death benefit to the named beneficiary if the annuitant dies. If the annuitant dies prior to the retirement date, the death benefit will be the greater of (1) the total purchase payments made less any amounts withdrawn, any withdrawal charges on such amounts withdrawn and any transaction charges, or (2) the policy value on the date of death. If the annuitant dies after the retirement date, the amount payable, if any, will be provided in the annuity payment option then in effect.

7. The Contract value is equal to the sum of the values of the Investment Divisions under the Contract. The Contract owner determines in the application how the purchase payments will be allocated among the Investment Divisions of the Variable Account. The Contract value will reflect the investment performance of the Investment Divisions selected.

8. Currently, United Investors imposes an annual deduction at an effective annual rate of .85% of the initial purchase payment in ten equal installments (the "Sales Expense Charge") and a 6% front-end sales charge from each additional purchase payment to compensate United Investors for certain sales and other distribution expenses. In addition, a withdrawal charge is assessed against every purchase payment withdrawn or applied under an annuity payment option within eight years after the payment is received ("Withdrawal Charge"). The Withdrawal Charge equals 6% of purchase payments less than one year old and decreases 1% per year thereafter; it is not assessed against purchase payments that are eight years old or older. The Withdrawal Charge is deducted from the remaining Contract value, or from the amount paid if the remaining value is insufficient, and it serves to compensate United Investors for sales expenses with regard to the Contract that would have been recovered by the Sales Expense Charge had the Contract not been surrendered.

9. Contract owners may surrender the Contract prior to the earlier of the retirement date or the death of the annuitant. After the first year, Contract owners may make a partial withdrawal of up to 10% of cumulative purchase payments without incurring the Withdrawal Charge. A $20 transaction charge will apply to withdrawals after the fourth withdrawal in any one year.

10. A charge for administrative expenses, not to exceed $50 per year, will be deducted from the Contract value or from annuity payments.

11. United Investors deducts a mortality and expense risk charge at an effective annual rate of .90% of the daily net asset value of the Investment Divisions.

12. United Investors seeks to impose a uniform Sales Expense Charge of a maximum of 8.5% of all purchase payments. United Investors intends to accomplish this by eliminating the 6% front-end sales charge on additional premiums and imposing an annual deduction at an effective annual rate of .85% on every purchase payment to be made in ten equal annual installments. Aplplicants represent that the combined total of the new Sales Expense Charge and the Withdrawal Charge will not exceed 8.5% of purchase payments.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the 1940 Act for exemptions from sections 2(a)(35), 26(a)(2) and 27(c)(2) to the extent necessary to permit the deduction of the Sales Expense Charge from the assets of the Variable Account. Applicants do not concede the applicability of these sections to the Sales Expense Charge. However, in order to avoid any possibility that questions may be raised as to the potential applicability of those provisions to the charge, Applicants are seeking exemptive relief.

2. Applicants submit that the imposition of a Sales Expense Charge over ten years is more favorable to Contract owners than an equivalent charge deducted up front from each purchase payment. By spreading the sales charge over a ten year period, more of the investor's money is available for investment. Additionally, Applicants assert that Contract owners who surrender or partially surrender the Contract within eight years of making a purchase payment pay a lower total sales load (the applicable Withdrawal Charge plus the accumulated Sales Expense Charge) than they would if the entire 8.5% were deducted from the purchase payment upon receipt by United Investors.

3. Applicants submit that granting exemptive relief for the periodic Sales Expense Charge is supported by relevant Commission precedent. In Rule 6e-3(T) the Commission specifically authorized sales expense charges to be deducted from the cash value of a flexible premimum life insurance policy. Applicants assert that the same reasoning that justifies the exemption provided in the Rule 6e-3(T) for the deduction of sales loads from cash value for variable life insurance justifies exemptive relief in this instance.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6732 Filed 3-23-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Public Law 99-591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information Collection Under Review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Public Law 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be made within 30 days directly to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 1101 Market Street (EB 4B), Chattanooga, TN 37402-2801; (615) 751-2523.

Type of Request: Regular submission.

Title of Information Collection: Commercial/Industrial Biomass Energy-Using Facilities in the Southeastern United States.

Frequency of Use: On occasion.

Type of Affected Public: State or local governments, businesses or other for-profit, small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 452.

Estimated Number of Annual Responses: 1500.

Estimated Total Annual Burden Hours: 750.

Estimated Average Burden Hours Per Response: .5.

Need For and Use of Information: The Southeastern Regional Biomass Energy Program, managed under contract from the Department of Energy by TVA, will use the information to update the Directory of Biomass Installations in 13 Southeast States in order to assess trends in alternate energy usage, match fuel suppliers with fuel users, and to otherwise facilitate the growth of the industry by sharing information and expertise.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 91-6668 Filed 3-23-92; 8:45 am]

BILLING CODE 8120-08-M

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, section 402, Public Law 101-549, 104 Stat. 2568, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to the TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6751 Filed 3-23-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 92-021]

Commercial Fishing Industry Vessel Advisory Committee; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Act (Pub. L. 92-463; 5 U.S.C. app. I), notice is hereby given of a meeting of the Commercial Fishing Industry Vessel Advisory Committee [CFIVAC]. The meeting will be held on May 4-5, 1992, in room 4234 at the Department of Transportation, 400 Seventh Street SW., Washington, DC. The meetings will be held daily from 9 a.m. to 5 p.m. Attendance is open to the public.

TOPIC: The Committee will discuss and make recommendations to the Coast Guard on the following subjects:

(1) The plan for licensing operators of uninspected federally documented commercial fishing industry vessels.

(2) The Draft Protocol to the 1977 Torremolinos Convention.

The committee will consider recommendations by the subcommittee regarding the Torremolinos International Convention for the Safety of Fishing Vessels, 1977; the draft Protocol to the 1977 Torremolinos Convention; and the proposed changes to the regulations in the 1977 Torremolinos Convention drafted by the responsible International Maritime Organization (IMO) subcommittees.

(3) The development of standard curriculum and instructional materials for commercial fishing industry vessel safety training.

(4) Interim final rule on immersion suit carriage requirements.

FOR FURTHER INFORMATION CONTACT: LCDR Ed McCauley, Merchant Vessel Inspection and Documentation Division, Fishing Vessel/Offshore Activities Branch (G-MVI-4), room 1405, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-2307.

Dated: March 10, 1992.

A.E. Henn,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-6701 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration

[Docket No. 91-12, Notice No. 01]

Guidelines for State Observational Surveys of Safety Belt and Motorcycle Helmet Use

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comment on proposed guidelines for state observational surveys of safety belt and motorcycle helmet use.

SUMMARY: This notice announces proposed guidelines and certification procedures for state safety belt and motorcycle helmet use surveys which are to be used in application for an upcoming Federal grant program. Section 153 of title 23, United States Code, authorizes the Secretary of Transportation to award grants to states that have in effect safety belt and motorcycle helmet use laws. To be eligible for second and third year grant funds, states must have also achieved specified rates of compliance with these laws. The Act authorizes the Secretary to issue guidelines for the measurement of these compliance rates. Although notice and opportunity to comment are not required for guidelines issued for a grant program, NHTSA believes that public comment will assist in the development of satisfactory guidelines and is therefore requesting comments on the proposed survey guidelines and certification procedures. Following the close of the comment period, NHTSA will publish a notice announcing the final survey guidelines.

DATES: Comments on this proposal are due no later than April 23, 1992.

ADDRESSES: Written comments should refer to the docket and notice numbers of this document and be submitted (preferably with ten copies) to: Docket Section, room 5109, Nassif Building, 400 Seventh Street SW., Washington DC 20590. (Docket hours are 9:30 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey Michael, Office of Occupant Protection, NTS-11, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590; phone (202) 366-2755.

SUPPLEMENTARY INFORMATION: Section 1031 of the recently passed Intermodal Surface Transportation Efficiency Act of 1991 (the Act) added a new section 153 to title 23 of the United States Code. This section authorizes the Secretary of Transportation to establish a grant program to support states in adopting and implementing safety belt and motorcycle helmet use laws.

To quality for first-year funding in this three-year grant program, a state must have in effect both a law requiring individuals on a motorcycle to wear helmets and a law requiring individuals in the front seat of a passenger vehicle to wear safety belts or be secured in child passenger safety systems. In the two subsequent years, there are also compliance rate requirements. The Act specifies that states must measure compliance by methods which conform to guidelines issued by the Secretary to ensure that these measurements are accurate and representative. After FY 1994, the Act provides penalties for each year that a state does not have both a safety belt and a motorcycle helmet law in effect.

This notice proposes the guidelines for observational surveys of safety belt and motorcycle helmet use that states must use to be eligible for second and third year grant funds. In addition, this notice proposes a procedure by which states would certify compliance with the issued observational survey guidelines.

Rationale for Proposed Guidelines

NHTSA's goal in developing these proposed guidelines is to allow states to employ observational survey procedures that will yield reasonably accurate and representative results without imposing unreasonable burdens. The agency believes that accuracy and representativeness are necessary to administer the grant program equitably and that these goals can be achieved at reasonable costs.

The following are example of specific elements in the guidelines which represent compromises between accuracy and cost:

Combined Motorcycle Helmet and Safety Belt Surveys: NHTSA proposes that, in order to avoid unduly burdening states, a single probability-based survey design be utilized for the collection of observational data on both safety belt and motorcycle helmet use. The proposed guidelines specify that the survey be designed specifically for safety belt observation and that helmet use be collected at the same sites and at the same times.

The agency acknowledges that, for greatest accuracy and representatives, helmet and safety belt use observation surveys would require individual survey designs. For example, a survey designed specifically for helmet use observation may control for weather conditions or for seasonal differences, whereas these controls may not be utilized in a safety belt-specific design.

However, the agency believes that, because helmet use rates have proven to be very high (in the 90-100 percent range) in states with helmet use laws, any bias introduced by the safety belt-specific design will have little effect on the helmet use survey results and no effect on grant program eligibility.

The agency also acknowledges that, prior to the publication of the final guidelines, some states may have initiated or completed a complying safety belt use survey which did not incorporate helmet use observation. NHTSA invites comments concerning potential methods by which these states could demonstrate compliance with their helmet use law without completing an additional statewide probability-based observation survey.

Level of Precision: A precision requirement of 5 percent relative error for the estimate of safety belt use has been proposed in the guidelines. This level of precision has previously been met by states with probability-based sample designs. A more stringent requirement would place a greater burden on the state, in terms of resources to collect the data. A less stringent requirement would jeopardize the usefulness of the estimate. Although the requirement is specific for the estimate of safety belt usage, no specific precision requirement has been set for the estimate of motorcycle helmet use. The agency recognizes that in some states very few motorcycles will be observed. However, as long as the motorcycle data are collected within the constraints of the safety belt sample design, the agency believes that the precision of these data will be acceptable.

Time of Day: The proposed guidelines specify that data collection is to be performed during daylight hours. The agency acknowledges that a sampling system which includes both daytime and nighttime hours would be representative of the driving population. However, observing safety belt use in the dark is not practical.

Geographical Area Covered: To represent the entire population, the sample frame should include every geographical portion of the state. However, the agency recognizes that requiring 100 percent coverage will be impractical for many states, especially those with large, sparsely populated areas. NHTSA believes that by requiring that the sample frame cover a land area which includes at least 85 percent of the state's population, the practicality of the survey can be substantially enhanced without seriously affecting the representativeness of the sample. To minimize any effect that this allowance may have on survey representativeness, the proposed guidelines specify that only those geographical areas (e.g., counties) of the state which rank lowest in population may be eliminated from survey consideration.

Population of Interest: The proposed guidelines specify that drivers and front seat outboard passengers of passenger cars be included in observations of safety belt usage. NHTSA acknowledges

that several state safety belt use laws cover occupants in both the front and rear seats of motor vehicles and that most state laws cover the front middle seat, as well. In addition, many state laws cover vehicles other than passenger cars. However, the agency believes that requiring data collection in only the front outboard seating positions of passenger cars will substantially reduce the burden of data collection without significantly reducing the validity of the estimate. Further, the guidelines would allow a state the option of including in the survey all passengers and vehicles covered by the state law if the state so desires.

Proposed Certification Procedure

NHTSA proposes that states demonstrate compliance with the final survey performance guidelines by submitting to the agency documentation which would include all of the information included in the Documentation section of the proposed guidelines. This information could either be submitted as a survey plan prior to conduct of the survey or as a survey report accompanying the final survey results. Survey plans and final survey reports would be evaluated by the agency for compliance with the final survey guidelines.

The agency recommends that states submit a survey plan prior to conducting the survey to reduce the possibility of completing a noncomplying survey. Survey plans which are judged as being in compliance with the final survey guidelines will be pre-approved by the agency. For grant application, states which have obtained pre-approval for their survey plans, would be required to submit the final result of their safety belt survey (point estimate and 95 percent confidence interval) and a statement certifying that the pre-approved survey plan was followed. States which have not obtained pre-approval would be required to submit a complete survey report including all of the information listed in the Documentation section of the proposed guidelines along with their grant application.

Whether a survey plan is pre-approved or a survey report is submitted along with the survey results, the point estimates of safety belt and motorcycle helmet use, rather than either extreme of the 95 percent confidence intervals, will be used for determination of compliance with the grant eligibility criteria.

NHTSA believes that by allowing this pre-approval and self-certification procedure and thereby distributing the demand on the agency's technical review staff, the grant application process will be facilitated. In addition, the agency believes this process will reduce the risk of states spending the time and effort performing a non-complying survey. Details concerning the schedule for submitting the survey plan and survey results will be provided in application procedures that will later by distributed to each state Governor's Office of Highway Safety.

Written Comments

NHTSA seeks comments from the public on this proposal. Of particular interest to the agency are comments on the balance between level of precision and burden to the states which would be imposed by the proposed guidelines.

It is requested, but not required, that ten copies of each comment be submitted. Comments should not exceed fifteen pages in length. Necessary attachments may be appended without regard to the fifteen-page limit. This limitation is intended to encourage commenters to present their views in a concise manner.

All comments received before the close of business on the comment closing date listed above will be considered and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considers. However, this action may proceed at any time after that date. The agency will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments by the docket should include a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that it has no federalism implication that warrants the preparation of a federalism assessment.

In consideration of the foregoing, the guidelines for state observational surveys of safety belt and motorcycle helmet use would read as follows:

Guidelines for State Observational Surveys of Safety Belt and Motorcycle Helmet Use

1. Probability-Based: The sample identified for the survey must have a probability-based design such that:

- Estimates are representative of safety belt and motorcycle helmet usage for the population of interest in that state, and
- Sampling errors can be calculated for each estimate produced.

2. Observation: The sample data must be collected through direct observation of safety belt usage and motorcycle helmet usage on roadways within the state. Safety belt use shall be determined by observation of the shoulder belt.

3. Required Precision: The relative error (standard error divided by the estimate) for safety belt usage must not exceed 5 percent. As long as the motorcycle data are collected within the constraints of the belt sample design, the precision for these data will be acceptable.

4. Population of Interest: Drivers and front seat outboard passengers must be eligible for observation in the safety belt survey. At a minimum, all passenger cars must be eligible for observation in the safety belt survey. As an option, states may choose to survey all vehicles and/or all passengers covered by their state safety belt law. All motorcycle drivers and passengers must be eligible for the motorcycle helmet use portion of the survey. The following minimum coverage is required:

A. Demographic: Counties, or other primary sampling units, totaling at least 85 percent of the state's population must be eligible for inclusion in the sample. Only the smallest counties, based on population, with a total of 15 percent or less of the state's population may be eliminated from the sampling frame.

B. Time of Day and Day of Week: All daylight hours for all days of the week must be eligible for inclusion in the sample. In addition, the randomly selected observation sites must be randomly assigned to these day of week/time of day time slots.

5. Documentation: All sample design, collection and estimation procedures must be well documentated. The documentation must include, but is not limited to:

A. Sample Design

- Define all sampling units, with their measures of size.
- Define what stratification was used, if any, at each stage of sampling and what methods were used for allocation of the sample units to the strata.
- Explain how the sample size at each stage was determined.
- List all sampled units and their probabilities of selection.
- Describe how observation sites were assigned to observation time periods.

B. Data Collection

- Define an observation period.
- Define an observation site and what procedures were implemented when the observation site was not accessible on the date assigned.
- Describe what vehicles were observed and what procedures were implemented when traffic was too heavy to observe all vehicles.
- Describe the data recording procedures.

C. Estimation:

- Display the raw data and the weighted estimates.
- For each estimate, provide an estimate of one standard error and an approximate 95 percent confidence interval.
- Describe how estimates were calculated and how variances were calculated.

Issued on: March 19, 1992.

Michael B. Brownlee,

Associate Administrator, Traffic Safety Programs.

[FR Doc. 92-6779 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-59-M

Office of Commercial Space Transportation

[Notice 92-4]

Commercial Space Transportation; Evaluation Criteria for Issuance of Vehicle Safety Approval for the COMET Reentry Vehicle System

AGENCY: Office of the Secretary, Office of Commercial Space Transportation, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Commercial Space Launch Act of 1984, as amended, and the Commercial Space Transportation Licensing Regulations (the regulations), the Department of Transportation (the Department) is evaluating a proposed commercial reentry vehicle system in order to determine whether a vehicle safety approval may be issued. The Department is undertaking this evaluation as part of the first application for a launch license to conduct commercial reentry operations. The purpose of this Notice is to describe the Department's approach to assessing the safety and reliability of the reentry vehicle system, as part of the Safety Review required under the regulations to support a licensing determination.

FOR FURTHER INFORMATION CONTACT: Norman C. Bowles, Associate Director for Licensing Programs Division, Office of Commercial Space Transportation, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590 (202) 366-2929.

SUPPLEMENTARY INFORMATION:

Background

Under the Commercial Space Launch Act of 1984, as amended, 49 U.S.C. app. 2601-2623 (the Act), the Department of Transportation (the Department) is authorized to license and otherwise regulate commercial space launch activities. In carrying out the Department's regulatory authority, the Secretary of Transportation is responsible for facilitating and promoting commercial space launches and protecting the public health and safety, safety of property, and national security and foreign policy interests of the United States (49 U.S.C. app. 2601). The Department exercises this authority through the Office of Commercial Space Transportation (OCST or the Office).

OCST's Licensing Process

Under the Commercial Space Transportation Licensing Regulations (the regulations) promulgated pursuant to the Act (49 CFR chapter III), a prospective launch licensee's proposal must undergo a Mission Review and Safety Review, and be granted an approval for each. Mission Review is "the procedure for identifying significant issues affecting United States national interests and international obligations that may be associated with a proposed launch" and includes the payload to be launched (49 CFR 415.21). Safety Review is "the procedure for determining whether an applicant can safely conduct the preparation and launch of the proposed launch vehicle and any payload." (49 CFR 415.11) Mission and safety approval determinations are incorporated into and made part of the licensing record.

The Safety Review process focuses on an applicant's safety operations generally. Included in the review process, among other things, are the proposed launch site; user and range operator procedures for control of pre-launch and launch hazards to the public, trajectory flight safety analysis, and safe flight operations; personnel qualifications; and equipment, instrumentation, and vehicle safety systems (49 CFR 415.11). The burden is on the applicant to demonstrate that it fully understands the public safety hazards associated with its proposed launch activity and that its procedures, personnel, and equipment are adequate and appropriate to support safe operations.

The Office approaches license applications on a case-by-case basis in evaluating proposed launch activities under the Office's licensing authority. Under this approach, any public safety-related issues must be reviewed and evaluated to determine whether the launch can be conducted safely by the applicant. Thus, the Office retains the flexibility necessary to accommodate the various launch proposals presented for licensing while carrying out its mandate of assuring that any matters that may affect public safety are adequately addressed.

The COMET Program

Through the COMmercial Experiment Transporter or COMET Program, Space Industries, Inc. (Space Industries) and Westinghouse Electric Corporation (Westinghouse) are each under contract with the Centers for the Commercial Development of Space (CCDS) to provide the services of a reentry vehicle system to carry and return to earth experimental payloads.[1] Presently, the COMET Program calls for three reentry missions with a possibility of two more.

The reentry vehicle system, known as the FreeFlyer, is comprised of a service module, manufactured by Westinghouse, and a reentry vehicle, manufactured by Space Industries. Operation of both components of the reentry vehicle system has a potentially significant impact on public safety.

Under another contract between the CCDS and a commercial launch operator, the FreeFlyer will be launched to low earth orbit using a Conestoga launch vehicle. The launch will be separately licensed by the Office and will be conducted from Wallops Flight Facility, Virginia. After delivery on orbit, the FreeFlyer will be operated by Space Industries.

The FreeFlyer will remain in low earth orbit for a period of approximately 30 days to permit the conduct of long duration microgravity experiments. At the end of this period, and upon command from Space Industries' ground personnel, the reentry vehicle will separate from the service module. Once the reentry vehicle has separated and moved away from the service module, a propulsion system built into the reentry vehicle will be activated and the reentry vehicle will be launched on a suborbital trajectory for its return to earth. At present, the designated landing site for

[1] The CCDS, which promote commercial space research in the private sector, are sponsored jointly by the National Aeronautics and Space Administration's (NASA) Office of Commercial Programs, the academic community, industry, and other state and federal government agencies.

the reentry vehicle is the Utah Test and Training Range, a U.S. Government facility located in a sparsely populated area of Utah.[2] The service module is not designed to reenter with the reentry vehicle and will remain operational for approximately 100 days or more on orbit continuing to support microgravity experiments. Subject to any control exercised by the operator, Space Industries, the service module's orbit will eventually decay to a point where it will reenter the earth's atmosphere and burn up during reentry.

COMET Reentry Vehicle Safety Approval

The launch of a reentry vehicle initiating its return to earth is a suborbital launch subject to the Department's licensing authority. In launches from earth to space utilizing unmanned expendable launch vehicle (ELV) systems, launch safety is typically provided by range safety personnel monitoring the launch, as well as safety systems, such as flight termination systems, built into the vehicle.[3] Because these safety systems are intended to assure that the public will not be exposed to hazards resulting from a launch, there has been no need for the Office to assess independently vehicle design, manufacture, and performance. In contrast to most of the commercial launches licensed to date, the COMET reentry vehicle system, or FreeFlyer, will not rely upon a flight termination system as a primary mechanism for protecting public safety because destruction of the vehicle during reentry, possibly over populated areas, could present safety hazards. Accordingly, the reliability and performance of the reentry vehicle system are highly significant from a public safety perspective.

As part of the licensing Safety Review process described above, Space Industries has applied for vehicle safety approval of the FreeFlyer. The vehicle safety review process is intended to assess the safety of the reentry vehicle system when operated in accordance with certain operating limits. Accordingly, the review encompasses the vehicle's design, engineering analyses, testing, manufacture, and maintenance. The Office commenced the vehicle safety review process during the initial design stage of the reentry vehicle system and will continue the process through the vehicle's operational development.

Vehicle safety approval will be subject to, among other things, demonstration by Space Industries that the integrated reentry vehicle system can be operated safely and reliably. Absent this demonstration, the FreeFlyer will not be approved by the Office. Subject to OCST approval, Space Industries may select the methodology it will use, as part of its vehicle safety demonstration, to identify and address potential hazards and risks to public safety posed by the reentry vehicle system and associated operating system components. As the applicant for vehicle safety approval, Space Industries must address, among other things, engineering and safety analyses, component system tests and checkouts, quality assurance procedures, manufacturing processes, and test plans and results. It must also demonstrate the adequacy and validity of the methodological approaches selected for each of the foregoing as part of its demonstration of the safe operating limits of the reentry vehicle system.

The vehicle safety approval, if issued by the Office, will be limited to the precise design and operating limits presented by Space Industries in its application and considered by the Office in making its determination. Thus, following issuance of the vehicle safety approval and prior to launch, any change proposed by Space Industries in the operation, design or construction of any part of the reentry vehicle system or any of its safety systems must be presented to the Office and is subject to risk analysis, hazard identification, evaluation, and approval. The vehicle safety approval would then be reissued to reflect the approved changes. In addition, the Office may impose conditions on the vehicle safety approval as necessary to protect public safety. The Office's determination will become part of the record used to support the licensing action (49 CFR 415.7, 415.15, and 415.17).[4]

The Office will also conduct an independent evaluation of the reliability and design performance of the reentry vehicle system as they relate to public safety, based upon design information provided by Space Industries. This independent evaluation serves several purposes, including: (1) Providing a means of ensuring that all risks and hazards have been identified by the applicant, Space Industries, and adequately addressed; and (2) providing technical verification of the applicant's analysis of the reliability of the reentry vehicle system.

Under its contract with the CCDS, Space Industries is responsible for obtaining authorization from DOT to launch the reentry vehicle for its return to the designated landing site on earth. Upon receipt of a completed license application from Space Industries, the Office will conduct the licensing Safety and Mission Reviews required under the regulations. Space Industries, as the launch license applicant, will be required to demonstrate, among other things, that it is capable of operating the system safely. Such safety issues as orbital safety will also be addressed during the licensing Safety Review. Because the Office's vehicle safety approval determination is part of the record on which the licensing Safety Review is conducted, absent any changes to the reentry vehicle system, the vehicle safety approval need not be reconsidered.

Vehicle Safety Approval Criteria

In order to obtain a vehicle safety approval from the Office, an applicant must demonstrate that its vehicle can be operated safely. In fulfilling its statutory mandate to protect public safety, the Office has selected three criteria against which the integrated COMET reentry vehicle system, or FreeFlyer, will be evaluated prior to issuing a vehicle safety approval.

The criteria are designed to assess the capability of the COMET reentry vehicle system as it relates to public safety. As noted above, a separate review of the operation of the reentry vehicle system, including safety policies, procedures, personnel, and other equipment, will be conducted upon submission by Space Industries of a completed launch license application.

[2] On August 22, 1991, OCST published in the **Federal Register** a notice of its intent to prepare a programmatic environmental impact statement (EIS) for commercial reentry vehicle programs, and invited public comment (56 FR 41716). In addition, OCST will be involved in developing a site-specific environmental assessment of the COMET reentry vehicle launches.

[3] Until COMET, all license applications submitted to the Office have sought authorization to conduct the launch of an ELV from earth to space.

[4] As noted above, the COMET Program consists of three reentry missions with a possibility of two additional missions. Because the vehicle safety approval for the FreeFlyer would be issued by the Office as part of a specific launch licensing determination on a case-by-case basis, it would be granted subject to review and reissuance by the Office in authorizing each COMET reentry mission. The Office will consider all available data in determining whether the vehicle safety approval may be reissued, including the vehicle's performance and whether Space Industries' demonstration of safety and reliability has been validated by actual flight data. Additionally, following the first COMET mission, any proposed changes to the reentry vehicle system, such as a difference in design or operating characteristics, would be subject to the vehicle safety approval process and may warrant the imposition of additional conditions.

The evaluation criteria are performance-based, rather than design standards, because the Office believes that performance-based criteria allow the maximum flexibility in developing a safe and cost-effective product. The Office further believes that performance-based criteria enhance the public interest by encouraging innovation and technology development. This environment promotes safe space transportation services at lower cost and helps assure that customers' needs are addressed.

The three criteria applicable to the COMET reentry vehicle system, all of which must be satisfied, are as follows:

1. The probability of the reentry vehicle landing outside the designated landing site shall not be greater than three in one thousand missions.

2. The additional risks to the public in the immediate vicinity of the landing site (i.e., the area within 100 miles of the designated landing site) shall not exceed the normal background risks to which those individuals would ordinarily be exposed but for the reentry missions. This normal background risk is characterized as: the probability of any casualty occurring within the 100-mile zone shall not exceed one in a million on an annual basis. In addition, the probability of any casualty occurring within the zone shall not exceed one in a million for a single mission.

3. The additional risks to the general public beyond the 100-mile zone around the designed landing site, and to property on orbit, shall not exceed normal background risks to which the public would ordinarily be exposed but for the reentry missions. This normal background risk is characterized as: The probability of any casualty occurring shall not exceed one in a million on an annual basis. In addition, the probability of any casualty occurring in the area that is both outside of the designated landing site and the 100-mile zone around the site shall not exceed one in a million for a single mission.

Supporting rationale for the criteria and thresholds selected.

The criteria selected acknowledge that some hazards, and therefore risks, accompany the proposed reentry activity. The criteria reflect those hazards reduced to acceptable levels of risk. Accordingly, the three criteria correspond to the following separate, but interrelated safety objectives:

1. Assuring that reentry vehicles land within the designated landing site. The Office believes that public acceptance of commercial space transportation depends upon the reliable, accurate and incident-free conduct of such activities. By requiring that all landings of the reentry vehicle be incident-free, the Office intends that there be no unplanned landing outside of the designated area that could affect public safety. Criterion 1 is thus intended to ensure that virtually all landings occur within a controlled area, the designated landing site, where safety measures are in place and public exposure greatly minimized.

The threshold value of Criterion 1, a three in 1,000 probability of an off-site landing, is based upon the three-sigma dispersion standard commonly used by government and industry for comparably or similarly hazardous activities. The Office has selected this value as a means of ensuring the precision of reentry accuracy.

Criterion 1 assumes nominal pre-launch conditions and addresses factors that affect the accuracy of the vehicle after the command to initiate reentry is issued. Such factors include, but are not limited to, weather and atmospheric density, design tolerances of components related to reentry, and undetected system failures as of initiation of reentry. Abnormal circumstances, such as a system failure, which prevent or preclude the reentry vehicle from operating as intended are accounted for under Criterion 3.

2. Limiting risks to the public within close proximity of the designated landing site. Certain individuals, such as those living immediately adjacent or in close proximity to the designated landing site, are likely to have greater concerns about the proposed reentry activities and believe they hold a greater stake in the safe conduct of such activities than the general public. The Office believes that these concerns should be addressed directly by the evaluation criteria in order to promote the confidence of that segment of the population that is potentially most affected by reentry activities. Criterion 2 reflects the Office's view that the risks to this population segment should not exceed the level of background risks to which they are ordinarily exposed in daily life. In other words, those people living closest to the designated landing site should not be exposed to significant additional risks as a result of the conduct of reentry activities. This criterion would become most relevant in the event of a system error or failure that causes a deviation from the vehicle's planned trajacetory.

The Office has compared the risk threshold established under Criterion 2—the probability of a casualty occurring within a 100-mile radius of the landing site shall not be greater than one in a million on an annual basis and for any single mission—to the risks individuals confront daily or when performing routine activities and determined that the threshold value for Criterion 2 is sufficiently conservative to ensure that the risks to the public residing in the vicinity of the designated landing site as a result of reentry activities are not greater than and are comparable to their usual background risks.

3. Limiting risks to all persons, wherever situated, arising from commercial reentry launch activities. The threshold value of Criterion 3 is equivalent to that of Criterion 2. The Office believes that the general public should not be exposed to significant additional risks as a result of the conduct of commercial reentry activities. Criterion 3 is intended to ensure this result.

Under Criterion 3, the level of risk presented by commercial reentry activities should not exceed the level of background risks to which the public is ordinarily exposed. Thus, the same background risk rationale employed by the Office in selecting the Criterion 2 threshold value is equally applicable to Criterion 3. The two populations are addressed separately by the evaluation criteria because the risks to the public residing within 100 miles of the designated landing site would most likely be attributable to a system error or failure that affects the accuracy of the reentry vehicle. Risks to the general public would be attributable to a major system failure such that the landing site for the reentry vehicle is essentially random. Accordingly, the potential hazards to the two populations must be analyzed separately.

The criteria selected by the Office for evaluating the COMET reentry vehicle system are intended to result in the same level of public safety, regardless of the number of missions conducted under the COMET Program. Thus, the evaluation criteria, which address risk probability on both an annualized and per mission basis, become more stringent as the frequency of COMET missions increases. Under these evaluation criteria, the risks to the public cannot increase as the number of reentry missions conducted increases. Accordingly, the Office believes the three evaluation criteria presented herein are appropriate for evaluating the COMET reentry vehicle system from a public safety standpoint.

Issued in Washington, DC, this 17th day of March, 1992.

Stephanie E. Myers,

Director, Office of Commercial Space Transportation.

[FR Doc. 92-6706 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty; Percentage To Determine Net Value

AGENCY: Veterans Benefits Administration.

ACTION: Notice.

SUMMARY: This notice provides information to participants in the Department of Veterans Affairs (VA) loan guaranty program concerning the percentage to be used in determining whether the Secretarty will accept conveyance of a foreclosed property. The percentage applicable for Fiscal Year 1992 is 10.94 percent.

EFFECTIVE DATE: This notice is effective March 24, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. (202) 233-3668.

SUPPLEMENTARY INFORMATION: VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, et seq. The formulas for determining whether VA will offer the lender an election to convey the property to VA are set forth at 38 CFR 36.4320. A key component of this is the "net value" of the property to the Government, as defined in 38 CFR 36.4301.

Essentially, "net value" is the fair market value of the property, minus the total of the costs the Secretary estimates would be incurred by VA resulting from the acquisition and disposition of the property for property taxes, assessments, liens, property maintenance, property improvement, administration and resale. Each year VA reviews the average operating expenses incurred for properties acquired under 38 CFR 36.4320 which were sold during the preceding three fiscal years and the average administrative cost to the government associated with the property management activity. VA annually updates the "net value" percentage and publishes a notice of the new percentage in the **Federal Register**. For Fiscal Year 1991, the percentage was 10.19 percent. For Fiscal Year 1992, the percentage will be 10.94 percent, based upon the operating expenses incurred for Fiscal Years 1989, 1990 and 1991. Accordingly, VA will subtract 10.94 percent from the fair market value of the property to be liquidated in order to arrive at the "net value" of the property to VA. This new percentage will be used in "net value" calculations made by VA on or after March 24, 1992.

Approved: March 16, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

[FR Doc. 92-6747 Filed 3-23-92; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 57

Tuesday, March 24, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Notice of Close Meeting

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: March 25, 1992, 9:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Arizona Corporation Commission v. El Paso Natural Gas Company Docket Nos. CP91-151-000, *et al.*

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400.

Dated: March 18, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6831 Filed 3-19-92; 4:18 pm]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

Notice

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

DATE AND TIME: March 25, 1992, 10 a.m.

PLACE: 825 North Capitol Street, NE., room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208-0400. For a recording listing items stricken from or added to the meeting, call (202) 208-1627.

Dated: March 18, 1992.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 855th Meeting—March 25, 1992, Regular Meeting (10:00 a.m.)

CAH-1.
Docket No. EL91-9-001, Building 69, Inc.

CAH-2.
Project No. 10700-003, City of Vernon, California

CAH-3.
Project No. 9840-006, Appomattox River Water Authority

CAH-4.
Omitted

CAH-5.
Docket No. 3708-009, American Hydro Power Company

CAH-6.
Project No. 7267-004, Joseph M. Keirting

CAH-7.
Project No. 8263-004, Summit Hydropower

Consent Agenda—Electric

CAE-1.
Docket No. ER92-115-000, Portland General Electric Company

CAE-2.
Docket Nos. ER90-373-004, ER90-380-004 and ER90-374-003, Northeast Utilities Service Company

CAE-3.
Docket No. ER92-33-001, Cincinnati Gas and Electric Company

CAE-4.
Docket Nos. EC90-10-006, ER90-143-006, ER90-194-007, ER90-145-006 and EL90-9-006, Northeast Utilities Service Company (Re Public Service Company of New Hampshire)

CAE-5.
Omitted

CAE-6.
Docket No. ER91-471-001, PacifiCorp Electric Operations

CAE-7.
Docket No. ER91-540-000, Duke Power Company

CAE-8.
Omitted

CAE-9.
Docket No. RM88-22-000, Accounting for Phase-in Plans

Consent Agenda—Oil and Gas

CAG-1.
Docket No. RP92-115-000, El Paso Natural Gas Company

CAG-2.
Docket No. RP92-123-000, Trunkline Gas Company

CAG-3.
Docket No. RP92-122-000, Trunkline LNG Company
Docket No. RP92-124-000, Trunkline Gas Company
Docket No. RP92-125-000, Panhandle Eastern Pipe Line Company

CAG-4.
Docket No. RP92-118-000, Panhandle Eastern Pipe Line Company

CAG-5.
Docket No. RP92-103-000, Transwestern Pipeline Company

CAG-6.
Docket Nos. RP89-141-000, 007 and TM92-2-6-000, Sea Robin Pipeline Company

CAG-7.
Docket No. RP92-41-000, Florida Gas Transmission Company

CAG-8.
Docket No. TA92-1-37-000, Northwest Pipeline Corporation

CAG-9.
Docket No. TA92-1-7-000, Southern Natural Gas Company

CAG-10.
Docket No. TM92-5-22-000, CNG Transmission Corporation

CAG-11.
Docket No. TM92-7-37-000, Northwest Pipeline Corporation

CAG-12.
Omitted

CAG-13.
Omitted

CAG-14.
Docket Nos. TQ92-2-1-000 and 001, Alabama-Tennessee Natural Gas Company

CAG-15.
Docket No. TQ92-2-10-000, Texas Gas Transmission Corporation

CAG-16.
Docket No. TQ92-3-82-000, Western Gas Interstate Company

CAG-17.
Docket No. TQ92-6-4-000, Granite State Gas Transmission, Inc.

CAG-18.
Docket No. TQ92-6-25-000, Mississippi River Transmission Corporation

CAG-19.
Docket Nos. TQ92-4-34-000 and 001, Equitrans, Inc.

CAG-20.
Docket Nos. RP92-104-000 and RP92-131-000, K N Energy, Inc.

CAG-21.
Docket No. RP92-119-000, Pacific Interstate Offshore Company

CAG-22.
Docket No. RP92-134-000, Southern Natural Gas Company

CAG-23.
Docket No. RP92-135-000, West Texas Gas, Inc.

CAG-24.
Docket No. RP92-120-000, Panhandle Eastern Pipe Line Company

CAG-25.
Docket No. RP92-132-000, Tennessee Gas Pipeline Company

CAG-26.
Docket No. RP92-138-000, Tennessee Gas Pipeline Company

CAG-27.

Docket No. RP92-128-000, Trunkline Gas Company
Docket No. RP92-127-000, Panhandle Eastern Pipe Line Company

CAG-28.
Docket No. RP87-15-030, Trunkline Gas Company
Docket No. RP92-128-000, Panhandle Eastern Pipe Line Company

CAG-29.
Docket Nos. RP92-117-000, CP92-71-000 and RP92-1-000, Northern Natural Gas Company

CAG-30.
Docket Nos. RP91-203-007, 000, 005 and 006, Tennessee Gas Pipeline Company

CAG-31
Docket No. RP92-111-000, Florida Gas Transmission Company

CAG-32.
Docket Nos. RP89-242-000 and ST88-291-000, Tennessee Gas Pipeline Company

CAG-33.
Docket No. RP89-48-016, Transwestern Pipeline Company

CAG-34.
Docket No. RP91-143-010, Great Lakes Gas Transmission Limited Partnership

CAG-35.
Docket Nos. RP83-137-000 and RP85-31-005, Transcontinental Gas Pipe Line Corporation

CAG-36.
Docket Nos. RP92-71-001 and RP92-16-000, El Paso Natural Gas Company

CAG-37.
Docket No. RP92-53-002, Kern River Gas Transmission Company

CAG-38.
Docket No. RP92-61-002, Texas Eastern Transmission Corporation

CAG-39.
Docket Nos. TA92-1-17-002 and TM92-5-17-001, Texas Eastern Transmission Corporation

CAG-40.
Docket Nos. ST90-267-000 and 001, Transok Gas Transmission Company

CAG-41
Omitted

CAG-42.
Docket Nos. RP84-82-005 and RP92-97-000, Tarpon Transmission Company

CAG-43.
Docket Nos. RP92-1-000, 001, 002, RP91-224-000 and 001, Northern Natural Gas Company

CAG-44.
Docket No. RP91-181-003, Northern Natural Gas Company

CAG-45.
Docket No. RP91-213-001, Williston Basin Interstate Pipeline Company v. K N Energy, Inc.

CAG-46.
Docket Nos. RP92-64-001 and RP92-23-002, Natural Gas Pipeline Company of America

CAG-47.
Docket No. FA91-50-003, Natural Gas Pipeline Company of America

CAG-48.
Omitted

CAG-49.
Docket No. PL91-2-001, Interstate Natural Gas Pipeline Rate Design

CAG-50.
Docket No. RP88-44-029, El Paso Natural Gas Company

CAG-51
Docket No. RP91-203-000, Tennessee Gas Pipeline Company

CAG-52.
Omitted

CAG-53.
Docket No. PR92-2-000, Phillips Natural Gas Company

CAG-54.
Docket No. ST88-4360-000, Somerset Gas Service

CAG-55.
Docket Nos. CP89-1281-016 and 019, Natural Gas Pipeline Company of America

CAG-56.
Docket No. RP91-49-004, Arkla Energy Resources, a Division of Arkla, Inc.

CAG-57.
Docket No. RP91-163-002, Louisiana-Nevada Transit Company

CAG-58.
Docket No. PR91-19-000, Arkla Energy Resources, a Division of Arkla, Inc.

CAG-59.
Omitted

CAG-60.
Docket No. RI92-5-000, OXY USA, Inc.

CAG-61
Omitted

CAG-62.
Docket No. CP91-1634-001, Great Lakes Gas Transmission Limited Partnership

CAG-63.
Docket Nos. CP91-2322-002, 003 and CP90-787-005, Paiute Pipeline Company

CAG-64.
Docket No. CP89-2048-008, Kern River Gas Transmission Company

CAG-65.
Docket No. CP91-1580-002, Algonquin Gas Transmission Company and Texas Eastern Transmission Corporation

CAG-66.
Docket Nos. CP91-2677-001 and CP89-634-010, Iroquois Gas Transmission System, L.P.
Docket Nos. CP89-629-007 and CP90-639-003, Tennessee Gas Pipeline Company
Docket No. CP89-661-009, Algonquin Gas Transmission Company

CAG-67.
Docket Nos. CP91-2126-001, CP91-2127-001, CP91-2128-001, CP91-2129-001, CP91-2615-001, CP91-2621-001, CP91-3028-001 and CP91-3027-001, Western Gas Interstate Company

CAG-68.
Docket No. CP91-1984-001, Tennessee Gas Pipeline Company

CAG-69.
Docket Nos. CP89-1253-001 and CP90-67-001, Tennessee Gas Pipeline Company

CAG-70.
Docket No. CP87-312-011, Texas Eastern Transmission Corporation

CAG-71
Omitted

CAG-72.
Omitted

CAG-73.
Omitted

CAG-74.
Docket No. CP91-1253-000, WestGas InterState, Inc.

CAG-75.
Docket No. CP91-1897-000, Williston Basin Interstate Pipeline Company

CAG-76.
Docket No. CP91-2704-000, Blue Lake Gas Storage Company
Docket No. CP91-2705-000, ANR Pipeline Company
Docket No. CP91-2730-000, ANR Storage Company

CAG-77.
Docket No. CP91-2759-000, Northern Natural Gas Company

CAG-78.
Docket No. CP92-139-000, Northern Natural Gas Company

CAG-79.
Docket No. CP92-278-000, Trunkline Gas Company

CAG-80.
Docket No. CP92-183-000, Panhandle Eastern Pipe Line Company

CAG-81
Docket Nos. TC91-9-003, 004, 005 and 006, Texas Gas Transmission Corporation

CAG-82.
Docket No. CP92-246-000, Peoples Natural Gas Company, Division of UtiliCorp United Inc. v. Williams Natural Gas Company and Vulcan Chemicals Division of Vulcan Materials Company

CAG-83.
Docket No. TA91-1-31-006, Arkla Energy Resources, a Division of Arkla, Inc.

Hydro Agenda

H-1
Docket No. HB20-85-1-002, Louisville Gas and Electric Company. Order on rehearing.

H-2.
Project No. 9401-000, Halecrest Company. Order on motion to dismiss and intervention.

H-3.
Omitted

H-4.
Docket No. EL85-42-001, Guy M. Carlson. Order on rehearing and late intervention.

Electric Agenda

E-1
Omitted

Oil and Gas Agenda

I. Pipeline Rate Matters

PR-1
(A)
Docket No. RM91-11-000, Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulations.
Docket No. RM87-34-005, Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol. Final Rule.

(B)
Omitted

(C)
Docket No. CP90-134-002, Algonquin Gas Transmission Company
Docket No. RP88-45-021, Arkla Energy Resources

Docket No. CP88-321-008, CNG Transmission Corporation
Docket No. RP86-166-000, Columbia Gas Transmission Corporation
Docket No. CP90-2282-005, East Tennessee Natural Gas Company
Docket No. RP89-50-021, Florida Gas Transmission Company
Docket No. CP90-408-005, High Island Offshore System
Docket No. CP89-2047-006, Kern River Gas Transmission Company
Docket No. CP88-174-001, Midwestern Gas Transmission Company
Docket No. CP89-1-014, Mojave Pipeline Corporation
Docket No. CP89-1580-003, Northwest Pipeline Corporation
Docket No. CP90-187-003, Oklahoma-Arkansas Pipeline Company
Docket No. RP89-73-009, Pelican Interstate Gas System
Docket No. CP88-686-006, Texas Eastern Transmission Corporation
Docket No. CP88-328-008, Transcontinental Gas Pipe Line Corporation
Docket No. RP91-197-002, United Gas Pipeline Company
Docket No. CP90-1874-000, U-T Offshore System
Docket No. CP90-273-007, Viking Gas Transmission Company
Docket No. CP90-706-003, Wyoming Interstate Company, Ltd. Order on existing capacity assignment and capacity release certificates.

(D)
Docket Nos. CP88-433-002, 003, and 004, El Paso Natural Gas Company
Docket Nos. RP89-48-011, 013, 015, CP89-1125-001, 002, RP89-222-005, 006, RP89-254-004, 005, CP88-133-002, 003 and CP89-886-003, Transwestern Pipeline Company
Docket No. TA91-1-36-000, Pacific Gas Transmission
Docket No. CP91-2466-000, Windward Energy & Marketing Company v. Pacific Gas Transmission Company and Pacific Gas & Electric Company. Order on rehearing concerning capacity brokering.

(E)
Docket No. CI88-948-006, Western Gas Marketing, Inc. (formerly Western Gas Marketing USA, Ltd.)
Docket No. CI87-547-012, Enron Gas Marketing, Inc.
Docket No. CI91-77-001, Gulf States Gas Corporation
Docket No. CI91-78-003, Gulf States Pipeline Corporation
Docket No. CI88-307-003, Mobil Natural Gas Inc.
Docket No. CI86-348-006, Anthem Energy Company, L.P. (formerly Anthem Energy Company)
Docket No. CI89-403-002, Citrus Industrial Sales, Company, Inc.
Docket No. CI90-149-002, Citrus Marketing Inc.
Docket No. CI87-307-007, MidCon Marketing Corporation
Docket No. CI91-15-003, CanStates Petroleum Marketing
Docket No. CI88-27-011, Transco Energy Marketing Company
Docket No. CI86-419-006, ARN Supply Company
Docket No. CI86-274-004, Coastal States Gas Transmission Company
Docket No. CI89-194-006, Coastal Gas Marketing Company
Docket No. CI89-361-005, Equitrans Resources Marketing Company
Docket Nos. CI86-337-007 and CI86-378-006, Arkla Energy Marketing Company
Docket No. CI87-786-007, Val Gas, L.P.
Docket No. CI87-825-000, Valero Gas Marketing, L.P. (formerly V.H.C. Gas Systems, L.P.)
Docket No. CI89-312-003, LILDO-Atlantic Trading Company
Docket No. CI86-168-011, Tenngasco Corporation, Tenngasco Exchange Corporation and Tenngasco Marketing Corporation
Docket No. CI86-7-008, Seagull Marketing Services, Inc.
Docket No. CI87-734-005, Williams Gas Supply Company
Docket No. CI87-738-007, Williams Gas Marketing Company
Docket No. CI88-74-005, Panhandle Trading Company
Docket No. CI89-501-004, Enserch Gas Company
Docket No. CI88-332-004, Columbia Gas Development Corporation
Docket No. CI87-223-007, OXY USA, Inc.
Docket No. CI85-673-011, LaSER Marketing Company
Docket No. CI87-433-005, Texaco Gas Marketing Inc.
Docket No. CI90-70-001, North American Resources Company
Docket No. CI88-462-004, ALG Gas Supply Company, ALG Gas Supply Company of Arkansas, ALG Gas Supply Company of Kansas, ALG Gas Supply Company of Louisiana, ALG Gas Supply Company of Oklahoma, and ALG Gas Supply Company of Texas
Docket No. CI89-302-004, Chevron U.S.A. Inc.
Docket No. CI89-479-005, Western Gas Resources, Inc.
Docket No. CI87-736-004, Chevron Natural Gas Services, Inc.
Docket No. CI87-563-006, Meridian Oil Trading Inc.
Docket No. CI90-76-002, Kern River Gas Supply Corporation
Docket No. CI86-503-007, Sonat Marketing Company
Docket No. CI87-476-008, TXG Gas Marketing Company
Docket No. CI90-71-002, Citrus Trading Corporation
Docket No. CI91-86-001, Seminole Gas Marketing. Order on concerning sales certificates of affiliated marketers.

PR-2.
(A)
Docket Nos. RP86-152-018, 019, CP89-617-007, TA89-1-23-007, TA90-1-23-005, RP86-86-011, 012 and RP91-229-002, Panhandle Eastern Pipe Line Company. Opinion No. 369-A and order on rehearing.

(B)
Docket Nos. RP91-229-000 and 002, Panhandle Eastern Pipe Line Company. Order on rate design.

(C)
Docket Nos. RP91-229-000 and 001, Panhandle Eastern Pipe Line Company. Order on rehearing.

(D)
Docket Nos. RP87-103-012 and CP90-1050-000, Panhandle Eastern Pipe Line Company. Order on rehearing.

PR-3.
Docket Nos. RP86-119-026, RP88-191-027, RP89-90-003, RP89-122-005, RP91-29-010, RP91-167-000, RP92-128-033, RP89-249-006, RP89-29-003, RP89-149-005, RP89-242-004, CP87-115-005, CP89-479-003, TA84-2-9-019, TA85-1-9-011, TA89-1-9-001, TA90-1-9-005, TA91-1-9-003, RP91-15-002, CP87-103-008, RP91-210-000 and CP91-2135-001, Tennessee Gas Pipeline Company. Order on settlement.

II. Producer Matters

PF-1.
Docket No. RM91-9-000, Qualifying Certain Tight Formation Gas for Tax Credit. Final Rule.

III. Pipeline Certificate Matters

PC-1.
Reserved

Lois D. Cashell,
Secretary.

[FR Doc. 92-6832 Filed 3-19-92; 4:16 pm]
BILLING CODE 6717-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 12:00 noon, Monday, March 30, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED

1. Consideration of office space options for the Federal Reserve Board.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 20, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92-6954 Filed 3-20-92; 3:30 pm]
BILLING CODE 6210-01-M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, March 31, 1992.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

Finance Docket No. 29802, *Delaware and Hudson Railway Company v. Consolidated Rail Corporation—Reciprocal Switching Agreement*

Docket No. AB-1 (Sub-No. 230), *Chicago and North Western Transportation Company—Abandonment—Between Norfolk and Chadron, NE*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson Office of External Affairs, Telephone: (202) 927-5350, TTD: (202) 927-5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6907 Filed 3-20-92; 12:03 pm]

BILLING CODE 7035-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, March 31, 1992.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, DC 20024.

STATUS: Open.

MATTERS TO BE CONSIDERED:

5340A—Marine Accident Report: Explosion and Fire on the U.S. Tank Ship SURF CITY, Persian Gulf, February 22, 1990.

5692—Highway Safety Study Report: Heavy Vehicle Air Brake Performance.

NEWS MEDIA CONTACT: Telephone (202) 382-0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Dated: March 20, 1992.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 92-6875 Filed 3-20-92; 10:33 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 23, 30, April 6, and 13, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 23

Wednesday, March 25

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of March 30—Tentative

Tuesday, March 31

10:00 a.m.

Discussion of Nuclear Safety and Safeguards in the Former Soviet Union and Eastern Europe (Closed—Ex. 1)

Thursday, April 2

2:00 p.m.

Briefing on Pending Investigations (Closed—Ex. 5 and 7)

3:30 p.m.

Briefing by Executive Branch (Closed—Ex. 1)

Friday, April 3

10:00 a.m.

Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 6—Tentative

Friday, April 10

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 13—Tentative

Thursday, April 16

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: By a vote of 5-0 on March 17, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Discussion of Internal Management Practices" (Closed—Ex. 2) be held on March 17 and on less than one week's notice to the public.

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meeting Call (Recording)—(301) 504-1292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504-1661.

Dated: March 20, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92-6942 Filed 3-20-92; 1:58 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [57 FR 9153 March 16, 1992]

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, DC.

DATE PREVIOUSLY ANNOUNCED: Thursday, March 12, 1992.

CHANGE IN THE MEETING: Additional items.

The following additional items were considered at a closed meeting on Tuesday, March 17, 1992, at 2:30 p.m.

Regulatory matter bearing enforcement implications.

Formal order of investigation.

Commissioner Roberts, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jonathan Gottlieb at (202) 272-2200.

Dated: March 18, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6922 Filed 3-20-92; 1:54 pm]

BILLING CODE 8010-01-M

UNITED STATES INSTITUTE OF PEACE

DATE: March 26-27, 1992.

TIME: 9:00 a.m. to 5:30 p.m.

LOCATION: 1550 M Street, N.W. (ground floor conference Room) Washington, D.C.

STATUS: (Open Session)—portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub Law. (98-525).

AGENDA: (Tentative)—Consideration of the minutes of the Fifty-First meeting of the Board of Directors; Chairman's Report; President's Report; Board Committee Reports.

CONTACT: Mr. Gregory McCarthy, Director, Public Affairs and Information, telephone: 202/457-1700.

Dated: March 17, 1992.

Ms. Bernice J. Carney,

Director, Office of Administration, United States Institute of Peace.

[FR Doc. 92-6861 Filed 3-20-92; 10:17 am]

BILLING CODE 3155-01-M

Corrections

Federal Register

Vol. 57, No. 57

Tuesday, March 24, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

[Social Security Ruling SSR 91-8p]

Evaluation of Human Immunodeficiency Virus Infection

Correction

In notice document 92-30032 beginning on page 65498 in the issue of Tuesday, December 17, 1991, make the following corrections:

1. On page 65498, in the subject heading, the docket number should read as set forth above.

2. On the same page, in the first column, in the **SUMMARY:**, in the fourth line, "91-8P" should read "91-8p".

3. On page 65499, in the third column, in the third paragraph, in the first line, insert "a" after "as".

4. On the same page, in the same column, in the fifth paragraph, in the fifth line, replace the period with a colon; and "Activities" should read "activities".

5. On page 65500, in the first column, in the first line, "selfcare" should read "self-care".

6. On the same page, in the first full paragraph, the last sentence was incomplete. It should read as follows:

"These restrictions could also result from HIV or treatment-induced fatigue or other symptoms or could result from a pattern of exacerbation and remission caused by the illness itself or its treatment."

7. On page 65501, in the second column, between paragraphs 4. and 5. and 6. and 7., insert the heading "*Or*".

8. On the same page, in the third column, between paragraphs 11. and 12., insert the heading "*Or*".

9. On page 65502, in the first column, between paragraphs (11) and d., replace "Or" with "and".

10. On the same page, in the same column, in paragraph d. (1) "market" should read "marked".

11. On the same page, in the same column, in paragraph d. (4) insert "of" after "loss".

12. On the same page, in the second column, paragraph 1 a. should read "A serum specimen that contains HIV antigen; or".

13. On the same page, in the same column, in paragraph 2. c., in the second line, the abbreviation "PRC" should read "PCR".

14. On the same page, in the same column, in paragraph 2. d., in the second line, insert "or" after "than".

15. On the same page, in the third column, in the first full paragraph, in the fifth line, "disease" should read "diseases".

16. On the same page, in the same column, in the fifth full paragraph, in the fourth line, replace the colon with a semicolon.

17. On page 65503, in the second column, in the 1st full paragraph, in the 12th line, "development" should read "developmental".

18. On page 65504, in the second column, in paragraph 10., in the fourth line, "neurological" should read "neurologic".

19. On the same page, in the third column, the first full paragraph should be designated "11.".

BILLING CODE 1505-01-D

federal register

Tuesday
March 24, 1992

Part II

Postal Service

39 CFR Part 111
Preparation of Penalty Mail; Proposed Rule

POSTAL SERVICE

39 CFR Part 111

Preparation of Penalty Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes revising Domestic Mail Manual sections 137.2 through 137.5 to eliminate sampling as a method of determining equivalent postage for Federal Government penalty mail and to require use of "direct accountability" methods to provide actual, verifiable records of postage use for all penalty mail. This revision also eliminates the "standard penalty indicia" currently used for penalty mail that must be sampled or otherwise counted by the sending agency. Minor editorial revisions have also been proposed in a number of sections.

DATES: Comments on this proposal must be submitted on or before May 26, 1992.

ADDRESSES: Mail or deliver written comments to the General Manager, Official & International Mail Accounting Division, U.S. Postal Service, 475 L'Enfant Plaza SW., room 8800, Washington, DC 20260–5230. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the above address.

FOR ADDITIONAL INFORMATION CONTACT: Thomas E. Dale, Jr. (202) 268–3332.

SUPPLEMENTARY INFORMATION: Penalty mail is official mail, other than franked mail sent by Members of Congress and others specified by statute, which is authorized by law to be transmitted in the mail without prepayment of postage. 39 United States Code (U.S.C.) 3201(1). By law, Federal agencies authorized to use penalty mail must pay the Postal Service "the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail * * *" 39 U.S.C. 3206(a). Equivalent postage is the amount an agency would pay if it were prepaying its postage as other Postal Service customers do. Agencies reimburse the Postal Service in excess of $900 million annually for the use of penalty mail.

These statutory provisions do not prescribe the means by which "equivalent postage" is to be determined. In accordance with its statutory duties and responsibilities, the Postal Service currently authorizes four methods for determining the postage incurred by users of penalty mail. See 39 U.S.C. 403(c), 404(a)(2), 404(a)(4), 2601, and 3201–3209.

1. *Direct Accountability.* This method uses a variety of mailing systems and procedures that provide verifiable records of postage either on each mailpiece or separate documentation generated and verified at the time of mailing or delivery. These methods include the penalty mail versions of the mailing systems used by other mailers, e.g., postage meters, stamps, permit imprint, and Business Reply Mail. Unlike the versions of these systems used by other mailers, the penalty mail versions do not require prepayment by cash or check when postage meters are set, stamps are purchased, permit imprint mailings are accepted, or Business Reply Mail is delivered. Instead, agencies are billed for these activities based on transaction data input into the Official Mail Accounting System (OMAS). Currently, 105 agencies use direct accountability as the basis to pay their total postage bill. In addition, the Postal Service requires direct accountability for all agencies when mailings are made at discount rates or by an agency contractor and when an agency wishes to pay postage for a response by using reply mail. Approximately 63 percent of all penalty mail revenue in FY 1991 was determined by direct accountability.

2. *Agency Sampling.* This method requires agencies (1) to count all routine administrative mail for 4 weeks during the year on dates specified by the Postal Service or use other sampling procedures approved by the Postal Service; (2) to maintain daily records of volume and postage throughout the year for other categories of mail such as those using a mailing list with 50 or more addresses, large mailings not made on a daily basis, international mail, and certain special services; and (3) to use direct accountability methods for discount rate mailings, all mailings made by a contractor for the agency, and reply mail. The sample data is adjusted to represent a full year and added to the annual totals of the actual count mailings and direct accountability charges from OMAS to determine total postage due. Postage for 112 agencies is determined by agency sampling. All agencies using this method of sampling are required to use the standard penalty indicia format (as shown in Exhibit 137.272a(1) of the Domestic Mail Manual) on their mail.

3. *Postal Service Sampling.* This method requires the Postal Service to determine equivalent postage through a sampling system used to determine revenue, volume, and weight of all mail by classification. The Postal Service randomly samples standard penalty indicia mail (i.e., mail on which postage cannot be assessed by methods of direct accountability) using a sampling code on envelopes and labels to identify the sending agency. Estimates from this system are developed quarterly for each agency and are used to bill certain agencies for their standard indicia mail. Charges for direct accountability mailings by these agencies are based on data from OMAS. Five agencies are billed based on Postal Service sampling. All agencies using this method of sampling are required to use the standard penalty indicia format (as shown in exhibit 137.272a(1) of the Domestic Mail Manual) on their mail.

4. *Inventory Accounting System.* This method determines equivalent postage through inventory accounting that requires the agency to establish a system for charging postage on envelopes and labels when issued to each using office. System controls, rates to be charged, and procedures for crediting unused envelopes and labels must be approved by the Postal Service. Postage for mailings requiring direct accountability is determined from billings generated by OMAS. Two agencies are currently using envelope inventory systems. All agencies using this method of sampling are required to use the standard penalty indicia format (as shown in exhibit 137.272a(1) of the Domestic Mail Manual) on their mail.

The Postal Service proposes to require the use of direct accountability methods for all penalty mail no later than October 1, 1992, in order to ensure accurate and timely collection of postage for penalty mail of authorized Federal agencies. This action will eliminate methods 2, 3, and 4 described above for determining equivalent postage. As a result of this action, the option to utilize the standard penalty indicia format will be eliminated since postage on such mailpieces can be assessed only through sampling. The reasons for this action are summarized below:

1. *Greater accuracy.* Sampling, even if well designed for the application being measured, typically produces estimates that vary from the true value by five percent or more. However, the procedures used for sampling penalty mail are not designed to provide a high level of precision. This results in estimates that may vary substantially from the correct equivalent postage.

In addition, the Postal Service has found that numerous errors occur in the implementation of sampling procedures. Frequent problems noted during audits of agency records include reporting of identical mailing data for consecutive

years, duplicate reporting of sample results, failure to record required information, extremely large variations in sampled mail volume from period to period, failure to sample all mailing locations, mathematical errors in computing sample results, and failure to maintain records for audit. Many of these problems also apply to envelope inventory systems. The Postal Service bills agencies for an additional $5 to $6 million per year for correction of mathematical errors and omission of reportable items noted during audits. The actual amount by which agencies underestimate postage is significantly higher. However, audits cannot detect many errors, particularly misclassification of mail and erroneous counts or "guesses" during the sample periods.

Based on experience over a number of years, the Postal Service concludes that sampling systems for assessing postage on penalty mail are inherently inaccurate. They are, therefore, unacceptable for determining reimbursement in excess of $350 million annually. Development and operation of a properly designed sampling system for penalty mail to correct these problems is not considered feasible and, in any case, would be prohibitively expensive.

While direct accountability methods are not error free, they provide two important features not available in sampling that are common to other commercial and government financial systems: (1) Verification of accurate compensation by both the agencies and the Postal Service at the time service is provided; and (2) an audit trail that permits both parties to verify postage charges for these services. These essential features are available for penalty mail only when postage is paid by one of the direct accountability methods.

2. *Timely account settlement and management information.* Effective management of any program requires that financial data be timely and accurate. For penalty mail, timeliness and accuracy are rare when sampling and envelope inventory systems are used. Agencies, which make provisional payments during a fiscal year based upon estimates, generally do not know their actual postage expenses as a fiscal year progresses. Final costs are usually not known until at least 6 to 12 months after a year ends. In some cases, final postage expenses may not be known for as long as 3 years.

These delays are caused by two factors that characterize penalty mail sampling and envelope inventory systems: (1) Late submission of sampling results; and (2) required Postal Service audit. For example, over 80 percent of agencies using sampling or envelope inventory systems did not submit their FY 1990 annual documentation to the Postal Service by the required date (December 31 following the close of the fiscal year). Seventeen agencies were more than 6 months late. Recently, there have been instances where the submission of sampling results has been as much as 3 years late. Once received, a Postal Service audit and final settlement may take another 6 months to 1 year, depending upon the extent of the audit and the condition of supporting records.

These delays, in addition to their adverse impact upon the Postal Service's ability to effectively manage the agency penalty mail programs, make it difficult to obtain timely payment of the legal amount of postage. Late settlements can result in substantial additional billings, with the possibility of over-expenditure of appropriated funds. Refunds returned to the agency may also be delayed, with the likelihood that the agency is unable to use the returned funds. These final adjustments have been as high as $9 million for a single agency and averaged 0.5 percent of provisional payments in FY 1989. These adjustments adversely impact the agency budgeting process and Postal Service revenue forecasting. Realistic postage estimates for future years are not possible if the actual postage costs for prior years are unknown. This causes inaccurate yearly estimates, which lead to a future cycle of substantial additional billings or refunds. Thus, when delays in final settlement continue, these problems can be perpetuated for many years. For example, one agency overpaid the Postal Service by amounts ranging from $7.4 to $8.9 million per year for 3 years because delayed settlements failed to disclose significant changes in its annual usage of mail.

In contrast, direct accountability provides data for actual postage costs to agencies on a quarterly basis, permitting them to monitor their penalty mail expense during the year and to adjust provisional payments as necessary. It also provides timely final billings for a fiscal year. For FY 1991, fourth quarter data for agencies on total direct accountability was available in late October 1991, and final bills for these agencies were mailed during November. The comparison with performance for sampling agencies described earlier is significant. With changes the Postal Service is currently developing to produce accurate financial data at the time of the transaction, the Postal Service expects further improvements in the timeliness of billing statements to agencies using direct accountability methods of postage payment.

3. *Less employee confusion.* Some agencies have totally converted to direct accountability, and others use a combination of direct accountability and sampling. Both agency and Postal Service employees, however, are often confused by the requirements for penalty mail because of these multiple and mixed systems. This confusion sometimes causes Postal Service employees to misinform agencies or agency employees about correct mailing procedures. This has led to delays in the delivery of mail or other service problems. In addition, some employees of both the Postal Service and agencies continue to believe the "standard penalty indicia" used with sampling and inventory systems are free because they see no evidence that postage is paid. Consequently, they may not give the mail the service it should have or properly consider the financial consequences of using a particular service.

The use of the direct accountability methods by all agencies will eliminate this confusion and enable the Postal Service to improve service to all Federal Government customers. As they use direct accountability procedures, agency employees will develop an awareness of actual postage costs and become better able to assist their agencies in efficiently using postal services.

4. *Improved mail management.* Effective mail management benefits the Postal Service and Federal agencies. A primary benefit for the Postal Service is the increased use of discounted services such as presort and barcoding, resulting in more efficient mail handling and delivery. The benefit to the agencies is lower postage bills and improved service. At present, penalty mail users are lagging substantially behind commercial mailers in the use of discounted services. For example, only 18 percent of Official First-Class Mail (other than checks) is presorted compared to 30 percent of First-Class Mail deposited by other Postal Service customers. In fact, use of ZIP+4 and ZIP+4 barcode discounts for penalty mail is minimal among agencies.

This comparatively low use of postage-reducing options by penalty mail users may stem from the centralization of budgeting and accountability of penalty mail expenses at the agency Headquarters level. If the local agency offices where mailings are generated are not held accountable for postage costs, managers do not have an incentive to use discounted rates,

particularly if they are not credited with the savings and their efforts to reduce postage may generate other expenses for which they are accountable. Centralized budgeting and accountability are necessitated, in part, by the lack of timely and reliable data from mailing locations to agency headquarters where penalty mail sampling and envelope inventory systems are used. In short, decentralized budgeting and accountability are not feasible with sampling systems.

Implementation of direct accountability will provide agencies a timely and accurate flow of data on postage charges from OMAS. Data from OMAS will permit agencies to budget and track actual costs to the responsible organization within each agency and to monitor and manage the use of penalty mail. Alternatively, agencies may assign postal budgets to specific mailing units, and use the data from OMAS to track performance. In addition, each mailing location will be able to track its postage costs daily to ensure compliance within budgeted targets. These or similar financial control processes, which are not feasible with sampling, will be facilitated by direct accountability.

The Postal Service recognizes the additional equipment costs for agencies associated with direct accountability, particularly where agencies determine to use postage meters. However, the Postal Service believes the experience of the 105 agencies (47 percent) already totally converted to direct accountability, most on a voluntary basis, clearly illustrates that conversion is a cost-effective investment. For example, one department was able to reduce its total postage bill by over nine percent ($5 million) during a 6 year period through improved mail management and greater use of discounted services that were facilitated by the voluntary introduction of direct accountability.

For these reasons, the Postal Service proposes to eliminate the use of sampling methods, including the use of the standard penalty indicia, for the determination of postage on penalty mail. As specified below, this will result in the elimination of some provisions in section 137.2 to 137.5 of the Domestic Mail Manual; the renumbering of others which will not be revised; and the revision of other sections.

The nature of this revision requires a number of minor editorial changes throughout section 137.2 to 137.5. Primarily, segments dealing exclusively with standard penalty indicia have been eliminated from the Domestic Mail Manual. Their elimination resulted in many of the numbering changes throughout this revision. Also, elimination of the standard penalty indicia requires a small number of new segments instructing agencies in new accountability procedures. Finally, since all agencies will be required to use direct accountability methodology, there have been several minor administrative changes included in the body of this revision.

In summary, the Postal Service believes it is essential to place accountability for penalty mail on a financially responsible basis for all agencies. No other approach is acceptable for a segment of the Federal budget totaling $1 billion annually. The methods the Postal Service proposes have proved themselves in many years of commercial use and with almost half of the Federal agencies now using them exclusively. The benefits include accurate, timely, and verifiable bills and improved mail management for the Federal government.

Although exempt from the notice and comment provisions of the Administrative Procedures Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a), 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, and 5001.

2. Part 137 of the Domestic Mail Manual is revised to read as follows:

a. The following sections and exhibits are deleted:

137.251e
137.252d
137.263c
137.263c(1)
137.263c(2)
137.263c(3)
137.263c(4)
137.264a
137.264b
137.264c
137.264g
137.272
137.272a
137.272a(1)
137.272a(2)
Exhibit 137.272a(2)
137.272a(2)(a)
137.272a(2)(b)
137.272a(2)(c)-
137.272b
137.272b(1)
137.272b(2)
137.272b(3)
137.272b(4)
137.272c
137.272d
137.275c
137.275e
137.276a(5)
137.276b
137.276f
137.276f(1)
137.276f(2)
137.276f(3)

b. The following sections and exhibits are renumbered but not revised:

137.251e	[former 137.251f].
137.251f	[former 137.251g].
137.252d	[former 137.252e].
137.252e	[former 137.252f].
137.264a	[former 137.264d].
137.264b	[former 137.264e].
137.264c	[former 137.264f].
137.264d	[former 137.264h].
Exhibit 137.272a	[former Exhibit 137.272a(3)].
Exhibit 137.272b	[former Exhibit 137.272a(4)].
Exhibit 137.272c	[former Exhibit 137.272a(5)].
137.275c	[former 137.275d].
137.275c(1)	[former 137.275d(1)].
Exhibit 137.275c(1).	[former Exhibit 137.275d(1)].
Exhibit 137.275c(2).	[former Exhibit 137.275d(2)].
137.275d(2)	[former 137.275f(2)].
137.275d(3)	[former 137.275f(3)].
137.275d(4)	[former 137.275f(4)].
137.275d(5)	[former 137.275f(5)].
137.275d(6)	[former 137.275f(6)].
137.275e	[former 137.275g].
137.275f	[former 137.275h]
137.275g	[former 137.275i].
137.276b	[former 137.276c].
137.276c	[former 137.276d].
137.276d	[former 137.276e].
137.276e	[former 137.276g].
Exhibit 137.276e(2).	[former Exhibit 137.276g(2)].
137.276e(2)(a)	[former 137.276g(2)(a)].
137.276e(2)(b)	[former 137.276g(2)(b)].
137.276e(3)	[former 137.276g(3)].
137.276e(3)(a)	[former 137.276g(3)(a)].
137.276e(3)(b)	[former 137.276g(3)(b)].
137.276e(3)(c)	[former 137.276g(3)(c)].
137.276e(3)(d)	[former 137.276g(3)(d)].
Exhibit 137.276e(3)(d).	[former Exhibit 137.276g(3)(d)].
137.276e(3)(e)	[former 137.276g(3)(e)].
Exhibit 137.276e(3)(e).	[former Exhibit 137.276g(3)(e)].
137.276e(4)	[former 137.276g(4)].
137.276e(5)	[former 137.276g(5)].
137.276f	[former 137.276h].
137.276f(1)	[former 137.276h(1)].
137.276f(2)	[former 137.276h(2)].
137.276f(2)(a)	[former 137.276h(2)(a)].
137.276f(2)(b)	[former 137.276h(2)(b)].
137.276f(3)(a)	[former 137.276h(3)(a)].
Exhibit 137.276f(3)(a).	[former Exhibit 137.276h(3)(a)].
137.276f(3)(b)	[former 137.276h(3)(b)].

Exhibit 137.276f(3)(b).	[former Exhibit 137.276h(3)(b)].
137.276f(4)	[former 137.276h(4)].
137.276f(4)(b)	[former 137.276h(4)(b)].
137.276f(5)	[former 137.276h(5)].
137.276f(9)	[former 137.276h(9)].
137.276f(9)(a)	[former 137.276h(9)(a)].
137.276f(9)(b)	[former 137.276(9)(b)].
137.276f(10)	[former 137.276h(10)].

c. The following provisions will be revised as follows:

Part 137 Official Mail

* * * * *

137.2 Penalty Mail—Executive and Judicial Officers

* * * * *

137.22 Collection of Postage and Fees

Agencies must reimburse the Postal Service the equivalent amount of postage and fees due for the penalty mail service they receive. As described in 137.27, matter sent as penalty mail must utilize one of the following means to ensure the accurate assessment of postage: penalty mail postage meters, penalty mail permit imprint and second-class imprint, penalty mail stamps, penalty Business Reply Mail, penalty Merchandise Return, and penalty Express Mail Agency Accounts. Instructions governing the manner of reimbursement for penalty mail service are issued and administered by the General Manager, Official and International Mail Accounting Division (OIMAD), at Postal Service Headquarters. Agencies authorized to use penalty mail and any contractors authorized to mail for them must promptly furnish, in the manner and form requested, all information the General Manager considers necessary to ensure accurate measurement of penalty mail use and adequate budgeting for timely payment.

137.23 Prepayment of Postage and Fees

Agencies may choose to prepay postage by using regular postage stamps, commercial postage meters, or any other mailing methods available to private-sector mailers, in addition to or instead of the procedures described in 137.27. Mail prepaid in this manner is not penalty mail and must not contain the phrase describing the penalty for its unlawful use.

137.24 Eligibility for Penalty Mail Privileges

* * * * *

137.242 Special Users of Penalty Mail

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137.242b. State Employment Security Offices

All mail prepared in accordance with 137.273 through 137.276 by state employment security offices cooperating with the U.S. Department of Labor may be sent as penalty mail.

* * * * *

137.25 Authorizations

137.251 General

* * * * *

[Delete 137.251e; renumber current 137.251f–g as 137.251e–f.]

137.252 Agency Authorization Codes, Permit Imprint Numbers and BRM Permit Numbers

Agency Authorization Codes, Permit Imprint Numbers, and BRM Permit Numbers are assigned to authorized penalty mail users by the General Manager, OIMAD. These numbers are valid at any post office, and post offices must not assign local numbers for use on penalty mail. The codes and numbers assigned to each agency authorized to use penalty mail are listed in exhibit 137.251a. (Bold type reflects changes effected since the preceding issue of the Domestic Mail Manual.)

* * * * *

[Delete 137.252d; renumber current 137.252e–f as 137.252d–e.]

* * * * *

137.26 Services, Classes, Rates, and Preparation Requirements

* * * * *

137.262 Forwarding, Return, and Address-Correction Services

Penalty mail on which forwarding, return, or address-correction service has been requested must be given that service and rated for billing of postage due through OMAS. Post offices must provide agencies with a Form 3582–A, as a record of forwarding, return and address correction charges and must report amounts due each accounting period on Form 3638–G. Summary totals are included in quarterly OMAS reports sent to each agency.

137.263 Mail Preparation

137.263a. General

* * * * *

(5) Endorsements. All penalty mail must bear the proper endorsement for the class or rate at which it is mailed. (See the requirements for the individual classes of mail; 121.44, 137.284, and chapter 9 for special service endorsements; and 137.274b for penalty permit imprint endorsements.)

* * * * *

137.263b. Discounted Rate Mailings

(1) Penalty Indicia Formats. Discounted rate mailings sent as penalty mail (mailings of any class entitled to a reduced rate based on presort, automation compatibility, walk-sequencing, or destination entry) must be prepared using either penalty postage meters or penalty permit imprints (see 137.273 and 137.274) or, for second-class mail, the penalty second-class imprint (137.277a).

* * * * *

[Delete 137.263c & 137.263c(1)–(4).]

137.264 Special Services

Penalty mail may be endorsed to indicate a special service and is given the indicated service without prepayment of postage and fees, with the following exceptions:

[Delete 137.264a, b, c, and g; renumber current 137.264d–f and h as 137.264a–d.]

* * * * *

137.265 Shortpaid and Unpaid Mail

The procedures in 146 for handling shortpaid and unpaid mail apply to penalty mail, with the following exceptions:

* * * * *

b. Postage due for shortpaid mail, as well as for unpaid mail received in accordance with 137.4, is charged to the receiving agency through OMAS. Post offices will provide agencies with a Form 3582–A, as a record of postage due mail to be charged and must report amounts due each accounting period on Form 3636–G. Summary totals are included in quarterly OMAS reports sent to each agency.

* * * * *

137.267 Mailing List Services

Agencies may obtain mailing list services outlined in 945 and be billed through OMAS. Charges for these services are reported by the providing office on Form 3638–G and are included in OMAS postage due charges for the quarter the service was provided.

137.27 Penalty Mail Indicia Formats

137.271 General

a. Formats and Methods. There are five separate formats and methods of mailing penalty mail: (1) Penalty postage meters, (2) penalty permit imprint, (3) penalty mail stamps, (4) penalty second-class imprint, and (5) penalty reply mail. In addition, there are special procedures for penalty Express Mail and use of INTELPOST services.

Note: The standard penalty indicia format (see Exhibit 137.271a) is NOT an acceptable

method for mailing penalty mail. If used by penalty mailers, any articles deposited using this format are treated as unpaid mail. Exhibit 137.271a is to be used only as a reference.

[Renumber current exhibit 137.272a(1) as exhibit 137.271a.]

137.271b. Items Carried Outside the U.S. Mail

All penalty mail matter must conform to the requirements described in 137.273 through 137.277. Envelopes and labels prepared according to these requirements may be used only to transmit penalty mail, and must not be used on items carried outside the U.S. Mail, except:

* * * * *

137.271c. Postage Prepaid

Agency mail not sent by penalty methods as provided in 137.273 through 137.277 must have postage prepaid in accordance with 137.23.

[Delete current title of 137.272—"Standard Penalty Indicia". Delete 137.272a; delete 137.272a(1) and 137.272a (2) (a)–(c); delete exhibit 137.272a(2); renumber current exhibits 137.272a (3)–(5) as exhibits 137.272 a–c; delete 137.272b (1)–(4); renumber current 137.272b(5) as 137.272; delete 137.272c and 137.272d.]

137.272 [former 137.272b(5)] Postal Service Mail

Postal Service penalty mail must have preprinted in the upper left corner: (a) the name and complete return address (mailing address, including ZIP+4 Code) of the postal facility, (b) the words "OFFICIAL BUSINESS," and (c) the Postal Service symbol immediately to the left of the return address. In the lower left hand corner, the Olympic rings must appear outside the OCR read area, centered below the horizontal bar of the postal symbol in the upper left hand corner. In the upper right corner, the postal indicium must appear with the penalty statement to its left. A facing identification mark (FIM) pattern B must appear on letter-size mail (see Exhibit 137.272a), except prebarcoded ZIP+4 letter-size mail, which must carry a FIM pattern C (see 137.272c). The Postal Service may distribute penalty envelopes, cards, cartons, and labels preaddressed to the Postal Service for use by persons or organizations from whom or through whom official mail is desired (see 137.272b).

137.273 Penalty Meters

* * * * *

137.273c. Meter Indicium Format

Special penalty mail meter stamp designs prescribed for metered penalty mail in 144.4th must be placed in the upper right corner of the mailpieces. Envelopes used with a penalty postage meter must not contain printing, other than the meter indicium, in the area where the meter stamp will be applied. The complete return address (agency name and mailing address) must appear in the upper left corner of each mailpiece. The preprinted words "Official Business" must appear immediately below the return address.

* * * * *

137.273j. Mailings

Penalty meter imprints should indicate the correct postage, including any applicable special service or surcharge for the class and weight of the mailpiece. Penalty metered mail with insufficient postage imprinted must be handled in accordance with 146.13. If envelopes and labels designed for penalty meter use are found in the mail without a penalty meter stamp, they must be handled in accordance with 146.12.

* * * * *

137.274 Penalty Permit Imprint Mail

137.274a. Application

* * * * *

137.274b. Indicium Retirements

The penalty permit imprint indicium must appear in a rectangular box in the upper right corner of the mailpiece. The penalty permit imprint indicium must include the words "Postage and Fees Paid," the agency name, and the agency's assigned penalty permit imprint number in exhibit 137.251a, or another penalty permit imprint number authorized by the General Manager, OIMAD. The permit number must always be preceded by the letter "G." In addition, the class of mail or appropriate rate endorsement must appear either as the first item within the permit imprint (the preferred position) or immediately below or to the left of the permit imprint. (Rate endorsements for certain rate categories may also appear directly above the top line of the address; see the requirements for the individual classes of mail.) The city of mailing, amount of postage, and weight of the piece may be included within the permit imprint but are not required. First-Class penalty permit imprints may also show the date. Examples of the penalty permit imprint indicium are provided in 145.42 b, c, and d. The complete return address (agency name and mailing address) must appear in the upper left corner. The preprinted words "Official Business" and "Penalty for Private Use, $300" must appear immediately below the return address. The penalty statement must not be handwritten or typewritten.

137.274c. Mailings

* * * * *

137.275 Penalty Mail Stamps

a. Use. Penalty mail stamps may be used by agencies to pay postage where penalty mail meters are not available.

* * * * *

[Delete 137.275c; renumber current 137.275d as 137.275c; renumber current 137.275d (1)–(2) as 137.275c (1)–(2); renumber current exhibits 137.275d(1) and 137.275d(2) as exhibits 137.275c(1) and 137.275c(2).]

137.275c. [Former 137.275d] Format

137.275c(1) [Former 137.275d(1)] Adhesive Stamps

Penalty mail adhesive stamps must be firmly affixed in the upper right corner of the address side of the mailpiece. The complete return address of the Government agency (agency name and mailing address) must appear in the upper left corner of the address side of the mailpiece. The preprinted words "Official Business" must appear immediately below the return address (see exhibit 137.275c(1)).

137.275c(2) [Former 137.275d(2)] Stamped Stationery

The complete return address of the Government agency (agency name and mailing address) must appear in the upper left corner of the address side of the mailpiece. The preprinted words "Official Business" and "Penalty for Private Use $300" must appear immediately below the return address (see exhibit 137.275c(2)).

[Delete current Note immediately after 137.275d(2).]

[Delete 137.275e; renumber current 137.275f as 137.275d; renumber current 137.275f(1)–(6) as 137.275d(1)–(6).]

137.275d. [Former 137.275f] Ordering Procedures

Departments and agencies authorized in Exhibit 137.251a to use penalty mail may order penalty mail stamps as follows:

137.275d(1) [Former 137.275f(1)]

Orders for penalty mail stamp stock other than personalized envelopes must be submitted to the stamp distribution office (SDO) serving the ZIP Code area to which the stamp stock is to be shipped on a properly completed Form 17–G. More specific information on ordering penalty mail stamps is available from Publication 350, *How to Order and Use Penalty Mail Stamps and Postal Stationery.* Orders for personalized envelopes must be submitted on Form 17–J, to the Stamped Envelope Unit, U.S. Postal Service (for address, see address list in Appendices).

[Renumber current 137.275g–i as 137.275e–g.]

* * * * *

137.276 Penalty Reply Mail

a. *Restriction to Approved Formats.* Agencies may distribute penalty envelopes, cards, cartons, or labels to any person, concern, or organization from whom or through whom official matter is desired by:

(1) Using the penalty business reply format provided by 137.276e.

(2) Using the penalty metered reply format provided by 137.276c.

(3) Affixing penalty mail adhesive stamps or using penalty mail stamped stationery as provided in 137.276d.

(4) Using the penalty merchandise return label as provided in 137.276f.

[Delete 137.276a(5); delete 137.276b; renumber current 137.276c as 137.276b; renumber current 137.276d as 137.276c; renumber 137.276e as 137.276d; delete 137.276f; delete 137.276f(1)–(3); renumber current 137.276g as 137.276e.]

137.276e. [Former 137.276g] Penalty Business Reply

[Renumber current 137.276g(1)–(5) as 137.276e(1)–(5); renumber current exhibits 137.276g(2), 137.276g(3)d, and 137.276g(3)(e) as exhibits 137.276e(2), 137.276e(3)(d), and 137.276e(3)(e).]

(1) General

(a) *BRM Account.* The agency indicates it wishes to establish a BRM account at a post office and is billed an annual BRM accounting fee through OMAS. The appropriate postage and a handling fee for each piece of BRM returned is reported by post offices on Form 3630–G, and the agency is billed through OMAS. This option minimizes the postage charges when the returned BRM volume is high and must be used when agencies use the Business Reply Mail Accounting System (BRMAS) as provided in 917.14.

(b) *Postage-Due Account.* When an agency indicates it does not wish to establish a BRM account, payment is handled through a penalty mail postage-due account. In this case, no annual fee is required but a higher handling fee per piece is charged. Postage and a handling fee for each piece of BRM returned is reported on Form 3638–G and the agency is billed through OMAS. This option minimizes the postage charges when lower volumes of BRM are returned.

* * * * *

137.276e(5) [Former 137.276g(5)] Paying BRM Postage and Fees

* * * * *

137.276e(5)(b) [Former 137.276g(5)(b)] Postage-Due Account Option

Under this option, the delivering post office must submit Form 3582–A to serve as a record of postage and fees due for returned BRM. Each accounting period, post offices must report summary postage-due account activity through OMAS. Postage activity under this option is included in a quarterly OMAS report as postage-due charges. It does not appear under BRM postage.

137.276f. [Former 137.276h] Penalty Merchandise Return

* * * * *

(2) Application

* * * * *

137.276f(2)(c) [Former 137.276h(2)(c)]

The agency must renew the license by the expiration date of the permit by providing the post office with a renewal request letter that contains up-to-date local contact information for the agency.

137.276f(3) [Former 137.276h(3)] Label Format

The one-part merchandise return labels available for use by Federal Government agencies must bear the address of one of the authorized agencies listed in exhibit 137.251a or one of their components. See exhibit 137.276f(3)(a) for the format required when no special services are requested or when insurance and/or special handling are requested and exhibit 137.276f(3)(b) when registered service without postal insurance is requested. The label must be printed in the format required by 919.5, with the following exceptions:

[Renumber current exhibits 137.276h(3)(a) and 137.276h(3)(b) as 137.276f(3)(a) and 137.276f(3)(b).]

* * * * *

137.276f(4) [Former 137.276h(4)] Special Services—Insurance

137.276f(4)(a) [Former 137.276h(4)(a)]

Only the permit holder may request that the mailpiece be insured. In order to do so, the permit holder must preprint the endorsement specified in 137.276f(4)(c).

* * * * *

137.276f(4)(c) [Former 137.276h(4)(c)]

The format in exhibit 137.276f(3)(a) must be used for the merchandise return label. To request insurance, the agency must preprint the following endorsement to the left of and above the "Merchandise Return Label" legend and below the "Total Postage and Fees Due" statement:

Insurance Desired by Permit Holder for $_____ (value)

The value portion of the endorsement ($100 or less) may be handwritten by the permit holder. The permit holder must indicate the specific dollar amount of insurance applicable to the article in the value portion of the endorsement.

137.276f(5) [Former 137.276h(5)] Special Services—Registered Mail

137.276f(5)(a) [Former 137.276h(5)(a)]

Only the permit holder may request registered mail service. In order to do so, the permit holder must preprint the endorsement required in 137.276f(5)(c). Registered mail service may be obtained only on articles returned at First-Class or Priority Mail rates.

137.276f(5)(b) [Former 137.276h(5)(b)]

Only registered mail service without postal insurance is available under penalty mail merchandise return procedures. Agencies desiring to register merchandise return articles with postal insurance must follow the procedures in 919 and pay postage and fees through an advance deposit account.

137.276f(5)(c) [Former 137.276h(5)(c)]

When registered mail service is requested for single-piece First-Class (including Priority) Mail, no other special service may be obtained. The format in exhibit 137.276f(3)(b) must be used for the merchandise return label. The following endorsement must be preprinted to the left of and above the "Merchandise Return Label" legend and below the "Total Postage and Fees Due" statement:

Registered Mail Service Without Postal Insurance Desired by Permit Holder

137.276f(6) [Former 137.276h(6)] Special Services—Special Handling

Only the permit holder may request that the mailpiece receive special handling. The format in exhibit 137.276f(3)(a) must be used for the merchandise return label. Third- or fourth-class items requiring special handling (see 919.41) must have the following endorsement preprinted or rubber-stamped to the left of and above the "Merchandise Return Label" legend and below the "Total Postage and Fees Due" statement:

Special Handling Desired by Permit Holder

137.276f(7) [Former 137.276h(7)]

Combining Special Services. Third- and fourth-class parcels may be insured and receive special handling if the mailer so desires and preprints or rubber-stamps the appropriate endorsements and markings for both special services as required in 137.276f (4) and (6).

137.276f(8) [Former 137.276h(8)] Payment of Postage and Fees

137.276f(8)(a) [Former 137.276h(8)(a)]

Agencies are charged the annual merchandise return permit fee for each post office to which merchandise return matter is returned

137.276f(8)(b) [Former 137.276h(8)(b)]

The amount to be paid for penalty mail merchandise return matter is the appropriate postage for the class of service requested, plus the transaction fee prescribed in 919, for each returned item. The registered fee, special handling fee, or insurance fee is additional, where applicable.

137.276f(8)(c) [Former 137.276h(8)(c)]

Postage and fees, including the annual permit fee, will be billed through OMAS on Form 3639–G.

137.276f(9) [Former 137.276h(9)]

Cancellation of Permit. A permit may be canceled by the General Manager, OIMAD, for any violation of postal regulations, including, but not limited to:

* * * * *

137.276f(9)(c) [Former 137.276h(9)(c)]

Failure to renew permit in accordance with 137.276f(2)(c).

* * * * *

137.277 Procedures for Other Categories of Penalty Mail

a. Penalty Second-Class Mail

* * * * *

137.277b. Penalty Express Mail

Agencies have the same service and contract options as other mailers when sending penalty Express Mail. A description of the available services is contained in chapter 2. The procedures for preparing penalty Express Mail service are explained in Handbook DM–201, Express Mail Service, section 620, Federal Government Agency Use of Express Mail Service. Postmasters should be consulted before the start of service. Express Mail may be sent using penalty postage meters, penalty mail stamps, or Express Mail Agency Accounts. Agencies desiring to use Express Mail Agency Accounts must request authorization from the General Manager, OIMAD.

Note: Agencies may also prepay postage for Express Mail (i.e., not use penalty mail procedures) in accordance with 137.23.

* * * * *

137.28 Contractors

137.281 Reimbursement

Agencies authorized in exhibit 137.251a to use penalty mail may authorize contractors to mail for them and must reimburse the Postal Service for contractor use of penalty mail services. Agencies must promptly furnish, in the manner and form requested, all information concerning contractor use of penalty mail services which the General Manager, OIMAD, considers necessary to ensure accurate reimbursement to the Postal Service.

137.282 Use of Penalty Indicia Formats

Contractor mailings must meet the following requirements:

* * * * *

137.282d. Express Mail must be prepared with penalty postage meters, penalty mail stamps, or Express Mail Agency Accounts as described in 137.277b.

* * * * *

137.4 General Instructions

These instructions apply to all official mail.

137.41 Suspected Improper Use of Official Mail

Except as provided in 115.3 and 137.263b(5), official mail must not be detained, even though there are indications that it is not eligible to be sent as official mail. It must be promptly dispatched and delivered to the addressee. Reports of indicated abuses or questionable use must be submitted to the appropriate rates and classification center. The rates and classification center will refer instances of abuse to the affected agency for investigation and appropriate action.

* * * * *

137.5 Postage-Due Mail for Military Units Engaged in Hostile Operations

* * * * *

137.53 Collection of Postage

During periods authorized in accordance with 137.42, post offices collect postage from the addressee for all mail bearing the special postage-due endorsement in exhibit 137.41. Compute postage due based on the class endorsement on each piece or, if no class endorsement is provided, First-Class rates are charged, except that unendorsed mail weighing 16 ounces or over is treated and charged as fourth-class parcel post. Government agencies using penalty mail are billed for this postage due as described in 137.265b. Other addressees must pay in cash or postage-due advance deposit accounts in accordance with 146.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

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Tuesday
March 24, 1992

Part III

Department of Labor

Employment and Training Administration

20 CFR Part 660

Clean Air Transition Assistance Program; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR PART 660

RIN 1205-AA92

Clean Air Transition Assistance Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor is publishing a proposed rule carrying out certain provisions of the Clean Air Act Amendments of 1990 (Act). The Act authorizes the establishment of a Clean Air Employment Transition Assistance program as part of Title III of the Job Training Partnership Act (JTPA). The Secretary of Labor may make grants to States, JTPA substate grantees, employers, employer associations, and representatives of employees to provide retraining, readjustment and employment assistance to eligible employees adversely affected by requirements of the Clean Air Act Amendments. Eligible individuals shall be those employees who have been terminated or laid off or have received a notification of termination or layoff as a consequence of a firm's compliance with the Clean Air Act Amendments of 1990.

DATES: Written comments on the proposed rule are invited. Comments shall only be accepted on those portions of the regulations which would be affected by these changes. Those sections which contain changes and/or new requirements are §§ 660.1, 660.2, 660.110, 660.201, 660.210, 660.211, 660.213, 660.214, 660.215, and 660.230. The balance of the regulations are from part 629, and have been revised only to reflect the stand alone nature of these regulations. The copying of part 629 does not necessarily commit DOL to maintaining those regulations in the future. Comments must be received on or before April 23, 1992.

ADDRESSES: Written comments shall be mailed to the Assistant Secretary for Employment and Training, Department of Labor, room N-4703, 200 Constitution Avenue, NW., Washington, DC 20210, attention: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs. Commenters wishing acknowledgement of receipt of their comments must submit them by certified mail, return receipt requested.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Worker Retraining and Adjustment Programs, Employment and Training Administration, U.S. Department of Labor, room N-4469, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 535-0577 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Introduction

Title XI, section 1101 of the Clean Air Act Amendments of 1990, Public Law 101-549, amends part B of title III of the Job Training Partnership Act (JTPA) (29 U.S.C. 1662-1662c) by adding a new section 326 (29 U.S.C. 1662e). Section 326 provides for a new Clean Air Employment Transition Assistance Program to be funded from funds appropriated specifically for services authorized by title III of JTPA to be provided to eligible individuals as defined by the Clean Air Act Amendments of 1990. See 29 U.S.C. 1662e(h).

Discussion of Proposed Rule

The Department of Labor (Department or DOL) is issuing proposed regulations with a request for comments to implement the Clean Air Employment Transition Assistance provisions of the new JTPA section 326.

These regulations implement the Clean Air Employment Transition Program authorized by section 326 of JTPA. Section 326 is designed to assure the establishment of programs to provide assistance to workers dislocated as a result of a firm's compliance with the Clean Air Act.

Programs shall be established by discretionary grants awarded by the Secretary to eligible grantees. The purpose of these programs is to provide readjustment and retraining assistance to eligible workers to enable such workers to return to the active labor force.

It is important to note that these regulations, to appear at 20 CFR part 660, provide for limited modifications of existing Title III requirements. All such modifications are pursuant to section 326 of JTPA, as added by section 1101 of the Clean Air Act Amendments of 1990. The proposed regulations would provide procedures for the operation of worker adjustment programs. These regulations supercede the guidelines contained in part III A., and C and part IV A. 1. and 2. of the "Application Guidelines for Clean Air Employment Transition Assistance Programs" published in the **Federal Register** on February 7, 1992. A section-by-section description of the proposed regulations follows:

Section 660.1 explains the purpose of part 660.

Section 660.2 establishes definitions which apply only to proposals funded under JTPA section 326. There are seven new definitions. Two new definitions, *industrywide project* and *multistate project*, have been included to establish the uniqueness of certain projects that may be funded under the Clean Air Employment Transition Assistance Program and to distinguish between such projects. A third definition, *family*, establishes a consistent definition of this term for the purpose of subpart I projects, especially multistate and industrywide projects that may not be submitted to the Department through the Governor. A fourth definition, *family income*, recognizes family income as defined by the Clean Air Act Amendments of 1990. The final three definitions, *grantee, contractor,"* and *subcontractor*, establish definitions of certain entities that may receive funds for Clean Air Employment Transition Assistance programs in order to clearly identify what procedures and requirements apply to those entities.

Section 660.101 establishes general program requirements and is consistent with existing JTPA title III requirements.

Section 660.102, prohibits public service employment, and is consistent with existing JTPA title III requirements.

Section 660.103, prohibits discrimination and sectarian activities, and is consistent with existing requirements.

Section 660.104, regarding relocation and displacement, is consistent with the new section 326 statutory requirements.

Section 660.110 establishes the rules for qualifying for and receiving needs-related payments. Eligible participants who meet family income requirements must receive needs-related payments while they are in training if they meet certain conditions and do not qualify for or are no longer eligible for unemployment compensation. Section 326 (c)(2) and (f).

Section 660.111, regarding benefits, and working conditions is consistent with existing JTPA title III requirements.

Section 660.120, regarding grant payments, is consistent with standard discretionary award practices.

Section 660.121, regarding program income, is consistent with existing JTPA title III requirements.

Section 660.122, regarding insurance, is consistent with existing JTPA title III requirements.

Section 660.123, regarding procurement, is consistent with existing JTPA title III requirements.

Section 660.124, regarding management systems, reporting and recordkeeping, is consistent with existing JTPA title III requirements.

Section 660.125, regarding required reports, is consistent with existing title III requirements.

Section 660.126, regarding allocable costs, is consistent with existing JTPA title III requirements.

Section 660.127, regarding classification of costs, is consistent with existing JTPA title III requirements.

Section 660.128, regarding limitations of certain costs, is consistent with existing JTPA title III requirements.

Section 660.129, regarding property management, is consistent with existing JTPA title III requirements.

Section 660.130, regarding audits, is consistent with existing JTPA title III requirements.

Section 660.131, regarding oversight and monitoring, is consistent with existing JTPA title III requirements.

Section 660.132, regarding sanctions, is consistent with the existing JTPA title III requirements.

Section 660.140, regarding the scope and purpose of grievances, investigations, and hearings, is consistent with existing JTPA title III requirements.

Section 660.141, regarding complaints, investigations, and penalties, is consistent with existing JTPA title III requirements.

Section 660.142, regarding non-criminal grievance procedures at the employer level, is consistent with existing JTPA title III requirements.

Section 660.143, regarding Federal handling of administrative and civil complaints, is consistent with existing JTPA title III requirements.

Section 660.144, regarding Federal handling of complaints, is consistent with existing JTPA title III requirements.

Section 660.145, regarding opportunity for review, is consistent with existing title III requirements.

Section 660.146, regarding Administrative Law judge hearings, is consistent with existing JTPA title III requirements.

Section 660.147, regarding appeals, is consistent with existing JTPA title III requirements.

Section 660.148, regarding other authority, is consistent with existing JTPA title III requirements.

Section 660.201, regarding the basic program purpose of part 660, clarifies that the program is designed to assist workers dislocated as a result of a firm's compliance with the Clean Air Act.

Section 660.202, regarding approved training, is consistent with existing JTPA title III requirements.

Section 660.210 describes the specific eligibility criteria for eligible dislocated workers under JTPA section 326. Such workers, in addition to meeting the basic JTPA title III eligibility criteria, must be dislocated as a result of their employer's compliance with requirements of the Clean Air Act. Such workers are workers who were performing work directly at or for the facility (for instance, a high sulphur coal mine) impacted by and required to lay off workers as a consequence of compliance with the requirements of the Clean Air Act. JTPA section 326(a)(1).

Section 660.211 describes the entities eligible to submit grant proposals under Part 660. Eligible grantees are defined in JTPA section 326(b). Entities which directly receive awards from DOL shall be grantees. Entities receiving funds from grantees shall be contractors. Entities which receive awards from contractors shall be subcontractors.

Section 660.212 describes how the Secretary shall assure that funds are provided for projects to serve dislocated workers in priority areas of service as required by subsection (c) of JTPA section 326.

Section 660.213 establishes allowable services which may be provided in projects funded pursuant to section 326. As set forth at JTPA section 326(d), these services shall be those allowable under JTPA section 314, except for job search, relocation, and needs-related payments. Job search, relocation and needs-related payments shall be allowable as described in the proposed regulations. See JTPA section 326(d) and (i).

Section 660.214, regarding selection of service providers, is consistent with existing JTPA title III requirements.

Section 660.215, regarding certificates of continuing eligibility, explains that eligible grantees may not issue such certificates pursuant to a discretionary grant, since the grant would not be in operation long enough for the grantee to honor such certificates.

Section 660.216, regarding coordination activities, is consistent with existing JTPA title III requirements.

Section 660.230, regarding application procedures, is consistent with the process currently used to announce the application procedures for existing JTPA title III discretionary/national reserve account grants.

Applicability

The provisions of 20 CFR parts 628, 627, 628, 629, 630 and 631 do not apply to Clean Air Employment Transition Assistance programs funded under title III of the Job Training Partnership Act.

Regulatory Impact

The proposed rule implements certain provisions of the Clean Air Act Amendments of 1990. As it would not have the financial or other impact to make it a major rule, preparation of a regulatory impact analysis is unnecessary. See Executive Order No. 12291. 5 U.S.C. 601 note.

The Department of Labor has certified to the Chief Counsel for Advocacy, Small Business Administration, that pursuant to 5 U.S.C. 605(b), the rule would not have a significant economic impact on a substantial number of small entities. No significant economic impact would be imposed by this rule.

Paperwork Reduction Act

The Clean Air Employment Transition Program shall use the same information collection as is currently used for the basic title III program. Pursuant to the Paperwork Reduction, the information collection requirements imposed for this program, have been submitted to the Office of Management and Budget for approval. The estimate reporting burden averages 30 hours 15 minutes per grantee; the estimated total burden is 18,150 hours. Send comments regarding this burden estimate or any other aspect of this collection to Mr. Robert Colombo, Director, Office of Worker Retraining and Adjustment Programs, room N-4703, 200 Constitution Avenue, NW., Washington, DC 20210 and the Office of Management and Budget, Paperwork Reduction Project, (1205-xxxx), Washington, DC 20503.

Catalog of Federal Domestic Assistance Numbers: These programs are listed in the Catalog of Federal Domestic Assistance at No. 17-246, "Employment and Training Assistance—Dislocated Workers" (JTPA Title III Programs); and No. 17-250 "Job Training Partnership Act (JTPA)" (JTPA Titles I and II Programs).

List of Subjects in 20 CFR Part 660

Grants programs, Labor, Dislocated worker programs, Clean Air.

Proposed Rule

Accordingly, it is proposed that chapter V of title 20, Code of Federal Regulations be amended, by adding a new part 660 to read as follows:

PART 660—CLEAN AIR EMPLOYMENT TRANSITION ASSISTANCE

Subpart A—Introduction

Sec.

660.1 Purpose of Part.
660.2 Definitions.

Subpart B—General Requirements

660.101 General program requirements.

660.102 Public service employment prohibition.
660.103 Nondiscrimination and nonsectarian activities.
660.104 Relocation and displacement.

Subpart C—Payments, Benefits and Working Conditions

660.110 Needs-related payments.
660.111 Benefits and working conditions.

Subpart D—Administrative Standards and Procedures

660.120 Grant payments.
660.121 Program income.
660.122 Insurance.
660.123 Procurement.
660.124 Management systems, reporting and recordkeeping.
660.125 Reports required.
660.126 Allowable costs.
660.127 Classification of costs.
660.128 Limitations on certain costs.
660.129 Property management standards.
660.130 Audits.
660.131 Oversight and monitoring.
660.132 Sanctions for violations of the Act.

Subpart E—Grievances, Investigations, and Hearings

660.140 Scope and purpose of this subpart.
660.141 Complaints and grievances.
660.142 Non-criminal grievance procedure at employer level.
660.143 Federal handling of administrative and civil complaints.
660.144 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
660.145 Opportunity for informal review.
660.146 Hearings before the Office of Administrative Law Judges.
660.147 Other authority.

Subpart F—Approved training

660.200 Approved training rule.

Subpart G—Program design requirements

660.210 Participant eligibility.
660.211 Eligible grantees.
660.212 Priority areas of service.
660.213 Allowable activities.
660.214 Selection of service providers.
660.215 Certificates of continuing eligibility.
660.216 Coordination activities.

Subpart H—Application procedures

660.230 Application procedures.

Authority: 29 U.S.C. 1579(a) and 1662e(i).

Subpart A—Introduction

§ 660.1 Purpose of part.

(a) Part 660 establishes regulations for programs under section 328 of title III of the Job Training Partnership Act. The provisions of 20 CFR parts 628, 627, 628, 629, 630 and 631 do not apply to Clean Air Employment Transition Assistance Programs funded under title III of the Job Training Partnership Act.

(b) The programs under part 660 will be financed by a national discretionary fund. Projects will provide a timely response to dislocations caused by the requirements of the Clean Air Act; foster labor, management, community and government partnerships in addressing worker dislocation; emphasize retraining and reemployment services rather than income support; and target funds to priority areas with the greatest number of workers dislocated as a result of a firm's compliance with the Clean Air Act.

(c) Part 660 applies to programs specifically designed to assist workers dislocated as a result of a firm's compliance with the requirements of the Clean Air Act. Such workers also may be eligible for services under other JTPA programs for dislocated workers funded under title III.

(d) General authority for part 660 is found at sections 169(a) and 328(i) of JTPA. Specific statutory authority other than those sections are noted throughout this part.

§ 660.2 Definitions.

In addition to the definitions contained in sections 4 and 301 of the Job Training Partnership Act, the following definitions apply to programs under this part.

(a) *Act* and *JTPA* mean the Job Training Partnership Act.

(b) *Contractor* means any entity which enters into a contract, grant, or financial agreement with a grantee.

(c) *Department* and *DOL* mean the United States Department of Labor.

(d) *Family* means spouses and dependent children residing in the same domicile. An adult handicapped individual shall be considered a family of one for eligibility purposes. (Section 4(8) of the Act.)

(e) *Family income* means all cash income actually received from all sources by all members of the family for the twelve-month (or six-month, annualized, if twelve-month data are not available) period prior to application. When computing family income, income of a spouse and other family members is counted for the portion of the twelve-month (or six-month, annualized, if twelve-month data are not available) period prior to application that the person was actually a member of the family.

(1) For the purpose of determining an individual's eligibility for participation, family income includes:

(i) Gross wages, including wages from community service employment (CSE), work experience, and on-the-job training (OJT) paid from Job Training Partnership Act funds, and salaries (before deductions);

(ii) Net self-employment income (gross receipts minus operating expenses); and

(iii) Other cash income received from sources such as interest, net rents, OASI (Old Age and Survivors Insurance) social security benefits, pensions, alimony, and periodic income from insurance policy annuities, and other sources of income.

(2) Family income does not include:

(i) Non-cash income such as food stamps or compensation received in the form of food or housing;

(ii) Imputed value of owner-occupied property, *i.e.*, rental value;

(iii) Public assistance payments;

(iv) Cash payments received pursuant to a State plan approved under titles I, IV, X, or XVI of the Social Security Act, or disability insurance payments received under Title II of the Social Security Act;

(v) Federal, State, or local unemployment insurance benefits;

(vi) Capital gains and losses;

(vii) One-time unearned income, such as, but not limited to:

(A) Payments received for a limited fixed term under income maintenance programs and supplemental (private) unemployment benefits plans;

(B) One-time or fixed-term scholarship or fellowship grants;

(C) Accident, health, and casualty insurance proceeds;

(D) Disability and death payments, including fixed-term (but not lifetime) life insurance annuities and death benefits;

(E) One-time awards and gifts;

(F) Inheritance, including fixed-term annuities;

(G) Fixed-term workers' compensation awards;

(H) Soil bank payments; and

(I) Agricultural crop stabilization payments;

(viii) Pay or allowances that were previously received by any veteran while serving on active duty in the Armed Forces;

(ix) Educational assistance and compensation payments to veterans and other eligible persons under 38 U.S.C. chapters 11, 13, 31, 34, 35, and 36;

(x) Payments received under the Trade Act of 1974;

(xi) Payments received under the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*);

(xii) Any income directly or indirectly derived from, or arising out of, any property held by the United States in trust for any Indian tribe, band, or group or any individual; per capita payments; and services, compensation or funds provided by the United States in accordance with, or generated by, the exercise of any right guaranteed or protected by treaty; and any property

distributed or income derived therefrom, or any amounts paid to or for the legatees or next of kin of any member, derived from or arising out of the settlement of an Indian claim; and

(xiii) Child support payments.

(f) *Grantee* means an entity which receives a discretionary Clean Air Employment Transition Assistance grant directly from the Secretary.

(g) *Industrywide project* means services and activities provided by a single grantee to serve workers dislocated from at least three different plants or facilities within a single industry in at least two different areas of a single State or two or more different States.

(h) *Multistate project* means services and activities provided in more than one State by a single grantee to serve workers dislocated from one or more plants or facilities representing different industries.

(i) *OALJ* means the Office of the Administrative Law Judge, U.S. DOL.

(j) *Participant* means any individual who has:

(1) Been determined eligible for participation upon intake; and

(2) Started receiving employment, training, or services (except post-termination services) funded under this Part following intake. Individuals who receive only outreach and/or intake and initial assessment services or post-program follow-up are excluded from this definition.

(k) *PIC* means a Private Industry Council(s) established under title I of JTPA.

(l) *Priority area* means:

(1) A geographic area that has or is projected to have workers dislocated as a result of a firm's compliance with the Clean Air Act as determined annually by the Secretary; or

(2) An area that has a significant number of workers that are or are projected to be dislocated as a result of a firm's compliance with the Clean Air Act, as demonstrated to the satisfaction of the Secretary by an eligible grantee.

(m) *Recipient* means a Governor of a State.

(n) *Secretary* means the Secretary of Labor or the Secretary's designated representative(s).

(o) *SDA* means a Service Delivery Area designated under title I of JTPA.

(p) *Subcontractor* means any entity which enters into a contract, grant or financial agreement with a contractor.

(q) *Subrecipient* means any person, organization or other entity which receives JTPA funds either directly or indirectly from a Governor. Depending on local circumstances, the Private Industry Council (PIC), the local elected official, or administrative entity may be a subrecipient. SDA grant recipients and JTPA title III substate area grantees are particular types of subrecipients.

(r) *Substantial layoff* means any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30-day period for:

(1) (i) At least 33 percent of the employees (excluding employees regularly working less than 20 hours per week); and

(ii) At least 50 employees (excluding employees regularly working less than 20 hours per week); or

(2) At least 500 employees (excluding employees regularly working less than 20 hours per week).

(s) *Substate grantee* means the agency or organization selected to administer programs pursuant to section 312(b) of the Act. The substate grantee is the entity that receives JTPA Title III formula funds for a service delivery area directly from a Governor.

Subpart B—General Requirements

§ 660.101 General program requirements.

(a) The conditions prescribed in sections 141 through 171 of the Act apply to all programs under section 328 of the Act, except as provided in the Act.

(b) Grantees shall ensure that an individual enrolled in a JTPA program meets the requirements of section 167(a)(5) of the Act, section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and other requirements applicable to the program funded under the specific section or title of the Act under which the participant is enrolling (JTPA section 604).

(c) Grantees or contractors, as appropriate, shall ensure that individuals are enrolled within the time frame specified in the application or a modification shall be submitted establishing a new time frame and explaining the reason for the delay.

(d) Programs operated under title III of the Act pursuant to a block grant are not subject to the provisions of 29 CFR part 97, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," except as otherwise explicitly provided in this part. See 29 CFR 97.4(a)(2).

§ 660.102 Public service employment prohibition.

No funds available under title III of the Act may be used for public service employment (sections 141(p) and 314(d)(2) of the Act).

§ 660.103 Nondiscrimination and nonsectarian activities.

(a) Grantees, contractors, and subcontractors shall comply with the nondiscrimination provisions of section 167 of the Act.

(b) Pursuant to section 167(a) of the Act, the employment or training of participants in sectarian activities is prohibited.

§ 660.104 Relocation and displacement.

(a) No funds available under title III of the Act may be used to assist in relocating establishments, or parts thereof, from one area to another unless a determination is made by the Secretary that such relocation will not result in an increase in unemployment in the area of original location or in any other area (section 141(c) of the Act).

(b) No currently employed worker shall be displaced (including partial displacement) by any participant.

(c) No participant shall be employed or job opening filled—

(1) When any other individual is on layoff from the same or any substantially equivalent job, or

(2) When an employer has terminated any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized by the Act (section 143(b) of the Act).

(d) The Secretary will promptly review and take appropriate action with regard to alleged violations of the provisions of paragraphs (a), (b), and (c) of this section, by either direct investigation as provided for at § 660.143 or through the grantee or contractor, as appropriate.

Subpart C—Payments, Benefits and Working Conditions

§ 660.110 Needs-related payments.

(a) Needs-related payments shall be an allowable cost for Clean Air Employment Transition Assistance programs. An application for funds to assist workers dislocated as a result of a firm's compliance with requirements of the Clean Air Act shall contain assurances that such funds shall be used to provide needs-related payments to eligible participants to enable such participants to participate in and complete training or education programs provided under this part. In developing a budget, applicants must be aware that the funds available for payment of needs-related payments are limited and that, in projecting the use of budget resources, applicants must take into account those persons who will and will

not be eligible for needs-related payments. For those determined to be eligible, sufficient funds must be set aside to cover any anticipated needs-related payments.

(b) To qualify for needs-related payments, the dislocated worker who meets the eligibility criteria under § 660.210 shall receive, or be the member of a family that receives (at the time of eligibility determination), a total family income that, in relation to family size, does not exceed the lower living standard income level as published annually in the **Federal Register** by DOL.

(c) The eligible participant shall not qualify for or must have ceased to qualify for unemployment compensation. An eligible individual who has ceased to qualify for unemployment compensation shall have been enrolled in a training or education program by the end of the thirteenth week of the worker's initial unemployment compensation benefit period, or, if later, by the end of the eighth week after an employee is informed that a short-term layoff will in fact exceed 6 months.

(d) For purposes of paragraph (c) of this section, the term *enrolled in a training or education program* means that the worker's application for training has been approved and the training institution has furnished written notice that the worker has been accepted in the approved training program beginning within 30 calendar days.

(e) An eligible worker who does not qualify for unemployment compensation must be participating in a training or education program (section 314(e)(1) of the Act).

(f) Needs-related payments shall not be provided to any participant where the program operator determines that the participant is not making satisfactory progress in the training program, nor to any participant receiving trade readjustment allowances, on-the-job training, out-of-area job search allowances, or relocation allowances under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 *et seq.*) or part 617 of this chapter.

(g) The level of needs-related payments to an eligible dislocated worker in programs under this part shall be equal to the higher of:

(1) The applicable level of unemployment compensation (*i.e.*, the average of the weekly compensation payments made to the dislocated worker during the worker's initial unemployment compensation period); or

(2) The poverty level determined in accordance with criteria published by the Department of Health and Human Services.

(h) (1) The weekly payment level shall be determined at the time of the eligible participant's enrollment into training funded under this part, and shall be provided to all eligible participants whose family income meets the requirements of paragraph (f) of this section.

(2) Every three months from the date of the original determination of eligibility for needs-related payments, the family income for any participant participating in a training or education program shall be redetermined. Such a redetermination shall be based on the family income for the previous three month period using the same criteria that were used in the initial determination process, except that any income from needs-related payments shall not be included. The total revised family income so determined shall be annualized to determine the participant's current eligibility for needs-related payments.

(3) Where the revised family income exceeds the lower living standard income level, the eligible participant shall not be eligible for needs-related payments. Where the revised family income does not exceed the lower living standard income level, the eligible participant shall continue to receive or become eligible for needs-related payments.

(4) An eligible participant may qualify or requalify for needs-related payments during the period of the training or education program.

§ 660.111 Benefits and working conditions.

(a) Where a participant in a program under this part is not covered under a State's workers' compensation law, such participant shall be provided with adequate on-site medical and accident insurance as provided at § 660.122(c).

(b) Where a participant in a program under this part is engaged in activities not covered under the Occupational Safety and Health Act of 1970, the participant shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions that are unsanitary, hazardous or dangerous to the participant's health or safety. A participant employed or trained for inherently dangerous occupation(s), *e.g.*, fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (section 143(a)(2) of the Act). Income maintenance coverage is not required for such a participant (section 143(a)(3) of the Act).

Subpart D—Administrative Standards and Procedures

§ 660.120 Grant payments.

(a) For approved proposals funded with or through the State where the State is the grantee, grant payments shall be made to the Governor in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C 4213) and Treasury Circular No. 1075 (31 CFR part 205). The Governor shall establish procedures that will minimize the time elapsing between the receipt of funds and disbursement.

(b) For approved proposals funded directly with private for profit and non-profit entities, the grantee shall establish procedures that assure that the methods and procedures for payments shall minimize the time elapsing between the draw-down and disbursement of funds by the grantee, contractor or subcontractor, in accordance with Treasury regulations at 31 CFR Part 205.

(c) Failure by any grantee to establish acceptable procedures or to take action to correct deficiencies in:

(1) Financial management systems, or

(2) Fund draw-down and advance payment procedures, may result in the approved proposals being funded through reimbursement by Treasury check payment.

§ 660.121 Program income.

Income generated under any program under this part shall be used only to further program objectives and may be retained by that program, unless the grant officer requires that such income be returned to the Department.

§ 660.122 Insurance.

(a) General. Each grantee under this part shall follow its normal insurance procedures, except as otherwise indicated in this section.

(b) DOL assumes no liability with respect to bodily injury, illness, or any other damages or losses, or with respect to any claims arising out of any activity under a grant or agreement under this part, whether concerning persons or property in the organization or any third party.

(c) Each grantee under this part shall secure insurance coverage for injuries suffered by participants who are not covered by existing workers' compensation. Contributions to a reserve fund for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are allowable and are chargeable to basic readjustment services.

retraining services, or needs-related payments and supportive services for Title III, as appropriate.

§ 660.123 Procurement.

Subject to the provisions of section 107 of the Act, grantees shall administer procurement systems that reflect applicable Federal, State, and local law, rules, and regulations.

§ 660.124 Management systems, reporting and recordkeeping.

(a) The grantee shall ensure that its financial systems provide fiscal control and accounting procedures sufficient to—

(1) Permit preparation of required reports; and

(2) Permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds.

(b) The financial management system and the participant data system shall provide federally required records and reports that are uniform in definition, accessible to authorized Federal, State and grantee staff as appropriate, and verifiable for monitoring, reporting, audit and evaluation purposes (sections 165(a)(1), 165(a)(2), and 182 of the Act).

(c) Pursuant to section 165(a) of the Act, the grantee shall ensure that records shall be maintained of each participant's enrollment in a program under this part in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act.

(d) The grantee shall ensure that procedures are developed for retention of all records pertinent to all grants and agreements under this part, including financial, statistical, property and participant records and supporting documentation. Records must be retained for two years following the date on which the annual expenditure report containing the final expenditures charged to the grant/agreement is submitted to the Department of Labor. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

(e) The grantee shall ensure that the records referenced in paragraphs (a) through (d) of this section shall be retained beyond the prescribed period, if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the grantee shall ensure that the records shall be retained until the litigation, audit, or claim has been finally resolved.

(f) In the event of the termination of the relationship with a contractor, the grantee shall be directly responsible for the maintenance and retention of the records of any contractor and subcontractor unable to retain them. Contractors shall be responsible for the records of any subcontractor in the event of the termination of the relationship between a contractor and a subcontractor.

§ 660.125 Reports required.

Grantees shall report to the Grant Officer pursuant to instructions issued by the Secretary. Financial reports identifying accrued expenditures shall be submitted quarterly, and program reports identifying characteristics and outcomes for participants who have left the program shall be submitted annually. Reports shall be submitted to the Grant Officer within 45 calendar days after the end of the report period (section 165(a)(2) of the Act).

§ 660.126 Allowable costs.

(a) Allowable costs will be determined in accordance with the appropriate provisions of the applicable OMB circular.

(b) Generally, to be allowable, a cost shall be necessary and reasonable for proper and efficient administration of the program, be allowable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the grantee. Costs charged to the program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable Federal, State, and local law, rules or regulations.

(1) Whether a cost shall be charged as a direct cost or as an indirect cost shall be determined in accordance with the Office of Management and Budget (OMB) Circulars identified at 29 CFR 97.22(b).

(2) The following provisions apply to all grants under this part:

(i) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(ii) Entertainment costs are not allowable; and

(iii) Insurance policies offering protection against debts established by the Federal Government are not allowable.

(3) The cost of legal expenses required in the administration of grant programs under this part is allowable. Legal services furnished by the chief legal officer or staff of a grantee solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

(4) Personal liability insurance for PIC members is allowable.

§ 660.127 Classification of costs.

(a)(1) Allowable costs for programs under this part shall be planned, controlled, and charged against the following cost categories:

(i) basic readjustment services;

(ii) retraining services;

(iii) needs-related payments;

(iv) supportive services; and

(v) administration.

Costs shall be reported to the Grant Officer in accordance with reporting requirements established pursuant to § 660.125.

(2) All costs shall be allocated to a particular cost category to the extent that benefits are received by such category. No costs shall be chargeable to a cost category except to the extent that such benefits are received by such category.

(b) Basic readjustment shall include the cost of basic readjustment services described in sections 314(c) and 326(d) of the Act, except that the cost of supportive services under section 326 (e)(2) and (f) of the Act shall be charged to needs-related payments and supportive services as provided for in paragraph (d) of this section.

(c) Retraining shall include the cost of retraining services described in section 314(d) of the Act.

(d) Needs-related payments and supportive services shall include the cost of needs-related payments identified at section 326 (c)(2) and (f) of the Act, and supportive services identified at section 4(24) of the Act and described in section 314(c)(15) of the Act.

(e) Administration shall include the administrative cost of programs under the application approved under this part and shall be that portion of necessary and allowable costs which is not directly related to the provision of services and otherwise allocable to the cost categories in paragraphs (b) through (d) of this section. Administration does not include the cost of activities under section 314(b) of the Act.

(f) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories in

accordance with the benefit received under each cost category.

§ 660.128 Limitations on certain costs.

(a) Under an application approved under this part, not more than 15 percent of the funds expended may be expended to cover administrative costs.

(b) Of the funds expended under an approved application not more than 25 percent of the funds expended may be expended to provide needs-related payments and other supportive services.

(c) Of the funds expended under an application approved under this part, not less than 50 percent shall be expended for retraining services.

§ 660.129 Property management standards.

(a) Personal or real property procured with JTPA section 326 funds shall be used for purposes authorized by JTPA section 326 and this part. The grantee shall maintain records accounting for property in accordance with the records retention requirements of § 660.124.

(b) The JTPA section 326 program shall be reimbursed the fair market value of any unneeded property retained by the grantee for use in a non-JTPA section 326 program. The proceeds from the sale of any property or transfer of property to a non-JTPA section 326 program shall be used for purposes authorized under JTPA section 326.

§ 660.130 Audits.

(a) The requirements of 29 CFR part 96, which implements Office of Management and Budget Circulars A–128, and A–133, apply to JTPA section 326 programs administered by grantees and contractors under this part.

(b) Within a timely period after the submission of an audit report (conducted pursuant to OMB Circular A–128 or A–133, or by the Secretary) to the appropriate Federal official, the grantee shall submit an audit resolution report documenting the grantee's response and/or disposition of the reported questioned costs, the basis for such response or disposition, and any corrective actions taken.

(c) If the grantee intends to request waivers of liability of disallowed contractor or subcontractor costs, such requests must accompany the audit resolution report along with supporting documentation.

(d) After receiving the audit resolution report(s), the Grant Officer shall review the report(s), the grantee's disposition, and any liability waiver request. If the Grant Officer is in agreement with all aspects of the grantee's disposition of the audit(s), the Grant Officer shall so notify the grantee, constituting final agency action on the audit(s). If the Secretary is in disagreement with the grantee's conclusion on specific points in the audit(s) the Grant Officer shall resolve the audit(s) through the initial and final determination process described in subpart E of this part.

(e) Audits conducted or arranged by the DOL Inspector General generally will supplement rather than duplicate audits of recipients, PICs, SDAs, title III substate grantees, or other subrecipients.

§ 660.131 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to section 163 of the Act.

(b) The grantee is responsible for oversight of all contractors.

§ 660.132 Sanctions for violations of the Act.

(a) Pursuant to section 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, regulations, or grant terms and conditions. Sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the grantee is or may be entitled under the Act, except as provided in section 164(e)(1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts due to the grantee by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the grantee in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under sections 164(f) and 167 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in subpart E of this part.

(c) To impose a sanction or corrective action regarding a violation of section 167 of the Act, the Secretary shall utilize the procedures of 29 CFR part 31.

(d)(1) The Secretary shall hold the grantee responsible for all funds under the grant. The grantee shall hold contractors and subcontractors responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the grantee for misexpenditures of grant funds in accordance with section 164(e) of the Act, including the requirement that the grantee shall have taken prompt and appropriate corrective actions for misexpenditures by contractors and subcontractors.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by contractors and subgrantees ordinarily shall be considered a part of the corrective action required by section 164(e)(2)(D) of the Act. In this regard, grantees may request advance approval from the Grant Officer for contemplated corrective actions. Such requests may address debt collection or options which the grantee plans to initiate or to forego. The grantee's request shall include a description and assessment of all actions taken by the contractor or subcontractor to collect the misspent funds.

(4) In making the determination required by section 164(e)(2) of the Act, the Secretary may determine, based on a request from the grantee, that the grantee may forego certain collection actions against a contractor or subcontractor where that contractor was not at fault with respect to the liability criteria set forth in section 164(e)(2)(A) through section 164(e)(2)(D) of the Act. The Grant Officer shall consider such requests in assessing whether the grantee's corrective action was appropriate in light of section 164(e)(2)(D) of the Act. At that time, the Grant Officer shall also consider advance approvals (previously granted pursuant to paragraph (d)(3) of this section) in light of the grantee's demonstrated efforts to undertake the approved course of action.

(5) The grantee shall not be released from liability for misspent funds under the determination required by section 164(e) of the Act until the Grant Officer determines that further collection action, either by the grantee or the contractor or subcontractor, would be inappropriate or would prove futile.

(e) The grantee shall have the authority to reduce awards to contractors and subcontractors if—

(1) The Grant Officer offsets a debt against funds due to the grantee; and

(2) The debt resulted from a misexpenditure by the contractor or subcontractor.

(f) Nothing in this section shall preclude the Secretary from imposing a sanction directly against a contractor or subcontractor as authorized in section 164(e)(3) of the Act. In such a case, the Grant Officer shall inform the grantee of the Secretary's action.

Subpart E—Grievances, Investigations, and Hearings

§ 660.140 Scope and purpose of this subpart.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under section 326 of the Act. Complaints of discrimination pursuant to section 167(a) of the Act will be handled under 29 CFR parts 31 and 32.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a grantee, contractor, or subcontractor has engaged in conduct that violates the Act with respect to a program under this part and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the grantee or contractor without first exhausting the remedies in this part. Nothing in the Act or this part shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this part;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or this part without first exhausting the administrative remedies described in this part; or

(3) Be construed to create a private right of action with respect to alleged violation of JTPA or this part.

§ 660.141 Complaints and grievances.

Each contractor and grantee under this part shall establish and maintain a grievance procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons. Hearings on any grievance shall be conducted within 30 days of filing of a grievance and decisions shall be made not later than 60 days after the filing of a grievance. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.

§ 660.142 Non-criminal grievance procedure at employer level.

(a) Grantees and contractors shall assure that employers, including private-for-profit employers, receiving funds to train participants under this part also have a grievance procedure, relating to the terms and conditions of the training and employment, available to their participants (section 144(b) of the Act).

(b) An employer under paragraph (a) of this section may operate its own grievance system or may utilize the grievance system established by the grantee. The employer shall inform participants of the grievance procedure they are to follow (section 144(b) of the Act).

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the grantee or the contractor and the Secretary, if necessary, subject to §§ 661.143–661.148 of this chapter.

§ 660.143 Federal handling of administrative and civil complaints.

(a) (1) The Comptroller General's and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 660.130.

(2) The Secretary may receive allegations of violations of the Act or this part directly or through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a) of this section, the Secretary may:

(1) Direct the grantee to handle a complaint through its grievance procedures; or

(2) Investigate and determine whether the grantee(s) or contractor(s) are in compliance with the Act and this part (section 163(b) and (c) of the Act).

(c) (1) The Grant Officer shall notify the grantee of the findings of the Secretary's investigation and shall give the grantee a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The grantee shall offer an opportunity for a hearing to those contractor(s) or subgrantee(s) adversely affected by the results of an investigation, audit or monitoring activity. The grantee shall inform the Secretary of actions undertaken, including any disposition of an audit to deal with the Secretary's findings, if one was undertaken within the timeframe specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the grantee actions. The Secretary's review shall take into account the provisions of § 660.132. If the Secretary is in agreement with the handling of the situation, the Grant Officer shall notify the grantee. This notification shall constitute final agency action.

(d) *Initial and final determination—*(1) *Initial determination.* If the Secretary is dissatisfied with a grantee's disposition of an audit or other resolution of costs, with the grantee response to findings pursuant to paragraph (c) of this section, or if the grantee failed to comply with the Secretary's decision, the Grant Officer shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a grantee's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the grantee with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the grantee and the Grant Officer do not resolve any matter informally, the Grant Officer shall provide each party with a written final determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate the efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 660.146.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a contractor or subgrantee in accordance with the authority of section

164(e)(3) of the Act. In such a case, the Grant Officer shall inform the grantee of the Secretary's action.

§ 660.144 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.

All information and complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 660.145 Opportunity for informal review.

(a) Parties to a complaint under § 660.146 may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to all parties for the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision shall be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ shall be revoked automatically if a settlement has not been reached within the 60 days provided in paragraph (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to section 166(b) of the Act.

§ 660.146 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complaints identified in sections 164(f) and 166(a) of the Act. All other disputes arising under the Act shall be adjudicated under the appropriate grantee or contractor or subcontractor grievance procedures or other applicable law.

(b) *Sanctions.* For the purpose of this section, "sanctions" do not include actions required by authority other than this Act. For example, the imposition of interest charges where required by 31 U.S.C. 3717 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.* (1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the grantee or eligible applicant may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Suite 400, 800 K Street, NW., Washington, DC 20001–8002, with one copy to the departmental official who issued the determination and one copy to the Office of the Deputy Assistant Secretary, room N–4671, Employment and Training Administration, Washington, DC 20210.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall state specifically those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within 21 days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (c)(1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 660.145 within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of procedure.* The rules of practice and procedure promulgated by the OALJ (29 CFR part 18) shall govern the conduct of hearing under this section, except that:

(1) A request for hearing under this section shall not be considered a complaint to which the filing of an answer by DOL or a DOL agency or official is required; and

(2) Technical rules of evidence, such as the Federal Rules of Evidence and subpart B of the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges (29 CFR part 18, subpart B), shall not apply to any hearing conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the administrative law judge conducting the hearing; the administrative law judge may exclude irrelevant, immaterial, or unduly repetitious evidence; the certified copy of the administrative file (see paragraph (i) of this section) shall be part of the evidentiary record of the case and need not be moved into evidence.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in section 163(c) of the Act, incorporating 15 U.S.C. 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least 3 weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. To this end, the Grant Officer shall prepare and file an administrative file in support of the decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of persuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under section 164 of the Act, except with respect to the provisions of section 164(e) of the Act.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

(l) The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review.

§ 660.147 Other authority.

Nothing contained in this part shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

Subpart F—Approved Training

§ 660.200 Approved training rule.

Participation by any eligible individual in any of the Clean Air Employment Transition Assistance program activities shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provisions of Federal law relating to unemployment benefits.

Subpart G—Program Design Requirements

§ 660.210 Participant eligibility.

(a) Eligible dislocated workers, as defined in section 301 of the Act, are eligible to participate in Clean Air Employment Transition Assistance Programs under this part, provided they also meet the requirements under paragraph (e) of this section. For the purpose of determining eligibility under the provisions of section 301(a)(1)(A) of the Act, the term "eligible for . . . unemployment compensation" includes any individual whose wages from employment would be considered in determining eligibility for unemployment compensation under applicable Federal or State unemployment compensation laws.

(b) Eligible dislocated workers under this part include individuals who were self-employed and who meet the requirements of paragraph (d) of this section.

(c) An eligible dislocated worker under this part shall remain eligible if such individual:

(1) Remains unemployed; or

(2) Accepts temporary employment for the purpose of income maintenance prior to and/or during participation in a training program under this part with the intention of ending such temporary employment at the completion of the training and entry into permanent unsubsidized employment as a result of the training. Such temporary employment must be with an employer other than that from which the individual was dislocated. This provision applies to eligible individuals both prior to and subsequent to enrollment in a program under this part.

(d) An eligible dislocated worker under this part shall be eligible for participation in activities under this part only if such dislocated worker has been terminated or laid off or has received a notice of termination or layoff as a consequence of a firm's compliance with the Clean Air Act. An eligible dislocated worker who has been terminated or laid off or who has received a notice of termination or layoff as a consequence of compliance with the Clean Air Act is a worker whose termination or layoff is a consequence of a firm's compliance with the requirements of the Clean Air Act. Such workers are workers who were performing work directly at or for the facility impacted by and required to lay off workers as a result of a firm's compliance with the requirements of Clean Air Act Amendments.

(e) An eligible dislocated worker whose termination or layoff, or notice thereof, is not the consequence of a firm's compliance with the Clean Air Act, such as a worker at a facility that may itself experience a closing or layoff as a result of the closing or layoff at the facility impacted by Clean Air Act requirements, may be eligible under the basic JTPA title III dislocated worker program. See part 631 of this chapter.

§ 660.211 Eligible grantees.

(a) Funds available for programs under this part shall be distributed to eligible grantees in accordance with requirements specified in application procedures issued annually in accordance with § 660.230.

(b) Pursuant to section 326(b) of JTPA, eligible grantees under this part are States, JTPA title III substate grantees, employers, employer associations, and representatives of employees. However, a specific eligible grantee may not be an appropriate applicant for a particular project. The nature and extent of the proposed project will be factors in considering an application and the applicant's ability to perform the work.

(c) Employer associations, and representatives of employees may submit applications directly to the Grant Officer. Applications submitted by substate grantees must be submitted to the Grant Officer by the State.

§ 660.212 Priority areas of service.

(a) In funding grants under this part, the Department shall consider priority areas that have, or are projected to have, the greatest number of eligible dislocated workers, as defined in § 660.210.

(b) In reviewing applications for funding under this part, priority shall be given to those applications proposing to provide training, adjustment assistance, and services in priority areas which have the greatest number of workers dislocated as a direct result of a firm's compliance with the Clean Air Act. The Secretary shall give the highest priority to priority areas of service in which compliance with the requirements of the Clean Air Act results in a layoff at one or more facilities which comprise the primary economic base of the community. In considering the level of community impact, the Secretary shall consider:

(1) information on the economic conditions in the State and the geographic area to be served;

(2) the most recent unemployment rates for the State and the community;

(3) an affected firm or industry's proportion of the area's unemployment, or

(4) other information that the Secretary deems necessary.

The Secretary shall continue to consult with the Environmental Protection Agency for the purpose of identifying priority areas, and may publish standards regarding such areas where possible and appropriate.

(c) Applications must provide specific information to demonstrate what compliance with the Clean Air Act requirements resulted in the dislocation of the workers to be served, including, as appropriate, identification of specific contracts cancelled, mines closed, plants closed, total jobs lost, jobs lost attributable to compliance with the Clean Air Act and other relevant information.

(d) Standards which an applicant must meet and document to the satisfaction of the Grant Officer to assure that any dislocated workers served are workers dislocated as a consequence of a firm's compliance with the Clean Air Act shall be annually published by the Secretary.

§ 660.213 Allowable activities.

(a) Allowable activities under this part shall be those activities authorized by section 314 of JTPA, except as provided in this section.

(b)(1) Job search shall be an allowable activity under this part only to assist a dislocated worker who meets the eligibility criteria under § 660.210 in securing a job within the United States, and where it has been determined that the dislocated worker cannot reasonably be expected to secure suitable employment within the commuting area in which the worker resides. Procedures for determining whether a dislocated worker cannot reasonably be expected to secure suitable employment within the commuting area in which the dislocated worker resides shall be described in the grant application and shall be subject to approval by the Secretary.

(2) The cost of job search for an eligible dislocated worker who meets the eligibility criteria under § 660.210 of this part shall be an allowable basic readjustment service cost (see § 660.127(b)), but shall not provide for more than 90 percent of the cost of

necessary job search expenses, and may not exceed a total of $800, unless the need for a greater amount is justified in the grant application and approved by the Secretary.

(3) The restrictions in paragraph (b) of this section shall not apply to regular job search, placement and development activities provided to an eligible participant within the commuting area within which the eligible participant resides.

(c)(1) Relocation shall be an allowable activity under this part only where the eligible dislocated worker cannot reasonably be expected to secure suitable employment in the commuting area in which the worker resides and has obtained suitable employment affording a reasonable expectation of long-term duration in the area in which the worker wishes to relocate, or has obtained a bona fide offer of such employment, provided that the worker is totally separated from employment at the time relocation commences.

(2) The cost of relocation for an eligible dislocated worker shall not exceed an amount which is equal to the sum of 90 percent of the reasonable and necessary expenses incurred in transporting the dislocated worker and the dislocated worker's family, if any, and household effects, and a lump sum relocation allowance, equivalent to three times such worker's average weekly wage. The maximum relocation allowance, however, shall not exceed $800, unless a greater amount is justified to the satisfaction of the Grant Officer in the grant application and is approved by the Secretary. Necessary expenses shall be travel expenses for the dislocated worker and the dislocated worker's family and for the transfer of household effects. Reasonable costs for such travel and transfer expenses shall be by the least expensive, most reasonable form of transportation.

§ 660.214 Selection of service providers.

(a) The grantee may provide authorized JTPA section 326 services directly or through contract or agreement with service providers. For purposes of Clean Air Employment Transition Assistance programs, service providers shall be considered contractors.

(b) The provisions of section 107(a), (b), and (c) of the Act apply to grantee selection of service providers.

§ 660.215 Certificates of continuing eligibility.

Eligible grantees under this part shall not issue certificates of continuing eligibility, since the period of operation under the grant will not be sufficient to honor such certificates.

§ 660.216 Coordination activities.

(a) Services under this part shall be integrated or coordinated with services and payments made available under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 *et seq.*) and part 617 of this chapter and with programs provided by any State or local agencies designated under section 239 of the Trade Act of 1974 (19 U.S.C. 2311) or part 617 of this chapter, as appropriate.

(b) Services under this part will be, when appropriate, coordinated with dislocated worker services under title III of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2351 *et seq.*)

(c) In accordance with section 402 of the Veterans' Benefits and Programs Improvement Act of 1988, 29 U.S.C. 1731 note, services under this part shall be coordinated with programs administered by the Department of Veterans Affairs, including the Veterans' Job Training Act (29 U.S.C. 1721 note), and by the Assistant Secretary of Labor for Veterans' Employment and Training including title IV–C of the Job Training Partnership Act (29 U.S.C. 1721 *et seq.*) and 20 CFR chapter IX, and other training, employment, and education programs which may have special provisions for veterans, where appropriate.

Subpart H—Application Procedures

§ 660.230 Application procedures.

A State, a JTPA title III substate grantee, an employer, an employer association, or a representative of employees which wishes to receive a grant under this part shall submit an application in accordance with instructions issued annually by the Secretary. Such instructions shall specify application procedures, selection criteria, and the approval process. These instructions may be included with the annual instructions issued by the Secretary for applying for regular JTPA title III discretionary funds.

Signed at Washington, DC, this 5th day of March, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 92–6505 Filed 3–23–92; 8:45 am]

BILLING CODE 4510–30–M

federal register

Tuesday
March 24, 1992

Part IV

Department of Defense

Department of the Army
Corps of Engineers

33 CFR Part 207

St. Marys Falls Canal and Locks, Michigan; User Administration and Navigation; Final Rule

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 207

St. Marys Falls Canal and Locks, Michigan; Use, Administration and Navigation

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This final rule modifies the annual closing date of the Soo Locks at the St. Marys Falls Canal, Sault Ste. Marie, Michigan by fixing that date at January 15. It also eliminates the provision in the current regulation that permits users of the locks to request extension of the closing date to meet the reasonable needs of commerce. The purpose and effect of this rule are to create an atmosphere of stability and certainty within which Great Lakes shipping interests and industries can plan and conduct their operations, while assuring that no significant adverse environmental effects occur.

EFFECTIVE DATE: April 23, 1992.

ADDRESSES: U.S. Army Corps of Engineers District, Detroit, ATTN: CENCE–CO, P.O. Box 1027, Detroit, Michigan 48231–1027.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Kidby at Corps of Engineers Headquarters in Washington, DC., at (202) 272–8839.

SUPPLEMENTARY INFORMATION:

Classification

The Secretary of the Army has determined that this final rule is not a "major" rule within the meaning of Executive Order (E.O.) 12291. This is because the rule will not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State, or local governmental agencies; or (3) have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of a United States-based enterprise to compete with foreign based enterprise in domestic or export markets.

No increased paperwork burden is imposed by this rule.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by E.O. 12291.

Regulatory Analysis

Under E.O. 12291, the Department of the Army must determine if a regulation is "major" and, therefore, subject to a Regulatory Impact Analysis. Because the Department of the Army believes that this final rule is not "major", it is not subject to such an analysis.

Environmental Analysis

As noted in the Notice of Proposed Rulemaking (NPRM) discussed below, this action was the subject of a Final Environmental Impact Statement (FEIS), September 1989, which concluded that there would be no significant adverse environmental impacts as a result of taking the action. The FEIS also concluded that the action was in compliance with all applicable environmental statutes and other requirements, *viz.*, the Archaeological and Historic Preservation Act; the Clean Air Act; the Clean Water Act; the Coastal Zone Management Act (CZMA); the Endangered Species Act; the Federal Water Project Recreation Act; the Fish and Wildlife Coordination Act; the Land and Water Conservation Fund Act; the National Historic Preservation Act; the National Environmental Policy Act; the Boundary Waters Treaty of June 11, 1909; E.O. 11990, Protection of Wetlands; E.O. 12114, Environmental Effects Abroad of Major Federal Actions; and E.O. 12372, Intergovernmental Review of Federal Programs. Please see, however, the discussion under Background below.

Background

On April 3, 1991, a Notice of Proposed Rulemaking (NPRM) on the St. Marys Falls Canal and Locks, Michigan; use, administration, and navigation, 33 CFR 207.440, was published in the Federal Register (56 FR 13604). A 30-day period for public comments was provided. During this period, 13 comment letters were received. All these letters came from shipping or commercial entities, and all were in favor of adoption of the proposed rule.

After the close of the comment period, the Detroit District of the Corps of Engineers received a letter from the Michigan Department of Natural Resources (MDNR), alleging that the Corps had not provided the MDNR with a determination of consistency with Michigan's coastal zone management plan, as required by the CZMA. Although a specific determination of consistency with the Michigan CZM program had been made in the FEIS, as a matter of comity, the District again reviewed the record and issued a second determination of consistency under the CZMA. In addition, District personnel met with MDNR personnel and representatives of the Lake Carriers' Association, shipping companies, and the iron and steel industry to discuss the concerns raised by the MDNR. As a result of these meetings, the District received letters from the MDNR and the Lake Carriers Association summarizing the positions espoused in the meetings. The Corps of Engineers has determined, in the exercise of its administrative discretion, to treat these letters and the discussions that they summarize as comments on the NPRM received after the close of the comment period, and, consequently, to deal with the issues they raise.

The correspondence from the MDNR refers to previous correspondence on an earlier proposal, which was not implemented by rulemaking, to fix the closing date of the locks at February 15 (see the discussion in the NPRM at 56 FR 13604). The recent correspondence merely reiterates the MDNR's concerns about the February 15 proposal, and fails to specifically address those concerns to the January 15 proposal contained in the NPRM. In addition, the earlier correspondence did not express opposition to the January 15 closing date (subject to fixed weather and ice criteria, which are discussed below). As a result, each of the potential issues raised by the MDNR's earlier correspondence is not dealt with in detail. Nonetheless, the Corps of Engineers has considered the specific areas of concern set out in the most recent MDNR correspondence, and has reached the following conclusions on them.

The potential environmental impacts raised by the MDNR consist of damage to (1) emergent wetlands; (2) shore structures; and (3) fisheries resources (specifically lake herring spawning activities). Each of these potential impacts was addressed during preparation of the 1989 FEIS. During the discussions that preceded the issuance of the NPRM, the Corps of Engineers requested that the State of Michigan provide any scientifically meaningful data that might cast doubt on the conclusions of the environmental studies that addressed the potential damages listed above. No additional data were provided. The environmental studies leading up to the 1989 FEIS indicate that increases or decreases in the amount and composition of emergent wetlands in the St. Marys River ecosystem is primarily related to changes in water levels in the Great Lakes, and is not the result of extended shipping seasons at the Soo Locks. The current available evidence continues to support that conclusion.

The FEIS concluded that damage to shore structures was the natural result of exposure to the rigorous conditions imposed by the northern Michigan winter, but that lock operation to February 15 could increase damage to structures near the navigation channel. With the proposed restriction of lock operation to January 15, any increased damage would be insignificant. The available evidence supports the conclusion that any significant damage to shore structures in the St. Marys River is the result of climatic conditions, and is not caused by extended shipping seasons at the locks.

The other potential environmental impact raised is damage to the fisheries resource, specifically to spawning activities of the lake herring. The environmental studies leading up to the 1989 FEIS indicated that lake herring populations, overall and in terms of specific age groups, were in fact, higher during periods of year-round lock operations. It was concluded that any decline in the lake herring population was not attributable to extended navigation seasons at the Soo Locks, but was, rather, the result of other factors, possibly including over-utilization of the resource. (Recent data, in fact, indicate an increase in lake herring populations in Lake Superior.)

During the discussions that were the subject of recent correspondence, a representative of the MDNR indicated that declines in the lake herring population could not be attributed with any certainty to extended lock operations. At this time, the available evidence continues to support the earlier conclusions regarding any decline in the lake herring population.

One additional issue raised by the MDNR in the discussions leading up to the recent correspondence from that agency and the Lake Carriers' Association was the use of weather and ice criteria to determine the closing date. As noted in the NPRM, it has been concluded that the weather and ice criteria (which were adopted for use during the period that the extended environmental studies preceding the FEIS were being conducted) are not a scientifically sound basis upon which to determine the closing date. During the discussions on this subject, all the parties acknowledged that there are no grounds upon which to conclude that the weather and ice criteria currently in place should be retained. As with the other environmental issues involved in this rulemaking, the State of Michigan was given the opportunity to provide scientifically meaningful data to support an alternate proposal for weather and ice criteria to be employed in determining a closing date. No such data were provided. The available evidence supports the conclusion that the weather and ice criteria used in determining the closing date of the locks should no longer be employed.

The recent correspondence from the MDNR proposes a fixed closing date of December 31, subject to a verification prior to December 1 of each year that there is an economic demand for shipping past December 15, with additional extension of the season to no later than January 15, subject to weather and ice criteria. Industry's need for certainty in planning was brought out in the recent discussions and correspondence, and the ability to meet such a need would clearly be compromised under the MDNR proposal. For this reason, because the MDNR has not shown any objectively supportable basis for this proposal, and because the proposal would require the use of weather and ice criteria which have not proven scientifically defensible, the Corps of Engineers declines to adopt this proposal.

The MDNR has also raised several economic rather than environmental issues. These center around the possibilities of (1) stockpiling iron ore; (2) shipping iron ore by rail; and (3) using the harbor at Escanaba, Michigan, in order to limit the length of the season required by industry at the Soo Locks. Each of the issues was considered during the recent discussions among the Corps, MDNR, and Great Lakes commercial interests. It was brought out that stockpiling of raw materials is inherently uneconomical, logistically complicated, and fundamentally at odds with the need for certainty in planning. Similarly, shipment by rail requires industry to pay substantially higher shipping costs, is logistically complicated, and is subject to the highly uncertain availability of rolling stock. Finally, the harbor at Escanaba has insufficient capacity and, because of climatic conditions and the geography of its location, is more likely to suffer the effects of severe weather than are other harbors on the upper Great Lakes. For these reasons, and because no scientifically meaningful data have been advanced to show why these economically complicated approaches should be required, the Corps of Engineers has determined that these suggestions, taken singly or in concert, do not make it necessary or advisable to modify the rule proposed in the NPRM.

In consideration of the administrative record, the comments received in response to the NPRM, and the findings resulting from study of the additional issues raised and discussed above, the Corps of Engineers will promulgate the final rule exactly as proposed in the NPRM.

List of Subjects in 33 CFR Part 207

Navigation (Water), Water Transportation, Vessels.

For the reasons set forth in the preamble, 33 CFR part 207 is amended as follows:

PART 207—[AMENDED]

1. The authority citation for part 207 continues to read as follows:

Authority: Secs. 4 and 7 of 28 Stat. 362; 40 Stat. 266; 42 Stat. 1043; and 33 U.S.C. 1, 554, and 555 (as amended by Sec. 919 of the Water Resources Development Act of 1986).

2. Section 207.440 is amended by revising paragraph (u) to read as follows:

§ 207.440 St. Marys Falls Canal and Locks, Mich.; use, administration, and navigation.

* * * * *

(u) The locks will be opened and closed to navigation each year as provided in paragraphs (u) (1) and (2) of this section except as may be authorized by the Division Engineer. Consideration will be given to change in these dates in an emergency involving disaster to a vessel or other extraordinary circumstances.

(1) *Opening date.* At least one lock will be placed in operation for the passage of vessels on April 1. Thereafter, additional locks will be placed in operation as traffic density demands.

(2) *Closing date.* The locks will be maintained in operation only for the passage of downbound vessels departing from a Lake Superior port before midnight (2400 hours) of January 14, and of upbound vessels passing Detour before midnight (2400 hours) of January 15. Vessel owners are requested to report in advance to the Engineer in charge at Sault Ste. Marie, the name of vessel and time of departure from a Lake Superior port on January 14 before midnight, and of vessels passing Detour on January 15 before midnight, which may necessitate the continued operation of a lock to permit passage of vessel.

* * * * *

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 92–6809 Filed 3–23–92; 8:45 am]

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federal register

Tuesday
March 24, 1992

Part V

Department of Education

Technology, Educational Media and Materials for Individuals With Disabilities Program; Inviting Applications for New Awards; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.180]

Technology, Educational Media and Materials for Individuals With Disabilities Program

Notice inviting applications for new awards under the Technology, Educational Media, and Materials for Individuals with Disabilities Program for fiscal year 1992.

Purpose of Program: To support projects and centers for advancing the availability, quality, use, and effectiveness of technology, educational media, and materials in the education of children and youth with disabilities and the provision of related services and early intervention services to infants and toddlers with disabilities.

Eligible Applicants: Institutions of higher education, State and local educational agencies, public agencies, and private nonprofit or for-profit organizations.

Applications Available: March 27, 1992.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR part 333, as amended on October 22, 1991 at 56 FR 54703–54704.

Priorities: Under 34 CFR 75.105(c)(3) and 34 CFR 333.3 The Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under this program only applications that meet one of these absolute priorities:

Absolute Priority 1: Technology, Educational Media, and Materials Research Projects That Promote Literacy (CFDA 84.180G)

This priority provides support for research projects that examine how advancing the availability, quality, use, and effectiveness of technology, educational media, and materials can address the problem of illiteracy among individuals with disabilities.

Invitational Priority: Within this Absolute Priority, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority receives no competitive or absolute preference over applications that do not meet the invitational priority.

The Secretary particularly encourages projects that:

(a) Define literacy as to: Read, communicate, compute, make judgments and take appropriate action;

(b) Are rigorously designed and employ clearly explained quantitative and/or qualitative methodologies appropriate to the purpose of project; and

(c) Consider learning and psycho-social factors in examining the availability, quality, and use of specified technology, educational media, and materials, and in examining their effectiveness in providing experiences and opportunities that improve the literacy of children with disabilities.

Absolute Priority 2: Technology, Educational Media, and Materials Demonstration Projects That Promote Literacy (CFDA 84.180H)

This priority provides support for projects that demonstrate the effectiveness and the efficient implementation and use of technology, educational media, and materials in addressing the problem of illiteracy among individuals with disabilities.

Invitational Priority: Within this Absolute Priority, the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority receives no competitive or absolute preference over applications that do not meet the invitational priority.

The Secretary particularly encourages projects that:

(a) Define literacy as to: Read, communicate, compute, make judgments and take appropriate action;

(b) Evaluate the process of implementating methods or strategies that use innovative technology, educational media or materials to address illiteracy among children with disabilities in existing and promising, organizational or instructional arrangements;

(c) Examine the extent to which identified contextual variables (e.g., support and training resources and mechanisms, school and classroom organizational characteristics) and student learning and psycho-social characteristics, alone or in combination, impede or facilitate implenetation; and

(d) Are proposed from local educational agencies in collaboration with program evaluators and other appropriate experts.

TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR INDIVIDUALS WITH DISABILITIES PROGRAM

[Application notices for fiscal year 1991]

Title and CFDA No.	Deadline for transmittal of applications	Deadline for intergovernmental review	Available funds	Estimated size of award(s)	Estimated number of awards	Project period in months
Technology, Educational Media, and Materials Research Projects that Promote Literacy (CFDA 84.180G).	05/26/92	02/27/92	$600,000	$150,000 per year [1]	4 grants	Up to 36.
Technology, Educational Media, and Materials Demonstration Projects that Promote Literacy (CFDA 84.180H).	05/26/92	07/27/92	$600,000	$200,000 per year [1]	3 grants	Up to 36.

[1] Amounts listed are the estimated funding levels for the first 12 months of the project(s). Multi-year projects are likely to be level funded unless there are increases in costs attributable to significant changes in activity level.

NOTE: The Department of Education is not bound by any estimates in this notice, except as otherwise provided by statute.

These priorities complement AMERICA 2000, the President's strategy for helping the nation achieve the six National Education Goals, by improving our understanding of how to enable children with disabilities to reach the highest levels of educational performance envisioned by the goals.

For Applications or Information Contact: Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., (Switzer Building, room 3524), Washington, DC 20202.

Telephone: (202) 732–1099. (TDD: (202) 732–6153).

Program Authority: 20 U.S.C. 1461.

Dated: March 19, 1992.

Robert R. Davila,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 92–6795 Filed 3–23–92; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
March 24, 1992

Part VI

Department of Commerce

Agency Information Collection Under Review by the Office of Management and Budget; Expedited Review; Notice

DEPARTMENT OF COMMERCE (DOC)

Agency Information Collection Under Review by the Office of Management and Budget (OMB); Expedited Review

DOC has submitted to OMB for expedited clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). The collection is for the International Trade Administration of DOC.

Title: MOSS Motor Vehicle Study in Japan. Survey of (A) Vehicle Consumers. (B) Automotive Franchise Dealers.

Form Number: Agency—N/A; OMB—0625.

Type of Request: New Collection—EXPEDITED REVIEW.

Burden: Estimated (A) 1,400 respondents, 700 burden hours—average response time 30 minutes. (B) 300 respondents, 450 burden hours—average response time is 1.5 hours.

Needs and Uses: This collection will be conducted under the auspices of the MOSS Motor Vehicle Study to support MOSS negotiations by identifying potential barriers to the sale of U.S. vehicles in Japan as well as the needs and expectations of consumers in this market.

Affected Public: Selected automobile consumers and franchise dealers in Japan.

Frequency: Once.

Obligation: Voluntary.

OMB Desk Officer: Gary Waxman, (202) 395–7340.

A copy of the survey is published below. Any questions can be directed to Edward Michals, DOC Clearance Officer, 202–377–3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments for the proposed information collection should be sent to Gary Waxman, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: March 20, 1992.

Ed Michals,

Departmental Clearance Officer, Office of Management and Organization.

[OMB No: 0625] Expires:

Package for OMB Survey Clearance

Demand Survey for the Moss Motor Vehicle Study

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Reports Clearance Office, International Trade Administration, rm. 4001, U.S. Dept. of Commerce, Washington, DC 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625–), Washington, DC 20503

BILLING CODE 3510-22-M

AUTOMOTIVE SURVEY QUESTIONNAIRE (final version)

Q1 How many cars do you own currently, excluding trucks or commercial/business vehicles?

Q2. Please answer the Q2-1 through Q2-8 about the cars you own If you now own more cars than one, please answer about two cars of your recent purchase.

Q2-1. What are the manufacturer? (Choose from the attached list #1)
Q2-2. What are the model? (Choose from the attached list #2)
Q2-3. What are the body types? (Sedan, coupe, van, wagon, etc.)
Q2-3. When did you buy the car?
Q2-4. Were they bought new or used?
Q2-5. Was the car a replacement of an old car or a new addition?
Q2-7. What are the displacements of the cars?
Q2-8 Please indicate which car you use more often by entering 1 and 2

	Car you bought most recently	Car you bought next recently
Q2-1. Manufacturer		
Q2-2 Model		
Q2-3 Type		
Q2-4 Month/Year you bought	Month_____ Year 19__	Month _____ Year 19__
Q2-5 New/used	1. New 2. Used	1. New 2. Used
Q2-6 Replacement/addition	1. Replacement 2. Addition	1. Replacement 2. Addition
Q2-7 Displacement	_____cc	_____cc
Q2-8 Ranking in frequency of use		
Q2-9 From where did the car come	1 Vehicle purchase from dealer's stock(existing inventory) 2 Or special ordered from the factory	1 Vehicle purchase from dealer's stock(existing inventory) 2 Or special ordered from the factory

PLEASE ANSWER Q3 THROUGH Q10 OF THE CAR YOU BOUGHT MOST RECENTLY

Q3 Please fill in the blanks below with information about the car bought most recently. If there was no trade-in for the car, please enter 0 in the blank for trade-in

List Price ¥_____
Reduction ¥_____
Trade-in ¥_____
Price Paid ¥_____

Q3-1 What other incentives did you get from dealer?

Q4. Did you arrange a loan for the payment when you bought the car?
1. Yes 2. No

Q4-1. (TO THOSE WHO ANSWERED 1. YES TO Q4)
What was the annual interest rate of the loan you arranged?
Please check one of the four choices below.

1. Less than 5% 3. 10 to 15%
2. 5 to 10% 4. Over 15%

Q4-2. (TO THOSE WHO ANSWERED 1. YES TO Q4)
What was your reaction to the level of the interest rate?
Please check one.
1. Fair
2. More or less fair
3. Neutral
4. Not very fair
5. Unfair

Q5. Who drives the car most often?
1. Yourself
2. Your spouse
3. Your son
4. your daughter
5 Your parent

Q6. How often do you yourself drive the car?
1. Every day
2. 3 - 4 times a week
3. 1 - 2 times a week
4. 2 - 3 times a month
5. Around once a month
6. Less than often than 5

Q7. For what purpose do you most often use the vehicle yourself? (Rank from 1 to 9)
1. For commuting to place of employment
2. For commuting to school
3. Driving a member(s) of family to from home
4. Shopping
5. Transportation to appointments
6. Pleasure driving
7. Travelling
8. Recreation/leisure activities
9. Others (Specify)

Q8. Please fill the blanks below with approximate figures for the past year.
Total distance driven _____Km
Total gas/oil expense paid ¥_____
Total cost of renting a parking lot * ¥_____
Total cost of required checks ¥_____

* If you are not paying for the parking space, record 0 here.

Q9. What was the motive for buying the car? (Rank from 1 to 5)
1. The old car was up for a safety check (shaken) soon.
2. The old car needed a repair.
3. The old car was getting quite old.
4. Got tired of the old car.
5. Was through paying the installments for the old car.
6. Dealer or salesman talked me into buying a new car
7. Liked the design of the new model or car.
8. Family environment changed (new job, change of office location, birth of a baby, etc.)
9. Family wanted a better or different type of car.
10. More discretionary income
11. Myself or a family member got a driver's license
12. Have always wanted the car.
13. Others (Specify)

Q10 How did you learn about the car you bought most recently?
(Check as many as applicable)
1. Car magazines
2. General interest magazines
3. TV commercials
4. Newspaper reports
5. Newspaper ads
6 Flyers distributed with paper
7. Direct mails
8 Car catalogues
9. Saw the car at a dealer s
10. Friends or acquaintances
11. Saw friend/acquaintance driving the car
12 Saw the car in the street
13 Dealer showed me the car
14 Dealer showed me the car at my house
15. Other (Specify)

Q11. Did you have other cars you were interested in buying, before you finally decided on the car you bought most recently?
1. Yes 2. No

Q11-1. Please list all the cars you were interested in buying and answer the questions a to d
a. In what country was the car made?
b. What was the manufacturers? (Choose from the attached list #1
c. What was the models? (Choose from the attached list #2)
d. Did you have quotations from dealers to compare?

a. Nationality	b Manufacturer	c Model	d. Quotation
1.			1 Yes How much was the estimate? 2. No
2.			1. Yes How much was the estimate? 2. No
3			1. Yes How much was the estimate? 2. No
4.			1. Yes How much was the estimate? 2. No

Q11-2. (TO THOSE WHO LISTED FOREIGN CARS IN THE ABOVE LIST)
What was the amount that had to be reduced to induce you to buy this car?
1. ¥_____ 2. ¥_____ 3.¥_____ 4.¥_____
* Please check the X below if you would not have bought the car no matter what price.

Q12 The following questions refer to when you examined these cars
Please check as many as applicable

Q12-1. (TO THOSE WHO DID NOT INCLUDE IMPORTED CARS)
What were the reasons for not including imported cars?

Q12-2. (TO THOSE WHO DID NOT ASK FOR QUOTATION FOR FOREIGN CAR EVEN THOUGH LISTED FOR STUDY)
What were the reasons for not asking for quotations for foreign cars to examine?

Q12-3. (TO THOSE WHO DID NOT BUY FOREIGN CAR EVEN THOUGH QUOTED)
What were the reasons for not buying an foreign car?

(1) Not aware of what imported cars were available.
(2) Afraid of unfavorable reactions from neighbors or in business relations if I owned an imported car.
(3) Family objected.
(4) The price was not within an affordable range.
(5) Cars have steering on the left side.
(6) Imported cars are too big to fit in my garage or parking space.
(7) None of the imported cars are of the type I prefer.
(8) Vehicle did not offer enough power for my need.
(9) Vehicles steering performance did not meet my need.
(10) Not economic with high fuel consumption or repair cost.
(11) Did not like their exterior design.
(12) Did not fit my status needs.
(13) Interior finishing did not meet my needs.
(14) Air conditioning did not meet my needs.
(15) Audio facilities did not meet my needs.
(16) The options I wanted were not available.
(17) Special ordering desired options would delay delivery.
(18) Not enough safety considerations.
(19) Not sturdy enough.
(20) May have too many troubles.
(21) May require more time and money to repair.
(22) Terms (discount/trade-in) are not good.
(23) Voluntary insurance cost is higher.
(24) Warranty terms are not good.
(25) Dealer is not in convenient location.
(26) Dealer's post-sale service is not good.
(27) Reception by the dealer or salesperson was not good.
(28) Evaluation in car magazine was not good.
(29) Friends/acquaintances did not comment favorably.
(30) Did not feel secure about the trade-in value.
(31) Dealer lacks availability of parts to service vehicles.
(32) Dealer lacks enough trained technicians to service vehicles.
(33) Financing program was not competitive.
(34) Other (Specify)

Q13. When you bought the most recent car, what information sources did you rely on?

1. Car magazines
2. General interest magazines
3. TV commercials.
4. Paper reports on cars
5. Paper ads
6. Flyers in papers
7. Direct mails
8. Car catalogues
9. Dealer exhibits
10. Friends/acquaintances
11. Dealer people
12. Tried driving them
13. Other (Specify)

Q14. Who made the final decision to buy the car?

1. Yourself
2. Your spouse
3. Your son
4. Your daughter
5. Your parent
6. Other (Specify)

Q14-1 Who most influenced his decision? (Use same choices as in current question 14?

Q15. When you decided the car, how important was the each factor listed below? Please check the degree of importance you attach to each factor.

5. Not important at all
4. Not very important
3. Neutral
2. Somewhat important
1. Very important

(1) Price paid.	1 2 3 4 5
(2) Not too big for the garage/parking space.	1 2 3 4 5
(3) Suitable for my purpose.	1 2 3 4 5
(4) Model or type.	1 2 3 4 5
(5) Country in which car was manufactured	1 2 3 4 5
(6) Manufacturer.	1 2 3 4 5
(7) Power performance	1 2 3 4 5
(8) Steering performance	1 2 3 4 5
(9) Fuel economy or expected repair costs.	1 2 3 4 5
(10) Exterior design.	1 2 3 4 5
(11) Status feel and class.	1 2 3 4 5
(12) Good interior finish.	1 2 3 4 5
(13) Well equipped with air conditioning or audio facilities.	1 2 3 4 5
(14) Availability of options.	1 2 3 4 5
(15) No frequent minor model changes.	1 2 3 4 5
(16) Sufficient safety considerations.	1 2 3 4 5
(17) Low incidence of mechanical troubles.	1 2 3 4 5
(18) Smaller repair costs/time.	1 2 3 4 5
(19) Terms (discount/trade-in).	1 2 3 4 5
(20) Smaller voluntary insurance costs.	1 2 3 4 5
(21) Warranty terms.	1 2 3 4 5
(22) Dealer is in the neighborhood.	1 2 3 4 5
(23) Post-sale service of the dealer.	1 2 3 4 5
(24) Reception by dealer/salesman.	1 2 3 4 5
(25) Good evaluation in car magazines.	1 2 3 4 5
(26) Good evaluation by friends/acquaintances.	1 2 3 4 5
(27) Good trade-in value.	1 2 3 4 5
(28) Recently introduced model.	1 2 3 4 5
(29) Timeliness of delivery for special order vehicles.	1 2 3 4 5
(30) Expected timeliness for servicing.	1 2 3 4 5
(31) Other incentives.	1 2 3 4 5
(32) Competitive insurance program.	1 2 3 4 5
(33) Competitive finance program.	1 2 3 4 5
(34) Competitive leasing program.	1 2 3 4 5

Q15-1. Rank the top 5 (if applicable) most satisfied factors in your decision, with 1 representing the most satisfied . Give the numbers in the blanks below.

Q15-2. Rank the top 5 (if applicable) most unsatisfied factors in your decision, with 1 representing the most unsatisfied . Give the numbers in the blanks below.

Q16. For your current car please rank the 3 factors you are most satisfied with (1 represents most satisfied, then 2, then 3) then rank the 3 factors you are most dissatisfied with (4 represents most dissatisfied, then 5, then 6).

(1) Price paid.
(2) Not too big for the garage/parking space.
(3) Suitable for my purpose.
(4) Model or type.
(5) Country in which car was manufactured
(6) Manufacturer.
(7) Power performance
(8) Steering performance
(9) Fuel economy or expected repair costs.
(10) Exterior design.
(11) Status feel and class.
(12) Good interior finish.
(13) Well equipped with air conditioning or audio facilities.
(14) Availability of options.
(15) No frequent minor model changes.
(16) Sufficient safety considerations.
(17) Low incidence of mechanical troubles.
(18) Smaller repair costs/time.
(19) Terms (discount/trade-in).
(20) Smaller voluntary insurance costs.
(21) Warranty terms.
(22) Dealer is in the neighborhood.
(23) Post-sale service of the dealer.
(24) Reception by dealer/salesman.
(25) Good evaluation in car magazines.
(26) Good evaluation by friends/acquaintances.
(27) Good trade-in value.
(28) Recently introduced model.
(29) Timeliness of delivery for special order vehicles.
(30) Expected timeliness for servicing.
(31) Other incentives.
(32) Competitive insurance program.
(33) Competitive finance program.
(34) Competitive leasing program.

Q16-1 Why do you think so?

Q17 From which one of the retailers listed below, did you buy the car?
1. Appointed dealer.
2. Non-appointed importer.
3. Leasing or credit company.
4. Other (Specify)

Q18. How did you learn of the retailer? (Check as many as applicable.)

1. Same retailer from whom I bought the replaced car.
2. It is on the way to my work/school.
3. It is in the neighborhood of my home.
4. Introduced by the garage/gas station.
5 Introduced by friend/acquaintance
6 Saw it in direct mails or flyers
7. Saw it in paper/magazine ads.
8. Learned of it in TV/radio commercials.
9. Salesperson called on me
10. Found in phone directory.
11. Other (Specify)

Q19. How satisfied are you of the dealer, sales and service-persons of the retailer from whom you bought the car. Please check particular levels of satisfaction for each of the ten factors listed below.

6 Dissatisfied
5. Somewhat dissatisfied
4. Neutral
3.Somewhat satisfied
2.Very much satisfied
1 No such activity

(1)	Their reception from introduction to the closing of the deal	1 2 3 4 5 6
(2)	Sales persons know their business	1 2 3 4 5 6
(3)	Comfortable dealer shop environment	1 2 3 4 5 6
(4)	Variety in the models/types of car they offer	1 2 3 4 5 6
(5)	Service is timely.	1 2 3 4 5 6

Q20. What service did you receive from the dealer where you bought the car?
(1) Direct mails
(2) Letters
(3) Phone
(4) Personal visits periodically
(5) Reminders for required periodical checks
(6) Insurance policy renewal
(7) Other (Specify)

Q21. Have you had the car repaired or checked at the dealer?
1. Yes, 2,No

Q21-1 What did the dealer do when you had the car repaired most lately?
(1) Pick up the car for check up or repair.
(2) Prepare a substitute car when the car is in the garage for a check up or repair
(3) Deliver the repaired car to your home.
(4) Other (Specify)

Q21-2 How satisfied are you with the dealer's reliability?
(1) Very much satisfied
(2) Somewhat satisfied
(3) Neutral
(4) Somewhat dissatisfied
(5) Dissatisfied

Q21-3 How satisfied are you with the salespersons' knowledge of their business
(1) Very much satisfied
(2) Somewhat satisfied
(3) Neutral
(4) Somewhat dissatisfied
(5) Dissatisfied

Q22. Have you had the car repaired since the purchase? (Check one)
1. Yes, within the past year
2. Yes, but not in the past year
3. No, I have not

Q22-1. (TO THOSE WHO ANSWERED 1 TO Q22)
How often have you had the car repaired in the past year?
How much did the repairs cost in total?
____ ____ times.
¥_____ ___

Q22-2. (TO THOSE WHO ANSWERED 1 OR 2 TO Q20)
Which of the following did you go to to have the most recent repair done?
1. Appointed dealer.
2. Non-appointed importer.
3. Leasing/credit company.
4. Auto repair shop.
5. Gas station.
6. Other (Specify)

Q22-3. (TO THOSE WHO ANSWERED 1 OR 2 TO Q22)
How many days did the most recent repair take?
_____ days

IF THE CAR IS A REPLACEMENT, PLEASE ANSWER THE FOLLOWING QUESTIONS.

Q23. Please fill in the blanks below with the information on the car that was replaced. For names of manufacturers and models, please refer the attached list.

Manufacturer (Choose from attached list #1)	
Model (Choose from the attached list #2)	
Bought in	Month , Year 19
Bought	1. New 2. Used

Q23-1. From whom did you buy it?£

1. Same appointed dealer you bought the car in question.
2. Another appointed dealer.
3. Non-appointed importer.
4. Leasing/credit company.
5. Other (Specify)

Q24. Would you want to buy 4WD off-road type vehicle if you are buying another car? (Please check one)

1. Would want to buy.
2. Might.
3. Neutral.
4. Might not.
5. Would not.

Q25. When you buy a car next time, which do you think you will prefer, new or used?

1. New car 2. A used car 3. Not sure.

Q 26. Do you expect to use loan when you buy a car next time? (Please check one)

1. Will use loan. 2. Not sure. 3. Will not use loan. ——> Q28

Please assume you are using loan to buy another car. There are nine choices of combination of terms.

Q27. Which term would you prefer? Please rank them in the order of preference. (Four variables of car grades, amounts of reduction, annual rates of interest, and expected trade-in value in three years, are combined to make up the choices. Please assume all other conditions such as the physical qualities of the cars, dealers, etc. are equal. The loans are for three years.)

Choices:

Car grades:	Low (2.3 mil. yen) Medium (2.5 mil. yen) High (2.7 mil. yen)
Price reductions:	Nil, ¥200,000, ¥400,000
Rate of interest:	5%, 10%, 15%
Trade-in value:	1.10, 1.30 and 1.50 mil. yen

When you find it hard to make up your mind on the ranking, it might help to start first with the first to the third or with the seventh to the ninth rankings.

Rank in the order of your preference	Car Grade	Reduction	Interest	Trade-in Value
( )	Low	Nil	15 %	1.3 million yen
( )	High	200,000 yen	10%	1.3 million yen
( )	Medium	400,000 yen	5 %	1.3 million yen
( )	High	400,000 yen	15%	1.1 million yen
( )	Medium	Nil	10%	1.1 million yen
( )	Low	200,000 yen	5%	1.1 million yen
( )	Medium	200,000 yen	15%	1.5 million yen
( )	Low	400,000 yen	10%	1.5 million yen
( )	High	Nil	5%	1.5 million yen

THE QUESTIONS TO FOLLOW ARE ON FOREIGN CARS.

Q28. When you buy a car next time, do you want to buy a foreign car? (Please check one.)
1. Yes, I would want to buy a foreign car.
2. I might.
3. Not sure.
4. I might not.
5. No, I would not.

Q29. Please answer your experience with foreign cars in the past and within the past year. (Check Yes or No)

	In the past		Within the past year	
	Yes	No	Yes	No
(1) Owned one in the past (Or owns one now)	1	2	1	2
(2) Have driven one	1	2	1	2
(3) Have been in one	1	2	1	2
(4) Have seen one	1	2	1	2
(5) Have read articles about foreign cars.	1	2	1	2

Q30 Within the past year, have you experienced any of the following? (Check Yes or No)

	Yes	No
(1) Have seen in TV ads	1	2
(2) Have seen TV programs	1	2
(3) Have seen ads in papers or magazines	1	2
(4) Have seen one discussed in papers or magazines	1	2
(5) Friends/acquaintance have told me about them	1	2
(6) Street ads or others	1	2

Please tell us about yourself.

F1. In the following list of statements about cars, do you find any that apply to you? If so to what degrees are they applicable? Please check appropriate figures.

5. Not applicable
4. Not quite applicable
3. Neutral
2. Somewhat applicable.
1. Quite applicable.

(1) Driving is part of my leisure.	1 2 3 4 5
(2) When I go out for pleasure I go driving.	1 2 3 4 5
(3) I don't drive much except when I go shopping and so forth.	1 2 3 4 5
(4) If I can get by without driving, I'd rather not.	1 2 3 4 5
(5) Car is a necessity for the family leisure.	1 2 3 4 5
(5) Car is a necessity for the family leisure.	1 2 3 4 5
(5) Car is a necessity for the family leisure.	1 2 3 4 5
(6) I drive alone or with one passenger mostly.	1 2 3 4 5
(7) I'd drive a car that has something different from the cars others own.	1 2 3 4 5
(8) Car is my hobby and part of my self realization.	1 2 3 4 5
(9) I often read magazines on cars and driving.	1 2 3 4 5
(10) Friends often ask me questions about cars.	1 2 3 4 5
(11) I do some repair work and exchange some parts myself.	1 2 3 4 5
(12) I enjoy washing and working on cars.	1 2 3 4 5
(13) Car is an expression of the owner's lifestyle.	1 2 3 4 5
(14) I want to drive a car that gives good impression to the other sex.	1 2 3 4 5

F2. Please give your age and sex.

Age ___ Sex: 1. Male 2. Female

F3. Are you married? 1. Not married 2. Married

F4. What is your occupation? (Please check one.)

1. Specialists/engineers (professional/technical)
2. Managerial
3. Clerical (office work)
4. Marketing, sales, service (in the office)
5. Sales/service (out of the office)
6. Skilled/unskilled labor
7. Owns/operates business/plant
8. Agriculture/fishery/forestry
9. Part time job
10. Housewife
11. Other (Specify)
12. Student

F5. How many are there in your family? ___

F6. Who live with you?

1. Pre-school child(ren)
2. Grade school child(ren)
3. Junior high school student
4. Senior high school student
5. College student
6. Working male (16 through 59)
7. Working female (16 through 59)
8. Male over 60
9. Female over 60
10. Other (Specify)

F7. Please check one of the levels of the total annual household income applicable to your family.

1. Less than 3 million yen
2. 300 - 399 million
3. 400 - 499 million
4. 500 - 599 million
5. 600 - 699 million
6. 700 - 799 million
7. 800 - 899 million
8. 900 - 999 million
9. 1,000 - 1,499 million
10. 1,500 - 1,999 million
11. Over 2,000 million

F8. Please tell us which car magazines you read regularly. Please check as many as applicable.

1. Active Vehicle
2. Rev Speed
3. Monthly RV Magazine
4. F1 Grand Pris
5. Auto Fashion
6. Auto Sport
7. Autoroute
8. Auto Harpers
9. Option
10. Car and Driver
11. Car Sensor
12. Carboy
13. Car Top
14. Whizzman, Foreign Car Data
15. Monthly Car Leisure
16. Kurumania
17. Genroq
18. Car Graphic
19. JAF Mate
20. Monthly Jikayosha (Owner Car)
21. Monthly Jikayosha Catalog
22. Used Car Info
23. TIPO
24. Teens Road
25. Driver
26. NAVI
27. New Model Magazine
28. 4 X 4 Magazine
29. Best Car
30. Holiday Auto
31. My Car Buyers Guide
32. Motor Fan
33. Motor Magazine
34. Young Auto
35. 4WD Freak
36. Le Boran
37. Racing On
38. Let's Go 4WD
39. Other Magazine ( )
40. None

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Package for Survey Clearance

Required by U.S. Government Office of Management and Budget

Dealer Survey for the Moss Motor Vehicle Study

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Q1. Name of the manufacturer with which you have the largest business transactions
Manufacturer :

Q2. Who do you make the sales contract with ?
1. Manufacturer
2. Wholesaler (Distributor)

Q3. What is the type of contract period ?
1. Not specified -> Go to Q4.
2. Definite term (How long? years)
3. Automatic renewal (By when should you inform cancellation? months)

Q4. Reasons of cancellation in terms of manufacturer
1. Insolvent
2. Dishonest trade
3. Deprivation of sales licence
4. Nonfulfillment of the contract
5. Others (To be listed)

Q5. Is there any exclusive agreement in the contract?
1. Limited to only specified cars in the contract
2. Limited to any car of the manufacturer
3. No limitation
4. Not described specifically

Sub Q1. Condition of trading cars of another manufacturer
1. Need permission from the manufacturer
2. Need notification to the manufacturer
3. Not particular

Q6. The sales volume obligation in the contract
1. Exist
2. Not exist

Q7. Sales volume achievement goal
1. Set by each petname
2. Set by each model
3. Set by the total sales volume
4. Not set -> Go to Q8.

Sub Q1. How is the sales volume achievement goal set ?
1. One-sided indication from the manufacturer
2. Convention between manufacturer and dealer

Sub Q2. What is your benefit when you realize sales volume achievement goal ?
1. Rebate
2. Others (To be listed)

Sub Q3. What does the manufacturer do when you could not achieve the goal?
1. To be listed

Q8. Rebate from the manufacturer
1. Rebate in proportion to the sales volume
2. Rebate for sales of old models
3. Season rebate
4. Rebate for the campaign
5. Rebate for sales of unpopular models

Q9. Actual rebate for last year from the manufacturer
1. Rebate in proportion to the sales volume -> Go to Sub Q1.
2. Rebate for sales of old models
3. Season rebate -> Go to Sub Q2.
4. Rebate for the campaign -> Go to Sub Q3.
5. Rebate for sales of unpopular models

Sub Q1. Details of the rebate
1. (To be filled by the respondent)
2. (To be filled by the respondent)

Sub Q2. When did the manufacturer rebate last year?
1. January
:
:
12. December

Sub Q3. How often did the manufacturer rebate last year?
Times :

Q10. Other issues on the contract
1. Accounting method
2. Accounting procedure
3. Net worth ratio
4. Working capital
5. Inventory level of parts
6. Not especially

Q11 Restriction to your showroom from the manufacturer
1. Exist
2. Not exist -> Go to Q12.

Sub Q1. In detail
1. Color of showroom
2. Floor plan
3. Logotype
4. Uniform of sales person
5. Others (To be listed)

Q12. Restriction to placing other manufacturers' cars in your showroom
1. Exist
2. Not exist -> Go to Q13.

Sub Q1. What is the restriction in detail ?
1. Independent showroom
2. Separation by screens
3. Separation by color

Q13. Promotion costs which shared with the manufacturer
1. Pamphlet
2. Local commercial
3. Country-wide commercial
4. Campaign
5. Uniform
6. CI
7. Others (to be listed)

Q14. Dealer support from the manufacturer except promotion activity
1. Accounting system
2. Inventory management system
3. Order entry system
4. Other information system
5. Education/training program
6. Send the manufacturer's employee
7. Marketing information

Q15. How long does it take to get the manufacturer's response to a user's claim
Days :

Sub Q1. How do you feel about the response time?
1. Quick
2. Somewhat quick
3. Normal
4. Somewhat slow
5. Slow

Q16. How do you feel about quality of the response?
1. Sufficient
2. Somewhat sufficient
3. Normal
4. Somewhat insufficient
5. Insufficient

Q17. Is the sales activity restricted within some area in the contract?
1. Yes
2. No

Sub Q1. Can you sell the manufacturer's car out of the territory?
1. Yes
2. No

Sub Q2. Did you sell the manufacturer's car out of the territory year?
1. Yes
2. No

Sub Q3. Then, do you have to pay a part of profits to the dealer?
1. Yes
2. No, you don't have to

Q18. Is there any restriction to locations of showrooms?
1. Yes
2. No

Q19. Are there any other dealers of same division in the territory?
1. Yes
2. No

Q20. Are there any other dealers of same manufacturer in the territory?
1. Yes
2. No

Q21 to Q25 are asked only to single dealers

Q21. What the benefit for you to be "single" dealer?
1. Instable supply from manufacturer
2. Higher procurement costs
3. Higher inventory costs
4. No utilization of manufacturer's creditability
5. Less timely and insufficient customer service
6. Less margin due to competition
7. Others (To be listed)

Q22. What the demerits of a single dealer?
1. Narrower product line
2. Subject to one manufacturer's strategy and policy
3. Others (To be listed)

Q23. What are problems you feel in dealing U.S. cars?
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9. Others (To be listed)

Q24. Have you ever been a dual dealer?
1. Yes
2. No

Sub Q1. Why did you quit being dual?
Reason :

Q25. Have you ever handled cars without franchised agreement last year?
Name :
Manufacturer :

Q26 to Q32 are asked only to dual dealers

Q26. Have you ever dealt with more than one manufacturer since your inception?
1. Yes
2. No

Q27. What are merits of dual dealership?
1. Broader product line
2. Less subject to one manufacturer's strategy and policy
3. Optimal product portfolio
4. Others (To be listed)

Q29. What are demerits of dual dealership?
1. Instable supply from manufacturer
2. Higher procurement costs
3. Higher inventory costs
4. No utilization of manufacturer's creditability
5. Less timely and insufficient customer service
6. Less margin due to competition

Q29 to Q30 are asked only to dual dealers handling U.S. cars

Q29. What merits do you feel in dealing U.S. cars?
1. Broader product line
2. Niche marketing
3. Financial merit
4. Others (To be listed)

Q30. What are problems you feel in dealing U.S. cars?
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9. Others (To be listed)

Q31 is asked only to dual dealers not handling U.S. cars

Q31. Why do you hesitate to deal U.S. cars
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9. Others (To be listed)

Q32 is asked only to dual dealers not handling imported cars

Q32. Why do you hesitate to deal U.S. cars
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9 Others (To be listed)

Q33. Do you want to increase the number of manufacturers you deal with?
1. On-going negotiation
2. Considering specifically
3. Positive, but not specific
4. Maybe
5. No way

Sub. Why?
1. Nothing wrong with the current situation
2. No extra capacity
3. High initial investment required
4. Higher inventory costs
5. Less margin due to competition
6. Others (To be listed)

Q34. What conditions do you require manufacturer to do business?
1. Better margin
2. Stable supply of parts and maintenance
3. Dealer help
4. Good products
5. Others (To be listed)

Q35. Do you want to deal with foreign vehicle manufacturers?
1. Yes
2. No

Sub. Why not?
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9. Others (To be listed)

Q36. Do you want to deal with U.S. vehicle manufacturers?
1. Yes
2. No

Sub. Why not?
1. Bad communication with manufacturers
2. Different business practice
3. Insufficient financial support from manufacturers
4. Unmet needs of Japanese consumers in style
5. Unmet needs of Japanese consumers in size
6. Unmet needs of Japanese consumers in performance
7. Too many repairs and claims
8. Slow response of manufacturer to inquiries
9. Others (To be listed)

After Q37 are asked to all the respondents

Q37. Do you think the number of dual dealership will increase?
1. Drastically
2. To some extent
3. No change
4. Rather decrease

Q39. Do you think the number of U.S. car dealership will increase?
1. Drastically
2. To some extent
3. No change
4. Rather decrease

* * * * *

F1. Please fill in the following boxes regarding your financial performance last year

Revenue
- New Car
- Used Car
- Service
- Parts
- Fees
- Others

Profits
- New Car
- Used Car
- Service
- Parts
- Fees
- Others

General Selling and Administrative Expenses
- Advertisements
- Labor
- Depreciations
- Others

Current Profits
Net profits
Assets
Equity

F2. Please tell us the ratio of equities held by manufacturers
Manufacturer Percentage

Please tell us the ratio of long-term debts provided by manufacturer
Manufacturer Percentage

Please tell us the ratio of short-term debts provided by manufacturer
Manufacturer Percentage

Do you have debts guaranteed by manufacturer?
Manufacturer Percentage

F3. Please tell us the structure of employees

Sales
Service/maintenance
Other administration

F4. Please tell us your branch structure

New-car branches
Used-car branches
Service Plants
Others

F5. Please tell us the type of duality

One-stop dual
Quasi dual
Single

F6. Please tell us the following information for the whole firm and the top five petnames you sold last year

Petname	Units sold	Value sold	Gross margin

F7. Do you serve as a distributor to other dealers?

F8 Do you serve as a importer?

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Tuesday, March 24, 1992

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S. 998/P.L. 102–258

To authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River; and for other purposes. (Mar. 19, 1992; 106 Stat. 76; 2 pages) Price: $1.00

S. 2184/P.L. 102–259

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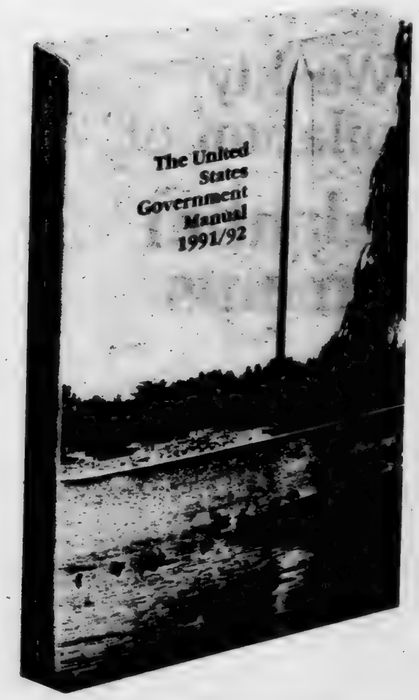

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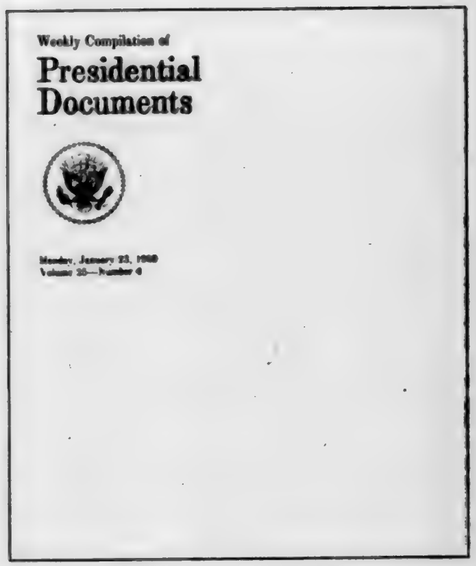

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Wednesday
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Wednesday
March 25, 1992

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Federal Register
Vol. 57, No. 58
Wednesday, March 25, 1992

Presidential Documents

Title 3—

The President

Executive Order 12793 of March 20, 1992

Continuing the Presidential Service Certificate and the Presidential Service Badge

By the authority vested in me as President by the Constitution and the laws of the United States of America, and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

Section 1. *Presidential Service Certificate.* The Presidential Service Certificate ("Certificate") is hereby continued, the design of which accompanies and is hereby made a part of this order. The Certificate shall be awarded in the name of the President of the United States by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation. It shall be awarded by the appropriate Secretary to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard, respectively, who have been assigned to the White House Office; to military units and support facilities under the administration of the White House Military Office; or to other direct support positions within the Executive Office of the President ("EOP"). The Certificate shall not be issued to any member who is issued a Vice Presidential Certificate, or similar EOP Certificate, for the same period of service. Such assignment must be for a period of at least one year, subsequent to January 21, 1989.

Sec. 2. *Presidential Service Badge.* The Presidential Service Badge ("Badge") is hereby continued, the design of which accompanies and is hereby made a part of this order. The Badge shall be awarded to those members of the Armed Forces who have been granted the Certificate and shall be awarded in the same manner in which the Certificate has been given. The Badge shall be worn as a part of the uniform of those individuals under such regulations as their respective Secretaries may severally prescribe.

Sec. 3. Only one Certificate may be awarded to an individual.

Sec. 4. The Certificate and the Badge may be granted posthumously.

Sec. 5. This order shall supersede Executive Order No. 10879 of June 1, 1960, as amended.

George Bush

THE WHITE HOUSE,
March 20, 1992.

Billing code 3195-01-M

The United States of America

To all who shall see these presents, greeting:
This is to certify that the President of the United States of America has awarded

The Presidential Service Certificate

to

For Honorable Service in the White House

Given under my hand in the city of Washington by direction of

President (Name)

this *day of* *19*

DIRECTOR
WHITE HOUSE MILITARY OFFICE

SECRETARY OF THE (Appropriate Department)

Certificate Number_____

PRESIDENTIAL SERVICE CERTIFICATE
ACTUAL SIZE - 10 X 13

PRESIDENTIAL SERVICE BADGE
ACTUAL SIZE - 1⅞

[FR Doc. 92-6943
Filed 3-20-92; 2:06 pm]
Billing code 3195-01-C

Rules and Regulations

Federal Register
Vol. 57, No. 58
Wednesday, March 25, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-ASW-02; Amdt. 39-8204; AD 92-07-08]

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI), Model 204B, 205A, 205A-1, 205B and 212 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Bell Model 204B, 205A, 205A-1, 205B and 212 helicopters. This action requires a review of maintenance records, a one-time inspection, and replacement, if necessary, of certain swashplate support assemblies purchased after June 1990. This amendment is prompted by concern that unapproved and possibly unsafe swashplate support assemblies may have been installed on certain helicopters. The actions specified in this AD are intended to prevent possible loss of main rotor control and possible loss of the helicopter.

DATED: Effective on March 25, 1992.

Comments for inclusion in the Rules Docket must be received by May 11, 1992.

ADDRESSES: The applicable service information may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 4400 Blue Mound Road, room 158, Building 3B, Fort Worth, Texas.

Submit comments in triplicate to the Federal Aviation Administration, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-ASW-02, 4400 Blue Mound Road, Fort Worth, Texas 76193-0007.

FOR FURTHER INFORMATION CONTACT: Mr. Tom K. Henry, Federal Aviation Administration, Rotorcraft Certification Office, ASW-170, Fort Worth, Texas 76193-0170, telephone (817) 624-5168.

SUPPLEMENTARY INFORMATION: The FAA has determined that approximately 156 swashplate support assemblies, part number (P/N) 204-011-404-125, were machined by a vendor with oversize holes in the two outboard lugs. The vendor attempted to repair this mistake by installing oversize bushings in the lugs. This repair method was rejected by the type design owner who declared the swashplate support assemblies unacceptable for use. The vendor was also informed by the FAA in June 1990, that the 156 swashplate support assemblies were unacceptable and not approved for use on the Bell Model 204B, 205A, 205A-1, 205B and 212 helicopters. The FAA received a report on December 10, 1991, that two of the unapproved swashplate support assemblies were discovered in Colombia, South America. On January 7, 1992, two more unapproved swashplate support assemblies were reportedly found in Saudi Arabia. These parts were allegedly shipped from two supply houses in the United States.

Since these swashplate support assemblies may be installed on other helicopters of this same type design, this AD is being issued to identify and, if necessary, to require replacement of unairworthy assemblies to prevent possible failure of the swashplate support assembly and the subsequent loss of main rotor control. This AD requires a review of maintenance records to determine if a swashplate support assembly, P/N 204-011-404-125, installed on a helicopter was purchased after June 1990. This AD also requires a one-time inspection of the swashplate support assembly for oversize bushings on either outboard lug of any assembly purchased after June 1990. Any unapproved assembly must be removed and replaced with an airworthy assembly prior to further flight.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption "**ADDRESSES**". All communications received on or before the closing date for comments will be considered, and the rule may be changed in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this amendment must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-ASW-02." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 20, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive.

AD 92-07-06 Bell Helicopter Textron, Inc., (BHTI): Amendment 39-8204 Docket No. 92-ASW-02.

Applicability: Model 204B, 205A, 205A-1, 205B and 212 helicopters, certificated in any category, equipped with swashplate support assembly, part number (P/N) 204-011-404-125.

Compliance: Required as indicated, unless already accomplished.

To prevent possible failure of the swashplate support assembly that could result in loss of the helicopter, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, determine the purchase date of the swashplate support assembly, P/N 204-011-404-125, by reviewing the maintenance records. If the assembly was purchased prior to June 1990, no further action is required. If the swashplate support assembly was purchased after June 1990, accomplish the requirements of paragraph (b).

(b) Perform the following:

(1) Disassemble the swashplate support assembly in accordance with the applicable component overhaul manual to the point necessary to allow an inspection of the outboard gimbal ring support lug and shoulder bushing.

(2) Measure the outside diameters (OD) of the bushing flange on each outboard bushing.

(i) If each outboard bushing has a flange OD of 0.61 to 0.64 inches, no further inspections are required.

(ii) If either bushing has a flange OD in excess of 0.64 inches, replace the swashplate support assembly with an airworthy part before further flight.

Note: Unapproved bushings with OD's of approximately 0.61 inches have been reported.

(c) Prior to the installation of any swashplate support assembly, P/N 204-011-404-125, comply with this AD.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times, which provides an acceptable level of safety, may be used when approved by the Manager, Rotorcraft Certification Office, ASW-170, Rotorcraft Directorate, Aircraft Certification Service, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193-0170. The request shall be forwarded through an FAA Airworthiness Inspector, who may concur or comment and then sent it to the Manager of the Rotorcraft Certification Office.

(f) Bell Helicopter Textron, Inc., Alert Service Bulletins 204-91-32, 205-91-45, 205B-91-10, and 212-91-72, all dated December 13, 1991, provide an acceptable, alternate means of compliance with this AD.

(g) This amendment becomes effective on March 25, 1992.

Issued in Forth Worth, Texas, on March 5, 1992.

Henry A. Armstrong,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 92-6803 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulation No. 16]

RIN 0960-AD09

Supplemental Security Income; Determining Disability for a Child Under Age 18; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Correcting amendments.

SUMMARY: This document contains a correction to the final regulations which were published Monday, February 11 1991, at 56 FR 5534. The regulations revised the disability evaluation and determination process for supplemental security income (SSI) claims of children based on disability.

EFFECTIVE DATE: February 11, 1991.

FOR FURTHER INFORMATION CONTACT: Martin Sussman, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (410) 965-1758.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1991, we published in the **Federal Register** a final rule with request for comments which revised the process for determining SSI claims based on disability for a child under age 18. The revisions were designed to comply with the February 20, 1990, U.S. Supreme Court ruling in the case of *Sullivan* v. *Zebley*, 493 U.S. 521, 110 S. Ct. 885 (1990). In *Zebley*, the Supreme Court required the use of an individualized functional assessment of children whose impairments did not meet or equal the severity of listed impairments.

Although the revised regulations were issued as a final rule, we asked for comments concerning these rules from members of the public. We are carefully considering the comments we received in order to determine whether any changes are necessary.

Need for Correction

The final regulations published in the Code of Federal Regulations (April 1, 1991 edition) inadvertently deleted a sentence in § 416.994(b)(4)(ii) which we did not amend when we revised the section effective February 11, 1991. This document corrects the sentence in the regulations.

(Catalog of Federal Domestic Assistance Program No. 93.807 Supplemental Security Income.)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public Assistance programs, Supplemental Security Income.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Accordingly, 20 CFR part 416, subpart I is corrected by making the following correcting amendments:

1. The authority citation for subpart I continues to read as follows:

Authority: Secs. 1102, 1614(a), 1619, 1631(a) and (d)(1), and 1633 of the Social Security Act; 42 U.S.C. 1302, 1382c(a), 1382h, 1383(a) and (d)(1), and 1383b; secs. 2, 5, 6, and 15 of Pub. L. 98-460, 98 Stat. 1794, 1801, 1802, and 1806.

2. Section 416.994(b)(4)(ii) is revised to read as follows:

§ 416.994 How we will decide whether your disability continues or ends, disabled adults.

* * * * *

(b) * * *

(4) * * *

(ii) *You do not cooperate with us.* If there is a question about whether you continue to be disabled and we ask you to give us medical or other evidence or to go for a physical or mental examination by a certain date, we will find that your disability has ended if you fail, without good cause, to do what we ask. Section 416.1411 discusses how we will decide whether you have good cause for failure to cooperate. The month in which your disability ends will be the first month in which you failed to do what we asked.

* * * * *

Ronald J. Sribnik,

Director, Division of Regulations.

[FR Doc. 92-6933 Filed 3-24-92; 8:45 am]

BILLING CODE 4190-29-M

Food and Drug Administration

21 CFR Parts 5, 225, 500, 510, 511, 514, 558, 530, and 571

[Docket No. 91N-0506]

Center for Veterinary Medicine Address Change; Editorial Amendments; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that appeared in the **Federal Register** of February 25, 1992 (57 FR 6474), which amended certain regulations to reflect the change of address for the Center for Veterinary Medicine. The document was published with an incorrect docket number "91N-506"; the correct docket number is "91N-0506." Also, the document incorrectly identified the mailing address for the Office of the Commissioner as "7500 Standish Pl., Rockville, MD 20855." The correct mailing address is "5600 Fishers Lane, Rockville, MD 20857," as it is currently listed in 21 CFR 5.100. This document corrects those errors.

EFFECTIVE DATE: February 25, 1992.

FOR FURTHER INFORMATION CONTACT: Robert S. Brigham, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8737.

In FR Doc. 92-4274, appearing on page 6474, in the **Federal Register** of Tuesday, February 25, 1992, the following corrections are made:

1. On page 6474, in the 3d column, the docket number "91N-506" is removed and "91N-0506" is added in its place.

2. On page 6475, in the 2d column, amendment 2. is corrected to read as follows:

§ 5.100 [Amended]

2. Section 5.100 Headquarters is amended by removing the designation for footnote 1 for the Center for Veterinary Medicine and replacing it with a designation for footnote 5, and footnotes 5 and 6 are revised to read as follows:

[5] 7500 Standish Pl., Rockville MD 20855.

[6] Jefferson, AR 72079-9502.

Dated: March 19, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-6871 Filed 3-24-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 5

Delegations of Authority and Organization

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations to set forth the current organizational structure of the agency as well as the current addresses for Headquarters.

EFFECTIVE DATE: March 25, 1992.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The regulations are being amended in 21 CFR 5.100 to reflect the current organizational structure of the agency and provide current addresses for Headquarters offices.

There were major changes in FDA's organizational structure in 1991. The Immediate Office of the Office of the Commissioner, previously composed of seven offices, is now composed of three offices. The remainder of the Office of the Commissioner is composed of four offices, each headed by a Deputy Commissioner. These offices include: (1) Office of External Affairs, including the: Office of Consumer Affairs, Office of Health Affairs, Office of Legislative Affairs, Office of Public Affairs, and Office of Small Business, Scientific, and Trade Affairs; (2) Office of Management and Systems, including the: Office of Planning and Evaluation and the Office of Management (previously called the Office of Management and Operations); (3) Office of Policy, including the: Policy Development and Coordination Staff, Policy Research Staff, and Regulations Policy and Management Staff; and (4) Office of Operations, including the: Office of Aids Coordination, Office of Biotechnology, Office of Orphan Products Development, and Office of Regulatory Affairs, and the six Centers. The Office of Science has been abolished, the offices under it transferred to the Office of Operations.

Five of the six Centers have renamed, added, or deleted a number of divisions and offices, as follows: In the Center for Biologics Evaluation and Research, the Division of Information Management was added to the Office of Management, and the Division of Biostatistics and Epidemiology was added to the Office of Biological Product Review; in the Center for Devices and Radiological Health the Office of Device Evaluation was reorganized from seven divisions into five, and the Office of Science and Technology added the Division of Management, Information, and Support Services; in the Center for Drug Evaluation and Research, the Office of Over-the-Counter Drug Evaluation was added with three staffs; in the Center for Food Safety and Applied Nutrition, the Office of Seafood, with two divisions, was added; and in the Center for Veterinary Medicine, the Office of Management added the Division of Program Communications and Administrative Management and the Division of Program and Information Systems. Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 is revised to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 138a, 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 361, 362, 1701–1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 264, 265, 300u–300u5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4631(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.100 is revised to read as follows:

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Immediate Office

Office of the Administrative Law Judge.
Office of Equal Employment Opportunity and Civil Rights.
Office of Executive Operations.

Office of External Affairs

Office of Consumer Affairs.
Office of Health Affairs.
Office of Legislative Affairs.
Office of Public Affairs.
Office of Small Business, Scientific, and Trade Affairs.

Office of Management and Systems

Office of Management.
Office of Planning and Evaluation.

Office of Policy

Policy Development and Coordination Staff.
Policy Research Staff.
Regulations Policy and Management Staff.

Office of Operations

Office of AIDS Coordination.
Office of Biotechnology.
Office of Orphan Products Development.
Office of Regulatory Affairs.

Center for Biologics Evaluation and Research [2]

Office of Compliance

Case Management Staff.
Congressional and Public Affairs Staff.
Inspections and Surveillance Staff.
Regulations and Bioresearch Monitoring Staff.

Office of Management

Division of Information Management.
Division of Management and Budget.

Office of Biological Product Review

Division of Biological Investigational New Drugs.
Division of Biostatistics and Epidemiology.
Division of Product Certification.
Division of Product Quality Control.

Office of Biologics Research

Division of Bacterial Products.
Division of Biochemistry and Biophysics.
Division of Cytokine Biology.
Division of Hematology.
Division of Transfusion Science.
Division of Virology.

Center for Drug Evaluation and Research [1]

Office of Compliance

Division of Drug Labeling Compliance.
Division of Drug Quality Evaluation.
Division of Manufacturing and Product Quality.
Division of Regulatory Affairs.
Division of Scientific Investigations.

Office of Management

Division of Drug Information Resources.
Division of Information Systems Design.
Division of Management and Budget.
Medical Library.

Office of Drug Evaluation I

Division of Cardio-Renal Drug Products.
Division of Gastrointestinal and Coagulation Drug Products.
Division of Medical Imaging, Surgical, and Dental Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Pulmonary Drug Products.

Office of Drug Evaluation II

Division of Anti-Infective Drug Products.
Division of Anti-Viral Drug Products.
Division of Metabolism and Endocrine Drug Products.

Office of Drug Standards

Division of Drug Marketing, Advertising and Communications.

Office of Epidemiology and Biostatistics

Division of Biometrics.
Division of Epidemiology and Surveillance.

Office of Generic Drugs

Division of Bioequivalence.
Division of Chemistry I.
Division of Chemistry II.

Office of OTC Drug Evaluation

Medical Review Staff.
Monographs Review Staff.
OTC Drug Policy Staff.

Office of Research Resources

Division of Biopharmaceutics.
Division of Clinical Pharmacology.
Division of Drug Analysis.
Division of Research and Testing.

Center for Devices and Radiological Health [1]

Office of the Center Director

Office of Health Affairs [3]

Office of Health Physics

Office of Standards and Regulations

Office of Information Systems

Division of Computer Services.
Division of Information Resources.

Office of Management Services

Office of Compliance and Surveillance [3]

Division of Compliance Operations.
Division of Compliance Programs.
Division of Management Information.
Division of Product Surveillance.
Division of Standards Enforcement.

Office of Device Evaluation

Division of Cardiovascular, Respiratory, and Neurological Devices.
Division of Clinical Laboratory Devices.
Division of General and Restorative Devices.
Division of Ophthalmic Devices.
Division of Reproductive; Abdominal; Ear, Nose, and Throat; and Radiological Devices.

Office of Management Services

Division of Planning, Evaluation, and Information Services.
Division of Resource Management.

Office of Science and Technology

Division of Biometric Sciences.
Division of Electronics and Computer Sciences.
Division of Life Sciences.
Division of Management, Information, and Support Services.
Division of Mechanics and Materials Science.
Division of Physical Sciences.

Office of Training and Assistance

Division of Consumer Affairs.
Division of Professional Practices.
Division of Small Manufacturers Assistance.
Division of Technical Development.
Division of Training Support.

Center for Food Safety and Applied Nutrition [4]

Office of Management

Division of Administrative Operations.
Division of Information Resources Management.
Division of Program Operations.

Office of Compliance

Division of Cooperative Programs.
Division of Food and Color Additives.
Division of Regulatory Guidance.

Office of Nutrition and Food Sciences

Division of Consumer Studies.
Division of Microbiology.
Division of Nutrition.

Office of Physical Sciences

Division of Colors and Cosmetics.
Division of Contaminants Chemistry.
Division of Food Chemistry and Technology.

Office of Seafood

Division of Seafood Programs.
Division of Seafood Research.

Office of Toxicological Sciences

Division of Mathematics.
Division of Pathology.
Division of Toxicological Review and Evaluation.
Division of Toxicological Studies.

Center for Veterinary Medicine [5]

Office of Management

Division of Program and Information Systems.
Division of Program Communications and Administrative Management.

Office of Surveillance and Compliance

Division of Animal Feeds.
Division of Compliance.
Division of Surveillance.
Division of Voluntary Compliance and Hearings Development.

Office of New Animal Drug Evaluation

Division of Biometrics and Production Drugs.
Division of Chemistry.
Division of Therapeutic Drugs for Food Animals.
Division of Therapeutic Drugs for Non-Food Animals.
Division of Toxicology and Environmental Sciences.

Office of Science

Division of Veterinary Medical Research.

National Center for Toxicological Research [6]

Office of Management

Division of Facilities Engineering and Maintenance.
Division of Research Information and Management Services.

Office of Research

Division of Biochemical Toxicology.
Division of Comparative Toxicology.
Division of Genetic Toxicology.
Division of Reproductive and Developmental Toxicology.

Office of Research Services

Division of Chemistry.
Division of Microbiology.
Division of Veterinary Services.

Dated: March 18, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-6944 Filed 3-24-92; 8:45 am]

BILLING CODE 4160-01-M

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

[2] Mailing address: 8800 Rockville Pike, Bldg. 29, Bethesda, MD 20892.

[3] Mailing address: 1300 Piccard Dr., Rockville, MD 20850.

[4] Mailing address: 200 C St. SW., Washington, DC 20204.

[5] Mailing address: 7500 Standish Pl., Rockville, MD 20855.

[6] Mailing address: Jefferson, AR 72079-9502.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 54

[T.D. 8357]

RIN 1545-AI79

Certain Cash or Deferred Arrangements and Employee and Matching Contributions Under Employee Plans; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations published in the Federal Register for Thursday, August 15, 1991, at page 40507 (56 FR 40507). The final regulation relates to certain cash or deferred arrangements (CODAs) and employee and matching contributions under employee plans.

EFFECTIVE DATE: August 15, 1991.

FOR FURTHER INFORMATION CONTACT: Catherine Livingston Fernandez, at 202–377–8372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This final regulation replaces all of the 1988 proposed and final regulations on these subjects, and the amendments to regulations under section 401 (k) and (m) of the Internal Revenue Code of 1986, issued on May 14, 1990.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation which was the subject of FR Doc. 91–19010, is corrected as follows:

1. On page 40510, column 1, in the preamble, in paragraph "3.a.", the ninth line from the top of the column, the language "compensated employers in the ESOP, it" is corrected to read "compensated employees in the ESOP, it".

2. On page 40510, column 2, in the preamble, in paragraph "3.b.", line 6, the language "regulations, the ACP test applies to a" is corrected to read "regulations, ADP test applies to a".

3. On page 40511, column 2, in the preamble, in paragraph "d", the seventh line in the second paragraph, the language "statutory language of sections 401(k)" is corrected to read "statutory language of section 401(k)".

4. On page 40511, column 3, in the preamble, in paragraph "d", the third line from the top of the column, the language "use of restructuring to satisfy sections" is corrected to read "use of restructuring to satisfy section".

5. On page 40511, column 3, in the preamble, in paragraph "d", the seventh line from the top of the column, the language "1, 1992, plans subject to sections 401(k)" is corrected to read "1, 1992, plans subject to section 401(k)".

PART 1—[CORRECTED]

§ 1.401(k)–1 [Corrected]

6. On page 40519, column 3, under § 1.401(k)–1(a)(6)(ii)(B), lines 13 and 14, the date "October 15, 1991," is corrected to read "January 1, 1992,".

7. On page 40520, column 1, § 1.401(k)–1(a)(7)(i), the fifth line from the bottom of the paragraph, the language "contributions for purpose of section" is corrected to read "contributions for purposes of section".

8. On page 40521, column 3, under § 1.401(k)–1(b)(5)(v), line 4, the language "paragraph (b)(4)(i) of this section for the" is corrected to read "paragraph (b)(4)(i)(A) of this section for the".

9. On page 40523, column 2, under § 1.401(k)–1(d)(2)(ii), fourth line from the bottom of the column, the language "contributions. In each case, the" is corrected to read "contributions. The".

10. On page 40523, column 3, under § 1.401(k)–1(d)(2)(ii), line 1, the language "specified in the plan that is no later than" is corrected to read "specified in the plan that is no later than December 31, 1988, or if later,".

11. On page 40524, column 1, under § 1.401(k)–1(d)(2)(iii)(B)(*4*), line 6, the language "on reasonable commercial terms in an" is corrected to read "on reasonable commercial terms, in an".

12. On page 40525, column 2, under § 1.401(k)–1(e)(1), line 17, the language "contributions, or both. See paragraph (e)" is corrected to read "contributions, or both. See paragraph (e)(7)".

13. On page 40527, column 3, following § 1.401(k)–1(f)(3)(ii)(B), in the flush material, lines 5 through 9, from the top of the column, the language "404, 409, 411, 412, 415, 416, and 417 and with respect to recharacterized excess contributions for plan years beginning after December 31, 1988, section

401(k)(2). Thus, for example," is corrected to read "404, 409, 411, 415, 416, and 417.".

14. On page 40528, column 1, under § 1.401(k)–1(f)(3)(v), in line 10 of paragraph (i) of the *Example*, the language "deferred under to the trust on the last day of" is corrected to read "deferred to the trust on the last day of".

15. On page 40529, column 2, under § 1.401(k)–1(f)(5)(i)(B), line 3, the language "§ 1.402(g)–1(d), the amount of excess" is corrected to read "§ 1.402(g)–1(e), the amount of excess".

16. On page 40530, column 1, under § 1.401(k)–1(f)(7), line 6 of paragraph (iii) of *Example 1*, the language "for the group of highly compensated group" is corrected to read "for the group of highly compensated employees".

17. On page 40532, column 1, in the paragraph heading under § 1.401(k)–1(g)(8)(ii), line 2, the language "December 31, 1979 and before January 1," is corrected to read "December 31, 1979, and before January 1,".

18. On page 40532, column 3, under § 1.401(k)–1(g)(11)(iii)(D)(*2*), line 6, the language "collective bargaining unit and the" is corrected to read "collective bargaining unit, and the".

19. On page 40533, column 2, under § 1.401(k)–1(g)(14), line 4, the language "section 401(k)." is corrected to read "section 401(k)(7).".

20. On page 40533, column 2, under § 1.401(k)–1(h)(3)(iii)(A), line 3, the language "of section 401(k) is satisfied for plan" is corrected to read "of section 401(k) are satisfied for plan".

21. On page 40533, column 3, under § 1.401(k)–1(h)(3)(iii)(A), the fourth line from the top of the column, the language "section 401(k) is applied separately with" is corrected to read "section 401(k) are applied separately with".

22. On page 40533, column 3, under § 1.401(k)–1(h)(3)(iii)(B)(*2*), line 15, the language "contributions formula, and attributes" is corrected to read "contribution formula, and attributes".

§ 1.401(m)–1 [Amended]

23. On page 40534, column 3, under § 1.401(m)–1(a)(*1*), line 10, the language "beginning after December 31, 1986, (or" is corrected to read "beginning after December 31, 1986 (or".

24. On page 40541, column 1, under § 1.401(m)–1(f)(1)(ii)(A), the sixth line from the bottom of the paragraph, the language "(f)(2) of the section for rules regarding" is corrected to read "(f)(2) of this section for rules regarding".

25. On page 40542, column 2, under § 1.401(m)–1(f)(12)(ii), line 4, the language "paragraphs (f)(12)(i) of this section," is corrected to read "paragraph (f)(12)(i) of this section.".

26. On page 40542, column 2, under § 1.401(m)–1(f)(12)(ii), line 18, the language "that is described in § 1.402(g)–1(b) is not" is corrected to read "that is intended to be a qualified plan or a plan described in § 1.402(g)–1(b) is not".

27. On page 40543, column 1, under § 1.401(m)–1(g)(5)(ii)(B)(*2*), line 15, the language "contributions formula, and attributes" is corrected to read "contribution formula, and attributes".

§ 1.402(m)–2 [Corrected]

28. On page 40544, column 2, under § 1.402(m)–2(c)(1), the last two lines in the paragraph, the language "with § 1.401(m)–1(b)(5)(F)(1) or § 1.401(k)–1(b)(5) and (e)(1)" is corrected to read "with § 1.401(k)–1 (b)(5) and (f)(1) or § 1.401(m)–1 (b)(5) and (e)(1)".

§ 1.402(a)–1 [Corrected]

29. On page 40545, column 3, under § 1.402(a)–1(d)(3)(iv), lines 5 and 6, the language "arrangement will be treated as a qualified cash or deferred arrangement" is corrected to read "arrangement will be treated as satisfying section 401(k)(3)".

§ 1.415–6 [Corrected]

30. On page 40549, column 3, under § 1.415–6(b)(1)(iii) is corrected to read as follows:

(b) * * *

(1) * * *

(iii) *Certain collectively bargained plans.* In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before March 1, 1986, for contributions or benefits pursuant to a collective bargaining agreement, the date specified in this paragraph is:

(A) September 31, 1991, in the case of paragraph (b)(1)(i) of this section; and

(B) October 1, 1991, in the case of paragraph (b)(1)(ii) of this section.

* * * * *

PART 54—[CORRECTED]

§ 54.4979–0 [Corrected]

31. On page 40550, column 2, under § 54.4979–0, line 2, the language "appear in § 54.9479–1." is corrected to read "appear in § 54.4979.".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-6103 Filed 3-24-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8391]

RIN 1545-AM71

Statute of Limitations on Collection After Assessment and Collection After Commencement of Judicial Proceedings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (T.D. 8391), which were published Tuesday, February 11, 1992, (57 FR 4937). The regulations contain regulatory amendments regarding the statute of limitations on collection after assessment and collection after the commencement of judicial proceedings.

EFFECTIVE DATE: February 11, 1992.

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 535–9682 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections amend the Procedure and Administration Regulations (26 CFR part 301) under section 6502 of the Internal Revenue Code.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8391), which was the subject of FR Doc. 92–2026, is corrected as follows:

Paragraph 1. On page 4937, column 2, in the preamble under the heading "Supplementary Information", line 9, the language "101–5080), by section 1015(u)(1) of the" is corrected to read "101–508), by section 1015(u)(1) of the".

Par. 2. On page 4938, column 1, in § 301.6502–1, paragraph (a)(3), line 9, the language "for a judgment against the taxpayer" is corrected to read "a judgment against the taxpayer".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-6599 Filed 3-24-92; 8:45 am]

BILLING CODE 4830-01-M

Office of Foreign Assets Control

31 CFR Part 555

Soviet Gold Coin Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule, amendments.

SUMMARY: This rule amends the Soviet Gold Coin Regulations, 31 CFR part 555 (the "Regulations"), to authorize the importation of gold coins minted in or offered for sale by the Union of Soviet Socialist Republics, in light of legislation repealing the previous statutory ban on the importation of such coins. In addition, a new section is added to the Regulations containing the control number assigned by the Office of Management and Budget pursuant to the Paperwork Reduction Act.

EFFECTIVE DATE: December 4, 1991.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel, tel.: (202) 535–6020, Steven I. Pinter, Chief of Licensing, tel.: (202) 535–9449, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: Pursuant to section 510 of the Comprehensive Anti-Apartheid Act of 1986, 22 U.S.C. 5100, the Office of Foreign Assets Control issued the Soviet Gold Coin Regulations, 31 CFR part 555 (the "Regulations"), implementing the ban on the importation of Soviet gold coins contained in that section. Congress repealed section 510, effective December 4, 1991 (Pub. L. 102–182, 105 Stat. 1234). In light of this action, the Office of Foreign Assets Control is amending the Regulations to permit the importation of Soviet gold coins. This final rule does not affect enforcement actions with respect to prior violations of the Regulations. In addition, the Regulations are being amended to reflect the approval of the Office of Management and Budget for information collection requirements of the Regulations.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) does not apply.

List of Subjects in 31 CFR Part 555

Imports, Gold coins, Soviet Union.

For the reasons set forth in the preamble, 31 CFR part 555 is amended as follows:

PART 555—SOVIET GOLD COIN REGULATIONS

1. The authority citation for part 555 is revised to read as follows:

Authority: Pub. L. 99–440, 100 Stat. 1086; Pub. L. 99–631; E.O. 12571, 51 FR 39505, October 29, 1986; Pub. L. 102–182, 105 Stat. 1234.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

2. Section 555.503 is added to read as follows:

§ 555.503 Authorization of importation of Soviet gold coins.

Notwithstanding the provisions of subpart B of this part, transactions occurring on or after December 4, 1991, otherwise prohibited by §§ 555.201 and 555.203, are hereby authorized.

3. Subpart I, containing § 555.901, is added to read as follows:

Subpart I—Paperwork Reduction Act

§ 555.901 Paperwork Reduction Act Notice.

The information collection requirements in §§ 555.601, 555.602, and 555.801 have been approved by the Office of Management and Budget and assigned control number 1505–0095.

Dated: February 24, 1992.

Steven I. Pinter,

Acting Director, Office of Foreign Assets Control.

Approved: March 2, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92-6864 Filed 3-20-92; 3:11 pm]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 185

[FAP 6H5505/R1140; FRL–4042–7]

RIN 2070–AB78

Pesticide Tolerances for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide chlorpyrifos, per se, in or on all food items (other than those already covered by a higher tolerance as a result of use on growing crops) in food service establishments where food and food products are prepared and served, as a result of the application of chlorpyrifos in microencapsulated form as a crack and crevice or spot treatment. The regulation to establish a maximum permissible level for residues of the insecticide was requested in a petition submitted by DowElanco.

EFFECTIVE DATE: This regulation becomes effective March 25, 1992.

ADDRESSES: Written objections, identified by the document control number, (FAP 6H5505/R1140), may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Jr., Product Manager (PM) 19, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6386.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 24, 1991 (56 FR 66832), which announced that DowElanco had submitted a food additive petition (FAP 6H5505) to EPA proposing to amend 21 CFR 193.85 (recodified as 40 CFR 185.1000 in the **Federal Register** of June 29, 1988 (53 FR 24667)), by establishing a food additive regulation for the microencapsulated form of the insecticide chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate). The petitioner subsequently amended the petition by proposing a tolerance of 0.1 ppm in the food additive regulation for residues of chlorpyrifos, per se, in or on all food items (other than those already covered by a higher tolerance as a result of use on growing crops) in food service establishments where food and food products are prepared and served.

There were no comments or requests for a referral to an advisory committee received in response to the notice of filing. The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered capable of achieving the intended physical or technical effect. The toxicological data considered in support of the proposed tolerance include the following.

1. A 2-year dog feeding study with a no-observed-effect level (NOEL) for systemic effects of 1.0 milligram (mg)/kilogram (kg)/day and lowest effect level (LEL) (increased liver weight) of

3.0 mg/kg/day. The NOELs for cholinesterase (ChE) inhibition were as follows: 0.01 mg/kg/day for plasma, 0.1 mg/kg/day for red blood cells, and 1.0 mg/kg/day for brain cells. Levels tested were 0, 0.01, 0.03, 0.1, 1.0, and 3 mg/kg/day.

2. A voluntary human study with ChE NOEL of 0.03 mg/kg/day (based on 20 days of exposure at this level).

3. A 2-year mouse chronic toxicity/carcinogenicity study with a NOEL of 15 ppm for systemic effects (equivalent to 2.25 mg/kg/day) and no carcinogenic effects observed under the conditions of the study at all levels tested (0, 0.5, 5, and 15 ppm, equivalent to 0.075, 0.75, and 2.25 mg/kg/day).

4. A 2-year rat feeding/carcinogenicity study with ChE NOEL of 0.1 and LEL of 1.0 mg/kg/day (based on decreased plasma and brain ChE activity), and a systemic NOEL of 1.0 mg/kg/day and LEL of 10 mg/kg/day (based on decreased erythrocyte and hemoglobin values and increased platelet count during the first year). There were no observed carcinogenic effects at the levels tested (0.05, 0.1, 1.0, and 10 mg/kg/day) under the conditions of the study.

5. A three-generation reproduction study in rats with no reproductive effects observed at the dietary levels tested (0, 0.1, 0.3, and 1.0 mg/kg/day).

6. Two rat developmental toxicity studies: one negative for developmental toxicity at all dose levels (levels tested were 0.1, 3.0, and 15.0 mg/kg/day); and one with maternal and developmental NOELs of 2.5 mg/kg/day (levels tested, by gavage, were 0, 0.5, 2.5, and 15 mg/kg/day).

7. A mouse developmental toxicity study with a teratogenic NOEL greater than 25 mg/kg/day (highest dose tested) and a developmental fetotoxic NOEL of 10 mg/kg/day and LEL of 25 mg/kg/day (decreased fetal length and increased skeletal variants).

8. A developmental toxicity study in rabbits with maternal and developmental NOELs of 81 mg/kg/day, and maternal and developmental LELs of 140 mg/kg/day (based on maternal decreased food consumption on gestation days 15 to 19, and body weight loss during the dosing period, followed by a compensatory weight gain; and based on a slight reduction in fetal weights and crown-rump lengths, and fetal increased incidence of unossified fifth sternebrae and/or xiphisternum). Levels tested were 0, 1, 9, 81, and 140 mg/kg/day.

9. An acute delayed neurotoxicity study in the hen that was negative at 50 and 100 mg/kg/day.

10. Several mutagenicity studies which were all negative. These include an Ames assay, two Chinese hamster ovary cell mutation assays, a micronucleus assay for chromosomal aberration, an in vitro chromosomal aberration assay with and without enzymatic activation, and an unscheduled DNA synthesis assay.

11. A general metabolism study in rats shows that the major metabolite of chlorpyrifos is TCP. TCP is considered to be less toxic than chlorpyrifos and is not a ChE inhibitor. Several available toxicity studies of TCP are described as follows:

a. A 90-day rat feeding study with a systemic NOEL of 30 mg/kg/day. Levels tested were 0, 10, 30, and 100 mg/kg/day.

b. A rat developmental toxicity study with no developmental toxicity observed at the dosages tested (0, 50, 100, and 150 mg/kg/day).

c. Mutagenicity studies (including an Ames assay and an unscheduled DNA synthesis assay) were negative for mutagenic effects.

Most existing tolerances for chlorpyrifos are established for combined residues of chlorpyrifos and its TCP metabolite. The Agency has concluded that the TCP metabolite is not of toxicological concern and is proposing comprehensive tolerance revisions to remove TCP from the tolerance definition. Accordingly, tolerances can be lowered by reducing them to levels adequate to cover residues of chlorpyrifos per se. The Agency is currently reviewing data that will allow a comprehensive tolerance revision to remove TCP from the tolerance expression. The tolerance for all food items in food service establishments is established for chlorpyrifos per se since the residue data indicate that a tolerance of 0.1 ppm is adequate to cover residues of chlorpyrifos resulting from the use of a microencapsulated form.

The reference dose (RfD) based on the human voluntary ChE study (ChE NOEL of 0.03 mg/kg/day) and using a 10-fold uncertainty factor is calculated to be 0.003 mg/kg of body weight/day. The anticipated residue contribution (ARC) from published tolerances and a pending tolerance on livestock commodities for chlorpyrifos is estimated to be 0.002063 mg/kg of body weight/day for the overall U.S. population. This represents 68.8 percent of the RfD. The addition of tolerances for food items in food service establishments raises the ARC to 0.002069 mg/kg of body weight/day. This represents 69.6 percent of the RfD.

The contribution to exposure from the addition of tolerances for food items in food service establishments is estimated to be 0.000025 mg/kg of body weight/day, calculated to be less than 1 percent of the total estimated exposures, a negligible increase.

These ARCs are probably overestimates of the dietary exposure. Because it cannot be known which specific foods are or are not consumed or prepared at food service establishments, it was assumed that all foods in our data file contain chlorpyrifos at a level of 0.005 ppm, the anticipated residue derived from data obtained at a food service establishment. This scenario is not likely to actually occur, but there is no way to refine the assessment to reflect exposure from only those foods handled in food service establishments. In addition, it is assumed for many food items in this analysis that 100 percent of the crop is treated, when in fact only those foods subject to exposure in the food-handling establishments would actually be "treated."

Adequate gas chromatographic analytical methods are available in the Pesticide Analytical Manual, Vol. II (PAM II), for enforcement purposes. There are currently no actions pending against continued registration of this chemical.

Based on the above information, the Agency concludes that use of the pesticide in accordance with the terms of the proposed amendment of the food additive regulation at 40 CFR 185.1000 will be safe. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 185

Administrative practice and procedure, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, part 185 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 185—[AMENDED]

1. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 348.

2. In § 185.1000, by adding paragraph (c), to read as follows:

§ 185.1000 Chlorpyrifos.

* * * * *

(c) A tolerance of 0.1 part per million is established for residues of chlorpyrifos, per se, in or on all food items (other than those already covered by a higher tolerance as a result of use on growing crops) in food service establishments where food and food products are prepared and served, as a result of the application of chlorpyrifos in microencapsulated form.

(1) Application of a microencapsulated product shall be limited solely to spot and/or crack and crevice treatment in food handling establishments where food and food products are prepared and served. All treatments shall be applied in such a manner as to avoid contamination of food or food contact surfaces.

(2) Spray concentrations shall be limited to a maximum of 0.5 percent of the active ingredient by weight.

(3) For crack and crevice treatment, equipment capable of delivering a pin stream of spray directly into cracks and crevices or capable of applying small amounts of insecticide into cracks and crevices shall be used.

(4) For spot treatment, an individual spot shall not exceed 2 square feet.

(5) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[FR Doc. 92-6673 Filed 3-24-92; 8:45 am]
BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct

AGENCY: United States Department of the Interior.

ACTION: Notice of availability of appendix C.

SUMMARY: This notice announces the availability of appendix C to 43 CFR part 20. This appendix lists positions within the Department of the Interior for which Confidential Statements of Employment and Financial Interests (DI-212) are required to be filed. Appendix C has been updated as of December 1, 1991 and has been printed as a agency document. This appendix will not be published in the **Federal Register** but will be available to the public upon request.

EFFECTIVE DATE: December 1, 1991.

ADDRESS: Copies of appendix C may be obtained from the Deputy Ethics Counselor for each bureau or office within the Department of the Interior. You may address your request to the Deputy Ethics Counselor, (also insert the name of the specific bureau or office), 1849 C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Departmental Ethics and Audit Liaison Staff, U.S. Department of the Interior, Washington, DC 20240, telephone number: (202) 208-5916.

SUPPLEMENTARY INFORMATION: The Department of the Interior has received approval from the U.S. Office of Government Ethics to publish Appendix C to 43 CFR part 20 as an agency document. The availability of this document is hereby announced in the **Federal Register**. The initial notice of this annual process was provided with the publication of 43 CFR part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department of the Interior employees and at the same time defrays the cost of publishing the appendix C listing in the **Federal Register**.

Appendix C lists Department of the Interior positions, in addition to GS (or GM)-15's for which a Confidential Statement of Employment and Financial Interests (Form DI-212) is required to be filed by 43 CFR 20.735-30. Positions identified in appendix C are effective for the February 1, 1992 filing deadline. The appendix C listings of positions have been approved by the U.S. Office of Government Ethics.

List of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Authorities: Appendix C to part 20 of title 43 of the Code of Federal Regulations is published under Executive Order 12731, 30 FR 6459, 3 CFR 1964-65 Comp., as amended (18 U.S.C. 201 Note); 5 CFR 735.104; and 5 U.S.C. 301.

Each appendix C listing of positions was compiled by its respective bureau and office ethics counselor. Consolidation of bureau and office listings into one appendix C document was done by the Departmental Ethics and Audit Liaison Staff.

Dated: February 20, 1992.

Ed Kay,

Designated Agency Ethics Official and Principal Deputy Assistant Secretary—Policy, Management and Budget.

[FR Doc. 92-6856 Filed 3-24-92; 8:45 am]
BILLING CODE 4310-10-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-434; RM-6865, RM-6830, RM-7107]

Radio Broadcasting Services; Winter Park, Naples, and Okeechobee, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Pursuant to a settlement agreement among the parties, this document substitutes Channel 276C3 for Channel 276A at Naples, Florida, and modifies the license of Station WSGL-FM, Naples, accordingly. See 54 FR 41-468, published October 10, 1989. This document also substitutes Channel 276C2 for Channel 276A at Okeechobee, Florida, and modifies the license of Station WOKC-FM, Okeechobee, accordingly; and substitutes Channel 276C3 for Channel 276A at Winter Park, Florida, and modifies the license of Station WLOQ-FM, Winter Park, accordingly. The reference coordinates for Channel 276C3 at Naples are 26-01-45 and 81-43-25. The reference coordinates for Channel 276C2 at Okeechobee are 27-12-55 and 80-31-50. The reference coordinates for Channel 276C3 at Winter Park are 28-34-00 and 81-31-00. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–434, adopted March 10, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Channel 276C3 and removing Channel 276A at Naples; by adding Channel 276C3 and removing Channel 276A at Winter Park; and by adding Channel 276C2 and removing Channel 276A at Okeechobee.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6813 Filed 3–24–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–350; RM–7835]

Radio Broadcasting Services; Hinesville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes channel 284C3 for channel 284A at Hinesville, Georgia, and modifies the construction permit for Station WHLV(FM) to specify operation on the higher powered channel, at the request of Bullie Broadcasting Corporation. See 56 FR 65875, December 19, 1991. Channel 284C3 can be allotted to Hinesville in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.8 kilometers (7.9 miles) west, in order to avoid a short-spacing to Station WFYV(FM), channel 283C, Atlantic Beach, Florida. The coordinates are North Latitude 31–52–18 and West Longitude 81–43–46. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–359, adopted March 6, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 284A and adding Channel 284C3 at Hinesville.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6814 Filed 3–24–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 91–232; RM–7755]

Radio Broadcasting Services; Wilburton and Antlers, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Blue Mountain Broadcasting, substitutes Channel 279C1 for Channel 279A at Wilburton, Oklahoma, modifies Station KZUD's construction permit to specify operation on the higher class channel, and substitutes Channel 284A for unoccupied and unapplied for Channel 281A at Antlers, Oklahoma. See 56 FR 40295, August 14, 1991. Channel 279C1 can be allotted at Wilburton in compliance with the Commission's minimum distance separation requirements with a site restriction of 36.2 kilometers (22.5 miles) west to avoid short-spacings to Channel 276C2 at Atoka, Oklahoma, which is reserved for use by Station KHKC–FM; Station KKYK, Channel 279C, Little Rock, Arkansas; and Station KKIX, Channel 280C1, Fayetteville, Arkansas, at coordinates North Latitude 34–59–06 and West Longitude 95–41–53. Channel 284A can be allotted to Antlers without the imposition of a site restriction, at coordinates 34–13–54 and 95–36–06. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91–232, adopted March 9, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452–1422, 1714 21st Street NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.)

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 281A and adding Channel 284A at Antlers, and by removing Channel 279A and adding Channel 279C1 at Wilburton.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6815 Filed 3–24–92; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

Qualification of Drivers; Waiver Applications; Vision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to accept applications for waivers.

SUMMARY: This notice announces the FHWA's intention to accept applications from drivers of commercial motor vehicles for waivers of certain vision requirements contained in the Federal Motor Carrier Safety Regulations (FMCSRs). The waivers will be granted only upon meeting specific preconditions and agreeing to comply with other subsequent requirements. Waivers will be issued pending the resolution of a concurrent rulemaking action, or until the expiration of a stated time period, whichever occurs first. Demographic and work related data will be collected from the waiver drivers and compared to similar data collected from a control group of drivers who meet the current Federal vision requirements. The FHWA is seeking volunteers to participate in the control group. This action will preserve the jobs, at least temporarily, of those drivers who do not meet current Federal vision standards, but have met the qualification standards of State licensing agencies enabling them to obtain a license to operate commercial motor vehicles legally in intrastate commerce. The object of the waiver program is to provide objective data to be considered in relation to a rulemaking exploring the feasibility of relaxing the current absolute vision standards in 49 CFR part 391 in favor of a more individualized standard.

DATES: The FHWA will accept applications for waivers of its vision requirements, found at 49 CFR 391.41(b)(10), until September 21, 1992. The waiver application will be processed as quickly as possible. The waiver will be issued for a period of three years or until the current rulemaking addressing the FHWA's vision requirements is completed, whichever occurs first.

ADDRESSES: Applications for waiver must be submitted in legible form and mailed to the Vision Waiver Program, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas of Mrs. Eliane Viner, (202) 366–2981, Office of Motor Carrier Standards, or Mr. Paul L. Brennan, Office of Chief Counsel, (202) 366–0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The Federal government began regulating vision standards for drivers engaged in interstate commerce in the late 1930's. At that time, the standard was based on a consensus of experts in the fields of vision and driver safety. The vision standard has been amended several times in the direction of requiring more stringent visual capacity.

Current regulations in 49 CFR 391.41 prescribe "absolute" vision standards with virtually no possibility of waivers. Those drivers who are unable to meet those standards are precluded from operating commercial motor vehicles (CMV) in interstate commerce. Many more drivers are now or will be precluded from operating a CMV in instrastate commerce as more and more States adopt the Federal driver qualification requirements, especially as they relate to the issuance of CMV drivers' licenses by the various States. Section 206(f) of the Motor Carrier Safety Act of 1984 (Pub. L. 98–554, 98 Stat. 2832, 2835) authorizes the granting of a waiver from any part of the FMCSRs if it can be determined that "such waiver is not contrary to the public interest and is consistent with the safe operation of commercial motor vehicles."

The purpose of establishing vision standards for drivers of CMV's is to prevent individuals who will present an unreasonable and avoidable safety risk to other users of the highways from being allowed to operate vehicles which, because of their size or cargo, present a grave hazard. It is axiomatic that vision plays an essential role in the driving task. However, specifying a precise level of visual capability necessary for safe driving continues to be problematic because of the lack of empirical evidence on which to base a clearly defensible measure of acceptable visual performance. Furthermore, there has been little meaningful data forthcoming from the medical community that would be helpful in establishing a new vision standard that could embrace the concept of "individual determination" found in the recently enacted Americans With Disabilities Act, and its forerunner, the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 355, as amended). Because good vision is such an integral part of safe driving, the FHWA must proceed cautiously in any undertaking which has so obvious a potential for risk.

The FHWA has, therefore, decided to initiate a program which, it believes, will provide the necessary data and avoid any unreasonable enhancement of risk. This action will also preserve the jobs of drivers who are being subjected to more stringent vision standards for the first time and are faced with job loss. In some cases, the earning potential of an intrastate driver could be enhanced by operating under the interstate waiver program. The program will allow the FHWA to conduct a study comparing a group of experienced, visually deficient drivers with a control group of drivers who meet the Federal vision standard for a finite period of time, and perform an in-depth comparative analysis of both groups. It is anticipated that the FHWA will obtain sufficient empirical data, which, when analyzed, will provide a reliable basis for establishing visual requirements that are consistent with the goals of safety, yet provide maximum employment opportunity for those persons covered under the Americans With Disabilities Act and the Rehabilitation Act of 1973. The FHWA intends to use the data from this waiver program to support the rulemaking recently initiated to review the FHWA's driver vision standard (57 FR 6793, February 28, 1992).

In considering waivers, the FHWA believes it has a duty to take every reasonable precaution to avoid any adverse impact on highway safety. Therefore, waivers will only be granted to those persons with visual deficiencies who: (1) Are legally qualified and/or previously licensed to operate a CMV in their State of domicile or were legally qualified and licensed at the time of their last renewal period, but were denied a license solely because the State of license adopted the more stringent Federal vision standard; (2) have or had been operating a CMV for the four years preceding the application; (3) have had a driving record, for the same period of time as (2) above, that contains no conviction for a moving traffic violation involving the operation of a CMV, and no involvement in a reportable accident, from which the applicant received a citation for a moving traffic violation; (4) have at least 20/40 (Snellen), corrected or uncorrected, in the better eye; and (5) have been examined by an ophthalmologist or an optometrist identifying the visual condition, determining that the condition has not worsened since the person's last

required physical examination, and providing an opinion that the person can perform the driving tasks required to operate a CMV. By restricting waivers to drivers who meet those conditions, the FHWA believes it has minimized the risk while still allowing for a substantial number of applicants.

To successfully perform the comparative analysis which will be used to establish a basis for specific rulemaking action, a control group of drivers, the same size as the group of waived drivers, is necessary. The FHWA is, therefore, seeking drivers who meet the current Federal vision requirements as volunteers. These volunteers would be asked to submit the same demographic information required from waiver applicants. The volunteer drivers would also be asked to report the same-work related information required by the waived drivers. The FHWA is seeking the cooperation of all motor carriers, owner-operators, drivers, trade associations, and labor unions to encourage drivers to volunteer for participation in this very important study. The FHWA will pursue further outreach efforts to enlist the necessary support. Those interested persons should submit the information requested below to the address shown below.

The FHWA will accept applications for waivers of its vision requirements, found at 49 CFR 391.41(b)(10), until September 21, 1992. The waiver application will be processed as quickly as possible. The waiver will be issued for a period of three years or until the current rulemaking addressing the FHWA's vision requirements is completed, whichever occurs first. Applications for waiver must be submitted in legible form and mailed to the Vision Waiver Program, 400 Seventh Street, SW., Washington, DC 20590.

The FHWA recognizes that States are already adapting their vision standards to accommodate the more stringent Federal requirement. This is being done because of the condition imposed on the receipt of Motor Carrier Safety Assistance Program funds and the certification required of applicants for the Commercial Driver's License. To date, the States receiving funds under the MCSAP have been allowed to grandfather the medical requirements for intrastate drivers. This could be a lifetime act for a driver as long as the condition for which the driver was waived does not become worse. Due to the pending rulemaking to incorporate the Tolerance Guidelines into 49 CFR part 350, and the medical studies being conducted by the FHWA, the grandfather provision, for new drivers, will be extended for one year to March 31, 1993. The proposed tolerance guidelines will allow States latitude in establishing waiver programs for intrastate drivers and building a data base which should be beneficial to the FHWA in future rulemakings involving medical qualifications. The States will, under the MCSAP, continue to be required to meet the intrastate tolerance guidelines. Some States have already changed to the Federal standard, and may view this waiver program as a backward step. The FHWA hopes that such States are able to allow their qualified licensees to participate in the waiver program by applying the license standard operative in the State on April 1, 1990, even if it means requalifying drivers, who are able to meet the conditions for waivers stated herein, but who have been disqualified by virtue of the State's having adopted the Federal standard. Nothing contained herein is intended to require States to apply the Federal vision standard to drivers who operate wholly in intrastate commerce.

Prerequisites

Waiver applicants must submit the following information with their request for a waiver of the Federal vision requirements for drivers of CMV's operated in interstate commerce. Those persons who volunteer for participation as a control group driver will be expected to furnish the same data, except any information about a vision deficiency.

Name of applicant (first name, middle initial, last name);
Address (Street number and name);
City, State, and Zip Code;
Telephone Number (Area Code and Number);
Sex (Male or Female);
Date of Birth (Month, Day, and Year);
Age;
Social Security Number;
State Driver's License Number (Name of Issuing State and License Number);
Driver's License Classification Code;
Driver's License Date of Issuance (Month, Day, and Year);
Experience:
Number of years driving straight trucks;
Approximate number of miles driving straight trucks;
Number of years driving tractor trailer combinations;
Approximate number of miles driving tractor trailer combinations;
Number of years driving buses;
Approximate number of miles driving buses;
Anticipated Post-Waiver Operations:
Your employer's name, address and telephone number, if applicable;
The type of vehicle you will operate (Straight truck, tractor trailer combination, bus);
The commodities that will be transported (e.g., general freight, liquids in bulk (in cargo tanks), steel, dry bulk, large heavy machinery, refrigerated products);
The States in which you will drive;
The estimated number of miles you will drive per year;
The estimated number of daylight driving hours per week;
The estimated number of nighttime driving hours per week;
Documentation that you possessed a license to operate a CMV as of April 1, 1990 (e.g., photostatic copy of the driver's license; certification from the State licensing agency).

Documentation that you have operated a CMV for the four year period immediately preceding April 1, 1990 (e.g., a signed statement from the applicant's employer or a certified statement from applicant, in the event the applicant was operating as a motor carrier).

Documentation that your driving record for the four year period immediately preceding April 1, 1990 contains (1) no conviction for a moving traffic violation involving the operation of a CMV, and (2) no involvement in a reportable accident, from which the applicant received a citation for a moving traffic violation.

Documentation that you have been examined by an ophthalmologist or an optometrist and that person has: (1) Identified the visual deficiency and defined it, (2) certified that the visual deficiency has not worsened since the last vision examination required by your State's driver licensing agency, (3) certified that your visual acuity is at least 20/40 (Snellen), corrected or uncorrected, in the better eye, and (4) that in his/her opinion you can perform the driving tasks required to operate a CMV.

Waiver Requirements

There will be three special conditions attached to the issuance of any waiver issued to a visually deficient driver. The first two of these three special conditions will also apply to those drivers who voluntarily participate in the control group. Each waived driver will be required to:

(1) Report any conviction for a moving traffic violation involving the operation of a CMV to the FHWA within 15 days following the conviction. (A photostatic copy of the citation issued for which the conviction was declared will meet the reporting requirement.);

(2) Report any accident involvement whatsoever involving the operation of a CMV to the FHWA within 15 days following the accident. (A copy of an accident report prepared by a law enforcement official or the motor carrier will meet the reporting requirement.); and

(3) Submit documentation that you have been examined by an ophthalmologist or an optometrist, each year, within 15 days before the anniversary date of the waiver issuance date and that person has certified that the visual deficiency has not worsened since the last vision examination required by the waiver.

(49 U.S.C. app. 2505; 49 U.S.C. 504 and 3102; 49 CFR 1.48.)

Issued on: March 18, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-6628 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the first quarter's allowance of prohibited species catch (PSC) of Pacific halibut in the Gulf of Alaska (GOA) has been caught. NMFS is prohibiting fishing for groundfish in the GOA with trawl gear other than pelagic trawl gear. This action is necessary to prevent the first quarter PSC allowance of Pacific halibut established for trawl gear from being exceeded. This action is intended to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

EFFECTIVE DATES: 12 noon, Alaska local time (A.l.t.), March 22, 1992, through 12 midnight, A.l.t., March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the United States exclusive economic zone within the GOA is managed by the Secretary of Commerce according to the FMP prepared by the North Pacific Fishery Management Council (Council) under authority of the Magnuson Fishery Conservation and Management Act. The FMP is implemented by regulations appearing at 50 CFR 611.92 and parts 620 and 672.

Under 50 CFR 672.20(f)(2), annual Pacific halibut PSC limits are established and apportioned among the GOA regulatory areas and districts for trawl gear for the 1992 fishing year. Further, § 672.20(f)(2)(iii) provides that the PSC limit of Pacific halibut may be apportioned on a seasonal basis. The notice of final specifications of groundfish total allowable catch (TAC) and Pacific halibut bycatch (57 FR 2844, January 24, 1992) establishes the 1992 seasonal apportionments of Pacific halibut for trawl gear as follows: January 1 through March 31, 600 metric tons (mt); April 1 through June 30, 600 mt; July 1 through September 29, 400 mt; and September 30 through December 31, 400 mt.

Under § 672.20(f)(1)(ii), the Regional Director has determined that in the GOA, the domestic annual processing (DAP) trawl groundfish fisheries have reached the 600 mt PSC mortality limit of Pacific halibut apportioned to this gear type for the first quarter of 1992. Therefore, NMFS prohibits fishing by DAP vessels with trawl gear other than pelagic trawl gear in the GOA from 12 noon, A.l.t., March 22, 1992, through 12 midnight, A.l.t., March 31, 1992.

Classification

This action is taken under 50 CFR 672.20, and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 20, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6923 Filed 3-20-92; 1:16 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 58
Wednesday, March 25, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 320, and 381

[Docket No. 91-006N]

RIN 0583-AB34

Intended Implementation Date of Rulemaking for Nutrition Labeling of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Food Safety and Inspection Service (FSIS) is announcing the intended implementation date of its rulemaking for nutrition labeling of meat and poultry products.

DATES: The intended implementation date will be 18 months from the date of promulgation of the final rule.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 205-0080.

Background

On November 27, 1991, the Agency published in the **Federal Register** (56 FR 60302-60364) a proposal to amend the Federal meat and poultry products inspection regulations by permitting voluntary nutrition labeling on single-ingredient, raw meat and poultry products, and by establishing mandatory nutrition labeling for all other meat and poultry products, with the exception of products used for further processing. The public comment period on this proposed rule closed on February 25, 1992.

In the proposed rule, the Agency stated that within 6 months of the November 27, 1991, publication date, it would publish a notice in the **Federal Register** announcing the intended implementation date of the rulemaking (56 FR 60322). In the proposed rule, the Agency stated that it has been examining several implementation time frames and specifically requested comments from the public concerning the implementation period for the nutrition labeling regulations. Based upon a careful review of the numerous comments received from the public on the implementation date issue, the Agency has decided that the nutrition labeling regulations concerning meat and poultry products will be implemented 18 months after publication of the final rule in the **Federal Register**. The Agency intends to publish in the **Federal Register** final nutrition labeling regulations on November 8, 1992. The regulations, therefore, would be implemented on May 8, 1994. The Agency believes that such an implementation timeframe is reasonable, based upon all relevant circumstances and upon the numerous comments received on this issued.

Done at Washington, DC, on: March 18, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92-6911 Filed 3-24-92; 8:45 am]

BILLING CODE 3410-DM-M

9 CFR Parts 317, 320, and 381

[Docket No. 91-006S]

RIN 0583-AB34

Nutrition Labeling of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Supplemental proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing its intent to supplement the proposed rule regarding nutrition labeling of meat and poultry products published in the **Federal Register** on November 27, 1991. The Agency is also publishing a notice announcing the implementation date of the nutrition labeling rulemaking (see elsewhere in the **Federal Register**. This supplemental proposed rule would (1) allow for the use of data bases and recipe analyses using data bases, as well as the proposed laboratory analyses, on which to base the nutrition information on processed meat and poultry product labels, and (2) provide an small business exemption from mandatory nutrition labeling. This action is being taken because of the Agency's concern that its proposed rule not impose undue cost burdens and that its proposal be implemented in the most cost-effective manner possible while providing consumers with the same high quality nutritional information. Given extensive public comments, the Department continues to review other nutrition labeling provisions proposed on November 27, 1991. The Agency will provide for public discussions during the comment period on the small business exemption issues raised in this supplemental proposed rule.

DATES: Comments must be received on or before May 26, 1992.

ADDRESSES: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided by the Poultry Products Inspection Act should be directed to: Mr. Charles Edward at (202) 205-0080. (See also "Comments" under "**SUPPLEMENTARY INFORMATION.**")

FOR FURTHER INFORMATION CONTACT: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC (202) 205-0080.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Effect on Small Entities

The proposed rule on which this supplemental proposed rule is based was reviewed under USDA procedures established to implement Executive Order 12291 and was classified as a major rule pursuant to section 1(b)(1) of that order because it is likely to result in an annual effect on the economy of $100 million or more. The review is reported in its Preliminary Regulatory Impact Analysis (PRIA), which was published as an appendix to the proposed rule, and in a supplement to the PRIA which was published on February 18, 1992 (57 FR 5956). The PRIA also satisfies the analysis requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), which deals with the effect on small entities.

The PRIA indicates that the required laboratory analysis is a major cost of implementation of the proposed rule, and that the burden of compliance with the proposed rule may be greater for small businesses than for medium or large firms. In order to alleviate some cost burdens associated with the proposed rule, this supplemental proposed rule would permit nutrition information on processed meat and poultry product labels to be based on data bases and recipe analyses using data bases as an alternative to the proposed laboratory analyses and would exempt small businesses from mandatory nutrition labeling.

Executive Order 12778

This supplemental proposed rule has been reviewed pursuant to Executive Order 12778, Civil Justice Reform. This supplement would provide for (1) the use of data bases and recipe analyses using data bases, as well as the previously proposed laboratory analyses, on which to base the nutrition information on processed meat and poultry product labels, and (2) a small business exemption from mandatory nutrition labeling.

This supplemental proposed rule concerns labeling meat and poultry products. States and local jurisdictions are preempted under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) from imposing any marking, labeling, packaging, or ingredient requirements on federally inspected meat or poultry products that are in addition to, or different than, those imposed under the FMIA or the PPIA. States and local jurisdictions may, however, exercise concurrent jurisdiction over meat and poultry products that are outside official establishments for the purpose of preventing the distribution of meat or poultry products that are misbranded or adulterated under the FMIA or PPIA, or, in the case or imported articles, which are not at such an establishment, after their entry into the United States. Under the FMIA and the PPIA, States that maintain meat and poultry inspection programs must impose requirements on State inspected products and establishments that are at least equal to those required under the FMIA or PPIA. These States may, however, impose more stringent requirements on such State inspected products and establishments.

In the event of its adoption, no retroactive effect would be given to this supplemental proposed rule, and applicable administrative procedures must be exhausted before any judicial challenge to its provisions or their application. Those administrative procedures are set forth in the rules of practice govening proceedings for labeling determinations at 9 CFR parts 335 and 381, subpart W.

Paperwork Requirements

The proposed rule on which this supplemental proposed rule is based would require manufacturers to maintain records supporting the validity of nutrition information on the labels of meat and poultry products, and to make such records available to FSIS upon request. The paperwork requirements contained in that proposed rule were submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

This supplemental proposed rule would not affect the paperwork requirements. Manufacturers would be required to maintain such records whether the supporting data is obtained through laboratory analysis or data bases and recipe analyses using data bases. Thus, the paperwork requirements on manufacturers using data bases and recipe analyses using data bases would be covered under OMB's approval of paperwork requirements on manufacturers using laboratory analyses as the basis for nutrition information.

Comments

Interested persons are invited to submit written comments concerning this supplemental proposed rule. Written comments should be sent to the Policy Office at the address shown above and should refer to Docket Number 91-006S. Any person desiring an opportunity for oral presentation of views as provided under the Poultry Products Inspection Act must make such request to Mr. Charles Edwards so that arrangements may be made for such views to be presented. A record will be made of all views orally presented. All comments submitted in response to this notice will be available for public inspection in the Policy Office from 8 a.m. to 12:30 p.m. and from 1:30 p.m. to 4 p.m., Monday through Friday. Additionally, FSIS will hold several public discussions during the comment period, at times and locations to be announced, regarding the small business exemption issues raised in this document.

Background

On November 27, 1991, the Food Safety and Inspection Service (FSIS) published a proposed rule that would require nutrition labeling of most processed meat and poultry products, and provide for the voluntary nutrition labeling of single-ingredient, raw meat and poultry products (56 FR 60302). The proposed rule had a comment period of 90 days, ending February 25, 1992. FSIS received approximately 1100 comments on its proposed rule.

FSIS is in the process of analyzing the comments received and intends to issue final rules by November 1992. An initial review of the comments indicates that many commenters, while supporting the need for nutrition labeling of meat and poultry products, have significant concerns about the cost implications of the proposal for producers of meat and poultry products. Two significant concerns are clear: (1) The costs associated with the requirement that producers of meat and poultry products analyze their processed products in order to develop nutrient data for the labeling of those products; and (2) the absence in the proposal of an exemption for small businesses for which the cost impact may be excessive.

Since the previously proposed rule already provides for the use of representative data base values for single-ingredient, raw meat and poultry products, comments on this supplemental proposed rule should be limited to the issue of the use of data base values for processed meat and poultry products. Comments on an exemption for small businesses from mandatory nutrition labeling are also welcome.

As part of the proposed rule, a Preliminary Regulatory Impact Analysis (PRIA) was published on November 27, 1991, and supplemented in a **Federal Register** notice on February 18, 1992 (57 FR 5956). These documents indicate that laboratory analysis of foods is a major cost of implementation, and that the burden of compliance with the proposed regulation may be greater for small businesses that for medium or large firms.

Because of the Agency's review of comments, and concerns that its proposal not impose undue cost burdens and that nutrition labeling be implemented in the most cost-effective manner possible, FSIS has re-examined its position and now proposes to (1) permit companies to base the nutrient information on processed meat and poultry product labels on data bases and on recipe analyses using data bases, as well as on laboratory analyses; and (2) exempt small businesses from the nutrition labeling of meat and poultry products.

FSIS must consider the regulatory objective of providing accurate nutrition information, as well as the need to minimize the economic impact of its regulation. FSIS believes that basing

nutrition information on labels on acceptable data bases or on recipe analyses using data bases will provide consumers with high quality, accurate, and useful nutritional information. However, the Agency seeks input on the criteria for effective use of data bases. Further, FSIS believes that an exemption of small businesses from nutrition labeling can be established so as to affect such a small portion of the meat and poultry part of the diet, that the absence of nutrition information will have only a negligible impact on the ability of consumers to choose a healthy diet. FSIS seeks input on the appropriate criteria for determining such an exemption, such as annual sales by dollars, pounds of product, or units of product, and the relationship between the level of exempted meat and poultry products and the total consumption of meat and poultry products. For example, as required by the Nutrition Labeling and Education Act of 1990 (Pub. L. 101–535; 104 Stat. 2353), the Food and Drug Administration proposes to exempt a food from nutrition labeling if it is offered for sale by a person who has annual gross sales to consumers which are not more than $500,000, or gross sales made or business done in sales of food to consumers of not more than $50,000. USDA is willing to consider exemptions at levels of sales or production greater than $50,000 if warranted.

In order to assist FSIS in the development of a final rule which would permit the use of data bases and recipe analyses using data bases as a basis for nutrition labeling information and which exempts small businesses from nutrition labeling, FSIS is seeking public comment in response to the following questions:

With respect to the use of data bases and recipe analyses on processed product:

(1) What criteria should FSIS establish for the effective use of data bases for nutrition labeling of processed meat and poultry product labels?

(2) What guidelines should FSIS provide to producers who choose to use data bases and/or recipe analyses using data bases for developing nutrition information for processed products?

(3) What commercially available or industry prorietary data bases currently exist that could be used by producers of processed meat and poultry products?

(4) What changes should be made to FSIS's proposed compliance system if data bases are used?

With respect to small business exemptions:

(1) Should an exemption be based on the size of a company as measured by number of employees, or as measured by annual sales by dollars, by pounds of product, by units of products, or by some combination? At what level of dollars, pounds, or units?

(2) Should an exemption be based on the size of the overall business or on the production/sales of meat and poultry products only?

(3) Should FSIS exempt products or businesses, *i.e.*, should an exemption be based on the overall production/sales of a business or implemented on a product-by-product basis?

(4) How should FSIS define a business? Should each official establishment be considered a separate business or should FSIS consider company or corporate size for firms with more than one official establishment?

(5) If an exemption applies to a product, how should "product" be defined?

(6) What data should an establishment or company be required to provide to FSIS to demonstrate that it (or its product) meets the criteria for an exemption?

(7) How should year-to-year variations in sales at the level of the exemption be handled? In other words, how should FSIS define a sales level that exceeds an exemption level? Is it a single year's data, or a 2-year average, etc.?

(8) When an exemption level is exceeded, what period of time should be allowed for implementation of nutrition labeling?

(9) Should an exempt business or product be permitted to make a nutrient content claim (*e.g.*, "low fat") on a label which does not include nutrition information.

(10) What percent of total product would be affected by an exemption under specific criteria?

(11) How many meat and poultry establishments would be affected by the exemption under specific criteria?

Because the potential economic impact of nutritional labeling on small businesses is great and the relevant issues are novel and complex, FSIS will provide a forum for the public to express their views, suggestions, and concerns to officials. FSIS intends to hold public discussions during the comment period, at times and places to be announced, regarding the small business exemption issues raised in this supplemental proposed rule. Those responding to the FSIS announcement will be invited to take an active role in these discussion meetings. All members of the public will be welcome to attend and we especially encourage participation by representatives of interested industry and consumer groups. Agency officials will be involved in the exchange of information and ideas at these meetings. The views expressed will be preserved and included among the comments that the Agency will consider in developing a small business exemption.

Done at Washington, DC, on: March 18, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92–6913 Filed 3–24–92; 8:45 am]

BILLING CODE 3410–DM–M

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9 CFR Parts 317 and 381

[Docket No. 92–012ANPR]

Prior Label Approval System

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food Safety and Inspection Service (FSIS) is considering making changes to its current label approval process for labeling of meat and poultry products. At this time, two options are being considered: (1) Revising the current system by significantly reducing the scope review, through expanding the categories of labeling that would be generically approved, and replacing the current general requirement of FSIS approval of final labeling with one for sketch labeling only; and (2) replacing the current system with a system in which all labeling would be generically approved and used without prior submission to FSIS. FSIS is soliciting comments, information, data, and recommendations from consumers, industry, and other interested parties on those two options, as well as any other options that interested parties want to present.

DATES: Comments must be received on or before April 24, 1992.

ADDRESSES: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments as provided by the Poultry Products Inspection Act should be directed to Mr. Ashland L. Clemons, (202) 205–0042. (See also "Comments" under "**SUPPLEMENTARY INFORMATION.**")

FOR FURTHER INFORMATION CONTACT: Ashland L. Clemons, Director, Food Labeling Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 205–0042.

SUPPLEMENTARY INFORMATION:

Comments

Interested persons are invited to submit written comments concerning this notice. Written comments should be sent to the Policy Office at the address shown above and should refer to Docket Number 92–012ANPR. Any person desiring an opportunity for an oral presentation of views as provided by the Poultry Products Inspection Act should make such request to Mr. Ashland Clemons so that arrangements can be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted in response to this notice will be available for public inspection in the Policy Office from 9 a.m. to 12:30 p.m., and from 1:30 p.m. to 4 p.m., Monday through Friday.

Background

Introduction

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) direct the Secretary of Agriculture to maintain inspection programs designed to assure consumers that meat and poultry products are wholesome, not adulterated, and are properly marked, labeled, and packaged. The term "labeling" is defined in the FMIA to mean all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article. The PPIA has a similar definition for labeling.

In order to assure that the labeling of meat and poultry products comply with the FMIA and PPIA and the regulations promulgated thereunder, FSIS, pursuant to section 7 of the FMIA and section 8 of the PPIA (21U.S.C. 607, 457), conducts a prior approval program for labeling as specified in 9 CFR parts 317 and 381 (subpart N). This program is administered by the Food Labeling Division (FLD), FSIS, in Washington, DC.

To apply for labeling approval, meat and poultry processors, or their representatives, must submit final labeling and may submit sketch labeling, accompanied by FSIS Form 7234, "Application for Approval of Labels, Marking or Device," to FLD for reivew. The labeling application and final printed labeling must be submitted to FLD in triplicate. The labeling application must also contain, as required, the processing procedures and handling information.

In 1983, FSIS promulgated regulations granting limited label approval authority to the inspector-in-charge (IIC) of official establishments (48 FR 11410). As a result of these regulations, the IIC has authority to approve certain types of labeling, as set forth in the regulations (9 CFR 317.4(e) and 381.132(c)).

The regulations also permit some generically approved labeling, for use by establishments without prior submission for FSIS approval. Such labeling must previously have been approved, must include all mandatory information in a sufficiently prominent manner, and cannot otherwise be false or misleading in any particular (9 CFR 317.5 and 381.134).

The current prior approval system involves several hindrances to economic growth. Producers of meat and poultry products face direct label application costs. FSIS has estimated that the two options referred to previously would reduce manufacturer's direct application costs by $4 and $5 million, respectively. In addition, delays in the application process slow introduction of new products, imposing added costs on manufacturers. Any delay in product introduction limits consumers' options to buy new products.

The administrative costs of the program impose costs on taxpapers. FLD now receives 170,000 applications per year for prior approval. FSIS has estimated that administrative costs could be reduced by $1 million under both options being considered.

Options Being Considered

At this time, the Agency is seeking comments on two options for a prior label approval system. Comments on other options are also welcomed and encouraged.

Option 1—Prior Approval of Sketches and Expanded Categories of Generically Approved Labeling

This option would revise the current system by expanding the categories of generically approved labeling, and by replacing the current general requirement of FSIS final labeling approval with one for sketch labeling approval only. The FLD in Washington, DC, would only approve labeling sketches when labeling is required to be submitted to FSIS. No final labeling would be required or permitted to be submitted to Washington, DC, for approval. The IIC would not approve any labeling. Labeling that would be generically approved would include: (1) Labeling categories now approved by the IIC (9 CFR 317.4(e) and 381.132(c)); (2) labeling for product which has a standard of identity or composition in 9 CFR part 319 and 381 (subpart P); (3) labeling for product stamped "For Export Only"; and (4) labeling used in more than one plant owned by the same company, that is identical, except for the official establishment number. This would mean approximately 75 percent of all current approvals.

FSIS seeks comments on the issue of whether generic approval should be provided for labeling that includes geographical, quality, health, nutrient content, or negative claims, or guarantees.

Option 2—Generic Approval for All Labeling

Under this option, all labeling would be generically approved under criteria to be adopted and promulgated after appropriate notice and comment by the Agency. FSIS would not provide prior review and specific approval of labeling. Such a labeling approval system would be similar to that used by the Federal Food and Drug Administration for food which it regulates. FLD would review a sufficient number of randomly selected labeling samples to maintain accuracy of labeling information.

FSIS seeks comments on the role of the IIC in any new proposal for review or enforcement of labeling. Under both options, establishments would continue to be responsible for ensuring that labeling, ingredients, formulation, and processing procedures meet FSIS rules and policies, and establishments would be required to continue to provide the IIC with information necessary to monitor compliance.

Done at Washington, DC, on: March 18, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92–6912 Filed 3–24–92; 8:45 am]

BILLING CODE 3410–DM–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–29–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric CF6–80C2 Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections for damage to the engine fire extinguishing tubes located in the number two and number three engine struts, and replacement or repair, if necessary, of the tubes and/or tube support clamps, and reorienting the clamp. That action was promoted by multiple reports of support clamps in the number two and three engine struts chafing a hole in the engine fire extinguishing tubes. This action would expand the number of affected airplanes and require a modification that would constitute terminating action for the currently required inspections. The actions specified by the proposed AD are intended to prevent inadequate fire extinguishing agent concentration levels within the engine fire zone following engine fire system discharge.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration, Transportation Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-29-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. G. Michael Collins, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2689; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transportation Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice maybe changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-29-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-29-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On March 25, 1991, the FAA issued AD 91-08-06, Amendment 39-6960 (56 FR 14303, April 9, 1991), to require repetitive inspections for damage to the engine fire extinguishing tubes located in the number two and three engine struts and replacement or repair, if necessary, of the engine fire extinguishing tubes and/or tube support clamps. In addition, the AD action requires reorienting a fire extinguishing tube clamp to clear the adjacent structure. That action was prompted by multiple reports of support clamps in the number two and three engine struts chafing a hole in the engine fire extinguishing tubes. The requirements of that AD are intended to prevent inadequate fire extinguishing agent concentration levels within the engine fire zone following engine fire system discharge.

Since the issuance of that AD, the manufacturer has designed a modification that, if installed, would constitute terminating action for the currently required inspections. Additionally, the manufacturer has advised the FAA that the same design deficiency addressed by the existing AD exists on additional airplanes.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747-26A2179, Revision 2, dated December 18, 1991, that describes procedures for performing inspections to detect damage, chafing, or wear in the engine fire extinguishing system support clamp and tube located in the number two and three engine struts, and replacement, if necessary. The service bulletin also describes procedures for installing a modification that would eliminate the need for those inspections. The modification involves (1) installation of rubber block clamps in place of the loop-type clamps in the number two and number three struts; (2) replacing the support brackets for the clamps in the number two and number three struts; and (3) installing a new fire extinguishing discharge tube in the number two strut. This revision of the service bulletin also includes additional airplanes in its effectivity listing.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91-08-06 to expand the number of affected airplanes, and require the installation of a modification that would constitute terminating action for the currently required inspection. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 69 Boeing Model 747 series airplanes of the affected design in the worldwide fleet, including 16 additional airplanes included in this proposed AD action. Currently, there are no Model 747 series airplanes of the affected design on the U.S. registry. However, should an affected airplane be placed on the U.S. Register in the future, the FAA estimates that it would take approximately 24 work hours per airplane to accomplish the proposed actions, and that the average labor rate would be $55 per work hour. Required parts would be available from the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD would be $1,320 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6960 (56 FR 14303, April 9, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-29-AD. Supersedes AD 91-08-06, Amendment 39-6960.

Applicability: Model 747 series airplanes equipped with General Electric CF6-80C2 engines; as listed in Boeing Alert Service Bulletin 747-26A2179, dated February 28, 1991, and Revision 2, dated December 18, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadequate fire extinguishing agent concentration levels within the engine fire zone following engine fire system discharge, accomplish the following:

(a) For airplanes listed in Boeing Telegraphic Alert Service Bulletin 747-26A2179, dated February 28, 1991: Within 10 days after April 19, 1991 (the effective date of AD 91-08-06, Amendment 39-6960), accomplish the procedures specified in subparagraphs (a)(1), (a)(2), and (a)(3) of this AD in accordance with that service bulletin; or Revision 1, dated August 6, 1991; or Revision 2, dated December 18, 1991.

(1) Visually inspect the engine number two and number three fire extinguishing tubes and specified tube clamps within the engine strut.

(2) If damage is detected, prior to further flight, replace or repair the damaged engine fire extinguishing tubes, as applicable, in accordance with Boeing Telegraphic Alert Service Bulletin 747-26A2179, dated February 28, 1991; or Revision 1, dated August 6, 1991; or Revision 2, dated December 18, 1991. (The service bulletin specifies three repair procedures, depending upon the amount of chafing damage to the tube.)

(3) Remove the specified tube clamp from the fixed strut structure (the clamp should remain attached to the tube), and reinstall the tube clamp to orient the legs away from any structure.

(b) For airplanes listed in Boeing Alert Service Bulletin 747-26A2179, Revision 2, dated December 18, 1991, and not subject to paragraph (a) of this AD: Within 20 days after the effective date of this AD, accomplish the procedures specified in subparagraphs (b)(1), (b)(2), and (b)(3) of this AD in accordance with "Part I—Inspection" of that service bulletin.

(1) Visually inspect the engine number two and number three fire extinguishing tubes and specified tube clamps within the engine strut.

(2) If damage is detected, prior to further flight, replace or repair the damaged engine fire extinguishing tubes, as applicable, in accordance with the Boeing Alert Service Bulletin 747-26A2179, Revision 2, dated December 18, 1991. (The service bulletin specifies three repair procedures, depending upon the amount of chafing damage to the tube.)

(3) Remove the specified tube clamp from the fixed strut structure (the clamp should remain attached to the tube), and reinstall the tube clamp to orient the legs away from any structure.

(c) Repeat the inspection required by paragraphs (a) or (b) of this AD at the interval specified in subparagraph (c)(1) or (c)(2) below, as applicable:

(1) For airplanes that have not used the extinguishing tube patch repair procedures to repair the tube in accordance with paragraph (a) or (b) of this AD: Repeat the inspection at intervals not to exceed 100 flight cycles or 400 hours time-in-service, whichever occurs first.

(2) For airplanes that have used the extinguishing tube patch repair procedure to repair the tube in accordance with paragraphs (a) or (b) of this AD: Repeat the inspection at intervals not to exceed 50 flight cycles or 175 hours time-in-service, whichever occurs first.

(d) For airplanes listed in Boeing Alert Service Bulletin 747-26A2179, Revision 2, dated December 18, 1991: Within 6 months after the effective date of this AD, accomplish the modification specified in "Part II—Terminating Action" the service bulletin. Accomplishment of this modification constitutes terminating action for the repetitive inspections required by paragraphs (c) of this AD.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 17, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6888 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-20]

Proposed Alteration of Jet Route J-207; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove a segment of Jet Route J-207 between Savannah, GA, and Miami, FL. Changes in traffic flow which occurred as the result of several other jet route realignments, eliminate the need for this segment of controlled airspace. It is proposed that the unused segment of J-207 be removed to reduce chart clutter.

DATES: Comments must be received on or before May 8, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 91-ASO-20, Federal Aviation Administration, P. O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis

supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.
Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASO-20." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485.
Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to remove a segment of Jet Route J-207 between Savannah, GA, and Miami, FL. Changes in traffic flow from northeast airports, which occurred as a result of several other jet route realignments in that area have eliminated the need for J-207 over the segment that would be removed. Since this segment is not being used, it is proposed that this portion of that route be removed. Jet Route J-207 is published in Section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-207

From Savannah, GA; Florence, SC; Raleigh-Durham, NC; to Franklin, VA.

* * * * *

Issued in Washington, DC, on March 16, 1992

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-6882 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-ASO-18]

Proposed Alteration of Jet Routes; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J-91 located in the vicinity of Cross City, FL. This proposal would create a common crossing for J-75, J-89, and J-91. This action would improve flight planning and reduce land-line telephone coordination.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500 Docket No. 91-ASO-18, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.
Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASO-18." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485.
Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of J-91 located in the vicinity of Cross City, FL. The aleration would create a common intersection where J-75, J-89, and J-91 cross near the CAWLY, FL, intersection. This action would improve flight planning and reduce land-line telephone coordination. Jet Route J-91 is published in Section 75.100 of Handbook 7400.7 effective November 1, 1991; which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 74.00.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-91

From INT Orlando, FL, 274°T (274°M) and Cross City Fl, 133°T (135°m) radials; Cross City, INT Cross City 338° and Atlanta, GA 169° radials; Atlanta; Knoxville, TN; Henderson, WV; to Bellaire, OH.

* * * * *

Issued in Washington, DC on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Informational Division.

[FR Doc. 92-6884 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-AEA-17]

Proposed Alteration of Jet Route J-37

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J-37 located in the states of South Carolina and Virginia. This proposal would modify J-37 by realigning the route between the Spartanburg, SC, VHF omnidirectional range/tactical air navigation (VORTAC) via Lynchburg, VA, VORTAC and Gordonsville, VA, VORTAC. This action is necessary to improve navigation and air traffic procedures, and to expedite the flow of air traffice.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AEA-500, Docket No. 91-AEA-17, Federal Aviation Administration, JFK International Airport, The Fitzgerald Federal Building, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, on weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.
Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-AEA-17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71), to alter the description of J-37 between Spartanburg, SC, via the Lynchburg VORTAC to Gordonsville, VA. The proposed realignment would make better use of the Lynchburg VORTAC facility as an intermediate air navigational aid and would increase navigational reliability. Modifying this route would simplify routing and make better use of the airspace in the area. Jet Route J-37 is published in Section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a signficant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-37

From Hobby, TX, via INT of the Hobby 090° and New Orleans, LA, 257° radials; New Orleans; Semmes, AL; Montgomery, AL; Spartanburg, SC; Lynchburg, VA; Gordonsville, VA; Brooke, VA; INT Brooke 067° and Coyle, NJ, 226° radials; to Coyle. From Kennedy, NY; Kingston, NY; Albany, NY; Massena, NY, to the INT of the Massena 037° radial and the United States/Canadian Border.

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-6883 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-AWA-5]

Proposed Alteration of VOR Federal Airway V-352; ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This notice proposes to alter Federal Airway V-352 by extending the airway between Houlton, ME, and Fredericton, New Brunswick, Canada. This action was requested by the Canadian government to improve and enhance the flow of air traffic in the area. This extension involves approximately 4 nautical miles within the United States airspace.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Airspace Docket No. 91-AWA-5, 800 Independence Avenue, SW., Washington, DC 20591.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-AWA-5."

The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisoy Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of VOR Federal Airway V-352 between Houlton, ME, and Fredericton, New Brunswick, Canada. This extension to the airway would expedite the flow of traffic in the Canadian airspace. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.7 dated November 1, 1991.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routing amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 40 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways.

* * * * *

V-352

From Beauce, Quebec, Canada; via Houlton, ME; to Fredericton, NB, Canada, excluding the airspace within Canada.

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-6881 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Review of Bank Secrecy Act Regulations.

AGENCY: Departmental Offices, Treasury.

ACTION: Request for comment.

SUMMARY: Pursuant to a directive from President Bush to certain Agencies and Departments, Treasury is soliciting public comment to assist it in identifying those Bank Secrecy Act regulations which impose a substantial cost on the economy and which do not: provide and maximize benefits to society that outweigh the costs they impose; set performance standards but rather prescriptive requirements; incorporate market mechanisms to the extent possible; and, provide clarity and certainty to avoid needless litigation.

DATES: Comments should be submitted on or before April 24, 1992.

ADDRESSES: Comments should be sent to Peter G. Djinis, Director, Office of Financial Enforcement, Office of the Assistant Secretary (Enforcement), Department of the Treasury, Annex 5000, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: A. Carlos Correa, Assistant Director Regulations and Rulings, Office of Financial Enforcement, (202) 566-8022.

SUPPLEMENTARY INFORMATION: President Bush issued a Memorandum for Certain Department and Agency Heads on January 28, 1992, on "Reducing the Burden of Government Regulation." The President noted that there was much the Administration can and should do to reduce the burden of regulation, and that a major part of this undertaking must be to weed out unnecessary and burdensome government regulations and programs which impose needless costs on consumers, substantially impede economic growth, and have been rendered obsolete by new technologies and market mechanisms. To this end, the President requested that certain agencies including Treasury set aside a 90-day period to evaluate existing regulations.

Specifically, the President has asked that each agency work with the public and other interested agencies to evaluate existing regulations and programs in light of the following standards:

(1) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(2) Regulations should be fashioned to maximize net benefits to society.

(3) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible costs.

(4) Regulations should incorporate market mechanisms to the maximum extent possible.

(5) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

At the end of the 90-day review period each agency, including Treasury, will report its findings to the President.

In futherance of the President's regulatory review initiative, the Department of the Treasury hereby invites the public to identify Bank Secrecy Act (BSA) regulations (31 CFR part 103) and programs it feels impose unnecessary or excessive costs or burdens on the public, the regulated industry, or the economy, and what changes can be made to reduce those costs or burdens.

Treasury requests that commenters: (1) Specifically identify the BSA regulation and/or program by name and, if possible, by citation to the Code of Federal Regulations; (2) provide specific data, and examples where appropriate, regarding the costs imposed by the cited regulations and programs; (3) provide specific explanations as to why the costs imposed by the cited regulations and programs are unnecessarily burdensome; (4) identify those regulations and programs which do not incorporate to the maximum extent possible market mechanisms which were not foreseen at the time that the regulation was promulgated, or the program initiated; and (5) provide specific recommendations as to how the cited regulations and programs may be improved. Treasury also welcomes any recommended alternative regulations or

programs that commenters may wish to advance.

The regulatory review which is the subject of this announcement will concentrate exclusively on the Bank Secrecy Act regulations. 31 CFR part 103. Accordingly, commenters are requested to limit their comments to the BSA regulations and to avoid recommending changes to the enabling legislation, Public Law No. 91–508 (codified at 12 U.S.C. 182b, 12 U.S.C. 1951, et seq., and 31 U.S.C. 5311–5326).

Dated: March 19, 1992.

John P. Simpson,

Acting Assistant, Secretary, (Enforcement).

[FR Doc. 92–6929 Filed 3–24–92; 8:45 am]

BILLING CODE 4810–25–M

Coast Guard

33 CFR Parts 100, 110 and 165

[CGD1–01–157]

Temporary Regulations, Port of New York and New Jersey, July 2–5, 1992

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes temporary regulations for the Port of New York and New Jersey for the Operation Sail 1992 (OPSAIL '92) activities of July 2–5, 1992. The temporary regulations, consisting of special local regulations for two "Parades of Sail", anchorage regulations for spectator craft and participating vessels, and a safety zone for a fireworks display, are necessary to conduct these activities in a safe and orderly manner.

The temporary regulations are issued to augment those regulations contained in 33 CFR chapter I which govern navigation in the Port of New York and New Jersey. The temporary regulations will have an impact on navigation during the period from 12 p.m., July 2 to 12 p.m., July 5, 1992, but they are the minimum necessary to ensure safety during the hazardous conditions that will be occasioned by the arrival of a large number of sailing vessels and spectator craft participating in and observing the event, OPSAIL '92.

DATES: Comments must be received on or before April 24, 1992.

ADDRESSES: Comments may be mailed to Commander, Coast Guard Group New York, Bldg. 109/WMO, Governors Island, NY 10004, or may be delivered to the Waterways Management Office at the above address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Any person wishing to visit the office must contact the Waterways Management Office at (212) 668–7933 to obtain advance clearance because Governors Island is a military installation.

FOR FURTHER INFORMATION CONTACT: Lieutenant C. W. Jennings, Waterways Management Officer for Commander, Coast Guard Forces New York at (212) 668–7737.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested parties to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this notice (CGD1–91–157) and the specific section of the proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard does not plan to conduct a public hearing. Persons, however, may request a public hearing by writing to Commander, Coast Guard Group New York at the address under **"ADDRESSES."** If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The principal persons involved in drafting this document are LT C. W. Jennings, Project Manager, Coast Guard Group New York and LCDR J. Astley, Project Counsel, First Coast Guard District Legal Office.

Background and Purpose

The Coast Guard is considering establishing temporary regulations for the Port of New York and New Jersey, including the Lower Bay, Upper Bay, East River and Hudson River, for OPSAIL '92. The proposed regulations provide specific guidance on temporary anchorage regulations, vessel movement controls, and safety zones that will be in effect at various times in those waters during the period July 2 through 5, 1992.

The actual OPSAIL '92 celebration will commence with a "Parade of Sail" from Western Long Island Sound to the Lower Bay, via the East Rvier and Upper Bay, on July 3, 1992. This parade will involve approximately 250 class "B" and "C" sailing vessels. After arriving in the Lower Bay these vessels will moor in specially designated anchorages in Gravesend and Sandy Hook Bays.

On the morning of July 4, 1992 a "Parade of Tall Ships" will commence at the Verrazano Bridge and will involve up to 300 class "A" (vessels 175 feet and greater), "B" (vessels greater than 100 feet but less than 175 feet) and "C" (vessels 100 feet or less) sailing vessels proceeding through the Upper Bay and Hudson River to the vicinity of the George Washington Bridge, then returning down the Hudson River to previously assigned berths and moorings. That same evening a fireworks display is planned that will impact all of the waters around the southern tip of Manhattan, from the Brooklyn Bridge on the East River to Battery Park City on the Hudson River.

The purpose of these regulations is to enhance maritime safety and protect the boating public in the Port of New York and New Jersey immediately prior to, during, and after the scheduled events. The regulations will impact the movement of all vessels operating in the Port, maintain clear parade routes for the participating vessels, establish sufficient buffer areas around the planned fireworks display to ensure no one is injured by falling and possibly burning debris, and provide anchorage areas where participants and spectators can safely moor.

All vessel operators and passengers are reminded that, in addition to the safety equipment requirements for all pleasure craft, vessels carrying passengers must comply with certain additional rules and regulations. When a vessel is not being used exclusively for pleasure purposes but rather is engaged in carrying passengers, the vessel operator must possess an appropriate license and the vessel is subject to inspection. While the legal definition of the word "passenger", found in 46 U.S.C. 2101(21), varies depending on type of vessel involved, in general, it means any person who has contributed any consideration (monetary or otherwise) either directly or indirectly for carriage on board the vessel. The same laws provide substantial penalties for any violation. If you have any questions concerning the application of the above laws to your particular case, you should either write the U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York, NY 10004 or telephone (212) 668–7494 for information.

In addition to the safety zone noted in these regulations it may be necessary for Commander, Coast Guard Forces New York to establish security zones to safeguard dignitaries and, possibly, certain vessels participating in the event. If the Coast Guard deems it necessary, at a later date, to establish security zones, the details of those zones will be disseminated separately via the **Federal Register**, Local Notice to Mariners, Safety Voice Broadcasts and any other means available.

It is evident that with the many sailing vessels arriving in the Port of New York and New Jersey for this event, it will be necessary to curtail normal port operations to some extent. This interference will be kept to the minimum considered necessary to ensure safety and to facilitate the success of OPSAIL '92.

It is recommended that vessel operators visiting the Port of New York and New Jersey for this event obtain up to date editions of the following charts of New York Harbor: Nos. 12334, 12335, 12339, 12401, 12402. You are further advised to expect large crowds and significant congestion in the available anchorage space. Also, you must have sufficient facilities on board your vessel to retain all garbage and untreated sewage. Discharge of either in any waters of the United States, which includes all waters addressed in this rule, is strictly forbidden. Violators may be assessed civil penalties up to $25,000.

Discussion of Proposed Amendments

1. Anchorages (see chartlets I, II, V, VI, and VII).

a. Tall Ship Anchorages. The Coast Guard proposes to designate the following anchorage areas as mooring areas for the exclusive use of OPSAIL 92 "Tall Ships": Lower Bay Anchorage No. 25, also known as Gravesend Bay Anchorage, as described in 33 CFR 110.155(e); the Sandy Hook Bay portion of Lower Bay Anchorage No. 26, as described by 33 CFR 110.155(f) but modified by this regulation; and, Anchorage No. 49–F, the special purpose anchorage in Sandy Hook Bay, as described in 33 CFR 110.155(m). The "Tall Ships" are those class "A", "B" and "C" sailing vessels specifically authorized to participate in the OPSAIL '92 event by Commander, First Coast Guard District. These anchorage areas designated for the exclusive use of the "Tall Ships", will be in effect from 6 a.m., July 2, 1991 until 2 p.m., July 4, 1992. This temporary amendment to existing regulations will allow for the safe and coordinated mooring of the OPSAIL '92 "Tall Ships" and establish clearly defined areas for that purpose.

b. Spectator Vessel Anchorages. The Coast Guard proposes to designate the following areas as temporary spectator anchorages in the Upper Bay and Lower Hudson River:

(i) The waters along the shores of New Jersey, south of Liberty Island and north of Robbins Reef; all of Bayridge Flats and Gowanus Flats; a portion of the waters in the Narrows along the shore of Bayridge, Brooklyn; and, a portion of the waters in the Lower Hudson River. This action will require the temporary expansion and/or change in use of the following anchorages: Hudson River Anchorage Nos. 16, 17, 18–A, 18–B and 19, as described in 33 CFR 110.155(c)(1) through (5); Upper Bay Anchorage No. 20–D through 20–G, as described in 33 CFR 110.155(d) (4) through (9); and Upper Bay Anchorage No. 21–A, as described in 33 CFR 110.155(d)(10). These temporary amendments to existing anchorage regulations will be in effect from 12 p.m., July 2, 1992 until 11:59 a.m., July 5, 1992.

(ii) The waters around Liberty Island and Ellis Island. This action will require the temporary expansion of Upper Bay Anchorage Nos. 20–A, 20–B and 20–C, as described in 33 CFR 110.155(d) (1) through (3), respectively. These anchorages are not available to spectator vessels prior to the effective date to prevent hazards to or interference with the normal operation of the Liberty Island and Ellis Island ferries. These anchorages will provide areas where a portion of the expected 30,000 spectator craft, private and commercial, can safely moor during the event on July 4, 1992. This temporary amendment to existing anchorage regulations will be in effect from 3 a.m., July 4, 1992 until 6 a.m., July 5, 1992.

c. Deep Draft Vessels. Anchoring in the waters of Upper Bay Anchorages No. 21–B, 21–C, 23–A, 23–B and 24, as described in 33 CFR 110.155(d) (11) through (15), respectively, will be reserved for those deep draft ocean going commercial spectator vessels that have been authorized by Commander, Coast Guard Forces New York. These anchorages will be in effect from 3 a.m., July 4, 1992 until 6 a.m. on July 5, 1992. This action will provide areas where relatively large ocean going vessels can safely moor, away from the parade route, and out of any safety and security zones that may be established for this event.

2. Special Local Regulations (see chartlets III through VII).

a. July 3rd "Parade of Sail" (see chartlets III & V). The Coast Guard proposes to require special local regulations on all waters of the East River from the Throgs Neck Bridge to the Battery, and on the following waters in the Upper Bay between the Brooklyn Bridge and the Verrazano Bridge: Buttermilk Channel, Red Hook Channel, Bay Ridge Channel and a portion of The Narrows. The regulations will prohibit all vessel traffic on those waterways, except parade and enforcement vessels, unless otherwise exempt. This regulation will be effective from 11:45 a.m., July 3, 1992 until 6 p.m., July 3, 1992 on the East River and from 2 p.m., July 3, 1992 until 6 p.m., July 3, 1992 in the affected portions of the Upper Bay. This action is necessary to maintain a clear parade route for the southbound "Parade of Sail" which will involve approximately 250 vessels. The Parade is scheduled to commence in the East River, near Lawrence Point, at 1 p.m. on that day.

b. July 4th "Parade of Tall Ships" (see chartlets IV, & VI). The Coast Guard proposes to require special local regulations which will restrict and/or control the movement of all vessels operating in the waters of Sandy Hook Bay, Lower Bay, Upper Bay, Hudson River, and lower East River within two areas described by the following limits: Area "C" includes all waters north of the New Jersey Coast and south of the Verrazano Bridge between the following lines of longitude, west of 074°00'00"W, and east of 074°03'12"W; Area "D" includes all waters north of the Verrazano Bridge, south of Spuyten Duyvil Creek, southwest of the Brooklyn Bridge, and east of Constable Hook. This regulation will be effective from 6 a.m., July 4, 1992 until 2 p.m., July 4, 1992 in the Lower Bay and Sandy Hook Bay and from 7:30 a.m., July 4, 1992 until 3 a.m., July 5, 1992 in the Upper Bay and Lower Hudson River. This regulation will facilitate the movement, formation, staging, and parade of all participating OPSAIL '92 vessels and attendant support vessels. This action is deemed necessary due to the inherent hazards with a large number of vessels, approximately 300, maneuvering in confined waters, and will allow the congnizant Group Commanders to have positive control over all vessel movements before, duing and after the events attendant to this celebration.

During the "Parade of Tall Ships" commercial vessels, other than spectator craft, attempting to reach the Kill Van Kull, Newark Bay or Arthur Kill must do so via the Lower Bay and Raritan Bay approaches. Commercial vessel operators, however, may only transit Area "C" after obtaining permission to do so from Coast Guard Group Sandy Hook. Permission may be requested by contacting Group Sandy Hook on channel 16 VHF–FM. Light assist tugs, required by OPSAIL '92 vessels for maneuvering, will be authorized in

Areas "C" and "D" provided their presence has been authorized by Commander, Coast Guard Forces New York. Spectator craft, commercial and recreational, will be authorized to freely transit these areas with the exception of that portion of the Upper Bay and Hudson River defined as the "Main Ship Channels". Spectator craft may not loiter near or interfere with any vessel participants of OPSAIL '92 or any vessel at anchor. All spectator craft, when operating in these regulated areas, will navigate at no wake speed or no faster than 6 knots, whichever is less.

3. July 4th Fireworks Display (see chartlets I and VII). The Coast Guard proposes to require a safety zone in all waters around the southern tip of Manhattan, from the Brooklyn Bridge in the East River to the vicinity of North Cove Yacht Harbor on the Hudson River. This zone will commence at 8 p.m., July 4, 1992 and terminate at 3 a.m., July 5, 1992. While the safety zone is in effect all vessel traffic will be precluded from entering this area. The safety zone is being imposed to protect the mariner from the inherent hazards associated with a fireworks display. No vessel may enter or move within this zone unless permitted to do so by Commander, Coast Guard Forces New York. Also, no vessel may anchor during the display in the areas defined as the "Main Ship Channels". Vessels which need to anchor to maintain position and not hazard navigation will only do so in those areas designated for that purpose. After the display, no vessel is permitted to transit the waters between Governors Island and the Battery in South Manhattan. Vessels needing to cross to or from the East River may only do so by transiting around the southern tip of Governors Island via the Buttermilk Channel.

The Special Local Regulations and Safety Zone, in place during the July 4th celebration, will remain in effect well after the day's events have concluded. This will give Coast Guard enforcement vessels the opportunity to coordinate the orderly movement of spectator craft from or within the regulated area as the Port transitions from one event to the next. In all cases, vessels will be prohibited from transiting the waters between Governors Island and Manhattan, unless specifically permitted to do so by Commander, Coast Guard Forces New York.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary.

The regulations will be in effect for only portions of a four day period. The most heavily impacted day is July 4, 1992 which is a federal holiday and historically a day in which numerous waterway closures and disruptions occur in the Port because of smaller celebrations. Commercial traffic will be prohibited from operating in Upper New York Bay for only a portion of the affected period. Moreover, at no time will commercial shipping access to Port Newark/Port Elizabeth facilities be prohibited. Access to those areas may be accomplished using the Raritan Bay, Arthur Kill, Kill Van Kull, and Newark Bay as an alternate route. This will allow the majority of the maritime industrial activity in the Port of New York and New Jersey to continue, relatively unaffected. It is also expected that the amount of publication and advertisement about this event and, in particular, these regulations will allow the industry to adjust their schedules so as to minimize expected impacts.

The Staten Island Ferry and other scheduled ferry services which normally operate in the Port will be curtailed for only the minimum amount of time necessary, approximately 5 hours, to ensure safe operation during the increased harbor activities. It is expected that OPSAIL '92 will attract numerous boaters and tourists to the area which would have a favorable economic impact on commercial activities in the Port, as a whole.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons already specified in the Regulatory Evaluation section of this proposal the Coast Guard expects the proposed regulation will only have a minimal impact on all entities operating in the area. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a substantial number of small entities. If, however, you think that your business qualifies as a small entity and that this proposal will have a significant impact on your business, please submit a comment (see "**ADDRESSES**") explaining why you think your business qualifies and in what way and to what degree this proposal will economically affect your business.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this proposal and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection and copying where indicated under "**ADDRESSES**."

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water).

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR parts 100, 110 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Temporary § 100.35T 01–158 is added to read as follows:

§ 100.35T 01–158 Parade of Sail, Port of New York and New Jersey, July 3, 1992.

(a) *Definitions* As used in this section and sections 100.35T 01–159, 110.155, 110.T 01–160, and 165.T 01–161 of this Title.

(1) *Commander, Coast Guard Forces New York* means the Coast Guard officer charged with the overall responsibility for the enforcement and safe conduct of the waterside operations attendant to the OPSAIL '92 event.

(2) *Cognizant Coast Guard Group Commander* means the Coast Guard officer charged with the enforcement of these regulations, in addition to his normal duties, within the waters affected. In all waters north of the Verrazano Bridge this term refers to Commander, Coast Guard Group New York. In all waters south of the Verrazano Bridge this term refers to Commander, Group Sandy Hook.

(3) *Main ship channels* includes all waters of the Anchorage Channel, Buttermilk Channel, and the waters south of the Brooklyn Bridge and north of Governors Island in the Upper Bay, and all waters of the Lower Hudson River north of the Battery and south of Spuyten Duyvil Creek. It does not include any waters described as an anchorage in this regulation.

(4) *OPSAIL '92 Vessels* includes all vessels participating in Operation Sail 1992 under the auspices of the Marine Event Permit submitted by OPERATION SAIL 1992, Inc. and approved by Commander, First Coast Guard District.

(5) *Parade of Sail* is the southbound procession of class "B" and "C" OPSAIL '92 vessels as they navigate designated routes in the Port of New York and New Jersey on July 3, 1992.

(6) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of New York and New Jersey to observe part or all of the events attendant to OPSAIL '92.

(7) *Parade of Tall Ships* is the procession of class "A", "B" amd "C" OPSAIL '92 vessels as they navigate designated routes in the Port of New York and New Jersey on July 4, 1992.

(b) *Regulated areas:*

Note: See chartlets III and V in Appendix A to this section.

(1) *Area "A"*. All waters of the East River, shore to shore, west of the Throgs Neck Bridge and north of a line drawn along the 40°42'02" N line of latitude between Brooklyn, New York and Manhattan, New York.

(2) *Area "B"*. All waters of the Upper Bay east of the following line which commences on Pier 9, Manhattan at:

Latitude	Longitude
40°42'02.0" N	74°00'32.0" W
40°41'20.0" N	74°00'45.0" W

thence along the east shore of Governors Island to;

40°41'03.5" N	74°01'33.0" W
40°39'49.5" N	74°01'21.5" W
40°38'44.5" N	74°02'29.0" W
40°37'25.0" N	74°03'03.0" W
40°36'28.0" N	74°02'34.0" W

then east-northeast to the shoreline in Brooklyn, New York.

(c) *Special local regulations.* (1) No vessel, except those specifically exempted, may enter or navigate within these regulated areas unless they are authorized to do so by Commander, Coast Guard Forces New York. Any vessel authorized to enter the regulated area must not, under any circumstances, cross through the "Parade of Sail".

(2) No vessel is permitted to transit Area "A" northbound unless it can be clear of Rikers Island by 12 p.m.

(3) Circle Line ferries are exempt from this regulation during scheduled operations, except, ferries are only authorized to travel southbound on the East River for the duration of this regulation. At no time will a ferry be permitted to cross through the "Parade of Sail" or cross within 500 yards of the lead or last vessel in that parade.

(4) City of New York, Department of Sanitation barges, while engaged in normal sanitation service, are exempt from these regulations when engaged in southbound transits only. At no time will a sanitation barge be permitted to cross through the "Parade of Sail" or cross within 500 yards of the lead or last vessel in that parade.

(5) Seaplane Operations. The operation of seaplanes, including taxiing, landing, and taking off, is prohibited in regulated areas "A" and "B" for the duration of the regulation.

(d) *Effective date.* (1) *Area "A"*. These regulations become effective in area "A" at 11:45 a.m., July 3, 1992. They terminate at 6 p.m., July 3, 1992.

(2) *Area "B"* These regulations become effective in area "B" at 2 p.m., July 3, 1992. They terminate at 6 p.m., July 3, 1992.

BILLING CODE 4910-14-M

APPENDIX A TO §100.35T 01-159—CHARTLETS

Chartlet - I -

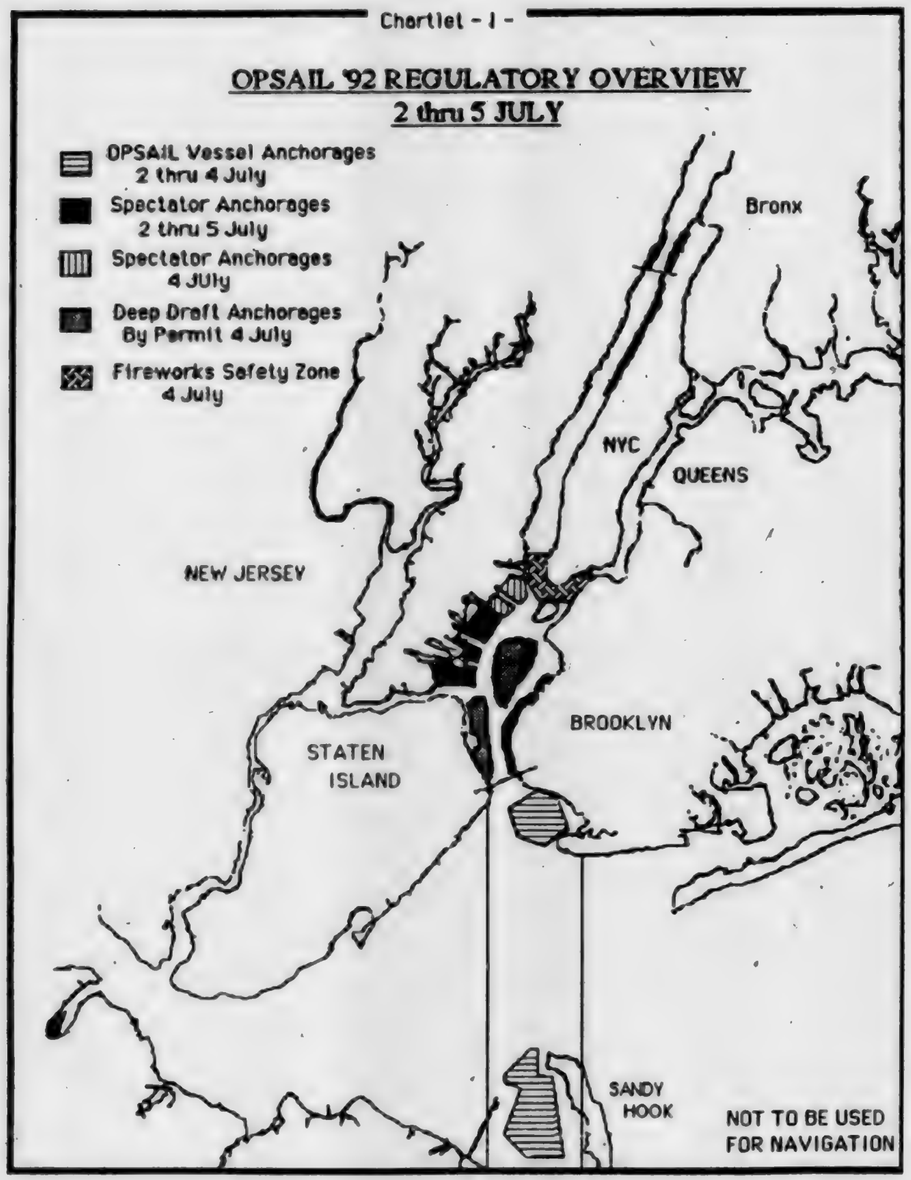

Chartlet - II -

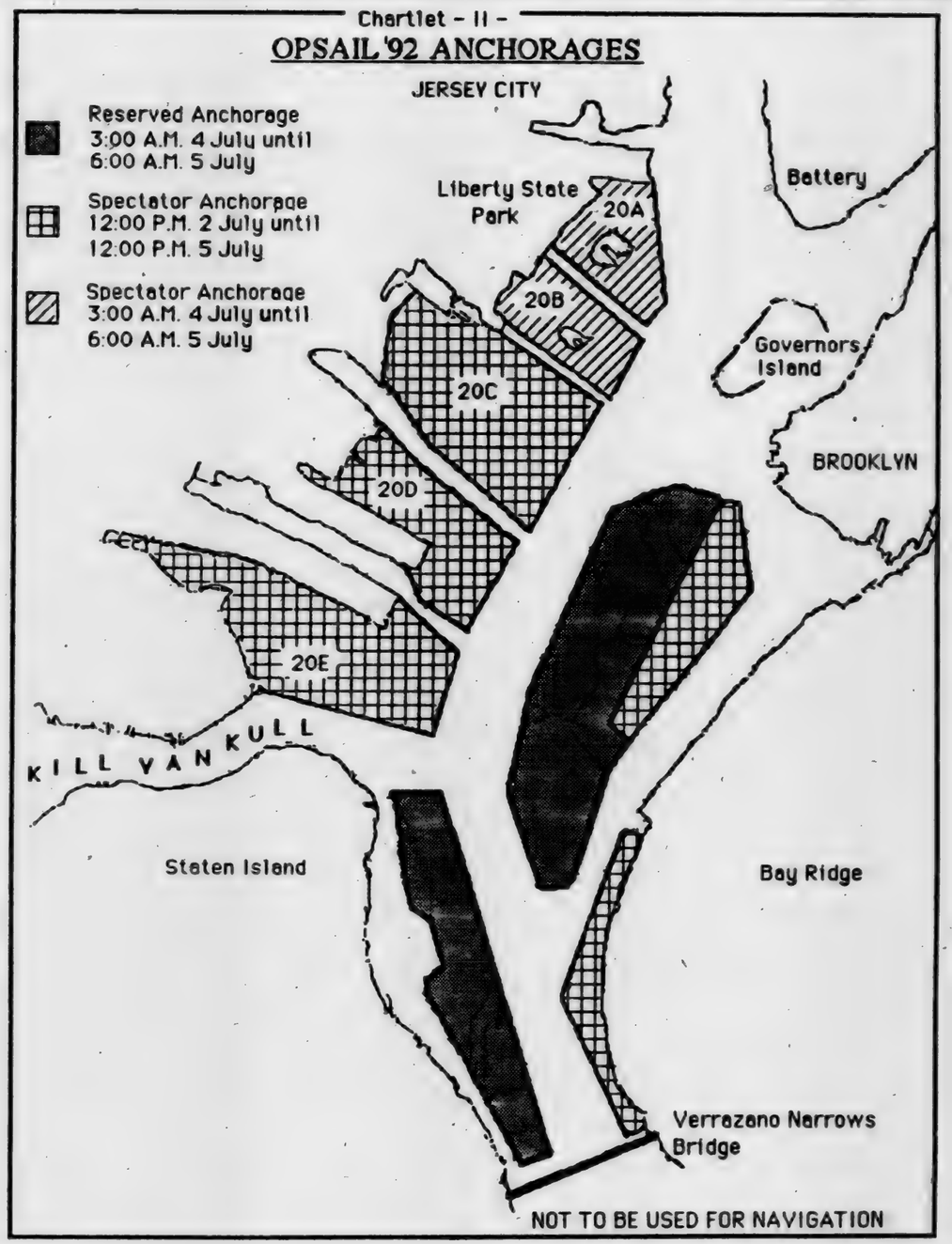

Chartlet - III -

OPSAIL '92 REGULATED AREAS DURING JULY 3, 1992

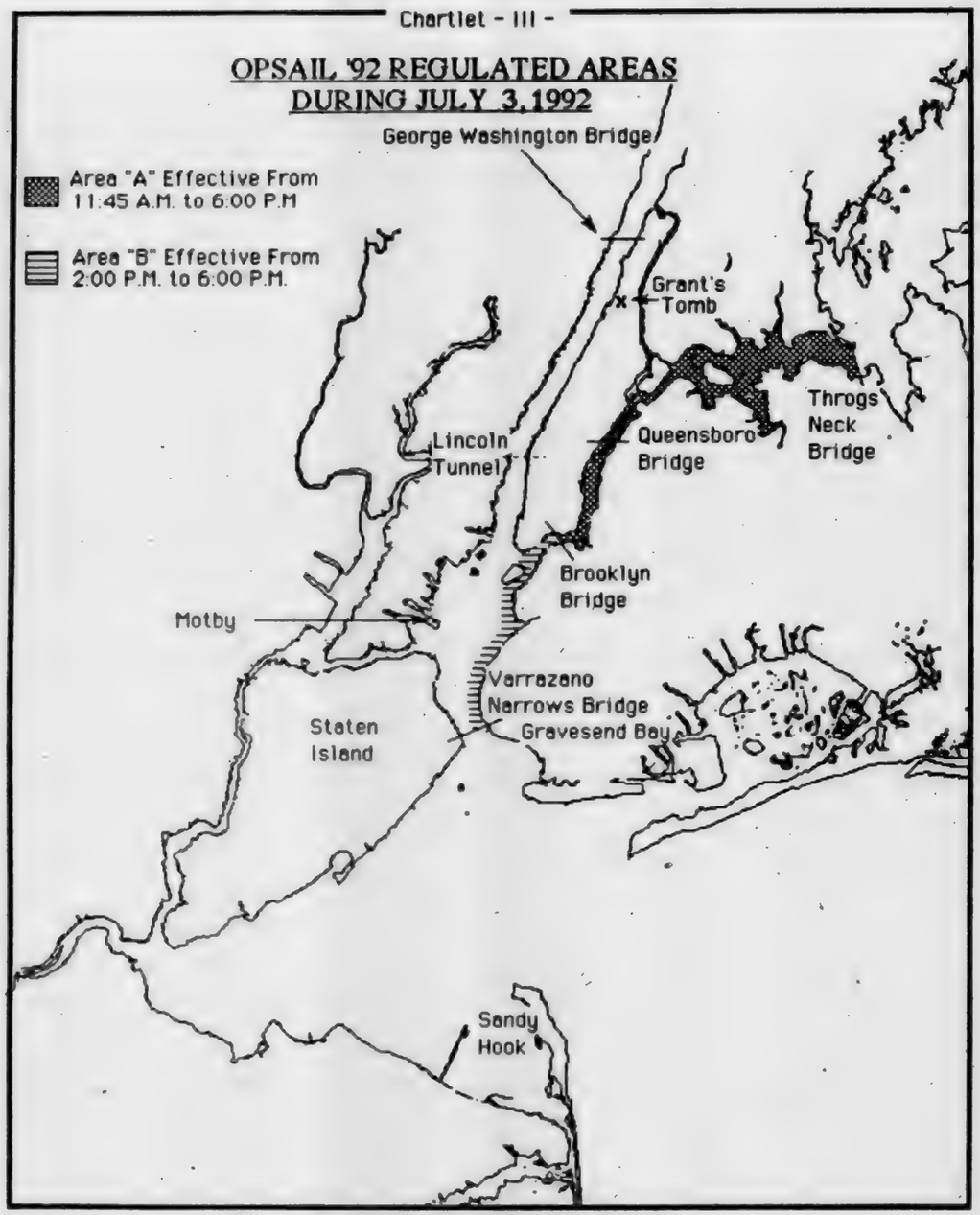

Chartlet - IV -

OPSAIL '92 REGULATED AREAS DURING JULY 4, 1992

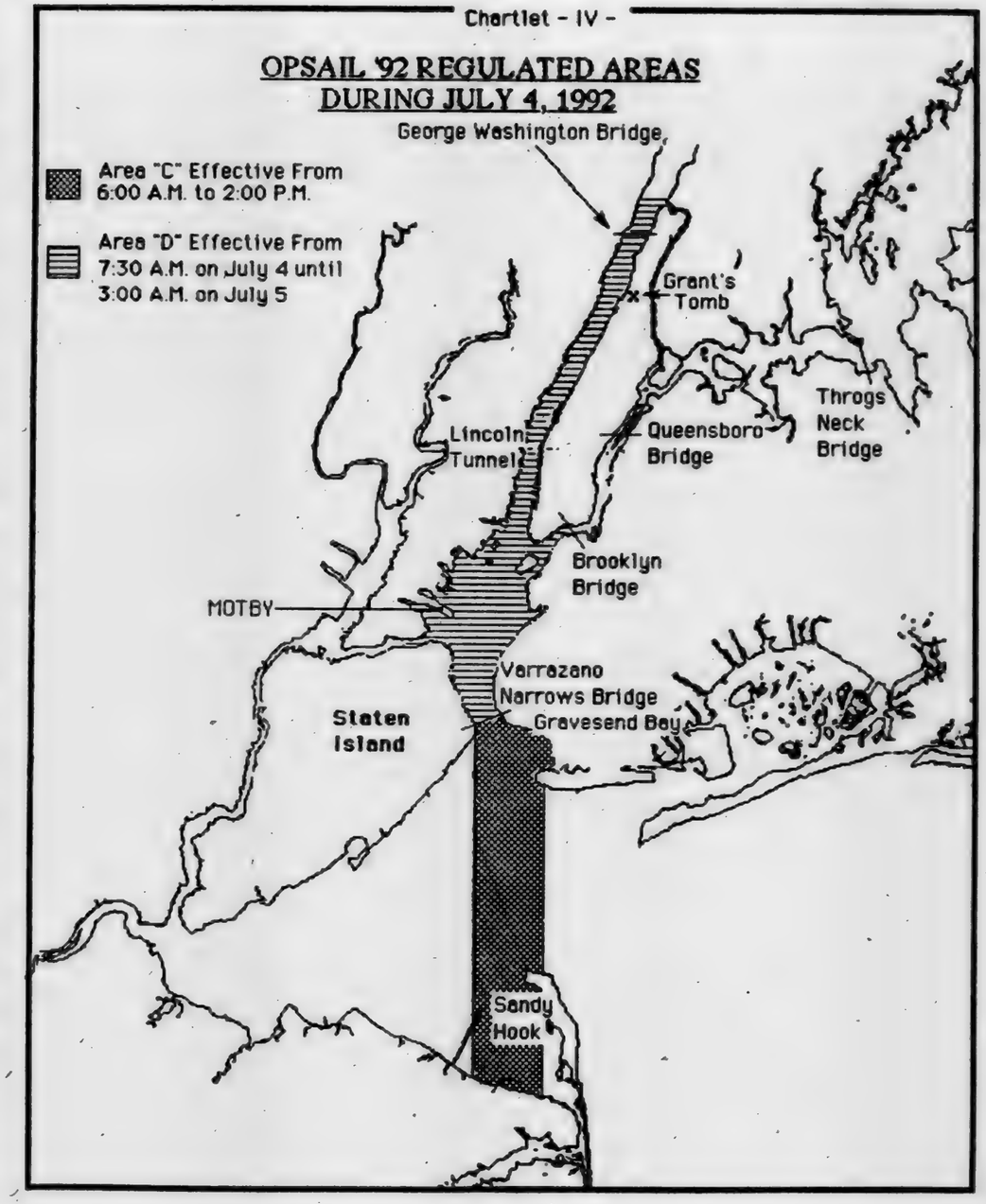

Chartlet - V -

OPSAIL '92 PORT ORGANIZATION

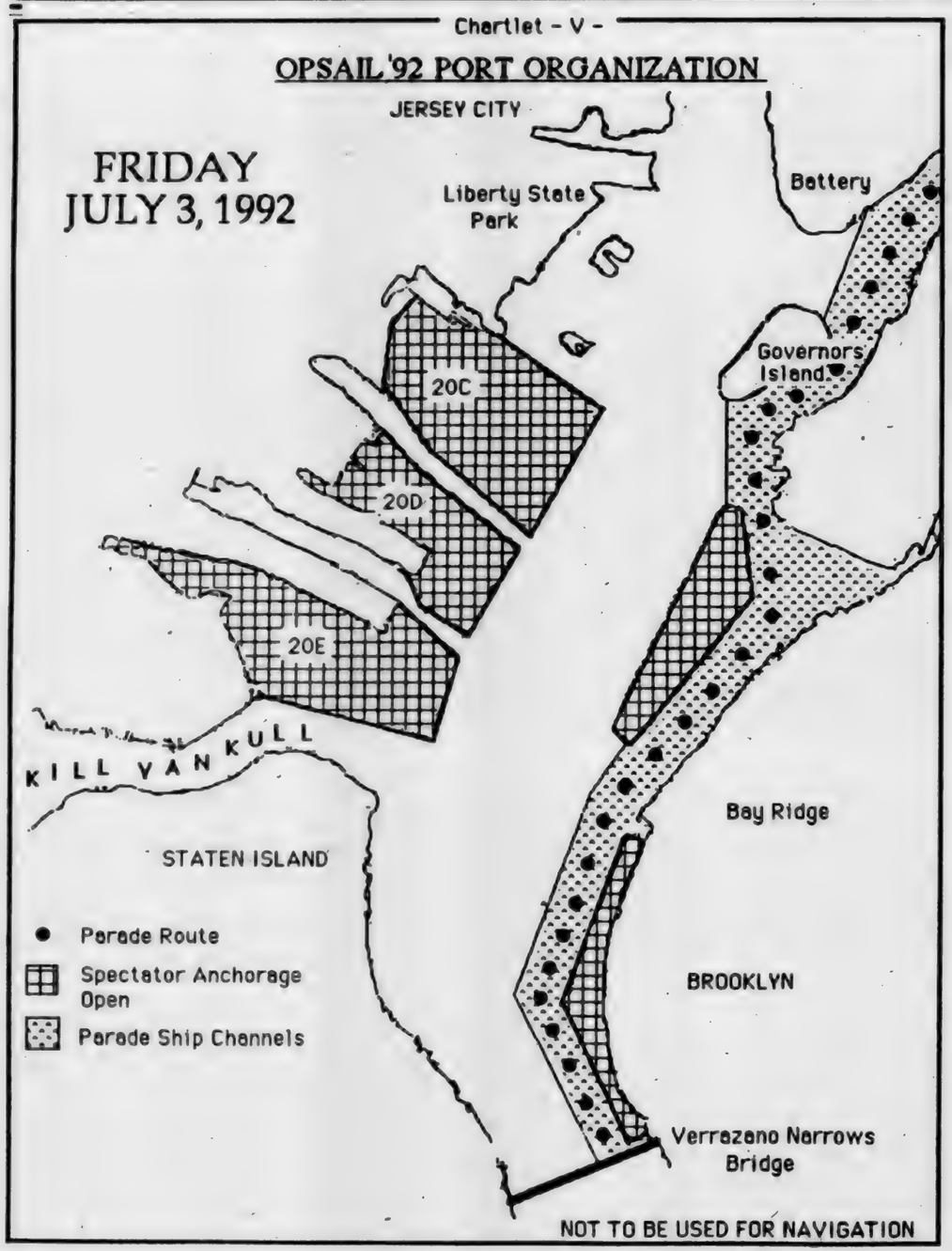

Chartlet - VI -

OPSAIL '92 PORT ORGANIZATION

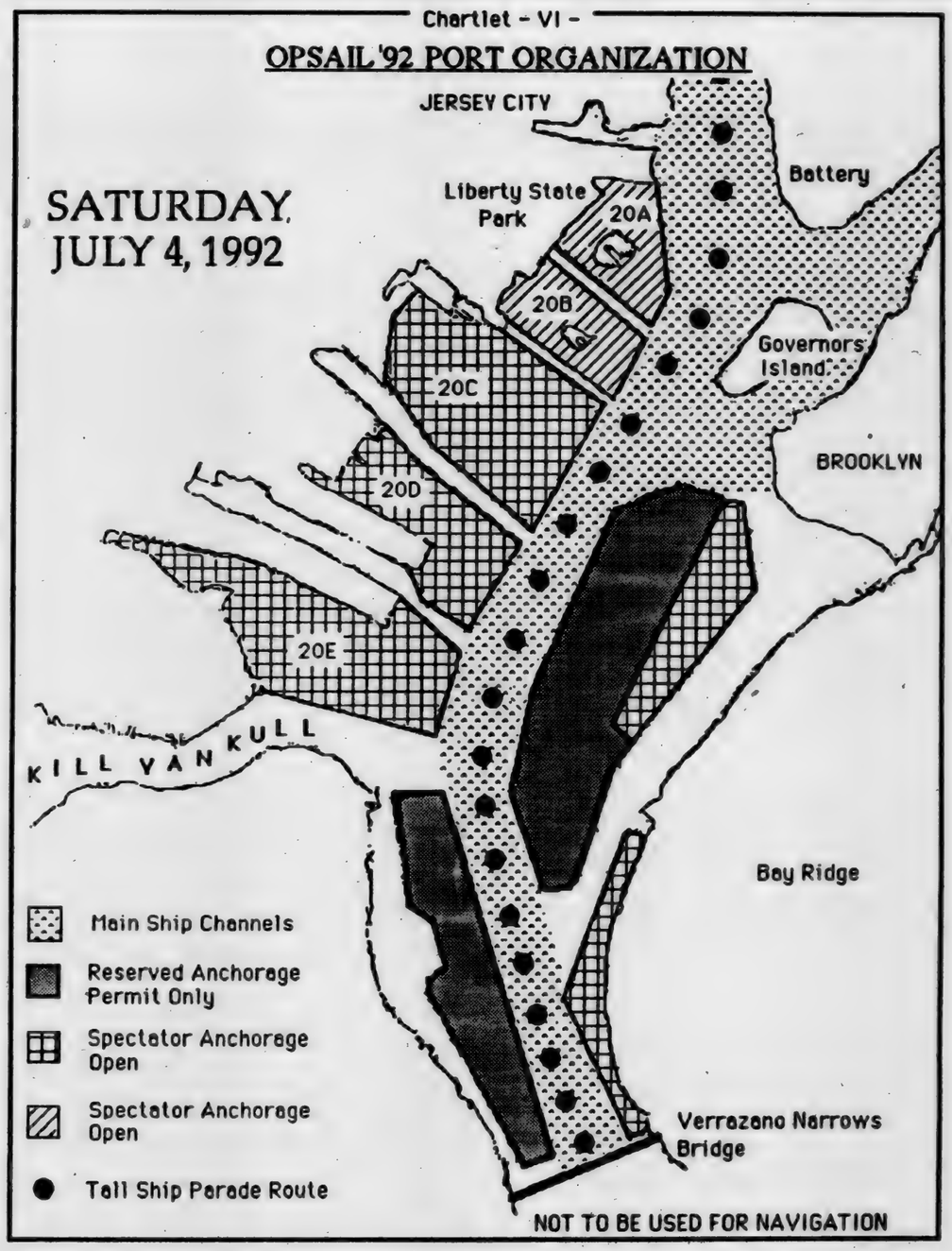

BILLING CODE 4910-14-C

3. Temporary § 100.35T 01–159 is added to read as follows:

§ 100.35T 01–159 OPSAIL '92 Events, Port of New York and New Jersey, July 4, 1992.

(a) *Regulated Areas:*

Note: See charlets IV and VI in Appendix A to § 100.35T 01–158.

(1) *Area "C"* All waters of the Lower Bay and Sandy Hook Bay within the following boundaries: south of the Verrazano Bridge; west of a line drawn shore to shore along the 074°00'00" W line of longitude between Navesink, New Jersey and Coney Island, New York; and east of a line drawn shore to shore along the 074°03'12" W line of longitude between New Jersey and Staten Island.

(2) *Area "D"* All waters, shore to shore, of the Upper Bay and the Hudson River within the following boundaries: south of a line drawn shore to shore along the 40°52'39.2" N line of latitude between Inwood, New York and Englewood Cliffs, New Jersey; south of a line drawn along the 40°42'02" N line of latitude between Brooklyn, New York and Manhattan, New York; north of the Verrazano Bridge; and east of line drawn shore to shore between Staten Island, New York and Constable Hook, New Jersey along the 074°05'15" W line of longitude.

(b) *Special local regulations* (1) No vessel except "OPSAIL '92 Vessels", their assisting tugs, "Spectator vessels" and those vessels exempt from this regulation may enter or navigate within regulated areas "C" and "D", unless specifically authorized by the cognizant Coast Guard Group Commander or his on-scene representative.

(2) Commercial vessels not defined as "Spectator vessels" which need to transit Area "C' must contact and obtain permission from Commander, Coast Guard Group Sandy Hook or his designated representative on channel 16 VHF–FM, prior to entering that area.

(3) "Spectator vessels" transiting these regulated areas must do so at no wake speed or at speeds not to exceed 6 knots, whichever is less.

(4) Not withstanding paragraph (b)(1) of this section no vessel, other than "OPSAIL '92 Vessels" and their assisting tugboats, may enter or navigate within the boundaries of the "Main ship channels" in regulated area "D" unless they are specifically authorized to do so by Commander, Coast Guard Group New York. Any vessel authorized to enter this area during the "Parade of Tall Ships" must not, under any circumstances, cross through the parade or cross within 500 yards of the lead or last vessel in that parade.

(5) No vessel is permitted to anchor in the "Main Ship Channels" at any time. Vessels which need to anchor to maintain position will only do so in those areas designated for that purpose.

(6) No vessel is permitted to transit the waters between Governors Island and The Battery in South Manhattan. Vessels which must transit to or from the East River may only do so by using the Buttermilk Channel via the southern tip of Governors Island.

(7) The City of New York Staten Island ferries are exempt from these regulations while engaged in scheduled ferry service between St. George Terminal, Staten Island, New York and The Battery in Manhattan, New York except, at no time will a ferry be permitted to cross through the "Parade of Tall Ships" or cross within 500 yards of the lead or last vessel in that parade.

(8) The Port Imperial ferry service, which operates between Weehawken, New Jersey and Pier 76, Manhattan, is exempt from these regulations while engaged in scheduled ferry service between those points, except, at no time will a ferry be permited to cross through the "Parade of Tall Ships" or cross within 500 yards of the lead or last vessel in that parade.

(9) Seaplane Operations. The operation of seaplanes, including taxiing, landing, and taking off, is prohibited in regulated areas "C" and "D" for the duration of the regulation.

(c) *Effective dates*—(1) *Area "C".* These regulations become effective at 6 a.m., July 4, 1992. They terminate at 2 p.m., July 4, 1992.

(2) *Area "D".* These regulations become effective at 7:30 a.m., July 4, 1992. They terminate at 3 a.m., July 5, 1992.

PART 110—ANCHORAGE REGULATIONS

4. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in section 110.1a are also issued under 33 U.S.C. 1223 and 1231.

5. Section 110.155 is temporarily amended by suspending for the period from 12 p.m. on July 2, 1992 until 11:59 on July 5, 1992 paragraphs (d)(6), (d)(7), (d)(8), (d)(9), and (m)(2); by adding Notes 1 and 2 to the beginning of the section and paragraphs (c)(1)(ii), (c)(2)(ii), (c)(3)(ii), (c)(4)(ii), (c)(5)(vi), (d)(11)(iii), (d)(12)(iii), (d)(13)(vi), (d)(14)(iv), (d)(15)(iii), (e)(1)(iii), (e)(1)(iv) and, (f)(4); by revising paragraphs (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(10)(i). (d)(16), the note to paragraph (f)(1) introductory text, and the first sentence of paragraph (n)(1) to read as follows:

§ 110.155 Port of New York.

Note 1: See chartlets I, II, V, VI and VII in appendix A to § 100.35T 01–158.

Note 2: Mariners are cautioned that the areas designated as anchorage grounds for the purpose of this rule have not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shallowest depts. In addition, the anchorages are in areas of substantial currents, and not all anchorages are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary anchorages. These are not special anchorage areas. Vessels must display anchor lights, as required by the navigation rules. The anchorages in paragraphs (c) through (d)(10) of this section and the Narrows temporary anchorage established in 110.T01–160 are available to spectator vessels on a first come first served basis. The anchorages in paragraphs (d)(11) through (15) of this section require a permit to anchor, issued by Commander, Coast Guard Forces New York. The anchorages in paragraph (e) and (f)(4) of this section are established for the exclusive use of "OPSAIL '92 Vessels". The definitions set forth in 100.35T 01–158(a) apply to this section.

* * * * *

(c) * * *

(1) * * *

(ii) This anchorage is designated for the exclusive use of recreational and commercial spectator craft, in port to observe OPSAIL '92. This designation will commence at 12 p.m. on July 2, 1992. It will terminate at 11:59 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(2) * * *

(ii) See 33 CFR 110.155(c)(1)(ii).

(3) * * *

(ii) See 33 CFR 110.155(c)(1)(ii).

(4) * * *

(ii) See 33 CFR 110.155(c)(1)(ii).

(5) * * *

(vi) See 33 CFR 110.155(c)(1)(ii).

(d) * * *

(1) *Spectator Anchorage 20–A.* That area enclosed by coordinates connecting the following points:

Latitude	*Longitude*
40°42'21" N	74°02'06" W
40°42'05" N	74°01'57" W
40°41'39" N	74°02'00" W
40°41'30" N	74°02'06" W
40°41'55" N	74°02'56" W

thence along the shoreline to the point of the beginning.

(1) This anchorage is designated for the exclusive use of recreational and commercial spectator craft, in port to observe OPSAIL '92. This designation

will commence at 3 a.m. on July 4, 1992. It will terminate at 6 a.m. on July 5, 1992. Upon termination or when directored by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(2) *Spectator Anchorage 20–B.* That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°41'11" N	74°02'09" W
40°41'25" N	74°02'09" W
40°41'02" N	74°02'24" W
40°41'09" N	74°02'39" W
40°41'31" N	74°03'15" W

thence along the shoreline to the point of the beginning.

(i) This anchorage is designated for the exclusive use of recreational and commercial spectator craft, in port to observe OPSAIL '92. This designation will commence at 3 p.m. on July 4, 1992. It will terminate at 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(3) *Spectator Anchorage 20–C.* That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°41'20" N	74°03'16" W
40°41'00" N	74°02'28" W
40°40'09" N	74°03'00" W
40°40'45" N	74°03'51" W

thence along the shoreline to the point of the beginning.

(i) This anchorage is designated for the exclusive use of recreational and commercial spectator craft, on hand for OPSAIL '92. This designation will commence at 12 p.m. on July 2, 1992. It will terminate at 11:59 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(4) *Spectator Anchorage 20–D.* That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°40'53" N	74°04'15" W
40°40'04" N	74°05'02" W
40°39'34" N	74°03'23" W
40°39'45" N	74°03'50" W
40°39'55" N	74°04'00" W
40°40'09" N	74°03'51" W
40°40'32" N	74°04'38" W

thence along the shoreline to the point of the beginning.

(i) This anchorage is designated for the exclusive use of recreational and commercial spectator craft, on hand for OPSAIL '92. This designation will commence at 12 p.m. on July 2, 1992. It will terminate at 11:59 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(5) *Spectator Anchorage 20–E.* That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°39'50" N	74°04'05" W
40°39'22" N	74°05'28" W
40°38'01" N	74°03'48" W
40°39'18" N	74°05'10" W

thence along the shoreline to the point of the beginning.

(i) This anchorage is designated for the exclusive use of recreational and commerical spectator craft, on hand for OPSAIL '92. This designation will commence at 12 p.m. on July 2, 1992. It will terminate at 11:59 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(10) * * *

(i) This anchorage is designated for the exclusive use of recreational and commerical spectator craft, on hand for OPSAIL '92. This designation will commence at 12 p.m. on July 2, 1992. It will terminate at 11:59 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(11) * * *

(iii) This anchorage is designated for the exclusive use of vessels observing or participating in the OPSAIL '92 festivities and which have been authorized by Commander, Coast Guard Forces New York. No vessel may anchor within this area without authorization to do so. This anchorage designation will remain in effect from 3 a.m. on July 4, 1992 until 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(12) * * *

(iii) This anchorage is designated for the exclusive use by vessels which have been authorized by Commander, Coast Guard Forces New York for the purpose of observing or participating in the OPSAIL '92 festivities. No vessel may anchor within this area without authorization to do so. This anchorage will remain so designated from 3 a.m. on July 4, 1992 until 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(13) * * *

(vi) This anchorage is designated for the exclusive use of vessels which have been authorized by Commander, Coast Guard Forces New York for the purpose of observing or participating in the OPSAIL '92 festivities. No vessel may anchor within this area without authorization to do so. This anchorage will remain so designated from 3 a.m. on July 4, 1992 until 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(14) * * *

(iv) This anchorage is designated for exclusive use by vessels which have been authorized by Commander, Coast Guard Forces New York for the purpose of observing or participating in the OPSAIL '92 festivities. No vessel may anchor within this area without authorization to do so. This anchorage will remain so designated from 3 a.m. on July 4, 1992 until 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(15) * * *

(iii) This anchorage is designated for exclusive use of vessels which have been authorized by Commander, Coast Guard Forces New York for the purpose of observing or participating in the OPSAIL '92 festivities. No vessel may anchor within this area without authorization to do so. This anchorage will remain so designated from 3 a.m. on July 4, 1992 until 6 a.m. on July 5, 1992. Upon termination or when directed by Commander, Coast Guard Forces New York each vessel must vacate this anchorage.

(16) Any vessel anchored in or intending to anchor in Federal Anchorage 20–A through 20–E must comply with requirements in paragraphs (d)(16) (iii), (iv)(v), (vi), and (vii) of this section. Any vessel anchored in or intending to anchor in Federal Anchorage 21–A through 21–C, 23–A and 23–B, 24 or 25 must comply with all of the requirements of this paragraph.

* * * * *

(e) * * *

(1) * * *

(iii) This anchorage is effective from 6 a.m. on July 2, 1992 until 2 p.m. on July 4, 1992.

(iv) No vessel other than OPSAIL '92 Vessels and their designated assist tugs may anchor and/or approach within 100 yards of any OPSAIL '92 Vessel navigating or anchored in this area.

(f) * * *

(1) * * *

Note: Anchorage 49–G in this area is reserved for vessels carrying explosives (see paragraph (m)(3) and (n) of this section) and is excluded from use as a general anchorage.

* * * * *

(4) OPSAIL Vessel Temporary Anchorage. That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°28'30" N	74°01'43" W
40°27'55" N	74°01'35" W
40°27'54" N	74°01'25" W
40°28'00" N	74°00'56" W
40°28'00" N	74°02'00" W
40°28'29" N	74°02'51" W
40°27'29" N	74°02'10" W
40°27'40" N	74°02'36" W
40°28'07" N	74°02'19" W

thence to the point of the beginning.

(i) This anchorage sets aside a portion of Anchorage No. 20, as described in paragraph (f)(1) of this section, for the exclusive use of OPSAIL '92 Vessels.

(ii) This anchorage is effective from 6 a.m. on July 2, 1992 until 2 p.m. on July 4, 1992.

(iii) No vessels other than OPSAIL '92 Vessels, their designated assist tugs, and enforcement vessels may anchor, loiter, or approach within 100 yards of any OPSAIL '92 Vessel when it is navigating or at anchor in this area.

* * * * *

(n) * * *

(1) Anchorage No. 49–G is reserved for vessels carrying explosives. * * *

* * * * *

6. Temporary § 110.160T01–160 is added to subpart B as read as follows:

§ 110.160T01–160 New York Harbor.

Narrows Temporary Anchorage. That area enclosed by coordinates connecting the following points:

Latitude	Longitude
40°38'31" N	74°02'11" W
40°38'28" N	74°02'20" W
40°37'22" N	74°02'45" W
40°38'23" N	74°02'22" W
40°38'21" N	74°02'12" W

thence along the shoreline to the point of the beginning. This anchorage is effective from 12 p.m. on July 2, 1992 until 11:59 a.m. on July 5, 1992.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

7. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

8. A new § 165.T01–161 is added to read as follows:

§ 165T01–161 Safety Zone: Upper Bay, New York and New Jersey.

Note: See chartlets I and VII in appendix A to § 100.35T01–158.

(a) *Location.* The following area is a safety zone: The waters of the Upper Bay in the vicinity of the Battery in Lower Manhattan including: All waters of the Lower East River, south of the Brooklyn Bridge and north of a line drawn between the Brooklyn Battery Tunnel ventilator on Governors Island and Pier 7, Brooklyn; and, all waters of the Lower Hudson River, south of a line drawn between Battery Park City and Jersey City along the 40°43'N line of latitude and north of a line drawn between Castle William on Governors Island and the southern tip of the New Jersey Railroad Terminal in Liberty State Park.

(b) *Effective date.* This zone becomes effective on July 4, 1992 at 8 p.m. It terminates on July 5, 1992 at 3 a.m.

(c) *Regulations.* In accordance with the general regulations in section 165.23, entry into or movement within this zone is prohibited unless authorized by Commander, Coast Guard Forces New York.

Dated: March 5, 1992.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 92–6700 Filed 3–24–92; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 117

[CGD1 92–002]

Drawbridge Operation Regulations, Kennebec River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the Bath Iron Works (BIW), the Coast Guard is proposing to change the regulations in § 117.525 paragraph (a)(2), governing the Carlton Bridge over the Kennebec River at mile 14.0 between Bath and Woolwich, Maine, by amending the time periods that the bridge need not open during the morning and evening rush hours. This change was requested because the times that the morning and afternoon production shifts arrive and depart from the Bath Iron Works production plant have changed. This change to the regulations should continue to reduce traffic congestion resulting from the traffic created by the two shift changes at the BIW plant and should still meet the needs of navigation.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Comments should be mailed to Commander (obr), First Coast Guard District, Bldg. 135A, Governors Island, NY 10004–5073. The comments and other materials referenced in this notice will be available for inspection and copying at the above address and room 628 at the John Foster Williams Building, 408 Atlantic Avenue, Boston, Massachusetts.

Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to these addresses.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, (212) 668–7170.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, the specific section of this proposal to which each comment applies, and give reasons for concurrence with or any recommended changes to the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Commander (obr), First Coast Guard District at either address under "**ADDRESSES**". If the Coast Guard determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in a **Federal Register**.

Drafting Information

The drafters of this notice are John McDonald, project officer, and Lieutenant Commander John Astley, project attorney.

Background and Purpose

The Bath Iron Works requested a change to § 117.525 paragraph (a)(2) of the regulations for the Carlton Bridge, which presently opens on signal except during the morning and evening rush hours from 6:30 a.m. thru 7:30 a.m. and from 3:45 p.m. thru 5:30 p.m., Monday thru Friday, excluding holidays.

The BIW has requested that the hours the Carlton Bridge need not open during the morning and evening rush hours be expanded to cover the morning and evening rush hours from 6 a.m. thru 7:30 a.m. and from 3:15 p.m. thru 5:30 p.m., Monday thru Friday, excluding holidays.

Discussion of Proposed Amendments

The Carlton Bridge over the Kennebec River between Bath and Woolwich has

vertical clearances of 10' above mean high water (MHW) and 16' above mean low water (MLW). The current regulations for the Carlton Bridge, § 117.525 paragraph (a)(2), which allow the bridge to remain closed during the morning and evening rush hours, 6:30 a.m. to 7:30 a.m. and 3:45 p.m. to 5:30 p.m., were implemented specifically to alleviate traffic congestion created during shift changes at the Bath Iron Works facility located in downtown Bath adjacent to the bridge.

During recent labor negotiations it was agreed that effective September 30, 1991, production shifts at the main plant in Bath would arrive 30 minutes earlier, creating a 7 a.m. to 3:30 p.m. first shift and a second shift from 4:15 p.m. to 12:15 a.m.

Since the original intent of paragraph (a)(2) of the existing regulation was to reduce traffic congestion resulting from shift changes at the BIW plant it has been requested that we keep the regulation in proper alignment with the new hours of operation at the BIW plant, in order to continue to provide a minimum of traffic days in Bath and Woolwich. The proposed change to the regulation will retain the provisions of paragraph (a)(1) for the bridge to open on signal as soon as possible for vessels of the United States, state and local vessels used for public safety, vessels in distress, and inbound loaded commercial fishing vessels.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so minimal that a full regulatory evaluation is unnecessary. This opinion is based upon the fact that there have been only limited openings during the requested closed period and the change is only for a 30 minute adjustment to the existing regulations.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria in Executive Order 12612 and has determined that the proposal does not have sufficient federalism implications to warrant preparation of a federal assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES".

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.525 is amended by revising paragraph (a)(2) to read as follows:

§ 117.525 Kennebec River.

(a) * * *

(2) The draw need not open from 6 a.m. to 7:30 a.m. and from 3:15 p.m. to 5:30 p.m. Monday to Friday, excluding holidays except for vessels noted in paragraph (a)(1) of this section.

* * * * *

Dated: March 5, 1992.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 92–6900 Filed 3–24–92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD8–92–03]

Drawbridge Operation Regulations; Portage Bayou, Tchoutacabouffa River and Wolf River, Mississippi

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Harrison County Board of Supervisors, Gulfport, Mississippi, the Coast Guard is considering changes to the regulations governing the operations of three Harrison County owned drawbridges, as follows:(1) The Portage Bridge on Hampton Road over Portage Bayou, mile 0.2, near Pass Christian.

(2) The Cedar Lake Road Bridge over the Tchoutacabouffa River, mile 8.0, near Cedar Lake.

(3) The Adams Bridge on Hampton Road over the Wolf River, mile 1.3, near Pass Christian. The proposed changes would require that the draw of the Portage Bridge over Portage Bayou open if at least six hours advance notice is given, and that the Cedar Lake Bridge over the Tchoutacabouffa River and the Adams Bridge over the Wolf River open if at least twenty-four hours advance notice is given. Presently, the draws of the bridges are required to open on signal at all times. This proposal is being made because of infrequent requests to open the draws of the bridges. This action should relieve the bridge owner of the burden of having persons constantly available at the bridges, while still providing for reasonable needs of navigation.

DATES: Comments must be received on or before May 11, 1992.

ADDRESSES: Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396. The Comments and other materials referenced in this notice will be available for inspection and copying in room 1313 at this address. Normal office hours are between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. John Wachter, Bridge Administration Branch, at the address given above, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The drafters of this regulation are Mr. John Wachter, project officer, and LT J.A. Wilson, project attorney.

Discussion of Proposed Regulation

Vertical clearance of the Portage Bayou Bridge in the closed to navigation position is 11 feet above high tide and 13 feet above low tide. Navigation through the bridge consists mainly of recreational and small fishing craft, and a few tugs with tows that service a commercial enterprise located upstream of the bridge. Data submitted by the applicant show that 232 vessels passed the bridge during the calendar year 1991. The heaviest traffic period was the month of June with 36 vessels passing the bridge. This amounts to an annual average of 0.6 vessels per day with an average of 1.2 vessels per day during the month of June.

Considering the few vessels that pass the bridge, the Coast Guard feels that vessel operators should be able to give the bridge owner six hours advance notice for a bridge opening with little or no inconvenience or added expense to themselves.

Vertical clearance of the Tchoutacabouffa River bridge in the closed to navigation position is 3 feet above high tide and 5 feet above low tide. Navigation through the bridge consists of recreational and small fishing vessels only. Data show that the bridge opened only 85 times for boats during 1991; an average of one boat about every four days.

Vertical clearance of the Wolf River Bridge in the closed to navigation position is 13 feet above high tide and 15 feet above low tide. Navigation through the bridge consists of recreational and small fishing vessels only. Data show that the bridge opened only four times for boats in 1991.

Considering the few vessels that pass the Tchoutacabouffa River and the Wolf River bridges, it is reasonable to expect that vessel operators will be able to give the bridge owner twenty-four hours advance notice for a bridge opening with little or no inconvenience to themselves.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that there will be very little inconvenience to vessel owners using the waterways. In addition, mariners requiring the bridge openings are repeat users of the waterways and giving advance notice of requests for bridge opening should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking document.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.685 is redesignated as 117.686 and a new section 117.685 is added to read as follows:

§ 117.685 Portage Bayou, Tchoutacabouffa and Wolf Rivers.

(a) The draw of the Portage Bridge over Portage Bayou, mile 2.0, shall open on signal if at least six hours notice is given.

(b) The draws of the Cedar Lake Road Bridge over the Tchoutacabouffa River, mile 8.0, and the Adams Bridge over the Wolf River, mile 1.3, shall open on signal if at least twenty-four hours notice is given.

Dated: February 26, 1992.

J.M. Loy,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 92–6901 Filed 3–24–92; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AMS–FRL–4117–2]

Regulation of Fuels and Fuel Additives: Standards for Reformulated Gasoline and Conventional Gasoline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshop.

SUMMARY: This notice announces the time and place for a public workshop related to EPA's development of the complex emissions model for reformulated gasoline.

DATES: The public workshop will be held on April 28, 1992. It will start at 9 a.m. and will continue as long as necessary to complete the agenda.

ADDRESSES: The public workshop will be held at the Best Western Domino's Farms Hotel, 3600 Plymouth Road, Ann Arbor, Michigan 48105 (telephone 313–769–9800). Interested parties may submit written comments (in duplicate if possible) to Public Docket No. A–92–12, at: Air Docket Section (LE–131), U.S. Environmental Protection Agency, Attention: Docket No. A–91–02, First Floor, Waterside Mall, rm. M–1500, 401 M Street, SW., Washington, DC 20460.

Materials related to this rulemaking, including documents distributed at earlier workshops, have been placed in Dockets A–91–02 and A–92–12 by EPA. These dockets are located at the above address and may be inspected between 8:30 a.m. and noon and between 1:30 p.m. and 3:30 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Sklar, Standards

Development and Support Branch, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone: (313) 741–7817.

SUPPLEMENTARY INFORMATION:

Background

Section 211(k) of the Clean Air Act, as amended (Act), requires that EPA promulgate regulations establishing the requirements for a reformulated gasoline program. EPA is holding a series of workshops to expedite the development and promulgation of a rule establishing a complex emission model for the reformulated gasoline program. All workshops in the series will be open to the public. The first such workshop was held in Ann Arbor, Michigan, on Wednesday, January 22 and Thursday, January 23; the second such workshop was held in Ann Arbor, Michigan, on Tuesday, February 18. The purpose of the workshops and supplementary information regarding the workshops can be found in 57 FR 2068 (January 17, 1992) and 57 FR 5409 (February 14, 1992).

Public Workshop

The April 28 workshop is the third in this series of public workshops. It will include the following topics:

—*Review of current and planned testing programs:* This topic will include a review of results from ongoing or recently completed testing programs obtained since the February 18 workshop. It will also include a review of planned future testing activities. EPA will present the results to date of its Reformulated Gasoline testing program. Other organizations are requested to present their results.

—*Review of existing emission models:* This topic will focus on emission models currently being developed. The methods used to develop each model will be discussed, focusing on the selection of data for inclusion in each model and the specific analytical and statistical methods used to develop each model. Where possible, predicted results from the models presented will be compared to available data; discrepancies between model predictions and test data will be discussed and steps to resolve those discrepancies will be identified.

Other presentations from existing vehicle testing programs and modeling efforts are encouraged. Those interested in making such presentations should notify Michael Sklar at (313) 741–7817 of such intent at least seven days before the workshop. Interested speakers should also provide an estimate of the time required for the presentation of the testimony and any need for audio/visual equipment. Questions will be taken after each presentation.

Public Participation

As in past rulemaking actions, EPA strongly encourages full public participation in the development and assessment of information that will be used in developing a final rule. This workshop will help determine the methods used by the Agency in developing the complex model rule as well as the content of the proposed rule, and EPA welcomes public input regarding the rule and the methods most appropriate for use in developing the model.

EPA suggests that enough copies of the material for presentation be brought to the workshop for distribution to the audience. EPA anticipates attendance of 60 to 90 people. In addition, it will be helpful for EPA to receive an advance copy of any material for presentation before the scheduled workshop date so as to allow EPA staff to give such material full consideration.

Mr. Richard Rykowski, Senior Project Manager for Fuels in the Emission Control Technology Division of EPA's Office of Mobile Sources will chair the workshop. The workshop will be conducted informally, and technical rules of evidence will not apply.

Dated: March 17, 1992.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 92–6817 Filed 3–24–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PP 1E3925/P537; FRL–4042–6]

RIN 2070–AC18

Pesticide Tolerances for Methidathion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the insecticide methidathion in or on the raw agricultural commodity sugar apple. The proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 1E3925/P537), must be received on or before April 24, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (H-7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-5310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 1E3925 to EPA on behalf of the IR-4 and the Agricultural Experiment Station of Florida.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose the establishment of a tolerance for residues of the insecticide methidathion, *O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl-2-methoxy-1,3,4-thiadiazolin-5-one), in or on the raw agricultural commodity sugar apple at 0.2 part per million (ppm). The general commodity term "sugar apple" is defined in 40 CFR 180.1(h) for tolerance purposes to include the raw agricultural commodities *Annona squamosa L.* (sugar apple, sweetsop, anon), its hybrid *A. squamosa L. X A. cherimola M.* (atemoya), and *A. reticulata L.* (true custard apple). The rule establishing a commodity definition for sugar apple was proposed in the **Federal Register** of September 4, 1991 (56 FR 43737). The petitioner proposed that this use of methidathion be limited to Florida based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include:

1. A 2-year chronic feeding study in dogs fed diets containing 4, 16, and 64 ppm with a no-observed-effect-level (NOEL) for systemic effects at 4 ppm (0.1 mg/kg bwt/day). The lowest-effect-level (LEL) of 16 ppm indicated histologic liver alterations including elevated fibrous tissue levels, nodularity, and phlebitis.

2. A two-generation reproduction study in rats fed diets containing 0, 5, 25, and 50 ppm with a reproductive NOEL of 5 ppm (0.25 mg/kg/day) based on a decreased mating index and a generalized indication of the pups failure to thrive while nursing.

3. A rabbit developmental toxicity study with a maternal NOEL of 6 mg/kg/day and a developmental NOEL of greater than 12 mg/kg/day.

4. A rat developmental toxicity study with a maternal NOEL of 2.25 mg/kg/day and a developmental NOEL of greater than 5 mg/kg/day.

5. Mutagenicity studies including gene point mutation, structural chromosome aberration, and other genotoxic effects were negative.

6. A 2-year feeding/carcinogenicity study in rats fed diets containing 0, 4, 40, and 100 ppm with a NOEL of 4 ppm (0.2 mg/kg/day) for systemic effects and no indication of carcinogenic potential at any dose tested.

7. A 2-year chronic feeding/carcinogenicity study in mice with a NOEL for systemic effects at 1.6 mg/kg/day (10 ppm) and a LEL for carcinogenicity (liver tumors observed in male animals) at the 7.5 mg/kg/day (50 ppm) dose level.

Based on the mouse feeding/carcinogenicity study, the Agency has classified methidathion as a possible human carcinogen (Group C). This classification is based on the Agency's Risk Assessment published in the **Federal Register** of September 24, 1986 (51 FR 33992). The evidence as a whole is not considered strong enough to warrant a quantitative estimation of human risk.

In reaching this conclusion the Toxicology Branch Peer Review Committee considered the following information:

1. The positive carcinogenic effects were found in only one species, the mouse, and one sex, the male.

2. Tumors were discovered in animals exposed to very high doses. Adenomas (benign epithelial tumors) were only considered to be biologically significant at 16.1 mg/kg/day (HDT); carcinomas were observed at 7.5 mg/kg/day (50 ppm), but were significant only at 16.1 mg/kg/day; combined adenomas/carcinomas were significantly increased at 7.5 mg/kg/day (50 ppm) and 16.1 mg/kg/day (100 ppm).

3. The rat study was negative for carcinogenic effects at all levels, i.e., 0, 4, 40, and 100 ppm (equivalent to 0, 0.2, 2, and 5 mg/kg/day, respectively).

4. There are no close structural analogs with carcinogenic concerns identified.

5. Methidathion is not mutagenic in several acceptable studies.

The reference dose (RfD), based on the 2-year dog feeding study no-observed-effects-level (NOEL) of 0.1 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.001 mg/kg/day. The anticipated residue contribution (ARC) from existing tolerances for the overall U.S. population is calculated to be 0.000641 mg/kg/day, which is 64 percent of the RfD. The population subgroups for nonnursing infants less than 1 year old and children aged 1 through 6 years have exposure estimates which exceed the RfD. The Agency concludes that dietary exposure to residues of methidathion on sugar apple at 0.2 ppm would pose a negligible incremental risk to the overall U.S. population and to the population subgroups nonnursing infants less than 1 year old and children aged 1 through 6 years.

The Nationwide Food Consumption Survey, from which the food consumption data in the Dietary Risk Exposure System (DRES) is derived, does not report a consumption level for sugar apples. DRES thus utilizes a default consumption value of 0.000001 mg/kg bwt/day for this commodity. When this value is multiplied by the proposed tolerance it results in an exposure estimate below 10^{-6} mg/kg bwt/day which is the level of sensitivity for the analysis.

The nature of the residue is adequately understood, and an adequate analytical method is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since sugar apple is not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency the tolerance established by amending 40 CFR 180.298 would protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 1E3925/P537]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 2, 1992.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By amending § 180.298(c) in the table therein by adding and alphabetically inserting the raw agricultural commodity "sugar apple" to read as follows:

§ 180.298 Methidathion; tolerances for residues.

* * * * *

(c) * * *

Commodity	Parts per million
* * * *	
Sugar apple	0.2

[FR Doc. 92-6678 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 721

[OPPTS-50582E; FRL-4051-6]

1-Butene, Polymer with 2-Butene and 2-Methyl-1-propene, Epoxidized; Proposed Revocation of a Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for a chemical substance based on receipt of new data. The data indicate that the substance will not present an unreasonable risk of injury to human health and further regulation under section 5 of TSCA is not warranted at this time.

DATES: Written comments must be submitted to EPA by April 24, 1992.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments must be sent in triplicate to: TSCA Document Receipt Office (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-105, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for the chemical substance is OPPTS-50582E. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit IV. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Office (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-543, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 15, 1990 (55 FR 33307), EPA issued a SNUR establishing significant new uses for epoxidized polybutene polymer. Because of additional data EPA has received for this substance, EPA is proposing to revoke this SNUR.

I. Rulemaking record

The record for the rule which EPA is proposing to revoke was established at OPPTS-50582 (P-88-217). This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this proposal.

II. Background

EPA is proposing to revoke the significant new use and recordkeeping requirements for the following chemical substance under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description of the substance, including its PMN number, chemical name, CAS number, basis for the revocation of the section 5(e) consent order for the substance (including the statutory citation and specific finding), and the CFR citation deleted in the regulatory text section of this rule.

PMN Number P-88-217

Chemical name: 1-Butene, polymer with 2-butene and 2-methyl-1-propene, epoxidized.

CAS Number: 119275-53-5.

Effective date of revocation of section 5(e) consent order: November 6, 1991.

Basis for revocation of section 5(e) consent order: The order was revoked based on the results of certain testing undertaken by the Company under the terms of the consent order. EPA has determined that the test results are valid. Based on the Agency's analysis of the submitted data, EPA found that, for purposes of TSCA section 5, this substance will not present an unreasonable risk of injury to human health and concludes that further regulation under section 5 is not warranted at this time.

Toxicity testing results: An in vivo mouse micronucleus study showed that the chemical substance is not a chromosome mutagen in vivo in the mouse micronucleus test by the intraperitoneal (IP) route. An Ames study showed that the chemical substance is negative with metabolic activation and positive without metabolic activation. A 28-day repeated dose oral study in rats showed a lowest observable adverse effect level (LOAEL) of 250 mg/kg, based on increased liver weights.

CFR citation: 40 CFR 721.1621.

III. Objectives and Rationale of Proposing Revocation of the Rule

During review of the PMN submitted for the chemical substance that is the subject of this proposed revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the human health effects of the substance, and EPA identified the tests considered necessary to evaluate the risks of the substance. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and a SNUR was promulgated. EPA reviewed testing conducted by the PMN submitter for the substance and determined that the information available was sufficient to make a reasoned evaluation of the human health effects of the substance. EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk and subsequently revoked the section 5(e) consent order. The proposed revocation of SNUR provisions for this substance designated herein is consistent with the revocation of the section 5(e) order. In light of the abové, EPA is proposing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final EPA will no longer require notice of any company's intent to manufacture, import, or process this substance.

IV. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: March 13, 1992.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.1621 [Removed]

2. By removing § 721.1621.

[FR Doc. 92-6818 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-191, RM-7070]

Radio Broadcasting Services; Liberty Hill, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial of.

SUMMARY: The Commission denies the petition for rule making filed by Jeffrey C. Sigmon seeking the allotment of Channel 252A to Liberty Hill, South Carolina, as the community's first local FM service. See 56 FR 32158, July 15, 1991. The Commission's staff determined that Liberty Hill was not a "community" for allotment purposes.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-191, adopted March 9, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW; Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-6616 Filed 3-24-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 89-15; Notice 3]

Federal Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This notice grants a request to extend the comment period on an agency proposal to amend Standard No. 205, *Glazing materials*, to revise the light transmittance requirements to replicate real world conditions more closely. An extension of the comment period is necessary so that affected industry may conduct testing to determine the effect of the proposal on their products and operations. The extension will permit the public to have adequate time to provide substantive comments on the effect of the proposal on their concerns. The comment closing date is extanded from March 23, 1992 to May 22, 1992.

DATES: Comments on Docket No. 89-15, Notice 2, must be received on or before May 22, 1992.

ADDRESSES: Comments should refer to Docket No. 89-15, Notice 2, and be submitted to: Docket Section, NHTSA, 400 Seventh Street SW, Washington, DC 20590. Docket hours are 9:30 am to 4 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Boyd, Office of Rulemaking, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Bord's telephone number is: (202) 366-6346.

SUPPLEMENTARY INFORMATION: On January 22, 1992, NHTSA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Standard No. 205, *Glazing materials*, to revise the light transmittance requirements to replicate real world conditions more closely (See 57 FR 2496; Docket No. 89-15; Notice 2). Under the proposal, light transmittance in window glazing would be measured in a laboratory test at the same angle at which the window is mounted in a vehicle, instead of at the 90 degree angle specified in the current standard. In addition, the proposed amendments would also make the light transmittance requirements consistent for passenger automobiles and light trucks. The January 1992 notice stated that the public comment period ends on March 23, 1992.

PPG Industries, Inc. (PPG), and Libbey-Owens-Ford Co (LOF), glazing manufacturers that supply a variety of tempered and laminated glazings to motor vehicle manufacturers and also produce after market replacement glazing, petitioned the agency to extend the comment period for the proposal. Both PPG and LOF asked for an extra sixty days for public comment. LOF stated that the extra time was needed since the rulemaking is "extremely complex." Both manufacturers indicated that additional time would be necessary to evaluate the new testing methods described in the proposal. This would enable each manufacturer to determine whether the new methods are convenient to use, and to see how the results of the tests may affect the marketability of its existing products.

NHTSA agrees with the petitioners that additional time is desirable for glazing manufacturers and other parties that wish to provide public comments. Because a large number of the proposed changes to Standard No. 205 involve new test methods, the agency concurs that the manufacturers should have additional time to evaluate the new test methods and to review their products pursuant to these new methods. Providing sufficient time to conduct necessary tests and review aid commenters in providing views that would be helpful to the agency in determining the effect of this proposal on the public. Accordingly, the agency believes that there is good cause for the extension and that the extension is consistent with the public interest. Based on the above considerations, the agency has decided to extend the comment period until May 22, 1992.

Issued on: March 19, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92-6843 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1033 and 1039

[Ex Parte No. 334 (Sub No. 8)]

Joint Petition for Rulemaking on Railroad Car Hire Compensation

[Ex Parte No. 334 (Sub-No. 8A)]

Joint Petition for Exemption of Arbitration Rule From Application of 49 U.S.C. 10706 and Motion To Dismiss

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments on proposed rulemaking and proposed approval of arbitration rule.

SUMMARY: The Commission is extending the deadline from March 27, 1992, to April 27, 1992, for filing comments on the notice of proposed rulemaking and proposed approval of Arbitration Rule that was published in the **Federal Register** February 27, 1992, at 57 FR 6697.

DATES: The new deadline for filing comments is April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. (TDD for hearing impared: (202) 927-5721.)

SUPPLEMENTARY INFORMATION: On March 17, 1992, the Joint Petitioners seeking this rulemaking filed a request for a 30-day extension of time to file comments, due to the complexity of the issues underlying the **Federal Register** notice published February 27, 1992. Good cause has been shown to grant the extension and comments are now due April 27, 1992.

Decided: March 19, 1992.

By the Commission, Sidney L. Strickland Jr., Secretary.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6908 Filed 3-24-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 57, No. 58

Wednesday, March 25, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Agency Information Collection Activities Under OMB Review

AGENCY: The Federal Domestic Volunteer Agency.

ACTION: Information collection request submitted to the Federal Office of Management and Budget (FOMB) for review.

SUMMARY: This notice provides information about an information collection proposal by ACTION, the Federal Domestic Volunteer Agency, covered under the Paperwork Reduction Act [44 U.S.C., chapter 35], currently under review by the Office of Management and Budget (OMB).

DATES: OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements received by April 24, 1992. Copies of the proposed forms and supporting documents may be obtained by contacting ACTION.

ADDRESSES: Send comments to both:

Janet A. Smith, Clearance Officer, ACTION, 1100 Vermont Ave., NW., Washington, DC 20525, (202) 606-5245.

Daniel Chenok, Desk Officer for ACTION, Office of Management and Budget, 3002 New Executive Office Bldg., Washington, DC 20503, (202) 395-7316.

FOR FURTHER INFORMATION CONTACT: Janice Fisher, (202) 606-4855.

SUPPLEMENTARY INFORMATION:

Office of ACTION Issuing Proposal: Office of Domestic and Anti-Poverty Operations/Older American Volunteer Programs.

Title of Forms: Project Profile and Volunteer Activity Survey—Retired Senior Volunteer Program, Foster Grandparent Program, Senior Companion Program.

Need and Use: For approximately ten years, ACTION has requested annual information from its Older American Volunteer Program (OAVP) project sponsors on numbers of volunteers, volunteer hours delivered, volunteer activities, volunteer stations, etc. This information is used for program management, planning, and required reporting to the U.S. Congress.

Type of Request: Revision of a currently approved collection.

Respondent's Obligation to Reply: Voluntary.

Frequency of Collection: Annually.

Estimated Number of Annual Responses: 1,215.

Average Burden Hours Per Response: 7.1 hours (reporting and recordkeeping).

Estimated Annual Reporting or Disclosure Burden: 8,594 hours.

Regulatory Authority

45 CFR 1208.3-1 (RSVP),
45 CFR 1208.3-1 (FGP), and
45 CFR 1207.3-1 (SCP).

Dated: March 19, 1992.

Jane A. Kenny,

Director, ACTION.

[FR Doc. 92-6918 Filed 3-24-92; 8:45 am]

BILLING CODE 6050-28-M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

March 20, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection;

(2) Title of the information collection;

(3) Form number(s), if applicable;

(4) How often the information is requested;

(5) Who will be required or asked to report;

(6) An estimate of the number of responses;

(7) An estimate of the total number of hours needed to provide the information;

(8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

Extension

• *Agricultural Stabilization and Conservation Service.*

7 CFR 1435—Price Support Loan Program for Sugar Beets and Sugarcane.

SU-2, SU-3, SU-4, SU-5, SU-6, CCC-278.

Recordkeeping; Annually.

Businesses or other for-profit; 330 responses; 841 hours.

Dave Wolf (202) 720-4704.

• *Agricultural Stabilization and Conservation Service*

7 CFR 701.27-701.45, Forestry Incentives Program.

FIP-11, FIP-12.

On occasion.

Farms; 250 responses; 63 hours.

Priscilla L. Wright.

• *Food and Nutrition Service.*

Child Nutrition Labeling Program.

On occasion.

Businesses or other for-profit Federal agencies or employees;

Small businesses or organizations; 0 responses; 4,275 hours

Lori Hornfeck (703) 305-2556.

• *Federal Crop Insurance Corporation*

General Administrative Regulations—Appeals Procedure—7 CFR

Part 400 subpart J.

Recordkeeping; Monthly; Quarterly; Semi-annually; Annually.

Individuals or households; Farms; 1139 responses; 1139 hours.

Peter F. Cole (703) 235-1168.

New Collection

• *Agriculture Cooperative Service*

Imports by Cooperatives, 1991.

Five year intervals.

Small businesses or organizations; 56 responses; 28 hours.

Karen J. Spetz (202) 690-2425.

Donald E. Hulcher,

Deputy Departmental Clearance Officer.

[FR Doc. 92-6899 Filed 3-24-92; 8:45 am]

BILLING CODE 3410-01-M

Food and Nutrition Service

Special Supplemental Food Program for Women, Infants and Children (WIC): Poverty Income Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Food Program for Women, Infants and Children (WIC Program). These poverty income guidelines are to be used in conjunction with the WIC Regulations, 7 CFR part 246.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2730.

Classification

Executive Order 12291

The final action has been reviewed under Executive Order 12291 and has been determined to be not major. The Department does not anticipate that this notice will have an annual effect on the economy of $100 million or more. This action will not result in a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. Further, this action will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This acton is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of this Act.

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.557 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29112).

Description

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) requires the Secretary to establish income criteria to be used with nutritional risk criteria in determining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced price school meals under section 9 of the National School Lunch Act (42 U.S.C. 1758). Under section 9, the income limit for reduced price school meals is 185 percent of the Federal poverty income guidelines, as adjusted.

Section 9 also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 1992 was published by the Department of Health and Human Services (DHHS) in the **Federal Register** on February 14, 1992 at 57 FR 5455. The guidelines published by DHHS are referred to as the poverty income guidelines.

The Department published final WIC regulations on February 13, 1985, at 50 FR 6108. Section 246.7(c)(1) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9 of the National School Lunch Act for reduced price school meals or identical to State or local guidelines for free or reduced price health care. However, in conforming WIC income guidelines to State of local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines established under section 9 of the National School Lunch Act for reduced price school meals, or which are less than 100 pecent of the Federal poverty income guidelines.

Consistent with the method used to compute eligibility guidelines for reduced price meals under the National School Lunch Program, the poverty income guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time the Department is publishing the maximum and minimum WIC poverty income limits by household size for the period July 1, 1992 through June 30, 1993. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia and all Territories, including Guam. Because the poverty income guidelines for Alaska and Hawaii are higher than the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

EFFECTIVE JULY 1, 1992-JUNE 30, 1993

Family size	Annual poverty income guidelines (PIG)	Annual FNS income guidelines for reduced-price lunches (185% of PIG)
48 States, District of Columbia, Puerto Rico, Virgin Islands, and Territories, including Guam:		
1	6,810	12,599
2	9,190	17,002
3	11,570	21,405
4	13,950	25,808
5	16,330	30,211
6	18,710	34,614
7	21,090	39,017
8	23,470	43,420
For each additional family member add	2,380	4,403
Alaska:		
1	8,500	15,725
2	11,480	21,238
3	14,460	26,751
4	17,440	32,264
5	20,420	37,777
6	23,400	43,290
7	26,380	48,803
8	29,360	54,316
For each additional family member add	2,980	5,513
Hawaii:		
1	7,830	14,486
2	10,570	19,555
3	13,310	24,624
4	16,050	29,693
5	18,790	34,762
6	21,530	32,831
7	24,270	44,900
8	27,010	49,969
For each additional family member add	2,740	5,069

Dated: March 11, 1992.

George A. Braley,

Associate Administrator.

BILLING CODE 3410-30-M

57 ISS 58 MR 25 19 92 UMI

[FR Doc. 92-6700 Filed 3-24-92; 8:45 am]
BILLING CODE 3410-30-C

INCOME ELIGIBILITY GUIDELINES
(Effective from July 1, 1992 to June 30, 1993)

Household size	Federal Poverty Guidelines			Reduced Price Meals - 185%			Free Meals - 130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 CONTIGUOUS UNITED STATES, DISTRICT OF COLUMBIA, GUAM AND TERRITORIES									
1	6,810	568	131	12,599	1,050	243	8,853	738	171
2	9,190	766	177	17,002	1,417	327	11,947	996	230
3	11,570	965	223	21,405	1,784	412	15,041	1,254	290
4	13,950	1,163	269	25,808	2,151	497	18,135	1,512	349
5	16,330	1,361	315	30,211	2,518	581	21,229	1,770	409
6	18,710	1,560	360	34,614	2,885	666	24,323	2,027	468
7	21,090	1,758	406	39,017	3,252	751	27,417	2,285	528
8	23,470	1,956	452	43,420	3,619	835	30,511	2,543	587
For each add'l family member add	+2,380	+199	+46	+4,403	+367	+85	+3,094	+258	+60
ALASKA									
1	8,500	709	164	15,725	1,311	303	11,050	921	213
2	11,480	957	221	21,238	1,770	409	14,924	1,244	287
3	14,460	1,205	279	26,751	2,230	515	18,798	1,567	362
4	17,440	1,454	336	32,264	2,689	621	22,672	1,890	436
5	20,420	1,702	393	37,777	3,149	727	26,546	2,213	511
6	23,400	1,950	450	43,290	3,608	833	30,420	2,535	585
7	26,380	2,199	508	48,803	4,067	939	34,294	2,858	660
8	29,360	2,447	565	54,316	4,527	1,045	38,168	3,181	734
For each add'l family member add	+2,980	+249	+58	+5,513	+460	+107	+3,874	+323	+75
HAWAII									
1	7,830	653	151	14,486	1,208	279	10,179	849	196
2	10,570	881	204	19,555	1,630	377	13,741	1,146	265
3	13,310	1,110	256	24,624	2,052	474	17,303	1,442	333
4	16,050	1,338	309	29,693	2,475	572	20,865	1,739	402
5	18,790	1,566	362	34,762	2,897	669	24,427	2,036	470
6	21,530	1,795	415	39,831	3,320	766	27,989	2,333	539
7	24,270	2,023	467	44,900	3,742	864	31,551	2,630	607
8	27,010	2,251	520	49,969	4,165	961	35,113	2,927	676
For each add'l family member add	+2,740	+229	+53	+5,069	+423	+98	+3,562	+297	+69

Commodity Supplemental Food Program: Elderly Proverty Income Guidelines.

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of elderly persons applying to participate in the Commodity Supplmental Food Program (CSFP). These poverty income guidelines are to be used in conjunction with the CSFP Regulations, 7 CFR part 247.

EFFECTIVE DATE: July 1, 1992.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Dvision, FNS, USDA, 3101 Park Center Drive, Alexandria, Virginia 22302, (703) 305–2730.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This final action has been reviewed under Executive Order 12291 and has been determined to be not major. The Department does not anticipate that this notice will have an annual effect on the economy of $100 million or more. This action will not result in a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. Further, this action will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and thus is exempt from the provisions of that Act.

Paper Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Managment and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12372

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.565 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials (7 CFR part 3015, subpart V, 48 FR 29112).

Description

On December 23, 1985 the President signed the Food Security Act of 1985 (Pub. L. 99–198). This legislation amends action 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) to require that the Department establish procedures allowing agencies administering the CSFP to serve elderly persons if such service can be provided without reducing service levels for women, infants, and children. The law also mandates establishment of eligibility requirements for elderly participation. Prior to enactment of Public Law 99–198, elderly particpation was restricted by law to three designated pilot projects which served the elderly in accordance with agreements with the Department.

In order to implement the CSFP mandates of Public Law 99–198, the Department published interim rules on September 17, 1986 at 51 FR 32895 and a final rule on February 18, 1988 at 53 FR 4831. These regulations defined "elderly persons" as those who are 60 years of age or older. The final rule further stipulated that elderly persons certifed on or after September 17, 1986 must have "houshold income at or below 130 percent of the Federal Poverty Income Guidelines published annualy by the Department of Health and Human Services" (7 CFR 247.7(a)(3)).

These poverty income guidelines are revised annually to reflect changes in the Consumer Price Index. The revision for 1992 was published by the Department of Health and Human Services (DHHS) in the **Federal Register** for February 14, 1992 at 57 FR 5455. At this time the Department is publishing the income limit of 130 percent of the poverty income guidelines by household size to be used for elderly certification in the CSFP for the period July 1, 1992–June 30, 1993.

The poverty guidelines were multiplies by 1.30 and the results rounded up to the next whole dollar. The first table in this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia, and all the Territoties including Guam. Because the poverty income guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

EFFECTIVE JULY 1, 1991–JUNE 30, 1992

Family size	Annual FNS poverty income guidelines for elderly in CSFP (130% of PIG).
48 States, District of Columbia, Puerto Rico, Vigin Islands, and Territories, including Guam:	
1	8,853
2	11,947
3	15,041
4	18,135
5	21,229
6	24,323
7	27,417
8	30,511
For each additional family member add	3,094
Alaska:	
1	11,050
2	14,924
3	18,798
4	22,672
5	26,546
6	30,420
7	34,294
8	38,168
For each additional family member add	3,874
Hawaii:	
1	10,179
2	13,741
3	17,303
4	20,865
5	24,427
6	27,989
7	31,551
8	35,113
For each additional family member add	3,562

Dated: March 5, 1992.

George A. Braley,

Associate Administrator.

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[FR Doc. 92-6759 Filed 3-19-92; 8:45 am]
BILLING CODE 3410-30-C

INCOME ELIGIBILITY GUIDELINES
(Effective from July 1, 1992 to June 30, 1993)

Household size	Federal Poverty Guidelines			Reduced Price Meals - 185%			Free Meals - 130%		
	Annual	Month	Week	Annual	Month	Week	Annual	Month	Week
48 CONTIGUOUS UNITED STATES, DISTRICT OF COLUMBIA, GUAM AND TERRITORIES									
1	6,810	568	131	12,599	1,050	243	8,853	738	171
2	9,190	766	177	17,002	1,417	327	11,947	996	230
3	11,570	965	223	21,405	1,784	412	15,041	1,254	290
4	13,950	1,163	269	25,808	2,151	497	18,135	1,512	349
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8	23,470	1,956	452	43,420	3,619	835	30,511	2,543	587
For each add'l family member add	+2,380	+199	+46	+4,403	+367	+85	+3,094	+258	+60
ALASKA									
1	8,500	709	164	15,725	1,311	303	11,050	921	213
2	11,480	957	221	21,238	1,770	409	14,924	1,244	287
3	14,460	1,205	279	26,751	2,230	515	18,798	1,567	362
4	17,440	1,454	336	32,264	2,689	621	22,672	1,890	436
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7	26,380	2,199	508	48,803	4,067	939	34,294	2,858	660
8	29,360	2,447	565	54,316	4,527	1,045	38,168	3,181	734
For each add'l family member add	+2,980	+249	+58	+5,513	+460	+107	+3,874	+323	+75
HAWAII									
1	7,830	653	151	14,486	1,208	279	10,179	849	196
2	10,570	881	204	19,555	1,630	377	13,741	1,146	265
3	13,310	1,110	256	24,624	2,052	474	17,303	1,442	333
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7	24,270	2,023	467	44,900	3,742	864	31,551	2,630	607
8	27,010	2,251	520	49,969	4,165	961	35,113	2,927	676
For each add'l family member add	+2,740	+229	+53	+5,069	+423	+98	+3,562	+297	+69

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 6-92]

Proposed Foreign-Trade Zone, Meridian, ID (Boise Customs Port of Entry); Application Filed

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Meridian, Idaho, requesting authority to establish a general-purpose foreign-trade zone in Meridian, Idaho, within the Boise Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 12, 1992. The applicant is authorized to make the proposal under section 67–4703A of the Idaho Code and City Ordinance Number 561.

The proposed foreign-trade zone site (255 acres) is located within the Treasure Valley Business Center on North Eagle Road, Meridian, Idaho, approximately two miles west of the Boise City corporate limits. The site is owned by Gemtone, Inc., and International Trade Services, Inc., has been selected to be the zone operator.

The application contains evidence of the need for zone services in the Boise area. Several firms have indicated an interest in using zone procedures for warehousing/distribution of such items as skis and bicycles, electronic components, apparel, and hobby/craft products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 F.R. 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 26, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 8, 1992).

While no public hearing has been scheduled for the FTZ Board, consideration will be given to such a hearing during the review.

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

U.S. Department of Commerce District Office, 700 West State Street, State House Mall, Boise, Idaho 83720–2700.

Office of the Executive Secretary, Foreign-Trade Zones Board, room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 18, 1992.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 92-6940 Filed 3-24-92; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

[A-455-001]

Electric Golf Cars From Poland; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 9, 1991, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping finding on electric golf cars from Poland. The review covers one manufacturer/exporter of this merchandise to the United States and the period July 1, 1976 through June 10, 1980.

We gave interested parties an opportunity to comment on the preliminary results. At the request of Melex USA, Inc. (Melex), a wholly owned subsidiary of the Polish manufacturer, Pezetel Ltd. (Pezetel), we held a public hearing on January 28, 1992. Based on our analysis of the comments received and the correction of certain clerical errors, we have changed the preliminary margin for Pezetel to a final margin of 5.53 percent.

EFFECTIVE DATE: March 25, 1992.

FOR FURTHER INFORMATION CONTACT: Steven D. Presing or Thomas F. Futtner, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–4106.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1991, the Department published in the **Federal Register** (56 FR 64239) the preliminary results of its administrative review of the antidumping finding on electric golf cars from Poland (40 FR 53383, November 18, 1975). The Department has now completed that administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Tariff Act) (19 U.S.C. 1675(a)).

Scope of the Review

Imports covered by the review are electric golf cars, both 3-wheel and 4-wheel, from Poland. During the review period, such merchandise was classifiable under items 657.2560 and 692.1090 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item number 8703.10.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers Pezetel Ltd. (Pezetel), a manufacturer/exporter of Polish electric golf cars to the United States, and the period July 1, 1976 through June 10, 1980.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results as provided by § 353.22(c) of the Commerce Regulations. At the request of Melex USA, Inc. (Melex), a wholly owned subsidiary of Pezetel, we held a public hearing on January 28, 1992. We received case and rebuttal briefs from both the respondent and the petitioner, E–Z–GO. Based on our analysis of the comments received and the correction of certain clerical errors, we have revised our preliminary margin.

Comment 1

Melex believes that the General Agreement on Tariffs and Trade (the GATT), Article VI, section 6(a), forbids the assessment of dumping duties on the subject entries because this section requires, in part, a determination of injury or a threat thereof, before a country that is a party thereto can levy antidumping duties. Melex argues that there is no finding by any United States agency that the effect of any dumped Polish golf cars is such as to cause or threaten material injury to an established domestic industry. Melex adds that while such a determination was in effect until June 11, 1980, it is no longer in effect due to the revocation of the finding on that date. Melex states that there can be no claim that a revoked injury determination, more than a decade old, can provide any current justification for the United States to levy an antidumping duty today. Melex argues that this review itself, and any subsequent imposition of antidumping duties, is prohibited by the international legal obligations of the United States.

Department's Position

We disagree with Melex. Melex is correct that Article VI section 6(a) does require a determination that dumping is such as to cause or threaten material injury to an established domestic industry, or in such as to retard materially the establishment of a domestic industry. However, such a determination was made by the International Trade Commission (ITC) in its final determination of October 21, 1975 (40 FR 49153). Article 9 of the Agreement on Implementation of Article VI of the GATT, says that an antidumping duty shall remain in effect as long as is necessary to counteract dumping which is causing injury. The ITC's determination remained in effect until its subsequent changed circumstance review, which found that the threat of injury no longer existed, from that date forward. During the period of review, there was an existing affirmative injury determination.

Since Melex itself requested an administrative review of the antidumping finding for entries during the period from July 1, 1976 to June 10, 1980, before the effective date of revocation, the Department is required to initiate and complete this review and levy antidumping duties, where appropriate.

Comment 2

Melex argues that the Department should not now repudiate what Melex characterizes as prior assurances and findings by the Department that the sales subject to review were not made at "less than fair value" (LTFV). According to Melex, these assurances were communicated in a May 12, 1980 letter sent by the Department to the International Trade Commission (ITC). Melex contends that, based on an analysis conducted by the Department, the Department advised the ITC that if the antidumping finding were revoked, there would be no sales at below fair value. This analysis compared U.S. prices, as reported by the respondent, with foreign market values (FMVs) derived from a study, called the CREA study, valuing Polish factors of production for electric golf cars in Spain. The CREA cost study was contracted by Melex and performed by a Spanish consulting firm. This study determined the costs to manufacture a golf car at a company in Spain whose organization and manufacturing processes were similar to Pezetel's WSK factory located in Mielec, Poland.

Department's Position

We disagree with Melex. The Department did not grant promises or assurances to Melex and in no way represented or implied that if an administrative review were conducted, no sales at below fair value would be found.

The May 12, 1980 letter from the Department to the ITC provided pricing information and a statement that our analysis, at that time, indicated no sales below fair value. This analysis was an informal evaluation of the likelihood of dumping using pricing information which, by its own terms, was an estimate only. In any event, this analysis did not constitute a full and formal review as is required under the governing statute and regulations. Finally, this informal analysis did not determine assessments due on actual entries.

Comment 3

Melex claims that while it negotiated distribution contracts with its U.S. distributors, it sought pricing guidance and assurances of the administering authority, then the Treasury Department (Treasury). Melex maintains that it sought guidance as to the applicable FMVs for its sales during the 1979 and 1980 sales seasons. Based on verified data, and the CREA cost study, Melex claims it received assurances from Treasury of the applicable FMVs to ensure they would be selling at or above fair value over that period. In addition, Melex notes, during the period, it provided to the administering authority drafts and final distribution agreements, including price proposals, for guidance and approval.

Department's Position

We disagree with Melex. According to § 353.22 of the Department's regulations, interested parties may request an administrative review during the anniversary month of the publication of the antidumping finding or order. Upon initiation of the review, the Department issues questionnaires and, if appropriate, conducts a verification. Based on the results of the questionnaire response and verification, if one was conducted, the Department issues its preliminary results. Final results are issued after providing interested parties with an apportunity to comment on the preliminary results.

Although Melex sought guidance and assurances from Treasury regarding the fair value of Melex's sales, the FMVs of Melex's merchandise could not have been determined according to section 751 of the Tariff Act, since no administrative review had been conducted. Accordingly, any assurances Melex believed it recieved regarding the fair value of its sales were not binding, and provided in the form of guidance only, since an administrative review had not yet been conducted.

Comment 4

Melex argues that to apply the current regulations and methodologies retroactively to the entries under review is unfair. Melex explains that the FMVs provided by Treasury to Melex were based on computations made according to the then existing regulations and practices. Melex argues that applying the current regulations tends to increase the FMVs to the detriment of Melex. Melex refers to the fact that it relied on and set its prices for U.S. sales during the period under review based on its understanding of the assurances by the administering authority.

Department's Position

We disagree with Melex. Whether or not Treasury based its FMV computations, which were for guidance only, in accordance with the then existing regulations and practices has no bearing on the current administrative review. As explained above, an informal anlaysis conducted outside the realm of an administrative review does not constitute a full and formal review of sales still unliquidated. See the Department's Position to Comment 2 for further explanation. The Department is conducting this administrative review in accordance with the Tariff Act of 1930, as amended by the Omnibus Trade and Competitiveness Act of 1988 (the 1988 Act) and the attendant current regulations. This review was initiated on April 18, 1991. The amendment to the relevant section of the 1988 Act was effective for, and applicable to, section 751 reviews initiated after August 5, 1988 (see 55 FR 9057). Therefore, current methodology and regulations govern this review.

Comment 5

Melex claims that the Department wrongly adjusted constructed value (CV) for inflation. Melex contends that if an inflation adjustment is to be made, the Department should apply the Polish rather than the Spanish inflation rates for the relevant time period.

Department's Position

We disagree with Melex. In calculating our preliminary and final margins, we considered Poland a nonmarket economy (NME). In accordance with § 353.52 of the

Commerce regulations, if the economy of a country is state-controlled, the Department will calculate FMV based on the valuation of factors of production in a non-state-controlled economy. As such, we calculated FMV based on a valuation of the factors of production in a market-economy country that was at a level of economic development comparable to that of Poland during the period of review and based on a factory whose organization and manufacturing processes were comparable to Pezetel. The CREA study was contracted by Melex, and Spain was selected as the appropriate surrogate country. The use of the CREA study was not contested by Melex.

To calculate CV using Spanish costs and then adjust those costs using Poland's inflation rates would be inappropriate and contradictory to § 353.52 of the Commerce regulations. If we use Spanish costs for calculating CV, we should use that same market economy's inflation rates. Therefore, it is appropriate to adjust the Spanish CREA study using Spanish, and not Polish, inflation rates.

Comment 6

Melex contends that the Department has misapplied the inflation rates used in projecting CV. It argues the Department used a calendar-year inflation rate (*i.e.*, 1977) and applied it to a specific date (*i.e.*, December 31, 1977), thereby overstating a single CV for the entire calendar year (*i.e.*, 1977). In other words, Melex believes that the Department used a CV for a calendar year that was accurate only on the last day of that year. Melex believes that the Department should correct this error by using monthly inflation rates.

Department's Position

We agree with Melex. We have used monthly inflation rates for calculating the final results of this administrative review. The use of annual inflation rates results in the application of an entire year's inflation to production costs that may not be representative of the entire year. Merchandise produced in the first quarter of a year should not be valued by applying an annual inflation rate.

Comment 7

Melex argues that if the Department is adjusting CV using the Spanish inflation rates, the Department should use U.S. inflation rates for valuing the cost of the electric motor imported from the United States.

Department's Position

We agree with Melex. To adjust the U.S. motor costs by applying a Spanish inflation rate would not reflect the true costs of purchasing the motor from the United States. The U.S. inflation rate must be used in order to reflect the realistic costs of purchasing the motor from the United States. In calculating the final results of review, we used U.S. inflation rates to determine the cost of the U.S. electric motor.

Comment 8

Melex argues that CV must be determined for each ESP sale at a time preceding exportation from Poland. It refers to the statute (section 773(3)(1) of the Tariff Act) which directs the Department to compute the cost of materials and fabrication of the products at a time prior to exportation of the goods. Melex asserts that the Department incorrectly based its analysis on comparisons of U.S. sales prices with the CV-based preliminary FMVs, with CVs determined as of the dates of sale rather than dates preceding export.

Department's Position

We disagree with Melex. The reported date of sale established all the elements necessary for a sale (*i.e.*, quantity, price, other terms). Therefore, in accordance with § 353.50(b) of the Commerce regulations which clarifies § 773(e)(1) of the Tariff Act, we have calculated CV using the most recent CV data available preceding the date of sale.

Comment 9

Melex believes that the Department incorrectly adjusted overhead costs valued according to the CREA study by re-allocating overhead costs based on Pezetel's actual golf car production quantities for each year under review. Melex explains that this overstates the overhead expenses incurred, because it incorrectly assumes that all of the overhead costs must be allocated only to Pezetel's production of golf cars. Melex explains that Pezetel produced several products other than golf cars, and that golf cars accounted for a relatively minor proportion of total production. Therefore, Melex argues that all such overhead costs should be allocated over all products, and not just golf cars, produced by Pezetel during the period of review.

Department's Position

We disagree with Melex. The CREA study was based solely on the production of three-wheel golf cars and, therefore, it did not reflect overhead costs for products other than golf cars. Thus, re-allocating the CREA study's overhead costs based on Pezetel's actual production quantities does not overstate the costs.

Comment 10

Melex argues that the Department erred in calculating credit expenses. Melex claims that it reported its actual credit costs and that the Department's application of Melex's reported formula is incorrect because the Department's calculation reflects the wrong date of shipment. The date of shipment used by the Department does not reflect the date of shipment to the customer. Rather, the Department used the date of shipment from Poland to Melex in the United States.

Department's Position

We disagree with Melex. In its submissions, Melex provided a narrative and a formula for calculating the U.S. credit expense, and it reported a credit variable on its computer tape. We attempted to reconcile the formula reported in the narrative with the "credit expense" variable on the computer tape. The results did not match. As we were unable to duplicate the computer tape credit figures, we calculated the credit expense using the formula as reported by Melex.

Melex assertion that the Department used the wrong date of shipment in applying Melex's formula is unfounded. In its questionnaire responses, Melex reported only one date of shipment. Melex did not explain that there was an additional date of shipment, nor did it provide the alternative dates of shipment. Therefore, we have calculated the final results using the formula and the date of shipment as reported by Melex.

Comment 11

Melex argues that the Department should use the Polish producer's reported costs for determining the CV of 4-wheel golf cars rather than using the estimated data concerning the production of 4-wheel golf cars submitted by E–Z–GO. Melex claims that it provided the Department with detailed cost information from the Polish producer showing actual differences between costs of production of 3-wheel and 4-wheel golf cars during the review period. It believes that the Department should rely on the cost information and ratios shown in respondent's November 25, 1991 filing.

Department's Position

We disagree with Melex. Although, in its November 25, 1991 response, Melex defined what the physical differences are between 3-wheel and 4-wheel golf cars, it did not provide an explanation for the source and basis of such cost differences. The Department cannot determine from the response whether the costs are based on Spanish cost experience, or whether the costs are based on Polish cost experience and later converted to pesetas. Melex only stated that the information enclosed is applicable to the CV valued in Spain, without further explanation.

Comment 12

Melex contends that the Department erroneously inflated, rather than deflated, the 1977 constructed value to arrive at the 1976 constructed value.

Department's Position

We agree with Melex. We have made the appropriate changes in our final results by deflating the 1977 CVs to determine the 1976 CVs.

Comment 13

Melex argues that sales made by Pezetel before July 1976 should be included in the administrative review. Melex explains that it reported sales made in 1975 that were exported to the United States and entered after July 1, 1976. Melex believes that these sales should be reviewed because, if they are not, an additional review would be required to cover these unliquidated entries.

Department's Position

We agree with Melex. In accordance with section 751(a) of the Tariff Act, the administering authority shall determine, among other things, the FMV and the United States price of each entry of merchandise subject to the antidumping duty order. Therefore, in order to liquidate all suspended entries, all Polish golf cars entered during the period of review have been reviewed.

Comment 14

The petitioner, E–Z–GO, believes that the Department did not use proper dates to establish the CV for comparison to the net price on each ESP and PP sale. It argues that the cost of materials and fabrication used for CV should be calculated at a time preceding the date of exportation of the merchandise to allow for the production of that merchandise in the ordinary course of business.

With particular attention to PP sales, the petitioner further explains that Melex's ordinary course for business was such that golf cars were shipped directly from the Pezetel factory to the United States, and that the shipments went directly to the port of entry designated by the ultimate consumer. They believe that this implies that the golf cars were exported immediately after they were manufactured. In addition, E–Z–GO mentions that Melex stated that the sales prices were usually set by contracts for a one-year period. In other words, prices set today can still be in effect for delivery one year later.

Department's Position

We disagree with E–Z–GO. The reported date of sale established all the elements necessary for a sale (*i.e.*, quantity, price, other terms). Therefore, in accordance with § 353.50(b) of the Commerce regulations which clarifies § 773(e)(1) of the Tariff Act, we have calculated CV using the most recent CV data available preceding the date of sale. For PP sales, the date of sale precedes the date of exportation.

Comment 15

E–Z–GO maintains that if the Department uses the dates of sale to determine the CV, the Department should include costs for maintaining golf cars in finished goods inventory in its CVs. E–Z–GO explains that using the dates of sale would imply that a golf car was inventoried before it was shipped to the customer, especially when sales were made one year prior to the actual shipment.

Department's Position

We agree in part with the petitioner. Melex reported inventory carrying costs for exporter's sale price (ESP) sales. Where Melex reported inventory carrying costs, we subtracted them from the relevant U.S. price for these final results. The evidence on the record suggests that Pezetel normally shipped golf cars from the factory directly to the port of entry designated by the ultimate consumer in the United States and did not typically hold golf cars in inventory prior to shipment. When they held golf cars in inventory prior to shipment in the United States, we made the appropriate deduction as reported by Melex. It would be inappropriate to include costs for maintaining golf cars in finished goods inventory for sales for which no inventory carrying costs were actually incurred.

Comment 16

E–Z–GO argues that the Department did not include in its CVs the cost of options that were included in the sales price of golf cars. E–Z–GO cites several observations supporitng this argument. Using these observations, E–Z–GO explains that Melex reported five sales of the identical product to one customer, yet one car was priced differently. Based on this price difference, E–Z–GO concludes that one car may have included options whose costs should be accounted for.

Department's Position

We disagree with the petitioner. The evidence on the record demonstrates that E–Z–GO's conclusion is incorrect. In its case brief, Melex explains that the price difference cited by E–Z–GO is accounted for by an anticipated change in the ocean freight expense, and not by any options on the golf cars.

Comment 17

E–Z–GO argues that electric golf cars and many of the parts and components that are purchased for attachment to electric golf cars are consumer goods. E–Z–GO believes that, since these products are routinely marketed in consumer channels, they would be included in the calculation of the CPI. Therefore, E–Z–GO believes that the Department should use the consumer price index (CPI) rather than the industrial price index (IPI), as an inflation factor.

Department's Position

We disagree with E–Z–GO. As stated in the International Financial Statistics Yearbook as published by the International Monetary Fund, the IPI is designed to monitor changes in prices of items at the point of the first important commercial transaction. The IPI overs a mixture of prices of industrial goods at various stages of production and distribution.

The CPI, on the other hand, reflects the changes in the cost of acquiring a fixed basket of goods and services which are typically purchased on a regular basis by the average consumer. A golf car manufacturer, such as Pezetel, is not the average consumer. The CPI or the "cost of living index" typically includes such items as food, clothing, automobiles, homes, and even fees to doctors. This does not accurately reflect the purchases made by Pezetel.

Although many of the parts and components by Pezetel may be considered to be consumer goods, the method and pricing of purchases are significantly different from those of the typical consumer channel. Companies like Pezetel can command lower prices not available to the average consumer. For these reasons, we believe the industrial price index is a more appropriate measure of inflation and we have used the IPI in calculating the final results.

Comment 18

E–Z–GO believes that the Department incorrectly calculated the inflation adjustment for 1976 costs. In calculating the factor to apply to 1977 costs, it believes that the Department should divide the difference between the 1977 and 1976 index values by the 1977, and not the 1976, index value.

Department's Position

We disagree with the petitioner. E–Z–GO's calculation is mathematically incorrect and the proposed use of it would yield inflation rates that do not match the figures reported in the International Monetary Fund statistics. To determine the percentage difference between the 1977 and 1976 inflation factors, the absolute difference must be divided by the 1976 inflation factor (*e.g.*, 1977 factor minus the 1976 factor, the result divided by the 1976 factor equals the percentage difference). To test the formula, add the percentage difference to the 1976 factor and it yields the 1977 inflation factor; using E–Z–GO's method does not.

Comment 19

E–Z–GO argues that the Department should deduct indirect selling expenses incurred by Melex on ESP sales. It claims that Melex incurred indirect selling expenses that were not reported. E–Z–GO believes that the Department should estimate the indirect selling expenses by using the company's financial statements.

Department's Position

We agree in part with the petitioner. For the final calculations, we have made a deduction for indirect selling expenses. Although Melex did report indirect selling expenses in its questionnaire response by invoice number, it reported indirect selling expenses inclusive of servicing and warranty expenses and commissions. Servicing and warranty expenses were already reported separately. We deducted these figures from the indirect selling expenses to avoid any double-count. To subtract servicing and warranty expenses, we used the figures as reported by Melex on page 3 of its September 30, 1991 submission.

To subtract an amount for commissions from the indirect selling expenses, we used Melex's financial statements. The financial statements reported commissions and salaries as one figure. Because we were unable to distinguish salaries from commissions we included, as a reasonable alternative, the amount reported as being representative of the commission expense. This amount was subtracted from the indirect selling expenses. The remaining amount, the indirect selling expenses, was divided by net sales to derive the ratio of indirect selling expenses to sales. This percentage was then multiplied by the U.S. net sales price to determine U.S. indirect selling expenses.

Comment 20

E–Z–GO believes that the Department should deduct sales commissions incurred by Melex on ESP sales, referring to Melex's financial statements which indicate that the company incurred commissions.

Department's Position

We agree with the petitioner. Melex confirmed at the administrative hearing that it did incur commissions on its sales to the United States, but did not segregate them from the indirect selling expenses. For the final results, we have calculated a commission expense based on Melex's financial statement, and subtracted it from all ESP sale in accordance with § 353.56 of the Department's regulations.

The commission expense was calculated by taking the total reported commissions in Melex's financial statements, as explained in the *Department's Position* to *Comment 19*, and dividing that number by net sales to arrive at a commission percentage. That percentage was then multiplied by the U.S. net sales price to determine the per-unit commission expense. Because there were no commissions in the FMV, to make the circumstance of sales adjustment, the indirect selling expenses were deducted. The subtraction for indirect selling expenses were limited to the amount of the U.S. commissions.

Comment 21

E–Z–GO argues that the Department failed to calculate U.S. imputed credit expenses for certain sales, explaining that these errors occurred because there was no interest rate entered in the "Rate" field for these sales.

Department's Position

We agree with the petitioner and have made the appropriate corrections for the final results.

Comment 22

E–Z–GO states that Pezetel reported sales exported from Poland in February and April of 1979, but the sales were entered into the United States in February of 1978. The incorrect dates resulted in incorrect calculations for inputed credit expenses.

Department's Position

We have made the appropriate changes in calculating our final results.

Final Results of Review

As a result of the comments received and the correction of clerical errors, we have revised the preliminary results, and we determine that the weighted average margin for Pezetel is 5.53 percent.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all entries made during the period of review. Individual differences between United States price and foreign market value may vary from the percentage stated above. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service. Since the antidumping finding was revoked in 1980, this review was undertaken to determine assessed duties for entries made during the period of review. No cash deposits will be required for future entries of electric golf cars from Poland, nor will appraisements be withheld for antidumping purposes.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 16, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–6941 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

Centers for Disease Control—CEHIC, et al; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91–159. Applicant: Centers for Disease Control, CEHIC, Chamblee, GA 30341. *Instrument*: Mass Spectrometer, Model AutoSpec. *Manufacturer*: VG Analytical Ltd., United Kingdom. *Intended Use*: See notice at 56 FR 56633, November 6, 1991. *Reasons*: The foreign instrument provides: (1) trisector double focusing MS/MS capability, (2) sensitivity of 3.0 x 10^{-7} c/μg for m/z 298, (3) resolution to 60,000 and (4) scan rate to 0.2 second/decade. *Advice Submitted By*: National Institutes of Health, January 31, 1992.

Docket Number: 91–160. *Applicant*: National Institute of Standards and Technology, Gaithersburg, MD 20899. *Instrument*: Reflection High Energy Electron Diffraction System. *Manufacturer*: Staib Instrumente, GmbH, Germany. *Intended Use*: See notice at 56 FR 60972, November 29, 1991. *Reasons*: The foreign instrument provides: (1) Electron beam blanking, (2) beam rocking of ±2.0 degrees and (3) electron energy to 35 keV. *Advice Submitted By*: National Institutes of Health, January 31, 1992.

Docket Number: 91–163. *Applicant*: Pennsylvania State University, University Park, PA 16802. *Instrument*: Mass Spectrometer, Model MI–401. *Manufacturer*: Kratos Analytical, United Kingdom. *Intended Use*: See notice at 56 FR 60972, November 29, 1991. *Reasons*: The foreign instrument provides a rotation mechanism to change lenses without breaking vacuum and a two-stage detector to maximize mass resolution. *Advice Submitted By*: National Institutes of Health, January 31, 1992.

Docket Number: 91–171. *Applicant*: Howard Hughes Medical Institute, New York, NY 10003. *Instrument*: (4) Micromanipulators, Models SM–11–B and SM–15–B. *Manufacturer*: Narishige Scientific Instruments, Japan. *Intended Use*: See notice at 56 FR 64244, December 9, 1991. *Reasons*: The foreign instrument provides precise mechanical control (scale division to 10.9μm) compatible with a stereotaxic head-holding frame. *Advice Submitted by*: National Institutes of Health, February 2, 1992.

Docket Number: 91–181. *Applicant*: U.S. Department of Commerce—NOAA, Panama City, FL 32408. *Instrument*: Electronic Measuring Board with Accessories. *Manufacturer*: Limnoterra Atlantic Inc., Canada. *Intended Use*: See notice at 57 FR 1724, January 15, 1992. *Reasons*: The foreign instrument provides in situ measurements of fish length with simultaneous logging of ancillary data which can be down-loaded to a PC on return from the field. *Advice Submitted By*: National Institutes of Health, March 5, 1992.

The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument. We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6934 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

U.S. Department of Commerce, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91–126. *Applicant:* U.S. Department of Commerce, National Institute of Standards and Technology, Gaithersburg, MD 20899. *Instrument:* Secondary Ion Microscope and Microprobe, Model IMS–4F. *Manufacturer:* Cameca, France. *Intended Use:* See notice at 56 FR 47187, September 18, 1991. *Reasons:* The foreign instrument provides mass-filtered imaging providing submicrometer spatial resolution and a double-focusing magnetic sector mass spectrometer with resolution to 10 000. *Advice Submitted By:* National Institutes of Health, January 14, 1992.

Docket Number: 91–149. *Applicant:* UCLA School of Medicine, Los Angeles, CA 90024. *Instrument:* Eye Movement Measuring Device. *Manufacturer:* Skalar Medical b.v., The Netherlands. *Intended Use:* See notice at 56 FR 56408, November 4, 1991. *Reasons:* The foreign instrument provides non-invasive measurement of eye position and movement using reflected infra-red light with resolution of 2.0 minutes of arc and a bandwidth to 200 Hz. *Advice Submitted By:* National Institutes of Health, January 31, 1992.

Docket Number: 91–151. *Applicant:* University of Hawaii at Manoa, Honolulu, HI 96822, *Instrument:* IR Mass Spectrometer, MAT 252. *Manufacturer:* Finnigan Corporation, West Germany. *Intended Use:* See notice at 56 FR 56409, November 4, 1991. *Reasons:* The foreign instrument provides: (1) A 6-cup multicollector, (2) a GC-combustion interface, 10 pg sample capability and an internal precision of 0.005 per mill for 3 bar μl samples of CO_2. *Advice Submitted By:* National Institutes of Health, January 31, 1992.

Docket Number: 91–152. *Applicant:* Duke University, Durham, NC 27706. *Instrument:* 3-D Coordinate and Measuring Microscope. *Manufacturer:* Reflex Measurement Ltd., United Kingdom. *Intended Use:* See notice at 56 FR 56409, November 4, 1991. *Reasons:* The foreign instrument provides measurement and digitization in three dimensions without physical contact and with horizontal range to 110 mm and precision of 0.05 mm. *Advice Submitted By:* National Institutes of Health, January 31, 1992.

Docket Number: 91–154. *Applicant:* University of Washington, Seattle, WA 98195. *Instrument:* Lung Function Analyzer, Model AMIS 2000. *Manufacturer:* Innovision, Denmark. *Intended Use:* See notice at 56 FR 56632, November 6, 1991. *Reasons:* The foreign instrument provides analysis of gaseous samples sequentially for 10 millisecond periods and 30 millisecond response time. *Advice Submited By:* National Institutes of Health, January 31, 1992.

The National Institutes of Health advises that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instruement. We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6936 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

U.S. Geological Survey, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91–174. *Applicant:* U.S. Geological Survey, Denver, CO 80225. *Instrument:* Mass Spectrometer System, Model 252. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 57 FR 399, January 6, 1992. *Reasons:* The foreign instrument provides: (1) An internal precision of 0.005 per mil for 3 bar μl samples CO_2, (2) a carbonate autosampler and (3) laser ablation for samples as small as 1.0 nanomole.

Docket Number: 91–180 *Applicant:* University of Miami, Miami, FL 33149. *Instrument:* Mass Spectrometer System, Model 215–50. *Manufacturer:* Mass Analyzer Products, Ltd., United Kingdom. *Intended Use:* See notice at 57 FR 1724, January 15, 1992. *Reasons:* The foreign instrument provides sensitivity of 6.0×10^{-4} A/torr for M/e 40 and an M/e 36 background less than 5.0×10^{-14} cm^3 STP.

The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value of either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6937 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

Michigan State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897; 15 CFR part 301). Ralated records can be viewed between 8:30 a.m. and 5:00 p.m. in room 4204, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–155. *Applicant:* Michigan State University, East Lansing, MI 48824–1115. *Instrument:* Gas Chromatograph Interface, Model Isochrom I. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* See notice at 56 FR 56633, November 6, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated January 31, 1992, that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6939 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

University of Virginia, Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–157. *Applicant:* University of Virginia, Charlottesville, VA 22903. *Instrument:* GC Interface, Model Isochrom I. *Manufacturer:* VG Instruments, United Kingdom. *Intended Use:* See notice at 56 FR 56633, November 6, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Ressons:* This is a compatible accessory for an instrument proviously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated January 31, 1992, that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6938 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

Vanderbilt University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–190. *Applicant:* Vanderbilt University, Nashville, TN 37235. *Instrument:* Electron Microscope, Model CM 12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 4002, February 3, 1992. *Order Date:* August 21, 1991.

Docket Number: 91–194. *Applicant:* U.S. Department of Agriculture, APHIS, Ames, IA 50010. *Instrument:* Electron Microscope, Model CM 10/PC. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 4003, February 3, 1992. *Order Date:* September 27, 1991.

Docket Number: 91–196. *Applicant:* The University of Connecticut, Storrs, CT 06269–2131. *Instrument:* Electron Microscope, Model EM 910. *Manufacturer:* Carl Zeiss, Germany. *Intended Use:* See notice at 57 FR 4003, February 3, 1992. *Order Date:* September 1, 1991.

Docket Number: 91–197. *Applicant:* Harvard Medical School, Boston, MA 02115. *Instrument:* Electron Microscope, Model H–7100. *Manufacturer:* Hitachi, Japan. *Intended Use:* See notice at 57 FR 4003, February 3, 1992. *Order Date:* July 31, 1991.

Docket Number: 91–199. *Applicant:* University of Wisconsin, Madison, WI 53706. *Instrument:* Electron Microscope, Model CM20. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 4003, February 3, 1992. *Order Date:* July 19, 1991.

Docket Number: 91–200. *Applicant:* Veterans Affairs Medical Center, Ann Arbor, MI 48105. *Instrument:* Electron Microscope, Model CM 10/PC. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 57 FR 4003, February 3, 1992. *Order Date:* September 3, 1991.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–6935 Filed 3–24–92; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Names of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 8–9 April 1992.

Time: 0800–2400 hours daily.

Place: Andrews AFB, VA.

Agenda: Members of the 1992 ASB Summer Study, "C2 on the Move" will meet to continue work on the study. The USSOCUM has invited the Army Science Board "Command and Control on the Move" sub group to attend classified briefings, interviews and demonstrations concerning capabilities. Contingency planning and missions will be discussed. Areas of interest are in both "real world" operational concerns and command and control areas. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–7020 Filed 3–24–92; 8:45 am]

BILLING CODE 3710–08–M

U.S. Army Reserve Command Independent Commission; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of Committee: U.S. Army Reserve Command Independent Commission.

Date of Meeting: April 13, 1992.

Place: 1225 Jefferson Davis Highway, suite 1410, Arlington, Virginia 22202.

Time: 9 a.m.–4 p.m.

Purpose: The Commission was established to assess the progress and effectiveness of the United States Army Reserve Command since its establishment.

Summary of Agenda: This is the second meeting of the Commission. The Commission will review the organization and responsibilities of the USARC and finalize measurement standards to be used in the assessment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the matter permitted by the committee. Anyone desiring to appear before the committee should contact the staff for procedures.

Ellis L. Pennington,

LTC, FA, U.S. Army Reserve Command, Independent Commission.

[FR Doc. 92–6858 Filed 3–24–92; 8:45 am]

BILLING CODE 3710–01–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10 (a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

Dates: April 14, 1992.

Time: 11 a.m. (E.T.).

Location: National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC, 20005–4013, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 406(i) of the General Education Provisions Act (GEPA) as amended by section 3403 of the National Assessment of Educational Progress Improvement Act (NAEP Improvement Act), title III–C of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub.L. 100–297), (20 USC 1221e-1).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. The Executive Committee of the National Assessment Governing Board will meet via telephone conference call on April 14, 1992 beginning at 11 a.m. The proposed agenda includes review and approval of the 1994 mathematics specifications; update on NAEP reauthorization and budget issues; and review of the NAGB agenda for the May 7–9 Board meeting. Because this is a teleconference meeting, facilities will be provided so the public will have access to the Committee's deliberations. Records are kept of all Board proceedings and are available for public inspection at the office of the National Assessment Governing Board, suite 7322, 1100 L Street, NW., Washington, DC, from 8:30 a.m. to 5:00 p.m.

Date: March 20, 1992.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 92–6894 Filed 3–24–92; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER90-525-007, et al.]

New England Service Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate filings

Take notice that the following filings have been made with the Commission:

1. New England Power Service Co.

[Docket No. ER90-525-007]

March 16, 1992.

Take notice that on March 2, 1992 New England Power Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Green Mountain Power Corp.

[Docket No. ER92-362-000]

March 16, 1992.

Take notice that on March 10, 1992, Green Mountain Power Corporation (GMP) tendered for filing an Agreement dated as of November 1, 1991 between GMP and Central Vermont Public Service Corporation (CVPS), pursuant to which GMP has agreed to sell capacity in GMP's Berlin No. 5 gas turbine and associated energy to CVPS. GMP has requested waiver of the Commission's regulations in order to permit the agreement to become effective concurrently with the commencement of service to CVPS on November 1, 1991.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Duke Power Co.

[Docket No. ER92-360-000]

March 16, 1992.

Take notice that on March 9, 1992, Duke Power Company (Duke) tendered for filing an Interchange Agreement Between South Carolina Public Service Authority and Duke Power Company ("Agreement"). The Agreement will supersede the Interchange Agreement dated 1983, as amended, currently in effect between South Carolina Public Service Authority and Duke. The Agreement provides for interconnected operations between the two systems as well as transactions involving Spinning Reserve, Short Term Power, Limited Term Power, Economy Interchange, Other Energy, and Wheeling services.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Green Mountain Power Corp.

[Docket No. ER92-104-000]

March 16, 1992.

Take notice that on March 9, 1992, Green Mountain Power Corporation (GMP) tendered for filing an Agreement dated as of February 1, 1989 between GMP and Vermont Electric Generation and Transmission Cooperative, Inc. (VEG&T), pursuant to which GMP has agreed to sell VEG&T capacity and energy which may be available from time to time. GMP states that the Agreement consolidates into a single contract the provisions of, and is intended to substitute for, a Sales Agreement and unexecuted Addendum thereto previously filed in this proceeding.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Delmarva Power & Light Co.

[Docket No. ER92-358-000]

March 16, 1992.

Take notice that Delmarva Power & Light Company (Delmarva) on March 9, 1992, tendered for filing proposed supplements to its FERC Rate Schedules No. 67, 69, and 71. These Supplements, filed with the approval and concurrence of the City of Milford, Delaware, (Milford), the City of Newark, Delaware, and the Easton Utilities Commission Town of Easton, Maryland are being made to identify and seek FERC approval of existing "non-contractual" agreements and payments associated with "aid-in-construction" projects entered into by each of the above listed parties.

Copies of this filing were served upon the City of Milford, the City of Newark, and the Delaware Public Service Commission, the Mayor of the Town of Easton, the Easton Utilities Commission and the Maryland Public Service Commission.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Indiana Michigan Power Co.

[Docket No. ER92-278-000]

March 16, 1992.

Take notice that American Electric Power Service Corporation, on behalf of Indian Michigan Power Company (I&M), on March 11, 1992, tendered for filing an amendment to its filing in the captioned Docket.

The amendment, requested by the Commission's staff, involves cost support for demand charges contained in the filing.

A copy of the filing was served upon the Indiana Utility Regulatory Commission and the Michigan Public Service Commission.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Co.

[Docket Nos. ER91-337-001 and EL91-31-000]

March 16, 1992.

Take notice that on February 3, 1992, Pacific Gas and Electric Company (PG&E) tendered for filing its refund report in the above referenced dockets.

Comment date: March 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Cleveland Electric Illuminating Co.

[Docket No. ER92-292-000]

March 16, 1992.

Take notice that The Cleveland Electric Illuminating Company on March 10, 1992 as requested by the Commission Staff, filed revised cost information to reflect possible total utilization in the calculation of the energy adder within Schedule C (Short Term Power) and Schedule D (Limited Term Power). The Schedules are contained within the CEI-Cleveland Agreement for Installation and Operation of 138 kV Synchronous Interconnection as being amended February 1, 1992 to replace without interrupting the CEI-Cleveland Agreement for Installation and Operation of 138 kV Synchronous Interconnection dated as of April 17, 1975.

Copies of the filing were served upon the Ohio Public Utilities Commission and the City of Cleveland.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Idaho Power Co.

[Docket No. ER92-363-000]

March 16, 1992.

Take notice that on March 10, 1992, Idaho Power Company (IPC) tendered for filing a Restated Transmission Service Agreement dated February 6, 1992, between PacifiCorp Electric Operations and Idaho Power Company. The term of the new Agreement is co-extensive with the term of the Agreement for the Ownership of the Jim Bridger Project between IPC and Pacific Power and Light Company.

Idaho Power has requested an effective date for the Restated Transmission Service Agreement of May 9, 1992.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Central Maine Power Co.

[Docket No. ER90-471-002]

March 16, 1992.

Take notice that on March 2, 1992, Central Main Power Company (CMP) tendered for filing the following:

1. Second Amendment to Settlement Agreement between CMP and Massachusetts Municipal Wholesale Electric Company (MMWEC) dated February 27, 1992 (Second Amendment).

2. Amendment to Transmission Service Agreement dated February 27, 1992 (TSA Agreement).

3. Notice of Termination effective October 31, 1991 pertaining to Transmission Contract dated March 8, 1991 between CMP and MMWEC.

The Second Amendment and the TSA Amendment modify a Settlement Agreement between CMP and MMWEC submitted by CMP to the Commission for approval on June 10, 1991 along with a Transmission Service Agreement between CMP and MMWEC dated June 7, 1991.

CMP has requested waiver of the Commission's notice and filing requirements to permit the amended Transmission Service Agreement to become effective on November 1, 1991 and to permit the Notice of Termination to become effective as of October 31, 1991.

CMP has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Green Mountain Power Corp.

[Docket No. ER92-361-000]

March 16, 1992.

Take notice that on March 9, 1992, Green Mountain Power Corporation (GMP) tendered for filing an Agreement dated as of January 1, 1992 between GMP and Burlington Electric Department ("BED"), pursuant to which GMP has agreed to sell capacity in GMP's Berlin No. 5 gas turbine and associated energy to BED. GMP has requested waiver of the Commission's regulations in order to permit the Agreement to be made effective as of January 1, 1992, concurrently with the commencement of service to BED on January 1, 1992.

Comment date: March 30, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER92-225-000]

March 17, 1992.

Take notice that Entergy Services, Inc. (Entergy Services), as agent for Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., on March 10, 1992 tendered for filing a revised contract for Purchases of Economic Energy with Jacksonville Electric Authority (JEA).

Entergy Services requests an effective date of April 1, 1992 for Purchasing of Economic Energy. Entergy requests waiver of the Commission's notice requirements under § 35.11 of the Commission's regulations.

Comment date; March 31, 1992, in accordance with Standard Paragraph E end of this notice.

13. Commonwealth Electric Co.

[Docket No. ER92-354-000]

March 17, 1992.

Take notice that on March 5, 1992, Commonwealth Electric Company (Commonwealth) tendered for filing, pursuant to Section 35.12 of the Commission's Regulations, an agreement governing the sale by Commonwealth of System Exchange Power to New England Power (NEP).

By the provisions of this agreement, Commonwealth proposes to sell to NEP electric power upon terms and conditions and in amounts mutually acceptable to both parties. Commonwealth has requested the Commission to waive its notice requirements pursuant to § 35.11 of its regulations for good cause shown and to permit the tendered agreement to become effective as proposed of January 16, 1992.

A copy of this filing has been served upon NEP and upon the Massachusetts Department of Public Utilities.

Comment date: March 31, 1992, in accordance with Standard Paragraph E at the end of this notice.

14. New England Power Co.

[Docket No. ER92-372-000]

March 17, 1992.

Take notice that on March 12, 1992, New England Power Company (NEP) submitted for filing a Power Sales Contract with the Massachusetts Municipal Wholesale Electric Company for up to 100 megawatts of capacity and energy from NEP's Salem Harbor Unit No. 4. NEP requests waiver of the Commission's regulations to allow this Contract to become effective on March 30, 1992.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

15. Central Hudson Gas & Electric Corp.

[Docket No. ER92-347-000]

March 17, 1992,

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson) on March 3, 1992, tendered for filing its development of actual costs for 1990 related to transmission service provided from the Roseton Generating Plant to Consolidated Edison Company of New York, Inc. (Con Edison) and Niagara Mohawk Power Corporation (Niagara Mohawk) in accordance with the provisions of its Rate Schdule FERC No. 42.

The actual costs for 1990 amounted to $.0271 per Mw.-day to Con Edison and $3.5168 per Mw.-day to Niagara Mohawk and are the basis on which charges for 1991 have been estimated.

Central Hudson requests waiver on the notice requirements set forth in 18 CFR 35.11 of the Regulations to permit charges to become effective January 1, 1991 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison, Niagara Mohawk and the State of New York Public Service Commission.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

16. Tampa Electric Co.

[Docket No. ER92-370-000]

March 17, 1992,

Take notice that on March 11, 1992, Tampa Electric Company (Tampa Electric) tendered for filing amended Service Schedules A and B, providing for Emergency and Scheduled/Short-Term Firm Interchange Service, respectively, between Tampa Electric and the City of Homestead, Florida (Homestead). The amended Service Schedules are tendered as supplements to the existing contract for interchange service between Tampa Electric and Homestead.

Tampa Electric also tendered for filing a Letter of Commitment providing for negotiated sales of available power by Tampa Electric to Homestead. The Letter of Commitment is submitted as a supplement to Service Schedule J (Negotiated Interchange Service) under the existing contract for interchange service.

Tanpa Electric proposes an effective date of May 15, 1992, for the Service Schedules and Letter of Commitment.

Copies of the filing have been served on Homestead and the Florida Public Service Commission.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

17. Entergy Services, Inc.

[Docket No. ER92-365-000]

March 17, 1992.

Take notice that Entergy Services, Inc., as agent for Entergy Power, Inc. (Entergy Power), on March 11, 1992, tendered for filing a unit power sale agreement between Entergy Power and Northeast Texas Electric Cooperative, Inc. Entergy Power requests waiver of the Commission's notice requirements specified by § 35.3 of the Commission's Regulations and requests waiver of the Commission's cost support requirements under §35.12 or 35.13 of the Commission's Regulations, to the extent are otherwise applicable to this filing.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

18. Union Electric Co.

[Docket No. ER92-366-000]

March 17, 1992.

Take notice that on March 11, 1992, Union Electric Company (UE) tendered for filing a Second Amendment dated February 21, 1992, to the Interchange Agreement dated August 29, 1985, between Iowa Southern Utilities Company (ISU) and UE. Said Amendment provides for changes in facilities.

Also filed was a First Amendment dated February 21, 1992 to the Facility Use Agreement dated September 19, 1986, which also reflects changes in facilities along with a reduction in the annual charge.

UE requests that these filings be permitted to become effective February 21, 1992.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

19. Iowa-Illinois Gas and Electric Co.

[Docket No. ER92-368-000]

March 17, 1992.

Take notice that Iowa-Illinois Gas and Electric Company (Iowa-Illinois), on March 11, 1992, tendered for filing pursuant to Section 35.13 of the Regulations under the Federal Power Act a rate schedule change in the form of a First Amendment dated January 22, 1992 to Interchange Agreement (the Agreement) dated June 13, 1963, between Iowa-Illinois and Waverly Municipal Electric Utility of Waverly, Iowa (Waverly).

Iowa-Illinois states the Agreement applies only to transactions between Iowa-Illinois and Waverly. Under the First Amendment Schedule D (Supplement No. 4 to Rate Schedule FERC No. 48) has been changed to allow Short Term Firm Power to be taken for periods of one or more days rather than for periods of one or more weeks of seven consecutive days. The Demand Charge under Service Schedule D has been changed from 95 cents per kilowatt reserved per week to up to 19 cents per kilowatt reserved per day when reserved on a daily basis or up to 95 cents per kilowatt reserved per week when reserved on a weekly basis. The Energy Charge under Service Schedule D has been changed to remove the floor of 6 mills per kilowatthour and to establish the Energy Charge as the incremental cost of the delivering party plus ten percent (10%) of such costs plus reimbursement for certain wheeling charges.

Iowa-Illinois proposed the rate schedule change to be effective on June 1, 1992.

Copies of the filing were served upon the Illinois Commerce Commission, the Iowa Utilities Board and Waverly.

Comment date: March 31, 1992, in accordance with Standard Paragraph E at the end of this notice.

20. Public Service Electric and Gas Co.

[Docket No. ER92-367-000]

March 17, 1992.

Take notice that on March 11, 1992, Public Service Electric and Gas Company (PSE&G) tendered for filing an initial rate Schedule to provide interruptible transmission service to Orange and Rockland Utilities, Inc. for the delivery of power and associated energy from Pennsylvania Power and Light.

PSE&G requests a waiver of § 35.3 of the Commission's Regulations so that the Rate Schedule can be made effective forthwith.

Comment date: March 31, 1992, in accordance with Standard Paragraph E end of this notice.

21. Iowa Public Service Co.

[Docket No. ER92-364-000]

March 17, 1992.

Take notice that on March 10, 1992, Iowa Public Service Company (IPS) tendered for filing Supplement No. 1 to the Electric Utility Services Agreement (Agreement) with Waverly Light & Power (Waverly) dated May 1, 1989.

IPS indicates that FERC approved for filing and established Rate Schedule FERC No. 95 for the Agreement between IPS and Waverly. Supplement No. 1 changes the mix of generation purchase which Waverly obtains from IPS.

IPS requests a waiver of the Commission's rules so that the Supplement No. 1 may be approved retroactive to January 1, 1992.

Inasmuch as there is no change in the rate IPS charges for the exchange of power and energy included in this transaction, IPS respectfully request a waiver of the filing requirements pursuant to § 35.12(b).

IPS states that copies of this filing were served on Waverly and the Iowa Utilities Board.

Comment date: March 31, 1992, in accordance with Standard Paragraph E at the end of this notice.

22. EEA II, L.P.

[Docket No. QF91-22-001]

March 18, 1992.

On March 11, 1992, EEA II, L.P. (Applicant), of 1275 K Street, NW., suite 900, Washington, DC 20005-4005, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Bergen County, New Jersey. The facility will consist of a combustion turbine generator, a heat recovery boiler, and an extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be provided to the Lowe Paper Company for process use. The primary energy source will be natural gas. The net electric power production capacity of the facility will be approximately 151.7 NW. Installation of the facility is scheduled to begin in September, 1992, with commercial operation schedule to begin in March, 1994.

Comment date: April 24, 1992, in accordance with Standard Paragraph E at the end of this notice.

23. Eastman Chemical Co., a Division of Eastman Kodak Co.

[Docket No. QF92-13-000]

March 18, 1992.

On March 16, 1992, Eastman Chemical Company, a division of Eastman Kodak Company (Applicant) tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to the ownership structure and clarifies certain technical information. No determination has been made that the submittal constitutes a complete filing.

Comment date: April 7, 1992, in accordance with Standard Paragraph E at the end of this notice.

24. Nevada Cogeneration Associates #2

[Docket No. QF90-68-005]

March 18, 1992.

On March 10, and March 11, 1992, Nevada Cogeneration Associates #2 tendered for filing amendments to its filing in this docket.

The amendments provide additional information pertaining to the ownership structure of its cogeneration facility. No determination has been made that the submittals constitute a complete filing.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6830 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD92-04521T New Mexico-31]

New Mexico; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 18, 1992.

Take notice that on March 13, 1992, the Oil Conservation Division of the State of New Mexico (New Mexico), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Pictured Cliffs Formation, San Juan County, New Mexico, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The area of application is described on the attached appendix.

The notice of determination also contains New Mexico's and the Bureau of Land Management's findings that the referenced portion of the Pictured Cliffs Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

Appendix

San Juan County, New Mexico

Township 30 North, Range 9 West, NMPM
Sections 1 though 3: All
Section 4: Lots 1 and 2, S/2 NE/4 and SE/4 (E/2 equivalent)
Township 31 North, Range 9 West, NMPM
Sections 1 through 6: All
Sections 8 through 17: All
Sections 21 through 27: All
Section 28: Lots 1,3 and 4, N/2 N/2, S/2 NE/4, SE/4 NW/4 and N/2 SE/4 (N/2 and SE/4 equivalent)
Section 33: Lots 1, 2, 7 through 10, 15 and 16 (E/2 equivalent)
Sections 34 through 36: All
Township 31 North, Range 10 West, NMPM
Section 1: All
Township 32 North, Range 9 West, NMPM
Township 32 North, Range 9 West, NMPM
Sections 7 through 36: All
Sections 9 through 16: All
Sections 21 through 28: All
Sections 33 through 36: All

The area of application contains 48,155.07 acres, more or less, and consists of the following (more or less):

	Acres
Federal:	38,069.09
State:	5,786.48
Fee:	4,299.50
	48,155.07

[FR Doc. 92-6834 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA92-2-20-002]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

March 18, 1992.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on March 16, 1992, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective March 1, 1992

2 Sub 11 Rev Sheet No. 21
2 Sub 11 Rev Sheet No. 22
2 Sub 7 Rev Sheet No. 25
2 Sub 11 Rev Sheet No. 26
2 Sub 11 Rev Sheet No. 27
2 Sub 11 Rev Sheet No. 28
2 Sub 11 Rev Sheet No. 29

Algonquin states that on January 14, 1992, Algonquin submitted its Annual Purchased Gas Adjustment filing in Docket No. TA92-2-20-000 *et al.* On February 28, 1992, the Commission issued a Letter Order accepting Algonquin's filing subject to conditions. In its Letter Order the Commission directed Algonquin to file a revised Form No. 542-PGA, Schedule C1 to transfer the October 31, 1991 balance in the refund subaccount of Account No. 191 into the current deferral subaccount for November 1990 through October 1991, which will be amortized with the purchased gas cost subaccount beginning March 1, 1992. Furthermore, if such a transfer affects the surcharge adjustment by at least 0.1¢ per MMBtu, Algonquin is required to file revised

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[Project No. 10703-001 Washington]

City of Centralia; Availability of Environmental Assessment

March 18, 1992.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a major license of more than 5 megawatts for the existing Yelm Project, located on the Nisqually River in Thurston and Pierce Counties, Washington, near the towns of Yelm and McKenna, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the existing and potential future environmental impacts of the project and has concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6840 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

tariff sheets to incorporate the effect of the transfer of the refund subaccount.

Algonquin states that Pursuant to the Commission's Letter Order of February 28, 1992, Algonquin has made the requisite tranfer of the refund balance. Upon transferring said amounts recalculation of the surcharge adjustments reveals that both the demand and commodity surcharge adjustments change by at least 0.1¢ per MMBtu. Accordingly, Algonquin is herein filing revised tariff sheets to incorporate the revised surcharge adjustments.

Algonquin states that the proposed effective date for the listed tariff sheets is March 1, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6833 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP89-661-016]

Algonquin Gas Transmission Co., Petition To Amend

March 18, 1992

Take notice that on March 16, 1992, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed an application in Docket No. CP89-661-016, pursuant to section 7(c) of the Natural Gas Act for permission and approval to acquire a meter station, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Algonquin proposes to acquire a meter station for service to Dartmouth Power Associates (Dartmouth) located at Dartmouth, Massachusetts. Algonquin had proposed to construct and operate the meter station in Docket No. CP89-661-005, however, Dartmouth needed to have the meter station in place by March 1992 to begin receiving test gas at its electric generating facility. Therefore, Algonquin and Dartmouth agreed that Dartmouth would construct the meter station, Algonquin would construct a tap connection with the meter station under its blanket certificate, and Algonquin would acquire the meter station from Dartmouth as part of its self-styled "Open Season Project." The cost of the acquisition is $372,190 which is less than the estimated cost for Algonquin to construct the meter station ($756,000). As a result, Algonquin has also adjusted its rates in Rate Schedules AFT-2 and X-38 to reflect the reduction in cost due to the acquisition.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 30, 1992 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6839 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM92-3-23-000]

Eastern Shore Natural Gas Company; Proposed Changes in FERC Gas Tariff

March 18, 1992.

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on March 13, 1992 a revised tariff sheet included in appendix A attached to the filing. Such sheet is proposed to be effective April 1, 1992.

ESNG states that the purpose of the instant filing is to revise the fuel retention percentages applicable to its storage rate schedules effective April 1, 1992. ESNG is "tracking" the revised fuel retention percentages from a filing made by Transco on March 3, 1992 (see Transco's First Revised Sheet No. 29).

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's Rules of Practice and Procedure 18 CFR § 385.211 and § 385.214. All such motions or protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6835 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER90-144-006]

Northeast Utilities Service Company; Filing

March 19, 1992.

Take notice that on February 24, 1992 Northeast Utilities Service Company (NUSCO) filed on behalf of North Atlantic Energy Corporation (NAEC) a compliance filing with the Commission in the captioned proceeding. On March 18, 1992, NUSCO filed an amendment to the compliance filing. The compliance filing, as amended, is intended to implement the Commission's Order on Rehearing issued January 29, 1992, in Consolidated Docket Nos. EC90-10-004, ER90-143-004, ER90-144-004, ER90-145-004 and EL90-9-004 (the "Order") with respect to the rate schedule ("Seabrook Power Contract") between NAEC and Public Service Company of New Hampshire ("PSNH"). The Seabrook Power Contract, which is a life-of-unit power contract for the sale to PSNH of NAEC's share of the output of Seabrook Unit I nuclear power plant, was filed with the Commission in Docket No. ER90-144-000. The compliance filings necessary for the remaining tariffs, will be made at a later date in accordance with the Commission's Order.

NUSCO had requested in its February 24, 1992 filing that the Commission act expeditiously on the filing and accept it by April 1, 1992 in order to support a prompt completion of the merger of PSNH and Northeast Utilities. In its amended to the compliance filing, NUSCO renewed its request that the

Commission act expeditiously.

The compliance filing, as amended, includes a revised form of Seabrook Power Contract. NUSCO staes that the revised contract includes the changes required by the Commission's Order: (i) It reduces the common equity rate of return ("ROE") for the first ten years of the contract from 13.75 percent to 12.53 percent; (ii) it eliminates the provision that would automatically adjust the ROE after the first ten years to the average ROEs for four other single-asset nuclear companies in New England (the so-called Yankee companies); and (iii) it excludes any investment in nuclear fuel owned by NAEC from the cash working capital allowance. In place of the automatically adjusting ROE provision, the revised contract permits changes in the ROE after May 15, 1997. After that time and through the balance of the first ten years of the contract, the ROE will be capped at 13.75 percent; thereafter, the ROE will be capped at the average of the ROEs for the Yankee companies. NUSCO states that the compliance filing also makes certain non-substantive and editorial revisions to reflect changes in circumstances since the Seabrook Power Contract was originally filed in January 1990, and provides that NAEC shall seek reinstatement of the automatically adjusting ROE provision if such provision is later found by the Commission to be consistent with the Federal Power Act.

Copies of the filing were served upon all parties to the proceeding in the consolidated dockets.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6829 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. RP85-203-010]

Panhandle Eastern Pipe Line Co.; Report of Refunds

March 18, 1992.

Take notice that on February 4, 1992, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Refund Report in accordance with Article II of a Settlement Agreement (Settlement) dated September 11, 1991, and the Commission's November 13, 1991 order issued in Docket No. RP85-203-000.

Panhandle states that on January 13, 1992, Panhandle distributed repayments amounts to the applicable customers in accordance with Article II of the Settlement Agreement dated September 11, 1991. Panhandle further states that repayments to each City was 50% of the amounts actually paid for production-related costs under the Commission Order Nos. 94 and 473 with interest.

Panhandle states that copies of the information was sent to each Panhandle's affected customers and respective state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6841 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. RP91-147-004]

Transcontinental Gas Pipe Line Corp., Tariff Filing

March 18, 1992.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing on March 13, 1992 certain revised tariff sheets to Volume No. 1 of its FERC Gas Tariff, which tariff sheets are enumerated in appendix a attached to the filing. Transco states that the tariff sheets are proposed to be effective as indicated on appendix A.

Transcoe states that the purpose of the instant filing is to reflect a revision to the Litigant Producer Settlement Payment (LPSP) charge for the amortization period June 1, 1991 through May 31, 1993 pertaining to Sun Refining and Marketing Company (Sun), the only non-settling party to Transco's Revised Stipulation and Agreement dated August 7, 1989 in Docket Nos. RP88-68 *et al.* Transco states that the revision to Sun's LPSP charges is necessitated by the fact that Transco incorrectly included $16 million of LPSP costs which should have been excluded. Transco further states that since the correct amount of total LPSP payments is still in excess of Transco's cap for settling customers, Sun is the only party affected by the revision. Transco states that appendix B attached to the filing supports the calculation of the revised LPSP charges for Sun.

Transco states that copies of the filing were served to the parties to Docket No. RP91-147.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commisison, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6837 Filed 3-24-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-8-011]

Transcontinental Gas Pipe Line Corp; Refund Report

March 18, 1992.

Take notice that on March 2, 1992, Transcontinental Gas Pipeline Company (Transco) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Report of Refunds showing refunds made to its transportation customers in compliance with the Commission's order issued January 24, 1992, approving Transco's Stipulation and Agreement filed

September 6, 1991 in Docket Nos. RP90–8–006 and RP90–8–007.

Transco states that the refunds of $2,382,284.83, calculated for transportation service on the Mobil Bay pipeline system, were made on February 26, 1992, for the period April 10, 1990 through January 31, 1992.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6830 Filed 3–24–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA92–1–43–002]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 18, 1992.

Take notice that Williams Natural Gas Company (WNG) on March 13, 1992 tendered for filing Substitute Third Revised Sheet No. 260 to be included in its FERC Gas Tariff, First Revised Volume No. 1. The proposed effective date of this tariff sheet is May 1, 1992.

WNG states that it made a filing on February 28, 1992 in Docket No. TA92–1–43. Third Revised Sheet No. 260, filed in that docket, inadvertently did not reflect the currently effective tariff provisions. The purpose of this filing is to amend this tariff sheet.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before March 25, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6836 Filed 3–24–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Monday, April 13, 1992, 9 a.m.–4 p.m.

Place: U.S. Department of Energy, room 1E–245, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Dr. Enloe T. Ritter, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, GTN, Washington, DC 20585, Telephone: (301) 903–4829.

Purpose of Panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

Monday, April 13, 1992

—Presentation of the Report of the 1992 HEPAP Subpanel on the U.S. Program of High Energy Physics Research.
—Discussion of the Subpanel Report.
—Reports on and Discussions of Topics of General Interest in High Energy Physics.
—Public Comment.

Public Participation: The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday except Federal holidays.

Issued at Washington, DC, on March 19, 1992.

Marcia L. Morris,

Deputy Advisory Committee Management Officer.

[FR Doc. 92–6924 Filed 3–24–92; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 92–15–NG]

Iroquois Gas Transmission System, L.P.; Application for Blanket Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed on February 7, 1992, by Iroquois Gas Transmission System, L.P. (Iroquois) requesting blanket authorization to import from Canada up to 1 Bcf of natural gas over a two-year period beginning on the date of first delivery. The proposed imports would enter the U.S. at a point on the international border near Waddington, New York, where TransCanada Pipeline Limited (TCPL) interconnects with the Iroquois Pipeline System.

The applications are filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 24, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Peter Lagiovane, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8116.

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503.

SUPPLEMENTARY INFORMATION: Iroquois, is a Delaware limited partnership comprised of 12 U.S. and Canadian energy companies. On January 25, 1992, Iroquois completed the construction of a 370-mile natural gas pipeline from Iroquois, Ontario, through the states of New York and Connecticut, to South Commack, New York. The pipeline will ultimately transport up to 575.9 MMcf/d of natural gas on behalf of shippers in the states of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, and New Jersey.

Iroquois is a transportation-only gas pipeline company which, in general, neither purchases nor sells gas. However, in its application, Iroquois explains that from time to time it must make short-term purchases of gas to maintain the line pack needed to serve its shippers. While it frequently is able to obtain these short-term supplies in the U.S., Iroquois seeds import authority in order to be able to purchase gas from Canadian suppliers, or from U.S. suppliers via Canadian transporters, when they can provide the most competitive terms. Iroquois states that any gas it imports under the requested authorization would be used solely to achieve and maintain line pack on the system. It would not be resold to Iroquois' shippers or to any other entity. Iroquois also explains that it can only provide adequate and reliable service to its shippers if it is able to maintain line pack and, therefore, the gas it seeks to import clearly will be needed.

The decision on the request for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Iroquois states that the proposed imports would be purchased under market-responsive, competitive, short-term and spot arrangements of no more than two years in length. Iroquois asserts that the proposed imports would be purchased from suppliers offering the most competitive terms available at the time - to include affiliates of the Iroquois partners if the affiliate had the most competitive supplies available. In addition, Iroquois states that since it will be entering only short-term contracts, there should be no concern about long-term dependence on an unreliable foreign source of energy. Parties opposing Iroquois request for import authorization bear the burden of overcoming these assertions and should comment in their responses on the issue of competitiveness as set forth in the policy guidelines.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Iroquois' application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 19, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–6928 Filed 3–24–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 92–28–NG]

Signal Fuels Trading Corp.; Application for Blanket Authorization To Import and Export Natural Gas

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on March 2, 1992, of an application filed by Signal Fuels Trading Corporation (SFTC) requesting blanket authorization to import from Canada and Mexico up to 20 Bcf of natural gas and export to Canada and Mexico up to 20 Bcf of natural gas over a two-year term beginning on the date of first import or export. SFTC states that it would use existing border facilities and would provide DOE with quarterly reports detailing any import or export transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., Eastern time, April 24, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Yvonne Gabbay, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, 1000

Independence Avenue, SW., Washington, DC 20585, (202) 586–4587.
Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: SFTC, a corporation organized under the laws of the State of Colorado with its principal place of business in Denver, Colorado, is a natural gas marketer active in the arranging of the sale and transportation of domestic gas in United States markets. SFTC now seeks to expand its marketing activities to Mexican and Canadian markets.

SFTC requests authorization to import and export natural gas, on its own behalf or acting as agent on behalf of others, for sale to pipelines, local distribution companies and both commercial and industrial end-users. SFTC states that the requested export authorization would allow it to sell U.S. natural gas for which there is no present national or regional need. SFTC indicates in its application that the identity of its suppliers and purchasers and the specifics of each sale are not known at this time. However, the import and export arrangements, including the price paid for the gas, would be competitive spot and short-term transactions based on market conditions. SFTC requests that no daily volume limit be set.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the market served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, DOE considers the domestic need for the gas to be exported and any other issues determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose the application should comment in their responses on these issues. SFTC asserts that its proposal is in the public interest. Parties opposing SFTC's application bear the burden of overcoming this assertion.

NEPA Compliance.

The National Environmental Policy Act (NEPA), 42 U.S.C 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of SFTC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 19, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–6928 Filed 3–24–92; 8:45 am]

BILLING CODE 6455–01–M

[Docket No. FE C&E 92–03; Certification Notice–96]

Filing Certification of Compliance: Coal Capability of New Electric Powerplant Pursuant to Provisions of the Powerplant and Industrial Fuel Use Act, as Amended

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (FUA section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to opeation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certifcation establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self-certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self-certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Tenaska Washington Partners, L.P., Omaha, NE.	03–10–92	Combined Cycle	245	Ferndale, WA

Amendments to the FUA on May 21, 1987 (Public Law 100–42), altered the general prohitibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

This self-certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F–056, FE–52, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586–6769.

Issued in Wasington, DC on March 19, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–6927 Filed 3–24–92; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4117–3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before April 24, 1992. For further information or to obtain a copy of this ICR contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: Construction Grants Program (ICR 0827.03).

Abstract: ICR 0827.03 seeks renewal of OMB clearance for the information requirements associated with the Construction Grants Program. Under this program, which is authorized by Title II of the Clean Water Act (CWA), EPA Regional Offices and delegated States provide grants to municipalities and Indian Tribes for wastewater treatment construction projects.

The information requirements imposed by the Construction Grants Program fall into three categories: those associated with new grant awards, those associated with project completions and those imposed on States.

New grant awards will be issued to approximately 61 applicants over the next three years. Grantees, most of them Indian Tribes, will have to submit facility identification data, as well as financial, technical, and planning information.

The estimated 1030 grantees expected to complete their projects within the next three years will have to submit construction records and certification of project performance.

The States and Territories that continue to award grants must submit to EPA lists of wastewater treatment projects in priority order for funding.

EPA will use the information to ensure accountability, public participation and consistent management in the pursuit of CWA goals.

Burden Statement: The average burden imposed by the Construction Grants Program is 2.9 hours per response. This total includes time for searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: States, Territories, Municipalities, Indian Tribes.

Estimated No. of Respondents: 368.

Estimated Total Annual Burden on Respondents: 4576 hours.

Frequency of Collection: One-time.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460.

and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 17, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92–6819 Filed 3–24–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4117–4]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATE: Comments must be submitted on or before April 24, 1992.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types (ICR No. 1572). This ICR consolidates and reinstates the following five previously approved collections: ICR No. 811, Unsaturated Zone Monitoring at Hazardous Waste Land Treatment Facilities (OMB No. 2050–0038); part of ICR No. 995, Land Disposal Permitting Standards (OMB No. 2050–0007); part of ICR No. 1119, Notification of Waste as Energy Activities (OMB No. 2050–0047); part of ICR No. 1238, Reporting and Recordkeeping Requirements for Hazardous Waste Tanks (OMB No. 2050–0050); and part of ICR No. 1303,

Miscellaneous Solid Waste Management Units (OMB NO. 2050-0074).

Abstract: This ICR is a comprehensive presentation of the information collection activites related to specific unit requirements and special waste processes and types, as provided in 40 CFR parts 264, 265, and 266, for owners/operators of facilities that treat, store, or dispose of hazardous wastes in tank systems, surface impoundments, waste piles, land treatment, landfills, incinerators, thermal treatment units, chemical, physical and biological treatment units, unit process vents, miscellaneous units, and specific hazardous waste recovery/recyclying facilities.

Owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDFs) must collect, record, and in some cases report to EPA. Activities include: Demonstrations for exemptions and variances, system assessments and certifications, leak tests and inspections, repair certifications, design and operating requirements, waste management plans, certifications of closure, monitoring and inspection data, and reporting releases and information pertinent to releases. Recordkeeping requirements include maintaining records on the types of wastes treated, stored, or disposed; operating methods; location, design, and construction of facilities; contingency plans; and maintenance of facilities.

EPA uses the information for a variety of inspection, enforcement, and tracking purposes.

Burden Statement: The public reporting burden for this collection is estimated to vary from 6 to 234 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Owners and operators of hazardous waste treatment, storage and disposal facilities.

Estimated Number of Respondents: 4,236.

Estimated Number of Responses Per Respondent: 1.

Estimated Total Annual Burden on Respondents: 514,306 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223Y), 401 M Street, SW., Washington, DC 20460.

and

Jonathan Gledhill, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 17, 1992

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-6820 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180881; FRL-4046-1]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests to the 10 States as listed below. A crisis exemption was initiated by the California Department of Food and Agriculture, Georgia Department of Agriculture, and two by the United States Department of Agriculture. Three quarantine exemptions were also granted to the United States Department of Agriculture. These exemptions, issued during the months of October and December, except for the one in May, September, and November, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied a specific exemption request from the Florida Department of Agriculture and Consumer Services. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, crisis, and quarantine exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-5806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arkansas State Plant Board for the use of dicamba on fallow land to be planted to cotton to control redvine; October 2, 1991, to December 1, 1991. (Susan Stanton)

2. Florida Department of Agriculture and Consumer Services for the use of avermectin B_1 on celery to control leafminers; October 2, 1991, to July 31, 1992. (Libby Pemberton)

3. Florida Department of Agriculture and Consumer Services for the use of diquat dibromide on tomatoes and green peppers to control nightshade parthenium; October 21, 1991, to August 31, 1992. (Jim Tompkins)

4. Florida Department of Agriculture and Consumer Services for the use of cyromazine on fresh market tomatoes to control leafminers; October 28, 1991, to July 31, 1992. (Libby Pemberton)

5. Florida Department of Agriculture and Consumer Services for the use of cyromazine on potatoes to control leafminers; November 20, 1991, to July 1, 1992. (Susan Stanton)

6. Georgia Department of Agriculture for the use of permethrin on southern peas to control the cowpea curculio; September 10, 1991, to October 31, 1991. Georgia had initiated a crisis exemption for this use. (Andrea Beard)

7. Georgia Department of Agriculture for the use of sethoxydim on canola to control Italian ryegrass; December 26, 1991, to April 15, 1992. (Susan Stanton)

8. Georgia Department of Agriculture for the use of streptomycin on onions to control leaf blight and bulb rot caused by an unnamed *Pseudomonas sp.*; December 4, 1991, to June 30, 1992. (Susan Stanton)

9. Idaho Department of Agriculture for the use of pendimethalin on mint to control kochia scoparia and Amaranthus retroflexus; December 6, 1991, to April 1, 1992. (Larry Fried)

10. Idaho Department of Agriculture for the use of imazalil on seed corn (sweet) to control damping-off and dieback diseases; October 2, 1991, to October 1, 1992. (Susan Stanton)

11. Michigan Department of Agriculture for the use of amitraz on honey bee colonies to control tracheal mites; October 3, 1991, to May 30, 1992. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; final determination was published in the **Federal Register** of April 6, 1977. (Libby Pemberton)

12. Michigan Department of Agriculture for the use of sethoxydim on canola to control volunteer grains; October 2, 1991, to November 30, 1991. (Susan Stanton)

13. Mississippi Department of Agriculture and Commerce for the use of dicamba on fallow land to be planted to cotton to control redvine; October 2, 1991, to December 1, 1991. (Susan Stanton)

14. New York Department of Environmental Conservation for the use of Pro-Gro (50% thiram/30% carboxin) on onion seed to control onion smut; December 4, 1991, to May 31, 1992. (Susan Stanton)

15. Oregon Department of Agriculture for the use of pendimethalin on mint to control kochia scoparia and Amaranthus retroflexus; December 6, 1991, to April 4, 1992. (Larry Fried)

16. Pennsylvania Department of Agriculture for the use of chlorothalonil on mushrooms to control verticillium diseases; October 2, 1991, to October 1, 1992. (Susan Stanton)

17. Washington Department of Agriculture for the use of pendimethalin on mint to control kochia scoparia and Amaranthus retroflexus; December 6, 1991, to April 4, 1992. (Larry Fried)

Crisis exemptions were initiated by the:

1. California Department of Food and Agriculture on October 16, 1991, for the use of fenamiphos on broccoli and cauliflower to control nematodes. The need for this program is expected to last until October 15, 1992. (Libby Pemberton)

2. Georgia Department of Agriculture on May 30, 1991, for the use of permethrin on southern peas to control cowpea curculio. This program has ended. (Andrea Beard)

3. United States Department of Agriculture on December 4, 1991, for the use of methyl bromide on grapes to control Mediterranean fruit and vine moths. The need for this program is expected to last until January 31, 1992. (Libby Pemberton)

4. United States Department of Agriculture/APHIS on October 8, 1991, for the use of M-44's (sodium cyanide capsules) to control rabid canines in 15 counties in Texas. Since it was anticipated that this program would be needed for more than 15 days, USDA will request a public health exemption to continue it. This program is expected to last for 1-year. (Jim Tompkins)

Quarantine exemptions were granted to the:

1. United States Department of Agriculture for the use of methyl bromide on cherimoya to control any pest new to, or not known to be widely distributed within, the United States and ports of entry; October 10, 1991, to October 9, 1994. (Libby Pemberton)

2. United States Department of Agriculture/APHIS for the use of diazinon in quarantined areas to eradicate exotic (nonindigenous quarantined) subtropical members of the fruit fly family, Tephritidae, in Florida; October 26, 1991, to October 25, 1994. A Special Review was completed for this chemical on September 24, 1986. Uses on golf courses and sod farms were cancelled. (Susan Stanton)

3. United States Department of Agriculture/APHIS for the use of malathion in quarantined areas to eradicate exotic (nonindigenous quarantined) subtropical members of the fruit fly family, Tephritidae, in Florida; October 26, 1991, to October 25, 1994. (Susan Stanton)

EPA has denied a specific exemption request from the Florida Department of Agriculture and Consumer Services for the use of fosetyl-aluminum (Aliette) on lettuce to control downy mildew. (Susan Stanton)

Authority: 7 U.S.C. 136.

Dated: March 5, 1992.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 92-6674 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

[PF-555; FRL-4005-8]

ICI Agricultural Products; Amendment of Pesticide Petition and Food/Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from ICI Agricultural Products the filing of amendments to pesticide petition (PP) 7F3560 and food/feed additive petition (FAP) 7H5543, which proposed amending 40 CFR parts 180 and 186, respectively, by establishing regulations to permit residues of the insecticide (±)-*α*-cyano-(3-phenoxyphenyl)methyl (±)*cis*-3-(Z-2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in or on various agricultural commodities. ICI proposes to increase the use rate and remove restrictions regarding the insecticide's use on wheat.

ADDRESSES: By mail, submit written comments identified by the document control number, [PF-555], to: Public Response and Program Resources Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in rm. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca (PM-13), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-2400.

SUPPLEMENTARY INFORMATION: This notice announces that EPA has received from ICI Agricultural Products, Wilmington, DE 19897, a revised Section F for PP 7F3560 and FAP 7H5543, which originally appeared in the **Federal Register** of November 25, 1987 (52 FR 45238) and proposed amending 40 CFR parts 180 and 186, respectively, as follows:

1. *PP 7F3560.* Proposed amending 40 CFR part 180 to establish a regulation to permit residues of the insecticide in or on wheat grain at 0.01 ppm, sweet corn at 0.01 ppm, sunflower seeds at 0.03 ppm, and poultry meat, fat, and meat byproducts at 0.01 ppm.

2. *PP 7H5543.* Proposed amending 40 CFR part 561 by establishing a regulation to permit residues of the insecticide in or on sunflower hulls at 0.7 ppm and sunflower oil at 0.05 ppm.

ICI Agricultural Products has submitted an amendment to PP 7F3560 to establish the following tolerances for the raw agricultural commodity wheat: wheat grain at 0.03 ppm, wheat forage at 2.0 ppm, and wheat straw at 2.0 ppm. ICI has also submitted an amendment to FAP 7H5543 to establish the following tolerances for the processed commodity wheat: wheat bran at 0.2 ppm and wheat shorts, germ at 0.05 ppm. The proposed method for determining residues is gas liquid chromatography.

Authority: 21 U.S.C. 346a and 348.

Dated: March 5, 1992.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 92-6675 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

[OPP-34022; FRL 4000-7]

Pesticide Reregistration Eligibility Documents; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Reregistration Eligibility Documents; opening of public comment period.

SUMMARY: This Notice announces the availability of the Reregistration Eligibility Documents (RED) for the active ingredients carbon and carbon dioxide, dried blood, inorganic nitrate/nitrite, propionic acid, silicon dioxide and silica gel, and sodium diacetate, and the start of a 60-day public comment period. The RED for each of the above chemicals is the Agency's formal regulatory assessment of the health and environmental data base of the subject chemicals, and presents the Agency's determination regarding which pesticidal uses of the above active ingredients are eligible for reregistration.

DATES: Written comments on the REDs must be submitted by May 26, 1992.

ADDRESSES: Three copies of comments identified with the docket number "OPP-34022" should be submitted to: By mail: Public Response and Program Resources Branch, Field Operations Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment in response to this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket and docket index will be available for public inspection in rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

To request a copy of the above Reregistration Eligibility Documents, or a RED Fact Sheet, contact the Public Response and Program Resources Branch, in rm. 1128 CM #2 at the address given above or call 703-305-5805.

FOR FURTHER INFORMATION CONTACT: Technical questions on the REDs should be directed to the chemical review manager for each RED: For carbon and carbon dioxide contact Virginia Dietrich at 703-308-8157; for dried blood contact Ernestine Dobbins at 703-308-8071; for inorganic nitrate/nitrite contact Mark Wilhite at 703-308-8072; for propionic acid contact G. Thomas Myers at 703-308-8074; for silicon dioxide and silica gel contact Frank Rubis at 703-308-8184; and for sodium diacetate contact Kathy Davis at 703-308-8068.

SUPPLEMENTARY INFORMATION: The Agency has issued Reregistration Eligibility Documents for the following pesticidal active ingredients: carbon and carbon dioxide, dried blood, inorganic nitrate/nitrite, propionic acid, silicon dioxide and silica gel, and sodium diacetate. Under the Federal Insecticide, Fungicide and Rodenticide Act, as amended in 1988, EPA is conducting an accelerated reregistration program to reevaluate existing pesticides to make sure they meet current scientific and regulatory standards. The data base to support the reregistration of each of the chemicals listed above is substantially complete. EPA has determined that all currently registered products containing carbon and carbon dioxide, dried blood, inorganic nitrate/nitrite, propionic acid, silicon dioxide and silica gel or sodium diacetate as an active ingredient are eligible for reregistration.

All registrants of products containing carbon and carbon dioxide, dried blood, inorganic nitrate/nitrite, propionic acid, silicon dioxide and silica gel, and sodium diacetate have been sent the appropriate RED and must respond to the labeling requirements and the product specific data requirements (if applicable) within 8 months of receipt. These products will not be reregistered until adequate product specific data have been submitted and all necessary product label changes are implemented.

The reregistration program is being conducted under congressionally mandated time frames, and EPA recognizes both the need to make timely reregistration decisions and to involve the public. Therefore, EPA is issuing the six REDs as final documents with a 60-day comment period. Although the 60-day public comment period does not affect the registrants' response due date, it is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments will be carefully considered by the Agency and if any of those comments impact on the RED, EPA will issue an amendment to the RED and publish a **Federal Register** Notice announcing its availability.

Dated: December 23, 1991.

Daniel M. Barolo,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 92-6821 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-140179; FRL-4053-4]

American Association of Retired Persons; Access to Trade Secret Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the American Association of Retired Persons (grantees under the Senior Environmental Employment Program) for access to information submitted to EPA pursuant to sections 303, 311, 312, 313, and 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Some of the information may be claimed or determined to be trade secret information.

DATES: Access to the trade secret information submitted to EPA will occur no sooner than April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Steven D. Newburg-Rinn, Chief, Public Data Branch, Information Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. NE-G008, Mail Stop TS-793, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-3757.

SUPPLEMENTARY INFORMATION: Under section 322 of EPCRA, facilities may assert trade secrecy claims regarding the chemical identities reported in their section 303, 311, 312, and 313 submittals to EPA.

Under grant number CQ-816529, the American Association of Retired Persons (AARP), 601 E St., NW., Washington, DC 20049, as an enrollee in the Senior Environmental Program, will assist the Office of Pollution Prevention and Toxic Substances in processing the information submitted by industry in response to the requirements of sections 303, 311, 312, 313, and 322 of EPCRA. AARP will conduct reviews of EPCRA submissions at the EPCRA Reporting Center where submissions are received and processed. AARP will review selected submissions for technical accuracy and contact submitters regarding potential discrepancies.

EPA has determined that in order to successfully carry out its duties under this grant, AARP may be required to review or receive information on behalf of EPA that is claimed or determined to be trade secret. Therefore, EPA has determined that AARP requires access to trade secret information under EPCRA. AARP employees will sign nondisclosure agreements and follow all required security procedures.

EPA is issuing this notice to inform all submitters of trade secret information under the aforementioned EPCRA sections that EPA will provide AARP employees access to trade secret information on a need-to-know basis. All access to EPCRA trade secret information will take place at either headquarters offices or the EPCRA Reporting Center. Upon termination of their grant, or prior to termination of their grant at EPA's request, AARP will return all material to EPA.

Clearance to access to EPCRA trade secret information under this grant is scheduled to expire March 26, 1993.

Dated: March 17, 1992.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6822 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-140178; FRL-4053-3]

Sycom, Incorporated; Access to Trade Secret Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized Sycom, Incorporated of Chantilly, VA, for access to information submitted to EPA pursuant to sections 303, 311, 312, 313, and 322 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Some of the information may be claimed or determined to be trade secret information.

DATES: Access to the trade secret information submitted to EPA will occur no sooner than April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Steven D. Newburg-Rinn, Chief, Public Data Branch, Information Management Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. NE-G008, Mail Stop TS-793, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-3757.

SUPPLEMENTARY INFORMATION: Under EPCRA, industry must report information on the presence, use, production, and manufacture of certain chemicals to EPA. Under section 322 of EPCRA, facilities must send trade secrecy claims regarding their section 303, 311, 312, and 313 submittals to EPA.

Under contract number 68-W1-0050, Sycom, Incorporated (Sycom), 14523 Lee Road, Chantilly, VA 22021, assists the Office of Pollution Prevention and Toxics, Information Management Division in design, development, implementation, and maintenance of the Toxic Chemical Release Inventory data base in response to the requirements of sections 303, 311, 312, and 313 of EPCRA. Specifically, Sycom maintains a data base, called the Toxic Chemical Release Inventory, and an associated document tracking system for the purpose of electronically storing data collected by the EPA in accordance with requirements of EPCRA section 313.

Sycom performed these same duties in the past as subcontractor to Planning Research Corporation (PSC) under contract number 68-01-7361. EPA announced clearance for access to EPCRA trade secret information by Sycom as subcontractor to PSC under this prior contract in notices published in the **Federal Register** of June 10, 1988 (53 FR 21916), September 23, 1991 (56 FR 47959), and December 20, 1991 (56 FR 66035).

EPA has determined that Sycom requires continued access to trade secret information under EPCRA while performing the same duties under the new contract number 68-W1-0050. Sycom personnel will continue to sign nondisclosure agreements and follow all required security procedures.

EPA is issuing this notice to inform all submitters of trade secret information under the aforementioned EPCRA sections that EPA will provide Sycom personnel access to trade secret information on a need-to-know basis. All access to EPCRA trade secret information will take place at the EPCRA Reporting Center. Upon termination of their contract, or prior to termination of their contract at EPA's request, Sycom will return all material to EPA.

Clearance for access to EPCRA trade secret information by Sycom under contract number 68-W1-0050 is expected to expire on June 30, 1992. Clearance for access under this notice will be extended for so long as Sycom continues to perform the duties described above pursuant to any contract renewal or other existing contract.

Dated: March 18, 1992.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6823 Filed 3-24-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Maryland Port Administration/Atlantic Venture, Inc., et al., Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200194-001.

Title: Maryland Port Administration/Atlantic Venture, Inc., Terminal Agreement.

Parties: Maryland Port Administration Atlantic Venture, Inc.

Synopsis: The proposed modification deletes authority for the parties to act as billing agents on behalf of each other for the collection of wharfage charges.

Dated: March 20, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6860 Filed 3-24-92; 8:45 am]

BILLING CODE 6730-01-M

Pacific Coast/Australia-New Zealand Traffic Bureau; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime

Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–000050–060.

Title: Pacific Coast/Australia-New Zealand Tariff Bureau.

Parties: Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line), Blue Star Pace Limited, Australia-New Zealand Direct Line.

Synopsis: The proposed amendment would expand the parties' service in Australia to include the Northern Territory and Western Australia.

By Order of the Federal Maritime Commission.

Dated: March 19, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–6626 Filed 3–24–92; 8:45 am]

BILLING CODE 6730–01–M

Request for Additional Information

Agreement No.: 203–011117–011.

Title: United States/Australasia Interconference and Carrier Discussion Agreement.

Parties: Australia-New Zealand Direct Line, Blue Star PACE Limited, Compagnie Generale Maritime, Hamburg-sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line). Ocean Star Container Line, A.G., Pacific Coast/Australia-New Zealand Tariff Bureau, U.S. Atlantic & Gulf/Australia-New Zealand Conference, Wilhelmsen Lines AS.

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701–1720) has requested additional information from the parties to the agreement in order to complete the statutory review of Agreement No. 203–011117–011 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

Dated: March 19, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR DOC. 92–6600 Filed 3–24–92; 8:45 am]

BILLING CODE 6730–01–M

[Petition No. P2–92]

Direct Container Line—Conditions Unfavorable to Shipping in the United States-Korea Trade; Extension of Time for Reply

Notice is given that the Commission has determined to grant a request by De Angelus, Schaffer & Associates, L.P. ("DS&A") to extend time for filing replies to the petition. DS&A claims it represents a group of Korean businessmen who are considering the feasibility of investing in a joint venture customs brokerage business in the United States. DS&A states that representatives of the group are expected to visit the United States in early April, and that the extension would allow time for the group to make a statement to the Commission.

Time for filing replies is extended to April 13, 1992. Parties are reminded that replies must consist of an original and 15 copies, that a copy must be served on F. Conger Fawcett, Esq., Fawcett & Fawcett, 101 Larkspur Landing Circle, suite 321, Larkspur, California 94939, and that replies must show that a copy has been so served.

By the Commission.[1]

Joseph C. Polking,

Secretary.

[FR Doc. 92–6659 Filed 3–24–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 030292 AND 031392

Name of acquiring person; Name of acquired person;	Name of acquired entity	PMN No. Date terminated
Tosco Corp., Northville Industries Corp., Northville Industries Corp	92-0592	03/02/92
Koch Industries, Inc., Evans Grain & Elevator Co., Inc., Evans Grain & Elevator Co., Inc	92-0523	03/03/92
Archer-Daniels-Midland Co., Trust/c/o Curtis, Mallet-Prevost, Colt & Mosle, Garnac Grain Co., Inc	92-0579	03/03/92
Pacific Telesis Group, North American Teletrac, North American Teletrac, International Telegrac Systems, Inc	92-0575	03/04/92
Warburg, Pincus Investors, L.P., Charles F. Dolan, A–R Cable Services, Inc	92-0602	03/04/92
Mitsubishi Kasei Corp., Carlisle Companies Inc., Carlisle Memory Products Group Incorporated	92-0613	03/04/92
Carlyle Partners Leveraged Capital Fund I, L.P., John A. McCrane, Vinnell Corp	92-0617	03/04/92
Ford Motor Co., Fuji Heavy Industries Ltd., Subaru Leasing Corp	92-0629	03/04/92
MacMillan Bloedel Ltd., William E. Freeman, Bardcor Corp. and A–1 Corrugated Sheets, Inc	92-0604	03/06/92
Clear Channel Communications, Inc., David T. Chase, Chase Broadcasting of Memphis, Inc., and Channel	92-0635	03/06/92
General Electric Co., Sandler Media Partners, L.P., Star Cablevision Group & Star Midwest, Inc	92-0661	03/06/92
Philip Morris Companies Inc., Charles Nirenberg and Janet Nirenberg, Dairy Mart Convenience Stores, Inc	92-0622	03/09/92
Aerospatiale Societe Nationale Industrielle, Piedmont Holding, Inc., Aviation Supply Corp	92-0636	03/09/92
Investment AB Cardo, REN Corporation—USA, REN Corporation—USA	92-0646	03/09/92
ARX Acquiring Corp., Vitarine Pharmaceuticals, Inc., Vitarine Pharmaceuticals, Inc., Crown Drug Co	92-0654	03/09/92
Zell/Chilmark Fund, L.P., Anac Holding Corp., Revco D.S., Inc	92-0658	03/09/92
BCE Inc., RETA Retail Acquisitions, Inc., Chicago Place Partnership and 651 Nicollet Partnership	92-0588	03/10/92

[1] Chairman Koch and Commissioner Hill would deny the request.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 030292 AND 031392—Continued

Name of acquiring person; Name of acquired person;	Name of acquired entity	PMN No. Date terminated
CBS Inc., TVS ENTERTAINMENT plc, The CBS/MTM Co	92-0571	03/10/92
General Motors Corp., Marc E. Benson, NCRS Holdings Inc	92-0565	03/11/92
General Motors Corp., Vincent A. Wasik, NCRS Holdings Inc	92-0566	03/11/92
General Electric Co., Donald G. Jones, Star Cablevision Group & Star Midwest, Inc	92-0608	03/11/92
IBL, S.A., Journey's End Corp., Continental Journey's End Motel Corp	92-0610	03/11/92
Timothy P. Neher, Continential Cablevision, Inc., Continental Cablevision	92-0644	03/11/92
CF Industries, Inc., Royster Co., Royster Co	92-0663	03/11/92
Petra Stelling, Emerson Radio Corp., Emerson Radio Corp	92-0615	03/13/92
EC Acquisition, Inc., Yuasa Shoji Co., Ltd., Yuasa-Exide, Inc	92-0652	03/13/92
EC Acquisition, Inc., Yuasa Battery Co., Ltd., Yuasa-Exide, Inc	92-0657	03/13/92
CBS Inc., CBS Inc, The CBS/MTM Co	92-0669	03/13/92
Madison Group, L.P., Consolidated Hydro, Inc., Consolidated Hydro, Inc	92-0673	03/13/92
The Morgan Stanley Leveraged Equity Fund, II, L.P., Consolidated Hydro, Inc., Consolidated Hydro, Inc	92-0674	03/13/92
Richard A. Mancogian, Masco Corp., Masco Corp	92-0675	03/13/92
Apax European Buy-In Fund International Partners L.P., Burmah Castrol plc, Muscle Shoals Minerals Inc. and Universal	92-0680	03/13/92
Parker & Parsley Petroleum Co., Damson Oil Corp., Damson Oil Corp	92-0681	03/13/92
Damson Oil Corp. Parker & Parsley Petroleum Co., Parker & Parsley Petroleum Co	92-0684	03/13/92

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay or Renee A. Horton, Contact Representatives.

Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580. (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92–6698 Filed 3–24–92; 8:45 am]

BILLING CODE 6750–01–M

[File No. 902 3011]

Exhart Environmental Systems, Inc., et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a California-based company and its owners from representing that their electronic devices can eliminate, reduce the number of, or prevent the reentry of rodents unless they can substantiate such representations, and would also prohibit them from stating that the devices are EPA-approved or waterproof, if that is not the case. In addition, the agreement would require the respondents to send a letter to all catalogue companies with which they have done business since January 1, 1990, informing them of the requirements of the order.

DATES: Comments must be received on or before April 24, 1992.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Eileen Harrington, FTC/H–238, Washington, DC 20580. (202) 326–3127.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

In the Matter of Exhart Environmental Systems, Inc., a corporation, and Isaac Weiser and, Margaret Weiser, individually and as officers of said corporation.

[File No. 902 3011]

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Exhart Environmental Systems, Inc. ("Exhart"), a corporation, and Isaac Weiser and Margaret Weiser, individually and as officers of said corporation, (the company and individuals hereinafter sometimes will be referred to as "proposed respondents"), and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed By and between Exhart, by its duly authorized officer, and by Isaac Weiser and Margaret Weiser, individually and as officers of said corporation, and their attorney, and counsel for the Federal Trade Commission, that:

1. Exhart is a California corporation with its office and principal place of business at 21525 Strathern Street, Canoga Park, California 91304.

2. Isaac Weiser and Margaret Weiser are officers of Exhart. All all times relevant to this Order, both Isaac Weiser and Margaret Weiser formulated, directed and controlled the business acts and practices of Exhart. Their business address is the same as that of proposed respondent Exhart.

3. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

4. Proposed respondents waiver:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act, 5. U.S.C. 504.

5. This agreement shall not become part of the public record of this proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, the agreement, together with the draft complaint contemplated thereby and any related material pursuant to § 2.34 of the Commission's Rules, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and

decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the proposed complaint attached hereto.

7. The agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waiver any rights they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or agreement may be used to vary or contradict the terms of the order.

8. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For the purposes of this Order, the following definition shall apply:

Rodent control devise means the *Go'pher It, Go'pher It II, Molex, Gopher Buster* or any other substantially similar device or implement intended to repel, mitigate, control, or eliminate rodents.

I

It is ordered That respondents Exhart Environmental Systems, Inc., a corporation, its successors and assigns and its officers, Isaac Weiser and Margaret Weiser, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, marketing, offering for sale, sale or distribution of any rodent control device in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, do forthwith cease and desist from making any representation, directly or by implication, that any such rodent control device:

(1) Is an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents generally;

(2) Is an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents in a given area; or

(3) Is an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents for a given time period,

unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this Order, for any experiment, analysis, research, study, survey, or other evidence to be deemed "competent and reliable," it shall be conducted and evaluated in an objective manner by persons recognized according to professional standards as being qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

II.

It is further ordered That respondents Exhart Environmental Systems, Inc., a corporation, its successors and assigns and its officers; Isaac Weiser and Margaret Weiser, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, marketing, offering for sale, sale or distribution of any rodent control device in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, do forthwith cease and desist from misrepresenting in any manner, directly or by implication, that any such rodent control device (1) is waterproof; or (2) is approved by the Environmental Protection Agency.

III.

It is further ordered That respondents Exhart Environmental Systems, Inc., a corporation, its successors and assigns and its officers; Isaac Weiser and Margaret Weiser, individually and as officers of said corporation; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, marketing, offering for sale, sale or distribution of any rodent control device or any other pest control device in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, do forthwith cease and desist form representing in any manner, directly or by implication, any performance characteristic relating to the ability of such product to eliminate, reduce the number of, or prevent the reentry of rodents or any other pests unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence that substantiates the representation. For purposes of this Order, for any experiment, analysis, research, study, survey, or other evidence to be deemed "competent and reliable," it shall be conducted and evaluated in an objective manner by persons recognized according to professional standards as being qualified to do so, using procedures generally accepted by others in the profession to yield accurate and reliable results.

IV.

It is further ordered That respondents Exhart Environmental Systems, Inc., Isaac Weiser and Margaret Weiser shall distribute a copy of this Order to each present and future officer, agent, representative and employee having sales, advertising or policy making responsibilities for any rodent control device, and shall secure from each such individual a signed statement acknowledging receipt of this Order.

V.

It is further ordered That respondents Exhart Environmental Systems, Inc., Isaac Weiser and Margaret Weiser shall, within seven days after the date of service of this Order, send to each catalogue company with which they have done business since January 1, 1990, a copy of appendix A to this Order.

VI.

It is further ordered That respondents Exhart Environmental Systems, Inc., its successors and assigns, Isaac Weiser, and Margaret Weiser shall maintain for three (3) years following the date of the last dissemination of each representation, and upon request shall make available to the Federal Trade Commission for inspection and copying:

A. All materials relied upon to substantiate any representation covered by this Order; and

B. All experiment results, test reports, studies, surveys or other evidence in their possession or control that contradict, qualify or call into question such representation or the basis upon which respondents relied for such representation.

VII.

It is further ordered That respondents Exhart Environmental Systems, Inc., its successors and assigns, Isaac Weiser, and Margaret Weiser shall maintain for three (3) years after the date this Order becomes final, and upon request shall make available to the Federal Trade Commission for inspection and copying, documents demonstrating compliance with the requirements of Part V of this Order including, but not limited to, copies of all notices sent to catalogue companies.

VIII.

It is further ordered That respondents Isaac Weiser and Margaret Weiser shall, for a period of ten (10) years after the date this Order becomes final, promptly notify the Commission of any discontinuance of their present business or employment and of their affiliation with any new business or employment whose activities or responsibilities include the advertising, marketing, offering for sale, sale or distribution of rodent control devices or pest control devices. Such notice shall include their new business address and a statement of the nature of the business or employment in which they are newly engaged as well as a description of their duties and responsibilities in connection with that business or employment.

IX.

It is further ordered That respondents Exhart Environmental Systems, Inc., its successors and assigns, Isaac Weiser, and Margaret Weiser shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may effect compliance obligations arising out of the Order.

X.

It is further ordered That respondents Exhart Environmental Systems, Inc., Isaac Weiser, and Margaret Weiser shall, within ninety (90) days after the date this Order becomes final, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Appendix A

[To be Printed on Exhart Letterhead]

Dear [name of catalogue company]:

Exhart Environmental Systems, Inc. ("Exhart") has entered into a consent agreement with the Federal Trade Commission ("FTC") to stop making certain representations about the effectiveness of the Go'pher It and similar rodent control devices unless at the time of making such representation we have competent and reliable scientific evidence that substantiates the representation. According to the FTC complaint, Exhart does not possess substantiating evidence for the following representations:

(1) That the Go'pher It, Go'pher It II, Molex or Gopher Buster (hereinafter referred to as "devices") are an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents generally;

(2) That these devices are an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents in a given area;

(3) That these devices are an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents for a given time period.

The FTC also has alleged that representations that these devices are waterproof or are approved by the Environmental Protection Agency are false and misleading.

The devices covered by this agreement include the Go'pher It, Go'pher It II, Molex or Gopher Buster. Exhart previously has supplied you with promotional materials or advertising copy that make the above representations. You should cease using or relying on these materials as the basis for your own advertising unless and until we have provided you with substantiation or have provided new materials or advertising copy that comply with the consent agreement. You should also be aware that the FTC has taken the position that these representations are deceptive and misleading and that their continued dissemination may be a violation of the FTC Act.

Sincerely,

Issaac Weiser,

President, Exhart Environmental Systems, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Exhart Environmental Systems, Inc., Isaac Weiser, and Margaret Weiser. Exhart Environmental Systems, Inc. is located at 21525 Strathern Street, Canoga Park, California 91304.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Respondents sell through mail order catalogues and retail stores various rodent control devices known at "Go'pher It", "Go'pher It II," "Molex" and "Gopher Buster." These devices consists of an electronic stake, approximately one foot long, powered by four batteries which cause the stake to vibrate and emit a buzzing noise in 15 second intervals.

The complaint charges that through a variety of statements in their promotional and packaging materials, the respondents represented that their rodent control devices are an effective or proven means to eliminate, reduce the number of, or prevent the reentry of gophers, ground squirrels, moles and other burrowing rodents generally, in a given area and for a given time period. The complaint alleges that at the time they made those claims, the respondents did not possess or rely upon a reasonable basis for them. According to the complaint, the respondents' failure to possess and rely upon a reasonable basis for their claims is deceptive and in violation of Section 5 of the Federal Trade Commission Act.

The complaint also alleges that the respondents represented that their rodent control devices are approved by the Environmental Protection Agency and waterproof. The complaint charges that the devices are neither approved by the E.P.A. nor waterproof, and therefore the respondents' statements to the contrary are false and misleading and in violation of Section 5 of the Federal Trade Commission Act.

Paragraph I of the proposed consent order would prohibit the respondents from representing that their rodent control devices are an effective or proven means to eliminate, reduce the number of, or prevent the reentry of rodents generally in any given area or for any given time period without possessing and relying on a reasonable basis, consisting of competent and reliable scientific evidence, for those claims at the time they are made.

Paragraph II of the proposed consent order would prohibit the respondents

from misrepresenting that their rodent control devices are waterproof or are approved by the Environmental Protection Agency.

In Paragraph III of the proposed consent order, the respondents would be prohibited from representing any performance characteristic of any rodent control device or any other pest control device, relating to its ability to eliminate, reduce the number of, or prevent the reentry of rodents or other pests, unless at the time they make the claim they possess and rely upon a reasonable basis for that claim.

Paragraph IV of the proposed consent order would require the respondents to distribute copies of the order to the firm's officers, employees and other agents having sales, advertising or policy making responsibilities for rodent control devices. In Paragraph Five, the respondents would be required to give notice of the order to all catalogue companies with which they have done business since January 1, 1990, by sending those firms the letter attached as appendix A to the order. That letter sets forth the major provisions of the consent order and informs the catalogue companies that they should cease using the promotional materials previously supplied by the respondents as a basis for their own advertising, unless and until the respondents supply the companies with substantiation for that advertisement or new materials or advertising copy that complies with the order. The letter also informs the catalogue companies that the continued dissemination of the representations concerning the respondents' products may be a violation of the FTC Act.

Paragraph VI of the proposed consent order would require the respondents to maintain, for three years after the date of the last dissemination of each representation, any materials relied upon to substantiate such a claim or which may call into question the representation. Paragraph VII would require the respondents to maintain, for three years after the date the consent order becomes final, copies of the letters sent to the catalogue companies in response to Paragraph V. In Paragraphs VIII and IX, the respondents would be required to notify the Commission of any change in the individual respondents' present business or employment, or any change in the corporate respondent. In Paragraph X, the respondents would be required to file a compliance report with the Commission within 90 days after the date the order becomes final.

The purpose of this analysis is to facilitate public comment on the proposed consent order, and it is not intended to constitute an official interpretation of the agreement and proposed consent order or to modify their terms in any way.

Donald S. Clark,

Secretary.

[FR Doc. 92-6897 Filed 3-24-92; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. 9212]

Owens-Illinois, Inc., et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This final order dismisses the complaint against the respondents because the record does not show that the acquisition of Brockway is likely to substantially lessen competition or to create a monopoly in the glass container industry.

DATES: Complaint issued January 11, 1988. Final order issued February 26, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Dennis Johnson, FTC/S-3302, Washington, DC 20580, (202) 326-2712.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Commissioners: Janet D. Steiger, Chairman, Mary L. Azcuenaga, Deborah K. Owen, Roscoe B. Starek III, Dennis A. Yao.

In the Matter of: Owens-Illinois, Inc., a corporation, BI Acquisition Corporation, a corporation, and Brockway, Inc., a corporation.

Final Order

This matter having been heard on the appeal of respondents Owens-Illinois, Inc., BI Acquisition Corporation, and Brockway, Inc., from the Initial Decision and on briefs and oral argument in support of and in opposition to the appeal, for the reasons stated in the accompanying opinion, the Commission has determined to grant the appeal. Accordingly,

It is ordered that the complaint is dismissed.

By the Commission, Commissioner Starek and Commissioner Yao not participating.

Donald S. Clark,

Secretary.

[FR Doc. 92-6896 Filed 3-24-92; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint, Initial Decision, Opinion of the Commission, and Statement of Commissioner Azcuenaga are available from the Commission's Public Reference Branch, H-130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committees have been filed with the Library of Congress: Departments of Family Medicine Review Committee, Faculty Development Review Committee, Graduate Training in Family Medicine Review Committee, Residency Training Review Committee.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, HHS North Building, room G-619, 330 Independence Avenue, SW., Washington, DC, telephone (202) 619-0791. Copies may be obtained from: Ms. Sherry Whipple, Executive Secretary, room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6874.

Dated: March 19, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-6873 Filed 3-24-92; 8:45 am]

BILLING CODE 4160-15-M

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress: Advanced General Dentistry Review Committee.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, HHS North Building, room G-619, 330 Independence Avenue, SW., Washington, DC, telephone (202) 619-0791. Copies may be obtained from: Dr. Richard Weaver, Executive Secretary, Advanced General Dentistry Review Committee, room 8C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6837.

Dated: March 19, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-6874 Filed 3-24-92; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Meeting, National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases on April 13, 1992. The meeting will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Virginia 20202. The Board will meet April 13, 8:30 a.m. to approximately 3 p.m.

The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the National effort to combat arthritis and musculoskeletal and skin diseases. Attendance by the public will be limited to space available.

Ms. Geraldine B. Pollen, Executive Director, National Advisory Board for Arthritis and Musculoskeletal and Skin Diseases, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting her office.

Dated: March 17, 1992.

Susan K. Feldman,

NIH Committee Management Officer.

[FR Doc. 92-6903 Filed 3-24-92; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program (NTP) Board of Scientific Counselors' Meeting To Review Specific Aspects of the Function and Purpose of the NTP

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, to review and give advice to the Program Director and NTP Executive Committee on four specific aspects of the function or purpose of the NTP. The meeting will be held on April 14 and 15, 1992, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will begin on April 14, at 8:30 a.m. and end at approximately 5 p.m. The meeting will begin on April 15 at 8:30 a.m. and continue until adjournment. The meeting is open to the public with attendance limited only by space available.

The Director, NTP, has as one of his major goals to assure that the program serves the public health by strengthening its role as the nation's premier toxicology research and testing program. To accomplish this goal, he has asked for advice on four specific aspects of the function or purpose of the NTP as to how:

(1) To assure that emphasis is placed on studies of the mechanisms of toxicity and carcinogenicity;

(2) To develop and validate better assays that may reduce the need for long-term testing in animals;

(3) To improve the quality of chemicals nominated for testing by assuring that they have the greatest public health significance; and

(4) To improve the procedures for alerting regulatory agencies and the public about test results on chemicals (particularly date which suggest potential hazard to humans from chemicals of widespread importance).

To obtain endpoint-specific advice on the first three issues, the work of the Board will be divided among three subcommittees for carcinogenesis, reproductive and heritable effects, and other toxicities and chemical disposition.

The preliminary agenda with approximate times are as follows:

April 14

8:30 a.m.-10 a.m.—Introduction and charge to the Board and presentation of NTP agency perspectives.
10 a.m.-4 p.m.—Subcommittee work sessions to discuss the four issues.
4 p.m.-5 p.m.—Public comment and discussion.

April 15

8:30a.m.-11 a.m.—Continuation of subcommittee work sessions.
11 a.m.-12 p.m.—Public comment and discussion.
1 p.m.-Adjournment—Continuation of public comment and discussion session.

The NTP seeks comments and views on the four issues. Suggestions of other activities to improve the NTP also are welcomed. Comments should be as brief as possible and should be addressed to the Chairman of the Board as follows: Chairman, NTP Board of Scientific Counselors, c/o Dr. Lazrry G. Hart, Executive Secretary, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

Every effort will be made at the meeting on April 14-15 to consider comments received by c.o.b. Friday, April 10. Oral comments may be made during the public comment sessions and may not exceed 5 minutes in length. Preferably, oral comments should not duplicate written comments.

There will be further opportunities for public comment on these four issues as well as on the recommendations of the NTP Board of Scientific counselors and Executive Committee. First, the recommendations of the NTP Board and Executive Committee will be published in the **Federal Register** with a request for public comment. Second, a public meeting will be held in Washington, DC, in the near future (date to be announced in the **Federal Register** to allow for additional comments on the issues and the recommendations of the NTP Board and Executive Committee.

For further information regarding the meeting, please contact Dr.Hart by mail at the above address, by FAX to 919/541-2260 or by telephone at 919/541-3971 or FTS 629-3971. A roster of Board members will be available prior to the meeting.

Dated: March 18, 1992.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 92-6904 Filed 3-24-92; 8:45 am]

BILLING CODE 4140-01-M

HEALTH AND HUMAN SERVICES

Vaccine Information Materials

ACTION: Notice.

SUMMARY: On December 17, 1991, the Food and Drug Administration (FDA) licensed an acellular pertussis vaccine for administration as the fourth and fifth doses given to children. This recent development necessitates a revision of the vaccine information pamphlet entitled, "Diphtheria, Tetanus, and Pertussis: What You Need to Know," which has been developed by HHS as required by the National Childhood Vaccine Injury Act of 1986. A separate Notice of Proposed Rule Making (NPRM) will be drafted to revise the pamphlet, under the rulemaking procedures mandated by 42 U.S.C. 300aa-26.

In the interim, the Centers for Disease Control (CDC) will distribute the following addendum regarding the acellular pertussis vaccine, which we recommend for use with the current diptheria, tetanus, and pertussis (DTP) pamphlet. CDC suggests that health-care providers use the following information so that individuals receiving the vaccine will have complete and accurate information which recognizes the recent licensing of acellular pertussis vaccine.

DATES: Effective April 15, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Wassilak, Division of Immunization, National Center for Prevention Services, Centers for Disease Control, Mail Stop E-05, Atlanta, GA 30333, telephone (404) 639-1864.

SUPPLEMENTARY INFORMATION: Title XXI, section 2126 of the Public Health Service Act (42 U.S.C. 300aa-26), as amended by Public Law 100-203 and Public Law 101-239, requires the Secretary to develop and disseminate information materials on the vaccines included in the vaccine injury table (diphtheria, tetanus, pertussis, measles, mumps, rubella, and poliomyelitis vaccines). Vaccine information materials covering these vaccines were published as a Final Rule in the **Federal Register** on October 15, 1991 (56 FR 51798; codified at 42 CFR part 110). Effective April 15, 1992, any health-care provider intending to administer one of the covered vaccines must provide a copy of the relevant materials to the vaccine recipient, or in the case of a minor, to the parent or legal representative of the vaccine recipient, prior to administration of the vaccine. (Alternatively, health-care providers may provide other written information which meets the requirements of the law.)

Subsequent to the publication of the vaccine information materials, the FDA on December 17, 1991, licensed an acellular pertussis vaccine for administration as the fourth and fifth doses given to children. This recent development requires revision of the vaccine information pamphlet entitled, "Diphtheria, Tetanus, and Pertussis: What You Need to Know." An NPRM will be drafted to revise this pamphlet, under the rulemaking procedures mandated by 42 U.S.C. 300aa-26.

In the interim, CDC is distributing the following addendum regarding the acellular pertussis vaccine, which may be used with the current DPT pamphlet. Until a formal revision of the current version of the vaccine information pamphlet can be completed, CDC suggests that health-care providers use the following interim information, along with the current pamphlet, so that individuals receiving pertussis vaccine will have complete and accurate information:

Addendum to "Diphtheria, Tetanus, and Pertussis: What You Need to Know"

What You Need To Know About the New Pertussis Vaccine

After the 1991 pamphlet "Diphtheria, Tetanus, and Pertussis: What You Need to Know" was prepared, a new pertussis vaccine became available for the fourth and fifth shots against diphtheria, tetanus, and pertussis. This sheet provides up-to-date information about the new vaccine. You should read this sheet after you have read the pamphlet.

What Is the New Vaccine?

DTP vaccine is usually given 5 times before a child reaches age 7 years. Until now, pertussis vaccine has been made from killed whole pertussis cells and mixed with diphtheria and tetanus vaccines to make the whole-cell DTP shot. The new acellular pertussis vaccine, DTaP, is made of only a few parts of the pertussis cell and is also combined with diphtheria and tetanus vaccines.

When Should It Be Used?

The fourth and fifth shots of the DTP vaccine series are usually given to children 15-18 months old and 4-6 years old. The DTaP vaccine can be used only for the fourth and fifth shots. Testing is now in progress to show that DTaP is safe and effective for the first three doses. Until these studies are completed, this vaccine cannot be considered for use for the first three doses of the vaccine series. Whole-cell DTP vaccine should still always be used for the first three shots, and can still be used for the fourth and fifth DTP shots, although most experts will prefer to use DTaP vaccine.

Compared with the DTP vaccine, after DTaP shots fewer children will be cranky or drowsy, have fever, or have soreness or swelling where the shot was given. Convulsions that occur after receiving DTP vaccine are usually caused by fever. With DTaP, there is less chance of fever, so convulsions probably occur less often. Experts do not know whether unusual, more serious problems which have been reported after DTP vaccine (mentioned in the pamphlet) happen less often after DTaP shots than after DTP shots.

When Should the Vaccine Not Be Given?

If the health care provider determines that a whole-cell DTP shot should not be given, DTaP also should not be given. In that case, the child should usually get DT vaccine instead.

Dated: March 18, 1992.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 92-6805 Filed 3-24-92; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Nomination for National Indian Gaming Commission

AGENCY: Office of Secretary, Interior.

ACTION: Notice.

SUMMARY: The Indian Gaming Regulatory Act (25 U.S.C. 2701, *et seq.*) provides for appointment by the Secretary of the Interior of two associate members of the National Indian Gaming Commission after public notice and an opportunity for comment. Notice is hereby given of the proposed appointment of Jana McKeag to a three-year term as an associate member of the Commission.

DATES: Comments must be received by April 23, 1992.

ADDRESSES: Comments should be addressed to: Morris Simms, Director of Personnel, Department of the Interior, 1849 C Street, NW., Washington, DC 20240, (202) 208-6781.

SUPPLEMENTARY INFORMATION: Section 5(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2704(a)) establishes a three-member National Indian Gaming Commission within the Department of the Interior. The Act provides that the Chairman of the Commission is to be appointed by the President with the advice and consent of the Senate. The two associate members of the Commission are to be appointed by the Secretary of the Interior (25 U.S.C. 2704(b)(1)). The Act provides that the Secretary shall publish notice of nominations for the associate member positions in the **Federal Register** and provide an opportunity for public comment.

Notice is hereby given of the proposed appointment of the following individual to be an associate member of the Commission for a term of three (3) years:

Jana McKeag: Ms. McKeag, a member of the Cherokee Nation of Oklahoma, is currently serving a one-year term as an associate member of the Commission. She has served in this capacity since April 1991. She was previously employed as Director of Native American Programs, Office of Intergovernmental Affairs, U.S. Department of Agriculture. From August 1988 to December 1990, Ms. Mckeag was Staff Assistant to the Deputy Assistant Secretary—Office of Trust and Economic Development in the Bureau of Indian Affairs. Prior to this appointment, she served as a Program Analyst and as Executive Assistant to the Deputy Assistant Secretary in the Bureau of Indian Affairs. Ms. Mckeag also served the Department of the Interior as a Program Analyst in the Office of Policy Analysis from August 1985 to August 1988, and as a Budget Analyst Intern with the Office of Budget from July 1983 to January 1984. She served as a Program Analyst for the Equal Employment Opportunity Commission from January 1984 to May 1985, and as an Equal Employment Opportunity Specialist for the U.S. Commission on Civil Rights from August 1976 to September 1979. Ms. McKeag's experience in American Indian affairs also includes serving as Executive Assisant to the Director for the Congressional American Indian Policy Review Commission from September 1975 to August 1976, and as Education Director for the National Congress of American Indians from July 1974 to September 1975. Ms. McKeag is an officer and a member of the board of directors for the Y.M.C.A. of Metropolitan Washington, and a member of the board of directors for the American Diabetes Association. She holds a Bachelor of Arts degree from Gettysburg College, Gettysburg, Pennsylvania, and a Master of Public Administration degree from Harvard University, Kennedy School of Government.

Persons wishing to comment on this proposed appointment may submit written comments to the address identified above. Comments must be received within 30 days of the date of the publication of this notice.

Dated March 17, 1992.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 92-6905 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-RJ-M

Bureau of Land Management

[WY-920-02-4120-14]

North Antelope/Rochelle Coal Lease Application (WYW119554); Extension of Public Comment Period for the Draft Environmental Assessment

AGENCY: Bureau of Land Managment, Interior, WY

ACTION: Notice of extension of public comment period for the draft environmental assessment (EA) for the North Antelope/Rochelle Coal Lease Application (WYW119554).

SUMMARY: This notice extends the public comment period for the draft environmental assessment for the Powder River Coal Company (PRCC) application for a coal lease from c.o.b. April 3, 1992, to c.o.b. April 20, 1992. The PRCC application is for an estimated 370 million tons of federal coal reserves under 3,064 acres located adjacent to their existing North Antelope and Rochelle mines, Campbell County, Wyoming.

DATES: Comments on the EA must now be received at the address below no later than c.o.b. April 20, 1992.

ADDRESSES: Comments should be sent to Attention: Suzanne Mehlhoff, Casper District Office, 1701 East "E" Street, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: For more information or to obtain a copy of the EA, contact Suzanne Mehlhoff at the office identified above or by phone at (307) 261-7600.

SUPPLEMENTARY INFORMATION: Powder River Coal Company (PRCC) filed two applications on March 2, 1990, with the BLM for coal leases adjacent to their existing North Antelope and Rochelle mines. In December 1991, the BLM, under the authority of 43 CFR 3425.1-9, combined the two applications into a single lease application. These lands contain 3,064 acres, more or less. The application(s) were filed as lease-by-application (LBA) for the purpose of extending the producing life of the existing mines. The EA was to be made available for review and comment on or before February 21, 1992, however, problems with the printing contractor delayed the mailing of many of the documents until March 6, 1992. All comments received will be considered in preparation of the final EA.

F. William Eikenberry,

Associate State Director.

[FR Doc. 92-6862 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-22-M

[CA-060-43-7122-08-D063; CACA 28709]

Scoping of a New Alternative for the Environmental Impact Statement Regarding the Proposed Expansion of the U.S. Army's National Training Center at Fort Irwin, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior. Cooperating Agency: National Training Center, U.S. Army.

ACTION: Notice of scoping of amendment to existing study area.

SUMMARY: Notice is hereby given that the Bureau of Land Management is accepting public input on an amendment to the existing Study Area for the Environmental Impact Statement (EIS) regarding the U.S. Army proposal to expand the National Training Center at Fort Irwin, California, onto public lands within the California Desert Conservation Area. This notice invites the public to provide scoping issues for this amendment to the existing Study Area which will constitute a new alternative in the EIS.

DATES: Scoping comments must be postmarked no later than April 24, 1992.

ADDRESSES: Comments should be sent to Sharon Paris, Bureau of Land Management, 150 Coolwater Lane, Barstow, California 92311.

SUPPLEMENTARY INFORMATION: The U.S. Army proposal to expand the National Training Center to include additional maneuver space for armored and mechanized training exercises was published in the **Federal Register** on August 22, 1988 and initial scoping meetings were held.

The existing Study Area was amended to include an additional 229,200 acres of public land by a withdrawal notice published in the **Federal Register** on February 12, 1992. The amendment to the Study Area constitutes an additional alternative, the Silurian Valley Alternative, which will be included and analyzed in the pending Draft EIS. The public is invited to provide additional scoping issues for the Silurian Valley Alternative.

The Silurian Valley Alternative encompasses approximately 322,000 acres of public land to the south, north, and east of the National Training Center. Known issues within the boundary of the Silurian Valley Alternative include: wilderness study areas; proximity to Death Valley National Monument; Dumont Dunes Off-Highway Vehicle Recreation Area; Areas of Critical Environmental Concern at Salt Creek and Denning Spring; the Amargosa River drainage; State Route 127; soil, vegetation, and wildlife, including desert tortoise and bighorn sheep; mineral development; cultural resources; and public health and safety.

Dated: March 9, 1992.

Karla K.H. Swanson,

Area Manager.

[FR Doc. 92-6860 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-40-M

[AZ-040-4130-09]

Public Meeting for Draft Environmental Impact Statement (DEIS) for Plan of Operations, Case Number A 25564; Gila Resource Area, Graham County, AZ

AGENCY: Bureau of Land Management (BLM), Safford District, AZ, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management, Safford District will hold a public meeting to discuss the Draft Environmental Impact Statement (DEIS) for the Sanchez Copper Project. The 60-day comment period began on March 13, 1992.

DATE: The meeting will be held on Thursday, April 2, 1992, at 7 p.m.

ADDRESS: The meeting place will be the Phelps Dodge Room, Safford Public Library, 800 7th Avenue, Safford, AZ 85546.

SUPPLEMENTARY INFORMATION: The BLM has prepared a DEIS for a proposed open pit copper mine near Safford, Arizona in response to a Plan of Operations submitted in August, 1991 by AZCO Mining, Inc.

The Plan of Operations calls for mining the Sanchez copper orebody, located on 581 unpatented lode and millsite claims at the southeast end of the Gila Mountains, about 10 miles east-northeast of the city of Safford, Graham County, in southeastern Arizona. The orebody will be mined using conventional open pit mining techniques and mining equipment. The planned ore mining rate is 10 million tons per year. Waste rock and alluvium will be mined at an average rate of about 13 million tons per year. The expected life of the mine is 17 years. The pit will ultimately measure about 4,000 feet in diameter and 1,200 feet deep.

The public meeting to answer questons about the project and DEIS will be held on Thursday, April 2, at 7 p.m., at the Safford Public Library's Phelps Dodge Room. Public comments on the DEIS will be accepted by BLM until May 11, 1992.

FOR INFORMATION CONTACT: Larry Thrasher, Project Manager, BLM Safford District Office, Division of Resource Management, (602) 428-4040.

Dated: March 13, 1992.

Ray A. Brady,

District Manager.

[FR Doc. 92-6857 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-32-M

[ID-010-02-4350-08]

Intent To Amend Jarbidge Resource Management Plan and Notice of Availability of Planning Criteria

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend the Jarbidge Resource Management Plan; and notice of availability of planning criteria.

SUMMARY: Pursuant to 43 CFR part 1600 (BLM Planning Regulations) and 40 CFR part 1500 (National Environmental Policy Act—NEPA) the Bureau of Land Management (BLM) is beginning preparation of an amendment to the Jarbidge Resource Management Plan. The amendment will consider research natural area/area of critical environmental concern (RNA/ACEC) designation on one site to protect the redband trout, a Federal Category 2 (C2) candidate species. The site encompasses approximately 800 acres of BLM administered land along the west side of King Hill Creek for approximately 10 miles. The public is invited to comment on what issues, impacts and alternatives should be addressed during the process (scoping) and to comment on the proposed Planning Criteria.

DATES: It is anticipated that the amendment and NEPA support document will be available for public review and comment during late 1992. Any public meetings will be announced at a later date.

ADDRESSES: Written Comments should be mailed to: Bruneau Area Manager, Bureau of Land Management, 3948 Development Avenue, Boise, ID 83705.

FOR FURTHER INFORMATION CONTACT: Fred Minckler, Team Leader at: Bureau of Land Management 3984 Development Avenue, Boise, ID 83705. Telephone (208) 384-3300.

SUPPLEMENTARY INFORMATION: The Jarbidge Resource Management Plan (RMP) is a land use plan encompassing about 2,100,000 acres of public land administered by Boise District, BLM in southwest Idaho. The RMP was approved on March 23, 1987. Boundary adjustments within the Boise District resulted in administration of approximately 123,000 acres addressed in the Jarbidge RMP being transferred from the Jarbidge Resource Area to the Bruneau Resource Area on January 1, 1992. Since ACEC designation for this area was not considered in the Jarbidge RMP, an amendment is required.

The 800 acre site under consideration for RNA/ACEC designation is on the west side of King Hill Creek which forms the boundary between the Bruneau Resource Area in the Boise District and the Bennett Hills Resource Area in the Shoshone District. RNA/ACEC designation is also being considered on the east side of the creek in the curent Bennett Hills RMP effort. Since the area under consideration in this amendment is adjacent to the public lands being addressed in the Bennett Hills RMP, all further documentation for this amendment process will be incorporated into the Bennett Hills RMP effort.

This reach of King Hill Creek contains a population of Redband trout which is believed to be a genetically pure native population not subjected to hybridization or breeding with hatchery stocks. It is also believed to be the eastern-most population of redband trout north of the Snake River. Redband trout is currently identified by the U.S. Fish and Wildlife Service as a Federal Category 2 (C2) candidate species, a State of Idaho Species of Special Concern and a BLM sensitive species.

This initial phase in the plan amendment process incorporates the "Identification of Issues" step which provides for public input to help determine what issues, alternatives and impacts should be addressed and the "Planning Criteria" step which provides for public input on factors to be considered during decisionmaking.

Environmental issues are questions and concerns regarding impacts on resources and resource uses. Preliminary environmental issues identified to date for this amendment focus on management of the following: Wildlife habitat, livestock grazing, fisheries habitat, recreation use, cultural resources and watershed values.

Planning criteria are used to guide the plan amendment process. The planning criteria streamline and focus the process, establish standards and indicate the factors that will be considered in decisionmaking. The proposed planning criteria for this effort are those criteria that were approved for the parent plan, the Jarbidge RMP, as follows: Social and economic values; plans, programs, and policies of other Federal agencies, State and local government, and Indian tribes; existing laws, regulations, and BLM policy; future needs and demands for existing or potential resource commodities and values; public input; public welfare and safety; past and present use of public and adjacent lands; public benefits of providing goods and services in relation to costs; quantity and quality of noncommodity resource values; and environmental impacts.

This is the public's opportunity to identify any additional issues for consideration and to provide comments on the proposed planning criteria. In order to give maximum consideration to any concerns, written comments should be submitted by April 24, 1992. Comments should be mailed to the Bruneau Area Manager at the address listed above.

Dated: March 17, 1992.

Barry C. Cushing,

Acting District Manager.

[FR Doc. 92-6863 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-GG-M

[MT-070-02-4212-12; M74602]

Notice of Realty Action: Exchange; Beaverhead County, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of public lands in Beaverhead County, Montana, for transfer out of Federal ownership in exchange for lands owned by the State of Montana.

SUMMARY: BLM and the National Park Service propose to exchange public land with the State of Montana to achieve more efficient land management through disposal of isolated tracts (BLM) and to acquire State land within the boundaries of Yellowstone National Park for incorporation into the National Park system (NPS).

The following public land is being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Principal Meridian Montana

T. 10 S., R. 6 W.,
Section 34: S½ containing 320 acres.

These lands are segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of the notice in the **Federal Register.** The segregative effect will terminate upon issuance of patent, upon publication in the **Federal Register** of termination of the segregation, or two years from the date of this publication, whichever comes first.

In exchange for these lands, the Federal Government will acquire the following described land from the State of Montana:

Principal Meridian Montana

T. 9 S., R. 8 E.,
Section 16: Lot 9, containing 19.5 acres.

Final determination on disposal will await completion of an environmental assessment. Upon completion of the environmental assessment, a Notice of Realty Action shall be published specifying the public lands being disposed of and the State lands being acquired.

DATES: On or before May 11, 1992. Interested parties may submit comments to the Butte District Manager, P.O. Box 3388, Butte MT 59702.

SUPPLEMENTARY INFORMATION: Detailed information concerning this exchange is available at the Butte District Office.

Dated: March 16, 1992.

James R. Owings,

District Manager.

[FR Doc. 92-6805 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-84-M

[NV-930-02-4212-14; N-55059]

Realty Action; Director Sale of Federal Land in Esmeralda County, NV

SUMMARY: The following described land has been examined and identified as suitable for disposal by direct sale to Verna Wallace, a resident of Fish Lake Valley, Nevada, under sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713 and 1719) at the appraised fair market value:

Mount Diablo Meridian

T. 4 S., R. 36 E.,
Sec. 16, SW¼NE¼/.

A parcel of land containing a total of 40.00 acres.

The sale parcel is land previously affected by desert land application N-21720 which was relinquished in order that the sale be could be considered. The sale is consistent with the Bureau's planning system and in conformance with the Esmeralda-Southern Nye Resource Management Plan, approved October 10, 1986. The land is not needed for any resource program and is not suitable for management by the Bureau or any other Federal department or agency. Ms. Wallace and her husband James P. Wallace are the only adjacent landowners. The land will not be offered for sale for at least 60 days after the publication of this Notice in the **Federal Register.**

Patent, when issued, will contain the following reservations to the United States:

A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S. C. 945).

Oil and gas and saleable minerals together with the right to prospect for, mine, and remove the minerals. All other mineral interests will be conveyed simultaneously with the patent.

Patent will be subject to all valid existing rights. The purchaser agrees that she takes the forty-acre parcel subject to the existing grazing use of William S. Wright, holder of grazing authorization Number 6121. The privilege of William S. Wright to graze domestic livestock on the forty-acre parcel according to the conditions and terms of authorization Number 6121 shall cease on October 16, 1993. The purchaser is entitled to receive annual grazing fees from William S. Wright for the forty-acre parcel in an amount not to exceed that which would be authorized under the Federal grazing feed published annually in the **Federal Register.**

General Information

Publication of this Notice in the **Federal Register** segregates the subject lands from all forms of appropriation under the public land laws and the mining laws. The segregative effect will end upon issuance of a patent to these lands, upon publication in the **Federal Register** of a notice of termination, or 270 days from the date of publication of this Notice, whichever comes first.

The appraised fair market value of the 40.0 acre tract will be made available at a later date. Persons who wish to be notified when the appraisal is complete should contact the Battle Mountain District Office.

For a period of 45 days from the date of publication of this Notice in the **Federal Register,** interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, NV 89820. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: March 11, 1992.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District.

[FR Doc. 92-6803 Filed 3-24-92; 8:45 am]

BILLING CODE 4310-HC-M

[NV-930-02-4212-14; N-55683]

Realty Action; Non-Competitive Sale of Public Lands in Clark County, NV

The following described public land in Las Vegas, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than the fair market value.

Authority for the sale is section 203 of Public Law 94–579, the Federal Land Policy and Management Act of 1976 (FLPMA). The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.
Sec. 28, W½SE¼NW¼SE¼.
Aggregating 5.00 acres (gross).

This parcel of land, situated in Las Vegas is being offered as a direct sale to Century Pacific Development. Justification for the direct sale is found in 43 CFR 2710.0–6(c)(1)(3)(iii). Century Pacific Development is the owner of the private parcels surrounding the public parcel except for the one immediately to the north of the subject parcel. Due to the construction of the Flamingo Wash Detention Basin Outfall Channel, the Clark County Regional Flood Control District has identified that access could only be accomplished by bridging the channel. Clark County Public Works Department has identified that the County does not intend to provide access across the channel, access can only be made from the adjacent properties owned by Century Pacific Development. If Century Pacific Development sells their interest in the private property before the consummation of the sale, the new landowners will be given the option to purchase this parcel upon proof of ownership.

This land is not required for any federal purposes. The sale is consistent with the Bureau's planning system. The sale of this parcel would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. Oil, gas, sodium, potassium and saleable minerals.

And will be subject to:

1. Those rights for flood detention basin purposes which have been granted to Clark County by Permit No. N–43234 under the Act of October 21, 1976.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94–579, or other applicable laws.

Dated: March 17, 1992.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 92–6865 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–HC–M

[CA–940–92–4730–12]

Filing of Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATES: Filing was effective at 10 a.m. on the date of submission to the Bureau of Land Management (BLM), California State Office, Public Room.

FOR FURTHER INFORMATION CONTACT: Clifford A. Robinson, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2800 Cottage Way, room E–2845, Sacramento, CA 95825, 916–978–4775.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office, Sacramento, CA.

Mount Diablo Meridian, California

T. 6., R. 32 E.—Dependent resurvey, and Metes-and-Bounds Survey of Tract 37, (Group 1129) accepted October 31, 1991, to meet certain administrative needs of the BLM, Bakersfield District, Bishop Resource Area.

T. 27 S., R. 22 E.—Dependent resurvey of a portion of the subdivisional lines, the survey of a portion of the subdivisional lines and the subdivision of section lines of section 14, (Group 975) accepted December 17, 1991, to meet certain administrative needs of the BLM, Bakersfield District, Caliente Resource Area.

All of the above listed surveys are now the basic record for describing the lands for all authorized purposes. The surveys will be placed in the open files in the BLM, California State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fee.

Dated: March 17, 1992.

Clifford A. Robinson,

Chief, Branch of Cadastral Survey.

[FR Doc. 92–6866 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–40–M

[CA–943–4214–10; CACA 29517]

Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 270 acres of National Forest System land for protection of the State's rare plant, Senecio Layneae (Laynes Butterweed), and to control public access. This notice closes the lands for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may be made of National Forest System land.

DATES: Comments and requests for meeting should be received on or before June 23, 1992.

ADDRESSES: Comments and meeting requests should be sent to the California State Director, BLM, 2800 Cottage Way, room E–2845, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, 916–978–4820.

SUPPLEMENTARY INFORMATION: On January 17, 1992, the United States Department of Agriculture filed an application to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Mount Diablo Meridian

Eldorado National Forest

T. 12 N., R. 10 E.,
sec. 24, lot 2, NW¼NW¼, S½NW¼, N½SW¼, E½SW¼SW¼, and SE¼SW¼.

The area described contains 270 acres in El Dorado County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the California State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the California State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which will be permitted during this segregative period are leases, licenses, permits, and rights-of-way consistent with the Eldorado National Forest Land and Resource Management Plan approved January 6, 1989.

Dated: March 17, 1992.

Nancy J. Alex,

Chief, Lands Section.

[FR Doc. 92–6867 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–40–M

[OR–943–4214–10; GP2–177; OR–48136]

Proposed Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw 200.59 acres of National Forest System lands to protect the rehabilitation work being performed on the White King/Lucky Lass Uranium Mines in the Fremont National Forest. This notice closes the lands for up to two years from mining. The lands will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received by June 23, 1992.

ADDRESSES: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland, Oregon 97208–2965.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, 503–280–7171.

SUPPLEMENTARY INFORMATION: On March 9, 1992, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (20 U.S.C. Ch. 2) subject to valid existing rights:

Willamette Meridian

Fremont National Forest

T. 37 S., R. 18 E.,
sec. 25, NW¼NE¼.
T. 37 S., R. 19 E.,
sec. 30, lot 1, E½NW¼, and NW¼SE¼.

The areas described aggregate 200.59 acres in Lake County, Oregon.

The purpose of the proposed withdrawal is to protect the rehabilitation work being performed on the White King/Lucky Lass Uranium Mines.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the State Director at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director at the address indicated above within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The sites will be fenced to prevent other uses being made of this area.

Dated: March 12, 1992.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 92–6802 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0016); Washington, DC 20503, telephone (202) 395–7340, with copies to Chief, Engineering and Standards Branch; Engineering and Technology Division, Mail Stop 4700; Minerals Management Service; 381 Elden Street, Herndon, Virginia 22070–4817.

Title: Quarterly Oil Well Test Report, Form MMS–1869.

OMB approval number: 1010–0016.

Abstract: Respondents submit Forms MMS–1869 to the Minerals Management Service's (MMS) Regional Supervisors so they can evaluate the results of well tests to ascertain if reservoirs are being depleted in a manner that will lead to the greatest ultimate recovery of hydrocarbons. The form is designed to provide a quarterly test of oil-well capabilities and production characteristics for use in updating and verifying maximum (optimum) permissible producing rates and to provide the basis for revising MMS's estimates of remaining recoverable reserves.

Bureau form number: Form MMS–1669.

Frequency: Quarterly.

Description of respondents: Outer Continental Shelf oil, gas, and sulphur lessees performing offshore production operations.

Estimated completion time: 2 hours.

Annual responses: 8,400.

Annual burden hours: 16,800

Bureau Clearance Officer: Dorothy Christopher, (703) 787–1239.

Dated: February 11, 1992.

M.L. Courtois,

Acting Deputy Associate Director for Operations and Safety Managment.

[FR Doc. 92–6906 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf (OCS) Advisory Board—Policy Committee; Notice and Agenda for Meeting

The Policy Committee of the OCS Advisory Board will meet Wednesday, April 15 and Thursday, April 16, 1992, at the Doubletree at Post Oak, 2001 Post Oak Boulevard, Houston, Texas, (713) 961–9300.

The agenda will cover the following principal subjects:

Wednesday, April 15

—Economics Report and Suggested Incentives to Encourage OCS Activity
—Improving Production Economics of Oil and Gas in Marginal OCS Fields
—Minerals Management Service Updates and Discussion
—Legislative Panel, including Update on Coastal Impact Assistance

Thursday, April 16

—Sand, Gravel, and Shell Resources Subcommittee Report
—OCS Related Regulatory Initiatives by the Environmental Protection Agency and National Oceanic and Atmospheric Administration
—Committee Roundtable
—Improving the Process for Developing the 5-Year OCS Oil and Gas Leasing Program, aka "the Shirley Report," and Other Committee Business

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the Policy Committee. Such requests should be made no later than April 3, 1992, to the Office of OCS Advisory Board Support, Minerals Management Service, 381 Elden Street, MS–4110, Herndon, Virginia 22070, Attention: Terry Holman.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information, call Terry Holman at (703) 787–1211.

Minutes of the Policy Committee meeting will be available for public inspection and copying at the Minerals Management Service in Herndon, Virgnia. This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, 5 U.S.C. Appendix 1, and the Office of Management and Budget's Circular No. A–63, Revised.

Dated: March 11, 1992.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 92–6870 Filed 3–24–92; 8:45 am]

BILLING CODE 4310–MR–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–530 (Final)]

High-Tenacity Rayon Filament Yarn From Germany; Institution and Scheduling of a Final Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution and scheduling of a final antidumping investigation

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investingation No. 731–TA–530 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Germany of high-tenacity rayon filament yarn,[1] provided for in subheading 5403.10.30 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: February 20, 1992.

FOR FURTHER INFORMATION CONTACT: Janine Wedel (202–205–3178), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impared persons can obtain information on this matter by contacting the Commission's TDD terminal of 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of high-tenacity rayon filament yarn from Germany are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigation was requested in a petition filed on September 6, 1991 by North American Rayon Corp., Elizabethton, TN.

Participation in the Investigation and Public Service List

Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on April 17, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

[1] High-tenacity rayon filament yarn is a multifilament single yarn of viscose rayon with a twist of five turns or more per meter, having a denier of 1100 or greater, and a tenacity greater than 35 centinewtons per tex. Imports of this product fall under statistical reporting number 5403.10.3040 of the Harmonized Tariff Schedule of the United States.

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 1, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 27, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 28, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 297.22 of the Commission's rules; the deadline for filing is April 27, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs is May 8, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 8, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 297.3, and 207.7 of the Commission's rules.

In accordance with § 201.16(c) and 297.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

By Order of the Commission.

Issued: March 16, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6890 Filed 3–24–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–545 (Preliminary)]

Medium-Voltage Underground Distribution Cable From Canada

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of medium-voltage underground distribution cable (URD),[3] provided for in subheading 8544.60.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On January 31, 1992, a petiton was filed with the Commission and the Department of Commerce by counsel for the U.S. Cable Trade Action Group, an ad hoc trade association of URD producers, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of URD from Canada. Accordingly, effective January 31, 1992, the Commission instituted antidumping investigation No. 731–TA–545 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of February 10, 1992 (57 FR 4887). The conference was held in Washington, DC, on February 21, 1992, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on March 16, 1992. The views of the Commission are contained in USITC Publication 2489 (March 1992), entitled "Medium-Voltage" Underground Distribution Cable from Canada: Determination of the Commission in Investigation No. 731–TA–545 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By Order Of the Commission.

Issued: March 17, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6892 Filed 3–24–92; 8:45 am]

BILLING CODE 7020–02–M

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Newquist and Commissioner Rohr dissenting.

[3] For purposes of this investigation, the subject product is URD, an insulated electrical conductor used by electric utility companies in the medium-voltage stage (i.e., for voltages exceeding 1,000 volts but not exceeding 46,000 volts) of transmitting electricity. Utility companies distribute electricity at high voltage from the power generation plant to regional substations primarily via uninsulated, overhead "high tension" wires. At the regional substation, the electricity is "stepped down" to medium voltage. URD is generally used to conduct the electricity from the regional substations to neighborhood transformers, where it is again "stepped down" to household voltages. URD is composed principally of metal (generally aluminum for the conductor and copper for the "neutral" or ground) and insulating compounds (e.g., polyethylene).

[Investigation No. 332–315]

Uranium and Uranium Enrichment Services; Impact on the Domestic Industry of Imports Into the United States From Nonmarket Economy Countries

AGENCY: United States International Trade Commission.

ACTION: Extension of due dates for public comment and final report.

EFFECTIVE DATE: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: General inquiries regarding the investigation may be directed to Mr. James A. Emanuel (202)–205–3367, Energy and Chemicals Division, Office of Industries, U.S. International Trade Commission, Washington, DC 20436. Industry-specific information regarding the investigation may be obtained from Mr. Jack Greenblatt (202)–205–3353, also located in the Energy and Chemicals Division, Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart of the Commission's Office of the General Counsel (202)–205–3091.

SUPPLEMENTARY INFORMATION: With the concurrence of the Senate Committee on Finance, which requested that the

Commission conduct the subject investigation, the Commission has extended the intended completion date of the investigation by 6 months, to January 27, 1993. The deadline for submission of statements regarding investigation No. 332–315 by interested persons has also been extended by 6 months, to the close of business July 31, 1992. The decision to extend the investigation was made after the institution of investigations by the Commission and the U.S. Department of Commerce under the antidumping law (19 U.S.C. 1673 et seq.) regarding imports of uranium from the U.S.S.R. (Commission investigation No. 731–TA–539 (Preliminary)).

The Commission's original notice of this investigation and hearing was published in the **Federal Register** of October 2, 1991 (56 FR 49905). The hearing provided for in that notice was cancelled because the Commission received no requests to appear. The procedures for filing written submissions were set forth in that notice.

Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202)–205–1810.

By order of the Commission.

Issued: March 19, 1991.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–6891 Filed 3–24–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Agency Information Collection Under OMB Review

The following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) are being submitted to the Office of Management and Budget for review and approval. Scopies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Kathleen King, (202) 927–5493. Comments regarding this information collection should be addressed to Kathleen King, Interstate Commerce Commission, room 1312, Washington, DC 20423 and to Ed Clark, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503. When submitting comments, refer to the OMB number of the title of the form.

Type of Clearance: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Bureau/Office: Office of Economics.

Title of Form: Classification Index Survey Form For Line-Haul Railroad Companies That Do Not File An Annual Report With The Interstate Commerce Commission.

OMB Form Number: 3120–0077.

Agency Form Number: RCS.

Frequency: Annually.

Respondents: Railroads.

No. of Respondents: 355.

Total Burden Hours: 30.

Type of Clearance: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Bureau/Office: Office of Economics.

Title of Form: Record Keeping, Ratemaking Organizations.

OMB Form Number: 3120–0116.

Agency Form Number: N/A.

Frequency: Recordkeeping.

Respondents: Surface Transportation Carriers (where required).

No. of Respondents: 71.

Total Burden Hours: 142.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–6909 Filed 3–24–92; 8:45 am]

BILLING CODE 7035–01–M

Availability of Environmental Assessments

Pursuant to 42 U.S.C., 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Johnnie Davis or Ms. Victoria Dettmar, Interstate Commerce Commission, Section of Energy and Environment, room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6211.

Comments on the following assessment are due 15 days after the date of availability:

AB–3 (Sub-No. 99X), Missouri Pacific Railroad Company—Abandonment Exemption—In Denton County, Texas. EA Available 3/17/92.

AB–3 (Sub-No. 100X) and AB–364 (Sub-No. 1X), Missouri Pacific Railroad Company and Mid Michigan Railroad Company—Abandonment Exemption—In Grayson County, Texas. EA available 3/17/92.

AB–55 (Sub-No. 413X), CSX Transportation, Inc. Abandonment in Webster County, West Virginia. EA available 3/17/92.

AB–3 (Sub-No. 101X), Missouri Pacific Railroad Company Abandonment in Ellis and Hill Counties, TX. EA available 3/20/92.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91–0910 Filed 3–24–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an averge respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514–4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Monthly Return of Arson Offenses Known to Law Enforcement.

(2) 4–933. Federal Bureau of Investigation.

(3) Monthly.

(4) State or local governments. The information collected provides the number of arsons and the dollar loss throughout the United States. Summary statistics are published annually in the FBI's "Crime in the United States."

(5) 192,000 annual responses at .10 hours per response.

(6) 19,200 annual burden hours.

(7) Not applicable under 3504(h).

(1) Supplementary Homicide Report.

(2) 4–916. Federal Bureau of Investigation.

(3) Upon occurence of a homicide.

(4) State or local governments. The FBI is authorized to collect this information for inclusion in its annual publication, "Crime in the United States." The information includes the age, sex, race, and ethnic origin of the victim, relationship between murderer and victim, motive, and murder weapon.

(5) 1928 annual responses at .12 hours per response.

(6) 236 annual burden hours.

(7) Not applicable under 3504(h).

(1) Number of Full-Time Law Enforcement Employees as of October 31.

(2) 4–916. Federal Bureau of Investigation.

(3) Annually.

(4) State or local governments. The information requested is needed to determine the number of civilian and sworn full-time male and female law enforcement employees in the United States. The information is included annually in the FBI's publication, "Crime in the United States."

(5) 16,000 annual responses at .20 hours per response.

(6) 3,200 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 19, 1992.

Lewis Arnold,

Department Clearance Officer, Department of Justice.

[FR Doc. 92–6807 Filed 3–24–92; 8:45 am]

BILLING CODE 4410–03–M

Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 17, 1992, a proposed Consent Decree in *United States* v. *Lamar Thumm*, Civil Action No. 90–CV–73234–DT, was lodged with the United States District Court for the Eastern District of Michigan, Southern Division. The United States filed this action under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, for recovery of the costs it has incurred and will incur in connection with the Textile Road Site in Ypsilanti Township, Michigan, and for enforcement of an Administrative Order issued by the United States Environmental Protection Agency ("U.S. EPA") in connection with the Site. The proposed Consent Decree requires the defendant, Lamar Thumm, to pay the United States $40,000.00 in past response costs and $15,000.00 as a civil fine for noncompliance with U.S. EPA's Administrative Order.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Lamar Thumm*, D.J. Ref. No. 90–11–2–447.

The proposed Consent Decree may be examined at the office of the United States Attorney, Eastern District of Michigan 817 Federal Building, 231 West Lafayette, Detroit, Michigan 48226; at the Region V Office of U.S. EPA, Records Center, Seventh Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Washington, DC 20044.

Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. [(202) 347–2072]. In requesting a copy, please enclose a check in the amount of $4.25 (25 cents per page for reproduction cost), payable to the Consent Decree Library.

John C. Cruden,

Chief EES, Environment and Natural Resources Division.

[FR Doc. 92–6811 Filed 3–24–92; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

U.S. v. Society Corporation and Ameritrust Corporation

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the Northern District of Ohio in *United States* v. *Society Corporation and Ameritrust Corporation*, Civil Action No. 1:92CV 0525. The proposed Final Judgement is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h).

The Complaint in this case alleges that the proposed acquistion of Ameritrust Corporation by Society Corporation would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18, in the markets for business banking services provided to small businesses in the Cleveland area.

The proposed Final Judgment directs the defendants to divest twenty-eight offices containing in excess of $1 billion in deposits and approximately $40 million in small business commercial loans. Twenty-six of the branches are located in Cuyahoga County, and two are located in Lake County.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Constance K. Robinson, Chief, Communications and Finance Section, Antitrust Division, Room 8104, 555 Fourth Street, NW., Washington, DC 20001, (202–514–5621).

Joseph H. Widmar,

Director of Operations Antitrust Division.

In the United States District Court For the Northern District of Ohio Eastern Division

United States of American, Plaintiff, v. *Society Corporation and Ameritrust Corporation, Defendants.*

Filed: 3/13/92, Civil No. 1:92CV0525, Judge Bell.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. The parties shall abide by and comply with the provisions of the Final Judgment pending entry of the Final Judgment.

3. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation will be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated March 13, 1992.

Counsel for the Plaintiff:

James F. Rill
Assistant Attorney General

J. Mark Gidley

Constance K. Robinson

Rebecca P. Dick
Attorneys, U.S. Department of Justice Antitrust Division.

David F. Smutny, (IL–06204479)

David R. Myers, (MN–223190)
Attorneys, U.S. Department of Justice, Antitrust Division, Room 8104, 555 Fourth Street, NW., Washington, DC 20001, (202) 514–5796.

Counsel for the Defendants:
Society Corporation

Mark A. Weiss

Stuart C. Stock, Covington & Burling, 1201 Pennsylvania Avenue, NW., P.O. Box 7566, Washington, DC 20044, (202) 662–5308.

Ameritrust Corporation

Joe Sims

Peter Heyward, Jones, Day, Reavis & Pogue, Metropolitan Square, 1450 G Street, NW., Washington, DC 20004–2088, (202) 879–3803.

Final Judgment

Whereas, Plantiff, United States of America, having filed its Complaint herein on March 13, 1992, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And whereas, defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, prompt and certain divestitures of bank branches, deposits and commercial loans are the essence of this agreement, and defendants have represented to plaintiff that the defendants believe the divestitures required herein can and will be made and that defendants will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I. Jurisdiction

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendants under section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. "Ameritrust" means the defendant Ameritrust Corporation, its successors and assigns, its parents, subsidiaries, affiliates, directors, officers, managers, agents, and employees, any other persons under its direct or indirect control, and any other person acting for or on behalf of it.

B. "Business banking services" means banking services offered to business customers and includes at least:

1. "transaction account deposits," *i.e.*, money deposited with a depository institution either at an agreed upon rate of interest or at no interest, withdrawable in practice upon demand and upon which third-party drafts may be drawn by the depositor, including checking accounts and NOW accounts; and

2. "commercial loans," *i.e.*, secured or unsecured loans to businesses, excluding commercial mortgages. Business banking services may also include additional services such as cash and coin, lockbox, cash management, and business expertise and advice offered to business customers. Business banking services excludes services offered to individual consumers.

C. "Branch assets" means personal property; cash on hand; the branch loans specified in section IV.B. and IV.C.; all safe deposit boxes at the branches, exclusive of contents; all prepaid expenses, including security deposits of the branches, determined in accordance with generally accepted accounting principles, as of the closing date; all rights of defendants to all contracts relating to the branch; all records and original documents in defendants' possession pertaining to the leasehold, the personal property, the branch loans specified in sections IV.B. and IV.C., and the nondeposit liabilities; and leasehold; any real estate, buildings, structures, drive-in teller facilities, ATMs, fixtures and improvements thereon which are owned and used by defendants as premises for the branches; and any other assets required for the branch to compete effectively in offering business banking services. Branch assets does not include those assets that at the request of the purchaser are excluded from a branch sale, including among other things classified loans, signs, and computer equipment not useful to a purchaser. Moreover, Brnch assets will not include:

1. "retail loans" assignable to the branch;

2. "residential mortgage loans" assignable to the branch;

3. "commercial mortgages" assignable to the branch;

4. "commercial loans" assignable to the branch made to businesses with annual sales of more than $10 million; and

5. "merchant contracts for credit card receipt processing" that are settled electronically, as opposed to settled using paper documents.

D. "Bank One" means Banc One Corporation, its successors and assigns, its parents, subsidiaries, affiliates, directors, officers, managers, agents, and employees, any other persons under its direct or indirect control, and any other person acting for or cn behalf of it.

E. "Branch deposits" means liabilities allocated to a branch that constitute the unpaid balance of money or its equivalent received or held by the branch in the usual course of business and for which the branch has given or is obligated to give credit, either conditionally or unconditionally, to a commerical, checking, savings, time, investment, retirement or thrift account, or which is evidenced by its certificate of deposit, or a check or draft drawn against a deposit account and certified by the branch. Branch deposits will include public funds for which Ameritrust does not have another branch (other than the branch locations specified in sections IV.B. and IV.C.) that can legally hold such funds and which the purchaser of the branch locations in sections IV.B. and IV.C. wishes to acquire, but will not include:

1. "principal accounts" and "performance packages"—Ameritrust's proprietary sweep accounts;

2. "self-directed retirement accounts"—*i.e.*, IRA, Keogh and HR–10 accounts;

3. "business banking secondary accounts"—deposits of businesses that have their primary deposit account relationships at a branch to be retained; and

4. business deposits of companies with annual sales of more than $10 million.

F. "Commercial mortgages" means loans secured by real estate as evidenced by mortgages or other liens on business and industrial properties.

G. "Defendants" means Society Corporation and Ameritrust Corporation.

H. "Divestiture branches" or "divested branches" means all of the following offices operated by Ameritrust prior to the merger:

1. "Bedford" means the office located at 680 Braodway Avenue in Bedford, Ohio, in the Cuyahoga County market.

2. "Berea" means the office located on 118 Front Street in Berea, Ohio, in the Cuyahoga County market.

3. "BP America" means the office located in the BP mall at 200 Public Square in downtown Cleveland, Ohio, in the Cuyahoga County market.

4. "Broadview-Pearl" means the office located at 4175 Pearl Road in Cleveland, Ohio, in the Cuyahog County market.

5. "Brookpark-Broadview" means the office located at 2132 Brookpark Road in Cleveland, Ohio, in the Cuyahoga County market.

6. "Cedar-Lee" means the office located at 2211 Lee Road in Cleveland Heights, Ohio, in the Cuyahoga County market.

7. "Clark-25th" means the office located at 3104 West 25th Street in Cleveland, Ohio, in the Cuyahoga County market.

8. "Detroit-Columbia" means the office located at 25653 Detroit Road in Westlake, Ohio, in the Cuyahoga County market.

9. "Eastgate" means the office located in the Eastgate Shopping Center at 1485 S.O.M. Center Road in Mayfield Heights, Ohio, in the Cuyahoga County market.

10. "Emery-Richmond" means the office located at 25890 Emery Road in Warrensville Heights, Ohio, in the Cuyahoga County market.

11. "Euclid-97th" means the office located at 9701 Euclid Avenue in Cleveland, Ohio, in the Cuyahoga County market.

12. "Euclid-260th" means the office located at 25811 Euclid Avenue in Euclid, Ohio, in the Cuyahoga County market.

13. "Food Terminal" means the office located at 4100 Woodland Avenue in Cleveland, Ohio, in the Cuyahoga County market.

14. "Franklin-25th" means the office located at 1720 West 25th Street in Cleveland, Ohio, in the Cuyahoga County market.

15. "Galleria" means the office located in the Galleria shopping mall at 1301 East 9th Street, Suite 100 in downtown Cleveland, Ohio, in the Cuyahoga County market.

16. "Garfield Heights" means the office located at 5007 Turney Road in Garfield Heights, Ohio, in the Cuyahoga County market.

17. "Independence" means the office located at 4500 Rockside Road in Independence, Ohio, in the Cuyahoga County market.

18. "Lakeshore-264th" means the office located at 26410 Lakeshore Boulevard in Euclid, Ohio, in the Cuyahoga County market.

19. "Lorain-98th" means the office located at 9740 Lorain Avenue in Cleveland, Ohio, in the Cuyahoga County market.

20. "Puritas-150th" means the office located at 4423 West 150th Street in Cleveland, Ohio, in the Cuyahoga County market.

21. "Ridge-Biddulph" means the office located at 6610 Biddulph Road in Brooklyn, Ohio, in the Cuyahoga County market.

22. "Shaker Square" means the office located at 13117 Shaker Square in Cleveland, Ohio, in the Cuyahoga County market.

23. "Southgate" means the office located in the Southgate Shopping Center at 5384 Northfield Road in Maple Heights, Ohio, in the Cuyahoga County market.

24. "Strongsville" means the office located at 14444 Pearl Road in Strongsville, Ohio, in the Cuyahoga County market.

25. "Terminal Prospect" means the office located on the corner of Prospect Street and Ontario Street in downtown Cleveland, Ohio, in the Cuyahoga County market.

26 "Wilson Mills-Richmond" means the office located in the Richmond Mall Shopping Center at 5134 Wilson Mills Road in Richmond Heights, Ohio, in the Cuyahoga County market.

27. "Willoughby" means the office located at 4098 Erie Street in Willoughby, Ohio, in the Lake County market.

28. "Mentor East" means the office located at 9572 Mentor Avenue in Mentor, Ohio, in the Lake County market.

I. "Huntington Bank" means Huntington National Bank, its successors and assigns, its parents, subsidiaries, affiliates, directors, officers, managers, agents, and employees, any other persons under its direct or indirect control, and any other person acting for or on behalf of it.

J. "National City Bank" means National City Corporation, its successors and assigns, its parents, subsidiaries, affiliates, directors, officers, managers, agents, and employees, any other persons under its direct or indirect control, and any other person acting for or on behalf of it.

K. "Relevant geographic market" means any or all of the following geographic areas:

1. the "Cuyahoga County market" means all of the townships included within the boundaries of Cuyahoga County, Ohio.

2. the "Lake County market" means all of the townships included within the boundaries of Lake County, Ohio.

L. "Small business" means a business with $10 million or less in revenues annually.

M. "Small business loan" means a commercial loan to a business with $10 million or less in annual revenues.

N. "Society" means the defendant Society Corporation, its successors and assigns, its subsidiaries, affiliates, directors, officers, managers, agents, and employees, any other persons under its direct or indirect control, and any other person acting for or on behalf of it. Society shall include Ameritrust and any of its assets and liabilities after such time, if any, as Society acquires Ameritrust.

O. "Star Bank" means Star Banc Corporation, its successors and assigns, its parents, subsidiaries, affiliates, directors, officers, managers, agents and employees, any other persons under its direct or indirect control, and any other person acting for or on behalf of it.

III. Applicability

A. The provisions of this Final Judgment shall apply to the defendants, to their successors and assigns, to their subsidiaries, affiliates, directors, officers, managers, agents, and employees, and all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Defendants shall require, as a condition of the negotiated sale or other negotiated disposition of all or substantially all of their assets or stock, that the acquiring party agree to be bound by the provisions of this Final Judgment.

C. Nothing herein shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party, and nothing herein shall be construed to provide any rights to any third party.

IV. Divestiture of Branches and Loans

A. Defendants are hereby ordered and directed to divest to a qualified purchaser, within six (6) months of the date of filing of this Final Judgment, all of their direct and indirect ownership and control in the branch assets and deposits identified below. The defendants shall make all reasonable efforts to ensure the sale of the entire divestiture package to a single purchaser. The purchaser shall be independent of defendants; shall be a federally insured financial institution that offers business customers, at a minimum, transaction deposit accounts and commercial loans; shall deliver promptly to plaintiff following the execution of a binding contract an affidavit from an authorized officer stating a present intention that the branches purchased will offer business banking services in the geographic area served by the branches; and shall be subject to approval by the plaintiff. The obligation to divest shall be satisfied if, within six (6) months of the date of filing of this Final Judgment, defendants enter into a binding contract with a qualified purchaser for the sale of the branch assets and deposits at each location listed below to a purchaser according to terms approved by plaintiff that are contingent upon compliance with the terms of this Final Judgment and that specify a prompt and reasonable date for closing after compliance with all federal or state bank regulatory requirements and if the sale is completed pursuant to the contract. In the event that any proposed divestiture is denied approval by the Board of Governors of the Federal Reserve System or any other federal or state bank regulatory agency, the time period specified herein in which defendants must satisfy the obligation to divert the section IV.B. and IV.C. branch locations will still expire on the six (6) month anniversary date of the filing of this Final Judgment, unless plaintiff under Section IV.D. grants additional time.

B. In Cuyahoga County, Ohio, defendants are hereby ordered and directed to divest:

1. The Bedord Ameritrust branch assets and deposits, including approximately $0.71 million in small business loans;

2. The Berea Ameritrust branch assets and deposits, including approximately $2.0 million in small business loans;

3. The BP America Ameritrust branch assets and deposits, including approximately $1.7 million in small business loans;

4. The Broadview-Pearl Ameritrust branch assets and deposits, including approximately $0.2 million in small business loans;

5. The Brookpark-Broadview Ameritrust branch assets and deposits, including approximately $0.3 million in small business loans;

6. The Cedar-Lee Ameritrust branch assets and deposits, including approximately $0.5 million in small business loans;

7. The Clark-25th Ameritrust branch assets and deposits, including approximately $0.5 million in small business loans;

8. The Detroit-Columbia Ameritrust branch assets and deposits, including approximately $3.6 million in small business loans;

9. The Eastgate Ameritrust branch assets and deposits, including approximately $2.2 million in small business loans;

10. The Emery-Richmond Ameritrust branch assets and deposits, including approximately $1.7 million in small business loans;

11. The Euclid-97th Ameritrust branch assets and deposits, including approximately $0.3 million in small business loans;

12. The Euclid-260th Ameritrust branch assets and deposits, including approximately $0.9 million in small business loans;

13. The Food Terminal Ameritrust branch assets and deposits, including approximately $1.5 million in small business loans;

14. The Franklin-25th Ameritrust branch assets and deposits, including approximately $3.1 million in small business loans;

15. The Galleria Ameritrust branch assets and deposits, including approximately $1.9 million in small business loans;

16. The Garfield Heights Ameritrust branch assets and deposits, including approximately $2.1 million in small business loans;

17. The Independence Ameritrust branch assets and deposits, including approximately $4.8 million in small business loans;

18. The Lakeshore-264th Ameritrust branch assets and deposits, including approximately $0.1 million in small business loans;

19. The Lorain-98th Ameritrust branch assets and deposits, including approximately $1.1 million in small business loans;

20. The Puritas-150th Ameritrust branch assets and deposits, including approximately $1.2 million in small business loans;

21. The Ridge-Biddulph Ameritrust branch assets and deposits, including approximately $0.1 million in small business loans;

22. The Shaker Square Ameritrust branch assets and deposits, including approximately $0.3 million in small business loans;

23. The Southgate Ameritrust branch assets and deposits, including approximately $0.7 million in small business loans;

24. The Strongsville Ameritrust branch assets and deposits, including approximately $2.1 million in small business loans;

25. The Terminal Prospect Ameritrust branch assets and deposits, including approximately $1.7 million in small business loans; and

26. The Wilson Mills-Richmond Ameritrust branch assets and deposits, including approximately $0.4 million in small business loans.

The plaintiff and the defendants recognize that the amount of small business loans specified in this section IV.B. with respect to each branch location will fluctuate in the ordinary course of business, including due to paydowns, increases in draws, and new extensions of credit. In the case of the small business loans, the defendants' obligation to divest shall be satisfied by offering the purchaser the right to buy such loans.

C. In Lake County, Ohio, defendants are hereby ordered and directed to divest:

1. The Willoughby Ameritrust branch assets and deposits, including approximately $0.9 million in small business loans; and

2. The Mentor East Ameritrust branch assets and deposits, including approximately $3.6 million in small business loans.

The plaintiff and the defendants recognize that the amount of small business loans specified in this section IV.C. with respect to each branch location will fluctuate in the ordinary course of business, including due to paydowns, increases in draws, and new extensions of credit. In the case of the small business loans, the defendants' obligation to divest shall be satisfied by offering the purchaser the right to buy such loans.

D. If defendants have not accomplished the required divestitures, within six (6) months of the filing date of this Final Judgment, plaintiff may, in its sole discretion, extend this time period, separately for each section IV.B. and IV.C. branch location, for an additional period of time, if defendants request such an extension and demonstrate to plaintiff's satisfaction for each such branch location that it is then engaged in negotiations with a prospective purchaser that are likely to result in the required divestitures but that the contract cannot be completed by the six (6) month anniversary date of the filing of this Final Judgment.

E. Defendants agree to take all reasonable steps to accomplish said divestitures promptly. In carrying out their obligation to divest the branch assets and deposits at each location identified in sections IV.B. and IV.C. of this Final Judgment, defendants may divest these branch assets and deposits alone, or may divest along with these branch assets any other assets of Society or Ameritrust.

F. Defendants have already taken steps to accomplish the divestiture of the section IV.B. and IV.C. branch locations, deposits, and loans. In the event that these negotiations cease, defendants shall promptly thereafter make known in the Wall Street Journal, the American Banker, and in the State of Ohio, by usual and customary means, the availability of the section IV.B. and IV.C. branch locations, for sale as ongoing branches that offer business banking services, and shall also make known by the same means the availability of the deposits and loans required to be divested. The defendants shall notify any person making an inquiry regarding the possible purchase of any or all of the section IV.B. and IV.C. branch locations, deposits, and loans that the sale is being made pursuant to this Final Judgment and that this Final Judgment requires approval of this Court. The defendants shall provide any such person with a copy of this Final Judgment. The defendants shall also offer to furnish to all bona fide prospective purchasers of any or all of the section IV.B. and IV.C. branch locations, deposits, and loans, subject to customary confidentiality assurances, all pertinent information regarding each section IV.B. and IV.C. branch location and the deposits and loans. Defendants shall provide such information to the plaintiff as soon as possible, but no later than two (2) business days after it furnishes such information to any other person. Defendants shall permit prospective purchasers of any or all of the section IV.B. and IV.C. branch locations to consult personnel at each section IV.B. and IV.C. branch location and to make such inspection of physical facilities and any and all financial, operational, or other documents and information as may be relevant to the sale of each section IV.B. and IV.C. branch location or to the deposits and loans to be divested. Defendants shall not be required to permit prospective purchasers to have access to any documents or information relevant to defendants' banking business, except to the extent it relates to the section IV.B. and IV.C. branch locations' operations and business or to the deposits or loans to be divested. Defendants shall not object to any application for new bank charters sought to facilitate any divestitures.

G. Star Bank is hereby determined by plaintiff to be an acceptable purchaser of any or all of the section IV.B. and IV.C. branches, deposits, or loans. National City Bank, Huntington Bank and Bank One are hereby determined by plaintiff to be unacceptable purchasers of any or all of the section IV.B. and IV.C. divestiture branches, deposits, or loans. As to any other proposed purchaser, the divestitures required by sections IV.B. and IV.C. of this Final Judgment shall be accomplished in such a way as to satisfy plaintiff, in its sole discretion that the purchaser is qualified in the following two respects: (1) The purchaser intends to use the section IV.B. and IV.C. branch assets and deposits to compete in the provision of business banking services in the geographic area currently served by the branch, and (2) the purchaser has the managerial, operational, and financial capability to compete effectively in the provision of such business banking services.

H. Following accomplishment of the divestitures, defendants shall not acquire or attempt to acquire from the purchaser any branch assets or deposits divested pursuant to sections IV.B. and IV.C. of this Final Judgment without first receiving prior approval from the plaintiff during the duration of this Final Judgment (except assets that the purchaser can require defendants to repurchase pursuant to the terms of the binding contract under section IV.A.).

I. Except to the extent otherwise approved by plaintiff, any branch assets divested to this Final Judgment shall be divested free and clear of (1) all mortgages, encumbrances and liens to defendants and of (2) any contractual commitments or obligations to defendants existing as of the date of divestiture, unless plaintiff is satisfied that the purchaser of a divested branch location wishes to voluntarily assume the future performance of any such existing contracts, and plaintiff consents thereto.

V. Appointment of Trustee

A. If defendants have not accomplished the divestitures required by sections IV.B. and IV.C. of this Final Judgment by the five (5) month anniversary date of the filing of this Final Judgment, defendants shall notify plaintiff in writing of that fact. Within ten (10) days of that date, or twenty (20) days prior to the expiration of any extension granted pursuant to Section IV.D., whichever is later, plaintiff shall provide defendants with written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestitures. Defendants shall notify plaintiff within ten (10) days thereafter whether either or both of such nominees are acceptable. If either or both of such nominees are acceptable to defendants, plaintiff shall notify the Court of the person upon whom the parties have agreed and the Court shall appoint that person as the trustee. If neither of such nominees is acceptable to defendants, they shall furnish to plaintiff, within ten (10) days after plaintiff provides the names of its nominees, written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestitures. If either or both of such nominees are acceptable to plaintiff, plaintiff shall notify the Court of the person upon whom the parties have agreed and the Court shall appoint that person as the trustee. If neither of such nominees is acceptable to plaintiff, it

shall furnish the Court with the names and qualifications of its proposed nominees and the names and qualifications of the nominees proposed by defendants. The Court may hear the parties as to the qualifications of the nominees and shall appoint one of the nominees as the trustee.

B. If defendants have not accomplished the divestitures required by sections IV.B. and IV.C. of this Final Judgment at the expiration of the time period specified in sections IV.A. or IV.D. of this Final Judgment, as applicable, the appointment by the Court of the trustee shall become effective. The trustee shall then take steps to effect divestiture of the not yet divested section IV.B. and IV.C. branch locations, deposits, and loans according to the terms of this Final Judgment; provided, however, that the appointment of the trustee shall not become effective if, prior to expiration of the applicable time period, defendants have notified plaintiff pursuant to section VI. of this Final Judgment of a proposed divestiture of section IV.B. and IV.C. branch locations, deposits, and loans and plaintiff has not filed a written notice that it objects to said proposed divestitures.

C. After the trustee's appointment has become effective, only the trustee shall have the right to sell any section IV.B. and IV.C. branch location and any deposits or loans as to which it has been designated to effect divestiture. The trustee shall have the power and authority to accomplish divestitures to a purchaser acceptable to the plaintiff at such price and on such terms as are then obtainable upon a reasonable effort by the trustee, subject to the provisions of Section VI. of this Final Judgment, and shall have such other powers as this Court shall deem appropriate. Defendants shall not object to a sale of the section IV.B. and IV.C. branch locations, deposits, or loans by the trustee on any grounds other than the trustee's malfeasance. Any such objection by defendants must be conveyed in writing to plaintiff and the trustee within fifteen (15) days after the trustee has notified defendants of the proposed sale in accordance with section VI. of this Final Judgment.

D. The trustee shall serve at the cost and expense of defendants, shall receive compensation based upon a fee arrangement which includes an incentive based upon the price of the divestitures and the speed with which they are accomplished, and shall serve on such other terms and conditions as the Court may prescribe; provided, however, that the trustee shall receive no compensation, nor incur any costs or expenses, prior to the effective date of his or her appointment. The trustee shall account for all costs and expenses incurred in connection with this matter. After approval by the Court of the trustee's accounting, including fees and reasonable expenses for his or her services, all remaining monies shall be paid to defendants and the trust shall then be terminated.

E. Defendants shall take no action to interfere with or impede the trustee's accomplishment of the divestitures and shall, if requested by the trustee, use its best efforts to assist the trustee in accomplishing the required divestitures. The trustee shall have full and complete access to the personnel, books, records, and facilities of the section IV.B. and IV.C. branch locations which the trustee is designated to divest, and defendants shall develop such financial or other information relevant to the section IV.B and IV.C. branch locations, deposits, and loans being divested as the trustee may request.

F. After his or her appointment becomes effective, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestitures as contemplated under this Final Judgment; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding thirty (30) days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contact, or made an inquiry about acquiring, any ownership interest in the Section IV.B. and IV.C. branch locations, deposits, or loans and shall describe in detail each contact with any such person during that period. The trustee shall maintain full records of all efforts made to divest the section IV.B and IV.C. branch locations, deposits, or loans and shall provide additional information to plaintiff upon its request.

G. Within six (6) months after his or her appointment has become effective, if the trustee has not accomplished the divestitures required by sections IV.B. and IV.C. of this Final Judgment, the trustee shall promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestitures, (2) the reasons, in the trustee's judgment, why any required divestitures have not been accomplished, and (3) the trustee's recommendations; provided, however, that to the extent the report contains information that the trustee deems confidential, the report shall not be filed in the public docket of the Court. The trustee shall at the same time furnish the report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall thereafter enter such orders as it shall deem appropriate in order to carry out the purpose of the trust and the term of the trustee's appointment.

VI. Notification

Immediately following execution of a binding contract, contingent upon compliance with the terms of this Final Judgment, to effect any proposed divestitures pursuant to Section IV. of this Final Judgment, defendants or the trustee, whichever is then responsible for effecting the divestitures, shall notify plaintiff of the proposed divestitures. If the trustee is responsible, he or she shall similarly notify defendents. The notice shall set forth the details of the proposed transactions and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or desire to, acquire any ownership interest in the section IV.B. and IV.C. branch locations, deposits, or loans, together with full details of same. Within fifteen (15) days of receipt by plaintiff of such notice, plaintiff may request additional information concerning the proposed divestitures and the proposed purchaser. Defendants and/or the trustee shall furnish any additional information requested within twenty (20) days of receipt of the request, unless the parties shall otherwise agree. Within thirty (30) days after receipt of the notice or within twenty (20) days after plaintiff has been provided the additional information requested (including any additional information requested of persons other than the defendants or the trustee), whichever is later, plaintiff shall provide written notice to defendant and to the trustee, if there is one, stating whether or not it objects to the proposed divestitures. If plaintiff provides written notice to defendants and/or the trustee that it does not object, then the divestitures may be consummated, subject only to defendants' limited right to object to the sale under the proviso in section V.C. Upon objection by plaintiff, a divestiture proposed under section IV. shall not be consummated. Upon objection by plaintiff, or by defendants under the proviso in section V.C., a divestiture proposed under section V. shall not be consummated unless approved by the Court. The

requirements of this section VI. are subject to waiver by the plaintiff.

VII. Affidavits

Within fifteen (15) business days of filing of this Final Judgment and every thirty (30) days thereafter until the divestitures have been completed or authority to effect divestitures passes to the trustee pursuant to section V. of this Final Judgment, defendants shall deliver to plaintiff an affidavit as to the fact and manner of compliance with section IV. of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any ownership interest in the section IV.B. and IV.C. branch locations, deposits, or loans and shall describe in detail each contact with any such person during that period. Defendants shall maintain full records of all efforts made to divest the section IV.B. and IV.C. branch locations, deposits, and loans.

VIII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to sections IV. or V. of this Final Judgment without plaintiff's prior consent.

IX. Preservation of Assets

Until the divestiture of the section IV.B. and IV.C. branch locations, deposits, and loans required by this Final Judgment have been accomplished.

A. The defendants shall take all steps necessary to assure that the section IV.B. and IV.C. branch locations will be maintained as economically viable, ongoing branches that offer business banking services. The defendants shall use all reasonable efforts to maintain and increase sales of business banking services provided through the section IV.B. and IV.C. branch locations, and continue with any current plans for development of business banking services at those locations. Insofar as defendants make any new small business loans on or after March 13, 1992, to small business customers who have transaction account deposits at a section IV.B. or IV.C. branch location, such small business loans shall be offered to the purchaser of the branch location.

B. The defendants shall not sell, lease, assign, transfer or otherwise dispose of, or pledge as collateral for loans, any branch assets or deposits required to be divested pursuant to sections IV.B. and IV.C., except that any component of such branch assets as is replaced in the ordinary course of business with a newly purchased component may be sold or otherwise disposed of, provided the newly purchased component is so identified as a replacement component for one to be divested.

C. The defendants shall provide and maintain sufficient working capital to preserve the section IV.B. and IV.C. branch locations, including funds for commercial lending, as viable, ongoing branches that offer business banking services consistent with the requirements of section IX.A.

D. Defendants shall preserve the physcial branch assets required to be divested pursuant to sections IV. and V., except those replaced with newly acquired assets in the ordinary course of business, in a state of repair equal to their state of repair as of the date of this Final Judgement, ordinary wear and tear excepted. Defendants shall preserve the documents, books, and records of the section IV.B. and IV.C. branch locations until the date of divestiture.

E. Pending completion of the divestiture, except in the ordinary course of business, or as is otherwise consistent with the requirements of section X., the defendants shall refrain from terminating or altering any current employment, salary, or benefit agreements (except that defendant Society may substitute its benefit agreement for Ameritrust's benefit agreement for former Ameritrust employees, upon consummation of the merger, provided that the employees of the section IV. branch locations receive benefits comparable to those of other Society employees) for any managerial or commercial loan personnel of the section IV.B. and IV.C. branch locations, and shall refrain from transferring any employee so employed without the prior written approval of plaintiff. Similar protection shall be afforded to sufficient Ameritrust personnel, including commercial loan officers, not assigned to the branches to be divested but needed to handle the small business customers whose deposits and loans are to be divested.

F. Defendents shall refrain from taking any action that would jeopardize the sale of the section IV.B. and IV.C. branch locations, deposits, or loans.

X. Employment Offers

A. Defendants are hereby enjoined and restrained until two (2) years following the date of divestiture, from employment of, or making offers of employment to, any person who currently is a commercial loan manager, officer or representative, the preponderance of whose duties relate to the successful operation of the section IV.B. and IV.C. branch locations, deposits, and loans or reasonably needed by the purchaser to continue the successful operation of those branches and the servicing of the small business customers whose loans are being divested. This provision, however, does not apply to any employee who is terminated by the purchaser of a divested branch. Defendants shall make available for interview and employment offers by purchaser sufficient Ameritrust personnel, including branch personnel, and commercial loan officers not assigned to the branches to be divested but needed to handle the small business customers whose deposits and loans are to be divested. Defendants shall encourage and faciliate employment by the purchaser of such employees, and shall remove any impediments that may deter such employees from accepting employment with the purchaser of any section IV.B. and IV.C. branch locations, or deposits or loans, including, but not limited to, the payment of all bonuses accrued up to the closing date of sale of each section IV.B. and IV.C. branch location, or deposits or loans to which such employees would otherwise have been entitled had they remained in the employment of defendants until December 31, 1992. For the Ameritrust personnel not assigned to the branches to be divested, but needed to handle the small business customers whose deposits and loans are to be divested, the purchaser shall be afforded the opportunity to make job offers to up to ten of these employees. In connection with the purchaser's solicitation of any employees under this Section X., defendants shall not make competing offers.

XI. Visitorial Clause

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendants made to their principal offices, be permitted:

1. Access during office hours of the defendants to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of the defendants, who may have counsel

present, relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of the defendants and without restraint or interference from it, to interview officers, employees and agents of the defendants, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the defendant principal offices, the defendants shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this section XI. shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by the defendants to plaintiff, the defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendants mark each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to the defendants prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendants are not a party.

XII. Expiration of Judgment

This Final Judgment will expire on the tenth anniversay of its date of entry or, with respect to any particular provision, on any earlier date specified.

XIII. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XIV. Statement of Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____

United States District Judge.

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16 (b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in the civil antitrust proceedings.

I. Nature and Purpose of the Proceeding

On March 13, 1992, the United States filed a civil antitrust complaint under section 15 of the Clayton Act, as amended, 15 U.S.C. 25, alleging that the proposed merger between Society Corporation ("Society") and Ameritrust Corporation ("Ameritrust") would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18.

The complaint alleges that the effect of the transaction may be substantially to lessen competition in the provision of business banking services to small businesses in the relevant geographic markets reasonably approximated by: (1) Cuyahoga County, Ohio; and (2) Lake County, Ohio. Business banking services offered to business customers include, either collectively or individually, services such as commercial loans, commercial checking accounts, cash and coin, lockbox, cash management, and business expertise and advise. Both Society and Ameritrust compete directly in offering a variety of business banking services to business customers, including small businesses, in the relevant geographic markets. The proposed acquisition would result in substantial increases in concentration in markets that are already highly concentrated and for which regulatory and other market factors make it unlikely that effective entry or expansion will cure the transaction's anticompetitive effects.

The complaint alleges that the proposed transaction would, in particular, hurt the many small business customers purchasing business banking services in the relevant geographic markets. Small businesses are defined as businesses generating total revenues of $10 million or less annually. The complaint seeks to enjoin the proposed transaction and thereby prevent its anticompetitive effects.

On March 13, 1992, the United States, Society and Ameritrust filed a Stipulation by which they consented to the entry of a proposed Final Judgment. Under the proposed Final Judgment, as explained more fully below, defendants would be required to sell designated commercial banking branches, deposits, and accompanying small business loans, in Cuyahoga and Lake Counties.[1] The United States and the defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA, unless the government withdraws its consent after considering public comments on the proposal. Entry of the proposed Final Judgment would terminate this action except that the Court would retain jurisdiction to construe, modify, and enforce the Judgment and to punish any violations.

II. Events Giving Rise to the Alleged Violation

Society, headquartered in Cleveland, is the third largest bank holding company in Ohio and the third largest commerical bank in Cuyahoga County, as measured by total deposits. In 1991, Society maintained consolidated assets of $15.4 billion, with total deposits of $11.6 billion. Through its five subsidiary banks, Society operates 289 full service banking offices in Ohio and has a significant presence in Indiana and Michigan. In the market approximated by Cuyahoga County, Society controls total deposits of approximately $3.3 billion, representing approximately 21% of total deposits held by depository institutions.[2] Society has 53 offices in Cuyahoga County, representing approximately 16% of total offices. In adjacent Lake County, Society controls deposits of $193.7 million (11% of total deposits), and 11 offices (16% of total offices).

Ameritrust, also headquartered in Cleveland, is the fifth largest bank holding company in Ohio and the largest commercial bank in Cuyahoga County, as measured by deposits. In 1991, Ameritrust reported consolidated assets of $10.8 billion, with $8.7 billion in total deposits. Ameritrust's six subsidiary banks serve markets throughout most of Ohio, as well as a significant number of markets in Indiana and Michigan. In the Cuyahoga County market, Ameritrust controls $4.8 billion in deposits, approximately 30.3% of the market. Ameritrust has a vast branch network of 83 offices (25.5% of total offices) spread throughout the market. In the Lake County market, Ameritrust controls $251.6 million in deposits (14.5%) and has six offices (8.7%).

On November 12, 1991, Society and Ameritrust submitted their formal application to the Federal Reserve Board ("Board" or "FRB") for consumption of the transaction. The Board announced its approval of the application by a vote of 6–1 on February 13, 1992, subject only to divestitures in Starke County, Indiana, and Ashtabula County, Ohio.[3] The Board did not order any divestitures in the Cleveland FRB market.[4] Under the Bank Holding Company Act, as amended, 12 U.S.C. 1849,[5] the United States had thirty days from the date of the Federal Reserve Board's decision to seek to prevent the proposed acquisition by filing suit.

The merger arose out of financial difficulties experienced by Ameritrust in early 1990. These difficulties stemmed from asset quality problems in the areas of commercial real estate loans and highly leveraged transactions.[6] In the wake of these developments, Ameritrust received various expressions of interest and proposals from a number of institutions, including Society, National City Bank ("NCB"), and Banc One. After abandoning announced merger plans with Cleveland's second largest bank, NCB, in mid 1991, Ameritrust ultimately decided to merge into Society.

The United States filed its complaint because the proposed merger would likely reduce competition in the provision of business banking services to small businesses in the relevant geographic markets reasonably approximated by Cuyahoga and Lake Counties. The likelihood of competitive harm appears greatest for small business customers, and would likely result in higher prices for business banking services for these customers.

Investigation by the United States shows that Society and Ameritrust compete in the provision of a wide range of banking services, including services to individual consumers and services to businesses in the two markets. While many other financial institutions, particularly thrifts, compete with Society and Ameritrust in the provision of consumer banking services, only commercial banks and a small number of thrift institutions are currently competitors for business customers in those markets. These are the only firms that either currently provide, or are likely in the event of a supracompetitive price increase to begin to provide business banking services, as defined by the complaint.

Society and Ameritrust each offer a variety of business banking services, and compete directly with one another in the geographic markets. A significant number of small business customers purchase both transactions accounts and commercial loans, as well as other business banking services from Society and Ameritrust.

Few financial institutions that currently do not offer business banking services appear likely to start offering these services in the Cuyahoga and Lake County markets within a reasonable time even if the proposed merger results in a supracompetitive price increase. Savings and loan associations currently face tax incentives to limit the extent to which they make commercial loans; moreover, their ability to begin offering these services to businesses, including small businesses, is substantially affected by capital requirements and their own capital positions. Under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989,[7] new, more significant capital requirements and other restrictions were placed upon the lending activities of savings and loan associations. Moreover, the vast majority of savings and loan associations in the two markets do not currently provide business banking services.

The United States' investigation revealed that the above factors, coupled with other economic factors concerning business banking services, make it unlikely that most savings and loan associations in the relevant geographic markets would begin to provide such services. However, the investigation did uncover a small number of thrift institutions that indicated that they might offer such services in the event of a small but significant and non-transitory price increase. The United States included these institutions in the relevant market in its competitive analysis. Because of statutory and regulatory constraints on the offering of non-mortgage commercial loans by thrifts, however, when considering the competitive influence in the relevant markets of these few thrifts the United States has appropriately weighted their deposits and offices at 40% while weighting commercial bank deposits and offices at 100%.

The investigation also revealed that credit unions in the Cleveland area are not generally current or potential competitors in business banking services due to a combination of legal and economic restraints. Credit unions may offer services to individual consumers, but are not permitted to offer most business banking services such as those provided to the small business customers served by commercial banks and certain thrifts.

Loan production offices ("LPOs") of commercial banks headquartered elsewhere do not offer transaction accounts and, under current regulation, are prohibited from doing so. Moreover, the LPOs in Cuyahoga and Lake County serve large business customers and do not currently provide commercial loans to small businesses. Based upon available evidence, even with a significant, non-transitory price increase for commercial loans to small businesses, LPOs are unlikely to begin to make such loans.

Non-depository institutions may provide one or even a few of the services provided by commercial banks

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[1] The proposed Final Judgment requires divestiture of 28 bank branches in Cuyahoga and Lake Counties, totaling approximately $1 billion in deposits and $40 million in small business loans. In Cuyahoga County, the proposed Final Judgment requires that 25 offices with $973 million in deposits and $35.7 million in small business loans be divested; in Lake County, the required divestitures total two offices with approximately $76.5 million in deposits and $4.7 million in small business loans.

[2] Market share calculations include all depository institutions—thrift institutions as well as commercial banks—that currently offer, or would likely offer in the event of a supracompetitive price increase, business banking services. A more detailed discussion of market share is included below.

[3] *Society Corporation*, Federal Reserve System Order, February 13, 1992. Federal Reserve Board Governor Angell dissented from the order approving the merger, and agreed with the conclusions expressed by the Department of Justice in its February 6, 1992 letter to the Board. *Id.*, at 21.

[4] The Cleveland FRB market is substantially larger than the markets alleged in the complaint. The FRB market encompasses all of Cuyahoga, Lake, Geauga, and Lorain counties, as well as portions of Portage, Erie, Medina and Summit counties, while the complaint alleges county-wide markets.

[5] Section 1849(b)(1) provides in pertinent part that:

The Board shall immediately notify the Attorney General of any approval by it pursuant to section 1842 of this title of a proposed acquisition, merger, or consolidation transaction * * * [T]he transaction may not be consummated before the thirtieth calendar day after the date of approval by the Board.

Any action brought under the antitrust laws arising out of an acquisition, merger, or consolidation transaction approved under section 1842 of this title shall be commenced prior to the earliest time under this subsection at which the transaction approval under the section 1842 of this title might be consummated. The commencement of such an action shall stay the effectiveness of the Board's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented.

[6] Although it had long been the market leader among depository institutions in Cuyahoga County, home of the Cleveland-metro area, in 1990 Ameritrust reported a net loss of $90 million while recording a provision for loan losses of $325 million. During the latter half of 1990, Ameritrust experienced significant management changes, including the loss of its chairman and chief executive officer.

[7] 12 U.S.C. 1464(t).

and certain thrift institutions. For example, investment or brokerage houses offer products that are offered by commercial banks or thrift institutions. Non-depository institutions, however, do not provide certain important business banking services, such as transaction accounts for business customers, which are offered by commercial banks and some thrift institutions. Moreover, they do not offer products that are close substitutes for these business banking services. Even these business services that are provided by non-depository institutions to business customers are generally only provided to large businesses. Loans offered by non-depository institutions to commericial loan customers are sufficiently different in price or terms than loans offered by commercial banks and some thrifts that they are not close substitutes for these products. For these reasons, such firms do not compete with depository institutions in offering business banking services.

Banking organizations in Cuyahoga and Lake Counties that accept deposits in more than one market may have the ability to shift funds from one market to another, offering more services, particularly loans, in one market than deposits in that market alone would support. There are, however, constraints on the amount of out-of-market funds that a depository institution can effectively utilize for loans in a market. In addition to considerations relating to risk, an institution needs an effective means of delivering banking services, including loans, to customers. Among other things, it needs a network of branch offices and trained loan personnel sufficient to provide convenient service to customers throughout the relevant markets. It is particularly important to small business customers that an office of their depository institution be convenient to their place of business. Thus, the number of offices a depository institution has in a market can also be a useful indicator of its capacity to provide business banking services in that market.

The United States estimates that over 30,000 small businesses operate in Cleveland. Such businesses generally are economically able to obtain business banking services only from banks which have offices located in the geographic markets where the business is situated—in this case Cuyahoga County or Lake County. Small business customers typically engage in "relationship" banking, and purchase a number, if not all, of their different banking services from a single bank. For example, a business customer might use the bank for a checking account, credit for the purchase of inventory, payroll services, night deposit, and cash and coin services. The United States' investigation revealed that both small business customers and business banking institutions view it as beneficial to engage in this relationship banking. By purchasing more than one business banking service, such as transactions accounts and commercial loans, from the same institution, the customer typically obtains better overall rates or service. Similarly, the bank benefits from economies in cross-selling a variety of products to a single commercial customer. In fact, most business banking institutions in Cuyahoga and Lake Counties strongly encourage a business customer to maintain its primary transaction account at the institution as long as the institution is the customer's leading source of depository institution credit.

The United States concluded that the relevant geographic markets are Cuyahoga and Lake Counties, Ohio and not the larger market defined by the Federal Reserve Bank of Cleveland.[8] The investigation disclosed that small business banking customers operating in Cuyahoga and Lake Counties can only obtain business banking services from depository institution offices in the areas reasonably approximated by their home counties. For a variety of reasons, including but not limited to convenience, such businesses cannot practicably turn to a depository institution outside of their home county, even in the event of a supracompetitive price increase.

Seventeen commercial banks operate in the Cuyahoga County market and nine commercial banks operate in the Lake County market. In addition, there are five thrifts operating in one or both of the counties that either currently offer business banking services or are likely to do so in the event of a supracompetitive price rise for these services. A few of these institutions have very large market shares and the others are much smaller. The Cuyahoga County market is dominated by three very large banks, two of which are Society and Ameritrust, and two smaller banks. Lake County is similarly dominated by five large commercial banks.

In Cuyahoga County, Ameritrust, although declining financially, is the leading firm with over 30% of total deposits.[9] Following National City Bank with 27%, Society is the third largest institution with 21% of total deposits. Two other firms have 7% and 4% and are within the top tier in Cuyahoga County. The remaining firms in the market all have shares well below 2%. This market structure means that combining two of these largest three firms will significantly increase concentration in the market.

In Lake County, Ameritrust controls 14.5% of deposits and Society controls 11%. Banc One is the market leader with 36% of deposits, National City Bank is third with 13% and Fifth Third Bank is fifth with 11%. All of the remaining institutions in Lake County have 4% or less of total deposits.

Under the Justice Department's *Merger Guidelines*,[10] when the Herfindahl-Hirschman Index ("HHI"),[11] a measure of market concentration, is over 1800, the market is considered highly concentrated. A merger that increases the HHI by more than 50 points is of significant competitive concern and may be unlawful, depending upon an analysis of all other relevent factors.

In the Cuyahoga County market, the HHI, calculated on the basis of total deposits [12] of firms offering business banking services, would increase as a result of the merger by 1265 points to 3416. In Lake County, a similar HHI calculation results in a 323 point increase to 2274. These measures indicate highly concentrated markets that would be further concentrated as a result of the proposed merger.

The United States' investigation concluded that an adequate branch network delivery system is of great importance in serving the various needs of small business customers throughout the geographic markets. Calculating the HHI using total number of bank branches as a measure of concentration produces an increase in Cuyahoga County of 833 points to 2342, and an increase in Lake County of 277 points to 1629. These markets are also concentrated according to this measure, and the merger results in a significant increase in concentration, which raises strong competitive concerns.

The investigation of the United States concluded that without divestiture, this merger would serve to facilitate coordinated behavior among the leading banks in Cuyahoga County and Lake County. The merger reduces the number of leading banks in both Cuyahoga and Lake Counties from five to four and increases concentration in those markets, thereby enhancing the ability of firms to reach and enforce an anticompetitive understanding. In addition, there is ample opportunity in both markets for banks to monitor the pricing of their competitors, detect any discounting, and punish such "cheaters" or discounters by targeting their customers. The United States further concluded that entry by outside firms or expansion by firms already operating within the markets would not be sufficiently timely or of sufficient magnitude to remedy such anticompetitive concerns.

For all of the above reasons, the United States concluded that there is a significant probability that, absent divestiture, the merger would substantially lessen competition in the provision of business banking services to small business customers in Cuyahoga and Lake Counties.

III. Explanation of the Proposed Final Judgment

The risk to competition posed by this transaction will be substantially reduced by the structural relief provided in the proposed Final Judgment whereby there will be divestitures of commercial bank branches and accompanying levels of deposits and small business commercial loans.

Society is required, by section IV. of the proposed Final Judgment, within six months of the filing date of the proposed Final Judgment to divest 28 Ameritrust bank offices and the deposits of individuals and small businesses, with a few exceptions, held at these offices. Those deposits currently total approximately $1.05 billion. The offices are:

1. *Within Cuyahoga County, Ohio*—Bedford, 660 Broadway Avenue, Bedford, Ohio; Berea, 118 Front Street, Berea, Ohio; BP America, 200 Public Square, Cleveland, Ohio; Broadview-Pearl, 4175 Pearl Road, Cleveland, Ohio; Brookpark-Broadview, 2132 Brookpark Road, Cleveland, Ohio; Cedar-Lee, 2211 Lee Road, Cleveland Heights, Ohio; Clark-25th, 3104 West 25th Street, Cleveland, Ohio; Detroit-Columbia, 25653 Detroit Road, Westlake, Ohio; Eastgate, 1485 S.O.M. Center Road, Mayfield Heights, Ohio; Emery-Richmond, 25890 Emery Road, Warrensville Heights, Ohio; Euclid-97th, 9701 Euclid Avenue, Cleveland, Ohio; Euclid-280th, 25811 Euclid Avenue, Euclid, Ohio; Food Terminal, 4100 Woodland Avenue, Cleveland, Ohio; Franklin-25th, 1720 West 25th Street, Cleveland, Ohio; Galleria, 1301 East 9th Street, Suite 100, Cleveland, Ohio; Garfield Heights, 5007 Turney Road, Garfield Heights, Ohio; Independence, 4500 Rockside Road, Independence, Ohio; Lakeshore-284th, 28410 Lakeshore Boulevard, Euclid, Ohio; Lorain-98th, 9740 Lorain Avenue, Cleveland, Ohio; Puritas-150th, 4423 West 150th Street, Cleveland, Ohio; Ridge-Biddulph, 6610 Biddulph Road, Brooklyn, Ohio; Shaker Square, 13117 Shaker Square, Cleveland, Ohio; Southgate, 5384 Northfield Road, Maple Heights, Ohio; Strongsville, 14444 Pearl Road, Strongsville, Ohio; Terminal Prospect, corner of Prospect Street and Ontario Street, Cleveland, Ohio; and Wilson Mills-Richmond, 5134 Wilson Mills Road, Richmond Heights, Ohio

2. *Within Lake County, Ohio*—Mentor East, 9572 Mentor Avenue, Mentor, Ohio; and Willoughby, 4098 Erie Street, Willoughby, Ohio.

Society is also required, by section IV. of the Final Judgment, to divest all of the small business loans accompanying the above-mentioned branches and other small business loans sufficient to raise the total level of Ameritrust small business loans divested so that the percentage of loans divested is approximately equivalent to the offices divested. The United States calculates the total of these loans at approximately $35 million for the total Cuyahoga County package of offices, and approximately $4.7 million for the package of Lake County offices.

To ensure that the diverstitures are accomplished in such a way as to maintain competition, the proposed Final Judgment prohibits the sale of the branches to certain very large firms that already have a significant competitive presence in the Cuyahoga and Lake County markets. The proposed Final Judgment prohibits the sale of any of the above branches to National City Bank, Huntington Bank, or Banc One. The divestitures will bring about the entry of a new provider or make larger an existing, small provider of business banking services in the relevant markets, thereby ensuring that competition is not substantially lessened by the transaction.

The divestiture package will provide the buyer with well located and profitable branches that comprise an adequate branch network delivery system for business loans and transaction accounts, an adequate commercial and retail deposit gathering base, and a solid base of commercial loan relationships from which to serve small business customers in the two markets. The branch network will also facilitate the shifting of lending capacity by the buyer, both within the markets and from other outside markets, thereby permitting it to expand small business lending relatively quickly in the relevant markets. Finally, in reaching this settlement the United States took into account the fact that Ameritrust has recently experienced financial difficulties resulting in a somewhat diminished presence in these markets. The United States concludes that these divestitures will adequately remedy the risk of anticompetitive behavior in Cuyahoga Lake Counties arising from the merger.

Any purchaser must demonstrate to the satisfaction of the United States that it has a good faith intention to utilize the divested branches in a banking network that offers business banking services. The proposed Final Judgment also requires that Society preserve the assets of the divested banking branches until purchased by a buyer. If Society fails to sell the branches within six months of the filing date of the proposed Final Judgment, the United States will proceed under the terms of section V. of the proposed Final Judgment to bring about the appointment of a trustee to accomplish the divestitures.

The United States, Society and Ameritrust have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the APPA. The proposed Final Judgment constitutes no admission by any party as to any issue of fact of law. Under the provisions of section 2(e) of the APPA, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the anittrust laws may bring suits in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney's fees.[13] Entry of

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[8] *See* footnote 4.

[9] All market share calculations include those thrifts that the United States has concluded are in the market or are likely to enter in the event of a supracompetitive price increase. As noted above, these thrift deposits and offices are weighted at 50%.

[10] Department of Justice Merger Guidelines, 2 Trade Reg. Rep. (CCH) ¶13,102 at 20,529–30.

[11] The HHI is a measure of market concentration calculated by squaring the market shares of each firm in the market and then summing the resulting numbers. For example, for a market supplied by four firms with shares of 30, 30, 20 and 20 percent, the HHI is 2600, or (30×30) + (30×30) + (20×20) + (20×20) = 900 + 900 + 400 + 400 = 2600. The HHI takes into account the relative sizes and distribution of firms in a market. It approaches zero when a market is supplied by a large number of firms of relatively equal size and reaches its maximum of 10,000 when a market is supplied by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparities in size among these firms increase.

[12] There is a relationship between the ability to accept deposits and the granting of credit and the provision of other services. The deposits accepted by a financial institution are an important and often least expensive source of the loans made by it and a principal source of funds to support other services.

[13] The Bank Holding Company Act, 12 U.S.C. 1849, however, prevents the filing of an antitrust suit (other than a suit under § 2 of the Sherman Act) later than thirty days after the February 13, 1992, Board order.

the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust actions under the Clayton Act. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and any responses of the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to Constance K. Robinson, Chief, Communications and Finance Section, Antitrust Division, U.S. Department of Justice, 555 Fourth Street, NW., room 8104, Washington, DC 20001.

The proposed Final Judgment provides that the Court retains jurisdiction over this action and any party may apply to the Court for any order necessary or appropriate for its modification, interpretation, or enforcement.

VI. Alternatives to the Proposed Final Judgment

The United States considered both smaller and slightly larger divestiture packages as possible alternatives to the package designated in the proposed Final Judgement. After evaluating the alternatives, the United States concluded that the package in the proposed Final Judgement adequately addresses its competitive concerns, although a smaller package would not have done so.

As a final alternative to the proposed Final Judgment, the United States considered litigation seeking an injunction to block the merger between Society and Ameritrust. The United States rejected that alternative because the divestiture of the bank branch package will, for reasons stated above, establish a significant and viable competitor in the provision of business banking services to small businesses in Cuyahoga and Lake Counties and will prevent the proposed transaction from having any significant anticompetitive effects in those markets.

VII. Standard for Review Under the Tunney Act for Proposed Final Judgment

The Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16 (1974), requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed final judgment "is in the public interest". In making that determination, the court *may* consider—

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16 (e). The courts have recognized that the term, "public interest", "take(s) meaning from the purposes of the regulatory legislation."[14] Since the purpose of the antitrust laws is to "preserv(e) free and unfettered competition as the rule of trade," [15] the focus of the "public interest" inquiry under the Tunney Act is whether the proposed final judgment would serve the public interest in free and unfettered competition.[16] In conducting this inquiry, "(t)he Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."[17] Rather,

> (a)bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making the public interest finding, should...carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.[18]

It is also unnecessary for the district court to "engage in an unrestricted evaluation of what relief would best serve the public."[19] Precedent requires that

> the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is one that will best serve society, but whether the settlement is "*within the reaches of the public interest.*" (citation omitted). More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree. (emphasis add).[20]

A proposed consent decree is an agreement between the parties which is reached after exhaustive negotiations and discussions. Parties do not hastily and thoughtlessly stipulate to a decree because, in doing so, they

> waive their right to litigate the issues involved in the case and thus save themselves the time, expense, and inevitable risk of litigation. Naturally, the agreement reached normally embodies a compromise; in exchange for the saving of cost and the elimination of risk, the parties each give up something they might have won had they proceeded with the litigation.[21]

The proposed consent decree, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a merger or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "(A)

[14] NAACP v. FPC, 425 U.S. 662, 669 (1976).

[15] Northern Pacific Railway Co. v. United States, 356 U.S. 1, 4 (1956). See also National Society of Professional Engineers v. United States, 435 U.S. 679, 682 (1978). (Footnote continued on next page.)

[16] *Accord* United States v. American Cynamid Co., 719 F. 2d 558, 565 (2d Cir. 1983), *cert. denied*, 465 U.S. 1101 (1984); United States v. Waste Management, Inc., 1985–2 Trade Cas. (CCH) ¶ 66,651 at 63, 046 (D.D.C 1985).

[17] 119 Cong. Rec. 24598 (1973). *See* United States v. Gillette Co., 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Responses to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments would aid the court in resolving those issues. See H.R. Rep 93–1463, 93rd Cong. 2d Sess. 8–9, *reprinted in* (1974) U.S. CODE CONG. & AD. NEWS 6535, 6538.

[18] United States v. Mid-America Dairymen, Inc., 1977–1 Trade Cas. (CCH) ¶ 61,508 at 71,980 (W.D. Mo. 1977).

[19] United States v. BNS, Inc., 858 F.2d 456, 462 (9th Cir. 1988) *quoting* United States v. Bechtel Corp., 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981).

[20] United States v. Bechtel, *supra*; United States v. BNS, Inc., *supra*, 858 F. 2d at 463; United States v. National Broadcasting Co., 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); United States v. Gillette Co., *supra*, 406 F. Supp. at 716. *See also* United States v. American Cynamid Co., *supra* note 16.

[21] United States v. Armour & Co., 402 U.S. 673, 681 (1971).

proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' (citations omitted)."[22]

VIII. DETERMINATIVE DOCUMENTS

No documents were determinative in the formulation of the proposed Final Judgment. Consequently, the United States has not attached any such documents to the proposed Final Judgment.

March 13, 1992

Respectfully submitted.

David S. Myers
(IL–06204479)

Daivd S. Myers
(MN–223190)

Attorneys, United States Department of Justice, Antiturst Division, 555 Fourth Street, NW., Room 8104, Washington, D.C. 20001, (202) 514–5802.

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BILLING CODE 4410–01–M

Petroleum Environmental Research Forum; National Cooperative Research Notification

Notice is hereby given that, on January 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et. seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 90–12, titled "A Field Test of Air Sparging/Venting Technology," filed written notification simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties to the project and (2) the nature and objectives of the research program to be performed in accordance with said project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in PERF Project No. 90–12, together with the nature and objectives of the research program, are given below.

The current parties to PERF Project No. 90–12 identified by this notice are:

Amoco Oil Company, Naperville, Illinois 60566
ARCO Corp., Plano, Texas 75075
Conoco, Inc., Houston, Texas 77252
Chevron Corporation, Richmond, California 94802–0627
Exxon Research and Engineering Company, Florham Park, New Jersey 07932
Marathon Oil Company, Littleton, Colorado 80160–0269
Unocal Science & Technology, Brea, California 92621
Mobil Oil Corporation, Princeton, New Jersey 08543–1029
Phillips Petroleum Company, Bartlesville, Oklahoma 64004
Texaco, Inc., Port Arthur, Texas 77641

The nature and objective of the research program performed in accordance with PERF Project No. 90–12 is to design a field test of air sparging/venting technology. The design is to include a literature review and analysis, justification for the application method chosen, estimated costs, potentjal technical and regulatory problems, monitoring requirements, marketability, and evaluation techniques.

Participation in this project will remain open until termination of the agreement for PERF Project No. 90–12, and the participants intend to file additional written notification disclosing all changes to membership of this project. Information regarding participation in this project may be obtained from the Contract Coordinator, Mr. Victor J. Kremesec, Amoco Oil Company, P.O. Box 3011, Naperville, Illinois 60566.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92–6808 Filed 3–24–92; 8:45 am]
BILLING CODE 4410–01–M

[22] United States v. American Tel. & Tel. Co., 552 F. Supp. 131, 150 (D.D.C.) *aff'd*, 460 U.S. 1001 (1982), *quoting* United States v. Gillette Co., *supra*, 406 F. Supp. at 716; United States v. Alcan Aluminum, Ltd., 605 F. Supp. 619, 622 (W.D. Ky 1985).

Petroleum Environmental Research Forum; National Cooperative Research Notification

Notice is hereby given that, on January 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), the participants in the Petroleum Environmental Research Forum ("PERF") Project No. 90–16, titled "A Field Test of Steam Injection/Venting Technology," filed written notifications simultaneously with the Attorney General and with the Federal Trade Commission disclosing (1) the identities of the parties to the project and (2) the nature and objective of the research program to be performed in accordance with said project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in PERF Project No. 90–16, together with the nature and objectives of the research program, are given below.

The current parties to PERF Project No. 90–16 identified by this notice are:

Amoco Oil Company, Naperville, Illinois 60566
ARCO Corp., Plano, Texas 75075
Conoco, Inc., Houston, Texas 77252
Chevron Corporation, Richmond, California 94802–0627
Exxon Research and Engineering Company, Florham Park, New Jersey 07932
Marathon Oil Company, Littleton, Colorado 80160–0269
Unocal Science & Technology, Brea, California 92621
Mobil Oil Corporation, Princeton, New Jersey 08543–1029
Phillips Petroleum Company, Bartlesville, Oklahoma 64004
Texaco Inc., Port Arthur, Texas 77641

The nature and objective of the research program performed in accordance with PERF Project No. 90–16 is to design a field test of steam injection/venting technology. The design is to include a literature review and analysis, justification for the application method chosen, estimated costs, potential technical and regulatory problems, monitoring requirements, marketability, and evaluation techniques.

Participation in this project will remain open until termination of the Agreement for PERF Project No. 90–16, and the participants intend to file additional written notification disclosing all changes to membership of this project. Information regarding participation in this project may be obtained from the Contract Coordinator, Mr. Victor J. Kremesec, Amoco Oil Company, P.O. Box 3011, Naperville, Illinois 60566.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

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BILLING CODE 4410–01–M

Petrotechnical Open Softwares Corp., Joint Research and Development Venture; National Cooperative Research Notification

Notice is hereby given that, on January 21, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301, *et seq.* ("the Act"), Petrotechnical Open Software Corporation ("POSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of invoking the protections of the Act limiting the

recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notification stated that the following additional parties have become new, non-voting members of POSC:

Tigress, Marlow, Bucks SL7 1DB, England;
Oracle Corp., Redwood Shores, California;
Total Exploration Production, Division Strategie Plan Controle de Gestion, Department Coordination Informatique, 92800 Puteaux, France;
Interactive Network Technologies Corp., Apple Valley, Minnesota;
Reservoir Simulation Research Corp., Tulsa, Oklahoma; and
Gas Research Institute, Chicago, Illinois.

No other changes have been made in either the membership or planned activity of POSC.

On January 14, 1991, POSC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 7, 1991, (56 Fed. Reg. 5021). On April 12, 1991, July 19, 1991, and October 21, 1991, POSC filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on May 7, 1991 (56 FR 21176), August 13, 1991 (56 FR 38465), and November 14, 1991, (56 FR 57902), respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-6806 Filed 3-24-92; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Divison

National Cooperative Research Polyurethanes Recycle & Recovery Council of the Society of the Plastic Industry, Inc.; Notification

Notice is herby given that, on February 18, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the PolyUrethanes Recycle & Recovery Council ("PURRC") of the Society of the Plastics Industry, Inc. ("SPI") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes in the membership of PURRC. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The changes announced in this notice are the result of the corporate restructuring of existing PURRC members and do not materially affect the composition of the group. AC West Virginia Polyol Company, located in Danbury, CT, has been deleted from the list of members because it was recently acquired by ARCO Chemical Compnay, which continues as a member of PURRC. In addition, Mobay Corporation, located in Pittsburgh, PA, has been merged with Miles Inc. and will henceforth be known as Miles Inc.

The companies presently participating in the PolyUrethanes Recycle & Recovery Council of SPI are:

Air Products and Chemicals, Inc., Allentown, PA
Allied-Signal, Inc., Morristown, NJ
ARCO Chemical Company, Newton Square, PA
ATOCHEM North America, Inc., Philadelphia, PA
BASF Corporation, Parsippany, NJ
The Dow Chemical Company, Midland, MI
Goldschmidt Chemical Corporation, Hopewell, VA
ICI Americas, Inc., Wilmington, DE
Miles Inc., Pittsburgh, PA
Olin Corporation, Stamford, CT
Stepan Chemical Company, Northfield, IL
Texaco Chemical Company, Houston, TX
Union Carbide Chemical and Plastics Corporation, Danbury, CT
Witco Corporation, New York, NY
The Society of the Plastics Industry, Inc., Washington, DC

No other changes have been made in either the membership, purposes or objectives of PURRC. PURRC will file additional notifications disclosing any changes in the structure of PURRC, as necessary.

On July 31, 1991, PURRC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on August 29, 1991, at 56 FR 42758.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92-6810 Filed 3-24-92; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Construction of a Federal Correctional Institution in Tracy, San Joaquin County, CA

AGENCY: Bureau of Prisons, Justice.

ACTION: Cancellation of the notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY

Proposed Action

The U.S. Department of Justice, Federal Bureau of Prisons determined that a new Federal correctional institution with an adjacent satellite prison camp is needed in its system. A 200 acre tract of land located approximately 5 miles west of the City of Tracy was evaluated. The proposal calls for the construction of a 750 bed facility to house medium security inmates and a 250 bed camp to house minimum security inmates.

Approximately 150 of the 200 acreas would be used for road access, inmate housing, administration and program spaces and service and support facilities. In addition, exercise areas would be included in the needed acreage.

The Process

In the process of evaluating the tract of land, several aspects received a detailed examination including: Utilities, traffic patterns, noise levels, visual intrusion, threatened and endangered species, cultural resources, and socio-economic impacts.

Alternatives

In developing the DEIS, the options of no action and alternative sites for the proposed facility were fully and thoroughly examined.

The Federal Bureau of Prisons has adopted the no action alternative for this project, electing not to complete the Environmental Impact Statement process.

Scoping Process

During the preparation of the DEIS there were numerous opportunities for public involvement in order to determine the issues to be examined. A scoping meeting was held at a location convenient to the citizens of Tracy. The meeting opened with the showing of a 22 minute videotape titled "A Federal Prison in your Community." The meeting was well publicized and held at a time which made it possible for the public and interested agencies or organizations to attend.

DEIS Preparation

Public notice is now given concerning the termination of the Draft Environmental Impact Statement process.

Address

Questions concerning the proposed action and the DEIS can be answered by: K. Bradley Wiggins, Site Selection Specialist, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, (202) 514-6470.

Dated: March 20, 1992

Patricia K. Sledge,

Chief, Site Selection and Environmental Review.

[FR Doc. 92-6824 Filed 3-24-92; 8:45 am]

BILLING CODE 4410-35-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of March 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,634; Times Microwave Systems, Wallingford, CT
TA-W-26,622; Cincinnati Milacron Heald Corp, Worcester, MA
TA-W-26,669; The Lance Corp., Lee Plant, Durham, NH
TA-W-26,735; Latrobe Die Casting Co., Latrobe, PA
TA-W-26,656; AGFA Corp., West Caldwell, NJ
TA-W-26,581; Talon, Inc., Meadville, PA
TA-W-26,559; APV Crepaco, Inc., Lake Mills, WI
TA-W-26,754; Howmet Corp.,Muskegon County Operations, Whitehall, MI

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasosn specified.

TA-W-26,793; Niagara Cutter, Inc., North Tonawanda, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,717; Pan American World Airways, Jamaica, NY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,715; Gleason Corp., Gleason Works Assembly Div., Rochester, NY

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-26,763; Americable Wireline Div., Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,771; Eastern Foundry Co., Inc., Boyertown, PA

U.S. imports of cast iron tubes, pipes and hollow profiles declined absolutely in quantity in 1990 compared to 1989 and in 1991 compared to 1990. U.S. imports of cast iron tubes, pipes and hollow profiles declined in value in 1989, 1990 and 1991.

TA-W-26,645; Goodyear Tire and Rubber Co., Union City, TN

U.S. imports of truck tires and passenger car tires declined absolutely and relative to US production in 1991 compared to 1990. Imports of radial passenger tires by the subject firm declined in 1991 compared to 1990.

TA-W-26,659 & TA-W-26,660; Bethlehem Steel Corp, Bethforge Div., Bethforge Treatment, Bethlehem, PA & Bethlehem Steel Corp., Bethforge Div., No. 2 Machine Shop, Bethlehem, PA

Sales of component parts for electric power generation at the subject firm increased in 1990 compared to 1989 and in 1991 compared to 1990.

Affirmative Determinations

TA-W-26,759; Tobin-Hamilton Co., Inc., Mansfield, MO

A certification was issued covering all workers separated on or after January 3, 1992.

TA-W-26,840; Jerilyn, Inc., Jermyn, PA

A certification was issued covering all workers separated on or after February 4, 1991.

TA-W-26,836; Dunlop Slazenger Corp., Hartwell, GA

A certification was issued covering all workers separated on or after January 1, 1992.

TA-W-26,833; De Ja Vu Apparel, Forest City, PA

A certification was issued covering all workers separated on or after January 30, 1991.

TA-W-26,757; Roydon Wear, Inc., Statesboro, GA

A certification was issued covering all workers separated on or after January 7, 1991.

TA-W-26,795; Dole Packaged Foods Co., Honolulu, HI

A certification was issued covering all workers separated on or after January 20, 1991.

TA-W-26,738; Molycorp, Inc., Questa Div., Questa, NM

A certification was issued covering all workers separated on or after January 3, 1991.

TA-W-26,725; Ashland Leather Co., Waynesville, NC

A certification was issued covering all workers separated on or after January 6, 1991.

TA-W-26,810; Key Tronic Corp., Cheney, WA

A certification was issued covering all workers separated on or after February 2, 1991.

TA-W-26,712; Unocal Molycorp Div., Washington, PA

A certification was issued covering all workers separated on or after December 20, 1990.

TA-W-26,678; UDT Sensors, Inc., El Paso, TX

A certification was issued covering all workers separated on or after December 6, 1990.

TA-W-26,505; Western Cutlery, Inc., Longmont, CO

A certification was issued covering all workers separated on or after October 22, 1990.

TA-W-26,880; Ballet Makers, Inc., Crest Shoe Div., Lewiston, ME

A certification was issued covering all workers separated on or after October 1, 1991.

TA-W-26,618; Bijur Lubricating Corp, Bennington, VT

A certification was issued covering all workers separated on or after November 2, 1990.

TA-W-26,743; ABB Power T & D Co., Inc., Bloomington, IN

A certification was issued covering all workers separated on or after January 7, 1991.

TA–W–26,730; Halliburton Logging Services, Inc., Headquartered in Houston, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,731; Halliburton Logging Services, Inc., Mid-Continent Div., Headquartered in New Orleans, LA & Operating at Various Sites Out of The Following Offices: A; Abilene, TX, B; Pampa, TX, C; San Angelo, TX, D; Odessa, TX, E; Wichita Falls, TX, F; Hobbs, NM, G; Pauls. Valley, OK, H; Shawnee, OK, I; Woodward, OK, J; Great Bend, KS, K; Liberal, KS, L; Fort Smith, AR, M; Homer City, PA, N; Meadville, PA, O; Mt. Pleasant, MI, P; Gate City, VA, Q; Parkersburg, WV

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,728; Halliburton Logging Services, Inc., Gulf Coast Div., Headquartered in New Orleans, LA & Operating at Various Sites Out of The Following Offices: A; Bossier City, LA, B; Houma, LA, C; Lafayette, LA, D; Laurel, MS, E; Tuscaloosa, AL, F; Lake Charles, LA G; Victoria, TX, H; Beaumont, TX, I; Richmond, TX, J; Tyler, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,727; Halliburton Geodata, Houston, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,729; Halliburton/Vann Systems, Houston, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,732; Halliburton Logging Services, Inc., Austin Research Center, Austin, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,732A; Halliburton Logging Services, Inc., Ft. Worth Manufacturing Plant, Ft. Worth, TX

A certification was issued covering all workers separated on or after January 1, 1991.

TA–W–26,732B; Halliburton Logging Services, Inc., Alvarado Special Tools Plant, Alvarado, TX

A certification was issued covering all workers separated on or after January 1, 1991.

I hereby certify that the aforementioned determinations were issued during the month of March 1992. Copies of these determinations are available for inspection in room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: March 16, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92–6914 Filed 3–24–92; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Change in Meeting Time

The meeting of the National Commission on Migrant Education which was published in the **Federal Register** on March 12, 1992 (57 FR 8781), has been changed to 3 p.m. All other information remains the same.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Skiles (301) 492–5336, National Commission on Migrant Education, 6120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 92–6951 Filed 3–24–92; 8:45 am]

BILLING CODE 4620–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amaneded, notice is hereby given that a meeting of the Museum Advisory Panel (Professional Development Section) to the National Council on the Arts will be held on April 8, 1992 from 9 a.m.–5:30 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 9 a.m.–10 a.m. The topics will be opening remarks and general discussion.

The remaining portion of this meeting from 10 a.m.–5:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituences, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 11, 1992.

Yvonne Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–6804 Filed 3–24–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.

Date & Time: April 13, 1992: 9 am–5:15 pm; April 14, 1992: 9 am–4 pm.

Place: National Science Foundation; 1800 G Street, NW., room 543.

Type of Meeting: April 13, 1992: 9 am–3:15 pm, Open; 3:15 pm–5:15 pm, Closed; April 14, 1992: 9 am–4 pm, Open.

Contact Person: Dr. Julie H. Lutz, Director, Division of Astronomical Sciences, room 615, National Science Foundation, Washington, DC 20550 (202/357–9488).

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short-range and long-range plans in astronomy, including a recommendation of relative priorities.

Agenda:

Monday, April 13

9 am–11 am Report on Resolutions and Budget Discussions.
11 am–11:45 am Long-Range Planning Discussions.
1 pm–2:15 pm Discussion of MPS Plan.
2:15 pm–3:15 pm Discussion of Theory Program.
3:15 pm–5:15 pm Closed. Review of Proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning indivduals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b. (c)(4) and (6) of the Government in the Sunshine Act.

Tuesday, April 14

9 am–12 Noon Discussion of possible NAS Advisory Committee for NSF and NASA; Adpative Optics Presentation; and Discussion of Cross-Directorate Programs.
1:15 pm–2 pm Discussion of the GEMINI Project.
2 pm–3 pm Formulation of resolutions; other business.
3 pm–4 pm Dr. Massey, Director/NSF.

M. Rebecca Winkler,

Committee Management Officer.

Dated: March 20, 1992.

[FR Doc. 92–6846 Filed 3–24–92; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Biotic Systems and Resources; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals, the meeting is closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Biotic Systems and Resources.

Date: April 13 & 14, 1992.

Time: 8:30 a.m. to 5 p.m.

Place: Room 536, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Agenda: Review and evaluate National Science Foundation Young Investigator proposals.

Contact: Dr. Penelope Firth, Division of Environmental Biology, National Science Foundation, room 215, Washington, DC 20550 (202/357–3978).

Dated: March 20, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6844 Filed 3–24–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Linguistics

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Panel for Linguistics.

Date & Time: April 29, 1992; 9 a.m. to 5 p.m. (Closed), April 30, 1992; 9 a.m. to 5 p.m. (Closed), May 1, 1992; 9 a.m. to 5 p.m. (Open), 12 p.m. to 5 p.m.(Closed).

Place: Sheraton Commander Hotel, 16 Garden Street, Cambridge, MA 02138.

Type of Meeting: Part open.

Contact Person: Dr. Paul G. Chapin, Program Director for Linguistics, Division of Behavioral & Cognitive Sciences, National Science Foundation, 1800 G Street, NW., room 320, Washington, DC 20550. Telephone: (202) 357–7698.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in linguistics.

Agenda: Open: May 1, 1992; 9 a.m. to 12 p.m.—General discussion of the current status and future plans of Linguistics. *Closed:* April 29, 1992; 9 a.m. to 5 p.m.—To review and evaluate research proposals.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 20, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6845 Filed 3–24–92; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Ocean Sciences Committee of Visitors; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ocean Sciences.

Date and Time: April 14–15, 1992; 8:30 a.m. to 5:30 p.m.,

Place: St. James Hotel, 950 24th St., N.W., Washington, DC 20037.

Type of Meeting: Closed.

Contact Person: Dr. Michael Reeve, Section Head, OSRS, room 609, National Science Foundation, Washington, DC 20550. Telephone: (202) 357–7924.

Purpose of Meeting: To provide oversight review of the OSRS programs.

Agenda: To carry out Committee of Visitors review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552 b. (c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: March 20, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6847 Filed 3–24–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

[Docket Nos. 50–440–A, 50–346–A; (Suspension of Antitrust Conditions); ASLBP No. 91–644–01–A]

Ohio Edison Co. et al; Disposition Filings

March 19, 1992.

In the matter of Ohio Edison Company (Perry Nuclear Power Plant, Unit 1, Facility Operating License No. NPF–58) and The Cleveland Electric Illuminating Company, The Toledo Edison Company (Perry Nuclear Power Plant, Unit 1, Facility Operating License No. NPF–58) (Davis-Besse Nuclear Power Station, Unit 1, Facility Operating License No. NPF–3).

Order (Scheduling Oral Argument on Parties' Summary Disposition Filings)

Oral argument on the motions and cross-motions for summary disposition filed by the parties to this proceeding will be held on Wednesday, June 3, 1992, at 9:30 a.m. in the NRC Public Hearing Room, Fifth Floor, West Tower, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland. The allocation of time for argument and the order of presentation will be as follows:

Applicants	[1] 90 minutes.
NRC Staff and Justice Department.	50 minutes.
Other Intervening Parties	40 minutes.

[1] A portion of this time may be reserved for rebuttal.

One counsel representing applicant Ohio Edison Company and one counsel

representing applicants Cleveland Electric Illuminating Company and Toledo Edison Company may present argument on behalf of applicants. The Board prefers to hear argument from only one counsel for each of the other parties.[2]

It is so *Ordered.*

Bethesda, Maryland, March 19, 1992.

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 92-6931 Filed 3-24-92; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 2-4, 1992, in room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on February 24, 1992.

Thursday, April 2, 1992

8:30 a.m.-8:45 a.m: Opening Remarks by ACRS Chairman (Open)—The ACRS Chairman will make opening remarks and comment briefly regarding items of current interest.

8:45 a.m.-11 a.m.: GE Advanced Boiling Water Reactor (Open/Closed)—The Committee will discuss a proposed ACRS report regarding the draft safety evaluation report for certification of this standardized nuclear power plant design.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

11 a.m.-12 Noon: Implementation of NRC Safety Goals (Open)—The Committee will discuss a proposed ACRS report to NRC on an alternate plan for implementation of NRC's safety goal policy.

Representatives of the NRC staff will participate, as appropriate.

1 p.m.-3 p.m.: Evaluation of Risk Associated With Low Power and Shutdown Operations of Nuclear Power Plants (Open)—The Committee will review and comment on the NRC staff evaluation of risk from low power and shutdown operations at nuclear power plants (NUREG-1449). Representatives of the NRC staff will participate, as appropriate.

3 p.m.-4 p.m.: Use of Probabilistic Risk Assessment in the Regulatory Process (Open)—The Committee will hear a briefing by and hold a discussion with representatives of the NRC staff regarding the status of activities of the NRC interoffice working group to develop guidance on consistent and applicable methods to be applied in the use of probabilistic risk assessment.

4:15 p.m.-4:45 p.m.: Meeting with NRC Chairman Ivan Selin (Open)—The Committee will meet with the Committee to discuss topics of mutual interest regarding ACRS activities.

4:45 p.m.-6:15 p.m.: Policy Issues for Certification of Advanced LWR Plants (Open)—The Committee will discuss proposed ACRS plans to review policy issues identified by the NRC staff that are applicable to certification of advanced light water reactors, including evolutionary and passive plants.

6:15 p.m.-6:45 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS positions and reports items considered during this meeting.

Friday, April 3, 1992

8:30 a.m.-10 a.m.: Power Level Increase for GE Boiling Water Resources (Open)—The Committee will review and comment on topical reports submitted by the GE Company as the basis for power level increases in operating GE BWR power plants.

Representatives of the NRC staff and the GE Company will participate, as appropriate.

10:15 a.m.-11:15 a.m.: Elimination of Burdensome Regulatory Requirements (Open)—The Committee will hear a briefing by representatives of the NRC staff regarding the NRC's program to eliminate regulatory requirements that are a burden without in any way reducing public health and safety.

11:15 a.m.-12:15 p.m. and 1:15 p.m.-2:15 p.m.: GE Advanced Boiling Water Reactor (Open/Closed)—The Committee will discuss a proposed ACRS report on the draft safety evaluation report for certification of this standardized nuclear power plant design

Portions of the session will be closed as necessary to discuss Proprietary Information related to this matter.

2:15 p.m.-3:30 p.m: Meeting with Director, NRC's Office of Nuclear Reactor Regulation and Director, NRC's Office of Nuclear Regulatory Research, (Open)—The Committee will discuss items of mutual interest, including aspects of the full-height, full-pressure integral system testing program for the Westinghouse AP600 passive nuclear plant.

3:30 p.m-4:15 p.m: Future ACRS Activities (Open)—The Committee will discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

4:15 p.m-6 p.m: Implementation of NRC Safety Goals (Open)—The Committee will discuss a proposed ACRS report to NRC on an alternate plan for implementation of NRC's safety goal policy.

Representatives of the NRC staff will participate, as appropriate.

6 p.m-6:30 p.m: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS positions and reports regarding items considered during this meeting.

Saturday, April 4, 1992

8:30 a.m-11:30 a.m: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports to NRC regarding items considered during this meeting.

11:30 a.m-12 Noon: Appointment of ACRS Members (Open/Closed)—The Committee will discuss qualification of candidates proposed for appointment as ACRS members.

This session will be closed as necessary to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy.

12 Noon-12:45 p.m: ACRS Subcommittee Activities (Open)—The Committee will hear a briefing and hold a discussion regarding the status of activities assigned to cognizant subcommittees, including the planning and conduct of ACRS work, reconciliation of ACRS recommendations, application of ASME risk-based standards, and related matters.

12:45 p.m-2 p.m: Miscellaneous (Open)—The Committee will complete discussion of items considered during this meeting and items which were not completed at previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1991 (56 FR 49800). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those open portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS

[2] Counsel for the applicants, counsel for the staff and the Department of Justice, and counsel for intervening parties City of Cleveland, American Municipal Power-Ohio, and Alabama Electric Cooperative should consult and arrive at an agreement concerning the division of the time allotted to the respective parties.

Executive Director, Mr. Raymond F. Fraley, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director prior to the meeting. In view of the possibility that the Schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92-463 that it is necessary to close portions of this meeting noted above to discuss Proprietary Information applicable to the matters being considered in accordance with 5 U.S.C. 552(b)(4) and information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492-8049), between 8 a.m. and 4:30 p.m. est.

Dated: March 19, 1992.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 92-6932 Filed 3-24-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Defense Policy Advisory Committee on Trade; Meeting

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of Defense Policy Advisory Committee on Trade Meetings Schedule.

SUMMARY: The meetings will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to section 2155 (f) of title 19 of the United States Code, I have determined that these meetings will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

DATES: The meeting of the Executive Committee of the Defense Policy Advisory Committee on Trade (DPACT) will be held from 10 am to 2 pm on Tuesday, April 21. The meeting of the full committee of DPACT will be held from 9 am to 4 pm on Thursday, June 4.

ADDRESSES: The meetings will be held at the Pentagon, room 3D1019 on April 21, 1992, and room 3E869 on June 4, 1992, Washington, DC, 20301-3070.

FOR FURTHER INFORMATION CONTACT: Judy Davis, Administration Assistant to DPACT, Department of Defense, OUSD(a)/IP/ILO, tel: (703) 693-2473.

Carla A. Hills,

United States Trade Representative.

[FR Doc. 92-6921 Filed 3-24-92; 8:45 am]

BILLING CODE 3190-01-M

POSTAL SERVICE

International Surface AO Mail to Canada

AGENCY: Postal Service.

ACTION: Changes in rate schedules.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service, after considering the comments submitted in response to its request in 57 FR 3805 for comments on proposed changes in the rate schedules for surface AO mailings to Canada, hereby gives notice that it is implementing the changes as proposed

EFFECTIVE DATE: 12:01 a.m., April 18, 1992:

FOR FURTHER INFORMATION CONTACT: John F. Alepa (202) 268-2650.

SUPPLEMENTARY INFORMATION: On January 31, 1992, the Postal Service published in the **Federal Register** a notice of proposed changes in the rate schedules for surface mailings to Canada of regular printed matter, small packets, and publishers' periodicals (57 FR 3805). The proposed changes involved establishing one-ounce rate increments for items weighing between four ounces and one pound, and adjusting the rate levels applicable to publishers' periodicals weighing three ounces or less.

The Postal Service requested comments on the proposed changes by March 2, 1992. The only comment submitted by that date came from the editor of a news publication, who raised two issues. First, the commenter asserted that rates that do not take into account the mailer's distance from the U.S.-Canadian border place a publisher mailing from a location near the border at a disadvantage in relation to a publisher mailing from a location further from the border. The commenter suggested that the Postal Service consider offering zoned rates for Canada-bound publications based on the mailer's distance from the border.

Second, the commenter pointed out that the current rate schedule for publishers' periodicals to Canada has two-ounce rate increments after the fourth weight step. The commenter claimed that this rate structure unfairly penalizes publishers mailing items weighing more than four ounces.

The Postal Service believes that the first issue raised by the commenter is unrelated to the January 31 proposal, which was intended to simplify rate application and to lower the postage for certain items. With regard to the commenter's second point, the Postal Service notes that the changes being implemented provide relief for the condition identified as a problem.

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair the overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The rates for surface AO mailings to Canada announced herein satisfy these criteria.

Accordingly, the Postal Service hereby adopts the changes set forth in the rate schedules below. These changes shall take effect at 12:01 a.m., on April 18, 1992.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

INTERNATIONAL SURFACE AO MAIL TO CANADA

Ounces [1]	Small packets and regular printed matter rates	Publishers' periodicals rates
1	$0.36	$0.32
2	.56	.36
3	.80	.46
4	1.02	.54
5	1.14	.60
6	1.26	.65
7	1.38	.70
8	1.60	.76
9	1.62	.81
10	1.74	.87
11	1.86	.92
12	1.98	.98
13	2.10	1.03
14	2.22	1.09
15	2.34	1.14

INTERNATIONAL SURFACE AO MAIL TO CANADA—Continued

Ounces [1]	Small packets and regular printed matter rates	Publishers' periodicals rates
16	2.46	1.20

[1] Up to and including.

[FR Doc. 92-6799 Filed 3-24-92; 8:45 am]
BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-6928, File No. S7-6-92]

Securities Uniformity; Annual Conference on Uniformity of Securities Law

AGENCY: Securities and Exchange Commission.

ACTION: Publication of release announcing issues to be considered at a conference concerning uniformity of securities laws, and requesting written comments.

SUMMARY: In conjunction with a conference to be held on March 30, 1992, the Commission and the North American Securities Administrators Association, Inc. today announced a request for comments on the proposed agenda for the conference. This inquiry is intended to carry out the policies and purposes of section 19(c) of the Securities Act of 1933, adopted as part of the Small Business Investment Incentive Act of 1980, to increase uniformity in matters concerning State and Federal regulation of securities, maximize the effectiveness of securities regulation in promoting investor protection, and to reduce burdens on capital formation through increased cooperation between the Commission and the state securities regulatory authorities.

DATES: The conference will be held on March 30, 1992. Written comments must be received on or before March 27, 1992 in order to be considered by the conference participants.

ADDRESSES: Written comments should be submitted in triplicate by March 27, 1992 to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Comments should refer to File No. S7-6-92 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: William E. Toomey or Richard K. Wulff, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549, (202) 272-2644.

SUPPLEMENTARY INFORMATION:

I. Discussion

A dual system of federal-state securities regulation has existed since the adoption of the federal regulatory structure in the Securities Act of 1933 (the "Securities Act").[1] Issuers attempting to raise capital through securities offerings, as well as participants in the secondary trading markets, are responsible for complying with the federal securities laws as well as all applicable state regulations. For some time, it has been recognized that there is a need to increase uniformity between federal and state regulatory systems and to improve cooperation among those regulatory bodies so that capital formation can be made easier while investor protections are retained.

The importance of facilitating greater uniformity in securities regulation was endorsed by Congress with the enactment of section 19(c) of the Securities Act in the Small Business Investment Incentive Act of 1980.[2] Section 19(c) authorizes the Commission to cooperate with any association of state securities regulators which can assist in carrying out the declared policy and purpose of section 19(c). The policy of that section is that there should be greater Federal and State cooperation in securities matters, including: (1) Maximum effectiveness of regulation; (2) maximum uniformity in federal and state standards; (3) minimum interference with the business of capital formation; and (4) a substantial reduction in costs and paperwork to diminish the burdens of raising investment capital, particularly by small business, and a reduction in the costs of the administration of the government programs involved. In order to establish methods to accomplish these goals, the Commission is required to conduct an annual conference. The 1992 conference will be the ninth such conference.

II. 1992 Conference

The Commission and the North American Securities Administrators Association, Inc. ("NASAA") [3] are planning the 1992 Conference on Federal-State Securities Regulation (the "Conference") to be held March 30, 1992 in Washington, DC. At the Conference, representatives from the Commission and NASAA will form into working groups in the areas of corporation finance, market regulation, investment management, and enforcement, to discuss methods of enhancing cooperation in securities matters in order to improve the efficiency and effectiveness of federal and state securities regulation. Generally, attendance will be limited to representatives of the Commission and NASAA in an effort to maximize the ability of Commission and state representatives to engage in frank and uninhibited discussion. However, each working group, in its discretion, may invite certain self-regulatory organizations to attend and participate in certain sessions.

Representatives of the Commission and NASAA currently are in the process of formulating an agenda for the Conference. As part of that process, the public, securities associations, self-regulatory organizations, agencies, and private organizations are invited to participate through the submission of written comments on the issues set forth below. In addition, comment is requested on other appropriate subject that commenters wish to be included in the Conference agenda. All comments will be considered by the Conference attendees.

III. Tentative Agenda and Request for Comments

The tentative agenda for the Conference consists of the following topics in the areas of corporation finance, investment management, market regulation and oversight, and enforcement.

(1) Corporation Finance Issues

a. Uniform Limited Offering Exemption

Congress specifically acknowledged the need for a uniform limited offering exemption in enacting section 19(c) of the Securities Act and authorized the Commission to cooperate with NASAA in its development. Working with the states, the Commission developed regulation D, the federal exemption for limiting offerings. Regulation D was adopted by the Commission in March 1982. On September 21, 1983, NASAA endorsed a revised form of the Uniform Limited Offering Exemption ("ULOE") that is intended to complement regulation D.

[1] 15 U.S.C. 77a et seq.

[2] Public Law 96-477, 94 Stat. 2275 (October 21, 1980).

[3] NASAA is an association of securities administrators from each of the 50 states, the District of Columbia, Puerto Rico, Mexico and twelve Canadian Provinces and Territories.

ULOE provides a uniform exemption from state registration for certain issuers. An issuer raising capital in a state which has adopted ULOE may take advantage of both a state registration exemption and a federal exemption under regulation D. Because regulation D provides the framework for ULOE, NASAA's assistance in developing proposals to improve regulation D is important. Within the past four years the Commission, with NASAA's cooperation, has adopted significant changes to regulation D.[4]

To date, more than half the states have adopted some form of ULOE. Both the Commission and NASAA continue to make a concerted effort toward the universal adoption of ULOE. The conferees will discuss viable options to convince non-participating states to adopt ULOE and to enhance consistency.

b. Other Exemptive Approaches

Participants at the Conference will consider a rulemaking initiative by the Commission.

The Commission's small business initiative consists of a series of rulemaking changes and legislative proposals designed to improve the overall capacity to help finance new companies, and to provide new opportunities for investors. New registration form SB-1 is being proposed for offerings by businesses with less than $15 million in revenues. This form is intended to be far simpler than the traditional form S-1. New periodic reporting forms, the "10-K Junior" and the "10-Q Junior", will be written in plain English and will be easier to use than existing forms.

In addition, the Commission has proposed: that the regulation A ceiling be raised from $1,500,000 to $5,000,000; that small businesses using regulation A can "test the waters" for investor interest before they begin selling their securities; that an SBIC can issue $15,000,000 rather than only $5,000,000 of securities under regulation E each year; and that the percentage of illiquid securities (such as small business securities) that an open end mutual fund may hold be increased from 10% to 15%.

Finally, the Commission's legislation proposals would:

Relax the attribution rules used to determine whether a company has under 100 investors and is thus exempt as a "private investment company."

Create a "qualified investor investment company exception," parallel to Rule 144A, to allow any number of qualified investors to form an investment company.

Increase from $5 million to $10 million the Commission's authority to exempt small issues from Securities Act registration requirements.

Increase from $100,000 to $10 million the amount of securities that can be issued by an exempt intrastate investment company.

Relax some of the requirements for Business Development Companies, investment companies that specialize in small business investment.

Comment is requested on these proposed changes as well as other uniform exemptions that might be developed to enhance the ability of issuers to raise capital.

c. Disclosure Policy and Standards

The Commission has an ongoing program of considering, reviewing and revising its policies with regard to the most appropriate methods of ensuring the disclosure of material information to the public. Coordination with the States has been beneficial. Recently, both the Commission and the states have devoted considerable attention to issues arising from the so-called "roll-up" of limited partnerships. A roll-up usually involves the combination or reorganization of one or more partnerships. The conferees will discuss the special disclosure problems involved in such transactions with emphasis on the new disclosure rules adopted by the Commission to improve the quality of information provided to investors.[5]

Commenters are invited to discuss other areas where federal-state cooperation in the area of disclosure standards could be of particular significance as well as any ways in which federal-state cooperation could be improved.

d. Multinational Securities Offerings

In June 1991, the Commission and the Canadian Securities Administrators adopted a multijurisdictional disclosure system that permits certain Canadian and U.S. issuers to offer securities, undertake tender offers, and file periodic reports using the disclosure procedures of their home jurisdiction.[6] On September 14, 1989, NASAA endorsed the multijurisdictional disclosure system as originally proposed and called upon its membership to take any action necessary to accommodate the offerings covered by the system within state securities laws. Based upon the information obtained from a survey of securities administrators, NASAA, on August 30, 1990, adopted Model Rules to the Uniform Securities Act (1956) and recommended their adoption to the membership, where necessary to accommodate the Canadian multijurisdictional system.

Current developments relating to the multijurisdictional disclosure system and to the actions taken by the states in connection therewith will be discussed at the conference.

On June 6, 1990, the Commission issued a concept release on multinational tender and exchange offers. In the release, the Commission sought comment on a conceptual approach designed to encourage foreign bidders to extend multinational tender and exchange offers to their U.S. security holders on the basis of foreign disclosure, procedural and accounting requirements, where U.S. investors own a small percentage of the securities sought.

On June 5, 1991, the Commission published for comment an exemptive rule, a registration form and an order that would permit tender offers, exchange offers and business combinations relating to a foreign issuer's securities to proceed in the United States on the basis of the applicable regulation of the target company's home jurisdiction, where a small percentage of the shares sought are held of record by U.S. holders.[7] The Commission also published for comment an exemptive rule and a registration form to facilitate rights offerings of equity securities by foreign private issuers to their existing U.S. shareholders.[8] These proposed exemptions and new registration forms will be discussed, with special consideration being given to methods of coordinating federal and state regulations to accommodate such multinational offerings.

Comment is specifically requested on ways to coordinate federal and state treatment of multinational offerings.

(2) Market Regulation Issues

a. *Disclosures on Registration Forms*

1. *Form BD and Disclosure of Bank Affiliates.* In September 1991, the Commission published for comment amendments to form BD,[9] the uniform

[4] Securities Act Release No. 6663 (October 2, 1986) (51 FR 36385); Securities Act Release No. 6758 (March 3, 1988) (53 FR 7866); Securities Act Release No. 6825 (March 14, 1989) (54 FR 11369).

[5] Securities Act Release No. 6922 (October 30, 1991) (56 FR 47237).

[6] Securities Act Release No. 6902 (June 21, 1991) (56 FR 30036).

[7] Securities Act Release No. 6897 (June 5, 1991) (56 FR 27582).

[8] Securities Act Release No. 6896 (June 5, 1991) (56 FR 27564).

[9] Securities Exchange Act Release No. 29643 (September 6, 1991) (56 FR 44029) ("Release 34-29643").

registration form for broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act").[10] These amendments were the result of ongoing discussions between Commission staff and NASAA's Forms Revision Committee, as well as representatives of the National Association of Securities Dealers, Inc. ("NASD") and the securities industry, concerning ways to improve form BD.

NASAA voted to adopt the proposals at its Fall membership meeting last year. Other comments on the proposed amendments also generally were favorable. The Commission and NASAA will discuss these comments, as well the NASD's progress toward changing the Central Registration Depository ("CRD") system to accommodate the amendments to the form and the schedules. The conferees will also discuss an additional change to Form BD that was not proposed in Release 34–29643; that is, whether to require applicants for registration that are controlled by, or under common control with, a U.S. or foreign bank, to disclose that affiliation on form BD. Written comment on these proposed changes would be welcomed.

2. *Customer Complaint System.* The staff of the Commission, NASAA, and the NASD recently reached an understanding that would reconcile the Commission's and NASAA's differing interpretations of the word "proceeding," as used in item 7(G) of form BD. As part of this compromise agreement, the Commission and the NASD plan to provide state securities regulators with their customer complaint information through an NASD database system accessible through the CRD. The Commission and NASAA participants will discuss the implementation of the customer complaint system, as well as the timing of the amendments to Form BD to reflect the new uniform interpretation of "proceeding." In addition, the conferees and NASAA will examine ways to further enhance regulatory coordination between the states, the Commission, and the self-regulatory organizations.

b. Proposed Penny Stock Rules

In the Securities Enforcement Remedies and Penny Stock Reform Act of 1990 ("Penny Stock Reform Act"),[11] Congress created a comprehensive new regulatory scheme designed to address the lack of public information about "penny stocks," as well as problems of recidivism among promoters and other persons involved in penny stock offerings. To implement the provisions of the Penny Stock Reform Act, on April 17, 1991, the Commission proposed for public comment rule 3a51–1, rules 15g–1 through 15g–7, and Schedule 15G under the Exchange Act.[12] The Commission staff currently is reevaluating the proposed rules in light of the comments and suggestions made in the seventy comment letters received to date. The staff's progress on this project and the recommendations of the commentators will be discussed at the Conference.

c. Small Business Listing Standards

Several national securities exchanges have submitted proposals to the Commission to create a second tier of listing standards for small issues. The second tier standards generally are substantially lower than the regular listing standards in most categories (such as outstanding float, number of shareholders, total assets, etc.). The purpose of the second tier is to help smaller business raise capital by providing easier access to an exchange listing. Examples of alternative listing standards are the American Stock Exchange's "Emerging Company Marketplace" and the Pacific Stock Exchange's proposal to list SCOR offerings. Because companies listed on the American Stock Exchange are exempt by state statute or regulation from blue sky registration of offerings in virtually every state, and Pacific Stock Exchange issues are granted a similar exemption in many states, these second tier companies would not be subject to blue sky registration. To address this, the American Stock Exchange has taken measures to prevent its Emerging Company Marketplace issuers from availing themselves of these exemptions. Nevertheless, questions have been raised about this issue and other issues arising out the creation of a tier of substantially smaller and less mature issuers for stock exchange trading. Participants will discuss the benefits and problems involved in small business listing standards.

(3) Investment Management Issues

a. Investment Companies

(1) *Small business initiatives.* The Commission has recently proposed or instituted changes in investment company regulation in order to help promote access to capital by small businesses. First, the Commission has proposed to increase (from $5 million to $15 million) the aggregate offering price of all securities of a small business investment company that may be sold in a twelve-month period under the exemption from registration in the Commission's regulation E. Second, the Division has revised its policy on investment in "illiquid assets" by open-end investment companies by increasing the percentage of net assets of an open-end company that may consist of such illiquid assets from 10% to 15%. Third, the Commission is planning to recommend legislation amending the Investment Company Act of 1940 ("1940 Act") to lessen certain restrictions on the formation and operation of business development companies, create a new exemption for investment companies owned by sophisticated investors, and create new exemptions for state-regulated business and industrial development companies. The conferees will discuss how these changes and their expected practical results may affect the states in their regulation of investment companies and similar entities.

(2) *Investment company disclosure and filing requirements.* Investment companies register with the Commission under the 1940 Act, [13] register their securities under the Securities Act of 1933, and comply with the proxy and reporting requirements under the Securities Exchange Act of 1934. Most investment companies also are required to register under state securities laws the shares they offer for sale in the state. While many states permit investment companies to satisfy state filing requirements by filing a copy of the registration statement filed with the Commission, states may require the filing of additional documents, or require that documents be filed at different times.

The Commission and the states have worked to coordinate, to the extent possible, the filing and disclosure requirements for investment companies. For example, in 1983 the Commission adopted a new two-part disclosure format for mutual funds under which all investors receive a shorter prospectus containing essential information about the fund and the risks investment in the fund presents while other more detailed information about the fund is available to investors requesting it in a Statement of Additional Information ("SAI").[14] When the new format was adopted, representatives of NASAA made substantial efforts to assure that the new format also be viewed as meeting state disclosure requirements.

Conferees will discuss the status of federal and state efforts toward achieving the goal of more uniform federal and state investment company disclosure requirements and filing procedures. Among other things, conferees will discuss:

(A) *Two part format.* State regulators have expressed certain concerns about whether important about mutual fund investments is "drifting" from the prospectus to the SAI. Conferees are expected to discuss whether the perceived problems reflect the failure by some registrants to comply with existing requirements for prospectus disclosure or whether the allocation of information between the prospectus and SAI required under the applicable Commission registration forms should be reviewed.

(B) *Hub-and-spoke arrangements.* In a hub-and-spoke arrangement, a mutual fund (the "hub") sells shares to another mutual fund (the "spoke"). Shares of the spokes are sold to the public. Some states are beginning to require special disclosure about these arrangements. These state disclosure standards differ in several respects from information that registrants now include in prospectuses to comply with Commission requirements. Conferees will discuss what can be done to better assure that uniform requirements will be imposed in this area. Specifically, the conferees will discuss how to harmonize federal and state requirements to assure investors are provided with information that enables them to understand this form of investment company product, and any material risks it may entail.

(3) *Special study on investment company regulation.* The Commission is reexamining the regulation of investment companies under the federal securities laws. As part of this re-examination, the Commission published a concept release seeking comment on reform of the regulation of investment companies under the federal securities laws.[15] The Division of Investment Management has reviewed the comments submitted in response to the Management has reviewed the comments submitted in response to the concept release and is formulating its recommendations to the Commission. The conferees will discuss issues raised by the concept release, particularly those that may affect state laws.

(b) Investment Advisers

Investment advisers register with the Commission and with the forty-three states that have investment adviser laws. Since 1985, advisers have registered with the states and the Commission by filing Uniform Form ADV,[16] a form developed jointly by the Commission and NASAA. Form ADV contains information necessary for federal and state registration. In addition, part II of the form contains the information about the adviser and its business practices that an adviser is required to give to clients and prospective clients under the Commission's brochure rule.[17] In enforcing the provisions of the Investment Advisers Act of 1940,[18] the Commission historically has relied primarily upon a program of inspections of adviser books and records. The conferees will discuss:

(1) *Central Registration Depository ("CRD").* When Uniform Form ADV was adopted, NASAA and the Commission indicated that a clearing house procedure, such as the CRD, would be considered to process adviser registration filings. The CRD is a computerized filing and data processing system operated by the NASD that maintains information concerning NASD member broker-dealers and their personnel for access by state regulators. It permits a broker-dealer to make one filing and for the information in that filing to be communicated electronically to the appropriate state regulators. In 1986, the CRD, in a pilot test, began registering investment adviser agents for the state of Virginia which had just begun to require registration of advisers and their agents.

The conferees will discuss, among other things, how a central registration system could be designed, what cost savings to advisers and regulatory benefits would result from such a system, what the experience is of the Virginia agent registration pilot, and whether cost-effective means can be developed for Commission participation in any central processing system.

(2) *Brochure rule.* Part II of Form ADV contains the information about the adviser and its business practices that an adviser is required to give to clients and prospective clients under the Commission's brochure rule. The current requirements may not adequately inform investors about conflicts of interest, compensation, and other important matters. Also, the check-the-box format of Part II, while useful to regulators in maintaining an adviser data base, may not present information to the prospective advisory client in an easily comprehensible manner. Thus, the Commission staff and NASAA have been working on improved disclosure requirements. Conferees will review the status of these efforts.

(3) *Inspections.* The Commission and the states have coordinated their inspection efforts to the greatest extent possible. A joint Commission/State inspections and training program was instituted in 1984 to coordinate regulatory efforts by sharing registration and examination information, thereby increasing the overall regulatory coverage of the investment adviser industry. The conferees expect to discuss options for maximizing the effectiveness of the regulatory efforts of the Commission and the states by avoiding duplication of regulatory efforts and increasing and improving routine surveillance of investment advisers.

(4) Enforcement Issues

In addition to the above stated topics, the state and federal regulators will discuss various enforcement related issues which are of mutual interest.

(5) General

There are a number of matters which are applicable to all, or a number, of the areas noted above. These include Edgar, the Commission's pilot electronic disclosure system, the coordination of Commission rulemaking procedures with the states, training and educating staff examiners and analysts, and sharing of information.

The Commission and NASAA request specific public comments and recommendations on the above-mentioned topics. Commenters should focus on the agenda but may also discuss or comment on other proposals which would enhance unformity in the existing scheme of state and federal regulation, while helping to maintain high standards of investor protection.

Dated: March 19, 1992.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6919 Filed 3–24–92; 8:45 am]

BILLING CODE 8010–01–M

[10] 15 U.S.C. 78a et seq.

[11] Public Law No. 101–429, 104 Stat. 931 (1990).

[12] Securities Exchange Act Release No. 29039 (April 17, 1991), (56 FR 16165).

[13] 15 U.S.C. 80a–1 et seq.

[14] Investment Company Act Rel. No. 13436 (Aug. 12, 1983) (48 FR 37928).

[15] Investment Company Act Rel. No. 17534 (June 15, 1990 (55 FR 25322)).

[16] 17 CFR 279.01–1.

[17] Rule 204–3 17 CFR 275.204–3.

[18] 15 U.S.C. 80b–1 et seq.

[Release No. 34-30493; File No. SR-Amex-92-06]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 by American Stock Exchange, Inc. Relating to Trading Index Warrants and Non-Option Derivative Products on the Floor by Registered Traders

March 18, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 3, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On March 11, 1992, the Amex submitted to the Commission Amendment No. 1 to the proposed rule change.[1] On March 13, 1992, the Amex submitted Amendment No. 2 to the proposal.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add Commentary .11 to Amex Rule 111, Restrictions on Registered Traders; Commentary .13 to Amex Rule 114, Registered Equity Market Makers ("REMMs"); and Commentary .10 to Amex Rule 958, Options Transactions of Registered Traders, to provide that proprietary transactions on the floor in (1) index warrants and (2) derivative products, which are otherwise traded under the Exchange's equity trading rules, shall be governed by, and effected in accordance with, Amex Rule 958. The following is the text of the proposed rule change:

Rule 111 Restrictions on Registered Traders

* * * Commentary .11

Transactions on the floor in (i) index warrants and (ii) derivative products (as defined in article iv, section 1(b)(4) of the Exchange Constitution) which are otherwise traded under the Exchange's equity trading rules, by a member for an account in which he has an interest shall be governed by the provisions of Rule 958. (See Commentary .10 Rule 958.)

Rule 114 Registered Equity Market Makers

* * * Commentary .13

Transactions on the Floor in (i) index warrants and (ii) derivative products (as defined in article IV, section 1(b)(4) of the Exchange Constitution) which are otherwise traded under the Exchange's equity trading rules, by a member for an account in which he has an interest shall be governed by the provisions of Rule 958. (See Commentary .10 Rule 958.)

Rule 958 Options Transactions of Registered Traders

* * * Commentary .10

Transactions on the Floor in index warrants by Registered Traders who are regular members, and transactions by Registered Traders on the Floor in derivative products (as defined in article IV, section 1(b)(4) of the Exchange Constitution) which are otherwise traded under the Exchange's equity trading rules, shall be effected in accordance with the provisions of this Rule. In addition, Rule 111, Commentary .01 and .02 shall not apply to such transactions. (See Rule 111, Commentary .11, and Rule 114, Commentary .13.)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Index warrants. Currently, index warrants, like other securities traded under the Exchange's equity trading rules, are traded on the Exchange floor by REMMs pursuant to the provisions of Amex Rule 114, which include applicable provisions of Amex Rule 111. Under the proposed rule change, regular members wishing to engage in supplemental market making activity in index warrants would be required to register as Registered Traders under Amex Rule 958, and would trade for their own accounts in such issues pursuant to the provisions of this rule.[3]

In contrast to REMMs trading pursuant to Amex Rules 111 and 114, competing market makers governed by Rule 958 (*e.g.*, Registered Options Traders ("ROTs")) have continuous affirmative market making obligations.[4] In recognition of this, such market makers therefore are designated as specialists on the Exchange for all purposes under the Act,[5] and are entitled to "good faith" market maker margin with respect to transactions on the floor in their assigned securities.[6] The Amex anticipates that application of Rule 958 requirements to supplemental Exchange market makers will encourage additional competing market maker activity in index warrants and enhance index warrant liquidity, while ensuring the continuous market making obligations of such members.

Non-option derivative products. Article IV, section 1(b)(4) of the Exchange Constitution was recently amended [7] to provide that "derivative products" under that section include, in addition to standardized options, securities "which are issued by * * * (a) limited purpose entity or trust and which are based on the performance of an index or portfolio of other publicly traded securities." [8] This amendment was adopted specifically so that such securities may be traded by Amex options principal members ("OPMs") and limited trading permit ("LTP") holders [9] as a means of increasing depth and market liquidity for such products.[10] The Amex believes that providing that trading of such market basket-type securities will be governed by Rule 958 will further enhance market making competition and provided additional depth and liquidity.

Certain provisions not applicable. The Amex notes that Rule 111, Commentary .01 [11] would not be applied to transactions in index warrants and non-option derivative products because Registered Traders under Rule 958 are specifically exempted from Rule 111, Commentary .01 by Rule 958, Commentary .06, which refers to Rule 950(c).[12] Because of the nature of the affirmative obligations imposed by Rule 958, a limitation on the number of Registered Traders in an index warrant or non-option derivative product trading crowd would be inappropriate. Rule 111, Commentary .02 [13] would not apply insofar as Commentary .01 to Rule 958 defines the term "on the floor" for purposes of Rule 958.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers. The proposed rule change is intended to increase supplemental market making in index warrants and non-option derivative products on the Exchange floor and thereby enhance market liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the Federal Register or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-92-06 and should be submitted by April 15, 1992

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6920 Filed 3-24-92; 8:45 am]

BILLING CODE 8010-01-M

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[1] Specifically, under the original proposal, proposed Rule 958, Commentary .10 would have excluded Rule 958(c)(ii) and (f), and Commentary .02, .03, .07 and .08 from being applied to trading by Registered Traders in index warrants and non-option derivative products. Amendment No. 1 would apply Rule 958(c)(ii) and Commentary .02 and .07 to such trading.

[2] Amendment No. 2 proposes to apply Rule 958 in its entirety to transactions by Registered Traders in index warrants and non-option derivative products. As a result, Amendment No. 2 would apply Rule 958(f) and Commentary .03 and .08 to such trading.

[3] REMMs as well as any other Registered Traders under Rule 111 currently trading index warrants or non-option derivative products will be required to register under Rule 958 and will thus become subject to the provisions of this rule in lieu of Rule 114 governing REMMs or Rule 111. Conversation between Michael Cavalier, Assistant General Counsel, Amex, and Edith Hallahan, Attorney, Commission, on March 11, 1992.

[4] *See* Amex Rule 958(c).

[5] *See* Amex Rule 958, Commentary .01.

[6] 12 CFR 220.2(k) and 220.12 (1991).

[7] *See* Securities Exchange Act Release No. 28612 (November 14, 1990), 55 FR 48308 (approving File No. SR-Amex-90-17).

[8] The Amex notes that Article IV, section 1(b)(4) specifies that for purposes thereof the term "derivative products" does not include warrants of any type or closed-end mutual funds.

[9] Previously, article IV, section 1(b)(4) of the Amex Constitution limited OPMs to trading standardized options and Section 1(j)(3) authorized LTP holders to trade only standardized index options, specifically excluding both from trading warrants and other securities.

[10] An example of such a non-option derivative product is the SuperUnits of certain SuperTrusts sponsored by SuperShare Services Corporation ("SSC"). SuperTrust™, SuperShare™ and SuperUnit™ are trademarks of Leland O'Brien Rubenstein Associates Incorporated. In addition, the Commission has approved a proposed rule change relating to the listing and trading of unit investment trust securities such as SuperTrust securities. See Securities Exchange Act Release No. 30394 (February 21, 1992), 57 FR 7409 (approving File No. SR-Amex-90-06).

[11] This provision limits to three the number of Registered Traders in a trading crowd permitted to establish or increase a position for accounts in which they have an interest, absent written Floor Official approval.

[12] Specifically, Commentary .02 to Rule 950(c) provides that the number of ROTs in a trading crowd establishing or increasing a position for accounts in which they have an interest may be limited if it is determined by two Floor Officials that this is in the interest of fair and orderly markets.

[13] This provision relates to the term "on the floor" as used in Rules 110 and 111.

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, section 402, Public Law 101-59, 104 Stat. 2589, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6152 Filed 3-24-92; 8:45 am]

BILLING CODE 8120-08-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Northeast Express Regional Airlines, Inc.; Application

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause.

(Order 92-3-40), Docket 47886.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Northeast Express Regional Airlines, Inc., fit, willing, and

able, and awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property, and mail under section 401 of the Federal Aviation Act.

DATES: Persons wishing to file objections should do so no later than April 3, 1992.

ADDRESSES: Objections and answers to objections should be filed in Docket 47866 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mrs. Janet A. Davis, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9721.

Dated: March 19, 1992.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy, and International Affairs.

[FR Doc. 92-6877 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-62-M

Sun Express Group, Inc., d/b/a/ Destination Sun Airways for Certificate Authority

AGENCY: Department of Transportation.

ACTION: Notice of Order to Show Cause (Order 92-3-43) Docket 47807.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Sun Express Group, Inc. d/b/a Destination Sun Airways (DSA) fit, willing, and able, and awarding it a certificate of public convenience and necessity to engage in interstate and overseas scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to file objections should do so no later than April 3, 1992.

ADDRESSES: Objections and answers to objections should be filed in Docket 47807 and addressed to the Documentary Services Division (C-55, room 4107), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 and should be served upon the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Ms. Delores King, Air Carrier Fitness Division (P-58) room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2343.

Dated: March 19, 1992.

Patrick V. Murphy,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-6878 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

[CGD8-92-05]

Eighth Coast Guard District Industry Day; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of Meeting.

SUMMARY: On May 8, 1992 the Commander, Eighth Coast Guard District will sponsor an Industry Day program to provide for an exchange of ideas, opinions and information concerning developments affecting the Coast Guard, the maritime community as well as related industries. The Industry Day program will be held at the Doubletree Hotel in New Orleans, LA. The format will be as follows:

May 7, 1992—Doubletree Hotel

6 p.m. to 8 p.m. Registration for early arrivals.

May 8, 1992—Doubletree Hotel

8 a.m. Registration continues.

9 a.m. General session; greeting, opening remarks.

9:45 a.m. Coffee Break.

10 a.m. Panel discusions; six separate, small-group discussions focusing on the MARPOL/Oil Pollution Act of 1990; Waterways Management; Outer Continental Shelf Vessels and Facilities; User Fees; Drug Testing; Licensing, and Vessel Inspections.

11:45 a.m Banquet style luncheon with keynote speaker.

1:30 p.m. Panel discussion continue.

3 p.m. Break.

3:15 p.m. Reconvene General Sessions.

4:30 p.m. Industry Day concludes.

4:45 p.m. No host reception.

Persons desiring to attend the program are encouraged to provide additional topics for consideration. Preregistration for the program is required to assure adequate space. The conference and lucheon fee will be $32.00. Contact the below named officer to submit topics for discussion, to obtain registration forms and luncheon menu. Topic suggestions and reservations must be recieved by April 25, 1992.

DATES: May 8, 1992 8 am to 4:45 pm.

ADDRESSES: Doubletree Hotel, 300 Canal Street, New Orleans, LA 70130.

FOR FURTHER INFORMATION CONTACT: LCDR Kenneth B. Parris, USCG, c/o Commander (mvs), Eighth Coast Guard District, Hale Boggs Federal Building, room 1341, 501 Magazine Street, New Orleans, LA 70130-3396; telephone number (504) 589-6271.

Dated: March 10, 1992.

J.M. Loy,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 92-6902 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Adminstration

Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for Monroe Regional Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150 by the city of Monroe, Louisiana. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for Monroe Regional Airport were in compliance with applicable requirements effective July 13, 1990. The proposed noise compatibility program will be approved or disapproved on or before August 29, 1992.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is March 2, 1992. The public comment period ends May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Dean A. McMath, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas, 76193-0610, (817) 624-5594. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is, reviewing a proposed noise compatibility program for Monroe Regional Airport which will be approved or disapproved on or before August 29, 1992. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for Monroe Regional Airport, effective on March 2, 1992. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a mixmum of 180 days, will be completed on or before August 29, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76193-0610

Monroe Regional Airport, room 200, Terminal Building, 5400 Operations Road, Monroe, Louisiana 71203

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, March 2, 1992.

Donald J. Guffey,

Manager, Arkansas/Louisiana Airport Development Office.

[FR Doc. 92-6867 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review Ohio State University Airport, Columbus, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Ohio State University for Ohio State University Airport, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for Ohio State University Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before August 31, 1992.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is March 2, 1992. The public comment period ends May 1, 1992.

FOR FURTHER INFORMATION CONTACT: Robert H. Allen, Federal Aviation Administration, Detroit Airports District Office, DET-ADO-670.1, East Willow Run Airport, 8820 Beck Road, Belleville, MI 48111, (313) 487-7296.

SUPPLEMENTARY INFORMATION: This notice announces the FAA finds that the noise exposure maps submitted for Ohio State University Airport are in compliance with applicable requirements of part 150, effective March 2, 1992. Furthe, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 31, 1992. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airpport operation may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community government, agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposed for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Ohio State University submitted to the FAA on July 2, 1990, noise exposure maps, descriptions and other documentation which were produced during the Airport Noise Compatibility Planning (part 150) Study at Ohio State University Airport from August 1977 to July 1990. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the Ohio State University. The specific maps under consideration are 1987 Noise Exposure Map (existing conditions) and 1994 Noise Exposure Map (abated conditions). They are included along with supporting documentation found in the Part One Noise Exposure Map Documentation of the part 150 Study in the submission and part 2 Noise Compatibility Program Section V. The FAA has determined that these maps for Ohio State University Airport are in compliance with applicable requirements. This determination is effective on March 2, 1992. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the

relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Ohio State University Airport, also effective on March 2, 1992. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 31, 1992.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, room 289, Des Plaines, IL 60018.

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, MI 48111.

Upper Arlington Public Library, Lane Road Branch, 1945 Lane Road, Columbus, OH 43220.

Ohio State University Airport, Administration Building, 2160 West Case Road, Columbus, OH 43235.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Belleville, Michigan, March 2, 1992.

Peter A. Serini,

Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 92-6886 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

Approval of Noise Compatibility Program; University of Illinois-Willard Airport, Savoy, IL.

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the University of Illinois under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On August 5, 1989, the FAA determined that the noise exposure maps submitted by the University of Illinois under part 150 were in compliance with applicable requirements. On July 9, 1991, the Assistant Administrator for Airports approved the University of Illinois-Willard Airport noise compatibility program, as supplemented and clarified in the airport operator's June 27, 1991, submittals.

A total of fifteen (15) measures were originally included in the University of Illinois's recommended program. Two measures have been withdrawn by the sponsor, one a noise abatement measure and the other a land use management measure. Of the remaining thirteen (13) measures one is listed as a Noise Abatement Measure, eight are listed as Land Use Management Measures and four are Other Implementation Measures (Continuing Planning). The FAA has approved all thirteen (13) of these remaining measures.

EFFECTIVE DATE: The effective date of the FAA's approval of the University of Illinois-Willard Airport noise compatibility program is January 3, 1992.

FOR FURTHER INFORMATION CONTACT: Jerry R. Mork, Federal Aviation Administration, Great Lakes Region, Chicago, Airports District Office, CHI-ADO-630.5, 2300 East Devon Avenue, Des Plaines, Illinois 60018. (312) 694-7522. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for University of Illinois-Willard Airport, effective January 3, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measure should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act, and is limited to the following determinations.

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Chicago Airports District Office in Des Plaines, Illinois.

The University of Illinois submitted to the FAA on June 7, 1988, noise exposure maps, descriptions and other documentation. This documentation was produced during the Airport Noise Compatibility Planning (Part 150) Study at University of Illinois-Willard Airport from October 13, 1987 through June 7, 1988. The University of Illinois-Willard Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 5, 1989. Notice of this determination was published in the **Federal Register** on November 2, 1989.

The University of Illinois-Willard Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 2000. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on July 9, 1991 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program, was supplemented and clarified by the airport operator's April 27, 1991 Response to FAA's Consolidated Comments and Addenda and Errata. The original program proposed by the airport sponsor contained fifteen (15) measures for noise mitigation on and off the airport, two were subsequently withdrawn by the sponsor. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective January 3, 1992.

Two of the original fifteen measures submitted were listed as "Noise Abatement Measures". One dealing with following through with the airport development program, including extension of an existing runway and construction of a general aviation parallel runway, was withdrawn by the sponsor as not appropriate for purposes of part 150. The other noise abatement measure was approved. It dealt with continuation and expansion of a preferential runway use program. Eight of the fifteen measures originally submitted are listed as "Land Use Management Measures", of which seven were approved outright. Of these seven land use measures, five are preventive measures that include adopting the part 150 NCP as a comprehensive plan element, adopting guidelines for discretionary review, adopting a fair disclosure policy, establishing compatible use rezoning and adopting noise overlay zoning. Two other of these seven land use management measures are corrective measures such as acquiring or urging others to acquire and redevelop noise impacted dwellings. Once additional land use management measures was withdrawn by the sponsor since it was to purchase land for a runway extension that was not primarily for nosie mitigation purposes, but instead for capacity. Neither it or the noise abatement measure withdrawn provided noise relief within the 65 DNL noise contour and provided only relatively insignificant relief outside the 65 DNL noise contour. Finally, four measures, "Other Implementation Measures" dealing with continuing planning were also approved outright. These determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on January 3, 1992. The Record of Approval, as well as other evaluation materials and documents which comprised the submittal to FAA are available for review at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Great Lakes Region, 2300 East Devon Avenue, room 261, Des Plaines, Illinois 60018.

Federal Aviation Administration, Chicago Airports District Office, Great Lakes Region, 2300 East Devon Avenue, room 260, Des Plaines, Illinois 60018.

Office of Airport Manager, University of Illinois—Willard Airport, Savoy, Illinois 61874.

Division of Aeronautics, Illinois Department of Transportation, Capital Airport, Springfield, Illinois 62706.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Des Plaines, Illinois, March 6, 1992.

Louis H. Yates,

Manager, Chicago Airports District Office, Great Lakes Region.

[FR Doc. 92-6885 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-92-9]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 15, 1992.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9683.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 19, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Correction

The Federal Aviation Administration published erroneously, in the **Federal Register** (57 FR 4509, February 5, 1992; FR Doc. 92-2736) that American Airlines petitioned the Federal Aviation Administration for exemption from 14 CFR 121.371(a) and 121.378. The petitioner is Executive Airlines, Inc., a subsidiary of AMR Eagle, Inc.

A corrected summary follows:

Docket No.: 23730.

Petitioner: Executive Airlines, Inc.

Sections of the FAR Affected: 14 CFR 121.371(a) and 121.378.

Description of Relief Sought: To allow Executive Airlines, Inc., a subsidiary of AMR Eagle, Inc. to utilize certain foreign original equipment manufacturers to inspect, repair, and overhaul components and parts of ATR-42, ATR-72, and CASA-212 aircraft operated by Executive Airlines, Inc.

[FR Doc. 92-6879 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

Passenger Facility Charge; Lake Tahoe Airport, South Lake Tahoe, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent to rule on application to impose and use the revenue from a Passenger Facility Charge (PFC) at Lake Tahoe Airport, city of South Lake Tahoe, California.

SUMMARY: The Federal Aviation Administration (FAA) proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Lake Tahoe Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) and 14 CFR part 158).

On March 13, 1992, the FAA determined that the application to impose and use revenue from a PFC submitted by the city of South Lake Tahoe was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 1, 1992.

DATES: Comments must be received on or before April 27, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airports Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009 or San Francisco Airport District Office, 831 Mitten Road, room 210, Burlingame, CA 94010-1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Richard French, Airport Director, Lake Tahoe Airport, at the following address: City of South Lake Tahoe, 1901 Airport Road, suite 100, South Lake Tahoe, California 96150-7004. Comments from air carriers and foreign air carriers may be in the same form as provided to the city of South Lake Tahoe under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph R. Rodriguez, Supervisor, Planning and Programming Section, Airports District Office, 831 Mitten Road, room 210, Burlingame, CA 94010-1303, Telephone: (415) 876-2805. The applications may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The following is a brief overview of the application:

Level of proposed PFC: $3.00.

Proposed charge effective date: 8/01/92.

Proposed charge expiration date: 7/31/97.

Total estimated PFC revenue: $3,113,747.

Brief description of proposed project: Two Snow Plows, South Hazard Beacon, Security Fence, Snow Blower, § 107.14 Access Control, Erosion Control/Safety Areas, Replace Snow Cat Rescue Vehicle, Replace Two Snow Blowers, Saw/Seal Runway, Enhance, Enhance FAA Tower Visibility, Feasibility Study/Clear Areas, Expand ARFF/Snow Equip. Bldg., Home Purchase Program, ARFF Access Road, Pron End Loader.

Availability of Application

Any person may inspect the application in person at the FAA office listed above. In addition, any person may, upon request, inspect the application, notice and other documents germane to application in person at the city of South Lake Tahoe.

Issued in Hawthorne, California, on March 13, 1992.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 92-6880 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Anderson and Abbeville Counties, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway facility from the City of Anderson in Anderson County to the City of Abbeville in Abbeville County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Myers, Planning & Environmental Engineer, Federal Highway Administration, 1835 Assembly Street, suite 758, Strom Thurmond Federal Building, Columbia, South Carolina 29201, Telephone: (803) 253-3881.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Highways and Public Transportation (SCDHPT), will prepare an environmental impact statement on the proposed Anderson-Abbeville Connector in Anderson & Abbeville Counties, South Carolina. The proposed connector will be located in a corridor approximately eight miles wide beginning on the southern side of the city of Anderson and continuing to S.C. Route 72 near City of Abbeville. The study area for the connector is within an area from the intersections of S.C. Route 28/Airline Drive and U.S. 76/U.S. 178 to the north; S.C. Routes 252, 20, and 185 to the east; S.C. Route 28 to the west; and S.C. Route 72 between Abbeville and Greenwood to the south. The total project length is about 30 miles.

The proposed Connector is included in the South Carolina Strategic Highway Plan for Improving Mobility and Safety and has been identified by their Select Oversight Committee as a roadway facility necessary to provide a stimulus for economic development in the Anderson-Abbeville area. Alternatives under consideration include: (1) Taking no action (no-build); (2) Transportation System Management (improvement of existing routes); and, (3) build alternatives.

The FHWA and SCDHPT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with federal, state, and local agencies, and other interested parties is planned for Friday, April 17, 1992 at 10:30 a.m. in the SCDHPT fifth floor auditorium at 955 Park Street, Columbia, South Carolina. This scoping meeting will include both this project and the Anderson Parkway Project.

Coordination will be continued with appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public hearings will be held for which public notice will be given of the time and place of the hearings. The draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 17, 1992.

Robert J. Probst,

Division Administrator, Columbia, South Carolina.

[FR Doc. 92-6848 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Anderson County, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA isd issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway facility around the City of Anderson in Anderson County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Myers, Planning & Environmental Engineer, Federal Highway Administration, 1835 Assembly Street, suite 758, Strom Thurmond Federal Building, Columbia, South Carolina 29201, Telephone: (803) 253-3881.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Highways and Public Transportation (SCDHPT), will prepare an environmental impact statement on the proposed Anderson Parkway in Anderson County, South Carolina. The proposed Parkway will be located in a circumferential corridor approximately two miles wide around the southern side of the city of Anderson. The parkway is proposed as a multi-lane facility predominantly on new location extending from I-85 northwest of Anderson to I-85 to the northeast. connection to I-85 to the northwest will involve crossing Lake Hartweel through improvements to the existing bridges along either S.C. route 24 or Centerville Road (route S-4-71). On the eastern side, the bypass is proposed to tie to I-85 via either improvements to U.S. 29 north, or through the continuation of the new location facility to S.C. Route 81 then north to I-85. The total project length is about 37 miles.

The proposed Parkway is included in the South Carolina Strategic Highway Plan for Improving Mobility and Safety and has been identified by their Select Oversight Committee as a roadway facility necessary to provide for existing and projected traffic demands in the Anderson area. Alternatives under consideration include: (1) Taking no action (no-build); (2) Transportation System Management (improving existing routes); and, (3) build alternatives.

The FHWA and SCDHPT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A formal scoping meeting with federal state, and local agenices, and other interested parties is planned for Friday, April 17, 1992 at 10:30 a.m. in the SCDHPT fifth floor auditorium at 955 Park Street, Columbia, South Carolina. This scoping meeting will include both this project and the Anderson-Abbeville Connector Project.

Coordination will be continued with appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public hearings will be held for which public notice will be given of the time and place of the hearings. The draft EIS will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 17, 1992.

Robert J. Probst,

Division Administrator, Columbia, South Carolina.

[FR Doc. 92-6849 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-22-M

[FHWA Docket No. 92-18]

Fuel Tax Evasion Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; request for comments.

SUMMARY: Funds have been authorized by the Congress for the use of the States and the Internal Revenue Service (IRS) to stem motor fuel tax evasion. This notice describes the procedures for making these funds available to the States. The Congress has also directed that a study be conducted on the use of motor fuel dyes and markers for detecting octane mislabeling, preventing consumer fraud, and enforcing motor fuel tax laws. This notice requests any comments and suggestions on the funding procedures for State tax evasion

projects and on issues to be addressed as part of the motor fuel dyeing/marking study.

DATES: Comments must be received on or before May 26, 1992.

ADDRESSES: Submit written, signed comments to FHWA Docket No. 92-16, room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Link, Office of Policy Development, 202-366-0570; or Mr. Wilbert Baccus, Office of the Chief Counsel, 202-366-0780; Federal Highway Administration, 400 Seventh Street, SW., Washigton, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal Federal holidays.

SUPPLEMENTARY INFORMATION: Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. No. 102-240, 105 Stat. 1914) authorized $5 million per year for fiscal years (FY) 1992 through 1997 from the Highway Trust Fund and $2.5 million per year from the General Fund for highway use tax evasion projects. A portion of these funds are being allocated to the States for participation in regional motor fuel tax enforcement task forces. Three such task forces were organized in 1991 covering 14 States, under the coordination and leadership of the IRS district offices and State revenue agencies in the States of New Jersey, Indiana, and Texas. A preliminary plan for organizing all of the States and the District of Columbia into regional task force groups is as follows:

New Jersey Task Force

* New Jersey (Lead)
* Delaware
* New York
Pennsylvania
Maryland
District of Columbia

Indiana Task Force

* Indiana (Lead)
* Illinois
Michigan
* Ohio
* Kentucky
Missouri
Wisconsin
Minnesota

Texas Task Force

* Texas (Lead)
* Louisiana
* New Mexico
* Arkansas
* Oklahoma

California Task Force

California (Lead)
Nevada
Hawaii
Arizona
Utah

Northwest Task Force

Oregon (Lead)
Washington
Alaska
Montana
Idaho

Forida Task Force

Florida (Lead)
Georgia
Mississippi
Alabama

North Carolina Task Force

North Carolina (Lead)
South Carolina
Virginia
West Virginia
Tennessee

Nebraska Task Force

Nebraska (Lead)
Wyoming
South Dakota
Iowa
Kansas
North Dakota
Colorado

New England Task Force

Massachusetts (Lead)
Connecticut
Maine
New Hampshire
Rhode Island
Vermont

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* Under agreement in FY 1991.

The revenue agencies in the indicated lead States have been invited to work with the respective IRS district offices to organize regional task forces. Other lead States may be designated for a regional task force if necessary.

A total of $3 million per year of the amount authorized from the Highway Trust Fund will be allocated to the States, including the District of Columbia, for the use of the State revenue agency responsible for motor fuel tax enforcement to carry out the purposes of section 1040. Lead States will be allocated $100,000 annually, and the remaining States will be allocated $50,000 annually. Funds allocated to a State shall remain available until September 30, 1997, at which time any unobligated funds may be withdrawn by the FHWA for other motor fuel tax evasion projects. It should be noted that, in any fiscal year, limitations on obligation authority may restrict the funds available for obligation.

Funds are available at 100 percent Federal share. However, as specified in section 1040, States wishing to receive funds for tax evasion projects must certify that the aggregate expenditure of funds of the State, exclusive of Federal funds, for motor fuel tax enforcement activities will be mainitained at a level which does not fall below the average level of such expenditures for its last two fiscal years.

To receive funding under this program, the State revenue agency responsible for enforcement of State motor fuel taxes shall follow these procedures:

1. Sign the Memorandum of Understanding (MOU) agreeing to participate in at least one of the regional task forces. The proposed regional grouping plan presented above was developed as a guide. States should join one or more task forces to best meet their needs for coordinated fuel tax enforcement.

2. Prepare an estimate of costs by category of expenditure. Allowable costs shall be determined in accordance with the Office of Management and Budget Circular A-87, "Cost Principles for State and Local Governments."

3. Establish accounting codes for attributing costs to the project. For example, if a system of time distribution for payroll costs is not already in place, a system will have to be developed to record the hours devoted to the project.

4. Comply with the intergovernmental review requirements of 49 CFR part 17 according to the procedures established by the State.

5. Submit a letter to the FHWA Division Administrator in the State requesting funds for the project along with the following items:

a. Evidence of completion of the intergovernmental review requirements,

b. A copy of the signed MOU (original signatures not required,)

c. The cost estimate by expenditure category,

d. Three signed original copies of the Grant Agreement. (One signed original copy will be returned to the State following signature by the Division Administrator.)

6. Request in writing FHWA approval of the following items as necessary:

a. Revised budget whenever the estimate for a single cost category changes by more than 10 percent of the total agreement amount, i.e. $5,000 for a $50,000 project,

b. Proposal for procurement of professional services, including identification of the contractor and estimated cost, when the estimated cost exceeds $10,000.

7. Designate, for the lead States, a representative and alternate to serve on the national project Steering Committee. The Steering Committee comprised of Federal, State, and industry representatives reviews progress and results of motor fuel tax compliance activities.

8. Submit progress reports and payment vouchers as described in the Grant Agreement. The report of motor fuel tax enforcement activities, project expenditures by category, and narrative project summary will be used to compile the reports to the Congress on March 31 and September 30 each year.

9. Arrange for audits when required by 49 CFR part 90.

The Grant Agreement includes all of the specific requirements on the use of project funds, including the certification to maintain funding for motor fuel tax enforcement activities at the average level for the previous two fiscal years. Enforcement of motor fuel tax compliance with respect to commercial motor carriers will not be included under this program. Enforcement of motor fuel taxes with respect to motor carriers will be addressed under section 4008 of the Intermodal Surface Transportation Efficiency Act of 1991 entitled "Participation in International Registration Plan and International Fuel Tax Agreement." A copy of the Grant Agreement form and provisions may be obtained from the contacts listed in this notice.

The remaining funds authorized by section 1040 are being reserved for the use of the IRS for motor fuel tax enforcement activities.

The FHWA is seeking any comments concerning the funding allocation, administrative procedures described in this notice, or any suggestions to enhance motor fuel tax compliance under this program.

Section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 and the act making appropriations for the Department of Transportation in fiscal year 1992 (Pub. L. No. 102-143, 105 Stat. 917) directed that a study be conducted of the feasibility and desirability of using motor fuel dyes and markers for detecting octane mislabeling, preventing consumer fraud, and enforcing motor fuel tax laws. This study will include a review of experience with the use of dyes and markers, assessment of the benefits and costs associated with implementing a nationwide standard of motor fuel dyes and markers and an evaluation of alternative means to achieve similar benefits in consumer fraud prevention and motor fuel tax enforcement. The study will account for the impacts on State and Federal revenue, burden on industry, and difficulty in implementing the standards. The FHWA is requesting any comments, suggestions, or information on issues that need to be addressed as part of the study.

Comments should be submitted to the docket by the deadline indicated above.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: March 18, 1992.

T. D. Larson,

Administrator.

[FR Doc. 92-6827 Filed 3-24-92; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket P-005]

Interpretation of the Fourth Exception to Section 506 of the Merchant Marine Act, 1936, as Amended

AGENCY: Maritime Administration, Transportation.

ACTION: Policy consideration.

SUMMARY: The Maritime Administration (MARAD) is considering issuing a new determination under the Fourth Exception to section 506 of the Merchant Marine Act, 1936, as amended, 46 app. U.S.C. 1156 (the Act), regarding the maximum amount of domestic cargo permitted to be carried by vessels built with the aid of construction-differential subsidy (CDS) in foreign voyages with a stop at an island possession or territory of the United States.

DATES: Public comment on this issue is invited. Comments must be received by April 24, 1992.

ADDRESSES: Send 15 copies of comments to the Secretary, Maritime Administration, room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. All comments will be made available for inspection during normal business hours at the above address. Commentors wishing MARAD to acknowledge receipt of comments should enclose a stamped, self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Murray A. Bloom, Chief, Division of Maritime Aids, Office of the Chief Counsel, Maritime Administration, Washington, DC 20590, tel. (202) 366-5320.

SUPPLEMENTARY INFORMATION: Section 506 of the Act requires owners of CDS-built vessels to agree to operate those vessels exclusively in the United States foreign commerce. Some exceptions are provided in section 506 to allow for limited operation by CDS-built vessels in domestic trade. As relevant here, what has become known as the "Fourth Exception" of section 506 authorizes a CDS-built vessel to "stop" at Hawaii or an island possession or territory on a "voyage in foreign trade." The terms, "stop" and "voyage in foreign trade," are not defined. Section 506 does not state a limit for carriage of domestic cargo. CDS-built vessels engaging in such voyages must payback a proportional amount of CDS in a ratio tied to gross revenue derived from carriage of domestic cargo compared to gross revenue derived from the entire voyages of the previous year. No approvals are required for engaging in such voyages.

On February 28, 1990, in response to an order of the United States District Court for the District of Columbia, in *Marine Transportation Services Sea-Barge Group* v. *Skinner*, Civ. No. 89-2278 (D.D.C. Sep 27, 1989), and following a public notice and comment procedure, MARAD issued its modified Final Statutory Interpretation on the Fourth Exception of Section 506 applicable to the Puerto Rican trade. That Interpretation held in relevant part as follows:

Effective on and after April 1, 1990, with respect to CDS-built container vessels carrying cargo between the U.S. mainland and foreign countries via Puerto Rico, to be considered a *bona fide* voyage in the foreign trade under the Fourth Exception of section 506, each voyage of a CDS-built vessel may stop only once inbound and once outbound at Puerto Rico, and, at a minimum, the vessel must carry foreign cargo equal to 25 percent of the total TEUs carried on the vessel on a voyage basis. Failure to meet that level of carriage will result in a rebuttable presumption, that the voyage is not one in foreign trade. This rebuttal is effective in normal circumstances, but MARAD retains the right to assure that the carrier has taken sufficient steps to carry significant quantities of foreign cargo on each voyage in deciding whether the presumption has in fact been rebutted. The failure of quarterly results to achieve the required results can be excused only by MARAD finding that circumstances caused by *force majeure* precluded the operation of CDS-built vessels from otherwise meeting the 25 [percent] requirement. Operators involved in such service will be required to report cargo carriage on the same quarterly basis.

On January 31, 1992, the United States District Court for the District of Columbia struck down MARAD's interpretation and ordered MARAD to make a new determination as to the requirements of the Fourth Exception to section 506 of the Act. *Marine Transportation Services Sea-Barge Group* v. *Busey*, Civ. Nos. 89–2278, 90–0969 (D.D.C. Jan. 31, 1992). Importantly, the court affirmed MARAD's authority to prescribe an acceptable level of domestic cargo for a CDS vessel. *Slip. Op.* at 22. In addition, the court explicitly rejected arguments that the CDS repayment provisions of section 506 adequately protect the domestic fleet. *Slip. Op.* at 28, n. 17. However, the court ruled that MARAD did not adequately explain how its interpretation furthered the purposes and policy of the Act. *Slip. Op.* at 29. The court indicated that the foreign cargo limitation should be set at the level at which the domestic cargo carried on a CDS-built vessel is incidental to foreign cargo that is carried on that voyage. *Id.* The court faulted MARAD's interpretation for not considering the value of the cargo in measuring compliance with a domestic cargo limit and for not establishing the relevance of the 25 percent minimum foreign cargo requirement by statistical evidence, market research or otherwise. *Slip. Op.* at 30–31. The court, however, did not pass on the issue of whether the 25 percent minimum foreign cargo requirement "is a good or bad rule, or whether it furthers and serves the purpose and policies of the Act or not." *Slip. Op.* at 32. The court also suggested that MARAD consider the issues of the itinerary restriction and inclusion of transshipped cargo when reconsidering its rule. *Slip. Op.* at 33.

MARAD now invites public comment on the issues raised in the court's decision. This process would be most useful in helping MARAD formulate a response to the court's decision if commenters' remarks also included suggestions on the following specific issues:

1. Whether a new interpretation or a rule to be published in the Code of Federal Regulations should be promulgated.

2. What studies or information gathering should be conducted to lay the groundwork for a new interpretation.

3. What should be the basis for determining whether the domestic cargo carried by a CDS-built vessel on a foreign voyage is incidental to the foreign voyage.

4. How should MARAD enfore its determination.

By Order of the Maritime Subsidy Board.

Dated: March 20, 1992.

James E. Saari,

Secretary.

[FR Doc. 92–6870 Filed 3–24–92; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 17, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0007.

Form Number: IRS Form T.

Type of Review: Extension.

Title: Forest Industries Schedules.

Description: Form T is filed by individuals and corporations to report income and deductions from the timber business. IRS uses Form T to determine if the correct amount of income and deductions are claimed.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 37,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—37 hours, 4 minutes.

Learning about the law or the form—42 minutes.

Preparing the form and sending the form to the IRS—1 hour, 20 minutes.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,446,330 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR DOC. 92–6824 Filed 3–24–92; 8:45 am]

BILLING CODE 4830–01–M

[Number: 102–11]

Delegation—Institute of American Indian Arts

Date: March 17, 1992.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 20 U.S.C. 4425, I hereby delegate the following authority for the Institute of American Indian and Alaska Native Culture and Arts Development.

1. *The Assistant Secretary (Management)* has the authority to:

a. Prescribe procedures, in accordance with 20 U.S.C. § 4425(a)(3), for the valuation of contributions to the Institute of American Indian and Alaska Native Culture and Arts Development;

b. Establish recordkeeping procedures in accordance with Section 4425(c) for the:

(1) Investment of funds received under the trust fund established in Section 4425(b); and

(2) Expenditure of accumulated interest for the trust fund under Section 4425(a); and

c. Monitor the program, and periodically evaluate the financial recordkeeping procedures in accordance with Section 4425(c).

2. *The Inspector General* shall audit the program, as necessary, and participate in the periodic evaluation of the finanical recordkeeping procedures.

3. This authority may be redelegated.

Nicholas F. Brady,

Secretary of the Treasury.

[FR Doc. 92–6825 Filed 3–24–92; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Information Agency.

ACTION: Proposed collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the Agency has made such a submission. The information collection activity involved with this program is conducted pursuant to the mandate given to the United States Information Agency under the terms and conditions of Public Law 98–164. USIA is requesting approval for a three-year extension of the Travellers Funded by USIA form (IAP–94), under OMB control number 3116–0181, which expires April 30, 1992. Estimated burden hours per response is thirty minutes.

DATE: April 24, 1992.

COPIES: Copies of the Request for Clearance (SF–83), supporting statement, transmittal letter and other documents submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB, *Attention*: Desk Office for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Debbie Knox, United States Information Agency, M/ASP, 301 Fourth Street, SW., Washington, DC 20547, telephone (202) 619–5503; and OMB review: Ms. Lin Liu, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone (202) 395–7340.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information is estimated to average thirty minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the United States Information Agency, M/ASP, 301 Fourth Street, SW., Washington, DC 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Travellers Funded by USIA.

Form Number: IAP 94.

Abstract: A report is required for submission to the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee listing all individuals, with their organizations, who in the preceding five years made two or more trips involving foreign travel financed in whole or in substantial part by grants from USIA's Office of Private Sector Programs. The information must be obtained from grantees, which necessitates the information collection.

Proposed Frequency of Responses: No. of Respondents—150; Recordkeeping Hours—320; Total Annual Burden—620.

Dated: March 19, 1992.

Rose Royal,

Federal Register Liaison.

[FR Doc. 92–6930 Filed 3–24–92; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information:

(1) The title of the information collection, and the Department form number(s), if applicable;

(2) A description of the need and its use;

(3) Who will be required or asked to respond;

(4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;

(5) The estimated average burden hours per respondent;

(6) The frequency of response; and

(7) An estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Revision

1. Loan Service Report, VA Form 26–6808.

2. The use of this form will allow VA to service delinquent guaranteed and insured home loans, loan sold, and portfolio loans to determine whether relief measures can be extended to assist the obligor in retaining the property.

3. Individuals or households.

4. 40,427 hours.

5. 25 minutes.

6. On occasion.

7. 97,028 respondents.

[FR Doc. 92–6850 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information:

(1) The title of the information collection, and the Department form number(s), if applicble;

(2) A description of the need and its use;

(3) Who will be required or asked to respond;

(4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;

(5) The estimated average burden hours per respondent;

(6) The frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washinton, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Request for Identifying Information Re: Veteran's Loan Records, VA Form Letter 26–626.

2. This form letter is used to notify a correspondent that additional information is needed in order to identify and associate their previous correspondence with the correct veteran's loan application or records.

3. Individuals or households.

4. 200 hours.

5. 5 minutes.

6. On occasion.

7. 2,400 respondents.

[FR Doc. 92–6851 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information:

(1) The title of the information collection, and the Department form number(s), if applicable;

(2) A description of the need and its use;

(3) Who will be required or asked to respond;

(4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;

(5) The estimated average burden hours per respondent;

(6) The frequency of response; and

(7) An estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

New Collection

1. Chapter 31 Change in Enrollment, VA Form 28–0175.

2. The form is used by public and private institutions to report any changes in the enrollment status of students' receiving vocational rehabilitation benefits. VA uses the information to determine if a claimant's vocational rehabilitation benefits are to be increased, decreased, or terminated, and, if so, the effective date of the change.

3. State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.

4. 6,667 hours.

5. 10 minutes.

6. On occasion.

7. 40,000 respondents.

[FR Doc. 92–6852 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information:

(1) The title of the information collection, and the Department form number(s), if applicable;

(2) A description of the need and its use;

(3) Who will be required or asked to respond;

(4) An estimate of the total annual reporting hours, and recordkeeping burden, if applicable;

(5) The estimated average burden hours per respondent;

(6) The frequency of response; and

(7) An estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary.

Frank E. Lalley,

Associate Deputy, Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances, VA Form 21–8951.

2. The form is used by reservists to waive VA compensation payments to receive service pay.

3. Federal agencies or employees.

4. 267 hours.

5. 2 minutes.

6. On occasion; One-time waiver.

7. 8,000 respondents.

[FR Doc. 92–6853 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet

G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary:

Frank E. Lalley,

Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.

Revision

1. Status of Loan Account—Foreclosure or Other Liquidation, VA Form Letter 26–567.

2. This form letter is used by VA to obtain information from holders concerning the status of a loan account at the time of foreclosure or other liquidation action.

3. Business or other for-profit; Small businesses or organizations.

4. 19,245 hours.

5. 30 minutes.

6. On occasion.

7. 38,490 respondents.

[FR Doc. 92–6854 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form numbers(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, Records Management Service (723), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, Room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by April 24, 1992.

Dated: March 19, 1992.

By direction of the Secretary:

Frank E. Lalley,

Associate Deputy Assistant Secretary for Information Resources Policies and Oversight.

Extension

1. Collection of Government Funds Via Credit Card, VA Form 04–5579.

2. Use of this form will allow credit cards to be used to collect funds due the Government. The information collected is needed to properly record collection of the payment and to assess liability to the debtor's credit card account.

3. Individuals or households.

4. 166 hours.

5. 1 minute.

6. On occasion.

7. 10,000 respondents.

[FR Doc. 92–6855 Filed 3–24–92; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 58
Wednesday, March 25, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, March 26, 1992.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Mar-Land Industrial Contractor, Inc.*, Docket No. SE 90-117-M (Issues include whether the judge erred in finding that Mar-Land violated 30 C.F.R. § 56.15005 and that Mar-Land was highly negligent).

2. *Peabody Coal Company*, Docket Nos. KENT 91-340-R, etc. (Issues include whether the judge erred in concluding that miners' representatives are entitled to accompany, with no loss of pay, inspectors of the Secretary of Labor who are engaged in separate inspection functions).

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653-5629/(202) 708-9300 for TDD Relay, 1-800-877-8339 (Toll Free).

Dated: March 20, 1992.

[FR Doc. 92-7001 Filed 3-23-92; 11:41 am]

BILLING CODE 6735-01-M

federal register

Wednesday
March 25, 1992

Part II

Presidential Commission on the Assignment of Women in the Armed Forces

Meeting

THE PRESIDENTIAL COMMISSION ON THE ASSIGNMENT OF WOMEN IN THE ARMED FORCES

Meeting

WHO: The Commission will discuss the proposed agenda for the final report which is required to be transmitted to the President by November 15, 1992. The panel will hear testimony from military services addressing the policies pertaining to the assignment of female service members.

WHEN: Wednesday, March 25, and Thursday, March 26

9:00 am to 11:05 am—Swearing in of Commissioners; Review of agenda and policies

11:10 am to 11:30 am—Press Availability

11:35 am to 1:00 pm—Lunch Break

1:05 pm to 6:00 pm—Military Services Testimony

Where: Department of Health and Human Services, 330 Independence Avenue, SW., Room PH–800, Washington, DC

Contact: Kevin K. Kirk, (202) 653–0864.

W.S. Orr,

Interim-Staff Driector.

[FR Doc. 92–7093, Filed 3–24–92; 10:11 am]

BILLING CODE 6820–CD–M

federal register

Wednesday
March 25, 1992

Part III

The President

Proclamation 6416—Cancer Control Month, 1992

Federal Register
Vol. 57, No. 58
Wednesday, March 25, 1992

Presidential Documents

Title 3—

The President

Proclamation 6416 of March 23, 1992

Cancer Control Month, 1992

By the President of the United States of America

A Proclamation

When our Nation first observed Cancer Control Month more than 50 years ago, few diseases evoked more dread or inspired a greater sense of mystery than cancer. Today, however, thanks to advances in early detection, diagnosis, and treatment, more than half of the people who are diagnosed with cancer survive their disease 5 years or more. While this progress is heartening, each year more than 1,000,000 Americans continue to be diagnosed with cancer—and tens of thousands die of the disease. Thus, the observance of Cancer Control Month warrants as much public attention and cooperation as ever.

Further progress in the fight against cancer depends on continuing research. Through the National Cancer Institute (NCI), the Federal Government supports a nationwide network of cancer centers where physicians and scientists conduct basic research and clinical trials on cancer prevention and treatment. The Institute also helps to support the research of investigators in private laboratories and hospitals across the country.

Basic research has made cancer prevention a realistic expectation and brought us a range of new cancer therapies. Such advances hold promise not only for our fight against cancer but also for our battles against other diseases, such as AIDS. In addition, our Nation's investment in the work of pioneers who are investigating the genetic and molecular bases of cancer has produced an extra dividend: a thriving biotechnology industry that, in turn, has helped to accelerate biomedical research.

To help speed the transfer of the results of biomedical research from the laboratory to the patient, the NCI's Physician Data Query (PDQ) incorporates into a computerized system the newest information about cancer prevention, technologies for early detection, and innovative therapies. Through the PDQ, physicians can readily obtain needed information. Cancer patients and other concerned individuals can dial toll-free numbers to obtain information as well: 1–800–4–CANCER to reach the NCI's Cancer Information Center and 1–800–ACS–2345 to access the Cancer Response System of the American Cancer Society.

While research is helping to lead the way in the fight against cancer, the public also has a key role to play in achieving victory. Each of us can adopt healthy behaviors that lower our risk of developing cancer. Smoking is implicated in at least one-third of all cancer deaths each year—about 170,000 deaths in all. No new drug, therapy, or screening technique would strike as forceful a blow in our fight against cancer as the decision by millions of smokers to quit the habit.

Maintaining a high-fiber, low-fat diet is another effective means of cancer prevention. Americans can reduce their risk of developing colon and other kinds of cancer by reducing their consumption of fatty foods and by increasing their daily intake of fruits, vegetables, and whole grain breads and cereals.

Just as a healthy life-style—one that includes a sensible diet and regular exercise—can help to decrease the risk of developing cancer, periodic cancer screenings and early detection can also save lives. Every American is encouraged to learn about cancer and its warning signs and to supplement regular self-examinations with periodic checkups by his or her doctor. A physician's judgment, which is often based on the use of sophisticated testing equipment, is imperative.

Simple steps like these, along with continuing research, can take us a long way toward our goal of defeating cancer. Indeed, as we continue to unlock the secrets of this complex disease, our failure to take advantage of all that we have learned would be the only mystery that remains.

In 1938, the Congress passed a joint resolution (52 Stat. 148, 36 U.S.C. 150) requesting the President to issue an annual proclamation declaring April to be Cancer Control Month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of April 1992 as Cancer Control Month. I invite the Governors of the fifty States and the appropriate officials of all other areas under the American flag to issue similar proclamations, and I urge every citizen to join in achieving continued progress in the fight against cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-7108
Filed 3-24-92; 10:33 am]
Billing code 3195-01-M

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Federal Register
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Wednesday, March 25, 1992

INFORMATION AND ASSISTANCE

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H.J. Res. 446/P.L. 102–260
Waiving certain enrollment requirements with respect to H.R. 4210 of the 102d Congress. (Mar. 20, 1992; 106 Stat. 85; 1 page) Price: $1.00

S. 1467/P.L. 102–261
To designate the Federal Building and the United States Courthouse located at 15 Lee Street in Montgomery, Alabama, as the "Frank M. Johnson, Jr. Federal Building and United States Courthouse." (Mar. 20, 1992; 106 Stat. 86; 1 page) Price: $1.00

S. 1889/P.L. 102–262
To designate the Federal Building and the United States Courthouse located at 111 South Wolcott Street in Casper, Wyoming, as the "Ewing T. Kerr Federal Building and United States Courthouse." (Mar. 20, 1992; 106 Stat. 87; 1 page) Price: $1.00

S.J. Res. 240/P.L. 102–263
Designating March 25, 1992, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." (Mar. 20, 1992; 106 Stat. 88; 1 page) Price: $1.00

Last List March 24, 1992

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102d Congress, 2nd Session, 1992

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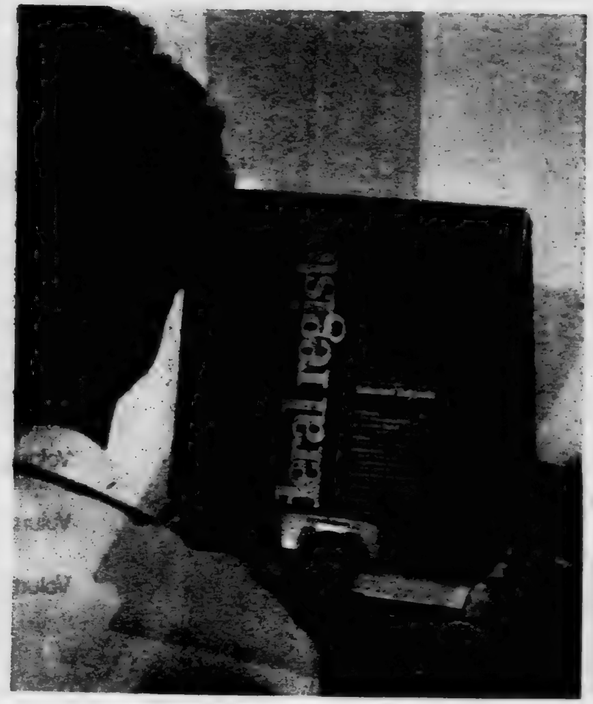

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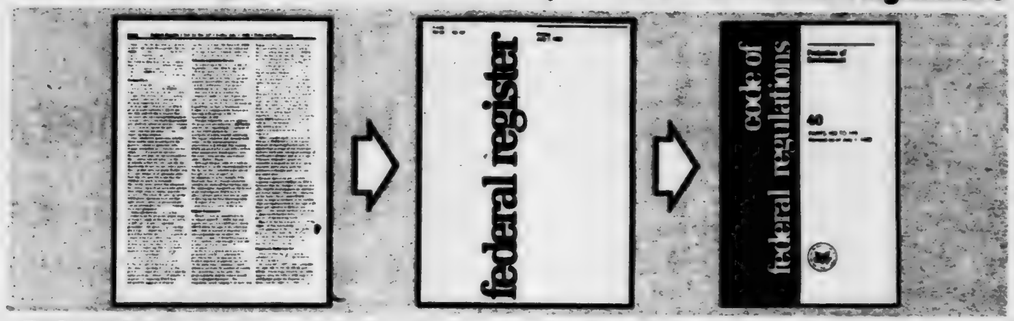

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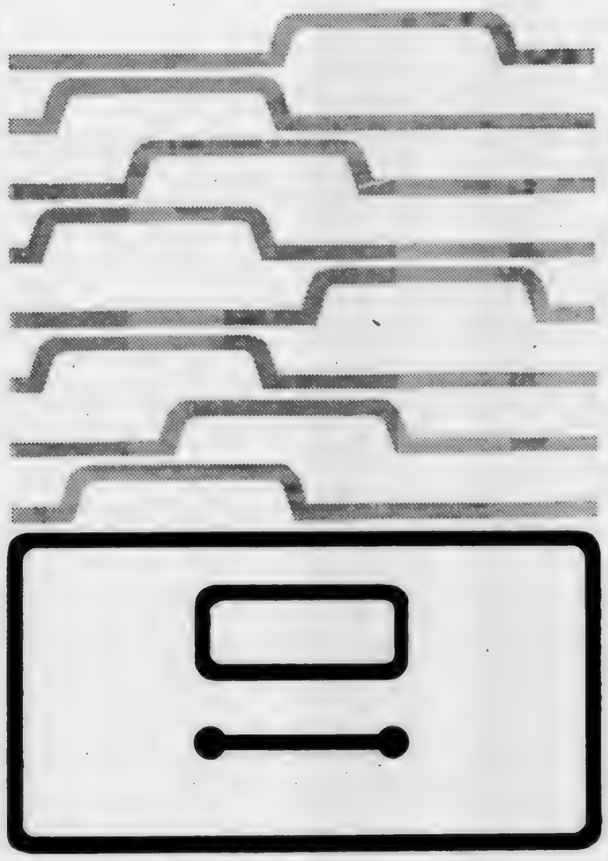

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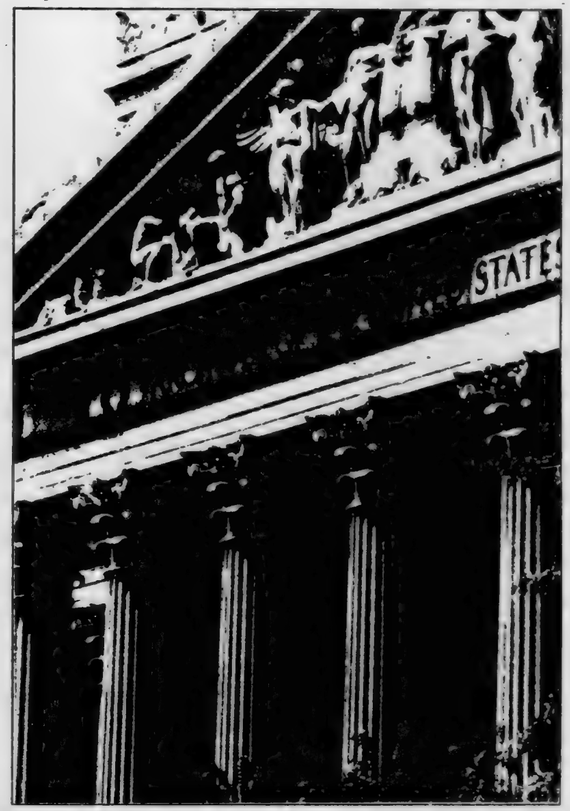

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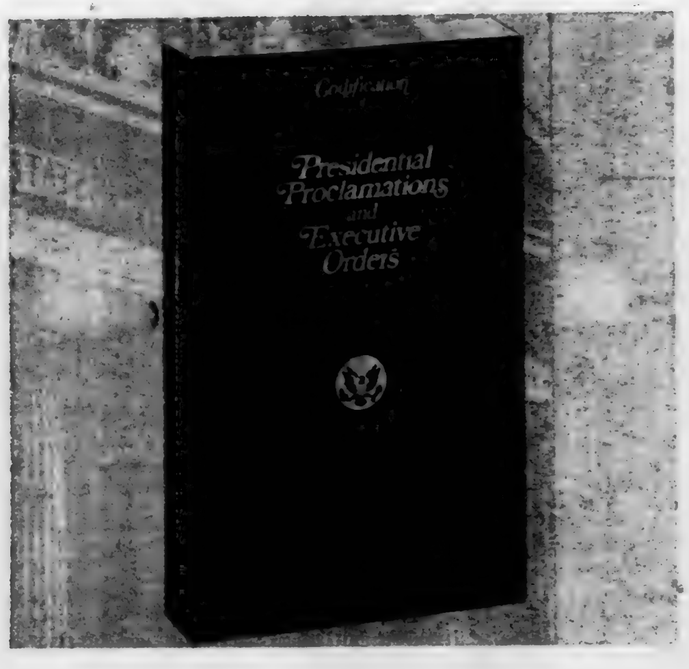

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Rules and Regulations

Federal Register
Vol. 57, No. 59
Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Transfer of Receivership Rules and Removal of Subchapter

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule; technical amendment.

SUMMARY: The FDIC is transferring its receivership rules (12 CFR part 360) from subchapter C to subchapter B of chapter III and removing subchapter C in its entirety from the Code of Federal Regulations. This action is being taken because subchapter C is no longer necessary. Subchapter C was added to accommodate regulations transferred from the Federal Savings and Loan Insurance Corporation by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. Since the transfer (54 FR 42800, October 18, 1989) all subchapter C regulations, except part 360, have been revoked or incorporated into other FDIC regulations.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Jen Hickson, 202–898–3807.

SUPPLEMENTARY INFORMATION: The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date do not apply because this amendment is procedural in nature and does not constitute a substantive rule subject to the requirements of that section.

Accordingly, under the authority of title IV of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (Pub. L. 101–73; 103 Stat. 183, 354), the FDIC is amending 12 CFR chapter III as follows:

PART 360—[AMENDED]

1. Part 360 is transferred from subchapter C to subchapter B.

PART 386—[REMOVED]

2. Subchapter C, consisting of Part 386, which is reserved, is removed.

Dated: March 20, 1992.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 92–6979 Filed 3–25–92; 8:45 am]
BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91–NM–188–AD; Amendment 39–8207; AD 92–07–11]

Airworthiness Directives; Boeing Model 747–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 747–100 series airplanes, which requires inspection to detect cracking of the wing front spar web above engine numbers 2 and 3, and repair, if necessary. This amendment is prompted by a report of an 18-inch crack in the front spar web at the attach fitting of the number 3 engine. The actions specified by this AD are intended to prevent fuel leakage onto an engine and a resultant fire.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Satish Pahuja, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S; telephone (206) 227–2781; fax (206) 227–1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to Boeing Model 747–100 series airplanes was published in the **Federal Register**, on October 11, 1991 (56 FR 51349). That action proposed to require repetitive visual and ultrasonic inspections of the wing front spar web above engine numbers 2 and 3 to detect cracks; and repair if necesary. That action also proposed an optional terminating action, consisting of the replacement of fasteners at the upper and lower chord with oversized fasteners.

Interested persons have been afforded and opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters do not concur with the issuance of the proposed rule, because only one operator reported a single crack on an airplane that had accumulated 19,458 flight cycles. Similar cracking has not been observed on the manufacturer's "Fatigue Test Airplane," which has accumulated 25,601 flight cycles. The FAA does not concur. It has been determined that the crack was caused by fatigue; therefore, similar cracking is likely to develop on the wing front spar web on other Boeing Model 747–100 series airplanes, which are built with identical structural design and fabrication methods.

The Air Transport Association (ATA) of America, on behalf of several of its members, requests that the proposed threshold for inspections be revised. Two members question whether the proposed inspection threshold of 15,000 flight cycles is justified, considering that the airplane on which the subject cracking was detected had accumulated 19,458 flight cycles. These commenters suggest that the proposed threshold for inspections be extended to 18,000 flight cycles. The FAA does not concur. The inspection threshold was established

based upon (1) general priniciples of fatigue crack growth analysis, (2) the average annual utilization of the Boeing Model 747-100 fleet, and (3) the service experience of the airplane on which the cracking was discovered. Based on these factors, the FAA has determined that 15,000 flight cycles represents a conservative estimate of the interval when fatigue cracking may initiate, and when such cracking could be detected by ultrasonic inspection prior to the crack jeopardizing the structural integrity of the wing front spar web.

Other ATA members suggest changes to the proposed compliance times. One member requests that the proposed one-year inspection compliance time for airplanes that have accumulated fewer than 20,000 flight cycles be extended an additional 3 months. Several other commenters request that the compliance period be increased from the proposed one year to 15 months for airplanes that have accumulated between 15,000 and 20,000 flight cycles. These commenters consider that such extensions would ensure that inspections could be accomplished during scheduled heavy maintenance visits, and passenger service would not be disrupted. Also, extension of the proposed one-year compliance time would preclude special scheduling at considerable expense, beyond what was projected by the proposed rule. One commenter requests that the proposed one-year compliance time be increased, because paint stripping would be required in order to perform the inspection, and an airplane would be out of service for at least one day. The FAA concurs that the compliance times can be extended somewhat. The FAA's intent was that the inspections be conducted during a regularly scheduled maintenance visit for the majority of the affected fleet, when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. Based on the information supplied by the commenters, the FAA now recognizes that 15 months corresponds more closely to the interval representative of most of the affected operators' normal maintenance schedules. Accordingly, paragraphs (a)(2) and (a)(3) of the final rule have been revised to reflect a compliance time of 15 months. The FAA does not consider that this extension will adversely affect safety.

Two commenters recommend that the proposed rule include a terminating action for the repetitive inspections. The FAA notes that provisions for a terminating action were included in paragraph (c)(2) of the notice (and, likewise, in this final rule).

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 135 Boeing Model 747-100 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 87 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $76,560.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-11. Boeing: Amendment 39-8207. Docket 91-NM-188-AD.

Applicability: Model 747-100 series airplanes; as listed in Boeing Alert Service Bulletin 747-57A2266, dated June 6, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent fuel leakage onto an engine and a resultant fire, accomplish the following:

(a) Perform a visual and an ultrasonic inspection of the wing front spar web between front spar station (FSS) 636 and FSS 675 in accordance with Boeing Alert Service Bulletin 747-57A2266, dated June 6, 1991, at the applicable time specified in the following schedule:

(1) For airplanes that have accumulated more than 20,000 flight cycles as of the effective date of this AD, perform the inspections within six months after the effective date of this AD.

(2) For airplanes that have accumulated between 15,000 flight cycles and 20,000 flight cycles as of the effective date of this AD, perform the inspections within 15 months after the effective date of this AD.

(3) For airplanes with fewer than 15,000 flight cycles as of the effective date of this AD, perform the inspections within 15 months after accumulating 15,000 flight cycles.

(b) If cracking is found, prior to further flight, repair in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate.

(c) If no cracking is found, accomplish either subparagraph (c)(1) or (c)(2) of this AD:

(1) Repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 2,000 flight cycles.

(2) Install the modification, consisting of the replacement of fasteners, specified in Boeing Alert Service Bulletin 747-57A2266, dated June 6, 1991. Accomplishment of this modification constitutes terminating action for the repetitive inspection requirements of this AD.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(f) The inspections and repairs shall be done in accordance with Boeing Alert Service Bulletin 747-57A2266, dated June 6, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(g) This amendment becomes effective May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7032 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-215-AD; Amendment 39-8205; AD 92-07-09]

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that currently requires a limitation in the FAA-approved Airplane Flight Manual (AFM) to incorporate certain operational procedures to detect uncommanded changes in the altitude windows of the Mode Control Panel (MCP). This amendment requires modification of the currently-installed MCP. This amendment is prompted by the development of a new MCP that is not susceptible to uncommanded changes in the altitude window. The actions specified by this AD are intended to prevent uncommanded changes that could cause the airplane to fly to an altitude that was not selected by the pilot.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Skaves, Aerospace Engineer, Seattle Aircraft Certification Office, Systems & Equipment Branch, ANM-130S, FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2795; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation regulations by superseding AD 90-07-02, Amendment 39-6547 (55 FR 10605, March 22, 1990), which is applicable to Boeing Model 737-300 series airplanes equipped with Sperry SP300 autopilots, was published in the Federal Register on November 18, 1991 (56 FR 58191). The action proposed to require modification of the currently-installed Mode Control Panel (MCP).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

Two commenters request that the proposed compliance time be extended from 12 to 24 months after the effective date of the AD. One of these commenters states that certain operators are accomplishing the MCP modifications in their own facilities, and that spare MCP availability and existing operator modification capabilities cannot support equipment modification turnaround rates that are high enough to meet the proposed 12 month compliance period. Another commenter points out that timely accomplishment of the modification is dependent upon the ability of Honeywell to quickly rework and return a fixed number of rotatable units. The commenter indicates that most of the units affected by the AD belong to one operator; consequently, retrofit cannot be easily accelerated unless significantly more rotatable units are made available to this operator. Additionally, the commenter believes that, since the operational limitations required by AD 90-07-02 remain in effect until the modification required by this AD is accomplished, flight safety would not be compromised in the interim. The FAA partially concurs. Since operators have been aware of the problem addressed in this AD since the time Boeing issued Service Bulletin 737-22A1098 (January 17, 1991), the FAA has determined that an extension of the proposed compliance time from 12 to 18 months is warranted in order to provide adequate time for operators to comply with the requirements of this AD.

Two commenters suggest that the economic analysis paragraph of the preamble be revised. These commenters state that there are no parts or labor costs involved with this action, since Boeing and Honeywell are covering these costs with regard to the modification. Therefore, only the costs associated with removal and reinstallation of the MCP's will be incurred by the operators. One commenter suggests that the number of work hours required to accomplish this removal and reinstallation should reflect only 1 work hour, rather than the 16 work hour figure that appeared in the preamble to the proposal. Further, the commenter states that labor costs to an airline modifying its own MCP's will be reimbursed at the normal hourly rate paid for warranty repairs. The FAA concurs and, based on this new data, the economic analysis paragraph, below, has been revised accordingly.

One commenter, Honeywell, requests that the final rule provide clarification as to how the modification will be performed. This commenter states that reference to "replacement of MCP's," as stated in the cost analysis information in the preamble to the notice, could result in confusion. The FAA concurs that clarification of this point is necessary: Honeywell is producing modification kits for existing MCP's; once the MCP is modified with this kit, it is assigned a new part number. An operator can either install the modification kit and bill Honeywell for the costs, or send the MCP to a Honeywell service center for installation of the modification kit (at no cost to the operator). Upon request, a spare MCP may be loaned to an operator temporarily, until the operator's modification kit is installed. Honeywell has established a modification schedule to facilitate the flow of units to be modified for operators. To further clarify this point, the FAA has revised paragraph (b) of the final rule to specify that the required action is to "modify" the MCP, rather than "replace."

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 864 Boeing Model 737-300, -400, and -500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 440 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to remove and reinstall the MCP, and that the average labor rate is $55 per work hour. Modification of the MCP's will be accomplished by the manufacturer and vendor at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $24,200.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-6547 (55 FR 10605, March 22, 1990), and by adding a new airworthiness directive (AD), amendment 39-8205, to read as follows:

92-07-09. Boeing: Amendment 39-8205. Docket 91-NM-215-AD. Supersedes AD 90-07-02, Amendment 39-6547.

Applicability: Model 737-300, -400, and -500 series airplanes; equipped with Sperry SP300 Autopilot Flight Control Computers and Mode Control Panels (MCP); certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded changes to the target altitude displayed in the altitude window of the autopilot mode control panel (MCP), accomplish the following:

(a) For Model 737-300 series airplanes: Within 10 days after April 5, 1990 (the effective date of AD 90-07-02, Amendment 39-6547), incorporate the following procedures into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD in the AFM.

"Autopilot Limitations

"For airplanes with SP300 autopilot MCP. Flightcrews must use the following procedures:

1. Check MCP settings after any electrical power interruptions.

2. Following change in ALT selection in the MCP window, check ALT display to ensure desired altitude is displayed.

3. Closely monitor altitude during all altitude changes to ensure that the autopilot captures and levels off at the desired altitude.

Note: Standard 'callouts,' crew coordination, and cross-checking of MCP settings and flight instruments are necessary to detect any nonselected MCP display number changes."

(b) For all airplanes: Within 18 months after the effective date of this AD, modify the MCP in accordance with Boeing Alert Service Bulletin 737-22A1098, dated January 17, 1991.

(c) After accomplishment of paragraph (b) of this AD, remove the AFM limitation that is specified in paragraph (a) of this AD.

Note: For Model 737-400 and -500 series airplanes, this limitation was included in the amended type certificate, and must be deleted in accordance with this paragraph.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The modification shall be done in accordance with Boeing Alert Service Bulletin 737-22A1098, dated January 17, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(g) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7033 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-93-AD; Amendment 39-8206; AD 92-07-10]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires the installation of additional protection on the wire bundles in the circuit breaker panel to guard against damage from chafing and to protect the battery bus wiring from overloading. This amendment is prompted by reports of arcing and smoke emanating from the panel, and the discovery of undersized wiring to the battery bus. The actions specified by this AD are intended to prevent smoke and fire in the cockpit emanating from the panel and loss of safety-essential systems.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew S. Wade, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2751; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737 series airplanes was published in the **Federal Register** on October 8, 1991 (56 FR 50679). That action proposed to require the installation of additional protection on the wire bundles in the circuit breaker panel to guard against damage from chafing and to protect the battery bus wiring from overloading.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposal.

The Air Transport Association (ATA) of America, on behalf of several of its member operators, requests that the proposed compliance time of 6 months be extended. Several members suggest that the proposed compliance time be changed so that the modifications can be scheduled during a "C" check, approximately 18 months. One member points out that an extension of the compliance time is necessary since all electrical power must be removed from each airplane for 10 to 12 hours in order to complete the proposed modification; consequently, retrofit could not be accomplished during a typical overnight hold, because other maintenance activity requiring electrical power could not be completed. The FAA does not concur that an extension of the compliance time is warranted. Continued use of the existing wire between the 28 volt DC battery bus and the Digital Flight Control System poses a hazard to the system itself, as well as the adjoining wire bundles in the P6 panel. Consequently, many systems contained in the wire bundles could be damaged from wire chafing or overheating of the DC battery bus wiring. In developing an appropriate compliance time for the AD, the FAA considered not only the degree of urgency associated with addressing this unsafe condition, but the availability of required parts and the practical aspect of installing the required modification within a maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety. Additionally, the proposed compliance time was selected so that it would fall during an interval of regularly scheduled maintenance for the majority of the affected fleet. Further, since issuance of the NPRM, another incident has occurred, causing 22 wires to chafe and short against the airplane structure. Taking these items into consideration, the FAA considers the compliance time, as proposed, to be justified. However, as provided by paragraph (c) of the final rule, the FAA may consider the approval of an extended interval as an alternative method of compliance, if the operator can provide sufficient data to justify such an extension.

One commenter maintains that if wire bundles located in the P6-2 circuit breaker panel are modified in accordance with Boeing Service Bulletin 737-24-1077, as would be required by proposed paragraph (a), then the failure mode addressed by Boeing Service Bulletin 737-24-1084 (and proposed paragraph (b)) that would produce a 60 amp load on the 28 volt DC battery bus wiring circuit is highly unlikely to occur. In light of this, the commenter believes that the subsequent installation of the correct gauge wire in the circuit breaker panel, as would be required by proposed paragraph (b), is not necessary. The FAA does not concur. As demonstrated by service history and confirmed through fault analysis, either failure mode described in the referenced Boeing service bulletins can occur and each represents an unsafe condition if the undersized wire is operated beyond the carrying limits of current industry standards. Both proposed modifications are necessary in order to fully protect the system and address positively the unsafe condition presented.

The manufacturer recommends that the AD be revised to state that airplanes previously modified in accordance with earlier versions of the cited Boeing service bulletins (that is, Service Bulletin 737-24-1077, dated August 17, 1989, or Revision 1, dated August 16, 1990; or Service Bulletin 737-24-1084, dated October 11, 1990) are considered to be in compliance with the rule. The FAA concurs, and has revised paragraphs (a) and (b) of the final rule to reflect this.

This final rule specifies that Boeing Service Bulletin 737-24-1084, Revision 1, was issued on March 21, 1991, instead of March 8, 1991, as was inadvertently cited in the notice.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 863 Boeing Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 450 airplanes of U.S. registry will be affected by this AD. Both modifications specified in the rule will be required to be accomplished on approximately 388 airplanes; it will take approximately 10 manhours per airplane to accomplish both modifications. Replacement of the undersized wire will be required to be accomplished on approximately 62 airplanes; it will take approximately 6 manhours per airplane to accomplish the replacement. The average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $233,860.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-12. Boeing: Amendment 39-8208. Docket 91-NM-92-AD.

Applicability: Model 737 airplanes, as listed in Boeing Service Bulletin 737-24-1077, Revision 2, dated July 25, 1991, and Boeing Service Bulletin 737-24-1084, Revision 1, dated March 21, 1991; certificated in any category.

Compliance: Required within 6 months after the effective date of this AD, unless accomplished previously.

To prevent chafing of wires and electrical overload of wires, and to remove the potential for a fire in the cockpit, accomplish the following:

(a) For airplanes listed in Boeing Service Bulletin 737-24-1077, Revision 2 dated July 25, 1991: Modify the wire bundles and install a capped quick release receptacle and nutplate, in accordance with Boeing Service Bulletin 737-24-1077, dated August 17, 1989; or Revision 1, dated August 16, 1990; or Revision 2, dated July 25, 1991.

(b) For airplanes listed in Boeing Service Bulletin 737-24-1084, Revision 1, dated March 21, 1991: Replace the undersized wire with a 12 gauge wire in the P6-2 circuit breaker panel, in accordance with Boeing Service Bulletin 737-24-1084, dated October 11, 1990; or Revision 1, dated March 21, 1991.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The modifications shall be done in accordance with Boeing Service Bulletin 737-24-1077, dated August 17, 1989, or Revision 1, dated August 16, 1990, or Revision 2, dated July 25, 1991; and in accordance with Boeing Service Bulletin 737-24-1084, dated October 11, 1990, or Revision 1, dated March 21, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 16, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7034 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-154-AD; Amendment 39-8208; AD 92-07-12]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 767 series airplanes, that requires modification of the lever and bracket assemblies and connecting bolts for the off-wing escape slide compartment door opening actuators. This amendment is prompted by reports of operations unable to adjust the travel on the actuator firing pins to obtain the required engagement, and insufficient connecting bolt length. The actions specified by this AD are intended to prevent an inadvertent in-flight off-wing escape slide deployment during flight and consequent damage to the airplane, or failure of the off-wing escape system to deploy when required for an emergency evacuation.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jayson Claar, Aerospace Engineer, Airframe Branch, ANM-120S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2784; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on September 30, 1991 (56 FR 49437). That action proposed to require modification of the lever and bracket assemblies and connecting bolts for the off-wing escape slide compartment door opening actuators.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the proposed rule.

Another commenter requests that the applicability of the AD be revised to include only those Boeing Model 767 series airplanes on which a firing pin lever has been installed in accordance with the original version of Boeing Service Bulletin 767-25-0137, and those with the production equivalent through line number 357. The commenter contends that installation of a firing pin lever was intended only as a product improvement to assist operators in performing the required rigging adjustment. The FAA does not concur. The FAA has received reports indicating that some operators have experienced difficulty rigging the compartment doors, in particular, aligning the firing pin lever. Difficulty in rigging the compartment doors could lead to the possibility of airplanes being returned to service with misrigged or inoperative doors. Incorporation of the procedures specified in the original service bulletin will eliminate this difficulty. In light of this information, the FAA has determined that both the installation of the firing pin lever (reference the original version of the service bulletin) and the correction of the bolt length (reference Revision 1 of the service bulletin) are necessary for all airplanes currently listed in the applicability of the Notice in order to ensure that the unsafe condition is corrected.

One commenter questions the justification for proceeding with the proposed rule. This commenter states that there have been no occurrences where the firing pin was not pulled adequately in order to fire the actuator, and no occurrences where inadvertent deployment was caused by pulling the pins by mistake. The FAA does not concur with commenter's suggestion that this AD action is not justified. Although there have been no in-service incidents of inadvertent slide deployment, there have been at least three reports of the inability of crew or maintenance personnel to adjust the travel on the actuator firing pins in order to obtain the required engagement. Sufficient data exist to demonstrate that this factor, coupled with the fact that connecting bolts may have insufficient length, presents a situation that could result in the inadvertent deployment of the slide. Since this unsafe condition potentially could exist on any of the affected airplanes equipped with these escape systems, the FAA has determined that the modification required by this AD represents a positive fix to prevent its occurrence.

One commenter requests that the proposed rule be revised to require only repetitive verification of the travel distance of the actuator firing pins. This commenter believes that modification of the subject unit is not necessary to address the unsafe condition. The FAA does not concur. This AD action reflects the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe to remove the identified problem, rather than by repetitive inspections. As addressed previously, the modification required by this AD action is a positive fix to prevent the occurrence of the addressed unsafe condition.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 318 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 131 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Modification parts will be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $57,640.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-12. Boeing: Amendment 39-8208. Docket 91-NM-164-AD.

Applicability: Model 767 series airplanes, as listed in Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991, certificated in any category.

Compliance: Required within the next 18 months after the effective date of this AD, unless accomplished previously.

To ensure proper deployment of the off-wing escape system, accomplish the following:

(a) Modify the off-wing escape system in accordance with Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with Boeing Service Bulletin 767-25-0137, Revision 1, dated May 9, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 30, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7035 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-154-AD; Amendment 39-8209; AD 92-07-13]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires adjustment of the escape system girt bar locks. This amendment is prompted by a report of an escape slide that failed to deploy and fell to the ground. The actions specified by this AD are intended to ensure proper retention of the girt bar to the girt bar carrier. This condition, if not corrected, could result in the escape system not being available during an emergency evacuation.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jayson B. Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2784. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an

airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the Federal Register as a supplemental notice of proposed rulemaking on January 13, 1992 (57 FR 1229). That action proposed to require adjustment of the escape system girt bar locks on Type A and certain Type I emergency exits.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Both commenters support the rule as proposed.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

There are approximately 354 Boeing Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 134 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $147,400.

The regulations adopted herein will not have substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-13. Boeing: Amendment 39-8200. Docket 91-NM-154-AD.

Applicability: Model 767 series airplanes; as listed in Boeing Alert Service Bulletin 767-52A0081, Revision 1, dated September 26, 1991; certificated in any category.

Compliance: Required within the next 60 days after the effective date of this AD, unless accomplished previously.

To ensure proper retention of the girt bar to the girt bar carrier, accomplish the following:

(a) Adjust the ball plunger for the girt bar locks in accordance with Boeing Alert Service Bulletin 767-52A0081, Revision 1, dated September 26, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The repair shall be done in accordance with Boeing Alert Service Bulletin 767-52A0081, Revision 1, dated September 26, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7036 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-208-AD; Amendment 39-8199; AD 92-07-03]

Airworthiness Directives; British Aerospace Model BAe 125-800A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 125-800A series airplanes, that requires installation of an improved wash basin water tank shroud drain outlet. This amendment is prompted by reports of wash basin water tank leakage, which could result in ice forming on the aileron control cables. The actions specified by this AD are intended to prevent reduced controllability of the airplane.

DATES: Effective May 4, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 4, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 125-800A series airplanes was published in the Federal Register on December 2, 1991 (56 FR 61213). That action proposed to require installation of an improved wash basin water tank shroud drain outlet.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requests that the FAA require the manufacturer to develop a shield to cover the aileron control cable pulleys in order to prevent the unsafe condition regardless of where the water leak occurs. The commenter notes that the British Aerospace service bulletin referenced in the proposal addresses only one possible source of water leakage that could freeze and result in the unsafe condition. Additionally, the commenter indicates that a Service Difficulty Report on a certain British Aerospace Model BAe 125-800A series airplane has been filed, which depicts another water leak source that could result in ice forming on the aileron control cables.

The FAA does not concur with the commenter's request. The notice proposes corrective action to address service difficulties involving aileron cable freezing that could occur due to failures in an aft lavatory water supply and drain system supplied by British Aerospace at the time the airplane was manufactured. The FAA has determined that the currently proposed corrective action is an adequate solution to problems that the manufacturer's assessment indicates could occur with that system. The commenter's request for a different approach to correct aileron freezing problems is prompted by other service experience involving aileron cable freezing associated with a specific Supplemental Type Certificate (STC)-approved aft bar and ice maker system installation. The FAA plans to investigate the need for different or additonal corrective action to prevent aileron cable freezing on airplanes with the STC-approved aft bar and ice maker installation as a separate project, and will take corrective action, as warranted. However, the FAA would consider a request for approval to correct the aileron cable freezing problem by means other than that specified in this AD, in accordance with the provisions of paragraph (c) of this AD.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required actions, and that the average labor rate of $55 per work hour. Required parts will cost approximately $2,159 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $10,396.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilites among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-03. British Aerospace: Amendment 39-8199. Docket 91-NM-208-AD.

Applicability: Model BAe 125-800A series airplanes, as listed in British Aerospace Service Bulletin 25-67-25A013A, Revision 2, dated October 18, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced controllability of the airplane, accomplish the following:

(a) Within 30 days after the effective date of this AD, drain the water from the wash basin water tank; and fabricate and install a placard to indicate that the wash basin is "inoperative."

(b) Within 3 months after the effective date of this AD, install a new collector/outlet and drain pipe below the wash basin water tank outlet in accordance with British Aerospace Service Bulletin 25-67-25A013A, Revision 2, dated October 18, 1991. After installing the new collector/outlet and drain pipe, remove the placard required by paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The installation shall be done in accordance with British Aerospace Service Bulletin 25-67-25A013A, Revision 2, dated October 18, 1991, which includes the following list of effective pages:

Note: The individual pages of this service bulletin are marked only with a "revision level." No dates appear on the pages, except for page 1, which references July 16, 1991, as the issue date of the original version of the service bulletin, and October 18, 1991, as the issue date of Revision 2.

Page No.	Revision level
1, 7-8, 9-10	2
2, 3, 4, 5-6, 11-12, 13, 14	Original

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective on May 4, 1992.

Issued in Renton, Washington, on March 5, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7037 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, and 234

[Docket No. R-92-1514; FR-2855-C-03]

Single Family Development Acceptance of Individual Residential Water Purification Equipment; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; correction.

SUMMARY: On March 19, 1992 (57 FR 9602), the Department published in the **Federal Register**, a final rule that sets out the circumstances under which the Department will agree to provide FHA mortgage insurance on single family properties for which a loan-to-value ration (LTV) greater than 90% is proposed, and when certain of the requirements associated with water supply systems set out in 24 CFR 200.926d(f), and usually applied to such properties, cannot be met. The purpose of this document is to correct the regulatory text amendatory language indicated in the final rule to reflect the fact that the published rule was indeed a final rule and not a proposed rule. This document will also list the Subject Indexing Terms for 24 CFR parts 200, 203, and 234, and the Federal Domestic Assistance Catalog number that the inadvertently omitted from the published final rule.

EFFECTIVE DATE: April 20, 1992.

FOR FURTHER INFORMATION CONTACT: Donald Fairman, Manufactured Housing and Construction Standards Division, room 6207, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone, voice: (202) 708–0718; (TDD) (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Accordingly, FR Doc. 92–6234, the final rule amending 24 CFR parts 200, 203, and 234, published in the **Federal Register** on Thursday, March 19, 1992 (57 FR 9602) is corrected to read as follows:

PARTS 200, 203, and 234—[CORRECTED]

1. On page 9609, immediately following the end of the preamble and before the words of issuance at the top of the third column, the Federal Domestic Assistance Catalog number (FDAC) and the list of subjects are added to read as follows:

"The Federal Domestic Assistance Catalog number (FDAC) for this final rule is 14.181.

List of Subjects

24 CFR Part 200

"Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and Recordkeeping requirements, and Social security.

24 CFR Part 203

Hawaiian Natives, Home improvement, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, and Solar energy.

24 CFR Part 234

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements."

2. On page 9609, in the third column, at the top of the page, the words of issuance for parts 200, 203 and 234 is corrected to read as follows:

"Accordingly, the Department amends 24 CFR parts 200, 203, and 234 as follows:".

3. On page 9609, in the third column, item 1 is corrected to read as follows:

"1. The authority citation for part 200 continues to read as follows:

"Authority: Titles I and II, National Housing Act (12 U.S.C. 1701–1715z–18); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))."

4. On page 9609, in the third column, the amendatory language for item 2 is corrected to read as follows:

§ 200.926d [Corrected]

"2. Section 200.926d is amended by revising paragraph (f)(2)(ii) to read as follows:".

5. On page 9609, in the third column item 3 is corrected to read as follows:

"3. The authority citation for part 203 continues to read as follows:

Authority: Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d). In addition, subpart C is issued under sec. 230, National Housing Act (12 U.S.C. 1715u)."

6. On page 9609, in the third column, the amendatory language for item 4 is corrected to read as follows:

§ 203.52 [Corrected]

"4. A new § 203.52 is added to subpart A, to read as follows:".

7. On page 9611, in the first column, the amendatory language for item 5 is corrected to read as follows:

§ 203.550 [Corrected]

"5. In subpart C, § 203.550 is amended by revising the first sentence in paragraph (c), and by adding a new second sentence to paragraph (c), to read as follows:".

8. On page 9611, in the second column, item 6 is corrected to read as follows:

"6. The authority citation for part 234 continues to read as follows:

"Authority: Secs. 211, 234, National Housing Act (12 U.S.C. 1715b, 1715y); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). Section 234.520(a)(2)(ii) is also issued under sec. 201(a), National Housing Act (12 U.S.C. 1707(a))."

9. On page 9611, in the second column, the amendatory language for item 7 is corrected to read as follows:

§ 234.64 [Corrected]

"7. A new § 234.64 is added to subpart A, to read as follows:".

Dated: March 20, 1992.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 92–6947 Filed 3–25–92; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF66

Veterans' Benefits Programs Improvement Act of 1991

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning the frequency of parents' dependency and indemnity compensation (DIC) payments, the eligibility of remarried surviving spouses or married children for the reinstatement of benefits, the presumptive period for leukemia as a radiogenic disease, the definition of a radiation-exposed veteran and the protection of ratings when changes are made in the Schedule for Rating Disabilities (38 CFR part 4). These amendments are necessary to implement recently enacted legislation. The intended effect of these amendments is to bring the regulations into conformance with the new statutory requirements.

EFFECTIVE DATE: These amendments are effective August 14, 1991, the date that Public Law 102–86 was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Section 102 of the Veterans' Benefits Programs Improvement Act of 1991, Public Law 102–86, amended 38 U.S.C. 1315 (formerly 415) to authorize the Secretary to make payment of parents' DIC less frequently than monthly if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under 38 U.S.C. 1315. The Secretary has decided to exercise that authority by authorizing semiannual payments, but allowing affected beneficiaries to elect to receive payment monthly in cases in which other federal benefits would otherwise be denied. Because of the small number of beneficiaries receiving benefits under this program, and because the difference between the minimum payment of $5 per month and the point at which payment less frequently than monthly is authorized is so slight, the cost of programming to provide for payment at additional intervals is not warranted. VA is amending 38 CFR 3.30 to provide for semiannual payments.

Section 8004 of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, eliminated the eligibility of remarried surviving spouses and married children for reinstatement of benefits when that marital relationship terminates unless the disqualifying marital relationship was void or was annulled. Similarly, the fact that a surviving spouse of a veteran terminated a relationship with another person, in which the surviving spouse held himself or herself out openly to the public as the spouse of that person, was also eliminated as a basis for the reinstatement of benefits. These provisions apply to claims filed after October 31, 1990. Section 502 of Public Law 102–86 provides that the amendments made by section 8004 of Public Law 101–508 do not apply with respect to any individual who on October 31, 1990, was a surviving spouse or child within the meaning of title 38, United States Code, unless after that date that individual marries or, in the case of a surviving spouse, begins to live with another person while holding himself or herself out openly to the public as that person's spouse. VA is amending 38 CFR 3.55, 3.215, 3.400(u), 3.400(v), and 3.400(w) (as amended by 56 FR 25043–45) to implement this new statutory provision.

Section 2 of the Radiation-Exposed Veterans Compensation Act of 1988, Public Law 100–321, provided a 40-year presumptive period for all but one of the conditions for which presumptive service connection may be granted based upon participation in a radiation-risk activity during active military service; a 30-year presumptive period was provided for leukemia. Under Public Law 100–321, reservists who participated in a radiation-risk activity while on active duty for training or inactive duty training are not entitled to presumptive service connection. Section 104 of Public Law 102–86 amended 38 U.S.C. 1112 (formerly 312) to provide for a 40-year presumptive period for the occurrence of leukemia in veterans exposed to radiation, and section 105 of Public Law 102–86 extended presumptive service connection to individuals who were engaged in a radiation-risk activity during active duty for training or inactive duty training. VA is amending 38 CFR 3.309(d) to implement these new statutory provisions.

The VA General Counsel, in O.G.C. Prec. 68–90, determined that VA had no statutory authority to "grandfather" or protect disability evaluations assigned under superceded rating criteria. Section 103 of Public Law 102–86 amended 38 U.S.C. 1155 (formerly 355) to provide that a modification to the rating schedule occurring after August 14, 1991, will not result in a reduction of any disability evaluation unless that disability has actually improved. VA is deleting 38 CFR 3.343(d) since that paragraph is no longer relevant, and is amending § 3.951 to implement this new statutory provision.

VA is issuing a final rule to implement the statutory changes contained in Public Law 102–86. Because these amendments implement statutory changes, publication as a proposal for public notice and comment is unnecessary.

Since a notice of proposed rulemaking is unnecessary and will not be published, these amendments are not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. sections 601–612. These amendments will not directly affect any small entity.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.105, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved February 7, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, is revised to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.30, paragraph (e) is redesignated as paragraph (f), a new paragraph (e) is added, the section heading, introductory text and paragraph headings for paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 3.30 Frequency of payment of improved pension and parents' dependency and indemnity compensation (DIC).

Payment shall be made as shown in paragraphs (a), (b), (c), (d), (e), and (f) of this section; however, beneficiaries receiving payment less frequently than monthly may elect to receive payment monthly in cases in which other Federal benefits would otherwise be denied.

(a) *Improved pension—Monthly.*

* * * * *

(b) *Improved pension—Quarterly.*

* * * * *

(c) *Improved pension—Semiannually.*

* * * * *

(d) *Improved pension—Annually.*

* * * * *

(e) *Parents' DIC—Semiannually.*

Benefits shall be paid every 6 months on or about June 1, and December 1, if the amount of the annual benefit is less than 4 percent of the maximum annual rate payable under 38 U.S.C. 1315.

* * * * *

3. In § 3.55, paragraphs (b),(c), (d), (e), and the cross reference that appears at the end of the section are revised to read as follows:

§ 3.55 Terminated marital relationships.

* * * * *

(b) Provided that the marriage:

(1) Has been terminated by death, or

(2) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the divorce was secured through fraud by the surviving spouse or by collusion, and

(3) The surviving spouse has not remarried after October 31, 1990, marital relationships terminated on or after January 1, 1971, but prior to November 1, 1990, shall not bar the furnishing of benefits to such surviving spouse.

(c) Provided that the same or similar relationship does not resume after October 31, 1990, the fact that a surviving spouse has lived with another person and has held himself or herself out openly to the public as the spouse of such other person shall not bar the furnishing of benefits to him or her after he or she terminates the relationship, on or after January 1, 1971, but prior to November 1, 1990.

(d) Provided that the same or similar conduct or relationship does not resume after October 31, 1990, the fact that benefits to a surviving spouse may previously have been barred because his or her conduct or a relationship into which he or she had entered had raised an inference or presumption that he or she had remarried or had been determined to be open and notorious adulterous cohabitation, or similar conduct, shall not bar the furnishing of benefits to such surviving spouse after he or she terminates the conduct or relationship, on or after January 1, 1971, but prior to November 1, 1990.

(e) Provided that the marriage:

(1) Has been terminated by death, or

(2) Has been dissolved by a court with basic authority to render divorce decrees unless the Department of Veterans Affairs determines that the divorce was secured through fraud by either party or by collusion, and

(3) The child has not remarried after October 31, 1990, marital relationships terminated on or after January 1, 1971, but prior to November 1, 1990, shall not bar the furnishing of benefits to or for such child.

Cross Reference: Evidence. See § 3.207. Termination of marital relationship or conduct. See § 3.215.

* * * * *

4. Section 3.215 is revised to read as follows:

§ 3.215 Termination of marital relationship or conduct.

With respect to marriages terminated on or after January 1, 1971, but prior to November 1, 1990, benefits may be resumed to an unmarried surviving spouse upon filing of an application and submission of satisfactory evidence that the surviving spouse has ceased living with another person and holding himself or herself out openly to the public as that person's spouse or that the surviving spouse has terminated a relationship or conduct which had created an inference or presumption of remarriage or related to open or notorious adulterous cohabitation or similar conduct, unless the same or similar conduct or relationship resumes after October 31, 1990. Such evidence may consist of, but is not limited to, the surviving spouse's certified statement of the fact.

5. In § 3.309, paragraphs (d)(3) and (d)(4)(i) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

* * * * *

(d) * * *

(3) The presumptive period referred to in paragraph (d)(1) of this section is the 40-year period beginning on the last day on which the veteran participated in a radiation-risk activity.

(4) * * *

(i) The term *radiation-exposed veteran* means either a veteran who while serving on active duty, or an individual who while a member of a reserve component of the Armed Forces during a period of active duty for training or inactive duty training, participated in a radiation-risk activity.

* * * * *

6. In § 3.343, paragraph (d) is removed.

7. In § 3.400, paragraphs (u)(3) and (u)(4), (v)(3) and (v)(4), and (w) are revised to read as follows:

§ 3.400 General.

* * * * *

(u) * * *

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(e) of this part are met.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year of that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(e) of this part are met.

(v) * * *

(3) *Death.* Date of death if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(b) of this part are met.

(4) *Divorce.* Date the decree became final if claim is filed within 1 year after that date; otherwise date of receipt of claim. Benefits are not payable unless the provisions of § 3.55(b) of this part are met.

(w) *Termination of relationship or conduct resulting in restriction on payment of benefits (38 U.S.C. 103(d)(3), 5110(m), effective January 1, 1971; §§ 3.50(b)(2) and 3.65).*

Date of receipt of application filed after termination of relationship and after December 31, 1970. Benefits are not payable unless the provisions of § 3.55 (c) or (d), as applicable, are met.

* * * * *

8. In § 3.951, the current text is designated as paragraph (b) and a new paragraph (a) and authority citation are added to read as follows:

§ 3.951 Preservation of disability ratings.

(a) A readjustment to the Schedule for Rating Disabilities shall not be grounds for reduction of a disability rating in effect on the date of the readjustment unless medical evidence establishes that the disability to be evaluated has actually improved.

(Authority: 38 U.S.C. 1155)

* * * * *

[FR Doc. 92-6561 Filed 3-25-92; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6925

[CA-940-4214-10; CACA 7435]

Revocation of Secretarial Order Dated June 23, 1908; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety a Secretarial order which withdrew 80 acres of National Forest System land for use as an administrative site. The land is no longer needed for this purpose, and the revocation is needed to permit disposal of the land through land exchange under the General Exchange Act of 1922. This action will open the land to such forms of disposition as may by law be made of National Forest System land. The land is temporarily closed to mining by a Forest Service exchange proposal. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, Federal Office Building, 2800 Cottage Way, room E-2845, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. The Secretarial Order dated June 23, 1908, which withdrew the following described National Forest System land for use as an administrative site, is hereby revoked in its entirety:

Mount Diablo Meridian

Klamath National Forest
Crawford Creek Administrative Site
T. 38 N., R. 11 W.,
Sec. 20, W½NE¼SW¼, NW¼SW¼, NE¼SW¼SW¼, and NW¼SE¼SW¼.

The area described contains 80 acres in Siskiyou County.

2. At 10 a.m. on April 27, 1992, the land shall be opened to such forms of disposition as may by law be made of National Forest land, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: March 17, 1992.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 92-6952 Filed 3-25-92; 8:45 am]

BILLING CODE 4310-46-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-310; RM-7829]

Radio Broadcasting Services; Fort Bragg, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 253B1 for Channel 253A at Fort Bragg, California, and modifies the license for Station KSAY(FM) to specify operation on the higher-powered channel, as requested by Axell Broadcasting. See 56 FR 56489, November 5, 1991. Coordinates for Channel 253B1 at Fort Bragg are 39-28-03 and 123-45-34. With this action the proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-310, adopted March 12, 1992, and released March 20, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The Complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 253A and adding Channel 253B1 at Fort Bragg.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7045 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 91-336; RM-7757]

Radio Broadcasting Services; Leesburg and Unadilla, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 278C3 for Channel 279A at Leesburg, Georgia, and modifies the construction permit for Station WEGC(FM) to specify operation on the higher class channel, and substitutes Channel 280A for vacant but applied for Channel 278A at Unadilla, Georgia, at the request of Rowland Albany Radio, Inc. See 56 FR 58864, November 22, 1991. Channel 278C3 can be allotted to Leesburg in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.7 kilometers (7.3 miles) southeast of the community. The coordinates are North Latitude 31-39-09 and West Longitude 84-05-20. Channel 280A can be substituted for vacant but applied for Channel 278A at Unadilla in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.3 kilometers (2.1 miles) northwest of the community, in order to avoid a short-spacing to Station WSGY(FM), Channel 262C, Tifton, Georgia. The coordinates are North Latitude 32-17-13 and West Longitude 83-45-13. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-336, adopted March 9, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 279A and adding Channel 278C3 at Leesburg, and by removing Channel 278A and adding Channel 280A at Unadilla.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7046 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-592; RM-7074; RM-7659]

Radio Broadcasting Services; Oak Grove, Bastrop, and Dubach, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of William W. Brown (RM-7659), substitutes Channel 249C3 for Channel 249A at Dubach, Louisiana. Channel 249C3 can be allotted to Dubach in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.4 kilometers (3.3 miles) south to accommodate Brown's desired site. The coordinates for Channel 249C3 at Dubach are 32-39-11 and 92-40-38. The proposal filed by 98.7 FM Radio, Inc. (RM-7074), requesting the substitution of Channel 244C2 for Channel 244C3 at Oak Grove and the substitution of channel 248A for Channel 247A at Bastrop, Louisiana, is dismissed. See 55 FR 51133, December 12, 1990. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-592, adopted March 9, 1992, and released March 19, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422 1714 21st Street, NW. Washington, DC 20036

List of Subjects in 47 CFR Part 73

Radio broadcasting

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 249A and adding Channel 249C3 at Dubach.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Divisions, Mass Media Bureau.

[FR Doc. 92-7047 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-544; RM-7527 and RM-7515]

Radio Broadcasting Services; Thief River Falls and Walker, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 256C1 for Channel 256C2 at Walker, Minnesota, and modifies the license for Station KLLZ-FM (formerly KLLR-FM), in response to a petition filed by Thomas E. Ferebee and Sioux Valley Broadcasting Co. See 55 FR 48257, November 20, 1990. Channel 256C1 can be allotted to Walker, Minnesota, in compliance with the Commission's spacing requirements at coordinates 47-12-42 and 94-55-02. Canadian concurrence has been obtained for this allotment. The counterproposal filed by Olmstead Broadcasting, Inc., to substitute Channel 257C2 for Channel 257A at Thief River Falls, Minnesota, has been denied (RM-7615). With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 90-544, adopted March 9, 1992, and released March 20, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202 452-1422.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 256C2 and adding Channel 256C1 at Walker.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Divisions, Mass Media Bureau.

[FR Doc. 92-7048 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-405; RM-7232]

Radio Broadcasting Services; Oakes and Kindred, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of CERM Broadcasting Corporation, substitutes Channel 224C3 for Channel 223C1 at Oakes, North Dakota, reallots the channel to Kindred, North Dakota, and modifies the license of Station KDDR-FM to specify Kindred as its community of license. See 55 FR 37253, September 10, 1990. Channel 224C3 can be allotted to Kindred in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 46-38-48 and West Longitude 97-00-54. Canadian concurrence in the allotment has been received since Kindred is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 4, 1992.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-405, adopted March 10, 1991, and released March 20, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by removing Oakes, Channel 223C1, and adding Kindred, Channel 224C3.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7049 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by removing Oakes, Channel 223C1, and adding Kindred, Channel 224C3.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7049 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920109-2009]

Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of fishing restriction; request for comments.

SUMMARY: NOAA announces the reduction of the daily trip landing limit for sablefish taken with nontrawl gear from 1,500 pounds to 500 pounds. This action is necessary to comply with the 1992 notice of fishery specifications and management measures that specified if 440 metric tons are projected to be taken before the regular season begins, the 500-pound trip landing limit imposed at the beginning of the year will be reimposed until the beginning of the regular season.

DATES: Effective from 0001 hours March 20, 1992. Comments will be accepted until April 6, 1992.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., Bldg. 1, Seattle, Washington 98115; or E. Charles Fullerton, Director Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd; Suite 4200, Long Beach, California 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526-6140; or Rodney R. McInnis at (310) 980-4040.

SUPPLEMENTARY INFORMATION: The notice of 1992 groundfish fishery specifications and management measures (57 FR 1654; January 15, 1992) announced a two-tier scheme of trip landing limits for the nontrawl sablefish fishery that began in January and was intended to extend until the beginning of the regular nontrawl sablefish season. The fishing year began with a 500-pound daily trip limit which was increased to 1500 pounds on March 1, 1992. If 440 metric tons (mt) of the 3,612 mt designated for the nontrawl sablefish fishery is projected to be taken prior to the beginning of the regular season, which is currently scheduled to begin April 1, 1992, the 500-pound daily trip limit is to be reimposed until the beginning of the regular season.

Between January 1, 1992 and February 29, 1992, about 70 mt is estimated to have been taken under the 500-pound daily trip limit. During the first week of March, under the 1500-pound trip limit, about 200 mt of sablefish is estimated to have been taken. Because the amount of effort in the fishery has not diminished, it is projected that at least 200 mt will have been landed between March 8-14 bringing the season total to at least 470 mt as of March 14, 1992.

Thus NOAA is reimposing the 500-pound daily trip limit until the beginning of the regular season. The public should be aware that NOAA is considering an emergency regulation to delay the beginning of the regular season from April 1, 1992, until May 12, 1992. If this emergency regulation is implemented, the 500-pound daily trip limit will apply through May 11, 1992.

Secretarial Action

For the reasons stated above, the Secretary of Commerce announces that:

(1) From 0001 hours April 20, 1992, until 2400 hours on the last day before the 1992 nontrawl sablefish regular season begins, the daily trip limit for sablefish caught with nontrawl gear is 500 pounds. This trip limit applies to sablefish of any size.

(2) This restriction applies to all sablefish caught with nontrawl gear between 3 and 200 nautical miles offshore of Washington, Oregon, and California. All sablefish caught with nontrawl gear and possessed between 0 and 200 nautical miles offshore or landed in Washington, Oregon, or California are presumed to have been taken and retained between 3 and 200 nautical miles offshore of Washington, Oregon, or California unless otherwise demonstrated by the person in possession of those fish.

Classification

The determination to reduce the daily drip limit for the nontrawl sablefish fishery is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until April 6, 1992.

Because any delay in implementation of the this action would result in greater than 440 mt being landed in the nontrawl sablefish fishery prior to the beginning of the regular season, the Secretary finds that additional advance notice and public comment on this change are impracticable and not in the public interest, and that no delay should occur in its effective date. Public comments were accepted for 15 days after publication of 57 FR 1654 (January 15, 1992) in the **Federal Register** which announced NOAA's intent to take this action. No comments were received. The Secretary therefore finds good cause to waive the 30-day delayed effectiveness requirement of the Administrative Procedure Act.

This action is authorized by Amendment 4 to the FMP for which a Supplemental Environmental Impact Statement (SEIS) was prepared in accordance with the National Environmental Policy Act (NEPA). Because this action and its impacts have not changed significantly from those considered in the SEIS, this action is categorically excluded from the NEPA requirement to prepare an environmental assessment in accordance with paragraph 6.02c3(f) of the NOAA Administrative Order 216-6.

This action is taken under the authority of 50 CFR 663.23(c) and section III.B.1. of the Appendix to 50 CFR part 663, and is in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, and Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated: March 20, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6977 Filed 3-20-92; 4:56 pm]

BILLING CODE 3510-22-M

50 CFR Parts 672 and 675

[Docket No. 911182-2044]

RIN 0648-AE47

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues final regulations to implement Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska (GOA). These regulations implement FMP amendment measures, which. (1) Establish a new management subarea in the BSAI; (2) establish area closures around walrus haulout sites in the BSAI; (3) remove Statistical Area 68 in the GOA; and (4) authorize the Regional Director, Alaska Region, NMFS, to issue experimental fishing permits in the GOA and/or BSAI. Certain technical changes to existing regulations are implemented. Two technical amendments to directed fishing standards for BSAI rockfish and GOA flatfish also are implemented. These actions are necessary to promote management and conservation of groundfish and other living marine resources. They are intended to further the goals and objectives contained in the FMPs that govern these fisheries.

EFFECTIVE DATE: Effective on April 24, 1992, except § 675.22(f) which is effective 12 noon, Alaska local time (Alt), April 1, 1992.

ADDRESSES: Copies of the environmental assessment/regulatory impact review/final regulatory flexibility analysis (EA/RIR/FRFA) may be obtained from the North Pacific Fishery Management Council, P O. Box 103136, Anchorage, AK 99510 (telephone 907-271-2809).

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, Acting Chief, Fishery Management Division, Alaska Region, NMFS, 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI are managed by the Secretary of Commerce (Secretary) according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fishery at 40 CFR part 611 and for the U.S. fishery at 50 CFR parts 672 and 675. General regulations that also pertain to U.S. fisheries appear at 50 CFR part 620.

During its August 13-15, 1991, meeting, the Council approved Amendments 17 and 22 for review by the Secretary under section 304(b) of the Magnuson Act. Section 304(b) requires the Secretary, or his designee, to approve, disapprove, or partially disapprove FMPs or FMP amendments any time after the 60th day after the receipt date and before the close of the 95th day following receipt. A Notice of Availability of the proposed amendments was published in the **Federal Register** (56 FR 56353; November 4, 1991). It invited review of, and comment on, the amendments until December 27, 1991. A notice of proposed rulemaking was published in the **Federal Register** on December 4, 1991 (56 FR 63487). It invited comments on the proposed rule implementing the amendments through January 13, 1992. One hundred and fifty letters of comments were received. They are summarized and responded to below in the "Response to comments" section.

The Regional Director has reviewed and approved the measures in amendments 17 and 22 and the reasons for them and has determined that they are necessary for conservation and management of the groundfish fisheries off Alaska. This final rule: (1) Establishes the Bogoslof subarea in the BSAI, (2) establishes groundfish fishing closures around walrus haulout sites in the BSAI; (3) rescinds Statistical Area 68 in the GOA; and (4) authorizes the Regional Director to issue experimental fishing permits for the GOA and/or BSAI groundfish fisheries. A full description of these measures and their justification are presented in the December 4, 1991, notice of proposed rulemaking.

With respect to measure (4) above, regulations are set forth for the GOA at 50 CFR 672.6. Regulations at 50 CFR 675.6 require persons interested in experimental fishing permits for the BSAI to comply with the provisions at § 672.6.

In addition to the above measures, certain existing regulations were proposed to be amended as discussed in the December 4, 1991, notice of proposed rulemaking. These amendments are listed as follows:

1. In § 672.20(f)(1) (i), (ii), and (iii), the phrase "* * * the Regional Director will publish a notice in the **Federal Register** prohibiting fishing by JVP and DAP vessels * * *" was proposed to be revised to read, "* * * NMFS will publish a notice in the **Federal Register** prohibiting directed fishing for groundfish by JVP and DAP vessels * * *".

2. Section 672.20(g)(3) was proposed to be amended to clarify authority for State of Alaska management of the demersal shelf rockfish fishery by referring to Alaska Administrative Code 28.170 for directed fishing standards that apply to demersal shelf rockfish.

3. A definition of "non-pelagic trawl", a term already used elsewhere in implementing regulations, was proposed to be added to §§ 672.2 and 675.2.

4. In § 675.20(h)(2), the first sentence was proposed to be revised to read, "Using trawl gear for yellowfin sole, 'other flatfish,' or arrowtooth flounder until May 1." After the general flatfish season starts on May 1, directed fishing standards specify that yellowfin sole, "other flatfish," or arrowtooth flounder will be allowed in amounts up to 20 percent of other fish species on board the vessel during the same trip.

5. Sections 672.2 and 675.2 were proposed to be amended by revising the definitions of groundfish. Rather than listing individual groundfish species, the definitions would reference §§ 672.20(a)(1) or 675.20(a)(1).

6. Paragraphs 672.24(a) and 675.24(a) were proposed to be amended to require fishermen using pots in the groundfish fishery to mark each pot with a tag that identifies the pot as being used in the groundfish fishery.

Each of the above regulatory amendments was discussed in the same **Federal Register** notice (56 FR 63487; December 4, 1991) that proposed regulations implementing Amendments 17 and 22. Each of these amendments is intended to clarify, or promote, management of the groundfish fisheries off Alaska. The amendments were approved in principle by NMFS on January 31, 1992. However, a moratorium on proposed and final rules was issued by the President on January 28, 1992. Four of these six amendments do not fall within any of the exemptions to the moratorium and, although they have been approved in principle, are not included in this final rule. The two amendments concerning State of Alaska authority to manage the demersal shelf rockfish fishery and the definition of groundfish are technical in nature and, because they do not constitute a substantive change to existing regulations, are implemented. A final rule implementing the remaining four regulatory amendments will be issued after the moratorium has ended.

Changes in the Final Rule From the Proposed Rule

This final rule includes changes from the proposed rule. These changes are described as follows:

1. Technical amendments to §§ 672.20(g)(1)(i) and 675.20(h)(3)(iii) are implemented. First, § 672.20(g)(1) presently contains a definition of a directed sablefish trawl fishery, which reads, in part:

> The operator of a vessel is engaged in the directed fishing for sablefish if he retains at any particular time during a trip sablefish caught using trawl gear in an amount equal to or greater than:
> (i) 15 percent of the aggregate amount of deepwater flatfish species, including Dover sole, rex sole, and flathead sole, * * *.

Because flathead sole has been separated from the deepwater flatfish target species category identified in the notice of final specifications as provided in the § 672.20(c)(1)(ii), flathead sole is not a deep water flatfish, and the current regulation technically is wrong. Section 672.20(g)(1)(i) is revised to reflect this.

Second, the definition of a directed rockfish fishery contained in § 675.20(h)(3)(iii), reads:

> For rockfish, 10 percent of the total amount of all sablefish and Greenland turbot retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

This definition is not operative when some rockfish fisheries are open and some are closed. Because a definition is necessary to allow measures against rockfish target species categories for which directed fisheries are open, § 675.20(h)(3)(iii) has been revised.

Neither technical amendment has an impact other than to render effective management of directed fishing closures.

2. In § 675.24 (c)(1)(i) and (f)(1), references to the Bogoslof Subarea are added to reflect the division of the former Bering Sea Subarea into a smaller Bering Sea Subarea and the newly established Bogoslof Subarea.

3. The final rule revises the definition of groundfish, removes Table 1 from §§ 672.20 and 675.20 and amends §§ 672.20(a)(1) and 675.20(a)(1) to include a reference to Table 1 of the annual notice of harvest limits for groundfish as provided in §§ 672.20(c)(1) and 675.20(a)(7). These changes to the proposed rule are necessary to reflect the intent of the proposed rule to provide a single reference source for groundfish. All references to Table 1 throughout parts 672 and 675 have been revised to refer to §§ 672.20(a)(1) and 675.20(a)(1).

4. In § 672.20, paragraph (g)(3) is redesignated (g)(4), and a new paragraph (g)(3) is added. Paragraph (g) contains a series of directed fishing standards. This change maintains the function of the last paragraph under paragraph (g).

5. In § 672.24(a), paragraph (2) is revised by removing the phrase "in good condition" and replacing it with the phrase, "* * * so the markings are clearly visible." This change clarifies the purpose of this regulation.

Response to Comments

One hundred fifty letters of comments were received during the comment period. Each was directed at the proposed measure to prohibit groundfish operations between 3 and 12 miles of walrus haulout sites known as Round Island, the Twins, and Cape Pierce for purposes of reducing noise associated with groundfish trawl operations. One hundred forty-nine letters supported this measure. One recommended that even larger areas should be established to protect walrus haulout sites. Comments were of three types and are summarized and responded to below:

Comment: The measure that prohibits groundfish operations within the 12 miles of walrus haulout sites at Round Island, the Twins, and Cape Pierce should be approved.

Response: The Regional Director concurs and approved this measure.

Comment: The North Pacific Fishery Management Council provided a written comment after its December 1991 meeting, recommending that the measure establishing the walrus haulout sites be disapproved. Upon reviewing its December 1991 action during its January 1992 meeting, after the comment period had closed, the Council recommended instead that the measure be approved as initially recommended at its August 1991 meeting.

Response: The Regional Director notes the Council's actions.

Comment: Alternative 3 contained in the EA should be implemented, because closed areas would be larger and would afford greater protection to those haulout sites used by walrus.

Response: Although Alternative 3 would implement a larger area that would be closed to groundfish operations, no evidence is available to indicate that it is a superior alternative. This measure will be reviewed periodically with respect to its effectiveness and may be adjusted as necessary.

Classification

The Regional Director determined, and the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurred, that the FMP amendments and their implementing regulations are necessary for the conservation and management of the groundfish fisheries in the GOA and BSAI and that they are consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for these amendments. The Assistant Administrator found that no significant impact on the quality of the human environment will result from this rule. A copy of the EA may be obtained from the Council (See **ADDRESSES**).

On October 22, 1991, NMFS concluded informal consultation under section 7 of the Endangered Species Act concerning Amendments 17/22. NMFS concluded that adoption of the management measures proposed in amendments 17/22 was not likely to adversely affect listed species in a manner or to an extent not previously considered in three formal consultations on these fisheries. The analysis and consensus of the October conclusion were supplemented by a formal biological opinion dated January 21, 1992. The January opinion analyzed the 1992 total allowable catch (TAC) specifications for the BSAI, and specifically analyzed the impact of the reduced TAC specification for the newly created Bogoslof subarea. The January opinion concluded that, with the implementation of Steller sea lion protection measures, the 1992 TAC specifications would not jeopardize the continued existence of this species.

This Assistant Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. This determination is based on the EA/RIR/FRFA prepared by the Council. A copy of the EA/RIR/FRFA may be obtained from the Council (see **ADDRESSES**).

The Assistant Administrator concluded that this rule will have significant effects on a substantial number of small entities. These effects have been discussed in the EA/RIR/FRFA, a copy of which may be obtained from the Council (see **ADDRESSES**).

This rule contains a collection-of-information requirement for purposes of the Paperwork Reduction Act. A request to collect this information has been approved by OMB as a revision to OMB No. 0648-0206. Information collected under the rule regarding experimental fishing permits is limited to that necessary to determine whether such a permit should be issued and to monitor the progress of the experimental fishing. The additional burden is estimated to be about 240 hours per year, assuming 20

applicants apply for a permit each year. The 240-hour estimate assumes that each applicant might spend as many as 10 hours preparing an application and 2 hours preparing and submitting a report about the experiment. Each applicant would spend 12 hours per year. Therefore, 20 applicants would spend a total of 240 hours per year. Send comments regarding this burden estimate or any other aspect of this collection of information to NMFS (see **ADDRESSES**) and to the Office of Information and Budget, (see **ADDRESSES**). This rule also includes changes to statistical areas that would affect reporting requirements already approved by OMB under Approval Number 0648–0213. In addition, the data requirements under §§ 672.5 and 675.5 have been approved by OMB under Approval Number 0648–0213.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Alaska. This determination has been submitted for review by the responsible State of Alaska agencies under section 307 of the Coastal Zone Management Act. Consistency is automatically inferred, because the appropriate State agency did not reply within the statutory time period.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

To afford maximum opportunity for public comment and participation, the Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule, implementing Amendment 17 to the FMP, establishes permanently a seasonal closure (April 1 through September 30) for directed fishing for groundfish in the Exclusive Economic Zone (EEZ) within 12 miles of islands named Round Island and The Twins, and around Cape Peirce. The purpose of the closure is to reduce noise associated with groundfish trawl operations during the time of the year that the walrus use these areas for haulout sites. The seasonal closure corresponds directly to the period of peak walrus utilization. This measure addresses potential disturbance problems by prohibiting groundfish operations within the 12 miles of the walrus haulout sites during the seasonal closure. These closures were originally authorized by regulation implementing Amendment 13 to the BSAI FMP (54 FR 50386; December 6, 1989); However, the authority expired on December 31, 1991. The public had an opportunity to comment on the proposed rule to implement 17. Of the 150 comments received, 149 supported the closure and one recommended that even larger areas should be established to protect walrus haulout sites. The Assistant Administrator has determined that the closures are necessary and the potential disruption to the walrus make it impracticable and contrary to the public interest to delay its effective date. Therefore, § 675.22(f) is effective at 12 noon, Alt, April 1, 1992. Other measures contained in the rule will be effective after the 30-day cooling off period, as noted above.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements.

Dated: March 20, 1992.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 672.2, the definition of "groundfish" is revised and the definition of "statistical area" is amended by removing paragraph (6) and revising the introductory text and paragraph (5) of the definition, to read as follows:

§ 672.2 Definitions.

* * * * *

Groundfish means target species categories and the "other species" category, referenced in § 672.20(a)(1).

* * * * *

Statistical area means any one of the five statistical areas of the EEZ in the Gulf of Alaska defined as follows:

* * * * *

(5) Statistical Area 65—between 132°40′ and 140° W. longitudes and north of 54°30′ N. latitude;

* * * * *

3. In § 672.5, paragraph (b)(3)(ii)(A)(*11*) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 672.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(*11*) * * * Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(I) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 672.20(a)(1). * * *

* * * * *

(3) * * *

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 672.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 672.20(a)(1).

* * * * *

4. Section 672.6, which was reserved, is added to read as follows:

§ 672.6 Experimental fisheries.

(a) *General.* For limited experimental purposes, the Regional Director may authorize, after consulting with the Council, fishing for groundfish in a manner that would otherwise be prohibited. No experimental fishing may be conducted unless authorized by an experimental fishing permit issued by the Regional Director to the participating vessel owner in accordance with the criteria and procedures specified in this section. Experimental fishing permits will be issued without charge and will expire at the end of a calendar year unless otherwise provided for under paragraph (e) of this section.

(b) *Application.* An applicant for an experimental fishing permit shall submit to the Regional Director, at least 60 days before the desired effective date of the experimental fishing permit, a written application including, but not limited to, the following information:

(1) The date of the application;

(2) The applicant's name, mailing address, and telephone number;

(3) A statement of the purpose and goal of the experiment for which an experimental fishing permit is needed, including a general description of the arrangements for disposition of all species harvested under the experimental fishing permit;

(4) Technical details about the experiment, including:

(i) Amounts of each species to be harvested that are necessary to conduct the experiment, and arrangement for disposition of all species taken;

(ii) Area and timing of the experiment;

(iii) Vessel and gear to be used;

(iv) Experimental design (e.g., sampling procedures, the data and samples to be collected, and analysis of the data and samples); and

(v) Provision for public release of all obtained information, and submission of interim and final reports;

(5) The willingness of the applicant to carry observers, if required by the Regional Director, and a description of accommodations and work space for the observer(s);

(6) Details for all coordinating parties engaged in the experiment and signatures of all representatives of all principal parties;

(7) Information about each vessel to be covered by the experimental fishing permit, including:

(i) Vessel name;

(ii) Name, address, and telephone number of owner and master;

(iii) U.S. Coast Guard documentation, State license, or registration number;

(iv) Home port;

(v) Length of vessel;

(vi) Net tonnage;

(vii) Gross tonnage;

(8) The signature of the applicant; and

(9) The Regional Director may request from an applicant additional information necessary to make the determinations required under this section. Any application that does not include all necessary information will be considered incomplete. An incomplete application will not be considered to be complete until the necessary information is provided in writing. An applicant for an experimental fishing permit need not be the owner or operator of the vessel(s) for which the experimental fishing permit is requested.

(c) *Review procedures.* (1) The Regional Director, in consultation with the Alaska Fishery Science Center, will review each application and will make a preliminary determination whether the application contains all the information necessary to determine if the proposal constitutes a valid fishing experiment appropriate for further consideration. If the Regional Director finds any application does not warrant further consideration, the applicant will be notified in writing of the reasons for the decision.

(2) If the Regional Director determines any application is complete and warrants further consideration, he will initiate consultation with the Council by forwarding the application to the Council. The Council's Executive Director shall notify the applicant of a meeting at which the Council will consider the application and invite the applicant to appear in support of the application if the applicant desires. If the Regional Director initiates consultation with the Council, the Secretary will publish a notice of receipt of the application in the **Federal Register** with a brief description of the proposal.

(d) *Notifying the applicant.* (1) The decision of the Regional Director, after consulting with the Council, to grant or deny an experimental fishing permit is the final action of the agency. The Regional Director shall notify the applicant in writing of the decision to grant or deny the experimental fishing permit and, if denied, the reasons for the denial, including:

(i) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with the application;

(ii) According to the best scientific information available, the harvest to be conducted under the permit would detrimentally affect living marine resources, including marine mammals and birds, and their habitat in a significant way;

(iii) Activities to be conducted under the experimental fishing permit would be inconsistent with the intent of this section or the management objectives of the FMP;

(iv) The applicant has failed to demonstrate a valid justification for the permit;

(v) The activity proposed under the experimental fishing permit could create a significant enforcement problem;

(vi) The applicant failed to make available to the public information that had been obtained under a previously issued experimental fishing permit; or

(vii) The proposed activity had economic allocation as its sole purpose.

(2) In the event a permit is denied on the basis of incomplete information or design flaws, the applicant will be provided an opportunity to resubmit the application, unless a permit is denied because experimental fishing would detrimentally affect living marine resources, be inconsistent with the management objectives of the FMP, create significant enforcement problems, or have economic allocation as its sole purpose.

(e) *Terms and conditions.* The Regional Director may attach terms and conditions to the experimental fishing permit that are consistent with the purpose of the experiment, including but not limited to:

(1) The maximum amount of each species that can be harvested and landed during the term of the experimental fishing permit, including trip limitations, where appropriate;

(2) The number, sizes, names, and identification numbers of the vessels authorized to conduct fishing activities under the experimental fishing permit;

(3) The time(s) and place(s) where experimental fishing may be conducted;

(4) The type, size, and amount of gear that may be used by each vessel operated under the experimental fishing permit;

(5) The condition that observers be carried aboard vessels operated under an experimental fishing permit;

(6) Reasonable data reporting requirements (OMB Approval No. 0648–0206);

(7) Such other conditions as may be necessary to assure compliance with the purposes of the experimental fishing permit and consistency with the FMP objectives; and

(8) Provisions for public release of data obtained under the experimental fishing permit.

(f) *Effectiveness.* Unless otherwise specified in the experimental fishing permit or a superseding notice or regulation, an experimental fishing permit is effective for no longer than 1 calendar year, but may be revoked, suspended, or modified during the calendar year. Experimental fishing permits may be renewed following the application procedures in paragraph (b) of this section.

5. In § 672.20, paragraph (a)(1) is amended by revising the last sentence; Table 1 to the section is removed; paragraph (c)(2) is amended by revising the second sentence; paragraph (c)(3) is amended by revising the first sentence; paragraphs (c)(6), (d)(1)(i), (e)(4), and (g)(1)(i) are revised; paragraph (g)(3) is

redesignated (g)(4); and a new paragraph (g)(3) is added to read as follows:

§ 672.20 General limitations.

(a) * * *

(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 672.20(c)(1).

* * * * *

(c) * * *

(2) *Notices prohibiting directed fishing.* * * * The amount of a species or species group apportioned to a fishery or, with respect to pollock, to a quarterly allowance, is the amount identified in the notice of specifications as provided in § 672.20(c)(1) as these amounts are revised by inseason adjustments, for that species or species group, as identified by regulatory area or district and as further identified according to any allocation of TALFF, the apportionment for JVP, the apportionment for DAP, the quarterly allowance of pollock and, if applicable, as further identified by gear type. * * *

(3) *Notices of closure.* If the Regional Director determines that the TAC for any target species or of the "other species" category in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) has been or will be reached, the Secretary will publish a notice in the **Federal Register** declaring that the species or species group is to be treated as a prohibited species under paragraph (e) of this section in all or part of that area or district. * * *

* * * * *

(6) *Prohibition of JVP or TALFF fishing if PSC limit is or will be reached.* If the Regional Director determines that a PSC limit applicable to a directed JVP or TALFF fishery in a regulatory area or district identified in the notice of specifications as provided in § 672.20(c)(1) is or will be reached, the Secretary will publish a notice of closure in the **Federal Register** prohibiting all further JVP or TALFF fishing in or all or part of the regulatory area or district concerned.

(d) * * *

(1) * * *

(i) In accordance with paragraph (d)(5) of this section and as soon as practicable after April 1, June 1, and August 1, and on such other dates as he determines necessary, the Secretary, after consultation with the Council, may reapportion to TALFF, part or all of the reserves identified in the notice of specifications as provided in § 672.20(c)(1).

* * * * *

(e) * * *

(4) In any regulatory area where the TAC in the notices provided for in § 672.20(c) for any species is zero, any catch of that species by a vessel regulated by this part, in that fishing area, will be considered catch of a "prohibited species" and will be treated in accordance with this paragraph.

* * * * *

(g) * * *

(1) * * *

(i) 15 percent of the aggregate amount of deepwater flatfish species, flathead sole, and rockfish species of the genera *Sebastes* and *Sebastolobus* retained at the same time by the vessel during the same trip; plus

* * * * *

(3) *Demersal shelf rockfish.* Directed fishing standards for demersal shelf rockfish in management areas within the Eastern Regulatory Area, for which a total allowable catch is specified in § 672.20(a)(1), are governed by title 5 of the Alaska Administrative Code, section 28.170.

* * * * *

6. In § 672.24, paragraph (a)(2) is revised to read as follows:

§ 672.24 Gear limitations.

(a) * * *

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and one-half inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

7. The authority citation for part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

8. In § 675.2, the definition of "Bering Sea and Aleutian Islands management area" is amended by revising paragraph (a) and adding a new paragraph (c), the definition of "groundfish" is revised, and the definition of "statistical area" is amended by revising the introductory text, removing existing paragraph (e), redesignating existing paragraphs (f) and (g) as (e) and (f), respectively, redesignating existing paragraphs (h) through (k) as (i) through (l), respectively, and adding new paragraphs (g) and (h), to read as follows:

§ 675.2 Definitions.

* * * * *

Bering Sea and Aleutian Islands management area * * *

(a) The Bering Sea subarea of the management area means that part of the EEZ contained in areas I, exclusive of the Bogoslof subarea, II, and III of Figure 1.

* * * * *

(c) The Bogoslof subarea of the management unit means that portion of the EEZ contained in Statistical Area 518 as defined in this section.

* * * * *

Groundfish means target species categories and the "other species" category, referenced in § 675.20(a)(1).

* * * * *

Statistical Area means any one of the 12 statistical areas of the Bering Sea and Aleutian Islands management area defined as follows (Figure 2):

* * * * *

(g) Statistical area 518—south of straight lines connecting the following coordinates in the order listed: 55°46′ N. 170°00′ W., 54°30′ N. 167°00′ W., then south to straight lines between the Aleutian Islands connecting the following coordinates in the order listed:

54°23.9′ N. 164°44.0′ W.,
54°11.9′ N. 165°23.3′ W.,
54°08.9′ N. 165°38.6′ W.,
54°07.7′ N. 165°40.6′ W.,
54°02.9′ N. 166°03.0′ W.,
53°59.0′ N. 166°17.2′ W.,
53°23.8′ N. 167°50.1′ W.,
53°18.7′ N. 167°51.4′ W.,
52°49.8′ N. 169°06.3′ W., and
52°49.2′ N. 169°40.4′ W.,
52°49.2′ N. 170°00.0′ W., then north to
55°46.0′ N. 170°00.0′ W.

(h) Statistical Area 519—the area bounded by the following coordinates in the order listed:

54°30′ N. 167°00′ W.,
54°30′ N. 165°00′ W.,
53°30′ N. 167°00′ W., and
54°30′ N. 167°00′ W.

* * * * *

9. In § 675.5, paragraph (b)(3)(ii)(A)(*11*) is amended by revising the last sentence of the introductory text, paragraph (c)(2)(iii)(I) is amended by revising the first sentence, and paragraph (c)(3)(ii)(F) is revised, to read as follows:

§ 675.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) * * *

(*11*) * * * Product information must include the following information for any product resulting from the processing of any groundfish species or species group for which a total allowable catch (TAC) is specified under § 675.20 of this part, with one exception: Species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(*I*) The fish product weight of each product produced during the weekly reporting period, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20, with one exception: Species within the "other species" category must be reported by the species or species group identified in § 675.20(a)(1). * * *

* * * * *

(3) * * *

(ii) * * *

(F) The fish product weight of each product produced during a day, including species and product-type codes, for each groundfish species or species group for which a total allowable catch is specified under § 675.20 of this part, with one exception. species within the "other species" category must be reported by species or species group identified in § 675.20(a)(1).

* * * * *

10. Section 675.6, which was reserved, is added to read as follows:

§ 675.6 Experimental fisheries.

Issuance of experimental fishing permits issued under this section is governed by provisions set forth in § 672.6(a) through (g).

11. In § 675.20, paragraph (a)(1) is amended by revising the last sentence, Table 1 to the section is removed, and paragraph (h)(3)(iii) is revised to read as follows:

§ 675.20 General limitations.

(a) * * *

(1) * * * The species categories are defined in Table 1 of the notice of specifications as provided in § 675.20(a)(7).

* * * * *

(h) * * *

(3) * * *

(iii) For the aggregate amount of rockfish target species categories for which a directed fishing closure applies, 10 percent of the total amount of all sablefish, Greenland turbot, and other rockfish target species categories for which directed fisheries are open that are retained at the same time on the vessel during the same trip plus 1 percent of the total amount of other fish species retained at the same time on the vessel during the same trip.

* * * * *

11. In § 675.22, paragraph (f) is revised to read as follows:

§ 675.22 Time and area closures.

* * * * *

(f) From April 1 through September 30 of any fishing year, vessels permitted under § 675.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 miles seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins, as shown on National Ocean Survey Chart 16315, and around Cape Peirce (58°33′ N. latitude, 161°43′ W. longitude).

12. In § 675.24, paragraph (c)(1)(i) and the heading of paragraph (f)(1) are revised to read as follows:

§ 675.24 Gear limitations.

* * * * *

(c) * * *

(1) * * *

(i) In the Bering Sea and Bogoslof subareas, defined at § 675.2, hook-and-line and pot gear may be used to take up to 50 percent of the TAC for sablefish; trawl gear may be used to take up to 50 percent of the TAC for sablefish.

* * * * *

(f) * * *

(1) Bering Sea and Bogoslof Subareas

* * * * *

12. Figure 2 to part 675, is revised to read as follows:

BILLING CODE 3510-22-M

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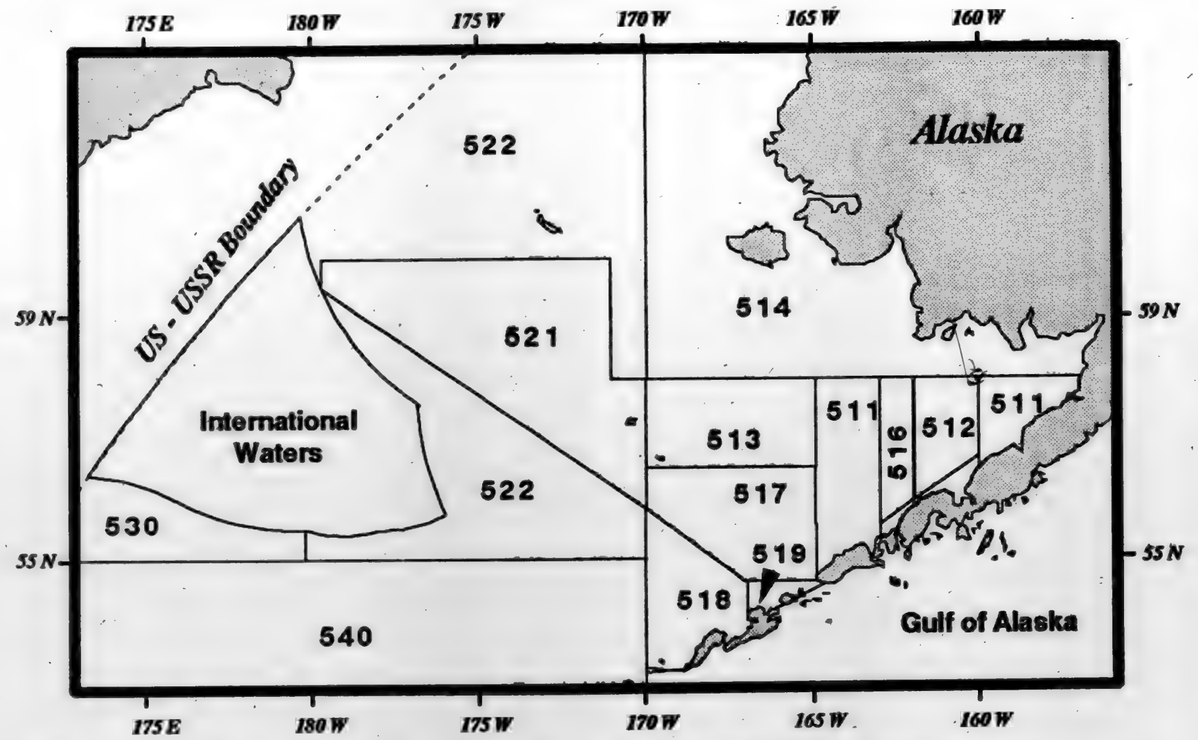

Figure 2. Reporting areas and bycatch limitation zones in Bering Sea and Aleutian Islands Management Area. Zone 1 = 511+512+516; Zone 2 = 513+517+521; and Zone 2H = 517.

10/91

[FR Doc. 92-6962 Filed 3-25-92; 8:45 am]
BILLING CODE 3510-22-C

50 CFR Part 681

[Docket No. 911193-2048]

RIN 0648-AD82

Western Pacific Crustacean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 7 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP). This rule establishes a limited access program for the lobster fishery of the Northwestern Hawaiian Islands (NWHI), with vessel permit eligibility based on historical participation in the fishery. A maximum of 15 vessel permits will be effective at any time. Permits will be transferable. Only one permit may be held by any person, except a person who qualifies initially for two or more permits. To further control effort, a maximum of 1100 assembled lobster traps (and up to 100 unassembled replacement traps) may be maintained on board or in the water by any vessel. To further protect lobster stocks, the rule establishes an annual closed season (January 1–June 30) and an annual quota based on the condition of stocks. The rule imposes additional reporting requirements to ensure adequate data to monitor and carry out the limited access and conservation measures for the fishery. The Director, Southwest Region, NMFS (Regional Director), with the concurrence of the Western Pacific Fishery Management Council (Council), may initiate rulemaking to adjust the number of permits, the length of the closed season, the quota, or reporting requirements. The amendment is intended to conserve NWHI lobster stocks and provide the basis for an economically healthy and productive fishery for the long term.

DATES: Effective on April 27, 1992, except § 681.29, which is effective at 0001 hours local time April 10, 1992.

ADDRESSES: Copies of Amendment 7 and the environmental assessment may be obtained from the Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1405, Honolulu, HI 96813.

Send comments on the collections of information to the Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 and to the Office of Information and Regulatory Affairs, OMB, ATTN: Paperwork Reduction Projects 0648–0204 and 0648–0214, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310) 980–4034; or Alvin Z. Katekaru, Pacific Area Office, NMFS Southwest Region, Honolulu, Hawaii (808) 955–8831

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Council and approved and implemented by the Secretary of Commerce (Secretary) in 1983 (48 FR 5560, February 7, 1983). The FMP has been amended six times. The FMP covers fisheries for spiny lobster and slipper lobster in Hawaii, Guam, and American Samoa, but the fishery in the NWHI is more heavily regulated than the other areas. This has been the largest and most dynamic lobster fishery in the region, with peak landings of almost 1,100 metric tons (mt) in 1985. Conservation and management measures have included permits and reporting requirements for fishermen to monitor the fishery, and size limits, area closures, and trap escape vents to conserve the lobster stocks.

As indicated in the proposed rule (56 FR 65209, December 18, 1991) for this amendment, several recent trends in the NWHI lobster fishery are clear. Landings, catch per unit effort (CPUE), and revenues all declined in 1990 after 2 years of relative stability in the fishery. The average size of spiny lobster tails (4–8 oz for 1990) continued to decrease through the year, causing increasing concern among vessel operators. Fleet revenues for 1990 were $4.9 million, down 22 percent from 1989. Commercial fishing logbooks for the period January–April indicated that CPUE for the period was 0.63 legal lobsters/trap-haul, the lowest ever recorded during that period since 1984 (when such data started being recorded). By comparison, the CPUE for this period in 1990 was 0.84.

Low recruitment to the fishery was first observed at Maro Reef and the banks northwest of Maro, resulting in a decline in CPUE. Fishing effort then intensified at Necker Island and Gardner Pinnacles, resulting in declining lobster stocks in those areas. The 1990 spawning stock biomass of spiny and slipper lobsters in the NWHI was 22 percent of the levels in the late 1970's, prior to the development of the fishery, an indication that the million trap-hauls in 1990 may have been excessive since recruitment to the fishery was low. The FMP defines the threshold for recruitment overfishing at 20 percent of the pre-fishery level. Thus, the status of spawning stock biomass in 1990 was at or near a level that could cause a severe decline in recruitment. In 1991, lobster fishing continued in the NWHI until the fishery was closed by emergency action on May 8 (56 FR 21961, May 13, 1991), in response to a request from the Council. The closure was subsequently extended for a second 90-day period (56 FR 36012, July 30, 1991).

During the emergency closure, the Council completed an amendment to the FMP to provide long-term conservation. The Council concluded that a combination of limited access and effort and harvest limitations is needed to protect the resource and the industry that depends on it. The amendment and its implementing rule provide for a limited access system, a limit on effort, an annual fleet harvest quota, a closed season, and new reporting requirements. These measures and the rationale for the limited access system are described in detail in the proposed rule and will not be repeated here.

In total, the amendment proposes a comprehensive program of conservation and management measures to ensure the long-term health of the stocks and of the businesses that depend on them.

The seasonal closure becomes effective 15 days after publication of this rule. Timely notice will be given to fishermen on the grounds by the Regional Director to allow a reasonable time to retrieve their gear and exit the fishing gounds. This will allow operators of vessels to retrieve their gear and return to Hawaii to unload their catches. The fishery will then be closed until July 1, 1992, when the first annual quota will be implemented.

The only comments received from the public on this rule were from two fishery participants, who support immediate implementation of the rule, and from the Marine Mammal Commission, which supported approval and implementation of the amendment. The Commission also urged the NMFS reinitiate consultations with the Council under Section 7 of the Endangered Species Act (ESA) because the Commission was concerned that the FMP's definition of "overfishing" for lobster stocks could be lower than appropriate for promoting recovery of Hawaiian monk seals in the NWHI. The Commission recommended that the consultations address several concerns. NMFS conducted a review of the proposed amendment relative to Hawaiian monk seals and concluded in informal consultations under the ESA that the amendment will not adversely affect any endangered or threatened species or adversely affect any critical habitat. There was no new information in the Commission's letter to change that conclusion. The Commission's concerns are known to the Council and will be

considered in future planning for the lobster fishery.

This rule is different from the proposed rule in several respects. The proposed definition for "fleet harvest quota" has been deleted because it was deemed superfluous. The definition for "Regional Director" has been amended to note the change in address for the Southwest Region, NMFS. Section 681.31(a)(2) has been revised to clarify that, for 1992, only lobster caught and retained after the season closure becomes effective will count toward the final quota. Other editorial changes have been made to clarify the requirements and prohibitions under the rule. In addition, it should be noted that permit holders will be provided with a copy of a National Weather Service chart, which depicts different combinations of wind and sea conditions. Permit holders should refer to this chart in providing information in fishing logbooks regarding the general condition of sea surface, as required in § 681.5(b)(2)(ix).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that Amendment 7 to the FMP and its implementing rule are necessary for the conservation and management of the crustacean fishery resources of the western Pacific region and are consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

The Council prepared an environmental assessment (EA) for this amendment that concluded that there will be no significant impact on the environment. Based on this EA, the Assistant Administrator signed a Finding of No Significant Impact. A copy of the EA is available from the Council (see **ADDRESSES**).

The Assistant Administrator has determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. No new information has been obtained or presented to change that certification.

The Council considered the potential effects of this action on endangered and threatened species and concluded that no impacts are likely. The Council initiated informal consultations with NMFS under the Endangered Species Act. NMFS concluded that the action would not adversely affect any listed species and would not adversely affect any critical habitat.

This rule contains several collection-of-information requirements that are subject to the Paperwork Reduction Act. Information requested from lobster permit applicants is standardized to consolidate into one form the different permits for fisheries in the Western Pacific Region. The public reporting burden for this collection of information is estimated to average 15 minutes per application, including the time to review and complete the form, and return it to NMFS. Corporations or partnerships filing permit applications will complete a supplementary information sheet listing the names of individual owners and their respective ownership shares in the vessel. The reporting burden for this information is estimated to be 30 minutes per application. The standardized permit application form was approved by OMB in conjunction with the Southwest Region Family of Permit Forms (OMB Control No. 0648–0204). A new section is required for reporting weather conditions in the currently approved fishing logbook. The estimated burden is 2 minutes per fishing day. A new information element (tail sizes) is added to the existing processing and sales report requirement. The public burden for completing the new section is estimated to be 5 minutes per trip (trips normally last 1.5 to 3 months). Periodic at-sea reports of catch and effort are required to monitor catches, revise quotas, and close the fishery when the quota is taken. The public burden for these reports is estimated to be 5 minutes per report, including establishing communications and reporting the catch. This may be weekly, daily, or otherwise. The final rule also requires vessel operators to notify NMFS if they are forced to leave traps on the fishing grounds due to an emergency situation. While no such emergencies are predicted, it is estimated that such a report would take less than 5 minutes. A request for clearance of these additional collections of information was approved by OMB (OMB Control No. 0648–0214). Send comments on the burden estimates or any other aspects of these collections of information, including suggestions on how to reduce the burden, to the Director, Southwest Region, NMFS, and the Office of Information Regulatory Affairs, OMB (see **ADDRESSES**).

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Hawaii. The State has agreed with this determination.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule will establish a seasonal closure (January through June each year). To protect the spawning stocks of lobsters in the first half of 1992, it is desirable to implement this measure as soon as practicable. Therefore, it would be impracticable and contrary to the public interest to delay implementation of this measure any longer than the minimum time necessary. It is necessary to provide time to notify vessel owners and operators of the change in regulations, and to allow operators of vessels on the grounds to complete their trips, retrieve their gear, and return to port to unload their catch. Therefore, the rule balances practicability and the public interest in protecting spawning stocks by providing that further landings of lobster from NWHI will be prohibited 15 days after the date of publication. Other measures will be effective after the 30-day cooling off period.

List of Subjects in 50 CFR Part 681

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 20, 1992.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 681 is amended as follows:

PART 681—WESTERN PACIFIC CRUSTACEAN FISHERIES

1. The authority citation for part 681 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 681.2 the following definitions for *Final quota, Initial quota, Owner, Pacific Area Office* and *Receiving vessel* are added in alphabetical order, the definition of *Permit Number* is removed, and the definition of *Regional Director* is revised, to read as follows:

§ 681.2 Definitions.

* * * * *

Final quota means the total allowable number of spiny and slipper lobsters (combined) that may be caught and retained from Permit Area 1 by all permitted vessels in a given year. It is derived by adjusting the initial quota based on catch and effort data from the first month of fishing each year and is published after fishing begins in any year.

Initial quota means the initially determined total allowable number of spiny and slipper lobster (combined) that may be caught and retained from Permit Area 1 by all permitted vessels and is calculated, using the quota formula in the FMP, from previous years' catch and effort information, and published in February each year.

* * * * *

Owner means the person who is identified as the current owner of the vessel as described in the Certificate of Documentation (Form CG–1270) issued by the U.S. Coast Guard for a documented vessel or in a registration certificate issued by a State or Territory or the U.S. Coast Guard for an undocumented vessel.

Pacific Area Office means the Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii, 96822–2396.

* * * * *

Receiving Vessel means a vessel of the United States to which lobster taken in Permit Area 1 are transferred from another vessel.

Regional Director means the Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213, or a designee.

* * * * *

3. In § 681.4, paragraphs (a)(1), (b), and (d) through (h) are revised to read as follows:

§ 681.4 Permits.

(a) *General.* (1) Any vessel of the United States engaged in commercial fishing for lobsters in the Management Area must have a permit issued under this part. Vessels engaged in commercial fishing for lobsters in Permit Area 2 or Permit Area 3 require only a permit issued under this section. Vessels engaged in commercial fishing for lobsters in Permit Area 1 require only a limited access permit issued under § 681.30.

* * * * *

(b) *Applications.* (1) An application for a permit under this section should be submitted to the Pacific Area Office by the vessel owner or a designee of the owner at least 15 days before the date the applicant desires to have the permit be effective.

(2) Each application must be submitted on an application form obtained from the Pacific Area Office and must provide the following information:

(i) Type of application; whether the application is for a new permit or a renewal; and what permit area it is for;

(ii) Owner's name, social security number, mailing address, and telephone numbers (business and home);

(iii) Name of the partnership or corporation, if the vessel is owned by such an entity;

(iv) Primary operator's name, social security number, mailing address, and telephone numbers (business and home);

(v) Relief operator's name;

(vi) Name of the vessel;

(vii) Official number of the vessel;

(viii) Radio call sign of the vessel;

(ix) Principal port of the vessel;

(x) Length of the vessel;

(xi) Engine horsepower;

(xii) Approximate fish hold capacity;

(xiii) Number of crew (excluding operator);

(xiv) Construction date;

(xv) Date vessel purchased;

(xvi) Purchase price;

(xvii) Type and amount of fishing gear carried on board the vessel;

(xviii) Position of the applicant in the corporation, if the vessel is owned by such an entity;

(xix) Signature of the applicant; and

(xx) Date of signature.

* * * * *

(d) *Change in application information.* Any change in the information specified in paragraph (b)(2) of this section must be reported to the Pacific Area Office at least 10 days before the effective date of the change, or if an unplanned change, within 10 days after the change. Failure to report such changes may result in termination of the permit.

(e) *Issuance.* (1) Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit.

(2) If an incomplete or improperly completed permit application is submitted, the Regional Director will notify the applicant in writing of the deficiency. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(f) *Expiration.* Permits issued under this section expire at 2400 hours local time on December 31 following the effective date of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Pacific Area Office in the same manner as described in paragraph (b) of this section.

(h) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

* * * * *

4. In § 681.5, paragraph (b)(2)(ix) is redesignated (b)(2)(x), paragraphs (c)(3)(iii) and (c)(3)(iv) are revised, and new paragraphs (b)(2)(ix), (c)(3)(v), and (d) are added to read as follows:

§ 681.5 Recordkeeping and reporting.

* * * * *

(b) * * *

(2) * * *

(ix) General condition of sea surface for each day fished (e.g., wave height, wind speed); and

* * * * *

(c) * * *

(3) * * *

(iii) Weight and revenue from sale of octopus by product type;

(iv) Weight and revenue from sale of other fishery products by type; and

(v) Number of lobsters, by tail weight (in 2-ounce intervals, i.e., 2.0–3.9, 4.0–5.9, etc.), by species.

* * * * *

(d) *Transshipment.* If any receiving vessel is used to transship lobsters from the harvesting vessel to port, then the operator of the receiving vessel must, within 72 hours of landing those lobsters, submit to the Regional Director the original copies of the NMFS Daily Lobster Catch Reports that were completed by the operator of the vessel that harvested the lobster.

§ 681.6 [Amended]

5. In § 681.6, in each place it occurs in paragraph (a), (b) and (c), the word "permit" is replaced by the word "official".

6. In § 681.7, paragraph (b)(1), (c)(1)(i), (c)(1)(ii), and (c)(2) through (c)(4) are revised and new paragraphs (b)(7) through (b)(13) are added, to read as follows:

§ 681.7 Prohibitions.

* * * * *

(b) * * *

(1) Fish for, take, or retain lobsters:

(i) Without a limited access permit issued under § 681.30;

(ii) By methods other than lobster traps or by hand for lobsters, as specified in § 681.24;

(iii) From closed areas for lobsters, as specified in § 681.23;

(iv) During a closed season, as specified in § 681.29; or

(v) After the date published in the Federal Register, as specified in § 681.31(c) (4) or (5), and until the fishery

opens again in the following calendar year.

* * * * *

(7) When fishing for lobster is prohibited as specified in §§ 681.23, 681.24, 681.29, 681.30, or 681.31, possess on a fishing vessel any lobster trap.

(8) Fail to report catch and effort data, as specified § 681.5.

(9) Leave a trap unattended in the Management Area except as provided in § 681.24(f).

(10) Maintain on board the vessel or in the water, more than 1200 traps per fishing vessel, of which no more than 1100 can be assembled traps, as specified § 681.24(e).

(11) Fail to mark legibly the vessel's official number on all traps and floats maintained on board the vessel or in the water, as specified in § 681.24(g).

(12) Land lobsters taken in Permit Area 1 after the closure date announced in the **Federal Register**, as specified in § 681.31(c) (4) and (5), and until the fishery opens again in the following calendar year.

(13) Fail to make a limited access permit available for inspection by an authorized officer upon request by that officer.

(c) * * *

(1) * * *

(i) By methods other than lobster traps or by hand, as specified in § 681.44; or

(ii) In the months of June, July, and August, as specified in § 681.43.

(2) Retain or possess on a fishing vessel any lobster taken in Permit Area 2 which is less than the minimum size specified in § 681.41.

(3) Possess on a fishing vessel any lobster or lobster part taken in Permit Area 2 in a condition where the lobster is not whole and undamaged as specified in § 681.45.

(4) Retain or possess on a fishing vessel, or remove the eggs from, any egg-bearing lobster, as specified in § 681.42.

7. In subpart B, in § 681.24, paragraphs (e) through (g) are added to read as follows:

§ 681.24 Gear restrictions.

* * * * *

(e) A maximum of 1200 traps per vessel may be maintained on board or in the water, provided that no more than 1100 assembled traps are maintained on board or in the water. If more than 1100 traps are maintained, the unassembled traps may be carried as spares only, in order to replace assembled traps that may be lost or become unusable.

(f) Traps shall not be left unattended in the Management Area, except in the event of an emergency, in which case the vessel operator must notify the NMFS Law Enforcement Office of the emergency that necessitated leaving the traps on the grounds, and the location and number of the traps, within 24 hours after the vessel reaches port. The NMFS Law Enforcement Office can be reached 24 hours a day by calling (808) 541-2727.

(g) The vessel's official number must be marked legibly on all traps and floats maintained on board the vessel or in the water by that vessel.

§§ 681.30 through 681.35 Redesignated as §§ 681.40 through 681.45

8. In subpart C, §§ 681.30 through 681.35 are redesignated §§ 681.40 through 681.45, respectively.

(9) Subpart B is amended by adding new §§ 681.29 through 681.32 to read as follows:

§ 681.29 Closed season.

Lobster fishing is prohibited in Permit Area 1 during the months of January through June, inclusive.

§ 681.30 Limited access management program.

(a) *General requirements.* (1) The owner of any vessel used to fish for lobster in Permit Area 1 must have a limited access permit issued for such vessel under this section. Only one permit will be assigned to any vessel.

(2) A limited access permit is valid for fishing only in Permit Area 1.

(3) The application form for a limited access permit is the same as the application form for a permit under § 681.4(b)(2). If the application is submitted on behalf of a partnership or corporation, the application must be accompanied by a supplementary information sheet obtained from the Pacific Area Office and contain the names and mailing addresses of all partners or shareholders and their respective percentage of ownership in the partnership or corporation.

(4) A maximum of 15 limited access permits can be valid at any time.

(5) No fee is required for a limited access permit.

(6) Any change in the information specified in the application form for a limited access permit must be reported to the Pacific Area Office at least 10 days after the change. Failure to report such changes may result in termination of the permit.

(7) If an incomplete or improperly completed application form is submitted, the Regional Director will notify the applicant in writing of the deficiency. If the applicant fails to correct the deficiency within 15 days following the notification, the application will be considered abandoned.

(8) A limited access permit expires at 2400 hours local time on December 31 following the effective date of the permit.

(9) A limited access permit that has been altered, erased, or mutilated is invalid.

(10) A limited access permit may be issued to replace a lost or mutilated permit. An application for a replacement permit is not considered a new application.

(11) A limited access permit must be on board the vessel at all times and is subject to inspection upon request of any authorized officer.

(12) Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(b) *Issuance of initial limited access permits.* (1) An application for an initial limited access permit must be submitted to the Pacific Area Office on the same form used for a permit under § 681.4(b)(2) within 90 days of the effective date of this rule.

(2) The Regional Director will issue initial limited access permits based on the eligibility criteria listed below. An initial permit issued under this paragraph will be issued to the person who owned the vessel when the vessel was last used to land lobsters from Permit Area 1 in 1990. Priority for initial permits will be given, in descending order, to an owner of a vessel that had made at least one landing of lobsters from Permit Area 1:

(i) Before August 8, 1985, and during every calendar year from 1985 through 1990;

(ii) Before August 8, 1985, and during calendar year 1990;

(iii) During 1990 only.

(3) If fewer than 15 initial limited entry permits are issued under paragraph (b)(2) of this section, then the remaining initial permits will be issued to vessel owners based upon a point system.

(i) One point shall be assigned for each calendar year prior to 1985 that the applicant was the owner or operator of a vessel that was used to land lobsters from Permit Area 1.

(ii) Under the point system, applicants will be ranked by the number of points. Available permits will be issued to applicants with the greatest number of points in descending order.

(iii) If two or more applicants have the same number of points and there are insufficient permits for all such applicants, the Regional Director shall issue permits to such applicants through a lottery.

(iv) No points shall be assigned under paragraph (b)(3)(i) of this section for lobster landings by a vessel for which a permit has been issued under paragraph (b)(2) of this section.

(c) *Renewal of limited access permits.* (1) A person filing an application for renewal of a limited access permit must submit the application by December 31 of the preceding year.

(2) The Regional Director will renew a limited access permit for a subsequent year if the permitted vessel was used to:

(i) Land the equivalent of at least four lobsters for each trap normally used, calculated over one calendar year, and

(ii) Make the landings under paragraph (c)(2)(i) of this section during at least one of the 2 years prior to the year for which the new permit will be valid.

(3) In paragraph (c)(2)(i) of this section, the number of lobsters "for each trap normally used" is calculated by taking the sum of all legal lobsters caught and retained by the harvesting vessel divided by the average number of traps deployed by the vessel based on the logbook records for the calendar year.

(d) *Transfer or sale of limited access permits.* (1) Permits may be transferred or sold, but no one individual, partnership or corporation will be allowed to hold a whole or partial interest in more than one permit, except that an owner who qualifies initially for more than one permit may maintain those permits so long as he or she satisfies the landings requirement in paragraph (c)(2)(i) of this section, but may not obtain additional permits. Layering of partnerships or corporations shall not insulate a permit holder from this requirement.

(2) If 50 percent or more of the ownership of a limited access permit is passed to persons other than those listed on the permit application, the Pacific Area Office must be notified of the change in writing and provided copies of the appropriate documents confirming the changes within 30 days.

(3) Upon the transfer or sale of a limited access permit, a new application must be submitted by the new permit owner according to the requirements of paragraph (a) of this section. The transferred permit is not valid until this process is completed.

(e) *Replacement of a vessel covered by a limited access permit.* An owner of a permitted vessel may, without limitation, transfer his or her limited access permit to another vessel of that owner provided that the replacement vessel is put into service within 12 months after declaring to the Regional Director his or her intent to transfer the permit

(f) *Issuance of limited access permits to future applicants.* (1) The Regional Director may issue limited access permits under this section when fewer than 15 vessel owners hold active permits.

(2) When the Regional Director has determined that limited access permits may be issued to new persons, a notice shall be placed in the **Federal Register**, and other means will be used to notify prospective applicants of the opportunity to obtain permits under the limited access management program.

(3) An application for a new limited access permit must be filed within 90 days following the publication of the **Federal Register** notice.

(4) Limited access permits issued under paragraph (f) of this section will be issued first to applicants qualifying under paragraph (f)(4)(i) of this section. If the number of limited access permits available is greater than the number of applicants that qualify under paragraph (f)(4)(i) of this section, then limited access permits will be issued to applicants under paragraph (f)(4)(ii) of this section.

(i) First priority to receive limited access permits under this paragraph goes to owners of vessels that were used to land lobster from Permit Area 1 during the period from 1983 through 1990, and who were excluded from the fishery by implementation of the limited access system. If there are insufficient permits for all such applicants, the new permits shall be issued by the Regional Director through a lottery.

(ii) Second priority to receive limited access permits under this paragraph goes to owners with the most points, based upon a point system. If two or more owners have the same number of points and there are insufficient permits for all such owners, the Regional Director shall issue the permits through a lottery. Under the point system, limited access permits will be issued, in descending order, beginning with owners who have the most points and proceeding to owners who have the least points, based on the following:

(A) Three points shall be assigned for each calendar year after August 8, 1985 that the applicant was the operator of a vessel that was used to land lobster from Permit Area 1;

(B) Two points shall be assigned for each calendar year or partial year after August 8, 1985, that the applicant was the owner, operator, or crew member of a vessel engaged in either commercial fishing in Permit Area 2 for lobster, or fishing in Permit Area 1 for fish other than lobster with an intention to sell all or part of the catch.

(C) One point shall be assigned for each calendar year or partial year after August 8, 1985, that the applicant was the owner, operator, or crew member of a vessel engaged in any other commercial fishing in the exclusive economic zone surrounding Hawaii.

(5) A holder of a new limited access permit must own at least a 50 percent share in the vessel that the permit would cover.

§ 681.31 Quota management program.

(a) An initial quota and a final quota will be set annually. The final quota for a calendar year shall:

(1) Apply to the total catch of spiny and slipper lobsters; and

(2) Be expressed in terms of numbers of lobsters. All lobsters caught and retained after April 10, 1992, shall count toward the final quota for the year in which they were caught and retained, regardless of the product form (e.g., alive and dead, whole and tails) in which they are landed.

(b) *Initial quota.* (1) The Regional Director shall use information in commercial fishing logbooks from previous years, and may use information from research sampling and other sources, to establish the initial quota, applying the quota formula of the fishery management plan.

(2) The Assistant Administrator shall publish a notice indicating the initial quota in the **Federal Register** by February 15 each year, and shall use other means to notify permit holders of the intital quota for the year.

(c) *Final quota.* (1) The Regional Director shall use the catch and effort information provided during July (or the first month of the open season) to determine any change needed to establish the final quota.

(2) If no fishing is conducted during July (or the first month of the open season), then the final quota shall equal the intital quota.

(3) The Assistant Administrator shall publish a notice in the **Federal Register** indicating the final quota, as soon after August 15 as practicable, and shall use other means to notify permit holders of the final quota for the year.

(4) If the total reported catch by the date that the final quota is announced exceeds the final quota, the Assistant Administrator will publish a notice in the **Federal Register** not less than 7 days prior to the effective date to prohibit further landings of lobster taken in Permit Area 1.

(5) The Regional Director shall determine on the basis of the evidence available to him the date upon which the quota will be reached or exceeded.

Notice of this determination, with a specification of the date after which further landings of lobster taken in Permit Area 1 will be prohibited, will be published in the **Federal Register** by the Assistant Administrator not less than 7 days prior to the effective date.

(d) *Monitoring and Adjustment.* The operator of each vessel fishing during the open season shall report lobster catch (by species) and effort (number of trap hauls) data while at sea to the NMFS in Honolulu. The Regional Director shall notify permit holders of the reporting method, schedule and logistics, at least 30 days prior to the opening of the fishing season.

§ 681.32 Conservation and management adjustments.

If the Regional Director determines that adjustments are warranted, the Regional Director may, with the Council's concurrence, initiate rulemaking to change the:

(a) maximum number of limited access permits that may be valid at any time;

(b) length of the closed season;

(c) maximum number of traps; or

(d) reporting requirements.

[FR Doc. 92-7025 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 59
Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-18-AD]

Airworthiness Directives; Beech T-34C, 90, 99, 100, 200, and 300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain Beech T-34C, 90, 99, 100, 200, and 300 series airplanes. The proposed action would require a one-time visual inspection of all engine truss-to-firewall bolts to determine whether bolts that could have been improperly heat treated (soft bolts) where installed, and replacement of any such bolts. The Federal Aviation Administration (FAA) has received several reports indicating that Dumont Aviation manufactured soft bolts and that these are the type of bolts utilized on the affected airplanes. The actions specified by the proposed AD are intended to prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane.

DATES: Comments must be received on or before May 29, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may also be examined at the Rules Docket at the address below.

Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-18-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4128; Facsimile (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-18-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-18-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The FAA has received reports where engine truss-to-firewall bolts were improperly heat treated (soft bolts). Dumont Aviation manufactured these soft bolts and the bolts are identified by the letters "DA" on the bolt head. The FAA does not know the number of soft bolts that may have been delivered as original or spare parts because Dumont Aviation is no longer in business, but the FAA does know that Beech T-34C, 90, 99, 100, 200, and 300 series airplanes utilize these type bolts. If installation of these bolts is not detected and corrected, they could break while in service and cause engine mount movement, which could result in damage to the cowling, engine, or propeller and eventually lead to separation of the engine mount from the airplane.

The manufacturer (Beech) has issued Service Bulletin (SB) No. 2432, dated February 1992, which specifies procedures for inspecting the engine truss-to-firewall bolts for corrosion and determining whether any bolts identified by the letters "DA" are installed on any of the affected airplanes. It also specifies procedures for replacing these bolts.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that AD action should be taken to prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane.

Since the condition described is likely to exist or develop in other Beech T-34C, 90, 99, 100, 200, and 300 series airplanes of the same type design, the proposed AD would require a one-time visual inspection of all engine truss-to-firewall bolts to identify any engine truss-to-firewall bolts that were manufactured by Dumont Aviation (identified by "DA" on the bolt head), and replacement of any installed bolt that is identified as being manufactured by Dumont Aviation. The proposed actions would be accomplished in accordance with Beech SB No. 2432, dated February 1992.

The inspection of the engine truss-to-firewall bolt and associated hardware for corrosion that is referenced in Beech SB No. 2432, dated February 1992, is recommended but would be required by the proposed AD.

The FAA estimates that 3,590 airplanes in the U.S. registry would be affected by the proposed AD, that it

would take approximately 2 work hours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts would be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $394,900.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(A), 1421 AND 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Beech: Docket No. 92-CE-16-AD.

Applicability: The following model and serial numbered airplanes, certificated in any category:

Models	Serial Nos.
T-34C	GP-1 through GP-50, GL-1 through GL-353, and GM-2 through GM-99.
65-90, 65-A90, 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, B90, C90, C90A, E90, F90, and H90.	LJ-1 through LJ-1285, LW-1 through LW-347, LA-2 through LA 236, LM-1 through LM-141, LS-1, LS-2, LS-3, LT-1, LT-2, LU-1 through LU-15, and LL-1 through LL-51.
99, 99A, A99A, B99, and C99.	U-1 through U-239.
100, A100, and B100	B-1 through B-247 and BE-1 through BE-137.
200, 200C, 200CT, 200T, A200, A100-1, A200CT, B200, B200C, B300CT, and B200T.	BB-2 through BB-1405, BC-1 through BC-75, BD-1 through BD-30, BJ-1 through BJ-86, BL-1 through BL-137, BN-1 through BN-4, BP-1 through BP-71, BT-1 through BT-33, BU-1 through BU-12, BV-1 through BV-12, FC-1, FC-2, FC-3, FE-1 through FE-9, FG-1, and FG-2.
300, 300C, B300, and B300C	FA-1 through FA-217, FF-1 through FF-19, FL-1 through FL-60, and FM-1.

Compliance: Required as indicated, unless already accomplished.

To prevent undetected failure of engine truss-to-firewall bolts, which could eventually lead to separation of the engine mount from the airplane, accomplish the following:

(a) Within the next 150 hours time-in-service after the effective date of this AD, accomplish the following:

(1) Individually remove each engine truss-to-firewall bolt and determine whether the bolt is manufactured by Dumont Aviation as specified by Figure 2 and in accordance with paragraphs 1 and 2 of the ACCOMPLISHMENT INSTRUCTIONS in Beech Service Bulletin (SB) No. 2432, dated February 1992. Only one engine truss-to-firewall bolt should be removed at any given time.

(2) Prior to further flight, replace any bolt manufactured by Dumont Aviation as identified in paragraph (a)(1) of this AD with a new bolt part number (P/N) MS20006-20 /M/.

Note: The inspection of the engine truss-to-firewall bolts and associated hardware for corrosion that is referenced in Beech SB No. 2432, dated February 1992, is recommended but is not required by this AD.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 20, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-6986 Filed 3-25-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 217

RIN 0596-AB30

Review of and Comment on National Forest Plans and Project Decisions

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department proposes to adopt new rules that focus on public notice of, and opportunity to comment on, proposed Forest Service actions described in an Environmental Assessment and Finding of No Significant Impact prior to the decision being made. Corollary to this proposed rule, the agency also proposes to revise its administrative appeal process at 36 CFR part 217 to limit appeals to only final decisions approving, revising, or significantly amending a National Forest Land and Resource Management Plan. Public review and comment is required for proposed actions having a significant environmental impact as described in a Draft Environmental Impact Statement under the National Environmental Policy Act. The intended effect is to expand opportunities for pre-decisional involvement of the public in Forest Service decisionmaking, achieve administrative efficiencies in agency decisionmaking, reduce the uncertainty for communities and workers dependent upon Forest Service goods and services by minimizing delay in providing a stable supply of resources, remove impediments to economic growth arising from the current appeals process, and provide a reasonable assurance that the Forest Service has the ability to carry out programs authorized and funded by the Congress. The provisions of this proposed change do not in any way affect either the opportunity that has always existed for people to contact a higher level line officer to express dissatisfaction with a final decision or the right of a higher level line officer to review a lower level line officer's decision. The appeal procedures at 36 CFR part 251, subpart C, are not affected by this proposed change. Public comment is invited.

DATE: Comments must be received in writing by April 27, 1992.

ADDRESSES: Send written comments to APPEALS STAFF (NFS), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

The public may inspect comments received on this proposed rule in the Office of the Staff Assistant for Operations, National Forest System, 3d Floor, Northwest Wing, Auditors Building, 14th and Independence Avenues, Northwest, Washington, DC, between the hours of 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead (202/205-1346) to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Kathryn Hauser, Office of the Staff Assistant for Operations, National Forest System, (202) 205-1346.

SUPPLEMENTARY INFORMATION: While there is no statutory requirement that the Forest Service provide an appeal procedure, the agency, at its own discretion, has provided an administrative appeal process since 1907. Until the enactment of several environmental statutes in the 1960's and 1970's, the appeal process was used primarily by those with a business relationship with the Forest Service.

Over the past 50 years, the administrative appeal process has shifted back and forth from an informal to a formal process, from adjudication by semi-independent boards to a wholly internal administrative review. Since 1965, the appeal process has undergone four major revisions. The most recent major revision, published on January 23, 1989, at 54 FR 3342, part VI, resulted in two separate and distinct appeal rules: 36 CFR part 251, subpart C for appeals by persons or organizations holding written instruments authorizing the use of National Forest System lands and 36 CFR part 217 for appeals of decisions relating to national forest land and resource management plans, projects, and activities. The decisions reviewable under part 217 arise from compliance with the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and implementing regulations, policies, and procedures.

The appeal process has long been envisioned as a simple, quick, informal process to provide a last administrative opportunity to resolve disputes between the agency and interested or affected parties after a decision was made but before a decision was implemented. Instead, it has become a significant generator of paperwork and a time-consuming, procedurally onerous, confrontational, and costly effort, diverting resources and energies that otherwise might be directed to substantive on-the-ground resource management needs and accomplishments.

In the traditional sense, an appeal process is adjudicatory, a process by which a party that has a legal right and that believes the right was violated, addresses the grievance. Whether in court or in an administrative context, the traditional process looks at the facts and judges the rightness or wrongness of a decision (within the defined limits of the standard of review) and prescribes a remedy. The agency offers this type of appeal process at 36 CFR part 251, subpart C for those decisions made by Forest Officers affecting a written instrument. No change is contemplated in this regulation as part of this rulemaking although minor technical changes may be proposed later.

The often-voiced purpose of the agency's 36 CFR part 217 appeal process has been to give the public an informal avenue for review and resolution of disputed agency decisions without the necessity of litigation. Contrary to the situation in the late 1960s, the public today is involved in National Forest System decisionmaking both before management decisions are made (pre-decisional) and after decisions are made (post-decisional).

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4332) has significantly changed the way Federal agencies make decisions because it requires that all Federal agencies must involve the affected and interested public in planning and analysis prior to making decisions. In addition, the opportunity for judicial review of Forest officers' decisions was not generally available to the public until the 1970's.

Just as NEPA significantly increased the public's rule in Federal decisionmaking, the National Forest Management Act of 1976 (NFMA) (16 U.S.C. 1600) further broadened the public's role by mandating public participation in the development of land and resource management plans for each administrative unit of the National Forest System. Today, individuals and organized interest groups are very much involved and play an important role in forest planning and pre-decisional activities related to project decisionmaking.

Despite this open planning process and involvement of affected and interested persons in Forest Service environmental analysis, land management planning, and associated decisionmaking, many final decisions involving land and resource uses made by Forest Service managers remain controversial. Many of the interested and/or affected person are not satisfied with the agency's resulting decisions. These disagreements are rooted in differing views about the priorities and values assigned to the agency's many wide-ranging and legislatively-mandated multiple-use management objectives. Potential conflicts over objectives coupled with easy access to decisionmakers afforded through the present appeal process has increased opportunities to contest decisions that National Forest users believe are counter to their interests. In short, the agency's appeal process has served to foster and encourage post-decisional questioning of priorities and actions. The same questioning does, and should, occur before decisions are made so that Forest officers can take into account public concerns.

The current appeal regulation adversely affects the agency's ability to implement projects by diverting the efforts of its workforce from on-the-ground resource management activities to processing administrative appeals. Appeals can increase the cost, and sometimes substantially diminish the cost-effectiveness, of a project through the time it takes the agency to complete an appeal, even though the original decision might ultimately be upheld. Also, administrative appeals adversely affect jobs, families, and communities by delaying or withdrawing projects which support the local economy, thus creating uncertainty for communities dependent upon Forest Service goods and services. Many communities dependent upon the National Forests for their economic livelihood depend upon the Forest Service being able to achieve congressionally funded programs in mining, grazing, timber, recreation, fisheries and wildlife. The current post-decisional appeal process creates uncertainty as to the Forest Service's ability to deliver those goods and services, impeding economic growth and development. Delays in delivery of National Forest System goods and services can place the economic viability of communities at risk. The

delays arising from the appeals process also can adversely affect the cost of homes, Federal payments for local schools and roads, and costs to the Federal government.

A recent internal review of the current appeal regulation has identified several areas which adversely affect the efficiency of the appeal process:

- Individuals, who have chosen not to become involved in NEPA generated public involvement, are routinely appealing decisions.
- New issues are being raised and must be addressed in appeal decisions, rather than during NEPA generated public involvement in the pre-decisional phase.
- Negotiating with appellants during an appeal excludes some interested parties—those that participated during the decisionmaking process but did not appeal.

In examining the efficiency of the current appeal process, the question is not whether the public should be involved in Forest Service decisionmaking but when (pre-decisionally or post-decisionally) and how such involvement can best be achieved for the benefit of everyone. The Department is committed to fostering a public participation climate that allows for the open expression of ideas and encourages the public to join with the agency in identifying and analyzing natural resource management alternatives that result in balanced multiple use management of the National Forests. The Department has concluded that the public interest is best served by mutual efforts to resolve differences during the decisionmaking process than by trying to resolve those differences after a decision has already been made. Finally, the Department believes better resource decisions and fewer challenges of those decisions will result if interested citizens and organizations become involved early and are provided a meaningful opportunity to comment.

Therefore, the Department proposes to expand opportunities for pre-decisional involvement of the public in its decisionmaking by adopting a process that focuses on public notice of, and opportunity to comment on, proposed projects. The proposed process would be codified in part 217 as subpart B. The current appeal procedures would be designated as subpart A. The current procedures would continue to apply to appeals already filed and to future final decisions, revisions, and significant amendments of Forest Land and Resource Management Plans, documented in a Record of Decision and accompanying Environmental Impact Statement.

Replacing the current project appeal process with a pre-decisional public notice and comment opportunity will reduce the time period of uncertainty for communities dependent upon Forest Service goods and services that is currently occurring as a result of post-decisional appeals and provide greater stability to those dependent communities. Currently, when the environmental analysis is completed and documented in an Environmental Assessment and Finding of No Significant Impact, a Decision Notice is published. Then there is a 45-day appeal period and, if an appeal is filed, the agency has 100 days to respond to that appeal. The proposed process would eliminate that 145-day delay after a decision is made. The Department sees this change as a natural evolution in NEPA compliance and decisionmaking that simply changes the timing of public comment, but not the opportunity to influence Forest Service decisionmaking. The proposed change will provide the public an opportunity to become involved before a decision is made and announced. It will open the bulk of the resource management projects made by Forest Service line officers to public notice and comment and provide a response to those public concerns, with the result being better resource decisions. And, it will provide a process consistent with that of other Federal agencies. It should be noted that nothing in the proposed rule precludes someone dissatisfied with a prospective project from also raising their concerns to a higher administrative level. Nor does it preclude a higher level line officer from exercising existing authority to review a decision of a lower level line officer.

The proposed change would include retitling part 217 as "Review of and Comment on National Forest Plans and Projects and titling the current appeal rules as "Subpart A—Appeals." A description of revisions to the proposed appeal procedures follows, keyed to the CFR section number:

Section 217.3 Decisions Subject to Appeal

This section would be revised to limit decisions subject to appeal to final decisions approving, revising, and significantly amending National Forest Land and Resource Management Plans (forest plan). A forest plan is a broad, programmatic document which establishes direction for how a National Forest will be managed, but it generally does not irretrievably commit the agency to final authorization of individual projects. Each forest plan includes land allocations and measures to ensure environmental protection. The land allocation identifies what uses are permissible and under what conditions; uses include wildlife, recreation, timber, grazing, and others. Because Forest plans set direction for 10–15 year periods and often involve making judgments on controversial and conflicting issues of major interest, it is appropriate to, and the agency does, provide extensive public involvement opportunities in forest plan decisionmaking. At this time, providing higher level review of the development, significant amendment, and revision of forest plans through administrative appeal to the Chief is appropriate and cost effective as the cost of delays associated with appeals of project-level decisions are not applicable to appeals of forest plans.

Section 217.4 Decisions Not Subject to Appeal

Because the proposed change to § 217.3 would make explicit that only National Forest Plan-related decisions are subject to appeal, it would no longer be necessary to list decisions that are not appealable. Therefore, the proposed rule would remove and reserve this section.

Section 217.19 Applicability and Effective Date

Paragraph (a) of this proposed section would provide that no appeals filed pursuant to 36 CFR part 217 would be accepted on decisions published after the effective date of the final rule except as noted in paragraph (b). Proposed paragraph (b) would provide that the rules at 36 CFR part 217, subpart A, would continue in force for decisions issued prior to the effective date of the final.

Subpart B would establish a new process for public notice and comment on proposed projects and would be titled "Comment on Proposed Forest Service Actions." Principal features of this subpart keyed to the CFR section number follow.

Section 217.20 Purpose and Scope

Agency decisionmaking and public participation are guided by the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500–1508). Further guidance is provided by the Department of Agriculture regulations that require that policies and programs of the various Department of Agriculture agencies shall be planned, developed, and implemented to achieve

the goals and follow the procedures set forth in NEPA and the CEQ Regulations (7 CFR part 1(b)).

The CEQ regulations ensure that environmental information is available to public officials and the public before decisions are made and before actions are taken. The NEPA procedures require agencies to integrate the NEPA process with planning at the earliest possible time to head off conflicts. However, CEQ procedures for public notice and comment apply only to those projects with a significant environmental impact requiring a Draft and Final Environmental Impact Statement. The purpose of this proposed rule is to foster early and effective public participation in Forest Service decisionmaking.

Section 217.21 Applicability and Effective Date

As proposed, the rules would apply generally to proposed actions published for comment after the adoption of the final rule.

Section 217.22 Proposed Actions Subject to This Subpart

This section proposes that only proposed actions described in an Environmental Assessment and a Finding of No Significant Impact (EA/FONSI), as defined in the CEQ regulations at 40 CFR parts 1500–1508, will be subject to this subpart. The CEQ regulations at 40 CFR 1506.10(c) already require pre-decisional public involvement for proposed actions that have a significant environmental impact. Those regulations will continue to apply to proposed actions described in a Draft Environmental Impact Statement.

To facilitate the orderly transition from a post-decisional review process to a pre-decisional review and comment process, the Department also gives notice that the Forest Service is issuing interim direction to encourage agency officials to begin now the pre-decisional notice and comment that would be mandated should this rule be adopted in current form. Units that, during the rulemaking period, give legal notice of the availability of and a 30-day comment period on Environmental Assessments and Findings of No Significant Impact on proposed actions would be able to proceed with final decisions upon or after adoption of the final rule, and such decisions would not be subject to the current appeal process.

It should also be noted that if officials issue decisions during the rulemaking period, those decisions remain subject to the legal notice and other requirements of the current appeal rules, and any appeals filed on such decisions would continue to be processed under the existing rules after final adoption of this rulemaking.

Section 217.23 Giving Notice of Proposed Actions Subject to This Subpart

Under the proposed rule, the responsible official would announce that the EA/FONSI is completed and ready for public review and solicit public comment. That notice would be given through a legal notice in a previously designated newspaper of general circulation, except for proposed actions of the Chief which require **Federal Register** publication.

Paragraph (b) of the proposed rule outlines the format and content and proposed paragraph (c) would require bi-annual publication in the **Federal Register** of the newspaper to be utilized. These provisions are basically the same as current decision notice requirements in 36 CFR 217.5.

Section 217.24 Proposed Actions Not Subject to This Subpart

Paragraph (a) of the proposed rule would exclude proposed actions described in a draft EIS from this process. This exclusion is appropriate because the National Environmental Policy Act implementing regulations at 40 CFR parts 1500–1508 already require notice and comment requirements for these actions. Proposed paragraph (b) would exclude proposed actions related to emergency situations documented in an Environmental Assessment and Finding of No Significant Impact, when the Regional Forester or Chief has determined that good cause exists to exempt such proposed actions from formal public notice and comment and has given notice of this decision in the **Federal Register**. Paragraph (c) would exclude proposed actions categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement. Finally, to clearly make the point of the proposed change in the purpose and scope of the rule, paragraph (d) would exclude any proposed action not subject to environmental analysis and documentation in an Environmental Assessment and Finding of No Significant Impact.

Section 217.25 Comments

This section would provide a 30-day comment period on the EA/FONSI following publication of the legal notice described in proposed § 217.23. While this proposed change would replace the current post-decisional appeal of Forest officers' decisions, its effect is to merely shift the timing for expression of public concern and comment, by providing a pre-decisional opportunity for people who are interested in or affected by Forest Service management decisions to comment or question proposed actions instead of raising concerns/issues post-decisionally in an appeal. Moreover, it gives the decisionmaker the benefit of the public comments before the decision is made.

Paragraph (b) would continue the current practice of computing the period for comments by using calendar days and specify that the first day of the comment period is the day following publication of the legal notice.

Section 217.26 Decision

In addition to seeking and considering public comment on proposed decisions, the agency has a responsibility to respond to the public in a documented and visible manner and describe how the comments received were used in making the final decision. Proposed paragraph (a) would provide that a decision would be made on whether or not to proceed with the proposed action within 21 days of the close of the comment period unless a longer time period is necessary to make this determination. In such case, those providing comments will be notified of the delay in the decision. Paragraph (b) would provide that if the determination is made that further environmental analysis is needed, those providing comments shall be notified. Paragraph (c) proposes that if a decision is made, the public comments shall be addressed in the Decision Notice.

In conclusion, the Department, for the reasons noted in this preamble, is proposing to expand public participation in decisionmaking by providing constructive notice and oportunity for comment on the environmental assessments and findings of no significant impact which are prepared for such decisions. The responsible official would consider the comments received and address them in the formal decision document. Corollary with adoption of these expanded pre-decisional public involvement procedures, the Department also proposes to limit the existing post-decisional administrative appeal process to national forest land and resource management plans. A number of Forest Service units have for some time voluntarily adopted the pre-decisional notice and comment procedures that would be mandated by adoption of this rule. The results have shown the benefits of receiving comment prior to making decisions—early resolution of conflicting views over the proposed action, improved

decisions, and fewer post-decisional appeals of those decisions. By adopting this pre-decisional approach Servicewide, the Department is confident that the rule will result in more orderly implementation of agency projects and activities, reductions in administrative costs, redirection of significant agency funding and personnel to on-the-ground resource management, reduction in the uncertainty and delay that currently surrounds the flow of goods and services from National Forest System lands, and greater economic stability to communities and segments of the economy dependent on National Forest System programs and activities. Comments received in response to this rule will be considered in adoption of a final rule.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12291 on Federal Regulations. It has been determined that this is not a major rule. The proposed rule will not substantially increase prices or costs for consumers, industry, or State or local governments, nor adversely affect competition, employment, investment productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets. To the contrary, adoption of this proposed rule would have positive benefits to the economy by reducing economic uncertainty and delay for communities dependent upon the flow of Forest Service goods and services. Adoption of this rule would substantially reduce the disruption and delay arising from the current appeal rule and, thereby, provide a greater assurance that the Forest Service can carry out programs authorized and funded by the Congress. This rule also has been reviewed in light of the President's regulatory review guidance of January 28, and it has been determined that the expected benefits of this rule outweigh the expected costs to society, and that the rule is fashioned to maximize net benefits to society, and that the rule provides clarity and certainty to the regulated community and is designed to avoid needless litigation.

Moreover, this proposed rule has been considered inlight of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and it has been determined that this action will not have a significant adverse economic impact on a substantial number of small entities.

Civil Justice Reform Act

Executive Order No. 12778. The General Counsel has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778. By focusing on predecisional notice and comment, the proposed rule is fully consistent with the President's emphasis is implementing the Civil Justice Reform Act to use early and alternative methods to resolve conflicts and thereby reduce the potential of litigation.

Environmental Impact

Based on both experience and environmental assessment, this final rule would not have a significant effect on the human environment, individually or cumulatively. Therefore, it is categorically excluded from documentation in an environmental assessment or an environmental impact statement (7 CFR part 1(b)).

Controlling Paperwork Burdens on the Public

This rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and therefore imposes no paperwork burden on the public.

List of Subjects in CFR Part 217

Administrative practice and procedures, National forests.

Therefore, for the reasons set forth in the preamble, it is proposed to amend part 217 of title 36 of the Code of Federal Regulations as follows:

PART 217—REVIEW OF AND COMMENT ON NATIONAL FOREST PLANS AND PROJECTS

1. The authority citation for part 217 continues to read:

Authority: 16 U.S.C. 551, 472.

1A. The part heading is revised to read as set forth above.

2. Designate sections 217.1–217.19 as subpart A—Appeals.

Subpart A—Appeals

3. Revise § 217.3 as follows:

§ 217.3 Decisions subject to appeal.

(a) Effective [*insert effective date of final rule*], only written decisions, documented in a Record of Decision, approving, revising, or significantly amending a Forest Land and Resource Management Plan, are subject to appeal under this subpart.

(b) Appeals previously filed pursuant to 36 CFR part 217 will continue to be subject to the appeal procedures at 36 CFR part 217, subpart A.

§ 217.4 [Removed and reserved]

4. Remove and reserve § 217.4.

5. Revise § 217.19 as follows:

§ 217.19 Applicability and effective date.

(a) The appeal procedures established in this part apply to all appealable Records of Decision published after [*insert effective date of final rule*].

(b) Notices of appeal filed under 36 CFR part 217 prior to [*insert effective date of final rule*], remain subject to those procedures.

6. Establish a new subpart B to read as follows:

Subpart B—Comment on Proposed Forest Service Actions

Sec.

217.20 Purpose and scope.
217.21 Applicability and effective date.
217.22 Proposed actions subject to this subpart.
217.23 Giving notice of proposed actions subject to this subpart.
217.24 Proposed actions not subject to this subpart.
217.25 Comments.
217.26 Decision.

§ 217.20 Purpose and scope.

The purpose of this subpart is to establish a process for fostering early and effective public participation in Forest Service decisionmaking documented in an Environmental Assessment and Finding of No Significant Impact. This subpart expands the public participation requirements in the Forest Service's NEPA implementing procedures in Forest Service Manual 1950 and Forest Service Handbook 1909.15 (36 CFR part 200).

§ 217.21 Applicability and effective date.

The procedures established in this subpart apply to all proposed actions (§ 217.22) published after [*insert date of publication of final rule in* **Federal Register**.]

§ 217.22 Proposed actions subject to this subpart.

Only proposed actions described in an Environmental Assessment and Finding of No Significant Impact (EA/FONSI), as defined in 40 CFR parts 1500–1508, will be subject to review and comment under this subpart.

§ 217.23 Giving notice of proposed actions subject to this subpart.

(a) The responsible official shall give notice that a proposed action is ready for public review as follows:

(1) For all proposed actions of the Chief, notice shall be published in the **Federal Register.**

(2) For all other proposed actions, legal notice of the proposed action shall be published in a newspaper of general circulation identified pursuant to the requirements of paragraph (c) of this section.

(b) All notices published pursuant to this section shall include a concise description of the proposed action by title or subject matter, the date of the EA/FONSI, the name and title of the official making the decision, information on how to obtain a copy of the EA/FONSI, and state that the responsible official will accept comments for 30 days following publication of the legal notice.

(c) At least twice annually, in April and in October, each responsible Forest Service officer shall, through **Federal Register** notice, advise the public of the principal newspaper to be utilized for publishing legal notices required by this section.

§ 217.24 Proposed actions not subject to this subpart.

The following proposed actions are not subject to this subpart:

(a) Proposed actions described in a Draft Environmental Impact Statement (DEIS).

(b) Proposed actions related to emergency situations or rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena such as insect and disease infestation, wildfires, severe wind, earthquakes, and flooding when the Regional Forester or, in situations of national significance, the Chief of the Forest Service, determines and gives notice in the **Federal Register** that the action is exempt from formal public notice and comment because of the essence of time.

(c) Proposed actions categorically excluded from documentation.

(d) Any proposed action not subject to documentation in an Environmental Assessment and Finding of No Significant Impact.

§ 217.25 Comments.

(a) Upon completion of an EA/FONSI on a proposed action, the responsible official shall give notice that a proposed action is ready for public review and accept comments on the proposed action for a period of 30 days from date of publication of the legal notice. In submitting comments, persons or representatives of organizations shall list their name, address, and telephone number (if applicable), identify the proposed action by title and set forth any comments on the proposed action that they believe the decision-maker should consider or that the EA/FONSI does not adequately address. Comments will not be considered unless they are received by the responsible official before the close of business on the 30th day following publication of the legal notice.

(b) *Computation of comment period.* The day after the published legal notice required in section 217.23 is the first day of the comment period. The rest of the 30-day comment period shall be computed using calendar days. Saturdays, Sundays, and Federal holidays are included in computing all time periods in this subpart; however, when the time period would expire on a Saturday, Sunday, or Federal holiday, the period is extended to the end of the next Federal working day.

§ 217.26 Decision.

(a) Within 21 days of the close of the comment period, the responsible official shall consider the comments received and issue a decision, unless the responsible official makes one of the following determinations:

(1) Based on comments received, further environmental analysis and attendant documentation is needed; or

(2) The consideration of comments received cannot be completed within the 21 days.

(b) If the responsible official determines that further environmental analysis is needed or more time is needed to consider comment received, the official shall give written notice of such delay to those who submitted comments.

(c) Comments received on proposed actions in response to notice given pursuant to this subpart shall be addressed in the Decision Notice documenting the decision. A copy of the Decision Notice shall be promptly mailed to those filing comments or requesting the Decision Notice.

Dated: March 19, 1992.

James R. Moseley,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 92–7030 Filed 3–23–92; 4:03 pm]

BILLING CODE 3410–11–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF80

Claims Based on Exposure to Ionizing Radiation

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a recommendation by the Veterans Advisory Committee on Environmental Hazards (VACEH) that ovarian cancer be considered "radiogenic", and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation. The intended effect of this amendment is to add ovarian cancer to the list of radiogenic diseases, and to clarify the other provisions under which service connection may be established for injury or disease claimed to be the result of exposure to ionizing radiation.

DATES: Comments must be received on or before April 27, 1992. Comments will be available for public inspection until May 5, 1992. These amendments are proposed to be effective on the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these changes to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 5, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: The Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98–542, 98 Stat. 2735 (1984), required VA to publish regulations for the adjudication of compensation claims in which disabilities or deaths of veterans are alleged to be the result of in-service exposure to ionizing radiation. It also required that the regulations be based on sound scientific and medical evidence. To assist VA in this effort, the law mandated the establishment of the VACEH. On December 1, 1988, VA published in the **Federal Register** (53 FR 48551–2) a proposal to amend 38 CFR 3.311a(g) and 3.311b(h) to specify the other provisions under which service connection may be established for injury or disease claimed

to be the result of exposure to ionizing radiation or to herbicides containing dioxin are those governing direct service connection, service connection by aggravation, or presumptive service connection. However, in *Nehmer v. United States Veterans Administration*, 712 F. Supp. 1404 (N. D. Cal. 1989), the court concluded that VA incorrectly required that, in determining whether diseases would be service connected based on dioxin exposure, scientific evidence demonstrate a cause-and-effect relationship between the disease and exposure, rather than only a significant statistical association. In view of that decision, VA withdrew the proposed amendments of §§ 3.311a(g) and 3.311b(h) as they made reference to the causal relationship standard (See 54 FR 42802–3).

VA is now proposing to amend § 3.311b(h) to clarify when service connection can be established based upon exposure to ionizing radiation. The list of radiogenic conditions that appears at § 3.311b(b)(2) is meant to be exclusive. The current wording of § 3.311b(h), however, might be misinterpreted to mean that a veteran may attempt to prove that a disease not included on that exclusive listing resulted from exposure to ionizing radiation and is service connected based on "sound scientific or medical evidence." This interpretation of § 3.311b(h) would not conform to section 5(b)(2) of Public Law 98–542 which contemplates that VA will employ regulations which list each disease for which VA finds sound scientific or medical evidence of a connection to ionizing radiation.

Under 38 CFR 1.17(c), when VA determines that a significant statistical association exists between exposure to ionizing radiation and any disease, 38 CFR 3.311b is amended to provide guidelines for the establishment of service connection for that disease. This determination is made after receiving the advice of the VACEH based on its evaluation of scientific or medical studies.

In a public meeting on August 22–23, 1990, the VACEH met in Washington, DC. At that meeting, the VACEH considered 11 papers relating to the health effects of exposure to ionizing radiation focusing primarily on the fifth report of the Committee on Biological Effects of Ionizing Radiation (BEIR V). Based on its review of this literature, VACEH recommended that ovarian cancer be added to the list of diseases that VA will recognize as being radiogenic. The Secretary has accepted that recommendation and we propose to amend 38 CFR 3.311b(b)(2) to implement the Secretary's decision effective the date of publication of the final rule.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. sections 601–612. The reason for this certification is that these amendments would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. section 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that these regulatory amendments are non-major for the following reasons:

(1) They will not have an annual effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedures, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: February 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, is revised to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311b, add paragraph (b)(2)(xviii) and revise paragraph (h) to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xviii) Ovarian cancer.

* * * * *

(h) *Service connection under other provisions.* Nothing in this section will be construed to prevent the establishment of service connection for any disease or injury shown to have been incurred or aggravated during active service in accordance with §§ 3.304, 3.306, 3.307, or 3.309. However service connection will not be established under this section, or any other section except for §§ 3.309(d) or 3.310(a), on the basis of exposure to ionizing radiation and the subsequent development of any disease not specified in paragraph (b)(2) of this section.

* * * * *

[FR Doc. 92–6990 Filed 3–25–92; 8:45 am]

BILLING CODE 8320–01–M

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38 CFR Part 4

RIN 2900–AE72

Schedule for Rating Disabilities—The Gynecological System

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its rating schedule for the gynecological system. This change is based on a General Accounting Office (GAO) study and recommendation that medical criteria in the rating schedule be reviewed and updated. The intended effect is to update the Schedule for Rating Disabilities of the gynecological system to ensure that it uses current medical terminology and criteria for evaluating disabilities of that system.

DATES: Comments must be received on or before April 27, 1992. Comments will be available for public inspection until May 5, 1992. This change is proposed to be effective 30 days after the date of publication of the final rules.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 5, 1992.

FOR FURTHER INFORMATION CONTACT: Bob Seavey, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: In December 1988, GAO published a report entitled "Veterans' Benefits: Need to Update Medical Criteria Used in VA's Disability Rating Schedule" (GAO/HRD–89–28). After consulting numerous medical professionals and VA rating specialists, GAO concluded that a comprehensive and systematic plan was needed for reviewing and updating VA's Schedule for Rating Disabilities (38 CFR part 4). The medical professionals noted outdated terminology, ambiguous impairment classifications and the need to add a number of medical conditions not presently in the rating schedule. GAO recommended that VA prepare a plan for a comprehensive review of the rating schedule and, based on the results, revise the medical criteria accordingly. VA agreed to these recommendations.

In the **Federal Register** of August 20, 1990, VA published an advance notice of proposed rulemaking advising the public that it was preparing to revise and update the rating schedule for gynecological disabilities. A number of comments and suggestions were received from interest groups and VA employees. VA also contracted an outside consultant to suggest revisions to the gynecological portion of the rating schedule and requested recommendations from the VA Advisory Committee on Women Veterans. The primary objective of this review is to update the medical terminology and criteria used to evaluate disabilities rather than to amend the percentage evaluations assigned to each level of severity, albeit some changes in evaluation are proposed.

Several commenters recommended that diagnostic codes be added for benign growths affecting the gynecological system or breasts, and also for endometriosis. These suggestions have been addressed in this proposal.

The title of § 4.116 is currently "Gynecological Conditions." We propose to amend this title to read "Gynecological Conditions and Disorders of the Breast." The title of § 4.116a will be changed in the same manner. This change will more clearly indicate that the schedule of ratings which follows is applicable to disorders of the breast as well as disabilities of the female reproductive system.

Section 4.116 explains the principles of service connection relevant to the gynecological system. We are proposing to substitute the word "neoplasm" for "new growth" at the beginning of the penultimate sentence of this section. The word "neoplasm" better connotes a pathological abnormality than the term "new growth." It will therefore be used in this paragraph as well as under diagnostic codes 7627 and 7628, which will pertain to malignant and benign neoplasms respectively. In order to ensure a more consistent use of terminology, the word "removal" will be substituted for both the word "excision" and the phrase "resection or excision" in the last two sentences of § 4.116. Similarly, the word "removal" will be substituted for the words "excision" and "extirpation" under diagnostic code 7619 for removal of the ovaries.

Diagnostic codes 7610 through 7615 currently classify inflammation of the female reproductive organs as follows: Diagnostic code 7610, "Vulvovaginitis"; diagnostic code 7611, "Vaginitis"; diagnostic code 7612, "Cervicitis"; diagnostic code 7613, "Metritis"; diagnostic code 7614, "Salpingitis"; and diagnostic code 7615, "Oophoritis." We propose to expand the rating of disorders in these affected areas to include disease or injury in general. In the case of the uterus, fallopian tube and ovary, adhesions will also be included. Our proposed revision of the headings will therefore read as follows: Diagnostic code 7610, "Vulva, disease or injury of"; diagnostic code 7611, "Vagina, disease or injury of"; diagnostic code 7612, "Cervix, disease or injury of"; diagnostic code 7613, "Uterus, disease, injury, or adhesions of"; diagnostic code 7614, "Fallopian tube, disease, injury, or adhesions of"; and diagnostic code 7615, "Ovary, disease, injury, or adhesions of." Under diagnostic code 7610, "Vulva, disease or injury of," we propose to add the words "To include rating of vulvovaginitis." In a similar manner, "To include rating of Pelvic inflammatory disease (PID)" will be added after diagnostic code 7614, "Fallopian tube, disease, injury, or adhesions of." These proposed changes will clarify the proper classification of gynecological conditions, and reduce reliance on the uncertain practice of rating by analogy.

The formula for evaluating diagnostic codes 7610 through 7615 is currently divided into levels of 30, 10 and 0%, and each percentage level is determined by whether the disability is "severe," "moderate," or "mild." No elaborating criteria are provided to explain what these words are intended to mean in this context. Under the heading of "General Rating Formula for Disease, Injury, or Adhesions of Female Reproductive Organs (diagnostic codes 7610 through 7615)," we propose to specify objective criteria in terms of the need for or response to treatment. Symptoms of disability not controlled by treatment would warrant a 30% evaluation; symptoms requiring continuous treatment would be evaluated as 10% disabling; and symptoms of disability not requiring continuous treatment would be non-compensable in evaluation. These criteria will ensure that comparable medical conditions are assigned comparable evaluations.

The rating schedule currently allows a total evaluation because of the need for convalescence after surgery for removal of the uterus and ovaries. A six-month period of total evaluation is provided following surgery under diagnostic code 7617, "Uterus and both ovaries, removal of, complete." Advances in therapeutic medicine have significantly reduced the length of convalescent periods required following these surgeries. Under diagnostic code 7617, "Uterus and both ovaries, removal of, complete," we are therefore proposing to change this six-month period to three months.

A six-month period of total evaluation is also currently specified for removal of both ovaries under diagnostic code 7619, "Ovaries, removal of both." In addition to amending this period to three months because of improved surgical techniques, we propose to make the same convalescent period of three months applicable to removal of one ovary as well as two, since the need for immediate post-surgical convalescence does not significantly differ in either instance. We also propose to amend the heading of diagnostic code 7619 to read "Ovary, removal of," in order to make this diagnostic code explicitly applicable to the removal of one ovary as well as to the removal of two ovaries.

A 10% evaluation is currently specified for loss of a single ovary under diagnostic code 7619. The loss of one ovary does not compromise endocrine or reproductive function to such an extent that an impairment of earning capacity ordinarily results. Accordingly, we propose that the removal of one ovary be non-compensable in evaluation.

For malignancies of the gynecological system or of the breast, diagnostic code 7627 currently provides a 100% evaluation for one year following surgery or the cessation of antineoplastic therapy. This provision is applied at the time of rating by assignment of a one-year total evaluation with a prospective reduction consistent with the protected, known or minimum evaluation. Due to improvements in the administration of

chemotherapy and radiation treatments, we believe that a one-year convalescent evaluation is no longer warranted, but that it is reasonable to assess residual disability six months after treatment terminates. Not every patient will recover in a set period of time, however, so a decision to reduce an evaluation after six months should be based on medical findings rather than a regulatory assumption that there has been an improvement.

We propose to change the period of convalescence under diagnostic code 7627 for malignancies from one year to six months. The total evaluation will continue until the veteran is examined and the results of this examination have been reviewed by a rating board. At that time, if a reduction in evaluation is warranted, it would be implemented under the provisions of 38 CFR 3.105(e). This instruction has been included in the note following diagnostic code 7627. No minimum rating is proposed following expiration of the 100% convalescent evaluation.

These changes in the length of convalescent periods will permit a more accurate and timely determination of the veteran's remaining chronic impairment. These changes have been suggested by physicians who are experienced in the treatment of gynecological conditions, and are designed to reflect the period during which most patients can be expected to recover.

The words "severe" and "moderate" now precede the evaluation criteria for the 30% and 10% levels under diagnostic code 7622, "Uterus, displacement of." These words will be removed since they do not significantly help to explain or clarify the specific evaluation criteria which they precede. For the same reason, the words "severe" and "moderate" will be removed in the evaluation criteria following diagnostic code 7623, "Pregnancy, surgical complications of." The 0% level under diagnostic code 7622 which is currently shown as "Mild; slight symptoms," and the 0% level under diagnostic code 7623 shown as "Mild" will be eliminated since the criteria provided are not substantially meaningful. Criteria for non-compensable levels will no longer be specified under these codes. As with every instance in the rating schedule, when the criteria for compensable evaluations are not met, a 0% evaluation will be assigned.

Evaluation criteria under diagnostic code 7624, "Fistula, rectovaginal," currently direct the rater to criteria under diagnostic code 7335, "Ano, fistula in." Diagnostic code 7335, in turn, points to criteria for rating under diagnostic code 7332, "Rectum and anus, impairment of sphincter control." In effect, therefore, the criteria relevant to evaluation of rectovaginal fistulas are contained under diagnostic code 7332. We propose to make this instruction straightforward under diagnostic code 7624.

The rating schedule currently directs that urethrovaginal fistulas under diagnostic code 7625 be rated as "Urethra, fistula of," under diagnostic code 7519. This direction will be amended to conform to proposed revisions in the genitourinary section of the rating schedule and will read "Rate as voiding dysfunction under the genitourinary schedule." Multiple urethroperineal fistulas are evaluated as 100% disabling, which also conforms to criteria under diagnostic code 7519.

Diagnostic code 7628 is now titled "Mammary glands, removal of." We propose to amend this heading to "Breast, removal of," and substitute the word "breast" for "mammary gland" wherever the latter term now occurs. The word "breast" is more commonly used in medical practice, and is consistent with language used in other regulations such as those pertaining to radiogenic disease (see §§ 3.309(d)(2)(iii) and 3.311b(b)(2)(iii)).

Evaluation criteria under diagnostic code 7628 for removal of the breast will be amended to include the terms "radical mastectomy" and "modified radical mastectomy" in the disability levels of 80%/50% and 60%/40%, respectively. These terms are used in modern medical practice, and will clarify application of the rating schedule for these levels of disability.

There has been an increasing tendency in recent years to more conservatively manage neoplasms of the breast without resorting to radical or modified radical mastectomies. For the 50%/30% level, we propose to amend wording of the evaluation criteria to read "Following mastectomy with significant alteration of size or form but without removal of axillary lymph nodes." This language indicates that the application of these percentage levels for a partial mastectomy will depend upon a change in the essential size or shape of the breast. A mastectomy or lumpectomy which does not significantly change the size or form of the breast will be non-compensable.

Two disabilities have been added: diagnostic code, 7628, "Benign neoplasms of the gynecological system or breast"; and diagnostic code 7629, "Endometriosis." The arrangement of separate diagnostic codes for malignant and benign neoplasms is consistent with other systems covered by the rating schedule, and we propose to continue that arrangement in future revisions. Evaluations of benign neoplasms will be determined according to dysfunctions of the genitourinary or gynecological systems, or of the skin.

Endometriosis is a seriously disabling condition and warrants a distinct diagnostic code with rating criteria. Under diagnostic code 7629, disability levels of 50, 30 and 0% are proposed. For the level evaluated as 50% disabling, necessary findings would include endometriomas larger than 2 x 2 cm., ovary or tubes bound down or obstructed by adhesions, or obliteration of the cul-de-sac determined by laparoscopy. At the level of 30%, disabling criteria will consist of several lesions or minimal adhesions, accompanied by side effects such as headaches, muscle cramps, or edema despite treatment. The 0% level would be asymptomatic. Initial diagnosis of endometriosis would require confirmation by laparoscopy.

We are not proposing to change diagnostic codes 7618, 7620 and 7621 in the use of terminology or assigned evaluations. As currently shown, they adequately describe the designated disabilities and levels of severity.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: November 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B, is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

1. The authority citation for part 4 is revised to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. The undesignated center heading appearing before § 4.116 and § 4.116a are revised to read as follows:

Gynecological Conditions and Disorders of the Breast

4.116. Rating gynecological conditions.

In rating disability from gynecological conditions the following will not be considered as ratable conditions:

(a) the natural menopause,

(b) amenorrhea, when this is based upon developmental defect or abnormality, and

(c) pregnancy and childbirth and their incidents, except surgical complications under certain circumstances. The surgical complications of pregnancy will not be held the result of service except when additional disability resulted from treatment therein or they are otherwise directly attributable to unusual circumstances of service. Congenital malformations are not ratable conditions. Neoplasms are to be rated in accordance with the effect upon parts or organs involved whose function is impaired or whose removal is indicated. The removal of uterus, ovaries, etc., prior to the natural menopause is considered disabling.

§ 4.116a Schedule of ratings—gynecological conditions and disorders of the breast.

	Rating (percent)
7610 Vulva, disease or injury of:	
To include rating of vulvovaginitis.	
7611 Vagina, disease or injury of.	
7612 Cervix, disease or injury of.	
7613 Uterus, disease, injury, or adhesions of.	
7614 Fallopian tube, disease, injury, or adhesions of:	
To include rating of Pelvic inflammatory disease (PID).	
7615 Ovary, disease, injury, or adhesions of:	
General rating formula for disease, injury, or adhesions of female reproductive organs (diagnostic codes 7610 through 7615):	
Symptoms not controlled by treatment	30
Symptoms that require continuous treatment	10
Symptoms that do not require continuous treatment	0
7617 Uterus and both ovaries, removal of, complete:	
For three months after removal	100
Thereafter	50
7618 Uterus, removal of, including corpus:	
For three months after removal	100
Thereafter	30
7619 Ovary, removal of:	
For three months after removal	100
Thereafter:	
Complete removal of both ovaries	30
Removal of one with or without partial removal of the other	0
7620 Ovaries, atrophy of both, complete	20
7621 Uterus, prolapse:	
Complete, through vulva	50
Incomplete	30
7622 Uterus, displacement of:	
With marked displacement and frequent or continuous menstrual disturbances	30
With adhesions and irregular menstruation	10
7623 Pregnancy, surgical complications of:	
With rectocele or cystocele	50
With relaxation of perineum	10
7624 Fistula, rectovaginal:	
Rate as Rectum and anus, impairment of sphincter control, diagnostic code 7332.	
7625 Fistula, urethrovaginal:	
Rate as voiding dysfunction under the genitourinary schedule.	
Multiple urethroperineal	100
7626 Breast, removal of:	
Following radical mastectomy with removal of pectoral muscles and axillary lymph nodes:	
Both	80
One	50
Following modified radical mastectomy with removal of axillary lymph nodes:	
Both	60
One	40
Following mastectomy with significant alteration of size or form but without removal of axillary lymph nodes:	
Both	50
One	30
Following mastectomy or lumpectomy without significant alteration of size or form	0
7627 Malignant neoplasms of gynecological system or breast	100
NOTE: Following the cessation of surgical, X-ray, antineoplastic chemotherapy or other therapeutic procedure, the rating of 100 percent shall continue for six months. A VA examination is mandatory at the expiration of the 6-month period and any change in evaluation based upon that examination shall be subject to the provisions of § 3.105(e) of this chapter.	
7628 Benign neoplasms of the gynecological system or breast:	
Rate according to impairment in function of the genitounnary or gynecological systems, or skin	
7629 Endometriosis:	
With endometriomas larger than 2 x 2 cm., ovary or tubes bound down or obstructed by adhesions, or obliteration of the cul-de-sac determined by laparoscopy	50
With several lesions or minimal adhesions; with side effects such as headaches, muscle cramps, or edema despite treatment	30
Asymptomatic	0
NOTE: Diagnosis of endometriosis must be substantiated by laparoscopy.	

[FR Doc. 92–6991 Filed 3–25–92; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 18

[ET Docket No. 91–313; DA 92–283]

Conformance of FCC Regulations With International Standards for Industrial, Scientific, and Medical (ISM) Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The comment periods of ET Docket No. 91–313 56 FR 58863 (November 22, 1991) are extended at the request of The National Electrical and Manufacturing Association to allow a more comprehensive input from the manufacturers of ISM equipment.

DATES: Comments must now be submitted by May 13, 1992. Reply comments must be submitted by June 15, 1992.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Richard B. Engelman, Office of Engineering and Technology, 202–653–6288.

SUPPLEMENTARY INFORMATION:

In the matter of Commission of FCC Regulations with International Standards for ISM Equipment

Order Extending Time to File Comments

Adopted: March 11, 1992.
Released: March 12, 1992.
By the Chief Engineer:

1. A notice of inquiry (NOI) in the above entitled proceeding was adopted by the Commission on October 22, 1991 and released on November 6, 1991 (56 FR 58863, November 22, 1991). Comments in this proceeding are due on March 13, 1992. Reply comments are due on April 13, 1992.

2. The National Electrical Manufacturers Association (NEMA) filed with the Commission, on March 4, 1992, a request for extension of the comment period. NEMA indicates that additional time is needed to allow several of its committees to meet and complete their comments.

Because of the many questions raised in the NOI and the need to have a comprehensive input from the manufacturers of ISM equipment, it has been determined that an extension of the comment and reply dates is appropriate. Accordingly, it is ordered, pursuant to the delegated authority contained in 47 CFR 0.241(a), that the period of time for filing comments in the above proceeding is extended until May 13, 1992, and the period for filing reply comments is extended until June 15, 1992.

Federal Communications Commission.

Thomas P. Stanley,

Chief Engineer.

[FR Doc. 92-7018 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-53, RM-7936]

Radio Broadcasting Services; Edmond, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Porter H. Davis, d/b/a Life Broadcasting, Inc., seeking the substitution of Channel 250A for Channel 249A at Edmond, Oklahoma, and the modification of Station KTNT-FM's license to specify operation on the alternate Class A channel. Operation on Channel 250A can permit Station KTNT-FM to operate with maximum Class A power of 6 kW. Channel 250A can be allotted to Edmond in compliance with the Commission's minimum distance separation requirements at Station KTNT-FM's presently licensed site, at coordinates North Latitude 35-34-11 and West Longitude 97-30-01.

DATES: Comments must be filed on or before May 11, 1992, and reply comments on or before May 26, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Porter H. Davis, President, Life Broadcasting, Inc., 9400 North Broadway Street, suite 515, Oklahoma City, Oklahoma 73114 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-53, adopted March 12, 1992, and released March 20, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7050 Filed 3-25-92; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 509

[GSAR Notice No. 5-322]

General Services Administration Acquisition Regulation; Administrative Records for Debarment and Suspension

AGENCY: General Services Administration.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR), chapter 5 (APD 2800.12A), that would amend the regulation to revise § 509.406-3(b) to add a new paragraph (6) to provide for furnishing parties a copy of the administrative record in a debarment proceeding, and to renumber current paragraphs (6) through (9) as (7) through (10); to revise section 509.407-3(b) to add a new paragraph (5) to provide for furnishing parties a copy of the administrative record in a suspension proceeding, and to renumber current paragraphs (5) and (6) as (6) and (7), respectively. The intended effect is to simplify the process for releasing documents in the administrative record to parties proposed for debarment or suspension.

DATES: Comments are due in writing on or before April 27, 1992.

FOR FURTHER INFORMATION CONTACT: Juan Smith, Office of GSA Acquisition Policy (202) 502-1224.

A. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive order 12291. The exemption applies to this rule.

B. Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis has not been prepared because the proposed rule does not appear to have a significant economic impact on a substantial number of small entities, and a waiver of the requirement for both an initial and final Regulatory Flexibility Analysis is believed to be appropriate. Comments from small entities concerning the proposed rule will be considered in accordance with 5 U.S.C. 610, however.

C. Paperwork Reduction Act

This rule does not contain information collection requirements that require the

approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 509

Government procurement.

Accordingly, it is proposed to amend 48 CFR part 509 as follows:

1. The authority citation for 48 CFR part 509 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 509—CONTRACTOR QUALIFICATIONS

2. Section 509.406-3 is amended by redesignating paragraphs (b) (6), (7), (8), and (9) as paragraphs (b) (7), (8), (9), and (10) respectively, and by adding a new paragraph (b)(6) to read as follows:

§ 509.406-3 Procedures.

* * * * *

(b) * * *

(6) Upon request, the affected party will be furnished a copy of the administrative record which formed the basis for the decision to propose debarment. If there is a reason to withhold from the party any portion of the record, the party will be notified that a portion of the record is being withheld and will be informed of the reasons for the withholding.

* * * * *

3. Section 509.407-3 is amended by redesignating paragraphs (b) (5) and (6) as paragraphs (b) (6) and (7) respectively, and by adding a new paragraph (b) (5) to read as follows:

509.407-3 Procedures.

* * * * *

(b) * * *

(5) Upon request, a copy of the administrative record will be furnished to the affected party under the guidelines set forth at 509.406-3(b)(6).

* * * * *

Dated: March 17, 1992.

Richard H. Hopf III,

Associate Administrator for Acquisition Policy.

[FR Doc. 92-6868 Filed 3-25-92; 8:45 am]

BILLING CODE 6820-61-M

Notices

Federal Register
Vol. 57, No. 59
Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Joint Council on Food and Agricultural Sciences; Meeting

According to the Fedeal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776), as amended, the Office of Grants and Program Systems, Cooperative State Research Service, announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences.

Date: April 22-24, 1992.

Time: 1 p.m.-5 p.m., April 22, 1992; 8 a.m.-5 p.m., April 23, 1992; 8 a.m.-12 noon, April 24, 1992.

Place: Capitol Park Suites, 800 Fourth Street, SW., Washington, DC 20024.

Type of Meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person named below.

Purpose: The purposes of the meeting are to: Review and update 5-Year Plan issues and content; review and select topics for 1992 accomplishments report; finalize UAB/JC white paper; follow-up on Human Nurition Panel from previous meeting; receive briefing on Food Animal Integrated Research for 1995 (FAIR 95) from the American Society of Animal Science; and other business as may be raised.

Contact Person for Agenda and More Information: Dr. Mark R. Bailey, Executive Secretary, Joint Council on Food and Agricultural Sciences, suite 302, Aerospace Building, U.S. Department of Agriculture, Washington, DC 20250-2200; Telephone (202) 401-4662.

Done in Washington, DC, this 12th day of March 1992.

John Patrick Jordan,

Administrator.

[FR Doc. 92-6960 Filed 3-21-92; 8:45 am]

BILLING CODE 3410-22-M

Food Safety and Inspection Service

[Docket No. 92-006N]

Exemption for Retail Stores; Adjustment of Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the dollar limitations currently in effect on the annual sales of meats and poultry products that can be sold by retail stores exempt from Federal inspection requirements to consumers other than household consumers, such as hotels, restaurants and similar institutions, have been adjusted to conform with price changes for meat and poultry products as indicated by the Consumer Price Index. The dollar limitation for meat products increases from $37,100 to $38,300 for calendar year 1992 and the dollar limitation for poultry products remains at $33,100 for calendar year 1992.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Stafko, Director, Policy Office, Policy Evaluation and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-8168.

Background

Federal inspection of meat and poultry products prepared for sale or distribution in commerce or in States designated under section 301(c) of the Federal Meat Inspection Act (FMIA) (21 U.S.C. 661(c)) and section 5(c) of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 454(c)) is required by law and administered by the Food Safety and Inspection Service (FSIS). However, section 301(c)(2) of the FMIA (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the PPIA (21 U.S.C. 454(c)(2)) state that the general requirements of routine Federal Inspection "* * * shall not apply to operations of types traditionally and usually conducted at retail stores * * * when conducted at any retail store * * * for sale in normal retail quantities * * * to consumers * * *."

FSIS regulations (9 CFR 303.1(d) and 381.10(d)) define retail stores that qualify for exemption from routine Federal inspection under the FMIA or PPIA. Under the regulations, for an establishment to be an exempt retail establishment depends, in part, upon the percentage and volume of its trade with consumers other than household consumers, such as hotels, restaurants and similar institutions. Accordingly, the Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat the poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. During calendar year 1991, the maximum amount for meat products was $37,100; for poultry products, the amount was $33,100.

The Federal meat and poultry products inspection regulations (9 CFR 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*)) further provide that the dollar limitation on product sales by retail stores to consumers other than household consumers will be automatically adjusted during the first quarter of each calendar year whenever the Consumer Price Index, published by the Bureau of Labor Statistics (BLS), Department of Labor, indicates a change during the previous year in the price of the same volume of product exceeding $500, upward or downward. The regulations also require that notice of the adjusted dollar limitation be published in the **Federal Register**.

The BLS Consumer Price Index for 1991 indicates an average annual price increase in meat products of 3.1 percent and an average annual price decrease in poultry products of 0.8 percent. When rounded off to the nearest $100, the price increase for meat products amounts of $1,200, and the price decrease for poultry products amounts of $300. As a percentage of the existing dollar limitation, change in excess of $500 is indicated for meat products only.

Accordingly, FSIS, in accordance with §§ 303.1(d)(2)(iii)(*b*) and 381.10(d)(2)(iii)(*b*) of the regulations, has automatically raised the dollar limitation of permitted sales of meat products from $37,100 to $38,000 and maintained the dollar limitation of permitted sales for poultry products at $33,100.

Done at Washington, DC, on: March 19, 1992.

H. Russell Cross,

Administrator, Food and Safety Inspection Service.

[FR Doc. 92-7024 Filed 3-25-92; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Exemption of Char Salvage Fire Recovery Project From Appeal

AGENCY: Forest Service, Northern Region, USDA.

ACTION: Notification that a fire recovery and salvage timber sale project is exempted from appeals under provisions of 36 CFR part 217.

SUMMARY: In the spring of 1991, 16 acres of timber adjacent to several harvested units of the Lower Deadman Timber Sale on the Clearwater National Forest were killed during a prescribed burn. In June 1991, the Lochsa District Ranger proposed a salvage and reforestation project for the burned area.

The District Ranger has determined, through an environmental analysis documented in the Char Salvage Timber Sale Environmental Assessment (EA), that there is good cause to expedite these actions in order to rehabilitate National Forest System lands and recover damaged resources. Salvage of commercial sawtimber within the fire area must be accomplished within the spring and summer of 1992 in order to avoid further deterioration of sawtimber

EFFECTIVE DATE: Effective on March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Jon Bledsoe, District Ranger, Lochsa Ranger District, Clearwater National Forest, Route 1, box 398, Kooskia, ID 83539.

SUPPLEMENTARY INFORMATION:

Background

The Lower Deadman Timber Sale was logged during the period of 1988 to 1990. Units were treated with a prescribed burn in the spring of 1991. Approximately 16 acres of timber outside the harvest units was killed during the prescribed burning. The fire-killed timber is within a management area (Clearwater Forest Plan, September 23, 1987) which is to be managed for big game winter range and timber. In June 1991, the Lochsa District Ranger proposed the salvage harvest of the trees which were killed by fire. This proposal was designed to: (a) Salvage merchantable timber products, (b) contribute to a continuing supply of timber for industry, and (c) fully restock the area to allow rapid recovery of thermal cover for big game. An interdisciplinary team was convened and scoping began in June 1991. After contacting several individuals and State agencies, four environmental issues were identified, and were the basis for the analysis of effects in the EA.

The interdisciplinary team developed two action alternatives and a no action alternative. The effects of these alternatives are disclosed in an EA which was prepared for the proposal. The alternatives ranged from no harvest to salvaging 12 acres of the burned area.

Planned Actions

The selected alternative (Alternative 3) would harvest 140 MBF of timber on 6 acres. No road construction is planned for this sale.

The sale and accompanying work is designed to accomplish the objectives as quickly as possible, minimize salvage volume lost, reduce risk of injury to naturally regenerating seedlings, and return the area to hiding cover as rapidly as possible. To expedite this fire recovery project and accompanying work, procedures outlined in 36 CFR part 217(a)(11) are being followed. Under this Regulation the following may be exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of Forest Resources from natural disasters or other natural phenomena, such as wildfires * * * when the Regional Forester * * * determines and gives notice in the **Federal Register** that good causes exist to exempt such decisions from review under this part.

Based on the environmental analysis documented in the Char Salvage Timber Sale EA and the District Ranger's Decision Notice for this project, I have determined that good cause exists to exempt this decision from administrative review. Therefore, upon publication of this notice, this project will not be subject to review under 36 CFR part 217.

Dated: March 20, 1992.

Christopher Risbrudt,

Deputy Regional Forester, Northern Region.

[FR Doc. 92-6969 Filed 3-25-92; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Uintah Basin Unit Expansion, Colorado River Basin Salinity Control Program, Utah

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of availability of a record of decision.

SUMMARY: Francis T. Holt, responsible federal official for projects administered under the provisions of Public Law 93-320 in the State of Utah, is hereby providing notification that a record of decision to proceed with the installation of the Uintah Basin Unit Expansion, Colorado River Basin Salinity Control Program, is available. Single copies of this record of decision may be obtained from Francis T. Holt at the address shown below.

FOR FURTHER INFORMATION CONTACT: Francis T. Holt, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, Utah 84147-0350, (801) 524-5050.

Dated: March 20, 1992.

John E. Beckwith,

Assistant State Conservationist.

[FR Doc. 92-6968 Filed 3-25-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; A. Rosenthal (Pty) Ltd.; Order Temporarily Denying Export Privileges

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), pursuant to the provisions of § 788.19 of the Export Administration Regulations (currently codified at 15 CFR parts 768-799 (1991)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. 2401-2420 (1991)) (the Act),[1] has asked the Assistant Secretary for Export Enforcement to enter an order temporarily denying all United States export privileges to A. Rosenthal (Pty) Ltd., with locations Namibia and South Africa,[2] and two of its employees, Karl Cording and Ian Ace (collectively referred to hereinafter as respondents).

In its request, the Department states that it has reason to believe that an order temporarily denying the export privileges of respondents is necessary in the public interest to prevent an imminent violation of the Regulations.

The Department stated that it has reason to believe that respondents have obtained and may continue to obtain U.S.-origin shotguns, having a barrel length of 18 inches or more, by misrepresenting the shotguns' end user and ultimate destination. The Department further stated it has reason to believe that the shotguns may have been diverted from their licensed destination to South Africa, either

[1] The Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701-1706 (1991)).

[2] The location in Cape Town, South Africa, does business under the name A. Rosenthal (Cape) (Pty) Ltd.

directly, or indirectly through other African nations without the required licenses.

Specifically, the Department stated that it has reason to believe that, in 1990 and 1991, Cording and Ace, on behalf of respondents, negotiated for and bought various makes of U.S.-origin shotguns from a sporting goods dealer located in California. In order to facilitate respondents' purchase of shotguns, the California exporter, on behalf of respondents, sought and obtained from the Department licenses authorizing the export of the U.S.-origin shotguns to Botswana.[3] However, respondents knew that the shotguns were not for delivery to or use in Botswana. Moreover, the Botswana end user apparently does not exist. The Department believes, therefore, that the shotguns were exported from the United States under licenses that were obtained based on false representations.

The Department believes that respondents' activities were deliberate and covert and are likely to occur again unless a temporary denial order naming respondents is entered. In addition, the Department believes that a temporary denial order is necessary to give notice to companies in the United States and abroad that they should cease dealing with respondents in transactions involving U.S.-origin goods.

Therefore, based on the showing made by the Department, I find that an order temporarily denying the export privileges of respondents is necessary in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations, in order to reduce the substantial likelihood that respondents will continue to engage in activities that are in violation of the Act and the Regulations. This order is issued on an *ex parte* basis without a hearing based on the Department's showing that expedited action is required.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which A. Rosenthal (Pty) Ltd., with locations in Namibia and South Africa, or two of its employees, Karl Cording and Ian Ace, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. For a period of 180 days from the date of entry of this order:

A. Rosenthal (Pty) Ltd. with addresses at: 292 Independence Avenue Windhoek, Namibia

and

65–75th Street Denmyr Building 2104 Linden, South Africa

and

Karl Cording, c/o A. Rosenthal (Pty) Ltd., 292 Independence Avenue, Windhoek, Nambia

and

A. Rosenthal (Cape) (Pty) Ltd., 139 Longmarket Street, Cape Town, South Africa

and

Ian Ace, c/o A. Rosenthal (Cape) (Pty) Ltd., 139 Longmarket Street, Cape Town, South Africa.

and all their successors, assignees, officers, partners, representatives, agents, and employees, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States, and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment, as provided in § 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to one or more of the respondents by affiliation, ownership, control, or position of responsibility or other connection in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may, directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States, (b) in any reexport thereof, or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. In accordance with the provisions of § 788.19(e) of the Regulations, any respondent may, at any time, appeal this temporary denial order by filing with the Office of the Administrative Law Judge, U.S. Department of Commerce, room H–6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order is effective immediately and shall remain in effect for 180 days.

VII. In accordance with the provisions of § 788.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order shall be served on each respondent and this order shall be published in the **Federal Register**.

Dated: March 19, 1992.

Douglas E. Lavin,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 92–7008 Filed 3–25–92; 8:45 am]

BILLING CODE 3510–DT–M

[3] A validated export license or reexport authorization is required for shipments of shotguns to certain African nations. There is a presumption of denial for any export license application to ship shotguns to South Africa because a strict U.S. arms embargo is in effect, despite the recent relaxation of certain other export controls for South Africa. 15 CFR 785.4(a).

Until march 21, 1990, when it received its independence from South Africa, Namibia was also subject to the South African arms embargo, because Namibia was under the control of South Africa. The Department's amendments to the Regulations deleting Namibia from the South Africa controls were published in the **Federal Register** on August 20, 1990, 55 FR 33896.

Although there is no embargo on shotgun shipments to Botswana, nevertheless a validated export license is required.

Action Affecting Export Privileges; Ahmed Modarressi; Order Denying Permission To Apply for Or Use Export Licenses

In the matter of: Ahmad Modarressi number 11, Oztu Gap 04 Murettip Sok findikzade, Istanbul, Turkey.

On November 7, 1988, Ahmad Modarressi was convicted in the United States District Court for Masachusetts of violating section 38 of the Arms Export Control Act (currently codified at 22 U.S.C.A. 2778 (1991)) (AECA).

Section 11(h) of the Export Adminstration Act, as amended (currently codified at 50 U.S.C.A. app. 2401–2420 (1991)) (EAA),[1] provides that, at the discretion of the Secretary of Commerce, [2] no person convicted of a viloation of section 38 of the AECA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating section 38 of the AECA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Modarressi's conviction for violating Section 38 of the AECA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Modarressi permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on November 7, 1998. I have also decided to revoke all export licenses issued pursuant to the EAA in which Modarressi had an interest at the time of his conviction.

Accordingly, it is hereby Ordered.

I. All outstanding individual validated licenses in which Modarressi appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Licensing for cancellation. Further, all of Modarressi's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until November 7, 1998, Ahmad Modarressi, Number 11, Oztu Gap, 04 Murettip Sok, Findikzade, Istanbul, Turkey, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering buying selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Modarressi by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) In any transaction which may involve any comodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Adminstration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until November 7, 1998.

VI. A copy of this Order shall be deliverd to Modarressi. This order shall be published in the **Federal Register**.

Dated: March 17, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92–7010 Filed 3–25–92; 8:45 am]

BILLING CODE 3510–DT–M

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

International Trade Administration

[C–570–817]

Rescission of Initiation of Countervailing Duty Investigation and Dismissal of Petition: Chrome-Plated Lug Nuts and Wheel Locks From the People's Republic of China ("PRC")

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Stephanie L. Hager or Paulo F. Mendes, Investigations, Import Administration,

International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–5055 or 377–5050, respectively.

SUPPLEMENTARY INFORMATION:

Rescission of Initiation

Based on the Department's findings in the March 20, 1992, Redetermination on Remand of Final Antidumping Duty Investigation Pursuant to Court Remand: Chrome-Plated Lug Nuts from the People's Republic of China ("PRC") ("Lug Nuts Redetermination"), we determine that the PRC chrome-plated lug nuts and wheel locks ("lug nuts") industry is not market-oriented and, therefore, our initiation of this countervailing duty investigation is being rescinded and the proceeding terminated.

Case History

Since the publication of our notice of initiation (57 FR 877, January 9, 1992), the Department presented its questionnaire to the Government of the PRC on January 28, 1992.

Scope of Investigation

The merchandise that was covered by this investigation consisted of chrome-plated lug nuts and wheel locks from the PRC, as defined in the "Scope of Investigation" section of our notice of initiation (57 FR 877, January 9, 1992).

The PRC Lug Nuts Industry

In Preliminary Determination of Sales at Less than Fair Value: Sulfanilic Acid from the People's Republic of China (57 FR 9409, 9411, March 18, 1992), the Department articulated its criteria for determining whether a market-oriented industry exists in an economy which will otherwise be considered nonmarket:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country, would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry but substantial state ownership would weigh heavily against finding a market-oriented industry.
- Market-determined prices must be paid for all significant inputs, whether material or non-material (*e.g.*, labor and overhead), and for an all but insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers and the countervailing duty law may not be applied. See also, the soon to be published Preliminary Negative Countervailing Duty Determinations: Oscillating and Ceiling Fans from the PRC (signed on March 13, 1992).

In the Lug Nuts Redetermination, we applied these criteria to the PRC chrome-plated lug nut industry and found that a significant input (*i.e.*, steel) is not purchased at a market-determined price because of the extent of state-required production of that input. During the antidumping investigation, we verified the factual premises to this finding. Therefore, the third criteria for finding a market-oriented industry was not met.

Consistent with the Lug Nuts Redetermination, we determine that the PRC producers of lug nuts are nonmarket economy producers to which the countervailing duty law cannot be applied. See *Georgetown Steel Corp.* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1986). Accordingly, we are rescinding our initiation of the countervailing duty investigation of lug nuts from the PRC.

This determination is published pursuant to section 702(c)(3) of the Tariff Act of 1930, as amended, and 19 CFR 355.13(c).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–7041 Filed 3–25–92; 8:45 am]

BILLING CODE 3510-DS-M

[C–351–062]

Pig Iron From Brazil; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On January 28, 1992, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil. We have now completed this review and determine the net subsidy to be 0.06 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1992, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 64763) the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil (45 FR 23045; April 4, 1980). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments from Brazil of pig iron of basic, malleable, and low phosphorous grades. During the review period, such merchandise was classifiable under item numbers 7201.10.00, 7201.30.00, and 7206.10.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive. The review covers the period January 1, 1990 through December 31, 1990 and seven programs: (1) Income Tax Reduction for Export Earnings; (2) CACEX preferential Working Capital Financing for Exports; (3) FINEX preferential financing; (4) EST preferential financing; (5) EGF preferential financing; (6) BEFIEX Reduction of Taxes and Import Duties; and (7) FINEP Preferential financing. Nineteen companies produced and exported the subject merchandise to the United States during the review period.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the net subsidy to be 0.06 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Brazil exported on or after January 1, 1990 and on or before December 31, 1990. The Department will also instruct the Customs Service to waive the collection of cash deposits of estimated countervailing duties on all shipments of the subject merchandise from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 19, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–7042 Filed 3–25–92; 8:45 am]

BILLING CODE 3510-DS-M

U.S. Geological Survey; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 91–179. *Applicant:* U.S. Geological Survey, Menlo Park, CA 94025. *Instrument:* Electronics for Hydrogen-Water Equilibrium Device and Auto Freezing Microvolume Inlet System. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 57 FR 400, January 6, 1992.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The accessory is pertinent to the intended uses and we know of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–7043 Filed 3–25–92; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois at Urbana-Champaign, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 91–185. *Applicant:* University of Illinois at Urbana-Champaign, Urbana, IL 61801. *Instrument:* Mass Spectrometer, Model IMS–5F. *Manufacturer:* Cameca, France. *Intended Use:* See notice at 57 FR 1725, January 15, 1992. *Reasons:* The foreign instrument provides: (1) A double-focussing magnetic sector for microbeam imaging at submicrometer resolution, (2) mass resolution to 20,000 and (3) both oxygen and cesium ion guns. *Advice Received From:* National Institutes of Health, February 20, 1992.

Docket Number: 91–187. *Applicant:* The Pennsylvania State University, University Park, PA 16802–4801. *Instrument:* CCD Microscope System. *Manufacturer:* Japan High Tech Co., Ltd., Japan. *Intended Use:* See notice at 57 FR 1725, January 15, 1992. *Reasons:* The foreign instrument provides: (1) A stage-mounted chamber which can cool or heat specimens from −185°C to 1500°C at a precisely controlled rate (0.1°C/minute to 90°C/minute) and (2) a high resolution CCD image for photographing or videotaping specimen changes. *Advice Received From:* National Institute of Standards and Technology, February 24, 1992.

The National Institutes of Health and National Institute of Standards and Technology advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 92–7044 Filed 3–25–92; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 920364–2064]

National Voluntary Laboratory Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of Change—NVLAP Thermal Insulation Materials (TIM) Testing Program.

SUMMARY: The National Voluntary Laboratory Accreditation Program (NVLAP), National Institute of Standards and Technology (NIST) announces that the Thermal Insulation Materials Testing Program (TIM) is changed to the Thermal Insulation and Building Envelope Materials Testing Program (TIB). The scope of the laboratory accreditation program is revised to include testing products and materials that affect the thermal integrity, energy performance, and quality of building envelopes. The test methods in the expanded program will apply to testing of Thermal Insulation Materials, Fenestration Products (Windows and Doors), Building Seals and Sealants and other appropriate materials that comprise the building envelope.

FOR FURTHER INFORMATION CONTACT: Lawrence Galowin, Program Manager, National Voluntary Laboratory Accreditation Program, national Institute of Standards and Technology, Building 411, A146, Gaithersburg, MD 20899, (301) 975–4022.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with §§ 7.2 and 7.18 of the NVLAP procedures (15 CFR, part 7). The Thermal Insulation Materials Testing Program (TIM) was established in 1979 at the request of three private sector thermal insulation trade associations. The purpose of the program was to develop a list of accredited laboratories

that produce reliable thermal insulation test data. The Thermal Insulation Materials Testing Program was the first of the NVLAP Laboratory Accreditation Programs.

The scope of the TIM program was to provide consumers with reliable data on the ability of thermal products to resist heat flow. The efficient use of these materials contributes to the nation's need to conserve energy consumed in heating and cooling buildings; the added products and materials augment that goal.

Need for Change

One of the continuing goals of NVLAP is to streamline the program where possible to increase efficiency and reduce costs and be responsive to its laboratory constituency. NVLAP, also, aims to carry out its program to be compatible with and recognized by domestic, foreign, and international systems for laboratory accreditation so as to enhance the universal acceptance of test data produced by NVLAP-accredited laboratories. As Federal, state and local governments pass legislation requiring buildings to be more energy-efficient, the performance of the entire building envelope becomes more important. Building owners, architects and heating and cooling engineers need to know the energy performance of the entire building envelope, including thermal insulation, fenestration elements (windows and doors), building seals and sealants, and other appropriate materials, to determine the thermal integrity, energy efficiency and quality of the building envelope.

The purpose of the Thermal Insulation Materials Laboratory Accreditation program, when established in 1979, was to provide consumers with reliable data on the ability of thermal insulation to resist heat flow. The initial program encompassed specific tests on materials such as: batts, blankets, loose fill and pre-formed board thermal insulations.

The request to add the testing of fenestration products (windows and doors) to the NVLAP accreditation was submitted by a NVLAP accredited independent testing laboratory, Warnock Hersey International, Inc. The request initially suggested the window and door program be included in the NVLAP Commercial Products Testing Program. After discussion with NVLAP, the requestor agreed that the program to test window and door products is to include data on the thermal performance and quality of the installed products. Therefore, the request was changed to bring the fenestration testing program into the Thermal Insulation Materials Program and to expand the program to include other building envelope materials. Also, Building Seals and Sealants will be included in TIB (previously only in the Commercial Products Testing Program and to be continued for laboratory interests in that program).

The requestor submitted the following list of test methods for which laboratories may apply for accreditation for testing fenestration products:

(NVLAP Application Test Methods Codes 01/W01—01/W09 and 01/P01 & 01/P02)

01/W01 ASTM E283 Air Leakage Rate—Windows, Curtain Walls and Doors

01/W02 ASTM E330 Structural Performance by Uniform Static Air Pressure Differential—Windows, Curtain Walls and Doors

01/W03 ASTM E331 Water Penetration by Uniform Static Air Pressure Difference—Windows, Curtain Walls and Doors

01/W04 ASTM E424 Solar Energy Transmittance and Reflectance—Sheet Materials

01/W05 ASTM E546 Frost Point of Sealed Insulating Glass Units

01/W06 ASTM E547 Water Penetration—Cyclic Static Air Pressure Difference—Windows, Curtain Walls and Doors

01/W07 ASTM E773 Durability of Sealed Insulating Glass Units

01/W08 ASTM C976 Thermal Performance Calibrated Hot Box

The addition of ASTM C976 "Thermal Performance Calibrated Hot Box" to the expanded TIM Program was recommended by Technical Experts who conduct on-site assessments for NVLAP, the above mentioned laboratory, and by R. G. Miller and W. P. Goss in the paper, "Hot Box, Instrumentation, Calibration and Error Estimate-A Survey" presented at the ASTM Committee C-16 Second Symposium on Insulation Materials: Testing and Applications, October 10-12, 1991 in Gatlinburg, Tennessee.

For comprehensive window programmatic needs the list of methods will also include the new standard ASTM C1199 and Computer Computational Methods:

01/W09 ASTM C1199—91—Test Method for Measuring the Steady State Thermal Transmittance of Fenestration Systems Using Hot Box Methods

01/P01 LBL Report 25685 Window 3.1 A PC Program for Analyzing Window Thermal Performance

01/P02 Frame 2.2 (Carpenter, S. & McGowan, A.G., Waterloo, Ontario, Canada)

The test methods of C976 and C236 "Steady State Thermal Performance of Building Assemblies by Means of a Guarded Hot Box" (already in the TIM program) in the expanded program are referenced for application to window testing.

The National Research Council of Canada (NRC), Canadian Construction Materials Centre (CCMC) has under consideration a policy statement as a guideline for recognition of only NVLAP accredited laboratories for particular tests under the NIST/NVLAP—Canadian Standards Association bi-lateral agreement. The CCMC has indicated (in discussions) their strong interest in the fenestration products addition to the Thermal Insulation Program.

The National Fenestration Research Council (NFRC) is developing a certification, rating and labeling program for window and door products that may include test standards and methods for accreditation as it relates to certification to meet their requirements for energy ratings and labeling.

Recognition of NVLAP accreditation in support of, and in collaboration with, NFRC programs has been proposed.

Fenestration products (windows and doors) are parts of the building envelope; those components contribute to the energy-efficient performance of buildings and provide resistance to external variable conditions. This announcement provides for testing laboratories to apply for accreditation for testing thermal insulation materials, fenestration products (windows and doors), building seals and sealants, under the Thermal Insulation and Building Envelope Materials Testing Program. Other appropriate fields and test methods for building envelope parameters and performance of materials may be requested and added to the Program following NVLAP Procedures through letter submittals.

Dated: March 20, 1992.

John W. Lyons,

Director.

[FR Doc. 92-7039 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Availability of Proposed Environmental Assessment, Request for Public Comments and Notice of Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of availability of proposed environmental assessment; request for public comments and, notice of public hearing.

SUMMARY: The National Oceanic and Atmospheric Administration announces the availability of a proposed Supplemental Environmental Assessment (SEA) of the potential bioeffects of non-ionizing radio frequency radiation (RFR) generated by deployment and operation of Weather Surveillance Radars 88 Doppler (WSR-88D) throughout the United States to support the National Weather Service modernization program, requests comment on the proposed SEA, and gives notice of a public hearing to receive comments on the proposed SEA.

DATES: Comments are requested until May 26, 1992.

A public hearing shall be held on April 21, 1992, at 10 a.m.

ADDRESSES: Comment should be directed to: Mr. David Smiley (SPO121), SEA Coordinator NOAA, 1325 East West Highway, room 15166, Silver Spring, MD 20910, Attn: J. Wargo.

The hearing will be held in the Auditorium, Herbert C. Hoover Building, 14th and Constitution Avenue, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Inquiries or requests for copies of the proposed SEA should be directed to: Mr. David Smiley (SPO121), SEA Coordinator NOAA, 1325 East West Highway, room 15166, Silver Spring, MD 20910, 301-713-1000. Questions on hearing procedures should be directed to the Office of the Administrative Law Judge, 14th Street and Constitution Avenue NW., room 6716, Washington, DC 20230, 202-377-3135.

SUPPLEMENTARY INFORMATION: In November 1984 a Programmatic Environmental Impact Statement (PEIS) was adopted regarding the deployment and operation of the WSR-88D, also known as Next Generation Weather Radars (NEXRADs) being developed jointly by the Departments of Commerce, Defense and Transportation. After public review, the PEIS concluded that deployment and operation of the NEXRADs throughout the United States would have no significant adverse environmental or health impacts.

A proposed SEA has been drafted to update that portion of the PEIS dealing with the potential bioeffects of WSR-88D. The proposed SEA takes into account studies conducted since 1984 on the potential bioeffects of RFR and the specific energy characteristics of WSR-88D. The proposed SEA confirms that there will be no significant impacts.

On April 21, 1992, at 10 a.m. there will be an informal hearing to receive comments on the proposed SEA. This hearing will be held in the Auditorium of the Herbert C. Hoover Building, Department of Commerce, 14th St. and Constitution Avenue NW., Washington, DC. The hearing will continue until all persons desiring to be heard have had an opportunity to present their views. The hearing will be conducted by a member of the Department of Commerce Office of The Administrative Law Judge, who shall make all rulings appropriate for the expeditious conduct of the proceedings for insuring a fair opportunity for all interested persons to be heard. A verbatim transcript of the hearing shall be prepared and considered along with public comments timely submitted.

Persons desiring to comment in writing on the proposed SEA should send comments to the address indicated above to be received on or before the date indicated above.

After taking into account written comments and comments received at the hearing, the final version of the SEA will be prepared.

Dated: March 20, 1992.

Mark A. McCloy,

Deputy Program Manager, NEXRAD Joint System Program Office.

[FR Doc. 92-6858 Filed 3-30-92; 5:08 pm]

BILLING CODE 3510-12-M

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council's Law Enforcement Advisory Panel (LEAP) will meet on April 8, 1992, from 1 p.m. until 5 p.m., at the Royal d'Iberville Hotel, 1980 Beach Boulevard, U.S. Highway 90, Biloxi, MS.

The LEAP will review the following: (1) The Coastal Migratory Pelagics Amendment #6, (2) the Shrimp Amendment #6; (3) the Texas Closure Recommendation; and (4) Red Snapper enforcement problems.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: March 20, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-6959 Filed 3-25-92; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service, Center for Utilization of Federal Technology—Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487-4732. All patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Patent Licensing Specialist, Center for the Utilization of Federal Technology.

Department of Health and Human Services

7-504,306 (U.S. 5,073,468) Assay for Mycoplasma Fermentans

7-528,090 (U.S. 5,044,363) Waste Gas Released During Surgical Activity (Adsorption System for Scavenging Anesthetic Agents)

7-541,032 (U.S. 5,066,072) Treatment of Mood Disorders with Functional Antagonists of the Glycine/NMDA Receptor Complex

7-590,443 (U.S. 5,075,228) Recombinant Clones of Chlamydia Trachomatis Lipopolysaccharide

7-667,170 Polysaccharide-Protein Conjugates

7-668,298 The TRK Typosine Kinase Receptor is the Physiological Receptor for Nerve Growth Factor

7–677,429 Pharmaceutical Compositions and Methods for Preventing Skin Tumor Formation and Causing Regression of Existing Tumors
7–742,750 CD4+, Latently HIV-1-Infected Hematopoietic Progenitor Cells

Department of Agriculture

7–365,226 (U.S. 5,023,174) Recombinant Brucella Abortus Gene Expressing Immunogenic Protein
7–563,170 (U.S. 5,089,701) Nondestructive Measurement of Soluble Solids in Fruits Having a Rind or Skin
7–619,237 (U.S. 5,083,975) Method for Reducing Fecal Leakage and Contamination During Meat and Poultry Processing
7–785,375 Production of Eicosapentaenoic Acid From Filamentous Fungi Utilizing Lactose as a Primary Carbon Source
7–790,042 Process for the Preparation of Ketones and Novel Insecticides Produced Therefrom
7–807,333 Use of Native Aspergillus Flavus Strain to Prevent Aflatoxin Contamination
7–807,334 Attached Growth Biological Reactor
7–822,505 Probiotic for Control of Salmonella
7–826,750 Sex Attractant for the Mint Root Borer

[FR Doc. 92–7013 Filed 3–25–92; 8:45 am]
BILLING CODE 3510–04–M

Patent and Trademark Office

Advisory Commission on Patent Law Reform; Meeting

AGENCY: Patent and Trademark Office, Commerce.
ACTION: Notice of meeting.

SUMMARY: The Commission was chartered on August 15, 1990, to advise the Secretary of Commerce on the state of, and need for, any reform in the United States patent system, as well as the need for any changes in the U.S. laws relating to the enforcement and the licensing of U.S. patents. This meeting will provide an opportunity for a discussion of the findings and draft final report of the Advisory Commission.

DATES: The Advisory Commission on Patent Law Reform will meet on April 27, 1992, from 9 a.m. to 5:30 p.m.

PLACE: Crystal Park Three, Eleventh Floor, 2131 Crystal Drive, Arlington, Virginia 22202.

MATTERS TO BE CONSIDERED: 1. Presentation and discussion of the draft report of the Advisory Commission.

2. Set administrative agenda for further Advisory Commission proceedings and report preparation.

BACKGROUND: As part of its goal of providing the Secretary of Commerce with an assessment of the United States patent system, the Advisory Commission has been studying an agenda of fourteen issues. The Commission has sought public input on the issues through an invitation for public comment published May 16, 1991 (56 FR 22702), and received a substantial response. During the last meeting, the four Working Groups of the Advisory Commission presented draft reports containing their initial findings and recommendations on the fourteen issues. Since that point, the outstanding issues have been addressed, and the findings and recommendations of the four reports have been integrated into a draft final report. The current meeting will provide an opportunity for the Advisory Commission to present the draft final report, and to hold discussions on the findings and recommendations therein.

SUPPLEMENTARY INFORMATION: The meeting will be open to public observation. Approximately 45 seats have been reserved for the public on a first-come, first-served basis. Efforts will be made to accommodate all requests for attendance; however, to ensure that adequate seating will be available, parties wishing to attend should request a reservation by April 25, 1992. Reservations for attendance should be made through the contact person indicated below. If time permits, the Chairperson may allow oral comments or questions from the public attendees. Written comments and suggestions will be accepted before or after the meeting on any of the agenda matters.

FOR FURTHER INFORMATION CONTACT: E.R. Kazenske, Executive Assistant to the Commissioner, Box 15, Patent and Trademark Office, Washington, DC 20231; (703) 305–8600.

Dated: March 20, 1992.

Harry F. Manbeck, Jr.,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 92–6956 Filed 3–25–92; 8:45 am]
BILLING CODE 3510–16–M

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agendas and Priorities; Public Hearing

AGENCY: Consumer Product Safety Commission.
ACTION: Notice of public hearing.

SUMMARY: The Commission will conduct a public hearing to receive views from all interested parties about its agenda and priorities for Commission attention during fiscal year 1994, which begins October 1, 1993. Participation by members of the public is invited. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal year 1994 will become part of the public record.

DATES: The hearing will begin at 10 a.m. on April 28, 1992. Written comments will be accepted until April 21, 1992. Requests from members of the public desiring to make oral presentations must be received by the Office of the Secretary not later than April 14, 1992. Persons desiring to make oral presentations at this hearing must submit a written text or summary of their presentations not later than April 21, 1992.

ADDRESSES: The hearing will be in room 556 of the Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. Written comments, requests to make oral presentations, and texts or summaries of oral presentations should be captioned "Agenda and Priorities" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 420, 5401 Westbard Avenue, Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: For information about the hearing or to request an opportunity to make an oral presentation, call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0800; telefax (301) 504–0127.

SUPPLEMENTARY INFORMATION: Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities for action, the Commission shall conduct a public hearing and provide an opportunity for the submission of comments.

Selection of priorities from the Commission's agenda of projects and programs is a crucial step in the development of the Commission's budget for each fiscal year. The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The Commission is beginning the process of formulating its budget request for fiscal year 1994, which begins on October 1, 1993.

For this reason, the Commission will conduct a public hearing on April 28, 1992, to receive comments from the public concerning its agenda and priorities for fiscal year 1994. The Commissioners desire to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; and health and safety officers of state and local governments.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. The Commission enforces and administers the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*); the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*); the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*); and the Refrigerator Safety Act (15 U.S.C. 1211 *et seq.*). Standards and regulations issued under provisions of those statutes are codified in the Code of Federal Regulations, title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. Section 4(j) of the CPSA expresses Congressional direction to the Commission to establish an agenda for action each fiscal year and to select from that agenda a limited number of projects for priority attention.

Commission priorities are selected in accordance with the Commission statement of policy governing establishment of priorities codified at 16 CFR 1009.8. That policy statement includes the following factors to be considered by the Commission when selecting its priorities:

1. Frequency and severity of injuries associated with consumer products.
2. Amenability of a product hazard to injury reduction through regulation, information and education, or other action by the Commission.
3. Likelihood of future illness or injury resulting from chronic hazards which may be associated with consumer products.
4. Costs and benefits of Commission action.
5. Unforeseen nature of a risk of injury.
6. Vulnerability of children, the elderly, or persons with disabilities to a risk of injury.
7. Probability of exposure to a hazard associated with consumer products.

Persons who desire to make oral presentations at the hearing on April 28, 1992, should call or write Sheldon Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504–0800, telefax (301) 504–0127, not later than April 14, 1992.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations must submit the written text or a summary of their presentations to the Office of the Secretary not later than April 21, 1991. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on April 28, 1992, and will conclude the same day.

Written comments on the Commission's agenda and priorities for fiscal year 1994, should be received in the Office of the Secretary not later than April 21, 1992.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7038 Filed 3–25–92; 8:45 am]
BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Panel on Streamlining and Codifying Acquisition

AGENCY: Defense Systems Management College.
ACTION: Notice of meeting.

SUMMARY: Open to the public on April 9, 1992, starting at 8:30 a.m. in the Office of Technology Assessment (OTA) Conference Center, 600 Pennsylvania Ave., SE., Washington DC. The panel will hear presentations/recommendations by the task force on its review of the lower priority laws, and by the various panel working groups on the statutes they have reviewed to date.

For further information contact Major Jean Kopala at (703) 355–2665.

Dated: March 23, 1992.

Linda M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7021 Filed 3–25–92; 8:45 am]
BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form and Applicable OMB Control Number: *TRICARE Program Evaluation Survey.*

Type of Request: New Collection.

Average Burden Hours/Minutes Per Response: 40 minutes.

Responses Per Respondent: 2.

Number of Respondents: 750.

Annual Burden Hours: 1,000.

Annual Responses: 1,500.

Needs and Uses: The TRICARE coordinated care program will substantially alter the delivery of health care to all military beneficiaries, including retiree dependents, residing in the Tidewater area of Virginia. Evaluation of TRICARE requires survey information on beneficiary satisfaction, health status, access to care, and family background because DOD does not routinely collect this information.

Affected Public: Individuals or households.

Frequency: One time with one follow-up survey.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Joseph F. Lackey.

Written comments and recommendations on the proposed information collection should be sent to Mr. Lackey at the Office of Management and Budget, Desk Officer for DOD, room 3002, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. William P. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202–4302.

Dated: March 23, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–7022 Filed 3–25–92; 8:45 am]
BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee At

(Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 15 April 1992.

Time: 0800–1700 hours daily.

Place: Ft. Leavenworth, KS.

Agenda: Members of the 1992 ASB Summer Study, "C2 on the Move" will meet to continue work on the study. The purpose of this Classified meeting is directed to interviews with commanders who participated in Desert Storm and Just Cause. Areas of interest are in both "real world" operational concerns and command and control areas. This meeting will be closed to the public in accordance with section 552(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–6953 Filed 3–25–92; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board, Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 8–9 April 1992.

Time: 8 April 1992: 0800–1630 hours Open. 1930–2300 hours Closed. 9 April: 0800–1700 hours Open.

Place: Fort Belvoir, Virginia.

Agenda: The Army Science Board Spring General Membership Meeting will be conducted 8–9 April 1992 at Fort Belvoir, Virginia. This annual meeting consists of Issue Group Meetings, Membership Review Committee Meetings, Steering Group Meetings and general ASB planning discussions for the conduct of business in the near future. This meeting will be closed to the public (where indicated) in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening all portions of the meeting. The open portion of the meeting will be open to the public. Any person may attend, appear before or file statements with the committee at the time and in the matter permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92–7002 Filed 3–25–92; 8:45 am]

BILLING CODE 3710–8–M

Privacy Act of 1974; Record System Amendment

AGENCY: Department of the Army, DOD.

ACTION: Record system amendment.

SUMMARY: The Department of the Army proposes to amend one record system in its inventory of record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective without further notice on April 27, 1992, unless comments are received which would result in a contrary determination.

ADDRESSES: Send comments to the Office of Systems Management Branch (ASOP-MP) Ft. Huachuca, AZ 85613–5000.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Turner (602) 538-6856.

SUPPLEMENTARY INFORMATION: The Department of the Army record system notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register as follows:

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)
51 FR 23576, Jun 30, 1986
51 FR 30900, Aug 29, 1986
51 FR 40479, Nov 7, 1986
51 FR 44361, Dec 9, 1986
52 FR 11847, Apr 13, 1987
52 FR 18798, May 19, 1987
52 FR 25905, Jul 9, 1987
52 FR 32329, Aug 27, 1987
52 FR 43932, Nov 17, 1987
53 FR 12971, Apr 20, 1988
53 FR 16575, May 10, 1988
53 FR 21509, Jun 8, 1988
53 FR 28247, Jul 27, 1988
53 FR 28249, Jul 27, 1988
53 FR 28430, Jul 28, 1988
53 FR 34576, Sep 7, 1988
53 FR 49586, Dec 8, 1988
53 FR 51580, Dec 22, 1988
54 FR 10034, Mar 9, 1989
54 FR 11790, Mar 22, 1989
54 FR 14835, Apr 13, 1989
54 FR 46965, Nov 8, 1989
54 FR 50268, Dec 5, 1989
55 FR 13935, Apr 13, 1990
55 FR 21897, May 30, 1990 (Army Address Directory)
55 FR 41743, Oct 15, 1990
55 FR 46707, Nov 6, 1990
55 FR 46708, Nov 6, 1990
55 FR 48678, Nov 21, 1990
55 FR 48671, Nov 21, 1990 (Amended ID Numbers)
55 FR 51467, Dec 14, 1990
56 FR 7018, Feb 21, 1991
56 FR 15593, Apr 17, 1991
56 FR 21134, May 7, 1991
56 FR 27940, Jun 18, 1991
56 FR 42986, Aug 30, 1991
56 FR 42991, Aug 30, 1991
56 FR 42995, Aug 30, 1991
56 FR 46162, Sep 10, 1991
56 FR 48523, Sep 25, 1991
56 FR 50864, Oct 9, 1991
56 FR 57626, Nov 13, 1991

The amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the record system being amended are set forth below, followed by the record system notices, as amended, published in its entirety.

Dated: March 16, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0215–1bSAFM

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System (53 FR 28430, July 28, 1988)

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add "and any other debtor to a nonappropriated fund instrumentality." to the end of the entry.

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "31 U.S.C. 3511, 3512, 3513, 3514; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5514 and 5101; 26 U.S.C. 6103(m)(2) IRC; 31 U.S.C. 3716; and Executive Order 9397."

* * * * *

PURPOSE(S):

Add "To permit collection of debts owed to a nonappropriated fund instrumentality. Records in this system of records are subject to use in authorized approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection." to the end of the entry.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:

Delete the entry and replace with "Records on individuals contained in this system of records may be disclosed:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to an Army nonappropriated fund instrumentality.

To any other Federal agency for the purpose of effecting salary offset procedures under the provisions of 5 U.S.C. 5514, against a person employed by that agency when any creditor Army nonappropriated fund instrumentality has a claim against the person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt, as defined at 31 U.S.C. 3701.

To the Internal Revenue Service (IRS) under the provisions of 26 U.S.C. 6103(m)(2) IRC to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (NOTE: Disclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Army nonappropriated fund instrumentality.

Any information in this system concerning an individual may be disclosed to a creditor Federal agency requesting assistance for the purpose of initiating debt collection action by way of a salary or administration offset against the individual.

The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of system of records notices apply to this system."

ADD A NEW CATEGORY "DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Director, Defense Finance and Accounting Service-Indianapolis Center, ATTN: DFAS-IN-PN, Indianapolis, IN 46249–1056."

* * * * *

RECORD SOURCE CATEGORIES:

Add "from the Department of the Treasury and the Defense Manpower Data Center." to the end of the entry.

* * * * *

A0215–1bSAFM

SYSTEM NAME:

Nonappropriated Fund Accounts Receivable System

SYSTEM LOCATION:

Nonappropriated Fund (NAF) activities at Army installations worldwide. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past users of nonappropriated fund instrumentalities (NAFI) whose accounts show balances other than zero. Persons using Post billeting facilities on a fee paid basis (bachelor officer quarters, visitor officer quarters and guest house facilities) and persons no longer using such facilities whose accounts have other than zero balances. Any individual having a statement of account for the billing period, individuals occupying government housing at any military installation. Individual class B telephone subscribers. Members, customers or civilians having 30 day credit terms for 'charge sales and/or dues obligations to NAF activities. All persons whose accounts have been dishonored by banking institutions and their checks returned to NAF activities. Individuals who have cash loans charged to their accounts and any other debtor to a nonappropriated fund instrumentality (NAFI).

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, SSN, rank, amount of charges, billings of items or services furnished, subsidiary ledgers containing detail of services billed and paid by individual; work order forms, invoice listings, monthly receipt vouchers, date and method of payment, file of billings associated with returned/dishonored checks, and relevant similar documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3511, 3512, 3513, 3514; 10 U.S.C. 2481 and 3012; 5 U.S.C. 5514 and 5101; 26 U.S.C. 6103(m)(2) IRC; 31 U.S.C. 3716; and Executive Order 9397.

PURPOSE(S):

To maintain current rosters as subsidiary records for accounts receivable and cash accountability control; to provide monthly statements to customers. To provide ledger balances for activity financial statements. To prepare aged listing of accounts receivable, 30, 60, and 90 days. To answer inquiries of members on account status and specific transactions.

To permit collection of debts owed to a nonappropriated fund instrumentality.

Records in this system of records are subject to use in authorized approved computer matching programs regulated under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, for debt collection.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USERS:

Records on individuals contained in this system of records may be disclosed:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owed to an Army nonappropriated fund instrumentality.

To any other Federal agency for the purpose of effecting salary offset procedures under the provisions of 5 U.S.C. 5514, against a person employed by that agency when any creditor Army nonappropriated fund instrumentality has a claim against the person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset, as defined at 31 U.S.C. 3701, of a debt.

To the Internal Revenue Service (IRS) under the provisions of 26 U.S.C. 6103(m)(2) IRC to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer. (NOTE: Disclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DOD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.)

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed an Army nonappropriated fund instrumentality.

Any information in this system concerning an individual may be disclosed to a creditor Federal agency requesting assistance for the purpose of initiating debt collection action by way of a salary or administration offset against the individual.

The "Blanket Routine Uses" set forth at the beginning of the Army's compilation of system of records notices apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING AND REPORTING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes and/or discs by account in numerical and alphabetical order; computer hard copy printouts filed in binders; copies of statements filed in folders.

RETRIEVABILITY:

By customer name and SSN.

SAFEGUARDS:

Records are maintained in lock-type cabinets within storage areas accessible only to authorized personnel. Personnel having access are limited to those having an official need-to-know who have been trained in handling personal information subject to the Privacy Act.

RETENTION AND DISPOSAL:

Destroyed after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Defense Finance and Accounting Service - Indianapolis Center, ATTN: DFAS-IN-PN, Indianapolis, IN 46249-1056.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the custodian of nonappropriated funds activities at the installation where record is believed to exist. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records contained in this system of records should address written inquiries to the appropriate nonappropriated fund activity custodian. Official mailing addresses are published as an appendix to the Army's compilation of system of records notices.

Individual should furnish their full name, SSN, and account number.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From daily transaction registers/ journals received from billeting officer, signal officer, and/or club officers; from the Department of the Treasury and the Defense Manpower Data Center.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 92-6363 Filed 3-25-92; 8:45 am]

BILLING CODE 3810-01-F

Defense Investigative Service

Privacy Act of 1974; Amend a Record System

AGENCY: Defense Investigative Service, DOD.

ACTION: Amend a record system.

SUMMARY: The Defense Investigative Service proposes to amend one record system notice subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed amendment will be effective April 27, 1992, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Chief, Office of Information and Public Affairs, Defense Investigative Service, 1900 Half Street, SW., Room 6115, Washington, DC 20324-1700.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Hartig at (202) 475-1062.

SUPPLEMENTARY INFORMATION: The complete Defense Investigative Service system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, has been published in the **Federal Register** as follows:

50 FR 22943, May 29, 1985 (DOD Compilation, changes follow)
55 FR 22390, Jun 1, 1990
56 FR 12716, Mar 27, 1991
56 FR 46163, Sep 10, 1991
57 FR 1155, Jan 10, 1992
57 FR 5421, Feb 14, 1992

The amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of an altered system report. The specific changes to the notice being amended are set forth below followed by the system notice, as amended, published in its entirety.

Dated: March 18, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

V1-01

CHANGES:

SYSTEM NAME:

Privacy and Freedom of Information Request Records (50 FR 22944, May 29, 1985)

* * * * *

SYSTEM LOCATION:

Add "Privacy Act records are located at the Defense Investigative Service, Privacy Act Office, P.O. Box 1211, Baltimore, MD 21203-1211." to the end of the entry.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

On line 2 after "requesters" insert a semicolon (;). Delete the rest of line 2 and all of line 3 and replace with "correspondence and other documentation pertaining to requests for information released or withheld;".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add "DOD Regulation 5400.7-R, Freedom of Information Act Program (32 CFR part 286); and DOD Regulation 5400.11-R, DOD Privacy Program (32 CFR part 286a)." to the end of the entry.

PURPOSE(S):

Delete entry and replace with "The system contains records documenting requests for information and DIS responses to those requests; actions taken in subsequent requests (including correction and amendment actions), appeals, or litigation. The records are also used as a basis for reports and implementing directives."

* * * * *

STORAGE:

At the end of the first line delete "and" insert a period (.). On line 2, delete "microfilm" and replace with "Backup copies exist on microfilm or other machine-readable media."

RETRIEVABILITY:

Delete lines 2 and 3.

SAFEGUARDS:

On line 4, add a period (.) after "personnel". Delete the rest of line 4 and line 5.

RETENTION AND DISPOSAL:

Delete entry and replace with "Records are destroyed two years after date of reply EXCEPT when access to all or any part of the information requested has been denied, destruction occurs 5 years after date of reply; when subsequent administrative action has occurred under the governing act, all originals and copies shall be destroyed 4 years after final denial by the agency or 3 years after final adjudication by the courts, whichever is later. Destruction of paper records is accomplished by shredding, burning or pulping. Machine readable media are erased or overwritten."

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with "Defense Investigative Service, Office of Information and Public Affairs, 1900 Half St, SW, Washington, DC 20324-1700 for Freedom of Information Request records.

Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224-6603 for Privacy Act records."

NOTIFICATION PROCEDURE:

Delete the entry and replace with "Individuals seeking to determine if information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224-6603 for Privacy Act records."

RECORD ACCESS PROCEDURES:

Delete the entry and replace with "Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324-1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224-6603 for Privacy Act records.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office."

CONTESTING RECORD PROCEDURES:

Delete entry and replace with "The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28-4, Access to and Maintenance of DIS Personal Records; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324-1700".

* * * * *

V1-01

SYSTEM NAME:

Freedom of Information and Privacy Request Records.

SYSTEM LOCATION:

Freedom of Information records are located at the Defense Investigative Service, Information and Public Affairs Office, 1900 Half Street, SW, Washington, DC 20324-1700.

Privacy Act records are located at the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224-6603.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted requests or who were the subject of requests under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of all correspondence by requesters; correspondence and other documentation pertaining to requests for information released or withheld; summaries and logs of actions taken regarding requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552 as amended by Pub. L. 93-502, Freedom of Information Act; 5 U.S.C. 552a, Pub. L. 93-579, the Privacy Act of 1974, as amended; Department of Defense Regulation 5400.7-R, Freedom of Information Act Program (32 CFR part 286); and Department of Defense Regulation 5400.11-R, DOD Privacy Program (32 CFR part 286a).

PURPOSE(S):

To facilitate responses to individual requests for information; to document actions taken in subsequent requests (including correction and amendment actions), appeals, or litigation; to provide a basis for reports and implementing directives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The "Blanket Routine Uses" published at the beginning of DIS' compilation of record system notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, backup copies exist on diskettes or other machine-readable media.

RETRIEVABILITY:

Information is retrieved by the name of the subject of the request.

SAFEGUARDS:

Records are maintained in security containers and only authorized personnel are permitted access.

RETENTION AND DISPOSAL:

Records are destroyed two years after date of reply EXCEPT when access to all or any part of the requested information has been denied, destruction occurs 5 years after date of reply; when subsequent administrative action has occurred under the governing act, all originals and copies shall be destroyed 4 years after final denial by the agency or 3 years after final adjudication by the courts, whichever is later. Destruction of paper records is accomplished by shredding or burning. Machine readable media are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Investigative Service, Deputy Director (Resources), 1900 Half Street, SW., Washington, DC 20324–1700.

NOTIFICATION PROCEDURES:

Individuals seeking to determine if information about themselves is contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–0603 for Privacy Act records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW, Washington, DC 20324–1700 for Freedom of Information request records and the Defense Investigative Service, Privacy Act Office, 2200 Van Deman Street, Baltimore, MD 21224–0603 for Privacy Act records.

A request for information must contain the full name of the subject individual.

Personal visits will require a valid driver's license or other picture identification and are limited to the Privacy Act Office.

CONTESTING RECORD PROCEDURES:

The agency's rules for accessing records, contesting contents, and appealing initial determinations by the individual concerned are contained in DIS Regulation 28–4, Access to and Maintenance of DIS Personal Records; 32 CFR part 321; or may be obtained from the Defense Investigative Service, Office of Information and Public Affairs, 1900 Half Street, SW., Washington, DC 20324–1700.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from requesters, from other federal agencies with collateral interest in a request, and from records which were the subject of requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Portions of this system of records may be exempt pursuant to 5 U.S.C. 522a(k)(2), (k)(3), and (k)(5), as applicable.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 321. For additional information contact the system manager.

[FR Doc. 92–6758 Filed 3–25–92; 8:45 am]

BILLING CODE 3810–01–F

Department of the Navy

Board of Advisors to the Superintendent, Naval Postgraduate School; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, Monterey, California, will meet on 7-8 May 1992, in Herrmann Hall (Building 220) at the school. All sessions will be open to the public.

The purpose of the meeting is to elicit the advice of the board on the Navy's Postgraduate Education Program. The board examines the effectiveness with which the Naval Postgraduate School is accomplishing its mission. To this end, the board will inquire in the curricula; instruction; physical equipment; administration; state of morale of the student body, faculty, and staff; fiscal affairs; and any other matters relating to the operation of the Naval Postgraduate School as the board considers pertinent.

For further information concerning this meeting, contact: Captain Gary K. Iversen, USN (Code 007), Naval Postgraduate School, Monterey, California, 93943-5001, Telephone: (408) 646-2512.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–7005; Filed 3–25–92; 8:45 am]

BILLING CODE 3810–AE–F

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee Panel on STOVL (Short Take-Off/Vertical Landing) Strike Fighter (SSF) Replacement Aircraft in the 2010-2020 Timeframe will meet on April 22 and 23, 1992. The meeting will be held at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria Virginia. The meeting will commence at 8:30 am and terminate at 5:30 pm on April 22; and commence at 8:00 am and terminate at 3:30 pm on April 23, 1992.

The purpose of the meeting is to provide the Navy with an assessment of the need for an SSF as a multi-mission replacement aircraft for the 2010-2020 timeframe, and identify the key technology issues and trade-offs associated with the SSF versus Convential Take-Offs and Landing (CTOL) aircraft. The agenda will include briefings and discussions related to the projected threat and future requirements, including an SSF Operational Utility Analyses briefing, U.S. Navy program and acquision sponsor perspectives, and threat projections and future requirements of the U.S. Air Force and National Aeronautics and Space Administration. These briefings and discussions will contain classified information that is specifically authorized under critera established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassied matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matter listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander John Hrenko, USN, Office of the Chif of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, Telephone Number: (703) 696-4870.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–7006; Filed 3–25–92; 8:45 am]

BILLING CODE 3810–AE–F

Government Owned Inventions; Intent to Grant Exclusive Patent License

AGENCY: Department of the Navy, DoD.

ACTION: Intent to Grant Exclusive Patent License: Focal Technologies Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Focal Technologies Inc. a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,027,945 "Optical Sliprings", issued June 7, 1977.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIPP), 800 North Quincy, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: March 18, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92–7004; Filed 3–25–92; 8:45 am]

BILLING CODE 3810–AE–F

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 27, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson, (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 20, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.
Title: State Plan Operated by State Educational Agencies Under the Even Start Program and Application and Continuation Applications for Indian Tribes and Tribal Organizations Under the Even Start Program.
Frequency: Annually.
Affected Public: State or Local Government.
Reporting Burden: Responses—95; Burden Hours—1,495.
Recordkeeping Burden: Recordkeepers—0; Burden Hours—0.
Abstract: This State Plan will be used by the Department to make awards and to ensure the states meet the requirements of the statutes and regulations. Indian tribes and tribal organizations are required to submit applications for new and continuation grants to operate Even Start projects.

Office of Educational Research and Improvement

Type of Review: Reinstatement.
Title: Star School Program.
Frequency: Quarterly.
Affected Public: State or local governments, Business or other for profit, Non-profit institutions, Small businesses or organizations.
Reporting Burden: Responses—75; Burden Hours—7,500.
Recordkeeping Burden: Recordkeepers—0; Burden Hours—0.
Abstract: This application will be used by telecommunication partnership grantees who apply for funding. The information will be used to make grants awards.

[FR Doc. 92–6981 Filed 3–25–92; 8:45 am]

BILLING CODE 4000–01–M

Office of Administrative Law Judges; Intent To Compromise a Claim, Washington State Board for Vocational Education

AGENCY: Department of Education.

ACTION: Notice of intent to compromise a claim.

SUMMARY: The Department intends to compromise a claim against the Washington State Board for Vocational Education now pending before the Office of Administrative Law Judges (OALJ), Docket No. 91–27–R. (20 U.S.C. 1234a(j)).

DATES: Interested persons may comment on the proposed action by submitting written data, views, or arguments on or before May 11, 1992.

ADDRESSES: Comments should be addressed to Kathleen Ryan, Esq., Office of the General Counsel, U.S. Department of Education, 400 Maryland Avenue, SW., (room 4099, FOB–6), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Kathleen Ryan, Esq., Telephone: (202) 401–0807. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The claim in question arose from an audit of

the financial affairs and operations of the State of Washington Department of Education (State) for the fiscal year ending June 30, 1989. The audit was performed by the Washington State Auditor, to fulfill the requirements of Office of Management and Budget Circular A-128. The audit included the evaluation of the internal control systems, including applicable internal administrative controls, used in administering Federal financial assistance programs. Among the systems examined were the State community colleges' procedures for ensuring that funds reserved under section 202 of the Carl D. Perkins Vocational Education Act (Perkins Act), 20 U.S.C. 2332 (1988), for handicapped and disadvantaged vocational education students were being used to pay only for the Federal share of the "excess costs" of serving handicapped and disadvantaged students enrolled in vocational programs.

Sections 201(c) (1) and (2) of the Perkins Act (20 U.S.C. 2331(c) (1) and (2)) and the implementing regulations (34 CFR 401.52(a) and 401.53(a)(1)) provide that funds reserved for the handicapped and disadvantaged may only be used for the Federal share of the costs of providing "supplemental or additional staff, equipment, materials, and services not provided to other individuals in vocational education that are essential for handicapped (and disadvantaged) individuals to participate in vocational education." Pursuant to section 201(h)(1) of the Act (20 U.S.C. 2331(h)(1)) and the implementing regulations (34 CFR 401.58(a)(1)), these excess costs may include the cost of providing basic skills instruction for handicapped and disadvantaged individuals who are enrolled in vocational education programs.

During the course of the audit, the auditors were unable to find documentation to show that the handicapped and disadvantaged students being served in the projects supported by Perkins funds—which included counseling and basic skills instruction—were also enrolled in vocational programs. In addition, the auditors questioned whether the funded activities and services were limited to the excess costs of enabling the handicapped and disadvantaged to participate in vocational education. Based on these findings, and on a finding that some of the community colleges had violated the assurance made in the State plan and required by section 113(b)(16) of the Perkins Act (20 U.S.C. 2323(b)(16)) that the State would use Perkins funds to supplement, and not supplant, State and local funds available for vocational education, the Assistant Secretary for Vocational and Adult Education (Assistant Secretary) notified the State Board for Vocational Education in a program determination letter dated March 29, 1991, that it had to repay a total of $192,354 for disallowed costs charged to the Perkins Act grant. The State appealed the Assistant Secretary's determination to the Office of the Administrative Law Judges.

The Department proposes to compromise the full amount of the $192,354 claim for $49,500. In mediation sessions before the Federal Mediation and Conciliation Service, the State provided additional information and documentation concerning the numbers of handicapped or disadvantaged vocational education students being served and the types of services and activities involved. The State also submitted documentary evidence concerning the necessity of the services and activities to the participation of the handicapped and disadvantaged students in vocational education, and the non-availability of these services and activities to non-handicapped and non-disadvantaged vocational students.

The State has also indicated that corrective action has been taken to ensure that the community colleges will keep documentation sufficient to show, where necessary, that students being served with Perkins funds are enrolled in vocational programs. Information contained in the Washington State plan for vocational education submitted under the current statute, the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, Public Law No. 101-392, 104 Stat. 753, indicates that the community colleges have a system for keeping records of the members of special populations, including the handicapped and disadvantaged, enrolled in vocational education programs. Given these factors, and the litigation risks and costs of proceeding through the appeal process, the Department has determined that it would not be practical or in the public interest to continue this proceeding. Moreover, the Department is satisfied that the practices that resulted in the claim have been corrected and will not recur.

The public is invited to comment on the Department's intent to compromise this claim. Additional information may be obtained by writing to Kathleen Ryan, Esq. at the address given at the beginning of the notice.

Program Authority: 20 U.S.C. 1234a(f).

Dated: March 19, 1992.

Donald A. Laidlaw,

Assistant Secretary for Human Resources and Administration.

[FR Doc. 92-6982 Filed 3-25-92; 8:45 am]

BILLING CODE 4000-01-M

National Education Commission on Time and Learning; Meeting

AGENCY: National Education Commission on Time and Learning, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Education Commission on Time and Learning. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: April 13, 1992 from 9 a.m. to 4 p.m.

ADDRESSES: Vista Hotel, 1400 M Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Julia Anna Andetson, Special Assistant, 555 New Jersey Ave., Capitol Place Room 610B, Washington, DC 20208. Telephone: (202) 219-2249.

SUPPLEMENTARY INFORMATION: The National Education Commission on Time and Learning is established under section 102 of the Education Council Act of 1991 (20 U.S.C. 1221-1). The Commission is established to examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects, year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

The meeting of the Commission is open to the public. The proposed agenda includes: Swearing in Commissioners, Briefings from the Department's Ethics Counsel Staff and from the Department's Committee Management Staff, Nomination and Election of Officers, Determination of selection process for an Executive Director, Administration issues, Presentation on current "Uses of Time" project, and Discussion of action plan.

Records are kept of all Commission proceedings, and are available for public inspection at the Office of the Commission at 555 New Jersey Ave., NW., Capitol Place Room 610B, Washington, DC 20208 from the hours of 9 a.m. to 5:30 p.m.

Diane Ravitch,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 92-7014 Filed 3-25-92; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Floodplain and Wetland Involvement Notification for Proposed Environmental Restoration Action at the Department of Energy's Oak Ridge Reservation, Oak Ridge, TN

AGENCY: Department of Energy (DOE).

ACTION: Notice of floodplain and wetland involvement and opportunity for comment.

SUMMARY: The Department of Energy (DOE) proposes to perform environmental restoration activities in Waste Area Grouping (WAG) 6 at Oak Ridge National Laboratory (ORNL). DOE would take the proposed action under sections 104 and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and 40 CFR 300.435. WAG 6, located approximately 2 miles southwest of the ORNL main plant, has been used for shallow land burial of low-level radioactive waste and other hazardous material. Approximately one-half acre of WAG 6 lies below the 754 ft. contour, which marks the 100-year floodplain. The floodplain area within WAG 6 consists of land along the unnamed tributary that drains the western portion of the WAG. The Emergency Waste Basin, which will be remediated as part of WAG 6, could be classified as a wetland. In addition, wetlands present along the southern and eastern edges of WAG 6 could be hydrologically affected by the proposed action.

The proposed action, if implemented, would be carried out with the concurrence of the U.S. Environmental Protection Agency and the Tennessee Department of Environment and Conservation. The proposed action is intended to stabilize and isolate the wastes, possibly including the following steps: grouting and dynamic compaction of the waste burial areas; diversion of surface and subsurface stormwater flows away from waste disposal sites; placement of low-permeability, multi-layer caps over disposal sites; and, if necessary, collection and treatment of groundwater downgradient from disposal sites and within the WAG boundaries.

The proposed action would be performed in such a manner as to avoid or minimize potential impacts on the floodplain and adjacent wetlands. In accordance with DOE regulations 10 CFR 1022, DOE will prepare a floodplain/wetland assessment and publish a floodplain statement of findings in accordance with § 1022.15 of said regulations. Maps and further information are available from DOE at the Information Resources Center, 105 Broadway Avenue, Oak Ridge, Tennessee.

DATES: Comments are due by April 10, 1992.

ADDRESSES: Send comments to Robert C. Sleeman, Director, Environmental Restoration Division (EW-91), U.S. Department of Energy, Post Office Box 2001, Oak Ridge, Tennessee 37831-8541. Fax Comments to FTS 626-7042.

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92-7051 Filed 3-25-92; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reductions Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed by April 27, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395-3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI-73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254-5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Civlian Radioactive Waste Management.
2. NWPA-830R A/C.
3. 1901-0260.
4. Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste.
5. Revision—This request is for approval of Appendix C where contract holders will designate the facility where DOE will accept their fuel, the number of assemblies to be accepted, and the mode of transportation to ship the assemblies. The information collected will be used to determine the Federal waste transportation cask mix needed to meet DOE's commitments.
6. Quarterly, Annually, and On occasion.
7. Mandatory.
8. Businesses or other for profit.
9. 100 respondents.
10. 4.25 responses.
11. 37.94 hours per response.
12. 16.125 hours.

13. NWPA–830R A/G is designated to serve as the service document for entries into the Department of Energy (DOE) accounting records to transmit data from "utilities" concerning payment of their contribution to the Nuclear Waste Fund. This form is used by electric utilities, vendors, and owners of nuclear fuel to purchase the services of the DOE for disposal of their spent nuclear fuel and high-level waste.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 19, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–7053 Filed 3–25–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP92–8–000; FERC No. JD91–08540T]

State Oil and Gas Board of Alabama, Tight Formation Determination—Alabama-3, Pottsville Series Sandstones; Preliminary Finding

March 19, 1992.

The State Oil and Gas Board of Alabama (Alabama) determined that the sandstones of the Pottsville Series, in the Black Warrior Coal Basin, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978.

For the reasons discussed below, the Commission issues this notice preliminarily finding that the determination is not supported by substantial evidence.

Alabama's Determination

On August 12, 1991, Alabama submitted an affirmative tight formation area determination for the Pottsville Series sandstones in the Black Warrior Coal Basin.[1] The determination covers almost one million acres in portions of Hale, Tuscaloosa, Pickens, and Greene Counties, Alabama. The recommended interval ranges in thickness from 2,000 to 2,500 feet within the recommended area and consists of the Pottsville sandstones found beneath the top of the Mary Lee coal interval. Coal seams occurring within the subject Pottsville interval are excluded from Alabama's tight formation determination.

Alabama concluded that the Pottsville sandstones meet the Commission's 0.1 millidarcy (md) permeability guideline based on data from two wells in the recommended area, the Skelton #6–16 (#6–16) and Brown #8–7 (#8–7) wells. The notice also indicates that both wells do not produce from the Pottsville sandstones and are considered dry holes.

The notice does not contain any natural gas or crude oil flow rate data. Alabama asserts that the recommended interval meets the Commission's natural gas and crude oil flow rate guidelines because there has been no production of the Pottsville sandstones from any of the wells that have penetrated the formation.

The record also indicates that hundreds of shallow coalbed methane wells drilled into the Mary Lee Coal interval penetrated the upper part of the Pottsville Series in the recommended area and that all of these wells are considered to be dry holes with respect to the Pottsville sandstones since they do not produce from these sandstones.

Staff's Tolling Letter and Alabama's Response

By letter dated September 26, 1991, staff requested Alabama to explain why it believed that the existing well data from the two dry holes meets the Commission's *in situ* permeability and flow-rate guidelines and supports the designation of the entire vertical and geographical area as a tight formation.

Alabama's February 3, 1992 response does not provide any additional data for wells drilled in the recommended area. The response provides additional data that the applicant (Hawkeye Oil & Gas, Inc.) provided for 18 wells located outside and immediately adjacent to the recommended area. The data includes a core report for one Pottsville sandstones well (the Justiss-Curry #14–16) and a summary of the interpretation of 69 drill stem tests conducted on the 18 wells.[2] Of the 18 new data wells, 16 are Pottsville sandstones producers and 2 are dry holes.

Alabama believes that this additional data indicates that the Pottsville sandstones inside the recommended area would meet the 0.1 md permeability guideline because:

- Only 1 of the 34 Pottsville sandstones core samples recovered from the Justiss-Curry #14–16 well exceeds 0.1 md; and
- 41 of the 69 drill-stem tests (59.4%) resulted in permeabilities below 0.1 md and only 12 of 69 (17.4%) resulted in permeabilities in excess of 0.1 md.[3]

Alabama also submitted a map and states that the map "indicates the fields adjacent to the proposed area which produce from the proposed tight sands interval. The subject fields are Snead's Creek, Woolbank Creek, and Big Creek, all of which produce from the subject sandstones located along faults which enhance permeability through the fracture systems."

Discussion

The determination does not contain substantial evidence to support the conclusion that the estimated average *in situ* permeability meets the Commission's guideline.

Section 271.703(c)(2) of the Commission's regulations establishes guidelines that a formation must meet the qualify as a tight formation. Among other things, the estimated average *in situ* gas permeability, throughout the day section, must be expected to be 0.1 md or less.

Our review shows that the record contains extremely limited permeability data. There is permeability data for only two wells in the recommended area but each well is a dry hole in the Pottsville sandstones and was never completed for production from these sandstones. Therefore, the permeability values do not reflect *in situ* permeabilities within pay sections. In addition, the permeability data for the 18 wells outside the recommended area come from two clusters of wells in relatively small areas along fault and fracture systems. Moreover, 41 of the drill-stem test results seems to indicate that a pay section doesn't exist and the remaining 12 drill-stem test results indicate permeabilities in excess of the 0.1 md limit. Finally, although the data for these 18 wells may indicate permeability for the Pottsville sandstones, these permeabilities apply to the relatively narrow confines of the fault and fracture systems where the 18 wells are located. There is no evidence showing that this is characteristic of the rest of the formation.

Therefore, in view of the geographical size and vertical extent of the recommended formation, the Commission finds that the record does not contain substantial evidence showing that the formation meets the Commission's permeability guideline.

The determination does not contain substantial evidence showing that the expected stabilized pre-stimulation flow rate meets the Commission's guidelines.

Section 271.703(c)(2)(i)(B) of the regulations requires Alabama to determine that the formation's pre-stimulation stabilized flow rate against atmospheric pressure of wells completed for production therein is not expected to exceed a applicable maximum allowable flow rate specified in the regulations.

Since no wells have been completed for production in the Pottsville Series within the recommended area, the record contains no production data. Additionally, Alabama's response to the tolling letter did not provide any natural gas or crude oil flow rate information for the 18 wells outside the recommended area. Moreover, the record shows that the only production obtained from the recommended formation has been from the hundreds of shallow Pottsville coal seam wells, which typically will only penetrate roughly the upper 20 percent of the recommended Pottsville interval, and whose production is excluded because the determination does not include the Pottsville coal seams. The coal seam producing wells are considered to be dry with respect to the Pottsville sandstones, since they don't produce from the sandstones.

Since the record provides no indication whatsoever as to the pre-stimulation natural gas and crude oil production characteristics of the subject sandstones, we find that the record does not contain substantial evidence showing that the expected stabilized pre-stimulation flow rate meets the Commission's guidelines.

Under § 275.202(a) of the regulations, the Commission may make a preliminary finding, before any determination becomes final, that the determination is not supported by substantial evidence in the record. Based on the foregoing facts, the Commission hereby makes a preliminary finding that Alabama's determination is not supported by substantial evidence in the record upon which it was made. Alabama or the applicant may, within 30 days from the date of this preliminary finding, submit written comments and request an informal conference with the Commission pursuant to § 275.202(f) of the regulations. A final Commission order will be issued within 120 days after the issuance of this preliminary finding.

By direction of the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6973 Filed 3–25–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04475T Colorado–33 Amendment]

State of Colorado; Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Shannon Formation in Boulder and Weld Counties, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The proposed area was previously recommended for designation as a tight formation; however, withdrawal of that recommendation was granted by Commission Order dated May 12, 1987 in Docket No. RM79–76–174 (Colorado-33). The area of application is described as follows:

Township 1 North, Range 68 West, 6th P.M.
Sections 1 through 16: All
Township 1 North, Range 69 West, 6th P.M.
Sections 1 through 3 and 10 through 15: All
Township 2 North, Range 68 West, 6th P.M.
Sections 19 through 36: All
Township 2 North, Range 69 West, 6th P.M.
Sections 22 through 27 and 34 through 36: All

The notice of determination also contains Colorado's findings, as amended on March 17, 1992, that the referenced portion of the Shannon Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6971 Filed 3–25–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04473T Colorado–34 Amendment]

State of Colorado; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 19, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Sussex Formation in Boulder and Weld Counties, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The proposed area was previously recommended for designation as a tight formation; however, withdrawal of the recommendation was granted by Commission Order dated May 12, 1987 in Docket No. RM79–76–175 (Colorado–34). The area of application is described as follows:

Township 1 North, Range 68 West, 6th P.M.
Sections 1 through 16: All
Township 1 North, Range 69 West, 6th P.M.
Sections 1 through 3 and 10 through 15: All
Township 2 North, Range 68 West, 6th P.M.
Section 19 through 36: All
Township 2 North, Range 69 West, 6th P.M.
Sections 22 through 27 and 34 through 36: All

The notice of determination also contains Colorado's findings, as amended on March 17, 1992, that the referenced protion of the Sussex Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6972 Filed 3–25–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI85–513–014]

El Paso Natural Gas Co. Report of Refunds and Request for Termination of Refund Obligation

Take notice that on February 20, 1992, El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978, filed with the

[1] The Black Warrior Basin is an active coalbed methane area due, in part, to the tax credit for coal seam gas. Gas in the area is produced from the Pottsville coal seams, which occur in discrete groups and are separated by the Pottsville sandstones and shales.

[2] The actual drill stem test results have not been provided.

[3] The remaining 16 tests either failed mechanically or were deemed to be inconclusive.

Federal Energy Regulatory Commission a refund report showing that during calendar year 1991, El Paso did not receive additional refunds from remaining small working interest owners; therefore El Paso did not flow-through any refunds to its customers. El Paso states that the Commission's October 17, 1990 order in Docket No. CI85-513-012 requires El Paso to make annual flow-through refunds and file a refund report of additional amounts received from small working interest owners.

El Paso is also requesting that it be relieved of any further refund obligation under Docket No. CI85-513-000 because no further flow-through refunds are likely and the remaining amounts involved are *de minimis*. By letter dated February 28, 1992, the Public Utilities Commission of the State of California filed comments indicating that it does not oppose El Paso's request.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such protests should be filed on or before March 27, 1992. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6976 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-46-000]

Kentucky West Virginia Gas Co. Proposed change in Tariff

March 19, 1992.

Take notice that Kentucky West Virginia Gas Company ("Kentucky West") on March 17, 1992, tendered for filing with the Federal Energy Regulatory Commission ("Commission") its Thirty-Sixth Revised Sheet No. 41 to become effective on May 1, 1992. The tariff sheet implements Kentucky West's annual PGA filing and reflects a deferred gas cost adjustment of ($0.0175) and a ($0.9384) current adjustment decrease based on an average cost of purchased gas effective May 1, 1992, of $1.0098 per dth.

Kentucky West states that, by its filing, or any request or statement made therein, it does not waive any rights to collect amounts, nor the right to collect carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Co., v. FERC*, 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to any other judicial and/or administrative decisions.

Kentucky West states that a copy of its filing has been served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 30426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure 18CFR 385.211 and 385.214. All such motions of protests should be filed on or before April 3, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6969 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-124-019]

Northern Border Pipeline Co.; Petition to Amend

March 20, 1992.

Take notice that on March 9, 1992, Northern Border Pipeline Company (Northern Border), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP78-124-019 pursuant to section 7(c) of the Natural Gas Act a petition to amend the certificate of public convenience and necessity issued on April 28, 1980, and June 20, 1980, in Docket No. CP78-124 to add various new receipt and delivery points to shipper contracts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern Border states that in 1989, it filed a petition to amend in Docket No. CP78-124-010 requesting authority to implement an amended service agreement with one of its customers. It is explained that the amended service agreement provided for an increase in service at one delivery point. Northern Border further states that the Commission issued an order on June 27, 1989, dismissing the petition to amend, reasoning that Northern Border already had the authority to implement the change in service under its Subpart G blanket certificate in Docket No. CP86-395-000. Northern Border explains that it subsequently undertook to implement amended service agreements covering the addition of secondary receipt and delivery points and an increase in service at one delivery point by making tariff filings on April 23, 1991, and January 31, 1992. It is indicated that the Commission, by order dated February 28, 1992, rejected the service agreement amendments without prejudice to Northern Border refiling the amended exhibits after receiving requisite section 7 certificate authority.

Northern Border asserts that it has filed for rehearing of the Commission's February 28, 1992, rejection order. In the alternative, it is indicated, Northern Border requests authority to amend its certificate to allow it to implement the amended service agreements. However, Northern Border stresses that it seeks to amend its certificate only to the extent that the Commission fails to grant its rehearing request and determines that a certificate amendment is necessary.

In its petition to amend, Northern Border specifies six contract amendments that have been executed with its United States shippers—Northern Natural Gas Company (Northern), Panhandle Eastern Pipe Line Company, and Natgas (U.S.) Inc. Northern Border states that all but one of the amendments involve the addition of either secondary receipt points or secondary delivery points, and as such, have no effect on the allocation of Northern Border's cost of service or the total volumes of service provided. Northern Border states that the other amendment involves an increase of 5,000 Mcf per day of primary delivery point volumes for Northern at the Welcome, Minnesota, delivery point. Northern Border explains that the purpose of this amendment is to provide operational flexibility to Northern Natural. Northern Border states that Northern's total contract volumes remain unchanged, but that Northern's allocation of Northern Border's cost of service would increase slightly due to the amendment. Northern Border asserts that the allocation of its cost of service to all other customers would be reduced by the same amount.

Northern Border requests that Commission authorization be granted retroactivity to the dates of initial receipts and deliveries pursuant to the amended contracts and that the authorization extend for the full terms of the amended agreements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 30, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6974 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-141-000]

Northwest Pipeline Corp.; Changes in FERC Gas Tariff

March 19, 1992.

Take notice that on March 17, 1992 Northwest Pipeline Corporation ("Northwest") tendered the following for filing and acceptance to be a part of its FERC Gas Tariff:

Second Revised Volume No. 1

First Revised Sheet No. 108
Original Sheet No. 108-A

First Revised Volume No. 1-A

Thirteenth Revised Sheet No. 201
First Revised Sheet No. 304-B
Original Sheet No. 304-C
Second Revised Sheet No. 305
First Revised Sheet No. 317-B
First Revised Sheet No. 317-C
Original Sheet No. 317-D
First Revised Sheet No. 403
First Revised Sheet No. 404
First Revised Sheet No. 411
Original Sheet No. 411-A
Original Sheet No. 508
Sheet No. 509
Original Sheet No. 517
Sheet Nos. 518 through 600

Northwest states that the purpose of this filing is to propose language in Northwest's tariff to revise (1) the "Facilities Reimbursement" provisions in Rate Schedules TI-1 and TF-1, (2) the "Failure to Pay Bills" sections of the Tariff, and (3) the Tariff definitions of "Receipt Points" and "Delivery Points."

Northwest has requested an effective date of April 17, 1992 for the tendered sheets. Northwest states that a copy of the filing is being served on Northwest's jurisdictional customer listed and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before March 26, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6968 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TM91-8-37-002 and TM92-2-37-004]

Northwest Pipeline Corp.; Report of Refunds

March 20, 1992.

Take notice that on March 6, 1992, Northwest Pipeline Corporation (Northwest) tendered for filing with the Federal Energy Regulatory Commission a refund report showing refunds of $2,357,854.35 ($2,300,778.07 of principal and $56,876.28 in interest) on March 6, 1992. These refunds apply to Northwest's Supplier Settlement Payment Commodity Surcharge for its customers that were subject to the Surcharge from July 1, 1991, through December 31, 1991, and were made in compliance with the Commission's order issued January 23, 1992, in Docket Nos. TM91-8-37-001 and TM92-2-37-003.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 27, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6976 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-67-000, RP88-81-000, RP88-221-000, RP90-119-001, RP91-4-000, and RP91-119-000 (Phase I/Rates)]

Texas Eastern Transmission Corp.; Informal Settlement Conference

March 19, 1992.

Take notice that a conference of the Steering Committee is scheduled to be convened in this proceeding on Wednesday, April 1, 1992, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC. Parties may designate anyone they wish for the Steering Committee, but business representatives are encouraged. Participants on the Steering Committee should include individuals who are in a position to commit their parties quickly on matters of substance.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations [18 CFR 385.214].

For additional information, contact Dennis H. Melvin at (202) 208-0042 or Arnold H. Meltz at (202) 206-2161.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6970 Filed 3-25-92; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 92-19-NG]

Oregon Natural Gas Development Corp.; Application for Blanket Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on February 18, 1992, as amended, of an application filed by Oregon Natural Gas Development

Corporation (ONGDC) requesting blanket authorization to import from Canada up to 10 Bcf of natural gas over a two-year period commencing with the date of first delivery ONGDC intends to use only existing pipeline facilities within the United States and states that it will submit quarterly reports detailing each transaction.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 27, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Room 3F–056, FE–50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9482.

FOR FURTHER INFORMATION:

Charles E. Blackburn, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7751.

Diane Stubbs, Office of General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: ONGDC, an Oregon corporation with its principal place of business in Portland, Oregon, is a wholly-owned subsidiary of Northwest Natural Gas Company. ONGDC is engaged in the marketing and production of natural gas in the Western United States. ONGDC requests authority to import gas on its own behalf as well as on behalf of suppliers and purchasers for whom ONGDC may act as an agent. The gas ONGDC proposes to import would enter the U.S. at points on the international border near Sumas, Washington, and Kingsgate, British Columbia. The terms of each spot on short-term transaction will be determined by competitive factors in the natural gas marketplace.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties, especially those that may oppose this application, should comment on the issue of competitiveness as set forth in the policy guidelines regarding the requested import authority. The applicant asserts that imports made under the proposed arrangement will be competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notice of intervention, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the fact.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of ONGDC application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

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ENVIRONMENTAL PROTECTION AGENCY

[530Z92005; FRL–4117–7]

Proposing to Grant a Variance from Land Disposal Restrictions to Exxon Company, U.S.A., Billings, MT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed decision.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is today proposing to grant a no-migration variance to Exxon Company U.S.A. (Exxon). This variance would allow Exxon to place untreated hazardous wastes, subject to the land disposal restrictions of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 36901 *et. seq.*), in the Exxon Billings Refinery's New South Land Treatment Unit (NSLTU) in Billings, Montana. Exxon submitted a petition to EPA under 40 CFR 268.6 requesting a no-migration variance from the RCRA land disposal treatment standards on the grounds that treatment was unnecessary to protect human health and the environment because there would be no migration of hazardous constituents from the land disposal unit. After a review of Exxon's petition and supporting information, EPA has tentatively concluded that Exxon has demonstrated, to a reasonable degree of certainty, that hazardous constituents will not migrate out of the land treatment facility for as long as the wastes remain hazardous. The Agency is placing certain conditions on the variance to ensure compliance with the no-migration demonstration.

DATES: Comments on today's proposed rule must be received on or before May 11, 1992.

ADDRESSES: Three copies of your comments on today's proposal should be sent to EPA. Two copies should be sent to the docket clerk at the following address: U.S. Environmental Protection Agency, RCRA Docket (OS–305), 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Allyson Ugarte, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with the regulatory docket number F–92–NEBP–FFFFF.

The RCRA regulatory docket for this proposed notice is located at the U.S. Environmental Protection Agency (room M2427), 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays. Call (202) 260–9327 for appointments. Up to 100 pages may be copied free of charge from any one regulatory docket. Additional copies are $0.15 per page.

A copy of the record supporting this proposal is also available to the public in Helena, Montana, at the EPA Region VIII, Montana Operations Office, Federal Building, 301 South Park. The public may make arrangements to view the documents by calling Stephanie Wallace at (406) 449–5414. This docket is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424–9346 toll free or at (703) 920–9810 in the Washington, DC area. For technical information concerning this notice, contact Athena Rodbell, Office of Solid Waste (OS–343), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, at (202) 260–4519.

SUPPLEMENTARY INFORMATION:

I. Background

A. RCRA Land Disposal Restrictions: No-Migration Variances

The Hazardous and Solid Waste Amendments (HSWA) of 1984, which amend the Resource Conservation and Recovery Act (RCRA), impose substantial new requirements on the land disposal of hazardous waste. In particular, the amendments prohibit the continued land disposal of specified hazardous wastes, unless the wastes meet treatment standards specified by EPA before land disposal occurs, or unless a demonstration is made to EPA that "there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous" (RCRA section 3004(d), (e) and (g)). (A positive determination under this authority is referred to as a "no-migration" variance.) The term "land disposal" includes placement of hazardous waste "in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave" (RCRA section 3004(k)).

The HSWA amendments provided for a schedule according to which specific wastes become subject to the land disposal restrictions. In the case of certain petroleum refining wastes (EPA Hazardous Waste Nos. K048–K052) the restrictions went into effect on November 8, 1990. As of that date, K048–K052 wastes that have not been treated to specified levels (Best Demonstrated Available Technology) may not be placed in a land disposal unit, unless EPA grants a no-migration variance specific to that waste and that unit. In the case of hazardous wastes listed after enactment of the 1984 HSWA amendments, EPA is required to make a Land Disposal Restrictions (LDR) determination within six months after the listing is promulgated. Best Demonstrated Available Technology (BDAT) levels are expected to be promulgated in 1993 for newly listed organic TC wastes.

The Agency first promulgated no-migration standards for land disposal units, other than underground injection wells, on November 7, 1986 (51 FR 40572).[1] These regulations (40 CFR 268.6) codify the statutory standards, specify information to be included in a variance petition, and establish procedures for granting or denying a variance. EPA amended the regulations on August 17, 1988 (53 FR 31138) to add further procedural requirements and standards. EPA is now developing further amendments, including a generic definition of "no-migration," for land disposal units other than underground injection wells. The Agency expects to propose these amendments in the near future. In conjunction with this forthcoming proposal, EPA has developed the document "No-Migration Variances to the Hazardous Waste Land Disposal Prohibitions: A Guidance Manual for Petitioners" (Draft Interim Final), March 1990 (the Guidance Manual), a copy of which is available in the RCRA regulatory docket for today's notice.

The current standards and procedures for no-migration variances require persons seeking a no-migration variance to submit a petition to the Administrator that clearly identifies the wastes and the specific unit that is the subject of the petition; provides waste characterization data; characterizes the unit, including background conditions; provides monitoring plans for environmental media and monitoring results; and demonstrates compliance with other Federal, State, and local laws. (See 40 CFR 268.6 and the Guidance Manual for a complete listing of the types of information that must be presented in a variance petition.)

As required in 40 CFR 268.6(j), the Administrator must give public notice in the **Federal Register** of the intent to approve or deny a petition and provide an opportunity for public comment. After reviewing public comments, the Agency must then grant or deny a variance petition and publish its final decision in the **Federal Register**. As specified by 40 CFR 268.6(k), variances may be valid for up to 10 years, but for no longer than the term of the RCRA facility permit. (Variances may be reissued after their term has expired.) Petitioners receiving a no-migration variance, in accordance with 40 CFR 268.6(e), must report any significant changes in operating conditions from those described in the original petition within ten days after discovering a change from what was modeled or predicted in the petition or at least 30 days in advance of initiating any change at or to the unit. The Administrator will determine the appropriate response, including termination of waste acceptance and revocation of the variance, variance modification, or other response. Furthermore, as stipulated by 40 CFR 268.6(f), petitioners must report instances of constituent migration within ten days of detection of the release and immediately suspend

[1] On July 26, 1988, the Agency promulgated standards under 40 CFR 148 for no-migration variances for underground injection wells (53 FR 28122).

receipt of restricted wastes to the petitioned unit. Again, the Administrator, within sixty days, will determine the appropriate response, including whether the petitioner can continue to place restricted wastes in the petitioned unit and whether the variance should be revoked. Lastly, in accordance with 40 CFR 268.6(m), petitioners receiving a no-migration variance are still subject to all the applicable subtitle C provisions (40 CFR part 260 through part 270) regarding the management of RCRA hazardous wastes.

B. Approach Used To Evaluate No-Migration Petitions

Section 268.6(a) requires that petitioners for a no-migration variance demonstrate, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit for as long as the wastes remain hazardous. In evaluating the no-migration demonstration, the Agency considers all possible pathways of exposure, i.e., ingestion of ground water, surface water and soil, and inhalation of air at the unit boundary. The Agency proposes in today's notice to use the same definition of no-migration as used in its final standards for underground injection wells under 40 CFR 148 (53 FR 28122, July 26, 1988). (This definition was recently upheld in *NRDC* v. *EPA*, 907 F.2d 1146 (D.C. Cir. 1990).) That is, we propose to interpret the no-migration standard to mean that concentrations of hazardous constituents shall not exceed Agency-approved health-based levels (HBLs) in any environmental medium (ground water, surface water, soil, or air), at the boundary of the land disposal unit. This same definition of the no-migration standard was used in EPA's no-migration determination for DOE's Waste Isolation Pilot Plant (WIPP) (55 FR 13068, April 6, 1990 and 55 FR 47700, November 14, 1990).

1. Health-Based Levels

In establishing health-based levels (HBLs) of hazardous constituents (i.e., the levels of constituents at the unit boundary that would fail the no-migration standard), EPA proposes to rely on procedures that involve: (1) Determining allowable dose levels from various Agency data bases using a hierarchical search system and (2) using Agency exposure factors to develop media-specific concentrations. There are essentially two types of data from which allowable dose levels may be obtained. One has been thoroughly peer-reviewed and accepted by the Agency; these are often referred to as verified values. The Integrated Risk Information System (IRIS) contains all the Agency verified values. IRIS is a computer-housed, electronically communicated catalogue of Agency risk assessment and risk management information for chemical substances. It is designed especially for Federal, State and local environmental health personnel and is the source of the latest information about Agency health assessments and regulatory decisions for specific chemicals. In the absence of IRIS data, the Agency generally relies on data developed by individual programs or other offices within the Agency.

IRIS values are usually used before the other values. However, since we are interested in protecting at the lowest dose level which has an effect, in some cases slope factors for carcinogens, undergoing development, will be used instead of reference doses in IRIS. For drinking water, MCLs and then proposed MCLs take precedence over all other values.

The Office of Emergency and Remedial Response (OERR) and the Office of Solid Waste (OSW) have produced an information source that contains the values for constituents of concern to the two offices but for which there are no values in IRIS. This source is referred to as the Health Effect Assessment Tables (HEAST) and is available from EPA (OERR 9200.6–303 (91–1)) or the National Technical Information Service (NTIS No. PB91–921100, January 1991). While these tables are an excellent source for other values, they are still undergoing development. Therefore, other data sources, such as the Office of Research and Development's (ORD) draft Health and Environmental Effects Documents (HEEDs), may be used.

EPA typically combines the carcinogenic slope factor or reference dose with standard exposure assumptions for the ingestion of water and soils and inhalation of air by affected individuals to obtain HBLs. These standard exposure assumptions assume only direct human exposure at the point of compliance (i.e., the unit boundary). Specifically, HBLs are calculated for the soil, water, and air pathways under the following exposure assumptions.

1. In deriving HBLs for hazardous constituents in ground water, assume a water intake of 2 liters/day for 70 kg adult/70 year lifetime exposure period.

2. In deriving HBLs for hazardous constituents in air, assume air intake of 20 cubic meters/ day for 70 kg adult/70 year lifetime exposure period.

3. In deriving HBLs for hazardous constituents in soil, which are known or suspected to be carcinogens, assume soil intake of 0.1 gram/day for 70 kg adult/70 year lifetime exposure period.

4. In deriving HBLs for hazardous constituents in soil, other than those which are known or suspected to be carcinogens, assume soil intake of 0.2 gram/day for 16 kg child/5 year exposure period (age 1–6). This is not to be averaged over a 70 year lifetime.

This is consistent with the approach EPA promulgated in 40 CFR 148 for evaluating no-migration petitions for underground injection wells and in the Agency's no-migration determination for the WIPP. The Agency proposes to use the levels (derived through the above procedures) for approving or disapproving Exxon's no-migration petition. A list of currently-applicable health-based levels is provided in the RCRA regulatory docket for today's notice.

2. Unit Boundary Definition

EPA interprets the no-migration standard to mean that health-based levels of hazardous constituents cannot be exceeded at the unit boundary in any environmental medium: Ground water, surface water, soil, or air. Thus, the definition of the land disposal unit's boundary is critical to any decision on a no-migration variance. The unit boundary defines the point of compliance; that is, the point at which migration is measured. If hazardous constitutents have migrated or are likely to migrate, based on predictive models, beyond the unit boundary the unit boundary at hazardous levels, a variance will not be granted. Movement of wastes within the boundaries of the land disposal unit (as long as there is no predicted likelihood of outward migration) is acceptable for the purposes of a no-migration variance since it is consistent with the statutory requirement of no migration from the disposal unit (RCRA § 3004 (d)(1), (e)(1) and (g)(5)).

For no-migration compliance purposes, EPA generally believes that the unit boundary (or point of compliance) at units with engineered barriers should be the outermost extent of the engineered barrier. Engineered barriers include liners (synthetic and clay), berms, dikes, and ditches. Thus, the boundary at the surface of a landfill, surface impoundment or land treatment unit would be the outside edge of any berms, dikes, or ditches that surround the area of waste placement. The subsurface unit boundary would be the outermost extent of any subsurface liner (e.g., recompacted clay or synthetic material).

The majority of land treatment units, including Exxon's NSLTU, the subject of today's proposed no-migration variance, do not have liners. In this case, the subsurface point of compliance is proposed to be set at the base of the maximum treatment zone depth and the surface boundary of the unit would be at the outer edge of the berms or dikes surrounding the unit.

In the case of releases via air, EPA further proposes that the point of compliance be set at a height of 1.5 meters above the ground surface at the downwind edge of the unit. (A height of 1.5 m corresponds with a typical inhalation height. This height also is proposed because it would facilitate monitoring of particulate emissions, which cannot be accurately monitored close to the soil surface without effectively vacuuming large and small particles into the apparatus.) For air demonstration purposes, any berms, dikes, or ditches that surround the area of waste placement define the edge of the unit.

3. Waste Transformation, Immobiliation and Degradation

The statute requires the petitioner to demonstrate no migration for as long as the waste remains hazardous. Typically, in the case of a land treatment unit, EPA proposes to judge this demonstration on the basis of an understanding of the waste transformation, immobilization, and degradation processes in the treatment zone and of the past performance of the disposal site, in combination with predictive modeling.

Land treatment facilities are specifically designed to degrade organic materials through microbial action and/or physical processes. EPA recognizes that the purpose of a land treatment unit is to allow some movement of waste down into the soil, as it is being transformed, immobilized, or degraded within the treatment zone. However, if constituents move out of the treatment zone at hazardous levels, EPA believes that migration from the unit has occurred.

A no-migration demonstration for a land treatment unit should include modeling of time periods (e.g., months or years) that are commonly acknowledged as sufficient for land treatment to degrade all of the hazardous organics in the applied waste to non-hazardous levels (i.e., below health-based levels). EPA recommends that petitioners utilizing land treatment use either the Regulatory Investigative Treatment Zone Evaluation (RITZ) model or the Vadose Zone Interactive Processes (VIP) model to show that the organic constituents are degraded in the treatment zone. Both of these models were developed to determine the fate and transport of organic constituents in a land treatment operation. We note that EPA also uses these models to evaluate RCRA permit applications for land treatment facilities. The User's Manuals for these models are available in the RCRA regulatory docket for today's notice. The models use chemical specific data on half lives, partition coefficients, etc., and facility specific data on climate, soil conditions, constituent concentrations, waste loading rates, etc., to predict whether a constituent will be degraded before it reaches the bottom of the treatment zone of a land treatment unit. As with any modeling exercise, petitioners are advised to use conservative input parameters, particularly for those values which are taken from the literature and are not determined from actual site—and waste-specific conditions. EPA believes that the use of conservative values is justifiable in order to support a determination, to a reasonable degree of certainty, that there will be no migration of hazardous constituents beyond the unit boundary, and in light of the uncertainties enumerated in the statute in evaluating the safety of land disposal (RCRA 3004 (d)(1)(a)).

For inorganic constituents, such as chromium or lead, which will not degrade, and will remain hazardous virtually indefinitely, the use of the models described above is not applicable. Therefore, the Agency believes it is appropriate for petitioners to demonstrate that their wastes will not migrate at hazardous levels and/or are immobilized on the basis of a showing of chemical transformation (e.g., precipitation and solubility) or fate and continued monitoring. For example, a petitoner might discuss the effects of changes in the oxidation states of metals on mobility, and describe operational practices employed to control the factors that may bring about those changes (e.g., organic content of waste-soil, liming, fertilizing, moisture control).

In addition, petitioners must also demonstrate through a modeling exercise that there will be no migration of constituents above applicable health-based levels through the air pathway. Petitioners, in conducting air modeling, should use a methodology that takes into account the emission and atmospheric dispersion potential of gaseous and particulate air contaminants from land disposal units. EPA has documented a recommended methodology in the "Air Pathway Assessment Methodology" (APAM), February 1991, appendix to the Guidance Manual. This methodology has been internally peer reviewed and approved by the EPA Office of Air Quality Planning and Standards (OAQPS). The Agency considers it appropriate for use in the evaluation of a no-migration petition since the combination of emission and dispersion modeling allows for the calculation of average annual concentrations of hazardous constituents at the unit boundary.

EPA recommends that petitioners model both the emission rate and the rate of dispersion for individual hazardous constituents in order to calculate the maximum average annual concentration at or beyond the unit boundary. (EPA notes that, under certain conditions, maximum concentrations can occur past the unit boundary.)

4. Summary of Review Process

In making a determination of whether there will be any migration of hazardous constituents at hazardous concentrations, for as long as the waste remains hazardous, EPA first reviews a petition to ascertain whether the petitioner has provided all of the information required under 40 CFR 268.6. EPA then reviews the actual monitoring data provided in the petition (in the case of an existing unit) and compares these data to the health-based levels used in no-migration decision-making. Finally, EPA evaluates the petitioner's predictive modeling to determine whether conservative inputs and appropriate methodologies were employed. A successful no-migration demonstration for a land treatment unit must show, to a reasonable degree of certainty, through predictive modeling and actual monitoring data, that all of the hazardous constituents of concern have been degraded, immobilized or transformed within the treatment zone to non-hazardous levels (i.e., below health-based levels).

In cases where monitoring data show that migration of hazardous constituents at hazardous concentrations has already occurred, EPA believes it would be difficult to grant a petition for a no-migration variance. In such cases, it is documented that the migration has occurred. Therefore, a successful petition would have to show convincingly that conditions had changed, and migration would not reoccur.[2] Similarly, if modeling predicts

[2] In fact, the major problem with most land treatment no-migration petitions reviewed by EPA to date is the presence of hazardous constituents above health-based levels in ground water, soil-pore liquids, or soil outside the unit boundary. In such cases, it is difficult to rebut the presumption that the constituents represent migration from the unit and

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that migration will occur, EPA would be required to deny a petition for a no-migration variance, even if available monitoring data indicated that there had not yet been migration of hazardous constituents at hazardous concentrations. In such cases, the petitioner would have failed to demonstrate, to a reasonable degree of certainty, that there would be no migration at some time in the future.

Based on this review process, the Agency either agrees or disagrees with the petitioner's claim that there has not been (nor will be in the future) any migration of hazardous constituents at hazardous concentrations beyond the unit boundary. As required by 40 CFR 268.6(j), EPA must provide for public comment on a proposed decision. A final decision will be made after considering and responding to public comments.

II. Disposition of No-Migration Petition

A. No-Migration Variance Petition

On July 31, 1989 Exxon submitted a no-migration petition for its New South Land Treatment Unit (NSLTU). Since then, in response to requests by EPA, Exxon provided supplemental information in the form of attachments and letters. Together, the original petition and the supplemental documents are referred to as "the petition" throughout this notice and are located in the RCRA regulatory docket for today's notice. Exxon petitioned the Agency for a no-migration variance to allow it to continue the land treatment of hazardous wastes generated at its Billings Refinery, EPA Hazardous Waste Nos. K049 (Slop Oil Emulsion Solids from the petroleum refining industry) and K051 (API Separator Sludge from the petroleum refining industry). In accordance with 40 CFR 268.33(b), these wastes are prohibited from land disposal unless they meet BDAT treatment standards set by EPA for these wastes, or unless no-migration variance has been granted.

In addition to these listed hazardous wastes, Exxon disposes of two wastestreams at the NSLTU that are hazardous for the Toxicity Characteristic (TC): Contaminated Soils and Intermediate Tank Bottoms. These wastes fail the Toxicity Characteristic Leachate Procedure (TCLP) for benzene and as such are considered EPA Hazardous Waste No. D018 (see 55 FR 11798, March 29, 1990). These "newly listed" wastes are not currently prohibited from land disposal. However, the Agency is developing proposed BDAT treatment standards for these TC wastes and expects to publish a final rule prohibiting their land disposal in 1993. Exxon did not specifically request a no-migration variance for these particular hazardous wastes, but the Agency proposes to consider the TC contaminated soils, in addition to K049 and K051 wastes, to be covered by today's proposed variance. This action would obviate the need to amend the variance (if granted) to include this newly listed wastestream once the land disposal restrictions (LDRs) become effective for them in 1993. EPA is not proposing to include the TC-hazardous intermediate tank bottoms because of limitations in waste characterization data. However, if sufficient date are submitted in the future, EPA may amend the variance to include them later (after providing an opportunity for public comment).

In any case, Exxon can continue to dispose of both TC wastestreams according to the conditions of its Montana Hazardous Waste Permit, with or without a non-migration variance, until land disposal restrictions are promulgated for the "newly listed" TC wastes.

Exxon's petition included the following components: (a) Facility description, (b) site characterization, (c) waste characterization, (d) discussion of waste mobility, transformation, and immobilization, (e) fate and transport modeling, (f) air pathway assessment, (g) human-health and environmental risk assessment, (h) monitoring program, and (i) an uncertainty analysis.

EPA's evaluation of this petition included an in-depth review of all aspects of the petition. The Agency's evaluation also relied heavily on actual monitoring results collected since Exxon's start-up of the NSLTU in 1980. (A list has been placed in the RCRA regulatory docket for today's notice which identifies the specific location in the petition of the information that supports critical elements of EPA's review and forms the basis of proposed findings.) Based on this review and evaluation, the Agency concludes that there has not been, nor is there a reasonable likelihood in the future of, any migration of hazardous constituents beyond the unit boundary of the NSLTU and is proposing today to grant this petition for a no-migration variance for hazardous wastes K049, K051 and TC-hazardous contaminated soils.

B. Facility Description

1. Facility Overview

Exxon's New South Land Treatment Unit (NSLTU) is located on Exxon Refinery property in Yellowstone County, 5 kilometers east of Billings, Montana. The rate of precipitation in this region is approximately 39 cm/year. The NSLTU covers an area of approximately 6.1 hectares and is expected to be in operation until the year 2013. A Montana Hazardous Waste Permit was issued in October 1988 by the Montana Department of Health and Environmental Sciences for the disposal of hazardous wastes at the NSLTU for a period of ten years.

The Exxon Billings Refinery processes primarily heavy domestic crude, heavy Canadian crude, and varying quantities of light Canadian crude to produce a full line of refined hydrocarbon products, by-products, and intermediates. The refinery has a capacity of 50,000 barrels/day. Only hazardous and solid wastes generated on-site will be disposed of at the NSLTU. Currently only non-restricted hazardous wastes and other solid wastes are disposed of at the land treatment unit.

Waste application occurs generally during April through October, depending on weather conditions. Exxon uses a computer-based decision matrix to determine the volume of waste which can be applied to any one of the 14 sectors of the land treatment unit during any part of the application season. The decision on sector destination for a specific waste application is based on monthly analysis of Zone of Incorporation (ZOI) soils (the top 23 centimeters of the treatment zone) for freon-extractable hydrocarbons, soil moisture conditions, climatic conditions, and continuous management data. No more than five percent freon-extractable oil and grease, on a dry-weight basis, is allowed to accumulate within the ZOI and no more than 70 metric tons freon-extractable oil and grease per hectare per year are allowed during any one application season.

Exxon trucks wastes directly from the points of generation to the land treatment unit in either dump trucks or vacuum trucks. The wastes are then spread, either by bar tools and bulldozers, if dump trucks were used, or by a distribution manifold, if vaccum trucks transported the wastes. Microbial and chemical transformations are enhanced by monthly tillage with a tool-bar or disk-harrow during the active season. The NSLTU does not currently have a decontamination facility for vehicles leaving the unit. (See sections III.(5) and IV. for discussion on the proposed vehicle decontamination facility.)

The unit boundaries (i.e., points of compliance for no-migration purposes) of the petitioned unit are proposed to be: 1.2 meters below the original ground surface, the maximum depth of the treatment zone; the outermost edges of the dikes surrounding the unit; and 1.5 meters above the ground surface at the downwind edge of the NSLTU dikes.

2. Waste Characterization

a. *Waste types and volumes.* In accordance with 40 CFR 268.6(a)(1), Exxon indicated that the following hazardous and non-hazardous wastes will be managed at the NSLTU: (1) API Separator Sludges (K051), (2) Slop Oil Emulsion Solids K049), (3) Boiler House Lime Sludge, (4) Contaminated Soils (Toxicity Characteristic for benzene—D018)), (5) Contaminated Soils (non-characteristic), (6) Cooling Tower Sludges, (7) DEA Sludges, (8) Tank Bottoms (Toxicity Characteristic for benzene—D018) and (9) Tank Bottoms (non-characteristic). Exxon provided information on the quantities of the above wastes managed at the NSLTU since 1980, and the quantities and frequencies expected to be managed at the NSLTU over the expected remaining operational lifetime. This latter information is summarized on an annual basis in Table 1. Exxon states that it will manage approximately 46,000 metric tons of hazardous wastes and approximately 41,400 metric tons of non-hazardous wastes at the NSLTU over the projected remaining life of the facility.

TABLE 1.—SUMMARY OF WASTE GENERATION RATES AND FREQUENCIES

Waste stream	Generation frequency (per year)	Estimated annual volume (metric tons/year)
API separator sludges (K051)	2	1,025
Slop oil emulsion solids (K049)	2	275
Contaminated soil—TC hazardous (D018)	2	500
Contaminated soil—non-hazardous	2	500
Cooling tower sludges	0.5	40
DEA sludge	2	60
Tank bottoms—TC hazardous (D018)	2	200
Tank bottoms—Non-hazardous	2	200
Boiler house lime sludge	0.5	1,000
Total		3,800

b. *Waste characterization information.* As required by 40 CFR 268.6(a)(2), Exxon characterized the subject wastes to be disposed of at the NSLTU. Exxon provided analytical data on several representative waste samples collected between 1985 and 1990 for its API Separator Sludges (K051) and Slop Oil Emulsion Solids (K049). Analytical data on several representative samples of TC-hazardous contaminated soils, collected between 1985 and 1991, were also provided. All of these wastes were analyzed for those constituents previously identified by EPA as potentially being present in wastes from petroleum refining operations (known as the "Modified Skinner List").[3] The results of these analyses are provided in the "Waste Analysis Summary Tables" located in the RCRA regulatory docket for today's notice. These compositional data show that Exxon's restricted wastes are typical of this type of petroleum refinery wastes. For the reasons discussed below, the Agency believes that Exxon has fully characterized the K049 and K051 wastes for which the petition is being made and the TC-hazardous contaminated soils which is also included in this proposed variance. Specifically, Exxon provided six samples of API Separator Sludge, four samples of Slop Oil Emulsion Solids, and four samples of TC-hazardous contaminated soils (created by accidental spills of material and products in the crude oil, aviation gasoline, transportation, transportation ditch, Tank 5, and E–29 process areas).

At the NSLTU, Exxon also manages other hazardous and non-hazardous wastes which are not restricted from land disposal. Although a no-migration variance petition is not necessary for Exxon to continue disposing of these wastes, the Agency requested Exxon to provide waste characterization data for these wastes as they may contain significant levels of oil and one or more of the organic and inorganic constituents of concern. Thus, they have some potential to affect the overall operation of the land treatment facility and conceivably the results of any no-migration demonstration. In addition, it would be virtually impossible to determine from which waste stream (hazardous or not) a particular constituent came. If a hazardous constituent were detected above its HBL in any medium, the Agency therefore would presume, subject to rebuttal, that it came from a restricted waste and that migration had occurred, at least in the context of the no-migration standard.

In response to EPA's request, Exxon provided waste characterization information for the non-restricted hazardous and the non-hazardous wastes that had been collected per the Montana Hazardous Waste Permit. Specifically, Exxon submitted analytical data for six samples each of the non-TC contaminated soils and tank bottoms for all the inorganic constituents expected to be found in petroleum wastes, plus two samples for all organics of concern. Analytical data for the same inorganic constituents from ten samples of TC-hazardous tank bottoms were provided and two samples were analyzed for the organics of concern. In addition, Exxon provided analytical data for one sample of each of the infrequently generated, non-hazardous wastes (low-volume cooling tower sludges and DEA sludges and the large-volume boiler house lime sludge that is used for pH control) for all inorganic constituents of concern. The results of the analyses of these non-restricted wastes are summarized in the "Waste Analysis Summary Tables" located in the RCRA regulatory docket for today's notice.

EPA believes that the methods used by Exxon to characterize the wastes managed at the NSLTU are adequate because: (1) Representative samples of pumpable material (such as the slop oil emulsion solids and tank bottoms) were collected from the vacuum truck transporting the materials to the NSLTU; (2) representative samples of solid material (such as API Separator Sludges and oil contaminated soils) were collected from the material after it was piled at the NSLTU prior to application; (3) the wastes were typically accumulated over extended periods of time in the process unit (e.g., a tank or the API Separator) prior to sampling and application (therefore, any potential variation in constituent concentrations was minimized); (4) the waste was analyzed for all constituents likely to be found in petroleum wastes typically produced by petroleum refineries and Exxon does not produce wastes which would differ from a typical petroleum refinery (i.e., the Billings Refinery is not a petrochemical facility and Exxon's wastewater treatment system does not handle wastes from other industrial facilities); and, (5) Exxon used test methods found in the third edition of Test Methods for Evaluating Solid Waste Physical/Chemical Methods, EPA, SW–846, (available from the Government Printing Office (GPO)) and adhered to all SW–846 Quality

that migration will not occur again in the future. Furthermore, the presence of contamination in ground water and other media make monitoring of future releases difficult.

[3] This list is found in "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530–SW–85–003), April 1985, at page 19.

Assurance (QA) and Quality Control (QC) protocols.

These analyses of the non-restricted hazardous and non-hazardous wastes show that a number of hazardous constituents have been identified in these wastes. The identified constituents and constituent concentrations were similar to those found in the restricted hazardous wastes (K049 and K051). Concentrations were generally within an order of magnitude. The sampling and analysis information also indicate that the composition of these wastes is consistent with our knowledge of petroleum refinery wastes.[4]

The Agency concludes that Exxon has provided sufficient information in its petition on the non-hazardous wastes and non-restricted TC-hazardous tank bottoms to assess the possibility of migration. The Agency's conclusion is based on several considerations: (1) The unit has been in operation for 11 years and monitoring data, to date, indicate that no hazardous constituents have migrated below the treatment unit at hazardous levels; (2) the available analytical data confirms that these non-restricted wastes do not contain significantly higher concentrations of hazardous constituents than the restricted hazardous wastes, as expected based on the samples provided and the Agency's knowledge of petroleum wastes; (3) only very small volumes of DEA Sludge and Cooling Tower Sludge are applied to the NSLTU on an infrequent basis; (4) the Boiler House Lime Sludge (which is applied in larger volumes) has little or no oil content and is used solely for pH control; and (5) the TC tank bottoms show little difference in constituent concentration when compared to non-TC tank bottoms.

Nevertheless, because Exxon's Montana Hazardous Waste Permit does not require continued analysis of non-hazardous and non-restricted hazardous wastes for the constituents of concern (for no-migration purposes), the Agency is proposing that Exxon collect four representative samples of the following non-restricted hazardous or non-hazardous wastestreams (TC-hazardous tank bottoms; Boiler House Lime Sludge; Cooling Tower Sludge; and DEA Sludge), or where these wastes are infrequently generated, a sample each time these wastes are generated for a period of two years from variance issuance. These samples must be analyzed for all of the constituents on the list of "Petroleum Constituents of Concern," an update of previous lists used and is provided in today's RCRA regulatory docket. The updated list is all of the hazardous constituents believed to be consistently present in petroleum wastes and for which analytical methods are available.

The results of the analyses must be provided in a written report to the EPA Region VIII, Montana Operations Office, Federal Office Building, 301 South Park, Helena, MT 59626 within 60 days after the last non-restricted waste has been applied to the NSLTU during each operating season (see section IV. Conditions of Variance). If an analysis of the waste characterization data for the non-hazardous wastestreams and the TC tank bottoms does not confirm EPA's conclusion of no-migration, Exxon would be required to stop disposing of these wastes at the NSLTU.

3. Site Characterization

To satisfy 40 CFR 268.6(a)(3), Exxon provided a comprehensive characterization of the land treatment unit. Exxon provided information on the site soils, geology, hydrogeology, surface water hydrology, and meteorology/climatology. Exxon also included information on background soil and ground water quality. A brief summary of the soils and hydrogeology at the NSLTU is provided in this section. For more information, see the petition in the RCRA regualtory docket for today's notice.

a. *Soils.* The soils at the NSLTU belong to the Fort Collins Series. This Series is predominantly a sandy clay underlain by irregular thicknesses of sandy loam, loam, and silty clay loam below 0.6 meters. Together, these layers exist to depths ranging from 8.5 meters to 11 meters below the ground surface. An alluvial sandy gravel zone, about six meters thick, underlies these soils. The upper 1.5 meters of the NSLTU consists mostly of sandy clay with a small area of clay loam in the southeast corner.

b. *Hydrogeology.* The uppermost aquifer at the NSLTU is located in the sand and gravel alluvium about nine meters from the ground surface, providing adequate separation from the bottom of the treatment zone. It is confined by the overlying clay and silt layers of the Fort Collins Series and the underlying Clagget Formation acts as a lower confining bed. The ground water at the NSLTU generally flows from the southeast to the northwest toward the Yellowstone River with an average gradient of about 10 meters per 1000 meters. The land treatment unit is about 1.2 kilometers from the Yellowstone River.

4. *Monitoring.* Regulations at 40 CFR 268.6(a)(4) and 268.6(c) require petitioners to provide a monitoring plan that detects migration at the earliest practicable time and to describe the monitoring program installed at the unit to verify compliance with the conditions of the variance.

Exxon routinely monitors, as required by its Montana Hazardous Waste Permit, the environmental media and the waste. The media (ground water, soils, and soil-pore liquids) are monitored for a set of constituents called the Principal Hazardous Constituents (PHCs), as specified in the permit. The PHCs were selected because they are found in significant quantities in the wastes and provide a reliable indication of the presence of hazardous constituents in the environmental media at the NSLTU. Exxon also analyzes representative samples of the listed hazardous wastes (K049 and K051) for the "Modified Skinner List" of petroleum refinery constituents. Representative samples of the non-hazardous wastes in the past have been analyzed for a subset of this list, as discussed above. All analytical methods for analyses of waste, soils, soil-pore liquids, and ground water are either derived from or are consistent with analytical methodology listed in SW-846.

The PHCs are: Benzene, ethylbenzene, toluene, xylenes, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, chrysene, flouranthene, 1-methylnaphthalene, naphthalene, phenanthrene, pyrene, cresols, 2,4-dimethylphenol, phenol, lead, and chromium. Also, pH, specific conductance (ground water and soil-pore liquids only) and freon-extractable oil and grease are determined.

EPA believes that Exxon's monitoring program, as described below and in the Montana Hazardous Waste Permit, is adequate for purposes of detecting migration at the earliest practicable time and to demonstrate no-migration. This program was carefully reviewed during the permit process and was subject to public comment. It is consistent with EPA regulations found in 40 CFR parts 260 through 270 and available guidance for land treatment facilities.

a. *Unsaturated zone monitoring.* Exxon annually collects five random soil core samples from below the treatment zone (BTZ) and analyzes them for the PHCs identified above. BTZ samples are collected from the bottom of the treatment zone plus 15 cm (i.e., immediately below the unit boundary). Soil samples are also collected from the zone of incorporation (ZOI) of each management sector on a monthly basis during the active season. They are analyzed for oil and grease, percent solids, and percent moisture. Annual composite ZOI samples are analyzed for pH, nutrients, and the following metals: Antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, nickel, selenium, vanadium and zinc.

Soil-pore liquids are monitored with pan lysimeters installed at a depth of 1.2 meters from the ground surface. Two lysimeters are in the NSLTU and one is located in a background area adjacent to the unit per the Montana Hazardous Waste Permit. All lysimeters are checked monthly and following significant waste application. Exxon analyzes, per the permit, two samples per year for the PHCs listed above. In the event that there is insufficient volume for a complete analysis, volatile organics are analyzed first, followed by metals, pH and specific conductance and semi-volatile organics.

The Agency recognizes that facilities located in areas which receive substantially more rainfall than Billings, Montana, typically have a greater number of lysimeters to collect soil-pore liquids. (See Hazardous Waste Land Treatment, U.S. EPA, Cincinnati, OH, PB 89-179014, April 1983, pages 538-539, available in the RCRA regulatory docket for today's notice.) The Agency considered requiring additional lysimeters at the NSLTU, but rejected the idea after reviewing the benefit of additional monitoring data, compared to the potential risk of contamination to the BTZ (below treatment zone area) resulting from excavation and the placement of additional lysimeters in this active land treatment unit. Contaminated soils from the treatment zone could potentially fall into any excavation created to install the pan lysimeter, connecting tubing and access way for the collection bottle. EPA believes that the combination of the regularly scheduled soil-core monitoring and soil-pore liquid monitoring at the Exxon facility is sufficient to detect migration of hazardous constituents at the earliest practicable time, given the uniformity of the soils and operating conditions at the NSLTU. Each sector is essentially the same, that is, the treatment zone soils are naturally occurring and have similar textures; the same wastes are evenly applied to all sectors based on the waste application rates; and the sectors are tilled as one unit (no barriers divided the sectors). Contaminant movement is no more likely to occur in one area of the unit than another, i.e., it is as likely to be detected by a soil-pore and soil core sampling point located in one part of the unit as in another. Data from these monitoring programs show no hazardous constituents above HBLs in the soil cores, soil-pore water or ground water. Monitoring data are available in the petition, located in the RCRA regulatory docket for today's notice. (Note also that the permit was available for pubic review and comment before it was issued in 1988 and it requires only two lysimeters at this unit.) For these reasons, EPA believes it is not necessary to require additional monitoring devices at this time.

b. *Ground-water monitoring.* Exxon has a ground-water monitoring system consisting of five wells, all located at the unit boundary, to yield samples that represent the ground water passing the point of compliance. Ground water at the NSLTU generally flows in a northwest direction. Three wells are located downgradient from the unit on the northwest and north sides of the NSLTU. Two background wells are in place on the east side and at the southeast corner of the NSLTU. Each well is screened in the gravel zone of the alluvial aquifer. Well and screen location is per the Montana Hazardous Waste permit. Semiannual samples are analyzed for the PHCs listed above. Ground-water elevation determinations are made semiannually and ground water flow rates and direction are made on an annual basis.

c. No-Migration Demonstration

The bases for EPA's proposed decision that Exxon has demonstrated to a reasonable degree of certainty that no hazardous constituents will migrate from the NSLTU for as long as the wastes remain hazardous are discussed in this section. The supporting monitoring and modeling data and other discussions referred to in this section are available in the RCRA regulatory docket for today's notice.

1. Monitoring Results

Exxon has been operating the New South Land Treatment Unit (NSLTU) since 1980. Initially, the environmental media at the facility were monitored for basic indicator parameters. Once the Montana Hazardous Waste Permit was issued, a more specific monitoring program was instituted as described above. This section reviews the results of this monitoring.

a. Ground water. Exxon monitors the ground water at the NSLTU at two upgradient monitoring wells and three downgradient monitoring wells. Between 1980 and 1986, when Exxon first began applying wastes to the NSLTU, Exxon was required to monitor the ground water for four indicator parameters: pH, specific conductance, total organic carbon, and total organic halogen. In accordance with its Montana Hazardous Waste Permit, Exxon started collecting semi-annual ground-water monitoring data in 1986, including analysis for the PHCs. Exxon provided these monitoring data to support its claim that hazardous constituents have not migrated through the treatment zone and into the underlying ground water. The Agency reviewed Exxon's ground-water monitoring data on the PHCs and determined that none of the constituents have ever been detected above their respective health-based level. The Agency, therefore, concludes that the ground-water monitoring data collected by Exxon support its demonstraton that there has been no migration of hazardous constituents into the ground water.

b. *Soils.* In order to determine whether constituents have migrated beyond the unit boundary, Exxon, in accordance with its Montana Hazardous Waste Permit, collected five separate random core samples from beneath the treatment zone (BTZ) and analyzed them for the PHCs on an annual basis. Exxon collected and analyzed BTZ soil-cores starting in 1986 and then again in 1988, 1989, and 1990.

The Agency reviewed Exxon's BTZ soil-core monitoring data on the organic PHCs and determined that none of the constituents were detected above their respective health based levels. The Agency, therefore, concludes that these BTZ soil-core monitoring data demonstrate that there has been no migration of organic hazardous constituents into soil below the treatment zone.

In the case of the inorganic PHCs, that is, chromium and lead, Exxon's monitoring data from BTZ samples show that both metals have been consistently detected at concentrations similar to the established background levels. For example, during 1989 and 1990, detected chromium concentrations ranged from 12 mg/kg to 22.7 mg/kg and lead concentrations ranged from non-detect (<5.0 mg/kg) to 11 mg/kg. The background (naturally occurring) concentration for chromium is 22 mg/kg and for lead is 11.4 mg/kg. Since the monitoring data are so similar to the background levels, EPA concludes these inorganics did not result from the application of waste to the land treatment unit. In addition, the detected levels are far below the health-based

[4] See "Evaluation of Constituents Detected in Listed Petroleum Wastes and Discussion Regarding the Petroleum List," March 1992. Draft. Prepared for the Office of Solid Waste. Available in the RCRA regulatory docket for today's notice.

level for chromium, 1,000 mg/kg, and the interim soil cleanup level for total lead, 500 to 1,000 mg/kg. The Agency, therefore, concludes that the BTZ soil-core monitoring data collected by Exxon support its demonstration that there has been no migration of inorganic hazardous constituents below the unit boundary.

c. *Soil-pore liquids.* In order to determine whether constituents have migrated below the unit boundary, Exxon, in accordance with the Montana Hazardous Waste Permit, collects soil-pore liquids on a semi-annual basis from pan lysimeters installed just beneath the treatment zone. The soil-pore liquids are analyzed for the PHCs.

The Agency reviewed Exxon's soil-pore monitoring data on the PHCs and determined that, with the exception of one data point, no hazardous constituents have been detected above their respective health-based levels. On that one occasion, during the June 1989 monitoring event, benzene was detected at a concentration (0.02 mg/L), which is slightly above the health-based level (0.005 mg/L). Exxon, in accordance with its permit, resampled this lysimeter within 30 days of receipt of the laboratory results and did not detect benzene.

Exxon attributes the one-time detection of benzene to an incident that occurred during collection of the previous soil-pore liquid sample in November 1988. According to Exxon, waste was accidentally sprayed onto the cover of the 2.6-meter-deep access to the sample bottle. This bottle is connected by a stainless steel tube to the pan lysimeter located two meters away at the base of the treatment zone. Waste fell from the cover when opened and onto the bottle and the gravel at the base of the access when the cover was opened. The contaminated collection bottle was sealed with the cap from the new sample collection bottle to be put onto the system. Exxon's log book for the June 1989 event shows that the liquid from this lysimeter contained sediment (an unusual characteristic for soil-pore liquids). Exxon believes that sediment contaminated with benzene may have been accidently knocked into this second bottle during the switch over. Since then Exxon has reported that the contaminated material was removed from the access space and the workers who spray waste have been instructed not to apply waste so closely to the access covers and contamination has not reoccurred.

The Agency consequently believes that this single monitoring result does not provide evidence of migration. If it were actually migration, one would expect to find residual contamination in either soil cores or subsequent monitoring of the soil-pore liquid. During the nine years of operation before this anomaly, benzene had never been detected in the soil-pore liquid, nor has it been detected in any of the four monitoring events since June 1989 or in the soil cores or underlying ground water. Thus, the Agency believes that the single detection event in 1989 does not demonstrate migration.

The Agency, therefore, concludes that the soil-pore liquids monitoring data support Exxon's demonstration that there has been no migration of hazardous constituents below the treatment zone into soil pore liquids.

2. Organics Mobility

In order to address the potential migration of organic constituents through the treatment zone in the future, Exxon is relying on: (1) Computer simulations; (2) soil-core and soil-pore monitoring data collected since 1986; and (3) maintenance of proper management conditions.

a. *VIP Modeling.* Exxon used the Agency's Vadose Zone Interactive Processes (VIP) model to access the long-term migration potential of the organic consitutents of concern in simulation of four specific unsaturated treatment zone scenarios. The four scenarios studied by Exxon were: (1) One-year's operation of the NSLTU; [**] (2) a long-term simulation (≧50 years) using literature-derived degradation kinetics and partitioning information with site-specific waste properties and operational factors as model inputs; [5] (3) a reasonable-worst case simulation using low degradation rates and partitioning coefficients over five years of operation; and (4) sensitivity analyses to determine which input parameters could strongly influence the simulation results, and therefore, be subject to further evaluation.[6] Exxon evaluated the following nine organic constituents: toluene, anthracene, benzo(a)anthracene, benzo(a)pyrene, chrysene, naphthalene, phenanthrene, phenol, and pyrene.

Exxon, whenever possible, used site-specific input values; however, if none were available, Exxon used conservative literature-derived values or derived values using standard calculations (e.g., Clapp and Hornberger [7]). The modeled waste properties were based on a composite waste sample consisting of Slop Oil Emulsion Solids, API Separator Sludges, and Toxicity Characteristic (TC) wastes (i.e., tank bottoms and oil contaminated soils). The weighted average constituent concentrations were calculated using historic waste loading data and waste specific constituent concentrations.

Actual climatic data, operational parameters, such as waste application rates and application frequencies, and first order degradation rates were also used. Exxon calculated the oil and grease degradation rate by using actual monthly ZOI sampling data and waste loading records. Lastly, Exxon calculated constituent specific distribution coefficients using site-specific soils data and constituent specific organic carbon partition coefficients and used literature-obtained values for the oil/water partition coefficients.

The result of Exxon's simulation of one-year land treatment operations showed no constituents migrating below the zone of incorporation (i.e., all of the constitutents were completely degraded within the zone of incorporation). The results of Exxon's long-term simulation of land treatment operations again showed that all of the constituents were completely degraded within the zone of incorporation. Specifically, anthracene, benzo(a)anthracene, benzo(a)pyrene, chrysene, naphthalene, phenanthrene, phenol, pyrene, and toluene were degraded to concentrations below health-based levels within the 50-year period (24 active years plus 35 closure/post closure years).

Exxon's simulation of the worst-case scenario showed that the waste concentrations in the zone of incorporation under the "worst-case" scenario exceeded the zone of incorporation concentrations found in the one-year simulation concentrations by factors ranging from 1.02 for phenol to 9.23 for benzo(a)pyrene. However, in all instances the constituents were completely degraded within the zone of incorporation, except for toluene. The maximum estimated soil-pore liquid concentration of tolune was 0.042 mg/L at a depth of 1.1 meters (the health-based level for toluene is 1.0 mg/L).

Exxon's sensitivity analyses were performed on phenanthrene and toluene, which are representative of the two classes of constituents of concern (volatile and semi-volatile organics). For phenanthrene, Exxon discovered that soil temperature, temperature factor, biodegradation rates, partitioning coefficients, oil degradation rates and constituent concentration were all important inputs; however, in no case did phenanthrene migrate below the treatment zone. For toluene, Exxon discovered that the only significant input was toleune concentration and in no case did toluene migrate below the treatment zone.

The Agency reviewed Exxon's modeling work and was able to duplicate the work. In additon, the Agency reviewed all of the input values and concluded that the input parameters used by Exxon are acceptable, as they were either site-specific or conservatively derived from standard reference materials. As a result, EPA believes that Exxon's modeling supports the conclusion that the organic constituents will be completely degraded to non-hazardous levels within the treatment zone. (For a complete description of Exxon's VIP unsaturated zone modeling, see Exxon's "Response to Technical Evaluation," Attachment 12, located in the RCRA Regulatory Docket for today's notice.)

The results of the soil-core and soil-pore liquids monitoring data corroborate the VIP output; therefore, EPA believes that Exxon has complied with 40 CFR 268.6(b)(3) which requires petitioners to verify computers simulation models for accuracy by comparison with actual measurements.

b. *Operational data.* As mentioned above, the soil-core and soil-pore monitoring data collected to date indicate that organic constituents have not migrated from the unit in the past. As required in § 268.6(c), Exxon will continue to sample and analyze soil-core and soil-pore liquid samples as part of the monitoring program. These requirements are imposed through the Montana Hazardous Waste Permit and as a condition to day's proposed variance.

Based on the VIP Modeling results, Exxon's adherence to proper operational control,[8] and Exxon's successful operation of the NSLTU over the last eleven years, the Agency believes that Exxon has demonstrated, to a reasonable degree of certainty, that the organic constituents will be completely degraded within the treatment zone and will not migrate. (Note that the airborne dispersion of the organic constituents is addressed below in section 4. Air Modeling and Monitoring.)

3. Metals Mobility

Inorganic constituents, such as chromium and lead, will not degrade, and therefore will remain at in situ levels virtually indefinitely—certainly far beyond the predictive capabilities of any established models. Therefore, to demonstrate that the inorganic constitutents would not migrate beyond the unit boundary at hazardous concentrations and/or are immobilized, Exxon provided an analysis of theoretical chemical transformation or fate coupled with operational practices designed to reduce metals mobility.

For the theoretical approach, Exxon's petition discussed the impact on metals of several immobilization, transformation and attenuation mechanisms: Oxidation/reduction potential, solubility, hydrolysis, adsorptivity, and the cation exchange capacity (CEC) of the NSLTU soils. Many of these physical processes are dependent on soil conditions that are controlled by Exxon, such as pH. EPA notes the NSLTU soils contain materials (beyond lime) which can prevent inorganics from becoming more mobile. For instance, both the soils and the wastes contain organic carbon and several functional groups such as carboxylic acids, alcohols, and phenols which are known to reduce the mobile Cr(VI) species to the immobile CR(III) species. EPA concluded that these discussions adequately characterized the low potential for mobility of metals at the NSLTU.

In addition, Exxon demonstrated, based on the total metals loadings to the NSLTU, that the final metals concentrations in the zone of incorporation (ZOI) soils were low enough to preclude potential migration of any specific inorganic constituent (i.e., assuming in the worst-case that a specific inorganic constituent moved from the ZOI through the treatment zone and below the unit at the concentration found in the ZOI, this concentration would be less than the Agency's proposed definition of migration). Exxon calculated that the ZOI metal concentrations of all the inorganic constituents would be well below the health-based levels assuming direct ingestion of soil.

Exxon has in the past and will continue in the future to follow practices designed to minimize metals mobility, that is, to prevent the oxidation states of the inorganic constituents from changing into the more mobile species. These practices include the addition of lime (to exert control over metal solubilities), moisture control (to prevent soils from becoming anaerobic), and the use of computer-controlled application rates (to prevent overloading and formation of hot spots). EPA agrees that the success of this program is evidenced by soil-core and soil-pore monitoring data collected since 1986, which demonstrate that the inorganic constituents have not migrated and are not likely to migrate in the future. Last, Exxon will continue to conduct the soil-core and soil-pore liquids monitoring as required by its Montana Hazardous Waste Permit. The Agency believes that Exxon will be able to prevent future migration of the inorganic constituents through the treatment zone by adherence to these operational controls.

The Agency, therefore, concludes that Exxon has demonstrated, to a reasonable degree of certainty, that the inorganic constituents will not migrate at hazardous concentrations beyond the unit boundary. This is evidenced by Exxon's successul operation of the NSLTU over the last eleven years, monitoring results that show that no inorganics have been detected above health-based levels, the discussion on metals attenuation and the estimated ZOI concentrations (where one would expect high levels), which are predicted to be below health-based levels.

4. Air Pathway Assessment

a. *Air modeling.* Exxon addressed the potential migration of both the organic and inorganic constituents via the air pathway by utilizing an air emissions model and an air dispersion model, both applicable to land treatment facilities, to predict annual average to land treatment facilities, to predict annual average concentrations at the NSLTU unit boundary. The air emissions model (CHEMDAT7) and the dispersion models (Industrial Source Code Long Term (ISCLT) and Short Term (ISCST)) were developed by EPA's Office of Air Quality Planning and Standards (OAQPS) and are available from NTIS (U.S. Department of Commerce, National Technical Information Service).

[**] Exxon notes that the results of this simulation were compared to those obtained from Exxon's Land Treatment Demonstration; the comparison validated the VIP (version 2.0) model's ability to accurately predict the environmental fate of waste constituents in the unsaturated zone.

[5] Exxon selected 50 years as the base case long-term simulation since this time period would represent 24 years of future waste application plus 35 years of closure and post-closure care with monitoring and no waste application. When necessary, however, Exxon simulated a longer closure/post closure period in order to show that there would be complete degradation and no migration of the specific hazardous constituent.

[6] Exxon performed sensitivity analyses for the following parameters: soil moisture coefficient, soil porosity, bulk density, temperature factor, soil temperature, degradation rates, oil/water partition coefficient, soil/water partition coefficient, oil and grease degradation rate, and constituent concentrations.

[7] Clapp, R.B. and G. Hornberger. 1978. Empirical equations for some soil hydraulic properties. Water Resources Research 14:601-604.

[8] Exxon's petition states that it will impose specific operational practices to enhance the degradation and volatilization of the organic constituents, including periodic disking/tilling, the addition of fertilizer, moisture control, and computer controlled applications. Failure to follow these practices would constitute a violation of the variance.

Specifically, Exxon performed the following studies: (1) A season-based engineering calculation of particulate emissions from five potential source activities/processes; (2) a season-based emissions modeling of volatile and semi-volatile gaseous constituents using CHEMDAT7; and (3) a seasonal-based dispersion modeling using ISCLT. For a complete description of Exxon's air emissions and air dispersion modeling, see Exxon's "Response to Technical Evaluation," Attachments 14 and 30, located in the RCRA regulatory docket for today's notice.

First, Exxon calculated the annual fraction of total suspended particulate (TSP) emissions of ≤10 microns in diameter (PM_{10}) [9] emitted by waste transport vehicles (58 kg), waste dumping (0.02 kg), waste application (86 Kg), waste incorporation and tilling (443 kg), and wind erosion (2,062 kg). Exxon's analyses did not incorporate emissions resulting from vehicle trackout because Exxon has committed (and would be required under a final grant of this petition) to install a vehicle decontamination unit as a condition of the variance (see Section IV. Condition of Variance). The total average annual PM_{10} emissions is 2,650 kilograms.

Exxon then calculated the gaseous emissions of the volatile and semi-volatile constitutents using the land treatment and wast pile modules of the CHEMDAT7 emissions model. Exxon's emissions modeling consisted of a three-step approach for each waste type and each quarter of the year. (Waste is applied during only part of the year, generally April through October.) Specifically, Exxon used the land treatment model to:

- Simulate emissions from a unit waste pile for a 24-hour period for each waste type during the time period between waste dumping and waste application;
- Simulate emissions from a five-centimeter thick wast layer covering an area of 150.6 square meters over the two-hour time period beteen waste application and waste incorporation; and
- Calculate the emissions from the 150.6 square-meter sector occurring over all four quarters (90 days) using a standard tilling depth of 23 centimeters.

The "unit waste pile" modeling approach reflects the actual waste application and management practices and the actual concentrations of hazardous constituents present in the wastes managed at the NSLTU. A summary of total annual emissions calculated by Exxon is presented in Table 2.

TABLE 2.—SUMMARY OF TOTAL ANNUAL EMISSIONS—MASS EMITTED

Constituent	Total emissions (g/s−m²)
Benzene	5.85×10^{-13}
Benzo (a) anthracene	7.33×10^{-13}
Benzo (a) pyrene	3.70×10^{-10}
Naphthalene	8.07×10^{-11}
Phenanthrene	6.40×10^{-12}
Toluene	1.86×10^{-10}
Xylenes (total)	1.02×10^{-9}
Arsenic	4.21×10^{-13}
Chromium	3.31×10^{-11}
Lead	2.50×10^{-11}
Cadmium	1.09×10^{-12}

Exxon then conducted a sensitivity analysis on the slop oil emulsion solids (K049) waste pile, waste application, and waste tilling simulations to determine the importance of the simulation time, total porosity, air porosity, wind speed, soil temperature, and oil loading inputs. The results of Exxon's sensitivity analysis showed that the modeled predictions are relatively insensitive to reasonable variation in the input parameter values (i.e., the maximum predicted increase in emissions fractions for any given simulation was less than five percent).

Exxon then used the ISCLT model to estimate the downwind concentrations of the hazardous constituents emitted from the NSLTU. Specifically, Exxon performed three sequential sets of simulations, with each successive simulation becoming more refined, in order to locate the area source closest to the point where the maximum constituent concentrations were predicted to occur. The ISCLT simulations were performed using site-specific information, local meteorological data collected between 1988 and 1990, and the model's regulatory default values for wind profile exponents, vertical potential temperature gradients, final plume rise, stack tip downwash, and bouyancy-induced dispersion (the latter three parameters generally are more applicable to point source emissions than area source emissions).

Exxon then calculated the seasonal-based maximum average annual air concentrations at the unit boundary using the constituent-specific emissions rates. The maximum average-annual constituent concentrations were calculated by computing the arithmetic mean of the four quarterly concentrations. The maximum average-annual concentrations and the health-based levels used in no-migration petition decision-making are presented in Table 3.

TABLE 3.—PREDICTED ANNUAL AVERAGE DOWNWIND CONCENTRATIONS (μg/m³)

Constituents	Annual average downwind concentrations	Health-based limits *
Benzene	8.64×10^{-2}	1×10^{-1}
Toluene	1.37×10^{-1}	2×10^{-3}
Xylenes	4×10^{-1}	3×10^{-2}
Arsenic	6.82×10^{-5}	2×10^{-4}
Chromium	1.04×10^{-5}	6×10^{-5}
Lead	8.88×10^{-4}	1.5
Cadmium	4.61×10^{-5}	6×10^{-4}

* See "Health-Based Levels Used in No-Migration Petition Decision-Making," February, 1992, located in the RCRA regulatory docket for today's notice.

The Agency proposes to interpret migration via the air medium as exceeding the health-based level for a hazardous constituent on an annnual average concentration, not on a single event. This approach is protective, since air health-based levels are based upon long-term assumptions (i.e., 70-year exposures), and are far below risk levels in an acute air exposure scenario. Furthermore, the approach is appropriate because movement of constitutents in air is rapid and concentrations are transient. To have any meaning, in terms of migration or risk, air emissions can be measured only as releases over a period of time, whereas measurements of constituents in ground water and soil media reflect concentrations in a relatively stable medium (i.e., dispersive and temporal factors are less significant).

As shown above in Table 3, the maximum annual average concentration of each of the constituents at the unit boundary is less than its respective health-based limits. The Agency, therefore, believes that Exxon's modeling supports its demonstration that there will be no migration of hazardous constituents at hazardous concentrations via the air pathway.

b. *Air monitoring.* EPA's regulations do not require air monitoring at land treatment units, and Exxon has not conducted such monitoring in the past. Indeed, the value of routine ambient monitoring in determining releases at the unit boundary of a land treatment unit can be questioned. As an alternative, EPA is proposing that Exxon conduct a one-time ambient air monitoring program, under reasonable worst-case conditions, to confirm modeling estimates. (Air monitoring under reasonable worst-case conditions is proposed, because it would facilitate detection of hazardous constituents, which may be at low concentrations near detection limits.) This confirmatory monitoring of the air pathway would be required specifically for the no-migration demonstration and not for the Montana Hazardous Waste Permit. In addition, the Agency proposes that Exxon regularly sample the wastestreams disposed of at the NSLTU and the ZOI soils to assure that the modeled annual quantity of a hazardous constituent is not exceeded. The results of this routine monitoring should be sent to EPA on the same schedule they are provided to the State of Montana under the facility's permit (see Section IV. Conditions of Proposed Variance). The Agency believes that this approach is preferable to routine ambient air monitoring, which can involve too many uncertainties and variability for reliably detecting migration.

Exxon did not conduct air monitoring prior to the effective date of the Land Disposal Restrictions (November 8, 1990) and cannot do so until such time as a variance is granted, because those hazardous wastes restricted from land disposal (K049 and K051) must be applied to the land treatment unit in order to perform the monitoring. The Agency is proposing as a condition of this variance, that Exxon complete a specific air monitoring program within 15 months of variance issuance (see Section IV. Conditions of the Proposed Variance). This time period was chosen because (1) the monitoring must be performed under worst-case conditions, which are expected to occur in July and August, (2) a reasonable amount of time is needed to prepare for the actual field monitoring program, and (3) it is uncertain when the final variance will be issued in relation to the worst-case conditions.

In response to EPA's request, Exxon submitted a proposed monitoring program with its petition. Exxon's proposed air monitoring plan consists of sampling and analysis of the ambient air at the unit boundary for inorganics, volatile organics and semi-volatile organics. Exxon determined the location of sampling monitors by emission and dispersion modeling, using worst case conditions specific to the NSLTU as input parameters. After carful review of the plan, EPA has concluded that it will be sufficient to confirm the modeling. For more information, see Volume 2 of "Response to September 9, 1991 Technical Evaluation," located in the RCRA docket for today's notice. If the results of the air monitoring program do not confirm EPA's conclusion of no-migration, Exxon would be required to stop disposing of the restricted hazardous wastes and the variance would be revoked.

5. Evaluation of Other Possible Pathways of Migration

Review of Exxon's petition included an evaluation of other possible pathways of migration in addition to the ground water, soil, and air media. EPA reviewed the closure plan, the run-on and run-off control system in place at the unit and the proposal to install a vehicle decontamination facility. The Agency concluded that there are no other significant means for hazardous constituents to migrate at hazardous levels from the unit boundary of the NSLTU.

Exxon maintains a run-on control system capable of preventing flow onto the treatment zone and a run-off control system which is designed to contain the volume of water falling on the NSLTU during a 24-hour, 25-year storm. The same dikes that control run-on also control run-off. The two- to five-foot high dikes are constructed of compacted clay-rich soils obtained from the immediate area and are topped with gravel. This system effectively controls the surface water medium such that it is not a pathway for migration.

EPA is concerned, however, that track-out of constituents on vehicles is a possibility. Therefore, the Agency is proposing to require, as a condition to the variance, that Exxon install a vehicle decontamination facility at the NSLTU prior to application of any restricted wastes (K049 and K051). The facility, as designed in a plan proposed by Exxon, will restrict access to and from the land treatment unit and prevent trackout of hazardous constituents on vehicles. A copy of the plan can be found in "Response to Technical Evaluation" Attachment 2, and is available in the RCRA regulatory docket for today's notice. (See Section IV. Conditions of Proposed Variance.) EPA is also proposing to require Exxon to notify it upon completion of installation of the vehicle decontamination facility. This requirement will simplify enforcement of the condition.

In order to assure that the no-migration standard will continue to be met after the conclusion of the operating period, EPA reviewed Exxon's closure/post-closure plan as described in the Montana Hazardous Waste Permit and Exxon's estimates of concentrations of hazardous constituents remaining in ZOI soils at closure. The predicted concentrations of both the organic and inorganic constituents are less than their respective health-based levels for ingestion of soils at the end of post-closure care.

The closure/post-closure plan requires Exxon to continue all operations in the permit necesary to maximize degradation, transformation, or immobilization of hazardous constituents within the treatment zone. Exxon must add 15 cm of top soil and establish a vegetative cover. Monitoring of the environmental media as necessary will also continue per the permit. (See the Montana Hazardous Waste Permit for more details, located in the RCRA regulatory docket for today's notice.)

6. Conclusion

Exxon petitioned the Agency seeking to continue the land disposal of EPA Hazardous Waste Nos. K049 and K051 at its New South Land Treatment Unit located in Billings, Montana. For the reasons described earlier, EPA has also considered the petition to cover TC-hazardous contaminated soils (Hazardous Waste No. D018). The Agency believes that Exxon has successfully demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents beyond the unit boundary at hazardous concentrations for as long as the waste remains hazardous at this facility. EPA has tentatively concluded that the petiton, with several supplemental documents, demonstrates that this land treatment unit is capable of transforming, degrading or immobilizing the hazardous constituents in the applied waste. The Agency, therefore, is proposing to grant to the Exxon Billings Refinery a variance from the Land Disposal Restrictions, with certain conditions, for its New South Land Treatment Unit.

III. Implementation and Enforcement of the Variance

If made final, the no-migration variance will only apply to the New South Land Treatment Unit (NSLTU) and the wastes and waste volumes covered by the demonstration. The proposed variance for land disposal of restricted wastes is applicable to only Slop Oil Emulsion Solids (K049), API Separator Sludge (K051), and TC Contaminated Soils (when the land disposal restrictions are promulgated for this waste) generated at the Exxon Refinery in Billings, Montana (40 CFR 268.6(i)).

Exxon would be required to amend this variance before applying other restricted hazaradous wastes to the land treatment unit. Of course, Exxon may continue to apply non-hazardous wastes

[9] Emission particles of ≤ 10 microns in diameter represent the fraction of material presenting risk via the airborne pathway (i.e., respirable particles).

or unrestricted hazardous wastes, regardless of the terms of the proposed decision.

EPA's proposd decision is based on specific informtion provided by Exxon in its petition, and it assumes Exxon's compliance with its Hazardous Waste Permit, issued by the State of Montana. Therefore, Exxon's petition and its State permit define the scope of permissible activities under the variance.[10] Any substantial departures from the terms of the petition or the permit that might affect migration from the unit (e.g., acceptance of new restricted wastes not listed in the petition, or major changes in operational practices) would require amendment of the variance. If Exxon made such changes without first seeking an amendment, and if it continued to apply restricted wastes at the unit, it would be in violation of the RCRA land disposal restricitons and would potentially be subject to enforcement action.

EPA notes that the current RCRA regulations spell out procedures that govern changes at facilities subject to no-migration variances. Specifically, in accordance with 40 CFR 268.6(e), Exxon must report any changes in conditions at the NSLTU and/or the environment around the unit that significantly depart from the conditions described in the petition and affect the potential for migration of hazardous constituents from the unit. If Exxon plans to make changes to the design, construction, or operation of the NSLTU, or any other changes that may affect the potential for migration of hazardous constituents, such a change must be proposed in writing to EPA at least 30 days prior to making the change. EPA will determine whether the proposed change invalidates the terms of the variance and will determine the appropriate response. Any significant change must be approved before it is made. If Exxon discovers that a condition at the site, which was modeled or predicted in the petition, does not occur as predicted, this change must be reported, in writing, to the Administrator within 10 days of discovering the change. EPA will determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance, revocation of the variance or other responses.

[10] Exxon must also demonstrate that it is in compliance with certain organic air emission standards, proposed as 40 CFR 264 subpart CC, once these regulations become effective. The Subpart CC regulations would be imposed pursuant to RCRA section 3004(n) as well as sections 3004 (d), (e) and (f).

In addiiton, in accordance with 40 CFR 268.6(f), of Exxon determines that there is migration of a hazardous constituent(s) from the NSLTU, Exxon must immediately suspend receipt of restricted waste at the NSLTU, and notify the Agency in writing, within 10 days of the determination that a release has occurred. Within 60 days of receiving notification, EPA will determine whether Exxon can continue to receive restricted waste in the NSLTU or whether the variance is to be revoked. (EPA notes that decisions on on-migration determinations, other than for underground injections wells, have been delegated to the Office of Solid Waste and Emergency Response (OSWER). Notices required under § 268.6(e) and (f), therefore, should be submitted to the Chief, Assistance Branch, Office of Solid Waste (OS-343), U.S. Environmental Protection Agency, 401 M Stret SW., Washington, DC 20460.0

In addition, today's proposed decision would impose a series of specific conditions on Exxon's operations designed to ensure that migration did not occur, and that the no-migration variance could be effectively enforced. These proposed conditions are spelled out in section IV. of today's notice and are discussed in detail in earlier sections. These conditions would be directly enforceable and a violation of a condition would constitute a violation of the RCRA land disposal restrictions. EPA's Region VIII will have primary responsibility for ensuring compliance.

In accordance with 40 CFR 268.6(k), the proposed variance will be valid for up to ten years, but no longer than the term of the facility's Montana Hazardous Waste Permit; therefore, Exxon's variance for the NSLTU would expire on October 18, 1998 (the date on which Exxon's Montana Hazardous Waste Permit expires), unless the permit is renewed or reissued.

IV. Conditions of Proposed Variance

As a condition of this proposed no-migration variance, EPA proposes that Exxon comply with the following terms:

(1) Exxon must comply with Montana State permit conditions with regard to characterization of wastes disposed of at the NSLTU, and monitoring of ground water, soil and soil-pore liquids at that unit. Exxon must provide the results of this characterization and monitoring to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, on the same schedule as they are provided to the State of Montana Department of Health and Environmental Sciences (DHES) under the facility's permit.

(2) Exxon must collect samples of the TC-hazardous Tank Bottoms and the non-hazardous wastestreams (Boiler House Lime Sludge; Cooling Tower Sludge; and DEA Sludge) and analyze them for all of the constituents on the list of "Petroleum Constituents of Concern." A copy of this list is provided in today's RCRA regulatory docket. Exxon must analyze four representative samples of these wastestreams, or where a waste is infrequently generated, a sample each time the waste is generated for a period of two years from variance issuance. The results of the analyses must be provided in a written report, to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 60 days of the last application of these wastes in each operating season.

(3) Exxon must conduct confirmatory air quality monitoring at the NSLTU within 15 months of variance issuance to evaluate the accuracy of the modeling estimates. The monitoring must meet the standards described in the approved plan found in "Response to Technical Evaluation" Attachment 22, a copy of which is provided in the RCRA regulatory docket for today's notice. The results of the monitoring should be compared to short term modeling for the same source and dispersion conditions that occurred during the monitoring period. This comparison will be used to confirm the average annual modeling air release estimates. Exxon shall provide the written results of the air monitoring program, including any revisions to the modeling estimates, to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 90 days of air monitoring sample collection.

(4) Exxon must install the vehicle decontamination facility at the NSLTU proposed in "Response to Technical Evaluation" Attachment 2, (located in the RCRA regulatory docket for today's notice), or one that provides no less adequate protection, prior to application of any restricted wastes, and must decontaminate all vehicles before they leave the unit. The decontamination facility must be constructed so as to restricted access to and from the land treatment unit and prevent trackout of hazardous constitutents on vehicles. Notification of installation of this facility shall be sent to the EPA Region VIII Montana Operations Office, Federal Building, 301 South Park, Helena, MT 59626, within 30 days of installation.

Dated: March 19, 1992.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

[FR Doc. 92-6917 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4117-8]

Availability of Fish Contamination Program Document

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that a public information document relating to the fish contamination program is available to the public. There is no new policy or guidance in this document.

Copies of the document identified in this notice may be obtained by making written request to the U.S. Environmental Protection Agency (EPA) at the address provided below.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency Fish Contamination Section (WH-585), 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following document may be obtained free of charge from the EPA:

Consumption Surveys for Fish and Shellfish, A Review and Analysis of Survey Methods. US Environmental Protection Agency. EPA 822/R-92-001 February, 1992. 55 Pages.

This document contains a critical analysis of survey methods used to determine fish consumption rates for recreational and subsistence fishermen; these groups have the greatest potential for exposure to contaminants in fish tissues. The survey methods may also be used in determining appropriate consumption rates for use in State adoption of water quality standards for the protection of human health. The document summarizes the advantages and disadvantages of five survey approaches: Recall-Telephone Survey; Recall-Mail Survey; Recall-Personal Interview; Diary; and Creel Census. It also highlights important methodological considerations such as survey design, selection of respondents, information sought, quality assurance, and statistical analyses. In addition, the document provides information on relative costs and approximate levels of effort as well as a bibliography.

When requesting this publication, identify the document by title and specify the quantities desired.

Tudor F. Davies,

Director, Office of Science and Technology, Office of Water.

[FR Doc. 92-7026 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59303A; FRL-4054-5]

Certain Chemicals Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (tsca) and 40 CFR 720.38. EPA has designated this application as TME-92-3. The test marketing conditions are described below.

EFFECTIVE DATES: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Rick Keigwin, New Chemicals Branch, Chemical Control Division (TS-794), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-611, 401 M St. SW., Washington, DC 20460, (202) 260-2440

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-92-3. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-92-3. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.

2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.

3. Copies of the bill of lading that accompanies each shipment of the TME substance.

TME-92-3

Date of Receipt: February 12, 1992.

Notice of Receipt: March 2, 1992 (57 FR 7388).

Applicant: Safety-Kleen Corporation.

Chemical: (S) Lubricating oils, used, residues.

Use: (S) Asphalt Extender.

Production Volume: 20 million kilograms.

Number of Customers: (Confidential).

Test Marketing Period: 7 months, commencing on first day of manufacture.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should an new information that comes to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: March 17, 1992.

John W. Melone,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-7027 Filed 3-25-92; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL DEPOSIT INSURANCE CORPORATION

Coastal Barrier Improvement Act; Property Availability: Brodie Tract, Austin, TX

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the property known as the "Brodie Tract" located near Austin, Texas is affected by section 10 of the Coastal Barrier Improvement Act of 1990, as specified below.

DATES: Written Notices of Serious Interest to purchase or effect other transfer of the property may be mailed or faxed to the Federal Deposit Insurance Corporation until June 24, 1992.

ADDRESSES: Copies of detailed descriptions of the property can be obtained by contacting the following Person: Tom Goodson, AMRESCO Management, Inc., 1201 Main Street, 11th Floor, Dallas, Texas 75202, telephone (214) 508–4433, Fax (214) 508–4439.

SUPPLEMENTARY INFORMATION: The 91.61 acre tract is located in the northwest corner of Loop 360 and Highway 290, one-half mile south of Barton Creek Mall, Austin, Texas. The property is primarily undeveloped, and is surrounded by Loop 360, a shopping center and a residential development. The property abuts the City of Austin owned Barton Creek greenbelt on the western boundary of the property. The property is located within the municipality of Austin, Texas, is zoned for multifamily, general office and some retail uses, and is not platted. There is an unconfirmed suspicion that endangered or protected species, including, without limitation, the Golden Cheek Warbler and Black Capped Vireo or their habitats exist in the area.

Written notice of serious interest to purchase the property must be received on or before June 24, 1992 by Tom Goodson at the above address.

Those entities eligible to submit written notices of serious interest are: 1. Agencies or entities of the federal government,

2. Agencies or entities of state or local government, and

3. "Qualified organizations" pursuant to section 170(h) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(s)).

Form of Notice

Notices of serious interest should be in the following form:

Notice of Serious Interest re:

Brodie Tract Land

Austin, Texas

1. Name of eligible entity.
2. Declaration of eligibility to submit notice under criteria set forth in Public Law 101–591, section 10(b)(2).
3. Brief description of proposed terms of purchase or other offer (e.g. price and method of financing).
4. Declaration by entity that it intends to use the property primarily for wildlife refuge, sanctuary, open space, recreational, historical, cultural or natural resource conservation purposes.

Dated: March 20, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 92–6980 Filed 3–25–92; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 92–12]

Save on Shipping, Inc. v. Puerto Rico Maritime Shipping Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Save On Shipping, Inc. ("Complainant") against Puerto Rico Maritime Shipping Authority ("Respondent") was served March 20, 1992. Complainant alleges that Respondent has violated sections 17 and 18(a) of the Shipping Act, 1916, 46 U.S.C. app. 816 and 817(a), and section 2 of the Intercoastal Shipping Act of 1933, 46 U.S.C. app. 844, by attempting to collect unfiled rates and charges and by prosecuting claims for costs, undefined expenses and attorneys fees.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 22, 1993, and the final decision of the Commission shall be issued by July 20, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7019 Filed 3–25–92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

County Bancshares, Inc.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. County Bancshares, Inc., Troy, Alabama; to establish Pike County Federal Savings Bank, Troy, Alabama, pursuant to § 225.25(b)(9) of the Board's Regulation Y to facilitate the acquisition of the Troy, Alabama branch office of First Federal Bank, F.S.B., Tuscaloosa, Alabama.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–6994 Filed 3–25–92; 8:45 am]

BILLING CODE 6210-01-F

Dauphin Deposit Corporation, et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Dauphin Deposit Corporation, Harrisburg, Pennsylvania; to merge with FB&T Corporation, Hanover, Pennsylvania, and thereby indirectly acquire Farmers Bank and Trust Company of Hanover, Hanover Pennsylvania.

In connection with this application, Applicant also proposes to acquire Farmers Bank, FSB, Baltimore, Maryland, and thereby engage in savings association activities of deposit taking and lending, and other activities pursuant to § 225.25(b)(9); Farmers Mortgage Corporation, Hanover, Pennsylvania, and thereby engage in making and originating residential mortgage loans pursuant to § 225.25(b)(1)(iii); Reliance Consumer Discount Company, Hanover, Pennsylvania, and thereby engage in acting as a consumer finance company pursuant to § 225.25(b)(1)(i); and Center Square Life Insurance Company Hanover, Pennsylvania, and thereby engage in acting as principal for insurance that is directly related to extensions of credit by its affiliates pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Midland Financial Co., Oklahoma City, Oklahoma, and its subsidiary, MidFirst Bank, State Savings Bank, Oklahoma City, Oklahoma; to become bank holding companies by acquiring 100 percent of the voting shares of MidLand Capital Co., Oklahoma City, Oklahoma, and thereby indirectly acquire Northwest Bank, Oklahoma City, Oklahoma; and ONB Bancorp, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Oklahoma National Bank and Trust Co., Chickasha, Oklahoma.

In connection with this application, Applicant also proposes to indirectly acquire ONB Insurance Agency, Inc., Chickasha, Oklahoma, a nonbanking subsidiary of ONB Bancorp, and thereby indirectly acquire engage in the sale of credit related insurance pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Comments on this application must be received by April 14, 1992.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–6995 Filed 3–25–92; 8:45 am]

BILLING CODE 6210-01-F

State Bank of Lake Elmo Employee Stock Ownership Plan; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 20, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Lake Elmo Bank Profit Sharing Plan and the Lake Elmo Bank Profit Sharing Trust, Lake Elmo, Minnesota; formerly the State Bank of Lake Elmo Employee Stock Ownership Plan, Lake Elmo, Minnesota; to acquire 6.52 percent of the voting shares of Lake Elmo Bancorp, Inc., Lake Elmo, Minnesota, and thereby indirectly acquire Lake Elmo Bank, Lake Elmo, Minnesota.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Northwest Bancorporation, Inc., Houston, Texas; to acquire 100 percent

of the voting shares of South Main Bank, Houston, Texas.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6997 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 21, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corp., Minneapolis, Minnesota ("Norwest"), to acquire through its mortgage subsidiary, Norwest Mortgage, Inc., Des Moines, Iowa ("Norwest Mortgage"), U.S. Recognition, Inc., Ringwood, New Jersey ("Company"), and thereby provide, pursuant to § 225.25(b)(7) of the Board's Regulation Y (12 CFR 225.25(b)(7)), the services currently offered by Company. Company provides data processing and data transmission services, facilities and data bases to local boards of realty and their members. The information transmitted consists of price, tax, utility, financing and other information regarding real property currently listed or sold within the last two years.

Board of Governors of the Federal Reserve System, March 20, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6996 Filed 3-25-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Performance Review Boards for Small Client Agencies Serviced by the General Services Administration, Name of Members

Section 4314(C)(1) through (5) of title 5, U.S., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards. The board shall review and evaluate the initial appraisal by the supervisor of a senior executive's performance, along with any recommendations to the appointing authority relative to the performance of the senior executive. The Performance Review Board also shall make recommendations as to whether the career senior executive should be recertified, conditionally recertified, or not recertified.

As provided under section 601 of the Economy Act of 1932, amended 31 U.S.C. 1525, the General Services Administration through its External Services Staff, Personnel Division, provides various personnel management services to a number of diverse Presidential commissions, committees, boards, and other agencies through reimbursable administrative support agreements. This notice is processed on behalf of the client agencies, and it supersedes all other notices in the **Federal Register** on this subject.

Because of their small size, a Performance Review Board register has been established in which SES members from the client agencies participate. The Board is composed of SES members from various agencies. From this register of names, the head of each client agency will appoint executives to a specific board to serve a particular client agency.

The members whose names appear on the Performance Review Board standing roster to serve client agencies are:

Administrative Conference of the U.S.

William J. Olmstead, Executive Director
Gary J. Edles, General Counsel
Jeffrey S. Lubbers, Research Director

Barry M. Goldwater Scholarship and Excellence in Education Foundation

Gerald J. Smith, Executive Secretary

Board of International Broadcasting

Mark G. Pomar, Executive Director
Bruce D. Porter, Deputy Executive Director
John A. Lindburg, General Counsel
Patricia H. Schlueter, Director of Financial and Congressional Affairs

Committee for Purchase from Blind and Other Severely Handicapped

Beverly L. Milkman, Executive Director

Defense Nuclear Facilities Safety Board

Kenneth M. Pusateri, General Manager
Joseph R. Neubeiser, Deputy General Manager
Robert M. Anderson, General Counsel
Richard A. Azzaro, Deputy General Counsel for Policy and Litigation
George W. Cunningham, Technical Director
Joyce P. Davis, Chief, Health Physics Branch

Harry S. Truman Scholarship Foundation

Louis H. Blair, Executive Secretary
C. Westbrook Murphy, General Counsel

Japan-United States Friendship Commission

Eric J. Gangloff, Executive Director

Office of Navajo and Hopi Indian Relocation

Christopher J. Bavasi, Executive Director
Michael J. McAlister, Deputy Executive Director

United States Arctic Research Commission

Philip L. Johnson, Executive Director

FOR FURTHER INFORMATION CONTACT: Robert A. Miller, Chief, External Services Staff (202-708-5370); General Services Administration, National Capital Region (WCPX), Washington, DC, 20407.

Dated: March 10, 1992.

Beverly St. Clair,

Regional Personnel Officer.

[FR Doc. 92-7009 Filed 3-25-92; 8:45 am]

BILLING CODE 6820-34-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will hold its Spring 1992 meeting on Tuesday, April 28, 1992, at the U.S. Government Printing Office (GPO). The meeting will begin at 8:30 a.m. and will conclude at 3 p.m. It will be held in the Carl Hayden Room, GPO, 732 North Capitol Street NW., Washington, DC 20401. The purpose of this meeting is to discuss the Federal Depository Library Program. The meeting is open to the public.

Anyone who wishes to attend the meeting must notify Josephine Williams, U.S. Government Printing Office (SL), Washington, DC 20401. Telephone: (202) 512-1114. A limited number of hotel rooms have been reserved at the Rosslyn Westpark Hotel, 1900 N. Fort Myer Drive, Arlington, VA 22209, for anyone needing hotel accommodations. Telephone: (703) 527-4614. Room cost per night is $90.00.

DLC members will spend Monday, April 27, 1992, at GPO preparing for the Spring 1992 meeting.

Robert W. Houk,

Public Printer.

[FR Doc. 92-7007 Filed 3-25-92; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Filing; Annual Reports of Federal Advisory Committees

Notice is hereby given that, pursuant to section 13 of the Federal Advisory Committee Act (5 U.S.C. app. 2), the Annual Reports prepared for the public by the committees set forth below have been filed with the Library of Congress:

Cesarean Section Patient Outcomes Research Advisory Committee
Data Sources for Ambulatory Care Effectiveness Studies Advisory Committee
Dissertation Grant Review Committee
Employer-Based Health Insurance Advisory Committee
Gastroenteritis Patient Outcomes Research Advisory Committee
General Research Support Advisory Committee
Health Care Policy and Research Contracts Review Committee
Health Care Technology Assessment Assistance Advisory Committee
Health Care Technology Study Section
Health Services Research and Developmental Grants Review Committee
Health Services Research Dissemination and User Liaison Advisory Committee
Health Services Research Training Advisory Committee
Hospital Cost Data Base Feasibility Study Advisory Committee
Hospital Studies Program Data Support Services Advisory Committee
Medical Treatment Effectiveness Guidelines Development Support Advisory Committee
National Advisory Council for Health Care Policy, Research, and Evaluation
Patient Outcomes Research Team Support Services Advisory Committee
Small Business Innovation Research Advisory Committee
State Medical Board Self-Assessment Protocol Advisory Committee

Copies of these reports, prepared in accordance with section 10(d) of the Federal Advisory Committee Act, are available to the public for inspection at: (1) The Library of Congress, Special Forms Reading Room, Main Building, on weekdays between 9 a.m. and 4:30 p.m.; and (2) the Department of Health and Human Services, Department Library, on weekdays between 9 a.m. and 4:30 p.m., HHS Building, room 5400, 330 Independence Avenue, SW., Washington, DC 20201, telephone (202) 245-6791.

Copies may be obtained from Mr. James E. Owens, Committee Management Officer, Agency for Health Care Policy and Research, suite 601, 2101 East Jefferson Street, Rockville, Maryland 20852.

Dated: March 18, 1992.

J. Jarrett Clinton,

Administrator.

[FR Doc. 92-6993 Filed 3-25-92; 8:45 am]

BILLING CODE 4160-90-M

Centers for Disease Control

HIV Program Evaluation Meeting

The National Center for Prevention Services (NCPS) of the Centers for Disease Control (CDC) announces the following meeting:

Name: HIV Program Evaluation Meeting.

Time and Date: 8:30 a.m.-4:30 p.m., April 14, 1992.

Place: Swissotel Atlanta, 13391 Peachtree Road, NE., Atlanta, Georgia 30326.

Status: Open to the public, limited only by space available.

Purpose: Representatives from CDC program staff, state HIV/sexually transmitted diseases (STD) project directors, state HIV/STD evaluation specialists, quality assurance specialists, and social scientists with expertise in program evaluation will discuss program issues related to the evaluation of HIV prevention programs.

Matters To Be Discussed: The meeting will focus on a number of important public health questions, such as:

- What lessons have we learned about the methods used for HIV-prevention program evaluation?
- How can HIV program evaluations be structured so as to best serve the needs and constraints of state and local health departments?
- How can quality assurance methods be used to augment process evaluation methodologies?
- What forms of evaluation technical assistance are required by state and local health departments?

From these discussions, CDC may produce additional technical guidance for evaluators and program managers and may, in addition, refine its own technical assistance and training activities related to HIV prevention evaluation.

Contact Person for More Information: David Holtgrave, Ph.D., Behavioral Scientist, NCPS (HIV), CDC, Mailstop E07, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/639-1480 or FTS 236-1480.

Dated: March 20, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-6987 Filed 3-25-92; 8:45 am]

BILLING CODE 4160-18-M

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the location for the meeting of the Epidemiology and Technology Transfer Subcommittee of the Acquired Immunodeficiency Syndrome Research Review Committee, National Institute of Allergy and Infectious Diseases on March 30, 1992 which was published in the **Federal Register** on March 18 (57 FR 9424).

This meeting was to have been held at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852. The meeting location has been changed to the Bethesda Ramada, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

Dated: March 23, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-7073 Filed 3-25-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-02-4120-18]

Availability of Preliminary Public Interest Determination and Notice of Public Hearings

AGENCY: Bureau of Land Management, Interior, Wyoming.

ACTION: Notice of availability of a preliminary public interest determination and notice of public hearings on the Belco/Hay Creek Coal Exchange (WYW0322794).

SUMMARY: In accordance with 43 CFR 3426.1-2(d), the Bureau of Land Management (BLM) is requesting comments on the findings and conclusion of a Preliminary Public Interest Determination regarding the Belco Petroleum Corporation's proposed exchange of its Federal Coal lease rights (bonus bid) on a lease tract east of Buffalo, Wyoming in Johnson County called the Belco tract, and a Federal lease trace north of Gillette, Wyoming in Campbell County, called the Hay Creek tract. Legal descriptions of both tracts can be found at the end of this notice. BLM's Preliminary Public Interest Determination concludes that the fair market value appraisals of the Belco and Hay Creek tracts are not similar in value. The preliminary determination also did not identify any national public resources or social values which the exchange would preserve. The coal quality and potential of the Belco tract justifies no value for exchange. On the other hand, the Hay Creek tract does not have a large bonus value per ton, but the size of the reserves results in a substantial total value.

DATES: In accordance with 43 CFR 3435.3-5, two public hearings are scheduled to acquire public comments on the Preliminary Public Interest Determination for the proposed exchange. The public hearings are set for May 6, 1992, 7 p.m. m.d.t., in the basement meeting room of the Buffalo Federal Savings and Loan, located at 104 Fort Street, Buffalo, Wyoming; and for May 7, 1992, 7 p.m., m.d.t., in the Holiday Inn, located at 2009 South Douglas Highway, Gillette, Wyoming. Written comments on the public interest determination will be accepted by BLM until May 22, 1992, and should be submitted to the Casper District Office listed elsewhere in this notice.

ADDRESSES: Copies of the Summary of the Preliminary Public Interest Determination are available upon request either by calling the Casper District Office at (307) 261–7600, or by writing to the District Manager, Casper District Office, 1701 East "E" Street, Casper, Wyoming 82601.

FOR FURTHER INFORMATION CONTACT: For more information or to obtain a copy of the document contact either Mike Karbs or Glen Nebeker at the address above or by calling (307) 261–7600.

SUPPLEMENTARY INFORMATION: The Belco/Hay Creek exchange is proposed under Public Law 95–554, which gave the Secretary of the Interior limited authority to exchange coal lease rights for leases over which Interstate Highway I–90 passes. In March 1982, Belco Petroleum Corporation, the Bureau of Land Management, and Geological Survey (USGS), signed a Memorandum of Understanding (MOU), agreeing to study Belco's proposed exchange to determine whether it was in the public interest.

The agreement provided for a study of the relative economic values of the Belco tract and an unleased Federal coal parcel known as the Hay Creek Tract. The agreement also contained Provisions that provided Belco with the opportunity to review and comment on a preliminary estimate of value for the coal estates in the offered (Belco) and selected (Hay Creek) tracts. BLM issued a decision in 1985 based on non-economic factors rejecting the exchange proposal. This decision was appealed to the Interior Board of Land Appeals (IBLA). IBLA remanded the case back to BLM in 1987 for completion of a required public interest determination, including the economic studies set forth in the 1982 MOU. BLM submitted a preliminary economic evaluation to Belco, as per the agreement, in July 1990, for review and comment. The Belco comments received in October 1990, have been considered in the preparation of the final valuation report for the Belco and Hay Creek Tracts. Should BLM's final determination conclude that the exchange is in the public interest, the next step in the process would be the scheduling of an environmental analysis.

Legal Descriptions of the Tracts Are:

Belco: (Offered Lands)

Sixth Principal Meridian

T. 50.N., R. 80 W.
Sec. 30: Lots 3, 4, SE¼SW¼.
Sec. 31: Lots 1, 2, W½NE¼, SE¼NE¼, E½NW¼.
T. 50.N., R. 81 W.
Sec. 2: Lot 4, S½NW¼.
Sec. 3: Lots 1, 2, 3, 4, S½N½, S½.
Sec. 4: Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW½, S½SE¼, NE¼SE¼.
Sec. 10: E½, E½W½, NW¼NW¼.
Sec. 11: W½SW¼.
Sec. 14: SW¼NE¼, W½, N½SE¼, SW¼SE¼.
Sec. 15: E½, E½NW¼.
Sec. 22: E½NE¼.
Sec. 23: W½E½, NW¼, E½SW¼.
Sec. 25: S½NW¼, S½.
Sec. 26: NE¼, E½NW½, N½SE¼.
T. 51.N., R. 81 W.
Sec. 34: SE¼.
Sec. 35: W½SW¼, SE¼SW¼.
Hay Creek Tract: (Selected Lands)
T. 52.N., R. 72 W.
Sec. 7: All.
Sec. 8: NE¼NE¼, W½E½, W½.
Sec. 17: Lots 1 through 14, and 16.
Sec. 18: All.
Sec. 19: All.
Sec. 20: All.
Sec. 21: All.
T. 52.N., R. 73 W.
Sec. 12: N½, SE¼, E½SW¼.
Sec. 13: NE¼, NE¼NW¼.
Sec. 24: SE¼.

F. William Eikenberry,
Associate State Director.

[FR Doc. 92–6985 Filed 3–25–92; 8:45 am]
BILLING CODE 4310–22–M

[UT–020–02–4333–12]

Salt Lake District; Required Special Recreation Permits

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice that groups of 75 or more are required to attain a Special Recreation Permit for all recreation events on public land.

SUMMARY: Notice is hereby given that Special Recreation Permits are required for organized groups of 75 or more people recreating on BLM public lands within the Salt Lake District in accordance with 43 CFR 8372.07(a)(1).

In the past large groups of 100 to 300 people have camped on BLM public land without obtaining permission or notifying the BLM Salt Lake District. These groups have caused significant problems including destruction of vegetation, improper disposal of human waste and conflicts with other BLM visitors. By requiring a Special Recreation Permit the BLM Salt Lake District will be able to ensure these large groups provide adequate self-contained toilet facilities, designate camping locations which can accommodate heavy use and avoid visitor conflicts with other recreationist.

For more information, contact: Howard Hedrick, Bureau of Land Management, Pony Express Resource Area Manager, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 977–4300.

Deane H. Zeller,
District Manager.

[FR Doc. 92–6984 Filed 3–25–92; 8:45 am]
BILLING CODE 4310–DQ–M

[AZ–020–00–4212–13; A–25295]

Resource Management Plan Amendment, Maricopa County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a Category I Amendment to the Lower Gila South Resource Management Plan.

SUPPLEMENTARY INFORMATION: In accordance with CFR 1610.2(c), and 1610.3–1(d), notice is hereby given of intent to prepare a planning amendment document. This notice also constitutes the scoping required by regulation for the National Environmental Policy Act (40 CFR 1507.7).

(1) Description of the proposed planning action: The proposed action is to amend the Lower Gila South Resource Management Plan (RMP) completed in June 1988. The Category I planning amendment will be based upon existing statutory requirements and policies and will carry out requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The RMP amendment and Environmental Assessment (EA) to be prepared will provide the basis for modifying the Land Tenure section of the Resource Management Plan in response to a land exchange proposal submitted by Maricopa County. Maricopa County's intended use of the public land would be to be construct and operate a regional landfill.

(2) Identification of the geographic area involved: Location of the proposed planning amendment of the Lower Gila South Resource Management Plan is within a portion of southwestern Maricopa County, approximately 5 miles southwest of Buckeye, Arizona.

(3) General types of issues anticipated: The proposed amendment addresses a change in the Land Tenure section of the Lower Gila South Resource Management Plan to consider a land exchange proposal submitted by Maricopa County. If the land exchange is consummated, Maricopa County will use the land for a regional landfill. Scoping, in which identification of issues and public concerns pertaining to the proposed action, is underway.

(4) Disciplines to be represented and used to prepare the RMP amendment and Environmental Assessment will be the following: Lands, wildlife, botany, soils, archaeology, geology, range and hydrology.

(5) The kind and extent of public participation opportunities to be provided: Public participation will be accepted during a 30 day comment period commencing with publication in the Federal Register.

(6) During the 30 day public comment period, a field trip to the proposed land exchange location will be scheduled. Notices will be published in local newspapers providing specific information concerning the field trip. All public input will be handled through written comments.

(7) The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information: John R. Christensen, Area Manager, 2015 W. Deer Valley Rd., Phoenix, Arizona 85027, Phone: (602) 863–4464.

(8) The location and availability of documents relevant to the planning amendment and land exchange process will be available for public review at the Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona.

Dated: March 19, 1992.

Henri R. Bisson,
District Manager.

[FR Doc. 92–7003 Filed 3–25–92; 8:45 am]
BILLING CODE 4310–32–M

[ID–943–4214–11; IDI–15705]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes that a 7,685.62 acre withdrawal for Powersite Classification No. 255 continue for an additional 20 years. The land is still needed for waterpower purposes. This land will remain closed to surface entry, but has been and would remain open to mineral leasing and mining.

DATES: Comments should be received on or before June 24, 1992.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208–384–3166.

The Bureau of Land Management proposes that the existing land withdrawal made by the Secretarial Order dated June 11, 1930, for Powersite Classification No. 255, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following described land:

Boise Meridian

T. 4 N., R 7 E.,
Sec. 4, lots 1 to 10 inclusive;
Sec. 5, lots 1 and 5 to 7 inclusive, E½SW¼ and NW¼SE¼;
Sec. 7, lots 2 to 8 inclusive, 10 and 11, N½NE¼, SE¼NW¼ and SE¼SE¼;
Sec. 8, lots 1 to 8 inclusive, SE¼NE¼ and SW¼SW¼;
Sec. 17, W½NW¼, SE¼NW¼ and SW¼NE¼;
Sec. 18, lots 1 to 5 inclusive NE¼NE¼;
T. 5 N., R. 7 E.,
Sec. 1, lots 13 to 20 inclusive;
Sec. 2, lots 9 to 19 inclusive;
Sec. 3, lots 13 to 14;
Sec. 10, lots 1 to 9 inclusive;
Sec. 15, lots 1 to 6 inclusive;
Sec. 16, lots 1 to 4 inclusive and SE¼SE¼;
Sec. 21, lots 1 to 9 inclusive;
Sec. 23, lots 1 to 4 inclusive;
Sec. 24, lots 1 to 10 inclusive and NW¼NE¼;
Sec. 25, lots 1 to 3 inclusive;
Sec. 26, lots 1 to 8 inclusive;
Sec. 28, lots 2 to 9 inclusive and SW¼NW¼;
Sec. 33, lots 1 to 11 inclusive;
Sec. 34, lots 1 to 12 inclusive and SE¼SE¼;
Sec. 35, lots 1 to 4 inclusive and W½SW¼.
T. 5 N., R. 8 E.,
Sec. 5, lots 3 to 5 inclusive;
Sec. 6, lots 1, 2, 6, 7, 8, 10 and 11, S½NE¼, SE¼NW¼, E½SW¼ and W½SE¼;
Sec. 8, lots 1 to 3 inclusive, SE¼SW¼ and NW¼SE¼;
Sec. 9, lots 3 and 4 and SW¼SW¼;
Sec. 16, lots 1 to 3 inclusive;
Sec. 17, lots 1 to 9 inclusive and NW¼SW¼;
Sec. 18, lots 3 to 10 inclusive and SE¼SE¼;
Sec. 19, lots 1 to 4 inclusive and NW¼NE¼.

The areas described aggregate 7,685.62 acres in Elmore and Boise Counties.

The withdrawal is essential for protection of waterpower potential development. The existing withdrawal closes the described land to surface entry but not to mineral leasing and mining. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the Federal Resigter. The existing withdrawal will continue until such final determination is made.

Dated: March 17, 1992.

William E. Ireland,
Chief, Realty Operations Section.

[FR Doc. 92–7000 Filed 3–25–92; 8:45 am]
BILLING CODE 4310–GG–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-312 (Final)]

Softwood Lumber From Canada

AGENCY: United States International Trade Commission

ACTION: Institution and scheduling of a final countervailing duty investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701–TA–312 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of softwood lumber, [1] provided for in subheadings 4407.10.00, 4409.10.10, 4409.10.20, and 4409.10.90 of the Harmonized Tariff Schedule of the United States (HTS).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION:

Background: This invesitgation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Canada of softwood lumber. The investigation was self-initiated on October 31, 1991, by the U.S. Department of Commerce.

Participation in the investigation and Public service list: Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, not later than twenty-one (21) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list: Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this final investigation available to authorized applicants under the APO issued in the investigation, provided that the application is made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report: The prehearing staff report in this investigation will be placed in the nonpublic record on May 11, 1992, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules.

Hearing: The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on May 28, 1992, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 15, 1992. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 20, 1992, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.23(b) of the Commission's rules.

Written submissions: Each party is encouraged to submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.22 of the Commission's rules; the deadline for filing is May 21, 1992. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.23(b) of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.24 of the Commission's rules. The deadline for filing posthearing briefs in June 5, 1992; witness testimony must be filed no later than three (3) days before the hearing. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 5, 1992. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

By order of the Commission.

Issued: March 20, 1992.

Stephen McLaughlin,

Acting Secretary.

[FR Doc. 92–6945 Filed 3–25–92; 8:45 am]

BILLING CODE 7020–02–M

[1] For purposes of this investigation, "softwood lumber" means coniferous wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm, provided for in subheading 4407.10.00 of the HTS; and coniferous wood siding, flooring and other goods (except coniferous wood moldings and wood dowel rods; but including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated [rabbeted], chamfered, V-jointed, beaded, molded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed, provided for in HTS subheadings 4409.10.10, 4409.10.20 and 4409.10.90.

[Investigation No. 332-317]

Economy-Wide Modeling of the Economic Implications of a FTA With Mexico and a NAFTA With Canada and Mexico; Hearing

AGENCY: United States International Trade Commission.

ACTION: Cancellation of hearing.

SUMMARY: On October 28, 1991, following receipt of a request from the U.S. Trade Representative (USTR), the Commission instituted Investigation No. 332–317, under section 332(g) of the Tariff Act of 1930. On February 4, 1992, the Commission scheduled a public hearing in connection therewith for March 26, 1992. On March 17, 1992, the Commission received notice of withdrawal from the only scheduled witness for the hearing scheduled for March 26, 1992. Therefore, the public hearing in connection with this investigation (scheduled to be held beginning at 9:30 a.m. on March 26, 1992, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington DC), is cancelled.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Edward Carroll (202–205–1819), Office of Public Affairs, U.S. International Trade Commission. Hearing impaired persons can obtain information on this study by contacting the Commission's TDD terminal on (202–205–1810).

By order of the Commission.

Dated: March 24, 1992.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–7160 Filed 3–25–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32016]

Sioux & Western Railroad Co.—Construction Exemption—Charles County, Mo; Notice

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by the Sioux & Western Railroad Company of approximately 2 miles of rail line between the Sioux Plant and a Union Pacific Railroad Company line in Charles County, MO.

DATES: The exemption will not become effective until the environmental process is completed. At that time, the Commission will issue a further decision addressing the environmental matters and establishing an effective date for the exemption, if appropriate. Petitions to reopen must be filed by April 15, 1992.

ADDRESSES: Send pleadings referring to Finance Docket No. 32016 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: John R. Molm, Esquire, Troutman, Sanders, Lockerman and Ashmore, 1400 Candler Building, 127 Peachtree Street, NE., Atlanta, GA 30303.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660, (TDD for hearing impaired: (202) 927–5712.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 927–5721.)

Decided: March 11, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7017 Filed 3–25–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86–22]

Marijuana Scheduling Petition; Denial of Petition; Remand

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final order.

SUMMARY: This is a final order of the Administrator of the Drug Enforcement Administration (DEA) concluding the plant material marijuana has no currently accepted medical use and denying the petition of the National Organization for Reform of Marijuana Laws (NORML) to reschedule marijuana from Schedule I to Schedule II of the Controlled Substances Act.

EFFECTIVE DATE: March 26, 1992.

FOR FURTHER INFORMATION CONTACT: Office of Congressional and Public Affairs, 202–307–7363.

SUPPLEMENTARY INFORMATION:

Background

On December 21, 1989, the former Administrator of DEA, following rulemaking on the record, which included a hearing before an administrative law judge, issued a final order concluding the plant material marijuana has no currently accepted medical use, and denying the petition of NORML to reschedule marijuana from Schedule I to Schedule II of the Controlled Substances Act. 54 FR 63767. On April 26, 1991, the United States Court of Appeals for the District of Columbia Circuit remanded the matter to the Administrator for clarification of DEA's interpretation of the term "currently accepted medical use in treatment in the United States." *Alliance for Cannabis Therapeutics* v. *DEA*, 930 F.2d 936.

Following a review of the entire record in this matter, and a comprehensive re-examination of the relevant statutory standard, I conclude that marijuana has no currently accepted medical use and must remain in Schedule I. Further hearings are unnecessary since the record is extraordinarily complete, all parties had ample opportunity and wide latitude to present evidence and to brief all relevant issues, and the narrow question on remand centers exclusively on this Agency's legal interpretation of a statutorily-created standard.

Summary of the Decision

Does the marijuana plant have any currently accepted medical use in treatment in the United States, within the meaning of the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.*? Put simply, is marijuana good medicine for illnesses we all fear, such as multiple sclerosis (MS), glaucoma and cancer?

The answer might seem obvious based simply on common sense. Smoking causes lung cancer and other deadly diseases. Americans take their medicines in pills, solutions, sprays, shots, drops, creams and sometimes in suppositories, but never by smoking. No medicine prescribed for us today is smoked.

With a little homework, one can learn that marijuana has been rejected as medicine by the American Medical Association, the National Multiple Sclerosis Society, the American Glaucoma Society, the American Academy of Ophthalmology the American Cancer Society. Not one American health association accepts marijuana as medicine.

For the last half century, drug evaluation experts at the United States Food and Drug Administration (FDA) have been responsible for protecting Americans from unsafe and ineffective new medicines. Relying on the same scientific standards used to judge all other drugs, FDA experts repeatedly have rejected marijuana for medical use.

Yet claims persist that marijuana has medical value. Are these claims true, What are the facts?

Between 1987 and 1988, DEA and NORML, under the guidance of an administrative law judge, collected all relevant information on this subject. Stacked together it stands nearly five feet high. Is there reliable scientific evidence that marijuana is medically

effective. If it has medical value, do its benefits outweight its risks? What do America's top medical and scientific experts say? Would they prescribe it for their patients, their families, their friends?

As the current Administrator of Drug Enforcement, and as a former United States District Judge, I have made a detailed review of the evidence in this record to find the anawers.

There are significant short-term side effects and long-term risks linked to smoking marijuana. Marijuana is likely to be more cancer-causing than tobacco; damages brain cells; causes lung problems, such as bronchitis and emphysema; may weaken the body's antibacterial defenses in the lungs; lowers overall blood pressure, which could adversely affect the supply of blood to the head; causes sudden drops in blood pressure (orthostatic hypotension), rapid heart beat (tachycardia), and heart palpitations; suppresses luteinizing hormone secretion in women, which affects the production of progesterone, an important female hormone; causes anxiety and panic in some users because of its mind-altering effects; produces dizziness, trouble with thinking, trougle with concentrating, fatigue, and sleepiness; and impairs motor skills.

As a plant, marijuana can contain bacteria capable of causing serious infections in humans, such as salmonella enteritidis, Klebsiella pneumoniae, group D Streptococcus and pathogenic aspergillus.

Several of these risk stand out. The immune systems of cancer patients are weakened by radiation and chemotherapy, leaving them susceptible to infection. If they experiment with marijuana to control nausea, they risk weakening their immune systems further and exposing themselves to the infection-causing bacteria in the plant. It is estimated, for example, that at Memorial Sloan-Kettering Cancer Center 60 patients die each year from pathogenic aspergillus infections.

Glaucoma patients face possible blindness caused by very high fluid pressures within their eyes. If they experiment with marijuana to lower their eye fluid pressure, it can cause dramatic drops in their blood pressure and reduce the blood supply to their heads. Glaucoma experts testified this reduced the blood supply to the optic nerves and could speed up, rather than slow down, their loss of eyesight.

MS, glaucoma and cancer patients who have undiagnosed heart problems risk heart palpitations, very rapid heart beats and sudden dramatic drops in blood pressure if they experiment with marijuana. For MS and glaucoma patients who must take medications for the rest of their lives, experimenting with marijuana poses the additional risks of lung cancer, emphysema, bladder cancer and leukemia.

Many risks remain unknown. Marijuana contains over 400 separately identified chemicals. No one knows all the effects of burning these chemicals together and inhaling the burnt mix. Are these risks outweighed by medical benefits?

There are scientific studies showing pure THC (Delta-9-Tetrahydrocannabinol), one of the many chemicals found in marijuana, has some effect in controlling nausea and vomiting. Pure THC is pharmaceutically made in a clean capsule form, called Marinol, and is available for use by the medical community. More information on Marinol can be found in the "Physicians' Desk Reference," available in most libraries.

Since marijuana contains THC, you might think marijuana also would be effective. However, the effect of taking a drug in combination with other chemicals is seldom the same as taking just the pure drug. As already noted, marijuana contains over 400 other chemicals, not just THC. There are no reliable scientific studies that show marijuana to be significantly effective in controlling nausea and vomiting. People refer to the Sallan study as proving marijuana's effectiveness. They are mistaken. The Sallan study involved pure THC, not marijuana. People refer to the Chang study to support marijuana's effectiveness. They also are mistaken. Doctor Chang tested the combination of pure THC and marijuana to treat nausea and vomiting. The preliminary results he got were probably due to the THC, not the marijuana. Because he tested the combination, we cannot tell just what effects can be attributed to marijuana alone. People cite a third study, done by Doctor Levitt, as proof marijuana is effective. They are mistaken. Doctor Levitt compared marijuana to THC in controlling nausea and vomiting, and he concluded that THC was the more effective drug.

A librarian can help locate copies of thes studies should you want to see them for yourself. Sallan, et al., "Antiemetic Effect of Delta-9-Tetrahydrocannibinol in Patients Receiving Cancer Chemotherapy," 293 New England Journal of Medicine 795–797 (1975); Chang, et al., "Delta-9-Tetrahydrocannabinol as an Antiemetic in Cancer Patients Receiving High-Dose Methotrexate," 91 Annals of Internal Medicine 819–824 (1979); Levitt, et al., "Randomized Double Blind Comparison of Delta-9-Tetrahydrocannabinol (THC) and Marijuana As Chemotherapy Antiemetics," (Meeting Abstract) 3 Proceedings of the Annual Meeting of the American Society of Clinical Oncology 91 (1984).

During the 1970's and 1980's, a number of states set up research programs to give marijuana to cancer and glaucoma patients, on the chance it might help. Some people point to these programs as proof of marijuana's usefulness. Unfortunately, all research is not necessarily good scientific research. These state programs failed to follow responsible scientific methods. Patients took marijuana together with their regular medicines, so it is impossible to say whether marijuana helped them. Observations or results were not scientifically measured. Procedures were so poor that much critical research data were lost or never recorded. Although these programs were well-intentioned, they are not scientific proof of anything.

Some people refer to a study by Doctor Thomas Ungerleider as proof marijuana reduced nausea in bone marrow transplant patients. Unfortunately, Doctor Ungerleider neglected to follow responsible scientific methods in his study. Like the state programs, it proves nothing. Doctor Ungerleider chose not to publish his study evidently because of its serious weaknesses. He admitted as much when questioned under oath.

Those who say there are reliable scientific studies showing marijuana is an effective drug for teating nausea and vomiting are wrong. No such studies exist.

Our nation's top cancer experts reject marijuana for medical use. Doctor David S. Ettinger, a professor of oncology at the Johns Hopkins University School of Medicine, an author of over 100 scholarly articles on cancer treatment, and a nationally respected cancer expert, testified:

> There is no indication that marijuana is effective in treating nausea and vomiting resulting from radiation treatment or other causes. No legitimate studies have been conducted which make such conclusions.

Doctor Richard J. Gralla, a professor of medicine at Cornell University Medical College, an associate attending physician at the Memorial Sloan-Kettering Cancer Center, and an expert in cancer research, testified:

> Most experts would say, and our studies support, that the cannabinoids in general are not very effective against the major causes of nausea and vomiting.

Doctor Gralla added:

> I have found that because of the negative side effects and problems associated with marijuana * * *, most medical oncologists and researchers have little interest in marijuana for the treatment of nausea and vomiting in their patients.

Doctor John Laszlo, Vice President of Research for the American Cancer Society, an expert who has spent 37 years researching cancer treatments, and who has written a leading textbook on the subject, "Antiemetics and Cancer Chemotherapy," testified there is not enough scientific evidence to justify using marijuana to treat nausea and vomiting. Not one nationally-recognized cancer expert could be found to testify on marijuana's behalf.

To be an effective treatment for glaucoma, a drug must: (i) Lower the pressure within the eye (intraocular pressure), (ii) for prolonged periods of time, and (iii) actually preserve sight (visual fields). Five scientific studies are cited as evidence marijuana is an effective glaucoma treatment. Those who cite these studies are mistaken. These studies tested pure THC, not marijuana. W.D. Purnell and J.M. Gregg, "Delta-9-Tetrahydorcannabinol, Euphoria and Intraocular Pressure in Man," 7 Annals of Ophthalmology 921–923 (1975); M. Perez-Reyes, D. Wagner, M.E. Wall, and K.H. Davis, "Intravenous Administration of Cannabinoids on Intraocular Pressure," The Pharmacology of Marijuana 829–832 (M.C. Braude and S. Szara eds. 1976); J.C. Merritt, S.M. McKinnon, J.R. Armstrong, G. Hatem, and L.A. Reid, "Oral Delta-9-Tetrahydrocannabinol in Hyperogeneous Glaucomas," 12 Annals of Ophthalmology 947 (1980); K. Green and M. Roth, "Ocular Effects of Topical Administration of Delta-9-Tetrahydrocannabinol in Man," 100 Archives of Ophthalmology 265–267 (1982); and W.M. Jay and K. Green, "Multiple-Drop Study of Topically Applied 1% Delta-9-Tetrahydrocannabinol in Human Eyes," 101 Archives of Ophthalmology 591–593 (1983).

Threee studies show very heavy doses of marijuana, taken for short periods of time, can reduce eye pressure. R.S. Hepler, I.M. Frank, and T.J. Ungerleider, "Pupillary Constriction After Marijuana Smoking," 74 American Journal of Ophthalmology 1185–1190 (1972); R.S. Hepler, I.M. Frank, and R. Petrus, "Ocular Effects of Marijuana Smoking," The Pharmacology of Marijuana 815–824 (1976); and J.C. Merritt, W.J. Crawford, P.C. Alexander, A.L. Anduze and S.S. Gelbart, "Effect of Marijuana on Intraocular and Blood Pressure in Glaucoma," 87 Ophthalmology 222–228 (1980)

Unusally large doses or marijuana were needed in these three studies to achieve the desired effect. Heavy marijuana use produces dizziness, trouble with thinking, impaired motor skills, fatigue and sleepiness. The 1976 study by Doctors Hepler, Frank and Petrus emphasized "Our subjects were sometimes too sleepy to permit measurement of intraocular pressures * * * 3 hours after intoxication." If a glaucoma patient were to smoke marijuana 8 to 10 times every day for the rest of his life, would he be alert and energetic enough to live a relatively normal life? Would he develop other diseases? No scientific studies exist to answer these questions. Robert Randall claims to have saved his sight by smoking 8 to 10 marijuana cigarettes every day. Under oath he admits he stays at home most days, follows no daily schedule or routine, and has not held a regular job in over 15 years. He also has avoided having a comprehensive medical examination since 1975.

No scientific studies have shown marijuana can reduce eye pressure over long periods of time.

No scientific studies have shown marijuana can save eyesight.

America's top glaucoma experts reject marijuana as medicine. Doctor Keith Green is a professor of Ophthalmology who serves, or has served, on the editorial boards of eight prestigious eye journals (Ophthalmic Research, Oftalmo Abstracto, Current Eye Research, Experimental Eye Research, Investigative Opthalmology, American Journal of Ophthalmology, Archives of Ophthalmology, and Survey of Ophthalmology). Doctor Green has conducted extensive basic and clinical research using marijuana and THC to treat glaucoma patients. He has authored over 200 books or research articles in ophthalmology and is a highly respected expert on this subject. Doctor Green testified:

> There is no scientific evidence * * * that indicates that marijuana is effective in regulating the progression of symptoms associated with glaucoma. * * * It is clear that there is no evidence that marijuana use prevents the progression of visual loss in glaucoma. * * * The quantities of the drug required to reduce intraocular pressure in glaucoma sufferers are large, and would require the inhalation of at least six marijuana cigarettes each day. * * * Smoking is not a desirable form of treatment for many reasons * * * [M]arijuana . . . has little potential future as a glaucoma medication.

Doctor George Spaeth is the Director of the Glaucoma Service at Wills Eye Hospital in Philadelphia, the largest service in the United States devoted to researching and treating glaucoma and to teaching other doctors about this disease. Doctor Spaeth is President of the American Glaucoma Society. He is a professor of ophthalmology, the editor of a scholarly eye journal (Ophthalmic Surgery), and the author of over 200 research articles on glaucoma. He testified:

> I have not found any documentary evidence which indicates that a single patient has had his or her natural history of the disease altered by smoking marijuana.

Amputees and victims of MS can suffer from extreme muscle spasms. It is claimed marijuana is useful in treating spasticity. Three unusually small, inconclusive studies have tried using pure THC, not marijuana, to treat spasticity. D.J. Petro and C. Ellenberger, "Treatment of Human Spasticity with Delta-9-Tetrahydro-cannabinol," 21 Journal of Clinical Pharmacology 413S–416S (1981) (included only nine patients). Two of the studies are mere abstracts, or short digests, without much detail. Hanigan, Destee & Troung Abstr. B45, Clin. Pharmacol. Ther. 198 (1986) (included only five patients), and Sandyk, Cannoe, Stern and Snider Abstr. PP 331, 36 Neurology 342 (1986) (included only three patients).

No scientific studies exist which test marijuana to relieve spasticity.

National experts on MS reject marijuana as medicine. Doctor Kenneth P. Johnson is Chariman of the Department of Neurology at the University of Maryland School of Medicine. He manages that Maryland Center for MS, one of the most active MS research and treatment centers in the United States. He sits on the editorial boards of noted medical journals related to MS (Neurology and Journal of Neuroimmunology). He is the author of over 100 scientific and medical articles on MS. Doctor Johnson has spent most of his long career researching MS and has diagnosed and treated more than 6,000 patients with MS. Doctor Johnson testified:

> At this time, I am not aware of * * * any legitimate medical research in which marijuana was used to treat the symptoms of multiple sclerosis. * * * To conclude that marijuana is therapeutically effective without conducting rigorous testing would be professionally irresponsible.

Doctor Stephen Reingold is Assistant Vice President of Research for the National Multiple Sclerosis Society, which spends over $7 million each year

on MS research. Only the Federal Government spends more. Doctor Reingold testified:

> I could find no actual published research which has used marijuana * * * In the existing research using THC, the results were inconclusive * * * In the absence of any well-designed, well-controlled research * * *, the National Multiple Sclerosis Society * * * does not endorse or advocate its use * * *.

Doctor Donald H. Silberberg is Chairman of the Department of Neurology at the University of Pennsylvania School of Medicine and Chief of the Neurology Service at the Hospital of Pennsylvania. Doctor Silberberg is on the editorial board of Annals of Neurology and is President of the National Medical Advisory Board for the National Multiple Sclerosis Society. He has been actively researching and treating MS for most of his career, has written over 130 medical articles on MS and is Co-Director of a large MS research center at the University of Pennsylvania. Doctor Silberberg testified:

> I have not found any legitimate medical or scientific works which show that marijuana * * * is medically effective in treating multiple sclerosis or spasticity. * * * The long-term treatment of the symptoms of multiple sclerosis through the use of marijuana could be devastating. * * * [T]he use of (marijuana), especially for long-term treatment * * * would be worse than the original disease itself.

The only favorable evidence that could be found by NORML and DEA consists of stories by marijuana users who claim to have been helped by the drug. Scientists call these stories anecdotes. They do not accept them as reliable proofs. The FDA's regulations, for example, provide that in deciding whether a new drug is a safe and effective medicine, "isolated case reports * * * will not be considered." 21 CFR 314.126(e). Why do scientists consider stories from patients and their doctors to be unreliable?

First, sick people are not objective scientific observers, especially when it comes to their own health. We all have heard of the placebo effect. Patients have a tendency to respond to drugs as they believe is expected of them. Imagine how magnified this placebo effect can be when a suffering person experiments on himself, praying for some relief. Many stories no doubt are due to the placebo effect, not to any real medical effects of marijuana.

Second, most of the stories come from people who took marijuana at the same time they took prescription drugs for their symptoms. For example, Robert Randall claims marijuana has saved his sight, yet he has taken standard glaucoma drugs continuously since 1972. There is no objective way to tell from these stories whether it is marijuana that is helpful, or the proven, traditional medicines. Even these users can never know for sure.

Third, any mind-altering drug that produces euphoria can make a sick person think he feels better. Stories from patients who claim marijuana helps them may be the result of the mind-altering effects of the drug, not the results of improvements in their conditions.

Fourth, long-time abusers of marijuana are not immune to illness. Many eventually get cancer, glaucoma, MS and other diseases. People who become dependent on mind-altering drugs tend to rationalize their behavior. They invent excuses, which they can come to believe, to justify their drug dependence. Stories of marijuana's benefits from sick people with a prior history of marijuana abuse may be based on rationalizations caused by drug dependence, not on any medical benefits caused by the drug. Robert Randall, for example, admits under oath to becoming a regular user in 1966, four years before he showed the first signs of, and was diagnosed as having, glaucoma. Since then he has smoked marijuana 8 to 10 times every day.

A century ago many Americans relied on stories to pick their medicines, especially from snake oil salesmen. Thanks to scientific advances and to the passage of the Federal Food, Drug and Cosmetic Act (FDCA) in 1906, 21 U.S.C. 301 *et seq.*, we now rely on rigorous scientific proof to assure the safety and effectiveness of new drugs. Mere stories are not considered an acceptable way to judge whether dangerous drugs should be used as medicines.

There are doctors willing to testify that marijuana has medical uses. NORML found over a dozen to testify in this case. We have a natural tendency to believe doctors. We assume their opinions are entitled to respect. But what if a doctor is giving an opinion beyond his professional competence? Evaluating the safety and effectiveness of drugs is a specialized area. Does the doctor have this specialized expertise? Is he familiar with all the published scientific studies? Or is he improperly basing his opinion on mere stories or anecdotal evidence? Does he really know what he is talking about? Does he have a personal motive to exaggerate or lie? Questions like these led the United States Supreme Court, in 1973, to warn about the opinions of doctors concerning the value of drugs as medicine, when not supported by rigorous scientific testing, *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 639:

> [I]mpressions or beliefs of physicians, no matter how fervently held, are treacherous.

Nearly half the doctors who testified for NORML are psychiatrists. They do not specialize in treating or researching cancer, glaucoma or MS. One is a general practitioner who works as a wellness counselor at a health spa. Under oath he admits to using every illegal, mind-altering drug he has ever studied, and he prides himself on recommending drugs that would never be recommended by medical schools or reputable physicians. Another is a general practitioner who quit practicing in 1974. He admits he has not kept up on new medical and scientific information about marijuana for 18 years.

Only one of the doctors called by NORML is a nationally-recognized expert. Doctor John C. Merritt is a board-certified ophthalmologist and researcher who has authored articles on the use of marijuana and cannabinoids to reduce eye pressure. He is in private practice and sees mostly children who suffer from glaucoma. Doctor Merritt testified, "[M]arijuana is a highly effective IOP-lowering drug which may be of critical value to some glaucoma patients who, without marijuana, would progressively go blind." The last scientific study using marijuana in glaucoma patients, published by Doctor Merritt in 1979, concluded:

> It is because of the frequency and severity with which the untoward events occurred that marijuana inhalation is not an ideal therapeutic modality for glaucoma patients.

One year later, in 1980, Doctor Merritt gave the following testimony, under oath, before the United States Congress, House Select Committee on Narcotics Abuse and Control:

> For me to sit here and say that the lowering pressure effects occurred repeatedly, day in, and day out, I have no data, and neither does anyone else, and that is the real crux of the matter. When we are talking about treating a disease like glaucoma, which is a chronic disease, the real issue is, does the marijuana repeatedly lower the intraocular pressure? I have shown you no * * * studies, and to my knowledge there is no data to that effect.

Doctor Merritt was unable to explain, under oath, the contradictory positions he has taken on this subject.

Each of NORML's doctors testified his opinion is based on the published scientific studies. With one exception, none of them could identify under oath the scientific studies they swore they relied on. Only one had enough knowledge to discuss the scientific technicalities involved. Eventually, each one admitted he was basing his opinion on anecdotal evidence, on stories he heard from patients, and on his impressions about the drug.

Sadly, Doctor Ivan Silverberg, an oncologist from San Francisco, exaggerated while on the witness stand. At first he swore "there is voluminous medical research which shows marijuana is effective in easing nausea and vomiting." Pushed on cross-examination to identify this voluminous research, Doctor Silverberg replied, "Well * * *, I'm going to have to back off a little bit from that." How far would Doctor Silverberg back off? Was he aware, at least, of the approximate number of scientific studies that have been done using marijuana to treat nausea? Under oath, he replied, "I would doubt very few. But, no, I'm not."

Beyond doubt, the claims that marijuana is medicine are false, dangerous and cruel.

Sick men, women and children can be fooled by these claims and experiment with the drug. Instead of being helped, they risk serious side effects. If they neglect their regular medicines while trying marijuana, the damage could be irreversible. It is a cruel hoax to offer false hope to desperately ill people.

Those who insist marijuana has medical uses would serve society better by promoting or sponsoring more legitimate scientific research, rather than throwing their time, money and rhetoric into lobbying, public relations campaigns and perennial litigation.

Clarification of Currently Accepted Medical Use

The Controlled Substances Act of 1970 divides the universe of all durgs of abuse into five sets or schedules. Drugs in Schedule I are subject to the most severe controls, because they have a high potential for abuse and no currently accepted medical use in treatment in the United States. 21 U.S.C. 812 (b)(1). Drugs of abuse which have currently accepted medical use in treatment in the United States are placed in Schedules II, III, IV and V. Regrettably, the Controlled Substances Act does not speak directly to what is meant by "currently accepted medical use."

A century before the Controlled Substances Act was enacted, the determination of what drugs to accept as medicine was totally democratic and totally standardless. Each patient and each physician was free to decide for himself, often based on no more than anecdotal evidence. This state of affairs became unsatisfactory to a majority of the American people. In 1906, Congress intervened with the passage of the Food, Drug and Cosmetic Act (FDCA). A shift began away from anecdotal evidence to objectively conducted scientific research, away from uninformed opinions of lay persons and local doctors to expert opinions of specialists trained to evaluate the safety and effectiveness of drugs, and away from totally democratic decision-making to oversight by the Federal Government.

By 1969, Congress had developed detailed Federal statutory criteria under the FDCA to determine whether drugs are acceptable for medical use. Those deemed acceptable can be marketed nationally. Those deemed unacceptable are subject to Federal seizure if marketed interstate. The FDCA is a very complex regulatory scheme not easily summarized. However, it is fair to say that drugs falling into one of four FDCA categories were accepted by Congress for medical use.

First, Congress accepted new drugs which have been approved by FDA's experts as safe and effective for use in treatment, based on substantial scientific evidence. 21 U.S.C. 321(p) and 355 (so-called "NDA-approved drugs").

Second, Congress accepted those drugs "generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective," based on substantial scientific evidence. 21 U.S.C. 321(p) and 355; *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645 (1973). An acronym for this category is "human GRASE drugs" (Generally Recognized As Safe and Effective). These drugs achieve acceptance through rigorous scientific proof, through a past history of widespread use in treatment in the United States, and through recognition by a consensus of drug experts outside the FDA.

Third, Congress accepted for use in veterinary medicine those drugs "generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs, as safe and effective," based on substantial scientific evidence. 21 U.S.C. 321(w) and 355. An acronym for these is "animal GRASE drugs." They achieve acceptance through rigorous scientific evidence and through recognition by a consensus of drug experts outside the FDA. Unlike human GRASE drugs, animal GRASE drugs need not have a past history of widespread use.

Finally, Congress accepted those drugs marketed prior to 1938 which had been subject to the 1906 provisions of the FDCA, provided these very old drugs retain their exact formulations and are never promoted for new uses. 21 U.S.C. 321(p) and (w). These are politically "grandfathered" drugs. They need not meet modern standards for safety and effectiveness.

A fifth group of drugs was accepted for research use only, not for use in treatment of patients. 21 U.S.C. 355(i) (so-called "IND or approved investigational new drugs").

Drugs intended for medical use and shipped interstate are subject to Federal seizure under the FDCA if they do not fit within one of the above accepted sets or groupings. It seems fair to say that seizable drugs were rejected by Congress for medical uses.

In enacting the Controlled Substances Act in 1970, could Congress have intended to create a totally new Federal standard for determining whether drugs have accepted medical uses? Or did Congress intend to rely on standards it had developed over the prior 64 years under the FDCA? There is nothing in the Controlled Substances Act, its legislative history, or its purposes that would indicate Congress intended to depart radically from existing Federal law.

Indeed, it seems likely that the core standards developed under the FDCA represent a long-term consensus of expert medical and scientific opinion concerning when a drug should be accepted by anyone as safe and effective for medical use.

Fortunately, there is a way to corroborate what Congress intended. Congress did more than just announce criteria for scheduling drugs of abuse under the Controlled Substances Act; Congress applied those criteria to an initial listing of drugs that it placed into the original five schedules of the Act.

NDA-approved drugs were placed by Congress into Schedules II, III, IV and V of the Act. For example, pethidine (also known as meperidine) received New Drug Application (NDA) approval in 1942. Congress put it into Schedule II(b)(14). Methamphetamine had an approved NDA. Congress put it into Schedule III(a)(3). I am not aware of any drug with an approved NDA that Congress originally put into Schedule I.

Drugs with medical uses, but without approved NDA's also were placed by Congress into Schedules II, III, IV and V. For example, cocaine was put into Schedule II(a)(4). Codeine combinations were put into Schedules III(d)(1) and V. Morphine combinations were put into Schedule III(d)(8). Phenobarbital was put into Schedule IV(11). Barbiturates were put into Schedule III(b)(1). Amphetamines were put into Schedule III(a)(1).

The Court of Appeals for the First Circuit was correct when it decided in

Grinspoon v. *DEA*, 828 F.2d 881 (1987) that NDA approval is not the only method by which drugs can achieve Federal recognition as having medical uses. Congress put both GRASE drugs and pre-1938-grandfathered drugs into Schedules II, III, IV and V of the CSA.

Drugs recognized under the FDCA for research use only, not for use in treatment, such as alphacetylmethadol and marijuana, were placed by Congress into Schedule I.

Unfortunately, Federal records are not complete enough to do a comprehensive mathematical mapping, tracing every drug in the initial Controlled Substances Act schedules back to its legal status under the FDCA. Nevertheless, determining legislative intent does not require mathematical certainty. Probability based on circumstantial evidence, on samplings, and on inductive reasoning can suffice, especially when there is nowhere else to turn.

The pattern of initial scheduling of drugs in the Controlled Substance Act, viewed in light of the prior legal status of these drugs under the FDCA, convinces me that Congress equated the term "currently accepted medical use in treatment in the United States" as used in the Controlled Substances Act with the core FDCA standards for acceptance of drugs for medical use.

This is not to say that every FDCA requirement for GRASE status, or for NDA approval, is pertinent to scheduling determinations under the Controlled Substances Act. There are differences. But the core FDCA criteria appear to have guided the Congress in the decisions it made concerning the initial scheduling of drugs in the Act.

These same core FDCA criteria served as the basis for an eight-point test used by my predecessor as Administrator to describe drugs with currently accepted medical uses. 54 FR 53783 (December 29, 1989):

1. Scientifically determined and accepted knowledge of its chemistry;
2. The toxicology and pharmacology of the substance in animals;
3. Establishment of its effectiveness in humans through scientifically designed clinical trials;
4. General availability of the substance and information regarding the substance and its use;
5. Recognition of its clinical use in generally accepted pharmacopeia, medical references, jounals or textbooks;
6. Specific indications for the treatment of recognized disorders;
7. Recognition of the use of the substance by organizations or associations of physicians; and
8. Recognition and use of the substance by a substantial segment of the medical practitioners in the United States.

Some uncertainty remains over the precise meaning and application of parts of this test. Therefore, the Court of Appeals for the District of Columbia Circuit remanded these proceedings for a further explanation. In addition to addressing those parts of the test that concerned the Court of Appeals, it would be useful to clarify the entire test, pinpoint its origins, and identify which elements are both necessary and sufficient to establish a prima facie case of currently accepted medical use. This is not an effort to change the substantive law. The statutory meaning of currently accepted medical use remains the same as enacted by Congress in 1970. My purpose simply is to clarify this Agency's understanding of the law.

A. The Drug's Chemistry Must Be Known and Reproducible

The ability to recreate a drug in standardized dosages is fundamental to testing that drug and to using it as a medicine. Knowing the composition, properties, methods of production, and methods of analysis of a drug is essential to reproducing it in standardized dosages. To be GRASE or to receive NDA approval, a drug's chemistry must be known and reproducible. See *e.g.*, 21 CFR 314.50(d)(1) and 314.126(b)(7)(d); *Dorovic* v. *Richardson*, 749 F.2d 242, 251 (7th Cir. 1973). The listing of a drug in a current edition of one of the official compendia normally satisfies this requirement. 21 U.S.C. 321(j); 21 CFR 314.50(d)(1).

The first element of our eight-point test, namely, "scientifically determined and acccepted knowledge of its chemistry," should be clarified to read:

The substance's chemistry must be scientifically established to permit it to be reproduced into dosages which can be standardized. The listing of the substance in a current edition of one of the official compendia, as defined by section 201(j) of the Food, Drug and Cosmetic Act, 21 U.S.C. 321(j), is sufficient generally to meet this requirement.

Acceptance of this knowledge will be discussed elsewhere.

B. There Must Be Adequate Safety Studies

No drug can be considered safe in the abstract. Safety has meaning only when judged against the intended use of the drug, its known effectiveness, its known and potential risks, the severity of the illness to be treated, and the availability of alternative therapies. *Hess & Clark Division of Rhodia, Inc.* v. *FDA*, 495 F.2d 975, 993 (D.C. Cir. 1974). To know the risks, there must be adequate studies, by all methods reasonably applicable, to show the pharmacological and toxicological effects of the drug. 21 CFR 314.125(b)(2). This includes animal studies and clinical trials in large numbers of humans. 21 CFR 312.21. The studies need not be well-controlled, but they must be adequate. *Edison Pharmaceuticals Co.* v. *FDA*, 600 F.2d 831 (D.C. Cir. 1979). Short term (acute) studies of a drug intended to treat long-term (chronic) illnesses, such as glaucoma or MS, are clearly inadequate. *United States* v. Naremco, Inc., 553 F.2d 1138, 1143 (8th Cir. 1977). The second element of our eight-point test, namely, "the toxicology and pharmacology of the substance in animals," should be clarified as follows:

There must be adequate pharmacological and toxicological studies, done by all methods reasonably applicable, on the basis of which it could fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, that the substance is safe for treating a specific, recognized disorder.

It must be emphasized that while the existence of adequate safety tests is a separate analytical question, the ultimate determination of whether a drug is safe for a specific use is not a distinct issue. Safety and effectiveness are inextricably linked in a risks-benefits calculation. A determination that a drug is ineffective is tantamount to a determination that it is unsafe. *United States* v. *Rutherford*, 442 U.S. 544 (1970).

The scheduling criteria of the Controlled Substances Act appear to treat the lack of medical use and lack of safety as separate considerations. Prior rulings of this Agency purported to treat safety as a distinct factor. 53 FR 5156 (February 22, 1988). In retrospect, this is inconsistent with scientific reality. Safety cannot be treated as a separate analytical question.

C. There Must Be Adequate and Well-Controlled Studies Proving Efficacy

Since 1962, Congress has prohibited the FDA to approve an NDA unless the applicant submits adequate, well-contolled, well-designed, well-conducted, and well-documented studies, performed by qualified investigators, which prove the efficacy of a drug for its intended use. 21 U.S.C. 355(d); 21 CFR 314.126. Similarly, a drug cannot be considered GRASE unless it is supported by this same quantity and quality of scienfitic proof. 21 CFR 314.200(e)(i); *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 629 (1973).

Studies involving related, but not identical, drugs are irrelevant. *United States* v. *Articles of Food & Drug*, 518 F.2d 743, 747 (5th Cir. 1975). Studies involving the same drug combined with other drugs are irrelevant. *United States* v. *Articles of Drug * * * Promise Toothpaste, 828 F.2d 584, 570 (7th Cir. 1987). Incomplete studies are insufficient. United States* v. *Articles of Food & Drug, supra.* Uncontrolled studies are insufficient. 21 U.S.C. 355(d); *Cooper Labs* v. *FDA*, 501 F.2d 772, 778 (D.C. Cir. 1974). Statistically insignificant studies are insufficient. 21 CFR 312.21, 314.50(d)(6) and 314.126(b)(7). Poorly designed studies are insufficient. 21 CFR 314.126(b)(2). Poorly conducted studies are insufficient. 21 CFR part 58—Good Laboratory Practices. Poorly documented studies are insufficient. 21 CFR 312.58 and 314.200(e)(4). Studies by investigators who are not qualified, both to conduct and to evaluate them are insufficient. 21 U.S.C. 355(d). Moreover, since scientific reliability requires a double examination with similar results, one valid study is insufficient. There must be two or more valid studies which corroborate each other. See 1 J. O'Reilley "Food and Drug Administration" 13–55 n.12 (1985).

Lay testimonials, impressions of physicians, isolated case studies, random clinical experience, reports so lacking in details they cannot be scientifically evaluated, and all other forms of anecdotal proof are entirely irrelevant. 21 CFR 314.126(e); *Weingerger* v. *Hynson, Etc.*, 412 U.S. 609, 630 (1973).

Element three of our eight-point test, namely, "establishment of its effectiveness in humans through scientifically designed clinical trials," should be restated as:

There must be adequate, well-controlled, well-designed, well-conducted and well-documented studies, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, on the basis of which it could fairly and responsibly be concluded by such experts that the substance will have the intended effect in treating a specific, recognized disorder.

D. Acceptance by Qualified Experts Is Required

The opinions of lay persons are totally irrelevant to whether a drug is GRASE or meets NDA requirements. The observations and opinions of medical practioners who are not experts in evaluating drugs also are irrelevant to whether a drug is GRASE or meets NDA requirements. *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 619 (1973). By explicit requirements in the FDCA since 1938, the only body of opinion that counts is that of experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs. 21 U.S.C. 321 (p) and (w).

From this, one would conclude that expert acceptance of a drug as safe and effective for its intended use is essential to a drug having a currently accepted medical use under the CSA. How widespread must this expert acceptance be?

To be GRASE, a drug must be "generally recognized" among experts as safe and effective for its intended use. The drug must be known or familiar to the national community of relevant experts. *United States* v. *Articles of Drug* * * *Furestrol Vaginal Suppositories*, 294 F. Supp. 1307, 1309 (N.D. Ga. 1968) *aff'd*, 415 F.2d 390 (5th Cir. 1969). To determine if a drug is known to the community of experts, courts have looked to whether there is widely available scientific literature about the drug, *Premo Pharmaceutical Laboratories, Inc.* v. *United States*, 629 F.2d 795, 803 (2d Cir. 1980), whether it is widely taught in medical schools, *Lemmon Pharmaceuticals Co.* v. *Richardson*, 319 F. Sup. 375, 378 (E.D. Pa. 1970), and whether it is widely discussed by experts. *United States* v. *Bentex Ulcerine*, 469 F. 2d 875, 880 (5th Cir. 1972).

The recognition of a drug as GRASE need not be universal. General recognition is sufficient. *United States* v. *41 Cartons* * * *Ferro-Lac*, 420 F.2d 1126, 1132 (5th Cir. 1970). The Supreme Court has interpreted this to mean a consensus of experts is familiar with and accepts a drug as safe and effective. *Weinberger* v. *Hynson, Etc.*, 412 U.S. 609, 629 (1973). However, if there is a serious dispute among the experts, a drug cannot be considered GRASE. *United States* v. *An Article of Food* * * *Coco Rico*, 752 F.2d 11, 15 (1st Cir. 1985); *Merrit Corp.* v. *Folsom*, 165 F. Supp. 418, 421 (D.D.C. 1958).

During the NDA process, the FDA may reach out to the expert community for its views. 21 CFR 314.103(c)(3). The FDA need not determine that a drug is generally known and accepted by the expert community. Nor must the FDA develop a consensus of opinion among outside experts. The FDA has both the experts and the statutory mandate to resolve conflicts over the safety and efficacy of new drugs. *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S.C 638, 653 (1973).

In drafting the Controlled Substances Act, Congress appears to have accommodated, rather than chosen from these different FDCA standards. Clearly, the Controlled Substances Act does not authorize the Attorney General, nor by delegation the DEA Administrator, to make the ultimate medical and policy decision as to whether a drug should be used as medicine. Instead, he is limited to determing whether others accept a drug for medical use. Any other construction would have the efect of reading the word "accepted" out of the statutory standard. Since Congress recognized NDA-approved drugs as having currently accepted medical uses, without any need for a national consensus of experts, FDA acceptance of a drug through the NDA process would seem to satisfy the Controlled Substances Act. And, since Congress recognized GRASE drugs as having currently accepted medical uses, without the need for NDA approval, acceptance of a drug by a national consensus of experts also would seem to satisfy the Act.

When a drug lacks NDA approval and is not accepted by a consensus of experts outside FDA, it cannot be found by the Attorney General or his delegate to have a currently accepted medical use. To do so would require the Attorney Genral to resolve complex scientific and medical disputes among experts, to decide the ultimate medical policy question, rather than merely determine whether the drug is accepted by others.

Because the recognition of a drug by non-experts is irrelevant to GRASE status, to NDA approval, and to currently accepted medical use under the Controlled Substances Act, points seven and eight of our eight-point test should be combined and restated as follows:

The drug has a New Drug Application (NDA) approved by the Food and Drug Administration pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 355. Or, a consensus of the national community of experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, accepts the safety and effectiveness of the substance for use in treating a specific, recognized disorder. A material conflict of opinion among experts precludes a finding of consensus.

This restatement also incorporates the component of part one of our eight-point test concerning "accepted knowledge of its chemistry."

E. The Scientific Evidence Must Be Widely Available

Nothing in the FDCA, nor in FDA's regulations, requires that scientific evidence supporting an NDA be published. This stems from the fact that a consensus of experts outside FDA is

not required for NDA approval. In contrast, most courts have held that a drug cannot be considered GRASE unless the supporting scientific evidence appears in the published scientific and medical literature. Without published studies, it would be difficult for the community of experts outside FDA to develop an informed acceptance of a drug for medical use. *Cooper Labs Inc. v. FDA*, 501 F.2d 772, 786 (D.C. Cir. 1974).

Point four of the eight-point test focuses, in part, on the "general availability of information regarding the substance and its use." This should be clarified to read:

> In the absence of NDA approval, information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance must be reported, published, or otherwise widely available, in sufficient detail to permit experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, to fairly and responsibly conclude the substance is safe and effective for use in treating a specific, recognized disorder.

F. General Availability of a Drug Is Irrelevant

The second component of point four of the eight--point test involves the "general availability of the substance" for use in treatment. The second component of point eight focuses on "use of the substance by a substantial segment of the medical practitioners in the United States." These elements justifiably concerned the Court of Appeals, leading to the remand in this case.

Under the FDCA, a human GRASE drug must have a material history of past use in treatment in the United States. 21 U.S.C. 321(p)(2) (which has * * *, otherwise than in such investigations, been used to a material extent or a material time); *Weinberger v. Hynson, Etc.*, 412 U.S. 609, 631 (1973). Rigorous scientific proofs and current unanimous acceptance by the medical and scientific community are not enough for a human drug to be GRASE. *Tri-Bio Labs, Inc. v. United States*, 836 F.2d 135, 142 n.8 (3d Cir. 1987). The general availability of a drug for use in treatment is a factor courts have considered to determine if a human drug is GRASE.

In contrast, a drug can achieve current acceptance for human medical use through the NDA process without a past history of use in treatment. Also, animal drugs can become accepted as GRASE without any past history of medical use. Given this conflict in FDCA standards, which did Congress choose when drafting the CSA?

As the Court of Appeals points out, requiring a material history of past use in treatment before recognizing a drug as having a currently accepted medical use, would permanently freeze all Schedule I drugs into Schedule I. 930 F.2d at 940. Clearly, Congress did not intend this result. Moreover, the use of the word "currently" before the term "accepted medical use" would indicate Congress rejected the human GRASE requirement of past material use in treatment. I conclude that the general availability of a drug is irrelevant to whether it has a currently accepted medical use in treatment within the meaning of the Controlled Substances Act.

G. Recognition in Generally Accepted Texts Is Irrelevant

Point five of the eight-point test deals with "recognition of its clinical use in generally accepted pharmacopeia, medical references, journals or textbooks." The listing of a drug in an official compendium is sufficient to show its chemistry is scientifically established. This appears in my clarification to point one. The requirement that information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance be reported, published or otherwise widely available, is explained adequately in revised point four. To the extent the scheduling of a drug directly influences its recognition in publications, this element is subject to the same criticism identified by the Court of Appeals concerning point four. Therefore, this should not be treated as a distinct requirement.

H. Specific, Recognized Disorders Are the Referent

It is impossible to judge the safety and effectiveness of a drug except in relation to a specific intended use. A drug cannot obtain NDA approval or GRASE status except in relation to the treatment of a specific, recognized disorder. This is an essential aspect of whether a drug has currently accepted medical use. Rather than standing alone, this requirement will be more clearly understood by incorporating it into the other critical elements.

To summarize, the five necessary elements of a drug with currently accepted medical use in treatment in the United States are:

(i) The Drug's Chemistry Must Be Known and Reproducible

The substance's chemistry must be scientifically established to permit it to be reproduced into dosages which can be standardized. The listing of the substance in a current edition of one of the official compendia, as defined by section 201(j) of the Food, Drug and Cosmetic Act, 21 U.S.C. 321(j), is sufficient generally to meet this requirement.

(ii) There Must Be Adequate Safety Studies

There must be adequate pharmacological and toxicological studies done by all methods reasonably applicable on the basis of which it could fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, that the substance is safe for treating a specific, recognized disorder.

(iii) There Must Be Adequate and Well-Controlled Studies Proving Efficacy

There must be adequate, well-controlled, well-designed, well-conducted and well-documented studies, including clinical investigations, by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of which it could fairly and responsibly be concluded by such experts, that the substance will have its intended effect in treating a specific, recognized disorder.

(iv) The Drug Must Be Accepted by Qualified Experts

The drug must have a New Drug Application (NDA) approved by the Food and Drug Administration, pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 355. Or, a consensus of the national community of experts, qualified by scientific training and experience to evaluate the safety and effectivenss of drugs, must accept the safety and effectiveness of the substance of use in treating a specific, recognized disorder. A material conflict of opinion among experts precludes a finding of consensus.

(v) The Scientific Evidence Must Be Widely Available

In the absence of NDA approval, information concerning the chemistry, pharmacology, toxicology and effectiveness of the substance must be reported, published, or otherwise widely available in sufficient detail to permit experts, qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, to fairly and responsibly conclude the substance is safe and effective for use in treating a specific, recognized disorder.

Together these five elements constitute prima facie evidence that a drug has currently accepted medical use in treatment in the United States. In the interest of total clarity, let me emphasize those proofs that are irrelevant to the determination of currently accepted medical use, and that will not be considered by the Administrator:

(i) Isolated case reports;
(ii) Clinical impressions of practitioners;
(iii) Opinions of persons not qualified by scientific training and experience to evaluate the safety and effectiveness of the substance at issue;
(iv) Studies or reports so lacking in detail as to preclude responsible scientific evaluation;
(v) Studies or reports involving drug substances other than the precise substance at issue;
(vi) Studies or reports involving the substance at issue combined with other drug substances;
(vii) Studies conducted by persons not qualified by scientific training and experience to evaluate the safety and effectivness of the substance at issue;
(viii) Opinions of experts based entirely on unrevealed or unspecified information;
(ix) Opinions of experts based entirely on theoretical evaluations of safety or effectiveness.

Bad Medicine By Any Standard

My predecessor as DEA Adminstrator developed and relied upon an eight-point test to determine whether marijuana has accepted medical uses. 54 FR 53783 (December 29, 1989):

1. Scientifically determined and accepted knowledge of its chemistry;
2. the toxicology and pharmacology of the substance in animals;
3. Establishment of its effectiveness in humans through scientifically designed clinical trials;
4. General availability of the substance and information regarding the substance and its use;
5. Recognition of its clincial use in generally accepted pharmacopeia, medical references, journals or textbooks;
6. Specific indications for the treatment of recognized disorders;
7. Recognition of the use of the substance by organizations or associations of physicians; and
8. Recognition and use of the substance by a substantial segment of the medical practitioners in the United States.

The Court of Appeals remanded the decision of my predecessor for clarification of what role factors (4), (5) and (8) of the initial eight-point test played in his reasoning. For ease of discussion, these factors can be divided as follows:

(4)(a) General availability of the substance * * *;
(4)(b) General availability of * * * information regarding the substance and its use;
(5) Recognition of its clinical use in generally accepted pharmacopeia, medical references, journals or textbooks;
(8)(a) Recognition * * * of the substance by a substantial segment of the medical practitioners in the United States; and
(8)(b) [U]use of the substance by a substantial segment of the medical practitioners in the United States.

I have found no evidence indicating initial factors (4)(a) or (8)(b) played any role in my predecessor's decision. In light of my understanding of the legal standard involved, these factors are irrelevant to whether marijuana has a currently accepted medical use.

My predecessor emphasized the lack of scientific evidence of marijuana's effectiveness, and the limited data available on its risks, as reflected in the published scientific studies. He also emphasized the importance of this data to the conclusions reached by experts concerning the drug. 54 FR 53783. I take this to mean that, under initial factor (4)(b), he believed the information available to experts is insufficient for them responsibly and fairly to conclude the marijuana is safe and effective for use as medicine.

Marijuana is not recognized as medicine in generally accepted pharmacopeia, medical references and textbooks, as noted by my predecessor. 54 FR 53784. I take this to mean, under initial factor (5), that he determined that marijuana's chemistry is neither known, nor reproducible, as evidenced by its absence from the official pharmacopeia. Finally, my predecessor concluded, under initial factor (8)(a), that the vast majority of physicians does not accept marijuana as having medical use. 54 FR 53784. Along the way, he found that highly respected oncologists and antiemetic researchers reject marijuana for use in controlling nausea and vomiting, 54 FR 53777, that experts experienced in researching glaucoma medications reject marijuana for use in treating glaucoma, 54 FR 53779, and that noted neurologists who specialize in treating and conducting research in spasticity reject marijuana for use by MS patients, 54 FR 53780. I take this to mean my predecessor found no national consensus of qualified experts accepts marijuana's value as medicine.

Certainly I cannot know my predecessor's unstated reasoning. However, I have reviewed the entire record *de novo*, and I am convinced that his application of the initial eight-point test to this record correctly resulted in the conclusion that marijuana has no currently accepted medical use in treatment in the United States. Therefore, I adopt in their entirety the findings of facts and conclusions of law reached by the former Administrator in his final order of December 21, 1989, 54 FR 53767.

Pursuant to the remand of the Court of Appeals, I have condensed and clarified the initial standard into a five-point test. My application of the refined, five-point test to this record is set out briefly below.

First, marijuana's chemistry is neither fully known, nor reproducible. Thus far, over 400 different chemicals have been identified in the plant. The proportions and concentrations differ from plant to plant, depending on growing conditions, age of the plant, harvesting and storage factors. THC levels can vary from less than 0.2% to over 10%. It is not known how smoking or burning the plant material affects the composition of all these chemicals. It is not possible to reproduce the drug in dosages which can be considered standardized by any currently accepted scientific criteria. Marijuana is not recognized in any current edition of the official compendia. 21 U.S.C. 321(j).

Second, adequate safety studies have not been done. All reasonably applicable pharmacological and toxicological studies have not been carried out. Most of the chronic animal studies have been conducted with oral or intravenous THC, not with marijuana. Pharmacological data on marijuana's bioavailability, metabolic pathways and pharmacokinetics in inadequate. Studies in humans are too small and too few. Sophisticated epidemiological studies of marijuana use in large populations are required, similar to those done for tobacco use. Far too many questions remain unknown for experts fairly and responsibly to conclude marijuana is safe for any use.

Third, there are no adequate, well-controlled scientific studies proving marijuana is effective for anything.

Fourth, marijuana is not accepted for medical use in treatment by even a respectable minority, much less a consenus, of experts trained to evaluate drugs. The FDA's expert drug evaluators have rejected marijuana for medical use. No NDA has been approved by FDA for marijuana. The testimony of nationally recognized experts overwhelmingly rejects marijuana as medicine, compared to the scientifically empty testimony of the psychiatrists, a wellness counselor and general practitioners presented by NORML.

Fifth, given my conclusions on points one, two and three, it follows that the published scientific evidence is not adequate to permit experts to fairly and responsibly conclude that marijuana is safe and effective for use in humans.

A failure to meet just one of the five points precludes a drug from having a currently accepted medical use. Marijuana fails all five points of the test.

NORML has argued, unsuccessfully, that the legal standard for currently accepted medical use should be whether a respectable minority of physicians accepts the drug. The key to this medical malpractice defense is that the minority opinion must be recognized as respectable, as competent, by members of the profession.

In the absence of reliable evidence adequately establishing marijuana's chemistry, pharmacology, toxicology and effectiveness, no responsible physician could conclude that marijuana

is safe and effective for medical use. To quote Doctor Kenneth P. Johnson, Chairman of the Department of Neurology at the University of Maryland, and the author of over 100 scientific and medical articles on MS: "To conclude that marijuana is therapeutically effective without conducting rigorous testing would be professionally irresponsible."

By any modern scientific standard, marijuana is no medicine.

Under the authority vested in the Attorney General by section 201(a) of the Controlled Substances Act, 21 U.S.C. 811(a), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice, 28 CFR 0.100(b), the Administrator hereby orders that marijuana remain in Schedule I as listed in 21 CFR 1308.11(d)(14).

Dated: March 18, 1992.

Robert C. Bonner,

Administrator.

[FR Doc. 92-6714 Filed 3-25-92; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Proposed Guidance Document on the Testing of Mixed Radioactive and Hazardous Waste

AGENCIES: Nuclear Regulatory Commission, Environmental Protection Agency.

ACTION: Notice of availability and request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) are jointly issuing a proposed guidance document on the testing of mixed radioactive and hazardous waste (mixed waste). This guidance document was developed to assist mixed waste generators in identifying and performing the testing required under the Federal regulations that implement the Resource Conservation and Recovery Act Subtitle C hazardous waste program and to ensure that employee radiation exposures are maintained As Low As Reasonably Achievable (ALARA). The agencies are soliciting comments from interested members of the regulated community, the States, and the public.

Interested individuals may provide the agencies with their comments on the proposed guidance document by forwarding their written comments to the NRC at the address listed in the "**ADDRESSES**" section. Interested parties may also participate in a public meeting being held to solicit oral comments on the proposed guidance document. Interested individuals will be given an opportunity to speak for fifteen minutes at this meeting. This time allowance may be extended, on request for good cause, if the schedule of speakers permits this extension.

DATES: The agencies will accept written comments until May 26, 1992. Individuals submitting comments after this date cannot be assured that the agencies will be able to afford their comments full consideration in any revisions that may be made to the proposed guidance document.

The public meeting to solicit oral comments on the proposed guidance document will be held on April 14, 1992, from 8:30 a.m. until 4:30 p.m. at the Mayflower/Stouffer Hotel, New York Room 1127 Connecticut Avenue NW., Washington, DC 20036, telephone (202) 347-3000.

ADDRESSES: Copies of the proposed guidance document may be obtained by contacting Dominick A. Orlando, NRC Mixed Waste Project Manager, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2566.

Written comments on the proposed guidance document should be directed to David L. Meyer, Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Service, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or hand delivered to the Commission's offices at 7920 Norfolk Avenue, Bethesda, MD between the hours of 7:45 a.m. and 4:14 p.m. on Federal workdays.

Requests to speak at the public meeting should be submitted, in writing, to EPA. The written request should be addressed to Reid Rosnick, Mixed Waste Coordinator, Permits and State Programs Branch, Office of Solid Waste (OS-342), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Interested speakers should include in the written request a statement identifying the topics to be addressed in their presentations, the names and affiliations of the individual(s) that will speak, and the amount of time the speaker(s) will require. A transcript of the oral proceedings will be included in the record for this action.

FOR FURTHER INFORMATION CONTACT: Dominick A. Orlando, Mixed Waste Project Manager, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 504-2566 or; Reid Rosnick, Mixed Waste Coordinator, Permits and State Programs Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, telephone (202) 260-4755.

Dated at Rockville, MD this 19th day of March, 1992.

For the U.S. Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Office of Nuclear Material Safety and Safeguards.

For the U.S. Environmental Protection Agency.

Sylvia K. Lowrance,

Director, Office of Solid Waste.

[FR Doc. 92-7031 Filed 3-25-92; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Circular No. A-76: Performance of Commercial Activities; Amendment

AGENCY: Office of Management and Budget.

ACTION: Issuance of Transmittal Memorandum No. 11, amending OMB Circular No. A-76, "Performance of Commercial Activities."

SUMMARY: This notice contains Transmittal No. 11, dated February _____, 1992, to OMB Circular No. A-76, "Performance of Commercial Activities."

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for computing the Government's in-house personnel and non-pay cost increases for Fiscal Years 1992 through 1997. The Federal pay raise assumptions and the non-pay category rates are contained in the President's Budget for Fiscal Year 1993. The factors contained in OMB Circular No. A-76, Transmittal Memorandum No. 10, dated February 28, 1991, are outdated.

The revision does not require any agency to (1) create or maintain a duplicate control/monitoring/reporting system or (2) adopt any additional controls, not presently in compliance with Federal Acquisition Regulations (FAR).

FOR FURTHER INFORMATION CONTACT: Mr. David Childs, Federal Services Branch, General Management Division, Office of Management and Budget, (202) 395-5090.

Attached to this notice is the material for inclusion in the **Federal Register** Transmittal Memorandum No. 11. The notice is signed by the office head.

Sincerely,

Frank Hodsoll,

Deputy Director for Management.

Attachment

Executive Office of the President,
Office of Management and Budget,
Washington, DC 20503
March 19, 1992.

Deputy Director for Management

Circular No. A-76 Revised
Transmittal Memorandum No. 11

To the Heads of Executive Departments and Agencies

Subject: Performance of Commercial Activities.

This Transmittal Memorandum updates the Federal pay raise assumptions and inflation factors used for computing the Government's in-house personnel and non-pay cost increases, as provided in the President's Budget for Fiscal Year 1993.

The following factors should be applied per paragraph C pages IV-6 and IV-7 of the OMB Circular A-76 Supplemental Cost Comparison Handbook.

Federal pay raise assumptions, effective date	Inflation factors, military and civilian
January 1992	4.2
April 1993	3.7
January 1994	4.7
January 1995	4.7
January 1996	4.5
January 1997	3.5

Non-Pay Categories (Supplies and Equipment, etc.)

FY 1992 3.1
FY 1993 3.3
FY 1994 3.3
FY 1995 3.3
FY 1996 3.2
FY 1997 3.2

The above personnel pay raise factors shall be applied after consideration is given to the Interim Geographic Adjustments provided by section 302 of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101-509).

These revisions are effective as follows: All changes in the Transmittal Memorandum are effective upon the date this memorandum is signed and shall apply to all cost comparisons in process where the Government's in-house cost estimate has not been revealed before this date.

Sincerely,

Frank Hodsoll,

Deputy Director for Management.

[FR Doc. 92-6992 Filed 3-25-92; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council; Meeting

AGENCY: United States Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Federal Salary Council agenda for these meetings continues to be the discussion of issues relating to the new locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meetings will be open.

DATES: April 20, 1992, May 5, 1992, and May 13, 1992, beginning at 10 a.m.

ADDRESSES: Room 7B09 for the April 20th and May 13th meetings, and room 1350 for the May 5th meeting, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001.

FOR FURTHER INFORMATION CONTACT: Ms. Ruth O'Donnell, Chief of Salary Systems Division, room 6H31, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001. Telephone number: (202) 606-2838.

For the President's Pay Agent:

Constance Berry Newman,

Director.

[FR Doc. 92-6946 Filed 3-25-92; 8:45 am]

BILLING CODE 6325-01-M

POSTAL SERVICE

Temporary Humanitarian Airlift Service to Estonia, Latvia, Lithuania, and the Republics of the Former Soviet Union

AGENCY: Postal Service.

ACTION: Extension of service duration.

SUMMARY: Pursuant to its authority under 39 U.S.C 407, the Postal Service is extending the duration of Humanitarian Airlift service through June 30, 1992. The temporary service was scheduled to terminate on March 31, 1992.

DATES: April 1, 1992, through June 30, 1992.

ADDRESSES: Director, Office of Classification and Rates Administration, Marketing and Customer Service Group, U.S. Postal Service, Washington, DC 20260-5903. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8430, 475 L'Enfant Plaza, West, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Walter J. Grandjean (202) 268-5180.

SUPPLEMENTARY INFORMATION: On October 31, 1991, (56 FR 56107), the Postal Service announced that it was establishing Humanitarian Airlift service, on a temporary basis through March 31, 1992, to provide persons in the United States with a means of sending humanitarian aid to individuals and families in Estonia, Latvia, Lithuania, and the Republics of the former Soviet Union (Armenia, Azerbaijan, Byelarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation (Russia), Tajikistan, Turkmenistan, Ukraine, and Uzbekistan). The service is faster than regular surface mail, at a cost lower than airmail service. Humanitarian Airlift parcels receive surface transportation to the dispatching U.S. international exchange office, and are then transported by air to the destination country. Airmail parcels receive priority over Humanitarian Airlift parcels in dispatch. Humanitarian Airlift service is available to the above-mentioned countries for the regular surface parcel post rate plus $1 per pound.

The Postal Service established Humanitarian Airlift service without advance notice in order to expedite its availability. The October 31 **Federal Register** notice announcing the service invited public comment to help the Postal Service monitor the effectiveness of the service. Although no written comments were received, the Postal Service's internal evaluation of Humanitarian Airlift Service's internal evaluation of Humanitarian Airlift service indicates that mailers have found the service to be very useful. Consequently, the Postal Service is extending the duration of Humanitarian Airlift service through June 30, 1992. The conditions of service enumerated in the October 31 **Federal Register** notice are not changed.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 30 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written comments to help it monitor the effectiveness of Humanitarian Airlift service.

Authority: 39 U.S.C. 407, 410.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-6950 Filed 3-25-92; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30496; File No. SR-DTC-91-20]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Implementing the Inter-Broker Option in the Institutional Delivery and International Institutional Delivery Systems

March 19, 1992.

On August 5, 1991, The Depository Trust Company ("DTC") filed a proposed rule change (File No. SR-DTC-91-20) with the Securities and Exchange Commission ("Commission") under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The proposed rule change implements the inter-broker option in the Institutional Delivery ("ID") and International Institutional Delivery ("IID") systems. The Commission published notice of this proposed rule change in the **Federal Register** on September 18, 1991.[2] No public comments have been received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change will enable ID and IID broker-dealers to exchange trade data for transactions that will settle outside the automated settlement systems ("ex-clearing transactions").[3] Under the proposed enhancement to the ID and IID Systems, each participating broker-dealer will submit trade data to DTC and will receive a confirmation from DTC with the trade data submitted by the other broker-dealer. These confirmations will replace trade comparisons currently exchanged between broker-dealers by mail, messenger, telecopier, or telex. Transactions reflected in the two confirmations will not be affirmed or settled in the ID or IID systems. Moreover, DTC will not issue advisories if there is a variance in the trade data. This option will be used primarily for trades involving certificates of deposit or securities such as mortgage-backed securities (*e.g.*, GINNIE MAEs and FREDDIE MACs) that are not eligible for settlement through the Government Securities Clearing Corporation.[4] Although the enhancement may be used to remedy failed deliveries, the primary purpose of the change is to facilitate broker-to-broker communications with regard to the exchange of trade data for ex-clearing transactions.[5]

II. Discussion

The Commission believes the proposed rule change is consistent with the Act and especially with section 17A of the Act.[6] Sections 17A(b)(3) (A) and (F) of the Act require that a clearing agency be organized and that its rules be designed to enable it to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible.[7] By enabling DTC participants to exchange trade data for ex-clearing transactions through the ID and IID Systems rather than through mail or facsimile as is now the case, the proposal should improve communications between brokers. The Commission believes that broker-to-broker communication through the ID and IID systems will be quicker and more efficient than it is through methods currently employed. The change, therefore, should promote the prompt and efficient clearance and settlement of securities transactions.

Furthermore, section 17A(a)(1)(C) of the Act sets forth Congress' finding that "[n]ew data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement."[8] In section 17(a)(2), Congress directed the Commission to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions in accordance with the findings of section 17A(a)(1). The Commission believes the proposal furthers the development of such a national system.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act, in particular with section 17A of the Act, and with the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[9] that the proposed rule change (File No. SR-DTC-91-20) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6965 Filed 3-25-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30498; International Series Release No. 375; File No. SR-NSCC-92-1]

Self Regulatory Organizations; the National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding a Revision to Its Fee Schedule

March 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 27, 1992, NSCC filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below which Items have been prepared by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to amend NSCC's fee structure to reflect the DTC-sponsored members are responsible for 100% of DTC's membership cost and to modify the fees for foreign security comparison and netting.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 29074 (September 11, 1991), 56 FR 47258.

[3] For a description of DTC's ID system, refer to DTC Participant Operating Procedures, Section M. For a description of DTC's IID system, refer to Securities Exchange Act Release No. 27545 (December 18, 1989), 54 FR 53017.

[4] Telephone conversation between Carl H. Urist, Deputy General Counsel and Vice President, DTC, and Richard C. Strasser, Attorney, Division of Market Regulation ("Division"), Commission (September 20, 1991).

[5] Telephone conversation between Carl H. Urist, Deputy General Counsel and Vice President, DTC, and Jonathan Kallman, Associate Director, Jerry W. Carpenter, Branch Chief, and Richard C. Strasser, Attorney, Division, Commission (December 5, 1991).

[6] 15 U.S.C. 78q-1 (1988).

[7] 15 U.S.C. 78q-1(b)(3) (A) and (F) (1988).

[8] 15 U.S.C. 78q-1(a)(1)(C) (1988).

[9] U.S.C. 78s(b)(2) (1988).

[10] 17 CFR 200.30-3(a)(12) (1991).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

One purpose of the proposed rule change is to modify the fees NSCC charges for foreign securities comparison and netting. The proposal also includes a technical change to NSCC's fee schedule to reflect that NSCC passes DTC's actual monthly membership fees through to DTC-sponsored members.

In 1989, NSCC proposed a revised fee schedule which was implemented in January of 1990. The revisions were permanently approved by the Commission on June 1, 1990.[1] In its filing, NSCC indicated that sponsored members would become responsible for the DTC membership costs on a phased-in basis. Accordingly, NSCC is modifying the wording of the fee schedule to reflect that DTC-sponsored members are responsible for 100% of the membership fee charged by DTC.[2]

The proposal also modifies the fees NSCC charges for foreign security comparison and netting.[3] NSCC believes these charges fairly allocate NSCC's costs for the services performed. These revised fees became effective March 1, 1992, for billing in April.

NSCC believes that, because the fees will provide for the equitable allocation of fees among members, the proposed rule change is consistent with the Act and in particular with section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments have neither been solicited nor received. NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 thereunder because it establishes a fee imposed by the self-regulatory organization. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filings will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC-92-1 and should be submitted by April 16, 1992. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6964 Filed 3-25-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30499; File No. SR-NYSE-92-05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Rule 452—Giving Proxies by Member Organization

March 19, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1992, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends an Exchange interpretation of rule 452 (Giving Proxies by Member Organization).[1] Rule 452 includes a provision providing that a member organization may give a proxy to vote stock, provided, among other things, that the beneficial owner of the shares has not exercised his right to vote the stock and that the action being voted upon does not include authorization for a merger, consolidation or any other matter which may affect substantially the rights or privileges of such stock.

The Exchange routinely reviews proxy materials and determines whether an action to be taken at a meeting "may affect substantially the rights or privileges of such stock." If the Exchange determines that the action may substantially affect shareholders, a member organization may not give a proxy to vote the stock after the beneficial owner fails to respond. By way of example, Supplementary Material .11 to rule 452 lists 18 actions in respect of which member organizations may not so give a proxy to vote.

In addition to the 18 specific items listed in the Supplementary Material to rule 452, the Exchange has interpreted the rule to preclude member organizations from voting without customer instructions in certain other situations, including a shareholder vote on the initial approval of an investment advisory contract. The proposed rule change modifies that interpretation so as to allow member organizations to give a proxy to vote on initial approval of an investment advisory contract, subject to the other conditions of rule 452.

Consistent with Exchange policy in similar contexts, if the member organization is affiliated with the investment advisor, the member organization would be required to cast the votes of beneficial owners who fail to respond to the proxy solicitation

[1] *See* Securities Exchange Act Release No. 28005 (June 1, 1990), 55 FR 23495.

[2] DTC's membership fee is currently $650. Telephone conversation between Karen Saperstein, Associate General Counsel, NSCC, and Richard C. Strasser, Attorney Division of Market Regulation, Commission (March 16, 1992).

[3] The fee for each side of a compared trade in foreign securities is lowered from $2.00 to $0.75. NSCC Rule I(A)(3). The fee for foreign securities transactions netted is $.50 per item in addition to the fee for security orders generated, which is currently $.25 per item. NSCC Rules II(H) and II(L).

[4] 17 CFR 200.30-3(a)(12).

[1] The proposed rule change does not amend the text of rule 452 or its Supplementary Material.

"proportionately". The Exchange interprets "proportionately" to require the member organization to vote in the same "yes" and "no" proportion as that represented by the votes received from all other record holders of stock.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Heretofore, the Exchange has considered the initial approval of investment advisory contracts and any material amendments to any such contract as non-routine matters that are of a type that a member organization cannot vote on without specific client instruction. On the other hand, the Exchange has considered such issues as a one-year extension of the term of any such contract or a non-material amendment of any such contract to constitute routine matters in respect of which member organizations may give a proxy.

The Exchange proposes to amend its interpretation of Rule 452 to allow member organizations to give a proxy on the initial approval of an investment advisory contract if the beneficial holder does not exercise his right to vote.[2] The Exchange believes that such treatment is appropriate since the initial investment advisory contract is described in the prospectus the investor receives when making a decision to invest in these securities. However, since this is not the case with respect to material amendments to such contracts, the Exchange will continue to preclude member organizations from giving proxies without specific client instructions.

In addition, the Exchange believes this proposed rule change should make it easier for companies to obtain shareholder approval of an investment advisory contract as required by the Investment Company Act of 1940 (the "1940 Act").

Pursuant to section 2(a)(42) of the 1940 Act, approval of an investment advisory contract requires approval by the holders of the lesser of (i) 50 percent of the outstanding shares of the company or (ii) 67 percent of the votes cast at a meeting at which at least 50 percent of the outstanding shares are present or represented by proxy. As a practical matter, it is often necessary to rely upon the latter of these alternative methods of meeting the requirement. When a member organization is able to vote shares on which no instructions have been received from the beneficial owner (on "routine" items), the results is to increase the number of shares present at the meeting. This results in a corresponding increase in the number of votes necessary to meet the 67 percent approval requirement for the contract. However, since member organizations cannot vote on the investment advisory contract in this case, the effect is to increase the difficulty of achieving the vote necessary under the 1940 Act. Therefore, the mere presence at the meeting of shares for which no instructions have been received is the equivalent of having those shares voted against the contract. A shareholder who has recently purchased shares and has not taken the trouble to return a proxy card to the member organization is probably unaware that his inaction is the equivalent of voting against the very investment advisory contracts that were described in the prospectus and were presumably a key factor in his investment decision.

The basis under the Act for this proposed rule change is section 6(b)(5), which requires that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the NYSE. All submissions should refer to File No. SR-NYSE-9-05 and should be submitted by April 16, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

[FR Doc. 92-7015 Filed 3-25-92; 8:45 am]

BILLING CODE 8010-01-M

[2] The Exchange recognizes that when the investment advisor and the member organization are affiliated there is a potential conflict of interest if the member organization has full discretion on how to vote shares for which no instructions are received. Accordingly, consistent with its proxy voting policy in other situations involving potential conflicts, the Exchange proposes in such situations to require that the member organization vote in the same proportion as represented by the votes received from all other record holders.

[3] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30500; International Series Release No. 374; File No. SR-OCC-92-01]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving a Proposed Rule Change Relating to Amendments to Canadian Depository Receipts

March 19, 1992.

On January 8, 1991, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") a proposed rule change (File No. SR-OCC-92-01) that would revise the Canadian Clearing Fund Depository Receipt and Security Agreement and the Canadian Margin Depository Receipt and Security Agreement to provide for facsimile transmission. Notice of the proposed rule change was published in the **Federal Register** on February 4, 1992.[2] No comments were received. This order approves the proposal.

I. Description

OCC clearing members may pledge securities issued or guaranteed by the government of Canada ("Canadian government securities") and held at OCC's Canadian clearing agent bank [3] to satisfy their clearing fund and margin requirements.[4] OCC has established procedures whereby it will accept pledges of Canadian government securities through the use of Canadian depository receipts. Canadian depository receipts are escrow depository receipts and the underlying agreements that are issued by OCC's Canadian clearing bank. They are issued to acknowledge that the bank holds Canadian government securities for OCC's benefit and that it will not release the securities without OCC's written consent. OCC's consent to release shall be in the form of either a written order (in the case of the suspension of the clearing member) or an Endorsement for Release (in the case of a request by the clearing member to withdraw the securities).[5] Upon receipt of a Canadian depository receipt, OCC credits the value of the pledged securities represented by the Canadian depository receipt towards either the clearing member's margin or clearing fund requirement.

The proposed rule change will amend the Canadian depository receipts to provide that the issuing clearing agent bank agrees to accept as an original any written order or Endorsement for Release transmitted by electronic means that produces a facsimile copy of the document being transmitted provided the document is executed by an authorized signatory of OCC. The filing also provides that OCC may accept such a facsimile transmission from an issuing bank.[6]

II. Discussion

The Commission believes the proposal is consistent with sections 17A(b)(3) (A) and (F) of the Act.[7] Those sections require that a clearing agency be organized and that the rules of the clearing agency be designed to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to facilitate the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which the clearing agency is responsible. Further, the Commission believes OCC's proposal is consistent with the Congressional finding as stated in section 17A(a)(1)(C) that "new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement." [8]

It is expected that OCC's proposed rule change will provide significant benefits to OCC's clearing members. The proposal should enable the Canadian clearing agent bank to provide earlier notice to OCC that a hearing member's Canadian government securities are being held on OCC's behalf and should allow OCC to credit the deposit toward satisfying the clearing member's margin or clearing fund requirement sooner than under the current method. In addition, should the clearing member request to withdraw the collateral, the electronic transmission of an Endorsement for Release will help avoid delays and allow the clearing member to take advantage of other investment opportunities. Further, the proposal will provide a more efficient method for OCC to notify its clearing agent bank when OCC must act quickly to liquidate the clearing member's account. For the reasons, the Commission believes that OCC's proposal facilitates the prompt and accurate clearance and settlement of securities transactions consistent with the Act.

OCC's proposal is designed to capitalize on the efficiencies of electronic communications systems. OCC currently allows pledges of securities through the EDP Pledge System operated by DTC.[9] This method of pledging securities has proven to be an efficient and safe alternative to the physical issuance of depository receipts. The Commission believes that the current proposal also represents a safe and efficient method of initiating and terminating pledge arrangements with OCC's Canadian clearing agent bank.

Furthermore, consistent with OCC's current procedures, OCC will continue to have a first security lien on the pledged securities and neither the clearing member nor the clearing agent bank will be permitted to release the pledged securities without OCC's prior written consent. In this regard, the Commission believes OCC's proposal facilitates the safeguarding of securities and funds in OCC's custody or under OCC's control.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[10] that the

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Securities Exchange Act Release No. 30297 (January 27, 1992), 57 FR 4231.

[3] OCC currently has one Canadian clearing agent bank, Bank of Montreal.

[4] In 1988, the Commission approved a proposed rule change permitting OCC clearing members to pledge Canadian government securities in the form of depository receipts for margin and clearing fund purposes. Securities Exchange Act Release No. 25610 (April 22, 1988), 53 FR 15323.

In 1989, OCC filed a proposed rule change, that pursuant to section 19(b)(3)(A) of the Act was effective upon filing, to enhance OCC's lien on securities deposited in accordance with the Canadian depository receipts. Securities Exchange Act Release No. 27128 (August 11, 1989), 54 FR 34279.

[5] OCC rules contain procedures for the release or liquidation of securities pledged to OCC through the use of escrow receipts. Among others, these rules include: OCC rules 608 (withdrawals of margin), 1004 (withdrawal of clearing fund collateral), 613(j) (release or withdrawal of an escrow receipt), and 1104 (creation of Liquidating settlement account).

[6] On March 5, 1992, OCC submitted a letter to clarify that it was OCC's intent that the proposed rule change not only amend the Canadian depository receipts to provide that the issuing bank agrees to accept a facsimile transmission of any written order or endorsement for release from OCC but also provide that OCC will accept facsimile transmission of Canadian depository releases from the issuing bank. Letter from Jean M. Cawley, Staff Counsel, OCC, to Jerry W. Carpenter, Branch Chief, Division of Market Regulation, Commission (February 26, 1992).

[7] 15 U.S.C. 78q-1(b)(3) (A) and (F).

[8] 15 U.S.C. 78q-1(a)(1)(C).

[9] The EDP Pledge System is operated by DTC and allows OCC members who are participants in DTC's Participant Terminal System ("PTS") to electronically pledge to OCC securities on deposit at DTC. Pledges are made by entering into the PTS terminal essentially the same information required to complete OCC depository receipts. Securities Exchange Release No. 25610 (April 28, 1988), 53 FR 15323.

[10] 15 U.S.C. 78s(b)(2).

proposed rule change (File No. SR–OCC–92–01) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6966 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18618; 811–820]

American Investment Trust; Application for Deregistration

March 19, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: American Investment Trust (the "Trust").

RELEVANT 1940 ACT SECTIONS: Section 8(f) and rule 8f–1 thereunder.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on December 18, 1989 and amended on November 16, 1990, June 19, 1991, and March 11, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 13, 1992, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, New York 10591.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or Max Berueffy, Branch Chief, (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

APPLICANT'S REPRESENTATIONS:

1. The Trust is a unit investment trust organized under the laws of the State of New York. On June 26, 1958 the Trust registered under the Act by filing a Notification of Registration on Form N–8A pursuant to section 8(a) and a registration statement on Form N–8B–2 pursuant to section 8(b) of the Act. On July 3, 1958 the Trust registered its securities under the Securities Exchange Act of 1933 by filing a registration statement on Form S–6, which became effective on January 14, 1959. The Trust registered periodic payment plan certificates, in the form of systematic and single payment plans (the "Plans"), for the accumulation of shares of Axe-Houghton Stock Fund, Inc. (the "Fund").

2. Each Plan was created pursuant to a plan certificate which formed the agreement between the sponsor, Axe Securities Corporation (the "Sponsor"), the custodian, Irving Trust Company, and the holder of the Plan (the "Planholder"), and was issued pursuant to a Planholders Agreement between Irving Trust Company and the Sponsor. As of the date of this application, there are no plans outstanding.

3. On October 19, 1988 the Sponsor wrote to Planholders offering them the opportunity to become direct shareholders of the Fund by converting their Plans to direct investments in the Fund. A copy of the letter is attached as an exhibit to the application. During the period December 1, 1988 to June 12, 1989, all outstanding Plans were terminated in accordance with their terms and converted to direct investments in shares of the Fund. Each Planholder received the same number of full and fractional shares of the Fund as he held in the converted Plan account.

4. As a result of the conversion, no Planholder paid a sales load in excess of that permitted under section 27 of the Act or provided for under the terms of the Plan. As of December 1, 1988, shares of the Fund were being sold to the pubic without imposition of any sales load. Accordingly, by converting their Plans to direct investments in Fund shares, Planholders were able to avoid payment of Plan custodial fees and the additional sales loads applicable to further purchases of Fund shares under a Plan.

5. As a December 1, 1988 there were 292 Plans outstanding representing 370,720.988 shares having a net asset value of $5.43 per share and an aggregate net asset value of $2,013,014.96.

6. All expenses, including legal, accounting, and other general and administrative expenses, relating to the Trust's liquidation and the winding up of its affairs are being borne by the Sponsor and its successors.

7. As of the time of filing of this application, the Trust had no shareholders, assets, or liabilities. The Trust is not a party to any litigation or administrative proceeding. The Trust is not presently engaged in, nor does it purpose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–6963 Filed 3–25–92; 8:45 am]

BILLING CODE 8010–01–M

[1] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted by April 27, 1992. If you intent to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

FOR FURTHER INFORMATION CONTACT: Request for clearance (S.F. 83), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

Agency clearance officer: Cleo Verbillis, Small Business Administration, 409 3RD Street, SW., 5th Floor, Washington, DC 20416, Telephone: (202) 205–6629.

OMB reviewer: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

Title: Procurement Automated Source System Application and Validation of PASS Registration.

SBA Form No.: SBA Forms 1167 and 1395.

Frequency: On occasion.

Description of Respondents: Small Business interested in federal procurement opportunities.

Annual Responses: 211,000.

Annual Burden: 24,666.

Dated: March 20, 1992.

Cleo Verbillis,

Acting Chief, Administrative Information Branch.

[FR Doc. 91–7054 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Interest Rates

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Public Law 97–35) and the SBA share of immediate participation loans is 8¼ percent for the fiscal quarter beginning April 1, 1992.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 122.8–4 (d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the April-June quarter of FY 92, this rate will be 7½ percent.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 92–7062 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Shortage of Operating Funds for a Disaster in Kansas

As a result of the Secretary of Agriculture's disaster designation S–576 for counties in the State of Kansas and contiguous counties in the States of Missouri, Nebraska, and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–7055 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Shortage of Operating Funds for a Disaster in Kentucky

As a result of the Secretary of Agriculture's disaster designation S–574 for counties in the State of Kentucky and contiguous counties in the States of Illinois, Indiana, Missouri, Ohio, Tennessee, and West Virginia, the Small Business Administration (SBA) is accepting economic injury disaster loan applications for eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–7056 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Shortage of Operating Funds for a Disaster in Missouri

As a result of the Secretary of Agriculture's disaster designation S–575 for counties in the State of Missouri and contiguous counties in the States of Kansas and Oklahoma, the Small Business Administration (SBA) is accepting economic injury disaster loan applications from eligible nonfarm small business concerns. However, due to SBA's present severe shortage of operating funds for the disaster program for the current fiscal year (through September 30, 1992), SBA cannot provide assurance of its ability to continue to accept or process disaster loan applications or make disbursements on disaster loans until additional funds are available.

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–7057 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2545; Amendment #5]

Declaration of Disaster Loan Area; Texas

The above-numbered Declaration is hereby amended in accordance with an amendment dated March 11, 1992, to the President's major disaster declaration of December 26, 1991, to include the counties of Aransas, Mason, Refugio, Shackelford, Throckmorton, Young, and Zavala in the State of Texas as a disaster area as a result of damages caused by severe thunderstorms and flooding beginning on December 20, 1991 and continuing through January 14, 1992.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Archer, Baylor, Bee, Dimmit, Frio, Kenney, Knox, LaSalle, Maverick, Medina, Menard, San Patricio, and Uvalde in the State of Texas may be filed until the specified date at the previously designated location.

Because the termination date for filing applications for physical damage closed on February 24, 1992, prior to the Notice of Amendment cited above, applications for physical damage for victims located in the above-named counties will be accepted until the close of business on April 10, 1992, 30 days from the date of amendment. The termination date for filing applications for economic injury remains the close of business on September 28, 1992.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 18, 1992.

Bernard Kulik,

Assistant Administrator for Disaster Assistance.

[FR Doc. 92–7058 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Region VI Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Little Rock, will hold a public meeting at 10 a.m. on Friday, May 22, 1992, at the U.S. Small Business Administration, Little Rock District Office, 2120 Riverfront, suite 100, Little Rock, Arkansas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Joseph T. Foglia, District Director, U.S. Small Business Administration, 2120 Riverfront, suite 100, Little Rock, Arkansas 72202, (501) 324–5871.

Dated: March 19, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92–7059 Filed 3–25–92; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Helen, will hold a public meeting from 12 noon on Thursday, April 23, 1992, to 12:30 p.m., on Friday, April 24, 1992, at the Unicoi Lodge, Helen, Georgia, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Wilfred A. Stone, District Director, U.S. Small Business Administration, 1720 Peachtree Road NW., 6th Floor, Atlanta, Georgia 30309, (404) 347-4749.

Dated: March 19, 1992

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-7000 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas, will hold a public meeting at 9:30 a.m. on Friday, April 17, 1992, at the Bill J. Priest Institute for Economic Development, 1402 Corinth Street, Dallas, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. James S. Reed, District Director, U.S. Small Business Administration, 1100 Commerce Street, room 3C36, Dallas, Texas 75242, (214) 767-0600.

Dated: March 19, 1992.

Caroline J. Beeson,

Assistant Administrator, Office of Advisory Councils.

[FR Doc. 92-7061 Filed 3-25-92; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1588]

Bureau of Diplomatic Security; Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has resubmitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

SUMMARY: Section 134 of Public Law 101-649 of November 29, 1990, allows for the issuance of 1,000 immigrant visas to qualified displaced Tibetans in India and Nepal. The implementing regulation (22 CFR 47) requires the information collection on Optional Form 222 to establish qualification and eligiblity of the Tibetan applicants. The following summarizes the information collection proposal submitted to OMB:

Type of request—Reinstatement.
Originating office—Bureau of Consular Affairs.
Title of information collection—Preliminary Questionnaire to Determine Immigrant Status.
Frequency—On occasion.
Form No.—OF-222.
Respondents—Displaced Tibetans in India and Nepal.
Estimated number of respondents—2,000.
Average hours per response—30 minutes.
Total estimated burden hours—1,000.

Section 3504(h) of Public Law 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395-7340.

Dated: March 16, 1992.

Sheldon J. Krys,

Assistant Secretary for Diplomatic Security.

[FR Doc. 92-7011 Filed 3-25-92; 8:45 am]

BILLING CODE 4710-43-M

[Public Notice 1589]

Bureau of Diplomatic Security; Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

SUMMARY: Section 2(b)(9) of the Export Import Bank Act of 1945, as amended (Pub. L. 99-440; 100 Stat. 1096) provides that the Export Import Bank may not support any export to private purchasers in South Africa unless the Secretary of State certifies that the purchaser has endorsed and proceeded toward the implementation of certain fair employment principles. The proposed information collection will enable the Department of State to make a meaningful judgment as to whether the South African purchaser meets the legal requirements for certification to the Export Import Bank. The following summarizes the information collection proposal submitted to OMB:

Type of request —New.
Originating office —Bureau of African Affairs.
Title of information collection —Questionnaire for purchasers in the Republic of South Africa applying for support from the Export-Import Bank or Bank-supported programs of the Foreign Credit Insurance Corporation.
Frequency —On occasion.
Form No. —DSP-118
Respondents —South African purchasers applying for support from the Export-Import Bank of the United States.
Estimated number of respondents —10.
Average hours per response —8 hours.
Total estimated burden hours —800.

Section 3504(h) of Public Law 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Gail J. Cook (202) 6747-3538. Comments and questions should be directed to (OMB) Lin Liu (202) 395-7340.

Dated: March 16, 1992.

Sheldon J. Krys,

Assistant Secretary for Diplomatic Security.

[FR Doc. 92-7012 Filed 3-25-92; 8:45 am]

BILLING CODE 4710-43-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representatitve" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6153 Filed 3-25-92; 8:45 am]

BILLING CODE 8120-02-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; General Motors Corporation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant in part of petition for exemption.

SUMMARY: This notice grants in part the petition by General Motors Corporation (GM) for exemption from the parts marking requirements of the vehicle theft prevention standard for the Oldsmobile 88 Royale (88 Royale) and Buick LeSabre car lines for Model Year (MY) 1993, pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard*, for MY 1993 and beyond. GM is required to mark only the engines and transmissions of the exempted car lines.

DATES: The exemption granted by this notice is effective beginning with the 1993 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gray's telephone number is (202) 366-4808.

SUPPLEMENTARY INFORMATION: On November 22, 1991, the agency received a submission from GM requesting an exemption from the theft prevention standard for its 88 Royale and LeSabre car lines, pursuant to 49 CFR part 543, *Exemption From Vehicle Theft Prevention Standard*, for MY 1993 and beyond.

The information submitted by GM constitutes a complete petition, as required by 49 CFR part 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6. Accordingly, November 22, 1991 is the date on which the statutory 120 day period for processing GM's petition began.

In its petition for the 88 Royale and LeSabre car lines, GM requests an exemption from parts marking based on the inclusion of the "PASS-Key II" theft deterrent system as standard equipment for these car lines. "PASS-Key II" is a modification of the "PASS-Key II" theft deterrent system. Since August 1989, the agency has determined that the "PASS-Key" system, installed as standard equipment, will likely be as effective reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (see 54 *FR* 33655, August 15, 1989). In a February 7, 1992 letter to GM, the agency determined that the changes in "PASS-Key II" constituted a *de minimis* change in the "PASS-Key" system that was the basis for the agency's previous granting of a theft exemption for a car line that had, as standard equipment, the "PASS-Key" system.

The "PASS-Key II" theft deterrent system utilizes an ignition key, an ignition lock cylinder and a decoder module. The conventional mechanical code permits the key to release the steering wheel and transmission shift level locks. Before the vehicle can be started, the electrical resistance of a pellet embedded in the shank of the key must be sensed by elements in the lock cylinder and its value compared to a fixed resistance in the decoder module located in the instrument panel in the passenger compartment. If the key pellet has the proper resistance, the starter enable relay is energized and a discrete signal is transmitted to the engine control module. Recognition of the signal by the engine control module allows fuel injector pulses to begin. If a key other than the one with proper resistance for that vehicle is inserted, the decoder module will shut down for a period of three minutes plus or minus 18 seconds. GM states that this period of time is controlled by a timer within the decoder module, and is not a programmable feature. Unlike "PASS-Key," in "PASS-Key II," the timer for the decoder module does not reset back to zero if further resistance comparisons are made while the decoder module is shut down. GM has stated that despite this difference, a similar level of performance will continue since the module, while shut down, will ignore any further attempts to start the vehicle by means of a key with an improper pellet resistance. GM claims that any process of trial and error using various keys with different resistance pellets, after the initial three minute shut down period, will result in the module shutting down again.

The components are located in the passenger compartment behind the instrument panel, with the exception of the starter solenoid/starter motor combination which is located in the engine compartment. GM states that unlike many other theft deterrent systems, removing and subsequently reapplying vehicle power does not alter "PASS-Key II" performance.

GM states that "PASS-Key II" is passive in that the system becomes fully functional once the ignition is turned off and the key is removed. No further operator action is required for activation. GM states that because "PASS-Key II" is fully operational once the engine has been turned off and the key removed, it has not provided specific visual or audio warnings, beyond the key warning buzzer, that unauthorized attempts have been made to enter or move the vehicles. However, the "PASS-Key II" system includes a starter interrupt function which, when activated, makes the vehicle inoperable.

In order to draw attention to improper use of a key to start the vehicle, GM has installed a yellow "Security" light inside the passenger compartment of the 88 Royale and the LeSabre. This light is designed to activate if the proper key with a dirty or contaminated resistor pellet is used and the vehicle does not start. If this happens, it is necessary to clean the key and delay a further attempt to start the engine until the "PASS-Key II" timer has run its course. The "Security" light is designed to illuminate also if a key with the proper mechanical but improper electrical code is used to try and start the vehicle.

GM states that a premise for the design of any theft deterrent system in its products has been that a failure in such a system would not affect a running vehicle. Although it may not be possible to restart a vehicle after such a failure, that failure would not stop an engine that has been started. That criterion has been met in "PASS-Key II." Once an "Engine Running" signal has been identified by the engine control module, a "PASS-Key II" failure will not cause the engine to stop.

GM's analysis of the failure mode effects of the "PASS-Key II" system indicated that the component with the highest probability for failure was the ignition lock cylinder with its key, wiring, contacts, and rotational motion. A 52,000 cycle automated bench test of the key, ignition lock cylinder, wiring, and "PASS-Key II" electronics module was conducted over a temperature range of approximately −40 degrees Fahrenheit to +212 degrees Fahrenheit. GM stated that each cycle consisted of inserting the key, rotating the cylinder to its "Start" position and then measuring the output from the electronics module to assure that the proper signals for the Starter Enable Relay and engine control module were present. The absence of either signal would terminate the test.

GM states that the "PASS-Key II" decoder module has undergone other durability tests to ensure that the component meets or exceeds specified performance requirements over an equivalent of approximately 10 years of vehicle life. These other tests were: a power and temperature cycling test; high temperature endurance test; humidity test; moisture susceptibility test, and random vibration durability tests. As part of the validation process for the "PASS-Key" system, GM subjected the starter enable relay to testing to ensure component reliability. GM states that the same component is used in "PASS-Key II."

GM also states that during 668,000 miles of durability testing on prototype vehicles equipped with "PASS-Key II," there were no system failures. An additional durability test conducted on a sample of production vehicles, before such vehicles were released for sale, resulted in one failure of a module. GM states that an engineering change was implemented to eliminate the cause of that failure and revised modules incorporating the change were installed in all production vehicles. GM states that since "PASS-Key II" system failures have the potential to affect owner satisfaction, it will continue to carefully monitor warranty data and make any necessary changes to improve system reliability.

Since the "PASS-Key II" system has been installed in GM vehicles as standard equipment only since the 1992 model year, GM states that directly relevant theft data are not yet available. GM asserts that since the "PASS-Key II" system has been designed to provide the same kind of protection as the "PASS-Key" system, theft data for "PASS-Key" equipped vehicles can be used to form the basis for GM's belief that the "PASS-Key II" system will be effective in reducing and deterring motor vehicle theft. The agency concurs that theft data for "PASS-Key" equipped vehicles is probative of the likelihood of success of the "PASS-Key II" system in reducing and deterring vehicle theft.

To substantiate its statements on the "PASS-Key" antitheft system's effectiveness, GM provided data on Chevrolet Camaro, Pontiac Firebird, and Cadillac DeVille/Fleetwood car line theft rates for MYs 1986 through 1990. "PASS-Key" was made standard equipment on the Camaro and Firebird car lines beginning with the 1989 model and in the DeVille/Fleetwood beginning with the 1990 model. The data provided by GM is reported by the Federal Bureau of Investigation's National Crime Information Center (NCIC), which is NHTSA's official source of theft data (See 50 FR 46666, November 12, 1985). The NCIC receives reports on all thefts.

The NCIC data reported by GM showed that Firebird, Camaro, and DeVille/Fleetwood theft rates (per thousand vehicles) by Model Year were: for 1986, 27.83 for the Firebird, 29.49 for the Camaro, 7.11 for the DeVille/Fleetwood; for 1987, 30.14 for the Firebird, 28.03 for the Camaro, 6.6 for the DeVille/Fleetwood; for 1988, 29.34 for the Firebird, 25.74 for the Camaro, 7.19 for the DeVille/Fleetwood; for 1989, 8.99 for the Firebird, 8.69 for the Camaro, 5.57 for the DeVille Fleetwood; and the 1990, 8.56 for the Firebird, 9.04 for the Camero, 3.81 for the Deville/Fleetwood.

GM stated a belief, based on the decreases in thefts of the Firebird and Camaro car lines during the 1989 model year, and DeVille/Fleetwood car line during the 1990 model year, which occurred with the implementation of "PASS-Key" as standard equipment, that the PASS-Key" system is "extremely effective in deterring motor vehicle theft." GM stated that based on the performance of "PASS-Key" on other models and its similarity of design and functionality to the "PASS-Key II" system, it believes that similar reductions will be achieved with the 88 Royale and LeSabre car lines when "PASS-Key II" becomes standard on those vehicles.

NHTSA believes that there is substantial evidence indicating that the antitheft system to be installed as standard equipment will likely be as effective in reducing and deterring motor vehicle theft as compliance with the requirements of the theft prevention standard (49 CFR part 541). This determination is based on the information GM submitted with its petition and on other available information. The agency believes that the device will provide all but one of the types of performance listed in § 543.6(a)(3): promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. The single exception is that the device lacks an alarm which would attract attention to unauthorized entries.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that GM has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information GM provided on its device. This information included a description of reliability and functional tests conducted by GM for the antitheft system and its components. GM presented extensive data on the life cycle test results of the "PASS-Key" ignition lock system.

For the foregoing reasons, the agency herby exempts the MY 1993 Oldsmobile 88 Royale and Buick LeSabre car lines in part from the requirements of 49 CFR part 541. GM will be required to mark only the engines and transmissions, and replacement engines and transmissions for these car lines. Those major parts were chosen since they are among the most interchangeable of the 14 parts for which labeling is required.

The reason for the partial grant is that the GM antitheft system for the Oldsmobile 88 Royale and Buick LeSabre includes neither an audio nor visual alarm function. As such, the GM system lacks an important feature that the agency has identified in its rulemaking on part 543 as one of several desirable attributes which contribute to the effectiveness of an antitheft system: Automatic activation of the device; an audible or visual signal that is connected to the hood, doors, and trunk and draws attention to vehicle tampering; and a disabling mechanism designed to prevent a thief from moving a vehicle under its own power without a key.

The agency acknowledges that, since Model Year 1989, the theft rates for the Pontiac/Camaro car lines have been reduced substantially. Although the theft rates for these car lines are lower than in previous years, the agency believes that more than two years of data are needed in order to accurately evaluate the effectiveness of an antitheft device.

If GM decides not to use the partial exemptions for the MY 1993 Royale and LeSabre car lines, it should formally notify the agency. If such a decision is made, these car lines must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts making programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if GM wishes in the future to modify the device on which this partial exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in the exemption."

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of a antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if G.M. contemplates making any changes the effects of which might be characterized as *de minimis* then the company should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025; delegation of authority at 49 CFR 1.50.

Issued on: March 20, 1992.

Jerry Ralph Curry,

Administrator.

[FR Doc. 92–6961 Filed 3–25–92; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: March 18,1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submissions(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0314.

Form Number: IRS Forms 6466 and 6467.

Type of Review: Extension.

Title: Transmittal of Magnetic Media of Form W–4, Employee's Withholding Allowance Certificate (6466), Transmittal of Magnetic Media of Form W–4, Employee's Withholding Allowance Certificate (Continuation) (6467).

Description: Under Regulation 31.3402(f)(2)–1(g), employers are required to submit certain withholding certificates (W–4) to the IRS. Transmittal Form 6466, and the continuation sheet Form 6467, are submitted by an authorized agent of the employer who will be reporting submissions of Form W–4 on magnetic media. These forms ensure accuracy and completeness of the submission.

Respondents: State and local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent:

Form	Response time
Form 6466	20 minutes.
Form 6467	20 minutes.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden: 133 hours.

OMB Number: 1545–0763.

Regulation ID Number: LR–200–76 Final.

Type of Review: Extension.

Title: Qualified Conversation Contributions.

Description: The information is necessary to comply with various substantive requirements of section 170(h) which describes situations in which a taxpayer is entitled to an income tax deduction for a charitable contribution for conversation purposes of a partial interest in real property.

Respondents: Individuals or households, State and local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Recordkeepers: 1,000.

Estimated Burden Hours Per Recordkeeper: 1 hour, 15 minutes.

Frequency of Recordkeeping: Quarterly.

Estimated Total Recordkeeping Burden: 1,250 hours.

Clearance Officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–6957 Filed 3–25–92; 8:45 am]

BILLING CODE 4830–01–01–M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 737]

Dollar Limitation for Display and Retail Advertising Specialties

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: General notice.

SUMMARY: This notice sets forth the annually updated dollar limitations prescribed for alcohol beverage industry members under the "Tied House" provisions of the Federal Alcohol Administration Act.

DATES: This notice shall be effective retroactive to January 1, 1992.

ADDRESSES: Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Karen Freelove, Market Compliance Branch, (202) 927–8130.

SUPPLEMENTARY INFORMATION: Based on data of the Bureau of Labor Statistics, the consumer price index was 3.1 percent higher in December 1991 than in December 1990. Therefore, effective January 1, 1992, the dollar limitation for "Product Displays" (27 CFR 6.83(c)) is increased from $155.00 to 160.00 per brand. Similarly, the "Retailer Advertising Specialties" (27 CFR 6.85(b)) is increased form $76.00 to $78.00 per brand. Also, the "Participation in Retailer Association Activities" (27 CFR

6.100(e)) is increased from $155.00 to $160.00 per year.

Industry members who wish to furnish, give, rent, loan or sell product displays or retailer advertising specialties to retailers are subject to dollar limitations (27 CFR 6.83 and 6.85). Industry members making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show are also subject to dollar limitations (27 CFR 6.100). The dollar limitations are updated annually by use of a "cost adjustment factor" in accordance with 27 CFR 6.82. The cost adjustment factor is defined as a percentage equal to the change in the Bureau of Labor Statistics' consumer price index. Adjusted dollar limitations are established each January using the consumer price index for the preceding December.

Dated: March 3, 1992.

Stephen E. Higgins,

Director.

[FR Doc. 92-6707 Filed 3-25-92; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

[Dept. Circ. 570, 1991—Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds Suspension of Authority; Regency Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Regency Insurance Company, of Hallandale, Florida, under the United States Code, title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds is hereby suspended, effective this date. The suspension will remain in effect until further notice.

The Company was last listed as an acceptable surety on Federal bonds at 56 FR 30159, July 1, 1991. Federal bond-approving officers should annotate their reference copies of Treasury Circular 570 to reflect the suspension.

With respect to any bonds currently in force with Regency Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the Company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874–6507.

Dated: March 11, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92-6949 Filed 3-25-92; 8:45 am]

BILLING CODE 4810-35-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-88]

Request for Public Comment: People's Republic of China: Market Access Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Request for information concerning Chinese market access barriers.

SUMMARY: The United States Trade Representative (USTR) is seeking additional informaiton concerning market access barriers that U.S. companies have encountered in the People's Republic of China (China). Specific data regarding instances when individual or overlapping market access barriers have (1) prevented or delayed the entry of U.S. products into Chinese markets, (2) effectively priced U.S. products out of the Chinese market, or (3) have discriminated against U.S. exports in favor of domestic products or those of another country would assist USTR in pursuing its investigation of these barriers. USTR invites written comments from the public on these matters.

DATES: Written comments from the public are due on or before 12 noon, on Monday, April 20, 1992.

ADDRESSES: Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Lee Sands, Director, China and Mongolian Affairs (202) 395–5050, or Dorothy Balaban, Special Assistant to the section 301 Committee (202) 395–3432, for information concerning filing procedures.

SUPPLEMENTARY INFORMATION: On October 10, 1991, at the direction of the President, the USTR initiated an investigation under section 302(b) to determine whether specific market access barriers in China are unreasonable or discriminatory and burden or restrict U.S. commerce. The investigation includes the following practices:

(1) Lack of transparency: Failure to publish laws, regulations, judicial decisions, and administrative rulings of general application pertaining to customs requirements or to requirements, restrictions or prohibitions upon imports or affecting their sale or distribution in China;

(2) Import bans: Selected product-specific and sector-specific import prohibitions and quantitative restrictions;

(3) Import licensing requirement: Selected restrictions upon imports made effective through restrictive import licensing requirements;

(4) Technical barriers to trade, including standards, testing and certification requirements, and policies toward veterinary and phytosanitary standards that create unnecessary obstacles to trade.

In addition, we are consulting with China concerning that country's prohibitively high tariffs, import substitution requirements, and other issues.

Public Comment: Requirements for Submissions

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due by 12 noon, Monday, April 20, 1992. Comments must be in English and provided in twenty copies to: Dorothy Balaban, Special Assistant to the Section 301 Committee, Office of the General Counsel, room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301–88) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection.

Jeanne E. Davidson,

Chairman, Section 301 Committee.

[FR Doc. 92-6998 Filed 3-25-92; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 59

Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. § 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 9:00 a.m. April 10, 1992.

PLACE: Public Hearing Room, Suite 700, 625 Indiana Avenue, NW, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Board will discuss and deliberate upon safety issues related to the proposed restart of K–Reactor, Savannah River Site, South Carolina, including, but not limited to, consideration of tritiated water release from heat exchangers, safety rod latching mechanisms, and other operational readiness topics.

CONTACT PERSON FOR MORE INFORMATION: Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, or Carole J. Council, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (202) 208–6400 (FTS 268–6400).

SUPPLEMENTARY INFORMATION: The Board specifically reserves its right to further schedule and otherwise regulate the course of the meeting, to recess, reconvene, postpone, or adjourn the meeting, and otherwise exercise its powers under the Atomic Energy Act of 1954, as amended.

Dated: March 24, 1992.

Kenneth M. Pusateri,

General Manager.

[FR Doc. 92-7098 Filed 3-24-92; 10:29 am]

BILLING CODE 6820-KD-M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 31, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration

Internal personnel rules and procedures or matters affecting a particular employee

DATE AND TIME: Thursday, April 2, 1992, 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes

Title 26 Certification Matters

Advisory Opinion 1992–8: The Honorable William H. Orton

Notice of Proposed Rulemaking on Special Fundraising Projects by Political Committees

Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Press Officer, Telephone: (202) 219–4155.

Delores Harris,

Administrative Assistant.

[FR Doc. 92-7150 Filed 3-24-92; 2:51 pm]

BILLING CODE 6715-01-M

Corrections

Federal Register
Vol. 57, No. 59
Thursday, March 26, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL MARITIME COMMISSION

Port of New Orleans; et al; Agreement(s) Filed

Correction

In notice document 92-6098 appearing on page 9256 in the issue of Tuesday, March 17, 1992, make the following correction:

In the second column, the first agreement number should read, "224-200330-001."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0122]

RIN 0905-AB68

Food Labeling: Nutrition Labeling of Raw Fruit, Vegetables, and Fish; Guidelines for Voluntary Nutrition Labeling of Raw Fruit, Vegetables, amd Fish; Identification of the 20 Most Frequently Consumed Raw Fruit, Vegtables, and Fish; Definition of Substantial Compliance; Correction

Correction

In rule document 92-4747 beginning on page 8174 in the issue of Friday, March 6, 1992, make the following correction:

On page 8174, in the table, in the seventh column (Sodium), in the last entry, "1" should read "2".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0094]

RIN 0905-AB67

Food Labeling: Health Claims; Calcium and Osteoporosis; Correction

Correction

In proposed rule document 92-4718 beginning on page 8179 in the issue of Friday, March 6, 1992, make the following correction:

On page 8180, in the 2d column, in the paragraph numbered 9., in the 15th line, before "bone" insert "a".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 91N-0103]

RIN 0905-AB67

Food Labeling: Health Claims and Label Statements; Omega-3 Fatty Acids and Coronary Heart Disease; Correction

Correction

In proposed rule document 92- 4725 beginning on page 8183 in the issue of Friday, March 6, 1992 , make the following correction:

On page 8184, in the third column, in the paragraph numbered 17, in the ninth line, "unit" should read "amt.".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984--Laboratory Study of the Electrical Resistivity of Brine Solutions at Elevated Temperature and Pressure

Correction

In notice document 92-2465 beginning on page 4063 in the issue of Monday, February 3, 1992, make the following correction:

On page 4063, in the 3d column, in the 3d paragraph, in the 15th line, "fell" should read "fall".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 402

Tariff of Tolls

Correction

In rule document 92-1330 beginning on page 2471 in the issue of Wednesday, January 22, 1992, make the following correction:

§ 402.11 [Corrected]

On page 2471, in the third column, in § 402.11(b), in the next to last line, "country" should read "port".

BILLING CODE 1505-01-D

federal register

Thursday
March 26, 1992

Part II

Department of Justice

Office of Juvenile Justice and Delinquency Prevention

Fiscal Year 1992 Competitive Discretionary Grant Programs and the Availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit"; Notice

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Fiscal Year 1992 Competitive Discretionary Grant Programs and the Availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit"

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Public announcement of the Fiscal Year 1992 Competitive Discretionary Grant Programs and the availability of the "Office of Juvenile Justice and Delinquency Prevention Fiscal Year 1992 Discretionary Program Announcement Application Kit" (hereinafter OJJDP Application Kit).

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing this Notice of Competitive Discretionary Grant Programs and announcing the availability of the OJJDP Application Kit (a separate publication available from the OJJDP Juvenile Justice Clearinghouse). Each program announcement that follows contains specific instructions on competitive program requirements, including eligibility requirements and selection criteria for each competitive program.

The OJJDP Application Kit contains the discretionary program announcements, general application and administrative requirements, an application form (Standard Form 424), the OJJDP Peer Review Guideline, OJJDP Competition and Peer Review Procedures, and other supplemental information relevant to the application process. To order an OJJDP Application Kit, please call the Juvenile Justice Clearinghouse, toll-free, 24 hours a day, at 1–800–638–8736.

DATES: Each program announcement specifies a due date for the receipt of applications. Applications postmarked after the due dates will not be considered.

ADDRESSES: Applications should be sent to the Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Program inquiries are to be addressed to the attention of the OJJDP staff contact person identified in each specific program announcement. For general information contact Marilyn Silver, Information Dissemination Unit, (202) 307–0751. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of section 204(b)(5)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (hereinafter JJDP Act), 42 U.S.C. 5614(b)(5)(A), the Administrator of OJJDP issued a Final Comprehensive Plan describing the funding activities which OJJDP intends to carry out during Fiscal Year 1992. Published at 56 FR 66536, December 23, 1991, the final plan includes activities specified in parts C and D of title II of the JJDP Act (42 U.S.C. 5651–5665a and 42 U.S.C. 5667–5667a).

The OJJDP program planning process for Fiscal Year 1992 is closely coordinated with the Assistant Attorney General and the Bureau components of the Office of Justice Programs (OJP).

OJP, through its program bureaus' discretionary grant program resources, will implement in Fiscal Year 1992 an initiative titled The Weed and Seed Program. The overall strategy is based on coordination and concentration of Federal, State and local resources, both public and private.

OJJDP supports the overall Weed and Seed strategy of coordinating Federal, State and local resources. To this end, OJJDP encourages applicants providing services in any of the proposed Weed and Seed sites to review this program announcement to determine competitive funding eligibility and to apply under those competitive programs that can be integrated into and contribute to local Weed and Seed Program goals.

The OJJDP discretionary competitive programs that follow in this announcement are listed below in accordance with overall OJP program priorities, where applicable. Applicants for Summer and Graduate Research Fellowships can address any of the OJP/OJJDP program priority areas even though these programs are listed under the Evaluations program area.

Gangs and Violent Offenders

Juvenile Justice System Handling of Sex Offenses and Offenders

Intermediate Sanctions and User Accountability

Juvenile Restitution

Drug Prevention

Professional Development for Youth Workers
Native American Alternative Community-Based Program
Field-Initiated Program

Evaluations

Summer Research Fellowship Program
Graduate Research Fellowship Program
Effectiveness of Juvenile Offender Prevention and Treatment Programs: What Works Best and for Whom?

Intensive Prosecution and Adjudication

A Study to Examine the Delays in Juvenile Justice Sanctions
Juvenile Justice Personnel Improvement
Improvement in Correctional Education for Incarcerated Juvenile Offenders

Information Systems Support and Statistics

Telecommunications Technology for Training and Information Dissemination

OJJDP has made the following change to the "Final Comprehensive Program Plan for Fiscal Year 1992" as published at 56 FR 66536, December 23, 1991: Gang Prevention and Intervention—$800,000 (pg 66537).

This program will not be funded in Fiscal Year 1992. The amount for this program has been reduced by $400,000 to fund a congressionally earmarked program for "Teens Crime and the Community," that was identified in both the House and Senate Appropriations Committee Reports but inadvertently omitted from the Fiscal Year 1992 Appropriations Committee Conference Report. The remaining $400,000 will be reallocated to support the coordination and implementation of gang suppression and intervention programs currently funded by OJJDP. Awards will be made to current grantees and contractors.

Application Requirements: All applications must be submitted in accordance with the requirements set forth in the OJJDP application kit.

Due Date: Applicants are requested to submit the original, signed application (Standard Form 424) and four copies to OJJDP. Application forms and supplementary information will be provided upon request for the OJJDP Application Kit. Potential applicants should review the OJJDP Peer Review Guideline and the OJJDP Competition and Peer Review Procedures. These documents are provided in the OJJDP Application Kit. Delivered applications must be taken to the address indicated between the hours of 8 a.m. and 5 p.m., except Saturdays, Sundays or Federal holidays.

Gangs and Violent Offenders

Juvenile Justice System Handling of Sex Offenses and Offenders

Purpose

To develop a national profile of current juvenile justice system practices in the handling of juvenile sex offenders.

Background

Studies of adult sex offenders reveal that much of their offending behavior began when they were adolescents. According to a 1982 study by Groth, Logo, and McFaden, as many as 60–80 percent of adult offenders reported sexual offending as adolescents. Studies by Abel, Rouleau, and Cunningham-Rathner in 1986 reported an average of over 380 victims, whereas juveniles currently being evaluated report an average of less than seven victims (Preliminary Report from the National Task Force on Juvenile Sex Offending). Studies by Showers, Farber, Joseph, Oshins, and Johnson attribute 50 percent of the molestation of boys and 15–20 percent of the molestation of girls to adolescent offenders. From this it is evident that early intervention has great potential for reducing the victimization of sex offenses.

Goal

To assess how the juvenile justice system protects the community, individuals, and juveniles from the effects of juvenile sex offenses.

Objectives

- To identify effective practices in the juvenile justice system response to juvenile sex offending;
- To identify weaknesses in the juvenile justice system response to juvenile sex offending, which lead to further victimization; and
- To determine whether similar offending sexual behavior, described in a formal topology, is generally responded to in a consistent manner by the juvenile justice system, and, if not, to determine the factors, including offender characteristics, related to the inconsistent response.

Program Strategy

The design of this research builds upon the "Preliminary Report from the National Task Force on Juvenile Sex Offending, 1988," published by the National Council of Juvenile and Family Court Judges (NCJFCJ). The report presents basic assumptions supporting effective juvenile justice system practices in responding to juvenile sex offending. The strategy of this study is to assess how the juvenile justice system currently operates in the handling of sex offenders.

The research will identify strengths and weaknesses in these practices: Strengths that curtail sexual offending; weaknesses that permit offenses to go unreported or offenders to continue their illegal sexual behavior into adulthood. The study will address the question, "How well does the juvenile justice system protect society by apprehending offenders and making them legally accountable for their sexual offenses and by preventing further offenses?"

The award recipient will first conduct a comprehensive literature review of laws, policies and practices pertaining to juvenile sex offenses and offenders. This literature review will update the review in the above NCJFCJ publication. The results of this review will guide the second phase of the research.

In the second phase more specific information will be gathered in at least 5 sites representative of the national juvenile justice system, taking into account geographic regions of the country, urban or rural settings, and large-state as opposed to small-state systems. At each selected site the juvenile justice system response to juvenile sex offenders will be assessed. At each site this assessment will address the following issues and consider, minimally, the following questions:

1. Reporting

Are specific efforts made to improve the extent of reporting juvenile sex offenses? Are there practices which discourage reporting?

2. Investigation

Are investigations conducted by individuals trained to interview child witnesses? Are efforts made to reduce the number of interviews? Is cooperation adequate among prosecutors, police, child protective services, and evaluation providers?

3. Prosecution

Is there consistency among the sites, or within each site, regarding the severity of the offense charged in relation to the offending behavior observed? Are sex offenses often negotiated down to non-sex offenses? What dispositions are made at this point and why?

4. Defense Counsel

Are defense attorneys available who are trained and experienced in dealing with juvenile sex offenses?

5. Court Process

Does the court provide the necessary mandate to impose involuntary treatment? Are adequate treatment options available? Are they used? Are adult and juvenile sanctions and treatments imposed in a consistent manner? Are probation officers and court workers who supervise offenders in the community specially trained? What dispositions are made by the court?

6. Assessment

Does the court order assessments of offender dangerousness, treatment needs, prognosis, etc.? Are there qualified providers available to make the assessments?

7. Aftercare and Follow-up

Are resources available to permit a gradual reduction of control and support for offenders being released from treatment or supervision? What is the relationship between familial variables and outcome?

Product

A published report that covers both phases of the research. It will document how the juvenile justice system is addressing sex offenders including effective approaches.

Application Requirements

All applications must be submitted in accordance with the requirements set forth in the OJJDP Application Kit.

Eligibility Requirements

Applications are invited from individuals, public and nonprofit organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have experience in the design and implementation of this type of program.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (10 points).
2. The objectives of the project are clearly defined. (15 points).
3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (35 points).
   - The design contains research elements directly related to the program objectives. (20 points).
   - Applicant provides a detailed workplan describing the methodology of the program. (15 points).
4. The project management structure is adequate to conduct the program successfully. (15 points).
   - Applicant provides specific guidelines and timelines with regard to the program activities. (10 points).
   - Applicant explains how the management structure is consistent with the needs of the program. (5 points).
5. Organizational capability is demonstrated at a level sufficient to

conduct the project successfully. (15 points).

• Applicant demonstrates knowledge and experience with juvenile justice issues, particularly in the area of study to be addressed. (8 points).

• Applicant identifies staff qualified to support the project successfully. (7 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed and are directly related to the achievement of the program objectives. (10 points).

Award Period

The award period will be 18 months.

Award Amount

A grant of up to $200,000 will be awarded to the successful applicant.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992. Applications postmarked after this due date will not be considered. Those applications sent by mail should be addressed to the Research and Program Development Division, OJJDP, room 784, 633 Indiana Avenue, NW., Washington, DC 20531.

Contact

For further information contact Joseph Moone, Research and Program Development Division, (202) 307–5929.

Intermediate Sanctions and User Accountability

Juvenile Restitution

Purpose

To provide training and technical assistance for the development and improvement of restitution (including community service) programs in juvenile justice agencies.

Background

OJJDP initiated support for juvenile restitution over a decade ago. This support included program development and evaluation of the first OJJDP funded restitution programs. Subsequent support covered training and technical assistance to expand and upgrade restitution programs, and the development of training and guideline materials.

There have been significant advances in juvenile restitution programming and management over the years. The formal programs provide written policy and procedural guidelines, management information systems, program staff, and a variety of components, which extend beyond simple repayment of damages to victims. Such components may include innovative community service projects, victim-offender mediation, private or public sector job development, supervised work situations for offenders, the utilization of volunteers in program operations, and other resource development.

Progressive juvenile restitution programs foster offender accountability to the victim and/or the community. In addition, good restitution programs appear to have implications for reducing recidivism of juvenile offenders. Data from the national evaluation of OJJDP-supported restitution programs for four jurisdictions indicated that in three of the four programs, by comparison with alternative interventions, restitution had a clear suppression effect on delinquency. A positive effect of restitution on recidivism is also suggested by Butts and Snyder in a 1991 draft article showing a positive effect on restitution and recidivism.

In spite of the valuable results of these programs, OJJDP estimates that less than one-third of all juvenile court jurisdictions have restitution programs sufficiently developed to achieve the multiple benefits of this alternative disposition. Inability to pay, lack of paid employment, insufficient community service opportunities, and liability concerns, among other issues, have been cited as barriers to wider use of restitution by A.L. Schneider and J.S. Warner in a 1989 study. However, accumulated program information does not support the arguments against wider use of restitution (see Bazemore, "The Restitution Experience in Youth Employment," 1989; Feinman, "Liability and Legal Issues in Juvenile Restitution," 1990).

OJJDP has determined that the use of restitution should be expanded as a viable alternative juvenile justice disposition, as an intermediate sanction, and as a means of reducing institutionalization of juvenile offenders. Restitution and its various components should be viewed and used as potential catalysts for overall juvenile justice system improvement, leading to changes both in system philosophy and procedure. An example of such change is the progression from the traditional or "treatment-oriented" (medical model) handling of juvenile offenders to the "balanced approach" in juvenile probation and other segments of the system (Maloney, Romig and Armstrong, 1988; Barton, Streit and Schwartz, 1991).

Goals

• To reduce juvenile delinquency through the expanded implementation of effective restitution, including community service, programs; and

• To strengthen the juvenile justice system by providing effective dispositional alternatives to juvenile courts.

Objectives

• To develop a training and technical assistance strategy (including a training and technical assistance marketing plan) in order to increase structured restitution programs and to assist agencies in upgrading existing programs;

• To compile or develop training and other informational materials, as necessary, including materials describing innovative restitution program models or prototypes;

• To implement training and technical assistance in accordance with the developed strategy;

• To assess the results of training and technical assistance, in order to improve restitution program services; and

• To utilize restitution programs as catalysts for overall juvenile justice system improvement.

Program Strategy

OJJDP expects to fund a three-year project under this program announcement. Grant awards will be made annually, for each of three 12-month budget periods.

The program will include three phases:

1. Phase one will consist of the development and testing of a strategy for increasing structured restitution programs, and for upgrading existing programs through delivery of technical assistance and training, and through information dissemination. This strategy should help guide OJJDP's short- and long-range support of restitution programs in the juvenile justice system.

The strategy should also include recommendations for any ancillary restitution-related activities for which OJJDP support might be indicated, such as demonstration projects, research, evaluation, and promotion of restitution under the OJJDP Formula Grants Program. In addition, the strategy document should provide cost estimates of OJJDP expenditures required to carry out the training, technical assistance and other strategy recommendations. The recommendations will need to be prioritized to assure funding for the most crucial activities.

The strategy to be developed will require both recommendations for the programmatic content of the training and technical assistance to be conveyed to the field, and a marketing plan which can help assure optimum exposure of the juvenile justice policymakers, managers, and practitioners to the programmatic content.

The training and technical assistance program recommendations must be developed in concert with the marketing plan. These recommendations should cover the process and the content of training and technical assistance. They should address training and technical assistance materials development, training design, settings, extent, and target audiences.

The basic questions are: What training and technical assistance can best assure that juvenile restitution and community service programs compensate the victims, help salvage the offenders, and provide crime control in their host communities? What ancillary activities (research, demonstration, evaluation, etc.) are needed to start, maintain, expand, and improve restitution and community service programs? What funding is required for all of the above purposes, and how can it be secured for the short- and long-range?

The restitution and juvenile justice focus in the strategy document should be on recommendations for significant advancements over previous practices that have not worked well. The strategy should also include the rationale for these advancements. While the "balanced approach," already referred to, may not be the only possible innovation in juvenile justice and restitution procedures and programming, it does provide both a theoretical base and practical guide for action. Thus, it can be used as the framework for improvements both in individual restitution programs and in the juvenile justice system overall. The combined concepts of community protection, offender accountability, and competency development are viable goals, which, when properly presented (marketed), can generate the kinds of community acceptance and support that have declined for the traditional programs of probation or institutional custody.

The strategy proposed for future OJJDP support under this program announcement should represent the cutting edge in current restitution and juvenile justice knowledge and practice.

OJJDP expects that the award recipient will make full use of the results of the national survey of restitution programs currently being completed under the Restitution Education, Specialized Training & Technical Assistance cooperative agreement, and that, prior to making strategy recommendations, the grantee will inspect successful restitution programs in the field.

Phase one of the project should conclude with the completion of a strategy document, which will provide recommendations for further activities to be undertaken by the award recipient, and for the future OJJDP role in restitution and related juvenile justice programming. The project's first phase should also include the testing of the proposed strategy, in whole, or in part, in two to three jurisdictions.

The strategy development and testing is expected to be completed approximately during the first 12-month budget period.

2. Phase two, the second 12-month budget period, will be devoted to expanded implementation of the restitution program strategy, in accordance with the marketing plan developed during the previous project phase.

Phase two should also include any training, technical assistance and program marketing materials development indicated by the strategy. Documents produced by the project must build on (not duplicate) publications issued under the RESTTA cooperative agreement (e.g., Rubin and Thornton, "Restitution Improvement Curriculum: A Guidebook for Juvenile Restitution Workshop Planners," 1988), or on other relevant information in the area of juvenile restitution. The specific design and workplan for the second phase of the project is expected to be contained in the continuation application covering the second 12-month budget period.

3. The project's third 12-month phase will continue implementation of the restitution program expansion and refinement strategy, and will provide an assessment of the results of the 36-month effort. The assessment report should indicate both the accomplishments at the conclusion of the project period, and any significant training, technical assistance, or other needs in the juvenile restitution area which remain unmet. The project must maintain a management information system from the outset that can capture data pertaining to the questions noted above. This phase must also cover the completion of any publications started, but not finished, during the previous phase. The design for this phase of the project will be presented in the third year continuation application.

The information and requirements provided in this announcement pertaining to phases two and three of the project are sparse because the specific work to be performed during each of these subsequent 12-month budget periods will depend on the program strategy developed during phase one. Thus, while applicants must convey competence to handle the entire thirty-six month project period, the initial applications submitted under this announcement must place the main emphasis on the first phase.

Products

• A strategy document providing recommendations for training, technical assistance, marketing, and related activities to be implemented by the award recipient, and recommendations for future OJJDP support of juvenile restitution program expansion and improvement, including cost estimates, and mini-reports of the test site results;

• Training, technical assistance, and marketing materials determined necessary during the strategy development phase of this project;

• A project assessment report indicating accomplishments during the three-year grant period, and identifying remaining training, technical assistance or other program support needs in the area of restitution; and

• Quarterly progress reports regarding project activities.

Eligibility Requirements

Applications are invited from public and private organizations. Private for-profit organizations must waive their fee to be eligible. Joint proposals by two applicants are welcome, as long as one organization is designated as the applicant and the other as co-applicant.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. Conceptualization of the problem. (25 points). The applicant must convey a clear understanding of the issues covered in this program announcement and of the work to be performed. In particular, such understanding must pertain to the interface of restitution and community-service programs with other juvenile justice system endeavors, and with the broader efforts of juvenile and criminal justice system improvement and of community crime control. The applicant must also exhibit knowledge of marketing techniques and of other procedures to be employed for expanding the utilization of restitution and community-service approaches as viable, alternative juvenile justice dispositions.

2. Statement of goals and objectives. (15 points). The goals and objectives to be achieved by the project must be clearly defined, and expressed in operational terms consistent with the issues and performance requirements

set forth in the conceptualization of the problem section of the application.

3. Project design. (20 points). The application must propose a project design, indicating a work plan, specific procedures to be carried out, performance schedules, expected accomplishments, and products. The design must be consistent with the project's goals and objectives, and with the conceptualization of the problem statement(s).

4. Project management. (15 points). The project's management structure and staffing must be appropriate for the successful implementation of the project. Key staff should have significant experience in program management and in the subject area(s) addressed in this announcement. Staff résumés should be attached to the application.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be clearly documented in the proposal. The documentation should include organizational experience in the subject areas, and experience in conducting projects of the scope and complexity reflected in this program announcement.

6. Budget. (10 points). The proposed budget must be reasonable, allowable, and cost effective *vis-a-vis* the activities to be performed.

Award Period

The project period is 36 months. The initial budget period is 12 months.

Award Amount

The award for the initial 12-month budget period will be up to $200,000. The awards for the subsequent budget years will be consistent with the program strategy proposed by the project funded under this program announcement, approved by OJJDP, and with the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by June 1, 1992.

Contact

For further information contact Peter Freivalds, Training, Dissemination, and Technical Assistance Division, (202) 307–5940.

Drug Prevention

Professional Development for Youth Workers

Purpose

To develop and provide youth workers with training opportunities to promote their professional development and ensure that state-of-the-art instruction in matters affecting high-risk youth is available to those entrusted with their care.

Background

Since 1975, OJJDP has funded a number of training projects to address individual needs and occasional crisis situations. To have a more permanent impact on the professionalism of the cadre of youth workers employed in a myriad of agencies and to foster their professional development, a formal and continued training program should be developed.

Recently it was estimated by the Center for Youth Development and Policy Research of the Academy for Educational Development that over 17,000 organizations exist in the country that focus primarily on youth programming. The organizations range in size and mission. At the present time, there are diversified approaches to the professional development of staff personnel in community-based programs in such areas as school security, shelter-care, after-care, probation, court intake and youth services. However, to the extent to which information is available, there is no core curriculum for individuals addressing the needs of high-risk youth in our society.

Consequently, it appears that the staff personnel employed in youth-serving organizations assisting high-risk youth are not receiving the support required to deliver quality care. Without a formal system of professional development opportunities, this dedicated group of individuals may not have the quality of support needed to make a difference in the lives of these youth.

Goal

To establish a professional development training curriculum for youth workers in community-based agencies, serving high-risk youth.

Objectives

- To conduct an inventory of existing training programs;
- To conduct an assessment of present and future training needs for the target population;
- To develop several curricula areas deemed to be of greatest need;
- To develop a set of core modules tailored to the unique needs of youth service workers in three to five youth-service settings; and
- To establish an implementation mechanism for the training package(s) developed and conduct an evaluation using measurable criteria.

Program Strategy

During the first year of a three-year project period, the grantee will first conduct an inventory of existing training programs. While the inventory is being catalogued, the grantee will also conduct a survey of a representative sample of youth-serving organizations to determine present and future training needs. Additionally, the grantee will review the findings of recently conducted needs assessments of training by OJJDP in collaboration with the National Institute of Corrections and the Office of National Drug Control Policy as well as information available from the Family and Youth Services Bureau of the Department of Health and Human Services, to determine whether the findings may lend themselves to achieving the goals and objectives of this initiative. From the results of the survey, several areas will be identified for development and refinement into curricula for training modules. The grantee will also undertake an analysis to determine the most economical means and the soundest approaches of providing the training to the greatest number of persons in the target audience. The analysis will consider traditional classroom approaches, distance learning, computer assisted training, etc. Finally, the grantee will provide OJJDP with recommendations of various options for providing the training to the field. During the second and third year of the program, the developed curricula in several topical areas will be provided to the field through a number of approaches, including distance learning and traditional classroom means. For each training program offered, the grantee will develop an evaluation protocol to determine the worth and effectiveness of the developed curricula.

Specific products to be completed during this project are:

- A report on existing training opportunities focusing on youth-serving agencies and professional youth workers which describes at a minimum, the target populations, subject matter, modality or format (how the training was offered to the target audience), funding (cost per trainee), and effectiveness measures and results;
- A survey instrument, for OJJDP's prior approval, to be employed in conducting the survey of present or future training needs;
- A report of the survey of a representative sample of high-risk youth-serving organizations of various sizes to determine present and future training needs which describes, at a minimum, the targeted population, issues being addressed, training objectives, and relative priority among survey results;
- A report of recommendations to OJJDP for development of several topical areas for which curricula should be developed, including the mechanism or means of providing the recommended curricula;
- A number of topical areas, as determined by OJJDP, developed into curricula modules for this training program; and
- Several developed curricula modules offered to the field during the initiative's second year.

Eligibility Requirements

Applications are invited from public agencies and private organizations that can demonstrate the experience and capability to conduct a training needs assessment, develop curricula, and provide training for youth-serving organizations working with high-risk youth. Applicants must also identify a listing of up to 50 persons dealing with high-risk youth from a cross-section of youth-service agencies who could be invited to a national conference to support the training needs assessment.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. Conceptualization of the problem. (15 points). The applicant must demonstrate a clear understanding of, and competence to deal with, issues addressed by youth-serving organizations, needs assessments, curricula development, and providing training to the target population.

2. Statement of objectives. (15 points). The project's objectives must be clearly defined and consistent with the issues and requirements set forth in the conceptualization of the problem.

3. Project design. (30 points). The project's procedures, workplan and products must be directly linked with the stated objectives addressed by this announcement.

4. Project management. (10 points). The project's management structure and staffing must be adequate for the successful implementation and completion of the project. The management plan describes a system whereby logistical activities are handled in the most efficient and economical way and supported by a sound financial structure.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be documented in the application. Organizational experience in serving high-risk youth, curricula development, and training experience with this population is required. Key project staff personnel should have significant experience in serving youth supported by experience in training youth services workers.

6. Budget. (15 points). The proposed budget must be reasonable, allowable and cost effective vis-a-vis the activities to be undertaken.

Award Period

The project period is 36 months. Additional funding beyond this period will be considered upon review of periodic reports of the project's accomplishments, reaction of the field to the endeavor, and available funds within the OJJDP appropriation.

Award Amount

Up to $200,000 will be available for this project for the first 12-month budget period of the project.

Due Date

Applications must be received by mail or delivered to OJJDP by June 9, 1992.

Contact

For further information contact Frank M. Porpotage II, Training, Dissemination, and Technical Assistance Division, (202) 307–0598.

Native American Alternative Community-Based Program

Purpose

To support the development of community-based alternatives for Native American juvenile offenders adjudicated by the tribal Courts who are being retained in the community, and for Native American youth who are returning from institutional placement.

Background

Examination of data with regard to racial and ethnic involvement in the juvenile justice system makes it clear that Native American youth are disproportionately involved. This disproportionately high involvement extends across all aspects of the system—from arrest to disposition and incarceration. There is a significant crime problem on Native American reservations, but are the right steps being taken to resolve it? (See the Concept Paper of the Native American Community-Based Alternatives for Adjudicated Youth Working Group, the topical bibliography developed for this initiative and the background paper, entitled "Native American Delinquency: An Overview of Prevalence, Causes and Correlates, and Promising Interventions" has been developed. These documents are available from OJJDP on request.)

OJJDP proposes to assist Native American tribal governments in developing community-based interventions for adjudicated youth or youth who are reentering the community after incarceration. The approach that will be taken is process oriented and designed to empower the tribes to develop their own programs based on their cultural norms. Technical assistance and training will be provided to assist the selected tribes in planning, and to provide insight into promising approaches to community-based alternatives and reentry programs that have been identified by OJJDP grantees and other Federal, State, and locally supported programs.

Goal

To assist selected tribal governments in developing effective community-based alternatives for adjudicated youth and effective reentry programs for incarcerated youth.

Objectives

- To fund a training provider that is experienced with Native American tribal governments, tribal courts and tribal juvenile justice systems;
- To fund approximately 10 tribal governments which have juvenile court jurisdiction to assist them in planning and implementing community-based alternatives for adjudicated youth and reentry programs for incarcerated youth;
- To provide training and technical assistance to these tribal governments to assist them in planning and implementing community-based alternatives and reentry programs that reflect the cultural and traditional norms and values of their tribes;
- To enlist the financial and/or technical support of other Federal agencies or private foundations which have related programs; and
- To implement and evaluate the respective community-based alternative and reentry programs.

Program Strategy

Phase I of this program will involve the selected tribal governments in a planning process that is designed to enumerate the juvenile justice-related needs and problems on the reservations and to identify the existing resources that may be utilized to develop and sustain community-based alternatives and reentry programs for adjudicated Native American juvenile offenders. Phase II will involve the selected tribes in implementing community-based

alternative or reentry programs they have chosen.

To assist the tribes in this effort, a training and technical assistance provider with substantial experience in working with tribal governments, tribal courts, and the tribal juvenile justice systems will be competitively selected through this solicitation. The selected training provider will assist the tribes in all aspects of this planning process during Phase I and provide training and technical assistance during the implementation phase (Phase II).

While the framework for the envisioned model is generic, it should incorporate certain core elements. The basic concept is that an increased level of social control and service provision is required as the severity of offending behavior increases and the personal problems and needs of the youth become more pronounced. The program should:

- Be grounded in the accepted values and customs of the tribe;
- Respond to the identified problems, needs, and deficits of targeted youth and their families;
- Utilize appropriate traditional customary sanctions;
- Focus on building the capacity of the tribal governments and related agencies to serve the targeted youth in the community. There should be a commitment on the part of the tribal governments to promote entrepreneurial activities that provide youth opportunities;
- Build on existing relevant research to advance program planning such as:
  —Restitution and community service;
  —Intensive supervision programing; and
  —Aftercare and reentry programs;
- Develop broad-based community support and a sense of community ownership and responsibility; and
- Involve youth.

The selection of necessary program components should be based on a careful assessment of risks and needs of the youth. Mechanisms should assure that the necessary program components are available to the tribal courts and to provide reasonable assurance of community safety and program accountability.

This program envisions the community as a circle, with the youth in the center and the cluster of services in individual but overlapping circles around the circumference of the circle. When the youth are removed (institutionalized), the circle is broken, social harmony is disrupted, and the entire community is negatively affected. This proposed multi-disciplinary approach is designed to keep the youth in the community, if at all possible, and to keep the circle intact. This philosophical perspective is consistent with the metaphysical beliefs of many Native Americans throughout the United States and is often felt to be a fundamental aspect of social integration and cohesion in the community.

The respective parties will be responsible for the following activities:

—Phase I

- **Training Provider.** The training provider will:
  (1) Assist OJJDP with the selection of the tribes that will participate in this initiative;
  (2) Produce a training curriculum on assessment and planning techniques which will be delivered to the selected tribal representatives;
  (3) Develop a plan to deliver training to the tribes either on a cluster, regional, or individual site basis, as best suits the resources made available for this effort;
  (4) Plan a method to provide technical assistance to help the tribes construct alternative community-based programs for adjudicated juvenile offenders; and
  (5) Identify promising community-based alternatives and aftercare approaches with the assistance of OJJDP and its grantees.
- **Tribal Governments.** After notification of selection, each tribe will:
  (1) Identify a coordinator or key person to assume responsibility for the assessment and planning process;
  (2) Participate through key tribal leaders and the selected coordinator in the training provided by the training and technical assistance provider;
  (3) Provide support to the coordinator who will be responsible for conducting the assessment and facilitating the planning on the reservation; and
  (4) Consult with the coordinator who will be expected to draft a plan for approval and implementation by the tribal government.

—Phase II

- **Training Provider.** The training provider will:
  (1) Continue to identify promising approaches in community-based alternatives to incarceration and effective aftercare; and
  (2) Provide training and technical assistance to the tribes to assist them in implementing the program components that have been chosen by the tribe and in developing the necessary management information system for the program.
- **Tribal Governments.** The tribal governments will:
  (1) Complete the selection of all components for the program;
  (2) Identify all resources that will be made available; and
  (3) Implement the chosen program components.

The following products will be developed by the respective parties:

—Phase I

- **Training Provider.**
  (1) A plan for providing the training and technical assistance;
  (2) A curriculum on assessment and planning for the alternative community-based programs; and
  (3) Technical assistance materials necessary to carry out this responsibility.
- **Tribal Governments.**
  (1) An assessment report; and
  (2) A plan for implementing the community-based alternatives for adjudicated juvenile offenders and the reentry program for youth returning from institutions.

—Phase II

- **Training Provider.**
  (1) A plan for identifying additional promising programs and for providing training and technical assistance to the selected tribal governments; and
  (2) A training curriculum and technical assistance materials on alternative community-based programs for adjudicated youth and youth returning from institutional placement.
- **Tribal Governments.**
  (1) The program design for their alternative community-based program for adjudicated youth and youth returning from institutional placement;
  (2) Training materials developed by the tribe to train staff in implementing the project; and
  (3) A policies and procedures manual for the project.

Eligibility Requirements

Because this effort will include funding for a training provider to assist the tribes and direct grants to the tribal governments, OJJDP invites applications from public or private nonprofit agencies, or institutions for the training and technical assistance aspect of the program. Concept papers are invited from interested tribal governments which have juvenile court jurisdiction. "Juvenile court jurisdiction" means tribal courts that have legal authority to adjudicate cases involving juveniles for criminal offenses.

- **Training Provider.**

OJJDP invites applications from public agencies or private nonprofit organizations. Pursuant to section 261 (a) of the JJDP Act, 42 U.S.C. 5665(a), applications cannot be accepted from profit making firms.

Applicants must demonstrate that they have substantial experience with, and knowledge of, tribal life and culture, tribal governments, tribal courts, and the tribal juvenile justice systems. They must demonstrate experience with the government grant process, providing training and technical assistance, and the ability to evaluate and assess tribal court operations and organize data and information collection. Applicants must demonstrate that they have credibility with tribal court jurisdictions by the inclusion of letters of support.

- **Tribal Governments.**

OJJDP invites pre-applications from tribal governments which:

- Have an established tribal court system with juvenile jurisdiction;
- Demonstrate a commitment of the tribal council and the juvenile court to develop alternative community-based programs for adjudicated youth and effective aftercare programs for youth returning to the reservation;
- Demonstrate a long-term commitment (36 months) of tribal council support for implementation of the program;
- Establish a need for alternative programs, as evidenced by high levels of incarceration and lack of community-based programs on the reservation. For example, at any given time, at least 50 youths are on probation or aftercare status in the community;
- Establish a need for reentry programs and aftercare as evidenced by high rates of recidivism (a rate higher than non-Native American youth committed to State institutions);
- Demonstrate a commitment to bring other resources to support the program; and
- Have a reliable database to provide information for documenting problems with juvenile offending, incarceration, and recidivism on the reservation.

Application Requirements

All applications must be submitted in accordance with the general requirements set forth in the OJJDP Application Kit. Specific requirements for the tribal governments follow.

- **Tribal Governments.**

Because OJJDP will be awarding small planning grants of no more than $20,000 to tribal governments for a 9-month period, OJJDP has decided to utilize a pre-application process to select up to 10 tribes. The pre-applications must be limited to 20 double spaced pages or less, excluding appendices that may include resumes, charts, etc. The concept papers must contain the following:

(1) A concise description of the problems with delinquency on the reservation, including the amount, severity, and rate of detention, incarceration, and recidivism of adjudicated juvenile offenders in the tribal courts.

(2) A brief history of the traditional sanctions providing for juvenile misbehavior in the tribe and the extent to which these traditional sanctions are still utilized.

(3) A brief description of the juvenile court and juvenile justice system operation on the reservation.

(4) A brief discussion of how the tribe will participate in the planning process (e.g., what personnel will be assigned to assist with the planning).

(5) A concise discussion of other resources (e.g., monetary, human, etc.) that will be made available to support the planning and implementation of the community-based alternative project.

(6) A time-task plan that identifies key milestones and dates for accomplishment.

(7) Letters of commitment from the Tribal Chairman, Tribal Council, and the Tribal Judge. These letters must reflect an understanding of the proposed projects and a commitment to at least a three-year effort.

Selection Criteria

- Training Provider.

Applications will be rated on the extent to which they meet the following selection criteria:

1. *The problem to be addressed. (20 points).* The problem to be addressed by the project is clearly stated and represents a clear understanding of the nature and scope of problems and issues in the Native American juvenile justice system.

2. *Goals and objectives. (10 points).* The goal(s) and objectives are clearly defined and the objectives are measurable.

3. *Project design. (35 points).* The project design is sound and contains program elements directly linked to the achievement of project objectives.

The overall design for the training and technical assistance aspect of this project will be assessed on the basis of its appropriateness, conceptual clarity, and technical adequacy. The design must conform to the program strategy described above. The applicant must provide a preliminary plan for carrying out the activities and developing the products outlined in the Program Strategy section of this solicitation. The proposed plans must clearly relate to the goal and objectives of this program to develop effective community-based alternatives for adjudicated juvenile offenders.

4. *Management structure. (15 points).* The project management structure is adequate to conduct the project successfully.

The management structure for the project must be consistent with the project goals and tasks described in the application. The program implementation plan will be evaluated to determine whether:

—The applicant demonstrates in the time-task plan and program design that it will complete the major milestones of the project on time.

—There is appropriate staffing to meet the requirements of the project.

5. *Organizational capability. (15 points).* The applicant demonstrates organizational capability sufficient to support the project successfully.

Both the personnel of the organization as well as its technical capabilities must be sufficient to accomplish the tasks of the project.

The applicant must demonstrate that staff members have sufficient substantive expertise and technical expertise (see Eligibility Requirements). The applications will be judged on the appropriateness of the position descriptions, required qualifications, and staff selection criteria.

6. *Budget. (5 points).* Budgeted costs are reasonable, allowable, and cost effective for the activities proposed to be undertaken. All costs must be fully justified in a budget narrative that explains how a particular cost item was determined.

- **Tribal Governments.**

The concept paper or preapplication will be rated on how well they meet the following criteria:

1. *The problem to be addressed. (25 points).* The applicant has comprehensively identified the nature and scope of the problems of juvenile delinquency on the reservation, the current resources that are available to address them, and a description of the juvenile court and juvenile justice system operation on the reservation.

2. *Goals and objectives. (15 points).* The applicant has thoroughly identified clear goals and objectives for the planning stage of the project.

3. *Project design. (25 points).* The applicant has clearly and concisely described how it will participate in the planning process.

4. *Management structure. (15 points).* The applicant has discussed the staff and other resources which will be available to implement the planning stage of the project and has demonstrated that the staff is qualified

to carry out this function. Also the applicant has provided a time-task plan with timely milestones for the planning period.

5. *Organizational capability. (15 points).* The applicant has juvenile court jurisdiction and has provided letters of commitment from the tribal chairman, presiding judge, chief of police, and any other key leader on the reservation.

6. *Budget. (5 points).* A budget is provided which is fully justified.

Award Period

The program period will be 36 months. The initial budget period will be 12 months for the training provider and 9 months for the selected tribal applicants.

Award Amount

Up to $300,000 has been allocated for this program: Up to $100,000 for the initial award to the training provider; and up to $20,000 will be awarded to each of the approximately 10 tribes as a 9-month planning grant.

Due Date

• **Training Provider.**

Applications must be received by mail or delivered to OJJDP by May 26, 1992.

• **Tribal Governments.**

Concept papers from the tribal governments must be received by mail or delivered to the above address by 5 p.m. on July 3, 1992. Concept papers postmarked after this due date will not be considered. An original and two copies of the concept paper should be sent to OJJDP.

Contact

For further information contact Eugene Rhoden, Special Emphasis Division, (202) 307–5914.

Field-Initiated Program

Purpose

To develop promising, innovative ideas relevant to the mission of OJJDP, particularly approaches that address OJJDP and OJP priority areas, but that utilize approaches other than those by current and planned OJJDP projects.

Background

Customarily, the research, development, and training programs which OJJDP has supported deal with areas that are specified by Congress or address agency priorities. Applicants have been limited to proposals which respond to specific requests by OJJDP. Thus, other imaginative and innovative approaches of researchers and practitioners are not always known to OJJDP. Through the Field-Initiated Program, OJJDP welcomes proposals which address the priority areas of OJP for Fiscal Year 1992. These priorities are listed and described below. Examples of specific topics of importance are included:

• *Gangs and violent offenders.* Prevention, intervention and suppression of illegal gang activity and gang recruitment of juveniles is an important and challenging subject of research. Gang-related homicides and violent crime are tragically high. Gang violence and chronic, violent delinquency are of particular interest to OJJDP, as well as intensive supervision and aftercare.

• *Victims.* Children are abused, neglected, abandoned, and exploited. Young victims need special assistance. The criminal justice and juvenile justice systems must strive to implement policies and programs to improve services to crime victims.

• *Community-based policing and police effectiveness.* The juvenile justice system should assume a primary role in mobilizing communities to develop comprehensive strategies for combating gang violence and preventing drug trafficking. Alliances between community residents and the police are essential for making neighborhoods safe and drug-free.

• *Intermediate sanctions and user accountability.* These sanctions fill the gap between traditional probation and secure incarceration and are usually less severe than detention or prison. They provide graduated levels of correctional programs which foster accountability and appropriate treatment. Drug testing should be considered an essential component of intermediate sanctions.

• *Drug prevention.* Drug prevention activities are focused on community-based efforts to reduce drug abuse, gang activity, illiteracy, juvenile delinquency, and school dropouts, especially in minority communities. Programs which focus on mobilizing law-abiding citizens to get involved with preventing drug trafficking, serious crime, gang violence, and child sexual exploitation in their neighborhoods are particularly needed.

• *Intensive prosecution and adjudication.* Prosecution and adjudication should be a primary focus of the juvenile justice system to attack the problems of drug trafficking, gang violence, and community exploitation. Activities should focus on policies, procedures, and practices that expedite the identification, processing, adjudication, and case disposition of serious, violent juvenile offenders.

• *Evaluations.* Evaluations are a primary component of OJJDP discretionary grant programs. OJJDP promotes program evaluation so that effective programs can be identified, publicized, and replicated in other jurisdictions, while programs that have not proven effective can be discontinued.

• *Information systems support and statistics.* Juvenile justice agencies need accurate, comprehensive, and timely information in developing policies and allocating resources to control and prevent juvenile delinquency. Activities focus on the collection and analysis of juvenile justice information related to serious crime, gang activity, illegal drug use, pre- and post-adjudicatory incarceration, criminal careers, and system-wide service response effectiveness.

Goal

To promote applications that will advance the prevention and suppression of juvenile delinquency and the effectiveness of juvenile justice practices.

Objectives

• To promote and support innovative research, development, demonstration, or training programs in the juvenile justice field with emphasis on the Fiscal Year 1992 OJP priorities;

• To encourage new methods for dealing with the current priority problems; and

• To develop knowledge that will lead to new techniques, approaches, and methods to prevent delinquency.

Program Strategy

Through the Field-Initiated Program, OJJDP is soliciting innovative program proposals. Proposed programs must address pertinent issues and problems in the areas of current priorities. Proposals should define the needs and/or problems, and describe the objectives, strategy, and methodology to be employed. A brief review of the history of the issue and current knowledge and approaches to addressing this issue should be included. Through a competitive process, applications will be subjected to peer review. As many grants will be awarded to projects as funding allows. Projects may last up to 18 months.

Eligibility Requirements

Applications are invited from individuals, public and private agencies, organizations, educational institutions, or combinations thereof. To expand the pool of eligible candidates, applications will be accepted from for-profit organizations, provided they agree to waive any profit or fee and accept only allowable costs.

Applicants must demonstrate that they have experience in the design and implementation of the types of programs for which they are applying.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem(s) to be addressed by the project is clearly stated. (15 points).

• The problem(s) to be addressed is based upon issues that have particular relevance to current OJJDP and OJP priorities. (7 points).

• The applicant demonstrates broad knowledge of the current situation and practices and is aware of training, research, or demonstration project needs. (8 points).

2. The objectives of the proposed project are clearly defined. (20 points).

• The applicant fully explains the project's objectives. (10 points).

• The objectives are clear and measurable. (10 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (25 points).

• The design contains research, training or demonstration elements directly related to the program objectives. (10 points).

• The applicant provides a detailed workplan describing the methodology of the program. (15 points).

4. The project management structure is adequate to conduct the program successfully. (15 points).

• The applicant provides specific guidelines and timelines with regard to the training, research, or demonstration program activities. (10 points).

• The applicant explains how management structure is consistent with the needs of the program. (5 points).

5. The applicant's organizational capability is demonstrated at a level sufficient to conduct the project successfully. (15 points).

• The applicant demonstrates knowledge and experience with juvenile justice issues, particularly with regard to the area of study addressed. (5 points).

• The applicant identifies staff qualified to successfully support the project. (10 points).

6. Budgeted costs are reasonable, allowable, and cost effective for the activities to be undertaken and are directly related to the achievement of the program objectives. (10 points).

Award Period

The grant period may be up to 18 months.

Award Amount

The total amount available is $500,000. Award amounts will be subject to negotiation. OJJDP anticipates funding 8 to 11 projects with available funds.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Evaluations

Summer Research Fellowship Program

Purpose

To provide an opportunity for individuals to analyze existing research data and to produce innovative information on juvenile justice and delinquency prevention, focussing on programmatic priority areas.

Background

The Summer Research Fellowship Program has been established within the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) at OJJDP.

The NIJJDP encourages and coordinates research in many aspects of juvenile justice. The priority areas of OJJDP and OJP are stated above under the "Field-Initiated Program" descriptor, and are incorporated herein by reference.

OJJDP and other Federal agencies have funded numerous projects that have contributed significantly to our understanding of juvenile delinquency and its prevention, and of the operations of the juvenile justice system. Many of these projects have been costly and time-consuming and resulted in extensive data. OJJDP's interest in these data does not end with the achievement of the project's original objectives. Reexamination of such data can yield innovative insights. Moreover, secondary analysis can corroborate other findings. A meta-analysis of various research products can reveal new perspectives and produce new, useful information for policy guidance.

Goal

To provide innovative information to guide and enhance juvenile justice and delinquency prevention through short-term studies in the areas of the OJP priorities mentioned above.

Objectives

• To conduct additional analysis of statistical and research data in the field of juvenile justice and delinquency prevention;

• To conduct a meta-analysis of existing research data, particularly of research data and data sets resulting from OJJDP-sponsored research;

• To promote the use of research data and data sets which can provide critically needed information on important juvenile justice issues; and

• To prepare special analyses and disseminate the results of such work.

Program Strategy

Proposals are solicited from researchers who are interested in performing a further analysis or a meta-analysis of existing research data and findings in the OJP priority areas. While this program is intended primarily for senior researchers and relatively new Ph.D.s, it is not limited to them. Although project problem identification and data selection are the choice of the applicants, proposals to examine juvenile justice and delinquency prevention research data and data sets generated under the auspices of OJJDP or other Federal agencies are of particular interest to OJJDP. These are available through the National Juvenile Court Data Archive, the Interuniversity Consortium for Political and Social Research at the University of Michigan, or the National Institute of Justice Data Resource Program.

Studies based on other research data will also be considered for funding. Applicants should make a special effort to describe in detail the research data for the proposed analyses and their relevance to the goals of OJJDP.

Eligibility Requirements

Applications will be accepted from researchers who have achieved doctorates, but it is not limited to them. Applicants should submit an application along with the following information:

A. A proposal not to exceed 10 double-spaced pages which should include:

(1) The policy or research question to be addressed;

(2) The research design to be employed;

(3) Any data set(s) to be employed;

(4) The procedure and analytical methodology, including a description of how planned analyses replicate or build on results obtained by others using such information;

(5) The potential policy implications; and

(6) The expected products of the research.

B. A detailed one-page budget for salaries, supplies, computing costs, and

other expenses. Applicants should include the cost of one trip to present the results of this research at an appropriate professional society meeting, such as the annual meeting of the American Society of Criminology or at a colloquium at the OJJDP offices. This program is designed as summer support for individuals; the inclusion of general institutional and indirect costs is not acceptable.

C. The Summer Research Fellow applicants must submit two letters of recommendation from individuals who are familiar with work and qualifications for this fellowship (with one recommendation from the supervisor or dean indicating an evaluation of the proposed topic and the potential of the applicant).

D. Résumés, also required for key fellowship program personnel, should include background, academic work, professional experience and publications.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (30 points).

• The problem to be addressed is based upon issues which are significantly related to juvenile justice and delinquency prevention in the OJP priority areas. (15 points).

• The applicant demonstrates broad knowledge of the problem and surrounding issues and is aware of present practices or programs addressing the problem. (15 points).

2. The objectives are clearly defined and relate directly to the problem to be studied. (20 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. The applicant must provide a workplan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (25 points).

4. The project management structure is adequate to conduct the project successfully. (5 points).

5. The applicant's capability is demonstrated at a level sufficient to conduct the project successfully. The applicant's academic and/or employment credentials provide adequate knowledge and experience of juvenile justice issues to complete the project successfully. (15 points).

6. Budgeted costs are reasonable, allowable and cost-effective for the proposed activities. (5 points).

Award Period

The project period will be up to five months. Extensions for the Summer Research Fellowships are as follows:

• Time extensions may be granted for completion and the delivery of the final report, but no further funds will be awarded.

• These time extensions must be requested before the expiration of the original grant and require a report of reasonable progress toward the objectives identified in the original application.

Award Amount

Funding for this program has been set at $30,000. Funds for each fellowship will be subject to negotiation. Two to three grant awards will be made. The maximum amount for any one Fellowship is $15,000.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929. Applicants who anticipate accessing the National Juvenile Court Data Archives at the National Center for Juvenile Justice (NCJJ) in Pittsburgh, Pennsylvania, should contact Howard Snyder at NCJJ (412) 227–6950 regarding the availability of appropriate data.

Graduate Research Fellowship Program

Purpose

To encourage scholars to undertake research in juvenile justice, and delinquency prevention, focusing on the current program priority areas.

Background

The Graduate Research Fellowship Program has been established within the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) at OJJDP to solicit proposals from doctoral students entering the dissertation stage of their graduate program. The NIJJDP encourages and coordinates research in many aspects of juvenile justice. The priority areas of OJJDP and the OJP are the set forth above under the "Field-Initiated Program" descriptor and are incorporated herein by reference.

This program supports doctoral students at the dissertation stage of their academic careers. Through their sponsoring universities, doctoral students are awarded grants of up to $25,000 to support the completion of their dissertations. Dissertations resulting from this program should contribute to juvenile justice policy, delinquency prevention, promotion of literacy among juveniles and high-risk youth, prevention and treatment programs for juvenile sex offenders, analyses of pertinent data, or the advancement of knowledge concerning important juvenile justice issues.

Goal

To add to the knowledge of juvenile justice and delinquency prevention pertinent to the OJP priority areas described above, and to provide the opportunity for selected individuals in doctoral programs to choose a research topic in the field of juvenile justice, delinquency prevention or a related area for their dissertation study, thereby encouraging the expansion of researchers in this field.

Objectives

• To conduct basic or policy research on a specific issue, problem, or activity within juvenile justice and delinquency prevention pertinent to priorities; and

• To investigate policy procedures and practices important to resolving operational issues in the juvenile justice system.

Program Strategy

Research subjects should address juvenile justice and delinquency prevention within the current OJP priorities listed above. Extensive data exists for analysis. Proposed research which appears to develop new knowledge, evaluate existing or proposed policies and practices, or revise old information has the potential for improving current practice and, therefore, has merit.

Eligibility Requirements

Applicants must have completed all university requirements for the doctoral degree, except for the internship (where required) and the research, writing, and defense of the dissertation.

The proposal must be accompanied by a vita that includes information on the candidate's education, experience and publications, if any. The applicant should also enclose a letter of support from his or her adviser indicating an evaluation of the proposed topic and the potential of the applicant. Graduate Research Fellowship applicants should submit a paper, no longer than 10 double-spaced pages, which addresses research objectives, hypotheses and methodology; the appropriateness of the design to the issues raised; time schedules for major events of the study; and documentation that any necessary cooperation from organizations will be forthcoming.

To be eligible to administer a Graduate Research Fellowship grant on behalf of a doctoral candidate, an institution must be fully accredited by one of the regional institutional accrediting commissions recognized by the U.S. Secretary of Education and the Council on Postsecondary Accreditation. Overhead costs are not allowed for this program.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The problem to be addressed by the research project is clearly stated. (30 points).

• The problem to be addressed is based upon issues which are significantly related to juvenile justice and/or juvenile delinquency prevention in the OJP priority areas. (15 points).

• The applicant demonstrates broad knowledge of the problem and any surrounding issues and is aware of present practices or programs addressing the problem. (15 points).

2. The objectives of the proposed project are clearly defined and relate directly to the stated problem. (20 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. The applicant provides a workplan with a timeline which indicates significant milestones in the project, due dates for products, and the nature of the products to be submitted. (20 points).

4. The project management structure is adequate to conduct the project successfully. (5 points).

5. Applicant's academic credentials reflect adequate knowledge of juvenile justice issues to complete the project successfully. (20 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed. (5 points).

Award Period

The project period will not exceed one year.

• Time extensions may be granted for completion and the delivery of the dissertation, but no further funds will be awarded.

• These time extensions must be requested before the expiration of the original grant and require the receipt of all progress reports showing reasonable progress toward the objectives identified in the original application.

Award Amount

Funding for this program has been set at $70,000, which will support two to five fellowships. The maximum amount for any one fellowship is $25,000. The specific amount is subject to negotiation.

The grant may include the fellow's stipend and other university expenses, including continuing registration, library and certain university fees. Major project costs that may be compensated include: Clerical assistance, special supplies, document reproduction, necessary local and out-of-town travel (reimbursed at the university's rate), foreign travel (with prior OJJDP approval) and computer time. Costs incurred prior to the formal grant award are not reimbursable.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Effectiveness of Juvenile Offender Prevention and Treatment Programs: What Works Best and for Whom?

Purpose

To provide the most reliable and significant information available on effective prevention and treatment programs for juvenile offenders to facilitate the decision-making process for juvenile and family courts.

Background

According to the OJJDP draft publication, "Juvenile Court Statistics 1989," the delinquency case rate increased steadily between 1985 and 1989, so that by 1989 the rate was 11 percent greater than the case rate in 1985. Case rate increases occurred within each of the general offense categories. Between 1985 and 1989 the case rate for offenses against the person increased by 23 percent, property offenses cases by 8 percent, drug law violation cases by 6 percent, and public order cases by 14 percent.

These juveniles exhibited a wide range of educational, social, physical, and psychological problems which juvenile courts addressed. In order to provide additional support to the juvenile justice system, OJJDP is sponsoring a grant initiative to develop for juvenile and family courts a compendium of the most current information available on effective prevention and treatment programs for the juvenile offender. A number of prevention and treatment programs are being used by juvenile courts, e.g., early-family intervention, crisis intervention, mediation, restitution, diversion, intensive probation, employment programs, and others.

The juvenile offender needs to be provided the prevention or treatment services most appropriate for his or her problem(s) to deter future delinquency.

This grant initiative is expected to produce a "what works" manual that identifies specific prevention and treatment programs for different types of juvenile offenders. Such a manual will assist the juvenile justice system in the decision-making process in matching the juvenile offender with effective prevention or treatment programs. Through this OJJDP initiative, it is hoped that the number of juvenile offenders will decrease, lessening the burden on the already overloaded juvenile justice system.

Goal

To identify effective prevention and treatment programs for juvenile offenders being used by the juvenile and family courts, and to specify the target groups these programs serve.

Objectives

• To identify and describe the various juvenile offender prevention and treatment programs which are currently being used, including the following information elements: program target group, program components, goals and objectives, cost, evaluation, and contact person;

• To describe how offender classifications are being used in assigning delinquents to particular prevention and treatment programs; and

• To synthesize the information in a "what works" manual on effective prevention and treatment programs for juvenile offenders from court intake through probation to the juvenile and family courts.

Program Strategy

The applicant shall conduct a survey of juvenile and family courts nationwide in order to obtain the necessary information for the successful completion of this project. In addition, the following areas need to be specifically addressed within the application:

1. Establishment and tasks of a project advisory board;

2. Development of criteria for identifying effective juvenile offender prevention and treatment programs;

3. Development of a data-collection strategy and classification system on

effective juvenile offender prevention and treatment programs;

4. Establishment of an outline format to describe in detail the programs and the contact person for each one;

5. Identification of the strengths and weaknesses of each prevention and treatment program; and

6. Description of the juvenile court intake process on a continuum and the relationship of prevention and treatment programs to that process.

Eligibility Requirements

Applications are invited from individuals, public and private organizations, agencies, educational institutions, or combination thereof. Applicants must demonstrate that they have experience in the design and implementation of the type of program for which they are applying.

Selection Criteria

Applications will be rated on the extent to which they meet the following selection criteria:

1. The problem to be addressed by the project is clearly stated. (10 points).

2. The objectives of the proposed project are clearly defined with specific outcomes identified. (15 points).

3. The project design is sound and contains elements directly linked to the achievement of the project objectives. (35 points).

- The design contains elements directly related to the project objectives. (20 points).
- The applicant provides a detailed workplan describing the methodology of the project. (15 points).

4. The project management structure is adequate to conduct the project successfully. (15 points).

- The applicant provides specific guidelines and timelines in regard to the completion of project outcomes. (10 points).
- The applicant explains how management structure is consistent with the needs of the project. (5 points).

5. The applicant demonstrates its organizational capability is at a level sufficient to conduct the project successfully. (15 points).

- The applicant demonstrates knowledge and experience with juvenile justice issues, particularly in the area of study to be addressed. (8 points).
- The applicant identifies personnel staff qualified to support the project successfully. (7 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed and are directly related to the achievement of the project objectives. (10 points).

Award Period

The award period will be 12 months.

Award Amount

OJJDP has allocated up to $50,000 for this grant.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact Marilyn Landon, Research and Program Development Division, (202) 307–0586.

Intensive Prosecution and Adjudication

A Study to Examine the Delays in Juvenile Justice Sanctions

Purpose

To assess the juvenile justice system to determine the extent of unnecessary delays in the processing of juvenile cases; the causes of delays; and their effects on juveniles and the administration of juvenile justice.

Background

The extent and effects of unavoidable delays in the juvenile justice process on the system and offenders are not well known because of the lack of research in this area. Since the Supreme Court decision of *In Re Gault*, 387 U.S. 1, 87 S.Ct. 1428, 18 L. Ed.2d 527 (1967) juvenile adjudicatory proceedings have become increasingly litigious and thereby have become more closely paralleled to adult criminal trials. The decision by a U.S. Court of Appeals in *U.S.* v. *Furey*, 500 F.2d 338 (2d Cir. 1974) granted juveniles the right to a speedy trial.

The role of the juvenile justice system traditionally has been to rehabilitate the offender rather than to punish. Regardless of how the role is defined, delay in the process impedes the effectiveness and efficiency of the juvenile justice system. Long processing time often overtakes the memories of victims, witnesses, and others. Moreover, witnesses move away and juveniles grow out of the system. When these situations occur, justice is not served.

The National Advisory Committee Standards on the Administration of Juvenile Justice state that a detained youth should have a detention hearing within 24 hours after the juvenile has been detained. An adjudicatory hearing should be held within 15 days of the detention hearing if the youth is detained or 30 days if not detained. A disposition hearing should be held within 15 days after the adjudicatory hearing.

The National District Attorneys Association's Standards on Juvenile Delinquency call for detained youth to have an initial hearing within 24 hours, a waiver hearing within 72 hours, an adjudicatory hearing within 30 days, and a disposition hearing within 30 days after the adjudicatory hearing. The time frames for non-detained youth are 3 days, 7 days, 60 days and 30 days, respectively. These are just two examples of standards developed by different organizations.

For any disposition sanction to be effective it must be imposed swiftly; it must be definitive; and it must be appropriate. The juvenile justice system should, at a minimum, assure the first two. Every day that a juvenile waits for treatment is a lost day for attaining the system's goals.

Goals

- To study the sequence of processing and decision-making to determine the duration of delays in comparison to existing standards;
- To estimate the extent of the delays at each step of the process; and
- To determine the effect that delays have on the effectiveness of juvenile justice system operations.

Objectives

- To provide reliable and accurate information to the juvenile justice field and OJJDP regarding delays in the administration of juvenile justice;
- To determine if the delays are system-wide or not and determine if the juvenile court processing time can be improved;
- To describe the influence of avoidable delays on the effectiveness and efficiency of the juvenile justice system;
- To determine if the affected juveniles experience any benefits or adverse results from known delays in the system; and
- To make recommendations for reducing avoidable delays.

Program Strategy

The program will involve the completion of three distinct tasks. These tasks will entail: Researching the extent and nature of the problem (Task I); further researching the severity and effects of delays and the causes for them, including systems that operate without delays (Task II); and developing recommendations on how the juvenile justice system can improve processing time and shorten delays (Task III).

Task I. This task entails preliminary work to be done in this project. The completion of this task, which addresses the first project objective, will necessitate a thorough literature review and assessment of previous work involving delays in the administration of juvenile justice. Previous research that documents delays in juvenile justice system operations in general should also be reviewed in an effort to discover clues to the causes. With information from the literature review, a survey of a sample of juvenile justice jurisdictions should be conducted to gather knowledge that will be the basis for assessing the nature of the delay problem. A report should detail the findings of the survey. The National Advisory Committee for Juvenile Justice and Delinquency Prevention's "Standards for the Administration of Juvenile Justice," the Institute for Judicial Administration-American Bar Association's "Standards for Juvenile Justice," the National District Attorneys Association's "Prosecution Standard 19.2," and the Conference of State Court Administrators' "National Time Standards for Case Processing," or a similar set of criteria should be used to determine if there are in fact any delays and if they are reasonable for the juvenile justice system to operate with both efficiency and effectiveness.

Task I should assist OJJDP in determining the scope of subsequent research.

Task II. Evaluation of the effect these delays have on effectiveness and efficiency. From the jurisdictions surveyed in Task I, a specified number of sites will be selected for further study, based on criteria developed from data collected during Task I and other socioeconomic and geographic factors. The sites will include both jurisdictions which are experiencing delay problems in juvenile processing and those which are not.

This more intensive site research initiative should include information collected from interviews with court administrators, prosecutors, juvenile court judges, detention center staff, parents of accused juveniles, the juveniles themselves, and any other people who may be instrumental in the processing of the cases.

The research should examine such variables as the number of petitions filed against a particular juvenile, the severity of the allegations, the effect that legal representation has on the processing time, the use of court appointed attorneys and private counsel, the use of plea bargains or mediation, and whether the juvenile is being held in a detention center or has been released to a legal guardian. All of these factors should be considered at the very least and studied, if necessary.

Task III. The final task to be completed will be the development of a new set of guidelines for processing juvenile justice system cases. These guidelines should be based on the findings of what is reasonable for the system and what is in the best interests of the juvenile.

Eligibility Requirements

Applications are invited from public and private agencies, organizations, educational institutions, or combinations thereof. Applicants must demonstrate that they have knowledge or experience, or both, in research involving juvenile justice, as well as experience in research of this nature. The applicant should indicate some knowledge and previous work in the juvenile justice area.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The problem to be addressed by the project is clearly stated. (15 points).

- The applicant includes a clear, concise statement of the problem to be addressed in this program. (5 points).
- Problems of juvenile processing time as well as court administration and delays are discussed. (5 points).
- The applicant demonstrates broad knowledge of the current situation and practices involving juvenile justice and is aware of research and program development needs as related to the proposed program. (5 points).

2. The objectives of the proposed project are clearly defined. (15 points).

- The applicant fully explains the goals and objectives of the project. (10 points).
- The stated goals and objectives are clear, measurable, and attainable. (5 points).

3. The project design is sound and contains program elements directly linked to the achievement of the project objectives. (30 points).

- The applicant provides a detailed program strategy and research design that includes the methodology to be used in the completion of the listed tasks. (10 points).
- The applicant provides a detailed workplan describing the methodology of the program. (10 points).
- The applicant explains how the attainment of the stated objectives will give a comprehensive view of the problems related to delays in the processing of juvenile cases. (10 points).

4. The project management structure is adequate to the successful conduct of the product. (15 points).

- The applicant provides specific guidelines and timelines with regard to the research program activities. (10 points).
- The applicant explains how management structure is consistent with the needs of the program. (5 points).

5. The applicant's organizational capability is demonstrated at a level sufficient to conduct the project successfully. (20 points).

- The applicant demonstrates knowledge and experience in the juvenile justice field, particularly with regard to the area of study this project is addressing. (10 points).
- The applicant identifies staff personnel qualified to support the project successfully. (10 points).

6. Budgeted costs are reasonable, allowable and cost effective for the activities proposed to be undertaken and are directly related to the achievement of the program objectives. (5 points).

Award Period

The budget period will be 12 months.

Award Amount

Up to $75,000 has been allocated for the initial award (12 months). One award will be made competitively with an initial budget period of 12 months and a project period of 36 months. This research program will consist of the three tasks discussed above. The initial 12-month award will provide support for the completion of Task I. One or more noncompeting continuation awards will be considered to complete Tasks II and III during the remaining 24 months of the project period.

Due Date

Applications must be received by mail or delivered to OJJDP by 5 p.m. May 11, 1992.

Contact

For further information contact Donni LeBoeuf, Research and Program Development Division, (202) 307–0586.

Juvenile Justice Personnel Improvement

Purpose

To improve the quality of key personnel in juvenile detention centers.

Background

OJJDP's Fiscal Year 1992 program plan included a multi-year applied research program to raise the quality of key juvenile justice personnel.

OJJDP has decided to include in its Fiscal Year 1992 efforts a focus on juvenile detention personnel. The Office has determined that this juvenile justice

system component is experiencing the most pressing personnel problems.

America's juvenile justice system has always experienced problems recruiting and retaining qualified personnel, especially in the juvenile corrections field. Salaries are low and the work is very often difficult and challenging. Diminished State and local government revenues have often been disproportionately allocated to building and operating adult prisons at the expense of juvenile corrections. Funding for juvenile corrections too often has not kept pace with the growing demand for such programs. Personnel problems are particularly acute in the juvenile corrections detention function.

Juvenile detention often succeeds or fails as a result of highly interpersonal relationships which are established by key personnel with the youth entrusted to their care. The obvious effects of the high turnover among detention personnel are disruption of administration and increasing costs of recruitment and training. Despite high turnover rates, there are capable and experienced staff professionals who stay on the job, are satisfied, and do excellent work. The challenge the field faces is increasing this cadre of skilled juvenile detention professionals. Effective training of existing staff is the key.

Goal

To improve the quality and skills of juvenile detention center line staff.

Objectives

- To conduct an assessment of the functions, program knowledge, and skills of detention center line staff;
- To conduct an assessment of effective programs for juvenile detention center clients;
- To conduct an assessment of accepted policies and procedures for the administration of juvenile detention programs; and
- To produce a resource manual, a Detention Desktop Guide, which will be appropriate for training entry-level detention center staff and for in-service training of other line staff as well (similar to the "Desktop Guide to Good Juvenile Probation Practice").

Program Strategy

This applied research effort will require two related activities. First, assessment research must be conducted in order to identify training needs of detention center line staff, accepted policies and procedures, and effective programs. In each of these areas, the applicant should build upon previous national, State and local products. Identification of training needs and accepted policies and procedures should not require original research. On the other hand, identification of effective programs will require a systematic review and assessment of previous applied research and program evaluations, resulting in a synthesis of state-of-the-art program approaches known to be effective in treatment and control of detention center clients.

Second, the results of the assessment research must be incorporated into a tool that can be used in the training of detention center staff: A resource manual, or Detention Desktop Guide. Professional judgment must be applied in determining the most appropriate contents of such a guide, based in part on the results of the assessments. At a minimum, it should include job related skill requirements, references to existing standards (e.g., Guidelines for the Development of Policies and Procedures—Juvenile Detention Facilities and Standards for Juvenile Detention Facilities, developed by the American Correctional Association), and accepted policies and practices.

Eligibility Requirements

Applications are invited from eligible agencies, institutions or individuals, public or private. Private-for-profit organizations must waive their fee in order to be eligible.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. The applicant clearly states the problem to be addressed by the project. (20 points).

The applicant demonstrates an understanding of the extent and nature of the problem, including associated factors such as personnel skill levels and training needs.

2. The applicant clearly defines the objectives of the proposed project. (20 points).

a. The objectives relate directly to the problem and strategies to be employed. (10 points).

b. The objectives are specific and yield an appropriate product. (10 points).

3. The project design is sound and constitutes an effective approach for successful completion of the project. (30 points).

a. The design includes a sound, workable strategy for obtaining detention profession input. (20 points).

b. The applicant provides a work plan with a timeline which indicates significant event milestones in the project and due dates for products. (10 points).

4. The project management structure and organizational capability are adequate to the successful conduct of the project. (15 points).

The applicant provides an organizational capability statement which demonstrates the necessary technical, substantive, and financial capabilities to administer the project effectively.

5. Budgeted costs are reasonable, allowable, and cost effective for the proposed activities to be undertaken. The applicant includes a complete budget and budget narrative for all proposed costs. (15 points).

Award Period

The award period will cover 12 months.

Award Amount

The award amount will not exceed $100,000.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact D. Elen Grigg, Research and Program Development Division, (202) 307–5929.

Improvement in Correctional Education for Incarcerated Juvenile Offenders

Purpose

To assist the field by identifying effective juvenile correctional education services which incorporate reading programs that contribute substantially to furthering specific vocational and academic objectives in detention centers and secure correctional institutions.

Background

It is widely accepted that, with a few exceptions, incarcerated juvenile offenders exhibit serious academic deficits. One cause of their inability to show significant progress in vocational and academic studies is the inability to decipher (translate print to speech) textbook material accurately and fluently, not necessarily the inability to comprehend text material due solely to cognitive deficits. One correlate of delinquency and recidivism is poor academic achievement, and this itself is in part related to the inability to decipher text material accurately and fluently. Contrary to popular opinion, reading comprehension in most cases is related to poor deciphering.

Research has shown that a significant number of juveniles released from secure confinement do not return to school but seek employment. As a result, there is a greater need for youth to acquire vocational competencies as well as functional academic skills. We know that the majority of these youth do not have a high school diploma or general education diploma. Research, also shows that the unemployment rate of youth with less than a high school diploma is over 20 percent and growing.

A significant number of juveniles who are committed to our correctional institutions were not attending school or employed at the time of their detention. Academic achievement test scores indicate that the majority of these youths functions well below the average pupil in their respective communities.

Corrections administrators have many problems, not the least of which is developing effective educational programs to meet the very diverse needs of juveniles in their care. We recognize and understand that there are impediments to the provision and delivery of educational services in corrections. Proceedings of the National Forum on Building Relationships for Educational Excellence in Corrections, October 1984, reported on such issues as inadequate facilities, frequent movement of inmates, out-of-date equipment and materials, a lack of qualified staff, and a lack of mission and coordination within the system.

In mid-December 1991, OJJDP and the Department of Education, Office of Correctional Education, cosponsored a workshop entitled, "Improvement in Correctional Education for Juvenile Offenders: A Look at System Reform." Many participants expressed the need for a total reform in juvenile correctional education.

Participants pointed out that correctional education is basically very traditional and that research has shown that the traditional approach to educating detained and confined juvenile offenders has not worked well. Though research findings reveal that only a very small percent of incarcerated juvenile offenders return to school and graduate; nevertheless, most State departments of education continue to mandate the "traditional" secondary curriculum in spite of the fact that it fails to meet the vocational and personal needs of this population.

Many participants in the Forum believed that correctional educators must be creative, take risks, determine what works through ongoing evaluation, and disseminate information about instructional programs, particularly developmental reading programs that have proven more effective than traditional approaches.

Participants also emphasized that in the current movement for correctional reform, very little is said about correctional education because researchers have not systematically studied such programs, and until this is done the effects of specific philosophies and methods used with incarcerated students will remain unclear.

While OJJDP is unable to address all of the issues mentioned above, we believe that juvenile offenders can reach their vocational, and in some cases academic, goals more quickly and with greater ease if they are able to improve their deciphering and reading comprehension skills. This initiative is designed to identify, assess, and promote effective educational programs, which are characterized as having reading instruction components. These components are supported by empirical evidence of replicated experimental research, and are designed to support directly the vocational and academic needs of the students.

Goal

To assist juvenile corrections administrators in improving the overall effectiveness of correctional and education services, and, as an integral part of that process, to improve reading instruction.

Objectives

- To identify and assess the existing literature and research on juvenile correctional education, including research-based literacy skills programs;
- To develop criteria for identifying proven and research-based literacy skills programs and other strategies for improving academic and vocational educational programs;
- To assess and document the correctional education programs that are being implemented in eight correctional ventures sites;
- To develop training and technical assistance materials to assist the sites and eventually the field in implementing effective research-based correctional education programs;
- To provide technical assistance and training to correctional education and other institutional professionals in developing and implementing proven research-based, and effective juvenile correctional education literacy skills programs; and
- To develop monographs and informational materials on effective correctional education programs for dissemination.

Program Strategy

Proposals are being solicited from applicants to enter into a cooperative agreement with OJJDP to assist in the implementation of the Improvement in Correctional Education Initiative. Applicants are asked to be creative in their implementation approach. This project will have a three-year project period. The first budget period will be for 12 months and up to $100,000 will be awarded.

Applicants are to develop their own strategy and budget for achieving the objectives and tasks of this initiative. The strategy and implementation plans must not exceed three years and must include, at a minimum, the implementation of the following tasks:

1. The successful applicant will be required to perform a detailed and comprehensive review of the literature and research on juvenile correctional vocational and academic programs. This assessment must include an analysis of the diagnostic procedures and instruments used to assess the reading levels of youth and whether the diagnostic screening assesses the youth's ability to decipher and decode words. The assessment must also include a discussion as to how these diagnostic screening programs are implemented.

2. The successful applicant will be required to develop criteria for identifying proven research-based effective correctional vocational and academic programs to include deciphering and decoding literacy programs.

3. The successful applicant will be required to perform an assessment of the correctional vocational and academic programs at eight juvenile corrections institutions which have been previously selected by OJJDP to implement the corrections ventures program. This assessment must include a review of the diagnostic procedures and instruments used, if any, to determine a youth's ability to decipher and decode words. Following the assessments, the successful applicant will be required to develop technical assistance and training material and to use this material to deliver technical assistance and training to assist the institutions in implementing or adapting successful correctional vocational and academic programs. The technical assistance and training provided to these institutions must be site specific. The institutions are located in the following states: Ohio, Washington, Texas, Kansas, South Carolina, Virginia, Connecticut, and New Mexico.

These eight institutions are currently participating in an OJJDP-sponsored Juvenile Corrections Industries and Venture Initiative and are receiving technical assistance and training in implementing various industry program

models. Another OJJDP-sponsored program will offer training for the academic teachers at these institutions in the techniques of teaching phonics to youth.

The successful applicant will be required to work in concert with these other OJJDP-sponsored programs in an effort to provide these institutions with the opportunity to implement successful correctional education programs.

Under separate funding, OJJDP will consider supporting an evaluation to determine the effectiveness of this program and may consider an expansion of this effort into other sites if the program is successful and funds are available.

The successful applicant will also be required to prepare informational material and position papers on various juvenile corrections vocational and academic topics for publications in OJJDP bulletins.

Applicants are reminded that only the first year of their program plan will be funded at a cost not to exceed $100,000. Applicants must be specific about the tasks they can accomplish in this time frame with this amount of money. The applicant must list and explain activities and the products that will be produced in the first year and provide an overview of the tasks to be accomplished and the products to be developed for years two and three.

Applicants are encouraged to establish an advisory committee which will provide comments and recommendations regarding the strategies, activities, and products for this program.

Eligibility Requirements

Applications are invited from public agencies or private nonprofit organizations. Applicant organizations may choose to submit joint proposals with other eligible organizations, as long as one organization is designated in the application as the applicant, and co-applicants are designated as such. The applicant and co-applicants must demonstrate, in addition to program knowledge and support experience, programmatic and fiscal management capabilities to implement a project of this size and scope effectively. Applicants who fail to demonstrate that they have the experience and capability to manage a program of this size and complexity will be ineligible for funding consideration.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. *The problem to be addressed.* (15 Points). The applicant clearly identifies the nature and scope of the problem of educating detained and incarcerated juvenile offenders.

2. *Goals and Objectives.* (10 Points). The applicant provides a succinct statement demonstrating an understanding of the objectives and tasks associated with the program.

3. *Project design.* (20 Points). The applicant clearly demonstrates an understanding of the nature of the program area and the soundness of the approach to implementing each stage of the program for meeting the goals and objectives.

4. *Implementation plan.* (25 Points). Project activities and management structure are adequate and appropriate. The feasibility and clarity of the time task plan is apparent as it addresses what, when, who and where project activities will be performed and products developed.

5. *Organizational capability.* (20 Points). Project management structure is adequate to conduct the project successfully. The applicant demonstrates adequate program management and experience in coordination of research, program development, and training and technical assistance delivery.

6. *Budget.* (10 Points). Proposed costs are complete, reasonable, appropriate, and cost effective in relationship to the proposed strategy and task to be accomplished.

Award Period

The program period for the cooperative agreement supporting the Improvement in Correctional Education Program is three years. One cooperative agreement will be awarded with an initial 12-month budget period.

Award Amount

Up to $100,000 has been allocated for the initial award budget period. Commensurate financial support for the remaining two project budget periods will be determined by the performance of the grantee, the program development needs as determined by OJJDP, and the availability of funds.

Due Date

Applications must be received by mail or delivered to OJJDP by May 11, 1992.

Contact

For further information contact Frank O. Smith, Special Emphasis Division, (202) 307–5914.

Information Systems Support and Statistics

Telecommunications Technology for Training and Information Dissemination

Purpose

To examine the feasibility of using advanced telecommunications technologies in the training and information activities of OJJDP.

Background

Rapidly developing telecommunications technologies are becoming more economical in use, and they are changing the way businesses and schools are providing education, training, and information throughout the United States. Enlisted over the past seven years to meet the needs of geographically isolated communities, these technologies, united with trained and enthusiastic teachers and trainers, are beginning to enrich all training environments in what has been called distance learning. No longer must the instructor sit in a classroom with the students. The instructor can engage students, interactively, from thousands of miles away to talk to students at a dozen or more training sites.

Distance learning networks that provide courses or information can also bring people and experiences to the classroom to expand traditional instructional practices and provide entirely new alternatives. Many organizations in the private and public sectors and, more recently, many Federal agencies, have opted to use advanced telecommunications technologies in their training and information dissemination activities. According to proponents of the technology in the industry, these methods have proven to provide the following major advantages to the more traditional training and information dissemination means:

1. *Cost savings in travel and time.* Organizations may generate savings in travel costs and per diem expenses by not needing to bring participants to a central learning site. Additionally, organizations save staff travel time in that employees need not be away from their business location.

2. *More timely transfer of information.* Electronic delivery of information can produce benefits in that more people can receive information quickly. An audio or point-to-point teleconference can be convened in minutes, eliminating "float time" or delay for time-critical information. Large groups can receive the information and "hear" the same message at the same time.

3. *Greater access.* These technologies provide greater access to larger numbers of students or interested parties. The technology does not improve learning but it does improve access to information. It provides a means of maximizing efficiency because it provides a way to meet with several groups in different locations, at the same time.

OJJDP, like many other Federal agencies, has numerous information dissemination and training responsibilities. Through the Juvenile Justice and Delinquency Prevention Act of 1974, 88 Stat. 1109, 42 U.S.C. 5601–5778, OJJDP is charged with developing and implementing effective methods of preventing and reducing delinquency; improving the quality of juvenile justice in the country; increasing the capacity of State and local governments and public and private agencies to conduct effective programming for juveniles; and providing research, evaluation, and training services in the field of juvenile delinquency prevention.

It seems entirely plausible that, through the use of telecommunications, OJJDP will be better able to fulfill its congressionally mandated tasks with a wider audience at a lesser cost. Through this program, we hope to test this hypothesis.

Definitions

Ad Hoc: Teleconferencing technology and sites assembled for an event. Equipment may be rented and not necessarily permanently installed by the convener and sites are not usually part of a network.

Business Television: The production and distribution, via satellite, of video programs for closed user group audiences.

Downlink: The transmission of radio frequency signals from a satellite to an earth station. It may also be defined as a satellite receiving station.

Fiber Optics: A communications medium based on a laser transmission that uses a glass or plastic fiber which carries light to transmit video, audio, or data signals.

Telecommunications: The use of wire, radio, optical, or other electromagnetic channels to transmit or receive signals for voice, video, and data communications.

Teleconference: Electronic communications between two or more groups, or three or more individuals, who are in separate locations via audio, audiographics, video or computer. An audio teleconference denotes two-way communications between two or more groups, or three or more individuals, in separate locations. A video teleconference will require one (or more) uplink and downlink sites and may be fully interactive voice and video, two-way voice or one-way video.

Uplink: An earth station which transmits a radio frequency signal to a communications satellite. An uplink consists of a large antenna and high power amplifiers to concentrate signals in one direction.

Goal

To ascertain possible advantages or benefits of using the application of telecommunications technology for the training and information dissemination activities of OJJDP.

Objectives

- To conduct an assessment of what current programs being implemented by OJJDP may lend themselves to telecommunications;
- To conduct an assessment of what modes of the technology (e.g., audio or video teleconferencing, distance education, business television, fiber optics, etc.) would best suit the needs of the target audiences and be in the best interests of the government;
- To conduct an assessment of what cost benefits OJJDP would reap through application of the technology; and
- To test the use of the technology through a demonstration effort using the technology to conduct an evaluation.

Program Strategy

OJJDP will select an organization to conduct a feasibility study on the use of telecommunications for OJJDP training and information dissemination activities. The organization, upon receipt of a cooperative agreement award, will conduct an in-depth review of OJJDP's training and information dissemination activities for the past 24 months. This information will then be analyzed from a telecommunications perspective to determine which training and information activities should be using the new technologies and which modes of the technology best suit the current activities or types of activities. This analysis must examine the following criteria: (1) Benefits including cost savings, the quality and effectiveness of instruction, the training of instructors to use the technology, time savings, student acceptability, access throughout the country of ad-hoc teleconferencing hardware, production requirements and responsibilities, an evaluation of teleconferences, and (2) other implementation issues. OJJDP may request that additional criteria be added to the analysis during the course of the study. The grantee will also be required to complete a series of recommendations to OJJDP for proceeding into the field through a logical step-by-step economical approach. For example, the grantee will be asked to recommend an ongoing OJJDP training or information dissemination activity for a demonstration project to be conducted toward the end of the grant period. An evaluation of the pilot's success compared to the traditional means for the activity will also be undertaken by the grantee.

The grantee will have access to appropriate OJJDP records and staff for interviews in conducting the feasibility study.

Specific products to be completed during this project are:

- A feasibility study report with specific chapters addressing the objectives noted above and focusing on the criteria outlined above (each chapter will be submitted to OJJDP in draft form prior to final submission);
- A pilot demonstration effort using the technology for an existing OJJDP activity and evaluating the effort with past traditional approaches for the same activity; and
- A summary report which includes recommendations for future implementation of telecommunications for OJJDP.

Eligibility Requirements

Applications are invited from public agencies and private organizations which can demonstrate the capability to conduct a practical and effective feasibility study of the implementation of telecommunications for distance learning and training activities of OJJDP. Private for-profit organizations must waive their fee to be eligible.

Selection Criteria

Applications will be rated on the extent to which they meet the following criteria:

1. Conceptualization of the problem. (15 points). The applicant must demonstrate a clear understanding of, and competence to deal with, telecommunications, distance learning, and an understanding and competence to conduct a feasibility study.

2. Statement of objectives. (15 points) The objectives to be achieved by the project must be clearly defined and consistent with the issues and requirements set forth in the conceptualization of the problem.

3. Project design. (30 points). The procedures, workplan and proposed products of the project must be directly linked with the stated objectives, and

with the problem addressed by this announcement.

4. Project management. (10 points). The project's management structure and staffing must be adequate for the successful implementation and completion of the project. The management plan describes a system whereby logistical activities are handled in the most efficient and economical way.

5. Organizational capability. (15 points). The applicant organization's ability to conduct the project successfully must be documented in the proposal. Organizational experience with telecommunications feasibility studies is highly recommended. Key project staff should have significant experience in the subject area addressed in this announcement.

6. Budget. (15 points). The proposed budget must be reasonable, allowable and cost-effective vis-a-vis the activities to be undertaken.

Award Period

The project will be funded for 12 months.

Award Amount

Up to $100,000 will be available for this project.

Due Date

Applications must be received by mail or delivered to OJJDP by May 26, 1992.

Contact

For further information contact Frank M. Porpotage II, Training, Dissemination, and Technical Assistance Division, (202) 307-0598

Robert W. Sweet, Jr.,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

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federal register

Thursday
March 26, 1992

Part III

Department of Transportation

Coast Guard

46 CFR Part 67

Documentation of Vessels; Recording of Instruments; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89-007]

RIN 2115-AD29

Documentation of Vessels; Recording of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish new recording practices to fully implement the provisions of the codification of the Ship Mortgage Act. In addition, it proposes to simplify the procedures for documentation of vessels. The proposed revision, if adopted, would make the regulations easier to use by the affected public and would more fully implement statutory requirements.

DATES: Comments must be received on or before June 24, 1992.

ADDRESSES: Comments must be in writing and may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 89-007), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001), or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. For information concerning comments, the telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation and Tonnage Survey Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-1492.

Normal office hours are between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 89-007) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of their comment should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period and may change this proposal in view of the comments. Direct responses to individual questions concerning the rulemaking will not be made. All significant comments will be addressed in supplemental rulemakings, if necessary, or in the final rule.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "**ADDRESSES**." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are Mr. Thomas L. Willis, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

Background and Purpose

On November 23, 1988, Congress enacted Public Law 100-710 (the "Codification Act") which amended and codified the Ship Mortgage Act of 1920 into 46 U.S.C. chapter 313; amended section 9 of the Shipping Act of 1916 (46 U.S.C. app. 808); and eliminated the prohibition against collecting fees for commercial vessel documentation services by amending 46 U.S.C. 2110. The Codification Act was the subject of technical corrections ("Corrections") when Congress enacted Public Law 101-225. Both the Codification Act and the Corrections introduced significant changes which are at variance with the former law and with existing Coast Guard regulations.

Most of the provisions of the Codification Act which require changes to the Coast Guard's regulations became effective on January 1, 1989. Certain of the changes were unequivocal and were implemented by an interim final rule published October 12, 1989 (54 FR 41835). The interim final rule was adopted as final in a rulemaking published January 10, 1991 (56 FR 960).

Other statutory revisions, some of which became effective on January 1, 1989, and others which became effective on January 1, 1990, require a more considered approach, including the opportunity for public comment. These latter changes are the subject of this rulemaking. Because the intent of the Codification Act and the Corrections was to simplify and streamline the documentation process, the Coast Guard proposes to revise all of its existing vessel documentation regulations. The result will be to clarify and simplify the rules and present them in a more orderly fashion.

The user fees for services related to vessel documentation which the Coast Guard is required to establish pursuant to the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) will be the subject of a separate rulemaking document.

Sections of the proposed rules not addressed below do not contain any substantive changes from the existing regulations. Among those proposed non-substantive changes are a number of editorial or housekeeping changes. These latter changes include the correction of several addresses and substitution of the word endorsement for license and recreational endorsement for pleasure license to conform the language of the rules to statutory terminology.

One universal change to the rules is substitution of the concept of port of record for the term home port. This change was made to reflect elimination of home ports in law, to better describe the function the port provides, and to eliminate confusion among members of the general public. In many instances vessels never actually visit their "home ports", which are in fact repositories of records concerning the vessel.

Because the format of part 67 would be changed, a derivation table, presented as Table 1 below, is provided to assist in comparison of the existing rules with the proposed rules.

Discussion of the Proposed Rules

Proposed § 67.3 in proposed subpart A contains several new definitions. These include citizen, coastwise trade, endorsement, Exclusive Economic Zone, fisheries, hull, Manufacturer's Certificate of Origin, person, port of record, and registration. In addition, the definition of acknowledgment has been expanded to specifically include an acknowledgment or notarization which is in substantial compliance with the laws of the State in which it is taken; and acceptable format for acknowledgment has also been provided.

Proposed § 67.5 contains an editorial change clarifying the fact that the requirement for documented vessels to be wholly owned by a citizen or citizens of the United States applies only to vessels documented under this part. Certain limited forms of documentation may be permitted for vessels not wholly owned by a citizen or citizens in accordance with rules in 46 CFR part 68.

Proposed § 67.9 would amend the present regulations by providing that vessels of five net tons or more operating in the fisheries in the Exclusive Economic Zone but outside of the navigable waters of the United States are not excluded from the requirement to be documented. In addition, to be consistent with 46 U.S.C. 12110(b), proposed paragraph (c)(2) of § 67.9 provides that barges are no longer exempt from the requirement to be documented if they engage in Great Lakes trade or coastwise trade on the Great Lakes, even if used in part on rivers, harbors, lakes, canals or internal waters of a state.

Proposed § 67.11 sets forth the requirement for Maritime Administration consent for transfer of an interest in certain documented vessels to a person who is not a citizen within the meaning of section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802). It also describes the types of vessels which may be transferred without restriction.

Proposed § 67.12 gives notice of the right to appeal an action or decision under this part by or on behalf of the Coast Guard.

Proposed § 67.13 incorporates by reference the Federal Information Processing Standards Publication 55DC, Guideline: Codes For Named Populated Places, Primary County Divisions, and Other Location Entities of the United States And Outlying Areas (1987). This publication lists those geographical places which may be used as hailing ports for documented vessels.

Proposed § 67.14 displays the current OMB control number for information collection requirements.

Proposed subpart B and the rest of part 67 have been amended by substitution of the word endorsement for the word license. This change was made to conform the regulations to the new terminology introduced by the Corrections. In addition, the term pleasure license has been changed to recreational endorsement in accordance with changes in chapter 121 of title 46 U.S.C. as enacted by Public Law 99-36.

In § 67.37, the Coast Guard proposes to insert the word "enforceable," to clearly reflect its existing interpretation that a vessel owned in a trust arrangement is not barred from documentation solely because a non-citizen with a non-enforceable interest as a beneficiary participates in the trust. An example of such a trust would be a charitable trust, which may directly or indirectly operate to the benefit of persons who are not citizens of the United States.

Proposed § 67.45 contains the citizenship savings provision for fishing vessels. The Coast Guard, in its final rule published on December 12, 1990 at 55 FR 51244, implemented the American control provisions of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987. In that rulemaking at section 67.03-15, the Coast Guard published the "grandfather" or savings provision regarding citizenship requirements for fishing vessels. That section of the Coast Guard's regulations is the subject of litigation: *Southeast Shipyard Assn.* v. *United States*, No. 90-1142 (D.D.C.). On April 30, 1991 the District Court decided that the Coast Guard's interpretation of the savings provision of the Anti-Reflagging Act was incorrect. The decision of the District Court is being appealed. Parties who may be affected should maintain appropriate cognizance over this and future judicial decisions which may significantly affect their rights and responsibilities. Once the appellate court has reached a decision on the matter, proposed § 67.45 may be the subject of further revision.

Proposed § 67.47 would permit documentation of certain vessels which may have been transferred to persons who are not citizens within the meaning of section 2 of the Shipping Act, 1916, (46 U.S.C. app. 802), but who are qualified to document vessels pursuant to 46 U.S.C. 12102, without obtaining consent of the Maritime Administration. Included are vessels which were documented exclusively for the fisheries or recreation, as well as other vessels to which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to noncitizens. This change as well as the changes in proposed §§ 67.59 and 67.61 are permitted by the amendment to section 9 of the Shipping Act of 1916 enacted by section 104(c)(1) of the Codification Act.

With the establishment of two new methods, proposed Section 67.53 sets forth four means of establishing title to vessels: (1) Simplified method without evidence of build, (2) simplified method with evidence of build, (3) complete chain of title without evidence of citizenship for each entity in the chain, and (4) complete chain of title with evidence of citizenship for each entity in the chain.

Proposed § 67.59 provides that where ownership of a documented vessel has changed, and a registry, fishery, or recreational endorsement is sought, citizenship evidence would not be required for each owner subsequent to the last person for which the vessel was documented. This relaxation would be permitted only if the vessel (a) was documented exclusively as a fishing, fish processing, fish tender, or recreational vessel or both, either since its initial documentation or for a period of not less than one year prior to change in ownership, or (b) is a vessel for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer or to non-citizens. This change has the potential to alleviate the need for the owners of approximately 97 percent of the documented fleet to collect citizenship information concerning former owners, significantly reducing the current paperwork burden on the public.

Proposed § 67.61 would permit vessels to be returned to documentation with a registry, fishery, or recreational endorsement without the requirement for a complete chain of title and evidence of citizenship for all owners subsequent to the last person for whom the vessel was documented. This relaxation would be permitted only if the vessel (a) was documented exclusively as a fishing, fish processing, fish tender or recreational vessel or both since its initial documentation, or for a period of not less than one year prior to change in ownership, or (b) is a vessel for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to non-citizens. The Coast Guard estimates that this change would allow 97 percent of the owners of vessels which had been deleted from documentation to return them to documentation without the requirement to establish a complete chain of title or to collect citizenship information concerning intervening owners, resulting in further substantial paperwork burden savings.

Proposed § 67.63 would eliminate the requirement to provide evidence of citizenship for owners in the chain of title prior to documentation of captured, forfeited, or wrecked vessels except where a coastwise or Great Lakes endorsement is sought.

Proposed § 67.73 provides that transfer of title prior to documentation may be evidenced by completion of a transfer section on the reverse of the revised builder's certification (CG-1261) or the Manufacturer's Statement of Origin, in lieu of a bill of sale in recordable form.

Proposed § 67.81, dealing with passage of title to a vessel in conjunction with a merger, would specifically provide that where all of the assets of a corporation are transferred to another corporation, the vessel need not be specifically identified as being

among those assets. This proposal merely formalizes the Coast Guard's long-standing interpretation and practice regarding passage of title by a corporate merger.

Proposed § 67.99 provides that an officer or employee of a company which built a vessel could certify the facts of build based upon the records of the company. The present regulation requires the certification of the supervisor of construction or the actual builder of the vessel. In many cases, supervisors of construction have no knowledge of the source of components of the vessel, or of the party(ies) for whom the vessel is built. In the case of large corporate builders, corporation records provide a much more reliable source of information. The proposal further clarifies the fact that a Manufacturer's Certificate of Origin, which usually recites neither the place of assembly of the vessel nor the source of major components of the hull and superstructure, does not provide evidence of the facts of build.

Proposed § 67.107 sets forth the requirement for a Certificate of Measurement for vessels measured in accordance with regulations set forth in subpart B, C, or D, of 46 CFR part 69.

Proposed § 67.113 is a new section setting forth the requirement to designate a managing owner for every vessel and the requirement to report a change in the address of the managing owner. The purpose of this proposed requirement is to ensure that the Coast Guard corresponds with the person responsible for documentation matters.

Proposed § 67.115 differs from present home port designation, henceforth called "port of record," requirements in that the Coast Guard will assign the port of record based on the address of the managing owner. In addition, the proposal specifically provides that the same port of record will be used for all vessels owned by the same owner. The port of record for a vessel owned by an individual will be based upon any address of the managing owner. The present rule requires the home port to be fixed in accordance with domicile of the owner. The use of domicile has proven problematic in that it is possible to be absent from one's domicile for many years, and to have a domicile at which one cannot receive mail or which is not valid for service of process. In addition, appropriate port of record boundaries are established for the First, Fifth, and Eleventh Coast Guard Districts.

Proposed § 67.117 requiring a vessel name designation differs from the present regulation by clarifying the requirement for vessel names to be approved by the Secretary, a function which has been delegated to the Commandant. In addition, it makes clear that names which are obscene, indecent, profane, or which contain racial or ethnic slurs will not be approved. This is consistent with the purpose of vessel names, which serve as a means of identification, and is not inconsistent with the requirements for so-called "vanity license plates" in many States. In addition, clarification is made that vessel names must be composed only of letters of the Latin alphabet, or Arabic or Roman numerals, or combinations thereof.

Proposed § 67.119 would require the vessel owner to designate a hailing port on form CG–1258. The present rule is extremely restrictive and limits vessel owners to either the home port or the address used to determine the home port, and further requires that the address be recognized by the Post Office. The proposed rule would allow vessel owners to choose among more than 190,000 place names listed in the Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities Of The United States and Outlying Areas (1987). This reduces unnecessary bureaucratic restriction while at the same time enhancing the identification of vessels by helping to eliminate duplication of vessel name and hailing port combinations. In addition, it gives the owners of multiple vessels the opportunity to mark their vessels with hailing ports which are appropriate for the area in which those vessels are employed. A further change gives the Officer in Charge, Marine Inspection (OCMI) at the port where application is made, instead of the OCMI at the vessel's port of record, final authority to settle disputes as to the propriety of the hailing port selected.

Proposed § 67.120 provides that a Certificate of Documentation does not become valid until the vessel for which it is issued is marked in accordance with the rules in the balance of subpart I.

Proposed § 67.121 requires that the marking of the official number on a vessel must be done in a manner which renders alteration or removal of the number obvious. This is consistent with requirements in 33 CFR part 181 regarding affixing hull identification numbers. The requirement to submit a written certificate asserting that the marking has been made, presently found at 46 CFR 67.15–7, would be eliminated. The purpose of vessel markings is similar to the requirement for automobiles to bear license plates. The present bureaucratic burden of requiring marking certificates is no more justified than a motor vehicle bureau's routinely requiring motorists to certify that the license plates have been attached to their vehicles. In addition to reducing the paperwork burden on the public, this proposed change will expedite the issuance of Certificates of Documentation.

Proposed § 67.125 gives authority for settling disputes regarding the permanence, durability, legibility, or placement of a vessel's markings to the OCMI for the zone in which the vessel is located. This change is proposed partly because many vessels never enter the zone covered by their port of record. In addition, it is consistent with changing the emphasis on ensuring compliance with marking requirements through enforcement instead of self-certification by vessel owners.

Proposed § 67.141 contains the basic application process to be followed for all transactions involving initial application, application for exchange, replacement, or redocumentation. The requirements for presentation of evidence of vessel marking prior to issuance of a new Certificate of Documentation for name change has been eliminated. For that reason, name change approvals do not expire, and a vessel may not revert to its previous name without a new application.

Proposed § 67.145, which summarizes the requirement and procedure for mortgagee consent to exchange of Certificates of Documentation under certain circumstances, would also require mortgagee consent for an exchange for the purpose of changing or adding a trade endorsement.

Proposed § 67.151 would eliminate the requirement that Certificates of Documentation be replaced when spaces for notation of changes are filled. Since deployment of a computer system for issuing Certificates, the only notations of change made to existing Certificates of Documentation are changes of address. All other changes are noted by issuing a new Certificate of Documentation.

Proposed § 67.163 differs from present § 67.23–1 by making clear the requirement to apply for renewal of the endorsement(s), if any, prior to the end of the twelfth month following issuance or renewal. Also included is a provision that an endorsement may be renewed at any port instead of only at the vessel's port of record. Another change in order to conform to existing policy, provides that the owner may submit either the completed Notice of Expiration (CG–1280) or Warning Notice (CG–1280–B) in order to effect the renewal.

Proposed § 67.165 would provide that Certificates of Documentation issued to vessels which are exempt from the requirement to be documented may be placed on deposit with the documentation officer at the vessel's port of record. It is the intent of this section to eliminate the requirement to renew the endorsements on Certificates of Documentation issued to those vessels. Title 46 U.S.C. 12110(b) provides that barges which meet the requirements for eligibility to engage in coastwise trade are exempt from the requirement to be documented when employed in coastwise trade on rivers, harbors, lakes (except the Great Lakes), canals and inland waters. Such vessels are often documented, however, in order to make them the subject of preferred mortgages. Certificates placed on deposit would be valid for purposes of 46 U.S.C. chapters 125 and 313, as well as those sections of the Shipping Act, 1916, regarding foreign transfers, and section 902 of the Merchant Marine Act, 1936, permitting the Secretary of Transportation to purchase or requisition the vessel in time of national emergency.

Proposed § 67.167 sets forth the requirement for exchange of Certificates of Documentation under certain circumstances, instead of surrender. This change in wording is for the sole purpose of eliminating the confusion which currently exists over the meaning of the term "surrender." A distinction is also drawn between those circumstances which immediately invalidate the Certificate of Documentation and the trade endorsement and those for which a "grace" period may be granted. These latter reasons are often outside of the owner's control and may occur when a vessel is at sea or under reconstruction. For example, the change would allow a vessel to continue to operate until it came into port if the corporate stock of the owner is sold while it is at sea. It would also allow the Certificate of Documentation to remain valid for the purpose of filing and recording a new mortgage or related instrument despite a change in tonnage caused by a change in vessel configuration during the course of repair or rebuilding without requiring immediate remeasurement of the vessel. In addition, the proposed regulation identifies several circumstances requiring exchange, which although not addressed in the present regulations, reflect current Coast Guard policy and understanding. These include a change in a trustee or a beneficiary with an enforceable interest in a trust arrangement which owns a vessel, and a change in the state of incorporation of a corporation owning a vessel. Another change would make exchange of the Certificate optional instead of mandatory when a vessel attains special privileges or when certain trade restrictions change by deletion.

Proposed § 67.171 provides for the first time that a vessel is subject to deletion from documentation when the owner fails to maintain the markings required by subpart I of this part. In addition, it would permit deletion of a vessel from documentation at any port of documentation, instead of only at the vessel's port of record. A certificate evidencing deletion would be issued upon complying with the requirements for deletion and payment of the fee prescribed in subpart Y.

Proposed § 67.173 would permit a vessel owner to submit a Certificate of Documentation which is subject to cancellation to any port of documentation, instead of only at the vessel's port of record.

Proposed § 67.200 would allow filing and recording of interlender agreements as well as assignments of and amendments to notices of claim of lien. These are in addition to those instruments currently eligible for filing and recording.

Proposed § 67.209 would require submission of only an original and one copy of a preferred mortgage, instead of two originals and two copies of certification as in the present regulation. Although 46 U.S.C. 31324 requires the mortgagor of a preferred mortgage covering a self-propelled vessel to keep a certificate copy of the mortgage aboard the vessel, the mortgagor and mortgagee can jointly certify a copy without Coast Guard involvement.

Proposed § 67.211 eliminates the requirement for filing a Declaration of Citizenship on form MA–899 in all but a very few cases. The declaration would normally be needed only where a vessel owner seeks to document a vessel with a coastwise or Great Lakes endorsement and one or more intermediary owners has not made application for documentation, or in the case of mortgages or related instruments covering very large vessels not documented exclusively for recreation or the fisheries.

Proposed § 67.215 eliminates a definition for the time and date of recording. That definition is no longer needed since filing gives an instrument efficacy against third parties. Provision is also made for retention of the original filing date and time when supplemental materials are filed for an instrument whose filing was subject to termination.

Proposed § 67.223 would permit filing and recording of a bill of sale when application is made for deletion of a vessel from documentation. Presently, bills of sale may be recorded only in conjunction with an application for documentation. Permitting such recordings would make existing records more accurate, thus providing better information to law enforcement authorities, and would facilitate the return of the vessel to documentation at a later date.

Proposed § 67.231 makes provision for an optional application for filing and recording of mortgages and related instruments. The application would summarize all of the information the Coast Guard requires for indexing information about the instrument. When an instrument is accompanied by such an application, the Coast Guard will not review the instrument to ensure that it complies with the requirements of 46 U.S.C. chapter 313. This change is proposed in accordance with the recommendations of the Committee on Merchant Marine and Fisheries in committee report H.R. 100–918.

Proposed § 67.233 provides that a mortgage or assumption may not be recorded if the mortgagor or assuming party did not actually hold legal title to the vessel being mortgaged or covered by the assumption at the time of filing of the mortgage or assumption, and that the vessel(s) covered by a mortgage must have been documented or the subject of an application for documentation at the time of filing.

Proposed §§ 67.235, 67.237, and 67.239, respectively, eliminate the requirement to specify the interest in the vessel granted to each mortgagee, the interest in the mortgage granted to each assignee, and the interest in the mortgage assumed by each party.

Proposed § 67.245 is a new section setting forth the requirements interlender agreements must meet in order to qualify for filing and recording.

Proposed §§ 67.257 and 67.259 detail the requirements for assignments and amendments, reprectively, of notices of claim of lien.

Proposed subpart T, which describes the General Index and Abstract of Title, no longer provides for issuance of Certificates of Ownership. Present law makes no provision for such Certificates, which do not contain as much information as Abstracts of Title. Certified Abstracts of Title, which contain more information than the Certificates of Ownership presently issued will be available to any person upon request.

Sections 67.89, 67.101, 67.117, 67.133, 67.141, 67.163, 67.171, 67.175, 67.177, 67.203, and 67.303 include reference to user fees prescribed by subpart Y. Those fees will be proposed in a separate rulemaking document.

Subpart Y has been reserved for user fees.

Disposition of Existing Regulations

This supplementary information shows the disposition of existing regulations in 46 CFR part 67. All of those regulations have been revised in substance and form.

TABLE 1.—DISPOSITION OF PRESENT REGULATIONS—PART 67

Present §	Concept now discussed at §	Other action
67.01-1	67.3	
67.01-3	67.1	
67.01-5	67.7	
67.01-7	67.9	
67.01-9	67.5	
67.03-1	67.30	
67.03-3	67.33	
67.03-5	67.35	
67.03-7	67.37	
67.03-9	67.39	
67.03-11	67.41	
67.03-13	67.43	
67.05-1	67.50	
67.05-3	67.55	
67.05-5	67.57, 67.59, 67.61, 67.63	
67.05-7	67.57	
67.05-9	67.59	
67.05-11	67.55	
67.05-13	67.61	
67.05-15	67.63	
67.05-17		Deleted.
67.07-1	67.76	
67.07-3	67.75	
67.07-5	67.77	
67.07-7	67.79	
67.07-9	67.81	
67.07-11	67.83	
67.07-13	67.85	
67.07-15	67.87	
67.07-17	67.89	
67.09-1	67.95	
67.09-3	67.97	
67.09-5		Deleted.
67.09-7	67.99	
67.09-9	67.101	
67.11-1	67.105	
67.11-3	67.107	
67.13-1	67.111	
67.13-3	67.115	
67.13-5	67.117	
67.13-7	67.119	
67.15-1	67.121	
67.15-3	67.123	
67.15-5		Deleted.
67.15-7		Deleted.
67.15-9	67.125	
67.17-1	67.15	
67.17-3	67.17	
67.17-5	67.19	
67.17-7	67.19	
67.17-9	67.21	
67.17-11	67.23	
67.19-1	67.130	
67.19-3	67.134	
67.19-5	67.131	
67.19-7	67.132	
67.19-9	67.133	
67.21-1	67.141	
67.21-3	67.111	
67.21-5	67.141	
67.23-1	67.163	
67.23-3	67.167	
67.23-5	67.145	
67.23-7	67.169	
67.23-9	67.171	
67.23-11	67.173	
67.25-1	67.163, 67.165	
67.25-3	67.141	
67.25-5	67.147	
67.25-7	67.141	
67.25-9	67.145	
67.25-11	67.151	
67.25-13	67.171	
67.25-15	67.173	
67.27-1	67.175	
67.27-3	67.177	
67.27-7	67.149	
67.29-1	67.200	
67.29-3	67.203	
67.29-5	67.205	
67.29-7	67.207	
67.29-9	67.209	
67.29-11	67.211	
67.29-13	67.213	
67.29-15	67.215	
67.29-17	67.217	
67.31-1	67.220	
67.31-3	67.220	
67.31-5	67.226	
67.31-7	67.223	
67.33-1	67.231	
67.33-3	67.235	
67.33-5	67.235	
67.33-7	67.237	
67.33-9	67.237	
67.33-11	67.237	
67.33-13	67.226	
67.33-15	67.239	
67.33-17	67.259	
67.33-19	67.241	
67.33-21	67.241	
67.33-23	67.241	
67.33-25	67.243	
67.33-27	67.243	
67.33-29	67.243	
67.35-1	67.231	
67.35-3	67.233	
67.35-5	67.209	
67.35-7	67.237, 67.239, 67.241, 67.243	
67.35-9	67.233	
67.37-1	67.250	
67.37-3	67.253	
67.37-5	67.253	
67.37-7	67.255	
67.39-1	67.260	
67.39-3	67.263	
67.39-5	67.265	
67.39-7	67.265	
67.39-9	67.265	
67.41-1	67.301	
67.41-3	67.303	
67.41-5		Deleted.
67.45-1	67.311	
67.45-3	67.313	
67.45-5	67.315	
67.45-7	67.317	
67.45-9	67.319	
67.45-11	67.321	
67.45-13	67.323	
67.45-15	67.325	
67.45-17	67.335	
67.45-19	67.329	
67.45-21	67.327	
67.45-23	67.331	
67.45-25	67.333	

The disposition of existing §§ 67.43-1, 43-3, 43-5, 43-7, 43-9, 49-11, and 43-13 will be discussed in a future rulemaking document dealing with user fees.

Discussing of Proposed Forms

Most of the existing vessel documentation forms will be revised in conjunction with the proposed regulations. The forms will be consolidated and simplified to elicit only the information necessary to ensure compliance with substantive statutory provisions. Certain forms would be eliminated outright, while others would be revised to make their completion simpler. One new form, an optional application for filing and recording of mortgages and related instruments is proposed.

For the reader's convenience, prototypes of the proposed forms are reproduced in appendix A. These forms should be considered in conjunction with the proposed regulations. Comments or suggestions pertaining to their format or content will be welcomed. These proposed forms will be submitted to the Office of Management and Budget for approval prior to publication of the final rule. Until these rules are published, the existing forms should be used.

Table 2, which is provided as supplementary information shows the intended use of proposed forms.

TABLE 2.—FUNCTION OF PROPOSED FORMS

Form No.	Name/use
CG-1261	1. Title evidence for initial documentation of new vessel. 2. Evidence of U.S. build for coastwise, Great Lakes and fisheries vessels.
CG-1258	1. Application for initial documentation. 2. Application for all changes. 3. Application for replacement of certificate for documentation.
CG-1270	Certificate of Documentation—All endorsements.
1280	Renewal of endorsement of Certificate of Documentation.
CG-1280-A and 1280-B	
CG-1332	1. Transfer of records for change of port of record. 2. Full record of vessel ownership and encumbrance history.

TABLE 2.—FUNCTION OF PROPOSED FORMS—Continued

Form No.	Name/use
CG-1340	Evidence of title for used vessels.
CG-1356	Evidence of sale by governmental entity.
CG-4593	Evidence of Mortgagee consent to exchange of Certificate of Documentation or withdrawal of application for documentation.
CG-5542	Optional application for filing and recording of mortgage or related instrument.

Table 3, which is provided as supplementary information, shows the frequency with which forms must be filed, and the person responsible for completion of the form.

TABLE 3.—SUBMISSIONS OF PROPOSED FORMS

Form	Completed by	Frequency
CG-1261	Builder	Once.
CG-1258	Vessel owner	1. Initial documentation. 2. Any change in data on certificate of documentation. 3. Any replacement of certificate of documentation.
CG-1270	Documentation officer.	
CG-1280	Vessel owner	Annually.
CG-1332	Documentation officer.	
CG-1340	Seller of vessel	Any sale of vessel.
CG-1356	Government agency.	Any vessel sale arising from court or other governmental action.
CG-4593	Vessel mortgagee.	Change in any vessel data on certificate of documentation issued to vessel covered by preferred mortgage.
CG-5542	Vessel mortgagee.	Optional on filing of mortgage or related instrument.

Incorporation by Reference

The following material would be incorporated by reference in § 67.119: Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas (1987). Copies of the material are available for inspection where indicated under "ADDRESSES." Copies of the material are available at the addresses in § 67.13.

Regulatory Evaluation

This proposal is not major under Executive Order 12291, but because it concerns matters on which there is substantial public interest, it is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The following constitutes the draft regulatory evaluation for the rulemaking.

This rulemaking proposes simplifying the paperwork and reporting requirements necessary to effect the documentation of a vessel and to streamlining internal administrative procedures and requirements.

The benefits of documenting a vessel are practical, legal, and financial. The salient practical benefit (and not coincidentally the reason the concept of federal documentation exists at all) is to ensure unencumbered interstate and international commerce. This practical benefit is intimately related to the legal benefits attendant upon federal documentation. The existence of a federal system of documentation serves to preempt state numbering and regulatory schemes such that a vessel operated under a federal endorsement (e.g., a coastwise endorsement) is ensured access to state waters for various activities. In fact, the federal documentation statues, which date to the earliest days of our Republic, are a direct result of dissatisfaction with impediments to the free flow of commerce once imposed by the several states. That federal documentation continues to provide this benefit is evidence by the recurring preemption cases in which a vessel owner or operator invokes the protections of documentation against a state seeking to close its waters to nonresidents for certain activities. In the field of international commerce, documentation establishes the nationality of a vessel and confers the privileges, protections, and immunities contemplated by long-standing international law and custom. Another practical benefit of federal documentation stems from the preferential customs and tax treatment accorded to "vessels of the United States." Established national policy seeks to promote the existence of an American merchant marine as a resource to be drawn upon in time of emergency or war. To the extent that documentation is a condition precedent to the receipt of preferential customs and tax treatment, it serves as a tool to promote national policy interests. The major financial benefit conferred by documentation is preferred mortgage financing. The availability of capital for maritime financing hinges upon the existence of the preferred mortgage as security for loans against vessels. Since the proposed regulations will make it easier to document a vessel under U.S. law, and will make filing a mortgage easier, they will enhance the benefits outlined above.

In considering this proposal, the reader should note that not all vessels of the requisite size are required by law to be documented. Documentation is not statutorily required for vessels engaging in foreign trade or for those used exclusively for recreational purposes. A registry endorsement is obtained on a voluntary basis for purposes of establishing the nationality of a vessel for the protections of international law and/or to obtain preferred mortgage financing. Recreational vessels are documented mainly for the purpose of obtaining preferred mortgage financing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

The proposed regulations will apply to the following small entities: Small businesses, individuals, nonprofit organizations, and municipal governments currently owning documented vessels or seeking to document vessels in the future; brokers, attorneys, and law offices providing vessel documentation services; small shipbuilders building vessels which are subsequently documented; boat dealers selling vessels of at least five (5) net tons in size; and lending institutions engaging in preferred mortgage financing.

The changes being proposed in this rulemaking are procedural and administrative in nature. The changes are largely technical amendments which the affected small entities should have little difficulty understanding or adopting into their business practices. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business qualifies as a small entity and that this proposal will

have a significant economic impact on your business, please submit a comment (see "ADDRESSES") explaining why you think your business qualifies and in what way and to what degree this proposal will economically affect your business.

Collection of Information

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) reviews each proposed rule which contains a collection of information requirement to determine whether the practical value of the information is worth the burden imposed by its collection. Collection of information requirements include reporting, recordkeeping, notification, and other similar requirements.

This proposal contains collection of information requirements in the following sections: 67.43, 67.47, 67.55, 67.53, 67.57, 67.59, 67.51, 67.63, 67.70, 67.73, 67.75, 67.77, 67.79, 67.81, 67.83, 67.85, 67.87, 67.89, 67.90, 67.101, 67.105, 67.111, 67.113, 67.117, 67.119, 67.130, 67.131, 67.132, 67.133, 67.134, 67.141, 67.143, 67.145, 67.147, 67.149, 67.151, 67.163, 67.165, 67.167, 67.169, 67.171, 67.175, 67.177, 67.205, 67.207, 67.209, 67.211, 67.231, 67.235, 67.237, 67.239, 67.241, 67.243, 67.245, 67.250, 67.253, 67.255, 67.257, 67.259, 67.267, 67.283, and 67.265.

The reporting and recordkeeping requirements associated with this rule are being submitted to the OMB for approval in accordance with 44 U.S.C. chapter 35. The following particulars apply:

DOT No: 2115; *OMB Control No:* 0110.
Administration: U.S. Coast Guard.
Title: Vessel Documentation.
Need for Information: This information collection requirement is needed to establish a vessel's eligibility to (1) be documented as a U.S. vessel; (2) engage in particular trade; and (3) become the object for a preferred ship's mortgage. All of the foregoing convey privileges to the vessel owner and mortgagee.
Proposed Use: The Coast Guard uses this information to determine if a vessel is eligible for benefits as a U.S. vessel. The Internal Revenue Service (IRS) also uses this information to determine eligibility for investment tax credits.
Frequency: On occasion.
Burden Estimate: 54,000 hours.
Respondents: 180,000.
Form(s): CG–1258, 1261, 1270, 1280, 1280–A, 1280–B, 1340, 1356, 4593, 5542, MA–899.
Average Burden Hours per Respondents: Burden is expressed as follows: CG–1258, 30 minutes; CG–1261, 30 minutes; CG–1280 or 1280–B, 5 minutes; CG–1280–A, negligible; CG–1340, 20 minutes; CG–1356, 20 minutes; CG–4593, 10 minutes; CG–1270, negligible; CG–5542, 10 minutes; MA–899, 15 minutes.

This rulemaking significantly reduces the paperwork burden on the public. For example, in 1990 approximately 60,000 submissions of form MA–899 were required; under this proposal, the Coast Guard estimates that only 1,000 submissions will be required. This is a reduction of 19,600 hours. In addition, form CG–1322 would be eliminated, reducing the burden by another 13,000 hours.

For further information contact: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street, SW, Washington, DC 20503, (202) 395–7340.

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under § 2.B.2 of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. This proposal deals with procedural regulations including reporting and recordkeeping requirements in order to obtain privileges as vessels of the United States and to record title and encumbrance instruments. These regulations are administrative in nature and clearly have no environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects in 46 CFR Part 67

Incorporation by reference, Vessels.

For the reasons set out in the preamble, the Coast Guard proposes to revise 46 CFR part 67 to read as follows:

PART 67—DOCUMENTATION OF VESSELS

Subpart A—General

67.1 Purpose.
67.3 Definitions.
67.5 Vessels eligible for documentation.
67.7 Vessels requiring documentation.
67.9 Vessels excluded from or exempt from documentation.
67.11 Restriction on transfer of an interest in documented vessels to foreign persons; foreign registry or operation.
67.12 Right of appeal.
67.13 Incorporation by reference.
67.14 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Subpart B—Forms of Documentation; Endorsements; Eligibility of Vessel

67.15 Form of document—all endorsements.
67.17 Registry endorsement.
67.19 Coastwise or Great Lakes endorsement.
67.21 Fishery endorsement.
67.23 Recreational endorsement.

Subpart C—Citizenship Requirements for Vessel Documentation

67.30 Requirement for citizen owner.
67.31 Stock or equity interest requirements.
67.33 Individual.
67.35 Partnership, association, or joint venture.
67.37 Trust.
67.39 Corporation.
67.41 Governmental entity.
67.43 Evidence of citizenship.
67.45 Citizenship savings provision for fishing vessels.
67.47 Evidence of Maritime Administration approval.

Subpart D—Title Requirements for Vessel Documentation

67.50 Requirement for title evidence.
67.53 Methods of establishing title.
67.55 Requirement for removal from foreign registry.
67.57 Extent of title evidence required for initial documentation.
67.59 Extent of title evidence required for change in ownership of a documented vessel.
67.61 Extent of title evidence required for vessels returning to documentation.
67.63 Extent of title evidence required for captured, forfeited, special legislation, and wrecked vessels.

Subpart E—Acceptable Title Evidence; Waiver

67.70 Original owner.
67.73 Transfers prior to documentation.
67.75 Transfers by sale or donation subsequent to documentation.
67.77 Passage of title by court action.
67.79 Passage of title without court action following death of owner.
67.81 Passage of title in conjunction with a corporate merger or similar transaction.
67.83 Passage of title by extra-judicial repossession and sale.
67.85 Change in general partners of partnership.
67.87 Change of legal name of owner.
67.89 Waiver of production of bill of sale eligible for filing and recording.

Subpart F—Build Requirements for Vessel Documentation

67.95 Requirement for determination.
67.97 United States built.
67.99 Evidence of build.
67.101 Waiver of evidence of build.

Subpart G—Tonnage and Dimension Requirements for Vessel Documentation

67.105 Requirement for determination.
67.107 System of measurement; evidence.

Subpart H—Designations and Assignments Required for Vessel Documentation

67.111 Assignment of official number.
67.113 Managing owner designation; address; requirement to report change of address.
67.115 Assignment of port of record.
67.117 Vessel name designation.
67.119 Hailing port designation.

Subpart I—Marking Requirements for Vessel Documentation

67.120 General requirement.
67.121 Official number marking requirement.
67.123 Name and hailing port marking requirements.
67.125 Disputes.

Subpart J—Application for Special Qualifications for Vessel Documentation

67.130 Submission of applications.
67.131 Forfeited vessels.
67.132 Special legislation.
67.133 Wrecked vessels.
67.134 Captured vessels.

Subpart K—Application for Documentation, Exchange or Replacement of Certificate of Documentation, or Return to Documentation; Mortgagee Consent; Validation

67.141 Application procedure; all cases.
67.143 Restriction on withdrawal of application.
67.145 Restrictions on exchange; requirement and procedure for mortgagee consent.
67.147 Exchange of Certificate of Documentation; special procedure for change of port of record.
67.149 Exchange of Certificate of Documentation; vessel at sea.
67.151 Replacement of Certificate of Documentation; special procedure for wrongfully withheld document.

Subpart L—Validity of Certificates of Documentation; Renewal of Endorsement; Requirement for Exchange, Replacement, Deletion, Cancellation

67.161 Validity of Certificate of Documentation.
67.163 Renewal of endorsement.
67.165 Deposit of certificate of documentation.
67.167 Requirement for exchange of certificate of documentation.
67.169 Requirement for replacement of certificate of documentation.
67.171 Deletion; requirement and procedure.
67.173 Cancellation; requirement and procedure.

Subpart M—Miscellaneous Applications

67.175 Application for new vessel determination.
67.177 Required application for rebuilt determination.

Subpart N—[Reserved]

Subpart O—Filing and Recording of Instruments—General Provisions

67.200 Instruments eligible for filing and recording.
67.203 Restrictions on filing and recording.
67.205 Requirement for vessel identification.
67.207 Requirement for date and acknowledgment.
67.209 Required number of copies.
67.211 Requirement for citizenship declaration.
67.213 Place of filing and recording.
67.215 Date and time of filing and recording.
67.217 Termination of filing and disposition of instruments.

Subpart P—Filing and Recording of Instruments—Bills of Sale and Related Instruments

67.220 Requirements.
67.223 Filing limitation.

Subpart Q—Filing and Recording of Instruments—Chattel Mortgages, Preferred Mortgages, and Related Instruments

67.231 General requirements; optional application for filing and recording.
67.233 Restrictions on recording—mortgages, preferred mortgages, and related instruments.
67.235 Requirements for mortgages.
67.237 Requirements for assignments of mortgages.
67.239 Requirements for assumptions of mortgages.
67.241 Requirements for amendments of or supplements to mortgages.
67.243 Requirements for instruments subordinating mortgages.
67.245 Requirements for interlender agreements.

Subpart R—Filing and Recording of Instruments—Notices of Claim of Lien and Supplemental Instruments

67.250 General requirements.
67.253 Requirements for notices of claim of lien.
67.255 Restrictions on filing and recording.
67.257 Requirements for assignments of notices of claim of lien.
67.259 Requirements for amendments to notice of claim of lien.

Subpart S—Removal of Encumbrances

67.261 General requirements.
67.263 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.
67.265 Requirements for instruments evidencing satisfaction or release.

Subpart T—General Index and Abstracts of Title

67.301 Requirements for General Index.
67.303 Request for Abstract of Title.

Subpart U—Prohibitions

67.311 Alteration of Certificate of Documentation.
67.313 Command by non-citizen.
67.315 Failure to have Certificate of Documentation on board.
67.317 Failure to produce Certificate of Documentation.
67.319 Failure to report endorsements on the Certificate of Documentation.
67.321 Failure to report change in vessel status and surrender Certificate of Documentation.
67.323 Fraudulent application for Certificate of Documentation.
67.325 Fraudulent use of Certificate of Documentation.
67.327 Operation without Documentation.
67.331 Operation under Certificate of Documentation with invalid endorsement.
67.333 Unauthorized name change.
67.335 Improper markings.
67.337 Failure to report change of address of managing owner.

Subparts V–Y—[Reserved]

Appendix A to Part 67—Ports of Documentation

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. App. 802, 809, 876, 841a, 883; 49 U.S.C. 322, 49 CFR 1.46.

Subpart A—General

§ 67.1 Purpose.

A Certificate of Documentation is required for the operation of a vessel in certain trades, serves as evidence of vessel nationality, and permits a vessel to be subject to preferred mortgages.

§ 67.3 Definitions.

The following definitions are for terms used in this part.

Acknowledgment means:

(1) An acknowledgment or notarization which is in substantial compliance with the Uniform Acknowledgments Act, the Uniform Recognition of Acknowledgments Act, the Uniform Law on Notarial Acts, or the statutes of the State within which it is taken, made before a notary public or other official authorized by a law of a State or the United States to take acknowledgment of deeds;

(2) A certificate issued under the Hague convention Abolishing the Requirement for Legalisation of Public Documents, 1961; or

(3) Any attestation which is substantially in the following form:

State:
County:
Subscribed and sworn to before me on [date]
Notary Public
My commission expires: [date]

Certificate of Documentation means form CG–1270.

Citizen, unless expressly provided otherwise, means a person as defined in this section, meeting the applicable

citizenship requirements of subpart C as a United States citizen.

Coastwise trade includes the transportation of passengers or merchandise between points embraced within the coastwise laws of the United States

Commandant means the Commandant of the United States Coast Guard.

Note: Submissions and correspondence made to the Commandant pursuant to this part should be addressed to Commandant (G–MVI–6), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

Documentation officer means the Coast Guard official who is authorized to approve and process applications made under this part, and record instruments authorized to be filed and recorded under this part.

Documented vessel means a vessel which is the subject of a valid Certificate of Documentation.

Endorsment means an entry which may be made on a Certificate of Documentation, and which, except for a recreational endorsement, is conclusive evidence that a vessel is entitled to engage in a specified trade.

Exclusive Economic Zone (EEZ) means the zone established by Presidential Proclamation No. 5030, dated March 10, 1983, (48 FR 10605, 3 CFR, 1983 Comp., p. 22).

Fisheries includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the Exclusive Economic Zone.

Hull means the shell, or outer casting, and internal structure below the main deck which provide both the flotation envelope and structural integrity of the vessel in its normal operations. In the case of submersible vessel, the term includes all structural members of the pressure envelope.

Manufacturer's Certificate of Origin means a certificate issued under the law or regulation of a State, evidencing transfer of a vessel from the manufacturer as defined in 33 CFR part 181 to another person.

Non-citizen means a person who is not a citizen of the United States as defined in this section.

Officer in Charge, Marine Inspection (OCMI) means the Coast Guard official designated as such by the Commandant, under the superintendence and direction of a Coast Guard District Commander, who is in charge of an inspection zone in accordance with regulations set forth in 46 CFR part 1.

Person means an individual, corporation, partnership, association, joint venture, trust arrangement, the government of the United States, a State or political subdivision thereof, and includes a trustee, beneficiary, receiver, or similar representative of any of them.

Port of Documentation means a port which has been designated by the Commandant as a place which may serve as a port of record for vessel documentation purposes. A documentation office is located in each port of documentation. A list of designated ports of documentation may be found in appendix A to this part.

Port of record means the port of documentation at which the records for a vessel are kept.

Registration means a certificate of number issued pursuant to rules in 33 CFR part 173, a record under the maritime laws of a foreign country, or a certificate issued by a political subdivision of a foreign country.

Secretary means the Secretary of Transportation.

State means a State of the United States or a political subdivision thereof, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

Superstructure means any structural part of a vessel above or including its main deck.

United States, when used in a geographic sense means the States of the United States, Guam, Puerto Rico, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States, except that in § 67.19 trust territories are not considered to be part of the United States.

Vessel includes every description of watercraft or other contrivance used or capable of being used as a means of transportation on water, but does not include aircraft. Vessel also includes ocean thermal energy conversion facilities and ocean thermal energy conservation plantships.

(1) *Ocean thermal energy conversion facility* means any facility which is standing in or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work.

(2) *Ocean thermal energy conversion plantship* means any vessel which is standing in or moored in or beyond the territorial sea of the United States and which is designed to use temperature differences in ocean water to produce electricity or another form of energy capable of being used directly to perform work.

Note: Rulings and interpretations concerning coastwise trade and the fisheries can be obtained from the U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (Attn: Carrier Rulings Branch).

§ 67.5 Vessels eligible for documentation.

Any vessel of at least five (5) net tons wholly owned by a citizen or citizens of the United States is eligible for documentation under this part. This includes, but is not limited to, vessels used exclusively for recreational purposes and vessels used in foreign trade.

§ 67.7 Vessels requiring documentation.

Any vessel of at least five (5) net tons which engages in the fisheries on the navigable waters of the United States or in the Exclusive Economic Zone, Great Lakes trade, or coastwise trade, unless exempt under § 67.9, must have a Certificate of Documentation bearing the appropriate endorsement.

§ 67.9 Vessels excluded from or exempt from documentation.

(a) A vessel of less than five (5) net tons is excluded from documentation.

(b) A vessel which does not operate on the navigable waters of the United States or in the fisheries in the Exclusive Economic Zone is exempt from the requirement to have a Certificate of Documentation.

(c) A non-self-propelled vessel, qualified to engage in the coastwise trade is exempt from the requirement to be documented with a coastwise endorsement when engaged in coastwise trade:

(1) Within a harbor;

(2) On the rivers or lakes (except the Great Lakes) of the United States; or

(3) On the internal waters or canals of any State

(d) A vessel exempt from the requirement to be documented by paragraph (b) or (c) of this section may, at the option of the owner, be documented provided it meets the other requirements.

§ 67.11 Restriction on transfer of an interest in documented vessels to foreign persons; foreign registry or operation.

(a) Without the approval of the Maritime Administration, a documented vessel which is owned by a citizen of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app 802), may not be:

(1) Placed under foreign registry or operated under the authority of a foreign country; or

(2) Sold, mortgaged, leased, chartered, or delivered to any person who is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802)

(b) The restriction in paragraph (a) of this section does not apply to a vessel that has been operated only as:

(1) A fishing vessel, fish processing vessel, or fish tender vessel (as defined in 46 U.S.C. 2101);

(2) A recreational vessel; or

(3) Both

Note: For purposes of this part only, the Coast Guard will deem a vessel which has been documented exclusively with a fishery or recreational endorsement or both from the time it was first documented, or for a period of not less than one year prior to foreign transfer or registry, to qualify for the exemption granted in paragraph (b) of this section.

§ 67.12 Right of appeal.

Any person directly affected by a decision or action taken under this part by or on behalf of the Coast Guard may appeal therefrom in accordance with subpart 1.03 of part 1 of this chapter.

§ 67.13 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the **Federal Register** and make the material available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC and at the U.S. Coast Guard, Merchant Vessel Inspection and Documentation Division, 2100 Second Street SW., Washington, DC 20593–0001 and is available from the source indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the section affected is:

U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22181, Federal Information Processing Standards Publication 55DC, Guideline: Codes for Named Populated Places, Primary County Divisions, and Other Locational Entities of the United States and Outlying Areas (1987) * * * § 67.119.

§ 67.14 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and recordkeeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires that agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

46 CFR part or section where identified or described	Current OMB control No.
Part 67	2115–0110
Part 68	2115–0110

Subpart B—Forms of Documentation; Endorsements; Eligibility of Vessel

§ 67.15 Form of document—all endorsements.

(a) The form of document is a Certificate of Documentation, form CG–1270.

(b) Upon application in accordance with subpart K of this part and determination of qualification by the documentation officer with whom the application is filed, a Certificate of Documentation may be issued with a registry, coastwise, Great Lakes, fishery, or recreational endorsement.

(c) A Certificate of Documentation may bear simultaneous endorsements for recreation and more than one trade, including operation under 46 CFR part 68.

Note: Where a vessel possesses a Certificate of Documentation bearing more than one endorsement, the actual use of the vessel determines the endorsement under which it is operating.

§ 67.17 Registry endorsement.

(a) A registry endorsement entitles a vessel to employment in the foreign trade; trade with Guam, American Samoa, Midway or Kingman reef; and any other employment for which a coastwise, Great Lakes, or fishery endorsement is not required.

(b) Any vessel eligible for documentation under § 67.5 is eligible for a registry endorsement.

(c) A vessel otherwise eligible for a registry endorsement for which the Maritime Administration has not granted general approval in 46 CFR part 221 for sale or transfer to non-citizens loses that eligibility during any period in which it is mortgaged to a person which does not meet the requirements of § 67.233(b).

§ 67.19 Coastwise or Great Lakes endorsement.

(a) A coastwise endorsement entitles a vessel to employment in unrestricted coastwise trade and any other employment for which a registry, fishery, or Great Lakes endorsement is not required.

(b) A Great Lakes endorsement entitles a vessel to employment in the Great Lakes trade and any other employment for which a registry, fishery, or coastwise endorsement is not required.

(c) If eligible for documentation and not restricted from coastwise or Great Lakes trade by paragraph (d) or (e) of this section, the following vessels are eligible for a coastwise or Great Lakes endorsement or both:

(1) Vessels built in the United States (§ 67.97);

(2) Forfeited vessels (§ 67.131);

(3) Vessels granted coastwise trading privileges by special legislation (§ 67.132);

(4) Wrecked vessels (§ 67.133);

(5) Captured vessels (§ 67.134); and

(6) Vessels purchased, chartered, or leased from the Secretary of Transportation by persons who are citizens of the United States (46 U.S.C. app. 808).

(d) A vessel otherwise eligible for a coastwise or Great Lakes endorsement under paragraph (c) of this section permanently loses that eligibility if:

(1) It is thereafter sold in whole or in part to any owner that is not a citizen as defined in subpart C of this part, or a person permitted to document vessels pursuant to 46 CFR part 68;

(2) It is thereafter registered under the laws of a foreign country;

(3) It undergoes rebuilding as defined in § 67.177(a) outside of the United States; or

(4) It is a crude oil tanker of 20,000 deadweight tons or above, and after 17 October 1978 has segregated ballast tanks, a crude oil washing system, or an inert gas system installed outside of the United States as defined in § 67.3.

(e) A vessel otherwise eligible for a coastwise or Great Lakes endorsement under paragraph (c) of this section loses that eligibility, except as provided in paragraph (f) of this section, during any period in which it is:

(1) Owned by a corporation which does not meet the citizenship requirements of § 67.39(b), or;

(2) Mortgaged to a person not listed in § 67.233(b).

(f) The restriction imposed by paragraph (e)(2) of this section does not apply to any vessel for which the Maritime Administration has granted general approval of 46 CFR part 221 for mortgage to non-citizens.

§ 67.21 Fishery endorsement.

(a) A fishery endorsement entitles a vessel to employment in the fisheries as defined in § 67.3 subject to federal and state laws regulating the fisheries, and in any other employment for which a registry, coastwise, or Great Lakes endorsement is not required. A fishery endorsement entitles a vessel to land its catch, wherever caught, in the United States.

(b) If eligible for documentation and not restricted from the fisheries by paragraph (c) of this section, the following vessels are eligible for a fishery endorsement:

(1) Vessels built in the United States (§ 67.97);

(2) Forfeited vessels (§ 67.131);

(3) Vessels granted fisheries privileges by special legislation (§ 67.132);

(4) Wrecked vessels (§ 67.133); and

(5) Captured vessels (§ 67.134).

(c) A vessel otherwise eligible for a fishery endorsement under paragraph (b) of this section permanently loses that eligibility if it undergoes rebuilding as defined in § 67.177(a) outside of the United States.

(d) A vessel otherwise eligible for a fishery endorsement under paragraph (b) of this section and not protected by the savings provision in § 67.45 loses that eligibility during any period in which it is owned by a partnership which does not meet the citizenship requirements of § 67.35(a) and § 67.35(a)(3), or by a corporation which does not meet the citizenship requirements of § 67.39(d).

§ 67.23 Recreational endorsement.

(a) A recreational endorsement entitles a vessel to pleasure use only.

(b) Any vessel eligible for documentation under § 67.5 is eligible for a recreational endorsement.

Note: A vessel having a Certificate of Documentation endorsed only for recreation may not be bareboat chartered except for recreational use. Guidance on the elements of a valid bareboat charter should be obtained through private legal counsel.

Subpart C—Citizenship Requirements for Vessel Documentation

§ 67.30 Requirement for citizen owner.

Certificates of Documentation may be issued under this part only to vessels which are wholly owned by United States citizens. Certificates of Documentation with limited endorsements may be issued to vessels owned by certain persons who are not citizens as defined in this part in accordance with part 68 of this chapter, under the Bowater Amendment and for oil spill response vessels under the Oil Pollution Act of 1990.

§ 67.31 Stock or equity interest requirements.

(a)(1) The stock or equity interest requirements for citizenship under this subpart encompass: title to all classes of stock; title to voting stock; and ownership of equity. An otherwise qualifying corporation or partnership may fail to meet stock or equity interest requirements because: stock is subject to trust or fiduciary obligations in favor of non-citizens; non-citizens, exercise, directly or indirectly, voting power; or non-citizens, by any means, exercise control over the entity. The applicable stock or equity interest requirement is not met if the amount of stock subject to obligations in favor of non-citizens, non-citizen voting power, or non-citizen control exceeds the percentage of the non-citizen interest permitted.

(2) For the purpose of this section, control includes an absolute right to direct corporate or partnership business, to limit the actions of or replace the chief executive officer, a majority of the board of directors or any general partner, to direct the transfer or operations of any vessel owned by the corporation or partnership, or otherwise to exercise authority over the business of the corporation or partnership, but not the right to simply participate in these activities or the right to receive a financial return, e.g., interest or the equivalent of interest on a loan or other financing obligations.

(b) For purposes of meeting the stock or equity interest requirements for citizenship under this subpart where title to a vessel is held by an entity comprised, in whole or in part, of other entities which are not individuals, each entity contributing to the stock or equity interest qualifications of the entity holding title must be a citizen eligible to document vessels in its own right with the trade endorsement sought.

§ 67.33 Individual.

An individual is a citizen if native-born, naturalized, or a derivative citizen of the United States, or otherwise qualifies as a United States citizen.

§ 67.35 Partnership, association, or joint venture.

(a) A partnership is a citizen if all its general partners are citizens, and:

(1) For the purpose of obtaining a registry or recreational endorsement, at least 50 percent of the equity interest in the partnership is owned by citizens;

(2) For the purpose of obtaining a coastwise or Great Lakes endorsement or both, at least 75 percent of the equity interest in the partnership is owned by citizens; or

(3) For the purpose of obtaining a fishery endorsement, more than 50 percent of the equity interest in the partnership is owned by citizens.

(b) An association is a citizen if each of its members is a citizen.

(c) A joint venture is a citizen if each of its members is a citizen.

§ 67.37 Trust.

A trust arrangement is a citizen if each of its trustees and each of its beneficiaries with an enforceable interest in the trust is a citizen.

§ 67.39 Corporation.

(a) For the purpose of obtaining a registry or a recreational endorsement, a corporation is a citizen if:

(1) It is incorporated under the laws of the United States or of a State;

(2) Its chief executive officer, by whatever title, is a citizen;

(3) Its chairman of the board of directors is a citizen; and

(4) No more of its directors are non-citizens than a minority of the number necessary to constitute a quorum.

(b) For the purpose of obtaining a coastwise or Great Lakes endorsement of both, a corporation is a citizen if:

(1) It meets all the requirements of paragraph (a) of this section; and

(2) At least 75 percent of the stock interest in the corporation is owned by citizens.

(c) A corporation which does not meet the requirements of paragraph (b) of this section may qualify for limited coastwise trading privileges by meeting the requirements of Part 68 of this chapter.

(d) A corporation is a citizen for the purpose of obtaining a fishery endorsement if:

(1) It meets all the requirements of paragraph (a) of this section; and

(2) More than 50 percent of the stock interest in the corporation including a majority of voting shares in the corporation is owned by citizens.

§ 67.41 Governmental entity.

A governmental entity is a citizen for the purposes if it is the federal government of the United States or the government of a State as defined in § 67.3.

§ 67.43 Evidence of citizenship.

A completed original Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) establishes a rebuttable presumption that the applicant is a United States citizen.

§ 67.45 Citizenship savings provision for fishing vessels.

A corporation that meets the requirements of paragraph (d)(1) of § 67.39 but does not meet the requirements of paragraph (d)(2) of that section, or a partnership that meets the requirements of paragraphs (a) and (a)(1) of § 67.35 but does not meet the requirements of paragraph (a)(3) of that section, may nonetheless be eligible to obtain a fishery endorsement for a vessel if the Secretary of Transportation, or the Secretary's delegate determines that prior to July 28, 1987, the vessel:

(a) Was documented under 46 U.S.C. chapter 121 and operating as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the Exclusive Economic Zone as defined in 46 U.S.C. 2101(10a); or

(b) Was contracted for purchase for use as a fishing, fish processing, or fish tender vessel in the navigable waters of the United States or the Exclusive Economic Zone as defined in 46 U.S.C. 2101(10a), if the purchase is shown by the contract or similarly reliable evidence acceptable to the Secretary or the Secretary's delegate to have been made for the purpose of using the vessel in the fisheries.

§ 67.47 Evidence of Maritime Administration approval.

(a) The following transactions, among others, require approval of the Maritime Administration in accordance with 46 CFR part 221:

(1) Placement of the vessel under foreign registry;

(2) Operation of the vessel under the authority of a foreign country; and

(3) Sale or transfer of an interest in or control of the vessel from a citizen, as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802), to a person not a citizen within the meaning of section 2 of that act.

(b) A Certificate of Documentation may not be issued for a vessel which subsequent to the last issuance of a Certificate of Documentation has undergone any transaction listed in paragraph (a) of this section, even if the owner meets the citizenship requirements of this subpart, unless evidence is provided that the Maritime Administration approved the transaction.

(c) The restriction imposed by paragraph (b) of this section does not apply to a vessel identified in § 67.11(b).

Subpart D—Title Requirements for Vessel Documentation

§ 67.50 Requirement for title evidence.

The owner of a vessel must present title evidence in accordance with one of the methods specified in this subpart:

(a) When application is made for a coastwise or Great Lakes endorsement for a vessel which has not previously been qualified for such endorsement;

(b) For initial documentation of a vessel;

(c) When the ownership of a documented vessel changes in whole or in part;

(d) When the general partners of a partnership owning a documented vessel change by addition, deletion, or substitution, without dissolution of the partnership; or

(e) When a vessel which has been deleted from documentation is returned to documentation and there has been an intervening change in ownership.

§ 67.53 Methods of establishing title.

Title to a vessel may be established through one of the following methods:

(a) *Simplified method without evidence of build.* The owner must produce a copy of the last registration of the vessel (State, federal, or foreign) and evidence which establishes chain of title from that registration to the present owner.

(b) *Simplified method with evidence of build.* The owner must produce a copy of the last registration of the vessel (State, federal, or foreign) and evidence which establishes chain of title from that registration to the present owner along with evidence of the facts of build in accordance with subpart F of this part.

(c) *Complete chain of title, without evidence of citizenship for each entity in that chain of title.* The owner must provide evidence which establishes:

(1) The facts of build in accordance with subpart F of this part; and

(2) A complete chain of title for the vessel from the person for which the vessel was built to the present owner.

(d) *Complete chain of title, with evidence of citizenship for each entity in that chain of title.* The owner must provide evidence which establishes:

(1) The facts of build in accordance with subpart F of this part; and

(2) A complete chain of title for the vessel from the person for which the vessel was built to the present owner, accompanied by competent and persuasive evidence establishing the citizenship of each entity in the chain of title.

§ 67.55 Requirement for removal from foreign registry.

The owner of a vessel must present evidence of removal of the vessel from foreign registry whenever:

(a) The owner applies for initial documentation of a vessel that has at any time been registered under the laws of a foreign country; or

(b) The owner applies for reentry into documentation of a vessel that had been registered under the laws of a foreign country since it was last documented under the laws of the United States.

§ 67.57 Extent of title evidence required for initial documentation.

(a) Vessels never registered under any system:

(1) Where a coastwise or Great Lakes endorsement is sought, the only title evidence required for a vessel being documented by the owner for whom it was built is the certification of the builder (form CG–1261) described in § 67.99. Any other applicant must present title evidence in accordance with § 67.53(d).

(2) Where a fishery endorsement is sought, the only title evidence required for a vessel being documented by the owner for whom it was built is the certification of the builder (form CG–1261) described in § 67.99. Any other applicant must present title evidence in accordance with either paragraph (c) or (d) of § 67.53.

(3) Where a registry or recreational endorsement is sought by an applicant who is the first owner of the vessel, that applicant must produce the certification described in § 67.99, or a Manufacturer's Certification of Origin. Any other applicant must also present title evidence in accordance with either paragraph (c)(2) or (d)(2) of § 67.53.

Note: Manufacturer's Certificates of Origin are sometimes used as shipping documents for vessels, and may recite as the first owner a person other than the person for which the vessel was built. Therefore, a chain of title which begins with a Certificate of Origin will be deemed incomplete.

(b) Vessels previously registered under the laws of a State or a foreign government:

(1) Where a coastwise or Great Lakes endorsement is sought, title evidence must be presented in accordance with § 67.53(d).

(2) Where a fishery endorsement is sought, title evidence must be presented in accordance with either paragraph (b), (c), or (d) of § 67.53.

(3) Where a registry or recreational endorsement is sought, title evidence must be presented in accordance with

either paragraph (a), (b), (c), or (d) of § 67.53.

§ 67.59 Extent of title evidence required for change in ownership of a documented vessel.

When the ownership of a documented vessel changes, in whole or in part, the applicant for documentation must present:

(a) The title evidence required by subpart E of this part to reflect all ownership changes subsequent to the last issuance of a certificate of Documentation; and

(b) Where a registry, fishery, or recreational endorsement is sought, evidence of the citizenship of all owners subsequent to the last owner for whom the vessel was documented except for a vessel:

(1) Identified in § 67.11(b); or

(2) For which the Maritime Administration has granted approval for transfer of sale under 46 CFR part 221.

(c) Where a coastwise or Great lakes endorsement is sought, evidence establishing the citizenship of all owners subsequent to the last owner for whom the vessel was documented with a coastwise or Great Lakes endorsement, if such evidence is not already on file with the Coast Guard. If the vessel has never been documented with a coastwise or Great Lakes endorsement, evidence must be presented to establish the citizenship of each owner for whom such evidence is not already on file with the Coast Guard.

§ 67.61 Extent of title evidence required for vessels returning to documentation.

(a) When the owner of a vessel which has been deleted from documentation applies to have the vessel returned to documentation, except as provided in paragraphs (b) and (c) of this section, the owner must provide evidence establishing the complete chain of title from the last owner under documentation, and citizenship evidence for all owners in that chain of title.

(b) When a vessel is returned to documentation after having been under foreign registry, the owner must provide a copy of the last foreign registry, the evidence required by § 67.55, and evidence establishing the complete chain of title from the last owner under foreign registry. No citizenship evidence need be provided for owners in that chain.

(c) The owner of a vessel identified in § 67.11(b) or for which the Maritime Administration has granted approval for transfer or sale, either by written order or by general approval in 46 CFR Part 221, and which was under a State or federal registration or titling system, must provide a copy of the last registration or title, the evidence required by § 67.55 if applicable, and evidence establishing the complete chain of title from the last owner under such registry or title. No citizenship evidence need be provided for owners in that chain. Although vessels returned to documentation without a complete chain of title are not eligible for coastwise or Great Lakes endorsements, this does not preclude such an endorsement if the chain of title is completed at a later date.

§ 67.63 Extent of title evidence required for captured, forfeited, special legislation, and wrecked vessels.

(a) In the case of a captured or forfeited vessel, the owner must provide evidence establishing the chain of title from the judicial decree of capture or decree of forfeiture, or the evidence of administrative forfeiture described in § 67.13(b). Citizenship evidence for all owners in the chain is required only if a coastwise or Great Lakes endorsement is sought.

(b) In the case of a wrecked vessel or a vessel which is the subject of special legislation, the owner must provide:

(1) For initial documentation of a vessel, or return to documentation of a vessel which was deleted from documentation, a copy of the last federal, state, or foreign registration, the evidence required by § 67.55 if applicable, and evidence establishing the chain of title from the point of that registration, subsequent to the Commandant determination that the vessel is eligible for documentation under 46 U.S.C. app. 14. Citizenship evidence for all owners in the chain of title is required only if a coastwise or Great Lakes endorsement is sought.

(2) For a documented vessel, the title evidence reflecting all ownership changes subsequent to the last documented owner of record. In addition, unless the vessel qualifies for exemption under § 67.11(b) or the vessel is the subject of Maritime Administration general approval in 46 CFR part 221 for sale or transfer to non-citizens, citizenship evidence must be presented for all owners in that chain of title.

Subpart E—Acceptable Title Evidence; Waiver

§ 67.70 Original owner.

The builder's certification described in § 67.99 serves as evidence of the original owner's title to a vessel.

§ 67.73 Transfers prior to documentation.

A transfer of vessel title prior to documentation may be evidenced by:

(a) Completion of the transfer information on the reverse of the builder's certification on form CG–1261;

(b) Completion of the transfer information on the reverse of the Manufacturer's Statement of Origin; or

(c) A bill of sale which meets the criteria for filing and recording set forth in subpart P of this part.

§ 67.75 Transfers by sale or donation subsequent to documentation

(a) Except as otherwise provided in this subpart, transfers of vessel title must be evidenced by a bill of sale which meets the criteria for filing and recording set forth in subpart P of this part. Except as otherwise provided in supart O of this part, each bill of sale must be accompanied by a declaration of citizenship from the new owner, executed on the appropriate Maritime Administration form described in § 67.211.

(b) The bill of sale form used may be form CG–1340 or form CG–1356, if appropriate.

(c) An applicant for documentation who cannot produce required title evidence in the form of an instrument eligible for filing and recording in accordance with subpart P of this part may apply for a waiver of that requirement in accordance with the provisions of § 67.99.

§ 67.77 Passage of title by court action.

(a) When title to a vessel has passed by court action, that passage must be established by copies of the relevant court order(s) certified by an official of the court.

(b) When authority to transfer a vessel has been conferred by court action, that authority must be established by copies of the relevant court order(s) certified by an official of the court.

§ 67.79 Passage of title without court action following death of owner.

When title to a vessel formerly owned in whole or in part by an individual now deceased passes without court action, an applicant for documentation must present:

(a) A copy of the death certificate, certified by an official of a State or political subdivision thereof, when title passes to a surviving joint tenant or tenants or to a tenant by the entirety; or

(b) Evidence of compliance with applicable State law where the laws of the cognizant jurisdiction permit passage of title without court action.

§ 67.81 Passage of title in conjunction with a corporate merger or similar transaction.

When the title to a vessel has passed as the result of a corporate merger or similar transaction wherein the assets of one corporation has been transferred to another, the passage of title must be established by:

(a) Materials, such as a resolution of the board of directors or shareholders of the corporation which held title to the vessel before the transaction, which either unequivocally transfers all of the assets of the corporation or which specifically identify the vessel as being among the assets transferred; and

(b) In jurisdictions where there is an official recognition of corporate mergers and similar transactions, a copy of such official recognition certified by the cognizant official of that jurisdiction.

§ 67.83 Passage of title by extra-judicial repossession and sale.

When title to a documented vessel has passed by reason of an extra-judicial repossession and sale, such passage must be established by:

(a) A copy of the instrument under which foreclosure was made;

(b) An affidavit from the foreclosing party setting forth the reasons for foreclosure, the chronology of foreclosure, the statute(s) under which foreclosure was made, and the steps taken to comply with the relevant instrument and statute(s);

(c) Evidence of substantial compliance with the relevant instrument and statute(s); and

(d) A bill of sale which meets the criteria for filing and recording set forth in subpart P of this part from the foreclosing party as agent for the defaulting owner(s).

§ 67.85 Change in general partners of partnership.

When the general partners of a partnership owning a documented vessel change by addition, deletion, or substitution without dissolution of the partnership, the change must be established by a written statement from a surviving general partner detailing the nature of the change.

§ 67.87 Change of legal name of owner.

(a) When the name of a corporation which owns a documented vessel changes, the owner must present certification from the appropriate governmental agency evidencing registration of the change.

(b) When the name of an individual who owns a documented vessel changes for any reason, competent and persuasive evidence establishing the change must be provided.

§ 67.89 Waiver of production of a bill of sale eligible for filing and recording.

(a) When the evidence of title passage required by this subpart is a bill of sale which meets the criteria for filing and recording set forth in subpart P of this part, and the applicant is unable to produce a bill of sale meeting those criteria, the applicant may request that the documentation officer at the port where application for documentation, exchange, or redocumentation is made waive that requirement.

(b) The request for waiver must include:

(1) A written statement from the applicant detailing the reasons why an instrument meeting the filing and recording criteria of this part cannot be obtained;

(2) Competent and persuasive evidence of the passage of title; and

(3) The fee prescribed in subpart Y of this part.

(c) No waiver of the requirement to produce a bill of sale eligible for filing and recording may be granted in the absence of competent and persuasive evidence of passage of title.

Subpart F—Build Requirements for Vessel Documentation

§ 67.95 Requirement for determination.

Evidence that a vessel was built in the United States must be on file for any vessel for which a coastwise, Great Lakes, or fishery endorsement is sought, unless the vessel is otherwise qualified for those endorsements under subpart J of this part.

§ 67.97 United States built.

To be considered built in the United States a vessel must meet both of the following criteria:

(a) All major components of its hull and superstructure are fabricated in the United States; and

(b) The vessel is assembled entirely in the United States.

§ 67.99 Evidence of build.

(a) Evidence of the facts of build may be either a completed original form CG–1261, or other original document containing the same information, executed by a person having personal knowledge of the facts of build because that person:

(1) Constructed the vessel;

(2) Supervised the actual construction of the vessel; or

(3) Is an officer or employee of the company which built the vessel and has examined the records of the company concerning the facts of build of the vessel.

(b) A vessel owner applying for documentation must file a separate certificate from each builder involved in the construction of the vessel.

(c) A Manufacturer's Certificate of Origin is not evidence of the facts of build.

§ 67.101 Waiver of evidence of build.

(a) A vessel owner applying for documentation unable to obtain the evidence required by § 67.99 may apply for a waiver of that requirement to the documentation officer at the port where application for documentation is made.

(b) The application for waiver must include:

(1) A written request for the waiver, explaining why the evidence required by § 67.99 cannot be furnished;

(2) Competent and persuasive evidence of the facts of build; and

(3) The fee specified in subpart Y of this part.

(c) No waiver of the requirements imposed by § 67.99 may be granted in the absence of competent and persuasive evidence of the facts of build.

Subpart G—Tonnage and Dimension Requirements for Vessel Documentation

§ 67.105 Requirement for determination.

The gross and net tonnage and dimensions of a vessel must be determined:

(a) For initial documentation;

(b) Whenever there is a change in the gross or net tonnage or dimensions of a documented vessel; or

(c) When the gross or net tonnage of a vessel returning to documentation has changed since the vessel was last documented.

§ 67.107 System of measurement; evidence.

(a) The gross and net tonnage and dimensions of a vessel for purposes of this part are determined in accordance with 46 CFR part 69.

(b) A Certificate of Measurement issued by an authorized official is the only acceptable evidence of the gross and net tonnage of a vessel measured in accordance with subpart B, C, or D of 46 CFR part 69. Because the gross and net tonnage of vessels measured under subpart E of 46 CFR part 69 are determined as part of the documentation process, no Certificate of Measurement is required.

Subpart H—Designations and Assignments Required for Vessel Documentation

§ 67.111 Assignment of official number.

(a) The owner of a vessel must submit an Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or the documentation office nearest where the vessel is located, to apply for an official number for the vessel when:

(1) Application is made for initial documentation of the vessel; and

(2) An existing vessel has been severed, with two (2) or more vessels resulting. In this case, the official number of the original vessel is retired and the owner of each resulting vessel must apply for designation of a new official number.

(b) Upon receipt of form CG–1258, the documentation officer at the port where application for documentation is made will have an official number assigned to the vessel and furnish it to the vessel owner.

§ 67.113 Managing owner designation; address; requirement to report change of address.

Every vessel must have a managing owner who shall be designated on the Application for Documentation, Exchange or Replacement of Document, or Redocumentation (CG–1258).

(a) The managing owner of a vessel owned by one person is the owner of the vessel.

(b) The managing owner of a vessel owned by more than one person must be one of the owners. The person designated as managing owner must have an address in the United States except where no owner of the vessel has an address in the United States.

(c) The managing owner of a vessel owned in a trust arrangement must be one of the trustees.

(d) The address of the managing owner is defined as follows:

(1) For an individual, any residence of the managing owner.

(2) For a partnership, its address:

(i) In the State under whose laws it is organized; or

(ii) Of its principal place of business.

(3) For a corporation, its address:

(i) Within the State of incorporation; or

(ii) Of its principal place of business.

(e) The managing owner must notify the documentation officer at the port of record of the vessel within ten days of a change of address.

§ 67.115 Assignment of port of record.

(a) A port of record is assigned to a vessel:

(1) Upon initial documentation;

(2) When there is a change in the ownership of the vessel, in whole or in part; or

(3) When the owner requests to change the port of record of the vessel in accordance with the rules in paragraph (c) of this section. The owner shall not be required to change the port of record of the vessel solely because of a change of address of the managing owner.

(b) The same port of record will be assigned to all vessels owned by the same owner(s).

(c) The port of record of the vessel is:

(1) Boston, MA if the address of the managing owner is located within the Boston Marine Inspection Zone, the Portland, Maine Marine Inspection Zone, or the Providence Marine Inspection Zone in the First Coast Guard District;

(2) New York, NY if the address of the managing owner is located within the New York Marine Inspection Zone in the First Coast Guard District;

(3) St. Louis, MO, if the address of the managing owner as is located in the Second Coast Guard District;

(4) Philadelphia, PA, if the address of the managing owner is located within the Philadelphia Marine Inspection Zone in the Fifth Coast Guard District;

(5) Norfork, VA if the address of the managing owner is within the Hampton Roads Marine Inspection Zone, the Baltimore Marine Inspection Zone, or the Wilmington Marine Inspection Zone in the Fifth Coast Guard District;

(6) Miami, FL if the address of the managing owner is located in the Seventh Coast Guard District;

(7) New Orelans, LA if the address of the managing owner is located in a State other than Texas or New Mexico, within the Eighth Coast Guard District;

(8) Houston, TX if the address of the managing owner is located in Texas or New Mexico within the Eighth Coast Guard District;

(9) Cleveland, OH if the address of the managing owner is located in the Ninth Coast Guard District;

(10) Los Angeles, CA if the address of the managing owner is located in the Los Angeles-Long Beach Marine Inspection Zone or the San Diego Marine Inspection Zone within the Eleventh Coast Guard District;

(11) San Francisco, CA if the address of the managing owner is located within the San Francisco Marine Inspection Zone within the Eleventh Coast Guard District;

(12) Portland, OR if the address of the managing owner is located in Oregon or Idaho within the Thirteenth Coast Guard District;

(13) Seattle, WA if the address of the managing owner is located within the Fourteenth Coast Guard District, or in Washington or Montana within the Thirteenth Coast Guard District; or

(14) Juneau, AK if the address of the managing owner is located in the Seventeenth Coast Guard District.

Note: Geographical boundaries for the Coast Guard Marine Inspection Zones and Coast Guard Districts identified in this section can be found in 33 CFR part 3.

(d) For a vessel owned by a State, territory, possession, any political subdivision of the same, or any agency of a State, territory, possession or political subdivision, the port of record is the port of documentation serving the address in which the capital of the State, territory, or possession is located.

(e) For a vessel owned by the United States Government the port of record is Norfolk, VA.

(f) If the managing owner does not have an address within the United States the port of record may be any port of documentation.

§ 67.117 Vessel name designation.

(a) The owner of a vessel must submit an Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258) to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or the documentation office nearest where the vessel is located, to designate a name for the vessel:

(1) Upon application for initial documentation of the vessel; or

(2) When the owner elects to change the name of the vessel.

(b) The name designated must be approved by the Secretary or Secretary's delegate, and may not be identical, actually or phonetically to any word or words used to solicit assistance at sea. The name, which must be composed of letters of the Latin alphabet or Arabic or Roman numerals, may not actually contain nor be phonetically identical to obscene, indecent, or profane language, or to racial or ethnic epithets.

(c) The name of a documented vessel may not be changed without the prior approval of the documentation officer at the port where application for name change is made, and payment of the fee specified in subpart Y of this part.

(d) Until such time as the owner of a vessel elects to change the name of a vessel, the provisions of paragraph (b) of this section do not apply to vessels validly documented before [*insert the effective date of the final rule*].

§ 67.119 Hailing port designation.

(a) Upon application for any Certificate of Documentation in accordance with subpart K of this part, the owner of a vessel must designate a hailing port to be marked upon the vessel.

(b) The hailing port must be a place in the United States included in the U.S. Department of Commerce's Federal Information Processing Standards Publication 55DC.

(c) The hailing port must include the State, territory, or possession in which it is located.

(d) The OCMI for the port at which application for documentation is made has final authority to settle disputes as to the propriety of the hailing port designated.

(e) Until such time as a port of record assignment is required in accordance with § 67.115, or the owner elects to designate a new hailing port, the provisions of this section do not apply to vessels which are the subject of a Certificate of Documentation issued before July 1, 1982.

Subpart I—Marking Requirements for Vessel Documentation

§ 67.120 General requirement.

No Certificate of Documentation issued under this part will be deemed valid until the vessel is marked in accordance with the rules in this subpart.

§ 67.121 Official number marking requirement.

The official number of the vessel, preceded by the abbreviation "NO." must be marked in block type Arabic numerals not less than three (3) inches in height on some clearly visible interior structural part of the hull. The number must be permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the official number is on a separate plate, the plate must be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area.

§ 67.123 Name and hailing port marking requirements.

(a) For vessels other than those covered in paragraphs (b) and (c) of this section, the name of the vessel must be marked on some clearly visible exterior part of the port and starboard bow and the stern of the vessel. The hailing port of the vessel must be marked on some clearly visible exterior part of the stern of the vessel.

(b) Vessels with square bow. For vessels having a square bow, the name of the vessel may be marked on some clearly visible exterior part of the bow in order to avoid obliteration. The name and hailing port must be marked on some clearly visible exterior part of the stern.

(c) Recreational vessels. For vessels documented exclusively for recreation, the name and hailing port must be marked together on some clearly visible exterior part of the hull.

(d) The markings required by paragraphs (a), (b), and (c) of this section, which may be made by the use of any means and materials which result in durable markings, must be made in clearly legible letters of the Latin alphabet or Arabic or Roman numerals not less than four (4) inches in height.

§ 67.125 Disputes.

The OCMI for the zone in which the vessel is located has final authority in any disputes concerning the permanence, durability, legibility, or placement of a vessel's markings.

Subpart J—Application for Special Qualifications for Vessel Documentation

67.130 Submission of applications.

(a) All applications made under this subpart and all subsequent filings to effect documentation, except as provided in § 67.133(b), must be submitted to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located.

(b) Once a transmission under this subpart has been initiated at a documentation office, all subsequent filings for that transaction must be made at that same documentation office.

§ 67.131 Forfeited vessels.

(a) A forfeited vessel is:

(1) One which has been adjudged forfeited by a federal district court to the federal government of the United States for a breach of its laws; or

(2) One which has been forfeited under an administrative forfeiture action to the federal government of the United States for a breach of its laws; or

(3) One which has been seized by the federal government of the United States for a breach of its laws and which has been sold at an interlocutory sale, the proceeds of which have been adjudged forfeited by a federal district court to the federal government of the United States. A vessel is considered forfeited within the meaning of this section even if the proceeds, though adjudged forfeited to the United States, do not actually accrue to the United States.

(b) In addition to any other submissions required by this part, the owner of a forfeited vessel applying for a Certificate of Documentation for that vessel must submit the following:

(1) Where the vessel has been adjudged forfeit, or the proceeds of the sale of the vessel have been adjudged forfeit to the federal government of the United States by a federal district court, a copy of the court order certified by an official of the court;

(2) Where the vessel was forfeited to the federal government of the United States under an administrative forfeiture action, an affidavit from an officer of the agency which performed the forfeiture who has personal knowledge of the particulars of the vessel's forfeiture or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

§ 67.132 Special legislation.

(a) Vessels not otherwise entitled to be operated in the coastwise trade, Great Lakes trade, or in the fisheries may obtain these privileges as a result of special legislation by the Congress of the United States.

(b) In addition to any other submissions required by this part, the owner of a vessel which is entitled to engage in a specified trade because it is the subject of special legislation must include a copy of the legislation to establish the entitlement.

§ 67.133 Wrecked vessels.

(a) Under the provisions of 46 U.S.C. app. 14, a wrecked vessel is one which:

(1) Has incurred substantial damage to its hull or superstructure as a result of natural or accidental causes which occurred in the United States or its adjacent waters; and

(2) Has undergone, in a shipyard in the United States or its possessions, repairs equaling three (3) times the appraised salved value of the vessel.

(b) The determinations of the appraised salved value (which will include consideration of the fact that the vessel, if found in compliance with the Act, will attain coastwise and fishery privileges) and that the repairs made upon the vessel are equal to three times that value must be made by a board of three (3) appraisers. The Commandant will appoint the members of the board, and the cost of the board must be borne by the applicant. The owner of a vessel requesting a determination that the vessel is wrecked within the meaning of 46 U.S.C. app. 14 must submit the following to the Commandant:

(1) Competent and persuasive evidence of the casualty and its location. Coast Guard situation or investigation reports are acceptable as casualty evidence. Other competent and persuasive evidence may be accepted at the discretion of the Commandant.

(2) A writing setting forth the physical location of the vessel, containing a guarantee that the requesting party assumes full responsibility for all costs, liabilities, and other expenses that arise in conjunction with the services performed by the board of appraisers, and stating that at the time of documentation the vessel will be owned by a citizen of the United States; and

(3) The fee specified in subpart Y of this part.

(c) In addition to other submissions required by this part, a vessel owner applying for a Certificate of Documentation for a vessel accorded privileges by the Wrecked Vessel Statute (R.S. 4136) must include a copy of the Commandant's determination that the vessel qualifies for documentation under 46 U.S.C. app. 14.

§ 67.134 Captured vessels.

(a) A captured vessel is one which has been taken by citizens of the United States during a period of war and is thereafter condemned as a prize by a court of competent jurisdiction.

(b) In addition to other submissions required by this part, a vessel owner applying for a Certificate of Documentation of a vessel which qualifies as a captured vessel must include a copy of the court order stating that the vessel was lawfully captured and condemned as a prize.

Subpart K—Application for Documentation, Exchange or Replacement of Certificate of Documentation, or Return to Documentation; Mortgagee Consent; Validation

§ 67.141 Application procedure; all cases.

The owner of a vessel applying for an initial Certificate of Documentation, exchange or replacement of a Certificate of Documentation, or return of a vessel to documentation after deletion from documentation must:

(a) Submit the following to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located:

(1) Application for Initial Issue, Exchange, or Replacement Certificate of Documentation; or Redocumentation (form CG–1258);

(2) The fee specified in subpart Y of this part;

(3) Title evidence, if applicable; and

(4) If the application is for replacement of a mutilated document or exchange of documentation, the outstanding Certificate of Documentation.

(b) Upon receipt of the Certificate of Documentation and prior to operation of the vessel, ensure that the vessel is marked in accordance with the requirements set forth in subpart I of this part.

§ 67.143 Restriction of withdrawal of application.

The owner of a vessel making application pursuant to § 67.141 may not withdraw that application if a mortgage has been filed against a vessel covered by the application unless the mortgagee consents to withdrawal of the application. Consent of the mortgagee is evidenced by filing a properly completed original Consent of Mortgagee to Exchange of Certificate of Documentation or Withdrawal of Application for Documentation (form CG–4593).

§ 67.145 Restrictions on exchange; requirement and procedure for mortgagee consent.

(a) A Certificate of Documentation issued to a vessel which is the subject of an outstanding mortgage recorded pursuant to Subpart Q or predecessor regulations may not be exchanged for a cause arising under § 67.167(a) or § 67.167(b) (1) through (6) without the consent of the mortgagee, except as provided in paragraph (b) of this section.

(b) The provisions of paragraph (a) of this section do not apply to a vessel which is subject only to a mortgage filed or recorded before January 1, 1989, which had not attained preferred status as of that date.

(c) When the owner of a vessel applies for a Certificate of Documentation and the consent of the mortgagee is required under paragraph (a) of this section, the applicant must submit a properly completed original Consent of Mortgagee to Exchange of Certificate of Documentation or Withdrawal of Application for Documentation (form CG–4593) signed by or on behalf of the mortgagee to the documentation officer at the port where application for exchange is made.

(d) If an application for exchange is made to a documentation officer at a port of documentation other than the port of record, form CG–4593 must be accompanied by a certified copy of the vessel's Abstract of Title (form CG–1332) issued at the vessel's port of record not more than fifteen (15) days prior to the date on which the application is made.

§ 67.147 Exchange of certificate of documentation; special procedure for change of port of record.

When the owner of a documented vessel elects or is required to change the port of record of a vessel the owner must:

(a) Comply with the requirements of § 67.141;

(b) Comply with the requirements of § 67.145, if applicable; and

(c) In accordance with § 67.301, request that the documentation officer at the vessel's present port of record forward the vessel's General Index (form (CG–1332) to the new port of record assigned for the vessel in accordance with § 67.115.

Note: In the case of a simultaneous change of owner and port of record, these procedures must be followed by the new owner of the vessel.

§ 67.149 Exchange of certificate of documentation; vessel at sea.

When exchange of a Certificate of Documentation issued to a vessel which is at sea is required pursuant to Subpart L, the procedures in this section may be followed while the vessel is still at sea.

(a) The vessel owner must:

(1) Comply with the requirements § 67.141(a) (1)–(3); and

(2) Mark the vessel with its new name or hailing port in accordance with subpart I, if applicable, when the vessel reaches its first port of call, wherever that may be.

(b) The documentation officer prepares a new Certificate of Documentation and forwards it for delivery to the vessel's next port of call. If the port of call is in the United States, the Certificate is forwarded to the nearest U.S. Coast Guard Marine Safety Office. If the port of call is in a foreign country, the Certificate is forwarded to the nearest American Consulate. The new Certificate is delivered only upon surrender of the old Certificate, which is then forwarded to the port of record of the vessel.

§ 67.151 Replacement of certificate of documentation; special procedure for wrongfully withheld document.

When the owner of a documented vessel alleges that the Certificate of Documentation for that vessel is being wrongfully withheld by any person the owner must:

(a) Submit to the Commandant, via the documentation officer at the port of record of the vessel assigned in accordance with § 67.115, or at the documentation office nearest where the vessel is located, a statement setting forth the reasons for the allegation; and

(b) Upon the Commandant's finding that the Certificate is being wrongfully withheld, apply for replacement of the Certificate in accordance with the requirements of § 67.141.

Subpart L—Validity of Certificates of Documentation; for Renewal of Endorsement, Requirement for Exchange, Replacement, Deletion, Cancellation

§ 67.161 Validity of certificate of documentation.

(a) Notwithstanding any other provision of this subpart, except as provided in paragraph (b) of this section, a Certificate of Documentation but no trade endorsement thereon, issued to a vessel which is the subject of an outstanding mortgage filed or recorded in accordance with subpart Q or any predecessor regulations, remains valid for purposes of:

(1) 46 U.S.C. chapter 125;

(2) 46 U.S.C. chapter 313 for an instrument filed or recorded before the date of invalidation, and an assignment or a notice of claim of lien filed after that date;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242).

(b) The provisions of paragraph (a) of this section do not apply to a vessel which is subject only to a mortgage filed or recorded before January 1, 1989, which had not attained preferred status as of that date.

§ 67.163 Renewal of endorsement.

(a) *Requirement for renewal of endorsement.* Endorsements on Certificates of Documentation are valid for one year. Prior to the expiration of that year, the owner of a vessel which is not exempt from the requirement for documentation under paragraph (c) of § 67.9 must apply for renewal of the endorsement(s) by complying with paragraph (b) of this section. The owner of a vessel exempt from the requirement for documentation under paragraph (c) of § 67.9 must either:

(1) Apply for renewal of the endorsement by complying with paragraph (b) of this section; or

(2) Place the Certificate of Documentation on deposit in accordance with § 67.165.

(b) *Renewal application.* The owner of a vessel must apply for renewal of each endorsement by executing an original Notice of Expiration (CG–1280) or Final Notice After Expiration (CG–1280–B) certifying that the information contained in the Certificate of Documentation and any endorsement(s) thereon remains accurate, and that the Certificate has not been lost, mutilated, or wrongfully withheld. The completed CG–1280 or CG–1280–B must be forwarded to the documentation officer at any port of documentation. The fee specified in subpart Y must be paid if:

(1) Application for renewal is made at a port other than the vessel's port of record;

(2) The owner requests that the renewal decal described in paragraph (c) of this section be forwarded to an address other than the vessel owner's address of record; or

(3) The application for renewal is not received within sixty (60) days after the date on which the endorsement(s) expired.

(c) *Documentation officer procedure.* Upon receipt of a properly executed form CG–1280 or form CG–1280–B and any applicable fees, the documentation officer forwards a renewal decal, CG–1280–A, to the vessel owner at the owner's address of record or other address as requested by the owner.

(d) *Requirement to affix decal.* The owner must affix the renewal decal to the Certificate of Documentation. The presence of a current renewal decal is evidence that the endorsement has been renewed.

§ 67.165 Deposit of certificate of documentation.

(a) *Option for deposit in lieu of renewal of endorsement.* In lieu of renewing the endorsement(s) in accordance with § 67.163, the owner of a vessel which is exempt from the requirement for documentation under paragraph § 67.9(c) may deposit the vessel's outstanding Certificate of Documentation with the documentation officer at he vessel's port of record assigned in accordance with § 67.115.

(b) *Reporting requirement.* The owner of a vessel whose Certificate is on deposit in accordance with paragraph (a) of this section must make a written report to the documentation officer at the vessel's port of record:

(1) When exchange of the Certificate is required upon the occurrence of one or more of the events described in § 67.167(b), (c), or (d);

(2) The vessel is subject to deletion from the roll of actively documented vessels upon the occurrence of one or more of the events described in § 67.167 (a)(1) through (8).

(c) *Validity of document on deposit.* A Certificate of Documentation placed on deposit in accordance with the paragraph (a) of this section is valid for the purposes of:

(1) 46 U.S.C. chapter 125;

(2) 46 U.S.C. chapter 313;

(3) Sections 9 and 37(b) of the Shipping Act, 1916 (46 U.S.C. app. 808, 835(b)); and

(4) Section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242).

§ 67.167 Requirement for exchange of certificate of documentation.

(a) When application for exchange of the Certificate of Documentation is required upon the occurrence of one or more of the events described in paragraphs (b), (c), or (d) of this section, or the owner of the vessel chooses to apply for exchange of the Certificate pursuant to paragraph (e) of this section, the owner must send or deliver the Certificate to the documentation officer at the port of record of the vessel assigned in accordance with § 67.115 or at the documentation office nearest where the vessel is located, and apply for an exchange of the Certificate in accordance with subpart K.

(b) A Certificate of Documentation together with any trade or recreational endorsement thereon becomes invalid immediately, except as provided in § 67.161, when:

(1) The ownership of the vessel changes in whole or in part;

(2) The general partners of a partnership change by addition, deletion, or substitution;

(3) The port of record of the vessel changes;

(4) The State of incorporation of any corporate owner of the vessel changes;

(5) The vessel is placed under the command of a person who is not a citizen of the United States;

(6) The hailing port of the vessel changes; or

(7) The name of the vessel changes.

(c) A Certificate of Documentation together with any trade or recreational endorsement thereon becomes invalid, except as provided in § 67.161 and in paragraph (f) of this section, immediately if the vessel is not at sea, or upon the vessel's next arrival in port anywhere in the world if the vessel is at sea, when:

(1) The gross or net tonnages or dimensions of the vessel change;

(2) Any beneficiary with an enforceable interest in a trust arrangement owning a vessel changes by addition or substitutions;

(3) The trustee of a trust arrangement owning a vessel changes by addition, substitution, or deletion;

(4) A tenant by the entirety owning any part of the vessel dies;

(5) The restrictions imposed on the vessel changes by addition or substitution;

(6) The legal name of any owner of the vessel changes;

(7) A self-propelled vessel becomes non-self-propelled or a non-self-propelled vessel becomes self-propelled;

(8) The endorsements for the vessel change by addition, deletion, or substitution; or

(9) A substantive or clerical error made by the issuing documentation officer is discovered.

(d) Although a Certificate of Documentation and all trade endorsements thereon remain valid, the owner of a documented vessel must apply for exchange of the Certificate upon an election to designate a new managing owner of the vessel in accordance with § 67.113.

(e) Although the trade or recreational endorsement(s) on a Certificate of Documentation remain valid, the owner may apply for exchange of the Certificate if:

(1) The restrictions imposed on the vessel change by deletion; or

(2) The vessel attains a special entitlement under Subpart J.

(f) A Certificate of Documentation which becomes invalid pursuant to paragraph (b) of this section remains valid for thirty (30) days for the purposes of 46 USC chapter 313.

§ 67.169 Requirement for replacement of certificate of documentation.

(a) The owner of a documented vessel must make application in accordance with subpart K for replacement of a Certificate of Documentation which is:

(1) Lost;

(2) Mutilated; or

(3) Wrongfully withheld from the vessel owner.

(b) When application for replacement of a Certificate of Documentation is required because the Certificate has been mutilated, the existing Certificate must be physically given up to the documentation officer to whom application is made.

§ 67.171 Deletion; requirement and procedure.

(a) A Certificate of Documentation issued to a vessel, together with any endorsements thereon, is invalid, except as provided in § 67.161, and that vessel is subject to deletion from the roll of actively documented vessels when:

(1) The vessel is placed under foreign flag;

(2) The vessel is sold or transferred in whole or in part to a person who is not a citizen of the United States within the meaning of Subpart C of this part;

(3) Any owner of the vessel ceases to be a citizen of the United States within the meaning of subpart C of this part;

(4) The owner no longer elects to document the vessel;

(5) The vessel no longer measures at least five (5) net tons;

(6) The vessel ceases to be capable of transportation by water;

(7) The owner fails to exchange the Certificate as required by § 67.167;

(8) The owner fails to maintain the markings required by subpart I of this part; or

(9) The owner fails to:

(i) Renew the endorsement(s) as required by § 67.163; or

(ii) Comply with the provisions of § 67.165.

(b) Where a cause for deletion arises for any reason under paragraphs (a)(1) through (8) of this section, the owner must send or deliver the original Certificate of Documentation to any documentation officer together with a statement setting forth the reason(s) deletion is required.

(c) When a Certificate of Documentation is required to be deleted because the vessel has been placed under foreign flag or has been sold or transferred in whole or in part to a non-citizen of the United States, the owner of that vessel must comply with the requirements of paragraph (b) of this section, and file:

(1) Evidence of the sale or transfer, if any; and

(2) Evidence that the Maritime Administration has consented to the sale or transfer, except for vessels identified in § 67.11(b) of this part and vessels for which the Maritime Administration has granted general approval in 46 CFR part 221 for sale or transfer to non-citizens.

(d) A certificate evidencing deletion from U.S. documentation will be issued upon request of the vessel owner upon compliance with the applicable requirements of this subpart and payment of the fee specified in subpart Y of this part.

§ 67.173 Cancellation; requirement and procedure.

A Certificate of Documentation issued to a vessel, together with any endorsements thereon, is invalid, except as provided in § 67.161, and subject to cancellation upon a determination by the Commandant or a documentation officer that the issuance of the Certificate was improper for any reason. When a Certificate is subject to cancellation, the owner of the vessel upon being notified of such requirement must send or deliver the Certificate to a documentation officer at any port of documentation. The vessel owner may submit an application for exchange in accordance with subpart K of this part to correct the error giving rise to cancellation. If the vessel for which the Certificate was cancelled was previously documented, it remains documented under the previous Certificate of Documentation, unless deleted under the provisions of § 67.171.

Note: Certificates of Documentation which have been canceled are retained at the last port of record of the vessel.

Subpart M—Miscellaneous Applications

§ 67.175 Application for new vessel determination.

(a) A vessel is new if:

(1) Its hull and superstructure are constructed entirely of new materials; or

(2) It is constructed using structural parts of an existing vessel, which parts have been torn down so that they are no longer advanced to a degree which would commit them to use in the building of a vessel.

(b) When the vessel has been constructed entirely of new materials, no application for a new vessel determination need be made under this section. Application for initial documentation must be made in accordance with subpart K of this part.

(c) When parts of an existing vessel have been used in the construction of a vessel and the owner wants a determination that the resulting vessel is new in accordance with paragraph (a)(2) of this section, the owner must file with the Commandant:

(1) A builder's certification, as described in § 67.99;

(2) A written statement describing the extent to which materials from the existing vessel were used in the construction and the extent to which those materials were torn down;

(3) Accurate sketches or blueprints of the hull and superstructure which must identify, where practicable, components of the old vessel; and

(4) The fee specified in subpart Y of this part.

§ 67.177 Required application for rebuilt determination.

(a) A vessel is rebuilt when any considerable part of its hull or superstructure is built upon or substantially altered.

(b) The owner of a vessel which has not previously permanently lost coastwise, Great Lakes, or fisheries privileges must file with the Commandant the items listed in paragraph (c) of this section if:

(1) The vessel is altered outside the United States in a manner which gives rise to a reasonable belief that the vessel is rebuilt; or

(2) A major component of the hull or superstructure not built in the United States is added to the vessel.

(c) The required submissions must consist of:

(1) A written statement outlining the work performed and naming the place where the work was performed;

(2) Accurate sketches or blueprints describing the work performed; and

(3) The fee specified in subpart Y of this part.

Subpart N—[Reserved]

Subpart O—Filing and Recording of Instruments—General Provisions

§ 67.200 Instruments eligible for filing and recording.

Only the following listed instruments are eligible for filing and recording:

(a) Bills of sale and instruments in the nature of bills of sale;

(b) Deeds of gift;

(c) Chattel mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof;

(d) Preferred mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof;

(e) Interlender agreements affecting chattel and preferred mortgages and related instruments; and

(f) Notices of claim of lien, assignments, amendments, and satisfactions and releases thereof.

§ 67.203 Restrictions on filing and recording.

(a) No instrument will be accepted for filing unless the vessel to which it pertains is the subject of:

(1) A valid Certificate of Documentation; or

(2) An application for initial documentation, exchange of Certificate of Documentation, return to documentation, or for deletion from documentation, which is in substantial compliance with the applicable regulations has been made at the port where the filing is made.

(b) An instrument identified as eligible for filing and recording under § 67.200 may not be filed and recorded if it bears a material alteration.

(c) An instrument identified as eligible for filing and recording under § 67.200 (a) or (b) may not be filed and recorded if any vendee or transferee under the instrument is not a citizen of the United States as defined in section 2 of the Shipping Act, 1916, (46 U.S.C. app. 802) unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument.

(d) The restriction imposed by paragraph (c) of this section does not apply to a bill of sale or deed of gift conveying an interest in a vessel which was neither documented nor last documented pursuant to these regulations or any predecessor regulations thereto at the time the instrument was executed, nor to an instrument conveying an interest in a vessel identified in § 67.11(b).

(e) An instrument identified as eligible for filing and recording under § 67.200(c) may not be filed and recorded if the mortgagee or assignee is not a citizen of the United States as defined in 46 U.S.C. app. 802 or a trustee as defined in 46 U.S.C. 31328, unless the Maritime Administration has consented to the grant to a non-citizen made under the instrument. This restriction does not apply to an instrument conveying an interest in a vessel identified in § 67.11(b).

(f) An instrument identified as eligible for filing and recording under § 67.200(d) may not be filed and recorded if the mortgagee or assignee is not a person described in 46 U.S.C. 31322(a)(1)(D). This restriction does not apply to an instrument conveying an interest in a vessel identified in § 67.11(b).

(g) No instrument will be accepted for filing if it is not accompanied by the fee specified in subpart Y of this part.

§ 67.205 Requirement for vessel identification.

(a) Every instrument presented for filing and recording must contain sufficient information to clearly identify the vessel(s) to which the instrument relates.

(b) Instruments pertaining to vessels which have been documented must contain the vessel's name and official number, or other unique identifier.

(c) Vessels which have never been documented must be identified by one of the following:

(1) The vessel's Hull Identification Number assigned in accordance with 33 CFR 181.25; or

(2) Other descriptive information, which clearly describes the vessel. Such information may include length, breadth, depth, year of build, name of manufacturer, and any numbers which may have been assigned in accordance with 33 CFR part 173.

§ 67.207 Requirement for date and acknowledgement.

(a) Every instrument presented for filing and recording must:

(1) Bear the date of its execution; and

(2) Contain an acknowledgment.

(b) No officer or employee of the Coast Guard is authorized to take such acknowledgments unless the instrument is executed on behalf of the Federal Government of the United States.

§ 67.209 Required number of copies.

All instruments presented for filing and recording must be presented in duplicate; at least one copy must bear original signatures.

§ 67.211 Requirement for citizenship declaration.

(a) Instruments in the nature of a bill of sale or deed of gift, mortgages, and assignments of mortgages, are not eligible for filing and recording, except as provided in paragraph (c) of this section, unless accompanied by a properly executed declaration stating information about the citizenship of the grantee.

(b) Citizenship declarations must be executed on the form prescribed by the Maritime Administration at 46 CFR 221.5. These forms are available from all Coast Guard documentation offices and from the Vessel Transfer and Disposal Officer (MAR-745.1), Maritime Administration, United States Department of Transportation, Washington, DC 20590.

(c) The requirement in paragraph (a) of this section for presentation of a citizenship declaration does not apply to instruments conveying an interest in a vessel:

(1) To a government of the United States or a political subdivision thereof or a corporate entity which is an agency of any such government or political subdivision;

(2) To a person making application for documentation; or

(3) Identified in § 67.11(b).

Note: If the grantee(s) of an ownership interest in a vessel described in paragraph (c)(2) of this section do(es) not make application for documentation, a declaration of citizenship may be required in order to ensure that the vessel so conveyed retains any coastwise or Great Lakes privileges to which it may be entitled.

§ 67.213 Place of filing and recording.

(a) Instruments submitted for filing and recording at the same time that the vessel owner applies for issuance or a change to a Certificate of Documentation must be submitted to the documentation officer where the application is made; mortgages filed in conjunction with such applications may be filed at the same port at any time before the Certificate is issued or changed. All other instruments must be

submitted for filing and recording at the port of record of the vessel.

(b) All instruments are recorded at the port(s) of record of the vessel(s) affected by the instrument.

(c) Where the port of record of a vessel is being changed, recording is effected at the new port of record.

§ 67.215 Date and time of filing and recording.

(a) An instrument is deemed filed at the actual date and time at which the instrument is delivered to the documentation office where it is submitted for filing, except as provided in paragraph (b) of this section.

(b) If filing of an instrument is subject to termination in accordance with § 67.217(a) and a substitute for the original instrument is filed, the filing of the original instrument will be terminated in accordance with § 67.217(c) and the substitute instrument will be deemed a new instrument which will be deemed filed at the actual time and date it is delivered to the documentation office where the original instrument was filed.

§ 67.217 Termination of filing and disposition of instruments.

(a) The filing of an instrument is subject to termination if:

(1) It is determined that the instrument cannot be recorded because the instrument itself is not in substantial compliance with the applicable regulations in this part;

(2) The filing was not made in compliance with the requirements of § 67.213;

(3) The application for issuance or exchange of a Certificate of Documentation was not made in substantial compliance with the applicable regulations of this part;

(4) The owner of the vessel submits a written request for withdrawal of the Application for Initial Issue, Exchange, or Replacement Certificate of Documentation, accompanied by consent of the mortgage, if any; or

(5) An instrument is filed evidencing satisfaction or release of any instrument described in subpart Q of this part.

(b) Ninety (90) days prior to terminating the filing pursuant to paragraphs (a)(1), (2), or (3) of this section, the documentation officer at the port where the filing was made will send written notice detailing the reasons the filing is subject to termination to the following persons(s) and any agent known to be acting on behalf of:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof;

(3) The claimant, if a notice of claim of lien; or

(4) The lender first named in an interlender agreement affecting a chattel or preferred mortgage or related instrument.

(c) If the reason(s) which subject the filing to termination remain uncorrected for a period of ninety (90) days after the notice described in paragraph (b) of this section is sent, or upon receipt of the request described in paragraph (a)(4) of this section, or satisfaction, or release described in paragraph (a)(5) of this section, the instrument will be returned to either:

(1) The applicant for documentation, if a bill of sale, instrument in the nature of a bill of sale, or a deed of gift;

(2) The mortgagee or assignee, if a mortgage or assignment or amendment thereof;

(3) The claimant, if a notice of claim of lien;

(4) The lender first named in an interlender agreement affecting a chattel or preferred mortgage or related instrument; or

(5) An agent for the appropriate party, provided that the agent has filed with the Coast Guard an original writing signed by the appropriate party clearly identifying the instrument being returned stating that the instrument may be returned to the agent.

Subpart P—Filing and Recording of Instruments—Bills of Sale and Related Instruments

§ 67.220 Requirements.

An instrument in the nature of a bill of sale or a deed of gift must:

(a) Meet all of the requirements of subpart O of this part;

(b) Be signed by or on behalf of all the seller(s) or donor(s); and

(c) Recite the following:

(1) The name(s) and address(es) of the seller(s) or donor(s) and the interest in the vessel held by the seller(s) or donor(s); and

(2) The names(s) and address(es) of the buyer(s) or donee(s) and the interest in the vessel held by each buyer or donee.

§ 67.223 Filing limitation.

An instrument presented for filing and recording under this subpart may be filed only in conjunction with an application for initial documentation or redocumentation of the vessel or with an application for a change to or deletion of the vessel's outstanding Certificate of Documentation.

Subpart Q—Filing and Recording of Instruments—Chattel Mortgages, Preferred Mortgages, and Related Instruments

§ 67.231 General requirements; optional application for filing and recording.

(a) A mortgage or related instrument presented for filing and recording must meet all of the requirements of subpart O of this part in addition to the pertinent section(s) of this subpart.

(b) All instruments supplemental to mortgages must recite information which clearly identifies the mortgage to which the supplemental instrument is applicable. Such information will normally consist of the book and page where that mortgage is recorded and the date and time of filing. If the submission of the supplemental instrument is contemporaneous with submission of the mortgage, the information should include the names of all parties to the mortgage, the date of the mortgage, and the amount of the mortgage, so as to adequately identify the mortgage to which the supplemental instrument applies.

(c) An Optional Application for Filing (CG–5542) may be attached to a mortgage or related instrument. If form CG–5542 is properly completed with all information required for indexing the instrument and the signature(s) specified thereon, the instrument to which it is attached will be filed and recorded with no further review.

§ 67.233 Restrictions on recording—mortgages, preferred mortgages, and related instruments.

(a) A mortgage or assumption of mortgage which otherwise meets the requirements of this subpart is nonethleless not eligible for filing and recording if a mortgagor or assuming party(ies) did not actually hold legal title to the interest in the vessel being mortgaged or covered by the assumption at the time of filing of the mortgage or assumption, or if the vessel(s) which the mortgage cover(s) is (are) not documented or the subject of an application for documentation.

(b) No mortgage submitted for filing and recording as a preferred mortgage or supplemental instrument thereto which otherwise meets the requirements of this subpart is eligible for filing and recording, except as provided in paragraph (c) of this section, if it results in a mortgage interest being held by a person other than:

(1) A State;

(2) The United States Government;

(3) A federally insured depository institution, unless disapproved by the Secretary pursuant to regulations in 46 CFR part 221;

(4) An individual who is a citizen of the United States;

(5) A person qualifying as a citizen of the United States as defined in 46 U.S.C. app. 802; or

(6) A person approved by the Secretary pursuant to regulations in 46 CFR part 221.

(c) The requirements of paragraph (b) of this section do not apply to the mortgagee of a vessel identified in § 67.11(b) or to any other vessel to which the Maritime Administration has given general approval in 46 CFR part 221 for mortgage to a noncitizen.

§ 67.235 Requirements for mortgages.

(a) A chattel mortgage presented for filing and recording must:

(1) Be signed by or on behalf of the mortgagor(s); and

(2) Recite the following:

(i) The name(s) and address(es) of the mortgagor(s) and the interest in the vessel held by the mortgagor(s);

(ii) The name(s) and address(es) of the mortgagee(s) and the interest in the vessel granted by the mortgage; and

(iii) The amount of the direct or contingent obligations that is or may become secured by the mortgage, excluding interest, expenses, and fees. The amount may be recited in one or more units of account as agreed to by the parties.

(b) A mortgage submitted for filing and recording as a preferred mortgage must cover the whole of a vessel.

(c) A mortgage which secures more than one (1) vessel may, at the option of the parties, provide for separate discharge of such vessels.

§ 67.237 Requirements for assignments of mortgages.

An assignment of mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the assignor(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the assignor(s) and the interest in the mortgage held by the assignor(s); and

(2) The name(s) and address(es) of the assignee(s) and the interest in the mortgage granted to the assignee(s).

§ 67.239 Requirements for assumptions of mortgages.

An assumption of mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the original mortgagor(s), the mortgagee(s), and the assuming party(ies); and

(b) Recite the following:

(1) The name(s) and address(es) of the original mortgagor(s) and the interest in the vessel mortgaged by the original mortgagor(s); and

(2) The name(s) and address(es) of the assuming party(ies) and the interest in the mortgage assumed by the assuming party(ies).

§ 67.241 Requirements for amendments of or supplements to mortgages.

An amendment of or supplement to a mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the mortgagor(s) and the mortgagee(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the mortgagor(s) and mortgagee(s); and

(2) The nature of the change effected by the instrument.

§ 67.243 Requirements for instruments subordinating mortgages.

An instrument subordinating a mortgage presented for filing and recording must:

(a) Be signed by or on behalf of the mortgagee whose mortgage is being subordinated; and

(b) Recite the following:

(1) The name(s) and address(es) of the mortgagee(s) whose mortgage is being subordinated; and

(2) The name(s) and address(es) of the parties holding the mortgage to which it is made subordinate.

§ 67.245 Requirements for interlender agreements.

An interlender agreement between multiple mortgagees must:

(a) Be signed by or on behalf of all mortgagees who are party to the interlender agreement; and

(b) Recite the names and addresses of all parties to the interlender agreement.

Subpart R—Filing and Recording of Instruments—Notices of Claim of Lien and Supplemental Instruments

§ 67.250 General requirements.

(a) A notice of claim of lien or supplemental instrument thereto submitted for filing and recording must meet all of the requirements of subpart O of this part.

(b) An instrument assigning or amending a notice of claim of lien must recite information which clearly identifies the notice of claim of lien being assigned or amended. Such information will normally consist of the book and page where the notice of claim is recorded and the date and time of filing. If the submission of the assignment or amendment is contemporaneous with submission of the notice of claim of lien, the information should include the name(s) of the original claimant(s), the date of the notice of claim, and the amount of the claim and other information, so as to adequately identify the notice of claim of lien being assigned or amended.

§ 67.253 Requirements for notices of claim of lien.

A notice of claim of lien must:

(a) Be signed by or on behalf of the claimant(s); and

(b) Recite the following:

(1) The name(s) and address(es) of the claimant(s);

(2) The nature of the lien claimed;

(3) The date on which the lien was established; and

(4) The amount of the lien claimed.

§ 67.255 Restrictions of filing and recording.

A notice of claim of lien is not entitled to filing and recording unless the vessel against which the lien is claimed is covered by a preferred mortgage filed or recorded in accordance with subpart Q of this part or predecessor regulations thereto.

§ 67.257 Requirements for assignments of notices of claim of lien.

An assignment of a notice of claim of lien must:

(a) Be signed by or on behalf of the original claimant(s) or last assignee(s) of record; and

(b) Recite the following:

(1) The name(s) and address(es) of the claimant(s); and

(2) The name(s) and address(es) of the assignee(s) and the interest in the claim being assigned.

§ 67.259 Requirements for amendments to notice of claim of lien.

An amendment to notice of claim of lien presented for filing and recording must:

(a) Be signed by or on behalf of the original claimant(s) or last assignee(s) of record; and

(b) Recite the nature of the change being effected by the instrument.

Subpart S—Removal of Encumbrances

§ 67.261 General requirements.

The filing of an instrument filed against a vessel in accordance with subparts Q or R of this part may be terminated, and if recorded removed from the record of that vessel by the filing of:

(a) A court order, affidavit, or Declaration of Forfeiture described in § 67.263; or

(b) A satisfaction or release instrument described in § 67.265 which meets the requirements of this part for filing and recording.

§ 67.263 Requirement for removal of encumbrances by court order, affidavit, or Declaration of Forfeiture.

The encumbrances described in subparts Q and R of this part are removed from the record upon filing of:

(a) A copy of the order from a court of competent jurisdiction certified by an official of the court declaring title to the vessel to be free and clear, or declaring the encumbrance to be of no effect, or ordering the removal of the encumbrance from the record;

(b) A copy of the order from a federal district court in an *in rem* action certified by an official of the court requiring the free and clear sale of the vessel at a marshal's sale accompanied by a copy of the order confirming such sale certified by an official of the court, where issued under local judicial procedures;

(c) A copy of an order from a federal district court certified by an official of the court declaring the vessel itself to be forfeited, or the proceeds of its sale to be forfeited to the federal government of the United States for a breach of its laws; or

(d) Where the vessel was forfeited under an administrative forfeiture action to the federal government of the United States, an affidavit from an officer of the agency which performed the forfeiture, who has personal knowledge of the particulars of the vessel's forfeiture, or a Declaration of Forfeiture issued by the agency which performed the forfeiture.

§ 67.265 Requirements for instruments evidencing satisfaction or release.

An instrument satisfying or releasing a mortgage, a notice of claim of lien, or a preferred mortgage presented for filing and recording must:

(a) Meet all the requirements of subpart O of this part;

(b) Be signed by or on behalf of:

(1) The mortgagee(s) if a mortgage; or

(2) The claimant(s) if a notice of claim of lien; and

(c) Recite the following:

(1) The name(s) of the mortgagor(s), if any, and the name(s) of the mortgagee(s) or claimant(s);

(2) The amount of the mortgage or claim of lien; and

(3) Information which clearly identifies the mortgage or claim of lien being satisfied or released. Such information will normally consist of the book and page where that mortgage or claim of lien is recorded. If the recording information cannot be provided because the satisfaction or release is being submitted prior to recording of the mortgage or claim of lien, the instrument must recite other information sufficient to clearly identify the encumbrance being satisfied or released.

Subpart T—General Index and Abstracts of Title

§ 67.301 Requirement for general index.

Whenever the port of record of a documented vessel changes, the owner of the vessel must apply to the documentation officer at the existing port of record of the vessel for forwarding to the new port of record the General Index of the vessel on form CG–1332.

§ 67.303 Issuance of abstract of title.

An Abstract of Title for a vessel will be issued by the documentation officer at the vessel's port of record upon the request of any person and payment of the fee specified in subpart Y of this part.

Subpart U—Prohibitions

§ 67.311 Alteration of certificate of documentation.

Except for affixing a new address label in accordance with the direction of a documentation officer or a renewal decal issued in accordance with § 67.163, no person other than a documentation officer shall intentionally alter a Certificate of Documentation.

§ 67.313 Command by non-citizen.

No documented vessel shall be commanded by other than a United States citizen.

§ 67.315 Failure to have certificate of documentation on board.

(a) The person in command of a documented vessel must have on board that vessel the original Certificate of Documentation currently in effect for that vessel.

(b) The requirement of paragraph (a) of this section does not apply:

(1) To non-self-propelled vessels not engaged in foreign trade;

(2) When the Certificate of Documentation is being submitted to a documentation officer exclusively for purposes of exchange for change of:

(i) port of record,

(ii) name of vessel, or

(iii) both; or

(3) When the vessel is in storage or out of the water.

§ 67.317 Failure to produce certificate of documentation.

(a) The person in command of a documented vessel must produce the original Certificate of Documentation currently in effect for that vessel upon the demand of any person acting in an official public capacity.

(b) The requirement of paragraph (a) of this section does not apply:

(1) To non-self-propelled vessels not engaged in foreign trade;

(2) When the Certificate of Documentation is being submitted to a documentation officer exclusively for purposes of exchange for change of:

(i) port of record,

(ii) name of vessel, or

(iii) both; or

(3) When the vessel is in storage or out of the water.

§ 67.319 Failure to renew endorsements on the certificate of documentation.

(a) Except as provided in paragraph (b) of this section, the owner of a documented vessel must annually renew the endorsement upon the current Certificate of Documentation for that vessel in accordance with § 67.163.

(b) The requirement of paragraph (a) of this section does not apply to Certificates of Documentation placed on deposit in accordance with § 67.165.

§ 67.321 Failure to report change in vessel status and surrender certificate of documentation.

The owner of a documented vessel must immediately report any change in vessel status which causes any Certificate of Documentation to become invalid under subpart L of this part and which must be exchanged, replaced, deleted, or canceled, to a documentation officer at any port of documentation. The outstanding Certificate must be surrendered in accordance with the requirements of subpart K and subpart L of this part.

§ 67.323 Fraudulent application for certificate of documentation.

(a) No owner of a vessel, nor person purporting to act on behalf of an owner, shall knowingly falsify or conceal a material fact in connection with the documentation of that vessel.

(b) No owner of a vessel, nor person purporting to act on behalf of an owner, shall knowingly make a false statement or representation in connection with the documentation of that vessel.

§ 67.325 Fraudulent use of certificate of documentation.

No person shall knowingly use a Certificate of Documentation in a fraudulent manner.

§ 67.327 Operation without documentation.

No vessel which is required by § 67.7 to be documented may engage in unlimited coastwise trade, the Great Lakes trade, or the fisheries without being documented in accordance with the requirements of this part.

§ 67.329 Violation of endorsement.

A vessel may not be employed in any trade other than a trade endorsed upon the Certificate of Documentation issued for that vessel. A vessel documented exclusively for recreation may not be used for purposes other than pleasure.

§ 67.331 Operation under certificate of documentation with invalid endorsement.

Except for vessels identified in § 67.9, no vessel may be operated under a Certificate of Documentation with endorsements.

Appendix A to Part 67—Ports of Documentation

Regional port of documentation	Location	CG district served
Boston, MA	USCG Marine Safety Office, Boston, MA	First District: Boston, Portland, ME, Providence Marine Inspection Zones.
New York, NY	USCG Marine Inspection Office, New York, NY	First District: New York Marine Inspection Zone.
St. Louis, MO	USCG Marine Safety Office, St. Louis, MO	Second District: all.
Norfolk, VA	USCG Marine Safety Office, Hampton Roads, Norfolk, VA	Fifth District: Hampton Roads, Baltimore, Wilmington Marine Inspection Zones.
Philadelphia, PA	USCG Marine Safety Office, Philadelphia, PA	Fifth District: Philadelphia Marine Inspection Zone.
Miami, FL	USCG Marine Safety Office, Miami, FL	Seventh District: all.
New Orleans, LA	USCG Marine Safety Office, New Orleans, LA	Eighth District: all except Texas and New Mexico.
Houston, TX	USCG Marine Safety Office, Houston, TX	Eighth District: Texas and New Mexico only.
Cleveland, OH	Commander, Ninth Coast Guard District (m)	Ninth District: all.
Los Angeles, CA	USCG Marine Safety Office, Long Beach, CA	Eleventh District: Los Angeles-Long Beach Marine Inspection Zone.
San Francisco, CA	USCG Marine Safety Office, San Francisco, CA	Eleventh District: San Francisco Marine Inspection Zone.
Portland, OR	USCG Marine Safety Office, Portland, OR	Thirteenth District: Oregon or Idaho.
Seattle, WA	USCG Marine Safety Office, Seattle, WA	Thirteenth District: Montana or Washington. Fourteenth District: all.
Juneau, AK	USCG Marine Safety Office, Juneau, AK	Seventeenth District: all which have become invalid under subpart M.

§ 67.333 Unauthorized name change.

The owner of a documented vessel may not change or allow the change of the name of that vessel without applying for exchange of the Certificate of Documentation issued to the vessel in accordance with subpart K of this part. The new name of the vessel may be marked upon receipt of the new Certificate issued on the basis of that application.

§ 67.335 Improper markings.

The owner of a documented vessel must not permit the operation of that vessel unless it is marked in accordance with subpart I of this part.

§ 67.337 Failure to report change of address of managing owner.

The owner of a documented vessel must immediately report any change in the address of the managing owner.

Subparts V—Y [Reserved]

Dated: March 18, 1992.

J.W. Kime,

Admiral, U.S. Coast Guard Commandant.

Note: This appendix will not appear in the Code of Federal Regulations.

APPENDIX A—Forms

BILLING CODE 4910-14-M

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION U.S. COAST GUARD CG-1258 (REV. 1-92)	APPLICATION FOR INITIAL ISSUE, EXCHANGE, OR REPLACEMENT OF CERTIFICATE OF DOCUMENTATION; REDOCUMENTATION	THIS SECTION FOR COAST GUARD USE ONLY CASE NUMBER: CHECK #: FEE: $ IPN: PORT OF RECORD APPROVED: DATE: PORT:

NOTE: THIS IS AN APPLICATION ONLY AND DOES NOT OF ITSELF ENTITLE A VESSEL TO DOCUMENTATION NOR TO ANY CHANGES SOUGHT ON A CERTIFICATE OF DOCUMENTATION. OFFICIAL NUMBERS DESIGNATED ON THE BASIS OF THIS APPLICATION ARE NOT TRANSFERRABLE. A COPY OF THIS APPLICATION IS NOT VALID FOR VESSEL OPERATION.

I. COMPLETE FOR ALL APPLICATIONS

A. VESSEL NAME

B. OFFICIAL NUMBER (IF AWARDED) OR HULL IDENTIFICATION NUMBER

C. NAME OF MANAGING OWNER

TELEPHONE NUMBER (OPTIONAL):

SOCIAL SECURITY OR TAX ID NUMBER

D. ADDRESS OF MANAGING OWNER

E. NAMES AND SOCIAL SECURITY OR TAX ID NUMBERS OF ALL OTHER OWNERS

ATTACH SHEET LISTING ADDITIONAL OWNERS IF NECESSARY

F. HAILING PORT (TO BE MARKED ON VESSEL)

G. CITIZENSHIP (SEE INSTRUCTIONS REGARDING STATUS OF ALIENS LAWFULLY ADMITTED FOR PERMANENT RESIDENCE)

☐ VESSEL OWNED BY ONE OR MORE INDIVIDUALS
I (WE) CERTIFY THAT ALL OWNERS OF THIS VESSEL ARE CITIZENS OF THE UNITED STATES.

☐ VESSEL OWNED BY JOINT VENTURE OR ASSOCIATION
I (WE) CERTIFY THAT ALL MEMBERS OF THIS (JOINT VENTURE) (ASSOCIATION) ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT THE VESSELS COVERED BY THIS APPLICATION WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

☐ VESSEL OWNED IN A TRUST ARRANGEMENT
I (WE) CERTIFY THAT ALL TRUSTEES AND ALL BENEFICIARIES WITH AN ENFORCEABLE INTEREST IN THIS TRUST ARRANGEMENT ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS WITH THE ENDORSEMENT(S) SOUGHT IN THEIR OWN RIGHT.

☐ VESSEL OWNED BY A PARTNERSHIP
A. GENERAL PARTNERSHIP
I (WE) CERTIFY THAT ALL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT, AND THAT THE PARTNERSHIP MEETS THE FOLLOWING EQUITY REQUIREMENT: EQUITY OWNED BY CITIZENS OF THE U.S.
☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

B. LIMITED PARTNERSHIP
I (WE) CERTIFY THAT ALL GENERAL PARTNERS IN THIS PARTNERSHIP ARE CITIZENS OF THE UNITED STATES, ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT AND THAT THE PARTNERSHIP MEETS THE FOLLOWING EQUITY REQUIREMENTS. EQUITY INTEREST OWNED BY CITIZENS OF THE U.S. ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT WITH THE ENDORSEMENT SOUGHT.
☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

☐ VESSEL OWNED BY A CORPORATION
A. STATE OF INCORPORATION _____
B. CITIZENSHIP OF PRESIDENT (AND OTHER CHIEF EXECUTIVE OFFICER, IF ANY) _____
C. CITIZENSHIP OF CHAIRMAN OF THE BOARD _____
D. NUMBER OF DIRECTORS NECESSARY TO CONSTITUTE A QUORUM _____
E. NUMBER OF ALIEN DIRECTORS _____
F. PERCENTAGE OF STOCK OWNED BY U.S. CITIZENS ELIGIBLE TO DOCUMENT VESSELS IN THEIR OWN RIGHT, WITH THE ENDORSEMENT(S) SOUGHT ON THIS APPLICATION (APPLIES TO ALL TIERS OF OWNERSHIP.)
☐ LESS THAN 50% ☐ AT LEAST 50% ☐ MORE THAN 50%, LESS THAN 75% ☐ 75% OR MORE

☐ VESSEL OWNED BY A CORPORATION QUALIFIED AND APPLYING UNDER 46 CFR 68.01 (BOWATER)
CURRENT CERTIFICATE OF COMPLIANCE ATTACHED. I (WE) CERTIFY THAT THE CORPORATE STRUCTURE HAS NOT CHANGED SINCE ISSUANCE OF THAT CERTIFICATE, AND THAT THE VESSEL, IF SELF-PROPELLED, IS LESS THAN 500 GROSS TONS.

☐ VESSEL OWNED OR OPERATED BY NOT-FOR-PROFIT OIL RECOVERY COOPERATIVE
COPY OF CURRENT LETTER OF QUALIFICATION ATTACHED. I (WE) CERTIFY THAT THE INFORMATION ON FILE WITH REGARD TO COOPERATIVE AND ISSUANCE OF THAT LETTER REMAINS UNCHANGED.

H. ENDORSEMENTS FOR WHICH APPLICATION IS MADE. (IF MORE THAN ONE, INDICATE ESTIMATED PERCENTAGE FOR EACH)

☐ RECREATIONAL ☐ COASTWISE ☐ FISHERY ☐ COASTWISE (BOWATER ONLY)
☐ REGISTRY ☐ GREAT LAKES TRADE ☐ OIL SPILL RESPONSE

REVERSE OF CG-1258 (REV. 1-92)

OMB APPROVED
2115-0110

I. PURPOSE OF APPLICATION:

☐ 1. EXCHANGE OF CERTIFICATE OF DOCUMENTATION.
☐ 2. REPLACEMENT OF LOST, WRONGFULLY WITHHELD OR MUTILATED CERTIFICATE OF DOCUMENTATION
☐ 3. RETURN TO DOCUMENTATION FOLLOWING DELETION. NAME OF VESSEL WHEN LAST DOCUMENTED:
☐ 4. APPLICATION FOR OFFICIAL NUMBER AND FIRST CERTIFICATE OF DOCUMENTATION. VESSEL
☐ WAS BUILT AT _____ IN _____
OR
☐ IS UNDER CONSTRUCTION AT _____ AND IS SCHEDULED FOR COMPLETION IN _____

HULL MATERIAL: ☐ WOOD ☐ STEEL ☐ FIBROUS REINFORCED PLASTIC ☐ ALUMINUM ☐ CONCRETE
☐ OTHER (DESCRIBE) _____

APPROXIMATE LENGTH OF VESSEL _____

PREVIOUS NAMES, NUMBERS, OR FOREIGN REGISTRATIONS OF VESSEL _____

J. CERTIFICATION:

I (WE) CERTIFY THAT:

(A) I AM (WE ARE) A CITIZEN(S) OF THE UNITED STATES AND LEGALLY AUTHORIZED TO EXECUTE THIS APPLICATION IN THE CAPACITY SHOWN;

(B) THAT THE VESSEL(S) TO WHICH THIS APPLICATION APPLIES:

(i) ☐ HAS (HAVE) BEEN MARKED
OR
☐ WILL BE MARKED

IN ACCORDANCE WITH THE DIRECTIONS IN THE INSTRUCTION SHEET (CG-1258-A) FOR THIS APPLICATION;

(ii) WILL AT ALL TIMES REMAIN UNDER THE COMMAND OF A U.S. CITIZEN;

(iii) WILL NOT BE OPERATED IN A TRADE NOT AUTHORIZED BY THE ENDORSEMENT(S) ON THE CERTIFICATE(S) OF DOCUMENTATION;

(iv) HAS NOT BEEN REBUILT SINCE LAST DOCUMENTATION

(v) THE VESSEL IS NOT TITLED UNDER A STATE

(C) THE NAME(S) OF THE VESSEL(S) WILL NOT BE CHANGED WITHOUT APPROVAL OF A COAST GUARD DOCUMENTATION OFFICER; AND

(D) I (WE) WILL PROMPTLY NOTIFY THE DOCUMENTATION OFFICER AT THE VESSEL'S PORT OF RECORD OR THE PORT NEAREST THE VESSEL UPON A CHANGE IN ANY OF THE INFORMATION OR REPRESENTATIONS IN THIS APPLICATION.

PRINTED OR TYPED NAME	SIGNATURE	CAPACITY (E.G., OWNER, AGENT, TRUSTEE, GENERAL PARTNER, CORPORATE OFFICER)

DATE: _____

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 U.S.C. 552a, THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 U.S.C., CHAPTERS 121 AND 125; 46 U.S.C. APP. 882 AND 883.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INFORMATION IS TO BE USED ARE:
(1) TO DETERMINE CITIZENSHIP OF THE OWNER OF THE VESSEL FOR WHICH APPLICATION FOR DOCUMENTATION IS MADE; AND
(2) TO DETERMINE ELIGIBILITY OF THE VESSEL TO BE DOCUMENTED WITH THE TRADE ENDORSEMENT SOUGHT.

3. THE ROUTINE USES WHICH MAY BE MADE OF THIS INFORMATION INCLUDE RELEASE TO LAW ENFORCEMENT OFFICIALS, TO THE GENERAL PUBLIC UNDER FREEDOM OF INFORMATION ACT, AND TO RELEASE INFORMATION ABOUT U.S. DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER FAILURE TO PROVIDE THE INFORMATION REQUESTED WILL RESULT IN DENIAL OF THE APPLICATION FOR DOCUMENTATION, WHICH MAY PREVENT THE OWNER FROM OPERATING THE VESSEL(S) IN A SPECIFIED TRADE.

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 30 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1261 (REV. 1-92)

BUILDER'S CERTIFICATION AND FIRST TRANSFER OF TITLE

OMB APPROVED
2115-0110

I. PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE

- ☐ ENTIRE CONSTRUCTION
- ☐ HULL ONLY
- ☐ COMPLETION ONLY (HULL BUILT BY ANOTHER)

YEAR PHASE OF CONSTRUCTION _____
YEAR COMPLETED _____

II. VESSEL DATA

A. HULL IDENTIFICATION NUMBER OR HULL NUMBER _____

B. VESSEL NAME (IF KNOWN) _____

C. EQUIPPED WITH ENGINE? ☐ YES ☐ NO OUTBOARD ☐ YES ☐ NO

D. PLACE OF BUILD (CITY, STATE, COUNTRY) _____

E. HULL MATERIAL:
☐ WOOD ☐ STEEL ☐ FIBROUS REINFORCED PLASTIC
☐ ALUMINUM ☐ CONCRETE ☐ OTHER

III. DIMENSIONS (COMPLETE APPROPRIATE DIAGRAM)

☐ SHIP-SHAPE HULL

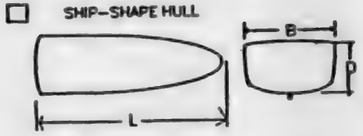

L= _____ B= _____ D= _____

☐ SAILBOAT

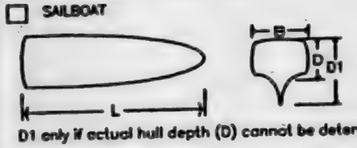

D1 only if actual hull depth (D) cannot be determined

L= ___ B= ___ D= ___ D1= ___

☐ CATAMARAN

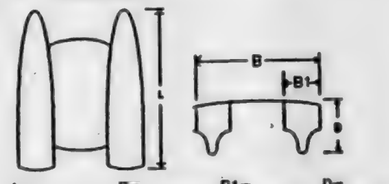

L= ___ B= ___ B1= ___ D= ___

☐ TRIMARAN

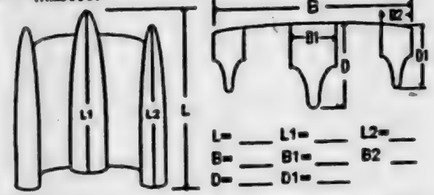

L= ___ L1= ___ L2= ___
B= ___ B1= ___ B2 ___
D= ___ D1= ___

☐ BARGE-SHAPED HULLS

L= _____ B= _____ D= ____

☐ DECKHOUSES Houseboats only

(AVERAGE DECKHOUSE DIMENSIONS MUST BE FURNISHED IN ADDITION TO HULL DIMENSIONS)

L= _____ B= _____ D= ____

IV. UNITED STATES BUILD STATEMENT

- ☐ ALL MAJOR COMPONENTS USED IN THE PHASE OF CONSTRUCTION COVERED BY THIS CERTIFICATE WERE FABRICATED IN THE UNITED STATES.
- ☐ ALL CONSTRUCTION AND ALL ASSEMBLY FOR THIS PHASE OF CONSTRUCTION WERE DONE IN THE UNITED STATES.

REVERSE OF CG-1261 (REV. 1-92)

V. NAME(S) AND ADDRESS(ES) OF PARTY(IES) FOR WHOM BUILT

IF BUILT FOR MORE THAN ONE PERSON, THE PERSONS NAMES ABOVE ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

- ☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY
- ☐ OTHER (DESCRIBE)

VI. CERTIFICATION

I, _____ DO HEREBY CERTIFY THAT THE FACTS RECITED HEREIN ARE TRUE AND THAT I HAVE PERSONAL KNOWLEDGE OF THESE FACTS BECAUSE I:

OR
- ☐ PERSONALLY PERFORMED THE CONSTRUCTION
- ☐ SUPERVISED THE CONSTRUCTION AT AND ON BEHALF OF: _____ (NAME OF COMPANY)
- ☐ ACTING IN MY CAPACITY AS _____ (TITLE) OF _____ (NAME OF COMPANY)

_____ (SIGNATURE) _____ (DATE)

VII. FIRST SALE OR TRANSFER OF VESSEL

100% OF THE VESSEL IDENTIFIED HEREIN IS SOLD (TRANSFERRED) BY THE PARTY(IES) NAMED IN SECTION V TO THE FOLLOWING PERSON(S) (NAMES AND ADDRESSES)

IF SOLD (TRANSFERRED) TO MORE THAN ONE PERSON, THE PURCHASER(S) (TRANSFEREE(S)) ARE TENANTS IN COMMON, EACH OWNING AN EQUAL UNDIVIDED INTEREST, UNLESS OTHERWISE INDICATED HEREIN. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

- ☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY
- ☐ OTHER (DESCRIBE)

VIII. SIGNATURE OF SELLER(S) (TRANSFEROR(S)) OR PERSONS SIGNING ON BEHALF OF SELLER(S) (TRANSFEROR(S)):

DATE SIGNED:

IX. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGENT, TRUSTEE, EXECUTOR)

X. ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME ON: _____ (DATE)

STATE:

COUNTY:

BY THE PERSON NAMED ABOVE ACTING IN THEIR STATED CAPACITY(IES).

_____ NOTARY PUBLIC
MY COMMISSION EXPIRES:

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:
   (A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
   (B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE ISSUING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 20 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVP), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

DEPARTMENT OF TRANSPORTATION, USCG, CG-1270 (REV. 1-92)
PREVIOUS EDITIONS ARE OBSOLETE

OMB APPROVED
2115-0110

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

Certificate of Documentation

VESSEL NAME	OFFICIAL NUMBER	PORT OF RECORD HAILING PORT

GROSS	NET	LENGTH	BREADTH	DEPTH	HULL MATERIAL	SELF PROPELLED

PLACE BUILT — YEAR BUILT

OWNER

COMPLETE RECORDS ON FILE AT PORT OF RECORD

THIS VESSEL IS PRESENTLY DOCUMENTED FOR

MANAGING OWNER

RESTRICTIONS

ENTITLEMENTS

REMARKS

ISSUED AT

SIGNATURE AND SEAL

ISSUE DATE

THIS CERTIFICATE EXPIRES ON THE LAST DAY OF

UNLESS RENEWED BY DECAL ON REVERSE.

DOCUMENTATION OFFICER

REVERSE OF CG-1270 (REV. 1-92)

OMB APPROVED
2115-0110

CHANGES OF OWNER ADDRESS
AFFIX LABEL ISSUED BY DOCUMENTATION OFFICER

1.	2.
3.	4.

CERTIFICATE OF DOCUMENTATION RENEWAL RECORD
AFFIX ANNUAL RENEWAL DECALS SEQUENTIALLY IN THE SPACES PROVIDED BELOW

1.	2.	3.	4.
5.	6.	7.	8.

WHEN ALL RENEWAL SPACES ARE FILLED, GO BACK TO THE FIRST POSITION AND AFFIX CURRENT DECALS OVER OLD DECALS.

THIS VESSEL MUST BE MARKED WITH THE OFFICIAL NUMBER, NAME, AND HAILING PORT SHOWN ON THE FACE OF THIS CERTIFICATE. THIS ORIGINAL CERTIFICATE, WHICH MUST BE KEPT ABOARD THE VESSEL AT ALL TIMES WHEN THE VESSEL IS IN OPERATION, MUST BE SHOWN UPON THE DEMAND OF ANY PERSON ACTING IN AN OFFICIAL PUBLIC CAPACITY.

THE PERSON TO WHOM THIS CERTIFICATE IS ISSUED MUST SURRENDER IT TO A COAST GUARD DOCUMENTATION OFFICER UPON ONE OR MORE OF THE FOLLOWING CHANGES: OWNERSHIP OF THE VESSEL CHANGES IN WHOLE OR IN PART; GENERAL PARTNERS OF A PARTNERSHIP OWNING THE VESSEL CHANGE BY ADDITION, DELETION, OR SUBSTITUTION; PORT OF RECORD OF THE VESSEL CHANGES; THE GROSS OR NET TONNAGES OR DIMENSIONS OF THE VESSEL CHANGE; THE NAME OF THE VESSEL CHANGES; THE RESTRICTIONS IMPOSED ON THE VESSEL CHANGE BY ADDITION OR SUBSTITUTION; LEGAL NAME OF ANY OWNER OF THE VESSEL CHANGES; A TENANT BY THE ENTIRETY OWNING ANY PART OF THE VESSEL DIES; A SELF-PROPELLED VESSEL BECOMES NON-SELF-PROPELLED; THE TRADE ENDORSEMENTS FOR THE VESSEL MUST BE CHANGED BY A DOCUMENTATION OFFICER; THE DISCOVERY OF A SUBSTANTIVE OR CLERICAL ERROR MADE BY THE ISSUING DOCUMENTATION OFFICER; THE VESSEL IS PLACED UNDER THE COMMAND OF A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES; HAILING PORT OF THE VESSEL CHANGES; ANY CHANGE IN ADDRESS OF MANAGING OWNER MUST BE PROMPTLY REPORTED TO A COAST GUARD DOCUMENTATION OFFICE.

CG-1280

OMB Approved
2115-0110

NOTICE:

THE CERTIFICATE OF DOCUMENTATION FOR THE VESSEL IDENTIFIED BELOW EXPIRES AT THE END OF THE MONTH INDICATED. TO OBTAIN YOUR RENEWAL DECAL, COMPLETE THE CERTIFICATION ON THE REVERSE OF THIS NOTICE AND RETURN IT PRIOR TO THE DATE OF EXPIRATION. FAILURE TO DO SO MAY RESULT IN PENALTIES AND THE REMOVAL OF THE VESSEL FROM DOCUMENTATION.

IF YOU ARE UNABLE TO COMPLETE THE CERTIFICATION BECAUSE ONE OR MORE OF THE ITEMS LISTED HAS CHANGED, YOU MUST CONTACT THE DOCUMENTATION OFFICE BEFORE THE CERTIFICATE OF DOCUMENTATION EXPIRES. FAILURE TO DO SO MAY RESULT IN PENALTIES AND REMOVAL OF THE VESSEL FROM DOCUMENTATION. OPERATION OF THE VESSEL WHILE THE CERTIFICATE REMAINS INACCURATE MAY ALSO RESULT IN PENALTIES.

IF YOUR ADDRESS HAS CHANGED, PLEASE INDICATE YOUR NEW ADDRESS ON THE REVERSE AND PRESENT THE CERTIFICATE OF DOCUMENTATION TO THIS OFFICE AS SOON AS POSSIBLE.

Reverse of CG-1280

OMB Approved
2115-0110

I CERTIFY THAT THE RECITATIONS CONCERNING THE VESSEL NAME, TONNAGE, DIMENSIONS, PROPULSION, OWNERSHIP, HOME PORT, RESTRICTIONS, ENTITLEMENTS AND EMPLOYMENT CONTAINED IN THE CERTIFICATE OF DOCUMENTATION REMAIN ABSOLUTELY THE SAME. THE CERTIFICATE OF DOCUMENTATION HAS NOT BEEN LOST, MUTILATED, OR WRONGFULLY WITHHELD.

OWNER'S ADDRESS (If changed from that indicated on the Certificate of Documentation)

AUTHORIZED SIGNATURE _____ CAPACITY OF PERSON SIGNING _____ DATE _____

RETURN THIS NOTICE AND CERTIFICATION TO THE OFFICE INDICATED ON THE OTHER SIDE

OMB Approved
2115-0110

U.S. COAST GUARD VESSEL DOCUMENTATION RENEWAL DECAL FORM

Attached is a decal which indicates that the Certificate of Documentation for the vessel named above has been renewed for the next year. The Certificate of Documentation expires on the last day of the month and year indicated on the decal. The official number of your vessel is shown on the decal. Please verify that the number is the same as is shown on the document and report any discrepancies to this office.

Please remove the decal below from it's backing and affix the new decal on the back of the Certificate of Documentation. If all the blocks on the back are filled with decals, place the new decal over the oldest decal. The placement of the decal is the last step in the renewal process. THE DECAL MUST BE AFFIXED TO THE DOCUMENT TO INDICATE THE CURRENT STATUS OF THE VESSEL. If any changes occur prior to next year's renewal (i.e.; address, ownership, dimensions, etc.), please contact this office immediately in writing.

DEPT OF TRANSP USCG CG-1280A (REV. 3-90)
PREVIOUS EDITIONS ARE OBSOLETE

SN 7530-01-GF3-3080

CG-1280B

OMB Approved
2115-0110

NOTICE:

OUR RECORDS INDICATE THAT THE CERTIFICATE OF DOCUMENTATION ISSUED TO THE VESSEL NAMED BELOW HAS EXPIRED.

FAILURE TO RENEW THE VESSEL'S CERTIFICATE OF DOCUMENTATION AND/OR OPERATION OF THE VESSEL WITH AN EXPIRED CERTIFICATE IS A VIOLATION OF FEDERAL LAW AND REGULATION, AND MAY RESULT IN A PENALTY OF UP TO $500.00 PER DAY.

IF THE VESSEL HAS BEEN LOST, SOLD, ABANDONED, DESTROYED, OR PLACED UNDER STATE REGISTRATION, THE CERTIFICATE OF DOCUMENTATION MUST BE TURNED IN TO THIS OFFICE. IF THERE HAVE BEEN ANY CHANGES IN THE DATA RECITED IN THE CERTIFICATE OF DOCUMENTATION, YOU MUST CONTACT THIS OFFICE REGARDING STEPS TO UPDATE THE CERTIFICATE. IF THE CERTIFICATE OF DOCUMENTATION HAS BEEN LOST, YOU MUST ADVISE US OF THAT FACT, AND IF YOU DESIRE TO CONTINUE DOCUMENTATION OF THE VESSEL, TAKE THE NECESSARY STEPS TO REPLACE THE CERTIFICATE.

THE CERTIFICATION ON REVERSE MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS POSSIBLE. FAILURE TO RETURN THE FORM WITHIN THE NEXT TEN DAYS, OR TO ADVISE THIS OFFICE OF THE CURRENT STATUS OF THE VESSEL AND THE CERTIFICATE OF DOCUMENTATION, WILL RESULT IN THE VESSEL BEING REMOVED FROM DOCUMENTATION.

Reverse of CG-1280B

OMB Approved
2115-0110

I CERTIFY THAT THE RECITATIONS CONCERNING THE VESSEL NAME, TONNAGE, DIMENSIONS, PROPULSION, OWNERSHIP, HOME PORT, RESTRICTIONS, ENTITLEMENTS AND EMPLOYMENT CONTAINED IN THE CERTIFICATE OF DOCUMENTATION REMAIN ABSOLUTELY THE SAME. THE CERTIFICATE OF DOCUMENTATION HAS NOT BEEN LOST, MUTILATED, OR WRONGFULLY WITHHELD.

OWNER'S ADDRESS (if changed from that indicated on the Certificate of Documentation)

AUTHORIZED SIGNATURE | CAPACITY OF PERSON SIGNING | DATE

RETURN THIS NOTICE AND CERTIFICATION TO THE OFFICE INDICATED ON THE OTHER SIDE

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1332 (REV. 1-92)

GENERAL INDEX OR ABSTRACT OF TITLE

OMB APPROVED
2115-0110

VESSEL BUILT AT _____ (OFFICIAL NUMBER)

(AND) _____ IN _____ (HULL ID NUMBER)

BY _____

FOR _____ (5) _____

_____ (4) _____

BUILDER'S CERTIFICATE DATED _____ (3) _____

TITLE ASSIGNED TO _____ (2) _____

(1) _____
NAME OF VESSEL

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE

FILED PORT	DATE	TIME	DATE TERMINATED

GRANTOR

GRANTEE

☐ ISSUED AS AN ABSTRACT OF TITLE ☐ ISSUED FOR CHANGE OF PORT OF RECORD

DATE: TIME:

PORT: PAGE OF _____
DOCUMENTATION OFFICER

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1332A (REV. 1-92)

GENERAL INDEX OR ABSTRACT OF TITLE
CONTINUATION SHEET NO.____

OFFICIAL NO.

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE
FILED PORT		DATE	TIME	DATE TERMINATED	
GRANTOR					
GRANTEE					

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE
FILED PORT		DATE	TIME	DATE TERMINATED	
GRANTOR					
GRANTEE					

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE
FILED PORT		DATE	TIME	DATE TERMINATED	
GRANTOR					
GRANTEE					

INSTRUMENT	% CONVEYED	DATE	AMOUNT	BOOK	PAGE
FILED PORT		DATE	TIME	DATE TERMINATED	
GRANTOR					
GRANTEE					

☐ ISSUED AS AN ABSTRACT OF TITLE ☐ ISSUED FOR CHANGE OF PORT OF RECORD

DATE: TIME:

PORT: PAGE OF

_____
DOCUMENTATION OFFICER

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1340 (REV. 1-92)

BILL OF SALE

THIS SECTION FOR COAST GUARD USE ONLY

1. VESSEL NAME

2. OFFICIAL NUMBER OR HULL ID NUMBER

3. NAME(S) AND ADDRESS(ES) OF SELLERS:

RECORDED:
BOOK: PAGE:
PORT (IF NOT FILING PORT)
DOCUMENTATION OFFICER

3A. TOTAL INTEREST OWNED (IF LESS THAN 100%) _____%.

4. NAME(S) AND ADDRESS(ES) OF BUYER(S) AND INTEREST TRANSFERRED TO EACH:

4A. TOTAL INTEREST TRANSFERRED (100% UNLESS OTHERWISE SPECIFIED)_____%.

4B. MANNER OF OWNERSHIP. UNLESS OTHERWISE STATED HEREIN, THIS BILL OF SALE CREATES A TENANCY IN COMMON, WITH EACH TENANT OWNING AN EQUAL UNDIVIDED INTEREST. CHECK ONLY ONE OF THE FOLLOWING BLOCKS TO SHOW ANOTHER FORM OF OWNERSHIP.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

5. CONSIDERATION RECEIVED:

(ONE DOLLAR AND OTHER VALUABLE CONSIDERATION UNLESS OTHERWISE STATED)

6. I (WE) DO HEREBY SELL TO THE BUYER(S) NAMED ABOVE, THE RIGHT, TITLE AND INTEREST IDENTIFIED IN BLOCK 4 OF THIS BILL OF SALE, IN THE PROPORTION SPECIFIED HEREIN.

VESSEL IS SOLD FREE AND CLEAR OF ALL LIENS, MORTGAGES, AND OTHER ENCUMBRANCES OF ANY KIND AND NATURE, EXCEPT AS STATED ON THE REVERSE HEREOF. VESSEL IS SOLD TOGETHER WITH AN EQUAL INTEREST IN THE MASTS, BOWSPRIT, SAILS, BOATS, ANCHORS, CABLES, TACKLE, FURNITURE, AND ALL OTHER NECESSARIES THERETO APPERTAINING AND BELONGING, EXCEPT AS STATED ON THE REVERSE HEREOF.

7. SIGNATURES OF SELLER(S) OR PERSON(S) SIGNING ON BEHALF OF SELLER(S).

8. DATE SIGNED

9. NAME(S) OF PERSON(S) SIGNING ABOVE, AND LEGAL CAPACITY IN WHICH SIGNED (E.G., OWNER, AGENT, TRUSTEE, EXECUTOR)

10. ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME ON:_____
(DATE)

BY THE PERSONS NAMED ABOVE ACTING IN THEIR STATED CAPACITY(IES).

STATE:_____
COUNTY:_____

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____
(DATE)

REVERSE OF CG-1340 (REV. 1-92)

OMB APPROVED
2115-0110

(COMPLETE THIS SECTION ONLY IF VESSEL DOES NOT HAVE AN OFFICIAL NUMBER OR HULL IDENTIFICATION NUMBER.)

VESSEL DATA

A. BUILDER _____ B. BUILDER'S HULL NUMBER _____

C. FORMER NAME _____ D. FORMER MOTORBOAT NUMBERS _____

E. FORMER ALIEN REGISTRATIONS _____ F. DIMENSIONS _____

G. PERSON FROM WHOM SELLER OBTAINED VESSEL _____

_____
SIGNATURE OF SELLER

REMARKS

INSTRUCTIONS

1. INDICATE CURRENT DOCUMENTED NAME. (IF VESSEL HAS NEVER BEEN DOCUMENTED SELLER MUST COMPLETE AND SIGN DATA SECTION ABOVE.)
2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR HULL IDENTIFICATION NUMBER ASSIGNED BY MANUFACTURER. (IF THE VESSEL HAS NO HULL IDENTIFICATION NUMBER AND HAS NEVER BEEN DOCUMENTED, SELLER MUST COMPLETE AND SIGN THE VESSEL DATA SECTION ABOVE.)
3. INSERT NAMES AND ADDRESSES OF ALL PERSONS SELLING VESSEL, ALONG WITH TOTAL INTEREST OWNED BY THOSE PERSONS. IF MORE ROOM IS NEEDED, AN ATTACHMENT MAY BE MADE SHOWING THE ADDRESSES OF THE SELLERS.
3A. SELF-EXPLANATORY.
4. INSERT NAMES AND ADDRESSES OF ALL BUYERS, ALONG WITH THE INTEREST TRANSFERRED TO EACH. IF THERE IS MORE THAN ONE BUYER AND NO DIVISION OF INTEREST IS SHOWN, THIS BILL OF SALE WILL RESULT IN EACH BUYER HOLDING AN EQUAL INTEREST. (IF MORE ROOM IS NEEDED, AN ATTACHMENT MAY BE MADE SHOWING THE ADDRESSES OF THE BUYERS.)
4A. SELF-EXPLANATORY.
4B. CHECK ONE OF THE BLOCKS TO CREATE A FORM OF OWNERSHIP OTHER THAN A TENANCY IN COMMON. IF "OTHER" IS CHECKED, THE FORM OF OWNERSHIP MUST BE DESCRIBED.
5. OPTIONAL. IF THE AMOUNT PAID FOR THE VESSEL IS INSERTED, IT WILL BE NOTED ON THE VESSEL'S GENERAL INDEX.
6. SELF-EXPLANATORY. USE "REMARKS" SECTION ABOVE IF VESSEL IS NOT SOLD FREE AND CLEAR, OR TO LIST VESSEL APPURTENANCES WHICH ARE NOT SOLD WITH THE VESSEL.
7. SELF-EXPLANATORY.
8. SHOW THE DATE ON WHICH THE INSTRUMENT IS SIGNED.
9. IN ADDITION TO THE PRINTED OR TYPED NAME OF THE SIGNER, SHOW WHETHER THAT PERSON WAS ACTING AS AN OWNER, AS AN AGENT FOR AN OWNER, AS TRUSTEE, AS THE PERSONAL REPRESENTATIVE OR EXECUTOR OF AN ESTATE, OR OTHER CAPACITY WHICH ENTITLED THAT PERSON TO SIGN THE BILL OF SALE.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 20 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

OMB APPROVED
2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1356 (REV. 1-92)

BILL OF SALE BY GOVERNMENT ENTITY PURSUANT TO COURT ORDER OR ADMINISTRATIVE DECREE OF FORFEITURE

THIS SECTION FOR COAST GUARD USE ONLY

1. VESSEL NAME

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. PERSON EXECUTING INSTRUMENT

NAME: TITLE:

NAME AND ADDRESS OF AGENCY REPRESENTED (AND DISTRICT, IF APPLICABLE)

4. COURT OR FORFEITURE INFORMATION:

☐ VESSEL SOLD PURSUANT TO ADMINISTRATIVE FORFEITURE (COPY OF DECREE ATTACHED)

☐ VESSEL SOLD PURSUANT TO COURT ORDER
NAME OF COURT TITLE OF ORDER

RECORDING DATA:
BOOK: PAGE:
PORT (IF DIFFERENT FROM FILING PORT)

5. NAME(S) AND ADDRESS(ES) OF BUYER(S) AND INTEREST TRANSFERRED TO EACH:

5A. TOTAL INTEREST TRANSFERRED (100% UNLESS OTHERWISE SPECIFIED)_____%.

5B. MANNER OF OWNERSHIP. (CHECK ONLY ONE, IF APPLICABLE). UNLESS OTHERWISE STATED HEREIN, THIS BILL OF SALE CREATES A TENANCY IN COMMON, WITH EACH TENANT OWNING AN EQUAL UNDIVIDED INTEREST.

☐ JOINT TENANCY WITH RIGHT OF SURVIVORSHIP ☐ TENANCY BY THE ENTIRETIES ☐ COMMUNITY PROPERTY

☐ OTHER (DESCRIBE)

6. CONSIDERATION RECEIVED:

(ONE DOLLAR AND OTHER VALUABLE CONSIDERATION UNLESS OTHERWISE STATED)

7. BY VIRTUE OF THE AFORESAID COURT ORDER, A COPY OF WHICH IS ATTACHED HERETO, OR DECREE OF ADMINISTRATIVE FORFEITURE ATTACHED HERETO, I DO HEREBY GRANT, BARGAIN, AND SELL THE VESSEL DESCRIBED HEREIN, TOGETHER WITH ITS TACKLE, APPAREL, AND FURNITURE, TO THE BUYER(S) NAMED ABOVE.

8. SIGNATURE AND ACKNOWLEDGMENT:

SIGNATURE:_____ DATE:_____

ACKNOWLEDGEMENT

STATE

COUNTY

SUBSCRIBED AND SWORN BEFORE ME ON: _____
(DATE)

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES_____
(DATE)

REVERSE OF CG-1356 (REV. 1-92)

OMB APPROVED
2115-0110

(COMPLETE THIS SECTION ONLY IF VESSEL DOES NOT HAVE AN OFFICIAL NUMBER OR HULL IDENTIFICATION NUMBER.)

VESSEL DATA

A. BUILDER _____ B. BUILDER'S HULL NUMBER _____

C. FORMER NAME _____ D. FORMER MOTORBOAT NUMBERS _____

E. FORMER ALIEN REGISTRATIONS _____ F. DIMENSIONS _____

G. PERSON FROM WHOM SELLER OBTAINED VESSEL _____

_____
SIGNATURE OF SELLER

INSTRUCTIONS

1. INDICATE CURRENT DOCUMENTED NAME. (IF VESSEL HAS NEVER BEEN DOCUMENTED SELLER MUST COMPLETE AND SIGN DATA SECTION ABOVE.)

2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR HULL IDENTIFICATION NUMBER ASSIGNED BY MANUFACTURER. (IF THE VESSEL HAS NO HULL IDENTIFICATION NUMBER AND HAS NEVER BEEN DOCUMENTED, SELLER MUST COMPLETE AND SIGN THE VESSEL DATA SECTION ABOVE.)

3. INSERT NAMES AND ADDRESSES OF ALL PERSONS EXECUTING INSTRUMENT AND THEIR CAPACITY. LIST THE NAME AND ADDRESS OF THE AGENCY IF APPLICABLE.

4. SELF-EXPLANATORY.

5. LIST THE NAME(S) AND ADDRESS(ES) OF THE BUYERS.

5A. LIST THE INTEREST TRANSFERRED TO THE BUYER(S) NAMED ABOVE.

5B. CHECK THE MANNER OF OWNERSHIP. UNLESS OTHERWISE STATED, THIS BILL OF SALE CREATES A TENANCY IN COMMON WITH EACH TENANT OWNING AN UNDIVIDED INTEREST.

6. SELF-EXPLANATORY. USE "REMARKS" SECTION ABOVE IF VESSEL IS NOT SOLD FREE AND CLEAR, OR TO LIST VESSEL APPURTENANCES WHICH ARE NOT SOLD WITH THE VESSEL.

7. SELF-EXPLANATORY.

8. THIS SECTION MUST BE COMPLETED BY A NOTARY PUBLIC OR OTHER PERSON AUTHORIZED TO TAKE ACKNOWLEDGMENTS OF DEEDS UNDER THE LAWS OF A STATE OR THE UNITED STATES. IF THERE ARE MULTIPLE SIGNATORIES TO THIS BILL OF SALE, EACH MUST MAKE AN ACKNOWLEDGMENT BEFORE A NOTARY. ATTACHMENTS SHOWING THOSE APPEARANCES ARE PERMITTED.

NOTE: THIS INSTRUMENT WILL BE INELIGIBLE FOR FILING AND RECORDING IF ALTERED AFTER EXECUTION AND ACKNOWLEDGMENT. ANY ALTERATIONS MADE PRIOR TO EXECUTION MUST BE ATTESTED BY THE PERSON TAKING THE ACKNOWLEDGMENT.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TO THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

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(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOREOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID EXCEPT AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE., (46 USC 31321(A)).

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 20 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

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2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-4593 (REV. 1-92)

APPLICATION, CONSENT, AND APPROVAL FOR WITHDRAWAL OF APPLICATION FOR DOCUMENTATION OR EXCHANGE OF CERTIFICATE OF DOCUMENTATION

THIS SECTION FOR COAST GUARD USE ONLY

PORT:

DATE:

FEE:

SIGNATURE

APPROVAL GRANTED FOR EXCHANGE OF OUTSTANDING CERTIFICATE OF DOCUMENTATION OR WITHDRAWAL OF APPLICATION.

I. APPLICATION

1. NAME OF VESSEL

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. NAME(S) AND ADDRESS(ES) OF MORTGAGOR(S)

4. NAME(S) AND ADDRESS(ES) OF MORTGAGEE(S)

5. DATE OF MORTGAGE

6. AMOUNT OF MORTGAGE

7. DATE FILED

8. PURPOSE OF APPLICATION

☐ APPLICATION IS HEREBY MADE FOR APPROVAL OF WITHDRAWAL OF THE APPLICATION FOR (EXCHANGE OF) DOCUMENTATION DATED: _____

☐ APPLICATION IS HEREBY MADE FOR APPROVAL OF EXCHANGE OF THE OUTSTANDING CERTIFICATE OF DOCUMENTATION FOR THE ABOVE NAMED VESSEL.

9. SIGNATURE OF OWNER OR PERSON ACTING FOR OWNER:

_____ DATE: _____

II. CONSENT

AS (ON BEHALF) OF THE MORTGAGEE(S), I(WE) CONSENT TO WITHDRAWAL OF THE APPLICATION FOR DOCUMENTATION OR EXCHANGE OF THE OUTSTANDING CERTIFICATE OF DOCUMENTATION.

MORTGAGEE: _____

TITLE: _____

DATE: _____

OMB APPROVED
2115-0110

REVERSE OF CG-4593 (REV. 1-92)

INSTRUCTIONS

I. APPLICATION

1. INDICATE CURRENT DOCUMENTED NAME.
2. INDICATE OFFICIAL NUMBER AWARDED TO VESSEL OR OTHER UNIQUE IDENTIFIER (E.G., HULL IDENTIFICATION NUMBER).
3. SELF-EXPLANATORY.
4. SELF-EXPLANATORY.
5. SELF-EXPLANATORY.
6. SELF-EXPLANATORY.
7. INSERT DATE MORTGAGE WAS FILED WITH USCG.
8. SELF-EXPLANATORY.
9. SELF-EXPLANATORY.

II. CONSENT

1. SELF-EXPLANATORY.

PRIVACY ACT STATEMENT

IN ACCORDANCE WITH 5 USC 552(A), THE FOLLOWING INFORMATION IS PROVIDED TO YOU WHEN SUPPLYING PERSONAL INFORMATION TOP THE U.S. COAST GUARD.

1. AUTHORITY. SOLICITATION OF THIS INFORMATION IS AUTHORIZED BY 46 USC, CHAPTER 313 AND 46 CFR, PART 67.

2. THE PRINCIPAL PURPOSES FOR WHICH THIS INSTRUMENT IS TO BE USED ARE:

(A) TO PROVIDE A RECORD, AVAILABLE FOR PUBLIC INSPECTION AND COPYING, OF THE SALE OR OTHER CHANGE IN OWNERSHIP OF A VESSEL WHICH IS DOCUMENTED, WILL BE DOCUMENTED, OR HAS BEEN DOCUMENTED PURSUANT TO 46 USC, CHAPTER 121.
(B) PLACEMENT OF THIS INSTRUMENT IN A BOOK FOR EXAMINATION BY GOVERNMENTAL AUTHORITIES AND MEMBERS OF THE GENERAL PUBLIC.

3. THE ROUTINE USE WHICH MAY BE MADE OF THIS INFORMATION INCLUDES DEVELOPMENT OF STATISTICAL DATA CONCERNING DOCUMENTED VESSELS.

4. DISCLOSURE OF THE INFORMATION REQUESTED ON THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO PROVIDE THE INFORMATION COULD PRECLUDE FILING OF A BILL OF SALE AND DOCUMENTATION OF THE VESSEL NAMED HEREIN PURSUANT TO 46 USC, CHAPTER 121. MOVEOVER, BILLS OF SALE WHICH ARE NOT FILED ARE NOT DEEMED TO BE VALID AGAINST ANY PERSON EXCEPT THE GRANTOR OR A PERSON HAVING ACTUAL KNOWLEDGE OF THE SALE. (46 USC 31321(A)).

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2115-0110

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-5542 (REV. 1-92)

OPTIONAL APPLICATION FOR FILING (SEE INSTRUCTIONS AND PRIVACY ACT ON REVERSE)

THIS SECTION FOR COAST GUARD USE ONLY

RECORDED
PORT
BOOK
PAGE
BY

1. VESSEL NAME (ATTACH SCHEDULE IF MORE THAN ONE VESSEL)

2. OFFICIAL NUMBER OR OTHER UNIQUE IDENTIFIER

3. INSTRUMENT TYPE: (CHECK ALL THAT APPLY)

☐ PREFERRED MORTGAGE ☐ ASSUMPTION ☐ AMENDMENT
☐ CHATTEL MORTGAGE ☐ SUPPLEMENT ☐ SUBORDINATION
☐ OTHER (DESCRIBE) ☐ ASSIGNMENT

4. NAME(S) AND ADDRESS(ES) OF GRANTOR(S) (MORTGAGOR(S), ASSIGNOR(S), ASSUMING PARTY(IES), OR OTHER(S)) —SEE INSTRUCTIONS)

INTEREST OWNED IN VESSEL OR HELD IN MORTGAGE AFFECTED BY ATTACHED INSTRUMENT _____%. (100% UNLESS OTHERWISE STATED)

5. NAME(S) AND ADDRESS(ES) OF GRANTEE(S) (MORTGAGEE(S), ASSIGNEE(S), OR OTHER(S) — SEE INSTRUCTIONS)

PERCENTAGE OF VESSEL MORTGAGED OR MORTGAGE ASSIGNED _____%. (100% UNLESS OTHERWISE STATED)

6. AMOUNT

7. IDENTIFICATION OF INSTRUMENT ASSUMED, ASSIGNED, AMENDED, SUPPLEMENTED, SUBORDINATED, OR OTHERWISE MODIFIED:

RECORDED BOOK: PAGE: FILED/RECORDED DATE: TIME:

OTHER IDENTIFYING DATA:

8. CERTIFICATION AND ATTESTATION:

I (WE) HEREBY CERTIFY THAT THE FACTS RECITED HEREIN ARE TRUE AND CORRECT. I (WE) UNDERSTAND THAT THE U.S. COAST GUARD WILL RELY ON THOSE RECITATIONS IN INDEXING THE ATTACHED INSTRUMENT.

SIGNATURE(S): (SEE INSTRUCTIONS)

FOR THE GRANTOR(S) FOR THE GRANTEE(S)

_____ _____

_____ _____

STATE:

COUNTY:

SUBSCRIBED AND SWORN BEFORE ME ON: _____

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
(DATE)

WARNING: FALSE STATEMENT MAY RESULT IN FINE OR IMPRISONMENT PURSUANT TO TITLE 18 USC.

REVERSE OF CG-5842 (REV. 1-92)

OMB APPROVED
2115-0110

INSTRUCTIONS

1. SELF-EXPLANATORY. A SCHEDULE MAY BE ATTACHED IF MORE THAN ONE VESSEL IS AFFECTED BY THE INSTRUMENT ATTACHED.

2. LIST COAST GUARD ASSIGNED OFFICIAL NUMBER, MANUFACTURER'S HULL IDENTIFICATION NUMBER (HIN) ASSIGNED IN ACCORDANCE WITH RULES IN 33 CFR, OR OTHER UNIQUE IDENTIFIER. (STATE MOTORBOAT NUMBERS ARE NOT CONSIDERED UNIQUE IDENTIFIERS.)

3. SELF-EXPLANATORY.

4. GRANTOR. FOR PURPOSES OF THIS FORM, GRANTORS INCLUDE MORTGAGORS, ASSIGNORS, PERSONS ASSUMING MORTGAGES, PERSONS GRANTING SUBORDINATION OF MORTGAGES. LIST ALL GRANTORS AND ADDRESSES. A SEPARATE SCHEDULE MAY BE ATTACHED IF MORE ROOM IS NEEDED.

5. GRANTEE. FOR PURPOSES OF THIS FORM, GRANTEES INCLUDE MORTGAGEES, ASSIGNEES, PERSON FROM WHOM MORTGAGES ARE ASSUMED, AND PERSON TO WHOM SUBORDINATION OF MORTGAGES ARE GRANTED. LIST ALL GRANTEES AND ADDRESSES. A SEPARATE SCHEDULE MAY BE ATTACHED IF MORE ROOM IS NEEDED.

6. SELF-EXPLANATORY.

7. NOT USED FOR NEW CHATTEL OR PREFERRED MORTGAGES. MUST BE COMPLETED FOR ASSUMPTIONS, ASSIGNMENTS, AMENDMENTS, OR OTHER INSTRUMENTS MODIFYING CHATTEL OR PREFERRED MORTGAGE FILED PREVIOUSLY OR CONCURRENTLY.

8. REQUIRED SIGNATURES AND NOTARIZATION:

- CHATTEL OR PREFERRED MORTGAGES, AMENDMENTS, OR SUPPLEMENTS: GRANTOR AND GRANTEE OR PERSONS ACTING ON BEHALF OF THOSE ENTITIES.

- ASSUMPTION OF MORTGAGE: ASSUMING PARTY AS GRANTOR, ORIGINAL MORTGAGOR AND MORTGAGEE AS GRANTEES, OR PERSONS ACTING ON BEHALF OF THOSE ENTITIES.

- SUBORDINATION AGREEMENT OR ASSIGNMENT: GRANTOR OF SUBORDINATION AGREEMENT OR ASSIGNMENT, OR PERSON ACTING ON BEHALF OF THAT ENTITY.

PRIVACY ACT

THE SECRETARY OF TRANSPORTATION AUTHORIZED THE COAST GUARD TO BE THE AGENCY WHICH (A) ACCEPTS APPLICATIONS FOR DOCUMENTATION OF VESSELS; (B) DETERMINES WHETHER A VESSEL WHICH IS THE SUBJECT OF APPLICATION IS ELIGIBLE FOR THE ENDORSEMENT OR ENDORSEMENTS REQUESTED; AND (C) ISSUES CERTIFICATES OF DOCUMENTATION TO ELIGIBLE VESSELS. (14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110; 46 U.S.C. APP. 841A, 876; 49 U.S.C. 332; 49 C.F.R. 1.46)

INFORMATION COLLECTED MAY BE ACCESSED BY FEDERAL, STATE, AND LOCAL AGENCIES, AS WELL AS MEMBERS OF THE GENERAL PUBLIC TO ASSIST LAW ENFORCEMENT OR FOR OTHER LAWFUL PURPOSES. THIS INFORMATION IS ALSO PUBLISHED IN ACCORDANCE WITH 46 U.S.C. APP. 12119.

PROVIDING THE INFORMATION IS VOLUNTARY. HOWEVER, THE COAST GUARD CANNOT PROCESS YOUR APPLICATION IF THE REQUESTED INFORMATION IS NOT COMPLETE. THE INFORMATION FURNISHED ON THE ASSOCIATED FORMS IS USED TO ENSURE THE REQUIREMENTS FOR DOCUMENTATION ARE MET.

PENALTIES FOR PROVIDING FALSE STATEMENTS OR REPRESENTATIONS ARE COVERED UNDER 18 U.S.C. 1001 AND 46 U.S.C. 12122.

THE COAST GUARD ESTIMATES THAT THE AVERAGE BURDEN FOR THIS FORM IS 10 MINUTES. YOU MAY SUBMIT ANY COMMENTS CONCERNING THE ACCURACY OF THIS BURDEN ESTIMATE OR MAKE SUGGESTIONS FOR REDUCING THE BURDEN TO: COMMANDANT (G-MVI), U.S. COAST GUARD, WASHINGTON, DC 20593-0001 OR OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF INFORMATION AND REGULATORY AFFAIRS, ATTENTION: DESK OFFICER FOR DOT/USCG, OLD EXECUTIVE OFFICE BUILDING, WASHINGTON, DC 20503.

[FR Doc. 92-6669 Filed 3-25-92; 8:45 am]
BILLING CODE 4910-14-C

federal register

Thursday
March 26, 1992

Part IV

Department of Labor

Employment and Training Administration

Interim Report of the Advisory Panel for the Dictionary of Occupational Titles; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Interim Report of the Advisory Panel for the Dictionary of Occupational Titles (APDOT)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of interim report; request for comments.

SUMMARY: The Dictionary of Occupational Titles Review (DOT) is a Secretarial initiative designed to ensure that the DOT becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor (DOL) shape its response to the issues of workplace changes and skills development. In August 1990, the Secretary of Labor appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT) and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. By the end of the Review, in February 1993, the APDOT Chair and members are required to complete the following specific duties: (1) Recommend the type and scope of coverage as well as the level of detail that should be collected on occupations to produce a DOT; (2) Advise on appropriateness of methodologies of occupational analysis used to identify, classify, define, and describe jobs in the DOT; (3) Advise on new or alternative approaches to the production, publication, and dissemination of the DOT; and (4) Recommend options for implementation of improvements to the DOT. The Interim Report that follows was developed by APDOT to clarify the approach and status of activities in the DOT Review and to solicit comments from interested persons and organizations on critical issues currently under discussion. The report describes activities undertaken to date, tentative findings, and potential options for recommendations. Specific sections in the report correspond to ten (10) major issue areas currently under study. To encourage response, specific questions for comment are listed at the conclusion of the report. The Interim Report was prepared by APDOT and does not necessarily reflect the views of the U.S. Department of Labor.

DATES: Comments are invited from the public. Written comments must be received by June 9, 1992.

ADDRESSES: Send comments to Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone 202–535–0161 (this is not a toll-free number).

Signed at Washington, DC this 17th day of March, 1992.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Appendix

Interim Report

From The Advisory Panel for the Dictionary of Occupational Titles (APDOT)

Members of the Advisory Panel for the Dictionary of Occupational Titles (APDOT)

Ms. Dixie Sommers, Chair, Ohio Bureau of Employment Services, Columbus, Ohio
Mr. Ken Baker, Freeman White Architects, Charlotte, North Carolina
Dr. Sue Berryman, Institute on Education and Economy, New York, New York
Mr. Manfred Emmrich, North Carolina Employment Security Commission, Raleigh, North Carolina
Dr. Marilyn K. Gowing, Office of Personnel Management, Washington, DC
Mr. Reese Hammond, International Union of Operating Engineers, Washington, DC
Dr. Anita Lancaster, Defense Manpower Data Center, Arlington, Virginia
Dr. Malcolm Morrison, National Association of Rehabilitation Facilities, Reston, Virginia
Dr. Kenneth Pearlman, American Telephone & Telegraph, Morristown, New Jersey
Dr. Richard Santos, University of New Mexico, Albuquerque, New Mexico
Dr. C. Gary Standridge, Fort Worth Independent School District, Forth Worth, Texas
Mr. Charles Tetro, Training and Development Corporation, Bucksport, Maine
Executive Director, Dr. Marilyn B. Silver, Aguirre International
Project Officer, Ms. Donna Dye, U.S. Employment Service

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I. Executive Summary

Background

The DOT Review is a Secretarial Initiative designed to ensure that the Dictionary of Occupational Titles (DOT) becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor shape its response to the issues of workplace changes and skills development. A revised DOT has the potential to serve as a centerpiece of the Department of Labor's strategy to improve the competitiveness of the American workforce. The Secretary of Labor has appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT) and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. Final recommendations are expected in February 1993.

The Interim Report was developed by APDOT to clarify the approach and status of activities in the DOT Review and to solicit comments from interested persons and organizations on critical issues currently under discussion. The report describes activities undertaken to date, tentative findings, and potential options for recommendations. To encourage response, specific questions for comment are listed at the conclusion of the report.

Contents Overview

A review of the Interim Report reveals that APDOT is confronting difficult and complex issues. Specific sections in the report correspond to ten (10) major issue areas currently under study. The remainder of the Executive Summary outlines these ten areas.

Purpose Statement

Believing that decisions on form and function should follow purpose, APDOT advocates that the Department of labor clearly define the intended purpose of the DOT. In its recommendation, APDOT expands the current DOT purpose statement to move beyond serving the traditional employment service job matching function to promote the development of the workforce. APDOT's view of the DOT's purpose underscores increased linkages between the workplace and the education and training community. As defined in the report:

> The purpose of the Dictionary of Occupational Titles (DOT) is to promote the effective development and use of the American workforce. The DOT accomplishes its purpose by providing a database that identifies, defines, and classifies occupations in the economy in an accessible and flexible manner.

Ten Guiding Principles

To focus staff research efforts and to provide guidance for making recommendations, APDOT has formulated a framework of Ten Guiding Principles. These principles are as follows:

1. The DOT must have a high degree of reliability and validity in accomplishing the core mission for the Department of Labor.
2. The DOT must provide information about occupations that includes a variety of relevant occupational characteristics, such as skill types and levels, educational requirements, work environment characteristics, and associated work behaviors or worker requirements.
3. The DOT must provide occupational information to foster the development and training of American workers. The occupational characteristics used in the DOT must encourage the efficient use of human resources and reflect actual job requirements.
4. The DOT should become the national benchmark for identifying, defining, and classifying occupational information. In promoting a common language among consumers of occupational information, the DOT can foster uniformity in data systems and link easily with related databases.
5. The DOT should be a user-friendly, high accessible database.
6. The level of aggregation in the DOT must be useful to major users.
7. Data collection for the DOT must be based on systematic sampling techniques.
8. The Department of Labor should investigate the potential for dramatically decreasing the number of occupations to be detailed in the DOT.
9. The Department of Labor should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.
10. APDOT will make recommendations that are fiscally responsible, but that also consider return on investment and cost/benefit analysis.

Priority Ranking of Uses

APDOT was asked to priority rank DOT user needs. APDOT believes that setting priorities for meeting user needs is the only way to develop a fiscally responsible plan for revising the DOT. Identifying Department of labor officials and State and local grantees as core users of the DOT, APDOT recommended these users as the DOT's top-priority constituency. Although APDOT believes that meeting the needs of Department of Labor users will also meet most needs of other groups including private sector employers, it has recommended that the Department explore the potential for contracting with other agencies/users that require data beyond that needed by its core users.

DOT Users and Uses

The Interim Report acknowledges that before final recommendations can be offered, a thorough analysis of empirically-based data, gained through a comprehensive user survey, must be completed. This survey will be completed later this year. To date, APDOT has heard from a wide range of users who testify to literally millions of decisions being made annually based on the DOT in areas such as career counseling and placement, social security disability determinations, alien labor certifications, and employment and training program planning and evaluation. The Interim Report summarizes 12 generalizations that have emerged regarding user needs. These include requests for currency, accuracy, flexibility, validity, and reliability of data in the new DOT as well as improved linkages with other classification systems and the capability to identify skills transferability across occupations.

Skills and Other Occupational Characteristics

Many users of the DOT need to know the skills and skill levels that are necessary for successful job performance. APDOT has proposed a structure of four domains for organizing and presenting skill-related information. The skill-related information categorized in these four domains varies in its degree of generality or specificity and spans both worker-oriented and job-oriented content. The four domains, which are defined and described in the report, have been labeled: Basic Aptitudes and Abilities, Cross-Functional Skills, Generalized Work Behaviors, and Occupation-Specific Skills.

Basic aptitudes and abilities, the most general category of skill-related information, is composed of the classic aptitude/ability domains: cognitive, psychomotor, spatial/perceptual, and physical. (This domain is analogous to the Secretary's Commission on Achieving Necessary Skills (SCANS) "basic" and "thinking" skills.)

Cross-functional skills, a more specific category of skill-related information, represent applications of aptitudes and abilities to the performance of broad activities that occur across wide ranges of occupations. Examples of cross-functional skills are: fact finding, evaluating information, organizing and planning, interpersonal skills, and negotiation skills. (This domain is analogous to many of the SCANS "competencies.")

Generalized work behaviors are more specific than cross-functional skills. Examples of generalized work behaviors include: writing reports, reading blueprints, preparing budgets, and repairing electrical appliances. APDOT's rationale for including generalized work behaviors stems from the view that this intermediate level of skill description may be a particularly useful level for evaluating skills transferability across occupations.

Occupation-specific skills, the most specific category of skill-related information, is composed of skills, knowledge, and machine, tool, and equipment proficiencies that tend to be unique to specific occupations or homogeneous job families. Such information may be stated as occupation-specific tasks such as "inspect and recharge mobile communications equipment," or "type and proofread statistical charts." Because some DOT users need occupational information that is not readily described within the structure of the four domains, APDOT will also examine procedures for including occupational characteristics such as education, experience, physical demands, work environment characteristics, interests, and temperaments.

International Review

The report indicates that several countries are apparently ahead of the United States in developing skill-based systems for classifying and describing occupations.

DOT Use in Federal Statutes, Regulations, and Legislation

Although DOT use for many Federal agencies is mandated or suggested in Federal regulations, this does not appear to restrict modifications to the DOT.

Regulations evolved from DOT use; if the DOT is changed, APDOT believes that regulations can and should be changed.

Classification Issues

APDOT is currently investigating options for classifying occupational information (1) by skills; (2) by type of work performed; and/or (3) by some other method. There is considerable interest, particularly on the part of the Bureau of Labor Statistics and the Office of Management and Budget, in coordinating proposed revisions of the Standard Occupational Classification with the DOT to produce a system that better serves the needs of Federal agencies. APDOT recommends that the Secretary establish a single work group or other entity within the Department of Labor with responsibility for occupational classification systems. APDOT believes that assigning responsibility in this way will help ensure that the resulting classification systems are both conceptually and technically compatible.

Job Analysis Methodologies

APDOT is reviewing alternative job analysis methodologies and techniques that could replace and/or supplement the current plan. The current DOT job analysis methodology was developed at a time when the nature of work was routinized, repetitive, and organized along hierarchical lines. In today's economy, work is becoming more flexible, problem-oriented, and organized in teams. Many occupations are increasingly knowledge-based, demanding more cognitively-oriented work skills. Such changes add new dimensions of interaction and complexity to work activities, and potentially change the traditional concept of a job or occupation. Concerns regarding the current job analysis methodology focuses on its adequacy in capturing occupational characteristics within increasingly dynamic work settings.

Format and Dissemination Issues

Current users of the DOT appear unanimous consent in their desire for an electronic, automated DOT database with some hard-copy availability. Users appear to desire the capability of conducting database searches of information with different variables. Automation offers increased flexibility in the way data are presented and accessed. In giving both DOT developers and users a range of options not previously available, an automated, electronic database has the potential to drastically alter the way the DOT is developed and used.

II. Background

The DOT Review is a Secretarial Initiative designed to ensure that the Dictionary of Occupational Titles (DOT) becomes an effective tool for meeting the workforce challenges of the 1990's and beyond. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to help the Department of Labor (DOL) shape its response to the issues of workplace changes and skills development. A revised DOT has the potential to serve as a centerpiece of the Department of Labor's strategy to improve the competitiveness of the American workforce. The Secretary of Labor has appointed the Advisory Panel for the Dictionary of Occupational Titles (APDOT), and charged the panel with recommending strategies for developing, producing, and disseminating a new DOT. By the end of the Review, in February 1993, the APDOT Chair and members are required to complete the following specific duties:

(1) Recommend the type and scope of coverage as well as the level of detail that should be collected on occupations to produce a DOT;

(2) Advise on appropriateness of methodologies of occupational analysis used to identify, classify, define, and describe jobs in the DOT;

(3) Advise on new or alternative approaches to the production, publication, and dissemination of the DOT; and

(4) Recommend options for implementation of improvements to the DOT.

The Interim Report was developed by the APDOT at the request of the Employment and Training Administration (ETA). While APDOT is not prepared to make final recommendations at this time, the Interim Report will clarify the approach and status of activities currently underway in the DOT Review. The report will inform Secretary Martin and through publication in the **Federal Register**, the interested public, about activities undertaken to date, tentative findings and potential options for recommendations. The intention of APDOT and the Department of Labor in developing the Interim Report is to solicit comments from interested persons and organizations in critical issues currently under discussion. Specific questions for comment are listed at the conclusion of the report.

The DOT Review Project has been divided into major issue categories currently under study and represented by the following sections in the Interim Report:

- DOT Purpose Statement
- Ten Guiding Principles for DOT Review
- Priority Ranking of Uses
- DOT Users and Uses
- Skills and Other Occupational Characteristics
- International Review
- DOT Use in Federal Statutes, Regulations, and Legislation
- Classification Issues
- Job Analysis Methodologies
- Format and Dissemination Issues
- Toward Recommendations/ Questions for Reader Response

III. DOT Purpose Statement

Purpose Statement

The purpose of the Dictionary of Occupational Titles (DOT) is to promote the effective development and use of the American workforce. The DOT accomplishes its purpose by providing a database that identifies, defines, and classifies occupations in the economy in an accessible and flexible manner.

Background

Historically, the purpose of the DOT was to provide the public employment service with a comprehensive body of standardized occupational information to be used for placement and job matching. Today, the uses of the DOT reach far beyond this initial purpose and include a large and diverse user population. The purpose of the DOT now extends to promoting the effective use and development of the American workforce by providing information for numerous functions in career development, education and training, human resources management, and vocational counseling.

The DOT provides occupational information for employees, workers, government agencies, teachers, students, human resource professionals, unions, and other to support uses such as counseling, rehabilitation services, placement, alien labor certification, disability determination, curriculum development, employment and training program planning and evaluation, social science research, and the development of labor market information. Many of these uses share the common goal of placing workers in jobs. By identifying and defining characteristics of occupations, and by facilitating the match of individual workers with jobs, the DOT supports the effective use of the current workforce.

Supporting the development of the capabilities/skills of current and future

workers is an expanded role for the DOT. This expanded role maintains the Department of Labor perspective of improving the workforce and moves beyond the public employment service's traditional use of the DOT into more extensive use by the education and training community. To support the development of the workforce, a revised DOT needs to described various types and levels of skill-related information. Such information may be used to create educational curricula and for other human resource management purposes. Thus, a revised DOT can be used to more effectively link the world of work with education and training.

The DOT's potential for accomplishing an expanded purpose of promoting the development and use of the American workforce is greatly enhanced through the addition of computer technology. While a revised DOT will continue to identify, define, and classify occupational information in the economy, an automated, electronic database will allow users to access, select, the organized information about occupations. This will greatly improve the accessibility and flexibility of the DOT to respond to user needs and fulfill its purpose.

IV. Ten Guiding Principles for DOT Review

APDOT developed the following guiding principles to assist with its review of the DOT. The principles will guide DOT Review staff in its ongoing research efforts. Most importantly, these principles will help APDOT as it makes decisions regarding specific recommendations for revising the DOT.

1. The DOT must have a high degree of reliability and validity in accomplishing the core mission for the Department of Labor.

This guiding principle refers to the inclusion of information that accurately represents occupations as they exist in the current American labor market. It also underscores APDOT's view that the DOL core users of the DOT represent its top-priority constituency. (See section below on Priority Ranking of DOT Uses.) To meet this challenge, alternative data collection methodologies may be needed or the existing methodology may need to be adapted to reflect a changing occupational structure. Because much occupational research uses the DOT as a standard of comparison, the methodologies selected to conduct data collection must ensure the reliability and validity of occupational information. These methodologies must identify major dimensions of occupations and reflect scales that measure these dimensions following acceptable psychometric practices.

2. The DOT must provide information about occupations that includes a variety of relevant occupational characteristics, such as skill types and levels, educational requirements, work environment characteristics, and associated work behaviors or worker requirements.

Occupational characteristics define work and work behaviors, including associated workers requirements. These characteristics describe the work itself independent of personal attributes associated with workers. To identify the occupational characteristics needed in a new DOT, APDOT will begin by reviewing occupational characteristics described in the current DOT. These characteristics are: Occupational Definition, Worker Functions, General Education Development (GED), Specific Vocational Preparation (SVP), Physical Demands, Environmental Conditions, Aptitudes, and Temperaments. The Guide for Occupational Exploration (GOE) will be studied as part of a new approach to including interest as an occupational characteristic. Finally, APDOT will coordinate efforts with other DOL initiatives such as the Secretary's Commission on Achieving Necessary Skills (SCANS) and the National Advisory Commission on Work-Based Learning that are looking at skills assessment and skills standards issues.

3. The DOT must provide occupational information to foster the development and training of American workers. The occupational characteristics used in the DOT must encourage the efficient use of human resources and reflect actual job requirements.

This guiding principle addresses the issue of fully using human resources. The DOT provides information for employers, workers, government agencies, teachers, students, human resource professionals, and other interested in the development and use of the workforce. Among the uses of the DOT are: Curriculum development, employment and training program planning and evaluation, counseling, certification, human resource development, and other occupational information needs. The collection of valid and reliable occupational information in a revised DOT will result from the use of measures that reflect actual job requirements. The use of such measures eliminates barriers to diversity in the workforce and facilitates the ability of workers to engage in career mobility activities. This principle is particularly important for addressing Equal Employment Opportunity (EEO) concerns. In addition, focusing on actual job requirements facilitates the development of appropriate curricula for training and the selection of appropriate candidates for job placement.

4. The DOT should become the national benchmark for identifying, defining, and classifying occupational information. In promoting a common language among consumers of occupational information, the DOT can foster uniformity in data systems and link easily with related databases.

This guiding principle addresses the need for the uniformity of data systems and highlights the opportunity to maximize intra- and interagency coordination. Inherent in this guiding principle is the need to standardize occupational terminology for consistent use across sectors. As the nation's single most comprehensive source of occupational information, the DOT is uniquely positioned to foster a common language and to serve as a national benchmark. The future DOT may be able to meet the needs of key DOL initiatives such as the Secretary's Commission on Achieving Necessary Skills and the National Advisory Commission on Work-Based Learning while linking with related databases from the Office of Personnel Management, the Bureau of Labor Statistics, and the Census Bureau as well as from industry, education, and defense. APDOT understands that if the future DOT differs significantly from the current version, appropriate crosswalks will be needed to facilitate users' longitudinal studies. Crosswalks will also be needed for existing classification systems and databases that use the DOT.

5. The DOT should be a user-friendly, highly accessible database.

This guiding principle addresses the issue of DOT format and dissemination. There is universal agreement among DOT users on the need to automate the next DOT. The revised DOT will be a database that is easily available to all users of occupational information. The database will facilitate the manipulation of DOT data to accommodate the diverse needs of users. The terminology the DOT will use to describe job tasks and technology will be understandable to all users. Because of anticipated changes, DOL may need to develop specialized, user-friendly software including various "help menus" and/or instructional programs and user manuals to train people in using the new DOT database.

6. The level of aggregation in the DOT must be useful to major users.

This guiding principle addresses the level of aggregation in the DOT. It includes considering the range of occupations, degree of specificity, and the need to reorganize existing data or collect new data. Some occupations may require different levels of specificity, and APDOT will consider varying the level of detail in different occupational areas. With automation, the DOT may be able to incorporate flexible levels of aggregation within one database.

7. Data collection for the DOT must be based on systematic sampling techniques.

This guiding principle addresses the issues of currency and accuracy which are major concerns to most DOT users inside and outside DOL. The call for systematic sampling techniques highlights the need for data collection methodologies that will maintain integrity and consistency throughout their applications. The sampling frame of occupations and industries used must reflect the reality of the contemporary labor market. Moreover, adequate coverage must be obtained of newly emerging industries and occupations. Data collection methodologies should help identify new occupations as they emerge. In addition, the DOT system must be flexible enough to include new occupations in the database as they meet criteria for constituting an occupation.

8. The Department of Labor should investigate the potential for dramatically decreasing the number of occupations to be detailed in the DOT.

Dramatically decreasing the number of occupations differentiated in the DOT appears to be consistent with the future direction of the American economy. Research suggests that occupational categories are collapsing and merging in today's labor market. Many companies are broadening their job classification categories, and drastically reducing the number of differentiated occupations. Current research also suggests that low-skill jobs require less differentiation than high-skill jobs. Therefore, generic descriptions for many jobs now differentiated in great detail in the DOT may be sufficient for users in the future, as long as specific or individual titles are included for sorting purposes. In addition, the broadening of occupational classification appears to be a world-wide trend, with examples emerging in Canada, the United Kingdom, and Australia. Finally, APDOT believes that the resources needed to keep some 12,000 occupations current, valid, and reliable are likely to remain beyond the funding capability of any government agency. No other country even attempts this level of detail.

9. The Department of Labor should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.

Exploring the potential for contracting with other agencies/users may suggest that DOL develop a series of cost-sharing strategies or propose a fee for development of data that extend beyond core DOL needs. APDOT believes that setting priorities for meeting user needs is the only way to develop a fiscally responsible plan for revising the DOT. Cost-sharing strategies or charging fees for data development will help meet market demand, although APDOT does not believe that such approaches can ever be completely self-supporting.

10. APDOT will make recommendations that are fiscally responsible, but that also consider return on investment and cost/benefit analysis.

APDOT will give consideration to financial constraints as the panel addresses each of the guiding principles. APDOT recognizes that, in a time of limited resources, its recommendations must be fiscally responsible. In order to maximize resources, APDOT believes DOL should investigate the feasibility of incorporating job analysis data collected by others, such as the Office of Personnel Management and the Department of Defense, into the DOT database. All data accepted for inclusion in the DOT from outside sources would have to meet the standards of validity and reliability established by the Department of Labor. Moreover, because of financial constraints facing the U.S. Government and DOL, APDOT may need to recommend that the DOT be modified over a long-term, in several stages. Some changes may require the need for further research before they can be implemented. However, in making its final recommendations, APDOT will consider the larger picture of economic change in the workplace, as well as the benefits to DOL and to the nation of substantively revising the DOT to make it an occupational information tool truly useful for the 21st century. Clearly, whatever changes are made to the next edition, the DOT will need to become a dynamic database-flexible enough to accurately capture ongoing changes in the nation's economy and occupational structure.

V. Priority Ranking of Uses

One comment frequently heard about the DOT is that it tries to "be all things to all people." The Employment and Training Administration (ETA) management requested APDOT's help in defining the intended purpose and scope of a revise DOT, and in setting priorities for meeting specific user needs. The setting of priorities for meeting user needs appears to be the only way to develop a fiscally responsible plan for revising the DOT. APDOT decided to focus on uses rather than specific users, and to begin this analysis by reviewing the Department of Labor core uses of the DOT. DOL core uses include those of national officials as well as State and local grantees.

Because DOL has developed, maintained, and provided the funding for the DOT since it was first published in 1939, and because DOL continues to maintain responsibility for matching and placing workers, the Department clearly represents the top-priority constituency for DOT use. The Department also has sole or shared responsibility for many other functions in which the DOT is an important tool. These include employment and training program planning and evaluation, counseling, testing, alien labor certification, and developing labor market information.

APDOT hypothesized that identifying DOL core uses of the DOT would also accommodate many other DOT users, because the uses of other agencies and individuals will be similar. If additional uses are identified that lie outside of the DOL core uses, supplemental resources may be needed from other agencies/users to provide the funding needed for DOL to meet these lower priority needs. As stated in its guiding principles, APDOT believes that DOL should explore the potential for contracting with other agencies/users that require data beyond that needed by DOL's core users.

APDOT acknowledges that the discussion of DOT users and uses included in this Interim Report is based on preliminary data. Findings and/or suggestions offered in this report may be modified once the panel reviews the additional, empirically-based data resulting from a user survey to be conducted. At this time, staff interviewers found that the majority of DOT users at DOL are in the Employment and Training Administration (ETA), the Bureau of Labor Statistics (BLS) and the National Occupational Information Coordinating Committee (NOICC) system. Within ETA, the DOT is most extensively used by the Bureau of Apprenticeship and Training, Employment and Training Programs, Job Corps, Job Training Programs, Office of Regional Management, Office of Strategic Planning and Policy Development, and the United States Employment Service.

These results are not surprising considering that the major work of ETA, training and placement, is helping people find jobs, and that the major functions of BLS and NOICC include preparing basic data about the labor market and improving the dissemination of occupational information.

VI. DOT Users and Uses

In determining how the DOT can better respond to diverse user needs, APDOT is examining the uses of the DOT from the DOL perspective of improving the current and future workforce. Before a final report on DOT uses can be written, a thorough analysis of empirically-based data, gained through a comprehensive user survey, must be completed. As indicated earlier, in discussing the priority ranking of uses, this activity is currently under development, and will be completed later this year.

Preliminary Data Resources

This section of the Interim Report on DOT users and uses was compiled from: (1) The pretest results of a planned user survey; (2) informal discussions; (3) the National Academy of Sciences (NAS) report on the DOT (1980); (4) responses to the DOT concept paper published in the **Federal Register** in 1990; (5) public testimony at APDOT meetings by representative groups such as the Social Security Administration, the Employers' National Job Service Council, the Vocational Resource, the Vocational Evaluation and Work Adjustment Association, and National Career Development Association; (6) reports prepared by user groups, including "Use of the DOT by Career Information Delivery Systems (CIDS)" by the Association of Computer-Based Systems for Career Information and "Some Observations on the DOT as it Relates to Employment and to Required Training Time" by NOICC; and (7) preliminary draft reports on Purpose and Uses of the DOT as well as DOL Core Uses prepared by DOT Review staff. While caution is needed in analyzing information from these sources (for example, data in the pre-test user profiles was based on a very small sample and incompatibility of data elements among the various sources makes generalizing difficult), some patterns revealed will prove useful to APDOT. For example, tentative results suggest similar use patterns among varied constituencies.

Categories of DOT Use

To facilitate the study of diverse user needs, APDOT has found it beneficial to classify DOT users into 11 categories of DOT use. This grouping has helped APDOT identify similar patterns among diverse constituencies, and surface important issues for major categories of users. This listing is not exhaustive; it remains tentative and preliminary. Both the categories and the preliminary findings will be reassessed in light of the empirically-based user survey.

The 11 categories of DOT use listed in alphabetical order are as follows:

- Alien Labor Certification (includes attorneys for employers and clients, Federal certifying officers, State alien certification specialists, alien advocacy groups)
- Career and Vocational Counseling (includes high school and college counselors, public and private counselors, employment counselors)
- Curriculum Development (includes Job Corps, public and private vocational education providers, elementary, secondary, college and university decision makers/curriculum developers)
- DOL Officials (includes program functions at DOL, especially workforce development initiatives)
- Disability Determination (includes worker's compensation carriers, social security disability examiners, public and private disability attorneys)
- Employment Placement (includes JTPA, Job Service, private employment services)
- Human Resource Development/Human Resources Management (HRD/HRM) (includes local, State, Federal, public and private HRD and HRM practitioners)
- Labor Market Information (includes public and private labor market analysts and economists, State LMI experts)
- Occupational Information Development and Dissemination (includes public and private developers, publishers, and vendors, Federal and State government departments of education and labor, librarians)
- Research/Other (includes social science researchers, associations, unions)
- Vocational Rehabilitation (includes public and private rehabilitation agencies, insurance companies, private practice)

From the preliminary data, the 11 use categories appear to be consistent across agencies and organizations (with the exception of DOL Officials).

General Findings About DOT Use

From the preliminary information gathered, it appears that DOT users are both large in number and diverse. Even within a single use category, specific DOT use appears diverse. However, the DOT can be seen to perform three broad functions for users. It identifies, defines, and classifies occupations. In providing this information, the DOT helps users to develop and use the capabilities and skills of current and future workers. There are some 25 different components of the DOT. Although it is probably fair to say that most of the information published in the DOT is used by some group, the parts of the DOT used most extensively appear to be the DOT titles, codes, definitions, and some selected characteristics.

DOL Use of the DOT Components

In an effort to set priorities for meeting user needs, APDOT has identified DOL core users of the DOT, including national program staff as well as the Department's State and local grantees, as its top-priority constituency. In looking at the preliminary data on DOL use, APDOT organized DOL users into the 11 use categories described above. As hypothesized by APDOT in its priority ranking of DOT uses, DOL core uses appear to be similar to those of other agencies and individuals. DOL core users, like other identified user groups, use the DOT to identify, define, and classify occupations. Similar to the findings of other data sources, the parts of the DOT used most extensively by DOL users are the DOT titles, codes, and definitions. For example, some DOL users use the DOT definitions to understand job definitions in general terms, or to gain a basic understanding of the work activity. Others use the DOT definitions to understand the specific tasks performed, the machines and equipment used, or to aid them in determining skill transferability or training requirements.

Similarly, some DOL users use the "DOT Code" extensively and record the full nine-digit codes of the current DOT for specific occupations. Others group occupations at a higher level of detail, and may use only the first-digit of the code to describe, for example, all clerical work. Moreover, they may use the code at the two-digit level to describe, for example, all printing occupations, or at the three-digit level to describe, for example, all photoengraving occupations. As the above examples illustrate, the use of the DOT definition and codes are extensive, but diverse even within similar use categories.

In general, DOL users have more interest in tasks performed (described in the current DOT definition) than in occupational characteristics (described in the current Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles). However, there is a high level of interest in the Specific

Vocational Preparation (SVP) rating. DOL users requested changes in the presentation of SVP; specifically, they asked that education and training requirements be presented separately from experience requirements.

It is important to recognize that disability determination and vocational rehabilitation uses are not generally represented in DOL core use categories. These groups appear more interested in worker characteristics than the general DOL core constituency. Moreover, disability determination and vocational rehabilitation users are particularly interested in detailed physical demands.

APDOT believes that by improving the DOT's ability to meet the needs of DOL core users, the revised DOT database will also better meet the needs of other key constituencies. However, as DOL moves forward with plans to revise the DOT, strategies for funding data collection for agencies/users that require information beyond that needed by DOL's core users will need to be identified.

Preliminary DOT User Responses

The following generalizations about DOT users needs have emerged from APDOT's preliminary investigation of the data sources listed at the beginning of this section:

- Users want the DOT to be kept current and accurate.
- Users want an automated DOT with some hard-copy availability.
- Users want flexibility in accessing DOT data as needed for different purposes.
- Users want the DOT to reflect all the jobs in the economy, but do not want all jobs reflected in the same way. (Some users want broad, inclusive definitions for descriptions of low-skill jobs and specific, detailed definitions for descriptions of high-skill jobs.)
- Users are concerned particularly about the reliability and validity of the worker characteristic ratings. These are currently listed in Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles.
- Users want more information about basic and job-specific skills.
- Users want the capability to group "similar" occupations in order to examine or show transferability or mobility among occupations.
- Users differ in the level of detail they require for DOT codes and definitions.
- Users want better linkage with other classification systems and labor market information.
- Users disagree on priorities for data collection. Suggestions for data collection priorities include study of emerging industries, most prevalent occupations, and high-demand occupations.
- Users want improved information on basic and high-level skill requirements for occupations.
- Users want to retain (or improve) data on physical job requirements and work environment factors characterizing occupations.

VII. Skills and Other Occupational Characteristics

Users of the DOT such as employment placement specialists, vocational guidance counselors, and educational planners need to know what skills and skill levels are necessary for successful job performance. To identify relevant skill-related issues, APDOT reviewed staff papers on "The Changing World of Work," "Interim Skills Technical Report," and "Relationships Among DOT Terms and the 37 SCANS Skills" as well as "What Work Requires of Schools" developed by the Secretary's Commission on Achieving Necessary Skills (SCANS). APDOT also reviewed responses to the **Federal Register** communications from concerned individuals and groups, and prior reviews of the DOT including the National Academy of Science Report (1980). This section of the Interim Report presents preliminary recommendations on how skills information might be presented in a new DOT. The section initially describes a preliminary skills model, and then describes a number of related skills issues. Finally, this section identifies some additional occupational characteristics that should be considered for inclusion in a revised DOT.

Proposed Skills Domains

Review of the extensive literature on "skills" reveals that definitions for this term vary widely depending on the discipline, context, or application in which the term is used. Moreover, skill-related information may be described by worker-oriented descriptors (e.g., human attributes, worker functions) and/or job-oriented descriptors (e.g., tasks performed, tools or equipment used, and work products) depending on how the skill-related information is used.

In recognition of this "definitional diversity" and to avoid prematurely excluding important types of skills information from further consideration, APDOT has elected not to adopt a single definition of "skills." Rather, APDOT has proposed a structure of four domains for organizing and presenting skill-related information. The skill-related information categorized in these four domains varies in its degree of generality or specificity, and spans both worker-oriented and job-oriented content. The four domains, which are defined and described below, have been labeled: Basic Aptitudes and Abilities, Cross-Functional Skills, Generalized Work Behaviors, and Occupation-Specific Skills.

APDOT intends these four domains to provide a tentative framework for capturing most of the important types of skill-related information needed in a revised DOT. Although this framework will require further elaboration and specification of content, APDOT believes these four domains will provide a rich array of options for users. This framework should also lend itself to a range of specific applications that require skills information of different types and at different levels of aggregation or generality.

1. Basic Aptitudes and Abilities

This is the most general category of skill-related information. It is composed of classic aptitude/ability constructs within the following domains: cognitive (e.g., verbal, quantitative, and reasoning abilities), psychomotor (e.g., manual dexterity, finger dexterity, and eye-hand coordination), spatial/perceptual (e.g., spatial perception, perceptual speed), and physical (e.g., static strength, dynamic strength, and stamina). This category is analogous to the SCANS "basic" and "thinking" skills.

2. Cross-Functional Skills

This is a more specific category of skill-related information than basic aptitudes and abilities. Cross-functional skills represent applications of various aptitudes and abilities to the performance of broad types of activities that tend to occur across relatively wide ranges of occupations. Examples of cross-functional skills are: fact finding, evaluating information, organizing and planning, interpersonal skills, and negotiation skills. This domain is analogous to many of the SCANS "competencies."

3. Generalized Work Behaviors

This category of skill-related information is more specific than cross-functional skills. The components of this domain represent aggregations of similar occupation-specific skills into broad activity statements. (Occupation-specific skills are defined below). Generalized work behaviors do not include highly occupation-specific content, and they tend to occur across substantial numbers of different occupations. Examples of generalized work behaviors include: writing reports, reading blueprints, preparing budgets, and repairing electrical appliances. APDOT's rationale for including generalized work behaviors as one of the skill-related information domains for further investigation stems from the view that an intermediate level of skill description may be a particularly useful level for a number of purposes, including the evaluation of skills transferability across occupations in a revised DOT. For example, basic aptitudes and abilities and cross-functional skills may be too generic, and occupation-specific skills may be too specific, for optimally evaluating skills transferability.

4. Occupation-Specific Skills

This is the most specific category of skill-related information. This domain is composed of skills, knowledge, and machine, tool, and equipment proficiencies that tend to be relatively unique to specific occupations or homogeneous job families. Such information may be stated as occupation-specific tasks (e.g., "inspect and recharge mobile communications equipment," or "type and proofread statistical charts"), as terms denoting areas of specialized subject matter knowledge (e.g., organic chemistry, library indexing systems), or as lists of machines, tools, and equipment (e.g., printing press, micrometer, and facsimile machine).

Skills Issues

Although the treatment of skills in a new DOT may ultimately be contingent upon the resolution of related issues including the classification system selected, the job analysis methodology utilized, and the level of aggregation attempted, several other skills issues are also currently under investigation by APDOT. These skills issues include: type and level of skills, classifying/grouping by skills, skills transferability, and the treatment of skill-related information in the current DOT. These issues are discussed below.

Type and Level of Skills

In some cases, the number and type of skills desired by users and the capability that currently exists for measuring corresponding proficiency levels required are in conflict. For example, some users have requested detailed data about physical skills, with relevant scales about lifting, bending, and carrying. However, research suggests that a single, more general scale will more accurately measure and capture the same information about the job's physical skill requirements. APDOT wishes to retain data on physical requirements in a revised DOT, and will continue to investigate acceptable, cost-effective measures.

The 1980 review of the DOT by the National Academy of Sciences, Work, Jobs, and Occupations: A Critical Review of the Dictionary of Occupational Titles, suggested that at least some current ratings of occupational characteristics are redundant and unreliable. These occupational characteristics are worker-oriented and job-oriented descriptors. The report also found the validity of some of these characteristics in the fourth edition of the DOT to be dubious. The APDOT-proposed skills domains may incorporate the same type of worker-oriented and job-oriented descriptors used in the current occupational characteristics. However, the type of information about skills included in a new DOT will depend on DOL's ability to develop valid and reliable tools to measure them. Because other DOL initiatives such as SCANS and the National Advisory Commission on Work-Based Learning are both addressing skills issues, APDOT believes that changes to the DOT should be coordinated with these efforts.

Classifying/Grouping by Skills

Because of intense interest in skills on the part of policy makers and current DOT users, the idea of using skills as the conceptual framework for a new DOT classification system has been raised for APDOT consideration. The possibility of a new DOT being disseminated as an electronic and automated database may substantially reduce the importance of this issue. (See "Format and Dissemination Issues" section of this report.) With an electronic and automated DOT, users would be able to manipulate skill-related data and, in effect, create classification systems and/or job groupings (skill-based or otherwise) customized to their own needs and purposes.

Skills Transferability

Transferable skills are those skills that are common to more than one occupation. They enable individuals to move successfully from one occupation to another. Information about transferable skills plays a critical role in helping us to define and understand occupational mobility patterns both within (e.g., career ladders) and across (e.g., career lattices) occupational areas. Consequently, the identification of these skills and their determinants has been a focal point for educators and human resources professionals concerned with individual employability and training. Providing information relevant to the analysis and determination of transferable skills will be essential in a revised DOT.

Skills in the Current DOT

The current DOT contains information about a variety of skill-related descriptors (e.g., aptitudes, worker functions, tasks performed, and machines, tools, and equipment used). However, the skill-related information in the current DOT does not allow users to clearly extract or manipulate data. For example, some skills contained in the current DOT must be inferred from the definitions or interpreted from the worker function scales. Some users perceive that potentially important kinds of skills are not adequately represented in the DOT. DOT Review staff has also identified, in the preliminary data regarding skills (from the **Federal Register** response and informal discussion), a disparity between what respondents said about what they want in a revised DOT, and what users state that they actually use. While skills descriptions were high on the list of data desired in the DOT by many users, the skill-related components of the current DOT were not used extensively. This disparity may be explained in several ways: (1) Users may be unfamiliar with the DOT skill components, and unaware of how to use them; (2) users may be familiar with the DOT skill components, but find them inadequate for their needs, or too difficult or confusing to use; (3) users may be familiar with the DOT skill components, but unwilling to trust their reliability or validity; or (4) the user sample was limited/distorted.

Other Occupational Characteristics

Some users of the DOT need occupational information that is not readily described within the structure of the four domains presented above. In recognition of this fact, APDOT will examine current and alternative procedures for including DOT occupational characteristics other than skill-related information. These include, but are not limited to, education, experience, physical demands, work environment characteristics, interests, and temperaments.

Next Steps

APDOT will review responses to this Interim Report relevant to the proposed skills domains and skill-related issues. This information, in conjunction with the results of a comprehensive user survey and consultation with nationally recognized experts, will be used to modify and refine the proposed skills

domains as warranted, and to develop options for operationalizing them.

VIII. International Review

This section of the Interim Report highlights key issues and findings for the DOT Review resulting from a study of occupational analysis and/or classification systems in: Australia, France, Japan, Sweden, and the United Kingdom. The study was directed by Eivind Hoffmann of the International Labour Organization (ILO). Information on Germany and the Netherlands will be forthcoming at a later date. At this time, APDOT intends to pursue further study of the work underway in Australia, the United Kingdom, and the Netherlands; three countries that appear to be in the process of developing skill-based systems for classifying and describing occupations. Following the ILO-based summary, this section of the Interim Report also includes key information identified by Dr. David Stevens, University of Baltimore, regarding recent work in Canada that has direct application to the DOT Review.

Findings from the International Review

General findings from the ILO international studies relevant to the DOT Review may be summarized as follows:

- Several countries are in the process of developing skill-based systems for classifying and describing occupations. These include the United Kingdom, Australia, Canada, and the Netherlands. In general, skill as used in these systems refers to education or experience or a combination of such information. The Netherlands may be an exception.
- No other country studied appears to attempt comprehensive coverage in one document or database like the DOT. In other countries, the occupational information which appears in the classification system is used for statistical purposes. Other tools are used for job placement, vocational rehabilitation, and similar purposes.
- None of the countries reviewed has yet found a cost-effective, successful method for keeping its main occupational classification and dictionary accurate and current. Separate systems used for vocational guidance, however, are regularly updated; typically every year or two. However, the Netherlands has a regular program to keep *some* of the main system accurate and current.
- Because the systems reviewed are in development, and documentation has not yet been completed, information about the amount and quality of research supporting the development of occupational information was not readily available. As a result, APDOT remains unclear about the reliability or validity of measures used abroad.
- Information provided about costs of developing complete occupational descriptions suggests that cost is a major issue for other countries. (For example, France and Australia both greatly under-estimated the time and resource requirements for revising their systems.)
- Some work has been completed to illustrate transferability of skills between occupations in France and to a lesser extent, the Netherlands.

Canadian Occupational Information

In addition to commissioning the ILO Report, the Department of Labor asked Dr. David Stevens, Director, Regional Employment Dynamics Center, University of Baltimore, to look at recent changes to the Canadian occupational information system and report back to APDOT on lessons learned. Since Canada's economy is similar to that of the U.S., and since the Canadians are currently engaged in extensive revisions of their entire system, this review appeared to be particularly appropriate. Dr. Stevens' report, Canada's National Occupational Classification Taxonomy, identified a number of key points relevant to the DOT Review. They are as follows:

- Canada's occupational information system includes the National Occupational Classification System (NOC); JOBSCAN; and a yet-to-be developed career information system for worker attributes. The NOC, developed by Employment and Immigration Canada (EIC) in cooperation with Statistics Canada, will replace the Canadian Classification and Dictionary of Occupations (CCDO). The NOC is a systematic taxonomy of occupations that is intended for use in compiling, analyzing, and communicating information about occupations. The new career information system and an electronic version of the NOC will also be released through private vendors. Canada's intention is to provide a core product which will be available for vendor/user adaptation to particular market niches. This approach has also been advocated for the DOT.
- The NOC was designed to remedy problems identified in the CCDO. (The CCDO was based on the 3rd edition of the DOT.) The NOC illustrates transferable skills, occupational mobility, and typical patterns of upward progression. The criteria for classification and presentation in the NOC are skill levels and skill type except when occupational mobility is limited to a specific industry. In such cases, the basis for classification becomes the specific industry.
- In principle, all occupations in the economy are covered in the NOC. A key issue is the degree of resolution in coverage. In the NOC, the level of information provided varies depending on job complexity or the type of skills required. Canadian decision makers believe that all occupations do not need to be approached in the same way. Furthermore, Canadian officials believe that skills information and related occupational characteristics such as education and experience are the key factors needed by placement specialists and employers to make referral and hiring decisions. They felt that job descriptions covering groups of jobs were sufficient to replace the very specific definitions of the CCDO.
- In developing the revised NOC, Employment and Immigration Canada as well as Statistics Canada have focused on their own operational needs. The intended uses are counting, labor exchange, immigration, equity, employment, training, and projections. This approach corresponds to the APDOT recommendation of a priority ranking for DOL core uses.
- Although structured questionnaires were used extensively to collect data for the NOC, numerous, detailed, on-site interviews were also conducted to obtain relevant skills and other information.
- In addition to the fixed classification structure of the NOC, Canada has created JOBSCAN to replace the use of the CCDO for the matching and placement of workers. JOBSCAN is a job-worker matching system containing an inventory of worker skills and employer hiring criteria, with variables expressed in similar terms to permit job matching. According to Margaret Roberts, Chief, Occupational Information Development, EIC, integral to the concept of JOBSCAN is the system's ability to reflect dynamic changes inherent in the world of work.
- The use of checklists in JOBSCAN allows precise definition of a particular job or the sum total of a worker's skills without reference to occupational codes. In addition to matching worker's skills with employer requirements, checklists assist in defining areas of mobility and transferability of skills. Like other foreign countries studied, Canada has chosen to separate the sorting and statistical functions from matching and placement. It is probably fair to say that if the items in JOBSCAN were compiled into a database, they would be similar to the APDOT-proposed skill-related information domains of occupation-specific skills and generalized work behaviors.

IX. DOT Use in Federal Statutes, Regulations, and Legislation

In making its final recommendations, APDOT will consider the impact of changes in the DOT on Federal agencies whose use of the DOT is mandated by statute or regulation. A search of the LEXIS legal database revealed three references to the DOT in Federal statutes and seventy references in the Code of Federal Regulations. Staff also consulted the Legislative Guide for Labor Market Information produced by the Interstate Conference of Employment Security Agencies, Inc. (ICESA), to learn how Federal legislation requires the use of labor market information.

Although DOT use for many Federal agencies is either mandated or suggested in Federal regulations, this fact alone does not appear to restrict modifications to the DOT. Regulations evolved from DOT use; if the DOT is changed, APDOT believes that regulations can and should be changed. The DOT is used as an arbiter in some Federal activities such as social security disability determination and alien labor certification. Legal decisions regarding disability are sometimes based on DOT data. APDOT recognizes that as the DOT is modified or improved, laws, regulations, and operational practices may need to be changed. If major changes are recommended, APDOT may also recommend that an appropriate time-phased plan be used for implementation to lessen the potential for disruption.

X. Classification Issues

APDOT recommendations regarding possible changes to the classification system of the DOT represent a fundamental issue for the Department of Labor. The DOT Review is currently investigating an array of methods for classifying occupational information in a revised DOT. Options include classifying: (1) By skills; (2) by type of work performed; and/or (3) by some other method. It should be noted that these classification systems are not mutually exclusive. There is considerable interest, particularly on the part of the Bureau of Labor Statistics and the Office of Management and Budget, in coordinating proposed revisions of the Standard Occupation Classification (SOC) with the DOT to produce a system that better serves the needs of Federal agencies. The goal is to make the two classification systems more compatible. The feasibility of a coordinated approach to classification or the possible creation of a single system demands serious study.

APDOT tentatively recommends that the Secretary establish a single work group or other entity within the Department of Labor with responsibility for occupational classification systems. This group or entity should be responsible for both the development of the classification structure of the DOT and the Department's work on the revision of the Standard Occupational Classification. APDOT believes that assigning responsibility in this way will help ensure that the resulting classifications are both conceptually and technically compatible.

It must be noted that APDOT is not, at this time, also recommending that a revised SOC be used as the classification structure of the DOT. While this is an option, APDOT has not examined this option in detail and compared it with other options. In addition to the above recommendation, APDOT will make a recommendation concerning the classification structure of the DOT.

Readers should also be aware that, if a revised SOC is recomended as the classification structure for the DOT, this does not mean that the level of detail would necessarily be limited to that provided by the SOC. A revised SOC might be used as a framework for presenting the DOT. Such a framework can accommodate information at a level more detailed than represented by the current 4-digit SOC category.

Related to the issue of classification is the recommendation APDOT will need to make regarding the level of aggregation in a new DOT. Are general categories sufficient for most users or are very specific categories required? Can the revised DOT be developed in such a way that a specific categories can be rolled up into general categories as needed? Would the Canadian NOC model of general descriptions with specific titles be workable for the revised DOT? Finally, some DOT users have suggested that automation of the DOT lessens the importance of classification as an issue in the revised DOT. APDOT will review these concerns and other before making final recommendations on changes to the classification system of the DOT.

XI. Job Analysis Methodologies

APDOT's charter requires the panel to offer DOL recommendations, not just on the DOT, but also regarding the system that produces it. As a result, APDOT is undertaking a systematic examination of job analysis methodologies. "How, what kind, and how much information on occupations should be collected?" This was one of the five "Key DOT Issues" set forth in the DOT Review concept paper published in the **Federal Register**, August 10, 1990. Some respondents to the DOT concept paper raised concerns regarding the adequacy of the current job analysis methodology to collect occupational information that accurately reflects the current world of work.

In several segments of today's economy, work is becoming more flexible, problem-oriented, and organized in teams. Many occupations are increasingly knowledge-based, demanding more cognitively-oriented work skills. Such changes add new dimensions of interaction and complexity to work activities, and potentially change the traditional concept of a job or occupation. By contrast, the current DOT job analysis methodology was developed at a time when the nature of the work in many occupations was routinized, repetitive, and organized along hierarchical lines. Concern regarding the current job analysis methodology focuses on its adequacy in capturing occupational characteristics within increasingly dynamic work settings.

Even if the current DOT job analysis and data collection methodology remains viable, some methods or scales used in the system may need to be revised to improve the validity of some occupational characteristics. APDOT is undertaking research efforts directed at identifying and reviewing alternative job analysis methodologies and techniques that could replace and/or supplement the current system.

The current job methodology is inefficient in situations where fast, comprehensive, data collection is important. In order to keep abreast of rapidly changing technologies and their impact in the workplace, methodologies that lend themselves to fast, accurate, and comprehensive collection of occupational data are needed. Respondents to the DOT concept paper suggested several alternative, data collection possibilities. Some of the approaches include the use of: Technical committees, employer groups, associations, direct mailing surveys, graduate students, government workers, and private vendors to assist in the collection of occupational information. The goal is to identify, if possible, more cost-effective methods that will facilitate the collection and analysis of accurate, current, valid, and reliable occupational information.

In addition, a related area that will be reviewed by APDOT is the sampling design used for selecting occupations for study and inclusion in the DOT. The

focus will be to research and identify methods that will assure adequate coverage of the contemporary occupational spectrum.

XII. Format and Dissemination Issues

Current users of the DOT appear to be unanimous in their desire for an electronic, automated DOT database with some hard-copy availability. Users appear to desire the capability of conducting database searches of information with different variables. APDOT believes that automation will dramatically impact the format and dissemination of the DOT. Automation offers users increased flexibility in the way data are presented and accessed. For example, information presently included in the definition might be available as separate descriptors such as tasks, work behaviors, etc. These descriptors could be selected alone or grouped together to form new definitions. In giving both DOT developers and users a range of options not previously available, an automated, electronic database has the potential to drastically alter the way the DOT is developed and used.

Format

The use of an automated, electronic database will impact the design of major parts of the DOT including, for example, the code, the definition, and the selected characteristics. APDOT will address each of these issues:

DOT Code

Currently, the DOT has a nine-digit code. Although many users are unaware of it, information about worker functions is included in the code. The middle three-digits of the DOT code organize various work activities and requirements into what is termed "data, people, things." Today users frequently use the DOT code to perform a sorting function only. They view the DOT code merely as numbers rather than as information. In a future DOT, the coding system could be changed/simplified to serve the sorting function alone with information about "data, people, things" presented in a format that is more user-friendly.

DOT Definition

Currently, information about occupationally-specific skills and knowledge requirements are contained in the definition. Users draw their own inferences about skills requirements based on the descriptions of tasks performed. In addition, the current definitions have the same level of detail for all occupations. In a revised DOT, definitional information could be divided into components such as the four domains of skill-related information suggested earlier. Moreover, the level of detail provided for occupations could be varied depending upon the needs of the users. For example, one general definition could serve the purpose of similar occupations, with individual title and/or codes available when sorting is needed. The Canadian NOC/JOBSCAN might provide a viable model.

DOT Selected Characteristics

In the current DOT, information about what an occupation requires of workers is presented, in code form, in two different places. It is present in the DOT code and in the selected characteristics. In a future DOT, this information could be included as part of the narrative definition or profile. Most users would probably benefit from a simplification of the presentation.

Dissemination

One major resource issue confronting DOL is the development of a dissemination strategy for the DOT. Currently, numerous vendors have developed targeted programs for specific users. These entrepreneurs have taken the core DOT, added value to it, and charged their customers accordingly. Should this customizing continue to be a vendor function, with DOL producing a generic database? Should DOL make more specific and more costly versions of the DOT data? If DOL is to stick with the generic version, how can the Department assure adequate resources to maintain the occupational analysis program? Is some kind of fee-for-service or profit-sharing option viable? Before APDOT can make final recommendations regarding dissemination of a revised DOT, these questions will need to be addressed.

In considering dissemination issues, DOL will need to pay careful attention to marketing and training options. APDOT believes that DOL will need to assure that the interested public is adequately informed about the DOT and its components, and appropriately trained in how to use them. For example, in addition to developing the DOT database itself, if automation strategies are adopted, DOL will need to develop various "help menus," user manuals, and solid instructional programs to train people in using the database. In conducting its preliminary analysis of DOT users, APDOT discovered that many users, including those at the national office of the Department of Labor, were unaware of DOT-related information, including the existence of such core components as Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles, the Guide for Occupational Exploration, or a DOT data tape. To properly inform users, DOL will also need to consider developing reference documents and educational programs for the user community.

XIII. Toward Recommendations/ Questions for Reader Response

This Interim Report on the DOT Review is intended to clarify the approach and status of activities currently under development. In publishing this report in the **Federal Register**, the Department of Labor and the APDOT are soliciting comments on all critical issues under discussion. The specific questions that follow reflect the major issue sections of the Interim Report; respondents are invited to comment on all or some of the questions as appropriate. All responses will be carefully considered in the review process.

1. DOT Purpose Statement

APDOT believes that DOL must clearly define the purpose of the DOT, because all other issues of form and function follow purpose. The appropriate content, scope, classification system, and dissemination strategy of the new DOT will all be determined by the purpose. Does the new DOT Purpose Statement accurately express the mission of the DOT as an occupational information tool? Please explain the answer.

2. Ten Guiding Principles for DOT Review

Do the Ten Guiding Principles provide sufficient direction for APDOT's review of the DOT? Please discuss individual principles as appropriate.

3. Priority Ranking of Uses

Does APDOT's priority ranking of DOL cores uses appear to be workable? Is there a feasible, alternative criterion for differentiating among conflicting user interests and for allocating resources?

4. DOT Users and Uses

While acknowledging that a complete discussion of DOT "uses" must include the results of an empirically-based user survey, and the final APDOT Report on the DOT will do so, do the 11 use categories identified in the Interim Report appear comprehensive? Do the 12 generalizations about user needs/ requests adequately summarize key user issues regarding the DOT?

5. Skills and Other Occupational Characteristics

Do the four skill-related information domains described in the Interim Report capture the skills needed by today's workforce? Do methodologies exist that will allow DOL to measure these skills in a valid and reliable way? Are there other important skills issues that should be addressed in a revised DOT? Are the other occupational characteristics listed sufficiently inclusive for most DOT users?

6. International Review

Is the Canadian NOC/JOBSCAN an appropriate model for a revised DOT? Please explain why or why not. Are there other lessons to be learned from abroad that reflect directly on the DOT Review?

7. DOT Use in Federal Statutes, Regulations, and Legislation

Does the Interim Report section on DOT use in Federal statues, regulations, and legislation accurately reflect the position of user organizations and agencies?

8. Classification Issues

While the best classification structure for a new DOT depends on its uses, there is considerable interest in the U.S. in developing a classification structure which can serve the needs of "dictionary" users as well as statistical users. Is the recommendation to establish a single work group within the Department of Labor with responsibility for occupational classification systems a workable option?

9. Job Analysis Methodologies

Are the concerns raised about current DOT job analysis methodologies appropriate? Please describe alternative job analysis, data collection, or occupational sampling methodologies that could accomplish the objectives discussed in this section of the report.

10. Format and Dissemination Issues

While electronic and automated dissemination is essential for the next edition of the DOT, the extent to which DOL should go in creating a viable database for users remains open. Do users want programs that will organize the data for them in packages? Do they want instructional learning packages on the computer to assist them in searching the DOT? As with the previous questions, APDOT would like to hear from interested parties regarding the issues raised in this section.

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Thursday
March 26, 1992

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals; Funding Availability; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-3376; FR-3154-N-01]

Funding Availability for Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding availability for Fiscal Year 1992.

SUMMARY: This Notice of Funding Availability (NOFA) announces HUD's funding for the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals.

The Notice states the application, ranking, and selection procedures that will govern the use of the funds made available in Fiscal Year 1992 for use under this program.

DATES: The deadline for receipt of applications is 5:15 p.m. Eastern time on May 26, 1992 at HUD Headquarters. Two copies must also be sent at the same time to the local HUD office covering the jurisdiction in which the project is located. A list of field offices appears at the end of this NOFA. Applications transmitted by FAX will not be accepted. (While copies must be submitted to both the Headquarters and the appropriate HUD Field Office, the date and time of receipt in Headquarters will be used to determine whether the application has been submitted on time.)

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Director, Office of Special Needs Assistance Programs, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-4300. Hearing-or-speech-impaired individuals may call HUD's TDD number (202) 708-9300. (These are not toll-free telephone numbers).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2506-0131.

I. Purpose and Substantive Description

The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for homeless individuals is to provide rental assistance to homeless individuals in rehabilitated SRO housing. The assistance is in the form of rental assistance under the Section 8 Housing Assistance Payments Program. These payments equal the rent for the unit, including utilities, minus the portion of the rent payable by the tenant under the U.S. Housing Act of 1937. HUD will make the assistance available for 10 years.

HUD enters into annual contributions contracts (ACCs) with public housing agencies (PHAs). The ACC authorizes the PHA to enter into Housing Assistance Payments (HAP) Contracts with owners in connection with the moderate rehabilitation of residential properties in which some or all of the dwelling units may not contain either food preparation or sanitary facilities. Each of these single room occupancy (SRO) units is intended for occupancy by one eligible homeless individual.

The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) requires that first priority for occupancy of SRO Moderate Rehabilitation units shall be given to homeless individuals. This requirement, however, is not meant to eliminate the rights of current tenants to remain in the building after it is rehabilitated. Due to limited resources and considerations of relative need, HUD will only accept, for this funding round, applications that propose assistance for people (described below) who are not currently residing in the building, and for individuals eligible for Section 8 assistance who are currently residing in the building. Nonresident applicants must be individuals who: (1) Lack the resources to obtain housing and who (a) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; (b) have a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing but excluding prisons and other detention facilities); or (c) are at imminent risk of homelessness because they face immediate eviction and have been unable to identify a subsequent residence, which would result in emergency shelter placement; or (2) handicapped persons who are about to be released from an institution and are at risk of imminent homelessness because no subsequent residences have been identified and because they lack the resources and support networks needed to obtain access to decent housing. Applications will not be accepted under this funding round that propose assistance for individuals not residing in the building who are currently housed in overcrowded or substandard conditions but are not at imminent risk of becoming homeless for the reasons described in the previous sentence.

(a) Authority and Other Information

This program is authorized by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), amended by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 7, 1988). On November 7, 1989, the Department published a final rule at 54 FR 46828, which sets forth at 24 CFR part 882, subpart H, the regulations for this program. The funds made available under this Notice are subject to these regulations.

Prior Notices of Fund Availability were published in Fiscal Years 1988, 1989, 1990, and 1991. The requirements of this Notice only apply to funds made available in Fiscal Year 1992 under section 441 of the Stewart B. McKinney Homeless Assistance Act. (The Fiscal Years 1988, 1989, 1990, and 1991 Notices continue in effect for the funds made available under section 441 for those Fiscal Years.)

Availability of Tax Credit

The Omnibus Revenue Reconciliation Act of 1990 (Pub. L. 101-508, Approved November 5, 1990) amended the Low Income Housing Tax Credit (LIHTC) (26 U.S.C. 42) to permit the use of Moderate Rehabilitation assistance in conjunction with the LIHTC if the assistance is being provided under the Stewart B. McKinney Homeless Assistance Act. After selection of proposals, the Department will review all selected SRO projects using the Administrative Guidelines published in the **Federal Register** on April 9, 1991 (56 FR 14436) to determine whether the level of housing assistance proposed for the project is appropriate when combined with the LIHTC.

Cost Limits—Maximum and Minimum

Under the Stewart B. McKinney Homeless Assistance Amendments of 1988 (Pub. L. 100-628, approved November 7, 1988), HUD is required to increase the SRO per unit rehabilitation cost limit each year to take into account increases in construction costs, starting with assistance provided on or after October 1, 1988. For purposes of Fiscal Year 1992 funding, the cost limitation is

raised from $15,000 to $15,500 per unit to take into account increases in construction costs during the past 12-month period. This amendment is made in accordance with 24 CFR 882.805(g), Initial contract rents.

The Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101-235, approved December 15, 1989) revised the minimum amount of rehabilitation required. A unit to be assisted must need a minimum expenditure of $3,000 of eligible rehabilitation, including the unit's prorated share of work to be accomplished on common areas or systems.

Indian Housing Authority (IHA) Participation

Under Section 835 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, Approved November 28, 1990), an Indian Housing Authority may apply for the Moderate Rehabilitation SRO Program.

PHA-Owned Units

Section 548 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101-625, approved November 28, 1990) provides that a PHA may contract to make assistance payments to itself as the owner of dwelling units under the Section 8 programs. The PHA must be subject to the same program requirements as are applied to other owners. This provision removes the statutory prohibition against Section 8 assistance for units owned by the PHA which administers assistance under the ACC. However, the Department has determined that PHAs will not be authorized to enter Housing Assistance Payments (HAP) Contracts for PHA-owned units before the issuance of final regulations specifying the administrative requirements for PHA owned Section 8 units. 24 CFR 882.803(a)(2)(ii), which provides that units owned by the PHA administering the SRO program are not eligible for assistance under the SRO program, remains in effect. The Department does not anticipate issuance of final regulations under section 548 in time for the Fiscal year 1992 funding round for the SRO program. Thus, units owned by the administering PHA may not be selected or funded this round.

(b) Allocation Amounts

Approximately $105 million was appropriated for the program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriation Act, 1992 (Pub. L. 102-139, Approved October 28, 1991). HUD estimates that this $105 million will assist approximately 2,000 units over the 10-year period. The statutory national competition procedures established for the program by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) apply, rather than the "fair share" allocation procedures required for most assisted housing funds by section 213(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)).

(c) Eligibility

Interested PHAs, including IHAs, are invited to submit applications for this program. Under this program, HUD will provide assistance for a 10-year period to selected PHAs.

(d) Selection Criteria/Ranking Factors

1. Initial Screening

Applications will be reviewed by both HUD Headquarters and by HUD field offices. Field offices will be responsible for making review comments, but all selections will be made by Headquarters. To be considered for ranking and possible selection, applications must meet certain threshold requirements. The threshold review, which will apply to all applications, will determine whether the application is adequate in form, timeliness, and completeness, and whether the project is eligible to participate in the program.

2. Environmental Review Requirements

When ranking applications, HUD will complete environmental reviews required under 24 CFR part 50 on all applications. HUD may elect to eliminate a proposal from consideration where the application would require an Environmental Impact Statement, or the time necessary for the completion of the review process under an environmental law for structures identified in a particular application would make it difficult for the property to be rehabilitated and occupied within a reasonable period. In order to assist HUD in the timely completion of the Historic Preservation Review process, the applicant may contact the State Historic Preservation Office (SHPO) to determine if the proposed structure(s) requires Historic Preservation clearance. If Historic Preservation clearance is required, there should be early coordination (if possible, before the application deadline) with the HUD field office to provide all the necessary information required by the SHPO.

3. Ranking

Except for proposals eliminated for the above-mentioned environmental reasons or because the proposed site is ineligible, HUD will rank all applications from PHAs that contain all items required by 24 CFR 882.805(c) of the program regulations and the application package described in Part II of this NOFA that are received by the deadline date. Each application will be ranked based upon HUD's assessment of the ranking factors listed below. Each factor indicates the maximum number of points that may be assigned for that factor. Points may be awarded up to the maximum number allotted for each factor. Successful applicants must receive points under each factor.

(a) The need for assistance, as demonstrated by the PHA's analysis of the number and characteristics of the single homeless individuals to be served and the thoroughness of the analysis of the need presented. (100 points)

(b) The PHA's ability to undertake and carry out the program within the schedule proposed by the PHA, as demonstrated by:

(i) Whether the preliminary feasibility analysis clearly demonstrates that it appears likely that the proposed structure will be feasible within the Fair Market Rent (50 points);

(ii) Whether there is evidence of site control or other evidence that the site will be available for rehabilitation in accordance with the PHA's schedule (100 points);

(iii) The percentage of units proposed for assistance which are vacant (rehabilitation of vacant units generally will result in more units becoming available for the homeless; therefore, applications where all units to be assisted are vacant will be given the full 100 points for this criterion) (100 points);

(No person shall be displaced (as defined in 24 CFR 882.803(d)(2)(i)) from a dwelling for an assisted project. In addition to applicable sanctions under the agreement, a violation of this policy may trigger a requirement to provide relocation assistance at the levels described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, implementing regulation at 49 CFR part 24, and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Persons whose occupancy is terminated through a notice to vacate or the refusal to renew a lease in order to provide a vacant unit for the project qualify as "displaced persons" who are eligible for assistance.)

(iv) Whether it appears feasible, based on assessments of the capabilities of the PHA and the Owner, that the PHA and Owner will complete all steps necessary so that the HAP Contract may

be executed within 12 months of execution of the ACC (50 points);

(v) Whether the PHA has specified the resources available to provide necessary supportive services, targeted to the needs of the single homeless population identified, including the strength and length of the commitments to provide those resources and the methods by which the population to be served will be sought out and informed of the availability of assistance (300 points);

(vi) The availability of financing, both assisted and unassisted, as demonstrated by statements of intent or commitments from lenders, with the awarding of more points where the lender is legally committed to provide the financing and where the availability of assisted financing is documented (e.g., below market interest subsidies, grants) (100 points); and

(vii) The PHA's experience with, or demonstrated ability to operate rehabilitation programs, including past performance in placing Moderate Rehabilitation units under Agreement and Contract; the PHA's experience in working with homeless people; and the PHA's overall adminstrative capability, as evaluated by the HUD Field Office (e.g., results of reviews or audits of PHA performance or Field Office's most recent monitoring letter concerning the PHA's ability to carry out its Equal Opportunity Housing Plan) (200 points).

4. Selection of Applications

(a) HUD will select the highest ranking applications. However, no city or urban county may have projects receiving a total of more than 10 percent of the assistance to be provided under this program this fiscal year. In FY '92, this limit equals approximately $10,500,000 in budget authority for a city or urban county, which is the equivalent of up to $1,050,000 in adminstratively controlled contract authority per year. HUD anticipates that this will fund a maximum of approximately 200 units for any one city or urban county. In addition, no single proposal shall receive assistance for more than 100 units.

(b) HUD will notify each PHA whether or not its application has been selected.

II. Application Process

1. Where To Obtain Application Package

An application package containing all required forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from the HUD field offices listed in appendix A. Each prospective applicant should obtain and carefully review an application package before preparing an application for submission to HUD.

2. Deadline for Applications

The deadline for receipt of application is 5:15 p.m. Eastern time on May 26, 1992 at HUD Headquarters. Two copies must also be sent at the sime time to the local HUD office covering the jurisdiction in which the project is located. A list of field offices appears at the end of this NOFA. Applications transmitted by FAX will not be accepted. (While copies must be submitted to both the Headquarters and the appropriate HUD Field Office, the date and time of receipt in Headquarters will be used to determine whether the application has been submitted on time.)

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

3. Where to Submit Applications

An original application must be submitted to HUD Headquarters. Two copies must also be sent to the appropriate HUD field office for the jurisdiction of the submitting PHA.

Applications submitted to Headquarters shall be addressed to Department of Housing and Urban Development, Office of Special Needs Assistance, room 7262, 451 Seventh Street, SW., Washington, DC 20410, Attention: James N. Forsberg.

The addresses, locations and telephone numbers of each local HUD office are included in appendix A.

III. Checklist of Application Submission Requirements

The application must contain all items specified in the application package, including the application form, HUD–52515B, and must be in accordance with instructions in the application package. An application package may be obtained from HUD Headquarters or the appropriate field office in appendix A and must include all of the following:

(1) Description of the number and characteristics of single homeless individuals and, if the jurisdiction is experiencing the loss of SRO units, an explanation of why and what steps, if any, are being taken to address the problem.

(2) Description of supportive service plan and evidence of commitment or interest from service providers.

(3) Description of PHA's administrative capability, rehabilitation expertise, and experience with the homeless.

(4) A schedule for completion of all necessary steps of project development.

(5) Description of the site(s) proposed for assistance, including information on:

(a) Site control and owner interest in participation;

(b) Proposed financing of rehabilitation work;

(c) Proposed rehabilitation;

(d) Number of vacant units;

(e) Preliminary financial feasibility, as demonstrated by Appendix 31 rent calculation from Handbook 7420.3;

(f) Disclosure of Other Governmental Assistance. (Form 2880 Applicant Disclosure.)

(6) The following certifications (fully described in the application package and incorporated in the application, Form HUD–52515B):

(a) Comprehensive Housing Affordability Strategy (CHAS) Certification;

(b) Drug-Free Workplace Certification;

(c) Anti-Lobbying Certification;

(7) Section 213 Letter. The Section 213 letter is not required as part of the application; however, it may be submitted with the application. Upon receipt of an application that does not include a section 213 letter from the chief executive officer of the unit of general local government, HUD shall send the application to the appropriate chief executive officer in accordance with 24 CFR part 791. Where the review and comment process required under 24 CFR part 791 has not been completed by the time HUD is ready to make its own selections, it may tentatively select one or more applications subject to completion of the comment process required under part 791.

IV. Correction to Technically Deficient Applications

Before the application deadline, both Headquarters and field office staff will be available to provide advice and guidance to potential applicants on application requirements and program policies. In order to provide applicants the opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD Headquarters will initially screen applications for completeness and technical deficiencies. An application will be determined technically deficient if it contains all the items necessary for HUD review under the Selection Criteria/Ranking Factors but does not contain one or more of the following certifications listed in Section III of this NOFA or where the certification(s) has not been dated and signed by the appropriate person.

1. Comprehensive Housing Affordability Strategy (CHAS) Certification.
2. Drug-Free Workplace Certification.
3. Anti-lobbying Certification.

In cases where a certification(s) required by this rule is missing or incorrectly completed, the applicant will first be notified by telephone of the deficiency and then given 14 days from the date of written notification of the deficiency to subtmt the missing certification(s) necessary for completeness. The purpose of this process is to assist applicants in submitting ratable proposals and not to provide opportunity for an application to be substantively improved once the application deadline has passed. For this reason, HUD will contact applicants only where it is clear that the deficiencies are technical in nature.

Section 102 of HUD Reform Act of 1989

On March 14, 1991, the Department published in the **Federal Register** a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12, 56 FR 11032). Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department.

The following should be noted regarding the relationship of the Section 8 Moderate Rehabilitation Program for SRO Dwellings to part 12:

Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Subsidy-Layering Determinations

24 CFR 12.52 requires HUD to certify that the amount of HUD assistance is not more than is necessary to make the assisted activity feasible after taking account of other government assistance. HUD will make the decision with respect to each certification available to the public free of charge, for a three-year period. (See the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942) for further information on requesting these decisions.) Additional information about applications, HUD certifications, and assistance adjustments, both before assistance is provided or subsequently, are to be made under the Freedom of Information Act (24 CFR part 15).

Section 103 HUD Reform Act of 1989

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815. (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Section 112 HUD Reform Act of 1989

Section 13 of the Department of Housing and Urban Development Act contains two programs dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The section restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions regarding the rule should be directed to Arnold J. Haiman, Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Other Matters

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public

inspection weekdays from 7:30 a.m. to 5:30 p.m. in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street SW., Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under Section 6(a) of the Executive Order 12612, Federalism, has determined that the policies contained in this NOFA do not have federalism implications and, thus, are not subject to review under the Order. The NOFA makes available, pursuant to an authorizing statute and an appropriation Act, housing assistance for homeless individuals through a mechanism that is already established between HUD, the PHA and the Owner under the Section 8 Housing Assistance Payments Program.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The purpose of the NOFA is to make available assistance for single room housing for homeless individuals.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Program number is 14.156, Lower Income Housing Assistance Program.

Authority: Secs. 401 and 441, Stewart B. McKinney Homeless Assistance Act, Pub. L. 100-77, approved July 22, 1987; secs. 481 and 485, Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100-628, approved November 7, 1988; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 19, 1992.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

HUD Field Offices

Alabama—Jasper H. Boatright, Beacon Ridge Tower, 600 Beacon Pkwy. West, suite 300, Birmingham, AL 35209-3144; (205) 731-1672.
Alaska—Colleen Craig, Federal Bldg., 222 W. 8th Ave., #64, Anchorage, AK 99513-7537; (907) 271-3669.
Arizona—Diane Domzalski, 400 N. Fifth St., suite 1600, Arizona Center, Phoenix AZ 85004; (602) 379-4754.
Arkansas—Billy M. Parsley, Lafayette Bldg., 523 Louisiana, Ste. 200, Little Rock, AR 72201-3707; (501) 324-6375.
California
(Southern)—Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015-3801; (213) 251-7235.
(Northern)—Gordon H. McKay, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5570.
Colorado—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.
Connecticut—Daniel Kolesar, 330 Main St., Hartford, CT 06106-1860; (203) 240-4508.
Delaware—John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2865.
District of Columbia—James H. McDaniel, 820 First St., NE, Washington, DC 20002; (202) 275-0094.
Florida—James N. Nichol, 325 W. Adams St., Jacksonville, FL 32202-4303; (904) 791-3587.
Georgia—Charles N. Straub, Russell Fed. Bldg., room 688, 75 Spring St., SW, Atlanta, GA 30303-3388; (404) 331-5139.
Hawaii—Patty A. Nicholas, 7 Waterfront Plaza, suite 500, 500 Ala Moana Blvd., Honolulu, HI 96815-4918; (808) 541-1327.
Idaho—John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596; (503) 326-7018.
Illinois—Richard Wilson, 77 W. Jackson Blvd., Chicago, IL 60604; (312) 353-1696.
Indiana—Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204-2526; (317) 226-5169.
Iowa—Gregory A. Bevirt, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102-1622; (402) 221-3703.
Kansas—Miguel Madrigal, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 236-2184.
Kentucky—Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201-1044; (502) 582-5394.
Louisiana—Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112-2887; (504) 589-7212.
Maine—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.
Maryland—Harold Young, Equitable Bldg., 3rd Floor, 10 N. Calvert St., Baltimore, MD 21202-1865; (410) 962-2417.
Massachusetts—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5343.
Michigan—Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226-2592; (313) 226-4363.
Minnesota—Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401-2195; (612) 370-3019.
Mississippi—Jeanie E. Smith, Dr. A.H. McCoy Fed. Bldg., 100 W. Capitol St., room 910, Jackson, MS 39269-1096; (601) 965-4765.
Missouri
(Eastern)—David H. Long, 1222 Spruce St., St. Louis, MO 63103-2836; (314) 539-6524.
(Western)—Miguel Madrigal, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101-2406; (913) 236-2184.
Montana—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.
Nebraska—Gregory A. Bevirt, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102-1622; (402) 221-3703.
Nevada—(Las Vegas, Clark Cnty) Diane Domzalski, 400 N. 5th St., suite 1600, 2 Arizona Center, Phoenix, AZ 85004; (602) 379-4754. (Remainder of state) Gordon H. McKay, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-5576.
New Hampshire—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.
New Jersey—Frank Sagarese, Military Park Bldg., 60 Park Pl., Newark, NJ 07102-5504; (201) 877-1776.
New Mexico—R.D. Smith, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 885-5483.
New York
(Upstate)—Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203-1780; (716) 846-5768.
(Downstate)—Joan Dabelko, 26 Federal Plaza, New York, NY 10278-0068; (212) 264-2885.
North Carolina—Charles T. Ferebee, 415 N. Edgeworth St., Greensboro, NC 27401-2107; (919) 333-5711.
North Dakota—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 70202-2349; (303) 844-3811.
Ohio—Jack E. Riordan, 200 North High St., Columbus, OH 43215-2499; (614) 469-6743.
Oklahoma—Katie Worsham, Murrah Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102-3202; (405) 231-4973.
Oregon—John G. Bonham, 520, SW 6th Ave., Portland, OR 97204-1596; (503) 326-7018.
Pennsylvania
(Western)—Bruce Crawford, Old Post Office and Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493.
(Eastern)—John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2865.
Puerto Rico—Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918-1804; (809) 766-5576.

Rhode Island—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5343.
South Carolina—Louis E. Bradley, Acting, Fed. Bldg., 1835-45 Assembly St., Columbia, SC 29201-2480; (803) 765-5564.
South Dakota—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.
Tennessee—Virginia Peck, 710 Locust St., Knoxville, TN 37902-2526; (615) 549-9422.
Texas
(Northern)—R.D. Smith, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113-2905; (817) 885-5483.
(Southern)—Robert W. Hicks, Washington Sq., 800 Dolorosa, San Antonio, TX 78207-4563; (512) 229-6820.
Utah—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.
Vermont—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.
Virginia—Joseph Aversano, Fed. Bldg., 400 N. 8th St., P.O. Box 10170, Richmond, VA 23240-9998; (804) 771-2624.
Washington—John Peters, Arcade Plaza Bldg., 1321 2nd Ave., Seattle, WA 98101-2054; (206) 442-0374.
West Virginia—Bruce Crawford, Old Post Office & Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493.
Wisconsin—Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203-2289; (414) 297-3113.
Wyoming—Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

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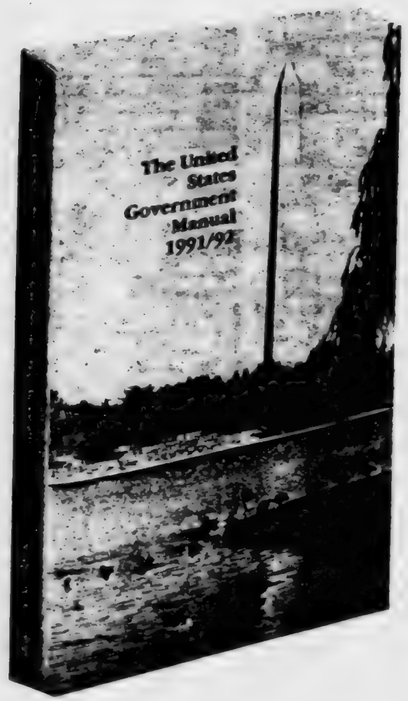

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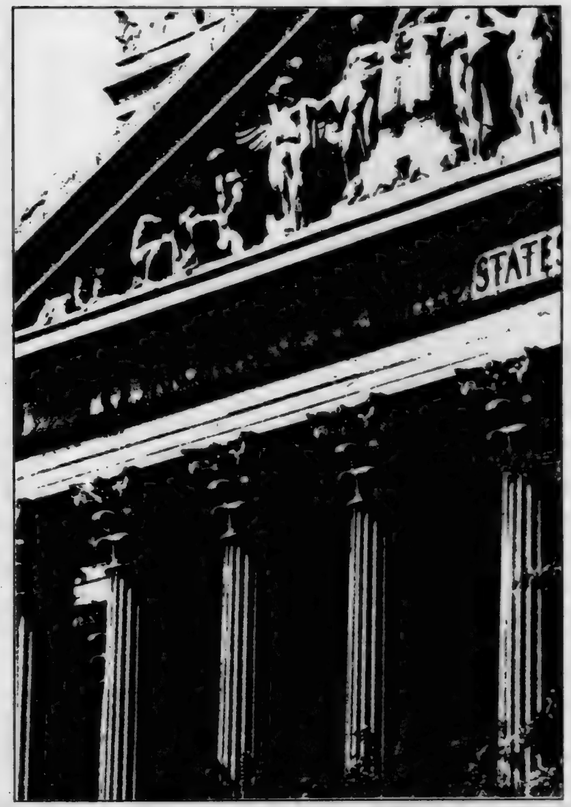

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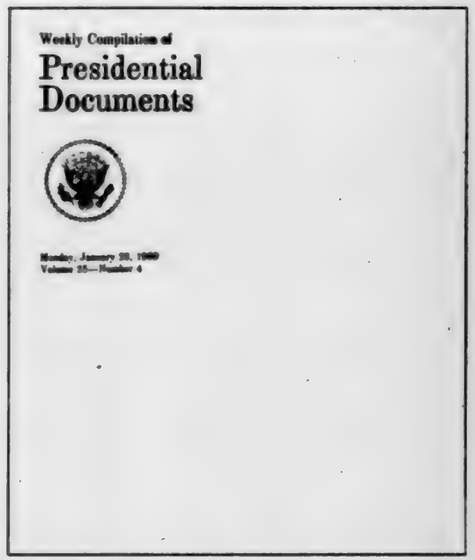

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Friday, March 27, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206-AE90

Federal Employees Health Benefits Program: Limitation on Inpatient Hospital Charges and FEHB Program Payments

AGENCY: Office of Personnel Management.

ACTION: Interim regulation with request for comments.

SUMMARY: The Officer of Personnel Management (OPM) is issuing an interim regulation that implements section 7002(f) of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8904(b)). The law sets a limit on the charges and Federal Employees Health Benefits (FEHB) Program benefit payments for certain inpatient hospital services received by a retired enrolled individual. This regulation defines a retired enrolled individual and sets forth the circumstances under which the limit on charges and FEHB Program benefit payments takes effect.

DATES: This interim regulation is effective January 1, 1992. Comments must be received on or before May 26, 1992.

ADDRESSES: Written comments may be sent to Andrea S. Minniear, Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, room 4351, 1900 E Street, NW., Wasington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Abby L. Block, (202) 606-0191.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1990 (OBRA of 1990), Public Law 101-508, was enacted on November 5, 1990. Section 7002(f) of OBRA of 1990 amended the FEHB law to limit the charges and FEHB Program benefit payments for certain inpatient hospital services received by retired enrolled individuals.

The purpose of this interim regulation is to implement section 7002(f) of Public Law 101-508. The interim regulation defines a retired enrolled individual and specifies the inpatient hospital services covered by the limitation on charges and benefit payments.

The interim regulation explains how FEHB fee-for-service plans will determine benefit payments for inpatient hospital services covered by the limitation. The limit is the amount calculated by the FEHB plan as equivalent to the Medicare Part A payment under the diagnostic related group (DRG) based prospective payment system (PPS). The limit set by the law is not what the plan must pay but the most that the plan can pay. If a plan would pay a lower amount than the limit by following the payment procedure used for all its other FEHB enrollees, the plan also will pay the lower amount for services covered by the limitation.

The interim regulation explains that the FEHB plans will determine the amount which is equivalent to the Medicare Part A payment under the DRG-based PPS. FEHB plans will receive specific operating guidelines from OPM.

The interim regulation makes an exception to the policy regarding the continuation of benefits when an individual is confined in a hospital or other institution for care or treatment on the date his or her enrollment is changed from one plan to another, or from one option of a plan to another option of that plan. If the services provided during a change in enrollment from one plan to another, or from one option of a plan to another option of that plan, are covered by the limit on charges and benefit payments specified in this regulation, the individual is entitled to a continuation of the benefits of the prior plan or option until the end of the confinement. This exception accommodates the law by ensuring that the charge and benefit payment for the entire hospital confinement are determined in compliance with the limitation on charges and benefit payments specified in this regulation.

Waiver of Notice of Proposed Rulemaking

Pursuant to section 553(b)(3)(B) of title 5 of the U.S. Code, I find that good cause exists for waiving the general notice of proposed rulemaking and making this regulation effective in less than 30 days. The notice is being waived because the limitation enacted by Public Law 101-508 addressed in this regulation was effective with respect to the contract year beginning on January 1, 1992.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal annuitants, and former spouses.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance, Retirement.

Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Public Law 101-513, 104 Stat. 2064.

2. Section 890.401 is amended by adding paragraph (b)(3) to read as follows:

§ 890.401 Temporary extension of coverage and conversion.

* * * * *

(b) * * *

(3) *Exception.* The limit on the number of confinement days allowed to be covered under the continuation of benefits specified by paragraph (b)(2) of this subpart does not apply to confinements in a hospital or other institution when the charges and benefit payments for the services provided are covered by the limit specified in subpart

I of this part. In these cases, the benefits continue until the end of the confinement.

* * * * *

3. In part 890, a new subpart I, consisting of §§ 890.901 through 890.907, is added to read as follows:

Subpart I—Limit on Inpatient Hospital Charges and FEHB Benefit Payments

Sec.

890.901 Purpose.
890.902 Definition.
890.903 Covered hospital services.
890.904 Determination of FEHB benefit payment.
890.905 Effective dates.
890.906 End-of-year settlements.
890.907 Provider information.

Subpart I—Limit on Inpatient Hospital Charges and FEHB Benefit Payments

§ 890.901 Purpose.

This subpart identifies the individuals whose charges and FEHB benefit payments for inpatient hospital services may be limited and sets forth the circumstances of the limit.

§ 890.902 Definition.

For purposes of this subpart, *Retired enrolled individual* means an individual who:

(a)(1) Is covered by a Federal Employees Health Benefits plan (including individuals covered under 5 U.S.C. 8905a) described by 5 U.S.C. 8903(1), (2) and (3), or 5 U.S.C. 8903a and is:

(i) An annuitant as defined in 5 U.S.C. 8901(3); or

(ii) A former spouse as defined in 5 U.S.C. 8901(10) or enrolled for continued coverage under 5 U.S.C. 8905a(f); or

(2) Is a family member covered by the family enrollment of an annuitant or former spouse as defined in 5 U.S.C. 8901, or a former spouse enrolled for continued coverage under 5 U.S.C. 8905a(f); and

(b) Is not employed in a position which confers FEHB coverage; and

(c) Is age 65 or older or becomes age 65 while receiving inpatient hospital services; and

(d) Is not covered by Medicare part A.

§ 890.903 Covered hospital services.

The limitation on the charges and FEHB benefit payments for inpatient hospital services apply to inpatient hospital services which are:

(a) Covered under both Medicare part A and the retired enrolled individual's FEHB plan; and

(b) Provided by hospital providers who have in force participation agreements with the Secretary of Health and Human Services consistent with sections 1814(a) and 1866 of the Social Security Act, and receive Medicare part A payments in accordance with the diagnostic related group (DRG) based prospective payment system (PPS).

§ 890.904 Determination of FEHB benefit payment.

The FEHB benefit payment under this subpart is the lowest of the following:

(a) The amount calculated by the FEHB plan, using guidelines specified by OPM, as equivalent to the Medicare part A payment under the DRG-based PPS (that is, the amount payable before the Medicare deductible, coinsurance and lifetime limits are applied).

(b) The amount payable by the retired enrolled individual's FEHB plan under its benefit structure (that is, the amount payable before the FEHB plan's deductible, coinsurance, lifetime limits and other maximums are applied).

(c) The actual billed charges.

§ 890.905 Effective dates.

The limitation specified in this subpart applies to inpatient hospital admissions commencing on or after January 1, 1992.

§ 890.906 End-of-year settlements.

Neither OPM, nor the FEHB plans, will perform end-of-year settlements with, or make retroactive adjustments as a result of retroactive changes in the Medicare payment calculation information to, hospital providers who have received FEHB benefit payments under this subpart.

§ 890.907 Provider information.

The hospital provider information used to calculate the amount equivalent to the Medicare part A payment will be updated on an annual basis.

[FR Doc. 92-7088 Filed 3-26-92; 8:45 am]
BILLING CODE 6325-01-M

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5 CFR Part 890

RIN 3206-AE44

Federal Employees Health Benefits Program: Continuation of Coverage During a Period of Military Furlough in Support of Operation Desert Shield and/or Desert Storm

AGENCY: Office of Personnel Management (OPM).

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations that waive the employee share of the health benefits premium for employees whose coverage under the Federal Employees Health Benefits (FEHB) Program continues while they are on leave without pay because of military service in support of Operation Desert Shield and/or Desert Storm. These regulations finalize interim regulations that were issued to make sure that employees who performed active military duty during this period would be able to leave their employment temporarily with the knowledge that their affairs were in order and their rights protected.

EFFECTIVE DATE: April 27, 1992.

SUPPLEMENTARY INFORMATION: On September 25, 1990, OPM issued interim regulations (55 FR 39131) that waived the employee share of the health benefits premium for employees who continue FEHB coverage while they are on military furlough (leave without pay) because of military service in support of Operation Desert Shield.

On August 22, 1990, the President signed Executive Order 12727, by which he ordered certain Armed Forces reservists to active military duty. Under OPM's regulations in effect at that time, Federal employees who entered on a leave-without-pay (LWOP) status could continue their FEHB coverage if they paid their share of the FEHB premium. By continuing FEHB coverage while in leave-without-pay status, employees can ensure that their families are able to maintain established relationships with health care providers for up to 12 months of LWOP.

The call to active military service initiated a difficult period in the lives of affected employees and their families. In order to make sure that employees who performed active military duty during this period would be able to leave their employment temporarily with the knowledge that their affairs were in order and their rights protected, OPM issued regulations waiving the employee's share of the FEHB premiums for employees who continued their FEHB coverage while in a LWOP status because they were performing active military service in support of Operation Desert Shield.

We received two written comments from Federal agencies and several telephone responses from agency personnel directors. We also received one written comment from an organization of health professionals, one from an employee-related organization, and five from health insurance carriers and organizations representing health insurance carriers.

One commenter stated that an employee who is in LWOP status may continue coverage only if he or she pays both the Government and employee's share of the premiums and asked a number of questions based on this premise. However, this is a misconception—the employing agency pays the Government's share under the interim regulations, just as it does when employees are on LWOP under more normal circumstances. Therefore, the commenter's questions based on this premise are not relevant.

Five commenters were concerned about the effect of waiving the employee share of the premium on the health insurance carriers since they would not be receiving the premiums they expected for these enrollees under their contracts with OPM. They were also concerned about the effect on future contract negotiations.

OPM does not anticipate any adverse effect on carriers to result from the interim regulations. The overall effect of waiving the employee's share of premiums for reservists is that there are potential cost reductions to balance out the reduction in revenue. Since the military provides health care for individuals on active military duty, FEHB enrollments affected by the regulations actually cover one less person than before the LWOP began. For self-only enrollments, no one actually receives benefits in most cases. At the same time, the plans continue to receive the Government share of the premium (approximately 70% of the total amount).

The difference in income per covered individual, if any, is not a problem for experience-rated plans because such differences are worked out in the normal rate-setting process. However, HMO's that pay capitation must make capitation payments even though the individual will not be seeking services while he or she is on active military duty. Therefore, we are looking at each HMO on an individual basis during the reconciliation process so that we can make appropriate adjustments.

During the reconciliation process, OPM is allowing a net adjustment for employees in LWOP status because of military service in support of Operations Desert Shield and/or Desert Storm, whereby plans may show losses or gains that the plan incurred due to the Operation Desert Shield/Storm absentees. To facilitate this process, OPM has informed affected plans of the number of their enrollees who were in this category in 1990 and, in early 1992, will provide 1991 information. Therefore, no FEHB plan will suffer a loss as a result of these regulations.

Two commenters said that under OPM's contracts with the carriers, OPM is obligated to obtain advance approval of FEHB carriers of any regulatory change that increases the liability of the carriers. However, the contract clause to which the commenter was referring does not apply in this case since there will be no liability, as explained in the preceding paragraphs.

One commenter cited the experience of an employee who was called up for two periods of active military service, each of which was limited to 30 days or less; therefore, neither period qualified for a waiver of the employee share of premiums under these regulations. The commenter suggested that we remove the requirement that the military service not be limited to 30 days or less. Periods of service that are limited to 30 days or less are usually intended for training purposes and are usually served while the individual is in a military leave status (which is paid leave). In addition, for the regulation waiving the employee premiums during LWOP to have any effect, the period of military service would have to result in at least one pay period during which there was insufficient pay to make the health insurance withholdings. Therefore, it is quite unusual for employees to be called into military service under circumstances that would meet the requirements of this regulation, except that the military service is limited to 30 days or less, and for the employees to actually experience at least one pay period without pay as a result. Isolated occurrences of this kind are not properly addressed by removing regulatory limitations that are appropriate to the vast majority of circumstances. While an employee with a brief period of LWOP might be inconvenienced by having to pay the employee share of the FEHB premium, the requirement would not constitute a hardship such as that experienced by employees who remain in military service for many months. It is this latter employee who needs the relief that this regulation was intended to bring.

Several callers asked whether the Government share of the FEHB premium was waived. The interim regulation amended the provisions related to the employee share of the premium. No changes were made to the provision related to the Government's share of the premiums. Therefore, the employing office continues to be responsible for paying the Government's share of the premiums for the individual affected by these regulations.

We are updating the regulations to include reference to Operation Desert Storm and additional sections in title 10, U.S. Code, that have been used in calling up employees to serve in connection with the Persian Gulf war.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health insurance.

Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, the interim regulations under part 890 published by OPM on September 25, 1990, (55 FR 39131) are made final with the following change:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064.

2. In § 890.502, paragraph (g) is revised to read as set forth below:

§ 890.502 Employee withholdings and contributions.

* * * * *

(g) *Military furlough.* Payment of the employee's share of the cost of enrollment is waived in the case of an employee whose coverage continues under § 890.303(e) following furlough or placement on leave of absence in accordance with the provisions of part 353 of this chapter or other similar authority for the purpose of performing duty not limited to 30 days or less in a uniformed service, if ordered to active duty under section 672, 673, 673b, 674, 675, or 688 of title 10, United States Code, in support of Operations Desert Shield and/or Desert Storm.

[FR Doc. 92-7089 Filed 3-26-92; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV-92-006IR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxation of Handling Requirements for Valencia and Other Late Type Oranges and Honey Tangerines

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This rule relaxes the minimum size requirement for export shipments of Valencia and other late type oranges to 2$^{11}/_{16}$ inches in diameter (size 163) from 2$^{9}/_{16}$ inches in diameter (size 125) through September 26, 1992. This action also relaxes the minimum grade requirement for domestic and export shipments of Honey tangerines to Florida No. 1 Golden from Florida No. 1 through August 23, 1992. This action is based on this season's current and prospective crop and market conditions, and on the grade, size, and maturity of the remaining supplies of these fruits.

DATES: This interim final rule becomes effective: March 23, 1992. Comments which are received by April 27, 1992 will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–5331.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended [7 CFR part 905], regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

This interim final rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 100 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 10,200 producers of these citrus fruits in Florida. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. A minority of these handlers and a majority of the producers may be classified as small entities.

The Citrus Administrative Committee (committee), which administers the marketing order locally, met January 21, 1992, and unanimously recommended this action. The committee meets prior to and during each season to review the handling regulations effective on a continuous basis for each citrus fruit regulated under the marketing order. Committee meetings are open to the public, and interested persons may express their views at these meetings. The Department reviews committee recommendations and information submitted by the committee and other available information and determines whether modification, suspension, or termination of the handling regulations would tend to effectuate the declared policy of the Act.

Section 905.306 [7 CFR 905.306] specifies minimum grade and size requirements for Florida citrus. Such requirements for domestic shipments are specified in that section in Table I of paragraph (a), and for export shipments in Table II of paragraph (b).

This action relaxes the minimum size requirement for export shipments of Valencia and other late type oranges to 2$^{11}/_{16}$ inches in diameter (size 163) from 2$^{9}/_{16}$ inches in diameter (size 125) through September 27, 1992. Relaxing the minimum size requirement for Valencia and other late type oranges as specified is expected to make smaller fruit available of acceptable maturity and flavor to meet consumer needs. The Valencia and other late type orange shipping season in Florida normally begins in January and ends with shipment of late-bloom fruit during the following September.

This action also relaxes the minimum grade requirement for domestic and export shipments of Honey tangerines to Florida No. 1 Golden from Florida No. 1 through August 23, 1992. This action allows slightly dryer fruit to be shipped to the fresh market, by permitting a one-quarter inch of dryness on the stem end of the fruit instead of the one-eighth inch currently permitted. This action recognizes the fact that this fruit tends to dry out during the latter part of the shipping season, which normally ends in April. This action will provide Florida shippers with the alternative of shipping Honey tangerines grading Florida No. 1 Golden to the fresh market, rather than diverting them to processing channels where returns would likely be lower than in the fresh market. This action

should make increased supplies of fresh Honey tangerines available to consumers from this season's remaining crop.

The committee recommended this action based on analysis of the grade and size composition of this season's remaining Valencia and other late type orange and Honey tangerine crops. The committee anticipates that the demand will be good for size 163 Valencia and other late type oranges in the export market, and for Florida No. 1 Golden grade Honey tangerines in both the domestic and export markets during the remainder of the 1991–92 season, and that the fruit will meet consumer acceptance.

The minimum grade and size requirements under the marketing order are designed to provide fresh markets with fruit of acceptable quality, thereby maintaining consumer confidence for fresh Florida citrus. This helps create buyer confidence and contributes to stable marketing conditions. This is in the interest of producers, packers, and consumers, and is designed to increase returns to Florida citrus growers.

Under the marketing order for Florida citrus, handlers may ship up to 15 standard packed cartons (12 bushels) of fruit per day, and up to two standard packed cartons of fruit per day in gift packages which are individually addressed and not for resale, under exemption provisions. Fruit shipped for animal feed is also exempt under specific conditions. In addition, fruit shipped to commerical processors for conversion into canned or frozen products or into a beverage base are not subject to the handling requirements.

This action reflects the committee's and the Department's appraisal of the need to make the grade and size relaxations hereinafter set forth. The Department's view is that this action will have a beneficial impact on producers and handlers since it will allow Florida citrus handlers to ship those grades and sizes of fruit available to meet consumer needs consistent with this season's crop and market conditions.

Paragraph (a), Table I, column 4 of § 905.306 of this rule sets forth the correct minimum diameter requirement for Honey tangerines as 2$^{9}/_{16}$ inches. That requirement was established for Honey tangerines shipped on and after August 18, 1986, by a rule published in the **Federal Register** [51 FR 1572, April 28, 1986]. The minimum diameter requirement for Honey tangerines of 2$^{11}/_{16}$ inches cited in 7 CFR 905.306(a), Table 1 is incorrect, and this rule corrects that error.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matters presented, the information and recommendations submitted by the committee, and other information, it is found that the relaxations set forth below will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action relaxes requirements currently in effect for Valencia and other late type oranges and Honey tangerines; (2) Valencia and other late type orange and Honey tangerine shippers in Florida are aware of this action which was unanimously recommended by the committee at a public meeting, and they will need no additional time to comply with the relaxed requirements; (3) shipment of the 1991–92 season Valencia and other late type orange and Honey tangerine crop in Florida is currently in progress; and (4) the rule provides a 30-day comment period, and any comments received will be considered prior to any finalization of this interim final rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 905.306 is amended as follows:

Note: This section will appear in the annual Code of Federal Regulations.

A. In paragraph (a), Table I, the entry for "Honey tangerines" is revised to read as set forth below.

B. In paragraph (b), Table II, the entries for "Valencia and other late type oranges", and "Honey tangerines" are revised to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* * * *			
Tangerines			
Honey:	March 23, 1992–08/23/92	Florida No. 1 Golden	2$^{9}/_{16}$
	On and after 8/24/92	Florida No. 1	2$^{9}/_{16}$
* * * *			

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Oranges			
Valencia and other late type	March 23, 1992–9/27/92	U.S. No. 1	2 1/16
	On and after 9/28/92	U.S. No. 1	2 1/16
Tangerines			
Honey	March 23, 1992–08/23/92	Florida No. 1 Golden	2 1/16
	On and after 08/24/92	Florida No. 1	2 1/16

Dated: March 23, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92–7040 Filed 3–26–92; 8:45 am]

BILLING CODE 3410–02–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 229, 230, 239, 240, 249, and 269

[Release Nos. 33–6902A; 34–29354A; 39–2267A; IC–18210A; International Series Release No. 291A]

RIN 3235–AC64

Multijurisdictional Disclosure and Modifications to the Current Registration and Reporting System for Canadian Issuers; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final regulations which were published on July 1, 1991 (56 FR 30036).

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Anita Klein, Office of International Corporate Finance, Division of Corporation Finance at (202) 272–3246.

SUPPLEMENTARY INFORMATION: The Commission adopted the multijurisdictional disclosure system for Canadian issuers on July 1, 1991. As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. In this release, authority citations, rules and forms containing such errors are being corrected.

Accordingly, the publication on July 1, 1991, of the final regulations relating to the multijurisdictional disclosure system for Canadian issuers which were the subject of FR Doc. 91–15402 is corrected as follows:

PART 200—[CORRECTED]

1. On page 30052, in the third column, the amendatory language for amendment 1 is corrected to read as follows:

"1. The general rulemaking authority for part 200, subpart A is revised and the following citations are added to read as follows:"

PART 229—[CORRECTED]

2. On page 30053, in the third column, the amendatory language for amendment 14 is corrected to read:

"14. The authority citation for part 229 is amended by adding the following citations."

3. On page 30054, in the third column, amendment 24(a) is added.

24(a). In § 230.428 paragraph (b)(2) and Instruction 2 are revised to read as follows:

§ 230.428 Documents constituting a section 10(a) prospectus for Form S–8 registration statement; requirements relating to offerings of securities registered on Form S–8.

* * * * *

(b) * * *

(2) The registrant shall deliver or cause to be delivered with the document(s) containing the information required by Part I of Form S–8, to each employee to whom such information is sent or given, a copy of any one of the following:

(i) The registrant's annual report to security holders containing the information required by Rule 14a–3(b) (§ 240.14a–3(b) of this chapter) under the Securities Exchange Act of 1934 (*Exchange Act*) for its latest fiscal year;

(ii) The registrant's annual report on Form 10–K (§ 249.310 of this chapter), U5S (§ 259.5s of this chapter), 20–F (§ 249.220f of this chapter) or, in the case of registrants described in General Instruction A.(2) of Form 40–F, 40–F (§ 249.240f of this chapter) for its latest fiscal year;

(iii) The latest prospectus filed pursuant to Rule 424(b) (§ 230.424(b) of this chapter) under the Act that contains audited financial statements for the registrant's latest fiscal year, *Provided that* the financial statements are not incorporated by reference from another filing, and *Provided further* that such prospectus contains substantially the information required by Rule 14a–3(b) or the registration statement was on Form S–18 (§ 239.28 of this chapter) or F–1 (§ 239.31 of this chapter); or

(iv) The registrant's effective Exchange Act registration statement on Form 10 (§ 249.210 of this chapter), 20–F or, in the case of registrants described in General Instruction A.(2) of Form 40–F, 40–F containing audited financial statements for the registrant's latest fiscal year.

Instructions

* * * * *

2. If the latest fiscal year of the registrant has ended within 120 days (or 190 days with respect to foreign private issuers) prior to the delivery of the documents containing the information specified by Part I of Form S–8, the registrant may deliver a document containing financial statements for the fiscal year preceding the last fiscal year, *Provided that* within the 120 or 190 day period a document containing financial statements for the latest fiscal year is furnished to each employee.

* * * * *

PART 239—[CORRECTED]

4. On page 30055, in the second column, the amendatory language for amendment 28 is corrected to read:

"28. The authority citation for part 239 is amended by revising the general rulemaking authority and adding the following citations."

§ 239.32 [Corrected]

5. On page 30057, in the first column, an amendment to Form F–2 (§ 239.32), General Instruction I.B.2. is added after General Instruction I.A. to read as follows:

B. * * *

2. The provisions of this paragraph (B)(1)(a) do not apply to any registrant if: (i) The aggregate market value worldwide of the voting stock of the registrant held by non-affiliates is the equivalent of $300 million or more, or if non-convertible debt securities that are "investment grade debt securities" as defined below, are being registered and (ii) the registrant has filed at least one Form 20–F, Form 40–F or Form 10–K that is the latest required to have been filed.

* * * * *

PART 240—[CORRECTED]

6. On page 30067, in the third column, the amendatory language for amendment 40 is corrected to read:

"40. The authority citation for part 240 is amended by revising the general rulemaking authority and adding the following citations."

7. On page 30068, in the third column, amendment 48(a) is added.

§ 240.13a–13 [Corrected]

48(a). In § 240.13a–13, amending the first sentence of paragraph (a) after the words "annual reports pursuant to section 13 of the Act" add the words ", and has filed or intends to file such reports" and after the parenthetical "(§ 259.5s of this chapter)" add a ",".

8. On page 30068, in the third column, § 240.13a–16(a) is corrected to read as follows:

§ 240.13a–16 Reports of foreign private issuers on Form 6–K (17 CFR 249.306.)

(a) Every foreign private issuer which is subject to Rule 13a–1 (17 CFR 240.13a–1) shall make reports on Form 6–K, except that this rule shall not apply to:

(1) Investment companies required to file reports pursuant to Rule 30b1–1 (17 CFR 270.30b1–1);

(2) Issuers of American depositary receipts for securities of any foreign issuer; or

(3) Issuers filing periodic reports on Forms 10–K, 10–Q and 8–K.

* * * * *

§ 240.14d–102 [Corrected]

9. On page 30072, in the second column, in the fifth line of General Instruction II. C. of Schedule 14D–1F (§ 240.14d–102), the citation "section 14(a)(3)" is corrected to read "section 14(g)(3)".

PART 249—[CORRECTED]

10. On Page 30075, in the second column, the amendatory language for amendment 60 is corrected to read:

"60. The authority citation for part 249 is amended by revising the general rulemaking authority and adding the following citation."

§ 249.310 [Corrected]

11. On page 30077, in the fourth line of the second column, the second sentence of General Instruction G. (3) of Form 10–K (§ 249.310) is corrected by adding "by virtue of Rule 3a12–3(b) under the Exchange Act" after "Commission" and before the comma.

§ 239.37 [Corrected]

12. On page 30081, Part II. (3) of Form F–7 (§ 239.37), column two, beginning on line twelve "rule 436 or 438" is corrected to read "Rule 436, 438 or 439".

§ 239.38 [Corrected]

13. On page 30085, Part II. (4) of Form F–8 (§ 239.38), column three, beginning on line thirty-nine "rule 436 or 438" is corrected to read "Rule 436, 438, or 439".

§ 239.39 [Corrected]

14. On page 30090, Part II. (5) of Form F–9 (§ 239.39), column one, beginning on line fourteen "Rule 436 or 438" is corrected to read "Rule 436, 438, or 439".

§ 239.40 [Corrected]

15. On page 30092, paragraph J. of General Instruction I. of Form F–10 (§ 239.40) is corrected by adding at the end of the fifth line of the first column "rights offering circular (in the case of exempt rights offerings) or".

§ 239.40 [Corrected]

16. On page 30094, Part II. (5) of Form F–10 (§ 239.40), column three, beginning on line thirty-one "Rule 436 or 438" is corrected to read "Rule 436, 438, or 439".

§ 239.41 [Corrected]

17. On page 30099, Part II. (4) of Form F–80 (§ 239.41), column two, beginning on line forty-eight "Rule 436 or 438" is corrected to read "Rule 436, 438, or 439".

§§ 239.42, 249.250 and 269.5 [Corrected]

18. On page 30102, in lines 21 and 22 of the third column, in General Instruction II.E.b. of Form F–X (§§ 239.42, 249.250, 269.5), remove the words "an exemption under Rule 4d–1" and add in place thereof "Rule 10a–5".

§§ 239.42, 249.250 and 269.5 [Corrected]

19. On page 30103, in the first column, Form F–X (§§ 239.42, 249.250, 269.5), Instruction 2 is corrected by removing the third sentence "Each copy shall be manually signed."

Dated: March 23, 1992.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7004 Filed 3–26–92; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 81, 176, 177, and 184

[Docket No. 92N–0089]

Food and Color Additives; Generally Recognized as Safe Substances; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive, food additive, and generally recognized as safe (GRAS) regulations to correct certain typographical and other inadvertent errors.

EFFECTIVE DATES: March 27, 1991.

ADDRESSES: Written comments may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: FDA has discovered that certain errors have become incorporated into the agency's codified regulations on color additives, food additives, and GRAS substances. FDA is correcting these errors. These corrections are nonsubstantive, and therefore no new rulemaking is necessary. The following errors in the regulations are corrected in this document:

1. In 21 CFR 81.1 *Provisional lists of color additives*, the introductory text lists obsolete references to § 81.1(f), which was removed in the **Federal Register** of September 30, 1977 (42 FR 52393); § 81.1(g), which was removed in the **Federal Register** of July 28, 1981 (46 FR 38500 at 38501) and March 12, 1982 (47 FR 10804 at 10805); and 21 CFR 81.27, which was removed in the **Federal Register** of February 1, 1990 (55 FR 3516

at 3519). The agency is removing these obsolete references.

2. In 21 CFR 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods*, in the table in paragraph (a)(5), an entry for poly (diallyldimethylammonium chloride) for use as a flocculent employed prior to sheet-forming operations is being restored. This entry, which was published in the **Federal Register** of October 1, 1982 (47 FR 43365), was inadvertently omitted from the 1988 and subsequent editions of the CFR. The agency is correcting this error.

3. In 21 CFR 177.1520 *Olefin polymers*, in the table in paragraph (c), item 3.2a the word "not" was inadvertently omitted from the phrase "* * * shall not exceed 0.051 millimeter * * *" when item 3.2a was redesignated from item 3.2 and revised at 54 FR 49079 and 49080, November 29, 1989. The agency is correcting this error.

4. In 21 CFR 184.1505 *Mono- and diglycerides*, in paragraphs (c) and (c)(1) "GRAS" and "stabilizer," respectively, were misspelled. The agency is correcting these errors.

FDA notice and public comment on these corrections is unnecessary. These corrections are wholly editorial and nonsubstantive in nature, and FDA is merely correcting these errors.

List of Subjects in 21 CFR

Part 81

Color additives, Cosmetics, Drugs.

Part 176

Food additives, Food packaging.

Part 177

Food additives, Food packaging.

Part 184

Food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 81, 176, 177, and 184 are amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR part 81 continues to read as follows:

Authority: Secs. 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371, 376, 376 note).

2. Section 81.1 is amended in the introductory text by revising the last sentence to read as follows:

§ 81.1 Provisional lists of color additives.

* * * The color additives listed in paragraphs (a), (b), and (c) of this section are provisionally listed until the closing dates set forth therein.

* * * * *

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

3. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

4. Section 176.170 is amended in paragraph (a)(5) by alphabetically adding a new entry in the table to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	Limitations
* * * * *	
Poly (diallyldimethylammonium chloride) (CAS Reg. No. 26062-79-3) produced by the polymerization of diallyldimethylammonium chloride so that the finished resin has a nitrogen content of 8.66± 0.4 percent on a dry basis and a minimum viscosity in a 15 weight-percent aqueous solution of 10 centipoises at 25 °C (77 °F), as determined by LVF Model Brookfield viscometer using a No. 1 spindle at 60 r/min (or equivalent method). The level of residual monomer is not to exceed 1 weight-percent of the polymer (dry basis)..	For use only as a flocculant employed prior to the sheet-forming operation in the manufacture of paper and paperboard, and used at a level not to exceed 10 mg/L (10 parts per million) of influent water.
* * * * *	

* * * * *

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

5. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

§ 177.1520 [Amended]

6. Section 177.1520 *Olefin polymers* is amended in the table in paragraph (c), in the "Olefin polymers" column, in item 3.2a by revising the phrase "shall exceed 0.051 millimeter" to read "shall not exceed 0.051 millimeter".

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

7. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§ 184.1505 [Amended]

8. Section 184.1505 *Mono- and diglycerides* is amended in the second sentence of paragraph (c) by removing "(GARS)" and adding in its place "GRAS)" and in paragraph (c)(1) by removing "stabilizer" and adding in its place "stabilizer".

Dated: March 23, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7106 Filed 3-26-92; 8:45 am]

BILLING CODE 4160-01-M

Proposed Rules

Federal Register
Vol. 57, No. 60
Friday, March 27, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-28-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric CF6-45/50 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes equipped with General Electric CF6-45/50 series engines. This proposal would require repetitive inspections to detect cracking of the number 1 strut idler pulley support bracket assembly; inspections of all associated fasteners for tightness, and tightening of any loose fasteners found; and replacement of the bracket assembly. This proposal is prompted by recent reports of fatigue cracks found in the thrust control cable idler pulley support brackets on the number 1 strut. The actions specified by the proposed AD are intended to prevent the loss of engine thrust control.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-28-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. G. Michael Collins, Aerospace Engineer, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2680; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-28-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-28-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

There have been five recent reports of fatigue cracks found in the number 1 strut idler pulley support bracket on Boeing Model 747 series airplanes. A cracked pulley support bracket could lead to chafing of the "B" thrust control cable. If the "B" cable should break in reverse thrust, the tension in the "A" cable will cause the engine to go to full reverse thrust. If the "B" cable should break while in forward thrust, tension in the "A" cable will cause the engine to go idle. This condition, if not corrected, could result in the loss of engine thrust control.

The FAA has reviewed and approved Boeing Alert Service Bulletin 747-76A2083, dated December 18, 1991, that describes procedures for repetitive visual inspections to detect cracking of the number 1 strut idler pulley support bracket assembly; and inspections of all associated fasteners for tightness, and tightening of any loose fasteners found. The service bulletin also provides procedures for replacement of the existing aluminum pulley support bracket assembly with a pulley bracket made of Inconel 625 which, when accomplished, would eliminate the need for the repetitive inspections previously described.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive inspections to detect cracking of the number 1 strut idler pulley support bracket assembly; inspections of all associated fasteners for proper tightness, and tightening of any loose fasteners found; and replacement of the bracket assembly with a bracket assembly made of Inconel 625. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 140 Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 12 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $630 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,160.

The regulations proposed herein would not have substantial direct effects

on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92–NM–28–AD.

Applicability: Model 747 series airplanes; line positions 202 through 886, inclusive; equipped with General Electric CF6–45/50 series engines; certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent the loss of engine thrust control, accomplish the following:

(a) Prior to or upon the accumulation of 9,000 total flight hours on the airplane, or within 60 flight hours after the effective date of this AD, whichever occurs later, perform a visual inspection of the number 1 strut idler pulley support bracket assembly to detect cracks; and inspect all associated fasteners for proper tightness; in accordance with Boeing Alert Service Bulletin 747–76A2083, dated December 18, 1991.

(1) If a crack is found in the bracket assembly, prior to further flight, replace the bracket assembly in accordance with the service bulletin.

(2) If no cracks are found in the bracket assembly, return the airplane to service and repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 600 flight hours.

(3) If any fasteners are found to be loose, prior to further flight, tighten those fasteners to within specified torque limits, in accordance with the service bulletin.

(b) Within 18 months after the effective date of this AD, replace the bracket assembly, in accordance with Boeing Alert Service Bulletin 747–76A2083, dated December 18, 1991.

(c) Replacement of the bracket assembly, as required by paragraph (b) of this AD, constitutes terminating action for the repetitive inspections required by paragraph (a)(2) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 17, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7099 Filed 3–26–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–NM–34–AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to certain British Aerospace Model ATP series airplanes. This proposal would require installation of an intercompressor case (ICC) fire detector system. This proposal is prompted by reports of engine fires that originated from a bearing failure inside the ICC on Pratt and Whitney PW126 series engines. The actions specified by the proposed AD are intended to prevent severe structural damage to the airplane resulting from an engine ICC fire.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–34–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location betwen 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–34–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–34–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The United Kingdom Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain British Aerospace Model ATP series airplanes. The CAA advises that there have been six reports of engine fires that originated from a bearing failure inside an intercompressor case (ICC) on Pratt and Whitney PW126 series engines. The fires were undetected until no longer contained by the ICC. An internal engine fire within the ICC may not be detectable in time to prevent severe structural damage to the airplane.

Although none of these fires have occurred on British Aerospace Model ATP series airplanes, these airplanes are equipped with Pratt and Whitney PW126 series engines and, therefore, are susceptible to such engine ICC fires.

The FAA's Engine and Propeller Directorate recently issued a proposal to require the installation of the engine portion of an ICC fire detector system in accordance with Pratt and Whitney Service Bulletin PW100–72–21097, dated November 9, 1991. This installation involves replacement of the existing switching valve-to-rear inlet case sealing air tube assembly with a similar tube assembly featuring an integral fire detector. The Engine and Propeller Directorate projects that all affected engines will be modified in accordance with that service bulletin by June 1, 1992.

Additionally, British Aerospace has issued Service Bulletin ATP–26–5–35225A, dated October 30, 1991, that describes procedures for installation of the airframe portion of an ICC fire detector system. Installation of this system will provide an early warning signal to the cockpit in the event of an internal engine fire within the ICC. The CAA classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined the AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require installation of an ICC fire detector system. The actions would be required to be accomplished in accordance with the British Aerospace service bulletin described previously.

This is considered interim action. Pratt and Whitney is currently developing a modification of the Pratt and Whitney PW126 series engine that will provide a more reliable bearing, and will effectively preclude an ICC fire resulting from a bearing failure. Once such modification is developed, approved, and available, the FAA may consider further rulemaking.

The FAA estimates that 10 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 9 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $985 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $14,800, or $1,480 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 Amended

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Docket 92–NM–34–AD.

Applicability: Model ATP series airplanes; serial numbers 2001 through 2045, inclusive; which have been modified in accordance with Pratt and Whitney Service Bulletin PW100–72–21097, dated November 8, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent severe structural damage to the airplane due to an internal engine fire within the intercompressor case, accomplish the following:

(a) Within 90 days after modification in accordance with Pratt and Whitney Service Bulletin PW100–72–21097, dated November 8, 1991, or within 90 days after the effective date of this AD, whichever occurs later: Install an intercompressor case (ICC) fire detector system, in accordance with British Aerospace Service Bulletin ATP–26–5–35225A, dated October 30, 1991.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 17, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7100 Filed 3–26–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Ch. II

[Docket No. 920363-2063]

Request for Comments on a Proposal To Establish the Conformity Assessment Systems Evaluation Program (CASE)

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: This is to advise the public that the National Institute of Standards and Technology (NIST) is seeking public comments on a proposal to establish a voluntary Conformity Assessment Systems Evaluation (CASE) Program. The proposed program would enable the Department of Commerce, acting through NIST, to provide assurance of the competence of individual conformity assessment bodies, which should lead to enhancing acceptance of U.S. products in international markets.

NIST is proposing to offer, on a fee for service basis, a voluntary program for evaluating the competence or conformity assessment bodies and providing official recognition of those which qualify under established criteria. The program will include activities related to laboratory testing, product certification, and quality system registration.

This notice solicits comments from interested parties on the NIST proposal. In order to structure the proposed program to satisfy needs, NIST seeks specific comments regarding: (1) U.S. industry needs to satisfy foreign conformity assessment requirements (testing, certification, accreditation, quality assessment, etc.); (2) areas related to conformity assessment where industry would like to have NIST concentrate its efforts; and (3) the conformity assessment standards, criteria, or other factors required of industrial sectors of which NIST should be aware. After reviewing all comments received on these subjects, NIST will publish in the **Federal Register** further details and proposed codification of the planned procedures.

DATES: All persons who wish to present written remarks regarding this proposal must submit their comments on or before May 26, 1992. Commentors must include name, address, telephone/fax number(s), and affiliation.

ADDRESSES: Comments may be mailed to Dr. Stanley I. Warshaw, Director, Office of Standards Services, National Institute of Standards and Technology, Administration Building, room A-603, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley I. Warshaw, telephone 301-975-4000, FAX 301-963-2871.

SUPPLEMENTARY INFORMATION: The written comments received will be on file after May 27, 1992 in the U.S. Department of Commerce Central Reference and Records Inspection Facility, room 6020, Hoover Building, Washington, DC 20230, (202-377-4115), for public perusal or copying.

Consistent with the growing importance of standardization and conformity assessment activities to international trade, NIST is soliciting views and recommendations regarding the establishment of a voluntary program by which the U.S. Government will recognize qualified conformity assessment bodies.

The qualifying criteria will follow those used internationally to the maximum feasible extent and help to ensure that U.S. conformity assessment activities lead to greater acceptance of U.S. products in world markets. The ultimate result will be the elimination of multiple testing of products and reducing the difficulties now encountered by U.S. industry having to conduct conformity assessment of products abroad.

Background

In keeping with the objectives stated in the joint communique issued by then Commerce Secretary Mosbacher and EC Commission Vice President Bangemann in June 1991, and as supported by related private sector testimony at hearings of the Department of Commerce, conducted by the International Trade Administration (ITA), in 1989 and the National Institute of Standards and Technology (NIST), in 1990, NIST proposes to establish a voluntary Conformity Assessment Systems Evaluation (CASE) Program. This program would enable NIST to evaluate the competency of requesting conformity assessment bodies and provide appropriate assurances.

Conformity assessment is used here in the sense of determining whether a product "conforms" to required standards, specifications, or other applicable descriptors, with the resultant attestation of such conformity. Of particular importance to CASE are the elements of laboratory testing, product certification, and third-party quality system registration.

The EC and the governments of other trading partners have indicated a desire to deal with a government entity which can provide assurance of the validity of U.S. conformity assessment activities pertaining to products regulated in foreign countries. To implement its regulations, the EC has established a harmonized conformity assessment approach based on "Notified Bodies" that are designated (notified) by a governmental body in each member state. The EC is soon expected to allow for Mutual recognition agreements (MRAs) with third country conformity assessment programs, such as those in the United States, if their respective Governments offer assurances that designated conformity assessment programs satisfy specified criteria.

In order to be prepared for action in this regard, NIST has analyzed the potential role for its services. Conformity assessment activities have been classified into three hierarchical levels which have been embodied in the CASE proposal.

The conformity level addresses activities that provide the actual conformity of a product or of an organization, i.e., the direct evaluation, by some entity, of a product, service, or quality system, against a standard or specification. The evaluating entity may be a testing laboratory, a product certifier, or a quality system registrar.

The accreditation level relates to entities that evaluate and accredit testing laboratories, certification bodies, or quality system registrars.

The recognition level relates to entities which provide evaluation and recognition to the accreditation level. For example, the Fastener Quality Act—Public Law 101-592 stipulates that NIST will provide recognition to qualifying laboratory accreditation bodies.

Proposal: Conformity Assessment Systems Evaluation (CASE)

NIST proposes to establish criteria and a system to evaluate and, when requested or directed, recognize specified conformity assessment activities. Program operation would be fully fee supported.

Scope

CASE would be prepared, when requested, to provide NIST accreditation to certification bodies and registration bodies, at the accreditation level. NIST already offers accreditation to testing laboratories through its National Voluntary Laboratory Accreditation Program (NVLAP).

CASE would also be prepared, when requested, to provide NIST recognition to laboratory accreditation bodies, accreditors of certification bodies, and accreditors of registrars at the recognition level.

NIST does not anticipate CASE operating at the conformity level.

Program Development

NIST proposes to devise a common procedural approach for all evaluation activities to be undertaken, relying on appropriate consensus standards and guides relating to conformity assessment.

Although the general approach will be similar, the specific criteria for each area of concern at each level will differ according to the nature of the activity to be evaluated.

The main initial concern of CASE will therefore be to develop separate, unique criteria for evaluating different kinds of conformity assesament activities, e.g., laboratory accreditation systems, certification systems, registration systems and, as necessary, for different technical or product areas. This activity will require substantial input from interested parties, supplied from public workshops or by industry sectoral committees, such as those currently serving (1) the information technology sector, represented by the Information Technology Steering Committee (ITSC) and (2) the pressure vessel sector represented by the Pressure Technology Sectoral Technology Advisory Committee (PT-STAC). A significant number of existing national and international documents as well as other model systems will be used as resources for this activity.

Procedure

The process will be initiated by voluntary application by an entity, payment of fees, quality system evaluation, quality documentation evaluation, on-site assessment, final evaluation, and approval decision. Participation will be voluntary and open to all entities which desire NIST recognition in the areas offered.

When an applicant fully demonstrates conformity with all program requirements, NIST will grant recognition in the form of a certificate of recognition and a document describing the specific scope of the recognition.

Dated: March 24, 1992.

John W. Lyons,

Director.

[FR Doc. 92-7126 Filed 3-26-92; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM91-10-000]

Determination Not To Establish a Negotiated Rulemaking Committee

March 20, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of determination not to establish a negotiated rulemaking committee.

SUMMARY: On December 12, 1991, the Federal Energy Regulatory Commission issued a notice of intent to establish a negotiated rulemaking committee. 56 FR 65863 (December 19, 1991); IV FERC Stats. & Regs. ¶ 35,021 (1991). The Commission indicated that the purpose of the negotiated rulemaking committee was to develop a uniform and comprehensive proposed regulation governing *ex parte* communications between persons outside the Commission and Commission officials and employees. After considering the comments and the applications for membership on the negotiated rulemaking committee, the Commission has decided not to establish a negotiated rulemaking committee.

FOR FURTHER INFORMATION CONTACT: Michael Schopf, Associate General Counsel, Enforcement and General & Administrative Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, Phone: (202) 208-0457.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect and copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the text of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC.

I. Introduction

On December 12, 1991, the Federal Energy Regulatory Commission (FERC or Commission) issued a notice of intent to establish a negotiated rulemaking committee (notice of intent). 56 FR 65863 (December 19, 1991); IV FERC Stats. & Regs. ¶ 35,021 (1991). The Commission indicated that the purpose of the negotiated rulemaking committee was to develop a uniform and comprehensive proposed regulation governing *ex parte* communications between persons outside the Commission and Commission officials and employees. IV FERC Stats. & Regs. ¶ 35,021 at 35,133. After considering the comments and the applications for membership on the negotiated rulemaking committee, the Commission has decided not to establish a committee. Instead, the Commission will convene a public conference to afford interested persons an opportunity to discuss with the Commission and the staff revision of its *ex parte* rules.

II. Discussion

A. Comments

The Commission received 12 comments in response to its Notice of Intent to Establish a Negotiated Rulemaking Committee.[1] The Commission also received letters from Chairman Dingell of the United States House of Representatives, Committee on Energy and Commerce and Chairman Synar of the United States House of Representatives, Committee on Government Operations, Subcommittee on Environment, Energy, and Natural Resources. These letters, which have been placed in the public file, raise questions as to whether a negotiated rulemaking is an appropriate vehicle to help formulate the Commission's new *ex parte* regulation. None of the other commenters opposed using negotiated rulemaking procedures in order to

[1] Comments were received from the American Gas Association (AGA), the American Public Gas Association (APGA), Associated Gas Distributors (AGD), CSA Energy Consultants (CSA), International Association of Fish and Wildlife Agencies (IAFWA), the National Association of Regulatory Utility Commissioners (NARUC), the National Association of State Utility Consumer Advocates (NASUCA), the National Rural Electric Cooperative Association (NRECA), United Distribution Companies (UDC), United States Department of Agriculture—Forest Service (DOA-FS), the United States Department of Energy (DOE), and the United States Department of the Interior (DOI).

review the Commission's *ex parte* rule.[2] Nine of the twelve comments filed were applications for membership on the committee.[3] The Commission proposed a 19-member committee in its notice of intent. See IV FERC Stats. & Regs. ¶ 35,021 at p. 34,134. Two comments supporting the Commission's notice came from associations that were included in the Commission's proposed list of committee members.[4] In addition, one commenter criticized the proposed committee as containing only members of the legal profession. However, the commenter did not nominate anyone for membership on the committee.[5]

B. Determination Not to Establish the Committee

Section 585 of the Negotiated Rulemaking Act of 1990 (NRA) provides that if an agency decides not to establish a negotiated rulemaking committee, the agency must publish notice of, and the reasons for, its decision. 5 U.S.C. 585(a)(2) (1988, as amended). The Commission has several reasons for not establishing the committee.

First, the NRA recognizes as a factor in determining whether "reg-neg" is appropriate, that there be a "limited number of identifiable interests" that will be significantly affected by a rule. The original Committee proposed by the Commission had 19 members and nine commenters have put in applications for membership in the Committee. In view of the comments and applications, we are concerned that the number of significant identifiable interests here may be too large to permit them to be represented by a balanced committee of workable size. A "reg-neg" committee may therefore be inefficient and ineffective.

In addition, effective alternative means are available to obtain early public participation. Specifically, we have decided to adopt an approach that will: (1) Retain a central benefit of the negotiated rulemaking process (*i.e.*, participation in the developmental phase of the rulemaking by interests significantly affected by the *ex parte* rules), and (2) eliminate the concerns of those opposed to use of negotiated rulemaking to revise the rules. Concurrent with the issuance of this notice, the Commission is issuing a Notice of Public Conference on the revision of the Commission's *ex parte* rules. Any interested person may attend the conference, may submit a request to speak at the conference, and may submit written comments. In the notice of Public Conference, the Commission has identified certain specific issues on which further Commission guidance may be warranted. However, the public conference is not limited to the identified topics and any interested person may comment on any aspect of the Commission's *ex parte* rules.

The use of a public conference will allow the Commission and the staff, before proposing a revised rule, to draw on the experience, expertise, and knowledge of the persons and entities who practice before it. Thus, the public conference (as with negotiated rulemaking) will allow for the early participation of affected interests in the development of an NOPR. After issuance of a NOPR, any interested person (including all participants in the public conference) will have the right to comment on the Commission's proposal pursuant to section 553 of the Administrative Procedure Act (APA). 5 U.S.C. 553 (1988 as amended).

III. Conclusion

For the reasons expressed herein, the Commission decides not to establish a negotiated rulemaking committee in this proceeding.

By direction of the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7078 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[2] The Commission's *ex parte* rules are embodied in rule 2201 and rule 1415 of the Commission's Rules of Practice and Procedure. 18 CFR 385.2201 and 385.415.

[3] See the comments of APGA, AGD, IAFWA, NASUCA, NRECA, UDC, DOA-PS, DOE and DOI.

[4] See the comments of AGA and NARUC.

[5] See the comments of CSA recommending that members of the engineering profession be included in the committee.

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18 CFR Chapter I

[Docket No. RM91-10-000]

Regulations Governing Ex Parte Communications; Public Conference

March 20, 1992.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of public conference.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is convening a public conference to afford interested persons an opportunity to discuss with the Commission and the staff revision of its *ex parte* regulations. The Commission is conducting a comprehensive review of the rules governing communications between persons outside the Commission and the Commission and its employees. The goal is to develop a new, uniform regulation that provides clearer guidance on the scope of permissible and prohibited off-the-record communications, and allows the maximum amount of information to be available to the Commission consistent with maintaining the full integrity of the Commission's decisionmaking process. The conference will allow early participation by all interested persons in the development of a proposed new rule.

DATES: The public conference will be held on Monday, April 20, 1992, at 10 a.m. Requests to participate should be received by the Commission on or before April 1, 1992. Written statements should be filed on or before April 1, 1992, and should include a one-page executive summary.

ADDRESSES: The conference will be held in the Commission's Hearing Room Number 1, 810 First Street, NE., Washington, DC. All requests to participate should identify the name of the speaker, the group represented, refer to Docket No. RM91-10-001 and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Michael Schopf, Associate General Counsel, Enforcement and General and Administrative Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208-0597.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register** the Commission also provides all interested persons an opportunity to inspect and copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

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I. Introduction

The Commission is convening a public conference to afford interested persons an opportunity to discuss with the Commission and the staff its regulation governing *ex parte* communications between persons outside the Commission and members of the Commission and its employees. The Commission is undertaking a comprehensive review of its current *ex parte* regulations, codified in rule 1415 [1] and rule 2201 [2] of its Rules of Practice and Procedure. Rule 1415 applies to *ex parte* communications in oil pipeline proceedings. The Commission adopted this rule without substantive change from the rules of the Interstate Commerce Commission.[3] Rule 2201 applies generally to all proceedings, except oil pipeline proceedings,[4] pending before the Commission. The Commission adopted this rule without substantive change from the Rules of Practice and Procedure of the Federal Power Commission (FPC).[5] The FPC last revised its *ex parte* rule in 1977, in response to enactment of section 4 of the Government in the Sunshine Act.[6]

On December 12, 1991, the Commission issued notice of its intent to establish a negotiated rulemaking committee to develop a new, comprehensive *ex parte* regulation.[7] After considering the comments and applications filed in response to that notice, the Commission has decided not to establish this committee.[8] Instead, the Commission is convening a public conference. The conference will enable the Commission and the staff to receive information from the wide variety of interests and groups affected by its *ex parte* communications prohibitions prior to issuance of a Notice of Proposed Rulemaking.

II. Purpose of the Conference

The purpose of the conference is to allow interested persons to participate as fully as possible in the early stage of development of a new *ex parte* regulation. The Commission expects that after consideration of the comments made at the public conference and its own review, it will propose a new, comprehensive regulation governing *ex parte* communications. Any new rule will apply prospectively. The rulemaking process will not consider specific conduct or allegations involving *ex parte* communications in past or pending proceedings.

The Commission is interested in establishing clearer guidance as to the scope of the *ex parte* prohibitions in trial-type and adjudicatory proceedings. We encourage interested persons to present their views on how the Commission can fashion a new regulation on *ex parte* communications that achieves this goal. For example, clearer guidance is necessary on whether the *ex parte* prohibitions should apply to all Commission employees or be more limited, *e.g.*, only to Commissioners, their personal staff and/or other decisional employees. For example, clearer standards are necessary to govern informal consultations between the Commission and our environmental staff and other Federal or state agencies having environmental responsibilities or interests, as well as contacts by the Commission and our staff with applicants and other persons for the purpose of obtaining information necessary to the staff's environmental analysis.

There is likewise a need for a clearer definition to distinguish between general background discussions with the Commission and its employees, which are permitted by the Administrative Procedure Act (APA), and prohibited communications relevant to the merits of specific proceedings.[9]

There is a need for clearer definition to distinguish between permissible status inquiries or purely procedural communications and prohibited communications that are relevant to the merits of a specific proceeding.[10]

There is a need to define the extent of permissible communications with the Commission and its employees related to industry filings made in compliance with Commission orders. Parties often seek rehearing of orders in contested proceedings. Guidance is required as to the standards applicable to communications about compliance filings while the underlying proceeding is pending before the Commission on rehearing.

Also, while the *ex parte* prohibitions are not applicable to informal general policy rulemakings, additional guidance may be necessary to assure that significant off-the-record communications are reflected in the public rulemaking file so that they may be considered in the Commission's notice and comment decisional process. Since wide and diverse public participation in the formulation of general Commission policy is clearly desirable, the Commission favors procedures that will allow us to consider the viewpoints and information provided by persons outside the Commission in the decisional process of rulemakings. The Administrative Conference of the United States, for example, has recommended that agencies experiment "with procedures designed to disclose oral communications of significant information or argument respecting the mertis of proposed rules * * *." [11] The Commission is interested in considering such possible procedures.

At the public conference, interested persons are encouraged to address the issues listed in the Appendix to this Notice. They should also feel free to address any other issue relating to the adoption of a new, comprehensive *ex parte* regulation having prospective effect. The Commission strongly encourages comments on any aspect of its *ex parte* rules. The Commission's goal is to revise the rules to establish clear policy which, while maintaining the integrity of the decisionmaking process, will allow the Commission access to the broad range of information it needs to fulfill its statutory responsibilities.

III. Procedures

Persons wishing to participate in the conference must file a request to participate on or before April 1, 1992. The requests should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Requests to speak should identify the name of the speaker and the group represented, and should refer to Docket No. RM91-10-001.

[1] 18 CFR 385.1415.

[2] 18 CFR 385.2201.

[3] Congress transferred jurisdiction over oil pipeline rates and valuation from the Interstate Commerce Commission in 1977. Department of Energy Organization Act, section 402(b), 42 U.S.C. 717(b) (1988). *See* Order No. 225, Revision of Rules of Practice and Procedure to Expedite Trial-Type Hearings, [Reg. Preambles 1982-85] FERC Stat. & Reg. ¶ 30,358 at 30,173 (1982). *See also* Order No. 376, Clarification of the Rules of Practice and Procedure, [Reg. Preambles 1982-85] FERC Stat. & Reg. ¶ 30,566 at 30,942 (1984).

[4] 18 CFR 385.2201(b)(10).

[5] Order No. 225, Revision of Rules of Practice and Procedure to Expedite Trial-Type Hearings, [Reg. Preambles 1982-85] FERC Stat. & Reg. ¶ 30,358 at 30,171 (1982).

[6] 5 U.S.C. 557(d) (1988). *See* Order No. 562, Adoption of Rules Governing Observation of Commission Meetings and *Ex Parte* Communications, 57 FPC 1536 (1977).

[7] Notice of intent to Establish a Negotiated Rulemaking Committee, 56 FR 65863 (1991), IV FERC Stat. Reg. ¶ 35,021.

[8] *See* Notice of Determination Not to Establish a Negotiated Rulemaking Committee, issued simultaneously with this notice.

[9] 5 U.S.C. 557(d) (1988); H.R. Rep. No. 880, 94th Cong., 2d Sess. 20 (1976), reprinted in 1976 U.S.C.C.A.N. 2183, 2202.

[10] *Id.*

[11] *Id.*

Participants are encouraged to address the questions in the Appendix and should be prepared for a full day of discussion. The Commission may not be able to accommodate all requests to participate in the conference. However, the Commission will seek to ensure that the various interests affected by its procedures are adequately represented. The Commission invites, but does not require, written statements from any interested persons on its *ex parte* regulations. Any such statement should include a one-page executive summary. An original and fourteen copies of the written statements should be filed with the Secretary on or before April 1, 1992.

By direction of the Commission.

Commissioner Trabandt concurred with a separate statement attached.

Lois D. Cashell,

Secretary.

Appendix to Notice of Public Conference

The Commission encourages those who wish to participate at the public conference to discuss any aspect of our regulations governing *ex parte* they believe is unclear or otherwise in need of revision. The Commission encourages those who wish to participate to come prepared to discuss the areas listed below. Participants should respond in light of the Commission's stated goal: To develop a new, uniform regulation that provides clearer guidance on the scope of permissible and prohibited off-the-record communications, and allows the maximum amount of information to be available to the Commission consistent with maintaining the full integrity of the Commission's decisionmaking process. Those submitting written statements are also encouraged to address the areas listed below.

I. Prefiling Meetings

A. Should the Commission [1] impose *ex parte* restrictions on prefiling meetings to explain and discuss a proposed filing?

B. If so, what procedures should be adopted to allow for such meetings? Should the scope of the Commission's existing regulations governing pre-filing consultations be broadened or narrowed?

C. Should prefiling meetings be required to be noticed? If so, how?

II. Pending Cases

A. When should the *ex parte* restrictions come into play? When an application or rate filing—

1. Is received by the Commission?
2. Is noticed by the Commission?
3. Is protested?
4. Is set for hearing?

B. Need for additional information

1. Once an application or rate filing is received by the Commission, should the Commission be permitted to meet with an applicant to seek supplemental information or data necessary for an understanding of the application or rate filing without the *ex parte* restrictions applying?

2. If so, should there be any limitation on what may be discussed at such a meeting?

3. Should the Commission be required to give public notice of any meeting seeking supplemental information or data?

4. How should the Commission define the difference between "supplemental information or data necessary for an understanding of an application" and a discussion relating to the merits of a pending application?

C. Information already in the record

1. Should the Commission be permitted to meet with an applicant or other party to discuss information that is already in the record of a pending case?

2. If so, should the Commission be required to give public notice of any such meeting or discussion?

D. Under what circumstances, if any, should the *ex parte* prohibitions bar consultation between the Commission and other federal agencies or state or local government agencies?

E. Should the prohibitions apply to all persons outside the Commission or only "interested persons" as under the APA provision (5 U.S.C. 577(d))? Should the same prohibitions apply to communications with nonparties as apply to communication with parties?

F. Should the Commission maintain a list of "decisional employees" for each proceeding?

G. To the extent the *ex parte* rules do apply, what procedures should be followed upon receipt of a prohibited communication?

III. Meeting NEPA Requirements

A. Should the Commission be permitted to meet with an applicant to seek supplemental information, or to understand data contained in an application, in order to meet the requirements of the National Environmental Policy Act of 1969 without the *ex parte* restrictions applying?

B. Should the Commission be permitted to meet with other governmental entities (other federal agencies, for example, or state or local government agencies) and other persons affected by the project in order to meet the requirements of NEPA without the *ex parte* restrictions applying?

C. If so, should the applicant or other parties be allowed to be present?

D. If so, should such a meeting be required to be noticed?

IV. Procedural Inquiries

A. Should the Commission provide an exemption from the *ex parte* restrictions for procedural inquiries or status reports?

1. If so, how should such an inquiry or status report be defined?

2. To whom would such an exemption apply?

3. Should a record of such an inquiry nonetheless be required to be put in the public file of the case?

B. How should the difference between a merits discussion and a procedural inquiry or status report be defined? What procedural matters are *not* relevant to the merits of a proceeding?

C. Under what circumstances, if any, should the *ex parte* prohibitions bar a party's inquiry as to the procedural status of a case or a request for prompt Commission action?

D. Under what circumstances, if any, should the *ex parte* prohibitions bar consultation between the Commission and other federal agencies or state or local government agencies?

E. Order No. 555, the proposed incentive rate policy statement and the Final Rule (Mega-NOPR) all posit a state of affairs where rate cases and other formal FERC proceedings will be less frequent. Thus, there will not be FERC staff counsel assigned to most cases. How will this change a number of the exceptions under existing part 2201(b)? What additional standards will be required to protect against *ex parte* communication for such procedures as the proposed reconciliation meetings under Order No. 555?

V. Informal Rulemakings

A. To what extent, if any, should the *ex parte* prohibitions apply to informal rulemakings when issues treated therein are before the Commission in adjudications or other contested proceedings?

B. Should the Commission adopt any guidelines or procedures governing disclosure of significant off-the-record communications that relate to a forthcoming or pending rulemaking? If so—

1. What should they be?

2. Should they apply to discussions with Congress, other federal agencies, or state or local government agencies?

VI. General Background Discussions

A. What is a general policy issue?

B. Should the Commission be prohibited from discussing a general policy issue with anyone?

C. What restrictions, if any, should apply if the policy issue under discussion is pending in an adjudication or other contested proceeding?

VII. Investigations

A. What changes, if any, need to be made to the regulations at section 1b to address procedures to be followed for investigations of allegations of *ex parte* communication?

B. Should the *ex parte* regulations set forth options for procedures to be used in addressing *ex parte* allegations? If so, what should these options be?

[1] In each case where the word Commission is used, it is intended to mean any Member of the Commission, or of his or her personal staff, or any employee of the Commission.

Regulations Governing Ex Parte Communications (Notice of Public Conference)

[Docket No. RM91-10-000]

Issued March 20, 1991.

TRABANDT, Commissioner, concurring:

I concur in the instant Notice of Public Conference and the companion Notice of Determination Not To Establish A Negotiated Rulemaking Committee contemporaneously issued in this docket. I write separately to discuss several issues related to these companion Notices.

First, I strongly support the Commission's determination not to establish a negotiated rulemaking committee. I have steadfastly opposed the establishment of a negotiated rulemaking committee for regulations governing *ex parte* communications for the reasons set forth in my separate opinion concurring in part and dissenting in part to the Commission's December 12, 1991, Notice of Intent to Establish a Negotiated Rulemaking Committee. Without belaboring those arguments, I believe the Commission has finally reached the right result in abandoning the negotiated rulemaking approach to *ex parte* regulations.

Second, I continue to have serious concerns about several of the subjects set for review in the forthcoming Public Conference, about which I wrote in the context of the previously proposed negotiated rulemaking. For the convenience of interested parties, I will simply repeat excerpts from that separate opinion.

1. Introduction

At the outset, I want to make three points very clear. First, I want to state categorically my deep respect for the views of Chairman Allday and my fellow Commissioners on this sensitive subject. I recognize fully that this is a matter of judgment that involves a number of factors in terms of fact, law and policy, as well as our own individual personal experiences on these matters. That I have a strong preference for a traditional NOPR does not by any measure suggest any lack of respect for my colleagues' own assessment of those factors or their conclusion.

Second, I am not opposed at all to clarifying the operation of the *ex parte* rules as they apply to adjudications. In fact, I agreed with Commissioner Moler's suggestion to that effect during the *Iroquois* proceeding (52 FERC ¶ 61,091) and *ex parte* investigation last year. As the discussion at the Commission meeting made clear, all five members of the Commission are willing to put in place such a clarification, and I strongly support that objective.

Third, I am not opposed to the use of the negotiated rulemaking procedure in our regulation of jurisdictional companies in the electric power, hydroelectric, natural gas and oil pipeline industries. In an appropriate case, the negotiated rulemaking procedure would provide a valuable alternative to the traditional NOPR, as the Environmental Protection Agency has found in the past and Congress established by statute in the Negotiated Rulemaking Act of 1990, 5 U.S.C. 581. I look forward with considerable enthusiasm to the initiation of a negotiated rulemaking in one of our regulatory program areas in the near future. And, I am confident that rules fashioned in a negotiated rulemaking procedure can provide the significant advantages over adversarial rulemakings that Congress contemplated, such as (1) increasing the acceptability and improving the substance of rules, (2) making it less likely that the affected parties will resist enforcement or challenge such rules in court, and (3) shortening the amount of time needed to issue final rules. But, at bottom, I am simply not persuaded that this is the appropriate case.

I also believe that it also bears repeating, as I wrote during the Iroquois *ex parte* review and subsequently informal correspondence to Chairman Dingell of the Committee on Energy and Commerce and Chairman Conyers of the Committee on Government Operations of the U.S. House of Representatives, that we should not let the *ex parte* rules be used as the basis for gagging, intimidating, mushrooming or muzzling us in the conduct of our official offices. I have maintained an "open door" policy since I took the oath of office as a Commissioner on November 4, 1985. Within the limitations of the *ex parte* rules and other applicable Commission regulations, I have met with literally hundreds of company officials, trade association representatives, consumer and environmental organization representatives, U.S. state and local officials, Canadian Federal and provincial officials and other interested groups. I also have attended and spoken at numerous meetings and conferences involving such groups and officials since November 1985.

As I have said before, I consider such communications to be an important function of the Commission and this office, in terms of both explaining Commission policies to interested parties and maintaining an up-to-date understanding of current industry conditions. It also is interesting to note that during the course of the Iroquois project proceedings over the past several years, I met in that fashion, subject to the aforementioned limitations, with various parties who also happened to be supporters or opponents of the project, including representatives of the project, equity owning utilities, various state officials, the Independent Petroleum Association of America and the New England Fuel Institute, among many others. There were no *ex parte* communications from any party related to Iroquois project proceedings in any such meetings or discussions, nor with regard to any other pending adjudication. (Footnote omitted.)

In regard to the Commission's need to have access to outside information, I was thoroughly heartened by the discussion of the *ex parte* issue in the *per curiam* opinion of the U.S. Court of Appeals for the District of Columbia Circuit in *Louisiana Association of Independent Producers and Royalty Owners* v. *FERC*, No. 91-1020, decided March 10, 1992, regarding the Iroquois/Tennessee Project. The Opinion states, as follows (slip op. at 18-20):

> The Coalitions' complaints about the meetings in April and May of 1990 also are without support in the record. Although the meetings took place during the pendency of this proceeding, there is no evidence in the record, other than a single, quickly reproached comment, of any discussion going to the merits of the Project applications. The meetings focused instead upon the impact of cases pending at that time before this court, upon general problems in the industry, and upon the procedural status of the Iroquois application. Such discussions are not prohibited by the mere fact an application is pending. The Administration Procedure Act bars *ex parte* communications only if they are "relevant to the merits of the proceeding." 5 U.S.C. 557(d)(1)(A). Other communications, including inquiries into the procedural status of the case or general background discussions, are not prohibited. *See, e.g., Professional Air Traffic Controllers Org.* v. *FLRA*, 685 F.2d 547, 563 (D.C. Cir. 1982).
>
> Moreover, acting upon the chance that the industry representatives were attempting subtly and indirectly to influence the outcome of this proceeding,[2] the Commission wisely placed summaries of these meetings in record. By doing so, it apprised the petitioners of any argument that may have been presented privately, thereby maintaining the integrity of the process and curing any possible prejudice that the contacts may have caused in this case. 5 U.S.C. 557(d)(1)(C) & (D); *PATCO* v. *FLRA*, 685 F.2d at 565 & n.36; *Sierra Club* v. *Costle*, 657 F.2d 298, 399-99 (D.C. Cir. 1981).
>
> [2] Representatives from the LDCs noted a cold snap the previous December, discussed the general supply-and-demand picture for the Northeast, and urged that Iroquois' application be processed in a timely or expedited manner. Considering all these factors together, one might infer a circuitous attempt to impress upon the Commission the urgency of approving the Iroquois/Tennessee Project. It is, however, important to note that none of the factors mentioned by the representatives were news to the Commission. Moreover, in public letters to the Commission during the same time period, the industry representatives presented a more complete and direct argument for expedited considerations and approval.

By the same token, the Commissioners involved in those meeting properly refused to disqualify themselves due to these contacts. Because the record reveals at best subtle and indirect attempts to influence Commission officials, no disinterested observer would infer that those officials had in any measure prejudged the applications. *Cinderella Career & Finishing School* v. *FTC*, 425 F.2d 583, 591 (D.C. Cir. 1970). It is expected that administrative officials will build up expertise through experience with recurring issues. *FTC* v. *Cement Inst.*, 333 U.S. 683, 702 (1984). Such expertise should not lightly be tossed aside. *Cf. Laird* v. *Tatum*, 409 U.S. 824, 837 (1972) (memorandum by Justice Rehnquist).

In short, while there were meetings between agency officials and Iroquois and other industry officials, the record supports the Commission's conclusion that there was nothing improper about those meetings. Agency officials may meet with members of the industry both to facilitate settlement and to maintain the agency's knowledge of the industry it regulates. As this court has noted before, "such informal contacts between agencies and the public are the 'bread and butter' of the process of administration and are completely appropriate so long as they do not frustrate judicial review or raise serious questions of fairness." *HBO* v. *FCC*, 567 F.2d at 57. Because we find no evidence in the record indicating that judicial review has been frustrated or that any serious questions of fairness have been presented, we sustain the Commission's finding that "the integrity

of the decisionmaking process has been fully maintained." Order No. 357 at 61,719.

I should note, as the court did in footnote 3 of the opinion, that the Court did not consider the report prepared by the General Accounting Office regarding the meetings covered by the General Counsel's memorandum, which was the subject of separate hearings earlier this year in the Subcommittee on Environment, Energy, and Natural Resources of the House Committee on Government Operations. My quotation of the court's opinion here does not serve to alter in any substantive way my testimony in those hearings. Rather, I quote this passage to highlight the emphasis the court again places on "such informal contacts between agencies and the public are the 'bread and butter' of the process of administration and are completely appropriate so long as they do not frustrate judicial review or raise serious questions of fairness." (Emphasis added.) I am pleased to see that emphasis in this most recent statement of the court and urge all parties to reflect it in the formulation of their comments.

The instant Notice states that, "while the *ex parte* prohibitions are not applicable to informal general rulemakings, additional guidance may be necessary to assure that significant off-the-record communications are reflected in the public rulemaking file so that they may be considered in the Commission's notice and comment decisional process." (Slip op. at 6.) I would reiterate the concerns expressed in my December 19, 1991 separate opinion, as attached.[1]

Finally, the Appendix to this Notice sets forth a comprehensive sentence outline of the many potential *ex parte* issues in existing regulations. I would suggest one additional issue for the consideration of interested parties, as I did at the March 11, 1992 Commission meeting. And, that issue is the relationship of the Commission's *ex parte* regulations to the Commission's separation of functions regulations. Based on recent experience, I am concerned that the clear functional lines between Commission employees serving as trial staff in adjudications and those serving as advisory staff for specific cases may be increasingly blurred under current Commission practice. With the advent of "paper hearings," preliminary determinations," enforcement settlement negotiations, and Commission directed "settlement conferences" (such as those under Order No. 528) in lieu of traditional, trial-type, evidentiary hearings in many adjudications today, advisory staff at various levels of authority from General Counsel/Office Director to less senior Commission staff now apparently participate in proceedings where they could be exposed to information that might constitute an *ex parte* communication under certain separation of function circumstances, but not necessarily under other such circumstances. I would invite interested parties to address this issue in the context of how the Commission should analyze refinement of the *ex parte* rules in this docket in the context of that perceived blurring of the separation of function lines, and whether the Commission should consider refinement or reform of the separation of function regulations, and if so, how, concurrently with this *ex parte* review.

For these reasons, I concur.

Charles A. Trabandt,

Commissioner.

[FR Doc. 92-7077 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[1] Copies of the attachment are not being published in the Federal Register but are available in copies of the Notice from the Commission's Public Reference Room.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI-42-90]

RIN 1545-AO69

Bad Debt Reserves of Thrift Institutions; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (FI-42-90), which was published in the Federal Register on January 13, 1992 (57 FR 1232). The proposed regulations relate to the thrift institutions that become ineligible to use the reserve method of accounting for bad debts allowed by section 593 of the Internal Revenue Code (Code).

FOR FURTHER INFORMATION CONTACT: Bernita L. Thigpen, (202) 566-3297 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections provides guidance for thrift institutions that become ineligible to use the reserve method of accounting for bad debts allowed by Internal Revenue Code section 593. The proposed regulations set forth rules on changing from and returning to this method of accounting, and the proposed regulations provide procedures for complying with these rules. These proposed regulations are issued under the authority of Internal Revenue Code section 446 and 481.

Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of proposed regulations (FI-42-90), which was the subject of FR Doc. 92-697, is corrected as follows:

§ 1.593-14 [Corrected]

1. On page 1242, column 3, § 1.593-14(d)(6), line 4 of paragraph (i) of *Example 1*, the language "Pursuant to § 1.593-13(c)(2), in 1992 R restates" is corrected to read "Pursuant to § 1.593-13(c)(2), in 1992 T restates".

§ 1.593-14 [Corrected]

2. On page 1243, column 1, § 1.593-14(d)(6), paragraph (ii) of *Example 3*, last line of that column, the language "Under the principles of § 1.593-14(d)(4)(iv)," is corrected to read "Under the principles of § 1.593-14(d)(4)(v),".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92-6488 Filed 3-26-92; 8:45 am]

BILLING CODE 4830-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Age Discrimination in Employment Act

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: The Commission hereby publishes a request for comments regarding the Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. 621 *et seq.*, relating to Titles I and II of the Older Workers Benefit Protection Act of 1990 (OWBPA), Pub. L. 101-433, 104 Stat. 978 (1990).

DATES: Comments should be submitted on or before July 27, 1992.

ADDRESSES: Comments should be submitted, in quadruplicate if possible, to: Executive Secretariat, EEOC, 1801 L Street, NW., Washington, DC 20507.

FOR FURTHER INFORMATION CONTACT: Joseph N. Cleary, Director, ADEA Division, Paul E. Boymel (Title I questions) or John K. Light (Title II questions), Office of Legal Counsel, EEOC, 1801 L Street, NW., Sixth Floor, Washington, DC 20507, (202) 663-4690.

SUPPLEMENTARY INFORMATION: As the result of the decision of the United States Supreme Court in *Public Employees Retirement System of Ohio* v. *Betts*, 492 U.S. 158 (1989), Congress amended the ADEA in 1990 to clarify the prohibitions against discrimination on the basis of age in employee benefits (Title I of OWBPA). Additionally, in Title II of OWBPA Congress addressed waivers of rights and claims under the ADEA. The Commission wishes to receive comments on certain OWBPA provisions, and to obtain information on certain technical issues under OWBPA.

Title I of OWBPA

Section 4(a)(1) of the ADEA sets forth the employer conduct that is prohibited (unlawful discrimination by employment agencies and labor organizations is covered by sections 4(b) and 4(c) of the ADEA, respectively):

> (a) It shall be unlawful for an employer—
> (1) To fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age.

However, Congress fashioned an exception to the general prohibitions in section 4(a)(1). Prior to the passage of OWBPA, that exception, in section 4(f)(2), provided:

> It shall not be unlawful for an employer, employment agency, or labor organization—
> (2) To observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual specified by section 12(a) of this Act because of the age of such individual.

On June 21, 1969, the Department of Labor (DOL), which at that time had jurisdiction over the ADEA, published in the Federal Register an interpretative Bulletin on employee benefit plans under section 4(f)(2), 34 FR 9709, 29 CFR 860.120. After the ADEA was amended in 1978 to preclude the mandatory retirement of covered employees under an employee benefit plan, and to raise the upper age limit under the ADEA from 65 to 70, DOL issued an amended Interpretative Bulletin (1979 I.B.), 44 FR 30648 (May 25, 1979). The 1979 I.B. provided more detailed guidance on employee benefit plans covered under the ADEA and provided special rules for pension plans. The 1979 I.B. reiterated DOL's 1969 interpretation of section 4(f)(2), the so-called "equal cost or equal benefit" test:

> The legislative history (of section 4(f)(2)) indicates that its purpose is to permit age-based reductions in employee benefit plans where such reductions are justified by significant cost considerations * * *. Where employee benefit plans do meet the criteria in section 4(f)(2), benefit levels for older workers may be reduced to the extent necessary to achieve approximate equivalency in cost for older and younger workers. A benefit plan will be considered in compliance with the statute where the actual amount of payment made, or cost incurred, in behalf of an older worker is equal to that made or incurred in behalf of a younger worker, even though the older worker may thereby receive a lesser amount of benefits or insurance coverage.
> 44 FR 30650 (May 25, 1979).

The Commission continued the I.B. in effect when it took over jurisdiction of the ADEA on July 1, 1979. On July 1, 1987, the I.B. was redesignated as 29 CFR 1625.10. With a few exceptions, the rules in the 1979 I.B. remained intact until June 23, 1989, the date of the *Betts* decision.

In *Betts*, the Supreme Court determined, among other things, that the "equal cost or equal benefit" interpretation set forth in the I.B. was not consistent with the ADEA, and was an incorrect interpretation of the ADEA's "subterfuge" provision. The Court further declared that employee benefit plans were exempt from the purview of the ADEA as long as such plans were not a method for discriminating in non-fringe benefit aspects of employment.

Congress decided that the ruling in *Betts* warranted a legislative response. On October 16, 1990, President Bush signed OWBPA which amended section 4 of the ADEA in significant detail. In principal part, Title I of OWBPA took the following steps:

(1) OWBPA amended section 11 of the ADEA to make it clear that "employee benefits" would be included in the definition of "compensation, terms, conditions, or privileges of employment" in section 4(a)(1) of the ADEA.

(2) OWBPA amended section 4(f)(2) to incorporate the equal cost or equal benefit principle embodied in the regulations at 29 CFR 1625.10, as in effect on June 22, 1989.

(3) OWBPA provided exceptions and "safe harbors" for voluntary early retirement plans, severance pay plans, and long-term disability plans.

(4) OWBPA addressed special concerns of State and local governments regarding potential cost increases in two ways: (a) By providing for a two-year delayed effective date; and (b) by allowing current employees to elect to retain their present long-term disability coverage when a new plan is implemented even though such present coverage may not comply with the ADEA.

Regarding State and local governments, the Commission wishes to emphasize that the interpretative guidance in 29 CFR 1625.10, and specifically referenced in section 4(f)(2)(B)(i) of the ADEA, is intended to assist State and local governments as well as the private sector in complying with the Act. The Commission welcomes inquiries from State and local governments in need of additional assistance with OWBPA. Such inquiries may be directed to the ADEA Division, Office of Legal Counsel (see p. 1).

Title II of OWBPA

Title II of OWBPA amends section 7 (29 U.S.C. 626) of the ADEA by adding a subsection (f) concerning waivers of rights or claims under the Act. Title II expressly provides that unsupervised waivers may be valid and enforceable if they meet certain enumerated requirements and are otherwise knowing and voluntary.

The amendment made by Title II "shall not apply with respect to waivers that occur before the date of enactment" of the Older Workers Benefit Protection Act. (Section 202(a)).

In light of the foregoing amendments to the ADEA, the Commission seeks specific information relating to any or all of the questions listed below, but also welcoms comments on other areas of concern under OWBPA. While the Commission welcomes technical comments, it is requested that such technical input also be summarized in layperson's terms.

Questions for public comment:

Title I of OWBPA

I. In General

a. Do state and local governments have special concerns in prividing employee benefit plans and in complying with the OWBPA amendments? What assistance, if any, do state and local governments need in identifying and securing independent technical advice to comply with OWBPA? (See section 105(c)(3) of OWBPA). See also questions A1 and 2 in section III below.

b. Do private sector employers have special concerns in providing employee benefit plans and complying with the OWBPA amendments?

c. What, if any, changes are required or advisable in the present benefit package approach described in § 1625.10(f)(2) as a result of OWBPA?

d. Does OWBPA affect so-called "cafeteria plans" which provide employees with a choice of benefits or benefit plans. If so, how?

e. In light of the 1986 OBRA amendments to ERISA section 202(a)(2) and IRC section 410(a)(2) removing such an exclusion, is there any basis for continuing to allow the exclusion of individuals from non-ERISA defined benefit pension plans on account of their

age at hire? See 29 CFR 1625.10(f)(1)(iii)(A).

f. Should the Commission provide "safe harbors" (specific examples of permissible plans) with respect to the employee benefit plans discussed in section 1625.10? Please give examples and provide supporting data.

II. Specific Types of Employee Benefit Plans

A. Severance Pay Plans

1. Can benefits other than those described in section 4(1)(2) of the ADEA (additional pension benefits and retiree health benefits) be integrated with severance pay under the ADEA?

2. Does the ADEA as amended by OWBPA allow an employer to require pension-eligible employees to delay the receipt of pension payments until severance payments expire, If so, under what rationale,

3. Section 4(1)(2)(A) of the ADEA permits two deductions from severance pay, one for the value of retiree health benefits and the other for the value of additional pension amounts. If an employee elects not to receive either or both of the two benefits, is the employer permitted to deduct either or both of the amounts from severance pay? If so, under what rationale?

4. How should the deduction for the value of additional pension benefits be calculated? Should the value be based upon a single-life annuity value for all employees? What is the effect of the Internal Revenue Code provision that requires survivor annuities in some circumstances?

5. What is intended by the requirement in section 4(1)(2)(D) that the package of retiree health benefits "be at least comparable" to benefits provided under Title XVIII of the Social Security Act?

6. What was Congress' intent in using the language "the value for each individual" in paras. 4(1)(2)(E) (i)–(iv)?

B. Long-Term Disability (LTD) Plans

The preamble to the § 1625.10 interpretation regarding long-term disability benefits contains a reference to the following plan design:

Age at disablement	Duration of benefits (in years)
61 or younger	To age 65
62	3½ years.
63	3
64	2½
65	2
66	1¾
67	1½
68	1¼
69	1

See 44 FR 30655 (May 25, 1979). The preamble discussion does not refer to this plan as a safe-harbored plan. Rather, it notes that such a plan would be in compliance with the law under a benefit-by-benefit analysis if based on reasonable actuarial data and reasonable extrapolations therefrom. *Id.* The actual safe-harbor, found in § 1625.10(f)(1)(ii), provides that the government will not assert a violation where the level of benefits is not reduced and the duration of benefits is reduced in the following manner:

(A) With respect to disabilities which occur at age 60 or less, benefits cease at age 65.

(B) With respect to disabilities which occur after age 60, benefits cease 5 years after disablement.

1. Is valid data currently available to support use of the above described "preamble plan" as a safe-harbor? Is valid data currently available to support the continued use of the safe harbor in § 1625.10(f)(1)(ii)? Is valid data currently available to develop additional safe harbors? If so, please give examples and provide supporting data.

2. Section 4(1)(3) of the ADEA provides that in certain circumstances pension amounts paid or made available to employees on LTD can serve to reduce the amount of LTD to be paid. How should the value of such pension amounts be calculated (see above at II A 4.)

3. Does section 4(1)(3) include social security payments (retirement payments) as an offset against LTD?

C. Early Retirement Plans

1. Section 4(f)(2)(B)(ii) of the ADEA provides that it is not unlawful to observe the terms of a bona fide employee benefit plan "consistent with the relevant purpose or purposes of this Act." Give examples of plans that you believe would be consistent with the relevant purpose or pusposes of the Act, and provide the rationale for your view.

2. Does OWBPA allow the reduction of elimination of an early retirement benefit in correlation wtih increasing age or increasing years of service? If so, under what circumstances?

3. How should the provision in section 4(1)(1)(B)(i) of the ADEA, "payments that consitute the subsidized portion of an early retirement benefit," be defined?

4. Can the safe-harbored early retirement plans in section 4(1)(1)(B) be offered as lump sum amounts?

5. Is an early retirement plan permitted to combine the safe-harbors listed in section 4(1)(1)(B) of the ADEA, e.g., by offering an incentive package containing a social security supplement and a waiver of actuarial reduction to the same person or group of persons?

6. How is the amount of the social security supplement properly calculated? Is the amount limited to each employee's social security entitlement? Is the employer permitted to calculate an approximate average for the entire workforce or that portion of the workforce affected by the plan?

7. Should the Commission develop a safe-harbor relating to the amount of the social security supplement payment contained in section 4(1)(1)(B)(ii) (e.g., permitting a plan to offer X dollars per month for plans terminating at age 62 or Y dollars per month for plans terminating at age 65), thus relieving employers of the obligation of calculating the amount of such benefits for each employee? How should this amount be calculated?

8. Can an employer that is exempt from Social Security Act coverage offer such a plan? If so, can the plan only be offered to employees who have accrued a social security benefit through other employment?

9. Are social security supplement plans permitted to cut off benefits at ages other than the ages referenced in Title II of the Social Security Act for receiving reduced or unreduced benefits? (E.g., could a plan provide such benefits until the age of 55? 68?) Please provide your reasoning.

D. Life Insurance Plans

1. Does adequate data exist that would allow the Commission to develop a satisfactory safe harbor relating to a specific decrease in benefits based upon age (e.g., a safe harbor could provide that a life insurance plan providing 100 units of coverage for persons in the 55–59 age bracket need only provide 90 units of coverage for persons in the 60–64 age bracket)? Please explain and provide supporting data. Should the Commission attempt to develop such a safe harbor?

2. What, if any, obligation does the employer have to older workers if life insurance is not generally available because of age?

E. Health Insurance Plans

1. Did the OWBPA amendments give rise to health insurance plan issues? If so, describe these issues.

III. Effective Date Issues

A. State and Local Governmental Plans

1. While a delayed effective date applies to many such plans (until October 16, 1992), if a plan is amended prior to that date, when does OWBPA apply?

2. If a plan can be amended either legislatively or by executive action (e.g., by the Governor or Mayor), is such a plan entitled to the delayed effective date?

B. Collectively Bargained Plans

1. If any part of a plan covered by the delayed effective date in section 105(b) of OWBPA is amended prior to the end of the collective bargaining agreement term, is such plan immediately covered by OWBPA?

2. Does the extension of the term of a collective bargaining agreement extend the effective date of OWBPA?

3. In a case in which an employee benefit plan covers both union and non-union employees, is the entire plan entitled to the delayed effective date specified in section 105(B) of OWBPA?

C. Continued Benefit Payments

1. Section 105(e) of OWBPA exempts a series of benefit payments that began prior to the effective date and that continue after the effective date pursuant to an arrangement that was in effect on the effective date (with other conditions not pertinent to this question). Would a verbal agreement constitute "an arrangement that was in effect" under this section?

2. What actions in providing a substantial modification of a stream of benefits would constitute intent to evade the purposes of the ADEA under section 105(e) of OWBPA?

Title II of OWBPA

a. What is meant by the subparagraph (D) language allowing waivers "only in exchange for consideration in addition to anything of value to which the individual already is entitled?" May an employer who has previously given benefits without requiring a waiver of ADEA rights now change its policy or practice to require such a waiver in exchange for these benefits?

b. What, if any, restrictions are there on using fringe benefits, or certain kinds of fringe benefits, as consideration for a release?

c. What is the legal status of the consideration paid for a waiver if EEOC finds that the waiver is invalid?

d. Does the language in subparagraph (F)(ii) and (H)—"other employment termination program offered to a group or class of employees"—include involuntary terminations such as reductions-in-force?

e. Are the requirements for 21-days, 45-days and 7-days specified in Title II intended to be calendar days or work days? Can these periods be shortened by mutual consent of the parties? Please provide your reasoning.

f. What number of employees is needed to comprise a "group" or "class" as used in subparagraphs (F)(ii) and (H) of Title II?

g. How should the following terms, as used in subparagraph (H) of Title II, be defined: "program;" "group or class of employees;" "class, unit, or group of individuals;" "job classification or organizational unit"?

h. Does OWBPA allow the employer to make the information described in subparagraph (H) available for examination in, for example, its personnel office?

i. What is meant in section 7(f)(2) by the language "in settlement of a charge filed with the Equal Employment Opportunity Commission * * * under section * * * 15?" Does this include all complaints filed by federal sector employees with their employing agencies or is it limited to settlements with ADEA waivers after notice of suit letters are sent by federal employees to the EEOC?

j. Are state Fair Employment Practices (FEP) agencies that have worksharing agreements with the EEOC covered by the requirements of section 7(f)(2)?

k. What are the minimal requirements of knowing and voluntary where an employer and employee privately and independently settle a charge that has been filed with EEOC?

l. Section 7(f)(3) states that "the party asserting the validity of a waiver shall have the burden of proving a court of competent jurisdiction that a waiver was knowing and voluntary." Would the same burden of proof apply in an arbitration proceeding?

Signed on behalf of the Commission this 18th day of March 1992, at Washington, DC.

Evan J. Kemp, Jr.,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 92-6999 Filed 3-26-92; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-4117-5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted by MAHLE, Incorporated, Morristown, Tennessee, to exclude certain solid wastes generated at its facility from the list of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265 and 268 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Today's proposed decision is based on an evaluation of waste-specific information provided by the petitioner.

The Agency is also proposing the use of a fate and transport model to evaluate the potential impact of the petitioned waste on human health and the environment, based on the waste-specific information provided by the petitioner. The model has been used to evaluate the petition to predict the concentration of hazardous constituents that may be released from the petitioned waste, once it is disposed of.

DATES: EPA is requesting public comments on today's proposed decision and on the applicability of the fate and transport model used to evaluate the petition. Comments will be accepted until May 11, 1992. Comments postmarked after the close of the comment period will be stamped "late."

Any person may request a hearing on this proposed decision by filing a request with the Director, Characterization and Assessment Division, Office of Solid Waste, whose address appears below, by April 13, 1992. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (OS–305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Delisting Section, Waste Identification Branch, CAD/OSW (OS–333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–91–MIEP–FFFFF."

Requests for a hearing should be addressed to the Director, Characterization and Assessment Division, Office of Solid Waste (OS–

333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and is available for viewing (room M2427) for 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 260–9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346, or at (703) 920–9810. For technical information concerning this notice, contact Narendra K. Chaudhari, Office of Solid Waste (OS–333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–4787.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (*i.e.*, ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processess, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider any factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to beleive that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (*i.e.*, ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although waste which are "delisted" (*i.e.*, excluded) has been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

B. Approach Used to Evaluate This Petition

This petition requests a delisting for a listed hazardous waste. In making the initial delisting determination, the Agency evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Based on this review, the Agency agreed with the petitioner that the waste is non-hazardous with respect to the original listing criteria. (If the Agency had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition.) EPA then evalutated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The Agency considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the qualities of the waste generated, and waste variability.

For this delisting determination, the Agency used such information to identify plausible exposure routes (*i.e.*, ground-water, surface water, air) for hazardous constituents present in the petitioned waste. The Agency determined that disposal in a landfill is the most reasonable, worst-case disposal scenario for MAHLE's petitioned waste, and that the major exposure route of concern would be ingestion of contaminated ground-water. Therefore, the Agency is proposing to use a particular fate and transport model to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal and to determine the potential impact of the unregulated disposal of MAHLE's petitioned waste on human health and the environment. Specifically, the Agency used the maximum estimated waste volume and the reported leachate concentrations as inputs to estimate the constituent concentrations in the ground water at a hypothetical receptor well downgradient from the disposal site. The calculated receptor well concentrations (referred to as compliance-point concentrations) were then compared directly to the health-based levels used in delisting decision-making for the hazardous constituents of concern.

EPA believes that this fate and transport model represents a reasonable worst-case waste scenario for disposal of the petitioned waste in a landfill, and that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA subtitle C. The use of a reasonable worst-case scenario results in conservative values for the compliance-point concentrations and ensures that the waste, once removed from hazardous waste regulation, will not pose a threat to human health or the environment if the petitioner chooses to dispose of the waste in accordance with subtitle D requirements. Because a delisted waste is no longer subject to hazardous waste control, the Agency is generally unable to predict and does not control how a waste will be managed after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors when applying the fate and transport model. For example, a generator may petition the Agency for delisting of a metal hydroxide sludge which is currently being managed in an on-site landfill and provide data on the nearest drinking water well, permeability of the aquifer, dispersivities, etc. If the Agency were to base its evaluation solely on these site-specific factors, the Agency might conclude that the waste, at that specific location, cannot affect the closest well, and the Agency might grant the petition. Upon promulgation of the exclusion, however, the generator is under no obligation to continue to manage the waste at the on-site landfill. In fact, it is likely that the generator will either choose to send the delisted waste off-site immediately, or will eventually

reach the capacity of the on-site facility and subsequently send the waste off-site to a facility which may have very different hydrogeological and exposure conditions.

The Agency also considers the applicability of ground-water monitoring data during the evaluation of delisting petitions. In this case, the Agency determined that, because MAHLE sends the petitioned waste to an off-site, commercial disposal facility (Ohm Corporation, Morrow, Georgia) that receives wastes from numerous other generators, the ground-water monitoring data would not be meaningful for an evaluation of this specific effect of the petitioned waste on ground-water. Therefore, the Agency did not request ground-water monitoring data.

Finally, the Hazardous and Solid Waste Amendements of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all public comments (including those at hearings, if any) on today's proposal are addressed.

II. Disposition of Petition

MAHLE, Incorporated, Morristown, Tennessee.

A. Petition for Exclusion

MAHLE, located in Morristown, Tennessee, operates an aluminum piston manufacturing facility. MAHLE petitioned the Agency to exclude its wastewater treatment sludge filter cake resulting from the treatment of wastewater originating from the chemical conversion coating of aluminum. MAHLE's petition is for EPA Hazardous Waste No. F019—"Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process." The listed constituents of concern for the above waste are: hexavalent chromium and cyanide (complexed) (see 40 CFR 261, appendix VII).

MAHLE petitioned the Agency to exclude its wastewater treatment sludge filter cake because it does not believe it contains appreciable amounts of the hexavalent chromium and complexed cyanide for which it was listed. MAHLE also believes that the waste does not contain any other constituents that would render it hazardous. Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(2)–(4). Today's proposal to grant this petition for delisting is the result of the Agency's evaluation of MAHLE's petition.

B. Background

On March 23, 1990, MAHLE petitioned the Agency to exclude its wastewater treatment sludge filter cake from the list of hazardous wastes contained in 40 CFR 261.31 and 261.32, and subsequently provided additional information to complete its petition. In support of its petition, MAHLE submitted:

(1) Descriptions of its manufacturing and waste treatment processes, including schematic diagrams; (2) A list of the raw materials and Material Safety Data Sheets (MSDS) for all trade name products used in the manufacturing and waste treatment processes;

(3) Results from total constituent analyses for the eight Toxicity Characteristics (TC) metals listed in 40 CFR 261.24, nickel, sulfide, cyanide, formaldehyde, and toluene; (4) results from the Toxicity Characteristic Leaching Procedure (TCLP, as described in 40 CFR part 261, appendix II) analyses for the TC constituents (except for the herbicides 2,4-D, and 2,4,5-TP), nickel, cyanide, formaldehyde, and methylene chloride;

(5) Results from analyses for total oil and grease;

(6) Results from the Oily Wastes Extraction Procedure (OWEP; SW–846 Method 1330) analyses for the TC metals, nickel, and cyanide; and

(7) Test results and information regarding the hazardous characteristics of ignitability, corrosivity, and reactivity.

MAHLE's piston manufacturing process involves the chemical conversion coating of the aluminum pistons. Pistons are degreased with a non-ionic surfactant containing alkaliphosphates and alkali carbonates; rinsed with water; coated in a galvanizing solution of mineral oil; and then allowed to dry. The manufacturing process operates continuously, five days each week.

There are two sources of wastewater: (1) The galvanizing bath solution which generally becomes spent after about two weeks of use, at which time it is discharged to the treatment system; and (2) the water used to rinse the pistons after being dipped in the galvanizing tanks, which is continuously discharged to the treatment system. Both the spent galvanizing bath and the spent rinse water are collected in a sump in order to accumulate a sufficient volume of wastewater for treatment. Once a sufficient volume of wastewater is accumulated, the wastewater is pumped to a neutralization tank where the wastewater is neutralized to a pH between 8.0 and 8.5 (using sulfuric acid and sodium hydroxide as necessary). The neutralized wastewater than is pumped to a settling tank where the solids are allowed to settle for at least four hours. The supernatant from the settling tank is decanted and discharged to a Publicly Owned Treatment Works (POTW). The settled sludge is dewatered in a plate and frame press. The resulting filter cake (approximately 35–40 percent solids) is stored in 55-gallon drums for off-site disposal. The filtrate from the filter press is returned to the sump for treatment.

To collect representative samples from a filter press like MAHLE's, petitioners are normally requested to collect composite samples comprised of independent grab samples collected over a period of time (*e.g.*, grab samples collected every hour and composited by shift) sufficient to represent the variability or uniformity of the waste. See "Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods," U.S. EPA, Office of Solid Waste and Emergency Response, Publication SW–846 (third edition), November 1986, and "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste, (EPA/530–SW–85–003), April 1985.

MAHLE collected a total of fourteen composite (and one duplicate) samples of its wastewater treatment sludge filter cake. Eight of the composite samples, and the one duplicate, were collected during an eight week period between September 1989 and November 1989. The other six composite samples were collected during a five week period between March 1991 and April 1991.

During the first sampling event, each composite sample consisted of four grab samples of filter cake collected over a period of six days from the filter press using a plastic trowel. During the second event, each composite sample consisted of four, eight-inch core samples collected over a period of four days from the daily filter cake storage drum using a stainless steel pipe. The first set of eight composite samples was analyzed for the total concentrations (*i.e.*, mass of a particular constituent per mass of waste) of the TC metals, nickel, sulfide, cyanide, formaldehyde, and toluene; TCLP concentrations of the TC metals, nickel, and cyanide; total oil and grease content; and the hazardous characteristics of ignitability and reactivity. In lieu of pH analyses, MAHLE provided a detailed explanation

of how the treatment system ensures that the waste does not exhibit the hazardous characteristic of corrosivity. The one duplicate sample had a total oil and grease content greater than one percent; therefore, this sample was analyzed using the OWEP to determine the leachable concentrations of the TC metals, nickel, and cyanide.

Of the second set of six composite samples, five were analyzed for the TCLP concentrations of the TC metals and nickel; and all six of the samples were analyzed for the TCLP concentrations of all the TC organic constituents (except for the herbicides 2,4-D and 2,4,5-TP), mercury, formaldehyde, and methylene chloride.

MAHLE claims that due to the consistent manufacturing and treatment process, the analytical data obtained from both sets of samples are representative of any variation in the wastewater treatment sludge filter cake constituent concentrations (including those caused by the bi-weekly discharge of the spent galvanizing solution).

C. Agency Analysis

MAHLE used SW–846 Method Numbers 3050, 6010, and 7471 through 7740 to quantify the total constituent concentrations of the TC metals, nickel and mercury; and SW–846 Method 1311 (TCLP, as described in 40 CFR part 261, appendix II) to quantify the leachable concentrations of the TC metals, nickel, and cyanide (using distilled water in the cyanide extraction). MAHLE also used the Oily Waste Extraction Procedure (SW–846 Method Number 1330) to quantify the leachable concentrations of the TC metals, nickel, and cyanide for one composite sample. MAHLE used SW–846 Method Numbers 9010 and 9030 to quantify the total constituent concentration of reactive cyanide and sulfide, respectively. (Analysis for TC leachable concentrations of sulfide, reactive sulfide, or reactive cyanide are not necessary because the Agency's level of regulatory concern is based on the total concentration of reactive sulfide and reactive cyanide.)

MAHLE used the spectrophotometric method described in § 31.203 of the Association of Official Analytical Chemists (AOAC) Official Methods of Analysis (14th edition) in an attempt to quantify the total concentration of formaldehyde in the first set of eight composite samples and SW–846 draft Method Number 8315 to attempt quantification of formaldehyde in the TCLP extract from the second set of six composite samples. MAHLE used SW–846 Method Number 9071 to quantify the total oil and grease (TOG) in the waste. MAHLE used SW–846 Method Numbers 8020 and 8240 to quantify the total concentration of toluene. Lastly, MAHLE used SW–846 Method Numbers 8240, 8270, and 8080 to quantify the volatile organics, semi-volatile organic, and pesticide TC constituents, respectively.

Table 1 presents the maximum total concentrations of all the TC metals, nickel, reactive cyanide, and reactive sulfide in MAHLE's waste. Table 2 presents the maximum TCLP concentrations of each of the TC metals, nickel, and cyanide.

Analysis for organic constituents were largely negative, except for low levels in the waste for total levels of formaldehyde (1 ppm in two out of seven samples) and toluene (0.002 to 0.026 ppm in five out of seven samples), and traces of chloroform, formaldehyde, and methylene chloride in some of the TCLP samples. MAHLE claimed that these detected levels were analytical artifacts due to laboratory contamination (especially in the first two TCLP analyses performed in the second set of six samples). MAHLE submitted analytical data for TCLP method blanks showing that all of the detected organic constituents were also found in the method blanks at comparable concentrations. After the apparent laboratory contamination was discovered in the first two TCLP samples (of the second set of six), the remaining four samples were sent to another laboratory for methylene chloride analysis; no methylene chloride was detected in these four samples.

The petitioner also submitted statements from the laboratory indicating that the reliability of the method used to analyze for the total concentration of formaldehyde was severely limited at the reported levels of 1 ppm.

MAHLE did not analyze the waste for the characteristics of corrosivity. MAHLE, however, believes that the waste does not exhibit the characteristic of corrosivity, because the wastewater is neutralized with sulfuric acid and/or sodium hydroxide in the pretreatment system to a pH between 8.0 and 8.5 prior to its being dewatered.

TABLE 1.—Maximum Total Concentrations [ppm]

[Wastewater Treatment Sludge Filter Cake]

Constituents	Concentrations
Arsenic	<25.9
Barium	4.8
Cadmium	0.18
Chromium	4.9
Lead	<16.1
Mercury	0.05
Selenium	<24.8
Silver	26.3
Nickel	10.7
Reactive Cyanide	<2
Reactive Sulfide	<1
Total Percent Solids	40%

< Denotes that the constituent was not detected at the detection limit specified in the table.

TABLE 2.—Maximum TCLP Leachate Concentrations [mg/1] [1]

[Wastewater Treatment Sludge Filter Cake]

Constituents	Concentrations
Arsenic	0.11
Barium	0.97
Cadmium	0.01
Chromium	0.05
Lead	0.01
Mercury	0.0007
Selenium	<0.22
Silver	0.01
Nickel	0.57
Total Cyanide	0.05

< Denotes that the constituent was not detected at the detection limit specified in the table.

[1] None of the maximum concentrations were detected using the Oily Waste Extraction Procedure.

The detection limits reported above represent the lowest concentrations quantifiable by MAHLE when using the appropriate SW–846 analytical methods to analyze its waste. Detection limits may vary according to the waste and waste matrix being analyzed, *i.e.*, the "cleanliness" of waste matrices varies and "dirty" waste matrices may cause interferences, thus raising the detection limits.

While none of the samples exhibited a total oil and grease (TOG) content above one percent (range, 0.13 to 0.76 percent), a duplicate of sample seven yielded a TOG content of 1.66 percent. The Oily Waste Extraction Procedure (OWEP) methodology was used to determine the leachable concentration of the TC metals and nickel in the one duplicate sample, instead of the TCLP methodology. This method was used to ensure that significant concentrations of the metals of concern are not in the oil phase, which may not be assessed using the standard TCLP methodology (*e.g.*, the concentration of oil and grease may be sufficient to coat the solid phase of the sample and interfere with the leaching of metals from the sample). See SW–846 Method Number 1330.

Lastly, on the basis of test results and explanations provided by the petitioner, none of the analyzed samples exhibited the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

MAHLE submitted a signed certification stating that its maximum annual generation rate of wastewater treatment sludge filter cake is 24 tons per year (approximately 33 cubic yards per year). The Agency may review a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste volume. EPA accepts MAHLE's certified estimate of 33 cubic yards/year of wastewater treatment filter cake sludge.

EPA does not generally verify submitted test data before proposing delisting decisions, and has not verified the data upon which it proposes to grant MAHLE's exclusion. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before finalizing a delisting petition or after granting a final exclusion.

D. Agency Evaluation

The Agency considered the appropriateness of alternative waste management scenarios for MAHLE's wastewater treatment sludge filter cake and decided, based on review of information provided in the petition, that disposal in a landfill is the most reasonable, worst-case scenario for this waste. Under this disposal scenario, the major exposure route of concern for any hazardous constituents would be ingestion of contaminated ground water. The Agency, therefore, evaluated the petitioned waste using the modified EPA composite model for landfills (EPACML) which predicts the potential for ground-water contamination from wastes that are landfilled. See 56 FR 32993 (July 18, 1991), 56 FR 67197 (December 30, 1991), and the RCRA public docket for this notice for a detailed description of the EPACML model, the disposal assumptions, and the modifications made for delisting. This model, which includes both unsaturated and saturated zone transport modules, was used to predict reasonable worst-case contaminant levels in ground water at a compliance point (*i.e.*, a receptor well serving as a drinking-water supply). Specifically, the model estimates the dilution/attenuation factor (DAF) resulting from subsurface processes such as three-dimensional dispersion and dilution from ground-water recharge for a specific volume of waste. The Agency requests comments on the use of the EPACML model as applied to the evaluation of MAHLE's waste.

For the evaluation of MAHLE's petitioned waste, the Agency used the EPACML to evaluate the mobility of the hazardous inorganic and organic constituents detected in the TCLP extract of MAHLE's wastewater treatment sludge filter cake. The Agency's evaluation, using an annual maximum waste volume estimate of 33 cubic yards and the maximum reported leachate concentrations (see Table 2), yielded compliance-point concentrations for the inorganic constituents (see Table 3) that are below the health-based levels used in delisting decision-making. The Agency did not evaluate the mobility of selenium from MAHLE's waste because it was not detected in the TCLP extract using the appropriate SW–846 analytical methods (see Table 2). The Agency believes that it is inappropriate to evaluate non-detectable concentrations of a constituent of concern in its modeling efforts if the non-detectable value was obtained using the appropriate analytical method. If a constituent cannot be detected (when using the appropriate analytical method with an adequate detection limit), the Agency assumes that the constituent is not present and therefore does not present a threat to either human health or the environment.

TABLE 3.—EPACML MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS [PPM] LISTED AND NON-LISTED INORGANIC CONSTITUENTS

[Wastewater Treatment Sludge Filter Cake]

Constituents	Compliance-point concentrations	Levels of regulatory concern [1]
Arsenic	0.0011	0.05
Barium	0.0097	1.00
Cadmium	0.0001	0.005
Chromium	0.0005	0.10
Cyanide	0.0005	0.20
Lead	0.0001	0.015
Mercury	0.000007	0.002
Nickel	0.0057	0.010
Silver	0.0001	0.05

[1] See "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions," July, 1991, located in the RCRA public docket.

The wastewater treatment sludge filter cake exhibited arsenic, barium, cadmium, chromium, cyanide, lead, mercury, nickel, and silver levels at the compliance point below the health-based levels used in delisting decision-making.

As noted previously in today's notice, MAHLE claimed that the few organics detected in TCLP extracts of the waste were analytical artifacts, and provided data indicating that the only three organic constitutents detected were also found at comparable levels in the method blanks. While formaldehyde (1 ppm) and toluene (maximum level of 0.026 ppm) were reported in the waste itself (before leaching), the contamination reported in the TCLP method blanks call these levels into question. Furthermore, the reported level of 1 ppm for formaldehyde is also at the detection level for the method used.

In any case, the Agency believes that, even if formaldehyde and toluene were present, the maximum levels in the waste (1 ppm and 0.026 ppm, respectively) would be well below levels of concern. Specifically, if it is assumed that all of these constituents were extracted by the TCLP method, the maximum levels in the TCLP extract would be about one-twentieth (five percent) of the maximum levels in the waste, due to the use of an extraction volume that is equivalent to twenty times the mass of the waste (see the TCLP method as described in SW–846). Therefore, the maximum TCLP levels would be 0.025 ppm for formaldehyde and 0.0013 ppm for toluene. Both of these levels are below the health-based levels used in delisting decisions (See "Docket Report on Health-Based Levels and Solubilities Used in the Evaluation of Delisting Petitions," July 1991, located in the RCRA public docket), and use of the EPACML-derived DAF of 100 would yield compliance-point concentrations that are even lower.

The total constituent concentrations of reactive cyanide and reactive sulfide are below the Agency's interim standards of 250 ppm and 500 ppm, respectively. See "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, internal Agency memorandum in the RCRA public docket. Lastly, on the basis of test results and explanations provided by the petitioner, pursuant to 40 CFR 260.22, the Agency concludes that the waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23.

E. Conclusion

The Agency believes that MAHLE's wastewater treatment system can render the filter cake waste non-hazardous. The Agency believes that the sampling procedure used by MAHLE

was adequate, and that the samples are representative of the day-to-day variations in constituent concentrations found in the wastewater treatment sludge filter cake.

The Agency, therefore, considers MAHLE's filter cake waste as a non-hazardous waste, as it should not present a hazard to either human health or the environment based on the above evaluation. The Agency proposes to grant an exclusion to MAHLE, Incorportaed, located in Morristown, Tennessee, for its F019 wastewater treatment sludge filter cake resulting from the treatment of wastewater generated through the chemical conversion coating of aluminum. If the proposed rule becomes effective, the wastewater treatment sludge filter cake would no longer be subject to regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR part 270.

F. Annual Testing

If a final exclusion is granted, the petitioner will be required to demonstrate, on an annual basis, that the characteristics of the petitioned waste remain as originally described. In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis sample and test for the constituents listed in 40 CFR 261.24 using the TCLP method. The annual analytical results (including quality control information) must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by representatives of EPA or the State of Tennessee. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.

The purpose of this testing requirement is to ensure that the quality of the petitioned waste remains as originally described by the petitioner. The Agency believes that the data obtained from the annual recharacterization of the petitioned waste will assist EPA (*e.g.*, RCRA facility inspectors) in determining whether the petitioner's manufacturing or waste treatment processes have been significantly altered, or if the waste is more variable than originally described by the petitioner. The Agency also believes that the annual recharacterization of the petitioned waste is not overly burdensome to the petitioner, and notes that these data will assist the petitioner in complying with 40 CFR 262.11(c) which requires generators to determine whether their waste is hazardous, as defined by the Toxicity Characteristic (see 40 CFR 261.24).

If made final, the proposed exclusion will only apply to the processes and waste volume (a maximum of 33 cubic yards generated annually) covered by the original demonstration. The facility would require a new exclusion if either its manufacturing or treatment processes are significantly altered such that an adverse change in waste composition (*e.g.*, if levels of hazardous constituents increased significantly) or increase in waste volume occurred. Accordingly, the facility would need to file a new petition for the altered waste. The facility must treat waste generated either in excess of 33 cubic yards per year or from changed processes as hazardous until a new exclusion is granted.

Although management of the waste covered by this petition would be relieved from subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Effective Date

This rule, if finally promulgated, will become effective immediately upon such final promulgation. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon final promulgation. These reasons also provide a basis for making this rule effective immediately upon promulgation under the Administrative Procedure Act, 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant an exclusion is not major, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact, therefore, due to today's proposed rule. This proposal is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: March 16, 1992.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX of part 261, add the following wastestream in alphabetical order:

Appendix IX—Wastes Excluded under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
MAHLE, Inc.	Morristown, TN.	Wastewater treatment sludge filter cake (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum (generated at a maximum annual rate of 33 cubic yards). In order to confirm that the characteristics of the waste do not change significantly, the facility must, on an annual basis, test a representative composite sample for the constituents listed in 40 CFR 261.24 using the method specified therein. The annual analytical results, including quality control information, must be compiled, certified according to 40 CFR 260.22(i)(12), maintained on-site for a minimum of five years, and made available for inspection upon request by any employee or representative of EPA or the State of Tennessee. Failure to maintain the required records on-site will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA.

[FR Doc. 92–6915 Filed 3–26–92; 8:45 am]
BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 57, No. 60
Friday, March 27, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The meeting will be held at 9:30 a.m., on Friday, April 10, 1992, at the Adminstrative Conference of the United States, suite 500, 2120 L Street NW., Washington, DC (Library, 5th floor).

The Committee will meet for discussion of a study by Harold Krent, Assistant Professor at the University of Virginia Law School, of the operation of the Equal Access to Justice Act.

For further information concerning this meeting, contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., suite 500, Washington, DC (Telephone: 202–254–7065.)

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committtee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

Dated: March 25, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–7185 Filed 3–26–92; 8:45 am]

BILLING CODE 6110–01–M

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the Committee on Rulemaking of the Administrative Conference of the United States.

Committee on Rulemaking

Date: Monday, March 30, 1992
Time: 3 p.m.
Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th Floor)
Agenda: The Committee will meet to discuss: (1) Procedural rule exemption project, and (2) Professor Robert Anthony's study of non-rule rulemaking
Contact: Kevin L. Jessar, 202–254–7020.

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request. The contract person's mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone: 202–254–7020.

Dated: March 25, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–7278 Filed 3–26–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Food Stamp Program: Employment and Training Demonstrations

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of intent.

SUMMARY: This notice announces the intention of the United States Department of Agriculture (the Department), pursuant to section 1756 of the Mickey Leland Memorial Domestic Hunger Relief Act (title XVII, Pub. L. 101–624), to enter into cooperative agreements with selected State agencies to assist such agencies in the conduct of a demonstration project to test conformance between the Food Stamp Employment and Training (E&T) Program, operated by the Department's Food and Nutrition Service (FNS), and the Job Opportunities and Basic Skills (JOBS) Program operated by the United States Department of Health and Human Services (DHHS) for recipients of Aid to Families with Dependent Children (AFDC). The Department is also encouraging conformance activities involving programs operated under the Job Training Partnership Act (JTPA), administered by the United States Department of Labor (DOL), and education and training programs operated by the United States Department of Education(ED).

This demonstration project will operate under the authority of section 17(b)(3) of the Food Stamp Act of 1977, as amended (7 U.S.C. 2011–2032). The purpose of the project is to improve consistency and cooperation among employment and training programs, reduce costs and barriers to appropriate services, and enhance current E&T services to recipients. The Secretary will assist selected project areas in conducting demonstration projects to increase the coordination between the E&T Program and other similar Federal programs, in order to improve the self-sufficiency of food stamp recipients and decrease their dependence on assistance programs. The intent of this notice is to solicit proposals from State and/or local agencies wishing to conduct conformance demonstrations during the project. This notice establishes the terms and conditions for the project and institutes uniform criteria for evaluating proposals and selecting participating project areas.

State/local agencies interested in participating in this project are invited to request a Cooperative Agreement Package, which contains detailed information and instructions on preparing and submitting demonstration proposals. Local agency proposals must be submitted through and approved by the State agency, which will be responsible for overall control of the demonstration(s) conducted within its boundaries and for coordination with the Department. Each proposal must contain signed agreements from the appropriate State officials authorizing the demonstration. The Department will not negotiate or enter into any contractual arrangements with agencies below the State level.

DATES: Requests for cooperative agreement packages must be received by May 26, 1992. During this period, the Department welcomes public comment concerning the terms and conditions of the project. Any changes made as a result of comments received shall be incorporated in the Cooperative Agreement Package, which will be mailed to applicants no later than June 8, 1992. From the release date of the Cooperative Agreement Packages applicants will have approximately 45 days in which to submit their completed demonstration project proposals.

ADDRESSES: Interested agencies should submit a written request for a cooperative agreement package (and include four self-addressed labels) to the address listed below: USDA, Food and Nutrition Service, Contract Management Branch, ASD, Attn: Ronald R. Rouse 3101 Park Center Drive, room 914, Alexandria, Virginia 22302–1594.

FOR FURTHER INFORMATION CONTACT: Ronald R. Rouse, Contract Specialist, at the address listed above or telephone (703) 305–2250.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291 and Department Regulation 1512–1

This notice has been reviewed under Executive Order 12291 and Department of Agriculture Regulation No. 1512–1 and has been classified by the Department as nonmajor. The annual effect of this notice on the economy will be less that $100 million. This notice will not result in major increases in costs or prices for consumers, individual industries, Federal, State of local government agencies, or geographic regions. It will not have significant adverse effects on competition, investment, productivity and innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export martkets. This notice will have a beneficial effect on employment in that it will improve the operations of the Food Stamp E&T Program, thereby improving efforts to assist food stamp recipients obtain and retain employment.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This notice has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601—612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that the demonstration project described in this notice will not have a significant economic impact on a substantial number of small entities because the demonstrations will be conducted in limited areas. State and local welfare agencies will be affected to the extent that they administer the demonstration project. Those food stamp recipients participating in the demonstration project will be affected by this action in that the provisions of the Food Stamp Act affecting the rights of recipients may be waived to the extent necessary to conform to the provisions of section 402, and sections 481 through 487, of the Social Security Act (42 U.S.C. 402, 481–487).

Paperwork Reduction Act

This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

Background

There is an emerging consensus that the fragmentation of income maintenance, social services, and employment and training programs is a major barrier to the efficient and effective delivery of services intended to increase self-sufficiency and reduce dependency. This employment and training demonstration is part of a government-wide effort to simplify welfare programs and coordinate their administration. Among the ongoing activities related to this demonstration are: Efforts by DOL, DHHA, and ED to improve coordination in the JOBS Program; the Service Integration Working Group of the Economic Empowerment Task Force; and the Department's Welfare Simplification and Coordination Advisory Committee. Groups such as the National Commission on Employment Policy and the American Public Welfare Association have been active in these welfare reform activities.

The Federal government's goal in establishing the various study groups, task forces and demonstrations is to provide more effective services to welfare recipients more efficiently.

In the case of employment assistance, the three largest service providers (JTPA, JOBS, and E&T) serve target groups with similar needs. Indeed, current JOBS and E&T programs rely heavily on JTPA for employment services. The intake, screening and assessment procedures for the three programs are also very similar. Moreover, in most States JOBS and E&T are administered by the same agency and services are often provided by the same staff.

However, differences between the two programs with respect to eligibility and participation requirements, availability of services, and penalties for non-compliance add administrative complexity to both programs.

The demonstration described in this notice offers the opportunity to develop and test consistent policies and procedures in the three employment and training programs. A more coordinated approach to providing employment services will result in greater effectiveness and efficiency among these programs. Ultimately, the Federal Government will seek consistency with other programs like JTPA and Vocational Education in the context of the Job Training 2000 initiative.

The E&T/JOBS Conformance Demonstration Project

In 1990, the Department completed a national evaluation of the E&T Program. The results of this evaluation (which was based on data collected in 55 sites across the country) indicated that E&T had no effect on participants' employment and earnings in its first full year of operation (1988). These results were discouraging. Only about half of the persons eligible for E&T participated in the program. Moreover, E&T participants did no better than nonparticipants in obtaining employment services and employment or increasing their earnings. No definitive explanation for these disappointing results are available, but possible reasons for the outcome include lack of intensive employment services, shortage of funding for staff and facilities, and inadequate coordination with other employment programs, such as JOBS and JTPA, resulting in competition for available resources.

The Department is committed to the operation of effective, high quality employment and training programs which efficiently provide services to those who need them. The Department believes this can be achieved, in part, by enhanced utilization of the employment, training, and educational services available through JOBS. Since E&T and JOBS serve a large common population and promote similar goals, increased consistency and coordination between the two programs would be more efficient, more cost effective, and would enhance service to recipients.

However, the substantial differences in the legislation authorizing the E&T and JOBS programs, along with differing regulatory policies, impede, and in some instances prevent, coordination. Congress—concerned about these differences—included in section 1756 of the Mickey Leland Memorial Domestic Hunger Relief Act (title XVII, Pub. L. 101–624] a provision which authorizes the Secretary of Agriculture to conduct a demonstration project to test conforming the E&T and JOBS programs. This provision, along with section 17(a)(1) of the Food Stamp Act (7 U.S.C. 2026(a)(1)) will allow the Secretary to assist selected State and local agencies in conducting research on the administration of the Food Stamp E&T Program by means of a demonstration project.

Under section 1756 the Secretary will assist States in conducting this demonstration project in up to 60 project areas, or parts of project areas, for a period not to exceed four years. A project area is defined at 7 CFR 271.2 as the political subdivision designated by a State agency as the administrative unit for Food Stamp Program operations. A city, Indian reservation, welfare district, or any other entity with clearly defined boundaries, or any combination of such entities, may be designated as a project area, or a State as a whole may be designated as a single project area. In order to achieve demonstration results that typify the national scope of the E&T Program, the Department will, in the proposal selection process, place special emphasis on choosing sites that area broadly representative of the Program, including urban, rural, and suburban areas and large and small areas. Project boundaries in effect on January 1, 1990 will be used. Current project areas will not be redefined for demonstration purposes.

To conduct the project, the Secretary is authorized to waive the employment and training requirements under section 6(d) of the Food Stamp Act (7 U.S.C. 2015(d)). This waiver will permit a participating project area, with the approval of the State agency, to operate its E&T Program on the same terms and conditions under which it operates its JOBS Program, i.e. in accordance with the State JOBS plan approved by the Secretary of Health and Human Services as meeting all of the requirements of part F, sections 481 through 487, and section 402(a)(19) of the Social Security Act.

Additionally, this waiver will allow a participating project area to provide child care services and work-related supportive services in accordance with the State Supportive Services plan mandated by JOBS Program regulations at 45 CFR 255.1.

However, the provision of transitional child care benefits under clauses (ii) through (vii) of section 202(g)(1)(A) of the Social Security Act (42 U.S.C 402 (g)(1)(A)) is not authorized for the demonstration project.

The Department will not adopt the DHHS funding structure for the JOBS Program. JOBS matching rates, and JOBS target group and participation rate rules affecting Federal matching rates, will not apply to food stamp funding in project areas participating in the project. Additionally, the payment of supplemental funds made to prevent a net loss of cash income to a household—caused when a JOBS Program participant is required by the State agency to accept a job—will not be authorized during the project.

Although the Department is primarily interested in demonstration proposals which conform most closely to JOBS—the thrust of this entire project is toward true E&T/JOBS conformance—project areas wishing to waive specific requirements of the Food Stamp Act in order to test limited conformance may submit proposals. During the proposal evaluation process, greater emphasis will be placed on those proposals offering more extensive conformance. However, limited conformance proposals which promise to provide demonstration results of particular or significant interest to the E&T Program will receive careful consideration.

Waiver Exceptions.

Although the goal of this project is to enhance conformance between the two programs, certain regulatory requirements placed upon State agencies by the Department are critical to the successful nationwide operation of the E&T Program and may not be waived. These requirements are discussed below.

(1) State E&T Plans

A State agency's receipt of its E&T grant is contingent upon FNS approval of the State agency's E&T plan. Thus, the requirement that each State agency prepare and submit an E&T plan and provide regular updates must be met.

(2) Financial Reporting

Employment and training services in the participating project areas will continue to be funded through the E&T Program, in accordance with current funding procedures, and State agencies will remain responsible for financial reporting requirements.

(3) Program Monitoring

It is essential that State agencies continue to report consistent and reliable information to assure that its E&T program is accurately monitored, evaluated, and funded. Participating project areas must comply with E&T Program reporting requirements during the entire life of the project.

(4) Peformance Standards

State agencies must continue to satisfy applicable E&T Program performance standards.

(5) Quality Control

In ordrr to meet their responsibility for monitoring Food Stamp Program administration and operations, as required by the Food Stamp Act, participating project areas shall continue the quality control reveiw process during the project.

JTPA Coordination

Section 483 of the Social Security Act (42 U.S.C. 683) requires JOBS coordination with JTPA. Components of the State agency's JOBS plan related to job training and work preparation must be consistent with the coordination requirements of section 121 of JTPA. JTPA requires that AFDC recipients be served in at lease equal proportion to their numbers in the JTPA eligible population. The Department is especially interested in those demonstration proposals which emphasize the use JTPA programs. Coordination with education and training programs operated by ED is also encouraged.

Scope of Project

This notice will result in the negotiation of cooperative agreements with participating State agencies for the design, operation, and evaluation of the demonstration project. Cooperative agreements were chosen as the funding mechanism because the principal purpose of the transaction is to assist State and local agencies in achieving conformity among employment and training programs and the Department envisions working closely with the participating State agencies in the development and oversight of the project. Participating State agencies must contribute funds, manpower, facilities, and/or other assets to the project.

Subject to the availability of funds, the Department has authorized a one-time allocation of $3 million in Fiscal Year (FY) 1992 to support the demonstrations and evaluations over the life of the project. The Department is not obligated to award the entire $3 million. The Department will limit the maximum amount awarded under any one cooperative agreement to $600,000. Participating State agencies shall be responsible for conducting the demonstrations and for securing independent evaluators to evaluate the project using evaluation measures established under the cooperative ageement.

It is important for prospective participants to understand that (1) no cost to the JOBS program shall be incurred as a result of this demonstration project, and (2) any increased expense arising as a result of implementing costlier JOBS components for E&T participants during the demonstration project may be paid from the State agency's regular E&T operating budget. However, other expenses incurred as a result of the operation of this demonstration project shall not be met by State agency E&T grants, participant reimbursement funds, or 50% matches of other administrative costs. Costs incurred during the project over and above the normal expenses budgeted by the participating project area for regular E&T program operation—as detailed in its State E&T Plan—are to be met with cooperative agreement funds made available for the demonstrations and with State funds. For example, child care reimbursements up to $160 per month per child, and transportation costs up to $25 per month per person, are to be paid from the project area's normal E&T operating budget. Any costs above those amounts incurred as a result of conforming to JOBS shall be paid from the project area's cooperative agreement funds and/or from State funds not earmarked for regular E&T operation. The exact ratio between cooperative agreement funds and State funds will be determined during negotiations with State agencies. State agencies with project areas submitting demonstration proposals shall attach to the proposal, as an addendum, a request for modification of its State plan relating to the demonstration. The modification request shall contain information about anticipated changes in the participating project area's E&T Program, including different components, increased reimbursements and administrative expenses etc., and the expected cost of these changes versus the normal operating costs of the E&T Program.

The Department is currently conducting an evaluation of E&T operations and funding involving 15 E&T programs nationwide. Project areas involved in this study are not eligible to participate in the E&T/JOBS Conformance Demonstration Project because we believe that such participation will affect the results of the study, and/or, that the study will affect the outcome of the demonstration.

After selecting the project participants, FNS will provide technical assistance to each project area through an independent contractor. Project operators and/or their evaluators will have access to the contractor on an as-needed basis to obtain assistance in evaluating their demonstrations. The contractor will also synthesize the individual evaluation reports into one overall evaluation document. The purpose of this technical assistance is to ensure the continuity and realibility of evaluation information collected from all project participants. It is intended to supplement—not replace—the required independent evaluations secured with cooperative agreement funds.

Public Comment

Those project areas selected to participate in this conformance demonstration must make their proposals available to the general public in order to provide adequate notice of potential changes in its E&T Program.

Demonstration Proposal Contents

Prospective participants shall submit a demonstration proposal containing specific information regarding their planned project. Applicants should include in their proposals any additional information which they feel would enhance their prospects for approval. Each demonstration proposal must contain the following:

(1) Conformance Guarantee

Conformance with JOBS requirements will mean significant variation from E&T procedures, with major deviations possibly occurring in such areas as participation criteria, the provision of child care, and sanctions for nonparticipation. Proposals must contain the applicant project area's guarantee that, with the exceptions noted above, its demonstration will meet the requirements of section 402 (a)(19) and (g) (42 U.S.C. 36002 (a)(19) and (g)) (but not including the provision of transitional child care) and sections 481 through 487 of the Social Security Act (42 U.S.C. 681–687). Each reference to 'aid to families with dependent children' in these sections shall be considered a reference to 'food stamps' for purposes of the demonstration. As previously explained, limited conformance proposals will be considered. However, applicants submitting such proposals must cite the barriers they face which prevent them from guaranteeing full conformance. The provisions of the Food Stamp Act affecting the rights of recipients may be waived to the extent necessary to conform to the provisions of these sections. Following is a brief description of the contents of section 402(a)(19) and 402(g) (42 U.S.C. 602 (a)(19) and (g)), including comparisons and contrasts with existing E&T requirements.

(a) Section 402(a)(19) (42 U.S.C. 602(a)(19)) contains State plan requirements for operation of the JOBS Program:

Mandatory participation. JOBS Program participation is mandatory—State resources permitting—for all non-exempt AFDC recipients living in an area covered by the JOBS Program for whom child care is guaranteed by the State agency.

Under section 6(d) (7 U.S.C. 2015(d)) of the Food Stamp Act, the Food Stamp Program requires all nonexempt, able-bodied recipients to register for employment as a condition of eligibility for participation. The State agency then screens each work registrant for potential participation in its E&T program.

Priority participation for volunteers. In the E&T Program, State agencies may allow individuals exempt from work registration or E&T requirements to participate as volunteers. In the JOBS Program, a State agency may allow voluntary participation—of both exempt and nonexempt individuals—so long as such participation does not prevent the State agency from expending 55 percent of its funds on certain specific target groups. Within these target groups, however, the State agency must give consideration to volunteers.

Exemption criteria. As with mandatory participation requirements, there is a two-tiered system of exemptions for work registered/E&T participants in the Food Stamp Program. Generally, JOBS Program and food

stamp work registration exemptions are similar. However, State agencies, in their E&T plans, can request approval of specific exemptions for individuals and categories of individuals for whom E&T requirements would be impracticable. If their State plans do not contain such exemptions, which would more closely conform the two programs, participating project areas must exclude certain individuals from their demonstration who may be currently participating in its E&T Program. These individuals include persons who reside in such remote locations that effective participation is precluded and women in their second or third trimester of pregnancy.

Conversely, because of differing participation requirements, certain individuals now exempt from participation in a project area's E&T Program may be required to participate in the demonstration. These individuals include: Persons receiving unemployment compensation and applicants for unemployment compensation; regular participant in a drug addiction or alcoholic treatment and rehabilitation program; and persons caring for a child under six, if the State agency guarantees child care and limits participation to no more than 20 hours per week. In addition, in two parent households, both parents may be required to participate if child care is guaranteed.

Mandatory education requirements. Depending on the requirements of their State JOBS plan, participating project areas must require custodial parents who have not reached 20 years of age, have not completed a high school education or its equivalent, and are not otherwise exempt, to pursue a high school education or education designed to qualify persons for a high school equivalency certificate. Participating project areas must assign individuals 20 years of age or older who have not earned a high school diploma or its equivalent to an education component unless the individual demonstrates a basic literacy level or the individual's long-term employment goal does not require a high school diploma.

Self-initiated education or training. Depending on the restrictions placed on postsecondary education or training by their State agency's JOBS plan, participating project areas must allow an individual who is already attending an institution of higher education or participating in a program of vocational or technical training at least part time to continue to attend, as long as the individual meets criteria established in the JOBS regulations and in State agency guidelines. The costs of day care, transportation, and other services necessary for attendance (as determined by the State agency) which exceed the allowable amounts for E&T participant reimbursements must be met by cooperative agreement funds or State funds, as explained previously.

Sanctions. Participating project areas must enforce JOBS Program sanctions during the demonstration. Unlike E&T program sanctions which are limited to a maximum of two months, and which affect the entire household if the noncompliant individual is the head of household, JOBS Program sanctions are imposed on the noncompliant individual only, with the severity of the sanction dependent upon the number of times the individual fails to comply. The maximum JOBS sanction is six months, or until the sanction is cured, whichever is longer. A complete description of the JOBS sanctioning process is provided at a later point in this notice.

Job acceptance. A JOBS Program participant is required to accept a job only if the State agency assures that the participant's household experiences no net loss of cash income resulting from acceptance of the job. State agencies are authorized to issue supplemental payments to the JOBS household in order to prevent such a net loss. An E&T Program participant is required to accept a job unless the wage is less than the higher of either the applicable State or Federal minimum wage.

For purposes of the demonstration, E&T participants shall have the option of refusing any job which represents a net loss of cash income to their household. However, as previously noted, the issuance of supplemental funds to E&T participants will not be authorized during the project.

(b) Section 402(g) (42 U.S.C. 602(g)) contains State plan requirements for JOBS Program supportive services. State agencies must provide such services, identified in their Supportive Services Plan, to allow eligible families to participate in employment, State approved education, or training. The demonstration project will operate in accordance with the participating State's Supportive Services plan, except for the provision of transitional child care, which is excluded from the project. The cost of supportive services in excess of the normal operating budget determined in the State's E&T plan must be met through cooperative agreement funds or State funds.

State agencies must also comply with sections 481 through 487 of the Social Security Act (42 U.S.C. 681–687). These sections are summarized below:

Section 481 (42 U.S.C. 681) states the purpose of JOBS and provides the definition of terms used.

Section 482 (42 U.S.C. 682) details the establishment and operation of the JOBS Program, including State plan requirements, assessment and employability plans for JOBS participants, the provision of program and employment information, services and activities provided under the program, dispute resolution procedures and special provisions relating to Indian tribes.

Note: Any work experience program conducted as part of the project must be conducted in conformity with subsection 482(f) (42 U.S.C. 682(f)), which contains provisions for community work experience programs.

Section 483 (42 U.S.C. 683) contains JOBS coordination requirements.

Section 484 (42 U.S.C. 684) lists the provisions generally applicable to program services.

Section 485 (42 U.S.C. 685) details State agency contracting authority.

Section 486 (42 U.S.C. 686) provides instructions for initial State evaluations of the JOBS Program.

Section 487 (42 U.S.C. 687) specifies the requirements for development of program performance standards.

(2) Scope

Proposals must contain an analysis of the scope of the demonstration. How many work registrants and volunteers will be affected by altered exemption criteria? Will the demonstration encompass the project area's entire E&T mandatory population or will participation be limited? If limited participation is planned, what segment of the population will be targeted for inclusion? Why? How many volunteer participants are anticipated?

(3) Cash Conversion Guarantee

Section 17(b)(3)(D) of the Food Stamp Act (7 U.S.C. 2026(b)(3)(D)) specifies that participation in a training activity where food stamp benefits are converted to cash shall occur only with the consent of the participant. The Department interprets this to mean wage subsidy programs. At this time, the Department is not interested in pursuing programs which convert food stamp benefits to cash in exchange for participation in a work program, and does not anticipate approving proposals in this area.

(4) Work Plan

Demonstration proposals must incorporate a detailed work plan, including the timetable for implementation, the length of operation, and the time period allotted for evaluation.

(5) Staffing

The proposal must contain information about the E&T staff who will conduct the demonstration: The number and qualifications of front line staff members, administrative support personnel and management; staff experience with JOBS; the amount and type of training anticipated in order to prepare staff for the demonstration.

(6) Evaluation

FNS's major evaluation goals are to obtain information on the kind and extent of coordination between E&T, JOBS, JTPA, and other employment assistance activities undertaken by the demonstrations, to determine whether service to participants has improved as a result of this coordination, and to discover any unanticipated barriers to conformance. The proposal must contain the State agency's methodology for evaluating its demonstration; its plans for contracting for an independent evaluation of its demonstration; and the anticipated cost of evaluation. Additionally, the proposal must contain a description of services to participants which will be made available during the demonstration.

Criteria for Evaluating Demonstration Proposals

FNS will evaluate each proposal using a two-step process. First, the technical aspects will be evaluated by a Technical Review Panel. The Panel will evaluate the technical merit of each proposal according to the evaluation criteria listed below (with relative weights shown in parentheses). Panel members will evaluate each proposal independently and assign it a numerical score for each evaluation criterion. The Panel will average the scores assigned to each proposal and rank the proposals on their technical merit according to their mean scores. Based on this technical review, the Panel will recommend a competitive range for proposals. Competitive range is defined as all proposals with a reasonable chance of being selected for negotiation of a cooperative agreement under the terms of this notice. FNS may conduct negotiations with applicants in the competitive range, and after negotiations, may ask for "best and final offers." FNS does, however, reserve the right to go into an agreement with the applicant based on the original proposal and its evaluation. Therefore, proposals submitted in response to this notice should be on the most favorable terms from both technical and cost standpoints.

Second, FNS will consider the proposed costs associated with each proposal in the competitive range. The cost will be reviewed independently from the technical evaluation.

FNS will give the technical merit of proposals primary consideration over cost, which will serve as tiebreaker when decisions must be made among proposals that are similar or equal in technical merit. Awards will be made in such situations to those applicants whose offers are most financially advantageous to FNS.

Technical Evaluation Criteria

The following criteria will be used in the technical evaluation of proposals submitted in response to this notice. The weight of each criterion is given in parentheses. Maximum possible score is 100 points. Although not to be considered as weighted criteria in the selection process, emphasis will be placed on representative project areas and on close JOBS conformance, as previously noted.

(1) Potential for Program Improvement

Does the proposal appear to have the potential to make a significant contribution, as determined by the Technical Review Panel, to improving the effectiveness of the E&T Program. Is it likely to provide results which could improve the coordination among the E&T Program, the JOBS Program, JTPA, and other Federal training programs? How fully does the proposal merge E&T into JOBS? What promise does it hold for improving recipient service? (30 Points)

(2) The Proposal

Is the proposal well organized and complete? Does it present the goals and objectives of the proposed demonstration clearly? Are the demonstration activities well thought out? Have agreements been entered into with cooperative agencies? Is the reporting of demonstration progress and activities adequate? Is the schedule realistic? (20 Points)

(3) Staffing

Does the proposed demonstration staff have sufficient skill and experience to conduct the proposed demonstration? Are sufficient staff resources allocated to conduct the work? Does the management plan allow for satisfactory control of task performance and response to problems that may arise during the course of the study? (20 Points)

(4) The Evaluation Plan

Is the evaluation plan well defined? Are specific research questions to be addressed included in the proposal along with their related evaluation methods? Are these research questions good ones—are they capable of extracting significant information from the data collected during the demonstration? Are data collection and analysis plans included? Does the State agency's criteria for contracting an independent evaluator appear sufficient? (20 Points)

(5) Level of Resource Contribution

Has the applicant proposed a contribution of resources—including staff, facilities, funds, and evaluation? (10 Points)

Following is a description and comparison of the Food Stamp E&T Program and the AFDC JOBS Program.

The E&T Program

On December 31, 1986 the Department published in the **Federal Register** (51 FR 47378) the final rules implementing the Food Stamp E&T Program. The Program has been in operation since April 1987, providing E&T services to able-bodied, nonexempt food stamp recipients and selected volunteers. Comparatively low funding levels and the need to serve a large population impelled the E&T Program to evolve into broad-based, relatively inexpensive treatments, aimed at involving participants in work-related activities which lead to paid employment and a decreased dependency on assistance programs. All States are required to operate the E&T Program. They have the flexibility to do so in a manner best suited to their unique situation, subject to approval by the Secretary of Agriculture.

Each State agency must include one or more of the following components in its program: Job search, job search training, workfare, education, or any other approved program designed to improve the employability of participants through actual work experience and/or training.

Participation

The State agency determines the number of components to which each E&T participant will be assigned. The State agency also determines the number of months the individual will be required to participate in a component, unless the component is job search. Participation in a job search component is statutorily limited to an initial period of eight weeks from the time a food stamp application is filed and eight weeks in each 12 month period

following the initial eight week period. Mandatory participation in any work component cannot exceed the number of hours equal to the value of the household's food stamp allotment divided by the higher of the applicable State or Federal minimum wage. Total hours in any component cannot exceed 120 hours a month.

Under section 6(d) of the Food Stamp Act (7 U.S.C. 2015(d)) food stamp recipients are exempt from E&T if they are:

—Under age 16 or age 60 and above;
—Physically or mentally unfit;
—Age 16 or 17 and not the head of a household and attending school at least part time or enrolled in an employment training program;
—Subject to an complying with the work requirements of title IV of the Social Security Act (42 U.S.C. 602);
—A parent or other household member responsible for the care of a dependent child under 6 or someone who is incapacitated;
—A person receiving unemployment compensation or an applicant for unemployment compensation who is complying with the local employment office's work requirements;
—A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
—Employed at least 30 hours per week or receiving weekly wages equal to the Federal minimum wage multiplied by 30 hours;
—Students in compliance with food stamp eligibility rules which apply to them.

The State agency may exempt, with prior approval of the Secretary, otherwise mandatory individuals and categories of individuals whose participation in E&T activities would be impracticable; persons whose participation in the Food Stamp Program is not expected to exceed 30 days; and persons who do not commence an assigned E&T component and are determined to have good cause for not participating, if that good cause will last for 60 days or longer (7 U.S.C. 2015(d)(4)(D).

Both exempt and mandatory individuals are allowed to volunteer to participate in E&T activities. State agencies are encouraged, to the extent possible, to permit volunteers to participate in any E&T activity it offers.

Mandatory individuals who fail to compy with E&T requirements are sanctioned—removed from the food stamp grant—for two months or until the individual complies with E&T requirements, whichever is shorter (7 U.S.C. 2015(d)(1)(ii)). If the individual is head of the household (the household member who was the greatest source of earned income in the two months prior to the month of noncompliance), the entire household is sanctioned. Prior to imposing a sanction the State agency must initiate approved conciliation procedures, which include determining if the individual had good cause for noncompliance and attempting to resolve any disputes concerning noncompliance, and the State agency must provide the opportunity for a fair hearing if the dispute cannot be resolved.

Funding

The Department provides financial support to each State agency to operate its E&T Program. This support is in three forms: A 100 percent grant based on the size of the State's food stamp work registrant population and on E&T performance by the State; a 50 percent match of State funds for additional program costs; and a 50 percent match of State reimbursements to participants who incur expenses—including dependent care—while fulfilling an E&T requirement. For transportation and similar work, training, or education related expenses, a maximum State agency reimbursement of $25 per person per month is matched at the 50 percent rate. State agencies may reimburse amounts over $25 but do not receive Federal matching funds. For dependent care expenses, a maximum State agency reimbursement of $160 per dependent per month is matched at the 50 percent rate.

Reporting Requirements

Each State agency is required to submit a quarterly report no later than 45 days after the end of each quarter. This report must contain the number of the State's new work registrants, work registrants who are exempt from E&T participation, volunteers, participants who commence a component, and the number of NOAAs issued. On its first quarterly report, the State agency must include the number of its food stamp recipients who are work registered as of October of the year. On the final quarterly report, the State agency must identify the total number of individuals exempted, the reasons for the exemptions, and the total number of participants in each component of its E&T Program.

In FY 1992 the Secretary is authorized to distribute $75 million in 100 percent funds. In FY 1991 the Department distributed $50.4 million in 50 percent matching funds, and $16.1 million in participant reimbursements. Approximately 1.6 million food stamp recipients participated in E&T in FY 1991.

The JOBS Program

On October 13, 1989 DHHS published in the **Federal Register** (54 FR 42146) final rules to implement titles II and III of the Family Support Act of 1988 (Pub. L. 100–485).

Title II (42 U.S.C. 602) established the JOBS Program to assure that needy families with children obtain the education, training, and employment that will help them avoid long-term welfare dependence. The JOBS Program replaces, consolidates, and expands current authority for welfare education, training, and work programs contained in title IV–A (AFDC) and title IV–C (Work Incentive (WIN) and WIN Demonstration Programs) of the Social Security Act.

Title III (42 U.S.C. 602) of the Family Support Act provides for child care and other services in support of employment, education, and training activities.

All States were required to implement the JOBS Program by October 1, 1990, and to make it available on a statewide basis, where feasible, by October 1, 1992.

Each State agency must offer four mandatory components: education, job readiness, job skills training, and job development. Each State agency must also offer two of the following optional components: Group/individual job search, on-the-job training, work supplementation, or community work experience.

Participation

To the extent possible, a custodial parent—the parent who lives with the child—under age 20, who has not completed high school, must participate in educational activities unless otherwise exempt. Custodial parents 18 and 19 may participate in training or work activities instead of educational activities if they fail to make good progress in completing the educational activities or if their participation in educational activities is deemed inappropriate.

Individuals 20 years of age or older who have not earned a high school diploma or its equivalent must be assigned to an education component unless the individual demonstrates a basic literacy level or the individual's long-term employment goal does not require a high school diploma.

The State agency may refer participants to post-secondary education provided the education is determined to be necessary to meet the individual's employment goal and the employment is in a recognized occupation. The State agency may also allow participants who are already pursuing a course of education or training at least half-time to continue with the course of study.

Any other JOBS activities in which the student participates may not be permitted to interfere with the education or training activity.

Prior to assigning an individual to a component, the State agency must assess the individual's education, work experience, skills, and family circumstances. On the basis of this assessment, and with input from the participant, an employability plan is developed. This plan must contain an employment goal for the participant, describe child care and other supportive services to be provided, describe JOBS activities that will be undertaken by the participant to achieve the employment goal, and describe any other needs of the family that might be met by JOBS.

Participants in the JOBS Program do not have to meet a certain level of effort as is required in the E&T Program. With the exception of statutory participation requirements in Unemployed Parent cases—which will not go into effect until FY 1994—a participant's level of effort is determined as part of his/her employability plan. Participants in educational activities or training programs must make "good" and "satisfactory" progress in order to continue in the component activity.

The JOBS Program requires that each State agency target those individuals who are most in need of assistance to avoid long-term welfare dependency. This targeted population consists of individuals who are currently receiving or have received AFDC for 36 of the previous 60 months; custodial parents under age 24 who have not completed or are not enrolled in high school or who have had little or no work experience in the preceding year; and individuals whose youngest child is within two years of being ineligible for AFDC due to age.

The exemptions for JOBS are generally the same as for E&T. However, for JOBS the age limit for providing care for a child is under age 3, or, at the State's option, under age 1. Furthermore, a recipient who is providing care for a child under age 6 may be required to participate for no more than 20 hours a week if the State agency guarantees child care. Recipients who reside in a remote area, pregnant women in their second and third trimester, and VISTA volunteers are statutorily exempt from participation in the JOBS Program.

The second parent in an Unemployed Parent household is not exempt because the other parent is a mandatory participant in the JOBS Program. Exemption is allowed only if she/he meets another exemption criterion. Thus, the second parent may be exempt for the care of a young child.

State agencies must allow both exempt and mandatory individuals to participate in the JOBS Program on a voluntary basis, to the extent that the program is available and resources otherwise permit, with first consideration going to volunteers belonging to a targeted population.

Mandatory JOBS individuals are sanctioned on the basis of how many times they fail to comply: For the first occurrence, the noncompliant individual is removed from the AFDC grant until the failure to comply ceases. For the second occurence, the individual is sanctioned until the failure to comply ceases, or three (3) months, whichever is longer. For any subsequent failure to comply, the individual is sanctioned until the failure to comply ceases, or six (6) months, whichever is longer. Prior to imposing the sanction the State agency must establish whether or not good cause for the noncompliance existed, attempt to resolve disputes related to an individual's noncompliance, and provide the opportunity for a fair hearing if the dispute cannot be resolved.

Funding

Each State agency's maximum annual funding level for its JOBS Program is established by combining an amount equal to its WIN/WIN Demonstration allotment for FY 1987 with an amount based on its average monthly number of adult recipients. From the State agency's total annual entitlement, Federal Financial Participation (FFP) is available at a rate of 90 percent for an amount equal to its FY 87 WIN/WIN Demonstration allotment level. For the balance of the State agency's entitlement, FFP is available at the higher of its Medicaid matching rate or 60 percent for personnel costs (salaries and benefits) for full-time staff working full-time in any capacity in the JOBS Program, and at 50 percent for other, indirect personnel costs.

Those State agencies which do not expend at least 55 percent of their JOBS funds on the hard-to-serve targeted population receive FFP of 50 percent, rather than the enhanced rates described.

Each State agency must guarantee child care for a dependent child who is under age 13 or physically or mentally incapable of self care to the extent that the child care is necessary to permit a participant to accept employment or remain employed or to engage in an approved education or training activity under JOBS. The State agency must reimburse participants, or use an income disregard, for the actual cost of child care up to the statewide limit established by the State IV–A agency in its Supportive Services Plan which is at least $200 monthly for childern under two, and $175 monthly for childern two and over. FFP for child care is at the Medicaid matching rate and is included in the title IV–A general program entitlement except for Puerto Rico, Guam, the Virgin Islands, and American Samoa. In those areas the FFP rate is 75 percent and is included in the annual JOBS limit of entitlement.

State agencies can provide transportation or reimburse individuals for transportation and all other costs related to participation in the JOBS Program. FFP is available at the 50 percent matching rate and is subject to the JOBS limit of entitlement.

To receive the enchanced FFP for a fiscal year, each State must meet a specified participation level in the preceding year: 7 percent in FY 1991, 11 percent in FY 1992 and FY 1993, 15 percent in FY 1994, and 20 percent in FY 1995. Failure to meet the required level will result in a FFP rate of 50 percent.

Beginning in FY 1994 States must also achieve a specified participation level in their Unemployed Parent cases. Failure to achieve that level will result in a FFP of 50 percent.

Reporting Requirements

State agencies must maintain an individual case record for each JOBS participant, and provide to DHHS a monthly sample of specified case record data. The sample must be transmitted to DHHS electronically, no later than 45 days after the end of the month in which the sample is taken.

For the purpose of determining participation rates, the State agency must also submit a quarterly report of the aggregate number of individuals required to participate in the JOBS Program.

For the purpose of calculating the amount of funds spent on target groups, and determining the amounts spent per family by component and activity, the State agency must submit a yearly report which may consist of a table of its average total JOBS cost per participant per month of participation for the previous fiscal year.

For FY 1991, $1 billion was made available for the JOBS Program. DHHS has not yet obtained concrete data on the number of JOBS participants. One estimate is that JOBS would serve

approximately 1.56 million participants in FY 1991.

Dated: March 23, 1992.

Betty Jo Nelsen,

Administrator.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-502]

Final Results of Antidumping Duty Administrative Review: Certain Iron Construction Castings From the People's Republic of China

AGENCY: International Trade Administration, Import Administration, Commerce.

EFFECTIVE DATE: March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Antidumping Investigations, Import Adminstration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2613.

Final Results

Background

On August 2, 1991, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of this administrative review of the antidumping duty order on certain iron construction castings from the PRC. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

One exporter, Guangdong Metals and Minerals Import and Export Corporation (Minmetals Guangdong), was examined during this review. We verified this company's data during the period December 2-13, 1991. None of the other named exporters responded to the Department's questionnaire. The period of review (POR) is May 1, 1989 through April 30, 1990.

Scope of Review

Imports covered by this review are shipments of certain iron construction castings, limited to: Manhole covers, rings and frames; catch basin grates and frames; cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems; and valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable. Until January 1, 1989, iron construction castings were classifiable under items 657.0950 and 657.0990 of the Tariff Schedules of the United States Annotated (TSUSA). Certain iron construction casting are currently classifiable under subheadings 7325.10.00.00 and 7325.10.00.50 of the Harmonized Tariff Schedule (HTS). Although the HTS and TSUSA subheadings are provided for convenience and customs purpose, our written description of the scope of this proceeding is dispositive.

Use of Best Information Available

We have determined, in accordance with section 776(c) of the Act, that the use of best information available is appropriate for entries of the subject merchandise from exporters who did not respond to the Department's questionnaire.

In deciding what to use as best information available, § 353.37(b) of the Department's regulations provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is best information available. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department will normally assign to that company the highest of: (a) The highest rate for any company in any previous review or the originial investigation; or (b) the highest margin for any respondent for the current review. In this case, the highest margin is the margin we have calculated for Minmetals Guangdong in the current review. Accordingly, we will assign to all other exporters for the PRC, as best information available, the margin we calculated for Minmetals Guangdong.

United States Price

We based the United States Price on purchase methodology as set forth in our preliminary results (56 FR 37074, August 2, 1991).

Foreign Market Value

We calculated foreign market value (FMV) as set forth in our preliminary results with the following exception. Where possible, we valued the factors of production using information obtained by the U.S. consulate in Calcutta, India, from an Indian manufacturer of castings. We valued items for which the Consulate was unable to obtain values based on average import prices into India from market-economy countries, which we derived from the government of India's offical imports statistics. In the case of a relatively minor material, bentonite (used as a binder in the foundry sand), the value we calculated from the Indian import statistics was thirty-six times higher than the price in Pakistan as reported by the U.S.C Embassy there. Also, the quantities of bentonite imported into India were quite low—26 metric tons for an entire year, the largest shipment no larger than 6 metric tons. According to information from the U.S. Department of the Interior, Bureau of Mines, the three predominant uses of bentonite are for pelletizing iron ore, as a binder in foundry sand, and drilling mud. The Burear of Mines advised that the quantities imported into India were insufficient for any of these uses and therefore the bentonite imported into India must be of a special grade not suitable for the production of iron castings. We therefore valued bentonite based on price in Pakistan provided by the U.S. Embassy.

We were unable to develop sufficient information in India concerning factory overhead or packing expense. We therefore valued these two items based on information gathered by the U.S. Embassy in Pakistan.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from petitioner, importers and Minmetals Guangdong.

Comment 1: Minmetals Guangdong and five importers argue that the values for pig iron and scrap iron not be based upon the prices reported by an Indian producer. They contend that Indian pig iron and scrap iron prices are set by the Indian government rather than by free market conditions. They further conter.d that their prices have not been verified. These parties suggest as an alternative that we value pig iron and scrap iron based on import prices into India using Indian government statistics.

Petitioner argues that the price reported by the Indian producer is probably market-driven because it is comparable to prices reported by producers in Pakistan and the Philippines (alternative surrogate countries). Petitioner submits that the price reported by the Indian producer is higher than the average import price because the reported price may be for a more expensive grade of pig iron, reflect a purchase of a relatively small quantity, and include costs (duty, freight, taxes, etc.) incurred by an importer to get the pig iron to its foundry door. Petitioner further argues that if we do reject the Indian price, we should value pig iron based on a price reported by a Pakistani producer rather than Indian import statistics.

Department's Position: We continue to use the Indian price to value pig iron and scrap iron. To value a NME producer's factor of production, section 773(c)(4) of the Act requires that the Department utilize, to the extent possible, the prices or costs of factors of production in one or more market-economy countries. The Department has interpreted this provision to mean that only prices or costs of factors produced in a market-economy country can be used for factor evaluation purposes (see, *e.g.*, Final Determination of Sales at Less Than Fair Value: Refined Antimony Trioxide from the PRC (57 FR 6801, February 28, 1992)) ("Antimony"). We recognize the Department's responsibility to "avoid using any prices which it has reason to believe or suspect may be dumped or subsidized prices." H.R. Rep. No. 576, 100th Cong., 2d Sess. 590-91 (1988). The Department has consistently refused to base FMV upon surrogate countries' prices for exports if those exports may benefit from subsidies or are being dumped. (See *Technoimportexport* v. *United States* Slip Op. 92-4, at 9 (CIT January 23, 1992). The situation in this case is clearly different, however. There is no foundation in the statute, regulations, or in Departmental practice for rejecting domestic prices in a market economy on the basis that the government somehow influences those prices. (*See* Final Determination of Sales at Less Than Fair Value: Generic Cephalexin Capsules From Canada, 54 FR 26820, 26822 (1989)). Given that we have information on the price for pig iron and scrap iron by an Indian castings producer, we have no reason to consider alternative valuation sources.

Comment 2: Respondents argue that to value inland freight, the Department should convert per-kilometer freight rates from flat to "zone" rates supplied by our diplomatic posts in India by dividing the zone rates by the maximum distance to which they apply. Petitioner argues that since the zone method is apparently used in India, we should continue to use the zone rates to value inland freight.

Department's Position: We agree with petitioner. Indian freight rates were quoted on a zone basis. There is no evidence that realistic per-kilometer rates could be calculated by dividing the zone rates by the maximum number of kilometers to which each zone rate applies.

Comment 3: Respondent argues we should revise downward the percentage we add for factory overhead costs because we calculated the percentage from data supplied by a large Pakistani foundry with a capacity much higher than the Chinese foundries under review.

Petitioner argues that the Chinese foundries are more comparable to the large foundries in Pakistan than to the small ones. Petitioner further argues that the factory overhead rate we calculated, because it is based on detailed cost data, is more accurate than the data available pertaining to small foundries.

Department's Position: Our embassy in Pakistan provided factory overhead perecentage ranges for large and small foundries, as well as a detailed cost breakdown for a large foundry. We used the cost-breakdown to calculate the percentage for the preliminary results. The percentage we calculated, 23.75 percent, was in the range the embassy reported for small foundries.

We have used the same methodology for the final results because it is based on actual costs, rather than estimates.

Comment 4: Respondent argues that the Department should use the statutory minimum profit rather than the percentage reported by the Indian foundry. Respondent bases it argument on the assertion that the Indian producer's profit percentage bears no relationship to either the actual costs incurred by Chinese casting producers, or to the surrogate prices (from a mixture of sources) used by the Department to value Chinese factors of production.

Petitioner counters that the statute requires that the Department value profit is a surrogate country.

Department's Position: We agree with petitioner. Section 773(c)(1) of the Act, which references section 773(e)(1)(B), requires that we value profit in a surrogate country, provided that the surrogate's profit percentage exceeds the statutory minimum of eight percent. In this instance, the surrogate producer's profit was reported to be 10 percent of total costs. We used this figure since it exceeded the statutory minimum.

Comment 5: A sixth importer argues that the "All Others" rate should not apply to China National Machinery Import & Export Coropration (Machimpex), Liaoning Branch, because this branch was not named in the petitioner's review request or the Department's initiation notice for this review. Therefore, the importer argues that entries from this country sould be liquidated at its current deposit rate of 11.66 percent.

Petitioner argues that they named China National Machinery Import & Export Corporation in their review request with the intent that all of the company's branches be included within the scope of the review.

Department's Position: We have continued to assign this company the "All Others" rate. In publishing initiations of administrative review, the Department does not follow a policy of listing every branch company. While we attempt to include the names of headquarters companies, the Department's failure to list Machimpex in its July 6, 1990, initiation notice (55 FR 27880) was an oversight. This omission constituted harmless error, however. The company had notice that its exports were subject to review under the antidumping order. As with other reviews, the petitioners specifically requested that Machimpex be included within this review period. Therefore, the importer is incorrect in claiming that any portion of Machimpex's exports should be liquidated at the deposit rate. See 19 CFR 353.22(e). The Department listed the company in both notices of initiation for the previous two reviews. More importantly, in the current review, we sent Machimpex a questionnaire without designating a particular branch. In a letter dated August 17, 1991, that company stated that "all of its former branches were now independent entities," and that it "had forwarded the questionnaire to Liaoning Machinery & Export Corporation" (formerly China National Machinery Import & Export Corporation, Liaoning Branch). Therefore, we consider this company to be non-cooperative and deserving of the BIA rate in accordance with section 776(c) of the Act.

Comment 6: Petitioner argues that the Department should calculate margins on a foundry-specific basis because (1) the foundries are apparently independent from the exporter, (2) the foundries are aware of the destination of the merchandise they make, and (3) each foundry negotiates separate prices with the exporter.

Department's Position: In the preliminary results, we calculated a single FMV for each foundry. We then weight-averaged the FMVs to arrive at a single FMV which we compared with each of the exporter's (Minmetals Guangdong) sales to the United States. The record contains no U.S. dollar-denominated price data on castings shipped from the factories to Minmetals Guangdong.

Since United States price is based on Minmetals Guangdong's export prices, foreign market value should be based on all castings sourced by Minmetals Guangdong for export to the United States (*i.e.*, foreign market value should

reflect input utilization rates for all factories that supplied Minmetals).

Comment 7: Petitioner argues that the Department should use as BIA for the non-responding firms the highest margin found for any one sale in this review, or, at a minimum, the highest average margin found for any of the four foundries. Petitioner's argument is based on the assertion that the companies failed to respond because, based on the preliminary results of previous reviews, they anticipated their calculated margins would be higher than the margin of the sole responding company, Minmetals Guangdong. Therefore, petitioner argues, to use the margin that we calculate for Minmetals Guangdong is insufficiently punitive.

Department's Position: We consider these non-responding parties to be non-cooperative. Therefore, we have followed our normal BIA policy for non-cooperative parties which states that we will generally assign the higher of: (a) The highest rate for any firm for any previous review or the original less-than-fair-value investigation, or (b) the highest rate found for any firm in the current review. See, Final Results of Antidumping Duty Administrative and Partial Termination: Roller Chain, Other than Bicycle, From Japan (57 FR 6806, February 28, 1992).

Comment 8: Petitioner argues that the Department should value the factors of production by using the average of the Indian and Pakistani values. Petitioner prefers such an approach to the methodology the Department employed for the preliminary results in which we relied on Indian values as our first choice with the resort to Pakistani values only for items for which Indian values were not available.

Department's Position: The July 24, 1991, memorandum in the public file, from Mark P. Lunn to Michael Ready indicates that Indian and Pakistan are both comparable to the PRC in terms of GNP per capital, GNP per capita growth rate, and the distribution of labor between agriculture and industry. India is, however, slightly more comparable in terms of per capita GNP and the distribution of labor. It is the Department's preference to value factors in one surrogate country when possible. (See, Antimony.) Therefore, we have valued the PRC factors of production in India when possible. As stated previously, with respect to bentonite, the data concerning India could not be relied upon and we valued the factor of production in Pakistan. Likewise, for packing and factory overhead, we were unable to find values for India and we used data from Pakistan obtained from our diplomatic post.

Comment 9: Petitioner argues that for items valued using prices gathered by the American Consulate in Calcutta, no inflation adjustment should be made due to ambiguity as to the effective date of prices submitted by the American consulate in Calcutta.

Department's Position: We have continued to make the inflation adjustment. We have confirmed with Calcutta that our information about the effective date of the prices in question was correct; therefore, our inflation adjustment was warranted.

Comment 10: Petitioner argues the Department used an incorrect value to calculate the cost for scrap steel based on data from the American embassy in Pakistan. Respondent argues we should continue to use the price from Pakistan but make deductions for drawback of customs duty and other taxes.

Department's Position: For the final results we have valued scrap steel based on the average import value into India, our primary surrogate country, according to the hierarchy stated in the Foreign Market Value section of this notice.

Comment 11: Petitioner argues the Department failed to value all direct materials used by the Chinese foundries. Specifically, petitioner argues we should consider limestone, clay powder, fluorite, bentonite, kaolin clay, graphite, and talcum powder as direct materials and assign them values. Respondent argues these items are indirect materials and should be considered factory overhead because they are not incorporated in the final product.

Department's Position: We agree with petitioner. In our preliminary results, we calculated a factory overhead rate based on a cost breakdown obtained from a castings producer located in Pakistan. In making that calculation, we treated the items in question as indirect materials. We have since learned that for purposes of the cost breakdown, the Pakistani producer considers these items direct materials.

Comment 12: Petitioner argues that the Department should reject the price for coke reported by the American Consulate in Calcutta because the price is unreasonably low, compared to the price in Pakistan and the United States.

Department's Position: For the preliminary results, we valued coke based on the price the American Consulate in Calcutta provided of 1,800 rupees per metric ton. As a result of petitioner's comment, we asked the consulate to confirm the accuracy of the price quote. In response, the consulate advised that the correct price was 1,100 rupees per metric ton.

In consideration of this information, we based the valuation of coke on the confirmed price of 1,100 Indian rupees.

Comment 13: Petitioner argues that the Department should make circumstance of sale adjustments for after-sale warehousing and credit costs.

Department's Position: In recent NME cases, we havre declined to make circumstance of sale adjustments. To make such an adjustment to FMV would require arbitrary divisions of surrogate country producers' expenses into amounts for direct, indirect, and other general and administrative expenses. See *e.g.*, DOC Position on Comment 21 in Antimony.

Comment 14: Petitioner argues that the Department should make an adjustment for bank charges and letter of credit charges.

Department's Position: No bank or letter of credit charges were reported by the respondent. Nor were any such charges found at verification. Therefore, no basis for making such an adjustment exists.

Comment 15: Petitioner argues that the price as shown in the sales listing for two observations disagrees with the price quoted in correspondence between Minmetals Guangdong and the customer.

Department's Position: We verified one of the two observations and found no discrepancy. We have no reason to doubt the accuracy of the price listed for the other observation. Also, the model number for the observations cited by petitioner is different than the model number to which the price quote applies. Therefore, we accept respondent's data as submitted for these observations.

Comment 16: Since the Department did not follow all of petitioner's many verification suggestions, petitioner contends that we should determine one consolidated rate for all exporters, rather than consider Minmetals Guangdong an independent entity.

Respondent argues that it is up to the Department and not the petitioner to determine the nature and extent of the verification. Respondent further argues Minmetals Guangdong established at the verification that the company possessed authority to sign export contracts without the approval of outside entities and that the company keeps the proceeds from its sales.

Department's Position: We agree with respondent that the Department determines the extent of verification. Nevertheless, we did address some of petitioner's verification concerns and found them without merit. Other suggestions were irrelevant with respect to the criteria for separate rates laid out in our recent final determination regarding sparklers from the PRC (see, Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China (56 FR 20588, May 6, 1991)) in which we stated:

> We have determined that exporters in nonmarket economy countries are entitled to separate, company-specific margins when they can demonstrate an absence of central government control, both in law and in fact, with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of central control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of central government control with respect to exports is based on two prerequisites: (1) Whether each exporter sets its own export prices independently of the government and other exporters; and (2) whether each exporter can keep the proceeds from its sales.

At the verification we found no restrictive stipulations associated with the company's business license. We also verified that the company keeps the proceeds from its sales. We found the proceeds were deposited into the respondent's account. Furthermore, we did not find any withdrawals that would indicate that any portion of the proceeds was transferred to a government agency. Minmetals Guangdong submitted customer correspondence as evidence of its ability to set its own prices. The evidence included correspondence showing negotiation of prices between Minmetals Guangdong and its customers.

We therefore determine that Minmetals has met the Sparklers criteria and qualifies for a separate rate

Comment 17: Petitioner argues that the Department should correct certain sales prices incorrectly overstated by Minmetals Guangdong.

Minmetals Guangdong advised that the overcharges were adjusted for by deductions on subsequent invoices. By examining the sales listing, petitioner also suggests that overcharging may have also occurred on two additional observations. Respondent has since confirmed that overcharging did occur in these additional observations.

Department's Position: We agree with petitioner and corrected these four observations for the final results. Of many observations checked at verification, only these four were incorrect.

Comment 18: Petitioner argues that the Department should include a factor for scrap wood for the Guangzhou factory because the verification revealed that the factory did use scrap wood to light the fire in the cupola and in the kitchen. Respondent claims it was unable to allocate scrap wood consumption between the cupola and the kitchen.

Department's Position: Since respondent did not allocate scrap wood consumption between uses, for the purpose of these final results we have allocated all scrap wood consumption to the cupola as best information available.

Comment 19: Petitioner argues that we should allocate the Guangzhou factory's consumption of asphalt and turpentine over the castings produced for export to the United States, rather than over total production. The argument is based on Minmetals Guangdong's statement at verification that asphalt and turpentine were applied only to the U.S. castings.

Department's Position: We agree. Since these materials were only used for production exported to the United States, the correct allocation methodology is to divide consumption by exports to the United States, rather than by total production.

Comment 20: Petitioner argues that the Department should adjust the Guangzhou factory's factors of production for labor hours, electricity, and factory overhead to account for production that was contracted out to other foundries. Respondent argues no adjustment is warranted because the contracted-out production was not included in the total production used to calculate the pen ton usage of labor and electricity.

Department's Position: We disagree with respondent. The verification documents indicate that the contracted-out quantity of castings was included in the total production figure. We disagree with petitioner's calculation methodology for making this adjustment, however, because it is based on extremely fragmentary data. Petitioner has imputed its adjustment factor based on only a single category of merchandise (merchandise delivered for export), and for a year-long period which overlaps but that does not coincide with the period of review. Since we lack the data to recalculate these factors, we used, as best information available, the highest factors for labor and electricity submitted by any of the four factories, for the Guangzhou factory also. With respect to petitioner's argument that we also increase the factory overhead costs (for indirect materials, indirect labor, and other factory assets), we do not value these items independently. Rather, we calculate a factory overhead percentage for a surrogate producer and apply that percentage to the sum of the NME producer's direct material, labor and energy costs. Increasing the Guangzhou factory's labor and electricity factors increases the base against which the factory overhead percentage is applied and therefore results in an increase in the amount added for factory overhead.

Comment 21: Petitioner argues that the Department should increase the electricity factor for the Guangzhou factory to include self-generated electricity. Respondent argues that no adjustment is warranted because the self-generated electricity was used only for lighting and not for production, and that the costs for self-generated electricity are included in factory overhead expense.

Department's Position: The matter of self-generated electricity for this factory was not addressed at verification. We therefore accept respondent's assertion that self-generated electricity was not used for production. As noted above, we based the electricity factor of production for this factory on best information available (the highest factor submitted for any other factory).

Comment 22: Petitioner argues we should revise the calculation of freight costs for pig iron and coke used by the Guangzhou factory.

Department's Position: We agree with respect to pig iron. With respect to coke, however, which we found to be supplied from a source 45 kilometers from the factory (instead of 15 kilometers which was reported in the questionnaire response), no revision is necessary because we used a freight rate for the preliminary results applicable to distances up to 50 kilometers.

Comment 23: Petitioner argues that the Department should increase factors of production for labor, electricity, and factory overhead for the Dongguan factory to account for production contracted out to other factories.

Department's Position: We agree with respect to labor and electricity. However, petitioner's recalculation is based on only a single month's production. Since data on contracted-out production is lacking for the entire period of review, we have based the labor and electricity factors for the Dongguan factory on the highest factors reported by any of the factories as best information otherwise available.

Comment 24: The petitioner argues that the Department should add to the constructed value for the Dongguan factory the cost for a bolt assembly included with model L–2286 which was not reported in the questionnaire response. Petitioner has provided U.S. market values for a brass bolt and

washer for purposes of making this adjustment. Respondent argues we should reject the U.S. prices put forward by petitioner because the prices are untimely under 19 CFR 353.31(a)(2), are unverified, and did not come from a public source. Respondent argues that the Department should independently obtain cost information for the bolt assembly.

Department's Position: We agree with respondent. We have valued these items based on average import prices into India, as calculated from official import statistics of the Indian government.

Comment 25: Petitioner argues that the Department should determine whether the Dongguan factory uses an exceptionally costly grade of pig iron. This argument is based on the fact that of the four factories, only Dongguan does not use ferrosilicon and ferromanganese in the production of castings. Dongguan factory personnel advised at verification that these items were not needed because the pig iron contains adequate amounts of silicon and manganese. Therefore, petitioner argues that Dongguan must use a different, more costly grade of pig iron which the Department must value accordingly. Respondent argues that the specified range for silicon and manganese content for the Chinese pig iron grade Z–18 is sufficiently wide so that no additional input of these elements is needed.

Department's Position: We disagree with petitioner. In requesting values for the PRC factors of production from our diplomatic posts in surrogate countries, we made clear the purpose for which we intended to use the requested information. We believe that the pig iron prices which the posts provided are for a grade of pig iron adequate to produce these castings.

Comment 26: Petitioner argues that the Department should add scrap wood, limestone, peralite, and talcum powder to the Shaoguan factory's list of raw material factors of production. These items were not included in the questionaire response. Respondent argues that the factors for peralite and talcum powder are so small (.8 KG. per MT and six KG per MT, respectively) that they would have no material effect on the calculation of foreign market value.

Department's Position: We agree with petitioner. For the final results we have valued each of these materials with the exception of peralite for which we were unable to find a value. We have determined that the omission of this minor material will not have any significant effect on these final results.

Comment 27: The petitioner argues that the Department should reject the electricity factor production submitted by the Shaoguan factory because the factory allocated electricity consumed to various products based on sales value.

Department's Position: We have accepted respondent's allocation methodology. The Shaoguan factory had only one electric meter and received a single bill for the entire factory. While a sales-value-based allocation is not as preferable as a direct allocation based on usage, we have accepted the methodology because there is no evidence that casting production is significantly more energy intensive than the factory's other products and Shaoguan did not have any records to allocate the costs on another basis.

Final Results of the Review

Based on our final analysis, we determine that the following weighted-average margins exist for the period May 1, 1989, through April 30, 1990:

Exporters	Margin (percent)
Guangdong Metal & Minerals Import & Export Corporation	92.74
All others	92.74

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided in section 751(a)(1) of the Act, a cash deposit of estimated antidumping duties based on the above margins shall be required. These deposit requirements are effective for all shipments of certain iron construction castings from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 23, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92–7151 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

Advanced Automotive Technology Conference

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open conference.

SUMMARY: An amendment, dated December 18, 1991, to the Stevenson-Wydler Innovation Act requires that the Secretary of Commerce, through the Under Secretary for Technology, convene a conference of domestic motor vehicle manufacturers, parts suppliers, Federal Laboratories, and motor vehicle users to explore ways in which cooperatively they can improve the competitiveness of the Untied States motor vehicle industry by developing new technologies which will enhance the safety and energy savings, and lessen the environmental impact, of domestic motor vehicles. Notice is hereby given that the specified conference will take place on May 5, 1992, from 8:30 a.m. to 5 p.m. Presentation topics will include: The technology needs and barriers of the automotive industry; technological innovations from the parts suppliers; capabilities and collaborative support from the Federal Laboratories; automotive market analysis from a technological viewpoint; and the Department of Commerce's Strategic Partnership Initiative.

DATES: The conference will be held on May 5, 1992, from 8:30 a.m. to 5 p.m.

ADDRESSES: The conference will be held in the Green Auditorium, Administration Building, National Institute of Standards and Technology, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Lori Phillips, Conference Coordinator, Public Affairs Division, National Institute of Standards and Technology, Administration Building, room A903, Gaithersburg, Maryland 20899, telelephone: (301) 975–4513.

Dated: March 22, 1992.

John W. Lyons,

Director.

[FR Doc. 92–7130 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–CW–M

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Carlos A. Cruz Colón (Appellant) From an Objection by the Commonwealth of Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal and request for comments.

By letter dated August 26, 1991, Mr. Carlos A. Cruz Colón (Appellant) filed with the Secretary of Commerce (Secretary) a notice of appeal. The Appellant is appealing to the Secretary under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA) and the Department's implementing regulations, 15 CFR part 930, subpart H. The appeal is taken from an objection by the Commonwealth of Puerto Rico Planning Board (PRPB) to the Appellant's consistency certification that its proposal to construct an "L" shaped pier 36 feet by six feet and 30 feet by six feet, or, in the alternative, a boardwalk, in the Torrecilla Lagoon in Carolina, Puerto Rico, for which a U.S. Army Corps of Engineers permit must be obtained, is consistent with the PRPB's coastal zone management program.

The CZMA provides that a timely objection by a state (including Puerto Rico) to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary of Commerce finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3) (A) or (B). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the PRPB's consistency objections based on Ground I. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that: (1) The proposed activity furthers one or more of the national objectives or purposes contained in sections 302 or 303 of the CZMA, (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act, and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with the PRPB's coastal management program. 15 CFR 930.121.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Ms. Margo E. Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235. Copies of comments should also be sent to Ms. Patria G. Custodio, Chairperson, Puerto Rico Planning Board, Minillas Governmental Center, North Building, De Diego Avenue, Stop 22, P.O. Box 41119, San Juan, Perto Rico, 00940–1119.

All nonconfidential documents submitted in this appeal are available for public inspection during business hours at the offices of the Commonwealth of Puerto Rico Planning Board and the Office of the Assistant General Counsel for Ocean Services, NOAA.

FOR ADDITIONAL INFORMATION CONTACT: Ms. Margo Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235, (202) 606–4200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: March 20, 1992.

Thomas A. Campbell,

General Counsel.

[FR Doc. 92–7091 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–08–M

Intent To Grant Exclusive License

SUMMARY: The Government's undivided interest in a jointly owned invention described in U.S. Application No. 07/515,487, now U.S. Patent No. 5, 028,929, and entitled "Icing Hazard Detection for Aircraft," is available for licensing in accordance with 35 U.S.C. 207. Applications may be sent to John Raubitschek, Patent Counsel, Department of Commerce, room H–4610, Washington, DC 20230. His telephone number if (202) 377–5394.

If a satisfactory license application is not received within 3 months, NOAA intends to grant an exclusive license under its undivided interest to the other co-owner, the University Corporation for Atmospheric Research (UCAR) of Boulder, Colorado. The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. However, the license will not be granted if, within 3 months, NOAA receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

William H. Hooke,

Acting Chief Scientist, National Oceanic and Atmospheric Administration.

[FR Doc. 92–7097 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–13–M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of permits (P66G) and (P66I).

On February 11, 1992, notice was published in the **Federal Register** (57 FR 4990) that applications had been filed by the Alaska Department of Fish and Game, Division of Wildlife Conservation, P.O. Box 3–222, Juneau, AK 99802, for the following permits:

Permit No. 770 (P66G) authorizes, with certain conditions: (1) Up to 100 harbor seals (*Phoca vitulina*) and 50 spotted seals (*Phoca largha*) to be captured, restrained, blood sampled, flipper tagged, equipped with satellite-linked platform transmitter terminals (PTTs) and/or VHF telemetry and released; (2) the same activities to be conducted on an additional 100 harbor seals and 50 spotted seals, except that this control group will not be electronically tagged; (3) up to ten (10) harbor seals and five (5) spotted seals to be unintentionally killed during the conduct of the authorized research activities; and (4) up to 500 harbor seals and 500 spotted seals to be unintentionally harassed while conducting the authorized activities. These acitvities will occur over a four-year period.

Permit No. 771 (P66I) authorizes, with certain conditions: (1) Up to 50 sea lions to be chemically immobilized, blood sampled, measured, weighed, tooth extracted, swabbed, blubber biopsied, equipped with satellite-linked platform transmitter terminals (PTTs) and/or VHF radio tags; (2) up to 10 sea lions to be unintentionally killed during the

course of developing and testing effective chemical immobilization protocols; and (3) up to 1000 sea lions to be unintentionally disturbed during the course of the research activities. These activities may be carried out over a two-year period in Alaska.

Notice is hereby given that on March 20, 1992, as authroized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued two Permits for the above takings, subject to certain conditions set forth therein.

Issuance of the Steller sea lion Permit, as required by the Endangered Species Act of 1973, is based on the finding that such Permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of the Permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Act. This Permit was also issued in accordance with and is subject to parts 220–222 of title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permits and supporting documentation are available for review in the following offices:

By appointment: Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910; and

Director, Alaska Region, National Marine Fisheries Service, Fed. Bldg., 709 W. 9th Street, Juneau, Alaska 99802 (907/586–7221).

Dated: March 20, 1992.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 92–7069 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–23–M

Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of a Scientific Research Permit (P475).

On December 30, 1991, notice was published in the **Federal Register** (56 FR 67287) that an application had been filed by Ms. Dena R. Matkin, Gustavus, AK 99826 for a Permit to harass annually, up to five times each, up to 150 killer whales (*Orcinus orca*) during photo-identification studies. The purposes of the proposed research are to: Continue the applicant's long-term photo-identification of killer whales that utilize the southeastern Alaska ecosystem; determine pod composition and cohesiveness; define within-pod affiliations; and assess the effects of the Prince William Sound oil spill on habitat use by killer whales in southeastern Alaska.

Location of activity: The proposed activities will be conducted year-round in southeastern Alaskan waters.

Notice is hereby given that on March 20, 1992, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to the above applicant to inadvertently harass the marine mammals described above subject to certain conditions set forth therein. To provide a standard, quantifiable measure of approach effort, approaches <100 yards and those animals showing signs of being disturbed no matter the distance are considered "taken" by harassment and counted against the number of animals authorized in the Permit. The Permit became effective upon the date of signature.

In light of a planned review by the National Marine Fisheries Service of North Pacific humpback whale/killer whale research during 1992, Permit 772 has been issued only through December 31, 1992.

Issuance of this Permit is based on a finding that the proposed taking is consistent with the purposes and policies of the Marine Mammal Protection Act. The Service has determined that this research satisfies the issuance criteria for scientific research permits. The taking is required to further a *bona fide* scientific purpose and does not involve unnecessary duplication of research.

The Permit and associated documents are available for review in the following offices:

By appointment: Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910 (301/773–2289);

Director, Alaska Region, National Marine Fisheries Service, NOAA, 709 West 9th Street, Federal Bldg., Juneau, AK 99802 (907/586–7221); and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150).

Dated: March 20, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–7070 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–23–M

Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Application for Public Display Permit, Zoo Parquesan, Parques de Fuengirola Malaga, Malaga, Spain (P508).

SUMMARY: Notice is hereby given that an applicant has applied in due form for a Public Display Permit to obtain the care and custody of marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. *Applicant:* Zoo Parquesan, Parques de Fuengirola, Camino Jose Cela, s.n., 29640 Fuengirola, Malaga, Malaga, Spain 29640.

2. *Type of Permit:* Public Display.

3. *Name and Number of Animals:* Two (2) male California sea lions (*Zalophus californianus*).

4. The applicant requests authorization to obtain and maintain two male California sea lions, from captive stock, currently in the custody of The Marine Mammal Center, Sausalito, CA.

Duration of Activity: The animals are to be maintained indefinitely at Zoo Parquesan in Malaga, Spain, with the applicant having full responsibility for the care and maintenance of the animals as certified by the Spanish Government.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, NMFS, U.S. Department of Commerce, 1335 East-West Highway, SSMC#1, room 7330, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connection with the above application are available for review by interested persons in the following office:

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, SSMC#1, room 7330, Silver Spring, MD 20910 (301/713–2289); and

Director, Southwest Region, NMFS, NOAA, 501 W. Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4001).

Dated: March 23, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92–7071 Filed 3–26–92; 8:45 am]

BILLING CODE 3510–23–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List fiberboard wood boxes to be furnished by a nonprofit agency employing persons who are severely disabled.

EFFECTIVE DATE: April 27, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On January 6, 1992, the Commitee for Purchase from the Blind and Other Severely Handicapped published a notice (57 FR 400) of the proposed addition of these wood boxes to the Procurement List.

Comments were received from the current contractor for these boxes. The commenter indicated that loss of its contracts would constitute a severe adverse impact on it. It also indicated that the nature of the manufacturing process made it unsuitable for workers with severe disabilities, and that the use of workers without disabilities would merely displace its workers. It also indicated that the result of this action would be an increase in the prices paid by the Government.

Based on the data the commenter submitted, the Committee has determined that the impact on the current contractor would not be severe. The boxes would be produced almost entirely by workers with severe disabilities, so the contractor's workers would not be displaced by other workers without disabilities. The Committee's statute requires that items on the Procurement List be supplied to the Government at a fair market price. Consequently, any increase above the current contract price would be minimal and would be within the range of prices offered by the commercial market.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action wil not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for addition to the Procurement List.

Accordingly, the following commodities are hereby added to the Procurement List:

Box, Wood, Fiberboard

8115–00–L01–0679
8115–00–L01–0680
8115–00–L01–0681
8115–00–L01–0682
8115–00–L01–0684
8115–00–L85–0005

(Requirements of the Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania only)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,

Deputy Executive Director.

[FR Doc. 92–7141 Filed 3–26–92; 8:45am]

BILLING CODE 6820–33–M

Procurement List Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 27, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman, (703) 577–1145.

SUPPLEMENTARY INFORMATION: On November 8, 1991, January 10 and 31, 1992 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (56 FR 57323, 57 FR 1147 and 3750) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities or service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities or service.

3. The action will result in authorizing small entities to furnish the commodities or service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities or service proposed for addition to the Procurement List.

Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Skid, Wood
3990–00–NSH–0065
(Requirements for the Government Printing Office, Washington, DC)
Scraper, Ice
7920–01–323–0793
Coveralls, Men's
8405–00–037–9184
8405–00–037–9234
8405–00–037–9274
8405–00–037–9280
8405–00–037–9281
8405–01–173–7438
8405–01–173–7439
8405–01–173–7440

Service

Janitorial/Custodial
Fort Shafter Buildings 200, 214, 230, T–1, T–128, T–223, T–1544, T–1571
Tripler Army Medical Center Building 127 Oahu, Hawaii

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,
Deputy Executive Director.
[FR Doc. 92–7142 Filed 3–26–92; 8:45 am]
BILLING CODE 6820–33–M

Procurement List Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.
ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 27, 1992.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and a service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.
2. The action does not appear to have a severe economic impact on current contractors from the commodities and service.
3. The action will result in authorizing small entities to furnish the commodities and service to the Government.
4. There are no know regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48C) in connection with the commodities and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and service to the Procurement List:

Commodities

Enema Administration Kit
6530–00–117–8991
Microfiche, FAA Airworthiness Documents
7690–00–NSH–0021 (Program C684–S)
(Requirements for the Government Printing Office, Washington, DC only)

Service

Mail and Messenger Service, U.S. Army Corps of Engineers, Huntsville, Alabama.

E.R. Alley, Jr.,
Deputy Executive Director.
[FR Doc. 92–7143 Filed 3–26–92; 8:45 am]
BILLING CODE 6820–33–M

Procurement List; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.
ACTION: Addition to Procurement List.

SUMMARY: This action adds to the Procurement List a multi-loop line to be furnished by a nonprofit agency employing persons who are severely disabled.

EFFECTIVE DATE: April 27, 1992.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 2, 1991, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (56 FR 61234) of the proposed addition of this multi-loop line to the Procurement List.

No comments were received during the public comment period. However, late in the rulemaking process, comments were received from the current contractor and a State rehabilitation counselor addressing the issues of impact on the current contractor and its employment of people with disabilities. The comments indicated that as many as twelve employees with disabilities could be displaced if the contractor could no longer supply multi-line loops to the Government.

The Committee understands that the multi-loop line being added to the Procurement List by this rulemaking is one of 61 such lines in the Government supply system, 26 of which are being currently procured. This line is the fourth to be added to the Procurement List, leaving at least 22 available for the contractor to compete on suppling to the Government. The contractor has admitted that loss of this one line would not impact it severely. The Committee has taken this into account, as well as the impact of two other lines added to the Procurement List for which this contractor was the current contractor, in concluding that this rulemaking will not constitute severe adverse impact on the contractor. The Committee believes that the creation of employment for persons with severe disabilities under its program, which requires that a large percentage of direct labor be performed by persons with these disabilities, outweighs a possible loss of employment for a small number of persons with disabilities who may be discharged by their employer for other reasons.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodity at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity to the Government.
2. The action will not have a severe economic impact on current contractors for the commodity.
3. The action will result in authorizing small entities to furnish the commodity to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Line, Multi-Loop
1670–01–062–8308

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E. R. Alley, Jr.,
Deputy Executive Director.
[FR Doc. 92–7226 Filed 3–26–92; 8:45 am]
BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).
Dates/Time of Meeting: 10 April 1992.
Time: 0800–1100 hours.
Place: Pentagon, Washington, DC.
Agenda: The members of the Army Science Board Issue Group Study on Longbow for the Comanche and Apache will meet with representatives from the Army Materiel Systems Analysis Activity (AMSAA) and representatives of Harry Diamond Labs (HDL) to review the sensitivity analysis conducted by AMSAA for the Longbow Fire Control Radar Stationary Target Indications. The members will review available technical documentation, and review radar and missile requirements given the physical specifications of the missile and radar. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,
Administrative Officer, Army Science Board.
[FR Doc. 92–7208 Filed 3–26–92; 8:45 am]
BILLING CODE 3710–8–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).
Dates/Time of Meeting: 13–14 April 1992.
Time: 0900–1700 hours.
Place: Picatinny Arsenal, Dover, New Jersey.
Agenda: The Army Science Board Systems Issue Group will meet with government and contractor representatives to discuss results of the test firings at Yuma Proving Grounds, review pressure oscillation analysis, and discuss the latest design of the Regenerative Liquid Propellant Gun. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781/0782.

Sally A. Warner,
Administrative Officer, Army Science Board.
[FR Doc. 92–7209 Filed 3–26–92; 8:45 am]
BILLING CODE 3710–8–M

DEPARTMENT OF ENERGY

USDOE Field Office, Oak Ridge (OR); Notice

AGENCY: Department of Energy (DOE).
ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2), it intends to issue on a noncompetitive basis a new grant to the University of Florida to conduct a training course for the period May 3–June 13, 1992 under the sponsorship of the International Atomic Energy Agency (IAEA). The course is the 1992 U.S.-Hosted Inter-Regional Training Course for IAEA, entitled "Use of Isotopes and Radiation in Insect Control and Entomology." The period of performance will be from the date of award through September 30, 1992. The estimated amount is $67,000.

Procurement Request No.: 05–92IE11099.000.

Project Scope: This new grant is to conduct a course that has been held at the University of Florida every other year since 1963. The primary pupose is to provide technical training for research entomologists world wide as part of an international effort to increase food supplies through controlling pests that cause significant losses. The course promotes peaceful uses of atomic energy as well as public interest in disseminating knowledge about techniques to control insect pests harmful to the United States. The University of Florida has the unique availability and access to major Federal, State, and University entomology laboratories that are all located within the Gainesville, FL commuting area. Their location enables the course to enhance lectures by including site visits and hands-on laboratory work. Eligibility for this award is, therefore, restricted to the University of Florida.

FOR FURTHER INFORMATION CONTACT: Barbara Thomas, Division of Nuclear Non-Proliferation Policy, Office of International Affairs, USDOE, Washington, DC 20585, (202) 586–6188.

Issued in Oak Ridge, Tennessee, on March 18, 1992.

Willis Davis,
Acting Director, Procurement and Contracts Division, USDOE Field Office, Oak Ridge (OR).
[FR Doc. 92–7144 Filed 3–26–92; 8:45 am]
BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to Hyberport, Inc.

AGENCY: U.S. Department of Energy.
ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Hyberport, Incorporated under Grant No. DE–FG01–92CE15536. The proposed grant will provide funding in the estimated amount of $83,791 for Hyberport, Inc., to save energy by developing and commercially demonstrating their Electronic Control for Thermostatic Expansion Valves (ECTXV). The ECTXV is a device that extends the range of efficient operation of refrigeration, heat pump, and air-conditioning systems.

In accordance with 10 CFR 600.14(e)(1), it has been determined that this represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation.

The co-inventors, Joseph Marsala and Melvin M. Winters, both have considerable experience with refrigeration systems and associated control systems.

The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility allowing for future reductions in the energy consumption of the United States. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is 18 months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, Attn: Bernard G. Canlas, PR-322.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 92-7145 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

Intent To Award a Grant to Pennsylvania State University for Advanced Thermally Stable Coal-Derived Jet Fuels Research Program

AGENCY: U.S. Department of Energy, Pittsburgh Energy Technology Center.

ACTION: Intent to make a noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE), Pittsburgh Energy Technology Center announces that pursuant to 10 CFR 600.7(b)(2)(i) criteria (A) and (D), it intends to make a noncompetitive financial assistance award (grant) to Pennsylvania State University (PSU).

SUPPLEMENTARY INFORMATION: This financial assistance award is intended to support a long-term R&D effort (including both basic and applied research) with the primary objectives to: (1) Investigate the quantitative degradation chemistry of fuels, (2) characterize solid gums, sediments, and carbonaceous deposits, (3) conduct coal-based fuel stabilization studies, and (4) conduct exploratory conversion studies of coal to high thermal stability jet fuels.

In accordance with 10 CFR 600.7(b)(2)(i) criteria (A) and (D), Pennsylvania State University has been selected as the grant recipient. DOE support the activity would enhance the public benefits in that the technology developed under the program will also eventually have direct future applications for the development of improved commercial aviation jet fuels. This noncompetitive financial assistance is an extension of a previous subprogram funded by the Department of Defense and is justified as a logical extension of the research that PSU began under prior DoD agreements. Competition would have a significant adverse effect on the continuity and completion of the research. Therefore, the Department of Energy has determined that a competitive solicitation would be inappropriate. Furthermore, PSU is uniquely qualified and situated to conduct the research which would satisfy the needs of DOE's Fossil Fuel Energy R&D Program.

The term of the grant is for a one (1) year period, with an estimated value of $2,000,000.00. For further information contact: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-118, Pittsburgh, PA 15236-0940, Attn: John N. Augustine, Telephone: AC (412) 892-4524.

Issued in Washington, DC on March 18, 1992.

Richard D. Rogus,

Contracting Officer, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 92-7146 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Columbia Power Cooperative Association, Antelope-Fossil Rebuild Project; Floodplain and Wetland Involvement Notification

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of floodplain and wetland involvement, Wheeler and Wasco Counties, Oregon.

SUMMARY: BPA proposes to amend an existing lease agreement with Columbia Power Cooperative Association (CPCA) to upgrade a transmission line between the Antelope Substation and the BPA Fossil Substation in Wasco and Wheeler Counties, Oregon. The project involves rebuilding and reconductoring 23.2 miles of transmission line, including modification from 69kV to 115kV. This project represents our extension of similar modifications undertaken in 1987 along adjacent portions of the transmission line by Columbia Power Cooperative and Wasco Electric. This rebuild will be constructed along the existing right-of-way for the present transmission line and consists essentially of the same line upgraded for future loads. The existing line route crosses riparian wetlands and the floodplains of the John Day River, plus several minor tributaries. No alternative routes have been identified for the transmission line.

DATES: Any comments are due on or before April 13, 1992.

FOR FURTHER INFORMATION AND/OR TO MAKE COMMENTS, CONTACT: John Taves—EFBG, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208.

SUPPLEMENTARY INFORMATION: A 100-year floodplain exists along portions of the the John Day River, which will be crossed by the project. This floodplain occurs along the Wheeler County-Wasco County boundary and includes sections 3, 4, and 5 in Township 8 South, Range 19 East. The floodplain also involves sections 32, 33, 34, 35, and 36 within Township 7 South, Range 19 East along the John Day River, the lower portion of which includes Hancock and Indian Canyons bordering Pine Creek and Cove Creek tributaries. Near the community of Fossil the project route also crosses the 100-year floodplain of Cottonwood Creek within section 8, Township 7 South, Range 21 East. All of the proposed facilities will be located within the Cooperative's existing right-of-way with powerline structures positioned to minimize impact on wetlands and other environmental considerations. It will be necessary to locate some structures within the 100-year floodplain along the John Day River and associated tributaries.

Limited riparian and seasonal wetlands also occur within the 100-year floodplain of the John Day River within previously cited sections. Additional isolated pockets of seasonally moist areas occur within section 34 of Township 7 South, Range 17 East, section 3, Township 8 South, Range 17 East, and section 34, Township 7 South, Range 19 East. The proposed project also crosses several minor seasonally flooded drainages and small creeks along the proposed route.

In accordance with DOE regulations for compliance with floodplain and wetland environmental review requirements (10 CFR part 1022), BPA will prepare a floodplain/wetland assessment on this proposed action. This floodplain/wetland assessment will be included in the Environmental Assessment and the Floodplain Statement of Findings will be included in a Finding of No Significant Impact or Final Environmental Impact of Statement. Maps and further information are available from BPA at the address shown above.

Issued in Portland, Oregon, on March 13, 1992.

Jack S. Robertson,

Acting Administrator, Bonneville Power Administration.

[FR Doc. 92-7149 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF91-23-001, et al.]

EEA I, L.P., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. EEA I, L.P.

[Docket No. QF91-23-001]

March 18, 1992.

On March 11, 1992, EEA I, L.P. (Applicant), of 1275 K Street, NW., suite 900, Washington, DC 20005-4005, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Union County, New Jersey. The facility will consist of a combustion turbine generator, a heat recovery boiler, and an extraction/condensing steam turbing generator. Thermal energy recovered from the facility will be provided to the United States Gypsum Company for process use. The primary energy source will be natural gas. The net electric power production capacity of the facility will be approximately 148.9 MW. Installation of the facility is scheduled to begin in June, 1992, with commercial operation scheduled to begin in January, 1994.

Comment date: April 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. The AES Corporation

[Docket No. QF83-145-001]

March 19, 1992.

On March 6, 1992, the AES Corporation (Applicant), of 1001 North 19th Street, Arlington, Virginia 22209, filed with the Federal Energy Regulatory Commission an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is located in Pasadena, Texas and is currently operating as a qualified topping-cycle cogeneration facility pursuant to an order issued by the Commission on April 11, 1983, 23 FERC ¶ 62,030 (1983). Applicant now requests that the facility be certified as a small power production facility. The facility consists of a single steam boiler fired by petroleum coke and a condensing steam turbine generator. The maximum net electric output of the facility is 143MW. Natural gas is used for start-up and flame stabilization. In addition, the ownership of the facility has changed from the AES Corporation to AES Deepwater, Inc.

Comment date: April 27, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Kansas City Power & Light Company

[Docket No. ES92-34-000]

March 19, 1992.

Take notice that on March 16, 1992, Kansas City Power & Light Company filed an application with the Federal Energy Regulatory Commission under § 204 of the Federal Power Act requesting authority to issue not more than $750 million of short-term debt instruments on or before June 30, 1994, with a final maturity date no later than June 30, 1995.

Comment date: April 15, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. Pacific Gas & Electric Company

[Docket No. ER91-505-002]

March 20, 1992.

Take notice that on February 28, 1992, Pacific Gas & Electric Company (PG&E) tendered for filing its refund report in the above referenced docket.

Comment date: April 2, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Central Power and Light Company

[Docket No. ER92-349-000]

March 20, 1992.

Take notice that on March 4, 1992, Central Power and Light Company (CPL) tendered for filing the Second Amendment, dated December 19, 1991, to the Capacity Sale Agreement between CPL and Tex-La Electric Cooperative, Inc. (Tex-La) dated January 29, 1990, as amended.

The Second Amendment extends the term of the Capacity Sale Agreement from December 31, 1994 to December 31, 1995. It also decreases the contract capacity effective as of October 1, 1992 from 46 W to 6 MW, and increases the annual capacity charge for the 1995 contract year.

Copies of this filing were served upon Tex-La and the Public Utility Commission of Texas.

Comment date: April 2, 1992, in accordance with Standard Paragraph E at the end of this notice.

6. Central Louisiana Electric Company, Inc.

[Docket No. ER90-36-009]

March 19, 1992.

Take notice that on February 21, 1992, Central Louisiana Electric Company (CLECO) tendered for filing its compliance filing in the above-referenced docket.

Comment date: April 3, 1992, in accordance with Standard Paragraph E at the end of this notice.

7. Kalaeloa Partners, L.P.

[Docket No. QF89-198-001]

March 20, 1992.

On March 18, 1992, Kalaeloa Partners, L.P. (Applicant) tendered for filing an amendment to its filing in this docket.

The amendment provides additional information pertaining to certain technical information. No determination has been made that the submittal constitutes a complete filing.

Comment date: April 8, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7078 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI92-15-000, et al.]

Amerada Hess Corporation, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Amerada Hess Corp.

[Docket No. CI92-15-000]

March 18, 1992.

Take notice that on December 5, 1991, as supplemented on February 18, 1992, Amerada Hess Corporation (AHC) of P.O. Box 2040, Tulsa, Oklahoma 74102, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for a blanket certificate to authorize jurisdictional sales of gas under contracts to which AHC is or becomes a successor-in-interest prior to the effective date of total decontrol under the Natural Gas Wellhead Decontrol Act of 1989, all as more fully set forth in the application which is on file with the Commission and open for public inspection. AHC also requests that the Commission waive its regulations regarding the submission of successor-in-interest filings, establishment of rate schedules and filing of blanket affidavits to cover collection of allowable prices.

Comment date: April 7, 1992, in accordance with Standard Paragraph J at the end of this notice.

2. Texas Gas Transmission Corp.

[Docket No. CP92-409-000]

March 18, 1992.

Take notice that on March 12, 1992, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP92-409-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authorization to transfer an existing delivery point for Ohio Valley Gas, Inc. (Ohio Valley) to Southern Indiana Gas and Electric Company (SIGECO) along with eighty-eight (88) existing "farm" tap customers under its blanket certificate issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas states that Ohio Valley and SIGECO (both existing sales customers of Texas Gas) entered into a sales agreement dated June 21, 1991, whereby SIGECO agreed to acquire the portion of the Wagner Sales Meter Station (Wagner SMS) currently owned by Ohio Valley along with eighty-eight (88) existing "farm" tap customers. Texas Gas indicates that the Wagner SMS is located in Warrick County, Indiana and the "farm" tap customers are located in the same general area in Gibson, Vanderburgh and Warrick Counties, Indiana.

Texas Gas states that the proposed annual maximum quantity of natural gas to be delivered to SIGECO through the transferred Wagner SMS and "farm" taps is 22,500 MMBtu, with a daily maximum quantity of 500 MMBtu. Texas Gas states that service to SIGECO can be accomplished through the proposed transferred delivery point within its current contract demand and quantity entitlement and Ohio Valley's contract demand and quantity entitlement will also remain unchanged.

Comment date: May 4, 1992, in accordance with Standard Paragraph G at the end of this notice.

3. Colorado Interstate Gas Co.

[Docket No. CP92-410-000]

March 18, 1992.

Take notice that on March 13, 1992, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92-410-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon one 825-horsepower compressor engine at the Fuller Reservoir Field Compressor Station (Fuller) located in Fremont County, Wyoming, all as more fully set froth in the application which is on file with the Commission and open to public inspection.

CIG states that the 825-horsepower unit installed at Fuller in 1990 has been determined to have excess capacity for the volumes being produced in the Fuller Reservoir area of Wyoming. CIG states further that the unit proposed to be abandoned would be replaced by a 400-horsepower unit to be installed at the existing site pursuant to CIG's blanket certificate issued in Docket No. CP83-21-000.

Comment date: April 8, 1992, in accordance with Standard Paragraph F at the end of this notice.

4. Michigan Consolidated Gas Co.

[Docket No. CP92-02-408-000]

March 18, 1992.

Take notice that on March 11, 1992, Michigan Consolidated Gas Company (MichCon), pursuant to sections 3 and 7(c) of the Natural Gas Act and parts 157 and 385 of the Commission's Regulations, filed for: (1) An amendment to MichCon's section 3 authorization with respect to the St. Clair Pipeline (the "Section 3 Order") authorizing, with one exception, the unrestricted use of that pipeline in foreign and interstate commerce; and (2) either a declaratory order to the effect that MichCon may operate its St. Clair Pipeline in interstate commerce under its Order No. 63 blanket certificate, or, in the alternative, a limited jurisdiction blanket certificate under section 7(c) of the Natural Gas Act authorizing MichCon to operate the St. Clair Pipeline in interstate commerce subject to the same terms and conditions as are contained in its Order No. 63 blanket certificate.

Comment date: April 8, 1992, in accordance with Standard Paragraph F at the end of this notice.

5. Yukon Pacific Corp.

[Docket No. CP88-105-001]

March 18, 1992.

Take notice that on March 9, 1992, Yukon Pacific Corporation (Yukon Pacific) filed in Docket No. CP88-105-001, its Application to Amend its prior application filed in Docket No. CP88-105-000 on December 3, 1987. The purpose of this Amendment filing is to substitute "Yukon Pacific Company L.P." for "Yukon Pacific Corporation" as the applicant in this proceeding. On December 3, 1987, Yukon Pacific filed an application pursuant to the Commission's delegated Natural Gas Act section 3 Authority requesting an order aproving Anderson Bay, Alaska as the place of export for its Trans-Alaska Gas System (TAGS) project. Yukon Pacific was formed to construct, operate and maintain TAGS and to market LNG transported through TAGS in the Asian Pacific Rim countries of the Republic of China (Taiwan), and the Republic of Korea and Japan.

Yukon Pacific states that it and CSX [1] decided to implement a business form different than the corporate structure utilized in the TAGS project's initial stages. CSX and Yukon Pacific formed Yukon Pacific Company L.P. (YPLP), a Delaware limited partnership, by an agreement entered into on October 31, 1991, to serve as the future management and financing vehicle for the TAGS project. Yukon Pacific is the sole managing partner of YPLP and, as such, will be responsible for the day-to-day operations of the TAGS project. Starr of Alaska, Inc. (Starr), a wholly-owned subsidiary of CSX, is the sole limited partner and holds all of the limited partnership interests of YPLP.

As part of its decision to form YPLP, Yukon Pacific agreed to contribute all or substantially all of the State and Federal authorizations it holds that relate to the operation and development of the TAGS project, including the place of export authorization sought from the Commission in this proceeding. On behalf of YPLP, Yukon Pacific requests that the Applicant in this docket be redesignated by the Commission or its delegatee as "Yukon Pacific Company L.P.".

Comment date: April 8, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

[1] CSX holds a controlling interest in both Yukon Pacific and in Starr of Alaska, Inc.

6. Kern River Gas Transmission Co.

[Docket No. CP92-198-001]

March 19, 1992.

Take notice that on March 12, 1992, Kern River Gas Transmission Company (Kern River), P.O. Box 2511, Houston, Texas 77252-2511, filed pursuant to section 7 of the Natural Gas Act, as amended, and subpart A of part 157 of the Regulations of the Federal Energy Regulatory Commission, an amendment to its pending application of November 19, 1991, for a certificate of public convenience and necessity in Docket No. CP92-198-000. Kern River states that the purpose of the amendment is to reinstate its request in its application for authority to construct, own and operate the "Primary Case" facilities described in the application. The amendment states that the Primary Case in the application included facilities on Kern River's wholly-owned pipeline system and on the "Common Facilities" in California that Kern River owns jointly with Mojave Pipeline Company (Mojave) to expand the capacity of Kern River's system by 451,756 Mcf per day, based on the assumption that Mojave concurrently would expand its pipeline system's capacity by 200,000 Mcf per day.

Kern River states that the Director of the Office of Pipeline and Producer Regulation, by letter dated February 5, 1991, rejected the primary case without prejudice on the ground that Mojave had not then filed an application to expand its system in conjunction with the Primary Case expansion proposed by Kern River. On February 28, 1992, Kern River states, Mojave filed in Docket No. CP92-370 an application for authority to, *inter alia*, expand its system by 260,000 Mcf per day in conjunction with Kern River's Primary Case expansion. Kern River therefore amends its application in Docket No. CP92-198-000 to reincorporate its request for certification of the Primary Case.

Kern River states that it has submitted with its amendment a revised Exhibit G flow diagram illustrating operation of the Primary Case facilities and a revised Exhibit Z-1 illustrating operation of the Alternative Case facilities described in Kern River's application. These flow diagrams differ slightly from the corresponding flow diagram exhibits in the application, Kern River states, because of changes made to reflect more current information on contemplated deliveries from the Common Facilities and for consistency with the assumptions used by Mojave to prepare the flow diagrams contained in its application in Docket No. CP92-376-000. Kern River states that these changes do not alter the facilties in, or the estimated costs of, either the Primary Case or the Alternative Case as they were described in Kern River's application of November 19, 1991.

Comment date: April 9, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

7. Colorado Interstate Gas Co.

[Docket No. CP92-412-000]

March 19, 1992.

Take notice that on March 16, 1992, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP92-412-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation and exchange of natural gas service between CIG and Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CIG proposes to abandon the transportation and exchange service provided under a systemwide transportation and exchange agreement (agreement) between CIG and Northwest dated March 11, 1980, under CIG's Rate Schedule X-39 to be effective upon Commission approval. CIG states that CIG transports, pursuant to the agreement, up to 25,000 Mcf of natural gas per day delivered by Northwest at various points on CIG's system to a point of interconnect near Green River in Sweetwater County, Wyoming. CIG and Northwest provide reciprocal gathering for each other, it is stated. The agreement has a primary term of 20 years and thereafter as long as either party is delivering gas to the other party, it is stated. Since the agreement is only being used for minor volumes, CIG and Northwest entered into a termination agreement dated June 30, 1991, to terminate the agreement under CIG's Rate Schedule X-39 and to implement appropriate replacement gathering and transportation agreements, it is indicated. CIG states that CIG has been informed that Northwest has filed its companion application for abandonment authorization under Northwest's Rate Schedule X-66 in Docket No. CP92-253-000.

No facilities are proposed to be abandoned herein.

Comment date: April 9, 1992, in accordance with Standard Paragraph F at the end of this notice.

8. Trident NGL, Inc. and Oryx Energy Co.

[Docket No. CP92-416-000]

March 19, 1992.

Take notice that on March 13, 1992, Trident NGL, Inc. (Trident), 10200 Grogans Mill Road, the Woodlands, Texas 77380, and Oryx Energy Company, (Oryx) P.O. Box 2880, Dallas, Texas 77251-2880 (hereinafter collectively referred to as Trident/Oryx), filed in Docket No. CP-92-416-000 a petition under Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order finding that the facilities of and services performed by, the Rodman Gathering System, the MacKellar Gathering System and the Rodman-Enid 8-inch lateral pipeline located in Major, Garfield, Blaine and Kingfisher Counties, Oklahoma, will be exempt from the Commission's jurisdiction under section 1(b) of the Natural Gas Act, following the purchase of such facilities from Williams Natural Gas Company (WNG). Trident/Oryx also request that the declaratory state that it may change its rates under the blanket filing authority of § 154.94(h) of the Commission's Regulations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection. Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure (18 CFR 385.212), Trident/Oryx request that the petition be consolidated with WNG's abandonment application in Docket No. CP92-351-000, and considered together for approval with that docket.

Trident/Oryx state that the Rodman Gathering System consists of 750 miles of pipe, ranging in size from two to twenty inches, all portions of which are located behind the Rodman Plant, which is owned by Trident/Oryx. It is stated that 647 miles of the Rodman system are owned by WNG and the remainder by Trident/Oryx and that Trident is the operator of the Rodman Plant. Gas gathered in the Rodman system is processed at the Rodman Plant and then delivered to WNG. In addition, it is stated that field compression is provided by Trident/Oryx, and WNG provides no compression services upstream of the Rodman Plant. Trident/Oryx state that the field compression is used to increase the typical well delivery pressure in the Rodman system from 20–30 psig to approximately 300 psig. This field compression is used to increase line pressures to permit deliveries of gas at the operating pressure of the Rodman Plant, where the gas is processed, dehydrated and recompressed for residue delivery to WNG. The secondary compression provided by the Rodman Plant increases the gas pressure to meet WNG's delivery standard of 700 psig.

It is stated that the MacKellar Gathering System consists of approximately 18 miles of 4-inch plastic pipe which overlays, but is not physically connected to, the Rodman System. Trident/Oryx state that a single producer owns the approximately 400 Mcf per day (Mcfd) of natural gas production attached to the MacKellar system. Gas is gathered from approximately nineteen points along the MacKellar system and is presently delivered to the Phillips Kingfisher Plant for processing and redelivered to WNG at the tailgate.

Trident/Oryx state that Rodman-Enid 8-inch line is one of two 8-inch lines that connect the Rodman Plant with WNG's Enid Compressor Station. Trident/Oryx propose to incorporate the Rodman-Enid 8-inch line into the operations of the Rodman Gathering System and, therefore, the line will no longer deliver pipeline quality gas to WNG. It is stated that the line's current pressure of 700 psig will be reduced to approximately 300 psig and numerous wells located along the Rodman-Enid line could be connected.

Following transfer of the facilities, Trident/Oryx state that WNG will enter into agreements with it for the use of the facilities as may be necessary to WNG. Trident/Oryx state that it will charge WNG no greater price than the lowest price it charges for similar services to similarly situated parties.

In addition, it is stated that WNG and Trident will enter into a new gas purchase contract for the sale of gas at the Rodman Plant tailgate. WNG will assign all its existing gas purchase contracts behind the plant to Trident to support the new tailgate purchase agreement. According to Trident/Oryx, the new tailgate sales agreement will maintain the current deliverability committed to WNG on the Rodman system for WNG's supply requirements. Trident/Oryx state that it stands ready to off gathering, processing and marketing services to all producers on the Rodman Gathering System and that its rates, terms and conditions will be no less favorable than those presently provided by WNG.[3]

It is stated that WNG presently provides natural gas to right-of-way grantors through approximately fifteen sales taps located on the Rodman system and the Rodman-Enid line. Further, approximately 1,258 Mcf per year of these sales are made to Kansas Power and Light Company which, in turn, sells to the right-of-way grantors. Trident/Oryx state that it will assume WNG's obligations to provide gas service to these right-of-way grantors who wish to receive continued service. It is estimated that the Rodman system provides approximately 11 Mcf per month. Since service to these right-of-way grantors is minor in nature, Trident/Oryx requests that the declaratory order state that Trident/Oryx may change its rate under the blanket filing authority of § 154.94(h) of the Commission's regulations.[3]

Trident/Oryx state that the facilities meet the physical criteria of the *Farmland* [4] test and should be declared exempt gathering facilities. It is stated that 95 percent of the facilities in the Rodman system have a diameter of 8 inches or less. The remaining segments, one 3.1-mile segment of 10-inch pipe, one 20-mile segment of 12-inch pipe, one 27-mile segment of 16-inch pipe and one 5.3-mile segment of 20-inch pipe are all low pressure lines which deliver gas to the Rodman Plant.

It is stated that the Rodman and MacKellar Gathering Systems spread out in a network-like configuration basically revolving around the Rodman and Kingfisher Plants, and consist of numerous lines of various diameter. It is also stated that the relatively short length and small diameter of both the gathering systems and the Rodman-Enid 8-inch line is consistent with their gathering function. Also, there are wells connected throughout the Rodman and MacKellar systems and along the Rodman-Enid line.

Trident/Oryx state that compression on the Rodman system is necessary to boost wellhead pressures to meet the plant inlet specifications of 300 psig. Secondary compression at the plant is necessary to meet WNG's system pressure of 700 psig. Therefore, it is stated that the compression is consistent with a gathering function. In addition, it is stated that the MacKellar system and the Rodman-Enid line will also be operated at pressures dictated by the operating pressure of the Rodman Plant.

Finally, Trident/Oryx state that they are not affiliated with WNG and will be providing only gathering and processing services. It is stated that the purpose of the facilities is solely to provide such gathering and processing services. Thus, Trident/Oryx state that its general business activity is consistent with treating the facilities as gathering.

Comment date: April 9, 1992, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7079 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[3] Trident/Oryx state that it is aware of one situation involving a single producer of natural gas which has contracted directly with WNG for gathering services without contracting with Trident/Oryx for necessary field compression services. Without waiving any past, present or future claims for relief against such producer associated with nonpayment for field compression, Trident/Oryx states it will assume WNG's obligation to provide gathering services to such producer on rates, terms and conditions no less favorable than those presently offered by WNG.

[3] See, *Zenith Natural Gas Company*, 56 FERC ¶ 61,056 (1991).

[4] *Farmland Industries, Inc.*, 23 FERC ¶ 61,063 (1983).

[Docket No. JD92-04471T; Colorado-49 Addition 3]

State of Colorado; NGPA Determination by Jurisdictional Agency Designating Tight Formation

March 20, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that two portions of the Niobrara Formation in Boulder and Weld Counties, Colorado, qualify as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application is described as follows:

Township 2 North

Ranges 66, 67, 68, and 69 West, 6th P.M.
Sections 1–36: All

Township 1 North

Ranges 66 and 67 West, 6th P.M.
Sections 1–36: All

Township 1 South

Range 69 West, 6th P.M.
Sections 25–36: All
Range 70 West, 6th P.M.
Sections 1–36: All

The notice of determination also contains Colorado's findings, as amended on March 19, 1992, that the referenced portions of the Niobrara Formation meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7080 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP92-343-000]

Phillips 66 Natural Gas Co.; Technical Conference

March 20, 1992.

Take notice that on April 7, 1992, the staff of the Federal Energy Regulatory Commission will convene a technical conference in the captioned proceeding to examine certain issues raised by the Phillips 66 Natural Gas Company (Phillips)'s application to abandon an exchange service with Transwestern Pipeline Company (Transwestern). Transwestern protested Phillips' application.

Action on this proceeding has been deferred, at the parties' request, while they attempted to resolve their differences. On February 19, 1991, Phillips advised staff that settlement wasn't reached and requested action on its abandonment request.

The issues to be addressed at the technical conference include:

- Whether the information in the record reflects the current conditions;
- The amount of the current gas imbalance owed to Transwestern;
- Whether the agreement is a gathering and processing service rather than an exchange; and
- Proposals for a possible settlement.

Attendance at the technical conference will be limited to parties to the proceeding and the Commission staff. The conference will be held at 10 a.m. at 810 First Street, NE., Washington, DC. The room number where the conference will be held will be posted on the first floor in that building on the day of the conference. For further information, contact Daniel Plumb at 202-208-0110.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7081 Filed 3-26-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-203-000]

Tennessee Gas Pipeline Co.; Informal Settlement Conference

March 20, 1992.

Take notice that an informal settlement conference will be convened in this proceeding on March 30, 1992, at 2 p.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to

attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald Williams at (202) 208–0743 or Dennis H. Melvin at (202) 208–0042.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7062 Filed 3–26–92; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 92–14–NG]

EMC Gas Transmission Co.; Application for Blanket Authorization To Export Natural Gas to Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to export natural gas to Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 6, 1992, of an application filed by EMC Gas Transmission Company (EMC) requesting blanket authorization to export up to a maximum of 15 Bcf of natural gas to Canada over a two-year period beginning on the date of first exportation. EMC states it would use existing facilities to implement the proposed exports, and would submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, April 27, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

FOR FURTHER INFORMATION CONTACT:

C. Frank Duchaine, Jr., Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3G–087, FE–53, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–8233.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–14, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: EMC, an Oklahoma corporation with its principal place of business in Detroit, Michigan, requests authority to export gas for its own account, as well as for the accounts of others. The specific terms of each export, including price and volume, would be negotiated at arms length in response to market conditions.

The export application will be reviewed under section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order Nos. 0204–111 and 0204–127. In deciding whether the proposed export is in the public interest, domestic need for the natural gas will be considered, and any other issue determined to be appropriate, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issuesd in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of EMC's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 23, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92–7147 Filed 3–26–92; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 92–07–NG]

Ledco, Inc.; Application for Blanket Authorization To Import and Export Natural Gas and Liquefied Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas and liquefied natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 31, 1992, of an application filed by LEDCO, Inc. (LEDCO), for blanket authorization to import and to export a combined total of up to 200 Bcf of natural gas, including liquefied natural gas (LNG), from and to any foreign country. LEDCO requests that the authorization be granted for a period of two years beginning on the date of the first delivery of gas or LNG after May 22, 1992, when its current blanket import/export authorization expires. LEDCO intends to use existing pipeline and LNG facilities for the processing and transportation of the volumes to be imported and exported and would continue to file quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed in Washington, DC, at the address listed below no later than 4:30 p.m., eastern time, April 27, 1992.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–070, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9590

Lot Cooke, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 6E–042, GC–14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–0503.

SUPPLEMENTARY INFORMATION: LEDCO, a Louisiana corporation with its principle place of business in Houston, Texas, is a marketer of natural gas. LEDCO is currently authorized to import up to 175 Bcf and export up to 175 Bcf of natural gas through May 22, 1992, under DOE/FE Opinion and Order No. 395 (Order 395), issued May 22, 1990 (1 FE Para. 70,318). LEDCO's prior quarterly reports filed with FE pursuant to Order 395's reporting requirements indicate that approximately 6,750 MMcf of gas was imported under Order 395 through December 31, 1991. No gas was exported during that time.

LEDCO requests authorization to import and export natural gas, including LNG, on a short-term or spot-market basis for its own account, as well as for the accounts of others for which LEDCO may agree to act as agent. LEDCO is interested in importing and exporting natural gas from and to any foreign country. The proposed imports would be sold on a short-term basis to a wide range of end-users in the United States including pipelines, local distribution companies, and commercial and industrial customers. The proposed export authorization would enable LEDCO to make natural gas available on a short-term or spot-market basis to various purchasers. The specific pricing terms of each import and export arrangement would be determined by competitive factors in the markets served through arms-length negotiations between the parties.

The decision on LEDCO's application for import authority will be made consistent with DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, domestic need for the gas to be exported is considered, and any other issue determined to be appropriate in a particular case, including whether the arrangement is consistent with DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. LEDCO asserts that the proposed imports would be competitive and there is no current need for the domestic gas that would be exported. Parties opposing this application bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et. seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, request for additional procedures, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of LEDCO's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours

of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 23, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7140 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of February 3 Through February 7, 1992

During the week of February 3 through February 7, 1992, the decisions and orders summarized below were issued with respect to applications for relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

A.H. Smith Associates, 2/5/92; RF272-67329, RD272-67329.

The DOE issued a Decision and Order granting an Application for Refund submitted in the subpart V crude oil proceeding by A.H. Smith Associates (AHSA). The refund was granted for petroleum products purchased during the crude oil price control period (August 19, 1973 through January 27, 1981) by the predecessor firm of AHSA, a sole proprietorship. Between the time the price control period ended and the time the Application for Refund was filed, the proprietorship was reorganized as AHSA, a partnership. The DOE determined that the partnership agreement, which gave the former proprietor substantial control over the operations of the partnership and a majority ownership in it, implicitly transferred the right to the refund from the proprietorship to the partnership. Consequently, the DOE found that AHSA was the appropriate recipient of the refund for crude oil overcharges incurred by the proprietorship. The DOE also denied a Motion for Discovery submitted by a group of States and Territories of the United States.

Elf Aquitaine Asphalt, Inc., 2/7/92; RF272-25151, RD272-25151.

The DOE issued a Decision and Order denying an Application for Refund filed by Elf Aquitaine Asphalt, Inc. (Elf Aquitaine) in the Subpart V crude oil refund proceeding. A group of States and Territories (the States') of the United States objected to Elf Aquitaine's claim. The firm's application was based on its purchase of 2,365,159,327 gallons of liquid asphalt which it used in the manufacture and sale of asphalt emulsions. The DOE found that the emulsion manufacturing process did not substantially alter the liquid asphalt component of the emulsion. Consequently, Elf Aquitaine was a reseller of a "covered product" and was not eligible to receive a refund without a demonstration of injury. Because the firm submitted no reasoned argument or specific information demonstrating that it was unable to pass through the effects of crude oil overcharges, the DOE denied its Application. The States' related Motion for Discovery was denied as moot.

Texaco Inc./Deal & Sullivan's Texaco, et al., 2/4/92; RF321-2801, et al.

The DOE issued a Decision and Order concerning 20 Applications for Refund filed in the Texaco Inc. subpart V special refund proceeding. Each applicant purchased directly from Texaco and was a reseller whose allocable share is less than $10,000, or an end-user. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. Two of the applicants did not establish that they owned their outlets during the entire period for which they requested refunds. Accordingly, both received refunds only for those portions of the refund period for which they submitted ownership information. The total of the refunds granted in this Decision is $40,627, representing $31,441 in principal and $9,186 in interest.

Texaco Inc./Johnson's Texaco, et al., 2/4/92; RF321-10006, et al.

The DOE issued a Decision and Order concerning 20 Applications for Refund filed in the Texaco Inc. subpart V special refund proceeding. All the applicants were indirect purchasers of Texaco products and submitted all of the information required of applicants in the Texaco proceeding. One applicant's supplier, Lehigh Gas & Oil Company (Lehigh), did not purchase exclusively from Texaco during the refund period, but maintained separate inventory accounting and cost banks. Because Lehigh sold only Texaco branded products to its Texaco customers, the OHA determined that the applicant, Melo Zanolini Garage (RF321-13365), should receive a refund based on the full volumetric amount established in the Texaco proceeding. The 20 applicants were granted $41,679 ($32,254 principal plus $9,425 interest).

Texaco Inc./Niles Oil Co., Inc., 2/4/92; RF321-17953.

The DOE issued a Decision and Order concerning an Application for Refund that was filed on behalf of Niles Oil Co., Inc. (Niles Oil) by Robert C. Rolley in the Texaco Inc. subpart V special refund proceeding. In his application, Mr. Rolley claimed that he purchased Niles Oil from John Niles in 1979 and sold the stock back to Mr. Niles in 1980. Mr. Rolley asserted that although he sold the stock of Niles Oil in 1980, the right to refund remained with him because he never received full payment for the stock. John Niles and Niles Oil filed for bankruptcy in 1987 and the company was liquidated. As a creditor in the bankruptcy proceedings, Mr. Rolley received $54,104.29. The OHA determined that Mr. Rolley's application should be denied because he failed to show that ownership of the stock reverted to him as a result of Mr. Niles' failure to complete payment, and because the payment that Mr. Rolley received in the bankruptcy proceeding extinguished any interest in Niles Oil that Mr. Rolley may have retained.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Enron Corporation/Blackburn Propane Service	RF540-31	02/06/92
Enron Corporation/Dawson Oil Co., Ltd.	RF340-3	02/05/92
Enron Corporation/Primitive Lake Campground	RF340-29	02/05/92
Gulf Oil Corporation/Belden Village Gulf	RF300-19482	02/05/92
Belden Village Gulf	RF300-19483	
Gulf Oil Corporation/Five Points Gulf	RF300-17320	02/05/92
Gulf Oil Corporation/Huffy Gas, Inc.	RF300-6351	02/06/92
Mid-States Petroleum, Inc.	RF300-11051	
Gulf Oil Corporation/Patrick M. Leeber	RF300-14290	02/06/92
Leeber Gulf Service #1	RF300-14291	
Leeber Gulf Service #2	RF300-14292	
Lincoln School District *et al.*	RF272-78814	02/06/92
Quantum Chemical Corporation/Jebb's Inc.	RF330-40	02/05/92
Shell Oil Company/Downtown Shell *et al.*	RF315-0064	02/07/92
Texaco Inc./Crudup Oil Co. Inc. *et al.*	RF321-7207	02/05/92
Texaco Inc./Warren Oil Co. *et al.*	RF321-7251	02/05/92
West Point Pepperell, Inc.	RR272-77	02/06/92

Dismissals

The following submissions were dismissed:

Name	Case No.
41st Street Texaco	RF321-10217
41st Street Texaco	RF321-10216
B-A Cartage	RF272-89092
Beaulieu & Son	RF272-89222
Dean Oldenburg's Texaco *et al.*	RF321-10901
Dee Thomason Ford Co.	RF272-86123
Douglas & Bess, Inc.	RF272-89226
Falk Transportation Co., Inc.	RF272-89386
Farragut Community School District	RF272-79191
Fullman Plumbing Co.	RF272-86351
G & C Texaco Service	RF321-12099
Hamburg Community School Dist.	RF272-78942
Lake Bluff Elementary School Dist. 65.	RF272-78936
Malvern School District	RF272-78837
Missouri Oil Jobbers	RF300-16562
Newman Rd. Texaco Service Sta. *et al.*	RF321-11101
The Country Store	RF321-12095

Appendix.—February 4, 1992

RF321-10901	Dean Oldenburg's Texaco.
RF321-10904	Osborne's Texaco.
RF321-10905	Bruce's Texaco.
RF321-10914	Bobby Payne's Texaco.
RF321-10918	John Peptine Texaco Service.
RF321-10920	Calvin's Texaco.
RF321-10924	Frank's Texaco.
RF321-10927	Prestridge Texaco.
RF321-10928	M.B. Price Texaco.
RF321-10931	Quesenberry's Texaco.
RF321-10933	Mt. Creek Service.
RF321-10935	Larry's Nikiski Texaco.
RF321-10936	Harlem & Irving Texaco.
RF321-10938	Northside Texaco.
RF321-10940	Gerry's Texaco Service.
RF321-10943	Roe Texaco Service.
RF321-10944	Dorsie Rogers' Texaco Ser. Sta.
RF321-10945	Enka Texaco.
RF321-10946	Alf & Tom's Texaco.
RF321-10947	William Romain, Jr.
RF321-10948	J.B. Ross Service.
RF321-10949	A.A. Roth & Sons.
RF321-10953	Merton Avenue Texaco.
RF321-10954	Rowland's Texaco Service Sta.
RF321-10956	Runkle's Service Center.
RF321-10957	Frank Rush's Texaco.
RF321-10958	Rynne's Riverside Texaco.
RF321-10963	Sassman Texaco.
RF321-10964	Hil's Texaco #1.
RF321-10965	Hil's Texaco #2.
RF321-10970	Don Sienkiewicz's Texaco.
RF321-10971	Palm Bay Texaco.
RF321-10972	Slauson's Texaco.
RF321-10973	Express Texaco.
RF321-10974	Belt Line Texaco.
RF321-10975	Lee's Texaco.
RF321-10976	George Smith's Texaco.
RF321-10977	Smith's Texaco Service Sta.
RF321-10978	John Smith Texaco.
RF321-10981	John Spillane' Texaco.
RF321-10983	Jimmy Cooke's Texaco.
RF321-10984	County Fuel Co., Inc.
RF321-10985	Cummings Brothers Inc.
RF321-10988	Harvey's Service & Hardware.
RF321-10992	Jesse Hensley Texaco.
RF321-10994	Kelly's Texaco Station.
RF321-10995	Orsburn Texaco.
RF321-10996	M & J I-94 Texaco.
RF321-10997	Sunset Texaco.
RF321-10998	John Hick's Texaco.
RF321-10999	Hillard's Texaco.
RF321-11000	Art's Texaco Service Center.
RF321-11004	Ecorse & Monroe Texaco.
RF321-11005	Stonewall Jackson Texaco.
RF321-11006	Quintex, Inc.
RF321-11008	Alvadore Store.
RF321-11011	Ed Jasklewicz Texaco.
RF321-11013	Dale Jenkins Texaco.
RF321-11014	Jenkins Downtown Texaco Serv.
RF321-11017	Johnson's Texaco Service.
RF321-11018	Willie Johnson Texaco Service.
RF321-11019	Texaco Truck Service #1.
RF321-11020	Texaco Truck Service #2.
RF321-11021	Texaco Truck Service #3.
RF321-11022	Kelley's Texaco.
RF321-11023	Pine St. Texaco.
RF321-11024	Wannie Kelley Texaco.
RF321-11028	Sonny Kent's Texaco.
RF321-11029	Lantern Texaco.
RF321-11031	Kish Texaco Service Station.
RF321-11033	Bill Knox's Texaco.
RF321-11040	Kummer Texaco.
RF321-11046	Mike's Auto Service.
RF321-11047	Ed's Bait & Tackle.
RF321-11049	Twin Texaco.
RF321-11051	Lessa's Texaco.
RF321-11055	Liggins Texaco.
RF321-11056	Lighthouse Texaco.
RF321-11058	Leo Longtin's Texaco.
RF321-11059	Love's West Side Texaco.
RF321-11063	Texaco Truck Town.
RF321-11064	Highway Corner Texaco.
RF321-11065	Airview Texaco.
RF321-11066	McBride Auto Service.
RF321-11070	D L B Inc.
RF321-11075	Witmer Farms.
RF321-11076	George & Sons Texaco.
RF321-11078	McKeon's 199 Texaco Truck Stop.
RF321-11081	K & S Service Center.
RF321-11082	C & L Texaco.
RF321-11083	Melton's Northside Texaco Ser.
RF321-11084	Clark Oil & Refinery.
RF321-11087	Jim Miller's Texaco.
RF321-11088	Mills Service Station.
RF321-11089	Morris Texaco.
RF321-11092	J & I Truck Stop.
RF321-11093	B & B Auto.
RF321-11096	Bob Nall's Texaco Station.

APPENDIX

Case No.	Applicant/contact	Location
RF321-11101	Newman Rd., Texaco Service Sta., H. G. Norton or Wilson, Keller & Associates.	142 Newman Rd., Carrollton, GA 30117.
RF321-11102	Pleasant Valley Service, L. Pete Nulik or Wilson, Keller & Associates	2410 W. 25th St., North Wichita, KS 67204.
RF321-11143	Watson Heights Texaco Service, Baron L. Bailey or Wilson, Keller & Associates.	535 S. Hancock, Rockingham, NC 28379.
RF321-11144	Carolyn Bailey's Texaco, Carolyn Bailey or Wilson, Keller & Associates	Hwy. 74, Hamlet, NC 28345.
RF321-11146	Bill Blake's Lawndale Texaco, Eloise S. Blake or Wilson, Keller & Associates.	2100 Lawndale Dr., Greensboro, NC 27408.
RF321-11147	Bill's Texaco, Eugene Blazejewski or Wilson, Keller & Associates	2601 Main St., Niagara Falls, NY 14305.
RF321-11148	Joy Bybee's Texaco, Joseph Bybee or Wilson, Keller & Associates	W. Kearney St. & Lexington, Springfield, MO 65803.
RF321-11149	Jewell Carter's Texaco, Jewell Carter or Wilson, Keller & Associates	Hwy. 1 & 90, Rector, AR 72461.
RF321-11152	Grade A Fuel Service Ltd., William T. Comber or Wilson, Keller & Associates.	90 E. Hawthorne Ave., Valley Stream, NY 11582.
RF321-11153	Conley's Texaco, Naomi Conley or Wilson, Keller & Associates	1812 Desiard St., Monroe, LA 71201.
RF321-11154	Big Al's Texaco, Alvin C. Cords or Wilson, Keller & Associates	586 W. Division St., Fond Du Lac, WI 54935.

APPENDIX—Continued

Case No.	Applicant/contact	Location
RF321-11155	Curtis Texaco Service Station, Jimmy Curtis or Wilson, Keller & Associates.	4356 Hwy. 41, Ackworth, GA 30101.
RF321-11157	Tudor's Texaco Service Station, Geraldine Deberry or Wilson, Keller & Associates.	Hwy. 46, Gaston, NC 27832.
RF321-11158	Driggers Texaco, Othel Driggers or Wilson, Keller & Associates	342 Hwy. 78 E., Rt. 1, Summerville, SC 29483.
RF321-11160	John R. Evans Sr. Texaco, Mike Evans or Wilson, Keller & Associates	I-35, Austin, TX 78701.
RF321-11164	French Texaco, Butch French or Wilson, Keller & Associates	Hwy. 1 & 90, Rector, AR 72461.
RF321-11166	Arnold's Texaco Service Center, Arnold Goode or Wilson, Keller & Associates.	939 Jackson St., Roanoke Rapids, NC 27870.
RF321-11167	Larry Graham's Texaco, Felicia Graham or Wilson, Keller & Associates	401 S. Jackson, Russellville, AL 35653.
RF321-11169	Uni-Marts, Inc., Terry Hale or Wilson, Keller & Associates	477 E. Beaver Ave., State College, PA 16801.
RF321-11172	Bibb Street Texaco, Johnnie M. Houlton or Wilson, Keller & Associates	449 Bibb St., Montgomery, AL 36104.
RF321-11176	Twin City Texaco, Peter Kennedy or Wilson, Keller & Associates	1434 S. Carpenter Ave., Iron Mountain, MI 49802.
RF321-11178	Diversified Texaco, Howard J. La Pointe or Wilson, Keller & Associates	4545 N. High St., Columbus, OH 43214.
RF321-11181	O-K Garage, Frank Loercher or Wilson, Keller & Associates	5833 Nieman Rd., Shawnee, KS 66203.
RF321-11182	Little John's Texaco & Shoppet, John Mackool or Wilson, Keller & Associates.	906 Ave. E, Westpoint, GA 31833.
RF321-11183	Berkeley Texaco, William G. Martin or Wilson, Keller & Associates	1052 Mendon Rd. & Broad, Cumberland, RI 02864.
RF321-11184	Jerry Martini's Texaco, Jerry R. Martini or Wilson, Keller & Associates	286 W. Main St., Uniontown, PA 15401.
RF321-11185	Jack McCullogh's Texaco, Jack L. McCullough or Wilson, Keller & Associates.	625 N. Broadway St., Rochester, MN 55906.
RF321-11186	North Meridian Texaco, Gregg McKown or Wilson, Keller & Associates	433 Meridian St., Puyallup, WA 98371.
RF321-11187	Montgomery's Texaco, Louise Montgomery or Wilson, Keller & Associates.	Rt. 7, Russellville, AL 35653.
RF321-11191	Ron Parker's Texaco, Ronnie Parker or Wilson, Keller & Associates	1121 E. Taft, Sapulpa, OK 74066.
RF321-11193	Presto's Texaco, John Presto or Wilson, Keller & Associates	1019 E. Main, Torrington, CT 06790.
RF321-11194	Sarge's Texaco, Thomas P. Prichard or Wilson, Keller & Associates	Pulaski Pike & Carmichael, Huntsville, AL 35810.
RF321-11195	Main Street Texaco, George L. Puckett or Wilson, Keller & Associates	606 E. Main St., Plymouth, NC 27962.
RF321-11198	Reinhart's Texaco, Earl A. Reinhart or Wilson, Keller & Associates	Greenville-Sharon Rd., Transfer, PA 16154.
RF321-11199	Sackett's Texaco, David Sackett or Wilson, Keller & Associates	560 N. Sharpsville Ave., Sharon, PA 16146.
RF321-11200	Pleasant Garden Texaco, Charles Sams or Wilson, Keller & Associates	N. Main St. & Neeley Rd., Pleasant Garden, NC 27313.
RF321-11201	Alex Schmidt Texaco, Alex Schmidt or Wilson, Keller & Associates	1702 Lapeer Ave., Port Huron, MI 48060.
RF321-11202	Schmidt Bros. Texaco #2, Alex Schmidt or Wilson, Keller & Associates	Water St., Port Huron, MI 48060.
RF321-11204	Pilot View Texaco Service, J.T. Shelton or Wilson, Keller & Associates	139 Hwy. 52 Bypass, Mount Airy, NC 207030.
RF321-11206	Sinkfield's Texaco Service, Jesse B. Sinkfield or Wilson, Keller & Associates.	Poole Creek Rd. & Gilbert, Atlanta, GA 30354.
RF321-11209	Stidham Tire Co., Inc., Henry Stidham or Wilson, Keller & Associates	4th & Broad St., St. Paul, VA 24283.
RF321-11210	Swope Motors Texaco Service, F. Williams Swope or Wilson, Keller & Associates.	N. Dixie Ave., Box 606, Elizabethtown, KY 42701.
RF321-11218	Ted Yackera Texaco, Theodore J. Yackera or Wilson, Keller & Associates.	301 E. Main & 3rd, Girardville, PA 17935.
RF321-11322	Country Club Road Texaco, Eva Tennant or Wilson, Keller & Associates.	500 Country Club Rd., Fairmont, WV 26554.
RF321-11357	Spivey's Northside Texaco, John Spivey or Wilson, Keller & Associates	6701 N. Kings Hwy., Myrtle Beach, SC 29575.

Totals: 45

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 2055, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 16, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 92-6554 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed During the Week of March 9 Through March 13, 1992

During the week of March 9 through March 13, 1992 the notice of objection to proposed remedial order listed in the appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: March 20, 1992.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

OXY USA, Inc, Washington, DC, LRO-0003

Notices of Objection were filed by a group of States on March 12, 1992, and by OXY USA, INC. (OXY), a wholly-owned subsidiary of Occidental Petroleum Corporation, on March 16, 1992, to a Proposed Remedial Order (PRO) which the DOE's Economic Regulatory Administration (ERA) issued to the firm on February 21, 1992. In the PRO, the ERA found that during October 1979 to April 1980, and September 1980 to December 1980, Cities Service Company (Cities), a predecessor to OXY, violated 10 CFR 211.66(b), (h), 211.67(j), and 205.202. Specifically, the ERA found that crude oil that Cities reported to the Entitlements Program as exempt crude oil was actually price-controlled crude oil, and that the alleged misreporting resulted in $253,766,849.54 in excessive entitlements benefits.

[FR Doc. 92-7150 Filed 3-26-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4117-9]

Clean Air Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intended transfer of confidential business information to contractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential business information (CBI) collected from the pulp, paper, and paperboard manufacturing industry to two new contractors. Transfer of the information will allow the contractors to assist EPA in developing air emission guidelines and standards under the Clean Air Act (CAA) and in developing effluent limitations guidelines and standards under the Clean Water Act (CWA). The information being transferred was collected or will be collected under the authority of section 308 of the CWA and/or section 114 of the CAA. Interested persons may submit comments on this intended transfer of information to the addresses noted below.

DATES: Comments on the transfer of data are due April 6, 1992.

ADDRESSES: Comments on transfer of data collected under section 114 of the CAA may be sent to Penny Lassiter, Chemicals and Petroleum Branch, Emission Standards Division (MD-13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711. Comments on transfer of data collected under section 308 of the CWA may be sent to George Heath, Commodities Branch, Engineering and Analysis Division (WH-552), Office of Science and Technology, U.S. EPA, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Penny Lassiter at (919) 541-5396 or at the above address for information regarding uses of CBI under CAA authority. For information regarding uses of CBI under CWA authority contact George Heath at (202) 260-7165 or at the above address.

SUPPLEMENTARY INFORMATION: The EPA intends to transfer information, including CBI, to two new contractors: Research Triangle Institute (RTI), Post Office Box 12194, Research Triangle Park, NC 27709 and Midwest Research Institute (MRI), 401 Harrison Oaks Boulevard, suite 350, Cary, NC 27513.

The information being transferred consists primarily of information previously collected by EPA to support the development of air emission guidelines and standards under the CAA and to support the development of effluent limitations guidelines under the CWA for the pulp, paper, and paperboard manufacturing industry.

More specifically, the information being transferred to the contractors includes the following information collected under the authority of section 114 of the CAA or section 308 of the CWA: Information collected through questionnaires and surveys of the industry; all joint EPA-industry studies; site visit reports; monitoring and test data; test reports and sampling episode reports; and analytical summaries of this information and data.

EPA also intends to transfer to RTI and MRI all information listed above (including CBI) that may be collected or developed in the future under the authorities listed above. This information is necessary to enable RTI and MRI to carry out the work required by their contracts to support EPA's development of regulations for the pulp, paper, and paperboard industry.

EPA Office Receiving Support	Contractor	Contract No.	Type of Support
OAR/OAQPS/ESD	RTI, Research Triangle Park, NC	68-D1-0118	Technical
OAR/OAQPS/ESD	RTI, Research Triangle Park, NC	68-D1-0143	Economic
OAR/OAQPS/ESD	MRI, Cary, NC	68-D1-0115	Technical
OAR/OAQPS/TSD	MRI, Cary, NC	68-D1-0123	Technical

In the case of information claimed to be proprietary and, therefore, confidential, all regulations and confidentiality agreements apply. This transfer would not affect the status of this information as information claimed to be proprietary. The relevant contracts contain all confidentiality provisions required by EPA's confidentiality regulations (40 CFR 2.301(h)(2-3) and 40 CFR 2.302(h)(2-3)). Persons under contract to EPA to perform work for EPA may be designated authorized representatives if such designation is necessary for the contractor to carry out the work required by the contract. The following conditions apply when information claimed to be confidential is provided to a designated contractor:

(1) The authorized contractor representative and its employees (a) may use such confidential information only for the purposes of carrying out the work required, (b) must refrain from disclosing the information to anyone other than EPA without having received from EPA prior written approval of each affected business or of an EPA legal office, and (c) must return to EPA all copies of the information (and any abstracts or excerpts therefrom) upon request or whenever the information is no longer required for the performance of the work.

(2) The authorized contractor representative must obtain a written agreement from each of its employees who will have access to the information to honor the above-noted limitations. A copy of each such agreement must be furnished to EPA before access is permitted.

(3) The authorized contractor representative must agree that the conditions in the contract concerning the use and disclosure of confidential business information are included for the benefit of, and shall be enforceable by both EPA and any affected business having a proprietary interest in the information.

In accordance with those regulations, companies who have submitted information claimed to be confidential have until April 6, 1992, to comment on EPA's proposed transfer of this information to RTI, Research Triangle Park, NC and MRI, Cary, NC, for the purposes outlined above (40 CFR 2.301(h)(2-3) and 40 CFR 2.302(h)(2-3)). The EPA welcomes comment on this proposed transfer to these designated EPA contractors.

Dated: March 22, 1992.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 92-7134 Filed 3-26-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4118-3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 9, 1992 through March 13, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1991 (56 FR 14096).

Draft EISs

ERP No. D-AFS-L65160-ID Rating EO2, Lockwood and North Round Valley Timber Sales and Road Construction, Implementation, Payette National Forest, New Meadows Ranger District, Adams County, ID.

Summary

EPA expressed environmental objections because of potential impacts of the sales on water quality and fisheries. Existing degraded habitat may be further damaged by timber harvest, particularly in the North Round Valley sale area. Additional information is needed on monitoring, fishery and water quality effect and air quality.

ERP No. D-BOP-G81004-OK Rating LO, Federal Transfer Center (FTC), Construction and Operation, Site Specific, Southeast corner of MacArthur and Southwest 74th Street, West of the Will Rogers World Airport, Oklahoma County, OK.

Summary

EPA had no objection to this project.

ERP No. D-FRC-L03005-00 Rating EC2, Northwest Natural Gas Pipeline Expansion Project, Construction and Operation, Licensing, from points in Canada and the United States to Washington, Oregon, Idaho, Wyoming, Nevada and California, WA, OR, ID, WY, NV and CA.

Summary

EPA expressed concerns based on potential adverse effects on water quality, fish and wetlands. The EIS needs to explore alternatives to the proposed action and alternative alignments to avoid wetlands. This proposal warrants detailed analysis. The high quality streams and rivers crossed by a pipeline require a detailed antidegradation analysis. Additional information is needed to describe mitigation measures, salmon spawning areas at the proposed crossing sites, and how trench dewatering and test water discharges will be handled. Clarification is needed about environmental inspectors.

ERP No. DB-NOA-L64015-AK Rating EC2, Groundfish Fishery of the Bering Sea and Aleutian Islands, Fishery Management Plans, Updated Information, Amendment 18/23 Inshore/Offshore Allocation Alternative Approval and Implementation, AK.

Summary

EPA expressed concerns based on adverse effects on a federally listed threatened species, the Steller sea lion. Additional information is needed on water and air quality. The supplemental final EIS should include economic information received and developed during the EIS and regulatory review processes. The Biological Opinion for the Steller sea lion, and mitigating measures to protect it, must be included in the supplemental final EIS.

Final EISs

ERP No. F-CDB-C80012-NY
City of Rochester School No. 25 and School No. 36 Replacement, CDBG, Rochester, Monroe County, NY.

Summary

EPA had no objection to the implementation of the proposed project.

Dated: March 24, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-7154 Filed 3-26-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4118-2]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075. Availability of Environmental Impact Statements Filed March 16, 1992 Through March 20, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920087, Final Supplement, AFS, IL, Shawnee National Forest Land and Resource Management Plan, Amended Forest Plan and Updated Information, Implementation, Several Counties, IL, Due: April 27, 1992, Contact: Rodney K. Saller (615) 253-7114.

EIS No. 920088, Draft EIS, AFS, UT, Gardner Canyon Gypsum Open Pit Mine, Development and Operation, Special Use Permit and Possible 404 Permit, Mount Nebo Wilderness Area, Uinta National Forest, Juab County, UT, Due: June 15, 1992, Contact: Mark Sensibaugh (801) 798-3571.

EIS No. 920089, Draft EIS, FHW, MI, US 23 Improvements, MI-13 to MI-65 and segments of Standish and Omer Cities, Funding, Section 404 Permit and NPDES Permit, Arenac County, MI, Due: May 11, 1992, Contact: Norma Stoner (517) 377-1838.

EIS No. 920090, Final EIS, COE, CA, Sunrise Douglas Residential Development Project, General Plan Amendment and Rezoning, Approval and Section 404 Permit, Sacramento County, CA, Due: April 27, 1992, Contact: Larry Vinzant (916) 557-5263.

EIS No. 920091, Draft EIS, AFS, ID, Mex Mountain Area Timber Harvest, Implementation, Clearwater National Forest, Lochsa Ranger District, Idaho County, ID, Due: May 11, 1992, Contact: Kris Harelbaker (208) 926-4275.

EIS No. 920092, Draft EIS, COE, MS, Hickahala-Senatobia Creeks Watershed, Channel Modification Project and Demonstration Erosion Control, Implementation, Arkabutla Lake, Yozoo Basin, Tate County, MS, Due May 11, 1992, Contact: Wendell King (601) 631-5967.

EIS No. 920093, Draft EIS, AFS, UT, CO, Manti-La Sal National Forest Land and Resource Management Plan, Oil and Gas Leasing Development, Implementation, Sanpete, Utah, Sevier, Juab, Emery, Carbon, Grand and San Juan Counties, UT and Mesa and Montrose Counties, CO, Due: May 11, 1992, Contact: Carter E. Reed (801) 637-2817.

EIS No. 920094, Final EIS, FTA, MA, Old Colony Railroad Rehabilitation Project, Transit Improvements, Boston to Lakeville, Plymouth and Scituate, MA, Due: April 27, 1992, Contact: Donald J. Emerson (202) 366-0096.

EIS No. 920095, Draft Supplement, COE, IA, Perry Creek Flood Control Project. Construction of Channelization and Conduit Systems, Implementation, Sioux City and Woodbury Counties, IA, Due: May 11, 1992, Contact: Richard Gorton (402) 221-4598.

EIS No. 920096, Draft EIS, GSA, DC, Southeast Federal Center Construction and Consolidation for the housing of the General Services Administration and the Corp of Engineers, Headquarter's Offices, Southeastern Quadrant of the Anacostia River, DC, Due: May 11, 1992, Contact: Linda L. Eastman (202) 708-5334.

EIS No. 920097, Draft EIS, COE, CA, Folsam Dam and Reservoir Reoperation Plan and Flood Control for portions of the Sacramento Metropolitan Area, Implementation, Sacramento County, CA, Due: May 11, 1992, Contact: Dr. Robert Koenigs (916) 557-6712

EIS No. 920098, Draft EIS, GSA, MD, Internal Revenue Service National Office Consolidation and Construction, Site Selection, First Capital Realty Site, Meridan Site, Riverside Site and Metroview Site, Prince George's, MD, Due: June 01, 1992, Contact: Linda L. Eastman (202) 708-5334.

EIS No. 920099, Draft EIS, NOA, ME, MA, RI, NY, DE, NH, CO, NY, PA, MD, VA, Summer Flounder Fishery Management Plan Amendment 2, Implementation, Exclusive Economic Zone (EEZ), ME, NH, MA, CO, RI, NY, NJ, PA, DE, MD, VA, Due: April 10, 1992, Contact: Dr. William W. Fox (301) 713-2239.

EIS No. 920100, Draft EIS, DOE, CA, Lawrence Livermore National (LLNL) and Sandia National (SNL) Laboratories, Continued Operation Construction, Funding, Livermore Valley, City of San Francisco, Alameda and San Joaquin Counties, CA, Due: June 11, 1992, Contact: Carol Borgstrom (202) 586-4600.

Amended Notices

EIS No. 920035, Draft EIS, UAF, CT, ME, NH, NJ, MA, VT, NY, PA, Aircraft Conversions at the Bradley Air National Guard (ANG) Base, 103rd Tactical Fighter Group, Bradley International Airport, CT and Barnes Air National Guard (ANG) Base, MA, Change in Utilization of Military Training Airspace in the Northeastern U.S., Due: April 24, 1992, Contact: Harry Knudson (301) 981-8143.

Published FR—02-7-92—Review period extended.

Dated: March 24, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-7155 Filed 3-26-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4118-1]

Science Advisory Board; Drinking Water Committee, Open Meeting

April 13-14, 1992.

Pursuant to the Federal Advisory Committee Act, P.L. 92-463, notice is hereby given that the Science Advisory Board's (SAB) Drinking Water Committee (DWC) will meet on April 13-14, 1992 at the Howard Johnsons Hotel, 2650 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting will begin at 9 a.m. on April 13th and 8:30 a.m. on April 14th, and will end no later than 5 p.m. on each day. The meeting is open to the public and seating is on a first-come basis.

The purpose of the meeting is for the Committee to review the Agency's Drinking Water Criteria Documents for Chlorine and for Chloramines. The Committee will also receive an update presentation on a chemical and microbial risk comparison model. Copies of these documents are NOT available from the Science Advisory Board. For more information concerning these documents and their availability, please contact: Ms. Lynn Papa, U.S. EPA, Environmental Criteria and Assessment Office (ECAO), Cincinnati, Ohio, Telephone: (513) 569-7587. The tentative charge to the Committee is to provide comments on the technical merit of the Criteria Documents and the proposed risk assessments for the compounds addressed in the documents, and to provide comment on the draft model and the assumptions for comparing microbial risk with chemical risk.

The Committee will also review guidance documents that the EPA and the states of the Great Lakes Basin have developed to meet the requirements of the Great Lakes Critical Programs Act. The documents were developed under the Great Lakes Water Quality Initiative and are intended to establish a consistent approach to water quality criteria for aquatic life, wildlife and human health for the states within the Great Lakes Basin The EPA has asked the SAB to review these documents and comment on the scientific validity of the proposed methods for water quality criteria, the calculations of wildlife criteria, the assumptions and databases used for risk assessments, and the development and use of bioaccumulation factors for the wildlife and human health criteria. The human health criteria are the focus of this meeting. The other issues were the subject of an SAB review conducted on February 18-20, 1992 by the Great Lakes Water Quality Subcommittee of the Ecologcial Processes and Effects Committee (EPEC). The DWC and the EPEC will produce coordinated report(s) on this issue. Copies of background documents and the charge to the SAB for this review are available from Mr. Kenneth Fenner, U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, IL 60604-3590 (Phone: (312) 886-6777).

For details concerning this meeting, including a draft agenda, please contact Mr. Robert Flaak, Assistant Staff Director, Science Advisory Board (A-101F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Telephone: (202) 260-6552 and FAX: (202) 260-7118. Members of the public who wish to make a brief oral presentation to the Comittee must contact Mr. Flaak no later than Tuesday, April 7, 1992 in order to be included on the Agenda. Written statements of any length (at least 35 copies) may be provided to the Committee up until the meeting. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of five minutes.

Dated: March 13, 1992.

Robert Flaak,

Assistant Staff Director, Science Advisory Board.

[FR Doc. 92-7133 Filed 3-26-92; 8:45 am]

BILLING CODE 6560-50-M

[OPPTS-59935; FRL 4055-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 2 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 92-104, March 22, 1992.

Y 92-105, April 5, 1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC. 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information

extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE–G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92–104

Manufacturer. Confidential.

Chemical. (S) Conjugated linoleic acid; styrene; acrylic acid; methyl methacrylate.

Use/Production. (S) Polymer for enamel coating. Prod. range: 100,000–250,000 kg/yr.

Y 92–105

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Polyester resin.

Use/Production. (G) Resin for coatings. Prod. range: Confidential.

Dated: March 23, 1992.

Douglas W. Sellers,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–7136 Filed 3–26–92; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended.

Japan Cruise Line, Inc., Shin Nihonkai Ferry Co., Ltd., Hankyu Ferry Co., Ltd., and Kanko Kisen Co., Ltd. 1–2–2–1300, Umeda, Kita–ku Osaka 530, Japan

Vessel: Orient Venus.

Dated: March 24, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7128 Filed 3–26–92; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers For Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended.

Japan Cruise Line, Inc., 1–2–2–1300, Umeda, Kita-Ku Osaka 530, Japan

Vessel: Orient Venus.

Dated: March 24, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92–7127 Filed 3–26–92; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Country Bankers, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 20, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Country Bankers, Inc., Blooming Prairie, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens State Bank of Hayfield, Hayfield, Minnesota, and at least 95 percent of the voting shares of Farmers and Merchants State Bank of Blooming Prairie, Blooming Prairie, Minnesota.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. J & L Holdings Limited Partnership, San Marcos, Texas; to become a bank holding company by acquiring 52 percent of the voting common shares of Plainview Holding Company, Plainview, Nebraska, parent of the following banks: The Nebraska Security Bank, Deshler, Nebraska; Cones State Bank, Pierce, Nebraska; Farmers National Bank, Pilger, Nebraska; and Plainview National Bank, Plainview, Nebraska.

2. MidAmerican Corporation, Shawnee Mission, Kansas; to acquire 100 percent of the voting shares of Jayhawk Bancshares, Inc., Kansas City, Missouri, parent of Lawrence National Bank, Lawrence, Kansas.

Board of Governors of the Federal Reserve System, March 23, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92–7094 Filed 3–26–92; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Sustances and Disease Registry

Committees; Establishment Renewal, Termination; Scientific Counselors Board

ACTION: Notice of establishment—Subcommittee on Great Lakes Human Health Effects Research of the Board of Scientific Counselors, Agency for Toxic Sustances and Disease Registry.

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the establishment of the following subcommittee of the Board of Scientific Counselors, ATSDR:

DESIGNATION: Subcommittee on Great Lakes Human Health Effects Research.

PURPOSE: The subcommittee will advise the Board of Scientific Counselors on the scientific aspects of a program of human health effects research relevant to pollution of the Great Lakes.

Members of the subcommittee will be composed solely of members of the Board of Scientific Counselors, ATSDR. The subcommittee will seek advice from special consultants, where appropriate. The subcommittee will meet approximately once a year.

SUPPLEMENTARY INFORMATION: The Great Lakes Critical Programs Act of 1990 mandates the Environmental Protection Agency, in consultation with ATSDR, to prepare a report by 1994 that describes the impact on human health of water pollutants in the Great Lakes. In support of this directive, Congress earmarked $2 million for ATSDR in fiscal year 1992 to support human health effects studies in the Great Lakes region.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Additional information concerning this subcommittee may be obtained from Charles Xintaras, Sc.D., Executive Secretary, Board of Scientific Counselors, ATSDR, (MS E–28), 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639–0708 or FTS 236–0708.

Dated: March 23, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 92–7092 Filed 3–26–92; 8:45 am]

BILLING CODE 4160–70–M

Food and Drug Administration

[Docket No. 92N–0146]

Drug Export; Florinef Acetate 0.1 MG Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Bristol-Myers Squibb Co. has filed an application requesting approval for the export of the human drug Florinef Acetate 0.1 mg Tablets to Canada.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Bristol-Myers Squibb Co., P.O. Box 4000, Princeton, NJ 08543–4000, has filed an application requesting approval for the export of the human drug Florinef Acetate 0.1 mg Tablets to Canada. This drug is indicated for use as a partial replacement therapy for primary and secondary adrenocortical insufficiency in Addison's disease. The application was received and filed in the Center for Drug Evaluation and Research on February 18, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 6, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: March 20, 1992.

Sammie R. Young,

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92–7152 Filed 3–26–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92N–0145]

Drug Export; Ortho-Novum 10/11 Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that R.W. Johnson Pharmaceutical Research Institute has filed an application requesting approval for the export of the human drug Ortho-Novum 10/11 Tablets to Japan.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATON CONTACT: James E. Hamilton, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirement of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that R.W. Johnson Pharmaceutical Research Institute, Route 202, P.O. Box 300, Raritan, NJ 08869–0602, has filed an application requesting approval for the export of the human drug Ortho-Novum 10/11 Tables to Japan. This product is used for birth control. The application was received and filed in the Center for Drug Evaluation and Research on February 13, 1992, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 6, 1992, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C., 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluaton and Research (21 CFR 5.44).

Dated: March 20, 1992.

Sammie R. Young

Deputy Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 92-7153 Filed 3-26-92; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Veterinary Medicine Advisory Committee

Date, Time, and Place

April 29 and 30, 1992, 8:30 a.m., Embassy III Conference Rm., Ramada Hotel and Conference Center, 8400 Wisconsin Ave., Bethesda, MD.

Type of Meeting and Contact Person

Open committee discussion, April 29, 1992, 8:30 a.m. to 10 a.m.; open public hearing, 10 a.m. to 1 p.m., unless public participation does not last that long; open committee discussion, 1 p.m. to 1:30 p.m.; open public hearing, 1:30 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 3 p.m.; open public hearing, 3 p.m. to 4 p.m., unless public participation does not last that long; open committee discussion, 4 p.m. to 4:30 p.m.; open committee discussion, April 30, 1992, 8:30 a.m. to 9 a.m.; open public hearing, 9 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 11:30 a.m.; Gary E. Stefan, Center for Veterinary Medicine (HFV-244), 7500 Standish Pl., Rockville, MD 20855, 301-295-8769.

General Function of the Committee

The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal disease and increased animal production.

Agenda—Open Public Hearing

Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee, should communicate with the contact person.

Open Committee Discussion

The committee will discuss extra-label use of animal drugs, availability of poison antidotes, Center for Veterinary Medicine guideline revisions, and aquaculture drug approvals and drug use.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 23, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92-7107 Filed 3-26-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1992:

Name: Maternal and Child Health Research Grants Review Committee.

Date and Time: June 10-12, 1992, 9 a.m.

Place: Conference Room P, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Open on June 10, 1992, 9 a.m.—10 a.m. Closed for remainder of meeting.

Purpose: To review research grant applications in the program area of maternal and child health administered by the Maternal and Child Health Bureau.

Agenda: The open portion of the meeting will cover opening remarks by the Director, Division of Systems, Education and Science, Maternal and Child Health Bureau, who will report on program issues, congressional activities and other topics of interest to the field of maternal and child health. The meeting will be closed to the public on June 10, at 10 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Gontran Lamberty, Dr. Ph.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, room 9-12, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2190.

Agenda Items are subject to change as priorities dictate.

Dated: March 23, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-7063 Filed 3-26-92; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, March 13, 1992.

(Call PHS Reports Clearance Officer on 202-245-2100 for copies of package)

1. Cosmetic Product Experience Reports (21 CFR part 730)—0910-0047—Experience data, when correlated with cosmetic product ingredient data, gives FDA scientists valuable insight into potentially unsafe cosmetic ingredients thereby improving FDA's ability to accomplish its mission of protecting consumers from injuries resulting from harmful ingredients in cosmetics. *Respondents:* Businesses or other for-profit, Small businesses or organizations. *Number of Respondents:* 125; *Number of Responses per Respondent:* 1 (1 Form FDA 2708 @1 hr. and 16 Form FDA 2704 @.2 hr. each); *Average Burden per Response:* 4.2 hours; *Estimated Burden Hours:* 525.

2. Registration of Cosmetic Product Establishment—21 CFR part 710—0910-0027—The registration of cosmetic manufacturers and repackers supplies FDA with current locations for on-site inspection, addresses for information and regulatory mailings, business trading names supplying product distribution sources, and aids FDA in responding to Freedom of Information requests. *Respondents:* Businesses or other for-profit; Small businesses or organizations. *Number of Respondents:* 50; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* 0.4 hrs.; *Estimated Burden Hours:* 20.

3. Surveillance of Hazardous Substances Emergency Event—New—The purpose of this activity is to maintain a state-based surveillance system for hazardous substance emergency events. The Agency for Toxic Substances and Disease Registry will use this information to analyze and describe risk factors associated with morbidity and mortality with reference to first responders, employers and the general public. *Respondents:* State or local governments; *Number of Respondents:* 19; *Number of Responses Per Respondent:* 108; Average Burden Per Response 1 hr.; *Estimated Burden Hours:* 2052.

Desk Officer: Shannah Koss-McCallum.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address: Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC.

Dated: March 23, 1992.

Phyllis M. Zucker,

Acting Deputy Director, Office of Health Planning and Evaluation.

[FR Doc. 92-7132 Filed 3-26-92; 8:45]

BILLING CODE 4160-17-M

Indian Health Service; Method for Evaluating and Establishing Reimbursement Rates for Health Care Services Authorized Under the Indian Health Service Contract Health Service Regulations-Portland Area

AGENCY: Indian Health Service, PHS, HHS.

ACTION: Extension of project date.

SUMMARY: The termination date for the pilot project now being conducted in the Portland Area to determine whether an alternative method of evaluating and establishing reimbursement rates for contract health services has been changed from March 31, 1992 to March 31, 1993.

EFFECTIVE DATE: March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Ronald G. Freeman, Director, Division of Health Care Administration, Contract Health Services, rm. 4B-17, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-8373. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Indian Health Service (IHS) issued a notice on March 13, 1991, 56 FR 10566, to inform the public that IHS was conducting a pilot project in the Portland Area, IHS, to determine whether an alternative method of evaluating and establishing reimbursement rates for contract health services would result in greater participation by health care providers and lower costs to IHS. Providers within the Portland Area were invited to submit their most favorable rate quotations. The response was far greater than the expectations of the IHS. As a result of the size of the response and the complexity of the development of rate quotation analyses methodologies for facilities, outpatient and professional providers and the development of preferred provider lists from these analyses, the length of time for this portion of the pilot project has taken longer than expected. A formal evaluation process will be performed during the final two months of the project by an outside entity selected by IHS and the Portland Area Tribes. We are, therefore, changing the termination date of this pilot project from March 31,1992 to March 31, 1993.

The Pilot project does not change the current IHS payment policy requirement

that health care services be procured at rates which do not exceed prevailing Medicare rates.

Dated: March 21, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-7111 Filed 3-26-92; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-71]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Corps of Engineers:* Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Masachusetts Ave., NW, rm. 4133, Washington, DC 20314-1000; (202) 272-0520; *U.S. Air Force:* John Carr, Realty Specialist, HQ-AFBDA/BDR, Pentagon, Washington, DC 20330-5130; (703) 693-0674; *U.S. Navy:* John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (202) 325-0474; (These are not toll-free numbers).

Dated: March 20, 1992.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM; FEDERAL REGISTER REPORT FOR 03/27/92

Arizona—Williams Air Force Base

Williams Air Force Base is located in Mesa, Arizona, 85240-5000. All the properties will be excess to the needs of the Air Force on or about September 30, 1993. Properties shown below as suitable/available will be available at that time. The Air Force has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The Base consists of approximately 4,072 acres, 179 Government-owned buildings and 700 residential buildings that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance, and storage facilities; and other more specialized structures.

Suitable/Available Properties

Property Number: 199210096.
Type Facility: Housing—700 units of military family housing; 1-story with 2 to 5 bedrooms.
Property Number: 199210097.
Type Facility: Temporary Living Quarters—15 buildings; 1, 2, and 3-story structures including dorms and lodging.
Property Number: 199210098.
Type Facility: Support and Service Facilities—5 buildings; one 3-story fire station, one 1-story brick chapel, a gate house, a post office and an education center.

Property Number: 199210089.
Type Facility: Miscellaneous Facilities—24 buildings; 1 and 2-story structures including a library, bowling center, gym, child care, youth and recreation centers, theater, commissary and stores.
Property Numbers: 199210100-199210101.
Type Facility: Recreation—20 facilities including golf club bldgs., bathhouses, swimming pools, baseball, softball and soccer fields, tennis courts, track, golf course, driving range and a camp.
Property Number: 199210102.
Type Facility: Medical Facilities—6 buildings; 1-story block and concrete structures including a hospital, clinics and pharmacy.
Property Number: 199210103.
Type Facility: Laboratories—9 buildings; eight 1-story and one 3-story metal and concrete/block structures.
Property Number: 199210104.
Type Facility: Flight Training and Admin. Facilities—36 buildings; 1 to 3-story concrete block, wood and metal structures including law centers, offices, classrooms and flight training facilities.
Property Number: 199210105.
Type Facility: Warehouse and Storage Facilities—12 buildings; 1-story concrete, wood and steel structures including warehouses and storage bldgs.
Property Number: 199210106.
Type Facility: Base Support and Flight Maintenance Facilities—52 buildings; 1-story concrete/steel, concrete/block and steel structures including hangars, maintenance and jet engine shops.
Property Number: 199210107.
Type Facility: Hazardous and Explosive Storage—14 buildings; 1-story concrete and concrete/metal structures.

Illinois—Chanute Air Force Base

Chanute Air Force Base is located in Champaign, Illinois, 61868. All the properties will be excess to the needs of the Air Force on or about September 30, 1993. Properties shown below as suitable/available will be available at that time. The Air Force has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The Base consists of approximately 2,174 acres, 164 Government-owned buildings and 463 residential buildings that have been reviewed by HUD for suitability for use to assist the homeless. The properies that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance, and storage facilities; and other more specialized structures.

Suitable/Available Properties

Property Number: 199210139.
Type Facility: Housing—463 houses with 1 to 8 units, brick and wood structure, possible asbestos.
Property Number: 199210140.
Type Facility: Temporary Living Quarters—24 buildings; 1 to 4-story dormitories and temporary living facilities, possible asbestos.
Property Number: 199210141.
Type Facility: Medical Facilities—2 buildings; 4-story concrete hospital and a 1-story concrete dental clinic, possible asbestos.
Property Number: 199210142.
Type Facility: Storage/Warehouses—28 buildings; concrete block, brick, metal and wood structures including supply and training bldgs., need repairs.
Property Number: 199210143.
Type Facility: Maintenance Bldgs.—15 buildings; 1-story maintenance facilities and shops, possible asbestos.
Property Number: 199210144.
Type Facility: Engine Test Cells/Warehouse—2 buildings; 1-story concrete storage/maintenance facilities, possible asbestos.
Property Number: 199210145.
Type Facility: Gas Stations—2 buildings; 1-story gas stations.
Property Number: 199210146.
Type Facility: Training Facilities—22 buildings; 1 to 4-story structures including training bldgs., classrooms, and labs, possible asbestos.
Property Number: 199210147.
Type Facility: Retail Stores—5 buildings; 1-story brick and wood structures including 4 branch exchanges and 1 commissary, possible asbestos.
Property Number: 199210148.
Type Facility: Chapel/Chapel Center—3 buildings; one 2-story brick chapel center and two 1-story wood chapels, possible asbestos.
Property Number: 199210149.
Type Facility: Fire Station—1 building; 2-story brick fire station, possible asbestos.
Property Number: 199210150-199210151.
Type Facility: Recreation—49 facilities; including gym, library, theater, golf bldgs., youth, child, bowling and recreation centers, track, softball fields, tennis courts, golf course and driving range.
Property Number: 199210152.
Type Facility: Administration—26 facilities; wood, brick and concrete structures including a band center, an education center, admin. bldgs. and offices, needs rehab, possible asbestos.
Property Number: 199210153.
Type Facility: Bldg. 386/Band Bldg.—31803 sq. ft., 2-story concrete block/wood band center, needs rehab.

Indiana—Fort Benjamin Harrison

Fort Benjamin Harrison is located northeast of Indianapolis in the City of Lawrence 46216-5000. All the properties will be excess to the needs of the Army Corps of Engineers on or about September 1995. Properties shown below as suitable/available will be available at that time. The Army Corps of Engineers has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The base covers 2501 acres and has 4.7 million square feet of facilities. The properties that HUD has determined suitable and which are available include family housing residences, temporary living quarters, office/administration buildings, various types of recreational facilities, child care centers and chapels, dining halls, a hospital, warehouses, miscellaneous and other specialized structures. More specific information concerning properties at the base can be obtained by contacting Commander, U.S. Army Soldier Support Center, Attn: ATZI-CG-BR (Colonel John A. Peck), Fort Benjamin Harrison, Indiana 46216-5000.

Suitable/Available Properties

Property Numbers: 329210068-329210069.
Type Facility: Housing—80 family residences, 1 and 2 story brick frame; 29 temporary living quarters (barracks), brick or concrete frame.
Property Number: 329210070.
Type Facility: Office/Administration—26 buildings; wood, brick, concrete or concrete block frame; includes personnel and general purpose building.
Property Number: 329210071.
Type Facility: Recreational Facilities—28; wood, brick, concrete or concrete block frame; includes gym, canteen, golf course, swimming pool, riding stable, tennis court, bowling center, recreation buildings, basketball and handball courts, baseball fields, track, and playgrounds.
Property Number: 329210072.
Type Facility: Child Care Centers—2 buildings; brick frame; 5,818 & 14, 457 sq. ft.
Property Number: 329210073.
Type Facility: Dining Halls—4; brick frame; 11,075 to 31,439 sq. ft.
Property Number: 329210074.
Type Facility: Stores/Services—12 buildings; 140 to 68,899 sq. ft.; brick, wood, concrete or concrete block frame; includes restaurant, commissary, sales stores, exchange branches, and service outlet.

Property Number: 329210075.
Type Facility: Hospital, brick frame.
Property Number: 329210076.
Type Facility: 2 Chapels; 3,747 & 16,587 sq. ft., brick and aluminum frame.
Property Number: 329210078.
Type Facility: 2 Fire Facilities; 2,243 & 3,835 sq. ft.; includes fire station and hose house.
Property Number: 329210079, 329210083.
Type Facility: 2 Vehicle Shops and Fuel Facility; concrete/asbestos frame; 1 gas station building, 327 sq. ft.
Property Number: 329210080.
Type Facility: Maintenance Engineering—6 buildings; 168 to 14,074 sq. ft.; wood, brick or concrete block frame.
Property Number: 329210081, 329210082.
Type Facility: Explosives/Munitions and Hazardous Storage—10 buildings; 103 to 1,138 sq. ft.; brick, steel, concrete or wood frame; includes ammo magazines and flammable materials storage.
Property Number: 329210084.
Type Facility: 23 Warehouses; 960 to 56,650 sq. ft.; brick, concrete or steel frame.
Property Number: 329210085.
Type Facility: 150 Miscellaneous Buildings; 31 to 211,364 sq. ft.; includes headquarters & general instruction buildings; training centers and detached garages.
Property Number: 329210086.
Type Facility: 5 Multipurpose Buildings.

Land

Property Number: 329210077.
Type Facility: 2 Aircraft/Airport Facilities; 938 sq. yds.

Unsuitable Properties

Property Number: 329210087.
Type Facility: 1 Recreational Facility; within a floodway.

New Jersey

Suitable/Available Properties

COE—BC

Buildings (By Agency)

Bldg. PO5605, Fort Dix
8th Street and Doughboy Loop
Ft. Dix, NJ, Burlington, Zip: 08640–
Federal Register Notice Date: 03/27/92
Property Number: 329210064
Status: Unutilized
Base closure
Number of Units: 1
Comment: 6,137 sq. ft., 1 story, possible asbestos, most recent use—administration/classroom.
Bldg. PO5602, Fort Dix
8th Street
Ft. Dix, NJ, Burlington, Zip: 08640–
Federal Register Notice Date: 03/27/92
Property Number: 329210065
Status: Unutilized
Base closure
Number of Units: 1
Comment: 40,653 sq. ft., 3 story, not handicapped accessible, no sprinkler/fire escape doors on 2nd/3rd floors, most recent use—trainee barracks.
Bldg. PO5603, Fort Dix
8th Street
Ft. Dix, NJ, Burlington, Zip: 08640–
Federal Register Notice Date: 03/27/92
Property Number: 329210066
Status: Excess
Based closure
Number of Units: 1
Comment: 40,653 sq. ft., 3 story, not handicapped accessible, no sprinkler/fire escape doors on 2nd/3rd floors, most recent use—trainee barracks.
Bldg. PO5604, Fort Dix
8th Street & Doughboy Loop
Ft. Dix, NJ, Burlington, Zip: 08640–
Federal Register Notice Date: 03/27/92
Property Number: 329210067
Status: Excess
Base closure
Number of Units: 1
Comment: 12,194 sq. ft., 1 story, presence of asbestos, most recent use—admin/supply building.

Texas—Carswell Air Force Base

Carswell Air Force Base is located in Tarrant County, Texas, 76127..All the properties will be excess to the needs of the Air Force on or about September 30, 1993. Properties shown below as suitable/available will be available at that time. The Air Force has advised HUD that some properties may be available for interim lease for use to assist the homeless prior to that date.

The Base consists of approximately 2,308 acres, 214 Government-owned buildings and 352 residential buildings that have been reviewed by HUD for suitability for use to assist the homeless. The properties that HUD has determined suitable and which are available include various types of housing; office and administrative buildings; recreational, maintenance, and storage facilities; and other more specialized structures.

Suitable/Available Properties

Property Numbers: 199210108–199210122
Type Facility: Housing—352 military family residences; 1 and 2-story wood frame, concrete and brick/wood buildings.
Property Number: 199210123
Type Facility: Dormitories—7 buildings; 3 and 4-story concrete block dorms.
Property Number: 199210124
Type Facility: Temporary Living Quarters—6 buildings; 1 and 2-story brick and frame lodging facilities.
Property Number: 199210125
Type Facility: Administration Facilities—45 buildings; 1 to 4-story concrete block, brick, metal and wood structures including education centers, child care, clinics and admin. bldgs.
Property Number: 199210126
Type Facility: Recreation Facilities—13 buildings; metal, concrete block, brick and wood structures including golf club equip. houses, bathhouse, gym, bowling, youth and recreation centers and NCO clubs.
Property Number: 199210127
Type Facility: Recreation Areas—14 areas; approximately 172 acres including golf course, riding stables, playground and picnic area, camps and tennis courts.
Property Numbers: 199210128–199210130
Type Facility: Miscellaneous Facilities—80 buildings; 1-story metal, concrete, block, wood, and brick structures including maintenance and storage bldgs., shops, warehouses, sheds and a commissary.
Property Number: 199210131
Type Facility: Facility 1506—24,000 sq. ft., 1-story brick dining hall.
Property Number: 199210132
Type Facility: Facility 3000—345,186 sq. ft., 5-story concrete hospital.
Property Number: 199210133
Type Facility: Bank/Credit Union—2 buildings; a 1-story concrete bank and a 2-story brick credit union.
Property Number: 199210134
Type Facility: Facility 1838—8790 sq. ft., 1-story brick chapel.
Property Number: 199210135
Type Facility: Facility 1845—9967 sq. ft., 1-story brick theater.
Property Number: 199210136
Type Facility: Fuel Stations—2 buildings; 1-story metal and brick/metal vehicle fuel and exchange service stations.
Property Number: 199210137
Type Facility: Hazardous Storage and Igloos—40 buildings; 4 metal and concrete block hazardous storage bldgs. and 36 concrete igloo storage bldgs.
Property Number: 199210138
Type Facility: Airport Related Areas—26 areas; approximately 205 acres including runways, aprons, taxiways and pads.

Texas—Naval Air Station, Chase Field

Chase Field Naval Air Station is located in Beeville, Texas 78103. All the properties will be excess to the needs of the Department of Navy on or about October 1993. Properties shown below as suitable/available will be available at that time.

The base covers approximately 1,866 acres and has over 430 housing units and government-owned buildings. The properties that HUD has determined suitable and which are available include on- and off-base housing; administration buildings; recreational facilities; dining facilities; warehouses; a hospital; industrial and other specialized structures. All properties may need routine maintenance.

Suitable/Available Properties

Property Numbers: 779210001–779210003, 779210006
Type Facility: Housing—208 off-base capehart residences; 2 bedrooms/1 bath; 54 off-base family residences, 1 & 2 bedrooms/1 & 2 story; 19 on-base capehart residences, 1 & 2 bedrooms; brick/wood frame; 5 bachelor quarters, 16,800 to 62,200 sq. ft., 3 story metal/brick frame.
Property Number: 779210004
Type Facility: Recreational—3; 2,100 to 13,900 sq. ft.; 1 story concrete masonry frame; includes a theatre, bowling center, and racquetball.
Property Number: 779210005
Type Facility: Dining Halls—4 buildings; 6,000 to 21,900 sq. ft.; 1 story concrete masonry frame.
Property Number: 779210007
Type Facility: Administration—9 buildings; 1,300 to 29,500 sq. ft.; 1 and 2 story; concrete masonry frame.
Property Number: 779210008
Type Facility: Hospital (clinic)—31,000 sq. ft.; 1 story brick/concrete masonry frame.
Property Numbers: 779210009, 779210012
Type Facility: Miscellaneous—7 buildings; 900 to 55,600 sq. ft.; 1 and 2 story; wood and concrete masonry frame; includes fire/security buildings.
Property Number: 779210011
Type Facility: Industrial—16 buildings; 200 to 10,900 sq. ft.; 1 story metal/concrete masonry frame.
Property Numbers: 779210013–779210014
Type Facility: Aircraft/Air Traffic Control—8 buildings; 3,200 to 89,300 sq. ft.; 1 and 2 story; concrete masonry and metal frame; some bldgs. used for storage and aircraft maintenance.

Unsuitable Properties

Property Number: 779210015
Type Facility: Building 2137, Aircraft Hangar; within 2,000 ft. of flammable or explosive material.
Property Number: 779210016
Type Facility: Building 1032, Warehouse; structural deterioration.

[FR Doc. 92–6948 Filed 3–26–92; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–080–02–4410–03]

Book Cliffs Resource Area, UT; Resource Management Plan

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice of intent to amend the 1984 Book Cliffs Resource Management Plan.

SUMMARY: This Notice of Intent is to advise the public of a possible amendment to the Book Cliffs Resource Area Management Plan of 1984. The plan includes land located within Uintah County in northeastern Utah.

The purpose of the amendment would be to consider whether a new transportation corridor should be established that would allow granting the applicant's preferred alternative for a right-of-way for the Uintah County portion of the proposed Ouray to Cisco Highway. The highway is a joint proposal of the Uintah Country Special Services District and the Grand County Roads Special Service District #1. The proposed highway is intended to serve energy development in the area and provide a more direct north-south route through the eastern part of the State of Utah.

The Book Cliffs Resource Management Plan (RMP) provides for a transportation corridor following the alignment of the present Seep Ridge Road. However, the alignment preferred by the Uintah County Special Services District would deviate from that corridor by turning west down Pine Springs Canyon, crossing Main Canyon, and then going south for about five miles through the Winter Ridge Wilderness Study Area (WSA). Another alternative would go up Main Canyon and tie into existing roads that would avoid the WSA. Both of these two alternatives would require amendment of the RMP to establish new transportation corridors.

Congressional action would be required before a right-of-way could be approved through the Winter Ridge WSA. Without such Congressional action, the RMP would not be amended to establish a transportation corridor through the WSA.

An Environmental Impact Statement (EIS) is being prepared for the entire highway project. This EIS will also serve as the National Environmental Policy Act Compliance Document for amending the 1984 Book Cliffs Resource Management Plan.

Existing planning documents are available at the Book Cliffs Resource Area Office, 170 South 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Paul Andrews, Book Cliffs Area Manager, (801) 789–1362.

Dated: March 19, 1992.

David E. Little,

Vernal District Manager.

[FR Doc. 92–7064 Filed 3–26–92; 8:45 am]
BILLING CODE 4310–DQ–M

[OR–050–4410–08:GP2–188]

Brothers-LaPine Resource Management Plan Amendment, Prineville District, Deschutes County, OR

March 19, 1992.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare a Category I Amendment to the Brothers-LaPine Resource Management Plan.

1. Description of the Proposed Planning Action

To amend the Brothers-LaPine Resource Management Plan (RMP) completed in July 1989. The category I planning amendment will be based upon existing statutory requirements and policies and will carry the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA). The RMP and Environmental Assessment (EA) to be prepared will provide the basis for modifying the Land Tenure section of the Resource Management Plan to provide specific direction for land exchanges and classifications involving the Recreation and Public Purposes Act. Specific issues involve the consideration to locate a shooting range on public lands and numerous other competing proposals such as a church/school complex, a performing arts center, a VFW Post, golf course, municipal effluent disposal area and parks.

The amendment will consider off-road vehicle use area designations and evaluate the direction of long-term grazing management in specific allotments.

In addition, the amendment will consider special management designations of unique ecological, geological and historical areas including old growth juniper woodlands throughout the planning area.

2. Identification of the Geographic Area Involved

The planning area involved within the Brothers-LaPine RMP is located in a

portion of northern Deschutes County. It involves about 80,000 acres of public lands in the Urban Interface around the communities of Bend, Redmond and Sisters.

3. General Types of Issues Anticipated

The proposed amendment would address changes in the following sections of the RMP: Land tenure, recreation, range, mineral materials and woodland forestry.

4. Disciplines to be Represented and Used to Prepare the RMP Amendment and Environmental Assessment Will be the Following

Lands, wildlife, botany, recreation, range, geology and forestry.

5. The Kind and Extent of Public Opportunities Provided

The public has been involved in an initial scoping meeting and has participated in the identification of issues. Public comments are being solicited during the development of the draft plan amendment with the scoping of issues and alternatives at this time. A public meeting will be held upon completion of the draft amendment. Comment periods will be announced in the **Federal Register** and in local newspapers. Oregon State and local government notification is being initiated.

6. Times, dates and locations scheduled or anticipated for public meetings, hearings, conferences or gatherings will be published in the local newspapers. All public input will be considered through written comments. The draft RMP amendment will be available for a 60-day public review period in the fall of 1992.

7. Name, Title, Address and Telephone Number of the Bureau of Land Management Official who may be Contacted for Further Information

Jim Kenna, Area Manager, 185 E. Fourth St., Prineville, Oregon 97754, phone 503–447–8757.

8. Location and Availability of Documents Relevant to the Planning Process

Documents will be available for public review at the Prineville District Office, 185 E. Fourth St., Prineville, Oregon 97754.

Dated: March 19, 1992.

James L. Hancock,

District Manager, Prineville District Office.

[FR Doc. 92–7066 Filed 3–26–92; 8:45 am]

BILLING CODE 4310–33–M

[CO–942–92–4730–12]

Colorado: Filing of Plats of Survey

March 17, 1992.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., March 17, 1992.

The plat representing the dependent resurvey of a portion of the north boundary, the subdivisional lines, and certain claim lines, the subdivision of section 5, the metes-and-bounds survey of lot 16, section 5, and the remonumentation of certain corners, T. 6 N., R. 95 W., Sixth Principal Meridian, Colorado, Group Nos. 595 and 945, was accepted January 16, 1992.

This survey was executed to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of a portion of the line between sections 23 and 24 and a portion of the center line of Soda Ridge Road, a metes-and-bounds survey of a portion of the center line of Soda Ridge Road in section 23, and a metes-and-bounds survey between certain lots in section 23 and 24, T. 5 S., R. 77 W., Sixth Principal Meridian, Colorado, Group No. 968, was accepted January 17, 1992.

The plat representing the dependent resurvey of the subdivisional line between sections 35 and 36 and a portion of Mineral Survey Number 6345 B, Polar Star Millsite and the east and west center line of section 35, T. 1 N., R. 72 W. Sixth Principal Meridian, Colorado, Group No. 992, was accepted January 21, 1992.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

The plat representing the retracement of the north two miles of the west boundary, the dependent resurvey of a portion of the north boundary of the Southern Ute Indian Reservation (south boundary of the Ute Ceded Lands), the south boundary, portions of the east and west boundaries, the subdivisional lines, and the subdivision of certain sections, T. 34 N., R. 11 W. (South of the Ute Line), New Mexico Principal Meridian, Colorado, Group Nos. 922 and 948, was accepted January 30, 1992.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation and the Bureau of Indian Affairs.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Gary L. Gibson,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 92–7065 Filed 3–26–92; 8:45 am]

BILLING CODE 4310–JB–M

[NV–940–02–4212–22]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

EFFECTIVE DATES: Filing was effective at 10 a.m. on March 16, 1992.

FOR FURTHER INFORMATION CONTACT: John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6543.

SUPPLEMENTARY INFORMATION: 1. The Plats of Survey of lands described below were officially filed at the Nevada State Office, Reno, Nevada on March 16, 1992:

Mount Diablo Meridian, Nevada

T. 13 N., R. 39 E.—Supplemental Plat of Survey, Section 34, SW¼.
T. 30 N., R. 48 E.—Supplemental Plat of Survey, Section 32.

2. These surveys were accepted February 24, 1992, and February 26, 1992, and were executed to meet certain administrative needs of the Bureau of Land Management.

3. The above-listed surveys are now the basic record for describing the lands for all authorized purposes. These surveys will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Robert G. Steele,

Deputy State Director, Nevada.

[FR Doc. 92–7076 Filed 3–26–92; 8:45 am]

BILLING CODE 4310–HC–M

Fish and Wildlife Service

Meeting, Klamath Fishery Management Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 1 p.m. to 9 p.m. on Sunday, April 5, 1992.

ADDRESSES: The meeting will be held at the Clarion Hotel (Sausalito B Conference Room), 401 E. Millbrae Avenue, Millbrae, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main, Suite 212), Yreka, California 96097–1006, telephone (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Management Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). The principal agenda item will be providing comment to the Pacific Fishery Management Council on options for 1992 ocean salmon management. The Klamath Fishery Management Council will review the 1992 harvest plans impacting spring chinook and hear updates on water management in the Klamath and Trinity Rivers. Public comment will be received at 4 p.m.

Dated: March 18, 1992.

David L. McMullen,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 92–7068 Filed 3–26–92; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL TRADE COMMISSION

[Invs. Nos. 701–TA–309 and 731–TA–528 and 529 (Final)]

Revised Schedule; Magnesium From Canada and Norway

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigations.

EFFECTIVE DATE: March 11, 1992.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (202–205–3179), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

SUPPLEMENTARY INFORMATION: On February 18, 1992, the Commission instituted the subject antidumping investigations and issued a revised schedule to be followed in the subject countervailing duty investigation.[1] Subsequently, the U.S. Department Commerce (Commerce) extended the date for its final determinations in these investigations from April 27, 1992.[2] The Commission, therefore, is revising its schedule in these investigations to conform with Commerce's new schedule.

The Commission's new schedule for the investigation is as follows: The prehearing staff report will be placed in the nonpublic record on April 30, 1992; requests to appear at the hearing must be filed with the Secretary to the Commission not later than May 11, 1992; the deadline for filing prehearing briefs is May 13, 1992; the prehearing conference will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 15, 1992; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 19, 1992; and the deadline for filing posthearing briefs is May 28, 1992. Section 735(b)(2) of the Tariff Act of 1930[3] directs the Commission to make final determinations within 120 days after notification of Commerce's preliminary determinations or within 45 days after notification of Commerce's final determinations, whichever date is later, which in this case is July 1, 1992.

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E,[4] and part 207, subparts A and C.[5]

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules.

Issued: March 23, 1992.

[1] 57 FR 7790, Mar. 4, 1992.
[2] 57 FR 8660, Mar. 13, 1992.
[3] 19 U.S.C. 1673d(b)(2).
[4] 19 CFR part 201.
[5] 19 CFR part 207.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 92–7085 Filed 3–26–92; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–336; Order No. 6]

Certain Single In-Line Memory Modules and Products Containing Same

On March 10, 1992, respondents filed a joint motion to designate the investigation more complicated for the purpose of adjudicating complainant's motion for temporary relief (Motion No. 336–6). The motion is opposed by the complainant but supported by the Commission investigative attorneys.

The part of the investigation involving temporary relief is designated more complicated on the basis of the complexity of issues relating to whether there is reason to believe that the respondents have violated section 337 and whether temporary relief is appropriate. A number of complex issues have been raised in this proceeding that were not litigated in the district court proceeding, such as the issue relating to JEDEC and equitable estoppel, the express and implied licensing defenses, and the separate patent infringement defenses of each respondent. Respondents indicate that depositions will have to be heard at the rate of four or more a day if the investigation is not designated more complicated. This pace would make the proof of even simple issues complex.

It is proposed that the hearing commence on April 27. The parties can submit proposed schedules for deadlines before the hearing and indicate how much time each party would like to have to present its own case and to cross-examine opposing witnesses at the hearing. Respondents will be asked to join together to present their cases relating to validity, enforceability and equitable estoppel.

It is ordered that proposed schedules for the hearing and deadlines before the hearing be submitted to this office by March 18, 1992.

Motion 336–6 is granted.

The Secretary is requested to publish this Order in the **Federal Register**.

Issued: March 16, 1992.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 92–7086 Filed 3–26–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. Parent corporation and address of principal office: Brunswick Corporation, a Delaware corporation, One Brunswick Plaza, Skokie, Illinois 60077.

2. Wholly owned subsidiary which will participate in the operations: Sea Ray Boats, Inc., a Tennessee corporation.

B. 1. Super Valu Stores, Inc., P.O. Box 990, Minneapolis, MN 55440.

2. Subsidiaries:

	State of Incorporation
Preferred Products, Inc.—Chaska, MN.	Minnesota.
Ohiocubco—Eden Prairie, MN	Ohio.
Valu Transportation, Inc.—Eden Prairie, MN.	Minnesota.
Twin Valu Stores, Inc.—Eden Prairie, MN.	Minnesota.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 92-7110 Filed 3-26-92; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 32032]

South Orient Railroad Company, Ltd.—Trackage Rights Exemption—Southern Pacific Transportation Co.

Southern Pacific Transportation Company has agreed to grant overhead trackage rights to South Orient Railroad Company, LTD., over approximately 11.4 miles of rail line between milepost 608.46, near Alpine Junction, Brewster County, TX, and milepost 619.64, near Paisano, Presidio County, TX. The exemption became effective on March 12, 1992.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Jack L. Coke, Jr., 800 Preston Commons West, 8117 Preston Road, Dallas, TX 75225.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Tracking Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: March 20, 1992.

By the Commission, David M. Konschnick, Director, Office of Proceedings.

Sidney L. Strickland, Jr.
Secretary.

[FR Doc. 92-7109 Filed 3-26-92; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Controlled Substances: Proposed 1992 Aggregate Production Quota for Normorphine

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of a proposed 1992 aggregate production quota.

SUMMARY: This notice proposes a 1992 aggregate production quota for normorphine, a Schedule I controlled substance.

DATES: Comments or objections must be received on or before April 27, 1992.

ADDRESSES: Send comments or objections to the Administrator, Drug Enforcement Administration, Washington, DC 20537, Attn: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug & Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307-7183 .

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (CSA), (21 U.S.C. 826) requires that the Attorney General establish on an annual basis aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the DEA pursuant to § 0.100 of title 28 of the Code of Federal Regulations.

Recently, the DEA received an application for a manufacturing quota for normorphine, a Schedule I controlled substance. The normorphine, is to be used to prepare analytical standards.

The Administrator of the DEA, under the authority vested in the Attorney General by section 306 of the CSA of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of title 28 of the Code of Federal Regulations, hereby proposes the 1992 aggregate production quota for normorphine, expressed in grams of anhydrous base.

Basic class	Proposed 1992 aggregate production Quota (grams)
Normorphine	2

All interested persons are invited to submit comments or objections in writing regarding this proposal. Comments or objections should be submitted to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative, and must be received by April 27, 1992. If a person raises one or more issues which that person believes would warrant a hearing, that individual should so state and summarize the reason for this belief.

In the event that comments or objections to this proposal raise one or more issues, which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to sections (3)(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: February 6, 1992.

Robert C. Bonner,
Administrator of Drug Enforcement.

[FR Doc. 92-7123 Filed 3-26-92; 8:45 am]
BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration/Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, 20210.

Corrections to General Wage Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, § 1.6(d), the Administrator of the Wage and Hour Division may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume II:

Wage Decision No. IL91-2, Modification No. 2 through 5
Wage Decision No. MN90-7, through Modification No. 4
Wage Decision No. MN90-8, through Modification No. 2
Wage Decision No. MN90-15, through Modification No. 2
Wage Decision No. MN91-7, through Modification No. 3
Wage Decision No. MN91-8, through Modification No. 2
Wage Decision No. MN91-15, through Modification No. 3

Pursuant to the Regulations, 29 CFR part 1, § 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume III:

Nevada:
NV91-7 (Feb. 22, 1991)..... p.All

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

Florida:
FL91-9 (Feb. 22, 1991)..... p.121, p.122
Georgia:
GA91-3 (Feb. 22, 1991)..... P.All
GA91-32 (Feb. 22, 1991)..... p.All
Mississippi:
MS91-21 (Feb. 22, 1991)..... p.All
MS91-23 (Feb. 22, 1991)..... p.All
MS91-24 (Feb. 22, 1991)..... p.All
MS91-26 (Feb. 22, 1991)..... p.All
MS91-27 (Feb. 22, 1991)..... p.All
New York:
NY91-2 (Feb. 22, 1991)..... p.777, pp.778-796a
Pennsylvania:
PA91-5 (Feb. 22, 1991)..... p.995, p.996
PA91-6 (Feb. 22, 1991)..... p.1007, p.1008
PA91-8 (Feb. 22, 1991)..... p. 1029, p.1030
PA91-9 (Feb. 22, 1991)..... p.1039, p.1040
PA91-14 (Feb. 22, 1991)..... p.1063, pp.1064-1065
PA91-15 (Feb. 22, 1991)..... p.1073, p.1074

Volume II:

Illinois:
IL91-1 (Feb. 22, 1991) p.60, pp.70, 72-77,79

IL91-9 (Feb. 22, 1991) p.153, p.155

Volume III:

Colorado:
CO91-2 (Feb. 22, 1991) p.159, p.160
CO91-3 (Feb. 22, 1991) p.163, p.164

Montana:
MT91-2 (Feb. 22, 1991) ..... p.All

Nevada:
NV91-1 (Feb. 22, 1991) p.299, pp.300-320d

Utah:
UT91-10 (Feb. 22, 1991) p.435
UT91-14 (Feb. 22, 1991) p.445
UT91-16 (Feb. 22, 1991) p.449

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 20th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-6967 Filed 3-26-92; 8:45 am]

BILLING CODE 4510-27-M

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

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The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is recieved by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the georgraphic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herin, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

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Wage Decision No. IL91-2, Modification No. 2 through 5
Wage Decision No. MN90-7, through Modification No. 4
Wage Decision No. MN90-8, through Modification No. 2
Wage Decision No. MN90-15, through Modification No. 2
Wage Decision No. MN91-7, through Modification No. 3
Wage Decision No. MN91-8, through Modification No. 2
Wage Decision No. MN91-15, through Modification No. 3.

Pursuant to the regulations, 29 CFR part 1, § 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

New General Wage Determination Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page numbers(s).

Volume III

Nevada:
NV91-7 (MAR 27, 1992) ..... p. All.

Modifications to General Wage Determination Decisions

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Volume I

Florida:
FL91-9 (FEB. 22, 1991) ..... p.121, p. 122.

Georgia:
GA91-3 (FEB. 22, 1991) ..... p. All.
GA91-32 (FEB. 22, 1991) ..... p. All.

Mississippi:
MS91-21 (FEB. 22, 1991) ..... p. All.
MS91-23 (FEB. 22, 1991) ..... p. All.
MS91-24 (FEB. 22, 1991) ..... p. All.
MS91-26 (FEB. 22, 1991) ..... p. All.
MS91-27 (FEB. 22, 1991) ..... p. All.

New York:
NY91-2 (FEB. 22, 1991) ..... p. 777, pp. 778-796a.

Pennsylvania:
PA91-5 (FEB. 22, 1991) ..... p. 995, p. 996.
PA91-6 (FEB. 22, 1991) ..... p. 1007, p. 1008.
PA91-8 (FEB. 22, 1991) ..... p. 1029, p. 1030.
PA91-9 (FEB. 22, 1991) ..... p. 1039, p. 1040.
PA91-14 (FEB. 22, 1991) ..... p. 1063, pp. 1064-1065.
PA91-15 (FEB. 22, 1991) ..... p. 1073, p. 1074.

Volume II

Illinois:
IL91-1 (FEB. 22, 1991) ..... p. 69, pp. 70,72-77,79.
IL91-9 (FEB. 22, 1991) ..... p. 153, p. 155, p. 155.

Volume III

Colorado:
CO91-2 (FEB. 22, 1991) ..... p. 159, p. 160.
CO91-3 (FEB. 22, 1991) ..... p. 163, p. 164.

Montana:
MT91-2 (FEB. 22, 1991) ..... p. All.

Nevada:
NV91-1 (FEB. 22, 1991) ..... p. 299, pp. 300-320d..

Utah:
UT91-10 (FEB. 22, 1991) ..... p. 435.
UT91-14 (FEB. 22, 1991) ..... p. 445.
UT91-16 (FEB. 22, 1991) ..... p. 449.

General Wage Determination Publication

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When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 24th day of March 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-7135 Filed 3-26-92; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Meeting; Theater Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Theater Companies Task Force Section) will be held on April 13-14, 1992 from 9:30 a.m.-5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics will be opening remarks and discussion of issues involving professional theater companies.

Any interested person may observe meetings, or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92-7117 Filed 3-26-92; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Nine Mile Point Nuclear Station, Unit No. 1; Exemption

I.

Niagara Mohawk Power Corporation (NMPC or the licensee) is the holder of Facility Operating License No. DPR-63, which authorizes operation of Nine Mile Point Nuclear Station Unit No. 1 (the facility or NMP1), at a steady-state reactor power level not in excess of 1850 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Oswego County, New York. The license provides among other things, that it is subject to all rules, regulations and Orders of the U.S. Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

Appendix J to 10 CFR part 50 requires that primary reactor containments shall meet certain containment leakage test requirements. Among these are the requirements that containment isolation valves receive local leak rate tests (Type C) and the results of all of the Type C tests are to be added to the results of the Type B tests and the combined leakage rate shall be less than 0.60 La.

III.

By letter dated December 12, 1991, NMPC requested a schedular exemption for Nine Mile Point Nuclear Station Unit No. 1 from the requirements set forth in 10 CFR part 50, appendix J, for four shutdown cooling isolation valves (38-

01, 38–02, 38–12, and 38–13) and four emergency condenser condensate return line valves (39–03, 39–04, 39–05, and 39–06). Specifically, NMPC requested temporary relief from the requirement that leakage of these eight valves be included in the 0.60 La acceptance criteria for the Type B and Type C tests, for the period up to and including NMP1's 1994 refueling outage.

Appendix J to 10 CFR part 50 was published on February 14, 1973, subsequent to the licensing of NMP1. The licensee has, in the past, not included the eight valves in the containment Leak Test Program, because they were not viewed as containment isolation valves under design accident conditions. However, the NRC staff's safety evaluation dated May 6, 1988, determined that these valves should be included in the appendix J program and be local leak rate tested.

By letters dated June 23, 1988, and November 22, 1988, NMPC requested a schedular exemption from certain requirements of appendix J, regarding leak testing of the emergency condenser condensate return line valves and the shutdown cooling isolation valves, respectively. NMPC stated that in order to leak test these valves a number of system changes would be necessary. The check valves, which were not designed for low pressure testing, may need to be replaced if they cannot be repaired or modified to consistently meet the required leakage rate. Additionally, leak-tight block valves and test taps may need to be installed in order to perform appropriate appendix J tests. NMPC requested relief until the next refueling outage, which was scheduled for 1990, to make the necessary system changes. However, due to NMP1's extended time out of service, the next refueling outage was rescheduled to 1992. The NRC staff granted the temporary exemption on October 17, 1988, for the emergency condenser condensate return line valves and on August 29, 1989, for the shutdown cooling isolation valves.

The NMP1 reactor vessel is currently scheduled to be drained during the 1994 refueling outage in order to perform inspections and modifications. The appendix J modifications, if performed during the 1992 outage, would also require the vessel to be drained. Therefore, NMPC has requested an extension to the schedular exemption so that the appendix J modifications may be included with the inspections and modifications of the reactor vessel currently scheduled for 1994.

IV.

The licensee's submittal restated the information that had been provided by letters dated June 23, 1988, and November 22, 1988, and concluded that the information would remain valid for the extended time period. This information formed the basis for the NRC staff's evaluations dated October 17, 1988, and August 29, 1989. Because the information provided on December 12, 1991, has not changed, the evaluations prepared by the NRC staff are still valid and extending the exemption would not cause undue risk to the public health and safety.

The NRC staff believes that special circumstances exist that warrant extending the approved exemption. A chemical decontamination of the reactor vessel significantly reduces radiation exposure to those individuals working in the area where the decontamination has taken place but there is a certain exposure to personnel performing the chemical decontamination. Therefore, the anticipated exposure to personnel must be greater than the exposure associated with the chemical decontamination.

The exposure associated with the appendix J modifications currently scheduled for the 1992 refueling outage does not support a chemical decontamination of the reactor vessel. However, if this activity is combined with inspections and modifications currently scheduled for the 1994 outage, then a chemical decontamination of the reactor vessel can be supported. This would result in reducing the overall dose to licensee personnel when compared to the same work performed over two outages without a chemical decontamination of the reactor vessel.

Another advantage to deferring the appendix J modifications to 1994 would be that the reactor vessel would only need to be drained once. The reactor vessel is currently scheduled to be drained during the 1994 outage to perform inspections and modifications. The appendix J modifications require the vessel to be drained. Deferring these modifications until 1994 will reduce the volume of radwaste generated since the additional draining of the vessel will be avoided.

By letter dated January 27, 1992, NMPC committed to perform a water test on the emergency condenser condensate return isolation valves' penetration and each shutdown cooling isolation valve during NMP1's 1992 refueling outage to ensure that leakage does not exceed 5 gpm. If the 5 gpm limit is exceeded, actions will be taken to reduce leakage to less than 5 gpm. These water tests will confirm that the subject valves have not degraded to a point that could result in an unacceptable increase in the risk to the public health and safety.

V.

On the basis of the above evaluation, the NRC staff concludes that the requested extension to the temporary, schedular exemption from the Type C testing requirements of appendix J to 10 CFR part 50 for emergency condenser condensate return line valves 39–03, 39–04, 39–05, and 39–06 and shutdown cooling isolation valves 38–01, 38–02, 38–12, and 38–13 is justified and should be granted. The technical basis supports a delay for the period from the 1992 refueling outage up to and including the next refueling outage for NMP1. The valves will then be included in the 0.6 La acceptance criteria for Type B and C tests at the conclusion of the 1994 refueling outage.

For these reasons, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter dated December 12, 1991, as discussed above, is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security and that special circumstances are present as set forth in 10 CFR 50.12(a)(2)(ii).

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this Exemption will have no significant impact on the environment (January 23, 1992, 57 FR 2791). A copy of the licensee's request for exemption and supporting documentation is available for public inspection at the Commission's Public Document Room, 2120 L Street, Washington, DC 20555 and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126. Copies may be obtained upon written request to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—I/II.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 20th day of March 1992.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 92–7129 Filed 3–26–92; 8:45 am]

BILLING CODE 7590–01–M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Annual Meeting of Commissioners

AGENCY: Presidents Commission on White House Fellowships.

ACTION: Notice of annual selection meeting of the President's Commission on White House Fellowships; closed to the public.

SUMMARY: Notice is hereby given that the annual selection meeting of the President's Commission on White House Fellowships will be held at Mt. Washington Conference Center, Baltimore, Maryland, May 28 through May 31, 1992, beginning at 5 p.m.

The annual selection meeting is part of the screening process of the White House Fellowships program. During this three-day meeting the applicants will be interviewed by members of the Presidential Commission. At the conclusion of this meeting, the Commissioners will recommend to the President those they propose be selected to serve as White House Fellows.

It has been determined by the Director of the Office of Personnel Management that because of the nature of the screening process, wherein personnel records and confidential character references must be used, which, if revealed to the public would constitute a clear invasion of the individual's privacy, the content of this meeting falls within the provisions of section 552b(c) of title 5 of the United States Code. Accordingly, this meeting is closed to the public.

DATES: The dates of the annual selection meeting of the President's Commission on White House Fellowships, which is closed to the public, are May 28–May 31, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Kelliher, Administrative Officer, President's Commission on White House Fellowships, 712 Jackson Place, NW., Washington, DC 20503, (202) 395–4522.

Dated: March 17, 1992.

Elsa B. Thompson,

Director, President's Commission on White House Fellowships.

[FR Doc. 92–7087 Filed 3–26–92; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30505; File Nos. SR–DTC–91–22 and SR–DTC–91–23]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving Proposed Rule Changes Relating to the Elimination of Most Urgent Withdrawals

March 20, 1992.

On November 14, 1991 and November 29, 1991, pursuant to section 19(b) of the Securities Exchange Act of 1934, ("Act"),[1] The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") proposed rule changes (File Nos. SR–DTC–91–22 and SR–DTC–91–23) that would eliminate most urgent withdrawals. Notices of filing of the proposed rule changes were published in the **Federal Register** on December 16, 1991 and December 27, 1991, to solicit comments on the proposed rule changes from interested persons.[2] No comments were received. This order approves the proposals.

I. Description

DTC has filed two proposed rule changes relating to the elimination of urgent withdrawals. The first proposal (File No. SR–DTC–91–22) would eliminate most urgent withdrawals ("Certificate on Demand or COD") [3] for securities settling in DTC's Next Day Funds Settlement System ("NDFS").[4] DTC would continue to make available CODs in municipal bond issues that are eligible in the NDFS. The second proposal (File No. SR–DTC–91–23) would eliminate most CODs for corporate securities and municipal bond issues eligible in DTC's Same Day Funds Settlement System ("SDFS").[5] The proposed rule changes also would implement DTC's Rush Withdrawal Transfer ("RWT") service on a permanent basis.[6]

RWT essentially replaces the COD process whereby DTC would release certificates from its vault registered in DTC's nominee name and endorsed to the participant or in blank. The RWT service allows DTC to expedite the transfer of certificates to the participant's name or other name as the participant directs. Depending on the issue, its transfer agent, its registrar, and the agent's and registrar's locations, newly registered certificates for United States issues generally are available on a next-day basis.[7] Canadian issues generally are available in six days after DTC has received transfer instructions.

Participants may use DTC's Deposit and Withdrawal at Custodian ("DWAC") service in special situations.[8] Through DWAC, participants may make deposits and withdrawals directly with the transfer agent for issues that are evidenced by a balance certificate registered in the name of Cede and Co. and held by the transfer agent.[9] Upon receipt of a request to withdraw securities, DTC will make the necessary adjustments to the participant's account and to DTC's internal account to reflect the withdrawal and forward the participant's request to the appropriate DTC custodian.[10] If accepted, the

[1] 15 U.S.C. 78s(b) (1988).

[2] Securities Exchange Act Release Nos. 30043 (December 6, 1991), 56 FR 65295; and 30104 (December 19, 1991), 56 FR 67109.

[3] A "COD" is a method of withdrawing securities certificates from DTC in which the certificate is released directly from DTC's vault. To make such a withdrawal, the participant first must certify that it has enough securities in its account to fill the request. The participant then completes a withdrawal request describing the securities (*i.e.*, CUSIP, amount, etc.) DTC fills the withdrawal request by delivering to the participant the same day (for most daytime requests) or the next day (for nighttime requests) certificates registered in DTC's nominee name, CEDE & Co., and endorsed to the participant or in blank.

[4] Participants may use DTC's Fast Automated Securities Transfer ("FAST") program to obtain a securities certificate in a timeframe comparable to CODs. Certificates withdrawn through FAST are transferred from DTC's nominee name, Cede & Co., to the participant's name or any other name given to the transfer agent by the participant and are ready for pick-up at DTC or at the transfer agent usually the same day but no later than the next business day.

[5] Currently, DTC receives twenty or fewer requests daily for CODs in municipal bonds eligible in DTC's SDFS. DTC receives requests routinely for CODs in municipal bond issues eligible in DTC's NDFS. DTC will continue to make available CODs for NDFS issues until participant demand diminishes to a level that would allow DTC gradually to phase-out the CODs. See DTC's Important Notice B–9691–91 (November 4, 1991).

[6] DTC is currently operating RWT on a pilot basis. On July 21, 1989, the Commission granted temporary approval of a proposed rule change, substantially the same as File No. SR–DTC–91–22, to gradually eliminate the COD service. Simultaneously, DTC introduced its RWT service on a pilot basis. See Securities Exchange Act Release Nos. 26980 (July 5, 1989), 54 FR 28135; and 27052 (July 31, 1989), 54 FR 31600.

[7] Under DTC's regular WT procedures, newly registered certificates would be available, depending on the issue, its transfer agent and the agent's location, one or two weeks after DTC has received WT transfer instructions.

[8] Securities Exchange Act Release No. 30283 (January 23, 1992), 57 FR 3058.

[9] Only FAST-eligible issues and certain other limited certificate issues are eligible for DWAC. Securities Exchange Act Release No. 30283.

[10] The withdrawal of securities using DWAC is subject to approval by the DTC custodian. For a more detailed description of DWAC, see Securities Exchange Act Release No. 30283.

custodian will notify DTC and DTC will notify the participant that the appropriate entries have been made. If the issue is certificated, the participant may collect its certificates from the custodian.

After requesting a RWT, participants also may telephone DTC's Expediting Department when the transfer is particularly time sensitive. In such a case, after receiving a request for an expedited transfer or withdrawal, the Expediting Department will contact the transfer agent to make the agent aware of the time sensitive nature of the transfer. The Expediting Department will routinely follow-up to ensure transfers have occurred as requested. In extraordinary circumstances, DTC's Expediting Department will attempt to accommodate participants with a COD to the extent that the denominations of certificates requested by the participant are held in DTC's vault, when a participant is unable to obtain a certificate (*e.g.*, when there is no current transfer agent for that particular issue), or in cases when DTC's WT, FAST, or DWAC transfer services cannot accommodate a participant's urgent need for a certificate.

II. Discussion

The Commission believes that DTC's proposed rule changes are consistent with the Act and, in particular, with Sections 17A(b)(3) (A) and (F).[11] The discontinuance of the COD service furthers the Congressional goals in section 17A(e) of the Act by reducing the movement of securities certificates among brokers and dealers, and promotes the goal of prompt and efficient clearance and settlement of securities transactions. Congress stated in section 17A(a)(1) of the Act that inefficient procedures for the clearance and settlement of securities transactions impose unnecessary costs on investors and that prompt and accurate clearance and settlement are necessary for investor protection.[12]

The proposed rule changes will encourage greater use of more efficient transfer services like RWT, DWAC, and FAST. The one-step transfer process offered by RWT, DWAC, and FAST are more efficient than the two-step (or more) COD process in which DTC endorses the certificate to the participant and the participant (or the person that ultimately receives the certificate) must send it to the transfer agent for transfer. Thus the proposals reduce the movement of physical securities consistent with section 17A(e) and facilitate the prompt and accurate clearance and settlement of securities transactions consistent with section 17A(b)(3)(A).

The proposals reduce both the risk and the cost associated with processing and storing certificates. The processing of certificates involves certain risks including the risk that certificates will be stolen or lost in transit or on DTC's premises. While DTC employs security measures designed to help minimize the risk of theft and maintains insurance designed to cover the cost of lost or stolen certificates,[13] the elimination of CODs will substantially reduce DTC's risk by reducing the movement from DTC's vault of securities endorsed in blank. DTC also will reduce the cost of storing and counting large amounts of certificates. Instead of storing large amounts of round lot certificates,[14] DTC can substitute these smaller denominated certificates for "jumbo" certificates. The Commission believes that by reducing the risks and costs associated with transferring and storing securities certificates, the proposal will facilitate the safeguarding of securities and funds under DTC's control or in DTC's possession consistent with section 17A(b)(3)(F).

The proposal will enable DTC to improve tracking of dividend and interest payments and reduce the amount of lost dividends and interest to participants. DTC receives dividend and interest distributions from issuers for redistribution to participants.[15] The amount of distributions received from the issuer is based on the aggregate of all participants' positions in that CUSIP on record date. When DTC releases certificates in blank or endorsed to a participant, DTC reduces the participant's position and DTC's inventory of physical certificates. If a participant or a customer of a participant fails to submit the certificate to the transfer agent prior to record date, DTC will be listed on the transfer agent's records as the record owner and DTC's aggregate positions in that CUSIP as shown on the transfer agent's records will be greater than DTC's inventory. This results in DTC receiving more of the distribution than expected. The proposed rule changes will eliminate one of the causes of such imbalances. In addition, the proposed rule changes will reduce participants' costs of researching and reconciling imbalances created by the failure to transfer securities from DTC's nominee name to the new owner's name.[16]

In the order temporarily approving the elimination of most CODs in DTC's NDFS, the Commission expressed concern that the implementation of RWT not disrupt the prompt and accurate clearance and settlement of securities transactions.[17] The Commission required DTC to monitor the certificate turnaround performance of all transfer agents participating in the RWT pilot program; to compile transfer agent turnaround statistics; and to solicit comments from transfer agents participating in the RWT service and report that information to the Commission.[18] The Commission required DTC to evaluate the statistics and other information it collected concerning transfer agent performance throughout the pilot period and use the information to determine the overall performance of the RWT service and transfer agents' individual performance.[19]

DTC has operated the RWT service on a pilot basis for over two years. DTC has represented to the Commission that during that time, DTC is not aware that any participant or any customer of a participant has suffered a financial loss from a failure to receive a timely withdrawal.[20] DTC does not expect that any participant will experience any inconvenience as a result of the elimination of CODs.[21] DTC's statistics indicate that the volume of CODs in SDFS-eligible issues currently averages twenty or fewer instructions per day. DTC believes that this indicates that participants no longer rely on urgent withdrawals to obtain corporate SDFS certificates.[22] DTC expects that in most cases participants will be able to anticipate their withdrawal needs sufficiently in advance to rely on ordinary WTs for their certificates. Moreover, DTC through its Expediting Department will withdraw certificates from its vault to the extent it has the appropriate denominations in cases when DTC's RWT, FAST, or DWAC transfer services are unable to accommodate a participant's urgent need for a certificate or if transfer services for an issue have been discontinued.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with section 17A of the Act.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes (File Nos. SR–DTC–91–22 and SR–DTC–91–23) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7122 Filed 3–26–92; 8:45 am]

BILLING CODE 8010–01–M

[11] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1988).

[12] 15 U.S.C. 78q–1(a)(1) (1988).

[13] Securities Exchange Act Release No. 12853 (April 20, 1976), 41 FR 17823.

[14] A "round lot" is a unit of trading or a multiple thereof. On the NYSE, stocks are traded in round lots of 100 shares for active stocks and 10 shares for inactive ones. Bonds are traded in units of $1,000. The New York Institute of Finance, How the Stock Market Works (1988).

[15] DTC is the principal securities depository having in excess of 600 participants and holding most securities of companies represented in the Dow Jones Industrial Average and companies listed on the New York Stock Exchange ("NYSE").

[16] Because the certificate may be endorsed several times after DTC releases the certificate from its vault, DTC may not be able to determine who should receive the dividend or interest distributions. DTC researches the overpayment, including contacting the participant who withdrew the certificate, and if necessary, the participant's transferee in cases where these parties are known to DTC, but DTC is unable to resolve all unclaimed dividends and interest. As of December 31, 1991, DTC held over $104 million in unclaimed dividends and interest. Unclaimed dividends and interest are transferred to the appropriate state when required by abandoned property laws. Telephone conversation between Patricia H. Trainor, Associate Counsel, DTC, and Sonia G. Burnett, Attorney, Division of Market Regulation ("Division"), Commission (March 12, 1992).

[17] Securities Exchange Act Release No. 26960 (July 5, 1989), 54 FR 28135.

[18] *Id.*

[19] *Id.* As of December 1991, DTC's statistics show that DTC received 69% of RWTs handled by New York transfer agents within twenty-four hours after being submitted for transfer. Of the remaining RWTs handled by New York transfer agents, 88% were received within forty-eight hours; 94% were received within 72 hours. Transfer agents outside of New York City turned around 25% of RWTs within 24 hours; 75% within forty-eight hours; 90% within 72 hours.

[20] Letter from Patricia H. Trainor, Associate Counsel, DTC, to Sonia G. Burnett, Attorney, Division, Commission (March 11, 1992).

[21] DTC's analysis of statistics for transfer agent RWT turnaround for the period from July 1989 until the filing of this proposed rule change indicate that the average daily number of RWTs dropped during the course of the pilot program. DTC believes that this indicates that participants are able to better anticipate their withdrawal needs.

[22] Many of the SDFS issues are now predominantly book-entry-only ("BEO") issues. BEO securities are certificated securities that are evidenced by one balance certificate registered in the name of DTC's nominee. Beneficial owners generally cannot obtain negotiable certificates evidencing their ownership interests in BEO issues thereby eliminating the need for any type of certificate withdrawal for these issues. Of the issue types currently eligible in the SDFS system, medium-term notes ("MTN"), commercial paper, and auction-rate preferreds are solely BEO, municipal notes are almost entirely BEO, and many of the asset-backed securities ("ABS") and municipal variable-rate demand option ("VRDO") issues are BEO. This has significantly contributed to the sharp drop in SDFS withdrawals. In the NDFS, few withdrawals are needed because rules of the NYSE, the National Association of Securities Dealers and other self-regulatory organizations now require, in general, that all deliveries of securities made against full payment in depository-eligible securities be settled by book-entry.

[23] 17 CFR 200.30–3(a)(12).

[Rel. No. IC–18620; 812–7059]

Prudential-Bache IncomeVertible Plus Fund, Inc., et al.; Application

March 20, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: Prudential-Bache IncomeVertible Plus Fund, Inc., (d/b/a Prudential IncomeVertible Plus Fund), Prudential California Municipal Fund, Prudential-Bache Equity Fund, Inc., Prudential Equity Income Fund, Prudential Flexifund, Prudential Global Fund, Inc., Prudential-Bache Global Genesis Fund, Inc., Prudential-Bache Global Natural Resources Fund, Inc., Prudential-Bache GNMA Fund, Inc., Prudential-Bache Government Plus Fund, Inc., Prudential Government Securities Trust, Prudential Growth Fund, Inc., Prudential-Bache Growth Opportunity Fund, Inc., Prudential-Bache High Yield Fund, Inc., Prudential Intermediate Global Income Fund, Inc., Prudential Institutional Liquidity Portfolio, Inc., Prudential-Bache MoneyMart Assets, Inc., Prudential Multi-Sector Fund, Inc., Prudential Municipal Bond Fund, Prudential Municipal Series Fund, Prudential-Bache National Municipals Fund, Inc., Prudential-Bache Option Growth Fund, Inc. (d/b/a Prudential Total Return Fund), Prudential-Bache Short Term Global Income Fund, Inc., Prudential-Bache Special Money Market Fund, Inc., Prudential-Bache Strategic Income Fund, Inc., Prudential-Bache Structured Maturity Fund, Inc., Prudential-Bache Tax-Free Money Fund, Inc., Prudential U.S. Government Fund, Prudential-Bache Utility Fund, Inc., Command Government Fund, Command Money Fund, Command Tax-Free Money Fund, Nicholas-Applegate Fund, Inc. (collectively, the "Funds"), Prudential Securities Incorporated ("PSI"), Prudential Mutual Fund Management, Inc. ("PMF"), and Prudential Mutual Fund Distributors, Inc. ("PMFD").

RELEVANT ACT SECTIONS: Order requested under section 6(c) exempting applicants from sections 13(a)(2), 18(a), 18(c), 18(f)(1), 22(f), 22(g), and 23(a), and pursuant to section 17(d) and rule 17d–1 thereunder permitting certain joint transactions.

SUMMARY OF APPLICATIONS: Applicants seek an order under sections 6(c) and 17(d) of the Act and rule 17d–1 thereunder that would amend existing orders that permitted certain open-end investment companies to offer their directors who are not interested persons within the meaning of section 2(a)(19) of the Act ("Non-Interested Directors") a deferred compensation plan. The requested order would extend the relief to additional open-end investment companies ("Mutual Funds") and certain closed-end investment companies ("Closed-End Funds"), provide participating Non-Interested Directors of the Mutual Funds with a choice as to the rate of return earned on their deferred fees and, in certain instances, allow each Mutual Fund to purchase its own shares in order to fund the deferred compensation plan.

FILING DATES: The application was filed on June 30, 1988 and amended on April 20, 1989 and January 31, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 14, 1992, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, One Seaport Plaza, New York, New York 10292.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, at (202) 272–2190 or Barry D. Miller, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. PMF acts as manager or administrator and PMFD or PSI acts as distributor for the Prudential Funds (as defined below). PMF is registered as an investment adviser under the Investment Advisers Act (the "Advisers Act"). PMFD is a registered broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). PSI is registered as an investment adviser under the Advisers Act and as a broker-dealer under the Exchange Act.

2. Prudential-Bache IncomeVertible Plus Fund, Inc., an open-end investment company, and any other open-end investment company for which PSI serves as administrator, manager, distributor or principal underwriter (the "Prudential Mutual Funds") previously received an exemptive order that was later amended permitting applicants to adopt a deferred compensation plan if authorized by their respective board of directors. (See Investment Company Act Release Nos. 15178 (June 27, 1986) (notice) and 15224 (July 24, 1986) (order); 15543 (Jan. 16, 1987) (notice) and 15573 (Feb. 12, 1987) (amended order) (the "Prior Orders")).

3. Currently, each Prudential Mutual Fund Pays their Non-Interested Directors fees, plus reimbursement for travel and incidental expenses ("Director's Fees"). Under the Prior Orders, each Non-Interested Director of a Prudential Mutual Fund may elect to defer receipt of all or a portion of the Director's Fees payable for services performed after the date of the election. The amounts deferred would accrue a return at a daily rate equivalent to the rate for 90-day U.S. Treasury bills determined each calendar quarter on a prospective basis (the "T-Bill Rate"). In addition, amounts to be paid by a fund pursuant to the deferred fee arrangement may not be funded by the purchase of shares in any Prudential Mutual Fund nor by the establishment of any special fund or separate account.

4. Applicants request that the Prior Orders be amended to apply to the Funds, to any Mutual Fund or Closed-End Fund organized presently or in the future for which PSI, PMF, PMFD, or any successors thereof, serve as principal underwriter, manager, administrator or investment adviser (collectively, with the Funds, the "Prudential Funds") and whose board of directors authorizes it to adopt a deferred compensation agreement substantially similar to the agreement attached to the application (the "Deferred Compensation Plan"), and to any Non-Interested Director of a Prudential Fund.

5. Applicants also seek to modify the Prior Orders to provide Non-Interested Directors of the Mutual Funds with the choice of earning a rate of return on their deferred fees equal to either (i) the T-Bill Rate or (ii) the rate of return earned on the shares of the Mutual Fund on whose board the director serves (the "Fund Rate"). The Fund Rate is equal to the rate of return (positive or negative) earned on shares of the relevant Mutual Fund had the director's deferred fees been invested in such shares. Accordingly, when the Fund Rate is in effect, the income, realized gain or loss on investments or unrealized appreciation or depreciation of a Mutual Fund attributed to a director through the Deferred Compensation Plan would be identical in amount to the income, gain, loss, appreciation or depreciation which would be received by a stockholder of the respective Mutual Fund.

6. Finally, applicants seek to amend the Prior Orders to permit each Mutual Fund to purchase its own shares in order to fund any return earned on deferred fees where the Fund Rate is chosen. The amount of deferred Director's Fees invested in a Prudential Fund will not exceed the amount of Director's Fees earned by the director from that fund and may be invested solely in the fund on whose board the director serves. Any investment of deferred Director's Fees in a Prudential Fund shall be made in accordance with section 12(d)(1) of the Act. In addition, any shares acquired to fund payments on deferred Director's Fees (not including reinvested dividends and distributions) by a Mutual Fund having two classes of shares will be divided evenly between the two classes of shares. Non-Interested Directors of the Closed-End Funds will accrue a return on their deferred fees at the T-Bill Rate, and Closed-End Funds will not use the deferred fees to acquire their shares to fund the return earned on such fees.

Applicants' Legal Analysis

1. Applicants assert that extending the relief to Prudential Funds and to their Non-Interested Directors will benefit applicants and their shareholders. The deferral of Direator's Fees will enhance the funds' ability to attract and retain directors of high caliber. The Deferred Compensation Plan permits the Non-Interested Directors to defer receipt of their compensation enabling them to defer payment of their income taxes on these fees or to accomplish other income management objectives.

2. Applicants content that the Deferred Compensation Plan possesses none of the characteristics of senior securities that led Congress to enact sections 13(a)(2), 18(a), 18(c), and 18(f)(1). All liabilities created by the Deferred Compensation Plan would continue to be offset by equal amounts of fund assets that would not otherwise exist if the fees were currently paid. The deferral of Director's Fees would not induce speculation by a fund. Participation in the Deferred Compensation Plan by the Prudential Funds and their Non-Interested directors would not affect the control of any Fund, confuse its stockholders, complicate the valuation of its shares, convey a false sense of safety, or be inconsistent with the theory of mutuality of risk.

3. Section 22(f) of the Act prevents restrictions on transferability or negotiability either not disclosed to the holder of the security or prohibited by Commission regulation. Since the proposed amendments to the Prior Orders will not affect the restrictions on transferability contained in the Deferred Compensation Plan, those restrictions continue to be consistent with the standards of section 6(c) of the Act.

4. Sections 22(g) and 23(a) prohibit an investment company from issuing any of its securities for services or for property other than cash or securities. Congress enacted these provisions to address concerns of potential dilution of equity and voting power resulting when securities are issued for assets that are not readily valued. Applicants assert that there will be no dilution of fund assets since the value of deferred Director's Fees are readily ascertainable. Applicants argue that interests in the plan may be viewed as issued in return for applicants' right to pay the fees on a deferred basis rather than in return for services. Finally, applicants contend that the total Director's Fees paid to each director will be *de minimis* relative to the total assets of each Prudential Fund. Consequently, the deferral and payment of Director's Fees will have a negligible impact on each fund's assets, liabilities, net assets, net income per share and shareholder's equity.

5. Section 17(d) and rule 17d–1 generally prohibit any joint enterprise, other joint arrangement, or profit-sharing plan between an affiliate of a registered investment company and the registered investment company unless such arrangement has been approved by the Commission. Section 17(d) and rule 17d–1 are designed to limit or prevent abuses caused by conflicts of interest between registered investment companies and their affiliates including directors. Applicants argue that given the interest of the directors in the financial health of the funds, participating in the Deferred Compensation Plan and receiving the T-Bill Rate on their deferred fees will not create conflicts of interest between the directors and the Prudential Funds and their shareholders.

6. In addition, the Non-Interested Director will not have a claim on the profits of any participating Prudential Fund regardless of any return paid on deferred Director's Fees. Amounts accrued under the Deferred Compensation Plan will be general unsecured obligations, payable solely from the respective Prudential Fund's general assets and property, and the director will be a general unsecured creditor of such Prudential Fund. Applicants believe, therefore, that any return earned on the deferred Director's Fees and the purchase of its own shares by a Mutual Fund under the terms specified above would not be a joint transaction with a director on terms different from or less advantageous for the Mutual Fund than for the director within the meaning of section 17(d) and rule 17d–1.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7119 Filed 3–26–92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35–25495]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 20, 1992.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 13, 1992 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Mississippi Power Company 70–7941

Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, a wholly owned electric public utility subsidiary company of The Southern Company, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(c) and 12(d) of the Act and Rules 42, 44, 50 and 50(a)(5) thereunder.

Mississippi proposes to issue a non-negotiable promissory note ("Note"), at any time on or before June 30, 1994, under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5), in connection with the issuance and sale by public instrumentalities of one or more series of pollution control revenue bonds ("Revenue Bonds") in an aggregate principal amount of up to $25 million.

The Revenue Bonds will be issued for the financing or refinancing of the costs of certain air and water pollution control facilities and sewage and solid waste disposal facilities at one or more of Mississippi's electric generating plants or other facilities located in various counties in the State of Mississippi. It is proposed that each such county or its appropriate instrumentality ("County") will issue its Revenue Bonds to finance or refinance the costs of the acquisition, construction, installation and equipping of said facilities at the plant or other facility located in its county ("Project").

The actual amount of Revenue Bonds to be issued by each County has not yet been determined, such amount will be based upon the cost of refunding outstanding bonds or the cost of the Project located in its jurisdiction.

It is proposed that the Revenue Bonds will mature from 1 to 40 years from the first day of the month in which they are initially issued and may, if it is deemed advisable for purposes of the marketability of the Revenue Bonds, be entitled to the benefit of a mandatory redemption sinking fund calculated to retire a portion of the aggregate principal amount of the Revenue Bonds prior to maturity.

Mississippi proposes to enter into a Loan or Installment Sale Agreement with the County ("Agreement") pursuant to each issue of the Revenue Bonds, and Mississippi may issue a Note therefor, or the County will undertake to sell the related Project to Mississippi. The proceeds from the sale of the Revenue Bonds will be deposited with a trustee ("Trustee") under an indenture to be entered into between the County and such Trustee ("Trust Indenture"), pursuant to which such Revenue Bonds are to be issued and secured, and will be applied by Mississippi to payment of the Cost of Construction (as defined in the Agreement) of the Project or to refund outstanding pollution control revenue obligations.

The Trust Indenture and the Agreement may give the holders of the Revenue Bonds the right, during such time as the Revenue Bonds bear interest at a fluctuating rate, to require Mississippi to purchase the Revenue Bonds from time-to-time, and arrangements may be made for the remarketing of any such Revenue Bonds through a remarketing agent. Mississippi also may be required to purchase the Revenue Bonds, or the Revenue Bonds may be subject to mandatory redemption, at any time if the interest thereon is determined to be subject to federal income tax. Also in the event of taxability, interest on the Revenue Bonds may be effectively converted to a higher variable or fixed rate, and Mississippi also may be required to indemnify the bondholders against any other additions to interest, penalties and additions to tax.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating of Mississippi's first mortgage bonds outstanding under the indenture dated as of September 1, 1941 between Mississippi and Morgan Guaranty Trust Company of New York, as Trustee, as supplemented and amended ("Mortgage"), Mississippi may determine to secure its obligations under the Note and/or Agreement by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") issued under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder. The aggregate principal amount of the Collateral Bonds would be equal to either: (1) The principal amount of the Revenue Bonds; or (2) the sum of such principal amount of the Revenue Bonds plus interest payments thereon for a specified period.

As a further alternative to, or in conjunction with, securing its obligations through the issuance of the Collateral Bonds, Mississippi may: (1) Cause an irrevocable letter of credit ("Letter of Credit") to be delivered to the Trustee; and/or (2) cause an insurance

company to issue a policy ("Policy") guaranteeing the payment of the Revenue Bonds. In the event that the either the Letter of Credit is delivered to the Trustee or the Policy is issued, Mississippi may also convey to the County a subordinated security interest in the Project or other property of Mississippi as further security for Mississippi's obligations under the Agreement and/or the Note. However, in the event that Mississippi is unable or determines not to issue the Collateral Bonds, deliver the Letter of Credit to the Trustee or cause the Policy to be issued, it proposes to guarantee the payment of the principal of, premium, if any, and interest of the Revenue Bonds.

Mississippi also proposes to issue and sell, at any time on or before June 30, 1994: (1) One or more series of its (a) first mortgage bonds ("Bonds"), having a maturity of not less than five nor more than 40 years, in an aggregate principal amount of up to $100 million and (b) preferred stock ("Preferred") in an aggregate par or stated value of up to $50 million. The Bonds will be issued pursuant to the Mortgage, as to be further supplemented, and sold for the best price obtainable, but for a price to Mississippi of not less than 98% nor more than 101¾% of the principal amount thereof, plus accrued interest (if any), which may be an adjustable interest rate determined on a periodic basis, or a fixed interest rate. The Bonds may be subject to a mandatory or optional cash sinking fund. Mississippi may enhance the marketability of the Bonds by purchasing an insurance policy to guarantee the payment when due of the Bonds.

Mississippi seeks authority to deviate from the redemption and dividend limitation provisions contained in the Commission's Statement of Policy Regarding First Mortgage Bonds and Preferred Stock (HCAR Nos. 13105 and 13106, February 16, 1956, as amended by HCAR Nos. 16369 and 16758, May 8, 1969 and June 22, 1970, respectively) with respect to the issuance of the Bonds and Preferred. Mississippi proposes to issue and sell the Bonds and Preferred under an exception from the competitive bidding requirements of Rule 50 under subsection (a)(5) thereunder, should circumstances develop which make such exception in the best interest of Mississippi, its investors and consumers. Otherwise, Mississippi proposes to issue and sell the Bonds and Preferred under the competitive bidding procedures of Rule 50 of the Act as modified by the Commission's Statement of Policy dated September 2, 1982 (HCAR No. 22623).

Mississippi may use the proceeds from the sale of the Bonds and the Preferred to redeem or otherwise retire its outstanding first mortgage bonds, pollution control bonds and/or preferred stock, or along with other funds, to pay a portion of its cash requirements to carry on its electric utility business.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7118 Filed 3-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Investment Company Act Rel. No. 18621; 811-763]

Variable Stock Fund, Inc.; Application

March 20, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice or application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Variable Stock Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an Order declaring that it has ceased to be an investment company under the Act.

FILING DATE: The application was filed on February 24, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 14, 1992, and should be accompanied by proof of service on Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 361 Whitney Avenue, Holyoke, Massachusetts 01040.

FOR FURTHER INFORMATION CONTACT: C. David Messman, Senior Attorney, at (202) 272-2813 or Barry D. Miller, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company. On or about March 19, 1957, Applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement became effective on or about April 15, 1957.

2. On October 28, 1991, Applicant's board of directors approved an Agreement and Plan of Reorganization (the "Plan") between Applicant and the T. Rowe Price Growth Stock Fund, Inc. (the "Growth Fund") pursuant to which the Growth Fund would acquire substantially all of the assets of Applicant in exchange for Growth Fund common stock. The combined proxy statement and prospectus was mailed to Applicant's shareholders on December 20, 1991. The Plan was approved at a special meeting of Applicant's shareholders held on January 22, 1992. Shareholders of Applicant received that number of full and fractional shares of the Growth Fund having an aggregate net asset value equal to the net asset value of the shareholders' shares of Applicant as of the close of business on January 24, 1992, the business day immediately preceding the closing of the reorganization.

3. As of January 24, 1992, the business day immediately preceding the effective date of the reorganization, Applicant had outstanding 966,947 shares, with a net asset value of $8.42 per share, for a total net asset value of $8,132,738. On January 27, 1992 Applicant sold its portfolio securities and substantially all of its other assets to the Growth Fund, less a reserve of approximately $1,424 in cash for the purpose of satisfying outstanding liabilities of Applicant. The shares of the Growth Fund received by Applicant in exchange for its assets were then distributed to its shareholders *pro rata* in accordance with their respective interests in Applicant. No brokerage fees were paid in connection with the reorganization.

4. Applicant and the Growth Fund each paid their own expenses associated with the reorganization. As of the date of the application, such expenses of Applicant totaled approximately $55,000, consisting principally of attorneys and auditors fees and proxy printing and solicitation expenses.

5. Articles of Transfer were filed and Articles of Dissolution will be filed on behalf of Applicant with the Maryland State Department of Assessments and Taxation to effect the dissolution of Applicant as a Maryland Corporation.

6. As of the date of the application, Applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7120 Filed 3-26-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18622; 811-4056]

Viking Money Market Fund, Inc.; Application

March 20, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Viking Money Market Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 10, 1991 and amended on February 11, 1992, and March 6, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 14, 1992, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 200 Gibraltar Road, Horsham, PA 19044.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 272-3026, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified investment company that was organized under the laws of Maryland. Applicant registered under the Act and filed a registration statement pursuant to section 8(b) of the Act on June 22, 1984. A registration statement under the Securities Act of 1933 was filed on June 22, 1984. The registration statement was declared effective and the initial public offering commenced on October 22, 1984.

2. At a meeting held on December 18, 1990, applicant's board of directors adopted resolutions declaring advisable a proposed sale of substantially all of applicant's assets to CoreFunds, Inc. ("CoreFunds"). On or about April 5, 1991, applicant mailed proxy materials to its shareholders, who approved the proposal at a special shareholders' meeting held on May 15, 1991.

3. As of November 20, 1990, there were 190,100,860 shares of applicant's Fiduciary Portfolio outstanding, representing an aggregate net asset value of $190,100,860, and a per share value of $1.00. On December 3, 1990, CoreStates Bank (the "Bank"), the sole record shareholder of applicant's Fiduciary Portfolio, redeemed all outstanding shares of the Fiduciary Portfolio and in a separate transaction, purchased shares of CoreFunds Fiduciary Reserve. The Fiduciary Portfolio shares were sold by applicant's distributor, The Fairfield Group, Inc., only to affiliated and subsidiary banks of CoreStates Financial Corp. and other depository institutions and institutional investors acting on behalf of certain customers for which they exercised investment discretion. The funds invested by the Bank in the Fiduciary Portfolio consisted of assets held by the Bank's trust department for customers for whom the Bank acted as trustee, executor, administrator, guardian of estates, investment adviser or in any other fiduciary capacity which conferred investment discretion upon the Bank.

4. On May 30, 1991, applicant transferred all of its assets and liabilities of its Prime Obligations Portfolio to CoreFunds in exchange for shares of class A common stock of CoreFunds.[1] Immediately thereafter, applicant distributed the shares of class A common stock *pro rata* to its shareholders.

5. The expenses incurred in connection with the sale of applicant's assets were approximately $22,000 (legal—$20,000; accounting—$2,000), all of which were assumed by CoreFunds.

6. There are no securityholders to whom distributions in complete liquidation of their interests have not been made. Applicant has no debts or other liabilities that remain outstanding. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant has filed Articles of Dissolution with the Maryland Secretary of State.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7121 Filed 3-26-92; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, sec. 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's

[1] Accounting to CoreFunds Cash Reserve prospectus dated October 21, 1991, class A common stock represents an interest in CoreFunds Cash Reserve portfolio.

DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6154 Filed 3-26-92; 8:45 am]

BILLING CODE 8120-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD8 92-04]

Lower Mississippi River Waterway Safety Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II) notice is hereby given of a meeting of the Lower Mississippi River Waterway Safety Advisory Committee. The meeting will be held on Tuesday, April 21, 1992, in the 29th floor Boardroom of the World Trade Center, 2 Canal Street, New Orleans, Louisiana at 9 a.m. The agenda for the meeting consists of the following items:

1. Call to order.
2. Minutes of the January 14, 1992 meeting.
3. Old Business.
   a. Fishing Vessels Crossing Southwest Pass.
   b. Tows Changing Configuration in Southwest Pass.
4. New Business.
   a. Discussion of deletion of § 164.15 from the Code of Federal Regulations.
   b. Inconsistencies of the aids to navigation in the Mississippi River Gulf Outlet.
   c. Army Corps of Engineers proposal to eliminate the federal dredges and employ commercial dredges only.
5. Report from the VTS Subcommittee.
6. Adjournment.

The purpose of this Advisory Committee is to provide recommendations and guidance to the Commander, Eighth Coast Guard District on navigation safety matters affecting this waterway.

All meetings are open to the public. Members of the public may present written or oral statements at the meetings.

Additional information may be obtained from Commander E. N. Funk, USCG, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander, Eighth Coast Guard District (oan), room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number (504) 589-3074.

Dated: March 13, 1992.

RADM J.M. Loy,

Commander, 8th Coast Guard District.

[FR Doc. 92-7131 Filed 3-26-92; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

RTCA, Inc.; Special Committee 162, Aviation Systems Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92-463, 5 U.S.C., appendix I), notice is hereby given for the seventeenth meeting of Special Committee 162 to be held April 13-14, 1992, in the RTCA conference room, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of minutes of the sixteenth meeting held December 4-6, 1991, RTCA paper no. 121-92/SC162-140 (previously distributed); (3) Reports of related activities being conducted by other organizations; (4) Review activities of the ATNI MASPS/MOPS Working Group; (5) Review status of Applications Guidance (Part 2) Document (in preparation); (6) Review status of Applications Programming Interface (Part 3) Document (in preparation); (7) Review status of Systems Security Guidance Document; (8) Review status of Systems Management Guidance Document; (9) Other business; (10) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., suite 1020, Washington, DC 20036; (202) 833-9339. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 19, 1992.

Joyce J. Gillen,

Designated Officer.

[FR Doc. 92-7116 Filed 3-26-92; 8:45 am]

BILLING CODE 4910-13-M

Intent to Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Palm Springs Regional Airport, Palm Springs, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Palm Springs Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 27, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, Standards Section, AWP-621, P.O. Box 92007, WPC, Los Angeles, California 90009.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Allen F. Smoot, Director of Aviation of the City of Palm Springs at the following address: City of Palm Springs, 3200 E. Tahquitz Canyon, Palm Springs, California 92262.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Palm Springs under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: John P. Milligan, Supervisor, Standards Section, AWP-621, Federal Aviation Administration, P.O. Box 92007, WPC, Los Angeles, California 90009, Telephone: (310) 297-1029.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Palm Springs Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 16, 1992, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of Palm Springs was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the approve the application, in whole or in part, no later than June 25, 1992.

The following is a brief overview of the application. Level of the proposed PFC: $3.00.

Proposed charge effective date: October 1, 1992.

Proposed charge expiration date: October 30, 2022.

Total estimated PFC revenue: $51.4 million.

Brief description of proposed project(s): Airport Terminal Expansion, Phase IA (approx. 43,158 sq. ft.) that includes expand baggage claim area, install temporary hold room area for passenger boarding gates, construct air-conditioned hold room area for commuter and charter operations, construct centralized control center for airport operations and access control system, remodel existing areas of terminal, remove asbestos and install seismic reinforcing in selected portions of existing terminal, install new passenger screening security check point, construct air carrier apron for three (3) additional parking positions and commuter aircraft apron for four (4) additional parking positions, construct an additional six (6) passenger boarding gates; Airport Terminal Expansion Phase IIA (approx. 63,121 sq. ft.) that includes install air-conditioned two-level concourse and hold rooms, construct second level boarding areas, install eight (8) boarding bridges, construct a central utilities plant, construct open-air patio for holding additional passengers during good weather. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi operations under Part 135.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT"** and at the FAA regional Airports office located at: Federal Aviation Administration, Western-Pacific Regional Headquarters, Airports Division, Room 3E23, 15000 Aviation Blvd., Hawthorne, California 90261.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Palm Springs.

Issued in Hawthorne, California on March 16, 1992.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 92-7115 Filed 3-26-92; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Intermodal Surface Transportation Efficiency Act of 1991; Electronic Access to Informal Implementation Guidance Via the FHWA Electronic Bulletin Board System

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: To assist in the implementation of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102-240, 105 Stat. 1914), the FHWA is making informal guidance on the ISTEA available on the FWHA Electronic Bulletin Board System (FEBBS). The information provided in the ISTEA conference on FEBBS shall be considered only as preliminary guidance on the implementation of the ISTEA and is subject to change. Members of the public may now dial into the FEBBS ISTEA information conference using a microcomputer and modem and view informal Questions and Answers on how the agency intends to implement the provisions of the ISTEA. This read-only facility is especially intended for use by the State and local transportation agencies. Specific questions on how the ISTEA will be implemented should be referred to the local FHWA division and regional offices. The telephone number for FEBBS is Area Code 202-366-3764. While the system supports 300, 1200 and 2400 baud line speeds, and a variety of terminal types and protocols, setting the modem for 2400 baud, 8 data bits, full duplex and no parity will give optimal performance. Once a connection has been established and the <R<egistration item completed, callers should select either <Q<uestions and Answers on ISTEA, or <I<nformation for more detailed help.

FOR TECHNICAL ASSISTANCE CONTACT: FHWA Computer Help Desk, HMS-40, room 4401, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-1120.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence I. Neff, HMS-40, room 4331, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-9013. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for legal Federal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: March 20, 1992.

T.D. Larson,

Administrator.

[FR Doc. 92-7083 Filed 3-26-92; 8:45 am]

BILLING CODE 4910-22-M

Federal Transit Administration

Environmental Impact Statement on East-West Corridor Transit Improvements in Milwaukee, WI

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Federal Transit Administration (FTA) and the Wisconsin Department of Transportation (WisDOT) are undertaking the preparation of an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), for transit improvements in the East-West Corridor of Milwaukee and Waukesha counties. The local agency will ensure that the EIS also satisfies the requirements of the Wisconsin Environmental Policy Act (WEPA). In addition to the fixed guideway transit improvement alternatives, the EIS will evaluate the No-Action/Transportation System Management (TSM) alternative and any new alternatives generated through the scoping process. Scoping will be accomplished through correspondence with interested persons, organization, and federal, state and local agencies and through five public meetings.

DATES: *Comment due date:* Written comments on the scope of alternatives and impacts to be considered should be sent to WisDOT by April 20, 1992. *Scoping meetings:* Public scoping meetings will be held on Thursday, April 9, 1992 at 6 p.m. at the Zoofari Conference Center; Saturday, April 11, 1992 at 1 p.m. at Washington Park Senior Center; Tuesday, April 14, 1992 at 6 p.m. at University of Milwaukee Student Union; Wednesday, April 15, 1992 at 6 p.m. at Brookfield Town Hall; and Thursday, April 16, 1992 at 1 p.m. at War Memorial Center. See **ADDRESSES** below.

FOR FURTHER INFORMATION CONTACT: Mr. Joel Ettinger, Central Area Director, Federal Transit Administration, 55 East Monroe Street, Suite 1415, Chicago, Illinois 60603. Phone: (312) 353-2789.

ADDRESSES: Written comments on project scope should be sent to Mr. James Beckwith, Project Manager, Wisconsin Department of

Transportation, District No. 2, 141 NW Barstow Street, P.O. Box 649, Waukesha, Wisconsin 53187–0649. Scoping Meetings will be held at the following locations:

1. Zoofari Conference Center, 9715 W. Bluemound Road, Milwaukee, WI 53226.
2. Washington Park Senior Center, 4420 W. Vliet Street, Meeting Room, 1st Floor, Milwaukee, WI 53208.
3. University of Wisconsin-Milwaukee Student Union, 2200 E. Kenwood Boulevard, Wisconsin Room, 2nd Floor, Milwaukee, WI 53211.
4. Brookfield Town Hall, 645 Janacek Road, Meeting Room, 1st Floor, Brookfield, WI 53008.
5. War Memorial Center, 750 N. Lincoln Memorial Drive, Memorial Hall, 3rd Floor, Milwaukee, WI 53202.

SUPPLEMENTARY INFORMATION: *Scoping:* FTA and WisDOT invite interested individuals, organizations, and federal, state and local agencies to participate in defining the alternatives to be evaluated in the EIS and identifying any significant social, economic, or environmental issues related to the alternatives. An information packet describing the purpose of the project, the proposed alternatives, the impact areas to be evaluated, the citizen improvement program and the preliminary project schedule is being mailed to affected federal, state and local agencies and to interested parties on record. Others may request the scoping materials by contacting Mr. James Beckwith at the address above or by calling him at (414) 548–8675. Scoping comments may be made verbally at any of the public scoping meetings or in writing. See the **DATES** and **ADDRESSES** sections above for locations and times. During scoping, comments should focus on identifying specific social, economic or environmental impacts to be evaluated and suggesting alternatives which are less costly or less environmentally damaging while achieving similar transit objectives. Scoping is not the appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the Draft EIS has been completed. If you wish to be placed on the mailing list to receive further information as the project develops, contact Mr. James Beckwith as previously described.

Description of Study Area and Project Needs: The East-West Corridor is a major travel corridor bisecting Milwaukee and Waukesha Counties. The Corridor includes portions of six cities: Brookfield, Milwaukee, New Berlin, Waukesha, Wauwatosa, and West Allis; three villages: Elm Grove, Shorewood and West Milwaukee; and three towns: Brookfield, Pewaukee and Waukesha.

Beginning at the University of Wisconsin-Milwaukee, the Corridor proceeds through downtown Milwaukee to the City of Waukesha. Generally, Locust Street is considered the Corridor's northern boundary and Lincoln Avenue is considered the southern boundary, from Lake Michigan to County Highway T in Waukesha County, WI. Transit improvements in the East-West Corridor are intended to improve transit accessibility in the Corridor. A significant portion of the Corridor is largely composed of a low income, non-white, and transit-dependent population. Improved transit may alleviate traffic and parking problems that prevail in some of the most densely populated portions of the Corridor. Further, improved transportation should better serve the bidirectional travel needs of Waukesha County's growing employment base and population. Improved transit in the corridor may alleviate regional air quality problems by providing alternatives to the automobile for many trips. In light of the above factors, the purpose of the East-West Corridor study is to identify the best approach for improving transit service in the Corridor in a cost-effective, equitable, and publicly acceptable manner.

Alternatives: Transportation alternatives proposed for consideration in the Corridor include a No-Build/TSM Alternative, consisting of already programmed transportation improvements such as the reconstruction of the Stadium, Marquette and Zoo interchanges on IH 94 and implementation of an extensive Freeway Traffic Management System. The No-Build/TSM Alternative also will include maintenance of current transit service expanded for Corridor growth. Secondly, the Alternatives Analysis will include an Express Bus Alternative which represents the best that can be accomplished with bus and bus guideways. Improvements could include high occupancy vehicle (HOV) lanes, signal timing improvements, and bus park-and-ride and transfer centers, intersection modifications and busways. Two Light Rail Transit (LRT) alternatives as proposed for consideration in the Corridor. The two alternatives could be light rail services from Waukesha to Downtown Milwaukee and the University of Wisconsin-Milwaukee Campus. Two levels of light rail service are proposed for analysis: one would be an urban, frequent stop, higher capacity service and the other would offer higher speeds, greater station spacing, and more park-and-ride opportunities for transit users. The alignments could be an exclusive guideway, along transit malls or on a shared right-of-way. The alignments selected for inclusion in the East-West Corridor AS/DEIS will be evaluated during screeening and refined during the study; multiple alignments will be studies.

Probable Effects: FTA and WisDOT plan to evaluate the EIS all significant social, economic and environmental impacts of the alternatives. Among the primary issues are transportation service changes, including transit cost, service, patronage change, and its financial implications; the effect on traffic movement and railroad operations; community impacts, including land use planning and zoning compatibility, neighborhood compatibility, local and regional economic change, aesthetics, and utility relocation; cultural resource impacts, including effects on historic, archeological, and park resources; and natural resource impacts, including air quality, noise and vibration, removal of pre-existing hazardous wastes, and effects on water resources and quality, natural features, and ecosystems. The proposed impact assessment and its evaluation criteria will take into account both positive and negative impacts, direct and indirect impacts, short-term (construction) and long-term (operation) impacts, and site-specific and corridor-wide impacts. Evaluation criteria will be consistent with the applicable Federal, State of Wisconsin, and local standards, criteria, regulations, and policies. Mitigation measures will be explored for any adverse impacts that are identified as part of the analysis.

FTA Procedures: In accordance with the Federal Transit Act, as amended, and FTA policy, the Draft EIS will be prepared in conjunction with an Alternatives Analysis, and the Final EIS in conjunction with Preliminary Engineering. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft EIS and the comments received, WisDOT will select a locally preferred alternative and see approval from FTA to continue with Preliminary Engineering and preparation of the Final EIS.

Issued on: March 20, 1992.

Joel Ettinger,

Central Area Director.

[FR Doc. 92–7090 Filed 3–26–92; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: March 20, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0314.

Form Number: Notice 89–61.

Type of Review: Extension.

Title: Imported Substance; Rules for Filing a Petition.

Description: Section 4672 provides that importers and exporters may request modifications of the list of imported taxable substance. The Notice sets forth rules for filing a request.

Respondents: Businesses or other, Small businesses or organizations.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 100 hours.

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 92–7075 Filed 3–26–92; 8:45 am]

BILLING CODE 4830–01–M

Office of the Secretary

[Department Circular—Public Debt Series—No. 11–92]

Treasury Notes of March 31, 1997, Series K–1997

Washington, March 19, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of chapter 31 of title 31, United States Code, invites tenders for approximately $10,250,000,000 of United States securities, designated Treasury Notes of March 31, 1997, Series K–1997 (CUSIP No. 912827 E7 3), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated March 31, 1992, and will accrue interest from that date, payable on a semiannual basis on September 30, 1992, and each subsequent 6 months on March 31 and September 30 through the date that the principal becomes payable. They will mature March 31, 1997, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in a minimum amount of $1,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Wednesday, March 25, 1992, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 24, 1992, and received no later than Tuesday, March 31, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. A bidder, whether bidding directly or submitting bids through a depository institution or government securities broker/dealer, may not bid both competitively and noncompetitively for its own account in the auction.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids for more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of $3,587,500,000, which is 35 percent of the public offering amount of $10,250,000,000. A competitive bid by a single bidder at any one yield in excess of $3,587,500,000 will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the notes being auctioned, in "when issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: depository institutions, as described in section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. For competitive bids,

an institution submitting a bid for customers must submit with the institution's tender a customer list that includes, for each customer, the name of the customer and the amount bid at each yield. Customer bids may not be aggregated by yield on the customer list. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions in the security being auctioned, in "when issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and lowest accepted price above the original issue discount limit of 98.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The maximum amount which may be awarded in this auction is $3,587,500,000. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in § 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting non-competitive bids will be notified only if the bid is not accepted in full, or when the price at the average yield is over par. No later than 12 noon local time Thursday, March 26, 1992, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time Thursday, March 26, 1992, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more as a result of bids submitted by the depository institution or the broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in § 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompained by a guarantee as provided in § 3.7, must be made or completed on or before Tuesday, March 31, 1992. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1992. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3 Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A is incoroporated as part of this circular.

Gerald Murphy,

Fiscal Assistant Secretary.

Attachment A—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) Bank Holding Companies and Subsidiaries

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) Banks and Branches

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) Thrift Institutions and Branches

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) Corporations and Subsidiaries

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) Families

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is not permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is not recognized as a separate bidder.)

(6) Partnerships

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) Guardians, Custodians, or other Fiduciaries

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) Trusts

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) Political Subdivisions

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) Mutual Funds

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) Money Market Funds

A money market fund (includes all funds that have a common management).

(12) Investment Agents/Money Managers

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) Pension Funds

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "Single entity"

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (telephone 202/219-3350).

[FR Doc. 92-7163 Filed 3-24-92; 3:57 pm]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 10-92]

Treasury Notes of March 31, 1994, Series X-1994

Washington, March 19, 1992.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $14,750,000,000 of United States securities, designated Treasury Notes of March 31, 1994, Series X-1994 (CUSIP No. 912827 E6 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated March 31, 1992, and will accrue interest from that date, payable on a semiannual basis on September 30, 1992, and each subsequent 6 months on March 31 and September 30 through the date that the

principal becomes payable. They will mature March 31, 1994, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes will be issued only in book-entry form in a minimum amount of $5,000 and in multiples of that amount. They will not be issued in registered definitive or in bearer form.

2.3. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the Treasury Direct Book-Entry Securities System in Department of the Treasury Circular, Public Debt Series, No. 2–86 (31 CFR part 357), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239–1500, Tuesday, March 24, 1992, prior to 12 noon, Eastern Standard time, for noncompetitive tenders and prior to 1 p.m., Eastern Standard time, for competitive tenders. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 23, 1992, and received no later than Tuesday, March 31, 1992.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. A bidder, whether bidding directly or submitting bids through a depository institution or government securities broker/dealer, may not bid both competitively and noncompetitively for its own account in the auction.

3.3. Competitive bids must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. A single bidder, as defined in Treasury's single bidder guidelines contained in Attachment A to this circular, may submit bids for more than one yield. However, at any one yield, the Treasury will not recognize any amount tendered by a single bidder in excess of $5,162,500,000, which is 35 percent of the public offering amount of $14,750,000,000. A competitive bid by a single bidder at any one yield in excess of $5,162,500,000 will be reduced to that amount.

3.4. Noncompetitive tenders do not specify a yield. A single bidder should not submit a noncompetitive tender for more than $5,000,000. A noncompetitive bid by a single bidder in excess of $5,000,000 will be reduced to that amount. A bidder may not submit a noncompetitive bid if the bidder holds a position, in the notes being auctioned, in "when issued" trading, or in futures or forward contracts. A noncompetitive bidder may not enter into any agreement to purchase or sell or otherwise dispose of the security being auctioned, nor may it commit to sell the security prior to the designated closing time for receipt of competitive bids.

3.5. The following institutions may submit tenders for accounts of customers: Depository institutions, as described in Section 19(b)(1)(A), excluding those institutions described in subparagraph (vii), of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)); and government securities broker/dealers that are registered with the Securities and Exchange Commission or noticed as government securities broker/dealers pursuant to section 15C(a)(1) of the Securities Exchange Act of 1934. Others are permitted to submit tenders only for their own account. For competitive bids, an institution submitting a bid for customers must submit with the institution's tender a customer list that includes, for each customer, the name of the customer and the amount bid at each yield. Customer bids may not be aggregated by yield on the customer list. For noncompetitive bids, the customer list must provide, for each customer, the name of the customer and the amount bid. All competitive and noncompetitive bids submitted on behalf of trust estates must provide, for each trust estate, the name or title of the trustee(s), a reference to the document creating the trust with the date of execution, and the employer identification number of the trust.

3.6. A competitive single bidder must report its net long position if the total of all its bids for the security being offered and its position in the security equals or exceeds $2 billion, with the position to be determined as of one half-hour prior to the closing time for the receipt of competitive tenders. A net long position includes positions, in the security being auctioned, in "when issued" trading, and in futures and forward contracts. Bidders who meet this reporting requirement and are customers of a depository institution or a government securities broker/dealer must report their positions through the institution submitting the bid on their behalf.

3.7. Tenders from bidders who are making payment by charge to a funds account at a Federal Reserve Bank and tenders from bidders who have an approved autocharge agreement on file at a Federal Reserve Bank will be received without deposit. In addition, tenders from States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; and Federal Reserve Banks will be received without deposit. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.8. Immediately after the deadline for receipt of competitive tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of tne Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.9. No single bidder will be awarded securities in an amount exceeding 35 percent of the public offering. The maximum amount which may be awarded in this auction is $5,162,500,000. The determination of the maximum award to a single bidder will take into account the bidder's net long position, if the bidder has been obliged to report its position per the requirements outlined in § 3.6.

3.10. Notice of awards will be provided by a Federal Reserve Bank or Branch or the Bureau of the Public Debt to bidders who have submitted accepted competitive bids, whether for their own account or for the account of customers. Those submitting non-competitive bids will be notified only if the bid is not accepted in full, or when the price at the average yield is over par. No later than 12 noon local time Wednesday, March 25, 1992, the appropriate Federal Reserve Bank will notify each depository institution that has entered into an autocharge agreement with a bidder as to the amount to be charged to the institution's funds account at the Federal Reserve Bank on the issue date. Any customer that is awarded $500 million or more of securities must furnish, no later than 10 a.m. local time Wednesday, March 25, 1992, written confirmation of its bid to the Federal Reserve Bank or Branch where the bid was submitted. A depository institution or government securities broker/dealer submitting a bid for a customer is responsible for notifying its customer of this requirement if the customer is awarded $500 million or more as a result of bids submitted by the depository institution or the broker/dealer.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for the Notes allotted must be made timely at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted will be made by a charge to a funds account or pursuant to an approved autocharge agreement, as provided in § 3.7. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in § 3.7. must be made or completed on or before Tuesday, March 31, 1992. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury notes or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, March 27, 1992. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in Treasury Direct are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the Note being purchased. In any such case, the tender form used to place the Notes allotted in Treasury Direct must be completed to show all the information required thereon, or the Treasury Direct account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

6.4. Attachment A is incorporated as part of this circular.

Gerald Murphy,
Fiscal Assistant Secretary.

Attachment A—Treasury's Single Bidder Guidelines for Noncompetitive Bidding in all Treasury Security Auctions

The investor categories listed below define what constitutes a single noncompetitive bidder.

(1) Bank Holding Companies and Subsidiaries

A bank holding company (includes the company and/or one or more of its subsidiaries, whether or not organized as separate entities under applicable law).

(2) Banks and Branches

A parent bank (includes the parent and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(3) Thrift Institutions and Branches

A thrift institution, such as a savings and loan association, credit union, savings banks, or other similar entity (includes the principal or parent office and/or one or more of its branches, whether or not organized as separate entities under applicable law).

(4) Corporations and Subsidiaries

A corporation (includes the corporation and/or one or more of its majority-owned subsidiaries, i.e., any subsidiary more than 50 percent of whose stock is owned by the parent corporation or by any other of its majority-owned subsidiaries).

(5) Families

A married person (includes his or her spouse, and any unmarried adult children, having a common address and/or household).

Note: A minor child, as defined by the law of domicile, is not permitted to submit tenders individually, or jointly with an adult bidder. (A minor's parent acting as natural guardian is not recognized as a separate bidder.)

(6) Partnerships

Each partnership (includes a partnership or individual partner(s), acting together or separately, who own the majority or controlling interest in other partnerships, corporations, or associations).

(7) Guardians, Custodians, or other Fiduciaries

A guardian, custodian, or similar fiduciary, identified by (a) the name or title of the fiduciary, (b) reference to the

document, court order, or other authority under which the fiduciary is acting, and (c) the taxpayer identifying number assigned to the estate.

(8) Trusts

A trust estate, which is identified by (a) the name or title of the trustee, (b) a reference to the document creating the trust, e.g., a trust indenture, with date of execution, or a will, (c) the IRS employer identification number (not social security account number).

(9) Political Subdivisions

(a) A state government (any of the 50 states and the District of Columbia).

(b) A unit of local government (any county, city, municipality, or township, or other unit of general government, as defined by the Bureau of the Census for statistical purposes, and includes any trust, investment, or other funds thereof).

(c) A commonwealth, territory, or possession.

(10) Mutual Funds

A mutual fund (includes all funds that comprise it, whether or not separately administered).

(11) Money Market Funds

A money market fund (includes all funds that have a common management).

(12) Investment Agents/Money Managers

An individual, firm, or association that undertakes to service, invest, and/or manage funds for others.

(13) Pension Funds

A pension fund (includes all funds that comprise it, whether or not separately administered).

Notes: The definitions do not reflect all bidder situations. "Single bidder" is not necessarily synonymous with "single entity".

Questions concerning the guidelines should be directed to the Office of Financing, Bureau of the Public Debt, Washington, DC 20239 (Telephone 202/219–3350).

[FR Doc. 92–7164 Filed 3–24–92; 3:57 pm]

BILLING CODE 4810–40–M

Fiscal Service

Surety Company in Liquidation; Mutual Fire & Marine Inland Insurance Co.

Mutual Fire & Marine Inland Insurance Company of Philadelphia, Pennsylvania, is being liquidated by the Pennsylvania Insurance Commissioner using the commissioner's rehabilitation powers. Until 1989, Mutual Fire & Marine Inland Insurance Company was a general purpose mutual casualty insurance company doing business under the laws of Pennsylvania. According to a 1991 order from the Pennsylvania court supervising the liquidation, $1.5 million have been set aside for United States claims anticipated against the estate under the Comprehensive Environmental Recovery, Compensation, and Liability Act ("CERCLA"), 41 U.S.C. 6901 *et seq.* or similar claims identified by the Environmental Protection Agency.

Mutual Fire & Marine Inland Insurance Company did not hold a Certificate of Authority as an acceptable surety on Federal bonds. However, because the Company executed surety bond guarantees to financial institutions which were placed in federal receivership, the United States may have acquired claims against the Company's estate.

All claims must be filed in writing and shall set forth the amount of the claim, the facts upon which the claim is based, any priorities asserted, and any other pertinent facts to substantiate the claim. It is recommended that federal agencies who wish to assert priority status claims under 31 U.S.C. 3713 should forward the claim to the address below no later than June 30, 1992: Department of Justice, Civil Division, Commercial Litigation Branch, P.O. Box 875, Ben Franklin Station, Washington, DC 20044, Attn: Sandra P. Spooner, Deputy Director.

Any questions concerning filing claims may be directed to Ms. Spooner at (202) 514–7194.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, Telephone (202/FTS) 874–6850.

Dated: March 20, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92–7072 Filed 3–26–92; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 60
Friday, March 27, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:00 a.m. on Tuesday, March 24, 1992, the Corporation's Board of Directors determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), concurred in by Vice Chairman Andrew C. Hove, Jr., Chairman William Taylor, and Director Stephen R. Steinbrink (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and resolution re: Statement of Policy Regarding Applications for Deposit Insurance.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: March 24, 1992.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 92–7179 Filed 3–24–92; 4:48 pm]

BILLING CODE 6714–01–M

INTERSTATE COMMERCE COMMISSION

Commission Conference

TIME AND DATE: 10:00 a.m., Tuesday, March 31, 1992.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

STATUS: The Commission will meet to discuss among themselves the following agenda items. Although the conference is open for the public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED:

There has been a change in the agenda listed in the notice served March 24, 1992. The following items have been added to the agenda:

Finance Docket No. 31924, *Minnesota Zephyr Limited—Operation Exemption—Between East of Hudson, WI and Minneapolis and Duluth Junction, MN.*

and

Finance Docket No. 31685, *Stillwater and St. Paul Railroad, A Division of the Minnesota Transportation Museum, Inc.—Operation Exemption—Between Stillwater and Duluth Junction, MN.*

CONTACT PERSONS FOR MORE INFORMATION: Alvin H. Brown or A. Dennis Watson, Office of External Affairs, Telephone: (202) 927–5350, TDD: (202) 927–5721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7221 Filed 3–25–92; 10:57 am]

BILLING CODE 7035–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 8:30 a.m. on Tuesday, April 7, 1992, in Washington, DC. The meeting is open to the public and will be held in the Benjamin Franklin Room on the 11th floor of U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

There will also be a session of the Board on Monday, April 6, 1992, but it will consist entirely of briefings and is not open to the public.

Agenda

Tuesday Session

April 7—8:30 a.m. (Open)

1. Minutes of Previous Meeting, March 9–10, 1992.
2. Remarks of the Postmaster General.
3. Operational Use of the Customer Satisfaction Index. (William R. Cummings, Senior Assistant Postmaster General, Operations Support Group.)
4. Review of the Barcoding Program. (Mr. Cummings.)
5. Tentative Agenda for the May 4–5, 1992, meeting in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 92–7261 Filed 3–25–92; 2:25 pm]

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federal register

Friday
March 27, 1992

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 821
Medical Devices; Device Tracking; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 821

[Docket No. 91N-0296]

Medical Devices; Device Tracking

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing regulations to establish a device tracking requirement for certain categories of medical devices. This action will ensure that device manufacturers can, after certain devices have been distributed to patients, promptly locate patients and devices if FDA orders a recall or patient notification due to serious adverse health consequences or unreasonable risks of substantial harm to the public health associated with the use of the device. To that end, the proposed tracking regulations outline the minimum recordkeeping and reporting requirements which FDA believes are necessary to ensure that tracking serves its purpose. The proposed regulations would apply to manufacturers and those persons involved in the distribution of tracked devices.

The promulgation of this device tracking regulation is required by the Safe Medical Devices Act of 1990 (the SMDA), which requires manufacturers of certain medical devices to adopt a method of tracking that follows the devices through the distribution chain and then identifies and follows the patients who receive them. The SMDA and this proposed rule require tracking of devices whose failure would be reasonably likely to have serious adverse health consequences if the devices either are life-supporting or life-sustaining and used outside a device user facility or are permanently implantable devices. The SMDA also gives FDA the authority to designate other devices which must be tracked by their manufacturers. This proposed regulation would apply to any such additional devices that FDA designates for tracking.

DATES: Written comments by May 26, 1992.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Kathleen S. Shanahan, Center for Devices and Radiological Health (HFZ-321), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1122.

SUPPLEMENTARY INFORMATION:

I. Background

The current regulatory framework for medical devices is the result of three statutes which include: (1) The Federal Food, Drug, and Cosmetic Act of 1938 (the act), (2) the Medical Device Amendments of 1976 (the 1976 amendments), and (3) the Safe Medical Devices Act of 1990 (the SMDA).

The act, codified at 21 U.S.C. 321-394, prohibited the marketing of adulterated or misbranded devices. The 1976 amendments (Pub. L. 94-295), amended the act with new authority expressly designed to ensure the safety and effectiveness of medical devices.

The 1976 amendments gave FDA, for the first time, premarket controls over medical devices (e.g., classification, premarket notification, and premarket approval). Additionally, the 1976 amendments strengthened the act's postmarket controls relating to medical devices, giving FDA the authority to require patient notification; repair, replacement, or refund; reporting and recordkeeping; current good manufacturing practices (CGMP's); and restrictions on the distribution of certain devices.

The SMDA (Pub. L. 101-629), by streamlining procedures in some places and augmenting authority in others, refines the premarket and postmarket controls relating to medical devices added to the act by the 1976 amendments. Among the provisions of the SMDA that augment postmarket controls is the device tracking requirement of section 519(e) of the act (21 U.S.C. 360i(e)). This new provision requires that manufacturers track certain devices from the manufacturer through the distribution chain to the patient using the device. Under section 519(e) of the act, manufacturers must track devices whose failure would be reasonably likely to have serious adverse health consequences if the devices are either life-supporting or life-sustaining devices that are used outside a device user facility or permanently implantable devices. Section 519(e) of the act also gives FDA the authority to designate other devices which must be tracked by their manufacturers.

This new tracking provision is intended to ensure that FDA can remove dangerous or defective devices from the market expeditiously under new mandatory recall authority added to the act by the SMDA (section 518(e) of the act (21 U.S.C. 360h(e))) and preexisting notification authority (section 518(a) of the act (21 U.S.C. 360h(a))). As public health tools, however, notification and recall are only effective if patients are notified or devices are removed from distribution. Recent experiences with notification efforts undertaken by two manufacturers under section 518(a) of the act, in one case voluntarily, in another instance as ordered by FDA, highlight the need to implement effective device tracking.

The voluntary notification involved identifying, locating, notifying, and registering an estimated 23,000 recipients of an artificial heart valve that may fracture, putting the recipient's life in immediate danger (Refs. 1 through 5). Although the manufacturer of the valve did distribute return cards to hospitals to obtain each recipient's name when the valve was implanted, it is reported that less than 50 percent of these return cards were ever returned to the manufacturer (Ref. 2). Therefore no complete list of names of patients or information on their location was available to the manufacturer when it agreed to undertake the patient notification program (Ref. 2). The manufacturer has reportedly spent 2 million dollars to initiate the location, notification, and registration program (Refs. 2, 4, and 5). Location efforts, which began in December 1990, have included letters and telegrams to cardiologists, advertisements in medical journals, telephone calls to doctors, and media (Ref. 2). As of November 1991, the manufacturer reported to FDA that slightly more than 61 percent of the estimated number of recipients had been located (Ref. 6).

Another notification, ordered by FDA under section 518(a) of the act, involved a jaw implant with defects that may cause bone degeneration (Refs. 1 through 7). FDA estimates that over 26,000 of these implants were distributed between 1973 and 1988, but the manufacturer does not know how many were implanted (Refs. 9, 12, and 13). The manufacturer declared bankruptcy under chapter 7 on June 7, 1990 as a result of product liability suits (Ref. 14). The bankruptcy trustee has agreed to make distribution records (to the extent that they exist) available to FDA and the company president, but has refused to authorize notification on behalf of the bankrupt manufacturer or to pay for a patient notification program (Ref. 14). FDA has thus had to set up and provide funds for a patient identification and notification program.

II. Legislative History

In the past several years, Congress has focused considerable attention on FDA's implementation and enforcement of the 1976 amendments. Likewise, in the past several years, the General Accounting Office (GAO), the Office of Technology Assessment (OTA), and the Office of Inspector General of the Department of Health and Human Services (OIG) have conducted investigations and issued reports on problems associated with the distribution and use of defective pacemakers, pacemaker leads, heart valves, and apnea monitors. Although these reports discussed FDA's enforcement efforts, the reports also addressed the sufficiency of the existing provisions of the act to cope with the public health problems presented by these types of defective devices.

Congress concluded, from its own hearings and investigations and from its review of the GAO, OTA, and OIG investigations and reports, that the 1976 amendments were not always adequate to protect the public health. (H. Rept. 808, 101st Cong., 2d sess. 13-14 (1990); S. Rept. 513, 101st Cong., 2d sess. 13-16 (1990)). To correct these inadequacies, both houses of Congress proposed bills that streamlined and strengthened FDA's premarket and postmarket controls over medical devices. By conference agreement between the House and Senate, provisions in their two bills were merged, modified, and passed as the SMDA. The President signed the bill into law on November 28, 1990. Section 519(e), as enacted, incorporates section 13 concerning traceability in S. 3006 and section 3(b) of the SMDA concerning user tracking in H.R. 3095, but more closely follows the provisions of H.R. 3095.

Both the Senate and House Reports that accompanied these bills make clear that the purpose of tracking is to strengthen FDA's capability to remove dangerous and defective devices from the market. Specifically, section 519(e)'s tracking requirement is meant to facilitate implementation of the patient notification requirements (section 518(a) of the act) and the recall requirements (section 518(e) of the act). For example, the House Report states: "User tracking is critical to enable manufacturers or the FDA to notify patients who are using defective or otherwise dangerous devices." (H. Rept. 808, 101st Cong., 2d sess. 23 (1990). See also S. Rept. 513, 101st Cong., 2d sess. 26 (1990)).

The legislative history also speaks to the kinds of devices subject to the tracking requirement. The Senate Report accompanying S. 3006 states: "This requirement is limited to devices with the potential for causing the greatest harm and for which the potential of a recall is greatest." (S. Rept. 513, 101st Cong., 2d sess. 26 (1990)). Similarly, the House Report states that the tracking provisions in H.R. 3095 dealt with "devices critical to human health, such as heart valves and other implantable, life-sustaining devices." (H. Rept. 808, 101st Cong., 2d sess. 23 (1990)). FDA believes that these statements, in conjunction with the statutory language, provide a clear standard for determining when a device is a critical, high risk device that must be tracked. The statutory standard, the failure of which would be reasonably likely to have serious adverse health consequences, if the devices are either life-sustaining or life-supporting devices used outside device user facilities or are permanently implantable devices, is directed, as was congressional concern, to the medical importance of the device and the risks associated with a failure of the device.

Finally, the legislative history also addresses issues relating to the involvement of physicians in the accomplishment of effective tracking. The House Report states:

> The Committee believes that the role of individual physicians in the process of user tracking is an important but limited one. While FDA may establish regulations which call for the physician to initially provide patient information at the time a device is first used or implanted, the physician is not responsible for subsequent reporting on the whereabouts of the patient if that information is not available to physicians in the conduct of their medical practice. * * * To place the sole responsibility for user tracking on physicians would be unworkable * * *.

(H. Rept. 808, 101st Cong., 2d sess. 23 (1990)).

III. Purpose of the Proposed Regulation

The purpose of the proposed rule is to implement section 519(e) of the act. Section 519(e)(1) requires that a method of tracking be adopted by every person who is required to register under section 510 of the act (21 U.S.C. 360) and who engages in the manufacture of a device the failure of which would be reasonably likely to have serious adverse health consequences, if the device is either a life-sustaining or life-supporting device used outside a device user facility or is a permanently implantable device. This proposed rule also implements section 519(e)(2) of the act which requires that such persons adopt a method of device tracking of any other device that FDA designates for tracking.

The goal of the proposed rule is to ensure that a manufacturer can, if ordered to do so by FDA, comply with section 518(a) of the act (patient notification) and section 518(e) of the act (recall) in a prompt and complete manner. The proposed rule accomplishes this goal, not by requiring a particular method of tracking, but by setting forth the standard that every tracking system must satisfy: A manufacturer of a tracked device, by whatever method(s) of tracking it chooses, must be able to report specified information relating to the identity of patients and location of tracked devices to FDA within 3 working days (proposed § 821.25(a)). To assure that the methods adopted are adequate to meet this standard, the proposed rule requires: (1) That a tracking system be based on a written standard operating procedure (SOP) that provides for the collection and maintenance of certain information for the useful life of the device (proposed § 821.25 (b) and (c)); (2) that the manufacturer identify its devices in a unique fashion; and (3) that the tracking data and the functioning of the tracking system be audited at 6 month intervals in accordance with a quality assurance program incorporated into the tracking SOP (proposed § 821.25(c)). As further assurance that manufacturers' tracking systems will be effective, the proposed rule imposes specific but limited tracking obligations on other persons involved in the distribution of tracked devices (proposed § 821.30).

IV. Statutory Authority

Section 519(e) was added to the act by section 3(b)(1) of the SMDA. Section 3(c) of the SMDA directs FDA to issue regulations to implement section 519(e) of the act. Section 3(c)(B) of the SMDA specifically requires that such regulations: (1) Require appropriate methods for maintenance of records to ensure that, if notification is ordered under the act, it is effective; (2) require that manufacturers adopt effective tracking methods; and (3) account for the position of distributors in the device distribution process. This provision of the SMDA also gives FDA authority to include such other requirements as it deems necessary to ensure effective tracking.

In addition, section 519(a) of the act (21 U.S.C. 360i(a)) (added by the 1976 amendments) authorizes FDA to issue regulations to require device manufacturers, importers, and distributors to maintain such records, make such reports, and provide such information to FDA as may reasonably be necessary to assure that devices are not adulterated or misbranded and are otherwise safe and effective for human

use. That Congress intended FDA to use this authority under section 519 of the act to protect the public from potentially hazardous devices, as well as devices with confirmed hazards, is clear from the legislative history of the 1976 amendments. In discussing the provisions in section 519 of the act designed to reduce the burden and cost of recordkeeping requirements of that section of the act, the House Report specifically identifies records of "product distribution * * * where necessary to protect the public health" as examples of records that may be required under section 519(a) despite the limiting provisions. (H. Rept. 853, 94th Cong., 2d sess. 24 (1976)).

In discussing the notification provisions of section 518 of the act (21 U.S.C. 360h), the House Report, the principal legislative document on the 1976 amendments, states, in part:

> The notification provision is similar to, and to some extent patterned after, comparable authority contained in the National Traffic and Motor Vehicle Safety Act of 1966, the Radiation Control for Health and Safety Act of 1968, and the Consumer Product Safety Act of 1972. These statutes also include requirements that manufacturers provide notification of defects in their products to appropriate Federal agencies. The Committee determined that a comparable provision in new section 518(a) with respect to devices would be unnecessary since the Secretary could require the reporting of such information under the recordkeeping and reporting authority provided in new section 519 of the act.

(H. Rept. 835, 94th Cong., 2d sess. 21 (1976)).

Section 701(a) of the act (21 U.S.C. 371(a)) authorizes FDA to promulgate substantive binding regulations for the efficient enforcement of the act. *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, 412 U.S. 609 (1973); see also *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 653 (1973); *National Ass'n of Pharmaceuticals Manufacturers* v. *FDA*, 637 F. 2d 877 (2d Cir. 1981); *National Confectioners Ass'n* v. *Califano*, 569 F. 2d 690 (D.C. Cir. 1978); *National Nutritional Foods Ass'n* v. *Weinberger*, 512 F. 2d 688 (2d Cir.), cert. denied, 423 U.S. 827 (1975).

Section 704(a) of the act (21 U.S.C. 374(a)) provides, for purposes of enforcement of the act, that any duly authorized FDA employee is authorized, among other things: (1) To enter, at reasonable times, any factory, warehouse, or establishment in which devices are manufactured, processed, packed, or held or to enter any vehicle being used to transport or hold devices; and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishments, or containers, and labeling therein. Section 704(e) of the act (21 U.S.C. 374(e)) establishes that every person required under section 519 of the act to maintain records and every person who is in charge or custody of such records must, upon request of any authorized FDA employee, permit the FDA employee at all reasonable times to have access to, to copy, and to verify such records.

V. Definitions

"Importer" means the initial distributor of an imported device who is required to register under section 510 of the act and 21 CFR 807.20 and includes any person who initially imports a device into the United States with the intention of further marketing the device without processing, repackaging, or relabeling the device.

"Manufacturer" means any person who manufactures, prepares, assembles, or processes a device. The term includes persons who: (1) Initially distribute an imported device (importer); (2) repackage or otherwise change the container, wrapper, or labeling of a device in furtherance of the distribution of the device from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer (repacker or relabeler); (3) initiate specifications for devices that are manufactured by a second party for subsequent distribution by the person initiating the specification (specifications developer); or (4) manufacture components or accessories which are ready to be used for any intended health-related purpose and are packaged or labeled for distribution for such health-related purpose and are processed by a licensed practitioner or other qualified person to meet the needs of a particular patient (ready-for-use component or accessory manufacturer).

"Device failure" includes the failure of a device to perform its intended function due to: (1) A departure from design, materials, or performance specifications; or (2) inadequate or inappropriate specifications. The term is not restricted to unanticipated, sudden, or catastrophic failures. With respect to material specifications, an unanticipated change in the biocompatibility of device materials, e.g., through degradation resulting in carcinogenic or other toxic effects that outweigh the benefits of using the device, would be considered a departure from such specifications.

"Reasonably likely" means probable. FDA emphasizes that the application of section 519(e) of the act does not turn on the probability of a device failure occurring but on the judgment (based on the intended use of the device) that, if a device failure occurs, serious adverse health consequences are more likely than not to occur.

The definition of "serious adverse health consequences" is derived from the legislative history of section 519(e) of the act. For a full explanation of this definition see the discussion below under "Serious Adverse Health Consequences."

"Permanently implantable device" is defined in terms of the device's intended purpose to assist, restore, or replace the function of an organ, system, or structure of the human body in a continuous and active manner throughout its useful life (i.e., the period of its placement in the body). This definition thus excludes implanted devices that are intended as temporary or are intended to be removed. However, FDA notes that an implant that is not permanent under this definition may nonetheless be subject to section 519(e) of the act because it is a life-sustaining or life-supporting device used outside a device user facility.

The definition for "life-supporting or life-sustaining device" is derived from 21 CFR 860.3 (classification procedure regulations) and the meaning is comparable. The definition of "device user facility" is that contained in new section 519(b)(5) of the act (21 U.S.C. 360i(b)(5)) (medical device reporting by device user facilities). FDA believes that outpatient diagnostic facilities which are not physicians' offices should be included with hospitals, ambulatory surgical facilities, nursing homes, and outpatient treatment facilities as a "device user facility." Devices located at outpatient diagnostic facilities are not used by the persons for whom the devices are indicated, and these persons would not possess the devices in the event of recall.

FDA notes that devices may be intended for use in a device user facility but will also be used outside a device user facility or that devices may be intended for use in and outside a device user facility. Manufacturers of life-sustaining or life-supporting devices who distribute such devices solely for use at a device user facility, but who know or should know that such devices are also being distributed for use or used outside a device user facility, must track this use of the device, as these devices have thereby become intended for use outside a device user facility. See 21 CFR 801.4 (definition of intended use). Likewise, manufacturers of life-sustaining or life-supporting devices who distribute such devices for use in and out of a device user facility must track the outside distribution and use of their device to the patient.

"Distributor" has been defined in terms of its common regulatory usage, to exclude the final person who makes delivery or sale of the device to the ultimate user.

"Distributes" is defined to clarify that distribution is not limited to commercial distribution, i.e., the sale or offering for sale, of a device intended for human use. FDA believes that section 519(e) of the act requires the tracking of all devices that are distributed regardless of whether the patient pays for the device. FDA is aware, for example, that some companies distribute pacemakers or implantation in the needy after their "implant before" date has been exceeded. Thus, for the purpose of this proposed rule, "distributes" covers any distribution. The only exclusions from this definition are: (1) For devices distributed under an effective investigational device exemption in accordance with section 520(g) of the act and 21 CFR part 812 because patients receiving investigational devices are effectively tracked through participation in a study, and (2) for devices distributed for teaching, law enforcement, research or analysis as specified in 21 CFR 801.125.

"Final distributor" and "multiple distributor" are defined for ease of reference. FDA believes it is necessary to include the class of persons covered by these two definitions within this proposed rule. "Final distributors," such as licensed practitioners, retail pharmacies and other retailers, and hospitals and other device user facilities, and "multiple distributors," such as rental firms, device user facilities, or other device distributing enterprises, are vital links in the device user tracking process. Further, including these persons within the tracking system comports with Congress's directive to FDA in section 3(c)(1)(B) of the SMDA to take into consideration the position of distributors in the device distribution chain and with the legislative history of the SMDA that states that FDA may require physicians to report patient identity.

"Licensed practitioner" is defined in terms comparable to those used in other FDA regulations.

VI. General Guidance

A. Responsibility for Identification

1. Devices Subject To Tracking Under Section 519(e)(1) of the Act

Section 519(e)(1) of the act provides for the mandatory tracking of those devices that meet its criteria. However, FDA recognizes that, as the agency charged with implementing and enforcing section 519(e) of the act, its interpretation of the statutory terms and its views on the application of section 519(e)(1) of the act are entitled to great weight. Thus, FDA expects manufacturers to make this determination based upon the guidance in the definitions in the rule, with the guidance herein (which includes an illustrative list of example devices that FDA believes are subject to tracking under section 591(e)(1) of the act), and with future guidance from FDA. To ensure that the list of example devices is readily available to the public in conjunction with the definitions of the key terms, FDA is proposing to incorporate this illustrative list in proposed § 821.20 (b)(1) and (b)(2).

In addition, FDA, when clearing premarket notification submissions (510 (k)'s) or approving premarket approval applications (PMA's), will notify the person receiving clearance or approval that FDA believes the device is subject to tracking. This notification will be given in writing, but will not be a part of the 510(k) order or the PMA approval order. In addition, FDA will notify the public (through publication of a notice in the **Federal Register**) that FDA believes a new generic type of device is subject to tracking and will solicit comments from the public on the agency's position. In the case of PMA devices that are the subject of approved PMA's, this notification will be given in the same issue of the **Federal Register** as the notice of the PMA approval order that is published after FDA's approval of the PMA for the device. In the case of section 510(k) devices, this notice will be published as soon as possible following notification of the manufacturer that a device is substantially equivalent. New generic types of devices that FDA identifies as subject to tracking through the premarket approval and clearance processes will also be added to the list of example devices set out in the regulation.

FDA believes that making the public aware of the fact that FDA believes a device is subject to tracking and soliciting comment from the public will serve two distinct purposes. First, it will serve to notify manufacturers of substantially equivalent devices that FDA believes that the tracking requirements of section 519(e) of the act apply to their devices, while also serving to notify those in the distribution chain of the tracking requirement. Secondly, it will provide consumers and manufacturers and other persons affected by FDA's determination, as well as the manufacturer(s) of the device in question, with the opportunity to share information and views with FDA, thereby ensuring that FDA's enforcement of the tracking provision proceeds deliberately and publicly, based upon complete and balanced information.

The decision diagram, shown below in Figure 1, is provided to assist firms in deciding which types of devices must be tracked on the basis of section 519(e) of the act, the definitions set forth in the proposed rule, and the concepts discussed in this preamble.

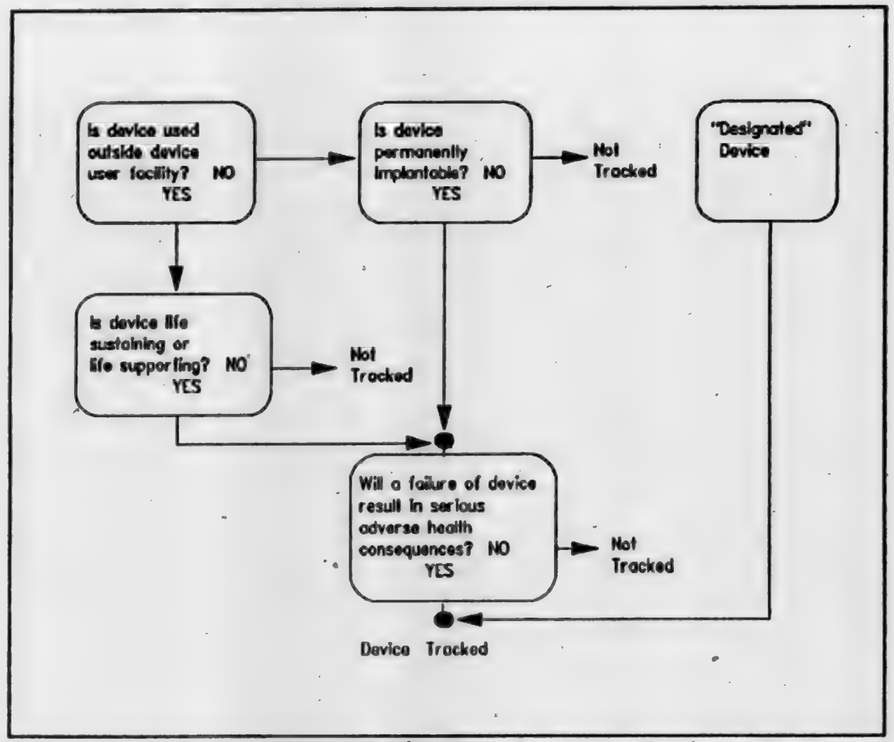

Figure 1

FDA realizes that this proposed rule is likely to become the final rule on May 28, 1992, by operation of the statute. See Public Law 101-629, section 3(c)(2) of the SMDA. If this occurs, FDA will consider the rule an interim final rule, will continue to review the comments, and will make any revisions to the rule as soon as practicable. Nevertheless, FDA emphasizes that, because the proposed rule will have become final by operation of law, manufacturers of devices subject to mandatory or discretionary tracking will be required to establish tracking systems for such devices in accordance with these regulations.

This approach, however appropriate it may be, leaves both FDA and those persons subject to the tracking requirements with a degree of uncertainty as to what the final scope of the regulations will be. For example, FDA anticipates that many comments may address not only the requirements for tracking systems but may also address definitions such as "permanent implant." "serious adverse health consequences." and "life-sustaining or life-supporting," terms whose definitions affect the scope and application of the mandatory tracking requirements. In addition, FDA expects that some comments will specifically challenge the devices that appear on the illustrative lists as examples of FDA's current interpretation of section 519(e)(1)'s terms.

FDA believes, under the unusual statutory provisions applicable to this rulemaking, that it is necessary to accommodate the statutory requirement of a final rule by May 28, 1992, with FDA's commitment to the notice and comment process as the appropriate mechanism for informed decisionmaking on device tracking. In addition, FDA has no interest in compelling the expenditure of unncecessary resources to initiate tracking for devices that FDA, upon due consideration of comments, believes are not subject to mandatory tracking. Thus, FDA advises that, prior to May 28, 1992, if FDA determines that a generic type of device that FDA included on the illustrative lists does not meet the applicable mandatory tracking standards, FDA will promptly announce, by notice in the **Federal Register** of a device included on the illustrative lists is able to convince FDA that its version of the device should not be subject to tracking due to circumstances (e.g., technology, intended use) unique to its particular version of the device, FDA, in its enforcement discretion, will notify the manufacturer that FDA will not take action for failure to track the device.

2. *Devices designated by FDA for tracking.* The diagram in Figure 1 identifies a category of devices called "designated" devices. This category encompasses the devices that FDA designates for tracking under section 519(e)(2) of the act. A designated device may not be a permanently implantable device or a life-sustaining or life-supporting device used outside a device user facility. Some of the considerations that FDA is likely to use to determine whether a device should be designated are illustrated in Figure 2.

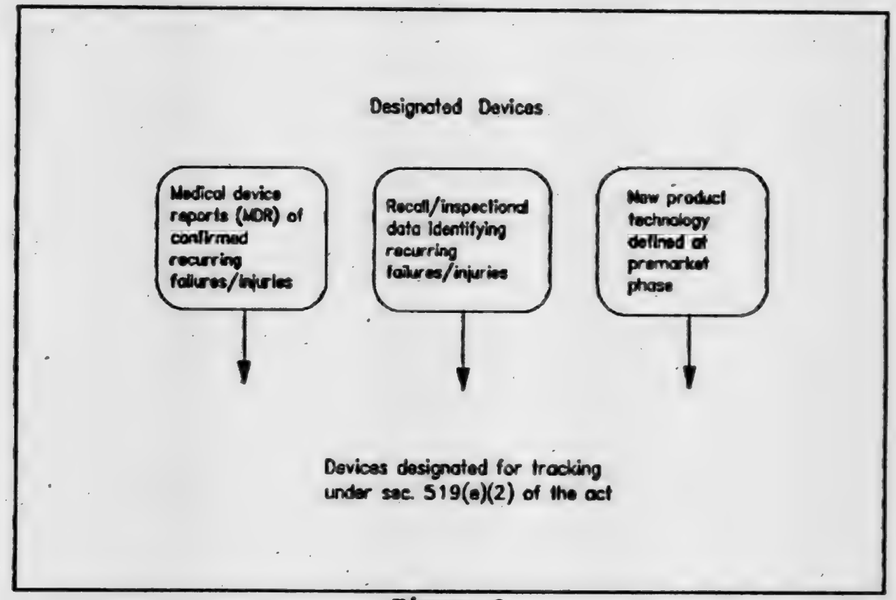

Figure 2

The agency will use its discretionary authority to designate and require the tracking of devices under section 519(e)(2) of the act to protect the public health. In assessing whether to designate a device to be tracked under section 519(e)(2) of the act, the agency will focus on the significance of risks to health posed by device use, especially the potential for serious injury, harm, or hazard to the public. Devices that FDA anticipates it will need to designate to be tracked are devices that demonstrate (or may demonstrate) recurrent, unpredictable, unexpected, or widespread failures, when such failures are hazardous or potentially hazardous. In the tracking context, the agency will consider a device to be hazardous if the device presents a risk of injury, death, or other serious adverse effect under the conditions of its intended use. The agency believes it is consistent with the intent of section 519(e)(2) of the act and with the general purpose of the SMDA to designate devices that present such risks to protect the public from defective devices that are unsafe or ineffective.

FDA is considering, with respect to designated devices, whether to adopt "levels" of tracking. FDA recognizes that some protection may be afforded patients who are part of an implanted device registry that is effectively compiled. For example, FDA would require a device to be tracked to the date of initial implantation in a patient and require full identification of all patients implanted with such designated devices, but because of the nature of the device or other circumstances, but not require the following patients beyond that point in time. This initial patient identification would include a social security number which, FDA believes, would make subsequent location of the patient possible.

The agency will designate that a particular device or gneric type of device is required to be tracked under section 519(e)(2) of the act by written notice, in the form of a letter, issued to the manufacturer of such a device or to the manufacturers of such a generic type of device. In addition, the agency will publish in the **Federal Register** a notice of the agency's determination that a particular generic type of designated device is required to be tracked under section 519(e)(2) of the act and will, as with devices subject to tracking under section 519(e)(1) of the act, solicit comment from the public. The agency considers the determination authorized by section 519(e)(2) of the act to be within the agency's discretionary authority and not subject to the rulemaking procedures prescribed by the Administrative Procedure Act.

FDA is hereby announcing that the agency will designate and require the tracking of any device that has silicone gel as a primary constituent of the finished device and is intended to remain in the body for 30 days or longer, and is soliciting comment on this designation and data regarding the long

term safety of these devices. Examples of these devices include silicone gel-filled breast prostheses (21 CFR 878.3540) and testicular prostheses (21 CFR 876.3750). FDA has examined recent scientific data concerning silicone implants and the migration of silicone in the body that reveal the occurrence of allergic reactions, silicone lymphadenoma, and morbidity due to silicone and silicone migration. FDA has documentation of risks associated with the use of silicone gel-filled breast implants, and believes that silicone gel-filled implants other than the breast implant have the potential to present the same risks documented for the breast implant. However, the agency has considerably less information regarding possible risks specifically associated with the use of other types of silicone gel implants. Therefore, FDA solicits comments on whether risks associated with gel-filled breast implants should be extrapolated to all other silicone gel implants, or whether there are scientific factors specific to other silicone implants that would raise doubts about such an extrapolation. In light of recently reported information together with absence of adequate clinical data on the long term safety of silicone gel, the agency believes that silicone gel implants are potentially hazardous and should be tracked. Silicone inflatable breast prostheses (21 CFR 878.3530) will also be designated to be tracked because of similar potential hazards presented by these devices. FDA will notify the manufacturers of such products that these devices are designated as devices that are required to be tracked under section 519(e)(2) of the act. This designation will become effective when regulations implementing section 519(e) of the act become final.

B. Serious Adverse Health Consequences

The legislative history of the SMDA provides the following explanation of the term "serious adverse health consequences:"

> The Committee believes that this term should mean any significant adverse experience attributable to a device, including those which may be either life threatening, or involve permanent or long term injuries, but excluding those non-life-threatening injuries which are temporary and reasonably reversible. In other words, injuries attributable to a device that are not significant in nature and are treatable and reversible by standard medical techniques, proximate in time to the injury, are not included within the term's definition.

(S. Rept. 513, 101st Cong., 2d sess. 19 (1990)).

The definition of "serious adverse health consequences" (proposed § 821.3(e)) incorporates these elements and includes life-threatening, permanent, and long-term illnesses attributable to device failure as serious adverse health consequences.

To be considered a serious adverse health consequence, an injury or illness caused by device failure must be life-threatening or have permanent or long-term effects that cannot be readily reversed or abated by medical techniques applied proximate in time to the onset of the adverse event. To determine whether a device failure would probably cause such serious adverse health consequences, a number of factors should be assessed.

First, risks to health posed by the intended use of the devise should be examined to identify those risks that are attributable to the characteristics or performance of the device, or lack thereof, and those risks that are not attributable to its characteristics or performance (i.e., its ability to accomplish its intended function in accordance with adequate and appropriate specifications).

Secondly, reports of failure, failure modes, and injuries associated with device use should be examined. Particular attention should be paid to sudden, catastrophic, and unanticipated device failures. In FDA's case, literature reports, premarketing submissions, establishment inspection reports, medical device reporting (MDR), and device recall data may be relied on to identify failures and resulting injuries.

Thirdly, the intended function of the device and the organ, structure, system or function of the body affected by the performance of the device should be examined to assess the significance of any injury or illness that would result from device failure. The significance of an injury or illness should be determined from examining the importance of the function of the device to life and health; the importance, to life and health, of the organ or structure of the body affected by the illness or injury; the expected effects of the injury or illness upon the residual capacity or condition of an already impaired structure or system of the body; and any collateral ramifications that may ensue from the illness or injury, such as risks attendant to any required surgery.

The probable or expected effects of device failures also assist in assessing the nature and type of medical intervention that would be required to treat adverse consequences. Life-threatening injuries or illnesses require immediate medical care and are serious adverse health consequences. Injuries and illnesses that do not worsen the residual capacity of an organ, structure or system of the body should not require medical treatment proximate in time to the occurrence of the device failure and thus are not serious adverse health consequences within the meaning of the proposed definition.

Injuries or illnesses that damage or worsen the residual capacity of an already impaired organ, structure, system or function of the body probably necessitate medical treatment as near as possible to the time of device failure detection or the observed onset of an adverse reaction. If the effects of such injuries or illnesses can be reversed, abated or prevented from having long-term sequelae by nonsurgical, medical techniques, the injuries or illnesses are not serious adverse health consequences. However, if significant surgical intervention is required to replace a failed or defective implant or to prevent the injury or illness from having irreversible or long-lasting effects, the illness or injury is a serious adverse health consequence.

C. Critical Devices Versus Tracked Devices

As noted earlier, among the postmarket controls provided to FDA under the 1976 amendments was the authority to require CGMP's for the methods used in and the facilities and controls used for the manufacture, packaging, storage, and installation of a device (sec. 520(f) of the act (21 U.S.C. 360j(f))). Under this authority, FDA promulgated regulations that imposed general CGMP requirements for all devices. FDA, under the sections 519 and 520(f) of the act, also imposed additional CGMP requirements on manufacturers of certain devices, termed "critical devices." One of these additional CGMP controls was a traceability requirement which requires the manufacturer of a critical device to keep records tracking the device to the first level of distribution. See 21 CFR 820.14, 820.151, 820.185.

A "critical device" is "a device that is intended for surgical implant * * * or to support or sustain life and whose failure to perform when properly used * * * can be reasonably expected to result in a significant injury to the user." 21 CFR 820.3(f). These terms are similar to terms used in section 519(e). Guidance that the agency has provided to clarify the types of devices which it considers to be critical devices (a 1988 advisory list), therefore, may be of some use in identifying tracked devices. However, FDA emphasizes that, as guidance, the "Advisory List of Critical Devices—1988" (53 FR 8854 through 8858, March 17, 1988 (Ref. 15)) has limitations as the list was published in 1988 and was never intended to be an exhaustive compilation of critical devices. To ensure that no undue reliance is placed on this list, FDA will discuss the differences that must be kept in mind when examining the critical devices list and distinguishing between critical devices and tracked devices.

Only permanently implantable devices that are intended to perform their function in an active and continuous manner in the body, thoughout the useful life of the device, or are not intended to be explanted must be tracked. A number of implantable devices shown on the 1988 critical devices list do not meet these criteria and are not subject to tracking requirements on this basis. Examples of such devices that are not required to be tracked, include: Indwelling blood oxygen partial pressure (PO_2) analyzer (21 CFR 868.1200), trace microsphere (21 CFR 870.1360), absorbable surgical gut suture (21 CFR 878.4830), and smooth or threaded metallic bone fixation fastener (21 CFR 888.3040).

Only life-sustaining or life-supporting devices intended for use outside device user facilities must be tracked. Life-sustaining or life-supporting devices that are intended for use in, distributed to, and exclusively used in device user facilities are not subject to tracking requirements. Examples of such devices, taken from the 1988 critical devices list, that are not required to be tracked due to this distinction include: medical equipment (autotransfusion apparatus, 21 CFR 868.5530); therapeutic devices (tracheal/bronchial differential ventilation tube, 21 CFR 868.5740); diagnostic devices (withdrawal-infusion pump, 21 CFR 870.1800); and monitoring devices (arrythmia detector and alarm, 21 CFR 870.1025).

Critical devices present the reasonable expectation that their failure would cause "significant injury." Tracked devices, on the other hand, present a reasonable likelihood of "serious adverse health consequences" in the event of failure. Distinctions between "significant injury" and "serious adverse health consequences" are a matter of judgment, degree, and definition. An injury to an already impaired organ or structure of the human body that is important to life and health is inherently significant. When the effects of such an injury or illness caused by device failure are life-threatening, permanent or long-term, the injury or illness is also a serious adverse health consequence. Examples of devices, taken from the 1988 critical devices list, that are not required to be tracked because their failure would probably cause a significant injury, but not a serious adverse health consequence include: Single/multiple component metallic bone fixation appliances and accessories (21 CFR 888.3030), finger joint polymer constrained prosthesis (21 CFR 888.3230), toe joint polymer constrained prosthesis (21 CFR 888.3720) and toe joint phalangeal (hemi-toe) polymer prosthesis (21 CFR 888.3730).

D. Examples of Devices Subject To Tracking

As further guidance, FDA is providing a list of devices that FDA believes are subject to the tracking provisions of section 519(e)(1) of the act. As explained previously, this list is included in the proposed text of the tracking regulation (§ 821.20(b)(1) and (b)(2)) and is to be published in the Code of Federal Regulations. The devices are identified by classification names established in FDA's classification regulations (21 CFR parts 862 through 892) and are preceded by the part and section number of the applicable classification regulation. These devices are ones that FDA believes meet the criteria for tracking, based on information available to the agency. Absent additional information or a reevaluation of available information, FDA does not now foresee taking enforcement action based on a manufacturer's failure to track devices that FDA has not placed on the illustrative list or for which manufacturers have not received any notice. (Of course, this approach would not apply if the device was being distributed without the requisite clearance from FDA, since FDA would not have been aware that the device was being distributed and would not have been able to give any kind of notice.) FDA notes that other devices may also meet the criteria for tracking, based on information not currently available to the agency. It is initially the responsibility of the manufacturer to make this distinction, subject, of course, to the agency's primary jurisdiction to interpret its statutes and regulations. FDA welcomes inquiries and consultation on whether additional devices are required to be tracked.

E. Manufacturer Requirements

1. Requirements for Device Tracking Systems

The proposed rule does not mandate how a manufacturer implements the tracking requirements or tracks a device. FDA has chosen to allow manufacturers with tracking obligations to develop the detailed plans, procedures, methods, and means of tracking, so they can implement tracking systems most suitable in light of the tracked device and the manufacturer's distribution system, resources, computer capability, and recordkeeping processes. The tracking system requirements are only specific in that they mandate the minimum characteristics of a tracking system, the data which must be collected and maintained, and the standards by which to measure the effectiveness of the tracking system.

The proposed rule establishes the following standards for device tracking systems.

a. The manufacturer must be able to furnish FDA, within 3 working days of a request, with the location and identity of all persons currently holding or using a tracked device (proposed § 821.25(a)).

b. The manufacturer must collect and keep current records of certain patient identification and device location data for the useful life of the device (i.e., as long as the device is in distribution or use) (proposed §§ 821.25(b) and 821.60).

c. The tracking system must be based on a written SOP for the uniform collection, maintenance, and manipulation of the required distribution and user information (proposed § 821.25(c)(1) and (c)(2)).

d. The tracking system SOP must include a quality assurance program that incorporates: (1) Written procedures for auditing the accuracy of required distribution and user information; and (2) written procedures for auditing the functioning of the device tracking system, including the adequacy of the reporting, and information collection and maintenance procedures of distributors, final distributors, multiple distributors, and outside organizations that implement the manufacturer's device user tracking system (proposed § 821.25(c)(3)).

These standards do not preclude the use of patient registries or implant registries as long as such registries comply with the tracking requirements mandated by the proposed rule. Nor do these standards restrict or prohibit the use of outside consultant or specialist organizations from assisting a manufacturer in developing an effective tracking program or from assisting a manufacturer in implementing a tracking system. However, as set out in the proposed § 821.1(b), in both instances, the agency considers any tracking program and tracking system developed and implemented by an outside organization to be the manufacturer's responsibility, and the manufacturer

bears full responsibility for assuring compliance with the requirements of the proposed rule.

2. Data Collection and Maintenance

Proposed § 821.25(b) sets out the product, distribution, and patient identification information that must be obtained, recorded, and maintained (updated) by a manufacturer in an effective tracking system.

Manufacturers must obtain, record, and maintain the identity of each tracked device they distribute. Tracked devices must be identified in a unique manner that distinguishes a device from other units and other models of the device and from comparable devices of different manufacturers. If product model, lot, and serial numbers do not distinguish between units of a device, the manufacturer must adopt unique tracking designations for device units. Thus, the proposed rule does have the effect of requiring manufacturers to uniquely identify each tracked device distributed, if they do not already do so. Without such a requirement, tracking would be unworkable.

Manufacturers must obtain, record, and maintain the following distribution information in a tracking system: (1) The date the device was shipped by the manufacturer; and (2) the name, address, and telephone number of distributors, multiple distributors and final distributors in the distribution network between the manufacturer and the patient.

Manufacturers must obtain, record, and maintain the following patient or user information in a tracking system: For single-patient-use devices, the name, address, telephone number, and social security number of the patient; the date the patient received the device; and for multiple-patient-use devices, the name, address, and telephone number of the multiple distributor. In addition, in the case of single-patient-use devices, manufacturers must obtain, record, and maintain the name and location of the licensed practitioner who prescribed and/or implanted the device, who explanted the device (if applicable), or who treats the patient. This information, in conjunction with the required distribution information, is indispensable to the conduct of timely recalls and notification of patients or licensed practitioners when serious adverse health consequences or unreasonable risks of substantial public harm associated with the use of a device warrant such actions. FDA believes that the Social Security number may be a very useful tool in tracking patients. FDA is also sensitive, however, to concerns about including Social Security numbers in records. Therefore, FDA notes that Social Security numbers may be supplied to the tracking system only with the consent of the patient.

In addition, the proposed rule provides for the collection of information that will terminate a manufacturer's responsibility to track a particular device, including the date the device was explanted, first returned to the manufacturer or any other person in the distribution network, or the date the device was permanently retired from use or otherwise permanently disposed of. Removal of devices from use because they no longer function as intended in a safe and effective manner due to age should result in the destruction of the devices and terminate tracking. Removal of implanted devices from patients and device returns to the manufacturer may temporarily interrupt or permanently terminate tracking of the products depending upon whether the devices are destroyed or reworked and further distributed as safe and effective devices. (However, tracked devices returned to multiple distributors which remain available for further distribution must be tracked by the multiple distributor to the next patient.)

FDA has chosen not to mandate the use of labeling or tracking forms to implement section 519(e) of the act. Nevertheless, the agency encourages the use of such labeling. FDA believes that labeling, tracking forms, invoice notations, or other written notices that alert distributors, multiple distributors, and final distributors that a device must be tracked can only improve the effectiveness of a manufacturer's tracking system.

FDA considers licensed practitioners, hospitals, and ambulatory surgical facilities to be key links to patients when tracking permanent implants and single-patient-use life-sustaining or life-supporting devices since they, as a result of their relationship with the patient, should possess reliable and accurate patient information. A manufacturer should, therefore, devote special effort to designing a tracking system that facilitates required reporting from these persons back to the manufacturer. Likewise, with respect to multiple-patient-use tracked devices, tracking methods put in place by a manufacturer should provide for the accurate and complete recording of tracking information by multiple distributors to facilitate satisfactory recordkeeping and prompt transmission of the necessary data to the manufacturer.

The agency is not aware of any one method that most effectively keeps track of the identity and current location of patients with tracked devices. In the case of permanent implants, after initial collection of the required data, a combination of tracking methods will probably be necessary to make sure the records are current, including preaddressed postcards given to patients by the final distributor intended to be completed and returned to the manufacturer if the patient moves or changes names; the use of cost rebates contingent upon the receipt of solicited information from the patient; periodic mailings or phone communication to patients; and postal service forwarding address lists to identify the changed address of a patient which was not otherwise obtained. FDA considers it extremely unlikely, however, that exclusive use of physician or patient return cards or other tracking methods intended solely to identify the patient at time of receipt would enable the manufacturer to meet the standard of proposed § 821.25(a) (i.e., provide FDA with patient and device data within 3 working days).

FDA is aware of the fact that the accuracy of the information in the tracking system depends, to some extent, on the cooperation of persons beyond the control of the manufacturer or distributor, namely the physician or patient. FDA is requiring only that persons required to track a device demonstrate a "good faith" effort to collect the information and are able to demonstrate to FDA why information is not in the tracking system. We are particularly interested in receiving comments from manufacturers and distributors as to the methods they expect to use to track the patient-recipients of implantable devices and the patient-users of purchased or rented devices. We are also interested in receiving any data on the problems with or the success of current tracking programs.

3. Audit Requirements

An effective audit, FDA believes, should combine in-house paperwork and process reviews with external audits of information provided by distributors, final distributors, and multiple distributors. FDA believes that auditing at 6-month intervals is necessary to ensure the accuracy of data in the tracking system. The audit requirements apply to each device product line being tracked by the manufacturer. Further, the auditing should provide for a statistically relevant sampling of the data and information to be obtained to ensure data accuracy and proper functioning of the tracking system. The agency believes that an audit is necessary every 6 months to ensure the proper functioning of the tracking system. The audit of the functioning of the system should include visiting or communicating with the persons upon whom the manufacturer relies for information, (i.e., distributors, final distributors, multiple distributors, and patients or users possessing the device). The purpose of data and performance audit requirements is to ensure that, if FDA orders a recall or patient notification, the tracking system will contain current, accurate patient identity and product location information.

Requiring the SOP to include a procedure to record changes or modifications made to existing data in the tracking system and changes made in the format used to maintain such data, including the dates on which such changes were made, provides information essential to data integrity. When errors in data are found, this record will provide a timeframe for initiating efforts to collect corrected distribution or patient identification information. Such a record may also be used to identify what data in the tracking system has been audited and at what time.

4. Distribution Requirements

Proposed § 821.1(d) and § 821.35(d) prohibit manufacturers from distributing tracked devices to any distributor, final distributor, or multiple distributor if a manufacturer knows, or should know, that required tracking information has not been collected, reported, or maintained by any such person. This prohibition does not apply when noncompliance is caused by the refusal of patients to provide necessary information despite reasonsable efforts by the manufacturer or distributor to obtain it. FDA notes that manufacturers have no excuse for failing to comply with this requirement: any tracking system put in place by a manufacturer of a tracked device must record that data on a tracked device is missing and why such data was not obtained (proposed § 821.25(c)(1)). In addition, FDA advises that it believes that manufactures have an affirmative duty to investigate when a particular distributor, multiple distributor, or final distributor frequently fails to provide information and claims it is due to patient refusals. Finally, a manufacturer must report the matter to FDA as required by proposed § 821.25(d).

The agency does not believe this sanction is as burdensome as it appears at first glance. If the sanction is applied consistently by all manufacturers, no competitive advantage or disadvantage would accrue to any manufacturer. FDA also believes that this sanction is the best protection a tracking manufacturer has against being held accountable for the noncompliance of others.

F. Tracking Obligations of Persons Other Than Manufacturers

Proposed § 821.30(a) imposes slightly different collection, reporting, and recordkeeping requirements on the persons involved in the distribution of tracked devices, depending on the type of device tracked (e.g., single- or multiple-patient-use) and role of that person in the distribution system.

Distributors (those persons between the manufacturer and the person who distributes the device to a patient) have the least to collect and report back. Upon receipt of a tracked device, they must provide the manufacturer with device identification information (name and model, serial number, and lot number), the date of receipt, and from whom they received the device (proposed § 821.30(a)(1) through (a)(4)). FDA is requiring distributors to report this information because it is necessary to ensure an effective recall or notification. After distribution of a tracked device, a distributor must provide to the manufacturer, if applicable and if known to the distributor, with information on explantation, patient death, returns, and retirement or other permanent disposition of a tracked device (proposed § 821.30(a)(5)). FDA is requiring reporting of this information back to the manufacturer so the manufacturer knows it can terminate tracking.

Final distributors (e.g., retailers, licensed practitioners, hospitals who distribute tracked devices to the patient, whether permanent implants, single-patient-use life-sustaining or life-supporting devices or devices designated for tracking), upon receipt of a tracked device, must provide the manufacturer with device identification information (name and model, serial number, and lot number), the date of receipt, and from whom they received the device (proposed § 821.30(a)(1) through (a)(4)). FDA is requiring final distributors to report this information because it is critical to ensure an effective recall or notification. Upon distribution of a tracked device to the patient, a final distributor must provide to the manufacturer patient information and certain physician information (proposed § 821.30(b)(1) through (b)(6)). Finally, if applicable and if known to the final distributor, the final distributor must provide the manufacturer with information on explantation, patient death, returns, and retirement or other permanent disposition of a tracked device (proposed § 821.30(b)(7)). FDA is requiring reporting of this information back to the manufacturer so the manufacturer knows it can terminate tracking.

Multiple distributors (persons who distribute to patients tracked devices intended for multiple-patient-use), in addition to similar collection and reporting responsibilities, must comply with certain recordkeeping requirements. Multiple distributors, upon receipt of a tracked device, must provide to the manufacturer device identification information (name and model, serial number, and lot number), the date of receipt, and from whom they received the device (proposed § 821.30(a)(1) through (a)(4)). As discussed above, reporting this information is necessary to ensure an effective recall or notification. Upon distribution of a tracked device to the patient, a multiple distributor must collect and maintain patient information and certain physician information, but need not report it to the manufacturer unless the manufacturer requests it (proposed § 821.30(c)(1) and (c)(2)). Finally, when applicable, the multiple distributor must provide the manufacturer with information on retirement or other permanent disposition of a tracked device (proposed § 831.30(c)(1)(viii)). Once again, FDA is requiring reporting of this information back to the manufacturer so the manufacturer knows it can terminate tracking.

FDA recognizes that the proposed rule may appear to affect multiple distributors more than other types of distributors. However, the durable medical equipment distributed by these person includes many life-supporting or life-sustaining devices that are used outside device user facilities. Any regulation that did not take into account this aspect of the device distribution system would not serve the statutory mandate. FDA believes that the proposed rule provides for the most effective and least costly manner of tracking multiple-patient-use devices. FDA has determined that requiring a manufacturer to keep constant track of each multiple-patient-use device would be overwhelming and unnecessary as long as a manufacturer can obtain current patient and device location information if it needs to. Moreover, FDA believes that the data that multiple distributors must keep under the proposed rule are largely data they currently collect in the normal course of business.

G. Termination of Tracking Responsibilities

All persons subject to this proposed rule must continue their tracking obligations for the useful life of each tracked device they manufacture or distribute. The useful life of a tracked device is the time a device is in use or in distribution for use (proposed § 821.60).

The proposed rule contains one exception to this requirement. Persons subject to this rule that are going out of business, permanently and completely, shall notify the appropriate FDA field office of their intention at the time they notify any government agency, court, or any supplier, and make arrangements to provide FDA with a complete set of their tracking records and information. FDA advises that this provision of the proposed rule does not apply to the following situations: (1) If a person ceases distribution of a tracked device but still continues to do other business, the person shall continue to track distributed devices for the remainder of the devices' useful life. (This holds true even if another person acquires the distribution rights to the device, unless that person, affirmatively and in writing, assumes responsibility for continuing the tracking of the devices previously distributed.); (2) If a person goes out of business completely, but other persons acquire the right to manufacture or distribute tracked devices from that person, those other persons are required to be responsible for continuing the tracking responsibilities of the previous manufacturer, distributor, multiple distributor, or final distributor.

H. Records

Under section 704 of the act, FDA's inspection authority extends to data relating to devices subject to reporting and inspection under regulations issued under section 519 of the act.

In general, FDA expects manufacturers to be able to produce records required under the proposed rule within 24 hours of the initiation of an inspection by the presentation of the FDA representative's official credentials and the issuance of Form FD 482, notice of inspection. This includes records and information required to be kept by regulations that are in the possession of others under contract with the manufacturer to conduct the manufacturer's tracking program.

I. Confidentiality

FDA has a longstanding policy of carefully guarding the privacy of individual patients and research subjects by fully observing the provisions of both the Freedom of Information Act and the Privacy Act. These statutes protect the confidentiality of personal information about individuals in agency records to the fullest possible extent. FDA's regulations implementing these statutes prohibit, with certain exceptions, the public disclosure of information in medical or similar records if that information would identify individual patients. See 21 CFR 20.63 and 21.10.

J. Compliance

The agency will review manufacturers' detailed, product-specific device tracking systems and user tracking programs during both regularly scheduled inspections and inspections initiated to investigate recalls and similar actions. As part of these inspections, the agency will also review manufacturers' quality assurance programs and audits under these regulations. In addition, persons with device tracking obligations other than manufacturers will be subject to periodic inspections, probably in association with specific recall matters.

K. Failure To Track

The tracking regulations are enforced through sections 502, 301, 302, 303, and 304 of the act. Under section 502(t)(2) of the act (21 U.S.C 352(t)(2)) a device is misbranded if there is a failure or refusal to submit information about the device that is required under section 519 of the act. Under section 301(a) of the act (21 U.S.C. 331(a)) the introduction of a misbranded device into interstate commerce is prohibited. Under section 301(b) of the act (21 U.S.C 331(b)) the misbranding of a device in interstate commerce is prohibited. Under section 301(k) of the act (21 U.S.C. 331(k)) any act which results in a device being misbranded after its shipment in interstate commerce is prohibited. Furthermore, under section 301(q)(1)(B) of the act (21 U.S.C. 331(q)(1)(B)) the failure or refusal to furnish any information required under section 519 of the act is prohibited. Under section 301(q)(2) of the act (21 U.S.C. 331(q)(2)) the submission of any required report that is false or misleading in any material respect is prohibited. Violations of section 301 of the act may be enjoined under section 302(a) of the act (21 U.S.C. 332(a)). Persons who are responsible for the violation of section 301 may be subject to criminal prosecution under section 303 of the act (21 U.S.C. 333). Devices that are misbranded within the meaning of section 502(t) of the act are subject to seizure and condemnation under section 304(a)(2) of the act (21 U.S.C. 334(a)(2)). Finally, under section 303(f) of the act (21 U.S.C. 333(f)), any person who commits a major violation of section 519(e) of the act may be subject to civil money penalties.

VII. Effective Date

Section 519(e) of the act becomes effective on the date that final regulations go into effect, or on May 28, 1992, whichever occurs first. Section 3(c)(A)(ii) of the SMDA directs FDA to issue proposed regulations implementing section 519(e) of the act within 9 months of enactment (by August 28, 1991). Section 3(c)(2) further directs FDA to issue final regulations not later than 18 months after enactment (by May 28, 1992). Section 3(c)(2) of the SMDA provides that if, after 18 months, final regulations have not been issued, the proposed regulations will become final. In the event this occurs, notice of this change in status of the proposed regulation will be published in the **Federal Register.**

VIII. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) and (e)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IX. Economic Impact

FDA has performed a threshold assessment to determine whether the requirements of the Medical Device Tracking regulation have sufficient economic impact to warrant a regulatory impact analysis in accordance with the requirements of Executive Order 12291 or a regulatory flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96–354).

Based on the preliminary cost analysis below, the economic impact on industry will not exceed the $100 million threshold established under Executive Order 12291. Accordingly, the agency concludes that the rule is not a major rule under the criteria included in the Executive Order.

FDA believes this estimate is accurate on the basis of available data, however there are many aspects of current device tracking information about which FDA has little or no knowledge. Consequently, we solicit comment in response to the following questions to better estimate the costs and benefits:

1. How many device manufacturers currently use some form of tracking system?
2. What types of tracing systems do device manufacturers currently use?
3. To what extent would established tracking systems need to be adapted to meet the proposed requirements?
4. Which provisions of the proposed requirements would require completely new additions to, or restructuring of, current tracking systems?
5. What are the estimated costs to manufacturers of developing new systems, adding new components to existing systems, or making incremental changes to existing systems in order to meet the proposed tracking requirements?
6. Which standards in the proposed tracking requirement hinder the development by manufacturers of a cost-effective tracking system?
7. How and to what degree can the proposed tracking requirements for distributors be assimilated into the data systems that distributors currently use?
8. What are the costs to distributors of adapting their data systems to fit the proposed requirements?
9. What benefits would result from the proposed tracking systems in terms of standard business practices as well as improved ability to track and recall? The agency has identified 35 device types that are illustrative of devices subject to mandatory tracking (though not necessarily the only devices). Most of the illustrative devices are "critical devices," and the manufacturers of these devices already have to maintain appropriate distribution records that trace the devices to the first consignee under the CGMP regulations.

The preliminary estimated annual cost of medical device tracking, after a steady state condition is reached in about 7 years, is $41.1 million, consisting of $18.2 million to track breast implants, and $22.1 million to track the other permanently implanted devices and $0.8 million to track devices used outside of the device user facilities. These costs affect a relatively small number of manufacturers, 372 in total, which leads to an average impact of $110,000. The bulk of the impact is highly concentrated on a relatively few manufacturers, however. For instance, each of the 15 manufacturers of breast implants will experience a cost increase of over $1.2 million, on the average. The 40 manufacturers of heart valves, pacemakers and pacemaker leads will bear an estimated cost increase of $460,000 each. (The remaining 317 manufacturers will have cost increases averaging $14,500 each.) Of the 55 manufacturers bearing the largest impact, 22 of them are small (fewer than 50 employees). It is possible that some of these smaller manufacturers (and even some of the larger ones) may have difficulty in passing on some or all of the costs of tracking. Therefore, it is likely that some manufacturers will leave the implant market.

A copy of the agency's threshold assessment of the requirements for medical device tracking is on file at the Dockets Mangement Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

X. Paperwork Reduction Act of 1980

This proposed rule contains information collections which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). The title, description and respondent description of the information collection are shown below with an estimate of the annual reporting and recordkeeping burden. Included in the estimate is the time for reviewing requirements and instructions, searching existing sources of distribution data, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Title: Medical Device Tracking Requirements under section 519(e) of the act.

Description: FDA is proposing to implement the device tracking requirements of section 519(e) of the act, as added to the act by section 3(b)(1) of the SMDA (Pub. L. 101–629).

The agency is requiring that manufacturers, including repackers, relabelers, importers and others, of devices the failure of which would be reasonably likely to have serious adverse health consequences, if the devices are either premanently implantable devices or life-sustaining or life-supporting devices used outside device user facilities, or otherwise designated by FDA for tracking, adopt a method of tracking such devices throughout distribution to the device user or patient. Manufacturers (including others identified as manufacturers) and their device tracking systems and distributors, final distributors, and multiple distributors of the manufacturers' products, are required by the regulation to gather, record, maintain, and furnish to FDA, upon request, the location of the aforementioned types of devices, and the name and address of current users of the devices. The purpose of these tracking requirements is to facilitate identifying the current location of certain types of devices and the identity of all persons using the devices to enable manufacturers and FDA to expedite the recall of distributed devices that are dangerous or defective, and to facilitate the timely notification of patients or licensed practitioners of risks associated with such devices.

Description of Respondents: Manufacturers and other parties involved in the manufacture and distribution of certain devices.

ESTIMATED ANNUAL RECORDKEEPING BURDEN

Section	Annual number of respondents	Average burden per response	Annual burden (hours)
821.25(a)	[1]372	344.0	127,968
821.25(b)(c)(d)	376,000	0.2	75,200
821.30(a)(b)(c)	500,000	0.2	100,000
Total			303,168

[1] This part of the burden for § 821.25(a) is a one-time burden for setting up a tracking system.

ESTIMATED ANNUAL REPORTING BURDEN

Section	Annual number of respondents	Average burden per response (hours)	Total annual burden (hours)
821.25(d)	8	4	32

As required by section 3504(h) of the Paperwork Reduction Act of 1980, FDA has submitted a copy of this proposed rule to OMB for its review of these information collection requirements. Other organizations and individuals desiring to submit comments regarding this burden estimate or any aspects of these information collection requirements, including suggestions for reducing the burden, should direct to FDA's Dockets Management Branch (address above) and to the Office of Information and Regulatory Affairs, OMB, rm. 3208, New Executive Office Bldg., Washington, DC 20503, Attn: Officer for FDA.

XI. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Damaska, William H., Acting Director, Office of Compliance and Surveillance, Center for Devices and Radiological Health, FDA, letter to Patrice Freidure, President, Shiley, Inc. (August 28, 1990).

2. "Los Angeles Times," Orange County ed., Part D, at 1, col. 4, January 20, 1991.

3. "New York Times," January 5, 1991, Sec. 1, at 46, col. 2.

4. "Washington Post," December 11, 1990, at A3.

5. "Los Angeles Times," Orange County ed., April 23, 1991, 1991, Part D, at 1, col. 2.
6. Sachs, Roger, M.D., Vice President and Medical Director, Shiley, Inc., letter to Betty Collins, Consumer Safety Officer, FDA, June 17, 1991.
7. Vince, Gerald A., Director, Dallas District, FDA, letter to Charles A. Homsy, Chairman of the Board, Vitek, Inc., January 26, 1990.
8. FDA Safety Alert, December 28, 1990.
9. Johnson, Ronald M., Acting Director, Office of Compliance and Surveillance, Center for Devices and Radiological Health, FDA, letter to Charles A. Homsy, Chairman of the Board, Vitek, Inc., April 26, 1991.
10. Gundaker, Walter E., Acting Director, Center for Devices and Radiological Health, FDA, letter to Ben B. Floyd, Vitek, Inc., May 29, 1991.
11. Gundaker, Walter E., Acting Director, Center for Devices and Radiological Health, FDA, letter to Charles A. Homsy, Chairman of the Board, Vitek, Inc., May 29, 1991.
12. "Houston Post," Final Edition Business Section, p. C1, May 10, 1991.
13. "Houston Post," Final Edition Business Section, p. C7, May 13, 1991.
14. Floyd, Ben B., Trustee, letter to Walter E. Gundaker, Acting Director, Center for Devices and Radiological Health, FDA, June 5, 1991.
15. Advisory List of Critical Devices—1988; Notice, 53 FR 8854–8858, March 17, 1988.

XII. Request for Comments

Interested persons may, on or before May 26, 1992, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 821

Device tracking, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 821 be added to read as follows:

PART 821—MEDICAL DEVICE TRACKING REQUIREMENTS

Subpart A—General Provision

Sec.
821.1 Scope.
821.3 Definitions.

Subpart B—Tracking Requirements

821.20 Devices subject to tracking.
821.25 Device tracking system and content requirements: Manufacturer requirements.

Subpart C—Additional Requirements and Responsibilities

821.30 Tracking obligations of persons other than device manufacturers: distributor requirements.

Subpart D—Records and Inspections

821.50 Availability.
821.55 Confidentiality.
821.60 Retention of records.

Authority: Secs. 502, 518, 519, 701, and 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 360h, 360i, 371, and 374).

Subpart A—General Provisions

§ 821.1 Scope.

(a) The regulations in this part implement section 519(e) of the Federal Food, Drug, and Cosmetic Act (the act) which requires the adoption of a method of device tracking by any person who registers under section 510 of the act and is engaged in the manufacture and distribution of devices the failure of which would be reasonably likely to have serious adverse health consequences if the devices are life-sustaining or life-supporting devices used outside of a device user facility or are permanently implantable devices. This part also applies to any other device that the Food and Drug Administration (FDA) designates as requiring a method of tracking to protect the public health. A device subject to this part either by statutory requirement or by FDA designation is referred to herein as a "tracked device."

(b) These regulations are intended to ensure that tracked devices can be traced from the device manufacturing facility to the person for whom the device is indicated, that is, the patient. Effective tracking of devices from the manufacturing facility, through the distributor network (including distributors, retailers, rental firms and other commercial enterprises, device user facilities and licensed practitioners) and, ultimately, to any person for whom the device is intended is necessary for the effectiveness of remedies prescribed by the act, such as patient notification (section 518(a) of the act) or device recall (section 518(e) of the act). Although these regulations do not preclude a manufacturer from involving outside organizations in that manufacturer's device tracking effort, the legal responsibility for complying with this part rests with manufacturers who must register under section 510 of the act, and that responsibility cannot be altered, modified, or in any way abrogated by contracts or other agreements.

(c) Each manufacturer of a tracked device shall implement a method of tracking devices by (insert date 30 days after date of publication of the final rule in the **Federal Register**) or May 28, 1992, whichever occurs first.

(d) Under section 301(q)(1)(B) of the act, it is prohibited for a manufacturer to distribute a tracked device to any distributor, final distributor, or multiple distributor when a manufacturer knows or should know that such person has failed to collect, maintain, or furnish any record or information required by this part. If, however, to the extent such a person, despite reasonable efforts, cannot collect, maintain, or furnish such required records or information because of refusals by patients to provide the necessary information, FDA may exempt a manufacturer from the sanction in the preceding sentence.

(e) The failure of a manufacturer or any other person, including a distributor, final distributor, or multiple distributor, who distributes a device subject to tracking to comply with any applicable requirement of this part renders the device misbranded within the meaning of section 501(t) of the act and further constitutes a prohibited act within the meaning of section 301(q)(1)(B) of the act.

(f) Any person subject to this part who permanently discontinues doing business is required to notify FDA at the time they notify any government agency, court, or supplier, and provide FDA with a complete set of its tracking records and information. However, if a person ceases distribution of a tracked device but continues to do other business, that person continues to be responsible for compliance with this part unless another person, affirmatively and in writing, assumes responsibility for continuing the tracking of devices previously distributed under this part. Further, if a person subject to this part goes out of business completely, but other persons acquire the right to manufacture or distribute tracked devices, those other persons are deemed to be responsible for continuing the tracking responsibility of the previous person under this part.

§ 821.3 Definitions.

The following definitions and terms apply to this part:

(a) *Act* means the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq., as amended.

(b) *Importer* means the initial distributor of an imported device who is required to register under section 510 of the act and § 807.20 of this chapter. "Importer" does not include anyone who only performs a service for the person who furthers the marketing, i.e., brokers, jobbers, or warehousers.

(c) *Manufacturer* means any person, including any importer, repacker and/or relabeler, who manufactures, prepares, propagates, compounds, assembles, or processes a device or engages in any of the activities described in § 807.3(d) of this chapter.

(d) *Device failure* means the failure of a device to perform or function as intended, including any deviations from the device's performance specifications or intended use.

(e) *Serious adverse health consequences* means any significant adverse experience related to a device, including device-related events which are life-threatening or which involve permanent or long-term injuries or illnesses.

(f) *Permanently implantable device* means a device that is intended to be placed into a surgically or naturally formed cavity of the human body to continuously assist, restore, or replace the function of an organ system or structure of the human body throughout the useful life of the device. The term does not include any device which is intended and used for temporary purposes or which is intended for explantation.

(g) *Life-supporting or life-sustaining device used outside a device user facility* means a device which is essential, or yields information that is essential, to the restoration or continuation of a bodily function important to the continuation of human life that is intended for use outside a hospital, nursing home, ambulatory surgical facility, or diagnostic or outpatient treatment facility. Physicians' offices are not device user facilities and, therefore, devices used therein are subject to tracking if they otherwise satisfy the statutory and regulatory criteria.

(h) *Distributor* means any person who furthers the distribution of a device from the original place of manufacture to the person who makes delivery or sale to the ultimate user, i.e., the final or multiple distributor but who does not repackage or otherwise change the container, wrapper, or labeling of the device or device package.

(i) *Final distributor* means any person who distributes a tracked device intended for use by a single patient over the useful life of the device to the patient. This term includes, but is not limited to, licensed practitioners, retail pharmacies, hospitals, and other types of device user facilities.

(j) *Distributes* means any distribution of a tracked device, including the charitable distribution of a tracked device. This term does not include the distribution of a device under an effective investigational device exemption in accordance with section 520 (g) of the act and part 812 of this chapter or the distribution of a device for teaching, law enforcement, research, or analysis as specified in § 801.125 of this chapter.

(k) *Multiple distributor* means any device user facility, rental company, or any other entity that distributes a life-sustaining or life-supporting device intended for use by more than one patient over the useful life of the device.

(l) *Licensed practitioner* means a physician, dentist, or other health care practitioner licensed by the law of the State in which he or she practices to use or order the use of the tracked device.

(m) Any term defined in section 201 of the act shall have the same definition in this part.

Subpart B—Tracking Requirements

§ 821.20 Devices subject to tracking.

(a) A manufacturer of any device the failure of which would be reasonably likely to have a serious adverse health consequence, that is either a life-sustaining or life-supporting device used outside of a device user facility or a permanently implantable device, or a manufacturer of any other device that FDA, in its discretion, designates for tracking, shall track that device in accordance with this part.

(b) Manufacturers have the responsibility to identify devices that meet the criteria for tracking and to initiate tracking. By way of illustration and to provide guidance, FDA has set out below a list of example devices it regards as subject to tracking under the criteria set forth in this regulation.

(1) PERMANENTLY IMPLANTABLE DEVICES

21 CFR	Classification
870.3260	Vena cava clip.
870.3375	Cardiovascular intravascular filter.
870.3450	Vascular graft prosthesis of less than 6 millimeters diameter.
870.3460	Vascular graft prosthesis of 6 millimeters and greater diameter.
870.3470	Intracardiac patch or pledget made of polypropylene, polyethylene terephthalate, or polytetrafluoroethylene.
870.3545	Ventricular bypass (assist) device.
870.3610	Implantable pacemaker pulse generator.
870.3680	Cardiovascular permanent pacemaker electrode.
870.3800	Annuloplasty ring.
870.3925	Replacement heart valve.
(no cite)	Automatic implantable cardioverter/defibrillator.
878.3720	Tracheal prosthesis.
882.5150	Intravascular occluding catheter.
882.5200	Aneurysm clip.
882.5550	Central nervous system fluid shunt and components.

(1) PERMANENTLY IMPLANTABLE DEVICES—Continued

21 CFR	Classification
882.5820	Implanted cerebellar stimulator.
882.5830	Implanted diaphragmatic/phrenic nerve stimulator.
882.5950	Artificial embolization device.
888.3050	Spinal interlaminal fixation orthosis.
888.3060	Spinal intervertebral body fixation orthosis.

(2) LIFE-SUSTAINING OR LIFE-SUPPORTING DEVICES USED OUTSIDE DEVICE USER FACILITIES

21 CFR	Classification
868.2375	Breathing frequency monitors (apnea monitors).
868.2700	Pressure regulator, including mechanical oxygen regulators.
868.5440	Portable oxygen generator, including oxygen concentrators.
868.5655	Portable liquid oxygen unit.
868.5800	Tracheostomy tube and tube cuff.
868.5895	Continuous ventilator.
868.5905	Noncontinuous ventilator (IPPB).
870.5300	DC-defibrillator (including paddles).
876.5830	Peritoneal dialysis system and accessories, including: Chronic ambulatory (adult) and chronic pediatric (infant) peritoneal dialysis systems.
880.5725	Infusion pumps.

(c) FDA designates the following devices as subject to tracking. Manufacturers must track these devices in accordance with this part.

21 CFR	Classification
878.3530	Silicone inflatable breast prosthesis.
878.3540	Silicone gel-filled breast prosthesis.
876.3750	Testicular prosthesis, silicone gel-filled.
(no cite)	Silicone gel-filled chin prosthesis.
(no cite)	Silicone gel-filled angel chik reflux valve.

(d) FDA, when responding to premarket notification submissions and approving premarket approval applications, will notify the sponsor that FDA believes the device meets the criteria of section 519(e)(1) and therefore should be tracked. FDA will also, after notifying the sponsor, publish a notice in the **Federal Register** announcing that FDA believes a new generic type of device is subject to tracking and soliciting comment on FDA's position. If the device is a new generic type of device not already on the example list above, FDA will add it to this list.

§ 821.25 Device tracking system and content requirements: manufacturer requirements.

(a) A manufacturer of a tracked device shall adopt a method of tracking for each such type of device that it

distributes that enables a manufacturer to, within 3 working days of a request from FDA, provide FDA with the following information in writing for each tracked device distributed:

(1) Prior to the distribution of a tracked device to a multiple distributor or a patient, the name, address, and telephone number of the distributor or final distributor holding the device for distribution and the location of the device;

(2) For life-sustaining or life-supporting devices used outside a device user facility that are intended for use by a single patient over the life of the device and permanent implants that are tracked devices, after distribution to or implantation in a patient:

(i) The model number of the device or other identifier that identifies each unique version of the device;

(ii) The serial number of the device or other identifier that is unique to that individual device;

(iii) The date the device was shipped by the manufacturer;

(iv) The name, address, telephone number, and social security number (if available) of the patient receiving the device;

(v) The date the device was provided to the patient;

(vi) The name, mailing address, and telephone number of the prescribing physician;

(vii) The name, mailing address, and telephone number of the physician regularly following the patient if different than the prescribing physician; and

(viii) If applicable, the date the device was explanted and the name, mailing address, and telephone number of the explanting physician; the date of the patient's death; or the date the device was returned to the manufacturer, permanently retired from use, or otherwise permanently disposed of.

(3) For life-sustaining or life-supporting devices used outside device user facilities that are intended for use by more than one patient and that are tracked devices, after the distribution of the device to the multiple distributor:

(i) The model number of the device or other identifier that identifies each unique version of the device;

(ii) The serial number of the device or other identifier that is unique to that individual device;

(iii) The date the device was shipped by the manufacturer;

(iv) The name, address, and telephone number of the multiple distributor;

(v) The name, address, telephone number, and social security number (if available) of the patient using the device;

(vi) The location of the device;

(vii) The date the device was provided for use by the patient;

(viii) The name, address, and telephone number of the prescribing physician; and

(ix) If and when applicable, the date the device was returned to the manufacturer, permanently retired from use, or otherwise permanently disposed of.

(b) A manufacturer of a tracked device shall keep current records in accordance with its standard operating procedure of the information identified in paragraphs (a)(1), (a)(2) and (a)(3)(i) through (a)(3)(iv) of this section on each tracked device released for distribution for as long as such device is in use or in distribution for use.

(c) A manufacturer of a tracked device shall establish a written standard operating procedure for the collection, maintenance, and auditing of the data specified in paragraphs (a) and (b) of this section. A manufacturer shall make this standard operating procedure available to FDA upon request. A manufacturer shall incorporate the following into the standard operating procedure:

(1) Data collection and recording procedures, which shall include a procedure for recording when data which is required under this part is missing and could not be collected and the reason why such required data is missing and could not be collected;

(2) A method for recording all modifications or changes to the tracking system or to the data collected and maintained under the tracking system, reasons for any modification or change, and dates of any modification or change. Modification and changes included under this requirement include modifications to the data (including termination of tracking), the data format, the recording system, and the file maintenance procedures system; and

(3) A quality assurance program that includes an audit procedure to be run at not less than 6-month intervals for each device product line subject to tracking, which audit procedure shall provide for statistically relevant sampling of the data collected to ensure the accuracy of data and performance testing of the functioning of the tracking system.

(d) When a manufacturer becomes aware that a distributor, final distributor or multiple distributor has not collected, maintained, or furnished any record or information required by this part, the manufacturer shall cease further distribution of tracked devices to such person and shall notify the FDA district office responsible for the area in which the distributor, final distributor, or multiple distributor is located of the failure of such persons to comply with the requirements of this part.

Subpart C—Additional Requirements and Responsibilities

§ 821.30 Tracking obligations of persons other than device manufacturers: distributor requirements.

(a) A distributor, final distributor, or multiple distributor of any tracked device shall, upon purchasing or otherwise acquiring any interest in such a device, promptly provide the manufacturer tracking the device with the following information:

(1) The model number of the device or other identifier that identifies each unique version of the device;

(2) The serial number of the device or other identifier that is unique to that individual device;

(3) The date the device was received;

(4) The person from whom the device was received;

(5) If and when applicable, the date the device was explanted, the date of the patient's death, or the date the device was returned to the distributor, permanently retired from use, or otherwise permanently disposed of.

(b) A final distributor, upon sale or other distribution of a tracked device for use in or by the patient, shall promptly provide the manufacturer tracking the device with the following information:

(1) The model number of the device or other identifier that identifies each unique version of the device;

(2) The serial number of the device or other identifier that is unique to that individual device;

(3) The name, address, telephone number, and social security number (if available) of the patient receiving the device;

(4) The date the device was provided to the patient or for use in the patient;

(5) The name, mailing address, and telephone number of the prescribing physician;

(6) The name, mailing address, and telephone number of the physician regularly following the patient if different than the prescribing physician; and

(7) When applicable, the date the device was explanted and the name, mailing address, and telephone number of the explanting physician, the date of the patient's death, or the date the device was returned to the manufacturer, permanently retired from use, or otherwise permanently disposed of.

(c)(1) A multiple distributor shall keep written records of the following each time such device is distributed for use by a patient:

(i) The model number of the device or other identifier that identifies each unique version of the device;

(ii) The serial number of the device or other identifier that is unique to that individual device;

(iii) The name, address, telephone number, and social security number (if available) of the paitent using the device;

(iv) The location of the device;

(v) The date the device was provided for use by the patient;

(vi) The name, address, and telephone number of the prescribing physician;

(vii) The name, address, and telephone number of the physician regularly following the patient if different than the prescribing physician; and

(viii) When applicable, the date the device was permanently retired from use or otherwise permanently disposed of.

(2) Any person who is a multiple distributor subject to the recordkeeping requirement of paragraph (c)(1) of this section shall, within 2 working days of a request from the manufacturer or within 3 working days of a request from FDA for the information identified in paragraph (c)(1) of this section, provide such information to the manufacturer or FDA.

Subpart D—Records and Inspections

§ 821.50 Availability.

(a) Manufacturers, distributors, multiple distributors, and final distributors shall, upon the presentation by an FDA representative of official credentials and the issuance of Form FD 482 at the initiation of an inspection of an establishment or person under section 704 of the act, make each record and all information required to be collected and maintained under Part 821 and all records and information related to the events and persons identified in such records available to FDA personnel.

(b) Records and information referenced in paragraph (a) of this section shall be available to FDA personnel for purposes of reviewing, copying, or any other use related to the enforcement of the act and this part.

§ 821.55 Confidentiality.

(a) Records and other information submitted to FDA under this part shall be protected from public disclosure to the extent permitted under part 20 of this chapter, and in accordance with § 20.63 information contained in such records that would identify patient or research subjects shall not be available for public disclosure except as provided in those parts.

(b) Patient names or other identifiers may be disclosed to a manufacturer or other person subject to this part or to a physician when the health or safety of the patient requires that such persons have access to this information. Such notification will be pursuant to agreement that the record or information will not be further disclosed except as the health aspects of the patient requires. Such notification does not constitute public disclosure and will not trigger the availability of the same information to the public generally.

§ 821.60 Retention of records.

Persons required to maintain records under this part shall maintain such records for the useful life of each tracked device they manufacture or distribute. The useful life of a device is the time a device is in use or in distribution for use. For example, a record may be retired if the person maintaining the record becomes aware of the fact that the device is no longer in use, has been explanted, returned to the manufacturer, or the patient has died.

David A. Kessler,

Commissioner of Food and Drugs.

Dated: March 5, 1992.

Louis W. Sullivan,

Secretary of Health and Human Services.

[FR Doc. 92-7074 Filed 3-26-92; 8:45 am]

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federal register

Friday
March 27, 1992

Part III

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for February 1992

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53152; FRL 4054-7]

Premanufacture Notices; Monthly Status Report for February 1992

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for February 1992.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53152)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC 20460, (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during FEBRUARY; (b) PMNs received previously and still under review at the end of FEBRUARY; (c) PMNs for which the notice review period has ended during FEBRUARY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during FEBRUARY; and (e) PMNs for which the review period has been suspended. Therefore, the FEBRUARY 1992 PMN Status Report is being published.

Dated: March 23, 1992.

Douglas W. Sellers,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for FEBRUARY 1992.

I. 135 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0472	P 92-0473	P 92-0474	P 92-0475
P 92-0476	P 92-0477	P 92-0478	P 92-0479
P 92-0480	P 92-0481	P 92-0482	P 92-0483
P 92-0484	P 92-0485	P 92-0486	P 92-0487
P 92-0488	P 92-0489	P 92-0490	P 92-0491
P 92-0492	P 92-0493	P 92-0494	P 92-0495
P 92-0496	P 92-0497	P 92-0498	P 92-0499
P 92-0500	P 92-0501	P 92-0502	P 92-0503
P 92-0504	P 92-0505	P 92-0506	P 92-0507
P 92-0508	P 92-0509	P 92-0510	P 92-0511
P 92-0512	P 92-0513	P 92-0514	P 92-0515
P 92-0516	P 92-0517	P 92-0518	P 92-0519
P 92-0520	P 92-0521	P 92-0522	P 92-0523
P 92-0524	P 92-0525	P 92-0526	P 92-0527
P 92-0528	P 92-0529	P 92-0530	P 92-0531
P 92-0532	P 92-0533	P 92-0534	P 92-0535
P 92-0536	P 92-0537	P 92-0538	P 92-0539
P 92-0540	P 92-0541	P 92-0542	P 92-0543
P 92-0544	P 92-0545	P 92-0546	P 92-0553
P 92-0554	P 92-0555	P 92-0556	P 92-0557
P 92-0558	P 92-0559	P 92-0560	P 92-0561
P 92-0562	P 92-0563	P 92-0564	P 92-0565
P 92-0566	P 92-0567	P 92-0568	P 92-0569
P 92-0570	P 92-0571	P 92-0572	P 92-0573
P 92-0574	P 92-0575	P 92-0576	P 92-0577
P 92-0578	P 92-0579	P 92-0580	P 92-0581
P 92-0582	P 92-0583	P 92-0584	P 92-0585
P 92-0586	P 92-0587	P 92-0588	P 92-0589
P 92-0590	P 92-0591	P 92-0592	P 92-0593
P 92-0594	P 92-0595	P 92-0596	P 92-0597
P 92-0598	P 92-0599	P 92-0600	P 92-0601
P 92-0602	P 92-0604	P 92-0605	P 92-0606
Y 92-0097	Y 92-0098	Y 92-0099	Y 92-0100
Y 92-0101	Y 92-0102	Y 92-0103	

II. 360 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237	P 85-0433	P 85-0612	P 85-0619
P 85-1184	P 86-0066	P 86-1315	P 86-1489
P 86-1607	P 87-0105	P 87-0323	P 87-0502
P 87-1872	P 88-0998	P 88-1271	P 88-1272
P 88-1273	P 88-1274	P 88-1460	P 88-1682
P 88-1751	P 88-1937	P 88-1938	P 88-1980
P 88-1982	P 88-1984	P 88-1985	P 88-1999
P 88-2000	P 88-2001	P 88-2100	P 88-2169
P 88-2196	P 88-2212	P 88-2213	P 88-2228
P 88-2229	P 88-2230	P 88-2236	P 88-2484
P 88-2518	P 88-2529	P 89-0254	P 89-0321
P 89-0396	P 89-0538	P 89-0632	P 89-0670
P 89-0721	P 89-0770	P 89-0775	P 89-0836
P 89-0837	P 89-0867	P 89-0957	P 89-0958
P 89-0959	P 89-0983	P 89-1038	P 89-1058
P 89-1062	P 90-0002	P 90-0009	P 90-0158
P 90-0159	P 90-0211	P 90-0237	P 90-0248
P 90-0249	P 90-0260	P 90-0281	P 90-0282
P 90-0263	P 90-0372	P 90-0441	P 90-0550
P 90-0558	P 90-0564	P 90-0581	P 90-0603
P 90-0608	P 90-1280	P 90-1318	P 90-1319
P 90-1320	P 90-1321	P 90-1322	P 90-1358
P 90-1422	P 90-1527	P 90-1528	P 90-1529
P 90-1530	P 90-1531	P 90-1564	P 90-1592
P 90-1624	P 90-1635	P 90-1687	P 90-1718
P 90-1720	P 90-1722	P 90-1723	P 90-1745
P 90-1840	P 90-1893	P 90-1937	P 90-1965
P 90-1984	P 90-1985	P 91-0004	P 91-0051
P 91-0101	P 91-0102	P 91-0107	P 91-0108
P 91-0109	P 91-0110	P 91-0111	P 91-0112
P 91-0113	P 91-0116	P 91-0222	P 91-0228
P 91-0230	P 91-0231	P 91-0232	P 91-0233
P 91-0242	P 91-0243	P 91-0244	P 91-0245
P 91-0246	P 91-0247	P 91-0248	P 91-0288
P 91-0328	P 91-0358	P 91-0442	P 91-0464
P 91-0465	P 91-0466	P 91-0467	P 91-0468
P 91-0469	P 91-0470	P 91-0471	P 91-0472
P 91-0487	P 91-0490	P 91-0501	P 91-0503
P 91-0514	P 91-0521	P 91-0532	P 91-0546
P 91-0572	P 91-0584	P 91-0619	P 91-0659
P 91-0665	P 91-0666	P 91-0688	P 91-0689
P 91-0701	P 91-0732	P 91-0763	P 91-0810
P 91-0826	P 91-0827	P 91-0831	P 91-0853
P 91-0902	P 91-0903	P 91-0905	P 91-0912
P 91-0914	P 91-0915	P 91-0934	P 91-0939
P 91-0940	P 91-0941	P 91-0968	P 91-1000
P 91-1009	P 91-1010	P 91-1011	P 91-1012
P 91-1013	P 91-1014	P 91-1015	P 91-1016
P 91-1017	P 91-1018	P 91-1019	P 91-1020
P 91-1021	P 91-1022	P 91-1023	P 91-1024
P 91-1025	P 91-1026	P 91-1027	P 91-1028
P 91-1029	P 91-1030	P 91-1031	P 91-1032
P 91-1033	P 91-1034	P 91-1035	P 91-1036
P 91-1037	P 91-1038	P 91-1039	P 91-1040
P 91-1041	P 91-1042	P 91-1043	P 91-1044
P 91-1045	P 91-1046	P 91-1047	P 91-1048
P 91-1049	P 91-1050	P 91-1051	P 91-1052
P 91-1053	P 91-1054	P 91-1055	P 91-1056
P 91-1057	P 91-1058	P 91-1059	P 91-1060
P 91-1061	P 91-1062	P 91-1063	P 91-1064
P 91-1065	P 91-1066	P 91-1067	P 91-1068
P 91-1069	P 91-1070	P 91-1071	P 91-1072
P 91-1116	P 91-1117	P 91-1118	P 91-1131
P 91-1161	P 91-1163	P 91-1190	P 91-1191
P 91-1205	P 91-1210	P 91-1243	P 91-1279
P 91-1280	P 91-1281	P 91-1282	P 91-1283
P 91-1289	P 91-1297	P 91-1298	P 91-1299
P 91-1321	P 91-1322	P 91-1323	P 91-1324
P 91-1328	P 91-1346	P 91-1361	P 91-1364
P 91-1367	P 91-1368	P 91-1369	P 91-1371
P 91-1372	P 91-1379	P 91-1384	P 91-1386
P 91-1392	P 91-1394	P 91-1409	P 91-1418
P 91-1456	P 91-1464	P 92-0001	P 92-0002
P 92-0003	P 92-0031	P 92-0032	P 92-0033
P 92-0034	P 92-0035	P 92-0036	P 92-0044
P 92-0048	P 92-0063	P 92-0066	P 92-0067
P 92-0006	P 92-0129	P 92-0156	P 92-0157
P 92-0159	P 92-0168	P 92-0169	P 92-0177
P 92-0210	P 92-0217	P 92-0233	P 92-0244
P 92-0245	P 92-0246	P 92-0247	P 92-0248
P 92-0249	P 92-0250	P 92-0251	P 92-0286
P 92-0278	P 92-0283	P 92-0294	P 92-0300
P 92-0314	P 92-0315	P 92-0320	P 92-0329
P 92-0341	P 92-0343	P 92-0344	P 92-0377
P 92-0386	P 92-0396	P 92-0399	P 92-0400
P 92-0401	P 92-0402	P 92-0403	P 92-0412
P 92-0431	P 92-0432	P 92-0433	P 92-0435
P 92-0436	P 92-0437	P 92-0445	P 92-0446
P 92-0450	P 92-0459	P 92-0467	P 92-0471

III. 112 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the Inventory).

PMN No.

P 89-0069	P 89-0090	P 89-0091	P 89-0385
P 89-0386	P 89-0387	P 90-0707	P 91-0572
P 91-1289	P 91-1336	P 91-1439	P 92-0179
P 92-0180	P 92-0181	P 92-0182	P 92-0183
P 93-0184	P 92-0185	P 92-0186	P 93-0187
P 92-0188	P 92-0189	P 92-0190	P 92-0191
P 92-0192	P 92-0193	P 92-0194	P 92-0195
P 92-0196	P 92-0197	P 92-0198	P 92-0199
P 92-0200	P 92-0201	P 92-0202	P 92-0203
P 92-0204	P 92-0205	P 92-0206	P 92-0207
P 92-0208	P 92-0209	P 92-0211	P 92-0212
P 92-0213	P 92-0214	P 92-0215	P 92-0216
P 92-0218	P 92-0219	P 92-0220	P 92-0221
P 92-0222	P 92-0223	P 92-0224	P 92-0225
P 92-0226	P 92-0227	P 92-0228	P 92-0229
P 92-0230	P 92-0231	P 92-0234	P 92-0235
P 92-0236	P 92-0237	P 92-0238	P 92-0239
P 92-0240	P 92-0241	P 92-0242	P 92-0243
P 92-0252	P 92-0253	P 92-0254	P 92-0255
P 92-0256	P 92-0257	P 92-0258	P 92-0259
P 92-0260	P 92-0261	P 92-0262	P 92-0263
P 92-0264	P 92-0265	P 92-0267	P 92-0268
P 92-0269	P 92-0270	P 92-0271	P 92-0272
P 92-0273	P 92-0274	P 92-0275	P 92-0276
P 92-0292	Y 92-0087	Y 92-0088	Y 92-0089
Y 92-0090	Y 92-0091	Y 92-0092	Y 92-0093
Y 92-0094	Y 92-0095	Y 92-0096	Y 92-0097
Y 92-0098	Y 92-0099	Y 92-0100	Y 92-0101

IV. 75 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 85-0169	G Alkyl alkoxy siloxane	February 26, 1985.
P 85-0612	G Polymer of substituted aryl olefin	January 17, 1991.
P 85-0914	G Trisubstituted triazole	December 27, 1991.
P 86-0066	G Substituted triazine isocyanurate	July 12, 1988.
P 86-0579	G Diphenol dicyanate	August 13, 1986.
P 86-1685	G Styrenated acrylic	January 16, 1992.
P 87-0910	2-Cyclopentene-1-acetic acid	June 14, 1988.
P 87-1225	Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy, poly(oxy(methyl-1,2-ethanediyl)), alpha-hydroxy-omega-hydroxy-, polymer w/1,1'-methylene bis(4-isocyanate cyclohexane), and 2-butanone oxime	December 16, 1987.
P 87-1369	G Sodium methyl naphthalene sulfonate, condensed	December 9, 1991.
P 87-1397	G Alkanolamine salt of an aqueous acrylic emulsion	January 21, 1992.
P 87-1398	G Alkanolamine salt of an aqueous acrylic emulsion	January 20, 1992.
P 88-0579	G Calcium salt of glycine derivative	November 10, 1988.
P 88-0853	G Self-crosslinking, block polyurethane system	December 27, 1991.
P 88-1753	G Bis(substituted)carbomonocyclic azo)-carbomonocyclicol	February 14, 1990.
P 89-0033	G Polyester, rosin carboxylated	January 28, 1992.
P 89-0579	G Amine neutralized hydroxyl dialkyl phosphorus dithiate	January 15, 1992.
P 89-0632	4-Piperidinamine, *N*-butyl-2,2,6,6-tetramethyl; 1,3-propanediamine,*N,N'*-1,2-ethandiyl bis-; 1,3,5-triazine,2,4,6-trichloro-	June 23, 1991.
P 89-0653	G Copolymer	October 31, 1989.
P 89-0697	G Alkenoic acid, trisubstituted benzyl-disubstituted-phenyl ester	October 23, 1990.
P 89-0770	G Oils, glyceridic, palm kernel (or coconut oil), reaction products with tetra-hydroxy branched alkane esters of tri-substituted benzene-propanoic acid	February 1, 1990.
P 89-1062	G Polyether amide	June 1, 1991.
P 90-0365	G Aromatic dicarboxylic acid triaromatic polyester	January 11, 1992.
P 90-1635	Benzenepropanoic acid, 3-(2*H*-benzotriazol-2-yl)-5-(1,1-dimethylethylethyl)-4-hydroxyl-, C_{7-9} alkyl, branched and linear, esters	January 18, 1991.
P 90-1822	Acetic acid, hydroxyphosphono-, disodium salt	January 15, 1992.
P 91-0020	G Crosslinked polymer	December 4, 1991.
P 91-0130	G Triazinyl reactive mono azo dye	February 5, 1991.
P 91-0366	G Fluorochemical salt	January 21, 1992.
P 91-0739	1,2-Bis(diphenyl phosphino)ethane	January 13, 1992.
P 91-0784	G Chlorinated diene polymer	January 15, 1992.
P 91-0803	G Modified alkyd resin	January 23, 1992.
P 91-0901	G Styrene acrylic polymer	January 9, 1992.
P 91-0927	G Substituted polyoxyalkyl aromatic amine tint	January 23, 1992.
P 91-1112	G Basic dye toner SM	January 21, 1992.
P 91-1122	G ((Dialkylcarbomonocyclic)amino)xanthylium salt, methylhetero-monocycle, phenylheteromonocyclic formal polymer, acid salt	December 9, 1991.
P 91-1152	G Organopolysiloxane	November 5, 1991.
P 91-1164	G Hindered amine carboxylate	January 28, 1992.
P 91-1213	G Reaction product of alkyl thioalcohol,and substituted phosphate	January 27, 1992.
P 91-1216	G Acrylic copolymer	January 28, 1992.
P 91-1246	G Acrylic acid esters/acrylonitrile copolymer	January 16, 1992.
P 91-1260	G Organic salt	December 27, 1991.
P 91-1290	G Methyl methacrylate butadiene styrene (MBS) copolymer	January 8, 1992.
P 91-1296	G Monoester of 2-propenoic acid, 2-hydroxyethyl ester and aliphatic isocyanate	December 10, 1991.
P 91-1332	Phosphorothioic acid, *O,O*-bis(2-methylpropyl)ester, sodium salt	January 21, 1992.
P 91-1334	G Polyvinylsulfone	January 14, 1992.
P 91-1344	G Polyamide	November 23, 1991.
P 91-1345	G Alkyd resin	November 23, 1991.
P 91-1381	G Quaternary ammonium salt	January 13, 1992.
P 91-1395	Hexanoic acid, 6,6'6''-(1,3,5-triazine-2,4,6-triyltrimino)tris-, tripotassium salt	January 15, 1992.
P 91-1396	Hexanoic acid, 6,6,6''-(1,3,5-triazine-2,4,6-triyltrimino)tris-, trisodium salt	January 15, 1992.
P 91-1437	G Aliphatic-aromatic carboxylate complex	January 29, 1992.
P 91-1438	G Aliphatic-aromatic carboxylate complex	January 29, 1992.
P 91-1440	G Substituted polyoxyalkylene aniline	January 29, 1992.
P 92-0042	G Calcium amate-dicarboxylate salt paraffinic mineral oil	January 30, 1992.
P 92-0058	G Sodium salt of substituted naphthalene disulphonic acid	January 24, 1992.
P 92-0130	G Amine capped polyester polyurethane	January 15, 1992.
Y 90-0288	G Benzene, ethenylethyl-, polymer with butyl-2-propenoate, diethylbenzene, ethoxylbenzene and (1-methylethenyl)benzene	February 3, 1992.
Y 91-0083	G Polymer of aliphatic acids, aromatic acids, and aliphatic diols, and lactones	January 28, 1992.
Y 91-0144	G High solids long oil alkyd resin	January 17, 1992.
Y 91-0169	G Aqueous acrylic polymer	January 23, 1992.
Y 91-0189	G Styrenated acrylic copolymer	December 27, 1991.
Y 91-0190	G Styrenated acylic copolymer	December 27, 1991.
Y 91-0219	G Poly-alpha-alkene	December 14, 1991.

IV. 75 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
Y 91-0231	G Carboxylated acrylic copolymer	December 16, 1991.
Y 92-0031	G Dibasic acid glycol polyester	January 10, 1992.
Y 92-0039	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0040	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0041	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0042	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0043	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0044	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0045	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0046	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0047	G Saturated polyester, modified with glycidyl compound	January 25, 1992.
Y 92-0053	G Aqueous acrylic polymer	December 17, 1991.
Y 92-0067	Adipic acid and phthalic anhydride, polymer with propylene glycol hydrogenated coco fatty acid ester	January 20, 1992.

V. 12 Premanufacture notices for which the period has been suspended.

PMN No.

P 88-2196 P 91-0222 P 91-1464 P 92-0031
P 92-0032 P 92-0033 P 92-0169 P 92-0210
P 92-0217 P 92-0233 P 92-0266 Y 92-0096

[FR Doc. 92-7137 Filed 3-26-92; 8:45 am]

BILLING CODE 6560-50-F

federal register

Friday
March 27, 1992

Part IV

Department of Education

National Science Foundation

34 CFR Part 652

National Science Scholars Program; Final Rule and Notice

DEPARTMENT OF EDUCATION
NATIONAL SCIENCE FOUNDATION
34 CFR Part 652

RIN 1840-AB49

National Science Scholars Program

AGENCY: Department of Education and National Science Foundation.

ACTION: Final regulations.

SUMMARY: The Secretary of Education (Secretary) issues final regulations governing the National Science Scholars Program (NSSP) in accordance with the provisions of the NSSP authorizing legislation in title VI, part A, of the Excellence in Mathematics, Science and Engineering Education Act of 1990, Public Law 101-589 (the Act). These regulations specify the role of the Secretary and the responsibilities of Chief State School Officers, State nominating committees, and institutions of higher education in the administration of the program. The regulations also specify the applicant eligibility requirements and the selection criteria by which National Science Scholars (Scholars) are nominated and receive scholarships and describe the responsibilities of the Scholars. The Secretary and the Director of the National Science Foundation (Director) jointly issue § 652.32 of the regulations, containing the selection criteria to which applicants must respond and which State nominating committees must apply in selecting scholarship nominees for submission to the President.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments, with the exception of §§ 652.21, 652.51 and 652.53. Sections 652.21, 652.51 and 652.53 will become effective after the information collection requirements contained in those sections have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. Those wishing to know the effective date of these regulations may call or write the Department of Education contact person listed below. A document announcing the effective date will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Wingard, Charles Brazil, or Denise Boulanger, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., Regional Office Building 3, room 4018, Washington, DC 20202-5447, Telephone (202) 708-4607. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: These regulations implement the NSSP, enacted under the Excellence in Mathematics, Science and Engineering Act of 1990 (Pub. L. 101-589) on November 16, 1990, as amended by Pub. L. 102-103, section 314(a), on August 8, 1991. The NSSP supports the President's AMERICA 2000 education strategy and National Education Goal 4, which calls for U.S. students to be first in the world in science and mathematics achievement by the year 2000. Specifically, the goals of this program will be to:

(1) Attract both men and women into these fields;

(2) Encourage men and women to pursue teaching careers in these fields, thereby improving student mathematics and science skills and knowledge among students at the primary and secondary level; and

(3) Increase the number of U.S. undergraduate students who complete degrees in mathematics, science, and engineering.

On September 24, 1991, the Secretary published a notice of proposed rulemaking (NPRM) for the National Science Scholars Program, 34 CFR part 652, in the **Federal Register** at 56 FR 48400. The NPRM included a discussion of the major issues in the proposed regulations. The following list identifies the different issues discussed and indicates the pages of the preamble to the NPRM on which the discussion of those issues is found:

- The definitions of the scholarship disciplines in § 652.6 of the proposed regulations (page 48400).
- The establishment, composition, and responsibilities of State nominating committees in §§ 652.20, 652.21, and 652.30 of the proposed regulations (page 48400).
- The selection criteria, jointly developed by the Secretary and the Director, to be used by State nominating committees to select Scholar nominees in § 652.32 of the proposed regulations (page 48401).
- The nomination of Scholars by the State nominating committees and selection of Scholars by the President in §§ 652.30 and 652.33 (page 48401).
- The student eligibility requirements in § 652.2 of the proposed regulations pertaining to a student who wishes to apply for an NSSP scholarship and separate requirements in proposed § 652.40 that must be met by a Scholar in order to receive a scholarship (page 48401).
- Other scholarship considerations in section 603(a)(1) of the Act that permit the Director and the Secretary to give consideration to the financial need of an individual seeking a scholarship and to promote participation by minorities and individuals with disabilities (page 48401).
- The requirements in § 652.42 of the proposed regulations that a Scholar must meet, including a high level of academic achievement, and other eligibility requirements to receive continuation awards after the Scholar's first academic year of attendance (page 48402).
- The waiver of full-time attendance under unusual circumstances as determined by a Scholar's institution of higher education as proposed in § 652.43(b) (page 48402).
- The provision in proposed § 652.44 permitting a Scholar's institution of higher education to determine that a Scholar may have his or her eligibility for an NSSP scholarship reinstated after a period of interruption or suspension (page 48402).
- The requirements in proposed § 652.51 that an institution of higher education must follow to administer the scholarships awarded under the NSSP (page 48402).

Major Changes to the NPRM

As a result of the comments received on the NPRM, the Secretary has made the following major changes in the final regulations:

- The eligibility requirements in §§ 652.2(d) and 652.40(b) were modified to exclude a student who will attend a U.S. service academy from eligibility to apply for, or receive, an NSSP scholarship.
- The requirement that State nominating committees establish administrative procedures to resolve conflicts of interest is clarified in § 652.21(c) of the final regulations to provide that these procedures be written administrative procedures as discussed in the preamble of the proposed regulations.
- Section 652.51(d) of the final regulations is added to allow the Scholar's institution of higher education to enter into a written agreement with another institution or organization so that the Scholar may receive funds under specified conditions for study at the other institution or organization.
- The Secretary is revising § 652.52 to provide rules for situations where a Scholar transfers to a different institution of higher education during an award year.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 11 parties submitted comments on the proposed regulations. An analysis of the comments and of the changes in the regulations since publication of the NPRM follows. Substantive issues are discussed under the section of the regulations to which they pertain. Technical and other minor issues—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Section 652.1 What is the National Science Scholars Program?

Comment: One commenter requested that the Secretary clarify § 652.1(g) of the NPRM that discusses attracting talented students to teaching careers in mathematics and science because some applicants might argue that education majors were entitled to scholarships under the NSSP. Aother commenter asserted that references in the NPRM to teaching should be deleted since encouraging teaching careers is not a purpose of the program.

Discussion: Section 652.1 Discusses the general purposes of the NSSP. One of those purposes under section 601(a)(7) of the Act is to attract talented mathematics and science students to pursue careers in teaching. While a student majoring in education would not be eligible to receive funds under this program, a student pursuing a major in mathematics, science, or engineering and incorporating into his or her degree program the coursework necessary to qualify as a teacher may be eligible to be a Scholar.

Changes: None.

Section 652.2 Who is Eligible to Apply for a Scholarship Under This Program? and Section 652.40 What Requirements Must a Scholar Meet in Order to Receive a Scholarship?

Comments: One commenter requested clarification about whether students who attended the U.S. service academies such as the U.S. Naval Academy would be eligible to apply for the NSSP and, if so, how the Secretary would administer awards to these Scholars.

Discussion: The Secretary has determined that there are no costs incurred by students attending U.S. service academies. Since the amount of a scholarship awarded under this program is limited in section 605(b) of the Act to the Scholar's cost of attendance as defined in Part F of the Higher Education Act of 1965, as amended (HEA), students attending U.S. service academies do not qualify for scholarships under this program. A student who has accepted an appointment to a U.S. service academy cannot receive financial assistance to continue his or her postsecondary education, which is one of the purposes of the NSSP as stated in section 601(a)(2) of the Act. Therefore, the student would be ineligible to apply.

However, all students who apply to U.S. service academies are not ineligible. An otherwise eligible student under § 652.2 who applies to an academy, but has not yet been appointed, is eligible to apply for an NSSP scholarship. Such a student may be selected as a Scholar, accept the award, but then be notified of and accept an appointment to a U.S. service academy. The Secretary has determined that in this circumstance the student becomes ineligible to be a Scholar.

Because a Scholar becomes ineligible to receive an NSSP scholarship by accepting an appointment to a U.S. service academy, the Secretary would select an alternate NSSP Scholar from the same congressional district to receive the scholarship.

Changes: Section 652.2(d) of the proposed regulations is modified to exclude a student who has accepted an appointment to a U.S. service academy from eligibility to apply for an NSSP scholarship, and § 652.40(b) is also modified to clarify that Scholars appointed to U.S. service academies are ineligible to receive a scholarship.

Comment: One commenter recommended that the Secretary revise the requirement in § 652.2(c) that an applicant demonstrate outstanding academic achievement in secondary school in the scholarship disciplines by adding a provision that an applicant may qualify by demonstrating an "academic potential for outstanding work in such fields."

Discussion: Section 602(a)(2) of the Act requires that NSSP scholarships be awarded to students who have already demonstrated outstanding academic achievement in the physical, life, or computer sciences, mathematics, or engineering.

Changes: None.

Comment: One commenter proposed that the Secretary eliminaté the eligibility requirement in § 652.2(d) that applicants declare their intention to undertake a program of study leading to a baccalaureate degree. The commenter believed that students who intended to go into programs that were directed at applied skills for employment in the mathematics and sciences should also be eligible for an NSSP scholarship.

Discussion: The Secretary believes that the purpose of the NSSP is to provide scholarships for the pursuit of a baccalaureate degree, including scholarships to students who enroll in educational programs for transfer to a baccalaureate degree program. For example, a student who enrolls at a community college in a program for transfer to a baccalaureate degree program would be eligible to apply; however, an individual pursuing a terminal occupational undergraduate program of study of less than 4 years would not be eligible to apply.

Changes: None.

Section 652.6 What Definitions Apply to This Program?

Comment: One commenter recommended that the definition for engineering be modified to read "Engineering means the science by which the properties of matter and the sources of energy in nature are made economically useful to humanity * * *."

Discussion: The Secretary believes that the field of engineering encompasses a broader scope of scientific exploration than just those that are "economically useful." Some engineering endeavors and accomplishments increase human knowledge without being immediately economically useful.

Changes: None.

Section 652.20 How Does a State Establish a Nominating Committee?

Comment: One commenter thought that the prescribed composition of the State nominating committee is too heavily weighted toward educators. Another commenter did not understand how an admissions officer from an institution of higher education could contribute to the committee and believed that the addition of this individual to the committee would cause an unnecessary increase in the State's administrative costs. Another commenter inquired about adding a financial aid officer to the committee to assist in financial need issues. A fourth commenter asked whether a State requiring a larger number of committee members would be limited to those specified in the NPRM.

Discussion: The composition of the State nominating committee is not limited to those individuals prescribed by the regulations. The regulations merely establish minimum requirements. The State, at its option, may appoint additional members to the committee from the education, business, or

scientific community that the State determines will best meet its needs in fulfilling its duties under the program.

The Secretary is requiring that an admissions officer be on the committee because an admissions officer is a professional involved with reviewing applicants for admission to colleges and universities. The Secretary believes that the experience of an admissions officer would provide members of the State nominating committee with insights into distinguishing the most outstanding applicants from among the applicants.

The information to determine financial need of an applicant is not available at the time an applicant is evaluated by a State nominating committee, and the addition of a financial aid officer's professional expertise is, thus, not required. However, a State is not prohibited from adding a financial aid officer to the membership of its State nominating committee.

Changes: None.

Section 652.21 What are the Responsibilities of a State and its Nominating Committees?

Comment: One commenter asked if a State could combine the NSSP application form with other application forms for such programs as the Robert C. Byrd Honors Scholarship Program or the Paul Douglas Teacher Scholarship Program. The commenter also asked if a State could use applications received from applicants for another scholarship program that had similar application requirements and evaluate those applicants for the NSSP. The commenter believed that this procedure would be less costly and more efficient for the State.

Discussion: The Secretary believes that some of the information required in the selection criteria in § 652.32 is unique to the NSSP. For example, the required essay must be on a topic that the applicant chooses and considers to be of interest to the nominating committee as an NSSP applicant, and the State nominating committee must determine the degree that the references chosen by the applicant reflect the applicant's qualifications for a National Science Scholarship. Because of these unique requirements, the Secretary does not believe that it is possible for an applicant to apply on a combined application or apply for another program and be considered for this program.

Changes: None.

Comment: One commenter thought that the requirement in § 652.21(c) that State nominating committees establish written procedures to resolve potential conflicts of interest would be burdensome to develop. Another commenter requested clarification of the requirement that these administrative procedures be written procedures because it was only stated in the preamble, and not in the regulations.

Discussion: The Secretary believes it is imperative that clear guidelines be established to prevent conflicts of interest from arising. Written procedures that establish requirements for resolution of conflicts of interest before a committee evaluates applications assure that all members have a mutual understanding of what the committee determines to be conflicts of interest and how the committee determines to resolve such conflicts. Written procedures covering conflicts of interest should leave little doubt among members of what constitutes such conflicts and prevent misunderstandings. Each State nominating committee has the sole responsibility to determine what constitutes a conflict of interest and to establish the guidelines to resolve a conflict.

Changes: The Secretary modifies § 652.21(c) to include the establishment of written administrative procedures.

Comment: One commenter suggested that the committee meet in a single joint meeting to review the applications and agree upon the nominees. This commenter suggested that applications be sent to committee members at their homes or businesses for review before the committee meets. Another commenter indicated that it was sometimes impossible for all members of a State nominating committee to meet at the same time and, even when all members could meet, it was impossible for all committee members to evaluate every National Science Scholars Program applicant. The commenter argued that State nominating committees should be given the authority to form subcommittees that could meet at different times, different locations, and even review different applications.

Discussion: In reviewing applications, the State nominating committee is responsible under § 652.21(c)(1) for the establishment of written internal administrative procedures for the timely submission, processing, and review of applications submitted by eligible students. The committee must as a group make the selection of nominees for the NSSP and should, in developing these procedures, consider that the purpose of establishing a broad-based committee is to bring the varying perspectives of its members to the evaluation of each application. However, the Secretary allows the committee to determine how best to fulfill the responsibilities of the committee to provide such a broad-based review of each applicant.

Changes: None.

Section 652.30 How are Scholars Nominated?

Comment: Several comments were received concerning the requirement in the proposed regulations that at least half of the nominees be female. One commenter requested clarification on the requirement that at least one-half of the nominees from a congressional district be female. The commenter stated that in the selection process for fiscal year 1991 there had been some question concerning the meaning of this requirement. Several commenters indicated that the regulations should require that exactly half of the nominees from a congressional district be female. Another commenter believed that the requirement should be eliminated. One commenter questioned why the Secretary left the requirement in the regulations because of the reference in the preamble of the proposed regulations to the President's proposal to eliminate this requirement as part of the reauthorization of the HEA.

Discussion: Section 603(b)(2) of the Act requires that at least one-half of the Scholars nominated from a congressional district be female. The Secretary does not have the authority to modify this requirement. The term "at least" means that it is possible for more than half of all nominees from a congressional district to be female. However, it is not possible for less than half to be female. For example, a nominating committee submits four nominees from each congressional district. The top four applicants in one district were female; therefore, all nominees from that district are female. In another congressional district the top four applicants are males, and the fifth and sixth top ranking applicants were female. The top two ranking males are selected, and the next two males are passed over for two females.

The President has proposed to eliminate the statutory requirement that at least half of the nominees and selected Scholars be female when the HEA is reauthorized. This part of the preamble was intended to inform the public of the President's intent to propose changes to a statutory requirement, not to indicate that the requirement had already been changed.

Changes: None.

Comment: One commenter asked if nominees were selected from the congressional district in which they lived or from the congressional district where they attended school.

Discussion: Section 652.30(d) of the proposed regulations states, "Each State nominating committee shall submit to the President the nominations of at least four applicants legally residing in each congressional district in the State . . ."

Changes: None.

Section 652.32 What Selection Criteria Shall the State Nominating Committee Use?

Comment: A commenter expressed concerns about the number of applications that the State nominating committee would have to review unless the State could place a limit on the number of applicants who could apply. Others asked if States could screen applications for the committee, have high schools limit the number of applicants from their schools, or establish additional eligibility or selection criteria.

Discussion: Under Subpart C of the regulations, a State's responsibility is limited to establishing a State nominating committee, requiring the nominating committee to establish operating procedures, and maintaining applications and written procedures relating to the selection of nominees for a scholarship. A State does not have the authority to screen applications; further, neither a State nor a State nominating committee has the authority either to limit the number of applicants or to have high schools review eligible applications and make preselections for the committee.

The State's nominating committee is charged with developing operating procedures governing the scholarship nomination process, evaluating applications according to the selection criteria, and providing information on each nominee to the Secretary. The State nominating committee may not delegate its functions to others, directly limit the number of applicants, or establish additional eligibility or selection criteria in its operating procedures. However, the State nominating committee, under § 652.2(c) of the eligibility criteria in the NPRM, determines whether applicants have "demonstrated outstanding academic achievement in secondary school in the physical, life, or computer science, mathematics, or engineering." Thus, the State nominating committee may establish the level of academic performance, such as grade point averages, test scores, or both, that establishes "demonstrated outstanding achievement." Upon the request of a State nominating committee, a State agency may review applications on behalf of the State nominating committee to determine eligibility before forwarding them to the State nominating committee for evaluation. The State nominating committee would then need to verify the State agency's determinations of eligibility.

Changes: None.

Comment: Several commenters suggested the adoption of selection criteria to give stronger consideration to individuals who are economically disadvantaged, disabled, or from minority groups. These commenters argued that simply to promote the participation of these individuals in the program was not enough. One commenter recommended providing additional points to the selection criteria that could be added to an applicant's score if the applicant came from one of these backgrounds. Another suggested that financial need not be considered in the selection criteria but at the point when a Scholar enters an institution of higher education. This commenter believed that the amount of the scholarship should be decreased for those Scholars who demonstrated little financial need when entering the institution.

Discussion: Although the Secretary received comments that supported providing special consideration to those in financial need, commenters did not provide recommendations on how financial need could be considered during the application evaluation process, which falls outside the normal financial aid application timeframe. Under the Act the President must select Scholars by January 1 of their senior year in high school, which is also generally the earliest date on which students may submit applications for student financial assistance. It is the Secretary's view that, because of the incompatibility of the timeframes for the NSSP and the submission of a financial aid application, there is no feasible means of incorporating consideration of financial need into the application process.

While the Act in section 603(a)(1) provides for the promotion of the NSSP among individuals with disabilities or who are minorities, this provision is not one of the purposes of the NSSP as provided into section 601 of the Act. The Secretary believes that, if the program is promoted among minorities and the handicapped, outstanding individuals among these groups can successfully compete for an NSSP scholarship on their own merit without additional considerations.

The statute does not provide for an adjustment to the amount of a Scholar's award based upon financial need, *i.e.*, the difference between the cost of attendance at the Scholar's institution and the amount his or her family can reasonably expect to contribute toward meeting that cost. However, section 605(b) of the Act provides that a Scholar's award may not exceed his or her cost of attendance as defined in section 472 of the HEA.

Changes: None.

Comment: One commenter recommended and provided an extensive grading system to be used within the different parts of the selection criteria so that the selection process would be standardized.

Discussion: The Secretary does not believe it would be appropriate to codify grading or scoring systems within the selection criteria. It is the Secretary's belief that a State nominating committee should have some discretion in applying the selection criteria to NSSP applications within the State. However, the State nominating committee must carefully review the selection criteria and the purpose for which the criteria were developed before evaluating NSSP applicants. The State nominating committee must then consistently evaluate each application based on the selection criteria.

Changes: None.

Section 652.42 What are the Requirements for a Scholar to Continue to Receive Scholarship Payments Under the NSSP?

Comment: One commenter proposed to incorporate satisfactory progress standards used for the title IV, HEA programs into the regulations.

Discussion: Section 604(b)(1) of the Act requires that a Scholar maintain a high level of academic achievement to continue to receive a scholarship. Satisfactory progress standards for title IV, HEA programs only require that a student be making progress toward graduation, not that the progress show a high level of achievement.

Changes: None.

Section 652.43 What are the Consequences of a Scholar's Noncompliance With the Scholarship Eligibility Requirements in § 652.40 or § 652.42?

Comments: Some commenters wanted provisions added to the regulations that allow a Scholar to postpone an initial award if the Scholar does not intend to begin studying at his or her institution of higher education in the fall after his or her senior year in high school.

Discussion: The regulations allow a Scholar's institution of higher education to suspend a Scholar's eligibility for a

scholarship if the Scholar does not meet the requirements in § 652.40 and § 652.42. If a Scholar is not enrolling at an institution of higher education in the initial award year, the Scholar could request that his or her institution of higher education suspend the NSSP scholarship because he or she did not meet all the requirement in § 652.40. If the Scholar's institution agrees to suspend the award, the institution may consider reinstating the NSSP scholarship under § 652.44 as long as the suspension is no longer than 12 months and the Scholar meets the eligibility requirements in § 652.40. In exceptional circumstances as determined by the institution, the period of suspension may be greater than 12 months.

Changes: None.

Comment: One commenter contended that the provision under § 652.43(c) that requires proration of the NSSP scholarship payment for part-time attendance could cause undue hardship on handicapped students who, because of their handicap, could only attend college part-time. The commenter felt that full scholarship payment should be provided in these instances because the student might not otherwise be able financially to cover the total costs of education and would therefore not be able to participate in the NSSP.

Discussion: In section 602(b) of the Act the Secretary is authorized to pay an initial scholarship for a period of one academic year for the first year of undergraduate study, and additional scholarships for not more than three academic years of undergraduate study except in the case of a student who enrolls in an undergraduate course of study that requires attendance for five academic years, in which case the student could receive four additional scholarships. The Secretary in § 652.43(c) of the NPRM proposed the requirement that the institution of higher education which the Scholar attends prorate the scholarship amount for less than full-time attendance in order to assure that NSSP funds are available to the Scholar throughout the period of his or her undergraduate enrollment. For example, if a Scholar attends as a half-time student during the first two academic years he or she is enrolled, the Scholar would have used only one year of scholarship eligibility. This is because he or she used only one-half of a year of eligibility in each of those years. If the Scholar is enrolled in a four-year degree program, he or she has three years of eligibility remaining. The Secretary believes that in the case of a student with disabilities, scholarships should be prorated. Otherwise, the disabled Scholar would not have NSSP funds available throughout his or her baccalaureate program of study and would suffer a much greater hardship.

Changes: None.

Section 652.50 What Institutional Agreement is Required?

Comment: A commenter inquired if there were any circumstances where an institution might refuse to participate given the extensive administrative requirements imposed on institutions with NSSP Scholars. The commenter also asked if the Secretary could provide administrative relief if an institution needed to establish the program for one NSSP Scholar.

Discussion: Under section 603(d) of the Act, the Secretary must disburse scholarship proceeds to the Scholar's institution of higher education on behalf of the Scholar. The regulations were developed to align the program closely with other financial aid program administrative requirements. The Secretary, therefore, does not believe that the administrative requirements of the program create extensive new administrative requirements that institutions do not handle routinely.

An institution is not required to complete the institutional agreement. However, if an institution refuses to complete an agreement with the Secretary, an NSSP Scholar will be unable to receive the scholarship at that institution. Further, if the Scholar's institution refuses to complete the agreement in the Scholar's first year of undergraduate study at an institution of higher education, the Scholar becomes ineligible for continuation awards.

Changes: None.

Section 652.51 How are Scholarships to be Administered by Institutions of Higher Education?

Comment: One commenter inquired about instances when a Scholar takes courses at other institutions that apply toward the Scholar's baccalaureate degree and asked for provision for written agreements between institutions to assist these Scholars in paying the cost of these courses.

Discussion: The Secretary accepts the comment.

Changes: An additional provision is added at § 652.51(d) to allow for written agreements between institutions in accordance with the requirements for other Federal student assistance programs.

Comment: One commenter requested that the Secretary clarify how NSSP awards should be treated in conjunction with title IV funds.

Discussion: Section 605(b) of the Act provides that an NSSP scholarship cannot be reduced on the basis of receipt of other forms of Federal student financial assistance but must be taken into consideration when determining the Scholar's eligibility for those other forms of assistance. The scholarship is considered as a "resource" for the campus-based (Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant) programs in accordance with 34 CFR 674.14, 675.14, and 676.14 and as "estimated financial assistance" for the Guaranteed Student Loan (Stafford Loan, Supplemental Loans for Students, and PLUS) programs in accordance with 34 CFR 682.206. An institution of higher education must reduce a Scholar's Pell Grant if the NSSP scholarship plus the Pell Grant exceeds the Scholar's cost of attendance under section 472 of the HEA.

Changes: None.

Section 652.52 How are Scholarship Awards to be Made and Scholarship Proceeds Returned and Transferred?

Comment: One commenter requested clarification of the provision in § 652.52(a) that requires an institution to provide scholarship proceeds to a Scholar in at least two payments. The commenter asked if the institution's disbursements could be in unequal payments when unequal costs were incurred in different payment periods. The commenter also wanted to know how unequal disbursements, if allowed, would affect § 652.52(d) that requires prorations of the scholarship amount if a Scholar becomes ineligible for any part of an NSSP scholarship.

Discussion: If a scholar incurred unequal educational costs in two different payment periods, the institution is not prevented from providing funds in unequal amounts to assist the Scholar in covering those costs. In this instance, the institution would base the prorated amount of the refund on the amount disbursed during that payment period and the portion of the time in the payment period that the Scholar was eligible to receive the award.

Changes: None.

Comment: A commenter requested clarification concerning whether an institution had to monitor the classroom attendance of an NSSP scholar to determine if the Secretary was due a refund under § 652.52. The commenter felt that if monitoring classroom attendance was required it was unduly burdensome because most institutions do not keep these types of records. In addition, two commenters objected to the requirement in § 652.52(c) that an institution prorate that portion of the NSSP scholarship award for any part of the academic period that a Scholar fails to complete. The commenters stated that the prorating of the scholarship proceeds is different from the title IV, HEA refund and repayment requirements and creates an additional administrative hardship that would be eliminated if the Secretary were consistent with other programs. One of these commenters requested that the Secretary allow some institutional discretion in prorating an NSSP scholarship if a Scholar withdraws for medical reasons.

Discussion: It is the responsibility of an institution of higher education to determine whether a Scholar is eligible for a scholarship before providing NSSP funds to that individual. An institution must be able to determine whether a Scholar attended class and the last date of attendance for a Scholar who ceases to attend. This determination can be made by course records, records of the last examinations taken by a Scholar, or other institutional records that determine the Scholar's last date of enrollment.

The Secretary recognizes that the *pro rata* requirement for the NSSP differs from those requirements governing the Title IV, HEA programs. However, the NSSP is not a Title IV program, and this requirement is consistent with other Federal programs administered by the Department of Education. In addition, the number of individuals receiving NSSP scholarships at any one time is limited, and the number of instances in which an institution would have to prorate a scholarship and make a refund, therefore, would not create an undue administrative burden on institutions. The Secretary does not believe there is a need for institutional discretion in determining whether an institution should prorate an NSSP award; proration is sufficient and provides for the best use of Federal funds.

Changes: None.

Comment: One commenter asked if it is the intent of the Secretary in § 652.52(c), which cross-referenced 34 CFR 690.79, Recovery of overpayments, to make Scholars who received NSSP overpayments ineligible for title IV assistance until resolution of the overpayment, as required in § 690.79(c). Another commenter believed that the overpayment provisions in § 652.52(c) were too stringent.

Discussion: It is the Secretary's duty to administer properly Federal programs and conserve the funds appropriated for these programs. One of the tools available to the Secretary to promote repayment in instances of overpayment is withholding additional program funds or funds from other programs.

Changes: None.

Comment: A commenter noted that the NPRM did not provide guidance to institutions in cases where a Scholar might transfer to another institution of higher education during an award year. The commenter inquired if the NSSP scholarship could be transferred.

Discussion: A scholar may transfer his or her scholarship to another institution of higher education during an award year. If the Scholar transfers during an award year, the Scholar would be eligible to continue to receive the remainder of the scholarship at the new institution as long as the new institution determined the Scholar met the provisions under §§ 652.40 and 652.42. If a Scholar transfers between award years, the institution reports information about the Scholar's transfer in its annual performance report. The Scholar's new institution then determines if the Scholar is eligible for a continuation award.

Changes: The Secretary adds § 652.52(e) which provides the procedures for institutions to follow if a Scholar transfers from one institution to another during an award year.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require the transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 652

Education, Grant programs-education, State administered-education, Student aid-education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance No. 84.242, National Science Scholars Program)

Dated: January 7, 1992.

Lamar Alexander,

Secretary of Education.

Dated: January 12, 1992.

Walter E. Massey,

Director, National Science Foundation.

The Secretary amends title 34 of the Code of Federal Regulations by adding a new part 652 to read as follows:

PART 652—NATIONAL SCIENCE SCHOLARS PROGRAM

Subpart A—General

Sec.

652.1 What is the National Science Scholars Program?
652.2 Who is eligible to apply for a scholarship under this program?
652.3 How are awards distributed?
652.4 In what amounts are scholarships awarded?
652.5 What regulations apply to this program?
652.6 What definitions apply to this program?

Subpart B—How Does a Student Apply for a Scholarship?

652.10 How does a student apply for a scholarship?

Subpart C—What Are the Administrative Responsibilities of a State?

652.20 How does a State establish a nominating committee?
652.21 What are the responsibilities of a State and its nominating committee?
652.22 What records must a State maintain?

Subpart D—How Are Scholars Nominated and Selected?

652.30 How are Scholars nominated?
652.31 How shall a State nominating committee evaluate an application?
652.32 What selection criteria shall the State nominating committee use?
652.33 How are Scholars selected?

Subpart E—What Condition Must Be Met By Scholars?

652.40 What requirements must a Scholar meet in order to receive a scholarship?
652.41 What is the duration of a scholarship?

652.42 What are the requirements for a Scholar to continue to receive scholarship payments under the NSSP?
652.43 What are the consequences of a Scholar's noncompliance with the scholarship eligibility requirements in § 652.40 or § 652.42?
652.44 Under what conditions may scholarship eligibility be reinstated?

Subpart F—What Are the Administrative Responsibilities of the Institutions of Higher Education at Which NSSP Scholars Are Enrolled?

652.50 What institutional agreement is required?
652.51 How are scholarships to be administered by institutions of higher education?
652.52 How are scholarship awards to be made and scholarship proceeds returned and transferred?
652.53 What reports are required from an institution?

Authority: 20 U.S.C. 5381 to 5386, unless otherwise noted.

Subpart A—General

§ 652.1 What is the National Science Scholars Program?

Under the National Science Scholars Program (NSSP) the Secretary awards scholarships to students who have demonstrated outstanding academic achievement, who show promise of continued outstanding academic performance, and who are selected by the President, for the following purposes:

(a) To recognize student excellence and achievement in the physical, life, and computer sciences, mathematics, and engineering.

(b) To provide financial assistance to students to continue their postsecondary education in those fields of study at sustained outstanding levels of performance.

(c) To contribute to strengthening the leadership of the United States in those fields.

(d) To strengthen the United States' mathematics, science, and engineering base by offering opportunities to pursue postsecondary education in physical, life, and computer sciences, mathematics, and engineering.

(e) To encourage role models in scientific, mathematics, and engineering fields for young people.

(f) To strengthen the United States' mathematics, scientific, and engineering potential by encouraging equal participation of women with men in mathematics, scientific, and engineering fields.

(g) To attract talented students to teaching careers in mathematics and science in elementary and secondary schools.

(Authority: 20 U.S.C. 5381)

§ 652.2 Who is eligible to apply for a scholarship under this program?

An individual is eligible to apply for an initial scholarship under the NSSP if the individual—

(a) Is scheduled to graduate from a public or private secondary school or to obtain the recognized equivalent of a high school diploma, as defined in 34 CFR 600.2, during the award year prior to the award year in which the NSSP scholarship is to be awarded;

(b) (1) Is a citizen or national of the United States; or

(2) Provides evidence from the U.S. Immigration and Naturalization Service that he or she—

(i) Is a permanent resident of the United States; or

(ii) Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;

(c) Has demonstrated outstanding academic achievement in secondary school in the physical, life, or computer sciences, mathematics, or engineering as determined by the State nominating committee established under § 652.20;

(d) Demonstrates to the State nominating committee that he or she intends to apply for enrollment at an institution of higher education as a full-time undergraduate student for the purpose of receiving a baccalaureate degree and has not accepted an appointment to a U. S. service academy, such as the U.S. Military Academy, the U.S. Naval Academy, the U.S. Air Force Academy, the U.S. Coast Guard Academy, and the U.S. Merchant Marine Academy; and

(e) Demonstrates to the State nominating committee that he or she intends to major, at an institution of higher education, in one of the physical, life, or computer sciences, mathematics, or engineering.

(Authority: 20 U.S.C. 5384)

§ 652.3 How are awards distributed?

(a) In each award year, the Secretary awards one initial scholarship to each of two eligible Scholars selected by the President under § 652.33 from each congressional district.

(b) The Secretary disburses the scholarship proceeds, on behalf of each Scholar selected by the President, to the institution of higher education at which each Scholar is enrolled.

(c) A student awarded a scholarship under this part may attend any institution of higher education, as defined in § 652.6, that enters into an agreement with the Secretary under § 652.50, for the purpose of obtaining a baccalaureate degree in the physical, life, or computer sciences, mathematics, or engineering.

(Authority: 20 U.S.C. 5382 and 5383)

§ 652.4 In what amounts are scholarships awarded?

(a) Except as provided in paragraphs (b) and (c) of this section, the amount of a scholarship awarded under this part for a full-time student for any academic year is $5,000.

(b) The Secretary reduces the scholarship amount awarded under this part by the amount that the scholarship would otherwise exceed the Scholar's cost of attendance, as defined in section 472 of the Higher Education Act of 1965, as amended.

(c) In the event that funds available in a fiscal year are insufficient to fund fully each award under this part, the Secretary reduces proportionately each scholarship and the amount paid to each Scholar.

(Authority: 20 U.S.C. 5385)

§ 652.5 What regulations apply to this program?

The following regulations apply to the National Science Scholars Program:

(a) The Education Department General Administrative Regulations (EDGAR), as follows, except as provided in paragraph (b) of this section:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs) except for the following:

(i) Subpart C (How to Apply for a Grant).

(ii) Sections 75.200 through 75.216, 75.218, and 75.220 through 75.261 of subpart D (How Grants Are Made).

(iii) Sections 75.500 through 75.592 of subpart E (What Conditions Must Be Met By a Grantee?).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 81 (General Education Provisions Act—Enforcement)

(6) 34 CFR part 82 (New Restrictions on Lobbying)

(7) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) For the purposes of the regulations in this part, the terms "grantee" and "recipient," as used in EDGAR, mean an institution of higher education that administers a scholarship award on behalf of a National Science Scholar.

(c) The regulations in this part 652.

(Authority: 20 U.S.C. 5381 to 5386)

§ 652.6 What definitions apply to this program?

The following definitions apply to terms used in this part:

(a) *Definitions in the Act.* The following terms are defined in sections 603(b)(5) and 602(d) of the Act:

Congressional district.
National Science Scholar (Scholar).

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant.
Application.
Award.
Department.
Fiscal Year.
Private.
Secondary school.
Secretary.
State.

(c) *Other definitions that apply to this part.* The following additional definitions apply to this part:

Academic year means—

(1) A period of time in which a full-time student is expected to complete the equivalent of at least two semesters, two trimesters, or three quarters, at an institution that measures academic progress in credit hours and uses a semester, trimester, or quarter system; or

(2) A period of time in which a full-time student is expected to complete at least 24 semester hours or 36 quarter hours at an institution that measures academic progress in credit hours but does not use a semester, trimester, or quarter system.

Act means the Excellence in Mathematics, Science and Engineering Education Act of 1990.

Award year means the period of time from July 1 of one year through June 30 of the following year.

Computer sciences means the branch of knowledge or study of computers. The term encompasses, but is not limited to, such fields of knowlege or study as computer hardware, computer software, computer engineering, information systems, and robotics.

Director means the Director of the National Science Foundation.

Engineering means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines and products as in the construction of engines, bridges, buildings, mines, and chemical plants. The term encompasses, but is not limited to, such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, and mechanical engineering.

Full-time student means a student enrolled in an institution of higher education, other than a correspondence school, who is carrying a full-time academic workload as determined by the institution under standards applicable to all students enrolled in that student's educational program.

Institution of higher education (institution) means an institution of higher education as defined in 34 CFR 600.4 (institutional eligibility regulations).

Life sciences means the branch of knowledge or study of living things. The term encompasses, but is not limited to, such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology. This term does not encompass social psychology or the health professions.

Mathematics means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically. The term encompasses, but is not limited to, such fields of knowledge or study as statistics, applied mathematics, and operations research.

Physical sciences means the branch of knowledge or study of the material universe. The term encompasses, but is not limited to, such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, and physics.

Scholarship means an award made to an individual in an award year under this part for one academic year.

Scholarship disciplines means the physical, life, and computer sciences, mathematics, and engineering.

(Authority: 20 U.S.C 5381 to 5386)

Subpart B—How Does A Student Apply for a Scholarship?

§ 652.10 How does a student apply for a scholarship?

(a) To apply for a scholarship under this part, an individual, who meets the eligibility requirements of § 652.2, must submit an application as required by the State nominating committee administering the NSSP in the State of his or her legal residence.

(b) In his or her application, the applicant shall address the selection criteria contained in § 652.32.

(c) The applicant shall submit the application to the State nominating committee within the deadline established by the committee.

(Approved by the Office of Management and Budget under control number 1840-0629)

(Authority: 20 U.S.C. 5383)

Subpart C—What Are the Administrative Responsibilities of a State?

§ 652.20 How does a State establish a nominating committee?

(a) To participate in the NSSP, a State shall establish a nominating committee for the purpose of nominating students for NSSP scholarships.

(b) The State nominating committee may be appointed either by the Chief State School Officer (CSSO) or by an existing grant agency or panel that was previously designated by the CSSO.

(c) Before the nominating committee may begin to fulfill its functions under § 652.21, the CSSO, grant agency, or panel that appoints the nominating committee shall submit for the Secretary's approval the names and qualifications of the individuals to be appointed.

(d) The nominating committee must include, but is not limited to, the following:

(1) At least one individual from each of the following fields:

(i) Education.
(ii) Science.
(iii) Mathematics.
(iv) Engineering.

(2) At least two faculty members each teaching in a different scholarship discipline at the postsecondary level.

(3) At least one teacher teaching in one or more of the scholarship disciplines at the secondary level.

(4) At least one person who is a scientist, mathematician, or engineer from a private-sector business that is oriented to the sciences, mathematics, or engineering.

(5) At least one admissions officer from an institution of higher eduation.

(e) An individual representing one of the nominating committee membership categories under paragraphs (d) (2) through (5) of this section, may, if qualified, also represent a category in paragraph (d)(1) of this section.

(f) Each State shall require that its State nominating committee members serve as volunteers without compensation.

(Approved by the Office of Management and Budget under control number 1840-0629)

(Authority: 20 U.S.C. 5383)

§ 652.21 What are the responsibilities of a State and its nominating committee?

Each State shall require its nominating committee to establish operating procedures governing the scholarship nomination process that include—

(a) The dissemination of program information and application materials to the State's public and private secondary schools and GED test centers;

(b) The promotion of participation in the NSSP by students from groups underrepresented in the scholarship disciplines, such as students from minority groups, students with disabilities, or students who are economically disadvantaged; and

(c) The establishment of written internal administrative procedures for—

(1) The timely submission, processing, and review of applications submitted by eligible students; and

(2) The resolution of conflicts of interest of members of the nominating committee.

(Authority: 20 U.S.C. 5383)

§ 652.22 What records must a State maintain?

The CSSO, State agency, or panel that appoints the nominating committee under § 652.20(b) shall maintain all student applications and the records and written procedures related to the selection of nominees for a scholarship competition for a period of 5 award years following the award year of the scholarship competition.

(Approved by the Office of Management and Budget under control number 1840–0629)

(Authority: 20 U.S.C. 5383 and 5384)

Subpart D—How Are Scholars Nominated and Selected?

§ 652.30 How are Scholars nominated?

(a) Scholars are nominated by State nominating committees that are established in accordance with § 652.20.

(b) Each State nominating committee shall review and evaluate the applications received each year under this program.

(c) Each State nominating committee shall select nominees in accordance with the program eligibility requirements for an initial award. Each State nominating committee may adopt one or more minimum standards to demonstrate outstanding academic achievement at the secondary school level that may include such standards as an overall minimum grade point average or a minimum class rank combined with a minimum grade point average in the sciences, mathematics, and engineering.

(d) Each State nominating committee shall submit to the President the nominations of at least four applicants legally residing in each congressional district in the State, at least half of whom must be female. The nominations must be—

(1) Ranked in order of evaluated score; and

(2) Submitted to the Secretary, who receives the nominations on behalf of the President, in the manner and by the date established by the Secretary in a notice published in the **Federal Register**.

(e) Each nominating committee shall provide the following information for each nominee to the Secretary:

(1) Name.

(2) Sex.

(3) Address.

(4) Telephone number.

(5) Social security number (if provided by the nominee).

(6) Congressional district and name of Representative or Delegate.

(7) Other information that the Secretary considers necessary for the proper administration of the program.

(Approved by the Office of Management and Budget under control number 1840–0629)

(Authority: 20 U.S.C. 5383)

§ 652.31 How shall a State nominating committee evaluate an application?

(a) Each State nominating committee shall evaluate an application on the basis of the selection criteria in § 652.32.

(b) The committee shall give each of the selection criteria equal weight.

(c) The State nominating committee shall score each applicant's responses to the selection criteria in § 652.32 using the following scale: 5 (truly exceptional), 4 (outstanding), 3 (excellent), 2 (good), 1 (fair), 0 (poor).

(d) Each applicant may receive a maximum of 25 points.

(Authority: 20 U.S.C. 5383)

§ 652.32 What selection criteria shall the State nominating committee use?

The State nominating committee shall use the following selection criteria to evaluate and rate applications:

(a) *Evidence of exceptional academic achievement at the secondary level.* The nominating committee shall rate the applicant's overall academic achievement at the secondary level by considering one or more of the following:

(1) High school class rank and grades.

(2) For an applicant who is earning the recognized equivalent of a high school diploma in lieu of graduating from high school, the applicant's score on the high school equivalency examination and high school record before leaving school.

(3)(i) The applicant's composite score on the ACT Assessment;

(ii) The sum of the applicant's verbal and quantitative scores on the Scholastic Aptitude Test (SAT); or

(iii) Both the composite score on the ACT Assessment and the sum of the applicant's SAT scores.

(b) *Evidence of exceptional nonacademic accomplishment in extracurricular areas and in the physical, life, or computer sciences, mathematics, or engineering.* The nominating committee shall rate the applicant's achievement in activities in areas such as community service, leadership, and artistic an athletic performance along with achievement outside the classroom in the sciences, mathematics, and engineering.

(c) *Letters of reference.* The nominating committee shall rate letters of reference written by three individuals chosen by the applicant and determine the degree to which these letters reflect the applicant's qualifications for a National Science Scholarship, based upon relevant factors such as—

(1) The author's qualifications to provide a recommendation for the particular applicant;

(2) The extent to which each letter of reference describes the applicant's motivation and potential to pursue a career in the physical, life, or computer sciences, mathematics, or engineering; or

(3) The extent to which each letter of reference describes the applicant's overall potential and abilities.

(d) *Applicant essay.* The applicant must write an essay that the nominating committee shall analyze and rate. The essay of 500 words or less must be on a topic that the applicant chooses and considers to be of interest to the nominating committee. The essay must reflect the applicant's motivation to pursue a career in the physical, life, or computer sciences, mathematics, or engineering, and otherwise be of relevance to the committee's determination of the applicant's qualification for a National Science Scholarship.

(e) *Meeting the purposes of the authorizing statute.* The nominating committee shall rate each application to determine how well it meets the purposes of the National Science Scholars Program as set forth in § 652.1.

(Approved by the Office of Management and Budget under control number 1840–0629)

(Authority: 20 U.S.C. 5381–5383)

§ 652.33 How are Scholars selected?

(a) For each award year, after consultation with the Secretary and the Director of the National Science Foundation, the President selects and announces from among the nominees submitted by State nominating committees under § 652.30, two National Science Scholars legally residing in each congressional district.

(b) The selection of National Science Scholars is announced prior to January 1 of each fiscal year for which funds are appropriated.

(Authority: 20 U.S.C. 5383)

Subpart E—What Conditions Must Be Met By Scholars?

§ 652.40 What requirements must a Scholar meet in order to receive a scholarship?

To be eligible to receive a scholarship, a Scholar who has been selected by the President under § 652.33, must—

(a) Meet the eligibility requirements in § 652.2;

(b) Have been accepted for enrollment at an institution of higher education other than a U.S. service academy, such as the U.S. Military Academy, the U.S. Naval Academy, the U.S. Air Force Academy, the U.S. Coast Guard Academy, and the U.S. Merchant Marine Academy, as a full-time undergraduate student (as determined by the institution) for the purpose of obtaining a baccalaureate degree;

(c) Have declared a major in one of the physical, life, or computer sciences, mathematics, or engineering, or have provided a written statement to the institution of higher education of his or her intent to major in one of these fields of study if it is the policy of the institution at which the Scholar has been accepted for enrollment that students not declare a major until a later point in their course of study; and

(d) Have filed with the institution he or she plans to attend or is attending, a Statement of Educational Purpose in accordance with 34 CFR 668.32 of the Student Assistance General Provisions regulations.

(Approved by the Office of Management and Budget under control number 1840–0629)

(Authority: 20 U.S.C. 5381 and 5383)

§ 652.41 What is the duration of a scholarship?

(a) In the first award year after a Scholar is selected by the President, the Scholar receives his or her initial scholarship, for a period of one academic year, for his or her first year of undergraduate study in one of the scholarship disciplines at an institution of higher education.

(b) Except for a Scholar covered in paragraph (c) of this section, a Scholar who satisfies the requirements of § 652.42 may receive up to three additional scholarships in subsequent award years, each awarded for a period of one academic year, in order to complete his or her undergraduate course of study.

(c) A Scholar who satisfies the requirements of § 652.42 and who is enrolled in an undergraduate course of study that requires attendance for five academic years may receive additional scholarships for not more than four additional academic years of undergraduate study.

(Authority: 20 U.S.C. 5382)

§ 652.42 What are the requirements for a Scholar to continue to receive scholarship payments under the NSSP?

A Scholar who has received a scholarship under this part for at least one year of undergraduate study is eligible to receive a scholarship for a subsequent year of undergraduate study under § 652.41(b) or (c), if, at the beginning of that subsequent academic year, the Scholar—

(a) Is enrolled as a full-time student at an institution of higher education for the purpose of receiving a baccalaureate degree, unless the institution has determined that unusual circumstances justify waiver of the full-time attendance requirement and the Secretary has waived the full-time attendance requirement as provided for in § 652.43(b);

(b) Continues to major in one of the scholarship disciplines, or provides a written assurance to both the State and the institution of higher education at which the Scholar is enrolled of his or her intent to major in one of the scholarship disciplines, if it is the policy of that institution that a student not declare a major until later in his or her course of study; and

(c) Maintains a high level of academic achievement, as defined by the institution, in—

(1) His or her overall course of study;

(2) Those science, mathematics, or engineering courses in which the Scholar has enrolled; and

(3) The Scholar's major, if declared.

(Approved by the Office of Management and Budget under control number 1840–0629)

(Authority: 20 U.S.C. 5382 and 5384)

§ 652.43 What are the consequences of a Scholar's noncompliance with the scholarship eligibility requirements in §§ 652.40 or 652.42?

(a)(1) Except as provided in paragraph (b) of this section, if an insitution of higher education finds that a Scholar fails to meet the requirements of §§ 652.40 or 652.42 within an award year, the institution shall suspend the Scholar's eligibility to receive further scholarships, or scholarship proceeds.

(2) A suspension of a Scholar's eligibility for failure to meet the requirements of §§ 652.40 or 652.42 must remain in effect until the Scholar is able to demonstrate to the satisfaction of the institution that he or she is in compliance with all applicable scholarship eligibility requirements, including renewal requirements in § 652.42 and reinstatement requirements in § 652.44.

(3) If the total period of suspension exceeds 12 months, the Scholar's eligibility for NSSP scholarships shall be terminated.

(b) The Secretaary may waive the full-time attendance requirement in § 652.40 and § 652.42 for periods during which the institution determines that unusual circumstances have caused the Scholar's noncompliance with the full-time attendance requirement of § 652.42(a) and that suspension of scholarship eligibility would cause a Scholar undue hardship.

(c) If a Scholar's full-time attendance requirement is waived under paragraph (b) of this section, he or she may continue to receive a scholarship payment. The institution shall prorate the payment according to the Scholar's enrollment status for the academic period during which he or she continues to be enrolled on a part-time basis but remains otherwise eligible for the award. For example, if a Scholar for whom the full-time enrollment requirement is waived by the Secretary is enrolled as a half-time student for one semester, he or she is eligible to receive one-half of the scholarship payment for a full-time student for that semester. Therefore, if the institution makes disbursements in equal amounts, the Scholar would receive one-quarter of his or her scholarship during that semester, which would count as one-fourth of a year for purposes of the four-year limit.

(Authority: 20 U.S.C. 5384)

§ 652.44 Under what conditions may scholarship eligibility be reinstated?

A Scholar whose eligibility is suspended under § 652.43(a), such as a Scholar whose attendance at an institution of higher education was interrupted for reasons including, but not limited to, pregnancy, child-rearing, or other family responsibilities, may have his or her scholarship eligibility reinstated by the institution of higher education at which he or she is enrolled if—

(a) The period of suspension or interruption was for a period of no more than 12 months unless the institution determines that the 12-month limitation

should be waived due to exceptional circumstances; and

(b) The Scholar demonstrates to the institution that he or she is in compliance with the relevant eligibility and renewal requirements in §§ 652.40 and 652.42.

(Authority: 20 U.S.C. 5384)

Subpart F—What Are the Administrative Responsibilities of the Institutions of Higher Education at Which NSSP Scholars Are Enrolled?

§ 652.50 What institutional agreement is required?

Any institution at which one or more NSSP Scholars are enrolled shall enter into an agreement with the Secretary under which the institution shall agree to comply with the provisions of the Act and of this part, including providing annual assurances of the eligibility of enrolled Scholars under §§ 652.40 and 652.42 and the awarding of scholarships to those Scholars.

(Authority: 20 U.S.C. 5383 and 5384)

§ 652.51 How are scholarships to be administered by institutions of higher education?

(a) The Secretary sends a roster of Scholars and a notification of an allocation of scholarship funds for each award year to an institution of higher education that has entered into an agreement with the Secretary under § 652.50.

(b) An institution of higher education may not disburse scholarship funds to a Scholar until the Scholar is attending classes at that institution of higher education and meets the other eligibility requirements in § 652.40 and, if applicable, the renewal requirements of § 652.42.

(c) The institution shall award the Scholar a scholarship for an amount that is determined under § 652.4.

(d) The institution of higher education in which a Scholar is enrolled for the purpose of obtaining a degree may allow another institution or organization to provide a portion of the Scholar's program of study if the institution at which the Scholar is enrolled to obtain his or her degree—

(1) Enters into a written agreement with the other institution or organization which is in accordance with the provisions of 34 CFR 600.9 and which, if the other institution has entered into an agreement with the Secretary under § 652.50, is in accordance with the provisions governing written agreements between two eligible institutions in 34 CFR 690.9 of the Pell Grant Program regulations; and

(2) Ensures that the Scholar continues to meet the requirements in subpart E of this part.

(Authority: 20 U.S.C. 5383–5385)

§ 652.52 How are scholarship awards to be made and scholarship proceeds returned and transferred?

(a) An institution shall provide scholarship proceeds to a Scholar in at least two payments per academic year.

(b) In the event that a Scholar refuses a scholarship, does not attend courses, transfers to another institution, or becomes ineligible for a scholarship and cannot be reinstated in the same award year, the institution shall return the scholarship proceeds to the Secretary.

(c) A Scholar who ceases to be eligible for NSSP scholarship proceeds at an institution before completion of an academic period for which payment of a scholarship award has been received is only eligible for a prorated portion of the scholarship award and is liable to the Secretary for any overpayment. The prorated portion of the scholarship to be returned to the Secretary must be in proportion to the portion of the academic period during which the Scholar was ineligible for a scholarship. The institution shall return the overpayment to the Secretary in accordance with the provisions governing the recovery of overpayments in 34 CFR 690.79 of the Pell Grant Program regulations.

(d) The institution shall pay a *pro rata* share of the scholarship for which the Scholar is eligible if he or she enrolls for less than a full academic year to complete his or her baccalaureate degree. The institution shall return the remaining share of the scholarship to the Secretary.

(e) If a Scholar transfers to another institution of higher education during an award year, the institution in which the Scholar was originally enrolled shall calculate, and immediately inform the Secretary of, the amount of the scholarship disbursed to the Scholar at that institution and the amount of the award that remains to be disbursed for the award year. The Secretary will then reallocate the undisbursed funds from the original institution to the institution to which the Scholar has transferred. As long as the new institution to which the Scholar transfers determines that the Scholar meets the provisions of §§ 652.40 and 652.42, it may continue to provide scholarship funds to the Scholar.

(Authority: 20 U.S.C. 5383 and 5384)

§ 652.53 What reports are required from an institution?

(a) Prior to the receipt of funds for disbursement to a Scholar, an institution of higher education shall provide to the Secretary the following:

(1) For a Scholar receiving his or her initial scholarship, a statement from the appropriate official at the institution indicating—

(i)(A) That the Scholar has provided the institution with a written formal commitment to attend the institution for the relevant academic year and has complied with any other institutional requirements for indicating such a commitment including a monetary deposit; or

(B) That the Scholar is currently in attendance at that institution for the relevant academic year; and

(ii) The Scholar's cost of attendance.

(2) For a Scholar who is eligible to receive an additional award in a subsequent award year, a statement from the appropriate official at the institution indicating that the Scholar is in compliance with the renewal requirements of § 652.42.

(b) An institution shall provide such reports to the Secretary as are necessary to carry out the Secretary's functions under this part, in accordance with departmental requirements in EDGAR.

(Authority: 20 U.S.C. 5384)

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DEPARTMENT OF EDUCATION

Office of Postsecondary Education

National Science Scholars Program

AGENCY: Department of Education.

ACTION: Notice of the closing date for the submission of fiscal year 1992 Scholar nominations under the National Science Scholars Program.

SUMMARY: The Secretary of Education (Secretary) gives notice of the closing date and procedures for the State nominating committees approved by the Secretary to submit the names of nominees to the President under the National Science Scholars Program (NSSP) authorized by title VI, part A of the Excellence in Mathematics, Science and Engineering Education Act of 1990, Public Law 101–589, 20 U.S.C. 5381 *et seq.* (the Act), as amended. The NSSP supports AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by providing scholarships and other benefits to students selected by the President for undergraduate study of the physical, life, or computer sciences, mathematics, or engineering. National Education Goals 3 and 4 call for American students to demonstrate competency in mathematics and science and to be first in the world in those subjects by the year 2000.

The Secretary will accept the names of nominees on behalf of the President from the nominating committees of States participating in the NSSP, including the 50 States and the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands. Each State nominating committee must submit for consideration the names and pertinent information of at least four nominees from each congressional district in the State. The Act provides that at least one half of the nominees from each congressional district must be female and all of the nominees must be ranked in order of priority within each congressional district. A State with an approved nominating committee that desires to have its nominees considered for selection as National Science Scholars must provide each nominee's name, permanent address, home telephone number, summer telephone number if different from the home telephone number, social security number if provided by the nominee, sex, congressional district, the congressional representative's or delegate's name for that congressional district, priority ranking within the congressional district, institution of higher education at which the nominee has been accepted or which the nominee plans to attend, and the NSSP subject area in which the nominee intends to major and specific major if known.

CLOSING DATE AND MEDIA FOR TRANSMITTING NSSP NOMINEE INFORMATION: A State must provide its NSSP nominations for fiscal year 1992 by—

(1) Submitting the nominee information in typewritten format; or

(2) Submitting the nominee data on a data diskette provided by the U.S. Department of Education that the U.S. Department of Education sends directly to all States.

To ensure that State nominees are considered for FY 1992 funds, a State must submit nominee information by July 13, 1992.

STATE NSSP NOMINATIONS DELIVERED BY MAIL: NSSP nominations must be sent to the address provided below.

A State must obtain proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark;

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;

(3) A dated shipping label, invoice, or receipt from a Commercial Carrier; or

(4) Any other proof of mailing acceptable to the Secretary of Education.

If a State's NSSP nominations are sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. A State should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, a State should check with its local post office. A State is encouraged to use registered or at least first-class mail.

Each State submitting nominations after the closing date will be notified that its nominees cannot be assured of consideration for fiscal year 1992 funding.

ADDRESSES: Nominations that are mailed must be sent to the following address: National Science Scholars Program, United States Department of Education, Office of Student Financial Assistance, ROB–3, room 4651, 400 Maryland Avenue, SW., Washington, DC 20202–5453.

APPLICATIONS DELIVERED BY HAND: State NSSP nominations that are typewritten or are on diskette that are hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., room 4651, GSA Regional Office Building #3, Washington, DC 20202–5453. Hand-delivered nominations will be accepted between 8 a.m. and 4:30 p.m. daily (Eastern time), except Saturdays, Sundays, and Federal holidays.

State nominations that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: Under the NSSP, the Secretary is authorized to award scholarships to outstanding students selected by the President for the study of physical, life, or computer sciences, mathematics, or engineering. The Secretary is authorized to award initial scholarships of up to $5,000 for the first year of undergraduate study to graduating high school students as well as continuation awards of up to $5,000 for up to four additional years of undergraduate study. Based on an appropriation of $4.5 million for fiscal year 1992 and on the assumption that all States participate in the NSSP for fiscal year 1992, the estimated award for recipients in fiscal year 1992 is expected to be approximately $2,600.

APPLICABLE STATUTORY AND REGULATORY PROVISIONS: The following statute and regulations are applicable to the fiscal year 1992 NSSP:

(1) The program statute, 20 U.S.C. 5381 *et seq.*

(2) National Science Scholars Program regulations, 34 CFR part 652, as published in this issue of the **Federal Register**.

(3) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75 (with the exception of subpart C, §§ 75.200–75.216, 75.218, and 75.220–75.261 of subpart D, and sections 75.580–75.592 of subpart E), 77, 79, 81, 82, 85, and 86.

INTERGOVERNMENTAL REVIEW: This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. Fred H. Sellers, Chief, State Grant Section, Office of Student Financial Assistance, U.S. Department of Education,

Washington, DC 20202–5447; telephone (202) 708–4607. Deaf and hearing impaired individuals may call: the Federal Dual Party Relay Service at 1–800–877–8339 (in Washington, DC, 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

(Authority: 20 U.S.C. 5381 *et seq.*, as amended.)

(Catalog of Federal Domestic Assistance Number 84.242, National Science Scholars Program)

Dated: March 13, 1992.

Gerald R. Riso,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 92–7124 Filed 3–26–92; 8:45 am]

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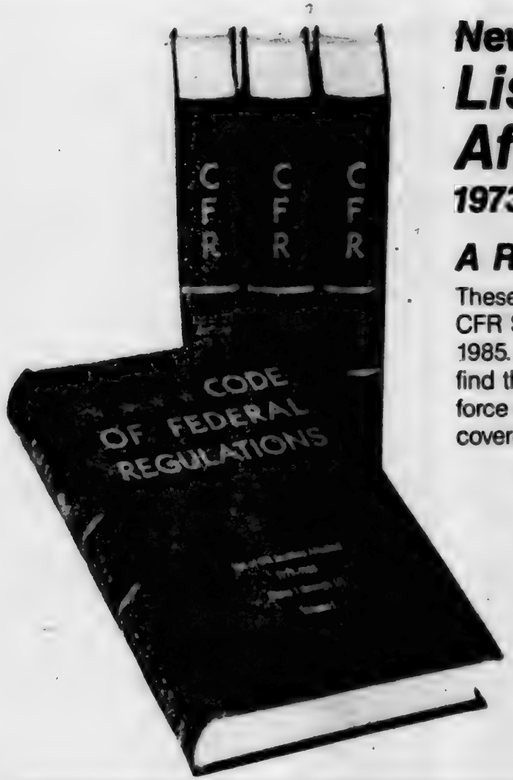

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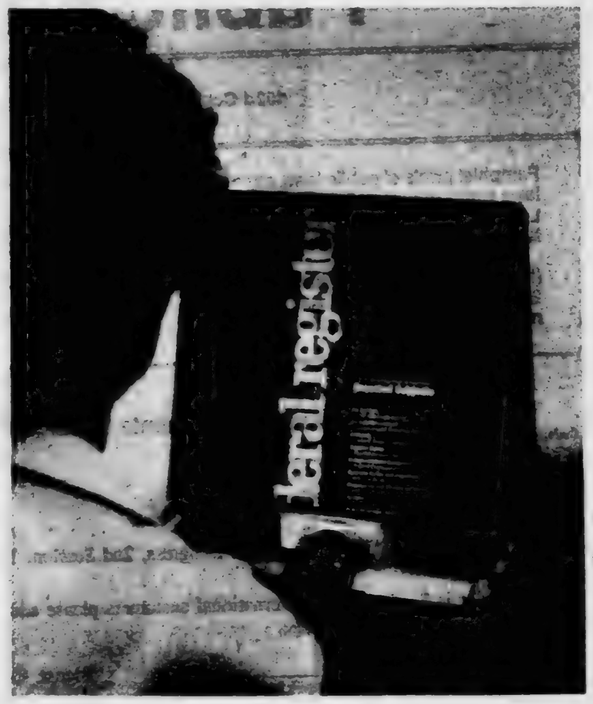

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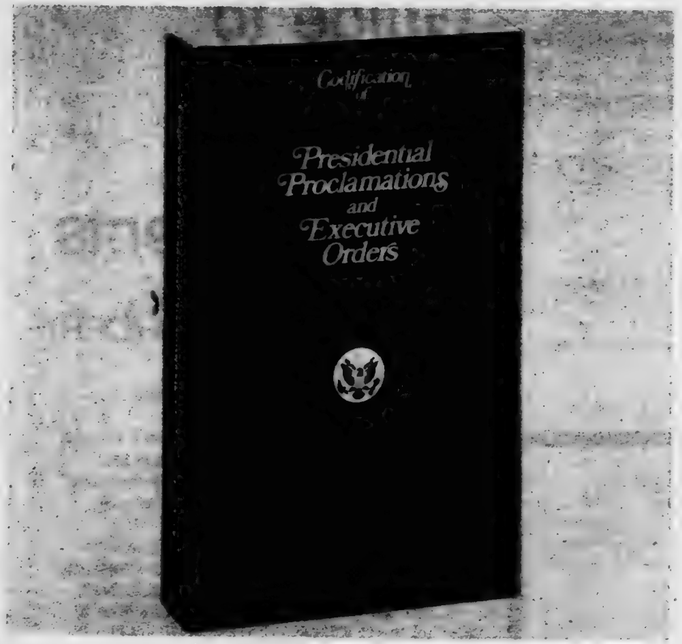

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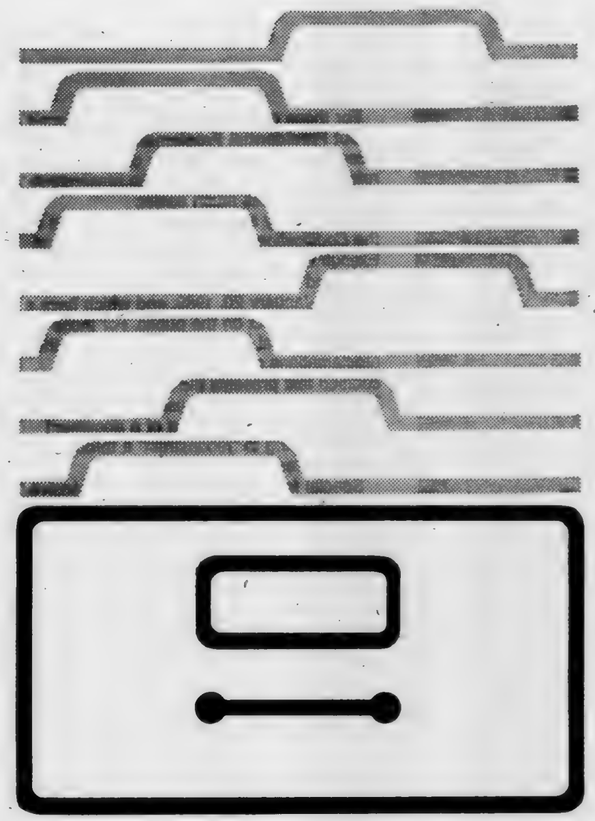

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in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1991

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The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

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March 30, 1992

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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
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2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.
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Presidential Documents

Title 3—

The President

Proclamation 6417 of March 25, 1992

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 1992

By the President of the United States of America

A Proclamation

The United States proudly joins in celebrating Greek Independence Day on March 25, not only because many Americans trace their roots to Greece, but also because our two countries share a strong commitment to the ideals of freedom and democratic government.

When the people of Greece began to seek independence 171 years ago, they enjoyed widespread support in the United States. President Monroe expressed admiration for "the heroic struggle" of the Greeks during his seventh annual address to the Congress, and countless Americans shared his "ardent wishes" that their quest for liberty would triumph. Yet the shared aspirations and values that unite the Greek and American peoples can be traced long before the historic events of the early 19th century.

The great philosophers of ancient Greece and the experiences of its city-states had a profound impact on the founding of our Republic—as they have had on the development of all Western civilization. Many of our Founders were well schooled in classical languages and Greek literature, and their view of both human nature and the nature of civil order was clearly influenced by the thought of Solon, Thucydides, Plato, and other Greek statesmen, historians, and philosophers. Thomas Jefferson praised Greece for the enlightenment that was provided by its "splendid constellation of sages and heroes," and James Madison and other delegates to the Federal Convention often referred to the experiences of the Amphictyonic council and the Achaean league when debating proposals for the representation of States under our Constitution. Greek antiquity offered the Framers of our Constitution many valuable insights as they labored to establish a just and enduring system of democratic government in the United States.

Thousands of years ago, Greece became the "cradle of democracy." Today, democracy is no longer a nascent ideal, but a tried and proven form of government that continues to flourish around the world as hundreds of millions of people seek the blessings of freedom and self-government. During this period of historic change for so many nations, it is fitting that the peoples of the United States and Greece reaffirm our shared democratic heritage and the importance of our continuing cooperation. The Western alliance of democratic nations, including Greece, was instrumental in thwarting imperial communism and hastening the collapse of totalitarian regimes. Now, as newly emerging democracies grapple with serious problems of economic hardship and social unrest, the United States and Greece will continue to stand as partners in the promotion of peace and stability based on respect for human rights and for the rule of law.

As an expression of the warm and friendly relations that exist between the Greek and American peoples and our governments, the Congress, by Public Law 102–263, has designated March 25, 1992, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 25, 1992, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I invite all Americans to observe this day with appropriate programs, ceremonies, and activities in honor of the Greek people and Greek independence.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred and ninety-two, and of the Independence of the United States of America the two hundred and sixteenth.

George Bush

[FR Doc. 92-7305
Filed 3-26-92; 1:56 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks on signing this proclamation, see issue 13 of the *Weekly Compilation of Presidential Documents*.

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8405]

RIN 1545-AP18

Final Regulations Under Section 382 of the Internal Revenue Code of 1986; Limitations on Corporate Net Operating Loss Carryforwards

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the use of certain corporate tax attributes under section 382 of the Internal Revenue Code of 1986 (the "Code") that are attributable to the period preceding an ownership change of the corporation. Section 382 was amended by the Tax Reform Act of 1986, the Revenue Act of 1987, the Technical and Miscellaneous Revenue Act of 1988 and the Revenue Reconciliation Act of 1989. These final regulations under section 382 provide guidance for the aggregation of stock ownership with respect to the definition of an entity.

DATES: The regulations are effective as of March 27, 1992, and generally are applicable to testing dates occurring on or after November 20, 1990.

FOR FURTHER INFORMATION CONTACT: Lori J. Brown of the Office of Assistant Chief Counsel (Corporate), Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:1) or telephone (202) 566-3205 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations to be added to 26 CFR part 1 under section 382 of the Internal Revenue Code (the "Code"). On November 21, 1990, the Internal Revenue Service published in the **Federal Register** (55 FR 48639) a Notice of Proposed Rulemaking proposing amendments to the Income Tax Regulations under section 382. That document proposed amendments to the temporary regulations (T.D. 8149) under section 382 which were published in the **Federal Register** (52 FR 29668) on August 11, 1987. The temporary regulations (52 FR 29704) also published on August 11, 1987, also were proposed to be adopted as final regulations.

Explanation of Provisions

The only written comments received by the Internal Revenue Service with respect to the Notice of Proposed Rulemaking published on November 21, 1990, generally regarded the effect of the proposed amendments on acquisitions of stock made by investors sharing a common investment advisor or decision maker. This document takes those comments into account by amending the definition of an entity to include a group of persons having a formal or informal understanding among themselves to make a coordinated acquisition of stock. A principal element in determining if such an understanding exists is whether the investment decision of each member of a group is based upon the investment decision of one or more other members. The existing examples are modified, and a new example is provided, to reflect the amended definition of an entity.

The regulations also clarify the treatment of creditors who receive stock in satisfaction of indebtedness as part of a bankruptcy reorganization or insolvency workout. A new sentence, added to the definition of an entity, provides that participation by creditors in formulating a plan for an insolvency workout or a reorganization in a title 11 or similar case, whether as members of a creditor's committee or otherwise, and the receipt of stock in satisfaction of indebtedness by creditors do not cause the creditors to be considered an entity.

The regulations generally provide that the new rules apply to testing dates on or after November 20, 1990, but with respect to a group of persons that acquired stock prior to that date, the rules apply only if the group increases or decreases its ownership of stock of the loss corporation by five percentage points or more relative to the percentage ownership interest of such group on November 19, 1990. However, if such group consists only of regulated investment companies under section 851, qualified plans under section 401, common trust funds under section 584, or trusts or estates that are clients of a trust department of a bank defined in section 581, the new rules apply only if the group increases its ownership by five percentage points on or after November 20, 1990, relative to its percentage ownership interest at the close of November 19, 1990.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the Notice of Proposed Rulemaking for the regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comments on their impact on small business.

Drafting Information

The principal author of these regulations is Lori J. Brown of Office of Assistant Chief Counsel, Corporate, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, on matters of both substance and style.

List of Subjects in 26 CFR 1.381(a)-1 Through 1.383-3

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority citation for part 1 is amended by revising the

citations for §§ 1.382–2, 1.383–1 and 1.383–2 to read as follows:

Authority: Sec. 7805, 68A Stat. 917; 26 U.S.C. 7805. * * * Section 1.382–2 also issued under 26 U.S.C. 382(k)(1) and 26 U.S.C. 382(m). * * * Section 1.383–1 also issued under 26 U.S.C. 383. Section 1.383–2 also issued under 26 U.S.C. 383.

Par. 2. Section 1.382–2 is amended as follows:

1. A new paragraph (a)(3) is added.

§ 1.382–2 Definition of ownership change under section 382 as amended by the Tax Reform Act of 1986.

(a) * * *

(3) *Entity.* (i) *In general*—An entity is any corporation, estate, trust, association, company, partnership or similar organization. An entity includes a group of persons who have a formal or informal understanding among themselves to make a coordinated acquisition of stock. A principal element in determining if such an understanding exists is whether the investment decision of each member of a group is based upon the investment decision of one or more other members. However, the participation by creditors in formulating a plan for an insolvency workout or a reorganization in a title 11 or similar case (whether as members of a creditors' committee or otherwise) and the receipt of stock by creditors in satisfaction of indebtedness pursuant to the workout or reorganization do not cause the creditors to be considered an entity.

(ii) *Examples.* The following examples illustrate the provisions of paragraph (a)(3)(i) of this section.

Example 1. (i) L corporation has 1,000 shares of common stock outstanding. For the three-year period ending on October 1, 1992, L's stock was owned by unrelated individuals, none of whom owned five percent or more of L. A group of 20 individuals who previously owned no stock (the "Group") agree among themselves to acquire more than 5 percent of L's stock. The Group is not a corporation, trust, association, partnership or company. On October 1, 1992, pursuant to their understanding, the members of the Group purchase 600 shares of L common stock from the old shareholders of L (a total of 60 percent of L stock), with each member purchasing 30 shares.

(ii) Before the members of the Group acquired L's stock on October 1, 1992, no individual or entity owned, directly or indirectly, five percent or more of the stock of L. As a result, all shareholders were aggregated into a public group and L was considered to be owned by a single 5-percent shareholder ("Public L") in accordance with § 1.382–2T (g)(1) and (j)(1).

(iii) Under paragraph (a)(3)(i) of this section, the members of the Group have a formal or informal understanding among themselves to make a coordinated acquisition of stock and, therefore, the Group is an entity. Thus, the acquisition of more than five percent of the stock of L on October 1, 1992, by members of the Group is not disregarded under § 1.382–2T(e)(1)(ii).–Because no member of the Group owns, directly or indirectly, five percent or more of the stock of L, §§ 1.382–2T (g)(1) and (j)(1) require that the members of the Group be aggregated into a separate public group, which will be presumed to consist of persons unrelated to the members of Public L. Because there is a shift of more than fifty percentage points in the ownership of L stock during the three-year testing period ending on October 1, 1992, an ownership change occurs on October 1, 1992, as a result of the Group's purchase of the 600 shares.

Example 2. (i) Prior to October 1, 1992, L's 1,000 shares of outstanding stock were owned by unrelated individuals, none of whom owned five percent or more of the stock of L. L's management is concerned that L may become subject to a takeover bid. In separate meetings, L's management meets with potential investors who own no stock and are friendly to management to convince them to acquire L's stock based on an understanding that L will assemble a group that in the aggregate will acquire more than 50 percent of L's stock. On October 1, 1991, 15 of these investors each purchase 4 percent of L's stock.

(ii) Under paragraph (a)(3)(i) of this section, the 15 investors (the "Group") are treated as an entity because the members of the Group purchase L stock pursuant to a formal or informal understanding among themselves to make a coordinated acquisition of stock. Sections 1.382–2T (g)(1) and (j)(1) require that on October 1, 1992, the Group be aggregated into a separate public group, which has increased its ownership of L stock by 60 percentage points over its lowest level of ownership in the three-year period ending on October 1, 1992. Accordingly, an ownership change occurs on that date.

Example 3. (i) Prior to October 1, 1992, L's 1,000 shares of outstanding stock were owned by unrelated individuals, none of whom owned five percent or more of the stock of L. On October 1, 1992, an investment advisor advises its clients that it believes L's stock is undervalued and recommends that they acquire L stock. Acting on the investment advisor's recommendation, 20 unrelated individuals purchase 6 percent of L's stock in aggregate, with each individual purchasing less than 5 percent. Each client's decision was not based upon the investment decisions made by one or more other clients.

(ii) Because there is no formal or informal understanding among the clients to make a coordinated acquisition of L stock, their purchase of stock is not made by an entity under paragraph (a)(3)(i) of this section. As a result, they remain part of the public group which owns L stock, and no owner shift results upon their purchase of L stock under § 1.382–2T(e)(1)(ii).

(iii) The result in this example would be the same if the only additional fact was that the investment advisor is also the underwriter (without regard to whether it is a firm commitment or best efforts underwriting) for a primary or secondary offering of L stock.

(iv) Assume that the facts are the same except that, instead of an investment advisor recommending that clients purchase L stock, the trustee of several trusts qualified under section 401(a) sponsored by unrelated corporations causes each trust to purchase the L stock. In this case, the result is the same, so long as the investment decision made on behalf of each trust was not based on the investment decision made on behalf of one or more of the other trusts.

(iii) *Effective date.* (A) *In general.* The second, third and fourth sentences of paragraph (a)(3)(i) of this section and Examples 1, 2 and 3 of paragraph (a)(3)(ii) of this section apply to testing dates (determined by applying such sentence and examples) on or after November 20, 1990, but with respect to any group of persons that pursuant to a formal or informal understanding among themselves makes a coordinated acquisition of stock before November 20, 1990, only if the group increases or decreases its ownership of stock of the loss corporation relative to its percentage ownership interest at the close of November 19, 1990, by five percentage points or more on or after November 20, 1990.

(B) *Special rule.* If pursuant to a formal or informal understanding among themselves a group consisting only of regulated investment companies under section 851, qualified trusts under section 401, common trust funds under section 584, or trusts or estates that are clients of a trust department of a bank under section 581, make a coordinated acquisition of stock before November 20, 1990, the second, third and fourth sentences of paragraph (a)(3)(i) of this section and Examples 1, 2, and 3 of this section apply for testing dates (determined by applying such sentences and examples) on or after November 20, 1990, only if the group increases its ownership of stock of the loss corporation relative to its percentage ownership interest at the close of November 19, 1990, by five percentage points or more on or after November 20, 1990.

(C) *Example.* The following example illustrates the provisions of paragraph (a)(3)(iii) of this section.

Example. Prior to November 1, 1990, L, a loss, corporation, is owned entirely by 1,000 unrelated individuals, none of whom owns as much as 5 percent of the stock of L ("Public L"). On November 1, 1990, 15 individuals (the "Group") each acquired 3 percent, or 45 percent, in total, of L stock pursuant to an understanding among themselves to make a coordinated acquisition of stock. The Group is not a corporation, trust, association, partnership or company. On March 1, 1992, six members of the Group each purchased an additional one percent of L stock, or 6 percent, in total, pursuant to the understanding. Accordingly, the Group increased its ownership in L stock by 51 percentage points during the three-year testing period ending on March 1, 1992. As a result, an ownership change of L occurs on March 1, 1992.

Par. 3. Section 1.382–2T is amended as follows:

1. Paragraph (f)(7) is revised to read as set forth below.

2. Paragraph (g)(4) is amended by adding a new *Example 5* as set forth below.

§ 1.382–2T Definition of ownership change under section 382, as amended by the Tax Reform Act of 1986 (temporary).

* * * * *

(f) * * *

(7) *Entity.* Sec § 1.382–2(a)(3) for the definition of an entity.

* * * * *

(g) * * *

(4) * * *

Example 5—See § 1.382–2(a)(3)(ii) for additional examples with respect to the definition of an entity.

* * * * *

Approved: March 5, 1992.

David G. Blattner,

Acting Commissioner of Internal Revenue.

Fred T. Goldberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92–7159 Filed 3–27–92; 8:45 am]

BILLING CODE 4830–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88–490; RM–6400, RM–6623]

Radio Broadcasting Services; Lake Havasu City and Parker, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 257C2 for Channel 257A at Parker, Arizona, and modifies the license of Station KMDX, Parker, Arizona, to specify operation on Channel 257C2. This document also allots Channel 224C2 to Lake Havasu City, Arizona, as a new local service. See 53 FR 42983, published October 25, 1988. The reference coordinates for the Channel 257C2 allotment at Parker, Arizona, are 34–07–22 and 114–12–40. The reference coordinates for the Channel 224C2 allotment at Lake Havasu City, Arizona, are 34–29–02 and 114–19–18. Since both Lake Havasu City and Parker are located within 320 kilometers (199 miles) of the U.S.-Mexican border, Mexican concurrence was obtained for these allotments. With this action, the proceeding is terminated.

DATES: Effective May 8, 1992. The window period for filing applications for the Channel 224C2 allotment at Lake Havasu City, Arizona, will open on May 11, 1992, and close on June 10, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88–490, adopted March 12, 1992, and released March 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 257A and adding 257C2 at Parker, and adding Channel 224C2 at Lake Havasu City.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–7219 Filed 3–27–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 90–510; RM–7491, RM–7496, RM–7682]

Radio Broadcasting Services; Taylorville, Virginia and Augusta, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 224B1 for Channel 224A at Taylorville, Illinois; allots Channel 267A to Virginia, Illinois; and substitutes Channel 253A for Channel 266A at Augusta, Illinois, in response to a petition for rule making (RM–7491) and a counterproposal (RM–7682) filed on behalf of USA Radio Corporation. A proposal filed by Panther Communications (RM–7496) to allot Channel 223A to Virginia is denied. See 55 FR 47344, November 13, 1990. The coordinates for Channel 224B1 at Taylorville are 39–32–00 and 89–27–00. The coordinates for Channel 267A at Virginia are 40–00–47 and 90–20–42 with a site restriction 13.5 kilometers (8.4 miles) northwest. The coordinates for Channel 253A at Augusta are 40–16–03 and 90–57–10. The authorizations of Stations WTJY(FM), Taylorville, and WAHL Augusta, are modified to specify operation on the new channels. With this action, the proceeding is terminated.

DATES: Effective May 8, 1992. The window period for filing applications at Virginia will open on May 11, 1992, and close on June 10, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Beaty, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–510, adopted March 13, 1992, and released March 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois is amended by adding Channel 267A, Virginia; removing Channel 224A and adding Channel 224B1 at Taylorville; removing Channel 266A and adding Channel 253A at Augusta.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–7218 Filed 3–27–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 89-621; RM-7063]

Radio Broadcasting Services; Kerrville, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Guadalupe Communications, Inc., substitutes Channel 222C2 for Channel 221A at Kerrville, Texas, and modifies the construction permit of Station KITE-FM to specify operation on the higher powered channel. See 55 FR 01065, January 11, 1990. Channel 222C2 can be allotted in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.8 kilometers (3.0 miles) northwest to accommodate Guadalupe's desired site. The coordinates for Channel 222C2 at Kerrville are 30-05-00 and 99-10-00. Mexican concurrence has been obtained for the allotment of Channel 222C2 at Kerrville, Texas. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 8, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-621, adopted March 12, 1992, and released March 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 221A and adding Channel 222C2 at Kerrville.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7220 Filed 3-27-92; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 57, No. 61
Monday, March 30, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Chapter I

[INS No. 1375-92]

Reducing the Burden of Government Regulation; Request for Comments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of request for comments.

SUMMARY: The Immigration and Naturalization Service solicits comments on the extent to which its regulations and programs can be improved to promote clarity and efficiency and to eliminate unnecessary regulatory burdens.

DATES: Written comments must be received on or before April 29, 1992.

ADDRESSES: Please submit written comments, in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., room 5304, Washington, DC 20536. To ensure proper handling, please note INS number 1375-92 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Edward J. Lynch, Director, Office of Strategic Planning, Immigration and Naturalization Service, 425 I Street, NW., room 6038, Washington, DC 20536, telephone (202) 514-2199.

SUPPLEMENTARY INFORMATION: By memorandum of January 28, 1992, the President instructed the heads of various executive branch departments and agencies to take certain steps to "weed out unnecessary and burdensome government regulations, which impose needless costs on consumers and substantially impede economic growth." One of these steps is to work with "the public, other interested agencies, the Office of Information and Regulatory Affairs, and the Council on Competitiveness" to (i) identify each agency regulation and program that imposes a substantial cost on the economy and (ii) determine whether each such regulation or program adheres to the following standards:

(a) The expected benefits to society of any regulation should clearly outweigh the expected costs it imposes on society.

(b) Regulations should be fashioned to maximize net benefits to society.

(c) To the maximum extent possible, regulatory agencies should set performance standards instead of prescriptive command-and-control requirements, thereby allowing the regulated community to achieve regulatory goals at the lowest possible cost.

(d) Regulations should incorporate market mechanisms to the maximum extent possible.

(e) Regulations should provide clarity and certainty to the regulated community and should be designed to avoid needless litigation.

The President has asked the agencies, following this review process, to propose administrative changes (including repeal, if appropriate) to bring regulations and programs into conformity with these standards.

In order to make its regulatory review as fruitful as possible, the Immigration and Naturalization Service invites public comment on the extent to which its regulations and programs achieve the goals set forth in these standards. Those responding should comment concisely and specifically. Commenters who suggest that existing regulations can benefit from revision should, if appropriate, propose specific alternatives.

Dated: March 18, 1992.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 92-7227 Filed 3-27-92; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-CE-13-AD]

Airworthiness Directives; British Aerospace, Regional Aircraft Limited, Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certian British Aerospace (BAe), Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes. The proposed action would require a modification to the shear fitting at the top of each escape hatch. The Federal Aviation Administration (FAA) has received a report of interference between the shear fitting on an escape hatch and a ceiling panel while removing an escape hatch on one of the affected airplanes. The actions specified by this AD are intended to protect occupants who could be prevented from removing an escape hatch during an emergency situation because of such interference.

DATES: Comments must be received on or before May 29, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from British Aerospace, Regional Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44-292) 79888; Facsimile (44-292) 79703; or British Aeorspace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC 20041; Telephone (703) 435-9100; Facsimile (703) 435-2628. This information may also be examined at the Rules Docket at the address below. Submit comments in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 92-CE-13-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT:
Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169. British Aerospace, Commercial Aircraft Ltd., Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW, Scotland.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 92-CE-13-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 92-CE-13-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain BAe, Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes. The CAA reports that interference between the shear fitting on an escape hatch and a ceiling panel occurred while removing an escape hatch during a scheduled inspection of one of the affected airplanes. This condition, if not detected and corrected, could result in occupant injury during an emergency situation caused by the inability to remove an escape hatch.

The manufacturer (BAe) has issued Service Bulletin (SB) 52-JM 7752, dated December 17, 1991, which specifies a modification to the shear fitting at the top of the right-hand escape hatch for the Models 3101 and 3201 airplanes, and modification to the shear fitting at the top of the left-hand escape hatch for the Model 3201 airplanes. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the condition described is likely to exist or develop in other BAe, Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes of the same type design, the proposed AD would require a modification to the shear fitting at the top of each escape hatch in accordance with the instructions in BAe SB 52-JM 7752, dated December 17, 1991.

The FAA estimates that 31 Model 3101 airplanes and 89 Model 3201 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 1 hour per Model 3101 airplane and 3 hours per Model 3201 airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts will be provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $16,390 ($1,705 for the Model 3101 airplanes and $14,685 for the Model 3201 airplanes).

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

British Aerospace, Regional Aircraft Limited: Docket No. 92-CE-13-AD.

Applicability: Jetstream Model 3101 airplanes (serial numbers (S/N) 757 and S/N 770 through 839), and Jetstream Model 3201 airplanes (S/N 790 through 910 and S/N 912), certificated in any category.

Compliance: Required within the next 500 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent occupant injury during an emergency situation caused by the inability to remove an escape hatch, accomplish the following:

(a) For both Models 3101 and 3201 airplanes, modify the shear fitting at the top of the right-hand escape hatch in accordance with Part A of the Accomplishment Instructions in BAe Service Bulletin (SB) 52-JM 7752, dated December 17, 1991.

(b) For Model 3201 airplanes, modify the shear fitting at the top of the left-hand escape hatch in accordance with Part B of the Accomplishment Instructions in BAe Service Bulletin (SB) 52-JM-7752, dated December 17, 1991.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, Europe, Africa, Middle East office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to British Aerospace, Regional Aircraft Limited, Manager Product Support, Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041. This document may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106

Issued in Kansas City, Missouri, on March 23, 1992.

Richard F. Yotter,
Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7192 Filed 3-27-92; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-CE-70-AD]

Airworthiness Directives; Fairchild Aircraft (Formerly Swearingen) SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This notice revises an earlier proposed airworthiness directive (AD), which would have required a modification to the horizontal stabilizer aft spar attach fitting installation and stabilizer skin on certain Fairchild Aircraft SA226 and SA227 airplanes, and repetitive inspections of the radius area of the rib splice straps for cracks with subsequent modification if found cracked. The proposed supplemental action incorporates additional modification procedures that have been added to the service information. The Federal Aviation Administration (FAA) received reports of broken fasteners that attach the pivot fitting of the horizontal tail to the rear spar. The actions specified by this AD are intended to prevent failure of the horizontal stabilizer caused by broken pivot fitting fasteners, which could result in complete loss of control of the airplane.

DATES: Comments must be received on or before May 29, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; Telephone (512) 824-9421. This information also may be examined at the Rules Docket at the address below.

Submit comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-70-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday thrugh Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT:
Mr. Hung Viet Nguyen, Aerospace Engineer, FAA, Airplane Certification Office, 4400 Blue Mound Road, Fort Worth, Texas 76193-0150; Telephone (817) 624-5155; Facsimile (817) 624-5029.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. The closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 91-CE-70-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-CE-70-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Aviation Administration (FAA) received reports of broken fasteners that attach the pivot fitting of the horizontal tail to the rear spar on several SA226 and SA227 series airplanes that have over 10,000 hours time-in-service (TIS). If not detected and corrected, this condition could cause failure of the horizontal stabilizer and complete loss of control of the airplane.

These reports prompted the FAA to proposed amending the Federal Aviation Regulations to include an AD that is applicable to certain Fairchild Aircraft SA226 and SA227 series airplanes by publishing a notice of proposed rulemaking (NPRM) in the **Federal Register** on October 23, 1991 (56 FR 54806). The action proposed a modification to the horizontal stabilizer aft spar attach fitting installation and the stabilizer skin in accordance with Fairchild SA226 Series Service Bulletin (SB) 55-010, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991, or Fairchild SA227 Series SB 55-006, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: May 22, 1991, whichever is applicable. It also would require repetitive inspections of the radius area of the rib splice straps for cracks with subsequent modification if found cracked.

Interested persons were afforded an opportunity to participate in the making of this amendment. One comment was received in favor of the proposed rule and no comments were received concerning the FAA's determination of the cost to the public.

Since the issuance of the proposal; the manufacturer (Fairchild Aircraft) has revised Fairchild SA227 Series SA 55-006, Horizontal Stabilizer Fitting Fasteners, to include additional procedures for modifying the horizontal stabilizer aft spar attach fitting installation and the stabilizer skin on Fairchild Aircraft SA227 airplanes. Fairchild Aircraft has also revised Fairchild SA226 Series SB 55-010, Horizontal Stabilizer Fitting Fasteners, to incorporate minor editorial corrections. This Fairchild SA226 Series SB 55-010 revision does not add to the scope of work, cost, or effectivity that was originally proposed; however, the

Fairchild SA227 Series SB 55–006 revision does increase the scope of work set forth in the NPRM.

After examining the circumstances and reviewing all available information related to the incidents described above, the FAA has determined that the previously proposed AD action is still valid, but that the Fairchild Aircraft SA226 and SA227 series airplanes should be modified in accordance with Fairchild SA226 Series SB 55–010, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: December 13, 1991, or Fairchild SA227 Series SB 55–006, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: December 13, 1991, whichever is applicable.

Since the revision to Fairchild SA227 Series SB 55–006, Horizontal Stabilizer Fitting Fasteners, specifies additional procedures that go beyond the scope of what was originally proposed, the notice has been revised accordingly and the comment period has been reopened to provide additional time for public comment.

The FAA estimates that 715 (368 SA226 series and 347 SA227 series) airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 32 hours per SA226 series airplane and 33 hours per SA227 series airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Parts cost approximately $1,400 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,278,485 ($1,162,880 for the SA226 series airplanes and $1,115,605 for the SA227 series airplanes). The FAA estimated that the original NPRM would have cost $2,250,400 (32 hours × $55 per hour + $1,400 × 715 airplanes). The $19,085 ($2,278,485 − $2,250,400) difference between this proposed action and the original NPRM is a one-hour increase (33 hours as opposed to 32) in the scope of work on the SA227 series airplanes (1 hour × $55 per hour × 347 airplanes) that was incorporated through procedural changes in the service information revision.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Fairchild Aircraft (formerly Sweeringen): Docket No. 91–CE–70–AD.

Applicability: Model SA226–T airplanes (serial numbers (S/N) T201 through T275 and T277 through T291), Model SA226–T(B) airplanes (S/N T(B)276 and T(B)292 through T(B)417), Model SA226–AT airplanes (S/N AT001 through AT074), Model SA226TC airplanes (S/N TC201 through TC419), Model SA227–TT airplanes (S/N TT421 through TT541), Model SA227–AT airplanes (S/N AT423 through AT695), and Model SA227–AC airplanes (S/N AC406, AC415, AC416, AC420 through AC783, and AC785), certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the horizontal stabilizer caused by broken pivot fitting fasteners, which could result in complete loss of control of the airplane, accomplish the following:

(a) Upon the accumulation of 10,000 hours time-in-service (TIS) or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later, accomplish the following:

(1) Modify the horizontal stabilizer aft spar attach fitting installation in accordance with paragraphs A. (1) through A. (7) of 2. Accomplishment Instructions in Fairchild SA226 Series Service Bulletin (SB) 55–010, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991, or paragraphs A. (1) through A. (3) and B. (1) through B. (6) of 2. Accomplishment Instructions in Fairchild SA227 Series SB Bulletin 55–006, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: December 13, 1991, whichever is applicable.

(2) Modify the stabilizer skin in accordance with paragraphs B. (1) through B. (4) of 2. Accomplishment Instructions in Fairchild SA 226 Series SB 55–010, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991, or paragraphs C. (1) through C. (5) of 2. Accomplishment Instructions in Fairchild SA227 Series SB 55–006, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: December 13, 1991, whichever is applicable.

(3) Visually inspect the radius area of the rib splice strap for cracks in accordance with Figure 2 in Fairchild SA226 Series SB 55–010, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991, or Figure 3 in Fairchild SA227 Series SB 55–006, Horizontal Stabilizer Fitting Fasteners, Issued: May 13, 1991; Revised: December 13, 1991, whichever is applicable.

(i) If cracks are found, prior to further flight, obtain a repair scheme from the manufacturer through the Airplane Certification Office at the address specified in paragraph (c) of this AD, incorporate the repair scheme, and reinspect thereafter at intervals not to exceed 5,000 hours TIS.

(ii) If no cracks are found, reinspect thereafter at intervals not to exceed 5,000 hours TIS.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplan Certification Office, FAA, 4400 Blue Mound Road, Fort Worth, Texas 76193–0150. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Fort Worth Aircraft Certification Office.

(d) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on March 23, 1992.

Richard F. Yotter,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–7101 Filed 3–27–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–CE–67–AD]

Airworthiness Directives; British Aerospace, Regional Aircraft Limited, Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would supersede AD 90–13–12, which currently requires modifications of the airplane electrical system and a revision to the emergency procedures section of the airplane flight manual on certain British Aerospace (BAe), Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes. The proposed action would retain the requirements of AD 90–13–12 only for those airplanes that have not installed modified inverters and restored the inverter transfer function. The Federal Aviation Administration (FAA) has determined that the installation of modified inverters along with the restoration of the inverter transfer function corrects the problems in the power supply that were addressed by AD 90–13–12 and should eliminate the need for the actions of that AD. The actions specified by this AD are intended to prevent alternating current (AC) system failures that could result in undetected damage to the airplane navigation systems.

DATES: Comments must be received on or before May 29, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from British Aerospace, Regional Aircraft Limited, Manager Product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; Telephone (44–292) 79888; Facsimile (44–292) 79703; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC, 20041; Telephone (703) 435–9100; Facsimile (703) 435–2628. This information may also be examined at the Rules Docket at the address below.

Submit comments on this AD in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 90–CE–67–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426–6932; Facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket 90–CE–67–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90–CE–67–AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 90–13–12, Amendment 39–6629 (55 FR 23890, June 13, 1990), concurrently requires modifications to the airplane electrical system and a revision to the emergency procedures section of the airplane flight manual on certain British Aerospace (BAe), Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes. These modifications are to be accomplished in accordance with BAe Alert Service Bulletin (ASB) 24–A–JA 900443, Revision 1, dated May 1, 1990; and BAe ASB 24–A–JM 7708, Revision 1, dated May 22, 1990.

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that modified inverters, part number (P/N) 1B350–1B1–3, have been installed on certain British Aerospace (BAe), Regional Aircraft Limited, Jetstream Models 3101 and 3201 airplanes. The CAA reports that the installation of these modified inverters along with the restoration of the inverter transfer function corrects the problems in the power supply that were addressed by AD 90–13–12.

This model airplane is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilaterial airworthiness agreement. Pursuant to a bilateral airworthiness agreement, the CAA has kept the FAA informed of the above situation. The FAA has examined the findings of the CAA, reviewed all available information, and determined that further AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop in other BAe Jetstream Models 3101 and 3201 airplanes of the same type design, the proposed action would supersede AD 90–13–12 with a new AD that would (1) retain the modifications to the airplane electrical system and a revision to the emergency procedures section of the airplane flight manual required by AD 90–13–12; and (2) require these modification and revisions only for those airplanes that have not installed modified inverters, P/N 1B350–1B1–3, in accordance with the instructions in BAe Mandatory SB 24–JM 7740, dated November 15, 1990, and have not restored the inverter transfer function in accordance with the instructions in BAe ASB 24–JA 900941, dated November 14, 1990; or BAe ASB 24–JA 900941, Revision 1, dated February 18, 1992.

The FAA estimates that 160 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 10 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $99,000. Since AD 90–13–12, which would be superseded by

the proposed action, required the same actions (except for a limit in the airplane applicability), there is no additional cost impact of the proposed AD on U.S. operators. The $19,800 cost difference between the proposed AD (estimated $99,000) and AD 90-04-04 (estimated $79,200) is a result of inflationary costs used in determining the cost of labor ($55 per hour as opposed to $40 per hour).

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Fedealism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 90-13-12, Amendment 39-6629 (55 FR 23890, June 13, 1990), and adding the following new AD:

British Aerospace, Reginal Aircraft Limited: Docket No. 90-CE-67-AD. Supersedes AD 90-13-12, Amendment 39-6629.

Applicability: Jetstream Models 3101 and 3201 airplanes (serial numbers 607 through 904), certificated in any category, that have not accomplished the following:

1. Installed two modified inverters, part number 1B350-1B1-3, in accordance with the instructions in BAe Alert Service Bulletin (ASB) 24-JM 7740, dated November 15, 1990; and

2. Restored the inverter transfer function in accordance with the instructions in BAe ASB 24-JA 900941, dated November 14, 1990; or BAe ASB 24-JA 900941, dated February 18, 1992.

Compliance: Required as indicated, unless already accomplished.

To prevent alternating current (AC) system failures that could result in undetected damage to the airplane navigation systems, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, modify the airplane electrical system and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in BAe (ASB) 24-A-JA 900443, Revision 2, dated November 15, 1990, section 2, Accomplishment Instructions; and appendix C (without Modification 7708) and operate the airplane accordingly.

(b) Within the next 100 hours TIS after the effective date of this AD, modify the airplane electrical system in accordance with the instructions in BAe ASB 24-A-JM 7708, Revision 1, dated May 22, 1990, and revise the emergency procedures section of the airplane flight manual in accordance with the instructions in BAe ASB 24-A-JA- 900443, Revision 2, dated November 15, 1990, appendix C (with Modification 7708); or whichever of the following Advance Amendment Bulletins (AAB) is applicable:

Model	Publication
3101	AFM HP.4.10,BAe AAB number 6 with at least issue 1 status; and AFM HP.4.10, BAe AAB number 4 with at least issue 2 status.
3201	AFM HP.4.16, BAe AAB number 2 with a least 2 issue status, and removal of BAe AAB number 2, issue 1.

(c) If the modifications required by paragraphs (a) and (b) of this AD have been accomplished in accordance with BAe ASB 24-A-JM 7708, Revision 1, dated May 22, 1990, and BAe ASB 24-A-JA 90043, Revision 1, dated May 1, 1990, then no further action is required by this AD.

(d) Replacement of both inverters, P/N 1B350-1B1-2, with modified inverters P/N 1B350-1B1-3 in accordance with the "Accomplishment Instructions" of BAe Mandatory Service Bulletin 24-JM 7740, dated November 15, 1990, and restoration of the inverter transfer function in accordance with BAe ASB 24-JA 900941, dated November 14, 1990; or BAe ASB 24-JA 900941, Revision 1, dated February 18, 1992, is considered terminating action for the requirements of this AD.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Office.

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to British Aerospace, Regional Aircraft Limited, Manager Product Support, Commercial Aircraft Airlines Division, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, DC. 20041; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th street, Kansas City, Missouri 64106.

(h) This amendment supersedes AD 90-13-12, Amendment 39-6629.

Issued in Kansas City, Missouri, on March 23, 1992.

Richard F. Yotter,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7190 Filed 3-27-92; 8:45am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 349 and 356

[Department of the Treasury Circular, Public Debt Series No. 1-92]

Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Notice of extension of time for submission of comments.

SUMMARY: This documents extends until April 15, 1992, the deadline for submission of comments on the proposed rule governing the sale and issuance by the Department of the Treasury of all marketable book-entry Treasury bills, notes, and bonds offered to the public for sale. The proposed rule was published in the **Federal Register** on January 31, 1992 (57 FR 3870), and comments were to be submitted on or before March 31, 1992.

DATES: Comments must be received on or before April 15, 1992. Comments are particularly invited on § 356.13, Net long position; § 356.14, Bidding for customers; § 356.16, Certification; § 356.17, Payment for securities; and appendix A, Department of the Treasury Single Bidder Criteria.

ADDRESSES: Comments should be sent to: Office of Financing, Bureau of the Public Debt, room 534, E Street Building, Washington, DC 20239-0001. Comments received will be available for public inspection and copying at the Treasury Department Library, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Michael W. Sunner, Deputy Assistant Commissioner, Office of Financing, Bureau of the Public Debt, or Margaret V. Marquette, Attorney-Adviser, Bureau of the Public Debt (202) 219-3350. Questions regarding submission of bids by computer should be directed to Alan Zucker, Office of Financing, Bureau of the Public Debt (202) 219-3350.

SUPPLEMENTARY INFORMATION: The Department has received a number of requests to extend the comment period on the proposed rule governing the sale and issue of marketable book-entry Treasury securities. Given the complexity to the issues and the desire of the Department of the Treasury to receive comprehensive, carefully considered comments from as wide a group of participants in the Government securities market as possible, the Department has decided to extend the comment period to April 15, 1992.

Dated: March 25, 1992.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 92-7393 Filed 3-26-92; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-4116-7]

Proposed Modification to Stipulation of Settlement; Sacramento Federal Implementation Plan for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed modification of settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed modification to a stipulation of settlement in litigation instituted against the Environmental Protection Agency ("EPA") regarding the fact that EPA has not promulgated a final rule establishing a Federal Implementation Plan (FIP) to attain the National Ambient Air Quality Standards for ozone in the Sacramento, California nonattainment area. *Environmental Council of Sacramento, et al.*, v. *EPA, et al.*, E.D. Cal. No. CIVS-87-0420 EJG.

The parties to the litigation originally entered into a stipulation of settlement that was approved by the court on June 26, 1989. The parties have since twice made modifications to the settlement which have also been approved by the court. Under the agreement as so modified, EPA is to propose a FIP by June 26, 1992, and take final action by February 26, 1993.

The parties have now agreed to further modify the settlement to stay the schedule for FIP promulgation pending action by the U.S. Court of Appeals for the Ninth Circuit in a related case (*Coalition for Clean Air [CCA], et al.*, v. *EPA*, No. 91-55383). Also under the proposed modification to the settlement agreement EPA is to publish in the **Federal Register** an advanced notice of proposed rulemaking including a list of control measures, ranked in priority order, with associated expected emission reductions, that EPA intends to include in any FIP EPA may ultimately promulgate following action by the Ninth Circuit in CCA.

DATES: The Agency will receive written comments relating to the proposed modification of the stipulation of settlement on or before April 29, 1992. EPA or the Department of Justice may withhold or withdraw consent to the proposed modification if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

ADDRESSES: Written comments should be sent to Sara Schneeberg at the address below.

Copies of the proposed modification are available from Sara Schneeberg, Air and Radiation Division (LE-132A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Sara Schneeberg, (202) 260-7723.

Dated: March 18, 1992.

Raymond B. Ludwiszewski,

Acting General Counsel.

[FR Doc. 92-7234 Filed 3-27-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-55, RM-7939]

Radio Broadcasting Services; Quincy, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of John K. LaRue, permittee of Station KSPY(FM), Channel 282A, Quincy, California, seeking the substitution of Channel 282C3 for Channel 282A and modification of his permit accordingly to specify operation on the higher powered channel. Petitioner's modification proposal complies with the provisions of § 1.420(g) of the Commission's Rules. Therefore, we will not accept competing expressions of interest in the use of Channel 282C3 at Quincy or require the petitioner to demonstrate the availability of an additional equivalent class channel. Coordinates for Channel 282C3 at Quincy are 40-02-41 and 120-53-04.

DATES: Comments must be filed on or before May 15, 1992, and reply comments on or before June 1, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Neal J. Friedman, Esq., Pepper & Corazinni, suite 200, 1776 K St., NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-55, adopted March 12, 1992, and released March 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st St., NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7216 Filed 3-27-92; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 92-54, RM-7937]

Radio Broadcasting Services; North Madison, OH

AGENCY: Federal Communcations Commission.

ACTION: Proposed rule.

SUMMARY: The Commission request comments on a petition filed by Lakeshore Broadcasting seeking the allotment of Channel 229A to North Madison, Ohio, as the community's first local FM service. Channel 229A can be allotted to North Madison in compliance with the Commission's minimum distance separation requirements with a site restriction of 9 kilometers (5.6 miles) west-southwest to avoid short-spacings to Stations WZAK, Channel 226B, Cleveland, Ohio, and WBZZ, Channel 229B, Pittsburgh, Pennsylvania, at coordinates North Latitude 41-47-31 and West Longitude 81-09-41. Canadian concurrence in the allotment as specially negotiated allotment has been requested because the site restriction does not remove the short-spacings to Stations CBCL-FM, Channel 228C1, London, Ontario, and CKLW, Channel 230C1, Windsor, Ontario, Canada.

DATES: Comments must be filed on or before May 15, 1992, and reply comments on or before June 1, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Edward Sumrada, Lakeshore Broadcasting, 2634 River Road, Willoughby Hills, Ohio 44094 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-54, adopted March 12, 1992, and released March 24, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.204(b) for rules governing permissable *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-7217 Filed 3-27-92; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 57, No. 61
Monday, March 30, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Jackson Creek Timber Sales, Okanogan National Forest, Okanogan County, WA

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Forest Service, USDA will prepare an environmental impact statement (EIS) for a set of proposals to implement one to two timber sales. The purpose of the EIS will be to develop and evaluate a range of alternatives for timber harvest and road construction levels. The proposed action is preliminary, and detailed alternatives will be developed. The alternatives will include a no action alternative, involving no harvest or road construction, and additional alternatives to respond to issues generated during the scoping process. The proposed projects will be consistent with the direction in the Okanogan National Forest Land and Resource Management Plan (Forest Plan, December, 1989) which provides the overall guidance for management of the area and the proposed projects. The proposed projects all lie within the Jackson Creek RARE II Inventory Area (Roadless Area Review and Evaluation II), and would be implemented in Fiscal Year 1994 on the Tonasket Ranger District. The Jackson Creek RARE II Area is located approximately 27 miles northeast of Oroville, Washington. The agency invites written comments on the scope of this project. In addition, the agency gives notice of this analysis so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and implementation of this proposal must be received by April 24, 1992.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Elaine Zieroth, District Ranger, Tonasket Ranger District, P.O. Box 466, Tonasket, WA 98855.

FOR FURTHER INFORMATION: Direct questions about the proposed action and environmental impact statement to Michael Alvarado, Project Coordinator, Tonasket Ranger District, P.O. Box 466, Tonasket, WA 98855 [telephone: (509) 486-2186].

SUPPLEMENTARY INFORMATION: The proposed actions are listed below:

Fiscal Year: 1994
Sale Name: Jackson*
Legal Desc: Sec. 1-4, 8-17, 21-24, T.4ON., R.31E., W.M., Okanogan County, WA
Acres: 7800 Acres
Net Volume: 9 Million Board Feet (MMBF)
Road Miles: 32 Miles Construction; 3 Miles reconstruction
Harvest Method: Shelterwood, Overstory Removal, Commercial Thinning
Yarding Systems Cable: 7200 MBF. *Tractor:* 1800 MBF
Management Areas: 50% MA 25, 50% MA 26

* If harvest volume or other factors warrant, volume may be split between two sales.

A number of issues have been identified to date. The major issues focus on health and growth of forest stands, management of the unroaded area, cumulative effects to watersheds and wildlife, and protection of unmaintained trails.

This EIS will tier to the final EIS for the Okanogan National Forest Land and Resource Management Plan. The Forest Plan provides goals and objectives, forest-wide standards and guidelines, management area standards and guidelines, desired future conditions, and management area prescriptions for the various lands on the Forest. This direction is provided for management practices that will be utilized during the implementation of the Forest Plan.

The Jackson Creek RARE II Inventory Area contains about 10,800 acres. Approximately 7,800 acres of the RARE II area is on the Tonasket Ranger District of the Okanogan National Forest. The remainder of the RARE II area, about 3000 acres, is on the Colville National Forest. The Analysis Area is for that portion of Jackson Creek RARE II Area location on the Tonasket Ranger District and is allocated to the following Management Areas:

—Approximately 50 percent is in Management Area 25 which is designed to intensively manage the timber and range resources.
—Approximately 50 percent is in Management Area 26 which is designed to manage deer winter range and fawning habitats to provide conditions which can sustain optimal numbers of deer indefinitely, without degrading habitat characteristics such as forage, cover and soil. Wood product outputs will be provided to a reduced level.

Public participation will be especially important at several points during the analysis. Public meetings will be held throughout the analysis process. The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies, Native American Tribes, and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the Draft EIS. The scoping process includes:

1. Identifying potential issues.
2. Identifying major issues to be analyzed in depth.
3. Identifying issues which have been covered by a relevent previous environmental analysis.
4. Exploring additional alternatives based on themes which will be derived from issues recognized during scoping activities.
5. Identifying potential environmental effects of this project and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
6. Determining potential cooperating agencies and task assignments.
7. Notifying interested publics of opportunities to participate through meetings, personal contacts, or written comment. Keeping the public informed through the media and/or written material (i.e. newsletters, correspondence, etc.).

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by August, 1993. At that time copies of the Draft EIS will be distributed to interested and affected agencies and organizations and members of the public for review and comment. EPA will publish a notice of availability of the Draft EIS in the **Federal Register**. The comment period

on the Draft EIS will be 45 days from the date the EPA notice appears in the Federal Register. It is very important that those interested in the management of the Okanogan National Forest participate at that time. The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process.

First, reviewers of Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the Draft EIS stage may be waived or dismissed by the court if not raised until after completion the Final EIS. *City of Angoon* v. *Hodel*, 803 F.2d. 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully considered and responded to in the Final EIS.

The Final EIS is scheduled to be completed by December, 1993. In the Final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the Draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Sam Gehr, Forest Supervisor, Okanogan National Forest, is the responsible official. As the responsible officer, he will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service appeal regulations (36 CFR 217).

Dated: March 18, 1992.

Don Lyon,

Planning, Lands and Minerals Staff Officer.

[FR Doc. 92-7169 Filed 3-27-92; 8:45 am]

BILLING CODE 3410-11-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Florida Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on Tuesday, April 21, 1992, at the Holiday Inn Conference Center, 7417 NW 8th Avenue, Grenada Room, Gainesville, Florida 32605. The purpose of the meeting is to discuss the status of the Commission and follow-up plans to the Tampa police project. In addition, the committee will receive information from community leaders on racial tensions in Florida (Gainesville).

Persons desiring additional information, or planning a presentation to the Committee should contact Florida Chairperson Bradford Brown 305/361-4991 or Bobby D. Doctor, Regional Director, Southern Regional Office of the U.S. Commission on Civil Rights at (404/730-2476, TDD 404/730-2481). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Southern Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 24, 1992.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 92-7184 Filed 3-27-92; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by the Asociacion de Propietarios de los Indios, Inc. From an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of decision.

On February 19, 1992, the Secretary of Commerce (Secretary) issued a decision in the consistency appeal of the Asociacion de Propietarios de los Indios, Inc. (Appellant). The Appellant had applied to the U.S. Army Corps of Engineers (Corps) for permits to authorize its proposed projects to reconstruct a private road and to construct residential houses, landfills, piers and bulkheads and for after-the-fact permits for some landfills and structures already produced in Salinas, Puerto Rico. In conjunction with the Federal permit applications, the Appellant submitted to the Corps for review of the Puerto Rico Planning Board (PRPB), the Commonwealth of Puerto Rico's coastal management agency, a certification that the proposed activities are consistent with Puerto Rico's Federally-approved Coastal Management Program.

On August 31, 1988, the PRPB objected to the Appellant's consistency certification for the proposed projects on the ground that they are not in accordance with Puerto Rico's coastal management public policies and objectives of discouraging lateral expansion along the coast, discouraging utilization of lands with important natural resources for urban uses, and prohibiting land development and construction in areas affected by floods and wave surge. Under CZMA section 307(c)(3)(A) and 15 CFR section 930.121, the PRPB's consistency objection precludes the Corps from issuing a permit for the activities unless the Secretary finds that the activities are either consistent with the objectives or purposes of the CZMA (Ground I) or necessary in the interest of national security (Ground II).

Upon consideration of the information submitted by the Appellant, the PRPB and interested Federal agencies, the Secretary made the following findings pursuant to 15 CFR 930.121: The proposed authorization of already-completed or nearly-completed residential structures, landfills, piers and bulkheads, and maintenance of a private road does not further one or more of the competing national objectives or purposes contained in sections 302 or 303 of the CZMA. Further, the Appellant failed to meet its burden of presenting sufficient evidence to support an appeal pursuant to Ground II.

Because the Appellant's proposed projects failed to satisfy the requirements of Ground I, and the Appellant failed to meet its burden of presenting sufficient evidence to support an appeal pursuant to Ground II, the Secretary did not override the PRPB's objection to the Appellant's consistency certification, and consequently, the already-completed or nearly-completed residential structure, landfills, piers and bulkheads, and maintenance of a private road may not be permitted by Federal agencies. Copies of the decision may be obtained from the contact person listed below.

FOR ADDITIONAL INFORMATION CONTACT: Margo E. Jackson, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235, (202) 606-4200.

Dated: March 24, 1992.

Thomas A. Campbell,

General Counsel.

[FR Doc. 92-7202 Filed 3-27-92; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of 33 Department of Defense (DoD) Advisory Committees

SUMMARY: Under the provisions of Public Law 92-463, the "Federal Advisory Committee Act," notice is hereby given that the following 33 DoD advisory committees have been determined to be in the public interest and have been renewed:

Advisory Committee on the Air Force History Program.
Advisory Council on Dependents' Education.
Advisory Group on Electron Devices.
Armed Forces Epidemiological Board.
Army Advisory Panel on ROTC Affairs.
Army Science Board.
Board of Advisors to the President, Naval War College.
Board of Advisors to the Superintendent, Naval Postgraduate School.
Air University Board of Visitors.
Air Force ROTC Advisory Committee.
Board of Visitors, Defense Systems Management College.
Board of Visitors, Equal Opportunity Management Institute.
Board of Visitors, National Defense University.
Chief of Engineers Environmental Advisory Board.
Chief of Naval Operations Executive Panel Advisory Committee.
Command and General Staff College Advisory Committee.
Community College of the Air Force Advisory Committee.
Defense Advisory Committee on Military Personnel Testing.
Defense Advisory Committee on Women in the Services.
Defense Systems Information Agency Scientific Advisory Group.
Defense Policy Advisory Committee on Trade.
Defense Science Board.
Department of the Army Historical Advisory Committee.
DoD Wage Committee.
National Security Agency Scientific Advisory Board.
Naval Research Advisory Committee.
Naval Exchange System Advisory Committee.
Scientific Advisory Board of the Armed Forces Institute of Pathology.
Strategic Advisory Group for the Joint Strategic Target Planning Staff.
Scientific Advisory Group on Effects.
Secretary of the Navy's Advisory Committee on Naval History.
U.S. Air Force Scientific Advisory Board.
U.S. Army Medical Research and Development Advisory Panel.

These committees provide necessary and valuable advice to the Secretary of Defense and other senior officials in the DoD in their respective areas of expertise. They make important contributions to DoD efforts in research and development, education and training, and various technical program areas.

It is a continuing DoD policy to make every effort to achieve a balanced membership in DoD advisory committees. Each committee is evaluated in terms of the functional disciplines, levels of experience, professional diversity, public and private association, and similar characteristics required to ensure that a high degree of balance is obtained.

Dated: March 24, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-7212 Filed 3-27-92; 8:45 am]

BILLING CODE 3810-01-M

Defense Policy Board Advisory Committee; Meeting

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session on 21-22 April 1992 from 0900 until 1700 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92-463, as amended (5 U.S.C. app. II, (1982)), it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. 552b (c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: March 25, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-7211 Filed 3-27-92; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates/Time of Meeting: 30 April 1992.

Time: 0800-1200 hours.

Place: Westinghouse Corporation, Baltimore, MD.

Agenda: The members of the Army Science Board Issue Group Study on Longbow for the Comanche and Apache will review the progress of the Fire Control Radar Work Group. The contractor team will present an update of risk reduction efforts, to date, and risk mitigation planned for the balance of the program. The discussions will focus on the classified targeting parameters, design status, Built in Test (BIT) parameters status, and Apache integration status. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., apprendix 2, subsection 10(d). The classified, proprietary, and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695-0781/0782.

Salley A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 92-7210 Filed 3-27-92; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Defense Programs; Determination To Establish Inertial Confinement Fusion Advisory Committee/Defense Programs

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92-463); title 41, chapter 101, Code of Federal Regulations, section 101-6.1005, Authorities for establishment of advisory committees; and following consultation with the Committee Management Secretariat, General Services Administration (GSA); notice is hereby given that an Inertial Confinement Fusion Advisory Committee/Defense Programs (ICFAC/DP) is being established.

The purpose of the ICFAC/DP is to provide advice and guidance to the

Assistant Secretary for Defense Programs (ASDP) of the Department of Energy (DOE) on both technical and management aspects of the Inertial Confinement Fusion (ICF) Program. The Committee will review technical progress toward the program goals and milestones and recommend any changes it deems necessary, advise on the efficacy of plans and strategies, advise on the appropriate pace and scope of the program, advise on new facilities and upgrades, and address any other program-related issues as requested by the ASDP or the Scretary of Energy.

The establishment of the ICFAC/DP has been determined necessary and in the public interest in connection with the performance of duties imposed on DOE by law. The Committee will operate in accordance with the provisions of the FACA, the DOE Organization Act (Pub. L. 95-91), the General Services Administration rule on Federal Advisory Committee Management, and other directives and instructions issued in implementation of those acts. Committee members will be selected to ensure an appropriately balanced membership, taking into account (1) scientific disciplines to be represented, such as plasma and ICF target physics, particle beams, lasers, systems engineering, and nuclear weapons applications; (2) institutions involved in the research; and (3) other appropriate criteria to assure a proper balance. Members may be required to have a DOE or other security clearance, since many of the Committee's meetings are likely to discuss classified matters.

Further information concerning this Committee may be obtained from Robert A. Jones, Program Manager, Office of Inertial Confinement Fusion, DP-28, Washington, DC 20585 (301/903-4236).

Issued at Washington, DC on: March 24, 1992.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 92-7240 Filed 3-27-92; 8:45 am]

BILLING CODE 6450-01-M

Floodplain and Wetland Involvement Notification for a Site-Wide Treatability Study To Test Treatment Technologies at Rocky Flats Plant, Golden, CO

AGENCY: Department of Energy (DOE).

ACTION: Notification of floodplain/wetland involvement.

SUMMARY: Regulations at 10 CFR part 1022 require DOE to evaluate actions it may take in a floodplain/wetland in order to ensure consideration of protection of the floodplain/wetland in decision making. As soon as practicable after a determination that a floodplain/wetland may be involved, the regulations require that public notice be published in the Federal Register, including a description of the proposed action and its location. DOE proposes to carry out a site-wide treatability study at its Rocky Flats Plant north of Golden, Colorado, to support the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act remediation of contaminated areas at the plant site. The study would involve the collection of soil, sediment, and waste samples and the laboratory testing of 10 treatment technologies to remove contaminants from the samples.

DATES: Comments on the proposed action must be received by April 14, 1992.

ADDRESSES: All comments concerning this notice should be addressed to Floodplain/Wetlands Comments, Beth Brainard, Public Affairs Office, U.S. Department of Energy, Rocky Flats Office, P.O. Box 928, Golden, Colorado 80402-0928; Telephone: (303) 966-5993.

FOR FURTHER INFORMATION CONTACT: Information on floodplain/wetland environmental review requirements is available from Carol M. Borgstrom, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; Telephone: (202) 586-4600 or (800) 472-2756.

SUPPLEMENTARY INFORMATION: DOE proposes to carry out a site-wide treatability study at its Rocky Flats Plant north of Golden, Colorado, to support the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act remediation of contaminated areas at the plant site. The study would involve the collection of soil, sediment, and waste samples and the laboratory testing of 10 treatment technologies to remove contaminants from the samples.

Water samples totaling approximately 300 gallons plant-wide would be collected. Approximately 8 cubic yards of soil and sediment samples would be collected. Individual sample volumes would be about 2 liters of water and 1½ kilograms of soil or sediment.

Water samples would be collected in a hand-held container dipped into the water or through the use of a small pump. Samples would be collected from streams, seeps, ponds, and wells. If existing wells do not provide a sufficient quantity of water for the tests, up to 10 new 20- to 60-foot wells may be drilled adjacent to existing wells.

In most cases, soil and sediment samples would be collected from the top 10 to 20 centimeters of the ground surface using a shovel. It may be necessary to use a backhoe to obtain soil samples where the ground is too hard or rocky to use a shovel, a larger volume of soil than usual is needed, or soil is needed from deeper than 20 centimeters.

Specific sample collection sites at the plant have not yet been identified. Some soil and ground water samples will be collected from within the 100-year floodplain. Virtually all of the sediment and surface water samples would be collected from wetland areas within the 100-year floodplain. If new ground water sampling wells are needed, it is possible that one or more wells would be drilled within the 100-year floodplain. Areas where samples are to be collected are Operable Units 1 (881 Hillside), 2 (903 Pad Area), 3 (Offsite Areas), 4 (Solar Evaporation Ponds), 5 (Woman Creek), 6 (Walnut Creek), and 7 (Present Landfill). None of the laboratory testing would occur in the vicinity of wetlands or floodplains.

A map showing the specific locations of the sampling stations is available on request to the Rocky Flats Office (see **ADDRESSES** above).

Paul D. Grimm,

Principal Deputy Assistant Secretary for Environmental Restoration and Waste Management.

[FR Doc. 92-7245 Filed 3-27-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Change of Scope of an Existing Federally Funded Research and Development Center

AGENCY: Department of Energy (DOE).

ACTION: Notice of change of scope of an existing federally funded research and development center; first of three notices.

SUMMARY: This notice advises interested parties of the intent of the Department of Energy (DOE) to expand the scope and mission of the Stanford Linear Accelerator Center (SLAC), a Federally Funded Research and Development Center (FFRDC), to include the synchrotron radiation research and user support currently being performed at the Stanford Synchrotron Radiation Laboratory (SSRL). Funding for the SSRL activities will be provided under the existing SLAC management and operating contract, DE-AC03-76SF00515.

DATES: Comments on this notice should be submitted to DOE by April 29, 1991. Two more notices also will be published which will allow for additional thirty-day comment periods.

ADDRESSES: Comments should be forwarded to the Director, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, U.S. Department of Energy, Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

Background

SLAC was established in 1962 and has operated since that time as a single purpose laboratory engaged in experimental and theoretical research in elementary particle physics, including the development of advances in high-energy accelerators and elementary particle detectors. SLAC is managed and operated for the DOE under Contract DE-AC03-76SF00515, a management and operating contract as defined and regulated in accordance with FAR § 17.6, DEAR § 917.6 and DEAR part 970. SLAC was designated as an FFRDC on November 1, 1967 and has been operated in accordance with Office of Federal Procurement Policy Letter 84-1 and FAR § 35.017.

The SSRL, located on the SLAC site, was formally established in 1976. It was one of the first major laboratories to develop synchrotron radiation and to make it available to a large community of scientists, who have used it for basic and applied research in biology, chemistry, materials science, solid-state physics, and biomedical research. SSRL is funded by the DOE under a research and development, cost reimbursement contract with Stanford University.

The rationale for merging the two laboratories is based upon a number of reasons, including: The two laboratories share the same site; share use of some facilities; share interests in the development of advanced accelerators; and, both face the need for increased oversight in the areas of environment, safety and health.

The growth and development of the field of synchrotron radiation is another factor in the merger. In 1972, SLAC completed the Stanford Positron Electron Asymmetric Ring (SPEAR), a single ring some 80 meters in diameter, in which counter-rotating beams of electrons and positrons from the SLAC Linac circulate at energies up to about 4 GeV. In 1973, pioneering advances were made at SPEAR in synchrotron radiation (energetic photons generated by the electrons circulating within the ring), leading to the creation of SSRL as a separate laboratory in 1976. Since that time, many beamlines have been brought into regular operation; in addition, SSRL has constructed two beamlines for synchrotron research on the larger Positron Electron Project (PEP) Storage Ring, operated by SLAC for high energy physics. Until recently, SLAC and SSRL (the Laboratory) have used SPEAR and PEP jointly for high energy physics and synchrotron radiation research, with 50% of the SPEAR machine time devoted to each field. In November, 1990, SSRL completed construction of a new 3-GeV injector, replacing the SLAC Linac as the source of electrons. This allows SSRL to be operated independently of the High Energy Physics program at SLAC. Merging the two activities at the same site into a single Laboratory, with a single director, provides the Laboratory with: (1) Improved management over these important research instruments; (2) focussed guidance to maximize the research programs of the facilities; (3) clearer responsibility and authority for managing the Laboratory's activities so as to minimize environmental impacts and maximize safety and health for employees; and, (4) the opportunity for small savings in the administrative areas (reduction in paperwork).

Expanded Mission of SLAC

SLAC will continue as a focal point for high energy electron physics in the United States and will be available to the user community. The Laboratory is responsible for experimental facility operation, high energy accelerator operations and development, advanced accelerator R&D, and central computing, as well as high energy physics user support.

Added to these current SLAC activities at the site will be the ongoing SSRL synchrotron radiation program. SSRL activities include operation of the booster synchrotron, the SPEAR storage ring, synchrotron radiation facilities development, and user support for both the university community and industrial users interested in this area of laboratory technology transfer.

A single, unified Environment, Health and Safety division will have site-wide responsibility for these areas. The Laboratory's administrative group will have its charter expanded to cover SSRL activities.

SSRL is an established laboratory and, although it is not a Federally funded R&D center, it is an *essential* component of the Nation's capability in providing a balanced array of synchrotron light sources to a large and growing community of user scientists. These facilities are used for research in structural biology, medicine, chemistry, materials science, and solid state physics. SSRL has been a leader in the development of new concepts to generate synchrotron light, especially in the development of wiggler and undulator sources with unprecedented spectral brightness. Such developments have provided the technical basis for the third generation light sources now being constructed at Lawrence Berkeley Laboratory (LBL) (the Advanced Light Source (ALS) will be a high brightness source of Vacuum Ultraviolet (VUV) and soft x-rays) and at Argonne National Laboratory (ANL) (the Advanced Photon Source (APS) will provide extremely bright beams of hard x-rays). The joining of SSRL and SLAC should enhance the potential for future developments in light sources by bringing the expertise in accelerator physics from SLAC together with the end users—the synchrotron radiation user community of SSRL under one administrative roof.

Alternative Sources

As noted above, SSRL is important in providing balance in the Nation's capability—it provides a strong center for x-ray science on the West Coast and complements the x-ray source at Brookhaven National Laboratory (BNL) on the East Coast. Both facilities are now over-subscribed. If either SSRL or National Synchrotron Light Source (NSLS) should go down, the most important x-ray experiments could not be done. The APS will be another source of hard x-rays in the Midwest when it becomes operational in mid-1998, and will relieve the pressure on SSRL and NSLS.

SSRL is also an important source for experiments in the VUV spectral region serving users on the West Coast. It is now complemented by the VUV source at NSLS, and, again, SSRL and NSLS back each other up. When the ALS becomes operational in mid-1993, some of the VUV experimentation will move from the SSRL to ALS; but SSRL will continue to be an important source, particularly for users from the silicon valley region. Thus, SSRL provides balance in the Nation's capability—spectrally and geographically—and will be important in serving a large user community for years to come. Accordingly, existing alternative sources for satisfying the agency's requirements cannot effectively meet the special research and development needs.

Government Expertise for Evaluation

Sufficient Government expertise is available to adequately and objectively evaluate the work to be performed by the expanded FFRDC. The Division of chemical Sciences, within DOE's Office of Energy Research Basic Energy Sciences Program, has been responsible for program direction and evaluation for SSRL since the Laboratory has been funded by the DOE; the Chemical Sciences staff members will continue to be responsible for the SSRL Division at SLAC. The Division of High Energy Physics, within DOE's Office of Energy Research High Energy and Nuclear Physics Program, was responsible for the creation and construction of SLAC in 1962 and has been responsible for SLAC's evolving program since that time. The Division will continue to provide the same degree of program guidance to SLAC management concerning high energy physics research and other related activities as it did when SLAC operated as a single purpose laboratory.

Cost Control

DOE regulations, policies and procedures relative to management and operating contracts provide controls to ensure that the costs of the services provided are reasonable. Compliance with these regulations, policies and procedures is monitored by the DOE San Francisco Field Office staff.

Differentiation Between FFRDC and Non-FFRDC Work

The scope of work of the M&O contract for the combined activities will clearly define the efforts to be undertaken by the single Laboratory. That work scope has been summarized above in the section entitled, Expanded Mission of SLAC.

Long Term Support for the Laboratory

The Division of High Energy Physics supports the long-term goals for, SLAC i.e., Stanford Linear Collider (SLC) research and planning for the next linear collider. Within available funding, the Division envisions long term support for SLAC activities as the primary facility for electron physics research. SSRL provides support to several hundred scientists, most of who receive support from sources other than DOE. The facility services a number of industrial users and is a key element of the Department's technology transfer program. These facts, coupled with the important advances in biomedicine and material sciences made possible by the Laboratory, support the intent of the Office of Basic Energy Sciences to provide long term funding for this laboratory.

Management by an Autonomous Organization

The FFRDC composed of SLAC and SSRL will be managed and operated by an identifiably separate operating unit of Stanford University.

William Happer,

Director, Office of Energy Research.

[FR Doc. 92-7244 Filed 3-27-92; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 91-109-NG]

Meridian Oil Transportation Inc.; Order Granting Blanket Authorization To Export Natural Gas to Mexico

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of an order granting blanket authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Meridian Oil Transportation Inc. blanket authorization to export a total of 54 Bcf of U.S. natural gas to Mexico over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7248 Filed 3-27-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 91-107-NG]

Natural Gas Marketing & Storage Co.; Order Granting Authorization To Export Natural Gas to Mexico

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of an order granting blanket authorization to export natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Natural Gas Marketing & Storage Company blanket authorization to export a total of 275 Bcf of U.S. natural gas to Mexico over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, March 16, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-7247 Filed 3-27-92; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER92-348-000, et al.]

Electric Rate, Small Power Production, and Interlocking Directorate Filings; Florida Power Corp., et al.

March 23, 1992.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corp.

[Docket No. ER92-348-000]

Take notice that on March 4, 1992, Florida Power Corporation ("Florida Power") filed a letter agreement dated July 25, 1990 between itself and Central Power and Lime, Inc. ("CP&L"), under which Florida Power agreed to provide CP&L with temporary daily firm transmission service under Florida Power's T-1 tariff. Florida Power agreed to provide service in the letter agreement for the period beginning July 25, 1990 and ending March 31, 1992. The letter agreement has made it possible for CP&L to reduce its transmission costs by temporarily avoiding having to pay Florida Power's monthly transmission rate during a period when it does not need long-term wheeling service provided for in an agreement with Florida Power.

Florida Power requests waiver of the 60 day notice requirement in order to permit the letter agreement to become effective for the period July 25, 1990 through March 3, 1992. Florida Power states that, since the letter agreement results in a temporary rate reduction to CP&L, the request for waiver is supported by a showing of good cause.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corp.

[Docket No. ER92-376-000]

Take notice that on March 13, 1992, Florida Power Corporation ("Florida Power") tendered for filing amended revisions to the capacity charges, reservation fees and energy adder for various interchange services provided by Florida Power pursuant to interchange contracts with Cajun Electric Power Cooperative, Inc., Entergy Services, Inc., Florida Power & Light Company, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Kissimmee Utility Authority, Orlando Utilities Commission, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., Tampa Electric Company, Reedy Creek Improvement District, and the Cities of Gainesville, Homestead, Key West, Lakeland, Lake Worth, New Smyrna Beach, St. Cloud, Starke, Tallahassee and Vero Beach, Florida. The interchange services which are affected by these revisions are (1) Services Schedule B—Short Term Firm, (2) Service Schedule F—Assured Capacity and Energy, (3) Service Schedule G—Backup Service, (4) Service Schedule H—Reserve Service and (5) Contract For Assured Capacity And Energy With Florida Power & Light Company. Florida Power states that the revised capacity charges, reservation fees, and energy adder were developed using the same methodology as used in the original filings.

Florida Power requests that the amended revised capacity charges, reservation fees and energy adder be made effective on May 1, 1992 and remain effective through April 30, 1993. Florida Power requests waiver of the Commission's sixty-day notice requirement. If waiver is denied, Florida Power requests that the filing be made effective June 1, 1992.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

3. Tampa Electric Co.

[Docket No. ER92-366-000]

March 23, 1992.

Take notice that on March 17, 1992, Tampa Electric Company (Tampa Electric) tendered for filing a Contract for Interchange Service between Tampa Electric and Seminole Electric Cooperative, Inc. (Seminole). The Contract would supersede the existing agreement for interchange service between Tampa Electric and Seminole.

Tampa Electric also tendered for filing, as supplements to the Contract for Interchange Service, Service Schedules A and B, providing for Emergency Interchange Service and Scheduled/Short-Term Firm Interchange Service, respectively. These schedules would supersede the existing Service Schedules A and B between Tampa Electric and Seminole.

Finally, Tampa Electric requested that all remaining service schedules and letters of commitment under the existing agreement for interchange service be continued and given new supplement designations under the tendered Contract for Interchange Service.

Tampa Electric proposes an effective date of June 1, 1992, for the Contract for Interchange Service, Service Schedules A and B, and redesignation of service schedules and letters of commitment.

Copies of the filing have been served on Seminole and the Florida Public Service Commission.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

4. New England Power Co.

[Docket No. ER92-382-000]

Take notice that on March 16, 1992, New England Power Company (NEP) submitted for filing an agreement between itself and four operating subsidiaries of Northeast Utilities (NU). NEP states that the purpose of the agreement is to set forth the terms under which NU and NEP agree to determine and measure the impact upon NEP's system of transactions between NU and Public Service Company of New Hampshire (PSNH) upon consummation of NU's impending acquisition of PSNH. NEP requests that the agreement be allowed to become effective upon the date of the acquisition by NU of PSNH, in accordance with the terms of the agreement.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

5. Arkansas Power & Light Co.

[Docket No. ER92-341-000]

Take notice that on March 2, 1992, Arkansas Power & Light Company (AP&L) tendered for filing in accordance with the Power Coordination, Interchange and Transmission Service Agreements between AP&L and Conway, West Memphis, and Osceola, Arkansas (Arkansas Cities); Campbell and Thayer, Missouri (Missouri Cities); City Water & Light Plant of Jonesboro, Arkansas (Jonesboro); Arkansas Electric Cooperative Corporation (AECC); the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Entergy Power, Inc. (EPI); the Transmission Service Agreement between AP&L and the Louisiana Energy & Power Authority (LEPA); the Transmission Service Agreement between AP&L and the City of Hope, Arkansas (Hope); and Hydroelectric Power Transmission and Distribution Service Agreement between AP&L and the City of North Little Rock, Arkansas (North Little Rock). AP&L states that this filing updates the rates and the transmission loss factor produced by the formulas contained in the agreements in order to reflect 1991 data.

Comment date: April 6, 1992, in accordance with Standard Paragraph E end of this notice.

6. Northern States Power Co.

[Docket No. ER92-343-000]

Take notice that on March 2, 1992, Northern States Power Company (NSP) tendered for filing a Transmission Service Loss Study and revised tariff sheets for inclusion in NSP's Transmission Services Tariff, first accepted for filing in Docket No. ER91-21-000.

Comment date: April 8, 1992, in accordance with Standard Paragraph E end of this notice.

7. New England Power Co.

[Docket No. ER92-355-000]

Take notice that on March 2, 1992, New England Power Company (NEP) tendered for filing a Notice of Termination for two (2) Unit Power Contracts between NEP and the following two (2) utilities:

(1) Central Vermont Public Service Corporation.

(2) Fitchburg Gas and Electric Light Company.

NEP requests an effective date of April 30, 1992.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of New Hampshire

[Docket No. ER92-72-000]

Take notice that on March 17, 1992, Public Service Company of New Hampshire ("PSNH") submitted supplemental information regarding the Purchase Agreement With Respect to PSNH System and Newington ("Purchase Agreement"). PSNH filed the Purchase Agreement with the Commission on October 3, 1991.

Comment date. April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

9. Jesse T. Williams, Sr.

[Docket No. ID-2680-000]

Take notice that on March 17, 1992, Jesse T. Williams, Sr. tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director: Ohio Edison Company.
Vice-President: The Goodyear Tire and Rubber Company.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

10. Daniel M. Tellep

[Docket No. ID-2681-000]

Take notice that on March 17, 1992, Daniel M. Tellep (Applicant) tendered for filing a supplemental application under section 305(b) of the Federal Power Act to hold the following positions:

Director: Southern California Edison Company.
Director: First Interstate Bancorp.

Comment date. April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

11. Public Service Electric and Gas Company

[Docket No. ER92-381-000]

Take notice that Public Service Electric and Gas Company (PSE&G) of Newark, New Jersey on March 16, 1992, tendered for Authority (NYPA). Pursuant to the agreement, PSE&G proposes to begin selling on March 27, 1992, and will sell to NYPA energy from time to time as scheduled by NYPA.

PSE&G requests the Commission to waive its notice requirements under § 35.3 of its rules and to permit the Energy Sales Agreement to become effective as of the commencement of the transaction, March 27, 1992. Copies of the filing have been served upon NYPA.

Comment date. April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

12. Detroit Edison Co.

[Docket Nos. ER92-180-001 and EL92-17-000]

Take notice that on March 3, 1992, The Detroit Edison Company (Edison) tendered for filing revised firm power rates in compliance with the Commission's Order issued March 2, 1992 in these proceedings.

Comment date. April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

13. Otter Tail Power Co.

[Docket No. ER92-383-000]

Take notice that on March 16, 1992, Otter Tail Power Company (Otter Tail) tendered for filing an agreement between Otter Tail and Manitoba Hydro Electric Board (MHEB). Otter Tail states that the Agreements are for the sale of capacity and energy from MHEB to Otter Tail for the months of May through October for 1992, 1993 and 1994.

Otter Tail requests a waiver of the Commission notice requirements to allow this schedule to become effective on May 1, 1992.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

14. Southwestern Electric Power Co.

[Docket No. ER92-385-000]

Take notice that on March 16, 1992, Southwestern Electric Power Company ("SWEPCO") tendered for filing an amendment to a Power Supply Agreement, between SWEPCO and City of Bentonville, Arkansas ("City"). The amendment extends the term of the Power Supply Agreement and provides the City with flexibility in its power supply planning.

A copy of the filing has been served on the City and the Arkansas Public Service Commission.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

15. Northern States Power Co. (Wisconsin).

[Docket No. ER92-374-000]

Take notice that on March 12, 1992, Northern States Power Company, Eau Claire, Wisconsin (NSPW) tendered for filing a new wholesale electric service agreement, dated March 1, 1992, between NSPW and the City of Bloomer (City), a municipal corporation in Chippewa County, Wisconsin. The City currently purchases power and energy from NSPW under an agreement dated May 24, 1977.

NSPW requests an effective date of May 1, 1992. NSPW states that, on the effective date of the new agreement, the May 24, 1977 agreement will be terminated. NSPW also states that the March 1, 1992 agreement will not affect the rates charged by NSPW for wholesale electric service to the City.

A copy of the filing was served upon the City and the Public Service Commission of Wisconsin.

Comment date. April 6, 1992, in accordance with Standard Paragraph E end of this notice.

16. WestPlains Energy, A Division of UtiliCorp United, Inc.

[Docket No. ER92-386-000]

Take notice that on March 16, 1992, WestPlains Energy a Division of UtiliCorp United, Inc. (WestPlains) tendered for filing Service Schedule 92-I-1, Incremental Power Service. Current customers eligible for the incremental service are the following Kansas Municipalities: Anthony, Ashland, Attica, Beloit, Greensburg, Hoisington, Kingman, Lincoln Center, Osborne, Pratt, Russell, Stockton and Washington. Service Schedule 92-I-1 is intended to supplement WestPlains' existing service arrangements with its municipal wholesale customers by reducing the rate for incremental service. Incremental service is defined as service in excess of each customer's monthly deliveries to the Municipality, if any, under Service Schedules 89-D-1 and 90-P-1, combined, for the period of January, 1991 to December, 1991. Incremental Power Service under Service Schedule 92-I-1 will be provided at rates below those currently in effect for wholesale service under Service Schedule 90-P-1. Waiver of notice has been requested and an effective date of April 1, 1992 has been requested for those customers who consent to the waiver prior to May 8, 1992, the approximate date that the first bills under the proposed rate schedule will be rendered if waiver is granted. If waiver is denied, an effective date 60 days after the filing is requested.

Copies of the filing were served upon each of the eligible Municipals, their agent, Kansas Municipal Energy Agency (KMEA), and the Utilities Division, Kansas Corporation Commission, Topeka, Kansas.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

17. Pennsylvania Power & Light Co.

[Docket No. ER92-371-000]

Take notice that on March 11, 1992, Pennsylvania Power & Light Company (PP&L) tendered for filing the First Supplemental Agreement between PP&L and Consolidated Edison Company of New York, Inc. (Con Edison) dated March 3, 1992. PP&L and con Edison are parties to a System Power Purchase Agreement dated as of November 24, 1982 (Basic Agreement), which is on file with the Commission as PP&L Rate Schedule No. 76. At present, the Basic Agreement provides that Con Edison may reserve interruptible power and energy from PP&L only at a designated Point of Interchange. As more fully set forth therein, the First Supplemental Agreement amends section 2 of the Basic Agreement to allow the parties thereto to agree upon additional Points of Interchange. The First Supplemental Agreement does not modify the rates for reservations of interruptible power and energy from PP&L by Con Edison, nor does it modify any of the terms and conditions contained therein except for the provision of additional Points of Interchange. Further, no facilities need to be constructed to effectuate the First Supplemental Agreement.

PP&L requests waiver of the notice requirements of Section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the First Supplemental Agreement can be made effective as of March 11, 1992. Initial service under the Second Supplemental Agreement will not begin before the requested effective date.

PP&L states that a copy of its filing was served on Con Edison, the Pennsylvania Public Utility Commission and the New York Public Service Commission.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

18. Northern States Power Co. (Wisconsin)

[Docket No. ER92-375-000]

Take notice that on March 12, 1992, Northern States Power Company, Eau Claire, Wisconsin (NSPW) tendered for filing a new wholesale electric service agreement, dated February 27, 1992, between NSPW and the City of Rice Lake (City), a municipal corporation in Barron County, Wisconsin. The City currently purchases power and energy from NSPW under an agreement dated March 14, 1972.

NSPW states that the City and NSPW have executed the new agreement to provide the City with the option to convert to partial requirements service if the City deems conversion to be in its best interest. Such conversion cannot take place prior to May 1997. The new agreement also provides the City the option of entering into coordination transactions with NSPW.

NSPW requests an effective date sixty days subsequent to the date of filing. NSPW states that, on the effective date of the new agreement, the March 14, 1972 agreement will be terminated. NSPW also states that the February 27, 1992 agreement will not effect the rate charged by NSPW for wholesale electric service to the City.

A copy of the filing was served upon the City and the Public Service Commission of Wisconsin.

Comment date: April 6, 1992, in accordance with Standard Paragraph E end of this notice.

19. Iowa-Illinois Gas and Electric Co.

[Docket No. ER92-339-000]

Take notice that Iowa-Illinois Gas and Electric Company (Iowa-Illinois) on March 2, 1992, tendered for filing pursuant to § 35.12 of the regulations under the Federal Power Act an initial rate schedule in the form of an Interchange Agreement (the Agreement) dated February 26, 1992 between Iowa-Illinois and City of Pella, Iowa (Pella).

Iowa-Illinois states the Agreement applies only to transactions between Iowa-Illinois and Pella. Service Schedule A of the Agreement provides for either party to furnish Scheduled Capacity consisting of power and associated energy subject to further agreement of the parties from time to time for an amount, period, and a degree of firmness. Reservation charges (demand charges) per megawatt for such power will be up to $400 per day or up to $2,400 per week. Charges for energy supplied will be 110% of the selling party's out-of-pocket or average production cost. Service Schedule B of the Agreement provides for either parties from time to time. Term Energy will be reserved for periods of one hour or more and is intended to replace higher cost energy sources thereby enabling the parties to share cost savings through more efficient use of resources. The energy charge will be up to 110% of the selling party's out-of-pocket cost per megawatthour plus a availability charge for energy reserved of up to $25 per megawatthour. The maximum availability charge for any one day will be $400 multiplied by the highest average number of megawatts delivered in any one hour. The minimum charge for each transaction pursuant to this service schedule will be 100% of the out-of-pocket cost of supplying the energy for any such transaction.

Iowa-Illinois proposes the rate schedule to be effective on May 1, 1992.

Copies of the filing were served upon the Iowa Utilities Board and Pella.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

20. Iowa-Illinois Gas and Electric Co.

[Docket No. ER92-369-000]

Take notice that Iowa-Illinois Gas and Electric Company (Iowa-Illinois), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, on March 11, 1992, tendered for filing pursuant to § 35.13 of the Regulations under the Federal Power Act a rate schedule change in the form of a First Amendment dated January 22, 1992 to Interchange Agreement (the Agreement) dated June 13, 1983, between Iowa-Illinois and City of Tipton, Iowa (Tipton).

Iowa-Illinois states the Agreement applies only to transactions between Iowa-Illinois and Tipton. Under the First Amendment, Schedule D (Supplement No. 4 to Rate Schedule FERC No. 49) has been changed to allow Short Term Firm Power to be taken for periods of one or more days rather than for periods of one or more weeks of seven consecutive days. The Demand Charge under Service Schedule D has been changed from 95 cents per kilowatt reserved per week to up to 19 cents per kilowatt reserved per day when reserved on a daily basis or up to 95 cents per kilowatt reserved per week when reserved on a weekly basis. The Energy Charge under Service Schedule D has been changed to remove the floor of 6 mills per kilowatthour and to establish the Energy Charge as the incremental cost of the delivering party plus ten percent (10%) of such cost plus reimbursement for certain wheeling charges.

Iowa-Illinois proposes the rate schedule change to be effective on June 1, 1992.

Copies of the filing were served upon the Illinois Commerce Commission, the Iowa Utilities Board and Tipton.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

21. New England Power Co.

[Docket No. ER90-525-000]

Take notice that on March 2, 1992, New England Power Company (NEP) submitted for filing a Surcharge Compliance Settlement filing in the above-referenced dockets. NEP states that its filing reflects the reconciliation of estimates to actuals for certain specified costs and the refund of these amounts, pursuant to settlement agreements approved in these dockets.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

22. PacifiCorp Electric Operations

[Docket No. ER92-367-000]

Take notice that on March 17, 1992, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, a Firm Transmission Service Agreement ("Service Agreement") between PacifiCorp and Deseret Generation & Transmission Co-Operative ("Deseret") dated March 9, 1992.

Under terms of the Agreement, PacifiCorp will provide firm transmission service for Deseret under Service Schedules TS–1 and TS–4 of PacifiCorp's FERC Electric Tariff, Original Volume No. 5.

PacifiCorp requests that an effective date of June 1, 1991 be assigned to the Agreement, this date being consistent with the date Deseret anticipates service under the Service Agreement is required.

Copies of this filing were supplied to Deseret, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: April 6, 1992, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7165 Filed 3–27–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–133–000 (Phase I)]

Gas Research Institute; Annual Application and Technical Conference

March 23, 1992.

Take notice that on February 28, 1992, the Gas Research Institute (GRI) filed an application to initiate the Commission's review of GRI's 1993–1997 research and development (R&D) plan and 1993 R&D program, pursuant to the Natural Gas Act and the Commission's Regulations, particularly 18 CFR 154.38(d)(5). In its application, GRI asks for a two-phase review of the GRI program.

In Phase I, the Commission would review options for, and establish a revised GRI funding mechanism to, address recent changes in the gas market and the Commission's rules. Phase II would address the scope and the content of the 1993 R&D program compatible with the funding mechanism developed in Phase I.

On March 20, 1992, GRI filed its modified funding system, thereby initiating Phase I. It asked the Commission to establish a procedural schedule and to grant expedited approval.

The Commission has committed to acting on an appropriately revised mechanism in time for it to be reflected in GRI's 1993 R&D budget. Accordingly, the Commission will schedule a conference to address Phase I issues on Monday, April 13, 1992, at 10 a.m., in the Commission meeting room, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. All persons interested in participating in the conference should notify the Commission's Secretary by April 8, 1992. By a supplemental notice, the Commission will issue a list of questions for the parties to address in their comments or at the conference.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All protests and motions to intervene should be filed on or before April 6, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7166 Filed 3–27–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–142–000]

Penn-York Customer Group v. Penn-York Energy Corp. Complaint

March 20, 1992.

Take notice that on March 18, 1992, the Penn-York Customer Group (Customer Group) filed a complaint against Penn-York Energy Corporation (Penn-York) in the captioned docket, pursuant to rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 and section 1b.8 of the Commission's General Rules, 18 CFR 1b.8.

The complaint alleges that Penn-York is charging its customers rates that are higher than the compliance rates on file with the Commission, and that this violates section 4 of the Natural Gas Act (NGA) and the filed rate doctrine established in *Arkansas Louisiana Gas Co.* v. *Hall*, 453 U.S. 571 (1981). Specifically, the Customer Group asserts Penn-York is charging a deliverability rate of $4.3981 under Rate Schedule SS–1 and $5.6484 under Rate Schedule SS–2, even though the Commission directed Penn-York, in an order issued October 3, 1991 (57 FERC ¶ 61,025), to file rates of $3.5270 under Rate Schedule SS–1 and $4.6107 under Rate Schedule SS–2, and these lower compliance rates were then filed and made effective as of October 3, 1991.

The Customer Group states that Penn-York is apparently of the view that it is not required to comply with the October 3 order because the record in the proceeding was before the U.S. Court of Appeals for the District of Columbia Circuit on that date, and the Commission had no authority to issue the October 3 order without the Court's permission. The Customer Group argues that the Commission has subsequently asked the Court for such permission, and asserts that the October 3 order simply implements earlier orders in this case that were not stayed and that the Commission had the right to issue.

The Customer Group asks that the Commission enforce the October 3 order by instructing Penn-York to discontinue charging its customers unlawful rates, to refund the amount collected in excess of the filed rates, and to charge the filed rates pending investigation. The Customer Group also requests that the Commission issue a show cause order against Penn-York, and conduct an investigation of Penn-York's apparent violation of section 4 of the NGA and the filed rate doctrine.

Any person desiring to be heard or to protest the instant complaint should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests shall be filed on or before April 20, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before April 20, 1992.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7167 Filed 3–27–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–74–001]

South Georgia Natural Gas Co.; Proposed Changes to FERC Gas Tariff

March 23, 1992.

Take notice that on March 17, 1992, South Georgia Natural Gas Company ("South Georgia") tendered for filing Sixth Revised Sheet No. 4A and Sixth Revised Sheet No. 4B to its FERC Gas Tariff, First Revised Volume No. 1.

South Georgia is making the instant filing in response to the option the Commission granted South Georgia in its Order dated February 28, 1992 to place into effect on March 1, 1992, the revised rates proposed in South Georgia's filing of December 31, 1991, that allow South Georgia to remain revenue neutral with respect to whether it makes firm sales or provides firm transportation service.

South Georgia states that copies of the filing will be served upon all of South Georgia's jurisdictional customers, interested state commissions and interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (sections 385.211 and 385.214). All such motions or protests should be filed on or before March 30, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7168 Filed 3–27–92; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4118–6]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Sterling Chemicals

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition reissuance.

SUMMARY: Notice is hereby given that a reissuance to an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Sterling Chemicals, for the Class I injection wells located at Texas City, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Sterling Chemicals, of the specific restricted hazardous waste identified in the petition reissuance, into the Class I hazardous waste injection wells at the Texas City, Texas facility specifically identified in the reissued petition, for as long as the basis for granting an approval of this petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued January 17, 1992. The public comment period ended on March 2, 1992. EPA received no comments. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 23, 1992.

ADDRESSES: Copies of the reissued petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W–SW), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Municipal Facilities Branch, EPA—Region 6, telephone (214) 655–7110, (FTS) 255–7110.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 92–7235 Filed 3–27–92; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4118–5]

Public Meeting on EPA's Scientific Reassessment of Dioxin

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a second public meeting to be held by the U.S. Environmental Protection Agency's (EPA's) Office of Research and Development to inform the public of EPA's scientific reassessment of dioxin, and to receive comment from the public. This meeting will serve as an introduction to the Agency's efforts and as a follow-up to a meeting held on the same subject on November 15, 1991. The public is invited to give oral and written comment on all aspects of the scientific reassessment of dioxin. The meeting will begin with a series of presentations by EPA officials concerning the current status of EPA's scientific reassessment of dioxin. Each presentation will be followed by a short question and answer period. The rest of the meeting will consist of oral comments by organizations and individuals who indicate an interest to do so in accordance with the procedures described in this notice.

DATES: The meeting will be held on Tuesday, April 28, 1992, from 8:45 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the U.S. Environmental Protection Agency, Education Center Auditorium, Waterside Mall, 401 M Street, SW., Washington, DC. Environmental Management Support, Inc., an EPA contractor, is providing logistical support for the public meeting. Members of the public wishing to give oral comment at the meeting on EPA's scientific reassessment of dioxin may request a time by calling Environmental Management Support, Inc., at telephone number (301)589–0885 no later than 5:00 p.m. (EST) Monday, April 27, 1992. Please do not call EPA directly to request a time at this meeting. Only those individuals and organizations that are assigned a time in advance of the meeting will be permitted to give oral comment. Please be advised that oral comment on the day of the meeting will be limited to not more than 5 minutes in

order to give everyone an equal opportunity to speak. Because of time limitations, only approximately 30 people who wish to present oral comments can be accommodated at the April 28th meeting. Speakers will be informed of the time they will be expected to present their oral comments.

In addition to oral comments, members of the public may also submit written comments and other materials relevant to EPA's scientific reassessment of dioxin by mail to: Environmental Management Support, Inc., 1010 Wayne Ave., suite 200, Silver Spring, Maryland, 20910, Attention: Dioxin Reassessment. EPA is asking the public to address subject areas, either orally or in writing, not previously submitted in response to the first public meeting on the Scientific Reassessment of Dioxin held at EPA Headquarters on November 15, 1991.

EPA invites public comment on the elements comprising the scientific reassessment of dioxin, which are:

(1) Development of a new biologically-based, dose-response model for dioxin to estimate human health risks; (2) Supporting laboratory research relevant to the development of a new dose-response model; (3) Update and revision of the Health Assessment Document for Dioxin; (4) Update and revision of the Dioxin Exposure Assessment Document; and (5) Supporting research to characterize ecological risks of dioxin in aquatic ecosystems, and the development of an Ecological Risk Characterization Report. The EPA is particularly interested in receiving:

A. New scientific data relevant to the scientific reassessment of dioxin not previously submitted to the Agency in response to the November 15, 1991 public meeting;

B. Any ongoing or recently published scientific research in these areas;

C. Any scientific or technical interpretation and analysis of data relevant to the dioxin reassessment;

D. Suggestions for additional public participation and involvement in EPA's scientific reassessment of dioxin.

Inspection and Copying

The following EPA documents, relevant to the scientific reassessment of dioxin, are available for public inspection and copying at the ORD Public Information Shelf, U.S. Environmental Protection Agency Headquarters Library, Waterside Mall, 401 M Street SW., Washington, DC 20460. The hours of inspection and copying are between 8 a.m. and 4:30 p.m. Monday through Friday, except holidays. For persons outside of the Washington, DC area, copies of these documents can be obtained from sources stated.

1. Summary description of "EPA's Scientific Reassessment of Dioxin," dated November 15, 1991. This summary may be obtained by written request or by telephone to the EPA support contractor, Environmental Management Support, Inc., 1010 Wayne Ave., suite 200, Silver Spring, Maryland, 20910, Attention: Dioxin Reassessment, telephone number: (301) 589-0885.

2. Health Assessment Document for Polychlorinated Dibenzo-p-Dioxins. U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, DC. September 1985. EPA/600/8-84/014F. Available from the National Technical Information Service; PB86-122546/AS.

3. A Cancer Risk-Specific Dose Estimate for 2,3,7,8-TCDD. (Review Draft). U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, DC. June 1988. EPA/600/6-88/007Aa. Available from the National Technical Information Service; PB88-231204/AS.

4. A Cancer Risk-Specific Dose Estimate for 2,3,7,8-TCDD. Appendices A Through F. (Review Draft). U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, DC. June 1988. EPA/600/6-88/007Ab. Available from the National Technical Information Service, PB88-231212/AS.

5. Estimating Exposures to 2,3,7,8-TCDD (Review Draft). U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, DC. March 1988. EPA/600/6-88/005A. Available from the National Technical Information Service; PB88-231196/AS.

6. Report of the *ad hoc* dioxin panel of the Science Advisory Board: Review of draft documents: "A Cancer Risk-Specific Dose Estimate for 2,3,7,8-TCDD" and "Estimating Exposure to 2,3,7,8-TCDD." U.S. Environmental Protection Agency, Washington, DC. EPA-SAB-EC-90-003. Available for copying at the ORD Public Information Shelf.

7. Written public comments as received by EPA from the first public meeting on EPA's Scientific Reassessment of Dioxin held at EPA Headquarters on November 15, 1991. Available for copying at the ORD Public Information Shelf.

FOR FURTHER INFORMATION CONTACT: Mr. David Cleverly, Office of Technology Transfer and Regulatory Support (H-8105), Office of Research and Development, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, telephone (202) 260-7891 (FTS: 260-7891).

SUPPLEMENTARY INFORMATION: This meeting is the second in a series of public meetings on EPA's Scientific Reassessment of Dioxin. The first public meeting was held November 15, 1991 at the Headquarters of the U.S. Environmental Protection Agency (EPA) in Washington, DC. At that time, EPA officials gave presentations to inform the public on all scientific aspects of the scientific reassessment of dioxin. In addition EPA received written and oral comment from 29 individuals representing a broad spectrum of the public, e.g., representatives of industry, representatives of environmental groups, and representatives of academia. At the November 15th meeting EPA informed the public that a second public meeting on the Scientific Reassessment of Dioxin would be held, the date to be announced. The purposes of this one-day meeting are to provide the public with a brief orientation on the current status of EPA's Scientific Reassessment of Dioxin, to answer any relevant questions from the public, to receive public comment on any aspect of the process, and to receive any relevant scientific information.

The EPA Administrator, William K. Reilly, announced on April 8, 1991, that EPA is conducting a scientific reassessment of the risks of exposure to 2,3,7,8-TCDD and related compounds, collectively known as "dioxin." The EPA is undertaking this task because significant advances have occurred in the scientific understanding of the mechanisms by which dioxin becomes toxic; of the health effects of dioxin in animals and people; of the pathways to human exposure; and of the toxic effects of dioxin to the environment, particularly aquatic organisms.

Based on animal studies, dioxin is one of the most potent carcinogens studied. The Agency has previously prepared assessments of the human health risks from environmental exposures to dioxin in 1985 and 1988. These assessments were reviewed by the EPA's Science Advisory Board (SAB). At the time of the 1988 risk assessment there was general agreement within the scientific community that the standard dose-response approaches were inappropriate for dioxin and should be improved, but there was no consensus identifying a more biologically defensible methodology. The Agency was challenged to explore the development of such a method.

Two important events have recently occurred that impact this reassessment: The NIOSH cancer mortality study of U.S. chemical workers published in the New England Journal of Medicine (Marilyn A. Fingerhut, et al. "Cancer Mortality in Workers Exposed to 2,3,7,8-Tetrachlorodibenzo-p-Dioxin." January 24, 1991, Vol. 324:4, pages 212-218.), and the Banbury Conference on dioxin toxicology held in October, 1990, in Cold Spring Harbor, New York.

The proceedings of the Banbury Conference have been published since the November 15th meeting [Biological Basis for Risk Assessment of Dioxins and Related Compounds, Cold Spring Harbor Laboratory Press, Plainview, New York, 1991]. It should be noted that the Banbury Conference involved many of the leading scientific experts on dioxin. At the meeting, there was general agreement in certain areas of dioxin toxicology, for example:

a. Humans and experimental animals respond to dioxin similarly.

b. Effects in humans can be anticipated by effects observed in experimental animals, e.g., enzyme induction, immunotoxicity, reproductive toxicity, developmental toxicity, and carcinogenicity.

c. Certain related chemicals (having similar molecular structure) to dioxin may behave the same as dioxin, for example, certain polychlorinated and polybrominated dibenzofurans, polychlorinated and polybrominated dibenzo-p-dioxins, and coplanar chlorinated biphenyls.

d. All toxic effects of dioxin are mediated by the chemicals binding to a protein receptor within the cell cytoplasm, and, therefore, a receptor-based risk assessment model is appropriate and should be developed.

The EPA's scientific reassessment of dioxin is comprised of 5 basic parts:

1. Development of a new biologically-based, dose-response model for dioxin to estimate human health risks;

2. Supporting research relevant to the development of a new dose-response model;

3. Update and revision of the Health Assessment Document for Dioxin;

4. Update and revision of the Dioxin Exposure Assessment Document;

5. Supporting research to characterize ecological risks of dioxin in aquatic ecosystems, and the development of an Ecological Risk Characterization Report.

These five basic parts of this intensive effort are summarized in the document, "EPA's Scientific Reassessment of Dioxin," which is available to the public through this notice, and on the day of the public meeting.

Dated: February 24, 1992.

Erich W. Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 92-7233 Filed 3-27-92; 8:45 am]

BILLING CODE 6560-60-M

FEDERAL COMMUNICATIONS COMMISSION

FCC Establishes Small Business Advisory Committee

March 24, 1992.

The Federal Communications Commission (FCC) has established the Small Business Advisory Committee. This committee will provide expert advice and recommendations on small business issues, including minority and female participation issues. The establishment of this committee is necessary and in the public interest.

The FCC will select committee members to achieve a balanced membership given the purpose and objectives of the committee.

For additional information, contact Alan McKie at (202) 632-6390.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-7260 Filed 3-27-92; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOUSING FINANCE BOARD

Financing Corp. Net New Borrowings

AGENCY: Federal Housing Finance Board for Financing Corporation.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Financing Corporation has completed all net new borrowings under section 21(e) of the Federal Home Loan Bank Act, as amended, 12 U.S.C. 1441(e), and will issue no additional obligations after December 12, 1991.

DATES: Effective date was December 12, 1991.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle, Secretary/Treasurer of the Financing Corporation, (202) 272-4978 or James H. Gray Jr., Associate General Counsel, Federal Housing Finance Board, (202) 408-2552.

SUPPLEMENTARY INFORMATION: Section 416(b) of the Competitive Equality Banking Act of 1987 requires the Financing Corporation to give public notice after completing all net new borrowings. See 12 U.S.C. 1441 note. Section 104 of the Resolution Trust Corporation Refinancing, Restructuring, and Improvement Act of 1991, states that "No obligation of the Financing Corporation shall be issued after the date of enactment of the Resolution Trust Corporation Thrift Depositor Protection Refinance Act of 1991." 105 Stat. 1761, 1762 to be codified at 12 U.S.C. 1441(e)(2). The Resolution Trust Corporation Thrift Depositor Protection Refinance Act was enacted December 12, 1991 and became effective on February 1, 1992. Accordingly, the Financing Corporation is providing the required public notice of completion of net new borrowings.

Philip L. Conover,

Deputy Executive Director.

[FR Doc. 92-7170 Filed 3-27-92; 8:45 am]

BILLING CODE 6725-01-M

FEDERAL RESERVE SYSTEM

First Farmers Financial Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 24, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First Farmers Financial Corporation, Converse, Indiana; to engage *de novo* through its subsidiary, Personalized Tax Services, Converse, Indiana, in tax planning and preparation pursuant to § 225.25(b)(21) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 24, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7196 Filed 3-27-92; 8:45 am]

BILLING CODE 6210-01-F

Old National Bancorp; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 24, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Old National Bancorp, Evansville, Indiana; to merge with Southern Illinois Holding Company, Harrisburg, Illinois, and thereby indirectly acquire Bank South, a Federal Savings Bank, formerly Saline Valley First Federal Savings and Loan Association, Harrisburg, Illinois, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in and around Harrisburg, Illinois.

Board of Governors of the Federal Reserve System, March 24, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7197 Filed 3-27-92; 8:45 am]

BILLING CODE 6210-01-F

Chesley Pruet; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 20, 1992.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Chesley Pruet, El Dorado, Arkansas; to acquire an additional 12.43 percent of the voting shares of Continental National Bancshares, Inc., El Paso, Texas, for a total of 24.85 percent, and thereby indirectly acquire Continental National Bank, El Paso, Texas.

Board of Governors of the Federal Reserve System, March 24, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7198 Filed 3-27-92; 8:45 am]

BILLING CODE 6210-01-F

West Milton Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 24, 1992.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. West Milton Bancorp, Inc., West Milton, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of West Milton State Bank, West Milton, Pennsylvania.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. G.R. Bancorp, Ltd., Grand Ridge, Illinois; to become a bank holding company by acquiring 83 percent of the voting shares of The First National Bank of Grand Ridge, Grand Ridge, Illinois.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Friendship Bancshares, Inc., Meta, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Meta Banco, Inc., Meta, Missouri, and thereby indirectly acquire Mid America Bank, Linn, Missouri.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Baylor Bancshares, Inc., Seymour, Texas; to acquire 94 percent of the voting shares of The First National Bank in Whitney, Whitney, Texas.

Board of Governors of the Federal Reserve System, March 24, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7199 Filed 3-27-92; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Docket C-3374]

Hanson PLC, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, the respondents to acquire Beazer PLC, and requires the respondents to divest the Cencal interest to a Commission-approved acquirer. If the divestiture is not completed within 12 months, the respondents shall consent to the appointment by the Commission of a trustee to divest the Cencal interest.

DATES: Complaint and Order issued March 9, 1992.[1]

FOR FURTHER INFORMATION CONTACT: Casey Triggs, FTC/S-2308, Washington, DC 20580. (202) 326-2682.

SUPPLEMENTARY INFORMATION: On Monday, December 16, 1991, there was published in the **Federal Register**, 56 FR 65262, a proposed consent agreement with analysis In the Matter of Hanson PLC, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 92-7242 Filed 3-30-92; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

GENERAL SERVICES ADMINISTRATION

Public Hearing and Availability of Draft Environmental Impact Statement

The United States General Services Administration (GSA) has prepared a Draft Environmental Impact Statement (DEIS) concerning the proposed construction of the Federally-owned eastern portion of the Southeast Federal Center (SEFC), including the construction of a facility to house the GSA headquarters and a facility to house the Army Corps of Engineers headquarters, pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508). The DEIS will be released March 18-24, 1992 to Federal, State and local agencies, community groups and concerned individuals.

The Southeast Federal Center is located in the southeast quadrant of the District of Columbia and adjoins the western border of the Washington Navy Yard. The eastern portion of the SEFC includes the area east of an extended New Jersey Avenue and M Street, SE., extending east to the western border of the Washington Navy Yard, and extending south from M Street, SE., to the Anacostia River.

A public hearing is scheduled to present the DEIS findings and to provide the community the opportunity to submit comments. The details of the hearing are described below. In addition, written comments on the DEIS may be submitted until May 11, 1992, and should be addressed:

General Services Administration,
National Capital Region, Planning Staff (WPL), room 7618, Attention: Frank T. Thomas, Seventh & D Streets, SW., Washington, DC, 20407.

Public Hearing

Date: April 23, 1992.
Time: 7:00 p.m.
Place: Building #159, 1st floor, room 102, 3rd & M Street, SE., Southeast Federal Center, Washington, DC.
Purpose: To receive comments concerning the environmental impacts that may result from the proposed project.
Instructions: Interested parties who want to present oral comments at the public hearing may register at the desk inside room #102 on the night of the hearing or call 202-708-5334 and register in advance. Speakers may be heard in the order they register. Each party will receive 5 minutes to speak at the hearing. Oral comments may be accompanied by written submissions or by continued oral presentation after the list of registered speakers is completed. A verbatim transcript of testimony will be taken.

Additional copies of the DEIS and backup information are available for public inspection at the following locations:

1. General Services Administration, National Capital Region, Bid Room, room 1701, 7th & D Streets, SW., Washington, DC, 20407
2. Martin Luther King, Jr. Memorial Library, 901 G Street, NW., Washington, DC, 20001
3. Southwest Branch Library, Wesley Place and K Streets, SW., Washington, DC
4. Southeast Branch Library, 7th & D Streets, SE., Washington, DC

Dated: March 19, 1992.

Linda L. Eastman,

Director, NCR Planning Staff (WPL).

[FR Doc. 92-7207 Filed 3-27-92; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of the General Counsel; Statement of Organization, Functions and Delegations of Authority

Part A, chapter AG (Office of the General Counsel) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (38 FR 17033, as amended most recently at 56 FR 4965, Sep. 23, 1991) is amended to delete from section AG.14 the reference to Special Counsel for Ethics and from section AG 21.2.E., Special Counsel for Ethics and to amend section AG.22 by adding a new subsection 10. Ethics Division. The effect of the change will be to transfer without change the functions of the Special Counsel for Ethics to the Ethics Division. The changes are as follows:

1. Section AG.14 is amended by deleting "5. Special Counsel for Ethics" and redesignating "6" as "5."

2. Section AG.21 is amended by deleting section 2.E relating to the Special Counsel for Ethics.

3. Section AG.22 is amended by adding at the end thereof the following:

10. Ethics Division.

a. The Associate General Counsel for Ethics serves as the Designated Agency Ethics Official responsible for Department-wide activities required by the Ethics in Government Act, as amended.

b. The Ethics Division shall be responsible for providing legal advice to officials and employees of the Department regarding ethics and standards of conduct matters; coordinating the Department's confidential reporting system for reporting on financial interests and outside activities, assisting components of the Department with the development and implementation of ethics training plans; providing liaison with the White House General Counsel on ethics matters, the Office of Government Ethics and Department ethics officials.

Dated: March 19, 1992.

Arnold R. Tompkins,

Assistant Secretary for Management and Budget.

[FR Doc. 92-7162 Filed 3-27-92; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Cooperative Research and Development Agreement

[CRADA 92-02]

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control (CDC) announces the opportunity for a potential collaborator to enter into a Cooperative Research and Development Agreement (CRADA) to develop and commercialize enzyme immunoassay technologies for the specific detection of antibodies to enteroviruses, which are markers of recent enterovirus infection.

It is anticipated that all inventions which may arise from this CRADA will be jointly owned and licensed on a royalty-bearing basis exclusively to the collaborator with which the CRADA is made. The CRADA will be executed for a 6 month period with the possibility of renewal.

Because CRADAs are designed to facilitate the development of scientific and technological knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in implementing collaborative research. The CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC may not provide funds to the other participants in a CRADA.

DATES: This opportunity is available until 30 days after publication of this notice. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

FOR FURTHER INFORMATION CONTACT:

Technical: Harried H. Walls or Mark A. Pallansch, Ph.D., Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop A30, Atlanta, GA 30333, telephone (404) 639-2339.

Business: Lisa Blake-DiSpigna, Technology Transfer Representative, National Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop C19, Atlanta, GA 30333, telephone (404) 639-2897.

SUPPLEMENTARY INFORMATION: The objective is to commercialize these assays for laboratories worldwide. These assays will detect IgM and IgA antibodies to provide evidence of recent infection with enteroviral agents. The IgG assays would provide evidence of past infection or provide information on the immune status of an individual or populations. Since enterovirus infections are responsible for considerable hospitalization with particularly serious disease in some neonates, a rapid assay for the implication of enteroviruses would be valuable. The collaborator and CDC will jointly evaluate existing reagents including monoclonal antibodies, and antigens to determine their suitability as immunodiagnostic reagents. Various combinations of these reagents will be evaluated in different test formats. The test would provide modern technology which is of equal or greater sensitivity and specificity, but less complex than the complement fixation and neutralization technologies which are currently used in the United States. The tests will be evaluated using well-characterized sera banked within the Respiratory and Enteric Viruses Branch. If new reagents are required, they will be prepared according to established procedures. CDC will provide training (including appropriate safety training) for specialized techniques and technical expertise for evaluating the assays.

Respondents should provide evidence of expertise in the development and evaluation of immunoassay procedures, evidence of experience in commercialization of products for diagnostic use, and supporting data (e.g. publications, proficiency testing, certifications, resumes, etc.) of qualifications for the laboratory director and laboratory personnel who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC but should provide an outline of a research plan for review by CDC in judging applications.

Applicants will be judged according to the following criteria:

1. Soundless of the analytic approach and research plan;

2. Evidence of appropriate personnel to complete the project in a timely fashion or evidence of a plan to recruit and fund personnel appropriate for the project;

3. Evidence of scientific credibility; and

4. Evidence of commitment and ability to develop and evaluate immunologic tests to the level of a product which will benefit the public interest.

This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Pub. L. 99-502.

The responses must be made to: Nancy C. Hirsch, Technology Transfer Coordinator, National Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop C19, Atlanta, GA 30333.

Dated: March 23, 1992.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 92-7195 Filed 3-27-92; 8:45 am]

BILLING CODE 4160-18-M

CDC Advisory Committee on the Prevention of HIV Infection: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

Name: CDC Advisory Committee on the Prevention of HIV Infection.

Times and Dates: 8:15 a.m.-5 p.m., April 15, 1992, 8 a.m.-1 p.m., April 16, 1992.

Place: CDC, Executive Park Facility, 26 Executive Park Drive, Conference Rooms A-B, Atlanta, Georgia 30329.

Status: Open to the public, limited only by the space available.

Purpose: This committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV prevention efforts, including maintaining surveillance of AIDS and HIV infection, the epidemiologic and laboratory study of AIDS and HIV, information/education and risk reduction activities designed to prevent the spread of HIV infection, and other preventive measures that become available.

Matters to be Discussed: The committee will discuss actions taken by CDC on the recommendations made by the committee during the October 30-31, 1991, meeting and CDC's current HIV prevention activities and plans. In-depth discussions will lead to development of a preliminary list of recommendations regarding CDC methods and approaches.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Connie Granoff, Committee Assistant, Office of the Deputy Director (HIV), CDC, 1600 Clifton Road, NE., Mailstop E-40, Atlanta, Georgia 30333, telephone (404) 639-2918 or FTS 236-2918.

Dated: March 24, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-7187 Filed 3-27-92; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 92G-0085]

Michael Foods, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Michael Foods, Inc., has filed a petition (GRASP 2G0387), proposing to affirm that β-cyclodextrin is generally recognized as safe (GRAS) for use as a processing aid in reducing the cholesterol content of liquid eggs.

DATES: Written comments by May 29, 1992.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gerald J. Buonopane, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9519.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 (21 U.S.C. 321(s), 348)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that Michael Foods, Inc., 324 Park National Bank Bldg., 5353 Wayzata Blvd., Minneapolis, MN 55416, has filed a petition (GRASP 2G0387), proposing that β-cyclodextrin be affirmed as GRAS for use as a processing aid in reducing the cholesterol content of liquid eggs. The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 and 170.35 (21 CFR 170.30 and 170.35) is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before May 29, 1992, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7203 Filed 3-27-92; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Workshop to Develop Priorities for Future Research Into the Long-Term Health Effects of Exposure to Diethylstilbestrol (DES)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the National Cancer Institute (NIC), the National Institute of Environmental Health Sciences (NIEHS), the National Institute of Child Health and Human Development (NICHD), and the Office of Research on Women's Health (ORWH) in the Office of the Director, NIH, will sponsor a workshop to develop priorities for the future research into the long-term health effects of exposure to diethylstilbestrol (DES). All sessions will be open to the public, however, limited seating is available, and registration will be on a first-come, first-served basis. Individuals who are unable to attend but who wish to provide written statements should send three (3) copies of their statements to the address located below by April 1, 1992, no later than 5 p.m. EST. All written statements received by that date will be made available to workshop planners prior to the April meeting for consideration in preparing final recommendations.

DATES: The workshop will be held on April 22-24, 1992, at the Fairview Park Marriott in Falls Church, Virginia.

ADDRESSES: Registration forms can be obtained from Ms. Jennifer Connor, Division of Cancer Treatment, National Cancer Institute, Building 31, room 3A44, Bethesda, Maryland 20892.

FOR FURTHER INFORMATION CONTACT: Ms Jennifer Connor at the address given above; telephone (301) 496-6404 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Diethylstilbestrol (DES), a synthetic nonsteroidal estrogen, was developed in the 1938 and was promoted in the late 1940s and 1950s for the prevention of miscarriages and pre-term births.

While estimates of DES exposure in the U.S. are rough at best, and the dosage range varied considerably, one estimate for the number of children exposed in utero comes from the National Prescription Audit. This audit started in 1958 and projects prescriptions for 41 marketers of DES. The number of prescriptions was estimated to be 1 million annually between 1948 and 1957, and about 500,000 annually between 1963 and 1971. Thus, between 1948 and 1971, an estimated 18 million prescriptions were given for DES. If 50 percent of these were for completed pregnancies, 9 billion out of about 72 million or 13 percent of completed pregnancies between 1948 and 1971 were DES exposed.

In 1971, in a classic case-control study by Herbst et al., an association was reported between prenatal exposure to DES and the subsequent development of clear cell adenocarcinoma of the vagina in young women. This finding was confirmed by Greenwald et al. (1971) soon thereafter. The use of DES in pregnancy was banned later last year.

Follow-up of daughters of women who took DES during pregnancy suggests that the risk of clear cell carcinoma of the vagina is low, one case per 1,000 women exposed in utero. While epithelial

changes in the cervix and vagina can be demonstrated by colposcopy in 65–90 percent of daughters, the rate of progression to dysplasia and carcinoma in situ remains unclear. One study reported a twofold increase of dysplasia and carcinoma in situ among DES daughters compared to a matched control group. No studies have yet shown an increase of incidence of invasive squamous carcinoma among DES daughters. Mothers who took DES during pregnancy have been found to have a small increased risk of breast cancer compared to unexposed women (a relative risk of 1.4 with 20 years of follow-up). No increased cancer risk has yet been demonstrated in men exposed in utero to DES.

Prenatal exposure to DES has also been associated with anomalies of the uterus, cervix and upper vagina, which have been reported in 25–40 percent of exposed daughters. No conclusive evidence suggests increased primary infertility in these women, however, rates of spontaneous abortion, ectopic pregnancy and premature labor are increased. A threefold increase in genital tract abnormalities has been reported among men with prenatal exposure to DES, including cryptrochidism and hypoplastic testes, with unconfirmed reports of decreased fertility among these men. Additionally, animal studies have raised questions about immunologic effects of prenatal DES exposure. Decreases in thymic weight and mitotic index have been found in mice exposed perinatally to DES. While this is reversible, defects in T helper and natural killer cell function persist. The implications of these findings, if any, in exposed humans is unknown.

As the cohort of exposed individuals ages, concerns have been raised about breast, ovarian, and prostate cancer, as well as reproductive and immunologic effects related to DES exposure. The purpose of the proposed conference is to review existing data concerning long-term health effects of exposure to DES and discuss the need for future research.

Dated: March 20, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92–7230 Filed 3–27–92; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 57 FR 6329, dated February 24, 1992) is amended to reflect the following changes within the Public Health Practice Program Office: (1) Revision of the functional statement for the Division of Laboratory Systems; and (2) revision of the functional statement for the Office of the Director, Division of Laboratory Systems.

Section HC–B, Organization and Functions, is hereby amended as follows:

1. After the heading for the *Division of Laboratory Systems (HCH6),* delete the functional statement and substitute the following: (1) Encourages the establishment and adoption of performance standards for laboratory practice; (2) develops, evaluates, and implements systems for measurement and assessment of laboratory practices and the quality of laboratory testing; (3) develops, promotes, implements, and evaluates intervention strategies to correct general performance deficiencies in health laboratory systems and workers; (4) provides a forum for exchange of general information about laboratory practice and research and development activities to promote the coordination of Federal, State, and private laboratory improvement efforts; (5) facilitates and conducts research and demonstration (a) to support the scientific development of performance standards, evaluation systems, and regulatory standards, and (b) to assess the efficacy of established standards; (6) promotes, develops, and implements training needs assessment methodology to establish priorities for training interventions; (7) develops and conducts training to facilitate the timely transfer of newly emerging laboratory technology and standards for laboratory practice; (8) provides technical assistance, consultation, and training for trainers to improve the capacity and capability of regional organizations and State health agencies to develop and maintain decentralized training networks for laboratory professionals; (9) coordinates and conducts activities that provide technical and scientific support to the Health Care Financing Administration (HCFA) and the Food and Drug Administration (FDA) in the implementation of the Clinical Laboratory Improvement Amendments of 1988; (10) in carrying out the above functions, collaborates with other components of PHPPO and with other Centers, Institute, and Offices of CDC, and where another Center, Institute, or Office has the lead responsibility, provides support to and works in conjunction with the other Center, Institute, or Office.

2. After the heading *Division of Laboratory Systems (HCH6), Office of the Director (HCH61),* delete the functional statement and insert the following: (1) Provides leadership, policy development, scientific oversight, guidance, and coordination for Division activities; (2) plans, directs, manages, and evaluates the operations of the Division; (3) provides administrative, programmatic, planning, and information management support services for the Division; (4) provides for communication and dialogue with Federal, State, and private organizations whose missions are related to laboratory systems or practices; (5) insures that Division activities are coordinated with other components of CDC both within and outside the Center; with Federal, State, and local agencies; and with the voluntary and professional health agencies.

Dated: March 20, 1992.

William L. Roper,

Director, Centers for Disease Control.

[FR Doc. 92–7189 Filed 3–27–92; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision and Update of Systems of Records Compilation

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is revising the appendix to the compilation of the Department's systems of records. All changes being published are editorial in nature, and reflect organization and address changes which have occurred since the previous publication of the material in the **Federal Register.**

The appendix to the compilation of the Department's systems of records notices contains the addresses of Department facilities which are referenced in various systems notices. Part VI of the appendix, which was previously published in the **Federal Register** on August 21, 1980 (45 FR 55831), is revised to include the addresses of the Minerals Management Service's facilities, and is published below.

Since these changes do not involve any new or intended use of the information in the Department's systems of records, the revisions shall be effective upon publication in the **Federal Register** (March 30, 1992). Additional information regarding these revisions may be obtained from the Departmental Privacy Act Officer, Office of the Secretary, U.S. Department of the Interior, 1849 "C" Street, NW., m.s. 2242, Washington, DC 20240.

Dated: March 25, 1992.

Janet L. Bishop,

Acting Director, Office of Management Improvement.

VI. Minerals Management Service

A. Headquarters Offices

Department of the Interior, Minerals Management Service, 1849 C Street, NW., Washington, DC 20240

Royalty Management

Building 85, Denver Federal Center, PO Box 25165, Lakewood, Colorado 80225

B. Field Offices

Alaska OCS Region, 949 36th Avenue, Anchorage, Alaska 99508–4302
Atlantic OCS Region, 381 Elden Street, Herndon, Virginia 22070–4817
Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394
Pacific OCS Region, 770 Paseo Camarillo, Camarillo, California 93010

C. Administrative Service Centers

Southern Administrative Service Center, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394
Western Administrative Service Center, PO Box 25165, Lakewood, Colorado 80225

[FR Doc. 92–7229 Filed 3–27–92; 8:45 am]

BILLING CODE 4310–MR–M

Privacy Act of 1974—Revision and Update of Systems of Records Notices and Compilation

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is revising four notices describing systems of records maintained by the Bureau of Mines, and part XII of the appendix of the compilation of the Department's systems of records notices containing the addresses of Bureau of Mines facilities referenced in various systems notices.

All changes being published are editorial in nature, and reflect address changes which have occurred since the previous publication of the material in the **Federal Register.**

The four notices being revised, which are published in their entirety below, are:

1. Property Control-Interior, Mines–4 (previously published on August 28, 1986; 51 FR 30714).

2. Personnel Identification-Interior, Mines–5 (previously published on August 28, 1986; 51 FR 30715).

3. Safety Management Information System-Interior, Mines–6 (previously published on March 7, 1986; 51 FR 8035).

4. Personnel Security Files-Interior, Mines–7 (previously published on December 3, 1986; 51 FR 43672).

In two notices (WBM–4 and WBM–5), the existing routine use statements are respectively revised to reflect the release of information to a congressional office from the record of an individual in response to an inquiry that the individual has made to the congressional office.

In two notices (WBM–6 and WBM–7), the existing retention and disposal statements are respectively revised to reflect the appropriate retention and disposal schedules.

Part XII of the appendix to the compilation of the Department's systems of records notices contains the addresses of the Bureau of Mines facilities which are referenced in various systems notices. Part XII, which was last published in the **Federal Register** on April 11, 1977 (42 FR 18968), is revised, updated, and published below.

Since these changes do not involve any new or intended use of the information in the Department's systems of records, the revisions shall be effective upon publication in the **Federal Register.** (March 30, 1992). Additional information regarding these revisions may be obtained from the Departmental Privacy Act Officer, Office of the Secretary, U.S. Department of the Interior, 1849 "C" Street, NW., m.s. 2242, Washington, DC 20240.

Dated: March 25, 1992.

Janet L. Bishop,

Acting Director, Office of Management Improvement.

INTERIOR/WBM–4

SYSTEM NAME:

Property Control—Interior, Mines—4.

SYSTEM LOCATION:

(1) Bureau of Mines, U.S. Department of the Interior, 810 7th Street, NW., Washington, DC 20241. (2) All field facilities of the Bureau of Mines.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have custody or responsibility for Bureau of Mines property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information indicating what property, including equipment, motor vehicle operator's license, keys, motor pool vehicles, transportation request books, and parking spaces, for which the employee has custody or responsibility. In addition, all other records directly related to the property control function, and records on debts owed the Federal government due to loss or misuse of property.

The system also includes information on employee inventions which is maintained by name of invention, name of employee, and case number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) identification, assignment, and control of Bureau property; (b) assistance in locating carpools.

Disclosures outside of the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule regulations, order or license; (3) to other Federal agencies for the purpose of collecting debts owed to the Federal government by administrative or salary offset, and (4) to a congressional office from the record of an individual in response to an inquiry that the individual has made to the congressional office.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to

a consumer reporting agency as defined in the Fair Credit Reporting Act. (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders or card indexes, a limited quantity on computer tape.

RETRIEVABILITY:

Indexed by employee name or control number.

SAFEGUARDS:

Security will be provided to meet the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Property records are destroyed 3 years after files are closed. Disposition is in accordance with the Bureau Records Control Schedule, Appendix 10. Inventions files are destroyed 2 years after case is closed or patent awarded. Disposition is in accordance with the Bureau Records Control Schedule, Appendix 5.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Property and General Services Bureau of Mines, 810 7th Street, NW., Washington, DC 20241.

NOTIFICATION PROCEDURE:

System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must be in writing and signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees. Property control information required for accountability purposes.

INTERIOR/WMB-5

SYSTEM NAME:

Personnel Identification—Interior, Mines—5.

SYSTEM LOCATION:

(1) Bureau of Mines, U.S. Department of the Interior, 810 7th Street, NW., Washington, DC 20241. (2) All field facilities of the Bureau of Mines.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Bureau of Mines and contractor employees requiring access to Bureau facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning identification and location of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101; 43 U.S.C. 1457.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to provide identification cards to employees: (b) locator information provided for use by management to contact employees. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) to a congressional office from the record of an individual in response to an inquiry that the individual has made to the congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card indexes, manually.

RETRIEVABILITY:

Indexed by employee name and identification card number.

SAFEGUARDS:

Security will be provided to meet requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Destroyed 3 months after return of identification credential. Disposition is in accordance with the Bureau Records Control Schedule, Appendix 10.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Property and General Services, Bureau of Mines, 810 7th Street, NW., Washington, DC 20241.

NOTIFICATION PROCEDURE:

System Manager, or with respect to records maintained at field facilities, the administrative officer of the facility. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained at field facilities, the administrative officer of the facility. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Employees. Information necessary to prepare the identification card and locator index.

INTERIOR/WBM-5

SYSTEM NAME:

Safety Management Information System—Interior, Mines-6.

SYSTEM LOCATION:

(1) Bureau of Mines, U.S. Department of the Interior, 810 7th Street, NW., Washington, DC 20241. (2) All field and headquarters organizations of the Bureau of Mines retain copies of source documents.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, concessioners and public visitors to Bureau facilities who have been involved in an accident resulting in personal injury, illness, and/or property damage, or exposed to a health hazard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, social security number (employees only), occupation, date and location of accident; data elements about the accident for analytical purposes; and descriptive narrative concerning the reason for the loss producing event.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671–2680, (3) 31 U.S.C. 3701, 3721, (4) Executive Order 12196, (5) 29 CFR Part 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the automated and manual records are to (a) provide summary data of injury, illness, and property loss information to Bureau management in a number of formats for analytical purposes in establishing programs to reduce or eliminate loss producing problem areas, (b) provide listings of individual cases to Bureau management to ensure that accidents occuring are reported through the Bureau Safety Management Information System for forwarding to the Department of the Interior Safety Management Information System, and (c) adjudicate tort and employee claims. Disclosures outside the Bureau of Mines may be made: (1) To a Federal, State, or local government agency that has partial or complete jurisdiction over the claim or related claims; (2) to provide the Department of Labor through the Department of the Interior quarterly summary listings of fatalities and disabling injuries and illnesses in compliance with 29 CFR 1960.66–.74; (3) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant to the litigation and is compatible with the purpose for which the records were compiled; (4) of information indicating a violation or potential violation of statute, regulation, rule, order, or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; and (5) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Automated records are maintained on flexible disks. (2) Source documents (manual records) are maintained at Bureau field and headquarters organizations from which the accident is reported. (3) Manual records are maintained in book format and/or file folders.

RETRIEVABILITY:

(1) Automated records are retrievable by name or document control number. (2) Manual records are retrievable by name or document control number.

SAFEGUARDS:

(1) Automated records are maintained with safeguards meeting the FIPS PUB 41, "Computer Security Guidelines for Implementing the Privacy Act of 1974." (2) Security is provided to meet the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

(1) The retention and disposal determination for the automated records stored on flexible disks is found in WBM Records Schedule, Appendix (H) and (C)(2), and (D)(2). (2) Disposal determination for the manual records is found in GRS1, Item 31.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Safety and Security Management Staff, Bureau of Mines, 810 7th Street, NW., Washington, DC 20241.

NOTIFICATION PROCEDURE:

To determine whether automated and/or manual records are maintained on you in this system, write to the System Manager or field or headquarters organizations in which the source document pertaining to yourself would be filed. A written and signed request stating that the requestor seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

A request for access should be addressed to the System Manager or the field or headquarters organization in which the source document for the individual would be filed. Describe as specifically as possible the records sought. If copies are desired indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request correction or the removal of material from your file(s), write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Supervisor of employees involved in accidents. Investigative reports by supervisors, safety and health professionals, other management officials, or any combination thereof.

INTERIOR/WBM-7

SYSTEM NAME:

Personnel Security Files—Interior. Mines—7.

SYSTEM LOCATION:

Bureau of Mines, Department of the Interior, 810 7th Street, NW., Washington, DC 20241.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Bureau of Mines employees and contractors, and former employees and contractors whose duties have been designated Special-Sensitive, Critical-Sensitive and Noncritical-Sensitive for national security purposes and/or whose duties have been designated ADP Special-Sensitive, ADP Critical Sensitive, ADP Noncritical-Sensitive or ADP Non-Sensitive. Employees traveling to foreign countries. Employees new to Federal employment whose duties have been designated Non-Sensitive. Executive Reservists whose duties have been designated one of the above three sensitive categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manual records contain copies of records for processing personnel security investigations. The following are representatives of system documentation but other manual records pertinent to employee position and level of clearance may be a part of the file. Manual records include copies of SF–85 or SF–86 and/or SF–171 supplied by the individual concerned as well as copies of letters of transmittal, etc., between the Bureau of Mines, the Office of Personnel Management, the FBI, etc., concerning the individual's security investigation. Further, contains a copy of certification of clearance status, SF–189, and a Termination of Clearance Statement signed by the individual as appropriate. For those designated Non-Sensitive, the file contains a record of an NACI or NACIC investigation, adjudication, and determination of suitability if appropriate. For employees traveling outside the country, forms DI–1911 and DI–1175 and a foreign travel briefing/debriefing statement are

maintained. Automated records contain files regarding employee names, social security numbers, organizations, investigation and classification status and action dates, employee position description requiring clearance; suspense files of all periodic/regular requirements, such as employee investigations, reinvestigations, briefings, debriefings, foreign travel, and records disposal. The above are representative of system documentation but other automated records pertinent to employee position and level of clearance may be part of the automated file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, as amended, Executive Order 11179, as amended, and Federal Personnel Management 732, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary use of the automated and manual records is to identify individuals who have national security clearance and/or ADP access authorizations and their level of clearance. Disclosure outside the Department of the Interior may be made (1) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (2) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (3) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the Government, an employee of the Department if a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations or for enforcing or implementing the statute, rule, regulation, order or license; (5) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (6) to the Office of Personnel Management for matters concerned with oversight activities necessary for the Office to carry out its legally authorized Governmentwide personnel management programs and functions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

(1) Automated records are maintained on flexible disks. (2) Source documents (manual records) are maintained in manual form in file folders.

RETRIEVABILITY:

(1) Automated records are retrievable by name and/or social security number. (2) Manual records are retrievable by name.

SAFEGUARDS:

(1) Automated records are maintained with safeguards meeting the FIPS PUB 41, "Computer Security Guidelines for Implementing the Privacy Act of 1974."

(2) Manual records are maintained in the same manner as defense classified material.

(3) Both automated and manual records are maintained in a safe having a three-position dial-type, manipulation proof, combination lock.

RETENTION AND DISPOSAL:

(1) The retention and disposal determination for the automated records stored on flexible disks is found in WBM Records Schedule, Appendix 1 (18)m. Automated records will be destroyed by erasure. (2) Manual records are held in active status until the individual is debriefed or terminated. Manual records are destroyed by fire, shredder, disintegrator or pulverizer not later than 5 years after separation or transfer of the individual or upon notification of death. The records disposal schedules applicable to these records are: Bureau of Mines Schedule, 435 WBM 2.1, Appendix 1(18) (f) and (h), and GRS 18, item 7.

SYSTEM MANAGER(S) AND ADDRESS:

Bureau Security Manager, Bureau of Mines, 810 7th Street, NW., Washington, DC 20241.

NOTIFICATION PROCEDURE:

To determine whether automated and/or manual records are maintained on you in this system, write to the System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURE:

A request for access should be addressed to the System Manager. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. Describe as specifically as possible the record sought. If copies are desired, indicate the maximum you are willing to pay. See 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

To request correction or the removal of material from your files, write the System Manager. See 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained as well as data furnished by other Federal agencies on the person concerned.

XII. Bureau Of Mines

A. Headquarters Office

U.S. Bureau of Mines, 810 7th Street, NW, Washington, DC 20241

B. Research

Research Director, Albany Research Center, 1450 Queen Avenue SW., PO Box 70, Albany, OR 97321
Research Director, Denver Research Center, Building 20, Denver Federal Center, Denver, CO 80225
Research Director, Pittsburgh Research Center, Cochrans Mill Road, PO Box 18070, Pittsburgh, PA 15236
Research Director, Rolla Research Center, PO Box 280, Rolla, MO 65401
Research Director, Salt Lake City Research Center, 729 Arapeen Drive, Salt Lake City, UT 84108
Research Director, Spokane Research Center, E 315 Montgomery Avenue, Spokane, WA 99207
Research Director, Tuscaloosa Research Center, PO Box L, University, AL 35486
Research Director, Twin Cities Research Center, PO Box 1660, Twin Cities, MN 55111
General Manager, Division of Helium Field Operations, 1100 South Fillmore, Amarillo, Texas 79101
Plant Manager, Amarillo Helium Plant, 1100 South Fillmore, Amarillo, Texas 79101
Plant Manager, Excell Helium Plant, Box 100, Masterson, Texas 79058
Satanta Maintenance Station (Helium), PO Box 517, Satanta, KS 67870

C. Information and Analysis

Chief, Intermountain Field Operations Center, Building 20, Denver Federal Center, Denver, CO 80225
Chief, Minerals Availability Field Office, Building 53, Denver Federal Center, Denver, CO 80225
Chief, Alaska Field Operations Center, 3301 C Street, Suite 525, Anchorage, AK 99503
Chief, Western Field Operations Center, E. 315 Montgomery Avenue, Spokane, WA 99207

D. Finance and Management

Chief, Branch of Procurement—Denver, Building 20, Denver Federal Center, Denver, CO 80225
Chief, Branch of Personnel—Denver, Building 20, Denver Federal Center, Denver, CO 80225
Chief, Branch of Property and General Services—Denver, Building 20, Denver Federal Center, Denver, CO 80225
Chief, Division of Finance, Building 20, Denver Federal Center, Denver, CO 80225
Chief, Division of Automatic Data Processing, Building 53, Denver Federal Center, Denver, CO 80225
Chief, Branch of Production and Distribution, PO Box 18070, Cochrans Mill Road, Pittsburgh, PA 15236

E. Other Field Activities

Office of Equal Employment Opportunity, Western Area, Building 20, Denver Federal Center, Denver, CO 80225
Office of Equal Employment Opportunity, Eastern Area, P.O. Box 18070, Cochrans Mill Road, Pittsburgh, PA 15236

[FR Doc. 92-7231 Filed 3-27-92; 8:45 am]

BILLING CODE 4310-53

Bureau of Land Management

[OR-013-02-4320-02; GP2-167]

Multiple Use Advisory Council; Meeting

AGENCY: U.S. Bureau of Land Management.

ACTION: Notice of advisory council meeting.

SUMMARY: The meeting is scheduled for Wednesday, April 22, 1992, of the Lakeview District Multiple Use Advisory Council. The meeting is open to the public and will begin at 10 a.m. in the Bureau of Land Management's Klamath Falls Resource Area conference room, located at 2795 Anderson Avenue, Building 25, Klamath Falls, Oregon. The purpose of the meeting is to update on the timber situation and Resource Management Plan.

DATES: April 22, 1992 10 a.m.

FOR FURTHER INFORMATION CONTACT: Judy Nelson, Lakeview District Office, 1000 South Ninth Street, Lakeview, Oregon 97630, (Telephone 503-947-2177).

Terry H. Sodorff,

Associate District Manager.

[FR Doc. 92-7157 Filed 3-27-92; 8:45 am]

BILLING CODE 4310-33-M

National Park Service

Shiloh National Military Park, TN; Boundary Revision

Public Law 53-12, (28 Stat. 597), dated December 27, 1894, established Shiloh National Military Park. Executive Order No. 6166, dated June 10, 1933, ordered transfer of jurisdiction to the Secretary of the Interior, to be effective August 10, 1933. Section 7(c)(ii) of the Land and Water Conservation Fund Act, as amended by the Act of June 10, 1977 (Pub. L. 95-42, 91 Stat. 210) and the Act of March 10, 1980 (Pub. L. 96-203, 94 Stat. 81) authorized the Secretary when necessary for preservation, protection, interpretation or management of a National Park System unit, to acquire land adjacent to park areas by donation, purchase with donated funds, transfer from another Federal agency or exchange.

Notice is given that the boundary of Shiloh National Military Park has been revised pursuant to the above-referenced Acts, to encompass lands as are depicted on the map entitled "Boundary Map—Shiloh National Military Park," dated August 1991 prepared by the Land Resources Division, Southeast Regional Office, National Park Service. The revision is to depict those lands donated to the United States of America, Department of the Interior for inclusion in the Shiloh National Military Park.

This map is on file and available for inspection in the Land Resources Division, Southeast Regional Office, National Park Service, 75 Spring Street, SW., Atlanta, Georgia 30303, and in the office of the National Park Service, Department of the Interior, Washington, DC 20013-7127.

Dated: September 17, 1991.

C.W. Ogle,

Acting Regional Director, Southeast Region, National Park Service.

Editorial note: This document was received at the Office of the Federal Register on March 25, 1992.

[FR Doc. 92-7242 Filed 3-30-92; 8:45 am]

BILLING CODE 4310-70-M

Yosemite National Park; Concession Contract Solicitation; Notice To Seek Prospective Concessioners, Phase One—Qualifying Process

SUMMARY: Yosemite National Park is seeking applicants to operate the park's principal hotel, food and merchandise concession. This is a fully competitive solicitation. This is Phase One of two phases. Phase One will be used to create a "short list" of applicants for Phase Two. Applicants must qualify under Phase One to be eligible to compete in Phase Two. Phase Two is expected to be announced in June 1992. This notice is in accordance with 36 CFR 51.4 and the Concession Policy Act, PL 89-249.

SUPPLEMENTARY INFORMATION: The current concession contract involves more than $80 million of annual sales in several operating locations in Yosemite National Park, California. The principle business is hotel services but includes extensive restaurant, grocery, gift, and recreation activities operated on a year around basis. The selected new concessioner will take over when the current contract expires in September 1993. The selection of the new concessioner will be done in a two phase process. The first phase is the subject of this announcement. This phase requires an application by letter that responds to questions posed in the Statement of Requirements—Phase One, which is available by writing or calling: National Park Service, Concession Program Management Division, Attention: Phase One, 600 Harrison Street, suite 600, San Francisco, CA 94107-1372, (415) 744-3981.

Applications will be accepted for SIXTY (60) days under the terms described in the Statement of Requirements—Phase One. The sixty (60) day application period will begin with the release for the Statement of Requirements—Phase One, which will occur shortly after the publication of this notice. Successful applicants under Phase One will be asked to make an extensive application under the Phase Two process which is expected to begin in June 1992. Final contracts are expected to be signed in early 1993 at the end of the selection process.

Dated: March 17, 1992.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 92-7194 Filed 3-27-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. MC-C-30194]

Association of Texas Warehousemen, et al.; Petition for Declaratory Order; Certain For-Hire Motor Carrier Transportation Within Texas

AGENCY: Interstate Commerce Commission.

ACTION: Institution of declaratory order proceeding.

SUMMARY: In response to a joint request by an association representing 40 Texas warehouses and 7 individual Texas warehouses, the Commission has instituted this declaratory order proceeding under 5 U.S.C. 554(e) to determine whether certain for-hire motor transportation movements of merchandise from Texas warehouses to points in Texas are in interstate commerce subject to this Commission's regulation rather than in interstate commerce subject to regulation by the Railroad Commission of Texas (RCT). An opportunity to participate in the proceeding is provided interested persons and their comments are invited.

DATES: Comments (original and 10 copies) must be filed by April 14, 1992 and concurrently served on petitioners' representative, the RCT, the Texas Department of Commerce, and the United States Departments of Justice and Transportation. Each comment must contain the basis for the party's position either in support or opposition to petitioners' position. No replies are permitted.

ADDRESSES: Send an original and 10 copies of all documents to:

Office of the Secretary, Case Control Branch, Attn: No. MC–C–30194, Interstate Commerce Commission, Washington, DC 20423.

In addition, concurrently send one copy to each of the following:

Petitioners' representative:

Kenneth R. Hoffman, 401 West 15th Street, suite 800, Austin, TX 78701–1665, (512) 476–5434; (512) 476–5431 (FAX).

Railroad Commission of Texas, Transportation/Gas Utilities Division, P.O. Drawer 12967, Capitol Station, Austin, TX 78711.

Executive Director, Texas Department of Commerce, P.O. Drawer 12728, Austin, TX 78711.

Paul M. Geier, Assistant General Counsel for Litigation, U.S. Department of Transportation, Room 4102, 400 7th Street, SW., Washington, DC 20590, (202) 366–4731.

Roger W. Fones, Transportation, Energy, and Agriculture Section, U.S. Department of Justice, 555 4th Street, NW., Washington, DC 20001, (202) 307–6351.

Robert Nicholson, Appellate Section, U.S. Department of Justice, Room 3224, Main Building, 11th Street & Constitution Avenue, NW., Washington, DC 20530, (202) 514–2389.

FOR FURTHER INFORMATION CONTACT:

Tom Dahl, (202) 927–5289 or Richard Felder, (202) 927–5610, [TDD for hearing impaired (202) 927–5721].

SUPPLEMENTARY INFORMATION: The Association of Texas Warehousemen (ATW), representing 40 member Texas warehouse companies, and 7 individual Texas warehouse companies [1] (collectively, petitioners) jointly requested the Commission to issue a declaratory order finding that certain for-hire motor transportation from their warehouses to other points in Texas is in interstate commerce. Each shipment reached the warehouse from outside the State of Texas by for-hire transportation. Various Commission proceedings previously have addressed this issue, but correspondence between ATW and RCT indicate that RCT is prepared to prosecute petitioners if they use carriers for the movements within Texas that do not hold authority from RCT.

The correspondence shows that RCT's auditing staff believes that the transportation will lose its interstate identity at the warehouses unless the shipment, is marked as destined for delivery to another Texas location. RCT believes that movements from the warehouses to points within Texas would be in intrastate commerce subject to RCT regulation. RCT has indicated that the shippers, carriers, and warehousemen could be liable for fines if they use carriers that are not certified by RCT under the circumstances set forth by petitioners.

Prior case law is not in accord with RCT's views. *See, e.g., Armstrong Inc.—Transportation Within Texas*, 2 I.C.C. 2d 63 (1986), *aff'd sub nom. Texas* v. *United States*, 866 F.2d 1546 (5th Cir. 1989); and No. MC–C–30146, *The May Department Stores Company and Volume Shoe Corporation—Petition for Declaratory Order—Transportation within Single State of Merchandise Imported by Water* (not printed), served June 15, 1990. In view of RCT's intentions to take enforcement action against petitioners and others, the Commission has determined that the petition discloses a controversy sufficient to warrant the institution of a proceeding under 5 U.S.C. 554(e). Because of the need for expeditious treatment and the apparent well-settled nature of the issue, only 15 days from publication of this notice will be allowed for comments to be filed, and no replies will be accepted.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927–6331.

[Assistance for the hearing impaired is available through TDD services: (202) 927–5721.]

Decided: March 26, 1992.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7409 Filed 3–27–92; 8:45 am]

BILLING CODE 7035–01–M

[1] Texas Cartage Warehouse, Inc.; Dallas Warehouse Company; Dry Storage Company of Texas; Fite Distribution Services Company; Stillwell Distribution, Inc., d/b/a Houston Distribution; Shippers Warehouse, Inc.; and Trammel Crow Distribution Corp.

[Docket No. AB–55 (Sub-No. 411X)]

CSX Transportation, Inc.—Abandonment Exemption—Floyd County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: the Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc., of 2 miles of its Long Fork Subdivision between Valuation Station 0.00 at Salisbury and Valuation Station 103+88 at Spurlock in Floyd County, KY, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on April 29, 1992. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by April 9, 1992, petitions to stay must be filed by April 14, 1992, and petitions for reconsideration must be filed by April 24, 1992. Requests for a public use condition must be field by April 9, 1992.

ADDRESSES: Sending pleadings referring to Docket No. AB–55 (Sub–No. 411X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Charles M. Rosenberger, CSX Transportation, Inc., 500 Water Street, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for hearing impaired: (202) 927–5721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building,

[1] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

Washington, DC 20423. Telephone: (202) 289–4357/4359.

[Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: March 23, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92–7222 Filed 3–27–92; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.
The title of the recordkeeping/reporting requirement.
The OMB and/or Agency identification numbers, if applicable.
How often the recordkeeping/reporting requirement is needed.
Whether small businesses or organizations are affected.
An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.
The number of forms in the request for approval, if applicable.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Kenneth A. Mills (202) 523–5095). Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3001, Washington, DC 20503 (202) 395–6880.

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

New

Employment and Training Administration

Reporting of Emergency Unemployment Compensation (EUC) Program
Weekly; Monthly; Quarterly
State or local governments
53 respondents
1,787 total hours
30 minutes per response
Allows for reporting under the Emergency Unemployment Compensation program to determine workload, allocations for administration and evaluation of program operation.

Revision

Bureau of Labor Statistics

Current Population Survey CATI/CAPI Overlap Sample

Form No.	Affected public	No. of respondents	Freq.	Ave. time per response
Revised	Households	2,150	4	0.1667 hours.

CPS with Debriefing
14,334 total hours

The Current Population Survey (CPS) is a household sample survey that is the primary source of data on the growth of the labor force and on trends in employment and unemployment. The overlap sample will benchmark differences in labor force estimates between the current system and the proposed system.

Reinstatement

Mine Safety and Health Administration

Program to Prevent Smoking in Hazardous Areas
1219–0041
On occasion
Businesses and other for profit; Small businesses or organizations
200 respondents; 30 minutes per response
100 total burden hours

Requires coal mine operators to develop programs to prevent persons from carrying smoking materials, matches, or lighter underground and to prevent smoking in hazardous areas, such as, in or around oil houses, explosives, etc. Mine operators are further required to submit the programs to MSHA for approval.

Escapeways and Escape Facilities
1219–0052
Weekly
Businesses or other for profit; small businesses or organizations
1,979 respondents
1 hour per response
148,029 total burden hours

Requires operators of underground coal mines to keep records of the results of mandatory weekly examinations of emergency escapeways. The records are used to determine that the integrity of the escapeways is being maintained.

Ventilation System and Methane and Dust Control Plan
1219–0084
On occasion
Semi-annually
Businesses or other for profit; small businesses or organizations.

	No. of respondents	Time per response	Total burden hours
Active mines	1,979	3 hours	11,874
New mines	200	8 hours	1,600
Total burden			13,474

Requires operators of underground coal mines to submit a detailed

ventilation system and methane and dust control plan and revisions thereof to MSHA for approval. The information is used to insure that a system is developed and used that will effectively ventilate the mine.

Examinations and Tests of Electrical Equipment

1219–0067

On occasion

Businesses or other for-profit; small businesses or organizations

Reg section	Respondents	Frequency	Average time per response	Total
30 CFR 75.313–1 Recordkeeping	2,481	12 yearly	.50 hours	14,886
30 CFR 75.3113–1 Examination time	2,481	12 yearly	.50 hours	14,886
30 CFR 75.512–1 Recordkeeping	10,691	52 weeks	.50 hours	277,966
30 CFR 75.512–1 Examination time	30,331	52 weeks	.50 hours	788,606
30 CFR 75.502–1 Recordkeeping	38,241	12 yearly	.25 hours	144,723
30 CFR 75.502 Examination time	38,214	12 yearly	1 hour	[1] 458,892
75.800–4 and 77.800–2 (Surface)				
Recordkeeping	2,940	12 yearly	.25 hours	8,820
Examination	2,940	12 yearly	.50	17,640
75,800–4 and 77.800–2 (Underground)				
Recordkeeping	1,436	12 yearly	.25	4,308
Examination	1,436	12 months	.50	8,616
30 CFR 75.900–4				
Recordkeeping	7,324	12 yearly	.50	43,944
Examination	7,324	12 yearly	1	87,888
30 CFR 75.900–2				
Recordkeeping	1,082	12 yearly	.25	3,246
Examination	1,082	12 yearly	.50	6,492
75.1001–1(c)				
Recordkeeping	1,500	2 per year	.50	2,900
Examination	2,900	2 per year	1	5,800
Total burden hours				1,744,890

[1] 20% reduction due to certification.

Requires coal mile operators to frequently examine, test, and properly maintain all electrical equipment and to keep records of the results of the examinations and tests.

Permissible Equipment Testing

1219–0066

On occasion

Businesses or other for-profit; small businesses or organizations

Reg section	Respondents	Average time per response	Total
30 CFR Part 15	2 applications	5 hours	10
30 CFR Part 18	449 applications	40 hours	17,960
	41 simplified applications	20 hours	820
30 CFR Part 19	3 applications	18 hours	54
30 CFR Part 20	4 applications	10 hours	40
30 CFR Part 21	0 applications	0 hours	0
30 CFR Part 22	4 applications	14 hours	56
30 CFR Part 23	5 applications	17 hours	85
30 CFR Part 25	0 applications	0 hours	0
30 CFR Part 26	0 applications	0 hours	0
30 CFR Part 27	1 applications	20 hours	20
30 CFR Part 28	2 applications	19 hours	38
30 CFR Part 29	0 applications	0 hours	0
30 CFR Part 32	3 simplified applications	34 hours	102
30 CFR Part 33	7 applications	8 hours	56
30 CFR Part 35	2 applications	25 hours	50
30 CFR Part 36	6 applications	43 hours	258
SNAPS and SRAS	1,028	2 hours	2,056
Total burden hours			20,785

Contains procedures by which manufacturers of mining equipment and components, material, instruments, and explosives may apply for, and have their products approved as permissible for use in mines.

Signed at Washington DC this 19th day of March, 1992.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 92–7240 Filed 3–27–92; 8:45 am]

BILLING CODE 4510–43–M

Glass Ceiling Commission; Establishment

In accordance with the provisions of the Federal Advisory Committee Act and the Civil Rights Act of 1991, the Secretary of Labor has established the Glass Ceiling Commission.

The Glass Ceiling Commission (Commission), shall:

A. focus greater attention to the importance of eliminating artificial barriers to the advancement of women and minorities to management and decisionmaking positions in business, and promote work force diversity;

B. study the manner in which business fills management and decisionmaking positions, the developmental and skill-enhancing practices used to foster the necessary qualifications for advancement into such positions, and the compensation programs and reward structures currently utilized in the workplace; and

C. facilitate, establish procedures, and make recommendations for the Frances Perkins-Elizabeth Hanford Dole National Award for Diversity and Excellence in American Executive Management.

In carrying out this change, the Commission will be responsible for the following functions:

A. Advancement Study—The Commission shall conduct a study of opportunities for, and artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business. In conducting the study, the Commission shall—

1. examine the preparedness of women and minorities to advance to management and decisionmaking positions in business;

2. examine the opportunities for women and minorities to advance to management and decisionmaking positions in business;

3. conduct basic research into the practice, policies, and manner in which management and decisionmaking positions in business are filled;

4. conduct comparative research of businesses and industries in which women and minorities are promoted to management and decisionmaking positions, and businesses and industries in which women and minorities are not promoted to management and decisionmaking positions;

5. compile a synthesis of available research on programs and practices that have successfully led to the advancement of women and minorities to management and decisionmaking positions, in business, including training programs, reward programs, employee benefit structures, and family leave policies; and

6. examine any other issues and information relating to the advancement of women and minorities to management and decisionmaking positions in business.

B. Report—No later than 15 months after the date of the enactment of this Act (February 22, 1993), the Commission shall prepare and submit to the President and the appropriate committees of Congress a written report containing—

1. the findings and conclusions of the Commission resulting from the study conducted under subsection (a); and

2. recommendations based on the findings and conclusions described in paragraph 1 relating to the promotion of opportunities for, and elimination of artificial barriers to, the advancement of women and minorities to management and decisionmaking positions in business, including recommendations for—

(a) Policies and practices to fill vacancies at the management and decisionmaking levels;

(b) developmental practices and procedures to ensure that women and minorities have access to opportunities to gain the exposure, skills, and expertise necessary to assume management and decisionmaking positions;

(c) compensation programs and reward structures utilized to reward and retain key employees; and

(d) the use of enforcement (including such enforcement techniques and litigation, complaint investigations, compliance reviews, conciliation, administrative regulations, policy guidance, technical assistance, training, and public education) of Federal equal employment opportunity laws by Federal agencies as a means of eliminating artificial barriers to the advancement of women and minorities in employment.

C. Additional Study—The Commission may conduct such additional study of the advancement of women and minorities to management and decisionmaking positions in business as a majority of the members of the Commission determines to be necessary.

D. National Award—The Commission shall make recommendations to the President or his designated representative of businesses to receive the National Award for Diversity and Excellence in American Executive Management.

The Commission will require up to four years to carry out its assignment and will prepare a written report of its findings to the President and the relevant committees of Congress.

The Commission will function in accordance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act.

Interested persons are invited to submit comments regarding the establishment of the Commission. Such comments should be addressed to John A. Schall, Chief of Staff, Office of the Secretary, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 25th day of March, 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92–7239 Filed 3–27–92; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meeting Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In according with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATES: Thursday, April 2, 1992, Full Commission Meeting, 9 a.m.–5 p.m.

ADDRESSES: Capitol Hilton, 16th & K Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1100 L Street, NW., #7121, Washington, DC 20005 (202) 275–6933.

Type of Meeting: Open.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 92–7232 Filed 3–27–92; 8:45 am]

BILLING CODE 6820–07–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Thermal Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name: Special Emphasis Panel in Chemical and Thermal Systems.

Date and Time: April 10, 1992; 8:30 a.m. to 5 p.m.

Place: NSF, rm. 1133, 1800 G St., NW., Washington, DC.

Agenda: Review and evaluate nominations for the NSF Young Investigator and Research Initiations Awards Programs.

Contact Person: Drs. Maria K. Burka & Farley Fisher, Program Directors (202) 357–9606.

Purpose of Meeting: To provide advice and recommendations to the Division of Chemical and Thermal Systems concerning proposals submitted to the Division for financial support.

Typ of Meeting: Closed.

Reason for Closing: The nominations and proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the nominations and proposals. These matters are exempt under 5 U.S.C. 552b (c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 24, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92-7161 Filed 3-27-92; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Joint Meeting of the Subcommittees on Individual Plant Examinations/ Severe Accidents

The ACRS Subcommittees on Individual Plant Examinations and Severe Accidents will hold a joint meeting on April 21, 1992, in room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, April 21, 1992—8:30 a.m. until the conclusion of business

The Subcommitttees will discuss the status of the Individual Plant Examination (IPE) program and the development of Severe Accident Management Guidelines.

Oral statements may be presented by member of the public with the concurrence of the Subcommittee Chairmen; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that approriate arrangements can be made.

During the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff, the nuclear industry, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted thereof can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 23, 1992.

Sam Duraiswamy,

Nuclear Reactor Branch.

[FR Doc. 92-7224 Filed 3-27-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment To Facility Operating License and Final Determination of No Significant Hazards Consideration

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is reissuing a notice which was published on March 24, 1992 (57 FR 10193) to include the license amendment which was inadvertently omitted.

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment No. 117 to Facility Operating License No. DPR-54 to Sacramento Municipal Utility District (SMUD or the licensee). The amendment removes the licensee's authority to operate the Rancho Seco Nuclear Generating Station (the facility), located in Sacramento County, California, and modifies the license from a full-power operating license to a possession only license. The amendment is published herewith. This license amendment will become effective ten (10) working days after the date of publication in the **Federal Register** of the Notice of Issuance of this amendment. If during this period a motion for a stay is filed with the U.S. Court of Appeals, the date when this amendment becomes effective will automatically be extended an additional ten (10) working days to provide the court with time to review the matter.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in title 10 of the Code of Federal Regulations (10 CFR) chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with this action was published in the **Federal Register** on October 10, 1990, (55 FR 41280). On November 8, 1990, the Environmental and Resources Conservation Organization (ECO or the petitioner) filed a petition to intervene and a request for a hearing concerning SMUD's application for a possession only license. SMUD and NRC staff opposed this petition. Pursuant to the Commission's Order of January 30, 1991, the Atomic Safety and Licensing Board (Board) was appointed to rule on the petition. The Board afforded ECO an opportunity to reply to the SMUD and staff opposition filings; ECO did so in its March 4 and April 15, 1991, filings entitled "Further Amendment to Environmental and Resource Conservation Organization Request for Hearing and Petition to Intervene." In a Memorandum and Order dated May 1, 1991, the Board concluded that ECO might be able to demonstrate standing and directed ECO to file contentions by June 3, 1991. ECO filed its contentions on June 3 and 10, 1991. A prehearing conference about these contentions was held before the Board on June 25, 1991, in Bethesda, Maryland. In a Memorandum and Order dated July 1, 1991, LBP-91-30, the Board denied ECO's petition because the petitioner had failed to satisfy the Commission's regulations for contentions and had not established standing under the National Environmental Policy Act (NEPA) or the Atomic Energy Act (AEA). On July 16, 1991, ECO filed an appeal before the Commission. In a Memorandum and Order dated February 6, 1992, CLI-92-02, the Commission upheld the Board's July 1, 1991, ruling that ECO has failed to demonstrate that it has standing to challenge this possession only license amendment.

Further, the Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration and that the facility can continue to be maintained by the licensee without endangering the health and safety of the public. The basis for this determination is contained in the safety evaluation related to this action.

Additionally, the Commission has determined that this amendment satisfies the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for this amendment.

For further details with respect to the action see (1) the application for amendment dated April 26, 1990, (2) Amendment No. 117 to Facility Operating License No. DPR-54, (3) the Commission's related safety evaluation, and (4) Commission Memorandum and Order, CLI-92-02, dated February 6, 1992. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Acting Associate Director, for Advanced Reactors.

Dated at Rockville, Maryland this 17th day of March 1992.

For the Nuclear Regulatory Commission.

Richard F. Dudley, Jr.,

Acting Director, Non-Power reactors, Decommissioning and Environmental Project Directorate Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

Rancho Seco Nuclear Generating Station; Amendment to Facility Operating License

[Amendment No. 117; License No. DPR-54]

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:

A. The application for amendment filed by Sacramento Municipal Utility District (the licensee), dated April 26, 1990, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR chapter I;

B. The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;

C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;

D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

E. The issuance of this amendment is in accordance with 10 CFR part 51 of the Commission's regulations, and all applicable requirements have been satisfied.

2. Accordingly, Facility Operating License No. DPR-54 is hereby amended by revising the indicated paragraphs as follows:

Paragraph 2.B. should be revised as follows:

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Sacramento Municipal Utility District

(1) Pursuant to section 104b of the Act and 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," to possess but not operate the facility at the designated location in Sacramento County, California, in accordance with the procedures and limitations set forth in this license;

(2) Pursuant to the Act and 10 CFR parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source, and special nuclear material as sealed neutron sources, sealed sources for reactor instrumentation and radiation monitoring equipment, calibration, and as fission detectors in amounts as previously required for reactor operation; and to possess but not to use special nucelar material previously received as reactor fuel;

(3) Pursuant to the Act and 10 CFR part 30, to receive, possess, and use at any time 100 millicuries each of any byproduct material, with restriction to chemical or physical form, for sample analysis or instrument calibration;

(4) Pursuant to the Act and 10 CFR parts 40 and 70, to receive, possess, and use at any time 100 milligrams each of any source or special nuclear material, without restriction to chemical or physical form, for sample analysis or instrument calibration;

(5) Pursuant to the Act and 10 CFR parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as were produced by the previous operation of the facility.

Revise paragraphs 2.C.(1) and 2.C.(2) as follows:

(1) Maximum Power

The licensee is not authorized to operate the reactor.

(2) Techical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 117, are hereby incorporated in the license. The licensee shall maintain the facility in accordance with the Technical Specifications.

Delete paragraphs 2.C(8), 2.C.(9), and 2.C(11) in their entirety.

Add new paragraph 2.C.(13) to read as follows:

(13) Confirmatory Order

The movement of nuclear fuel into the Reactor Building is prohibited without prior NRC approval.

3. This license amendment will become effective ten (10) working days after the date of publication in the **Federal Register** of the Notice of Issuance of this amendment. If during this period a motion for a stay is filed with the U.S. Court of Appeals, the date when this amendment becomes effective will automatically be extended an additional ten (10) working days to provide the court with time to review the matter.

Date of Issuance: March 17, 1992.

For the Nuclear Commission.

Dennis M. Crutchfield,

Acting Associate Director for Advanced Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 92-7222 Filed 3-27-92; 8:45 am]

BILLING CODE 7590-01-M

NUCLEAR WASTE TECHNICAL REVIEW BOARD

EBS Panel Meeting

Pursuant to the Nuclear Waste Technical Review Board's (the Board) authority under section 5051 of the Nuclear Waste Policy Amendments Act of 1987 (Pub. Law 100-203), the Board's Panel on the Engineered Barrier System (EBS Panel) will hold a meeting May 11, 1992, at the Tower Inn, 1515 George Washington Way, Richland, Washington 99352; (509) 946-4121.

The primary purpose of this meeting is to give the panel members insight into the status of and plans for defense high-level waste located at the Department of Energy's (DOE) Hanford Site. The panel has invited representatives of the DOE and its contractors to brief members on defense high-level waste management operations at Hanford, including plans for high-level waste vitrification. Other topics of interest to panel members may also be discussed at the meeting.

The meeting, which will begin in the morning, is anticipated to last the entire day. Exact times will be published in a forthcoming press release. The public is welcome to attend the meeting. Transcripts of the meeting will be available on a library-loan basis from Ms. Davonya Barnes beginning July 13, 1992.

In 1987, Congress established the Board to evaluate the technical and scientific validity of activities undertaken by the U.S. Department of Energy (DOE) under the Nuclear Waste Policy Act of 1982, as amended. Such activities include characterization of Yucca Mountain, Nevada, to determine its suitability as a potential site for the nation's first permanent repository for spent nuclear fuel and defense high-level waste. Some of this high-level waste will come from the Hanford Site.

For further information, contact Paula N. Alford, Director, External Affairs, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235-4473.

Dated: March 24, 1992.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 92-7200 Filed 3-27-92; 8:45 am]

BILLING CODE 8820-AM-M

EBS Panel Meeting

Pursuant to the Nuclear Waste Technical Review Board's (the Board) authority under section 5051 of the Nuclear Waste Policy Amendments Act of 1987 (Public Law 100-203), the Board's Panel on the Engineered Barrier System (EBS Panel) will hold a meeting May 13, 1992, at the Shilo Inn, 780 Lindsay Boulevard, Idaho Falls, Idaho 83402; (208) 523-0088.

The primary purpose of the meeting is to give the panel insight into the status of and plans for defense high-level waste located at the Department of Energy's (DOE) Idaho National Engineering Laboratory (INEL). The panel has invited representatives of the DOE and its contractors to brief members on defense high-level waste operations at the INEL, including plans for high-level waste immobilization. Other topics of interest to EBS Panel members may also be discussed at the meeting.

The meeting, which is anticipated to begin at 1 p.m., will last the entire afternoon. The public is welcome to attend. Exact times will be published in a forthcoming press release. Transcripts of the meeting will be available on a library-loan basis from Ms. Davonya Barnes beginning July 15, 1992.

In 1987, Congress established the Board to evaluate the technical and scientific validity of activities undertaken by the U.S. Department of Energy (DOE) under the Nuclear Waste Policy Act of 1982, as amended. Such activities include characterization of Yucca Mountain, Nevada, to determine its suitability as a potential site for the nation's first permanent repository for spent nuclear fuel and defense high-level waste. Some of this high-level waste will probably come from the INEL.

For further information, contact Paula N. Alford, Director, External Affairs, 1100 Wilson Boulevard, suite 910, Arlington, Virginia 22209; (703) 235-4473.

Dated: March 24, 1992.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 92-7201 Filed 3-27-92; 8:45 am]

BILLING CODE 8820-AM-M

OFFICE OF PERSONNEL MANAGEMENT

Director's Advisory Committee on Law Enforcement and Protective Occupations

AGENCY: Office of Personnel Management.

ACTION: Notice of open meetings.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the fifth and sixth meetings of the Director's Advisory Committee on Law Enforcement and Protective Occupations will be held at the times and places shown below:

DATES:

April 13, 1992, 2 p.m., Capital Hilton (South American Room), 1008 16th Street, NW., Washington, DC

April 30, 1992, 2 p.m., Sheraton Washington (Delaware Room), 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC

AGENDA: The focus of the April 13th meeting will be to discuss basic pay for law enforcement work. The focus of the April 30th meeting will be to discuss overtime and other premium pay for law enforcement work.

FOR FURTHER INFORMATION CONTACT: Phyllis G. Foley, Director, Law Enforcement and Protective Occupations Task Force, Office of Compensation Policy, Personnel Systems and Oversight Group, Office of Personnel Management, room 7H30, 1900 E Street, NW., Washington, DC 20415.

SUPPLEMENTARY INFORMATION: The meetings are open to the public. If time permits, an opportunity will be provided for members of the public in attendance at the meetings to provide their views. Persons wishing to address the Advisory Committee orally at the meetings should submit a written request no later than the close of business on April 6, 1992, for the April 13th meeting and the close of business on April 23, 1992, for the meeting on April 30, 1992. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and the amount of time desired.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92-7102 Filed 3-27-92; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30508; File No. SR-NASD-90-53 as Amended]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Amended Proposed Rule Change Relating to Retention of Jurisdiction and Conforming Changes to the Rules of Fair Practice

March 23, 1992.

On October 16, 1990, the National Association of Securities Dealers, Inc. ("NASD") submitted a proposed rule change [1] pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [2] and Rule 19b-4 [3] thereunder and Amendments Nos. 1, 2, 3, 4, 5 and 6 on November 12, 1990, November 1, 1991, December 6, 1991, December 10, 1991, January 22, 1992 and February 28, 1992, respectively, to amend Article III, section 5 and Article IV, sections 3 and 4 of the NASD By-Laws, and Article IV, section 5 of the NASD Rules of Fair Practice [4] to retain jurisdiction over member firms and associated persons for two years from the date of resignation, cancellation or revocation of membership or the termination or revocation of an associated person's registration.[4] The NASD has requested that the rule go into effect on April 15, 1992, allowing time for the NASD to inform members of the rule's approval in the April Notice to Members.[5]

Notice of the original filing was given in Securities Exchange Act Release No. 28657 (November 29, 1990), 55 FR 50432 (December 6, 1990) ("original proposal"). The Commission received no comment letters on the proposed rule change. In response to comments from the Commission, the NASD amended the proposed rule change. Notice of the amended proposal was given by the issuance of the Commission release (Securities Exchange Act Release No. 30266, January 17, 1992) and by publication in the Federal Register (57 FR 3235, January 28, 1992.) [6] The Commission received no comment letters on the proposed rule change as amended.

[1] The NASD, in response to comments from the Commission, amended the proposed rule change that was published for comment in the Federal Register, 55 FR 50432 (December 6, 1990). See letter to Frank J. Wilson, Executive Vice President and General Counsel, NASD, from Kathryn V. Natale, Assistant Director, SEC, dated September 12, 1991.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b-4 (1991).

[4] In response to a request for partial approval, the SEC approved the proposed amendments to Article V, sections 1 and 3 of the Rules of Fair Practice originally filed with the SEC in SR-NASD-90-53. See Securities Exchange Act Release No. 29983 (November 1, 1991), 56 FR 57088 (November 7, 1991).

[5] See Amendment No. 6.

[6] On December 6, 1991, the NASD filed Amendment No. 3 which set forth the member vote for the amended proposed rule change. On December 10, 1991, the NASD filed Amendment No. 4 which makes technical changes to Amendment No. 2. On January 22, 1992, the NASD filed Amendment No. 5 which indicated that any person currently subject to a hold under the NASD's existing practice will have the termination of his registration take effect on the effective date of the proposed rule change. The NASD will then have two years from that date to file a complaint pursuant to the provisions of the proposed rule change. On February 28, 1992, the NASD filed Amendment No. 6 which indicated that the NASD intends to make the proposed rule change effective on April 15, 1992. These amendments, as well as all other amendments, are available for inspection and copying in the Public Reference Room.

[7] Under the current provisions of the By-Laws, the NASD has one year from the effective date of the filing of a resignation of membership or a termination of registration to file a complaint for any actionable misconduct that occurred prior to the resignation by the member or termination by the associated person. If the NASD is not aware of misconduct by an associated person at the time a termination takes effect, the time period for filing a complaint could run before action is taken. It is for this reason that the NASD currently holds resignations and terminations retroactively.

[8] See Securities Exchange Act Release No. 30266 (January 17, 1992), 57 FR 3235 (January 28, 1992).

[9] The amended proposal also allows the NASD to require persons no longer associated with a member but subject to the Corporation's jurisdiction to report, either informally or on the record, orally or in writing with regard to any matter involved in any investigation or hearing to investigate the books, records and accounts of any person with relation to any matter involved in any investigation or hearing. No member or person shall fail to make any report as required in this section, or fail to permit any inspection of books, records and accounts as may be validly called for under section 5. In addition, the proposal provides that any notice requiring an oral or written report or calling for an inspection of books, records and accounts pursuant to section 5 shall be deemed to have been received by the member or person to whom it is directed by the mailing thereof to the last known address of the member or person as reflected on the Corporation's records.

[10] If a person's Form U-5 is amended on the last day of the two year period, the NASD will retain jurisdiction for a total of four years after the effective date of the person's termination.

[11] NASD By-Laws, Article IV, section 2(a)(3)(c) states that "(e)very application for registration filed with the Corporation shall be kept current at all times by supplementary amendments to the original application." In addition, the U-4 specifically states "(a)n applicant is under a continuing obligation to update information required by Form U-4 as changes occur."

I. Background

The NASD submitted the original proposal (SR-NASD-90-53) to amend the NASD By-Laws and Rules of Fair Practice to, among other things, codify procedures currently employed by the NASD in processing terminations of associated persons and cancellations and revocations of member firms. A significant aspect of the proposed procedures to be codified by the NASD was the practice of placing a hold on the effectiveness of the resignation of the membership of a member firm or the termination of the registration of an associated person if the NASD was aware at the time, or was investigating potential violations of its rules or the federal securities laws by the firm or person. The NASD also proposed to codify its practice of retroactively placing a hold on the resignations of membership or terminations of registration when it becomes aware of matters after the termination has been allowed to take effect which would have resulted in a hold at the time the documents were filed.[7]

The rule filing also proposed amending the By-Laws to provide that the NASD would continue to retain jurisdiction over a member firm whose membership was cancelled or revoked and an associated person whose registration was revoked, until the NASD resolved its inquiry. The proposed rule change was intended to address the situation under the current provisions where the NASD retains jurisdiction over a member who has resigned or an associated person who has terminated his registration, but loses jurisdiction over a member whose membership was cancelled or revoked and an associated person whose registration was revoked.

II. Discussion

The NASD subsequently amended the proposed rule change to substitute a fixed two-year jurisdictional period for the proposal to codify the practice of holding the effectiveness of resignations and terminations ("amended proposal").[8] In order to maintain the fairness and effectiveness of the NASD's disciplinary system, the NASD's current one-year time period for retaining jurisdiction to file a complaint was extended to a fixed two-year period from the effective date of resignation or termination or from the date of the NASD's revocation or cancellation of a member or associated person. The amended proposal will eliminate the need for the NASD to hold the effectiveness of resignations and terminations and to issue letter notices in connection therewith. Such a fixed two-year time limit will be less intrusive than the current indefinite and potentially unlimited hold process, and should allow sufficient time to bring virtually all disciplinary actions.

With respect to associated persons, the NASD is also proposing that a person whose association with a member has been terminated, who is no longer associated with any member of the Corporation, or who has had his registration revoked, remains subject to the filing of a compliant, if while subject to the Corporation's jurisdiction, such person fails to provide information requested by the Corporation pursuant to Article IV, section 5 of the NASD's Rules of Fair Practice.[9] In addition, the NASD is also proposing that the two-year period commence from the date of the filing of the last amendment to a person's Form U-5 that is filed within the two-year period. This will address the situation of a routine Form U-5 being filed at the time of termination followed by a subsequent amendment disclosing potential violations which would require an investigation. Running the two-year period from the time the last Form U-5 amendment is filed, so long as it is filed within the initial two-year period, will prevent a person from avoiding potential disciplinary action through his own active concealment or the dilatory conduct of others.[10] Moreover, because members are required to send any amended form U-5 to the terminated person, he or she will have notice of the time from which the two-year period will run. The NASD also noted that the two-year limit would be consistent with current rules which permit a person to become associated with another member without the need to requalify by examination up to two years from his date of termination.

The Commission believes that the proposed rule change as amended will help the NASD achieve its regulatory duties in a fair and efficient manner and will provide a clear workable standard. By extending the jurisdictional period to a fixed two-year period, the NASD is giving unambiguous notice to its members of the requirements of the rule. In addition, by allowing the NASD to require persons no longer associated with a member but still subject to NASD jurisdiction to provide information validly called for under Article IV, section 5 the NASD will be better able to protect investors and the public interest and discipline members and associated persons for violations of the securities laws. Also, because persons are under a continuing obligation to update information on the U-4 as changes occur and while subject to the NASD's jurisdiction, it is fair and reasonable to deem a notice received by the person or member if delivered to the last known address.[11]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the

rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder. Specifically, the Commission believes that the proposed rule change is consistent with sections 15A(b) (6), (7) and (8) of the Act. In pertinent part, these Sections of the Act mandate that the rules of a national securities association be designed to protect investors and the public interest, provide for the disciplining of members and associated persons for violations of the securities laws, the rules and regulations thereunder, or the Association's rules, and provide a fair procedure for conducting disciplinary proceedings.[12]

It is Therefore Ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved and will take effect on April 15, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7174 Filed 3-27-92; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Application To Withdraw From Listing and Registration; (Magma Copper Company, Subordinated Reset Debentures Due 2001) File No. 1-10122

March 24, 1992.

Magma Copper Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In making the decision to withdraw the Debentures from listing on the Amex, the Company considered the direct and indirect costs and expenses of maintaining the listing of the Debentures on the Amex or of listing the Debentures on another exchange, the number record holders of the Debentures, the availability of market makers for the Debentures and the fact that the Company's other debt securities (its 12% Senior Subordinated Notes due December 15, 2001, and its 11½% Senior Subordinated Notes due December 15, 2002) are not so listed. Based upon these factors, the Company does not believe that the listing of the Debentures on an exchange offers any particular advantage to the holders of the Debentures.

Any interested person may, on or before April 14, 1992, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-7175 Filed 3-27-92; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Application To Withdraw From Listing and Registration; (OMI Corp., Common Stock, $.50 Par Value) File No. 1-10164

March 24, 1992.

OMI Corp. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

In addition to being listed on the Amex, the Company's common stock is listed on the New York Stock Exchange, Inc. ("NYSE"). The Company's stock commenced trading on the NYSE at the opening of business on March 13, 1992 and concurrently therewith such stock was suspended from trading on the Amex.

In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before April 14, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-7176 Filed 3-27-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18625; 811-6068]

Salomon Brothers Institutional Series Funds Inc; Application

March 23, 1992.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Salomon Brothers Institutional Series Funds Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on January 29, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 17, 1992, and should be accompanied by proof of service on applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Seven World Trade Center, New York, New York 10048.

FOR FURTHER INFORMATION CONTACT: James M. Curtis, Staff Attorney, at (202) 504-2406, or Nancy M. Rappa, Branch Chief, at (202) 272-3030 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company that is organized as a corporation under the laws of Maryland. On April 18, 1990, applicant registered under the Act and filed a registration statement pursuant to section 8(b) of the Act. Applicant also filed a registration statement under the Securities Act of 1933 to register an indefinite number of shares of applicant's common stock. Applicant's registration statement was declared effective on October 2, 1990, but applicant made no initial public offering.

2. On September 26, 1990, applicant sold 100,000 of its shares to Salomon Brothers Asset Management Inc ("Asset Management") for an aggregate price of $100,000.

3. On January 24, 1992, Asset Management, applicant's sole shareholder, redeemed its entire holding in applicant for $99,037.86.

4. Applicant retains no securityholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged in, nor does it intend to engage in, any business activities other than those necessary for the winding up of its affairs.

5. Applicant filed Articles of Dissolution with the Maryland State Department of Assessments and Taxation on February 25, 1992, and such Articles of Dissolution became effective on March 13, 1992.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7177 Filed 3-27-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-18619; 812-7758]

SunAmerica Capital Appreciation Fund, Inc., et al.; Application

March 20, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for order amending prior Order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: SunAmerica Capital Appreciation Fund, Inc. (formerly Integrated Capital Appreciation Fund, Inc.) (the "Fund"), SunAmerica Cash Fund, SunAmerica Equity Portfolios, SunAmerica Income Portfolios, SunAmerica Money Market Securities, Inc. SunAmerica Multi-Asset Portfolios, Inc., SunAmerica Tax Free Portfolios, Home Investors Government Income Fund, Inc., SunAmerica Fund Group, Wellington Management Company, SunAmerica Asset Management Corp. ("SAAMCo"), and SunAmerica Capital Services, Inc. ("SACS").

RELEVANT 1940 ACT SECTIONS: Exemption requested under section 6(c) of the 1940 Act from sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order amending an existing exemptive order dated June 14, 1985 (Investment Company Act Release No. 14577) (the "Existing Order") that permits the imposition and waiver of a contingent deferred sales charge on certain redemptions of the Fund's shares. The requested amended order would permit the investment company Applicants (the "Applicant Funds") and registered investment companies that may be established in the future for which SAAMCo serves as investment adviser, SACS serves as distributor, and which are sold on terms that are essentially identical to those of the Fund (collectively, the "SunAmerica Funds") to impose (and waive in certain cases) a contingent deferred sales charge that would be identical to the CDSC for the Fund.

FILING DATES: The application was filed on July 22, 1991, and an amended and restated application was filed on January 21, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 15, 1992, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 733 Third Avenue, 3rd Floor, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Each of the Applicant Funds is a registered open-end management investment company. SAAMCo, formerly named Integrated Resources Asset Management Corp, and presently a wholly owned subsidiary of Broad Inc., serves as investment adviser to each of the Applicant Funds. SACs, also a wholly owned subsidiary of Broad Inc., acts as distributor of each of the Applicant Funds' shares. Wellington Management Company serves as sub-adviser to certain of the Applicant Funds.

2. The Existing Order exempts the Fund, but not the other SunAmerica Funds, from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the 1940 Act and Rule 22c-1 thereunder to the extent necessary to permit the assessment (and waiver in certain cases) of a contingent deferred sales charge ("CDSC") on certain redemptions of its shares. SunAmerica Fund Group (formerly Equitec Siebel Fund Group) and Home Investors Government Income Fund, Inc., are also each individually subject to exemptive orders allowing the imposition of a CDSC.

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[12] Specifically, section 15A(b)(6) provides, among other things, that "(t)he rules of the association are designed * * *, in general, to protect investors and the public interest * * *." Section 15A(b)(7) provides, among other things, that "(t)he rules of the association provide that * * * its members and persons associated with its members shall be appropriately disciplined for violation of any provisions of this title, the rules or regulations thereunder * * * or the rules of the association * * *" Section 15A(b)(8) provides, among other things, that "(t)he rules of the association * * *, in general, provide a fair procedure for the disciplining of members and persons associated with members * * *."

[1] Per a telephone conversation with applicant's counsel on Friday, March 20, 1992.

3. Applicants propose to amend the Existing Order to permit each of the SunAmerica Funds to establish a CDSC arrangement that would be identical to the CDSC arrangement currently used by the Fund as permitted by the Existing Order. SunAmerica Fund Group and Home Investor Government Income Fund, Inc. will, if an order is granted on the application, rely solely upon such order. Accordingly, the amended order would ensure that the CDSC is applied consistently to all of the SunAmerica Funds.

4. The terms of the CDSC arrangement as it currently exists for the Fund are as follows. The CDSC is imposed if any investor redeems an amount which causes the current value of the investor's shares of the Fund to fall below the total dollar amount of purchase payments made by the investor during the preceding five years. No contingent deferred sales charge is imposed to the extent that the net asset value of the shares redeemed does not exceed (i) the purchase payments made more than five years prior to the redemption, plus (ii) the dollar value of dividends or distributions reinvested in Fund shares, plus (iii) increases in the net asset value of the investor's shares above the total amount of payments for the purchase of the Fund's shares made during the preceding five years. At no time will such charges exceed five percent of the aggregate purchase payments made by the investor.

5. When determining the applicability of the CDSC to each redemption, shares are redeemed first whose value equals the amount of any increase in the net asset value of the investor's shares above the amount of the total payments for the purchase of shares within the last five years. In the event the redemption amount exceeds such increase in value, the next portion of the amount redeemed is the amount which represents the net asset value of the investor's shares purchased more than five years prior to the redemption and the amount purchased through reinvestment of dividends or distributions. Any portion of the amount redeemed that exceeds an amount which represents such increase in value and the value of shares purchased more than five years prior to the redemption and the amount purchased through reinvestment of dividends or distributions is subject to the CDSC.

6. Where the CDSC is imposed, the amount of the charge depends on the number of years from the time of payment for the purchase of Fund shares until the time of redemption of such shares. During the first year after purchase, the charge is five percent of the amount redeemed that is subject to the CDSC. That amount decreases by one percent per year until five years thereafter, at which time no charge is imposed upon redemption. The amount of the CDSC (if any) is calculated by determining the date on which the purchase payment that is the source of the shares to be redeemed was made and applying the appropriate percentage to the amount of the redemption subject to the CDSC.

7. The CDSC would be waived with respect to the following redemptions of the SunAmerica Funds' shares: (i) Redemption following the death or disability (as defined in section 72(m)(7) of the Internal Revenue Code) of a shareholder, (ii) redemptions in connection with certain distributions under a tax-deferred retirement plan, IRA, Keogh, custodial account pursuant to section 403(b) of the Code or redemptions resulting from the tax free return of an excess contribution to an IRA, and (iii) redemptions of shares purchased for personal investment purposes by officers, directors and employees of SAAMCo, its agents and its affiliates, and employees and registered representatives of SACS and any of the selected dealers engaged in the sale of shares of the SunAmerica Funds.

Applicants' Legal Analysis

1. Applicants request an order amending the Existing Order to exempt them from sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the 1940 Act and Rule 22c-1 thereunder and permit the imposition (and waiver in certain cases) of a CDSC. Applicants assert that such an exemption, as required by the standards for an exemption under section 6(c) of the 1940 Act, is in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants submit that the imposition of the CDSC is fair and is in the best interests of the shareholders. The proposed CDSC permits shareholders to have the advantage of greater investment dollars working for them from the time of their purchase of the shares. Moreover, the CDSC applies only to redemptions of amounts representing purchase payments. It does not apply to increases in the value of an investor's account through increases in the net asset value per share, or to amounts representing reinvestment of distributions or dividends. Where amounts attributable to purchase payments are redeemed (and thus no longer contribute to the annual distribution charge), Applicants submit that it is fair to impose on the withdrawing shareholder a lump-sum payment reflecting approximately the amount of distribution expense which has not been recovered through payments of distribution fees by any of the SunAmerica Funds exempted pursuant to any order granted on the application. Thus, the amount, computation and timing of the CDSC are designed to promote fair treatment of all shareholders. Applicants further submit that waiver of the CDSC in the circumstances described above will not harm the SunAmerica Funds or their remaining shareholders or unfairly discriminate among shareholders or purchasers.

3. The CDSC will apply only with respect to shares of the SunAmerica Funds, other than the Fund, that are acquired after the grant of the exemptive relief requested in the application and after the inclusion of the terms of the CDSC, as described in the application, in the then current prospectuses of the SunAmerica Funds. Each of the waiver provisions will also be disclosed fully in the prospectuses for the SunAmerica Funds.

Applicants' Condition

Applicants agree that the following condition may be imposed in any order of the SEC granting the requested relief:

The SunAmerica Funds will comply with the provisions of Rule 6c-10 under the 1940 Act as currently proposed and as it may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7178 Filed 3-27-92; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1592]

The Commission for Broadcasting to the Peoples Republic of China; Meeting

ACTION: Notice of meeting.

SUMMARY: The Commission will hold public meetings.

DATES: April 8, 9, and 10, 1992, 9 a.m. to 4 p.m.

ADDRESSES: 1555 Wilson Boulevard, suite #604, Arlington, VA 22209.

FOR FURTHER INFORMATION CONTACT: Marge Cook, Deputy Executive Director, 703-235-9000.

Dated: March 23, 1992.

Marjorie S. Cook,

Deputy Executive Director.

[FR Doc. 92-7183 Filed 3-27-92; 8:45 am]

BILLING CODE 4710-01-M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402-2801; (615) 751-6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, section 402, Public Law 101-549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to the TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92-6155 Filed 3-27-92; 8:45 am]

BILLING CODE 8120-03-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent to Rule on Application To Impose a Passenger Facility Charge (PFC) at Sarasota-Bradenton Airport, Sarasota, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Sarasota-Bradenton Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 29, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: 9677 Tradeport Drive, suite 130, Orlando, Florida 32827-5397.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Richard M. Vacar, Executive Director of the Sarasota Manatee Airport Authority at the following address: P O. Box 13399, Sarasota, Florida 34278.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Sarasota Manatee Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Bart Vernace, Airports Plans and Programs Manager, 9677 Tradeport Drive, suite 130, Orlando, Florida 32827-5397. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Sarasota-Bradenton Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). On March 20, 1992, the FAA determined that the application to impose a PFC submitted by Sarasota Manatee Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 27, 1992.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.
Proposed charge effective date: September 1, 1992.
Proposed charge expiration date: September 1, 2012.
Total estimated PFC revenue: $65,082,600.
Brief description of proposed project(s):
Federal Aviation Regulation (FAR) Part 150 Program
Airfield Drainage Improvements
Drainage Improvements—U.S. 41 to Bay
Environmental Assessment (92/93)
Clearzone Land Acquisition—Runway 14/32 Extension
Lengthen Runway 14/32
Overlay Taxiway "A"
Master Plan Update (97/98)
Environmental Assessment (97/98)
Construct Airside "A"
Reconstruct Taxiway "D"
Reconstruct Taxiway "I"
Reconstruct Taxiway "C"
Land Acquisition—Parallel Runway 14/32
Construct Parallel Runway 14/32
Construct Airside "C"
Class or classes of air carriers which the public agency has requested not be required to collect PFCs:
Air Taxi/Commercial Operators.

Any person may inspect the application in person at the FAA Office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Sarasota Manatee Airport Authority.

Issued in Atlanta, Georgia on March 20, 1992.

Marisue Haigler,

Assistant Manager, Airports Division, Federal Aviation Administration, Southern Region.

[FR Doc. 92-7205 Filed 3-27-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed

and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: New.
Form Number: None.
Type of Review: New collection.
Title: Centralized Examination Station Cost Survey.
Description: The House Ways and Means Committee Subcommittee on Oversight requested Customs to provide the cost to the importing community to use the Centralized Examination Stations. This one-time survey will be completed for one quarter to provide an estimate of this cost.
Respondents: Businesses or other for-profit.
Estimated Number of Responses: 128.
Estimated Burden Hours Per Response: 20 minutes.
Frequency of Response: Other (One-time survey).
Estimated Total Reporting Burden: 2,746 hours.
Clearance Officer: Ralph Meyer (202) 566–4019, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92–7225 Filed 3–27–92; 8:45 am]
BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

March 23, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB Number: 1557–0106.
Form Number: F–3, F–4, F–5, F–6–K, F–1, F–10–K, F10–Q, Schedules 13D and 13G, Schedules 14A, 14B, and 14C.
Type of Review: Revision.
Title: (MA)-Securities Exchange Act Disclosure Rules.
Description: To conform OCC regulations affecting securities transactions of nearly 330 national banks with those of SEC as required by 15 U.S.C. 78 *et seq.*
Respondents: Individuals or households, businesses or other for-profit.
Estimated Number of Respondents: 300.
Estimated Burden Hours Per Response: 11 hours, 54 minutes.
Frequency of Response: On occasion, quarterly, annually.
Estimated Total Reporting Burden: 9,233 hours.
Clearance Officer: John Ference (202) 874–4697, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.
OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92–7171 Filed 3–27–92; 8:45 am]
BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

March 23, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0164.
Form Number: CF 353, 355, 356 and 357.
Type of Review: Extension.
Title: United States/Canada Free Trade Agreement (CFTA).
Description: The objectives of the CFTA are to eliminate barriers to trade in goods and services between the two countries, facilitate conditions of fair competition within the free-trade area, liberalize significantly conditions for investments within the free-trade area, and establish effective procedures for the joint administration of the CFTA.
Respondents: Businesses or other for-profit, small businesses or organizations.
Estimated Number of Responses/ Recordkeepers: 5,165.
Estimated Burden Hours Per Response/ Recordkeeper:
Form and Time Per Response:
CF 353—20 minutes
CF 355—15 minutes
CF 356—185 hours
CF 357—225 hours
Frequency of Response:
Form and Frequency of Response:
CF 353—On occasion and Annually
CF 355—Annually
CF 356—Quarterly
CF 357—Annually
Estimated Total Reporting Burden: 269,603 hours.
Clearance Officer: Ralph Meyer (202) 566–4019, U.S. Customs Service, Paperwork Management Branch, room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92–7172 Filed 3–27–92; 8:45 am]
BILLING CODE 4820–02–M

Public Information Collection Requirements Submitted to OMB for Review

March 23, 1992.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0754.
Regulation ID Number: LR–255–81 Final Regulations.
Type of Review: Extension.

Title: Substantiation of Charitable Contributions.
Description: Congress intended that the IRS prescribe rules and requirements to assure substantiation and verification of charitable contributions. The regulations serve these purposes.
Respondents: Individuals or households, Businesses or other, Small businesses or organizations
Estimated Number of Recordkeepers: 26,000,000.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: Other.
Estimated Total Reporting Burden: 2,158,000 hours.
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 92–7173 Filed 3–27–92; 8:45 am]
BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Kathe Kollwitz" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, DC, from May 3, 1992, to on or about August 16, 1992, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: March 25, 1992.

Alberto J. Mora,
General Counsel.
[FR Doc. 92–7285 Filed 3–27–92; 8:45 am]
BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202/619–5078, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 57, No. 61
Monday, March 30, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 3, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 92–7399 Filed 3–26–92; 2:19 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 10, 1992.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 92–7400 Filed 3–26–92; 2:19 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 17, 1992.

PLACE: 2033 K St., NW, Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 92–7401 Filed 3–26–92; 2:19 pm]
BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, April 24, 1992.

PLACE: 2033 K St., NW., Washington, DC., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:
Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 92–7402 Filed 3–26–92; 2:19 pm]
BILLING CODE 6351–01–M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—April 1, 1992.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573–0001.

STATUS: Open.

MATTER(S) TO BE CONSIDERED: Petition No. P5–91—Petition of FIATA for Exemption from the NVOCC Tariff Filing Requirements Under the Shipping Act—Consideration of Petition and Replies.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,
Secretary.

[FR Doc. 92–7287 Filed 3–25–92; 5:00 pm]
BILLING CODE 6730–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Thursday, April 2, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed amendments to Regulations K (International Banking Operations) and Y (Bank Holding Companies and Change in Bank Control) to implement the Foreign Bank Supervision Enhancement Act of 1991.
2. Publication for comment or proposals to implement the Truth in Savings Act.
3. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 26, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92–7332 Filed 3–26–92; 10:28 am]
BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Thursday, April 2, 1992, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 26, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92–7333 Filed 3–26–92; 10:28 am]
BILLING CODE 6210–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS
Meeting

TIME AND DATE: A meeting of the Board of Directors will be held on April 6, 1992. The meeting will commence at 9:30 a.m.

PLACE: The Hilton Palacio Del Rio Hotel, 200 South Alamo, The Lacondesa Room, 22nd Floor, San Antonio, TX. 78205, (512) 222–1400.

STATUS OF MEETING:
Open

Except that a portion of the meeting may be closed if a majority of the Board of Directors votes to hold an executive session. At the closed session, pursuant to receipt of the aforementioned vote, the Board of Directors will consider and vote on approval of the draft minutes of the executive session held on March 9, 1992. In addition, the Board of Directors will hear and consider the report of the General Counsel on litigation to which the Corporation is or may become a party. The Board of Directors will also receive and consider a report on current investigations from the Inspector General. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Sections 552b(c) (7) and (10)], the corresponding regulation of the Legal Services Corporation [45 CFR Sections 1622.5 (f) and (h)].[3] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 400 Virginia Avenue, S.W., Washington, D.C. 20024, in its three reception areas, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of Agenda.
2. Approval of Minutes of March 9, 1992 Meeting.
3. Chairman's and Members' Reports.
4. President's Report.
5. Consideration of Staff Report on the Insurance Project.
6. Inspector General's Report.
7. Consideration of Operations and Regulations Committee Report.
8. Consideration of Special Reauthorization Committee Report.
9. Consideration of Provision for the Delivery of Legal Services Committee Report.
10. Consideration of Audit and Appropriations Committee Report.
11. Consideration of Office of the Inspector General Oversight Committee Report.

[3] As to the Board's consideration and approval of the draft minutes of the executive session held on March 9, 1992, the closing is authorized as noted in the **Federal Register** notice corresponding to that Board meeting.

Closed Session [4]

12. Approval of Minutes of Executive Session Held on March 9, 1992.
12. Approval of Minutes of Executive Session Held on March 9, 1992.
13. Consideration of Report by Inspector General on Current Investigations and Other Matters.
14. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is a Party.

Open Session—(Resumed)

15. Consideration of Staff Recommendations for *Pro Bono* Recognition Awards to be Presented at the 1992 Annual Conference of Legal Services Providers.
16. Consideration of Other Business.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863–1839.

Dated Issued: March 26, 1992.

Patricia D. Batie,
Corporate Secretary.

[FR Doc. 92–7403 Filed 3–26–92; 2:20 pm]
BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS
Operations and Regulations Committee Meeting

TIME AND DATE: A meeting of the Board of Directors Operations and Regulations Committee will be held on April 7, 1992. The meeting will commence at 8:30 a.m.

PLACE: The Stouffer Austin Hotel, 9761 Arboretum Blvd., The Fabine Room, Austin, Texas 78759, (512) 343–2626.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of Agenda.
2. Approval of Minutes of March 8, 1992 Meeting.
3. Consideration of Staff Proposal on Timekeeping.
4. Consideration of Report By Staff Regarding Competition Demonstration Projects.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

[4] It is anticipated that the executive session will conclude at approximately 1:20 p.m. The open session will reconvene immediately thereafter.

Date Issued: March 26, 1992.

Patricia D. Batie,
Corporate Secretary.

[FR Doc. 92–7404 Filed 3–26–92; 2:20 pm]
BILLING CODE 7050–01–M

SECURITIES AND EXCHANGE COMMISSION
Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 30, 1992.

A closed meeting will be held on Tuesday, March 31, 1992, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 31, 1992, at 2:30 p.m., will be:

Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Kramer at (202) 272–2000.

Dated: March 17, 1992.

Jonathan G. Katz,
Secretary.

[FR Doc. 92–7413 Filed 3–26–92; 3:59 pm]
BILLING CODE 8010–01–M

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federal register

Monday
March 30, 1992

Part II

Department of the Interior

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Federal Acknowledgment of Existence as an Indian Tribe

March 13, 1992.

This is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.8(a) (formerly 25 CFR 54.8(a)) notice is hereby given that The Northern Cherokee Nation of the Old Louisiana Territory, c/o Beverly Baker Northup, 1502 E. Broadway, suite 201, Columbia, MO 65201, has filed a petition for acknowledgment by the Secretary of the Interior that the group exists as an Indian tribe. The petition was received by the Bureau of Indian Affairs (BIA) on February 19, 1992, and was signed by members of the group's governing body.

This is a notice of receipt of petition and does not constitute notice that the petition is under active consideration. Notice of active consideration will be sent by mail to the petitioner and other interested parties at the appropriate time.

Under § 83.8(d) (formerly 54.8(d)) of the Federal regulations, interested parties may submit factual and/or legal arguments in support of or in opposition to the group's petition. Any information submitted will be made available on the same basis as other information in the BIA's files. Such submissions will be provided to the petitioner upon receipt by the BIA. The petitioner will be provided an opportunity to respond to such submissions prior to a final determination regarding the petitioner's status.

The petition may be examined, by appointment, in the Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment and Research, room 1362–MIB, 1849 C Street, NW., Washington, DC 20240, Phone: (202) 208–3592.

William D. Bettenberg,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 92–7156 Filed 3–27–92; 8:45 am]

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federal register

Monday
March 30, 1992

Part III

Department of Health and Human Services

Centers for Disease Control

Revision of Requirements for Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Revision of Requirements for Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Revision of Requirements for Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs.

SUMMARY: The Requirements for Content of HIV/AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions, in Centers for Disease Control Assistance Programs are being revised after consideration of public comments to the proposed changes in terms and conditions relating to these requirements published in the **Federal Register** on December 13, 1991 (56 FR 65169).

EFFECTIVE DATE: March 30, 1992.

FOR FURTHER INFORMATION CONTACT: Gary West, National Center for Prevention Services, Centers for Disease Control, (404) 639–1480.

SUPPLEMENTARY INFORMATION: Since 1985, the Centers for Disease Control (CDC), as part of the terms and conditions for receipt of CDC funds for human immunodeficiency virus (HIV) prevention programs, has required that all educational and related program materials be reviewed by a Program Review Panel of the recipient. Since education about preventing HIV transmission involves effectively presenting sensitive subject matter, the purpose of this requirement has been to avoid disruptions of CDC-funded programs by requiring a careful consideration of the content, intended audience, and potential offensiveness of materials. A guidance document for this review, entitled "Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs," was last revised and published in the **Federal Register** on June 7, 1990 (55 FR 23414).

In a **Federal Register** announcement published December 13, 1991 (56 FR 65169) CDC requested public comment on proposed changes in terms and conditions relating to these requirements. CDC received 53 responses, representing 24 concerned citizens and 29 organizations, including health departments and other governmental agencies, national organizations, and local organizations. The majority of the comments related to the proposed change in section 1.e, pertaining to the deletion of certain statutory provisions. Various comments were also received on other related issues. After considering these comments, CDC is now issuing final revised terms and conditions consistent with those proposed in the December 13, 1991 **Federal Register** Notice. Comments received and CDC responses to comments are summarized below:

1. Section 1.e pertaining to the Kennedy-Cranston provisions from previous fiscal year appropriations acts was proposed to be deleted.

Forty-eight respondents provided comments related to the deletion of this language; 28 agreed with the deletion. In general, respondents stated that this deletion will allow educators to produce credible materials that will be effective in preventing the further spread of HIV infection. Twenty respondents disagreed with the deletion, with the most frequent comments indicating concern that the lack of restrictions will promote drug use and sexual activity in our children and will encourage the homosexual lifestyle.

Examples of Comments Include

Deleting section 1.e under basic principles 'streamlines' the basic principles and is a welcomed revision.

Lifting of the restrictions will allow those working in areas of AIDS education and prevention to finally produce credible materials that will be effective in stemming the course of the epidemic.

We are pleased * * * (that CDC is deleting) the Kennedy-Cranston (provisions) which had restricted the development and dissemination of frank and explicit AIDS prevention materials.

I believe when teaching children, especially on this subject, it should always remain very conservative.

We are concerned about the possibility that the prohibition against materials that 'promote or encourage' intravenous drug use or sexual activity will be lifted. Why?? Is it in order for the encouragement of the gay lifestyle?

CDC Response: Certain provisions contained in the 1991 Labor, Health and Human Services, and Education and Related Agencies Appropriations Act (formerly referred to as the Kennedy-Cranston Amendment) are not part of the 1992 CDC Appropriations Act and do not apply to the programs which are presently being funded; therefore, they have been deleted from the requirements. Moreover, the respondents' comments do not reflect the fact that CDC's administratively-imposed restrictions, currently in place in the CDC Guidelines, already cover the practical situations where the Kennedy-Cranston language would have applied. The 1991 version of the Kennedy-Cranston provision in part prohibited the use of CDC funds to produce materials "* * * *designed to* promote or encourage, *directly*, intravenous drug abuse or sexual activity, homosexual or heterosexual." (Emphasis added). While Congress deleted this provision in CDC's 1992 appropriation act, Congress has not disturbed the more stringent "offensiveness" standard that CDC has developed administratively and which is retained unchanged in the Basic Principles in section 1 of these guidelines. Accordingly, it is CDC's view that any material which would have failed to meet the Kennedy-Cranston standard ("designed to promote * * * directly, intravenous drug abuse or sexual activity * * *") would also fail to meet the "offensiveness" standard that continues as part of the Basic Principles to be applied by Program Review Panels.

2. Section 2.c.(1)(b) was proposed to change the composition of Program Review Panels (which review other than school-based materials) to include an employee, or designated representative, of a State or local health department who has appropriate expertise to serve as a member of the panel.

Of the seven respondents who provided comments related to this revision, five agreed and two disagreed. One of the respondents who agreed with the revision was concerned, however, that not enough emphasis was placed on reviewing the materials for technical correctness on HIV issues. The two respondents who disagreed both expressed the opinion that this is an unnecessary requirement that should be encouraged, rather than mandated, by the guidelines.

One respondent suggested that "tribal" health department be added to "state/local health department."

Examples of Comments Include

The requirement * * * is good, but may necessitate some changes in current composition or number of panel members.

I am ambivalent about requiring (health department representation on panels) * * * It may benefit several programs in which such a perspective has not been present, but the requirement would also be an unnecessary burden for those panels in which such experience occurs naturally.

CDC Response: It is CDC's position that since health departments have the fundamental responsibility for safeguarding the public health within their jurisdictions, they must be represented on Program Review Panels to facilitate collaboration and coordination of efforts, to minimize duplication, and provide public health expertise. For purposes of this requirement, "tribal" health departments are considered "local" health departments.

3. Section 2.d. was to be revised to require that CDC-funded organizations that develop materials for other than school-based populations which are national, regional (multistate), or statewide in scope should include as a member of the Program Review Panel an employee of a State or local health department, or an appropriate designated representative of such department, consistent with the provisions of section 2.c(1).

One respondent conveyed support of this clarification for panels which approve material developed for distribution on a national, regional, or statewide basis.

CDC Response: We believe that representation of health departments on national, regional, and statewide review panels will provide opportunities for important public health expertise and experience to be considered when decisions are made regarding the potential offensiveness or effectiveness of materials that will be widely distributed.

4. In addition, CDC received nine comments related to issues that have been addressed in previous revisions of the guidelines:

a. Six respondents commented that they agree that panels reviewing materials intended for racial/ethnic minorities should be comprised of members of these groups; however, the respondents also believe that the same standard should apply for all targeted materials, including those for men who have sex with men, women, injecting drug users, or any other intended audiences.

CDC Response: As stated in the June 7, 1990 response (55 FR 23414, 23415), the current terms and conditions are not intended to limit the expertise of any group in evaluating materials, but are intended to prevent any one audience from dominating the membership of the panel. As indicated in section 2.c.(1)(a), recipients are encouraged to use consultants to augment the expertise of Program Review Panels on partjcular matters.

b. Two respondents commented that Program Review Panels should be "required" to include representatives of target audiences on the review panel, not just "consult with."

CDC Response: We believe that the choice of acquiring the expertise either through representation on the panel or through a consultant is best left to the discretion of the recipient.

c. One respondent questioned why panels reviewing materials for school-based populations should not also include a member with "technical (HIV) expertise."

CDC Response: Panels which review materials for use with school-based populations are to include representatives of groups such as teachers, school administrators, parents, and students. It is felt that these persons can provide the expertise needed to review these materials. Grantees are not precluded from inviting a health department representative to serve on the Program Review Panel in situations where the appropriate HIV-related expertise is not readily available. In addition to the above revisions, CDC has made editorial changes in the first paragraph of the content guidelines to clarify that this paragraph is part of the Basic Principles.

These revised terms and conditions are effective immediately and apply to all materials being developed or distributed with CDC funds that have not yet been reviewed by a Program Review Panel. Current grantees are being notified by mail of these revised terms and conditions.

The following final revised terms and conditions, which are consistent with those proposed in the **Federal Register** of December 13, 1991, are effective immediately.

Dated: March 24, 1992.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions in Centers for Disease Control Assistance Programs; March 1992

1. Basic Principles

Controlling the spread of HIV infection and AIDS requires the promotion of individual behaviors that eliminate or reduce the risk of acquiring and spreading the virus. Messages must be provided to the public that emphasize the ways by which individuals can fully protect themselves from acquiring the virus. These methods include abstinence from the illegal use of IV drugs and from sexual intercourse except in a mutually monogamous relationship with an uninfected partner. For those individuals who do not or cannot cease risky behavior, methods of reducing their risk of acquiring or spreading the virus must also be communicated. Such messages can be controversial. These principles are intended to provide guidance for the development and use of educational materials, and to require the establishment of Program Review Panels to consider the appropriateness of messages designed to communicate with various groups.

a. Written materials (e.g., pamphlets, brochures, fliers), audiovisual materials (e.g., motion pictures and video tapes), and pictorials (e.g., posters and similar educational materials using photographs, slides, drawings, or paintings) should use terms, descriptors, or displays necessary for the intended audience to understand dangerous behaviors and explain less risky practices concerning HIV transmission.

(b) Written materials, audiovisual materials, and pictorials should not include terms, descriptors, or displays which will be offensive to a majority of the intended audience or to a majority of adults outside the intended audience unless, in the judgment of the Program Review Panel, the potential offensiveness of such materials is outweighed by the potential effectiveness in communicating an important HIV prevention message.

(c) Educational sessions should not include activities in which attendees participate in sexually suggestive physical contact or actual sexual practices.

(d) Messages provided to young people in schools and in other settings should be guided by the principles contained in "Guidelines for Effective School Health Education to Prevent the Spread of AIDS" (MMWR 1988:37 (suppl. no. S–2)).

2. Program Review Panel

a. Each recipient will be required to establish or identify a Program Review Panel to review and approve all written materials, pictorials, audiovisuals, questionnaires or survey instruments, and proposed educational group session activities to be used under the project plan. This requirement applies regardless of whether the applicant plans to conduct the total program activities or plans to have part of them conducted through other organization(s) and whether program activities involve

creating unique materials or using/distributing modified or intact materials already developed by others. Whenever feasible, CDC funded community-based organizations are encouraged to use a Program Review Panel established by a health department or an other CDC-funded organization rather than establish their own panel. The Surgeon General's Report on Acquired Immune Deficiency Syndrome (October 1986) and CDC-developed materials do not need to be reviewed by the panel unless such review is deemed appropriate by the recipient. Members of a Program Review Panel should:

(1) Understand how HIV is and is not transmitted; and

(2) Understand the epidemiology and extent of the HIV/AIDS problem in the local population and the specific audiences for which materials are intended.

b. The Program Review Panel will be guided by the CDC Basic Principles (in the previous section) in conducting such reviews. The panel is authorized to review materials only and is not empowered either to evaluate the proposal as a whole or to replace any other internal review panel or procedure of the recipient organization or local governmental jurisdiction.

c. Applicants for CDC assistance will be required to include in their applications the following:

(1) Identification of a panel of no less than five persons which represent a reasonable cross-section of the general population. Since Program Review Panels review materials for many intended audiences, no single intended audience shall predominate the composition of the Program Review Panel, except as provided in subsection (d) below. In addition:

(a) Panels which review materials intended for a specific audience should draw upon the expertise of individuals who can represent cultural sensitivities and language of the intended audience either through representation on the panels or as consultants to the panels.

(b) The composition of Program Review Panels, except for panels reviewing materials for school-based populations, must include an employee of a state or local health department with appropriate expertise in the area under consideration who is designated by the health department to represent the department on the panel. If such an employee is not available, an individual with appropriate expertise, designated by the health department to represent the agency in this matter, must serve as a member of the panel.

(c) Panels which review materials for use with school-based populations should include representatives of groups such as teachers, school administrators, parents, and students.

(d) Panels reviewing materials intended for racial and ethnic minority populations must comply with the terms of (a), (b), and (c), above. However, membership of the Program Review Panel may be drawn predominately from such racial and ethnic populations.

(2) A letter or memorandum from the proposed project director, countersigned by a responsible business official, which includes:

(a) Concurrence with this guidance and assurance that its provisions will be observed;

(b) The identity of proposed members of the Program Review Panel, including their names, occupations, and any organizational affiliations that were considered in their selection for the panel.

d. CDC-funded organizations that undertake program plans in other than school-based populations which are national, regional (multistate), or statewide in scope, or that plan to distribute materials as described above to other organizations on a national, regional, or statewide basis, must establish a single Program Review Panel to fulfill this requirement. Such national/regional/state panels must include as a member an employee of a state or local health department, or an appropriate designated representative of such department, consistent with the provisions of section 2.c(1). Materials reviewed by such a single (national, regional, or state) Program Review Panel do not need to be reviewed locally unless such review is deemed appropriate by the local organization planning to use or distribute the materials. Such national/regional/state organization must adopt a national/regional/statewide standard when applying Basic Principles 1.a and 1.b to the respective concepts of "intended audience" and "majority of adults outside the intended audience."

e. When a cooperative agreement/grant is awarded, the recipient will:

(1) Convene the Program Review Panel and present for its assessment copies of written materials, pictorials, and audiovisuals proposed to be used;

(2) Provide for assessment by the Program Review Panel text, scripts, or detailed descriptions for written materials, pictorials, or audiovisuals which are under development;

(3) Prior to expenditure of funds related to the ultimate program use of these materials, assure that its project files contain a statement(s) signed by the Program Review Panel specifying the vote for approval or disapproval for each proposed item submitted to the panel;

(4) Provide to CDC in regular progress reports signed statement(s) of the chairperson of the Program Review Panel specifying the vote for approval or disapproval for each proposed item that is subject to this guidance.

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federal register

Monday
March 30, 1992

Part IV

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations; Final Rule

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 550

Libyan Sanctions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule; amendments to the list of specially designated nationals of Libya.

SUMMARY: The Libyan Sanctions Regulations are being amended to add the names of 46 companies to appendix A, Organizations Determined To Be Within the Term of "Government of Libya" (Specially Designated Nationals of Libya). Appendix A contains the names of companies, banks, and other entities, whether located outside or inside of Libya, which the Director of the Office of Foreign Assets Control has determined to be owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya. This list may be expanded or amended at any time.

EFFECTIVE DATE: March 27, 1992.

ADDRESSES: Copies of this list are available upon request at the following location: Office of Foreign Assets Control, U.S. Department of the Treasury, Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: J. Robert McBrien, Chief, International Programs Division, Office of Foreign Assets Control, tel. (202) 566–5021.

SUPPLEMENTARY INFORMATION: The Libyan Sanctions Regulations, 31 CFR part 550 (the "Regulations"), were issued by the Treasury Department to implement Executive Orders No. 12543 (51 FR 875, Jan. 9, 1986) and 12544 (51 FR 1235, Jan. 10, 1986), in which the President declared a national emergency with respect to Libya, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), and ordering specific measures against the Government of Libya. The Regulations were amended by a final rule published in the **Federal Register** (56 FR 20540, May 6, 1991) which added appendix A, a list of organizations determined to be within the term "Government of Libya." The Regulations were amended further by a final rule published in the **Federal Register** (56 FR 37156, Aug. 5, 1991) which removed the numerical designations from appendix A, merged the separate categories in appendix A, added the names of twelve companies to appendix A, and added a new appendix B, "Individuals Determined To Be Specially Designated Nationals of the Government of Libya," to the end thereof. The Regulations were also amended by a final rule published in the **Federal Register** (56 FR 65993, Dec. 20, 1991) which removed one name from appendix B.

Section 550.304 of the Regulations defines the term "Government of Libya" as follows:

(a) The "Government of Libya" includes:

(1) The State and the Government of Libya, as well as any political subdivision, agency, or instrumentality thereof, including the Central Bank of Libya;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since the effective date, acting or purporting to act directly or indirectly on behalf of any of the foregoing;

(4) Any other person or organization determined by the Secretary of the Treasury to be included within paragraph (a) of this section.

(b) A person specified in paragraph (a)(2) of this section shall not be deemed to fall within the definition of Government of Libya solely by reason of being located in, organized under the laws of, or having its principal place of business in, Libya.

Determinations that persons fall within the definition of the "Government of Libya" are effective upon the date of determination by the Director of FAC, acting under authority delegated by the Secretary of the Treasury. Public notice is effective upon the date of publication or upon actual notice, whichever is sooner.

This rule amends appendix A to part 550 to provide public notice of the worldwide application of the Regulations to each name listed at appendix A, to provide further public notice that the absence of any particular name from the list is not to be construed as evidence that the person does not meet the definition of the "Government of Libya," and to provide public notice of 46 additional companies determined to be "specially designated nationals" of the Government of Libya. The rule clarifies that all listed organizations meet the definition of "Government of Libya" not only at the listed addresses inside or outside of Libya, but also at all their other locations worldwide. The rule stipulates further that the absence of any particular person from the specially designated nationals list is not to be construed as evidence that it is not owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya.

Appendix A consists of organizations determined by the Director of FAC to be owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya. The persons listed in appendix A thus fall within the definition of the "Government of Libya" contained in § 550.304(a) of the regulations, and are subject to all prohibitions applicable to other components of the Government of Libya. All unlicensed transactions with such persons, or in property in which they have an interest, are prohibited anywhere in the world.

The list of specially designated nationals is a partial one, since FAC may not be aware of all the agencies and officers of the Government of Libya or of all the persons that might be owned or controlled by the Government of Libya or acting as agents or front organizations for Libya, and which thus qualify as specially designated nationals of the Government of Libya. Therefore, persons engaging in transactions may not rely on the fact that any particular person is not on the specially designated nationals list as evidence that it is not owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya. The Treasury Department regards it as incumbent upon all U.S. persons to take reasonable steps to ascertain for themselves whether persons they enter into transactions with are owned or controlled by the Government of Libya or are acting or purporting to act on its behalf, or on behalf of other countries subject to blocking or transactional restrictions (at present, Cuba, Haiti, Iraq, North Korea, and Vietnam).

Section 206 of the International Emergency Economic Powers Act, 50 U.S.C. 1705, as amended by the Uniform Sentencing Act, 18 U.S.C. 3571 and 3581, provides for civil penalties not to exceed $10,000 per count for violations of the Regulations, fines of up to $250,000 and imprisonment for up to 12 years for willful violations of the Regulations by individuals, and fines of up to $500,000 for organizations.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of Subjects in 31 CFR Part 550

Administrative practice and procedure, Banks, Banking, Blocking of assets, Foreign trade, Libya, Penalties, Reporting and recordkeeping requirements, Securities, Specially designated nationals, Travel restrictions.

PART 550—LIBYAN SANCTIONS REGULATIONS

For the reasons set forth in the preamble, 31 CFR part 550 is amended as set forth below:

1. The authority citation for part 550 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 2349aa–8 & –9; 49 U.S.C. 1514; E.O. 12543, 51 FR 875 (Jan. 9, 1986); E.O. 12544, 51 FR 1235 (Jan. 10, 1986).

Appendix A—[Amended.]

2. Appendix A to part 550, "Organizations Determined To Be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)," is amended by adding the following paragraph as a preamble to the list of names:

The names and addresses listed below are the most complete ones currently known to the Office of Foreign Assets Control. Listed organizations located in Libya meet the definition of "Government of Libya" not only at their locations inside of Libya, but also at all their other locations worldwide. Listed organizations outside of Libya also meet the definition of "Government of Libya" not only at their cited addresses, but also at all their other locations worldwide. The absence of any particular person from the list of specially designated nationals is not to be construed as evidence that it is not owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya. Please note that name variations and addresses are subject to change over time and that the Office of Foreign Assets Control will update name and address information periodically.

3. Appendix A to part 550 is also amended by adding the following names in their proper alphabetical positions:

A. Bortolotti & Co. S.P.A.,
(a.k.a. Bortolotti)
Via Predore, 50, 24067 Sarnico, Bergamo, Italy.
Cremona, Italy.

Ad-Dar Al Jamahiriya for Publishing Distribution & Advertising,
P.O. Box 17459, Misurata, Libya.
P.O. Box 950, Tripoli, Libya.
P.O. Box 321, Benghazi, Libya.
P.O. Box 20108, Sebha, Libya.
P.O. Box 547, Valletta, Malta.
P.O. Box 15977, Casablanca, Morocco.

Agip North Africa and Middle East Oil Company,
(a.k.a. Agip (N.A.M.E.) Limited),
Adahr, P.O. Box 346, Sciara Giakarta, Tripoli, Libya.
Benghazi Office, P.O. Box 4120, Benghazi, Libya.

Aquitaine Libye
Omar El Mokhtar Street, P.O. Box 282, Tripoli, Libya.

Arabian Gulf Oil Company,
(a.k.a. AGOCO),
P.O. Box 263, Al Kish, Benghazi, Libya.
P.O. Box 693–325, Ben Ashour Street, Tripoli, Libya.
Sarir Field, Libya.
Windsor House, 42–50 Victoria Street, London SW1H 0NW, United Kingdom.

Azzawiya Oil Refining Company
P.O. Box 6451, Tripoli, Libya.
Benghazi Asphalt Plant Office, Benghazi, Libya.

Central Bank of Libya,
Al-Fatah Street, P.O. Box 1103, Tripoli, Libya.
Benghazi, Libya.
Sebha, Libya.

Chempetrol,
(a.k.a. Chempetrol International),
145, Flat 8, Tower Road, Sliema, Malta.

Chempetrol International Ltd.,
5th Floor, Quality Court, Chancery Lane, London WC2A 1HP, United Kingdom.
28 Lincoln's Inn Fields, London WC2A 3HH, United Kingdom.

F.A. Petroli S.P.A.
Italy.

General Arab African Enterprise,
(a.k.a. GAAE),
(a.k.a. General Arab African Company),
(a.k.a. GAAC),
P.O. Box 6059, 219 Mohammed el Megarief Street, Tripoli, Libya.
Nasser Street, Benghazi, Libya.

Jamahiriya Bank,
(f.k.a. Masraf Al-Gumhouria),
P.O. Box 3224, Martyr Street, Megarief, Tripoli, Libya.
Emhemed Megrief Street, Tripoli, Libya.
P.O. Box 1291, Benghazi, Libya.
(38 local branches in Libya).

Joint Oil,
(a.k.a. Joint Oil Tunisia)
(a.k.a. Joint Exploration, Exploitation and Petroleum Services Company)
(a.k.a. Societe de Recherche et D'Exploitation Commune et de Service Petroliere)
(a.k.a. Libyan-Tunisian Exploration Company),
B.P. 350 Houmt Souk 4180, Djerba Island, Tunisia.
7th of November offshore field, Gulf of Gabes
Planning & Logistic Group Complex, Port of Zarzis, Tunisia.

Libyan Agricultural Bank,
(a.k.a. The Agricultural Bank),
(a.k.a. National Agricultural Bank of Libya),
52, Omar El Mokhtar Street, P.O. Box 1100, Tripoli, Libya.
(1 city branch and 27 branches in Libya).

Libyan Arab Foreign Bank,
(a.k.a. LAFB),
Dat El Imad Complex Tower No. 2, P.O. Box 2542, Tripoli, Libya.

Mediterranean Power Electric Company Limited,
A 16B, Industrial Estate, Marsa, Malta.

National Commercial Bank S.A.L.,
P.O. Box 4647, Shuhada Square, Tripoli, Libya.
P.O. Box 160, Benghazi, Libya.
(22 branches in Libya).

National Company Drilling Chemical & Equipment
(a.k.a. JOWFE)
NOC Building, Ashjara Square, Benghazi, Libya.

National Company for Field and Terminals Catering,
Airport Road, Km. 3, P.O. Box 401, Tripoli, Libya.

National Company for Oilfield Equipment
P.O. Box 8707, Tripoli, Libya.

National Drilling Workover Company
(a.k.a. National Drilling Company),
(a.k.a. National Drilling Company (Libya))
208 Omar El Mokhtar Street, P.O. Box 1454, Tripoli, Libya.

National Oil Corporation,
(a.k.a. NOC),
(a.k.a. Libyan National Oil Corperation)
(a.k.a. LNOC)
Bashir Saadawi Street, P.O. Box 2655, Tripoli, Libya.
P.O. Box 2978, Benghazi, Libya.
Dahra Gas Projects Office, Dahra Street, P.O. Box 12221, Dahra, Tripoli, Libya.
Petroleum Training and Qualifying Institute, Zawia Road, Km. 9, P.O. Box 6184, Tripoli, Libya.
Petroleum Research Centre, Al Nasser Street, P.O. Box 6431, Tripoli, Libya.
(Subsidiaries and joint ventures in Libya and worldwide).

National Petrochemicals Company,
(a.k.a. Napetco),
(f.k.a. National Methanol Company),
P.O. Box 20812, Marsa Brega, Libya.
P.O. Box 5324, Garden City, Benghazi, Libya.
Dusseldorf, Germany (Office Closed).

Neutron International,
Tripoli, Libya.

Norddeutsche Oelleitungsgesellschaft MBH,
(a.k.a. NDO),
(a.k.a. North German Oil Pipeline),
Moorburger Strasse 16, D2000 Hamburg-Harburg 90, Germany.
Wilhelmshaven to Hamburg pipeline, Germany.

Oil Energy France,
France.

Oil Energy Spain,
Spain,
(a.k.a. Oilinvest Spain),
(a.k.a. Oilinvest Espanola),

Raffinerie Du Sud-Ouest,
(a.k.a. RSO),
(a.k.a. Collombey Refinery),
Collombey, Valais, Switzerland.

Ras Lanuf Oil and Gas Processing Company, Ltd.,
(a.k.a. RASCO),
P.O. Box 75071, Tripoli, Libya.
Ras Lanuf Complex and Terminal, Ghout El Sheel, Libya.
Benghazi Complex, P.O. Box 1871, Gamel Abdul Nasser Street, Benghazi, Libya.

Sahara Bank,

10 First September Street, P.O. Box 270, Tripoli, Libya.
(22 branches in Libya).
Sirm Holding S.R.L.,
Rome, Italy.
Sirte Oil Company,
(a.k.a. Sirte Oil Co. for Production Manufacturing Oil & Gas Marsa El, Brega),
P.O. Box 385, Tripoli, Libya.
P.O. Box 2582, Tripoli, Libya.
Benghazi, Libya.
Sirte Field, Libya.
Marsa El Brega, Libya.
Syrian Libyan Company—Industrial & Agricultural Investments,
(a.k.a. Arab Libyan Syrian Industrial & Agricultural Investment Company),
(a.k.a. Sylico),
9 Mazzo, Autostrade, Damascus, Syria.
Tamoil Hungaria,
Hungary.
Tamoil Petroli Italiana S.P.A.,
Milan, Italy.
(1,977 gasoline retail outlets in Italy).
Tamoil Suisse S.A.,
(a.k.a. Tamoil Switzerland),
(f.k.a. Gatoil Suisse S.A.),
Zug, Switzerland.
Geneva, Switzerland.
(330 gasoline retail outlets in Switzerland),
(RSO refinery in Collombey).
Tamoil Trading Ltd.,
Monte Carlo, Monaco.
Zurich, Switzerland.
London, United Kingdom.
Teknica Petroleum Services Limited,
Suite 1100, 736 Sixth Avenue SW., Calgary, Alberta T2P 3T7, Canada.
Tekxel Limited,
(f.k.a. Jawaby Technical Services Limited),
London, United Kingdom.
UMM Al-Jawaby Petroleum Co. S.A.L.,
P.O. Box 693, Tripoli, Libya.
Nafoora Field, Libya.
Umma Bank S.A.L.,
1 Giaddet Omar Mokhtar, P.O. Box 685, Tripoli, Libya.
(31 branches throughout Libya).
Veba Oil Libya GMBH,
(a.k.a. Veba Oil Libyan Branch),
(a.k.a. Veba Oil Operations, B.V.),
(f.k.a. Mobil Oil Libya, Ltd.),
P.O. Box 2357, Tripoli, Libya.
Al Magharba Street, P.O. Box 690, Tripoli, Libya.
Vulcan Oil S.P.A.,
Milano 2, Centro Direz. Pal. Canova, 20090 Segrate, Milan, Italy.
Delta Energy/ERG bunkering service,
Genoa, Italy.
United Kingdom (offshore).
Waha Oil Company,
Omar El Mokhtar Street, Box 395, Tripoli, Libya.
P.O. Box 221, Benghazi, Libya.
Sidi Issa Street, P.O. Box 915, Tripoli, Libya.
P.O. Box 1075, Tripoli, Libya.
Wahda Bank,
Jamel Abdul Nasser Street, P.O. Box 452,
Fadiel Abu Omar Square, El-Berhka,
Benghazi, Libya.
P.O. Box 1320, Benghazi, Libya.
P.O. Box 3427, Tripoli, Libya.
(37 branches throughout Libya).
Zueitina Oil Company,
Zueitina Building "A", Sidi Issa, Dahra,
P.O. Box 2134, Tripoli, Libya.
Mitchell Cotts Building, P.O. Box 2134, Tripoli, Libya.
Plant at Intisar Field A, Tripoli, Libya.
Gas Processing Plants, Tripoli, Libya.

Dated: March 11, 1992.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 17, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92-7180 Filed 3-27-92; 9:15 am]

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-017-00001-9)	$13.00	Jan. 1, 1992
3 (1990 Compilation and Parts 100 and 101)	(869-013-00002-1)	14.00	[1] Jan. 1, 1991
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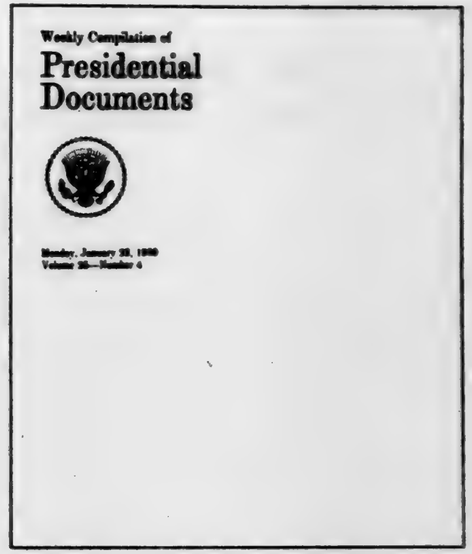

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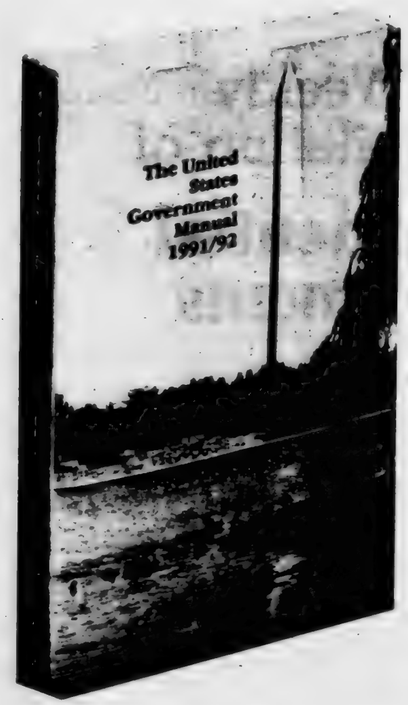

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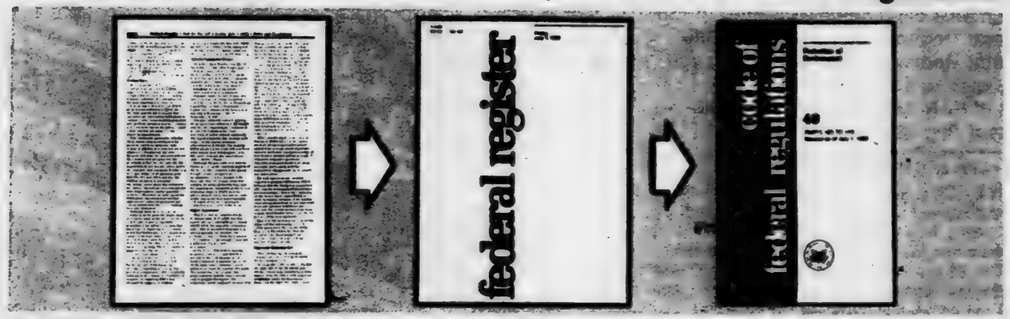

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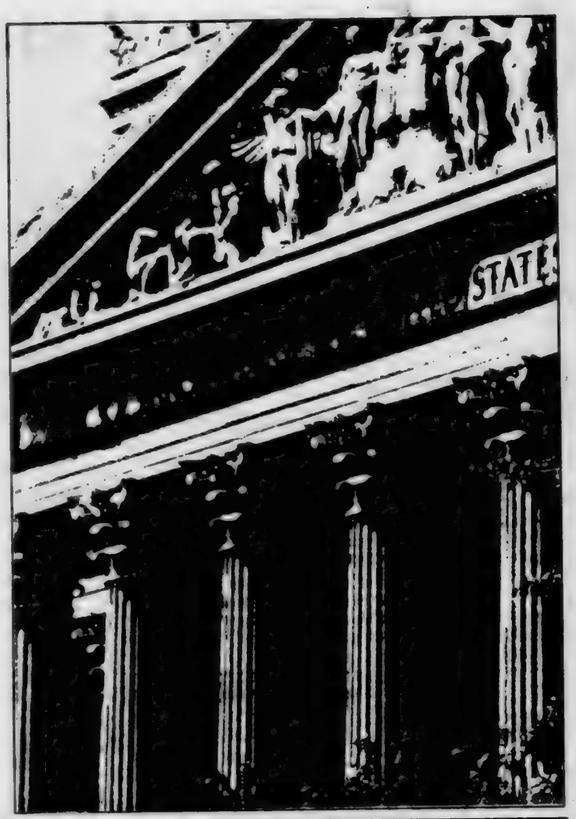

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: April 7, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202-523-5240.
DIRECTIONS: North on 11th Street from Metro Center to corner of 11th and L Streets

ST. LOUIS, MO

WHEN: April 23; at 9:00 a.m.
WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO
RESERVATIONS: Call the Federal Information Center
St. Louis: 1-800-366-2998
Missouri (outside St. Louis): 1-800-735-8004

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-167-AD; Amendment 39-8211; AD 92-07-15]

Airworthinesss Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that requires the inspection and modification, if necessary, of the wing fixed inboard trailing edge upper panel, and replacement of aluminum fasteners with oversized titanium fasteners. This amendment is prompted by reports from the manufacturer indicating that aluminum fasteners were used to attach the graphite panel assembly to the wing structure. This combination of materials could lead to fastener corrosion. The actions specified by this AD are intended to prevent the separation of the fixed inboard trailing edge upper panel and consequent damage to airplane structure, hydraulic lines, and wire bundles.

DATES: Effective May 5, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 5, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2779. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes was published in the **Federal Register** on October 23, 1991 (56 FR 54805). That action proposed to require the inspection and modification, if necessary, of the wing fixed inboard trailing edge upper panel, and replacement of aluminum fasteners with oversized titanium fasteners.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the rule as proposed.

One commenter is concerned about the proposed requirement to verify part numbers on the affected panels, because many panels may have been painted over. Consequently, some operators may be required to sand down large areas of the panels in order to verify part numbers and this, in itself, may damage the panels. Therefore, in lieu of the visual inspection, this commenter suggests that the rule be revised to permit operators to review maintenance/purchasing records in order to determine whether a graphite panel was installed. The commenter states that it is not critical to know the panel's actual part number; it is only necessary to know whether the panel is made of graphite. The FAA agrees that instructions should be provided for those operators who are unable to determine the part numbers of the panels by a visual inspection. However, rather than providing for a review of records, the FAA considers it more appropriate that the material of the panel be determined. Paragraph (a) has been revised to include instructions for those situations where the part number of the panel is not visible; these instructions describe a method for determining whether a panel is made of graphite or fiberglass. (The manufacturer advises that it is planning to revise the applicable service information to specify similar instructions to determine panel material.)

One commenter expresses concern over the requirement to modify the graphite panels, since it involves removing the Tedlar protective film and possibly damaging the graphite plies. This commenter suggests that the rule be revised to require that the panels be modified only as necessary, based on the condition of corrosion degradation of the panel. The FAA does not agree. Removing the Tedlar protective film must be accomplished because the single ply of fiberglass will not bond to the Tedlar; therefore, exposure of the graphite is necessary. The primary concern with the graphite panels is corrosion due to the presence of dissimilar materials, namely, graphite and aluminum. In situations where these two materials are present, it is the aluminum structure (aluminum attachment fasteners and aluminum wing structure under the panel) that will be degraded. The FAA does not anticipate any degradation of the graphite panels, but is requiring that the panels be modified in order to protect the aluminum wing structure under the panel.

Two commenters request that the proposed compliance time of 15 months be extended to 18 or 24 months so that the modification could be accomplished during a regularly scheduled "C," "2C," or "3C" check. By doing so, operators would not be faced with special schedules or unnecessary downtime. The FAA concurs that the compliance time may be extended somewhat. The proposed compliance time of 15 months was selected as the interval that was considered to be the average time for scheduling a normal heavy maintenance visit for the majority of affected operators. The FAA's intent was that the modification be accomplished during such a visit, where special equipment and trained maintenance personnel would be available if necessary. The FAA is aware that maintenance schedules do vary from operator to operator and, based on the information provided by the commenters, it is apparent that 18 months is a more realistic average interval for normal

maintenance scheduling. The FAA has determined that the compliance time may be extended to 18 months without compromising safety, and has revised the final rule accordingly.

One commenter requests that the proposed compliance time be extended because of the possibility of problems in obtaining the required oversized titanium fasteners. The FAA does not concur that a parts availability problem exists. The FAA has researched the availability of the number of parts and finds that ample parts will be available for the affected fleet within the compliance time. As explained previously, however, the compliance time has been extended from the proposed 15 months to 18 months for other reasons.

The manufacturer advises that it is planning to revise the cited service bulletin to reduce the number of affected airplanes. Based on the data available, the manufacturer states that only four graphite-edged panels were released to the airlines and delivered to the "Group 1" airplanes. Three of the four panels have been identified and located; the fourth has been located within one operator's fleet, but has not yet been located on a specific airplane. Based on this information supplied by the manufacturer, the FAA has revised the applicability of the final rule to reflect a reduction in the number of affected airplanes.

By changing the applicability, the number of affected U.S.-registered airplanes is reduced from 227 (as was indicated in the notice) to 137; likewise, the number of airplanes of the affected design in the worldwide fleet is reduced from 371 to 263. The economic impact paragraph, below, has been revised to incorporate these lower figures.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 263 Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 137 airplanes of U.S. registry will be affected by this AD, that it will take approximately 78 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $587,730. (This figure is $386,100 less than the total cost figure specified in the proposal.)

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

92-07-15. Boeing: Amendment 39-8211. Docket 91-NM-167-AD.

Applicability: Model 757 series airplanes; variable numbers NA010, NA011 and NA501 through NA531, and line numbers 142 through 371; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the separation of the fixed inboard trailing edge upper panel and consequent damage to airplane structure, hydraulic lines, and wire bundles, accomplish the following:

(a) For airplanes having variable numbers NA010, NA011, and NA501 through NA531: Within the next 18 months after the effective date of this AD, accomplish the procedures specified in either subparagraph (a)(1) or (a)(2) of this AD:

(1) Determine the panel assembly part number of the left and right wing in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(i) If a panel assembly part number is 113N1611-9 (left), -10 (right), -11 (left), or -12 (right): No further action is required.

(ii) If a panel assembly part number is 113N1611-13 (left), -14 (right), -15 (left), or -16 (right): Prior to further flight, modify the fixed inboard trailing edge upper panel in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(2) With the panel installed on the airplane, locate a small area on the sloped surface of the panel near one of the three edges where fasteners are installed through the panel. Sand the small area with light pressure until paint, primer, and Tedlar protective film layers are removed.

(i) If the exposed skin layer is any color other than black, no further action is required.

(ii) If the exposed skin layer is black, modify the fixed inboard trailing edge upper panel, prior to further flight, in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(b) For airplanes having line numbers 142 through 371: Within the next 18 months after the effective date of this AD, modify the fixed inboard trailing edge upper panel in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle, ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspection and modifications shall be done in accordance with Boeing Service Bulletin 757-57-0036, dated June 13, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment becomes effective on May 5, 1992.

Issued in Renton, Washington, on March 10, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7307 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-CE-73-AD; Amendment 39-8219; AD 92-08-08]

Airworthiness Directives; de Havilland Model DHC-3 Otter Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine. This action requires a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and if nonexistent or incorrectly assembled, installation in accordance with the applicable service information. If the fuel condition lever lock is nonexistent or is incorrectly assembled, inadvertent engine shutdown could occur. The actions specified by this AD are intended to prevent loss of control of the airplane caused by inadvertent engine shutdown.

DATES: Effective May 18, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905; Telephone (408) 422-7866. This information may also be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Chinh Vuong, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425; Telephone (213) 988-5264; Facsimile (213) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine was published in the **Federal Register** on December 27, 1991 (56 FR 67017). The action proposed a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and installation if nonexistent or incorrectly assembled. The actions would be accomplished in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts are provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $440.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES".**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-08-08 DE HAVILLAND: Amendment 39-8219; Docket No. 91-CE-73-AD.

Applicability: Model DHC-3 Otter airplanes (all serial numbers) that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine, certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent loss of control of the airplane caused by inadvertent engine shutoff, accomplish the following:

(a) Visually inspect the Pratt & Whitney PT6A-135/135A engine to ensure that a fuel condition lever lock, part number (P/N) 20037-18, is installed and ensure that it is correctly assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(b) If a fuel condition lever lock is not installed or is not assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990, prior to further flight, install a fuel condition lever position lock, (P/N) 20037-18, in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425. The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) The installation required by this AD shall be done in accordance with Servo-Aero Service Bulletin SB001, dated July 24, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

(f) This amendment (39–8219) becomes effective on May 18, 1992.

Issued in Kansas City, Missouri, on March 25, 1992.

Richard F. Yotter,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR DOC. 92–7396 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ASO–14]

Revocation of Transition Area, Union, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Union, SC, Transition Area. The 700-foot transition was established several years ago to provide controlled airspace protection for instrument flight rules (IFR) aircraft while executing a standard instrument approach procedure (SIAP) planned for the Union County Airport. The SIAP was never implemented, nor are instrument aeronautical operations planned for the airport. Consequently, the additional controlled airspace of the transition area is not required.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Union, SC, Transition Area (56 FR 23254). Several years ago the 700-foot transition area was established to provide additional controlled airspace for protection of IFR aircraft executing a standard instrument approach procedure planned for the Union County Airport. The instrument approach procedure was never implemented, nor are instrument aeronautical operations planned for the airport. Thus, the additional controlled airspace is not required. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. The Union, SC, Transition Area was published in § 71.181 of FAA Order 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Union, SC, Transition Area. This action will raise the floor of controlled airspace from 700 feet to 1200 feet above the surface in vicinity of the Union County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Transition Areas

* * * * *

Union, SC [Removed]

* * * * *

Issued in East Point, Georgia, on March 19, 1992.

Don Case,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 92–7339 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Miscellaneous Rules

AGENCY: Federal Trade Commission.

ACTION: Final Rule.

SUMMARY: On August 9, 1989, the Federal Trade Commission ("FTC") requested comments on proposed amendments to its rules to reflect the amendments to the fee and fee waiver provisions of the Freedom of Information Act ("FOIA"), as embodied in the Freedom of Information Reform Act of 1986 ("Reform Act"), and guidelines promulgated by the Office of Management and Budget pursuant to the Reform Act amendments. 54 FR 32654.

Amendments were also proposed to reduce certain fees and increase others to reflect changes in, or more accurate information about, the costs of providing services, and authorize the use of credit cards to pay fees. In addition, amendments were proposed to make all of the fee and fee waiver provisions applicable not only to FOIA requests, but also to requests for public records and to requests from other government agencies seeking information for purposes other than law enforcement. To this end, Rule 4.8 is restructured to include all provisions generally relating to fees and fee waivers for agency records. Other provisions of the current rule, which pertain only to public records, are moved to Rule 4.9.

In addition to changes pertaining to fees and fee waivers, the amendments proposed changes to conform Rule 4.10 ("Nonpublic records") to the provisions of the Reform Act that expand the exemption for investigative records, and that create new categories for records that are not subject to the FOIA.

The FTC has also determined to expand existing delegations, and to authorize the Director of the Information Services Division to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the Privacy Act, and to limit public use of copying facilities. The final rule also corrects cross-references found in Rules 4.7, 4.9, and 4.13.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Services Division, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2410.

SUPPLEMENTARY INFORMATION:

I. Previous Proposed Rule

All of the changes to the Rules that were proposed by the Commission on August 9, 1989 have been incorporated as proposed. See 54 FR 32654. No comments were received regarding those proposals, and the FTC has determined to adopt the proposals without change. Public comment is not required on either the delegation of authority or the technical corrections. See 5 U.S.C. 553(b)(A).

II. Delegation of Authority to Consider Access Requests

The Commission has also determined to expand existing delegations and authorize the Director of the Information Services Division to exercise authority that can now be exercised by the Deputy Executive Director for Planning and Information under its access rules. The Director of the Information Services Division, as well as the Deputy Executive Director for Planning and information, will therefore be authorized to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the Privacy Act, and to limit public use of copying facilities. The rules affected by this change include: Rules 4.8(c), (e), (g), and (h); Rules 4.9(a)(4); Rules 4.11(a)(1)(iii)(A), (B), and (C); Rules 4.11(a)(1)(iv)(A), (B), and (C); Rules 4.11(a)(2)(ii) (A) and (B); and Rules 4.13(e), (f), (h), (i)(1), and (j).

III. Technical Corrections

A. Rule 4.7(c)

Procedures for handling *ex parte* communications are outlined in Rule 4.7(c). That rule indicates that the Secretary shall make relevant portions of such information part of the Commission's public record and references Rule 4.8. That reference is in error. The correct reference is to Rule 4.9, which describes the types of documents that are routinely made public by the Commission. The change to Rule 4.7(c) corrects that typographical error.

B. Rule 4.9(a)(2)

In 1987 the Commission delegated authority to the General Counsel to authorize the use of nonpublic information on the basis that the use is in the public interest and will be used for teaching, lecturing, or writing purposes by Commission employees. 52 FR 34765 (September 15, 1987). That delegation of authority is found in Rule 5.12(c). 16 CFR 5.12(c). Rule 4.9(a)(2) references that rule, but was inadvertently not revised when Rule 5.12(c) was amended. The change in Rule 4.9(a)(2) corrects that oversight and clearly states that the General Counsel may make nonpublic records available under the provisions of Rule 5.12(c).

C. Rule 4.13(k)

The cross-reference citation to the Commission's fee schedule is changed to reflect the renumbering of the rule containing that fee schedule.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act.

In consideration of the foregoing, the Commission amends title 16, chapter 1, subchapter A of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

1. The authority for part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

2. Section 4.7(c)(3) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * *

(c) * * *

(3) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (c)(1) and (2) of this section. The Secretary shall make relevant portions of any such materials part of the public record of the Commission, pursuant to § 4.9, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

3. Section 4.8(a) is redesignated as § 4.9(a)(3), and amended by adding a paragraph heading before the first sentence. In addition, § 4.9 is amended by revising paragraph (a)(2) and adding paragraph (a)(4) to read as follows:

§ 4.9 Public records.

(a) * * *

(2) Records that are exempt from disclosure or are otherwise not available from the Commission's public record may be made available for inspection and copying only upon request under the procedures set forth in § 4.11, or as provided in §§ 4.10(d)–(g), 4.13, and 4.15(b)(3), by the General Counsel under § 5.12(c), or by the Commission.

* * * * *

(3) *Location of Public Records.* * * *

* * * * *

(4) *Copying of public records.*

(i) *Procedures.* Reseasonable facilities for copying public records are provided at each office of the Commission. Subject to appropriate limitations and the availability of facilities, any person may copy public records available for inspection at each of those offices. Further, the agency will provide copies to any person upon request. Written requests for copies of public records should be addressed to the Director of the Information Services Division, and should specify as clearly and accurately as reasonably possible the records desired. For records that cannot be specified with complete clarity and particularity, requesters must provide descriptions sufficient to enable qualified Commission personnel to locate the records sought. In any instance, the Commission, the Deputy Executive Director for Planning and Information, the Director of the Information Services Division, or the official in charge of each office may prohibit the use of Commission facilities to produce more than one copy of any public record, and may refuse to permit the use of such facilities for copying records that have been published or are publicly available at places other than the offices of the Commission.

(ii) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). Advance payment may be required, as provided by § 4.8(h).

(iii) *Records for sale at another government agency.* If requested materials are available for sale at a another government agency, the requester will not be provided with

copies of the materials but will be advised to obtain them from the selling agency.

4. Section 4.8 is revised to read as follows:

§ 4.8 Costs for obtaining Commission records.

(a) *Definitions.* For the purpose of this section:

(1) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents.

(2) The term *duplication* refers to the process of making a copy of a document in order to respond to a request for Commission records.

(3) The term *review* refers to the examination of documents located in response to a request to determine whether any portion of such documents may be withheld, and the reduction or other processing of documents for disclosure. Review does not include time spent resolving general legal or policy issues regarding the release of the document.

(4) The term *direct costs* means expenditures that the Commission actually incurs in processing requests. Not included in direct costs are overhead expenses such as costs of document review facilities or the costs of heating or lighting such a facility or other facilities in which records are stored. The direct costs of specific services are set forth in § 4.8(b)(6).

(b) *Fees.* User fees pursuant to 31 U.S.C. 483(a) and 5 U.S.C. 552(a) shall be charged according to this paragraph.

(1) *Commercial use requesters.* Commercial use requesters will be charged for the direct costs to search for, review, and duplicate documents. A commercial use requester is a requester who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(2) *Educational requesters, non-commercial scientific institution requesters, and representative of the news media.* Requesters in these categories will be charged for the direct costs to duplicate documents, excluding charges for the first 100 pages. An *educational institution* is a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. A *non-commercial scientific institution* is an institution that is not operated on a *commercial* basis as that term is referenced in paragraph (b)(1) of this section, and that is operated solely to conduct scientific research the results of which are not intended to promote any particular product or industry. A *representative of the news media* is any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. *News* means information that is about current events or that would be of current interest to the public.

(3) *Other requesters.* Other requesters will be charged for the direct costs to search for and duplicate documents, except that the first 100 pages of duplication and the first two hours of search time shall be furnished without charge.

(4) *Waiver of small charges.* Notwithstanding the provisions of paragraphs (b)(1), (2), and (3), charges will be waived if the total chargeable fees for a request do not exceed $5.00.

(5) *Materials available without charge.* These provisions do not apply to recent Commission decisions and other materials that may be made available to all requesters without charge while supplies last.

(6) *Schedule of direct costs.* The following uniform schedule of fees applies to records held by all constituent units of the Commission.

Duplication

Paper Copy (up to 8½" X 14")
(Reproduced by Commission staff)—$0.14 per page
(Reproduced by Requester)—$0.05 per page
Computer Paper—$0.14 per page

Microfilm Services

Film Copy—Paper to 16mm film—$0.02 per frame
Fiche Copy—Paper to 105mm fiche—$0.02 per frame + $0.23 per fiche
Film Copy—Duplication of existing 100 ft. roll of 16mm film—$3.35 per roll
Fiche Copy—Duplication of existing 105mm fiche—$0.04 per roll
Paper Copy—Converting existing 16mm film to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Paper Copy—Converting existing 105mm fiche to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Film Cassettes—$3.00 per cassette

Other Charges

Computer Tape—$18.50 per tape
Certification—$10.35 each
Express Mail—$5.00 for the first pound and $.80 for each additional pound (per request)

Search and Review Fees

Agency staff is divided into three categories: clerical, attorney/economist, and other professional. Fees for search and review are assessed on a quarter-hourly basis, and are determined by identifying the category into which the staff member(s) conducting the search or review belong(s), determining the average quarter-hourly wages of all staff members within that category, and adding 16 percent to reflect the cost of additional benefits accorded to government employees. The exact fees are calculated and announced periodically and are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580; (202) 326–2222.

(c) *Information to determine fees.* Each request for records shall set forth whether the request is made for other than commercial purposes and whether the requester is an educational institution, a noncommercial scientific institution, or a representative of the news media. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, will use this information, any additional information provided by the requester, and any other relevant information to determine the appropriate fee category in which to place the requester.

(d) *Agreement to pay fees.* (1) Each request that does not contain an application for a fee waiver shall specifically indicate the requester's willingness either:

(i) To pay, in accordance with § 4.8(b) of these rules, whatever fees may be charged for processing the request; or

(ii) A willingness to pay such fees up to a specified amount.

(2) Each request that contains an application for a fee waiver must specifically indicate:

(i) The requester's willingness to pay, in accordance with § 4.8(b) of the rules, whatever fees may be charged for processing the request;

(ii) The requester's willingness to pay fees up to a specified amount; or

(iii) That the requester is not willing to pay fees if the waiver is not granted.

(3) If the agreement required by this section is absent, and if the estimated fees exceed $25.00, the requester will be advised of the estimated fees and the request will not be processed until the requester agrees to pay such fees.

(e) *Public interest fee waivers—*(1) *Procedures.* A requester may apply for a waiver of fees. The requester shall explain why a waiver is appropriate under the standards set forth in this paragraph. The application shall also include a statement, as provided by paragraph (d) of this section, of whether the requester agrees to pay costs if the waiver is denied. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, and the General Counsel or Commission on appeal, will rule on applications for fee waivers.

(2) *Standards.* (i) The first requirement for a fee waiver is that disclosure will likely contribute significantly to public understanding of the operations or activities of the government. This requirement shall be met if:

(A) The subject matter of the requested information concerns the operations or activities of the Federal government;

(B) The disclosure is likely to contribute to an understanding of these operations or activities;

(C) The understanding to which disclosure is likely to contribute is the understanding of the public at large, as opposed to the understanding of the individual requester or a narrow segment of interested persons; and

(D) The likely contribution to public understanding will be significant.

(ii) The second requirement for a fee waiver is that the request not be primarily in the commercial interest of the requester. Satisfaction of this requirement shall be determined by considering:

(A) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(B) If so, whether the public interest in disclosure is outweighed by the identified commercial interest of the requester so as to render the disclosure primarily in the requester's commercial interest.

(f) *Unsuccessful searches.* Charges may be assessed for search time even if the agency fails to locate any responsive records or if it locates only records that are determined to be exempt from disclosure.

(g) *Aggregating requests.* If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, reasonably believes that a requester, or a group of requesters acting in concert, is attempting to evade an assessment of fees by dividing a single request into a series of smaller requests, the requests may be aggregated and fees charged accordingly.

(h) *Advance payment.* If the Deputy Executive Director for Planning and Information or the Director of the Information Service Division initially, or the General Counsel or Commission on appeal, estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00, or if the requester has previously failed to pay a fee within 30 days of the date of billing, the requester may be required to pay some or all of the total estimated charge in advance. Further, the requester may be required to pay all unpaid bills, including accrued interest, prior to processing the request.

(i) *Means of payment.* Payment shall be made by check or money order payable to the Treasury of the United States, or by credit card. Procedures for paying fees by credit card are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C 20580; (202) 326–2222.

(j) *Interest charges.* The Commission will begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will accrue from the date of the billing, and will be calculated at the rate prescribed in 31 U.S.C. 3717.

(k) *Effect of the Debt Collection Act of 1982 (Pub. L. 97–365)* The Commission may pursue repayment, where appropriate, by employing the provisions of the Debt Collection Act, Public Law 97–365), including disclosure to consumer reporting agencies and use of collection agencies.

5. Section 4.10 is amended by revising paragraph (a)(5) and adding paragraph (a)(11) to read as follows:

§ 4.10 Nonpublic information

(a) * * *

(5) Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

(11) Records in an investigation or proceeding that involves a possible violation of criminal law, when there is reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the investigation could reasonably be expected to interfere with enforcement proceedings. When a request is made for records under § 4.11(a), the Commission may treat the records as not subject to the requirements of the Freedom of Information Act.

* * * * *

6. Section 4.11 is amended as follows:

a. Paragraphs (a)(1)(i)(C), (D), and (E) are revised to read as follows;

b. Paragraphs (a)(1)(iii)(A), (B), and (C) are revised to read as follows;

c. Paragraphs (a)(1)(iv)(A), (B), and (C) are revised to read as follows;

d. Paragraph (a)(2)(i)(A) is revised to read as follows;

e. Paragraph (a)(2)(ii)(B) is revised to read as follows; and

f. Paragraph (d) is amended by adding the following sentence to the end of the paragraph.

§ 4.11 Request for disclosure of records.

(a) * * *

(1) * * *

(i) * * *

(C) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). An advance payment may be required in appropriate cases as provided by § 4.8(h).

(D) *Failure to agree to pay fees.* If a request does not include an agreement to pay fees, and if the requester is notified of the estimated costs pursuant to Rule 4.8(d)(3), the request will be deemed not to have been received until

the requester agrees to pay such fees. If a requester declines to pay fees and is not granted a fee waiver, the request will be denied.

(E) *Records for sale at another government agency.* If requested materials are available for sale at another government agency, the requester will not be provided with copies of the materials but will be advised to obtain them from the selling agency.

* * * * *

(iii) *Time limit for initial determination.* (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall, within ten (10) working days of the receipt of a request, either grant or deny, in whole or in part, such request.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division may extend this time limit by not more than ten working days if such extension is:

(1) Necessary for locating records or transferring them from physically separate facilities; or

(2) Necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are sought in a single or series of closely related requests; or

(3) Necessary for consultation with another agency having a substantial interest in the determination, or for consultation among two or more components of the Commission having substantial subject matter interest therein.

(C) If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division extends the time limit for initial determination pursuant to paragraph (A)(1)(iii)(B), the requester shall be notified in accordance with 5 U.S.C. 552(A)(6)(B).

* * * * *

(iv) *Initial determination.* (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall grant access to requested records, or any portions thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552(b)), unless he determines that such records fall within a category the Commission or the General Counsel has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefore and advise the requester that this determination can be appealed to the General Counsel either because the requester believes the records are not exempt, or because the requester believes the General Counsel should exercise his discretion to release such records notwithstanding their exempt status.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director or Deputy Director of the Bureau or the Director of the Regional Office responsible for the investigation shall be the responsible official.

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not to exceed thirty days from date of notification to the requester unless the requester asks for and receives the consent of the Deputy Executive Director for Planning and Information or the Director of the Information Services Division to a longer period. Records assembled pursuant to a request will remain available only during this period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

* * * * *

(2) * * *

(i) * * *

(A) If an initial request for records is denied in its entirety, the requester may, within 30 days of the date of the determination appeal such denial to the General Counsel. If an initial request is denied in part, the time for appeal shall not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available. The appeal shall be in writing and should include a copy of the initial request and a copy of the response to that initial request, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

* * * * *

(ii) * * *

(B) The Commission or the General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than ten (10 working days for the reasons set forth in paragraph (a)(1)(iii)(B) of this section, provided that the amount of any extension utilized during the initial consideration of the request under that subsection shall be substracted from the amount of additional time otherwise available.

* * * * *

(d) * * * Requests under this section shall be subject to the fee and fee waiver provisions of § 4.8.

* * * * *

7. Section 4.13(e), (f), (h), (i)(1), (j) and (k) are revised to read as follows:

§ 4.13 Privacy Act rules.

* * * * *

(e) *Disclosure of requested information to individuals.* Within ten (10) working days of receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records.* When the Deputy Executive Director for Planning and Information or the Director of the Information Services Division determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

* * * * *

(h) *Agency review of request for correction or amendment of record.* Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Deputy Executive Director for Planning and Information or the Director of the Information Services Division within ten (10) working days of the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13(i).

(i) *Appeal of initial adverse agency determination.* (1) If an initial request is denied under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

* * * * *

(j) *Disclosure of record to person other than the individual to whom it pertains.* Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees.* No fees shall be charged for searching for a record, reviewing it, or for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Deputy Executive Director for Planning and Information upon payment of the reproduction fees provided in § 4.8(b)(6).

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-7238 Filed 3-30-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM89-7-001; Order No. 533-A]

Regulations Governing Submittal of Proposed Hydropower License Conditions and Other Matters

March 25, 1992.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Correction to order on rehearing of final rule.

SUMMARY: This document corrects an error in the section number of an amendment in the order on rehearing of the final rule which was published December 2, 1991 (56 FR 61137). The order addressed requests to modify the final rule adopted in this proceeding governing hydropower procedural regulations.

EFFECTIVE DATE: January 2, 1992.

FOR FURTHER INFORMATION CONTACT: Merrill Hathaway, Office of the General Counsel, (202) 208-0825.

SUPPLEMENTARY INFORMATION: The order on rehearing of the final rule as published on December 2, 1991, is corrected as follows to show the correct section number:

§ 4.30 [Corrected]

On page 61154 in the third column, in § 4.30, paragraph (b)(28) is corrected to read (b)(27).

Lois D. Cashell,

Secretary.

[FR Doc. 92-7288 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 90F-0320]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food. This action is in reponse to a petition filed by Velsicol Chemical Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of February 8, 1990 (55 FR 4481), FDA announced that a food additive petition (FAP 0B4187) had been filed by Velsicol Chemical Corp., 5600 North River Rd., Rosemont, IL 60018-5119, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data establish the safe use of the food additive isodecyl benzoate, and that § 175.105 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding a new entry to the table to read as follows.

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * * * *	
Isodecyl benzoate (CAS Reg. No. 131298-44-7)	-
* * * * *	

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7324 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 90F-0350]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in certain polymers, adhesives, and waxes intended for use in food-contact articles. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 21, 1990 (55 FR 48693), FDA announced that a food additive petition (FAP 0B4227) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188, proposing that § 178.2010 Antioxidants and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in polymers complying with § 175.105 Adhesives (21 CFR 175.105), § 175.125 Pressure-sensitive adhesives (21 CFR 175.125), § 175.300 Resinous and polymeric coatings (21 CFR 175.300), § 175.320 Resinous and polymeric coatings for polyolefin films (21 CFR 175.320), § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170), § 176.180 Components of paper and paperboard in contact with dry food (21 CFR 176.180), § 177.1210 Closures with sealing gaskets for food containers (21 CFR 177.1210), § 177.2600 Rubber articles intended for repeated use (21 CFR 177.2600), § 178.3800 Preservatives for wood (21 CFR 178.3800), and § 178.3850 Reinforced wax (21 CFR 178.3850).

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data support the requested safe uses of the additive, and that the regulations should be amended in § 178.2010 as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992, file with the Dockets Management Branch (address above) written objectives thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citaton for 21 CFR part 178 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 178.2010 is amended in the table in paragraph (b) by revising the "Limitations" column for the entry "Hexamethylenebis (3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate)" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Hexamethylenebis (3, 5-di-*tert*-butyl-4-hydroxyhydrocinnamate) (CAS Reg. No. 35074-77-2).	For use only: 1. As provided in § 177.2470(b)(1) and § 177.2480(b)(1) of this chapter. 2. In adhesives complying with § 175.105 of this chapter. 3. At levels not to exceed 1 percent by weight in pressure-sensitive adhesives complying with § 175.125 of this chapter. 4. At levels not to exceed 1 percent by weight in can end cement formulations complying with § 175.300(b)(3)(xxxi) of this chapter. 5. At levels not to exceed 1 percent by weight in side seam cement formulations complying with § 175.300(b)(3)(xxxii) of this chapter. 6. At levels not to exceed 1 percent by weight in petroleum alicyclic hydrocarbon resins, polyamide resins, and terpene resins complying with § 175.320 of this chapter. 7. At levels not to exceed 1 percent by weight in rosin and rosin derivatives when used in accordance with § 178.170(a)(5) of this chapter. 8. At levels not to exceed 1 percent by weight in petroleum alicyclic hydrocarbon resins or their hydrogenated products complying with § 178.170(b)(2) of this chapter. 9. At levels not to exceed 1 percent by weight in terpene resins complying with § 175.300(b)(3)(xi) of this chapter, when such terpene resins are used in accordance with § 178.170(b)(1) of this chapter. 10. At levels not to exceed 1 percent by weight in resins and polymers authorized for use in accordance with § 178.180 of this chapter. 11. At levels not to exceed 1 percent by weight in closures with sealing gaskets complying with § 177.1210 of this chapter. 12. At levels not to exceed 1 percent by weight in rubber articles intended for repeated use complying with § 177.2600 of this chapter. 13. At levels not to exceed 1 percent by weight in petroleum hydrocarbon resin and rosins and rosin derivatives used in accordance with § 178.3800 of this chapter. 14. At levels not to exceed 1 percent by weight in reinforced wax complying with § 178.3850 of this chapter.
* * * * *	

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7325 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

FOOD AND DRUG ADMINISTRATION

21 CFR Parts 182 and 184

[Docket No. 78N-0335]

Glycerophosphates; Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is: (1) Affirming that calcium glycerophosphate is generally recognized as safe (GRAS) as a direct human food ingredient in conventional food: (2) removing calcium, manganese, and potassium glycerophosphates from 21 CFR Part 182, subpart I, for use as nutrients used in food; and (3) taking no action with respect to the listing of calcium, manganese, and potassium glycerophosphates in 21 CFR part 182, subpart F, for use in dietary supplements. The safety of these ingredients as nutrients in food has been evaluated under the comprehensive safety review conducted by the agency.

DATES: Effective April 30, 1992. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C.

552(a) and 1 CFR part 51 of a certain publication in 21 CFR 184.1201, effective on April 30, 1992.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 15, 1979 (44 FR 28336), FDA published a proposal to affirm that calcium glycerophosphate is GRAS for use as a direct human food ingredient in conventional food. (FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)). The agency also proposed to remove potassium glycerophosphate and manganese glycerophosphate from the list of GRAS ingredients because there were no reported uses for these substances. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on glycerophosphates and the report of the Select Committee on GRAS Substances on glycerophosphates are available for public review in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Copies of these documents also are available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphate from the GRAS list, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances other than the uses listed in part 181—Prior-Sanctioned Food Ingredients (21 CFR part 181). Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 7, 1958, were given notice to submit proof of those sanctions, so that the safety of any prior-sanctioned uses could be determined. That notice was also an opportunity to have additional prior-sanctioned uses of the glycerophosphates recognized by issuance of an appropriate regulation under part 181, or affirmed as GRAS under part 184 or 186 (21 CFR part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of any applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction at any future time.

No reports of prior-sanctioned uses for these ingredients were submitted in response to the proposal. Therefore, in accordance with the proposal, any right to assert a prior sanction for uses of these ingredients under conditions different from those set forth in part 181 has been waived.

After publication of the May 5, 1979, proposal to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphates from the GRAS list, the agency issued, in the **Federal Register** of September 5, 1980 (45 FR 58837), a document outlining the reorganization of 21 CFR part 182 to provide separate listings for the use of GRAS ingredients in dietary supplements and for the use of the same ingredients as nutrients in conventional food. The reorganization document stated that creation of these separate lists was intended to facilitate the separate GRAS reviews of these substances as nutrients and as dietary substances. The reorganization thus resulted in the listings of calcium, manganese, and potassium glycerophosphates on both the GRAS "Dietary Supplements" list (21 CFR 182, subpart F), and the GRAS "Nutrients" list (21 CFR 182, subpart I).

One comment was received in response to the agency's proposal on glycerophosphates. The comment submitted information on the use of manganese glycerophosphate in enteral dietary formulas which are used under medical supervision. The company, a pharmaceutical manufacturer, stated that this use was not included in FDA's survey of food manufacturers for the purpose of determining the specific foods in which various glycerophosphates are used and the levels of usage. The company, therefore, requested that the agency retain manganese glycerophosphate on the GRAS list to permit its continued use in enteral dietary supplement formulas.

FDA's May 15, 1979 (44 FR 28336), proposal to affirm the GRAS status of calcium glycerophosphate and to remove manganese and potassium glycerophosphates from the GRAS list addressed the use of these ingredients in conventional foods (those described in the food categories listed in the 21 CFR 170.3(n)). The proposal did not address the use of these ingredients in dietary supplements or in enteral formulas designed for use under medical supervision in the nutritional management of patients. Although use in enteral formulas was reported in the comments to this proposal, FDA did not take any action on the use of the subject glycerophosphates in dietary supplements or enteral formulas because it had only limited information on such uses. Therefore, calcium, manganese, and potassium glycerophosphates will continue to be listed as GRAS for use in dietary supplements in part 182, subpart F. Likewise, even though enteral formulas are not dietary supplements, use of vitamins and minerals in enteral formulas will be considered to be covered under the GRAS listing for dietary supplements in part 182, subpart F.

Therefore, in the **Federal Register** of March 14, 1991 (56 FR 10843), a tentative final rule was published: (1) Affirming that calcium glycerophosphate is GRAS as a direct human food ingredient in conventional food; (2) removing calcium, manganese and potassium glycerophosphates from 21 CFR part 182, subpart I, for use an nutrients used in food; and (3) taking no action with respect to the listing of calcium, manganese, and potassium glycerophosphates in 21 CFR part 182, subpart F, for use in dietary supplements. This action was published as a tentative final rule because the proposal to affirm glycerophosphate was published 12 years earlier in the **Federal Register** of May 15, 1979 (44 FR 28336). The agency believed that because of the length of time that has passed, it would be prudent to allow an opportunity for additional comments on the proposed action.

No comments were received in response to the tentative final rule. Therefore, the agency is issuing this final rule to affirm calcium glycerophosphate for use in conventional foods and to remove calcium, manganese, and potassium glycerophosphates from subpart I, of part 182 for use as nutrients. FDA is retaining the listing of calcium, manganese, and potassium glycerophosphates in part 182, subpart F, pending further action on the dietary supplement use of these ingredients.

As explained in the tentative final rule, the format of the final regulation for calcium glycerophosphate differs from the format of the proposed regulation. FDA has modified § 184.1201(c) to make clear the agency's determination that its GRAS affirmation is based upon current good manufacturing practice (CGMP) conditions of use, including both the technical effects and the food categories listed. This change removes the maximum CGMP level of use that was included in the proposal. FDA concludes, that it is unnecessary to include this level of use in the regulation to assure the safe use of this ingredient.

FDA is also modifying this final rule to adopt specifications for calcium glycerophosphate that have been published in the "Food Chemicals Codex," 3d Ed. (1981), pp. 51–52. No differences exist between these specifications and the specifications that were proposed for adoption from the "Food Chemicals Codex," 2d Ed. (1972), pp. 130–131. This change, therefore, has no substantive effect. Therefore, the agency is adding new § 184.1201 to 21 CFR subpart B.

In the tentative final rule, the agency determined under 21 CFR 25.24(b)(7) that the GRAS affirmation of calcium glycerophosphate as a direct human food ingredient for use in conventional food under 21 CFR 184.1201 is an action of a type that does not individually or cumulatively have a significant effect on the human environment. No comments were submitted on this aspect of the tentative final rule. Therefore, FDA continues to conclude that neither an environmental assessment nor an environmental impact statement is required.

As explained in the tentative final rule, the agency has carefully considered the potential environmental effects of removing manganese glycerophosphate and potassium glycerophosphate from the GRAS list for use as nutrients in food (21 CFR part 182, subpart I). FDA has concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen at the Dockets Management Branch, (address above) between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the Regulatory Flexibility Act, the agency has considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined, that no significant economic impact on a substantial number of small entities would derive from this action.

In accordance with Executive Order 12291, FDA has analyzed the potential economic effects of this final rule and has determined that the final rule is not a major rule as determined by that Order.

The agency's finding of no major economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 182

Food ingredients, Food packaging, Spices and flavorings.

21 CFR Part 184

Food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 182 and 184 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. The authority citation for 21 CFR part 182 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

§§ 182.8201, 182.8455, and 182.8628 [Removed]

2. Section 182.8201 *Calcium glycerophosphate*, § 182.8455 *Manganese glycerophosphate*, and § 182.8628 *Potassium glycerophosphate* are removed from subpart I.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: Secs. 201, 402, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 371).

4. New § 184.1201 is added to subpart B to read as follows:

§ 184.1201 Calcium glycerophosphate.

(a) Calcium glycerophosphate ($C_3H_7CaO_6P$, CAS Reg. No. 27214–00–2) is a fine, white, odorless, almost tasteless, slightly hygroscopic powder. It is prepared by neutralizing glycerophosphoric acid with calcium hydroxide or calcium carbonate. The commercial product is a mixture of calcium β-, and *D*-, and *L*-α-glycerophosphate.

(b) The ingredient meets the specifications of the "Food Chemicals Codex," 3d Ed. (1981), pp. 51–52, which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or may be examined at the Office of the Federal Register, 1100 L St. NW., Washington, DC.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter.

(d) Prior sanctions for this ingredient different from the uses established in this section or different from that as set forth in part 181 of this chapter, do not exist or have been waived.

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92–7327 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Parts 312, 606, 610, 630, and 640

Drugs and Biologics; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the drugs and biologics regulations to correct certain typographical and other inadvertent errors. This action is being taken to clarify and improve the accuracy of the regulations.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Joanne Binkley, Center for Biologics Evaluation and Research (HFB–132), Food and Drug Administration, 3800 Rockville Pike, Bethesda, MD 20892, 301–295–8188.

SUPPLEMENTARY INFORMATION: FDA has discovered certain nonsubstantive errors that have been incorporated into the agency's codified regulations on drugs and biologics. FDA is correcting

these errors. The errors in the regulations are as follows:

1. In 21 CFR 312.145 *Guidelines*, the address for the Congressional, Consumer, and International Affairs Staff listed in paragraph (b) is incorrect. This office has been relocated and the agency is correcting the address.

2. In 21 CFR 606.121 *Container label*, the address for the Dockets Management Branch listed in paragraph (a) is incorrect. In the **Federal Register** of June 10, 1991 (56 FR 26668), FDA announced the relocation of the Dockets Management Branch, effective June 14, 1991.

3. In 21 CFR 610.41 *History of hepatitis B surface antigen*, the reference to § 640.75 should be changed to § 640.120. In the **Federal Register** of March 21, 1990 (55 FR 10420), § 640.75 *Alternative procedures* was removed. The alternative procedures for Source Plasma formerly codified as § 640.75 are included in the more general alternative procedures codified at § 640.120.

4. In 21 CFR 630.4 *Tests for safety*, the words "injection" and "penicillin" in paragraph (e)(3) were misspelled. The agency is correcting these errors.

5. In 21 CFR 640.67 *Laboratory tests*, the reference to § 610.40 (d)(1) and (d)(2) in paragraph (a) was incorrectly listed as § 610.40 (d)(2) and (3). The agency is correcting this error.

6. In 21 CFR 640.120 *Alternative procedures*, the **Federal Register** citation at the end of the section inadvertently listed "March 22, 1990" as the date of publication. It should have read "March 21, 1990."

Publication of this document constitutes final action on these changes under the Administrative Procedure Act (5 U.S.C. 553). Notice and public procedure are unnecessary because FDA is merely correcting nonsubstantive errors.

List of Subjects

21 CFR Part 312

Drugs, Exports, Imports, Investigations, Labeling, Medical research, Reporting and recordkeeping requirements, Safety.

Part 606

Blood, Labeling, Laboratories, Reporting and recordkeeping requirements.

Part 610

Biologics, Labeling, Reporting and recordkeeping requirements.

Part 630

Biologics, Labeling.

Part 640

Blood, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Parts 312, 606, 610, 630, and 640 are amended as follows:

PART 312—INVESTIGATIONAL NEW DRUG APPLICATION

1. The authority citation for 21 CFR part 312 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 371); sec. 351 of the Public Health Service Act (42 U.S.C. 262).

§ 312.145 [Amended]

2. Section 312.145 *Guidelines* is amended in paragraph (b) by removing "Park Bldg., rm. 158, 5600 Fishers Lane, Rockville, MD 20857" and adding in its place "8800 Rockville Pike, Bethesda, MD 20892".

PART 606—CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS

3. The authority citation for 21 CFR part 606 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 505, 510, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 355, 360, 360j, 371, 374); secs. 215, 351, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263a, 264).

§ 606.121 [Amended]

4. Section 606.121 *Container label* is amended in paragraph (a) by removing "rm. 4–62, 5600 Fishers Lane," and adding in its place "rm. 1–23, 12420 Parklawn Dr.,".

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

5. The authority citation for 21 CFR part 610 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 610.41 [Amended]

6. Section 610.41 *History of hepatitis B surface antigen* is amended by removing "§ 640.75" and adding in its place "§ 640.120".

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

7. The authority citation for 21 CFR part 630 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 630.4 [Amended]

8. Section 630.4 *Tests for safety* is amended in paragraph (e)(3) by removing "inpection" and adding in its place "injection" and by removing "pencillin" and adding in its place "penicillin".

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

9. The authority citation for 21 CFR part 640 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 510, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353, 355, 360, 371); secs. 215, 351, 352, 353, 361 of the Public Health Service Act (42 U.S.C. 216, 262, 263, 263a, 264).

§ 640.67 [Amended]

10. Section 640.67 *Laboratory tests* is amended in paragraph (a) by removing "§ 610.40(d) (2) and (3)" and adding in its place "§ 610.40 (d)(1) and (d)(2)".

Dated: March 25, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–7317 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances: Procedures for Removing Certain Anabolic Steroid Products From all or Part of the Controlled Substances Act; Correction

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations which were published Friday, August 30, 1991 (56 FR 42935). The regulations relate to the administrative procedures for removing regulatory control from the manufacture, distribution and possession of specific products which contain anabolic steroids.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: The final regulations that are the subject of these corrections describe a process by which qualifying products will be identified as being excluded from, or exempt from, certain regulatory controls of the Controlled Substances Act (21 U.S.C. 801 et seq.). As published, the final regulations contain errors which may prove to be confusing and are in need of clarification.

Accordingly, the publication on August 30, 1991, of the final regulations which were the subject of FR Doc. 91–20824, is corrected as follows:

§ 1308.33 [Corrected]

On page 42937, in first column, in § 1308.33, paragraph (c)(10)(a) and (b) are correctly designated as (c)(10) (i) and (ii).

* * * * *

Dated: March 25, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92–7367 Filed 3–30–92; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8361]

RIN 1545–AO66

Definition of Compensation for Qualified Plans; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8361, which was published in the **Federal Register** for Thursday, September 19, 1991 (56 FR 47659). The final regulations relate to the scope and meaning of the term "compensation" for tax-qualified retirement plans under section 414(s) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 1115 of the Tax Reform Act of 1986 and section 1011(j)(1) of the Technical and Miscellaneous Revenue Act of 1988. These regulations provide rules for defining compensation for purposes of applying any provision that specifically refers to section 414(s).

Need for Correction

As published, T.D. 8361 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8361), which was the subject of FR Doc. 91–21925, is corrected as follows:

§ 1.414(s)–1 [Corrected]

1. On page 47662, column 3, § 1.414(s)–1(a)(2), line 9, the language "under a pension, profit sharing, or stock" is corrected to read "under a pension, profit-sharing, or stock".

2. On page 47664, column 1, § 1.414(s)–1(d)(2)(ii), lines 13 and 14, the language "differential, and call-in premiums); bonuses; or any one of the types of" is corrected to read "differential, and call-in premiums), bonuses, or any one of the types of ".

§ 1.415–2 [Corrected]

3. On page 47668, column 2, § 1.415–2(d)(10), line 8, the language "paragraph (d)(3) of this paragraph, if" is corrected to read "paragraph (d)(3) of this section, if".

4. On page 47668, column 2, § 1.415–2(d)(11)(i), line 2, the language "*under sections 6041 and 6051.*" is corrected to read "*under sections 6041, 6051, and 6052.*".

5. On page 47668, column 3, § 1.415–2(d)(11)(i), lines 4 through 6 from the top of the column, the language "written statement under sections 6041(d) and 6051(a)(3). See §§ 1.6041–1(a), 1.6041–2(a)(1) and 31.6051–1(a)(1)(i)(c)." is corrected to read "written statement under sections 6041(d), 6051(a)(3), and 6052. See §§ 1.6041–1(a), 1.6041–2(a)(1), 1.6052–1, and 1.6052–2, and also see § 31.6051–1(a)(1)(i)(C) of this chapter.".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6489 Filed 3–27–92; 2:13 pm]

BILLING CODE 4830–01–M

26 CFR Part 1

[T.D. 8362]

RIN 1545–AO62

Limitation on Annual Compensation for Qualified Plans; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 8362, which was published in the **Federal Register** for Thursday, September 19, 1991 (56 FR 47603). The final regulations relate to the $200,000 annual compensation limit for tax-qualified retirement plans under section 401(a)(17) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Marjorie Hoffman, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections conform the regulations to section 1106 of the Tax Reform Act of 1986 and section 1011(d)(4) of the Technical and Miscellaneous Revenue Act of 1988. These regulations provide guidance necessary to comply with the law and affect sponsors of, and participants in, tax-qualified retirement plans.

Need for Correction

As published, T.D. 8362 contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations (T.D. 8362), which was the subject of FR Doc. 91–21926, is corrected as follows:

§ 1.401(a)(17) [Corrected]

1. On page 47605, column 2, § 1.401(a)(17)–1(a)(1), line 12, the language "compensation in excess of the annual" is corrected to read "compensation in excess of the annual compensation".

2. On page 47605, column 2, § 1.401(a)(17)–1(a)(1), line 4 from the bottom of that paragraph, the lanaguage "subject to the annual limitation. These" is corrected to read "subject to the annual compensation limit. These".

3. On page 47605, column 3, § 1.401(a)(17)–1(b)(2), line 3, the language "paragraph (b), the limit in effect for the" is corrected to read

"paragraph (b), the annual compensation limit in effect for the".

4. On page 47605, column 3, § 1.401(a)(17)–1(b)(3)(iii), line 2, the language "*than 12–months*—(A) *Proration required.*" is corrected to read "*than 12 months*—(A) *Proration required.*"

5. On page 47606, column 1, § 1.401(a)(17)–1(b)(3)(iii)(A), line 11 from the top of the column, the language "accrual for all months, then the annual" is corrected to read "accruals for all months, then the annual".

6. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 2*, line 8, the language "(B's 1990 compensation capped by the 1990" is corrected to read "(B's 1990 compensation capped by the 1990 annual compensation".

7. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 2*, line 10, the language "capped by the 1989 limit), and $200,000 (B's" is corrected to read "capped by the 1989 annual compensation limit), and $200,000 (B's".

8. On page 47606, column 2, § 1.401(a)(17)–1(b)(6), in *Example 3*, line 4, the language "application of the limits is $230,000 (1989)," is corrected to read "application of the annual compensation limits is $230,000 (1989),".

9. On page 47606, column 3, § 1.401(a)(17)–1(b)(6), in paragraph (a) of *Example 5*, line 8 from the top of the column, the language "may not exceed the annual limit in effect for" is corrected to read "may not exceed the annual compensation limit in effect for".

10. On page 47606, column 3, § 1.401(a)(17)–1(b)(6), in paragraph (b) of *Example 5*, the last three sentences are corrected to read, "The plan year compensation under the plan formula before application of the annual compensation limit under section 401(a)(17) for Employee B is $224,877 ($230,000 minus $5,123). After application of the annual compensation limit, the plan year compensation for the 1991 plan year for Employee A is $222,220 (the annual compensation limit for 1991). Therefore, the allocation of employer contributions under the plan allocation formula for 1991 for Employee B is $28,985 ($222,220 (Employee B's plan year compensation after application of the annual compensation limit for 1991) multiplied by 13.0435%)."

11. On page 47607, line 1 of column 1, § 1.401(a)(17)–1(b)(6), in *Example 6*, the language "not exceed the 1991 annual limit of $222,220." is corrected to read "not exceed the 1991 annual compensation limit of $222,220.".

12. On page 47607, column 1, § 1.401(a)(17)–1(c)(1), line 8, the language "limit also applies in determining" is corrected to read "annual compensation limit also applies in determining".

13. On page 47607, column 1, § 1.401(a)(17)–1(c)(3), line 2, the language "this paragraph (c), the annual limit" is corrected to read "this paragraph (c), the annual compensation limit".

14. On page 47607, column 1, § 1.401(a)(17)–1(c)(4), line 4, the language "the limit to a plan year apply for" is corrected to read "the annual compensation limit to a plan year apply for".

15. On page 47607, column 1, § 1.401(a)(17)–1(c)(5), line 4, the language "regarding the application of the limit to" is corrected to read "regarding the application of the annual compensation limit to".

16. On page 47607, column 2, § 1.401(a)(17)–1(d)(1)(ii)(B), line 8, the language "(d)(2)(ii), any extension or renegotiation" is corrected to read "(d)(1)(ii), any extension or renegotiation".

17. On page 47608, column 2, § 1.401(a)(17)–(e)(3)(iii)(A), line 4, the language "§ 1.401(a)–13(c) and (d) to section" is corrected to read "§ 1.401(a)(4)–13(c) and (d) to section".

18. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(A) (*2*), line 5, the language "compensation limit for the current plan" is corrected to read "annual compensation limit for the current plan".

19. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(A)(*2*), next to the last line of that paragraph, the language "to the section 401(a)(17) compensation" is corrected to read "to the section 401(a)(17) annual compensation".

20. On page 47608, column 3, § 1.401(a)(17)–1(e)(4)(iii)(B), line 9, the language "meaning of §§ 1.401(a)(4)–13(d)) for each" is corrected to read "meaning of § 1.401(a)(4)–13(d)) for each".

21. On page 47609, column 1, § 1.401(a)(17)–1(e)(5), line 2, the following sentence is added after the language "illustrate the rules in this paragraph (e)."

In each example, it is assumed that, under the definition of compensation provided in Plan Y, Employee A's compensation for each calendar year of employment exceeds the annual compensation limit for that calendar year.

22. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 1*, line 6 from the top of the column, the language "§ 1.401(a)–13(c)(3) (formula with wear-away)." is corrected to read "§ 1.401(a)(4)–13(c)(3) (formula with wear-away).".

23. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in *Example 2*, line 24, the language "the formula in § 1.401(a)–13(c)(2) (formula" is corrected to read "the formula in § 1.401(a)(4)–13(c)(2) (formula".

24. On page 47609, column 2, § 1.401(a)(17)–1(e)(5), in *Example 3*, line 13, the language "formula in § 1.401(a)–13(c)(4) (formula with" is corrected to read "formula in § 1.401(a)(4)–13(c)(4) (formula with".

25. On page 47609, column 3, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 5*, line 5, the language "limited by the respective annual limit for" is corrected to read "limited by the respective annual compensation limit for".

26. On page 47609, column 3, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 5*, line 11, the language "Employee A's high 3 consecutive year's" is corrected to read "Employee A's high 3 consecutive years' ".

27. On page 47610, column 1, § 1.401(a)(17)–1(e)(5), in paragraph (a) of *Example 6*, the last three lines of that paragraph, the language "section 401(a)(17) limit for every year through 1992. Assume that the annual limit for 1992 is $245,000." is corrected to read "section 401(a)(17) annual compensation limit for every year through 1992. Assume that the annual compensation limit for 1992 is $245,000.".

28. On page 47610, column 1, § 1.401(a)(17)–1(e)(5), in paragraph (b) of *Example 6*, line 1, the language "(b) Employee's A's frozen accrued benefit" is corrected to read "(b) Employee A's frozen accrued benefit".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6490 Filed 3–27–92; 2:14 pm]

BILLING CODE 4830–01–M

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26 CFR Part 1

[T.D. 8363]

RIN 1545–AK41

Minimum Coverage Requirements; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations published in the **Federal Register** for Thursday, September 19, 1991, at page 47638 (56 FR 47638). The final regulation relates to the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Rebecca Wilson at 202–377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of these corrections relates to section 410(b) of the Internal Revenue Code of 1986.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation which was the subject of FR Doc. 91–21927 is corrected as follows:

1. On page 47638, column 1, in the preamble, under the heading "EFFECTIVE DATE", line 3, the language "after January 1, 1989, and applied to" is corrected to read "after January 1, 1989, and are applied to".

2. On page 47640, column 3, in the preamble, the last line of paragraph "a", under the heading "*Other Rules*", the language "the benefit under the plan." is corrected to read "the plan, benefit under the plan.".

3. On page 47641, column 2, in the preamble, the last sentence in the paragraph heading "g" under the heading "*Other Modifications*", is corrected to read "As another example, a rule has been added to the final regulation to provide that ratio percentages are calculated to the nearest hundredth of a percentage point.".

§ 1.410(b)–2 [Corrected]

4. On page 47643, column 2, § 1.410(b)–2(b)(2)(ii), the first sentence of *Example 1*, is corrected to read "For a plan year, Plan A benefits 70 percent of an employer's nonhighly compensated employees and 100 percent of the employer's highly compensated employees.".

5. On page 47643, column 2, § 1.410(b)–2(b)(5), line 4, the language "year if the plan is maintained by an" is corrected to read "year if and only if the plan is maintained by an".

6. On page 47643, column 2, § 1.410(b)–2(b)(6), line 4, the language "year if the plan benefits no highly" is corrected to read "year if and only if the plan benefits no highly".

7. On page 47643, column 3, § 1.410(b)–2(b)(7), last line in the paragraph, the language "employee, respectively." is corrected to read "employee.".

8. On page 47643, column 3, § 1.410(b)–2(c)(2)(ii)(A), line 2, the language "employees with accrued benefits under" is corrected to read "employees with vested accrued benefits under".

9. On page 47643, column 3, § 1.410(b)–2(d), line 3, the language "beginning on or after January 1, 1993, a" is corrected to read "beginning on or after January 1, 1989, a".

10. On page 47648, column 2, § 1.410(b)–5(d)(8)(ii), eighth line from the top of the column, the language "§ 1.401(a)(4)–12) plan provisions" is corrected to read "§ 1.401(a)(4)–12), plan provisions".

11. On page 47648, column 3, § 1.410(b)–6(e)(2)(i), lines 5 and 14, the language "employee's separately-determined" is corrected to read "employee's separately determined".

12. On page 47650, column 1, § 1.410(b)–5(e)(4)(iii), line 6, the language "7(c)(4)(iv)(D). In imputing permitted" is corrected to read "7(c)(4)(iii)(D). In imputing permitted.

13. On page 47650, column 2, § 1.410(b)–5(e)(5), line 14, the language "accruals, compensation and other items" is corrected to read "accruals, compensation, and other items".

14. On page 47653, column 2, § 1.410(b)–6(d)(1), line 6, the language "the meaning of § 410(b)–7(b)) benefits" is corrected to read "the meaning of § 1.410(b)–7(b)) benefits".

15. On page 47655, column 1, § 1.410(b)–6(g), line 7, the language "matching contributions that are tied to" is corrected to read "matching contributions or employee after-tax contributions that are tied to".

16. On page 47655, column 3, § 1.410(b)–7(c)(1), the last sentence of the paragraph was omitted and should read "Similarly, the portion of a plan that consists of contributions described in § 1.410(m)–1(b)(4)(ii) (i.e., matching contributions that fail to satisfy the allocation and other requirements applicable to matching contributions and are therefore required to be tested separately) and the portion of the plan that does not consist of such contributions are treated as separate plans for purposes of section 410(b).".

17. On page 47656, column 1, § 1.410(b)–7(c)(5), line 13, the language "bargained employees covered another" is corrected to read "bargained employees covered under another".

18. On page 47657, column 3, § 1.410(b)–9, line 2 of the second full paragraph from the bottom of the column, the language "Nonhighly compensated employee an" is corrected to read "Nonhighly compensated employee means an".

Dale D. Goode,

Federal Register Liaison, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6491 Filed 3–27–92; 2:15 pm]

BILLING CODE 4830–01–M

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26 CFR Part 1

[T.D. 8359]

RIN 1545–AI66

Permitted Disparity With Respect to Benefits and Contributions; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations published in the **Federal Register** for Thursday, September 19, 1991, at page 47610 (56 FR 47610). The final regulation relates to the permitted disparity in employer contributions to and employer-derived benefits under qualified plans.

EFFECTIVE DATE: September 19, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia McDermott, (202) 377–9372 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This final regulation relates to section 401(l) of the Internal Revenue Code of 1986.

Need for Correction

As published, the final regulation contains errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulation which was the subject of FR Doc. 91–21923 is corrected as follows:

1. On page 47612, column 2, in the preamble, in paragraph 3.a., the fourth full paragraph in the column, fifth line from the bottom of the paragraph, the language "excess allowance in terms of the benefit" is corrected to read "offset allowance in terms of the benefit".

§ 1.401(a)(5)–1 [Corrected]

2. On page 47615, column 1, under § 1.401(a)(5)–1(d), line 1, the language "(d) *Certain disparity permitted.* (1)" is corrected to read "(d) *Certain disparity permitted.*"

3. On page 47615, column 1, under § 1.401(a)(5)–1(d), paragraph designations "(i)" and "(ii)" are

corrected to read "(1)" and "(2)", respectively.

4. On page 47616, column 2, under § 1.401(a)(5)–1(e)(8), in line 24 of *Example 1*, the language "uses the plan year as the 12 month period for" is corrected to read "uses the plan year as the 12-month period for".

5. On page 47616, column 2, under § 1.401(a)(5)–1(e)(8), in line 3 of *Example 2*, the language "service and service for Z when A retires at" is corrected to read "service for Z when A retires at".

6. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the eleventh line of the column, in *Example 2*, the language "(the amount of X's final pay)—$4,114 (the" is corrected to read "(the amount of X's final pay) minus $4,114 (the".

7. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the sixth and seventh lines from the bottom of paragraph (b) of *Example 3*, the language "A's accrued benefit under the plan as of the close of the plan year ($11,250) does not" is corrected to read "A's benefit under the plan as of the close of the plan year and before application of the final pay limitation ($11,250) does not".

8. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the third sentence in paragraph (c) of *Example 3*, should read "Accordingly, A's benefit as of the close of the 2015 plan year and before application of the final pay limitation is $11,310 (90 percent × $14,500 × 26/30).".

9. On page 47616, column 3, under § 1.401(a)(5)–1(e)(8), the last line in the column, the language "plan's final pay limitation, A's accrued" is corrected to read "plan's final pay limitation, A's.

§ 1.401(l)–0 [Corrected]

10. On page 47617, column 3, under § 1.401(l)–0, in the entry for § 1.401(l)–3(c) heading, the language "(c) Uniformity disparity." is corrected to read "(c) Uniform disparity.".

11. On page 47618, column 1, under § 1.401(l)–0, in the first line of the entry for § 1.401(l)–3(d)(9) heading, the language "(9) Reduction in the ¾ of 1 percent factor if" is corrected to read "(9) Reduction in the 0.75-percent factor if".

§ 1.401(l)–1 [Corrected]

12. On page 47620, column 2, under § 1.401(l)–1(c)(17)(ii), line 3, the language "under this paragraph (c)(16), annual" is corrected to read "under this paragraph (c)(17), annual".

§ 1.401(l)–2 [Corrected]

13. On page 47621, column 3, under § 1.401(l)–2(d)(4)(i), line 1, the language "(i) the integration level under the plan" is corrected to read "(i) The integration level under the plan".

14. On page 47621, column 3, under § 1.401(l)–2(d)(5), line 2, the language "*plan year*. If a plan uses paragraph (4) of" is corrected to read "*plan year*. If a plan uses paragraph (2) or (4) of".

15. On page 47622, column 1, under § 1.401(l)–2(d)(5), the second line from the top of the column, the language "compensation for the period of plan" is corrected to read "compensation for the plan year or the period of plan".

16. On page 47622, column 1, under § 1.401(l)–2(e), line 4, the language "of tax described in paragraph (b)(2)(ii)" is corrected to read "of tax described in paragraph (b)(2)(ii)(B)".

§ 1.401(l)–3 [Corrected]

17. On page 47624, column 2, under § 1.401(l)–3(c)(1), line 9, the language "is uniform if and only if the plan uses" is corrected to read "is uniform only if the plan uses".

18. On page 47624, column 2, under § 1.401(l)–3(c)(2)(ii) lines 2 and 3, the language "*disparity for 35 years*. The plan formula provides a benefit as described in" is corrected to read "*disparity for 35 years*. The plan contains a benefit formula as described in".

19. On page 47624, column 3, under § 1.401(l)–3(c)(2)(ii)(A), line 2, the language "up to 35, the plan formula provides the" is corrected to read "up to 35, the benefit formula provides the".

20. On page 47624, column 3, under § 1.401(l)–3(c)(2)(ii)(B), line 2, the language "service, the plan provides a benefit at a" is corrected to read "service, the benefit formula provides a".

21. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii), line 3, the language "plan formula provides a benefit as" is corrected to read "plan contains a benefit formula as".

22. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(A), line 3, the language "fewer than 35 years, the plan formula" is corrected to read "fewer than 35 years, the benefit formula".

23. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(B), line 3, the language "plan formula provides a benefit at a" is corrected to read "benefit formula provides a".

24. On page 47624, column 3, under § 1.401(l)–3(c)(2)(iii)(C), lines 3 and 4, the language "(c)(2)(iii)(B) of this section, the plan provides a benefit at a uniform" is corrected to read "(c)(2)(iii)(B) of this section, the benefit formula provides a uniform".

25. On page 47625, column 2, under § 1.401(l)–3(c)(3), the third sentence in *Example 2* is removed.

26. On page 47625, column 2, under § 1.401(l)–3(c)(3), in line 15 of *Example 2*, the language "The plan thus provides a" is corrected to read "The benefit formula thus provides a".

27. On page 47625, column 2, under § 1.401(l)–3(c)(3), the ninth line from the bottom of *Example 2*, the language "percentage of 2.75 percent (68.75 percent × ⅓₆" is corrected to read "percentage of 2.75 percent (68.75 percent × ⅓₆".

28. On page 47625, column 2, under § 1.401(l)–3(c)(3), the fourth line from bottom of *Example 2*, the language "paragraph (c) because the plan does not" is corrected to read "paragraph (c) because the benefit formula does not".

29. On page 47626, column 2, § 1.401(l)–3(d)(7), line 3, the language "paragraph (4) of the definition of plan" is corrected to read "paragraph (2) or (4) of the definition of plan".

30. On page 47626, column 2, § 1.401(l)–3(d)(7), line 6, the language "the period of plan participation) and has" is corrected to read "the plan year or the period of plan participation) and has".

31. On page 47627, column 1, § 1.401(l)–3(d)(iii)(A), line 20, the language "excess allowance must be reduced to" is corrected to read "excess or offset allowance must be reduced to".

32. On page 47627, column 2, § 1.401(l)–3(d)(9)(iv)(A), second line from the bottom of table, the language "the taxable wage base or final" is corrected to read "The taxable wage base or final".

33. On page 47627, column 3, § 1.401(l)–3(d)(10), line 5 in paragraph (b) of *Example 1*, the language "social security retirement age in calendar" is corrected to read "social security retirement age in the calendar".

34. On page 47627, column 3, § 1.401(l)–3(d)(10), line 11 in paragraph (b) of *Example 1*, the language "in paragraph (d)(9) of this section. The 0.69" is corrected to read "in paragraph (d)(9) of this section. The 0.69-".

35. On page 47627, column 3, § 1.401(l)–3(d)(10), line 17 in paragraph (b) of *Example 1*, the language "(d)(6) of this section. The 0.6 percent factor" is corrected to read "(d)(6) of this section. The 0.6-percent factor".

36. On page 47627, column 3, § 1.401(l)–3(d)(10), in line 8 in paragraph (b) of *Example 2*, the language "a plan-wide bases under paragraph" is corrected to read "a plan-wide basis under paragraph".

37. On page 47628, column 1, § 1.401(l)–3(d)(10), line 21 of *Example 4*, the language "benefit under the plan. Employee's final" is corrected to read "benefit under the plan. Employee B's final".

38. On page 47628, column 1, § 1.401(l)–3(d)(10), in lines 23 and 24 in *Example 4*, the language "1992 plan year is $52,800 ($47,000 + $53,400 + $58,000/3. This is because annual" is corrected to read "1992 plan year is $52,800 (($47,000 + $53,400 + $58,000/3). This is because annual".

39. On page 47628, column 1, § 1.401(l)–3(d)(10), in *Example 4*, the third line from the bottom of the column, the language "Employee A's benefit by reference to" is corrected to read "Employee B's benefit by reference to".

40. On page 47630, column 1, § 1.401(l)–3(e)(6), in *Example 1*, the fifth line from the top of the column, the language "of service for X, the plan provides a benefit" is corrected to read "of service, the plan provides a benefit".

41. On page 47630, column 1, § 1.401(l)–3(e)(6), in *Example 3*, line 14, the language "0.375 percent factor provided in the table for" is corrected to read "0.375-percent factor provided in the table for".

42. On page 47630, column 3, under § 1.401(l)–3(e)(6), in *Example 6*, the sixth line from the top of the column, the language "than a qualified disability benefit)" is corrected to read "than a temporary disability benefit)".

§ 1.401(l)–4 [Corrected]

43. On page 47632, column 3, under § 1.401(l)–4(b)(3)(iv)(B), line 3, the language "employer contributions are allocated to" is corrected to read "employer contributions are allocated to the".

44. On page 47633, column 1, under § 1.401(l)–4(c)(3)(ii)(C), lines 3 and 4, the language "same excess benefit percentage by an amount for all employees, and" is corrected to read "same excess benefit percentage for all employees, and".

45. On page 47633, column 3, under § 1.401(l)–4(e)(1)(ii), the first and second sentences are corrected to read "(ii) 'Railroad retirement covered compensation for an employee means 12 multiplied by the average of the 60 highest monthly railroad retirement taxable wage bases in effect for the employee's period of employment. The monthly railroad retirement taxable wage base is determined by dividing the railroad retirement taxable wage base for the calendar year in which the month occurs by 12.'".

46. On page 47634, column 1, under § 1.401(l)–4(e)(3), line 3, the language "benefit excess plan and offset plans" is corrected to read "benefit excess plans and offset plans".

47. On page 47634, column 1, § 1.401(l)–4(e)(3)(ii), line 2, the language "3(d) are made by multiplying the 0.56" is corrected to read "3(d) are made by multiplying the 0.56-percent".

§ 1.401(l)–5 [Corrected]

48. On page 47636, column 1, under § 1.401(l)–5(b)(9), line 4 in paragraph (a) of *Example 4*, the language "general test under § 1.401(a)(4)–3(b). Plan M" is corrected to read "general test under § 1.401(a)(4)–3(c). Plan M".

49. On page 47636, column 2, under § 1.401(l)–5(b)(9), paragraph (a) of *Example 4*, the sixth line from the top of the column, the language "disparity provided for Employee B for the" is corrected to read "disparity for Employee B for the".

50. On page 47637, column 1, under § 1.401(l)–5(c)(4), line 10 in paragraph (a) of *Example 4*, the language "excess plan disparity fraction under Plan P" is corrected to read "plan disparity fraction under Plan P".

51. On page 47637, column 2, under § 1.401(l)–5(d), second line from bottom of the paragraph, the language "permitted disparity limits are not" is corrected to read "permitted disparity limits are".

§ 1.401(l)–6 [Corrected]

52. On page 47637, column 2, under § 1.401(l)–6(c), line 8, the language "1.401.(l)–5 and the requirements" is corrected to read "1.401(l)–5 and the requirements of".

53. On page 47637, column 3, under § 1.401(l)–6(d)(4), the last sentence in the paragraph is removed.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–6402 Filed 3–27–92; 2:16 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

North Carolina State Plan; Level of Federal Enforcement

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Change in level of federal enforcement.

SUMMARY: On October 24, 1991, OSHA resumed its exercise of concurrent Federal enforcement authority in the State of North Carolina by terminating the pre-existing Operational Status Agreement for the North Carolina State Plan. At that time, OSHA initiated limited Federal enforcement authority with regard to all pending and new complaints of discrimination filed either with OSHA or the State; all complaints of unsafe and unhealthful working conditions brought to OSHA's attention by employees or referred by others; and referrals from North Carolina Governor James Martin's 800 "Safety Line". In response to a further request from the State's Labor Commissioner for additional assistance, this document provides notice that Federal enforcement authority will be expanded with regard to the backlog of safety and health complaints filed with the State of North Carolina by employees in the private sector (not State and local government employees) and not yet investigated by the State.

EFFECTIVE DATE: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523–8148.

SUPPLEMENTARY INFORMATION:

A. Background

Section 18 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 667, provides that States which wish to assume responsibility for developing and enforcing their own occupational safety and health standards, may do so by submitting, and obtaining Federal approval of, a State plan. State plan approval occurs in stages which include initial approval under section 18(b) of the Act and, ultimately, final approval under section 18(e). In the interim, between initial approval and final approval, there is a period of concurrent Federal/State jurisdiction within a State operating an approved plan. See 29 CFR 1954.3 for guidelines and procedures.

On February 1, 1973, notice was published in the **Federal Register** (38 FR 3041) announcing the initial approval of the North Carolina State plan and the adoption of subpart I to 29 CFR part 1952 containing the decision. On February 20, 1975, OSHA and the State of North Carolina entered into an Operational Status Agreement which suspended the exercise of Federal concurrent enforcement authority in all except specifically identified areas. See

40 FR 16643, as amended by 44 FR 74819, and redesignated at 51 FR 2486. The pertinent provisions concerning the level of Federal enforcement in the State were codified at 29 CFR 1952.155. However, on October 24, 1991, OSHA announced the termination of that agreement and the reinstitution of limited concurrent Federal jurisdiction to the degree necessary to assure occupational safety and health protection to employees in the State of North Carolina. Specifically, OSHA announced its intention to exercise Federal concurrent enforcement authority with regard to (1) all currently pending and new complaints of discrimination under section 11(c) of the Act, 29 U.S.C. 660(c), and equivalent State law filed either with OSHA or the State; (2) all complaints of unsafe or unhealthful working conditions brought to OSHA's attention on or after October 24, 1991 by employees or referred by others; and (3) referrals from North Carolina Governor James Martin's 800 "Safety Line". Additionally, the notice reserved OSHA's general right to exercise concurrent authority under a variety of special circumstances; for example, when the State is unable to obtain a warrant for inspection of an establishment which has refused entry to the State. See 56 FR 55193. The supplemental Federal assistance provided to the State of North Carolina as outlined by the October 24, 1991 **Federal Register** notice was intended to assure protection to the workers in the State of North Carolina by supplementing the State plan enforcement efforts.

Subsequently, by letters dated March 2 and 6, 1992, North Carolina requested from Federal OSHA additional "temporary assistance regarding all complaints." In response, by letter dated March 17, 1992, Dorothy L. Strunk, acting Assistant Secretary for Occupational Safety and Health, agreed to provide temporary assistance by "accepting responsibility for the backlog of complaints filed with the State (by private sector employees) but not yet investigated." (Backloggerd complaints from State and local government workers will be retained by the State, as Federal OSHA has no jurisdiction.) This assistance should allow the North Carolina staff to handle any new complaints filed with North Carolina after March 20, 1992 and to devote additional resources to conducting random schedule "programmed" inspections.

Thus, in response to North Carolina's request, Federal OSHA will assume responsibility for investigating all backlogged health and safety complaints received by the North Carolina Department of Labor but not yet investigated as of March 20 1992. Complainants will be notified by letter of the transfer of their complaint by North Carolina and acceptance by Federal OSHA. The U.S. Department of Labor will follow its usual procedures for handling complaints, and, as appropriate may make an effort to contact the complainant to verify the complaint and to obtain updated information on whether the complained-of hazard is still present in the workplace. The State of North Carolina will continue to respond to new complaints it receives of unsafe or unhealthful working conditions, according to its own procedures. Federal OSHA will similarly continue to exercise its enforcement authority over new complaints it receives of unsafe or unhealthful working conditions as well as referrals from the Governor's "Safety Line" and all discrimination complaints.

B. Decision

Notice is hereby given that, consistent with the October 24, 1991 announcement of the exercise of concurrent Federal enforcement authority, and in response to North Carolina's recent request for additional temporary assistance, to protect the safety and health of workers in the State, Federal enforcement authority will be exercised with regard to safety or health complaints filed with the State of North Carolina by private sector workers and not yet investigated by the State as of March 20, 1992.

Authority: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)

Dorothy L. Strunk,

Acting Assistant Secretary.

[FR Doc. 92-7228 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 580

Haitian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Haitian Transactions Regulations (the "Regulations") implement the President's Executive Orders 12775 of October 4, 1991, 56 FR 50641, and 12779 of October 28, 1991, 56 FR 55975, which block all property and interests in property of the Government of Haiti located within the United States or within the possession or control of U.S. persons including their overseas branches, prohibit payments or transfers of funds to the *de facto* regime in Haiti by U.S. persons, and prohibit import and export trade between the United States and Haiti, with specified exceptions.

EFFECTIVE DATES: March 31, 1992, except that §§ 580.201, 580.202, 580.204, 580.208, 580.209 and 580.210 were effective as of 12:23 p.m., e.d.t., October 4, 1991; §§ 580.205, 580.206, and 580.207 are effective as of 11:59 p.m., e.s.t., November 5, 1991; and § 580.203 is effective as of 12 p.m., e.s.t., December 12, 1991.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel, tel.: 202/535-6020, or Steven I. Pinter, Chief of Licensing, tel.: 202/535-9449, Office of Foreign Assets Control, Department of the Treasury, Washington, DC.

SUPPLEMENTARY INFORMATION: On October 4, 1991, the President issued Executive Order 12775, declaring a national emergency with respect to Haiti, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), ordering specified measures against Haiti, and authorizing the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the Order. On October 28, 1991, the President issued Executive Order 12779, ordering additional measures against Haiti pursuant to the declaration of a continued national emergency. In implementation of these orders, the Treasury Department is issuing the Regulations. The Regulations block all property and interests in property of the Government of Haiti, its agencies, instrumentalities and controlled entities, including the Banque de la Republique d'Haiti, that on or after October 4, 1991, were in or come within the United States, or were in or come within the possession or control of U.S. persons, including their overseas branches. The Regulations also generally prohibit direct or indirect payments or transfers of funds or other financial or investment assets or credits to the *de facto* regime in Haiti by any U.S. person or by any person organized under the laws of Haiti and owned or controlled by a U.S. person. Finally, the Regulations prohibit import and export trade between the United States and Haiti, with specified exceptions. The Regulations prohibit the importation into the United States, directly or indirectly, of any goods of Haitian origin other than

publications and other informational materials, or of services performed in Haiti. The Regulations also prohibit the exportation from the United States to Haiti, directly or indirectly, of any goods, technology or services, other than (1) publications and other informational materials, (2) donations of articles intended to relieve human suffering, and (3) rice, beans, sugar, wheat flour, and cooking oil.

Certain transactions and payments are authorized or required by general license; these include:

(1) Importation of household and personal effects of Haitian origin by persons arriving from Haiti, and exportation to Haiti of accompanying baggage and accompanying personal effects;

(2) Payments for telecommunications;

(3) Specific licenses for the importation of certain machinery, parts and materials;

(4) Specific licenses for imports from and exports to assembly/production operations in Haiti;

(5) Specific licenses for the exportation of commercial shipments for humanitarian purposes of medicine and medical supplies;

(6) Importation and exportation of diplomatic pouches; and

(7) A requirement that blocked financial property be placed in interest-bearing accounts.

All General Licenses issued by the Office of Foreign Assets Control prior to March 31, 1992, may continue to be relied upon to validate actions taken prior to this date during the period of their validity. Specific licenses issued prior to this date continue in effect according to their terms unless modified by the Office of Foreign Assets Control.

Authorizations contained in General Licenses issued prior to publication of these regulations can now be found in the following sections:

Issuance date	License No.	Regulation section
11/06/91, 11/15/91	General License No. 1 as amended.	Section 580.504.
11/06/91	General License No. 2.	Section 580.505.
11/15/91	General License No. 3.	Section 580.508.
11/22/91	General License No. 4.	Section 580.510.
11/25/91	General License No. 5.	Section 580.511.
12/12/91	General License No. 6.	Section 580.203.
01/21/92	General License No. 7.	Section 580.508.
02/05/92	General License No. 8.	Section 580.515.

Transactions otherwise prohibited under this part may be authorized by a general license contained in subpart E or by a specific license issued pursuant to the procedures described in § 580.801(b) of subpart H.

Since the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

The Regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collections of information contained in the Regulations have been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1505-0133. Comments concerning the average annual burden and suggestions for reducing this burden should be directed to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503, with copies to the Office of Foreign Assets Control, Department of the Treasury 1500 Pennsylvania Ave., NW.—Annex, Washington, DC 20220. Any such comments should be submitted not later than 60 days from publication.

The collections of information in the Regulations are contained in §§ 580.204(d), 580.503, 580.506, 580.509, 580.510, 580.514, 580.515, 580.601, 580.602, 580.603, 580.703, and 580.801. This information is required by the Office of Foreign Assets Control for licensing, compliance, civil penalty, and enforcement purposes. This information will be used to determine the eligibility of applicants for the benefits provided through specific licenses, to determine whether persons subject to the Regulations are in compliance with applicable requirements, and to determine whether and to what extent civil penalty or other enforcement action is appropriate. The likely respondents and recordkeepers are individuals and business organizations.

Estimated total annual reporting and/or recordkeeping burden: 2000 hours.

The estimated annual burden per respondent/recordkeeper varies from 60 minutes to 4 hours depending on individual circumstances, with an estimated average of 2 hours.

Estimated number of respondents and/or recordkeepers: 1000.

Estimated annual frequency of responses: 1000.

List of Subjects in 31 CFR Part 580

Administrative practice and procedure, Banking and finance, Blocking of assets, Exports, Haiti, Imports, Penalties, Reporting and recordkeeping requirements, Transfer of assets.

For the reasons set forth in the preamble, 31 CFR part 580 is added to 31 CFR chapter V as follows:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

Subpart A—Relation of this Part to Other Laws and Regulations

Sec.
580.101 Relation of this part to other laws and regulations.

Subpart B—Prohibitions

580.201 Prohibited transactions involving property in which the Government of Haiti has an interest; transactions with respect to securities.
580.202 Prohibited payments or transfers to the *de facto* regime in Haiti.
580.203 Holding of certain types of blocked property in interest-bearing accounts.
580.204 Effect of transfers violating the provisions of this part.
580.205 Prohibited importation of goods or services from Haiti.
580.206 Prohibited exportation of goods, technology or services to Haiti
580.207 Exemption of informational materials.
580.208 Prohibited grants or extensions of credits or loans.
580.209 Evasions.
580.210 Effective date.

Subpart C—General Definitions

580.301 Blocked account; blocked property.
580.302 Credits.
580.303 *De facto* regime in Haiti.
580.304 Effective date.
580.305 Entity.
580.306 General license.
580.307 Government of Haiti.
580.308 Haiti.
580.309 Haitian origin.
580.310 Informational materials.
580.311 Interest.
580.312 License.
580.313 Person.
580.314 Property; property interest.
580.315 Specific license.
580.316 Transfer.
580.317 United States.
580.318 U.S. financial institution.
580.319 United States person; U.S. person.

Subpart D—Interpretations

580.401 Reference to amended sections.
580.402 Effect of amendment.
580.403 Termination and acquisition of an interest of the Government of Haiti.

560.404 Payments to the *de facto* regime in Haiti prohibited; procedures for making payments to the Federal Reserve Bank of New York.
560.405 Indirect payments to the *de facto* regime in Haiti; payments by subsidiaries in third countries.
560.406 Setoffs prohibited.
560.407 Payments in kind.
560.408 Offshore transactions.
560.409 Transshipments through the United States prohibited.
560.410 Importation from third countries; transshipments.
560.411 Exportation to third countries; transshipments.
560.412 Importation into and release from bonded warehouse or foreign trade zone.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

560.501 Effect of license or authorization.
560.502 Exclusion from licenses and authorizations.
560.503 Payments and transfers to blocked accounts in U.S. financial institutions.
560.504 Importation of household and personal effects.
560.505 Transactions related to telecommunications authorized.
560.506 Transactions related to mail authorized.
560.507 Transactions related to informational materials.
560.508 Importation of certain machinery, parts and materials.
560.509 Reserve accounts.
560.510 Commercial exportation of medicines and medical supplies.
560.511 Diplomatic pouches authorized.
560.512 Importation of certain gifts authorized.
560.513 Certain exportations for the Organization of American States.
560.514 Investment and reinvestment of Government of Haiti funds held in blocked accounts.
560.515 Importation from and exportation to assembly/production operations.

Subpart F—Reports.

560.601 Required records.
560.602 Reports to be furnished on demand.
560.603 Registration of persons holding blocked property subject to § 560.201.

Subpart G—Penalties

560.701 Penalties.
560.702 Prepenalty notice.
560.703 Presentation responding to prepenalty notice.
560.704 Penalty notice.
560.705 Referral to United States Department of Justice.
560.706 Seizure of shipments.

Subpart H—Procedures

560.801 Licensing.
560.802 Decisions.
560.803 Amendment, modification, or revocation.
560.804 Rulemaking.
560.805 Delegation by the Secretary of the Treasury.
560.806 Rules governing availability of information.
560.807 Customs procedures: merchandise specified in § 560.205.

Subpart I—Paperwork Reduction Act

560.901 Paperwork Reduction Act notice.

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12775, 56 FR 50641 (Oct. 7, 1991); E.O. 12779, 56 FR 55975 (Oct. 30, 1991).

Subpart A—Relation of This Part to Other Laws and Regulations

§ 560.101 Relation of this part to other laws and regulations.

(a) This part is separate from, and independent of, the other parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulations authorizes any transaction prohibited by this part.

(b) No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

Subpart B—Prohibitions

§ 560.201 Prohibited transactions involving property in which the Government of Haiti has an interest; transactions with respect to securities.

(a) Except as authorized by regulations, orders, directives, licenses, or otherwise, all property and interests in property of the Government of Haiti, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons including their overseas branches, are blocked.

(b) Except as authorized by regulations, orders, directives, licenses, or otherwise, no property or interest in property of the Government of Haiti that is in the United States, that hereafter comes within the United States, or that is or hereafter comes within the possession or control of U.S. persons, including their overseas branches, may be transferred, paid, exported, withdrawn or otherwise dealt in.

(c) Unless authorized by a license expressly referring to this section, the acquisition, transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of, or the endorsement or guaranty of signatures on, or otherwise dealing in any security (or evidence thereof) registered or inscribed in the name of the Government of Haiti is prohibited irrespective of the fact that at any time (either prior to, on, or subsequent to 12:23 p.m., e.d.t., October 4, 1991) the registered or inscribed owner thereof may have, or appears to have, assigned, transferred, or otherwise disposed of any such security.

§ 560.202 Prohibited payments or transfers to the de facto regime in Haiti.

Except as authorized by regulations, orders, directives, licenses, or otherwise, no direct or indirect payments or transfers may be made to the *de facto* regime in Haiti of funds, including currency, cash, or coins of any nation, or of other financial or investment assets or credits, by any United States person, or by any person organized under the laws of Haiti and owned or controlled by a United States person. All transfers or payments owed to the Government of Haiti shall be made when due into an account at the Federal Reserve Bank of New York, as provided in § 560.404, or credited to a blocked reserve account, as provided in § 560.509.

§ 560.203 Holding of certain types of blocked property in interest-bearing accounts.

(a) Any person, including a U.S. financial institution, currently holding property subject to § 560.201 which, as of the effective date of this section, December 12, 1991, or the date of receipt if subsequent to the effective date, is not being held in an interest-bearing account, or otherwise invested in a manner authorized by the Office of Foreign Assets Control, shall transfer such property to, or hold such property or cause such property to be held in, an interest-bearing account in a U.S. financial institution with value as of the effective date of this section or the date of receipt if subsequent to the effective date, unless otherwise authorized or directed by the Office of Foreign Assets Control. This requirement shall apply to currency, bank deposits, accounts, any other financial assets, and any proceeds resulting from the sale of tangible or intangible property. If interest is credited to an account separate from that in which the interest-bearing asset is held, the name of the account party on both accounts must be the same and must clearly indicate the blocked Government of Haiti entity having an interest in the accounts.

(b) For purposes of this section, the term "interest-bearing account" means a blocked account in a U.S. financial institution earning interest at rates that are commercially reasonable for the amount of funds in the account. Except as otherwise authorized, the funds may not be invested or held in instruments the maturity of which exceeds 90 days.

(c) This section does not apply to blocked tangible property, such as chattels, nor does it create an affirmative obligation on the part of the holder of such blocked tangible property to sell or liquidate the property and put the proceeds in a blocked account. However, the Office of Foreign Assets Control may issue licenses permitting or directing sales of tangible property in appropriate cases.

§ 560.204 Effect of transfers violating the provisions of this part.

(a) Any transfer after 12:23 p.m., e.d.t., October 4, 1991, which is in violation of any provision of this part or of any regulation, order, directive, license, or other direction or authorization hereunder and involves any property in which the Government of Haiti has or has had an interest since such date, is null and void and shall not be the basis for the assertion or recognition of any interest in or right, remedy, power or privilege with respect to such property.

(b) No transfer before 12:23 p.m., e.d.t., October 4, 1991, shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property in which the Government of Haiti has an interest, or has had an interest since such date, unless the person with whom such property is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to such date.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act and this part, and any ruling, order, regulation, direction or instruction issued hereunder.

(d) Transfers of property which otherwise would be null and void or unenforceable, by virture of the provisions of this section, shall not be deemed to be null and void or unenforceable pursuant to such provisions, as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization by or pursuant to this part and was not so licensed or authorized, or if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fradulently obtained; and

(3) Promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license or other direction or authorization hereunder, or

(ii) Such transfer was not licensed or authorized by the Office of Foreign Assets Control, or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or the withholding of material facts or was otherwise fraudulently obtained;

the person with whom such property was held or maintained filed with the Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC, a report setting forth in full the circumstances relating to such transfer. The filing of a report in accordance with the provisions of this paragraph shall not be deemed to be compliance or evidence of compliance with paragraphs (d) (1) and (2) of this section.

(e) Unless licensed or authorized pursuant to this part, any attachement, judgment, decree, lien, execution, garnishment or other judicial process is null and void with respect to any property in which on or since 12:23 p.m., e.d.t., October 4, 1991, there existed an interest of the Government of Haiti.

§ 560.205 Prohibited importation of goods or services from Haiti.

(a) Except as otherwise authorized, no goods or services of Haitian origin, other than publications and other informational materials, may be imported into the United States.

(b) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of goods containing parts of materials exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were assembled or processed into goods containing parts or materials exported from the United States, is authorized.

Note to paragraph (b): Transactions authorized by paragraph (b) of this section have been completed prior to publication of this part. The text of paragraph (b) is included for the convenience of the user. See also § 560.506.

§ 560.206 Prohibited exportation of goods, technology or services to Haiti.

Except as otherwise authorized, no goods, technology (including technical data or other information), or services may be exported from the United States, either directly or indirectly, to Haiti, except (a) publications and other informational materials, (b) donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies, and (c) rice, beans, sugar, wheat flour, and cooking oil.

§ 560.207 Exemption of informational materials.

(a) The importation from Haiti, and the exportation to Haiti, whether commercial or otherwise, of informational materials, as defined in § 560.310, are exempt from the prohibitions and regulations of this part.

(b) All transactions of common carriers incident to the importation or exportation of informational materials between the United States and Haiti are exempt from the prohibitions and regulations of this part.

(c) This section does not authorize transactions related to informational materials not fully created and in existence at the date of the transaction, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services by a person subject to the jurisdiction of the United States. Such prohibited transactions include, without limitation, payment of advances for informational materials not yet created and completed, provision of services to market, produce or co-produce, create or assist in the creation of informational materials, and payment of royalties to a person in Haiti with respect to income received for enhancements or alterations made by U.S. persons to informational materials imported from Haiti.

(d) This section does not authorize transactions incident to the transmission of restricted technical data as defined in part 779 of the Export Administration Regulations, 15 CFR parts 768 through 799, or to the exportation of goods for use in the transmission of any data. The exportation of such goods to Haiti is prohibited, as provided in § 560.206 of this part and § 785.1 of the Export Administration Regulations.

Example #1: A U.S. publisher ships 500 copies of a book to Haiti directly from Miami

aboard a chartered aircraft, and receives payment by a bank in Haiti. These are permissible transactions under this section.

Example #2: A Haitian party exports a single master copy of a Haitian motion picture to a U.S. party and licenses the U.S. party to duplicate, distribute, show and exploit in the United States the Haitian film in any medium, including home video distribution, for five years, with the Haitian party receiving 40% of the net income. The transactions relating to the activities described in this example are authorized under this section or § 580.507.

Example #3: A U.S. recording company proposes to contract with a Haitian musician to create certain musical compositions in Haiti and to advance royalties of $10,000 to the musician. This is a prohibited transaction. The U.S. party is prohibited under § 580.206 from contracting for the Haitian musician's services to be performed in Haiti. No informational materials are in being at the time of this proposed transaction. However, the U.S. recording company may propose to contract with a Haitian musician for services to be performed outside of Haiti, irrespective of whether the informational materials are in being at the time of the proposed transaction, provided the Haitian national is not acting on behalf of the *de facto* regime. See §§ 580.206 and 580.309(c).

Example #4: A Haitian party enters into a sub-publication agreement licensing a U.S. party to print and publish copies of a musical composition and to sub-license rights of public performance, adaptation, and arrangement of the musical composition, with payment to be a percentage of income received. All transactions related to the activities described in this example are authorized under this section and 580.507, except for synchronization, adaptation, and arrangement, which constitute artistic enhancement of the Haitian composition. Payment to the Haitian party may not reflect income received as a result of these enhancements.

§ 580.208 Prohibited grants or extensions of credits or loans.

Except as authorized, no U.S. person may grant or extend credits or loans to the Government of Haiti.

§ 580.209 Evasions.

Any transaction for the purpose of, or which has the effect of, evading or avoiding any of the prohibitions set forth in this subpart is hereby prohibited.

§ 580.210 Effective date.

The effective dates of the prohibitions and directives contained in this subpart B are as follows:

(a) With respect to §§ 580.201, 580.202, 580.204, 580.208, 580.209 and 580.210, 12:23 p.m., e.d.t., October 4, 1991;

(b) With respect to §§ 580.205, 580.206 and 580.207, 11:59 p.m., e.s.t., November 5, 1991;

(c) With respect to § 580.203, 12:00 p.m. e.s.t., December 12, 1991.

Subpart C—General Definitions

§ 580.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property in which the Government of Haiti has an interest, and with respect to which payments, transfers, exportations, withdrawals or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control authorizing such action.

§ 580.302 Credits.

The term *credits* means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit. The term "credits" includes, but is not limited to: overdrafts; purchases of debt securities issued by the Government of Haiti after October 4, 1991; sales of financial assets subject to an agreement to repurchase; renewals or refinancings whereby funds or credits are transferred to or extended to the Government of Haiti; and drawdowns on existing lines of credit.

§ 580.303 De facto regime in Haiti.

(a) The term *de facto regime in Haiti* includes:

(1) Those who seized power illegally from the democratically elected government of President Jean-Bertrand Aristide on September 30, 1991, and any agencies, instrumentalities or entities purporting to act on behalf of the *de facto* regime in Haiti or under the asserted authority thereof, or any extraconstitutional successor thereto;

(2) Any partnership, association, corporation, or other organization substantially owned or controlled by the foregoing;

(3) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since 12:23 p.m., e.d.t., October 4, 1991, acting or purporting to act directly or indirectly on behalf of any of the foregoing; or

(4) Any other person or organization determined by the Director of the Office of Foreign Assets Control to be included within this section. Such determinations shall be published from time to time in the **Federal Register**, but shall be binding prior to such publication upon any person receiving actual notice thereof.

(b) A partnership, association, corporation, or other organization shall not be deemed to fall within the definition of the *de facto regime in Haiti* solely by reason of being located in, organized under the laws of, or having its principal place of business in, Haiti.

§ 580.304 Effective date.

The term *effective date* refers to the effective date of the applicable prohibition, as identified in § 580.210.

§ 580.305 Entity.

The term *entity* includes a corporation, partnership, association, or other organization.

§ 580.306 General license.

The term *general license* means any license or authorization the terms of which are set forth in this part.

§ 580.307 Government of Haiti

The term *Government of Haiti* includes the state and the Government of Haiti or any persons purporting to be the Government of Haiti (including the *de facto* regime in Haiti), as well as any political subdivision, agency, instrumentality or controlled entity thereof, including the Banque de la Republique d'Haiti.

§ 580.308 Haiti.

The term *Haiti* means the Republic of Haiti and all areas under the jurisdiction or authority thereof.

580.309 Haitian origin.

The term *goods or services of Haitian origin* includes:

(a) Goods produced, manufactured, grown, extracted or processed within Haiti;

(b) Goods which have entered into Haitian commerce; and

(c) Services performed in Haiti, or by a Haitian national, wherever located, who is acting as an agent, employee, or contractor of the *de facto* regime in Haiti.

§ 580.310 Informational materials.

(a) For purposes of this part, the term *informational materials* means:

(1) Publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, and other informational articles, including tangible items described in the following:

(2) 15 CFR 799.1, Control List, Group 5, CL No. 7599I: microfilm that reproduces the content of certain publications, and similar materials;

(3) 15 CFR 799.1, Control List, Group 9, CL No. 7599I: certain publications and related materials; and

(4) 15 CFR 799.3, General License GTDA, technical data available to all destinations;

(b) The term "informational materials" does not include:

(1) Items that are controlled for export for national security reasons under section 5 of the Export Administration Act of 1979, or with respect to which acts are prohibited by chapter 37 of title 18 of the United States Code; and

(2) Intangible items, such as telecommunications transmissions.

§ 580.311 Interest.

Except as otherwise provided in this part, the term "interest" when used with respect to property (*e.g.*, "an interest in property") means an interest of any nature whatsoever, direct or indirect.

§ 580.312 License.

Except as otherwise specified, the term *license* means any license, authorization, or directive contained in or issued by the Office of Foreign Assets Control pursuant to this part.

§ 580.313 Person.

The term *person* means an individual, partnership, association, corporation, or other organization.

§ 580.314 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgements, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

§ 580.315 Specific license.

The term *specific license* means any license, authorization, or directive not set forth in this part but issued by the Office of Foreign Assets Control pursuant to this part in response to a written application.

§ 580.316 Transfer.

The term *transfer* means any actual or purported act of transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and, without limitation upon the forgoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

§ 580.317 United States.

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

§ 580.318 U.S. financial institution.

The term *U.S. financial institution* means any U.S. person (including foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent; including, but not limited to, depository institutions, banks, savings banks, trust companies, securities brokers and dealers, commodity futures and options brokers and dealers, forward contract and foreign exchange merchants, securities and commodities exchanges, clearing corporations, investment companies, employee benefit plans, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

§ 580.319 United States person; U.S. person.

The term *United States person* or *U.S. person* means any United States citizen; permanent resident alien; juridical person organized under the laws of the United States or any jurisdiction within the United States, including foreign branches; or any person in the United States.

Subpart D—Interpretations

§ 580.401 Reference to amended sections.

Except as otherwise specified, reference to any section of this part or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part shall be deemed to refer to the same as currently amended.

§ 580.402 Effect of amendment.

Any amendment, modification, or revocation of any section of this part or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control shall not, unless otherwise specifically provided, be deemed to affect any act done or omitted to be done, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license shall continue and may be enforced as if such amendment, modification, or revocation had not been made.

§ 580.403 Termination and acquisition of an interest of the Government of Haiti.

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from the Government of Haiti, such property shall no longer be deemed to be property in which the Government of Haiti has or has had an interest unless there exists in the property another such interest, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred to the Government of Haiti, such property shall be deemed to be property in which there exists an interest of the Government of Haiti.

§ 580.404 Payments to the de facto regime in Haiti prohibited; procedures for making payments to the Federal Reserve Bank of New York.

(a) The prohibitions on payments and transfer to the *de facto* regime in Haiti in § 580.202 shall apply to payments and transfers of any kind whatsoever, including payment of debt obligations, fees, taxes, and royalties owed to the Government of Haiti, and also including payment or transfer of dividends, interest payments, and other periodic payments.

(b) Payments or transfers owed to the Government of Haiti shall be made to "Government of Haiti Account No. 021083909," established on the books of the Federal Reserve Bank of New York pursuant to § 580.202. Payments or transfers of funds into Government of Haiti Account No. 021083909 over FedWire should be made using Typecode 15. The transfer instructions should name "Government of Haiti Account No. 021083909" and identify the nature of the payment.

§ 580.405 Indirect payments to the de facto regime in Haiti; payments by subsidiaries in third countries.

The prohibitions in § 580.202 on payments or transfers to the *de facto* regime in Haiti apply to indirect payments (including reimbursement of a non-U.S. person for payment) made after 12:23 p.m., e.d.t., October 4, 1991. Unlicensed payments or transfers made to the *de facto* regime in Haiti from U.S. subsidiaries or branches in third countries shall, where such payments or transfers are normally made from the United States or Haiti, be considered an evasion of the prohibitons set forth in § 580.202. Payments or transfers routinely made from such third-country entities, however, are not prohibited.

§ 580.406 Setoffs prohibited.

(a) A setoff against a blocked account, whether by a U.S. financial institution or other U.S. person, is a prohibited transfer under § 580.202 if effected after 12:23 p.m., e.d.t., October 4, 1991.

(b) Except as licensed or otherwise authorized, a setoff as a method of settling payments with the *de facto* regime in Haiti, as by netting or canceling a debt or other obligation, is prohibited.

§ 580.407 Payments in kind.

Payments in kind made to the *de facto* regime in Haiti in lieu of a payment or transfer of funds, which term includes currency, cash or coins of any nation, as well as other financial or investment assets or credits, shall be considered an evasion of the prohibitions in subpart B.

§ 580.408 Offshore transactions.

The prohibitions contained in § 580.201 apply to transactions by U.S. persons in locations outside the United States with respect to property in which the U.S. person knows, or has reason to know, that the Government of Haiti has or has had an interest since the effective date.

§ 580.409 Transshipments through the United States prohibited.

(a) The prohibitions in § 580.206 apply to the importation into the United States, for transshipment or transit, of goods or services which are intended or destined for Haiti.

(b) The prohibitions in § 580.205 apply to the importation into the United States, for transshipment or transit, of goods or services of Haitian origin which are intended or destined for third countries.

(c) Goods in which the Government of Haiti has an interest which are imported into or transshipped through the United States are blocked pursuant to § 580.201.

§ 580.410 Importation from third countries; transshipments.

(a) Importation into the United States from third countries of goods containing raw materials or components of Haitian origin is not prohibited if those raw materials or components have been incorporated into manufactured products or substantially transformed in a third country.

(b) Importation into the United States of goods of Haitian origin that have been transshipped through a third country without being incorporated into manufactured products or substantially transformed in a third country is prohibited.

§ 580.411 Exportation to third countries; transshipments.

Exportation of goods, technology (including technical data and other information), or services from the United States is prohibited if the exporter knows, or has reason to know, that the goods, technology or services are intended for transshipment to Haiti (including passage through, or storage in, intermediate destinations). The exportation from the United States of goods or technology intended specifically for incorporation or substantial transformation into a third-country product is also prohibited if the particular product is to be used in Haiti, is being specifically manufactured to fill a Haitian order, or if the manufacturer's sales of the particular product are predominantly to Haiti.

§ 580.412 Importation into and release from bonded warehouse or foreign trade zone.

The prohibitions in § 580.205 apply to importation into a bonded warehouse or a foreign trade zone of the United States. However, § 580.205 does not prohibit the release from a bonded warehouse or a foreign trade zone of goods of Haitian origin imported into a bonded warehouse or a foreign trade zone prior to the effective date of § 580.205 or in a transaction authorized pursuant to this part after the effective date.

Note: Pursuant to § 580.201, property in which the Government of Haiti has an interest may not be released unless authorized or license by the Office of Foreign Assets Control.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 580.501 Effect of license or authorization.

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control, shall be deemed to authorize or validate any transaction effected prior to the issuance of the license, unless specifically provided in such license or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

(c) Any regulation, ruling, instruction or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition or prohibitions in subpart B from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

§ 580.502 Exclusion from licenses and authorizations.

The Director of the Office of Foreign Assets Control reserves the right to exclude any person from the operation of any license, or from the privileges therein conferred, or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual or constructive notice thereof.

§ 580.503 Payments and transfers to blocked accounts in U.S. financial institutions.

(a) Any payment of funds or transfer of credit or other assets, including any payment or transfer by any U.S. person outside the United States, to a blocked account in a U.S. financial institution located in the United States in the name of the Government of Haiti is hereby authorized, including incidental foreign exchange transactions, provided that such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of any interest of the Government of Haiti to any other country or person.

(b) This section authorizes transfer of the funds of a blocked demand deposit account to a blocked interest-bearing account under the same name or designation as was used for the demand deposit account, as required pursuant to § 580.203 or at the instruction of the depositor, at any time. If such transfer is to a blocked account in a different U.S. financial institution, such transfer must be made to a blocked account in a U.S. financial institution located in the United States, and the transferee financial institution must furnish within 10 business days of the date of transfer, the notification described in paragraph (h) of this section to the Office of Foreign Assets Control, Blocked Assets Division.

(c) This section does not authorize any transfer from a blocked account within the United States to an account held outside the United States.

(d) This section does not authorize any payment or transfer to any blocked account held in a name other than that of the Government of Haiti where such government is the ultimate beneficiary of such payment or transfer.

(e) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(f) This section does not authorize the crediting of the proceeds of the sale of securities or other assets, held in a blocked account or a sub-account thereof, or the income derived from such securities or assets, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities or assets were or are held.

(g) This section does not authorize any payment or transfer from a blocked account in a U.S. financial institution to a blocked account held under any name or designation which differs from the name or designation of the specific blocked account or sub-account from which the payment or transfer is made.

(h) The authorization in paragraph (a) of this section is subject to the condition that written notification from the U.S. financial institution receiving an authorized payment or transfer is furnished to the Office of Foreign Assets Control, Blocked Assets Division, within 10 business days from the date of payment or transfer. This notification shall confirm that the payment or transfer has been deposited in a blocked account under the regulations in this part and shall provide the account number, the name and address of the Government of Haiti entity in whose name the account is held, the name and address of the transferee U.S. financial institution, the name and address of the transferor financial institution, the amount of the payment or transfer, and the name and telephone number of a contact person at the transferee financial institution from whom compliance information may be obtained.

(i) This section authorizes the transfer of assets between blocked accounts in U.S. financial institutions at the instruction of the depositor for purposes of investment and reinvestment of assets in which the Government of Haiti has an interest, as authorized in § 580.514. If such transfer is to a blocked account in a different U.S. financial institution, the transferee financial institution must furnish within 10 business days of the date of transfer the notification described in paragraph (h) of this section to the Office of Foreign Assets Control, Blocked Assets Division.

§ 580.504 Importation of household and personal effects.

(a) The importation of household and personal effects of Haitian origin, including baggage and articles for family use, of a person arriving in the United States directly or indirectly from Haiti is authorized. Articles included in such effects may be imported without limitation provided they were actually used by such person or family abroad, are not intended for any other person or for sale, and are not otherwise prohibited from importation.

(b) Persons departing the United States for Haiti are authorized to export from the United States accompanying personal baggage and accompanying personal effects.

§ 580.505 Transactions related to telecommunications authorized.

All transactions of U.S. common carriers incident to the receipt or transmission of telecommunications between the United States and Haiti are authorized, provided any payment owed to the *de facto* regime in Haiti is paid into a blocked account in a U.S. financial institution. For purposes of this section, the term "telecommunications" shall mean telephone, telex, and telegraph transmissions, and transmissions for the gathering or broadcast of news.

§ 580.506 Transactions related to mail authorized.

All transactions by U.S. persons, including payment and transfers to common carriers incident to the receipt or transmission of mail between the United States and Haiti, are authorized. For the purposes of this section the term "mail" shall include parcels only to the extent the parcels contain goods exempt from this part or otherwise eligible for exportation to or importation from Haiti under a general or specific license.

§ 580.507 Transactions related to informational materials.

(a) All financial and other transactions directly incident to the physical importation or exportation of informational materials are authorized.

(b) Transactions relating to the dissemination of informational materials are authorized, including remittance of royalties paid for informational materials that are reproduced, translated, subtitled, or dubbed. This section does not authorize the remittance of royalties or other payments relating to works not yet in being, or for marketing and business consulting services, or for artistic or other substantive alteration or enhancements to informational materials, as provided in § 580.207(c).

§ 580.508 Importation of certain machinery, parts and materials.

(a) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of machinery owned or leased by U.S. persons and used in Haiti in the assembly or processing of articles, including spare parts for such machinery, is authorized.

(b) The importation into the United States through 11:59 p.m., e.s.t., December 5, 1991, of parts or materials

exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were intended to be assembled or processed into goods containing parts or materials exported from the United States, is authorized.

Note to paragraphs (a) and (b): Transactions authorized by paragraphs (a) and (b) of this section have been completed prior to publication of this part. The text of this general license is included for the convenience of the user.

(c) Specific licenses may be issued on a case-by-case basis authorizing the importation into the United States after 11:59 p.m., e.s.t., December 5, 1991, of machinery owned or leased by U.S. persons and used in Haiti in the assembly or processing of articles, including spare parts for such machinery, and parts or materials exported to Haiti prior to 11:59 p.m., e.s.t., November 5, 1991, which were intended to be assembled or processed into goods containing parts or materials exported from the United States.

(d) Applications for specific licenses should be made in advance of the proposed importation from Haiti. Applications for specific licenses to import machinery should include a description of the machinery, information regarding the interest of U.S. persons in the machinery, and information regarding the use of the machinery in Haiti. Applications for specific licenses to import parts or materials should provide evidence of exportation to Haiti prior to the effective date and evidence that the goods into which they were to be assembled or processed would have contained parts exported from the United States prior to the effective date. Such evidence may include, without limitation, invoices, manifests, bills of lading, and other documentation describing the parts and materials and establishing shipment prior to the effective date.

§ 580.509 Reserve accounts.

(a) United States persons and U.S.-controlled Haitian entities that are required under § 580.202 to make payments and transfers of certain funds owed to the Government of Haiti into Government of Haiti Account No. 021083909 at the Federal Reserve Bank of New York may elect instead to apply for a specific license authorizing them to establish a blocked reserve account on their books in the name of the Haitian governmental entity to whom the amount is owed. Specific licenses may be issued to permit the crediting of such reserve accounts for amounts due and owing to the Government of Haiti, which amounts shall include the principal amount of funds due, plus interest thereon, determined pursuant to paragraph (b) of this section, accrued from the later of October 4, 1991, or the date that timely payment to the Government of Haiti was required, to the date of crediting to the reserve account. In the case of funds already credited to Government of Haiti Account No. 021083909, specific licenses may be issued authorizing transfer of such amounts (including accrued interest) to reserve accounts established pursuant to this section. Such licenses are revocable and are conditioned upon continued compliance with the requirements of this part. Upon revocation of a license or at the direction of the Director of the Office of Foreign Assets Control, the credit balances in such reserve accounts must be funded and paid into Government of Haiti Account No. 021083909.

(b) Amounts credited to reserve accounts pursuant to this section shall bear interest at a rate not less than the weekly average effective Federal Funds rate, as published by the Federal Reserve Board, applicable to each week of the period in which credit balances are maintained pursuant to this section.

(c) If necessary to assure the availability of credit balances blocked in reserve accounts pursuant to this section, the Director of the Office of Foreign Assets Control may at any time require the immediate funding and payment of such blocked credit balances into Government of Haiti Account No. 021083909 at the Federal Reserve Bank of New York, as provided in § 580.404, or the supplying of any form of security deemed necessary.

(d) A person receiving a specific license under paragraph (a) of this section will be required to certify to the Office of Foreign Assets Control within 15 business days after receipt of that license that it has established the reserve account on its book as provided in paragraph (a). Unless otherwise provided, a person licensed to establish such a reserve account shall file monthly reports with the Office of Foreign Assets Control setting forth all credits to the reserve account, and interest payable in accordance with paragraph (b) of this section on the reserve account, together with the nature of the debt and the name of the Haitian governmental entity to which it is owed. The report shall also contain a certification from an authorized official of the entity submitting the report that the entity is in compliance with all other requirements of this part.

§ 580.510 Commercial exportation of medicines and medical supplies.

Specific licenses may be issued on a case-by-case basis for commercial shipments to Haiti for humanitarian purposes of medicine and medical supplies. No shipment to the *de facto* regime in Haiti, or to anyone acting for or on behalf of the *de facto* regime, will be licensed. Applications for specific licenses should be made in advance of the proposed exportation to Haiti, and should provide notice and evidence of the nature, quantity, value, and purchaser of the articles to be shipped.

§ 580.511 Diplomatic pouches authorized.

The importation into the United States from Haiti, and the exportation from the United States to Haiti, of diplomatic pouches and their contents are permitted.

§ 580.512 Importation of certain gifts authorized.

The importation into the United States is authorized for goods of Haitian origin sent as gifts to persons in the United States where the value of the gift is not more than $100.

§ 580.513 Certain exportations for the Organization of American States.

All transactions ordinarily incident to the exportation of any goods or services from the United States for official or personal use by personnel employed by the diplomatic missions of the Organization of American States to Haiti are authorized, not for resale, and unless the exportation is otherwise prohibited by law.

§ 580.514 Investment and reinvestment of Government of Haiti funds held in blocked accounts.

(a) U.S. financial institutions are hereby authorized to invest and reinvest assets held in blocked accounts in the name of the Government of Haiti, subject to the following conditions:

(1) The assets representing such investments and reinvestments are credited to a blocked account or sub-account which is in the name of the Government of Haiti and which is located in the United States or within the possession or control of a U.S. person; and

(2) The proceeds of such investments and reinvestments are not credited to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such funds or securities were held; and

(3) No immediate financial or economic benefit accrues (*e.g.*, through pledging or other use) to the *de facto* regime in Haiti.

(b) (1) U.S. persons seeking to avail themselves of this authorization must register with the Office of Foreign Assets Control, Blocked Assets Section, before undertaking transactions authorized under this section.

(2) Transactions conducted pursuant to this section must be reported to the Office of Foreign Assets Control, Blocked Assets Division, in a report filed no later than 10 business days following the last business day of the month in which the transactions occurred.

§ 580.515 Importation from and exportation to assembly/production operations.

(a) Specific licenses may be issued on a case-by-case basis authorizing certain exportations from the United States to Haiti, and importations into the United States from Haiti, by certain U.S. persons engaged in the assembly or processing in Haiti of articles for export to the United States which contain parts or materials exported from the United States.

(b) A license must be issued prior to any exportation to or importation from Haiti. Applications should be directed to the Office of Foreign Assets Control and should provide the following information:

(1) Identification of the U.S. importer and the assembly or processing operation in Haiti, including principal owners and managers. If either the U.S. importer or the assembly or processing operation in Haiti is owned by a Haitian person or persons, the name and address of such person(s) shall be provided;

(2) A declaration that the Haitian assembly or processing operation was producing articles for exportation to the United States prior to November 6, 1991;

(3) A declaration that no United States person identified in paragraph (b)(1) of this section has, since October 4, 1991, directly or indirectly paid or transferred funds to the *de facto* regime or otherwise engaged in any activity prohibited by Executive Orders 12775 and 12779;

(4) A description of the method by which any amounts owed to the Government of Haiti (including the *de facto* regime) by United States persons identified in paragraph (b)(1) of this section in connection with the articles assembled or processed in Haiti are being paid (*i.e.*, into an account at the Federal Reserve Bank of New York or as otherwise authorized by the Office of Foreign Assets Control);

(5) A description of the article(s) assembled or produced in Haiti, as well as the parts or materials they contain which are exported from the United States; and

(6) A description of any tariff preference which will be claimed with respect to the articles exported to the United States (*e.g.*, a reduction in dutiable value under subheading 9802.22.80, HTS, or duty-free treatment under the Caribbean Basin Economic Recovery Act).

(c) Unless otherwise provided for in the license, the license shall permit until its expiration date exportations and importations by the named licensee for the purposes and under the conditions set forth in the license. The licensee shall immediately advise the Office of Foreign Assets Control of any action or event which materially affects the accuracy or completeness of any statement or representation made in the license application and shall refrain from engaging in any transaction authorized by the license pending written authorization by the Office of Foreign Assets Control.

(d) The licensee shall provide to the Office of Foreign Assets Control, Licensing Division, within 30 days of the close of each three month period following the date of issuance of the license a report summarizing each transaction authorized by the license which was undertaken during the reporting period. The report shall list the description and quantity of all exports and imports, as well as the dates and U.S. ports of exportation and importation.

Subpart F—Reports

§ 580.601 Required records.

(a) Except as otherwise provided, every person engaging in any transaction subject to the provisions of this part shall keep a full and accurate record of each transaction engaged in, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least 5 years after the date of such transaction. Except as otherwise provided, every person holding property subject to § 580.201 shall keep a full and accurate record of such property, and such record shall be available for examination for the period of time that such property is blocked and for at least 5 years after the date such property is unblocked.

(b) Any person, other than an individual, required to maintain records pursuant to this section, must designate an individual to be responsible for providing information concerning such records to the Office of Foreign Assets Control when so requested.

§ 580.602 Reports to be furnished on demand.

Every person is required to furnish under oath, in the form of reports or otherwise, from time to time and at any time as may be required, complete information relative to any transaction, regardless of whether such transaction is effected pursuant to license or otherwise, subject to the provisions of this part. Such reports may be required to include the production of any books of account, contracts, letters, or other papers connected with any such transaction or property, in the custody or control of the person required to make such reports. Reports with respect to transactions may be required either before or after such transactions are completed. The Director of the Office of Foreign Assets Control may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation, regardless of whether any report has been required or filed in connection therewith.

§ 580.603 Registration of persons holding blocked property subject to § 580.201.

(a) Any individual holding property subject to § 580.201 must register with the Office of Foreign Assets Control, Blocked Assets Division by the latter of April 30, 1992, or within 10 days after the date such property is received or becomes subject to § 580.201.

(b) Any person, other than an individual, holding property subject to § 580.201 must register the person designated under § 580.601(b) to be responsible for providing information concerning records under § 580.601(a) with the Ofice of Foreign Assets Control, Blocked Assets Division by the later of April 30, 1992, or 10 days after the date such property is received and becomes subject to § 580.201.

Subpart G—Penalties

§ 580.701 Penalties

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705), which provides that:

A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under the International Emergency Economic Powers Act.

Whoever willfully violates any license, order, or regulation issued under the International Emergency Economic Powers Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

Section 206 of the International Emergency Economic Powers Act is applicable to violations of any provision of this part and to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act.

(b) Attention is directed to 18 U.S.C. 1001, which provides that:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Violations of this part may also be subject to relevant provisions of the Customs laws and other applicable laws.

§ 580.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control (the "Director") has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Director pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty. The prepenalty notice shall be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to make presentations.* The prepenalty notice also shall inform the person of his right to make a written presentation within 30 days of mailing of the notice as to why a monetary penalty should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

§ 580.703 Presentation responding to prepenalty notice.

(a) *Time within which to respond.* The named person shall have 30 days from the date of mailing of the prepenalty notice to make a written presentation to the Director.

(b) *Form and contents of written presentation.* The written presentation need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should contain responses to the allegations in the prepenalty notice and set forth the reasons why the person believes the penalty should not be imposed or, if imposed, why it should be in a lesser amount than proposed.

§ 580.704 Penalty notice.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was no violation by the person named in the prepenalty notice, he promptly shall notify the person in writing of the determination and that no monetary penalty will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice, the Director determines that there was a violation by the person named in the prepenalty notice, he promptly shall issue a written notice of the imposition of the monetary penalty to that person.

§ 580.705 Referral to United States Department of Justice.

In the event that the person named does not pay the penalty imposed pursuant to this subpart to make payment arrangements acceptable to the Director within 30 days of the mailing of the written notice of the imposition of the penalty, the matter shall be referred to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

§ 580.706 Seizure of shipments.

Import shipments into the United States of goods of Haitian origin in violation of § 580.205 shall be seized. No such importation shall be permitted to proceed, except as specifically authorized by the Office of Foreign Assets Control. Such shipments shall be subject to licensing, penalties, or seizure and forfeiture action pursuant to this part, the Customs laws, or other applicable provisions of law, depending on the circumstances.

Subpart H—Procedures

§ 580.801 Licensing.

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions certain types of transactions which are subject to the prohibitions contained in subpart B of this part. All such licenses are set forth in subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses may be required to file reports and statements in accordance with the instructions specified in those licenses. Failure to file such reports or statements will nullify the authority of the general license as to those persons.

(b) *Specific licenses*—(1) *General course of procedure.* Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific licenses.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transactions prohibited by or pursuant to this part may be filed by letter with the Office of Foreign Assets Control. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing such transaction, but the applicant for a specific license is required to make full disclosure of all parties in interest to the transaction so that a decision on the application may be made with full knowledge of all relevant facts and so that the identity and location of the persons who know about the transaction may be easily ascertained in the event of inquiry.

(3) *Information to be supplied.* The applicant must supply all information specified by relevant instructions and/or forms, and must fully disclose the names of all the parties who are concerned with or interested in the proposed transaction. If the application is filed by an agent, the agent must disclose the name of his principal(s). Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or licenses may be issued by the Secretary of the Treasury acting directly or through any specifically designated person, agency, or instrumentality.

(c) *Address.* License applications, reports, and inquiries should be addressed to the appropriate division or individual within the Office of Foreign Assets Control, or to its Director, at the following address: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220.

§ 580.802 Decisions

The office of Foreign Assets Control will advise each applicant of the decision respecting filed applications. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 580.803 Amendment, modification, or revocation.

The provisions of this part and any rulings; licenses, whether general or specific; authorizations; instructions; orders; or forms issued hereunder may be amended, modified, or revoked at any time.

§ 580.804 Rulemaking.

(a) In general, rulemaking by the Office of Foreign Assets Control involves foreign affairs functions of the United States, and for that reason is exempt from the requirements under the administrative Procedure Act (5 U.S.C. 553) for notice of proposed rulemaking, opportunity for public comment, and delay in effective date. Wherever possible, however, it is the practice of the Office of Foreign Assets Control to receive written submissions or hold informal consultations with interested parties before the issuance of any rule or other public document.

(b) Any interested person may petition the Director of the Office of Foreign Assets Control in writing for the issuance, amendment, or repeal of any rule.

§ 580.805 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Orders 12775 and 12779 and any further Executive orders relating to the national emergency declared with respect to Haiti in Executive Order 12775 may be taken by the Director of the Office of Foreign Assets Control.

§ 580.806 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control which are required by the Freedom of Information Act (5 U.S.C. 552) to be made available to the public shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on the Disclosure of Records of the Office of the Secretary and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552 and published as part 1 of this title.

(b) The records of the Office of Foreign Assets Control required by the Privacy Act (5 U.S.C. 552a) to be made available to an individual shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on Disclosure of Records of the Departmental Office and of other bureaus and offices of the Department of the Treasury issued under 5 U.S.C. 552a and published as part 1 of this title.

(c) Any form used in connection with the Haitian Transactions Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW., Annex, Washington, DC 20220.

§ 580.807 Customs procedures: merchandise specified in § 580.205.

(a) With respect to goods specified in § 580.205 and not otherwise licensed or excepted from the scope of that section, appropriate Customs officers shall not accept or allow any:

(1) Entry for consumption or warehouse (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any informal entries);

(2) Entry for immediate exportation;

(3) Entry for Transportation and exportation;

(4) Withdrawal from warehouse;

(5) Admission, entry, transfer or withdrawal to or from a foreign trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign trade zone.

(b) Customs officers shall accept or allow the importation of Haitian-origin goods under the procedures listed in paragraph (a) of this section if:

(1) The merchandise was imported prior to 11:59 p.m., e.s.t., November 5, 1991, or

(2) The merchandise was imported prior to 11:59 p.m., e.s.t., December 5, 1991, pursuant to § 580.205(b) or § 580.508 (a) or (b), or

(3) A specific license pursuant to this part is presented, or

(4) Instructions authorizing the transaction are received from the Office of Foreign Assets Control.

(c) Whenever a specific license is presented to an appropriate Customs officer in accordance with this section, one additional legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the appropriate Customs officers at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the appropriate Customs officers in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation shall be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes

the entry, withdrawal, or other transaction with regard to the merchandise, the appropriate Customs officer, or other authorized Customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the appropriate Customs officer to the Office of Foreign Assets Control.

(d) If it is unclear whether an entry, withdrawal or other action affected by this section requires a specific license, the appropriate Customs officer shall advise such person to communicate directly with the Office of Foreign Assets Control to request that instructions be sent to the Customs officer to authorize him to take action with regard thereto.

Subpart I—Paperwork Reduction Act

§ 580.901 Paperwork Reduction Act notice.

The information collection requirements in §§ 580.204(d), 580.503, 580.508, 580.509, 580.510, 580.514 580.515, 580.601, 580.602, 580.603, 580.703, and 580.801 have been approved by the Office of Management and Budget under the Paperwork Reduction Act and assigned control number 1505–0133.

Dated: February 26, 1992.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: March 17, 1992.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 92–7329 Filed 3–26–92; 8:45 am]

BILLING CODE 4810-25-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7535]

Federal Insurance Administration; List of Communities Eligible for the Sale of Flood Insurance

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, MD 20706, (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street, SW, room 417, Washington, DC 20472, (202) 646–2717.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 64.6 List of Eligible Communities.

* * * * *

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
NEW ELIGIBLES—Emergency Program:				
Indiana	Starke County, Unincorporated Areas	180240	Jan. 6, 1992	Sept. 2, 1977.
Georgia	Towns County, Unincorporated Areas	130253	Jan. 7, 1992	Do.
Texas	Anderson County, Unincorporated Areas	480001	Jan. 24, 1992	Jan. 24, 1978.
Maine	Lowell, Town of Penobscot County	230395	Jan. 27, 1992	Feb. 21, 1975.
Tennessee	Piperton, City of Fayette County	470401	do.	Do.
Texas	Thompsons, Town of Fort Bend County	481642	Jan. 29, 1992	Do.
California	Fort Mojave Indian Tribe, San Bernardino County [1].	060743	Jan. 31, 1992	Feb. 21, 1992.
NEW ELIGIBLES—Regular Program:				
Michigan	Menominee, Township of Menominee County.	260702	Jan. 7, 1992	Mar. 26, 1980.

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
Wisconsin	Marquette County, Unincorporated Areas	550601	Jan. 27, 1992	Sept. 27, 1991.
Do	Necedah, Village of Juneau County	550295	do.	Sept. 18, 1991
REINSTATEMENTS—Regular Program:				
Ohio	Florida, Village of Henry County	360263	June 28, 1990—Emerg., June 5, 1980—Susp., June 26, 1989—Rein. Dec. 17, 1991—Reg., Dec. 17, 1991—Susp., Jan. 6, 1992—Rein.	Dec. 17, 1991
Iowa	Sheldon, City of O'Brien County	190216	July 25, 1975—Emerg., Sept. 18, 1985—Susp., Sept. 18, 1985—Rein., Nov. 27, 1985—Reg., June 3, 1988—Susp., Jan. 13, 1992—Rein.	Sept. 18, 1985.
Maine	Machiasport, Town of Washington County	230141	May 7, 1975—Emerg., Aug. 5, 1991—Reg., Aug. 5, 1991—Susp., Jan. 14, 1992—Rein.	Aug. 5, 1991.
Vermont	Middletown Springs, Town of Rutland County.	500261	June 30, 1975—Emerg., Sept. 18, 1985—Reg., Sept. 18, 1985—Susp., Jan. 21, 1992—Rein.	Sept. 18, 1985.
Pennsylvania	Tyrone, Township of Adams County	421163	April 26, 1974—Emerg., June 1, 1989—Reg., June 1, 1989—Susp., Jan. 31, 1992—Rein.	June 1, 1989.
Regular Program Conversions:				
Region II:				
New York	Pamelia, Town of Jefferson County	360346	January 2, 1992, Suspension Withdrawn.	Jan. 2, 1992.
Do	Evans Mills, Village of Jefferson County	360337	do.	Do.
Region III:				
Pennsylvania	Lower Heidelberg, Township of Jefferson County.	421077	do.	Do.
Region VII:				
Iowa	LeGrand, City of Marshall County	190606	do.	Sept. 1, 1987.
Region X:				
Alaska	Fairbanks-Northstar, Borough of Fairbanks Division.	025009	do.	Jan. 2, 1992.
Region II:				
New York	Leroy, Town of Jefferson County	360341	Jan. 16, 1992, Suspension Withdrawn.	Jan. 16, 1992.
Do	Wilna, Town of Jefferson County	360357	do.	Do.
Region IV:				
Mississippi	Tylertown, City of Walthall County	280175	do.	Do.
South Carolina	Greenville County, Unincorporated Areas	450089	do.	Do.
Tennessee	Franklin County, Unincorporated Areas	470344	do.	Do.
Georgia	Fulton County, Unincorporated Areas	135160	do.	Do.
Region V:				
Illinois	Marengo, City of McHenry County	170482	do.	Do.
Michigan	Ann Arbor, City of Washtenaw County	260213	do.	Do.
Do	Lapeer, City of Lapeer County	260112	do.	Do.
Missouri	Clarkson Valley, Village of St. Louis County	290340	do.	Do.
NEW ELIGIBLE—Emergency Program:				
Maryland	Deer Park, Town of Garrett County	240102	Feb. 7, 1992	Nov. 8, 1974.
Missouri	Mineral Point, Village of Washington County	290571	do.	Aug. 8, 1975.
Alabama	Pollard, Town of Escambia County	010075	Feb. 28, 1992	Mar. 21, 1980.
NEW ELIGIBLE—Regular Program:				
South Carolina	Bamberg County, Unincorporated Areas	450203	Feb. 20, 1992	Mar. 18, 1991.
Mississippi	Alcorn County, Unincorporated Areas	280267	Feb. 27, 1992	Jan. 17, 1992.
REINSTATEMENTS:				
Wisconsin	Wonewoc, Village of Juneau County	550208	July 18, 1975—Emerg., Sept. 30, 1988—Reg., Sept. 18, 1991—Susp., Feb. 5, 1992—Rein.	Sept. 18, 1991.
Tennessee	Benton County, Unincorporated Areas	470216	Oct. 4, 1989—Emerg., July 2, 1991—Reg., July 2, 1991—Susp., Feb. 20, 1992—Rein.	July 2, 1991.
West Virginia	Beverly, Town of Randolph County	540267	Sept. 25, 1977—Emerg., Dec. 3, 1991—Reg., Dec. 3, 1991—Susp., Feb. 20, 1992—Rein.	Dec. 3, 1991.
Regular Program Conversions:				
Region II:				
New York	Henrietta, Town of Monroe County	360419	Feb. 5, 1992, Suspension Withdrawn.	Feb. 5, 1992.
Do	Manlius, Town of Onondago County	360584	do.	Do.
Do	Barker, Town of Broome County	360037	do.	Do.
Region III:				
West Virginia	Shinnston, City of Harrison County	540060	do.	Do.
Region IV:				
Tennessee	Spring City, Town of Rhea County	475448	do.	Do.
Kentucky	Cumberland, City of Harlan County	210100	do.	Do.

State	Location	Community No.	Effective date of authorization/ cancellation of sale of flood insurance in community	Current effective map date
Region V:				
Michigan	Wyoming, City of Kent County	260111	do	Do.
Do	Georgetown Charter, Township of Ottawa County.	260569	do	Do.
Do	Clare, City of Township of	260629	do	Do.
Region VI:				
Oklahoma	Payne County, Unincorporated Areas	400493	do	Do.
Region IX:				
California	San Clemente, City of Orange County	060230	do	Do.
Region V:				
Minnesota	St. Louis County, Unincorporated Areas	270418	Feb. 19, 1992, Suspension Withdrawn.	Feb. 19, 1992.
Region VI:				
Oklahoma	Comanche County, Unincorporated Areas	400489	do	Do.
Do	Lawton, City of Comanche County	400049	do	Do.
Region VII:				
Colorado	Arvade, City of Adams and Jefferson Counties.	085072	do	Do.

[1] Includes all areas of the Fort Mojave Indian Reservation of *Arizona, California,* and *Nevada.*

Note: The Township of Brownhelm, Ohio (395371) is no longer participating in the NFIP as an independent community. It is now participating in the NFIP as an Unincorporated Area of Lorain County (390346). Lorain County joined the Regular Program of the NFIP effective October 14, 1991. Amend all records accordingly.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance.")

Issued: March 16, 1992.

C. M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 92-7352 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 353

Fee for Services in Support, Review, and Approval of State and Local Government or Licensee Radiological Emergency Plans and Preparedness

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice; hourly user fee rate.

SUMMARY: In accordance with 44 CFR part 353, FEMA has established its fiscal year (FY) 1992 hourly user fee rate for Radiological Emergency Preparedness (REP) Program services at $47.00 per hour.

DATE: The user fee rate is effective April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Megs Hepler, Chief, Field Operations Branch, Radiological Preparedness Division, Office of Technological Hazards, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2867.

SUPPLEMENTARY INFORMATION: As authorized by 31 U.S.C. 9701, an hourly user fee will be charged for site-specific Radiological Emergency Preparedness (REP) Program services identified in 44 CFR part 353 and rendered by FEMA professional staff. During FY 1992, recipients will be charged for site-specific services rendered by FEMA professional staff at $47.00 per hour beginning April 1, 1992, but will not be charged for other Federal agency activities related to these services. Additional costs incurred by FEMA for site-specific services provided by FEMA's contractors will be charged to the licensees at the rate and cost incurred by FEMA.

More specifically, this fee will be charged to nuclear power plant licensees for FEMA professional staff services that: (1) Support site-specific offsite radiological emergency preparedness for commercial nuclear power plants; (2) contribute to a licensee's compliance with the U.S. Nuclear Regulatory Commission's regulatory requirements; and (3) are directly related to obtaining and maintaining an operating license. 44 CFR part 353 contains a detailed schedule of site-specific services. No charge will be assessed for any work not related to a specific commercial nuclear power plant site.

Specific cost categories considered in the development of the FY 1992 hourly user fee rate include:

(1) Personnel compensation (salaries) for professional REP staff;

(2) Personnel benefits for professional REP staff;

(3) Administrative support including clerical salaries and benefits, printing, and reproduction costs;

(4) Travel costs; and

(5) Overhead support (e.g., rent and utilities).

Dated: March 24, 1992.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92-7353 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-20-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 663

Pre-Award, Post-Delivery Audits of Rolling Stock Questions and Answers

AGENCY: Federal Transit Administration, DOT.

ACTION: Disposition of inquires.

SUMMARY: This document publishes questions and answers regarding the Federal Transit Administration's (FTA) Pre-Award and Post-Delivery Audits of Rolling Stock Purchases, 49 CFR part 663. Since publication of that regulation, the FTA has received a number of inquiries from transit vehicle manufacturers and recipients of FTA funds about the level of information the regulation requires to be made available in connection with the audit certifications of Buy America content. The following questions and answers are published today to provide guidance on that issue to recipients of FTA funds, vehicle manufacturers, and other affected entities. This document does not amend or in any way affect the regulation, which remains in effect as published on September 24, 1991.

DATES: The rolling stock audit regulation, 49 CFR part 663, went into effect on October 24, 1991 (56 FR 48384, September 24, 1991).

FOR FURTHER INFORMATION CONTACT: James A. Archibald, Associate Administrator for Budget and Policy, room 9310, FTA, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4050.

SUPPLEMENTARY INFORMATION: The FTA regulation on pre-award and post-delivery audits of rolling stock implements section 319 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (the STURAA), which requires a pre-award and post-delivery audit of rolling stock purchased with FTA funds to assure compliance with, among other things, the FTA Buy America requirements at 49 CFR part 661.

Since publication of the final rule on September 24, 1991, FTA has received a number of questions about the level of detail required by 49 CFR part 663 in connection with the required Buy America certifications. In developing the following answers in response to these frequently asked questions, the FTA took into consideration legislative history accompanying the STURAA. Specifically, the bill's Conference Report states that "(i)t is the intent of the Conferees that any paperwork requirements imposed by this provision will not create a significant cost burden." (House Report 100-27, p. 231.) Accordingly, the following questions and answers are being published to provide guidance to affected parties, including recipients of FTA funds and transit vehicle manufacturers. This notice does not amend or in any way affect the regulation, which remains in effect as published in the **Federal Register** on September 24, 1991.

Level of Cost Data

1. *Question:* What level of cost data does the FTA require to meet the requirements of 49 CFR part 663?

Answer: The FTA will accept a level of documentation in which costs presented on the document comply with the definition presented in § 661.11(o)(1) of the Buy America regulation (49 CFR part 661):

> The cost of a component or a subcomponent is the price that a bidder or offeror must pay to a subcontractor or supplier for the component or subcomponent.
> • • •
> The cost used in the computation of domestic content may include appropriate fully allocated costs of the component or subcomponent, which would include overhead and profit allocations.

Percentage Format

2. *Question:* May cost information be presented in percentage format?

Answer: The information on cost can be presented in either dollar or percentage format. See the "Domestic Content Sample Worksheet" below for an example of how a percentage format would be calculated.

DOMESTIC CONTENT SAMPLE WORKSHEET

ITEM	Cost	Percent domestic
One transit bus (ABC Bus Mfg. Co.).	$100	At least 60% of total cost.

HOW 60% WAS ACHIEVED

Component	Domestic content
(1) Engine (XYZ Engine Co).	$30.00 (30% of total bus cost).
(2) Transmission (MNO Co.).	20.00 (20% of total bus cost).
(3) Wheels (DEF Wheel Co.).	15.00 (15% of total bus cost
Sub-total	65.00 (65% of total bus cost) (5% more than required; no further components need be identified)

BREAKDOWN OF COMPONENTS RE. MINIMUM DOMESTIC CONTENT

Sub-components	Domestic content
(1) Engine (total cost $30.00):	
1.1 Valves (PRQ Valve Co.).	$12.00 (40% of cost of engine).
1.2 Block (GHI Block Co.).	10.50 (35% of cost of engine).
Sub-total	22.50 (75% of cost of engine). (15% more than required; no further sub-components need be identified)
(2) Transmission (total cost $20.00):	
2.1 Gears (STV Gear Co.).	4.00 (20% of cost of transmission).
2.2 Housing (LMN Co.).	8.00 (40% of cost of transmission).
Sub-total	12.00 (60% of cost of transmission). (minimum percentage achieved; no further sub-components need be identified)
(3) Wheels (total cost $15.00):	
3.1 Castings (RST Foundry).	10.00 (66.6% of cost of wheels).
Sub-total	10.00 (66.6% of cost of wheels) (6.6% more than required; no further sub-components need be identified)

Pre-Award Calculations

3. *Question.* May the pre-award component and subcomponent information be presented as a commitment from the manufacturer that the domestic content information which is reported will be achieved?

Answer: The pre-award data may be based on estimates used in developing the bid for the equipment. The post-delivery review will demonstrate the compliance with the pre-award certification that Buy America requirements have been met and will require presentation of any changes which have occurred during the production process. The Buy America legislation does not require exact conformance on a component-by-component or subcomponent-by-subcomponent basis between the two audits, only that Buy America requirements be complied with, and the purpose of the post-delivery audit is to verify such compliance.

Extent of Review

4. *Question:* To what level of detail must the pre-award and post-delivery reviews be applied to confirm the veracity of the component and subcomponent domestic content data?

Answer: The applicable regulatory language requires only that the grant recipient based its certification on its own satisfaction that compliance has occurred, based upon its own review of documentation provided by the manufacturer. The only information required to be reviewed by the recipient is a listing of the component and subcomponent parts, identified by manufacturer, country or origin and costs (as defined above), as well as the actual location of the final assembly point with a description of the final assembly activities and cost.

There is no requirement that the recipient perform a complete audit of detailed source documents to ascertain the veracity of the manufacturer's documentation.

Issued on: March 25, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92-7304 Filed 3-26-92; 11:51 am]

BILLING CODE 4910-57-M

Proposed Rules

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 26788; Summary Notice No. PR-92-3]

Summary of Rulemaking Petition Received from American Airlines, Inc.

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of a petition by American Airlines, Inc., to suspend the effectiveness of certain slot allocations and to modify subparts K and S of part 93 of the Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of this aspect of the FAA's regulatory activities. Neither the publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before June 1, 1992.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-101], Docket No. 26788, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Stephen W. Brice, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, (202) 267-3491.

SUPPLEMENTARY INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket (AGC-10), room 915, FAA Headquarters Building [FOB-10A], Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

Part 93, subpart K, of the Federal Aviation Regulations (14 CFR part 93, subpart K) limits the number of aircraft operations per hour at O'Hare International Airport between 6:45 a.m. and 9:15 p.m. local time and limits the type of aircraft that may use commuter slots. Under § 93.123(c), commuter operations are those conducted by a propeller-driven aircraft having a maximum certificated seating capacity of less than 75 passenger seats or a turbojet aircraft having a maximum certificated seating capacity of less than 56 passenger seats.

In Amendment 93-62 (56 FR 41200, August 14, 1991), the FAA allowed slot holders at O'Hare to use up to 25% of their commuter slot holdings, subject to time period limitations established by Air Traffic Control, for aircraft holding up to 110 passenger seats. This amendment is scheduled to expire September 18, 1993, unless extended by the Administrator.

Petitioner requests that the requirements of part 93, subpart K, of the Federal Aviation Regulations be amended to (1) suspend the 30 and 60 minute slot restrictions at O'Hare; (2) eliminate the distinction between commuter and air carrier slots at O'Hare or increase the number of commuter slots for which larger aircraft may be used from 25%, as allowed under Amendment 93-62, to 45%; (3) impose slot restrictions at Midway Airport or establish a Chicago area slot system incorporating O'Hare and Midway; (4) permit American to revise its selection of commuter slot times for operations with larger aircraft under Amendment 93-62; and (5) make Amendment 93-62 permanent.

In consideration of the complexity and potential impacts of the rulemaking action requested, the FAA believes that a full comment period of 60 days is necessary to obtain reasoned comments from the users of the airspace system. The FAA is publishing a summary of the petition for public comment in accordance with the procedures contained in agency regulations, 14 CFR 11.27(b)

Issued in Washington, DC on March 25, 1992.

Donald P. Byrne,

Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 92-7382 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-24-AD]

Airworthiness Directives; British Aerospace Model Viscount 810 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model Viscount 810 series airplanes. This proposal would require inspections of the lower skin panels of the elevator for skin quilting, corrosion, and delamination, and replacement, if necessary; application of water displacement fluid and anti-corrosion protective treatment to inner surfaces of the elevator lower skins; and rebalancing of the left and right elevators. This proposal is prompted by a report of delamination and corrosion found in a lower skin panel of the starboard elevator. The actions specified by the proposed AD are intended to prevent loss of elevator structural integrity and reduced controllability of the airplane.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-24-AD, 1601 Line Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or aguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-24-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-24-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion:

The Civil Aviation Authority, which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model Viscount 810 series airplanes. The Civil Aviation Authority advises that a case has been reported of delamination and corrosion found in the lower skin panel of the starboard elevator on one airplane. If uncorrected, this condition could lead to loss of the structural integrity of the elevator and reduced controllability of the airplane.

British Aerospace has issued Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991, which describes procedures for: (1) Performing external visual inspections of the left and right elevator lower skin panels to detect skin quilting, corrosion, and delamination; (2) replacing quilted or corroded skins with a single thickness skin, if necessary; (3) applying water displacement fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins; and (4) rebalancing the left and right elevators. The Civil Aviation Authority classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Civil Aviation Authority has kept the FAA informed of the situation described above. The FAA has examined the findings of the Civil Aviation Authority, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive external visual inspections of the left and right elevator lower skin panels for skin quilting, corrosion, and delamination; and replacement of quilted or corroded skins with a single thickness skin, if necessary. It would also require the application of water displacement fluid and anticorrosion protective treatment to the inner surfaces of the elevator lower skins, and rebalancing of the left and right elevators. The actions would be required to be accomplished in accordance with the PTL described previously.

The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $4,400.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Docket 92-NM-24-AD.

Applicability: Model Viscount 810 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of elevator structural integrity and reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, visually inspect the external surface of the left and right elevator lower skins for skin quilting, corrosion, and delamination, in accordance with British Aerospace Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991.

(b) As a result of the inspection required by paragraph (a) of this AD, accomplish the procedures specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable, in accordance with British Aerospace Viscount Alert PTL 196, dated March 1991:

(1) If no discrepancies are detected, apply water displacing fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins, and rebalance the elevators.

(2) If any discrepancies are detected, prior to further flight, replace quilted, corroded, or delaminated skins with a single thickness skin; apply water displacing fluid and anti-corrosion protective treatment to the inner surfaces of the elevator lower skins; and rebalance the elevators.

(c) Repeat the visual inspection of the elevator skins required by paragraph (a) of this AD, and inspect the condition of the corrosion protective treatment inside the elevators, at intervals not to exceed 860 hours time-in-service or 12 months, whichever occurs first. Replace any quilted, corroded, or delaminated skins, and renew any deteriorated corrosion protective treatment, prior to further flight, in accordance with British Aerospace Viscount Alert Preliminary Technical Leaflet (PTL) 196, dated March 1991.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7336 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-05-AD]

Airworthiness Directives; Aerospatiale Model Nord 262A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of a existing airworthiness directive (AD), applicable to Aerospatiale Model Nord 262A series airplanes, that currently requires periodic inspection and treatment of the rudder hinge support tubes. This action would require a visual and x-ray inspection of the rudder hinge support assembly for corrosion, and replacement of one or both supports of the rudder hinge support assembly, if necessary. This proposal is prompted by findings of internal corrosion and/or corrosion penetrating through tube walls on in-service airplane rudder hinge support tubes. The actions specified by the proposed AD are intended to prevent corrosion of the rudder hinge support assembly, which could lead to failure of the assembly and subsequent loss of rudder control.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-05-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2113; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-05-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-05-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On May 21, 1985, the FAA issued AD 85-12-04, Amendment 39-5076 (50 FR 3919, May 28, 1985), to require periodic inspections for corrosion of the rudder hinge support tubes on Aerospatiale Model Nord 262A series airplanes, and treatment, if necessary. That action was prompted by an investigation by the manufacturer, which demonstrated that the protective treatment procedure currently specified to prevent corrosion is incomplete and inadequate. The requirements of that AD are intended to address corrosion that could lead to failure of the rudder hinge support tubes and subsequent loss of rudder control.

Since the issuance of that AD, inspections conducted have detected internal corrosion and/or corrosion penetrating through tube walls on in-service airplane rudder hinge support tubes. As a result of these findings, the manufacturer has defined new corrosion tolerance levels and has determined appropriate protective treatment methods. These new treatment methods will better address the unsafe condition presented by corrosion.

Aerospatiale has issued N262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991, that describes procedures for conducting detailed visual and x-ray inspections to detect corrosion inside and outside the rudder hinge support tubes. The service bulletin specifies new corrosion tolerance levels, and provides instructions for new protection treatments of the rudder hinge support assembly. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, classified this service bulletin as mandatory.

Aerospatiale also has issued N262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991, which describes procedures for replacing rudder hinge support tubes that exceed corrosion tolerance levels, with support tubes that have an improved protective finish. The DGAC classified this service bulletin as mandatory when corrosion levels exceed specified tolerance levels.

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 85-12-04 to require a visual and x-ray inspection of the rudder hinge support assembly for corrosion and, if corrosion tolerance levels are exceeded, replacement of one or both supports of the rudder hinge support assembly. The actions would be required to be accomplished in accordance with the service bulletins described previously.

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 9 work hours per airplane to accomplish the proposed inspections; this number of work hours is no greater than the number of work hours currently required to complete the actions required by the existing AD. To accomplish the optional modification would require an additional 4 work hours. The average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $6,930 to accomplish the required inspections, or $495 per airplane. The cost to U.S. operators who elect to accomplish the modification will be an additional $220 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39-5076 (50 FR 3919, May 28, 1985), and by adding a new airworthiness directive (AD), to read as follows:

Aerospatiale: Docket 92-NM-05-AD. Supersedes AD 85-12-04, Amendment 39-5076.

Applicability: Model Nord 262A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent corrosion in the rudder hinge support assembly that could lead to loss of rudder control, accomplish the following:

(a) Within 100 hours time-in-service or three months, whichever occurs first after July 5, 1985 (the effective date of AD 85-12-04, Amendment 39-5076), inspect and protect against corrosion, or replace conponents if necessary, in accordance with paragraph II, Accomplishment Instructions, of Aerospatiale N262 Fregate Service Bulletin No. 55-10, Revision 2, dated January 31, 1984. Repeat the inspection at intervals not to exceed 6 years.

(b) Within 6 years after the most recent inspection performed in accordance with paragraph (a) of this AD, perform a visual and x-ray inspection of the rudder hinge support assembly for corrosion and apply corrosion protection treatments, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991. Compliance with this paragraph constitutes terminating action for the inspection requirements of paragraph (a) of this AD.

(c) As a result of the visual inspection required by paragraph (b) of this AD, accomplish either subparagraph (c)(1) or (c)(2) of this AD, as applicable:

(1) If no corrosion is detected, repeat the visual inspection at intervals not to exceed 6 years.

(2) If corrosion is detected, accomplish either sub-paragraph (c)(2)(i) or (c)(2)(ii) of this AD, as applicable:

(i) If internal corrosion is penetrating tube walls, or if deformation or buckling is evidenced, or if external corrosion is outside the tolerance limits specified in Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991: Prior to further flight, replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991. Thereafter, at intervals not to exceed 6 years, repeat the visual inspection of tubes not replaced, as well as tubes replaced as a result of accomplishing Modification 861 described in the Service Bulletin 55-11, Revision 2, dated May 25, 1991.

(ii) If internal corrosion is not penetrating tube walls, or if external corrosion is within the tolerance limits specified in Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991: Prior to further flight, apply external protective treatment in accordance with that Aerospatiale service bulletin. Thereafter, repeat the visual inspection at intervals not to exceed 6 years.

(d) As a result of the X-ray inspection required by paragraph (b) of this AD, accomplish either subparagraph (d)(1) or (d)(2) of this AD, as applicable:

(1) If no corrosion or buckling is detected: Prior to further flight apply internal protective treatment, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(2) If any corrosion is detected, accomplish either sub-paragraph (d)(2)(i) or (d)(2)(ii) of this AD, as applicable:

(i) If corrosion is detected on both tubes of the upper support tube section, or on the lower support tube section, or on the support tube assembly: Prior to further flight replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(ii) If corrosion is detected on only one tube of the upper or lower support tube sections: Within 3 months or 600 landings of the discovery of corrosion, whichever occurs first, replace corroded components in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-10, Revision 3, dated May 25, 1991.

(e) Accomplishment of Modification 866, in accordance with Aerospatiale 262-Fregate Service Bulletin No. 55-11, Revision 2, dated May 25, 1991, constitutes terminating action for the inspections required by this AD for the component replaced.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may

be used when approved by the Manager, Standardization Branch, ANM-113. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7341 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-30-AD]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, that currently requires incorporation of an operational procedure into the FAA-approved Airplane Flight Manual (AFM) to address uncommanded spoiler deployments on final approach. That AD also requires identification and replacement of failed spoiler Power Control Actuators (PCA) in the event of an uncommanded spoiler deployment. That AD was prompted by reports of single uncommanded asymmetric spoiler deployments at flaps 25 and 30 caused by failed spoiler PCAs. This action would require replacing all spoiler PCAs with modified PCAs. The actions specified by the proposed AD are intended to prevent uncommanded spoiler deployments caused by failed spoiler PCAs.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-30-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy J. Dulin, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2675; fax (206) 227-1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Comments wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-30-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-30-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On November 4, 1991, the FAA issued AD 91-24-10, Amendment 39-8096 (56 FR 57590, November 13, 1991), to require incorporation of an operational procedure into the FAA-approved Airplane Flight Manual (AFM) to address uncommanded spoiler deployments on final approach. That AD also requires identification and replacement of failed spoiler Power Control Actuators (PCA) in the event of an uncommanded spoiler deployment. That action was prompted by reports of single uncommanded asymmetric spoiler deployments at flaps 25 and 30. The cause of these incidents has been determined to be the failure of spoiler PCA blocking/thermal relief valve seal flanges and leakage past spoiler PCA trunnion seals. Both of these conditions allow hydraulic retract pressure leakage to return, such that inadequate hydraulic pressure is available to prevent aerodynamic spoiler panel float. The aerodynamic effect on the airplane, whether it be airplane roll or unusual vibration, will be different, depending on which spoiler panel floats. Failure of a second spoiler PCA on one wing with flaps 25 or 30 selected could result in the inability to maintain lateral control of the airplane. The requirements of AD 91-24-10 are intended to reduce the risk associated with uncommanded spoiler deployments caused by failed spoiler PCAs.

Since the issuance of that AD, the manufacturer has identified design changes to the spoiler PCAs that would effectively correct ther unsafe condition.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-27A0105, dated December 5, 1991, that describes procedures for replacement of all spoiler PCAs with modified spoiler PCAs. The modified PCAs have changes to the blocking and relief valve housing and trunnion rod seals that will prevent the spoiler float caused by the internal leakage. Once the modified PCAs are installed, the need for the previously imposed operational limitations is eliminated.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91-24-10 to require replacement of all spoiler PCAs with modified PCAs. The action would be required to be accomplished in accordance with the service bulletin described previously.

The proposed compliance time for the replacement requirement is 24 months for outboard spoiler PCAs, and 48 months for inboard spoiler PCAs. The FAA considers these compliance times to be acceptable because, in the interim, the previously required operational procedures (requiring immediate retraction to flaps 20 and use of flaps 20 and V_{ref} 20 for landing in the event of an uncommanded spoiler deployment on final approach) will ensure safe flight with spoiler PCAs that are susceptible to failure. Aerodynamic lift forces on the spoiler panels are significantly increased when the flaps are extended beyond the flaps 20 position; therefore, reducing the flaps setting to flaps 20 from flaps 25 or 30 decreases the upward aerodynamic loading on the spoiler PCA, reducing the spoiler deflection and resultant roll upset.

Additionally, safety is assured in the interim since the existing AD also requires that failed spoiler PCAs be identified and replaced prior to continued flight.

There are approximately 408 Boeing Model 757 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 260 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 78 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,115,400, or $4,290 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket and the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8096 (56 FR 57590, November 13, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-30-AD. Supersedes AD 91-24-10, Amendment 39-8096.

Applicability: Model 757 series airplanes, line position 001 through 408, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded spoiler deployments caused by failed spoiler Power Control Actuators (PCA), accomplish the following:

(a) Within 10 days after December 2, 1991 (the effective date of AD 91-24-10, amendment 39-8096), incorporate the following procedures into the Limitations Section of the FAA-approved Airplane Flight Manual (AFM). This may be accomplished by inserting a copy of this AD into the AFM.

"If, upon selection of flap 25 or 30, the SPOILERS EICAS message is observed, uncommanded airplane roll is encountered, or sustained control wheel displacement is required, immediately retract flaps to 20 and use flaps 20 and V_{ref} 20 for landing. Select the ground proximity flap override switch to override."

(b) If, upon selection of flap 25 or 30, the SPOILERS EICAS message is observed, the SPOILERS caution light illuminates, or uncommanded airplane roll is encountered, prior to further flight, determine if a spoiler PCA fault ball is displayed on any of the spoiler control modules. If a spoiler fault ball is displayed, prior to further flight, identify the failed spoiler PCA pair and replace both spoiler PCAs, unless the direction of the roll upset is known, in which case only the spoiler PCA in the wing of the roll direction must be replaced. Any spoiler PCA that has been removed in accordance with this paragraph must not be installed on any airplane until the spoiler PCA is modified in accordance with Boeing Alert Service Bulletin 757-27A0105, dated December 5, 1991.

(c) Within 24 months after the effective date of this AD, replace all outboard spoiler PCAs (positions 1, 2, 3, 10, 11, and 12), in accordance with Boeing Alert Service Bulletin 757-27A0105, dated December 5, 1991.

(d) Within 48 months after the effective date of this AD, replace all inboard spoiler PCAs (positions 4, 5, 6, 7, 8, and 9), in accordance with Boeing Alert Service Bulletin 757-27A0105, dated December 5, 1991.

(e) Replacement of all spoiler PCAs, as required by paragraphs (c) and (d) of this AD, constitutes terminating action for the requirements of this AD for that airplane. Once replacement is accomplished, the operating limitations required by paragraphs (a) and (b) of this AD may be removed.

(f) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 17, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7343 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-ANM-16]

Proposed Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of the jet routes located in Colorado, Kansas, Nebraska, South Dakota, Wyoming and Utah to alter the jet route structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional Range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), are being established north and south of the new airport. This notice proposes to relocate the jet route structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Air Traffic Division, ANM-500, Docket No. 91-ANM-16, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055-4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronatical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–16." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the jet routes located in Colorado, Kansas, Nebraska, South Dakota, Wyoming, and Utah. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the jet route structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new airport. The changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. Jet routes listed in this document are published in section 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes.

* * * * *

J–10

From Los Angeles, CA, via INT Los Angeles 083° and Twentynine Palms, CA, 269° radials; Twentynine Palms; INT of Twentynine Palms 075° and Drake, AZ, 262° radials; Drake; Farmington, NM, Blue Mesa, CO; Falcon, CO; INT Falcon 049°T(036°M) and North Platte, NE, 261°T(250°M) radials; North Platte; Wolbach, NE; Des Moines, IA; to Iowa City, IA.

J–13

From the INT of the United States/Mexican border and the Truth or Consequences, NM 162° radial, via Truth or Consequences; Albuquerque, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(196°M) radials; Falcon; Cheyenne, WY; Muddy Mountain, WY; Billings, MT; Great Falls, MT; to Lethbridge, AB, Canada. The airspace within Canada is excluded.

J–17

From San Antonio, TX; via Abilene, TX; Amarillo, TX; Tobe, CO; Pueblo, CO; Falcon, CO; Cheyenne, WY; to Rapid City, SD.

J–20

From Seattle, WA; via Yakima, WA; Pendleton, OR; Donnelly, ID; Pocatello, ID; Rock Springs, WY; Falcon, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; Shreveport, LA; Jackson, MS; Montgomery, AL; Meridian, MS; Tallahassee, FL; INT Tallahassee 129° and Orlando, FL, 306° radials; Orlando; INT Orlando 154° and Fort Lauderdale, FL, 339° radials; to Fort Lauderdale.

J–44

From Phoenix, AZ; via Winslow, AZ, Farmington, NM; Alamosa, CO; INT Alamosa 015°T(002°M) and Falcon, CO, 209°T(196°M) radials; Falcon; McCook, NE; to Lincoln, NE.

J–52

From Vancouver, BC, Canada; via Spokane, WA; Salmon, ID; Dubois, ID; Rock Springs, WY; Falcon, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Ardmore, OK, 309° radials; Ardmore; Dallas-Fort Worth, TX; Texarkana, AR; Greenwood, MS; Bigbee, MS; Vulcan, AL; Atlanta, GA; Colliers, SC; Columbia, SC; Raleigh-Durham, NC; to Richmond, VA. The portion within Canada is excluded.

J–56

From Mina, NV; via Salt Lake City, UT; to Hayden, CO.

J–60

From Los Angeles, CA; via Paradise, CA; Hector, CA; Boulder City, NV; Bryce Canyon, UT; Hanksville, UT; Red Table, CO; Mile High, CO; Hayes Center, NE; Lincoln, NE; Iowa City, IA; Joliet, IL; Goshen, IN; DRYER, OH; Philipsburg, PA; East Texas, PA; to Sparta, NJ.

J–80

From Oakland, CA; via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Grand Junction, CO; Red Table, CO; Falcon, CO; Goodland, KS; Hill City, KS; Kansas City, MO; Capital, IL; Indianapolis, IN; Bellaire, OH; INT Bellaire 090° and East Texas, PA, 240° radials; East Texas; Sparta, NJ; Barnes, MA; to Bangor, ME.

J–114

From Mile High, CO; Sidney, NE; O'Neill, NE; Sioux Falls, SD; to Gopher, MN.

J–116

From Salt lake City, UT, via Fairfield, UT; Meeker, CO; to Falcon, CO.

J–128

From Los Angeles, CA, via INT Los Angeles 083° and Peach Springs, AZ, 244° radials; Peach Springs; Tuba City, AZ; Blue Mesa, CO; Falcon, CO; Hays Center, NE; Wolbach, NE; Dubuque, IA; to Northbrook, IL.

J–130

From McCook, NE; to Pawnee City, NE.

J–154

From Battle Mountain, NV; Bonneville, UT; Salt Lake City, UT; Rock Springs, WY; INT Rock Springs 106°T(090°M) and Mile High, CO, 322°T(311°M) radials; Mile High; INT Mile High 133°T(122°M) and Garden City, KS, 296°T(285°M) radials; to Garden City.

J–157

From Myton, UT; Laramie, WY; Scottsbluff, NE; to Rapid City, SD.

J–168

From Wichita Falls, TX; to Lamar, CO.

J–170

From Crazy Woman, WY; via Muddy Mountain, WY; to Medicine Bow, WY.

J–172—[Removed]

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc 92–7101 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ANM–17]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming to alter the en route airway structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), would be established north and south of the new airport. In addition, a VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) would be installed on the Jeffco Airport (BJC), Broomfield, CO. This notice proposes to relocate the en route airway structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to:

Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–17, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–17." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the en route airway structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new airport. In addition, a VOR/DME would be installed on Jeffco Airport, Broomfield, CO. The airway changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. VOR Federal airways listed in this document are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration to amend 14 CFR part 7 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as folows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways.

* * * * *

V–389

From Cimarron, NM, via INT Cimarron 053° and Pueblo, CO, 176° radials; Pueblo; INT Pueblo 008°T(355°M) and Falcon, CO, 138°T(127°M) radials; to Falcon.

V–575

From Laramie, WY, via INT Laramie 157°T(143°M) and Mile High, CO, 322°T(311°M) radials; to Mile High.

V–593

From Pueblo, CO, via INT Pueblo 008°T(355°M) and Falcon, CO, 159°T(146°M) radials; to Falcon.

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–7113 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 91–NM–247–AD]

Airworthiness Directives; Boeing Model 767–200, –200ER, –300, and –300ER Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that currently requires an inspection to locate discrepant Flap Stabilizer Position Modules (FSPM), and modification, if necessary. That action was prompted by a report indicating that it is possible to intermix certain FSPM units on certain airplanes. This action would require an inspection for installation of the correct FSPM cards and connector pins; repair and replacement of discrepant cards. This proposal is prompted by the discovery of incorrect connector keying installed in some FSPM units. The actions specified by the proposed AD are intended to prevent replacement FSPM units from being installed in the wrongly-configured airplane; this condition could result in the warning system failing to alert the crew of an incorrect take-off flap setting.

DATES: Comments must be received by May 18, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–247–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Frank Van Leynseele, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S; telephone (206) 277–2671; fax (206) 392–1181. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91–NM–247–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 91–NM–247–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

On September 20, 1990, the FAA issued AD 90–21–04, Amendment 39–6759 (55 FR 40155, October 2, 1990), to require a one-time inspection to locate discrepant Flap Stabilizer Position Modules (FSPM) on certain Boeing Model 767 series airplanes, and modification, if necessary. That action was prompted by a report that the installation of a non-Model 767–300ER FSPM on a Model 767–3000ER airplane will result in a reduced altitude ground proximity warning system (GPWS) warning, and that the installation of a Model 767–3000ER FSPM on other Model 767's will result in a takeoff configuration warning not being generated at flaps 25 (during takeoff). The requirements of that AD are intended to prevent inappropriate intermix of the FSPM, resulting in the reduction of performance of the protection systems during takeoff and landing.

Since the issuance of that AD, an operator of Boeing Model 767 airplanes discovered, and the manufacturer confirmed, that some FSPM's Boeing Part Number 285T0099–17, have been assembled with the wrong connector keying device. This error affects approximately 80 FSPM units now in service, or in spares inventory. The intended purpose of the connector keying device is to selectively prevent intermixing of FSPM units between the various Model 767 series airplanes. For example, some FSPM units were configured specifically for the Model 767–300ER (and for Model 767–300 airplanes with a low speed flap system). If one of these Model 767–300ER FSPM units is installed on any Model 767, a takeoff configuration warning will not be generated at flaps 25 during takeoff; likewise, if a differently configured FSPM unit is installed on a Model 767–300ER airplane, the FSPM connector will be damaged. Installation of a discrepant FSPM will result in the failure of the Master Warning System to announce an unapproved takeoff flap setting, or to announce a gear-up landing condition, when flaps are deployed at 25 degrees.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992, that describes procedures for a one-time visual inspection for installation of the correct FSPM cards and connector pins; and repair and replacement of discrepant cards.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 90–21–04 to require a one-time visual inspection for installation of the correct FSPM cards and connector pins; and repair and replacement of discrepant cards. The actions are required to be accomplished in accordance with the service bulletin described previously. Additionally, operators would be required to submit reports to the FAA of discrepant cards.

There are approximately 399 Model 767–200, –200ER, –300, and –300ER series airplanes of the affected design in the worldwide fleet. The FAA estimates that 140 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately .5 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $3,850.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6759 (55 FR 40155, October 2, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 91–NM–247–AD. Supersedes AD 90–21–04, Amendment 39–6759.

Applicability: Boeing Model 767–200, –200ER, –300, and –300ER series airplanes, as listed in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992, certificated in any category.

Compliance: Required as indicated unless accomplished previously.

To prevent loss of warning of incorrect take-off flap setting, and a gear-up landing condition when flaps are set at 25 degrees, accomplish the following:

(a) For airplanes defined as Group I in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992: Within 45 days after the effective date of this AD, perform a one-time visual inspection of the Flap Stabilizer Position Module (FSPM) in the P50 card file (in 3 places), to locate discrepant FSPM cards, in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(1) If any P/N 285T0099–17 FSPM card is found, prior to further flight, remove that card in accordance with the Accomplishment Instructions in the service bulletin, and replace it with a P/N 285T099–13 FSPM card.

(2) If no discrepancies are detected, no further action is necessary.

(b) For airplanes defined as Group II in Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992: Within 45 days after the effective date of this AD, perform a one-time visual inspection of the P/N 285T0099–17 FSPM in the P50 card file (in 3 places); remove all P/N 285T0099–17 FSPM cards, and visually inspect the connectors for proper pin keying, in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(1) FSPM P/N 285T0099–17 cards designated "MOD A" do not need to be inspected or removed, in accordance with the service bulletin.

(2) If pins other than numbered parts 47 and 64 are clipped on the FSPM 285T0099–17 connector, prior to further flight, remove and repair the FSPM; reinstall; and test; in accordance with the service bulletin.

(3) If no discrepancies are detected, reinstall and test each P/N 285T0099–17 FSPM card, in accordance with the service bulletin.

(c) Within 15 days after accomplishing the requirements of paragraph (a) and (b) of this AD, submit a report of all discrepant FSPM parts that require rework to the Manager, Manufacturing Inspection District Office, ANM–108S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056, or fax (206) 227–1181. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*) and have been assigned OMB Control Number 2120–0056.

(d) As of the effective date of this AD, no P/N 285T0099–17 FSPM unit shall be installed on any airplane unless that FSPM is new or has been inspected and tested in accordance with Boeing Alert Service Bulletin 767–27A0118, Revision 1, dated January 9, 1992.

(e) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the

requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 18, 1992.

James V. Devany,

Acting Manager Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 92-7342 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ASO-23]

Proposed Alteration of Jet Route J-121 and Establishment of Jet Route J-181; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J-121 by extending the route to Fort Lauderdale, FL, and to establish Jet Route J-181 located in the vicinity of Fort Lauderdale, FL. The parallel jet routes would provide an organized flow of traffic to and from southern Florida. This action would reduce controller workload and improve en route and terminal area traffic flow.

DATES: Comments must be received on or before May 15, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Docket No. 91-ASO-23, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 am. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-420), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ASO-23." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing such substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of J-121 by extending this route from Craig, FL, VOR to Fort Lauderdale, FL, VOR, and by establishing J-181 from Biscayne Bay, FL, to Colliers, SC. The proposed alignment of J-121 and J-181 would provide a coordinated north/south flow of traffic that would reduce en route and terminal delays and would reduce controller workload. Jet Route 121 is, and Jet Route 181 would be, published in § 75.100 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26,1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR part 71

Aviation safety, Jet routes, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 75.100 Jet Routes

* * * * *

J-121

From Fort Lauderdale, FL; INT Fort Lauderdale 341°T(341°M) and Craig, FL 169°T(172°M) radials; Craig; INT Craig 020° and Charleston, SC, 210° radials; Charleston; Kinston, NC; Norfolk, VA; INT Norfolk 023° and Snow Hill, MD 211° radials; Snow Hill; Sea Isle, NJ; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Sandy Point, RI; INT Sandy Point 031° and Kennebunk, ME, 190° radials; to Kennebunk.

* * * * *

J-181

From Biscayne Bay, FL; Orlando, FL; Cecil, FL; INT Cecil 357°T(360°M) and Colliers, SC, 174°T(178°M) radials; to Colliers.

* * * * *

Issued in Washington, DC, on March 23, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92-7337 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 91-ANM-14]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the descriptions of VOR Federal airways located in Colorado, Nebraska, and Wyoming to alter the en route airway structure to accommodate the new Denver International Airport, scheduled to open in October 1993. Two new VHF Omnidirectional Range/Tactical Air Navigation (VORTAC), Mile High (DVV) and Falcon (FQF), would be established north and south of the new Denver International Airport. In addition, a VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) would be installed on the Jeffco Airport (BJC), Broomfield, CO. This notice proposes to relocate the en route airway structure to the new navigational aids.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM-500, Docket No. 91-ANM-14, Federal Aviation Administration, 1601 Lind Avenue, Southwest, Renton, WA 98055-4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Divsion.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91-ANM-14." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the descriptions of the VOR Federal airways located in Colorado, Nebraska, and Wyoming. The new Denver International Airport is scheduled to open in October 1993. This notice proposes to alter the en route airway structure to accommodate the new airport. Two new VORTAC's would be established north and south of the new Airport. In addition, a VOR/DME would be installed on Jeffco Airport, Broomfield, CO. The changes would be phased-in prior to the actual opening date of the new airport to ease the burden on users and the air traffic control system. VOR Federal airways listed in this document are published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore–(1) is not a "major rule" under Executive order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air taffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V-4

From Tatoosh, WA, via the INT of Tatoosh 102° and Seattle, WA, 329° radials; Seattle; Yakima, WA; Pendleton, OR; Baker, OR; Boise, ID; INT Boise 130° and Burley, ID, 292° radials; Burley; Malad City, ID; Rock Springs, WY; Cherokee, WY; Laramie, WY; Gill, CO;

Thurman, CO; Goodland, KS; Hill City, KS; Salina, KS; Topeka, KS; Kansas City, MO; Hallsville, MO; St. Louis, MO; Troy, IL; Centralia, IL; Pocket City, IN; Louisville, KY; Lexington, KY; Newcombe, KY; Charleston, WV; Elkins, WV; Kessel, WV; INT Kessel 097° and Armel, VA 282° radials; to Armel.

V–8

From INT Seal Beach, CA 286° and Ventura, CA, 144° radials; Seal Beach; Paradise, CA; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of Centerline) Hector, CA; Goffs, CA; INT Goffs 033° and Morman Mesa, NV, 196° radials; Morman Mesa; Bryce Canyon, UT; Hanksville, UT; Grand Junction, CO; Kremmling, CO; Mile High, CO; Akron, CO; Hayes Center, NE; Grand Island, NE; Omaha, NE; Des Moines, IA; Iowa City, IA; Moline, IL; Joliet, IL; Chicago Heights, IL; Goshen, IN; Findlay, OH; Mansfield, OH; Briggs, OH; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV; to DC. The portion outside the United States has no upper limit.

V–19

From Newman, TX, via INT Newman 286° and Truth or Consequences, NM 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, NM 189° radials; Socorro; Albuquerque, NM; INT Albuquerque 036° and Santa Fe, NM, 245° radials; Santa Fe; Las Vegas, NM; Cimarron, NM; Pueblo, CO; Colorado Springs, CO; INT Colorado Springs 036°T(023°M) and Gill, CO, 149°T(136°M) radials; Gill; Cheyenne, WY; Muddy Mountain, WY; 5 miles, 45 miles 71 MSL, Crazy Woman, WY; Sheridan, WY; Billings, MT; 38 miles 72 MSL, INT Billings 347° and Lewistown, MT, 104° radials; Lewistown; INT Lewistown 322° and Havre, MT, 226° radials; to Havre.

V–81

From Chihuahua, Mexico, via Marfa, TX; Fort Stockton, TX; Midland, TX; Lubbock, TX; Plainview, TX; Amarillo, TX; Dalhart, TX; Tobe, CO; Pueblo, CO; Colorado Springs, CO; Jeffco, CO; Cheyenne, WY; Schottsbluff, NE; Chadron, NE. The airspace outside the United States is excluded.

V–83

From Carlsbad, NM, via Roswell, NM; 40 miles 85 MSL Corona, NM; Otto, NM; Santa Fe, NM; Taos, NM; Alamosa, CO; INT Alamosa 074° and Pueblo, CO, 191° radials; Pueblo; INT Pueblo 008°T(355°M) and Colorado Springs, CO, 153°T(140°M) Radials; Colorado Springs; INT Colorado Springs 071°T(058°M) and Thurman, CO, 226°T(214°M) radials; to Thurman.

V–85

From Falcon, CO, via INT Falcon 317°T(306°M) and Laramie, WY, 176°T(162°M) radials; Laramie; Medicine Bow, WY; Muddy Mountain, WY; 29 miles, 48 miles 77 MSL, Riverton, WY; Boysen Reservoir, WY; Cody, WY; to Billings, MT.

V–89

From Gill, CO, via INT Gill 003°T(350°M) and Cheyenne, WY 131°T(118°M) radials; Cheyenne; Chadron, NE.

V–95

From Gila Bend, AZ, via INT Gila Bend 096° and Phoenix, AZ, 197° radials; Phoenix; 49 miles, 40 miles 95 MSL; Winslow, AZ; 66 miles, 39 miles 125 MSL; Farmington, NM; Durango, CO; Blue Mesa, CO; INT Blue Mesa 081 °T(067°M) and Falcon, CO, 206°T(197°M) radials; to Falcon.

V–134

From Fairfield, UT, via Carbon, UT; Grand Junction, CO; 33 miles 12 AGL, 21 miles 127 MSL, 16 miles 120 MSL, 34 miles 12 AGL, Red Table, CO; to Falcon, CO.

V–148

From Falcon, CO; Thurman, CO; 65 MSL INT Thurman 067° and Hayes Center, NE, 246° radials; Hayes Center; North Platte, NE; O'Neill, NE; Sioux Falls, SD; Redwood Falls, MN; Gopher, MN; Hayward, WI; Ironwood, MI; to Houghton, MI.

V–160

From Blue Mesa, CO, INT Blue Mesa 064°T(050°M) and Falcon, CO, 231°T(220°M)radials; Falcon; INT Falcon 049°T(036°M) and Sidney, NE, 215°T(202°M) radials; to Sidney.

V–207

From Gill, CO; to Scottsbluff, NE.

V–220

From Grand Junction, CO; 25 miles 90 MSL, 28 miles 120 MSL; INT Grand Junction 075° and Meeker, CO, 167° radials; Meeker; Hayden, CO' Kremmling, CO; INT Kremmling 061°T(067°M) and Gill, CO, 234°T(221°M) radials; Gill; Akron, CO; INT Akron 094° and McCook, NE, 264° radials; McCook; INT McCook 072° and Grand Island, NE, 241° radials; Kearney, NE; Hastings, NE; Columbus, NE. From Norfolk, NE; Yankton, SD; INT Yankton 015° and Sioux Falls, SD, 231° radials; Sioux Falls; INT Sioux Falls 004° and Watertown, SD, 154° radials; Watertown; INT Watertown 021° and Fargo, ND, 172° radials; Fargo; INT Fargo 004° and Grand Forks, ND, 152° radials; to Grand Forks.

V–263

From Corona, NM, INT Corona 278° and Albuquerque, NM, 180° radials; Albuquerque; INT Albuquerque 019° and Santa Fe, NM, 268° radials; Santa Fe; Las Vegas, NM; Cimarron, NM; Tobe, CO; 54 miles 69 MSL; Lamar, CO; 17 miles 63 MSL; Hugo, CO; INT Hugo 345°T(333°M) and Akron, CO, 232°T(219°M) radials; to Akron. From Pierre, SD; Aberdeen, SD.

V–328

From Jackson, WY, via Big Piney, WY; 53 miles 95 MSL; Rock Springs, WY; Hayden, CO; Kremmling, CO; INT Kremmling 139°T(125°M) and Falcon, CO, 231°T(220°M) radials; to Falcon.

V–356

From Red Table, CO, via INT Red Table 058°T(046°M) and Mile High, CO, 265°T(254°M) radials; to Mile High.

V–361

From Farmington, NM, via Montrose, CO; INT Montrose 024° and Red Table, CO, 224° radials; Red Table; Kremmling, CO; via INT Kremmling 059°T(045°M) and Cheyenne, WY, 216°T(203°M) radials; to Cheyenne.

V–366

From Hugo, CO; to Falcon, CO.

V–383 [Removed]

* * * * *

Issued in Washington, DC, on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–7112 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 91–ANM–21]

Proposed Amendment to VOR Federal Airway V–235; WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend a portion of the description of VOR Federal Airway V–235 in the vicinity of Rock Springs, WY. A step-down approach fix is necessary to facilitate aircraft arriving and descending into the Rock Springs terminal area. This action would increase safety.

DATES: Comments must be received on or before May 7, 1992.

ADDRESS: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 91–ANM–21, Federal Aviation Adminstration, 1601 Lind Avenue, Southwest, Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments with a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 91–ANM–21."

The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

Then FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish an approach fix on V–235 northeast of Rock Springs, WY, VOR. This fix would allow lowering of the minimum en route altitude for a segment of that airway from 9,500 feet mean sea level (MSL) to 9,200 feet MSL, thereby improving the approach angle into the Rock Springs terminal area. The VOR Federal airway listed in this document is published in § 71.123 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.123 Domestic VOR Federal Airways

* * * * *

V–235

From Peach Springs, AZ; Mormon Mesa, NV, via INT Mormon Mesa 059° and Cedar City, UT, 197° radials; Cedar City; Milford, UT; Delta, UT; Fairfield, UT; 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger, WY. From Rock Springs, WY, 20 miles, 41 miles, 92 MSL, 37 miles, 107 MSL, Muddy Mountain, WY, to Newcastle, WY.

* * * * *

Issued in Washington, DC on March 16, 1992.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 92–7114 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 100

[CGD7 92–16]

Special Local Regulations: Port Canaveral, Cape Canaveral, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to adopt special local regulations for the Florida Sports Fishing Association Billfish Tournament (FSFA Billfish Tournament). The event will be held annually on the Port Canaveral Barge Canal and the Port Canaveral Inner Reach Channel on the last Saturday of June or the first Saturday of July as published in the Seventh Coast Guard District Local Notice to Mariners. The regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before April 30, 1992.

ADDRESSES: Comments should be mailed to Commander, U.S. Coast Guard Group, 4200 Ocean Street, Mayport, FL 32267–0385. The comments and other materials referenced in this notice will be available for inspection and copying at this same address. Normal office hours are between 7 a.m. and 3 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to the address.

FOR FURTHER INFORMATION CONTACT: CDR D. P. Rudolph, (904) 247–7318.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD7 92–16) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentation will aid the rulemaking process.

Drafting Information

The drafters of this regulation are QMI Culver, Marine Event Petty Officer, Coast Guard Group Mayport and LT Jacqueline M. Losego, Project Attorney, Seventh Coast Guard District Legal Office.

Discussion of Proposed Regulations

This event is held annually. Approximately 400 sportingfishing vessels will depart from Cape Marina located on the south bank of the Canaveral Barge Canal. The participants will then proceed through the Canaveral Barge Canal and Port Canaveral Inner Reach Channel to fish offshore. In the past, the Coast Guard established temporary special local regulations to protect the safety of life on the navigable waters during the effective times.

Due to the size and nature of this event, the Coast Guard proposes to establish permanent regulations in the Code of Federal Regulations (CFR) to better serve the boating public. Notice of the specific dates and times for this event will be published annually in the Seventh Coast Guard District Local Notice to Mariners. This regulation is issued pursuant to 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportatoin regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event is not expected to affect commercial activities on Canaveral Barge Canal or Port Canaveral Inner Reach Channel.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have s significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this proposal consistent with section 2.B.2.08 of Commandant Instruction M16475.1B and Commandant Instruction 16751.3A, and this proposal has been determined to be categorically excluded. Specifically, the Coast guard has consulted with the U. S. Fish Wildlife Service and the National Marine Fisheries Service regarding the environmental impact of this event, and it was determined that the event does not threaten protected species.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.716 is added to read as follows:

§ 100.716: Annual Florida Sports Fishing Association Billfish Tournament.

(a) *Regulated Area:* A regulated area is established for the waters of Port Canaveral Harbor. The regulated area is bound on the west by the easternmost State Road 401 bascule bridge, position 28–24–33 N, 080–37–55 W, and on the east by the line drawn between Canaveral Harbor Entrance Channel Light #12 (LLNR 6955), position 28–24–38 N, 080–34–59 W, and Canaveral Harbor Entrance Channel Lighted Buoy #13 (LLNR 8960), position 28–24–33 N, 080–34–59 W. The southern boundary will be a line drawn from Canaveral Harbor Entrance Channel Lighted Buoy #13 to the Cape Canaveral southern jetty, position 28–24–29 N, 080–35–16 W, then following the southern shoreline of Cape Canaveral Harbor to the easternmost State Road 401 bascule bridge. The northern boundary will be a line extending from Canaveral Harbor Entrance Channel Light #12, following the northern shoreline of Cape Canaveral Harbor, but excluding all navigable waters north of a line drawn across the mouth of the East Basin, Middle Basin, and West Basin.

(b) *Special Local Regulations:* A "No Wake Zone" is established in regulated area.

(c) *Effective Date:* The Commander, Seventh Coast Guard District will publish a notice in the **Federal Register** and in the Seventh Coast Guard Local Notice to Mariners that announces times and dates that this section will go into effect.

Dated: March 16, 1992.

K.M. Ballantyne,

Captain, U.S. Coast Guard, Commander, Seventh Coast Guard District, Acting.

[FR Doc. 92–7215 Filed 3–30–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

RIN 1024–AC11

Advertising at Rock Creek Park Tennis Center

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule will establish a process for the issuance of a permit for advertising by and recognition of sponsors at the Rock Creek Tennis Center in Rock Creek Park. This proposed rule recognizes the unique characteristics of the Rock Creek Tennis Center and authorizes a process for the submission, consideration and issuance of a permit for commercial advertising in conjunction with tennis tournaments.

DATES: Written Comments will be accepted through April 30, 1992.

ADDRESSES: All comments should be addressed to the attention of Don Roush, National Park Service, National Capital Region, 1100 Ohio Drive, SW., Washington, DC 20242.

FOR FURTHER INFORMATION CONTACT: Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Washington, DC 20240, telephone: (202) 208–4338.

SUPPLEMENTARY INFORMATION:

Background

Rock Creek Park, located in the District of Columbia, is a unique natural area in an urban environment that was established by Congress in 1890 as "a public park or pleasure ground for the benefit and enjoyment of the people of the United States". The park contains significant historic and natural resources, and provides a great variety of important recreational opportunities for visitors and residents of the Washington metropolitan area.

In conjunction with providing recreational activities, the National Park Service (NPS), since 1971, has operated and maintained the Rock Creek Tennis Center (the "Tennis Center") through a concessions contract. The Tennis Center is located west of 16th Street, NW. at the intersection of Kennedy Street and Morrow Drive, within the District of Columbia, and on lands under the jurisdiction and administration of the National Park Service. The NPS has determined that it is in the public interest to continue to foster and support tennis programs at the Tennis Center, including, but not limited to, tennis instructional programs and a professional tennis tournament conducted by agreement between the NPS and the Washington Tennis Foundation, Inc. (the "Foundation").

Since 1971, the Foundation, the Concessioner and the NPS have had a relationship under which they have cooperated in the construction, development, operation and maintenance of the Tennis Center. In 1987, the NPS entered into a agreement with the Foundation to upgrade the Tennis Center with an application of approximately $7–8 million in Foundation funds by building a new spectator facility, adding additional tennis courts, and generally enhancing the grounds and surroundings.

The Foundation, founded in 1955, is a private, charitable organization which sponsors and operates tennis instructional programs for Washington area youth, senior citizens, and handicapped persons, Since its founding, the Foundation has contributed funds and personnel to promote tennis instruction and recreation for thousands of persons in the Washington metropolitan areas. The Foundation derives most of the funds necessary to operate its programs from the proceeds of the men's and women's professional tournaments now held annually at the Tennis Center. Events at the Tennis Center make possible the Foundation's programs.

Because of this unique arrangement, and the public interest in providing continued recreational opportunities through this important tennis program, it is necessary to clarify through regulation the role that may be played by the Foundation in publicly recognizing sponsors, donors, and supporters of the annual men's and women's professional tennis tournaments.

Purpose for Regulation

Existing regulations at 36 CFR 5.1 prohibit the display of "commercial notices or advertisements" of any "goods, services, or facilities" that are not available within a park area. Sponsors or donors for the world-class tennis tournaments held each year at the Tennis Center are generally companies or corporations that do not provide "goods, services, or facilities within the park area". Consequently, there has been a concern on how to legally recognize contributions to the Foundation to assist with the tennis tournaments.

It has become an accepted practice in many NPS areas to allow a simple recognition of donors of NPS programs or special events. For example, businesses or corporations that donate funds or services to a particular park project—such as the development of a film about a park area—may be given credit by the publishing of their corporate name in the film credits. This simple recognition of significant corporate support in furthering specific park goals has not generally been seen as "advertising", or the promotion of a particular product. Consequently, in the past, signs and banners have been allowed inside the tennis stadium during tennis tournaments that identify a corporation as a primary sponsor of a tournament. This has been and will continue to be an accepted practice for these tournaments. Past practice and these proposed regulations require these activities to be conducted only pursuant to a written permit from the park superintendent.

There is, however, a special concern relative to the Tennis Center and the unique sporting events sponsored by the Foundation under agreement with the NPS. Sponsorship is customarily part and parcel of world class professional tennis tournaments. In fact, unlike presentations occurring within theatre areas, outdoor professional athletic events do now and have traditionally involved more active sponsor recognition and promotion. Such sponsorship usually includes activities that go beyond simple corporate name recognition, and may extend to particular product display. This is deemed advertising, and is currently prohibited by NPS regulations.

The purpose of this proposed rulemaking is to partially exempt the Tennis Center from the general regulations on advertising found at 36 CFR 5.1 and to address under what conditions recognition for sponsors of the annual professional tennis tournaments may be permitted. This proposed regulation would allow the superintendent of Rock Creek Park to permit advertising and recognition activities in conjunction with tennis tournaments that are appropriate to park values and consistent with the protection of park resources.

Required Permit Criteria

For the purposes of this special regulation only, the following definitions shall be used in administering the permit requirement imposed by this proposed regulation:

Advertising means any oral, written, or graphic statement, or any physical structure, display or model, presented or developed in any manner with the purpose of soliciting public attention to, or promoting the benefits of, a particular commercial product or service, or a group of products or services, normally available for purchase in the commercial retail marketplace.

Recognition means the public acknowledgment of a sponsor by an oral, written, graphic, or other method of representation of a business or corporate name. It does not include (1) recognition of specific business brands, products or services (unless the corporate identity is identical to a brand, product or service); or (2) recognition that gives specific information about the suitability or quality of a particular product or business.

Sponsor means a person, corporation or business involved in the one-time contribution of dollars, goods or services for a specific event or purpose, with no contractual obligations incurred by the Service, and for which some temporary public recognition of sponsorship is presumed, although not required.

Tennis tournament sponsors usually and customarily include companies involved in the businesses related to transportation, automobiles, clothes (particularly tennis or sports clothing), beer or wine distributors, hotels, magazines or other media, television, sunglasses, and soft drink companies. However, if the superintendent determines that certain products, services, or companies may be seen as controversial or inappropriate to the value of the park, the superintendent will prohibit these types of advertisements. In particular, tobacco products or corporations shall not be permitted as sponsors for a tennis event at the Rock Creek Tennis Center. Similarly, any advertisement that could be seen as in conflict with the protection of park resources and park values would not be permited.

Other criteria by which a permit may be issued shall require advertising activities to be limited to the confines and immediate vicinity of the tennis stadium, meaning the paved plaza and sidewalk area immediately contiguous to the tennis stadium structure. This means that no advertisement activities will take place on the paved parking lot, on the grass fields to the north of the tennis stadium, along the roadway entering the park area, or on or near the sidewalks along 16th Street, NW. This

criteria is specifically to assure that advertising activities shall not be readily visible by local residents or other park users. Any permit issued shall specifically exclude these areas, and assure by permit criteria that all activities shall be displayed so as to be directed only at those visitors attending a tennis tournament.

For similar reasons, all permits issued shall include criteria that will prohibit banners, ballons, flags or similar displays from being flown or spotlights being shown above the top of the stadium's scoreboard. Notwithstanding these or any other criteria, any advertising display that is readily visible from 16th Street or from local residences will be prohibited.

Permits shall be issued for those periods during which tennis tournaments occur, with the understanding that a reasonable time shall be allowed for the set up and dismantling of displays, such time to be specified in the permit.

Applicability of Regulations

These proposed regulations apply only to Rock Creek Tennis Center and are not applicable to any other park area, within or outside of the District of Columbia or the National Capital Region. The NPS views national park areas as special places of high public values where people can recreate and learn about their natural and cultural heritage without undue commercial distractions. It has long been the general policy of the NPS to prohibit billboards, posters, advertising flyers, brochures, or other commercial distractions in park areas.

The general regulation at 36 CFR 5.1 prohibits a park superintendent from issuing a permit for any advertising activities for services or products that are not available "within a park area". Advertising that is permitted is generally of goods or services provided by park concessioners operating under contract to the NPS, and must specifically be found by the superintendent to be "desirable and necessary for the convenience and guidance of the public." (36 CFR 5.1).

The NPS still supports this general policy of strictly limiting commercialization in the national park system, and is proposing this special regulation for Rock Creek Tennis Center only to address a particular and unique situation regarding tennis tournaments and tennis sponsorship in this park area. If at some future date professional tennis tournaments are no longer to be held at the Rock Creek Tennis Center, these regulations exempting the Tennis Center from 36 CFR 5.1 shall be immediately withdrawn in a separate rulemaking.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking.

Paperwork Reduction Act

The collections of information contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024–0026. The information will be used to identify potential sponsors to assure they are made aware of advertising criteria pursuant to a permit. Response is required to obtain a benefit in accordance with 16 U.S.C. 3.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Information Collection Officer, National Park Service, 1100 L Street, NW., Washington, DC 20013; and the Office of Management and Budget, Paperwork Reduction Project (0026), Washington, DC 20503.

Compliance With Other Laws

The National Park Service has determined that this document is not a "major rule" under Executive Order 12291 (February 19, 1981), 46 FR 13193, because it will not result in an annual effect on the economy of $100 million or more, will not cause an increase in costs or prices, and will not cause any adverse effects on competition or the ability of U.S. enterprises to compete with foreign ones. In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which became effective January 1, 1981, the NPS has determined that these proposed regulations will not have a significant economic effect on a substantial number of small entities, nor does it require a preparation of a regulatory analysis.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR chapter I is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

1. The authority citation for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8–137 (1981) and D.C. Code 40–721 (1981).

2. In section 7.96, paragraphs (k) and (l) are redesignated as paragraphs (l) and (m) respectively and a new paragraph (k) is added to read as follows:

§ 7.96 National Capital Region Parks.

* * * * *

(k) Rock Creek Park. (1) Notwithstanding the provisions of 36 CFR 5.1, the Superintendent of Rock Creek Park may authorize the recognition of and the advertising by the primary sponsor or sponsors of professional tennis tournaments at the Rock Creek Tennis Center.

(2) All activities conducted under this paragraph shall be appropriate to park values and consistent with the protection of park resources and shall comply with criteria specified in a written permit.

(3) Any permit issued under this paragraph shall only be good for those periods of time during which a professional tennis tournament is being held, and shall limit all advertising and recognition to the confines of the tennis stadium structure and the contiguous paved plaza, not to include any of the fields or paved parking lots.

(4) No advertising or recognition activities may take place without a written permit as specified in this paragraph. Any person who violates a provision of this paragraph is subject to the penalty provisions of 36 CFR 1.3 and revocation of the permit if a permit exists.

* * * * *

Dated: February 28, 1992.

James F. Spagnole,

Acting Assistant Secretary for Fish and Parks and Wildlife.

[FR Doc. 92–7243 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

Claims Based on Exposure to Ionizing Radiation (Parathyroid Adenoma)

RIN 2900–AF73

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning diseases claimed to be the result of exposure to ionizing radiation. This amendment is necessary to implement a recommendation by the Veterans Advisory Committee on Environmental Hazards (VACEH) that parathyroid adenoma be considered "radiogenic". The intended effect of this amendment is to add parathyroid adenoma to the list of radiogenic diseases for service-connected compensation purposes

DATES: Comments must be received on or before April 30, 1992. Comments will be available for public inspection until May 11, 1992. This amendment is proposed to be effective on the date of publication of the final rule.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until May 11, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Under 38 CFR 1.17(c), when VA determines that a significant statistical association exists between exposure to ionizing radiation and any disease, 38 CFR 3.311b is amended to provide guidelines for the establishment of service connection for that disease. Such a determination is made after receiving the advice of the VACEH based on its evaluation of scientific or medical studies.

In a public meeting on January 30–31, 1991, the VACEH met in Washington, DC. At that meeting, the VACEH reviewed the relevant animal and human data and expressed the opinion that the data clearly implicate high dose irradiation as a casual factor in the pathogenesis of hyperparathyroidism and parathyroid tumors. Based on this review, VACEH recommended that parathyroid adenoma be added to the list of diseases that VA will recognize as being radiogenic. The Secretary has accepted that recommendation and we propose to amend 38 CFR 3.311b(b)(2) to implement the Secretary's decision effective the date of publication of the final rule.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedures, Claims, Handicapped, Health care, Pension, Veterans.

Approved: February 28, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR Part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 105 Stat. 386; 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.311b, add paragraph (b)(2)(xix) to read as follows:

§ 3.311b Claims based on exposure to ionizing radiation.

* * * * *

(b) * * *

(2) * * *

(xix) Parathyroid adenoma.

(Authority: 38 U.S.C. 501(a) and Sec. 5, Pub. L. 98–542, 98 Stat. 2725)

* * * * *

[FR Doc. 92–7320 Filed 3–30–92; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–4118–3]

RIN 2060–AC65

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Regulations Requiring On-Board Diagnostic Systems on 1994 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period.

SUMMARY: This notice announces a reopening of the public comment period for EPA's proposed regulation for On-Board Diagnostics (OBD) as published in the **Federal Register** on September 24, 1991 (56 FR 48272). This reopening will apply only for comments relevant to the malfunction detection requirements associated with evaporative emission control system monitoring described in proposed § 86.094–17(a)(4), and for comments relevant to the acceptance of

California OBD II requirements to satisfy federal OBD requirements as described in proposed § 86.094–17(j).

DATES: The comment period for comments pursuant to evaporative emission control system monitoring and acceptance of California OBD II requirements will remain open until April 30, 1992. Any comments received after that date will be considered to the extent possible.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to The Air Docket, room M–1500 (LE–131), Waterside Mall, Attention: Docket No. A–90–35, 401 M Street SW, Washington, DC 20460.

Materials relevant to this proposed rulemaking are contained in Docket No. A–90–35. The docket is located on the first floor of the above address and may be inspected from 8:30 a.m. until noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Mr. Todd Sherwood, Certification Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, telephone (313) 668–4405.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking for OBD was published on September 24, 1991. In this notice, EPA did not specifically require that the OBD system monitor the evaporative emission control system, but did propose that the manufacturer be responsible for detecting leaks within the evaporative system should they occur in-use. EPA proposed that it would evaluate the need to monitor evaporative systems during in-use testing. Under the proposal, if a vehicle fails the evaporative emission standard during in-use enforcement testing and subsequent repair causes a 2 g/test emission reduction, the MIL should have illuminated indicating an evaporative system malfunction. If the vehicle passes the standard, EPA will not care whether or not the OBD system monitors the evaporative system.

In response to the proposal, many commenters requested that EPA accept evaporative system monitoring methodologies which were not tied to emission thresholds, but were instead based on the OBD system's ability to detect given hole sizes within the evaporative system. Based on the overwhelming support from industry for such a requirement, and its consistency with the California Air Resources Board (ARB) requirement for evaporative monitoring, EPA is considering such an approach for federal OBD requirements. Therefore, EPA has decided to reopen the public comment period until April 30, 1992, to gather all pertinent information from interested parties in an effort to develop the most cost effective OBD requirement for evaporative system monitoring.

EPA is requesting comments on the appropriateness of adopting an orifice size approach for establishing the detectability level for evaporative system leaks. EPA also requests comments on the specific orifice size that should be adopted as the federal OBD standard, should EPA choose to adopt an orifice approach. Currently, ARB requires detection of an orifice equivalent to 0.040 inches in diameter and EPA has some test data indicating that this standard may be feasible. Furthermore, ARB has not received conclusive information from industry refuting the feasibility of detecting an orifice of this size. However, some automobile manufacturers have expressed an inability to accurately and reliably detect evaporative emission control system leaks that small. EPA requests information on the minimum size orifice through which a leak is detectable, the cost of such a detection system, and the expected emission impact of such a leak. EPA also requests information on enforcement options based upon detection of an orifice within the evaporative system, and how EPA would evaluate compliance with such requirements. Under ARB's rules, all manufacturers must demonstrate that their OBD system is capable of detecting a leak equivalent to a given hole size. In response to comments, EPA is considering adopting a similar requirement. However, comments should also consider EPA's desire to encourage more durable, fail safe emission controls rather than to specify what the OBD system must monitor and how.

EPA will be participating in the upcoming ARB workshop on OBD requirements for misfire and evaporative system monitoring scheduled for March 31, 1992. EPA expects to learn considerable information at this workshop and will supplement the public record with relevant documents received at the workshop, as well as drafting a summary report. However, it is not an EPA workshop and, therefore, does not replace the need to receive formal comments during the comment period noted above. Refer to ARB mail-out #92–11 for more information on the ARB workshop.

In the Notice of Proposal, EPA also proposed accepting California OBD II requirements as satisfying federal OBD requirements for some period beginning with the 1994 model year through the 2002 model year. In response to this proposal, EPA did not receive substantive information upon which a specific date could be determined. EPA analysis based on the information received suggests that acceptance of OBD II systems at least through the 1996 model year is appropriate to provide industry sufficient lead time for certifying to California's requirements and for making any further changes needed to meet federal requirements beginning with the 1997 model year. This would allow full concentration of manufacturer resources toward the mandated 100 percent compliance with California's OBD II requirements by the 1996 model year, and then an additional year of calibration work to satisfy the federal OBD requirements should a manufacturer decide that different calibrations for federal vehicles provide a cost effective alternative. Additionally, acceptance of OBD II systems through only the 1996 model year would result in full implementation of the federal OBD program as soon as practical satisfying EPA's strong interest in having performance based emission control requirements in place.

Comments supplied in response to the initial request for comment also suggested that manufacturers believe it necessary, after putting OBD II systems in place, to initiate an extensive in-use performance evaluation program before they should be held responsible for compliance with the proposed federal rules. However, the information supplied did not sufficiently explain why such an in-use performance evaluation is of concern when complying with the federal proposal but apparently not a concern when complying with the California requirements. Also, comments did not support why initiation of such an in-use evaluation needed to wait until the 1997 model year or later (as some manufacturers suggested) and could not begin much earlier, even before the 1994 model year with prototype designs which EPA expects the manufacturers will have available.

Therefore, EPA is requesting additional information to support the need to accept OBD II systems for additional model years beyond the 1996 model year. EPA expects to use such information in deciding on which model year, beginning with 1997 through 2002, to require full compliance with the proposed federal OBD rules.

Dated: March 24, 1992.

Michael Shapiro,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 92–7361 Filed 3–30–92; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 91–26; Notice 2]

RIN 2127–AD68

Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Termination of Rulemaking Proceeding

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The purpose of this notice is to announce the termination of a rulemaking proceeding to amend Standard No. 209, Seat belt assemblies, to specify a cycling test rate of between five and ten cycles per minute and to require that the emergency locking retractor lockup test be performed every fifth cycle. Based on comments submitted in response to the NPRM (56 FR 26368; June 7, 1991), the agency has determined that the proposed amendments would significantly increase costs and that those costs would be greatly disproportionate to any potential safety benefits. Therefore, the agency is terminating this rulemaking action.

FOR FURTHER INFORMATION CONTACT: Mr. Clark B. Harper, Frontal Crash Protection Division, NRM–12, room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 366–2264.

SUPPLEMENTARY INFORMATION: Standard No. 209, Seat belt assemblies, specifies that emergency locking retractors [ELR] shall be tested by running the retractor through 50,000 cycles, with at least 10,000 lockups during those cycles. Standard No. 209 also specifies that automatic locking retractors (ALR) shall be tested by running the retractor through 10,000 cycles. The standard does not specify the rate at which to run the cycles, nor does it specify when the ELR lockups should occur.

On June 7, 1991, NHTSA published a notice of proposed rulemaking (NPRM) proposing to amend Standard No. 209 to specify a cycling test rate of between five and ten cycles per minute (56 FR 26368). The NPRM also proposed to amend Standard No. 209 to require that the ELR lockup test be performed every fifth cycle.

The agency received seven comments to the NPRM. One commenter, the Automotive Restraint Council, supported the proposal. The five automobile manufacturers who commented did not object to the proposal, however, each suggested some changes in the procedures as proposed. The only safety belt system manufacturer to respond, TRW Vehicle Safety System Incorporated (TRW), strongly opposed this proposal.

TRW stated that the proposal was arbitrary, not practicable and did not address any motor vehicle safety need. Concerning the cycling rate testing issue, it stated that in the 24 years that Standard No. 209 was in effect, it was not aware of any data nor has the agency published any information that suggested the standard was inadequate. To the contrary, TRW provided some anecdotal information suggesting the slower speeds proposed could permit less robust retractor designs than currently exist. TRW believes that the heat buildup in bearings and springs caused by higher speed cycling is a more severe test and therefore would require more robust designs than the lower speed cycling proposed in the NPRM. In addition, at the proposed rate, a retractor test would take approximately 83.3 hours, roughly twice the current amount of time it takes TRW to complete the test. Because TRW's equipment is currently in constant use, maintaining the current level of testing under the proposed rate would require twice the number of machines. TRW stated that customers would insist that all production testing be conducted within the narrow range proposed. TRW suggested the agency adopt only a minimum cycle rate requirement, such as five cycles per minute.

TRW also opposed the lockup cycle every fifth cycle. The agency provided no data to suggest the current standard is inadequate to evaluate locking mechanisms. In order to lock a retractor every fifth cycle, additional automated cycling test equipment would needed at all their plants and the engineering facility. TRW estimated the additional test machines needed would cost approximately $900,000. TRW also stated that this would require more time than the proposed 180 days to obtain the new equipment and conduct certification testing. TRW suggested that the lockup testing be conducted after all other testing has been completed. TRW believes that this is a "worst case" test.

After reviewing these comments, the agency has decided to terminate this rulemaking. In the NPRM, the agency recognized that there would be some increased costs for compliance testing. However, NHTSA did not anticipate that comments would indicate that the costs to the safety belt manufacturers would be so high that they would significantly outweigh any potential safety benefits of this proposal. TRW stated that only computer-controlled machines would be able to cycle the safety belt retractors as specified in the lockup cycle proposal. TRW alone estimates a cost of $900,000 to implement this proposal. In addition, one of the agency's contractor's, Dayton T. Brown Incorporated, has informally reported that it would also have to purchase new equipment to conduct the testing as proposed. TRW also stated that testing would be more costly if run as slow as 10 cycles per minute, due to the extended amount of time it would take to run the tests.

Conversely, NHTSA has been unable to identify any safety benefit for the proposed test procedure. NHTSA's Office of Enforcement has stated that one or two tests per year have been incomplete due to cycling speed related binding. For example, in 1991, the agency tested a total of 120 retractors. These 120 retractors consisted of 20 models, with three of each model tested at two test laboratories. Of these 120 retractors, one locked up before the end of the test. This is a failure rate of less than one percent. This failure was not pursued as a non-compliance, because no further failures occurred. Additionally, these retractors frequently work when they are set aside overnight. Other than these compliance results, NHTSA has no knowledge of any actual safety problem.

In conclusion, agency analysis of available information, including the comments submitted to the NPRM indicate minimal potential safety benefits from amending Standard No. 209 as proposed, compared to substantial expected costs. Therefore, this proceeding is terminated.

Issued on March 25, 1992.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 92–7275 Filed 3–30–92; 8:45]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of 20 New Research Natural Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of decision.

SUMMARY: Notice is hereby given that the Chief of the Forest Service has issued Decision Notices/Designation Orders to establish 20 new Research Natural Areas within the National Forest System. Establishment of these areas is subject to administrative appeal pursuant to the rules at 36 CFR Part 217.

DATES: The establishment of the areas is effective May 15, 1992. Also, pursuant to 36 CFR 217.8(b), the period for appealing this decision begins April 1, 1992. Any notice of appeal must be received in writing by May 15, 1992.

ADDRESSES: Copies of the establishment records and of the Decision Notices/Designation Orders for the 20 areas are available upon written request to Chief (4060), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090. Copies are available for inspection in the office of the Director of Forest Management Research, First Floor, Northwest Wing, Auditor's Building, 201 Fourteenth Street, SW., Washington, DC. To facilitate entry into the building, visitors are encouraged to call in advance (202–205–1552).

Anyone who wishes to appeal must submit a notice of appeal to The Honorable Edward Madigan, Secretary of Agriculture, Fourteenth and Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Russell M. Burns, Forest Management Research Staff, (202) 205–1149.

SUPPLEMENTARY INFORMATION: Research Natural Areas are part of a national network of ecological areas on National Forest System lands designated and permanently recorded for research, education, and/or maintenance of biological diversity. These areas are managed for nonmanipulative research, observation, and study, and they may assist in implementing provisions of special statutes, such as recovery of species under the Endangered Species Act and the monitoring provisions of the National Forest Management Act. The establishment of the 20 new areas will bring the total number of Research Natural Areas on National Forest System lands to 266.

The new areas to be established are as follows:

Name of RNA	State and county	National forest	Acres
Stonsy Point	MN, Itasca	Chippewa	404
Limber Pine	ND, Slope	Custer	681
Table Cliff	UT, Garfield	Dixie	1300
Larue-Pine Hills/Otter Pond	IL, Union	Shawnee	2585
Agua Tibia	CA, San Diego	Cleveland	480
Chuquatonchee Bluffs *	MS, Chickasaw	Tombigbee	216
Staton Creek	CA, El Dorado	Eldorado	748
Organ Valley	CA, San Diego	Cleveland	560
Clustered Bur Reed Bog	MN, Itasca	Chippewa	79
Whippoorwill Flat	CA, Inyo	Inyo	3326
Hoosier Ridge	CO, Summit & Park	Arapaho & Pike	695
Grandma Lakes Wetlands *	WI, Florence	Nicolet	495
Babbit Peak	CA, Sierra	Tahoe & Toiyabe	1416
Soldier Lakes	ID, Custer	Challis	175
Surprise Valley *	ID, Custer	Challis	1470
Smiley Mountain *	ID, Custer	Challis	3080
Middle Canyon *	ID, Butte	Challis	2200
Mernam Lake Basin	ID, Custer	Challis	740
Millard Canyon	CA, Riverside	San Bernardino	793
Mahogany Creek	ID, Custer	Challis	3650

The designation order, when necessary, amends the relevant forest plan to assure consistency between the establishment record and the management direction in the forest plan. Those plans being amended are designated herein with an asterisk. In these cases, notice of the establishment of a new RNA and notice of forest plan amendment are accomplished simultaneously by publication in the Federal Register.

The effective date of establishment has been delayed to permit giving public notice of the decision and to permit appeal as provided in 36 CFR part 217. Pursuant to 36 CFR 217.7(a), review of the Chief's decision by the Secretary is wholly discretionary.

Dated: March 23, 1992.

George M. Leonard,

Associate Chief.

[FR Doc. 92–7269 Filed 3–30–92; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Prepayment of REA Guaranteed Federal Financing Bank Loans to REA Telephone Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of new application period.

SUMMARY: Pursuant to 7 CFR 1786 subpart B the Rural Electrification Administration (REA) is giving notice to interested parties that a new window for application to prepay certain REA Guaranteed Federal Financing Bank Loans outstanding as of July 2, 1986. During the intial prepayment period 36 telephone borrowers prepaid approximately $135 million of the authorized $150 million. In accordance with 7 CFR 1786.30(b)(3) the unused prepayment authority is included in this notice. All other terms and conditions remain as in 7 CFR 1786 subpart B.

DATES: The notice of intent to prepay must be submitted during the period commencing on April 30, 1992 and ending on June 1, 1992.

ADDRESSES: An original and three copies of each application should be submitted, between the hours of 8:15 a.m. to 4:45 p.m. Washington, DC time, to: Chief, Communications and Records Management Branch, Administrative Service Division, Rural Electrification Administration, U.S. Department of Agriculture, room 0175 South Agriculture Building, Washington, DC 20250–1500, see part 1786.31.

FOR FURTHER INFORMATION CONTACT: Patrick D. Shea, Program Support Staff, rm. 2230–S, U.S. Department of Agriculture, Rural Electrification Administration, at the above address. Telephone: (202) 720–0736.

SUPPLEMENTARY INFORMATION: During the initial application period (commencing February 12, 1990 and ending March 12, 1990) to prepay REA Guaranteed Federal Financing Bank (FFB) Loans, REA received prepayment applications from 36 telephone borrowers totaling approximately $250 million. The amount of funds allocated to telephone borrowers to prepay FFB loans was $150 million. In accordance with the provisions of 7 CFR part 1786, "Prepayment of REA Guaranteed Federal Financing Bank Loans," the prepayment applications submitted by qualified REA-financed telephone systems were prorated.

The provisions of the regulation which govern the proration of the prepayment applications state that only those FFB advances which, if prepaid, would result in an economic savings to the borrower should be used in the proration calculation. The average interest rate for the 30-year Treasury Bond during the week of March 12–16, 1990, was used as the benchmark. Utilizing this rate, $239,845,782.24 of FFB advances were prorated to determine the individual borrowers' prepayment allocation. In a letter dated April 20, 1990, prepayment applicants were informed of their prepayment allocation and notified, in accordance with the regulation, that closing of all prepayment transactions must occur within 180 days from the date of that letter (October 17, 1990). These prepayments were carried out in accordance with subpart B—Prepayment of REA Guaranteed Federal Financing Bank Loans at 7 CFR 1786.25—1786.38 published at 55 FR 1145, January 11, 1990, redesignated at 55 FR 49250, November 27, 1990 which allocates $150 million to REA-financed telephone utilities, and under the provisions of (a) section 306 (A) of the Rural Electrification Act of 1936 as amended (RE Act); (b) section 633 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (Pub. L. 100–202) (Continuing Resolution); and (c) section 637 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, of 1989 (Pub. L. 100–460) (the 1989 Appropriations Act). During the initial prepayment period, 36 borrowers prepaid $134,822,828 in principal amount. Under 7 CFR 1786.30(b)(3) the remaining $15,177,372 in unused prepayment authority is included in this notice of a new application period.

Authority: 7 U.S.C. 901–950b; title I, subtitle B, Pub. L. 99–509; title I, Pub. L. 100–202; Pub. L. 100–203; title VI, Pub. L. 100–460; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

Dated: March 23, 1992.

Michael M. F. Liu,

Acting Administrator.

[FR Doc. 92–7274 Filed 3–30–92; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Piscola Creek Watershed, GA

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Piscola Creek Watershed, Brooks and Thomas Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: Hershel R. Read, State Conservationist, Soil Conservation Service, Federal Building, Box 13, 355 East Hancock Avenue, Athens, Georgia 30601; telephone: 404–546–2272.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action, developed by the Soil Conservation Service, indicates that the project will not cause significant local, regional, or national impacts on the environment.

As a result of these findings, Hershel R. Read, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this Project.

The project concern is watershed protection and includes accelerated land treatment and control of agricultural related pollution. The planned improvements include cost sharing and technical assistance to:

1. Develop and install 55 animal waste management plans that will include lagoons, sheds, pumping facilities, and water supply systems.

2. Install water disposal systems, contour farming, filter strips, and crop residue use on about 5,175 acres of cropland.

3. Install conservation tillage with 30% residue on about 485 acres of soybeans and corn,

4. Install permanent vegetation on about 220 acres of cropland.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Dr. Hershel R. Read.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: March 23, 1992.

Hershel R. Read,

State Conservationist.

[FR Doc. 92–7268 Filed 3–30–92; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Institute of Standards and Technology.

Title: Advanced Technology Program.

Form Numbers: NIST–1282 and NIST–1283.

OMB Approval Number: 0693–0009.

Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

Burden: 20,000 hours.

Number of Respondents: 500.

Avg Hours Per Response: 40 hours.

Needs and Uses: The National Institute of Standards and Technology has established the Advanced Technology Program (ATP) to accelerate the commercialization of technological innovations and refinement of manufacturing technologies by U.S. businesses. The information requested is necessary to assure a fair and equitable process to evaluate and fund proposals submitted to the program.

Affected Public: Businesses, federal agencies, small businesses, non–profit institutions, and state or local governments.

Frequency: Annual.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maya A. Bernstein, OMB Desk Officer, room 3235, New Executive Office Building, Washington, DC 20503. Anyone intending to comment on the proposed information collection must contact by telephone the OMB Desk Officer listed above no later than three weeks from the date of this notice.

Dated: March 25, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–7316–Filed 3–30–92; 8:45 am]

BILLING CODE 3510–CW

Bureau of Export Administration

Action Affecting Export Privileges; Faheem Ahmed Khan; Order Denying Permission To Apply for or Use Export Licenses

In the Matter of:

Faheem Ahmed Khan, with addresses at Bagsvaerd Hovedgade 99, 1 2880 Bagsvaerd, Copenhagen, Denmark

and

Big Springs Federal Correctional Institution, Register No. 04181003, 9100 Simler Avenue, Big Springs, TX 79720–7799.

On October 4, 1990, Faheem Ahmed Khan was convicted in the United States District Court for the Southern District of Alabama of violating section 2410(b) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C.A. app. §§ 2401–2420 (1991)) (EAA).[1] Section 11(h) of the EAA provides that, at the discretion of the Secretary of Commerce,[2] no person convicted of a violation of the EAA, or certain other provisions of the United States Code, shall be eligible to apply for or use any export license issued pursuant to, or provided by, the EAA or the Export Administration Regulations (currently codified at 15 CFR parts 768–799 (1991)) (the Regulations), for a period of up to 10 years from the date of the conviction. In addition, any export license issued pursuant to the EAA in which such a person had any interest at the time of his conviction may be revoked.

Pursuant to §§ 770.15 and 772.1(g) of the Regulations, upon notification that a person has been convicted of violating the EAA, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, shall determine whether to deny that person permission to apply for or use any export license issued pursuant to, or provided by, the EAA and the Regulations and shall also determine whether to revoke any export license previously issued to such a person. Having received notice of Khan's conviction for violating the EAA, and following consultations with the Director, Office of Export Enforcement, I have decided to deny Khan permission to apply for or use any export license, including any general license, issued pursuant to, or provided by, the EAA and the Regulations, for a period of 10 years from the date of his conviction. The 10-year period ends on October 4, 2000. I have also decided to revoke all export licenses issued pursuant to the EAA in which Khan had an interest at the time of his conviction.

Accordingly, it is hereby Ordered

I. All outstanding individual validated licenses in which Khan appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Khan's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Until October 4, 2000, Faheem Ahmed Khan, Bagsvaerd Hovedgade 99, 1 2880 Bagsvaerd, Copenhagen, Denmark, and currently incarcerated at Big Springs Federal Correctional Institution, Register Number 04181003, 9100 Simler Avenue, Big Springs, Texas, 79720–7799, hereby is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, in whole or in part, and subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. After notice and opportunity for comment as provided in § 770.15(h) of the Regulations, any person, firm, corporation, or business organization related to Khan by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

IV. As provided in § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Export Licensing, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

V. This Order is effective immediately and shall remain in effect until October 4, 2000.

VI. A copy of this Order shall be delivered to Khan. This Order shall be published in the **Federal Register**.

Dated: March 20, 1992.

Iain S. Baird,

Director, Office of Export Licensing.

[FR Doc. 92–7320 Filed 3–30–92; 8:45 am]

BILLING CODE 3510–DT–M

[1] The EAA expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701–1706 (1991)).

[2] Pursuant to appropriate delegations of authority that are reflected in the Regulations, the Director, Office of Export Licensing, in consultation with the Director, Office of Export Enforcement, exercises the authority granted to the Secretary by section 11(h) of the EAA.

International Trade Administration

[A–427–801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from France. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover eleven manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for four other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.15 to 66.42 percent for BBs, from 0.59 to 18.37 percent for CRBs, and from 2.46 to 135.86 percent for SPBs. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), Lisa Boykin (Dassault Industries), Michael Diminich (SKF France), Carlo Cavagna (SNECMA, Turbomeca), Maureen McPhillips (INA Roulements S.A., SNR Roulements S.A.,) Tom McGinty (SNFA), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH, Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20902) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from France.

On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatiale Division Helicopteres (ADH)—BBs, CRBs, SPBs
Dassault Industries (Dassault)—BBs, CRBs, SPBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
INA Roulements (INA)—BBs, CRBs, SPBs
Messerschmitt-Boelkow-Blohm GmbH. (MBB)—BBs, CRBs, SPBs
Pratt & Whitney Canada, Inc. (Pratt & Whitney)—BBs, CRBs
SKF France (including all relevant affiliates)—BBs, CRBs, SPBs
SNFA—BBs, CRBs
SNR Roulements S.A. (SNR)—BBs, CRBs
Societe Nationale d'Etude et de Construction de Moteurs d'Aviation (SNECMA)—BBs, CRBs
Turbomeca—BBs, CRBs, SPBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Messier Buggatti, Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualified for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, MBB, Dassault, and SNECMA qualified for and opted to use this price list option.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for certain firms. The Department's regulations provide that we may take into account whether a party refuses to provide information (19 CFR 353.37(b)). For purposes of these reviews, we have used the most adverse BIA—generally the highest rate for any company for the same class or kind of merchandise from the less than fair value (LTFV) investigation or prior administrative reviews—whenever a company refused to cooperate with the Department or otherwise significantly impeded the proceeding. For companies that attempted to cooperate, we used as BIA the higher of: (1) The firm's previous rate for the subject merchandise, or (2) the highest calculated rate in this review for the class or kind of merchandise. For missing data, we applied BIA on a case-by-case basis.

Because SNFA and INFA failed to respond to the Department's

questionnaire, we have used the highest rate ever found for each class or kind of merchandise.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" or merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element.

Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classified under the following HTS subheadings: 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts, and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

We consider those bearings otherwise subject to the order that are incorporated into nonbearing products, which collectively comprise less than one percent of the value of the finished products sold to unrelated customers in the United States, to be outside the scope of the antidumping orders on AFBs and not subject to assessment of antidumping duties. In Roller Chain, Other Than Bicycle, From Japan (48 FR 51801; November 14, 1983), roller chain, which was subject to an antidumping duty order, was imported by a related party and incorporated into finished motorcycles. The finished motorcycles were the first articles of commerce sold by the subject producer to unrelated purchasers in the United States. Since the roller chain did not constitute a significant percentage of the value of the completed product, the Department fround that a USP could not reasonably be determined for the roller chain, and the product was therefore excluded from the scope of the order. We have applied this principle to these reviews.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Dassault (we used third country sales for SPBs) and Fiat (we used CV for BBs and third country sales for CRBs). The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of Pratt & Whitney, MBB, and Fiat, which sell French-origin bearings to the United States from countries other than France, we applied the criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) A reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the Commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that Italy, Germany, and Canada are the appropriate home markets for sales of French-origin AFBs by Fiat, MBB, and Pratt & Whitney, respectively.

Due to the extremely large number of transactions that occured during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of

sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Third country prices were based on the delivered prices to unrelated purchases. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we initiated cost investigations. We conducted cost investigations with respect to BBs and SPBs from SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded SKF's below-cost sales for BBs and SPBs.

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to BB and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
ADH	6.13	0.55	5.03
Dassault	11.97	5.83	2.46
FiatAvio	0.15	0.00	(2)
INA	66.42	18.37	135.86
MBB	32.31	(1)	135.86
Pratt & Whitney	14.85	10.55	(2)
SKF	5.73	(1)	0.00
SNFA	66.42	18.37	(2)
SNR	0.35	0.00	(2)
SNECMA	8.26	5.26	(2)
Turbomeca	12.96	8.75	(2)

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to France, if requested, will be held on April 23, 1992, in room 1851, at 9 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the initial briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to France are due no later than April 13 and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all

merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the review period. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notices are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7252 Filed 3-30-92; 8:45 am]

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[A-428-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany; Preliminary Results of Antidumping Duty, Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty, administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from the Federal Republic of Germany. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover ten manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for nine other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 4.14 to 28.44 percent for BBs, from 8.74 to 72.24 percent for CRBs, and from 1.10 to 18.43 percent for SPBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), J. David Dirstine (SKF GmbH, George Mueller Nurnberg, AG), Joseph Hanley (NTN Kugellagerfabrik (Deutschland) GmbH), Maureen McPhillips (INA Walzlager Schaeffler KG), Breck Richardson (Neuweg Fertigund GmbH), Michael Rill (FAG Kugelfischer George Schaefer KgaA), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH, Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20900) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from the Federal Republic of Germany. On June 28, 1991 and July 19, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618 and 56 FR 33251, respectively). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatial Division Helicopteres (ADH)—BBs, CRBs, SPBs
FAG Kugelfischer George Schaefer KGaA (FAG)—BBs, CRBs, SPBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Georg Mueller Nurnberg, AG (GMN)—BBs, CRBs, SPBs
INA Walzlager Schaeffler KG (INA)—BBs, CRBs, SPBs
Messerschmitt-Boelkow-Blohm GmbH (MBB)—BBs, CRBs, SPBs
Neuweg Fertigung GmbH (NWG)—BBs
NTN Kugellagerfabrik (IDeutschland) GmbH (NTN)—BBs, CRBs, SPBs
Pratt & Whitney Canada, Inc.—BBs, CRBs
SKF GmbH (including all relevant affiliates—BBs, CRBs, SPBs

Subsequent to the publication of our initiation notices, we received timely withdrawal request for Ateliers Busch & Cie., Dr. Ing.-K. Busch GmbH, Durbal GmbH & Co., Fichtel & Sachs AG, Ltd., Heidelberg Druckmaschinen, Rieter Machine Work, Rieter-Scragg, Ltd., Schubert & Salzer Maschinenfabrik A.G., and Zahnradfabrik Friedrichshafen A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed

sales listing, firms that qualified for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, MBB qualified for and opted to use this price list option.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classifed under the following HTS subheadings: 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8706.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporters sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the period of review (POR) because generally there were few PP sales.

United States price was based on the packet f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except Fiat (we used CV for BBs and CRBs) and ADH (we used third-country sales for CRBs). The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of ADH, and Pratt & Whitney, which sell German-origin bearings to the United States from countries other than Germany, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if: (1) A reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that France and Canada are the appropriate home markets for sales of German-origin AFBs by ADH, and Pratt & Whitney, respectively.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third-country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating,

dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations, and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses. We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we intitated cost investigations. We conducted cost investigations with respect to BBs, CRBs, and SPBs for SKF, BBs for GMN, BBs and CRBs for FAG, and BBs and CRBs for INA.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the cost of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales for FAG (BBs and CRBs), GMN (BBs), INA (BBs and CRBs), and SKF (BBs, CRBs, and SPBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the oridinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise or comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 15 CFR 353.56(b)(2).

Indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56.(b)(2).

Effective November 20, 1990, FAG required a group of bearings manufacturers located in the former German Democratic Republic (GDR). For purposes of these reviews, the Department did not require FAG to include in its response the home market sales or cost data of these former GDR manufacturers. Based on information submitted by FAG, there is little likelihood that price or cost manipulation occurred during the review period. Furthermore, the former GDR manufacturers made no U.S. sales during the POR. Given the extraordinary circumstances of the merger of two countries, one market-oriented and the other a nonmarket economy, the Department believes that a reasonable administration of the Tariff Act calls for a reasonable period of time to convert the records and business practices of the former GDR manufacturers to reflect the new economic environment. The Department's position is outlined in a proprietary decision memorandum dated September 20, 1991, from Jospeh A. Spetrini, Deputy Assistant Secretary for Compliance, to Eric I. Garfinkel, Assistant Secretary for Import Administration.

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
ADH	20.00	58.41	(1)
FAG	18.28	8.74	1.87
FiatAvio	4.14	24.82	(2)
GMN	10.77	(1)	(1)
INA	27.87	18.38	(1)
MBB	8.00	0.00	18.43
NWG	14.03	(2)	(2)
NTN	0.00	(1)	(1)
Pratt & Whitney	17.36	12.24	(2)
SKF	6.50	10.46	1.10

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 am. Any hearing regarding issues related solely to Germany, if requested, will be held on April 23, 1992, in room 1414, at 2 pm.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Germany are due no later than April 13 and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7251 Filed 3-30-92, 8:45 am]

BILLING CODE 3510-DS-M

[A-475-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Italy; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Italy. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), and cylindrical roller bearings (CRBs). The reviews cover seven manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for five other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.03 to 16.72 percent for BBs, and from 3.53 to 13.52 percent for CRBs. We invited interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A., Aerospatiale Division Helicopteres), Carlo Cavagna (SNECMA), Michael Diminich (SKF Industrie S.p.A.), Tom McGinty (FAG Cuscinetti S.p.A.), Breck Richardson (Meter S.p.A.), Anna Snider (Rolls-Royce), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20903) the antidumping duty orders on ball bearings (BBs) and cylindrical roller bearings (CRBs) and parts thereof from Italy. On June 28, 1991 in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Aerospatiale Division Helicopteres (ADH)—BBs, CRBs
FAG Cuscinetti S.p.A. (FAG)—BBs, CRBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Meter S.p.A. (Meter)—BBs, CRBs
Rolls-Royce—CRBs
SKF—Industrie S.p.A. (including all relevant—BBs, CRBs affiliates) (SKF)
Societe Nationale d'Exude et de Construction—BBs, CRBs de Moteurs d'Aviation (SNECMA)

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for MBB, Rolls-Royce (BBs only), Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

The Department allowed certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualifed for the price list option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, SNECMA and Rolls-Royce qualified for and opted to use this price list option.

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings, with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.60, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the (POR) because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for BBs sold by ADH, Fiat, and SNECMA. In these limited instances, we used the largest viable third country market to calculate foreign market value for comparison to U.S. sales of BBs. Otherwise, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the cases of ADH, SNECMA, and Rolls-Royce, which sell Italian-origin bearings to the United States from countries other than Italy, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the mechandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we determined that France, is the appropriate home market for sales of Italian-origin AFBs by ADH and SNECMA and the UK is the appropriate home market for sales of Italian-origin AFBs by Rolls-Royce.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample weeks selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV in administrative reviews. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for inland freight, handling charges, rebates, commissions, discounts, warranty, technical services, advertising and sales promotion, royalties, freight revenue, packing revenue, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions (in PP and ESP calculations) and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Third country prices were based on the delivered prices to unrelated purchases. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, i.e., at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, or where we received adequate allegations of sales below cost in this review, we initiated cost investigations. We conducted cost investigations with respect to BBs and CRBs from SKF and BBs from FAG.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since none of the respondents has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales made by SKF (BBs and CRBs) and FAG (BBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) parking costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
ADH	0.24	7.06
FAG	16.72	(1)
FiatAvio	2.63	13.52
Meter	8.29	(1)
Rolls-Royce	(2)	0.00
SKF	0.03	0.00
SNECMA	11.19	3.53

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. General issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Italy, if requested, will be held on April 22, 1992, in room 1414, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Italy are due no later than April 13, and April 20, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumpting duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined furing the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the review companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise;

and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Allen M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7253 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-804]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts therof from Japan. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), cylindrical roller bearings (CRBs), and spherical plain bearings (SPBs). The reviews cover twenty-three manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for six other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 0.01 to 106.61 percent for BBs, from 0.00 to 51.82 percent for CRBs, and from 0.00 to 92.00 percent for SPBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith (Showa Pillow Block Mfg., Ltd., Takeshita Seiko Co., Uchiyama Mfg., Corp., Wasa Seiko Co., Ltd.), Sheila Baker (Inoue Jikuuke Kogyo Co., Nakai Bearing Co., Ltd., Nippon Seiko K.K.), Tom Barlow (Honda Motor Co., Ltd., Osaka Pump Co., Ltd., Yamaha Motor Co.), Amy Beargie (FiatAvio S.p.A.), Kris Campbell (Izumoto Seiko Co. Ltd., Maehara Ironworks Co., Ltd., Tottori Yamakai Bearing Seisakusho Ltd.), Robert Hamilton (Fujino Iron Works Co., Ltd., Koyo Seiko Co., Ltd., Nachi-Fujikoshi Corp., Nankai Bearing Co., Ltd.), Joseph Hanley (Asahi Seiko Co., Ltd.), Albert Hayes (NTN Corp.), Laurel Lynn (Nippon Pillow Block Sales Co.), Anna Snider (Messerschmitt-Boelkow-Blohm GmbH), or Laurel LaCivita and Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20904) the antidumping duty orders on ball bearings (BBs), cylindrical roller bearings (CRBs) and spherical plain bearings (SPBs) and parts thereof from Japan. On June 28, 1991 and August 14, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618 and 56 FR 40305, respectively). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Asahi Seiko Co., Ltd. (Asahi)—BBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
Fujino Iron Works Co., Ltd (Fujino)—BBs
Honda Motor Co., Ltd. (Honda)—BBs, CRBs, SPBs
Inoue Jikuuke Kogyo Co., Ltd., (IJK)—BBs, CRBs
Izumoto Seiko Co. Ltd., (Izumoto)—BBs
Koyo Seiko Co., Ltd., (Koyo)—BBs, CRBs, SPBs
Maehara Ironworks Ltd., (Maehara)—SPBs
Messerschmitt-Boelkow-Blohm GmbH (MBB)—BBs, CRBs, SPBs
Minebea Co. Ltd., (Minebea)—BBs, CRBs, SPBs
Nachi-Fujikoshi Corp. (Nachi)—BBs, CRBs, SPBs
Nakai Bearing Co., Ltd. (Nakai)—BBs
Nankai Seiko Co., Ltd. (Nankai)—BBs
Nippon Pillow Block Sales Co., Ltd. (NPB)—BBs, CRBs, SPBs
Nippon Seiko K.K. (NSK)—BBs, CRBs, SPBs
NTN Corp. (NTN)—BBs, CRBs, SPBs
Osaka Pump Co., Ltd. (Osaka Pump)—BBs
Showa Pillow Block Mfg., Ltd. (Showa)—BBs
Takeshita Seiko Co. (Takeshita)—BBs
Tottori Yamakai Bearing Seisakusho (Tottori)—BBs
Uchiyama Mfg., Co. Ltd. (Uchiyama)—BBs
Wada Seiko Company, Ltd. (Wada)—BBs
Yamaha Motor Co. (Yamaha)—BBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for C. Itoh and Co., Mazda Motor Corp., Rieter Machine Work, Rieter-Scragg Ltd., Schubert & Salzer Maschinenfabrik A.G., Sumitomo Corp, and Yamaha (CRBs and SPBs). Because there were no requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

We have also terminated reviews of Kuroe Industries, HIC Corp., and Peer International Japan because they are resellers, and all suppliers for these firms had knowledge at the time of sale that the merchandise was destined for the United States. Consequently, these firms are not resellers as defined in 19 CFR 353.2(s) because their sales cannot be used to calculate U.S. price. Therefore, under 19 CFR 353.22(a)(2), they cannot be the subjects of an administrative review.

The Department allowd certain companies to submit abbreviated questionnaire responses if they sold exclusively from published price lists and were able to demonstrate that all price list prices, with rare exceptions, were adhered to. In lieu of a detailed sales listing, firms that qualified for the price lists option were permitted to provide all applicable price lists and aggregate cost and adjustment data. In these reviews, Honda, MBB and Yamaha reported home market and U.S. sales data according to the price list option.

Best Information Available

In accordance with section 776(c) of the Tariff Act, we have preliminarily determined that the use of best information otherwise available (BIA) is appropriate for certain firms. The Department's regulations provide that we may take into account whether a party refuses to provide informaiton (19 CFR 353.37(b)). For purposes of these reviews, we have used the most adverse BIA—generally the highest rate for any company for the same class or kind of merchandise from the less than fair value (LTFV) investigation or prior administrative reviews—whenever a company refused to cooperate with the Department or otherwise significantly impeded the proceeding. For companies that attempted to cooperate, we used as BIA the higher of: (1) The firm's previous rate for the subject merchandise, or (2) the highest calculated rate in this review for the class or kind of merchandise. For missing data, we applied BIA on a case-by-case basis.

Scope of Reviews

The products coverd by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylindrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

3. Spherical Plain Bearings and Parts Thereof

These products include all spherical plain bearings that employ a spherically shaped sliding element.

Imports of these products are classified under the following HTS subheadings: 8483.3040, 8483.30.80, 8483.90.20, 8483.90.30, 8485.90.00, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The writen descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in seciton 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to UPS for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

With respect to subject merchandise to which value was added in the United States, *e.g.*, parts of bearings that were imported and further processed into finished bearings by U.S. affiliates of foreign exporters, prior to sale to unrelated U.S. customers, we deducted any increased value in accordance with section 772(e)(3) of the Tariff Act.

We consider those bearings otherwise subject to the order that are incorporated into nonbearing products, which collectively comprise less than one percent of the value of the finished products sold to unrelated customers in the United States, to be outside the scope of the antidumping orders on AFBs and not subject to assessment of antidumping duties. In Roller Chain, Other Than Bicycle, From Japan (46 FR 51801; November 14, 1983), roller chain, which was subject to an antidumping duty order, was imported by a related party and incorporated into finished motorcycles. The finished motorcycles were the first articles of commerce sold by the subject producer to unrelated purchasers in the United States. Since the roller chain did not constitute a significant percentage of the value of the completed product, the Department found that a USP could not reasonably be determined for the roller chain, and the product was therefore excluded from the scope of the order. We have applied his prinicple to these reviews.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Showa Pillow Block Mfg. Co. The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). With respect to Showa Pillow Block, the Department used sales to a third country or CV as defined in section 773 of the Tariff Act, as appropriate, to calculate FMV.

In the cases of Fiat and MBB, which sell Japanese-origin bearings to the United States from countries other than Japan, we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we find that Italy and Germany are the appropriate home markets for sales of Japanese-origin AFBs by Fiat and MBB, respectively.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2,000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we consider overall weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

We intiated cost investigations when we disregarded sales below cost in the previous administrative review period, or where we received adequate allegations of sales below cost in this review period. We conducted cost investigations with respect to BBs, CRBs and SPBs from NTN, and BBs and CRBs for Koyo, Nachi, and NSK.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV. We disregarded sales below cost for Koyo, Nachi, NSK, and NTN.

Since none of the respondents submitted information indicating that its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales for Koyo (BBs, CRBs), NSK (BBs, CRBs), Nachi (BBs, CRBs) and NTN (BBs, CRBs, SPBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs	SPBs
Asahi	0.01	(2)	(2)
FiatAvio	2.12	5.02	(2)
Fujino	1.80	(2)	(2)
Honda	0.04	0.00	0.00
IJK	1.28	0.00	(2)
Izumoto	3.75	(2)	(2)
Koyo	3.34	1.23	0.00
Maehara	(2)	(2)	0.57
MBB	(1)	(1)	20.94
Minebea	106.61	51.82	92.00
Nachi	13.21	22.72	(1)
Nakai	5.42	(2)	(2)
Nankai	9.22	(2)	(2)
NPBS	106.61	(1)	(1)
NSK	4.41	7.44	(1)
NTN	1.51	6.25	0.00
Osaka Pump	0.82	(2)	(2)
Showa	8.84	(2)	(2)
Takeshita	0.64	(2)	(2)
Tottori	3.54	(2)	(2)
Uchiyama	15.60	(2)	(2)
Wada	15.60	(2)	(2)
Yamaha	106.61	(2)	(2)

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issued related solely to Japan, if requested, will be held on April 24, 1992, in Room 1414, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Japan are due no later than April 14 and April 21, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publicaiton of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.28 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7254 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-801]

Ball Bearings and Parts Thereof From Romania; Preliminary Results Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts thereof from Romania. The review covers the sole exporter, Tehnoimportexport, and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined that there is no dumping margin for this firm.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Breck Richardson or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20906) an antidumping duty order on ball bearings and parts thereof from Romania. On June 28, 1991, in accordance with § 353.22(c) of the Department's regulations, we initiated an administrative review of that order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). the Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

This review covers ball bearings and parts thereof exported by Tehnoimportexport (TIE).

Scope of review

The products covered by this review are ball bearings, mounted or unmounted, and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP), as defined in section 772 of the Tariff Act. Purchase price was based

on the packed, f.o.b. price to unrelated purchasers in the United States. We made adjustments for domestic inland freight and handling based on Thai surrogate information (see discussion under Foreign Market Value). No other adjustments were claimed or allowed.

Foreign Market Value

We have concluded that Romania is a non-market economy country for purposes of this administrative review. Given that this review was initiated subsequent to the effective date of section 1316 of the Omnibus Trade and Competitiveness Act of 1988, which amended section 773(c) of the Tariff Act, we are required to use the constructed value based on the valuation of factors of production or prices of such or similar merchandise in a market economy country as the basis for determining foreign market value. The Tariff Act further provides that the Secretary will value the factors of production in a market economy country which is comparable in terms of economic development to the non-market economy country.

Of countries known to produce bearings, we determined that Thailand, Malaysia, Argentina, Turkey, and Chile were comparable to Romania in stages of economic development. Questionnaires, requesting information on bearing production, packing, and shipping costs, were sent to U.S. embassies in each of these countries. The only response was from a Thai company, which had been sent the questionnaire by the U.S. embassy in Thailand. To the extent possible, we used the information provided by this company. When certain information was not provided, or was not considered to be adequate, the Department resorted to the use of information from publicly available sources for valuing factors of production. Of the identified surrogate countries, the most usable publicly available information pertained to Thailand, which the Department had determined to be the preferred surrogate.

We used the following information to value the factors of production:

- We based the values for steel used to manufacture the inner and outer rings, balls, armatures, rivets, seals, and cages on official data from "Foreign Trade Statistics of Thailand" regarding imports into Thailand of the appropriate types of steel.
- In the absence of reliable data from the U.S. embassies in the surrogate countries, as best information available (BIA), we based scrap value on official data from "Foreign Trade Statistics of Thailand" regarding imports into Thailand of alloy scrap steel.
- We based labor rates on actual costs we received from the Thai bearings producer.
- We based freight costs on public rates for a freight company in Thailand.
- We based overhead on the Thai bearings manufacturer's ratio of overhead costs to total cost of manufacturing. The overhead ratio was applied to the sum of materials and labor which we had calculated for TIE. From this total overhead amount, we deducted indirect labor.
- For general, selling, and administrative expenses, we used the statutory minimum of ten percent of the cost of manufacturing.
- For profit, we used the statutory minimum of eight percent of the sum of material costs, fabrication costs, and general expenses.
- As surrogate information for U.S. packing expense, we added to constructed value packing expenses based on cost data from the bearings manufacturer in Thailand.
- Data were not available from any of the surrogate countries for the cost associated with rubber seals. Therefore, as BIA, material costs associated with rubber seals were based on data from a company in Taiwan. To this we added labor, overhead, profit and packing.

Preliminary Results of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/ exporter	Review period	Margin (percent)
Tehnoimportexport (TIE)	05/01/90–04/30/91	0.00

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Romania, if requested, will be held on April 22, 1992, in room 1410, at 10 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Romania are due no later than April 10 and April 17, 1992, respectively. The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total amount of antidumping duties calculated for the sales examined in the review and the total entered customs value of those sales. This rate will be assessed uniformly on all entries by that particular importer during the review period. (This is equivalent to dividing the total value of dumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of all sales compared and adjusting the result by the average difference between USP and customs value for all merchandise examined during the review period.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the review period. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92–7255 Filed 3–30–92; 8:45 am]
BILLING CODE 3510–DS–M

[A–559–801]

Ball Bearings and Parts Thereof From Singapore; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts therof from Singapore. The review covers one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined the weighted-average dumping margin for this firm to be 9.49 percent.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Laurel Lynn or Laurel LaCivita; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20907) an antidumping duty order on ball bearings and parts thereof from Singapore. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act.

This review covers NMB Singapore Ltd. and NMB/Pelmec Industries (Pte.) Ltd, which we are treating as one entity (hereinafter referred to as NMB/Pelmec) for purposes of this review.

Scope of Review

The products covered by this review are ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP fro movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

Foreign Market Value

Because the home market was viable for NMB/Pelmec, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV).

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Because we received an adequate allegation of sales below cost in this review period, we initiated a cost investigation with respect to NMB/Pelmec.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales have been made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When

10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since NMB/Pelmec did not submit information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we are unable to conclude that the costs of production of such sales have been recovered within a reasonable period. As a result of our investigation, we disregarded NMB/Pelmec's below-cost sales.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. Adjustments involving PP and ESP transactions were made for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/exporter	Review period	Margin (percent)
NMB/Pelmec	05/01/90-04/30/91	8.48

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Singapore, if requested, will be held on April 20, 1992, in room 1851, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Singapore are also due no later than April 9 and April 16, 1992, respectively.

The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total entered customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate and *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requiremens, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.28 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7256 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-401-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Sweden; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from Sweden. The classes or kinds of merchandise covered by these orders are ball bearings (BBs), and cylindrical roller bearings (CRBs). The reviews cover one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for three other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firm to be 6.05 percent for BBs, and 5.00 percent for CRBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Lisa Boykin, Michael Diminich, or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20900) the antidumping duty orders on ball bearings (BBs), and cylindrical roller bearings (CRBs) and parts thereof from Sweden. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover SKF Sverige and its sales of BBs and CRBs.

Subsequent to the publication of our initiation notice, we received timely withdrawl requests for Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise:

1. Ball Bearings and Parts Thereof

These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical rollers bearings (including split cylindrical rollers bearings) and parts thereof, and housed or mounted cylindrical rollers bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size of precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based ont he packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) under section 772(d)(1)(C) of the Tariff Act.

Foreign Market Value

The home market was viable for SKF with respect to its sales of BBs. However, with respect to its sales of CRBs, there was no viable home market.

The Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV) for BBs. With respects to CRBs, the Department used sales to a third country or CV as defined in section 773 of the Tariff Act, as appropriate, to calculate FMV.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales sampling.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or

similar merchandise, and these products to be equally similar. As defined in the questionnaire , a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions (in PP and ESP calculations) and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

Third country price was based on the delivered prices to unrelated purchasers in Germany. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, and differences in packing. We also made adjustments, where applicable, for third country indirect selling expenses to offset U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, i.e., at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Because we disregarded sales below cost in the previous administrative review period, we initiated cost investigations with respect to BBs and CRBs for SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over the extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since SKF did not submit information indicating that any of its sales below cost were at prices which would have permitted "recovery of all costs within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales of BBs and CRBs.

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis because there was no documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimun of 8 percent of material, fabrications costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reviews, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
SKF	6.05	5.00

Parties to this proceeding may request disclosure and/or hearing within 5 days of the date of publication of this notice. Any general issues hearing, if requested, will beheld on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Sweden, if requested, will be held on April 21, 1992, in room 3708, at 2 p.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Sweden are due no later than April 10, and April 17, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7257 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-549-801]

Ball Bearings and Parts From Thailand; Preliminary Results of Antidumping Duty Administrative Review and Partial Termination of Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and partial termination of administrative review.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted an administrative review of the antidumping duty order on ball bearings and parts therof from Thailand. The reviews cover one manufacturer/exporter and the period May 1, 1990 through April 30, 1991. As a result of this review, the Department has preliminarily determined the weighted-average dumping margin from this firm to be 0.32 percent. In addition, we are terminating the review for three firms based on timely withdrawals of review requests.

We invite interested parties to comment on these prelimianry results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Laurel Lynn or Laurel LaCivita; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20909) an antidumping duty order on ball bearings and parts thereof from Thailand. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated an administrative review of this order for the period May 1, 1990 through April 30, 1991 (56 FR 29618). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

This review covers NMP Thai Ltd. and NMP/Pelmec Thai Ltd, which we are treating as one entity (hereinafter referred to as NMB/Pelmec) for purposes of this review.

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Rieter Machine Work, Rieter-Scragg Ltd., and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the review with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Review

The products covered by this review are ball bearings and parts thereof. These products include ann antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: Antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8384.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates. We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

Foreign Market Value

Because the home market was viable for NMB/Pelmec, the Department used home market price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV).

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire, a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: Load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, and differences in packing.

We also made adjustments, where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

In accordance with section 773(a)(2) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses, or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriate, we made adjustments to constructed value in accordance with 19 CFR 353.56, for differences in circumstances of sale. Adjustments involving PP and ESP transactions were made for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses and inventory carrying costs in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Result of Review

As a result of our review, we preliminarily determine the weighted-average dumping margin to be:

Manufacturer/ Exporter	Review Period	Margin (Percent)
NMB/Pelmec	05/01/90-04/30/91	0.32

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 a.m. Any hearing regarding issues related solely to Thailand, if requested, will be held on April 21, 1992, in room 3708, at 10 a.m.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to Thailand are due no later than April 10 and April 17, 1992, respectively. The Department will subsequently publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the POR.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that rate established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administratrive review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1) and 19 CFR 353.22(c)(5)

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7258 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-412-801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the United Kingdom; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative reviews and partial termination of administrative reviews.

SUMMARY: In response to requests from interested parties, the Department of Commerce has conducted administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof from the United Kingdom. The classes or kinds of merchandise covered by these orders are ball bearings (BBs) and cylindrical roller bearings (CRBs). The reviews cover eight manufacturers/exporters and the period May 1, 1990 through April 30, 1991. Although we initiated reviews for five other manufacturers/exporters, we are terminating the reviews because the requests for review were withdrawn. As a result of these reviews, the Department has preliminarily determined the weighted-average dumping margins for the reviewed firms to range from 1.92 to 15.96 percent for BBs, and from 4.79 to 31.07 percent for CRBs.

We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Amy Beargie (FiatAvio S.p.A.), Lisa Boykin (SKF (U.K.) Ltd.), Tom McGinty (FAG U.K., Ltd., Barden Corp.), Maureen McPhillips (INA Bearing Co., Ltd.), Michael Rill (RHP Bearings), Joanna Schlesinger (Cooper Bearings Ltd.), Anna Snider (Pratt & Whitney Canada, Inc.), or Richard Rimlinger; Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-4733.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department of Commerce (the Department) published in the **Federal Register** (54 FR 20910) the antidumping duty orders on ball bearings (BBs) and cylindrical roller bearings (CRBs) and parts thereof from the United Kingdom. On June 28, 1991, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of those orders for the period May 1, 1990 through April 30, 1991 (56 FR 29618).

The Department is now conducting these administrative reviews in accordance with section 651 of the Tariff Act of 1930, as amended (the Tariff Act). These reviews cover the following firms and classes or kinds of merchandise:

Name of Firm and Class or Kind

Barden Corporation (Barden)—BBs, CRBs
Cooper Bearings Ltd. (Cooper)—CRBs
FAG U.K., Ltd. (FAG)—BBs, CRBs
FiatAvio S.p.A. (Fiat)—BBs, CRBs
INA Bearing Co., Ltd. (INA)—BBs, CRBs
Pratt & Whitney Canada, Inc. (Pratt & Whitney)—BBs, CRBs
RHP Bearings (RHP)—BBs, CRBs
SKF U.K., Ltd. (including all relevant affiliates) (SKF)—BBs, CRBs

Subsequent to the publication of our initiation notice, we received timely withdrawal requests for Aerospatiale Division Helicopteres, Rieter Machine Works, Ltd., Rieter-Scragg Ltd., Rolls-Royce, and Schubert & Salzer Maschinenfabrik A.G. Because there were no other requests for review of these companies from any other interested parties, we are terminating the reviews with respect to these companies, in accordance with 19 CFR 353.22(a)(5).

Scope of Reviews

The products covered by these reviews are antifriction bearings (other than tapered roller bearings), mounted or unmounted, and parts thereof (AFBs), and constitute the following "class or kinds" of merchandise.

1. Ball Bearings and Parts Thereof:

These products include all AFBs that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.99.50.

2. Cylindrical Roller Bearings and Parts Thereof

These products include all AFBs that employ cylindrical rollers as the rolling element. Imports of these products are classified under the following categories: antifriction rollers, all cylindrical roller bearings (including split cylinrical roller bearings) and parts thereof, and housed or mounted cylindrical roller bearing units and parts thereof.

Imports of these products are classified under the following HTS subheadings: 8482.50.00, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8798.80.50, 8706.99.50.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. The HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

United States Price

In calculating United States price (USP), the Department used purchase price (PP) or exporter's sales price (ESP), both as defined in section 772 of the Tariff Act, as appropriate.

Due to the extremely large number of transactions that occurred during the period of review (POR) and the resulting administrative burden involved in calculating individual margins for all of these transactions, we sampled sales to calculate USP, in accordance with section 777A of the Tariff Act. When a firm made more than 2000 ESP sales transactions to the United States for a particular class or kind of merchandise, we reviewed sales in sample weeks. We reviewed all PP sales transactions during the POR because generally there were few PP sales.

United States price was based on the packed f.o.b., c.i.f., or delivered price to unrelated purchasers in, or for exportation to, the United States. We made deductions, as appropriate, from PP and ESP for movement expenses, discounts and rebates.

We made additional deductions from ESP for direct selling expenses, indirect selling expenses, and repacking in the United States.

We made an addition to USP for value-added taxes (VAT) in accordance with section 772(d)(1)(C) of the Tariff Act.

Foreign Market Value

The home market was viable for all companies and all classes or kinds of merchandise except for Fiat CRBs. Since Fiat did not sell CRBs in the home market or to third countries, we used constructed value as the basis of FMV for that firm. The Department used home market price, third country price or constructed value (CV) as defined in section 773 of the Tariff Act, as appropriate, to calculate foreign market value (FMV). In the case of Pratt & Whitney, which sells U.K.-origin bearings to the United States from a country other than the U.K., we applied the four criteria set forth in 19 CFR 353.47 regarding exportation from an intermediate country. This section provides that if (1) a reseller in an intermediate country purchases the merchandise from a producer in a covered country, (2) the producer does not know where the reseller will export the merchandise, (3) the merchandise enters the commerce of the intermediate country, and (4) the merchandise is subsequently exported to the United States, the intermediate country will be considered the home market for purposes of establishing FMV. Using these criteria, we determined that Canada is the appropriate home market for sales of U.K.-origin AFBs by Pratt & Whitney.

Due to the extremely large number of transactions that occurred during the POR and the resulting administrative burden involved in examining all of these transactions, we sampled sales to calculate FMV, in accordance with section 777A of the Tariff Act. When a

firm had more than 2000 home market or third country sales transactions for a particular class or kind of merchandise, we selected sales from sample months that corresponded to the sample week selected for U.S. sales sampling.

In general, the Department relies on monthly weighted-average prices in the calculation of FMV. In consideration of the significant volume of home market sales involved in these reviews, we examined whether it was appropriate to average respondents' home market sales over a longer period. To determine whether an annual average is representative of the transactions under consideration, we compared the monthly weighted-average home market price for each model with the weighted-average price of that model for the entire POR. Within each class or kind of merchandise, where the weighted-average price for each model did not vary meaningfully from the monthly weighted-average prices of sales, we considered annual weighted-average prices to be representative of the transactions under consideration. Therefore, in such instances, we calculated an annual FMV for each model.

We compared U.S. sales with sales of such or similar merchandise in the home market. We considered only products within a bearing family as such or similar merchandise, and those products to be equally similar. As defined in the questionnaire a bearing family consists of all bearings within a class or kind of merchandise that share the following physical characteristics: load direction, bearing design, number of rows of rolling elements, precision rating, dynamic load rating, and physical dimensions.

Home market prices were based on the packed, ex-factory or delivered prices to related or unrelated purchasers in the home market. Where applicable, we made adjustments for movement expenses, direct selling expenses, differences in cost attributable to differences in physical characteristics of the merchandise, differences in credit expenses, differences in VAT tax, and differences in packing. We also made adjustments in accordance with 19 CFR 353.56(b), where applicable, for home market indirect selling expenses to offset U.S. commissions in PP and ESP calculations and U.S. indirect selling expenses deducted in ESP calculations but not exceeding the amount of those U.S. expenses.

We used sales to related customers only where we determined such sales were made at arm's length, *i.e.*, at prices comparable to prices at which the firm sold such or similar merchandise to unrelated customers.

Where we disregarded sales below cost in the previous administrative review period, we initiated cost investigations. We conducted cost investigations with respect to BBs abd CRBs sold by RHP and BBs sold by SKF.

In accordance with section 773(b) of the Tariff Act, in determining whether to disregard home market sales made at prices below the cost of production, we examined whether such sales were made in substantial quantities over an extended period of time. When less than 10 percent of the home market sales of a particular model were at prices below the cost of production, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV provided that these below cost sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model from our calculation of FMV.

Since neither RHP and SKF has submitted information indicating that any of its sales below cost were at prices which would have permitted "recovery of all cost within a reasonable period of time in the normal course of trade," we were unable to conclude that the costs of production of such sales were recovered within a reasonable period. As a result, we disregarded below-cost sales made by RHP (BBs and CRBs) and SKF (BBs).

Home market sales of obsolete merchandise and distress sales were not disregarded from our analysis unless there was documented information on the record demonstrating that such sales were outside the ordinary course of trade.

In accordance with section 773(b) of the Tariff Act, we used constructed value as the basis for FMV when there were no usable sales of such or similar merchandise for comparison.

We calculated constructed value in accordance with section 773(e) of the Tariff Act. We included the cost of materials, fabrication, general expenses, profit and packing. We used: (1) Actual general expenses or the statutory minimum of 10 percent of materials and fabrication, whichever was greater; (2) actual profit or the statutory minimum of 8 percent of materials, fabrication costs and general expenses, whichever was greater; and (3) packing costs for merchandise exported to the United States. Where appropriated, we made adjustments to constructed value, in accordance with 19 CFR 353.56, for differences in circumstances of sale. We made adjustments to PP and ESP transactions for differences in direct selling expenses. For comparisons involving ESP transactions, we made further deductions to constructed value for indirect selling expenses in the home market, capped by the indirect selling expenses incurred on ESP sales in accordance with 19 CFR 353.56(b)(2).

Preliminary Results of Reviews

As a result of our reveiws, we preliminarily determine the weighted-average dumping margins for the period May 1, 1990 through April 30, 1991 to be:

Company	BBs	CRBs
Barden Corporation	1.92	(1)
Cooper Bearings	(2)	0.00
FAG	2.72	0.00
FiatAvio	(1)	6.88
INA	(1)	0.00
Pratt & Whitney	(1)	4.79
RHP Bearings	15.96	31.07
SKF	6.67	(1)

[1] No U.S. sales during the review period.
[2] No review requested.

Parties to this proceeding may request disclosure and/or a hearing within 5 days of the date of publication of this notice. A general issues hearing, if requested, will be held on April 20, 1992, in room 3407, at 9 am. Any hearing regarding issues related solely to the U.K., if requested, will be held on April 24, 1992, in room 3708 at 9 am.

General issues briefs and/or written comments from interested parties may be submitted not later than April 9, 1992. General issues rebuttal briefs and rebuttals to written comments, limited to the issues raised in the case briefs and comments, may be filed not later than April 16, 1992. Case briefs and comments and all rebuttal briefs regarding issues related solely to the U.K. are due no later than April 14, and April 21, 1992, respectively. The Department will subsequently publish the final results of these administrative reviews, including the results of its analysis of issues raised in any such written comments or a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will calculate an importer-specific *ad valorem* appraisement rate for each class or kind of merchandise based on the ratio of the total value of antidumping duties calculated for the examined sales made during the POR to the total customs value of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of that particular importer made during the POR. (This is equivalent to dividing the total value of antidumping duties, which are calculated by taking the difference between statutory FMV and statutory USP, by the total statutory USP value of the sales compared, and adjusting the result by the average difference between USP and customs value for all merchandise examined during the review period.) Where we do not have entered customs value to calculate an *ad valorem* rate, we will calculate an average per-unit dollar amount of antidumping duty based on all sales examined during the POR. We will instruct the Customs Service to assess this average amount on all units included in each entry made by the particular importer during the POR. The Department will issue appropriate appraisement instrucitons directly to the Customs Service upon completion of these reviews.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of these administrative reviews. This rate represents the highest rate for any firm with shipments in these administrative reviews, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative reviews.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675 (a)(1)) and 19 CFR 353.22(c)(5).

Dated: March 20, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-7259 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-003]

Cotton Shop Towels From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce .

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request by Milliken & Company (the petitioner), the Department of Commerce is conducting an administrative review of the antidumping duty order on cotton shop towels from the People's Republic of China (PRC). The review covers three producers/resellers of this merchandise to the United States during the period October 1, 1989 through September 30, 1990. We preliminarily determine the dumping margins for this period to be 72.21 percent for Tianjin Arts & Crafts Import and Export Corporation (TAC), and 122.81 percent for Chinatex and China National Arts and Crafts Import and Export Corporation (CNART), based on best information available. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992 .

FOR FURTHER INFORMATION CONTACT: Cameron Cardozo, Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 5, 1990, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (55 FR 40961) of the antidumping duty order on cotton shop towels from the PRC for the period October 1, 1989 through September 30, 1990. On October 26, 1990, the petitioner, Milliken & Company, requested an administrative review of the entries of Chinatex, CNART, and TAC for the period October 1, 1989 through September 30, 1990. The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

On June 14, 1991 questionnaires were issued to the producers/resellers listed above. TAC, which until January 1, 1989, was named China National Arts and Crafts Import and Export Corporation, Tianjin Branch (CNART), was the only company that answered the Department's questionnaire.

In the previous review of cotton shop towels from the PRC (56 FR 60969), we determined that TAC had sufficiently demonstrated the absence of governmental control over its legal, financial and economic affairs. TAC, therefore, qualified for a separate dumping rate. (See Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton From The People's Republic of China, 56 FR 60969, November 29, 1991). TAC has again placed evidence on the record demonstrating its independence from governmental control during the present review. Accordingly, we have preliminarily decided to grant TAC's request for a separate dumping rate.

Use of Best Information Available

We have assigned to all other PRC firms for which a review was requested a deposit rate based on the best information available (BIA), in accordance with section 776(c) of the Act, because no other named PRC exporter responded to our questionnaire. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide required information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department will assign to that company the higher of: (1) the highest margin calculated for any company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied adequate responses for the current review. *See, e.g.*, Antifriction

Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany: Final Results of Antidumping Duty Administrative Review (56 FR 31692, 31704, July 11, 1991). In this case, the highest margin is from a previous review.

Scope of the Review

The products covered by this review are cotton shop towels from the PRC. Effective January 1, 1989, cotton shop towels are classified under Harmonized Tariff Schedule (HTS) item 6307.10.2005. Previously, cotton shop towels were classified under item 366.2840 of the Tariff Schedules of the United States Annotated (TSUSA). The HTS and TSUSA item numbers are provided for convenience and customs purposes. The written description remains dispositive.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Act. Purchase price was based on the CIF or C&F packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for inland freight and oceans freight. We based the deduction for foreign inland freight on freight rates in Indonesia, a surrogate country selected in this review. See Foreign Market Value section of this notice.

Since the goods were transported from China to the United States aboard PRC-owned carriers, we based the deduction for ocean freight on the charges of non-state-owned carriers filed with the United States Federal Maritime Commission.

Foreign Market Value

Section 773(c)(1) of the Act, as amended, requires the Department to determine foreign market value (FMV) using factors of production methodology if (1) the merchandise is exported from a non-market economy (NME) country as described in section 771(18) of the Act and (2) the available information does not permit the calculation of FMV using home market prices, third country prices, or constructed value under section 773(a).

Pursuant to section 771(18) of the Act and based on determinations in prior proceedings, the PRC is an NME country. (See, e.g., Final Determination of Sales at Less than Fair Value: Natural Menthol From the People's Republic of China, 46 FR 24614, May 1, 1981; Final Determination of Sales at Less than Fair Value: Oscillating Ceiling Fans from the People's Republic of China, 56 FR 55271, October 25, 1991). Respondent has not refuted this determination. Respondent claims, however, that the prices of two of its input products (starch and ink), which are produced and sourced within the PRC, are market-oriented and should, therefore, be used to value those factors of production for purposes of determining FMV under section 773. Respondents refer to Final Determination of Sales at Less Than Fair Value: Chrome-Plated Lug Nuts from the People's Republic of China (56 FR 46153, September 10, 1991) as precedent.

In Lug Nuts, the Department did not find lug nut production in the PRC sufficiently market-based to warrant market-economy treatment under section 773(c)(1)(B) of the Act. The Department did, however, use PRC domestic steel and chemical prices for factor valuation purposes, based on a finding that the central government was not involved and did not interfere in the specific transactions between the PRC lug nut producer and its suppliers.

The Department has since reconsidered its practice of "mixing" market-economy country values and NME domestic prices, and has determined that such an approach offers an inappropriate basis for determining foreign market value in cases involving NME countries. (See Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid From the People's Republic of China, 57 FR 9409, March 18, 1992). Consequently, absent an allegation that market economy treatment is warranted under section 773(c)(1)(B), the Department will not entertain claims to use domestic market-based prices in valuing individual factors of production in NME cases.

In this review, respondent is not claiming that PRC shop towel producers are sufficiently market-oriented that section 773(c)(1)(B) applies to them. Respondent is claiming only that the domestic prices paid for two insignificant inputs are market-based. As such we preliminarily determine that domestic prices will not be used to value any of the inputs. The Department has, therefore, valued all of respondent's factors of production on the basis of prices in India, Indonesia, and Pakistan.

The Act permits the Department to value the factors of production in one or more market economy countries that are at level of economic development comparable to that of the NME and that are significant producers of comparable merchandise.

Of countries known to produce shop towels, we determined that India, Indonesia and Pakistan are comparable to the PRC in terms of overall economic development, based on per capita gross national product (GNP), the distribution of labor between the agricultural and non-agricultural sectors, and the growth rate in per capita GNP. Moreover, the Department's import statistics indicate that each of these countries is a significant producer of cotton shop towels.

We chose India as the most comparable surrogate on the basis of per capita GNP, the distribution of labor between the agricultural and non-agricultural sectors, and the growth rate in per capita GNP. Where possible, we obtained information for valuing factors of production from publicly available sources in India, except for certain factors for which adequate Indian information was not available. The factors which were not assigned Indian values were assigned values based on data from Indonesia or Pakistan. Where appropriate, we adjusted the factor values to the period of review using wholesale price indices published by the International Monetary Fund. For some calculations, the January 1992 wholesale price indices were not available for us in deflating current prices to the period of review. Therefore, we used the latest month for which they were available. We will recalculate the affected calculations using the January 1992 wholesale price indices prior to issuance of the final results.

We calculated FMV based on the factors of production reported by the Chinese producer, TAC, which submitted its factors of production on a per-bale of cotton shop towels basis. We multiplied the per-bale factor by the value for each component material to arrive at a cost for materials. We added an amount for labor which we valued in India. To the resulting sum, we added an amount for factory overhead based on information received from the Indonesian shop towel industry and relayed by the U.S. Embassy in Indonesia. We then added the statutory minimum of 10 percent for general expenses, pursuant to section 773(e)(1)(B) of the Act, because the statutory minimum is higher than any figure we obtained from a surrogate producer. We next added 15 percent for profit based on information received from the U.S. Embassy in Indonesia. Finally, we added an amount for packing based on data from Indonesia, the only source for packing data we were able to develop. We used the total of the foregoing amounts to represent foreign market value for a single bale of cotton shop towels, which was then compared to each of TAC's U.S. sales prices for a single base of cotton shop towels.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the dumping margins to be:

Producer/exporter	Margin (percent)
TAC	72.21
Chinatex	122.81
CNART	122.61

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days after publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due.

The Department will publish the final results in the administrative review including the results of its analysis of issues raised in any case or rebuttal briefs.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate(s) for the reviewed company(ies) will be that (those) established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secertary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 24, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7391 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-050]

Racing Plates (Aluminum Horseshoes) from Canada; Final Results of Administrative Review of the Antidumping Finding

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Final results of administrative review of the antidumping finding.

SUMMARY: On January 17, 1992, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada. The review covers one manufacturer/exporter of this merchandise to the United States, Equine Forgings Limited, and the period February 1, 1990 through January 31, 1991.

We gave interested parties an opportunity to comment on the preliminary results; we received no comments. The final results of review are unchanged from those presented in the preliminary results, in which we determined the dumping margin to be 7.25 percent for Equine Forgings Limited.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein, Anne D'Alauro, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 17, 1992, the Department of Commerce (the Department) published in the **Federal Register** (57 FR 2078) the preliminary results of its administrative review of the antidumping finding on racing plates (aluminum horseshoes) from Canada (39 FR 7579; February 27, 1974). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by the review are shipments of racing plates (horseshoes) that are made of aluminum, may have cleats or caulks, and come in a variety of sizes. They are used on race horses, polo, jumping, hunting and other performing horses, as differentiated from pleasure and work horses. During the review period such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 7616.90.00. The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers one manufacturer/exporter of Canadian aluminum racing plates, Equine Forgings Limited, and the period February 1, 1990 through January 31, 1991.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received no comments.

Final Results of the Review

The final results remain the same as those presented in the preliminary results. As a result of our comparison of United States price to foreign market value (FMV), we determine that the

following margin exists for the period February 1, 1990 through January 31, 1991:

Manufacturer/exporter	Margin (percent)
Equine Forgings Limited	7.25

The Department shall determine and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of aluminum racing plates from Canada, entered, or withdrawn from warehouse for consumption, on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 7.25 percent. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that the reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(1990).

Dated: March 24, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7388 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[A-437-001]

Truck Trailer Axle and Brake Assemblies From Hungary; Invitation for Comment on Antidumping Duty Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) has reason to believe that the Hungarian Railway Carriage and Machine Works (RABA) has violated the Agreement suspending the antidumping duty investigation of Truck Trailer Axle and Brake Assemblies from Hungary. The Department invites interested parties to comment.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph B. Kaesshaefer, Jr. or Robin Gray, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION: On January 4, 1982, the Department published in the **Federal Register** a notice of suspension of antidumping investigation on Truck Trailer Axle and Brake Assemblies from Hungary (47 FR 66). This suspension of investigation was based upon an agreement reached between the Department and RABA in accordance with section 734(b) of the Tariff Act of 1930, 25 amended (the Act), in which RABA agreed to revise its prices to eliminate sales of this merchandise to the United States at less than fair value (hereinafter referred to as "the Agreement"). According to the Agreement, the Department shall conduct administrative reviews under section 751 of the Act annually or at shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value. Further, the Agreement states that RABA will make subsequent price adjustments as necessary to ensure that future sales of the product will not be made at less than fair value, and that such adjustments shall be made in accordance with the Department's administrative review under section 751 of the Act.

The Agreement further provides that if the Department determines that RABA has not honored its obligations under the Agreement, the Department shall reopen the investigation. Additionally, the Agreement states that the Department will reopen the investigation if it determines that the Agreement is no longer in the public interest or that effective monitoring is no longer practicable.

On January 13, 1992, the Department began an administrative review under section 751 of the Act on truck trailer axle and brake assemblies (axles) from Hungary covering the period of calendar year 1991. The Department sent a questionnaire to RABA's counsel on January 13, 1992, and requested a response no later than 45 days from that date. On February 20, 1992, counsel for RABA requested a 45 day extension for the response to the 1991 questionnaire. On February 27, 1992, the Department granted counsel an additional 15 days (*i.e.*, until March 13, 1992) to submit the questionnaire response for calendar year 1991, and advised counsel that the response should be as complete as possible when submitted on that date as any information lacking from the response might result in the use of best information available (BIA). On March 13, 1992, RABA failed to submit to the Department a response to the questionnaire for calendar year 1991.

On January 17, 1992, the Department initiated administrative reviews on the merchandise covering the periods of calendar years 1986 through 1990. The Department sent a questionnaire for these periods to RABA's counsel on January 17, 1992, and requested a response to the questionnaires covering the periods of calendar years 1986 and 1987 only no later than 45 days from that date. In addition, the Department requested a response to the questionnaire covering the period of calendar year 1988 only no later than 60 days from that date. On March 2 and March 17, 1992, respectively, RABA failed to submit responses to the questionnaires for those three periods. On March 9, 1992, one week after the deadline had passed for the 1986 and 1987 responses, RABA's counsel requested an unspecified amount of time to respond to the questionnaires for the 1986 and 1987 periods.

According to § 353.19(b)(1) of the Department's regulations (19 CFR 353.19(b)(1) (1991)), if the Department has reason to believe that a signatory exporter has violated a suspension agreement, or that an agreement no longer meets the requirements of section 734(d) of the Act that the agreement be in the public interest and that effective monitoring be practicable, the Department shall invite and consider comments concerning the agreement. Because RABA has failed to submit timely responses to the Department's questionnaires, the Department has reason to believe that RABA has violated the Agreement on axles from Hungary and/or the Agreement no longer meets the requirements of section 734(d) of the Act. Therefore, the Department invites comments concerning this issue. Written comments from interested parties may be submitted not later than 15 days after the date of publication of this notice. Rebuttals to written comments may be filed not later than 22 days after the date of publication. After consideration of comments received, the Department will take appropriate action as Department will take appropriate action as provided in § 353.19(b)(2) of the Department's regulations.

This notice is in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 23, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7389 Filed 3-30-02; 8:45 am]

BILLING CODE 3510-DS-M

[C-223-601]

Request for Termination of Suspended Investigation on Certain Fresh-Cut Flowers From Costa Rica

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of request for termination of suspended investigation.

SUMMARY: The Department of Commerce has received a request to terminate the suspended investigation on certain fresh-cut flowers from Costa Rica.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Millie Mack or Art Stern, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce ("the Department") has received a timely request, in accordance with §§ 355.25(a)(2) and 355.25(b)(2) of the Department's regulations (19 CFR 355.25(a)(2) and 355.25(b)(2) (1990)), for an administrative review and termination of the suspended investigation covering certain fresh-cut flowers from Costa Rica.

On January 27, 1991, the Government of Costa Rica requested an administrative review and termination of the suspended countervailing duty investigation covering fresh-cut flowers. On February 24, 1992, the Department initiated the administrative review (57 FR 6314). This notice serves as public notification that we received a request for termination of the suspended investigation.

Section 355.25(a)(2) of the Department's regulations permits termination of a suspended investigation if the Department determines that all producers and exporters covered by the suspension agreement have not applied for or received any net subsidy on the subject merchandise for a period of at least five consecutive years, and it is not likely that the producers or exporters will in the future apply for or receive any net subsidy on the merchandise from those programs that the Secretary has found countervailable.

In conjunction with the signatories covered by the suspension agreement, the Government of Costa Rica has submitted in a timely fashion the certifications required under § 355.25(b)(2) of the Department's regulations regarding past and future compliance with the terms of the agreement. Therefore, the Department will conduct an administrative review of the countervailing duty suspension agreement on certain fresh-cut flowers to determine if termination is appropriate.

This notice is in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and 19 CFR 355.22(c) and 19 CFR 355.25(c).

Dated: March 23, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-7392 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-406]

Certain Round Shaped Agricultural Tillage Tools From Brazil; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain round shaped agricultural tillage tools from Brazil. We preliminarily determine the net subsidy to be 0.05 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1991, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (56 FR 49878) of the countervailing duty order on certain round shaped agricultural tillage tools from Brazil (50 FR 42743; October 22, 1985) for the period January 1, 1990 through December 31, 1990. On October 15, 1991, the respondent Marchesan S.A. requested an administrative review of the order. We initiated the review covering the period January 1, 1990 through December 31, 1990, on November 22, 1991 (56 FR 58878). The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of certain round shaped agricultural tillage tools (discs) with plain or notched edge, such as colters and furrow-opener blades. During the review period, such merchandise was classifiable under item numbers 8432.21.00, 8432.29.00, 8432.80.00 and 8432.90.00 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four manufacturer/exporters and nine programs for the period January 1, 1990 through December 31, 1990.

Hyperinflationary Economies

According to statistics published by the Brazilian government, the annual inflation in Brazil during the review period was 1,285 percent. Under such circumstances, the clustering of nominal countervailable benefits either at the beginning or at the end of the review period would tend to distort the real value of the benefit bestowed on the firm. In this review, benefits from the Income Tax Reduction for Export Earnings program were received at the beginning of the review period. Therefore, we have made a downward adjustment to the nominal values of annual exports used to calculate the benefit from this program. This adjustment is based on the price deflator index used by the Brazilian government during the period of review, the Bonus do Tesouro Nacional (BTN). For further explanation of this methodology see Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991).

Calculation Methodology for Assessment and Cash Deposit Purposes

In calculating the benefits received during the review period, we followed the methodology described in the preamble to 19 CFR 355.20(d) (53 FR 52325; December 27, 1988). First, we calculated a country-wide rate, and then weight-averaged the benefits received by the four companies subject to review determine the overall subsidy from all countervailable programs benefitting exports of the subject merchandise to the United States. Because the country-wide rate was *de minimis*, as defined by 19 CFR 355.7, we determine the rate for all companies, regardless of the level of benefits to each company, to be zero. See, e.g., Final Results of Countervailing Duty Administrative Review; Ceramic Tile From Mexico (56 FR 27496; June 14, 1991).

Analysis of Programs

(1) Income Tax Reduction for Export Earnings

This program was previously named Income Tax Exemption for Export Earnings. Under this program, exporters of certain round shaped agricultural tillage tools are eligible for a reduction from income tax on the portion of their profits attributable to exports. The exporter calculates the tax-reduction portion of profit based on the ratio of export revenue to total revenue. Because this program provides tax reductions that are limited to exporters, we have determined that it is countervailable in the original investigation (August 26, 1985, 50 FR 34525) and subsequent administrative reviews (April 16, 1991, 56 FR 15862 and July 16, 1991, 56 FR 32403).

Brazilian tax law permits all companies to reduce their income taxes by investing up to 24 percent of their tax liability in specified companies and funds. Furthermore, under this program profits from export sales were taxed at a rate of eighteen percent in 1990 instead of the nominal corporate tax rate of 30 percent. Three agricultural tillage tool manufacturers/exporters claimed this income tax reduction for export earnings on their tax returns, filed in 1990 and invested in the specified companies and funds, which lowered their effective tax rate to eighteen percent during the period of review.

We calculated the effective tax rate for the firms by dividing the net tax liability by net taxable income. In order to adjust for hyperinflation, the subsequent figures were converted into BTN using the same BTN rate used in the tax returns. We determined the export profit by multiplying the exports to sales ratio by adjusted operating profits. We went on to determine the tax reduction by multiplying the export profit by the difference between the effective tax rate and the preferential tax rate of eighteen percent. We allocated the tax benefit over the firm's total exports. The firm's total exports in New Cruzados for 1990 were deflated using the average BTN rate for 1990. We then weight-averaged the benefit by the firms' share of exports of the subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be zero for CIA. Semeato de Acos and 0.05 percent *ad valorem* for all other firms for the period January 1, 1990 through December 31, 1990.

Decree Law 8034 of April 12, 1990 eliminated this tax reduction and established a prevailing tax rate of 30 percent of domestic and export earnings for tax year 1990 (the 1990 tax returns are filed in 1991). See, e.g., Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991). We consider this elimination to be a programwide change. Because it occurred prior to the issuance of these preliminary results and there are no residual benefits to the manufacturers/exporters of certain round shaped agricultural tillage tools, we have take this program-wide change into account in setting our cash deposit rate. Therefore, for purposes of the cash deposit of estimated countervailing duties, we preliminarily determine the benefit from this program to be zero for all firms. See Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, May 31, 1989) § 355.50(a)(1) and (2) at page 23385.

(2) Programs Not Used and Eliminated

We also examined the following programs and preliminary determine that the respondents did not use them during the period of review and that they have been terminated by the Government of Brazial:

A. CACEX Preferential Working Capital Financing for Exports. This program was terminated effective August 30, 1990, by Central Bank Resolution 1744.

B. Preferential Export Financing Under CIC-OPCRE 6-2-6 (formerly CIC-CREGE 14-11) of the Banco do Brasil.

As of September 20, 1988, interest rates applicable to these loans have been equal to those of market rate loans.

C. Reductions of Taxes and Import Duties under Decree Law No. 77.065 through BEFIEX and CIEX.

This program was eliminated effective April 12, 1990, by Decree-Law 8.032.

D. Preferential Financing for National Trading Companies under Resolution 683 of the Banco Central do Brasil.

This program was terminated effective August 31, 1990, by Central Bank Resolution 1.744.

See, e.g., Final Negative Countervailing Duty Determination: Silicon Metal From Brazil (56 FR 26988, June 12, 1991) and Final Affirmative Countervailing Duty Determination; Steel Wheels from Brazil (54 FR 15523; April 18, 1989).

Therefore, for purposes of the cash deposit of estimated countervailing duties, we preliminarily determine the benefits from these programs to be zero for all firms. See countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comment (54 FR 23366, May 31, 1989) § 355.50(a)(1) and (2) at page 23385.

(3) Other Programs

We also examined the following programs and preliminary determine that the respondents did not use them during the review period:

A. Preferential Financing for Industrial Enterprises by the Banco do Brasil (FST and EGF loans).

B. Accelerated Depreciation for Brazilian-Made Capital Goods.

C. Preferential Financing under PROEX (Formerly under Resolution 68 and 509 through FINEX).

D. Preferential Financing under FINEP.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 0.05 percent *ad valorem* for all firms for the period January 1, 1990 through December 31, 1990. In accordance with 19 CFR 355.7, any rate less than 0.5 percent *ad valorem* is *de minimis*.

Therefore, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Brazil for all firms exported on or after January 1, 1990 and on or before December 31, 1990.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of subject merchandise from Brazil entered, or withdrawn from the warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held within seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under § 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 25, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92-7390 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Florida Keys National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Florida Keys National Marine Sanctuary Advisory Council notice of open meeting.

SUMMARY: The Council was established in December 1991 to advise and assist the Secretary of Commerce in the development and implementation of the comprehensive management plan for the Florida Keys National Marine Sanctuary.

DATE AND LOCATION: April 14, 1992 from 9 a.m. until adjournment. The meeting will take place at Buccaneer Resort, 2600 Overseas Highway, Marathon, Florida.

AGENDA:

1. Review of possible strategies to address resource problems and issues.
2. Review background assessment of affected environment.

PUBLIC PARTICIPATION: The meeting will be open to public participation and the last thirty minutes will be set aside for oral comments and questions. Seats will be set aside for the public and the media. Seats will be available on a first-come first-served basis.

FOR FURTHER INFORMTION CONTACT: Pamala James at (305) 743-2437 or Ben Haskell at (202) 606-4122.

Dated: March 26, 1992.

John J. Carey,

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 92-7368 Filed 3-30-92; 8:45 am]

BILLING CODE 3510-61-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will hold a public meeting on April 8-9, 1992, at the King's Grant Inn, Route 128 at Trask Lane, Danvers, MA., telephone: 508-774-6800. The Council will begin its meeting at 10 a.m. on April 8. The meeting will reconvene on April 9 at 9 a.m.

The first day will begin with reports from: the Council Chairman, the Executive Director, the National Marine Fisheries Service, the Regional Director, the Northeast Fisheries Science Center liaison, the Mid-Atlantic Council liaison, and the representatives from the Department of State, the Coast Guard, the Fish and Wildlife Service and the Atlantic States Marine Fisheries Commission. Following the reports, the Groundfish Oversight Committee will hear a report from the Scientific & Statistical Committee, review the timetable for Amendment #5 and the public hearing document now being prepared for Amendment #5 to the Northeast Multispecies Plan. The Groundfish Committee will also give the Council recommendations on regulations in the Shrimp fishery. After completing the groundfish agenda items, there will be a report from the Interspecies Committee.

The second day of the meeting will concern reports from the Lobster and Scallop Oversight Committees.

For more information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway, Saugus, MA 01906; telephone: (617) 231-0422.

Dated: March 25, 1992.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 92-7280 Filed 3-10-92; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permits

AGENCY: National Marine Fisheries Service (NMFS), NOAA, DOC.

ACTION: Request for Modification to Scientific Research Permit No. 717 (P77#44).

SUMMARY: Notice is hereby given that Dr. Howard Braham, Alaska Fisheries Science Center, NMFS, NOAA, National Marine Mammal Laboratory, 7600 Sand Point Way, NE., Bldg. 4, Seattle, WA 98115, has requested a modification to Permit No. 717 pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

Permit No. 717 issued October 22, 1990 (55 FR 43397), authorized the continuation of population monitoring and assessment programs, including movements, migration, feeding ecology, and the impact of sea lions-fishery interactions on San Miguel Island, CA.

This modification is requested to recapture pinnipeds a maximum of four times to remove instruments and replace those instruments with new instruments every 2–3 months.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this proposed modification should be submitted to the Assistant Administrator for Fisheries, NMFS, U.S. Department of Commerce, 1335 East-West Highway, room 7320, SSMC#1, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular proposal would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this proposed modification are summaries of those of the applicant and do not necessarily reflect the views of NMFS.

Documents submitted in connetion with the above are available for review, by appoinment, by interested persons in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, SSMC#1, room 7320, Silver Spring, MD 20910 (301/713–2289);

Director, Alaska Region, NMFS, NOAA, 709 West 9th St., Federal Bldg., Juneau, AK 99802 (909/586–7233);

Director, Northwest Region, NMFS, NOAA, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115 (206/526–6150); and

Director, Southwest Region, NMFS, NOAA, 501 W. Ocean Boulevard, suite 4200, Long Beach, CA 90802–4213 (310/980–4001).

Dated: March 24, 1992.

Nancy Foster,

Director, Office of Protected Resources National Marine Fisheries Service.

[FR Doc. 92–7271 Filed 3–30–92; 8:45 am]

BILLING CODE 3510-22-M

Permits; Marine Mammals

AGENCY: National Marine Fisheries Service, NOAA, DOC.

ACTION: Modification of Scientific Research Permit No. 729 (P77#48).

Notice is hereby given that pursuant to the provisions of the Marine Mannal Protection Act of 1972 (16 U.S.C. 1361–1407), § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act (16 U.S.C. 1531–1543) and the regulations governing endangered fish and wildlife (50 CFR parts 217–222), and the Conditions hereinafter set out, Scientific Research Permit No. 729, issued to The Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, CA 92038, on April 30, 1991 (56 FR 21121), is modified to change the sample design.

The original permit authorized radio tagging of thrity-five (35) Hawaiian monks seals (*Monachus schauinslandi*). Of these, twenty (20) were to be injected with a testosterone supressing drug. Five (5) were to be fitted with time-depth recorders (TDRs) and have blood samples taken, and then be recaptured one to two months later for a second blood sample and to retrieve the TDRs. An additional five (5) animals were to have been handled in the same manner, except that these animals were also to have received injections of testosterone supressing drugs. The final five (5) animals were to be fitted with radio transmitters only.

Permit No. 729 has been modified to reflect revisions to the sample design as follows: A total thirty (30) seals will be captured and have blood samples taken. Of these, twenty (20) will be fitted with radio transmitters and TDRs, and be recaptured one to two months later for a second blood sample and to retreive the TDRs. Ten of these twenty will be injected with a testosterone supressing drug. The remaining ten (10) will be captured once, to collect blood samples only. This modification became effective upon signature.

Documents pertaining to this Modification and Permit are available for review in the following offices:

By appointment: Office of Protection Resources, National Marine Fisheries Services, 1335 East-West Hwy., Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802–4213 (310/980–4016); and

Marine Mammal Coordinator, Pacific Area Office, National Marine Fisheries Service, 2570 Dole Street, room 106, Honolulu, HI 96822 (808/955–8831).

Dated: March 24, 1992.

Nancy Foster,

Director, Office of Protected Resources National Marine Fisheries Service.

[FR Doc. 92–7272 Filed 3–30–92; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Collection of Information; Survey of Households with Electric Heat Tapes

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a survey of households with electric heat tapes. The requested expiration date is April 30, 1993.

Electric heat tapes are used in crawl spaces and in the substructure of mobile homes, beach houses, mountain cabins, and other dwellings to prevent exposed water pipes from freezing during cold weather. Heat tapes are designed to be wrapped around or applied along pipes. They are plugged into an electric outlet and produce low levels of heat to keep pipes from freezing.

The Commission estimates that in 1989, about 2,600 fires associated with electric heat tapes resulted in approximately 20 deaths, 110 injuries, and about $25 million in property losses. In 1991, the Commission began a project to identify means by which risks of injury from fires associated with electric heat tapes might be reduced.

As part of that project, the Commission staff is assessing the effectiveness of three voluntary standards for heat tapes; evaluating warning labels and installation instructions which accompany heat tapes; and obtaining information about installation and use of heat tapes by the population in general and by households which have been involved in fires associated with heat tapes.

The Commission plans to survey approximately 1,000 households which use electric heat tapes to obtain information about the types of heat tapes currently in use; demographic characteristics of heat tape users; installation practices of heat tape users; and understanding and awareness of safety instructions and label warnings by heat tape users. The Commission staff will use the information obtained from this survey to carry out the activities related to reduction of risks of injury associated with heat tapes.

Additional Details About the Request for Approval of a Collection of Information

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Heat Tape Exposure Survey.

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Persons who use electric heat tape in the household.

Total number of respondents: 1,000.

Number of responses per respondent: 1.1.

Hours per response: 0.524.

Total hours for all respondents: 576.

Comments: Comments about this request for approval of a collection of information should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone (202) 395–7340. Copies of the request for approval of a collection of information are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 26, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7386 Filed 3–30–92; 8:45 am]

BILLING CODE 6355-01-M

Notification of Request for Extension of Approval of Information Collection Requirements—Flammability Standards for Carpets and Rugs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through April 30, 1995, of information collection requirements in regulations implementing flammability standards for carpets and rugs. The regulations are codified at 16 CFR 1630 and 1631, and prescribe requirements for testing and recordkeeping by persons and firms issuing guaranties of products subject to the Standard for the Surface Flammability of Carpets and Rugs and the Standard for Surface Flammability of Small Carpets and Rugs.

Additional Information About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Standard for the Flammability of Carpets and Rugs (FF 1–70), 16 CFR 1630 and Standard for the Flammability of Small Carpets and Rugs (FF 2–70), 16 CFR 1631.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of goods manufactured or imported.

General description of respondents: Manufacturers and importers of products subject to the flammability standards for carpets and rugs.

Estimated number of respondents: 120.

Estimated average number of hours per respondent: 532 per year.

Estimated number of hours for all respondents: 63,840 per year.

Comments: Comments on this request for extension of approval of information collection requirements should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone: (202) 395–7340. Copies of the request for extension of information collection requirements are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7265 Filed 3–30–92; 8:45 am]

BILLING CODE 6355-01-M

Technical Advisory Group for Cigarette Fire Safety; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: The Technical Advisory Group for Cigarette Fire Safety will meet on April 16, 1992, in Washington, DC. The purpose of the meeting is to discuss current research to develop a test method to measure cigarette ignition propensity and matters related to implementation of the Fire Safe Cigarette Act.

DATES: The meeting will be from 9 a.m. to 4 p.m. on April 16, 1992.

ADDRESSES: The meeting will be in Courtroom B, International Trade Commission, 500 E Street SW., Washington DC.

FOR A RECORDED MESSAGE CONTAINING THE LATEST INFORMATION ABOUT THE TIME AND LOCATION OF THE MEETING CALL: (301) 504–0709.

FOR FURTHER INFORMATION CONTACT: Beatrice M. Harwood, Directorate for Epidemiology, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0470.

SUPPLEMENTARY INFORMATION: The Fire Safe Cigarette Act of 1990 (FSCA) (Pub. L. 101–352, 104 Stat. 405) directs the Commission, with assistance from the National Institute of Standards and Technology (NIST) and the Department of Health and Human Services, to conduct research concerning the feasibility of a performance standard to address the propensity of cigarettes to act as an ignition source. The FSCA also establishes an advisory committee, the Technical Advisory Group for Cigarette Fire Safety, to advise and work with the Commission and NIST in the implementation of that act.

The Technical Advisory Group for Cigarette Fire Safety will meet on April 16, 1992, to discuss current research to develop a test method to measure cigarette ignition propensity; the status of a cigarette fire incident study; plans to evaluate the possible health effect of cigarettes with reduced ignition propensity; and other administrative and operational plans to implement the FSCA.

The meeting will be open to observation by members of the public, but only members of the Technical Advisory Group for Cigarette Fire Safety may participate in the discussion. Persons who desire to submit written statements or questions for consideration by the Technical Advisory Group, before or after the meeting, should address them to the Technical Advisory Group for Cigarette Fire Safety, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

Dated: March 23, 1992.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 92–7264 Filed 3–30–92; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 30, 1992.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Wallace R. McPherson, Jr., Department of Education, 400 Maryland Avenue SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Wallace R. McPherson (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Wallace R. McPherson, Jr. at the address specified above.

Dated: March 26, 1992.

Wallace R. McPherson, Jr.,

Acting Director, Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Revision.
Title: Application and Continuation Application for Grants Under the Migrant Education Even Start Program (MEES) Operated by State Educational Agencies.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 60.
Burden Hours: 1,000.
Recordkeeping Burden:
Recordkeepers: 10.
Burden Hours: 40.
Abstract: This form will be used by State Educational Agencies to apply for funding under the Migrant Education Even Start Program. The Department uses the information to make grant awards.

Office of Postsecondary Education

Type of Review: Extension.
Title: Reporting and Recordkeeping Requirements for Paul Douglas Teacher Scholarship, Guaranteed Student Loan and PLUS Programs.
Frequency: Annually.
Affected Public: Individuals or households, State or local governments.
Reporting Burden:
Responses: 4,308.
Burden Hours: 1,077.
Recordkeeping Burden:
Recordkeepers: 50.
Burden Hours: 4,000.
Abstract: The reporting and recordkeeping requirements extend the time period for guarantee agencies to file suit against borrowers on defaulted Stafford Loans, Supplemental Loans for Students, PLUS, and Consolidation Program loans.

[FR Doc. 92–7331 Filed 3–30–92; 8:45 am]
BILLING CODE 4000–01–M

Recognition of Accrediting Agencies, State Agencies for Approval of Public Postsecondary Vocational Education, and State Agencies for Approval of Nurse Education

AGENCY: Department of Education.

ACTION: Request for comments on agencies applying to the Secretary for renewal of recognition.

DATES: Commenters should submit their written comments by July 1, 1992 at the address below.

FOR FURTHER INFORMATION CONTACT: Karen Kershenstein, Chief, Accrediting Agency Evaluation Branch, U.S. Department of Education, 400 Maryland Avenue, SW. (room 3036 ROB–3), Washington, DC 20202–5171, Telephone: (202) 708–7417.

SUBMISSION OF THIRD-PARTY COMMENTS: The Secretary of Education recognizes accrediting agencies and State approval agencies for public postsecondary vocational education or nurse education institutions that are reliable authorities as to the quality of training or education offered by institutions within their scope of operation. The purpose of this notice is to invite interested third parties to present written comments on the agencies listed in this notice that have petitioned for continued recognition or that have submitted interim reports in response to the Secretary's request. Written comments will be considered by the Secretary and by the national Advisory Committee on Accreditation and Institutional Eligibility, which advises the Secretary of Education on the recognition of accrediting agencies, during its meeting in Fall 1992. The exact date of the Committee meeting will be announced in the **Federal Register** at a later date. The following agencies have applied:

Nationally Recognized Accrediting Agencies and Associations

Petitions for Renewal of Recognition

1. American Assembly of Collegiate Schools of Business, Accreditation Council (baccalaureate and master's degree programs in business administration and management, and baccalaureate and master's degree programs in accounting).

2. American Medical Association, Committee on Allied Health Education and Accreditation (as the coordinating agency for accreditation of allied health education programs) in cooperation with the following review committees:

a. Accreditation Review Committee for Educational Programs in Surgical Technology (programs for the surgical technologist).

b. Accreditation Review Committee of Education for Physician Assistants (programs for the physician assistant).

c. Committee on Accreditation of Specialists in Blood Bank Technology Schools, American Association of Blood Banks (programs for the specialist in blood bank technology).

d. Curriculum Review Board, American Association of Medical Assistants' Endowment (one- and two-year medical assistant programs).

e. Accreditation Committee, American Occupational Therapy Association (professional programs).

f. Accreditation Review Committee for Perfusion Education (programs for the perfusionist).

g. Council on Education, American Medical Record Association (programs for the medical record administrator and medical record technician).

h. Cytotechnology Programs Review Committee, American Society of Cytology (programs for the cytotechnologist).

i. Joint Review Committee for the Ophthalmic Medical Assistant (programs of six months or longer for the ophthalmic medical assistant).

j. Joint Review Committee on Education in Diagnostic Medical Sonography (programs for the diagnostic medical sonographer).

k. Joint Review Committee on Education in Electroneurodiagnostic Technology (programs for the electroneurodiagnostic technologist).

l. Joint Review Committee on Education in Radiologic Technology (programs for the radiographer and radiation therapy technologist).

m. Joint Review Committee on Educational Programs for the EMT-Paramedic (programs for the emergency medical technician-paramedic).

n. Joint Review Committee on Educational Programs in Nuclear Medicine Technology (programs for the nuclear medicine technologist).

o. Joint Review Committee for Respiratory Therapy Education (programs for the respiratory therapist and respiratory therapy technician).

p. National Accrediting Agency for Clinical Laboratory Sciences (associate degree and certificate programs for the medical laboratory technician, programs for the histologic technician/technologist, and professional programs for the medical technologist).

3. American Podiatric Medical Association, Council on Podiatric Medical Education (colleges of podiatric medicine, including first professional and graduate degree programs).

4. Association of Theological Schools in the United States and Canada (freestanding schools, as well as schools affiliated with larger institutions, offering graduate professional education for ministry and graduate study of theology).

5. National League for Nursing, Inc. (programs in practical nursing, and diploma, associate, baccalaureate, and higher degree nurse education programs).

Interim Reports

1. Accrediting Council on Education in Journalism and Mass Communications (units within institutions offering professional undergraduate and graduate [master's] degree programs).

2. American Association of Bible Colleges, Commission on Accrediting (bible colleges and institutes offering undergraduate programs).

3. American Dietetic Association, Division of Education Accreditation/Approval (coordinated undergraduate programs in dietetics and post-baccalaureate dietetic internships).

4. Association for Clinical Pastoral Education, Inc., Accreditation Commission (basic, advanced, and supervisory clinical pastoral education programs).

5. Council on Naturopathic Medical Education, Commission on Accreditation (programs leading to the N.D. or N.M.D. degree).

6. National Association of Schools of Theatre, Commission on Accreditation (institutions and units within institutions offering degree-granting and/or non-degree-granting programs in theater and theater-related disciplines).

State Approval Agencies for Vocational Education

Petition for Renewal of Recognition

Arkansas State Board of Vocational Education

Interim Report

1. Missouri State Board of Education

State approval Agency for Nurse Education

Petition for Renewal of Recognition

1. Colorado Board of Nursing

PUBLIC INSPECTION OF PETITIONS AND THIRD PARTY COMMENTS: All petitions and interim reports, and those third party comments received in advance of the meeting, will be available for public inspection at the U.S. Department of Education, ROB–3, room 3036, 7th and D Streets, SW., Washington, DC 20202–5171. Telephone (202) 708–7417, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Deaf and hearing impaired individuals may call: The Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC area code, telephone 708–9300) between 8 a.m. and 7:00 p.m., eastern time.

Dated: March 25, 1992.

Carolynn Reid-Wallace,

Assistant Secretary for Postsecondary Education.

[FR Doc. 92–7330 Filed 3–30–92; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (a DOE component which term includes the Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before April 30, 1992. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be

telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION:

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–576
3. 1902–0004
4. Report by Certain Natural Gas Companies on Service Interruptions
5. Extension
6. On occasion
7. Mandatory
8. Business or other for-profit
9. 8 respondents
10. 1.5 responses
11. 3 hours per response
12. 36 hours
13. The information collected is required to give the Commission sufficient data to oversee pipeline safety and continuity of service.

Statutory authority: Secs. 5(a), 5(b), 13(b), and 52, Pub. L. No. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, March 25, 1992.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 92–7394 Filed 3–30–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP89–161–000]

ANR Pipeline Co. Tariff Filing Related to Settlement

March 25, 1992.

Take notice that ANR Pipeline Company (ANR) on March 20, 1992, tendered for filing as part of its FERC Gas Tariff, the following tariff sheets in pro forma format:

Effective April 1, 1992

First Revised Volume No. 1

Sheet No. 5
Sheet No. 6

First Revised Volume No. 1–A

Sheet No. 3
Sheet No. 4
Sheet No. 5
Sheet No. 6

Original Volume No. 2.

Sheet No. 16
Sheet No. 17
Sheet No. 18
Sheet No. 19
Sheet No. 20
Sheet No. 21
Sheet No. 22

Original Volume No. 3

Sheet No. 5

ANR also filed these same pro forma sheets (with different proposed rates) together with First Revised Volume No. 1–A pro forma sheet No. 6–A, all to be effective November 1, 1992. ANR states that in conjunction with ANR's filing of its March 10, 1992 settlement resolving rate case and restructuring issues on its system, certain parties were authorized, pursuant to Article I of the settlement, to submit revisions to their initial contract entitlements not later than March 16, 1992. ANR also maintains that the settlement further provides that ANR would incorporate such revisions to the contract entitlements in the design of the settlement rates and certificated service levels under Articles I, X and XX of the settlement and file such rate and tariff changes with the Commission on March 20, 1992.

ANR states that its March 20, 1992 filing was prescribed in these articles and that Appendices A and B of that filing include the revised rates and that Appendices, D, E and F of the filing support the development of the revised rates and contract entitlements.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7289 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM92–3–23–001]

Eastern Shore Natural Gas Co. Proposed Changes in FERC Gas Tariff

March 25, 1992

Take notice that Eastern Shore Natural Gas Company (ESNG) tendered for filing on March 20, 1992 certain revised tariff sheet included in appendix A attached to this filing. Such sheet is proposed to be effective April 1, 1992.

ESNG states that the purpose of this compliance filing is to correct a pagination error in ESNG's original tracking filing of March 13, 1992 (Docket No. TM92–3–23–000). ESNG is "tracking" the revised fuel retention percentages from filing made by Transco on March 3, 1992 to be effective April 1, 1992.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 and rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–72–90 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA92–1–3–003 and TQ92–1–2–003]

East Tennessee Gas Co., Request for Waiver

March 25, 1992.

Take notice that on March 13, 1992, East Tennessee Natural Gas Company (East Tennessee) filed a request for waiver of certain requirements of Commission orders dated February 24, 1992, and December 27, 1991, in Docket Nos. TA92–1–2 and TQ92–1–2. These orders directed East Tennessee to revise its quarterly and annual purchased gas adjustment (PGA) commodity gas rates to reflect a quarterly average projection of gas costs based on known and measurable changes in costs for each period.

In its annual PGA East Tennessee had based its commodity gas rate on the January 1992 spot futures price published in the October 29, 1991, McGraw-Hill "Gas Wire". In its quarterly PGA for the period October through December 1991, East Tennessee states it used projected December spot prices, in the hope of avoiding an out-of-cycle filing for the month of December 1991.

East Tennessee requests a waiver of the Commission's orders to revise its quarterly and annual PGA rates in the subject dockets, citing the excessive administrative burden entailed in filing four out-of-cycle PGA's for the prior periods. Because East Tennessee filed a "flex" PGA each month of the subject PGA periods, East Tennessee asserts that a refiling of its quarterly and annual PGA's in addition to the resulting out-of-cycle filings would be of no practical effect or benefit to East Tennessee's customers, since the actual cost of spot gas purchases for each month was reflected in each subsequent flex filing. East Tennessee also states that due to an oversight it must also request waiver for the two-day delay in filing this request.

Any person desiring to be heard or to protest the instant filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of the filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7291 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–182–000; CP92–415–000]

Florida Gas Transmission Co.; Transcontinental Gas Pipe Line Corp., Florida Gas Transmission Co.; Technical Conference

March 24, 1992.

Take notice that on April 2, 1992, at 10 a.m., the staff of the Federal Energy Regulatory Commission will convene a technical conference in the above captioned proceedings to examine the following issues as they relate to the pending certificate applications by Florida Gas Transmission Company and Transcontinental Gas Pipe Line Corporation.

So far the record suggests the following:

(1) In the Phase III application FGT proposes to construct and operate facilities to deliver up to 875,000 Mcf of natural gas per day to various delivery points in Florida.

(2) FGT has received customer commitments, in the form of executed long term firm service agreements, amounting to approximately 550,000 MMBtu/d. FGT has committed to amending the application on April 15, 1992, to reflect the lower demand.

(3) FGT and Transco have filed a joint application to expand Transco's existing section 311 pipeline in the Mobile Bay, Alabama area to include FGT as an undivided joint interest owner in the line.

Based on the above, the following issues will be discussed:

(a) Staff will indicate what further data FGT will be required to file with its amendment to bring the application in compliance with the Commission's current regulations.

(b) Parties will be given the opportunity to explain to FGT and to staff any problems which exist with the current application or which will be anticipated in the amended filing.

The Technical Conference will be limited to parties to the proceedings and the Commission Staff. Any person wishing to become a party to these proceedings must file a motion to intervene in accordance with Rule 214 of the Commission's rules of practice and procedure.[1] In addition, another technical conference addressing issues that may arise in the amended Phase III proposal may be held on a later date.

[1] 18 CFR 385.214.

For further information contact William C. Lansinger, Jr., at (202) 208–2082.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7292 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–143–000]

Great Lakes Gas Transmission Limited Partnership; Informal Settlement Conference

March 24, 1992.

Take notice that an informal settlement conference will be convened in this proceeding commencing on Thursday, April 2, 1992, at 10 a.m., and continuing through Friday, April 3, 1992. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of all issues raised in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact J. Carmen Gastilo at (202) 208–2182 or John P. Roddy at (202) 208–1176.

Lois D. Cashell,

Secretary.

[FR Doc. 92–7293 Filed 3–30–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP92–109–001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 25, 1992.

Take notice that Northern Natural Gas Company (Northern) on March 20, 1992, tendered for filing to become part of Northern's FERC Gas Tariff Third Revised Volume 1, the following tariff sheets, proposed to be effective April 8, 1992:

Substitute Eighth Revised Sheet No. 52F.3
Substitute Fifth Revised Sheet No. 52F.3a
Substitute Third Revised Sheet No. 52F.12b

Northern states that such tariff sheets are being submitted in compliance with the Commission's Order issued March 6, 1992, in Docket No. RP92–109–000, to revise the tariff language proposing to implement a request fee for both new and pending firm transportation requests to: (1) Be effective April 8, 1992,

(2) compute interest pursuant to § 154.67 of the Commission's Regulations, and (3) clarify that the request fee will not be forfeited and the shipper will be permitted to retain its queue position when the tendered Service Agreement does not correspond to the shipper's service request.

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such petitions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7295 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ92-5-59-001]

Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 25, 1992.

Take notice that Northern Natural Gas Company, (Northern), on March 20, 1992, tendered for filing changes in its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (Volume No. 1 Tariff) and Original Volume No. 2 (Volume No. 2 Tariff).

Northern is filing the revised tariff sheets which were originally submitted February 28, 1992 to adjust its Base Average Gas Purchase Cost in accordance with the Quarterly PGA filing requirements codified by the Commission's Order Nos. 483 and 483-A. The instant filing makes no changes in the rates established February 28, 1992 and therefore reflects a Base Average Gas Purchase Cost of $1.4759 per MMBtu to be effective April 1, 1992, through June 30, 1992.

The instant filing also establishes Demand rates in compliance with the above referenced PGA rulemaking which were also originally submitted February 28, 1992 and remain unchanged. Such required Northern to adjust its PGA demand rate components on a quarterly versus annual basis. This filing will establish a new Demand rate component of $6.808 per MMBtu. This rate will be effective April 1, 1992 through June 30, 1992.

Copies of the filing were served upon the company's jurisdictional sales customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.214 and 385.211. All such motions or protests should be filed on or before April 1, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7294 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA92-1-27-001]

North Penn Gas Co.; Compliance Filing

March 24, 1992.

Take notice that North Penn Gas Company (North Penn) on March 18, 1992, tendered for filing supporting information in compliance with the Commission's Order issued February 18, 1992, in Docket No. TA92-1-27-000.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and state commissions shown on the attached service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedures, 18 CFR 385.211. All such protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to be proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7282 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-229-000]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

March 24, 1992.

Take notice that an informal settlement conference will be convened in this proceeding commencing on Thursday, April 9, 1992, at 10 a.m., and continuing through Friday, April 10, 1992. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of exploring the possible settlement of all issues raised in the above-referenced docket.

Any party, as defined in 18 CFR 385.102(c) or any participant, as defined in 18 CFR 385.102(b) is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations, 18 CFR 385.214.

For additional information, contact Carmen Gastilo at (202) 208-2182 or Joanne Leveque at (202) 208-5705.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7296 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-447-000]

Public Service Co. of New Mexico; Filing

March 24, 1992.

Take notice that on March 19, 1992, Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92- 7297 Filed 3-30-92; 8:45 am]

BILLING CODE 6717- 01-M

[Docket No. ER91-446-000]

Public Service Company of NM; Notice of Filing

March 24, 1992.

Take notice that on March 19, 1992 Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining he appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7284 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-445-000]

Public Service Company of NM; Notice of Filing

March 24, 1992.

Take notice that on March 19, 1992, Public Service Company of New Mexico tendered for filing material supplementing its previous filing in this docket.

Any person desiring to be heard or to protest said failing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before March 31, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7283 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-312-014]

Texas Eastern Transmission Corp.; Amendment

March 25, 1992.

Take notice that on March 4, 1992, Texas Eastern Transmission Corporation (Applicant), 5400 Westheimer Court, Houston, Texas 77056-5310, filed in Docket No. CP87-312-014 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to amend the certificate issued by the Commission on June 5, 1990 in Docket No. CP87-312-006, in order to request authorization for a relocation of the loop terminal to be located at the end of the 36-inch Eagle Pipeline loop and an extension of such pipeline loop, in Montgomery County, Pennsylvania, all as more fully set forth in the amendment which is or file with the Commission and open for public inspection.

Applicant states that the order issued by the Commission on June 5, 1990 in Docket No. CP87-312-006 authorized, as part of the Associated PennEast Customer Group (APEC) projects, Applicant to replace 5.25 miles of 20-inch diameter pipeline loop with 36-inch diameter pipeline in Chester and Montgomery Counties, Pennsylvania, and to terminate the loop on the East Bank of the Perkiomen River.

Applicant requests authorization to extend the loop segment and relocate the 36-inch pipeline loop terminal. Applicant indicates that the proposed loop terminal site would be located at M.P. 14.86 on the new 36-inch Line No. 2 in Montgomery County, Pennsylvania, 795 feet east of the originally authorized site located M.P. 14.70 on the 36-inch Line No. 2 in Montgomery County, Pennsylvania. Applicant states that, after reviewing a preliminary survey, Applicant discovered a discrepancy between the USGS quadrangle maps and the actual field topographical conditions. Applicant further states that the final 5.25 mile loop replacement was to extend across the Perkiomen Creek to the East Bank at M.P. 14.70. Applicant indicates that the USGS quadrangle maps did not accurately illustrate the Perkiomen Creek Overflow channel which is approximately 108 feet wide and extends to survey station 777 + 08. Applicant proposes to extend the 36-inch pipeline loop replacement and to shift the terminal location 795 feet east of the original location to M.P. 14.86.

Applicant estimates the cost of the additional facilities to be $223,000. It is stated that the facilities will be financed from funds on hand and funds generated from operations.

Applicant states that it is not proposing any changes to the initial rates authorized by the Commission. Applicant indicates that the facilities require construction in order to meet a commencement date for service authorized by November 15, 1992.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 6, 1992 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Secretary.

[FR Doc. 92-7298 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4119-3]

Solicitation of Proposals for the Environmental Protection Agency's Public-Private Partnerships Demonstration Program

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces that it is accepting proposals for their Public-Private Partnerships (P3) Demonstration Program. Proposals may be sent to EPA Regional offices from now until April 20, 1992.

SUPPLEMENTARY INFORMATION: Paying for environmental protection presents one of the major challenges of the 1990s. Public expectations for environmental protection continue to expand, despite increasing budgetary constraints and limitations on traditional funding sources.

The Public-Private Partnerships (P3) Demonstration Program assists state and local governments in financing their environmental programs by leveraging public and private resources. The goal is to develop and test environmental finance models and replicate them across the country.

The program funds drinking water, waste water, solid waste and air projects. In choosing proposals, EPA is looking for projects that test and demonstrate innovative ways to finance environmental services. Projects should involve private participation or investment.

Total funding available is $250,000. Eligible recipients include any interstate, intrastate, State and Local agency/organization/university, Federally-recognized Indian Tribal Government, public nonprofit organization or institution. Local governments representing communities at high environmental risks are encouraged to apply.

Potential recipients may apply for grants of not more than $50,000. Funds would be used to help the grantee put together the public-private partnership (P3) or final arrangement. Part of the funding must be used to document the results of the project so that it may be replicated by other communities. Grantees will be required to contribute at least 5% of the total cost of their project in dollars or in-kind goods/services. Funding would not be used to construct or design a facility. Cost sharing from participating communities is encouraged.

Projects will be selected based on the following criteria:

I. The project tests and demonstrates an innovative or alternative financing approach to address an important environmental problem.
II. The project demonstrates private involvement and/or private investment in the provision of environmental services.
III. The project helps one or more economically disadvantaged communities meet an environmental goal.
IV. The financing approach used can be replicated in many other communities.
V. The project requires EPA funding to assist the community in putting together the public-private partnership (P3) or financial arrangement. Funding would not be used to construct or design a facility. Funding could be issued to a non-profit organization in assisting the community in putting together the P3.
VI. The project start-up and completion is timely.
VII. The community elected or appointed officials and private sector partners strongly support the project.
VIII. The need for assistance is great.
IX. The funding for the project does not exceed $50,000.
X. Part of the grant funding is allocated to document the results of the project and to develop a "how-to guide" or other product suitable for transferring the lessons learned to other communities.

If you are interested in applying for this program, please contact the P3 Coordinator in your EPA Regional Office for a questionnaire and more information.

Name/EPA address	Regional office	Phone	States
Georeg Mollineaux JFK Federal Building, Boston, MA 02203	1	(617) 565-9442	ME, VT, NH, MA, RI, CT
Janet Sapadin, 26 Federal Plaza, rm. 1714, New York, NY 10278	2	(212) 264-1925	NY, NJ.
Cathy Mastropieri, 841 Chestnut Building, Philadelphia, PA 19107	3	(215) 597-4149	PA, WV, MD, DE, VA, DC
Tom Moore, 345 Courtland Street, NE., Atlanta, GA 30365	4	(404) 347-4728	GA, FL, NC, SC, MS, AL, TN, KY.
Louis Blume, 77 West Jackson Blvd., Chicago, IL 60604-3507	5	(312) 353-6148	IL, IN, OH, MI, WI.
Bob Carson, 1445 Ross Avenue, 12th Floor, suite 1200, Dallas, TX 75202-2733	6	(214) 655-6530	TX, NM, LA, OK, AR.
Ray Hurley, 726 Minnesota Avenue, Kansas City, KS 66101	7	(913) 551-7365	KS, MO, NE, IA.
Dave Wann (8PM/CBP), 999 18th St., suite 500, Denver, CO 80202-2405	8	(303) 293-1621	CO, WY, SD, ND, UT, MT.
Marsha Harris, 75 Hawthorne St., San Francisco, CA 94103	9	(415) 744-1635	CA, NV, AZ.
Matt Coco, 1200 Sixth Avenue, Seattle, WA 98101	10	(206) 553-0705	WA, OR, ID, AK.

Dated: March 25, 1992.

David Osterman,

Acting Director, Resource Management Division.

[FR Doc. 92-7378 Filed 3-30-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL 4119-1]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; ARCO Chemicals

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition reissuance.

SUMMARY: Notice is hereby given that a reissuance to an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to ARCO Chemicals, for the Class I injection wells located at Channelview, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by ARCO Chemicals, of the specific restricted hazardous waste identified in the petition reissuance, into the Class I hazardous waste injection wells at the Channelview, Texas facility specifically identified in the reissued petition, for as long as the basis for granting an approval of this petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued January 30, 1992. The public comment period ended on March 16, 1992. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 24, 1992.

ADDRESSES: Copies of the reissued petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Municipal Facilities Branch, EPA—Region 6, telephone (214) 655-7110, (FTS) 255-7110.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 92-7379 Filed 92; 8:45 am]

BILLING CODE 6560-50-1

[FRL 4118-9]

Underground Injection Control Program; Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Ethyl Corporation, Magnolia, AR

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Ethyl Corporation, for the Class I injection wells located at Magnolia, Arkansas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Ethyl Corporation, of the specific restricted hazardous waste identified in the petition, into the Class I hazardous waste injection wells at the Magnolia, Arkansas facility specifically identified in the petition, for as long as the basis for granting an approval of the petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued October 17, 1991. A public hearing was held November 21, 1991. The public comment period ended on December 2, 1991, which was extended to January 15, 1992 due to public comment. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of March 24, 1992.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Water Supply Branch, EPA—Region 6, telephone (214) 655-7150, (FTS) 255-7150.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 92-7380 filed 3-30-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4119-2]

Science Advisory Board, Executive Committee, April 16-17, 1992; Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Science Advisory Board's (SAB's) Executive Committee, will conduct a meeting on Thursday and Friday, April 16-17, 1992. The meeting will be held in the Administrator's Conference Room, 1103 West Tower at the Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. It will begin at 8:30 a.m. and adjourn no later than 5 p.m. on each day.

At this meeting, the Executive Committee plans to review the following reports from its Committees: Commentary on microbial risk model (Drinking Water Committee); review of pollution prevention research and review of explosives and flammables (Environmental Engineering Committee); review of formaldehyde risk assessment (Environmental Health Committee); review of EMAP assessment (Ecological Processes and Effects Committee); commentary on asbestos program (Indoor Air Quality Committee); review of research on electric and magnetic fields, commentary on chemical and radiation risks, and review of home buyers/sellers guide (Radiation Advisory Committee); and review of social sciences research strategy, review of FY93 ORD budget, and recommendations for technical awards (Research Strategies Advisory Committee).

In addition, the Executive Committee has invited the following Agency personnel to address the following issues: Ed Martinko (EMAP); Robert Menzer (grants and centers program); Angela Nugent (study of the relations between SAB and the Office of Air and Radiation); Abby Pirnie (National Advisory Committee on Environmental

Policy and Technology); and Mike Slimak (Habitat/biodiversity initiative).

Old business includes consideration of Guidelines on SAB interaction with Agency and the public, membership issues, update on the report of the Expert Panel, and a letter to the Administrator on anticipatory research.

As time permits, new business will include discussion of candidate issues for the Agency's science agenda, propriety of privately funded recorders at SAB meetings, and Congressional bill S. 2134 that describes specific roles for the SAB in analysis of comparative risks of environmental problems.

The meeting is open to the public. Any member of the public wishing further information concerning the meeting or who wishes to submit comments should contact Dr. Donald G. Barnes, Designated Federal Official for the Executive Committee (A-101), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 260-4126 or by Fax at (202) 260-9232. Limited unreserved seating will be available at the meeting.

Dated: March 24, 1992.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92-7383 Filed 3-30-92; 8:45 am]

BILLING CODE 6560-60-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-939-DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA-939-DR), dated March 20, 1992, and related determinations.

DATED: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated March 20, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms and tornadoes on March 9-10, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint J. Rolando Sarabia of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

The counties of Lauderdale, Sharkey, Washington, and Yalobusha for individual Assistance; and Lauderdale County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director Federal Emergency Management Agency.

[FR Doc. 92-7354 Filed 3-31-92; 8:45 am]

BILLING CODE 6718-02-M

Fire Administration

Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Date of Meeting: May 2-3, 1992.

Place: National Emergency Training Center, National Fire Academy, G Building, Conference Room, Emmitsburg, Maryland.

Time: May 2, 9 a.m.-5 p.m., Quarterly Meeting. May 3, 9 a.m.-12 noon, Agenda Completion.

Proposed Agenda: Old Business, New Business, and Review of Budget.

The meeting will be open to the public with seating available on a first-come, first-serve basis. Members of the general public who plan to attend the quarterly meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (telephone number, 301-447-1117) on or before April 20, 1992.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Administrator's Office, U.S. Fire Administration, Federal Emergency Management Agency, 16825 South Seton Avenue, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request 30 days after the meeting.

Dated: March 6, 1992.

Olin L. Greene,

U.S. Fire Administrator.

[FR Doc. 92-7356 Filed 3-31-92; 8:45 am]

BILLING CODE 6718-21-M

[FEMA-937-DR]

Texas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-937-DR), dated March 20, 1992, and related determinations.

DATED: March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated March 20, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Texas, resulting from severe storms and flooding beginning on March 4, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Texas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if requested and warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Brad Harris of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Texas to have been affected adversely by this declared major disaster:

Harris and Liberty Counties for Individual Assistance only.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-7355 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-938-DR]

Major Disaster and Related Determinations; VT

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA-938-DR), dated March 18, 1992, and related determinations.

DATED: March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated March 18, 1992, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Public Law 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Vermont, resulting from heavy rains, ice jams, and flooding on March 11, 1992, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of Section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Richard H. Strome of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Vermont to have been affected adversely by this declared major disaster:

The counties of Caledonia, Orange, Washington, and Windsor for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 92-7371 Filed 3-30-92; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Community Reinvestment Act Interagency Questions and Answers

AGENCY: Federal Financial Institutions Examination Council.

ACTION: Interagency Questions and Answers Regarding Community Reinvestment

SUMMARY: The Consumer Compliance Task Force of the Federal Financial Institutions Examination Council (FFIEC) has adopted the Interagency Questions and Answers regarding community reinvestment. To help financial institutions meet their responsibilities under the Community Reinvestment Act (CRA) and to increase public understanding of the regulations and examination procedures, the staffs of the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the Office of the Comptroller of the Currency have prepared answers to the most commonly asked questions about community reinvestment. The answers to the questions should not be regarded as official interpretations. Their purpose is to provide useful information to agency personnel, financial institutions and the public.

EFFECTIVE DATE: March 25, 1992.

ADDRESSES: Federal Financial Institutions Examination Council, 1776 G Street, NW., suite 850B, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Debra D. Clements, Compliance Analyst, Federal Financial Institutions Examination Council, 1776 G Street, NW., suite 850B, Washington, DC 20006. Specific agency related questions should be directed to the following: Federal Reserve Board—Division of Consumer and Community Affairs (202) 452-2631; Federal Deposit Insurance Corporation—Office of Consumer Affairs (202) 898-3536; Office of Thrift Supervision—Specialized Programs (202) 906-6000; Office of the Comptroller of the Currency—Compliance Management (202) 874-4446.

SUPPLEMENTARY INFORMATION: For reader convenience, the entire set of questions and answers are reproduced.

1. What does the term "office" mean as used in the regulation?

Office refers generally to a facility of an institution that accepts deposits, including an electronic deposit facility. It does not include purely administrative offices, agencies, loan production offices or facilities used, for example, only for the check collection process. In delineating a local community, an institution need not consider shared electronic deposit facilities, unless otherwise directed by the appropriate agency.

2. What is meant by "local community" and how detailed a map should be used to portray it?

The term "local community" refers to the contiguous area surrounding each office or group of offices of an

institution. Although the geographic areas served by an institution may vary with the type of service, only one local community is to be delineated for a particular office or group of offices. Any map which depicts an institution's local community or communities with reasonable clarity may be used. The map need not show each street in the community, nor be prepared professionally by a cartographer. Low- and moderate-income neighborhoods should not be specifically indicated on the map. The community delineation, however, must not unreasonably exclude such neighborhoods. An institution may delineate several local communities on one map. However, each local community, comprising the entire community, must be delineated with sufficient clarity so that the areas included in those local communities are obvious. If the entire community is made up of more than a few local communities, or the local communities are separateed by significant distances, it may be easier and clearer to use a separate map for each local community. Furthermore, the locations of the institution's offices need not be shown on the maps.

3. How should an institution deal with low- and moderate-income neighborhoods in its local community delineation?

The CRA regulation requires that low- and moderate-income neighborhoods not be unreasonably excluded from a delineation of the local community. As the regulation states, "Institutions are expected to be generally aware of low- and moderate-income neighborhoods within their community, without undertaking extensive research. "No attempt need be made to distinguish between low-income neighborhoods and moderate-income neighborhoods. If institutions desire further information about low- and moderate-income neighborhoods, they should consult such sources as: the agencies' joint CRA examination procedures and state and local community development and planning agencies.

4. What should be included in a CRA statement?

For guidance, refer to the "Statement of the Federal Financial Supervisory Agencies Regarding the Community Reinvestment Act" (Federal Register, Vol. 54, No. 64, April 5, 1989). However, at a minimum, an institution's CRA statement must include for each local community:

- A map delineating that local community.
- A list of the types of credit it is prepared to extend in that community.
- A copy of the Community Reinvestment Act Notice provided for in the regulation. Also, an institution's board of directors must, at least annually, review each CRA Statement, and act on any material changes in a statement at the board's first regular meeting after the change. In addition, each institution is encouraged, but not required, in its statement to:

—Describe how its current efforts to help meet community credit needs.
—Report on its record of helping to meet community credit needs.
—Describe its efforts to ascertain community credit needs, including communication with community members.

5. How specific a list of credit offered in a local community is needed for the CRA Statement?

Each type of credit the institution is prepared to extend in its local community should be listed. The regulation indicates that greater specificity is desired for residential mortgage and housing rehabilitation loans and loans to small businesses and farms. In those general categories, subcategories, such as "residential loans for 1-to-4 dwelling units," "residential loans for 5 dwelling units and over," should be used.

6. If an institution is prepared to offer particular types of credit only at some of of its offices in a local community, should those types of credit be listed on the CRA Statements of all of its offices in that community?

Yes. Because the institution is willing to extend that type of credit to any creditworthy borrower in the community, the institution should list the types of credit on the CRA Statement of each office even though a prespective borrower at one office may be referred to another when seeking to make application. The institution should recognize, however, that public complaints may arise because of such practices; and the agencies will have to decide whether the practice significantly discourages applications for such credit or otherwise adversely affects the institution's CRA performance.

7. What is a "small" business or farm?

For CRA purposes, the term "small" refers to the absolute size of the business and farm rather than the relative size in their industries. Because a major concern of CRA is that all creditworthy borrowers have reasonable access to loans from banks and saving and loans, small businesses and farms generally are viewed as those which do not have access to regional and national credit markets and must rely on their local lending institutions for credit.

8. How should past and current CRA Statements and public comment files be made available to the public in each office of an institution, particulary an institution that has offices in more than one local community?

An institution that has offices in more than one local community should maintain current CRA Statements for all its local communities at its head office and current CRA Statements for each local community in each office of the institution in that local community, except off-premises electronic deposit facilities. Any CRA Statements that were in effect during the past two years should be retained with the public comment letters in the public comment file. A comment file for the entire institution must be maintained at the head office, and a comments file pertaining to a particular local community must be retained at a designated office in that community.

9. Are all signed, written CRA comment letters to be placed in the public comment file?

The regulations state that the institution must put into a public file, all signed, written comments relating to the CRA Statement or to the institution's performance in helping to meet community credit needs. The only exception to this is comments which reflect adversely on the reputation of any person, or which would violate a law. The institution must use its own judgment in deciding which comments should be placed in the public file. Signed, written comments which might harm a person's reputation should be retained in a confidential file for inspection by the examiner.

10. If a letter is addressed in part to an institution's overall CRA performance, but contains information which is harmful to an individual or violates a law, should the institution withhold the entire letter from the public file?

The institution may do so. Alternatively, the statements which reflect adversely on an individual or violate a law may be deleted from the letter and the balance included in the public file. In any event, the entire original letter should be retained for inspection by the examiner.

11. When should comments about an institution's CRA Statement(s) or performance and/or the institution's response(s) be made public?

Any such signed, written comment that is placed in the public comment file will be available for inspection by any interested person and the CRA examiner. Comments received by a supervisory agency will be on file at the agency.

Those comments are available to the public and the financial institution unless exempted from disclosure under the Freedom of Information Act.

12. Must the institution respond to any or all comments received from the public?

There is no requirement that the institution respond. However, the institution may find it helpful to respond to certain comments to foster a dialogue with members of the community or to present relevant information to a regulatory agency. If any situation responds to a letter in the public file, the response must also be placed in that file, unless it reflects adversely on any person or violates a law.

13. Are there any requirements relating to the size and placement of the community Reinvestment Act Notice?

The notice must be placed in the public lobby of the financial institution but the size and placement may vary. For example, if the notice takes the form of a poster, the poster must be placed within the lobby where it will be seen by customers and be of sufficient size to be easily read from a normal distance. If the notice is provided in the form of a flyer, a supply of such flyers printed in easily-read type and placed where they will be noticed will suffice. The notice requirement may also be satisfied by making the CRA Statement, which includes the notice, available as a brochure in the lobby, where it will be noticed.

14. What information and avenue of communication are available to members of a community who are concerned about the performance of financial institutions in their community?

Financial institutions are being encouraged to communicate with members of their community. The CRA regulation requires financial institutions to make available to the public their CRA Statement. The statement contains a map showing the boundaries of the local community delineated by the institution and lists the types of credit that the institution is prepared to extend to members of the community. The statement also contains a copy of the "Public Notice" which must be placed in the offices of all financial institutions. The Public Notice states that the public may write to the financial institution or the appropriate regulatory authority about the institution's performance in helping to meet community credit needs.

Members of the community may also review letters from the public received by a financial institution regarding such performance. Announcements of CRA-covered applications may be obtained by writing to an institution's supervisory agency. Anyone may comment on the filing of an application covered by the CRA by writing to the appropriate supervisory agency listed either in the applicant's newspaper notice or its CRA notice. The agencies have varying comment periods for applications. Therefore, any questions about the comment period should be directed to the regional office of the appropriate agency. Comments received within the appropriate period will be considered by the agency in the application process.

15. Must an institution document that it is actually extending the types of credit listed in its CRA Statement as being offered in the local community?

The CRA regulations do not require any documentation beyond the public comment files. However, examiners will review:

- Information required to be maintained under any applicable fair housing regulations.
- Loan registers if required by the agency.
- Application files required to be kept under the Federal Reserve Equal Credit Opportunity regulation.
- Housing loan statements prepared under the Home Mortgage Disclosure regulation. Examiners will also use other available materials (such as advertising copy) to determine if the institution is offering in good faith to extend the types of credit that it has listed on its CRA Statement.

16. Will activities in addition to lending be considered in the CRA assessment?

Yes. Although the principal focus is on loans, the agencies recognize that other activities and efforts contribute toward the CRA's goals. The agencies will consider the extent to which an institution's activities foster local community revitalization-for example, the purchase of state or municipal bonds or involvement through investment or other contributions in a local community development project. The agencies also will consider activities such as:

- Efforts to establish a dialogue with community members concerning credit needs of the community.
- The institution's record of opening and closing branches and offering services (including noncredit services).
- Marketing and special credit-related programs to make community members' aware of credit services offered at its offices.
- The extent of participation by the institution's board of directors in formulating policies and reviewing its CRA performance.

17. Will an institution's performance in helping to meet community credit needs be assessed even if an institution does not make an application covered by the CRA or is legally precluded from doing so?

Yes. Although The Congress directed that the approval or rejection of applications be used to encourage community investment by banks and S&Ls on a safe and sound basis, it also sought to have each supervisory agency use its examination "to encourage" institutions to be sensitive to their responsibilities to help meet local credit needs. As envisioned by the Congress, this effort by the agencies is to be ongoing and not limited to the formal applications process.

18. How will the agencies "encourage" institutions to help meet the credit needs of their local communities?

Encouragement will be provided in three ways. First, within the limits of the agencies' resources, their staffs will provide information and technical assistance and will meet with representatives of industry and the management of individual institutions to explain the CRA, regulations, and examination procedures. This exchange of information will help institutions to understand the purposes of the CRA and how the agencies plan to implement the act. Second, as part of each CRA examination, agency examiners and field staff will discuss with management their findings on the institution's CRA performance. Where appropriate, the agency staff may suggest ways in which the institution can improve its performance. Third, in decisions on applications, where CRA is a material factor, the agencies will publicly comment on an institution's record of performance.

19. Will an institution be given a poor CRA assessment for making loans outside its local community?

The agencies' assessment of an institution's performance will focus on

its record in helping to meet credit needs within its community. The act, implementing regulations, and examination procedures set no numerical criteria for the amount of loans that an institution should make within its local community or communities. If an institution is effectively helping to meet local credit needs, activities conducted outside its local community will not affect its CRA performance record.

20. May an institution use a policy of making certain loans only to existing customers, without adversely affecting its CRA assessment?

In examining an institution, the agencies will pay special attention to any restrictions placed on the availability of those types of credit that an institution has indicated on its CRA Statement that it would extend in its local community. Examiners will focus on whether any such institution has or would have a significantly greater impact on low- and moderate-income neighborhoods and/or classes of borrowers protected under the Fair Housing and Equal Credit Opportunity Acts than it does on the remainder of the community. In every case, examiners will consider:

- The business rationale for adopting a particular policy.
- Whether other policies would serve the same business purpose with less adverse impact.
- The relative ease of becoming a customer eligible for credit under the restriction.
- Whether the institution has adopted a policy of limiting certain loans to customers as a temporary response to tight money conditions or as a permanent policy.

Loans available on any restrictive basis should be listed on the CRA Statement with the restrictions noted. However, the agencies recognize that institutions occasionally make certain specialized loans to good customers-loans which they do not offer on a regular basis. This type of spot lending activity need not be listed on the CRA Statement.

21. In assessing an institution's CRA performance, will an examiner seek information outside of the institution being examined?

The examiner will seek such information if he or she believes that it is necessary to complete a fair and accurate picture of the institution's performance. For example, if the examiner believes that the institution's description of its community is unreasonable, the examiner may review the delineations of other, similar institutions in the community. In addition, contacts may be made with persons who have commented on an institution's performance, local officials, local business owners, community residents, real estate brokers, and others.

22. What sanctions are available to the agencies under the CRA?

A poor CRA performance record may result in denial of an application. The agencies may also use the full range of their enforcement powers to ensure compliance with the requirements of the CRA regulations, such as preparing a CRA Statement, maintaining public comment files, and providing the public notice. In addition, prohibited discriminatory or other illegal credit practices which are adverse factors under the CRA, will also result in sanctions under the Equal Credit Opportunity Act, federal fair housing laws, or other consumer credit protection laws.

23. Are applications for electronic deposit facilities covered by the CRA?

Generally, such applications are covered. The agencies have different rules regarding processing of applications for electronic deposit facilities, and institutions should, therefore, consult their supervisory agency before filing.

24. How are bank and savings and loan holding companies affected by the CRA?

The CRA applies to applications filed by holding companies to merge or to acquire commercial banks and savings and loan associations. When decisions on such applications are made, the Federal Reserve Board and the Office of Thrift Supervision will consider the CRA records of all the bank or S&L affiliates of the applicant holding company. The parent holding company need not prepare a CRA Statement or public notice, or maintain public comment files. The holding company must conform to the requirements of the regulation for media notices of applications files to acquire a bank or S&L.

25. How does the CRA affect applications by banks and S&Ls that are subsidiaries of holding companies?

Applications by a bank or S&L that is a subsidiary of a holding company will be treated by the agencies in the same way as those filed by any bank or S&L. Only the CRA record of the applying bank or S&L will be taken into account. The bank or S&L may request, however, that the agency consider the contribution of any of the bank's or S&Ls nondepository affiliates in helping to meet the credit needs of the community or communities of the applicant bank or S&L. For example, if the applicant bank or S&L has an affiliate community development corporation operating in the same community as the applicant, the applicant may ask that the contributions of that corporation in helping to meet the credit needs of the particular community be considered by the agency in assessing the overall CRA record of the applicant.

26. Banking agency CRA "Interpretation 101" (12 CFR 25.101, 12 CFR 228.100, and 12 CFR 345.101) excludes from CRA requirements certain institutions that serve solely as correspondent banks, trust companies, or clearing agents. Are there other federally regulated financial institutions that are excluded from the scope of CRA?

No. The CRA defines a "regulated financial institution" as one that meets the definition of an "insured bank" or an "insured institution," pursuant to section 3 of the FDIC Act. all such institutions are subject to CRA.

27. To what extent will a "regulated financial institution" which is subject to statutory and/or regulatory constraints that prevent it from operating as a "full service" financial institution be expected to meet CRA performance requirements?

The institution has an affirmative obligation to seek out ways consistent with its permitted activities to assist, directly or indirectly, in meeting the credit needs identified in its local community, with appropriate attention to low- and moderate-income neighborhoods. As indicated in the answer to Question 16 of this series, many services other than direct credit services can be developed to benefit the local community in a manner consistent with the intent of the CRA.

The CRA implementing regulations of the federal financial supervisory agencies include twelve factors to be considered in assessing CRA performance. Every institution's overall CRA performance record should compare favorably, consistent with its resources and capabilities, with the issues expressed through these twelve factors. A financial institution's inability to provide specific credit products or services because of statutory or regulatory limitations does not preclude a positive CRA performance evaluation.

An institution's board of directors should assure that CRA performance is an integral part of the institution's business strategy. Expected compliance will include, at minimum, meeting the basic obligations to define a local community, to ascertain the credit needs within that community, and to demonstrate responsiveness, directly or indirectly, to the needs identified.

28. What do the regulatory agencies expect from institutions that have voluntarily limited or specialized their services to target particular markets?

Such an institution has the same continuing and affirmative obligation as a "full service" institution to help meet the credit needs of its entire local community, consistent with safe and sound operations. An institution's self-imposed service or market limitations may not be used as justification for a failure to define its local community or to help, directly or indirectly, in meeting the credit needs within that community, including low- and moderate-income neighborhoods.

Whether or not an institution operates as a "full service" entity is not a determining factor in evaluating its CRA performance. Every institution should be able to demonstrate that it is fulfilling its CRA responsibilities, either within the context of its chosen service specialties or in other ways. The final measure of CRA performance is in the credit benefits accruing to the institution's local community as a result of that institution's activities, irrespective of the vehicle by which those credit benefits are provided.

29. In addition to traditional direct lending activities, what activities can financial institutions consider in meeting obligations and responsibilities under the Community Reinvestment Act?

The answer to this question is primarily designed to provide guidance to regulated financial institutions that are not "full service" providers. The guidance herein can also be utilized by full service institutions as a means of augmenting their traditional lending activities as part of a comprehensive CRA program. Some of these activities may require prior regulatory agency approval.

The following are some nontraditional activities that financial institutions may consider to help meet their responsibilities under the Community Reinvestment Act.

Debt Investments and Related Securities

- Purchase of mortgage-backed securities or collateral trust notes from lenders or other community development finance intermediaries serving primarily low- and moderate-income areas or persons.
- Purchase of housing, community and economic development loans, or participations in loans or loan pools from other financial institutions, state and local government agencies, nonprofit community-based development corporations, community loan funds, or other community development intermediaries originating loans to help meet the needs of low- and moderate-income persons or small businesses.
- Purchase of government guaranteed loans (or participations in pools representing such loans) made to low- and moderate-income persons, or to small farm and small business owners, such as:

—SBA guaranteed loans or loan pools;
—FmHA guaranteed farm, business or housing loans;
—FHA guaranteed loans;
—EDA (U.S. Economic Development Administration) guaranteed loans;
—State housing or economic development agency guaranteed loans.

- Purchase of state and local government agency housing mortgage revenue bonds or industrial revenue bonds.

Equity Investments

Some activities to serve community credit needs may be carried out through certain federal and state supervisory agencies' programs to promote community development investments. Such investments are required to serve predominantly a public or community purpose. Activities that might be carried out directly by an institution under these programs include:

- Purchase of limited partnership shares to provide the equity financing for public purpose projects such as construction of low- and moderate-income housing or provision of small business seed capital. General partners could be quasi-public or private, for-profit or nonprofit organizations.
- Investment in the stock of a public purpose corporation, either for-profit or nonprofit, chartered to carry out activities to benefit low- and moderate-income areas and residents or small businesses.

For certain banks and holding companies, the formation of, or investment in, a community development corporation may, in accordance with applicable laws and restrictions, be a viable way to address certain credit needs in the communities of banks or holding company subsidiary banks.

Limited service or specialized banks in a holding company that own a community development corporation operating in the bank's community could take advantage of the CDC's activities in planning and executing its own CRA responsibilities. Activities that could be carried out through a community development corporation subsidiary include, for example:

- Acting as a general partner, joint venture partner and/or equity investor in projects that have a clear public purpose, particularly projects focused on assisting low- and moderate-income housing or small business, and on the redevelopment of deteriorating or blighted areas where private developers are not interested in the opportunities.
- Carrying out a program to provide needed technical assistance on financial matters to small businesses or public-purpose organizations.
- Financing and managing a public-purpose revolving loan fund to provide financing that cannot normally be provided through the private market. An example is a fund to lend monies for pre-development costs involved in evaluating and packaging projects for financing by financial institutions and/or public sector investors. An activity that could be carried out by the institution, directly or through establishment of a separate corporation is an investment in a wholly-owned or multi-bank/multi-investor Small Business Investment Company (SBIC) or Minority Enterprise Small Business Investment Company (MESBIC) licensed by the U.S. Small Business Administration.

Other Services and Activities

- Technical assistance to community-based nonprofit groups, state and local government agencies and community development finance and secondary market intermediaries which focus on helping to meet the credit needs of low- and moderate-income persons or areas, or small businesses. Examples of such technical assistance activities might include:

—Serving on the board of directors or loan review committee;
—Development of loan application and underwriting standards;
—Development of loan processing systems;
—Development of secondary market vehicles or programs;
—Marketing assistance, including development of advertising and promotions, publications, workshops and conferences;
—Training for staff and management;
—Accounting/bookkeeping services;

—Fund-raising, including soliciting or arranging investments;
—Consumer education to broaden knowledge and use of credit and deposit services.

30. When assessing CRA performance, do the regulatory agencies consider a financial institutions' lending, investment, development and general support activities outside of the institution's delineated community?

As indicated in question 19, assessment of an institution's performance under CRA focuses on its record in helping to meet credit needs within its delineated community. The agencies are aware, however, that financial institutions may organize, support, or use a wide variety of programs, organizational mechanisms or intermediaries that help finance such things as low- and moderate-income housing, small and minority businesses and other community projects on a statewide, regional or even national basis. Although these programs or mechanisms may be available to support loans and investments within an institution's delineated community, they often provide the bulk of their financial support in other geographical areas.

Under certain circumstances, the agencies will give positive consideration in assessing CRA performance for active participation by a financial institution in such programs and mechanisms, even where most or all of the financing provided may ultimately benefit low- and moderate-income borrowers or neighborhoods located outside of the institution's delineated community.

In determining whether and to what extent positive consideration will be given, the agencies assess the activities undertaken in the context of an institution's overall CRA program. Where such participation augments or complements an overall CRA program that is directly responsive to the credit needs in an institution's delineated community, it will be considered favorably in reaching an overall CRA conclusion. However, such activities and involvements will be insufficient to compensate for an otherwise deficient record of addressing the credit needs of an institution's delineated community.

Examples of such programs or intermediary organizations (other than traditional direct lending) are:

- Lending consortia or loan pools that provide community development financing and technical assistance for low- and moderate-income housing, small and minority business development, or other neighborhood revitalization projects;
- Multi-investor community development corporations;
- Limited partnerships or equity funds that invest in low- and moderate-income housing;
- Secondary market corporations and programs which explicitly target loans for low- and moderate-income housing, small and minority businesses, or small farms;
- Quasi-public housing, community development or economic development finance corporations in which state or local government agencies participate, often with financial institutions or other contributors;
- State bond programs for housing, community and economic development, or public infrastructure projects;
- Public or private intermediaries which provide loan guarantees or other credit enhancements used by financial institutions to support community development lending and investment.
- Capital investment, loan participation and other co-ventures undertaken with minority and women-owned financial institutions.

These and similar vehicles help institutionalize and support community development lending and investment. In general, they enhance the capacity of financial institutions to help meet community credit needs, including those of low- and moderate-income neighborhoods.

31. What effect would an institution's selling loans it has originated within its delineated community have on the institution's CRA performance?

The agencies have found that the sale of loans in the secondary market enhances CRA performance where such sales enable an institution to recycle funds for origination of additional loans within its delineated community.

Where loans are part of a comprehensive CRA program designed to ascertain and help meet credit needs within the institution's delineated community, such loans clearly help demonstrate CRA performance, whether or not they are ultimately sold on the secondary market. To ensure that appropriate consideration under CRA is given for loans sold, however, institutions should consider retaining information concerning when and where the loans were originated.

Dated: March 24, 1992.

Joe M. Cleaver,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 92-7186 Filed 3-30-92; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL MARITIME COMMISSION

Jacksonville Port Authority, et al.

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200468-002.

Title: Jacksonville Port Authority/ Marine Transportation Services Sea Barge Group Terminal Agreement.

Parties: Jacksonville Port Authority/ Marine Transportation Services Sea Barge Group, Inc.

Filing Party: Carl L. Timmer, General Traffic Manager, Jacksonville Port Authority, 2831 Talleyrand Avenue, Jacksonville, Florida 32206.

Synopsis: The amendment revises the amount of rent to be paid for the leased premises for the current leasing period.

Dated: March 25, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-7308 Filed 3-30-92; 8:45 am]

BILLING CODE 6730-01-M

Associated Container Transportation et al; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200126-001.

Title: ACT-BSL-Columbus Line/Port of San Francisco Terminal Agreement.

Parties: Associated Container Transportation (USA) ("ACT"), Blue Star Pace, Ltd. ("Blue Star") Columbus Lines, Inc., San Francisco Port Commission.

Synopsis: The amendment recognizes ACT's assignment and transfer to Blue Star of all its rights and interest in the Agreement.

Agreement No.: 224-200635.

Title: L.A. Cruise Ship/Royal Viking Line Terminal Agreement.

Parties: L.A. Cruise Ship Terminals, Inc. ("L.A. Cruise") Royal Viking Line ("Royal Viking").

Synopsis: The Agreement will permit Royal Viking to utilize terminal facilities and services provided by L.A. Cruise in the Port of Los Angeles.

By Order of the Federal Maritime Commission.

Dated: March 25, 1992.

Joseph C. Polking,

Secretary.

[FR Doc. 92-7309 Filed 3-30-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Berkshire Financial Services; Formation of; Acquisition by; or Merger of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 92-2867) published at page 4632 of the issue for Thursday, February 6, 1991.

Under the Federal Reserve Bank of Boston, the entry for Berkshire Financial Services, Inc. is revised to read as follows:

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Berkshire Financial Services, Inc., Lee Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Lee Bank, Lee, Massachusetts, which engages in Massachusetts Savings Bank Life Insurance activities, and by acquiring 15 percent of the voting shares of Lee National Banc Corp., Lee, Massachusetts, and thereby indirectly acquire First National Bank of the Berkshires, Lee, Massachusetts.

Comments on this application must be received by April 14, 1992.

Board of Governors of the Federal Reserve System, March 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7313 Filed 3-30-92; 8:45 am]

BILLING CODE 6210-01-F

Carol G. Brooks, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 21, 1992.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Carol G. Brooks, to acquire 1.2 percent; Colin S. Brooks, to acquire 0.60 percent; Conley Brooks, to acquire 5.80 percent; Conley Brooks, Jr., to acquire 2.0 percent; David W. Brooks, to acquire 0.60 percent; Dwight F. Brooks, to acquire 4.01 percent; Dwight F. Brooks III, to acquire 2.81 percent; Edward A. Btooks, to acquire 0.60 percent; Edward Brooks, Jr., to acquire 4.41 percent; Katherine S. Brooks, to acquire 6.01 percent; Markell Brooks, to acquire 9.82 percent; Markell "K" Brooks, to acquire 3.61 percent; Marney B. Brooks, to acquire 3.81 percent; Sarah K. Brooks, to acquire 1.60 percent; Stephen B. Brooks, to acquire 1.60 percent; Stephen M. Brooks, to acquire 0.60 percent; Virginia D. Brooks, to acquire 2.40 percent; Jason Kiefer, to acquire 0.60 percent; Markell Kiefer, to acquire 0.60 percent; Marlo Brooks Root, to acquire 1.60 percent; Sarah Root, to acquire 0.60 percent; Jennifer Brooks Sykes, to acquire 1.40 percent; Bowen T. Walker, to acquire 0.40 percent; and Julie Brooks Zelle, to acquire 6.01 percent of the voting shares of Resource Companies, Inc., Minneapolis, Minnesota, and thereby indirectly acquire Resource Bank and Trust, Minneapolis, Minnesota.

Board of Governors of the Federal Reserve System, March 25, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7314 Filed 3-30-92; 8:45 am]

BILLING CODE 6210-01-F

Wesbanco, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 24, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Wesbanco, Inc., Wheeling, West Virginia; to acquire 100 percent of the voting shares of First National Bank of Barnesville, Barnesville, Ohio.

Board of Governors of the Federal Reserve System, March 25 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-7315 Filed 3-30-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a two-day meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, April 16, 1992, and Friday, April 17, 1992, from 9 a.m. to 4 p.m. in room 121 of the National Building Museum, 401 F St., NW., Washington, DC (This meeting will be in lieu of the meeting previously scheduled and announced for April 9 and 10.).

The agenda for the meeting will consist of a review of the minutes of the March 18–19 meeting, a review of an exposure draft on Accounting for Tangible Property Other Than Long Term Fixed Assets of the Federal Government, review of an exposure draft on Uses and Objectives of Federal Accounting, a discussion on issues and options for unfunded liabilities, and a review of an analysis of comments on the exposure draft on Financial Resources, Funded Liabilities, and Net Financial Resources of Federal Entities. We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 401 F St., NW., room 302, Washington, DC 20001, or call (202) 504–3336.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: March 25, 1992.

Ronald S. Young,

Staff Director.

[FR Doc. 92–7312 Filed 3–30–92; 8:45 am]

BILLING CODE 1610–01–M

GENERAL SERVICES ADMINISTRATION

Renewal of GSA Business Advisory Board

Renewal of Advisory Board. This notice is published in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) and advises of the renewal of the GSA Business Advisory Board. The Administrator of General Services has determined that renewal of the board is in the public interest.

Purpose of Advisory Board. The fundamental purposes of the board is to provide a forum for discussion on key business and industry trends, emerging technologies and products, and other issues that may affect GSA's future policy and program formulation. Recognition of these issues and their implications is critical to cost-effective strategic planning.

Contact for Information. The Office of Business, Industry, and Governmental Affairs is the organization within GSA that is sponsoring this board. For additional information, contact Mary Ann Webster; Office of Business, Industry, and Governmental Affairs (AL); GSA; Washington, DC 20405; telephone (202) 501–4177.

Dated. March 20, 1992.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 92–7321 Filed 3–30–92; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92D–0077]

Manufacture, Distribution, and Promotion of Adulterated, Misbranded, or Unapproved New Drugs for Human Use by State-Licensed Pharmacies; Compliance Policy Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide (CPG) 7132.16 entitled "Manufacture, Distribution, and Promotion of Adulterated, Misbranded, or Unapproved New Drugs for Human Use by State-Licensed Pharmacies." The CPG provides guidance to FDA district offices on when the manufacture, distribution, and promotion of adulterated, misbranded, or unapproved new drugs for human use by State-licensed pharmacies in a manner that is clearly outside the bounds of traditional pharmacy practice may be subject to enforcement actions alleging violations of the Federal Food, Drug, and Cosmetic Act (the act).

ADDRESSES: CPG 7132.16 may be ordered from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161. Orders must reference NTIS order number PB 92-147362 and include payment of $12.50 for each copy of the document. Payment may be made by check, moneyorder, chargecard (American Express, VISA, or Mastercard), or billing arrangements made with NTIS. Chargecard orders must include the chargecard account number and expiration date. For telephone orders or further information on placing an order, call NTIS at 703–487–4650. CPG 7132.16 is available for public examination in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frank R. Fazzari, Center for Drug Evaluation and Research (HFD–313), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

SUPPLEMENTARY INFORMATION: FDA is issuing CPG 7132.16 to provide internal guidance to FDA district offices on when the manufacture, distribution, and promotion of adulterated, misbranded, or unapproved new drugs for human use by State-licensed pharmacies in a manner that is clearly outside the bounds of traditional pharmacy practice may be subject to enforcement actions alleging violations of the act.

Pharmacies engaged in promotion and other activities analogous to manufacturing and distributing drugs for human use in interstate commerce are subject to the same provisions of the act as manufacturers. This CPG identifies criteria for the district offices upon which the agency may, in the exercise of its enforcement discretion, initiate regulatory action against such entities. Regulatory action may include issuing a warning letter, seizure, injunction, and/or prosecution.

The statements made herein are not intended to create or confer any rights, privileges, or benefits on or for any private person, but are intended merely for internal FDA guidance.

Dated: March 24, 1992.

Gary Dykstra,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 92–7328 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92E–0063]

Determination of Regulatory Review Period for Purposes of Patent Extension; Biaxin®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Biaxin® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockvill, MD 20857.

FOR FURTHER INFORMATION CONTACT: John S. Ensign, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Biaxin®. Biaxin® (clarithromycin) is a broad spectrum antibiotic indicated for the treatment of infections of the upper and lower respiratory tract, as well as uncomplicated skin and skin structure infections. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Biaxin® (U.S. Patent No. 4,331,803) from Taisho Pharmaceutical Co., Ltd., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated February 24, 1992, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Biaxin® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Biaxin® is 2,246 days. Of this time, 1,566 days occurred during the testing phase of the regulatory review period, while 680 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* September 6, 1985. The applicant claims September 5, 1985, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was September 6, 1985, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug and Cosmetic Act:* December 20, 1989. The applicant claims December 19, 1989, as the date the new drug application (NDA) for Biaxin® (NDA 50–662) was filed. However, FDA records indicate that the application was submitted on December 20, 1989.

3. *The date the application was approved.* October 31, 1991. FDA has verified the applicant's claim that NDA 50–662 was approved on October 31, 1991.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,464 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 1, 1992, submit to the Dockets Management Branch (address below) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 28, 1992, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1992.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 92–7319 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 92E–0027]

Determination of Regulatory Review Period for Purposes of Patent Extension; Zithromax®

AGENCY: Food and Drug Administration, HHS

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Zithromax® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, room. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, fod additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Zithromax®. Zithromax® (azithromycin) is indicated for the treatment of individuals 16 years of age and older with various mild to moderate cases of respiratory and skin infections and sexually transmitted diseases. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Zithromax® (U.S. Patent No. 4,517,359) from Pliva Pharmaceutical, Chemical, Food and Cosmetic Industry, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated February 20, 1992, advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of Zithromax® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Zithromax® is 2,560 days. Of this time, 1,991 days occurred during the testing phase of the regulatory review period, while 569 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective*: October 28, 1984. FDA has verified the applicant's claim that the date the investigational new drug became effective was October 28, 1984.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act*: April 11, 1990. FDA has verified the applicant's claim that the new drug application (NDA) for Zithromax® (NDA 50–670) was filed on April 11, 1990.

3. *The date the application was approved*: November 1, 1991. FDA has verified the applicant's claim that NDA 50–670 was approved on November 1, 1991.

This determination of the regulatory review period established the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statuatory limitations in its calculations for the actual period of patent extension. In its application for patent extension, this applicant seeks 1,267 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 1, 1992, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 28, 1992, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rep. 857, Part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 23, 1992.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 92–7262 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committee Meeting; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the agenda of a meeting of the Dermatologic Drugs Advisory Committee which is scheduled for April 9 and 10, 1992. This meeting was announced in the **Federal Register** of March 13, 1992 (57 FR 8879). The change is being made to add an additional item for discussion and to announce a minor change in location. There are not other changes. This amendment will be announced at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Adele S. Seifried, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 13, 1992 (57 FR 8879), FDA announced that a meeting of the Dermatologic Drugs Advisory Committee would be held on April 9 and 10, 1992, at the Bethesda Holiday Inn, Versailles Ballrooms III and IV. On page 8879, column 3, the location for this meeting is amended to read as follows:

DATE, TIME, AND PLACE: April 9 and 10, 1992, 8:30 a.m., Bethesda Holiday Inn, Versailles Ballrooms II and III, 8120 Wisconsin Ave., Bethesda, MD.

On page 8880, column 1, the open committee discussion portion of the agenda is amended by adding a new paragraph at the end of this section to read as follows:

On April 10, 1992, FDA will make a presentation to the committee on the ongoing effort by the Office of Generic Drugs and the Division of Anti-Infective Drug Products to establish bioequivalence standards for topical corticosteroids. This topic is on the agenda for discussion to the Generic Drugs Advisory Committee meeting scheduled for April 24, 1992.

Dated: March 25, 1992.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 92–7318 Filed 3–30–92; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority; Freedom of Choice Waivers

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 55, No. 100, pp. 21255–21257, dated May 23, 1990) is amended to reflect various changes resulting from the transfer of the Freedom of Choice Waivers function from the Office of Medicaid Policy to the Medicaid Coordinated Care Office.

The specific changes to part F are as follows:

Section FM.20.A. is amended to reflect the addition of the microcomputer systems support and ADP resources management functions to the Executive Operations Staff responsibilities. The new section FM.20.A. reads as follows:

A. Executive Operations Staff (FM–1)

- Advises the Medicaid Bureau (MB) managers on organizational design and implementation; requests to establish positions; and delegations of management and program administration authorities.
- Establishes and implements integrated and coordinated MB work planning. Plans and monitors the execution of major Bureau program initiatives through the administration of the Bureau's work planning to ensure fairness and equity among components and to assure that measurable and verifiable outputs are provided.
- Interprets administrative budgetary policies and limitations and develops and issues guidelines and instructions to MB managers for budget formulation and execution. Executes the budget for the Bureau through the issuance of staff and dollar controls, budget allowances for administrative expenditures, and employment ceilings to Bureau components.
- Provides services and liaison with the Office of Budget and Administration related to procurement; space acquisition, utilization and management; telephone systems; records; publications; forms printing; and reprographics.
- Directs a Bureau-wide tracking and control system for legislation, regulations, instructions and correspondence; and provides training and technical assitance on standards for content of written documents.
- Serves as the focal point for the General Accounting Office and the Office of the Inspector General reports relating to MB; and coordinates other operational reviews of, and within, MB (e.g. internal control reviews).
- Provides Bureau support and represents MB on issues related to microcomputer systems.

Section FM.20.B. is amended to reflect the realignment of the freedom of choice waivers function with Medicaid managed care activities. The new section FM.20.B. reads as follows:

B. Medicaid Coordinated Care Office (FMA)

- Serves as the operational focal point for all Medicaid coordinated care activities.
- Formulates, evaluates and prepares policies, specifications for regulations, instructions, preprints, and procedures related to Medicaid coordinated care, including waivers.
- Makes recommendations for legislative changes to improve coordinated care program policy.
- Provides oversight of, and assistance to, State Medicaid agencies on all coordinated care issues, including Medicaid coordinated care countracting activities. Provides technical assistance to State regulators.
- Serves as the focal point and repository for State laws and regulations dealing with Health Maintenance Organizations (HMOs), group medical practice, insurance, licensing, foundations, service corporations, certificate of need, and reserve requirement statutes.
- Develops guidelines, policies, and procedures for use by the regional offices when reviewing and approving/disapproving State Medicaid agency contracts with prepaid health plans.
- Formulates and evaluates policies and procedures related to Health Maintenance Organizations (HMOs) and other prepaid contracts and freedom of choice waiver programs including the preparation of recommendations for waivers of freedom of choice and other State plan exception requirements; monitoring of approved Health Maintenance Organizations (HMOs) and other prepaid contracts and freedom of choice waivers and recommendations for the removal of waivers; State plan/waiver processing policy; and other related issues.
- Evaluates and assures the cost-effectiveness of approved Medicaid freedom of choice waivers through review of State program and cost reports, independent assessments, and regional compliance/validation reviews.

Section FM.20.D. is amended to reflect the drug rebate function and the deletion of the Programs Initiative Branch. The new section FM.20.D. reads as follows:

D. Office of Medicaid Management (FMC)

- Provides oversight, coordinates, and formulates the national Medicaid medical assistance and administrative costs budgets and justifications. Develops and maintains budget preparation and execution policies and procedures used by States and regional offices.
- Administers the State grants process for administrative and program payments including regional office disallowances.
- Develops and monitors Medicaid automated systems requirements, standards, procedures, guidelines, and methodologies. Directs review, evaluation, and assessment of the operation, development, and funding of Medicaid State agency automated systems, including the claims processing and information retrieval and integrated eligibility systems, and coordinates systems requirements for Federal programs such as Child Health Assurance, Child Support Enforcement, food stamps, and Aid to Families with Dependent Children.
- Provides oversight and coordinates the Medicaid State plan preprint process. Assists components in the development, publication, timely issuance to States, and maintenance of the master copy of State plan preprints.
- Provides oversight of planning, development, implementation, and monitors Medicaid program operations in regional offices and State Medicaid agencies including drug rebate program, Systematic Alien Verification for Entitlement System, national Medicaid eligibility quality control program, Medicaid Drug Use Review program, State claims processing and payment operations, and third party liability activities.

1. Division of Financial Management (FMC1)

- Provides oversight and coordinates the national Medicaid medical assistance and administrative costs budgets and justifications. Develops and maintains budget preparation and execution policies and procedures used by States and regional offices.

• Establishes policies and procedures by which Medicaid State agencies and regional offices submit quarterly budget estimates and reports and administers the State grants process for administrative and program payments.

• Reviews all State claims for Federal payment under Title XIX of the Social Security Act including regional office disallowances of State claims.

• Serves as the focal point for the defense of disallowance decisions before the Department Appeals Board.

• Provides oversight and manages the national State Performance Evaluation and Comprehensive Test of Reimbursement under Medicaid review process.

• Provides the definitive HCFA interpretation of Medicaid payment policy for administrative costs. Responsible for operational policies regarding availability of Federal Financial Participation (FFP), designation of appropriate FFP, rates, and for issuing interpretations to regional offices regarding operational FFP issues.

• Directs regional office financial reviews and audits of State agencies and oversees the Medicaid claims processing review activity.

• Provides oversight, administration, and maintenance of the Medicaid Budget and Expenditure System.

2. Division of Program Performance (FMC2)

• Develops, implements, and operates the national Medicaid eligibility quality control program to determine the effectiveness of Medicaid State agencies' performance in the area of eligibility determinations.

• Provides documentation and analysis necessary to initiate and support actions on disallowances, penalties, and corrective action requirements, and adjudication of appeals of disallowances and penalties.

• Develops, implements, and coordinates a system for reviewing the States' performance of the Income Eligibility Verification System (IEVS) requirements. Develops and interprets regulations and policies for States to establish IEVS.

• Develops, coordinates, and promulgates operational policy for utilizing the Systematic Alien Verification for Entitlement system.

• Provides expertise on sampling, precision, universe identification, and other technical statistical issues in support of the Medicaid quality control and assessment programs.

• Develops and promulgates policies and procedures for the proper maintenance, review, and approval of State plans and their amendments. Monitors State compliance to State plan and oversees the compliance process.

• Ensures adherence to all Automated Data Processing (ADP) security measures, policies, and procedures; assists with the development, modification, and review of HCFA ADP policies as they apply to Medicaid.

• Directs the Bureau's ADP activities relating to development, implementation, and administration of mainframe ADP systems programs.

• Provides oversight and coordinates the Medicaid State plan preprint process. Assists components in the development, publication, timely issuance to States, and maintenance of the master copy of State plan preprints.

• Develops procedures with the Social Security Administration concerning Medicaid eligibility operational issues such as transfer of resources, deemed Supplemental Security Income recipients and the State Data Exchange.

3. Division of Payment System (FMC3)

• Provides Bureau support in the development and implementation of new systems that interface with other HCFA components or involve mainframe computers.

• Develops the requirements, standards, procedures, guidelines, methodologies, and test criteria pertaining to the reviews, evaluation, and assessment of operations, development, and funding of State agency automation, claims processing and information retrieval and integrated eligibility systems to determine their compliance with published Federal requirements.

• Reviews State agency requests for Federal Financial Participation (FFP) in the costs of operating Medicaid claims processing, information retrieval systems, and development and operations of the integrated eligibility systems.

• Reviews State agency FFP requests for Medicaid Management Information Systems and interdepartmental integrated eligibility systems for approval.

• Plans, develops, and monitors systems requirements for Medicaid and coordinates systems requirements for related Federal programs such as Child Health Assurance, Child Support Enforcement, food stamps and Aid to Families with Dependent Children.

• Provides operational and systems support for implementation of the Medicaid drug rebate program. Maintains liaison with and provides technical assistance to drug manufacturers, Medicaid State agencies, pharmaceutical associations, private sector vendors and other parties regarding the drug rebate program. Prepares an annual report to Congress regarding drug product and expenditure information.

• Serves as the focal point for Medicaid third party liability, qualified Medicare beneficiary, and Drug Use Review operating instructions and policy guidance to Medicaid State agencies and regional offices.

• Coordinates with all State Medicaid agencies, in conjunction with HCFA regional offices, implementation of system coding and other changes related to the Medicare program's Physician Payment Reform initiative and other data initiatives such as common coding, uniform billing, and electronic media claims formats.

Section FM.20.E. is amended to reflect the realignment of the implementation and monitoring functions of the special initiatives, i.e., maternal child health, AIDS/HIV, etc. The new section FM.20.E. reads as follows:

E. Office of Medicaid Policy (FME)

• Formulates, evaluates and prepares policies, specifications for regulations, instructions, preprints and procedures related to Medicaid eligibility, coverage, and payment activities.

• Makes recommendations for legislative changes to improve program policy and ease of administration.

• Reviews State plan amendments and makes recommendations on approvals/disapprovals.

• Oversees, coordinates, processes and assesses the operation of State Medicaid Home and Community-Based Services Waivers.

1. Division of Eligibility Policy (FME2)

• Develops, interprets, and evaluates policies pertaining to all conditions under which recipients are eligible to have their health care services covered under Medicaid, the rights and responsibilities of recipients and applicants, and other special eligibility and technical issues.

• Evaluates the effect of proposed legislation on current eligibility policies and recommends specifications for new or proposed legislation on eligibility.

• Provides consultation regarding State plan amendments and waiver requests and prepares State plan disapproval actions.

• Prepares specifications for regulations, preprints and manual instructions pertaining to Medicaid eligibility policy.

• Serves as the operational focal point for the implementation of Medicaid program initiatives, including Medicaid maternal and infant health and Early and Periodic Screening, Diagnostic, and Treatment activities, Human Immuno Virus/Acquired Immune Deficiency Syndrome, substance abuse; and provides technical assistance to States, regional offices, and other interested groups.

3. Division of Coverage Policy (FME4)

• Formulates and evaluates policies, regulations, instructions, and procedures related to Medicaid coverage activities. Prepares specifications for regulations, manuals, program guidelines, State plan preprints, and general instructions related to these areas.

• Provides interpretations of Medicaid coverage policies to regional offices, congressional staffs, other departmental offices, other Departments of the Federal Government, interest groups and State agencies.

• Develops, evaluates, and reviews all Medicaid coverage policies, regulations, and procedures.

• Develops, evaluates, and reviews policies, regulations, and procedures pertaining to States' requests for approval of waivers of Medicaid requirements to provide home and community-based services and makes recommendations whether the waivers should be approved or disapproved.

• Develops, evaluates, and reviews national coverage policies concerning Medicaid medical service contracts, interagency agreements, and prior authorizations.

• Reviews coverage related Medicaid State plan amendment requests.

• Identifies, studies, and makes recommendations for modifying Medicaid coverage policies to reflect changes in recipient health care needs, program objectives, and the health care delivery system.

Dated: March 24, 1992.

J. Michael Hudson,

Acting Administrator.

[FR Doc. 92-7334 Filed 3-30-92; 8:45 am]

BILLING CODE 4120-03-M

Statement of Organization, Functions, and Delegations of Authority; Office of Operations Support

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 52, No. 224, page 44637, dated Friday, November 20, 1987) is amended to reflect a change to the functional responsibilities of the Office of Operations Support (OOS), the specific change is to transfer the budget and administrative support functions from OOS to the immediate Office of Research and Demonstrations.

The specific amendments to part F are described below:

• Section FQ.20.B.3., is deleted in its entirety and replaced by a new functional statement that reads as follows:

3. Office of Operations Support (FQBC)

• Directs the research and demonstrations project grant, cooperative agreement and procurement program.

• Directs and plans ongoing research publications and information resources programs.

• Performs claims adjudication, payment, and data collection for demonstration projects.

• Participates with departmental components in a wide range of experimental health care delivery projects.

• Provides a setting for testing proposed policies and procedures which impact on fiscal intermediary operations and provides the capacity for serving specialized providers.

• Directs ORD's correspondence, tracking, and control system and responds to ORD's Freedom on Information requests.

• Coordinates the development of, and responses to, regulations related to ORD.

Dated: March 24, 1992.

J. Michael Hudson,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 92-7335 Filed 3-30-92; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Final Funding Preference for Grants for Centers of Excellence in Minority Health Professions Education

The Health Resources and Services Administration (HRSA) announces the final funding preference for fiscal year (FY) 1992 for Grants for Centers of Excellence (COE) in Minority Health Professions Education authorized under the authority of section 782 of the Public Health Service Act (the Act), title VII as amended by the Disadvantaged Minority Health Improvement Act of 1990, Public Law 101-527.

On January 27, 1992, this program was announced in the **Federal Register** (57 FR 3059). The 30-day public comment period on the proposed funding preference ended on February 26, 1992. The Department received comments from 5 respondents from Hispanic COEs. The comments are discussed below under the heading "Final Funding Preference for FY 1992." Comments on program aspects that were not specifically proposed for public comment are not addressed in this notice.

Final Funding Preference for FY 1992

Five commenters disagreed with the proposed funding preference. Comments from all 5 related to the need for additional funding by the established Hispanic COEs which they believed was a higher priority than the funding of new COEs. The goal of this funding preference is to achieve an equitable distribution of resources, both geographically and by eligible discipline. Established COEs can address the need for additional funding through the submission of competing application for supplemental funds. Therefore, the proposed funding preference will be retained as follows:

A funding preference will be given to approved applications scoring in the upper 40th percentile or better, submitted by schools located in states which do not currently have a Center of Excellence in that discipline.

The Program, Grants for Centers of Excellence in Minority Health Professions Education is listed at 93.157 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR CFR part 100).

Dated: March 26, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-7397 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-15-M

National Insitutes of Health

Prospective Grant of Exclusive Patent License

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a world-wide exclusive license to sell technology as research reagents embodied in U.S. Patent

Application Serial Number 07/430,049 "cDNA Encoding the Long Isoform of the D2 Dopamine Receptor" and U.S. Patent Application Serial Number 07/548,714 "cDNA Encoding the Rat D1, Dopamine Receptor Linked to Adenylyl Cyclase Activation and Expression of the Receptor Protein in Plasmid-Transfected Cell Lines" to Receptor Genetics, Inc. having a place of business at Gaithersburg, Maryland. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NIH receives written evidence and agrument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The inventions relate to DNA clones coding for the long isoform of the human D2 dopamine receptor and DNA clones coding for the D1 dopamine receptor, the expressed receptors and cell lines expressing the receptors. Dopamine receptors are potentially important for drug screening. Drugs which activate these receptors (agonists) are used to treat Parkinson's disease, whereas drugs which block dopamine from binding to these receptors (antagonists) are used to treat schizophrenia and other mental disorders. Current drugs used for these purposes cause side effects due to a lack of receptor subclass specificity. By using subclass-specific dopamine receptors, it is not possible to select drugs which have increased receptor specificity and potentially fewer side effects.

The availability of these inventions for licensing was published in the **Federal Register** Vol 55, No. 205, p. 42752 (October 23, 1990) and Vol. 56, No. 42, p. 8986. Requests for a copy of the above identified patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Todd E. Leonard, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, Maryland 20892 (telephone: (301) 496–0750; FAX: (301) 402–0220). Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer within sixty (60) days of this notice will be considered.

Dated: March 23, 1992.

Reid G. Adler,

Director, Office of Technology Transfer.

[FR Doc. 92-7306 Filed 3-30-92; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Office of the Assistant Secretary for Health Food, Agriculture, Conservation, and Trade Act of 1990, the National Laboratory Accreditation Program; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health on February 14, 1992, by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Commissioner of Food and Drugs the authorities under section 1322 (b) and (c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (the National Laboratory Accreditation Program) (7 U.S.C. 8138a), as amended hereafter. This delegation excludes the authority to submit reports to the Congess.

Redelegation

This authority may be redelegated.

Effective Date

This delegation became effective on.

Dated: March 19, 1992.

James O. Mason, M.D.,

Assistant Secretary for Health.

[FR Doc. 92-7283 Filed 3-30-92; 8:45 a.m.]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-92-3419; FR-3274-N-01]

Debenture Recall

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice announces a debenture recall of certain Federal Housing Administration debentures, in accordance with authority provided in the National Housing Act.

FOR FURTHER INFORMATION CONTACT: Richard Keyser, room 9136, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–1591. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 207(j) of the National Housing Act, 12 U.S.C. 1713(j), and in accordance with HUD regulations at 24 CFR 207.259(e)(3), the Federal Housing Commissioner, with approval of the Secretary of the Treasury, announces the call of all Federal Housing Administration debentures with coupon rates of 7½ percent or higher, except for those debentures subject to "debenture lock agreements," that have been registered on the books of the Federal Reserve Bank of Philadelphia, and are, therefore, "outstanding" as of March 31, 1992. The date of the call is July 1, 1992. To insure timely payment, debentures should be presented to the Federal Reserve Bank of Philadelphia by June 1, 1992.

The debentures will be redeemed at par plus accrued interest. Interest will cease to accrue on the debentures as of the call date. Final interest on any called debenture will be paid with the principal at redemption. During the period from the date of this notice to the call date, debentures that are subject to the call may not be used by a mortgagee for a special redemption purchase in payment of a mortgage insurance premium.

No transfer or denominational exchanges of debentures covered by the foregoing call with be made on the books maintained by the Treasury Department on or after April 1, 1992. This does not affect the right of the holder of a debenture to sell or assign the debenture on or after this date. Payment of final principal and interest due on July 1, 1992, will be made to the registered holder or assignee.

Instructions for the presentation and surrender of debentures for redemption will be provided to holders by the Department.

Dated: March 19, 1992.

Arthur J. Hill,

Assistant Secretary for Housing Federal Housing Commissioner.

[FR Doc. 92-7305 Filed 3-30-92; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Earth Observing System (EOS) Land Processes Distributed Active Archive Center (DAAC) Science Advisory Panel; Notice of establishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), 5 U.S.C. App. (1988). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the EOS Land Processes DAAC Science Advisory Panel.

The purpose of the Panel is to advise the U.S. Geological Survey, Earth Resources Observation Systems (EROS) Data Center in the definition, development, implementation, and operation of data processing, archiving, and distribution systems and associated science support capabilities required in its role as one of seven primary DAACs established by the National Aeronautics and Space Administration (NASA) as part of the EOS Program. EOS is a major component of the U.S. Global Change Research Program.

The Panel will be responsible for providing advice and consultation on a broad range of scientific and technical topics and for representing the interests and requirements of the scientific research community in guiding development of Land Processes DAAC systems and capabilities. Membership on the Panel will include representation by scientists formally affiliated with the EOS Program and by scientists who do not have such formal affiliation, including representation for the United States academic research community.

The Panel will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. The Charter will be filed under the Act, fifteen days from the date of publication of this notice.

Further information regarding the Land Processes DAAC Science Advisory Panel may be obtained from the Director, U.S. Geological Survey, Department of the Interior, 12201 Sunrise Valley Drive, Reston, Virginia 22092. Certification of establishment is published below.

Certification

I hereby certify that the establishment of the EOS Land Processes DAAC Science Advisory Panel is necessary and in the public interest in connection with the performance of duties undertaken by the Department of the Interior pursuant to the Memorandum of Understanding between the U.S. Geological Survey (USGS) and the National Aeronautics and Space Administration (NASA) for Experimental Land Remotely Sensed Data Processing, Distribution, Archiving, and Related Science Support. The U.S. Geological Survey is authorized to cooperate with NASA in developing and operating the Land Processes DAAC pursuant to the Organic Act of the U.S. Geological Survey of March 3, 1879 (43 U.S.C. 31), Section 101(h) of Public Law 99–591 (An Act making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 10, 1987, and for other purposes.), 100 Stat. 3341, 3341–252; and NASA's section 203(c)(5) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(c)(5)).

Dated: January 23, 1992.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 92-7207 Filed 3-30-92; 8:45 am]

BILLING CODE 4310-31-M

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior (DOI).

ACTION: Notice of revision to the DOI Manual 516 DM 6—Appendix 5, Managing the National Environmental Policy Act (NEPA) Proces. Revised instructions for the Bureau of Land Management.

SUMMARY: This notice announces final revised procedures for implementing NEPA, 1969, within the Bureau of Land Management (BLM). The DOI is amending Manual 516 Section 6—Appendix 5, which lists BLM actions that normally require an Environmental Impact Statement (EIS) and BLM's list of actions that are normally categorically excluded from completing an Environmental Assessment (EA) or an EIS.

The revisions will delete a number of obsolete and potentially misleading references and will update the Manual, based on changing trends, laws, and public concerns since the previous Manual was published in 1983.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Deason, Director, Office of Environmental Affairs, Office of the Secretary, (202) 208–3891; or Paul Petty, Division of Planning and Environmental Coordination, BLM, (202) 653–8824.

SUPPLEMENTARY INFORMATION:

I. Background and Special Considerations

The BLM's previous procedures implementing NEPA (those being replaced by this release) were published in the **Federal Register** (FR) on September 26, 1983 (48 FR 43731). These most recent Manual changes revise Appendix section, 5.1 NEPA Responsibility, to reflect subsequent organizational changes in the BLM, update the list of related regulations in Section 5.2 Guidance to Applicants and revise sections 5.3 and 5.4 as summarized below:

Section 5.3, Major Actions Normally Requiring an EIS, differs from the 1983 list primarily as follows:

1. All court-ordered grazing EIS's have been completed and filed. Resource Management Plans (RMPs), and accompanying EISs, prepared in accordance with land use planning, the Federal Land Policy and Management Act and 43 CFR part 1600, now include livestock grazing. Consequently, it is no longer appropriate to list major grazing activity plans as normally requiring an EIS. Likewise, timber management plans have been deleted from the list as the BLM has filed all of the required timber management EIS's scheduled. As with grazing plans, forest management is also addressed in resource management plan EIS's, negating the need for a separate listing in the "Normally Require an EIS" section.

2. Issuance of coal preference right leases has been added to the list.

3. Proposals for wilderness, wild and scenic rivers and national historic trails have been added.

4. The size of the surface disturbance actions that normally require an EIS were changed, in some instances, to achieve consistency.

Although section 5.3 identifies those actions for which an EIS is usually required, it is important to note that actions not listed in 5.3 (such as a mine less than 640 ac.) also require an EIS if impacts are likely to be significant. The reader is reminded that if an EIS is considered not needed for an action listed as normally requiring an EIS in section 5.3, the EA must be available for at least a 30-day public review period (40 CFR 1501.4(e)(2)) before the action may begin.

Section 5.4, Categorical Exclusions, differs from the 1983 list in several respects:

1. A number of categorical exclusions (CXs) have been deleted to eliminate redundancy with the Departmental list (516 DM 2, Appx. 1).

2. Obsolete entries that are no longer appropriate for the CX list have been dropped. Those dropped include actions that are now being addressed in the EISs that BLM routinely prepares in association with resource management plans or in programmatic environmental documents.

3. Several CXs have been revised to remove unnecessary qualifiers or to more clearly specify the activity that is being excluded.

4. A number of new exclusions have been added.

5. The order in which the exclusions are presented has been changed.

Under established procedural requirements before any action described in this list of categorical exclusions is used, the exceptions (516 DM 2, Appx. 2) must be reviewed in each case to see if any apply. The action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA and/or an EIS.

The BLM's NEPA Handbook (H–1790–1, Chapter II) recommends that managers note in the decision records associated with case/project files or in other authorizing documents, when categorial exclusions have been used. The Handbook suggests a standard form for documentation.

The BLM list of categorical exclusions must always be used in conjunction with the Department's list of categorical exclusions (516 DM 2, Appx. 1)

II. Comments Received and DOI Responses

On November 17, 1989 (FR Vol. 54, No. 221 Page 47832), a notice of proposed revised instructions for the BLM was published in the **Federal Register** for public review. As a result of that notice comments were received from 7 respondents outside BLM. An explanation of changes made from the 11/17/89 release and why the changes were considered to be necessary follows. The preamble to the 11/17/89 notice explaining the rationale for revising the manual is not repeated here. For that description, please see FR Vol. 54, No. 221, Page 47832.

In the following discussion, CX numbers that appeared in the 11/17/89 notice of availability are cited first. The replacement number is then given. These new numbers will be used in the revised Manual (516 DM 6, Appx. 5), consistent with this notice.

516 DM 6—Appendix 5.3

(1) No change.

(2) "National trails" was changed to "National Historic Scenic Trails" for clarity in setting them apart from other types of trails.

(3–4) No change.

(5a) The word "major" was dropped since any of these types of development appearing on Federal land generally have the potential of causing significant impacts.

(5b) No change.

(6, now deleted) Withdrawal from mineral entry under the U.S. mining laws of 5,000 acres or more was deleted because the listing here would be a redundant requirement. The decision to withdraw lands must be consistent with the applicable resource management plan (RMP), management framework plan (MFP), or amendments thereto. The NEPA documentation for these planning documents, whether an EA or EIS, usually contains the appropriate analysis to accompany the decision to make the withdrawal. In those few instances where the resource management plan NEPA documentation is not sufficient, an EA or EIS as appropriate, is required by other existing regulations. Therefore, this listing is redundant and would lead to a meaningless document which would in almost all cases only cross reference to an existing EIS or EA that already fully complies with NEPA.

(7, now 6) No change.

(8, now deleted) This listing was deleted because the lead for making this determination is the Office of Surface Mining.

(9, 10, 11, now 7) This new entry entirely replace 5.3 (9, 10 and 11). The new entry makes comparable the size of the surface disturbance actions that normally requires an EIS. The new entry also encompasses all noncoal surface disturbance, making the entry all-inclusive.

The 640 acre figure was adopted so that all types of mining disturbances may be treated in a like manner. The reader is reminded that 5.3 lists actions that *normally* require an EIS. This listing does not preclude an EIS from being completed for smaller mines. Furthermore, the listing does not absolutely require an EIS for every mine over 640 acres if an EA is prepared that clearly indicates that there is a very low probability of significant impacts and the requirements of 40 CFR 1501.4(e)(2) are met.

(B) No change.

516 DM 6—Appendix 5.4

A. Fish and Wildlife

(1) No change.

(2) This categorical exclusion (CX) was changed by adding "minor" in response to a comment that BLM might seek to improve livestock grazing conditions in order to benefit wildlife habitat by excluding actions from NEPA documentation with this entry. Several examples were also added.

(3–4) No change.

(5) It was recognized that changing the species composition could cause a significant impact in some instances. Therefore, the introduction of new species has been excluded from this CX through modified wording of the CX, as requested in comments.

(6) This CX has been modified to eliminate actions that have the potential of causing significant impacts when the introduction of new species into an ecosystem are involved. BLM Manual sec. 6830 requires an EA for annual Animal Damage Control plans. Where possible, the relocation of nuisance and predatory animals would be covered in that plan in response to public concern.

(7) The words "on existing facilities" were added to limit the scope of this CX entry.

B. Fluid Minerals

(1) It is BLM policy that contingent right stipulations are not to be used for fluid mineral leasing. Therefore, the CX was dropped from the list. This change is in response to both internal and external comments received.

(2, now 1) No change.

(3, now 2) Concern was expressed that the referenced lease adjustments could include the addition of new land for development, operations or production. This CX was not changed because additional acreage cannot be added to existing oil leases.

Concern was also expressed that lease adjustments described in this CX might also include the alteration of environmental protection measures included in a lease. This would not happen because that process is separate and is completed by approving stipulation waivers, exceptions, or modifications. This process is described in 43 CFR 3101.1–4. The circumstances for granting a waiver, exception, or modification must be documented in a resource management plan or plan amendment. The plan or plan amendment would also identify the support documentation requirements and any public notification needs associated with granting a waiver, exception or modification.

(4, now 3) An example was added to clarify "minor".

(5, now 4) Drainage, underground gas storage and compensatory royalty agreements were added for clarity and completeness.

(6, now 5) Concern was expressed that this provision should be restricted to a certain time frame such as one year. It was decided to leave it as published in the 11/17/89, FR notice because the authorized officer of the BLM has the authority at any time to renew testing of wells where operations have been suspended on temporarily abandoned wells. Stipulations imposed for environmental reasons at the time of leasing or Application for Permit to Drill (APD) approval would be retained, as necessary, during the term of the suspension to assure environmental protection.

(7, now 6) "Operating reporting procedures" was dropped as an example.

(8, now deleted) This item is considered unnecessary. It is already covered by the Departmental Categorical Exclusion list (516 DM 2 Appx. 1.7)

Geophysical Exploration

Section B.2(b) and B.3(b) of the old CX list were deleted because much of the geophysical exploration activity, such as nonsurface disturbing activity, would be covered under the Department's CX List No. 1.6: "Non-destructive data collection * * *". However, where data collection, including geophysical exploration, is deemed to be of a "destructive nature", an EA or EIS would be required. Because of the wide variety of activity that can be considered "geophysical exploration", it is no longer listed as a categorical exclusion in and of itself.

C. Forestry

(1) Concern was expressed in one comment that size limits should be imposed and that the CX should not permit the construction of nurseries, seed orchards and progeny sites in existing or potential natural areas without completing an EA or EIS. The CX was not changed since it only pertains to actions "*in* forest tree nurseries, etc". The development of new sites for these purposes or the expansion of existing sites is not encompassed by this CX. It should be noted that the BLM presently has no existing or planned nurseries.

(2) Rights-of-ways was changed to "roads" so that the clearing of unapproved "paths" or "ways" would not be included on the CX list. The lack of a definition for "small groups" of trees was intentional because size is relative to where treatments occur. These adjustments were made in response to public comments.

(3) This provision applies only to reforestation activities. It does not include any type of harvest, or land conversion activities. Reseeding with exotic species would require an EA (BLM Manual sec. 1745). Furthermore, this CX does not include construction or improvement of roadways. Chaining was specifically excluded from the CX list in response to public comment. Other minor changes were made for clarity, including "non-toxic" big game repellant.

(4) "Brush control" was added for specificity, and to reflect the type of work actually done.

(5) The words "products", "seeds", and "personal use" were added for clarity as called for in public comments. "Cones" include both green and dry collections. "Outside established harvest areas" means areas presently not under contract.

D. Rangeland Management

(1) No comments were received concerning deleting "F.(1)" from the 1963 manual. The court ordered EIS and subsequent land use plans analyzed the issuance of term grazing permits and leases. There are regulations, which have been promulgated and analyzed (43 CFR 4110.1), that authorize the issuance of preference to qualified applicants. No change to the regulation is proposed when a transfer involves a modification in preference.

The CX entry, "Approval of transfers of grazing preference" was not changed from the 11/17/89 **Federal Register** version.

(2) The phrase, "providing no new road construction is needed"was added to clarify that the action would not be excluded if road construction were involved in the placement. Of course, motorized vehicle travel in areas closed to such use, such as in wilderness areas, would not be authorized by this exclusion.

(3–8) No change.

E. Realty

(1) This CX entry has not been changed. In response to a comment, the analysis to determine whether the recommended proposed action should be to terminate the withdrawal or to continue the withdrawal, and if so, for how long, is one of the first steps in reviewing a withdrawal, and it would have already taken place. The recommended proposed action is then analyzed to determine if it qualifies as a CX or if an EA or EIS would be required. If there will be no change in segregative effect, there would be no new uses, either harmful or beneficial to the environment.

(2) This CX has been revised because it applies to land withdrawal or land classifications actions where lands are not being opened or closed to the general land laws, etc. State indemnity selection is one of the general land laws.

(2–3) These items exclude revocations, terminations, extensions, or modifications from their respective categories, but none of these categories include opening lands to the operation of the 1872 Mining Law. An existing CX which encompasses land being opened to the operation of the 1872 Mining Law has been deleted.

(2, 11, 18, 22, now 2, 12, 19, 22) Concern was expressed that these CX items are too broadly worded. If there is no change in segregative effect, there would be no new uses, either harmful or beneficial to the environment, which could not have taken place before the segregative effect changed. This CX continues to cover instances involving revocations or terminations of withdrawals on lands which have passed from Federal ownership or where several withdrawals overlap and one is removed, leaving another withdrawal of equal or greater segregative effect to protect the land.

(3) This change was made to make it clear that prior to implementing any of the listed actions without completing an EA or EIS, a RMP must be in place and the proposed actions must be described in the plan and covered by it's associated EIS or EA. If a RMP/EIS or RMP/EA has not yet been completed for the lands in question, the items listed would not be categorically excluded and either an EA or an EIS would have to be completed. Listed actions taking place on unplanned lands (or lands covered by a MFP not yet updated by RMP) would not be categorically excluded.

Concern was expressed that the opening of land to the operation of the public land laws, such as State indemnity selections, would or could have significant effects and should not be categorically excluded. In response to this comment, it should be pointed out that the opening of land to operation under the public land law would have no environmental effect upon the land in and of itself. The mere opening of land to the operation of the public land law is not the final point of resource commitment. Only if and when a State applies for an indemnity selection would there be the possibility of an effect on the environment. At that point, an EA (or an EIS if appropriate) would be required.

(4, now deleted) It was decided, in consultation with the Council on Environmental Quality, to drop this item from the list of categorical exclusions. The CX list is only for actions that "do not individually or collectively have a significant effect on the human environment" (40 CFR 1508.4, in part). Actions that the Secretary is required by law to take may still have significant environmental consequences, thus, do not fit the CX definition and would be inappropriate to list.

Nevertheless, the actions described in this entry, if truly nondiscretionary, are still not subject to NEPA documentation. NEPA documentation relative to mandatory actions, such as those described here, would serve no purpose and are thus not required. The purpose of an EA or EIS is to analyze alternative

courses of action relative to the environmental impacts associated with each alternative and to use this information in helping to make reasoned decisions. If the Secretary has no choices to make, the documents would serve no function.

(5, now deleted) This CX entry was also dropped for largely the same reasons as E.4. above. Nondiscretionary land actions pursuant to the Alaska Native Claims Settlement Act and other acts listed in the former CX might still cause significant impacts and thus are not an appropriate CX entry. As with E.4., however, this does not necessarily mean that an EA or EIS has to be completed relative to these land actions. Where these BLM actions are nondiscretionary, an EA or EIS in not required.

(6, now 4) Prior to Alaska statehood, the Federal Aviation Administration (FAA) appropriated Federal lands in Alaska for airport purposes. FAA is transferring jurisdiction and title of these facilities to the State of Alaska. Since the action is one of title transfer and not construction, it may be categorically excluded. Wording of the CX was modified to clarify this point.

(7, now 5) In response to public comment, we agree that private interest and use must be considered if there are mineral values in the property. By limiting the CX to those actions where there are "no known mineral values in the land", then any conveyance of mineral interests that may involve surface development will require NEPA documentation.

(8–10, not 6–8) No change.

(11, now 9) One respondent contended that Memorandums of Understanding (MOUs) are entered into with counties so that a future decision will be made as to whether the MOUs will be reinstated or not. When these MOU reinstatement decisions are made, the public should be able to challenge BLM's decision to impact the environment during the associated EA/EIS process. The authority was cited as 111 IBLA 207.

In response, 111 IBLA 207 does not address the legality of the MOU; rather, the decision finds that "the record does not support a finding there is such a road within the permitted area of travel." The decision allows for "administrative concern" to require inquiry into the status of a claimed R.S. 2477 right-of-way grant. Further, 111 IBLA 207 addresses R.S. 2477 grants, which are rights established by counties and states prior to the Federal Land Policy and Management Act (FLPMA). The BLM action on R.S. 2477 roads is limited to making a determination as to whether the right existed prior to the FLMPA. The BLM issues no authorization on these roads; therefore, they are not subject to renewal or assignment. Since this CX addresses only renewals and assignments of rights-of-way that the BLM has authority to issue, R.S. 2477 roads and 111 IBLA 207 do not apply.

(12–13, now 10–11) No change.

(14, now 12) The CX revision is in response to public comment that many existing rights-of-way have never been developed, and some of these are pre-NEPA. To allow the development of new rights-of-way within such areas could involve extensive new disturbance in currently undisturbed area without the benefit of any NEPA consideration.

(15–18, now 13–16) No change.

(19, now 17) Concern was expressed that there was nothing to prevent the placement of a utility line across great distances using a CX. The CX has been modified to preclude this possibility.

(20, now deleted) As a result of the change in 19, the entry is no longer necessary.

(21, now 18) No change.

(22, now 19) As with any categorically excluded item, there may be exceptions where an EA or EIS should be completed (516 DM 2.3(3)). If any of the exceptions apply to the proposed action, environmental documentation would be required.

(23, now 20) No change.

F. Solid Minerals

(1 and 2) These lands are already in production and are producing under a set of stipulations or operating procedures that are designed to protect the environment and assure appropriate reclamation following abandonment. All changes from the original plan of operation must be supported by documented circumstances for granting a waiver, exception or modification. The plan or plan amendment should also identify the support documentation requirements and any public notification needs.

(2) The word "adjustments" was changed to "readjustment renewals" for clarity.

(3–4) No change.

(5) This entry was deleted from the BLM list of categorical exclusions because administrative actions of this nature are already covered in the Departmental Categorical Exclusion list (516 DM 2 Appx. 1.70).

(6–7, now 5–6) No change.

(8, now 7) Salable and locatable were added to leasable for consistency and clarity. An example was added to clarify "Minor".

(9, now 8) Examples were added for clarity.

(10–11, now 9–10) Riparian areas have been excluded from these CX's in response to comments. For purposes of these entries, a riparian area is defined as follows:

> An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependant upon free water in the soil (BLM's 1987 policy statement on riparian area management).

Floodplains, wetlands and environmentally sensitive areas are further protected by other Federal and State permit specifications and by requirements of the Fish and Wildlife Coordination Act. In addition, the reader is reminded that the Department Manual (516 DM 2, Appendix 2) describes Exceptions to Categorical Exclusions. This list delineates several unique and fragile areas that, if adversely affected, would be inappropriate for categorical exclusion.

G. Transportation and Signs

(1) This CX is restricted to the placement of existing roads on the Bureau's transportation plan when no new construction or upgrading is needed. Whether the existing roads are properly defined or designated on maps for ORV usage, should in no way affect whether or not the road is placed or removed from the Bureau's transportation plan, as long as the road existed and no new construction or upgrading is being done. For this reason, no changes were made to the CX list.

(2–4) No change.

H. Other

(1) No change.

(2) For clarification, this CX covers the acquisition of existing water structures on public lands through purchase, gift or by trade. It does not apply to the acquisition of water rights.

(3) This entry has been expanded to include "site characterization studies and environmental monitoring," for added clarity. It has also been modified with the words "small monitoring devices such as wells, particulate dust counters and automatic air or water samplers" to more clearly define the intent and limits of the CX listing.

(4) The words "within the same work season" were added in response to public concern about lack of a time frame.

(5) The editorial error of "trails" was corrected to "trials."

(6) The CX was restricted to a single trip in a one month period, because repetitive trips could have the impact of causing a road to be established without NEPA documentation. The change was made in response to comments received. The word "drilling" was dropped since it would, when appropriate for CX listing, already be covered under "data collection or observation sites."

(7) No change.

(8) The word "minor" was added to limit the scope of this CX listing. As a point of clarification, this CX is not to be used for major new construction projects such as new bridges or major road realignments.

(9) No change.

(10) This CX was rewritten to clarify that the subject action often involves trespass resolution. Also, "non-valuable, recent" was dropped as being unnecessarily restrictive. These changes were made in response to comments received.

(11) This CX, formally pertaining to all Federal agencies, now concerns only DOI agencies. This change was made because the Department review process for categorical exclusions is similar within DOI. Non-DOI agencies may be less restrictive than DOI or use substantially different standards, leading to serious discrepancies.

(12) No change.

Dated: March 16, 1992.

Jonathan P. Deason,

Director, Office of Environmental Affairs, Office of the Secretary, U.S. Department of the Interior.

Appendix 5—Bureau of Land Management

5.1 NEPA Responsibility

A. *The Director/Deputy Director* are responsible for National Environmental Policy Act compliance for Bureau of Land Management activities.

B. *The Assistant Director, Support Services,* is responsible for policy interpretation, program direction, leadership, and line management for Bureau environmental policy, coordination and procedures.

(1) *The Division of Planning and Environmental Coordination (P&EC)* which reports to the Assistant Director, Support Services, has Bureauwide environmental compliance responsibilities. These reponsibilities include program direction for environmental compliance and ensuring the incorporation and integration of the NEPA compliance process into Bureau environmental documents.

C. *The Assistant Directors, Renewable Resources, Energy and Minerals Resources, and Management Services* are responsible for cooperating with the Assistant Director, Support Services, to ensure that the environmental compliance process operates as prescribed within their areas of responsibility. This includes managing and ensuring the quality of environmental analyses, assigned environmental documents and records of decisions.

D. *The State Directors* are responsible to the Director/Deputy Director for overall direction and integration of the NEPA process into their activities and for NEPA compliance in their States. The P&EC unit provides major staff support and is the key focal point for NEPA matters at the State level.

(1) *The District Managers* are responsible for implementing the NEPA process at the District level. The P&EC unit provides major support and is the key focal point for NEPA matters at the District level.

(2) *The Area Managers* are responsible for implementing the NEPA process at the resource area level.

5.2 Guidance to Applicants

A. *General.* (1) Applicants should make initial contact with the line manager (Area Manager, District Manager or State Director) of the office where the affected public lands are located.

(2) If the application will affect responsibilities of more than one State Director, an applicant may contact any State Director whose jurisdiction is involved. In such cases, the Director may assign responsibility to the Headquarters Office or to one of the State Offices. From that point, the applicant will deal with the designated lead office.

(3) Potential applicants may secure from State Directors a list of program regulations or other directives/guidance providing advice or requirements for submission of environmental information. The purpose of making these regulations known to potential applicants, in advance, is to assist them in presenting a detailed, adequate and accurate description of the proposal and alternatives when they file their application and to minimize the need to request additional information. This is a minimum list and additional requirements may be identified after detailed review of the formal submission and during scoping.

(4) Since much of an applicant's planning may take place outside of BLM's planning system, it is important for potential applicants to advise BLM of their planning at the earliest possible stage. Early communication is necessary to properly conduct our stewardship role on the public lands and to seek solutions to situations where private development decisions may conflict with public land use decisions. Early contact will also allow the determination of basic data needs concerning environmental amenities and values, potential data gaps that could be filled by the application and a modification of the list or requirements to fit local situations. Scheduling of the environmental analysis process can also be discussed, as well as various ways of preparing any environmental documents.

B. *Regulations.* The following partial list provides guidance to applicants on program regulations which may apply to a particular application. Many other regulations deal with proposals affecting public lands, some of which are specific to BLM while others are applicable across a broad range of Federal programs (e.g., Protection of Historic and Cultural Programs—36 CFR part 800).

(1) Resource Management Planning—43 CFR 1610;

(2) Withdrawals—43 CFR 2300;

(3) Land Classification—43 CFR 2400;

(4) Disposition: Occupancy and Use—43 CFR 2500;

(5) Disposition: Grants—43 CFR 2600;

(6) Disposition: Sales—43 CFR 2700;

(7) Use: Rights-of-Way—43 CFR 2800;

(8) Use: Leases and Permits—43 CFR 2900;

(9) Oil and Gas Leasing—43 CFR 3100;

(10) Geothermal Resources Leasing—43 CFR 3200;

(11) Coal Management—43 CFR 3400;

(12) Leasing of Solid Minerals Other than Coal/Oil Shale—43 CFR 3500;

(13) Mineral Materials Disposal—43 CFR 3600;

(14) Mining Claims Under the General Mining Laws—43 CFR 3800;

(15) Grazing Administration—43 CFR 4100;

(16) Wild Free-Roaming Horse and Burro Management—43 CFR 4700;

(17) Forest Management—43 CFR 5000

(18) Wildlife Management—43 CFR 6000, and

(19) Recreation Management—43 CFR 8300.

5.3 Major Actions Normally Requiring an EIS

A. The following types of Bureau actions will normally require the preparation of an EIS:

(1) Approval of Resource Management Plans.

(2) Proposals for Wilderness, Wild and Scenic Rivers, and National Historic Scenic Trails.

(3) Approval of regional coal lease sales in a coal production region.

(4) Decision to issue a coal preference right lease.

(5) Approval of applications to the BLM for major actions in the following categories:

(a) Sites for steam electric powerplants, petroleum refineries, synfuel plants and industrial facilities.

(b) Rights-of-way for major reservoirs, canals, pipelines, transmission lines, highways and railroads.

(6) Approval of operations that would result in liberation of radioactive tracer materials or nuclear stimulation.

(7) Approval of any mining operation where the area to be mined, including any area of disturbance, over the life of the mining plan, is 640 acres or larger in size.

B. If, for any of these actions it is anticipated that an EIS is not needed based on potential impact significance, an environmental assessment will be prepared and processed in accordance with 40 CFR 1501.4(e)(2).

5.4. Categorical Exclusions

The Departmental Manual [516 DM 2.3A(3) & Appx 2] requires that before any action described in the following list of categorical exclusions is used, the exceptions must be reviewed for applicability in each case. The proposed action cannot be categorically excluded if one or more of the exceptions apply, thus requiring either an EA or an EIS.

When no exceptions apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS:

A. *Fish and Wildlife.*

(1) Modification of existing fences to provide improved wildlife ingress and egress.

(2) Minor modification of water developments to improve or facilitate wildlife use (e.g. modify enclosure fence, install flood value, or reduce ramp access angle).

(3) Construction of perches, nesting platforms, islands and similar structures for wildlife use.

(4) Temporary emergency feeding of wildlife during periods of extreme adverse weather conditions.

(5) Routine augmentations such as fish stocking, providing no new species are introduced.

(6) Relocation of nuisance or depredating wildlife, providing the relocation does not introduce new species into the ecosystem.

(7) Installation of devices on existing facilities to protect animal life such as raptor electrocution prevention devices.

B. *Fluid Minerals.*

(1) Issuance of future interest leases under the Mineral Leasing Act of Acquired Lands where the subject lands are already in production.

(2) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(3) Approval of minor modifications or minor variances from activities described in approved development/production plans (e.g. the approved plan identifies no new surface disturbance outside the area already identified to be disturbed).

(4) Approval of unilization agreements, communitization agreements, drainage agreements, underground gas storage agreements, compensatory royalty agreements, or development contracts.

(5) Approval of suspensions of operations, *force majeure* suspensions, and suspensions of operations and production.

(6) Approval of royalty determinations such as royalty rate reductions.

C. Forestry

(1) Land cultivation and silvicultural activities (excluding herbicides) in forest tree nurseries, seed orchards, and progeny test sites.

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

(3) Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used and there is no conversion of timber type or conversion of nonforest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellant, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.

(4) Precommercial thinning and brush control using small mechanical devices.

(5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.) cones, seeds and personal use firewood.

D. Rangeland Management

(1) Approval of transfers of grazing preference.

(2) Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.

(3) Temporary emergency feeding of livestock or wild horses and burros during periods of extreme adverse weather conditions.

(4) Removal of wild horses or burros from private lands at the request of the landowner.

(5) Processing (transporting, sorting providing veterinary care to, vaccinating, testing for communicable diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves of) excess wild horses and burros.

(6) Approval of the adoption of healthy, excess wild horses and burros.

(7) Actions required to ensure compliance with the terms of Private Maintenance and Care Agreements.

(8) Issuance of title to adopted wild horses and burros.

(9) Destroying old, sick, and lame wild horses and burros as an act of mercy.

E. Realty

(1) Withdrawal extensions or modifications which only establish a new time period and entail no change in segregative effect or use.

(2) Withdrawal revocations, terminations, extensions or modifications and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.

(3) Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).

(4) Administrative conveyances from the Federal Aviation Administration (FAA) to the State of Alaska to accommodate airports on lands appropriated by the FAA prior to the enactment of the Alaska Statehood Act.

(5) Actions taken in conveying mineral interest, where there are no known mineral values in the land, under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).

(6) Resolution of class one color-of-title cases.

(7) Issuance of recordable disclaimers of interest under section 315 of FLPMA.

(8) Corrections of patents and other conveyance documents under section 316 of FLPMA and other applicable statutes.

(9) Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

(10) Transfer or conversion of leases, permits, or rights-of-way from one agency to another (e.g., conversion of Forest Service permits to a BLM Title V Right-of-way).

(11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA section 302(b) leases where no new facilities or other changes are needed.

(12) Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

(13) Amendments to existing rights-of-way such as the upgrading of existing facilities which entail no additional distrubances outside the rights-of-way boundary.

(14) Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.

(15) Transfer of land or interest in land to or from other Bureaus or Federal agencies where current management will continue and future changes in management will be subject to the NEPA process.

(16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

(17) Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

(18) Temporary placement of a pipeline above ground.

(19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

(20) One-time issuance of short-term (3 years or less) rights-of-way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.

F. Solid Minerals

(1) Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands where the subject lands are already in production.

(2) Approval of mineral lease readjustments, renewals and transfers, including assignments and subleases.

(3) Approval of suspensions of operations, *force majeure* suspensions, and suspensions of operations and production.

(4) Approval of royalty determinations such as royalty rate reduction and operations reporting procedures.

(5) Determination and designation of logical mining units (LMUs).

(6) Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.

(7) Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable and locatable minerals. (e.g. the approved plan identifies no new surface disturbance outside the areas already identified to be disturbed.)

(8) Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals. (e.g. change in mining sequence or timing.)

(9) Digging of exploratory trenches for mineral materials, except in riparian areas.

(10) Disposal of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

G. Transportation Signs

(1) Placing existing roads in any transportation plan when no new construction or upgrading is needed.

(2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to existing roads.

(3) Temporary closure of roads.

(4) Placement of recreational, special designation or information signs, visitor registers, kiosks and portable sanitation devices.

H. Other

(1) Maintaining plans in accordance with 43 CFR 1610.5–4.

(2) Acquisition of existing water developments (e.g. wells and springs) on public land.

(3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included is siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samplers.

(4) Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.

(5) Issuance of special recreation permits to individuals or organized groups for search and rescue training, orienteering or similar activities and for dog trials, endurance horse races or similar minor events.

(6) A single trip in a one month period to data collection or observation sites.

(7) Construction of snow fences for safety purposes or to accumulate snow for small water facilities.

(8) Installation of minor devices to protect human life (e.g. grates across mines).

(9) Construction of small protective enclosures including those to protect reservoirs and springs and those to protect small study areas.

(10) Removal of structures and materials of nonhistorical value, such as abandoned automobiles, fences, and buildings, including those built in trespass, and reclamation of the site when little or no surface disturbance is involved.

(11) Actions where BLM has concurrence or coapproval with another DOI agency and the action is categorically excluded for that DOI agency.

(12) Rendering formal classification of lands as to their mineral character and waterpower and water storage values.

[FR Doc. 92–6700 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[CA–063–02–4320–07]

Temporary Closure of Public Lands in Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure of Public Lands in Kern County, CA.

SUMMARY: This closure order affects the Public Land along the eastern edge of the El Paso Mountains, Kern County, California under the administrative responsibility of the Ridgecrest Resource Area, California Desert District. The following is a description of the Public Land affected by this closure order:

T. 28 S., R. 40 E., Mount Diablo Baseline and Meridian

Section 19: SE¼SE¼
Section 20: S½S½
Section 21: S½S½
Section 22: SW¼ west of Highway 395
Section 27: W½, that portion of the E½ west of Highway 395
Section 28: All
Section 29: All
Section 30: E½E½
Section 31: E½E½
Section 32: All
Section 33: All
Section 34: W½, that portion of the E½ west of Highway 395

T. 29 S., R. 40 E., Mount Diablo Baseline and Meridian

Section 2: That portion of the N½N½ west of Highway 395 (not surveyed)
Section 3: N½N½ (not surveyed)
Section 4: N½N½ (not surveyed)
Section 5: NE¼NE¼ (not surveyed)

The Public Lands listed above are closed to unauthorized entry including all vehicles, camping and hiking. No person may use, drive, move, transport, let stand, park or have charge or control over any type of motorized or mechanical vehicle within closure area. All major access routes into the area will be posted. The closed area is located approximately 15 miles south of Inyokern, California.

Exemptions to this order are granted to the following:

Employees of valid rights-of-way holders in the course of duties associated with the right-of-way.

Holders of valid lease(s), claim(s), contract(s) and permit(s) and their employees in the course of duties associated with the lease, claim, contract, and permit.

Law enforcement and other emergency vehicles on official duties, and search and rescue operations.

All other exemptions to this order are by written authorization of the California Desert District Manager. Anyone seeking an exemption must submit their request in writing to the California Desert District Manager (6221 Box Springs Blvd., Riverside, CA 92507). The request must include a detailed description outlining the purpose or need for the exemption, specific areas to be used, and dates of the exemption.

The purpose of this closure is to preclude public access to a large plot within the closed area where desert tortoise research is being conducted. This closure will avert any potential problems from the public and activities that may adversely affect the experiment.

EFFECTIVE DATES: This closure will be in effect from Wednesday, April 1, 1992 through Friday, June 5, 1992.

FOR FURTHER INFORMATION CONTACT:

District Manager, California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507–0714, (714) 697–5370.

Area Manager, 300 South Richmond Road, Ridgecrest, CA 93555, (619) 375–7125.

SUPPLEMENTARY INFORMATION:

Maps showing the areas and routes affected by this closure order are available by contacting the aforementioned office.

Authority for this temporary closure order is found in 43 CFR 8364.1. Violation of this closure is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months (43 CFR 8360.0–7).

Dated: March 23, 1992.

Richard E. Crowe,

Assistant District Manager, Division of Operations.

[FR Doc. 92–7286 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–40–M

[WY-940-4730-12]

Filing of Plats of Survey: WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Wyoming State Office, Cheyenne, Wyoming, thirty (30) calendar days from the date of this publication.

Sixth Principal Meridian, Wyoming

T. 51 N., R. 70 W., accepted March 23, 1992
T. 47 N., R. 77 W., accepted March 23, 1992
T. 20 N., R. 93 W., accepted March 23, 1992
T. 47 N., R. 77 W., accepted March 23, 1992

If protests against a survey, as shown on any of the above plats, are received prior to the official filing, the filing will be stayed pending consideration of the protest(s) and or appeal(s). A plat will not be officially filed until after disposition of protest(s) and or appeal(s).

These plats will be placed in the open files of the Wyoming State Office, Bureau of Land Management, 2515 Warren Ave., Cheyenne, Wyoming, and will be available to the public as a matter of information only. Copies of the plats will be made available upon request and prepayment of the reproduction fee of $2.00 per copy.

A person or party who wishes to protest a survey must file with the State Director, Bureau of Land Management, Cheyenne, Wyoming, a notice of protest prior to thirty (30) calendar days from the date of this publication. If the protest notice did not include a statement of reasons for the protest, the protestant shall file such a statement with the State Director within thirty (30) calendar days after the notice of protest was filed.

The above-listed plats represent dependent resurveys and subdivisions.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: March 23, 1992.

John P. Lee,

Branch of Cadastral Survey.

[FR Doc. 92–7323 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–22–M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT 766234

Applicant: Meeker Park Zoo, Evansville, IN

The applicant requests a permit to purchase in interstate commerce a pair of captive-hatched nene geese [*Neoschen* (=*Branta*) *sandvicensis*] from Phoenix Zoo, Phoenix, Arizona, for breeding purposes.

PRT 766520

Applicant: San Diego Zoological Society, San Diego, CA

The applicant requests a permit to import two male and three female captive-born black-faced impalas (*Aepyceros melampus petersi*) from the Jardim Zoologico Lisboza, Lisboa, Portugal, for breeding purposes.

PRT 766513

Applicant: Stanley R. Sankowski, West Valley, UT

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 766563

Applicant: Charles C. York, Collierville, TN

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 764299

Applicant: Robert Hermann, Taylor, TX

The applicant requests a permit to import the sport-hunted trophy of a male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. F. Bowker, Thornkloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of survival of the species.

PRT 766275

Applicant: Carl Webb

The applicant requests a permit to purchase in interstate commerce two pairs of captive-hatched nene geese [*Nesochen* (=*Branta*) *sandvicensis*] from Horst W. Schmudde, Colts Neck, New Jersy, for breeding purposes.

PRT 763732

Applicant: Houston Zoological Gardens, Houston, TX

The applicant requests a permit to import a captive born pair of maned wolves (*Chrysocyon brachyurus*), from the Ravensden Farms, Rushden, England for breeding purposes.

PRT 767107

Applicant: Edwin Pierson, Neligh, NE

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) to be culled from the captive herd maintained by Mr. Van Zyle Lubbe, Orange Free State, Republic of South Africa, for the purpose of enhancement or survival of the species.

PRT 702361

Applicant: U.S. Fish and Wildlife Service, Region 1, Portland, OR

The applicant requests an amendment to their current permit to authorize additional take activities with endangered plant species: 5 species native to California, 44 species native to Hawaii and 2 species native to Nevada. Take activities are for scientific purposes and the enhancement of propagation or survival in accordance with the recovery documents developed for these species.

PRT 751198

Applicant: Kelly Anderson Young, Las Vegas, NV

The applicant requests a permit to export and reimport one captive-born female Siberian tiger (*Panthera tigir altaica*) for enhancement of survival through education.

PRT 766800

Applicant: St. Louis Zoological Park, St. Louis, MO

The applicant requests a permit to import one captive-born female cheetah (*Acinonyx jubatus*), from the National Zoological Gardens of SA Pretoria, Republic of South Africa, for breeding purposes.

PRT 696911

Applicant: Kay Rosaire, Sarasota, FL

The applicant requests a permit to export/reimport/reexport one male and one female Bengal tiger (*Panthera tigris*) captive-bred in the United States for enhancement of survival through education.

PRT 766567

Applicant: Daniel Anderson, Davis, CA

The applicant requests a permit to import up to 50 California brown pelican (*Pelecanus occidentalis californicus*) eggs and salvaged parts found on beaches on the Gulf of California, Mexico, for pesticide and contaminant analysis to enhance the propagation and survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281)

Dated: March 26, 1992.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 92–7346 Filed 3–30–92; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 21, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by April 15, 1992.

Beth Savage,

Acting Chief of Registration, National Register.

CONNECTICUT

New Haven County

Southbury Training School, 1484 S. Britain Rd., Southbury, 92000368

GEORGIA

De Kalb County

Hampton, Cora Beck, Schoolhouse and House, 213 Hillyer Pl., Decatur, 92000366

MARYLAND

Charles County

Rosemary Lawn, Fire Tower Rd., Welcome vicinity, 92000380

NEW JERSEY

Morris County

Anthony—Corwin Farm (Stone Houses and Outbuildings in Washington Township MPS), 244 W. Mill Rd., Washington Township, Long Valley vicinity, 92000371
Craft—Clausen House (Stone Houses and Outbuildings in Washington Township MPS), 170 Fairmont Rd., Washington Township, Long Valley vicinity, 92000372
Flock—Stephens Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 244 Flocktown Rd., Washington Township, Long Valley vicinity, 92000373
Neighbor, Leonard, Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 177 W. Mill Rd., Washington Township, Long Valley vicinity, 92000374
Rarick—Kellinhan House (Stone Houses and Outbuildings in Washington Township MPS), 358 Fairview Ave., Washington Township, Long Valley vicinity, 92000375
Sharpenstine Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 98 E. Mill Rd., Washington Township, Long Valley vicinity, 92000376
Trimmer—Dufford Farmstead (Stone Houses and Outbuildings in Washington Township MPS), 186 W. Mill Rd., Washington Township, Long Valley vicinity, 92000377

Somerset County

Elmendorf House, 1246 Millstone River Rd., Hillsborough Township, Millstone vicinity, 92000378

PUERTO RICO

Coamo Municipality

Casa Blanca, 17 Jose I. Quinton St., Coamo, 92000370

TENNESSEE

Sevier County

Perry's Camp (Development of Motor Tourism in Tennessee's Southeastern Corridor MPS), 101 Flat Branch Rd., Gatlinburg vicinity, 92000369

TEXAS

Potter County

Plemons—Mrs. M. D. Oliver-Eakle Additions Historic District, Roughly bounded by 16th Ave., Taylor St., 26th Ave., Van Buren St., I-40 and Madison St., Amarillo, 92000370

WASHINGTON

King County

Winters, Frederick W., House, 2102 Bellevue Way, SE., Bellevue, 92000367

In order to assist in the preservation of the following property, the commenting period has been waived:

NEW YORK

Monroe County

Immaculate Conception Roman Catholic Church Complex, 445 Frederick Douglass St. and 187 and 205 Edinburgh St., Rochester, 92000381

[FR Doc. 92-7193 Filed 3-30-92; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32022]

Mississippi Port Railway Co.—Lease and Operation Exemption—Terminal Railroad Facilities in Gulfport, Harrison County, MS

Mississippi Port Railway Company (MPRC), a noncarrier, has filed a notice of exemption to lease and operate approximately 4 miles of track extending from the edge of U.S. Highway 90 (West Beach Blvd) to locations on the property and wharves of the Mississippi State Port Authority and the Department of Economic and Community Development, located in Gulfport, Harrison County, MS. Although the transaction was consummated on August 13, 1991, MPRC is awaiting the effectiveness of this notice to commence operations.

Any comments must be filed with Commission and served upon Frank J. Pergolizzi, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

MPRC shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the track 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470. See Class Exemption—Acq. of Oper. of R. Lines Under 49 U.S.C. 10901, 4 I.C.C.2d 305 (1988).

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d), may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 24, 1992.

By the Commission, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-7348 Filed 3-30-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Gary L. Hopkins, M.D; Revocation of Registration

On July 11, 1991, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Gary L. Hopkins, M.D., of 715 Main Street, Stevensville, Montana 59870, proposing to revoke his DEA Certificate of Registration, AH9670628, and to deny any pending applications for registration as a practitioner under 21 U.S.C 823(f). The proposed action was predicated on Dr. Hopkins' lack of authorization to handle controlled substances in the State of Montana. 21 U.S.C. 824(a)(3). The Order to Show Cause also alleged that Dr. Hopkins' continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

The Order to Show Cause was sent to Dr. Hopkins by registered mail. More than thirty days have passed since the Order to Show Cause was received by Dr. Hopkins and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and 13.01.54(d), Gary L. Hopkins, M.D. is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based on the investigative file. 21 CFR 1301.57.

The Administrator finds that Dr. Hopkins had his medical license revoked by the Board of Medical Examiners, Department of Commerce, State of Montana effective December 13, 1990. This revocation was based upon allegations set forth in a Notice of Proposed Board Action and Opportunity for a Hearing, dated October 7, 1988, and a default judgment entered pursuant to such Notice which resulted in the Revocation Order of December 13, 1990. This revocation was based upon findings that Dr. Hopkins administered, dispensed or prescribed narcotic or hallucinatory controlled substances to thirty-one (31) individual persons other than in the course of legitimate medical practice between 1981 and 1985 and that Dr. Hopkins, during this same time period, failed to properly diagnose, treat or otherwise care for the physical conditions of sixty-seven (67) individual patients. Consequently, Dr. Hopkins is no longer authorized to prescribe, dispense, administer or otherwise handle controlled substances in any schedule in the State of Montana.

The Administrator concludes that the DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. See 21 U.S.C. 823(f). The Administrator and his predecessors have consistently so held. See *Howard J. Reuben*, M.D., 52 FR 8375 (1987); *Romon Pla, M.D.* Docket No. 86-54, FR 41168 (1986); *Dale D. Shahan, D.D.S.*, Docket No, 85-57, 51 FR 23481 (1986); and cases cited therein. Since Dr. Hopkins lacks state authorization to handle controlled substances, it is not necessary for the Administrator to decide the issue of whether Dr. Hopkins' continued registration is inconsistent with the public interest at this time.

No evidence of explanation or mitigating circumstances has been offered by Dr. Hopkins. Therefore, the Administrator concludes that Dr. Hopkins' DEA Certificate of Registration must be revoked.

Accordingly, the Administrator of the Drug Enforcment Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AH9670628, previously issued to Gary L. Hopkins, M.D., be, and it hereby is, revoked, and any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective March 31, 1992.

Dated: March 24, 1992.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 92-7270 Filed 3-30-92; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-26,589, et al.]

Baroid Corp., Corporate Headquarters; Houston, TX and Baroid Drilling Fluids Division; Headquartered in Houston, TX and Operating at Various Locations in the Following States; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 31, 1992, applicable to all workers of Baroid Corporation, Houston, Texas and operating in the below mentioned States except Michigan. The Department is amending the certification to include the State of Michigan.

New information was received by the Department showing that the Bariod Corporation operating in the State of Michigan has experienced substantial declines in sales and employment in 1991 compared to 1990 and should be added to the subject certification.

The intent of the Department's certification is to include all workers of Bariod Corporation who were adversely affected by increased imports of crude oil and natural gas.

The amended notice applicable to TA-W-26,589 is hereby issued as follows:

All workers of Bazoid Corporation, Corporate Headquarters Houston, Texas and Baroid Drilling Fluids Division, headquartered in Houston, Texas and operating at various locations in the following states who became totally or partially separated from employment on or after July 5, 1991 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

TA-W-26,589A Alaska
TA-W-26,589B Arizona
TA-W-26,589C Arkansas
TA-W-26,589D California
TA-W-26,589E Colorado
TA-W-26,589F Illinois
TA-W-26,589G Kansas
TA-W-26,589H Kentucky
TA-W-26,589I Louisiana
TA-W-26,589J Mississippi
TA-W-26,589K Missouri
TA-W-26,589L Montana
TA-W-26,589M Nevada
TA-W-26,589N New Mexico
TA-W-26,589O Ohio
TA-W-26,589P Oklahoma
TA-W-26,589Q Pennsylvania
TA-W-26,589R South Dakota
TA-W-26,589S Texas
TA-W-26,589T Utah
TA-W-26,589U West Virginia
TA-W-26,589V Wyoming
TA-W-26,589W Michigan

Signed in Washington, DC, this 23rd day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 7378 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of March 1992.

I order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or sudivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26, 747; Borg Warner Automotive, Frankfort, IL

TA-W-26, 696A; Bohemia, Inc., Drain, OR

TA-W-26, 706; Herman Funke & Sons, Inc., Ashely, PA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-26, 847; Vanport Industries, Inc., Vancouver, WA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 843; PPG Industries, Codings & Resins Div., Research & Development Group, Cleveland, OH

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 751 and TA-W-26, 752; Halliburton Services, Abilene, TX and Whichita Falls, TX

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales production did not decline during the relevant period as required for certification. Increases of imports of acticles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

TA-W-26, 775; Halliburton Services, Executive Office, Houston, TX TA-W-26, 761; Halliburton Service Division Offices, Corpus Christi, TX; TA-W-26, 774; Alice, TX, TA-W-26, 776; Fresno, TX, TA-W-26, 777; Loredo, TX, TA-W-26, 778; Luling, TX, TA-W-26, 779; Mission, TX, TA-W-26, 780; Victoria, TX, TA-W-26, 782; Galveston, TX, TA-W-26, 783; Pleasanton, TX

The investigation revealed that criterion (2) and criterion (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

TA-W-26, 744; American Tourister, Inc., Cranston, RI

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26, 698; Cheynne Services, Inc., Pleasanton, TX

U.S. imports of crude oil decline absolutely and relative to domestic shipments in Jan-Oct 1991 compared with the same period in 1990.

TA-W-26, 746; Bluefield Distribution Co., Bluefield, WV

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-26, 673; Black & Decker Corp., Molly Fasteners, Temple, PA

A certification was issued covering all workers separated on or after December 1, 1991.

TA-W-26, 733; ICI Americans, Inc., Dighton, VA

A certification was issued covering all workers separated on or after December 31, 1990.

TA-W-26, 790; T. J. Designs, Wewonka, OK

A certification was issued covering all workers separated on or after January 16, 1991.

TA-W-26, 796; E. W. Bliss Co., Hastings, MI

A certification was issued covering all workers separated on or after January 15, 1991.

TA-W-26, 696 and TA-W-26, 696B; Bohemia, Inc., Eugene, OR and Gardiner, OR

A certification was issued covering all workers separated on or after December 1, 1991 and before February 29, 1992.

TA-W-26, 814; Moniterm Corp., Minnetonka, MN

A certification was issued covering all workers separated on or after January 23, 1991.

TA-W-26, 826; Wasatch High Voltage, Salt Lake City, UT

A certification was issued covering all workers separated on or after January 23, 1991.

I hereby certify that the aforementioned determinations were issued during the month of March 1992. Copies of these determinations are available for inspection in room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: March 24, 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-7374 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,298]

Flowline Division, New Castle, PA; Revised Determination on Reopening

On November 7, 1991, the Department issued a Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance to workers of Flowline Division in New Castle, Pennsylvania. The notice was published in the **Federal Register** on November 21, 1991 (56 FR 58711).

The workers were also denied on reconsideration. The notice of negative determination on reconsideration was issued on February 18, 1992 and published in the **Federal Register** on February 26, 1992 (57 FR 6623).

After further review the Department determined that the products produced at Flowline are more apt to fall under stainless steel pipe butt welding fittings and flanges than iron and steel forgings.

New findings show that U.S. imports of stainless steel tube or pipe butt welding fittings and flanges increased absolutely in 1991 compared to 1990. Late responses to the Department's survey show significant increased imports of butt weld fittings and flanges adversely affecting sales and employment at the subject firm in New Castle, Pennsylvania. The survey responses show several domestic supply houses are increasing their import purchases of stainless butt weld fittings and flanges. Several customers commented that they are losing business to foreign sources on price alone.

Sales and production of butt weld fittings and flanges and employment at New Castle decreased in the first nine months of 1991 compared to the same period in 1990.

Conclusion

After careful consideration of the new facts obtained on reopening it is concluded that increased imports of articles like or directly competitive with butt weld fittings and flanges produced at the Flowline Division in New Castle, Pennsylvania contributed importantly to the total or partial separation of workers at Flowline Division. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Flowline Division in New Castle, Pennsylvania who became totally or partially separated from employment on or after January 1, 1991 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 24th day of March 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-7373 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,528]

Hawkins Oil and Gas, Inc.; Tulsa, OK; Negative Determination on Reconsideration

By order dated, December 23, 1991, the United States Court of International Trade (USCIT) in *Former Employees of Hawkins Oil & Gas, Inc., v. U.S. Secretary of Labor* (USCIT 90-02-00083) remanded this case to the Department for further investigation.

The petition for trade adjustment assistance, dated October 9, 1989, was filed by three workers of the exploration staff in the Geology Department of Hawkins Oil & Gas on behalf of all workers of Hawkins Oil & Gas, Tulsa, Oklahoma, AR 2. The three workers were separated from employment in mid-1989 because the company shifted its emphasis from geological (drilling) to engineering (property acquisitions), 2SR 2. As a result, Hawkins no longer required geological services and the exploration staff was laid off, 2SR 3.

According to company officials, the change in the Hawkins' function in 1989 from geological exploring and drilling to property acquisitions resulted from the lack of capital from third parties. The lack of "drilling dollars" was the result of weak oil and gas prices, the aging and depletion of the wells and new tax law changes which created a situation where the risk of drilling for oil and gas was greater than the reward, 2SR 2. These factors would not provide a basis for a worker group certification.

To put the Department's findings in perspective, they show that Hawkins Oil & Gas is an operating company that explored and contracted out drilling for third parties through limited partnerships. Hawkins put together leases and purchased them for third parties to explore for oil and gas and then produced and operated the wells. In 1989, however, Hawkins' activities changed to only buying producing properties, 2SR 3. Hawkins hired engineers who evaluated the producing properties. Therefore, there was no need for the geological group who explored for oil and gas and who petitioned the Department for trade adjustment assistance.

The findings further show that Hawkins derived only 34 percent of its revenue or sales in 1989 from crude oil and natural gas production, SR 15. The remaining revenues were from management fees, interest income, rental income and the sale of leases and equipment inventory, SR 4,—activities which would not be coverable under the provisions of the Trade Act of 1974 or its 1988 amendments.

In order for a worker group to be certified eligible to apply for trade adjustment assistance, it must meet all three of the Group Eligibility Requirements of the Trade Act—(1) a significant decrease in employment; (2) an absolute decrease in sales or production at the workers' firm and (3) an increase in imports of like or directly competitive articles that "contributed importantly" to worker separations and declines in sales or production at the workers' firm. The failure to meet any one of criterion in the period relevant to the petition is sufficient to deny the petition.

The investigation findings show that the decreased sales or production criterion of the Group Eligibility Requirements of the Trade Act was met in 1988 and 1989 if both gas and crude oil were viewed separately. However, the decreased employment criterion in 1988 and, in 1989, the "contributed importantly" test of the Group Eligibility Requirements were not met.

Investigation findings on remand show that there were no layoffs in 1988 and only the three production workers (petitioners) were laid off in 1989, 2SR 4.

Further, high company officials indicated that the decline in purchases by customers of Hawkins in 1988 and in 1989 was the result of the natural depletion of natural gas in the wells and the fact that no new wells were drilled, 2SR 4.

Other findings on remand further confirm that the workers' petition did not meet the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. Further, the Department survey is generally conducted with customers which had declining purchases from the subject firm. There is little purpose in surveying customers which did not have declining purchases since they would not have contributed to any actual loss at Hawkins.

In the case at hand, Hawkins furnished a customer list showing its sales to customers by year and period, AR 31. The investigation shows that the customers' declines of natural gas purchases were not significant in 1989, AR 31 and AR 27. Notwithstanding the above the Department went ahead with its customer survey of the declining customers in 1989.

The findings show that Hawkins had only two customers with declining purchases in 1989 and both were natural gas customers, AR 31. The survey showed that one of the two was a wholesale natural gas purchaser with increasing sales in 1989 compared to 1988 and in 1988 compared to 1987. The customer did not purchase any domestic or foreign crude oil, 2SR 6; or import natural gas, AR 34. According to company officials at Hawkins, the reduced purchases of natural gas in 1988 and 1989 from Hawkins was the result of the natural depletion of Hawkins' gas wells, 2SR 4.

The remaining customer with declining purchases from Hawkins in 1989 was an oil and gas producer. Although this customer did not import natural gas during the period 1987–1989, it was a crude oil importer, AR 37, 38 (a response taken from an investigation of another company—TA–W–23,399). However, Hawkins findings show that this remaining customer had increased purchases of crude oil from Hawkins in 1989 compared to 1988, (SR 22) and decreased purchases of natural gas, AR 31. The decreased purchases of natural gas in 1988 and 1989 was the result of the normal aging and depletion of Hawkins' gas wells, (2nd SR 4). Company officials at this oil and gas producing customer indicated that its crude oil imports had no effect on its decline in gas purchases from Hawkins since it is the company's policy to purchase all the domestic gas it can for this end users, 2SR 9, 12.

Conclusion

After reconsideration, I affirm the original notice of negative determination to apply for adjustment assistance to workers and former workers of Hawkins Oil & Gas, Inc., Tulsa, Oklahoma.

Signed at Washington, DC, this 20th day of March 1992.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 92-7372 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 10, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 10, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 16th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Progress Lighting, Inc. (IBEW)	Philadelphia, PA	03/16/92	03/06/92	26,994	Lighting fixtures.
Cleere Drilling Co. (Wkrs)	San Angelo, TX	03/16/92	02/10/92	26,995	Oil drilling.
Russell Oil and Gas, Investment, Inc (Wkrs)	Yukon, OK	03/16/92	03/03/92	26,996	Oil and gas.
Biopolar Integrated Technology, Inc (Wkrs)	Beaverton, OR	03/16/92	03/04/92	26,997	Floating point products.
Cabot Oil and Gas Corp (Co)	Pittsburgh, PA	03/16/92	03/03/92	26,998	Explores for natural gas and oil.
Up-John Co. (Co)	Dayton, OH	03/16/92	02/10/92	26,999	Industrial chemicals.
Applied Technologies, Inc. (Co)	Boulder, Co	03/16/92	03/05/92	27,000	Metrological instruments.
Northgate Computer System (Wkrs)	Eden Prairie, MN	03/16/92	03/05/92	27,001	Computers.
Komatsu Dresser Co. (UAW)	Libertyville, IL	03/16/92	03/04/92	27,002	Construction equipment.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
DeVilbiss, Inc. (Wkrs)	Belvidere, IL	03/16/92	03/05/92	27,003	Metal cutting tools.
Luebke Corp. (Wkrs)	Brookfield, WI	03/16/92	03/05/92	27,004	Machined vehicle parts.
Western Co. of North America (Wkrs)	Venice, LA	03/16/92	02/24/92	27,005	Oil and gas services.
Global Marine Drilling Co. (Wkrs)	Houston, TX	03/16/92	03/05/92	27,006	Oil and gas.
Ampex Recording Media Corp. (Wkrs)	Opelika, AL	03/16/92	02/12/92	27,007	Professional magnetic tape.
BP Exploration (Co)	Houston, TX	03/16/92	03/04/92	27,008	Gas, oil, exploration, production.
Semtech Corpus Christi (Co)	Corpus Christi, TX	03/16/92	03/13/92	27,009	IC power microcircuits.
Tom's Well Services (Wkrs)	Levelland, TX	03/16/92	02/06/92	27,010	Oilfield services.
Lynco Servicing, Inc. (Wkrs)	Levelland, TX	03/16/92	02/27/92	27,011	Oil and gas.
General Cable Telecommunications (IBEW)	Plainfield, NJ	03/16/92	03/04/92	27,012	Telephone cable.
Lowell Lingerie Co., Inc. (ILGWU)	Lowell, MA	03/16/92	02/02/92	27,013	Ladies' slips.
Advance Foundry (Wkrs)	Dayton, OH	03/16/92	03/03/92	27,014	Stamping dies.
Saft America, Inc. (Co)	Valdosta, GA	03/16/92	03/05/92	27,015	Portable battery cells.
Cabot Oil and Gas Corp (Co)	Houston, TX	03/16/92	03/03/92	27,016	Explores for natural gas and oil.
Cabot Oil and Gas Corp (Co)	Charleston, WV	03/16/92	03/03/92	27,017	Explores for natural gas and oil.
Russell Construction Co. (Wkrs)	Yukon, OK	03/16/92	03/03/92	27,018	Oil and gas.
Russell Supply, Inc. (Wkrs)	Yukon, OK	03/16/92	03/03/92	27,019	Oil and gas.

[FR Doc. 92-7375 Filed 3-30-92; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Privacy Act of 1974; Transfer of Records

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of transfer of records subject to the Privacy Act to the National Archives.

SUMMARY: Records retrievable by personal identifiers which are transferred to the National Archives of the United States are exempt from most provisions of the Privacy Act of 1974 (5 U.S.C. 552a) except for publication of a notice in the **Federal Register**. NARA publishes a notice of the records newly transferred to the National Archives of the United States which were maintained by the originating agency as a system of records subject to the Privacy Act.

FOR FURTHER INFORMATION CONTACT: Dr. Trudy Peterson, Assistant Archivist for the National Archives, on (202) 501-5300 or (FTS) 241-5300.

SUPPLEMENTARY INFORMATION: In accordance with section (l)(1)(3) of the Privacy Act, archival records transferred from executive branch agencies to the National Archives of the United States are not subject to the Provisions of the Act relating to access, disclosure, and amendment. The Privacy Act does require that a notice appear in the **Federal Register** when executive branch systems of records retrievable by personal identifiers are transferred to the National Archives of the United States. After transfer of records retrievable by personal identifiers to the National Archives of the United States, NARA does not maintain these records as a separate system of records. NARA will attempt to locate specific records about an individual in any system of records described in a Privacy Act Notice as being part of the National Archives of the United States. Furthermore, records in the National Archives of the United States may not be amended, and NARA will not consider any requests for amendment.

Archival records maintained by NARA are arranged by Record Group depending on the agency of origin. Within each Record Group, the records are arranged by series, thereunder generally by filing unit, and thereunder by document or of groups of documents. The arrangement at the series level or below is generally the one used by the originating agency. Usually, a system of records corresponds to a series.

In this notice, each system is identified by the system name used by the executive branch agency that accumulated the records. That system name is followed by information in parentheses about the National Archives Record Group to which records in the system have been allocated. In the section of the notice covering categories of records in the system, the specific segment of the system transferred to the National Archives is identified by the accession number assigned to the system segment when it was transferred to the National Archives and the series title associated with the system in the National Archives.

The following systems of records, or parts thereof, retrievable by personal identifiers have been transferred to the National Archives since the last notice published at 56 FR 4303 (Feb. 4, 1991):

1. *System name:* Records of Tuskegee Study Health Benefit Recipients, HHS/CDC/CPS (part of National Archives Record Group 442, Records of the Centers for Disease Control).

System location: National Archives-Southeast Region, 1557 St. Joseph Avenue, East Point, GA 30344.

Categories of individuals covered by the system: Records in the National Archives cover adult participants in the study and their family members.

Categories of records in the system: Records in the National Archives covered by this notice include Tuskegee patient files, circa 1932 to 1970; x-rays of participants; and miscellaneous records and patient medical files. (NARA Accession Number 4NN-442-090-147).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: File Folders.

b. Retrievability: Records are retrieved alphabetically by name.

c. Safegurds: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

2. *System name:* Individual Indian Monies-Interior, BIA-3 (part of National Archives Record Group 75, Records of the Bureau of Indian Affairs).

System location: National Archives—Central Plains Region, 2314 East Bannister Road, Kansas City, MO 64131; National Archives—Pacific Southwest Region, 24000 Avila Road, Laguna Niguel, CA 92656.

Categories of individuals covered by the system: Records in the National Archives cover individual Indians who had money accounts.

Categories of records in the system: Records in the National Archives—Central Plains Region covered by this notice include Individual Indian Money Posting and Control Records, Fort Berthold Agency, 1951-1965 (NARA Accession Number 6NN-075-091-001) and Individual Indian Money Ledger Sheets, Aberdeen Area Office, 1949-1963 (NARA Accession Number 6NN-075-91-005). Records in the National Archives—Pacific Southwest Region covered by this notice include Individual Indian Money Posting Documents, Navaho Area Office, 1941 (NARA Accession Number 9NL-075-87-001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Records are retrieved by surname of individual.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

3. *System name:* General Personnel Records (part of National Archives Record Group 478, Records of the Office of Personnel Management).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover current and former Federal employees as defined in 5 U.S.C. 2105.

Categories of records in the system: Records in the National Archives covered by this notice inlcude records contained in the Central Personnel Data File (CPDF), Current Status Master File, 1973-74 (NARA Accession Numbers NN3-478-90-003 and NN3-478-92-001). A definitive list of CPDF data elements is contained in Federal Personnel Manual Supplement 292-1, Personnel Data Standards.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552(a)(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: These records are retrieved by various combinations of name, birth date, social security number, or identification number of the individual on whom they are maintained.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

4. *System name:* Executive Clemency Files, JUSTICE/OPA-001 (part of National Archives Record Group 204.

Records of the Office of the Pardon Attorney).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals who applied for or were granted executive clemency.

Categories of records in the system: Records in the National Archives covered by this notice include Pardon Attorney Index/Docket cards, 1945–85 (NARA Accession Number NN3–204–91–001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in archival containers.

b. Retrievability: Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

5. *System name:* Civil Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

System location: National Archives—Northeast Region, 201 Varick Street, New York, NY 10014–4811.

Categories of individuals covered by the system: Records in the National Archives cover (a) individuals being investigated in anticipation of civil suits; (b) individuals involved in civil suits; (c) defense counsel(s); (d) information sources; and (e) individuals relevant to the development of civil suits.

Categories of records in the system: Records in the National Archives covered by this notice include case files for significant cases, 1945–1979. (NARA Accession Number 2NN–118–90–018).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 6th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desirng information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at th National Archives research facilities listed in 36 CFR part 1253.

6. *System name:* Criminal Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

System location: National Archives—Northeast Region, 201 Varick Street, New York, NY, 10014–4811.

Categories of individuals covered by the system: Records in the National Archives cover (a) individuals charged with violations; (b) individuals being investigated for violations; (c) defense counsel(s); (d) information sources; (e) individuals relevant to development of criminal cases; (f) individuals investigated, but prosecution declined; (g) individuals referred to in potential or actual cases and matters of concern to a U.S. attorney's office; and individuals placed into the Department's Preatrial Diversion Program.

Categories of records in the system: Records in the National Archives covered by this notice include case files for significant cases, 1945–1979. (NARA Accession Number 2NN–118–90–018).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records stored in boxes.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

7. *System name:* Radiation Exposure Information Reporting System (REIRS) Files–NRC (part of National Archives Record Group 431, Records of the Nuclear Regulatory Commission).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals monitored for radiation exposure while employed by or visiting or temporary assigned to certain NRC-licensed facilities; individuals who were exposed to radiation or radioactive materials in incidents required to be reported by all NRC licensees; and individuals who may have been exposed to radiation or radioactive materials off-site from a facility, plant installation, or other place of use of licensed materials, or in unrestricted areas.

Categories of records in the system: Records in the National Archives covered by this notice include electronic records of personnel monitoring report data for Oak Ridge National Laboratory, 1978–1991 (NARA Accession Number NN3–431–01–001).

Routine uss of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restricitons may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: Records are accessed by individual name, social security account number, and by licensee name or number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Notification procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon requests, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

8. *System name:* Civil Division Case File System (part of National Archives Record Group 60, Records of the Department of Justice).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals referenced in potential or actual cases and matters under the jurisdiction of the Civil Division; and attorneys, paralegals, and other employees of the Civil Division directly involved in these cases or matters.

Categories of records in the system: Records in the National Archives covered by this notice include precedent and other notable claims filed under the Japanese-American Evacuation Claims Act, 1945–1965, and a card index to names of persons who renounced their U.S. citizenship, 1942–1960 (NARA Accession Number NN3–060–91–009).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Records are stored in archival containers.

b. Retrievability: Case files by file number linked through published finding aids to subject name; index cards by subject name.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Notification procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be

consulted at the National Archives research facilities listed in 36 CFR part 1253.

9. *System name:* Navy Recruiting Command Attrition Tracking System (part of National Archives Record Group 405, Records of the U.S. Naval Academy).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover Navy enlisted personnel who attrite during basic recruit training.

Categories of records in the system: Records in the National Archives covered by this notice include U.S. Naval Academy Class of 1987: Student Identification Data Base and Student Education Data Base. (NARA Accession Number NN3–405–091–001).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Automated records maintained on magnetic tape.

b. Retrievability: Information can be retrieved by social security number, Navy recruiting area or district recruit training center, age, education, discharge reason or date of discharge.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

10. *System name:* Central Civil Rights Division Index File and Associated Records (part of National Archives Record Group 60, General Records of the Department of Justice).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover persons referred to in potential or actual cases and matters of concern to the Civil Rights Division.

Categories of records in the system: Records in the National Archives covered by this notice include electronic records containing information on Japanese internees taken from War Relocation Authority Form 26 (NARA Accession Number NN3–060–091–012).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Electronic records on computer tape.

b. Retrievability: Through logical queries to the computer-based system.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

11. *System name:* USAINSCOM Investigative Files System (part of National Archives Record Group 319, Records of the Army Staff).

System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Categories of individuals covered by the system: Records in the National Archives cover individuals about whom there was a reasonable basis to believe that they had engaged in, or planned to engage in, specific adverse activities between 1936 and 1970.

Categories of records in the system: Records in the National Archives covered by this notice include security classified intelligence and investigate dossiers relating to individuals and a accompanying name index, 1936–1970 (NARA Accession Number NN3–319–091–004).

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR Part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records in archival containers.

b. Retrievability: Maintained in alphabetical order by surname of individual.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC, 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the record in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

12. *System name:* Production Credit Association Loans-FCA (part of National Archives Record Group 103, Records of the Farm Credit Administration).

System location: National Archives-New England Region, 380 Trapelo Road, Waltham, MA 02154.

Categories of individuals covered by the system: Records in the National Archives cover member-borrowers whose loan applications: (1) Exceeded the prior-approval limits, (2) were submitted under the post-review requirements, or (3) fell within the category of loan approval requirements stipulated by FCA regulation-Loan Policies and Operations.

Categories of records in the system: Records in the National Archives covered by this notice include case files documenting loans made to potato farmers in Aroostook County, Maine, during the Great Depression, 1934–1942. (NARA Accession Number 1NN–103–091–001).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

a. Storage: Paper records in archival containers.

b. Retrievability: Records are arranged alphabetically by name of individual farmer.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

System manager and address: The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

Notification Procedures: Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

Appendix—General Statement about Uses and Restrictions

A record from an accessioned system of records may be made available to any person who has applied for and received a researcher identification card. No special qualifications are required in order to use the records of the National Archives. Rules governing the use of records and procedures for applying for research cards are found in 36 CFR part 1254. However, the use of some of the records is subject to restrictions imposed by statute or Executive order, or by the restrictions specified in writing in accordance with 44 U.S.C. 2108 by the transferring agency. Restrictions currently in effect on access to particular records that have been specified by the transferring agency are known as "specific restrictions." Restrictions on access that may apply to more than one record group are termed "general restrictions" They are applicable to the kinds of information or classes of accessioned records designated regardless of the record group to which they have been allocated or the specific system of records they are contained in. General restrictions 16 (36 CFR 1256.16), which restricts access to information that would invade the privacy of an individual, may be applied to the records described in this notice. The restrictions are published in the *Guide to the National Archives of the United States* and supplemented by restriction statements approved by the Archivist of the United States and set forth in 36 CFR Part 1256.

Dated: March 23, 1992.

Don W. Wilson,

Archivist of the United States

[FR Doc. 92–7322 Filed 3–30–92; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL COMMISSION ON SEVERELY DISTRESSED PUBLIC HOUSING

Meeting Announcement

AGENCY: National Commission on Severely Distressed Public Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Commission on Severely Distressed Public Housing announces a forthcoming meeting of the Commission.

DATES: Thursday, April 2, 1992, Full Commission Meeting, 9:30 a.m.–4 p.m.

ADDRESSES: Capitol Hilton, 16th & K Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Carmelita Pratt, Administrative Officer, The National Commission on Severely Distressed Public Housing, 1111 16th Street, NW., suite 806, Washington, DC 20036 (202) 275–6933.

Type of Meeting: Open.

Carmelita R. Pratt,

Administrative Officer.

[FR Doc. 92–7367 Filed 3–30–92; 8:45 am]

BILLING CODE 6820–67–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted on or before April 30, 1992.

ADDRESSES: Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202–786–0494) and Mr. Daniel Chenok, Office of Management and Budget, New Executive Office Building, 728 Jackson Place NW., room 3002, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., room 310, Washington, DC 20506 (202) 786–0494 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, extensions, or reinstatements. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of responses; (7) the frequency of response; (8) an estimate of the total number of hours needed to fill out the form; (9) an estimate of the total annual reporting and recordkeeping burden. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

Title: Younger Scholars Guidelines and Application Forms and Final Performance Report Form.
Form Number: 3136–0090.
Frequency of Collection: Annual.
Respondents: Individuals.
Use: Guidelines and Application Form for funding; and Final Performance Report Form for use by grantees to report accomplishments and evaluation.
Estimated Number of Respondents: 1,046.
Frequency of Response: Once.
Estimated Hours for Respondents to Provide Information:
10 hour per respondent for Application Forms.
1 hours per respondent for Final Performance Report Form.
Estimated Total Annual Reporting and Recordkeeping Burden: 9,011 hours.

Thomas S. Kingston,
Assistant Chairman for Operations.

[FR Doc. 92–7273 Filed 3–30–92; 8:45 am]
BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–498 and 50–499]

Houston Lighting and Power Co., et al; Receipt of Petition for Director's Decision Under 10 CFR 2.206

In the matter of Houston Lighting & Power Co., City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, TX, South Texas Project, Units 1 and 2:

Notice is hereby given that Mr. Thomas J. Saporito, Jr., has submitted to the U.S. Nuclear Regulatory Commission (NRC) on February 10, 1992, a Petition pursuant to 10 CFR 2.206.

The Petitioner requests that the NRC institute a show cause proceeding pursuant to 10 CFR 2.202 and take a number of immediate and swift actions in the areas of physical security, maintenance activities, compliance with technical specifications and procedures, and training for the Houston Lighting & Power Company's (HL&P's; the licensee's) South Texas Project, Units 1 and 2 (STP). In a letter of March 24, 1992, I have determined that immediate action is not necessary regarding the matters raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation pursuant to 10 CFR 2.206. As provided by 10 CFR 2.206, appropriate action will be taken regarding the specific issues raised by the Petition in a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Wharton County Junior College, J.M. Hodges Learning Center, 911 Boling Highway, Wharton, Texas 77488.

Dated at Rockville, Maryland, this 24th day of March 1992.

For the Nuclear Regulatory Commission.

Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 92–7361 Filed 3–30–92; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 030–05980–ML AND 030–05982–ML; ASLBP No. 92–659–01–ML]

Safety Light Corp. et al; establishment of Atomic Safety and Licensing Board

In the Matter of Safety Light Corporation Lime Ridge Industries, Inc. Metreal, Inc. 4150–A Old Berwick Road Bloomsburg, Pennsylvania 17815 United States Radium Corporation USR Industries, Inc. USR Chemical Products, Inc. USR Metals, Inc. USR Lighting, Inc. U.S. Natural Resources, Inc. 550 Post Oak Boulevard Suite 550 Houston, TX 77027

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

Safety Light corporation, et al., Material License Nos. 37–00030–02 and 37–00030–08, (Bloomsburg Site Decommissioning).

This Board is being established pursuant to the request by Safety Light Corporation; USR Industries, Inc.; USR Lighting, Inc.; USR Chemical Products, Inc.; USR Metals, Inc.; and U.S. Natural Resources, Inc. (Licensees), for a hearing regarding letter issued by the NRC Staff denying their applications for renewed licenses, dated February 7, 1992, and an Order issued by the Director, Office of Nuclear Material Safety and Safeguards, dated February 7, 1992, entitled "Order Establishing Criteria and Schedule for Decommissioning the Bloomsburg Site" (57 FR 6136–38, February 20, 1992). The Staff's letter specifically denies Licensees' applications to renew their –02 and –08 licenses pursuant to the provisions of 10 CFR 2.103. The Order by the Office of NMSS requires the Licensees to decontaminate and decommission the Bloomsburg site such that it can be released for unrestricted use.

An Order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board is comprised of the following Administrative Judges:

Thomas S. Moore, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

James H. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Frederick J. Shon, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Issued at Bethesda, Maryland, this 23rd day of March 1992.

B. Paul Cotter, Jr.
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 92–7349 Filed 3–30–92; 8:45 am]
BILLING CODE 7590–01–M

SECURITY AND EXCHANGE COMMISSION

[Release No. 34–30508; International Series No. 377 File No. SR–NASD–91–05]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Operation of the PORTAL Market

March 24, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),[1] notice is hereby given that on January 29, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change to Schedule I to the NASD By-Laws ("PORTAL Rules" or "PORTAL Market Rules"),[2] which govern the operation of the PORTAL Market and any trading effected in PORTAL securities. The PORTAL Market was established to provide a marketplace for primary distributions and secondary trading meeting the requirements of rule 144A under the Securities Act of 1933 ("Securities Act").[3] Rule 144A provides an exemption from the registration and prospectus delivery requirements of the Securities Act.

Because the NASD originally submitted the PORTAL Market Rules to the Commission before the Commission's adoption of rule 144A, the current PORTAL Market Rules reflect certain expectations that the NASD had about the final version of rule 144A. The version of rule 144A that was adopted by the Commission differed from the proposed versions released for comment and from what the NASD had anticipated. The NASD has, therefore, submitted fairly comprehensive changes to the PORTAL Market Rules so that the rules will more closely reflect the adopted version of rule 144A. The effect of these changes will be that PORTAL participants will no longer be assured of compliance with rule 144A merely because they have complied with the PORTAL Market Rules. PORTAL participants, themselves, will be responsible for ensuring that the transactions comply with the requirements of rule 144A. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Background

Because the NASD anticipated that the adopted version of rule 144a would include a safe harbor from the registration requirements of the Securities Act for transactions occurring on an approved private placement system, such as PORTAL,[4] it structured the PORTAL Market Rules to provide participants who effected trades in compliance with system rules assurance that they had also complied with rule 144A, with the exception of certain information provision requirements. For example, the NASD adopted rules that allow it to review applications for designation as a PORTAL qualified investor and PORTAL dealer, to determine if the applicant meets the definition of "qualified institutional buyer" ("QIB"), as defined by rule 144A(d)(1). To satisfy the requirement of rule 144A(d)(2) that the seller take reasonable steps to ensure that the purchaser is aware that the seller may be relying on rule 144A, PORTAL qualified investors and PORTAL dealers are required to agree that they understand they may purchase a PORTAL security from another qualified investor who may rely on an exemption from the provisions of section 5 of the Securities Act pursuant to rule 144A. The NASD also assumed responsibility for determining that securities included in the PORTAL Market are eligible to be sold under rule 144A(d)(3).

In addition, the NASD adopted PORTAL Market rules to address partially the information delivery requirement in rule 144A(d)(4). Because the PORTAL Market Rules require that a security meet the rule 144A security eligibility requirements prior to designation, the NASD was required, as part of the PORTAL security designation process, to assess whether the issuer was required to provide such information to holders and prospective purchases. In addition, the NASD's ongoing obligations to ensure that the security remains eligible for PORTAL require the NASD to remove the security from the PORTAL system if it discovers that the information-supplying requirements are not being met.[5]

The NASD also anticipated that the final version of Rule 144A would include resale restrictions on the securities of certain foreign issuers that are not subject to the reporting requirements of the Act. The resale restrictions of rule 144A(d)(5) in the proposed rule would have required sellers or their agents to take reasonable steps to prevent purchasers from reselling the securities in the United States, unless the securities were registered under the Securities Act, or an exemption was available.[6] The paragraph provided that

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[1] 15 U.S.C. 78s(b)(1) (1990).

[2] The NASD has filed five amendments to the proposed rule change, dated June 14, 1991, September 30, 1991, November 1, 1991, February 10, 1992, and March 14, 1992, respectively. The proposed rule change incorporates the changes originally proposed in File No. SR–NASD–90–49, which would delete the requirements restricting the exit of PORTAL securities from the PORTAL Market to non-PORTAL accounts. See Securities Exchange Act Release No. 28429 (September 12, 1990), 55 FR 38623.

[3] The PORTAL Market was approved by the Commission on April 27, 1990. Securities Exchange Act Release No. 27956 (April 27, 1990), 55 FR 18781 ("Adopting Release").

[4] See Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Jonathan A. Katz, Secretary, SEC, dated September 12, 1989.

[5] The NASD also currently requires that any request for designation of a security as a PORTAL security include a demonstration of compliance with rule 144A(d)(4), where applicable. In such cases, the NASD requires the applicant to demonstrate how a holder or a prospective purchaser has a right to obtain from the issuer, upon request of the holder, certain information about the issuer.

[6] Securities Act Release No. 6839 (July 18, 1989), 54 FR 30078.

"reasonable steps" were considered to be conclusively established where: (a) The purchaser agreed in writing that the securities would not be resold in the U.S. unless they were registered under the Securities Act, or an exemption therefrom was available, and (b) a procedure existed, which was administered by the issuer or a third party, that was reasonably designed to prevent the transfer of the securities to other than QIBs unless the securities were registered under the Securities Act or an exemption therefrom was available. The NASD intended the PORTAL Market Rules to meet the requirements of the latter requirement.

To ensure compliance with the resale restrictions that were in proposed rule 144A(d)(5), the NASD adopted rules to require participants to maintain segregated accounts at PORTAL clearing organizations and depositories. The current rules further require PORTAL participants to: (1) Trade PORTAL securities only through segregated accounts at those designated PORTAL clearing organizations and depositories; (2) provide detailed undertakings to leave the PORTAL securities on deposit in the segregated accounts until sold or transferred outside PORTAL in a transaction complying with the restrictions on exit transactions and transfers; and (3) authorize the depositories and clearing organizations to release information on trading activity to the NASD.

The NASD has stated that it believes that the PORTAL Market imposes significantly greater limitations on the resale of securities than does rule 144A and that many institutional investors, who are unaccustomed to the exposure of their securities transactions, find the continuing oversight provided by the PORTAL Market more intrusive than desired.[7] The NASD is, therefore, proposing to amend the PORTAL Market Rules so that they more closely track the requirements of rule 144A.

The NASD believes that the new structure will replace the segregated PORTAL account structure with other systems controls that will prevent restricted securities from flowing into the public markets, absent registration under the Securities Act or an appropriate exemption from registration. Moreover, the NASD intends the restrictions to ensure that investors are not confused as to whether they hold a restricted or unrestricted security.

[7] See letter from Pamela P. Root, Vice President and Associate General Counsel, Goldman, Sachs & Co., to Brandon Becker, Deputy Director, Division of Market Regulation, SEC, dated July 13, 1990, commenting on File No. SR-DTC-90-6, at p. 2.

II. Terms of Substance of the Proposed Rule Change

Originally, the NASD conceived of PORTAL as a system that was designed to require participants to retain their securities within the PORTAL clearance and settlement system, settle all trades in that system, and report all trades in PORTAL securities through PORTAL. The original PORTAL Market was thus segregable and easily defined. The boundaries between it and the remainder of the over-the-counter market were easily determined. In redesigning the PORTAL Market, the NASD has rejected several of the characteristics of the original system that allowed that distinction to be drawn. To some extent, therefore, the PORTAL Market Rules had to be modified to reflect that: (1) Trades in PORTAL securities could be effected "outside" the PORTAL Market (as originally conceived); and (2) the PORTAL Market Rules would become rules of general applicability for all NASD members.

A. Systems Controls To Be Eliminated

1. Restrictions on Who May Trade PORTAL Securities

Originally the PORTAL Market Rules prohibited any NASD member from trading PORTAL securities as principal, unless that member was registered as a PORTAL dealer or PORTAL investor. The NASD has proposed to amend the PORTAL Market Rules by removing this limitation. Under the revised rules, however, purchases and sales of PORTAL securities by an NASD member (whether or not a participant in the PORTAL Market) must be conducted in compliance with the PORTAL Market Rules.[8]

2. NASD Responsibility for Determining Whether PORTAL Investors Meet the Definition of QIB Under Rule 144A

The NASD will continue to register investors meeting the definition of QIB under rule 144A as PORTAL Investors for the purpose of providing access to PORTAL Market information. Currently, the PORTAL Market Rules require investors to demonstrate, to the satisfaction of the NASD, that they are eligible to purchase securities pursuant to rule 144A. The NASD is proposing to amend the PORTAL Market Rules so that an investor may subscribe, and continue to subscribe, to PORTAL Market information (directly or indirectly) if it executes a subscriber agreement [9] and either: (1) A PORTAL dealer represents, annually, to the NASD that it reasonably believes that the investor is a "qualified institutional buyer" under rule 144A; [10] or (2) the investor demonstrates, on a continuing basis, to the satisfaction of the NASD that it is a "qualified institutional buyer" under rule 144A; or (3) the NASD reasonably believes, and continues to reasonably believe, that the investor is a "qualified institutional buyer" under rule 144A.

The NASD is also proposing to delete a current provision that requires investors to certify that they understand that they may be purchasing PORTAL securities from a PORTAL qualified investor who may rely on an exemption from the provisions of section 5 of the Securities Act pursuant to rule 144A.

3. Segregated Accounts

The NASD is proposing to delete the requirement that PORTAL securities be held in segregated accounts at the PORTAL depository organizations and cleared through segregated accounts at the PORTAL clearing organizations. The NASD believes that these requirements do not provide substantial regulatory protection to prevent the flow of unregistered securities into the public markets and are not required by the provisions of rule 144A. The NASD believes that because it is the transaction that is required to be in compliance with rule 144A, the availability of the rule 144A exemption is not affected by the location of the security, whether the security is issued in book-entry or physical certificate form, or whether clearance and settlement is provided by physical delivery or a depository organization.

4. Clearance and Settlement Mechanisms

The NASD is also proposing that clearance and settlement through the PORTAL depository and clearing systems be optional. PORTAL securities, therefore, will no longer be required to be deposited in a PORTAL designated depository organization to be eligible for inclusion in the PORTAL Market, and PORTAL participants will not be required to use the PORTAL Market to forward settlement instructions to the appropriate depository. The NASD continues to believe that the availability of automatic clearance and settlement as a result of entering a PORTAL transaction report is a significant step forward in facilitating securities transactions. Because automated clearance and settlement is not required by rule 144A, however, the NASD believes that the elimination of this requirement will open the PORTAL Market to a larger universe of rule 144A securities and transactions, thereby increasing the ability of the NASD to monitor transactions in rule 144A securities.

If a transaction in a PORTAL security is to be settled by physical delivery, a PORTAL participant reporting a transaction to the PORTAL Market in that security will be required to arrange for clearance and settlement by physical delivery outside of the PORTAL Market. If a PORTAL security is accepted for deposit in a depository that is not a designated PORTAL depository organization, a PORTAL participant reporting a transaction in that security to the PORTAL Market will have to arrange for clearance and settlement through the non-PORTAL depository outside of the PORTAL Market. In both cases, the PORTAL transaction report entered in the PORTAL Market system will not be used to forward settlement instructions by PORTAL to a PORTAL clearing and depository organization. If a PORTAL security is accepted for deposit by a PORTAL depository organization, a PORTAL participant entering a PORTAL transaction report in that security in the PORTAL Market system will have the choice of instructing the PORTAL Market to forward the settlement details to the PORTAL depository organization or to assume the responsibility of transmitting the settlement details to the appropriate clearance and settlement organizations independently of the PORTAL Market. As a result of the determination to eliminate the requirement for segregation of PORTAL securities, the NASD is also modifying the PORTAL Market structure that currently requires reporting of the movement of PORTAL securities in and out of segregated PORTAL accounts.

[8] Because the NASD is not mandating that members conduct transactions in PORTAL securities only in compliance with rule 144A, members would be required to maintain in their files information demonstrating that their transactions are in compliance with rule 144A or other applicable exemptions from registration under the Securities Act.

[9] The NASD stated in its filing that it believes that because the provision does not specify that the agreement is an NASD agreement, it is anticipated that the investor will either execute an agreement directly with the NASD, or with a third-party vendor who uses a subscriber's agreement approved by the NASD. The NASD must file a proposed rule change pursuant to section 19(b) of the Act before it may make PORTAL Market information available to vendors for redistribution.

[10] The PORTAL dealer must continue to maintain in its files the basis for its representation that it reasonably believes that the investor satisfies the "qualified institutional buyer" requirements of rule 144A.

B. Proposed Alternative Controls

Because of NASD intends to move away from the more controlled system originally approved by the Commission, the NASD has had numerous discussions with the staff of the Divisions of Corporation Finance and Market Regulation to determine what alternative safeguards the PORTAL Market can reasonably be expected to include to limit leakage of restricted securities into the retail market. The discussions focused on four controls:

(1) Requiring that members report all trades in PORTAL securities to the NASD;

(2) Limiting the dissemination of trade reports to Rule 144A transactions;

(3) Requiring that all securities included in the system are assigned CUSIP numbers, or other widely accepted identification numbers, that are different from any identification number assigned to any unrestricted securities of the same class; and

(4) permitting only restricted securities to be quoted in the PORTAL Market.

1. Trade Reporting

The NASD has proposed requiring all NASD members to report any trades conducted in PORTAL securities, including transactions in reliance on rule 144 and sales to, or purchases from, a non-U.S. securities market. Members would be required to report each trade individually. Trade reports on transactions made in reliance on exemptions or safe harbors other than rule 144A would be collected for surveillance purposes only, and would not be disseminated as PORTAL Market information. The price and volume information disseminated through the PORTAL Market system would, therefore, include only trades made in reliance on rule 144A.

The PORTAL report screen and manual form will require a representation as to whether the transaction is being made in reliance on rule 144A and, if the transaction is not in reliance on rule 144A, whether the buyer is a QIB, a non-QIB institution, or a non-QIB individual investor. The PORTAL Rules also would clarify that transaction reports must include the identity of the contra-party, whether the transaction is on an agency or principal basis, whether the transaction is a purchase or sale, whether a sale is a "short" sale, the quantity of the security, the price of the security expressed in the currency in which the security is quoted in PORTAL, and a representation regarding the status of the buyer.

The reporting obligations can be met by reporting a transaction to the PORTAL Market system or by filing a manual report with the NASD.[11] Members that effect transactions in reliance on PORTAL Market information, however, must report those trades to the PORTAL Market through its computer system. These reports are required to be entered within 15 minutes after execution of the transaction.[12] Transactions in PORTAL securities that are not required to be reported through the computer system, except for transactions reported to a national securities exchange, are to be reported on a form designated by the NASD. Transaction reports that are submitted on a manual form will be required to be submitted at the end of each business week in which the reportable transaction occurred.

2. Security Designation

The criteria for eligibility as a PORTAL security will apply at the time of initial designation and will constitute continuing requirements for designation as a PORTAL security. One requirement for initial qualification and continued designation as a PORTAL security is that the security remain a restricted security, even though it may be eligible to be resold pursuant to the provisions

[11] Where both parties to a transaction in PORTAL securities are PORTAL brokers or PORTAL dealers, the member that sells the PORTAL securities, or acts as agent for the seller, is obligated to enter the PORTAL transaction report. Where only one party to the transaction is a PORTAL broker or PORTAL dealer, that party is obliged to submit the transaction report. In transactions that are not based on PORTAL Market information where both parties are not PORTAL brokers or PORTAL dealers, the seller must submit the PORTAL transaction report.

If a PORTAL broker or PORTAL dealer executes a sale of PORTAL securities with another PORTAL broker or PORTAL dealer and the seller designates settlement through the PORTAL clearance and depository system, the contra-party PORTAL broker or PORTAL dealer is required to affirm or reject the transaction report entered by the seller in the PORTAL Market system within 30 minutes after the execution of the transaction.

[12] The PORTAL Market system will accept PORTAL transaction reports from 8:30 a.m. Eastern Time to 6:30 p.m. Eastern Time. Should the transaction be executed during hours that the PORTAL Market does not accept transaction reports, the report must be entered between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time, when the PORTAL Market system is next open, with the trade date of the date of execution of the transaction. PORTAL transaction reports that are entered between 8:30 a.m. Eastern Time and 9:30 a.m. Eastern Time and between 4 p.m. Eastern Time and 6:30 p.m. Eastern time will not be disseminated. The display of volume of transactions in each security, however, will include all PORTAL transaction reports entered into the PORTAL Market system by PORTAL dealers and brokers between 8:30 a.m. and 6:30 p.m. daily that are made in reliance on rule 144A.

of rule 144, including rule 144(k), but has not been so resold. Another requirement is that the security be assigned a CUSIP or CINS (CUSIP International Numbering System) security identification number that is different from any identification number assigned to any unrestricted securities of the same class. Should the security be issued to investors only in physical form, the security must have a legend placed on each certificate stating that the securities have not been registered under the Securities Act, and cannot be resold without registration under the Securities Act or an exemption therefrom.

III. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of, and statutory basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item V below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) In its submission, the NASD stated that its ability to control the sale of rule 144A-eligible securities to investors outside the PORTAL Market has only existed with respect to the first sale from the PORTAL Market and not with respect to any subsequent resales. The NASD believes that currently the PORTAL Market is unable to provide the regulatory oversight of PORTAL securities transactions that it had originally anticipated. The NASD believes this is because the current reporting requirements presuppose that the securities that are the subject of the transaction are deposited or will be deposited in a segregated PORTAL account. Most of these securities, however, have been traded outside such accounts. Nevertheless, the NASD believes that the PORTAL Market will perform a vital role in providing a quotation system for rule 144A securities and in expanding oversight of the market in PORTAL securities through the significantly expanded reporting requirements that the NASD has proposed. The NASD believes that significantly greater information on transactions in restricted PORTAL securities will be available if the amendments are approved.

(b) The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Exchange Act because the proposed rule change is designed to promote just and equitable principles of trade and to remove impediments to, and perfect the mechanisms of, a free and open market. The NASD also stated that it believes the proposed rule change is consistent with the provisions of section 11A(a)(2) of the Exchange Act as it applies to a trading system "for particular types of securities with unique trading characteristics."

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD stated that it does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the PORTAL Market, as well as other matters that might have an impact on the proposal. The Commission continues to consider what trading mechanisms are appropriate for this market. Accordingly, the Commission specifically solicits comment on, among other things, whether the alternative controls described above will be sufficient to preclude the leakage of restricted securities into the U.S. retail market. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all between communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 21, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-7363 Filed 3-30-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30509; File No. SR-NASD-91-42]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the definition of Branch Office

March 24, 1992.

The National Association of Securities Dealers, Inc. ("NASD") submitted on April 29, 1991, a proposed rule change pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 ("Act") and rule 19b-4 [2] thereunder to amend Article III, section 27 of the Rules of Fair Practice to amend the definition of branch office. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Supervision

Section 27

* * * * *

Definitions

* * * * *

(g)(2) *Branch Office* means any location identified by any means to the public or customers as a location at which the member conducts an investment banking or securities business, excluding:

[1] 15 U.S.C. section 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1989).

(i) any location identified (solely) in a telephone directory line listing or on a business card or letterhead, which listing, card or letterhead also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch location are directly supervised[.];

(ii) any location referred to in a member advertisement, as this term is defined in Article III, section 35 of the NASD Rules of Fair Practice, by its local telephone number and/or local post office box provided that such reference may not contain the address of the non-branch location and, further, that such reference also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch locations are directly supervised; or

(iii) any location identified by address in a member's sales literature, as this term is defined in Article III, section 35 of the NASD Rules of Fair Practice provided that the sales literature also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch locations are directly supervised.

(g)(3) A member may substitute a central office address and telephone number for the supervisory branch office and OSJ locations referred to in paragraph (g)(2) above provided it can demonstrate to the NASD District Office having jurisdiction over the member that it has in place a significant and geographically dispersed supervisory system appropriate to its business and that any investor compliant received at the central site is provided to and resolved in conjunction with the office or offices with responsibility over the non-branch business location involved in the complaint.

Subsections (g)(2)(ii) and (g)(2)(iii) permit members to list locations other than branch offices and OSJs in advertisements and sales literature provided that the communication also sets forth the address and telephone number of the branch office or OSJ of the firm from which the person(s) conducting business at the non-branch location are directly supervised. By the terms of this provision, the NASD intends that the branch office or OSJ be identified as such; members may not comply with the rule's requirements by simply listing the branch office or OSJ along with other addresses with no further identification.

The proposed rule change was published for comment in Securities Exchange Act Release No. 29772 (October 1, 1991), and by publication in the **Federal Register**, 56 FR 50962 (October 9, 1991). No comments were received regarding the proposal.

The language that has been proposed for codification currently exists in interpretations issue by the NASD. In 1989 a committee of the Board of Governors issued several interpretations under Article III, section 27(g)(2) of the NASD Rules of Fair Practice, to clarify the rule's definition of branch office and the exemptions from branch office registration available for non-branch locations that meet certain conditions under the rule. The interpretations were reviewed by the NASD Board of Governors in November 1989 and published in the February 1990 issue of the NASD Regulatory & Compliance Alert. However, the absence of language reflecting these interpretations in the rule itself has resulted in some confusion among members, particularly with the passage of time, as to which activities trigger branch office registration. Therefore, the NASD has proposed to codify the existing interpretations.

While the NASD has proposed these exemptions, branch office registration will still be required for the locations that (i) perform any function under the definition of Office of Supervisory Jurisdiction; [3] (ii) publicly display signs other than on lobby directories or doors in the internal corridors of an office building; (iii) operate from public areas of buildings, such as bank branches, even when such locations are temporarily staffed; or (iv) advertise an address in any public media.

A number of NASD members employ registered persons who engage in securities-related activities on a full or part-time basis at locations away from the offices of the members. The off-site representatives may be involved in other business enterprises such as insurance, real estate sales, accounting, tax or financial planning. Notwithstanding an individual's location or compensation arrangement, under Article III, section 27(a) of the NASD Rules of Fair Practice all associated persons are considered to be employees of the firm with which they are registered for purposes of compliance with the NASD rules governing the conduct of registered persons and the supervisory responsibilities of the member.[4]

Over the past few years, the NASD has periodically considered whether the definition of branch office should be revised to ensure proper supervision of off-site employees. The NASD's most recent filing which considered the branch office designation, among other things, was SR-NASD-88-31.[5] In the instant filing, the NASD reconsidered this issue and determined that it was appropriate to amend the rule to eliminate the requirement to register as a branch office unless the securities activity at the office requires continuous and direct supervision of a principal, or the location is being held out to the public as a place where a full range of securities activity is being conducted.

Having considered the proposal, the Commission believes the rule change will assist NASD members in meeting their obligation to supervise off-site registered representatives under applicable securities laws, regulations and NASD rules. The proposed language succinctly states what the NASD deems to be a branch office; the language outlines for members the exemptions from branch office registration. Thus, the need for case-by-case interpretations of which operational structures constitute branch offices should be diminished.

Inasmuch as the proposed rule change requires all locations conducting investment banking or securities business to be registered and supervised uniformly, the Commission believes the proposed rule change is consistent with the provisions of section 15A(b)(6) of the

[3] Under the NASD Rules of Fair Practice "Office of Supervisory Jurisdiction" means any office of a member at which any one or more of the following functions takes place: (i) Order execution and/or market making; (ii) structuring of public offerings or private placements; (iii) maintaining custody of customers' funds and/or securities; (iv) final acceptance (approval) of new accounts on behalf of the member; (v) review and endorsement of customer orders, pursuant to Article III, section 27(d); (vi) final approval of advertising or sales literature for use by persons associated with the member, pursuant to Article III, section 35(b)(1) of the Rules of Fair Practice; or (vii) responsibility for supervising the activities of persons associated with the member at one or more other branch offices of the member.

[4] *See NASD Securities Dealers Manual*, CCH ¶ 2177 ("Supervision"). *See also NASD Notice to Members 86-65* (September 12, 1986), which reemphasized the duty of NASD members to supervise off-site associated person regardless of their locations or compensation arrangements. Additionally, this notice apprised NASD members of the SEC's position that an individual who operates as an independent contractor must be register as a broker-dealer unless he or she is under the control of a registered broker-dealer. As stated therein, the Commission believes this question of "control" has to be evaluated in light of the facts and circumstances to each situation and is not susceptible to a test of general application.

[5] *See* Securities Exchange Act Release No. 26177 (October 13, 1988), 53 FR 41006 (October 19, 1988), approving proposed rule change that redefined Office of Supervisory Jurisdiction and branch office making the definitions more specific. This change was implemented by the NASD in April of 1989.

Act, which require in pertinent part, that the Association adopt and amend its rules to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect the investor and the public interest.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–91–42 be, and thereby is approved. Pursuant to the NASD's request, this rule shall become effective April 30, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7364 Filed 3–30–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18628; 811–2475]

AMA Family of Funds, Inc.; Deregistration

March 24, 1992.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: AMA Family of Funds, Inc.

RELEVANT ACT SECTIONS: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: the application was filed on February 13, 1992.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 20, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 5 Sentry Parkway West, suite 120, P.O. Box 1111, Blue Bell, Pennsylvania 19422.

FOR FURTHER INFORMATION CONTACT: John V. O'Hanlon, Staff Attorney, at (202) 272–3922 or Elizabeth G. Osterman, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified investment company organized as a corporation under Maryland law. On April 19, 1974, applicant filed a Notification of Registration pursuant to section 8(a) of the Act. On April 24, 1974, applicant filed a registration statement pursuant to the Securities Act of 1933 and section 8(b) of the Act. Applicant's registration statement was declared effective on July 12, 1974, and it commenced its initial public offering immediately thereafter. Applicant is a series company consisting of eight separate investment portfolios: the Prime Fund, the Treasury Fund, the Tax-Free Fund, the U.S. Government Income Plus Fund, the Global Income Fund, the Classic Growth Fund, the Balanced Fund, and the Global Growth Fund (the "Funds").

2. On June 20, 1991, applicant's board of directors approved separate agreements of reorganization relating to each of the Funds (each of "Agreement"). A majority of the shares of each Fund were voted in favor of approval of the Agreements at special meetings held on the following dates: Prime Fund—September 11, 1991, U.S. Government Income Plus Fund, Classic Growth Fund, and Balanced Fund—October 21, 1991; Treasury Fund, Global Growth Fund, and Global Income Fund—November 21, 1991; and Tax-Free Fund—November 29, 1991.

3. Each Fund transferred all of its assets to a comparable fund or portfolio in the Quest for Value family of funds (the "Quest Funds") in exchange for shares of the comparable fund or portfolio having a net asset value equal to the aggregate net asset value of the applicable Fund at the close of business on the business day immediately preceding the closing date. The closing on the transactions described in this notice occurred on the following dates: Prime Fund—September 16, 1991; U.S. Government Income Plus Fund, Classic Growth Fund, and Balanced Fund—November 4, 1991; Treasury Fund, Tax-Free Fund, Global Growth Fund, and Global Income Fund—December 2, 1991. Simultaneously with the closing, each Fund distributed to its shareowners *pro rata* the shares of the corresponding Quest Fund which it received in the exchange.

4. Expenses applicable to the transactions consisted primarily of accounting, printing, administrative, and certain legal expenses and were allocated among eight Funds in proportion to each Fund's respective net assets, except to the extent such expenses were directly attributable to a particular Fund, in which case expenses were allocated to that Fund. The expenses allocated to each Fund were estimated as follows: Prime Fund—$70,000; U.S. Government Income Plus Fund—$46,000; Classic Growth Fund—$34,000; Balanced Fund—$27,000; Treasury Fund—$31,000; Tax-Free Fund—$25,000; Global Income Fund—$29,000; Global Growth—$62,000. these expenses were borne by the Funds. No brokerage commissions were paid in connection with the transactions.

5. As of the date of the application, applicant had no shareholders; to its knowledge, had no assets or liabilities; and was not a party to any current or pending litigation or administrative proceeding.

6. Applicant is not engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

7. As soon as practicable following receipt of the order requested by the application, applicant intends to file Articles of Dissolution with the Department of Assessments and Taxation of Maryland in accordance with Maryland law.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7365 Filed 3–30–92; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–18630; File No. 812–7525]

Teachers Insurance and Annuity Association of America; Exemption Order

March 24, 1992.

AGENCY: Securites and Exchange Commission ("SEC").

ACTION: Notice of application for an order of exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Teachers Insurance and Annuity Association of America ("TIAA"), the College Retirement Equities Fund ("CREF"), and the College Credit Trust (the "Trust").

RELEVANT 1940 ACT SECTIONS: Order requested under sections 17(b) and 6(c) for exemption from section 17(a) and under section 17(d) and rule 17d–1 approving certain transactions.

SUMMARY OF APPLICATION: Applicants seek an order exempting and approving the proposed transactions whereby TIAA and the College Entrance Examination Board have created the Trust for the purpose of making educational loans, and CREF, through its Stock Account, will be a principal investor in the Trust, acquiring a portion of its interest in the Trust directly or indirectly from TIAA upon receipt of the requested relief. The Student Loan Marketing Association will administer the Trust and the loans, and provide related services.

FILING DATE: The application was filed on May 30, 1990 and amended and restated on December 14, 1990, October 3, 1991 and January 29, 1992.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on April 20, 1992. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send a copy to the Secretary of the SEC, along with proof of service by affidavit or, in case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o Peter C. Clapman, Esq., TIAA–CREF, 730 Third Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Barry D. Miller, Senior Staff Attorney (202) 272–3018, or Heidi Stam, Assistant Chief (202) 272–2060, Office of Insurance Products and Legal Compliance (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. TIAA was established in 1918 as a nonprofit corporation under the New York State Insurance Law to provide retirement benefits and financial security to teachers and other employees of nonproprietary and nonprofit-making colleges, universities, and other institutions engaged in education or research. TIAA offers fixed annuities and insurance benefits funded by its general account. All of the stock of TIAA is held by an entity designated "TIAA Board of Overseers," itself a New York not-for-profit membership corporation organized and existing solely for the purpose of holding TIAA's stock and performing related functions.

2. CREF is a nonprofit membership corporation subject to the Not-For-Profit Corporation Law of New York State and is subject to supervision and regulation by the Superintendent of Insurance of New York and by the insurance regulatory authorities of certain other jurisdictions. It was established by a special act of the New York State Legislature in 1952, for the purpose of providing retirement benefits suited to the needs of the types of institutions and employees served by TIAA. CREF achieves its purpose by issuing variable annuity certificates funded by its investment portfolios, which currently consist of a Stock Account, Money Market Account, Bond Market Account, and Social Choice Account (together with any investment portfolio that might be added in the future, the "Accounts"). Owners of CREF certificates are referred to herein as "Participants." As a membership corporation, CREF is controlled as a technical matter by a group of seven individuals known as "members."

3. CREF is registered as an open-end diversified management investment company under the 1940 Act and the individual variable annuity certificates it issues are registered under the Securities Act of 1933. As of December 31, 1991, CREF's net assets were approximately $47.3 billion.

4. TIAA and CREF are legally distinct entities. However, officers and other employees of TIAA generally are also officers and employees, respectively, of CREF. In addition, the individuals comprising the members of CREF also comprise the members of TIAA Board of Overseers.

5. The College Entrance Examination Board ("The College Board") will be a grantor of, and will otherwise participate with respect to, the Trust. The College Board is a not-for-profit New York corporation and is engaged in a number of activities related to the transition of students from secondary schools to institutions of higher education.

6. The Student Loan Marketing Association ("Sallie Mae") will administer the Trust and the loans and will provide related services. It currently is the major financial intermediary in the U.S. education financing market, with total assets of approximately $45 billion as of December 31, 1991.

7. The Trust has been established and will be governed under the laws of New York. TIAA and The College Board will act as the Trust's grantors pursuant to the terms of the College Credit Trust Agreement (the "Trust Agreement"). In accordance with the Trust Agreement TIAA and The College Board each have contributed $10,000 to the Trust for its initial capital. Each will be responsible for the expenses it incurs in performing its duties as a grantor under the Trust Agreement. The Trust Agreement also provides that The College Board will contribute its time and expertise, at no charge other than minimum fees to cover costs, to counsel educational institutions and students in connection with educational credit matters.

8. Applicants believe that the Trust qualifies for the exemption from registration as an investment company under the 1940 Act provided by section 3(c)(1) for issuers whose securities are held by one hundred or fewer persons and whose securities are not publicly offered. Applicants do not seek an exemption from section 3(c)(1).

9. TIAA will also act as the trustee of the Trust. TIAA as an insurance company, is an eligible lender under the Higher Education Act, which specifies that only certain types of entities can be eligible lenders. 20 U.S.C. 1085(d)(1)(1990). (CREF does not qualify as an eligible lender). Thus, TIAA's participation in the proposed transaction is necessary to enable the Trust to make education loans under that Act. Although as trustee TIAA is legally responsible for the making of loans and other functions of the Trust, its role as trustee will, in fact, be very limited, and will not involve active managerial or other discretionary functions. The Trust Agreement directs TIAA, as trustee, to enter into an agreement with Sallie Mae under which Sallie Mae will perform origination, servicing and related responsibilities. Under that agreement TIAA will not have any duty to review any request to fund an education loan application processed by Sallie Mae, and is not authorized to make any loans for the Trust other than those processed by Sallie Mae. TIAA's role as trustee is required to be limited by section 131(3) of the New York state banking law, which allows a corporation other than a trust company to serve as trustee of a trust only where it acts incidentally to the execution of its expressed powers in a capacity where its duties are, in fact, primarily custodial and ministerial.

10. An agreement among Sallie Mae, TIAA (as trustee), and The College Board (the "Sallie Mae Agreement"), details Sallie Mae's responsibilities with respect to the Trust. Among other responsibilities, Sallie Mae will process loan applications, issue checks for loan proceeds, pay insurance premiums to appropriate guarantee agencies, and take other action necessary for the completion and processing of applications. Sallie Mae is also required, among other things, to: (a) Exercise due diligence in servicing the loans and collecting payments due thereon, and promptly respond to inquiries and communications; (b) file, or assist TIAA in filing, all statements, reports, and bills required to be submitted to governmental agencies; (c) collect insurance payments due from governmental agencies with respect to education loans; (d) receive any payments with respect to loans; (e) furnish TIAA, CREF, The College Board and any additional investors with certain reports and (f) cooperate with The College Board in seeking to obtain other investors to purchase interests in the Trust.

11. As compensation for its services to the Trust, Sallie Mae will receive from the Trust a quarterly fee equal to 0.3125% per annum on the average daily balance of Guaranteed Student Loans ("GSL Loans") (discussed below) held by the Trust during the quarter. The Sallie Mae Agreement provides for that rate to increase on January 1, 1995, using a formula based on the Consumer Price Index. The negotiated 0.3125% fee is within the typical range of Sallie Mae's fee for performing the services related to originating and servicing loans. As compensation for its services in supporting routine Trust administration activities, Sallie Mae will receive an additional amount, payable quarterly, equal to 0.0625% per annum of the average daily balance of the GSL Loans held by the Trust during the period. The special 0.0625% fee, which was specifically considered and negotiated in structuring the Sallie Mae Agreement, relates to the unique services to be provided to the Trust under that agreement. Those unique services arise from trust administration duties that will be undertaken by Sallie Mae. Applicants determined that Sallie Mae's performance of those special administrative services was necessary to maintain TIAA's ministerial role in the transaction.

12. Individuals and institutions will submit applications for student loans directly to the Trust. These applications will be reviewed by Sallie Mae. To the extent Sallie Mae determines that a loan application qualifies under the Guaranteed Student Loan Program ("GSL Program"), it will disburse the loan using funds provided by CREF and any other investor which has committed to participate in the Trust.

13. TIAA is the initial investor in the Trust. It is anticipated that CREF will directly or indirectly acquire TIAA's investment in the Trust as soon as is practicable upon receipt of the relief requested in the application and will assume TIAA's role as the initial investor in the Trust. CREF's investment will be made through its Stock Account, which will utilize the Trust as a vehicle for investment of uninvested cash. (The relief being sought in the application with respect to CREF relates only to its Stock Account. If CREF determines in the future that an investment in the Trust would be appropriate and desirable for any of its other Accounts, further relief will be sought.)

14. In approving the terms of CREF's investment, the Finance Committee of CREF's Board of Trustees ("Board") considered all aspects of the proposed investment, including whether it met the Stock Account's investment objective and was an appropriate investment for the Stock Account's short-term cash balances. In addition CREF's full Board, including a majority of Trustees who are not "interested persons" of CREF within the meaning of section 2(a)(19) of the 1940 Act, approved CREF's participation in the Trust and in the arrangements described in this application.

15. Pursuant to an Equity Contribution Agreement with TIAA (as trustee) ("EC Agreement"), CREF will undertake to make cash contributions to the Trust from time to time, up to a maximum at any one time of $50 million, with the amount ultimately invested dependent upon the level of response to the loan opportunities offered by the Trust. The Trust Agreement contemplates that up to 99 additional investors may be added to the Trust, although no investor may be added until it has executed an Assignment and Assumption Agreement with CREF. Pursuant to that agreement, additional investors generally would have the same rights as CREF has under the EC Agreement. The total amount of loans originated under the program will not exceed limits to be agreed upon by Applicants, the College Board, and Sallie Mae. Currently, it is anticipated that the limit will be $150 million through the period ending when the Higher Education Act (discussed below) comes up for reauthorization, now scheduled for 1992. (References hereinafter to the rights of CREF as an investor in the Trust also apply to any additional investors in the Trust which execute an Assignment and Assumption Agreement with CREF, unless otherwise indicated.)

16. The interest of CREF in the Trust will take the form of equity participation. This participation will entitle CREF and any additional investors to any payment of principal and interest received by the Trust with respect to student loans and any prescribed premiums received by the Trust upon the sale of such loans to Sallie Mae prior to their maturity as set forth in the Sallie Mae Agreement. Interests in the Trust will represent interests in an undivided pool of assets, and no assets of the Trust will be segregated or earmarked with respect to any investor in the Trust. Each investor in the Trust will receive the same rate of return, which will be prorated based on the amount and duration of its investment in the Trust. CREF's participation will not entitle it to voting or any other rights relative to the management or operation of the Trust.

17. When Sallie Mae determines that a proposed loan qualifies under the GSL Program, it will contact CREF and seek a cash contribution. Funds contributed by CREF will be disbursed by Sallie Mae for the amount of the loans and the Trust will receive a note in return.

CREF intends to value its investment in the Trust based on the discounted net cash flow it expects to receive from that investment. On the day CREF initially acquires an investment in the Trust, it will value the investment as it would a 91-day fixed debt instrument with a coupon rate equal to the expected net yield that has been determined for the investment during that quarter (as noted above, usually about 200 basis points above the Treasury bill rate for that quarter). Like the value of other fixed return investments, the value of the investment will vary with changes in market interest rates, if rates go up, the value of the investment will go down, and vice versa. CREF will revalue its investment in the Trust daily, taking into account the investment's diminishing maturity and the fluctuations in market interest rates.

Applicants believe that given, among other things, the attractive rate of return applicable to investment in the Trust, CREF's interest in the Trust is highly marketable. Nonetheless, CREF represents that the Stock Account will not hold interests in the Trust in an amount which, when aggregated with other investments of the Trust that are considered illiquid, will equal more than ten percent of the Stock Account's net assets.

18. All of the loans to be made by the Trust will be guaranteed by an appropriate state guaranty agency in accordance with various provisions of part B of title IV of the Higher Education Act, and will be of three types. Most of the loans will be in the form of GSL Loans, which constitute the principal undergraduate student loans currently offered in the U.S. The other types of loans to be offered by the Trust are Supplemental Loans to Students ("SLS Loans") and Parent Loans to Undergraduate Students ("PLUS Loans").

19. Under a GSL Loan, the U.S. Department of Education ("DOE") will pay interest (including the stated interest rate on the loan and an interest supplement called a "special allowance") to the Trust quarterly at a rate that is equal to the average of the bond equivalent rates of 91-day Treasury bills auctioned for that calendar quarter plus 3.25% applied to the average outstanding principal balance of the loans during the calendar quarter. It is expected that the Trust will retain loans until approximately seven months before a loan enters repayment. When a loan enters repayment, the obligation of DOE to pay the stated interest rate on the loan to the holder of the obligation terminates. Sallie Mae generally will purchase the loans from the Trust 210 days before the change to repayment mode. Sallie Mae is contractually obligated to purchase the education loans from the Trust.

20. Sallie Mae will purchase GSL Loans from the trust at a price equal to 100.25% of the principal amount plus 100% of the accrued interest payable as of the date of the sale. Sallie Mae's obligations to purchase GSL Loans from the Trust is unconditional. Thus, it bears the risk on loans fraudulently or negligently originated or serviced.

21. Only CREF funds will be utilized for purposes of making an SLS or PLUS loan. SLS and PLUS Loans will make up a very limited part of the program. Therefore, limiting the investment in those loans to CREF will provide administrative efficiency by consolidating organization and maintenance of such loans. The risks to CREF are the same as the risks to CREF with respect to the GSL Loans. Pursuant to the Sallie Mae Agreement, they will be purchased by Sallie Mae within 30 days of their disbursement at a price equal to 101% of their principal amounts, plus all accrued interest payable thereunder as of the date of the sale.

22. CREF's return on SLS and PLUS Loans is expected to be the same as on GSL Loans, except that CREF will receive a premium of 0.5% above the principal amount of SLS and PLUS Loans upon Sallie Mae's purchase of such loans. This premium reflects a sharing of the administrative cost savings between the Trust and CREF. The Finance Committee of CREF's Board has approved the entire transaction, including the Stock Account's investment in the SLS and PLUS Loans and whether the return will be commensurate with the risk assumed.

23. All payments relating to principal on any loan made by the Trust (including payments paid or prepaid by the borrower), any principal amount received from a state guaranty agency, and the portion of the purchase price representing the principal balance of a loan purchased by Sallie Mae, will be allocated (a) if the payment relates to a GSL Loan, to CREF and any additional investors, and (b) if the payment relates to an SLS or PLUS Loan, to CREF only, as described above.

24. All interest received on GSL Loans (including accrued interest paid by Sallie Mae in connection with its purchase of a loan from the Trust), will be allocated first to CREF at a rate calculated for each calendar quarter following the loans's origination applied to the outstanding principal balance of the loans during the calendar quarter equal to the average of the bond equivalent rates of 91-day Treasury bills auctioned for that calendar quarter. Then, it will be allocated to The College Board at a rate calculated for each calendar quarter following the loan's origination equal to 0.72% per annum calculated on the outstanding principal balance of the loan in which it was originated. Any remaining balance will be allocated to CREF and any additional investors. Interest on SLS or PLUS Loans (including accrued interest paid by Sallie Mae), will be allocated to CREF only.

25. Payments representing the prescribed premium portion of the purchase price paid by Sallie Mae to the Trust for a loan will be allocated (a) with respect to GSL Loans, 100% to The College Board, and (b) with respect to SLS and PLUS Loans, 50% to The College Board and 50% to CREF only.

26. All other income earned or received by the Trust, including income earned on any deposits investments of the Trust, will be allocated 95% to CREF and any additional investors, and 5% to The College Board, except that any income earned on TIAA's or the College Board's initial $10,000 capital contribution will be allocated to TIAA or The College Board, as the case may be. CREF and any additional investors will receive allocations of such other income to the extent they relate to GSL Loans; only CREF will receive any allocation related to SLS and PLUS Loans.

27. Expenses of the Trust and any originating or servicing fees and expenses in excess of those provided for in the Sallie Mae Agreement will be allocated to CREF if the expense is attributable to SLS or PLUS Loans, and to CREF and any additional investors if the expense is attributable to GSL Loans. Other expenses generally will be allocated 95% to CREF and any additional investors, and 5% to The College Board.

28. The Trust generally will not maintain or hold the cash it receives. Rather, amounts it receives as interest, premiums on the sale of a loan, or principal payments will be paid out to CREF and any additional investors or The College Board, as the case may be, on a current basis, net of any losses or expenses. Thus, amounts relating to principal an premium payments will be distributed as promptly as practicable by Sallie Mae. Amounts representing interest payments on behalf of the borrowers from DOE will be distributed, net of Sallie Mae's compensation, as promptly as practicable by Sallie Mae after the receipt of the quarterly payment from DOE.

29. In general, principal payments received on GSL Loans will be allocated first to CREF and then, to the extent such payments exceed the amount CREF has contributed to the Trust that were applied to GSL Loans, to additional investors pursuant to an agreed upon formula. This arrangement is designed to reduce the Trust's administrative expenses by avoiding numerous distributions of small amounts to additional investors. Additional investors (if any) will, however, receive payments of principal before CREF where an additional investor has determined to sell its entire interest in the Trust and Sallie Mae has elected to purchase loans from the Trust to fund the Trust's purchase from such additional investor. All distributions on SLS and PLUS Loans will be made to CREF.

30. The return on CREF's equity participation in the Trust will be based on the interest paid to the Trust by DOE under the GSL Loans, and the prescribed premiums paid by Sallie Mae upon its purchase for its own account of SLS and PLUS Loans at 1% above their principal amount. These amounts will be reduced by the total fee of 0.375% to be paid to Sallie Mae for its services to the Trust and any other expenses incurred by the

Trust. Even after expenses, it is anticipated that the remaining return should be about 2.00% above the ten-current Treasury bill rate. Since CREF's participation is on an equity ownership basis, there is no coupon rate attached to the investment as such, and CREF's actual return will be based on the availability of the funds flowing into the Trust from the DOE and from Sallie Mae's actual purchase of student loan notes.

31. The EC Agreement gives CREF the right to terminate its obligation to make additional contributions to the Trust upon 180 days notice. Pursuant to that provision, it must still make any contribution requested by Sallie Mae up to the end of the notice period, but thereafter its obligation ceases. In addition, CREF may be able to withdraw from participation in the Trust in two ways. First, it can contact Sallie Mae and request that it determine if there is another investor available which would take an assignment from CREF and purchase its equity participation in the Trust. If such an investor were found, it would make an investment in the amount of CREF's total investment to date, and that amount would, in turn, be paid to CREF. Second, if such other investor could not be found, TIAA as trustee would request that Sallie Mae purchase student loans in the Trust's portfolio in amounts sufficient to repay CREF's equity contributions; however, Sallie Mae would be under no obligation to do so. Applicants believe that CREF's agreement to provide 180 days notice of withdrawal to the Trust, which, like the other material aspects of the EC Agreement, was negotiated at arm's length, is fair and equitable in view of the significant benefits to CREF provided by the EC Agreement as a whole.

32. To expedite the operation of the Trust, on October 10, 1990, TIAA entered into a set of agreements (the "October 10 Agreements") which are substantially similar to the agreements entered into by CREF and pursuant to which TIAA is obligated to immediately invest in the Trust independently of CREF. It is intended that TIAA's role as an equity investor in the Trust under the October 10 Agreements will continue only until CREF receives the relief requested in the application, at which time CREF will directly or indirectly purchase TIAA's entire investment, and the October 10 agreements will terminate.

33. The principal difference between the October 10 agreements and the agreements entered into by CREF is that the October 10 Agreements provide TIAA with more favorable termination provisions which are designed solely to permit TIAA to sell to CREF its entire investment in the Trust as soon as is practicable following the granting of the relief sought by the Application. The continuation or termination of TIAA's investment in the Trust is not, by the terms of the October 10 Agreements, contingent on any action or inaction by CREF. During the course of TIAA's investment, its board of trustees will decide to increase, decrease, hold, or sell its investment in the Trust on an ongoing basis, according to whether the Trust remains a suitable investment for TIAA. Applicants intend, however, that if the relief requested is obtained, CREF will obtain TIAA's entire investment in the Trust. It will do so either by purchasing TIAA's investment directly from TIAA or by making an investment in the Trust. In the latter case, the proceeds of CREF's investment in the Trust would be used by the Trust to immediately redeem TIAA's investment. In either case, the sale or redemption will be at par value and not designed to produce a profit for TIAA. Any interest earned on the assets represented by TIAA's investment in the Trust during the quarter in which the sale to CREF occurs, will be allocated on a *pro rata* basis to each of TIAA and CREF, according to the number of days during that quarter that each holds the interest in the Trust attributable to TIAA's investment in the Trust. Applicants further intend that TIAA's entire equity investment (other than its $10,000 contribution as grantor) in the Trust will be terminated upon CREF's investment in the Trust.

Applicant's Legal Analysis

1. Applicants acknowledge that TIAA could be deemed an affiliated person of CREF by virtue of the common identity of the members of CREF and the members of TIAA Board of Overseers as well as the common identity of many of their executive officers. Applicants also acknowledge that TIAA, as trustee and grantor of the Trust, could be deemed to be an affiliated person of the Trust. That, in turn, could make the Trust an affiliated person of an affiliated person of CREF.

2. Therefore, CREF's investment in the Trust could involve transactions prohibited under section 17(a) (CREF's purchase of an interest in the Trust and the Trust's redemption of such interest, as well as CREF's purchase, directly or indirectly, from TIAA of its investment in the Trust), and participation in a joint enterprise in contravention of section 17(d) and rule 17d–1 thereunder. In view of the foregoing, Applicants request an order of exemption from the Commission pursuant to sections 17(b) and 6(c) from section 17(a), and pursuant to section 17(d) and rule 17d–1 thereunder, to the extent necessary to permit Applicants to participate in the Trust as set forth in the agreements and described in the application, and for CREF to acquire TIAA's investment in the Trust and for TIAA to sell, either directly or indirectly through redemption of TIAA's investment by the Trust, such interest to CREF. Applicants submit that the terms of the proposed investment by CREF in the Trust and the terms of CREF's purchase of TIAA's investment in the Trust each satisfy the standards set forth in sections 17(b) and 6(c) and rule 17d–1, and that granting the relief is therefore appropriate.

3. CREF's proposed participation in the Trust has been reviewed by CREF's Board of Trustees and has been approved by the Board, including a majority of the Trustees who are not "interested persons" within the meaning of the Act, as being fair and reasonable. The Trustees have found that CREF's participation would be consistent with its investment policies. CREF's proposed participation in the Trust is fair and reasonable in that it will provide the Stock Account with the ability to achieve what CREF believes is a highly favorable rate of return (about 2% above the Treasury bill rate) on a portion of its "cash" assets. The return CREF expects to receive on its Trust investment is as favorable or more favorable than it could expect to receive on other short-term investments of amounts up to the $50 million it is obligated to invest in the Trust, without exposing CREF to a greater degree of credit risk.

4. TIAA's proposed sale to CREF of its investment in the Trust is fair and reasonable in that the sale will not be designed to produce a profit for TIAA and will enable CREF to purchase at partisan value all of TIAA's investment in the Trust and thereby participate in the Trust as described herein. The benefits of CREF's participation are described above.

5. There is no overreaching on the part of any of the parties involved in the establishment or operation of the Trust or in the sale to CREF of TIAA's investment in the Trust. TIAA's participation as grantor and trustee is consistent with its fundamental purpose of aiding education and is important to the Trust because of its high visibility in the academic community. TIAA's current role as an equity investor in the Trust was necessary to expedite the operation of the Trust, pending receipt of the relief necessary for CREF to participate in the Trust. TIAA's proposed sale to CREF of its investment in the Trust is designed to allow the Trust to operate in the manner contemplated by the agreements once the requested relief is granted and to limit TIAA's role in the Trust to that of grantor and trustee.

6. TIAA's role as grantor and trustee is very limited and presents it with no opportunity for a direct pecuniary benefit other than any *de minimis* return it may receive from the return on its $10,000 initial Capital. It will exercise virtually no control over the operation of the Trust. The agreements among the parties were all negotiated at arm's length, as all of the parties or their representatives are sophisticated and well-established in the financial community. TIAA's role as an investor in the Trust pursuant to the October 10 agreements will not overlap with CREF's investment in the Trust, and the sale of its investment at part value will not be designed to involve any profit for TIAA.

7. Sallie Mae's role is critical to the viability of the Trust. Without Sallie Mae's unique expertise the Trust simply could not achieve its purpose. The compensation to be received by Sallie Mae, and the terms upon which it may purchase loans from the Trust reflect an arm's length agreement, are consistent with the realities of the marketplace, and are appropriate for the level of services to be provided by Sallie Mae.

8. CREF's participation will be on a basis that is as favorable as any other investor. The only way other investors may participate in the Trust is by entering into an assignment and assumption agreement which, in effect, would grant those investors the same rights as CREF. CREF's purchase of TIAA's investment will be on a basis that is at least as favorable to CREF as such a sale would be to any other person. As noted above, the sale will be at par value and will not be designed to produce any profit for TIAA. Any interest earned on TIAA's investment during the quarter in which the sale occurs will be allocated between TIAA and CREF on a *pro rata* basis according to the number of days each holds the assets attributable to TIAA's investment in the Trust during that quarter.

9. The proposed investment by CREF in the Trust is consistent with the stated investment policies of the Stock Account. A portion of the Stock Account's assets may be invested in short-term or other instruments in addition to the traditional equity investments it makes to utilize cash balances more effectively. The maximum investment currently contemplated to be made by CREF, $50 million, represents an immaterial amount of the Stock Account's assets, which currently are approximately $44 billion.

10. The proposed transactions are consistent with the policies and purposes of the Act, and are in the best interest of CREF's Participants. CREF's participation in the Trust is consistent with exemptive relief previously granted by the Commission. None of the specific concerns enumerated in the eight paragraphs of section 1(b) of the 1940 Act as affecting the public interest are raised by the arrangements described herein. No disclosure issues should be raised. The actions to be taken by CREF raise no inference of being done for the benefit of any CREF Trustee, officer, or employee, or TIAA. All participants in the Stock Account will benefit equally from CREF's investment in the Trust. There is no question of undue concentration of control of CREF or any particular vulnerability to improper accounting methods. No reorganization or excessive borrowing is involved. The *de minimis* nature of the transaction and CREF's large size make it plain that the adequacy of CREF's assets will not be threatened. The transactions provide CREF's Participants with an opportunity for a highly favorable return at low risk and in a manner that does not unfairly enrich any of the other parties to the arrangement at CREF's expense.

11. CREF's participation in the Trust is consistent with the policies and purposes of the 1940 Act in that it is beneficial to CREF Participants and does not put CREF at a disadvantage with respect to, or involve overreaching by, any of the other parties. Its purchase of TIAA's investment in the Trust is necessary to enable CREF to participate in the Trust in the manner contemplated by the agreements. CREF's participation has also been approved by CREF's Board of Trustees, including a majority of its disinterested Trustees.

12. Because Applicants seek exemptions for a class of prospective transactions, Applicants also seek exemption pursuant to section 6(c). Applicants submit that the terms of the relief request are appropriate under section 17(b) and, therefore, are also consistent with the standards enumerated in section 6(c).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92–7306 Filed 3–30–92; 8:45 am]

BILLING CODE 8010–01–M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402–2801; (615) 751–6779.

SUPPLEMENTARY INFORMATION: Under title IV of the Clean Air Act Amendments, sec. 402, Public Law 101–549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Board of Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J. W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W. M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92–6156 Filed 3–30–92; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of the establishment of Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel.

Notice is hereby given of the establishment of the Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel. The Federal Aviation Administrator is the sponsor of the

advisory committee, which will consist of members nominated by the Administrator and confirmed by the Secretary of Transportation as representatives of a broad perspective of the aviation community involving pilot and aviation maintenance technician recruitment, training, utilization, and retention. The panel will examine the existing and future supply of pilots and aviation maintenance technicians for civil and military aviation and will make recommendations for alleviating potential shortages. (For the purposes of this panel, "aviation maintenance technician" is defined as any person who works to maintain an aircraft, aerospace vehicle, or component thereof in an airworthy condition.)

The Secretary of Transportation has determined that the information and use of the panel are necessary in the public interest in connection with the performance of duties imposed on FAA by law. Meetings of the panel will be open to the public except as authorized by Section 10(d) of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: The Deputy Associate Administrator for Regulation and Certification (AVR-2), 800 Independence Avenue, S.W., Washington, DC, 20591; telephone 202-267-7804.

Issued in Washington, DC, March 25, 1992.

Daniel C. Beaudette,

Executive Director of the Pilot and Aviation Maintenance Technician Shortage Blue Ribbon Panel.

[FR Doc. 92-7344 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In February 1992, there were two applications approved in part.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph (d) of § 158.29.

PFC Applications Approved in Part

Public Agency: Muscle Shoals Regional Airport Authority
Application Type: Impose and Use PFC Revenue
PFC Level: $3.00
Total Approved PFC Revenue: $104,100
Earliest Permissible Charge Effective Date: June 1, 1992
Duration of Authority to Impose: February 1, 1995
Class of Air Carriers not Required to Collect PFC's: None
Brief Description of Projects Approved:
Terminal building renovation—phase I.
Perimeter access road.
Taxiway B—phase II.
Taxiway B—phase III.
Brief Description of Projects Disapproved:
Taxiway/runway signs.
Perimeter security fence.
Emergency radio equipment
Pavement vacuum equipment.
Vacuum storage and maintenance facility.
Rehabilitate runway 11-29.
Aircraft rescue and fire fighting vehicle.
Terminal building renovation—phase II.

Determination: These projects were disapproved in accordance with § 158.33(a)(1), which requires the public agency to begin implementation of a project no later than 2 years after receiving approval to use PFC revenue on that project.

Decision Date: February 18, 1992.

FOR FURTHER INFORMATION CONTACT: Elton E. Jay, FAA Jackson Airport District Office, 601-965-4628.

Public Agency: Clark County Department of Aviation
Application Type: Impose at McCarran International Airport and use, either now or in the future, at McCarran International Airport, North Las Vegas Air Terminal, and Sky Harbor Airport.
PFC Level: $3.00
Total Approved PFC Revenue: $428,054,360
Earliest Permissible Charge Effective Date: June 1, 1992
Duration of Authority To Impose: The Clark County Department of Aviation is authorized to impose a PFC at McCarran International Airport until the earliest of (1) 30 years from the charge effective date or (2) the date on which the total PFC revenue plus interest thereon equals the allowable cost of the approved projects. For this approval, that amount is $428,054,360. Based on information submitted by the Clark County Department of Aviation, FAA estimates the charge expiration date to be February 1, 2004.
Class of Air Carriers Not Required to Collect PFC's: Air Taxi/Commercial Operators filing FAA Form 1800-31
Brief Description of Projects Approved:
- Impose for Future Use at McCarran:
  Flood control projects.
  Runway 7R-25L extension.
  Railroad track relocation.
  Charter/international terminal apron expansion.
  Land acquisition: Topaz subdivision.
  Land acquisition: Ldn 70, Enterprise.
  Land acquisition: Portions of Park 2000.
  Land acquisition: Runway 19R protection zone.
  Land acquisition: Ldn 70, Pecos/Sunset area.
  Land acquisition: Swenson Street, airport-related ground transportation.
- Impose at McCarran and use at Sky Harbor Airport:
  Master plan and FAR Part 150 program.
  Environmental assessment on the acquisition of Sky Harbor Airport.
- Impose at McCarran and use at McCarran:
  Concourse C expansion—terminal.
  Concourse C expansion—apron.
  Terminal remodel—west of rotunda.
  Part 150 program update.
  West side flood control study.
  Noise mitigation programs.
  Airfield study and environmental assessment.
  Land acquisition: west of fence.
  Land acquisition: Russell/Burnham subdivision.
  Land acquisition: Runway 1R protection zone.
  Land acquisition: Ldn 75, severe noise exposure.
  Land acquisition: Paradise Shopping Center.
  Land acquisition: Gold Dust area.

Brief Description of Projects Approved in Part:
- Impose at McCarran for future use at McCarran: Runway 1L-19R air carrier update.
- Impose at McCarran and use at North Las Vegas Air Terminal: North Las Vegas Air Terminal improvements.
- Impose at McCarran and use at McCarran:
  Airport rescue and fire fighting training facility.
  Charter/international terminal.
  Bond issuance costs.
  Debt service reserve funding.

Brief Description of Projects Deferred:
Airport connector—tunnel portion.
Airport connector—southern access roadway.
Airport connector—Paradise road portion.
Land acquisition: airport connector—southern access roadway right-of-way.
Determination: FAA decision deferred at the request of Clark County.
Decision Date: February 24, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph R. Rodriquez, FAA San Francisco Airports District Office, 415-876-2805.

Issued in Washington, DC on March 24, 1992.

Leonard L. Griggs, Jr.,

Assistant Administrator for Airports.

[FR Doc. 92-7204 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

[Summary Docket No. PE-92-10]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before April 20, 1992.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-10), Petition Docket No._____, 800 Independence Avenue, SW., Washington, DC. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC. 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. C. Nick Spithas, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9704.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 24, 1992.

Denise D. Castaldo,

Manager, Program Management Staff.

Petitions for Exemption

Docket No.: 26183
Petitioner: Air Transport Association of America
Sections of the FAR Affected: 14 CFR 61.157 and part 121, appendix H
Description of Relief Sought/Disposition: To allow the use of a Phase II simulator for upgrade training to pilot-in-command and the certification check required by FAR § 61.157, provided the pilot has previously qualified and served as second-in-command.

Dispositions of Petitions

Docket No.: 26517.
Petitioner: Era Aviation, Inc.
Sections of the FAR Affected: 14 CFR 133.51.
Description of Relief Sought/Disposition: To permit ERA Aviation, Inc. to perform certain rotorcraft external-load operations (i.e., offshore oil drilling operations) in the United States using a Canadian-registered AS-332L Aerospatiale Helicopter Super Puma. *Grant, March 18, 1992, Exemption No. 5421.*

Docket No.: 26578
Petitioner: American Airlines
Sections of the FAR Affected: 14 CFR 43.3(a), 121.378(a), and 121.709(b)(3)
Description of Relief Sought/Disposition: To allow non-certificated ground and flight personnel employed by American Airlines to remove and replace spent passenger reading light bulbs from its McDonnell Douglas DC-10, MD-11, MD-80, Fokker F-100, and Aerospatiale A-300 aircraft. *Partial Grant, March 18, 1992, Exemption No. 5420.*

Docket No.: 26611
Petitioner: Air Logistics
Sections of the FAR Affected: 14 CFR 135.63(c).
Description of Relief Sought/Disposition: To allow Air Logistics to omit listing the center of gravity (c.g) limits for each flight on the load manifest. *Denial, March 18, 1992, Exemption No. 5419.*

Docket No.: 26636.
Petitioner: Carson City Sheriff's Department.
Sections of the FAR Affected: 14 CFR 61.118.
Description of Relief Sought/Disposition: To permit members of the Carson City Sheriff's Aero Squadron to be reimbursed for fuel, oil, and maintenance expenses while performing official duties involving the use of member-provided aircraft on authorized search and location missions for the Carson City Sheriff's Department. *Partial Grant, March 13, 1992. Exemption No. 5416.*

Docket No.: 26673
Petitioner: Fine Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief Sought/Disposition: To permit Fine Airlines, Inc., to submit a request for approval of a retrofit schedule after the June 1, 1990, deadline to the Flight Standards Division Manager in the region of the certificate holding district office. The petitioner is seeking temporary relief from the January 2, 1991 compliance date, for the installation of a low altitude windshear warning system. *Grant, March 17, 1992, Exemption No. 5417.*

Docket No.: 26799.
Petitioner: ABX Air, Inc.
Sections of the FAR Affected: 14 CFR 91.605.
Description of Relief Sought/Disposition: To allow the operation of five noncomplying Stage 1 DC-9-32 aircraft (Registration No. N987AX, Serial No. 47364; Registration No. N989AX, Serial No. 47314; Registration No. N988AX, Serial No. 47064; Registration No. N985AX, Serial No. 47522; and Registration No. N986AX, Serial No. 47543) from Madrid, Spain, to Dayton, Ohio, for customs, and then to Wilmington, Ohio, to obtain modification to bring the subject aircraft into compliance with Stage 2 noise levels under FAR part 36. *Grant, March 19, 1992, Exemption No. 5422.*

Docket No.: 26800.
Petitioner: Patriot Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.358(c)(1).
Description of Relief South/Disposition: To permit Patriot Airlines, Inc., to submit a request for approval of a retrofit schedule after the June 1, 1990 deadline to the Flight Standards Division Manager in the region of the certificate holding district office. The petitioner is seeking temporary relief from the January 2, 1991 compliance

date, for the installation of a low altitude windshear warning system. *Grant, March 17, 1992, Exemption No. 5418.*

[FR Doc. 92-7345 Filed 3-30-92; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 92-02; Notice 1]

Notice of Receipt of Petition for Determination That Nonconforming 1989 Mercedes-Benz 200E Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for determination that nonconforming 1989 Mercedes-Benz 200E passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a determination that a 1989 Mercedes-Benz 200E that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily modified to conform to the standards.

DATE: The closing date for comments on the petition is April 30, 1992.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are from 9:30 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202-366-5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that:

(I) the motor vehicle is * * * substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 [of the Act], and of the same model year * * * as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards * * *.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Anaheim, California (Registered Importer No. R-90-007) has petitioned NHTSA to determine whether 1989 Mercedes-Benz 200E, Model ID 124.021 passenger cars are eligible for importation into the United States. The vehicle which G&K believes is substantially similar is the 1989 Mercedes-Benz 260E, Model ID 124.026, and it has submitted information indicating that Mercedes-Benz of North America offered the 1989 Mercedes-Benz 260E for sale in the United States. This model was manufactured by Daimler-Benz A.G. and was certified as conforming to all applicable Federal motor vehicle safety standards. The petitioner alleges that the 260E and nonconforming 200E model vehicles differ "mainly in engine size and minor comfort or cosmetic options which go with it."

The petitioner stated that it had carefully compared the 200E with the U.S.-companion model 260E, and found that they were substantially similar with respect to most applicable Federal motor vehicle safety standards. The petitioner further observed that manufacturers generally design only a few basic body shells, which they equip with a wide array of engine-size and other opinion, and that many models such as the 200E and the 260E are structurally the same. The petitioner expressed the option that every model does not find its way into every market, however, owing to saleability considerations or changes in restrictions such as emission control requirements.

G&K submitted information with its petition intended to demonstrate that the 1989 model 200E, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1989 model 260E that was offered for sale in the United States, or is capable of being readily modified to conform to those standards.

Specifically, the petitioner claims that the 1989 model 200E is identical to the certified 1989 model 260E with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence * * *.*, 103 *Defrosting and Defogging Systems*, 104 *Windshield Wiping and Washing Systems*, 106 *Brake Hoses*, 107 *Reflecting Surfaces*, 109 *New Pneumatic Tires*, 113 *Hood Latch Systems*, 116 *Brake Fluids*, 124 *Accelerator Control Systems*, 201 *Occupant Protection in Interior Impact*, 202 *Head Restraints*, 203 *Impact Protection for the Driver From the Steering Control System*, 204 *Steering Control Rearward Displacement*, 205 *Glazing Materials*, 207 *Seating Systems*, 209 *Seat Belt Assemblies*, 210 *Seat Belt Assembly Anchorages*, 211 *Wheel Nuts, Wheel Discs and Hubcaps*, 212 *Windshield Retention*, 216 *Roof Crush Resistance*, 219 *Windshield Zone Intrusion*, and 302 *Flammability of Interior Materials*.

Petitioner also contends that the vehicle is capable of being readily modified to meet the following standards, in the manner indicated.

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked "Brake" for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 105 *Hydraulic Brake Systems:* Modification of the electrical circuit powering the brake failure indicator lamp so that it activates when the ignition switch is turned to the "on" position.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamp assemblies; (b) modification of models equipped with integral parking lamps and headlamps to permit the parking lamp to be activated independently of the headlamp; (c) installation of front and rear sidemarker lamps and reflex reflectors; (d) installation of U.S-model taillamp assemblies; (e) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Replacement of the passenger's outside rearview mirror, which is convex but does not bear the required warning statement.

Standard No. 114 *Theft Protection:* Installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshild pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* Rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components:* Replacement of rear door locks with U.S.-model equipment.

Standard No. 208 *Occupant Crash Protection:* (a) Installation of a seat belt-actuated microswitch in the driver's seat belt to permit activation of the seat belt warning system; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer.

Standard No. 214 *Side Door Strength:* Installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* Installation of a rollover valve in the fuel tank vent line between the fuel and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1989 model 200E must be reinforced to comply with the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, coments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 30, 1992.

Authority: 15 U.S.C. 1397 (c)(3)(A)(i)(II) and (C)(iii); 49 CFR 593.8; delegation of authority at 49 CFR 1.50.

Issued on: March 25, 1992.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 92-7286 Filed 3-30-92; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1991 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds; Name Change: CNA Casualty of Puerto Rico

CNA Casualty of Puerto Rico a Puerto Rico Corporation, has formally changed its name to Integrand Assurance Company, effective February 13, 1992. The company was last listed as an acceptable surety on Federal bonds at 56 FR 30137, July 1, 1991.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1991 Revision, on page 30149 to reflect this change.

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued effective February 13, 1992 under sections 9304 to 9308, title 31, of the United States Code to Integrand Assurance Company, San Juan, Puerto Rico. This Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of $2,002,000 established for the company as of July 1, 1991, remains unchanged until the July 1, 1992, revision is published, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Funds Management Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 874-6765.

Dated: March 25, 1992.

Charles F. Schwan, III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 92-7370 Filed 3-30-92; 8:45 am]
BILLING CODE 4810-35-M

United States Customs Service

[T.D. 92-30]

Approval of SGS Hawaii, Inc., as a Commercial Gauger

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of approval of SGS Hawaii, Inc., as a commercial gauger.

SUMMARY: SGS Hawaii, Inc., of Aiea, Hawaii recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that SGS Hawaii Inc., meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, SGS Hawaii Inc., is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: March 19, 1992.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Special Assistant for Commercial and Tariff Affairs, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 (202-566-2446).

Dated: March 26, 1992.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 92-7369 Filed 3-30-92; 8:45 am]
BILLING CODE 4820-02-M

Internal Revenue Service

Tax on Certain Imported Substances; Amendment to Notice of Determination

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice.

SUMMARY: This notice amends the determination published in the **Federal Register** on June 13, 1990 (55 FR 24023) that added polyethylene terephthalate pellets to the list of taxable substances in section 4672(a)(3) of the Internal Revenue Code.

EFFECTIVE DATE: This amendment is effective as of January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Ruth Hoffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries), (202) 566-4475 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1990, a Notice of Determination was published in the **Federal Register** (55 FR 24023), adding polyethylene terephthalate pellets to the list of taxable substances in section 4672(a)(3) of the Internal Revenue Code, effective as of April 1, 1990. The prescribed rate of tax was $6.30 per ton, based upon a conversion factor for ethylene of 0.1470 and a conversion factor for xylene of 0.5507. At that time the rate of tax imposed on xylene under section 4661(b) was $10.13 per ton.

HTS number: 3907.60.00
Schedule B number: 3907.60.0000
CAS number: 25038–59–9

Amendment

On January 1, 1992, the rate of tax imposed on xylene under section 4661(b) decreased to $4.87 per ton. Accordingly, the rate of tax prescribed for imported polyethylene terephthalate pellets that are first sold or used after December 31, 1991, is $3.40 per ton.

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 92–7277 Filed 3–30–92; 8:45 am]

BILLING CODE 4830–01–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board:

TIME AND DATE: 9:00 a.m. April 3, 1992.

PLACE: Public Hearing Room, Suite 700, 625 Indiana Avenue, NW., Washington, DC 20004.

STATUS: Closed. Exemption 1; Exemption 7; Exemption 9; and Exemption 3, but in the case of Exemption 3, only to the extent unclassified controlled nuclear information may be disclosed.

MATTERS TO BE CONSIDERED:
Deliberation regarding Savannah River Site, South Carolina.

FOR MORE INFORMATION CONTACT:
Robert M. Andersen, General Counsel, (202) 208–6387.

Dated: March 27, 1992.
Robert M. Andersen,
General Counsel.
[FR Doc. 92–7451 Filed 3–27–92; 10:44 am]
BILLING CODE 6820–KD

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: to be published on March 30, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, April 2, 1992.

CHANGES IN THE MEETING: Change in the time of the *open* meeting to *9:00 a.m.*, Thursday, April 2, 1992.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 27, 1992.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 92–7450 Filed 3–27–92; 11:14 am]
BILLING CODE 6210–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:00 a.m., Monday, April 6, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: March 27, 1992.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 92–7498 Filed 3–27–92; 2:45 pm]
BILLING CODE 6210–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Failure To Publish Notice of Meeting in the **Federal Register** (transcript of the open portion of the meeting is available by contacting Executive Court Reporting Service 301–565–0064).

TIME AND DATE: 9:30 a.m., Wednesday, March 18, 1992.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza, SW., Washington, DC 20024.

STATUS: The first item is open to the public. The last item is closed under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

5059C—Revised Aviation Accident Report: United Airlines Flight 811, Boeing 747–122, Honolulu, Hawaii, February 24, 1989. [NTSB–AAR–90/01].
5864—Opinion and Order: Administrator v. Ewert, Docket SE–9966; disposition of respondent's appeal.

NEWS MEDIA CONTACT: Telephone (202) 382–0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: March 27, 1992.
Bea Hardesty,
Federal Register Liaison Officer.
[FR Doc. 92–7499 Filed 3–27–92; 2:46 pm]
BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of March 30, April 6, 13, and 20, 1992.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of March 30

Tuesday, March 31

9:00 a.m.
Discussion of Internal Management Issues (Closed—Ex. 2)
10:00 a.m.
Discussion of Nuclear Safety and Safeguards in the Former Soviet Union and Eastern Europe (Closed—Ex. 1)

Thursday, April 2

2:00 p.m.
Briefing on Pending Investigations (Closed—Ex. 5 and 7)
3:30 p.m.
Briefing by Executive Branch (Closed—Ex. 1)

Friday, April 3

10:00 a.m.
Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)
11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting)—
a. Motion to Dismiss Petitions for Intervention in Shoreham Decommissioning Proceeding
b. Final Rule Entitled "Uranium Enrichment Regulations" (Tentative)
c. Revisions to Procedures to Issue Orders: Challenges to Orders that are Made Immediately Effective—10 C.F.R. Part 2 (Tentative)
d. Appeal from Seabrook Order LBP–91–24 Disposing of Last Outstanding Emergency Planning Issue (Tentative)

Week of April 6—Tentative

Friday, April 10

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 13—Tentative

Thursday, April 16

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 20—Tentative

Monday, April 20

10:00 a.m.
Briefing on Proposed Update of Source Term, Release Timing, Definition of Releases into Containment, and TID-14844 (Public Meeting)

Tuesday, April 21

2:00 p.m.
Briefing on Progress of Design Certification Review and Implementation (Public Meeting)

Friday, April 24

10:00 a.m.
Periodic Briefing on Progress of Resolution of Generic Safety Issues (Public Meeting)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

1:30 p.m.
Periodic Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting)

ADDITIONAL INFORMATION: By a vote of 5–0 on March 24, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that "Briefing on Incident at Russian Reactor at Sosnovyy Bor" (Public Meeting) be held on March 24 and on less than one week's notice to the pubic.

NOTE: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the Status of Meeting Call (Recording)—(301) 504–1292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 504–1661.

Dated: March 26, 1992.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 92–7404 Filed 3–27–92; 2:04 pm]

BILLING CODE 7590-01-M

Corrections

Federal Register
Vol. 57, No. 62
Tuesday, March 31, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 205

Federal Funds Transfers

Correction

In proposed rule document 92-6574, beginning on page 10102, in the issue of Monday, March 23, 1992, make the following corrections:

1. On page 10103, in the first column, under *Delaying Implementation*, in the third line, "the" should read "they".

2. On the same page, in the second column, in the first full paragraph, in the eighth line, "full-fledged" was misspelled.

3. On page 10105, in the first column, in the second full paragraph, in the tenth line, "actually" was misspelled.

4. On the same page, in the same column, in the third full paragraph, in the last line, insert "funding" after "advance".

5. On the same page, in the third column, in the tenth line, "and" should read "end".

6. On page 10106, in the first column, under *Transfers to Non-State Entities*, in the second line, insert "a" after "is".

7. On the same page, in the 2d column, under **Regulatory Analysis**, in the 12th line, "reduct" should read "reduce".

§ 205.2 [Corrected]

8. On page 10107, in the first column, in § 205.2, under the definition for *Disburse*, in the first line, insert "a" after "of".

9. On page 10108, in the first column, under the definition for *Secretary*, in the fifth line, "Secretary's" should be capitalized.

§ 205.5 [Corrected]

10. On page 10109, in the third column, in § 205.5(a), in the fifth line, "January" was misspelled; and in the sixth line, "1985" should read "1995".

11. On the same page, in the same column, in § 205.5(b), in the second line, "State" should read "States".

12. On page 10110, in the first column, in § 205.5(b)(3), in the first line, insert "shall" after "State".

§ 205.6 [Corrected]

13. On the same page, in the second column, in § 205.6(f), in the third line, "project" should read "projected".

§ 205.12 [Corrected]

14. On page 10113, in the first column, in § 205.12(a)(2), in the third line, "account" should read "accounting".

§ 205.16 [Corrected]

15. On page 10114, in the second column, in § 205.16(a)(2), in the fourth line, "The" should be capitalized the second time it appears.

Appendix A [Corrected]

16. On page 10115, in the first column, in the first line of the heading for **Appendix A**, "or" should read "of".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8359]

RIN 1545-AI86

Permitted Disparity With Respect to Benefits and Contributions

Correction

In rule document 91-21923 beginning on page 47610 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47611:

a. In the third column, under "*1. Plans Not Eligible*", in the first paragraph, in the fifth line, "311(a)" should read "3111(a)".

b. In the same column, under "*1. Plans Not Eligible*", in the second paragraph, in the first line, "312(b)(7)" should read "3121(b)(7)".

2. On page 47612, in the second column, in the third full paragraph, in the last line, insert "," after "allowance".

3. On page 47613, in the second column, in the first full paragraph, in the third line, "commerce" should read "commence".

4. On page 47614:

a. In the first column, under "*5. Overall Permitted Disparity*", in the second paragraph, in the fifth line, "great" should read "greater".

b. In the same column, under "*5. Overall Permitted Disparity*", in the 3d paragraph, in the 10th line, "parity" should read "disparity"; and in the seventh line from the bottom, after "any" insert "plan".

§ 1.401(a)(5)-1 [Corrected]

5. On page 47615:

a. In the first column, in § 1.401(a)(5)-1(d)(2), in the first line, after "defined" insert "benefit".

b. In the 2d column, in § 1.401(a)(5)-1(e)(2), in the 16th line, after "5-plan-year" insert "period".

§ 1.401(l)-1 [Corrected]

6. On page 47620, in the second column, in § 1.401(l)-1(c)(17)(i), in the seventh line, "without" should read "within".

§ 1.401(l)-2 [Corrected]

7. On page 47622, in the second column, in § 1.401(l)-2(e), in *Example 5*, in the sixth line, "employees" should read "employee's".

§ 1.401(l)-3 [Corrected]

8. On page 47625:

a. In the first column, in § 1.401(l)-3(c)(2)(iv), in the sixth line from the top of the page, "package" should read "percentage".

b. In the same column, in § 1.401(l)-3(c)(2)(v), in the eighth line, "package" should read "percentage".

c. In the same column, in § 1.401(l)-3(c)(2)(vi), in the sixth line, "employer" should read "employee".

d. In the 3d column, in § 1.401(l)-3(c)(3), in *Example 4*, in the 10th line from the bottom, "and 0.75-percent" should read "the 0.75-percent".

e. In the same column, in § 1.401(l)-3(c)(3), in *Example 5*, in the eighth line from the bottom, "package" should read "percentage".

9. On page 46727:

a. In the first column, in § 1.401(l)-3(d)(9)(ii), in the ninth line from the top, "specified" should read "specifies".

b. In the 2d column, in § 1.401(l)-3(d)(9)(iii)(B), in the 10th line, "specified" should read "specifies".

c. In the third column, in § 1.401(l)-3(d)(10), in *Example 1* (b), in the third

line from the bottom, "0.65 percent". should read "0.50 percent".

10. On page 47628, in the first column, in § 1.401(l)-3(d)(10), in *Example 4*, in the first line, "*Example (4)*" should read "*Example 4*".

11. On page 47630:

a. In the first column, in § 1.401(l)-3(e)(6), in *Example 4*, the paragraph after the table, in the fourth line, after "percentage" insert "under".

b. In the 2d column, in § 1.401(l)-3(e)(6), in *Example 4*, in the 11th line, after "percent of" insert "the".

d. In the same column, in § 1.401(l)-3(e)(6), in *Example 6*, in the second line from the bottom of the page, after "average" insert "annual".

§ 1.401(l)-4 [Corrected]

12. On page 47633, in the second column, in § 1.401(l)-4(c)(3)(iii)(A), in the third line, "employees." should read "employees,".

13. On page 47634, in the first column, in § 1.401(l)-4(e)(3)(i), in the first line, after "retirement" insert "covered".

§ 1.401(i)-5 [Corrected]

14. On page 47635, in the 3d column, in § 1.401(l)-5(b)(9), in *Example 1* (a), in the 12th column, "disparity" was misspelled.

15. On page 47636, in the third column, in § 1.401(l)-5(c)(3)(i), in the third line from the top, "after" should read "before".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8360]

RIN 1545-AM95

Nondiscrimination Requirements for Qualified Plans

Correction

In rule document 92-21924 beginning on page 47524 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47524, in the 2d column, in the 12th line, "§ 411(d)-4" should read "§ 1.411(d)-4".

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, after the second paragraph, the headings should appear as follows:

"Explanation of Provisions

Development of Final Regulations

Coordination With Other Regulations"

3. On page 47525:

a. In the first column, in the first full paragraph, in the fourth line, insert "the" after "with".

b. In the same column, in the third full paragraph, in the second line, "employes" should read "employers".

c. In the second column, in the sixth full paragraph, in the third line, insert "provided" after "benefits".

d. In the third column, in the second full paragraph, in the first line, "requirements" should read "requirement".

4. On page 47527, in the second column, in the first full paragraph, in the third line, "benefits" should read "benefit".

5. On page 47532, in the first column, in the third line, "rules" should read "rule".

6. On page 47533, in the 2d column, in the 2d full paragraph, in the 13th line, "provided" should read "provide".

7. On the same page, in the same column, in the last paragraph, in the last line, insert a period after "rules".

8. On page 47534, in the second column, in the second full paragraph, in the third line from the bottom, "permits" should read "permit".

9. On page 47535, in the third column, in the last paragraph, in the ninth line, "establish" should read "established".

§ 1.401(a)(4)-0 [Corrected]

10. On page 47539, in the third column, in § 1.401(a)(4)-0, in *§ 1.401(a)(4)-8*(d)(2), in the second line, "of" should read "to".

11. On page 47540, in the third column, in § 1.401(a)(4)-0, in *§ 1.401(a)(4)-13*(f)(2)(ii), "Additional" should read "Addition".

§ 1.401(a)(4)-2 [Corrected]

12. On page 47545, in the third column, in § 1.401(a)(4)-2(c)(2)(v), in the ninth line from the bottom, insert "a" after "as"; and in paragraph (c)(3)(i), in the third line, "401" should read "410".

§ 1.401(a)(4)-3 [Corrected]

13. On page 47548, in the third column, in § 1.401(a)(4)-3(b)(3)(ii), in *Example 2*, in the seventh line, the first "of" should read "for".

14. On page 47549, in the first column, in § 1.401(a)(4)-3(b)(4)(ii), in *Example 2*, in the seventh line, "36" should read "35".

15. On the same page, in the second column, in § 1.401(a)(4)-3(b)(4)(ii), in *Example 3*, in the fifth line from the top, insert "the" after "is".

16. On page 47551, in the third column, in § 1.401(a)(4)-3(b)(8)(xii)(B), in the sixth line, insert "the" after "date".

17. On page 47552, in the third column, in § 1.401(a)(4)-3(b)(8)(xiii)(D)(*2*), in the tenth line, "in" should read "is".

18. On page 47553, in the third column, in § 1.401(a)(4)-3(c)(2), in the first line, "(1)" should read "(i)"; and in the third line from the bottom, "more" should read "most".

19. On page 47556, in the first column, in § 1.401(a)(4)-3(d)(1)(iii), in the third line from the bottom, "year" should read "years".

20. On page 47562, in the first column, in § 1.401(a)(4)-3(d)(6)(iv)(A), in the fourth line from the bottom, the first "all" should read "at".

21. On page 47567, in the first column, in § 1.401(a)(4)-3(f)(2), in the eighth line, "4125(d)(1)" should read "415(d)(1)".

§ 1.401(a)(4)-4 [Corrected]

22. On page 47568, in the third column, in § 1.401(a)(4)-4(b)(1), in the third line, "year" should be removed.

23. On page 47569, in the first column, in § 1.401(a)(4)-4(b)(2)(ii)(A), in the second line, "current" should read "currently".

24. On page 47571, in the first column, in § 1.401(a)(4)-4(d)(4)(i), all of the first paragraph designated "(A)" should be removed (three lines).

25. On page 47572, in the third column, in § 1.401(a)(4)-4(e)(3)(viii), in the third line, "§ 1.401(m)-(f)(12)" should read "§ 1.401(m)-1(f)(12)".

§ 1.401(a)(4)-5 [Corrected]

26. On page 47573, in the second column, in § 1.401(a)(4)-5(a)(6), in *Example 4*, in the tenth line, "ration" should read "ratio"

§ 1.401(a)(4)-6 [Corrected]

27. On page 47578, in the first column, in § 1.401(a)(4)-6(b)(4)(ii)(B), in the fifth line, insert "year" after "plan" the first time it appears.

28. On the same page, in the 2d column, in § 1.401(a)(4)-6(c)(1), in the 16th line, "§ 1.401(b)-5" should read "§ 1.410(b)-5".

29. On page 47579:

a. In the first column, in § 1.401(a)(4)-6(c)(4)(D), in the fourth line, "and" should read "an"

b. In the third column, in § 1.401(a)(4)-6(c)(5), in *Example* (c), the first line should read "accrual rate is 1.66 percent, the lesser of the C rate and the D rate.".

§ 1.401(a)(4)-8 [Corrected]

30. On page 47582, in the second column, in § 1.401(a)(4)-8(b)(3)(v), in the first line, "*sections*" should read "*section*".

31. On the same page, in the third column, in § 1.401(a)(4)-8(b)(3)(vi), in the second line, "7 5" should read "7.5".

32. On page 47583:

a. In the first column, in § 1.401(a)(4)-8(c)(2)(i), in the fourth line, insert "benefit" after "defined".

b. In the second column, in § 1.401(a)(4)-8(c)(2)(i)(D), in the last line, "of" should read "for".

c. In the same column, in § 1.401(a)(4)-8(c)(2)(ii), in the 8th line, "§ 1.401(a)(4)(a)(4)-3(d)(2)(ii)(A)" should read "§ 1.401(a)(4)-3(d)(2)(ii)(A)"; in the 14th line, "§ 401(a)(4)-3(d)(6)(vi)" should read "§ 1.401(a)(4)-3(d)(6)(vi)"; and in the 17th line, "employee's" should read "employees' ".

d. In the third column, in § 1.401(a)(4)-8(c)(3)(i), in the tenth line, "analogous" was misspelled.

33. On page 47584, in the first column, in § 1.401(a)(4)-8(c)(3)(iii)(B), in the seventh line, "§ 401(a)(4)-2(b)(3)" should read "§ 1.401(a)(4)-2(b)(3)".

34. On the same page, in the third column, in § 1.401(a)(4)-8(c)(3)(v)(A), in the eighth line, "the" should read "that".

35. On page 47585, in the first column, in § 1.401(a)(4)-8(c)(3)(vi), in the fourth line, "retirement" was misspelled.

§ 1.401(a)(4)-9 [Corrected]

36. On page 47587, in the second column, in § 1.401(a)(4)-9(b)(2)(iii), in the fifth line, "§ 1.401(a0(4)-8(b)(2)(i)" should read "§ 1.401(a)(4)-8(b)(2)(i)"

§ 1.401(a)(4)-11 [Corrected]

37. On page 47592, in the second column, in § 1.401(a)(4)-11(d)(3)(iii), in the last line, "§ 1.401(a)-7" should read "§ 1.410(a)-7"

38. On page 47593, in the second column, in § 1.401(a)(4)-11(g)(3)(v)(B), in the tenth line, "harbors" was misspelled.

§ 1.401(a)(4)-12 [Corrected]

39. On page 47595, in the second column, in § 1.401(a)(4)-12, in the definition for "*Plan*", in the second line, remove one of the "§ ".

40. On the same page, in the third column, in § 1.401(a)(4)-12, in the seventh line from the top, "of" should read "for".

41. On page 47596, in the second column, in § 1.401(a)(4)-12, in the sixth line from the top, insert "4" after "(b)-".

42. On the same page, in the same column, in § 1.401(a)(4)-12, in the fifth full paragraph, "*employees.*" should read "*employee.*".

§ 1.401(a)(4)-13 [Corrected]

43. On page 47598, in the 1st column, in § 1.401(a)(4)-13(a), in the 17th line, "401(b))" should read "410(b))".

44. On page 47599, in the second column, in § 1.401(a)(4)-13(c)(7), in *Example 2* (c)(2), in the last line, remove "percent".

45. On page 47601, in the third column, in § 1.401(a)(4)-13(e)(2)(ii), in the fourth line from the bottom, "assumption" should read "assumptions".

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8361]

RIN 1545-AO66

Definition of Compensation for Qualified Plans

Correction

In rule document 91-21925 beginning on page 47659 in the issue of Thursday, September 19, 1991, make the following correction:

1. On page 47659, in the second column, under **EFFECTIVE DATE**, in the fifth line, "§ 1.414(s)-1(i)" should read "§ 1.414(s)-1(i)

2. On the same page in the third column, in the heading "**Compensation Safe Harbors Under Section 415(c)(5) * * ***" should read "**Compensation Safe Harbors Under Section 415(c)(3) * * ***".

3. On page 47660, in the first column, in the last paragrph, in the ninth line, "The" should read "This".

§ 1.414(s)-1 [Corrected]

4. On page 47666, in the third column, in § 1.414(s)-1, in paragraph (g)(2), in the first line, *Determination* was misspelled.

§ 1.415-2 [Corrected]

5. On page 47667, in the third column, in § 1.415-2, in paragraph (d)(3)(iii), in the second line, "disposition" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8362]

RIN 1545-AO62

Limitation on Annual Compensation for Qualified Plans

Correction

In rule document 91-21926, beginning on page 47603, in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47604, in the third column, in the first full paragraph, in the third line, "**samples**" should read "**examples**"; and in the seventh line, "data" should read "date".

2. On page 47605, under **Special Analyses**, in the first line, "In" should read "It"; and in the second line, insert "rules" after "**major**".

§ 1.401(a)(17)-1 [Corrected]

3. On page 47608, in the third column, in § 1.401(a)(17)-1(e)(4)(iii)(B), in the sixth line, "the plan year" should read "the last plan year".

4. On page 47609:

a. In the first column, in § 1.401(a)(17)-1(e)(4)(iii)(B)(*5*), in the fifth line, "(e)(4)(iii)(*a*)" should read "(e)(4)(iii)(A)".

b. In the same column, in paragraph (e)(5), in *Example 1.* (a), in the 4th line, "average" should read "averaged"; and in the 28th line, "the" should read "that".

c. In the second column, in paragraph (e)(5), in *Example 2.*, in the tenth line, "average" should read "averaged".

d. In the third column, in paragraph (e)(5), in *Example 5.* (a), in the third line, insert "the" after "that".

e. In the same column, in paragraph (e)(5), in *Example 6.* (a), in the last line, "§ 1.40(a)(4)-13(d)(6)(i)(B)" should read "§ 1.401(a)(4)-13(d)(6)(i)(B)".

10. On page 47610:

a. In the 1st column, in § 1.401(a)(17)-1(e)(5), in *Example 6.* (b), in the 11th line, insert "is" after "section"; and in *Example 6.* (b)(1), in the second line, insert "is" after "benefit".

b. In the same column, in paragraph (e)(5), in *Example 6.* (b)(4), in the last line, "$222,200" should read "$222,220".

c. In the same column, in paragraph (e)(5), in *Example 6* (b)(5), in the fourth line, "the" should read "this".

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DEPARTMENT OF THE TREASRY

Internal Revenue Service

26 CFR Part 1

[T.D. 8363]

RIN 1545-AK41

Minimum Coverage Requirements

Correction

In rule document 92-21927 beginning on page 47638 in the issue of Thursday, September 19, 1991, make the following corrections:

1. On page 47638, in the first column, under **Explanation of Provisions**, in the heading, "**Section 410(c) * * *"** should read "**Section 410(b) * * ***.

2. On page 47639, in the third column, under *7.Excludable Employees:*, in the second paragraph, in the last line, "services" should read "service".

§ 1.410(b)-0 [Corrected]

3. On page 47642, in the second column, in § 1.410(b)-0, in *§ 1.410(b)-6*, the "(2)" appearing two lines above "(f)"should read "(e)".

4. On the same page, in the second column, in § 1.410(b)-0, in *§ 1.410(b)-6*(h)(2),the second "(2)" should read "(i)".

§ 1.410(b)-3 [Corrected]

5. On page 47644, in the third column, in § 1.410(b)-3(a)(3), under *Example 2.*, in the third line, after "least" insert "age".

§ 1.410(b)-4 [Corrected]

6. On page 47645, in the 2d column, in § 1.410(b)-4(b), in the 17th line, after "criteria" insert "having".

7. On the same page, in the third column, in § 1.410(b)-4(c)(4)(iii), in the last line, after "benefit" insert "test".

§ 1.410(b)-5 [Corrected]

8.On page 47646, in the third column, in § 1.410(b)-5(d)(3), in the second line, "(1)" should read "(i)"; and in the sixth line, after "employees" insert "employee".

9. On page 47647, in the second column, in § 1.410(b)-5(d)(5)(vi), in the seventh line, insert "employee" after "employee's".

10. On page 47648, in the first column, in § 1.410(b)-5(d)(8)(i), in the second line, "and" should read "any".

11. On page 47652, in the first column, in § 1.410(b)-5(f)(1), in the fifth line, "of" should read "or"; and in the seventh line, "benefits" should read "benefit".

§ 1.410(b)-7 [Corrected]

12. On page 47655, in the second column, in § 1.410(b)-7(b), in the fifth line, "§ 414(l)-1(b)" should read "§ 1.414(l)-1(b)".

13. On page 47656, in the third column, in § 1.410(b)-7(e)(2), in the *Example*, in the second undesignated paragraph, in the seventh line, "§ 1410(b)-5" should read "§ 1.410(b)-5.".

§ 1.410(b)-9 [Corrected]

14. On page 47657, in the second column, in § 1.410(b)-9, in the third paragraph, in the fourth line, "§ 1.410(l)-1(c)(16)(i)"should read "§ 1.401(l)-1-(c)(16)(i)".

15. On page 47658, in the first column, in § 1.410(b)-9, in the sixth paragraph, in the fifth line, "§ 1.401(k)-(a)(4)(i)" should read "§ 1.401(k)-l(a)(4)(i)".

§ 1.410(b)-10 [Corrected]

16. On the same page, in the 3d column, in § 1.410(b)-10(b)(2), in the 10th line, "410(A)(ii)" should read "410(b)(2)(A)(ii)"; and in the 11th line, "410(b)(2)(b)(2)(B)" should read "410(b)(2)(B)".

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federal register

Tuesday
March 31, 1992

Part II

Federal Emergency Management Agency

Radiological Emergency Preparedness Program Documents and Guidance Memoranda; Correction Notice

FEDERAL EMERGENCY MANAGEMENT AGENCY

Radiological Emergency Preparedness Program Documents and Guidance Memoranda; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Correction of notice of availability; final editions of REP Program Documents and status of Federal Emergency Management Agency (FEMA) Radiological Emergency Preparedness (REP) Guidance Memoranda (GM).

SUMMARY: This notice corrects and supersedes an incomplete notice published earlier in the **Federal Register**. The Federal Emergency Management Agency announces that final editions of the REP Exercise Manual (FEMA–REP–14) and the REP Exercise Evaluation Methodology (FEMA–REP–15) are available for distribution to the public. The Statement of Considerations Document (FEMA–REP–18) will be available in March 1992. These documents affect REP Guidance Memoranda, the status of which is set out in this notice.

EFFECTIVE DATE: The referenced final documents (FEMA–REP–14 and FEMA–REP–15) are effective upon publication. FEMA–REP–15 should be used for exercises where planning activities (i.e., establishment of exercise objectives) are initiated subsequent to December 31, 1991.

FOR FURTHER INFORMATION CONTACT: William F. McNutt, Office of Technological Hazards, State and Local Programs and Support, Federal Emergency Management Agency, 500 C St., SW., Washington, DC 20472, (202) 646–2857.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency inadvertently omitted certain materials in its notice of availability of FEMA Radiological Emergency Preparedness (REP) documents published in the **Federal Register**, 57 FR 4880, dated February 10, 1992. Today's notice corrects and supersedes the previous notice in its entirety.

FEMA–REP–14

Provides the policy and program foundation for the exercise components of FEMA's REP Program. It covers two areas: (1) Policies and procedures related to planning for conducting, evaluating and reporting on REP Program exercises and (2) policies underlying a set of exercise objectives that interpret and apply the guidance contained in NUREG–0654/FEMA–REP–1, Revision 1, and Supplement 1, "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" for exercise-related functions. The guidance contained in this document is intended for use by involved State and local governments, licensees, Federal agencies and other offsite support organizations.

FEMA–REP–15

Provides an instrument, using a set of 33 exercise objectives, for documenting the performance of offsite organizations in REP exercises. This document also addresses medical emergency drills. The documentation of exercise performance secured through the use of this document is used by FEMA and other Federal agencies to evaluate the adequacy of offsite planning and preparedness as demonstrated in exercises. As published in final, this document supersedes the interim-use EEM issued in May 1988.

FEMA–REP–18

Provides information to REP Program constituents on the nature and disposition of over 2,000 comments received on the draft REP Exercise Manual (January 1991) and the EEM (February 1991) by notice in the **Federal Register**, 56 FR 12734, March 27, 1991. FEMA–REP–18 also provides an overview of the major changes in policies and procedures related to FEMA's exercise program and a summary of the resolution of the issues raised at Federal, Regional and constituent meetings held around the country.

Alternative Approaches

A provision is incorporated in FEMA–REP–14 and FEMA–REP–15 for participating offsite response organizations to propose alternative approaches to the guidance incorporated in REP Program documents, including FEMA–REP–14 and FEMA–REP–15. Proposals for alternative approaches should be submitted by offsite organizations to appropriate FEMA Regional Directors for review and recommendation and FEMA Headquarters disposition. When FEMA approves such alternative approaches, FEMA will evaluate the involved organization's plan and demonstration of its emergency preparedness capabilities in exercises based on the approved alternative approaches.

Status of FEMA REP Guidance Memoranda (GM)

Upon the issuance of FEMA–REP–14 and FEMA–REP–15, the current status of FEMA GMs is set forth below. The following GMs are retained as operative with no changes.

1. GM IT–1: A Guide to Documents Related to the REP Program.
2. GM 4: Radio Transmission Frequencies and Coverage.
3. GM 5: Agreements Among Governmental Agencies and Private Parties.
4. GM 8: Regional Advisory Committee Coordination With Utilities.
5. GM 16: Standard Regional Reviewing and Reporting Procedures for State and Local Radiological Emergency Response Plans.
6. GM 20: Foreign Language Translation of Education Brochures and Safety Messages.
7. GM 21: Acceptance Criteria for Evacuation Plans.
8. GM 22: Recordkeeping Requirements for Public Meetings.
9. GM 24: Radiological Emergency Preparedness for Handicapped Persons.
10. GM PI–1: FEMA Action to Pilot Test Guidance on Public Information Materials and Provide Technical Assistance On Its Use.
11. GM FR–1: Federal Response Center.
12. GM AN–1: FEMA Action to Qualify Alert and Notification Systems Against NUREG–0654/FEMA–REP–1 and FEMA–REP–10.

Some guidance in the following GMs has been clarified or changed with the issuance of guidance contained in FEMA–REP–14 and FEMA–REP–15. FEMA intends to revise the GMs listed below.

1. GM EV–2: Protective Actions for School Children—Guidance in FEMA–REP–14 supersedes pages 6–13 concerning the following: (1) Clarification of guidance related to the demonstration of protective action capabilities for schools in exercises and (2) modifications to the set of questions as reflected in the Points of Review and Demonstration Criteria in Objective 10 of FEMA–REP–15.
2. GM IN–1: The Ingestion Exposure Pathway—Guidance in FEMA–REP–14 and FEMA–REP–15 supersedes Pages 12–17.
3. GM PR–1: Policy on NUREG–0654/FEMA–REP–1 and 44 CFR 350 Periodic Requirements—Guidance in FEMA–REP–14 supersedes two parts of the guidance contained in GM PR–1. These two changes are: (1) The provision set forth on page 3 (section 3) for partial participation in ingestion exercises for States with multiple sites located within their borders has been terminated. Per guidance provided in the Manual, such States would only need to partially participate in ingestion exercises when full participation exercises are conducted in bordering States, and (2) During the year in which the full-participation ingestion exercise is held at one of the sites, the responsible State and local governments should review their plans and procedures for the other sites within the State to verify their accuracy and completeness. This review should validate the identification of farms, food processors and distributors. This review and any resultant revisions should be made and reported in the Annual Letter of Certification, as described in GM PR–1, as part of their annual review and plan update.
4. GM MS–1: Medical Services (MS)—Guidance contained in Sections D.20 and D.21 of the Manual supersedes GM MS–1 with respect to the following: (1) Minimum staffing for medical facilities, (2) deferral of radiological monitoring by transportation providers to medical facility staff, and (3) the role of licensee personnel in supporting State and local government medical services functions.

The following GMs are superseded in their entirety upon publication of the Manual.

1. GM EX–1: Remedial Exercises.
2. GM EX–2: Staff Support in Evaluating REP Exercises.
3. GM EX–3: Managing Pre-Exercise Activities and Post-Exercise Meetings.

Status of Technical REP–Series Documents

Three interim-use documents have been published by FEMA: (1) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 1–Airborne Release (FEMA–REP–2, Revision 2, June 1990), (2) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 2–The Milk Pathway (FEMA–REP–12, September 1987), and (3) Guidance on Offsite Emergency Radiation Measurement Systems, Phase 3–Water and Non-Dairy Food Pathway (FEMA–REP–13, May 1990). These documents provide technical guidance on offsite emergency instrumentation. While the guidance contained in FEMA–REP–14 and FEMA–REP–15 will necessitate changes in FEMA–REP–2, Revision 2, no changes have been made in the Manual and EEM that significantly modify the guidance contained in FEMA–REP–12 and FEMA–REP–13. FEMA intends to revise FEMA–REP–2, Revision 2.

Status of Policy Memoranda

There are a number of FEMA policy memoranda that address exercise-related and other issues. FEMA has incorporated all of the exercise-related guidance contained in these memoranda into the Manual. Thus, all such guidance contained in these memoranda is superseded by that in the Manual. However, guidance on planning contained in these memoranda is still operative. FEMA intends to consolidate such planning guidance.

Plans and Preparedness Revisions

Any plan revisions necessitated by the guidance in FEMA–REP–14 and FEMA–REP–15 should be made by December 31, 1992. These plan revision should be reported in each State's Annual Letter of Certification. Guidance will be provided later for implementing plan amendments related to the recently published Environmental Protection Agency protective action guides.

As indicated in FEMA–REP–14, further guidance will be forthcoming on the portal and portable monitoring performance standards and protective action strategy for severe core melt accident sequences. When these issues are resolved, appropriate revisions to FEMA–REP–14 and FEMA–REP–15 will be incorporated and made available to REP Program constituents. The format of these documents is structured to permit making changes in these documents as necessitated by future events and experience. While comments are not formally requested on the final edition of these documents, comments and suggestions for improving these documents are always welcome.

To Order Documents

Federal Emergency Management Agency, P.O. Box 70274, Washington, DC 20024. (Please refer to the publication number (FEMA–REP–14, FEMA–REP–15, or FEMA–REP–18) for the REP documents requested.)

Dated: March 9, 1992.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 92–7350 Filed 3–30–92; 8:45 am]

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March 31, 1992

Part III

Department of Agriculture

Commodity Credit Corporation

7 CFR Parts 1477 and 1478

Disaster Payment Program and Tree Assistance Program for 1990, 1991, and 1992; Final Rule

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Parts 1477 and 1478

Disaster Payment Program and Tree Assistance Program for 1990, 1991, and 1992

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends 7 CFR parts 1477 and 1478 to set forth the regulations for the Disaster Payment Program and Tree Assistance Program (TAP) authorized by the Food, Agriculture, Conservation, and Trade Act of 1990 (1990 Act) (Pub. L. 101–624) and the Dire Emergency Supplemental Appropriations Act of 1992 (1992 Act) (Pub. L. 102–229).

7 CFR part 1477 provides the criteria to be used in making assistance available to eligible producers of program and nonprogram crops for certain 1990, 1991, and 1992 crop losses due to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, excessive wind, or related conditions. 7 CFR part 1478 provides the criteria to be used in making assistance available to eligible producers for certain 1990, 1991, and 1992 tree or tree seedling losses.

This final rule sets forth the regulations for determining losses and payments for these producers. In addition, the regulations set forth applicable payment limitations and other program provisions.

EFFECTIVE DATE: March 27, 1992.

FOR FURTHER INFORMATION CONTACT: Diane Sharp, Branch Chief, Production Adjustment Branch, Cotton, Grain, and Rice Price Support Division (CGRD), Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) P.O. Box 2415, Washington, DC, telephone: (202) 720–4696.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Executive Order 12291 and Departmental Regulation No. 1512–1 and has been classified as "major" since the program will have an annual effect on the economy exceeding $100 million. A final regulatory impact analysis is available from the above named individual.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule. An Environmental Evaluation with respect to the Disaster Payment Program has been completed. It has been determined that this action is not expected to have a significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The titles and numbers of the federal assistance program to which this rule applies are: Title—Cotton—10.052; Feed Grain—10.055; Wheat—10.058; Rice—10.065; as found in the Catalog of Federal Domestic Assistance. This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

The reporting requirements of 7 CFR part 1477 have been approved through October 10, 1994, by the Office of Management and Budget (OMB) and assigned OMB No. 0560–0050. Other reporting related to the application for and receipt of disaster assistance has been approved by OMB under OMB No. 0560–0004 and OMB No. 0560–0092.

The 1990 Act provides that the regulations necessary for implementation of these programs are to be issued as soon as practicable and without regard to the requirements for notice and public participation in rule making prescribed in 5 U.S.C. 553 or in any directive of the Secretary of Agriculture.

Public reporting burden for these collections is estimated to vary from 45 minutes to 120 minutes per response, including time for reviewing instructions, searching existing sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560–0004, 0560–0050, and 0560–0092), Washington, DC 20503.

Background

Title XXII of the 1990 Act sets forth provisions for implementing a disaster assistance program for prevented planting and low yield losses to eligible producers of 1991 wheat, feed grain, upland and extra long staple cotton, rice; peanuts; sugar, tobacco; soybeans; and sunflowers; minor oilseeds; nonprogram crops; including ornamental and nursery crops; and to eligible orchardists that planted trees for commercial purposes.

The 1992 Act provided that $1.75 billion is made available for losses associated with 1990 crops as authorized by the 1990 Act and for losses associated with 1991 and 1992 crops under the same terms and conditions as for 1990 crop losses. Of the $1.75 billion $995 million is made available for payments to eligible producers for losses on either 1990 or 1991 crops on a farm, at the producer's option. The remaining $755 million shall be made available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to Congress. This $755 million shall be made available for crop losses on a farm for one of the years 1990, 1991 or 1992, at the producer's option, but shall not be for a year for which disaster payments were previously provided. $100 million of the $755 million is to be set aside for program crops planted in 1991 for harvest in 1992.

Tree Assistance Program Title XXII of the 1990 Act also provides that, subject to certain limitations, assistance shall be made available to eligible orchardists who planted trees for commercial purposes but lost such trees as a result of freeze, earthquake, or related condition in 1990, 1991, or 1992. To be an eligible orchardist, a person must produce annual crops from trees for commercial purposes and own 500 acres or less of such trees. The 1990 Act provides that eligible orchardists may receive reimbursement of 65 percent of the eligible costs of replanting trees lost due to freeze, earthquake, or related condition in 1989 in excess of 35 percent mortality (adjusted for normal mortality). However the 1990 Act provides that the total amount of such payments that a "person" may receive may not exceed $25,000, and also provides that the regulations defining the term "person" shall be issued for these purposes. The 1990 Act specifies that such regulations shall conform to the extent practicable to the regulations issued under section 1001 of the Food Security Act of 1985 and the Disaster Assistance Act of 1988. These regulations are set forth at 7 CFR part 1497.

Title XXII of the 1990 Act also provides that, subject to certain limitations, assistance is available to eligible tree farmers for part of the eligible costs of replanting seedlings which would have produced trees to be harvested for commercial purposes which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990, or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991, or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992. To be an "eligible tree farmer" the applicant must be a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees. An eligible person may receive reimbursement of up to 65 percent of the cost of replanting seedlings lost due to drought, earthquake, or related condition in 1989 in excess of 35 percent mortality (adjusted for normal mortality). The total amount of such payments that a "person" may receive is, by the terms of the 1990 Act, limited to $25,000. These program provisions are set forth in 7 CFR part 1478 as the Tree Assistance Program (TAP).

The 1990 Act also provides that no person is eligible to receive assistance under the crop disaster payment program or the TAP if the person has "qualifying gross revenues" in excess of $2 million annually, as determined by the Secretary. The 1900 Act defines "qualifying gross revenues" to mean: (1) If a majority of the person's annual income is received from farming, ranching, and forestry operations; the gross revenues from the person's farming, ranching, and forestry operations; and (2) if less than a majority of the person's annual income is from farming, ranching, and forestry operations, the person's gross revenue from all sources. For purposes of determining a "person", 7 CFR part 1478 provides that the provisions of 7 CFR part 1497 shall be used. The provisions of § 1497.3 refer only to farming operations. However, the gross revenue determination requires the review of an entity's nonfarm income. Accordingly for purposes of determining whether two or more entities shall be considered one "person", the income from all entities, whether or not an individual entity is engaged in farming, shall be used.

Generally, these regulations provide that assistance under TAP will be available only for approved costs which may be based on the average or the actual costs for the replanting practices as determined by CCC. Further, as required by sections 2259 and 2285 of the 1990 Act, provision is made in the regulations to avoid duplicative payments where assistance was provided under another Federal program such as the Conservation Reserve Program (7 CFR part 704) or the Forestry Incentives Program (7 CFR part 701).

The regulations allow only for assistance to reimburse producers to plant seedlings to replace the lost trees or seedlings, as appropriate. Under these regulations, commercial nurseries will not generally be eligible for assistance. In order to receive assistance applicants must be engaged in the business of growing trees for the production of annual crops for commercial purposes or the person must be in the business of growing trees for harvest, and must have suffered losses of plants planted as tree seedlings. Assistance will not be made available for plants grown at the site by the applicant from seed, or grown for resale as live plants.

It has been determined that providing relief in the form of seedlings would be costly and inefficient due to distribution difficulties and the lack of seedlings available for distribution. Accordingly, all assistance shall be made by CCC by means of a check issued by CCC.

Program and Nonprogram Crop Disaster Payment Program

The 1990 Act also provides assistance from CCC with respect to any losses of production on a farm which are in an amount equal to at least 40 percent on the farm, or 35 percent if a producer had crop insurance, in order to be eligible to receive on disaster payment. For producers who had losses in an amount which is less than such amounts producers on the farm who received crop advance deficiency payments in the applicable disaster year will not be required to refund that portion of such advance which would otherwise be required to be refunded if market prices increase to a level which would require repayment in accordance with section 107C of the Agricultural Act of 1949 (the 1949 Act), as amended. Because market prices did not in either 1990 or 1991 increase to a level would it require such a refund, this provision does not apply to either 1990 or 1991 crops.

The 1990 Act established the basic payment rates which will be used in making disaster payments. The actual payment rates are 65 percent of the basic payment rate established for each crop. For producers who are enrolled in the acreage reduction programs for target price commodities, the basic payment rate is the target price of the commodity. For producers of target price commodities who are not enrolled in these programs and for enrolled program crops planted in excess of the permitted acres as flex acres on another enrolled program crop's permitted acres the basic payment rate is the basic county loan rate established for the commodity. With respect to peanuts, the basic payment rate is the national price support rate determined for quota peanuts or additional peanuts, as applicable. For sugar beets and sugarcane, the basic payment rate will be set at a level which is fair and reasonable in relation to the level of price support established for the crops. With respect to kinds of tobacco for which price support loans are made available, the basic payment rate is the national average loan rate. For other kinds of tobacco, soybeans, sunflowers, and all other crops for which payments are authorized to be made by the 1990 Act, State committees shall establish the basic payment rate as the simple average price received by producers of the commodity during the marketing years for the immediately preceding five crops of the commodity, excluding the year in which the average price was the highest and the year in which the average price was the lowest.

The 1990 Act also provides that the Secretary shall consider as separate crops and develop separate payment rates, insofar as is practicable, for different varieties of the same commodity for which there is a significant difference in economic value. Accordingly, 7 CFR part 1477 provides that basic payment rates will be established for separate varieties taking into account market factors to the extent reliable data is available.

For purposes of determining the total quantity of nonprogram crops that producers on a farm are able to harvest, the 1990 Act provides that the Secretary shall exclude: (1) Commodities that cannot be sold in normal commercial channel of trade and; (2) dockage, including husks and shells, if such dockage is excluded in determining the yields used to establish the eligibility of producers on a farm to receive a disaster payment. Accordingly, 7 CFR part 1477 provides that of such quantities will be excluded from actual production when making loss of production determinations.

The disaster payment acreage for producers of target price crops who are

enrolled in the applicable year's programs is the sum of the acreage planted for harvest and the acreage prevented from being planted to such crop because of a natural disaster as determined by the Secretary but not to exceed the permitted acreage established for the farm for the commodity to be paid at the target price for the crop and the acreage planted in excess of the permitted acres as flex acres on another enrolled program crop's permitted acres paid at the loan rate for the crop. With respect to producers of the target price commodities who are not enrolled in the applicable year's programs, the disaster payment acreage is the sum of the acreage planted for harvest and the acreage that producers were prevented from planting to such crop because of a natural disaster as determined by the Secretary. Such prevented planting shall not exceed the greater of: (1) The planted and approved prevented planted acreage of the crop in the year minus the disaster crop year's actual planted acreage of the crop or (2) a quantity equal to the average of the three prior year's acreage planted and approved prevented planted acreage of the crop minus the applicable disaster year's actual planted acreage of the crop. The amount of payments made available, with respect to producers of target price commodities who are not enrolled in the acreage reduction programs for the applicable year, and to acreages of enrolled program crops planted in excess of permitted acres as flex acres on another enrolled program crops permitted acres, will be reduced by a factor equivalent to the acreage reduction percentage (ARP) which was established for the applicable year's crop.

Disaster payment acreage provisions of the 1990 Act which are applicable to peanuts, sugar beets, sugarcane, tobacco, soybeans, sunflowers, and nonprogram crops are similar to the provisions used to establish such acreages for producers of target price commodities who are not enrolled in the applicable year's programs. Variations, however, exist with respect to peanuts and tobacco to take into account increased marketing quotas for the applicable year which were established for these crops in accordance with the Agricultural Adjustment Act of 1938, as amended. Deficiencies in production of peanuts shall take into account whether the deficiency is in the production of quota or additional peanuts. Such deficiencies in production of quota peanuts shall also take into consideration the quantity of poundage quota transferred from the farm for the applicable crop year. The amount of undermarketings attributable to a farm for the applicable year's crop of burley or flue-cured tobacco or quota peanuts shall be reduced by the quantity for which a disaster payment is made to producers on the farm. In the case of peanuts, this reduction may exceed the actual undermarketings which would result in "negative undermarketings." Any negative undermarketing determined for in the initial sign-up period for either 1990 or 1991 would be deducted when determining the 1992 effective farm poundage quota. Any negative undermarketings determined for 1990, 1991 or 1992 during the subsequent sign-up would be deducted when determining the 1993 effective farm poundage quota. For all crops, adjustments in disaster payment acreages are made in order to take into account crop rotation practices.

In determining whether the producers on a farm have suffered a loss of at least 40 percent, or 35 percent in the case of producer's with crop insurance on a farm, the applicable year farm program payment yield will be used for producers of the target price commodities. With respect to the determination of losses on a farm by producers of (1) tobacco, sugarcane and sugar beets, the county average yield is to be used; (2) peanuts, the program yield is required to be used; and (3) soybeans and sunflowers, the 1990 Act specifies that the yield to be used shall be the State, area, or county yield adjusted for adverse weather conditions during the previous three crop years, as determined by the Secretary.

Nonprogram crop yields are based upon proven yields established from data provided by the producer with respect to at least one of the immediately preceding three crop years. For any year data is not provided, the county average yield, as determined by CCC, shall be substituted. Accordingly, 7 CFR part 1477 provides that these yields, to the extent possible, will be based upon statistics of the National Agricultural Statistics Service (NASS) or other sources which CCC determines to be appropriate.

The Secretary has determined not to exercise the discretionary authority to make additional disaster payments for reductions in quality of crops as a result of damaging weather or related condition. Accordingly, the part does not provide for quality adjustments.

The 1990 Act provides that the quantity on which enrolled producers of the target price commodities would otherwise have earned deficiency payments shall be reduced by the quantity on which a disaster payment has been received.

Producers enrolled in an annual acreage reduction program may devote all or a portion of the permitted acreage to conserving uses or beginning in 1991 to minor oilseeds for payment or receive disaster payments in lieu of the payment which they would have received if the producers were, in fact, prevented from planting such acreage to the program crop or the acreage of the program crop failed because of damaging weather or related condition.

The 1990 Act provides that producers who have obtained crop insurance for the applicable crop year of a commodity, under the Federal Crop Insurance Act (as amended), shall have their disaster payment reduced by the amount by which the sum of the net crop insurance benefits (gross indemnity less premium paid) and the computed disaster payment exceeds the disaster payment acreage times the disaster yield times the applicable basic payment rate for the commodity.

Section 2247(a) of the 1990 Act provides that in order for a producer to receive assistance under that act for 1990 crop losses, the producer must agree to purchase multiple crop insurance under the Federal Crop Insurance Act for the 1991 crop of the commodity for which such assistance is sought. Section 2247(b) provides that producers are exempt from this requirement under 5 specified conditions including the exemption for producers "where, or if, crop insurance coverage is not available * * *." Crop insurance for 1991 crops is not available since all 1991 crops insurance sales availability dates have passed. Accordingly, producers who receive disaster assistance for 1990 crop losses are not required to purchase crop insurance for 1991 crops as a condition of obtaining such assistance.

The 1992 Act requires that assistance to producers with 1991 crop losses be made available "under the same terms and condition" as are applicable to 1990 crop producers. Accordingly, these producers are subject to the same provisions of section 2247(a) of the 1990 Act requiring the purchase of 1992 crop insurance. Similarly the exemption put forth in section 2247(b) is also applicable and, therefore, producers who obtain assistance for 1991 crop losses are not required to obtain crop insurance for their 1992 crops.

The 1990 Act provides that for each "person" the sum of each applicable year's disaster payments made with respect to target price crops, peanuts, sugar beets, sugarcane, tobacco, soybeans, sunflowers and nonprogram crops shall not exceed $100,000. Additionally, the sum of such payments made in such year and benefits received in accordance with Title VI of the 1949 Act which relate to livestock feed losses for losses in such year will be limited to $100,000. The 1990 Act also provides that no crop disaster payments are to be made to the extent that livestock emergency benefits have been made available for such loss of crop production.

Producers may elect whether to receive benefits, up to the $100,000 limit under the annual crop provisions of the 1990 Act or, in the form of livestock emergency benefits, up to the annual $50,000 limit in accordance with Title VI of the 1949 Act. For the purpose of applying the maximum payment limitation provisions of the 1990 Act "person" determinations are to be made to the extent possible in accordance with the maximum payment limitation provisions of the Food Security Act of 1985. For purposes of determining a "person", 7 CFR part 1497 provides that the provisions of 7 CFR part 1497 shall be used, except that the provision in 7 CFR 1497.8 for combining entities, for purposes of "person" determinations, shall include all similar entities whether or not an individual entity is engaged in farming.

The 1990 Act also provides that the Secretary may permit eligible producers who have crop insurance on the applicable crop or, in certain instances had crop insurance on the crop prior to the applicable crop to substitute the crop insurance yield for a commodity for the program yield established under the 1990 Act. Due to the differences between CCC programs and crop insurance programs with respect to: historical base periods for yield determinations; farm constitutions; the manner in which various cropping practices effect yield determinations and other related issues, it has been determined that this option will not be made available since it would unnecessarily complicate the disaster payment program without resulting in a substantial enhancement of the program.

The 1990 Act also provides that any person who has qualifying gross revenues in excess of $2 million annually shall not be eligible to receive any disaster payment. The 1990 Act provides that qualifying gross revenue means, if a majority of the person's annual income is received from farming, ranching, and forestry operations, the gross revenue from such operations. With respect to persons who receive less than a majority of their gross income from such operations, the gross revenue from all sources will be considered. For purposes of determining a "person", 7 CFR part 1477 provides that the provisions of 7 CFR part 1497 shall be used, except that the provision in 7 CFR 1497.8 shall include all similar entities whether or not an individual entity is engaged in farming.

List of Subjects

7 CFR Part 1477

Agriculture commodities, Disaster assistance, Fraud, Grant programs/agriculture, Reporting and recordkeeping requirements.

7 CFR Part 1478

Disaster assistance, Grant programs/agriculture, Reporting and recordkeeping requirements.

Final Rule

Accordingly, 7 CFR parts 1477 and 1478 are amended as follows:

1. 7 CFR part 1477 is revised to read as follows:

PART 1477—DISASTER PAYMENT PROGRAM FOR 1990 AND SUBSEQUENT CROPS

Sec.

1477.1 General statement.
1477.2 Administration.
1477.3 Definitions.
1477.4 Availability of disaster payments.
1477.5 Disaster benefits.
1477.6 Establishment of different payment rates and yields for the same nonprogram crop.
1477.7 Filing applications for payment.
1477.8 Availability of funds.
1477.9 Report of acreage, production disposition, and indemnity payments.
1477.10 Payment limitations.
1477.11 Special provisions for burley and flue-cured tobacco, and peanuts.
1477.12 Misrepresentation, scheme and device, and fraud.
1477.13 Refunds to CCC.
1477.14 Cumulative liability.
1477.15 Appeals.
1477.16 Liens.
1477.17 Estates, trusts and minors.
1477.18 Deaths, incompetency, or disappearance.
1477.19 Other regulations.
1477.20 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

Authority: 15 U.S.C. 714b and 714c; 7 U.S.C. 1421 note, Pub. L. 101-624; Pub. L. 102-229.

§ 1477.1 General statement.

This part implements a Disaster Payment Program for the 1990, 1991, and 1992 crop years. The purpose of the program is to make disaster payments available to eligible producers on a farm that have suffered a loss in production of 1990, 1991, or 1992 crops, not to exceed two different crop years, due to damaging weather or related condition affecting the crop for the crop year for which a disaster application is made.

§ 1477.2 Administration.

(a) The program will be administered under the general supervision of the Executive Vice President, Commodity Credit Corporation (CCC), and shall be carried out in the field by State and county Agricultural Stabilization and Conservation (ASC) committees.

(b) State and county ASC committees and representatives and employees thereof do not have the authority to modify or waive any of the provisions of this part as amended or supplemented.

(c) The State ASC committee shall take any action required by this part which has not been taken by a county ASC committee. The State ASC committee shall also:

(1) Correct or require a county ASC committee to correct, any action taken by such county ASC committee which is not in accordance with this part, or

(2) Require a county ASC committee to withhold taking any action which is not in accordance with this part.

(d) CCC shall determine all yields and prices determined under this part and may utilize any agency of the Department of Agriculture in making such determinations. To the extent practicable, CCC will use data provided by the National Agricultural Statistical Service (NASS) and the Farmers Home Administration (FmHA). Any reference in this part to NASS shall not restrict CCC from using data from other sources.

(e) No delegation herein to a State or county ASC committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county ASC committee.

§ 1477.3 Definitions.

In determining the meanings of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the past and future as well as the present. The following terms shall have the following meanings and all other words and phrases shall have the meanings assigned to them in the regulations governing the reconstitution of farms in part 719 of this title and in the regulations applicable to the production

adjustment programs for feed grains, rice, upland and extra long staple cotton, wheat, and related programs set forth in part 1413 of this chapter.

Actual production means the quantity of the crop actually harvested or which could have been harvested as determined by the county ASC committee in accordance with instructions issued by the Deputy Administrator, State and County Operations (Deputy Administrator), Agricultural Stabilization and Conservation Service (ASCS).

Crop year means the year harvest begins for the crop. However, for valencia oranges affected by a freeze in 1990, 1991 or 1992 and harvested in 1991, 1992, and 1993, respectively, the crop shall be considered to be a 1990, 1991 and 1992 crop respectively.

Disaster payment yield means:

(1) For target price commodities with respect to farms enrolled and not enrolled in the applicable year's acreage reduction program, the farm program payment yield for the applicable year determined in accordance with part 1413 of this chapter;

(2) For peanuts, the applicable year's farm yield determined in accordance with part 729 of this title;

(3) For sugarcane, sugar beets, and all kinds of tobacco the county average yield of the 5 years prior to the applicable disaster year, as determined by NASS, excluding the year in which the yield was the highest and the year in which the yield was the lowest;

(4) For soybeans and sunflowers, the average of the county average yield for the 5 years prior to the applicable disaster year as determined by NASS, adjusted for adverse weather conditions, in accordance with instructions issued by the Deputy Administrator;

(5) For nonprogram crops (including honey per hive), the average of the actual yields for the 3 years prior to the applicable disaster year, in accordance with instructions issued by the Deputy Administrator, if eligible producers are able to provide production evidence of actual crop yields for any of the applicable years. For any year which a producer is not able to provide adequate production evidence, the county average yield for the crop shall be substituted in determining the payment yield. Such county average yield shall be the average of the county average yields for the 5 years prior to the applicable disaster year as determined by NASS, excluding the year in which the yield was the highest and the year in which the yield was the lowest.

Double-cropped means a subsequent crop of a different commodity planted on the same acreage as the first crop. For a crop to be considered double cropped on a farm, there must have been a history of the second crop being planted following the first crop in:

(1) The immediately preceding year, or

(2) In three or more of the immediately preceding 5 years.

Eligible crop means any of the 1990 through 1992 crops of wheat, feed grains, upland cotton, extra long staple cotton, rice, peanuts, oilseeds, sugarcane, sugar beets, tobacco, or nonprogram crops including ornamentals and nursery crops, for which appropriated funds are made available for disaster assistance.

Eligible disaster means damaging weather, including but not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof; or related condition, including but not limited to heat, insect infestation, plant disease, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest as determined by CCC.

Expected production means:

(1) For target price commodities on farms enrolled in the applicable year's acreage reduction program, the disaster payment yield times the sum of the applicable year's actual planted acreage and the applicable crop year's prevented planted acreage of the crop as approved by the county committee, not to exceed the permitted acreage of the crop.

(2) For target price commodities on farms not enrolled in the applicable year's acreage reduction program and for acreage of program crops planted on farms enrolled in such programs which is in excess of the permitted acreage established for the crop in accordance with 7 CFR 1413.11; peanuts; sugarcane; sugar beets; soybeans; sunflowers; tobacco other than burley tobacco; and nonprogram crops, except as provided in paragraphs (3) through (5) of this definition, the disaster payment yield times the sum of:

(i) The applicable year's planted acreage of the crop, and

(ii) The applicable year's prevented planted acreage credited for disaster payment purposes not to exceed the larger of:

(A) The planted and approved prevented planted acreage of the crop in the year immediately proceeding the disaster crop year minus the applicable disaster crop year's planted acreage of the crop, or

(B) A quantity equal to the average of the acreage planted and approved prevented planted of the crop in the three years prior to the disaster crop year minus the applicable disaster year's planted acreage of the crop.

(3) For quota kinds of tobacco other than burley and flue-cured, the expected production as determined according to paragraph (2) of this definition shall not exceed the result of multiplying the applicable year's effective farm acreage allotment times the disaster payment yield.

(4) For burley tobacco, the smaller of:

(i) The applicable year's effective farm marketing quota, including the effective quota resulting from a transfer of quota after June 30 under the natural disaster provisions of part 723 of this title; or

(ii) The disaster payment yield times an acreage determined by dividing the amount in paragraph (4)(i) of this definition by the farm yield established for the farm according to part 723 of this title;

(iii) The disaster payment yield times the sum of the acreage of burley tobacco:

(A) That was planted on the farm in the applicable year, including any approved failed acreage;

(B) For which prevented planted acreage credit is approved by the county committee with respect to the applicable year's crop; and

(C) Determined by dividing the quantity of any unmarketed tobacco on hand from the applicable year's by the disaster payment yield, or

(5) For flue-cured tobacco, the smaller of:

(i) The applicable year's effective farm marketing quota, including the effective quota resulting from a transfer of quota after June 30 under the natural disaster provisions of Part 723 of this title; or

(ii) The sum of:

(A) The quantity determined under the provisions of paragraph (2) of this definition,

(B) The quantity of any unmarketed tobacco on hand from the previous year's crop, and;

(C) The amount by which the farm's applicable year's basic quota exceeds the previous year's basic quota.

(6) With respect to crops planted in a rotation, the most recent corresponding year(s) in the rotation shall be substituted for the 3 prior year's crop for purposes of determining the prevented planted acreage credit.

Initial signup period means the signup period ending March 13, 1992, (or other such date as established by CCC) for assistance for eligible owners who have incurred 1990 or 1991 losses.

Multiple plantings means subsequent plantings in the same crop year of

nonprogram crops and soybeans that are planted or are prevented from being planted on different acreage on a farm and considered different crops for determining disaster benefits in accordance with instructions issued by the Deputy Administrator.

Nonprogram crop means a crop (including ornamentals such as flowering shrubs, flowering trees, field or container grown roses, or turf, and sweet potatoes) produced on a farm for sale or exchange on a commercial basis in a large enough quantity to have a substantial impact on the producer's income, as determined by the county ASC committee in accordance with instructions issued by the Deputy Administrator, which is not a crop of a target price commodity, quota or additional peanuts, sugarcane, sugar beets, tobacco subject to marketing quotas, soybeans or sunflowers.

Operator means the person who is in general control of the farming operations on the farm during the program year.

Person shall mean a person as defined in part 1497 of this chapter, and all rules with respect to the determination of a person found in such part shall be applicable to this part. However, the determinations made in accordance with 7 CFR 1497.8 shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

Producer means producer as defined in accordance with 7 CFR 1413.3.

Qualifying gross revenues means:

(1) With respect to a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the annual gross income from such operations; and

(2) With respect to a person who receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the person's total gross income from all sources.

Repeat crops means a second crop of a commodity planted on the same acreage as the first crop of the commodity.

Replacement crops means a crop planted on an acreage after the failure or prevented planting of the first crop on that same acreage, except for repeat crops, double-cropped crops, for which disaster benefits are not applicable.

Subsequent signup period means the signup period for assistance for 1990, 1991, or 1992 losses which will be held only if the President declares an economic emergency as specified in Public Law 102-229.

Target price commodity means a crop of wheat, corn, grain sorghum, barley, oats, upland and extra long staple (ELS) cotton, or rice.

§ 1477.4 Availability of disaster payments.

(a) A request for assistance under this part made available during the initial signup period must be submitted to CCC at the county office in the county where the farm is located by March 13, 1992 (or such other date as established by CCC). A request for assistance under this part made available during the subsequent signup period must be submitted at the county office by the date specified in a notice published by CCC in the **Federal Register**.

(b) A person as defined in § 1477.3 who has qualifying gross revenues in excess of $2 million shall not be eligible to receive disaster benefits under this part.

§ 1477.5 Disaster benefits.

(a) Disaster payments for prevented planting and low yield losses for eligible crops are authorized to be made to producers who file an Application for Disaster Benefits (Form CCC-441) in accordance with instructions issued by the Deputy Administrator, if:

(1) The farm operator submits an Application for Disaster Credit (Form ASCS-574), in accordance with instructions issued by the Deputy Administrator;

(2) The farm operator submits a report of production and disposition (Form ASCS-658) in accordance with § 1477.9;

(3) The farm operator submits a Certification of Crop Insurance (Form CCC-440) in accordance with § 1477.9; and

(4) The county committee determines that because of an eligible disaster condition, producers on a farm were:

(i) Prevented from planting an eligible commodity, or

(ii) Unable to harvest at least 60 percent (or in the case of producers with crop insurance on such a crop, 65 percent) of the expected production.

(b)(1) The loss of production that shall be used in making a disaster payment shall be that quantity of production in excess of 40 percent (or 35 percent for producers with crop insurance) of expected production on a farm that producers were unable to harvest due to a reduced yield or were prevented from planting due to an eligible disaster condition.

(2) The loss of production for peanuts shall be prorated between quota peanuts and additional peanuts. The loss of production of quota peanuts shall be determined by multiplying the total loss of production for peanuts times a factor determined by dividing the effective farm poundage quota, prior to any fall transfer, by the expected production for the farm. The loss of production for additional peanuts shall be determined by subtracting the loss of quota production from the total loss of production.

(3) If peanut quota is transferred from a farm under the fall transfer provisions in part 729 of this title, the loss of production of quota peanuts determined in paragraph (b)(2) of this section shall be reduced to the extent of such quantity transferred. If the transferred quota exceeds the loss of production of quota peanuts, no further reductions are required after the loss of production of quota peanuts has been completely voided.

(4) For the purposes of determining the total quantity of nonprogram crops that producers on a farm are able to harveat, the following quantities shall be excluded:

(i) Commodities which the county committee determines cannot be sold in normal commercial channels of trade; and

(ii) Dockage, including husks and shells, if such dockage is excluded in determining yields in accordance with § 1477.3, paragraphs (4) and (5) of the definition of disaster payment yield, excluding soybean disaster payment yields.

(c) Disaster payment rates shall be 65 percent of:

(1) The established target price for the applicable year's target price commodities for producers on farms enrolled in the applicable year's acreage reduction program;

(2) The basic county loan rate for the applicable year's target price commodities for producers on farms not enrolled in the 1990 and applicable year's acreage reduction program and acreage planted to the crop in excess of permitted acreage of such crop in accordance with 7 CFR 1413.11;

(3) The National price support level for quota and additional peanuts and quota kinds of tobacco;

(4) The applicable year's crop support price for sugar beets and sugarcane, determined by regions; and

(5) The simple average price received by producers for the marketing years for the immediately preceding five crops of the commodity, excluding the highest and lowest average prices in such period for all other eligible crops.

(d)(1) Disaster payments shall be made in an amount determined by multiplying: the amount producers are unable to harvest which is in excess of the amount specified in paragraph (b) of this section by the disaster payment rate specified in paragraph (c) of this section.

(2) With respect to eligible producers of target price commodities who are not participants in the applicable years acreage reduction program, and to producers enrolled in such programs who plant an enrolled program crop in excess of the permitted acreage of such crop in accordance with provisions of 7 CFR 1413.11 such computed disaster payment amount shall be reduced by an amount determined by multiplying the acreage reduction factor which was applicable for the crop of such commodity times the amount determined in accordance with paragraph (d)(1) of this section.

(e) Producers of target price commodities enrolled in the applicable year's acreage reduction program shall not be required to refund advance deficiency payment made to such producers with respect to that portion of losses up to 40 percent of expected production or, in the case of producers who had crop insurance on the commodity, up to 35 percent of expected production.

(f) Each eligible producer's share of a disaster payment shall be based on the eligible producer's share of the crop or the proceeds therefrom or, if no crop was produced, the share which the eligible producer would have otherwise received if the crop had been produced.

(g) Crops and land use for which disaster benefits are not applicable include:

(1) Crops not intended for harvest in the year for which disaster benefits are requested.

(2) By-products resulting from processing or harvesting an eligible crop, such as cotton seed, peanut shells, wheat or oat straw.

(3) Except for nursery crops, plants that produce an eligible crop, such as strawberry plants and orange tree.

(4) Acreage designated as ACR or CU/for payment.

(5) Crops for which the County Committee has determined are not eligible for acreage reduction program benefits as a result of failure to comply with contract provisions.

(6) Crops planted as replacement crops on failed or prevented from planted program crop acreage.

§ 1477.6 Establishment of different payment rates and yields for the same nonprogram crop.

Separate payment rates and yields for the same nonprogram crop shall be established, in accordance with instructions issued by the Deputy Administrator, when there is supporting data from NASS or other sources approved by CCC.

§ 1477.7 Filing application for payment.

(a) Applications for payment shall be filed by the applicant with the county ASCS office serving the county where the producer's farm is located for administrative purposes.

(b) An application for payment shall be filed as soon as practicable after the producer's eligibility has been established in accordance with § 1477.5(a). Applications for payment for 1990 and 1991 crop losses must be filed from February 3 through March 13, 1992. Producers who file such an application by March 13, 1992, shall have until March 27, 1992, to provide production evidence supporting such application.

(c) Any eligible producer who elected to devote all or a portion of a farm's permitted wheat or permitted feed grain acreage or up to 50 percent of a farm's permitted rice or upland cotton acreage to conservation or other uses in accordance with part 1413 of this chapter may request that disaster payments be made available under this part with respect to such acreage in lieu of any payment made available under part 1413 of this chapter. Approval of prevented planting or failed acreage requests will remain the responsibility of the county committee.

(d) If a farm was operated in 1990 by an operator who was not the same operator on the farm in 1991, CCC will accept an application for disaster from both operators, but both operators must agree in writing by March 27, 1992, as to the year for which payment will be provided. If the operators cannot agree with respect to such selection, no payments will be made to any producer on the farm for either year.

§ 1477.8 Availability of funds.

In the event the total amount of claims submitted under this part or part 1478 of this chapter during the initial application period or the subsequent application periods, respectively, exceeds the applicable appropriation for such period each payment shall be reduced by a uniform national percentage. Such payment reductions shall be applied after the imposition of applicable payment limitation provisions.

§ 1477.9 Report of acreage, production disposition, and indemnity payments.

(a)(1) Eligible producers shall report, in accordance with instructions issued by the Deputy Administrator, the acreage, production, and disposition of all commodities produced in an applicable year on an acreage for which an application for a disaster payment is filed. Such production reports submitted with respect to the initial application period must be submitted by March 27, 1992, and with respect to the subsequent application periods, by the date announced in the **Federal Register** by CCC.

(2) If there has been a disposition of crop production through commercial channels, the eligible producer must furnish documentary evidence of such disposition in order to verify the information provided on the report. Acceptable evidence shall include, but is not limited to, such items as the original or a copy of commercial receipts, peanut and tobacco marketing cards, gin records, CCC loan documents, settlement sheets, warehouse ledger sheets, elevator receipts or load summaries.

(3) If there has been a disposition of crop production other than through commercial channels, the eligible producer must furnish such documentary evidence as the county ASC committee determines to be necessary in order to verify the information provided by the producer.

(b) Eligible producers who have purchased crop insurance with respect to a crop for which a disaster payment is made must present evidence of the net amount of indemnity payment received (gross indemnity less premium paid) or to be received for each such crop in accordance with instructions issued by the Deputy Administrator.

§ 1477.10 Payment limitations.

(a) Disaster payments made to eligible producers shall be reduced as provided in this section. For the purpose of making such payment reductions, the term "producer" shall be considered to mean the term "person" as defined in § 1477.3. Payments for each eligible producer for each eligible commodity shall be reduced by the amount by which the sum of the disaster payment and the net amount of crop insurance indemnity payments (gross indemnity less premium) exceeds 100 percent of the expected production times the applicable basic payment rate established in accordance with § 1477.4.

(b) No person shall receive payments attributable to lost production under this part to the extent that such person receives benefits on such lost production under the livestock emergency provisions of Title VI of the Agricultural Act of 1949.

(c) No person shall receive payments under this part with respect to target price crops, peanuts, sugar beets, sugarcane, tobacco, soybeans, sunflowers, and nonprogram crops in excess of $100,000.

(d)(1) No person shall receive payments under this part for a specific

year, when combined with any benefits received for such year under the livestock emergency provisions of the Agricultural Act of 1949, in excess of $100,000.

(2) Persons filing an application during the initial sign-up period who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county ASCS office by March 13, 1992. Persons filing an application during the subsequent sign-up periods who are subject to the provisions of paragraph (d)(1) of this section must elect the provisions under which such payments or benefits shall be received by notifying the county office by the date specified in a notice published in the **Federal Register** by CCC.

(e) All disaster program applications submitted in accordance with this part shall be totaled at the end of the application period. In order to ensure that there is no duplication of benefits, deficiency payments made in accordance with part 1413 of this title and emergency livestock feed program benefits made in accordance with part 1475 of this title shall not be made with respect to any loss of production for which assistance is requested under this part. Accordingly, the quantity of the loss of production otherwise eligible for disaster assistance under this part on which a producer had previously obtained a deficiency payment or an emergency livestock feed program benefit shall be reduced. In order to make such a reduction, the deficiency payments and emergency livestock feed program benefits shall be adjusted by a national factor obtained by:

(1) Dividing the sum of the $995 million appropriation and such reduced payments by

(2) The total amount of claims submitted under this part.

(f) For the purpose of determining the payment limitation imposed by this section, disaster payments shall be attributed to each eligible producer in accordance with § 1477.5(f). The reduction of any eligible producer's disaster payment share shall not increase the disaster payment share of any other producer.

§ 1477.11 Special provisions for burley and flue-cured tobacco, and peanuts.

(a)(1) For burley and flue-cured tobacco, the undermarketings from the applicable crop year that may be considered when determining the effective farm marketing quota for the year succeeding the disaster crop year shall be the applicable crop year's actual undermarketing less the quantity of the loss of production for which an disaster payment is made for the respective kind of tobacco.

(2) If quota is leased and transferred from the farm under natural disaster provisions of parts 723 of this title, any disaster payment that was determined before such lease and transfer was approved shall be recomputed according to § 1477.5. The farm marketing quota that is in effect after such lease and transfer shall be used when recomputing the disaster payment. The amount of any overpayment that results from the recomputation shall be refunded with interest as provided in § 1477.12(b).

(b)(1) For peanuts, the undermarketings from the applicable year's crop that may be claimed when determining future poundage quotas shall be the applicable year's actual undermarketings less the quantity of the loss of production for which a applicable year's disaster payment is made on the basis of the national support level for quota peanuts. This reduction could exceed the actual undermarketings which would result in "negative" undermarketings shall be taken into consideration when determining the subsequent year's effective farms poundage quota.

(2) If quota is transferred from the farm under the fall transfer provisions of part 729 of this title, any disaster payment that was determined before such transfer was approved shall be recomputed according to the provisions in § 1477.5. The amount of any overpayment that results from the recomputation shall be refunded with interest as provided in § 1477.13(b).

§ 1477.12 Misrepresentation, scheme and device, and fraud.

(a) If CCC determines that any producer has erroneously represented any fact or has adopted, participated in, or benefitted from, any scheme or device which has the effect of defeating, or is designed to defeat the purpose of this part, such producer shall not be eligible for disaster payments under this part and all payments previously made to any such producer shall be refunded to CCC. The amount paid to CCC shall include any interest and other amounts as determined in accordance with this part.

(b) If any misrepresentation, scheme or device, or practice has been employed for the purpose of causing CCC to make a payment with CCC under this part otherwise would not make, all amounts paid by CCC to any such producer shall be refunded to CCC together with interest and other amounts as determined in accordance with this part, and no further disaster payments shall be made to such producer by CCC.

(c) If the county committee determines that any producer has adopted or participated in any practice which tends to defeat the purpose of the program established in accordance with this part, the county committee shall withhold or require to be refunded all or part of the payments which otherwise would be due the producer under this part.

§ 1477.13 Refunds to CCC.

(a) In the event that there is a failure to comply with any term, requirement, or condition for payment made in accordance with this part, all such payments made to the producer shall be refunded to CCC, together with interest.

(b) Interest shall be charged with respect to any refund which is determined to be due CCC at the rate of interest which CCC is required to pay for its borrowing from the United States Treasury as of the date of the disbursement by CCC of the moneys to be refunded. Interest shall accrue from the date of such disbursement by CCC. Upon the sending of the notification of the debt by CCC to the producer, the account shall bear late payment charges to be assessed in accordance with the provisions of, and subject to the rates prescribed in, part 1403 of this chapter. If, for any reason, no late payment charges may be assessed with respect to such account under the provisions of part 1403 of this chapter, additional charges on the account will accrue at the rate equal to the applicable rate for CCC borrowing from the United States Treasury plus three percent per annum.

(c) Producers must refund to CCC any excess payments made by CCC.

(d) In the event that the loss of production was established as a result of erroneous information provided by any person to the county ASCS office or was erroneously computed by such office, the loss of production shall be recomputed and the payment due shall be corrected as necessary. Any refund of payments which are determined to be required as a result of such recomputation shall be remitted to CCC.

§ 1477.14 Cumulative liability.

(a) The liability of any producer for any payment or refund which is determined in accordance with this part to be to CCC shall be in addition to any other liability of such producer under any civil or criminal fraud statute or any other statute or provision of law including, but not limited to, 18 U.S.C. 286, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729.

(b) Producers earning benefits shall be liable for any required repayment of deficiency payments on a farm not paid by another producer on that farm.

§ 1477.15 Appeals.

Reconsideration and review of all determinations made in accordance with this part with respect to a farm or an individual producer shall be made in accordance with part 780 of this title.

§ 1477.16 Liens.

Any payment which is due any person shall be made without regard to questions of title under State law and without regard to any claim or lien against the crop, and the proceeds thereof, which may be asserted by any creditor, except agencies of the United States Government.

§ 1477.17 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The minor establishes the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1477.18 Death, incompetency, or disappearance.

In the case of death, incompetency of disappearance, of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1477.19 Other regulations.

The following regulations and amendments thereto shall also be applicable to this part:

(a) Part 12 of this title, Highly Erodible Land and Wetland Conservation;

(b) Part 707 of this title, Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent;

(c) Part 719 of this title, Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage;

(d) Part 723 of this title, Tobacco;

(e) Part 729 of this title, Peanuts.

(f) Part 780 of this title, Appeal Regulations;

(g) Part 790 of this title, Incomplete Performance Based Upon Action or Advice of an Authorized Representative of the Secretary;

(h) Part 796 of this title, Denial of Program Eligibility for Controlled Substance Violation;

(i) Part 1403 of this chapter, Debt Settlement, Policies and Procedures;

(j) Part 1413 of this chapter, Feed Grain, Rice, Upland and Extra Long Staple Cotton, Wheat and Related Programs;

(k) Part 1478 of this chapter; Tree Assistance Program;

(l) Part 1497 of this chapter; Payment Limitation; and

(m) Part 1498 of this chapter, Foreign Persons Ineligible for Program Benefits.

§ 1477.20 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements of this part have been approved by the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and designated OMB No. 0560–0050, 0560–0004, and 0560–0092.

2. 7 CFR part 1478 is revised to read as follows:

PART 1478—TREE ASSISTANCE PROGRAM

Sec.

1478.1 General statement.
1478.2 Administration.
1478.3 Definitions.
1478.4 Program availability.
1478.5 Qualifying loss.
1478.6 Eligible costs.
1478.7 Payment.
1478.8 Obligations of an eligible owner.
1478.9 Payment limitations.
1478.10 Liens and claims of creditors; set-offs.
1478.11 Appeals.
1478.12 Misrepresentation and scheme or device.
1478.13 Estates, trusts, and minors.
1478.14 Death, incompetency, or disappearance.
1478.15 Other regulations.
1478.16 Paperwork Reduction Act assigned numbers.

Authority: 15 U.S.C. 714b and 714c; 7 U.S.C. 1421 note, Pub. L. 102–624; Pub. L. 102–229.

§ 1478.1 General statement.

(a) The regulations in this part set forth the terms and conditions of the Tree Assistance Program (TAP) authorized by Title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990, ("the 1990 Act"). Within specified limits, the Commodity Credit Corporation (CCC) is authorized by the 1990 Act to:

(1) Reimburse eligible owners for part of the cost of replanting seedlings to offset losses by an eligible orchardist for trees that were planted in any year to produce annual crops for commercial purposes but were lost due to freeze, earthquake, or related condition in 1990, 1991, or 1992; and,

(2) Reimburse eligible owners for part of the cost of replanting seedlings which would have produced trees to be harvested for commercial purposes which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990 ("1990 losses"), or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991 ("1991 losses"), or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992 ("1992 losses").

(b) Such assistance may not exceed 65 percent of the eligible reseeding costs and may be based on average costs or the actual costs for the replanting practices as determined by the CCC which, after adjustments for normal mortality, exceed a percentage loss of 35 percent, as determined by CCC.

§ 1478.2 Administration.

(a) This part shall be administered by CCC under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by State and county Agricultural Stabilization and Conservation (ASC) committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 1478.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons and things, words importing the plural include the singular, words importing the masculine gender include the feminine, and words used in the present tense include the future as well as the present.

(b) The following terms contained in this part shall have the following meanings:

Annual gross revenue means with respect to a person, as defined in part 1497 of this chapter:

(i) For a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the total gross income received from such operations; and,

(ii) Receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the total gross income from all sources.

(iii) The determinations made in accordance with 7 CFR 1497.3 shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

(iv) The year for which the annual gross income shall be reviewed for the purpose of this definition shall be the tax year preceding the year during which the losses occurred.

Approving official means a representative of CCC who is authorized by the Executive Vice President, CCC, to approve an application for assistance made in accordance with this part.

ASCS means the Agricultural Stabilization and Conservation Service.

CCC means the Commodity Credit Corporation.

County means a county or similar geographic area as determined by CCC.

DASCO means the Deputy Administrator, or Acting Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture.

Eligible owner. (i) Eligible owner means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity who owned the trees at the time the natural disaster occurred, and includes:

(A) Any Indian tribe under the Indian Self-Determination and Education Assistance Act;

(B) Any Indian organization or entity chartered under the Indian Reorganization Act;

(C) Any tribal organization under the Indian Self-Determination and Assistance Act; and,

(D) Any economic enterprise under the Indian Financing Act of 1974 which meets the requirements of this part.

(ii) In addition, in determining whether an individual or other entity is an eligible owner, such person, as determined under part 1497 of this chapter, must with respect to a request for relief for losses of trees planted to produce annual crops, not own more than 500 acres of such trees, and with respect to a request for relief for losses of seedlings planted to produce trees for harvest, not own more than 1,000 acres of such trees. Also, in order to be eligible for payments under this part a person, as defined under Part 1497 of this chapter, must not also have annual gross revenue in excess of $2 million, as determined under such this part.

Eligible trees or *eligible seedlings.* (i) Eligible trees or eligible seedings means trees or seedlings as appropriate, which are determined by CCC to have been planted for:

(A) The production of wood products, fruit, nuts, syrup, or similar products, or,

(B) Harvest as Christmas trees.

(ii) Such trees or seedlings must be planted in the ground and may not be trees or seedlings planted in containers, or in other devices which are not placed in the ground, trees or seedlings grown from seed at the site, trees or seedlings produced for resale in a live condition, ornamental trees or seedlings, bushes, shrubs, vines and similar plants, and windbreaks, shelterbelts and wildlife enhancement plantings. In addition, if the request for assistance is for trees planted to produce annual crops the losses must be due to freeze, earthquake, or related condition; and, if the request for assistance is for seedlings planted to produce trees for harvest, the losses must be due to drought, earthquake, or related condition.

Executive Vice President means the Executive Vice President, CCC, or a designee of the Executive Vice President.

Harvest means the removal of the tree from the ground by the cutting and removal of the whole tree at its base in a manner which separates the tree from its root system.

Individual stand means an area of eligible trees which are tended to by an eligible owner as a single operation, whether or not such trees are planted in the same field or similar location, as determined by CCC. Differing species of trees in the same field or similar area may be considered to be separate individual stands if CCC determines that the species have significantly differing levels of freeze, drought, or earthquake susceptibility.

Local county office means with respect to individual stands of eligible trees which are grown on a farm:

(i) Which has been assigned an ASCS farm serial number, the county ASCS office which services such farm; or

(ii) Which has not been assigned an ASCS farm serial number, the county ASCS office which services the county in which such stand is located.

Normal mortality means:

(i) With respect to a request for relief for trees planted to produce annual crops the average extent of plant death on the individual stand which normally would have occurred with respect to eligible seedlings during the 12 months previous to the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly effect seedling or tree survival rates in the local area, as determined by the county committee in accordance with instructions issued by DASCO.

(ii) with respect to a request for relief for seedlings planted to produce trees for harvest the average extent of plant death on the individual stand which normally would have occurred with respect to eligible seedlings during the period between the time of planting and the time of the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly effect seedling or tree survival rates in the local area, as determined by the county committee in accordance with instructions of DASCO.

Operator means a person who is in general control of the tree farming operations as determined by CCC.

Seedling means a tree which was planted in the ground for commercial purposes and is of a size which CCC determines is:

(i) Normally planted in the ground and;

(ii) Does not exceed the size which is normally considered seedling size for the particular species of an eligible tree.

State means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

State committee, State office, county committee, or *county office,* means the respective ASC committee or ASCS office.

Subsequent signup period means the signup period for assistance for 1990, 1991, or 1992 losses which will be held only if the President declares an economic emergency as specified in Public Law 102–229.

(c) In the regulations in this part and in all instructions, terms, and documents in connection therewith, all other words

and phrases specifically relating to ASCS operations shall, unless the context of the subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases in part 719 of this title.

§ 1478.4 Program availability.

A request for assistance under this part made available during the initial signup period must be submitted to CCC at the county office in the county where the farm is located by March 13, 1992 (or such other date as established by CCC). A request for assistance under this part made available during the subsequent signup period must be submitted at the county office by the date specified in a notice published by CCC in the **Federal Register**. Eligible owners shall not receive assistance under this part with respect to losses of seedlings which were:

(a) Planted under the Conservation Reserve Program; or

(b) The subject of any cost-share assistance or other assistance under any other Federal program, unless approved in writing by DASCO.

§ 1478.5 Qualifying loss.

(a) A person shall be eligible to receive assistance under this part with respect to losses due to drought, freeze, earthquake, or related condition in 1990, 1991, or 1992, only if such owner is an eligible owner, as defined in this part and has sustained a qualifying loss of eligible tree seedlings or trees as determined by CCC. The only type of losses which may be considered qualifying are the following:

(1) A loss by an eligible owner who is an orchardist who is the owner of eligible trees planted in any year for commercial purposes which are lost as a result of a freeze, earthquake, or related condition in 1990, 1991, 1992 as determined by the county ASC committee in accordance with instructions of DASCO; or

(2) A loss by an eligible tree farmer who grows trees for harvest for commercial purposes and is the owner of eligible tree seedlings which were either planted in 1989 or 1990 and were lost due to drought, earthquake, or related condition in 1990, or planted in 1990 or 1991 and were lost due to drought, earthquake, or related condition in 1991, or planted in 1991 or 1992 and were lost due to drought, earthquake, or related condition in 1992 as determined by the county committee in accordance with instructions of DASCO.

(b) Qualifying loss determinations shall be made on an individual stand basis. A qualifying loss shall be the loss for the individual stand of eligible tree seedlings or eligible trees, as appropriate, after taking into account the normal mortality of such seedlings, trees, or seedlings and trees as appropriate, on such stand, in excess of 35 percent mortality (adjusted for normal mortality). Qualifying losses shall not include losses which could have been prevented through readily-available horticultural measures.

(c) When visible evidence of losses no longer exists on the site where the trees were planted, acceptable evidence as determined in accordance with instructions issued by DASCO must be established for COC to qualify the individual stand for the program.

§ 1478.6 Eligible costs.

(a) Payments under this part shall be made by CCC and may be made only to the extent that payment is specifically provided for in this part. CCC shall, under this part, to the extent of the availability of funds, reimburse an eligible owner for 65 percent of the eligible costs of planting seedlings, not in excess of the number of seedlings or trees constituting the qualifying loss, to the extent that CCC determines that such costs are reasonable, and are to replace the number of trees or seedlings constituting the qualifying loss. Such reimbursement may be based on average costs or the actual costs for the replanting practices, as determined by CCC. If the costs are to replace lost trees, the costs shall only be for replacement seedlings of a size and quality determined by CCC to be sufficient for that purpose. The costs for which cost-sharing shall be permitted shall be only the costs which are the cost of the seedlings, site preparation measures that are both normal cultural practices for the type of individual stand being reestablished and necessary to ensure successful plant survival, chemicals and nutrients if needed to ensure successful plant survival, and labor used to physically plant such seedlings as based on standard labor rates as determined by the county committee. Eligible costs specifically exclude items such as fencing, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and tree stand improvements.

(b) Eligible costs shall not include costs incurred for replanting species of seedlings differing significantly from the species of the seedlings or trees constituting the qualifying loss except as approved by CCC. If such substitution is approved, eligible costs shall be the lesser of:

(1) The actual eligible costs incurred; or

(2) The estimated eligible costs which otherwise would have been incurred.

(c) Eligible costs shall only include costs approved within the limits set by this part including, but not limited to, those limits set forth in paragraph (a) of this section. Eligible costs include costs incurred before an application for payment is submitted to CCC. Eligible costs shall only include those costs for which the eligible owner has submitted documentation determined by CCC to adequately document such costs.

(d) The amount of assistance which shall be paid by CCC, shall not exceed the lesser of 65 percent of the eligible costs actually incurred by an eligible applicant from replanting the qualifying loss, or 65 percent of the estimated average cost to replant the qualifying loss, as established by CCC.

§ 1478.7 Payment.

(a) Applications for payment shall be filed by the eligible owner with the local ASCS office and shall contain an estimate by the applicant of the number of seedlings or trees which constitute the qualifying loss and the amount of the

acreage of the individual stands with respect to which the loss was suffered.

(b)(1) The county committee or a designee may conduct field reviews to determine the actual qualifying loss and the acreage of individual stands with respect to which the loss was suffered. The county committee and, if designated by the county committee, the county executive director, are authorized, subject to the provisions of this part, to approve or disapprove all applications, subject to the limitations and conditions of this part, provided the applicant is not a county committee member or an ASCS employee.

(2) The State committee, or a designee, is authorized to approve or disapprove applications of the county committee members and all ASCS employees except an application which may be submitted by the State Executive Director, or by a State Committee member.

(3) DASCO, or a designee, shall approve or disapprove applications of State committee members and the State Executive Director.

(4) All applications forwarded to a higher authority for consideration shall be accompanied by committee recommendations. No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and any other information, including knowledge of the county and State committee members concerning the owner's normal operations, shall be taken into consideration in making recommendations and approvals. If information furnished by the owner is incomplete or ambiguous and sufficient information is not otherwise available with respect to the owner's farming operations in order to make a determination as to the owner's eligibility, the owner's application shall not be approved until sufficient additional information is provided by the owner.

(c) Payments to each eligible owner may be reduced on a pro rate basis in the event claims for assistance under this part and part 1477 of this chapter exceed appropriated amounts. Such payment reductions shall be applied after the imposition of the $25,000 per person payment limitation.

§ 1478.8 Obligations of an eligible owner.

(a) Eligible owners must submit a request for assistance on a form approved by CCC and must also submit all documentation requested by the appropriate official which is necessary to make determinations specified in this part.

(b) Eligible owners must:

(1) Comply with all terms and conditions of this part;

(2) Execute all required documents; and

(3) Comply with all applicable noxious weed laws.

(c) In the event of a determination by CCC that a person was erroneously determined to be eligible or has become ineligible for all or part of a payment made under this part for any reason, including a failure to comply with the terms and conditions of this part, or other condition for payment imposed by the county or State ASC committee, or DASCO, such person shall refund any payment paid under this part together with interest. Such interest shall be charged at the rate determined for late payment charges under part 1403 of this chapter and computed from the date of disbursement by CCC of the payment to the date of the refund.

(d) Eligible owners are not required to implement replanting practices before payment is provided by CCC. Eligible owners who are paid before they implement their practices will be given 24 months after payment to complete their practices. In cases where delays beyond this practice expiration date occur which are determined by DASCO to have occurred due to no fault of the applicant, the eligible owner may be provided an extension of their practice expiration date by DASCO. Eligible owners who have been paid who choose not to implement their practices by the final practice expiration date are required to refund their payments with interest. Such refund amounts may be reduced by CCC, at CCC's discretion, when only part of the required replanting practice is not implemented.

(e) Eligible owners must allow representatives of CCC to visit the site for the purposes of quantifying mortality and certifying practice completion.

§ 1478.9 Payment limitations.

(a) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce annual crops shall not exceed $25,000 for 1990 losses, $25,000 for 1991 losses, and $25,000 for 1992 losses, respectively.

(b) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses of trees planted to produce trees for harvest shall not exceed $25,000 for 1990 losses, $25,000 for 1991 losses, and $25,000 for 1992 losses, respectively.

§ 1478.10 Liens and claims of creditors; set-offs.

Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien in favor of any person except agencies of the U.S. Government. The regulations governing set-offs and withholdings found at part of this chapter shall be applicable to this part.

§ 1478.11 Appeals.

Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at part 780 of this title.

§ 1478.12 Misrepresentation and scheme or device.

(a) A person who is determined by the State committee or the county committee to have:

(1) Adopted any scheme or device which tends to defeat the purpose of this program;

(2) Made any fraudulent representation; or

(3) Misrepresented any fact affecting a program determination shall be ineligible to receive assistance under this program.

(b) All moneys paid by CCC under this part to any such person or to any other person as a result of such person's actions shall be refunded to CCC with interest together with such other sums as may become due. The party engaged in acts prohibited by this section and the party receiving payment shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided to CCC in this part shall be in addition to other civil, criminal, or administrative remedies as will apply.

§ 1478.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The minor establishes the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the

applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1478.14 Death, incompetency, or disappearance.

In the case or death, incompetency of disappearance, of any owner who is eligible to receive assistance in accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1478.15 Other regulations.

In addition to any other regulations as may be applicable, the following regulations shall also apply to this part:

(a) Part 12 of this title, Highly Erodible Land and Wetland Conservation;

(b) Part 780 of this title, Appeal Regulations;

(c) Part 790 of this title, Incomplete Performance Based Upon Action or Advice of an Authorized Representative of the Secretary;

(d) Part 791 of this title, Authority to Make Payments When There Has Been a Failure to Comply with the Program;

(e) Part 796 of this title, Denial of Program Eligibility for Controlled Substance Violations;

(f) Part 1403 of this chapter, Debt Settlements, Policies and Procedures;

(g) Part 1413 of this chapter, Feed Grain, Rice, Upland and Extra Long Staple Cotton, Wheat and Related Programs;

(h) Part 1477 of this chapter, Disaster Payment Program for 1990 and Subsequent Crops;

(i) Part 1497 of this chapter, Payment Limitation; and

(j) Part 1498 of this chapter, Foreign Persons Ineligible for Program Benefits.

§ 1478.16 Paperwork Reduction Act assigned numbers.

The information collection requirements of this part have been submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and the OMB Number 0560-0079 has been assigned.

Signed at Washington, DC on March 27, 1992.

John A. Stevenson,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 92-7407 Filed 3-27-92; 3:32 pm]

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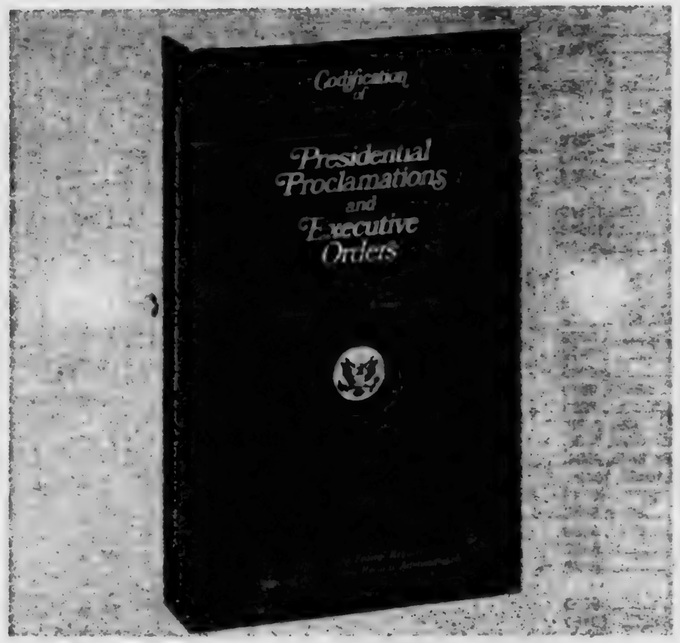

For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

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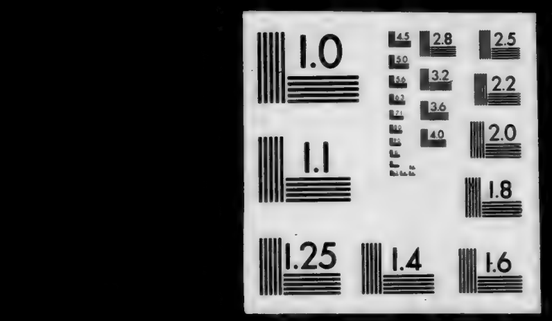

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List of CFR Sections Affected

January 1992

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January 1992

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Changes January 2, 1992
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Title 17–27
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through January 31, 1992

Title 28–41
Changes July 1, 1991
through January 31, 1992

Title 42–50
Changes October 1, 1991
through January 31, 1992

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LSA—LIST OF CFR SECTIONS AFFECTED

The LSA (List of CFR Sections Affected) is a monthly publication designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The CFR is revised annually according to the following schedule:

Titles 1–16—as of Jan. 1
17–27—as of April 1
28–41—as of July 1
42–50—as of Oct. 1

To bring these regulations up to date, consult the most recent LSA for any changes, additions, or removals published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing in the Reader Aids of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Boldface entries are used to distinguish current month amendments from previous entries. Example: **1413.23 Amended.....12345. Boldface** page numbers under a particular title indicate that the page numbers span 2 years.

Cite a page reference from this publication using the volume number (i.e. 57 FR for 1992) and the page number. Example: 24727 cite as 57 FR 24727. For your convenience, the volume number has been included in the Table of Federal Register Issue Pages and Dates.

ISSUES TO BE SAVED

There is no single annual issue of the LSA. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1–16; the MARCH issue is the ANNUAL for Titles 17–27; the JUNE issue is the ANNUAL for Titles 28–41; the SEPTEMBER issue is the ANNUAL for Titles 42–50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1992.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the volume number, the inclusive page numbers, and the corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

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INQUIRIES AND SUGGESTIONS

Jim Wickliffe was Chief Editor of the LSA. The LSA was prepared under the direction of Richard L. Claypoole, assisted by Laurice Clark. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to Martha L. Girard, Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

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(Comprising a Complete CFR Set)

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-017-00001-9)	$12.00	Jan. 1, 1992
3 (1990 Compilation and Parts 100 and 101)	(869-013-00002-1)	14.00	[1] Jan. 1, 1991
4	(869-013-00003-0)	15.00	Jan. 1, 1991
5 Parts:			
1-699	(869-013-00004-8)	17.00	Jan. 1, 1991
700-1199	(869-013-00005-6)	13.00	Jan. 1, 1991
1200-End, 6 (6 Reserved)	(869-013-00006-4)	18.00	Jan. 1, 1991
7 Parts:			
0-26	(869-013-00007-2)	15.00	Jan. 1, 1991
27-45	(869-013-00008-1)	12.00	Jan. 1, 1991
46-51	(869-013-00009-9)	17.00	Jan. 1, 1991
52	(869-013-00010-2)	24.00	Jan. 1, 1991
53-209	(869-013-00011-1)	18.00	Jan. 1, 1991
210-299	(869-013-00012-9)	24.00	Jan. 1, 1991
300-399	(869-013-00013-7)	12.00	Jan. 1, 1991
400-699	(869-013-00014-5)	20.00	Jan. 1, 1991
700-899	(869-013-00015-3)	19.00	Jan. 1, 1991
900-999	(869-013-00016-1)	28.00	Jan. 1, 1991
1000-1059	(869-013-00017-0)	17.00	Jan. 1, 1991
1060-1119	(869-013-00018-8)	12.00	Jan. 1, 1991
1120-1199	(869-013-00019-6)	10.00	Jan. 1, 1991
1200-1499	(869-013-00020-0)	18.00	Jan. 1, 1991
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1900-1939	(869-013-00022-6)	11.00	Jan. 1, 1991
1940-1949	(869-013-00023-4)	22.00	Jan. 1, 1991
1950-1999	(869-013-00024-2)	25.00	Jan. 1, 1991
2000-End	(869-013-00025-1)	10.00	Jan. 1, 1991
8	(869-013-00026-9)	14.00	Jan. 1, 1991
9 Parts:			
1-199	(869-013-00027-7)	21.00	Jan. 1, 1991
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10 Parts:			
0-50	(869-013-00029-3)	21.00	Jan. 1, 1991
51-199	(869-013-00030-7)	17.00	Jan. 1, 1991
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400-499	(869-013-00032-3)	20.00	Jan. 1, 1991
500-End	(869-013-00033-1)	27.00	Jan. 1, 1991
11	(869-013-00034-0)	12.00	Jan. 1, 1991
12 Parts:			
1-199	(869-013-00035-8)	13.00	Jan. 1, 1991
200-219	(869-013-00036-6)	12.00	Jan. 1, 1991
220-299	(869-013-00037-4)	21.00	Jan. 1, 1991
300-499	(869-013-00038-2)	17.00	Jan. 1, 1991
500-599	(869-017-00039-6)	17.00	Jan. 1, 1992
600-End	(869-013-00040-4)	19.00	Jan. 1, 1991
13	(869-013-00041-2)	24.00	Jan. 1, 1991
14 Parts:			
1-59	(869-013-00042-1)	25.00	Jan. 1, 1991
60-139	(869-013-00043-9)	21.00	Jan. 1, 1991
140-199	(869-013-00044-7)	10.00	Jan. 1, 1991

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200-1199	(869-013-00045-5)	20.00	Jan. 1, 1991
1200-End	(869-013-00046-3)	13.00	Jan. 1, 1991
15 Parts:			
0-299	(869-013-00047-1)	12.00	Jan. 1, 1991
300-799	(869-013-00048-0)	22.00	Jan. 1, 1991
800-End	(869-013-00049-8)	15.00	Jan. 1, 1991
16 Parts:			
0-149	(869-013-00050-1)	5.50	Jan. 1, 1991
150-999	(869-013-00051-0)	14.00	Jan. 1, 1991
1000-End	(869-013-00052-8)	19.00	Jan. 1, 1991
17 Parts:			
1-199	(869-013-00054-4)	15.00	Apr. 1, 1991
200-239	(869-013-00055-2)	16.00	Apr. 1, 1991
240-End	(869-013-00056-1)	23.00	Apr. 1, 1991
18 Parts:			
1-149	(869-013-00057-9)	15.00	Apr. 1, 1991
150-279	(869-013-00058-7)	15.00	Apr. 1, 1991
280-399	(869-013-00059-5)	13.00	Apr. 1, 1991
400-End	(869-013-00060-9)	9.00	Apr. 1, 1991
19 Parts:			
1-199	(869-013-00061-7)	28.00	Apr. 1, 1991
200-End	(869-013-00062-5)	9.50	Apr. 1, 1991
20 Parts:			
1-399	(869-013-00063-3)	16.00	Apr. 1, 1991
400-499	(869-013-00064-1)	25.00	Apr. 1, 1991
500-End	(869-013-00065-0)	21.00	Apr. 1, 1991
21 Parts:			
1-99	(869-013-00066-8)	12.00	Apr. 1, 1991
100-169	(869-013-00067-6)	13.00	Apr. 1, 1991
170-199	(869-013-00068-4)	17.00	Apr. 1, 1991
200-299	(869-013-00069-2)	5.50	Apr. 1, 1991
300-499	(869-013-00070-6)	28.00	Apr. 1, 1991
500-599	(869-013-00071-4)	20.00	Apr. 1, 1991
600-799	(869-013-00072-2)	7.00	Apr. 1, 1991
800-1299	(869-013-00073-1)	18.00	Apr. 1, 1991
1300-End	(869-013-00074-9)	7.50	Apr. 1, 1991
22 Parts:			
1-299	(869-013-00075-7)	25.00	Apr. 1, 1991
300-End	(869-013-00076-5)	18.00	Apr. 1, 1991
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24 Parts:			
0-199	(869-013-00078-1)	25.00	Apr. 1, 1991
200-499	(869-013-00079-0)	27.00	Apr. 1, 1991
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700-1699	(869-013-00081-1)	26.00	Apr. 1, 1991
1700-End	(869-013-00082-0)	13.00	[5] Apr. 1, 1990
25	(869-013-00083-8)	25.00	Apr. 1, 1991
26 Parts:			
§§ 1.0-1-1.60	(869-013-00084-6)	17.00	Apr. 1, 1991
§§ 1.61-1.169	(869-013-00085-4)	28.00	Apr. 1, 1991
§§ 1.170-1.300	(869-013-00086-2)	18.00	Apr. 1, 1991
§§ 1.301-1.400	(869-013-00087-1)	17.00	Apr. 1, 1991
§§ 1.401-1.500	(869-013-00088-9)	30.00	Apr. 1, 1991

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§§ 1.501-1.640	(869-013-00089-7)	16.00	Apr. 1, 1991
§§ 1.641-1.850	(869-013-00090-1)	19.00	[5] Apr. 1, 1990
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§§ 1.908-1.1000	(869-013-00092-7)	22.00	Apr. 1, 1991
§§ 1.1001-1.1400	(869-013-00093-5)	18.00	[5] Apr. 1,1990
§§ 1.1401-End	(869-013-00094-3)	24.00	Apr. 1, 1991
2-29	(869-013-00095-1)	21.00	Apr. 1, 1991
30-39	(869-013-00096-0)	14.00	Apr. 1, 1991
40-49	(869-013-00097-8)	11.00	Apr. 1, 1991
50-299	(869-013-00098-6)	15.00	Apr. 1, 1991
300-499	(869-013-00099-4)	17.00	Apr. 1, 1991
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600-End	(869-013-00101-0)	6.50	Apr. 1, 1991
27 Parts:			
1-199	(869-013-00102-8)	29.00	Apr. 1, 1991
200-End	(869-013-00103-6)	11.00	Apr. 1, 1991
28	(869-013-00104-4)	28.00	July 1, 1991
29 Parts:			
0-99	(869-013-00105-2)	18.00	July 1, 1991
100-499	(869-013-00106-1)	7.50	July 1, 1991
500-899	(869-013-00107-9)	27.00	July 1, 1991
900-1899	(869-013-00108-7)	12.00	July 1, 1991
1900-1910 (§§ 1901.1 to 1910.999)	(869-013-00109-5)	24.00	July 1, 1991
1910 (§§ 1910.1000 to end)	(869-013-00110-9)	14.00	July 1, 1991
1911-1925	(869-013-00111-7)	9.00	[6] July 1, 1989
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1927-End	(869-013-00113-3)	25.00	July 1, 1991
30 Parts:			
1-199	(869-013-00114-1)	22.00	July 1, 1991
200-699	(869-013-00115-0)	15.00	July 1, 1991
700-End	(869-013-00116-8)	21.00	July 1, 1991
31 Parts:			
0-199	(869-013-00117-6)	15.00	July 1, 1991
200-End	(869-013-00118-4)	20.00	July 1, 1991
32 Parts:			
1-39, Vol. I		15.00	[2] July 1, 1984
1-39, Vol. II		19.00	[2] July 1, 1984
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1-189	(869-013-00119-2)	25.00	July 1, 1991
190-399	(869-013-00120-6)	29.00	July 1, 1991
400-629	(869-013-00121-4)	26.00	July 1, 1991
630-699	(869-013-00122-2)	14.00	July 1, 1991
700-799	(869-013-00123-1)	17.00	July 1, 1991
800-End	(869-013-00124-9)	18.00	July 1, 1991
33 Parts:			
1-124	(869-013-00125-7)	15.00	July 1, 1991
125-199	(869-013-00126-5)	18.00	July 1, 1991
200-End	(869-013-00127-3)	20.00	July 1, 1991
34 Parts:			
1-299	(869-013-00128-1)	24.00	July 1, 1991
300-399	(869-013-00129-0)	14.00	July 1, 1991
400-End	(869-013-00130-3)	26.00	July 1, 1991

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35	(869-013-00131-1)	10.00	July 1, 1991
36 Parts:			
1-199	(869-013-00132-0)	13.00	July 1, 1991
200-End	(869-013-00133-8)	26.00	July 1, 1991
37	(869-013-00134-6)	15.00	July 1, 1991
38 Parts:			
0-17	(869-013-00135-4)	24.00	July 1, 1991
18-End	(869-013-00136-2)	22.00	July 1, 1991
39	(869-013-00137-1)	14.00	July 1, 1991
40 Parts:			
1-51	(869-013-00138-9)	27.00	July 1, 1991
52	(869-013-00139-7)	28.00	July 1, 1991
53-60	(869-013-00140-1)	31.00	July 1, 1991
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81-85	(869-013-00142-7)	11.00	July 1, 1991
86-99	(869-013-00143-5)	29.00	July 1, 1991
100-149	(869-013-00144-3)	30.00	July 1, 1991
150-189	(869-013-00145-1)	20.00	July 1, 1991
190-259	(869-013-00146-0)	13.00	July 1, 1991
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300-399	(869-013-00148-6)	13.00	July 1, 1991
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700-789	(869-013-00151-6)	20.00	July 1, 1991
790-End	(869-013-00152-4)	22.00	July 1, 1991
41 Chapters:			
1, 1-1 to 1-10		13.00	[3] July 1, 1984
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101	(869-013-00154-1)	22.00	July 1, 1991
102-200	(869-013-00155-9)	11.00	July 1, 1991
201-End	(869-013-00156-7)	10.00	July 1, 1991
42 Parts:			
1-60	(869-013-00157-5)	17.00	Oct. 1, 1991
61-399	(869-013-00158-3)	5.50	Oct. 1, 1991
400-429	(869-013-00159-1)	21.00	Oct. 1, 1991
430-End	(869-013-00160-5)	26.00	Oct. 1, 1991
43 Parts:			
1-999	(869-013-00161-3)	20.00	Oct. 1, 1991
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4000-End	(869-013-00163-0)	12.00	Oct. 1, 1991
44	(869-013-00164-8)	22.00	Oct. 1, 1991

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Title	Stock Number	Price	Revision Date
45 Parts:			
1-199	(869-013-00165-6)	18.00	Oct. 1, 1991
200-499	(869-013-00166-4)	12.00	Oct. 1, 1991
500-1199	(869-013-00167-2)	26.00	Oct. 1, 1991
1200-End	(869-013-00168-1)	19.00	Oct. 1, 1991
46 Parts:			
1-40	(869-013-00169-9)	15.00	Oct. 1, 1991
41-69	(869-013-00170-2)	14.00	Oct. 1, 1991
70-89	(869-013-00171-1)	7.00	Oct. 1, 1991
90-139	(869-013-00172-9)	12.00	Oct. 1, 1991
140-155	(869-013-00173-7)	13.00	Oct. 1, 1991
156-165	(869-013-00174-5)	14.00	Oct. 1, 1991
166-199	(869-013-00175-3)	14.00	Oct. 1, 1991
200-499	(869-013-00176-1)	20.00	Oct. 1, 1991
500-End	(869-013-00177-0)	11.00	Oct. 1, 1991
47 Parts:			
0-19	(869-013-00178-8)	19.00	Oct. 1, 1991
20-39	(869-013-00179-6)	19.00	Oct. 1, 1991
40-69	(869-013-00180-0)	10.00	Oct. 1, 1991
70-79	(869-013-00181-8)	18.00	Oct. 1, 1991
80-End	(869-013-00182-6)	20.00	Oct. 1, 1991
48 Chapters:			
1 (Parts 1-51)	(869-013-00183-4)	31.00	Oct. 1, 1991
1 (Parts 52-99)	(869-013-00184-2)	19.00	Oct. 1, 1991
2 (Parts 201-251)	(869-011-00185-8)	19.00	Oct. 1, 1990
2 (Parts 252-299)	(869-011-00186-6)	15.00	Oct. 1, 1990
3-6	(869-013-00187-7)	19.00	Oct. 1, 1991
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15-End	(869-013-00189-3)	30.00	Oct. 1, 1991
49 Parts:			
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100-177	(869-011-00191-2)	27.00	Oct. 1, 1990
178-199	(869-011-00192-1)	22.00	Oct. 1, 1990
200-399	(869-013-00193-1)	22.00	Oct. 1, 1991
400-999	(869-013-00194-0)	27.00	Oct. 1, 1991
1000-1199	(869-013-00195-8)	17.00	Oct. 1, 1991
1200-End	(869-013-00196-6)	19.00	Oct. 1, 1991
50 Parts:			
1-199	(869-013-00197-4)	21.00	Oct. 1, 1991
200-599	(869-013-00198-2)	17.00	Oct. 1, 1991
600-End	(869-013-00199-1)	15.00	Oct. 1, 1991
CFR Index and Finding Aids	(869-013-00053-6)	30.00	Jan. 1, 1991
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[1]Because title 3 is and annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2]The July 1, 1985 edition of 32 CFR parts 1—189 contains a note only for parts 1—39 inclusive. For the full text of the Defense Acquisition Regulations in parts 1—39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3]The July 1, 1985 edition of 41 CFR chapters 1—100 contains a note only for chapters 1 to 49 inclusive. For the full text of procurement regulations in chapters 1 to 49, consult the three CFR volumes issued as of July 1, 1984 containing those chapters.

[4]No amendments to this volume were promulgated during the period January 1, 1987 through December 31, 1990. The CFR volume issued as of January 1, 1987 should be retained.

[5]No amendments to this volume were promulgated during the period April 1, 1990 through March 30, 1991. The CFR volume issued as of April 1, 1990 should be retained.

[6]No amendments to this volume were promulgated during the period July 1, 1989 through June 30, 1991. The CFR volume issue as of July 1, 1989 should be retained.

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1991 Supplement—March 8, 1991 Federal Register, Part II	1.50		Jan. 1, 1991
List of Sections Affected, 1949-1963	Out of print		1966
List of CFR Sections Affected, 1964-1972			
(Titles 1 through 27) Vol. I	Out of print		1980
(Titles 28 through 50) Vol. II	Out of print		1980
List of CFR Sections Affected, 1973-1985			
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416.1321—416.1338 (Subpart M) Authority citation revised 55453
416.1321 (c)(1) amended 55453
416.1545 Introductory text revised 24132
416.1550 (a), (d) and (e)(2) revised; (f) amended 24132
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655.0 (c) redesignated as (a)(3); new (c) added; interim; effective 12-31-91 24667
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655.1000—655.1060 (Subpart K) Added; interim 56872, 56876
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656.3 Redesignated from 656.50; amended; interim 54930
656.10 Introductory text amended; interim 54927
656.11 Introductory text amended; interim 54927
656.20 (d)(1)(ii)(B) removed; (d)(1)(ii)(C) redesignated as (d)(1)(ii)(A); (d)(1)(i), (ii)(B) and new (d)(1)(ii)(B) amended; (g) and (h) added; interim 54927
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656.21a (a) introductory text, (1)(i), (ii), (iii)(E), (2), (3), (b)(1) and (2)(ii) amended; interim 54929
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656.24 (a), (b)(2)(i) and (iii) amended; interim 54930
656.26 (c)(2) amended 54708
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658.424 (a)(3) amended 54708

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5 Authority citation revised 42527, 51170
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5.10 (a)(33) added 42527
5.20 (e) redesignated as (f); new (e) added 36001
5.32 Added 58758
5.33 Added 58759
5.35 (a)(1) amended; (b) redesignated as (c); new (b) and (c)(3) added; new (c) introductory text revised 23788
5.56 Added 51170
5.57 Added 51170
5.67 (d) added 25025
5.80 (a)(1)(iv) added 55454
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14 Authority citation revised 48103
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56.102 (i) revised; (m) added 28028
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56.111 (a)(3) and (b) revised 28029
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58.90 (d) amended 32088
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172.861 Added 66970
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173.25 (a)(20) and (b)(5) added; (b) introductory text and (d) revised 16268
173.400 Added 42686
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175.105 (c)(5) table amended 14316
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175.320 (b)(3) table amended 49674
176.170 (b)(2) table amended 19930, 49674
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177.1380 (a)(4) added; (b) revised 185
177.1460 (b) table amended 42933
177.1520 (b) table amended 21447
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177.1680 (a)(2) and (b) table amended 15278
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177.2250 (d) revised 42933
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177.2800 (d)(5) table amended 42933
178.2010 (b) table amended 43698
Amended 2019
178.3130 (b) table amended 41457
178.3297 (c) revised; (d) added; (e) table amended 42933
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178.3400 (c) table amended 41457
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178.3570 (a)(3) table amended 41456
178.3910 (a)(2) table amended 55456
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310 **Technical correction** 2136
310.545 (a)(20) added; (d) revised 37798
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510.600 (c)(1) table and (2) table amended 14019, 14641, 16269, 19022, 19023, 19263, 20126, 27196, 37472, 37474, 43698, 49410, 49845, 50652, 63875, 64553, 65834
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520.45a (b) amended 50653
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520.1010a (b) amended 37473
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540.103h (c)(2) amended 50654
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540.107e (c)(4)(ii) amended 50654

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500.570 Added 1872
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ISSUES TO BE SAVED

There is no single annual issue of the LSA. Four ANNUAL ISSUES must be saved; the DECEMBER issue is the ANNUAL for Titles 1-16; the MARCH issue is the ANNUAL for Titles 17-27; the JUNE issue is the ANNUAL for Titles 28-41; the SEPTEMBER issue is the ANNUAL for Titles 42-50. ANNUAL ISSUES to be saved are clearly designated on the cover.

PARALLEL TABLE OF AUTHORITIES AND RULES

Following Title 50 is an update to Table I—Parallel Table of Authorities and Rules found in the CFR Index and Finding Aids. This table contains authority citations added to or removed from Table I as a result of documents published in the Federal Register since January 1, 1992.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the volume number, the inclusive page numbers, and the corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

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INQUIRIES AND SUGGESTIONS

Jim Wickliffe was Chief Editor of the LSA. The LSA was prepared under the direction of Richard L. Claypoole, assisted by Laurice Clark. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to Martha L. Girard, Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-017-00001-9)	$13.00	Jan. 1, 1992
3 (1990 Compilation and Parts 100 and 101)	(869-013-00002-1)	14.00	[1] Jan. 1, 1991
4	(869-013-00003-0)	15.00	Jan. 1, 1991
5 Parts:			
1-699	(869-013-00004-8)	17.00	Jan. 1, 1991
700-1199	(869-013-00005-6)	13.00	Jan. 1, 1991
1200-End, 6 (6 Reserved)	(869-013-00006-4)	18.00	Jan. 1, 1991
7 Parts:			
0-26	(869-013-00007-2)	15.00	Jan. 1, 1992
27-45	(869-017-00008-6)	12.00	Jan. 1, 1991
46-51	(869-013-00009-9)	17.00	Jan. 1, 1991
52	(869-013-00010-2)	24.00	Jan. 1, 1991
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210-299	(869-013-00012-9)	24.00	Jan. 1, 1991
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[1]Because title 3 is and annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2]The July 1, 1985 edition of 32 CFR parts 1—189 contains a note only for parts 1—39 inclusive. For the full text of the Defense Acquisition Regulations in parts 1—39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3]The July 1, 1985 edition of 41 CFR chapters 1—100 contains a note only for chapters 1 to 49 inclusive. For the full text of procurement regulations in chapters 1 to 49, consult the three CFR volumes issued as of July 1, 1984 containing those chapters.

[4]No amendments to this volume were promulgated during the period January 1, 1987 through December 31, 1990. The CFR volume issued as of January 1, 1987 should be retained.

[5]No amendments to this volume were promulgated during the period April 1, 1990 through March 30, 1991. The CFR volume issued as of April 1, 1990 should be retained.

[6]No amendments to this volume were promulgated during the period July 1, 1989 through June 30, 1991. The CFR volume issue as of July 1, 1989 should be retained.

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NOTE: Boldface entries indicate February changes.

TITLE 5—ADMINISTRATIVE PERSONNEL

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531 Authority citation revised 2432
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531.205 Heading, (a) introductory text and (b) revised 2432
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531.406 (a) amended 3712
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531.414 Added 3712
536.202 (c) added 3712
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1.6050I-1 (c)(1) and (g) revised; (c)(2), (3) and (4) redesignated as (c)(6), (7) and (8) and amended; new (c)(2) through (5) added 57976
(c)(7) and (8) amended 57977
1.6411-4 Revised 67489
Correctly revised 6073
1.6662-0 Added 67497
Corrected 6165
1.6662-1 Added 67498
1.6662-2 Added 67498
1.6662-3 Added 67498
1.6662-4 Added 67499
(b)(2)(ii), (4)(i), (b)(6), (c)(5) *Example 1* and (d)(3)(ii) **corrected 6165**
1.6662-5 Added 67504
(b) corrected 6165
1.6664-0 Added 67505
1.6664-1 Added 67506
1.6664-2 Added 67506
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1.6664-3 Added 67507
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1.6664-4 Added 67508
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1.6694-0 Added 67514
1.6694-1 Revised 67514
(e)(2) Example corrected 6061
1.6694-2 Revised 67516
(d)(4) and (5) corrected 6061
1.6694-3 Added 67518
1.6694-4 Added 67519
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1.9100-1 Removed 64982
5c Authority citation revised 49522
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5c.128-1 Removed 49522
7 Authority citation revised 6556
7.367(b)-2 (d) and (f) revised 6556
7.367(b)-8 (c)(2) revised 6556
7.367(b)-9 (b)(4) revised 6556
14a.422A-2 Redesignated as 1.422-5 and revised 61160
20.0-2 (b)(5) amended 4254
20.2031-2 (h) amended; (j) added 4254
20.2031-3 Amended 4254
25.0-1 (c)(1) amended; (c)(2) revised 4254
25.2502-1 (a)(3) amended 4255
25.2512-1 Amended 4255
25.2512-5 (a)(1)(i) amended 4255
25.2512-8 Amended 4255
25.2701-0—25.2507-8 Undesignated center heading and text added 4255
25.2701-0 Added 4255
25.2701-1 Added 4255
25.2701-2 Added 4257
25.2701-3 Added 4259
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25.2702-5 Added 4269
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25.2703-1 Added 4273
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25.2704-1 Added 4274
25.2704-2 Added 4276
25.2704-3 Added 4277
31 Authority citation amended 29570
31.3121(b)(7)-2 Added 29570
(d)(2)(iii)(D) and (3)(i) *Example* 2 corrected 40246
31.6051-1 (i) amended 15042
31.6051-2 (c) amended 15042
31.6302(c)-1 (a) introductory text, (1)(i) introductory text and (ii) revised 13401
(a)(1)(ii)(*b*) corrected 26191
(a)(1)(ii)(*a*) corrected 35816
31.6302(c)-2 (a)(1) and (b)(2) amended; (a)(2) revised 13403
35a.3406-1 (c)(3)(vi)(A), (B), (C), (d)(1)(i), (ii) and (iii) removed 42687
(a)(1), (e), (j) *Example* 4 and Appendix amended; (c)(3)(iv) through (viii) redesignated as (c)(3)(v) through (ix); (c)(3)(iii), new (c)(ix), (f)(2)(iii), (iv), (v), (3), (4)(ii) and (h) revised; (c)(3)(iv) and (k) added 47905
42 Added 25366
52 Authority citation revised 56305
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52.4681-1 Added 56305
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52.4682-1 Added 56307
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156.6091-1 (a) corrected 5931
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301.6722–1T Removed....67182
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301.6723–1T Removed....67182
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301.7216–2 (o) and (p) added; authority citation removed....66996
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0.89a (a) revised....64192
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41 Removed 54786
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96 Appendix C added 50784

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This table lists the sections of the U.S. Code, U.S. Statutes at Large, Public Laws, and Presidential documents which are being added to Table I as a result of authority citations carried in the **Federal Register** during January through February 1992. Recent legislation is carried by public law number.

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Table I is in the CFR Index and Finding Aids revised as of January 1, 1992. Removals during 1991 are in the December 1991 LSA (List of CFR Sections Affected).

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